P.R. 1
45
J. 82 4 86
4959 B 2

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-EIGHTH CONGRESS, FIRST SESSION.

VOLUME XV.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 111
.A5
3d set



SURPLUS - 1
LIBRARY OF CONGRESS
DUPLICATE

VOLUME XV, PART VI.

CONGRESSIONAL RECORD AND APPENDIX,

FORTY-EIGHTH CONGRESS, FIRST SESSION.

concerned, for President of the United States. Those who had voted for Burr intended to make him Vice-President, while the votes for Jefferson were intended for him for President; and yet when they came to the count under that Constitution the result showed, as set forth, Jefferson 73, and Burr 73, without any distinction in the vote of the electoral college to enable the fact to appear which votes were intended for President or which for Vice-President; and thus came the first strain upon our institutions under that Constitution. From February 11 to 17 inclusive thirty-five ballots were taken, each resulting in giving eight States to Mr. Jefferson, six States to Mr. Burr, with the votes of two States divided. On the thirty-sixth ballot ten States voted for Jefferson, four for Burr, and two in blank.

Thus this strain upon the Constitution ended, but the bitterness and dangers of the contest prepared the country for an amendment of the Constitution. And, at this day and amid the criticisms of this time, it is perhaps permissible to look back to that struggle and consider some of the comments that have been made upon it. Judge Cooley, in the International Review for April, 1878, said:

On that occasion Mr. Burr, though probably not the choice of a single elector, might have been and probably would have been chosen but for the patriotism of Mr. Hamilton and a few others among the Federalists who protested against it. But Mr. Jefferson's election was not accomplished until after the subject of filling the position in some extraconstitutional mode had been mooted, the attempt to do which would probably have been resisted by force.

While the late Senator Oliver P. Morton, in the North American Review, July-August, 1877, makes the following statement:

In 1801 the House of Representatives balloted for a number of days without making choice of a President. The 4th of March was approaching, and there was danger of its coming without a President being elected—danger of an interregnum. On the night of the day before the election a member of the House, who represented a State that had but one member, went to a friend of Mr. Jefferson, and said to him: "If Mr. Jefferson will give assurance that he will retain the collector of the port of Wilmington, in Delaware, and at Philadelphia, and will give two bills (which were named) his approvel, I will change my vote to-morrow, and know of two other members from two different States who will change their votes. The effect of it will be to change the votes of those States, and give to Mr. Jefferson three additional votes, which will elect him." The message was carried to Mr. Jefferson, so said his friends, and on the next morning the assurance was given that the two collectors should be retained and the laws approved. The three members that day did change their votes, and Mr. Jefferson was elected.

This is a part of the history of the times, and I give you my authority. It indicates distinctly and forcibly the dangers that may come upon any body-politic by the existence of a controversy for which there is no fixed rule of settlement, and which may be determined by party spirit or political needs or the expectation of benefits to be secured by continuing one party in power or by the giving of supremacy to another.

Mr. JORDAN. Let me ask the gentleman a question.

Mr. PARKER. Certainly.

Mr. JORDAN. Have you authority for the statement that Thomas Jefferson agreed to any proposition of that kind, except the statement of Senator Morton?

Mr. PARKER. I make no assertion on any other authority than that which I have given. I have given that of the great Senator, the war governor of Indiana, a man with whom few cared to contend in his lifetime here or elsewhere, and who as far as I know no man has criticised since his death. I repeat to you merely what he has written.

Mr. HUNT. Will you be kind enough to name the member from Delaware to whom reference was made?

Mr. PARKER. I have no knowledge on that point. I refer you to Mr. Morton's statement and to the history that must have existed back of it.

FIFTH ELECTORAL COUNT.

February, 1805, the first count was had under the new Constitution. The electors chosen at the election of 1804 were the first who voted for a Vice-President as such. The two Houses met, and the President of the Senate, Aaron Burr, broke the seals of the returns, the senatorial teller read aloud the returns, the House tellers compared them, and the President of the Senate declared the result. Objections were made by petition on the part of citizens of Massachusetts to the counting the votes of that State, upon the ground that the Legislature had not sought the approval of the governor of the State, as required. Mr. Randolph stated that the electors were as much the judges of their own qualifications as members of the House of Representatives were of theirs, and said:

It appears to me as competent to the people of any part of this country to prefer a petition to the electoral college to set aside the returns of any members of Congress as to prefer petitions to this House to set aside the qualifications of electors.

After much comment it seemed to be the better opinion that interference with the title of electors by Congress would form a dangerous precedent and the petitions were disregarded.

SIXTH ELECTORAL COUNT.

February, 1809, the two Houses as such met with tellers, and the returns were opened and the votes counted and declared as before, with no new questions arising.

SEVENTH ELECTORAL COUNT.

February, 1813, the two Houses as such assembled, and the returns were opened and the votes counted and declared as before, no especial features appearing.

EIGHTH ELECTORAL COUNT.

February, 1817, the two Houses as such met as before. The three electors of the new State of Indiana had been chosen before she was declared admitted into the Union by Congress. A member of the House of Representatives from New York sought to object to these votes and to state his reasons therefor. The Speaker interrupted him, and the Senate upon the vote of its own body retired to its own Chamber. The question was discussed at some length, and the House again met, and the votes of the new State were counted.

Mr. ADAMS, of Illinois. Was the question directly raised?

Mr. PARKER. The question was argued incidentally but not directly. It was argued by members of the two Houses as such in their separate meetings. But there was no argument in the convention.

Mr. EATON. It was not fully argued.

Mr. PARKER. As the chairman of the committee suggests, it was not fully argued, but was left, as many of these other controversies were, in abeyance, a final explicit decision being passed over and avoided as upon a question which it was dangerous to be too definite about.

Mr. ADAMS, of Illinois. Objection was made while the two Houses were sitting together?

Mr. PARKER. Objection was made, and the question came up, and without being directly decided, the vote was counted.

It is easy to see that had the question of the success of one party or the other depended upon the counting or rejection of these 3 votes a political convulsion might have followed, but James Monroe had 180 electoral votes out of the 210, not counting Indiana, and disturbance was readily avoided.

NINTH ELECTORAL COUNT.

February, 1821, the two Houses as such met as before. A controversy occurred as to the counting of the 3 votes of the new State of Missouri. After much debate and amid considerable clamor the votes were counted. James Monroe had 231 of the 232 electoral votes cast for President.

As a result of these contests we are told that in the Eighteenth Congress, as well as several others, resolutions proposing to amend the Constitution were introduced. Thomas H. Benton is reported to have said in connection with one of them:

Two questions of great delicacy now present themselves.
1. If electors are not appointed according to the Constitution, can their votes be counted?
2. If objected to, who shall judge them?
It is the duty of the two Houses of Congress to count the votes. Can they count unconstitutional votes?
If they can not, shall they not judge every vote before it is counted?

TENTH ELECTORAL COUNT.

At the election of 1824 no choice of President was made by the electors. Andrew Jackson had 99 votes, John Q. Adams 84, William H. Crawford 41, and Henry Clay 37; whole number of electors, 261; no one having a majority, the choice devolved upon the House of Representatives, voting as States, each State having one vote.

This election was, like many campaigns since that date, a struggle of party chiefs for supremacy and power. The vote, taken in February, 1825, stood: For Adams, 13 votes; for Jackson, 7 votes; for Crawford, 4 votes. Jackson had a large proportional popular vote and more electors than any other, but failed of an election. Mr. Clay threw his vote and influence for Mr. Adams, who was thereby elected, and Mr. Clay became his Secretary of State. The charge of "corruption" was fiercely made, and the cry of "the coalition" followed both as long as they lived.

Mr. EATON. You ought to state there whether they were all members of the same party.

Mr. PARKER. The chairman of the committee suggests they were members of the same party.

Mr. EATON. I asked you if they were not.

Mr. PARKER. I think not.

Mr. EATON. It might interfere with your argument.

Mr. PARKER. I presume my opinion upon that point as I have read the history of that time would not agree with that of the gentleman from Connecticut.

ELEVENTH AND TWELFTH ELECTORAL COUNTS.

In each of these counts the two Houses met as before and the packages were opened, lists made, the votes stated, and the result announced according to the precedents given.

THIRTEENTH ELECTORAL COUNT.

In this count the preliminary proceedings were according to the precedents, but questions were presented and debated by the respective Houses as to the admission of votes cast by electors holding appointments under the Federal Government, and the State of Michigan had chosen her electors before her admission into the Union. All of the votes were counted, as the result was not affected, but an effort was made to prevent these cases from being regarded as fixed precedents.

All of these cases show—

First. That the two Houses met and acted as separate and independent Houses, and never acted for a moment as a "joint convention."

Second. That the Houses avoided with especial and particular care all interference with encroachment upon the rights of States in appointing their electors.

The fourteenth count was without especial features, and was conducted as were others described.

THE FIFTEENTH COUNT.

This count occurred in February, 1845. At the previous election the thirty-six electors of the State of New York were turned from Henry Clay to James K. Polk by the drawing off of the anti-slavery Birney vote of between five and six thousand. New York's electoral vote thrown for Clay would have elected him President, and would doubtless have changed the fortunes of men and the history of the country.

The fifteenth, sixteenth, and seventeenth counts proceeded in the usual manner, the two Houses as such meeting and acting, nothing of especial note transpiring.

THE EIGHTEENTH COUNT.

The day for the voting by the electors fell on December 3; by reason of a severe storm the electors of the State of Wisconsin were prevented from voting until the 4th; objection was made to the counting of the votes on that ground, and a long debate occurred in each House in relation thereto, but the votes were allowed to stand as announced, although the result was nowise affected. A great deal of criticism and contention arose over the question of the rights of a State and of the two Houses and the establishment of a dangerous precedent.

The nineteenth count was without particular incident.

TWENTIETH COUNT.

This count arose upon the election of 1864. And the question was forced upon the two Houses as to what consideration should be given to the electoral votes of States in rebellion, or not yet returned to full relations with States of the Union, and the question might involve not only States in actual armed rebellion, but also such as were partially reconstructed.

The counting of the votes occurred February 8, 1865. On February 4, after a long debate, Congress passed a joint resolution excluding from the electoral count all votes from eleven States the inhabitants and local authorities of which were in rebellion, which resolution was sent to the President. Then, on February 6, Senator Trumbull reported the twenty-second joint rule, which was immediately adopted by both Houses.

While the excluding resolution was in the hands of the President the day for the count came, and the count proceeded under the new joint rule. On the day of the count President Lincoln signed the resolution, which was returned to the Senate February 10, with a message disclaiming confidence in it or responsibility for it.

The spirit and effect of this rule is in the following words:

If upon the reading of any [such] certificate by the tellers any question shall arise in regard to counting the votes therein certified, the same having been stated by the presiding officer, the Senate shall thereupon withdraw, and the question shall thereupon be submitted to that body for its decision. And the Speaker of the House of Representatives shall in like manner submit said question to the House of Representatives for its decision. And no question shall be decided affirmatively, and no vote objected to shall be counted, except by the concurrent votes of the two Houses.

Under this twenty-second joint rule the twentieth, twenty-first, and twenty-second electoral counts took place, the rule being in effect that in case of controversy the State should be excluded unless the two Houses concurred in receiving the vote. On the twentieth count only the votes of twenty-five States were counted. On the twenty-first count Georgia was counted hypothetically and a long debate upon the rights of Houses and of States accompanied the proceedings. On the twenty-second count three votes of the State of Georgia were not counted by reason of their having been cast for Horace Greeley after his death.

The votes offered from Arkansas were excluded upon the ground that they were not properly certified, the House voting to receive them and the Senate voting that they should not be counted. Louisiana presented double antagonistic returns, and her votes were excluded by the concurrence of the two Houses.

This brief review brings the history of the counts down to the momentous controversy of 1876–'77—the Hayes-Tilden contest, the Electoral Commission result, and the famous struggle, the points of which are distinctly in the remembrance of all.

There may well be grave doubts whether the painful recollections of the horrors of the war of the rebellion did not do much to prevent an appeal to force in 1877. And one party was as grateful as the other that the majority in 1880 was sufficiently large to preclude the possibility of dispute upon it.

During the whole lifetime of the Republic under the Constitution efforts have been made, from time to time, to amend the Constitution and to enact legislation which should secure a plain, just, and safe method of canvassing and counting the electoral votes. But we are now approaching the twenty-fifth electoral count conscious of the perils we may encounter but with no preparation to escape them.

Alexander Hamilton in the Federalist quotes approvingly and italicises the following from the essays of Hume:

To balance a large state or society, whether monarchical or republican, on general laws, is a work of so great difficulty, that no human genius, however comprehensive, is able by the mere dint of reason and reflection to effect it. The judgments of many must unite in the work; experience must guide their labor; time must bring it to perfection, and the feeling of inconveniences must correct the mistakes which they inevitably fall into in their first trials and experiments.

It was the theory of the makers of the Constitution that the electors should be chosen from the best and most trusted men of the State, and that they should confer and deliberate, and themselves select and designate the man, not of the people's choice, but of their own choice.

The theory was that the people could not be intrusted with so delicate and important a privilege as the selection of a ruler. It was a theory inherited from the governments of Europe.

The scheme of the first constitution was that the elector should vote according to his private judgment and by a secret ballot for "two persons," and that the man receiving the most of these votes should be President and the next highest on the list should be Vice-President, and the public were to accept the selection without directing it.

The twelfth amendment, after the contest between Jefferson and Burr, after the election of 1800, only changed the scheme, by providing for the voting for President and Vice-President, instead of voting for "two persons," but the theory of the independence of the electors to select the President and Vice-President without regard to the opinions or preferences of the people remained undisturbed. It was as little expected that the public would influence the selection as it would be that popular notions should control the decision of a court of equity. But all of this rapidly changed. The development of politics and of politicians; the collisions of the ambitions of men; the growth of the people in numbers, substance, and intelligence; the alignment of great bodies of men upon questions affecting the feelings and the interests of the masses soon developed the voters of the nation into the dictators of electors and the direct creators of Presidents and administrations until, with no written change in the fundamental instrument, it has been for more than half a century the universal judgment that an elector who should disregard his party's will in casting his electoral vote would be regarded as unapproachably infamous.

Thus has grown up a change of method tremendous in its effects. The President, instead of being selected by the almost judicial judgment of a few selected men, is the chosen popular chieftain of the party to which he belongs, obligated so far as he lawfully may to represent its principles and policy and to develop its power. It is in the contest between great parties arrayed against each other, contending for political supremacy in the nation, that the danger to our institutions exists; and the very focal point of danger is at the electoral count.

As the governments of the world are organized the Presidency of the United States is the greatest political prize for which men or parties may contest. Hamilton says "a nation without a national government is an awful spectacle." A nation divided into two great parties, each honestly believing itself entitled to govern under the Constitution and the laws, with no tribunal having the conceded and recognized right to decide the questions at issue, may present a spectacle more awful still.

Mr. Speaker, I shall now ask some attention directly to the bills under consideration. It will be admitted on all hands, I believe, that it is our duty to pass some law which shall remedy the troubles we have been threatened with, and that the matter can only be settled by the passage of a law or an amendment of the Constitution. Rules and joint rules have been exhausted. There is not time to amend the Constitution with a Presidential election approaching, and we are therefore called upon to pass the best law we can under the circumstances by which we are surrounded. This law should be such as experience dictates and the public judgment expects of us. The public demands a fair law, one that shall be a just and fixed rule of action for such necessary procedure as the Constitution has not elaborated.

This, then, is our problem: to enact a law fair and wise, consistent with the Constitution, regulating the determination of such preliminary incidental and collateral questions as shall arise upon the return of the votes and the count. The vote to be counted is the vote of the State. The vital question is, what or which is the vote of the State? This settled, Congress has no power or right except to accomplish the count.

I now call attention to these two bills which are before us; and I take it our action will naturally and probably be limited to one of these two bills. The Senate bill provides for the meeting of the electors substantially in accordance with the existing law. It also provides that each State, pursuant to its laws existing on the day fixed for the meeting of the electors, may determine at least six days before the meeting of the electoral college any controversy respecting the appointment of any of them. And here I will notice that the chairman of the House committee seems to criticise the provisions of the Senate bill and to argue that those provisions if carried out will bring us into trouble instead of giving us peace and quiet. I do not assent to his views.

The first section of the Senate bill provides for the meeting of the electors.

The second section provides—

SEC. 2. That each State may, pursuant to its laws existing on the day fixed for the appointment of the electors, try and determine, at least six days before the time fixed for the meeting of the electors, any controversy concerning their appointment or the appointment of any of them. Every such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive

evidence of the lawful title to office of the electors who shall have been so determined to have been appointed, and shall govern in the counting of the electoral votes, as provided in the Constitution and as hereinafter regulated.

This is the provision that the State itself, six days before the time of the casting of the electoral vote, may, within its own borders and by its own powers, decide what the vote of the State is and what is the vote which shall be presented to the President of the Senate to be counted as the vote and the voice of the State. Among the general provisions for the counting of the votes is a provision for the meeting of the two Houses as such, each House retaining its organized form from beginning to end, each being an independent body.

The first great point of difference between the bills is, that the Senate bill provides for this final decision of the States, and the second is that the Senate bill holds to the old practice of the two Houses adhering to their character as organized bodies. The Eaton bill, if I may so call it, provides that the members of the two Houses shall meet in "joint convention," all Senators and members to "have equal power, influence, and voice, and all to vote per capita on all questions arising." This bill also allows any three members of the joint convention to bring in question any of the State electors. The Senate bill also provides that in cases of rival returns or of votes objected to by at least one Senator and one member of the House, when no final decision has been made by the State tribunals, then in such cases only those votes shall be counted which the two Houses acting separately shall concurrently approve.

The Senate bill was this year introduced by a distinguished Senator from Massachusetts, and is to some extent the work of a distinguished Senator from Vermont. It is doubtless the resulting product of many minds, acting in one manner and another for a long period of years upon the questions of the electoral count.

I have a few words to say as to the constitutionality of this Eaton bill. In commenting upon the Senate bill the gentleman from Connecticut characterized it as unconstitutional. Now let us look for a moment at the bill that he presents as a substitute.

The Constitution provides that the "President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the vote shall then be counted." The Eaton bill provides that the certificates shall be opened in a body composed of the members of the Senate and House of Representatives as a joint convention. The certificates are not opened in the presence of the Senate or of the House as such, either or both, but before the joint convention. That body hears the reading of the certificates and the papers as a joint convention, and it hears the announcement of the state of the vote as a joint convention.

The objectors object not as Senators or Representatives but as members of the joint convention, and the members of that joint convention vote per capita to determine questions that may arise. Therefore this scheme, instead of pursuing the course authorized by the Constitution for the opening and counting of the votes before the Senate and House of Representatives, nullifies the language and the spirit of the Constitution entirely, and provides for an unconstitutional body.

I now go a step further, and call attention to some of the practical objections which exist to the bill offered as a substitute. First, as to the joint convention. In addition to what has been said by the gentleman who preceded me [Mr. HART]—and I presume that I shall repeat somewhat of his argument—this tribunal is unknown to our Constitution and has been to this day unknown to our laws. I am aware that there crops out occasionally a word or a sentence in reference to such a body in the discussions had upon this interesting question of the electoral count which have taken place heretofore and equal volumes in amount. There have been suggestions on the part of some men of the possibility of a joint convention or a mass convention or a grand board or a grand committee or something of that kind; but to our Constitution and laws the thing is new.

This substitute seeks to create a new consolidated body with judicial powers, and comprised of the members of both Houses, members with equal undivided legal capacity, acting not as Senators or as Representatives or as legislators even, but as members of a kind of general court; in short, I might characterize it, without wishing to throw odium upon it, as an electoral commission of four hundred and one members. No oath is prescribed to be taken by the members of this joint convention. It may be claimed that its members are already acting under oath. So they are when they are acting as members of the two Houses to which they were respectively elected. So also were the members of the body known as the Electoral Commission. They were all, when acting in their separate capacities, acting under the oath of their respective offices. But in that Electoral Commission they were required to take a new oath prescribed. Under the theory of the Senate bill no new oath is required, but the Houses act as such and such only.

Under this Eaton bill the use of the phrase "President of the Senate" is merely a fictitious use, to comply with the letter of the Constitution, and to show that the act of the presiding officer of the joint convention is not in any wise regarded as the act of the President of the Senate. By this bill the presiding officer at one moment is the President of the Senate, and I suppose as such he opens the certificates. The next moment he is the presiding officer of the joint convention. At the one moment he acts as the President of the Senate in a body in which there is no Senate, and then he lapses again into the presiding officer of a convention of four hundred and one members.

Again, I think it is not well that objections to any of the votes should be made by members of the joint convention as such; for all of the objectors to any vote may be members of one House only. It would seem more fit that the objectors should act in their distinct and respective capacities as members of the Houses to which they belong, and under the oath which they have solemnly taken when they became members of those Houses respectively.

The Senate bill provides for an objection to a vote as well as an objection to a return. The Eaton bill provides for an objection to a return only, as I understand its intent.

The joint convention is not a meeting of the two Houses as such, and the objectors object not as Senators or Representatives, but only as members of that joint convention. The voting per capita contradicts two manifest ideas of the Constitution, one of which provides that the counting shall be in the presence of the two Houses, and the other that in case of failure to elect, the President shall be chosen by the House of Representatives, voting by States. The voting per capita is against the logic and the analogy of these two provisions. They vote neither as members of the House nor by States, but as members of a joint convention per capita, and the majority of this convention decides the result; and this body, not authorized nor recognized by the Constitution or by precedent, is to have the power to object to the votes of States and to annul them, and to decide valid or invalid the returns of the States, and to change at will the great current of the administrational and political life of fifty-five millions of people.

By the theory of the Constitution the House of Representatives represents the people; the Senate represents the States. The theory of this bill upsets these distinctions, mingles the members of the bodies as individuals, confuses them as to representative position, and destroys the influence of the Houses upon each other and the wise balancing of power between them.

Now, a word as to the State rights involved in this question. I would not presume ordinarily to comment upon the State-rights doctrines of the gentleman from Connecticut. I believe they are well known, and he has not been indistinct in expressing them. But it seems to me that the exigencies of this bill, the pressure of the past, and perhaps the demands of the future have carried him from his standing along with the strong current in which he finds himself, and that he is not in connection with the provisions of this bill the State-rights statesman that I have heretofore understood him to be.

The right of each State to appoint its electors is unquestioned. It is unchangeably fixed in the Constitution. Article II, section 1, provides that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."

Now, the State is more than its voters; it is more than its Legislature, more than its judiciary, more than its executive officers. It includes them all. Now, I ask for a moment a consideration of the criticism made by the gentleman from Connecticut upon the Senate bill. He says that the second section of the Senate bill provides, as he understands it, that if there is a judicial decision in the State from which the appointment comes, that decision, although it may be tainted by fraud, and the outgrowth of corruption, yet being a judicial decision must under that bill be absolutely final; that there can be no escape from it, although it may be rotten with fraud.

Now, I do not understand that section to so provide. It provides for the exhausting of all the machinery and power of the State, if necessary, to prevent fraud and to ascertain the actual vote of the State, not only by judicial decision, but, if need be, by the action not only of the judiciary, but of the Legislature, of the executive officers—the governor, comptroller, and other officers constituting the State board. It comprehends the whole. Under this bill the State has the power to so guard and hedge about the selection, appointment, and final designation of these electors that the result will be the nearest just and right that we can ever hope to obtain, considering that the affairs of the Government are dependent upon the acts of men. The State does not exhaust its appointive power until it has used all these powers. The claim that the proceeding contemplated by this bill is interference by Congress with the right of the State is one of the allegations of the gentleman from Connecticut. But the charge is unfounded. The action of Congress under this section is the securing of the right of the State to perform its own work in its own way under the Constitution. It follows in effect the precedents which have been set in the counting of the electoral votes for nearly a hundred years—that the count should be made before the Houses, but that the rights of the States shall be respected, and the State's right to appoint fully recognized.

The gentleman's argument that this measure is an interference with State rights places him entirely upon the wrong side in the construction of this bill. The bill is an expression of the respect that the nation holds for the rights of the States.

While I am in favor of liberal construction as to national powers, and in favor of making stronger instead of weaker the National Government,

while I regard with abhorrence the theory of those who seek to disintegrate the nation and aggrandize the States, yet I consider it my duty to oppose by every means in my power this scheme which grasps the electoral rights of every State, however solemnly determined by the State, and subjects them upon the act of three members of a House to a majority vote that may, in spite of every care and safeguard, declare void the action of the electors and disfranchise the State.

Now, a few words as to the position taken in this debate by the gentleman from Alabama [Mr. PRYOR]. That gentleman insists that upon the opening of the certificates the Houses disappear and are merged into a "primary body," a "board of inspectors and determinants," of which he says:

I repeat and now insist that in this word vote is included the ascertainment and determination of all defects, irregularities, illegalities, non-qualifications of electors or persons voted for, frauds, corruptions, or coercions, from the suffragan through its transit to this Federal board of inspectors, revisers, and determinants of last resort at the seat of the Government of the United States. This Federal board assembled and organized for the purpose, and charged with the duties thus imposed by my interpretation of the Constitution, proceed to discharge the same.

To do this, among other things, the twelfth amendment provides, as I contend, a high and select board of inspectors, revisers, and determinants, and charges them with the duty of ascertaining and counting the votes cast by the people of the several States, through the instrumentalities of the Constitution.

* * * * * * *

The claim of the elector must be not only based upon but the legitimate product of a legitimate vote, to determine which is the business of this Federal board.

* * * * * * *

This Federal board of determinants of last resort have a right to explore the whole voting area from center to circumference and from top to bottom.

* * * * * * *

This board, having the inherent right of self-organization, secures to itself the right to select and appoint its own officers and establish its own rules of procedure; and such being true, we are relieved of one of the disputed questions in the past, namely, that the President of the Senate, by right and force of his legislative office, and as such officer, has the right to be the presiding officer of this board or select body of men as inspectors and determinants of the Presidential count.

The Constitution says:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

By what authority do the Senate and House lose their constitutionally specified characters? When do the two bodies cease as such? At what point do they become a board? Where does the Constitution pulverize the two Houses into units, and then consolidate the units into "a board," "a special board," this "Federal board," this "high select board?"

What right have we to say that the framers of the Constitution, when they said "the Senate and House of Representatives," intended a "special board," discarding the President of the Senate, selecting its own officers, and establishing its own rules?

This Eaton bill as it comes before us assumes and adopts this doctrine; proceeds to enact into law this Federal board of inspectors that may investigate from center to circumference, from top to bottom; that can go back to the individual voter casting a vote in the State of Maine, Louisiana, or Oregon; can test the validity of that vote as originally cast; can extend such examination through every election district in the whole United States, and act all the time as the joint convention that is to be created here out of the membership of the two Houses to canvass, to count, to investigate, and to explore. I feel at liberty to commend to those who are in favor of this bill the prospect which is placed before them of the labors, the enjoyments, and the successes which they may obtain under its far-reaching powers.

Now, Mr. Speaker, no one for a moment supposes that a great party legislating for the whole country and for the future upon a subject of vast and vital importance would seek or would willingly receive a partisan benefit as a result of such legislation.

Therefore I can with propriety illustrate a possible effect of the proposed law by applying it to the present political situation in Congress.

AN ILLUSTRATION.

Not as a necessary part of the argument on this question, and without any intent to seek or oppose any partisan influence, I present the following figures as illustrative, and perhaps as suggestive, as to where "the dead-point" of the motion of the political balance-wheel may sometime be found: Present number of States, 38; number of Representatives, 325; number of Senators, 76; whole number of electors, 401. Present House of Representatives voting by States, Democratic, 22; present House of Representatives voting by States, Republican, 14; Readjuster (Virginia), 1; divided (Florida), 1; total, 38.

THE TWO HOUSES IN JOINT CONVENTION.

Democratic Senators, 36; Representatives, 196; total, 232. Republican Senators, 38; Representatives, 116; total, 154. All other Senators, 2; Representatives, 13; total, 15. Total Senators, 76; total Representatives, 325; grand total, 401. Present Democratic majority on a party vote in a joint convention, and dividing the scattering as "8 to 7," 77. Unascertained preferences of scattering voters and the results of the still existing travail of the Committee on Elections may somewhat change the figures, but the fact will remain that in determining the preliminary and collateral and other questions of the counting of the electoral votes of 1884 the Democrats would have a majority of about 77 votes, and in case no person receives a majority of "the whole number of electors appointed," the House choosing from the three highest candidates and voting by States as provided by the Constitution, the Democrats will have a party majority of probably 7 (votes) States.

Under the plan of the Constitution the two Houses take part in the proceedings of the electoral count. The almost uniform precedents of nearly one hundred years imply the presence, action, and co-operation of both Houses as such. Even in the Electoral Commission both Houses were equally represented. And it seems rash, revolutionary, and dangerous to seek now to place the whole power of the determination of the counting, the canvass, and the national result in the power of one House of Congress, the House of Representatives.

Under this proposed Eaton bill how readily might the members of this House create the occasion for an election of the President by this House of Representatives. First, three members may object to the counting of the votes of any State, or of any number of States; second, the question of their admission or rejection is decided by a per capita vote, the House furnishing a Democratic majority of at least 77; third, as a result, the power of choosing a Democratic President either by the "joint convention" or by the House is thus made perfect and absolute.

Suppose the 36 votes of the State of New York to be challenged by three Representatives elected in distant States upon local issues in 1882. Under this Eaton bill the House alone could disfranchise the State or admit contesting votes, although the judgment of the Senate should be unanimously against such action.

The very existence of this bill is a threat against the national peace. Sir, suppose a political party existed that was enraged by its belief that it had been some time wronged by its antagonist. Suppose its war-cry for a campaign to be for vindication and retribution. Suppose its very candidate to be the representative of the spirit of revenge grown morbid with the brooding of years. Suppose the mighty movements of this political army of millions to be stimulated by a desire for victory and retaliation. After a closely drawn battle, without overwhelming defeat, how readily, with the heat of such a struggle still inspiring it, could it turn from the "trial by suffrage" to success under the devices of legislation.

I am not here to criticise the Democratic party as such or to speak of it in any sense different from what might be spoken of the Republican party if it occupied a similar position. I refer only to the political demand made upon party men and the dangers to which politicians and parties and the country may be immediately and permanently exposed under the provisions of this Eaton bill.

In conclusion, I have but few words to add:

For more than eighty years efforts have been made from time to time, by propositions to amend the Constitution and by proposed enactments, to secure the country against the acknowledged dangers which have surrounded the proceedings of the electoral count.

I am fully convinced that the Senate bill now before us is the wisest and most perfect measure at present attainable.

With the completion of the approaching Presidential term we shall round out a full period of one hundred years of Presidential constitutional Government. We approach the last electoral count of the first century of our constitutional existence; we are a reunited people, strong, prosperous, and at peace.

But we are even now anxiously looking over the field of a pending political conflict which may arouse much of the fierceness of human nature and excite much of the bitterness of political strife. We are responsible to the American people and to the Ruler of all peoples for the exertion of every power possessed by us to guard our country and mankind against the catastrophe which might follow a disagreement in the count, a disputed succession, and factional strife.

In my judgment it is the duty of this House to concur with the Senate in the method of procedure it has proposed. It is wise and just, the result of the consideration of years. It can be immediately crystallized into law, and thus before the supreme hour of decision arrives we shall exclude all elements of danger.

Mr. SPRINGER. Mr. Speaker, it is a source of regret that a bill of such importance as the one now before us should be considered at a time when so few members are present in their seats. There is no measure, sir, pending in Congress at the present session that involves questions of such vital importance to the welfare and peace of this country as the bill to provide the manner of counting the electoral votes for President and Vice-President. The committee in this House appointed for the purpose of considering matters of this kind has carefully prepared a bill, which is now before us, in the nature of a substitute for a similar bill which passed the Senate. The question for this House to consider now is whether you will take the bill recommended by the House Committee as a substitute for the Senate bill or adopt the Senate bill itself.

If this House should determine not to adopt the system proposed by the House committee for a joint convention, I should hope that there would be some amendment made to the Senate bill before that bill should be passed by this House. I refer particularly to the necessity for amendments to the second section of the bill, and to this section I ask the careful attention of the members present for a few moments. I think if you will understand this second section properly there will be

few members of this House who would desire its enactment into a law. It provides—and I will read the text of the section, because it has been so carefully worded that its meaning could not be correctly given unless you heard the very language of the proposed statute itself—it provides as follows:

SEC. 2. That each State may, pursuant to its laws existing on the day fixed for the appointment of the electors, try and determine, at least six days before the time fixed for the meeting of the electors, any controversy concerning their appointment or the appointment of any of them. Every such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive evidence of the lawful title to office of the electors who shall have been so determined to have been appointed, and shall govern in the counting of the electoral votes as provided in the Constitution and as hereinafter regulated.

Now, what is the purport of this section?

Each State may * * * try and determine.

Here would arise, as suggested by the argument of the gentleman from New York, the great unsettled problem of what constitutes a State. It means that each State may try and determine in the manner which its laws then existing have pointed out. Therefore that tribunal or that proceeding which the statute of the State had theretofore fixed for the determination of the question is to settle it. Hence a State may be dwarfed into the insignificant proportions of a returning board, or if you want to go further and get your tribunal still lower, you may come down to the functions of a judge of a district or a circuit or county court or even of a justice of the peace, as a mode of settling the disputed question.

Mr. HISCOCK. Let me ask the gentleman a question, and it is this: Do you suppose there is anything further meant by that provision than this: That in the first place the election of the electors is to be certified to by the regular canvassing board; second, if there is a question as to who is elected, that that question may be tried in the tribunals of the State as any other questions relating to the election of officers in the State are tried? Tribunals are established in the States for trying such cases, and the only effect of this is that their decision is binding upon Congress.

Mr. SPRINGER. It means precisely this: The State may by statute enacted before the day of election fix any tribunal that within its judgment it may be deemed necessary to decide any controversy concerning the appointment of the electors, or any one of them; and when that tribunal, whatever it may be, shall have settled that question within a certain period before the meeting of the electors, that result is final and conclusive upon Congress, and the electors decided by that tribunal to be legally appointed must be counted by the House and the Senate. That is what it means. It means that just such a returning board as there was in Louisiana in 1876, which was the means provided under the laws of Louisiana to determine who were legal electors, shall be final and conclusive upon Congress. It means just such a body as that provided by the laws of Florida in 1876, known as the Florida returning roard, whose acts in this respect shall be final and conclusive upon Congress.

Mr. HEWITT, of Alabama. Does not the State authority itself determine by law as to what are legal proceedings in reference to ascertaining the results of an election, and is not that final?

Mr. SPRINGER. There are of course such tribunals in the States. But at that time there was a proceeding in the courts of that State which set aside the determination of a returning board. But that was *aliunde* and went for nothing, especially when it came to seating the man who was elected.

Mr. HEWITT, of Alabama. If this bill had been in force at that time would not that decision have been conclusive upon Congress, and would we not have been compelled to count the vote of Florida for Tilden?

Mr. SPRINGER. It would depend upon the fact as to whether the State had provided that manner of determining this fact. The judges in the Florida case acted under the general jurisdiction of that State over the officers of the State, and there was no special authority to pass upon the election and qualification of electors of President and Vice-President. But in this bill it is presumed that the State would act upon this very question and point out a manner in which that question should be determined. And it is provided here that when that controversy has been settled by that tribunal there is no power in the Constitution or in Congress to challenge that judgment or decision.

Gentlemen have said something about State rights. It seems to me that that is carrying State rights further than has ever been suggested by at least any political party in this country heretofore. It is carrying it to the extent of saying that the judgment of a circuit court, or of the judge of a circuit court or of a district court if he were the tribunal provided, or of a returning board consisting of three or five, as the case may be, no matter how corruptly they may have acted or how illegal or unwarrantable their decision may have been or how outrageous it may have been, so far as the voice of the people of that State is concerned. Yet we must stand still and receive it, because it was decided in the manner pointed out by that tribunal. I do not understand that any State in this Union in voting for a President or Vice-President can insist upon that vote being counted by Congress against the voice of the people of the State and against the popular judgment of the country. But I understand that the Constitution has given the power to count these votes to the Congress of the United States.

Mr. BROWNE, of Indiana. I would like to know where?

Mr. SPRINGER. I will tell you right now. The amendment to the Constitution provides that the electoral votes shall be forwarded to the President of the Senate, and—

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

Shall then be counted. There; right then and there. This bill says they shall be counted by a returning board that may have met six days before the electors met in the State, and that that count is final. But the Constitution says that "the votes shall then be counted."

Mr. BROWNE, of Indiana. By whom?

Mr. SPRINGER. That is what I am coming to. There is no place in the Constitution where the manner in which this count shall be made is pointed out. But there is a provision in the Constitution, which I have read, that the vote shall then be counted. Now, this is no implied power. We are not to look around in the dark places of the Constitution to find a power to count these votes. It says expressly "the votes shall then be counted."

Now let us look at the other provisions of the Constitution. I concede the fact that the manner in which this count shall take place is not mentioned in the Constitution. Nowhere is it provided. And hence the Electoral Commission was appointed for the purpose of counting these votes in 1877.

Mr. BROWNE, of Indiana. If the gentleman will indulge me a moment——

Mr. SPRINGER. I am just now making a statement which I desire to complete; and I will yield to the gentleman in a moment. I remember distinctly, Mr. Speaker, when the Electoral Commission bill was before this House one of the most distinguished lawyers then upon the floor, now a Senator from the State of Mississippi [Mr. LAMAR], standing where my friend from Indiana [Mr. BROWNE] is now standing, made his argument in favor of the constitutionality of the bill reported by the joint committee, at that time known as the Electoral Commission bill—and that argument applies to the bill reported by this committee as well—because the Constitution left the question of providing the manner in which the votes should be counted to Congress. There is a clause in the Constitution which gives the Congress that power. I refer to the eighteenth clause of section 8 of article 1 of the Constitution.

Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or office thereof.

Now, when the fathers made the Constitution they assumed that many questions would arise hereafter under it which they had not covered, and perhaps they did not intend, and I assume they did not intend, to cover all of them. It was a declaration of general principles. The manner in which the votes for President and Vice-President shall be counted is one of the things they did not determine. But they did say that "the votes shall then be counted." How? By the Clerk of the Senate? By the President of the Senate? By the Doorkeeper? By the Sergeant-at-Arms? By an experienced accountant who might be brought in for that purpose? By a committee of the two Houses, or by both Houses acting concurrently or in joint convention? It is not pointed out how the count shall be made.

But if Congress can legislate upon this subject in any way and provide the manner in which this count shall be made, it can provide such manner as in its judgment will be most effective to carry out the intention of the Constitution, which was to have the votes counted. This bill proposes to do that; and in either event—whether the Senate bill or the House bill be adopted—provides the mode. I do not know but it is competent to pass both these bills, so far as the constitutional power is concerned, except the second section of the Senate bill, which would, if passed into a law, deprive the Congress of the power which I believe was given to it to provide a mode in which this count should be made.

If Congress may make all laws which are necessary to carry into effect the powers granted by the Constitution, it may make such laws as it may deem necessary to carry out that express provision of the Constitution, to count the votes for President and Vice-President. How shall we provide that? That is a question addressed simply to the sound discretion of members of this House and of the Senate as lawmakers.

The honorable gentleman from Ohio [Mr. HART] and the honorable gentleman from New York [Mr. PARKER] have suggested that this joint convention will be partisan, and that it will carry out the will of the majority of the members of the joint convention and not the will of the voters at the polls. They therefore distrust this body, consisting of four hundred and one members, as partisan and unreliable.

I am ready to concede that Congress is not infallible. I am satisfied that it has made a great many judgments and decisions in matters pertaining to elections which were partisan, and which ought not to have been made. But the question before us is: What kind of a body would most nearly represent the people of the United States and insure the most just and righteous decision upon a great question of this kind?

Mr. ADAMS, of Illinois. I wish before the gentleman passes from what he stated a few moments ago to be a defect in the Senate bill, to wit, that it provides a State tribunal for determining this question—I wish he would state whether in his opinion it would be dangerous or against the public policy to allow any State tribunal to have anything whatever to do with this question? I would remind him that in his argument he mainly dealt with the liability of the State to make an inferior or improper tribunal.

Mr. SPRINGER. The gentleman did not get my point in reference to that second section of the Senate bill. I do not object to the State providing the manner in which the count shall be taken. What I objected to was this clause:

Every such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive evidence of the lawful title to office of the electors who shall have been so determined to have been appointed, and shall govern in the counting of the electoral votes, as provided by the Constitution and as hereinafter regulated.

I object to that provision of the bill which requires Congress to abdicate its powers, which provides that a returning board of three men in Colorado or five or six men in Louisiana shall finally and forever control and settle the question as to who were chosen electors, when in my judgment Congress has the final power to count the votes.

Mr. HERBERT. Has the gentleman observed that the fourth section of the Senate bill gives to both Houses of Congress acting concurrently the power to overrule the decision of the State tribunal?

Mr. SPRINGER. I have not observed that, and I will call my friend's attention to the fact that he has not observed it. If the gentleman will look at that section he will find that when we come to the question of the disputed vote it is to be counted in accordance with the judgment of the State tribunal, if there was one.

Mr. HERBERT. Let me read from that section, beginning with line 31, near the bottom of page 3 of the bill:

When all objections so made to any vote or paper from a State shall have been received and read the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative vote of both Houses.

Mr. SPRINGER. Then there is a provision of the section in relation to a case where more than one return or paper purporting to be a return from a State shall be received by the President of the Senate.

The SPEAKER *pro tempore* (Mr. COX, of New York). The twenty minutes yielded to the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. SPRINGER. I did not know that I was limited to that time.

Mr. EATON. I ought to say that, according to the rule which has been adopted on both sides, my friend from Illinois [Mr. SPRINGER], as a member of the committee, would be entitled to an hour. He said he would not want over fifteen minutes and I gave him twenty.

Mr. SPRINGER. I thank the gentleman from Connecticut [Mr. EATON]. I will show my friend from Alabama [Mr. HERBERT] that he is mistaken. If he will read further on in that section to which he has referred he will find this provision:

If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the evidence mentioned in section 2 of this act to have been appointed, if the determination in said section provided for shall have been made; but in case there shall arise the question which of two or more of such State tribunals determining what electors have been appointed, as mentioned in section 2 of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of the tribunal of such State so authorized by its laws.

So that if a State tribunal has determined the question the decision of Congress is referred back to that decision of the State tribunal which is made binding on the two Houses.

To proceed now with the argument I was about to make when interrupted by my colleague from Illinois [Mr. ADAMS]. Is it safer to trust a joint convention of the two Houses, consisting of four hundred and one members, on a great national question of this kind, rather than to trust the decision of any returning board, or court, or commission that may be provided in any of the States of this Union? Let us look at the facts for a moment.

In 1876 it was understood two days after the election that if Mr. Hayes was elected President it was by but 1 majority of the electoral college, and that in order to get that 1 majority he must have all the votes of Louisiana, Florida, and South Carolina, which were contested. Now, suppose there had been a little Democratic State in the North—Oregon, for instance—and that this bill with its section 2 was the law. When it was discovered that the Republicans were going to count the votes of Louisiana, Florida, and South Carolina for their candidate, would not such a State call into requisition its little tribunal for the purpose of reversing the judgment of that State? It will be evident that there would be a race run immediately among the States, and especially the small States that had but few votes, where the returning board was easily manipulated, to register, or, in other words, to set aside, the voice of the people at the polls, and to procure a judgment of the electoral college against the voice of the people.

Mr. ADAMS, of Illinois. Is it not your idea that in such a case the race would be between the doubtful States in creating the tribunal?

Mr. SPRINGER. The tribunal must have been created beforehand.

Mr. ADAMS, of Illinois. I thought you overlooked that.

Mr. SPRINGER. No; I have stated frequently that this tribunal must have been in existence beforehand.

Now, Mr. Speaker, I wish to know whether gentlemen here would in that case be willing to leave to the decision of one man, who might be a purchasable man and whose price might have been fixed and paid in dollars and cents, the determination of the great question who was elected President of the United States. Shall we rest the question upon so slender a thread, or will you in the case of a disputed election appeal to the representatives of the people and the representatives of the States, and ask them to settle it, and in this tribunal make every member of either House the equal of every other, and place him upon his individual responsibility before his constituents?

Mr. Speaker, under our form of government this House and the Senate—the Representatives here on this floor and the Senators in the other Chamber—are the people of the United States in their representative capacity. If you can not trust them in this representative capacity under the Constitution to decide a great question like this, to what body shall we go for relief? Where can we find in all our judicial, legislative, or executive system a body which when it has spoken will give so great satisfaction to the people in deciding a great question like this as will the Senate and the House of Representatives or the members of the Senate and the members of the House of Representatives?

I concede that we may act as partisans. I concede that we may err. I concede that we may commit a great outrage, as has been done in the past. But is it not better that this body and the Senate should err than that we should submit to the venal and the purchased decision of a small tribunal in a little State of the Union?

Mr. Speaker, I desire that in the selection of a President of the United States the voice of the people, whatever it may be, shall be respected. I desire that this voice shall be made effectual throughout the length and breadth of the land. And I know of no tribunal under our form of government that is more directly responsible to the people than are this body and the Senate. I know of no machinery which can be invented by the ingenuity of mankind whose judgment will be more likely to receive the acquiescence of the people than such a tribunal as this.

And, after all, acquiescence is the important thing. It is more important there should be acquiescence than that there should be entire freedom from partisanship or that there should be an absolutely correct judgment, because we have established a government which is intended to be perpetual, and history teaches us that most of the wars in the past have grown out of the succession of the head of the government. And if there is one place in our Constitution which is weaker and more vulnerable than any other, it is the provision with regard to the selection of the President of the United States.

Let us, therefore, as representatives of the people provide such machinery for securing this result that a judgment shall always be reached in the counting of the votes for that high office, a judgment which shall be acquiesced in by all the people of this country. If this tribunal, consisting of the representatives of the people on this floor and the representatives of the States in the Senate, should determine in any case that any man was rightfully elected President of the United States, I believe every good citizen will immediately bow in deference to that decision. To this end, Mr. Speaker, I commend this bill to the Representatives of the people, and ask them to provide such machinery for the counting of these votes and the rendering of this judgment as will insure justice, fair dealing, an honest count, and the perpetuity of our institutions.

Mr. PETERS addressed the Chair.

Mr. EATON. I do not suppose that a vote can be obtained to-night on this bill, because so many members are absent, though I should like (if it were possible) to close the discussion to-night, move the previous question, and take a vote. But I do not expect that; and I want gentlemen to go on now and talk as long as they please.

Mr. PARKER. One word as to the remark which the gentleman has just made. There are some gentlemen on this side—one or more—from whom we wish to hear on this question. Circumstances are such that we can not do so to-night. There might, if the gentleman wishes, be some limitation fixed now as to the discussion in the future, but reserving half an hour, or perhaps an hour, to this side upon the day on which the vote is taken. I really think, from the interest I have seen exhibited, and from incidental remarks I have heard, that this question ought justly to have the attention of this House for another full legislative day. In this remark I am not speaking for myself. But there are many gentlemen who have given careful consideration to this subject, and from whom we are entitled to hear. I hope the gentleman will not ask that the debate be closed to-day.

Mr. EATON. If this Congress is to adjourn by the 4th of July I greatly fear that we can not control another day for the discussion of this great question. I am as anxious as my friend from New York or anybody else that there should be full debate. I desired myself to discuss the question further for half an hour or an hour. Every member

knows that in opening the debate I simply stated points without elaborating them. But I am entirely willing to forego the making of any speech on this subject. My object is that every member who desires may talk now, and that the previous question be called to-night.

Mr. BLAND. Allow me a moment. We had great difficulty to-day to reach this bill, and in all probability unless the previous question is moved we will not reach it again this session. If gentlemen wish to pass this bill at all, the only way is to pass it now. It has been discussed in and out of Congress since 1876, and we are ready to vote on the various propositions presented here. Certainly there can be no desire on the part of any gentleman to defeat this bill for want of time. We would all like to see some bill pass. It is uncertain whether we shall ever reach it again unless something is done in the way of moving the previous question.

Mr. HART. I hope there will be no present limitation to debate. Let it go on a little further.

Mr. BLAND. Debate has defeated most of the legislation at this session. Every bill is talked to death. We have been talking all the time, and yet gentlemen are not satisfied.

Mr. BROWNE, of Indiana. I hope we may be able to stand an hour or so yet this evening in discussion, and then I hope the demand for the previous question will be made. Unless something of that kind is done it will be impossible to get a vote on this question during this session of Congress. I would rather the worst bill the House could formulate should pass and go to the Senate and so go to conference than that none should pass.

Mr. PETERS. Mr. Speaker, I labor under great disadvantage in addressing this House at so late an hour on Saturday evening, but perhaps I will receive as much attention to-night as I would have at any time during the session. Therefore I am perfectly willing to proceed.

There are two plans suggested by the bills before the House, and I desire to call attention briefly to them. The one plan proposed by the Senate bill, commonly known as the Hoar bill, is the plan of concurrent action between the two Houses or such action as preserves the autonomy of the two legislative bodies.

I will remark in advance of any further statement in relation to the subject involved that the primary underlying subject is what body is to act as the judicial power to determine a mooted question when it is raised in connection with the counting of the electoral votes? It is not what body shall count the vote, because that is a mere physical act or mathematical calculation and involves no great amount of skill, because our electoral vote never ran up high in figures. A boy of 10 who is familiar with the addition table could add up the electoral vote and do the counting. There is something deeper and more significant in the action that is required to be had by certain bodies than the mere counting of the vote, and that is to determine judicially what vote shall be counted when there shall be a dispute as to whether a vote shall be counted or not.

And coming back to my original proposition, I say the great question presented by these two bills is whether the two legislative bodies shall count these votes acting judicially as a Senate and House, or whether they shall count them as members of the two bodies, the Senate and House of Representatives. In other words, whether the Senate shall count or assist in the exercise of that judicial power as the Senate of the United States, or whether is shall assist in the exercise of that judicial power as individual members of the Senate, and whether the House shall exercise that judicial power in its capacity as the House of Representatives, or whether the members of the House of Representatives shall exercise that judicial power as individual members.

As I said before, the Hoar bill contemplates the preservation of the autonomy of these two bodies. It contemplates the Senate shall take part in this judicial proceeding as the Senate of the United States, and it contemplates the House of Representatives shall take part in this judicial proceeding as the House of Representatives of the United States, and their action must be concurrent on the question presented for their decision.

Now, in opposition to the Hoar bill is the substitute reported by the majority of the committee of the House, namely, that the power that shall exercise these official functions is not the House of Representatives and the Senate of the United States, but the members of the House of Representatives and the members of the Senate voting per capita, in order to decide the mooted questions that may come before them for adjudication.

In order, Mr. Speaker, to ascertain the construction to be placed upon the Constitution it is necessary if possible to get at the intention of the framers in the preparation of that instrument. If that intent can be arrived at—the intent of the framers themselves—then I for one assert that I am willing to carry out that intention regardless of whether the conclusion so reached shall be favorable to the party to which I belong or adverse to its interests. I have sufficient confidence in the wisdom and knowledge and integrity of the fathers and in the deliberations given to this subject by the framers of the Constitution to believe that if you can arrive at their intention we will have arrived at a conclusion which will be for the best interests of the Government.

We know that prior to and during the Revolutionary war these now called States were independent and separate colonies. New York had no control over Georgia, had no interest in Georgia as a colony, exercised no power in Georgia as a colony; and it was not until they were brought face to face with a foreign foe, or with arms, that they were forced to acknowledge the necessity of a union, not for a general government, but in order to have strength to meet the dangers that threatened. The idea of a general government did not prevail prior to the Revolutionary war to any great extent.

It is true that Benjamin Franklin at some time prior to the Revolutionary war, and even after the very opening of the war, had spoken of the plan of a general government and the desirability of having such a Government. But it did not obtain throughout the colonies before the Revolutionary war or even during the war. The object of the Confederation during the Revolutionary war was simply for the purpose of forming a unity of strength and a power of resistance to throw off the yoke of Great Britain and relieve from its oppression. It was this oppression, as I said before, that disclosed the weakness of each separate part of the Confederation, and it was this oppression that begat the mutuality of feeling between the colonies, and naturally enough led to the idea so forcibly expressed in the language, "In union there is strength."

The Revolutionary war enforced this idea by creating throughout all of the colonies the prevalent feeling that if there was to be any maintenance of their rights upon this continent, that maintenance must be held and had by virtue of union among the colonies themselves; so that when, in May, 1787, the convention met in Philadelphia, composed of representatives from all of these colonies except Rhode Island, they met with all these views ingrafted into their very natures. They met prepared to go into a general government, to organize a general system of government that should make them strong and yet at the same time be elastic enough to fulfill the great hopes and promises of future growth and prosperity.

Coming, then, directly to the question of arriving at the intention of that convention, there are certain points about which there can be no difference of opinion. Any person who has familiarized himself with the brief synopsis of the debates that took place in the convention will arrive readily at a conclusion as to the intention of the framers of the Constitution in regard to a great many matters about which there can be no dispute; as, for instance, they were all agreed that it was necessary to have a head to this government. Every plan of government that was proposed in that convention recognized the idea that there must be a head to this government, and also recognized the idea that that head should be a president; because they were opposed to a king, they were opposed to a queen; they had had enough oppression from kings and queens, and did not desire a government to be controlled by one individual.

When they came to the manner of the election of this head, and when that question came to be discussed in the convention, it was then ascertained that there were differences of opinion as to how the selection should be made. There were some that were in favor of having the President selected by a popular election, but that this popular election should be confined to districts. Then there were others in favor of having the electors chosen by the States in proportion to their population. Then there were others in favor of having the President selected by the governors of the different States. There were others in favor of having primary electors chosen by the people; these primary electors to choose secondary electors, and these secondary electors to choose the President of the United States.

Then there were some who were in favor of choosing by a popular vote direct without the intervention of the district plan and without the intervention of the electoral plan. Then there were some, and these were in the majority, that were in favor of having the President elected by Congress; not by the House of Representatives, not by the Senate of the United States, not by the members of the House of Representatives, not by the members of the Senate of the United States, not by all of them combined, but by Congress. And I assert that an election by either branch of the Legislature or by the individual members of the Senate or of the House was not even mooted or advanced in that convention until during the last two weeks of its sitting. I have said, and it is a historical fact, that a majority of that convention were in favor of the selection of a President by Congress. Why do I make that statement? Any one who has taken these debates and run through them will discover that it was the most popular measure in that convention; and at one time the proposition to select a President by Congress passed that convention unanimously, although it was afterward reconsidered; but I will refer to this subject more at length in the course of my remarks.

I wish to call attention to certain paragraphs connected with article 2 of the Constitution. The second paragraph of section 1 of article 2 of the Constitution says:

Each State shall appoint—

There is the source of power. Who shall appoint?—

Each State shall appoint—

How shall they appoint?—

in such manner as the Legislature thereof may direct—

How many shall they appoint?—

a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

First, the power is in the State to select, and then there is the di-

rection how they shall appoint or exercise this power. And there is a limitation upon the number.

We come then to the original third paragraph of section 1. And right here I call the attention of the House to this fact, that so far as arriving at the intent of this convention upon the subject under discussion is concerned, article 12, which was afterwards adopted in 1804, affords no criterion by which to judge other than that which was afforded by the original paragraph; because so far as the subject-matter under discussion is concerned it made no change. Both the original paragraph and article 12 used the words "and the vote shall then be counted;" but the original paragraph goes on to declare where these electors, after they have been selected by the appointing power, namely, the States, shall meet. Not in the national halls; not in the House of Representatives; not in the room occupied by the House of Representatives; not in the room occupied by the Senate of the United States; nor even in the national Capitol. But they—

Shall meet in their respective States and vote—

How?—

by ballot—

For whom? For two persons—

for President and Vice-President.

What shall they do after they have voted? They shall make a list of all the persons voted for. They shall also state the number of votes that each person shall have received. They shall sign and certify that list and transmit it to the seat of the Government, directed to the President of the Senate. Now, these are specific directions. And mark you, when gentleman say that there were only general matters presented in this paragraph or in the Constitution as a whole, they overlook the fact that in relation to these matters the convention went into detail and stated plainly and unambiguously just what these electors should do and where the power that created them should come from.

Now, mark you, it says that this certified list should be sealed up and transmitted to the President of the Senate. Then, leaving out the immaterial matter of the paragraph that is not important to the discussion of the subject before us, we go on to the manner of choosing a President or the counting of this electoral vote:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

He shall not open only one set of certificates that may be transmitted to him by a State, but he shall open all of the certificates.

Mr. BROWNE, of Indiana. Will the gentleman indulge me? Does the word "all" mean more than that he shall open the certificate of each State? For instance, suppose he receives an authenticated certificate from a State and he receives some other paper that purports to be a certificate, and upon examination he determines that one is the certificate of the State and the other is not, does he present both papers to the two Houses?

Mr. PETERS. I think that he does. For this reason: that under the law the President of the Senate is simply the custodian of these papers. He has no judicial power in connection with them. I think that the position that the President of the Senate has any judicial power in relation to these papers is untenable. And for this reason: if our forefathers intended that the President of the Senate should exercise judicial power in determining what votes should be counted they would have made some other person the custodian of those certificates between the time of the meeting of the electors and the counting of the electoral vote. And therefore I say that I believe the duty of the President of the Senate was to open all of the certificates that came into his possession and were placed in his hands as custodian of these certificates, regardless of whether there were two or more different certificates from any State. But that is a little diversion from the line of argument I had marked out.

Mr. BROWNE, of Indiana. It is very important nevertheless. If I assume that he only lays before the two Houses the certificate of a State and that he must judicially determine, if necessary, which of two or more papers he may have is the certificate of the State, and that when he has laid a paper before the two Houses there is no power in the Houses to compel him to lay before them any other paper but the one, then the act of counting is merely ministerial, and the two Houses have not anything to do in a judicial way.

Mr. PETERS. I can not agree with the gentleman in regard to that, because I believe if the President of the Senate should fail to lay before the Senate and the House of Representatives all of the certificates he as the custodian had received, he could by law be compelled to do that duty, and this could not be done if he is authorized to exercise any judicial discretion. I do not think that he has any judicial power or discretion in the matter. His duties are purely ministerial. I believe that whenever he receives a paper from a State purporting to be a certificate, which paper has been transmitted to him as required by law, that is sufficient to authorize him to lay that paper before the Senate and the House of Representatives, and as the custodian of such papers and as a ministerial officer he is required to do so, and can be compelled by law to do so in case of refusal.

Mr. HISCOCK. I suppose that, as suggested by the gentleman from Indiana [Mr. BROWNE], this involves the whole question whether the President of the Senate makes the count, or whether he merely opens the certificate and some other body makes the count.

Mr. PETERS. I expect a little further on to take the position, which I firmly believe, as I have indicated and foreshadowed already in my remarks, that it is the Senate as a Senate and the House as a House acting concurrently that exercise the judicial power of determining what votes shall be counted. Nowhere in the Constitution is this duty expressly declared to be the duty of the President of the Senate; that is, the duty of exercising the judicial power as to what certificate shall be counted or as to the character of the certificates which he shall lay before the two Houses.

I regret very much that under the agreement which has been made to order the previous question to-night I have not time to argue this question fully and in detail. But I will pass very rapidly and come to the main question of the case as I desire to argue it.

What are the functions of Congress in this matter? There are four important factors in the election of a President: First, the people; second, the electors; third, the President of the Senate; and fourth, the Senate and the House of Representatives. These are all the powers or factors that are authorized by the Constitution of the United States to have anything to do with the election of a President from the beginning to the end.

After the electors have transmitted to the President of the Senate the certified copies of the votes, then their functions entirely cease; they have nothing further to do. Then, as I have already said, the function of the President of the Senate begins as the custodian of those records, certificates, or returns. When the Senate and the House meet, then the President of the Senate has a further function to perform, namely, to open all of the certificates, not open them secretly or privately in his office, but open them in the presence of the Senate and of the House of Representatives.

Now, as to certain functions of these different factors there can be no dispute. The only question of difference between the two plans under consideration is brought right down to this: By whom shall these votes be counted? Not in the mere sense of figuring up; but, as I have before stated, by whom shall the question as to what votes shall be counted be determined? As I have said, I do not believe that the President of the Senate has this power. I do not believe that the House of Representatives has this power, and I speak now of the House as contradistinguished from the Senate. I do not believe that the Senate has this power; I do not believe that the members of the House or of the Senate, or of both Houses, have this power.

But I believe that the Senate and House of Representatives concurrently have the power to determine what votes shall be counted, and I believe this for various reasons, which I shall endeavor briefly to give.

First, because the idea of the election of a President by Congress was the popular idea in that convention. Upon this I have already touched. There seems to have been three plans of government proposed in the convention—the Virginia plan, the Jersey plan, and the Pinckney plan. The Virginia plan and the Jersey plan both agreed upon the election of a President by Congress.

A strong effort was made to change this: to have the President elected by a popular vote, and that failed. Next there was a proposition presented to elect the President by electors, but that failed. The proposition to elect by Congress was at one time approved unanimously by the convention, as I have heretofore stated.

Then, on the 19th of July, 1787, that proposition was reconsidered, and the plan of choosing electors by the Legislatures of the States was adopted. Then, July 24, the proposition of choosing by electors was reconsidered and choice by Congress was again revived, and in that form the proposition went to the committee on details. It was favorably reported by the committee on details and was again recommitted, and finally, within the last two weeks of the session of the convention, the electoral system was agreed upon. This brief résumé of occurrences in that convention conclusively shows that the idea of electing the President by Congress was the popular idea in that convention and had the most adherents in that convention.

It is claimed, and correctly, too, that this electoral system was the result of a compromise. I agree to that. It was the result of a compromise between these parties who had different beliefs in regard to the method by which the President should be elected. The idea that the majority of a convention believing that the President should be elected by Congress should entirely abandon that plan and entirely surrender it and adopt something else is not in the nature of a compromise but in the nature of an entire surrender of their convictions.

Second. I believe that the Senate and the House of Representatives should determine judicially what votes shall be counted, because the Constitution provides that the certificates must be opened and counted in the presence of the Senate and of the House of Representatives. Will any man tell me what object there was in having the Senate and House of Representatives present when the certificates were opened, if it was not intended that they should have some right to exercise judicial power upon any mooted question that might arise in the counting of that vote?

I think the idea that the two Houses convene simply as witnesses is untenable. If that was the intention of the framers of the Constitu-

tion, why did they say that these votes must be counted in the presence of the Senate and House of Representatives? Why did they not say that it should be done in the presence of the members of the Senate and the members of the House of Representatives? If that was the intention of the framers of the Constitution, if the members of the two Houses were to be convened simply as witnesses, it would naturally have been said that this opening and counting should be done in the presence of members of the Senate and members of the House of Representatives. An artificial body can not be a witness. The Senate of the United States is an artificial body; the House of Representatives is an artificial body. Artificial bodies can not be witnesses to anything. It is the members of these organizations who are witnesses, if they are convened simply in that capacity.

Mr. BROWNE, of Indiana. Will the gentleman allow me to answer the point he is just making? I agree with him that the two Houses are present in their organized capacity, not as individuals. I will agree also, for the sake of argument, that they are not present to count the votes. But the Constitution explains precisely the object of their presence; there is no question about it. The purpose is written just as plainly as the makers of the Constitution could write it. The House is present so that, if the count should disclose the fact that no person has been elected President, it may at once take notice of the fact and proceed in the manner pointed out by the Constitution to elect a President; and the Senate is present for the purpose of hearing the announcement of the result, and in the event a Vice-President is not elected according to the method pointed out in the Constitution that the Senate may at once proceed to the election of a Vice-President. That is the object of the presence of the two Houses.

Mr. POLAND. Does the gentleman from Indiana claim that they have nothing to do with the count?

Mr. BROWNE, of Indiana. I claim that the Constitution does not confer upon the two Houses, either separately or acting together, any power with regard to determining the question of the count.

Mr. POLAND. Then, so far as the count is concerned, they are present as mere spectators?

Mr. BROWNE, of Indiana. Simply to hear the result.

Mr. WILSON, of Iowa. The gentleman from Kansas will allow me to say that no President, from George Washington down, has ever yet been inaugurated except in conformity with a concurrent resolution of both Houses of Congress.

Mr. PETERS. I will come to a discussion of that matter a little further on if I have time. I think I have perhaps brought out plainly the idea that individual members of these bodies were not contemplated; that the framers of the Constitution had not in mind individuals but organized bodies; and it is these organized bodies that are by the Constitution to be assembled in the presence of the President of the Senate when these votes are counted.

Now, a majority of the members of the Senate duly assembled in the place where by law the Senate assembles constitutes the Senate of the United States, and a majority of the members of the House of Representatives duly convened according to law in the place for the meeting of the House of Representatives constitutes the House of Representatives. Will any man claim that the members of the Senate could meet in the city of Topeka, Kans., every one of them being there and having with them the Secretary of the Senate and all their other officers—could meet in a room there and be the Senate of the United States? Will any one claim that if every member belonging to this House, with all the officers of the House, should meet in the city of Topeka, Kans., they would constitute or could legally be called the House of Representatives of the United States? I trow not. It requires the sanction of law as well as the presence of individuals to make an artificial body. It requires the sanction of law as well as the presence of members of the House of Representatives to constitute in fact and in law the House of Representatives.

But I must consider for a moment the question whether the House of Representatives is the proper body to exercise this judicial power and count the vote. It is so claimed by some—among them I believe by the distinguished chairman of this committee [Mr. EATON], for whose opinions I have great reverence—that the House of Representatives is the body that should exercise the judicial power, if any is to be exercised, in the counting of this vote. Now, the only circumstance I can find in favor of that view is the fact that the House of Representatives in a certain contingency is called upon to elect a President.

If I had time I might suggest a number of reasons for the action of the framers of our national Constitution in adopting this provision, but I have not the time. It must be borne in mind that our forefathers, with their unhealed scars mutely reminding them of the tyranny from which they had just escaped, were in no frame of mind to lodge any extraordinary power in any particular body or in any particular man; and this, it seems to me, is the strongest reason for concluding that this power was not intended to be lodged by them in the hands of one man, the President of the Senate, or in either branch of the national Legislature.

How remarkable it would be if they had lodged this power in the House of Representatives! Under this view the House of Representatives exercises in the first instance the right to pass upon a mooted question in regard to the count, and in case they pass upon this mooted question in such a manner as to defeat the will of the people they themselves pass at once from the position of judges and become the electors to choose a President. In my opinion it is not reasonable to suppose that our forefathers, fresh as they were from scenes of oppression, fresh as they were from the battle-scars of the Revolution, contemplated any such idea as that.

But the idea that was more consonant with their feeling, as well as the text of the Constitution framed by them, was that the Senate and the House, the one acting separately from the other yet acting concurrently, the one being a balance and check on the other—that these two bodies should exercise this judicial power and determine this mooted question if any was to be determined.

The third reason why this power was intended by our forefathers to be lodged in the Senate and House of Representatives is because the act to be done is in its nature a judicial act. Bear in mind, all the time the prevalent feeling in that convention was that Congress should elect the President. Bear in mind also the intention of the framers of the Constitution in creating the Senate of the United States was to create a body that should be above and superior to the House of Representatives. That was the idea and intention of the framers of the Constitution. I have no doubt there was great reason for it. Do you believe they intended to submit to the House of Representatives alone such a great and important judicial question?

What is this House? It is nothing more than a rollicking mass meeting, that has no dignity except such as is given to it by the sanction of the law. The idea of our forefathers in creating the Senate was, it should be a check and balance on the House of Representatives. The House of Representatives was supposed to represent the popular will. It was supposed to come directly from the people. It was supposed it would be subject to public clamor. They created a body that was beyond it. They gave them longer tenure of office. They created them so they might be elected not by the people but by the Legislatures of the States, and for the purpose of standing between the House of Representatives and the other powers of this Government and keeping the House of Representatives from going to extremes.

Again, can you assert and claim that it was the intention of the framers of this Government that in determining so grave a question the Senate of the United States was simply to sit as idle spectators of that great event. I say here every conclusion of reason and of common sense that can be derived from a careful consideration of this subject leads directly up to the idea that the Senate and the House acting concurrently were to be the power to determine what vote should be counted in the event of a dispute, and that that was the object in having the Senate present.

I have already consumed longer time than I had expected on this question. I confess it is one of the most interesting which has been before this Congress. There is much more that had occurred to me to say in the progress of speaking, and many thoughts, suggestions, and ideas that had not occurred to me before have been suggested to me by the questions which have been asked, and I would have been glad to have had time to discuss them; but I have consumed more time than perhaps I ought to have consumed in this debate. I therefore yield the floor, reserving the balance of my time.

Mr. WHITE, of Kentucky. Mr. Speaker, I feel the older members on this floor, who know more about the Constitution than I do, should be heard. I would rather hear them than be heard myself, and therefore I now yield my time to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Speaker, I only consent to talk a few moments at the conclusion of this discussion because I differ with those on both sides of the House who have preceded me. It has become a stereotyped expression, I believe, that the Government of the United States is one of express powers. It has none except those that are expressly conferred by the Constitution and such implied powers as are essential to the due execution of those which are expressed. When we find in the Constitution a power to do a thing there comes with it, by necessary implication, the power to equip the machinery by which the first power is to be executed. I give this position my approval. The Government is the creature of the Constitution and can only exercise the powers given it by that instrument.

Now, I desire to inquire where in this Constitution the power has been conferred upon the Congress of the United States to determine any question in connection with this count of the electoral vote. It is not contended by any gentleman here that the power has been conferred on the Senate acting separately from the House, or the House of Representatives acting separately from the Senate. But it is insisted that the two Houses, acting in some way either independently or concurrently or in joint convention, have something to do judicially in the determination of questions that may arise upon the count of the electoral vote. This I deny. The framers of the Constitution withheld from Congress the power to interfere with this count; they withheld it by not committing the power to it. When the Constitution confers a power it does so in express words, as Congress shall have power to borrow money, collect taxes, regulate commerce, coin money, and the like. By no words, by no implication, has the power been given Congress to settle questions concerning the electoral count. Turn to the second article, first section

of the Constitution and from there to the twelfth amendment to the Constitution, and you will find that the only powers conferred upon Congress in this respect are, first, that it may fix the time for choosing the electors and the day on which they shall give their votes. That power is expressly given by the Constitution.

Next, it is provided that the count shall be had in the presence of both Houses. There is no question now about the right of the two Houses to be present at the count of the electoral vote. The Constitution goes further than this in its expressed powers. It provides that in a certain event it shall be the duty of the House of Representatives, in a manner particularly pointed out by it, to elect the President. It goes further, and confers upon the Senate of the United States the power in a certain exigency to elect the Vice-President, and these are all of the powers delegated by the Constitution to the Congress in this connection. I defy gentlemen to point to any others. So far as it may be essential to execute these expressed powers I admit that Congress has certain implied powers. It may provide the necessary means by which these expressed powers shall be executed. Let us see: Congress has the power, as I have said, to fix the time for choosing the electors and the day upon which they shall vote. Anything now that is essential to the execution of that power is legitimately within the sphere of Congressional action. This is not questioned.

The two Houses are required to be present, or at least it is the duty of the President of the Senate to open the certificates in the presence of the two Houses. There is no question about Congress having the power to provide the manner in which the Houses shall meet, the place at which they shall meet, the time when they shall meet, and the manner of adjournment. In these respects it may possibly, under this delegation of powers, have a right to provide. Indeed I do not doubt it.

But let us go a little further and see whether Congress under the Constitution has, by expressed grant or by implication, the power to take part in the actual counting of the votes. Now, it is not controverted that the election of President and Vice-President is to be made by electors chosen by the States in the manner provided by the State Legislatures. It is not controverted, further, that if the States fail to provide for the appointment of the electors Congress is powerless to compel them to execute the trust. The Legislature of the State may refuse to provide any method of appointment, and the Government of the United States in that regard is powerless. It has no remedy.

Or, again, the Legislature of the State having provided the method, and the electors having been designated in pursuance of the legislative plan may refuse to meet and cast their votes; and if they refuse to meet and vote, or if they refuse to meet at the place and vote at the time fixed by Congress, in either of these events the Government is powerless. The States in this way may destroy the National Government by their mere refusal to act. Congress can not compel the States to appoint electors nor the electors to act when appointed.

If the electors meet at the time appointed and cast their votes in the manner provided by the Constitution, but refuse to transmit them to the President of the Senate, the Government of the United States possesses no power under a writ of mandate or otherwise to compel the electors to send forward the vote; for that is the act of the State and within the jurisdiction of the State. Neither Congress nor the President of the Senate has power to act in any way until the vote shall be certified and transmitted to the custody of the President of the Senate. But it is true if any of the States fail to vote or to certify their votes that the votes of those States that do meet and comply with the requirements of the Constitution elect a President. Thirty-five States out of the thirty-eight may refuse to execute the power, and yet those States voting under the requirements of the Constitution would choose a President under this very provision of the Constitution.

I refer to these facts merely to show you that it was the purpose of the framers of the Constitution to submit the whole question of the election of the President to the States, and to keep it away from Congress. My distinguished friend from Kansas said the constitutional convention had two or three times during their deliberations decided that the President should be elected by the House of Representatives——

Mr. PETERS. No; by Congress.

Mr. BROWNE, of Indiana. I beg the gentleman's pardon; by Congress I should have said. It is true, and they as repeatedly retreated from that position for the very reason I have attempted heretofore to give, that it was dangerous to submit this great power to a political body such as the Congress of the United States. The fathers saw that partisan feeling and partisan prejudices would enter into the deliberations of Congress. The fathers, inspired by the gift of prophesy, looked down through the years, and saw that the time would come when the executive patronage would be enormous, and when it would be dangerous to submit the great question of selecting a chief magistrate of the Republic to a political body interested in the distribution of the spoils. For that reason they retreated from this proposition to submit this election to the Congress of the United States; and when the proposition was made in the convention to submit it to an election by the people, there was but a part of one out of the twelve States represented in that convention that gave its preference to that method of selecting the President.

The convention by a decisive vote refused to submit the choice of electors to a vote of the people. It did not intend that the people should choose the President.

I want to say to my friends that as democratic as were the fathers they distrusted the people. James Madison, as good a Democrat as he was, said it would be dangerous to commit the suffrage to any but the property-holders, the freeholders, for the time would come when a very large majority of the people would be propertyless, and when that time came, when the propertyless became the ruling class in this country, one of two things would happen: either they would combine to destroy property and the rights of property, or they would be bought by the affluent and made the mere tools of opulence. That was his prediction.

Mr. PETERS. May I ask the gentleman was it not contemplated by our forefathers in this convention at one time to base the Senate upon a property qualification, and that the House should be elected by a certain class of voters on a limited suffrage, as was their original idea? And was not that a strong reason in favor of the idea that they intended that the Senate and House should act together; in other words, that the body to be elected on a property qualification should act with the other body in determining this matter?

Mr. BROWNE, of Indiana. I think my friend is right in the historical fact, although I may differ with him as to the conclusion he reaches.

Mr. HISCOCK. Will the gentleman from Indiana allow me to interrupt him?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. HISCOCK. As I understand, he contends that both these bills are unconstitutional?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. HISCOCK. Now, there has been a diversity of opinion on this great constitutional question. It has been in the arena of debate and of legislation. It is true, is it not, that in 1865 both branches of Congress asserted this power?

Mr. BROWNE, of Indiana. Yes, sir; in the twenty-second joint rule.

Mr. HISCOCK. In the twenty-second joint rule they both asserted this power. They also both asserted this power, and it was recognized by the President in the electoral-count bill. Now, the question I ask my friend is this: With all these decisions since 1864 on this question by Congress, which seems to be the highest tribunal to which we can address ourselves, is the question still an open one?

Mr. BROWNE, of Indiana. In other words, the gentleman asks whether it is not *res judicata?*

Mr. HISCOCK. Yes; whether it is *res judicata*, or whether it is a question open for discussion now, after having been acquiesced in by this Government for twenty years?

Mr. BROWNE, of Indiana. I never knew any question was foreclosed by the action of Congress. But notwithstanding the statement of the gentleman, the constitutionality of the Electoral Commission and the twenty-second joint rule have always been challenged and will always be challenged until the Constitution is amended.

Mr. HISCOCK. The argument I make is this: that an acquiescence for twenty years by the highest tribunal that can pass upon a question of that kind is such an acquiescence as to foreclose the question.

Mr. EATON. My friend from Indiana says he did not know the question to be foreclosed. I suppose he particularly referred to the fact that the persons who got up the twenty-second joint rule abrogated it.

Mr. BROWNE, of Indiana. Now I will take the thread of my argument, if I can find it. It is enough to say of the twenty-second joint rule that it was always constitutional in the opinion of the party that under its provisions could control the count. The other party never assented to it. But I was attempting to show by the action of the constitutional convention that the fathers were not so democratic as some seem to think; that they did not intend to let the President be elected either by Congress, or by the people, or by electors to be chosen by the people. That proposition was made in the constitutional convention, but was voted down by an overwhelming majority; so we are forced to the position I assumed a few moments ago, which is, that this election of the President of the United States is to be an election by States.

But I may be asked, why is this important here and how does it aid us in interpreting the Constitution? I answer, as the architects of this instrument intended the States, by their electors, to choose the President without interference on the part of the Government, they made no provision for Congressional action until it was ascertained by a count of the vote that the States had made no choice. Then and then only does the Government by its Congress begin to act. After reaching this point the Constitution is explicit. It then proceeds to say, in unambiguous language, what shall be done by the Senate and what by the House. Before the count is had it is only provided that the President of the Senate shall, "in the presence of the Senate and House of Representatives, open the certificates and the votes shall then be counted." Will any one seriously contend that the fathers would have chosen such language had they intended to confer on Congress the power to try judicially or otherwise the important questions that might arise before declaring the result of the electoral vote? If it was intended that Congress should try a contested Presidential election—the highest and gravest duty that could have been imposed upon it—it is passing strange that the makers of the Constitution not only did not say so, but left

the whole question, to say the least, in doubt. Had the convention intended Congress to assume this immense responsibility it would have given expression to that purpose in unmistakable language. I insist that its failure to do this is strong, if not conclusive, evidence that it had no such purpose.

I need not say to you gentlemen who have thought over this question and have discussed it that the idea of the fathers was that these electors should be selected in a manner to be provided by the States; that they were not to be the choice of a party caucus or a party convention, but were to be selected because of their intelligence and integrity and high personal standing; and that these men were not to be instructed, but left perfectly free to exercise their own deliberate judgment in the election of a President and Vice-President of the United States. It was an excellent idea; and I sometimes regret that the spirit of that intention of the fathers has not been carried out. But our system of election is a deliberate departure from the electoral idea, and the electoral plan is now not only full of difficulties but full of peril to the Republic.

It never entered into the conception of the framers of the Constitution that within a very few years we would remit this question of appointment to a popular vote. Had the fathers foreseen that this would have been the result it would have been prohibited by the Constitution they made. Then these persons, if they were thus selected and were permitted thus to choose a President of the United States, and were, as I have said, left perfectly free to make this choice without party or caucus dictation, when they voted their choice they could be arraigned before no tribunal for having violated party instructions or party confidence. We have permitted that idea to stand in the electoral system from that day to the present. If we elect Democratic electors the Constitution imposes upon them no obligation to vote for the Democratic candidates. If they disobey their instructions they commit no crime against the Constitution, nor can you formulate a law under which they can be punished for this independent action without violating the spirit of the Constitution. But I do not intend to dwell upon that point.

Suppose the electors have been duly appointed. They vote. The certificates of election have been transmitted to the President of the Senate, and he, the President of the Senate, has become the custodian of these certificates. What certificates? Every paper that may be sent to him? No. Will any gentleman contend that that is what the Constitution means? That if John Smith certifies that Tom Jones and Peter Green and Billy Wiggins have been elected as electors from the State of Connecticut and transmits that paper in some way to the President of the Senate, he must regard it as a certificate, to be kept by him and opened by him and laid before the two Houses when they meet under the Constitution? I presume nobody insists upon such a proposition.

Then what certificates are transmitted to him? The certificates of the action of the electors of the States in choosing a President and a Vice-President, as certified by the States. It is the certified action of the State; that is the certificate that goes to him and no other. Of that he becomes custodian. He becomes the custodian of nothing else. He can accept nothing else. He could not be the legal custodian under the Constitution, or constitutional custodian of any other paper than the certificate of the State transmitting to the Congress of the United States—if you please to put it in that way—the action of the agents of the State in the selection of President and Vice-President. To say that the President of the Senate must accept and open and lay before the two Houses all papers purporting to be certificates of States, or certificates of electoral colleges, is equivalent to saying that this high and solemn proceeding shall be converted into a miserable farce.

Now, the President of the Senate is to open the certificates. What is meant by the word "open?" Does it mean that he is then for the first time to break the seals of those certificates in the presence of the two Houses; that he must keep the envelopes closed until the two Houses meet together, and then is to open them in their presence? I undertake to say that the opening of the certificates means, in the legal and constitutional sense, the giving out of their contents, the making known the action of each of the States, as made manifest by the vote of its electors.

But you may put it the other way, if you please—that he must break the seals for the first time in the presence of the two Houses. Then I assert that when he opens the certificates in the presence of the two Houses he opens only those which contain the votes of the electors appointed by the States. Am I right about that? If he goes beyond that, how far may he go and where must he stop?

Suppose that, in some way or other, he has two papers, each of which purports to be from a State. I assume that as the Constitution makes it his duty to open in the presence of the two Houses simply the legal certificate of the State, he must determine the question as to which of those two papers is that certificate. And why? Not only because the Constitution imposes upon him the duty of laying the true certificate, *the* certificate, before the two Houses, but you may examine the Constitution in vain to find the power committed to anybody else to determine which is the true certificate. As he must open the vote of the electors only, he must of necessity ascertain which certificate contains that vote.

I ask you gentlemen, who are seeking to find the powers of the Government in the Constitution, to point out the place where any other tribunal, the Senate or the House, or both of them, can exercise a single judicial function in connection with the certificate after it has been opened, or a single judicial function in connection with it before it has been laid before the two Houses.

I admit that the Constitution does not expressly, in words, if you please, confer the power upon the President of the Senate to count the vote. When I say it does not expressly confer that power, I simply mean to say that it is not conferred in so many words; that is all I intend to say.

Let us see what the Constitution does say. As I said before, the President of the Senate is made the custodian of these electoral votes. He is the only person under the Constitution who can open them, or who can determine which of two papers from a State is the legal certificate of that State. It is transmitted to him, and it is his duty to lay such certificate before the two Houses.

I undertake to say that but the one certificate, and that the true legal certificate of the State, which he has ascertained, and which it has been made by the Constitution his duty to ascertain, can he lay before the two Houses Now, if he has done that, if he has laid simply the certificates of the States, the real votes of those States, before the two Houses, what is there then to do? Whoever may do it, whether it be the act of the two Houses or the act of the President of the Senate, what is to be done except the mere ministerial act of adding up the votes?

And that is the reason, let me say to you, that in my opinion the framers of the Constitution made no mention of the important question as to who should determine the eligibility of the elector or the propriety of an electoral vote. Can it be possible that while the fathers provided the manner in which the two Houses should meet, while they provided the manner in which each should elect, the one the President and the other the Vice President, in case those officers had not been elected by the electoral vote—is it possible that the fathers went into the details on those questions, providing specifically the manner in which the two Houses should act in making selections for those particular offices, and yet they left out the important question, if it was intended to confer the power upon the two Houses at all, of the manner in which the two Houses should exercise the power of determining the eligibility of an elector or the legality of an electoral vote? Sir, it was not anticipated by the fathers that such a question could in the nature of things arise. Let the President of the Senate determine all the questions committed to him, and this whole subject is relieved of its embarrassments.

I have assumed that as the President of the Senate is the custodian of these certificates, he is simply required to lay before the two Houses, when they have met together, the actual, legal certificate of the action of each State. He is bound to do that, and as a matter of course he has the power to determine if he has two papers coming from any one State which one of the two is the legal certificate. In the event he makes this choice, then there can be but one certificate from that State to be laid before the two Houses. And then the two Houses, if they are present for any purpose connected with the counting of the votes, are simply by their tellers to add up the votes, and the result is to be declared.

Some gentlemen say, is it possible that the two Houses are there simply to be witnesses? Is it very important, they say, that the two Houses should be there simply for that purpose; and it would be unimportant if they were there for no other purpose. What purpose?

A President of the Republic has been elected, and his election is to be declared. I do not care by whom the declaration is to be made. It seems to me to be a matter of the utmost propriety that the declaration should be made before the supreme legislative power of the nation. But the two Houses are not present simply to be witnesses: They are there for another purpose, and the Constitution expressly states it. There is an express declaration in the Constitution of the purpose for which the Senate and the House of Representatives are present when the votes are opened and counted. It is this: If, when the electoral votes have been counted, no candidate has received a majority of all of them for the Presidency, the House shall immediately proceed to elect a President. If, in the same manner, no one has received a majority of all the votes for Vice-President, then the Senate shall immediately proceed to elect the Vice-President. The two Houses are present to see whether or not this exigency happens; and if it does happen, they are present that they may immediately exercise the power conferred on them by the Constitution of the United States, so that the Government, by the failure of the electors to elect a President or Vice-President, shall not lapse, but that the two Houses in the constitutional way shall proceed to elect respectively these officers of the Government.

Gentlemen say that it was certainly never intended to give to the President of the Senate so grave a power. We can only judge intentions by looking to the language of the instrument. But to me it is clear that the convention expected most, if not all of these questions, to be settled by the States. I have no time to make more than a suggestion here—its fuller presentation must be left to the future.

I am, however, not willing to admit that the power to try a contested Presidential election is less safe if exercised by the President of the

Senate than if left to Congress. An officer of the law, one man, vested with a grave public duty, whose action is under the eye of all, who is answerable to all parties, is, in my opinion, less likely to commit a crime against constitutional government and the liberties of the people than a tribunal where the responsibility is divided among a large number, and especially when that body is partisan, and acts at the dictation of and is backed by a strong and well-organized political party.

Now, gentlemen, in conclusion let me say the reason I have talked upon this subject is not because I am unwilling to submit to a twenty-second joint rule or to an act of legislation incorporating that idea. I would a thousand times rather see the Constitution of the country violated in this respect and by the passage of this bill than see this grand Republic of 55,000,000 of freemen, the light and the hope of the world, wrecked by a collision of parties and by fratricidal war. I say I would waive any constitutional objection I have on this subject—I would vote for an electoral commission or any kind of a commission—in order to save this Government of ours for the ages. I beg to assure you, sir, to assure the House and the country, that I prefer this bill, unwise, partisan, and unconstitutional as I believe it to be, to such a collision as this vexed question, if unsettled, may some time provoke.

I have spoken on this question to admonish you gentlemen on the other side. Let me say just a plain word to you. While your bill puts it in your power by this joint convention to count in the next President; while the bill gives you that advantage if you desire to exercise the power, for you would have a majority of 70 or 75 in the joint convention, yet when that time comes you may be confronted by this constitutional view which I have presented and which I believe to be the true interpretation of the Constitution. You may find a President of the Senate who will accept the responsibility of counting this vote, and may the good Lord save us from any such conflict as our honest differences may bring. I hope to avoid all controversy by settling these questions in advance. I have only alluded to that matter because I desire to impress every member with the fact that this is the most important subject that has been or can be considered by this Congress; and I am surprised that the wisdom and patriotism of the two Houses of Congress have not brought them together upon some common ground on which all parties and all patriotic men can stand. I moreover desired to impress on the House that there are strong reasons for believing that the President of the Senate has the right to count the Presidential vote, and that although those who entertain these views may be willing to compromise them for harmony, they may not willingly surrender them to a measure so purely partisan as is this bill.

Mr. EATON obtained the floor.

Mr. WHITE, of Kentucky. If my friend from Connecticut will yield a moment I desire to make a single remark. I am very glad to have had the pleasure of yielding my time to the gentleman from Indiana [Mr. BROWNE]. I did not know what line of argument he would pursue, but I am delighted to know that he has expressed my views so much better than I could have done myself.

I will only add that as a member of the committee I do not approve, as the chairman of the committee well knows, either of the bills now under consideration. Rather than accept either of these bills, I prefer to take the Constitution as it is, with all the dangers that may confront us.

Mr. JORDAN addressed the House. [See Appendix.]

Mr. HERBERT. Will the gentleman from Connecticut yield to me that I may send up an amendment upon which he may also ask the previous question?

Mr. EATON. I yield for the amendment.

The SPEAKER *pro tempore*. The Clerk will read the amendment sent up by the gentleman from Alabama.

The Clerk read as follows:

In the event that the House substitute is defeated, amend section 2 of the Senate bill by inserting, in line 8, between the words "shall be" and the word "conclusive," the words "unless overruled by the concurrent action of the Senate and the House of Representatives."

Mr. EVERHART. I desire to offer an amendment to the substitute.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania desires to have read an amendment, that it may be considered as pending.

The Clerk read as follows:

In section 3 of the substitute, after the word "vote," in the fourth line, insert "the House of Representatives voting by States, each State having two votes, and the Senate voting per capita;" so that it shall read:

"And the joint convention shall then proceed to vote, the House voting by States, each State having two votes, and the Senate voting per capita."

The SPEAKER *pro tempore*. If there be no objection this amendment will be considered as pending.

There was no objection.

Mr. PETERS. I have some amendments to submit to the substitute.

The SPEAKER *pro tempore*. Is the substitute pending?

Mr. EATON. It is.

The SPEAKER *pro tempore*. It will be considered as pending.

Mr. PETERS. I submit the following amendments to that substitute:

First amendment: In line 1 of section 3, after the word "Congress," insert "and the Supreme Court of the United States." In line 3 of section 3, at the commencement of the line, insert "the Supreme Court of the United States."

Second amendment: In line 1 of section 4, on page 9, strike out the figure "4" and insert "5." In line 4, after the word "left," insert "the members of the Supreme Court in the body of the Hall, on the left of the presiding officer."

Third amendment: In line 40, on page 8, strike out all of section 3 after the word "Senate," and insert the following: "Then those votes, and those only, shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted. When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate."

Fourth amendment: Add the following as an additional section, to be numbered section 4: "In case of a disagreement between the two Houses upon any question submitted to them separately, as hereinbefore provided, then a committee of conference of like number and in like manner as in a disagreement upon any legislation, shall be appointed, which committee shall forthwith meet, and after a session of not more than two hours shall report the result of their conference to the respective Houses. Should the two Houses fail to agree upon the disputed question the committee of conference shall again meet, and shall forthwith present the disputed question to the Supreme Court of the United States, who, after one hour's argument on the part of the Senate and one hour's argument on the part of the House, shall forthwith decide the question presented, and such decision shall be binding upon the Senate and the House of Representatives."

Mr. EATON. I now demand the previous question on the bill and amendments.

The previous question was ordered.

Mr. PARKER. I rise to a parliamentary inquiry. Is not the status of the question that the Senate bill is pending and the bill reported by the committee is pending as a substitute for it?

The SPEAKER *pro tempore*. The Chair is under the impression that is the situation, but in the absence of the Speaker will not undertake to decide.

Mr. HERBERT. That is the condition of the question.

Mr. EATON. I have been requested by two or three gentlemen to ask that such members as may desire to print remarks on this subject may have permission to do so.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia;

An act (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes;

An act (H. R. 4988) to remove the disabilities of William H. Parker, of Virginia, incurred under the fourteenth amendment of the Constitution;

Joint resolution (H. Res. 257) providing for the printing of the last annual report of the Commissioner of Education; and

Joint resolution (H. Res. 235) to print additional copies of certain publications.

MRS. ELIZA W. PATTERSON.

The SPEAKER *pro tempore* laid before the House the following message from the President; which was referred to the Committee on the District of Columbia, and ordered to be printed:

To the House of Representatives:

I have permitted House bill No. 4689, entitled "An act for the relief of Eliza W. Patterson," to become a law by withholding action upon it for ten days after it was presented to me.

The affairs and interests of the District of Columbia are committed to Congress as its legislature. I do not question the constitutional right of Congress to pass a law relieving the family of an officer, in view of the services he had rendered his country, from the burdens of taxation, but I submit to Congress that this just gift of the nation to the family of such faithful officer should come from the national Treasury rather than from that of this District; and I therefore recommend that an appropriation be made to reimburse the District for the amount of taxes which would have been due to it had this act not become a law.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 21, 1884.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. EVINS, of South Carolina, indefinitely, on account of sickness.

To Mr. GRAVES, for five days, on account of important business.

To Mr. ROBINSON, of Ohio, indefinitely, on account of important business.

To Mr. CLARDY, for five days, on account of important business.

To Mr. MATSON, for one week, on account of important business.

And then, on motion of Mr. ROGERS, of Arkansas (at 5 o'clock and 50 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ELDREDGE: Petition of Woodbury Post, No. 45, Department of Michigan, asking a pension for all Union soldiers of the late war who served sixty days or more—to the Committee on Invalid Pensions.

By Mr. GLASCOCK: Memorial of W. W. and Emma R. Wirt, sole survivors of John L. Wirt, who was wounded in the official discharge of his duties on the floor of the House of Representatives—to the Committee on Accounts.

By Mr. HARMER: Petitition of W. F. Potts relative to the extension of certain letters patent—to the Committee on Patents.

By Mr. H. H. HATCH: Resolution of Lockwood Post, No. 139, Grand Army of the Republic, Department of Michigan, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. LOWRY: Memorial relating to the claim of James McCabe—to the Committee on Claims.

By Mr. S. H. MILLER: Petitions of citizens of Titusville, of Brookville, of Brownsville, of Connellsville, of Corry, of Franklin, of New Castle, of Warren, of Uniontown, of Union City, of Sharon, of Renovo, of Mercer, of Meadville, of Kittanning, of Greenville, and of Pittsburgh, Pa., and of citizens of Fredonia, N. Y., remonstrating against Government control of the telegraph—severally to the Committee on the Post-Office and Post-Roads.

By Mr. MORGAN: Memorial of the Saint Louis Academy of Science against the bill for the discontinuance of the Coast Survey—to the Committee on Commerce.

By Mr. RANDALL: Three petitions of members of the Grand Army of the Republic, praying for the establishment of a national cemetery near Philadelphia—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of E. M. Massey for a pension—to the Committee on Invalid Pensions.

Also, petitions relating to the claims of Mrs. Caroline H. Renney, executrix, &c., of William W. Goodwin, administrator, &c., of Merirt Harris—severally to the Committee on War Claims.

SENATE.

MONDAY, *June* 23, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday was read and approved.

ELIZA W. PATTERSON.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate:

I have permitted House bill No. 4689, entitled "An act for the relief of Eliza W. Patterson," to become a law by withholding action upon it for ten days after it was presented to me.

The affairs and interests of the District of Columbia are committed to Congress as its Legislature. I do not question the constitutional right of Congress to pass a law relieving the family of an officer, in view of the services he had rendered his country, from the burdens of taxation, but I submit to Congress that this just gift of the nation to the family of such faithful officer should come from the national Treasury rather than from that of this District, and I therefore recommend that an appropriation be made to reimburse the District for the amount of taxes which would have been due to it had this act not become a law.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 21, 1884.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I am requested to present the petition of George S. Coe, president of the American Exchange Bank, Arthur B. Graves, president of the St. Nicholas Bank, William Dowd, president of the Bank of North America, and other bankers, merchants, and capitalists of New York, praying that this Forty-eighth Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, for a sum not exceeding $1,295,000, including the furnishing the right of way free of cost to the United States, the work to be completed by July 4, 1886. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. SHERMAN. I also present a memorial signed by a large number of business men, lawyers, and others, of the city of Toledo, Ohio, remonstrating against the passage of the bill now pending before the Judiciary Committee relative to jurisdiction of United States courts in certain cases. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PENDLETON presented the memorial of Marsh and Harwood Company and E. Grasselli & Sons, of Cincinnati, Ohio, remonstrating against the passage of the bill for the construction of certain bridges across Staten Island Sound; which was referred to the Committee on Commerce.

Mr. PLATT presented additional papers to accompany the bill (S. 2334) for the relief of Sigmund Bauer; which were referred to the Committee on Pensions.

Mr. CONGER presented resolutions adopted by Lockwood Post, Grand Army of the Republic, Alpena, Mich., in favor of legislation as recommended by the general pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. HAWLEY presented the memorial of Franklin Rives, of Washington, D. C., for himself and for the heirs of Jefferson Rives, offering to the Government an additional building for the accommodation of the Government Printing Office; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims, reported adversely thereon.

Mr. HALE. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 715) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States so as to allow the chairman of a subcommittee of a committee of either House of Congress to administer oaths, reported it with an amendment in the nature of a substitute.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 3307) granting a pension to Harriet P. Dame;

A bill (H. R. 6542) granting a pension to Harriett S. Brisbine; and

A bill (H. R. 1751) for the relief of William R. Browne.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 2335) to amend section 3330 of the Revised Statutes, relative to the export of distilled spirits; which was read twice by its title, and referred to the Committee on Finance.

Mr. LAPHAM introduced a bill (S. 2336) to facilitate the bridging of Raritan Bay, Arthur Kull, and Kill von Kull; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2337) for the relief of Thomas Farthing and Matilda Farthing as executrix of George Farthing, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT (by request) introduced a bill (S. 2338) granting an increase of pension to Mrs. Mary McIntosh, widow of First Lieut. Donald McIntosh, Seventh Cavalry, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 2339) to authorize the appointment of a commission of naval architects and marine engineers to examine and report upon new designs for steamships; which was read twice by its title, and referred to the Committee on Commerce.

DEPARTMENTAL INVESTIGATION.

Mr. HALE. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Public Expenditures be, and is hereby, directed to investigate the recent defalcations of disbursing officers in some of the Departments in Washington and the alleged frauds upon the Government by means of false vouchers in the Navy Department, and to inquire into the system adopted by such Departments for making disbursements and purchases of supplies, with a view to determine whether it embraces sufficient safeguards against defalcations and frauds; and said committee is authorized to sit during the vacation of Congress, and shall have power to send for persons and papers in the course of its investigation.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the resolution be now considered.

Mr. MORGAN. The Senator mentions in his resolution, as I understand it, making investigation into some of the Departments without naming them.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be read.

Mr. HALE. Let it be read. I think the Senator from Alabama will not object when he hears it read.

The resolution was read.

Mr. HALE. What is the title of the committee as given in the resolution?

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none, and it is before the Senate.

Mr. HALE. Let the Chief Clerk read the title of the committee.

The Chief Clerk read as follows:

Resolved, That the Committee on Public Expenditures——

Mr. HALE. That should be changed so as to read, "the Committee on Expenditures of Public Money." That is the committee which for

the first time in the history of the Senate exists for the purpose of conducting such examinations. I will say to the Senator from Alabama that I used the language "defalcations of disbursing officers in some of the Departments in Washington" without naming them specifically because lately there have been defalcations in some of the Departments, and I did not wish to particularize or to limit the committee.

The PRESIDENT *pro tempore*. The resolution of the Senator from Maine will be modified as he has suggested in respect of the title of the committee referred to in it, and the question is on agreeing to the resolution as modified.

Mr. MORGAN. I hope that the Senator from Maine will include the Post-Office Department in his resolution so that the investigation may extend to that as well as to the Navy Department.

Mr. HALE. I have used the language applying to defalcations in some of the Departments so as to cover the Post-Office Department, the State Department, and one of the other Departments, and then I mention also in terms the alleged false vouchers in the Navy Department, covering the matters that have been lately in the press and are in the public mind. I intend that the resolution shall be all-embracing, so that the committee can cover anything. I had the Post-Office Department in mind.

Mr. MORGAN. If that is the intention of course I have no objection to it. That was my purpose.

Mr. MCPHERSON. I should like to inquire of the Senator from Maine if it would not be wise to make the resolution sufficiently broad to cover the methods of keeping the accounts in all the Departments? If there is an error in method in one Department that enables defalcations to take place, possibly the same error exists in the method of keeping accounts in other Departments. While the committee are at work upon that subject would it not be well to make it broad enough to cover every matter of investigation as to methods everywhere?

Mr. HALE. I may have been unhappy in the selection of my language, but my object in drawing the resolution was to cover precisely that, and have the committee not only report upon the alleged frauds and defalcations and false vouchers, but also to report whether there are sufficient safeguards now with reference to the accounts and with reference to the manner of purchasing to protect the Treasury. In fact, I think from my experience on some of these committees before that the chief work of the committee will be in elaborating and preparing and reporting to the Senate a system under which the Government and the Treasury may be protected with reference to the purchases here in Washington. They are small in amount compared with the great expenditures of the Treasury, but they need to be looked after with a scrutinizing and jealous eye.

Some new plan ought to be adopted in all the Departments in reference to the purchases here in Washington. I became convinced of that in an investigation that I took part in two years ago. The time has come when the evil ought to be corrected, and I seek to correct it in this resolution.

Mr. INGALLS. I should like to hear the resolution read again.

Mr. WILSON. I ask that the resolution be reported.

The PRESIDENT *pro tempore*. The resolution will be again reported.

The Chief Clerk read the resolution.

Mr. MCPHERSON. I find from the reading of the resolution that it is limited to "such Departments" after enumerating the Departments. It seems to me as though it would confine the investigation of the committee to the Departments named in the resolution. I move to strike out the words "such Departments," and insert "all the Departments."

Mr. HALE. I have no objection to that amendment.

The PRESIDENT *pro tempore*. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. It is proposed to amend the resolution so as to read:

And to inquire into the system adopted by all the Departments of the Government for making disbursements and purchases of supplies.

The amendment was agreed to.

Mr. WILSON. I suggest that if the committee is to pursue the investigation during the recess, the resolution should give to the committee authority to employ a clerk or stenographer, as the clerk of the committee is only under pay during the session of the Senate.

Mr. HALE. Then, after the words "shall have power to send for persons and papers in the course of its investigation," I move to add the words:

And to employ a clerk and stenographer when needed; and the expenses of the same shall be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maine.

Mr. PLATT. I should like to inquire whether, as the resolution now reads, it would require the committee to be in session as a full committee or whether the committee would be authorized to sit by a subcommittee? There are members of the committee who would certainly, I think, be unable to devote a great deal of time to this business during the recess, and I suppose a subcommittee could discharge the duty which is assigned to the committee, perhaps just as well as the full committee.

Mr. HALE. I did not intend to go into all of the detail of the conduct of the investigation. I presumed that after it should be set on foot, if the committee find that its work should be conducted in whole or in part by a subcommittee as they developed a need of that, at any time during the session the committee itself can come in and will have no difficulty in getting the leave of the Senate; but I did not propose in starting the investigation to go into all of these details. I have no objection to their being gone into, but that was not my purpose. The committee can regulate that afterward by leave of the Senate, if they find the need of it.

Mr. PLATT. In view of that suggestion, I shall not suggest any change at the present time.

Mr. INGALLS. There must be some radical defect in the system of keeping departmental accounts which permits a series of peculations and misappropriations of public funds to go undetected for years. If the resolution is not broad enough in terms to direct the Committee on Expenditures of Public Money to make their examination minute and thorough, I hope it will be so amended as to enable them to make the most comprehensive and searching inquiry. I am satisfied that the Senator from Maine would so desire; and it was with some regret that I heard him say that this subject was one that was to be determined upon in its scope and general outline hereafter by the action of the committee.

I trust, sir, that the Senate will see the importance of directing an examination to be made which will be comprehensive and minute to the last particular, and that it shall not be confined merely to those instances in which defalcations or irregularities have already been discovered, but shall be so far-reaching as to relieve the apprehension in the public mind that there may be still greater irregularities yet undetected. If the resolution offered by the Senator from Maine does not include that, then I shall ask that it may be so amended that the direction will be absolute to the committee.

Mr. HALE. If I said what I intended to say it was this: that I thought the great work of the committee, its most important functions under the investigation, would be to go thoroughly into the whole system of purchases under which the fraudulent vouchers have been made and passed heretofore, and report fully and exhaustively upon such errors, irregularities, and frauds as are discovered, and to report a method of correcting it. I think that is the largest work the committee will have to do.

Mr. INGALLS. If the Senator will pardon me for a moment I will suggest to him that the greatest irregularities which have been discovered have not been in connection with the purchase of supplies in the District. Take the defalcation in the Post-Office Department. The difficulty there arose from the system which is pursued in regard to the deposit of the appropriation for the payment of the monthly expenditures of that Department in the hands of the disbursing clerk. There was no connection whatever with the purchase of supplies in that particular, except that subsequently it did appear that certain moneys derived from sales of unused and waste property in the Department had failed to be accounted for.

Mr. HALE. All of that is embraced. The defalcations in any of the Departments of the Government are to be looked into, and I should have no doubt that the committee in reporting upon safeguards, upon guarantees, upon checks to be put in the way of the business of the Departments, will cover all these things. I certainly intended that; and I am very glad that the debate has arisen, because the committee under it, I think, will take notice that they shall make a thorough examination and report so that defalcations, deficits, false vouchers, substitution of false vouchers, shall all be considered, and their recurrence prevented so far as we can prevent it by statute enactment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE].

The amendment was agreed to.

The resolution as amended was agreed to.

REPORT ON ALLEGED ELECTION OUTRAGES IN VIRGINIA.

Mr. LAPHAM. I offer the following resolution and ask for its present consideration:

Ordered, That there be printed for the use of the Senate, at a cost not to exceed $500, the majority report, together with the views of the minority, of the Senate Committee on Privileges and Elections in regard to the alleged election outrages at Danville, in the State of Virginia.

The PRESIDENT *pro tempore*. The Senator from New York asks for the present consideration of the resolution.

Mr. COCKRELL. Has it been referred to a committee?

The PRESIDENT *pro tempore*. It has not.

Mr. COCKRELL. Does it not have to go to the Committee on Printing under the rule?

The PRESIDENT *pro tempore*. The Chair is in doubt. It provides for a print, and does not speak of extra copies. It limits the expense to $500, and so does not require a concurrent resolution. On the face of it, it is not a resolution which, the Chair is under the impression, requires a reference, as it does not purport to be a resolution for extra copies.

Mr. COCKRELL. Let the resolution be read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. JONAS. I notice that the Senator from North Carolina [Mr. VANCE] who prepared the minority report is not in his seat, and I therefore object to the present consideration of the resolution.

The PRESIDENT *pro tempore*. The resolution is objected to, and goes over until to-morrow.

Mr. LAPHAM. I will state to the Senator from Louisiana that the Senator from North Carolina concurs with me in the proposal of the resolution.

Mr. JONAS. If that is the case I withdraw the objection.

The PRESIDENT *pro tempore*. The objection of the Senator from Louisiana is withdrawn.

Mr. SHERMAN. I will state also, if the Chair will allow me, that these reports having been ordered separately, at different times, they are not brought together. The resolution proposes only to print five hundred dollars' worth of the two reports, not the evidence but the two reports together.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HAWLEY. I ask whether any portion of the matter has been put in type?

Mr. SHERMAN. It is all in type.

Mr. HAWLEY. Then the usual 1,950 copies have been printed?

Mr. LAPHAM. They were printed separately.

Mr. HAWLEY. You wish to have five hundred dollars' worth of the joint report printed?

Mr. LAPHAM. Yes, sir.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to it.

The resolution was agreed to.

REPORT ON ALLEGED ELECTION OUTRAGES IN MISSISSIPPI.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate, at a cost not to exceed $500, the majority report, together with the views of the minority, by the Senate Committee on Privileges and Elections in regard to certain recent alleged occurrences in Copiah County, Mississippi.

ADMINISTRATION OF CONGRESSIONAL OATHS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. GARLAND. At the suggestion of two or three Senators I ask the Senate to take up the bill I reported from the Judiciary Committee in reference to the administering of oaths by the committees of the Senate and House. It will not take, I am satisfied, exceeding ten or twelve minutes. Several Senators have requested me to call it up and have it acted upon now, inasmuch as it is a House bill.

The PRESIDENT *pro tempore*. The bill has gone into the Secretary's office and will be returned in a moment. The Senator from Arkansas asks unanimous consent that the Senate now consider the bill relating to the administering of oaths in the two Houses, before their committees, reported to-day. Is there objection?

Mr. MAXEY. I hope there will be none. A very important resolution was passed at the instance of the chairman of the Committee on Indian Affairs [Mr. DAWES] regarding an investigation in the Indian Territory, and that will probably have to be done by a subcommittee. I am very anxious that it should be a thorough investigation, and I think the bill would give full power to a subcommittee's chairman to administer oaths, and it ought to be passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States, so as to allow a chairman of a subcommittee of a committee of either House of Congress to administer oaths, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That any member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a member, or any committee thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the administration of oaths to witnesses in matters depending in either House of Congress.

OFFICERS AND CREW OF THE DEXTER.

Mr. HOAR. I ask unanimous consent at this time to propose a question to the chairman of the Committee on Commerce.

There are a good many persons in the State of Massachusetts interested in a resolution of thanks, which has passed the House, to the officers and crew of the revenue steamer Dexter, and other persons, for gallant services at the time of the disaster to the steamer Columbus, and I desire to ask that Senator to state the condition of that resolution in his committee.

Mr. MCMILLAN. In answer to the Senator from Massachusetts I will say that the joint resolution has been before the committee, and has been referred to a subcommittee for consideration. The subcommittee will report to the committee very soon.

Mr. HOAR. Does the Senator expect a report on it before the close of the present session of Congress?

Mr. MCMILLAN. When the report is received from the subcommittee it will be acted upon, I presume, by the committee at once. I can not state, however, positively what the action of the subcommittee will be.

Mr. HOAR. If the Senator is not able to say that the resolution will be reported at the present session I might like to ask some action of the Senate. I understand there are quite a number of precedents of similar resolutions. Perhaps some persons should be included that are not included by the House, especially the Gay Head Indians. I hope the Committee on Commerce will be able to deal with it at this session. The thanks will be deprived of their value, partially at least, if not quickly made.

ENROLLED BILLS SIGNED.

A message from the House of Represetatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair; and

A bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia.

RAILROAD IN INDIAN TERRITORY.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

Mr. MITCHELL. When the Senate adjourned Saturday it was understood that the Mexican pension bill was to be taken up this morning.

Mr. PLUMB. At 2 o'clock.

Mr. MITCHELL. There was no hour fixed.

Mr. PLUMB. It was expressly stated, if the Senator will observe the RECORD, that the pension bill should be taken up at 2 o'clock.

Mr. MITCHELL. My understanding was that the bill should be taken up immediately after the morning business.

The PRESIDENT *pro tempore*. The motion is not open to debate. The Chair on looking at the RECORD does not find that there is anything which authorizes the Chair to lay any matter before the Senate. A discussion was going on upon the subject, the Chair finds, when the Senate adjourned, on a motion made by the Senator from Colorado [Mr. HILL] to proceed to the consideration of the postal telegraph bill. The Chair therefore feels bound to put the motion made by the Senator from Kansas.

Mr. MITCHELL. Mr. President——

The PRESIDENT *pro tempore*. The motion is not open to debate. The question is on agreeing to the motion of the Senator from Kansas that the Senate now proceed to the consideration of the bill indicated by him.

The question being put, there were on a division—ayes 32, noes 12.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I desire to make a parliamentary inquiry. If the pending motion prevails does that displace the Mexican pension bill?

The PRESIDENT *pro tempore*. It does not displace anything, as nothing is before the Senate, except the Calendar under Rule VIII, until 2 o'clock. The Secretary will call the roll on the motion of the Senator from Kansas.

The roll was called.

Mr. MILLER, of New York. I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. PUGH. I wish to state that the Senator from North Carolina [Mr. VANCE] is paired with the Senator from Illinois [Mr. CULLOM].

The result was announced—yeas 39, nays 14; as follows:

YEAS—39.

Allison,	Colquitt,	Ingalls,	Pendleton,
Bayard,	Dolph,	Jackson,	Plumb,
Beck,	Fair,	Jonas,	Pugh,
Bowen,	Farley,	Jones of Florida,	Sawyer,
Brown,	Frye,	Kenna,	Sewell,
Call,	Garland,	Lamar,	Slater,
Cameron of Pa.,	Gorman,	Lapham,	Vest,
Cameron of Wis.,	Hale,	McPherson,	Walker,
Cockrell,	Hampton,	Maxey,	Wilson.
Coke,	Harris,	Morgan,	

NAYS—14.

Blair,	Groome,	Mitchell,	Platt,
Conger,	Harrison,	Morrill,	Sherman.
Dawes,	Hoar,	Palmer,	
Edmunds,	McMillan,	Pike,	

ABSENT—23.

Aldrich,	Gibson,	Manderson,	Saulsbury,
Anthony,	Hawley,	Miller of Cal.,	Vance,
Butler,	Hill,	Miller of N. Y.,	Van Wyck,
Camden,	Jones of Nevada,	Ransom,	Voorhees,
Cullom,	Logan,	Riddleberger,	Williams.
George,	Mahone,	Sabin,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

Mr. PLUMB. I ask unanimous consent that the pending bill be read for amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the pending bill have its reading in Committee of the Whole by sections for amendment. Is there objection? The Chair hears none. The first section of the bill will be read.

The Chief Clerk read section 1.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Are there amendments to be proposed to the first section?

Mr. HARRISON. Mr. President, the votes which were taken on Saturday in the consideration of another bill granting a right of way to a railway through the Indian Territory and the vote which has been taken this morning, showing very decidedly the determination of the Senate to pass these bills, will deter me from spending much time in the discussion of this bill; but I shall feel it to be my duty to offer the same amendments which I moved to the bill under consideration on Saturday.

I think the Senate ought to know that this is in fact an authority for two railroads through the Indian Territory. We passed one on Saturday, and this bill, while but a single railway corporation is named in the title of it and in the body of it, provides for the construction of two entirely independent lines, one running south across the Territory and the other in a southwesterly direction. They do not enter the Territory at the same point; they do not branch within the limits of the Territory, but they are two entirely independent roads. They may be under the control of one company; it may be in the interest of a single syndicate that these roads are to be built; but I think the Senate ought to know that there are two independent roads proposed to be constructed by this bill.

I call the attention of the Senate also to the fact that as to the road that is called a branch road, the one running in a southwesterly direction, the first line described, is "westerly along or near the northern line of said Territory, to a point at or near where Medicine Lodge Creek crosses the northern line of said Territory."

I do not know—perhaps the Senator from Kansas can tell me—what length that line would be from the starting-point, crossing at Medicine Lodge Creek.

Mr. PLUMB. I should say it would be in the neighborhood of fifteen miles.

Mr. HARRISON. I should judge a much longer distance by looking at the map; but the Senator may be right. It will be noticed that there is here a right of way granted along or parallel to the northern line of the Indian Territory for whatever distance it may be, fifteen or twenty miles, when there can be no sort of reason for entering the Territory at all at that point, unless it be that it is found cheaper for the company to get their right of way in the Territory rather than in the State of Kansas. Here is the northern line, and they are allowed by this to run along or near that line just inside the Territory rather than extend the line in the State of Kansas itself to the point where they should leave the State to take a southwesterly direction across the Territory.

Mr. PLUMB. The question of the cost of the right of way would be a very inconsiderable inducement to the railroad company. This is a question, I fancy, from what I know about the country there, more about the practicability of the route than anything else, because the railroad would not build ten or fifteen miles away from its natural point, where by so doing it would go through a country where there was no local traffic. The line through the State of Kansas would give a little more business to the road than it would in the Indian Territory; but there are certain topographical objections there which I think have controlled the determination of the route of the road.

I beg the Senator to observe that the strictures which he made on Saturday on the bill then under consideration in regard to the indefiniteness of the line do not apply here, because this is fixed with such a reasonable degree of certainty as I think will suit almost any one.

Mr. HARRISON. It seems, then, that this railroad company desires to get this strip of land immediately along the line of the Indian Territory. They will then be quite accessible to the State of Kansas, as their right of way may extend to the line, and probably would as it is described here. They would have all the advantages of local traffic in Kansas and at the same time take the right of way from the Indians for the meager compensation that is provided in this bill.

But I did not intend to discuss the bill generally. That probably would be a waste of time. The bill we have before us has never been before a committee of the Senate. It may be or may not be—I have not had time to compare it—identical in language with a bill reported by the Senate Committee on Indian Affairs; but certain it is that we are proceeding now to the consideration of a bill that has never had the consideration of any Senate committee.

I move, in line 24, to strike out the word "extension." It is singular how inapt the framers of these bills are in using terms. I had occasion on Saturday to call attention to the fact that in the bill we were then considering the word "branches" was put in, and yet it was said that it had reference simply to tracks to be built on the right of way; and yet I take it no man in railroad nomenclature ever called a track built upon a company's right of way a branch track.

Mr. PLUMB. So far as I have power to give any consent to the amendment, I am entirely willing the section shall be amended as the Senator has suggested. Further than that, I may say now, once for all, that I am entirely willing, and I believe every one else is who is a friend of this bill, that it shall be amended as the bill that passed the Senate on Saturday was amended. I will go further, and say that any other amendment which does not essentially cripple the railroad company in the building of this railroad will be entirely acceptable to me at least.

Mr. HARRISON. I am much obliged to the Senator from Kansas that he is willing to accept any amendment that does not cripple the railroad company. I think there is another interest to be considered here, and that is the interest of the Indians, and another still not to be overlooked, namely, our treaty relations to these tribes.

I want to say that it has never been a practice of this Government to allow a railroad company to cross an Indian reservation, even where it was established only by an executive order, without requiring the company to negotiate with the tribe. I recollect well a few years ago when I was in Montana that the agents of the Northern Pacific Railroad Company were holding a council with the Crows to agree upon the terms on which they might cross the Crow reservation, that negotiation being under the supervision of the Indian Bureau. But here we are passing bills one after another, one Saturday for one railroad, two railroads embodied in this to-day, without ever going to these civilized tribes at all and asking their consent, without entering into any negotiation with them as to the terms on which these grants should be given.

Mr. VEST. Does not the Senator from Indiana know—if he does not know I will inform him now of the fact—that the right of way through the Crow reservation and the Flathead reservation was condemned and commissioners appointed without consulting the Indians in regard to it?

Mr. HARRISON. I do not know what the ultimate course taken may have been, but I do know that there was a council called, and that the agents of that railroad entered upon negotiation with them on the subject.

Mr. VEST. The facts are that the commissioners were appointed and the right of way condemned; there was no commissioner appointed at the instance of the Indians at all; and I called the attention of Congress to it by offering a resolution to pay the money which was assessed for the right of way through the Flathead reservation at this session of the Senate.

Mr. HARRISON. That may be true.

Mr. DAWES. I think the Senator from Missouri is mistaken. Since I have had something to do with the Committee on Indian Affairs every railroad that has crossed an Indian reservation has been in pursuance of an agreement entered into in the Interior Department with the Indians themselves at a fixed price, ratified here by a bill reported from the Committee on Indian Affairs in ratification of the agreement. I do not know of a single exception.

Mr. VEST. I still assert the fact, and the record will show that the right of way was condemned through the Flathead reservation by commissioners, and afterward we passed a bill here, and the Senator knows that I offered a resolution, which was referred to the Committee on Indian Affairs, who sent it to the Appropriations Committee.

Mr. DAWES. The pay came to the Flathead Indians in the way the Senator indicates.

Mr. VEST. But the point I indicated was that the right of way was condemned by commissioners.

Mr. DAWES. Not since I have had anything to do with the Committee on Indian Affairs has there been a railroad authorized to cross an Indian reservation in any other way, except in the Indian Territory, and that was done through the Railroad Committee without the advice of or without any recommendation from the Committee on Indian Affairs.

Mr. VEST. As a matter of course the Committee on Indian Affairs have nothing to do with condemning the right of way. All they have to do is to consider the payment after the condemnation is made. But I say there was no agreement between the Indians and the railroad company as to the price of that land.

Mr. DAWES. I think the Senator is mistaken.

The PRESIDENT *pro tempore*. The Senator from Indiana is entitled to the floor.

Mr. DAWES. The Senator undoubtedly intends to communicate it as he understands it; but the record, I am quite sure, will bear out the statement which I make in reference to every Indian reservation; and the first time within my knowledge in either House of Congress

that an attempt was made to put a railroad across an Indian reservation without the consent of the Indians was at the last session of Congress when the idea was for the first time broached that, in spite of our agreement not to, we would assert our power.

Mr. SEWELL. I simply want to reply to the Senator from Massachusetts. The bill reported at the last Congress from the Railroad Committee granting a charter for a railroad company in the Indian Territory provided not for so much per acre or per mile for the right of way two hundred feet, but provided that the railroad company should get the consent of the legislatures of the two nations and the headmen of the tribes before they went through.

Mr. HARRISON. I think the Senator is right that in the case of the Saint Louis and San Francisco road that was expressly provided, and I call the attention of the Senate to the fact that all the safeguards which were thrown around that charter are utterly disregarded in the charters which we are now passing.

Mr. President, can anything more arbitrary be thought of than that the Congress of the United States should undertake to say how much per mile this railroad company shall pay for the occupancy of these lands in the Indian Territory? The Senator from Missouri says that in the other case commissioners were appointed and the damages or the compensation to be paid for the right of way was assessed. How is it here? It is stipulated in this bill, without any negotiation with these tribes at all, that the compensation is to be $50 per mile for the right of way through these Indian lands and $15 a mile to be paid annually thereafter for the benefit of the tribes; and then we have the stipulation that if within four or five months after that time the councils of these tribes shall dissent then some machinery shall be put in force by which we shall have an assessment of the right of way. I say that it is arbitrary and inexorable and unreasonable.

Mr. COKE. Will the Senator from Indiana permit me to ask him a question?

Mr. HARRISON. Yes, sir.

Mr. COKE. I ask the Senator from Indiana if when lands are condemned in Indiana and in any other State in the Union, exactly the sort of process is not resorted to that is prescribed in this bill, except that there is no offer made of a certain amount in the first instance as is made in this bill to the Indians?

Mr. HARRISON. By no manner of means, Mr. President; and the Senator from Texas is too good a lawyer not to know that there is no relation between the case he suggests and this case. We are dealing here with a people upon whom we have conferred local sovereignty over this question. We have given them political rights there as well as rights in the land as owner.

Mr. COKE. I undertake to say that in no State of the Union are the white people dealt with half so liberally when their lands are sought to be condemned for railroads as the Indians are in this bill. This bill simply says to the Indians: "Here is a certain amount that you can take if you think it is sufficient; if you believe it is not sufficient, the courts are open to you where you can by judicial proceedings have the full value of your land determined." There is nothing in any State law which says more to any white men in any State of the Union than this.

Mr. HARRISON. I yielded to the Senator for a question. He has asked it. The Senator thinks the provisions here are humane toward these Indians, and he speaks of the jurisdiction which is given to the courts to which they may go and have these matters settled. Why, Mr. President, the claims that these individual occupants of land may have either for damages done to their lands or to their buildings or improvements by the crossing of this railroad company they had better a hundred times concede or donate to the railroad company than to seek the remedies that are provided in the bill.

Does the Senator know of any State in the Union where a farmer whose little tract of land is crossed by a railroad company is required to go one to two hundred miles into another jurisdiction to assert his claim? The forums there are local, they are accessive, they are inexpensive, and I undertake to say that in nine cases out of ten the Indian whose home or property is damaged by this road in crossing had better give it to the railroad company than to seek his remedy in the courts.

Mr. COKE. The Indian goes to the Indian court just as the white man goes to my friend's court.

Mr. HARRISON. But you take him away from his own court that you have expressly given him by treaty, where this question should be settled; and I call attention again to the fact that whereas the Senate has required the assent of tribes in advance of the building of the roads, as the Senator from New Jersey [Mr. SEWELL] has said, we are going on so far here now that we do not ask their consent, and I find in the bill a stipulation that the general council of either of these nations may within four months after the filing of a map and definite location dissent from the allowances provided in this section. No previous consent is asked. I say that no lawyer will take these two bills, the one the San Francisco and Saint Louis bill, which the Senate passed at the last Congress, and lay it alongside of this, who will not see that almost every valuable right which was reserved to the Indians there has been taken away by this bill, leaving the way open to dealing with that whole question, irrespective of the rights of the Indians.

However, the votes which have been taken on this question discourage much discussion. My motion is to strike out the word "extensions," in line 24, of section 1.

The PRESIDING OFFICER. The Chair would suggest to the Senator that he ought to strike out also the word "and," which precedes it, and insert the word "and" before the word "sidings," in line 23.

Mr. HARRISON. Yes, sir.

Mr. BROWN. How would it then read?

The PRESIDING OFFICER. The Secretary will read.

The CHIEF CLERK. In line 23, before the word "sidings," it is moved to insert the word "and," and after the word "sidings" to strike out "and extensions;" so as to read:

With the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Mr. CONGER. I agree, Mr. President, with all the Senator from Indiana has said in regard to this bill and the encroachments upon the rights of the Indians in the Indian Territory in this and, as I have opposed them, in other bills.

The Committee on Commerce, of which I was a member, necessarily sat on Saturday at the time the former of the two bills in question was passed. I had intended then, as I propose to do now, to present to the Senate and have spread upon the RECORD the protest of the delegation of the Cherokee Nation in attendance near this seat of government to watch over and have care of the rights of these Indians in the Indian Territory.

I do not know that I have ever read a protest from the representatives of any people that set forth in so plain a manner the wrongs and the encroachments of a great government upon a poor people as is contained in this circular addressed to myself and to other Senators here, and which the members of the Cherokee delegation, Mr. Bell and Mr. Schrimsher, desired to have presented to the Senate and to the American people. I ask that it be read and go into the RECORD.

The PRESIDING OFFICER. The paper sent up by the Senator from Michigan will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *June* 16, 1884.

SIR: Two bills granting the right of way to private corporations each for a railroad through our county were passed the House of Representatives on May 30, and are now before the Senate; they are an act to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, H. R. 3961, and H. R. 4680, granting a similar right to the Southern Kansas Railway Company. These bills have been referred to no Senate committee, and if passed will revolutionize the Indian Territory under the pretext of granting a right of way.

Mr. CONGER. Let me interfere here. I desire to make that protest part of my remarks. I do not know whether that assertion that these House bills have been referred to no committee of the Senate is true or not, but I had looked and inquired if there was any report from any committee in favor of these bills before the Senate, and I am informed that there is no report.

Mr. INGALLS. It is perhaps just that the Senator from Michigan should be advised that bills identical with these which passed the House were reported from committees of the Senate and are now on the Calendar.

Mr. HARRISON. Will the Senator allow me to correct him? That is true as to one single bill that went to the Committee on Indian Affairs, and was reported by the Senator. The bill that went to our Committee on Railroads (S. 50) in relation to the Gulf Railroad Company was a totally different bill from the House bill, though I am bound to say that the House bill was much more friendly to the Indians than the Senate bill.

Mr. INGALLS. Then substantially my statement is correct that both subjects had been under consideration by the committees of this body and reports had been made, so that the Senator from Michigan is technically correct, but at the same time the matters have received attention from Senate committees.

Mr. CONGER. Oh! they have been considered by the Committee on Territories, although the bills were not referred to the Committee on Territories. But these bills and the subject-matter of the encroachment upon Indian rights were considered by the Committee on Territories. I am free to say it was not believed it was possible that such a bill as one of these is, as this bill before the Senate is, could be reported favorably without great alterations and amendments. Now, on these bills there is no report whatever, none on this special bill or its provisions, and these representatives of the Cherokee Nation come before the American people in their protest and say that the Senate is passing a bill here without having the report of a committee upon it.

The PRESIDING OFFICER. Does the Senator desire to have the reading completed?

Mr. CONGER. Yes, sir; but as that was part of my remarks, I thought I would interpolate now and then to emphasize what the delegation say.

The Chief Clerk resumed and concluded the reading of the paper as follows:

Besides the main lines this bill gives them the right to construct branches without limit in our country. They in the first place proceed to take our property without in any way consulting us, and are full of new, dangerous, and in-

jurious propositions, never before heard of in any railroad charter in any State or Territory, and which would not be tolerated there. Such a proposition as that a railroad company could settle its employés on the right of way, thus to acquire vested rights, even if employed for a month, may well indeed be called bills to open the Indian Territory to settlement.

Section 7 of both bills opens to settlement all along the line the lands granted by it in the second section. Besides the right of way, stations may be created in the discretion of the company when an additional grant of 200 feet wide and 3,000 feet long is given them—enough to build a village on every seven miles. They may also take additional amounts wherever they want for "cuts and fills," and on all of these settlements may be made. Provision is thus made for straggling towns and settlements all along the line. Permits are not to be required of such settlers. Any one can be introduced by the company under the plea that they are employés, and obtain vested rights in improvements thereon from which it would be difficult or impossible to remove or dispossess them. What railway company in the United States is permitted to allow its laborers or employés to settle on and build houses and make gardens and acquire individual rights on the right of way? In the Indian Territory it would be an open door to create drinking saloons and trading establishments all along the line. To show that it was designed for this purpose, and entirely unnecessary for the operation of the road, we refer to the clause under which two roads have been successfully operated for more than two years. That ought to be followed. We granted the right of way to two railroad companies in the treaty of 1866, the eleventh section containing (volume 14, pages 801 and 802, Stats.):

"Said company or corporation, and their employés and laborers, while constructing and repairing the same, and in operating said road or roads, including all necessary agents on the line, at stations, switches, water-tanks, and all others necessary to the successful operation of a railroad, shall be protected in the discharge of their duties, and at all times subject to the Indian intercourse laws, now or which may hereafter be enacted and be in force in the Cherokee Nation."

We would further call attention to the totally inadequate compensation for this valuable franchise, which interferes with the cultivation and successful grazing and other interests of our people. For one hundred miles of such a franchise they propose in this bill to pay us $5,000. No one could pretend that this was the value of such a franchise. For the Choctaw right of way $2,000 a year was paid. The price at which it is thus arbitrarily proposed to dispose of our property is not one-tenth of what it is worth. The United States sold us and patented to us our property for a full consideration, and it thus proposes to take it without consulting us. In your treaties you guaranteed to us that our legislature and courts should have exclusive jurisdiction of all questions touching the persons and property of our people. In those bills you propose to violate our treaties and insert a provision for compensation that is altogether unfair, and thus take our property for the benefit of a private corporation without judicial determination.

The provisions of these bills for paying damages to individuals through whose farms and houses it may run are altogether unjust and inadequate. Instead of allowing the individual affected to select one appraiser and the company another, and they, if necessary, to select a third, the commission thus created is packed to begin with, by allowing the third man to be selected by the Indian Bureau. We know by experience what that amounts to. In the former case the United States agent and the railroad agent fixed the damages. The United States agent traveled free on the road, and was otherwise under the influence of the railroad company the moment he was designated. In one case the commission allowed $15 damages to a settler for going through his fenced and cultivated farm diagonally for nearly a mile, and the owner never even condescended to take this flagrant assessment of damages.

The bill further provides for an appeal to courts which have by their oganization no civil jurisdiction in our country, and even if they had, the machinery is far too expensive and cumbrous, and the distance to be traveled too great to be of any avail. In every case the expense to the claimant would be more than he could possibly recover. In the larger interest of the nation no appeal is given to the Supreme Court, and we are left to the jurisdiction of hostile courts. The civil jurisdiction is now vested in our courts. They have their regular sessions. We venture to say that their proceedings are as honorable and fair as those of any court in any State or Territory. The Atlantic and Pacific Railway, by volutary agreement, agreed to refer every case involving civil jurisdiction to the local courts. This was done two years ago, and they have never desired to change it. Why seek now to violate our treaties and overthrow the jurisdiction of our courts?

There is another provision to which we would call your attention. To escape taxation, to which they would be subject in any State, it is adroitly provided that Congress may tax these railroads. You are well aware that Congress is not in the habit of laying taxes on property in States and Territories. It would be a new and unprecedented if not unconstitutional thing. It is intended to prohibit any local taxations and will be the basis of a claim by the company that they can never be locally taxed or taxed at all.

Some half dozen companies are now clamoring for rights of way through our country, more roads than are at present needed. They wish to get valuable franchises from our property to sell. They will file maps for roads and branches all over our country and forbid our people from using all these portions of our property on pain of confiscation. If any further roads are needed we would suggest that authority be given to the Secretary of the Interior to enter into negotiations for such right of way and necessary privileges with the authorities of the nation to whom the property belongs. In this way all roads that really need to be built can be constructed on terms fair and honorable to all parties. Until this has been tried we respectfully protest against these dangerous innovations and wholesale confiscations of our rights, and we appeal to the American Congress not thus unjustly to violate its treaties with us.

We are, very respectfully,

L. B. BELL,
J. G. SCHRIMSHER,
Cherokee Delegation.

Hon. OMAR D. CONGER, *United States Senate.*

Mr. CONGER. Whether that has been listened to by Senators or not, or whether they have read it otherwise, I desire that that protest, carefully drawn, respectfully worded, made by the Cherokee delegation near this seat of government, allowed to be here as agents for that government, watching the interests of their people, shall be heard, and I desire that it shall go into the RECORD that the people of the United States may see that our treatment of the Indians in the Indian Territory at the command of these railroad corporations is infamously worse than any private citizens in any other part of the United States are treated by any corporations that are permitted to exist.

Sir, there is a picture of violated treaties, of assumption of power, of direct wrong to the Indians as a whole, and a direct refusal of rights to the Indians in particular, such as I think can never be found in any other law or any other provisions of law that Congress in these days has ever passed.

I am free to say that when I read that humble petition and appeal to the Congress of the United States from the representatives of a nation which has emerged from its savage state to a high condition of civilization, from a people to whom we pledged a separate Territory and a separate government and separate courts, and the defense of their rights in their own way, I felt an indignation which I do not desire to express here to-day.

Now, sir, this bill should go to a committee, that the first principles of justice and of right, that the prime obligations of our treaties with these Indian tribes may be enacted in the bill, that rights may be protected by it, and that great wrongs may be avoided.

Sir, what is the use of having a separate Indian Territory for these nations that are becoming civilized and Christianized if, as they say, you may scatter along the whole line of interior communication the grog-shop and the theater, if you may plant right in their midst the worst seeds of evil and of crime and they have no voice in regard to it, for, as these delegates say, under the provisions of this act the company may build all along the line through the Indian Territory under the pretense of building houses and accommodations for the employés of the road, and they may scatter all through not only the residences of the employés, but the dram-shops to corrupt both employés and Indians.

I do not know that the Senate will adopt such amendments as ought to be made to make this bill conform to other bills such as are passed, even to go through the States and the Territories where there is the protection of general laws; but if not I hope before it is disposed of it will be committed to the committee, that they may incorporate into it some of the plain practical principles of justice and of right and of protection, not only to the property of the Indians but to their morals.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

The PRESIDING OFFICER. Is there any other amendment to the first section? If not, the second section will be read.

The Chief Clerk read section 2.

Mr. DAWES. I offer to this bill the same amendment that was adopted on my motion to the other bill, to strike out lines 14, 15, and 16 of section 2, and insert what I send to the desk, from the RECORD of yesterday.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 2, beginning at line 14, it is proposed to strike out:

That no part of the lands intended to be occupied for right of way or depot purposes shall be used except in such manner as may be necessary for the construction and convenient operation of said railroad, telegraph, and telephone.

And to insert in lieu thereof:

That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER. Is there any further amendment to the second section? If not, the third section will be read.

The Chief Clerk read section 3.

Mr. DAWES. In line 26 of section 3 I move to strike out the words:

One to be named by the Commissioner of Indian Affairs, one by the principal chief of the nation or tribe in which the land to be appropriated is situated, and one by said company.

And insert in place thereof:

To be appointed by the President.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. DAWES. That involves the necessity of another amendment in the fifth section, but perhaps I had better wait until that is reached.

The PRESIDING OFFICER. If there be no further amendment to section 3, the fourth section will be read.

The Chief Clerk read section 4.

The PRESIDING OFFICER. Are there amendments to this section? If not, the fifth section will be read.

The Chief Clerk read section 5.

Mr. DAWES. In line 32 of section 5, after the word "lands," I move to strike out:

Except that one of said referees shall be appointed by the council of the dissenting nation or tribe, instead of by its principal chief.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. HARRISON. I move to strike out the word "four," in line 25, and insert "twelve."

The section gives the council of the dissenting tribe four months after the filing of the maps of definite location. I do not know what their

laws may be, or how often their councils assemble; but as we are undertaking to fix their compensation here without consulting them, it seems to me that twelve months is not an unreasonable time to allow them to act on the question.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

The PRESIDING OFFICER. Are there other amendments to section 5? If none, section 6 will be read.

The Chief Clerk read section 6.

Mr. HARRISON. In line 2 of that section I move to strike out the word "general." It seems to be indicated by this that a map of location shall be filed, and that when filed it shall exclude the right of any person to settle upon that land. If that is to operate with any fairness at all, this location ought not to be the general route; it ought to be the specific and located route described in such a way that persons who might desire to settle on the land should be able to know by examining the profile whether they were within or without the right of way of this railway.

Mr. PLUMB. There is no objection to that amendment. It is very proper.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

Mr. HARRISON. At the end of the same section I move to insert the words:

And said location shall be approved by the Secretary of the Interior before work is begun.

Mr. PLUMB. That is all right. It is a similar amendment to one adopted on Saturday.

Mr. HARRISON. I do not know whether it comes in in the same relation to other matters in the bill, but I think it will do to put it in there.

The amendment was agreed to.

The PRESIDING OFFICER. Is there any further amendment to section 6? If not, section 7 will be read.

Mr. CONGER. I move, in line 12 of section 6, after the word "thereafter," to insert:

And shall complete said railroad within two years thereafter.

Mr. PLUMB. I call attention to the fact that in section 9 there is a limitation on the time of construction.

Mr. CONGER. This refers to grading the line. It does not take more than one man and a shovel to commence grading.

Shall commence grading said located line within six months thereafter.

There should be a limit to the time when it shall be completed.

Mr. PLUMB. All right.

The PRESIDING OFFICER. The amendment of the Senator from Michigan will be read.

The CHIEF CLERK. In section 6, line 12, after the word "thereafter," it is proposed to insert:

And shall complete said railroad within two years thereafter.

The amendment was agreed to.

The PRESIDING OFFICER. Is there any further amendment to section 6?

Mr. CONGER. I move to strike out the last part of section 6. It reads:

Or such location shall be void as to any occupant thereof.

I move to strike out the words "as to any occupant thereof," in lines 12 and 13, so as to read:

"Shall commence grading said located line within six months thereafter, and shall complete said railroad within two years thereafter, or such location shall be void."

It ought to be void as to the tribe and everybody if it be void at all.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Michigan.

The amendment was agreed to.

The PRESIDING OFFICER. Is there any further amendment to section 6?

Mr. CONGER. I have an amendment to the section, which I have not prepared now. I will prepare it hereafter.

The PRESIDING OFFICER. Section 7 will be read.

The Chief Clerk read section 7.

Mr. HARRISON. That is very clearly and palpably in violation of the treaties with these tribes, as I undertook to show the Senate on Saturday by reading from the treaties. I move to insert this from the tenth section of the Saint Louis and San Francisco charter, striking out section 7 and inserting this in lieu of it:

The officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior.

The amendment was agreed to.

Mr. CONGER. If I may be allowed now to go back to section 6, instead of taking it up at some other time, I will offer my amendment.

The PRESIDING OFFICER. If there be no objection the amendment of the Senator from Michigan to section 6 will be received.

Mr. CONGER. I move to strike out, in line 6, after the word "located," down to and including the word "company" at the end of line 8.

The PRESIDING OFFICER. The Senator from Michigan moves an amendment to strike out of section 6 the words which will be read.

The Chief Clerk read the words proposed to be stricken out, as follows:

And after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company.

Mr. CONGER. We have made provision that if the located line is not graded within a certain time and is not finished within two years the whole grant shall be void, but this provides that no Indian shall make any claim after the line is located.

Mr. PLUMB. I will say to the Senator from Michigan that there is no objection to the amendment at all. I have no doubt it will be adopted.

Mr. CONGER. These things that are so palpably wrong that the mere suggestion of them is sufficient to have them stricken out may affect very many rights. I think they call for a very critical examination of this bill and a little allusion to it once in a while. I will not make any further remarks on this amendment. My remarks are offensive somewhat, I think, to those who prepared the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. HARRISON. If the hour of 2 o'clock has arrived, I rise to move to proceed to the consideration of the pension bill; but I will not make the motion until this question is taken.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. CONGER. I call for the regular order. My amendment can come up at the proper time.

Mr. PLUMB. I move to continue the consideration of the bill under consideration.

The PRESIDING OFFICER. The regular order is business under Rule IX.

Mr. PLUMB. I move that the regular order be laid aside and that the Senate proceed with House bill 4680.

Mr. CONGER. The regular order must be laid before the Senate.

The PRESIDING OFFICER. The Chair is informed that there is no regular order other than to proceed under Rule IX.

Mr. HARRISON. I call the attention of the Chair to the fact that the occupant of the chair on Saturday said, as the Chair will find by referring to the RECORD, that under the unanimous consent given to proceed to the consideration of the Mexican pension bill he would deem it his duty to lay that bill before the Senate at 2 o'clock to-day.

The PRESIDING OFFICER. The Chair was not aware of that.

Mr. HARRISON. The statement in the RECORD is as follows:

The PRESIDING OFFICER. By what the Chair understood to be the unanimous consent of the Senate before proceeding to the consideration of the bills which have been considered, it was agreed that the Mexican pension bill should be proceeded with on Monday, in view of which fact the Chair regards it as his duty to lay that bill before the Senate before the adjournment to-day.

So that I think it is the unfinished business.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business.

Mr. PLUMB. Now I ask unanimous consent that the unfinished business may be laid aside informally——

Mr. CONGER. Let it be laid before the Senate.

Mr. PLUMB. Until House bill 4680 may be disposed of.

The PRESIDING OFFICER. The Chair did not distinctly hear the motion.

Mr. PLUMB. I ask unanimous consent that the unfinished business may be laid aside informally in order that the Senate continue the consideration of House bill 4680.

The PRESIDING OFFICER. Treating the Mexican pension bill as the unfinished business——

Mr. PLUMB. I understood the Chair decided that it was the unfinished business, and laid it before the Senate.

The PRESIDING OFFICER. The Chair so understood.

Mr. CONGER. It has not been laid before the Senate yet. Let it be laid before the Senate.

Mr. HARRISON. I ask the Senator from Kansas whether he had not better let this lie over until to-morrow morning?

Mr. PLUMB. If I had any encouragement to believe the bill would be taken up at any other time and considered with a disposition to accept the judgement of the Senate, I would not care; but if it goes over until to-morrow, I am sure it will occupy a great deal more time than if it is acted on now.

Mr. HARRISON. There are many of us who have no disposition to prevent the Senator from Kansas getting a vote on this bill but who still would be unwilling to vote to take up this railroad bill and postpone the Mexican pension bill.

Mr. PLUMB. We could pass it in less time than we are talking about it.

The PRESIDING OFFICER. The Chair is informed that as a matter of fact the presiding officer of the Senate at the adjournment on

Saturday did not lay the Mexican pension bill before the Senate as the unfinished business.

Mr. CONGER. But said it would come up at 2 o'clock to-day.

Mr. MITCHELL. The presiding officer so stated.

The PRESIDING OFFICER. He said he would lay it before the Senate, but the Chair is informed that he did not do so.

Mr. CONGER. But it was the agreement that at 2 o'clock to-day the Mexican pension bill should be the order of business.

The PRESIDING OFFICER. For the purposes of the Senator from Kansas it is quite immaterial whether the regular order be the Mexican pension bill or the Calendar under Rule IX. The Senator from Kansas moves to lay aside the pending business and proceed with the consideration of House bill 4680.

Mr. CONGER. The difference as I understand it is that in one case it requires a two-thirds vote to lay aside the regular order, and I think that is a very important consideration.

The PRESIDING OFFICER. The Chair thinks that a majority controls in this case. The question is on the motion of the Senator from Kansas to lay aside the pending business and proceed with the consideration of House bill 4680.

Mr. CONGER. I move to amend that by striking out——

Mr. CAMERON, of Wisconsin. It is not amendable.

Mr. CONGER. By inserting in place of this bill the Mexican pension bill.

Mr. CAMERON, of Wisconsin. I rise to a question of order that the motion made by the Senator from Michigan is not in order. This motion of the Senator from Kansas is not an amendable motion.

Mr. FRYE. Nor debatable?

Mr. CAMERON, of Wisconsin. Nor debatable either.

Mr. CONGER. That is before 2 o'clock. We are laboring now under the rule after 2 o'clock.

Mr. CAMERON, of Wisconsin. It does not make a particle of difference whether the motion was made before or after 2 o'clock.

The PRESIDING OFFICER. The Chair thinks the Senator from Wisconsin is correct in the point of order. The motion is not amendable or debatable.

Mr. MCMILLIN. I desire to ask the Chair what the pending business is.

The PRESIDING OFFICER. The Chair, so far as the present occupant is informed, thinks the regular order of business at 2 o'clock is proceeding with the Calendar under the ninth rule. Something was said on Saturday about treating the Mexican pension bill as unfinished business, but at the close of the session on Saturday the Chair did not lay it before the Senate as unfinished business, and the time of the Senate at that moment was occupied in a motion of the Senator from Colorado [Mr. HILL] concerning the postal telegraph bill, and the Senate adjourned with that motion pending.

Mr. MITCHELL. The Chair is mistaken in that. It was by unanimous consent. I read from the RECORD:

> The PRESIDING OFFICER. By what the Chair understood to be the unanimous consent of the Senate before proceeding to the consideration of the bills which have been considered, it was agreed that the Mexican pension bill should be proceeded with on Monday, in view of which fact the Chair regards it as his duty to lay that bill before the Senate before the adjournment to-day.

Later on the Chair said:

> The Chair will state that under an order of the Senate, if the Senate makes no order in conflict with that view of it, the Chair will lay before the Senate the Mexican pension bill before adjournment to-day, so as to leave it the unfinished business.

I understand in fact that it was not so laid before the Senate, but it was by unanimous consent made the special order for this time and so stated by the Chair. It appears to me that it is now in order.

Mr. SHERMAN. Here is the understanding stated by the presiding officer. I myself suggested that we had better let the Senator from Kansas [Mr. PLUMB] proceed with the Army appropriation bill, and after some colloquy, in which that understanding seemed to be arrived at, the presiding officer said:

> Is there objection to the suggestion made by the Senators from Ohio and Illinois, that the pension bill shall go over to-day with the understanding that it is to be proceeded with on Monday; that the unfinished business continue to be informally laid aside; and that the appropriation bill be now taken up? Is there objection? ["None!"] The Chair hears none.

Thereupon the Army bill was proceeded with, but it was with the distinct understanding that the pension bill was to come up at 2 o'clock to-day.

Mr. CAMERON, of Wisconsin. But in point of fact it was not laid before the Senate before the adjournment.

Mr. SHERMAN. That does not affect it.

Mr. CAMERON, of Wisconsin. Consequently no matter what the understanding was it lost its position as the special order.

Mr. SHERMAN. We have always regarded the unanimous consent of the Senate as the law of the Medes and Persians, never to be changed.

The PRESIDING OFFICER. The present occupant of the chair did not hear of these proceedings on Saturday, and, therefore, is dependent on the suggestions of Senators. If it was the unanimous agreement of the Senate on Saturday that at 2 o'clock on Monday the Mexican pension bill should be laid before the Senate as unfinished business, the Chair thinks that agreement must be carried out.

Mr. HARRIS. Mr. President, I chance to have occupied the chair at the time that these proceedings were had. The question was distinctly put upon the suggestion of the Senator from Ohio [Mr. SHERMAN] to lay aside the Mexican pension bill informally with the distinct understanding that at 2 o'clock on Monday it was to be taken up and proceeded with. The Chair announced that there was no objection, and that the Senate had unanimously consented to take the bill up at this time.

Late on Saturday evening there was a motion on the part of the Senator from Colorado [Mr. HILL] to proceed to the consideration of another bill, he announcing the object to make it the unfinished business. The Chair then announced that if by vote of the Senate that bill was taken up and not disposed of it would be the unfinished business, but, unless it was, the Chair understood by the unanimous consent of the Senate at 2 o'clock to-day the Mexican pension bill was to be taken up and proceeded with. I was occupying the chair at the adjournment, and thoughtlessly neglected to lay the Mexican pension bill, as I should have done, before the Senate; and having thoughtlessly failed to do so, the Senator from Wisconsin is right, technically; it is not the unfinished business; but according to the unanimous agreement of the Senate it ought to be proceeded with, and the Senate will have to violate what was a unanimous agreement on Saturday if it does not proceed with the Mexican pension bill at this hour to-day.

The PRESIDING OFFICER. The Chair suggests that the Mexican pension bill be laid before the Senate, and then the Senator from Kansas can move to lay it aside for the present and proceed with House bill 4680. Is there objection to that course of proceeding? The Chair hears none, and lays before the Senate as the unfinished business the bill (H. R. 5667) granting pensions to soldiers and sailors of the Mexican war, and for other purposes.

Mr. PLUMB. I move now that that be laid aside.

Mr. HARRIS. Unanimous consent is the only consent by which it can be laid aside.

Mr. PLUMB. I ask unanimous consent that it be informally laid aside, and that the Senate proceed with the consideration of House bill 4680.

Mr. CONGER. I object to that.

Mr. PLUMB. Then I move to postpone the consideration of the unfinished business until 4 o'clock to-day, in order that the Senate may proceed with the consideration of House bill 4680.

Mr. HARRIS. If the Senator from Kansas can not obtain unanimous consent, I shall not object to his proceeding with the bill, but I hope we shall not consume time in taking votes, and I should be bound, however willing I am to see the Senator's bill taken up and proceeded with to a conclusion, to vote against the motion to postpone.

Mr. HOAR. I do not know that there is any such motion known to our rules.

Mr. HARRIS. Let the Senator take his chances to get the bill up to-morrow and I will very cheerfully assist him to-morrow.

Mr. HOAR. I desire to raise the point that there is no such motion as to postpone a bill to a particular hour on the same day. That is an indefinite postponement.

Mr. PLUMB. I will then vary the request I have to make of the Senate, which is that by unanimous consent the bill which is now almost finished may be taken up immediately after the conclusion of the morning business to-morrow morning.

The PRESIDING OFFICER. The Chair did not understand the motion.

Mr. PLUMB. I was about to ask unanimous consent that the bill which has been under consideration during the morning hour, House bill 4680, may be taken up to-morrow morning at the close of morning business.

Mr. SHERMAN. You can move it yourself then.

Mr. PLUMB. I know I can, but I ask for an understanding now.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, shall be taken up immediately after the morning business to-morrow. Is there objection?

Mr. CONGER. The Senate on two or three occasions have by unanimous consent decided to take up during the morning hour, before 2 o'clock, the pension bills on our Calendar, and it was considering them when the railroad bills and bills of that class intervened and took away the consideration of pension bills to our soldiers. I have endeavored from day to day to bring up those pension bills, and as soon as there has been an opportunity to commence them, with one unfinished standing in the way of the others, these railroad bills drove away the pension bills in the only time they can be considered, the morning hour. For that reason I object.

The PRESIDING OFFICER. The Senator from Michigan objects to the proposition of the Senator from Kansas.

Mr. PLUMB. I give notice that to-morrow morning at the conclusion of the morning business, or, if it is not through by 1 o'clock, at 1 o'clock, I shall move to take up the bill which has been under consid-

eration this morning with a view to concluding it; and I now wish to say to the Senator who has charge of the Mexican pension bill, if any Senator has charge of it, that if its consideration is not concluded before to-morrow at 2 o'clock, I shall feel constrained under my obligation of duty to move to antagonize it with one or more of the bills reported from the Committee on Public Lands for the forfeiture of unearned land grants, and I do that for this purpose: If the Senate adjourns within a reasonable length of time, it must settle these bills some time and I shall have to discharge what I believe to be my duty at all events by calling the attention of the Senate to the matter, and to-morrow I shall move to take up the Atlantic and Pacific Railroad forfeiture bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. HAWLEY in the chair) laid before the Senate a communication from the Secretary of State, giving notice of the forwarding of a box of publications of the Spanish senate to the United States Senate, and inclosing a copy of a letter from the Spanish minister stating that an interchange of such documents is hereafter desired by his government; which, with the accompanying papers, was referred to the Committee on the Library, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers submitting a report from Major Amos Stickney, of the Corps of Engineers, upon the Natalbany River, Louisiana, with a view to its improvement, made to comply with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, recommending certain additions to the appropriation for deficiencies for the current and previous years; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, recommending that the act of July 15, 1882, be amended so as to require the petition of the claimant for land taken for the improvement of the water supply of the city of Washington to be filed within one year and six months from the publication of notice; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, recommending certain amendments to House bill No. 7235, making appropriations to supply deficiencies for 1884 and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting recommendation of the Light-House Board for the removal of Croatan light from its present location to Eight-Foot Knoll, North Carolina.

Mr. CONGER. The communication just read asks merely for an appropriation. The Light-House Board has made the recommendation. Sending it to the Committee on Commerce would only be to have it reported back with approval or disapproval of the recommendation of the Light-House Board and would not further the object of the communication. I suggest that it be referred to the Committee on Appropriations.

The PRESIDING OFFICER. If there be no objection, the communication will be referred to the Committee on Appropriations.

WARING UNDERGROUND SYSTEM.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate all information in his possession relating to the underground system, known as the Waring system, of telegraph and telephone conductors connecting the Capitol and the several Executive Departments.

JOSEPH MONTGOMERY.

Mr. FRYE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the contingent fund of the Senate to Joseph Montgomery the sum of $89.95, the amount due him for service as laborer in the Senate from July 17 to August 31, 1879.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. PENDLETON, Mr. CALL, Mr. BROWN, and Mr. JONES of Florida submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. RIDDLEBERGER, Mr. LAMAR, and Mr. MILLER of California submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO SUNDRY CIVIL BILL.

Mr. BAYARD and Mr. BLAIR submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee an Appropriations, and ordered to be printed.

ARMY APPROPRIATION BILL.

The PRESIDING OFFICER. The Chair will take the opportunity to lay before the Senate the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, with the action of the House of Representatives thereon.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 23, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

Mr. PLUMB. I move that the Senate insists on its amendment to the bill, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. LOGAN, Mr. PLUMB, and Mr. RANSOM were appointed.

MEXICAN WAR PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS], on which the Senator from Ohio [Mr. SHERMAN] is entitled to the floor.

Mr. SHERMAN. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. The proposed amendment is to add as an additional section the following:

SEC. 3. That section 2 of the act of March 3, 1879, chapter 187, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," be, and the same hereby is, amended so as to read as follows:

"SEC. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date in the service and in the line of duty, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability, or from the termination of the right of the party having prior title to such pension: *Provided*, That the application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of October, 1884, otherwise the pensions shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under 16 years of age: *Provided further*, That hereafter in the adjudication of claims involving arrears, in determining the amount of arrears due prior to the filing of the application, no distinction of rank shall be made and officers of all grades of the Army, Navy, and Marine Corps, their widows, children, and dependent relatives, shall be rated as to such arrears as enlisted men, their widows, children, and dependent relatives are now rated under existing laws."

Mr. SHERMAN. Mr. President, I regret very much to oppose any proposition that is favored by the Union soldiers of the American Army; and I perhaps should feel some hesitation in doing it only that I know very well that the soldiers themselves, like all other citizens, are divided in opinion as to this measure.

This proposition repeals all restriction as to time upon applications to be made for arrears of pensions and extends all pensions back to the war or date of discharge or disability not only of those who have heretofore applied, but of those who may hereafter apply. It removes absolutely all restrictions upon the applications for arrears of pensions. And if this only involved ten or even twenty million dollars, I might still hesitate, because I have always since the close of the war voted for every measure that has been offered in good faith for the benefit of the Union soldiers. My heart, my feelings, are all with them. I appreciate the value of their services, the enormous benefits they have conferred upon the people of America for generations yet unborn, and I hesitate therefore to oppose any wish that they may express through their organs.

But this proposition now affects the interest of all the people of the United States, not only soldiers, but citizens, those who have been born and become citizens since the right to a pension accrued; and therefore I am bound to consider the common good of all the people of the United

States as against the claims or demands of a portion of our soldiers, however meritorious they may be.

This measure involves an immense sum of money. That alone would not be conclusive. But here is a motion made by a Senator, without the report or sanction of any committee of this body, to put upon the people of the United States a great demand, ranging anywhere from $10,000,000 up to $246,000,000, a proposition so indefinite in character that the Commissioner of Pensions is utterly unable to give us any approximate estimate, but gives his guess as near as he can. He says that this proposition will involve the expenditure of $246,000,000. I believe that he has overestimated the amount that will be demanded, and I feel bound to say so. When the arrears-of-pension bill of 1879 was passed it was greatly underestimated in the Senate and by the Commissioner of Pensions. Now I think this is an overestimate. Still this claim for arrears of pension involves an enormous sum. There have been 138,000 pension claims filed since the limitation of July 1, 1880, for arrears of pension, and each of these 138,000 claimants can claim under this proposition arrears of pension from the date of the war or from the date of their discharge; and besides all persons filing their claims hereafter and prior to the 1st of October, 1884, can also file claims for arrears of pension.

But that is not all. We know just as well as we know the sun rolls around in its course that if we now remove the restriction imposed by the act of 1879, in the next Congress the restriction which we now endeavor to put upon the law will be removed, and it seems to me that it would be just that it should be removed. If Congress years ago, after a restriction had been in existence for several years, removed that restriction, as a matter of course we shall be called upon to remove our restriction; and if you once now again establish the precedent that there shall be no limitation at all to arrears of pension, then the limitation you now put upon this law will be mere waster paper; it will not prevent the filing of future applications or the future removal of this limitation.

Now, Mr. President, it must be remembered that this proposition comes to us not with the sanction of any committee. The Committee on Pensions of this body has not dared to take the responsibility of proposing this removal of that restriction. Although they are no doubt friendly to the pensioners, although the subject has been brought before them on bills pending before them, they have not taken the responsibility of doing it. The House of Representatives, which has this year considered pension bills a great deal and sent to us three or four very important bills enormously increasing the pension-list, did not dare to remove this limitation, although they were considering the subject in the most liberal way.

And now upon the motion of a single Senator we are to do this upon a very doubtful estimate from the Department, with no recommendation from the Department. The Commissioner of Pensions does not invite it; the Secretary of the Interior does not invite it; no executive officer of the country advises it; our own committees do not advise it; the House of Representatives do not ask it. We are required upon a vote at the heel of the session to pass upon this important proposition on the motion of a single Senator, no doubt warmly supported as it is by the natural feelings of every man in this body, and especially of every man who was on the Union side in the recent war.

I merely mention these things to show you that this is a proposition of vital importance, that demands and must receive the considerate attention of the Senate. I do not like to stand in the way of this measure. I know that other Senators around me do not like to do it. We are compelled to vote upon a proposition against our hearts and feelings and solely on account of public reasons affecting the whole people of the United States.

I ask Senators whether this is a time at which we should make this enormous enlargement upon the immediate demands on the Treasury of the United States? When the Senate, in January, 1879, proposed to remove the then existing limitations upon arrears of pension it was at a time of great plenty; it was at a time when the resumption of specie payments had fully accomplished its work, and when the receipts of the Treasury were increasing enormously at the rate of fifty or one hundred million dollars a year.

Then, in 1879, Congress removed the limitations which had previously existed on pension. But it was a time very different from now. Then it was a time of plenty; there was an overflowing Treasury; but now we are in the times of pinch. Our revenues are already falling off. We know that the shrinkage in values in this country within the last year has been enormous, and is going on day by day, so that properties which were considered very valuable are now considered comparatively worthless and are scarcely the basis of credit. It is a time of uncertainty, which no man can doubt, the severity of which no man can doubt. We are called upon to assume a liability which an executive officer tells us will involve this year, or next year, or within the reach of the operation of this law, this enormous sum of money. I say, for one, much as I regret to oppose the proposition, I am compelled to do so.

The mere amount would not deter me if there was a legal demand and promise to pay. If there was a contract existing between the United States of America and these soldiers that we would pay them from the date of their discharge to this time, I would throw to the winds all considerations of severity upon the people of the United States; I would say we will fulfill our contracts and do by these soldiers what we would do by our bondholders or any other creditors, but I deny *in toto* that there is any obligation in law or in morals or in good faith to our soldiers to remove the restrictions of existing law as to the time and effect of filing their applications.

My honorable friend from Maine [Mr. FRYE], no doubt caught by the captivating argument of the Senator from Kansas [Mr. INGALLS], yielded his obedience to that argument and said he would vote for this sum of money. The very same authorities that were read in my presence, the very same laws that were read that convinced my friend from Maine, only strengthened me in the opinion that the time had come when we should not remove this limitation if we had any regard for the good of the people of this country.

Let us look at these laws—and I intend to refer to them as the Senator from Kansas did. I have looked at all these laws and I say here that from the close of the civil war until the passage of the act of 1879 there was always a restriction upon an application for arrears of pension. The law was imperative and very clear. Without reading all the laws read by the Senator from Kansas—and if I misquote the effect of them I will read them, because I have them all here to refer to—let me refer to the act of 1862, which was the first he read, which was the contract, if any was made. If there was any contract between the soldier and the United States, it was the acts of 1862 and 1864.

In the law of 1862 there was an express provision that if the application for a pension was not made within one year after the disability had accrued the pension should only take effect from the time of the application. Only one year was allowed, because at that time it was seen that if pensions were allowed to accrue and pile up on each other year after year there might be created a demand upon the Government which it would be most difficult and perhaps at times impossible to meet. Therefore when these services were being rendered in 1862, in the first act on this subject there was a limitation that the application should be made within one year after the disability, or else the pension should only commence from the date of the application. So in the act of 1864, the war still going on, the limitation was extended to three years, so that if a soldier entitled to a pension failed to apply for it within three years after the disability he could only receive his pension from the date of the application.

These were the contracts, if there was anything in the form of a contract, if a statute could make a contract. I deny that a statute of this kind is in the nature of a contract; it is a mere provision fixing the bounty or gift to be made by the Government of the United States. These soldiers were then fighting in our cause. If a contract was made it was made then, and by these two laws there was an express limitation as against arrears of pensions, in one case one year, and in the other case three years, so that if application was not made within this limited period of time the pension commenced from the date of the application.

That is the principle upon which Congress has uniformly acted. In all the bills that are now reported to us the pension uniformly takes effect in the deserving cases acted on in special bills from the date of the passage of the act. That is even more restricted than I should be willing to go, because I think we ought to go back to the date of the application in the Pension Office.

But in all our laws from beginning to end on this subject there have been limitations. So there are limitations as to all other claims upon the Government of the United States. There can be no limitation on Congress, because Congress can exercise full plenary powers and make appropriations that every executive officer must obey; but whenever we have regulated the action of an executive officer or of a court we have always limited that demand by some reasonable rule of limitation. We have established courts for the trial of cotton claims; we have established courts for the trial of claims of all kinds, and in every case we have made a limitation requiring that the demands should only bear interest or should commence from the date of the application or from some other fixed time, and that they should be made within five years or within three years; and executive officers are bound to observe the limitation.

Let us go a little further. In 1866 the war was over. Congress was generous to the soldiers, more generous in this country than in any other country of the civilized world; and rightly so, because the men they were dealing with were our own flesh and blood; they were men who volunteered to render important services to the country. Even after the war was over this same limitation was extended somewhat, but still applied, and a limitation of five years was fixed by the act of 1866, and if the claim was not filed within five years then no arrears were granted beyond the time of the date of the application.

Again, at a later period, I think in 1873 (the law was quoted by the Senator from Kansas correctly), it says expressly in the part of the statute he read and also in the clause which he did not read, that if application was not made within five years from the date of disability the arrears of pension should only be counted from the date of the filing of the last paper in the Pension Office. That was still more restrictive. They did not even go back to the date of the application, but to the date when the soldier had furnished all the evidence required by the

law to secure him a pension, and his pension only commenced from the date when he filed his last paper, if the application was for a pension that occurred before the five years commenced.

So the law continued until the Senator from Kansas offered his bill in 1879 under the favorable circumstances that I have mentioned. That act broke down all the old limitations, barriers, and restrictions that up to that time had been contained in every pension law that had been passed by the Government of the United States. They all provided that after a certain time if the application extended beyond a period of years the applicant should have arrears of pension only from the date of application or from the time the proof was made complete. So these limitations continued in all our laws.

It was in 1879, under the circumstances I have mentioned, that the act for granting arrears of pension without limit as to time was passed. The first law that was passed excited surprise and remark. It was a loosely worded law, because it expressly provided that when arrears of pension were granted under the law of 1879 the same rate of pension that was granted then should extend back and apply to all the time that occurred after the death or disability. Although the soldier might have been slightly sick and partially well, or with a slight debility, yet by the particular features of that law the pension was granted at the full rate according to the condition of the pensioner at the time of his application.

But at the same session of the Congress which passed the law of 1879, by an amendment to an appropriation bill, seeing how dangerous were the provisions as they stood in the law of 1879, Congress limited the application and stated that in no case should the amount of pension extend beyond the character of disability at the time; so that all persons applying for arrears of pension under the act of 1879 as amended in the appropriation act of that session were compelled to show year by year the state of health, the condition of disability; and the amount of pension was limited by the condition from time to time.

In that same appropriation act there was a limit to applications for arrears of pensions to the 1st of July, 1880. It was a limitation made on sober second thought, made by the same Congress that granted the broad and general application for arrears. Under that law we have paid out, or there is now accruing, probably $100,000,000. I take the figures as they were given to me by the chairman of the Committee on Pensions.

Now, we are asked to extend the limitation, although Congress definitely fixed it so clearly that every soldier in this broad land of ours knew that from and after the 1st day of July, 1880, Congress had declared that all applications for arrears should cease. I believe that this law has been substantially acquiesced in. A few hard cases probably that appeal strongly to our sensibilities can be very well provided for by special acts. No application could be made for arrears of pension after July 1, 1880. Whenever any applications have been made to Congress in private bills, setting up special cases of hardships, they have been granted by Congress only from the passage of the act. If there are any such I should be glad to be informed by any member of the Committee on Pensions. Congress has uniformly acted upon this idea, and they have never had a case yet presented to them furnishing so strong a case in equity that they would extend a pension back and before the period of the passage of the act.

It was believed by the people of the United States that there was a limit to the arrears of pensions; that whatever we might see proper to give from time to time by our pension bills to the soldiers of the Union Army, to the soldiers of the Mexican war, or to the soldiers of our various wars, at least arrears of pension were not to be allowed by the express provision of the law. The business men of this country, the people of this country, the soldiers of the country, officers and men, knowing the law, have acquiesced in the justice of the principle.

It may be said if this money is justly due to the soldier that his mere neglect to apply for it for twenty years after his disability does not lessen the liability of the Government. He may have thought he would get well or something of that kind. I have had many touching letters of that character. Why, it is said, should he be cut off by a statute of limitations from claiming a pension back for his sufferings during all the twenty years? The answer to that is that no government in the world could live and endure and pay its obligations if it should undertake to cover all the equities past and all the arrearages that might be conjured up by the misfortunes of the future.

It may be that the Government of the United States would not be able at some time or other to pay the enormous sum that would be thus presented under the arrears of pensions. No government could act upon such a principle.

It is not right for the soldier to apply for the arrears. He knew the existence of the law, and why should he be allowed now to come in and make a demand for $4,000, $5,000, or $6,000 for the twenty years last past, thus throwing upon the Government an enormous demand which he refused for twenty years even to present to the Government? He does not stand in the light of one who had a right to make an appeal to us. Why did he not present the claim for pension before? Perhaps because he did not desire it, or because he was too proud to receive a pension from the Government. Perhaps he thought his disability would pass away. But he waived the demand. In every case he must have waived the demand. Three times he has had an opportunity under the existing law to present a claim for arrears of pension. The broadest latitude was given to him under the act of 1879. If, then, he did forego the opportunity to present his claim at a time when the law tendered him the money, he has no right now to embarrass the Government with his old claim, barred by the law and waived by his own neglect.

When these claims are presented now they are decided upon *ex parte* testimony. Time has obliterated many of the evidences which existed in the way of presenting any defense to these claims. They are founded upon *ex parte* testimony, now given under a strong bias of feeling. I know many neighborhoods where an application made for arrears of pension, or any application by a soldier of the Union Army, I do not care what it is, meets with the warm and generous feeling of every man. The result is that these claims are sometimes presented upon testimony *ex parte* in its nature which the Government is not at all prepared to resist.

I put my action upon the broad ground that no soldier who for a long period of time has waived his right to demand a pension has now a moral right or a moral equity to embarrass us with his old back claim for a pension which he has refused to assert for twenty years. Sir, twenty years would give absolute title to the possession of land in almost every State in the Union. Twenty years obliterates all the evidence by which these claims can be resisted. Twenty years would cut off the payment of a bond or a note, or even of a judgment. By the laws of all the States even a judgment is presumed to be paid after the lapse of fifteen years. Every debt yields to time, and time must cut off the claims of the soldier. The soldier who did not assert his claim within the time fixed by the law loses not only his legal obligation but he loses his moral obligation to demand it after that time.

I believe the assertion of this enormous claim at this time against the Government of the United States will be embarrassing even to the people of the United States. It would break down all restrictions upon claims hereafter. There would be no limit hereafter put upon them. You might as well strike down the proposition to limit it to some time this year.

For these reasons, without wasting any more time of the Senate, I shall feel reluctantly bound to vote against the pending proposition. I wish to see the bill amended with ample provisions to provide for such cases of hardship as have occurred in the lapse of time; but I would limit the application and all the relief we grant from and after the time the application is made.

With some knowledge of the feeling of the soldiers I do not believe they desire that large sums of money should now be given to soldiers who have lain idly by, who have refused to receive their pensions, I do not believe there is any general feeling of that kind. It is unjust to those who made their application in due time, and who have already received the money without embarrassment to the Treasury.

Executive officers of the Government can estimate and provide ample revenues to meet existing laws, but no sagacity would enable Congress to provide for claims not presented when payable, and asserted only at a period of hardship, to the amount of $246,000,000. There is no equity in it.

But there are classes of cases which do appeal to our sympathy, and which will command my vote to the fullest extent. There are many thousands, perhaps a hundred thousand soldiers, who may not be able, by the formal proof required by the Department under the existing law, to establish their claim. They may be disabled, sick, poor, needy, and dependent, but they may not be able to trace the cause of their disease back to the war. Nothing is more difficult, so the medical authorities say, than to state the origin and cause of disease.

I am therefore willing in this bill to give relief to every Union soldier who now labors under a disability which prevents him from laboring for himself and supporting his family. I am in favor of giving him relief with reasonable modifications, the restrictions contained in one of the pending amendments. If it appears his disability was caused by his own faults or his own vices I would not allow him anything except where the disability may be fairly or inferentially traced back to the war and he is dependent now upon his own labor—not the dependence of the rich farmer, with his bountiful crops, and cattle, and horses upon a thousand hills, but upon any man who is really needy and dependent upon others for support or upon his own labor, when he is unable to perform labor, I am willing to give him a pension even if he can not trace the disability back to the war, because after a service of two, three, or four years under the terrible strain that rested upon our Union soldiers in the war the fair inference is that if he is now disabled by certain classes of disease it may be reasonably inferred that he is disabled as a consequence of the war. I am willing to resolve all those doubts in his favor and give him now, whatever it may cost, a pension to the amount necessary to support him in the few years of his declining life if he is able to say that he is disabled from and dependent upon his labor, and that from the nature of the disability he probably was indebted to the war for that disability.

I am willing to go further than that. I am willing to relieve him from all unreasonable rules of testimony. The rule of the law and the rule of the Department which requires him to prove that when he en-

tered the service he was a sound and able-bodied man was an unreasonable rule, because the Government only accepted sound and able men as reported by physicians competent and skilled in their art. I am willing to relieve him from all proof of that kind and assume that in every case where he was received as a soldier and served as a soldier he was a sound man when he entered the war.

I am also anxious and desirous of relieving those soldiers who left the Army at the close of the war, when the war was really over, after Grant and Sherman had marched their forces here in the presence of all the officers of the Government, when every hostile gun was laid down in submission in the South, when every rebel army was broken up. I am willing to give such a person the benefit of a full and honorable discharge, as having served through the war faithfully and truly, if his record so proves it. I believe there have been no cases of hardship so great, none so distressing, as those where good men, brave men, good soldiers, left the ranks after the war was over when they were sent off to fight Indians or sent into Texas to fight Mexico or held in durance vile, as they thought, more than a year after the war. Those persons ought to be relieved from the charge which has been made untruthfully, falsely, upon the records of the War Department against them.

I admire the manhood of the men. I have a letter before me stating the case of a man who, when he was ordered out to Utah three months after the war was over, told his officer that when he arrived at his home and they passed by it he intended to leave, giving him fair notice, and that whenever they demanded his service or wished to try him in any way his address was well known; that he had served out his time; that now his duty was to his wife and his children, having performed his full duty to the country, and he left the Army after the war was over in full compliance with the terms of his enlistment. To say that a Secretary of War or some officer of the Government could extend the period of that enlistment to some other war or some other trouble was an outrage and a shame, and I would relieve all persons who asserted their rights under the law and dared the authorities to arrest them and try them as deserters, who wanted a chance even to appeal to civil courts to pass upon the question of the duration of their term of service. I admire the spirit of those men, and I want now to relieve them and place them on the same footing as those who did go on and fight the Indians or who lay in Texas for months afterward, and who were finally disbanded when their services were no longer required anywhere on the face of the world.

Any reasonable demand made by Union soldiers I shall respond to as heartily as any one, but when their demand involves dangers to the people of this country or are unreasonable, I have the courage, I trust, to vote according to my convictions, even though it may be misunderstood by those for whom I have sincere respect. This is all I have to say.

Mr. CONGER. Mr. President, in the act of 1879 the removal of the limitation was extended one year and five months from the time the law was passed until July, 1880. The laws were not printed for weeks after that so as to be accessible to anybody. They were not circulated for months after the passage of that law. Those soldiers who knew the law and could present their claims presented them. There were thousands and tens of thousands of soldiers just as much entitled to arrearages of pensions who had no opportunity to present their claims and bring themselves within the law. There were hundreds and thousands of soldiers who placed in the hands of pension attorneys their claims that were not presented so to bring them within the law until after the time had passed, though no fault of those seeking pensions. There is no reason in law or in equity why that restriction of time should be applied to soldiers scattered through all the States of the Union, living in obscurity, living upon their own daily efforts for their bread, unacquainted with law, not knowing what beneficial law had been passed. There is no more reason why if they are entitled to arrearages of pension under that law they should not have them than that those who had them should not have them.

Sir, the time when the Government requires an application to be made is merely an intimation, a hint to those who may desire to claim the benefits of a pension to bring forward their claims as fast and as rapidly as they could and present them. It does not question the legality, it does not question the principle of the law. It is a mere notice to those who may claim it to come in as soon as they can. They failed to do that. Some of the cases most demanding pensions and most demanding arrears of pension within the knowledge of us all are those who failed in that year and five months, or you might almost say in the five months when you might reasonably suppose notice to have been spread through the different parts of the country where they could have been known, from availing themselves of the law.

So it is the opinion of the great body of the soldiers who survived, whether they have a right to pensions themselves or not, that that limitation ought to be removed. The great body of the defenders of this nation come solemnly before Congress in long array, by the resolutions of their Army posts, in all the ways in which they can express their views to Congress, and say "it is but just and right that our comrades who are entitled to pensions should receive them, although from motives of patriotism, or from believing that they could subsist without calling upon their Government, they neglected within that year and five months to present their claims."

But, sir, there is another consideration to which I wish to call the attention of the Senate. Arrearages of pensions do not carry any given amount of pension down through the years that have passed. Arrearages of pension, if I understand it aright, only calculate arrears according to the character and nature of disability from year to year. Admitting that, soldiers might not have been able to show such disability for the first five years or the first ten years since the war as to entitle them to a pension at all. They would be entitled to no arrears of pension. If they were entitled to $2 a month pension, as their proofs must show, their arrearages will only cover that, if I am right in my supposition. So if one of these pensioners is entitled to-day to $8 a month, and five years ago he was not entitled to a pension at all, and two years ago was only entitled to $4 a month, the arrearages are graded through all those years—some years no pension and no arrearages; some years a small pension and the corresponding amount of arrearages.

But I can not refuse to vote for this proposition with any feeling or consciousness that I am doing justice to men who have the same right to a pension with others who have received them, and who have the same right to arrearages of pension during the years that have passed that they would have had to a pension if their claims had been allowed. It is just; it is equitable.

In my judgment, the amount which would be demanded to meet these arrearages, running down through the grades of the past years, will not be and can not be in their very nature as great as has been suggested here. But if they are as great, when this session of Congress started the cry was given to the country that the Treasury was so full that from the sources of revenue known as customs duties the money was flowing into the Treasury in so great a quantity that it was absolutely necessary for morals and for good government to restrain that inward flow and prevent the accumulation which would be demoralizing to the country if it was permitted to go on.

Ah, sir, how much does it demoralize the country if that flow of money comes into the Treasury from one direction and flows out to sustain life and breath in the poor, crippled soldiers who made the country and saved the country which could have a treasury, and made it so profitable and so great and so growing that its ordinary accumulations filled the Treasury, to pay the little pittance to those who gave their power to have a treasury at all.

Every day, every week, every month of this session the pages of the RECORD are full of propositions from all kinds and classes and conditions of men in the House and in the Senate to find some way to stop the overflowing of our Treasury, even up until within the last two days; and yet we are met with the proposition that an overflowing Treasury is demoralizing the country, on the one hand, and, on the other, that we can not hold out the cup of cold water or the crust of bread to the saviors of the country.

If there be vitality enough left in the poor, sickly, worn-out soldiers who as yet have received no bounties from the Government, no pension to aid them in their sufferings and in their hunger—I say if there was life enough to warrant the exertion there must come a sardonic smile over the faces of these dying pensioners at the absurdity of the propositions laid before this Congress, the Senate and the House; and although their smile might be a ghastly smile, it would be one of derision for the men who refuse them the pittance they are entitled to receive and fear the demoralization of the country because there is already too much money in the Treasury and no way to dispose of it.

Mr. INGALLS. Mr. President, the Senator from Ohio [Mr. SHERMAN] is one of the most eminent and illustrious of the living representatives of that great political organization at whose birth he assisted. He has been long in the public service. He promoted very largely the legislation by which the war for the Union was successfully waged to its close. He has been a Representative and Senator in Congress. He has been a distinguished finance minister. He has had respectable pretensions to the chief executive office of the nation. It will be gratifying to the country to understand that he deliberately announces the doctrine that pensions to the surviving soldiers of the war for the Union are not a contract, but that they are a charity or a gratuity which the nation can give or withhold as it pleases; that, in other words, the nation regards those who assumed those obligations which might, and in nearly half a million cases did, demand the sacrifice of life on the part of the enlisted men, in all those cases with regard to the survivors of those who were slain, with regard to those who were disabled and mutilated in the service, it rests with the Government to do precisely as it pleases, to give or to withhold a pension; that we are authorized under the contract of enlistment to treat the mutilated and disabled soldier as a hospitable and charitable citizen treats the vagrant and the tramp who applies at his area-door for a mouthful of food to keep him from starvation. I do not think the Senator from Ohio would have obtained many responses to the appeals which I have no doubt he made for the filling up of the gallant and courageous regiments that served from the State of Ohio if he had announced in that perilous period from 1861 to 1865 that there was no contract by which the surviving disabled soldier or the survivors of the families of those who perished should receive a pension.

The Senator states that he is not deterred in his vote against the proposed amendment by any considerations of the enormous sum of money that will be required to make this legislation effectual, if it should be adopted as the law. He alludes to the condition of the Treasury in 1879. He refers to the fact that then the Treasury, as he says, was in an overflowing condition, and intimates that one great reason why this amendment should not be adopted, and why what he calls these unjust and stale and oppressive claims, upon which these soldiers have slept for twenty years, should not be allowed, is because we are in a condition of poverty and apprehension of danger in the future. If I have been able to read correctly the reports of the different officers of the Treasury as to the financial condition of the United States at this time, it is one of plethora and not of penury. The great difficulty that we have to contend with is how to get rid of our surplus in some respectable way. There is more money coming into the Treasury from the ordinary resources and ordinary revenue than we can possibly appropriate; and yet the Senator from Ohio gravely assures us that with regard to an amendment which will provide for an appropriation to be extended over a period of four, five, or six years he is going to vote againt it because it will result in danger and disaster to the country.

It seems to me that that consideration is hardly worthy of refutation. When we reflect upon the appropriations that have been made, the appropriations that are pending, the demands that have been supported by the Senator himself upon repeated occasions during this session, I do not think he really wants the country to understand that there is such a diminution of the revenues as threatens us with serious danger with regard to the necessary expenditures of the country, both for the interest on the public debt and for the support of all the departments of the Government. I do not believe the Senator from Ohio is absolutely sincere in that declaration, or if he is sincere I doubt whether he has sufficiently examined the question to be able to pronounce an authoritative opinion, because I believe that the estimate of those most competent to judge is that after all demands this year have been satisified there will be a surplus revenue of from $60,000,000 to $100,000,000.

I do not propose to rehearse the statement that I made when I was last upon the floor with regard to the action that has been taken by Congress upon the subject of the time when pensions, if allowed, are to commence to run, but I will ask the Senator from Ohio if he does not know that in the case of every pensioner who filed his application prior to July 1, 1880, when the pensions were allowed he has been paid from the date of his disability? I will ask him further with regard to all those cases filed before that day in which the application is pending but not yet allowed, in case the allowance is made, if he is not also equally informed that the pension when allowed will date from the discharge or disability?

The Senator from Ohio says there can be no contract; that there can be no possible obligation resting upon the Government in consequence of our preceding legislation. Does the Senator gravely argue here, that five consecutive acts of Congress, adopted after debate, approved by the President of the United States, acted upon year by year, form no binding and obligatory precedent upon which these men had a right to rely? It appears to me, with all deference to the great experience and to the vast services and to the eminent standing of the Senator from Ohio, that unless he can base his objection to this amendment upon more substantial grounds than he has yet presented, they are not such as to entitle them to be considered by a majority of his party associates.

If I remember correctly—and I do not think my memory is treacherous upon this subject—a Republican State convention in Ohio within two years adopted as one of the principles of its platform a distinctive declaration that the limitation in the arrears act of 1879 ought to be removed. I know that a Republican State convention in the State of Iowa did the same thing, and I am equally confident, because I read it in the hearing of the Senate the other day, that the national convention of the party to which the Senator belongs, assembled during the current month, deliberately adopted and avowed as one of its declarations a resolution to the effect that the limitation in the act of January 25, 1879. ought to be repealed. Yet before the ink with which that declaration was drawn is dry, while it is yet moist upon the paper on which it was written, the Senator from Ohio deliberately disavows it, and declares that it is not binding upon the conscience nor upon the political action of any of those who may be called upon to vote on the proposition when it is presented.

I am not the custodian of any man's conscience. I do not assume to suggest that in any manner whatever the widest possible liberty of individual judgment should be infringed or abridged. I assert and maintain that right for myself and I concede it to others; but I say if that declaration is to be disregarded, if it is to be declared by those who are most competent to speak as in no sense whatever obligatory as as a declaration of party faith or party action, then it will be entirely legitimate for any opponent of the Republican party to say that all declarations may be equally disregarded. If that is to be understood to be the rule upon which declarations of party faith are made and by which they are to be regarded, then no political organization can satisfactorily establish a claim to public confidence. It would be well in my judgment for party managers, like the controllers of successful railroad corporations, to put in full notice, for the observation of all mankind, a declaration that passengers are not allowed to stand on the platform.

The Senator from Ohio has seen fit to characterize the legislation that has been had upon this subject hitherto as ill-advised and improvident; to say that it was sentimental and emotional; that it did not arise out of any contract; that it did not spring from an obligation which had been recognized by repeated acts of legislation; but it was an ebullition of beneficence and charity that Congress saw fit to enact in 1879 and in preceding years. He intimates that no soldier who served his country in her time of need and of peril has any right after the expiration of the period of time that has elapsed since the war closed to come in and harass and annoy and embarrass the Government by setting up a pretension to claims whose validity he has waived by his failure to apply for their recognition.

In the face of the intimation of the Senator from Ohio with regard to the effects of the act of 1879, I beg leave to say that, in my judgment, it was one of the most beneficent statutes that any Congress ever enacted. I wish the Senator from Ohio, or those who are opposed to the pending amendment to the bill, would be good enough in their specifications to declare what interest of the Government ever suffered in consequence of the demands made upon the Treasury by that statute. The interest upon the public debt has always been paid. Every department of the Government, the Army, the Navy, and the Interior, has been amply supported. The public credit has been sustained. If any interest of this Government has suffered I have certainly yet failed to hear of it. The money that was appropriated under that statute did not go abroad, nor was it retained at home to swell the coffers of the opulent. It went into the hands of those who needed it. It served to support those who were in many cases suffering for the necessaries of life. It paid off debts upon the farm and the homestead; it sufficed to educate children; it enabled many a suffering wife and mother to obtain relief from demands that would otherwise have been fatal to her health and to her happiness. I contend that in every way in which it can be regarded, so far from having been a statute that was detrimental or injurious or pernicious, it was beneficent in every aspect of the case, and if there is any reason that has been offered, any that can be presented, why this amendment should not be adopted I have yet to hear it.

The Senator from Ohio in his allusion to the statutes which I read the other day, failed to quote all to which I called the attention of the Senate. He read partially from three enactments, but there were five in all; and in each one of those enactments the principle was distinctly recognized that whenever the right to a pension was established satisfactorily to the Department then the payment was to begin from the date of the discharge of the pensioner or from the time when the disability was incurred. The Senator did not refute, and he can not refute, the other controlling and conclusive fact that with regard to all those pensioners who made their application prior to July 1, 1880, this principle has been recognized, and it is not true, as the Senator from Ohio would seem to argue, that here was a donation or a gift of any specific amount of money to a pensioner to which he was not entitled under his contract. It was simply the declaration that when he was found to be pensionable the rate of pension should run from the time when the disability was proven to have existed.

Mr. SHERMAN. Mr. President, a few words only in reply to the Senator from Kansas. He says that under all the laws read by him the pension commences from the date of disability. I assert with equal confidence that all the pensions under laws prior to 1879 commenced from the date of disability if they were applied for within the period of limitation prescribed by the act, and that in all the laws he read from every one of them contained a period of limitation commencing with one year, then during the war three years, then after the war five years, and it was so continued.

I admit that all arrears of pensions were paid under the act of 1879, but that was the law which authorized all pensions, without respect to limitation, to commence from the date of disability. I believe I am correct in that.

Mr. INGALLS. The Senator is entirely incorrect. In one of the statutes that I read there is an express declaration that the Commissioner of Pensions shall immediately adjust the arrears that are found to be due under the extension and pay them to the parties.

Mr. SHERMAN. I have the statutes all here marked, and I can take occasion to put them in.

I again assert that the law in every case says that if the claim is filed within a period of five years, or three years, or one year, then in such case the pension shall commence with the date of disability; but if it is filed after the period of one year, or three years, or five years, as the case may be, it shall commence in some cases from the date of application and in other cases from the time the last paper was filed; so that great masses of applicants were excluded from all arrears of pension in every case where they filed the claim after the period of limitation applied.

Mr. INGALLS. The act of 1879 did exactly the same thing.

Mr. SHERMAN. Under the act of 1879 all these cases were opened and arrears of pension were paid, even the claims that had been previously settled under the pre-existing law.

Mr. INGALLS. I know the Senator does not wish to misrepresent

the facts, because the Senator would not claim that under the act of 1879 applicants received double arrearages.

Mr. SHERMAN. No, not double arrearages.

Mr. INGALLS. Exactly; but the impression the Senator makes is that they received double arrearages.

Mr. SHERMAN. The limitations are all in the same language, except a difference as to time:

And in cases in which the application is not filed during the said year, pensions granted to persons employed as aforesaid shall commence with the date of the filing of the application.

In the great mass of the pensions granted on claims made between 1866 and 1873, the claimants got pensions only from the date of their applications, because their applications were filed after the three years or after the five years fixed by law; but the act of 1879 gave all the persons who had received their pensions back pensions for all the time before that. That is perfectly manifest, and it is shown by the public documents.

The Senator says that I commented severely upon the act of 1879. I say that act was confessedly defective, because Congress at the same session by another law changed very materially its most important features. For instance, the act of January, 1879, expressly provided that the rate of pension fixed at the time of the granting of the application should extend back to the date of disability, and under that ruling and the construction of the plain language of the law, large sums of money were paid for a time when there was no disability. The rate fixed at the time the application was acted upon ran clear back to 1862, or whatever time the discharge occurred. Congress hastily in the same session corrected that by declaring that the disability should only be fixed from time to time and from year to year.

Again, the act of January, 1879, omitted all period of limitation, while Congress at the same session changed that and fixed the limitation on the 1st of July, 1880, falling back upon a period of limitation.

I say, whatever may be thought of the principle of the act of 1879, it was defective in these important particulars, the correction of which vitally changed the character of it, and very largely saved the Government from unreasonable applications for pensions.

But that is not all. My friend from Kansas now, I think for the first time in the Senate (I have never known it before), introduces a party platform as a guide for us in our legislative duties here as sworn Senators representing States. If that has ever been done before I do not remember it. He not only quotes the national platform, but he quotes the platforms of State conventions as our guide. When I remember how those platforms are framed, and I have participated in framing some of them; when I remember how even the national platform of our great party was framed recently at Chicago by some forty-two men meeting in sweltering heat for three or four hours, men some of whom had never seen each other before, who were suddenly called upon to frame a platform embracing every object of public policy, every desire of the Republican party, and put it in set phrase in four hours, to be reported on the spur of the moment—to call that the guide of Senators and to influence Senators in deliberate action on their public duty here, I think is extraordinary.

Sir, I have as much respect for the opinions of my associates and my party as anybody else, or as anybody ought to have; but I assume that it is the Congress of the United States, chosen according to the Constitution, which must prescribe the laws of this country, and while the party platforms may indicate the general tendency and policy of a party, I believe this is the first time in the American Senate when party creeds have been read to us to influence our action. Our Democratic friends would be in a sorry predicament if I should read the various party platforms that have been made for them in the last twenty years for their guide on the tariff question.

Mr. EDMUNDS. They are in a sorry predicament anyway.

Mr. SHERMAN. They are in a sorry predicament any way, my friend suggests. So they are; but I take it that in the Congress of the United States each Senator for himself in the performance of his sworn duty must do what he thinks is right, and certainly must have some better guide than a mere party platform hastily reported in the manner in which I have stated.

The very fact that in the act of 1879 there was a limitation made by the Republicans, made by the Senator himself, shows that there is wisdom in these limitations; and now his effort to abrogate the limitation without the report of any committee of this body, merely founded upon the earnest desire we all have to do what is right to be done for the soldiers of our country, is the best exposition of this movement, if it should succeed, that I could possibly give. Even in this measure we have fixed a period of limitation of only four months.

The Senator from Michigan [Mr. CONGER] complains that the soldiers had only a year and a half to know of the limitation under the law of 1879, and that some of them did not see it. Sir, that is a commentary upon the intelligence of our brave soldiers that I did not expect to hear from any one. Every man who served in the Union Army knew not only of the grant of arrears of pensions, but knew the limitation of that grant, and every man who desired to benefit himself by that law knew enough to make his application within due time. To assert the contrary is to assume an ignorance on the part of the brave soldiers that I would not impute to them. So now you propose to put as a limit the 1st of October next, and you give them four months to know this law for their benefit. You say that seventeen or eighteen months was not enough four years ago, and now you give them four months.

Mr. EDMUNDS. They are entitled to it for all time if they are entitled at all.

Mr. SHERMAN. I said so. If they are entitled to it at all they are entitled to it for all time.

Mr. INGALLS. So they are.

Mr. SHERMAN. Every claim that is asserted against the Government of the United States from the foundation of this Government has been subject to limitation. In every government in the world limitations are a part of the fundamental law. Under the law which allowed the holders of the bonds of the Revolutionary war to fund them into the various securities provided by the First Congress there was a short period of limitation, and all the bonds that were not funded in that way under that law were entirely cut off and have never been paid.

Mr. EDMUNDS. So with the legal-tender demand notes.

Mr. SHERMAN. Yes, in the case of the legal-tender demand notes of the Revolutionary war the holders were allowed five or six years to present them for redemption at the rate of one dollar on a thousand, I believe it was, or whatever was the rate fixed by the law, and every dollar that was not presented under the limitation of that law has never been paid. I have seen myself the continental money by the hundreds and thousands of dollars that no one ever thought of presenting to the Government of the United States, because the law expressly allowed a reasonable time to present and fund those securities, and those that were not then presented have never been paid. There is a law upon the statute-book which limits every right a man can possess, every claim that can be asserted against the Government, and no one has power to disregard that law except that the Congress of the United States may from time to time in special cases, as they see fit, pay any debt, however old or antiquated. But there are limitations always imposed upon executive officers and upon judicial officers as well. The idea of passing a claim of any kind whatever without some limitation as to the time of presenting it, even in a court of justice, would not be tolerated in any tribunal. Twenty years bar the right to property; fifteen years bar a suit upon a note; six years under the laws of this District bar a claim made, however honest, between private citizens. Can not a Government protect itself by the same laws? Is it right to declare them unjust? Is it not, on the other hand, unjust to accumulate these claims, allow them to roll over and over, because the party did not need the money or was too proud to assert a right to the claim, and then demand it in gross at the end of twenty years when the Government is totally unprepared to defend against his claim?

I think the Senator from Kansas misrepresented my position. I know he did not intend to do it, but he is a little too apt to do that. He stated it too strongly. I did not say that these pensions were merely charitable gifts to the soldiers. I did not use the word "charity" in regard to them. I said these pensions were granted for disabilities fixed by law, within limits defined by law, and those limits were just as much a part of the law granting the pensions as the amount of pension itself. While the war was going on we fixed the period of limitation at one year, extending it toward the close of the war to three years, during which the claim should be presented. After the war was over we allowed five years in which to present it, and now the Senator thinks it is hard that we should cut it off at the end of nineteen years.

The wisest part of the arrears-of-pension act was that provision, which was contained in the appropriation bill, which required the claims to be presented within a reasonable time, at a time when their payment could easily be made and met; and now to open the door again is to embarrass the Government of the United States by claims which have never been presented, which have never been asserted, and which it is now unjust to assert. I say a soldier who, knowing that he was entitled to a pension, waived that right because he desired to be free from that obligation waived it forever, just as every man waives a right who fails to assert it according to the provisions of the law; and it is not right, after he has lain quiet for twenty years, for him to assert the claim at a time when the very accumulation of these claims makes a burden upon the public Treasury. The Government certainly ought to have the right to protect itself by reasonable restrictions and limitations as to the time and manner of presenting the claim.

The Senator says that I represent the Treasury as being in a state of penury. I did not say anything of the kind. I said that the times were hard upon the people of the United States; that securities were losing their value; that the price of wheat and all kinds of production had fallen off; that iron and all the productions of manufactures had fallen. Times are harder; our revenues are decreasing. It is true they have been bountiful in the last three or four years, and we have this year been able to pay $100,000,000 of the public debt; but we all know very well how rapid and sudden changes take place in our condition. I knew one time, in 1857, when Congress reduced the tariff largely and reduced the income of the Government, it adjourned with twenty-odd millions of money in the Treasury, and when we met in December that same year we had to issue Treasury notes in order to pay the ordinary expenses of the Government. The same thing occurred to a less extent in 1873, when the revenues rapidly fell off from an overflowing Treas-

ury until our revenues disappeared and we were unable at that time to pay the sinking fund, and for years we were not able to meet the demands of the sinking fund.

We are coming now upon a time, not of penury, because the people of this country are just as rich as before, but we are at a time of reduced prices, of reduced income, when people will be compelled all over the country to resort again to habits of economy and look well to investments and speculations. I have no doubt it will be a more healthy time. I believe in such a time people are better off than they are in a time of overflowing abundance, when wild speculation runs rampant; but at the same time prudent men must be cautious and not saddle the Government with the vast weight of obligation that might come upon us in four or five years by the adoption of this amendment. One hundred and thirty-six thousand pension claims have been filed since July, 1880, every one of which will be entitled to arrears if this measure is passed as soon as the clerks can make up the accounts. There ought to be no delay, as there was under the former law. If these claims are allowed they must be passed, and passed promptly. There are 136,000 claims filed which are entitled to the benefit of this measure; and if they draw from the Treasury anything like the amount that is estimated by the Commissioner of Pensions it will make a burden upon the people of the United States. A burden for what? For a debt which each individual has allowed to lie for nineteen years, ignoring and refusing to present the claim.

I say there is no justice and no equity in it. I should not be afraid to go before a crowd of any of the Union soldiers of the United States, most of whom have received their pensions who are entitled to them, and to present the arguments that I have made to-day. I believe I would receive their verdict that under the circumstances there ought to be an end to these claims for pensions of twenty years ago. Pensions now applied for should be given liberally according to the necessities of the time, but the back pensions of those who would not apply for them when the Government presented them to their consideration ought to be waived forever. I believe that would be the judgment of prudent, sensible, candid, and fair soldiers. I believe a provision such as I have mentioned, giving to those who are in need on account of their disability if it arose probably from the war, or arose under circumstances that probably originated in the war, would give bounteous relief. It would go just where the shoe pinches to relieve the men who are needy and not to relieve those who have lain for twenty years on their rights. It would bring food to the poor; it would give homes to the homeless. It would bring relief to men who are sore in need, and not give $2,000, $3,000, $4,000, even $6,000 to those who for twenty years refused to even ask for what the law gave them.

Mr. INGALLS. I understand the Senator from Ohio to insist that no pension should be allowed in any case where application has not been hitherto made.

Mr. SHERMAN. Oh, no; I never said that.

Mr. INGALLS. The Senator said that no man who had slept on his claim for twenty years ought now to be heard.

Mr. SHERMAN. For back pension.

Mr. INGALLS. That he should not make a demand on the Government.

Mr. SHERMAN. No, sir; for back pension. The Senator may not catch me in that way.

Mr. INGALLS. I had no design to catch the Senator; but I wish to present this view of the case to him: If he admits that a man who was a soldier has the right to apply now for a pension on account of disability incurred in the military service during the war and to have that adjudicated at this time, why has he not just as good a right to demand that, if allowed, his pension shall be granted from the date when his disability was incurred if satisfactorily proven, as the man who filed his claim prior to July, 1880?

Mr. SHERMAN. I believe that every soldier in the Union Army, who can bring himself within the terms of the laws, has a right to apply for a pension under those laws as they now stand to-day, made by the Senator himself with the limitations and restrictions imposed by the pension acts. I do not want to impair in the slightest degree the right of any soldier to apply for a pension under existing law. On the contrary I wish to extend those laws so as to grant pensions to those who can not under existing law receive them, by giving to those who are needy, for disabilities actually incurred and who are now suffering, but I do not want them to lay claim for pensions that have been barred by the law of the Senator's own framing, nor do I want to extend that law so as to open up the door to the presentation of old, stale claims. I do not wish to limit or diminish in any respect the right which any pensioner has under the existing law as it stands to-day to get any money which the law allows him, but it is proposed to go clear beyond that and to extend pensions in every case under the pending amendment. I think a man has no right, moral or legal or equitable, to make the assertion of a claim now running clear back to the war when he refused time and time again for eighteen years to present his claim under the existing law.

Mr. INGALLS. The Senator from Ohio has more than once alluded to the limitation in the act of 1879 as having been placed there by me.

Mr. SHERMAN. Did you not vote for it?

Mr. INGALLS. The limitation as a limitation in the act of 1879 was absolutely removed. There was no limitation placed in the act of 1879; it was absolutely abrogated, and that was my conviction at the time, and that has been my conviction ever since. As I said in the debate the other day, the limitation that was placed there was a compromise. It never was agreed to by me. And so far from the act having been amended in consequence of the action of the Committee on Pensions, it was amended by the Appropriations Committee and not by the Committee on Pensions in consequence of certain views that they had, as I believe unjustly, and enforced upon the Senate. The limitation that was imposed in the act of 1879 was imposed by the Appropriations Committee. It was placed there on the 3d of March, and it was not in the act of January of that year. I never consented to it. It was not reported from the committee of which I was a member, and I have always opposed it. I have always believed that the limitation was illogical and unjust, and therefore when the Senator refers to my action as having voluntarily placed a limitation upon this principle, he does me injustice, unintentionally of course.

Mr. SHERMAN. When I referred to the act of 1879 I referred both to the act of January 25, 1879, and the act of March 3, 1879, regarding them as parts of the same law.

Mr. INGALLS. The act of January 25 was reported from the Pensions Committee and the act of March 3 was reported from the Appropriations Committee.

Mr. SHERMAN. I do not wish to put the Senator in a wrong position. He says that he reported the act of January, 1879, and he is responsible for that, but he says he did not vote for the other.

Mr. INGALLS. No; I did not say that I did not vote for it. I did vote for it. I said it was against my judgment, that I was in favor of passing the law of arrears, the act of removing the limitation on arrears generally, without any further limitation on it, and I am not responsible for the act of March 3, 1879.

Mr. SHERMAN. Here are two laws passed by the same Congress at the same session within forty days of each other, the one limiting and relating to the other. I spoke of the pension act of 1879 granting these two laws as a matter of course. The act expressly does provide:

Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of filing the application.

Mr. INGALLS. What is the date of that law?

Mr. SHERMAN. That is March 3, 1879.

Mr. INGALLS. Yes.

Mr. SHERMAN. Forty days after the other. I propose to stand upon this law. That was the judgment of Congress, the deliberate judgment of Congress. The first act was defective in the measure I pointed out, and that evidently attracted the attention of Congress, and Congress, whether the Senator approved it or not, did put this limitation upon it; and these two laws together are what are commonly called the arrears-of-pension act of 1879, one following only forty days after the other. That is the law now, and I am willing to stand by it.

The same Congress that gave these enormous arrears of pension fixed the limitation, and I wish to stand upon that limitation, and not play hide and go seek any further on this subject, but to stand on a limitation that was made after full consideration by a friendly Congress, which wisely limited it, the wisest part of the whole legislation being the limitation put upon the arrears.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Kansas [Mr. INGALLS] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. As I do not know how he would vote on this question, I withhold my vote.

Mr. PLATT (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES]. If he were here he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. HILL. I am paired on this question with the Senator from Louisiana [Mr. GIBSON].

Mr. MCMILLAN. My colleague [Mr. SABIN] is absent and is paired with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were here he would vote "yea."

The result was announced—yeas 26, nays 39; as follows:

YEAS—26.

Allison,	Dolph,	McMillan,	Pike,
Blair,	Frye,	Mahone,	Plumb,
Bowen,	Hale,	Manderson,	Sawyer,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Van Wyck,
Conger,	Ingalls,	Miller of N. Y.,	Wilson.
Cullom,	Lapham,	Mitchell,	
Dawes,	Logan,	Palmer,	

NAYS—39.

Aldrich,	Farley,	Jones of Florida,	Riddleberger,
Bayard,	Garland,	Kenna,	Saulsbury,
Beck,	George,	Lamar,	Sewell,
Brown,	Gorman,	McPherson,	Sherman,
Call,	Groome,	Maxey,	Slater,
Cockrell,	Hampton,	Morgan,	Vance,
Coke,	Harris,	Morrill,	Vest,
Colquitt,	Hawley,	Pendleton,	Walker,
Edmunds,	Jackson,	Pugh,	Williams.
Fair,	Jonas,	Ransom,	

ABSENT—11.

Anthony,	Cameron of Pa.,	Hoar,	Sabin,
Butler,	Gibson,	Jones of Nevada,	Voorhees.
Camden,	Hill,	Platt,	

So the amendment was rejected.

Mr. HARRISON. I desire to move an amendment to the first section of this Mexican pension bill, and part of the amendment is to strike out the words in lines 11 and 12 of section 1, "actually served with the Army or Navy of the United States in Mexico in said war." I mention this fact in order that I may inquire of the Chair whether, a vote having been taken on striking out those words, it would be in order now in connection with an amendment to the rest of the section to move to strike them out again. I will take that course unless there is objection, because it enables me to get at the amendment which I desire to move. Unless some Senator is disposed to make a point of order I can get at it more readily in that way.

The PRESIDING OFFICER. Will the Senator state the words he desires to strike out?

Mr. HARRISON. The words are: "actually served with the Army or Navy of the United States in Mexico in said war," in lines 11 and 12. I believe there was a motion to strike those words out the other day and that it was voted down. What I want to get at is to put this descriptive part of the bill as to the soldiers who are to be pensioned upon the basis of some actual service or presence in Mexico. I can reach the matter——

The PRESIDING OFFICER. The Chair will say to the Senator from Indiana that it is his impression that a motion like this has been already tried and lost. If so, the Senator can only renew it when the bill shall be reported to the Senate.

Mr. HARRISON. I will then modify my amendment so as to avoid that point of order. I move to strike out all after the word "who," in line 7, down to and including the word "aforesaid," in line 9, and to insert in lieu thereof:

Who, being duly enlisted, actually served fourteen days with the Army of the United States in Mexico or on the coast or frontier thereof, or *en route* thereto in the war with that nation, or."

I call the attention of the Secretary to the fact that I have copied in the words I send to the desk some of the words of the text of the bill simply to show the connection. I do not mean to duplicate the words of the text.

My object in moving this amendment—and I do not want to discuss it—is simply to limit this pension to those who served fourteen days in Mexico or on the coast or frontier thereof, or *en route* thereto. Certainly that is broad enough and liberal enough. It excludes that large number of soldiers and sailors who had no relation to the Mexican war at all; and I appeal to the Senator from Kentucky to know whether there is any reason why the commander at the Washington navy-yard or the officer commanding at Fort Brady up at the Sault Ste. Marie or the officer commanding in New York harbor or in Boston harbor during the war with Mexico should be pensioned on account of that war?

Mr. WILLIAMS. The Senator from Kentucky will respond right there, if allowed, to the Senator from Indiana by saying that there is no such possibility by the provisions of this bill. This provision, as I understand, was put in here in order to embrace some soldiers who served in Texas and Resaca and Palo Alto under General Taylor and were called into service only for sixty days; and certainly men who served in those battles, if any of them survive, ought to be entitled to a pension.

The clause was put in for that purpose. There was no navy or army there then. The Navy had not been called down there, but the call was for troops for sixty days, for ninety days, and afterward for twelve months, and then for the war. Many of the troops who served at Resaca, and Palo Alto, and Brownsville were suddenly summoned into the service the moment they arrived, and fought in two or three of the most splendid battles during the war. This provision, I understand, was put in by the House in order to cover the case of those few men, and I am opposed to the amendment because it will require the bill to go back to the House, and everybody knows that if it goes back there it will fail to become a law at this session.

Mr. HARRISON. The Senator from Kentucky has not answered my question, or at least has not given any reason for the opinion which he expresses. Look at the terms of this bill:

The Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847 and 1848 with Mexico.

I undertake to say that if there was a state of war, as there was between these nations, every sailor, on every ship of the United States, and every soldier at any post or garrison of the United States, made a part of that army and navy described there.

Mr. WILLIAMS. By no means.

Mr. HARRISON. It does not require that he should be in Mexico. It does not require that he should take any part in the military operations against Mexico. It only requires that he should be enlisted in the Army or Navy of the United States, and serving with that Army or Navy in the war with Mexico he was liable to go there.

Mr. WILLIAMS. I would ask the Senator a question right there. Does he say that in the Navy of the United States the squadron in the Mediterranean would come in?

Mr. HARRISON. I think so.

Mr. WILLIAMS. Of course not. Only those who were ordered to Mexico to engage in that service would come in under this, and the proposition of the Senator himself is to make the minimum fourteen days. Every Senator knows that no man could serve a single day in any battle in Mexico or near Mexico who had not been more than fourteen days in the service to get there and get back.

Mr. HARRISON. I am not proposing to affect that clause of the bill which pensions every man who was engaged in a battle. I let that stand. I am simply trying to limit this to those who really went to Mexico or who were on the coast thereof, and I have even included those who spent fourteen days in trying to get there and never got there; but I do desire to exclude that part of the Army of the United States and that part of the Navy of the United States who had no connection with the war with Mexico, who were discharging the ordinary duties of soldiers or of naval officers and of sailors in time of peace, not put to any peril, not put to the endurance of any hardship at all; and if I am not much mistaken this bill as described here would pension every such soldier and sailor.

Mr. WILLIAMS. It will not pension a single one of them.

Mr. MITCHELL. I call for the reading of the bill as it will be with the proposed amendment.

The PRESIDING OFFICER. The Secretary will report the pending amendment.

The CHIEF CLERK. In line 7, after the word "States," it is proposed to strike out:

Who served sixty days in the war of eighteen hundred and forty-six and eighteen hundred and forty-seven and forty-eight with Mexico, and who, being enlisted as aforesaid.

And insert in lieu thereof:

Who, being duly enlisted, actually served fourteen days with the Army or Navy of the United States in Mexico, or on the coast or frontier thereof, or *en route* thereto in the war with that nation, or.

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval services of the United States, who, being duly enlisted, actually served fourteen days with the Army or Navy of the United States in Mexico, or on the coast or frontier thereof, or *en route* thereto, in the war with that nation, or actually served with the Army or Navy of the United States in Mexico in said war.

Mr. HARRISON. No; that latter part of it is not correct. Strike out down to "or were actually engaged in a battle."

The PRESIDING OFFICER. Including all to the word "battle?"

Mr. HARRISON. Yes, sir; strike out also "that were actually engaged in battle." That is left as it stood.

The PRESIDING OFFICER. The Senator then would strike out after the words "United States," in line 7, down to and including the word "battle," at the end of line 11.

Mr. HARRISON. No, sir. The amendment is to strike out all after the word "who," in line 7, down to and including the word "aforesaid," in line 11; and to insert after the word "who" "being duly enlisted;" so that it will then read "who being duly enlisted actually served fourteen days with the Army or Navy of the United States in Mexico in the war with that nation, or on the coast thereof," where that part comes in.

Mr. HARRIS. Does not the Senator mean line 9 instead of line 11? There is no "aforesaid" in line 11.

The PRESIDING OFFICER. The Chair was about to call attention to that.

Mr. HARRISON. Perhaps I have a different print. That must be the difficulty.

The PRESIDING OFFICER. The Chair will send to the Senator a copy of the bill as the Secretary has it.

Mr. HARRISON. It should be, after the word "who," in line 7, to strike out all down to and including the word "Mexico," in line 9; so as to read:

The surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval services of the United States, and being duly enlisted.

Then at the beginning of line 10, after the word "served," insert "fourteen days;" so as to read:

Actually served fourteen days with the Army or Navy of the United States in Mexico.

I had a misprint of the bill.

Mr. WILLIAMS. I move to lay the amendment of the Senator from Indiana on the table.

Mr. HARRISON. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Kentucky moves to lay the amendment upon the table, upon which the Senator from Indiana asks for the yeas and nays.

The yeas and nays were ordered.

Mr. MITCHELL. Before the vote is taken I should like to have the bill read as it would stand if amended.

The PRESIDING OFFICER. There is a misapprehension as to the nature of the amendment. The Chief Clerk will endeavor to have it correct in a moment. The proposed amendment will be read.

The CHIEF CLERK. In line 7, after the word "States," it is proposed to strike out:

Who served sixty days in the war of eighteen hundred and forty-six and eighteen hundred and forty-seven and forty-eight with Mexico, or who, being enlisted as aforesaid.

And to insert in lieu thereof:

Who, being duly enlisted, actually served fourteen days with the Army or Navy of the United States in Mexico, or on the coast or frontier thereof, or *en route* thereto in the war with that nation.

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval services of the United States, who, being duly enlisted, actually served fourteen days with the Army or Navy of the United States in Mexico, or on the coast or frontier thereof, or *en route* thereto in the war with that nation, actually served with the Army or Navy of the United States in Mexico.

Mr. HARRISON. No; you do not want to repeat that. That takes down to the word "or," in line 11, "or were actually engaged in battle." The mistake grew out of the fact that I had copied in the amendment some part of the text of the bill simply to show how it reads.

The PRESIDING OFFICER. The amendment as corrected by the Senator will be reported.

The CHIEF CLERK. After the word "States," in line 7, it is proposed to strike out—

Who served sixty days in the war of eighteen hundred and forty-six and eighteen hundred and forty-seven and forty-eight with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war.

And insert in lieu thereof—

Who, being duly enlisted, actually served fourteen days with the Army or Navy of the United States in Mexico, or on the coast or frontier thereof or *en route* thereto in the war with that nation.

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and voluteers, of the military and naval services of the United States, who, being duly enlisted, actually served fourteen days with the Army or Navy of the United States in Mexico, or on the coast or frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, &c.

Mr. PLUMB. I should like to ask the Senator from Indiana what is the particular magic or mystery about "fourteen?"

Mr. HARRISON. Nothing in the world. It was simply the term that was fixed in the act for the soldiers of the war of 1812. The amendment is broader now than I would frame it if I were framing it to express my own views, but I had supposed that the temper of the Senate was such that they would hardly let it stand sixty days in Mexico, and, therefore, I made it fourteen days in that country.

Mr. PLUMB. I understand that is an innovation on the principle established by the bill, because I think it requires sixty days' service to entitle to a pension, and it seems to me it would be better to adopt that rule and have it uniform rather than to adopt a new one in regard to a particular class of cases.

Mr. HARRISON. If the Senator moves to change the "fourteen" to "sixty," I will accept the amendment.

Mr. WILLIAMS. I do not think this motion to lay on the table is debatable.

The PRESIDING OFFICER. The pending motion is one to lay on the table. These inquiries are made by unanimous consent pending that motion. The question is on the motion of the Senator from Kentucky that the amendment lie on the table, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR] upon all questions except some amendments in regard to which I reserved the right to vote, but this is not one of them. I therefore withhold my vote. Otherwise, I should vote "yea."

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. The senior Senator from Rhode Island [Mr. ANTHONY] is paired with the Senator from West Virginia [Mr. CAMDEN].

The result was announced—yeas 25, nays 35; as follows:

YEAS—25.

Bayard,	Fair,	McPherson,	Vance,
Beck,	Farley,	Maxey,	Vest,
Brown,	George,	Morgan,	Walker,
Call,	Hampton,	Pugh,	Williams.
Cockrell,	Jonas,	Ransom,	
Coke,	Jones of Florida,	Riddleberger,	
Colquitt,	Kenna,	Slater,	

NAYS—35.

Aldrich,	Gorman,	McMillan,	Platt,
Allison,	Groome,	Manderson,	Plumb,
Blair,	Hale,	Miller of Cal.,	Saulsbury,
Cameron of Pa.,	Harrison,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Hawley,	Mitchell,	Sewell,
Conger,	Ingalls,	Morrill,	Sherman,
Cullom,	Jackson,	Palmer,	Van Wyck,
Dawes,	Jones of Nevada,	Pendleton,	Wilson.
Frye,	Lapham,	Pike,	

ABSENT—16.

Anthony,	Dolph,	Harris,	Logan,
Bowen,	Edmunds,	Hill,	Mahone,
Butler,	Garland,	Hoar,	Sabin,
Camden,	Gibson,	Lamar,	Voorhees.

So the motion was not agreed to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. HARRISON].

Mr. WILLIAMS and Mr. HARRISON called for the yeas and nays, and they were ordered.

Mr. WILLIAMS. Just one word; I do not want to make a speech. This amendment is perfectly harmless in itself; it is rather to the advantage of the Mexican-war soldiers than otherwise, because it makes the limit of fourteen days the minimum service entitling them to a pension instead of sixty days as the bill itself provides. My only objection to it in God's world is that it requires that the bill shall go back to the House. At this stage of the session you can see how the bill will be affected by that. That is the only objection on earth I have to the amendment.

Mr. HARRISON. The Senator from Kentucky is very much mistaken in his statement. The bill as it stands pensions every man who was one day in the Mexican war, or a half a day if he actually landed in Mexico. It pensions him if he never started for Mexico; pensions him if he was in a camp or rendezvous; pensions him if he was commander of a fort in New York Harbor. My amendment is sufficiently liberal, but it is not quite so liberal as the bill.

Mr. WILLIAMS. It is perfectly apparent that no man could have been a single day in the service in Mexico, or in a battle in Mexico, who had not been in the service more than fourteen days. It was a thousand miles from their home; it took a month to get there. Then the moment the soldier arrived at Resaca or Palo Alto, Vera Cruz or elsewhere, he went right into battle.

As I said before, this clause was put in the House bill simply to cover the cases of a few men who were with General Taylor at Resaca de la Palma and Palo Alto and Brownsville and Monterey. The effect of the Senator's amendment will not be to damage the soldiers of the Mexican war at all; it is rather to their advantage than otherwise, because nobody was in any battle or was in the service a single day in Mexico who had not been in the service of the country more than fourteen days.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment of the Senator from Indiana [Mr. HARRISON]. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired on this question with the Senator from West Virginia [Mr. CAMDEN] and on all subsequent votes on this bill.

The roll-call was concluded.

Mr. HARRIS. I should vote "nay" but for the fact that I am paired with the Senator from Massachusetts [Mr. HOAR]. I therefore decline to vote.

Mr. KENNA. I desire to announce that my colleague [Mr. CAMDEN] is paired on all questions with the Senator from Minnesota [Mr. SABIN.]

The result was announced—yeas 35, nays 24; as follows:

YEAS—35.

Aldrich,	Gorman,	McMillan,	Plumb,
Allison,	Groome,	Manderson,	Riddleberger,
Blair,	Hale,	Miller of Cal.,	Saulsbury,
Cameron of Wis.,	Harrison,	Miller of N. Y.,	Sawyer,
Conger,	Hawley,	Mitchell,	Sewell,
Cullom,	Ingalls,	Morrill,	Sherman,
Dawes,	Jackson,	Palmer,	Van Wyck,
Dolph,	Jones of Nevada,	Pike,	Wilson.
Frye,	Lapham,	Platt,	

NAYS—24.

Beck,	Fair,	Kenna,	Ransom,
Brown,	Farley,	Lamar,	Slater,
Call,	George,	Maxey,	Vance,
Cockrell,	Hampton,	Morgan,	Vest,
Coke,	Jonas,	Pendleton,	Walker,
Colquitt,	Jones of Florida,	Pugh,	Williams.

ABSENT—17.

Anthony,	Cameron of Pa.,	Hill,	Sabin,
Bayard,	Edmunds,	Hoar,	Voorhees.
Bowen,	Garland,	Logan,	
Butler,	Gibson,	McPherson,	
Camden,	Harris,	Mahone,	

So the amendment was agreed to.

Mr. MAXEY. I offer the following amendment to be added to section 1:

Provided, That the provisions of this act shall not extend to or embrace any Senator or Representative of the Forty-eigth Congress.

I offer the amendment because I believe that those who are making the law ought not to profit by the law, and I hope the friends of the Mexican pension bill will vote for the amendment.

Mr. INGALLS. The Senator from Texas, I know, will appreciate my motive and feel that I have entire and absolute respect and goodwill for him when I move to lay that on the table.

Mr. MAXEY. If the Senator will pardon me for one moment——

Mr. INGALLS. I withdraw the motion to allow the Senator to speak.

Mr. MAXEY. I offer the amendment in good faith, because I desire it adopted. From the first time the Mexican pension bill was brought before the Senate I placed on record time and again an expression that personally I desired no benefit from it. I served in Mexico longer than any other member of this body. I was there nearly two years without having seen the United States during that time. I do not believe that those who vote for this law should profit by it. I think that I am sustained in the view that I take in this matter by every gentleman who served in the Mexican war. I feel perfectly sure that the Senator from Kentucky [Mr. WILLIAMS], the Senator from Georgia [Mr. COLQUITT], the Senator from Mississippi [Mr. GEORGE], and the Senator from Illinois [Mr. LOGAN], like myself, do not propose to profit by this; and yet a mere statement of that kind on record would not deprive us if hereafter we saw proper to change our minds. I thank God that I am under no necessity of applying for it.

Mr. INGALLS. I renew the motion to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Kansas moves to lay the proposed amendment on the table.

The motion was agreed to.

Mr. WILSON. I offer the following amendment, to come in at the end of section 1:

Provided, That every such officer, enlisted man, or widow, who is or may become 62 years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in aiding or abetting the late rebellion against the authority of the United States.

Mr. President, I do not intend to occupy much time of the Senate concerning this amendment, and will content myself with a mere statement of its purpose and effect.

The first purpose of this amendment is to prevent the establishment by the passage of this bill of the principle of mere service pension, but to require the pension to rest upon some basis of disability. I have selected the age of 62 years because that is the period at which the laws require the retirement of officers of the Navy, and consequently implies a disability to a certain extent.

The second is to require a disability of some kind, whether contracted in the service or since, that shall be equivalent in its effects to some cause recognized by the pension laws as sufficient to support the grant of a pension.

The third is a degree of dependence that shall be equivalent to that of dependent father or mother for which we grant pensions now.

That is the extent of the proviso so far as the granting of pensions is concerned, but in order to save from the operation of the act such disabilities as may have been incurred in military service opposed to the authority of the United States during the rebellion this expressly provides that for a disability of that kind the pension shall not be granted. In other words, it is proposed to grant a pension to every soldier within the terms of this act having a disability on account of the age of 62 years or any physical disability or any pecuniary dependency, but saving our pension laws from granting pensions to those who incurred disability in opposition to the authority of the United States.

For one, sir, I think it right to confine our pension system to something more than mere presence in the service, and believing that to be right and having shaped this amendment to that purpose, I am also in favor of saving it from going to the extent of granting pensions on account of disability received in the so-called confederate service. That, sir, is the purpose and extent of this amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa [Mr. WILSON].

Mr. VANCE. I desire to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 1 the following proviso:

Provided, That every such officer, enlisted man, or widow, who is or may become 62 years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed and recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act, but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in aiding or abetting the late rebellion against the authority of the United States.

Mr. GEORGE. Is it in order to offer an amendment as a substitute for the amendment offered by the Senator from Iowa?

The PRESIDING OFFICER. An amendment in the second degree is in order.

Mr. GEORGE. I offer the following as a substitute for that amendment:

Provided, That this act shall not apply to any such surviving officer, enlisted man, or marine who has the means of support without resorting to manual labor.

Mr. WILSON. There is one thing further I may state by way of explanation of my amendment, and that is this: So far as the disability of age is concerned it does not take into account anything that may have transpired; but any person within the terms of the act who is now 62 years of age, or who may become 62 years of age, will be entitled to the benefit of the act. Pensions will not be given for a disability contracted in the so-called confederate service.

Mr. HARRISON. I wish to inquire of the Senator from Iowa whether his amendment does not also recognize some disability by way of dependence? However, I believe this is offered as a substitute.

Mr. INGALLS. Rising to a parliamentary inquiry, I confess that I am unable to see how, under the rules, the proposition offered by the Senator from Mississippi can be regarded as a substitute. There is nothing in our rules that recognizes a motion that one phrase or one paragraph shall be a substitute for another. The Senator from Mississippi can offer his amendment as an amendment to that proposed by the Senator from Iowa. It will then be only in the second degree, and of course can be entertained under the rules, but there is no method known to parliamentary law, so far as my observation goes, by which it can be moved as a substitute.

The PRESIDING OFFICER. The Senator from Mississippi had a right to offer an amendment to the pending amendment of the Senator from Iowa.

Mr. INGALLS. Unquestionably.

The PRESIDING OFFICER. Is there any limitation which forbids his offering an amendment which strikes out all the words?

Mr. INGALLS. But there is no such thing as a substitute. He can move to strike out and insert, or he can move to amend by adding this to the amendment proposed by the Senator from Iowa.

The PRESIDING OFFICER. Striking out and inserting is in the nature of a substitute. It amounts to the same thing.

Mr. GEORGE. I inquired of the Chair whether it was in order or not to offer it as a substitute. It is the same thing precisely as moving to strike out all of the amendment of the Senator from Iowa and inserting this in lieu thereof. I see no difficulty about it. I will modify my motion in that way.

The PRESIDING OFFICER. The Senator from Mississippi moves to strike out and insert. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the Senator from Iowa [Mr. WILSON].

Mr. INGALLS. Now the question I suppose can be divided.

The PRESIDING OFFICER. The Chair does not perceive that there are two propositions in the amendment of the Senator from Mississippi.

Mr. CAMERON, of Wisconsin. Under our rules a motion to strike out and insert is not divisible.

The PRESIDING OFFICER. The Chair would so hold.

Mr. INGALLS. But the part to be stricken out and the part to be inserted may both be amended.

The PRESIDING OFFICER. The Chair so understands. The question is on the amendment proposed by the Senator from Mississippi to the amendment of the Senator from Iowa.

Mr. MORGAN. I wish to inquire of the Chair whether a motion to postpone the further consideration of this bill until the Tuesday after the first Monday in December would be in order?

The PRESIDING OFFICER. Certainly the motion would be in order.

Mr. MORGAN. I will make that motion. The bill has already been amended in the Senate.

The PRESIDING OFFICER. The Senator from Alabama moves to postpone the further consideration of the bill until the Tuesday after the first Monday in December next.

Mr. MORGAN. The pending bill has been amended in the Senate until I suppose it is hopeless to expect to have any measure on this subject become a law during the present session of Congress. Other questions also, which have no necessary connection with this bill have been brought in at this late hour in the session, doubtless because Senators have supposed, first, that it was their duty to present those questions whenever and wherever they had an opportunity to do it; and, secondly, that it might produce some possible effect on the political campaign which is now pending in the country.

The soldiers of the Mexican war belong to both parties and they reside in both sections of the Union, if there are still any sections in this Union. Upon the floor of the Senate there are some of the most gallant of the soldiers of that war, some who earned great reputation there, who are Republicans, and some who are Democrats. Your honored candidate for Vice-President, though a boy at the time, won his spurs in the battles of the Mexican war, and I am sure that the people of the United

States will take as much satisfaction in complimenting him with their votes on that ground as upon almost any other ground that could be stated. The honorable Senator who sits on my right [Mr. WILLIAMS] and who retires from this body after the 4th of March, and has now no longer interest, I suppose, in merely trying to make a record of a political or personal character, won his earliest, if not his brightest, laurels upon those fields. It has always seemed to me that it was not a fair way to treat the question connected with the Mexican war service to connect it here with the present prevailing party heats and animosities. I have felt all the time since we have been debating the question here that the Mexican war soldiers did not have a fair chance upon this floor at this time.

I have been here when three votes were taken on this bill. I remember a very magnificent speech made by that great soldier, General Shields, late one afternoon upon this bill in the Senate of the United States. I remember it so well that the effect of it has never worn off from me, and this question never arises in the Senate that that man's presence does not seem a power again in this body and his eloquent tongue to begin again to speak in behalf of his comrades in that great war.

I have endeavored to try to impress as well as I could upon the Senate my view of this case, that it is a case which stands apart from all the balance of the matters relating to pensions. In my technical opinion about the subject of pensioning soldiers, I find myself in harmony with the views stated by the Senator from Ohio [Mr. SHERMAN] to-day, that there is not any actual contract or engagement between the Government and the soldier when he enters into the service that he shall have a pension at all. I put it upon the ground of a debt of gratitude, a debt due from the country to its soldiery because of their services in time of peril, and because of the years of the earlier parts of their lives that they were compelled to spend in defense of their country or in the assertion of its rights. Putting it upon that ground, I have always felt that there was some peculiar reason why the soldiers of the Mexican war had a claim upon our gratitude, and I have felt that for years past the debt was due. I have been compelled in my own mind to draw a parallel between the case of the soldiers of the Mexican war and the seamen who go abroad upon the high seas under the flag of the United States in the privateer service or in the regular armed service of the United States, and there make conquests of property and also fight the battles of their country.

The law of prize-money, which has I believe never received the disapprobation, to say the least of it, of the Congress of the United States, applies to this case if any law applies to it. If there is any precedent of law at all that applies to the case of the Mexican war service it is the law regulating prize. Our sailors are given prize-money because it stimulates individual enterprise, because when they are away from their own squadrons and from their own coasts, they are very much under their own command and they are out among foreign people and in foreign countries and they have not access to the advantages and hospitalities of home as our soldiers have had in all of the other wars we have fought.

The soldiers of the Mexican war have been put very much on the same ground. As I observed in some former remarks I had the honor to submit to the Senate, these were almost entirely young men when they went into the service. They went into a climate that was very hot, into a country that bred sickness in their ranks to a very disastrous extent, and the men who have come back to a very large degree have brought with them the seeds of disease and an infirmity of body from which they have never recovered. I could in my own experience name quite a large number of persons who have been troubled in this way. It was upon that fact that I have heretofore predicated the statement that I thought their age had been advanced at least ten years beyond that of those in the late service in the war of the rebellion or in the war of 1812, where the service rendered in a temperate climate and under circumstances where the great body of the soldiery could have some relief from the hospitalities of their own people and the abundance of their own country.

These soldiers, when they returned to us in honor and in glory, with a degree of honor and glory and renown to which even the great armies of the United States are somewhat unaccustomed, brought with them a country which has enriched us beyond all power of description, and Senators are here to-day voting upon this question from States that were a wilderness country belonging to a foreign power at the time these young men returned with this great domain to their native country. More than that, very many of the Senators on this floor were little boys about their fathers' knees at the time these soldiers were out fighting the battles of their country, which has been a good while ago, and there are some quite young men in this body yet.

Now, it does seem to me that, looking at the analogy of our own practice and our own laws, there is no just reason for our withholding from these men a pension in what is to them a really advanced stage of life, and in the face of the fact that very many of them are stricken with poverty, when by paying one dollar out of a thousand, yes, I believe one dollar out of ten thousand or it may be one hundred thousand of the actual value of the domain that they brought to us, we could make them comfortable during the remainder of their lives.

Suppose that it should ever occur in the history of the United States—and such things may occur—that we shall have occasion to send our armies to foreign countries, say across the northern border or across the narrow part of the gulf that divides us from the Carribean Islands for the purpose of waging a warfare in that country that should last two or three years, and the soldiery that we should send there should bring back to us an extent of territory somewhat equivalent to that we acquired by the Mexican treaties, and in point of value something equal to it, I think that the coming generations of the people of the United States would scarcely ever refuse to grant to those men very large bounties, and certainly not to grant them pensions when after the lapse of years they should become old and decrepit and infirm.

We can not afford to put ourselves upon that ground, and whatever of political animosity or controversy there may be between us, let us select some subject away from this in which to express it. We have plenty of opportunity for controversy, and we need not bring every question that comes before this body into political contest between each other. Can we not look this question squarely in the face like men of reason and men of grateful hearts and appreciative minds and elevated sentiments, take hold of it and decide it strictly and purely upon its own merits? I happened to make that remark the other day casually in the Senate. It went over on the telegraph lines and this morning I received a letter from one of the old soldiers of the Mexican war in which he said: "Whatever else takes place in respect to the pensioning of Mexican soldiers, let the bill stand upon its merits. I should take a great deal more of satisfaction in believing that my country had voted me $10 or $12 a month in my old age upon the merits of my service than if they had voted me a thousand dollars a month merely because I had the political influence to gain it by a majority in those bodies."

Sir, I applaud the sentiment of that man. Such a man as that when he was a youth could be relied upon to protect the honor of his country and carry its flag in triumph in foreign lands.

The American Army has never writtten a history like that which it wrote in Mexico. It is the very romance of American prowess, and there has never been a man connected prominently with the Mexican service that I have yet heard of who has not been rewarded by the gratitude of his country in his individual person whenever the people had a chance to express their voice. Look at old General Shields, how State after State took him up and placed him at the very head of their representatives in the Senate of the United States; and Franklin Pierce, and Zachary Taylor, and General Grant, and General Scott. Why, sir, the whole list of our present notables in the United States in the military service is filled up nearly with men who in their boyhood were gallant soldiers in the Mexican war service, and there is not a man of all that host to-day who will not appeal to his service in the Mexican war as being the brightest and most distinctive honor he has ever received from his country.

Now, because we have got into an attitude on this case where politics must sway it one way or the other, because the Senate, now drawing rapidly to an adjournment, is not in an attitude to consider this question calmly and sedately, as I think it should, I believe it to be my duty as a friend of the Mexican war soldier and as one who desires that this case shall be tried upon its merits and upon nothing else, to ask the Senate to postpone the consideration of this bill until the Tuesday after the first Monday of December, at 12 o'clock meridian. I therefore make that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama, to postpone the further consideration of the bill until the Tuesday after the first Monday in December.

Mr. CONGER and Mr. MORGAN called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. I do not know how he would vote, but if he were here I should vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. JONAS (when his name was called). I am paired with the Senator from Nebraska [Mr. VAN WYCK]. If he were here I should vote "nay."

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from South Carolina [Mr. BUTLER].

The result was announced; yeas 0, nays 57; as follows:

YEAS—0.

NAYS—57.

Aldrich,	Frye,	McMillan,	Ransom,
Bayard,	George,	McPherson,	Riddleberger,
Beck,	Gorman,	Manderson,	Saulsbury,
Blair,	Groome,	Maxey,	Sawyer,
Bowen,	Hampton,	Miller of Cal.,	Sewell,
Brown,	Harrison,	Miller of N. Y.,	Sherman,
Call,	Hawley,	Mitchell,	Slater,
Cameron of Wis.,	Hill,	Morgan,	Vance,
Coke,	Ingalls,	Morrill,	Vest,
Colquitt,	Jackson,	Palmer,	Walker,
Conger,	Jones of Florida,	Pendleton,	Williams,
Cullom,	Kenna,	Pike,	Wilson.
Dawes,	Lamar,	Platt,	
Dolph,	Lapham,	Plumb,	
Farley,	Logan,	Pugh,	

ABSENT—19.

Allison,	Cockrell,	Hale,	Mahone,
Anthony,	Edmunds,	Harris,	Sabin,
Butler,	Fair,	Hoar,	Van Wyck,
Camden,	Garland,	Jonas,	Voorhees.
Cameron of Pa.,	Gibson,	Jones of Nevada,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Mississippi [Mr. GEORGE] to the amendment of the Senator from Iowa [Mr. WILSON].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Iowa [Mr. WILSON].

Mr. WILLIAMS called for the yeas and nays; and they were ordered.

The Secretary proceed to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here I should vote "nay," and I suppose he would vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. I suppose he would vote "yea," and if he were here I should vote "nay."

Mr. HILL (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. JONAS (when his name was called). I am paired with the Senator from Nebraska [Mr. VAN WYCK]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 33, nays 25; as follows:

YEAS—33.

Aldrich,	Frye,	Manderson,	Saulsbury,
Allison,	Hale,	Miller of Cal.,	Sawyer,
Blair,	Harrison,	Miller of N. Y.,	Sewell,
Bowen,	Hawley,	Mitchell,	Sherman,
Cameron of Wis.,	Ingalls,	Morrill,	Slater,
Conger,	Jones of Nevada,	Palmer,	Wilson.
Cullom,	Lapham,	Pike,	
Dawes,	McMillan,	Platt,	
Dolph,	McPherson,	Plumb,	

NAYS—25.

Bayard,	Farley,	Kenna,	Vance,
Beck,	George,	Lamar,	Vest,
Brown,	Gorman,	Maxey,	Walker,
Call,	Groome,	Morgan,	Williams.
Cockrell,	Hampton,	Pugh,	
Coke,	Jackson,	Ransom,	
Fair,	Jones of Florida,	Riddleberger,	

ABSENT—18.

Anthony,	Edmunds,	Hoar,	Sabin,
Butler,	Garland,	Jonas,	Van Wyck,
Camden,	Gibson,	Logan,	Voorhees.
Cameron of Pa.,	Harris,	Mahone,	
Colquitt,	Hill,	Pendleton,	

So the amendment was agreed to.

Mr. MITCHELL. I move the following amendment to come in at the end of section 2:

Or during the continuance of the disability for which the same shall be granted: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of $8 per month or more, nor to any person receiving a pension of less than $8 a month, except for the difference between the pension now received, if less than $8 per month, and $8 per month.

That is necessary in order to prevent the granting of double pensions. This bill was passed very hurriedly through the House of Representatives on a motion to suspend the rules and pass it through the House by one vote, so that there was no opportunity whatever for amendment. Objection was made there on that account.

It is also necessary for another reason, and that is that the amendment adopted by the Senate on motion of the Senator from Iowa proposes to grant a pension for disability, so that the limitation expressed in the fore part of my proposed amendment that the pension continue during such disability is necessary.

This is the same provision which was contained in similar words in the act of 1878, known as the law granting pensions to the soldiers of the war of 1812; and if it is not adopted, undoubtedly the Mexican war soldiers who served in the late war, and who are now receiving a pension, would be entitled to a pension under this bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. CAMERON, of Pennsylvania. I should like to move an executive session.

Mr. MITCHELL. We might as well go through the formal amendments.

Mr. ALLISON. I hope the bill will be finished to-night. I shall feel compelled to-morrow morning to call up the legislative appropriation bill. If we can finish this bill to-night I think it would forward business very much.

Mr. MITCHELL. I move to insert in section 3, line 14, after the word "other," the word "record," and in the same line, after the word "of," to insert "enlistment and," and in the same line to strike out the word "performed;" so as to read:

The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient.

I think the amendment is necessary to protect the Government. A similar provision is in the act of 1878. Otherwise proof by parol might be given. The Commissioner of Pensions thinks this is necessary as a safeguard.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment, to come in at the close of section 3:

Provided, That when any person has been granted a land-warrant under any act of Congress for and on account of service in the said war with Mexico, such warrant shall be *prima facie* evidence of service and honorable discharge; but such evidence shall not be conclusive and may be rebutted by evidence that such land-warrant was improperly granted.

That is a provision known to the existing law, and it is to simplify the proof in this case, and will greatly aid in making out these claims.

Mr. WILLIAMS. There is no objection to that.

The amendment was agreed to.

Mr. MITCHELL. In section 5, line 4, I propose to strike out the words "to be paid when," and insert "which shall not be demanded or received until;" so as to read:

SEC. 5. That it shall be unlawful for any attorney, claim agent, or any other person to demand or receive a fee greater than $10 for services rendered in behalf of a claimant under this act, which shall not be demanded or received until such claim is allowed.

The amendment was agreed to.

Mr. MITCHELL. I also offer the following amendment, to be added to section 5:

And any person violating the provisions of this act shall be subject to the provisions of section 5485 of the Revised Statutes of the United States.

That simply applies the existing penalty to this section.

The amendment was agreed to.

Mr. MITCHELL. I should like to know how section 6 reads.

The PRESIDING OFFICER. The section will be read.

The Chief Clerk read as follows:

SEC. 6. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

Mr. MITCHELL. I have an amendment to offer, but the Senator from Michigan desires to offer an amendment to the first section.

Mr. CONGER. Before the amendment of the Senator from Pennsylvania, which is a long one, is offered, I move to strike out, in line 20 of section 1, the words which the committee recommended to strike out:

And provided further, That this act shall not apply to any person not a citizen of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. MITCHELL. Now I propose amendments as additional sections to the bill, which I send to the desk.

The amendments were read, as follows:

SEC. 8. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent upon his own labor for support shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States and in line of duty, greater than that provided for herein, shall receive the benefits of this act. But any such applicant for invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws; and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election.

SEC. 9. That all widows or minor children of soldiers and sailors who, as such, are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States, and in line of duty, since the 4th day of March, 1861, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

SEC. 10. That if any invalid pensioner pensioned for a disability contracted in the military or naval service of the United States, and in the line of duty, has died or shall hereafter die, leaving a widow or minor children under 16 years of age, or both, at the date of the death of such pensioner, such widow and minor children shall be held to be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death of such pensioner was due to his military or naval service of the United States, and shall receive the rate now allowed by law, except

that such as may be found to be entitled to $8 per month under existing laws shall receive in lieu thereof $12 per month.

SEC. 11. That pension granted such widows on account of such minor children shall be continued without limit as to age, whenever it shall appear that such minors are of unsound mind or physically helpless, so as to render them incapable of earning a subsistence: *Provided*, That such widow retains the care, custody, and control of such minors; and in the event of the death or remarriage of such widow, or abandonment by her of such minors, then the pension and additional pension shall be continued to them in their own right, without limit as to age, during the continuance of such disability, payable to a duly constituted guardian.

SEC. 12. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

SEC. 13. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be sufficient *prima facie* evidence of soundness at the time of his enlistment, but such presumption shall be subject to rebuttal by record or other competent evidence.

Mr. MITCHELL. I have no desire whatever to detain the Senate with a single remark. These amendments are important, but I think they are clearly understood and I am quite willing myself that we have a vote without debate. ["Vote!" "Vote!"]

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania to add the sections just read.

Mr. SLATER called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. WALKER (when Mr. GARLAND'S name was called). My colleague [Mr. GARLAND] is paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. HARRIS (when his name was called). I should vote "nay" if I were not paired with the Senator from Massachusetts [Mr. HOAR].

Mr. JONAS (when his name was called). I am paired with the Senator from Nebraska [Mr. VAN WYCK]. If he were here, I should vote "nay."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from Georgia [Mr. BROWN].

The roll-call was concluded.

Mr. HILL. I am paired on this question with the Senator from Louisiana [Mr. GIBSON]. If he were here, I should vote "yea."

Mr. BROWN (after having voted in the negative). I voted, forgetting at the moment that I was paired with the Senator from Michigan [Mr. PALMER]. I withdraw my vote.

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were here, he would vote "yea."

Mr. CULLOM. I was instructed by the Senator from Indiana [Mr. VOORHEES] either to pair him on this amendment or announce that he would vote for the amendment if he were present. In the absence of a pair I make that announcement.

The result was announced—yeas 31, nays 27, as follows:

YEAS—31.

Aldrich,	Dolph,	McMillan,	Platt,
Allison,	Frye,	Mahone,	Plumb,
Blair,	Hale,	Manderson,	Riddleberger,
Bowen,	Harrison,	Miller of Cal.,	Sawyer,
Cameron of Wis.,	Ingalls,	Miller of N. Y.,	Sewell,
Conger,	Jones of Nevada,	Mitchell,	Sherman,
Cullom,	Lapham,	Morrill,	Wilson.
Dawes,	Logan,	Pike,	

NAYS—27.

Bayard,	Farley,	Kenna,	Saulsbury,
Beck,	George,	McPherson,	Slater,
Call,	Gorman,	Maxey,	Vance,
Cockrell,	Groome,	Morgan,	Vest,
Coke,	Hampton,	Pendleton,	Walker,
Colquitt,	Jackson,	Pugh,	Williams.
Fair,	Jones of Florida,	Ransom,	

ABSENT—18.

Anthony,	Edmunds,	Hill,	Sabin,
Brown,	Garland,	Hoar,	Van Wyck,
Butler,	Gibson,	Jonas,	Voorhees.
Camden,	Harris,	Lamar,	
Cameron of Pa.,	Hawley,	Palmer,	

So the amendment was agreed to.

Mr. MITCHELL. One formal amendment is made necessary by the adoption of this amendment. In section 2 of the bill, line 1, after the word "under," I move to insert "section 1 of;" so as to read:

That pensions under section 1 of this act shall be at the rate of $8 per month.

Otherwise all those entitled to pension under the first section would be entitled to $8 a month, whereas they would be entitled under the latter to a disability pension according to the actual disability.

The amendment was agreed to.

Mr. HARRIS. I move that the bill as amended, say five hundred copies, be printed, and if that provision is made I shall move that the Senate adjourn. I want to see the bill as amended before I am called upon to vote for or against it.

The PRESIDING OFFICER. Is there objection to receiving at this time the motion proposed by the Senator from Tennessee? The Chair hears none.

Mr. SHERMAN. I hope an hour will be fixed when we shall have a vote without further debate, as this has been already debated.

Mr. HARRIS. So far as I am concerned, I shall not be prepared to vote upon the bill until I see it printed as amended, and I therefore desire that the bill shall be printed with the amendments agreed to in committee.

Mr. SHERMAN. I think myself the request is a reasonable one if the Senator has not had an opportunity to see the amendments; but at the same time, as the debate is all exhausted and the amendments probably are all in that will be offered, I think we ought to have an agreement to have a vote on the bill.

The PRESIDING OFFICER. The pending question is on the motion to print.

Mr. VEST. Mr. President, of course at this time in the evening in this atmosphere I do not propose to debate the bill. I simply want to say, in justice to myself and on my own account, that I shall not vote for it as amended.

The State of Missouri furnished three regiments to the Mexican war. Two of them were mustered into the service and fought the battles of Bratito and Sacramento; in the latter battle General Doniphan with 1,086 men defeating 6,000 Mexicans, capturing their batteries with cavalry and giving to military history an expedition which is without a rival in ancient or modern times. Those troops marched nine hundred miles, captured Santa Fé, Socorro, and Albuquerque; took the whole of New Mexico, and while Taylor and Scott were covering the American arms with imperishable renown in one portion of Mexico they were gaining laurels equally as great and glorious upon the soil of New Mexico.

Mr. President, these men are scattered over Missouri, or the remnants of them, old, impoverished, a great many of them, and pressing me with solicitations to vote for this bill. I can not and will not vote for this bill amended as it is now.

The amendment of the Senator from Illinois [Mr. CULLOM] adds $50,000,000 to the pension-roll as soon as the claims can be adjusted. Since I have been in the Senate—and I propose to speak plainly—there has been a pretense upon the part of certain Senators that they desired to pension the Mexican war soldiers. I say deliberately a pretense, because whenever this bill has come up to the issue of a passage it has been not shot down in fair and open fight and honorable parliamentary warfare, but it has been assassinated and bled to death with amendments, and the reason of it is, in my judgment, because the Mexican war was a Democratic war and fought under a Democratic administration. The Senator from Kansas [Mr. INGALLS] in the opening of this debate stated the animus which has prompted many Senators upon this floor, in my judgment, in regard to this whole measure when he declared that the Mexican war was waged in order to extend the area of African slavery, that it was a war of conquest; and he announced in the beginning of the debate that that was his opinion in regard to it.

Mr. President, if any war was ever waged under the instincts of blood and natural affection and the irresistible decree of manifest destiny it was that Mexican war. The area of Texas had been settled up by American citizens, and it was just as impossible to prevent Texas from becoming a part of this Union as to keep out the State of Missouri or the State of Kansas or any other State. Our people, blood of our blood and bone of our bone, had fought a war with Mexico, and had achieved their independence. There was not an American citizen, and especially in the Southern States, from whose loins these men sprang, that had not prayed for them and invoked the blessing of God upon their heroic enterprise. So soon as Texas had achieved her independence and had applied to the American Union for admission, Mexico commenced a series of insults and outrages upon American citizens that could have but one result. If the American people had then folded their arms and allowed Texas to have fought out that issue by herself they would have covered themselves with eternal and merited ignominy and disgrace. Texas was admitted as a member of the Union, and so soon as she was admitted American arms occupied the land between the Nueces and the Rio Grande.

In addition to the wrongs and outrages perpetrated upon our citizens Mexico declared war, and then there could be but one result—the arbitrament of arms. That was the cause of the Mexican war, and whatever might have been the opinion of patriotic Americans in regard to the cause of the war, there could have been, and should have been, but one course after that war was declared. It is true that the great Whig party, in which I was reared, seized upon the Mexican war as a pretense for declaring that it was waged for the Democracy to extend slavery and to add another to the list of Democratic States. Mr. Clay, the great leader of the Whig party, whom I was taught to revere and love above any mortal man, threw down the gage of battle in the Halls of Congress on this question, but after the war had been declared the great Whig families of Kentucky leaped to the front and poured out their best blood in defense of the American flag. Mr. Clay's favorite son fell fighting at the head of his regiment at Buena Vista with McKee by his side. Mr. Webster's son and Ben Hardin's son were sol-

diers in that war, and the immortal answer of the American general, Taylor, to Santa Anna was given to him from the lips of Thomas L. Crittenden, now on the retired-list of the United States Army, which was echoed in the words of the whole American people, "General Taylor never surrenders." Sir, the Whig party in Kentucky, in Tennessee, and in the other States of the West was true to the flag. It was not so everywhere. It was not so in Massachusetts, which furnished to the war one regiment, that commanded by Caleb Cushing, not raised in Massachusetts, but raised principally in the city of New York. Massachusetts was against the war, and I do not wonder that her Senator on this floor moved amendments to this bill with the distinct and outspoken purpose of destroying and preventing its passage.

Mr. President, we are told that this bill establishes service pensions, and that therefore it ought not to be passed as it came from the House. Were not service pensions given after fifty or forty years to the soldiers of the Revolution and the soldiers of the war of 1812? Was not the first legislation to provide for those who were disabled by wounds or by sickness in the war of the Revolution and the war of 1812; and afterward were not service pensions given to those soldiers and veterans? Why not apply the same principle now? Thirty-six years have elapsed since the close of the war with Mexico. The youngest soldier who then went in defense of his country's flag is to-day in the vicinity of 60 years of age, if not more. Why is it that we hear now this clamor against service pensions?

But we are told in some quarters that we establish a precedent and that if we vote now to give service pensions to the Mexican war veterans we shall soon be called upon to give service pensions to every man who fought in the last war between the United and the Confederate States. Mr. President, I have never doubted that the time would come when every man who bore a sword or musket in that war would receive a pension from the country. It is the legitimate consequence of our legislation; it is the logical sequence of what we have done heretofore. But is there any necessity now for this class of legislation? Do the events surrounding us call on us to give these pensions now to the soldiers of the last struggle? Nineteen years only have elapsed since the close of the war between the United and Confederate States. When seventeen years more have elapsed, and when the men who went to the front, their hearts full of enthusiasm and courage for their country, come to the age of 60 years, as have these Mexican war veterans, then, if I am here in the providence of God, I pledge myself to give them the same bounty from this Government that I propose now to give the soldiers of the war with Mexico. I never doubted that that principle would be announced. Thirty-six years have elapsed—thirty-six years instead of forty—but, as the Senator from Alabama [Mr. MORGAN] said to-day, in the war with Mexico our men, unacclimated, unused to the habits of people in a tropical climate, going from the temperate zone, came back with enfeebled and weakened constitutions and have dragged out their lives in lingering disease.

Oh, Mr. President, let us understand it. The argument is with those who say that the soldiers in the war with Mexico should be pensioned, but political prejudice is against us, and the object of the Republican party now in this Senate is to put Democratic Senators in such a position by amendments to this bill that if we vote against it on account of the amendments, in the coming canvass we shall hear that we are opposed to pensioning the soldiers of the Union. Sir, I have said on this floor, and I repeat it again, the country that would not pension the men who have been disabled by shot and shell and saber-stroke in her defense, or who were enfeebled by disease contracted in her service, or who after years are found with the decrepitude of age—the country that would not pension these men ought to be blotted out from the map of Christendom. I say it again, and I have so voted, and I expect to.

I am in favor of pensioning the soldiers of the Union according to the legislation we have established as a precedent and according to the rules of justice and of gratitude; but let us apply the same rule, let us not spend time here in a political canvass at the expense of the old, decrepit, and worn-out Mexican war soldiers. But, sir, I will not establish a different rule from that established heretofore by the laws of Congress. I will not be forced to vote for the amendments that are put upon this bill, and in reply to those of my constituents who come to me with trembling limbs and in rags, perhaps, and ask my reason for this vote, I will point to the unjust and partisan legislation of the majority of this body.

Mr. CONGER. Mr. President, I had indulged the hope that we should pass through the discussion of a pension bill without attempting to arouse party feeling or partisan feeling, or without reference to the kind or character of wars in which these soldiers might have been engaged. We had passed almost through it until the Senator from Missouri charges upon the Repulicans of this side of the House that they make amendments here in favor of the soldiers of the war of the rebellion and discriminating to some extent against the soldiers of the Mexican war, as he says, because that was a Democratic war and the war of the rebellion was a Republican war.

Mr. VEST. I did not say that.

Mr. CONGER. The Senator said the opposition to one of the clauses of this bill in regard to Mexican war soldiers was because that was a Democratic war.

Mr. VEST. I said that.

Mr. CONGER. I say the other.

Mr. VEST. Ah! I did not say it.

Mr. CONGER. The only possible inference there can be, the only possible reason for dragging in a partisan view of this question is the contrast between a Democratic war and a Republican war; and I take occasion to call attention to it, that on this pension bill the first and only time in which partisanship has been appealed to in any of the provisions of this bill is that the Republicans are charged with opposing some of the provisions of the bill because it would favor men who were engaged in a Democratic war, stopping there, when we are endeavoring to have incorporated in this bill some provisions for those glorious men who were engaged in carrying on a Republican war; and there I am willing to let it stand before the country, the charge and the answer and the judgment.

The PRESIDING OFFICER. Unanimous consent was given to entertain the motion made by the Senator from Tennessee [Mr. HARRIS] that five hundred copies of the bill with the amendments be printed.

Mr. HARRIS. I wish to say that I want the bill printed with the amendments agreed to in italics, so that we can distinguish all the amendments agreed to in Committee of the Whole from the text of the bill.

The PRESIDING OFFICER. Those directions will be given if the motion be adopted. The question is on the motion.

Mr. MITCHELL. We are very anxious to get through with this bill to-night. The motion of the Senator from Tennessee contemplates laying it over until to-morrow. I hope we shall be able to come to a unanimous understanding that a vote shall be taken at a certain time to-morrow.

Mr. HARRIS. I have no objection myself to agreeing to take the vote without any further debate at any hour that may be named after the bill is printed with the amendments.

Mr. HARRISON. That is best, I think.

Mr. PLATT. There will be no difficulty about that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. HARRIS. Now I move that the Senate adjourn.

Mr. HARRISON. Before that is done——

Mr. HARRIS. I withdraw the motion.

Mr. HARRISON. I hope we shall have unanimous consent——

Mr MITCHELL. I ask unanimous consent that a vote may be taken upon the bill without debate to-morrow at 1 o'clock.

Several SENATORS. Say 2.

Mr. MITCHELL. Well, say 2 o'clock.

Mr. ALLISON. Unless some Senator desires to debate the question further I hope an earlier hour will be named. I desire to call up the legislative appropriation bill to-morrow.

Mr. HARRIS. Say 1 o'clock.

Mr. MITCHELL. The understanding is without debate. It will only require the time to call the roll. I will say 1 o'clock.

Mr. PLUMB. If we are to have no debate why can we not take the vote now? The Senate is as full as it will be to-morrow.

Several SENATORS. We want to see the bill in print.

The PRESIDING OFFICER. The Senator from Pennsylvania asks that the vote be taken on the bill at 1 o'clock to-morrow. Is there objection to that proposition?

Mr. ALLISON. On the bill and amendments?

The PRESIDING OFFICER. On the whole question.

Mr. MAXEY. I object to that.

Mr. MITCHELL. Then I hope Senators will remain here and insist on the passage of this bill to-night. It has been stated here repeatedly that there is a purpose on this side of the Chamber to defeat legislation which shall carry pensions to the Mexican war soldiers. For myself I deny it; for this side of the Chamber I deny it, and I know there is no such purpose in the mind of any Senator on this side.

The PRESIDING OFFICER. Was objection made to the understanding to have a vote at 1 o'clock to-morrow?

Mr. MAXEY. There was objection made.

Several SENATORS. No objection.

The PRESIDING OFFICER. There was no objection in the hearing of the Chair.

Mr. MAXEY. I have already stated that I object, and I do it for the reason that the bill as it stands now will require some explanation of some votes at least. I propose to place myself in a position to give any explanation I think proper.

Mr. HARRISON. I do not think any one will object to an explanation of a vote.

Mr. MAXEY. I have no disposition to argue the bill and have not had for ten days, because I have seen its fate clearly and unequivocally for ten days past; but I can not consent to have a vote taken until I put on record my reasons.

Mr. HARRISON. I suggest then, if the vote is taken at 1 o'clock, the Senator will have an opportunity to make his explanation before 1 o'clock arrives. I hope he will not object to an hour being named, and so arranging that he will have an opportunity to make his explanation.

Mr. MAXEY. I only speak for myself. I propose to do that, and I have no doubt there are others who would like the same privilege that I claim for myself.

Mr. JONAS. If we are not to have the time to state our objections and give our reasons, we might as well vote now as when the bill shall be printed. I do not care about reading the amendments if I can not have an opportunity of explaining my views in relation to them before I cast my vote.

The PRESIDING OFFICER. Objections have been made to the understanding proposed.

Mr. SEWELL. I suggest to the Senator from Pennsylvania that the bill be taken up to-morrow after the morning business, under the five-minute rule, and that unanimous consent be given to take a vote at 2 o'clock, or not later than 2 o'clock.

The PRESIDING OFFICER. Does the Senator from New Jersey make the proposition?

Mr. SEWELL. I ask unanimous consent to that arrangement.

Mr. RIDDLEBERGER. I object. I mean now as I have meant from the beginning of this contest to pension the Mexican war soldiers; and inasmuch as politics have been sandwiched into this little contest, I think we might as well go on with it now. I shall object to any proposition that comes up except that which a majority of the Senate can carry.

The PRESIDING OFFICER. The Senator from Virginia objects.

Mr. HARRIS. I move that the Senate do now adjourn.

Mr. CONGER and others called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR], and therefore decline to vote upon my own motion.

Mr. JONAS (when his name was called). I am paired with the Senator from Nebraska [Mr. VAN WYCK].

Mr. PLUMB (when his name was called). I am paired on this question with the Senator from Delaware [Mr. BAYARD]. If he were present, I would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Ohio [Mr. SHERMAN] on the bill.

The roll-call was concluded.

Mr. WALKER. My colleague [Mr. GARLAND] is paired with the Senator from Vermont [Mr. EDMUNDS].

The result was announced—yeas 26, nays 29; as follows:

YEAS—26.

Beck,	George,	Lamar,	Slater,
Call,	Gorman,	Mahone,	Vance,
Cameron of Pa.,	Groome,	Maxey,	Vest,
Coke,	Hampton,	Morgan,	Walker,
Colquitt,	Jackson,	Pendleton,	Williams.
Fair,	Jones of Florida,	Pugh,	
Farley,	Kenna,	Ransom,	

NAYS—29.

Aldrich,	Dolph,	Logan,	Platt,
Allison,	Frye,	McMillan,	Riddleberger,
Blair,	Hale,	Manderson,	Sawyer,
Bowen,	Harrison,	Miller of Cal.,	Sewell,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Wilson.
Conger,	Ingalls,	Mitchell,	
Cullom,	Jones of Nevada,	Morrill,	
Dawes,	Lapham,	Pike,	

ABSENT—21.

Anthony,	Edmunds,	Jonas,	Sherman,
Bayard,	Garland,	McPherson,	Van Wyck,
Brown,	Gibson,	Palmer,	Voorhees.
Butler,	Harris,	Plumb,	
Camden,	Hill,	Sabin,	
Cockrell,	Hoar,	Saulsbury,	

So the Senate refused to adjourn.

Mr. ALLISON. I ask Senators on both sides of the Chamber to come to some agreement respecting the vote on the bill. I think the suggestion of the Senator from Tennessee, that the bill ought to be printed with the amendments, is a very proper one; but if we are to finish the business of the session we must facilitate the passage of all the bills which are inevitably bound to pass. Of course this is one of them; it will pass in some form.

Now, I appeal to the Senate to take the suggestion of the Senator from New Jersey, that to-morrow morning after the usual routine business shall be over the bill shall be taken up, and under the five-minute rule, or if that is too short, I will say under the ten-minute rule, that Senators on both sides of the Chamber shall have an opportunity of debating the question until 2 o'clock, and that then voting shall begin upon the bill and amendments. If that can be done I am willing to postpone the consideration of the legislative appropriation bill for that purpose, as I see the importance of getting this bill out of the way.

The PRESIDING OFFICER. Is there objection?

Mr. MAXEY. I was one of those who made objection to the proposed agreement. I think the Senator from Iowa will bear me out, from the time of my service with him, that I am not in the habit of boring the Senate with long speeches about anything. I say what I have to say in a very few words and in strict accordance with the rules in discussing any question. But here is a measure which came from the House to the Senate for one single purpose clearly defined on the face of the bill. It seemed apparent before the 3d day of this month that the bill was to stand or fall upon its own merits. Almost every speech that had been made up to that time was in that direction. Some of the most prominent and distinguished members of the Republican party said that they desired to take up the bill and pass it as it came from the House, without amendment.

To-day an amendment which was placed upon the bill upon the motion of the Senator from Pennsylvania, as I can catch it, for I do not profess to understand it thoroughly, revolutionizes the whole bill. The Mexican pension bill, which was the bill brought to us, becomes insignificant as compared with the amendment which has been put on. The effect of that amendment, if I understand it correctly, may be such that gentlemen who expected to vote for the bill as it came from the House can not vote for the bill as it is now amended.

I do not care to be placed in a false position. I propose to cast my vote fearlessly and independently, but at the same time I claim the right to give the reasons for the faith that is in me. The ten-minute rule is proposed. I can say as much as I care to say in ten minutes, and I presume others can also.

Mr. ALLISON. Then I trust——

The PRESIDING OFFICER. The Senator from Texas withdraws his objection.

Mr. MAXEY. Yes, sir; I do, understanding that I can have ten minutes.

Mr. RIDDLEBERGER. I objected to the proposition made by the Senator from New Jersey.

Mr. ALLISON. I hope the Senator from Virginia will withdraw his objection.

Mr. RIDDLEBERGER. Not just now. I shall withdraw it in a moment possibly. I hope, Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia retain the floor?

Mr. RIDDLEBERGER. Yes, sir; I merely wish to make a statement and possibly to withdraw my objection.

I was going to say that in objecting to the proposition made by the Senator from New Jersey I did so because I thought I saw on both sides of the Chamber an indisposition to vote upon the bill at any fixed hour. I have heard a great deal here about the service that these men rendered in Mexico, something about burning sands and disease and all that. It does seem to me that if there be anything in the bill it is that we propose to pension the Mexican war soldiers, and that we might remain here a few hours to pass a bill to give them that pension which they earned while they were undergoing all those hardships in Mexico.

I am opposed to anything like politics in a matter of this sort. I have voted here conscientiously for such amendments as I thought ought to be put on the bill. I have voted against such amendments as I thought ought not to be put upon the bill. Now, we have it in such a condition that all Senators who mean to pension the Mexican war soldiers can in my judgment (I will be pardoned if my judgment is faulty) vote for it. To wait until to-morrow without an agreement is simply again to say that the Senator from Iowa shall have the privilege to call up his appropriation bill, and the Mexican pension bill shall go over as it has been going over for three or four weeks.

Now, if the Senator from Iowa is willing to say that to-morrow we shall take this bill up and that it shall take precedence even of appropriation bills, I shall withdraw my objection; but I am earnestly in favor of passing this bill in the condition in which it is, to give pensions to the soldiers of the Mexican war.

Mr. ALLISON. I will say to the Senator from Virginia that I have already stated (perhaps he did not hear what I said) that if we could come to some agreement now about the bill so as to get it out of the way to-morrow within a reasonable time I should not urge the appropriation bill until this bill was disposed of. Therefore I suggested that we take the bill up in the morning immediately after the routine business and continue the discussion under the ten-minute rule until 2 o'clock and then have a final vote on the bill and amendments without further debate.

Mr. RIDDLEBERGER. If that agreement can be had I am certainly ready to accept it for one.

The PRESIDING OFFICER. The Senate has heard the proposition made by the Senator from Iowa. Is there objection?

Mr. MORGAN. Will the Senator state it again? I do not know that I understand it.

Mr. ALLISON. That immediately after the routine business to-morrow morning we shall proceed to the consideration of this bill, allowing ten minutes' debate to each Senator who desires until 2 o'clock, and that then we proceed to vote on the bill and amendments without further debate.

Mr. MORGAN. That is, allowing a consideration of amendments to the bill in the morning?

Mr. ALLISON. Immediately, I should say, after the routine business.

The PRESIDING OFFICER. Is there objection to the proposition made by the Senator from Iowa?

Mr. MORGAN. I think that in consideration of the other public business that has to be performed before Congress adjourns we had better make that arrangement, but I do it under protest. The bill as it now stands has not been considered by any committee. The Senate has not had any opportunity to discuss it. I do not even understand the amendment. I heard it read at the desk, but my hearing is not quite accurate enough to catch everything in a bill, and I do not know all the features of this measure. It seems to be a political movement, and I suppose it is intended to be nothing else but a political movement.

I should be glad that the Senate would take even a longer time than has been proposed to consider it; but inasmuch as we must close this session of Congress very soon, inasmuch as we owe that to the country, I believe, as a principle of duty, and inasmuch as the Senate have voted down my proposition to postpone the consideration of the bill until December, so as to make way for other important legislation, I shall consent to the proposition, the understanding being that we shall commence the morning to offer and debate amendments at the close of the routine morning business.

Mr. ALLISON. Yes, I speak of the routine business, as presenting petitions, &c.

Mr. MORGAN. I understand.

Mr. ALLISON. And reports of committees without debate.

Mr. MORGAN. And that we close debate on the bill and amendments at 3 o'clock.

Mr. ALLISON. At 2 o'clock I stated.

Mr. MORGAN. Did you say 2?

Mr. ALLISON. Yes.

Mr. MORGAN. I thought the Senator said 3. I hope the Senator will enlarge the time until 3 o'clock.

Mr. ALLISON. Very well; I will say 3 o'clock. I will give Senators further opportunity for debate.

The PRESIDING OFFICER. The Senator from Iowa modifies the proposition. Is the proposition understood, that immediately after the routine morning business to-morrow this bill shall be taken up; that ten minutes be allowed to each Senator, and that at 3 o'clock the debate shall be closed, and that the voting shall begin on the amendments and the bill.

Mr. ALLISON. Without debate.

The PRESIDING OFFICER. Without debate after 3 o'clock. The Chair hears no objection to that understanding.

Mr. ALLISON. Now I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 23, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

SPANISH GOVERNMENT PUBLICATIONS.

The SPEAKER laid before the House a letter from the Secretary of State, referring to publications of the senate of Spain presented to the House of Representatives; also, transmitting a note from the minister of His Majesty the King of Spain in relation to the exchange of publications of the two Governments; which was referred to the Committee on the Library.

CROATAN LIGHT-HOUSE, NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a letter from the Light-House Board concerning the removal of the Croatan light-house, North Carolina, to Eightfoot Knoll, and recommending an appropriation therefor at the present session; which was referred to the Committee on Appropriations.

WATER SUPPLY, WASHINGTON.

The SPEAKER also laid before the House a letter from the Attorney-General, recommending an extension of the period in which claimants under the act of July 15, 1882, chapter 294, providing for an increase of the water supply in Washington, may sue for damages in the Court of Claims; which was referred to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. NICHOLS, on account of sickness.

J. R. HASKELL.

By unanimous consent, the Committee on Military Affairs was granted leave to have printed the petition and papers in the case of J. R. Haskell, for the use of the committee.

BUSINESS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. ROSECRANS. By direction of the Committee on Military Affairs I present and ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That on the evenings of the first and second days after the passage of the sundry civil bill the House shall take a recess at 5 o'clock, to reassemble at 8 o'clock for the sole purpose of considering bills from the Committee on Military Affairs and Senate bills on the Speaker's table the subjects-matter of which have been considered by the Committee on Military Affairs.

Mr. HOLMAN. I trust the bills to be considered will be named.

Mr. DUNN. What length of time is this order proposed to continue?

Mr. ROSECRANS. For two evenings only.

Mr. THOMPSON. I object.

Mr. RANDALL. I demand the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of States and Territories for the introduction of bills and joint resolutions. Under this call resolutions and memorials of State and Territorial Legislatures are in order for reference; also resolutions of inquiry addressed to the heads of Departments.

JAMES ROACH.

Mr. SEYMOUR introduced a bill (H. R. 7381) for the relief of James Roach; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGET ROACH.

Mr. SEYMOUR also introduced bill (H. R. 7382) granting a pension to Bridget Roach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. PETER J. WELSCHBIELLIG.

Mr. WARD introduced a bill (H. R. 7383) to rerate the pension of Capt. Peter J. Welschbillig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE MARTIN.

Mr. WARD also introduced a bill (H. R. 7384) to increase the pension of George W. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES N. RICHARDS.

Mr. WARD also introduced a bill (H. R. 7385) granting a pension to James N. Richards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA M. BYERS.

Mr. WARD also introduced a bill (H. R. 7386) granting a pension to Eliza M. Byers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES AGNEW.

Mr. STOCKSLAGER introduced a bill (H. R. 7387) for the relief of James Agnew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELZA RUCKER.

Mr. STOCKSLAGER also introduced a bill (H. R. 7388) for the relief of Elza Rucker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

N. G. ALEXANDER.

Mr. HALSELL introduced a bill (H. R. 7389) for the benefit of N. G. Alexander; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN BURNAM.

Mr. HALSELL also introduced a bill (H. R. 7390) for the benefit of John Burnam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TIMOTHY MURPHY.

Mr. MORSE introduced a bill (H. R. 7391) granting a pension to Timothy Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN LITTLE.

Mr. MORSE also introduced a bill (H. R. 7392) granting a pension to Ann Little; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GULF AND SHIP ISLAND RAILROAD.

Mr. MULDROW presented a memorial of the Legislature of the State of Mississippi, in favor of the extension of land grants to aid in the continuation of the Gulf and Ship Island Railroad; which was referred to the Committee on Railways and Canals.

PAYNE AND THOMAS C. WOOD.

Mr. GRAVES (by Mr. ALEXANDER) introduced a bill (H. R. 7393) for the relief of Payne and Thomas C. Wood; which was read a first

and second time, referred to the Committee on War Claims, and ordered to be printed.

F. E. PEABODY.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 7394) granting a pension to F. E. Peabody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN Q. GAULT.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 7395) granting a pension to John Q. Gault; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FISHERIES ON ATLANTIC COAST.

Mr. KEAN introduced a bill (H. R. 7396) for the protection of fisheries on the Atlantic coast; which was read a first and second time.

The SPEAKER. To what committee does the gentleman desire this bill referred?

Mr. KEAN. The bill is a copy of a bill originally introduced in the Senate. It was there referred to the Committee on Foreign Relations, and afterward, when the Committee on Fish and Fisheries was appointed, to that committee. I suppose it should be referred to the Committee on Foreign Affairs.

The SPEAKER. Does it in any way affect the relations between the United States and any foreign nation?

Mr. KEAN. That is what it is supposed to do.

The bill was referred to the Committee on Foreign Affairs, and ordered to be printed.

WILLIAM B. HARTLEY.

Mr. HARDY introduced a bill (H. R. 7397) for the relief of William B. Hartley; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

GEORGE H. TUCKER.

Mr. HARDY also introduced a bill (H. R. 7398) for the relief of George H. Tucker; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JAMES TAYLOR AND OTHERS.

Mr. SLOCUM introduced a bill (H. R. 7399) for the relief of James Taylor and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RIGHT OF WAY TO STREET RAILROADS.

Mr. SLOCUM also introduced a joint resolution (H. Res. 273) authorizing the President to grant privileges of constructing street railroads the right of way near government land; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

APPRAISEMENT OF IMPORTED MERCHANDISE.

Mr. HUTCHINS introduced a bill (H. R. 7400) to amend the laws regulating the appraisement of imported merchandise; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MINTHORNE TOMPKINS AND OTHERS.

Mr. HUTCHINS also introduced a bill (H. R. 7401) for the relief of Minthorne Tompkins and others; which was read a firstand second time, referred to the Committee on Ways and Means, and ordered to be printed.

HENRY CARY WEIR.

Mr. BEACH introduced a bill (H. R. 7402) for the relief of Henry Cary Weir; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CITIZENS OF MACON COUNTY, NORTH CAROLINA.

Mr. VANCE introduced a bill (H. R. 7403) for the relief of sundry citizens of Macon County, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES G. HICKEY.

Mr. VANCE also introduced a bill (H. R. 7404) granting a pension to James G. Hickey, late of Company G, Third Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIBRARY OF SURGEON-GENERAL'S OFFICE.

Mr. VANCE also introduced a joint resolution (H. Res. 274) to print additional copies of volume 4 of the Index Catalogue of the Library of the Surgeon-General's Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JOHN HOLLINS M'BLAIR.

Mr. MURRAY introduced a bill (H. R. 7405) for relief of John Hollins McBlair; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE LEMON.

Mr. McCORMICK introduced a bill (H. R. 7406) for the relief of George Lemon, Company G, Fourth Regiment United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. FRANCES REA.

Mr. PATTON introduced a bill (H. R. 7407) granting a pension to Mrs. Frances Rea, mother of John J. W. Rea; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GIBSON.

Mr. HOPKINS introduced a bill (H. R. 7408) for the relief of Commander William Gibson; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CLERK OF COMMITTEE ON ACCOUNTS.

Mr. MUTCHLER introduced a joint resolution (H. Res. 275) relating to the salary of the clerk of the Committee on Accounts; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

JOHN P. STAUSELL.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 7409) for the relief of John P. Stausell, of Chester County, Tennessee, late private Sixth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE OVER TENNESSEE RIVER.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 7410) to give the assent of Congress for the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS F. PURNELL.

Mr. HANCOCK introduced a bill (H. R. 7411) for the relief of Thomas F. Purnell, of Austin, Tex.; which was read a first and second time.

The SPEAKER. Under the rules of the House this bill should go to the Committee on Claims.

Mr. HANCOCK. It relates to matters connected with the Department of Justice, and I move that it be referred to the Committee on the Judiciary.

The motion was agreed to, and the bill was accordingly referred to the Committee on the Judiciary, and ordered to be printed.

FUNDING UNITED STATES DEBT.

Mr. HANCOCK also introduced a bill (H. R. 7412) to authorize the funding of the entire bonded debt of the United States in 2 per cent. fifty-year bonds, and for other purposes; which was read a first and second time.

Mr. BELFORD. I call for the reading of the bill.

The bill was read at length.

The bill was referred to the Committee on Ways and Means, and ordered to be printed.

Some time subsequently

Mr. BELFORD asked and obtained unanimous consent that the bill be printed in the RECORD.

The bill is as follows:

A bill to authorize the funding of the entire bonded debt of the United States in fifty-year 2 per cent. bonds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to receive at the Department of the Treasury of the United States, from time to time as they may be presented, any interest-bearing bonds of the United States outstanding at the date of the passage of this act, and to issue in exchange therefor an equal amount in bonds of the United States bearing interest at the rate of 2 per cent. per annum, payable on the 1st day of January, April, July, and October of each year; the bonds so issued to be exempt from the payment of all taxes or duties of the United States, and from taxation in any form by or under State or municipal authority, and to be and become due and payable fifty years from and after the date of their issue: *Provided*, That there shall be set apart from the revenues of the Government and annually applied to the purchase of said bonds a sum equal to one-half of 1 per cent. of the amount of such bonds shown by the monthly statement of the public debt of the United States issued by the Department of the Treasury on the 1st day of July of each year to be outstanding on that day, together with an amount equal to the interest annually accruing thereon; the whole amount represented by the bonds so purchased to constitute a sinking fund in the Treasury of the United States to be set apart for the final redemption of the bonds issued by authority of this act when the same shall become due and payable: *Provided further*, That nothing in this act shall be construed to authorize any increase of the bonded indebtedness of the United States.

SEC. 2. That the Treasurer of the United States shall be, and hereby is, constituted commissioner of the sinking fund thus created, whose duty it shall be, under such regulations as the Secretary of the Treasury may prescribe, to supervise and control the purchase of said bonds in the manner and to the extent herein authorized, and to keep a correct and detailed record of each purchase, and annually report the result of his operations to the Secretary of the Treasury, who shall transmit the same to Congress.

SEC. 3. That authority to carry the provisions of this act into effect, by such regulations and forms as may be necessary, be, and the same is hereby, conferred upon the Secretary of the Treasury.

SEC. 4. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

RILEY H. SMITH.

Mr. GOFF introduced a bill (H. R. 7413) for the relief of Riley H. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The call of States and Territories was then resumed and concluded.

The SPEAKER. This completes the call of States and Territories. If there is no objection, the Chair will recognize gentlemen who were not in their seats when their States were called for the introduction of bills and joint resolutions for reference.

There was no objection.

WILLIAM MOSS.

Mr. JONES, of Arkansas, introduced a bill (H. R. 7414) for the relief of William Moss; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JABEZ CHAMBERLAIN.

Mr. PEEL introduced a bill (H. R. 7415) for the relief of Jabez Chamberlain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN CHABOT.

Mr. ROGERS, of Arkansas (by request), introduced a bill (H. R. 7416) for the relief of Ellen Chabot; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN SAUER.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 7417) for the relief of Stephen Sauer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA SPILLEN.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 7418) for the relief of Maria Spillen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS O. ROBINSON.

Mr. CONNOLLY introduced a bill (H. R. 7419) granting a pension to Thomas O. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE OVER THE CUMBERLAND RIVER.

Mr. McMILLIN introduced a bill (H. R. 7420) to give the assent of Congress to the construction of a railroad bridge by the Cincinnati, Green River and Nashville Railroad Company over the Cumberland River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. C. AND R. L. YUILLE.

Mr. JONES, of Alabama, introduced a bill (H. R. 7421) for the relief of J. C. and R. L. Yuille, of Mobile, Ala.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER HALL.

Mr. RIGGS introduced a bill (H. R. 7422) to increase the pension of Alexander Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL D. HARPER.

Mr. HEPBURN introduced a bill (H. R. 7423) for the relief of Samuel D. Harper, of Humiston, Iowa, late private Company K, Thirtieth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SEAMANS.

Mr. HANBACK introduced a bill (H. R. 7424) for the relief of William Seamans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. FARRELL.

Mr. COLLINS introduced a bill (H. R. 7425) for the relief of John R. Farrell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ECLECTIC INSTITUTE AND SANITARIUM.

Mr. MOULTON (by request) introduced a bill (H. R. 7426) to incorporate the National Eclectic Institute and Sanitarium of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I am instructed by a unanimous vote of the Committee on Appropriations to ask to suspend the rules and pass, after reading and a debate of fifteen minutes on each side, the sundry civil appropriation bill; but I have been directed by the committee to allow to be offered some seven amendments, the principal being that reported, as we are advised, by the unanimous vote of the Committee on Expenditures in the Department of Justice, relating to the pay of district attorneys, assistant district attorneys, marshals, clerks of courts, and incidental expenses in relation to carrying on judicial proceedings in the Federal courts.

Another amendment which I desire to submit to a vote of this House is in relation to payment to the heirs of Mr. Herron, of Louisiana, and Mr. Updegraff, of Ohio, formerly members of this House.

Another amendment provides for one month's extra pay to the House employés—the same provision which has been adopted in the sundry civil appropriation bill for three years past.

Another amendment is in relation to the authority asked by the Secretary of War to sell certain arsenals now of no use, and to cover the money received therefor into the Treasury of the United States.

Another amendment is to pay Mr. Courts, clerk of the Committee on Appropriations, for services rendered to a commission created by law to make examination with a view to the equalization of the salaries of Senate and House employés.

I believe the other two amendments are clerical. I will only add that there is printed in the bill a proposition that hereafter no speeches not delivered shall be printed in the RECORD. The committee, deeming that this provision would cause objection to the motion which, as I have said, I submit by the unanimous voice of the committee, have agreed to strike that provision from the bill.

Mr. BELFORD. I give notice to the chairman of the Committee on Appropriations that I desire to move an amendment to the section of this bill relating to miscellaneous objects, so as to appropriate $500,000 to the construction and maintenance of a home for disabled soldiers of the confederate army. Does the gentleman intend to allow me to offer that amendment?

Mr. RANDALL. The gentleman submitted that proposition to the House and it was referred to the committee. It is not inserted in this bill.

Mr. BELFORD. What bill can you put it in, except this?

Mr. RANDALL. That will be a matter for the House to determine.

Mr. BELFORD. What did the gentleman say?

Mr. RANDALL. I say the way to accomplish the gentleman's object is for the House to determine.

Mr. BELFORD. Very well. I desire to offer this amendment. I am a Republican. I have made this proposition in the interest of the South. You have 72 Democratic majority; and you are afraid to consider it. I object to unanimous consent.

Several MEMBERS (to Mr. BELFORD). Withdraw your objection.

Mr. BELFORD. No; I will not. I will stand and fight this matter for a month.

Mr. RANDALL. Do I understand the gentleman from Colorado to object to this motion, made under the unanimous instruction of the Committee on Appropriations?

The SPEAKER. The Chair did not understand the last remark of the gentleman from Colorado.

Mr. BELFORD. I have simply asked for the consideration of a proposition coming from a Northern and Western Republican which Southern Democrats are afraid to consider. I withdraw my objection.

Mr. COX, of New York. I do not rise for the purpose of making objection; but on page 45 of this bill there is a provision in reference to the Tenth Census, proposing to close up the whole census business with an appropriation of $10,000. I am satisfied, from authentic documents which I have in my possession, that this sum ought to be increased. I ask the gentleman from Pennsylvania to make this matter an exception, so that I may offer an amendment to this part of the bill and state to the House my reasons for it.

Mr. RANDALL. Individually I favor the proposition of the gentleman from New York; but I have no instructions from the committee to admit such an amendment. I will say, however, since the gentleman from New York has stated he does not mean to make any objection to this motion, that I will co-operate with him, so far as I may be able, to secure before the final passage of this bill the legislation which he seeks.

Mr. KEIFER. Before this matter is finally submitted to the House, some members of the committee on this side desire to make some suggestions in reference to it. While we assent so far as we individually can to the arrangement that unanimous consent be given for the purpose of suspending the rules and passing this bill, reserving the right to submit certain amendments as stated by the chairman of the committee, we wish it distinctly understood that the amendment relating to salaries of United States marshals and district attorneys is to be considered subject to amendment, subject to discussion, and subject to points of order, as if it were considered in Committee of the Whole on the state of the Union. Now, that is as far as I desire to make any statement.

Mr. RANDALL. I wish to say in reply——

Mr. KEIFER. I hope unanimous consent will be given.

Mr. RANDALL. My understanding of the recommendation of the committee in regard to the amendment to which the gentleman refers is that it shall be open to discussion and amendment.

Mr. KEIFER. And to points of order.

Mr. RANDALL. And to points of order as well.

Mr. KEIFER. Yes; it is with that understanding.

Mr. RANDALL. That it shall be considered in the House on these amendments as in Committee of the Whole House.

Mr. CANNON. As one of the minority members of the Committee on Appropriations I reluctantly gave my consent to the proposition which is submitted to the House, namely, that unanimous consent shall be given to move to suspend the rules and pass this bill with the exceptions named. I say I reluctantly gave my consent after the lapse of nearly seven months since the Congess convened, which time has been frittered and wasted in my opinion—time in which this bill could and should have been reported and considered under the rules in the ordinary manner.

Mr. RANDALL. If it is important I should hear what the gentleman from Illinois is saying I only want to say that I have not heard a word of it.

The SPEAKER. The Chair thinks it is important that every member on the floor should hear what is said when public matters are under consideration, and he will endeavor to secure order for that purpose. Gentlemen will resume their seats and stop conversation.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. TOWNSHEND. I wish to know whether this debate is in order?

The SPEAKER. Only by unanimous consent.

Mr. TOWNSHEND. I give notice if there is to be political debate indulged in on this matter I shall object to it.

Mr. RANDALL. I hope gentlemen will not bring politics into this matter.

Mr. TOWNSHEND. That is why I am objecting to it.

The SPEAKER. The Chair understands an effort is being made on the floor to harmonize the views of gentlemen so the motion indicated may be submitted.

Mr. CANNON. I wish to submit a remark or two, Mr. Speaker, in explanation or excuse of my concurrence with the view of the Committee on Appropriations in asking unanimous consent. I was proceeding to say that nearly seven months had elapsed since the convening of this Congress, in which, in my opinion, this bill ought to have been reported and considered under the rules of the House and passed. Nevertheless it has not been, and we have now reached the 23d day of June. Members, I believe, on both sides, so far as I have been informed, are desirous of adjourning, and it is feared, and perhaps with considerable reason, that if this bill is to be considered in Committee of the Whole under the rule, open to amendment and discussion, it will throw the adjournment beyond the 3d or 4th day of July. I must say I have myself some fear that would be the case.

I wish to say further, in many respects, in my opinion, the bill is a good one. In some respects I think it is not. I believe in some respects it ought to be amended. But I have been willing under the circumstances to give my consent to the proposition, hoping it would bring about a speedy adjournment, and trusting elsewhere the bill might receive amendments which are proper.

Mr. RANDALL. In answer to the gentleman from Illinois I want to say that this bill contains items requiring great research and study, and that I have, and I think the subcommittee of the Committee on Appropriations have, given four months of close consideration and study to the subject. It is an *omnium gatherum* bill, and necessarily comes in toward the end of a session. Let me further remind the gentleman from Illinois that in the first session of the last Congress this bill was not presented until the expiration of the fiscal year; in other words, it did not come here until after the 30th June, 1883, and that we were therefore compelled to pass a general bill continuing the appropriations beyond the date of the expiration of the then expiring fiscal year. So that the gentleman readily sees we have been perplexed not to the same extent they were perplexed, but to the extent that has prevented an earlier reporting of this bill.

But I rose principally to correct any impression that might be inferred from the gentleman's remark that this bill had not full consideration in the committee. On the contrary, sir, it has had the fullest consideration and study, and I do not think I am transgressing the rule when I say I have not heard to the contrary on the part of any member of this committee but this was a fair, reasonable, and just bill in the purposes and amounts given for the objects included in it.

Mr. BELFORD. I would like to ask the gentleman from Pennsylvania one question, whether he will allow me to offer the amendment that I have suggested to this bill?

Mr. RYAN. Mr. Speaker, as one of the subcommittee who participated in the preparation of this bill I concur in the statement made by the gentleman from Pennsylvania, the honorable chairman of the Committee on Appropriations, that the subcommittee did devote a great deal of time, attention, and thought to this bill in its preparation. In the main I regard the bill as a reasonably fair one.

There are some things not provided for which I could wish were provided for. There are some appropriations for certain objects which I regard as insufficient for the purposes contemplated. But on the whole, after careful consideration of it, and in view of the almost unanimous desire, I believe, on both sides of the House, and undoubtedly of the entire country, for an early adjournment of this session of Congress, I thought it better that the minority should give its assent to the suggestion of the majority of the committee and allow this bill to be passed in the manner proposed, under the suspension of the rules.

Mr. HOLMAN. Mr. Speaker, I concur in the main with the remarks made by the gentleman from Kansas, who has just taken his seat, as to this bill, that it is a reasonably fair bill. I differ with him only in this respect, that I think there are some provisions in the bill that ought not to be in it, while my friend thinks there are some omissions that should be supplied. I do not agree with him in that respect, and think there are provisions in it that would even be subject to the point of order.

There are many reasons why the bill should be disposed of at the earliest possible moment, but with the understanding that the seven amendments named by the chairman of the committee shall be allowed to be acted upon separately, to be open for debate and amendment and subject to the point of order, as I understand to be the pending proposition of the gentleman from Pennsylvania. It occurs to me that the better policy is to take the course proposed by him in conformity with the views of the committee.

But, Mr. Speaker, I wish to state in this respect that I am controlled in my action in the matter of not giving this bill in Committee of the Whole more thorough and searching examination, by the fact that I hope the House will have the necessary time to take action upon the important series of measures reported from the Committee on the Public Lands; and I hope now the House will not wish to adjourn without ample time to consider fully and mature the legislation suggested. In view, therefore, of the fact that if the time fixed for adjournment is to be concurred in, I have agreed to the action proposed here, so that the important measures to which I have referred may have ample time for consideration, which I hope the House will devote to them.

Mr. MORRISON. Mr. Speaker, I do not propose to object to or interfere with the proposition recommended by the Committee on Appropriations whether the proposition I have now to submit be accepted or not. But I ask unanimous consent of the committee and of the House to be allowed to offer, on the same conditions that the other amendments are proposed, the amendment I now send to the desk.

The SPEAKER. The Clerk will read the proposition for the information of the House.

The Clerk read as follows:

That the Secretary of the Treasury shall apply the surplus revenues at any time in the Treasury in excess of $100,000,000, not otherwise appropriated, to the redemption of United States bonds; and when any of said bonds are redeemable at the pleasure of the Government it shall not be lawful to apply any portion of said surplus to the purchase of bonds at a premium.

Mr. RANDALL. The Committee on Appropriations did not consider this matter, not having had it before then. But I join the gentleman from Illinois in asking the House, and I do this of course not under instructions from the committee, but none the less heartily, that unanimous consent may be given to have a vote upon this proposition subject to the point of order and the other conditions which apply to the amendment before suggested.

Mr. CHASE. The point of order being still reserved?

The SPEAKER. Is there objection to the suggestion of the gentleman from Illinois?

Mr. HISCOCK. Not having clearly understood the amendment from the reading, I therefore object for the present. Possibly later in the day, after an examination of the subject, I may withdraw the objection; but I desire for the present to be understood as interposing an objection.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. Will it be proper for me at this time to suggest that I am heartily in accord with that proposition? [Laughter.]

Mr. BROWNE, of Indiana. Mr. Speaker, I certainly have no desire to play the rôle of obstructionist. I recognize, in common with gentlemen on both sides of the House, the necessity of an early adjournment of this session.

But let us see what is proposed to be done here. We have presented a bill of some 2,000 lines appropriating $21,000,000 in round numbers. Of its contents the House has not been advised. The Committee on Appropriations under the rule bring in their bill, and although there may be an overwhelming majority of the House disposed to increase the appropriations, it can not be done. Practically the Committee on Appropriations are absolute in determining for what public purposes appropriations shall be made and how much shall be made.

They not only formulate the bill, but they bring it into the House and say to us, "We propose to ask the House that the question of amendment shall be wholly confined to the Committee on Appropriations; we not only ask you to take the bill so far as the committee have framed it, but all amendments that are to be offered to it are simply those which the chairman of the committee holds in his hand and which have been suggested by the committee itself." Now, if we are to take the work of the committee and are to be confined in these amendments to the will of the committee, I think we had better adopt the resolution which is usually accepted by political conventions—send this bill

again to the Committee on Appropriations with all the amendments that are suggested to it without debate, and when they have completed their work let them bring the bill here and I will vote for it.

The SPEAKER. Does the gentleman from Indiana object to the request which has been made?

Mr. BROWNE, of Indiana. I shall not under the circumstances object, but I desire to enter my protest against this kind of legislation, this thing of putting upon passage in the House of Representatives the mere work of a committee without any opportunity to have the bill read or to hear the various items discussed.

Mr. RANDALL. The bill will be read. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves to suspend the rules and pass the bill, allowing fifteen minutes debate on each side, and allowing the amendments he has indicated to be offered and voted on in the House. As to the amendment to be proposed as the Chair understands by the Committee on Expenditures in the Department of Justice, it is to be subject to points of order and open to amendment and discussion.

Mr. HOLMAN. Each of the amendments.

Mr. HISCOCK. I understand I was recognized as objecting to the proposition offered by the gentleman from Illinois [Mr. MORRISON].

The SPEAKER. Yes; that is not before the House.

Mr. CHACE. I desire to inquire if it is understood that all amendments are to be subject to points of order.

The SPEAKER. The Chair understood the gentleman from Pennsylvania to say points of order might be made against the amendment proposed in relation to the fees and salaries of marshals, commissioners of United States courts, &c.

Mr. RANDALL. And other amendments.

The SPEAKER. That will be the understanding.

Mr. KEIFER. That there may be no misunderstanding, I wish to state how I understand this agreement. This substitute for a portion of the bill proposed by the Committee on Expenditures in the Department of Justice is, as I understand, to be considered as an amendment, but considered in Committee of the Whole.

Mr. RANDALL. In the House as in Committee of the Whole.

Mr. KEIFER. In the House as in Committee of the Whole, subject to points of order.

Mr. RANDALL. And amendment.

The SPEAKER. That was the understanding of the Chair. There being no objection the motion will be considered as seconded, and there will be thirty minutes allowed for debate.

Mr. HOLMAN. Let the bill be read.

Mr. RANDALL. That is part of the motion, that the bill be read.

The SPEAKER. If there be no objection the rules will be considered as suspended, and the bill is now before the House under the arrangement proposed by the gentleman from Pennsylvania [Mr. RANDALL] that there shall be thirty minutes of debate on the bill, fifteen minutes for and fifteen against, after which the amendments will be considered.

Mr. RANDALL. I now ask that the bill be read.

The Clerk proceeded to read the bill.

Mr. MILLER, of Pennsylvania (interrupting the reading). Inasmuch as it will take fully an hour to read this bill I ask unanimous consent be given that the reading be dispensed with.

Mr. POLAND. I understand this is to be the only reading of the bill.

The SPEAKER *pro tempore* (Mr. COX, of New York). It will be the only reading of the bill.

Mr. MCMILLIN. I object to the reading of the bill being dispensed with.

The Clerk resumed the reading of the bill. When he had read the paragraphs relating to the Government Hospital for the Insane,

Mr. BELFORD said: I desire to inquire if an amendment at this time is in order—an amendment to come in at the end of the paragraphs just read.

The SPEAKER *pro tempore* (Mr. CRISP). An amendment is not in order at this time. The bill will be read through, after which there will be allowed fifteen minutes of debate on each side.

Mr. BELFORD. I heard it announced by the gentleman from Pennsylvania [Mr. RANDALL] that certain amendments should be considered. I desire to offer my amendment at the end of the paragraph which has just been read. If it is not in order now, I wish to inquire when it will be in order, if in order at all.

The SPEAKER *pro tempore*. It is not in order at this time. The bill will be read through.

The Clerk resumed the reading of the bill. When he had read the following paragraph, on page 62,

To purchase additional grounds at or near Philadelphia, Pa., for a national cemetery, $15,000,

Mr. O'NEILL, of Missouri, said: I wish to ask the chairman of the Committee on Appropriations a question in regard to this item.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Missouri that nothing is in order at this time except the reading of the bill.

Mr. O'NEILL, of Missouri. Is it not in order to ask a question for information?

The SPEAKER *pro tempore*. Not at this time. After the reading of the bill is completed there will be allowed fifteen minutes for debate on each side, and then the information which the gentleman desires can be elicited.

Mr. O'NEILL, of Missouri. I wanted to ask the chairman if this item providing for the appropriation of money for purchase of ground for cemetery purposes in his own city is not new legislation and not in the line of retrenchment, the points raised by him that excluded the items from the deficiency bill for street improvements around public buildings at Saint Louis. An objection would have excluded this, but I will not make it.

The Clerk resumed the reading of the bill. When he had read the following paragraph, on page 83,

And no speech or portion of a speech or remarks shall be printed in the RECORD that shall not have been delivered upon the floor of Congress in open session,

Mr. RYAN said: I wish to call the attention of the chairman of the committee to the provision which has just been read, that no speech or remarks shall be printed in the RECORD that have not been delievered upon the floor of Congress. I understood that that was stricken out of the bill.

Mr. RANDALL. After the reading of the bill is completed I will move to amend it in that particular.

The SPEAKER. The bill is being read as reported by the Committee on Appropriations. The proposed amendments will be disposed of afterward.

The Clerk resumed and concluded the reading of the bill.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The SPEAKER. Under the agreement made by unanimous consent there is to be allowed thirty minutes for debate upon this bill, fifteen minutes to be occupied by those who desire to speak in support of the bill and fifteen minutes by those who desire to oppose the bill, after which the amendments will be considered in their order.

Mr. KEIFER. I desire the consent of the chairman of the Committee on Appropriations to submit a request in reference to a clause to be found on page 77 of this bill, which reads thus:

That hereafter the Public Printer is required to print not more than one volume each year of the decisions and opinions of the First Comptroller of the Treasury Department, with such explanatory matter as he may furnish, and to furnish to him not more than one hundred copies of each volume.

I desire to say that that clause is in exact accordance with the present law so far as it authorizes the printing of one volume each year, and it in no sense changes the present law except that it gives to the First Comptroller of the Treasury one hundred copies to be distributed by him. It does not reduce the number to be printed, and leaves 1,900 copies undisposed of. I wish to ask unanimous consent to strike that whole clause out of the bill, because it does not reduce the number to be printed, and as I have said does not change the existing law in any respect except that it gives the First Comptroller of the Treasury one hundred copies of each volume.

Mr. RANDALL. I think the gentleman is mistaken.

Mr. KEIFER. I think the gentleman from Indiana [Mr. HOLMAN], who drew this clause will agree with me.

Mr. HOLMAN. The intention is not to print more than 100 copies.

Mr. RANDALL. And that is what this accomplishes. The original act provides for printing 9,000 copies. This proposes to continue the printing to the extent of 100 copies only. Another clause at the end of the paragraph in relation to public printing repeals all laws inconsistent with this bill.

Mr. KEIFER. Undoubtedly, so far as they are inconsistent.

Mr. RANDALL. If the gentleman wants to make it any plainer——

Mr. KEIFER. We either ought to provide specifically that a certain number only shall be printed or we ought to strike out this entire paragraph.

Mr. RANDALL. I am willing that unanimous consent be given to insert a proviso that there shall be printed only 100 copies, to be given to the First Comptroller of the Treasury.

Mr. KEIFER. Under the present law each member of Congress is entitled to 14 copies for distribution. This paragraph does not change the law in that respect, and I do not want to change it. I do not, however, see the necessity of putting this clause in the bill and allowing 9,000 copies to be printed, and leaving 1,900 copies undisposed of.

Mr. HOLMAN. Will the gentleman allow me a moment?

Mr. KEIFER. Certainly.

Mr. HOLMAN. The intention of the committee was to limit the publication to 100 copies of each volume, and one volume per year, the 100 copies to be for the use of the Treasury officials, to be distributed

by the First Comptroller himself. The intention of the committee was not to publish any more than that number.

Mr. KEIFER. The gentleman will agree with me that this does not affect the number to be printed.

Mr. HOLMAN. I am stating now what was the purpose of the committee, which was to limit the number to 100 copies, for the use of Treasury officials.

Mr. KEIFER. The gentleman will agree that that is not accomplished by this clause, will he not?

Mr. HOLMAN. I am afraid it is not.

Mr. RANDALL. I think it is; but still I am willing to make it plainer, if the gentleman from Ohio [Mr. KEIFER] or the gentleman from Indiana [Mr. HOLMAN] will suggest words to make it so.

Mr. KEIFER. I do not consent that the limitation of the number shall be 100 copies in all. I thought it best to have the whole clause go out by unanimous consent.

Mr. RANDALL. I shall object to that. I can see no reason for printing 9,000 copies of that book.

Mr. HOLMAN. It is of no value in the world.

Mr. RANDALL. If any gentleman wants the fifteen minutes in opposition to this bill I am now ready to yield. I do not desire to occupy any time now myself in the advocacy of the bill. [After a pause.] No one seeking the floor, I will submit an amendment.

Mr. COX, of New York. Will the gentleman allow me two minutes?

Mr. RYAN. I desire to know what the gentleman from Pennsylvania [Mr. RANDALL] proposes to do with his time?

Mr. RANDALL. I will yield fifteen minutes to the gentleman from Kansas [Mr. RYAN], to be disposed of as he sees fit.

Mr. CHACE. Is that the fifteen minutes in advocacy of this bill which was to be controlled by the other side?

Mr. RANDALL. There is no "other side" on this bill.

Mr. RYAN. I will yield five minutes of the time to the gentleman from New York [Mr. HISCOCK].

Mr. HOLMAN. I understand the gentleman from Pennsylvania [Mr. RANDALL] yields fifteen minutes of time in support of the bill to the gentleman from Kansas [Mr. RYAN]. I suppose those who desire to oppose the bill will be entitled to the rest of the time allowed for debate.

The SPEAKER. The Chair understands, according to the arrangement made by unanimous consent this morning, and which was announced by the Chair, that fifteen minutes' time is to be allowed to those who desire to support the bill and fifteen minutes to those who desire to oppose it.

Mr. HOLMAN. Now, the gentleman from Pennsylvania, as I understand, yields fifteen minutes in support of the bill to the gentleman from Kansas.

Mr. RANDALL. Well, Mr. Speaker, it is hard to arrive at a distinction in this matter. I have yielded fifteen minutes to the gentleman from Kansas as the minority member of the subcommittee. Of course the other fifteen minutes I shall control in my own right.

Mr. HOLMAN. Will the fifteen minutes now to be occupied exhaust the time for discussion on this bill?

The SPEAKER. The Chair thinks that is not in accordance with the understanding.

Mr. RANDALL. No, sir, and it is not to be executed in that way. If there be gentlemen here who want to occupy fifteen minutes in opposition to the bill, it is not my purpose to deprive them of the opportunity.

Mr. RYAN. I yield five minutes of my time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I desire in the five minutes yielded to me by the gentleman from Kansas to give the reasons why I objected to the consideration of the amendment the gentleman from Illinois [Mr. MORRISON] sought to offer to this bill. As I understand we have in the Treasury unappropriated about $150,000,000. Of this sum $75,000,000 or $80,000,000 is silver. The result of the gentleman's amendment would be immediately to force from the Treasury in gold all the available funds in excess of $100,000,000, leaving there—the bonds are to be redeemed in gold—$75,000,000 or $80,000,000 silver and $20,000,000 or $25,000,000 in gold Under the operation of the amendment, as gold and silver come into the Treasury the gold will be forced out to redeem the bonds and into the hands of the bondholders, leaving only the silver remaining. To that I am opposed, and that is one of the grounds of my objection.

Another objection is, that under the provisions of the gentleman's amendment this excess above $100,000,000 must be used in retiring 3 per cent. bonds, thereby striking at the basis of the national-bank circulation and the national-bank system. If, in carrying out such a measure, money were to be saved by the Government, I could not perhaps defend this objection, but so far as concerns all the bonds which are the basis of the circulation of the national banks, the interest to the Government is only 2.10 per cent. Under the phraseology of the amendment redemption must take place and no purchases can be made, though, as I understand at the rates at which other bonds are sold in the market to-day, the Government can buy them and save interest at the rate of 2½ per cent. While there might be this saving on the part of the Government by purchasing bonds rather than redeeming them, yet for some reason, which I do not understand, redemption is to be forced.

Mr. MORRISON. The gentleman will allow me a moment. I was not in my seat when he commenced his remarks——

Mr. HISCOCK. I have but five minutes.

Mr. MORRISON. I desire to know whether the gentleman has withdrawn his objection?

Mr. HISCOCK. I have not.

Mr. MORRISON. Then I must object to this debate. The amendment is not before the House.

Mr. HISCOCK. The latitude allowed in the consideration of general appropriation bills permits the statement which I am making. This bill is being discussed as in Commitee of the Whole, and I hope this interruption will not be taken out of my time.

Mr. MORRISON. By reason of the gentleman's objection the amendment is not before the House.

The SPEAKER *pro tempore*. The time of the gentleman from New York [Mr. HISCOCK] has expired.

Mr. CHACE. I submit that this interruption should not come out of the gentleman's time. The gentleman from Illinois [Mr. MORRISON] has occupied the time of the gentleman from New York with a matter extraneous to the question before the House and not introduced by the gentleman from New York.

The SPEAKER *pro tempore*. The interruption occupied half a minute.

Mr. HISCOCK. Do I understand the Chair to say that I have occupied five minutes?

The SPEAKER *pro tempore*. Yes, sir.

Mr. HISCOCK. I never knew time to fly so swiftly. [Laughter.] If the gentleman from Kansas will give me one minute more? I desire only to say that I am most emphatically opposed to considering legislation which may be so serious in its consequences in the form of a rider upon a general appropriation bill, to receive only scanty consideration coming here in this manner at this late day in the session, and so far as I know without having been submitted to the Secretary of the Treasury or having been considered by a committee. In the amounts of money I have stated I have not the figures before me, but I doubt not I have closely approximated to correct amounts. I believe the effect of the gentleman's amendment will be a forced retirement of national-bank currency, and this is not the time to give the country experimental legislation.

[Here the hammer fell.]

Mr. MORRISON. I desire to say a word or two in reply to the gentleman from New York [Mr. HISCOCK].

Mr. RANDALL. I yield five minutes of my time to the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. Mr. Speaker, I was not in my seat when the gentleman from New York [Mr. HISCOCK] commenced his remarks, and have heard but little of what he has said with reference to the amendment which I proposed and was prevented from making because of his objection. From what I did hear of what he said I am led to believe that he misapprehends the purpose of the proposed amendment. Its object is simply to reach the surplus in the Treasury.

The reply to the House or statement recently made by the Secretary of the Treasury shows that there was then, March 5, money in the Treasury amounting to $498,735,509.14. A part of this sum is held for the redemption of the notes of national banks which have failed or for which the Government is otherwise liable. Other large sums are in the Treasury for specific purposes, and all these go to make up the aggregate amount stated and are to be deducted from this aggregate to ascertain the surplus. When so deducted the surplus is found to be about $150,000,000. This sum is unappropriated and is not held for any trust or for any specific object. The only legitimate purpose for which it is now kept in the Treasury is for the redemption or payment of Treasury notes which may be presented for payment.

To create this surplus or reserve fund it will be remembered by those who have given attention to the subject the then Secretary sold bonds amounting to $95,000,000, some bearing interest as high as 5 per cent., and this sum has been since increased from the current revenues to about $150,000,000. It was first called a resumption fund, then a reserve fund, and now surplus.

In conversation with the Secretary of the Treasury but a few days since he stated the sum then in the Treasury for this purpose or subject to this use to be $147,000,000. This amendment, Mr. Speaker, enacted into law, will declare that this is $47,000,000 too much; that $100,000,000 in the Treasury is entirely sufficient, and more than sufficient, to answer the purpose, especially when we remember that lying behind this sum is authority vested in the Secretary of the Treasury to sell bonds bearing as high rate as 5 per cent. interest to obtain money to redeem these notes at any time when the money found in the Treasury is not sufficient. With such power and authority to use the credit of the Government vested in the Secretary of the Treasury $100,000,000 is ample. It is more than sufficient, but out of abundant caution I do not propose to go below that sum.

The gentleman from New York rests his objection to the amendment proposed by me in part upon its alleged interference with the rights, privileges, or franchises of the national banks. The amendment has

no such purposes and is not aimed at the banks. Its purpose is to take from the Treasury nearly $50,000,000 held there for no necessary purpose and under no other law than the discretion of the Secretary, and apply it to the redemption of interest-bearing bonds. It is offered in the belief that all the money in the Treasury not appropriated to or held for any specific use or purpose in excess of $100,000,000 for a reserve redemption or resumption fund is not needed in the Treasury, and should be applied in the payment of our bonded debt, that $1,500,000 may be saved in interest.

The amendment I offer to make has another purpose, which is to make it unlawful for the financial officer of the Government to go into the market and buy at a high premium bonds not yet payable while there are still outstanding interest-bearing bonds of the Government which it has the right to redeem at par. We have now outstanding more than $200,000,000 of 3 per cent. bonds which the Government has the right or option to pay without premium.

These, Mr. Speaker, are the sole purposes of the amendment I ask to be allowed to make. It applies to the public debt and is not offered with a view of affecting the banks—that is another question or subject to be considered and treated by itself. Of course I understand that when the 3 per cent. bonds are paid off or redeemed other bonds of which $1,000,000,000 will be still unredeemed must be used as a basis for banking, and this may in some degree affect some banks but not the banking system. We can not afford to tax our people that money may go into the Treasury and then keep it there to increase the profits of the banks or of individuals while by paying it out we may reduce our interest expenditure and increase our savings.

Mr. DINGLEY. I should like to put an inquiry to the gentleman from Illinois.

Mr. MORRISON. I have no objection, if my time has not expired.

Mr. RANDALL. I wish to say to the gentleman from Illinois that I entirely agree with him. The present Secretary of the Treasury has had the power to do what this amendment prohibits; that is, to go into the market and buy bonds at a premium, but he has not done it. He has instead redeemed the public debt wherever it could be done, and his conduct in that regard is the strongest approval of the proposition submitted by the gentleman from Illinois.

Mr. DINGLEY. If the gentleman's time has not expired, allow me to make a single inquiry.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. DINGLEY. I hope I will be permitted to ask the gentleman a question.

Mr. MORRISON. I do not object if I am allowed to yield for that purpose.

Mr. RYAN. I now yield two minutes to the gentlemen from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, I do not intend to take up much time beyond asking to have printed something in relation to the clause as to the census on page 45 of this bill. It seems to have been the idea of the Committee on Appropriations to wind up the census business with $10,000. By some misadventure of this committee they were not in full possession of the subject. I am glad to say from the promise of the gentleman from Pennsylvania [Mr. RANDALL] that under other conditions he will assist to have this business wound up wisely and according to existing law.

Now, sir, this census has cost less than was expected. The appropriations up to the beginning of the next fiscal year are only $5,000,000. It will be shown by the papers I present with these brief remarks that it is the cheapest census ever taken in this country. It is cheaper than the one of the preceding decade.

If the $10,000 only be appropriated it will hardly pay for the salaries of the superintendent and the chief clerk and the little rent and other miscellanies which may be required.

We have only printed thus far seven of the large quartos of 1,000 pages each and the compendium. The eighth volume is now in the hands of the Printer and stereotyped. The ninth is all composed, and there are others to be printed and almost ready. We know what is done or to be done under the bill we passed here and now before the Senate.

All will be finished by the 1st day of October, and we must have to do that an adequate sum, which I hope will be provided in an amendment in accordance with the suggestions contained in letters which I will append:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., June 21, 1884.

DEAR SIR: I learn that the House Appropriations Committee, after a consideration of the estimate submitted by this office for the expenses of continuing the work of the Tenth Census in the next fiscal year, has settled upon the sum of $10,000 therefor, and that this sum will be reported in the sundry civil bill instead of $75,000, as submitted by me in estimate for this purpose.

If this action of the committee shall meet the approval of the Congress all work on the Tenth Census must cease on the 1st proximo. The sum thus concluded upon is based upon nothing in the knowledge or experience of this office, and unless it is intended as an expression of the judgment of the Appropriations Commitee that the report of the Tenth Census should not be completed and published, I am wholly at a loss to understand its purport.

The sum of $75,000 was submitted by this office under date of April 17, 1884, as the estimated amount required for the completion of compilations and continuation of the publications of the Tenth Census in the next fiscal year. It is now my deliberate judgment that this sum represents the minimum required for the purpose indicated if continued in the most economical manner. With any less, such a reduction of force will be essential as to seriously cripple the progress of the work; with only $10,000 the entire force must be dispensed with from July 1. For although with the consent of the Secretary of the Interior I have already arranged for a removal of the locale of the force to another building at a reduced rental of $2,600 per annum, nevertheless the rent with the salaries of the Superintendent and chief clerk would exhaust the appropriation, leaving not one dollar for clerks, watchmen, or laborers. All work at the Government Printing Office in the publication of the census volumes would have to cease, except the completien of the printing of the matter for the eighth volume of the quarto series, the revised proofs of which in its entirety are in the hands of the Public Printer.

Parts of succeeding volumes are in type, but no further progress could be made by the Public Printer without the preparation of additional copy by this office, and for that work no force could be employed. It is needless to add that the provisions of House bill 7071 directing the printing of additional copies of the compendium and of certain monograph reports, which bill has passed the House and has been reported favorably to the Senate from the Census Committee in that body, would be rendered wholly inoperative should this proposed reduction obtain.

Only by the most rigid economy could the additional expense imposed by this bill upon this office in the revision of matter for a second edition in addition to the completion of tabulations, &c., and other matters for original volumes yet to issue, be met by the appropriation of the full sum of $75,000 which had been submitted in estimate before the above bill was introduced.

If it is the purpose of the honorable Committee on Appropriations to herewith conclude the report on the Tenth Census, and such purpose meets the approval of the House and Senate, I defer without further comment. In such case provision should be made for the final disposition of the vast mass of schedules and other material which have been gathered in the preparation of the report. If, however, it is contemplated by your honorable bodies that this magnificent report shall be completed and published, I most respectfully but most earnestly submit that the proposed appropriation will be utterly inadequate to the accomplishment of the contemplated result.

Very respectfully,

GEO. W. RICHARDS,
Acting Superintendent.

Hon. S. S. COX, M. C.,
Chairman Census Committee, House of Representatives.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., June 23, 1884.

SIR: I trust that you will not deem me obtrusively solicitous about the item of appropriation for this office for the next fiscal year if I venture to submit a few observations additional to those contained in my letter of the 21st instant. But as I had no opportunity to present in person the case of this office to the honorable Committee on Appropriations, I am led by the action of that committee to infer that the condition of our work may not have been fully understood when dealing with the estimate submitted by me of the sum required for the work on the Tenth Census in the next fiscal year.

I have heretofore had the honor to represent to you and to demonstrate by the figures that the preparation of the report of the Tenth Census has been an economical exercise of an administrative function, and that by comparison with preceding censuses it has been relatively the cheapest ever undertaken, the actual cost per capita having been only 1 cent more than that of the Ninth Census, while in accuracy, scope, and value of results it is unique, and its extraordinary and unexampled statistical merit has been cordially recognized by every prominent country, not even excepting its own.

The total amount of appropriations for this work to date is $5,000,000, of which sum $2,316,595 were paid for enumeration, leaving $2,683,405 which has been expended in the compilation and tabulation of the general statistics of population, agriculture, manufactures, &c., and on the reports of special agents to whom were confided certain investigations as provided by the acts of March 3, 1879, and April 20, 1880, and for all contingencies, rent, office furniture, &c.—a not at all extravagant expenditure when considered in the light of the valuable results thereby attained.

The entire report, if completed, will occupy from fifteen to eighteen quarto volumes of about 1,000 pages each; of these seven volumes, aggregating about 7,000 pages, have been published. Volume 8 has been stereotyped, and the full edition is now being printed as rapidly as the facilities of the Government Printing Office will permit. Volume 9 is almost wholly composed, and parts of other volumes of the series have been put in type, and are otherwise in various stages of advancement. The compilations for the remaining volumes have been completed except for the reports relating to churches, schools, and libraries, defective, dependent, and delinquent classes of the population, and the statistics of mortality. These would all be completed by October 1 proximo were there no interruption in our labors. The other work of preparing all remaining matter for press would consist wholly of casting copy, proof-reading, and revision, with such work as might be required of the draughtsman in connection with the maps and other illustrations which illumine the various reports in the several volumes.

In addition to the above unfinished work on the matter yet unpublished the House has passed a bill, No. 7071, to which I referred in my communication of the 21st instant, authorizing the publication of additional copies of the Compendium of the Tenth Census, together with separate editions of various monograph reports, and directing that all necessary corrections of errata in former editions of any of the same shall first be made by the Superintendent. This bill has been favorably reported in the Senate and may reasonably be expected to become a law.

To complete the work of the Tenth Census as provided by the act of March 3, 1879, to continue the labor necessitated by the act of August 7, 1882, and to carry out the provisions of the House bill 7071 will require, I again respectfully submit, not less than the sum of $75,000 in the next fiscal year. To estimate less would do violence to my best judgment, based upon a matured experience of the condition and requirements of the office and with due regard to the necessity and propriety of the most exacting economy.

To appropriate $10,000 only would be to incur an expense in that sum for which no definite advance could be hoped. Such a sum would meet the rent of the office and enable me to discharge my responsibilities as custodian of the records besides paying the salary of the Superintendent, but the *personnel* of the office would otherwise be wholly abolished; the constant demands for statistical data or other information could meet with no response; the functions of the Public Printer in his relation to this work under the provisions of the act of August 7, 1882, would be wholly suspended, and the work on the Tenth Census in its various stages would neither be completed nor definitely terminated.

I therefore venture the hope that you, who are yourself so familiar both with the general character and value of this great work and with the requirements of this office, may be able to represent the matter to the Committee on Appropriations and to the House in such light that a further consideration of the estimate already submitted by me may be had, and that the sum therein asked, based as it was upon an anxious and scrupulous study of the situation, may receive the approval of the House.

Very respectfully,

GEO. W. RICHARDS,
Acting Superintendent.

Hon. S. S. COX, M. C.,
Chairman Census Committee, House of Representatives.

Mr. RANDALL. In reply to the gentleman from New York I wish

to call his attention to the law of last year, which appropriated $100,000 for the work of taking the census and closing the bureau. Of course Congress ought to have understood what they were about, and it was supposed the appropriation of $100,000 would be sufficient to finish the work and close the bureau; but instead of that—and that is the evil which seems common to all these bureaus—they come back after that appropriation of $100,000 and ask for another appropriation of $75,000.

The committee in considering the matter were willing to go to the extent of the Superintendent's salary for another year, even though that was to cease according to law on the 30th of this month, and allow $10,000 additional for continuing the Superintendent and employing the clerks for another year—or I think there was no limitation as to time, though it was suggested in the committee, or rather it was put in up to the 1st of November; that is to say, we allowed from the 30th of the present month to the 1st of November to complete the work that should have been completed on the 30th of the present month. That is the reason the committee went that far.

Mr. COX, of New York. If the gentleman from Pennsylvania will allow me just a moment out of his time, as I propose to support his bill, I wish to say simply this, that of the $5,000,000 appropriated for this purpose $2,316,595 were paid for enumeration, leaving $2,683,405 to be expended in the compilation and tabulation of the general statistics of population, agriculture, manufacturing, &c., and in the reports of the special agents. And here is just where the trouble came in: these special agents, experts, extended the work perhaps too far. But they are very useful, in fact indispensable, not merely for our legislation, but for social science and for general information and for generally advertising our country at home and abroad.

I think if the matter be fully understood, as it will be, we may have a provision in this bill to satisfy the gentleman from Pennsylvania and the committee of which he is the head to accomplish the objects to which I have referred.

Mr. RYAN. I now yield two minutes to the gentleman from Rhode Island [Mr. CHACE].

Mr. CHACE. Nothing but the fact that we have wasted seven months of time already would justify me in not opposing the passage of this bill in this manner.

But I notice in the bill a few items to which the country ought to have its attention called; and, first, that this committee make no appropriation for carrying on the Territorial court of the Territory of Utah. The last year's bill appropriated for this purpose $26,000.

Mr. RANDALL. I will answer that, with the gentleman's permission.

Mr. CHACE. Not out of the short time allotted to me.

Mr. RANDALL. I can answer it so quick that there will be no time lost. The gentleman from Illinois, from the Committee on Expenditures in the Department of Justice, provides for that in his substitute.

Mr. CHACE. But that amendment is not reported by this committee and is not a part of this bill.

Mr. RANDALL. I think the House will agree to that proposition.

Mr. CHACE. But suppose it is not adopted. It is a curious provision for the Appropriations Committee to make, depending as it does upon an amendment from another committee not yet introduced.

Mr. RANDALL. We will make the provision in another way if it is not adopted in the manner suggested.

Mr. CHACE. The interest of the country centering on this question is very great, and provision should be made for it.

The next item which I notice is a provision for the inspection of cattle for export, a reduction of $40,000. There the committee have attacked another great interest of the country.

The next item is the provision for the Coast Survey, which is a beneficence to the country; they have stricken off $149,000. And, finally, for public printing one half a million dollars' reduction. To this latter clause I wish to call special attention, for all through this session it has been almost impossible to get a copy of a bill or a report because the Public Printer has not been provided with sufficient means for that purpose.

Mr. RANDALL. I can explain that too in a moment, and also in reference to the Coast Survey. We give to the Coast Survey $501,000. Last year it was $555,000, a reduction of $54,000. But we increase the surveys of the States under the Geological Survey to $240,000, or over $100,000, thereby giving a large part of the Coast Survey work to the Geological Survey. Practically we have increased the survey $110,000 in this bill.

Mr. CHACE. I find by the report which the gentleman furnishes himself with this bill that it is $149,000 less.

Mr. RANDALL. There is perhaps some confusion created in the mind of the gentleman by the fact that last year they had $100,000 for a vessel.

Mr. COOK. I wish to ask unanimous consent to offer an amendment if it does not come out of the time of the gentleman from Kansas.

Mr. RYAN. I can not yield in the short time that I have remaining if it comes out of my time.

The SPEAKER. The Chair will state that it would have to come out of the time of the gentleman from Kansas.

Mr. COOK. I shall not ask to consume any of his time then.

Mr. RYAN. Mr. Speaker, there are some matters relating to this bill to which I desire to call the attention of the House. We have usually in the sundry civil bill heretofore made provision for maintaining the revenue-cutter service on the coast of Alaska. No provision is made for this service in this bill. It was omitted upon the theory that the Territorial government recently provided superseded the necessity for this revenue-cutter service. That is a misapprehension, and it is of the utmost importance to our interests along that coast—the otter-hunting-ground interest and the seal-fishing interest—that we maintain that service; and I desire now merely to call the attention of the House to the subject. And in that connection I desire to print a letter which I have just received from the chief of the revenue-marine division which sets forth the necessity for it:

TREASURY DEPARTMENT, REVENUE-MARINE, *June* 23, 1884.

SIR: Respectfully referring to your request to be furnished with any reasons which exist why the service of a revenue-cutter should be maintained in Alaskan waters as hitherto, notwithstanding the establishment by recent act of Congress of a Territorial government for that Territory, I beg leave to invite your attention to the following facts:

1. This vast region, with its immense number of islands, its numerous inlets, bays, and harbors, offers facilities for the introduction of smuggled goods unrivaled by any part of the coast of the United States. The establishment of a local government, by opening up portions of this country to settlement, will render greater protection necessary than hitherto even. There are many parties already engaged in smuggling rum into Alaska. Were the cutter withdrawn this practice would be greatly increased.

2. The seal fisheries furnish a revenue to the Government of over $300,000 per annum. The cutter affords the only protection to these interests. Were it withdrawn these seal fisheries would be soon destroyed through the indiscriminate killing of these animals by unauthorized persons who annually visit Alaskan waters in vessels fitted out for unlawful trading and hunting.

3. The Indians of the Aleutian Islands depend for subsistence upon the hunting of the sea otter, which furnishes a very valuable fur. These animals are carefully guarded by the natives from extermination. Were hunters allowed to hunt them in the usual way they would soon disappear and the Indians be thrown upon the Government (whose wards they are) for maintenance. The cutters protect the otter-hunting grounds against access by unauthorized persons.

4. Illicit traders in rum and fire-arms annually frequent the northern waters, within the Arctic, as well as those of the Aleutian Archipelago, debauching the natives and introducing disorder and lawlessness. The cutters hold these in check and are the only means of arresting the evil.

5. The cutters afford the only relief to the large American whaling fleet which annually visits the Arctic waters north of Alaska. Within three years one hundred and fifty shipwrecked people have been brought down from the Alaskan waters by the revenue-cutter. Should the revenue steamer be withdrawn there remains no relief to the hardy whalers whose vessels are crushed in the desolate ice-fields of the northwestern seas of the continent.

6. Sitka, where the capital of the Territorial government is to be, is 700 miles from Kodiak, where one of its judges is to reside, and 1,300 miles from Ounalaska, where another will be stationed, and more than 2,000 miles from the northern borders of the Territory. There are no lines of steamers or other means of communication between the ports of this, as we may say, fragmentary government, save the revenue steamer. Remove the cutter, and each Territorial judge becomes as isolated as if in mid-ocean.

7. None of the duties enumerated can be performed by any other means should the revenue-marine steamer be taken away. In my judgment all these duties are essential and ought not to be intermitted for a single season.

8. Finally, the establishment of a Territorial government in Alaska will give more work for a vessel of the revenue marine rather than less. I do not see how the new government can be made effective without the use of vessels in putting it into operation and maintaining communication between its ports.

For thirteen years I have given much attention to Alaskan matters, and it is my judgment that no money of the Government is better spent than that used in the maintenance of a revenue-marine steamer in the waters of Alaska. Its withdrawal now would be unwise and injurious to the public interests in my opinion.

I might call other facts to your attention did time permit.

I am, respectfully, yours,

E. W. CLARK,
Chief Revenue Marine Division.

Hon. THOMAS RYAN,
Appropriations Committee, House of Representatives.

Mr. O'NEILL, of Missouri. As the gentleman from Kansas has very limited time I desire to ask him a question before he takes his seat.

Mr. RYAN. I have but a moment.

Mr. O'NEILL, of Missouri. It is a short question.

Mr. RYAN. Very well; put your question.

Mr. O'NEILL, of Missouri. The gentleman from Kansas is speaking on behalf of the Republican party of this House in advocacy of this bill. I find in it a clause which puts a special premium on convict labor by providing that in Montana the labor of convicts shall be utilized as much as possible in the conduct of the work there authorized. Am I to understand that he favors that item?

Mr. RYAN. I am not speaking in any partisan sense. This is a business bill and not one of a partisan character. I do not propose now to be drawn into a political discussion.

I desire to call attention to another feature of the bill. That is in regard to the surveys of the public lands. The estimates were $600,000. This bill carries but $300,000. For the current year we gave $425,000. Now, I submit that inasmuch as it costs $174,000 to maintain the machinery for making these surveys, it is not good business policy to refuse to appropriate the amount needed to survey the public lands. The idea of giving $300,000 to survey the public lands and $174,000 to maintain the necessary machinery is, to say the least of it, absurd from a business standpoint.

I desire also to call attention to the fact that this bill carries no provision whatever for maintaining the National Board of Health. It is in effect to abolish that board.

I desire to call attention to another thing. We are paying large rents for buildings for offices for our pension work. We have in process of construction a pension building. We are told officially that it will take $266,000 to complete that building. We are asked to make that appropriation and we refuse to appropriate a single dollar.

I desire also to call attention to the appropriation for the State, War, and Navy building. We are told that it will take a million and a half to complete that building, and we are asked to make an appropriation of that sum in three equal annual amounts—$500,000 this year, $500,000 next year, and $500,000 the year after. Instead of giving the $500,000, as we ought to do now, we appropriate but $350,000, thus delaying the completion of that building and protracting the necessity of paying large rents for public offices for the transaction of the public business.

[Here the hammer fell.]

Mr. HOLMAN. How much time remains for debate?

The SPEAKER. Six minutes, the Chair is advised.

Mr. HOLMAN. I will yield all but one minute of my time to the gentleman from New York [Mr. POTTER].

I desire to say in the one minute I have for myself that the appropriation made for the survey of public lands in this bill is $300,000. That is the full amount of the appropriation made in former years until the year 1881. Up to that time and including that year $300,000 alone was appropriated. Two appropriations of $400,000 have been made since. The committee thought it wise to go back to the system of appropriating $300,000, and accordingly recommend that sum in this bill.

I do not agree with the gentleman from Kansas as to the propriety of hastening the survey of those lands. I think that until our system of disposing of the public lands should be perfected so as to cut off the frauds which are depriving the actual settlers of their just rights, until that is accomplished, the survey of the public lands should virtually cease.

Mr. RANDALL. I ask to have one minute.

The SPEAKER. Does the gentleman desire to take that one minute at this time?

Mr. RANDALL. Not now; but after the remarks of the gentleman from New York [Mr. POTTER].

Mr. POTTER. I rise to say a word in reference to the appropriation for enabling the Executive Departments of the Government, those named upon page 34 of the bill, to participate in the proposed exhibition at New Orleans. I find $500,000 appropriated to enable these Departments to attend that exhibition.

Eighty thousand dollars for the War Department. I should like to know to what use for the benefit of the country this $80,000 is to be put by the War Department in attending that exhibition. Is it for the display of guns? Is it for the display simply of material of war? For what purpose should this amount be appropriated to the War Department to attend this exhibition?

For the Navy Department, $60,000. A similar question may be asked as to this.

For the State Department, $10,000. For the Fish Commission $100,000. For the Department of the Interior, including the Bureau of Education, $165,000.

I would like to ask upon what ground, and for what reason, this enormous appropriation for the purposes of this exhibition is to be justified. If every interest in this Government is to be treated in a similar way, we may be asked, and shall be during the next year, for a dairy exhibition or a cheese exhibition, that all the Departments of the Government shall be sent there to make whatever expenditure they shall see fit, and at least $500,000 appropriated. We may be asked for an appropriation for a cattle exhibition in the same way, and so on with all material interests of this country.

I deny, sir, that there is any need of this or that any good can come from this vast expenditure to enable these Executive Departments to attend in ever-so-great pageantry this exhibition or any other exhibition.

Mr. TOWNSHEND. This was done at the Philadelphia exhibition.

Mr. POTTER. I know that it is said we did the same thing at Philadelphia. But, sir, that exhibition at Philadelphia was at the close of the first one hundred years in our history. It was a proper time to make such a display. It was a national exhibition. We paused then to take notice and ask the world to take notice of the progress of this Government, its establishment, its history, and its vast accomplishments.

If this is to be repeated for every State fair that takes place in this Union, I can only say that we will have entered upon a new era of expenditure to which there will be no end. I protest against the propriety of any such expenditure as this.

Mr. RANDALL. In reply to the gentleman from New York [Mr. POTTER] I want to say that the exposition at New Orleans is to be a great international exposition, embracing, as I hope, all the countries of the western hemisphere. More, it celebrates the centennial of the first exportation of cotton from this country, that great staple of the South, and for these reasons our liberality is invited toward it.

It is true that money was given to the Centennial Exposition at Philadelphia. Why not give money to the centennial exposition in the Southern section of our country? The benefits resulting from the money given and loaned to the Centennial Exposition at Philadelphia reaped by the mechanism of our country can not be estimated in mere dollars and cents. I hope that not only will there be no other gentleman found to condemn this appropriation than the gentleman from New York [Mr. POTTER], but that it will meet the cordial response of the people of the United States.

Now, as to the question of the employment of convict labor. The gentleman from Montana [Mr. MAGINNIS] appeared before the committee and asked an appropriation of $25,000. I have his proposition here. The committee directed that an appropriation of $15,000 be placed in the bill for the purpose desired by him. Perhaps no other member of the committee than myself is responsible for the insertion of that clause. I will say, however, that while it was put in as requested by the gentleman, it never entered my mind that it was going to be used to promote the employment of convict labor in competition with free American labor in any part of the country. If such is the case, I should be quite willing that it go out of the bill by common consent.

Mr. MAGINNIS. I am astonished that such a little matter has created so great a commotion. I do not think that this provision is at all deserving of the criticism of the gentleman from Saint Louis. This is no proposition for a competition between convict labor and the labor of mechanics. There is no labor contract involved in this matter. It is simply this: the United States penitentiary at Deer Lodge has not half capacity to hold the prisoners confined in it. They are so crowded in the one wing of the building now erected that it is unhealthy and indecent. The officials in charge of this prison so report.

But they have neglected from time to time to submit proper estimates in detail to the Department of Justice of the probable cost of completing this penitentiary according to the original plan. The Department having no data did not submit any estimates—has not done so for some years. Therefore, as the gentleman from Pennsylvania [Mr. RANDALL] has said, I introduced a bill. I thought by employing the convicts to build their own walls and cells I would be more likely to secure an appropriation. I wanted about $40,000, but consented to accept $25,000 for this year. By utilizing the labor of the convicts this would come near to building the central hall and the other wing of the building. The committee has granted $15,000 for this year and authorized the building to be completed in accordance with the original plan. I am thankful for this. I do not stand for the clause in regard to the labor of the convicts. I am told that it is unnecessary; that they can be employed without this direct authorization. But if it is stricken out, then the appropriation ought to be raised. Twenty-five thousand could be used this year, and a similar amount next year would, if properly expended, complete the prison in good shape. I am glad to have the Government committed to its completion, and regret that the committee had not such official estimates before it as would justify it in giving the amount I asked for. I submit the following correspondence with the Department of Justice:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., June 23, 1884.

SIR: The Committee on Appropriations have reported in sundry civil bill in favor of completing the United States penitentiary at Deer Lodge, Mont., in accordance with the original plans. Committee grants $15,000 for this year's work, for the reason that there is no official estimate calling for more. Has the United States marshal transmitted any estimate to your Department for the action of this Congress? Please answer, as bill will be considered to-day.

Respectfully,

MARTIN MAGINNIS.

To the honorable ATTORNEY-GENERAL.

DEPARTMENT OF JUSTICE, *Washington, June 23, 1884.*

Hon. M. MAGINNIS:

The records of this Department do not show the receipt of any estimate as to cost of United States penitentiary at Deer Lodge, Mont., from the United States marshal during this session.

C. CLAY, *Chief Clerk.*

The SPEAKER. The time for general debate upon the bill, under the arrangement agreed to by the House, has been exhausted.

Mr. BEACH. I ask consent to print some remarks in the RECORD upon this bill.

Mr. RANDALL. I ask that unanimous consent be given for any gentleman to print in the RECORD such remarks as he desires upon this bill or its amendments.

Mr. O'NEILL, of Missouri. I object.

Several MEMBERS. Do not object.

Mr. O'NEILL, of Missouri. I do.

Some time subsequently Mr. O'NEILL withdrew his objection.

The SPEAKER. If there be no further objection, leave will be granted as requested.

Mr. HISCOCK. I desire to inquire within what period of time this printing is to be done?

The SPEAKER. No time has been indicated.

Mr. HISCOCK. It seems to me that there should not be an open permission given to print remarks until the end of the next session of Congress.

Mr. CHACE. I object to it.

M. HISCOCK. I hope there will be no objection, but that some time shall be fixed within which the privilege shall be exercised.

The SPEAKER. Objection is made, and the proposition is not before the House.

Mr. RANDALL. By instructions of the committee I offer the amendment which I send to the Clerk's desk.

Mr. COOK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOK. Is it in order now to ask unanimous consent to offer an amendment making an appropriation for expenses in contested-election cases?

The SPEAKER. There is an amendment already pending, offered by the gentleman from Pennsylvania [Mr. RANDALL].

Mr. COOK. Will it be in order after that?

The SPEAKER. The Chair will recognize the gentleman at some time to ask consent.

The amendment offered by Mr. RANDALL was read, as follows:

On page 47, in line 1140, strike out "$33,000" and insert "$9,000," in the clause making an appropriation for fuel, light, clothing, &c., for the Freedmen's Hospital and Asylum.

Mr. RANDALL. That is to correct a mistake.

The amendment was agreed to.

Mr. RANDALL. By instructions of the committee I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

After line 1244, at the end of page 51 of the printed bill, insert the following:
"That the Secretary of War is authorized and directed to sell at public auction, after due advertisement, and at prices not less than those fixed by the board of appraisers in each case, the following arsenals, namely: Allegheny arsenal, Pennsylvania; Augusta arsenal, Georgia; Indianapolis arsenal, Indiana; Kennebec arsenal, Maine; and Watertown arsenal, Massachusetts; and the money so received, after paying necessary expenses, to be covered into the Treasury.

Mr. RANDALL. I call attention to the following communications from the War Department, showing the necessity for this amendment:

WAR DEPARTMENT, *Washington City, February* 9, 1883.

SIR: In reply to your telegram asking my opinion as to the expediency of selling or disposing of any of the arsenals of the United States, and, if so, what arsenals, I have the honor to state that the proposed legislation on this subject was suggested by this Department. After a conference between the Chief of Ordnance and myself, I am of opinion that the Allegheny arsenal, Pennsylvania; Augusta arsenal, Georgia; Indianapolis arsenal, Indiana; Kennebec arsenal, Maine; Watertown arsenal, Massachusetts, and Watervliet arsenal, New York, are no longer of use to the United States, and that it would be in the interest of economy, and for the good of the military service, to dispose of them. Aside from their being no longer of use, such disposition would do away with the expense of repairs and maintenance, and would permit a desirable concentration of officers of the Ordnance Corps at the large arsenals which it is considered desirable to retain and keep in an efficient condition, namely, the Benicia arsenal, California; Rock Island arsenal, Illinois; the Springfield armory, Massachusetts; and Frankford arsenal, Pennsylvania, besides a few ordnance depots, which are used merely for storage in convenient locations.

I have the honor to be, very respectfully, your obedient servant,

ROBERT T. LINCOLN, *Secretary of War.*

Hon. T. J. HENDERSON,
Chairman Committee on Military Affairs, House of Representatives.

WAR DEPARTMENT, *Washington City, March* 3, 1884.

SIR: In connection with our conversation touching the expediency of selling or disposing of any of the arsenals of the United States, I have the honor to inclose herewith for your information a copy of a letter addressed by me, under date of February 9, 1883, to Hon. T. J. HENDERSON, then chairman of the Committee on Military Affairs, House of Representatives, giving the views of this Department upon the subject.

There appear at this time no reasons for any modification of the views therein expressed, except in the case of the Watervliet arsenal, New York, which has been recommended by the board of officers created by the naval appropriation act of March 3, 1883, as a suitable site for the location of a Government foundery for the manufacture of heavy ordnance.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN, *Secretary of War.*

Hon. S. J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

The amendment was agreed to.

Mr. RANDALL. By instructions of the committee I offer the amendment which I now send to the Clerk's desk.

The amendment was read, as follows:

On page 74, after line 1793 of the printed bill, insert the following:
"To pay J. C. Courts for clerical services rendered to the House members of the joint commission to consider the question of the salaries of the officers and employés of the House and of the Senate, authorized by the act of March 3, 1883, $300."

The amendment was agreed to.

Mr. RANDALL. By instructions of the Committee on Appropriations I move an amendment, which I send to the Clerk's desk, to come in after the amendment just adopted.

The amendment was read, as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 30th day of June, 1884, one month's pay, at the rate of compensation then paid them by law, which sum shall be immediately available.

Mr. SHELLEY. I ask that the Capitol police be included in that amendment.

Mr. HOLMAN. I desire to reserve all points of order on the amendment.

Mr. RANDALL. I want to say that the committee submits this amendment because a similar provision has been included in the sundry civil appropriation bills for the last three years. I desire to have the point of order determined before the debate on the merits of the question is entered upon.

Mr. KEIFER. I hope the gentleman from Indiana will withdraw the point of order and let the House vote upon the proposition.

Mr. KELLEY. May I ask whether this amendment covers those who were officers of the House during the last session?

Mr. HENDERSON, of Iowa. It does not.

Mr. KELLEY. If this is based on the precedents of three or four former sessions why should it not include the officers of the last session?

Mr. RANDALL. They were given this extra pay at the last session.

Mr. SHELLEY. I ask that the Capitol police be included in this amendment.

Mr. RANDALL. I have no instructions in regard to extending the amendment to the Capitol police.

The SPEAKER. Does the gentleman from Indiana [Mr. HOLMAN] desire to say anything on the point of order?

Mr. HOLMAN. Mr. Speaker, it has been said that such a provision as this has been contained in three previous appropriation bills. It is not assumed that any law has authorized this appropriation. On the other hand, the salaries of all these gentlemen employed by the House are amply provided for by law, and those salaries are ample without the necessity of any additional compensation to be voted at the end of each session. Propositions of this kind have been allowed heretofore upon the theory that they would equalize the pay of House and Senate employés. But we find as a fact that the Senate amends these propositions so as to include its own employés. You can not expect this provision to go through without its being enlarged to cover Senate employés as well as those of the House.

Mr. THOMPSON. Has it not been the object of these appropriations to cover the mileage or traveling expenses of those employés who come here from a distance?

Mr. HOLMAN. I never heard an appropriation of this kind put upon any such ground. Gentleman must remember that this mode of increasing salaries is a modern invention; it never occurred till a few years ago. If you go back even to the Forty-fourth Congress you will find no such appropriation.

Mr. THOMPSON. I feel certain that this extra compensation has been voted regularly for a longer time than that, because I have been here longer; and I know the appropriation has been made ever since I have been here.

Mr. HOLMAN. It is a very pleasant thing for us to appropriate money for gentlemen who are in daily association with us, and it is very ungracious to oppose such appropriations. But there is no provision of law authorizing this expenditure of the public money, and if I should fail to oppose an appropriation of this kind affecting our immediate associates or friends I should feel myself more derelict in the discharge of my duty than if the appropriation related to those employed in other branches of the public service. Hence I feel it my duty to make the same point of order here which I should make if an appropriation of $45,000 were proposed for persons employed elsewhere. I think that my friend from Kentucky [Mr. THOMPSON], if this were a proposition to give $45,000 to some other employés of the Government, would promptly raise the point of order.

Mr. THOMPSON. I would like to ask my friend from Indiana one question. In the long session of the last Congress did he not make a speech in favor of this very thing and aid in securing its passage?

Mr. HOLMAN. I never did.

Mr. THOMPSON. I think the RECORD shows you did.

Mr. HOLMAN. The gentleman does not think so, I think.

Mr. THOMPSON. I think I do; and I am informed by the librarian that the record so shows.

Mr. HOLMAN. What librarian?

Mr. THOMPSON. The librarian back there [pointing to the Hall library], who has just read the RECORD.

Mr. HOLMAN. Well, sir, it is a mistake.

Mr. THOMPSON. The speech of the gentleman was made in the long session of the last Congress.

Some time subsequently

Mr. HOLMAN asked and obtained unanimous consent to print in the RECORD, in connection with his remarks, the following from the debate upon the sundry civil appropriation of the last session of Congress.

Mr. HOUSE. I move to amend by inserting after the amendment last adopted the provision which I send to the desk.

The Clerk read as follows:

"To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 3d day of March, 1883, one month's extra pay, at the compensation then paid them by law, which sum shall be immediately available,"

Mr. HISCOCK. I make a point of order against this amendment.

* * * * * * *

Mr. HOLMAN. I desire to say a word on the point of order.

Mr. TOWNSHEND, of Illinois. Let me remind my friend from Indiana of the fact that this same provision was put into the sundry civil appropriation bill in the Forty-sixth Congress at the instance of the present Speaker of the House of Representatives. There is, therefore, more than one precedent for it.

Mr. HOLMAN. So far as the history of this proposed legislation is concerned, I wish to say the practice of paying a month's additional compensation is of recent origin. There is no law for it, and my recollection is it does not go beyond the Forty-fifth Congress. Furthermore, it has been confined heretofore,

according to my memory, to the first session of a Congress, upon the ground the session employés are employed for quite a long period and have a large amount of business to do, and therefore such a provision for the long session is not unreasonable. That is the argument heretofore used for granting such extra month's pay during the long session of Congress. When the annual employés of Congress are only employed for a period of three months, it is now proposed by this amendment, as I understand it, to give them an additional month's pay; for this applies to the annual employés as well as to the session employés.

Mr. MCMILLIN. It applies to both.

Mr. HOLMAN. Yes; I understand that it applies to both. It applies, then, to the best-paid employés of the Government as all know, and to those who are employed for only a period of three months at this short session. That is the proposition, to give them an extra month's pay. Point to any instance where this has been done as to the regular employés of this House for a short session. It has been done during the long session on account of the large amount of work done. It is now proposed to adopt a new rule and apply it to the short session. So far as my memory extends, Mr. Chairman, this is without precedent.

So, Mr. Chairman, there can be no pretense that there is either law or precedent for this, if I am correct. I certainly have not been able to find any, and I do not think any has been cited by the gentleman from Tennessee.

The CHAIRMAN. Does the gentleman from Indiana say that there is no precedent for the payment of this extra compensation at the close of a short session of Congress?

Mr. HOLMAN. My recollection is that it has been confined entirely to the Forty-fifth Congress and since, and even then to the long session instead of the short session.

The CHAIRMAN. The Chair remembers that there used to be an extra percentage allowed. If there has been no precedent the Chair will take the responsibility of ruling upon the question; but declines to rule where the House has set a precedent, and prefers to submit the matter to the judgment of the committee.

Mr. HOUSE. Mr. Chairman, in the short session of the Forty-sixth Congress, if I am not entirely mistaken, a resolution in all respects similar to this was passed, and included also both classes of employés. I think that will be found to be the case on examination.

The CHAIRMAN. The Chair will submit the question to the committee: Shall the motion of the gentleman from Tennessee be held to be in order?

The question was taken.

Mr. HOLMAN. I demand a division.

The committee divided; and there were—ayes 71, noes 48.

Mr. HOLMAN. No quorum has voted.

Mr. HISCOCK. I hope the gentleman from Indiana will not make that point now; let us get through with the bill.

Mr. HOLMAN. With the understanding that we can have a yea-and-nay vote on this in the House I will not insist upon it.

Mr. HISCOCK. You would be entitled to a vote in the House, this being an amendment to the bill, if you have a sufficient number to call the yeas and nays.

The CHAIRMAN. Does the gentleman from Indiana insist upon the point of order?

Mr. HOLMAN. I withdraw it.

The SPEAKER. The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered and a point of order made against it; and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.

Mr. HOLMAN. Yes, sir; but does that action of the Committee of the Whole establish a rule for the control of the House? It must be apparent, Mr. Speaker, there is no law authorizing this item.

The SPEAKER. Of course the Chair is not absolutely bound by any decision of the Committee of the Whole on the state of the Union, although such a decision is certainly entitled to very great respect when the question has been discussed and decided by that committee, consisting as it does of the same members that compose the House itself. In order to preserve uniformity in the rulings upon this question, the Chair thinks he ought to admit the amendment and allow the House to vote upon it.

Mr. HOLMAN. And hold that there is a law authorizing this appropriation, that it comes within the third section of the twenty-first rule?

The SPEAKER. The provision seems to have been held in order heretofore upon the ground that it had been included in an appropriation bill and was the law at least for that year.

Mr. HENDERSON, of Iowa. I move to amend the amendment by adding the provision which I send to the desk.

The Clerk read as follows:

That all officers and employés of the House who were employed on the 3d day of December, 1883, and who have ceased, or who shall prior to the 1st day of February, 1884, cease, to be so employed, shall be paid a sum equal to one month's pay at the rate they were severally receiving on the 3d day of December, 1883; and an amount sufficient for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated; and the same to be immediately available.

Mr. RANDALL. I desire to say that I am not authorized by the committee to accept that as an amendment. The House may. I also desire to say that these officers, just as we now provide by that proposition coming from the committee to which reference is made by the gentleman from Iowa, did receive on the 4th of March last one month's additional pay.

Mr. HISCOCK. It is also true that we have always been accustomed, I think, with but one exception——

Mr. VALENTINE. And that is the time the Democrats came in at the Forty-fourth Congress.

Mr. HISCOCK. We have always been accustomed to make this allowance, I think, and it comes within the same point of order.

The SPEAKER. No point of order has been made on it.

Mr. HISCOCK. It is in accordance with the general custom.

Mr. RANDALL. I will allow it to be voted on, as far as I can.

Mr. HISCOCK. I say distinctly I have no doubt this side of the House will always be willing to reciprocate. [Cries of "Vote!"]

Mr. BRECKINRIDGE. Does that include the Capitol police?

The SPEAKER. The Chair will have the amendment again reported. The Chair appeals to gentlemen on the floor to preserve order.

The amendment was again read.

Mr. HOLMAN demanded a division.

The House divided; and there were—ayes 87, noes 15.

So the amendment of Mr. HENDERSON, of Iowa, to the amendment was agreed to.

Mr. SHELLEY. I move to amend by adding after the words "session rolls" the following, "and the Capitol police."

Mr. HOLMAN. If any part of this is in order the whole of it is. I suppose the amendment is germane to the original proposition. It is an ungrateful thing to make the point of order against any employé of the House.

The SPEAKER. Does the gentleman make the point of order?

Mr. MCMILLIN. I make the point of order.

The SPEAKER. The Chair will hear the gentleman from Alabama on the point of order.

Mr. SHELLEY. I have no remarks to make, but will leave the Chair to decide.

The SPEAKER. The Capitol police are not employés of the House. They are a different class entirely. It would be just as germane to increase the salary of the Secretary of State or the Secretary of the Treasury on this as to increase the salary of the Capitol police. The point of order is sustained.

Mr. MCCOID. In the amendment just adopted the date 1st day of February is fixed. I move to strike out "1st" and insert "15th," because there are two officers I know of who ceased to serve after the first of February and before the 15th, and it would be unjust to exclude them from that provision. I know the committee who reported the bill did not intend to do so, nor did the gentleman who offered the amendment. It is simply a change of the date to when these officers ceased to serve.

The House divided; and there were—ayes 50, noes 21.

So Mr. MCCOID'S amendment to the amendment was agreed to.

Mr. RANDALL'S amendment as amended was then adopted.

Mr. RANDALL. I am directed by the committee to strike out, on page 83, the following.

The Clerk read as follows:

And no speech or portion of a speech or remarks shall be printed in the RECORD that shall not have been delivered upon the floor of Congress in open session.

The House divided; and there were—ayes 102, noes 17.

So the amendment was agreed to.

Mr. MORRISON. I move, on page 74, to insert the following amendment.

Mr. RANDALL. It is important it should come in at the proper place.

The SPEAKER. The Chair hears no objection.

Mr. MORRISON. I move the following amendment.

The Clerk read as follows:

Page 74, after line 1798, insert—

"To pay Charles H. Evans, Treasury clerk, for services rendered on the request of the Ways and Means Committee, $114.30."

Mr. MORRISON. The following letter explains the amendment:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., June 21, 1884.

SIR: In reply to your inquiry I have to inform you that the sum of $52.75 was deducted from your salary on account of twelve days' absence in February, and that the sum of $61.55 was deducted from your salary on account of fourteen days' absence during the month of March, the total amount of such deductions being $114.30. The deduction was made at the appointment-room of the Treasury Department. Subsequently I called upon the Secretary of the Treasury in reference to this matter, and stated to him that I had approved the pay-roll allowing you the amounts deducted upon the theory that the work which you were doing at the Capitol was helpful to this office. In other words, that if you had not gone there to do the work it would have been sent to me, and I should have had to employ you and probably one or two other clerks upon it. But the Secretary took a different view of the case. He seemed to think that as the Ways and Means Committee had the benefit of your services they ought to provide for your compensation. This, of course, determined the case so far as it concerned me.

Respectfully,

JOSEPH NIMMO, Jr., *Chief of Bureau.*

To CHAS. H. EVANS, Esq.,
Bureau of Statistics, Treasury Department.

The amendment was agreed to.

Mr. RANDALL. I send up a further amendment to the bill.

The Clerk read as follows:

After the amendment just adopted insert:

"To pay to the heirs of the late Andrew J. Herron, a member-elect to the Forty-eighth Congress, $6,000.

"To pay to the widow and children of J. T. Updegraff, a member-elect to the Forty-eighth Congress, $6,000."

Mr. HOLMAN, I believe the point of order will lie against this amendment.

Mr. HISCOCK. I would like to inquire, if we are to go back to pay these parties, if there is not a third case which would also come under the same terms? My recollection is that there were three cases of that kind, and if so provision should be made for each of them.

The SPEAKER. The Chair understands the gentleman from Indiana to raise the question of order.

Mr. HOLMAN. I make the point of order against the amendment.

The SPEAKER. What point of order does the gentleman raise?

Mr. HOLMAN. I believe there is no law authorizing the appropriation. I think the last Congress and the Congress before the last, and perhaps both the Forty-sixth and Forty-seventh Congresses, made appropriations of this character. But I believe that no appropriation of this kind has been made, except perhaps in two instances, unless the member for whose family the appropriation was recommended had become a member of the Congress during which the appropriation was made.

I am aware, sir, that the temper of the House and the disposition manifested to-day to extend somewhat broadly the powers of Congress in the appropriation of the public money renders the raising of a point of order against such a provision as this rather an ungracious task. But I can not be unmindful of the fact, nor can any other member, of the rules adopted for our guidance. I think they had better be adhered to when we find ourselves brought face to face with questions of this character not directly in the line of our duties as legislators. I believe the rules had better be adhered to in all cases as a guide to the deliberations of the House when it is called upon to take action with reference to a particular subject-matter.

For myself, I am not able to perceive any power resting in Congress or any authority under the rules for any such legislation as that proposed to be ingrafted upon this bill. Therefore I make the point of order against it.

The SPEAKER. The Chair is not aware of any law authorizing any such payments to be made.

Mr. LEWIS. Mr. Speaker, it is proper to say that there have been various precedents set by the action of the House in regard to cases of this kind, and to those I desire briefly to call the attention of the Chair.

The first case that occurred arose on the death of Mr. Schleicher, of Texas, in the Forty-fifth Congress. He died during the last session of that Congress, and a joint resolution was passed by unanimous consent in that Congress by which the payment of the remainder of his salary was directed to be made to his widow and children, and recommending to the Forty-sixth Congress, to which he had been elected, that there be paid to his widow and children the salary for the entire term of the Forty-seventh Congress. He died before his term began in the Forty-sixth Congress. When that matter came up in the Forty-sixth Congress no point of order was made against it.

The SPEAKER. So the Chair supposes; and hence it is not a precedent, as the gentleman will perceive.

Mr. LEWIS. I am aware of that; but I wish to call the attention of the House to other cases.

The next cases were those of Mr. Fernando Wood and of Mr. Farr. These occurred during the first session of the Forty-seventh Congress. Mr. Wood died during the Forty-sixth Congress, at the end of the last session of that Congress, but had been re-elected to the Forty-seventh Congress. He died therefore before his term of service in the Forty-seventh Congress began. So also was the case with Mr. Farr, who died before his term began.

When the sundry civil appropriation bill was reported in the Forty-sixth Congress an appropriation was made to pay the families of these two gentlemen $6,000 each. Points of order were made against both provisions. Both points of order were submitted to the House for its action, and were overruled in each case. The gentleman from Indiana [Mr. HOLMAN] himself participated in the discussion of that question on that occasion, and the House on both occasions specifically overruled the point of order.

The next question of this character arose during the last session of the Forty-seventh Congress. The committee had reported in favor of paying Mr. Updegraff, of Ohio. The point of order was made in that case, and expressly overruled by the House. An amendment was offered by my predecessor [Mr. Robertson] proposing a like amount to be paid to the heirs of Mr. Andrew J. Herron, and the point of order was again overruled.

I state these facts, and the RECORD, which I have before me, will bear me out with reference to them, merely to show that the point of order was overruled in several distinct cases precisely similar to these: in the cases of Mr. Wood and the widow of Mr. Farr, and also in the case of Mr. Schleicher, though, as I have said, no point of order was raised in the latter case. The point of order was also raised in the Forty-seventh Congress on these two particular cases and overruled.

When the discussion took place in the Forty-seventh Congress upon these two cases the appropriation was stricken out of the sundry civil bill upon the motion, I believe, of the gentleman from Pennsylvania [Mr. MILLER], wherein he made the point of order that it was not competent for the Forty-seventh Congress to make an appropriation to pay a member of the Forty-eighth Congress. The point of order, however, was distinctly overruled by the House on the occasions to which I have referred.

The SPEAKER. The Chair would like to see the RECORD to which the gentleman from Louisiana refers. [After a pause.] The Chair finds upon an examination of the proceedings of the House upon questions of this character that the decisions in the Committee of the Whole House on the state of the Union have been both ways. In some cases they have decided the amendment was in order, and in some cases that it was not in order. The judgment of the Chair is that such amendments are not in order, because there is no law authorizing these expenditures so far as the Chair is aware. And in that state of the case where there is no authority for decision either way the Chair feels he ought to exercise his own best judgment in the matter, and holds the amendment to be not in order.

Mr. LEWIS. Let the question be submitted to the House.

The SPEAKER. The Chair would be very glad to have it submitted to the House because of the different ways in which the House has decided this question. The gentleman from Louisiana appeals from the decision of the Chair.

Mr. REESE. Before the House votes upon that I should like to have read an amendment to the amendment which I send to the desk.

The SPEAKER. The vote of the House will decide whether the proposed amendment of the gentleman is in order.

Mr. BAGLEY. I move to lay on the table the appeal from the decision of the Chair.

The motion to lay the appeal on the table was agreed to; and accordingly the decision of the Chair stood as the judgment of the House.

Mr. RANDALL. The last amendment to be acted upon is that proposed by the Committee on Expenditures in the Department of Justice. Before entering upon that I desire to obtain some understanding as to the limit of debate. And I have this suggestion to make, that there be thirty minutes' debate on each side; five minutes to each of six members on the respective sides.

Mr. SPRINGER. What is the last point of the gentleman's suggestion?

Mr. RANDALL. That there be one hour of debate—thirty minutes for and thirty minutes against—under the five-minute rule.

Mr. KEIFER. I suggest to the gentleman to make it half an hour for general debate.

Mr. RANDALL. Very well; I will make it half an hour. The weather is greatly in favor of the shorter time.

Mr. KEIFER. I desire to say when the amendment is offered I wish to make a point of order against the whole amendment. But I suppose the understanding allows us to make the point of order against each paragraph of it while the amendment is under consideration.

The SPEAKER. The Chair understands all points of order that can be made against the amendment are reserved.

Mr. RANDALL. Any right to make points of order which exists under the rules is by the terms of the agreement in no manner impaired, except that the proposition is to be considered in the House as in Committee of the Whole.

Mr. KEIFER. Then it is to be taken up by paragraphs and each paragraph made subject to a point of order. Now, I do not believe—though I am not advised on the point—that gentlemen desire to discuss this amendment in general debate at all. I think all the discussion might be under the five-minute rule.

Mr. RANDALL. That was my proposition; that there should be an hour for debate—thirty minutes to be given to six gentlemen on each side in periods of five minutes each.

Mr. KEIFER. But if the amendment is to be discussed under the five-minute rule why provide for general debate?

Mr. RANDALL. Very well; let the debate proceed under the five-minute rule at once.

Mr. HOLMAN. This is a very important measure—the adjusting of these salaries. There is a reasonable amount of time at our disposal. I suggest to the gentleman from Pennsylvania to permit debate to proceed a reasonable time before he seeks to close debate.

Mr. RANDALL. My anxiety is to have a vote on this bill before we reach an adjournment for dinner to-day; and I will tell gentlemen why I want it. The weather is excessively warm; and it is desirable the bill should go to the Senate in the morning; and no one wants to come back here to-night with the thermometer where it is.

The SPEAKER. The Chair will state it has already been the practice in considering questions in the House as in Committee of the Whole for the previous question to be ordered by the House. That is the only way to close debate. When debate is proceeding under the five-minute rule in the Committee of the Whole the committee can rise and close debate in the House. But when a bill is being considered in the House as in Committee of the Whole, the only way to close debate is to order the previous question when the debate has run a reasonable time.

Mr. RANDALL. I am willing debate should continue on this amendment until 5 o'clock, and that then the vote shall be taken on the amendment and the final passage of the bill. That would bring us to about 6 o'clock, if the House desires that length of time for debate. But I did think that one hour of debate, allowing five minutes to each member speaking pro and con, would be sufficient. If the House wishes a longer time I am quite content to follow the wish of the House in every particular.

Mr. HAMMOND. Call the previous question at half past 4.

Mr. SPRINGER. I am willing it should be called at half past 4.

Mr. RANDALL. It is suggested by the gentleman on my right that the previous question on the amendment and the bill shall be called at half past 4.

Mr. KEIFER. We do not desire to agree to that. There are one or two amendments, I think, which are to be offered.

Mr. RANDALL. I do not object to the amendments being offered.

Mr. KEIFER. Any such order as is suggested might cut those off. I think we might get through in the time suggested without making an order now.

Mr. RANDALL. Then I simply give the notification that at half past 4 o'clock I shall call the previous question. I now yield to the gentleman from Georgia [Mr. HAMMOND] to offer an amendment.

Mr. HAMMOND. On page 55 of the bill there is mention made of "Atlanta." There are twelve Atlantas in the United States, and I want to insert the word "Georgia" after the word "Atlanta."

The SPEAKER. If there be no objection that amendment will be made.

There was no objection.

Mr. BELFORD. I took the floor some time ago, but was crowded off my feet by the pre-eminent privilege of the chairman of the Committee on Appropriations. I have an amendment which I desire to offer. I desire to inquire whether I have the right to offer it or not as an amendment to the pending proposition?

The SPEAKER. The amendment now about to be read will be subject to amendment.

Mr. BELFORD. I desire then to offer an amendment so that it may be before the House and pending for consideration.

Mr. KEIFER. It is understood that we do not agree that either the amendment sent up by the gentleman from Illinois [Mr. SPRINGER] or the one to be proposed by the gentleman from Colorado [Mr. BELFORD] is in order.

The SPEAKER. Of course not; they will both be subject to the rules of the House.

Mr. BELFORD. The amendment I want to offer is not the one you gentlemen are afraid of.

Mr. SPRINGER. I desire to ask for information whether points of order are to be made upon each clause of the amendment as reached or are they to be settled now in reference to all of the clauses? If the points of order are to be made now, I would like to have them suggested, for I am authorized by the Committee on Expenditures in the Department of Justice, in case points of order are made against the substitute, to so modify it as to leave out those portions which the committee concede to be subject to points of order.

Mr. BISBEE. It is my purpose to make points of order against the whole amendment.

The SPEAKER. The Chair understands that all points of order have been reserved.

Mr. KEIFER. Points of order are to be made against each separate paragraph.

Mr. SPRINGER. As you reach them?

Mr. KEIFER. Yes.

Mr. CHACE. The gentleman can not curtail the right of members to raise points of order as they may choose.

The SPEAKER. The gentleman from Florida [Mr. BISBEE] reserves all points of order against the entire amendment, and also reserves the right, which he has under the rules of the House, to make points of order against each paragraph as it is read.

Mr. HOLMAN. No point of order can be pending until the amendment has been read.

The SPEAKER. The amendment has not yet been offered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company right of way through the Indian Territory, and for other purposes; and

A bill (H. R. 6871) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy.

ARMY APPROPRIATION BILL.

Mr. FORNEY. The Army appropriation bill has just been returned from the Senate with sundry amendments. I am instructed by the Committee on Appropriations to recommend that the amendments of the Senate be non-concurred in, and to ask that the bill, together with the Senate amendments numbered, be printed.

There being no objection, the Senate amendments to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, were taken from the Speaker's table and non-concurred in; and the bill, together with the Senate amendments numbered, was ordered to be printed.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States, so as to allow the chairman of a subcommittee of either House to administer oaths.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. SPRINGER. I understand that the gentleman from Florida [Mr. BISBEE] proposes to make points of order against the entire amendment which I have been instructed to offer.

Mr. BISBEE. I will do so at the proper time.

Mr. SPRINGER. I have been instructed by the Committee on Expenditures in the Department of Justice to move to amend the bill now under consideration by striking out all that portion from line 1720 to 1763, both inclusive, and inserting in lieu thereof that which I send to the Clerk's desk. I will state that by direction of the committee I have stricken from the substitute as printed such portions as they concede to be subject to points of order under the rules.

The SPEAKER. The amendment will be read.

The portion of the bill proposed to be stricken out is as follows:

JUDICIAL.

United States courts:

For expenses of the United States courts: For defraying the expenses of the Supreme Court; the circuit and district courts of the United States, including the District of Columbia; of the jurors and witnesses, and expenses of suits in which the United States is interested; of the prosecution for offenses committed against the United States; for the safe-keeping of prisoners; for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 30, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,'" or any acts amendatory thereof or supplementary thereto, namely, those stated in the following itemized list:

For fees and expenses of marshals and deputies, $639,000.
For payments of district attorneys and their assistants, $385,000.
For fees of clerks, $170,000.
For fees of United States commissioners, $110,000.
For fees of jurors, $410,000.
For fees of witnesses, $510,000.
For support of United States prisoners, $310,000.
For rent of United States court-rooms, $50,000.

For expenses of bailiffs; furniture; for payment of expenses of district judges who may be sent out of their districts, in pursuance of law, to hold a circuit or district court, and other miscellaneous expenses, $325,000.

For the support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia, and for the necessary traveling expenses incident to the collection of criminal statistics, to be disbursed by the authority of the Attorney-General, $10,000.

The substitute proposed for that portion of the bill was read, as follows:

JUDICIAL.

United States Courts:

For expenses of the United States courts: For defraying the expenses of the Supreme Court, the circuit and district courts of the United States, including the District of Columbia; of the jurors and witnesses, and expenses of suits in which the United States is interested; of the prosecution for offenses committed against the United States; for the safe-keeping of prisoners; for defraying the expenses which may be incurred in the enforcement of the provisions of title 26 of the Revised Statutes, or any acts amendatory thereof or supplementary thereto, namely, those stated in the following itemized list:

For salaries of United States marshals, $219,000.
For salaries of marshals' clerks and chief deputies, $110,000.

For expenses of marshals, namely: For transportation to attend courts, postage on process, and for fees and expenses of deputies, and of sheriffs and constables acting as deputies, as provided by law, and for pay of special deputy marshals under title 26 of the Revised Statutes, $300,000.

For payment of salaries of United States district attorneys and their assistants, and for transportation of the district attorneys to attend courts, $350,000.

For compensation of special assistant attorneys or counsel employed under authority of law, $25,000.

For fees of clerks, $160,000.

For fees of United States commissioners and justices of the peace acting as United States commissioners, $100,000.

For fees of jurors, $400,000.
For fees of witnesses, $500,000.

For support of United States prisoners, including necessary clothing and medical aid, $300,000.

For rent of United States court-rooms, $50,000.

For pay of bailiffs, criers, and for janitors, watchmen, and interpreters, experts, and stenographers, whose employment is authorized by the Attorney-General; expenses of district judges who may be sent out of their districts to hold a court; furnishing and collecting evidence where the United States is a party in interest; meals for jurors, when ordered by the court; compensation for jury commissioner, $5 for each day actually and necessarily employed, not exceeding three days for any one term of the court; and other miscellaneous expenses, $325,000.

For the support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia, and for the necessary traveling expenses incident to the collection of criminal statistics, to be expended under the direction of the Attorney-General, $10,000.

For providing a uniform system of book-keeping for court officials, to be expended under the direction of the Attorney-General, $10,000.

SEC. 2. That United States marshals shall hereafter receive annually for their services the following salaries, payably monthly: Southern district of New York, $6,000; Northern New York, Massachusetts, Eastern Pennsylvania, Dis-

trict of Columbia, Southern Ohio, and California, $5,000 each; Maryland, Western Pennsylvania, Eastern Missouri, Kentucky, Northern Ohio, Northern and Southern Illinois, Eastern Louisiana, Kansas, and Western Texas, $4,000 each; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; and all other marshals shall be paid a salary of $3,000 a year.

All money collected by marshals on process in behalf of the United States, and all costs for fees and expenses of marshals taxed against parties other than the United States, shall be collected by the marshals and be paid into court; and at the end of each quarter the marshal shall render a return of the moneys so collected to the Attorney-General, with receipts from the clerks of the courts for the sums paid as herein required, which returns shall be verified by the oath of the marshal; and if this statement is not received by the Attorney-General within thirty days from the close of the quarter, no further payments shall be made the marshal on account of salary until such statement is received. Upon application to him for service, the marshal, before service is made, shall exact a deposit for the costs thereof in all cases not brought by the United States, except in suits brought under chapter 3 of the Revised Statutes, for wages of seamen, wherein the costs, if not collectible from the parties to the suit, shall be charged by the marshal, clerk, and district attorney in their accounts against the United States, and shall be adjusted and paid by the accounting officers in the same manner as costs in cases brought by the United States. If he shall fail to exact such deposit he shall be responsible for the amount to the United States.

It shall be the duty of the marshal to scrutinize the bills of the deputies, sheriffs, or constables, or whoever may be employed to serve process, and when he finds the same to be correct and in accordance with law he shall pay the same; but in cases where he deems it advisable for his own protection he may withhold 25 per cent. of the amount until the said bills have been audited and allowed at the Treasury; and when so allowed he shall pay the amount found due each in full. At the close of each term of court the marshal shall make up his accounts for all fees and disbursements and submit the same to a circuit or district court, in accordance with the provisions of the act regulating fees and costs, approved February 22, 1875, which shall be examined and passed upon by the court at each term before its adjournment.

SEC. 3. That there may be allowed each United States marshal one clerk and one chief deputy, whose salaries shall be paid as provided in section 2 for the payment of marshals. The salaries shall be $1,800 a year in each of the following districts: Northern New York, Southern New York, Massachusetts, Eastern Pennsylvania, District of Columbia, Southern Ohio, Kentucky, Northern Illinois, and California.

In other districts the salary shall be determined by the Attorney-General, but shall not exceed $1,200 per annum in any case. No clerk or chief deputy shall be appointed in any district unless the Attorney-General shall deem such appointment necessary for the efficient performance of the public business.

In all districts where courts are held at more than one place at which grand jurors are impaneled the Attorney-General may, in his discretion, allow the marshal a clerk or chief deputy (but not both) at such place, in addition to the one hereintofore authorized, if the business of the office requires it, at a salary not to exceed $1,000 a year.

The Attorney-General shall provide a uniform system of book-keeping and returns, and furnish books and blanks for this purpose to United States marshals. It shall be their duty to keep all the accounts, books, and papers of their respective offices in such manner as may be required by regulations prescribed by the Attorney-General, and to perform such other duties as such regulations may require. All books, papers, and accounts relating in any way to official business shall remain in the office of the marshal and be transferred by him to his successor in office, and shall be open at all times to the inspection of parties interested.

It shall be the duty of the chief deputy marshal to assist the marshal in attending upon the sessions of the court, and to perform all other duties required of him by the marshal of the court.

No officer of the court shall require payment from any juror or witness for stating his account for expenses of transportation or for administering oath to the same; and it shall be the duty of the marshal to examine said bills before paying the same, and to strike out improper charges if any are made therein.

The marshal's clerks, the chief deputies, and other deputies shall be appointed by the Attorney-General, upon the recommendation of the marshals of the respective districts; and their oaths of office shall be filed in the Department of Justice, and they shall be of good character, and be able to read and write in the English language, and be subject to removal for cause by the Attorney-General, by the court, or marshal: *Provided*, That nothing in this act shall be construed as in any way repealing or modifying sections 2021, 2022, 2023, 2024, and 3689 of the Revised Statutes, nor of any other of the provisions of title 26 of the Revised Statutes, nor of any acts amendatory thereof or supplementary thereto.

SEC. 4. That deputy marshals shall be appointed in the manner provided in the foregoing section for such localities in the district as the judge of the district or circuit courts may authorize and require for the efficient transaction of the business of the United States courts of such districts in each locality, but their powers shall not be limited by the locality for which they are appointed. No person shall perform the duties of a deputy marshal unless appointed and qualified in the manner herein provided, but district or circuit courts may appoint, upon the recommendation of the marshal, any sheriff or constable holding commissions as such under State authority, to serve the writs or execute the processes issuing out of the courts in such district, after having been duly commissioned a deputy by order of the court. In all cases where practicable it shall be the duty of the marshal to send writs and processes of court by mail directed to the deputy marshal residing in the locality where writs are to be served or processes to be executed, or to the sheriff or constable appointed to serve the same in such locality, whose duty it shall be, after service, to return such writ or process by mail to the marshal; and in no case shall fees be charged or allowed for traveling between points where writs or processes were sent by mail, or where it was practicable to send them by mail. The fees now allowed by law for marshals for serving writs and processes shall hereafter be allowed to the officers serving the same, except for committing and discharging prisoners; and the clause in section 829 of the Revised Statutes prescribing 50 cents for the same is hereby repealed. No fee for serving process shall be paid to a chief deputy. Guards, when actually necessary, may be employed to assist deputy marshals, sheriffs, or constables in charge of prisoners and witnesses before commissioners or justices of the peace, but not more than two before the same officer shall be employed on any one day.

SEC. 5. That deputy marshals, sheriffs, and constables while serving court processes shall be allowed for transportion by public conveyances the amount actually paid therefor, which shall be stated in an itemized account, and shall not exceed the usual amount charged for such transportation. For traveling where there is no public conveyance they shall be allowed 10 cents per mile each way, and for serving writs and processes the fees provided by law. The costs shall in each case be indorsed in items on the back of the writ when the return is made.

SEC. 6. That the circuit or district courts of the United States may, in cases of emergency where the necessary processes of the courts can not be promptly executed by the marshal or his regular deputies so as to secure the ends of justice, enter an order of record requiring the marshal or one of his deputies, or a person appointed as special deputy marshal by the court for that purpose, to perform a particular service or execute a particular writ; and for such service there shall be allowed such compensation as may be just and reasonable, but not exceeding $2.50 a day and actual and necessary traveling expenses, in lieu of fees and mileage. All accounts for such service shall be stated in items and verified by the person performing the service, and approved as a separate account by the judge who may make the order requiring the same.

SEC. 7. That district attorneys of the United States shall hereafter be paid monthly for their services the following annual salaries, in lieu of all fees, allowances, and salary now authorized by law: Southern New York, $8,000; Northern New York, Massachusetts, Eastern and Western Pennsylvania, District of Columbia, Northern and Southern Ohio, Eastern Missouri, Northern and Southern Illinois, and California, $5,000 each; Maryland, Kentucky, Kansas, Eastern Louisiana, Northern Georgia, Western Arkansas, and Western Texas, $4,000 each; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; and all other United States district attorneys shall be paid each a salary of $3,000 a year.

In all proceedings, civil or criminal, including prize and revenue cases, where fees or compensation of any kind are now by law authorized to be taxed against and paid by the United States for services of district attorneys or their assistants, no fees or percentages or commissions shall be charged or allowed on that account. In all cases, civil or criminal, including prize and revenue cases, where services are performed by district attorneys or their assistants, and the costs are taxed against other parties than the United States, the amount of such costs or fees for such service shall be collected and paid into court. United States district attorneys shall, under the direction of the Attorney-General, attend to the interests of the United States in every suit or proceeding in which the United States is concerned, in any of the courts of the United States or in the courts of any State, or attend to any other interest of the United States in their respective districts.

SEC. 8. That the district attorneys, marshals, and clerks shall be allowed, once for each term of court, the actual amount paid by them for transportation in going to and returning from the place where the court may be held in the district, the itemized accounts for such transportation to be made out and verified as hereinafter provided in other cases where transportation is allowed. District attorneys shall also be allowed the actual amount paid by them for necessary transportation to and from their places of abode to places where criminal examinations are held, or from one such place to another.

SEC. 9. That the fees earned by the clerks of United States courts, the supreme and district courts of the Territories, and the courts of the District of Columbia for services in civil and criminal cases and in naturalization cases, and for making out, certifying, or authenticating all papers, and in bankruptcy proceedings, and for duties of masters in chancery, or as special commissioners or referees by order of the court, or taking or authenticating depositions, issuing certificates admitting attorneys to practice, and in all matters of any name and character incident to their office or by virtue or authority of the court, and as United States commissioners, if holding said office, shall be included in their semi-annual returns to the Attorney-General; and it shall be the duty of the Attorney-General to decide what expenses may be paid by such clerks out of the surplus emoluments of their offices. At the end of each quarter they shall make out an itemized statement of all costs paid into court in United States cases, showing what disposition has been made of the same and in what cases they accrued, and submit the same to the district court, who shall examine the same, and cause such clerks to subscribe an oath to the correctness of each and every item in such statement. If the judge approves such statement as correct, he shall indorse his approval thereon in writing, and the clerk shall thereupon transmit said statement to the Attorney-General. The clerks of the circuit and district courts, of the supreme and district courts of the Territories, and of the supreme court of the District of Columbia shall not receive annually exceeding $2,500 each for their services; and where one person is clerk of both the circuit and district courts, such clerk shall not receive for services in both capacities a sum exceeding $3,000 per annum, except the clerks of the district and circuit courts for the southern district of New York, who may each receive $3,500 annually for their services. From the fees and emoluments earned and so reported by such clerks no one of them shall be allowed an amount exceeding the maximum herein provided; and after deducting the payment of deputy clerks, of office expenses, and any other allowances authorized by the Attorney-General, the balance of such fees and emoluments, if any, over and above the said maximum amount, shall be paid into the Treasury of the United States according to the provisions of section 844 of the Revised Statutes; which payments shall be ascertained at the Treasury Department upon quarterly returns to the First Auditor of all fees earned during each quarter, to be made under oath and approved by the court; and upon failure to make said quarterly and semi-annual reports within thirty days thereafter, the clerk shall be summarily removed by the judge, upon the request of the Attorney-General.

SEC. 10. That the judges of the circuit and district courts of the United States and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district, as may be required for the efficient and economical execution of the laws. Such commissioners shall have jurisdiction only of such offenses as are committed in their respective districts, except in cases of change of venue or where no qualified commissioner resides in the commissioner's district where the offense was committed who is in the district and physically able to perform his duties, and except also in cases of offenses against the postal laws of the United States, in which the jurisdiction shall remain as now provided by law.

United States commissioners shall receive for their services such fees as are now allowed by law, except that in all criminal cases heard by them they shall only be allowed $1 for issuing process to arrest and $1 for a recognizance or bond for court, including affidavits of justification of sureties and acknowledgments; and for all other writs and processes issued, for all oaths administered, for docketing, hearing, and trying the same, and for all services performed the sum of $5, and no more, for each case; but where two or more charges are preferred not requiring separate trials against any person at the same time, the commissioner shall be allowed only for a fee in one case. In preliminary examinations, where there is probable cause of guilt, the commissioner shall bind over the accused, if he shall give the bail required, to appear for trial before the court in his district which may be held nearest the place where the offense was committed; and if he can not give the required bail, the commissioner shall commit him for trial to the nearest jail where such prisoners can be safely and economically kept, and shall in both cases transmit all the papers in the case to the clerk of the United States court to be held in said district nearest the place where the offense was committed at which court grand juries are impaneled, and the clerk shall notify the district attorney thereof; but any accused person who may be committed in default of bail may, upon the order of the judge, be removed to and tried at that place in the judicial district where the court will be held next after his commitment.

Justices of the peace shall receive the same fees as United States commissioners for services in criminal cases. Their accounts shall be verified by oath and forwarded to the United States attorney of the district, to be submitted to the court for approval.

It shall be the duty of commissioners and justices of the peace to examine and certify to the marshal for payment bills of witnesses for transportation and attendance.

The judges of the Territorial courts, United States district attorneys, and United States marshals and their deputies, when required to use any public conveyance in the discharge of their respective duties, shall be allowed the actual amount paid for transportation, not exceeding the usual fares on such public conveyance, and no more. All accounts rendered for such transportation shall be verified by oath of the person making the same; and he shall state in such oath that he did not use for any part of such transportation a pass or pay a less fare than that stated in the account.

Accounts for the transportation of prisoners and guards by public conveyances shall be rendered for such sum as was actually paid for such transportation, not exceeding the usual fare; and vouchers verified by oath shall in all cases accompany such accounts.

SEC. 11. That United States marshals shall hereafter be allowed their actual expenses in the following cases, namely:

For transporting prisoners in any State or Territory, or from one State or Territory to another, on any public conveyance, the amount actually paid for transportation of themselves and for each prisoner and necessary guard, but not exceeding the usual fares. Where free transportation is used no charge whatever shall be made or allowed. If reduced transportation is secured, this fact shall be stated, and the actual amount paid shall be charged in the account, and no more.

The amount actually and necessarily paid for meals of themselves, prisoners, and necessary guards while *in transitu*, not exceeding 50 cents per meal.

The amount actually paid deputy marshals and guards for their services, not exceeding $2 per day.

For travel in going to serve or returning from serving any process, warrant, attachment, or other writ, including writs or subpœna in civil or criminal cases, the actual amount paid for transportation on all public conveyances, and no more, the account to be stated as in case of transporting criminals; and for each mile actually traveled to serve any such process as aforesaid where there is no public conveyance, 10 cents per mile going and returning.

For all travel required of them by law on any public conveyance they shall be allowed, in all States and Territories, the actual amount paid, as herein provided, and no more; and for every mile actually traveled where there is no public conveyance, 10 cents per mile each way.

All allowances for travel by public conveyance and meals are not to be construed as compensation, but as reimbursements for actual and necessary expenditures in the discharge of official duties; and all transportation provided for in this act shall be computed by the nearest practicable route.

All allowances for mileage and transportation on public conveyances in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payments or allowances in violation of the provisions of this act. An affidavit that the account is just and true in all respects, and that the expenses charged therein were actually and necessarily incurred, must accompany each bill. In all cases the account must contain the items of expenditure. The Attorney-General shall prescribe forms, rules, and regulations for presenting all accounts of court officials, to all of which forms shall be attached the oaths to be taken and subscribed.

SEC. 12. That hereafter jurors and witnesses in all of the States and Territories shall receive their actual and necessary expenditures for transportation when using any public conveyance, in lieu of mileage, but not exceeding the usual fares; and when there are no public conveyances they shall receive the mileage now allowed by law for travel to and from court; and witnesses shall receive $1.50 a day, and jurors shall receive $2 a day during actual attendance at any court or courts and for the time necessarily occupied in going to and returning from the same.

SEC. 13. That the provisions of this act shall apply to all the States and Territories and to the District of Columbia.

All acts or parts of acts granting double or increased fees to marshals, deputy marshals, clerks, or district attorneys, in any State or Territory, are hereby repealed, and the general laws prescribing fees are hereby re-enacted as to such States and Territories, except as herein modified or amended.

That this act shall take effect and be in force from and after the 30th day of June, 1884, except that those portions relating to the appointment, jurisdiction, and compensation of commissioners and deputy marshals shall take effect thirty days after the passage of this act. And all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. BISBEE. I make a point of order against the entire amendment upon the following grounds: First, that it contains subject-matter not germane to the pending bill; second, that it does not on its face retrench expenditures; and third, that it is obnoxious to clause 4 of Rule XXI, which provides that no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

I shall assume that the subject-matter of this proposed amendment is well understood. I desire briefly to call the attention of the Chair to the new legislation which it contains. It proposes to vest in the Attorney-General very large additional powers. On page 6 of the proposed amendment is a provision to vest in the Attorney-General the power to determine under what circumstances a United States marshal shall have a chief deputy or a clerk. Under existing law the marshal appoints his own chief deputy as well as his general deputy.

The amendment further provides that the Attorney-General shall provide a uniform system of book-keeping and returns, and shall furnish books and blanks for this purpose to the United States marshals; and the sum of $10,000 is appropriated to execute that provision of the proposed amendment. To that extent expenditures are increased upon the face of the amendment.

On page 8 of the amendment it is proposed to authorize the Attorney-General to appoint all the marshals, clerks, chief deputies, and other deputies, upon the recommendation of the marshals of the respective districts.

That, Mr. Speaker, is not germane to any portion of the bill under consideration. It proposes to grant the Attorney-General new and distinct powers, and I think very improper powers. It will not be denied that the marshal can now appoint his own clerks and deputies; and I think it will be generally agreed that he should at all times have the power to do so.

Again, section 4, page 8, goes on to provide—

That deputy marshals shall be appointed in the manner provided in the foregoing section for such localities in the district as the judge of the district or circuit courts may authorize and require for the efficient transaction of the business of the United States courts of such districts in each locality, but their powers shall not be limited by the locality for which they are appointed.

There, Mr. Speaker, is another very material amendment to the existing law. Under existing law the discretion is left with the marshal to appoint as many deputies as in his judgment are necessary for the efficient transaction of the business of the court. This amendment proposes to leave that matter to the discretion of the court itself.

The amendment goes on further and provides the qualifications of such deputies. It also makes material changes in the existing law with reference to the service of process or writs.

Again, in section 6, page 10, there is a very material change in the law. It is there provided that circuit and district courts shall be the judges of the emergency which may make it necessary to appoint an additional regular deputy.

In brief, the point is that this amendment proposes to grant not only to the Attorney-General but also to the circuit and district courts largely-increased and very important and responsible powers, no portion of which has, in my humble opinion, any relevancy whatever to the bill under discussion or is germane to it in any sense. There are other provisions of the bill liable to objection upon the same ground, which I will not read.

My last ground of objection, Mr. Speaker, is that there is another bill, there are two other bills, pending before committees of this House involving the same subject-matter. I refer to the distinct and separate bills providing for salaries of district attorneys and United States marshals. I have not those bills before me and can not now give their numbers; but it will not be denied that such bills have been introduced and referred to appropriate committees and are now under consideration by such committees.

I also call attention, Mr. Speaker, to a paragraph on page 225 of the Digest:

Whenever any portion of a proposition reported or submitted is out of order (either as an entirety or by way of amendment) it is sufficient ground for the rejection of the entire proposition.

I think it is perfectly clear that several parts of this amendment, particularly those parts clothing the Department of Justice with additional powers, enlarging the jurisdiction of the district and circuit courts, and depriving the United States marshals of authority which they now have under existing law, are not germane to this bill and ought not to be permitted to come in by way of amendment.

Mr. SPRINGER. The gentleman from Florida [Mr. BISBEE] bases his point of order upon three grounds, which I will dispose of in the order in which they have been stated. The first is that there are in this amendment certain provisions not germane to the subject-matter of the bill. In this position I do not agree with the gentleman. In the first place this amendment is an appropriation for the expenses of certain officers, district attorneys, marshals, &c., and these legislative provisions all relate to those officers. Of course they are germane to the subject-matter.

Mr. CHACE. May I ask the gentleman a question?

Mr. SPRINGER. Certainly.

Mr. CHACE. Is it not a fact that these fees which this amendment proposes to legislate out of existence are paid by the parties litigant, not by the Government?

Mr. SPRINGER. No, sir; they are paid by the United States.

Mr. CHACE. I think the great majority of them are paid by the parties.

Mr. SPRINGER. No, sir; these are all fees paid by the Government for Government business, and there are appropriations here to pay them. The amounts appropriated are for sums to be expended by the United States in criminal prosecutions in which the Government is a party. It is true that if we reduce the fees for service of subpœnas in civil as well as criminal cases the litigants in civil suits will of course get the benefit of the reduction. But the change is made here because the Government pays such fees in cases in which it is a party.

Mr. BISBEE. Will the gentleman allow me a moment?

Mr. SPRINGER. Certainly.

Mr. BISBEE. I did not before state, but I intended to make the point, that the committee from which this amendment is reported has no authority over such a matter. I make that point now so that the gentleman may have the benefit of it.

Mr. SPRINGER. All right.

The next ground on which this point of order rests is that the proposed amendment embodies the substance of two bills now pending in this House. All I have to say on this point is that if there are two bills pending in the House embodying the substance of this amendment I have not read those bills and do not know from the reading of them what they contain. If I have incorporated, therefore, the substance of any other bill in this proposition I do not know it. I am sure it can not be so with reference to the bill in relation to the salaries of marshals and district attorneys. The bill which has been indicated is not the substance of this amendment and it is not bottomed upon it, as I have never read that bill and could not have incorporated the substance of it here.

Mr. BISBEE. I can tell the gentleman what they are, if he wishes.

Mr. SPRINGER. I prefer to have the text of the bill itself and not any statement as to its substance. If the gentleman has the text of the bill and will hand it to me I will look at it.

The amendment must embody the substance of the other bill. It is not as to their being on the same subject to which the rule is directed, but it must be the substance of the other bill.

As to the question whether the committee has jurisdiction of the matter, I will state in answer to that that under the rules of the House the Committee on Expenditures in the Department of Justice is required to act on the very subject-matter covered by this substitute; and also at the beginning of this session the subject was referred specifically to the committee of which I am chairman by that part of the President's message relating to court expenses. But as an individual I would have had the right to offer it, and then it would be subject to some additional points of order. It comes under the general jurisdiction of the committee under the rules of the House, and besides has been specially referred in the President's message, which recommended to be done that which the committee has reported. I will read from that message of the President:

So, too, should the laws which regulate the compensation of district attorneys and marshals. They should be paid wholly by salaries, instead of in part by fees, as is now the case.

The change would prove to be a measure of economy, and would discourage the institution of needless and oppressive legal proceedings, which, it is to be feared, have in some instances been conducted for the mere sake of personal gain.

This proposition was referred to the committee on the recommendation of the President this should be done. Report was made on that reference.

Now, as to the question of legislation. Of course, Mr. Speaker, this is new legislation. The rule is not directed against new legislation, but that new legislation must be germane to the subject and must retrench expenditures.

First, it is in order by coming from the committee of which I am chairman. Now, does it retrench expenditures? To show it does I have only to refer to the amount appropriated in the bill. And allow me to say here that the Committee on Appropriations I believe were agreed this substitute should be proposed. They are in favor of it so far as I know, and therefore did not prepare that portion of the bill I move to strike out with a view of having it remain as an appropriation bill for this purpose, but merely for the purpose, as I understand, that this amendment might take the place of it. Hence, in order to determine the actual amount of reduction this bill provides, you are to look to the expense which this committee is bound to appropriate for, and it appropriates less by several hundred thousand dollars than the face of the bill. So if the amendment is not received the bill must be recommitted to the Committee on Appropriations in order that it may take time to prepare a provision on this subject which will embrace all the items.

On page 12 of the report which this committee submitted, number 1779, the clerk of the Committee on Appropriations prepared a table which is here printed. It shows that the amounts appropriated and the deficiencies which must be supplied and have been supplied in the deficiency bill will amount to $3,318,800. The amounts appropriated in this bill for the ensuing year amount to $2,799,000. This shows a reduction of $519,000 for the ensuing year below the actual expenses of the courts for the current year.

The gentleman has pointed out provisions of legislation here which he says are obnoxious to the rule. As to the appointment of deputy marshals and several others pointed out, the law as it stands provides the machinery for incurring court expenses and authorizes the expenditure provided for the current year of $3,300,000. In order to be enabled to reduce the appropriations for this service it was incumbent upon the committee to reduce the machinery under existing law by which these large expenditures have been incurred in the past. This is just what the legislation here proposes to do and nothing else. Every provision can be traced to a proposition which reduces and changes the machinery authorizing these unlimited expenditures.

It does reduce expenditures. The President has said in his message to Congress that if a bill of this kind should be reported it would be a measure of economy. The Attorney-General has also furnished a letter to the committee in which he states it would be a measure of great economy to adopt these provisions of legislation. But in addition to that the committee of which I have the honor to be chairman is convinced it would be not only a measure of economy but one of justice to the people of this country. And that economy will appear more clearly hereafter even than it does upon the terms of the bill itself. During the whole winter we have been engaged in an investigation as to the manner of the incurrence of these various expenses in the past, and have intimation of great abuses which have occurred in the expenses of the courts all over the country.

This legislation provides a remedy in the judgment of the committee, and they believe that it is within the rule, as providing such changes in the machinery of the courts by which these various expenses are incurred as will enable the Government to be run upon the sum here suggested, namely, more than half a million dollars less than the sum it has heretofore cost. That will be the result, if these changes are made, in our judgment.

Now, of course it must be apparent that you can not apply to each item of this appropriation bill the particular legislation without making a great confusion. It was therefore suggested that the appropriations should follow one after the other in the substitute, which they do, and after these expenses were provided for there should then come the legislative provisions which were necessary in order to make it possible to have the appropriations and make the changes provided therein.

It may be objected by some that so much legislation should not be put upon an appropriation bill. I concede that to be true if it were upon any other subject-matter. But in this particular case it must be regarded as an exception.

We are changing the manner of providing for the payment of the services of United States marshals, United States attorneys, and clerks of the United States courts. Now, if you change the manner of making payments you must change also the manner of making the appropriations for that service, and that change can only take place simultaneously with the bill itself.

There is no other mode by which you can accomplish the result, and hence the necessity for doing it on an appropriation bill, and the same bill which makes the change. For my own part I should have preferred a separate measure, but if you inject this legislation into the next year's appropriation you can make all harmonize with the new appropriation, and all of the machinery of the courts will be based upon the change which is found necessary. Here it will be in harmony strictly with the appropriation made, and will save the amount of money specified in the report of the committee.

In view of these facts, and after a most careful and thorough consideration of every item contained in the appropriation, I am of the opinion that it is not obnoxious to the point of order, and that it should be overruled.

The SPEAKER. The Chair would like to hear the gentleman upon one point which he has not touched. The gentleman makes an argument to show that the adoption of the proposed substitute would retrench expenditures. But it has always been held, the Chair thinks, that in order to bring a proposed amendment within the rule, so as to admit it, it must be shown upon the face of the amendment itself, as compared with the bill to which it is offered as an amendment, that it does retrench expenditures. In other words, it is not sufficient to show as a matter of argument that it will ultimately result in a saving of expenditures. It must appear upon the face of the amendment itself that it is a saving of expenditures.

Now, the gentleman has not stated how much is appropriated in that part of the bill proposed to be stricken out, nor has he stated how much is proposed by the substitute; and there is nothing upon the face of the bill or the substitute to show, except by adding together the various items contained in each, which the Chair has not had an opportunity of doing.

Mr. SPRINGER. I supposed that the Committee on Appropriations did make their bill correspond with the expenditures of the current year, and hence based the estimate which appears upon the report of the committee upon the actual expenditures of the current year, which would be decreased some $500,000 if the substitute should be adopted. But I have been informed that the Committee on Appropriations took each item appropriated here when they were considering the appropriations they would make and added $10,000 to each, so that the Chair will perceive each item of the substitute has been decreased $10,000 as compared with the bill, and the amount covered by the bill is just that much greater than the substitute. That was done with a view to make it in order to move this substitute by the Committee on Appropriations, and merely as a formal amendment coming from them. The substitute would reduce the amount covered by the bill something like $60,000, I think, on its face.

Mr. FORNEY. One hundred and sixty thousand dollars.

Mr. SPRINGER. I am informed by the gentleman from Alabama that it would be a reduction of $160,000 in the aggregate amount appropriated by the bill. But the amount is actually much greater if you shall be compelled to recommit the bill, according to the amount of the current year's expenses. If you reject this substitute the expenditure would be $500,000 greater, which would have to come into the bill afterward. But $160,000 is the difference in the amounts covered by the bill. That is simply nominal however, as I have said, and was put in by the Appropriations Committee themselves that it might be more than was appropriated by this substitute, so as to make it in order.

Mr. ROGERS, of Arkansas. The amount of the saving is not material, provided it does reduce the expenditures, in order to bring it within the rule.

Mr. SPRINGER. No, it is not material; for any reduction would bring it within the rule, although on the face of the bill I think it is $160,000, while in reality it is much greater.

Mr. BISBEE. I have obtained the bills to which I referred in my argument. They were introduced and referred to the Judiciary Committee, and can be examined by the Chair. There are two separate bills introduced by the gentleman from Alabama [Mr. HERBERT]. One relates exclusively to the fees of United States marshals of all the States and all the Territories, and relates also to the fees of deputy marshals. The other bill is exclusively with reference to the pay of district attorneys. There is still another bill, introduced by the gentleman from

Tennessee [Mr. HOUK], which covers the compensation both of marshals and United States attorneys.

Now, Mr. Speaker, it is utterly impossible to reach the conclusion that this amendment would retrench expenditures. There are certain officers whose appointments depend upon the discretion of the Department of Justice. Certain clerks and certain deputies are appointed by the Attorney-General, and within certain limits the number to be appointed rests in his discretion. They are paid a certain salary; some of them a fixed salary; others, salaries to be determined by the Attorney-General himself. Therefore it is utterly impossible to say, notwithstanding this amendment may appropriate a little less money than the bill itself—it is impossible to say that the obligation that may be incurred under this amendment will be less than under existing law.

Again, Mr. Speaker, I call attention to section 10 of this bill. That section provides—

That the judges of the circuit and district courts of the United States and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district as may be required for the efficient and economical execution of the laws.

The section further provides, which I shall not read, what the jurisdiction of those commissioners shall be. Here is a new law granting to the district and circuit courts not only new and distinct powers which they do not now possess, but also the very considerable and important power of defining the Territorial jurisdiction of these commissioners.

I would like to have the gentleman from Illinois [Mr. SPRINGER] or any other gentleman point out what part of the bill reported from the Committee on Appropriations has anything on this subject; or, in other words, in what respect section 10 of this bill is germane to the pending bill reported from the Committee on Appropriations.

I will not dwell further on the point of order. The gentleman from Illinois has not been able to show, and it seems to me utterly impossible to show that these several sections taking away power from the United States marshals and granting additional powers to the district and circuit courts and to the judges thereof and to the Attorney-General can in any possible way be germane to this bill.

Mr. SPRINGER. In regard to the commissioners the bill appropriates $110,000, and the substitute $100,000; actually it is less than that. In order that the commissioners should not incur the large expenses they have heretofore incurred, the provision was inserted limiting their jurisdiction to particular localities, so that there would not be the vast amount of costs that have heretofore been incurred. And, further, it provides they shall have so much allowance in each case instead of an allowance per day. I think, according to the practice, they have tried one case a day, running up large bills of costs in each case. According to the investigations of our committee, instead of $15 and $20 commissioner's fees in each case, the amount would be reduced to seven or eight dollars. And it was to cut away the old machinery, and get a system that would cost less, that the committee have proposed this change.

Now, as to this being the substance of pending bills, the gentleman from Florida has handed me, in the first place, the bill of the gentleman from Alabama [Mr. HERBERT] which covers ten printed pages and classifies marshals in every State of the Union. It is a very long and elaborate bill on the subject of marshals' pay. This bill is not the substance of that bill in any sense whatever. The other bill is that of the gentleman from Tennessee [Mr. HOUK] for the compensation of United States marshals, the House bill No. 1498. It provides—

That from and after July 1, 1884, the compensation allowed United States marshals shall be an annual salary of $3,500, &c.

That is not the substance of this bill at all in any sense of the word. There is nothing, therefore, on that ground for the point of order.

The SPEAKER. Will the gentleman from Illinois send those bills up to the Chair?

Mr. HERBERT. The bills are long, and it would take the Speaker some time to examine them. Before he looks into them I desire his attention to the difference between this proposed amendment and each of those bills.

In the first place, the bill relating to the abolishing of salaries of marshals introduced by myself proposes simply to abolish fees of marshals in all cases in which the United States is a party. That is as far as the bill goes. This amendment proposes to abolish all fees, the fee system entirely, so far as marshals are concerned. In relation to the compensation there is a similar difference. Not only are the amounts of the bill introduced by myself and in the amendment proposed here by the Committee on Expenditures in the Department of Justice different in very many cases, but they proceed upon entirely different principles. The bill introduced by myself proposes to compensate them for everything and made no allowance to them whatever for transportation. The amendment of the committee proposes to allow them transportation from court to court and from their homes to the court. I think that is all I need say in relation to that bill.

The bill in relation to the salaries of district attorneys also proceeds upon a different idea. In my bill, which the gentleman from Florida has referred to—and so far as I have been able to look at it the bill of the gentleman from Tennessee [Mr. HOUK] I think will be found on examination to be a copy of mine—the bill introduced by myself proposes to abolish the fee system, it is true, so far as district attorneys are concerned. In that point the bill and amendment are similar. But a bill that simply went to that extent and no further, that provided no more of compensation, would be, to say the least of it, incomplete. It would be ruinous. It would *pro hac vice* put a stop to the operation of the Government if you provided no mode of compensation.

The compensation fixed in my bill is in lieu of everything else, making an allowance for transportation from court to court or from home to court. I call your attention to these fundamental differences simply. There are many other differences between these bills and the proposed amendment. I think I need not go any further than to say that this amendment is not substantially the same in any part of it as either of these bills, so far as the rule is concerned.

I think that the test of the matter might be made in this way: would the one bill and the other necessarily command the support of the same legislators? A member might be willing to vote for the one, where the fixed compensation was in lieu of everything, and not vote in favor of the other. But I will not dwell on this branch of the matter further, for it seems to me that I have answered completely the objection on that point.

In relation to the question whether the proposed amendment will reduce expenditures, I know that the rule is that the amendment must on its face appear to reduce expenditures. But what is meant by the expression "on its face?" Suppose, Mr. Speaker, that you were a judge, and that I demurred to pleadings; the substance of my demurrer being that the plea or complaint to which I demurred was defective on its face. How are you to arrive at a conclusion? How are you to decide that the plea is defective for the reason which I give? If you are a judge, you are necessarily remitted to what you know judicially; that is, to the law bearing upon such a case upon the point raised by me.

So by analogy when the question is whether the amendment on its face reduces expenditures, one mode of determining the question is to look at it as the gentleman from Illinois [Mr. SPRINGER] has done, to see if the amount proposed in the amendment is less than the amount proposed in the bill. But another way is to bring to mind those things which you, not judicially, but I will use an equivalent term, which you officially know.

Now, I think you as Speaker of this House, and all the members of this House, whether in point of fact they do actually know what were the expenditures of this Department of the Government last year, are presumed to know it, just as a judge, although he may not know the law that is in the books, is presumed to know it. We have here published documents, published by our order, published for our information. They are always officially before us, and we do officially know that the expenditures for the items embraced in this amendment were last year under the old system many tens of thousands of dollars greater than they would be under the new system here proposed. If so, then the point of order is not well taken on that ground.

The gentleman has pointed out several paragraphs here to which he takes exception. He raised his objection to the whole amendment. Now, the whole amendment itself is a system, and he can not take a line or a half a line, a paragraph or a half a paragraph, and say that that line or that paragraph is not germane, or does not within itself reduce expenditures. That line or that paragraph to which he objects must be taken into consideration together with the whole amendment. If the whole amendment is germane, and if the whole amendment does, as this undoubtedly does, whether tested by either rule, retrench expenditures, then the point of order is well taken.

Mr. RANDALL. Now, let us have the ruling of the Chair. That is all the speech I wish to make.

The SPEAKER. The Chair will direct the Clerk to read clause 3 of Rule XXI, which seems to be the most important clause in connection with this question.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

The SPEAKER. There is no question but what the proposed amendment will change existing law. Still, if it is germane to the subject-matter of the bill and retrenches expenditures it is in order, unless it be out of order for the other reason stated by the gentleman from Florida [Mr. BISBEE], that it is the substance of another bill, or of other bills, now pending before the House. Those other bills have been sent to the Speaker's desk and have been examined by the Chair as carefully as the limited time allowed him would permit.

It is also true that the proposed substitute embraces some of the provisions contained in the pending bills. For instance, it abolishes fees

heretofore paid to United States marshals and substitutes salaries in lieu of them, which is the same thing done in the bill introduced by the gentleman from Tennessee [Mr. HOUK], although the amounts are different. There are also one or two provisions similar to those contained in the bill introduced by the gentleman from Alabama [Mr. HERBERT]. But the Chair thinks that under the rule the fact that an amendment offered embraces one or possibly more features of some other bill pending is not sufficient of itself to exclude it. It must contain the substance of the pending bill in order to make it objectionable under the rule.

So far as the Chair has been able to give this matter consideration he is not able to see that the proposed amendment does contain the substance of the other bills or the substance of either of them.

While it is true that the proposed amendment will change existing law, it is also true, as the Chair believes, that it will retrench expenditures. When the Chair is called upon to decide whether or not an amendment upon its face retrenches expenditures, which seems to be the rule heretofore followed, he must of course compare the provisions of the amendment with the existing law, if there be one, making permanent appropriations for the purpose stated, or in the absence of any existing law making such appropriations he must compare it with the appropriation proposed to be made in the bill to which the amendment is offered.

In this case there is no statute making permanent appropriations for these purposes. Therefore the Chair must compare the provisions of the amendment with the provisions of the bill for the purpose of determining whether or not there is a reduction of expenditures. The Chair supposes that there is such a reduction from the statement made by the gentleman from Illinois [Mr. SPRINGER], as well as from the statement made by a member of the Committee on Appropriations, which have not been controverted, that the amendment appropriates about $160,000 less than the amendment proposed to be appropriated in the bill as reported.

Then, is the amendment germane? It certainly relates to the same subject-matter to which the bill relates; that is, the compensation of attorneys, commissioners, marshals, deputy marshals, clerks, and other officers of the United States courts.

It may be that there is some new legislation in the amendment which is not actually necessary in order to effectuate the reduction of expenditures; but upon such an examination as the Chair has been able to give it appears that all the new legislation in regard to the duties of these officers in the discharge of their official functions is just such legislation as is necessary to accomplish the reduction of expenditures.

If upon the reading of this substitute by sections it should appear that there is some section or clause changing existing law and not necessary to accomplish the retrenchment of expenditures, a point of order might still be made against that part of the amendment. It is true that where any part of an amendment, which is an entirety, is out of order, the whole amendment is out of order. But where an amendment embraces various distinct propositions, each of which is complete in itself, the fact that some one of those propositions may be out of order does not exclude all the other provisions of the amendment. It is only where the different provisions are necessarily dependent one upon another that the rule excluding the whole amendment applies. The Chair therefore overrules the point of order made against the amendment as a whole.

Mr. RANDALL. I now ask that an agreement be made to fix 5 o'clock as the hour at which the vote shall be taken on this amendment, and such amendments as may be offered to it and on the passage of the bill.

The SPEAKER. The gentleman from Pennsylvania proposes that at 5 o'clock the previous question shall be ordered on this amendment, upon such other amendments as may be offered, and upon the passage of the bill.

Mr. KEIFER. It may happen that some amendments which we desire to submit can not be offered by 5 o'clock. I do not know that anybody wishes to extend the debate.

Mr. RANDALL. I thought I was proposing this arrangement with the assent of the gentleman.

Mr. KEIFER. We do assent; but we do not want to be cut off from offering amendments. So far as debate is concerned I do not want to occupy any time at all.

Mr. BROWNE, of Indiana. I wish to inquire whether this amendment will be read by paragraphs so as to give opportunity for offering amendments.

Mr. RANDALL. So far as I am concerned I do not wish to cut off any amendments. But I want to cut off debate.

Mr. KEIFER. We have no objection.

Several MEMBERS. Let us vote now.

Mr. RANDALL. I want the House to vote on such amendments as may be submitted, so as to get the proposition in the best possible shape and in entire harmony with the voice of the whole House.

Mr. BROWNE, of Indiana. I believe in this amendment. I think it as a whole a very excellent one. But I believe that the salary which it proposes to allow to the district attorney for the district of Indiana is too low by $500. I would like to move an amendment to make the salary of this officer $3,500.

Mr. RANDALL. I have no objection to allowing any amendment to be voted upon.

Mr. HAMMOND. I suggest that by unanimous consent general debate be now closed and the amendment be read by paragraphs.

Mr. RANDALL. I have no objection to that. But I want to cut off all debate—general and under the five-minute rule—at 5 o'clock.

The SPEAKER. Is it understood that the Clerk shall read this amendment by sections?

Mr. HAMMOND. I ask unanimous consent that general debate be considered as closed now.

The SPEAKER. General debate was closed.

Mr. SPRINGER. I think there is no necessity for any general debate.

The SPEAKER. None is asked for.

A MEMBER. And none is in order.

Mr. SPRINGER. I think we can reach a conclusion upon this question by 5 o'clock, if we proceed at once to vote upon amendments, allowing brief explanations as we go on. But I do not think it necessary that the whole of this substitute should be again read. If there are any amendments to be offered let them be offered now.

Mr. RANDALL. I would like to have my proposition submitted. I desire the previous question, so as to close debate at 5 o'clock, not to cut off any amendment.

Mr. HISCOCK. Suppose the gentleman allows the matter to run along without fixing any limitation just now. There is perfect good faith on this side of the House.

Mr. RANDALL. I believe that nine-tenths of the House will vote for the amendment.

Mr. HISCOCK. Suppose the gentleman allows the matter to run on for five or ten minutes. When amendments are offered let brief explanations be made and votes be taken, even if the proceeding should go a little beyond the hour of 5 o'clock.

The SPEAKER. The only way to limit debate on these amendments will be by ordering the previous question, and that can be done on each amendment whenever desired.

Mr. RANDALL. I desire to close debate at 5 o'clock.

The SPEAKER. The gentleman from Pennsylvania gives notice he will close debate at 5 o'clock.

Mr. SPRINGER. I move we dispense with the reading of the bill by sections and let gentlemen propose their amendments and we can then act on them in their order.

The SPEAKER. If that is satisfactory the Chair will now recognize gentlemen to offer their amendments. The Chair hears no objection. They will be considered in order.

Mr. VAN ALSTYNE. I have an amendment to offer to the third section.

The SPEAKER. Gentlemen who have amendments to the first section will be recognized first.

Mr. MILLER, of Pennsylvania. I move, in line 4, page 4, after the word "eastern," to insert the word "western;" and in line 6 to strike out "Western Pennsylvania." I offer that amendment for the purpose of making the salary of the marshal of the western district of Pennsylvania the same as that of the marshal of the eastern district. He does as much work, has as much labor to perform, and should be paid the same salary.

Mr. HOPKINS. That is one of the amendments I have offered, and I will only supplement what my colleague has said by saying that he does more work, as is shown by the records.

Mr. RANDALL. The Attorney-General recommends it shall be the way it is here.

Mr. SPRINGER. We thought that the city of Philadelphia with all its maritime jurisdiction imposed upon the marshal, he ought to have a larger salary. [Cries of "Vote!"]

The House divided; and there were—ayes 50, noes 72.

So Mr. MILLER'S amendment was rejected.

Mr. HOLMAN. I move to strike out these words:

Southern district of New York, $6,000; Northern New York, Massachusetts, Eastern Pennsylvania, District of Columbia, Southern Ohio, and California, $5,000 each; Maryland, Western Pennsylvania, Eastern Missouri, Kentucky, Northern Ohio, Northern and Southern Illinois, Eastern Louisiana, Kansas, and Western Texas, $4,000 each; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; and all other marshals shall be paid a salary of $3,000 a year.

And in lieu thereof to insert the following:

Southern district of New York, $4,000; Northern New York, Massachusetts, Eastern Pennsylvania, District of Columbia, Southern Ohio, and California, Maryland, Western Pennsylvania, Eastern Missouri, Kentucky, Northern Ohio, Northern and Southern Illinois, Eastern Louisiana, Kansas, and Western Texas, $3,500 each; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; and all other marshals shall be paid a salary of $2,500 a year.

Mr. Speaker, I wish to call attention to the fact that as the bill stands now you will pay the marshals of the Territories $400 more than you pay the governors.

Mr. SPRINGER. How much?

Mr. HOLMAN. Four hundred dollars more. The salary of the governor of a Territory is $2,600, while that of the marshal is $3,000.

Mr. HISCOCK. Is it not true that in one case the man's time is all

taken, and in the other it is not? One is dress parade and the other is business. [Laughter.]

Mr. HOLMAN. You pay a judge of the Territory $3,000, and the marshal is paid the same salary. My proposition is that the highest salary shall be $4,000 for the southern district of New York; that the more important districts after that shall be $3,500, and that the smaller districts shall be $2,500, and the latter would embrace my own. These are salaries in harmony with the generally large and ample salaries paid by the Federal Government. And I hope the House will not at the outset in abandoning the fee system adopt the extravagant salaries of the substitute of my friend from Illinois. I trust economy will be regarded in allowing reasonable compensation to these employés of the Government. It is not necessary I should urge on gentlemen on this side of the House to put these salaries at a reasonable rate; and I submit those I propose are ample and beyond the range of those paid in my own State for corresponding service.

The House divided; and there were—ayes 41; noes 83.

Mr. HOLMAN. No quorum.

Mr. SPRINGER. I hope my friend will not make that point.

Mr. HOLMAN. I hope the gentleman will not come then with such extravagant salaries.

The SPEAKER. Debate is not in order.

Mr. HOLMAN and Mr. SPRINGER were appointed as tellers.

The House again divided; and the tellers reported—ayes 41, noes 127.

So the amendment of Mr. HOLMAN was rejected.

Mr. HOLMAN. In the third line of this section 2 I move to amend by striking out "six" and inserting "five;" so that it will read:

Southern district of New York, $5,000.

The question was taken.

The House divided; and there were—ayes 36, noes 113.

So the amendment was not agreed to.

Mr. HOLMAN. I will not press the point of no quorum, though I regret to see an increase of salary placed upon an appropriation bill in the absence of a quorum. I will move now to strike out in line 6, page 4 of this bill, the word "five" and insert "four;" so that it will read:

Southern New York, Massachusetts, Eastern Pennsylvania, District of Columbia, Southern Ohio, and California, $4,000 each.

The question was taken.

The House divided; and there were—ayes 21, noes 118.

Mr. HOLMAN. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted the Chair will appoint tellers.

Mr. SPRINGER and Mr. HOLMAN were appointed tellers.

The House again divided; and the tellers reported –ayes 24, noes 156.

So the amendment was not agreed to.

Mr. BROWNE, of Indiana. Mr. Speaker, I move to insert in line 8, page 4, after the word "Illinois," the word "Indiana." That will put the salary of the marshal for the State of Indiana in the four-thousand-dollar class. [Cries of "Vote!" "Vote!"] Allow me to say it is by the proposed amendment fixed only at $3,000. Indiana is a judicial district, and there is but one judicial district in the State. That State contains a population of over 2,000,000 people. The district court is held at four different places: at the city of Fort Wayne, at Indianapolis, at Evansville, and at New Albany. It certainly does more business than the southern district of Illinois and a number of others which are included in the four-thousand-dollar class by this substitute. I believe in the principle of this amendment——

Mr. RANDALL. I would like to ask the gentleman from Indiana whether the bill itself does not give a deputy to the marshal at each of these places at a salary of $1,000 per annum.

Mr. BROWNE, of Indiana. I do not know as to that.

Mr. RANDALL. I think it does.

Mr. BROWNE, of Indiana. I have not examined in regard to that point; but the fees of the marshal of that district now amount to $6,000 a year, and this is a reduction of 50 per cent. While I believe that the fees system is debauching to public and political morals and indorse most heartily the idea of making all of these officers salaried officers of the Government, I think we ought at least to give a just compensation to these men, and $4,000 compensation to the marshal of the State of Indiana is not certainly more than enough.

Mr. RANDALL. I would like to say to the gentleman from Indiana, in response to his remarks, that nearly every salary in this substitute is a reduction, no matter what others may say; and that we are not raising salaries at all by the adoption of the substitute.

Mr. BROWNE, of Indiana. I have not so intimated. But it is fixed here in Southern Illinois at $4,000. Now, I think the salary of the marshal for the district of Indiana should certainly be equal to that.

Mr. RANDALL. I am not making that statement with a view of reflecting upon what the gentleman from Indiana says, but I am only saying it for the purpose of defending the point, or answering an intimation that salaries have been increased in some places. I repeat that there is no increase, but on the contrary a reduction of salaries by this substitute.

Mr. BROWNE, of Indiana. Justice to Indiana demands this increase, and I hope it will be granted.

The question was taken; and the Speaker decided that by the sound the noes prevailed.

Mr. BROWNE, of Indiana. I do not want to delay proceedings, but I shall ask a division on this vote.

The House divided; and there were—ayes 77, noes 87.

So the amendment was not agreed to.

Mr. STRUBLE. I wish to offer as an amendment to this section that which I send to the desk.

The Clerk read as follows:

Insert in line 8, of section 2, after the word "Kansas," the word "Iowa."

Mr. STRUBLE. I wish to say simply that there are two districts in Iowa, the northern and southern districts. The courts are held in three places in each district. I therefore ask the adoption of this amendment.

Mr. RANDALL. I ask the previous question upon the section and all amendments now pending.

Mr. KEIFER. Does the gentleman propose to cut off amendments to be offered?

Mr. RANDALL. I do not want to prevent the offering of amendments, but simply to close debate.

Mr. KEIFER. We want to offer some additional amendments in good faith.

Mr. McCOID. I desire to say a word on this amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] demands the previous question upon the section and the pending amendment.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the amendment proposed by the gentleman from Iowa [Mr. STRUBLE].

The amendment was not agreed to.

Mr. CAMPBELL, of New York. I desire to offer an amendment to this section.

The SPEAKER. The previous question has been ordered on the section. Are there any amendments to be proposed to the third section?

Mr. KEIFER. I move to amend by inserting in line 7, page 6 of the bill, after the words "District of Columbia," the words "Northern Ohio," so that it will read "Northern Ohio, Southern Ohio," &c.

I desire to say a single word. This clause of section 3 provides that for the marshal's clerk and chief deputy the salary shall be $1,800 each in certain districts named. The district of Northern Ohio includes the cities of Cleveland, Toledo, Sandusky, and others along Lake Erie. It is the more important of the two districts of Ohio; and it is the one where the most business is done of a maritime kind. It is as large as the southern district. I live in the southern district and have no interest except to equalize these matters. Courts are held at Cleveland and at Toledo, and it is necessary to keep up a double establishment for a marshal's office. This is simply putting the northern with the larger business of the two on a par with the southern district.

Mr. RANDALL. I desire to say that if I am not mistaken the whole of this scheme of salaries has been fixed after an examination of the receipts for ten years of the various offices throughout the country.

Mr. KEIFER. This relates to the clerks of marshals, not to the marshals themselves.

The amendment was not agreed to.

Mr. McCOID. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 3, line 7, after the word "Kentucky," insert the word "Iowa."

Mr. McCOID. Mr. Speaker, Iowa is in the eighth circuit, which is composed of eight States. That State does 33.4 per cent. of the whole business of that whole circuit of eight States. In that circuit is Kansas; and when the committee provided a salary for marshals they put Kansas in the list of $4,000 salaries and left Iowa unmentioned, which brings it into the class of $3,000 salaries. That shows that the committee did not consider this question upon the amount of business done for the last ten years. If the committee had fixed the salaries of marshals upon the business done they would not have put Kansas in the $4,000 class and Iowa in the $3,000 class, because Iowa does 33 per cent. of the business of the whole eight States.

For that reason I say the amendment voted upon a few moments ago in reference to the salaries of marshals was not properly and justly treated. That amendment offered by my colleague ought to have been adopted. And now I say, in order to remedy that defect in the bill in some measure, we should put Iowa in this list of salaries of $1,800 for deputies and clerks. That will compensate, in some measure, for the other amendment not having been adopted. There are in that district three places where each marshal must attend a court and do all the necessary business connected with the court. I appeal to the House to give this amendment fair consideration, the other amendment not having been adopted.

The question being taken on the amendment of Mr. McCOID, there were—ayes 46, noes 88.

So (further count not being called for) the amendment was not agreed to.

Mr. VAN ALSTYNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 3 by inserting after line 32 the following:

"Any person who steals, takes away, falsifies, mutilates, or otherwise alters, destroys, or conceals any book, record, or paper by law required to be in the custody of the marshal, or who counsels, aids, or abets such stealing, taking away, altering, falsifying, mutilating, destroying, or concealing of any such book, record, or paper, shall be guilty of a felony, and, on conviction thereof, shall be fined not exceeding $1,000 or imprisoned at labor not exceeding three years, or both) in the discretion of the court."

Mr. RANDALL. That is right.

Mr. KEIFER. Is not that in the bill now?

The SPEAKER. It is not in the substitute as offered.

Mr. SPRINGER. I conceded that that was subject to the point of order and left it out.

The amendment of Mr. VAN ALSTYNE was agreed to.

Mr. HOPKINS. There is an amendment to section 3 which I sent up some time ago. I ask a vote upon it, although I presume I may as well accept the inevitable.

The Clerk read the proposed amendment of Mr. HOPKINS, as follows:

Insert in line 7, page 6, after the words "Eastern Pennsylvania," the words "Western Pennsylvania."

Mr. HOPKINS. The object of this amendment is to make the salary for Western Pennsylvania the same as for Eastern Pennsylvania.

The amendment was not agreed to.

Mr. RANDALL. I move the previous question on the section.

The previous question was ordered.

The SPEAKER. Are there any amendments to the fourth section?

Mr. BISBEE. I desire to offer an amendment to section 3.

The SPEAKER. The previous question has been ordered on section 3.

Several members called for the regular order.

Mr. BISBEE. I do not think it is the intention of the gentleman in charge of the bill to cut off amendments. I supposed the object was only to cut off debate.

Mr. RANDALL. It was the House that did it, and not the gentleman in charge of the bill.

Mr. HISCOCK. I suggest that gentlemen have leave to print their amendments, with such remarks as they desire to make upon them.

Mr. SPRINGER. I move the previous question on sections 4, 5, and 6, as there are no amendments, I believe, to be offered on these.

The previous question was ordered.

The House then proceeded to consider section 7 of the amendment, the first paragraph of which is as follows:

SEC. 7. That district attorneys of the United States shall hereafter be paid monthly for their services the following annual salaries, in lieu of all fees, allowances, and salary now authorized by law: Southern New York, $8,000; Northern New York, Massachusetts, Eastern and Western Pennsylvania, District of Columbia, Northern and Southern Ohio, Eastern Missouri, Northern and Southern Illinois, and California, $5,000 each; Maryland, Kentucky, Kansas, Eastern Louisiana, Northern Georgia, Western Florida, and Western Texas, $4,000 each; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; and all other United States district attorneys shall be paid each a salary of $3,000 a year.

Mr. HUNT. I move to strike out the words "Eastern Louisiana," after the words "Northern and Southern Ohio," and to insert the same words after "Western Missouri;" so as to transfer the district attorney for Eastern Louisiana from the four-thousand-dollar class to the five-thousand-dollar class.

The amendment was not agreed to.

Mr. BROADHEAD. I move to insert between the words "eastern" and "Missouri" the words "and western;" so as to provide that the district attorneys for the eastern and western districts of Missouri shall receive $5,000 each.

The amendment was not agreed to.

Mr. HENDERSON, of Iowa. I move to amend by inserting after the word "Kansas" the words "southern district of Iowa;" so as to bring the district attorney for the southern district of Iowa into the four-thousand-dollar class. The last report of the Attorney-General shows that there was more business done in the southern district of Iowa than in the two States of Massachusetts and Pennsylvania combined.

The amendment was not agreed to, upon a division—ayes 75, noes 104.

Mr. BARKSDALE. I move to amend by striking out of the two-thousand-dollar class "Northern Mississippi and Southern Mississippi;" so as to have them come within the three-thousand-dollar class.

I offer this amendment in order to equalize the compensation of officers of the Government who perform like service. The bill as it stands will operate unequally. For example, it fixes the compensation of district attorneys of Georgia, Maryland, Louisiana, and California at from $3,000 to $5,000, although the earnings in those districts are but a trifle more than the earnings in Mississippi. On the other hand, it gives the district attorneys of Florida, Delaware, and Nevada, for example, the same pay as is allowed the district attorneys in Mississippi, though the business of these districts does not average more than half as much.

Mr. HOLMAN. I move to amend the paragraph under consideration by striking out all after the words "salary now authorized by law" and inserting that which I send to the Clerk's desk.

The Clerk read as follows:

Southern New York, $6,000; Northern New York, Massachusetts, Eastern and Western Pennsylvania, District of Columbia, Southern Ohio, Eastern Missouri, Northern and Southern Illinois, and California, $4,500 each; Maryland, Kentucky, Kansas, Northern Ohio, Eastern Louisiana, Northern Georgia, and Western Texas, $3,500 each; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; and all other United States district attorneys shall be paid each a salary of $3,000 a year.

The amendment was not agreed to.

Mr. RANDALL. I now call the previous question on sections 7, 8, and 9 of the proposed substitute.

Mr. BROWNE, of Indiana. Before that motion is put I ask unanimous consent to put on record the fact that I would have offered an amendment if I had had the opportunity. [Laughter.]

The previous question was ordered.

The SPEAKER. Amendments to section 10 are now in order.

Mr. THROCKMORTON. I move to amend by inserting, after the second paragraph of section 10, the following:

Provided, That all such preliminary examinations shall be held and conducted by the officer authorized to hold and conduct such examinations who resides nearest the place where the offense is alleged to have been committed.

Mr. SPRINGER. I have no objection to that amendment.

The amendment was agreed to.

Mr. KEIFER. I hope the House will give a little attention to an amendment which I desire to offer to the second paragraph of section 10. It is to insert, after the word "judge," in line 40, the words "on the application of the accused;" so that it will read:

But any accused person who may be committed in default of bail, may upon the order of the judge, on the application of the accused, be removed to and tried at that place in the judicial district where the court will be held next after his commitment.

Mr. HERBERT. That is right.

Mr. HAMMOND. That is right.

Mr. SPRINGER. I think that is right.

Mr. VAN ALSTYNE. I do not think it is right. It is optional with every person accused to give bail or not. A person who has committed a crime may make up his mind not to give bail, and will remain in confinement for an indefinite period of time. Perhaps there is but one term of court during the entire year within the locality where he was arrested, and unless the accused shall apply for the removal of his cause, under this amendment, there will be a continuance for the whole year. The amendment takes away from the court the control of its own business.

Mr. KEIFER. I think the House understands the amendment.

The amendment was agreed to.

Mr. HERBERT. I desire to offer an amendment: after line 31 of section 10, to insert, after the word "committed," the words "having jurisdiction thereof;" also to insert, after the words "United States court," in line 35, the words "having jurisdiction thereof;" so that it will read:

In preliminary examinations, where there is probable cause of guilt, the commissioner shall bind over the accused, if he shall give the bail required, to appear for trial before the court in his district which may be held nearest the place where the offense was committed having jurisdiction thereof; and if he can not give the required bail, the commissioner shall commit him for trial to the nearest jail where such prisoners can be safely and economically kept, and shall in both cases transmit all the papers in the case to the clerk of the United States court having jurisdiction thereof to be held in said district nearest the place where the offense was committed, at which court grand juries are impaneled.

Mr. SPRINGER. That is right.

Mr. KEIFER. That is clearly implied in the section as it now stands and is not necessary.

Mr. SPRINGER. It is clearly implied, I think, but if any one deems it necessary to insert those words they will do no harm.

The amendment was agreed to.

Mr. ELLIS. I desire to offer an amendment to correct a very great abuse which has occurred within my experience. It is to add to the second paragraph of section 10 these words:

And no commissioner or justice of the peace, acting as such, shall demand or receive from any accused party any costs or fee in any criminal procedure until the final conviction of the accused by the verdict of a jury, when such fees may be taxed as costs.

Mr. SPRINGER. That is right; I have no objection to that.

Mr. KEIFER. The gentleman does not mean to confine his amendment to cases of conviction by the verdict of a jury? Suppose that the man pleads guilty.

Mr. ELLIS. Then have it "after conviction."

Mr. KEIFER. The gentleman should strike out the words "by the verdict of a jury."

Mr. ELLIS. I will modify my amendment as suggested.

The SPEAKER. The amendment of the gentleman from Texas, which has already been agreed to, comes in at the same place as that now indicated in the amendment of the gentleman from Louisiana [Mr. ELLIS].

Mr. ELLIS. At the suggestion of other gentlemen I modify my amendment so that it shall be inserted after the word "approval," at the end of line 47.

Mr. HAMMOND. I move to amend the amendment by striking out the words "by verdict of a jury."

Mr. ELLIS. I have already modified my amendment by striking out those words.

Mr. SPRINGER. I now call the previous question upon this section and all amendments thereto.

The previous question was ordered; and under the operation thereof the amendment of Mr. ELLIS was agreed to.

Mr. SPRINGER. There are certain sections which my colleague on the committee [Mr. VAN ALSTYNE] desires to offer as amendments.

Mr. VAN ALSTYNE. I move to amend by inserting what I send to the desk as a new section, to follow section 12:

SEC. 13. That section 365 of the Revised Statutes shall be so amended as to read as follows:

"SEC. 365. No compensation shall hereafter be allowed to any attorney or counselor at law for services unless employed and retained by the Attorney-General for a purpose authorized by law, and then only on the certificate of the Attorney-General that such services are actually necessary, and that the same can not be performed by the Attorney-General or Solicitor-General or the other officers of the Department of Justice, or by the district attorneys, which certificate shall be filed of record in the Department of Justice and in the court where such services are to be rendered, before such special assistant attorney or counsel is authorized to appear for or represent the United States; and before such special assistant attorney or counsel can receive any compensation for his services he shall file with the proper accounting officers of the Treasury Department a copy of such certificate of the Attorney-General, and a statement of the account and the amount actually due such attorney or counsel. No compensation or remuneration shall be allowed any such assistant or attorney for traveling or other personal expenses incurred in or about the performance of his duties as such special assistant attorney or counsel, and no compensation shall be allowed under this section to any person or firm in excess of $10,000 during any one year."

Mr. KEIFER. I think this is subject to a point of order.

Mr. SPRINGER. It is subject to a point of order; but I ask the gentleman to withdraw the point. The provision is for the purpose of regulating the appointment of special counsel.

Mr. KEIFER. If I should withdraw the point, it will be renewed.

Mr. BISBEE. I insist on the point of order.

The SPEAKER. The point of order is sustained.

Mr. RANDALL. I now call the previous question on the substitute as amended.

Mr. VAN ALSTYNE. I desire to offer a further amendment——

The SPEAKER. Does the gentleman from Pennsylvania withdraw the call for the previous question to allow this amendment to be offered? [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. There are two other sections which were agreed upon by the committee, but were not included in this substitute as offered because they were subject to a point of order. I think, however, no point of order will be made upon these other two provisions, and it will take only a moment to dispose of them. One of these proposes to make it perjury for any one to swear falsely in a case where an oath is authorized to be administered under a regulation prescribed by the head of any Department. The provision is recommended by the Attorney-General.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has demanded the previons question.

Mr. SPRINGER. I do not think he desires to cut off these two amendments.

The previous question was ordered; and under the operation thereof the substitute as amended was agreed to.

Mr. RANDALL. I now call the previous question on ordering the bill to be engrossed and read a third time.

Mr. KEIFER. I understood this morning that the gentleman from Pennsylvania obtained unanimous consent to move to suspend the rules in order to pass this bill, the right being reserved to consider certain specific amendments. It seems to me the only thing he can now do is to make his motion to suspend the rules and pass the bill.

The SPEAKER. The Chair this morning stated that in the absence of objection it would be considered that the rules had been suspended and the bill was before the House for consideration under the arrangement proposed by the gentleman from Pennsylvania.

Mr. KEIFER. I have no objection to that course.

Mr. HOLMAN. I rise to a point of order. This morning when consent was asked to consider this bill it was stated that seven amendments should be considered in the House as in Committee of the Whole. I submit that while the gentleman from Pennsylvania can cut off debate he can not cut off the proposition of the gentleman from New York [Mr. VAN ALSTYNE] to amend.

The SPEAKER. It has always been held that when the House is considering a matter as in Committee of the Whole the previous question may be ordered.

Mr. HOLMAN. Only for the purpose of cutting off debate, not to cut off amendments.

The SPEAKER. The gentleman must remember that under the agreement made this morning by unanimous consent only certain amendments were to be allowed to be voted on. Now the gentleman from New York proposes one not included in that list. All the amendments upon which the right to vote was reserved have been disposed of.

Mr. HOLMAN. I stand corrected.

Mr. RANDALL. Before the question is put on ordering the previous question I desire to say that I consent to an amendment striking out, on page 7 of the bill, the words "and that the labor of convicts shall be utilized as much as possible in the conduct of the work."

The SPEAKER. If there be no objection the amendment indicated by the gentlemen from Pennsylvania will be agreed to.

There was no objection.

Mr. RANDALL. I now renew the demand for the previous question on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. RANDALL demanded the previous question on the passage of the bill.

The previous question was ordered.

Mr. BROWNE, of Indiana. I move to recommit the bill with instructions to report it back with an amendment to make the salary of the district attorney of the district of Indiana equal to that of the district attorney of the southern district of Illinois.

Mr. WHITE, of Kentucky. Let me include the district attorney of Kentucky.

Mr. BROWNE, of Indiana. I ask for a vote on my motion.

The motion to recommit was disagreed to.

The question recurred on the passage of the bill; and it was decided in the affirmative—yeas 181, nays 35, not voting 107; as follows:

YEAS—181.

Adams, G. E.	Ermentrout,	McMillin,	Stevens,
Aiken,	Follett,	Maybury,	Stewart, J. W.
Alexander,	Foran,	Millard,	Stone,
Arnot,	Forney,	Miller, J. F.	Strait,
Atkinson,	Funston,	Mills,	Sumner, C. A.
Bagley,	Garrison,	Mitchell,	Sumner, D. H.
Ballentine,	Geddes,	Morrison,	Taylor, J. M.
Barbour,	George,	Muldrow,	Thompson,
Barksdale,	Glascock,	Murray,	Throckmorton,
Belmont,	Greenleaf,	Murphy,	Tillman,
Blanchard,	Halsell,	Mutchler,	Townshend,
Bland,	Hammond,	Neece,	Tucker,
Brainerd,	Hancock,	Nelson,	Tully,
Breckinridge,	Hardeman,	Nutting,	Turner, H. G.
Brewer, F. B.	Hardy,	Oates,	Van Alstyne,
Broadhead,	Hatch, H. H.	Ochiltree,	Vance,
Brown, W. W.	Hatch, W. H.	O'Ferrall,	Van Eaton,
Buchanan,	Hemphill,	O'Neill, J. J.	Wadsworth,
Budd,	Henderson, D. B.	Parker,	Wait,
Burnes,	Henderson, T. J.	Patton,	Wakefield,
Cabell,	Henley,	Pierce,	Wallace,
Caldwell,	Herbert,	Peel,	Ward,
Campbell, Felix	Hewitt, G. W.	Perkins,	Warner, Richard
Candler,	Hiscock,	Phelps,	Washburn,
Cannon,	Hitt,	Poland,	Weaver,
Carleton,	Houseman,	Post,	Wellborn,
Cassidy,	Howey,	Pryor,	Weller,
Clements,	Hunt,	Pusey,	Wemple,
Connolly,	Hutchins,	Randall,	White, Milo
Cosgrove,	Jones, B. W.	Rankin,	Wilkins,
Covington,	Jones, J. H.	Ray, Ossian	Williams,
Crisp,	Jones, J. K.	Reese,	Wilson, James
Culberson, D. B.	Jordan,	Riggs,	Wilson, W. L.
Curtin,	Kean,	Rockwell,	Winans, E. B.
Cutcheon,	Keifer,	Rogers, J. H.	Winans, John.
Dargan,	Ketcham,	Rosecrans,	Wise, G. D.
Davis, L. H.	Laird,	Ryan,	Wolford,
Dibble,	Lanham,	Scales,	Wood,
Dibrell,	Lawrence,	Seney,	Woodward,
Dowd,	Lewis,	Seymour,	Worthington,
Dunham,	Lovering,	Shelley,	Yaple,
Dunn,	Lowry,	Singleton,	York,
Eaton,	Lyman,	Skinner, T. G.	Young.
Eldredge,	McAdoo,	Slocum,	
Elliott,	McComas,	Spriggs,	
Ellis,	McCormick,	Springer,	

NAYS—35.

Beach,	Ellwood,	McCoid,	Skinner, C. R.
Bennett,	Everhart,	O'Hara,	Smalls,
Bisbee,	Hanback,	O'Neill, Charles	Smith,
Browne, T. M.	Hart,	Payne,	Spooner,
Chace,	Hepburn,	Peters,	Stephenson,
Clay,	Holman,	Potter,	Taylor, J. D.
Cullen,	Holmes,	Price,	Turner, Oscar
Davis, G. R.	Horr,	Ray, G. W.	White, J. D.
Davis, R. T.	Houk,	Robertson,	

NOT VOTING—107.

Adams, J. J.	Davidson,	Hurd,	Payson,
Anderson,	Deuster,	James,	Pettibone,
Barr,	Dingley,	Jeffords,	Ranney,
Bayne,	Dockery,	Johnson,	Reagan,
Belford,	Dorsheimer,	Jones, J. T.	Reed,
Bingham,	Duncan,	Kasson,	Rice,
Blackburn,	English,	Kelley,	Robinson, J. S.
Blount,	Evans, I. N.	Kellogg,	Robinson, W. E.
Boutelle,	Evins, J. H.	King,	Rogers, W. F.
Bowen,	Ferrell,	Kleiner,	Rowell,
Boyle,	Fiedler,	Lacey,	Russell,
Breitung,	Findlay,	Lamb,	Shaw,
Brewer, J. H.	Finerty,	Le Fevre,	Snyder,
Brumm,	Fyan,	Libbey,	Steele,
Buckner,	Gibson,	Long,	Stewart, Charles
Burleigh,	Goff,	Lore,	Stockslager,
Calkins,	Graves,	Matson,	Storm,
Campbell, J. M.	Green,	Miller, S. H.	Struble,
Campbell, J. E.	Guenther,	Milliken,	Talbott,
Clardy,	Harmer,	Money,	Taylor, E. B.
Cobb,	Haynes,	Morgan,	Thomas,
Collins,	Hewitt, A. S.	Morrill,	Valentine,
Converse,	Hill,	Morse,	Warner, A. J.
Cook,	Hoblitzell,	Moulton,	Whiting,
Cox, S. S.	Holton,	Muller,	Willis,
Cox, W. R.	Hooper,	Nicholls,	Wise, J. S.
Culbertson, W. W.	Hopkins,	Paige,	

So the bill was passed.

During the roll-call the following pairs were announced from the Clerk's desk:

On all questions:

Mr. RUSSELL with Mr. BLACKBURN, until further notice.

Mr. COX, of North Carolina, with Mr. CALKINS, until further notice.

Mr. TALBOTT with Mr. STEELE, until further notice.

On all political questions:

Mr. SNYDER with Mr. BARR, until further notice.

Mr. GIBSON with Mr. GOFF, until further notice.

Mr. HILL with Mr. MILLIKEN, until further notice.

Mr. MORSE with Mr. HENDERSON, of Illinois, until further notice.

Mr. REAGAN with Mr. BRUMM, until further notice.

Mr. MULLER with Mr. ANDERSON, until further notice.

Mr. EVINS, of South Carolina, with Mr. LACEY, until further notice.

Mr. DAVIDSON with Mr. HAYNES, until further notice.

Mr. BUCKNER with Mr. KELLOGG, until further notice.

Mr. TOWNSHEND with Mr. THOMAS, until further notice.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio, until further notice.

Mr. ROGERS, of New York, with Mr. HOOPER, until further notice.

Mr. PAIGE with Mr. EVANS, of Pennsylvania, until further notice.

Mr. DUNCAN with Mr. SMITH, until further notice.

Mr. DOCKERY with Mr. BREWER, of New Jersey, until further notice.

Mr. CONVERSE with Mr. STRAIT, until further notice.

Mr. MATSON with Mr. LIBBEY, until further notice.

Mr. CLARDY with J. S. WISE, until further notice.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. WARNER, of Ohio, with Mr. KETCHAM, until June 30.

Mr. BLOUNT with Mr. KASSON, until June 24.

Mr. LAMB with Mr. LONG, until June 28.

Mr. O'NEILL, of Pennsylvania, with Mr. LORE, until June 23.

Mr. GRAVES with Mr. MORRILL, until June 26.

Mr. BOYLE with Mr. LAWRENCE, until June 24.

Mr. J. J. ADAMS with Mr. LAIRD, until June 25.

For to-day:

Mr. FYAN with Mr. MILLER, of Pennsylvania.

Mr. KLEINER with Mr. HOLTON.

Mr. COOK with Mr. HARMER.

Mr. GREEN with Mr. VALENTINE.

Mr. FERRELL with Mr. EZRA B. TAYLOR.

Mr. STOCKSLAGER with Mr. STRUBLE.

Mr. PAYSON with Mr. SHAW.

Mr. CAMPBELL, of Ohio, with Mr. DINGLEY.

Mr. DEUSTER with Mr. GUENTHER.

Mr. FINERTY with Mr. JEFFORDS.

Mr. MORGAN with Mr. BINGHAM.

Mr. WILLIS with Mr. REED.

Mr. ENGLISH with Mr. MCCOMAS.

Mr. HEWITT, of New York, with Mr. BAYNE.

Mr. LORE with Mr. PETTIBONE.

Mr. TOWNSHEND. I am paired with my colleague, Mr. THOMAS; but understanding we did not differ on this question, I have voted.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CRESZENTIA FRANK.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. 7427) for the relief of Creszentia Frank and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted upon its amendments to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, disagreed to by the House of Representatives, and asked a conference of the two Houses on the disagreeing votes thereon, and had appointed Messrs. LOGAN, PLUMB, and RANSOM managers on the part of the Senate at said conference.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted, as follows:

To Mr. BRAINARD, for ten days, on important business.

To Mr. MORGAN, for ten days, on account of important business.

To Mr. LOWRY, for the remainder of the week, on account of important business.

To Mr. SKINNER, of North Carolina, for three days, on account of pressing business.

And then, on motion of Mr. ROGERS, of Arkansas (at 6 o'clock and 10 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Petition against merging the United States Coast and Geodetic Survey into the Navy and Interior Departments. Also, a petition establishing a national cemetery near Philadelphia—severally to the Committee on Appropriations.

By Mr. CARLETON: Petition of William Sanborn Post, No. 98, Grand Army of the Republic, Department of Michigan, by Frank Whipple, Edwin S. Petit, and Stephen H. Avery, committee, asking Congress to grant one hundred and sixty acres of land, &c., to soldiers of the late war, &c.—to the Committee on the Public Lands.

By Mr. CONNOLLY: Petition of Thomas O. Robinson, for a pension—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of the Engineers' Club of Philadelphia, relative to the United States Coast Survey—to the Committee on Appropriations.

By Mr. GOFF: Petition of Jefferson Long, for a pension—to the Committee on Invalid Pensions.

By Mr. HALSELL: Paper relating to the bill for the relief of B. H. Coussz—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, papers relating to the claim of John Burnam—to the Committee on War Claims.

By Mr. HOLMAN: Petition of W. M. Jackman, clerk, and all the other county officers of Jefferson County, Indiana, and many leading citizens, asking for a pension for George Ralston—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of 15 members of the Grand Army of the Republic, praying for the establishment of a national cemetery at Philadelphia—to the Committee on Military Affairs.

By Mr. MORRISON: Memorial of Creszentia Frank, for a pension for herself and minor children—to the Committee on Invalid Pensions.

By Mr. O'HARA: Papers relating to the claim of Benjamin F. Parrott—to the Committee on War Claims.

By Mr. STOCKSLAGER: Resolutions of Samuel Simonson Post, No. 226, Grand Army of the Republic, Department of Indiana, relating to pensions, &c.—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of James Agnew—to the same committee.

Also, papers relating to the claim of Eliza Rucker—to the same committee.

By Mr. VANCE: Papers relating to the claims of sundry citizens of Macon County, North Carolina—to the same committee.

By Mr. J. D. WHITE: Petition for the relief of James Casteel—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *June* 24, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Mayor S. H. Ferguson and 204 other citizens of Hot Springs, Ark., praying for the passage of an act confirmatory of the awards of the Hot Springs Commission, and to settle titles to property on the reservation; which was referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Chair presents a memorial of the Engineers' Club of Philadelphia, Pa., remonstrating against the passage of the bill to merge the United States Coast and Geodetic Survey into the Navy and Interior Departments. The Chair does not remember what reference has been made of similar memorials. The memorial will be laid on the table, if there be no objection.

Mr. SHERMAN. I present the petition of a large number of soldiers of Richland County, Ohio, praying for the passage of certain bills in accordance with reports prepared by their comrades of the Grand Army of the Republic, the substance of which has been embodied in the pending bill now under consideration. I move that the petition lie on the table.

The motion was agreed to.

Mr. PENDLETON. I present a memorial of the Diamond Match Company, manufacturers of every variety of matches, and also clay and wood pipes, of Akron, Ohio, remonstrating against the passage of a bill in regard to the jurisdiction of the courts of the United States. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. MITCHELL. I present a memorial of the Engineers' Club of Philadelphia, remonstrating against the transfer of the Coast and Geodetic Survey from the Treasury to the Navy and Interior Departments. I move that the memorial be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair presented a memorial from the same club a few moments ago upon the same subject, which, on account of the state of public business, was laid upon the table.

Mr. MITCHELL. Very well; if that is the proper disposition to be made of the memorials.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

REPORTS OF COMMITTEES.

Mr. FRYE. I am directed by the Committee on Commerce to report favorably the bill (S. 2339) to authorize the appointment of a commission of naval architects and marine engineers to examine and report upon new designs for steamships, and to ask that it may be referred to the Committee on Appropriations with a request that it be made an item in the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Committee on Commerce will be discharged from the further consideration of the bill, and it will be referred to the Committee on Appropriations, if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1627) granting a pension to Flavia A. Haskell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1220) for the relief of Michael O'Brien, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2543) granting a pension to James Roden, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier, reported it without amendment.

Mr. BLAIR. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 137) for the relief of Betsey A. Mower, to submit an adverse report thereon. This lady is the widow of Major-General Mower. The bill proposes to grant her an increase of pension from $30 to $50 per month, she being the widow of an officer of high rank and in indigent circumstances. The majority of the committee report adversely to the bill, while the minority are in favor of its passage. I ask the bill be placed on the Calendar, and that the report be printed.

The PRESIDENT *pro tempore*. That order will be entered, if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1338) for the relief of Betsey A. Mower, reported adversely thereon.

Mr. PLATT. I understand the House bill in that case has been reported favorably.

Mr. BLAIR. The House bill has not been reported favorably. The minority of the committee are in favor of the passage of the bill and it has been placed on the Calendar. I move that the Senate bill be postponed indefinitely.

The motion was agreed to.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1628) anthorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was referred the bill (S. 2300) to authorize the Secretary of the Interior to ascertain the amounts due to Nathan Myrick, Joseph and Charles M. Dailey, William H. Forbes, and Louis Roberts & Co., or their legal representatives, citizens of the United States, for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, reported it without amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 786) for the relief of William W. Thomas, reported it with amendments.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 1631) to increase the pension of Mathew O. Regan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3623) granting a pension to Sarah E. Price, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2217) granting a pension to Sarah E. Price, reported adversely thereon, and moved that it be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 3294) granting a pension to Emma A. Porch, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1398) granting an increase of pension to Andrew J. Bolar, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1430) granting a pension to Sarah C. Hall, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2419) granting a pension to Robert Nutt, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 3613) granting a pension to Ira McNair, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1998) for the relief of William J. Sawyer, reported it without amendment, and submitted a report thereon.

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6767) granting an increase of pension to Mrs. Virginia Zeilin, to submit an adverse report thereon. I was requested to ask that the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 2064) for the repair of Fort Marion, at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort, to report it back, and to request that it may be referred to the Committee on Appropriations. I beg leave to call the attention of the chairman of the Committee on Appropriations to this report. The Committee on Military Affairs recommend the passage of the bill, but think that the proper disposition of it would be to refer it to the Committee on Appropriations, as it involves an appropriation, so that it may be placed as an item in the fortification appropriation bill.

The PRESIDENT *pro tempore*. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Committee on Appropriations, if there be no objection.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the bill (H. R. 439) granting a pension to Bridget Sherlock, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1971) granting a pension to Mrs. Catharine H. Glick, reported it without amendment, and submitted a report thereon.

Mr. HARRISON. I am instructed by the Committee on Military Affairs to report back the petition for the relief of John McNaughton, presented by the Senator from Ohio [Mr. PENDLETON], and to ask to be discharged from its further consideration. The committee report against granting the prayer of the petitioner, on the ground that Congress has already passed a general law for the correction of the records in the muster of officers.

The report was agreed to.

Mr. HARRISON. I also report back from the Committee on Military Affairs the petition of George Johnson, of Detroit, Mich., "praying compensation for wrongs, injuries, and losses suffered by him in consequence of the illegal and wrongful action of the military authorities during the war of the rebellion." The petitioner claims that he was wrongfully drafted and mustered into the service, and asks compensation for the injury that resulted to his business, and also for the mortification which he suffered in being taken as a drafted man when he had before volunteered and had been rejected by reason of physical disability. The committee are of opinion that we can not compensate him for these injuries. As to the other matter of which he complains, that he is unjustly marked as a deserter, we think that under existing law he is entitled to relief from that charge, upon proof of the fact stated, upon application to the Secretary of War. The committee report therefore adversely to the prayer of the petitioner.

The PRESIDENT *pro tempore*. The Senator from Indiana asks that the prayer of the petitioner be denied. That order will be entered if there be no objection.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 267) granting a pension to James King, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 999) granting a pension to James King, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4234) granting a pension to Mary Ullery, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 314) for the relief of John W. Cummins, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1900) granting a pension to Mrs. Mary M. Ord, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1237) granting a pension to Solomon K. Ruggles, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 645) granting a pension to Solomon K. Ruggles, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GARLAND. The Committee on the Judiciary have instructed me to report an amendment to the bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of

Dakota. I ask that the amendment may lie on the table and be printed, to be called up when the bill is brought before the Senate.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. 2321) for the relief of Bessie S. Gilmore, reported it with an amendment in the nature of a substitute, and submitted a report thereon.

He also, from the Committee on the Library, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts, reported it without amendment.

NATIONAL BANK OF MIDDLETOWN, PA.

Mr. MORRILL. I am directed by the Committee on Finance to report back favorably the bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location and name. I am also directed, as this is a House bill and will take no longer at any time to pass it than to read the bill, to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LAPHAM introduced a bill (S. 2340) to amend section 5406 of the Revised Statutes; which was read twice by its title.

Mr. LAPHAM. I ask that this bill lie on the table for the present. At the proper time I shall call it up for the purpose of submitting some remarks upon it.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The bill will lie on the table subject to be called up by the Senator from New York.

Mr. LAPHAM introduced a joint resolution (S. R. 95) for the printing of extra copies of the report of the Committee on Privileges and Elections in regard to alleged outrages in Danville, Va.; which was read twice by its title, and referred to the Committee on Printing.

MRS. MARY ROSS.

Mr. SAWYER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Mrs. Mary Ross, widow of James Ross, deceased, late an employé of the Senate, the sum of $161.50 for funeral expenses, out of the contingent fund.

HOUR OF DAILY MEEEING.

Mr. SHERMAN. I offer the following resolution:

Resolved, That the daily hour of meeting of the Senate for the rest of the present session be 11 o'clock a. m., unless otherwise ordered.

I ask the unanimous consent of the Senate to consider the resolution at this time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. PENDLETON. Let it go over.

The PRESIDENT *pro tempore*. Objection is made, and the resolution goes over.

Mr. SHERMAN subsequently said: My colleague [Mr. PENDLETON] objected to a resolution offered by me a few moments ago in regard to the time of the morning meeting of the Senate. He desires to withdraw that objection, and I hope the Senate will consent to the passage of the resolution.

I ask unanimous consent to consider it now.

Mr. PENDLETON. I withdraw the objection.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] asks unanimous consent that the resolution offered by him be now considered. It will be read.

The Chief Clerk read as follows:

Resolved, That the daily hour of meeting of the Senate for the rest of the present session be 11 o'clock a. m., unless otherwise ordered.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

DISTRICT TAXES AND EXPENDITURES.

Mr. MORGAN. I desire to call up from the Calendar two resolutions that I offered some time since, Nos. 675 and 676 in the Order of Business on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the Senate now proceed to the consideration of Order of Business 675, being a resolution directing the commissioners of the District of Columbia to report to the Senate the aggregate amount collected from taxation for each of the fiscal years from 1875 to 1884, inclusive. Is there objection? The Chair hears none, and the resolution is before the Senate.

Mr. MORGAN. I wish to call up in connection with it the next resolution, which relates to a similar subject. They are really designed to be one resolution.

The PRESIDENT *pro tempore*. The Chair can hardly entertain a motion to have two resolutions before the Senate at the same moment of time.

Mr. MORGAN. Then I shall offer it as an amendment.

The PRESIDENT *pro tempore*. The resolution is before the Senate and the Senator from Alabama proposes an amendment to it.

Mr. INGALLS. Let the resolution be read at length.

The PRESIDENT *pro tempore*. The resolution will be read, and then the amendment proposed by the Senator from Alabama will be read.

The Chief Clerk read the resolution submitted by Mr. MORGAN June 2, as follows:

Resolved, That the commissioners of the District of Columbia be directed to report to the Senate the aggregate amount collected from taxation for each of the fiscal years from 1875 to 1884, inclusive, in each of the four quarters of the city of Washington, in Georgetown, and in the county of Washington outside of said cities. Also, the aggregate amount expended in each of said six divisions for each of said ten years for street improvements of all kinds, including the replacement of wood, stone, and macadam pavements, new pavements, laying sidewalks, regulating, grading and filling up streets, repairs to concrete pavements and macadam roadways, parking, for permit work, and for repairs to streets, avenues, alleys, county roads, suburban streets, &c.

The PRESIDENT *pro tempore*. The Senator from Alabama offers an amendment which will be read.

The CHIEF CLERK. It is proposed to add to the resolution the following:

Also a statement of the taxes that have been assessed against each of the railroad companies in the District of Columbia, whether operated by steam or other power, for each year since 1874, and the amount of taxes collected from each of said companies for each of said years, and the amount remaining uncollected, if any, for each of said years.

Mr. MORGAN. After the word "assessed" I move to insert "or special assessments made."

The PRESIDENT *pro tempore*. In the amendment?

Mr. MORGAN. In the amendment.

The PRESIDENT *pro tempore*. The amendment can be so modified by the mover.

Mr. INGALLS. Let it be reported as modified.

The PRESIDENT *pro tempore*. The amendment will be reported as modified.

The CHIEF CLERK. It is proposed to add to the resolution:

Also a statement of the taxes that have been assessed or special assessments made against each of the railroad companies in the District of Columbia, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. INGALLS. There is no objection, so far as I am advised, to the information that is called for in the resolution. A large proportion of what is called for is already found in the printed annual reports of the commissioners of the District. I should like to make a single suggestion to the Senator, and that is that the present form of government was established in 1878. Prior to that time a different system of administration prevailed. I suggest to the Senator whether it would not be wise and accomplish all the results he desires to attain, and spare a great amount of labor which is perhaps unnecessary and certain to be very difficult, to fix the date at 1878.

The commissioners, in speaking with me upon this subject, advised me that prior to 1878 it would be exceedingly difficult and practically impossible, without the employment of a very large clerical force and the investigation of scattered and segregated volumes of records, item by item, to furnish this information; it would require computation and calculation.

If the Senator would be willing, I should like, in the interest of economy and what I also think would be a rough kind of justice, to hold the commissioners responsible for what has occurred since the present District government was established; and I would suggest to him that the year 1878 be substituted for the year 1875.

Mr. MORGAN. I believe I have no objection to that. The request is a reasonable one, perhaps.

The PRESIDENT *pro tempore*. The amendment of the Senator from Alabama will be modified accordingly, striking out "1875" where it occurs and inserting "1878" in lieu thereof. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. MORGAN. I move to add to the resolution the following:

Resolved further, That the commissioners of the District of Columbia be required to report to the Senate a statement of the receipts and disbursements on account of the water department, or water fund, for each year from 1878 to 1884, inclusive, stating the amount received from each separate source, and when, where, and for what purpose the money has been expended.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM H. FORNEY of Alabama, Mr. RICHARD W. TOWNSHEND of Illinois, and Mr. J. WARREN KEIFER of Ohio managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE W. GEDDES of Ohio, Mr. JOHN B. STORM of Pennsylvania, and Mr. JONATHAN H. ROWELL of Illinois managers at the conference on the part of the House.

MEXICAN WAR PENSIONS.

Mr. MITCHELL. I move that the Senate proceed to the consideration of House bill 5667, known as the Mexican pension bill.

Mr. SHERMAN. Was there an agreement to take up the Mexican pension bill after the morning business, or at 2 o'clock?

Mr. HARRIS and Mr. INGALLS. After the morning business.

The PRESIDENT *pro tempore*. The Chair understands from the RECORD that the agreement was to take the bill up immediately on the conclusion of the call for resolutions.

Mr. SHERMAN. Then I do not wish to interfere with it. I was about to suggest that we dispose of the pension cases on the Calendar and to take up the Mexican pension bill at 2 o'clock; but if there was an agreement entered into, I do not wish to interpose.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Pennsylvania to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. HARRISON. I see that an amendment is necessary in order to conform the first section to a change made in the early part of the section. I move to strike out these words in line 18 of that section:

Although their term of service may have been less than sixty days.

So that it will leave the clause to read:

And to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars, and the surviving widows of such officers and enlisted men.

Mr. HARRIS. What print has the Senator from Indiana? The print of this morning?

Mr. HARRISON. The print of this morning.

Mr. HARRIS. I do not find that language in line 18.

The PRESIDING OFFICER. The Senator from Indiana proposes an amendment, which will be read.

The CHIEF CLERK. In section 1 of the reprinted bill, line 18, after the word "wars," it is proposed to strike out:

Although their term of service may have been less than sixty days.

Mr. HARRISON. It will be seen by Senators who have the bill before them that this includes all those who were specially noticed by resolution of Congress. It is simply a formal amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana.

Mr. HARRISON. I think we should also strike off the letter "s" in "wars," so that it shall be "in said war."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana to strike out the words which have been read.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to amend in line 18 by striking out the letter "s" at the end of the word "wars." If there be no objection that amendment will be considered as agreed to. It is agreed to.

Mr. MAXEY. Mr. President, on the 4th of March last House bill 5667, "granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," was read twice and referred to the Committee on Pensions. It remained in the control of the committee until May 8, when it was reported with amendments, something over two months after its reference. As it came from the House of Representatives it was simply a bill to pension the soldiers of the Mexican war, and for no other purpose whatever. After that long delay and consideration it came from the Committee on Pensions back to the Senate simply and purely a bill to pension the soldiers of the Mexican war. No soldiers of any other war were named. The committee reported some amendments, but those amendments had special reference to the bill as it came from the House.

The House bill showed on its face that it was a recognition by the representatives of the people of the great services which had been rendered to the country by those who had served in the Mexican war. It was a limited bill in amount. It gave $8 a month, and that $8 went to the highest officer in the Mexican war and the drummer boy alike. There was no distinction in that bill on account of rank. All were treated upon the same exact level.

It was reported back from the Pensions Committee of the Senate, and so it went on until yesterday, when an amendment was placed upon the bill on the motion of the Senator from Iowa [Mr. WILSON] which materially changed the original purpose of the bill as it came to us.

That amendment applied the doctrine of pecuniary need or want to all those under 62 years of age, but removed it from those who had passed that age. Then an amendment was offered by the Senator from Pennsylvania [Mr. MITCHELL], embracing sections 8, 9, 10, 11, 12, and 13 of the bill as it has been reprinted and as it comes before us this morning. That amendment entirely revolutionizes the structure and purpose of the bill as it came to us from the House and as it came to us from the Senate Committee on Pensions. It takes in an unknown number of beneficiaries who served in the late war. It places them upon the pension-roll upon a different and higher rate of pension to that fixed for the soldiers of the Mexican war; it increases the pension of all those who are now pensioned at the rate of $8 a month up to $12 per month, and for total disability it authorizes a pension of $24 per month and correspondingly for disability less than total. Not a paper from the Commissioner of Pensions or from any source, no statement from the Secretary of the Treasury, accompanies that amendment—nothing to show to what extent that bill, if enacted, will take money from the Treasury. Nothing whatever came with that amendment to enlighten the Senate on the subject; no discussion, nothing illustrative of the amendment.

This amendment having been read, which is substantially a new and independent bill, not germane to the bill we were considering, totally dissimilar in every regard save that they both relate to wars, but different wars, unaccompanied by any paper whatever to throw light upon it, the Senator from Pennsylvania said:

Mr. MITCHELL. I have no desire whatever to detain the Senate with a single remark. These amendments are important, but I think they are clearly understood, and I am quite willling myself that we have a vote without debate.

And then came a cry of "Vote!" "Vote!" None of the friends of the Mexican pension bill made such a call, because they wanted light on the subject of these amendments. No man, not even the chairman of the Committee on Pensions [Mr. MITCHELL], gave us any light on the subject; we had none from any source whatever. The cry of "Vote!" "Vote!" came, and the vote was taken; and then the Senator from Tennessee [Mr. HARRIS], who is not regarded in this Senate or elsewhere as a man dull of comprehension, made this modest request:

So far as I am concerned I shall not be prepared to vote upon the bill until I see it printed as amended, and I therefore desire that the bill shall be printed with the amendments agreed to in committee.

And then came an effort to get the vote, in spite of that statement made by the Senator from Tennessee, and afterward an attempt to fix the vote for to-day at 1 o'clock and without debate. I objected. It seems that my objection could not be heard by the presiding officer, but I made myself heard. I objected because I thought that, this bill having been revolutionized and matters placed on it which were not in the original bill (and as we had had no possible opportunity to understand the purpose and extent of the amendment), we had a right to look into it. Afterward it was agreed that we might have ten minutes each to explain our position to-day.

Mr. President, it has been stated that the Mexican war was unjust, and from the beginning of the discussion it seems to me that there has been attempted to be cast on those who served in the Mexican war a glamour of suspicion as if they were marauders and the country had engaged in a foul, unjust, and unholy war with Mexico, and that the Mexican war was wantonly brought on by the United States Government for the purpose of pillaging a defenseless people.

Mr. President, it is well to read history aright. The first overt act of war was the act of the Mexican Government, through its army on American soil, in the capture of Thornton and his squadron on Texas soil, then part of the United States. That capture of Thornton and his command in April, 1846, caused that sturdy old soldier Zachary Taylor, who then headed the army of occupation between the Nueces and the Rio Grande, to send a dispatch to his Government that "war existed by the act of Mexico." That is history; and then the President of the United States (Mr. Polk) in his message to Congress communicating these facts stated that "war existed by the act of Mexico;" and when that army of Taylor moved over near to the Rio Grande opposite to Matamoras, but still on our own soil, he found the Mexican General Arista, one of the most accomplished soldiers of the Mexican army, in command of the flower of that army upon American soil, and the battles of the 8th and 9th of May, 1846, and the defense of

Fort Brown were upon American soil. There had been no invasion of Mexico by the United States, and it is a perversion of history to say so.

But, sir, after the battles of the 8th and 9th of May and the siege of Fort Brown, upon soil within the territorial jurisdiction of the Union, the army of occupation became, and properly, an army of invasion, as it was right to become, and in September, 1846, the battle of Monterey was fought, and there Taylor met Ampudia in that fortified city, with its Bishop's Palace fortified, and the Black Fort and Fort Teneria, and the city itself honeycombed with port holes, and it and its great fortifications defended by an army almost double in number that of Taylor.

It was a desperate battle, but victory again perched on the Stars and Stripes.

The PRESIDENT *pro tempore*. According to the understanding of yesterday the Senator's ten minutes have expired.

Mr. MORRILL. I hope the Senator from Texas will be allowed to proceed.

The PRESIDENT *pro tempore*. It is not a matter of rule. It is a matter of understanding. The Senator from Texas is entitled to the floor.

Mr. MAXEY. I thank the Senator from Vermont [Mr. MORRILL] for the courtesy of his request. I was endeavoring to speak in the briefest possible manner, and I will continue to do so. After that battle of Monterey came on the battle of Buena Vista, February, 1847, where Antonio Lopez de Santa Anna had collected with a rapidity rarely equaled by a general of this or any other age an army of 20,000 men, and confronted General Taylor, who had only 5,000 men, at what we call Buena Vista, and what they call La Angostura. The result we all know. That little band of 5,000 men, handled with skill and valor by capable officers, and fought by men of courage, struck down the Mexican army of 20,000; and then the war was practically changed from the line of Taylor across to that which General Scott was establishing, his purpose being to proceed to and take Vera Cruz and fight into the very heart of Mexico, capturing its capital. Landing at Vera Cruz early in March, 1847, his line of circumvallation was rapidly formed. On the next morning—he landed his troops at night—he began forming the line, the right resting at Sacrificios, the left at Vergara, and thus Vera Cruz was embraced between our Army by land and our Navy by sea, and there was no succor that could reach the Mexicans at Vera Cruz. Scott could have taken Vera Cruz at any time by assault after his line was formed, but at heavy loss, for Vera Cruz was a walled city, fortified strongly at every point. A merciful man always to his soldiers, Scott preferred to pursue the slower course, and he took that city with a trifling loss unparalleled in history. It was a battle of science and of siege guns.

Passing rapidly from Vera Cruz up the National Road toward the City of Mexico, he stormed, on the 17th and 18th of April, 1847, what were regarded by the Mexicans as the impregnable heights of Cerro Gordo, commanded in person by Santa Anna, who had rapidly recovered from his defeat at Buena Vista, organized a new army, largely superior to ours in numbers, and confronted Scott at Cerro Gordo. There the Mexicans went down, and the flag of the Union floated proudly from the citadel heights of Cerro Gordo, which had been commanded by Santa Anna in person.

Rapidly moving on from Cerro Gordo toward the capital, halting part of his command at Jalapa, he pushed a column forward and took the strong fortress of the castle of Peroté, and moving on to Puebla, halted his army there to rest and recruit and wait for re-enforcements and gather information for the advance to the City of Mexico. In the early days of August, 1847, he moved his army on toward the City of Mexico. No man who was in that column will ever forget that narrow inverted crescent which connected the snow-capped mountains of Popocatepetl and Iztaccihuatl, and the magnificent sight which burst upon his vision when he reached the summit of that ridge. There below lay the valley of Mexico, with its lakes and vines and orange and lemon groves, and its villages and churches, and in the distance the beautiful capital of Mexico, with its 200,000 people, its windows shining like burnished gold in the glitter of the bright, cloudless sun of the beautiful morning. The army entered the valley of Mexico, and as they passed out of view every road behind them was destroyed by the enemy. Moving on as if to enter the City of Mexico by the Peñon Causeway, Scott rapidly made a détour of Lake Chalco and camped at the villages of San Augustin and Oxomilcho, and on the 19th of August, 1847, threw a portion of his column in front of Contreras and opened fire.

Between our army and the rear of Contreras there were great bodies of molten lava thrown out by volcanic eruptions of Popocatepetl and Iztaccihuatl, obstacles which appeared to render crossing impossible, and yet Scott's army did cross that pedregal and reached the rear of the fortifications at Contreras.

The engineers made their way under shot and shell, supported by our troops, and sketched the fortification of Contreras with all its guns and the routes of approach, and on the morning of the 20th of August that magnificent assault was made upon Contreras which in a few moments after it began resulted in the capture of that fortification, all their guns and all their munitions of war; and among all that prize of war on that day, with great field-guns, two little guns of field artillery attracted more attention than all else beside. They were the guns which O'Brien had abandoned at Buena Vista when he had fought them down to the muzzle and had no more men to handle them. Then these pieces were captured by overwhelming force. They were recaptured at Contreras, and a shout went up to the blue arch of heaven from the gallant men who recaptured them. Then on the evening of the same day of the 20th of August was fought the battle of Churubusco, or rather three distinct battles at the same time, all however bearing on each other, and after a few days' rest Molino del Rey was won on the 8th September, 1847, and then the assault upon the heights of Chapultepec, and then that terrible march along the aqueducts leading to the garita de Belen and the garita de San Cosmé, and the entrance of the city was reached on the evening of the 13th of September. A city of 200,000 inhabitants captured by an army of gallant Americans less than 10,000 in number, a city defended at every point and with an army led by that famed commander Antonio Lopez de Santa Anna within its walls of 30,000 men! Wonderful! History does not present a parallel.

The siege-guns of our forces were placed to enfilade the streets, and all during that night until 3 o'clock in the morning the shells and shot could be heard from those heavy guns as they sped their way hurtling down the streets toward the grand plaza crushing walls, sweeping and destroying everything in their frightful course. At 3 o'clock in the morning the city authorities formally called upon General Scott and notified him that the city had been evacuated by the army, and delivered to him the keys of the city, on that morning of the 14th of September, and when the sun shone clear in that cloudless sky the Stars and Stripes in a foreign land were raised by our soldiers over the Palace of Mexico, and as the glad folds flew out to the breeze, the shouts went up to heaven's blue dome from those who had victoriously carried that flag; and thus virtually ended the war.

I pass by the subordinate movements of that war, and I call your attention hurriedly as I have done, for want of time, to the grand achievements I have mentioned. After the capture of Thornton, on the 16th of April, 1846, there was never a retreat nor a defeat of the American forces. There was a fighting army which entered the City of Mexico with less than 10,000 and captured that city of 200,000 people fortified at every point and defended by an army of 30,000, and that army of 10,000 brave Americans dictated the terms of peace from the capital of Mexico.

Such is history and the truth of history. Mr. President, when this glorious news came back to the States, peans of praise were sung to those men who had accomplished such grand results. I challenge any man to point out its equal in all the annals of history. Take the campaigns of Pyrrhus, of Alexander, of Julius Cæsar, of Napoleon Bonaparte, and there is not in all the annals of history an account of any war conducted with such strategic skill, with such practical intelligence, such tactical knowledge, or with such uniform good conduct and without a retreat or a defeat, fighting always from three to five times their numbers, paying for all supplies, robbing no one. These gallant soldiers returned to their country, and when they came back received ovations everywhere. They were young and full of life; they thought they had done their country a service. So they were received, and they brought back and gave to their country a flag unstained by one act of dishonor, borne by an army of heroes, bearing the title deeds to an empire, which they freely gave their beloved country.

Mr. President, the representatives of the people have recognized the obligations of the Republic to her soldiers in Mexico on many occasions, and have sent bills here more than once, passed by the people's representatives, but they have not passed this body. At last a bill was brought here in compliance with the expressed will of twenty-eight States, and with some amendments met the approval of the Committee on Pensions and was reported back favorably. No one else but these soldiers and their widows was mentioned. Here in the Senate at this late hour of the session that bill is materially and essentially amended, and upon the motion of the chairman of the Committee on Pensions, without a word of explanation, a demand is made for an immediate vote, and we who were not willing to vote without explanation and at once will be charged with opposing pensioning soldiers of the Mexican war!

Sir, if the soldier of the Mexican war is entitled to a pension it is because of the service he rendered the country, and he is entitled to be placed upon the same dead level equally and exactly with the soldier of any other war. He obeyed his Government when he took up arms in its defense. His life is as dear to him in a war which you may not think just, as the life of a man in another war you think just. The Government, not the soldier, proclaims war. It is his to obey. And yet here on the face of this bill as now amended, we have an invidious distinction, broad, clearly marked, that the soldier of the Mexican war must content himself if pensioned to $8 a month, while the soldier of another war gets $12 under like circumstances. The soldiers of the Mexican war may have contracted disease, as many have done, which has doubled their once manly forms. They have been dragging along wearily through life. Under no state of case do they receive more than $8 a month, but under like circumstances the soldiers of the later war get $24 per month. If one is entitled, the other is entitled. Why this

distinction? Why pension the Mexican soldiers at all, if you are unwilling to place them on the same footing as others rendering no greater obedience to their country's call than they have?

Sir, it may be said that there are but few of these old men left. All of them put together placed in one single Congressional district of my State would not change the result of an election if they were all to vote alike. There are but few of them. The time was in history when they were heroes. The time has come when it appears to be a mark of disgrace in the eyes of some people to have served in that war. They think the war was unjust. There is a Providence which overrules nations as well as men; and when you come to look at the grand results of that war, you find that there has been devoted to Christian civilization, and to political liberty, a grand empire which before it came into our possession, was the home of the wild beast and the still wilder savage.

That war was not begun by the United States, and this Government had a right to enter into articles for the annexation of Texas, recognized by all the leading powers of earth as independent, and so recognized by this Government years before annexation. We had the same right to defend Texas after annexation that we had to defend New Orleans after the Louisiana purchase when Jackson hurled defiance at Packenham and his cohorts with their battle-cry of "Beauty and booty!" Neither belonged to the country when the Union was formed; both were obtained afterward; and by that grand acquisition of Louisiana, which was denounced by many as unholy and unjustifiable, Christianity and civilization broadened their borders, and the whole world is better for it; and so it is as to that great country brought in by the Mexican war.

Sir, the question is, are these men entitled to a pension? If entitled to it they are entitled to as much as anybody else, and should receive exactly under like circumstances the same pension that others receive. If they are not entitled, strike them down and give them nothing. One or the other course should be pursued. Sir, being one of the survivors of the Mexican war myself, my sympathies and affections are naturally with the men with whom I stood for near two long years upon a foreign soil, upholding as best I knew how the flag of my country. My sympathies are with them, and I have been an advocate in season and out of season of a bill pensioning these soldiers.

We knew measurably well what that would cost. But here comes in an amendment to the bill, an amendment as it is called, but a substantial, independent, and distinct measure, wholly dissimilar in all regards from the bill that came to us, except that both propose to grant pensions—that is all—but in a different way; for the pension given to the last is different and higher than that given to the first. There is no justice, there is no reason, there is no fair dealing in that.

And, sir, the bill as amended we must now act upon. I regret to be compelled to say that I have believed for the last ten days that what has come to pass would come to pass. I have believed for more than ten days that this bill, so far as its original purpose was concerned, had its fate sealed, and sealed in a caucus the deliberations of which are unknown to this side of the Chamber; that it was the design and purpose that this bill should not go through unless it was so handicapped as to force Democrats in the position of appearing to be against a bill which they were really in favor of, because being now amended we can not take part and reject the rest. We must take it now all or none. That, in my mind, was the object and purpose, and so I have said nothing for more than ten days about this bill one way or the other, until yesterday evening I stated my objection to this plan of forcing a vote without the poor privilege of explanation.

Mr. President, if the amendment which the Senator from Pennsylvania offered and which has been adopted is just and fair and right in itself, why did not the Committee on Pensions report it, and why did that not come before the body as an independent measure? Who has ever heard in the entire history of this country of a measure brought in upon a sudden without debate, without an explanation, which would cost the Government of the United States untold millions of dollars, and a vote attempted to be forced upon it at once? Sir, there is something more than this sudden desire to help these people of the late war. There is something beyond that.

Mr. HARRISON. Will the Senator from Texas allow me to correct the statement that the Committee on Pensions had not reported this amendment? A bill substantially the same as the amendment moved by the Senator from Pennsylvania was reported from that committee and is on the Calendar.

Mr. MAXEY. Yes; I have heard that by a strictly party vote in committee a bill which the Senator from Illinois [Mr. CULLOM] had offered, and which was sent to the Committee on Pensions, was reported back by that committee. That bill was offered as an amendment to this bill by the Senator from Nebraska [Mr. VAN WYCK]. That went down. If that went down, why should not this go down? If it is the same thing, let us take a vote on it, and as the Senate has put its seal of condemnation upon that, or rather as it was withdrawn after much debate, why should it put its *imprimatur* on this? There is no reason for it. Let us know the facts. We do not know them. We have been told that there is something that will throw some light on this somewhere, accompanying some amendment not adopted, or now before the Senate. That is not the way to present it. The light ought to be shed upon this amendment which has been voted on this bill and let the Senate and country know what the cost will be, let the Senate know whether or not those intrusted with pensions favor it; let the Senate know what the Secretary of the Treasury thinks will be the burden upon the Treasury. Let us know the facts; let those who favor this measure, put on by way of amendment, explain it. None of this is vouchsafed to us, and we are called upon to act without information. Without a word of comment, without a ray of light on the measure, we hear the call from enemies of the Mexican pension bill as it came to us, "Vote!" "Vote!" "Vote!"

But the Senator from Pennsylvania says he is not opposed to it. Sir, the Senator may think that he is speaking with absolute sincerity, and I would not deny his words, but how often men are deceived. I prefer the action to the word, and the action does not speak friendship to the bill. That gentlemen may vote for the bill as it is I doubt not, but not because it gives a pittance to soldiers of the Mexican war.

I have said more than I intended, Mr. President. I thank the Senate very kindly for their courtesy extended to me in prolonging my time. I have now placed on record the reasons why I can not support the bill handicapped by incongruous amendments having no just relation to the bill sent to us by the representatives of the people.

Mr. WILLIAMS. Mr. President——

BUREAU OF LABOR STATISTICS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a message from the House of Representatives communicating its action on the disagreeing votes of the two Houses on the labor statistics bill, so called, the title of which will be read and the action of the House of Representatives on the report of the conference committee.

The CHIEF CLERK. A bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

IN HOUSE OF REPRESENTATIVES, *June* 24, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. ALDRICH. I submit the report of the conference committee.

The PRESIDENT *pro tempore*. The Senator from Rhode Island reports from the conferees on the part of the Senate on the bill now laid before the Senate. The report will be read.

Mr. MITCHELL. I submit to the Senator whether that is proper at this time.

The PRESIDENT *pro tempore*. The report will first be read. It is the duty of the Chair to lay it before the Senate under the rule. Then the Chair will state the question. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: In line 12 of said amendments, after the word "Interior," insert the words "upon the recommendation of said commissioner;" and the Senate agree to the same.

NELSON W. ALDRICH,
H. W. BLAIR,
T. F. BAYARD,
Managers on the part of the Senate.

M. A. FORAN,
JOHN J. O'NEILL,
DARWIN R. JAMES,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The rules of the Senate provide that reports of this character may be placed before the Senate at any time, and that they shall be then considered unless objection be made, and if objection be made the question shall be taken without debate whether the report shall be then considered. Is there objection to the present consideration of this report?

Mr. MITCHELL. I have no objection at all except that the agreement was made yesterday that we should continue the consideration of the pension bill until 3 o'clock, and that debate should then cease. If unanimous consent is given that this agreement is not obviated by the consideration of this matter I have no objection.

Mr. ALDRICH. I will withdraw the report if there is any objection.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The question is on agreeing to the report of the committee of conference.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE W. GEDDES of Ohio, Mr. JOHN B. STORM of Pennsylvania, and Mr. JONATHAN H. ROWELL of Illinois managers at the conference on the part of the House.

MEXICAN WAR PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. WILLIAMS. Mr. President, I do not rise for the purpose of making a speech, for further discussion of this question would be absolutely fruitless; but I desire to give the reasons which will justify me in the vote that I shall cast when the bill comes to its final action.

No man can accuse me of a want of loyalty and fidelity to the Mexican war soldiers. They were the companions of my boyhood, and I cherish in the kindest recollection my service with them. They are my first love, and they all are to me like brothers. When I say that I can not support this outrageous bill which is an insult to those old veterans, I am required to give the reasons which govern me in that vote.

It has been perfectly apparent that the Republican majority of this Senate had the power, whenever they chose to exercise it, to kill this bill either by a direct vote on its merits or by weighing it down with such amendments as they knew would be rejected by the House. It is perfectly clear that if the vote had been taken before the Chicago convention was held, and before the caucus of the Republican party in the Senate some days ago, the bill as it came from the House would now be the law of the land. If this measure is defeated, as I see it is certain to be, for in my judgment it is as dead as a door-nail as a bill to pension the Mexican war soldiers, it is because of the action of the Republican Senators. In this bill as it stands now amended the Mexican war soldiers have not one per cent. interest, and there are provisions in the amendments which are a positive insult to these old veterans.

Everybody said a few weeks ago that this bill was bound to pass, and many test-votes were taken which showed that it would pass, but the Chicago convention was held and a resolution was passed there to open the doors for arrearages of pensions, and forthwith a caucus was held and the result was an amendment offered by the Senator from Kansas [Mr. INGALLS] providing for arrears, but the Senate yesterday voted it down, voted down the resolution of the Chicago convention, ay, sir, yesterday the Senate did that; but immediately afterward they voted on the resolution of the caucus of the Republican party of the Senate. They voted down the resolution of the Chicago convention, they voted down the people as they expressed themselves in the convention, but they struck the chord of the caucus, and some men whom I thought were the bravest, the boldest, and the most honest I knew have been dragooned by the party lash into a denial of their opinions upon the floor of the Senate. Even my distinguished friend from Illinois [Mr. LOGAN], now the candidate of that party for the Vice-Presidency, who I thought if there was a brave and honest man on the face of this earth who was afraid neither of man nor devil it was he, has shrunk back and been driven from his sense of public duty to obey the behests of a party caucus.

You were not able to defeat these old Mexican veterans by a vote on the floor of the Senate, but you called a caucus to do it. Shades of Sumner, Morton, Thad. Stevens, and all the great leaders of the Republican party in the palmy days of its power and glory! with scorn and contempt look down upon your successors now in the lead of the great party which you organized, engaged in this miserable little business of making war upon a handful of old soldiers. Call a caucus of Republicans to defeat the just claims of these old war-worn, weather-beaten, and poverty-stricken soldiers who in the prime of their young manhood offered their lives in defense of their country's honor and carried its flag in triumph over a hundred battlefields! You have a caucus to rob them of their pensions. You would not have done this, these amendments would not have been proposed or pressed, if you had thought there would be any danger of their passing the other House. You hope by some parliamentary tactics, by parliamentary maneuvering, to throw upon the Democratic party the responsibility of the defeat of this measure. You know you could do it. You want to do it now, and you want to place the Democrats in the position of opposing both the Union and the Mexican war soldiers.

Well, you may make the most of that, but I for one tell you that I intend to vote against the measure! It contains on its very face provisions that are insulting to the Mexican war soldier. One amendment to this bill proposes to pension all the widows and orphans of the Union soldiers, but none for the widows of Mexican soldiers. It proposes to raise the pension of the widow of the Union soldier from eight to twelve dollars a month, but "turkey" is not said once to the widow of a Mexican soldier. Oh! say the gentlemen, the widow of the Mexican soldier does come in for a pension. Ay, she does if she was married to him forty years ago, before he was discharged from the service. Everybody knows that ninety-nine out of one hundred of the young men who went into the Mexican war were bachelors, and there will not be fifty Mexican soldiers' widows who will ever come in under the provisions of this bill. The boy got married after he came home thirty-five or forty years ago; and although the widow of the Mexican soldier may have been such for thirty-five years, yet under this bill she can not be placed upon the pension-roll.

Mr. MITCHELL. Will the Senator allow me?

Mr. WILLIAMS. Yes, sir; I will allow you.

Mr. MITCHELL. I should like to ask the Senator whether when it was proposed to extend that provision to the Mexican pension bill on my motion, the Senator and all that side of the Senate did not vote against it?

Mr. WILLIAMS. The Senator knows perfectly well why all amendments were opposed here; his leader, General LOGAN, the Senator from Illinois, rose in his seat and denounced any attempt to put on an amendment at all, and said we must take the bill as it came from the House and not make any amendment to it. Why did you not put it back on the bill when you had the whole matter in your charge? You have been voluminous in your amendments.

Mr. MITCHELL. If the Senator asks me I will respond at this time if he will allow me.

Mr. WILLIAMS. Yes, sir.

Mr. MITCHELL. I made the proposition in good faith. The Senator voted against it and it was voted down. If the Senator reflects he knows perfectly well that the same proposition is not in order again; but if the Senator will make it I will support it. I think the laws should be liberalized in that respect. I believe it is unjust to that class of women who were married, especially those married soon after the close of the war, to men who were engaged in the Mexican war, and the Senator knows that the burden of all his talk here is misrepresentation not only of my action but of the action of a large number of Senators on this side of the Senate.

Mr. WILLIAMS. Does the Senator mean to be personal in that remark?

Mr. MITCHELL. I intend precisely what I say always when I say a thing deliberately like that.

Mr. WILLIAMS. I do not hear it distinctly. I should like the Senator to repeat what he did say,

Mr. MITCHELL. The Senator heard it.

Mr. WILLIAMS. No, I did not hear it all.

Mr. MITCHELL. I stated that the Senator in his remarks had misrepresented the position of Senators, myself included, on this side of the Senate.

Mr. WILLIAMS. I do not take offense at that. I surely did not intend to misrepresent.

Mr. MITCHELL. There is no occasion for any offense. I am in perfect good nature, though I am very greatly in earnest when the Senator attacks the action of Senators on this side in regard to this subject.

Mr. WILLIAMS. I meant no personal attack.

Mr. MITCHELL. My record stands certainly as brightly in favor of the Mexican soldiers as that of the Senator, for I have proposed to liberalize the act in that respect, and I stand ready to do it to-day.

Mr. WILLIAMS. But he piles upon that amendments so deep and so heavy as will bury them beyond the power of resurrection.

Mr. MITCHELL. I think the Senator has not studied these amendments.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator ought not to interrupt the Senator entitled to the floor. The Chair must call attention to the rule. A Senator seeking to interrupt one speaking must rise and ask permission of the Senator who has the floor to interrupt him. The Chair is obliged, according to the understanding arrived at yesterday, to remind the Senator from Kentucky that his ten minutes have expired. The Chair has allowed him to run over a minute or two to make allowance for the interruptions.

Mr. MITCHELL. I hope there will be no objection to the Senator proceeding. We all know how he is interested in the subject.

Mr. WILLIAMS. I rose, Mr. President, merely to say that I did not intend to vote for this bill, and I was going on to show some of the provisions of it which I thought were very unjust to the Mexican soldiers.

Now it is perfectly apparent that no Mexican war soldier under this bill will draw a pension unless he is 62 years of age. That is clear.

Mr. MITCHELL. I know the Senator desires to understand the proposition.

Mr. WILLIAMS. Here is the provision, and I will show what my construction of it is.

Mr. MITCHELL. I should be glad to come to an understanding in regard to this matter.

Mr. WILLIAMS. Let me state my position first.

Mr. MITCHELL. Very well; but the Senator says——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Pennsylvania?

Mr. WILLIAMS. Not till I get through with making my statement.

The PRESIDING OFFICER. The Senator from Pennsylvania will take notice of the Senator's position.

Mr. WILLIAMS. Here is the proposition:

Provided, That every such officer, enlisted man, or widow who is or may become 62 years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act.

There is no existing pension law that recognizes this to the Mexican war soldier, and this does not propose to do it. Therefore no Mexican soldier will be put on under this bill unless he is 62 years of age. That

is my construction of it. I may be wrong, but it strikes me in that way. It does not propose to raise the pension of the Mexican soldier drawing $8 to $12. Oh, no! It does not propose to allow the widow of the Mexican soldier, if he should die leaving a widow to-morrow that he took to his bosom thirty years ago, a pension. Oh, no; all the widows and orphans of the Union soldiers will get pensions from the Government, but none of the widows and orphans of the Mexican war soldiers will get pensions unless the widow was married to her husband before his discharge from the Mexican war some thirty-eight or forty years ago. What justice is there in that? What an outrage that is upon the Mexican war soldier!

Then there is another provision in the bill as amended. There are now about 6,000 Mexican war soldiers, wounded and maimed and disabled for service by that war, who have been stricken from the pension-roll for disloyalty in consequence of living in the seceding States during the war, and they have never been restored to the roll, although they have been pardoned by the Government, although by the general amnesty proclaimed and promulgated by the President not only the punishment for the offense but the crime itself long ago had been wiped out, yet there is no provision here to restore these men to the pension-roll.

What justice is there in that? I would scorn as a Mexican war soldier to accept this bill. You can not find a Union soldier—I have talked since Saturday with more than one hundred of them—and every one, from major-generals down to private soldier, denounces these amendments as being certain to destroy the Mexican pension bill and result in no good to them. They all say, "Put the old soldiers through in their own bill, and let us stand upon our own merits in a separate measure coming before the Congress of the country." I have talked to several hundred of them during the past week.

Mr. BLAIR. Allow me to ask a question of the Senator from Kentucky. I ask if it would obviate his objections to this bill if in the first section applying to the Mexican war soldiers——

Mr. WILLIAMS. Let me get through first.

Mr. BLAIR. I wish to ask a question. I call the Senator's attention to a matter which it may be important for him to consider, whether it would obviate to any extent his objection to this bill, so that it might perhaps meet with his support, if it should be provided in reference to the rate of pension to ex-soldiers that we should pay to such soldiers and widows of soldiers a pension the same in amount as is provided in the third and fourth sections of this act for persons who may receive pensions under those sections. That will place the soldiers of the Mexican war and the widows of those soldiers on precisely the same footing as the soldiers of the war of the Union and their widows.

Mr. WILLIAMS. Everybody can see that that is what it ought to be in the bill, but you on your side of the Chamber have had the management of this thing from the beginning. We never knew what you were doing. I had a sort of idea that all the hostility to the bill in the body was on the part of the committee itself. If we judge by actions and not from words, we must conclude that the Mexican war soldiers have not a friend on the Republican side of the Senate, and they must wait until the Democrats get possession of the Government and all its Departments before there is any hope of benefiting them.

I was saying that the Union soldiers whom I have met, of every grade from major-general down to private soldier, object to this, and the Mexican war soldiers will curse you to the day of their death, and they ought to do it. Mr. President, it is wrong, it is an outrage to them to longer withhold a just and honorable recognition of the services of these old, weather-beaten, war-worn veterans who have carried your flag in triumph, who have plucked from fame the brightest jewels that glitter to-day in the crown of the nation's glory. Do this and you do an act of great injustice. It would be a disgrace to the American Senate, a disgrace to the American nation which will be resented by the American people.

There are so many incongruities, so many inconsistencies, so many injustices in this bill as amended, so many invidious distinctions against Mexican war soldiers that I feel that I should be doing myself injustice as their friend if I were to vote for it, for every man knows that I am their friend. I have pressed this act of justice to them before the Senate for five years, in season and out of season, and I have done it with earnestness, because I felt interested in these old men, but I can not vote for a measure which I believe, if not so intended, will result in the defeat of their bill altogether. I say that if these measures are persevered in the country will repeal the whole pension laws.

This bill will put upon the pension-rolls not less than 500,000 additional pensioners. What does it say? It puts on the pension-roll all who are or shall become disabled from any cause not the result of their own vicious conduct and who rely in whole or in part on their labor or the assistance of others for support. Will not that include everybody? Is there a perfectly sound man upon the face of this earth 35 years of age? We all know how easy it is to get a certificate of disability. What does the word "disability" mean here? A country doctor who is paid for his services, and who may get the back-pay that the soldier owes him, will certify to disability; and the man's friends and neighbors have heard the old man complain of a bunion on his toe, a felon on his finger, of twitches of neuralgia, of spasms of rheumatism or sciatica, of ten thousand ills that flesh is heir to, all of which constitute a disability to some extent.

You know that 500,000 men will come in under that amendment. As to a man's being compelled to support himself by his labor, everybody does that. All will come in under that, or nearly all, and hence I say that this bill will be rejected by Congress; it will be rejected by the country; it is opposed to-day by the Union soldiers, and it is resented by the Mexican war soldiers. I shall, therefore, if these amendments be kept on in the Senate, vote against the bill as amended and justify myself to the country as best I can. A true soldier is never afraid to do right and stand by his convictions, while timid men start at shadows.

Mr. BUTLER. Mr. President, I desire to get a little information from the chairman of the Committee on Pensions if I can have his attention for a moment.

Mr. MITCHELL. I shall be glad to answer any questions I can.

Mr. BUTLER. I see by the amendment on page 2—

That every such officer, enlisted man, or widow who is or may become 62 years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act.

What I want to get at from the chairman of the committee is, does not that practically exclude every soldier in the Mexican war and every widow of such a soldier from the benefits of this act, unless he or she is 62 years of age or unless his disability was incurred in the line of duty during that war?

Mr. MITCHELL. No, Mr. President, I think not very clearly. The reference is to the existing law for a definition of the disabilities; certain disabilities are now recognized under the existing pension laws, and this reference is made to the law in order to define the character of the disability. If a man has lost his arm in a thrashing-machine, that would be a disability if incurred in the line of duty, and of course it would be recognized by the existing pension law. This would cover a case of that kind.

Mr. BUTLER. Is there anything in the provisions of the pension laws as they now exist which entitles a soldier in the Union Army to a pension unless that disability can be traced to his duties.

Mr. MITCHELL. No, there is not.

Mr. BUTLER. Then that practically excludes soldiers of the Mexican war from any of the benefits of this act unless their disability or dependency was incurred in the line of their duty as soldiers in the Mexican war, so that it really and practically does not extend any benefit to the soldier of the Mexican war unless he or his widow is 62 years of age or can trace that disability back to the Mexican war.

Mr. MITCHELL. I think the Senator is mistaken in his construction. The reading is very clear, I think:

Or who is, or may become—

Any person enumerated in the fore part of the section—

who is or may become subject to any disability.

Mr. BUTLER. As a matter of course, "disability" has a very well recognized legal significance, and, as I understand it, a disability must be incurred in the line of duty. So the Mexican war soldier must trace his disability or dependency to his duty as a Mexican war soldier; otherwise he does not get the benefit of this act.

Mr. GEORGE. Section 8 establishes a new rule on that subject.

Mr. BUTLER. I do not understand that that rule applies to this provision of the act. It simply applies to the soldiers of the Union Army.

Mr. GEORGE. Yes.

Mr. BUTLER. Under that provision a Union soldier who stumps his toe or accidentally breaks his arm is entitled to the benefits of this act.

Mr. GEORGE. Allow me to correct the Senator on that subject.

Mr. BUTLER. Yes, sir; but that is my construction of the amendment.

Mr. GEORGE. The amendment adopted yesterday evening reads:

That every such officer, enlisted man, or widow who is or may become 62 years of age.

When he gets to 62 years of age it is certain he is entitled to a pension.

Mr. BUTLER. No doubt about that.

Mr. GEORGE. Now, it continues:

Or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States.

When this bill is passed, section 8 will be a part of the pension laws of the United States. There is nothing in section 1 which limits a disability to that kind which is recognized by the present pension laws of the United States. It applies as well to contemporaneous legislation as to future legislation, and whatever under the terms of section 1 may be at any time recognized by the law of the United States as a disability will apply to the Mexican war soldier under section 1.

Mr. BUTLER. Let us see. Of course the Senator is better informed

about it than I am, as he is a member of the committee I believe; but let us see what section 8 says:

That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States——

Is the Mexican war soldier mentioned in section 4693 of the Revised Statutes?

Mr. GEORGE. No, sir.

Mr. BUTLER. It alludes entirely to Union soldiers, as I understand, and this refers to section 4693 of the Revised Statutes. All soldiers drawing pensions or who will draw pensions by reason of this provision served in the Army of the United States in the late war. The Mexican war soldiers are excluded from the benefit of it in terms, as I understand. Therefore I say that a natural construction of the proviso to section 1 would be that the disability must be traceable to an injury resulting from service in the war with Mexico, in the discharge of his duty in that war. That is my construction.

Mr. GEORGE. The answer to that is very plain. In section 1 disabilities are referred to; they are not defined. The definition must be taken from the general laws of the United States, from the pension laws of the United States. There is no attempt in section 1 to define disability. The whole object of that section is to put the Mexican war soldiers as to disability upon the same footing recognized by the pension laws of the United States for every other class of soldiers, and no other meaning can be given to it.

Mr. BUTLER. I understand that. That is exactly what I claim for it. The word "disability" under the general pension laws means, as I have stated again and again, that the injury shall be traceable to the service of the soldier in the Mexican war.

Mr. GEORGE. But in section 8 there is a new class of disabilities provided for.

Mr. BUTLER. Now let me call the Senator's attention to section 8 for a moment to show that it has no sort of application to section 1, as I understand it:

SEC. 8. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto—

Now mark the language—

who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent on his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States.

That section refers exclusively to soldiers who served in the war of the rebellion, and has no reference whatever to, except to exclude, soldiers who served in the Mexican war.

Mr. GEORGE. I say that.

Mr. BUTLER. There is a definition, an extended definition, of the word "disability" not heretofore given under the general pension laws of the United States. I say, therefore, that the practical effect of that amendment will be, in my opinion, to exclude every Mexican war soldier from the benefits of this act, unless he is 62 years of age, or unless he can trace his disability back to the Mexican war and his service in that war. There is no other construction to be put upon it.

Now, if the Senator from Pennsylvania, the Chairman of the Committee on Pensions, will give me his attention for a moment, in order to remove all difficulty on that subject I will propose the following amendment to that proviso in section 1: strike out all after the word "dependency," in line 28, down to and including the word "pension," in line 31, and insert "whether incurred in the line of duty or not;" so that the proviso will read:

That every such officer, enlisted man, or widow who is or may become 62 years of age, or who is or may become subject to any disability or dependency, whether incurred in the line of duty or not, shall be entitled to the benefits of this act.

That makes it perfectly clear, and that I understand carries out the idea that the framer of the amendment had in offering it, and there can be no objection to it, it seems to me.

Mr. MITCHELL. The Senator who offered that amendment is now in his seat, and if he has given attention I should be glad to have him reply. I myself see no objection to the amendment suggested by the Senator from South Carolina.

Mr. WILSON. I have just come into the Chamber, and so am not aware of what the Senator from South Carolina has said.

Mr. BUTLER. Then I will restate for the information of the Senator from Iowa precisely my view of the amendment which, as I understand, he framed and offered to this bill. It is that under the amendment as it now stands no soldier of the Mexican war can get a pension under it, nor can his widow—but more especially now I am referring to the soldier—unless he is 62 years of age, or unless he is disabled in accordance with the provisions of the general pension laws of the United States, which, as I understand, mean that he shall trace the disability back to service in that war, and it must have been incurred in the line of duty.

Mr. WILSON. That is not the effect of the amendment at all. On the contrary, the amendment says in express terms:

That every such officer, enlisted man, or widow who is or may become 62 years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act.

Now, the disability or dependency need not have occurred because of the service. If the soldier is at the present time subject to a disability which in its effects is equivalent to a disability for which, if incurred in the service, a pension would be granted, he will be entitled to receive his pension.

Mr. BUTLER. Who is to be the judge of that fact, whether it is equivalent or not?

Mr. WILSON. The Commissioner of Pensions, who administers this law, if it should become a law.

Mr. BUTLER. Is there any objection to the amendment I have just suggested, to strike out all after the word "dependency," in line 28, down to and including the word "pension," in line 31, and substitute "whether incurred in the line of duty or not?" That would make it perfectly clear.

Mr. MORGAN. If the Senator from South Carolina will allow me to suggest——

Mr. BUTLER. One moment, until I get the reply of the Senator from Iowa.

Mr. WILSON. What is the suggestion?

Mr. BUTLER. After the word "dependency," in line 28, to strike out all down to and including the word "pension," in line 31, and substitute "whether incurred in the line of duty or not;" so as to read:

Who is or may become subject to any disability or dependency, whether incurred in the line of duty or not, shall be entitled to the benefits of this act.

Mr. WILSON. In the preparation of this amendment I have been guided in part by the advice of the Commissioner of Pensions, who says that in the administration of the existing law the rules are already established and perfectly understood under which this would be administered if it becomes a law, and that there will be no difficulty whatever in the understanding and administering the terms of this amendment.

Mr. BUTLER. Is there any objection to making it more clear by the amendment I have suggested?

Mr. WILSON. I do not think it can be made more clear. In other words, I think this amendment makes it just as broad as it is possible to make it, and I drafted it for that purpose.

Mr. BUTLER. I then will offer the amendment to the amendment, which I suppose is in order, and ask for a vote on it.

The PRESIDING OFFICER (Mr. FRYE in the chair). There is no amendment now pending. The amendment to which the Senator from South Carolina refers has already been adopted, and therefore is not open to amendment until the bill shall be reported to the Senate.

Mr. BUTLER. Then I reserve the right to move my amendment in the Senate.

The PRESIDING OFFICER. The Senator can do that.

Mr. BUTLER. I will state, now that I am on my feet, that if the amendment should be adopted I shall vote for the bill. I shall vote for it because I believe it will disappoint some of our friends on the other side who I think have introduced these various amendments for the purpose of defeating the bill for the relief of the Mexican war soldiers. I am satisfied it was done for that purpose, and for that alone; and, for me, I do not intend to gratify our friends on the other side by voting against this bill and thereby defeating what little there is in it of benefit to the Mexican war soldiers. I shall vote for the bill. I would very much have prefered that the amendments should have come up in the regular order and have been rested upon their own merits. I have voted pretty liberally for pensions for Union soldiers since I have been a member of the Senate, and have no objection to continuing so to vote. I think that the amendment of the bill to which I have called attention is unfair; I think it unjust, not that it may not be meritorious in itself, but it has been put on as a rider to the bill for the pensioning of the Mexican war soldiers for the express purpose of defeating that bill, and I do not intend to gratify the movers of the amendment by voting against the bill as amended.

Mr. WILSON. I suppose that the remarks of the Senator from South Carolina are not intended to apply to the amendments reported by the committee and presented by members of the Senate to the Mexican pension bill proper, inasmuch as it was entirely in accord with the rules of proceeding in this body that those amendments should be offered to the text of that bill. I know that from time to time we have been served with notice that no pension legislation could pass during the present session of Congress except the Mexican pension bill without amendment as it came from the House of Representatives. We did not propose to be put in any such position as that.

Mr. BUTLER. The Senator will certainly do me the justice to say that I have served no such notice as that on the Senate.

Mr. WILSON. I am speaking of the notice which has been served in general from that side of the Chamber to us on this side.

Mr. BUTLER. I should be very glad to vote for any proper pension bill for the Union soldiers if it should be brought up in the regular order and the regular way. I have said so again and again, and I repeat it. As I said a while ago, believing that this was done for the purpose of

defeating the Mexican pension bill, I shall vote for the bill nevertheless.

Mr. WILSON. These amendments have all been in order and have been in accordance with orderly parliamentary proceedings in this body. They were resorted to in part, so far as I am concerned, because of the notice served that there could be no legislation granting pensions to Union soldiers during this session of Congress. The Committee on Pensions and the members of the Senate on this side of the Chamber are perfectly content that pensions shall be provided for the Mexican war soldiers; but we are just as earnest in the determination that there shall be some provision made for the Union soldiers also; and when we were told in express terms that any amendment to the Mexican pension bill would defeat action upon it at this session because the House could not act with us, we regarded that as notice that any independent measure reported to the Senate and passed by the Senate would not be acted on and could not become a law.

Mr. BUTLER. May I interrupt the Senator a moment?

Mr. WILSON. Certainly.

Mr. BUTLER. My recollection of the debate is that that notice was served by the honorable Senator from Illinois [Mr. LOGAN] not now in his seat. The Senator can not certainly charge it to us.

Mr. WILSON. The honorable Senator from Illinois served no such notice, but it did come from several Senators on the other side, and notably from the Senator from Kentucky [Mr. WILLIAMS] who has taken such active interest in this bill.

Now the Senator from South Carolina says he is content to vote for this bill with the amendments, and will do so. I am glad to know it. I am in hopes that every Senator on that side will do the same thing, and that when the House shall have acted upon these amendments, as I have no doubt it will, as it certainly can, that we shall have provided a complete system of pensions, not only for the soldiers of the Mexican war, but also for the soldiers and their widows of the war of the rebellion who served in the Union Army.

Sir, there can be no difficulty whatever with reference to this bill in the other branch of Congress, and after we have put on an amendment to the Mexican bill, the same mode of procedure in the other House that would be required to pass the bill notwithstanding that amendment will carry it through even with all these amendments, and then we have got a system which provides for Union soldiers as well as Mexican war soldiers; and that is what we mean to do and what we mean to have.

Mr. FARLEY. Will the Senator from Iowa allow me to ask him a question?

Mr. WILSON. Certainly.

Mr. FARLEY. Has it not been stated in the course of this debate that an amendment was offered to the Mexican pension bill, and the question was asked by the Senator from Illinois [Mr. LOGAN] of the Senator from Massachusetts [Mr. HOAR] whether that amendment was not intended to kill the bill? The Senator from Massachusetts the mover of the amendment, who is a prominent Senator and a candid one on that side of the Chamber, answered that such was his intention. I remember the honorable Senator from Kansas [Mr. INGALLS] in his discussion the other day in reference to this bill referred to this very proposition that the Senator from Iowa must avow, that the Senator from Massachusetts admitted that his amendment was offered for the purpose of killing the Mexican pension bill.

Mr. WILSON. The Senator states substantially what occurred on that occasion. The Senator from Massachusetts is able doubtless to take care of himself. What motive he may have had beyond that stated I am not to judge; but I do not suppose he had any other. But so far as this side of the Senate as a body is concerned, no other purpose has controlled it than to use this opportunity, the only one we can have during this session of Congress, to provide pensions for the soldiers of the Union Army, and we mean to do it.

Mr. SLATER. Mr. President, I do not suppose anything that I might say on this measure will affect a vote in this body, but I am unwilling to allow the bill to pass without calling attention to some things that I think are foreshadowed as a result of its passage.

I have been willing all along, since I have occupied a seat in the Senate, to provide pensions for the Mexican war soldiers, and have voted for the various bills which have been before the Senate for that purpose on at least two or three different occasions, and have voted for the bill now pending up to the present stage; but with the amendments that are now adopted by the Senate I can not support it. I think I should be derelict in my duty as a Senator here—in that duty which I owe to the people of the whole country—in casting a vote for this measure; and I can not conceive that those who favor this measure with these amendments have stopped to consider the effect or calculated the result it must have upon the finances of this country.

By a very decided vote this body declared against an extension of the arrears-of-pensions act, and very properly in my judgment. They evidently foresaw in that proposition a vast expenditure of money; an expenditure on which we had at least reasonable and fair statistics to govern our judgment, but as to this measure as now amended, excepting in a few points, we have no data and no information as to what it will cost the country in money. It is a new feature in our pension system, one that has never been recognized in any former pension law that I have any knowledge of. It never has been a principle of any pension law to pension men for any disabilities not occurring in the line of duty and in the service of the United States, unless it be maintained that the pensioning of soldiers of the war of the Revolution at a late period and of the soldiers of the war of 1812 at a late period might be in some measure construed as coming within the purview of the amendments now attached to this bill.

We do know, Mr. President, that one year ago the annual value of the pension-roll was $33,000,000. The increase the present year will doubtless show that the value of the pension-roll is thirty-five or thirty-six million dollars at the present time. The provision of this bill which pensions the Mexican war soldiers will add from five to seven million dollars more. That which provides an increase of pension for the widows and that class will add four millions more, making in round numbers $9,000,000, to be added that we know of, that we can see, that is plainly before us, making at least forty-four or forty-five million dollars, when those items are added, saying nothing of the necessary increase that comes from year to year and which will continue to grow for many years to come.

Besides, heretofore there has been some benefit derived from the dropping from the pension-roll under various circumstances by death and otherwise of a large number, which under the provisions of these amendments will be stopped. Instead of the pension stopping, as now, others will step in and take them up and carry them along, so that instead of decrease by dropping, which seems every year to check the increase, we shall not have any decrease, but the increase will go on unchecked.

Beyond these figures, Mr. President, all is speculation, all is uncertainty. We know that there are 925,000 Union soldiers who, up to a year ago, had not made application for pension. At that time there had been 679,000 applications. It is safe to say then that at the close of the present year, which is now but a few days ahead of us, there will have been presented 700,000 pension claims. According to the ratio of allowance, there will be 20 per cent. of the 700,000 that will be passed upon and disallowed. That would be equal to 140,000. This amendment will serve to revive and bring into force all the claims of those who are living which have been rejected; thus at least 125,000 claims that are now on the files of the office which have been rejected or will be rejected under the present laws no man can estimate or calculate what per cent. of the 925,000 will be entitled to come in under this amendment. It is a drag-net. It is absolutely a bill that no one can fathom or measure the expenditures it will call for. Any attempt at it is but guesswork; and yet if Senators will look around and note the condition of those soldiers he may know in his neighborhood and among his acquaintances, he will discover that more than one-fourth of those 925,000 are disabled in some degree or other and will be entitled to go on the pension-roll, so that at least of that number 250,000 will be entitled to go on immediately, and the number will be constantly increasing from year to year.

The present rating of each pension claim or pensioner is $106 per annum. Putting it, however, at only $96, or $8 a month, the 250,000 would make $24,000,000 to be added to the $45,000,000 already referred to, saying nothing of the 140,000 rejected cases that are standing upon the files of the Department, which would add at the least calculation $15,000,000 more. So then, sir, you will have here not merely a doubling of the present pension ratings but nearly a trebling of them. Any person who will take up this subject and consider it, looking at the numbers that must necessarily come upon the pension-roll, with the number of cases which stand as rejected, and will be rejected, and will be revived, and the cases that are now filed and which will be allowed under present laws, will see that if this bill as amended becomes a law of the United States it will not be five years until your annual pension-roll will exceed $100,000,000.

Now, sir, with these facts before me, with the certainty that this is a correct and fair estimate, in my judgment far below what will be the real results of the bill, I can not support it, although I am very desirous that the Mexican soldiers should be accorded a pension, and also very desirous that the widows referred to in this amendment should have precisely what is there stipulated for them. I might say that I have suggested in the proper quarter that a separate bill for the widows should be reported to the Senate.

Six months ago I do not believe that this bill in its present shape would have received a dozen votes in this Chamber. There are considerations which have brought this here that in my judgment ought not to weigh with Senators. When the Senator from Kansas [Mr. INGALLS] opened his remarks a few days ago, he began with reading a letter that he had received from a person, a soldier, I believe, in answer to some letter I think that the Senator had written to him. The letter that was read is as follows:

What you say about the length of time that intervened between the close of the Revolutionary and other wars before service pensions were granted only shows the absolute necessity of our action now. There are 1,400,000 of us now. We have a powerful organization, and we can carry this country on this issue now. If we wait as did the veterans of the Revolution until we are few and weak, we will be treated as they were. This House of Representatives will vote for this bill or the soldiers will elect a new House that will. This Senate will

vote for it or we will make a Senate that will. The same with the President. We are not Democrats or Republicans, but we are soldiers, and we mean business now.

And, Mr. President, during the three years I have served on the Pensions Committee I have received more than one just such epistle as that; and here to-day we have the spectacle of the Republican party, the Senators on that side of the Chamber, capitulating to this element, for that is what it is, and nothing more can be made out of it. Perhaps an interpretation might be placed upon that language that would be severe, but taking the history of this legislation, taking the circumstances that are occurring around us, taking the action of the Chicago convention only a few days ago and what has occurred here since, I repeat that I am justified in the conclusion that I have drawn from these circumstances that it is a capitulation of the Republican party to this demand of the soldier element.

I do not believe that the country will justify it. I do not believe that the country will justify this kind of legislation. There has come up here in various ways from all classes of the community the country over a demand for retrenchment and reduction of taxation. Put this bill on your statute-book and before eighteen months have passed you will be compelled to find additional revenues and new sources of taxation. Your revenues will not be adequate to meet the demands that will be made upon your Treasury, and you will have to levy new taxes to meet it. You will have no means of reducing taxation. Instead of a reduction, taxation will have to be increased and its burdens made heavier year by year as they go on and more and more of these soldiers come upon your pension-roll.

This is all I desire to say. These are the reasons which will influence my vote. I must vote against this bill as it stands now.

Mr. MORGAN. Mr. President, I desire to ask the Senator from Pennsylvania for information about this bill as amended. I suppose the Senator knows how much this amendment is going to cost the country. I should like to have a statement of what the cost is as estimated by the members of the committee who are advocating the bill.

Mr. MITCHELL. I stated yesterday that unless the Senate desired explanation I had nothing to say in regard to the matter which had been generally considered. The estimates made by the Commissioner of Pensions were laid before the Senate some days ago. As I went over them some days ago I judged that the amendment proposed to the bill would increase the annual list perhaps $10,000,000 or $12,000,000. I judged that from the statement made by the Commissioner of Pensions. But, as I stated then, there is very great uncertainty in regard to estimates in all cases like this, and he so states in his communication. It is impossible for anybody to tell how many of these soldiers in the late war who have never applied for a pension may come forward now and apply if this bill becomes a law. It is very difficult to have any basis upon which to form an estimate. It is only on the general judgment of Senators that we are able to act. So far as my own observation goes, I think nearly all soldiers who have any present disability have already applied for a pension, and that practically this legislation will only affect those who have applications on file now undisposed of.

Mr. MORGAN. I ask the Senator whether the phase of the case that is now presented, in the amendment which the Senator voted on the bill yesterday afternoon, is the same phase in respect of which the Commissioner of Pensions made an estimate that it would cost $246,000,000?

Mr. MITCHELL. It is almost precisely the same thing; the wording of the section is a little different, not including the arrears. The arrears, of course, are stricken out by the action of the Senate, or rather the Senate declined to adopt that provision.

I did not, perhaps, correctly hear the Senator's remark. I supposed he referred to arrears. The estimate of the Commissioner of Pensions which is published in Miscellaneous Document 107 of the Senate covers what is known in common parlance as the Cullom amendment; that is, it is Senate bill 2208 in substance. The amendments which I offered yesterday are almost precisely the same as that bill.

Mr. MORGAN. And they are the amendments in respect of which the Commissioner computed that they would require $246,000,000?

Mr. MITCHELL. No, sir; not at all. It is an entirely different communication. The communication of the Commissioner of Pensions will be found on the fourth page of that document, and it is dated June 12, while the one to which the Senator refers was dated April 1. That relates simply to arrears; this communication of the 12th of June relates to bill 2208, known as the Cullom bill.

Mr. MORGAN. Now, will the Senator oblige me by stating how much the Commissioner estimates the cost of this amendment?

Mr. MITCHELL. The Commissioner's estimate altogether—perhaps I may as well state the figures—amounts to $12,458,560.

Mr. MORGAN. A year?

Mr. MITCHELL. Annual increase.

Mr. MORGAN. Twelve millions and a half. Mr. President, I have stated heretofore in the Senate, in conformity with the course I have observed since I have had the honor of a place in this body, that I was willing at any time to vote pensions to the Union soldiers whenever the people among whom they reside, the Northern representatives in this House and in the other, determine that the time has arrived for their being pensioned. I look upon the pension laws, following the civil war of 1861 to 1865, as being a part of the results of the war. We have never yet had any general war that was not followed by a pension-list; I suppose we never shall have one; and some Senators, including the honorable Senator from Kentucky, insist that a pension-list is a safety-valve to follow a war, that it is a good institution. If I were opposed to pensions, I should despair in the present state of the public mind either of dispensing with them or reducing them.

I can not say that I am opposed to pensions. I can not say that I am opposed to a government expressing its gratitude to its soldiers, after the events of the war have passed, for the services they have rendered, in the form of compensation to them to enable them to meet the ills of advancing age and infirmity. I therefore am willing at any time the Northern people demand pensions from the Government of the United States to vote them as one of the results of the war which I consider that the people whom I represent have fully and in good faith accepted. I only desire that the people of the North shall have this subject considered by them, through their representatives on this floor and in the other House, under circumstances separate and apart from political commotion.

I think that we undervalue ourselves and the people when we make a pension law the subject of political differences, when we ring it into a political campaign for the purpose of putting men in apparent opposition to it because of their supposed party affiliations. That is not a just way to treat a soldier. He ought to be pensioned, if at all, not because he is a Republican or a Democrat, a white man, a black man, or a red man, but because he was a faithful soldier of his country under circumstances that require of that country, as an expression of gratitude, to give him a pension in his old age or whenever he becomes decrepit or infirm.

It has been to me a very painful reflection when I have observed the course which has been pursued in the Senate during this debate and during the pendency of this bill, whereby this subject has been deprived of every other than a mere political complexion. I have felt that the Senate in considering this bill was dealing with some of the most sacred things that we are called upon to consider. When a government comes to express its gratitude to its soldiery it ought to be able to do it freely upon the merits of the question, and a sense of honor and of duty on the part of the representatives of that government requires that they should take the circumstances into just consideration aside from all political influences or bias.

The people of the Northern States, in my humble judgment, have not demanded that the pensions proposed in the amendments put upon this bill are now due. The committee having charge of this subject, representing the Republican party and the majority of the Northern people, have not been able to mature and bring in a bill during this session for the purpose included in this amendment. They have delayed to prepare such a measure until another bill has come up which has been for many years before the Congress of the United States, which has been before all the Legislatures of the States, and twenty-eight of them have instructed in favor of it, and they now suddenly put upon this bill, as a rider, this new device, which has not received the sanction of the Committee on Pensions.

Now, sir, I would not like to reproach the Committee on Pensions of the Senate, but, in view of the haste with which they bring this measure in as a rider upon the Mexican pension bill, I am compelled to say that the country has a right to reproach them with a want of diligence and attention to their interests. Either that committee did not believe that the public opinion of the Northern States demanded the passage of a bill such as is presented now in the form of this amendment which is voted on this bill, or else they have been delinquent in not bringing that bill before the Senate as an independent measure and putting it upon its passage.

Sir, if that committee had brought such a bill in and put it upon its passage after full deliberation upon it and after they had become able to state what its effects were to be upon the country, I, for one, would have voted for it. Take the proposition upon its merits, after the committee have examined it and after they are able—which they are not now—to tell us the effect of it. I, for one, would have been willing to vote for it. I would not hesitate to assume on the part of my constituency that much of a debt that I considered to be due whenever the people of the North demanded it at the hands of the people of the South, and of the entire country. I am not going to repudiate that debt whenever it is properly stated, in due form, upon a demand made by the people of the North through their representatives; and when, after fair consideration on their part, they come forward as committees of the Houses and assume the responsibility of it, I will not vote against it. I have announced my position on this subject on this floor time and again, and not only have I announced it but I have voted that I was in favor of the pensioning of the soldiers of the late war as a debt due from the country whenever the people of the North said that it was due.

Sir, I have been in the Senate for eight years, and I never heard a man on the Democratic side state anything else than his willingness to vote pensions for the Northern soldiers. Even when the bill for the purpose of paying the arrearage of pensions came up in 1879 there were but four votes against that bill, and my recollection is that not one of

them came from the late seceding States. I declined to vote on that bill. I have seen pension bill after pension bill pass the Senate, appropriation bills for pensions, increase of officers provided for the purpose of getting pensions rapidly through the different departments of the Government; I have seen individual pensions pressed through this body from time to time, and I never yet heard a man from one of the seceding States raise his voice against one of them.

I have scarcely ever known in any instance a Senator from the South to vote against any of them. The fact is we felt embarrassed by the situation to that extent that we have hardly had fair liberty of action, but we have thrown the weight of our influence and our votes uniformly upon the side of liberal pensions according to the demand made upon us, and not according to our individual opinions perhaps of the justice arrived at in every particular case. That is the true statement of our attitude on the subject. Now, the object, of course, in forcing this amendment on the bill is a political one; it is to press us to the wall. The object is, because we are not satisfied that these pensions are due in accordance with the deliberate judgment of the Northern people, to make it appear to the country that we are opposed to pensioning the Northern soldiers because of the antagonism that we held to them in the war of the rebellion.

Mr. President, I do not wish to make any improper or invidious remarks, but I will say that that side of the Chamber is represented by honorable soldiery, some confederates and some Republicans. I do not find in the votes upon this proposition any discrimination between the confederates and the Republicans on that side of the Chamber. They stand together; they vote any demand that the recent Chicago convention has seen proper to force upon this body; they vote solidly, and that, too, without the aid of reasonable deliberation by a committee; and they vote it in presence of the fact that not one member of the committee can tell us what this bill, as amended, will cost the country.

We are even appealed to upon the ground of a proper response to generous action to vote not only for this particular phase of the case, but for one which was broken down yesterday by the joint votes of Democrats and Republicans, the arrears measure.

It was stated by the honorable Senator from Kansas [Mr. INGALLS] the other day in debate that we on this side had no difficulty in voting something like a hundred million dollars out of the Treasury for the purpose of educating the poor people of the South, but that when it came to voting pensions to the Union soldiers we were not willing to vote a cent. That honorable Senator forgot, perhaps, if he ever knew, that there are at least some Senators on this side of the Chamber who argued and voted against that measure, and who at that time admonished their brethren on this side, that the account would be thus stated against them, and that they would be required to vote anything that might come up hereafter on the ground that it had been paid for in advance by the school bill. I do not occupy that attitude. Notwithstanding my State would get more than a million dollars a year for ten years under that bill, I argued against it and voted against it. So the argument does not hold good that I, though a Southern man, am under a different obligation from any other man on this floor to vote for or against the pension bill.

I represent a tax-paying community, one of the sovereign States of the Union. I come from a country that contributes more than three hundred millions a year out of a single crop to the actual commerce of the country; and while I do not intrude my voice or my opinions in the settlement of these pension questions upon Northern men or Northern communities, I still have a right to ask the Senate to pause in so rapidly increasing the drafts upon the public Treasury until you can ascertain whether the people are able to bear it.

Your present tax laws bear down most heavily upon the substratum of society. They bear like the waters do upon the bottom of the sea, growing heavier toward the bottom; they bear like the atmosphere does upon the bosom of the earth, growing heavier as it comes in contact with the soil. Those men who are at the bottom of the great mass of taxation raised by tariff and internal-revenue taxation are the men who receive the heaviest pressure of the burden.

We have large classes of men in this country who are exempt from taxation. They hold Government securities; they have corporation stocks that bring them vast sums of money which are not taxed; they exercise illicit pursuits in various portions of the country that impoverish the people always while it enriches the few, but they are very lightly taxed. The burden of the tariff taxation rests upon the common men of the land, upon the tillers of the soil, the delvers in the mines, the hewers in the forests, and the sailors upon the seas. There is where the burden is, and as an American Senator I have a right to look to both sides of this question and to all classes who are affected by it. I have a right, and it is my duty, to look to the man who is receiving a bounty from the Government and then to turn my eyes to the man who is to be taxed to raise the money to pay it.

If to-day I could lay this burden of taxation upon those men who accumulated their millions during the time that the war was in progress by speculations and by Government contracts while they remained at home and sent their substitutes into the Army, then I would be willing to allow the people of the North at any time to price the service, and I would vote to pay it. Take your candidate for the Presidency. He was a valiant talker in the war, but he never went to the war. He remained at home and accumulated his millions of dollars, and his substitute went to the war.

Mr. WILLIAMS. No; the substitute did not go.

Mr. MORGAN. Why did he not go?

Mr. WILLIAMS. He got a furlough to stay at home.

Mr. MORGAN. He ought to have gone. At least one o the membership of that combination ought to have gone.

Mr. President, if you will lay the heavy hand of the taxing power upon the people let it be upon the men who staid at home and hired their substitutes and accumulated their millions of money. I shall vote with you to make your largesses or your subscriptions of patriotism to your soldiers, just as much as you want, if you will raise the money upon the internal-revenue taxation, which is a war tax and ought to be applied to the extinguishment of the debt we owe for pensions. I shall vote with you to the extent of that war tax if you will distribute it properly; and you may take the bounties and distribute them among your people as you please; I shall not ask you a question about it.

But when you take for your subject of taxation a man who was in the South and in the confederate army, and who was as gallant a man as any you ever saw or ever fought, and as honorable, who has lost his limbs, his arms, or his eyes, all that he had to toil with, and you tax the blanket upon which the poor fellow has got to sleep, and the very iron tips upon his crutches as he pulls himself about over the world, and the clothes he has to purchase for his poor wife and his children, I have the right to ask you to forbear. When you lay that burden upon the woolens that he must wear in winter and the coarse cottons his family must wear in summer, when you tax at a large sum the iron with which he hoes his little crop, if he is able to limp about to work it, or with which he plows it if he can get across his fields, you bring the pressure down upon the poor fellow when struggling for existence, and I beg you to forbear.

I ask you in the name of God and humanity to forbear. I appeal to the benevolence of the soldier's heart who shot him down in honorable warfare, and who felt that he was fighting a brave man when he shot him, and I say do not make that man forever tributary to paying your pensions; do not tax the clothing, the blankets, the shoes that he is able to get together for his impoverished family to pay yourself a bounty. That man gave you the glory that you boast of by the prowess with which he fought you. In the coming campaign, when referring to that heroic man from Illinois who stands second upon your ticket, and who was a heroic man in Mexico and in the late war, when you speak about his plumes—not the white plume of Navarre, worn in battle by a substitute, but the red pompon of the soldier, dyed in the blood of his adversary—when you come to speak of that in order that his heroism may appear in its true colors, you must draw in the background of the picture the heroic confederate soldier also to make the picture complete; for if the confederate soldier had been a cowardly, half-hearted, unpatriotic, and untrue man, who would shrink from death or run from his flag, John A. Logan's glory would have been confined to his triumphs in his youth on the battlefields of Mexico.

We are all Americans, Mr. President. I am proud of the men who stood up against us in the war. Whatever other men who did not go to the war may think of us, those men are proud of us. There is no difficulty in our fellowship. There is no difficulty in our meeting each other face to face and debating about the affairs of this country in the past or in the future, its honor and its glory, its duty and its rights in every particular. No honest confederate soldier will shrink from a demand made upon him which is one of the real results of that war. None of them have ever done it and none will ever do it. Here we stand face to face, and I pledge them to this country for the faithful performance of every duty.

As a man who went into the war as a private soldier, who went in, as I believed, in accordance with a strict sense of duty, I have the right on the floor of the Senate to say to the men who now demand an additional $12,000,000 or $20,000,000 or $100,000,000 a year from the people of the United States for pensions to the conquering army, "Gentlemen, forbear, and do not tax those men who are at the bottom of the wave; do not tax those upon whom all the pressure comes any more heavily than you are now doing, but consider what they have done and what they have suffered, what they are and what they once were, and give them at least a chance in life." Sir, it seems to me that if I were a Union soldier and derived a pension from the Government of the United States I would starve before receiving it if I knew that it had been taxed out of the necessities of some poor wounded, crippled confederate soldier who was obliged to pay the tax because he was obliged to have subsistence, something to keep his soul and body together.

Now, sir, these are my honest sentiments if I ever expressed them in my life, and I should be ashamed of myself if I did not have the courage to vote against a bill which is put in here not with the honest and real intent of giving pensions to the Union soldiers, but for the mere purpose of getting up a make-weight in the pending political campaign. Whenever you present a pension bill in good faith, when your committee will come forward and indorse it, when your people

demand it, when you will discuss it with us upon its merits, I shall vote for it, but I shall not be dragooned into voting for it because I may be put in a false attitude in the mind of any man in the world because I once belonged to the confederate army.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

The message also announced that the House insisted on its amendments disagreed to by the Senate to the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM D. WASHBURN of Minnesota, Mr. L. H. WELLER of Iowa, and Mr. SAMUEL R. PETERS of Kansas managers at the conference on the part of the House.

The message further announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN HANCOCK of Texas, Mr. JOHN F. FOLLETT of Ohio, and Mr. WILLIAM D. WASHBURN of Minnesota managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLIN WELLBORN of Texas, Mr. RICE A. PIERCE of Tennessee, and Mr. BISHOP W. PERKINS of Kansas managers at the conference on the part of the House.

FOURTH OF JULY CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAMERON, of Wisconsin. I move that the Senate insist upon its amendments to the bill and agree to the committee of conference asked for by the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. CAMERON of Wisconsin, Mr. MANDERSON, and Mr. GEORGE were appointed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans., having been presented to the President on the 11th instant, and not having been returned by him to the Senate, wherein it originated, within ten days (Sundays excepted), as prescribed by the Constitution, had become a law without his approval.

The message also announced that the President had on the 24th instant approved and signed the following bills:

An act (S. 282) granting a pension to A. M. Wilson; and

An act (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads.

MEXICAN WAR PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. JACKSON. In section 1, line 21, after the word "men," I move to strike out the words:

As were married to such officers, or soldiers, or sailors prior to the discharge of such officers and enlisted men.

So as to read:

Who, being duly enlisted, actually served fourteen days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, although their term of service may have been less than sixty days, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried.

The purpose of the amendment is to give the benefit of the pension to the surviving widows of such officers and enlisted men. It is the same amendment that was reported by the Committee on Pensions.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on agreeing to the amendment of the Senator from Tennessee [Mr. JACKSON].

The amendment was agreed to.

Mr. GEORGE. I ask the Senator from New Hampshire [Mr. BLAIR] to present the amendment which he indicated to the Senator from Kentucky [Mr. WILLIAMS] this morning that he would be willing to support. I should be very glad if he would offer it.

Mr. BLAIR. I indicated a willingness on my part to support an amendment which should place the soldiers of the Mexican war and the widows of such soldiers upon the same ground as to the rating for pensions as the soldiers of the late war and the widows of such soldiers, upon proof of precisely the same conditions. I should be glad to support such an amendment. I have one partially written, but if any Senator who is specially interested in the soldiers of the Mexican war has one prepared that covers those points I should be glad to support it.

Mr. GEORGE. I have none. I relied on the Senator from New Hampshire to prepare one. I think it would be a very just amendment. I desire to vote for the bill, and expect to do so, and I should be glad if anything that looked like an unjust discrimination between the soldiers of the Mexican war and any other soldiers of the United States were taken out of the bill.

The PRESIDING OFFICER. The Chair calls the attention of the Senate to the fact that the hour of 3 o'clock has arrived, at which time it was agreed by unanimous consent that all debate should cease upon the bill and pending amendments.

Mr. MITCHELL. I wish to call attention to a typographical error in the spelling of the word "naval" in the eighth section, fourth line. The "t" should be "l," so as to read "naval."

The PRESIDING OFFICER. That correction will be made.

Mr. MITCHELL. In section 8, line 26, after the word "any," I move to strike out the word "such" and to insert the same word after "for;" so as to read:

But any applicant for such invalid pension having an application therefor pending.

The PRESIDING OFFICER. The amendment is not strictly in order now, but will be when the bill is reported to the Senate. However, as it is merely formal it can be agreed to by unanimous consent.

Mr. MITCHELL. I ask unanimous consent for that purpose.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent to amend section 8 as he has stated. Is there objection? The Chair hears no objection, and the amendment is agreed to.

Mr. MITCHELL. Now, if in order, I will offer an additional section, which is a mere safeguard. I move to add as a new section:

SEC. —. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment?

Mr. MITCHELL. I suppose it is not in order to debate it, and I do not presume it is necessary. It is merely a safeguard.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLAIR. I move to add at the end of the second section, following the amendment already adopted to the second section, this additional proviso:

And provided further, That every person who served in the Army or Navy in the Mexican war, and the widow of every such person, who are entitled to pension under the provisions of the first section of this act, shall be paid at the rate provided in section 8 and section 9 of this act, upon making due proof of the same facts therein required to be proven in order to establish a right to pension under those sections.

Mr. INGALLS. I rise to an inquiry. What is the rate mentioned in sections 8 and 9? The amendment is not clear, and I ask the question for information, but not to violate the order about debate.

Mr. BLAIR. That is pointed out in the sections themselves.

Mr. INGALLS. I ask what is the amount named?

Mr. BLAIR. Twenty-four dollars, divisible down to the lowest rate, and to a widow $12. It places the two classes of soldiers and widows upon precisely the same ground.

Mr. HARRISON. I wish to ask the Senator from New Hampshire whether he is not confusing this thing? The pension allowed to soldiers of the Mexican war by the provisions of the bill as it passed the House is $8 irrespective of disability. Under the clause the pension may not amount to $2. If this amendment be adopted the whole thing is thrown into confusion.

The PRESIDING OFFICER. The debate proceeds by unanimous consent.

Mr. BLAIR. It is in the nature of debate, but it is proper I suppose since the statement has been made to reply to it.

A proviso attached to the second section fixes $8 at least as the rate for every pensioner of the Mexican war. My amendment simply gives from $8 up to $24, with the same opportunity the Union soldier has, to

the soldier of the Mexican war, and to the widow of the soldier of the Mexican war precisely the same as to the widow of the Union soldier in all cases of the same class.

Mr. HARRISON. I hope the Senate will give me unanimous consent to say that the pension to the soldier of the late war is not absolutely $8; it may not be more than $2, and if this amendment is adopted it gives a soldier of the Mexican war absolutely $8 for any degree of disability, and then gives him an opportunity to have more than $8 under the provisions of the section referred to, which is not equality at all.

Mr. DAWES. Mr. President, I shall be obliged to object to any further debate.

The PRESIDING OFFICER. The Senator from Massachusetts objects to all further debate.

Mr. PLATT. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The amendment was read.

Mr. BLAIR. The whole section should be read, and the Senator would see precisely the force of the whole proposition.

Mr. PLATT. The amendment gives persons 62 years old $24.

Mr. BLAIR. Oh, no; not at all.

The PRESIDING OFFICER. Debate has been objected to. The question is on agreeing to the amendment.

Mr. BLAIR called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll, and Mr. ALDRICH answered to his name.

Mr. BROWN. Let the amendment be read again.

The PRESIDING OFFICER. The Senator from Georgia asks that the amendment be again read. Is there objection? The Chair hears none, and it will be read.

The Chief Clerk read the amendment.

Mr. WILLIAMS. If I understand the amendment——

The PRESIDING OFFICER. The Secretary will proceed with the call of the roll.

Mr. WILLIAMS. There was so much noise that I could hardly hear the amendment. I wanted before the vote to understand what the Senator from New Hampshire proposes to accomplish by the amendment.

The PRESIDING OFFICER. The roll-call had been commenced, and was only suspended by unanimous consent.

Mr. SEWELL. I desire to make an inquiry. Does the amendment include striking out the present proviso in section 2?

The PRESIDING OFFICER. It is added to that.

Mr. SEWELL. If it does not include the striking out of that proviso it makes two rates, one at $8 a month——

The PRESIDING OFFICER. That is in the nature of argument, and no further debate is allowable. The Secretary will call the roll.

The Secretary proceeded with the roll-call.

Mr. HARRIS (when his name was called). On this question I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. HILL (when his name was called). I was paired with the Senator from Louisiana [Mr. GIBSON], but I have transferred that pair to the Senator from Rhode Island [Mr. ANTHONY].

The roll-call was concluded.

Mr. SEWELL. I am paired on this question with my colleague [Mr. MCPHERSON].

Mr. HALE (after having voted in the negative). I wish to withdraw my vote, as I am paired with the Senator from Kentucky [Mr. BECK]. I see he is not present. If he were here, I should vote "nay" and he would vote "yea."

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

The result was announced—yeas 28, nays 29; as follows:

YEAS—28.

Bayard,	Colquitt,	Jonas,	Ransom,
Blair,	Farley,	Jones of Florida,	Saulsbury,
Brown,	Garland,	Lamar,	Slater,
Butler,	George,	Maxey,	Vance,
Call,	Groome,	Morgan,	Vest,
Cockrell,	Hampton,	Pendleton,	Walker,
Coke,	Jackson,	Pugh,	Williams.

NAYS—29.

Aldrich,	Edmunds,	McMillan,	Plumb,
Allison,	Frye,	Manderson,	Sawyer,
Bowen,	Harrison,	Miller of N. Y.,	Sherman,
Cameron of Pa.,	Hawley,	Mitchell,	Van Wyck,
Cameron of Wis.,	Hill,	Morrill,	Wilson.
Conger,	Ingalls,	Palmer,	
Dawes,	Jones of Nevada,	Pike,	
Dolph,	Lapham,	Platt,	

ABSENT—19.

Anthony,	Gibson,	Kenna,	Riddleberger,
Beck,	Gorman,	Logan,	Sabin,
Camden,	Hale,	McPherson,	Sewell,
Cullom,	Harris,	Mahone,	Voorhees.
Fair,	Hoar,	Miller of Cal.,	

So the amendment was rejected.

Mr. WILLIAMS. In section 1, line 21, after the word "men," I move to strike out the words:

As were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men.

Mr. HARRIS. That amendment has already been adopted.

Mr. JACKSON. It was agreed to on my motion.

Mr. WILLIAMS. All right. Then while I am up, in section 6——

The PRESIDENT *pro tempore*. Does the Senator from Kentucky withdraw his amendment to section 1?

Mr. WILLIAMS. Yes; I am told that it has been already adopted. In section 6, I move to strike out all after the word "repealed," in line 2; so as to make the section read:

That section 4716 of the Revised Statutes is hereby repealed.

My amendment strikes out the words:

So far as the same relates to this act or to pensioners under this act.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Kentucky that previously to this time the same motion has been made and disagreed to, so that a new motion to strike out these words is not now in order. It will be in order after the bill is reported to the Senate.

Mr. CALL. I move to add as an additional section to the bill the following:

SEC. —. That the surviving soldiers who served for three months in either the volunteer or regular service of the United States in the Black Hawk and Creek and Seminole Indian wars, and the other Indian wars between the United States and the Indians, who are dependent upon their manual labor for support and are disabled, or who have attained the age of 62 years, and the widows and children of deceased soldiers of the same classes as the widows and children of the war of the rebellion herein provided for, shall receive the same pension and the same rate of pension as herein provided for the soldiers of the war of the rebellion.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

The roll-call having been concluded, the result was announced—yeas 21, nays 31; as follows:

YEAS—21.

Brown,	Fair,	Maxey,	Vest,
Butler,	Garland,	Morgan,	Walker,
Call,	George,	Pendleton,	Williams.
Cockrell,	Hampton,	Pugh,	
Coke,	Jonas,	Slater,	
Colquitt,	Jones of Florida,	Vance,	

NAYS—31.

Aldrich,	Conger,	Ingalls,	Morrill,
Allison,	Dawes,	Lapham,	Pike,
Bayard,	Dolph,	Logan,	Platt,
Beck,	Frye,	McMillan,	Sawyer,
Blair,	Hale,	Manderson,	Sherman,
Bowen,	Harrison,	Miller of Cal.,	Van Wyck,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Wilson.
Cameron of Wis.,	Hill,	Mitchell,	

ABSENT—24.

Anthony,	Gorman,	Kenna,	Ransom,
Camden,	Groome,	Lamar,	Riddleberger,
Cullom,	Harris,	McPherson,	Sabin,
Edmunds,	Hoar,	Mahone,	Saulsbury,
Farley,	Jackson,	Palmer,	Sewell,
Gibson,	Jones of Nevada,	Plumb,	Voorhees.

So the amendment was rejected.

The PRESIDENT *pro tempore*. If no further amendment be proposed, the bill will be reported to the Senate.

Mr. MITCHELL. Would it be in order to move to strike out that portion of section 9 which was inserted?

The PRESIDENT *pro tempore*. It is not in order to move to strike out any part of section 9 which has been inserted by a vote of the Senate. It is not in order even to move to strike out and insert. That section has been agreed to as an amendment.

Mr. MITCHELL. It will be in order when the bill is in the Senate?

The PRESIDENT *pro tempore*. It will be in order in the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. MITCHELL. Before that question is taken I desire to amend section 9 by striking out after the word "duty," in line 6, the words:

Since the 4th day of March, 1861.

If this amendment is adopted it will place all the widows whose husbands died in the service, or of wounds contracted in the service, upon the same footing—that is, the soldiers of the Mexican war and the war of 1812, as well as the late war.

Mr. INGALLS. Giving them all arrears back to the time of discharge?

Mr. MITCHELL. There are no arrears.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 9, line 6, after the word "duty," it

is proposed to strike out the words "since the 4th day of March, 1861;" so as to make the section read:

SEC. 9. That all widows or minor children of soldiers and sailors who as such are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States, and in line of duty, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Pennsylvania to an amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. BLAIR. In section 8, line 6, after the word "rebellion," I move to insert the words "and every person who rendered like service in the Mexican war."

We have by the amendment just adopted provided for the widows. This will take care of the soldiers.

Mr. ALLISON. Debate is not in order.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New Hampshire will be read.

The CHIEF CLERK. In section 8, line 6, after the word "rebellion," it is proposed to insert "and every person who rendered like service in the Mexican war;" so as to read:

SEC. 8. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and every person who rendered like service in the Mexican war, and has an honorable discharge therefrom, and who is or shall become disabled, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Hampshire to an amendment made as in Committee of the Whole.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I should like to hear the amendment read.

The Chief Clerk read the amendment.

Mr. SHERMAN. If it is in order I should like to inquire whether that does not give double pensions to the soldiers of the Mexican war.

Mr. BLAIR. The bill provides that no double pension shall be paid in any case.

Mr. SHERMAN. This would be inconsistent.

Mr. BLAIR. I beg leave to say that in section 9 we have already provided for the widows of the soldiers of the Mexican war, placing them on precisely the same ground as those of the war for the Union. This has the same effect with reference to soldiers.

Mr. PLATT. I find that unanimous consent is being given to make suggestions. It strikes me that to insert this amendment where it is proposed would do away entirely with the proviso at the end of the first section, that the soldiers of the Mexican war should not be pensioned who incurred disability "while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States."

Mr. MORGAN. May I be permitted to say that the incorporation of these two provisions in the same statute does not cause the latter one to nullify or repeal the first. They stand together and must be construed together as parts of the same law.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from New Hampshire.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If I were not paired, I should vote "yea."

The roll-call was concluded.

Mr. ALDRICH. I was paired with the Senator from Maryland [Mr. GORMAN], but the pair has been transferred to the Senator from Illinois [Mr. LOGAN]. My colleague [Mr. ANTHONY] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were here, he would vote "nay."

The result was announced—yeas 27, nays 30; as follows:

YEAS—27.

Bayard,	Coke,	Hampton,	Pugh,
Beck,	Colquitt,	Jackson,	Slater,
Blair,	Fair,	Jonas,	Vance,
Brown,	Farley,	Jones of Florida,	Vest,
Butler,	Garland,	Maxey,	Walker,
Call,	George,	Morgan,	Williams.
Cockrell,	Groome,	Pendleton,	

NAYS—30.

Aldrich,	Edmunds,	Lapham,	Pike,
Allison,	Frye,	McMillan,	Platt,
Bowen,	Hale,	Manderson,	Sawyer,
Cameron of Wis.	Harrison,	Miller of Cal.,	Sherman,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Van Wyck,
Conger,	Hill,	Mitchell,	Wilson.
Dawes,	Ingalls,	Morrill,	
Dolph,	Jones of Nevada,	Palmer,	

ABSENT—19.

Anthony,	Harris,	McPherson,	Sabin,
Camden,	Hoar,	Mahone,	Saulsbury,
Cullom,	Kenna,	Plumb,	Sewell,
Gibson,	Lamar,	Ransom,	Voorhees.
Gorman,	Logan,	Riddleberger,	

So the amendment to the amendment was rejected.

Mr. WILLIAMS. In section 6, line 2, after the word "repealed," I move to strike out the words:

So far as the same relates to this act or to pensioners under this act.

So as to make the section read:

SEC. 6. That section 4716 of the Revised Statutes is hereby repealed.

I move this amendment to make it in harmony with the other amendments that have been made. Section 4716 of the Revised Statutes forbids the paying of pensions to persons——

Mr. INGALLS. I do not object to debate if it is to be general.

Mr. WILLIAMS. No; I do not make it general. I simply want to state my views. [Laughter.]

Mr. INGALLS. That is all anybody else wants to do.

The PRESIDENT *pro tempore*. The Senate will please be in order. The Senator from Kentucky is entitled to the floor, and must not be interrupted without his consent.

Mr. WILLIAMS. There are several hundred meritorious men who were wounded and disabled in the Mexican war, who were on the pension-rolls drawing pensions, but by that section of the Revised Statutes they were stricken from the rolls. Many of them have since been endeavoring to get back upon the pension-rolls. Now we are putting soldiers of the Mexican war on the pension-rolls; and why should we keep the wounded ones off? They were not engaged in the late war, but they lived unfortunately in Southern States. It seems to me that in harmony with the whole tenor of the amendments they ought to be put on the roll. I do not see any necessity in the world for keeping the wounded men off and letting the well men on.

Mr. INGALLS. I ask that section 4716 of the Revised Statutes may be read at the Secretary's desk.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the section of the Revised Statutes be read. It will be read if there be no objection.

The Chief Clerk read as follows:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Mr. WILLIAMS. Nobody wants that to stand.

The PRESIDENT *pro tempore*. In the confusion the Chair omitted to notice that this amendment, which had been acted upon as in Committee of the Whole, was rejected, which left the language to stand as part of the text. The present question is on concurring in the amendments that were made as in Committee of the Whole. The amendment of the Senator from Kentucky therefore is not at this moment in order. The Chair will first put the question on concurring in the amendments that were made as in Committee of the Whole, after which the amendment of the Senator from Kentucky will be in order.

Mr. WILLIAMS. I do not understand the Chair.

The PRESIDENT *pro tempore*. The Chair states that the amendment of the Senator from Kentucky is proposed to the text of the bill. An amendment of a similar character was proposed as in Committee of the Whole and rejected, which left the text to stand. Other amendments were made as in Committee of the Whole which have not yet been disposed of, and those amendments must be disposed of before the amendment of the Senator from Kentucky will be in order.

Mr. WILLIAMS. After they are disposed of it will be in order for me to move the amendment?

The PRESIDENT *pro tempore*. Then it will be in order.

Mr. BUTLER. I have a similar amendment to offer, and so I shall withhold it also.

Mr. BLAIR. I move to amend the bill in section 8 by inserting, after the word "rebellion," in line 6, the words:

And every person who rendered like service in the Mexican war, who did not incur disability while in any manner voluntarily engaged in aiding or abetting the late rebellion against the authority of the United States.

So as to read:

SEC. 8. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and every person who rendered like service in the Mexican war who did not incur disability while in any manner voluntarily engaged in aiding or abetting the late rebellion against the authority of the United States, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent on his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Hampshire to an amendment made as in Committee of the Whole.

Mr. HARRISON. I should like to ask the Senator from New Hampshire if he does not know that he is either introducing here a double

pension or is throwing the bill into inextricable confusion. The first section——

Mr. INGALLS. I object to debate.

Mr. BLAIR. I suppose I shall be allowed to answer the question.

Mr. HARRISON. I had not yet stated my point.

The PRESIDENT *pro tempore*. Debate is in order. It is only the understanding of Senators that prevents it, and that is by unanimous consent.

Mr. BLAIR. I propose to say what it is necessary to say in reply to the misapprehension of the Senator from Indiana. This section applies only to those who are disabled, and this language taken in connection with the rest of the section is not open to the criticism of the Senator from Indiana.

Mr. HARRISON. So do the first sections apply only to the disabled—— ["Question!" "Question!"]

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

The roll-call having been concluded, the result was announced—yeas 26, nays 27; as follows:

YEAS—26.

Bayard,	Coke,	Hampton,	Slater,
Beck,	Colquitt,	Jackson,	Vance,
Blair,	Fair,	Jonas,	Vest,
Brown,	Farley,	Jones of Florida,	Walker,
Butler,	Garland,	Maxey,	Williams.
Call,	George,	Morgan,	
Cockrell,	Groome,	Pugh,	

NAYS—27.

Allison,	Edmunds,	Jones of Nevada,	Palmer,
Bowen,	Frye,	Lapham,	Pike,
Cameron of Pa.,	Hale,	McMillan,	Platt,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Conger,	Hawley,	Miller of N. Y.,	Sherman,
Dawes,	Hill,	Mitchell,	Wilson.
Dolph,	Ingalls,	Morrill,	

ABSENT—23.

Aldrich,	Harris,	Mahone,	Sabin,
Anthony,	Hoar,	Miller of Cal.,	Saulsbury,
Camden,	Kenna,	Pendleton,	Sewell,
Cullom,	Lamar,	Plumb,	Van Wyck,
Gibson,	Logan,	Ransom,	Voorhees.
Gorman,	McPherson,	Riddleberger,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. If there be no objection, the question will be taken on the amendments in gross.

The amendments were concurred in.

Mr. WILLIAMS. In section 6, line 2, I move to strike out after the word "repealed" the words "so far as the same relates to this act or to pensioners under this act;" so as to make the section read:

SEC. 6. That section 4716 of the Revised Statutes is hereby repealed.

We have now put all the well men on the roll and I do not see why we should not allow the wounded ones to come back. That is all I have to say.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment of the Senator from Kentucky?

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MITCHELL. What is the amendment?

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky is to strike out from section 6 all the words therein after the word "repealed," in line 2, the words being, "so far as the same relates to this act or to pensioners under this act."

Mr. CONGER. Let the section be read that it is proposed to repeal entirely.

The PRESIDENT *pro tempore*. If there be no objection, it will be read.

The Chief Clerk read as follows:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

The PRESIDENT *pro tempore*. The roll will be called on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

The roll-call was concluded.

Mr. VANCE. I wish to announce that my colleague [Mr. RANSOM] is paired with the Senator from Kansas [Mr. PLUMB]. If my colleague were present, he would vote "yea."

Mr. CAMERON, of Wisconsin. The Senator from Illinois [Mr. LOGAN] is paired with the Senator from Maryland [Mr. GORMAN].

Mr. CAMERON, of Pennsylvania. The Senator from Illinois [Mr. CULLOM] requested me to state that he is paired with the Senator from West Virginia [Mr. KENNA].

The result was announced—yeas 28, nays 29; as follows:

YEAS—28.

Bayard,	Fair,	Jonas,	Saulsbury,
Beck,	Farley,	Jones of Florida,	Slater,
Brown,	Garland,	Lamar,	Vance,
Butler,	George,	Maxey,	Van Wyck,
Call,	Groome,	Morgan,	Vest,
Coke,	Hampton,	Pendleton,	Walker,
Colquitt,	Jackson,	Pugh,	Williams.

NAYS—29.

Aldrich,	Dolph,	Jones of Nevada,	Pike,
Allison,	Edmunds,	Lapham,	Platt,
Blair,	Frye,	McMillan,	Sawyer,
Bowen,	Hale,	Manderson,	Sherman,
Cameron of Pa.,	Harrison,	Miller of Cal.,	Wilson.
Cameron of Wis.,	Hawley,	Miller of N. Y.,	
Conger,	Hill,	Mitchell,	
Dawes,	Ingalls,	Morrill,	

ABSENT—19.

Anthony,	Gorman,	McPherson,	Riddleberger,
Camden,	Harris,	Mahone,	Sabin,
Cockrell,	Hoar,	Palmer,	Sewell,
Cullom,	Kenna,	Plumb,	Voorhees.
Gibson,	Logan,	Ransom,	

So the amendment was rejected.

Mr. BUTLER. In section 1, line 28, after the word "dependency," I move to strike out the words:

Equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension.

And to insert in lieu thereof—

Whether incurred in the line of duty or not.

So as to make the proviso read:

That every such officer, enlisted man, or widow who is or may become 62 years of age, or who is or may become subject to any disability or dependency, whether incurred in the line of duty or not, shall be entitled to the benefits of this act, &c.

Mr. MITCHELL. I suggest——

Mr. ALLISON. No debate is in order.

Mr. BUTLER. I understand that the object of the friends of this amendment is to put the soldiers of the Mexican and Union wars on the same footing in this regard, and this amendment appears to do it.

The PRESIDENT *pro tempore*. The Chair is obliged to hold that the amendment of the Senator from South Carolina is not in order. The part of the bill to which his amendment refers has already been agreed to as an amendment. It is not a part of the text of the bill. The amendments made as in Committee of the Whole have been concurred in.

Mr. BUTLER. I withheld my amendment at the suggestion of the Senator from Tennessee [Mr. HARRIS], who told me, as I understood him, that it would be in order to offer it at this time.

Mr. HARRIS. The Senator from South Carolina misunderstood the Senator from Tennessee. I said to the Senator from South Carolina that if he desired to amend the text of the bill it would not be in order until the amendments made as in Committee of the Whole had been concurred in, but if he desired to amend an amendment made as in Committee of the Whole it must be done then. I suggest to the Senator that he may now move to reconsider the vote by which that particular amendment was concurred in, and his amendment would then become in order, if the Senate should consent to reconsider.

Mr. BUTLER. I make that motion.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves to reconsider the vote by which the amendment made as in Committee of the Whole on page 2, beginning with the word "provided," in line 25, to the end of the first section, was concurred in. That will open the amendment, if agreed to, to amendment.

The motion to reconsider was not agreed to, there being on a division—ayes 24, noes 25.

The PRESIDENT *pro tempore*. The bill is still open to amendment. If no further amendment be proposed the question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. HAWLEY. I wish to make an inquiry. I endeavored to get the information without making the inquiry publicly. I wish to know authentically from somebody how much this bill is going to add to the annual expenditures of the Government? I made my private inquiry and received estimates varying from $12,000,000 to $50,000,000 from leading men of the Senate, supposed to be familiar with the subject. Will somebody give me a more definite answer?

Mr. JACKSON. We have had that matter under consideration for nearly two months in committee, and have been unable to determine. It may take $10,000,000 or $50,000,000 or $100,000,000.

Mr. HAWLEY. Then the bill ought to be postponed for a day, until we may have an estimate more satisfactory than that. I suggest that to the gentlemen who have the bill in charge. I know I am making something in the nature of an argument, but I take the responsibility. We must do it. The bill ought not to be put to a vote with this tremendous uncertainty upon it.

Mr. MITCHELL. Perhaps after what has occurred I ought to say

that an estimate has been made upon the bill substantially as it stands by the Commissioner of Pensions, and that his estimate for the amendments which have been attached to the Mexican pension bill falls under $12,500,000 annual increase. All the amendments made to the bill in addition to the measure as it came from the House fall below $12,500,000.

Mr. SLATER. I desire to add to what has been said by the chairman of the Pension Committee that the Commissioner of Pensions also says in relation to a large class of cases, those included under the new provisions of the bill, all those who are to be pensioned for disability not incurred in the line of service, but occurring since that service in any form or manner that may happen, so that it is not traceable to their own improper actions, no estimate can be made, and he will make none.

The PRESIDENT *pro tempore*. The question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. MORGAN. Yesterday I made a motion to postpone the further consideration of the bill until the Tuesday after the first Monday in December at 2 o'clock. Finding that I am likely to get one more vote in support of it, I renew that motion. I move to postpone the further consideration of the bill until the Tuesday after the first Monday in December at 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the further consideration of the bill be postponed until Tuesday following the first Monday in December next at 2 o'clock in the afternoon. The question is on agreeing to the motion.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GROOME (when Mr. GORMAN'S name was called). My colleague [Mr. GORMAN] is paired with the Senator from Illinois [Mr. LOGAN]. While upon the floor I will also announce that the Senator from Illinois [Mr. CULLOM] is paired with the Senator from West Virginia [Mr. KENNA].

Mr. HARRIS (when his name was called). If I were not paired with the Senator from Massachusetts [Mr. HOAR] I should vote "yea."

Mr. SEWELL (when his name was called). I was paired with my colleague [Mr. MCPHERSON], who is temporarily absent. I have transferred that pair to the Senator from Indiana [Mr. VOORHEES].

The roll-call having been concluded, the result was announced—yeas 26, nays 34; as follows:

YEAS—26.

Bayard,	Colquitt,	Jonas,	Slater,
Beck,	Fair,	Jones of Florida,	Vance,
Brown,	Farley,	Maxey,	Vest,
Butler,	Garland,	Morgan,	Walker,
Call,	Groome,	Pendleton,	Williams.
Cockrell,	Hampton,	Pugh,	
Coke,	Jackson,	Saulsbury,	

NAYS—34.

Aldrich,	Frye,	McMillan,	Platt,
Allison,	George,	Mahone,	Riddleberger,
Blair,	Hale,	Manderson,	Sawyer,
Bowen,	Harrison,	Miller of Cal.,	Sewell,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Sherman,
Cameron of Wis.,	Hill,	Mitchell,	Van Wyck,
Conger,	Ingalls,	Morrill,	Wilson.
Dawes,	Jones of Nevada,	Palmer,	
Dolph,	Lapham,	Pike,	

ABSENT—16.

Anthony,	Gibson,	Kenna,	Plumb,
Camden,	Gorman,	Lamar,	Ransom,
Cullom,	Harris,	Logan,	Sabin,
Edmunds,	Hoar,	McPherson,	Voorhees.

So the motion to postpone was not agreed to.

Mr. CAMERON, of Pennsylvania. I offer the following amendment to come in as an additional section:

That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, have lost an arm or a leg, shall be entitled to a pension of $40 per month; and those who, in line of duty, have lost a hand or a foot shall be entitled to a pension of $30 per month; and if they have received a wound or wounds or other disability in addition thereto, then $50 per month; and all persons who have a leg amputated at the hip-joint, and all persons who have lost an arm at the shoulder-joint, shall be entitled to $50 per month; and all persons who have lost an arm and a leg shall be entitled to $72 per month.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. HARRIS. I am paired with the Senator from Massachusetts [Mr. HOAR].

The result was announced—yeas 3, nays 44; as follows:

YEAS—3.

Cameron of Pa.,	Farley,	Van Wyck.

NAYS—44.

Allison,	Cameron of Wis.,	Frye,	Hill,
Bayard,	Coke,	Garland,	Ingalls,
Beck,	Conger,	Hale,	Jackson,
Blair,	Dawes,	Hampton,	Jonas,
Brown,	Dolph,	Harrison,	Jones of Florida,
Butler	Fair,	Hawley,	Jones of Nevada,
Lapham,	Mitchell,	Pugh,	Vance,
Manderson,	Morrill,	Saulsbury,	Vest,
Maxey,	Palmer,	Sawyer,	Williams,
Miller of N. Y.,	Pendleton,	Sherman,	Walker,
Miller of Cal.,	Pike,	Slater,	Wilson.

ABSENT—29.

Aldrich,	Edmunds,	Lamar,	Ransom,
Anthony,	George,	Logan,	Riddleberger,
Bowen,	Gibson,	McMillan,	Sabin,
Call,	Gorman,	McPherson,	Sewell,
Camden,	Groome,	Mahone,	Voorhees.
Cockrell,	Harris,	Morgan,	
Colquitt,	Hoar,	Platt,	
Cullom,	Kenna,	Plumb,	

So the amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. WILLIAMS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If I were not so paired, I should vote "nay."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. CAMDEN]. My colleague, if here, would vote "yea."

The roll-call was concluded.

Mr. ALDRICH (after having voted in the affirmative). On this question I am paired with the Senator from Maryland [Mr. GORMAN]. I therefore withdraw my vote.

Mr. JONAS. I announce that my colleague [Mr. GIBSON] is paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. SEWELL. I announce a pair between the Senator from Indiana [Mr. VOORHEES] in favor of this bill and my colleague [Mr. MCPHERSON] against it.

Mr. LOGAN. I desire to announce that my colleague [Mr. CULLOM] is paired with the Senator from West Virginia [Mr. KENNA].

The result was announced—yeas 37, nays 27; as follows:

YEAS—37.

Allison,	George,	Mahone,	Ransom,
Blair,	Hale,	Manderson,	Riddleberger,
Bowen,	Harrison,	Miller of Cal.,	Sawyer,
Butler,	Hill,	Miller of N. Y.,	Sewell,
Cameron of Pa.,	Ingalls,	Mitchell,	Sherman,
Cameron of Wis.,	Jones of Nevada,	Morrill,	Van Wyck,
Conger,	Lamar,	Palmer,	Wilson.
Dawes,	Lapham,	Pike,	
Dolph,	Logan,	Platt,	
Frye,	McMillan,	Plumb,	

NAYS—27.

Bayard,	Edmunds,	Jackson,	Saulsbury,
Beck,	Fair,	Jonas,	Slater,
Brown,	Farley,	Jones of Florida,	Vance,
Call,	Garland,	Maxey,	Vest,
Cockrell,	Groome,	Morgan,	Walker,
Coke,	Hampton,	Pendleton,	Williams.
Colquitt,	Hawley,	Pugh,	

ABSENT—12.

Aldrich,	Cullom,	Harris,	McPherson,
Anthony,	Gibson,	Hoar,	Sabin,
Camden,	Gorman,	Kenna,	Voorhees.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1727) to grant letter-carriers at free-delivery offices fifteen days' leave of absence in each year.

The message further announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALFRED M. SCALES of North Carolina, Mr. W. F. ROGERS of New York, and Mr. A. HERR SMITH of Pennsylvania managers at the conference on the part of the House.

HOUSE BILL REFERRED.

The bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the action of the House of Representatives on the report of the committee of conference upon the bill (H. R. 6656) making appropriations to pro-

vide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes. The action of the House of Representatives on the report of the conferees will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 24, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

Mr. PLUMB. I present the report of the committee of conference.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 30, 39, 45, 46, 47, 48, 49, 60, 61, 62, 63, 69, 70.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 44, 50, 52, 53, 54, 56, 57, 58, 59, 65, 66, 67, and 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$263,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$468,000;" and the Senate agree to the same."

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$25,000;" and the Senate agree to the same."

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$128,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$337,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 2 of the matter proposed to be inserted by said amendment strike out the word "private" and in lieu thereof insert the word "fireman;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That the act entitled 'An act to protect Holmead Cemetery, in the District of Columbia,' approved March 3, 1879, be amended by adding the word 'and convey' after the word 'sell;' so as to make it read, 'sell and convey any part or the whole of said square;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"And when special assessments have been reduced on revision as required by law drawback certificates, receivable for all arrears of general taxes due and unpaid June 30, 1882, shall be issued to the holders of outstanding lien certificates for the interest accrued on the amount of such reduction up to the date of the passage of this act."

And the Senate agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

JOHN F. FOLLETT,
WALDO HUTCHINS,
Managers on the part of the House.

Mr. PLUMB. I move the adoption of the report.

Mr. MORGAN. I should like to hear that report explained. I confess I do not understand anything about it. From the reading at the desk I can not get any idea of what changes are made in the bill.

Mr. PLUMB. The Senator was present when the bill was discussed in the Senate.

Mr. MORGAN. I was.

Mr. PLUMB. I can say to him that one of the chief points of disagreement was in regard to the amount to be appropriated for suburban streets, where the amount was increased in the Senate by $10,000, making the total $30,000, and that amount is divided, so as to be $25,000.

The amendment in regard to the opening of streets, about which the Senator had something to say at the time the bill was under consideration in the Senate, is stricken out.

The amount for the improvement of streets which the Senate added, $46,000, is diminished by one-half; that is to say, the amount finally added is one-half the amount added by the Senate.

On the item in regard to the sinking fund for the water-works, inserted by the House and stricken out by the Senate, the Senate recede, leaving the amount as fixed by the House. The amount added to the bill by the Senate for the purpose of improving the grounds around the school-houses is receded from by the Senate.

Those are the special points of disagreement about which the concurrence is as I have stated.

Mr. MORGAN. I ask the Senator whether there are any new provisions inserted in this bill by the conference committee that were not passed upon by the Senate?

Mr. PLUMB. The only provision that was not passed upon by the Senate that I recall now was an item which the Senate had stricken out in regard to the adjustment of the taxes, the amount to be paid by the District of Columbia and the United States respectively, and an item in regard to the drawback certificates in connection with such issues. The House proposed an amendment to that which was read at the desk and which the Senate has acceded to. With that exception I do not recall any item which was not directly passed upon.

Mr. ALDRICH. The last clause of the report I should like to have read again.

Mr. PLATT. I was about to ask the same thing.

The PRESIDING OFFICER. The last clause will be read again.

The Chief Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"And when special assessments have been reduced on revision, as required by law, drawback certificates, receivable for all arrears of general taxes due and unpaid June 30, 1882, shall be issued to the holders of outstanding lien certificates for the interest accrued on the amount of such reduction up to the date of the passage of this act."

Mr. ALDRICH. Now, I should like to have amendment numbered 71 reported.

The CHIEF CLERK. In line 12 of section 2, after the word "year," the Senate struck out the following words:

As required by the third section of the act approved June 27, 1879, entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia and for a revision of assessments for special improvements, and for other purposes."

So as to make the section read:

SEC. 2. That said commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during the fiscal year 1885 than they make on the appropriations arising from the revenues of said District, including one-half of all general taxes paid in drawback certificates during said fiscal year.

Mr. ALDRICH. The Senate, as I understand this question, struck out of the House bill a proviso in regard to the amount of taxes to be charged by the Treasury officials to the District of Columbia, and the conferees undertook to insert in place of that a proviso that went out in the Senate upon a point of order that it was new legislation upon an appropriation bill, a subject of an entirely different nature, and an amendment which in itself is a very dangerous one, it seems to me, and one involving a very large amount of money. I do not know what the Chair would decide upon a question of order, but it seems to me very singular that an amendment which would not be in order under the rules of the Senate, and was declared not to be in order under the rules of the Senate, can be reported and made in order by a report of a conference committee.

I should like to ask the parliamentary question whether it is in order for a conference committee to insert a provision of general legislation upon an appropriation bill which would not be in order as an amendment in the Senate?

Mr. PLUMB. I will say in regard to that in the first place that I do not think it is the same provision, although I would yield——

Mr. ALDRICH. It is the same in substance and, I think, has the same effect.

Mr. PLUMB. I will not undertake to differ with the Senator on that, though I do not think it is the same in substance. Still the clause was insisted on by the House conferees. I have no particular choice about it.

Mr. SHERMAN. I think this report had better be printed, together with the last clause that has already been read, so that we shall have a chance to look at it. It is very dangerous to allow a committee of conference to introduce the slightest thing into a conference report that has not been acted on by one or other of the two Houses. It is against the first rule of parliamentary law, the highest rule of parliamentary law, because if the conferees may take the liberty of doing it in any case whatever, I do not care how stringent the circumstances may be, it is a departure from established policy. I remember once when a very distinguished Senator felt himself very much reproved because a conference report was rejected merely on account of some new matter having been introduced. In every case where new matter is introduced it ought to be rejected at once, because if that can be done in any case—I do not speak of the mere phraseology of the amendments between the two Houses—as for instance where the amount is $100,000 in one House and $200,000 in the other, and they make it $100,000.50; but if they introduced new legislation, new items, it seems to me it ought to put an end to the report, or at least it ought to be recommitted. I think, therefore, this report had better be printed and let us look at it in the morning. It may be all right.

Mr. PLUMB. The question as to what is germane and what is within the jurisdiction of a conference committee is a question that is very broad. It is one that arises in every conference. Taking what has been done—I do not say anything about the rules, but taking what has been done—I have not the slightest doubt that this was perfectly within the jurisdiction of the committee of conference, and it was pro-

per for them to insert it if it was proper to be in the bill at all. On that, of course, no one could wish more fully than I to have the instruction of the Senate. It is a question that will be of great importance in reference to what is to occur in the concluding days of this session, because there are numbers of bills now in conference and to go into conference on which legislative provisions have been inserted which will have been amended by the Senate in whole or in part, and which will become the subject of adjustment in conference.

Now, the narrower the rule which the Senate shall establish the less responsibility upon the conferees, and it is a responsibility as far as I am concerned that I shall be willing to have the Senate take rather than accept it myself. Therefore, as I have nothing myself to offer in regard to the point of order, not being posted on such questions, I shall say nothing except simply that I hope the Senate, whatever they may do about this jurisdictional rule, will so act as to lay down a principle governing committees of conference generally upon bills to be considered during this session.

The PRESIDENT *pro tempore*. The Senator from Ohio, as the Chair understands, moves that the further consideration of this report be postponed until to-morrow, and that the report be printed.

Mr. SHERMAN. That the report be printed, with the disputed clause.

The PRESIDENT *pro tempore*. Together with the clause at the end of the bill on which a question has been raised.

Mr. PLUMB. Printing the report will print the last clause with all the other clauses, and inasmuch as this is to go over, let the entire report be printed.

Mr. MORGAN. And the entire bill.

Mr. SHERMAN. Oh, no; it is hardly worth while to print the whole bill. That might create delay. We have the whole controversy presented in the report.

Mr. PLUMB. I think it will not add considerably to the expense to have the bill reprinted. It is in type yet, I think, and it is in type in such a way that a very slight typographical change will enable the printer to print it in accordance with the report of the conference committee, and I think it would be a very instructive part of the report.

Mr. PLATT. Then the amendments ought to be numbered as they are in the conference report.

Mr. PLUMB. That will be part of the printer's work.

The PRESIDENT *pro tempore*. If there be no objection the bill and Senate amendments and the report of the committee of conference will be printed and the matter will be postponed until to-morrow, all questions of order being reserved. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills and joint resolutions:

A bill (H. R. 1076) granting a pension to Miles B. Farlin;

A bill (H. R. 2346) for the relief of Sarah A. Redmond;

A bill (H. R. 2400) for the relief of Judith Lauter;

A bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States so as to allow the chairman of a subcommittee of a committee of either House of Congress to administer oaths;

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia;

A bill (H. R. 4678) to remove the political disabilities of Henry Newman;

A bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick;

A bill (H. R. 4981) granting a pension to Isabella J. Ramsdell;

A bill (H. R. 5458) to remove the disabilities of Robert D. Thurborn, of Virginia;

Joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology;

Joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey; and

Joint resolution (H. Res. 264) to amend a resolution approved August 7, 1882, providing for the publication of report of Public Land Commissioner.

AMENDMENTS TO SUNDRY CIVIL BILL.

Amendments were submitted by Mr. SEWELL, Mr. RIDDLEBERGER, Mr. SAWYER, Mr. BOWEN, Mr. BLAIR, Mr. FARLEY, Mr. VANCE, Mr. HAWLEY, Mr. MANDERSON (for Mr. CULLOM), Mr. PIKE, Mr. PLATT, Mr. MAHONE, and Mr. GARLAND, intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN, from the Committee on the Library, submitted an amendment intended to be proposed to the sundry civil appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. CALL, Mr. VANCE, and Mr. LAPHAM submitted amendments intended to be proposed to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, submitted an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILL INTRODUCED.

Mr. ALDRICH introduced a bill (S. 2341) donating condemned cannon to Tower Post, No. 17, Grand Army of the Republic, Pawtucket, R. I.; which was read twice by its title, and referred to the Committee on Military Affairs.

AGRICULTURAL REPORT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the action of the House of Representatives upon the amendments of the Senate to the joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884. The action of the House of Representatives will be read.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 24, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. ALFRED M. SCALES of North Carolina, Mr. WILLIAM F. ROGERS of New York, and Mr. A. HERR SMITH of Pennsylvania be managers of said conference on the part of the House.

Mr. HAWLEY. I move that the Senate insist on its amendments and agree to the conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HAWLEY, Mr. GORMAN, and Mr. CONGER were appointed.

RAILROAD IN THE INDIAN TERRITORY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 3961) granting to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes. The action of the House of Representatives on the Senate amendments will be read.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 24, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

Ordered, That Mr. OLIN WELLBORN of Texas, Mr. RICE A. PIERCE of Tennessee, and Mr. BISHOP W. PERKINS of Kansas be the managers of the conference on the part of the House.

Mr. COKE. I move that the Senate insist on its amendments to the bill and agree to the conference asked by the House on the disagreeing votes thereon.

The motion was agreed to; and the President *pro tempore* being by unanimous consent authorized to appoint the conferees on the part of the Senate, Mr. BROWN, Mr. SAWYER, and Mr. HAWLEY were appointed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move now that the Senate proceed to the consideration of the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to.

ADDITIONAL TERRITORIAL JUDGES.

Mr. MCMILLAN. I ask the Senator from Iowa to yield to me to have passed a House bill on the Calendar of public importance, to which I think there will be no objection. It is House bill 1682, being Order of Business 630.

Mr. ALLISON. I ask the Senator to postpone that for a little time. I will yield to him later, unless there is some special reason why he wants it now.

Mr. MCMILLAN. It will be necessary for me to leave the Senate presently to be in a committee-room.

Mr. ALLISON. Very well; I yield to the Senator, if it takes no time.

Mr. HARRIS. Let the title be read for information.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the pending order be laid aside informally for the consideration of the bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with amendments. The first amendment was, in section 8, line 3, after the word "determine," to strike out "any matter or cause in which the United States is a party and all causes or matters in admiralty" and insert in lieu thereof:

All matters and causes that the court of any district in said Territory now possesses.

The amendment was agreed to.

The next amendment was to add, as a new section:

SEC. 9. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not been passed.

The amendment was agreed to.

Mr. GARLAND. I am instructed by the Committee on the Judiciary, in reference to the Territory of Washington, to report for one more judge there. I send the amendment to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert, after section 8, as new sections, the following:

SEC. 9. That hereafter the supreme court of the Territory of Washington shall consist of a chief-justice and three associate justices, any three of whom shall constitute a quorum, but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as judge of a district court.

SEC. 10. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

SEC. 11. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court thereof at such time and place as may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 12. That until changed by the Legislative Assembly of said Territory, the first district of said Territory shall consist of the counties of Walla Walla, Columbia, Garfield, Assotin, Franklin, Adams, Whitman, and Spokane; the second, of the counties of Pierce, Thurston, Mason, Chehalis, Lewis, Pacific, Wahkiakum, Cowlitz, and Clarke; the third, of the counties of King, Kitsap, Jefferson, Clallam, Island, San Juan, Whatcom, Skagit, and Snohomish; and the fourth, of the counties of Skamania, Klikitat, Yakima, Kittitass, Douglas, Lincoln, and Stevens.

SEC. 13. That temporarily, and until otherwise ordered by law, the additional associate justices to be appointed under this act is hereby assigned to said fourth district thereof, and the time and place as now fixed by the statutes of said Territory for holding court therein shall remain until changed by law.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The numbering of the sections will be corrected to correspond, if there be no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read, "A bill providing for two associate justices of the supreme court of the Territory of Dakota, one additional justice of the supreme court of the Territory of Washington, and for other purposes."

WILLIAM W. DAY.

Mr. ALLISON. Now let us proceed with the regular order.

Mr. VAN WYCK. I ask the indulgence of the Senator from Iowa just a moment, and the unanimous consent of the Senate. A House pension bill was reported from the Committee on Pensions unanimously and was placed on the Calendar and reached in its order on the Calendar, when some suggestion was made by the Senator from Kansas as to its phraseology, which he supposed was a little indefinite. I called the attention of the Senator from Kansas to the phraseology, and he has examined it more particularly since then, and I think he will forego any objection on that account. Therefore as there was in the first place a dependent mother, and five years' delay in the Pension Office when a certificate was issued, but before it reached her she had gone to

> The undiscovered country from whose bourn
> No traveler returns.

Mr. ALLISON. If it leads to no discussion, my friend is so amiable that I must yield to him.

Mr. VAN WYCK. I want to save another tragedy. The old gentleman is near going in the same way, and I should like to have this bill passed.

Mr. HALE. Let it go through.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the pending order be laid aside informally and that the Senate now consider the bill (H. R. 4188) granting a pension to William W. Day. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. INGALLS. I think this bill went over perhaps on the suggestion from me when called up on a previous day, as stated by the Senator from Nebraska. My objection was not in any manner whatever to the bill so far as the beneficiary is concerned, but it appeared to me, and upon reading the bill now it still seems to me, that Mr. Day will obtain arrears of pension not earned by him, not belonging to him, but on account of another claimant whom he could not inherit from, back to the year 1863.

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William W. Day, father of Cornelius V. Day, late a private in Company D, One hundred and fifty-sixth Regiment New York Volunteers.

So far the bill is accurate and of course it ought to pass. Now, what follows:

And that there be paid to him, at the rate of $8 per month, commencing December 12, 1863, the amount allowed Abbie A. Day, mother of the said soldier—

Not the mother of the beneficiary but the mother of the soldier—

under pension certificate No. 198859.

I wish to do no injustice to the claimant, William W. Day, who was the father of Cornelius V. Day, but unless the language of the latter part of this act is ambiguous then Mr. William W. Day will draw a pension at the rate of $8 a month from 1863 for the entire amount allowed to Abbie A. Day, who, I understand, has recently died.

Mr. VAN WYCK. The mother of the deceased soldier. It is merely what was due her.

Mr. ALLISON. I trust the Senator from Nebraska will allow this to pass over now.

Mr. INGALLS. I hope the Senator from Iowa will allow me, because I do not wish to oppose the passage of the bill, to call the attention of the committee to see whether it ought not to be amended.

Mr. ALLISON. Now, let these two Senators arrange that, and call up the bill to-morrow.

Mr. INGALLS. I withdraw all objection to the bill. I will not stand in the way of the passage of the bill.

Mr. BECK. Is this proceeding by unanimous consent?

The PRESIDENT *pro tempore*. Proceeding by unanimous consent, subject to a call for the regular order.

Mr BECK. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The appropriation bill is before the Senate.

CHESAPEAKE AND OHIO RAILWAY.

Mr. RIDDLEBERGER. I ask unanimous consent to take up Order of Business 745, and I will promise the Senate in advance that what I state shall be strictly adhered to, there shall be no discussion. If there is a bare suggestion of it I will withdraw the motion. It is a bill to allow the Chesapeake and Ohio Railroad Company to extend its lines up to Old Point Comfort, a bill that has passed the House, has the unanimous recommendation of the Military Committee of the Senate, and I simply ask the time in which the Chair can put the motion on the third reading and passage of the bill.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent that the pending order be informally laid aside, and that the Senate now consider Order of Business 745, being the bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Virginia.

Mr. INGALLS. I think that is unjust to the Senator from Nebraska.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. If there is anything to be done I think the bill of the Senator from Nebraska——

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. RIDDLEBERGER. Mr. President, allow me to withdraw the request.

The PRESIDENT *pro tempore*. The appropriation bill is before the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. ALLISON. I ask that the first reading of the appropriation bill be dispensed with, and the bill be read by paragraphs for amendment, and the amendments reported by the Committee on Appropriations be considered as they are reached in the reading of the bill; and I would call the attention of Senators to report No. 760, which contains a detailed statement of the amendments and recommendations of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that this bill be read by paragraphs and sections for amendment and that the amendments of the Committee on Appropria-

tions be considered as they are reached. Is there objection? The Chair hears none.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "Senate," in line 15, to increase the appropriation "for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate" from $258,742.10 to $266,884.60.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the clause making appropriations for the office of "keeper of stationery," before the word "laborers," in line 36, to strike out "three" and insert "four," so as to read:

Four laborers, at $720 each.

The amendment was agreed to.

The next amendment was, in the appropriations for clerks to committees, in line 64, after "public lands," to insert: "clerk to the Committee on Indian Affairs."

The amendment was agreed to.

The next amendment was, in line 76, to increase the appropriation for the compensation of the "telegraph operator" from $900 to $1,200.

The amendment was agreed to.

The next amendment was, in line 81, after the word "dollars," to strike out "acting assistant doorkeeper" and insert "assistant sergeant-at-arms;" so as to read

Assistant sergeant-at-arms, $2,592.

The amendment was agreed to.

The next amendment was, after line 84, to insert:

For one upholsterer and locksmith, $1,440.

Mr. MORGAN. I wish to inquire whether by changing the title or function of the acting assistant doorkeeper to assistant sergeant-at-arms we change the method of appointment in any way? Does a resolution of the Senate authorize the Sergeant-at-Arms to appoint an assistant?

Mr. ALLISON. I have not examined that particular question.

Mr. MORGAN. I have doubt as to whether the existing resolution of the Senate authorizes the Sergeant-at-Arms to appoint an assistant sergeant-at-arms. I call attention to it now.

Mr. ALLISON. I will have that question looked into.

The PRESIDENT *pro tempore*. The question is on the amendment to insert lines 85 and 86.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 93, after the word "document-room," to insert "(Amzi Smith)"; and in line 94, after the word "thousand," to strike out "one hundred and sixty" and insert "four hundred;" so as to read:

For superintendent of the document-room (Amzi Smith), $2,400.

Mr. INGALLS. I notice that the name of the present incumbent of the position of superintendent of the document-room is inserted as an amendment after "room," in line 93. I assume that the object and purposes of the amendment are to secure the retention of that efficient and accomplished servant of the Senate in the place which he has so long occupied to the entire satisfaction I believe of all who have had occasion to know his services. But I would suggest whether it is not an innovation that may possibly have serious and perhaps complicated results hereafter. Suppose for instance that during the recess of the Senate some disqualifying accident should occur to the gentleman named, so that he should become incompetent to discharge the duties of the office; suppose that death should overtake him; would not the fact that the payment of this salary is to be made to this gentleman by name prevent the substitution of an officer in such way as to carry on the duties of that place and to complete the service of the Senate?

The Senator from Iowa will, of course, appreciate the fact that I make this allusion with entire kindness to the incumbent of the office; but this is an innovation; it is one that it seems to me is a very dangerous one. I should regret to see the Senate enter upon a course of legislation that would assume, without protest, that it was wise or sagacious policy to place in these various subordinate positions, for which we hold one officer responsible, men by name who are beyond the reach of discipline and for whom substitution can not be made.

I assume that the Committee on Appropriations had some information that has not yet been communicated to the Senate why it is advisable to take this course, and I do not rise to object to the amendment but to say in this public manner on the first occasion that it is offered without any intimation of dissatisfaction with the officer named, and I am glad that it occurs with regard to an officer about whom no suspicion or surmise of discontent can even be assumed to exist, that I think the policy is a mistaken one, and I regret that it has been initiated.

Mr. ALLISON. This is not a usual provision, although there are quite a number in this bill, and in two or three instances before two or three names have been inserted in this way in appropriation bills. There was some apprehension, I think. I ought to say frankly to the Senate that Mr. Amzi Smith might be removed, and it was believed to be the wish and purpose of the Senate to retain him as long as he was able to discharge his duties.

I appreciate of course the criticism made by the Senator from Kansas that in case of the death of Mr. Smith during the vacation of the Senate there would not be a head of the document-room drawing a full salary. Of course the senior assistant, whoever he may be, would at once be in charge of that room, as Mr. Smith has two assistants.

Mr. BECK. I will add to what the Senator from Iowa has said that I had another reason for voting for this amendment in committee. I was not willing to increase the salary of the superintendent of the document-room and make it an exception so as to have an increase for all time to come. Even if Mr. Amzi Smith should die or anything should happen to him, he is such an exceptional officer that I desired to show that we were not making any general increase of the salary of that office, but that that man's services were so special, that without making an increase in the pay of the office for all time to come we could afford to give him an addition without making it a precedent that officer should always hereafter, no matter who filled the place, draw that pay. I do not think we have given him quite enough for his services. I would give him much more if I had my way.

Mr. INGALLS. I agree with the Senator from Kentucky. I do not think the value of the services of this official is properly appreciated. To any person familiar with the vast archives of this body, with the enormous amount of printed matter, extending back for more than half a century, with which some official must be absolutely familiar, so that if at any time we require a document ancient, forgotten, for the purpose of illustrating an argument or showing what has been done upon a subject now before the Senate in days gone by—I say the value of the services of a man who is familiar with that vast accumulation of material can not be overestimated, and I should be very glad indeed to see the compensation of the superintendent of the document-room raised to what would be a fair equivalent for the great service he is constantly able to render to this body.

I believe that the intimations which have been made in this debate would be sufficient to protect the incumbent in the enjoyment of that office. I think that I express the universal opinion of this body when I say that the incumbent is so supereminently qualified that it would be hazardous and dangerous to remove him. Therefore that obstacle which the Senator from Iowa has pointed out I believe is fanciful, and I still suggest the difficulty that arises if we are to go on in different appropriation bills placing different officers here in positions from which they can not be removed by the principal officer who is responsible to us for the administration of the service of the Senate.

Mr. HARRIS. Will the Senator from Kanses allow me to ask him if he thinks the salary of that particular office, independent of the present incumbent, ought to be increased to this or a larger amount?

Mr. INGALLS. I do.

Mr. HARRIS. I do not agree with the Senator in that.

Mr. INGALLS. I think any man competent to administer that office, any man who is able to accumulate the information about the documents and records and messages and papers that are on file in this Capitol, is worth more than the maximum named in this bill or the amendment.

Mr. HARRIS. Will the Senator allow me to put my question in a little different form, as perhaps he did not gather the exact idea on my mind? No Senator who has been here two years is ignorant of the fact of the exceptional efficiency of the particular incumbent of that office at this time; and while I would very willingly vote $2,400 or $3,400 or $4,400 as a salary to that officer because of his superior efficiency, I would not be willing to fix at such a rate the regular salary of this office if we are to get a new man less efficient than he and therefore less valuable. I am not willing to take the chances upon it and fix the salary. If I am not right in that, there is no other method by which we can compensate according to the actual value of exceptional services, such as we are receiving in that office to-day, except to name the man, and I am therefore in favor of the amendment as it stands.

Mr. INGALLS. There is force in what the Senator from Tennessee so forcibly says, but there are also other officers in that room who are entitled to the same meed of praise. There is one modest and unobtrusive man who has been familiar with the affairs of that room since 1861, whose salary is increased by this bill from $1,400 to $1,600; and I say to the Senator from Tennessee that in my judgment the only proper way to administer that office is to keep a force of men there continually in training, to retain them there by sufficient salaries, not extravagant but satisfactory, so that they shall be here consecutively one after the other as long as the office is to be administered. The best-trained man, the best scholar, the most competent man might be put into that room without previous experience, and he would be as helpless and worthless as a ten-year old child. The only thing we can properly do here is to not only keep the superintendent there so long as he can be retained, but to place with him a corps of assistants who shall also be amply remunerated and shall be retained there so long as their services are valuable.

Mr. DAWES. If the Senator from Tennessee will turn to the ninety-eighth page, line 2390, he will see a method by which he may carry

out the suggestions which he has made very properly in reference to the increase of salary while the present incumbent holds the office.

Mr. HARRIS. Will the Senator give me the page and line again?

Mr. DAWES. Page 98, line 2390:

And while the office is held by the present incumbent $500 additional.

That has been in the bill for several years. I do not myself see the force of the objection made by the Senator from Kansas to the naming of this person in the bill. If anything should happen to him by which he should vacate the office, if he should die or be unable to perform the duties, there would be a vacancy, which would be filled by appointment precisely as in any other case, and the salary would go to the incumbent.

Mr. INGALLS. Now I should like the Senator to pause there a moment and answer me, if he pleases, this: This item of appropriation being payable to Amzi Smith, in case Amzi Smith should die could it be paid to anybody else?

Mr. DAWES. I have no doubt that the fair meaning is to Amzi Smith while he holds that office.

Mr. INGALLS. But the Senator from Iowa says his apprehensions are that he is going to be removed and the intention is to keep him there.

Mr. DAWES. I do not think he could be removed by any officer of the Senate under this clause; but I do not doubt that he could be removed by some other power.

Mr. ALLISON. I do not wish to be misunderstood with reference to this officer. I did not say that I had an apprehension he would be removed, because on consultation with the Sergeant-at-Arms, who has the authority over this officer, he stated to me distinctly that it was not his purpose to remove him, but, on the contrary, that he intended to allow him to remain as long as he performed the duties.

Mr. DAWES. That was his statement to the committee.

Mr. ALLISON. That was his statement to the committee.

Mr. DAWES. While I have no doubt this fixes him in the office so long, as he desires to stay there during this year, if he desires to stay during the year and is able to stay, yet if he should die or if he should resign the office would be vacant, and the salary would go to the succeeding officer when the office was filled in the ordinary way. I do not see any objection except to this method of designating officers, and there is some force in that objection, but it is resorted to in regard to the other branch quite frequently in this bill, and it has been resorted to on several occasions before as to other officers. It seems to me it is a harmless provision and of great value in this instance.

Mr. PLATT. Mr. President, I am not particularly anxious about the form which this item of appropriation shall take in this bill, but I think the salary ought to be larger than has been reported, and I trust that the committee will raise no point of order, if one can be raised, on a motion to make the salary of the superintendent of the document-room a little larger. The Chief Clerk of the Senate receives $3,000; the financial clerk receives $3,000; the minute and journal clerk, $2,592; the principal executive clerk and the principal clerk, each $2,592; also the enrolling clerk, and also the assistant doorkeeper and acting assistant doorkeeper, each $2,592. Now, it seems to me that the duties of that office, whether performed by Mr. Smith or anybody else, are certainly equivalent to the duties of the officers of the Senate who are receiving $2,592, and I move to amend by striking out the words "four hundred," and inserting in lieu thereof "five hundred and ninety-two;" so that it will read "$2,592." I think that that would place the superintendent of the document-room on an equality with other officers of the Senate as to pay.

The PRESIDING OFFICER (Mr. WILSON in the chair). The question is on the amendment of the Senator from Connecticut [Mr. PLATT] to the amendment of the Committee on Appropriations.

Mr. ALLISON. The committee considered this very carefully, and thought the salary proposed was ample. Therefore I trust the amendment will not be adopted.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

Mr. INGALLS. I observe in glancing hastily over the bill that, as the Senator from Iowa advised me, there has been considerable of this kind of legislation inserted. I find on page 9:

And for the Journal Clerk (H. H. Smith).

Therefore Mr. H. H. Smith is placed in his position as an immovable functionary.

Mr. ALLISON. That is in the House.

Mr. INGALLS. Then, on page 12, "second assistant doorkeeper (George A. Bacon)," and on the next page "for one employé (John T. Chancey)," "one department messenger (C. W. Combs);" and then on page 15 comes "one chief Official Reporter (John J. McElhone)." I do not understand why if the House of Representatives are to enthrone their chief official reporter and place him beyond the reach of fate, the accomplished and efficient Official Reporter of this body should not be similarly located. It would be very gratifying to me.

Then in some of the other Departments, notably in the Post-Office Department, on page 98, it appears that Miss or Mrs. Jennie M. Hunt had so endeared herself to that Department or had become so indispensable to the Postmaster-General or some one of his assistants that she was placed in by name at a compensation of $1,000. But as that was along toward the close of the bill, the Committee on Appropriations evidently thought that these innovations were becoming thickly sown through it, and therefore they struck that out and made an invidious distinction against a woman, I believe the only one who is placed in position by name in the bill.

If this is to proceed, if in successive appropriation bills the favorites of departments and of bureaus are to be selected by name and placed in appropriation bills beyond the reach of anything except Congress, it appears to me that eventually we shall get our public service into rather a serious fix. I think it would be well to begin now and place our protest on this sort of legislation. I see the Senator from Pennsylvania is very solicitous to make some motion.

Mr. CAMERON, of Pennsylvania. I am.

Mr. INGALLS. I will yield to him for that purpose.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 24, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday, when,

On motion of Mr. WELLBORN, by unanimous consent, the reading of that portion of the Journal relating to the formal introduction and reference of bills and joint resolutions was omitted.

The remainder of the Journal was read and approved.

ARMY APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I move that the House insist upon its disagreement to the amendments of the Senate to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses on said bill.

The motion was agreed to.

The SPEAKER appointed Mr. FORNEY, Mr. TOWNSHEND, and Mr. KEIFER managers on the part of the House at said conference.

BUREAU OF LABOR STATISTICS.

Mr. FORAN. Mr. Speaker, I rise for the purpose of submitting a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In line 12 of said amendment, after the word "Interior," insert the words "upon the recommendation of said commissioner;" and the Senate agree to the same.

M. A. FORAN,
J. J. O'NEILL,
B. R. JAMES,
Managers on the part of the House.
NELSON W. ALDRICH,
HENRY W. BLAIR,
THOMAS F. BAYARD.
Managers on the part of the Senate.

The SPEAKER. The rules of the House require a written report to accompany each conference report, explaining the effect of the changes in the bill.

Mr. KEIFER. I think that might be dispensed with in this case, the gentleman himself stating the effect of the changes.

The SPEAKER. Without objection that course will be pursued.

There was no objection.

Mr. FORAN. The only statement to be submitted in connection with the report is what is shown by the report itself, that the House recedes from its disagreement to the amendment of the Senate with the change suggested by the House conferees; that is, that the commissoner of this bureau shall have the power to recommend the appointment of the chief clerk and other clerical force. That is, that these appointments be made upon the recommendation of the commissioner. This was the point made by the gentleman from Pennsylvania [Mr. HOPKINS], the author of the bill, who was present when the conference met, and it was agreed to by the conferees on the part of the Senate.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. FORAN moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED-ELECTION—CHALMERS VS. MANNING.

Mr. COOK. I rise to a question of the highest privilege. I desire to call up the contested-election case of Chalmers *vs.* Manning.

Mr. DAVIS, of Missouri. I wish now, Mr. Speaker, to submit the views of the minority in that case.

I hope the motion of the gentleman from Iowa will not be insisted upon until the views of the minority have been printed.

Mr. COOK. I thought they had been submitted some days ago.

The SPEAKER. Without objection the views of the minority of the committee will be now received and ordered to be printed to accompany the report of the committee.

There was no objection, and it was so ordered.

The SPEAKER. The gentleman from Iowa now calls up the contested-election case of Chalmers *vs.* Manning, which is a motion of the highest privilege, for present consideration.

Mr. COOK. At the solicitation of gentlemen around me I have no objection to yielding for a moment to permit the introduction of measures that will not lead to debate.

The SPEAKER. The gentleman can not yield conditionally or select certain gentlemen to whom he will yield.

Mr. DAVIS, of Missouri. I raise the question of consideration at this time.

The SPEAKER. The Chair will state that there are several matters of quasi-privilege upon the Speaker's table, which should be disposed of as soon as possible.

Mr. COOK. I withdraw the demand for a few moments.

VENTILATION OF THE HALL.

Mr. HARDY. I rise to make a privileged report. The Committee on Ventilation and Acoustics, charged with the duty of inquiring into the present method of heating, lighting, and ventilating the Hall of the House of Representatives, report that they have given the subject a careful investigation and have heard the views and opinions of experienced and competent scientists in regard thereto and have caused experiments to be made as to the character and quality of the air of the House. The committee herewith submit the arguments and statements made before the committee and the results of experiments made under their direction. I move that the report be printed and recommitted.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. WASHBURN. I ask unanimous consent to take a Senate bill from the Speaker's table for the purpose of moving that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. MILLS. It occurs to me the gentleman from Minnesota has been recognized two or three times to ask unanimous consent, while others of us have been seeking recognition and failed to obtain it.

The SPEAKER. Several gentlemen desire to call up matters on the Speaker's table, including House bills with Senate amendments, in which they desire to move concurrence or non-concurrence. The Chair will state that the Committee on Enrolled Bills after awhile will be very much crowded with work, especially when the appropriation bills come to be enrolled. It is important that these bills on the Speaker's table should be disposed of so that they may go to the Committee on Enrolled Bills as soon as possible.

Mr. HAMMOND. There are from twelve to fifteen bills with Senate amendments on the Speaker's table. If in order, I would like to move that the House proceed to their consideration now, my object being that the clerical work may be expedited.

The SPEAKER. That motion is not in order till after the morning hour.

Mr. HAMMOND. I will make the motion after the morning hour.

Mr. HATCH, of Missouri. I suggest to the gentleman from Georgia that he ask unanimous consent to do it now.

Mr. HAMMOND. It is suggested that I move to dispense with the morning hour. I make that motion.

The morning hour was dispensed with (two-thirds voting in favor thereof).

Mr. HAMMOND. I now move that the House proceed to the consideration of business on the Speaker's table, in order to take up House bills with Senate amendments for the purpose of concurring or non-concurring in the amendments.

Mr. COX, of New York. Is it possible to go to the Speaker's table without taking up the bills in their order?

The SPEAKER. The House bills with Senate amendments are the first that would be reached.

Mr. COX, of New York. Can the gentleman move to go to the Speaker's table for the purpose of taking up those bills?

The SPEAKER. The gentleman can move that the House shall proceed to the consideration of business on the Speaker's table; and the House can cease to consider business on the Speaker's table whenever it desires to do so. The motion of the gentleman from Georgia is, that the House now proceed to the consideration of business on the Speaker's table.

Mr. HAMMOND. Perhaps it would be better, instead of submitting it in the form of a motion, to ask unanimous consent to go to the Speaker's table for the limited purpose indicated.

The SPEAKER. The gentleman from Georgia asks unanimous consent to proceed to the consideration of business on the Speaker's table, for the purpose of disposing of bills that have passed the two Houses with amendments. Is there objection?

There was no objection.

SARAH A. REDMOND.

The first House bill on the Speaker's table, with amendments of the Senate, was the bill (H. R. 2346) for the relief of Sarah A. Redmond.

The amendment of the Senate was read, as follows:

In line 11, after the word "bond," strike out "double the amount as security for the issue of said certificate," and insert "with two sufficient sureties, in double the amount as security in the issue of said certificate, and as an indemnity to said District against all cost, loss, or damage in consequence of the issue of said duplicate certificate. And;" so as to make the bill read:

"That the auditor of the District of Columbia be, and is hereby, authorized to issue to Sarah A. Redmond a duplicate certificate for one lost or burned, numbered 18313, class 6, of the board of audit, for $30.94: *Provided*, That she furnish to the auditor satisfactory proof of the loss or destruction of the original certificate, and that the same has not been paid, and executes to the commissioners of the District of Columbia a bond, with two sufficient sureties, in double the amount, as security in the issue of said certificate, and as an indemnity to said District against all cost, loss, or damage in consequence of the issue of said duplicate certificate. And said certificate shall be redeemed, as all board of audit certificates are, by the Treasurer of the United States, as commissioner of the sinking fund of the District of Columbia."

Mr. ADAMS, of Illinois. It appears to me that this is merely a clerical amendment. I move to concur.

The amendment of the Senate was concurred in.

SAINT LUKE'S PROTESTANT EPISCOPAL CHURCH.

The next business on the Speaker's table was the bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, with an amendment by the Senate.

The amendment was read, as follows:

Strike out all after the enacting clause and insert: That all taxes, together with the interest and penalties, now due and unpaid, for the years 1876, 1877, 1878, 1879, and 1880, upon lots 38, 39, and 40, in square 194, in the city of Washington, District of Columbia, now occupied by the stone church known as Saint Luke's Protestant Episcopal church, be, and the same are hereby, remitted.

Mr. BAGLEY. I move to concur in the Senate amendment.

The amendment was concurred in.

MILES B. FARLIN.

The next business on the Speaker's table was the bill (H. R. 1076) granting a pension to Miles B. Farlin, with an amendment by the Senate.

The amendment was read, as follows:

At the end of the bill insert: "And pay him a pension from and after the passage of this act."

Mr. BAGLEY. I move to concur in the Senate amendment.

The amendment of the Senate was concurred in.

JUDITH LAUTER.

The next business on the Speaker's table was the bill (H. R. 2400) for the relief of Judith Lauter, with a Senate amendment.

The amendment was read, as follows:

In line 6, before "dollars," strike out "sixteen" and insert "twelve;" so as to make the bill read:

"*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized to direct the payment to Judith Lauter, widow of Anton Lauter, late a private in Company E, First Regiment New York Cavalry, of a pension of $12 per month, in lieu of the pension of $8 per month which she now receives."

Mr. BAGLEY. I move to concur in the Senate amendment.

The Senate amendment was concurred in.

LOUISA V. DE KILPATRICK.

The next business on the Speaker's table was the bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, with a Senate amendment.

The amendment was read, as follows:

In line 6, after the word "her," strike out "the pension of the widow of a brigadier-general of the United States Army" and insert "a pension at the rate of $50 per month;" so as to make the bill read:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, and pay her a pension at the rate of $50 per month."

Mr. PHELPS. I move that the House concur in the Senate amendment.

The amendment of the Senate was concurred in.

ISABELLA I. RAMSDELL.

The next business on the Speaker's table was the bill (H. R. 4981) granting a pension to Isabella I. Ramsdell, with an amendment by the Senate.

The amendment was read, as follows:

In line 4 strike out "Isabella I. Ramsdell" and insert "Isabella J. Ramsdell;" in line 5, after the word "from," strike out "September 24, 1877," and insert "the passage of this act;" so as to read:

"*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll, at the rate of $8 per month, to date from the passage of this act, the name of Isabella J. Ramsdell, on account of the death of her husband, David D. Ramsdell, a sailor and marine of the United States service for over thirty years, who died of disease superinduced by said service."

Amend the title so as to read: A bill granting a pension to Isabella J. Ramsdell.

Mr. JAMES. I move to concur in the Senate amendment.

The amendment of the Senate was concurred in.

HENRY NEWMAN.

The next business on the Speaker's table was the bill (H. R. 4678) to remove the political disabilities of Henry Newman, returned from the Senate with amendments.

The amendments of the Senate were, in line 1, to strike out the word "political;" in lines 2 and 3, to strike out the words "the fourteenth amendment of the Constitution of the United States," and to insert in lieu thereof the words "section 1218 of the Revised Statutes;" in lines 5 and 6, to strike out the words "and those imposed by section 1218 of the Revised Statutes;" so that the bill will read as follows:

Be it enacted, &c. (two-thirds of the House concurring therein), That the disabilities imposed by section 1218 of the Revised Statutes upon Henry Newman, now a private in Battery B, Second United States Artillery, in the Army of the United States, be, and the same are hereby, removed.

Also amend the title so as to read: "An act to remove certain disabilities of Henry Newman."

Mr. TUCKER. I move to concur in the Senate amendments.

The motion was agreed to.

ROBERT D. THURBORN.

The next business on the Speaker's table was the bill (H. R. 5458) to remove the disabilities of Robert D. Thurborn, of Virginia, returned from the Senate with amendments.

The amendments of the Senate were to change the name "Thurborn" to "Thorburn" in the bill and the title.

Mr. TUCKER. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

CLAIMS ALLOWED IN TREASURY DEPARTMENT.

The next business on the Speaker's table was the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, returned from the Senate with amendments.

The amendments were to insert on page 71, after line 25, the following:

Mississippi:

To Julia A. Nutt, widow and executrix of Haller Nutt, deceased, of Adams County, the sum of $85,556.17.

Amend the title by adding the words "and for other purposes."

Mr. ROWELL and Mr. GEDDES moved to non-concur in the Senate amendments.

Mr. HOLMAN. Would it not be better to refer the bill and amendments?

Mr. GEDDES. Am I at liberty to move to refer the bill and amendments to the Committee on War Claims?

The SPEAKER. The gentleman can make that motion.

Mr. ROWELL. The subject-matter of this amendment has been before the Committee on War Claims.

Mr. GEDDES. Only in a general way. I move to refer the bill with the Senate amendments to the Committee on War Claims.

The motion was agreed to.

Mr. GEDDES subsequently said: I move that the Committee on War Claims be discharged from the further consideration of the amendments of the Senate to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department. My object is that the House shall non-concur in the amendments of the Senate and ask a conference.

The SPEAKER. If there be no objection the Committee on War Claims will be discharged from the further consideration of this bill, the amendments of the Senate will be non-concurred in, and a conference with the Senate requested.

There being no objection, it was ordered accordingly.

The SPEAKER announced the appointment of Mr. GEDDES, Mr. STORM, and Mr. ROWELL as the conferees on the part of the House.

REPORTS OF THE BUREAU OF ETHNOLOGY.

The next business on the Speaker's table was the joint resolution (H. Res. 137) for printing the annual report of the Bureau of Ethnology, returned from the Senate with amendments.

The amendments of the Senate were as follows:

In line 2, after the word "thousand," insert "five hundred;" in line 2, after the word "the" where it first occurs, insert "4th and 5th;" in line 4, strike out all after the word "illustrations" down to and including "1883;" in line 7, strike out "two thousand" and insert "three thousand five hundred;" and in line 7, strike out "eight thousand" and insert "seven thousand;" so that the joint resolution will read as follows:

Resolved, &c., That there be printed at the Government Printing Office 15,500 copies each of the fourth and fifth annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series; of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

Mr. KEIFER. I move to concur in the amendments of the Senate.

The motion was agreed to.

REPORTS OF GEOLOGICAL SURVEY.

The next business on the Speaker's table was the joint resolution (H. Res. 138) for printing annual reports of the United States Geological Survey, returned from the Senate with amendments.

The amendments of the Senate were as follows:

In line 2, after the word "thousand," insert "five hundred;" in line 3, before the word "annual," insert "fourth and fifth;" in line 4 strike out the words "beginning with the fourth and;" in line 5 strike out "2,000" and insert "3,500," and in line 6 strike out "8,000" and insert "7,000;" so that the joint resolution will read, as follows:

Resolved, &c., That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,500 copies of each of the fourth and fifth annual reports of the Director of the United States Geological Survey, uniform with the preceding volumes of the series; of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.

Mr. SCALES. I move to concur in the Senate amendments.

The motion was agreed to.

REPORTS OF LAND COMMISSIONER.

The next business on the Speaker's table was the joint resolution (H. Res. 264) to amend a resolution approved August 7, 1882, providing for the publication of report of Public Land Commissioner, returned from the Senate with amendments.

The amendments of the Senate were as follows:

After the word "Interior," strike out "&c.," and insert "as provided in said act;" and add to the joint resolution the following:

And also that the regulation for the distribution of the Official Records of the War of the Rebellion in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, be amended by striking out the words "until July 1, 1884," and substituting therefor "until the expiration of their respective terms of Congressional service."

So that the joint resolution will read, as follows:

Resolved, &c., That joint resolution providing for the printing of additional copies of Codified Land Laws and History of the Public Domain of the United States, approved August 7, 1882, be amended by the substitution of the word "three" in the place of "two" in the proviso of said resolution; so that it shall read: "That all copies not ordered to be distributed within three years after the passage of this act shall be sold by the Secretary of the Interior," as provided in said act. And, also, that the regulation for the distribution of the Official Records of the War of the Rebellion in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, be amended by striking out the words "until July 1, 1884," and substituting therefor "until the expiration of their respective terms of Congressional service."

Also amend the title by adding the words "and for other purposes."

Mr. SCALES. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

AGRICULTURAL REPORT FOR 1884.

The next business on the Speaker's table was the joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884, returned from the Senate with amendments.

The amendments of the Senate were as follows: In line 1 strike out "400,000" and insert "325,000;" in line 2 strike out the word "Commissioners" and insert "Commissioner;" in lines 4 and 5 strike out "314,000" and insert "220,000;" in line 6 strike out "56,000" and insert "85,000;" and in line 8 strike out "30,000" and insert "20,000;" so that the joint resolution will read as follows:

Resolved, &c., That there be printed 325,000 copies of the annual report of the Commissioner of Agriculture for the year 1884; 220,000 copies for use of members of the House of Representatives, 85,000 copies for use of members of the Senate, and 20,000 copies for the use of the Department of Agriculture.

Also add to the joint resolution the following:

SEC. 2. That the sum of $162,500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to defray the cost of the publication of said report.

Mr. SCALES. I move to non-concur in the Senate amendments and ask a committee of conference.

Mr. KEIFER. Before that vote is taken we would like to hear some reason for non-concurrence.

Mr. SCALES. The reason is this: As the joint resolution passed the House it provided for publishing 400,000 copies of the Agricultural Report, of which 220,000 were for the use of the members of the House and 56,000 for the members of the Senate. The Senate by its amendments has reduced the number to be printed by 75,000 copies, and at the same time reduced the number for members of the House to 220,000 and increased the number for members of the Senate to 85,000. I therefore move non-concurrence and ask for a committee of conference.

The motion was agreed to.

The SPEAKER subsequently announced as the conferees on the part of the House Mr. SCALES, Mr. ROGERS of New York, and Mr. SMITH.

GULF, COLORADO AND SANTE FÉ RAILWAY COMPANY.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

The amendments of the Senate were read, as follows:

On page 1, after the word "Kansas," in line 14, insert "the line to be approved by the Secretary of the Interior before work is begun."

On page 1, strike out the word "branches," in line 15.

On page 2, after the word "for," in line 3, insert "such."

On page 2, after the word "stations," in line 3, insert "as may be established; but such grant shall be allowed but once."

On page 2, strike out all after the word "further," in line 13, down to and including line 18, and insert:

"That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

On page 3, strike out all after the word "referees," in line 2, down to and including the word "company," in line 6, and insert "to be appointed by the President."

On page 6, strike out all after the word "lands," in line 18, down to and including line 20.

On page 8, strike out section 7 and insert in lieu thereof:

"SEC. 7. The officers, servants, and employés of said company necessary to the construction and management of said road and telegraph and telephone lines shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior."

On page 9, at the end of section 9, insert:

"That said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same."

Mr. WELLBORN. I move that the House non-concur in these amendments and ask a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. WELLBORN, Mr. PIERCE, and Mr. PERKINS as the conferees on the part of the House.

OATHS BEFORE CONGRESSIONAL SUBCOMMITTEES.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States so as to allow the chairman of a subcommittee of a committee of either House of Congress to administer oaths.

The amendments of the Senate were read, as follows:

Strike out all after the enacting clause and insert:

"Any member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a member, or any committee thereof."

Amend the title of the bill so as to read: "An act to provide for the administration of oaths to witnesses in matters depending in either House of Congress."

Mr. HAMMOND. I move that the House concur in the amendments just read.

The motion was agreed to.

PENSION APPROPRIATION BILL.

The next business on the Speaker's table was the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes.

The SPEAKER. This bill has been returned from the Senate with a message, which will be read.

The Clerk read as follows:

The Senate insists on its amendments to House bill 6094, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, disagreed to by the House of Representatives, and asks a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. LOGAN, Mr. DAWES, and Mr. CALL be the conferees on the part of the Senate.

Mr. WASHBURN. I move that the House insist on its disagreement to the amendments of the Senate, and agree to the conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HANCOCK, Mr. FOLLETT, and Mr. WASHBURN as the conferees on the part of the House.

BRIDGES ACROSS THE MISSISSIPPI AT SAINT PAUL.

The next business on the Speaker's table was the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota.

The message of the Senate accompanying the bill was read, as follows:

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota, and ask a conference with the House on the disagreeing votes of the two Houses.

Ordered, That Mr. MCMILLAN, Mr. CONGER, and Mr. VEST be the conferees on the part of the Senate.

Mr. WASHBURN. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. WASHBURN, Mr. WELLER, and Mr. PETERS as the conferees on the part of the House.

SMITHSONIAN REPORT.

Mr. SCALES, from the Committee on Printing, reported back the following concurrent resolution of the Senate with the recommendation that it do pass.

The Clerk read as follows:

Resolved by the Senate (the House concurring therein), That the annual report of the Smithsonian Institution for the year 1883 be printed; and that there be printed 16,060 extra copies, of which 3,000 shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

Mr. SCALES. I desire to say one word. This is the same number recommended heretofore. The Senate increased what was recommended by the House 500 copies. It was so late in the session we concluded to allow them to have them, and they have taken every copy themselves.

The resolution was concurred in.

Mr. SCALES moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. MILLS. I move by unanimous consent to take from the House Calendar for immediate consideration the bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The bill was read, as follows:

That sections 5 and 6 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be, and the same are hereby, amended so that they shall read as follows, namely:

"SEC. 5. That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and merchandise may also be transported under the provisions of this act by express companies on passenger trains, in safes and trunks, which shall be of such size, character, and description, and secured in such manner as shall be from time to time prescribed by the Secretary; and in cases where merchandise shall be imported in boxes or packages too large to be included within the safes or trunks so prescribed, such merchandise may be transported under the provisions of this act by such express companies in a separate compartment of the car, secured in such manner as shall from time to time be prescribed by the Secretary of the Treasury; and merchandise such as pig-iron, spiegel-iron, scrap-iron, iron ore, railroad-iron, and similar articles, commonly transported upon platform or flat cars, may be transported under the provisions of this act upon such platform or flat cars; and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad scales may be used for such purpose; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary of the Treasury, and at the expense of the companies, respectively. Such merchandise shall not be unladen or transshipped between the ports of first arrival and final destination unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, or where the route is bonded for both land and water carriage, or from accidents, or from legal intervention, or when by reason of the length of the route the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed further, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise.

"SEC. 6. That merchandise so destined for immediate transportation shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle specified in the entry provided for in section 2 of this act."

The report was read, as follows.

Mr. MILLS, from the Committee on Ways and Means, submitted the following report:

The act of June 10, 1880, to amend the statutes in relation to the immediate transportation of dutiable goods, provides that merchandise consigned to and delivered for either of the ports specified in the seventh section of said act should be shipped immediately through the port of first arrival to the port of destination. The act further provides that—

"Such merchandise shall not be unladen or transshipped between the ports of first arrival and final destination unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, or from accidents or from legal intervention, or where, by reason of the length of the route, the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed further, or from low water, ice, or other unavoidable obstruction to navigation, and in no case shall there be any breaking of the original packages of such merchandise."

The object of the bill is to provide for the transshipment of said merchandise where the route to be traveled is partly by water and partly by land, and the only amendments are to substitute the words "or where the route is bonded for both land and water carriage," in the fifth section of the law of June 10, 1880, and strike out of the sixth section the words "in which the same is to be transported to its final destination," and substitute therefor the words "specified in the entry provided for in section 2 of this act." The change proposed is rendered necessary to the immediate transportation of goods over routes that require land and water carriage. Without this change goods can not be carried over such routes. The committee think the bill ought to be passed, and report the same back and recommend its passage.

There was no objection, and the House Calendar was discharged from the further consideration of the bill.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLS moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE TO LETTER-CARRIERS.

Mr. COOK obtained the floor.

Mr. COX, of New York. I appeal to the gentleman from Iowa to yield to me in order that I may call up from the Speaker's table for action at this time the bill (S. 1727) to grant letter-carriers at free-delivery offices fifteen days' leave of absence in each year.

Mr. GLASCOCK. I hope the gentleman from Iowa will yield for that purpose.

The SPEAKER. Does the gentleman from Iowa yield for that purpose?

Mr. WILLIS. I hope he will, and that the bill will pass at once.

Mr. COOK. I yield for that purpose.

The bill was read, as follows:

Be it enacted, &c., That all letter-carriers at free-delivery offices shall be entitled to leave of absence not to exceed fifteen days in each year, without loss of pay; and the Postmaster-General is hereby authorized to employ, when necessary, during the time such leave of absence is granted, such number of substitute letter-carriers as may be deemed advisable, who shall be paid for services rendered at the rate of $600 per annum.

Mr. COSGROVE. I object.

Mr. WILLIS. It is the only class which is excepted, and I hope the gentleman from Missouri will withdraw his objection.

Mr. COX, of New York. All the clerks in the Departments have leave of absence, and there is no just reason why it should be refused to these letter-carriers.

Mr. CHACE. I join in asking the gentleman from Missouri to withdraw his objection so the bill may be considered and acted on at this time.

Mr. COSGROVE. I decline to withdraw my objection.

Mr. KEIFER. I do not think there will be any objection to the bill when it is once understood.

The SPEAKER. The gentleman from Missouri declines to withdraw his objection.

Mr. COSGROVE. I will withdraw my objection, Mr. Speaker, under a promise that there will be a yea-and-nay vote on the passage of the bill.

Mr. COOK. All right, I will yield for that purpose.

Mr. COSGROVE. I ask for the reading of the minority report on that bill.

The SPEAKER. This is a Senate bill.

Mr. COSGROVE. The understanding when I withdrew my objection was that the report made by the minority of the Committee on the Post-Office and Post-Roads on the bill (H. R. 2409) granting letter-carriers in first and second class post-offices thirty days' leave of absence in each fiscal year should be read in connection with this Senate bill.

Mr. WILLIS. If printed in the RECORD, will it not answer?

Mr. COSGROVE. No; I wish it read in the hearing of the House. It will cost about $200,000 to grant this leave of absence.

The SPEAKER. The clerk will read the views of the minority.

The Clerk read as follows:

VIEWS OF THE MINORITY.

The undersigned, members of your Committee on the Post-Office and Post-Roads, beg leave to submit the following as the views of the minority upon House bill 2409:

This bill has been reported favorably by the majority of this committee. If it becomes a law, a leave of absence of fifteen days will have to be granted to each letter-carrier in the service annually with pay. There are now—

1,985 carriers at	$1,000 per annum	$1,985,000
891 carriers at	850 per annum	757,350
367 carriers at	800 per annum	293,600
645 carriers at	600 per annum	387,000
3,888		3,422,950

This shows an average annual compensation to each carrier of $956.64. The Postmaster-General will have to supply the places of these 3,888 carriers during their absence, and the substitutes will have to be paid out of appropriations made by Congress. These substitutes are entitled to receive, under existing law, the same rate of compensation now paid to carriers whose routes they may be called upon to serve. This will require an additional appropriation to keep up the service as at present constituted of $142,602.97 annually. This, it will be seen, does not take into consideration the fact that additional carriers may be employed as the service may require, in which case the amount of appropriation will have to be correspondingly increased by Congress.

It was claimed during the discussion of the Post-Office appropriation bill at the present session that the amount appropriated for this branch of the service was inadequate and that the carrier system would be rendered inefficient. To pass this bill and make a greater deficiency will certainly not promote the efficiency of this important branch of the public service. We are opposed to the passage of this bill because it is, in our opinion, a bad and dangerous principle to enact into the form of law. If it become a law it will be the first time, so far as we are advised, that Congress has by law compelled the head of a Department of Government to grant a leave of absence to the employés for any stated period regardless of the effect such absence will have upon the public service.

The substitutes are not presumed to be as familiar with the routes as the carriers whom they will be called upon to succeed during such absence. The substitutes can not remain upon any one route for a longer space of time than fifteen days—just about a sufficient length of time to become familiar with the route—and they must either be sent to take some other route or an entire new man will have to be taken as a substitute. We presume it will be said that these substitutes will be limited in number, and that it will be managed by the Department so as to have experienced men employed as substitutes whenever and wherever practicable. This may be true; but we claim a substitute can not be kept upon any one route for more than fifteen days in one year.

The bill is erroneous in principle. It pays an employé in the public service for work which he is not expected to perform. A letter-carrier is singled out from other employés of the Government, and especially from the clerks in the different post-offices throughout the country, who are as meritorious as the carriers, and the Government is required by law to pay carriers for twelve months' service when only eleven and one-half months are required to be rendered. We believe letter-carriers are as well paid as any of the employés in the public service requiring no higher qualifications than those necessary to the proper discharge of their duties.

The clerks in the following-designated post-offices, and who no doubt possess equal if not superior qualifications than those necessarily possessed by letter-carriers, are not any better, if as well, paid as the carriers, as will appear by an inspection of the table following, showing the average compensation paid to both classes of employés in the cities mentioned.

Statement showing the average compensation of clerks in the post-offices at New York, Philadelphia, Chicago, Boston, Washington, Baltimore, and the letter-carriers of said cities.

Office.	Number of clerks in office.	Total compensation for clerks.	Average compensation for clerks.	Average compensation for carriers.
1. New York, N. Y	857	$804,739	$939	$924 78
2. Chicago, Ill	426	386,545	907	897 83
3. Philadelphia, Pa	348	266,915	767	924 43
4. Boston, Mass	296	254,325	859	937 49
5. Saint Louis, Mo	183	150,500	822	952 70
6. Washington, D. C	183	146,580	801	915 94
7. Cincinnati, Ohio	129	115,575	896	925 92
8. Baltimore, Md	106	96,750	913	911 50

We therefore recommend that the bill lie upon the table.

Respectfully submitted,

JOHN COSGROVE.
JNO. H. ROGERS.
SEABORN REESE.
JNO. M. TAYLOR.
JAMES H. JONES.

Mr. COSGROVE. Now I wish to move an amendment.

Mr. COX, of New York. I rise to move the previous question.

The SPEAKER. The gentleman from Missouri is entitled to the floor.

Mr. COSGROVE. I move the following amendment:

Provided, That no leave of absence shall be granted or substitute employed between the 15th day of October and 1st day of April under the provisions of this bill.

Mr. COX, of New York. I demand the previous question.

The SPEAKER. If the previous question should be ordered there will be thirty minutes of debate allowed under the rules.

Mr. COSGROVE. I am willing the House should vote on this bill now, but when it does I think it should do so understandingly. I have given this matter attention as a member of the Committee on the Post-Office and Post-Roads. Members representing these letter-carriers all over the country sent in petitions asking for thirty days' leave of absence. I was chairman of the subcommittee having that matter in charge. I perused a great number of these petitions and every one of them was exactly like the other. They were all printed, I should judge from the appearance, on the same printing machine and sent from the same place throughout the country to be signed by these letter-carriers, and then forwarded to Congress. In my judgment it is in no sense an expression of the opinion of any considerable number of people, but merely the expression of the wish of those who are sought to be benefited by this legislation.

The bill again is wrong in principle. I believe I am safe in saying, as I assert in this report with other gentlemen who joined me, that it is the first time as far as I have been able to discover on careful examination of the statutes of the United States where any class of employés in the public service has been by law placed upon the free-list, if I may so term it. Here are these three or four thousand employés in this particular branch of the postal service asking the passage of this bill, which seeks to give them fifteen days' leave of absence with pay.

Mr. HORR. You say there is no authority for the leave of absence——

Mr. COSGROVE. I said there was no law. There is no law authorizing it.

I understand the clerks in the Departments get it; but it is through a regulation of the Department simply, and not by law.

Mr. HORR. It extends to every Department.

Mr. BROWNE, of Indiana. Congress has allowed it to stand for about a quarter of a century without rebuking the Departments for making that regulation.

Mr. COSGROVE. That is not the question at all. I said that there was no law upon the statute-book authorizing it. But if you pass this bill why do you not also include the clerks in the different post-offices scattered throughout the country, whose pay is not so great in many instances and whose labors are just as onerous if not more so? The facts will show that they receive on an average less compensation and work more hours per day than the men who are embraced in this bill.

It is said that these gentlemen perform their work out of doors. That is true; I know it. But it is no more laborious than the work in the post-offices all over the country, where the men work in overcrowded quarters, with bad air, and suffer every inconvenience attending that kind of labor.

Another thing that should be remembered: There are thousands of men throughout the country who possess as much ability as is required for the discharge of the duties of these men who are so persistenly urging their claims upon Congress, who have applications upon file now in the Post-Office Department, and from whom the Department could employ fifteen or twenty thousand men more than the number required for this service at a much less salary than they are paying to the letter-carriers. I say that they are the best paid men of any branch of the public service requiring no higher order of qualifications than is necessary to discharge well the duties devolving upon them.

But I started out to say that there are thousands of men throughout the country in every way their equal working for one-half the wages that these men get, and who must be content with the wages they receive or starve; and I see no public reason, I see no patriotic reason, I see neither sense nor justice in singling out this particular class and saying that they shall work fifteen days less than they are paid for, and then go and employ three or four thousand substitutes to take their places, when it can have no other effect upon the public service than to demoralize it and render it less efficient.

The superintendent of the letter-carrier system, Mr. Gurley, was opposed to this matter, but after he had been pursued by these petitions and requests he finally, in the letter attached to the majority report, yielded a sort of semi-assent to it; but any gentleman who will sit down and carefully read that letter must see that he is of opinion it will only demoralize the service.

Mr. SCALES. May I ask the gentleman a question?

Mr. COSGROVE. Certainly.

Mr. SCALES. I would like to ask what amount is involved in this bill. Suppose you have the substitute employés provided here in this bill, I would like to know what amount it would cost the Government.

Mr. COSGROVE. There are 1,985 carriers employed at a salary of $1,000 a year, which makes a total of $1,985,000. There are 891 carriers employed at an annual salary of $850 each, making a total of $757,350. There are 367 employed at a salary of $800, making a total of $293,600, and 645 carriers employed at $600 per annum, being $387,000, or a total for the 3,888 carriers of $3,422,950.

These 3,888 letter-carriers, if this bill passes, will have a leave of absence for fifteen days each during the year; and the bill further provides that the Postmaster-General shall employ 3,380 substitues during these fifteen days in their places. I claim that under the provisions of that bill these may be employed at a rate of $1,000 a year each. The substitutes are entitled to receive under existing law the same amount as the parties whose places they take and the duties of whose routes they discharge, which will be a total of $142,602.97. But if they receive a compensation at the rate of $1,000 a year instead of the amounts paid to the various routes to which they are assigned, they will receive a much larger sum—my recollection is about $175,000.

Then, again, under the bill that passed the House some time ago, and which the gentlemen upon the other side of the House so persistently resisted, we made no provision whatever for this increase of service, and I understand that there is no increase on the bill for this purpose as it passed the Senate. Of that, however, I am not positive. But the moment we pass this bill it will create a deficiency of one hundred and sixty to one hundred and seventy-five thousand dollars. There is no appropriation out of which to pay this amount, and consequently there must be a deficiency.

Again, if this bill passes the leave of absence certainly ought not to be granted in the business season of the year; and while I do not know and can not say whether these 3,880 men will be all employed by the Department just at the time of an election, all know certainly that the amendment I have offered ought to be adopted so that it will not place that temptation of power in the Department.

If these 3,888 letters-carriers are to be granted leave of absence about the time of an election, and 3,888 to be employed as substitutes, I fear that my distinguished friend from New York [Mr. COX] will find that the adder he has warmed will sting him when it comes to November next. And I say if this bill is to pass, the amendment I have offered ought to be adopted for political reasons as well as for reasons which should be taken into consideration in regard to maintaining the efficiency of the service. These changes should not be made between October and April. If these men who are employed as letters-carriers are to have leave of absence they ought to have it in the warm and sweltering part of the summer.

I have expressed my views upon this bill hastily. I did not expect it was coming up this morning or perhaps I would have been able to have presented the matter more concisely. I ask how much time there is left on my side? I may want to say something in reply after the other side has been heard.

Mr. COX, of New York. I do not propose to debate the question, but simply to ask that the majority report be printed in the RECORD and to comply with the gentleman's request for a yea-and-nay vote. I thank the gentleman from Missouri for withdrawing his objection and giving us a vote.

Mr. COSGROVE. I do not think I have any right to prevent the House from voting on the bill.

Mr. COX, of New York. I demand the previous question.

The previous question was ordered.

Mr. SKINNER, of New York. I ask unanimous consent that the majority report be printed with the minority report in the RECORD.

There was no objection.

The report (by Mr. SKINNER, of New York) is as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 2409) granting letter-carriers and clerks in first and second class post-offices thirty days' leave of absence in each fiscal year, having had the same under consideration, respectfully report:

The bill as originally introduced was as follows:

"A bill granting letter-carriers and clerks in first and second class post-offices thirty days' leave of absence in each fiscal year.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all letter-carriers at free-delivery offices, and all clerks in first and second class post-offices, shall be entitled to leave of absence at the rate of thirty days in each year, without loss of pay, upon the same conditions now granted to employés in the Post-Office Department."

After a careful consideration of the matter, and much discussion, the committee agreed to report the bill amended so as to read as follows:

"A bill granting letter-carriers fourteen days' leave of absence in each fiscal year.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all letter-carriers at free-delivery offices shall be entitled to leave of absence at the rate of fourteen days in each year, without loss of pay, under such regulations as may be adopted by the postmasters at such offices, subject to the approval of the Postmaster-General."

It will be observed that the bill as agreed upon by the committee provides simply that a leave of absence shall be granted to letter-carriers to the extent of fourteen days in each year, under such regulations as may be adopted by the postmasters at free-delivery offices, to be approved by the Postmaster-General. The committee believe that this is a just and reasonable concession to a class of employés exceptionally deserving of the favorable consideration of Congress. The duties of a letter-carrier are especially onerous and exacting, and the compensation they receive certainly not extravagant. They are required to report for duty at 6 o'clock a. m. and remain on duty until 6 or 7 o'clock p. m., and often until a later hour, in order to complete the work required of them. They are required to be on duty Sundays and holidays, while other employés of the Government have these days to themselves. If the letter-carrier loses a day through sickness or otherwise, whether that day be Sunday or a holiday, he must also lose his pay for the day lost. His work must be done with exact promptness and regularity, and no excuse for a failure in these respects is easily obtained from the public, no matter under what circumstances it may occur. In rain or shine, sun or storm, in snow or mud, he must, or is expected to, do his work equally well. These requirements, the committee believe, entitle the carrier to respectful consideration and to the relief asked for by this bill.

The weight of mail which a carrier is obliged to deliver is a matter worthy of notice. From forty to one hundred pounds of mail are delivered each day by each carrier, and oftentimes fifty pounds are delivered in a single trip. The number of miles traveled per day by the carrier, exclusive of going to and from the post-office, averages about fifteen miles, and several instances are given where the carrier walks over twenty miles per day. (These estimates are based upon results ascertained by the use of a pedometer by the carriers of the Washington post-office.)

In the English free-delivery service a carrier is allowed fifteen days leave each year without loss of pay. When sick, medicine and medical attendance are provided by the government. If a single man, sleeping apartments are furnished him, and if married a cottage is provided at a nominal rental. After a faithful service of fifteen years he may be retired with a pension; and in no case is he allowed to remain in active service longer than twenty years. These liberal provisions have helped to secure the best talent and the best service, and are worthy the attention of those who are anxious to see the free-delivery service of the United States made as perfect and efficient as possible. The cost of granting the proposed leave of absence would not be great.

On the 16th of January, 1884, there were employed as follows:

1,985 carriers, at $1,000 per year		$1,985,000
801 carriers, at	850 per year	757,350
367 carriers, at	800 per year	293,600
645 carriers, at	600 per year	387,000
3,888		3,422,950

Should every carrier employed take advantage of the privilege sought to be granted by this bill, namely, two weeks leave of absence, the cost would be one twenty-sixth part of the above sum, amounting to $131,652.

The SPEAKER. The question is upon the adoption of the amendment proposed by the gentleman from Missouri.

The question was taken; and there were—ayes 79, noes 85.

Mr. COSGROVE. I call for the yeas and nays.

The yeas and nays were ordered—47 members voting therefor (more than one-fifth of the last vote).

Mr. DUNHAM. I was not in the House when the amendment was read. I should like to hear it.

The SPEAKER. The Chair will cause the amendment to be again read.

The Clerk read the proposed amendment, as follows:

Provided, That no leave of absence shall be granted or substitute employed between the 15th day of October and the 1st day of April under the provisions of this bill.

The SPEAKER. The question is on agreeing to the amendment which has just been read.

The question was taken; and there were—yeas 109, nays 117, not voting 97; as follows:

YEAS—109.

Aiken,	Boyle,	Connolly,	Eaton,
Alexander,	Breckinridge,	Covington,	Eldredge,
Arnot,	Broadhead,	Crisp,	Elliott,
Bagley,	Buchanan,	Culberson, D. B.	Ellis,
Ballentine,	Candler,	Curtin,	English,
Barbour,	Carleton,	Davis, L. H.	Ermentrout,
Barksdale,	Cassidy,	Dibble,	Ferrell,
Bennett,	Clements,	Dibrell,	Forney,
Bland,	Cobb,	Dowd,	Garrison,

Green,	Lewis,	Pryor,	Turner, Oscar
Haisell,	Lowry,	Pusey,	Vance,
Hammond,	McMillin,	Randall,	Van Eaton,
Hancock,	Maybury,	Rankin,	Wallace,
Hardeman,	Miller, J. F.	Reese,	Ward,
Hatch, W. H.	Mills,	Rosecrans,	Warner, Richard
Hemphill,	Mitchell,	Scales,	Wellborn,
Henley,	Money,	Seney,	Williams,
Herbert,	Morrison,	Seymour,	Wilson, W. L.
Hewitt, G. W.	Moulton,	Shelley,	Winans, E. B.
Hoblitzell,	Muldrow,	Singleton,	Winans, John
Holman,	Murray,	Stewart, Charles	Wise, G. D.
Hopkins,	Neece,	Stockslager,	Wolford,
Houseman,	Oates,	Storm,	Wood,
Hunt,	O'Ferrall,	Taylor, J. M.	Worthington,
Jones, J. H.	Patton,	Throckmorton,	Yaple.
Jones, J. K.	Peel,	Tucker,	
Kleiner,	Pierce,	Tully,	
Lanham,	Post,	Turner, H. G.	

NAYS—117.

Adams, G. E.	Geddes,	Lovering,	Skinner, C. R.
Atkinson,	Glascock,	Lyman,	Smalls,
Beach,	Goff,	McAdoo,	Smith,
Belmont,	Greenleaf,	McCoid,	Spooner,
Bisbee,	Hanback,	McComas,	Spriggs,
Bowen,	Hardy,	Millard,	Stephenson,
Brewer, F. B.	Harmer,	Miller, S. H.	Stevens,
Browne, T. M.	Hart,	Milliken,	Stewart, J. W.
Brown, W. W.	Hatch, H. H.	Murphy,	Stone,
Budd,	Henderson, D. B.	Mutchler,	Strait,
Campbell, Felix	Henderson, T. J.	Nutting,	Sumner, C. A.
Campbell, J. M.	Hepburn,	Ochiltree,	Taylor, E. B.
Cannon,	Hewitt, A. S.	O'Hara,	Taylor, J. D.
Collins,	Hiscock,	O'Neill, Charles	Thompson,
Cosgrove,	Hitt,	O'Neill, J. J.	Tillman,
Cox, S. S.	Holmes,	Parker,	Valentine,
Cutcheon,	Horr,	Payne,	Van Alstyne,
Dargan,	Howey,	Perkins,	Wadsworth,
Davis, R. T.	Hutchins,	Peters,	Wakefield,
Dingley,	James,	Poland,	Washburn,
Dunham,	Johnson,	Potter,	Weller,
Ellwood,	Jones, B. W.	Price,	Wemple,
Evans, I. N.	Jordan,	Ranney,	White, Milo
Everhart,	Kean,	Ray, G. W.	Willis,
Fiedler,	Keifer,	Ray, Ossian	Wilson, James
Findlay,	Kelley,	Rice,	York,
Finerty,	Laird,	Riggs,	Young.
Follett,	Lawrence,	Rockwell,	
Foran,	Libbey,	Rowell,	
Funston,	Lore,	Ryan,	

NOT VOTING—97.

Adams, J. J.	Cook,	Kasson,	Rogers, J. H.
Anderson,	Cox, W. R.	Kellogg,	Rogers, W. F.
Barr,	Culbertson, W. W.	Ketcham,	Russell,
Bayne,	Cullen,	King,	Shaw,
Belford,	Davidson,	Lacey,	Skinner, T. G.
Bingham,	Davis, G. R.	Lamb,	Slocum,
Blackburn,	Deuster,	Le Fevre,	Snyder,
Blanchard,	Dockery,	Long,	Springer,
Blount,	Dorsheimer,	McCormick,	Steele,
Boutelle,	Duncan,	Matson,	Struble,
Brainerd,	Dunn,	Morgan,	Sumner, D. H.
Breitung,	Evins, J. H.	Morrill,	Talbott,
Brewer, J. H.	Fyan,	Morse,	Thomas,
Brumm,	George,	Muller,	Townshend,
Buckner,	Gibson,	Nelson,	Wait,
Burleigh,	Graves,	Nicholls,	Warner, A. J.
Burnes,	Guenther,	Paige,	Weaver,
Cabell,	Haynes,	Payson,	White, J. D.
Caldwell,	Hill,	Pettibone,	Whiting,
Calkins,	Holton,	Phelps,	Wilkins,
Campbell, J. E.	Hooper,	Reagan,	Wise, J. S.
Chace,	Houk,	Reed,	Woodward.
Clardy,	Hurd,	Robertson,	
Clay,	Jeffords,	Robinson, J. S.	
Converse,	Jones, J. T.	Robinson, W. E.	

So the amendment was not agreed to.

Mr. RAY, of New Hampshire. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

During the roll-call the following pairs were announced from the Clerk's desk:

On all questions:

Mr. RUSSELL with Mr. BLACKBURN, until further notice.

Mr. COX, of North Carolina, with Mr. CALKINS, until further notice.

Mr. TALBOT with Mr. STEELE, until further notice.

On all political questions:

Mr. SNYDER with Mr. BARR, until further notice.

Mr. GIBSON with Mr. GOFF, until further notice.

Mr. HILL with Mr. HOLTON, until further notice.

Mr. MORSE with Mr. DAVIS, of Illinois, until further notice.

Mr. REAGAN with Mr. BRUMM, until further notice.

Mr. MULLER with Mr. ANDERSON, until further notice.

Mr. EVINS, of South Carolina, with Mr. LACEY, until further notice.

Mr. DAVIDSON with Mr. HAYNES, until further notice.

Mr. BUCKNER with Mr. KELLOGG, until further notice.

Mr. TOWNSHEND with Mr. THOMAS, until further notice.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio, until further notice.

Mr. ROGERS, of New York, with Mr. HOOPER, until further notice.

Mr. PAIGE with Mr. BOUTELLE, until further notice.

Mr. DUNCAN with Mr. SMITH, until further notice.

Mr. DOCKERY with Mr. BREWER, of New Jersey, until further notice.

Mr. CONVERSE with Mr. HOUK, until further notice.

Mr. MATSON with Mr. LIBBEY, until further notice.

Mr. CLARDY with Mr. J. S. WISE, until further notice.

Mr. YOUNG with Mr RICE, until further notice.

Mr. NICHOLLS with Mr. CHACE, until further notice.

Mr. MORGAN with Mr. BRAINERD, until further notice.

The following were also announced as paired:

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. WARNER, of Ohio, with Mr. KETCHAM, until June 30.

Mr. LAMB with Mr. LONG, until June 28.

Mr. GRAVES with Mr. MORRILL, until June 26.

Mr. ADAMS, of New York, with Mr. PAYSON, until June 25.

Mr. CAMPBELL, of Ohio, with Mr. PETTIBONE, until June 27.

Mr. SKINNER, of North Carolina, with Mr. WAIT, until June 27.

Mr. WILKINS with Mr. REED, until June 27.

Mr. CABELL with Mr. DAVIS, of Illinois, for this day.

Mr. CLAY with Mr. WHITING, for this day.

Mr. SPRINGER with Mr. BAYNE, for this day.

Mr. BLOUNT with Mr. KASSON, for this day.

Mr. WOODWARD with Mr. NELSON, on this vote.

Mr. DUNN with Mr. JEFFORDS, on this vote.

Mr. ROGERS, of Arkansas, with Mr. MCCORMICK, on this vote.

Mr. CALDWELL with Mr. BELFORD, on this vote.

Mr. COSGROVE (having voted in the affirmative). I desire to change my vote to the negative.

The SPEAKER. The change will be made.

The result of the vote was then announced as above stated.

Mr. COX, of New York. I move to reconsider the vote just taken, and also move to lay the motion to reconsider upon the table.

Mr. COSGROVE. I was on the floor before the gentleman from New York.

Mr. COX, of New York. I am entitled to take control of the matter now.

The SPEAKER. For what purpose does the gentleman from Missouri [Mr. COSGROVE] rise?

Mr. COSGROVE. To move to reconsider the vote just taken.

The SPEAKER. The gentleman from New York has made that motion, and has also moved to lay the motion to reconsider on the table.

Mr. COSGROVE. I desire to say——

Many MEMBERS. Regular order!

The SPEAKER. The motion is not debatable. The gentleman from New York [Mr. COX] moves to reconsider the vote by which the amendment of the gentleman from Missouri [Mr. COSGROVE] was not agreed to; and also moves that the motion to reconsider be laid on the table.

Mr. COSGROVE. On that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 30 in the affirmative.

The SPEAKER. Those voting in favor of the yeas and nays are 30—not one-fifth of the last vote.

Mr. COSGROVE. I ask that the other side be counted.

The negative was counted, 107.

The SPEAKER. More than one-fifth have voted to order the yeas and nays.

Mr. COX, of New York. I think we can save time by not having the yeas and nays, and I therefore call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. COX, of New York, and Mr. COSGROVE were appointed.

Mr. COSGROVE. I desire to submit a proposition to the House.

Mr. COX, of New York. I hope that the House will hear it.

Mr. COSGROVE. I am perfectly willing to so modify my amendment as to cover the period between the 1st of October and the 1st of December. It has been suggested by several gentlemen on the other side that the amendment so modified would not be objected to.

Mr. SKINNER, of New York. I desire to say that the only trouble about any amendment is that it will endanger the passage of the bill through the Senate.

The SPEAKER. Tellers have been ordered upon the demand for the yeas and nays.

The tellers took their places, but without concluding the count,

Mr. COX, of New York (one of the tellers), said: I withdraw all further opposition to ordering the yeas and nays. A sufficient number of members have passed between the tellers already to order them.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 99, not voting 101; as follows:

YEAS 123.

Adams, G. E.	Brown, W. W.	Evans, I. N.	Greenleaf,
Anderson,	Budd,	Everhart,	Hanback,
Arnot,	Campbell, Felix	Ferrell,	Hardy,
Atkinson,	Campbell, J. M.	Fiedler,	Harmer,
Bagley,	Cannon,	Findlay,	Hart,
Beach,	Collins,	Finerty,	Hatch, H. H.
Belmont,	Cox, S. S.	Follett,	Henderson, D. B.
Bingham,	Cutcheon,	Foran,	Henderson, T. J.
Bisbee,	Dargan,	Funston,	Hepburn,
Bowen,	Davis, R. T.	Geddes,	Hewitt, A. S.
Brewer, F. B.	Dingley,	George,	Hiscock,
Brewer, J. H.	Dunham,	Glascock,	Holmes,
Browne, T. M.	Ellis,	Goff,	Holton,

Horr,	Murphy,	Riggs,	Tillman,
Howey,	Mutchler,	Rockwell,	Tucker,
James,	Nutting,	Rowell,	Valentine,
Johnson,	Ochiltree,	Ryan,	Van Alstyne,
Jones, B. W.	O'Hara,	Skinner, C. R.	Van Eaton,
Jordan,	O'Neill, Charles	Smalls,	Wakefield,
Kean,	O'Neill, J. J.	Smith,	Washburn,
Keifer,	Parker,	Spooner,	Weaver,
Kelley,	Payne,	Spriggs,	Weller,
Laird,	Perkins,	Stephenson,	Wemple,
Libbey,	Peters,	Stevens,	White, J. D.
Lore,	Poland,	Stewart, J. W.	White, Milo
Lyman,	Potter,	Stone,	Willis,
McAdoo,	Price,	Strait,	Wilson, James
McCoid,	Ranney,	Struble,	Winans, John
McComas,	Ray, G. W.	Sumner, C. A.	York,
Millard,	Ray, Ossian	Taylor, E. B.	Young.
Miller, S. H.	Rice,	Taylor, J. D.	

NAYS—99.

Aiken,	Elliott,	Maybury,	Singleton,
Alexander,	English,	Miller, J. F.	Springer,
Ballentine,	Ermentrout,	Mills,	Stewart, Charles
Barbour,	Forney,	Mitchell,	Stockslager,
Barksdale,	Garrison,	Money,	Storm,
Bennett,	Halsell,	Morrison,	Sumner, D. H.
Bland,	Hammond,	Moulton,	Taylor, J. M.
Breckinridge,	Hardeman,	Muldrow,	Thompson,
Buchanan,	Hatch, W. H.	Murray,	Throckmorton,
Candler,	Hemphill,	Neece,	Tully,
Carleton,	Herbert,	Oates,	Turner, H. G.
Cassidy,	Hewitt, G. W.	O'Ferrall,	Turner, Oscar
Clements,	Hoblitzell,	Patton,	Vance,
Cobb,	Holman,	Pierce,	Wallace,
Cosgrove,	Hopkins,	Peel,	Ward,
Covington,	Houseman,	Pryor,	Warner, Richard
Crisp,	Hunt,	Pusey,	Wellborn,
Culberson, D. B.	Jones, J. H.	Rankin,	Williams,
Curtin,	Jones, J. K.	Reese,	Wilson, W. L.
Davis, L. H.	Kleiner,	Robertson,	Winans, E. B.
Dibble,	Lanham,	Rosecrans,	Wise, G. D.
Dibrell,	Lewis,	Scales,	Wolford,
Dowd,	Lovering,	Seney,	Worthington,
Eaton,	Lowry,	Seymour,	Yaple.
Eldredge,	McMillin,	Shelley,	

NOT VOTING—101.

Adams, J. J.	Cox, W. R.	Jeffords,	Reagan,
Barr,	Culbertson, W. W.	Jones, J. T.	Reed,
Bayne,	Cullen,	Kasson,	Robinson, J. S.
Belford,	Davidson,	Kellogg,	Robinson, W. E.
Blackburn,	Davis, G. R.	Ketcham,	Rogers, J. H.
Blanchard,	Deuster,	King,	Rogers, W. F.
Blount,	Dockery,	Lacey,	Russell,
Boutelle,	Dorsheimer,	Lamb,	Shaw,
Boyle,	Duncan,	Lawrence,	Skinner, T. G.
Brainerd,	Dunn,	Le Fevre,	Slocum,
Breitung,	Ellwood,	Long,	Snyder,
Broadhead,	Evins, J. H.	McCormick,	Steele,
Brumm,	Fyan,	Matson,	Talbott,
Buckner,	Gibson,	Milliken,	Thomas,
Burleigh,	Graves,	Morgan,	Townshend,
Burnes,	Green,	Morrill,	Wadsworth,
Cabell,	Guenther,	Morse,	Wait,
Caldwell,	Hancock,	Muller,	Warner, A. J.
Campbell, J. E.	Haynes,	Nelson,	Whiting,
Calkins,	Henley,	Nicholls,	Wilkins,
Chace,	Hill,	Paige,	Wise, J. S.
Clardy,	Hitt,	Payson,	Wood,
Clay,	Hooper,	Pettibone,	Woodward.
Connolly,	Houk,	Phelps,	
Converse,	Hurd,	Post,	
Cook,	Hutchins,	Randall,	

So the motion to reconsider was laid on the table.

The following additional pair was announced:

Mr. CALDWELL with Mr. PHELPS, for this day.

The bill was then ordered to a third reading, and was accordingly read the third time.

Mr. COX, of New York. I call for the previous question on the passage of the bill.

The previous question was ordered.

Mr. COSGROVE. I rise to a parliamentary inquiry. Is it now in order to move to commit this bill to the Committee on the Post-Office and Post-Roads with instructions?

The SPEAKER. It is.

Mr. COSGROVE. I move that the bill be referred to that committee with instructions to report it back with an amendment providing "that the leave of absence and the employment of substitutes under the provisions of this act shall not be between the 1st day of October and the 1st day of December." On this motion I call for the yeas and nays.

Mr. WHITE, of Kentucky. I desire to inquire of the gentleman from Missouri whether the bill on this subject reported during this session from the Committee on the Post-Office and Post-Roads contains the provision which he wants to have ingrafted on this bill?

Mr. COSGROVE. I am willing that this bill should be reported back at once.

Mr. COX, of New York. It was agreed between my friend from Missouri and myself that the yeas and nays should be taken on the passage of the bill——

Mr. COSGROVE. I expect to have the yeas and nays on that question.

Mr. COX, of New York. But I would not like to have the bill killed by a reference to a committee at this time; and I think such will be the inevitable effect of adopting this motion.

Mr. COSGROVE. I do not think so.

Mr. WHITE, of Kentucky. I desire to call the attention of the gentleman from Missouri, my colleague on the Committee on the Post-Office and Post-Roads, to the fact that the provision which he desires to ingraft on this bill is not contained in the bill reported by our committee at this session. Therefore it seems to me that this motion of the gentleman is evidently a dilatory motion.

The SPEAKER. The gentleman from Missouri [Mr. COSGROVE] has called for the yeas and nays on the motion to refer the bill to the Committee on the Post-Office and Post-Roads with the instructions he has stated.

The yeas and nays were ordered; there being—ayes 29, noes 109—more than one-fifth voting in the affirmative.

The question was taken; and it was decided in the negative—yeas 74, nays 148, not voting 101; as follows:

YEAS—74.

Aiken,	Dowd,	Lewis,	Singleton,
Alexander,	Eaton,	Libbey,	Stewart, Charles
Ballentine,	Eldredge,	McMillin,	Stockslager,
Barksdale,	Elliott,	Miller, J. F.	Storm,
Bennett,	English,	Mills,	Sumner, D. H.
Boyle,	Forney,	Money,	Taylor, J. M.
Breckinridge,	Green,	Morrison,	Throckmorton,
Buchanan,	Halsell,	Muldrow,	Tully,
Candler,	Hammond,	Oates,	Turner, H. G.
Carleton,	Hardeman,	O'Ferrall,	Turner, Oscar
Clements,	Hatch, W. H.	Patton,	Vance,
Cobb,	Hemphill,	Peel,	Warner, Richard
Cosgrove,	Henley,	Pryor,	Wellborn,
Covington,	Herbert,	Reese,	Winans, E. B.
Crisp,	Hewitt, G. W.	Robertson,	Wise, G. D.
Culberson, D. B.	Hunt,	Scales,	Wood,
Curtin,	Jones, J. H.	Seney,	Yaple.
Dibble,	Kleiner,	Seymour,	
Dibrell,	Lanham,	Shelley,	

NAYS—148.

Adams, G. E.	Follett,	Lyman,	Smith,
Anderson,	Foran,	McAdoo,	Spooner,
Arnot,	Funston,	McCoid,	Spriggs,
Atkinson,	Garrison,	McComas,	Springer,
Bagley,	Geddes,	Millard,	Stephenson,
Beach,	George,	Miller, S. H.	Stevens,
Belmont,	Glascock,	Moulton,	Stewart, J. W.
Bingham,	Goff,	Murphy,	Stone,
Bisbee,	Greenleaf,	Murray,	Strait,
Bowen,	Hanback,	Mutchler,	Struble,
Brewer, F. B.	Hardy,	Neece,	Sumner, C. A.
Broadhead,	Harmer,	Nutting,	Taylor, E. B.
Browne, T. M.	Hart,	Ochiltree,	Taylor, J. D.
Brown, W. W.	Hatch, H. H.	O'Hara,	Thompson,
Budd,	Henderson, D. B.	O'Neill, Charles	Tillman,
Caldwell,	Henderson, T. J.	O'Neill, J. J.	Valentine,
Campbell, Felix	Hepburn,	Parker,	Van Alstyne,
Campbell, J. M.	Hewitt, A. S.	Payne,	Van Eaton,
Cannon,	Hiscock,	Payson,	Wadsworth,
Collins,	Hoblitzell,	Perkins,	Wakefield,
Connolly,	Holmes,	Peters,	Wallace,
Cook,	Horr,	Poland,	Ward,
Cox, S. S.	Houseman,	Post,	Washburn,
Cutcheon,	Howey,	Potter,	Weaver,
Dargan,	Hutchins,	Price,	Weller,
Davis, L. H.	James,	Pusey,	Wemple,
Davis, R. T.	Jones, B. W.	Rankin,	White, J. D.
Dingley,	Jones, J. K.	Ranney,	White, Milo
Dorsheimer,	Jordan,	Ray, G. W.	Williams,
Dunham,	Kean,	Rice,	Willis,
Ellis,	Keifer,	Riggs,	Wilson, James
Ermentrout,	Kelley,	Rockwell,	Wilson, W. L.
Everhart,	Laird,	Rosecrans,	Winans, John
Ferrell,	Lawrence,	Rowell,	Wolford,
Fiedler,	Lore,	Ryan,	Worthington,
Findlay,	Lovering,	Skinner, C. R.	York,
Finerty,	Lowry,	Smalls,	Young.

NOT VOTING—101.

Adams, J. J.	Culbertson, W. W.	Johnson,	Ray, Ossian
Barbour,	Cullen,	Jones, J. T.	Reagan,
Barr,	Davidson,	Kasson,	Reed,
Bayne,	Davis, G. R.	Kellogg,	Robinson, J. S.
Belford,	Deuster,	Ketcham,	Robinson, W. E.
Blackburn,	Dockery,	King,	Rogers, J. H.
Blanchard,	Duncan,	Lacey,	Rogers, W. F.
Bland,	Dunn,	Lamb,	Russell,
Blount,	Ellwood,	Le Fevre,	Shaw,
Boutelle,	Evans, I. N.	Long,	Skinner, T. G.
Brainerd,	Evins, J. H.	McCormick,	Slocum,
Breitung,	Fyan,	Matson,	Snyder,
Brewer, J. H.	Gibson,	Maybury,	Steele,
Brumm,	Graves,	Milliken,	Talbott,
Buckner,	Guenther,	Mitchell,	Thomas,
Burleigh,	Hancock,	Morgan,	Townshend,
Burnes,	Haynes,	Morrill,	Tucker,
Cabell,	Hill,	Morse,	Wait,
Calkins,	Hitt,	Muller,	Warner, A. J.
Campbell, J. E.	Holman,	Nelson,	Whiting,
Cassidy,	Holton,	Nicholls,	Wilkins,
Chace,	Hooper,	Paige,	Wise, J. S.
Clardy,	Hopkins	Pettibone,	Woodward.
Clay,	Houk,	Phelps,	
Converse,	Hurd,	Pierce,	
Cox, W. R.	Jeffords,	Randall,	

So the motion of Mr. COSGROVE to commit the bill with instructions to the Committee on the Post-Office and Post-Roads was not agreed to.

The following additional pair was announced:

Mr. BLAND with Mr. RAY, of New Hampshire, on this vote.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The question is now on the passage of the bill, on which the yeas and nays have been ordered.

Mr. COX, of New York. I hope my friend from Missouri [Mr. COSGROVE] will not insist upon the yeas and nays on this question. We have already had a test-vote several times. I appeal to him to withdraw the call in order to save time.

Mr. COSGROVE. So far as I am individually concerned I care nothing about having the yeas and nays on this question. But several gentlemen have requested me to adhere to the agreement that we should have the yeas and nays, and I would not like to withdraw the demand.

Mr. COX, of New York. The order for the yeas and nays can be vacated by unanimous consent.

Mr. COSGROVE. I shall not ask unanimous consent.

Mr. COX, of New York. I ask unanimous consent that the agreement for taking the yeas and nays on the passage of this bill be vacated.

There being no objection, it was ordered accordingly.

Mr. WHITE, of Kentucky. I desire to know in what respect this bill differs from the one reported by the Committee on the Post-Office and Post-Roads of this House. As I understand, the two bills are the same; and this ought to be passed if we are going to stand by our committee. [Cries of "Regular order!"]

The bill was passed.

Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location and name.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

DISTRICT APPROPRIATION BILL.

Mr. FOLLETT. I present the following privileged report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 30, 39, 45, 46, 47, 48, 49, 60, 61, 62, 63, 69, and 70.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 50, 52, 53, 54, 56, 57, 58, 59, 65, 66, 67, 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$263,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$468,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$128,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$837,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, with an amendment as follows: In line 10 of the matter proposed to be inserted by said amendment strike out the word "private" and in lieu thereof insert the word "fireman;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the act entitled 'An act to protect Holmead Cemetery, in the District of Columbia,' approved March 3, 1879, be amended by adding the words 'and convey,' after the word 'sell;' so as to make it read, 'sell and convey any part or the whole of said square.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"And where special assessments have been reduced on revision, as required by law, drawback certificates receivable for all arrears of general taxes due and unpaid June 30, 1882, shall be issued to the holders of outstanding lien certificates for the interest accrued on the amount of such reduction up to the date of the passage of this act."

And the Senate agree to the same.

JOHN F. FOLLETT,
WALDO HUTCHINS,
Managers on the part of the House.
P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The Clerk will now read the statement which the rule provides shall accompany all conference reports.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6656, making appropriations for the expenses of the District of Columbia for the fiscal year 1885, submit the following written statement in explanation of the effect of the action recommended on each amendment in the accompanying conference report.

On amendments 1, 2, 3, and 4: Provides for a messenger at $480 and increases the amount for contingent expenses in the office of the commissioners to $2,500.

On amendments 5, 6, and 7: Provides for one clerk at $1,000 and two clerks at $900 each, in lieu of one messenger in the assessor's office at $600.

On amendments 8, 9, 10, 11, and 12: Provides for a chief clerk to act as deputy auditor in lieu of a clerk at $1,400, for one additional clerk at $1,200, and $1,000 for temporary clerk-hire in the auditor's office.

On amendment 13: Inserts the following:

"For temporary clerk-hire to enable the auditor to bring up the books and arrange the accounts of his office and to audit the books of the collector, $143.96, to be immediately available."

On amendments 14, 15, 16, 17, 18, and 19: In the engineer's office, provides for three clerks at $1,200 each; that the fees collected by the inspector of gas and meters and by the harbor master shall be paid into the Treasury to the credit of the United States and of the District in equal parts; for one assistant inspector of plumbing, at $1,000, and for necessary office expenses of the inspector of gas and meters, $600.

On amendment 20: Strikes out the following:

"And the sum of $85,000 appropriated for the Boundary-street intercepting sewer by the act approved July 1, 1882, is hereby reappropriated and made immediately available for prosecuting the work under the contracts heretofore made for its expenditure or such future contracts as shall be made therefor.

On amendments 21, 22, and 23: Appropriates $263,000 for works on sundry avenues and streets, and corrects the total stated in a paragraph.

On amendments 25, 26, 27, and 28: Provides for a blacksmith at $240, and for a hostler and ambulance driver at $120 each for the Washington Asylum.

On amendments 29 and 30: Appropriates $22,600 for subsistence for the Reform School.

On amendment 31: Appropriates $2,000 for heating apparatus and for furnishing new building for the National Association for Destitute Colored Women and Children.

On amendments 32, 33, 34, 35, and 36: Makes verbal corrections in the text of the bill, and inserts the following:

"That the appropriation of $5,000 made by the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes, approved July 1, 1882, 'for the erection of a building on the grounds recently purchased by the German Protestant Orphan Asylum Association of the District of Columbia, now the German Orphan Asylum Association of the District of Columbia, provided that the asylum shall contribute an equal sum for this purpose,' and continued and made available for the same purpose and subject to the like condition for the fiscal year 1884 by the act approved March 3, 1883, be, and the same is hereby, reappropriated and made avilable, without condition, for the uses of the institution, in the discretion of the board of directors."

On amendments 37 and 38: Provides that the report of the District commissioners, in reference to the institutions of charity, shall also include such recommendations as the commissioners may deem proper concerning the necessity for such institutions, together with a plan for their organization and management and estimates of appropriations necessary for their maintenance.

On amendments 39, 40, 41, 42, and 43: Appropriates $25,000 for current repairs to county roads and suburban streets; $22,000 for cleaning and repairing lateral sewers and basins, and $3,000 for repairs to pumps.

On amendments 44, 45, 46, 47, and 48: Leaves the paragraph containing the provisions for street lighting just as it passed the House, except that provision is made to replace lamp-posts that are old, damaged, and unfit for use.

On amendments 49, 50, 51: Provides for ten lieutenants of the police force at $1,320 each, and one driver at $320.

On amendment 52: Inserts the following:

"To purchase, if on due trial found useful and necessary, twenty Gamewell alarm telegraph and telephone police stations, $5,000, or so much thereof as may be necessary."

On amendments 53, 54, and 55: Fixes the pay of firemen at $780 each, and provides that the commissioners shall deduct $1 each month from the monthly pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, under the control of the commissioners, and shall be used for the relief of any fireman who by accident, while in actual performance of duty, shall become so permanently disabled as to be discharged from service therefor, and in case of his death, leaving a widow or children under 16 years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of $40 per month.

On amendment 56: Inserts the following:

"To pay Rezin W. Darby the amount due him on his contract for remodeling the Georgetown town hall and converting the same into a fire-engine house, $1,658.61. And the amount which shall be received from the sale of the Georgetown fish-wharf, authorized by the act of March 3, 1883, shall be covered into the Treasury of the United States."

On amendments 57, 58, and 59: Fixes the salary of the clerk of the police court at $2,000.

On amendments 60, 61, 62, and 63: Leaves the provisions touching the public schools and school building just as it passed the House, except that the number of new buildings to be erected is not fixed.

On amendment 64: Inserts the following: "That the act entitled 'An act to protect the Holmead Cemetery, in the District of Columbia,' approved March 3, 1879, be amended by adding the words 'and convey,' after the word 'sell,' so as to make it read 'sell and convey any part or the whole of said square.'"

On amendments 65 and 66: Provides for the purchase of ambulance, horse, and harness, and pay of a driver, $1,200, for the Health Department.

On amendments 67 and 68: Inserts the following: "That all appropriations for contingent expenses made by this act shall be expended under the direction and in the sole discretion of the commissioners of the District of Columbia; but such expenditures shall be accounted for in the Treasury Department as other expenditures for the District, and a detailed statement of such expenditures shall be reported to Congress in accordance with section 193 Revised Statutes of the United States."

On amendments 69 and 70: Leaves the provisions affecting the water department just as the bill passed the House.

On amendment 71: Inserts the following:

"And where special assessments have been reduced on revision as required by law, drawback certificates receivable for all arrears of general taxes due and unpaid June 30, 1882, shall be issued to the holders of outstanding lien certificates for the interest accrued on the amount of such reduction up to the date of the passage of this act."

The aggregate of the bill as agreed upon and which is payable from the Treasury is $1,686,743.27, being a reduction under the amount as it passed the Sen-

ate of $34,420, an increase of $9,451.29 over the bill as it passed the House, and $13,953.96 decrease under the law for the current year.

JOHN F. FOLLETT,
WALDO HUTCHINS,
Managers on the part of the House.

Mr. FOLLETT. Mr. Speaker, the explanation which has just been read is complete so far as the action of the conference committee is concerned, and I move the conference report be agreed to.

Mr. CANNON. I ask my colleague to yield to me a minute.

Mr. FOLLETT. Certainly.

Mr. CANNON. I did not sign this conference report, Mr. Speaker, and my reason for not doing so was on account of Senate amendment numbered 71, from which the Senate receded with an amendment. I did not believe the matter agreed to in conference was properly before it, as it was neither in the House bill nor in the bill as it passed the Senate. Prior to the meeting of the conference I had not given the subject investigation, nor have I been able to do so since sufficiently to have a fixed opinion as to its merits. I presume the gentlemen who have signed the conference report have done so. It was, however, sufficient for me, not believing it to be a matter properly in conference, to withhold my signature from the report.

The conference report was agreed to.

Mr. FOLLETT moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSION FOR COMMITTEE ON MILITARY AFFAIRS.

Mr. ROSECRANS. Mr. Speaker, I am directed by the Committee on Military Affairs to ask that this resolution which I send to the desk be read, and unanimous consent requested to put the same upon its passage.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That the House shall take a recess at 5 o'clock this afternoon to reassemble at 8 o'clock for the sole purpose of considering bills from the Committee on Military Affairs and Senate bills on the Speaker's table, the subject-matter of which have been considered by the Committee on Military Affairs.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. ROSECRANS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Some time subsequently,

Mr. ROSECRANS. Mr. Speaker, I perceive that the resolution which I sent up a few moments since, by an error of the Clerk in copying it, omits to make provision for an evening session to-morrow. The intention of the committee was to ask that two evenings be set apart for this business. I therefore ask unanimous consent that the resolution as adopted be modified so as to provide for the same order to-morrow afternoon.

The SPEAKER. Is there objection to the modification suggested by the gentleman from California?

Mr. KEIFER. I think it had better stand for the present as it is. There may be some other business of importance for to-morrow evening. I do not object to the session to-night of course which has been agreed upon.

Mr. ROSECRANS. The difficulty is to get recognition.

ZUNI INDIAN RESERVATION.

Mr. OURY. Mr. Speaker, I am instructed by the Committee on Indian Affairs to report, with favorable recommendation, a resolution of inquiry referred to that committee.

The SPEAKER. This is a privileged report, which the Clerk will read.

The Clerk read as follows:

The Committee on Indian Affairs, to whom was referred House resolution 358, have considered the same, and report the same back with the recommendation that it be adopted.

The committee find some person or persons have laid claim to a portion of the Zuni Indian reservation in the Territories of Arizona and New Mexico, and that it is necessary to have all the information in the Interior Department in order to ascertain what legislation, if any, is necessary to settle any disputed questions of title to lands on said reservation, as well as to furnish the Committee on Expenditures with desired information in the prosecution of its labors.

The SPEAKER. The Clerk will report the resolution reported back by the committee.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be requested to furnish the House of Representatives with copies of all reports, correspondence, and other papers on file in the Interior Department relating to the alleged claims of any person to a portion of the lands of the Zuni Indian reservation in the Territories of New Mexico and Arizona and the restoration of such lands to said reservation, and also to inform the House what action the Department has taken in the premises.

Mr. VALENTINE. Does that require unanimous consent?

The SPEAKER. It is a privileged report from the Committee on Indian Affairs.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. COBB. I call up the regular order, which is the unfinished business.

Mr. COOK. Mr. Speaker, I gave notice some time ago that I would call up the Chalmers-Manning contest, but I find the minority on that side has not had its views printed; and, yielding to their request, I allow the case to go over until to-morrow, and will then call it up again.

Mr. WILLIS. I wish to make an inquiry as to whether it would be in order to move to go into Committee of the Whole House on the state of the Union.

The SPEAKER. It will be in order if the House declines to consider the unfinished business.

Mr. WILLIS. Then I ask permission to make a statement, which will not exceed perhaps a quarter of a minute.

Mr. COBB. I will consent to that if the gentleman will allow me the same length of time to make a counter-statement.

Mr. WILLIS. Certainly.

I desire to say that under instructions from the Committee on Education over six months ago we reported a bill, which is in Committee of the Whole House on the state of the Union. Nearly three months ago the Senate passed an educational bill. I am required by that committee and shall endeavor to obtain consideration of one or the other of these bills, but I do not desire from morning to morning to occupy the time of the House with an endeavor to secure their consideration. If, then, the House will by a yea-and-nay vote give me my instructions in the premises I will abide by that decision, and I will ask a yea-and-nay vote whether it is the pleasure of this House to take up for consideration one of these educational bills.

Mr. WHITE, of Kentucky. Why can not we do that now by unanimous consent? [Cries of "Regular order!"]

The SPEAKER. The gentleman from Kentucky was permitted to make a brief statement upon condition that the gentleman from Indiana should have the same privilege.

Mr. COBB. I desire to state, Mr. Speaker, that this land-grant question is quite as important as any we have before us. The late convention of the Republican party indorsed the forfeiture of the land grants.

A MEMBER. And the educational bill, too.

Mr. COBB. And the educational bill, too, as I am informed. So far as our Committee on the Public Lands is concerned we have worked very faithfully at this business, and have presented a number of bills for the consideration of the House which we are in hopes of reaching and passing at this session.

Mr. VALENTINE. By what right is this debate going on?

The SPEAKER. By consent of the House. Consent was given to the gentleman from Kentucky to make a statement upon condition that the gentleman from Indiana who called up the unfinished business might also make a brief statement.

Several MEMBERS. Regular order!

Mr. EATON. I do not want a quarter of a minute or a quarter of an hour in which to make any statement. But I think the unfinished business is the bill reported by the Committee on the Law respecting the Election of President and Vice-President; and I therefore propose to call up that bill.

The SPEAKER. There is pending as unfinished business a report from the Committee on Public Lands, a bill to repeal the pre-emption laws and the timber-culture laws to which various amendments have been offered and on which the previous question has been ordered; there is also an unfinished report from the Select Committee on the Law respecting the Election of President and Vice-President to which various amendments have been offered and on which likewise the previous question has been ordered. But the report from the Committee on Public Lands comes first. It was unfinished business having priority when the other bill was taken up. As soon as that is disposed of, the bill to which the gentleman from Connecticut refers will be the regular order as unfinished business.

Mr. WILLIS. I raise the question of consideration against the unfinished business, my purpose being to ask the House to take up for consideration the education bill.

The SPEAKER. The question is, Will the House proceed to the consideration of the unfinished business, being the bill reported by the Committee on Public Lands?

Mr. KEIFER. Has the previous question been ordered?

The SPEAKER. It has been ordered on the amendments and engrossment and third reading of the bill.

Mr. KEIFER. I doubt very much if the question of consideration can be raised against a bill on which the previous question has been ordered.

The SPEAKER. The Chair has some doubts. It has been the custom of the House to take up at once as unfinished business bills on which the previous question has been ordered. It happens that in this case there are two bills precisely in the same situation.

Mr. KEIFER. Then they should be taken in the order of priority.

The question being put, the House determined to consider the unfinished business, being the report of the Committee on the Public Lands.

PRE-EMPTION AND TIMBER-CULTURE LAWS.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. COBB. I ask unanimous consent to offer an amendment to supply words which were by mistake left out in the printed bill.

The SPEAKER. The question is upon the adoption of the amendment offered by the gentleman from Alabama [Mr. HERBERT] to the amendment offered by the gentleman from Indiana [Mr. HOLMAN]. Pending that, the gentleman from Indiana [Mr. COBB] asks unanimous consent to correct what he states is an erroneous print of the bill. The gentleman will send up his amendment.

The Clerk read as follows:

Amend section 2 of the bill as follows: Insert after "2468," in line 4, these words: "and all other laws upon the subject;" so that it will read:

"That sections 2464, 2465, 2466, 2467, and 2468 and all other laws upon the subject be, and the same are hereby, repealed."

Mr. VALENTINE. I object.

Mr. COBB. Then I move to reconsider the vote by which the previous question was ordered on the bill and amendments. I do so because it is important that this amendment shall be made.

The SPEAKER. The motion to reconsider can only be entertained by unanimous consent, more than two days having elapsed since the previous question was ordered.

Mr. COBB. I think the gentleman from Nebraska [Mr. VALENTINE] if he understood the amendment would not antagonize it.

Mr. VALENTINE. It is too broad. I certainly shall object.

Mr. COBB. There were two acts intended to be repealed——

Mr. VALENTINE. I call for the regular order.

The SPEAKER. The regular order being insisted upon, the Clerk will report the amendment proposed by the gentleman from Indiana and the amendment proposed to that by the gentleman from Alabama.

The Clerk read the amendment proposed by Mr. HOLMAN, as follows:

That from and after the passage of this act no public lands of the United States adapted to agriculture shall be sold except mineral lands and town sites, and all public lands of the United States adapted to agriculture shall be reserved for actual and *bona fide* settlers only under the provisions of the homestead laws, subject, however, to bounty-land warrants and college scrip issued by authority of Congress and grants which Congress has heretofore made or shall hereafter make in new States and Territories for the purpose of education; but all laws and parts of laws touching the rights of the officers, soldiers, and seamen heretofore in the military or naval service of the United States in the public lands are continued in full force.

The SPEAKER. To that amendment the gentleman from Alabama [Mr. HERBERT] has moved an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out the words "adapted to agriculture," where they first occur in Mr. HOLMAN'S amendment, and in lieu thereof insert "which shall be decided by the Interior Department to be more valuable in the market for agricultural purposes than for the timber thereon."

The question being taken on the adoption of Mr. HERBERT'S amendment, there were ayes 17. Before the negative vote was counted,

The SPEAKER said: The Chair finds that when this bill was formerly under consideration the yeas and nays were ordered on this amendment and were taken, but no quorum voted.

Mr. HERBERT. I withdraw the demand for the yeas and nays.

The SPEAKER. The House had ordered them; but the yeas and nays being taken disclosed the fact that a quorum had not voted.

Mr. HERBERT. I am satisfied that taking the yeas and nays would merely be consuming time. I therefore ask unanimous consent that the order for the yeas and nays be vacated.

There was no objection.

The SPEAKER. The Chair then will complete the rising vote.

The negative vote was taken; and the Speaker announced that there were—ayes 17, noes 39.

Mr. BLANCHARD. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Louisiana, Mr. BLANCHARD, and the gentleman from Indiana, Mr. COBB.

Mr. POLAND. Let the amendment be again reported.

The amendment was again read.

The House again divided; and the tellers reported—ayes 26, noes 124.

So (further count not being called for) the amendment was not agreed to.

The SPEAKER. The question recurs on the adoption of the amendment proposed by the gentleman from Indiana [Mr. HOLMAN].

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment, being one that was offered by the gentleman from Washington Territory [Mr. BRENTS].

The Clerk read as follows:

Add at the end of section 6 the following:

"*Provided*, That nothing herein contained shall be construed to amend or repeal an act for the sale of timber-lands in the States of California, Oregon, and Nevada, and in Washington Territory, passed June 3, 1878."

Mr. HOLMAN. Was that amendment pending?

The SPEAKER. Amendments were offered and allowed to be considered as pending, and then the previous question was ordered on the bill and amendments.

The question being taken on the amendment proposed by Mr. BRENTS, there were—ayes 32, noes 13.

So (further count not being called for) the amendment was agreed to.

The next amendment was one offered by Mr. DUNN, to add to the bill the following:

Provided, That nothing in this act shall be construed to impair, defeat, or in any manner affect the rights of any State to indemnity for swamp and overflowed lands granted to the State of Arkansas and to other States under the provisions of an act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within the limits," approved September 28, 1850, as provided in sections 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, and 2490 of the Revised Statutes of the United States.

The amendment was agreed to.

The next amendment was one offered by Mr. PETERS, to add to section 1 of the bill the following:

Provided, That when it is ascertained, after investigation, that any quarter-section of land entered under the provisions of the homestead, pre-emption, or timber-culture laws charged to have been fraudulently entered has been transferred to an innocent holder, without any collusion between such holder and the person charged with the fraudulent entry, then in such case or cases patents for such lands may, in the discretion of the Secretary of the Interior, be issued.

The question was taken upon agreeing to the amendment by a *viva voce* vote, and the Speaker announced that the noes appeared to have it.

Mr. PETERS. I call for a division.

The House divided; and there were—ayes 14, noes 47.

So (no further count being called for) the amendment was not agreed to.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. NELSON. I desire to move to recommit this bill with instructions.

The SPEAKER. That motion is in order.

Mr. NELSON. Then I move to recommit the bill to the Committee on Public Lands with instruction to so amend the bill as to retain the pre-emption law, but modified so that it shall not apply to pine lands, and so that final proof and entry can not be made till after settlement and cultivation for a period of not less than thirty months.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. I have prepared a resolution to recommit this bill to the Committee on Public Lands with instructions to report amendments to the timber-culture and pre-emption laws, which will obviate fraudulent practices under those laws. Is it in order for me to move that as a substitute for the motion submitted by the gentleman from Minnesota [Mr. NELSON] or to submit it afterward?

The SPEAKER. The gentleman can offer it as a substitute, or should the motion of the gentleman from Minnesota [Mr. NELSON] be voted down, the gentleman from Kansas [Mr. ANDERSON] can then submit his motion.

The motion of Mr. NELSON to recommit was not agreed to.

Mr. COBB. I now move the previous question on the passage of the bill.

Mr. ANDERSON. Pending the demand for the previous question, I submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the bill be recommitted to the Committee on Public Lands with instructions to report such amendments to the pre-emption and timber-culture laws as will prevent fraudulent practices thereunder.

Mr. KEIFER. Has there not been a vote on a motion to recommit?

The SPEAKER. That was the ordinary motion to recommit before the previous question was demanded.

The question was taken on the motion of Mr. ANDERSON; and upon a division there were—ayes 27, noes 61.

Mr. VALENTINE. No quorum has voted.

Tellers were ordered; and Mr. VALENTINE and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 27, noes 103.

Mr. VALENTINE (one of the tellers). No quorum has voted. It is my duty to my constituents to see that such a measure as this is not passed without a quorum.

The SPEAKER. The tellers will continue the count, and gentlemen who have not voted will please come forward and vote on one side or the other.

The tellers continued and concluded the count, and reported that there were—ayes 47, noes 117.

So the motion of Mr. ANDERSON was not agreed to.

The previous question was ordered upon the passage of the bill.

Mr. VALENTINE and Mr. ANDERSON called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 40, not voting 134; as follows:

YEAS—149.

Adams, G. E.	Ellis,	Lyman,	Stockslager,
Aiken,	Ellwood,	McAdoo,	Stone,
Alexander,	English,	McComas,	Storm,
Bagley,	Ermentrout,	McMillin,	Sumner, C. A.
Ballentine,	Ferrell,	Maybury,	Taylor, J. M.
Barksdale,	Findlay,	Millard,	Thompson,
Beach,	Finerty,	Miller, J. F.	Tillman,
Belford,	Follett,	Mills,	Tucker,
Bennett,	Foran,	Mitchell,	Tully,
Blanchard,	Geddes,	Morrison,	Turner, H. G.
Bland,	Glascock,	Moulton,	Turner, Oscar
Bowen,	Green,	Neece,	Van Alstyne,
Boyle,	Halsell,	Nutting,	Vance,
Breckinridge,	Hammond,	Oates,	Van Eaton,
Broadhead,	Hardeman,	O'Ferrall,	Wadsworth,
Browne, T. M.	Hardy,	O'Neill, J. J.	Wallace,
Buchanan,	Hatch, W. H.	Patton,	Ward,
Burnes,	Hemphill,	Payne,	Warner, Richard
Cabell,	Henley,	Payson,	Washburn,
Caldwell,	Herbert,	Peel,	Wellborn,
Candler,	Hewitt, G. W.	Pierce,	Weller,
Cannon,	Hiscock,	Pryor,	Wemple,
Carleton,	Hoblitzell,	Randall,	White, J. D.
Cassidy,	Holman,	Ray, G. W.	Williams,
Clements,	Hopkins,	Reese,	Willis,
Cobb,	Houseman,	Rockwell,	Wilson, James
Connolly,	Hunt,	Rowell,	Wilson, W. L.
Cosgrove,	James,	Scales,	Winans, E. B.
Cox, S. S.	Johnson,	Seney,	Winans, John
Crisp,	Jones, B. W.	Seymour,	Wise, G. D.
Dargan,	Jones, J. H.	Shelley,	Wolford,
Davis, R. T.	Jones, J. K.	Singleton,	Wood,
Dibble,	Kleiner,	Skinner, C. R.	Worthington,
Dibrell,	Lanham,	Smith,	Yaple,
Dorsheimer,	Lawrence,	Spriggs,	York.
Dunn,	Lewis,	Springer,	
Eaton,	Lore,	Stevens,	
Eldredge,	Lovering,	Stewart, Charles	

NAYS—40.

Anderson,	Hepburn,	Nelson,	Rice,
Bisbee,	Hitt,	Ochiltree,	Smalls,
Brown, W. W.	Holmes,	O'Hara,	Stewart, J. W.
Culbertson, W. W.	Horr,	Parker,	Strait,
Davis, G. R.	Howey,	Perkins,	Taylor, E. B.
Evans, I. N.	Kean,	Peters,	Valentine,
Everhart,	Kelley,	Poland,	Wakefield,
Funston,	Kellogg,	Price,	Weaver,
Goff,	McCoid,	Rankin,	White, Milo
Henderson, D. B.	Miller, S. H.	Ranney,	Woodward.

NOT VOTING—134.

Adams, J. J.	Cutcheon,	Jeffords,	Ray, Ossian
Arnot,	Davidson,	Jones, J. T.	Reagan,
Atkinson,	Davis, L. H.	Jordan,	Reed,
Barbour,	Deuster,	Kasson,	Riggs,
Barr,	Dingley,	Keifer,	Robertson,
Bayne,	Dockery,	Ketcham,	Robinson, J. S.
Belmont,	Dowd,	King,	Robinson, W. E.
Bingham,	Duncan,	Lacey,	Rogers, J. H.
Blackburn,	Dunham,	Laird,	Rogers, W. F.
Blount,	Elliott,	Lamb,	Rosecrans,
Boutelle,	Evins, J. H.	Le Fevre,	Russell,
Brainerd,	Fiedler,	Libbey,	Ryan,
Breitung,	Forney,	Long,	Shaw,
Brewer, F. B.	Fyan,	Lowry,	Skinner, T. G.
Brewer, J. H.	Garrison,	McCormick,	Slocum,
Brumm,	George,	Matson,	Snyder,
Buckner,	Gibson,	Milliken,	Spooner,
Budd,	Graves,	Money,	Steele,
Burleigh,	Greenleaf,	Morgan,	Stephenson,
Calkins,	Guenther,	Morrill,	Struble,
Campbell, Felix	Hanback,	Morse,	Sumner, D. H.
Campbell, J. E.	Hancock,	Muldrow,	Talbott,
Campbell, J. M.	Harmer,	Muller,	Taylor, J. D.
Chace,	Hart,	Murphy,	Thomas,
Clardy,	Hatch, H. H.	Murray,	Throckmorton,
Clay,	Haynes,	Mutchler,	Townshend,
Collins,	Henderson, T. J.	Nicholls,	Wait,
Converse,	Hewitt, A. S.	O'Neill, Charles	Warner, A. J.
Cook,	Hill,	Paige,	Whiting,
Covington,	Holton,	Pettibone,	Wilkins,
Cox, W. R.	Hooper,	Phelps,	Wise, J. S.
Culberson, D. B.	Houk,	Post,	Young.
Cullen,	Hurd,	Potter,	
Curtin,	Hutchins,	Pusey,	

So the bill was passed.

The SPEAKER. The Clerk will announce the additional pairs.

The following were announced as paired on this vote:

Mr. RIGGS with Mr. HANBACK.

Mr. COOK with Mr. STEPHENSON.

Mr. ROBERTSON with Mr. GEORGE.

Mr. O'NEILL, of Pennsylvania, with Mr. DAVIS, of Missouri.

Mr. FORNEY with Mr. KEIFER.

Mr. BROADHEAD with Mr. RYAN.

The following were announced as paired for this day:

Mr. POST, of Pennsylvania, with Mr. CUTCHEON.

Mr. THOMPSON with Mr. STRUBLE.

Mr. FIEDLER with Mr. DINGLEY.

Mr. DOWD with Mr. CAMPBELL, of Pennsylvania.

Mr. SUMNER, of Wisconsin, with Mr. RAY, of New Hampshire.

Mr. MULDROW with Mr. HARMER.

Mr. POST, of Pennsylvania. Mr. Speaker, if I were not paired on this question I should vote "ay."

The result of the vote was announced as above stated.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed a joint resolution of the following title:

Joint resolution (H. Res. 167) granting permission to exhibit in the Capitol a model of the pedestal of the Bartholdi statue of Liberty enlightening the world.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order has been demanded. It is the unfinished business——

Mr. LEWIS. I move that the House proceed to consider bills in relation to land grants, reported by the Committee on Public Lands, such bills to be considered in the order in which they stand upon the Calendar.

Mr. EATON. As I have understood the suggestion of the Chair, the next business now in order is the unfinished business coming over from Saturday last—the bill providing for the count of the electoral vote. The previous question has been ordered upon that bill. I now call for the consideration of the bill.

The SPEAKER. The gentleman from Connecticut [Mr. EATON] demands the regular order, which is the unfinished business, upon which the previous question has been ordered. The gentleman from Louisiana [Mr. LEWIS] desires, as the Chair understands, to raise the question of consideration.

Mr. LEWIS. If I recollect aright the order of the House under which the bill in reference to the electoral count was taken up, it is subject to matters reported under the Holman resolution, and therefore my motion takes precedence of that of the gentleman from Connecticut.

The SPEAKER. The difficulty is that the bill which the gentleman from Connecticut calls up was under consideration and the previous question was ordered upon the amendments and on ordering the bill to a third reading. In other words, the House directed that the main question should be put at once on those propositions. The Chair thinks that in this position of the case——

Mr. LEWIS. I am perfectly willing——

The SPEAKER. Debate is not in order.

Mr. LEWIS. I understand that under the rules the gentleman in charge of the electoral-count bill will have the right, if that bill is taken up, to occupy one hour in closing the debate. If he will agree that there shall be no discussion, but that the vote be taken at once on the bill, I will not antagonize his proposition.

Mr. WILSON, of Iowa. I do not believe that this question has ever been held in the House otherwise than according to the present ruling of the Chair.

Mr. VALENTINE. I understand the Chair has ruled that the question of consideration can be raised against the measure in charge of the gentleman from Connecticut although the previous question has been ordered.

The SPEAKER. This morning, when the regular order was first demanded, after the bill in relation to letter-carriers had been disposed of, the Chair allowed the question of consideration to be raised against a bill on which the previous question had been ordered simply because there were two bills in the same situation precisely.

Mr. VALENTINE. That, I think, was correct.

The SPEAKER. The Chair held that the House should have the right in such a case to determine which bill it would take up.

Mr. VALENTINE. And I understand there is now but one bill in this position.

The SPEAKER. There is but one; and the Chair thinks that under the practice of the House, although there is no positive rule upon the subject, the bill on which the previous question has been ordered comes up as a matter of course.

Mr. WILSON, of Iowa. Although there is no positive rule, Mr. Speaker, there have been a great many decisions.

The SPEAKER. There have been a great many decisions and there has been a long practice in the House, although there is no positive rule.

Mr. LEWIS. I desire to ask the gentleman in charge of the electoral count bill, whether he intends to consume any time in discussion?

Mr. EATON. The previous question has been ordered, and the rules of the House limit the debate. The more quickly we get at this bill the more quickly we shall dispose of it.

The SPEAKER. The gentleman from Connecticut will proceed.

Mr. LEWIS. I raise the question of consideration.

The SPEAKER. The Chair thinks the question of consideration can not be raised against the bill when the House by a vote has directed that the question be put.

COUNT OF ELECTORAL VOTE.

The House accordingly resumed the consideration of the bill (S. 25),

to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and for the decision of questions arising thereon.

Mr. HART. Mr. Speaker, I believe the Chair holds that this bill is now before the House for consideration?

The SPEAKER. He does.

Mr. HART. There is, I understand, an hour for further debate, one-half of which is to be occcupied by those who oppose the substitute.

The SPEAKER. That is not the rule of the House.

Mr. HART. I understand it to be the arrangement.

The SPEAKER. The rule would allow one hour for closing the debate, to be controlled by the gentleman who reported the bill.

Mr. EATON. The arrangement is that one-half of the closing hour shall be occupied by gentlemen opposed to the substitute reported by the House committee. I yield half an hour to the gentleman from Ohio [Mr. HART], who will dispose of it as he chooses.

Mr. HART. I yield twenty minutes of my time to the gentleman from Alabama.

Mr. HERBERT. Mr. Speaker, I believe this Congress at this session ought to pass some law on this question. The situation is just as it was eight years ago. We are entering on what is likely to be a very exciting Presidential campaign. The House is Democratic and the Senate is Republican, and if we adjourn this session without having agreed upon any rule or any law which shall regulate the count of the electoral vote we may have a deadlock again next winter. I do not believe the country would submit to another electoralcommission. Upon the passage of some law now to regulate the count may depend the peace of the country and the perpetuity of our institutions. I believe that a bad law would be better than no law at all, for the law-abiding conservative spirit of the people of this country would cause the people to acquiesce in whatever decision might be made according to a law agreed upon before the quarrel or dispute had arisen.

I am in favor of the Senate bill and against the substitute reported by the House committee. That substitute provides that the Senate and House shall merge into one body, that Senators and Representatives shall vote per capita on every question as it arises.

The distinguished gentleman from Connecticut [Mr. EATON] who reported the substitute said in his opening remarks that it was unconstitutional. I agree with him.

Mr. EATON. Not quite that.

Mr. HERBERT. I so understood you. He says he did not say it. I doubt the constitutionality of his substitute, but for a very different reason from that given by him.

He says it is the duty of the House under the Constitution to count the votes of the electors, and he derives that power from the fact that the Constitution imposes upon the House the election of a President if none shall be chosen by the electors. With all due deference I think that is a *non sequitur*. It is true that under the law whatever party or power is to fill a vacancy must first decide that a vacancy exists, but it does not necessarily follow that the person or body which has the filling of a vacancy must find or declare the vacancy in the first instance.

I need not go beyond the organization of this House for an illustration of that. The gentleman from Connecticut was elected to this House under the laws of Connecticut. But if when he came here there had been a contest between him and another, and this House had decided that the election was void and the seat was vacant, on the governor of Connecticut would have devolved the duty to take the first step in filling the vacancy. He would act on the declaration of this House that there was a vacancy and issue his writ for an election. So in this case. It does not at all follow from the fact that this House has devolved upon it the duty of electing a President if the electors choose none that it has the right under the Constitution to count the vote. That same provision of the Constitution gives the right also to the Senate to elect a Vice-President in case none has been elected by the electors.

Then we would have according to his reasoning two bodies, the House of Representatives and the Senate, each entitled to count these votes. How could that be done? Would the gentleman split his logic, and say that under the Constitution the House would have the right to count the votes for President and the Senate would have the right to count the votes for Vice-President. Who ever heard of such an idea? I think the mere statement of the proposition is its sufficient refutation.

But, Mr. Speaker, the Constitution provides that the President of the Senate, to whom the certificates of returns have been transmitted, "shall open the certificates in the presence of the Senate and House of Representatives."

It is further provided, after he shall have so opened the certificates, that "the votes shall then be counted." It has always been understood from the beginning of the Government, now nearly one hundred years, lacking but one to complete all the counts in the century since the Government began, that the Senate acted as a Senate, as an organized body, and the House of Representatives also as an organized body, each equal in power and authority over the count to the other.

The word Senate as used in the Constitution has a distinct and definite signification—an organized political entity. So the words House of Representatives mean this House organized as such.

But this House substitute provides that when the Senate comes over here it shall give up its autonomy; that it shall not come here as a Senate, but that the Senators shall come simply as voters. It provides that the seventy-six Senators shall merge themselves with the members of this House, where they, the representatives of thirty-eight States, will have less power than the Representatives of three States on this floor. Do you seriously invite the Senate to that kind of a feast? Another consequence which has been alluded to in this debate: The Senate to-day is Republican, the House Democratic, and, as I have said, all the precedents, without a single exception, point to the conclusion that each is to be equal to the other in power and authority over the count. Do you seriously ask the Senate, a Republican Senate, to come over here and give up its power and merge its membership into the membership of this House, and give us Democrats over seventy majority in the count of the next Presidential vote?

Mr. MILLS. Let me interrupt the gentleman from Alabama for a moment. Does the gentleman from Alabama pretend that any one can be legally declared to be elected President of the United States without the consent of the House of Representatives?

Mr. HERBERT. I do not, as a general proposition; though I do contend, and I am coming to that, that Congress has the right to legislate upon that subject and prescribe rules of evidence by which both Houses shall be guided in conducting the count.

Mr. MILLS. But let me call the gentleman's attention to this: The Constitution declares that the House of Representatives shall, in the event of a certain contingency, proceed to elect a President of the United States. Now, according to the rules of law as I understand them, when a power is conferred upon any body to do a certain thing upon the happening of a certain contingency, the power is also vested in that body to determine the time that that contingency has happened. Hence, when the House finds that no one has been elected, it is its duty to proceed under the Constitution to elect a President.

Mr. HERBERT. I have already answered that the same or a similar power is conferred upon the Senate as upon the House of Representatives, and I believe with the gentleman from Texas that if the two Houses were in dispute, and no one could be declared elected by the consent of both Houses, and that the count had failed to declare that anybody was elected, then in that event it would devolve upon the House to elect a President, and upon the Senate to elect a Vice-President. But that is a question we need not go into at this time. I want to provide by law how the count shall be conducted, so that it may not fail.

Mr. BROWNE, of Indiana. If that position be a sound one, all you need to do to confer jurisdiction upon the House to proceed to elect a President is to have the two Houses disagree. That leaves it then, according to the gentleman's theory, in the discretion of the House. A most singular condition of affairs.

Mr. EATON. That is a new theory altogether.

Mr. HERBERT. The dispute that would arise right at that point is well illustrated by this colloquy. I never want to see this country brought into the condition where the House of Representatives will be claiming the right to elect a President because the two Houses have been unable to agree that anybody has been elected, the House contending for, and the Senate, and perhaps the President, disputing that right. I believe that it is our duty now to adopt a measure that will avoid questions of that kind. I would avoid the very question that has arisen here. By an exercise of the power the Constitution gives (when it confers all powers necessary and proper to carry into execution any power granted to Congress, or to any Department or branch of this Government), I believe we are authorized to pass such a bill as the Senate has sent over to us; and I believe we ought to do it and thus settle these disputes.

As I have said, it is out of the question to pass this substitute. To stand for that is to declare for no law; for you can not expect the Senate, which can hold up precedents running back without challenge or question for ninety-six years, to give up its prerogative, its right to be a factor in the count equal to the House of Representatives.

Mr. HAMMOND. Will the gentleman allow me to ask him a question for information.

Mr. HERBERT. Yes, sir.

Mr. HAMMOND. I heard the gentleman make a remark that he intended to vote for the Senate bill. The Constitution of the United States specifically declares that—

> Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

And again—

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Now, the functions of Congress in regard to this particular thing being expressed in these words of the Constitution, by what authority can we undertake to legislate, as this Senate bill asks us to do by this second section, to fix a statute of limitation by which the State's right to se-

lect electors as it pleases is to be vacated? How can Congress get authority for either the second or the third section of the Senate act, under these words of the Constitution restricting that power to these specific things?

Mr. HERBERT. I will answer the gentleman's question right here, and then I will beg gentlemen, as only twenty minutes are given me, not to ask any other question, but to allow me to proceed with my argument, in the course of which I will endeavor to consider all the difficulties as they arise.

I answer the gentleman from Georgia [Mr. HAMMOND] by saying the Senate bill does not undertake to interfere in any manner whatever in the second or any other section with the right of a State absolutely to choose its electors; any more than it interferes with the right of the people of the State under State laws to choose members of Congress. The Senate bill does not interfere with the election at all nor with the right of election. It simply undertakes to lay down a mode in which it shall be ascertained who has been chosen. That is all. It undertakes simply to legislate with reference to the rules of evidence by which it shall be ascertained what the State has done, what electors the State has appointed.

Why, sir, the gentleman seems to think, and the gentleman from Connecticut [Mr. EATON] went off upon that idea, that the right on the part of the State to choose was interfered with in some manner by the right on the part of the Federal Government to decide who has been chosen. Not so; for, as I said before, that gentleman and all of us were chosen under the laws of our States. Those laws are not interfered with, and the power of the voters is absolute to choose whom they please, but this absolute power of election is not at all inconsistent with the right resting here to decide who has been chosen. You must separate between the right to choose and the right to decide who has been chosen. The people elect members of this House. This House decides who has been chosen. A Legislature elects Senators. The Senate decides who has been chosen. The States appoint electors. The House and the Senate decide what persons have been appointed. Everywhere the Constitution gives to the Federal Government or some branch of it the right to decide who has been chosen to perform any Federal function. The Senate bill does not at all interfere with that power, and that power is not inconsistent with the power of the people or the States to choose or appoint under State authority.

But I was interrupted. I had not quite done with the substitute offered here by the House committee. I say it is not only without precedent, but so far as I know—and I have studied this question heretofore with considerable care—without any authority at all, unless it be that Mr. Alexander Stephens wrote an article in the International Review in 1878, in which he contended for the plan adopted here by the House committee. He was unable to cite any authority at all for merging the House and Senate in one body except a rejected fragment found in the handwriting of Mr. Jefferson among some old manuscripts of his forty years after his death.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The time of the gentleman has expired.

Mr. WHITE, of Kentucky. I ask unanimous consent that the time of the gentleman may be extended.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Alabama be extended.

Mr. TULLY and Mr. LEWIS objected.

Mr. HART. I yield the gentleman the remaining ten minutes to which I am entitled.

Mr. HERBERT. I am much obliged to the gentleman from Ohio for his courtesy.

I understand the gentleman from Connecticut [Mr. EATON] who is to follow and close this debate proposes to rely upon that fragment found among the manuscripts of Mr. Jefferson as an authority. I will say, in the first place, if you examine it you will find that it did not propose this plan. It was inconsistent with it. It was an amendment offered, or intended to be offered, to some bill, but what bill is not known. But the amendment was never offered. Mr. Jefferson is said to have written that while he was Vice-President. He was President for eight years after that, and in not a single message, in not a single letter, to no human being did he ever mention that fragment. He did not himself consider it fit to be given to the country, and it is unfair to his memory to quote it against him now.

Then I come to the Senate bill. The necessity of the Senate bill arises out of the fact that, as I have said, always heretofore the two Houses have been considered each equal to the other in the count, and they can do nothing unless they agree. When they are met here they are just like a court composed of two judges, who, unless they agree, can not render a judgment even upon a promissory note. And these two Houses, Democratic and Republican respectively, may possibly disagree. The Senate bill proposes simply to prescribe rules of evidence, according to which the count shall be regulated, and which shall enable them to arrive at a result. Congress has power to prescribe such rules by law, as I believe, under the Constitution.

Soon after the Electoral Commission in 1877, which left a profound conviction upon the minds of the American people that some mode should be agreed upon and some regulations prescribed, the Senate and the House appointed special committees to consider this question; and this Senate bill has had shed upon it at various times the light of the great intellects of Thurman, Conkling, Ben Hill, and all the great men, Democrats and Republicans, in the other end of the Capitol for the last six years. And it has passed that body, if I mistake not, four times. It passed there unanimously in the Forty-seventh Congress, and I believe it passed there unanimously this session. The Senate thinks it has reached a correct solution of the question.

It appears to me that the second clause goes a little too far if it is intended to prescribe that the judgment of a State tribunal shall be absolutely conclusive. It was at first my impression that, when taken in connection with the sections following it, it might be overruled by the joint action of the two Houses. I have therefore offered an amendment, which I am satisfied the Senate would agree to if passed here, that the judgment of a State tribunal shall be *prima facie* evidence, and entitle a vote to be counted, unless by the concurrent action of the two Houses it shall be overruled.

I think it is going a little too far, although I would agree to that rather than have no bill at all—I think it is going a little too far to say that the decision of a tribunal of a single State, composed of one or more men, and which might be venal, should stand against the united voice of the Senate and of the House of Representatives, representing all the States and all the people, as to who had been chosen electors for President and Vice-President. These rules which have been agreed upon by the Senate go further. In the first place, it is prescribed that if there is only one return from a State that shall be taken. Also, that if there are two returns from a State that return shall be taken which has been decided by the State tribunal to be the true return. And there are other provisions of the same character.

Mr. ADAMS, of Illinois. Suppose there are two State tribunals and they send us two decisions.

Mr. HERBERT. Unless the two Houses are unable to agree as to which of those two State tribunals is the proper one there will occur that which will be commented upon by the gentleman from Connecticut, a State might be disfranchised because of the disagreement of the two Houses as to which one of two returns shall be counted.

Mr. BROADHEAD. Does not the second section of the Senate bill leave it to the State authorities to determine absolutely whether the State vote shall be counted?

Mr. HERBERT. Yes; and I have offered an amendment to that. But to return to the question of disfranchising a State, as it is called. There is no power on earth having the right to decide any question that has not the power to decide it either wrongfully or rightfully. The Supreme Court of the United States can take away the property of A and give it to B. These two Houses, if we are to suppose that they would do so, can throw out the vote of a State. The joint convention proposed by the Eaton substitute could throw out the vote of a State. This House of Representatives can throw out the vote of a State simply by refusing to join the Senate in counting it; but is that any reason why you should deny that the power of judging who is elected shall rest here? Is the power of the Supreme Court to do wrong any reason why you should take away from that court the power to decide anything at all?

In fact the Constitution as it is, without any rule, as I have said, results in the disfranchisement of a State whenever there is a disagreement between the two Houses. If they are each equal in power and authority, and the one of them says, for instance, that the vote of Alabama shall be counted and the other says that it shall not be counted, it matters not what has been decided in Alabama, it matters not whether there are more returns than one from that State, if the two Houses without any rule should disagree, then the result would be that the vote of Alabama would not be counted.

Therefore the argument which the gentleman would use, that under the Senate bill there would be power to disfranchise a State, is against him, if he wants to prevent this being done, because every provision in that bill is for the purpose of enabling the two Houses to come to a conclusion in order to prevent that very result, to prevent the disfranchisement of a State because the two Houses can not agree. That is all it comes to at last.

Much has been said about the twenty-second joint rule. That rule simply formulated this difficulty. The difficulty has always existed in every count where the House and Senate claimed an equal right to control the count. That is, if one House objected the other House could not act without it. That is what the twenty-second joint rule provided for; it contented itself with formulating that proposition and did not go any further.

The Senate bill now proposes to go further. That bill has been elaborately discussed. I have never known any question more ably discussed or debated with more of a non-partisan spirit than that bill in the Senate. I suppose the non-partisan character of the discussion resulted largely from the inability of either side to look ahead and see what result would follow from these rules, whether they would militate against the one party or the other. [Here the hammer fell.] So it is; the bill has been ably debated; debated at much greater length than we have time for here. It is satisfactory there to Democrats and Republicans, and I hope this House will pass it.

Mr. EATON. A word or two in regard to the position my friend

from Alabama [Mr. HERBERT] has assumed. He says that the bill of the committee seeks to give away and to do away with the precedents of ninety years. Sir, there has never been a precedent. There can not be a precedent unless there is some position which has been assumed to make one.

Sir, for nearly a hundred years we have passed along without a precedent without any difficulty, without any question having arisen. Until 1877 a question never arose with regard to a vote; never. Gentlemen forget. Questions arose with regard to the admissibility of States, or whether the vote of a State should be counted that was cast on the day after that which Congress had fixed for casting the vote.

Mr. BROADHEAD. Will the gentleman permit me to ask him a question?

Mr. EATON. If it is not too long.

Mr. BROADHEAD. I would ask the gentleman if all the precedents have not always been uniform and to one effect—that the Senate and House of Representatives act as independent bodies?

Mr. EATON. It has always been that they were there together, with a presiding officer over an anomaly, over two Houses, one presiding officer over two Houses, called a joint body.

Mr. BROADHEAD. But whenever they acted they acted separately.

Mr. EATON. They did not act at all. My friend is too good a lawyer to talk here about acting when there was not any action for eighty years, not a particle.

Mr. HERBERT. When the question arose to which the gentleman has alluded, concerning the Wisconsin case and also other cases, did not they confer among themselves?

Mr. EATON. Sir, if we are to go in one rut and keep there regardless of wisdom and justice and what the country demands, then let us stay in that rut. It was a French statesman of wonderful power—perhaps the ablest man that France produced during a century—who said that great men made precedents and little ones followed them. Now, let us make a precedent. There has been no joint conventions. I grant it. Is that any reason why there should not be a joint convention when you have seen the necessity for such a convention? If there had been a joint convention eight years ago, as was advised by more than one or two or ten or twenty men, there would have been no electoral commission. The Congress of the United States would have determined the question, the decision of which the Constitution has devolved upon Congress.

Sir, my friend from Alabama said that I admitted the bill was unconstitutional. I did not admit that. I said that I myself had no doubt the power to determine the election of President is in the House of Representatives to-day under the Constitution. Gentlemen may draw any inference they please from that. I believe the power to be here. Jeremiah S. Black believed it to be here; Charles O'Conor believed it to be here; Matthew H. Carpenter believed it to be here; George Bancroft believed it to be here. I could go on and name fifty gentlemen, the profoundest intellects of this country, who have believed that the House of Representatives has the sole power under the Constitution, when the question arises, to determine who is the President of the United States. These men may all be mistaken, they may all be wrong, and therefore it is that a majority of the committee have presented a bill which, I agree, is not in accordance with that view of the Constitution. I do believe that this House has that power, and unless some law be passed which will prevent the exercise of that power, if within a year there should be a situation demanding its exercise, I as one member of the House of Representatives shall call on it to execute the constitutional power that belongs to it, and not go outside and take counsel with Tom, Dick, or Harry to determine who has been elected President of the United States.

But, sir, Mr. Stephens's name has been alluded to, and my friend from Alabama says that I have tortured the meaning of what Mr. Jefferson said on this subject. Sir, Mr. Jefferson said that there was a manifest reason why there should be a joint convention, because it would embrace just as many members of the Senate and the House of Representatives as there were electors chosen by the various States. Therefore he said there was a manifest reason why that rule might be adopted.

Mr. HERBERT. What does the bill recommend?

Mr. EATON. There is no bill.

Mr. HERBERT. But Mr. Jefferson's amendment—what did it recommend, taking it all together?

Mr. EATON. There is no bill. The gentleman knows it as well as I do.

Mr. HERBERT. I said "amendment."

Mr. EATON. There is no bill. The bill could not be found; and the gentleman knows it. Do not let us take up time here unnecessarily.

I want to avoid any difficulty on this subject. I report a bill. Do you doubt, my friend from Alabama [addressing Mr. HERBERT] or my friend from Missouri [addressing Mr. BROADHEAD], that you possess the requisite integrity to pass properly upon a question of this sort that comes before you as a member of the grand inquest of the American people? Who doubts his integrity to do what is just and right? If there be such men they ought not to vote for this bill. Not that all men who do not vote for it will be men of bad character—not by any means.

Now I must hasten on. My friend from Alabama is troubled with this bill of the committee because, as he affirms, it is an unconstitutional bill. He is not troubled with the Senate bill in that regard at all. Why, you could drive a four-horse cart through it anywhere and everywhere. It undertakes to determine with regard to the choosing of electors, when the State has the entire power with respect to that question. But it is nugatory, is it? It does not amount to anything? Why, then, pass it.

The effect of the Senate bill—I will not say its object, but its effect, as all intelligent men who read the bill must see, is that you may bribe a judge and in that way change the vote of the State. You put yourselves in the very position in which bribery and corruption will be apt to follow.

For the sake of illustration, take my own State. The various returning boards of the State send their canvassers to the seat of government. The secretary of state, the State treasurer, and the comptroller of the Commonwealth are the three officers who under the law of Connecticut canvass the vote and determine who have been chosen electors of President and Vice-President. When they have made their determination the governor of the State places the broad seal of the old Commonwealth upon the certificate, and it is sent to Washington. Now, what is the object of this bill?

Mr. BROADHEAD. Suppose there are two returns?

Mr. EATON. I am coming to that. "I thank thee for teaching me that word." Two returns are just what would be wanted by those who might desire to nullify the voice of the State. "Suppose there are two returns." Suppose the governor of Connecticut puts the broad seal of the State upon a paper certifying to the election of the electors, who, the canvassers say, have been chosen. Then suppose some judge gives a certificate and sends another return here. What then results from this Senate bill? The vote of Connecticut is lost. And everybody knows it.

Mr. BROWNE, of Indiana. Then you assume the judiciary of Connecticut is no part of its political system, and we are not bound to abide by its decision.

Mr. BROADHEAD. I ask the gentleman from Connecticut this question——

The SPEAKER *pro tempore*. Does the gentleman yield?

Mr. EATON. I have no time to yield. If any gentleman thinks I misstate a proposition, very well. You ask me, suppose there are two returns. I illustrate it with my own State. The two returns have got here; what is the result? If the House bill is passed the joint convention determines per capita which of these two returns is the genuine return. That is the way; but what becomes of it if this bill does not pass and the Senate bill passes? One House says it is the judge's return and the other House says it is the governor's return. Poor old Connecticut loses her vote, and A B is not elected President of the United States and C D is. I propose to avoid that, no matter who is elected. I am not talking about that, whether William Thompson or John Smith——

Mr. BROADHEAD. In the end, then, this tribunal will not determine who is elected?

Mr. EATON. Yes, it will; and let me tell you what will be the result if the Senate bill passes (and the gentleman from Alabama admitted it), that you would lose the vote of the State. The State was entitled to a vote. She voted and elected—that is, my State elected—six electors; two returns come up; one is a correct return and the other is a false return. Every one agrees the correct return, whichever it is, ought to be counted; but with this Senate bill neither is counted, because the Houses do not agree when they vote concurrently, and both are thrown out, and the whole election machinery of the United States goes to the bottom.

I say, Mr. Speaker, it is our duty to prevent such action as we had. I do not wish to say a word to irritate the feelings of any man. This is above all politics. If I know myself I have not the heart or soul to talk about politics in connection with this matter. What I want is justice, right, and nothing else, and less than that, God helping me, I will never take again—never, sir.

A great deal has been said about the power of the House. I say, again, the House of Representatives in my judgment has the sole power. I want to add a letter written by a very distinguished citizen of your State, sir, one of the brightest men in this country. I allude to my friend from Massachusetts. I desire this letter to come in here as part of my speech.

A MEMBER. To whom do you refer?

Mr. EATON. To Richard S. Spofford, of Newburyport, Mass. It it a brilliant letter. It argues hard against my bill, I agree, but I want it brought in as part of the literature of this whole matter; and let it come in here.

The letter is as follows:

THE ELECTORAL VOTE—BY WHOM COUNTED.

A letter of Richard S. Spofford, of Newburyport, Mass., to Hon. William W. Eaton, of the United States Senate, upon the subject.

"When winds arise, worship the echo."—PYTHAGORAS.

WASHINGTON, D. C., *January* 10, 1877.

Hon. WILLIAM W. EATON:

MY DEAR SIR: Having been requested by you to commit to writing the views recently expressed by me in a conversation touching the electoral vote and the

manner in which it is counted, I submit the following considerations, by which the position upheld by me on that occasion is sustained.

I am well aware, of course, that these considerations derive no weight from my mere personal authority; but if, as I believe I am able to do, I shall show that my conclusion is the true one, it is immaterial from what source they emanate, for then they will obtain audience not as the utterance of an individual, but of the Constitution itself. Nor does it matter at all in this view that the conclusion arrived at is entirely different from those hitherto advanced by eminent partisans on their respective sides.

First of all, I observe that in my view of the subject there is neither a *casus omissus* in the Constitution, nor, when the same are properly interpreted, any vagueness or uncertainty in its provisions. Indeed, to assume the fact to be otherwise, is to ascribe to the framers of the Constitution a want of foresight and intelligence utterly inconsistent with their recognized character for statesmanship and for prescience in public affairs. Least of all is it to be supposed that in a matter of so great importance as the verification of the electoral vote for the President and Vice-President anything would have been left by them to chance or inference, or to the hazards of political caprice, knowing as we do that over no feature of the Government did they deliberate with greater solicitude and circumspection.

To pretermit this inquiry, however, the question is, by whom, in the intendment of the Constitution, are the electoral votes for the President and Vice-President to be counted?

The sole provisions of the Constitution bearing upon this inquiry are found in article 12 of the amendments, in the following words:

"The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. * * * The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President."

To deal, first, with the functions of the President of the Senate: It is obvious that the sole duty imposed upon him by the letter of the Constitution is "to open all the certificates," and that if he has any other power beyond this simple ministerial one, it is derived by implication, and not by express grant, that implication springing, if anywhere (for it can spring nowhere else), from the words in immediate context with those just quoted, namely, "and the votes shall then be counted."

Not even by inference, it seems to me, does the President of the Senate obtain any official authority here. Having his function confined to the opening of the certificates by words of express limitation, every canon of interpretation requires that he shall not transcend the limits of his defined authority to exercise another function of an undefined and independent character. Indeed, the opposite is the true and irresistible conclusion, namely, that, having opened all the certificates, his constitutional part has been fully performed, and he is, in this respect, *functus officio*.

Nor does the reason of the case fail to accord with this inevitable construction.

Otherwheres in the Constitution it is provided that the electors, in their respective States, shall make lists of the persons voted for for President and Vice-President, and these lists they are charged "to sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate."

But thus constituted the depositary of the electoral vote, and having custody of the same, it was perfectly natural and appropriate that the President of the Senate, since he alone was able to produce and identify them, should be charged with the duty of opening the certificates. But with the performance of this purely ministerial duty his functions end.

Still another point preliminary to the main issue demands attention.

Much has been said of a joint convention, in whose presence the certificates are to be opened and the vote counted.

No provision for any such body is to be found in the Constitution.

"In presence of the Senate and House of Representatives"—that is the constitutional phrase. The Senate appears in its own proper character as the Senate, presided over by the Vice-President or its appropriate presiding officer; the House in its character as such, presided over by its Speaker; and in their presence the proceedings are had. They constitute in no sense a single parliamentary body, but retain throughout a separate and individual character.

By the language of the Constitution above quoted nothing is demanded of either House or Senate except that it shall act as a witness, in whose presence all the certificates are to be opened; for though a count is provided for, the duty of performing it is not devolved either expressly or impliedly upon them. So that, if we are to confine our view to the clause in question, we may well conclude not only that the Constitution in this important particular is vague and uncertain, but absolutely dumb. Not such, however, is a true conclusion, as will be seen when we consider other sections of that instrument which have attracted but little notice in this connection, but in which the counting of the electoral vote is provided for with definite precision.

We have now, in our theory of constitutional action, the Senate and House of Representatives, in each other's presence, and the President of the Senate, charged with the duty of opening all the certificates that have been returned by the electors from their respective States. We have, too, the command of the Constitution that "the votes shall then be counted," but with no declaration by whom.

Now, it is at this precise moment that other provisions of the Constitution come into play, prescribing an intelligible and consistent mode of procedure.

What are those provisions? Let us see.

The certificates having been opened by the President of the Senate, who is their custodian under the Constitution, and the count being in order, it is provided "that the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of the electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President."

Here, then, for the first time we have distinct intimation by whom in the intendment of the Constitution the count of the electoral vote is to be made.

Being charged with the duty of electing a President in a defined contingency, of course the House of Representatives alone can judge when that contingency shall arise. To this end it must of necessity examine and count the electoral vote.

It must count it to ascertain its total number, that it may learn what a majority of that number is.

It must count and examine it that it may know for what candidates respectively it has been cast.

It must count and examine it to know by whom, if by any one, a majority has been received.

Finally, if no candidate have a majority, it must count and examine it to ascertain "by what persons, not exceeding three on the list of those voted for as President, the highest numbers have been received."

And thus we perceive the reason for the indefiniteness of the words heretofore used, namely, "and the votes shall then be counted," it being clear that they are referred for an operative interpretation to the subsequent clauses of the Constitution by which the powers of the House of Representatives in this respect are defined.

It being an exclusive prerogative with which the House is clothed, its authority must be supreme, both as respects the modes of its procedure and its ultimate action. Hence follows the conclusion that its jurisdiction over the electoral count for President must be an entire and exclusive one.

I say nothing now of the possibilities of a disagreement and the evils to spring therefrom between two bodies so dissimilar in interest and character upon the theory of a joint count by the Senate and the House. But I do say that no sound construction will hold that where one branch of the Government has an exclusive and indivisible responsibility its action is to be embarrassed by the interference of another branch clothed with no authority and having no voice in the matter.

The sole duty of the Senate under the requirements of the Constitution is to take notice whether or not there has been a failure in the popular choice for Vice-President, and, if so, to proceed to fill that office from the two highest numbers on the list.

Resting the pretension that the Senate is permitted to participate in the count upon the general phrase "the votes shall then be counted," we have a forced construction of the Constitution incapable of verification, whereas the construction for which I contend harmonizes all its provisions and presents a logical and consistent system.

Not only does my conclusion conform strictly to the Constitution, but I believe it to be the only one consonant with republican liberty and our form of Government.

The framers of the Government excluded the Senate from participation in the election of the President when there had been a failure of the popular choice. And why? Assuredly because that body was recognized by them as being, in its very origin and structure, a creature beyond the control of the popular will, an irresponsible body in fact, amenable to no process, even for attempted usurpation or civic crime.

With equal prudence and discretion, as I believe, they have excluded the Senate by the Constitution from any participation in the count of the electoral vote for President, though it has a certain defined function as respects the office of Vice-President, to which I have already referred.

In short, no reason can be suggested why the Senate shall be permitted to participate in the count of the electoral vote which would not warrant its participation with the House of Representatives in the election of the President, a constitutional impossibility about which there is no dispute as yet. The same considerations by which it was excluded from action in the latter instance will exclude it in the former.

If it should be contended that the Senate has a right to join in the electoral count, as representing the several States, I reply that the idea of State autonomy is guarded in a much more effective manner by the requirement of the Constitution that whenever the House of Representatives proceeds to an election of the President, the votes are to be taken by States, the Representatives of each State having but one vote, and a majority of all the States being necessary to a choice.

So, as respects the suggestion that if the House of Representatives have an exclusive jurisdiction over the electoral vote for President, it will be tempted to abuse that jurisdiction, I reply that such a suggestion presupposes a revolutionary proceeding, and from that possibility not even the joint system of Senate and House is exempt. Indeed, where revolution is resorted to there are no muniments in either branch of the Government, legislative, executive, or judicial, which might not be overthrown. That assuredly is a remote contingency, in which the popular branch of the Government will be likely to betray its own constituency, and by fraud or treachery subvert the popular will.

Having thus presented, though with far too little deliberation and method, my views upon this important subject, I beg to say that your considerate perusal of these pages will afford me the highest honor; and for the rest I leave them and the views they sustain to the test of that supremest of all known vindicators of the truth—the conflict of ideas.

Very respectfully, yours,

RICHARD S. SPOFFORD.

Mr. EATON. A word or two more. I said there was no precedent. Let us make one now. Because there had never been until 1876 any necessity for joint action, and therefore it had never been urged, I urge it now. I say it is a fair construction of the Constitution. If the House or Senate have not the power, every one will agree Congress has, and it should determine in joint convention. It is not a violent construction of the Constitution. It is new, it is novel, and therefore men look upon it as something strange. Well said Alexander H. Stephens, when speaking of it, it had the merit of fairness and justice and necessity.

Upon my word, Mr. Speaker, I can not see any good reason why the House and the Senate should not meet together and determine this question. No matter whether I think they have full power or not, I give away my convictions. I trample under foot my opinions and the opinions of Charles O'Connor, of Jeremiah Black, of Matt Carpenter, of Bancroft, and a hundred other gentlemen for the purpose of securing a measure that will act properly, produce harmony, and do justice to all the people of this country. There could not be another electoral commission.

Mr. BROADHEAD (from his seat). There ought not to be.

Mr. EATON. And my friend says there ought not to be. Mr. Speaker, there never will be. This country would not submit to another. This country could not stand the strain of another electoral commission, and it will not stand the strain of having legitimate and proper votes cast out because there is not a concurrent vote of the two Houses. New York would not suffer herself to be thus outraged.

Mr. PETERS. Will the gentleman permit me to ask him a single question just here?

Mr. EATON. Well, I have but a moment longer.

Mr. PETERS. I merely wish to ask the gentleman if he does not think it would be better that the vote of Connecticut should not be counted at all than that a fraudulent vote or return should be received and counted.

Mr. EATON. I do not know anything about it. That is a question he ought not to put to me. He has no business to assume that anybody will count the fraudulent vote of Connecticut—no business to

assume it at all. I do not propose to do it, nor to count the fraudulent vote of Kansas, or of Missouri, or New York. But to undertake to say that the thirty-six votes of New York should not be counted, what would be the result? Why, everybody knows that it would be revolution. Everybody knows that this country would not stand that strain again, and it won't do to get up bugaboo stories either that the artillery of the people is to be leveled against the representatives of the people. That won't work twice.

Mr. WHITE, of Kentucky. Will the gentleman from Connecticut allow me to remind him——

Mr. EATON. I would greatly prefer in the few moments that I have not to be interrupted.

Mr. WHITE, of Kentucky. I want to say to him that I hope he will not forget in that connection the "hundred thousand unarmed Kentuckians" that Henry Watterson was going to bring on here to attend that count.

Mr. EATON. My friend will be here, I trust, an unarmed or armed Kentuckian, to do justice, as I believe he will in this matter; because I believe that he prefers the bill of the House to the bill of the Senate, and that bill proposes to do even-handed justice to all; nothing more, nothing less.

And now but a word further. Is it not better, taking into consideration the terrible emergency through which we passed eight years ago—is it not better, I say, that we should pass some bill than to go without law and rest merely upon the Constitution?

Mr. HORR. Why not take the Senate bill, then?

Mr. EATON. Why not take the Senate bill! It is rotten from head to heel. There is not a constitutional hair in its head, nor a constitutional corn on any one of its toes. [Laughter.] It is rotten all over, and is not worthy the attention of this House for one moment, not a moment.

I ask the House of Representatives to pass the bill of the committee. Let us take it to the Senate and hope that the Senate will agree with us. If that body shall fail us, then I should hope that a conference committee might get up something satisfactory to all, and so would my friend from Michigan. I should hope that some law might be agreed upon so that these 55,000,000 of people that inhabit this broad land would not be thrown into revolution and anarchy. The bill may be wrong. I do not think it is quite right myself; I do not pretend to think so; some gentlemen do; but it is a great deal better than no law at all. It is a great deal better than the Senate bill, in my judgment, and therefore I ask its favorable consideration at the hands of this House, and I can not do better than to reiterate what I said before, that if it should pass this House and should fail to pass the other branch of the Federal Legislature, I should pray that some bill might be agreed upon in conference that would not be seriously obnoxious to either branch of the Federal Legislature. We all desire the proper thing. We all desire peace and harmony. We do not desire to see this people cast into the throes of a revolution, none of us. And so then, Mr. Speaker, without having time to go thoroughly into a discussion of this matter, I ask the representatives of the people here to support the bill of their committee.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Alabama to the Senate bill.

Mr. EATON. In order to perfect the House bill I should be glad to offer a mere verbal amendment.

The SPEAKER. It can be done by unanimous consent. The substitute is considered as before the House. Does the gentleman desire to offer an amendment at this time?

Mr. EATON. I want to offer this amendment, to add a new section, to be section 4 of the bill, in the following words:

That sections 135 and 142 of the Revised Statutes are hereby repealed.

These are the statutes relating to the time of holding the electoral meeting. They are changed by the bill, and that is all the amendment I propose to offer. Let this be section 4 of the bill, and section 4 of the bill be numbered section 5.

Mr. BROADHEAD. I presume the amendment is not debatable.

The SPEAKER. It is not.

Mr. BLAND. I ask unanimous consent that my colleague from Missouri [Mr. BROADHEAD] be allowed five minutes for debate.

Mr. EATON. Then in that case I should like to have five minutes in reply. [Cries of "Vote!" "Vote!" and "Regular order!"]

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

Mr. BLAND. I hope the objection will be withdrawn.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that his colleague be allowed five minutes?

Objection was made.

The SPEAKER. The first question is on the amendment of the gentleman from Alabama [Mr. HERBERT] to the Senate bill, which the Clerk will report.

The Clerk read as follows:

Amend section 2 of the Senate bill by inserting, in line 8, between the words "shall be" and the word "conclusive," the words "unless overruled by the concurrent action of the Senate and the House of Representatives;" so that it will read:

"Every such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be, unless overruled by the concurrent action of the Senate and the House of Representatives, conclusive evidence of the lawful title to office of the electors who shall have been so determined to have been appointed, and shall govern in the counting of the electoral votes as provided in the Constitution and as hereinafter regulated."

Mr. EATON. Is that amendment now in order? Is it not the substitute that is before the House?

The SPEAKER. The original text must first be perfected.

The amendment proposed by Mr. HERBERT was agreed to.

The SPEAKER. The question is next on the amendment proposed by the gentleman from Connecticut [Mr. EATON] to the substitute, which the Clerk will read.

The Clerk read as follows:

Insert as section 4: "That sections 135 and 142 of the Revised Statutes are hereby repealed."

Mr. BROWNE, of Indiana. I suppose the change repeals those sections by implication anyway.

The amendment was agreed to.

The SPEAKER. The next amendment to the substitute is that proposed by the gentleman from Pennsylvania [Mr. EVERHART], which the Clerk will report.

The Clerk read as follows:

In section 3 of the substitute, after the word "vote," in the fourth line, insert "the House of Representatives voting by States, each State having two votes, and the Senate voting per capita;" so that it shall read:

"And the joint convention shall then proceed to vote, the House voting by States, each State having two votes, and the Senate voting per capita."

The question being taken, there were—ayes 30, noes 82.

So (further count not being called for) the amendment was not agreed to.

The SPEAKER. The Clerk will report the next amendment, that offered by the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. I should like to have my amendments all read together in order that they may be understood.

The Clerk read as follows:

First amendment: In line 1 of section 3, after the word "Congress," insert "and the Supreme Court of the United States." In line 3 of section 3, at the commencement of the line, insert "the Supreme Court of the United States."

Second amendment: In line 1 of section 4, on page 9, strike out the figure "4" and insert "5." In line 4, after the word "left," insert "the members of the Supreme Court in the body of the Hall, on the left of the presiding officer."

Third amendment: In line 40, on page 8, strike out all of section 3 after the word "Senate" and insert the following: "Then those votes, and those only, shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted. When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate."

Fourth amendment: Add the following as an additional section, to be numbered section 4: "In case of a disagreement between the two Houses upon any question submitted to them separately as hereinbefore provided, then a committee of conference of like number and in like manner as in a disagreement upon any legislation shall be appointed, which committee shall forthwith meet and after a session of not more than two hours shall report the result of their conference to the respective Houses. Should the two Houses fail to agree upon the disputed question the committee of conference shall again meet and shall forthwith present the disputed question to the Supreme Court of the United States, who, after one hour's argument on the part of the Senate and one hour's argument on the part of the House, shall forthwith decide the question presented, and such decision shall be binding upon the Senate and the House of Representatives."

The SPEAKER. Does the gentleman from Kansas desire separate votes on all these amendments?

Mr. PETERS. No, sir. I think they ought all go together.

The question being taken on the amendments, they were not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted upon its amendments to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAMERON of Wisconsin, Mr. MANDERSON, and Mr. GEORGE as conferees on the part of the Senate.

ELECTORAL COUNT.

The SPEAKER. The question is next on the adoption of the amendment reported by the committee as amended as a substitute for the Senate bill.

Mr. PARKER. I now ask unanimous consent that the gentleman from Missouri [Mr. BROADHEAD] be allowed five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Missouri [Mr. BROADHEAD] be allowed five minutes for debate.

Objection was made by several members.

The SPEAKER. The question is on the adoption of the amendment of the committee as a substitute for the Senate bill.

Mr. BROADHEAD. I ask for the yeas and nays.

The yeas and nays were ordered, 46 members voting therefor.

Mr. POLAND. I hope we shall be allowed to finish this bill before we take a recess. I ask unanimous consent that the time for taking a recess be extended until the consideration of this bill be concluded.

Mr. WOLFORD. I object.

Mr. TUCKER. I suggest that the time for the recess be at least extended until the vote by yeas and nays has been taken on the substitute.

The SPEAKER. The roll-call will not be interrupted by the arrival of 5 o'clock.

Mr. BROADHEAD. I understand the question now is on the adoption of the amendment reported by the committee as a substitute for the Senate bill.

The SPEAKER. It is.

The question was taken; and there were—yeas 127, nays 82, not voting 114; as follows:

YEAS—127.

Aiken,	Dibrell,	Jordan,	Robertson,
Alexander,	Dorsheimer,	Kleiner,	Rosecrans,
Arnot,	Dowd,	Lanham,	Seney,
Bagley,	Dunn,	Lewis,	Seymour,
Ballentine,	Eaton,	Lore,	Spriggs,
Beach,	Eldredge,	Lovering,	Springer,
Belford,	Elliott,	Lowry,	Stevens,
Bennett,	Ellis,	McAdoo,	Stewart, Charles
Blanchard,	English,	McMillin,	Storm,
Bland,	Ermentrout,	Maybury,	Sumner, C. A.
Boyle,	Ferrell,	Miller, J. F.	Taylor, J. M.
Breckinridge,	Finerty,	Mills,	Thompson,
Buchanan,	Follett,	Mitchell,	Tillman,
Budd,	Foran,	Money,	Tully,
Cabell,	Glascock,	Morrison,	Turner, Oscar
Caldwell,	Green,	Moulton,	Van Alstyne,
Campbell, Felix	Greenleaf,	Murphy,	Van Eaton,
Candler,	Halsell,	Murray,	Wallace,
Carleton,	Hammond,	Mutchler,	Ward,
Cassidy,	Hancock,	Neece,	Warner, Richard
Clements,	Hardeman,	O'Ferrall,	Wellborn,
Cobb,	Hardy,	O'Neill, J. J.	Weller,
Connolly,	Hatch, W. H.	Patton,	Wemple,
Cosgrove,	Hemphill,	Peel,	Williams,
Covington,	Henley,	Pierce,	Willis,
Cox, S. S.	Hewitt, A. S.	Post,	Wilson, W. L.
Crisp,	Hoblitzell,	Potter,	Winans, E. B.
Culberson, D. B.	Hopkins,	Pryor,	Winans, John
Curtin,	Houseman,	Pusey,	Wise, G. D.
Dargan,	Hunt,	Randall,	Wood,
Davis, L. H.	Jones, B. W.	Rankin,	Yaple.
Dibble,	Jones, J. H.	Reese,	

NAYS—82.

Adams, G. E.	Goff,	Millard,	Spooner,
Anderson,	Hart,	Miller, S. H.	Stephenson,
Atkinson,	Hatch, H. H.	Nelson,	Stockslager,
Barksdale,	Henderson, T. J.	Nutting,	Stone,
Belmont,	Herbert,	O'Hara,	Struble,
Bingham,	Hewitt, G. W.	Parker,	Taylor, J. D.
Bisbee,	Hiscock,	Payson,	Tucker,
Brewer, F. B.	Hitt,	Perkins,	Turner, H. G.
Broadhead,	Holman,	Peters,	Valentine,
Browne, T. M.	Holmes,	Poland,	Wakefield,
Brown, W. W.	Horr,	Price,	Washburn,
Cannon,	Howey,	Ranney,	Weaver,
Culbertson, W. W.	Hurd,	Ray, G. W.	White, J. D.
Cutcheon,	James,	Rice,	White, Milo
Davis, G. R.	Jeffords,	Rowell,	Wilson, James
Davis, R. T.	Jones, J. K.	Ryan,	Wolford,
Dunham,	Kean,	Scales,	Woodward,
Ellwood,	Kelley,	Shelley,	Worthington,
Evans, I. N.	Laird,	Skinner, C. R.	York.
Everhart,	Lyman,	Smalls,	
Garrison,	McCoid,	Smith,	

NOT VOTING—114.

Adams, J. J.	Dockery,	King,	Robinson, W. E.
Barbour,	Duncan,	Lacey,	Rockwell,
Barr,	Evins, J. H.	Lamb,	Rogers, J. H.
Bayne,	Fiedler,	Lawrence,	Rogers, W. F.
Blackburn,	Findlay,	Le Fevre,	Russell,
Blount,	Forney,	Libbey,	Shaw,
Boutelle,	Funston,	Long,	Singleton,
Bowen,	Fyan,	McComas,	Skinner, T. G.
Brainerd,	Geddes,	McCormick,	Slocum,
Breitung,	George,	Matson,	Snyder,
Brewer, J. H.	Gibson,	Milliken,	Steele,
Brumm,	Graves,	Morgan,	Stewart, J. W.
Buckner,	Guenther,	Morrill,	Strait,
Burleigh,	Hanback,	Morse,	Sumner, D. H.
Burnes,	Harmer,	Muldrow,	Talbott,
Calkins,	Haynes,	Muller,	Taylor, E. B.
Campbell, J. E	Henderson, D. B.	Nicholls,	Thomas,
Campbell, J. M.	Hepburn,	Oates,	Throckmorton,
Chace,	Hill,	Ochiltree,	Townshend,
Clardy,	Holton,	O'Neill, Charles	Vance,
Clay,	Hooper,	Paige,	Wadsworth,
Collins,	Houk,	Payne,	Wait,
Converse,	Hutchins,	Pettibone,	Warner, A. J.
Cook,	Johnson,	Phelps,	Whiting,
Cox, W. R.	Jones, J. T.	Ray, Ossian	Wilkins,
Cullen,	Kasson,	Reagan,	Wise, J. S.
Davidson,	Keifer,	Reed,	Young.
Deuster,	Kellogg,	Riggs,	
Dingley,	Ketcham,	Robinson, J. S.	

So the substitute was agreed to.

The following additional pairs were announced:

Mr. WADSWORTH with Mr. COLLINS.

Mr. BURNES with Mr. STEWART, of Vermont, for this day.

Mr. DEUSTER with Mr. JOHNSON, for this day.

Mr. COOK with Mr. HENDERSON, of Iowa. If present, Mr. COOK would vote for the substitute and against the Senate bill, and Mr. HENDERSON would vote for the Senate bill and against the substitute.

Mr. YOUNG with Mr. PAYNE, until further notice.

Mr. THROCKMORTON with Mr. PEEL, on this bill.

Mr. FINDLAY with Mr. GEORGE, on this bill. Mr. FINDLAY would vote for the House bill, and Mr. GEORGE for the Senate bill.

Mr. VANCE with Mr. MCCOMAS, for the remainder of the day.

Mr. OATES with Mr. STRAIT, for the remainder of the day.

Mr. MCCOMAS. I have voted against the substitute. As I am announced as paired with Mr. VANCE for the remainder of the day, I withdraw my vote.

The result of the vote was then announced as above stated.

Mr. EATON moved to reconsider the vote by which the substitute was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HART. I ask unanimous consent that the time for taking a recess be extended until the vote can be taken upon the passage of the bill.

The SPEAKER. The Chair submitted that request some time since, but objection was made.

Mr. BROWNE, of Indiana. If there is to be no yea-and-nay vote I think there will be no objection.

Mr. HART. No yeas and nays will be called for.

The SPEAKER. Unanimous consent is asked that the time for taking the recess be postponed until the vote is taken upon the passage of the pending bill. Is there objection? [After a pause.] The Chair hears none.

The bill as amended was then ordered to a third reading, read the third time, and passed.

Mr. EATON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, pursuant to the previous order (at 5 o'clock and 10 minutes p. m.), the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. HATCH, of Missouri, as Speaker *pro tempore*.

The Clerk read the following:

Hon. JOHN B. CLARK, *Clerk House of Representatives:*

Hon. WILLIAM H. HATCH is designated as Speaker *pro tempore* for this evening's session.

J. G. CARLISLE,
Speaker House of Representatives.

JUNE 24, 1884.

The SPEAKER *pro tempore*. The Clerk will now read the order of business for this evening session.

The Clerk read as follows:

Resolved, That the House shall take a recess at 5 o'clock this evening to reassemble at 8 o'clock p. m. for the sole purpose of considering bills from the Committee on Military Affairs and Senate bills on the Speaker's table, the subject-matter of which has been considered by the Committee on Military Affairs.

SETTLEMENT OF ACCOUNTS OF ARMY OFFICERS.

Mr. ROSECRANS. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill 5890 to provide for the settlement of accounts of officers of the Army who served during the war of the rebellion, and that the same be now considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That whenever the accounting officers of the Treasury have failed to finally close the accounts of officers of the Army for moneys paid out and properly issued or expended in the military service of the United States during the war of the rebellion, for want of vouchers of due and proper form, said accounting officers are hereby authorized and directed to receive the affidavits of the officers concerned, and such other corroborative and secondary evidence as can be reasonably procured, that the moneys and property for which they remain responsible on the books of the Treasury Department were honestly paid out in the public service, and thereupon to credit said officers for the same and close their accounts.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIRED-LIST FOR PRIVATES, ETC., OF THE ARMY.

Mr. LYMAN. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 5670) to authorized a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward, and that the same be now considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That when an enlisted man has served as such thirty years in the United States Army, either as a private or as a non-commissioned officer, or both, he shall, by making application to the President, be placed on the retired-list hereby created, with the rank held by him at the date of retirement; and he shall thereafter receive 75 per cent. of the pay and allowances of the rank upon which he was retired.

Mr. LYMAN. I desire to move a verbal amendment to the bill. In line 4, after the words "United States Army," insert the words "or Marine Corps." I do this after consultation with some members of the Committee on Naval Affairs.

The amendment was agreed to.

Mr. LYMAN. The report is a brief one and will fully explain the bill. I ask that it be read.

The report (by Mr. LYMAN) was read, as follows:

Something is needed to give greater stability and a better standing to the enlisted man in our military service. If he could feel that he would have a proper provision for his old age he would be more likely to support the monotonous life of the service contentedly.

Were such a provision made, it would go far to make our military service an attractive one for respectable men, and in this way to get rid of the disreputable characters, who take the first opportunity to desert.

It is scarcely necessary to say that desertion is not only a great loss to the Government in men, money, and material, but it is the source of serious demoralization.

The annual desertions from our Army are between three and four thousand, and any measure that would lessen this number might well be considered an economical one; but beyond the question of economy stands that of justice. For it is no more than just that the soldier who has given all the best years of his life to the military service of the country should have some provision made for his old age beside the present Soldiers' Home, where he is separated from his family.

It is the opinion of the Lieutenant-General of the Army that thirty years would be the proper period of service to authorize the retirement of a private soldier or a non-commissioned officer. The passage of this bill would not entail much expense for the Government, because there are in the Army only fifty enlisted men who have served thirty years.

Your committee therefore advise the passage of the accompanying bill as a substitute for bill H. R. 1040.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS FOR PROPERTY DESTROYED.

Mr. ROSECRANS. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, and that the bill be now considered by the House.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill; and the House proceeded to consider the same.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers, enlisted men, and duly authorized laundresses in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances:

First. When such loss or destruction was without fault or negligence on the part of the claimant.

Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.

Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances. And the amount of such loss so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage: *Provided*, That any claim which shall be presented and acted on under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered.

The following amendment, reported by the Committee on Military Affairs, was read and agreed to:

Add to the bill the following:

"*And provided further*, That this act shall not apply to losses sustained in time of war: *And provided further*, That the liability of the Government under this act shall be limited to such articles of personal property as the Secretary of War, in his discretion, shall decide to be reasonable."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RULES AND ARTICLES OF WAR.

Mr. ROSECRANS. I call up from the House Calendar the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

The House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article 72 of the Articles of War be, and the same is hereby, amended to read as follows:

"ART. 72. Any general officer commanding the Army of the United States, a separate army, or a colonel commanding a separate department, shall be competent to appoint a general court-martial, either in time of peace or in time of war. But when any such commander is the accuser or prosecutor of any officer under his command the court shall be appointed by the President; and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case."

The following amendment, reported by the Committee on Military Affairs, was read and agreed to:

Amend the bill so as to make article 72 as amended read as follows:

"ART. 72. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts-martial whenever necessary. But when any such commander is the accuser or prosecutor of any officer under his command the court shall be appointed by the President; and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President for his approval or orders in the case."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. LYMAN. I call up from the House Calendar the bill (H. R. 1017) relative to the Inspector-General's Department of the Army.

The bill was read, as follows:

Be it enacted, &c., That the Inspector-General's Department of the Army shall hereafter consist of one Inspector-General, with the rank, pay, and emoluments of brigadier-general; three inspectors-general with the rank, pay, and emoluments of colonel; three inspectors-general with the rank, pay, and emoluments of lieutenant-colonel; and three inspectors-general with the rank, pay, and emoluments of major: *Provided*, That the offices restored to the Inspector-General's Department or added thereto, by this act, shall be filled by the promotion of the officers now in that department; and that thereafter appointments to fill vacancies in the Inspector-General's Department, and promotions therein, shall be made in conformity with sections 1129, 1193, and 1204 of the Revised Statutes of the United States, and in the same manner as in the other staff departments of the Army. And all laws or parts of laws conflicting with this act are hereby repealed.

The following amendment, reported by the Committee on Military Affairs, was read and agreed to.

In lines 5, 6, and 8, strike out "three" before inspector-general, and insert "two."

Mr. LYMAN. I ask for the reading of the report.

Mr. CUTCHEON and others. That is unnecessary.

Mr. WELLER. I ask to have the report read.

The report (by Mr. LYMAN) was read, as follows:

From the original organization of our Army the inspectors-general have been held to be officers of great importance and proper to be clothed with high rank. From 1827 to the time of the Mexican war, when the Army did not exceed 8,000 men, and the country to be covered scarcely extended beyond the Mississippi River on the west, there were two colonels as inspectors-general; and the same number was maintained from the Mexican war until 1861, during which time the force was increased to about 12,000 officers and men.

In 1861, before the outbreak of the rebellion, there were three colonels serving as inspectors-general In 1874 the department, decreased of course from the great establishment of the war of the rebellion, still consisted of five colonels, one lieutenant-colonel, and two majors, supplemented by several officers of the line detailed as assistants. In that year a bill was proposed having for its object the reduction of the staff of the Army. As finally passed, on June 23 of that year, it reduced no portion of the staff except the Inspector-General's Department, wherein the five colonels were reduced to one.

Under this act the inspectors-general consisted of one colonel, two lieutenant-colonels, and two majors. The additional officers needed were detailed from the line. By subsequent legislation the senior inspector-general was made a brigadier, so that the department now consists legally of one brigadier-general, two lieutenant-colonels, and two majors. The amount of work now required of inspectors-general is very much greater than in 1861, before the rebellion, owing not only to the twofold increase in the number of troops, but the immense sums paid out by the disbursing departments, all of which must be supervised by inspectors-general. The accounts are inspected four times a year; and the amount thus examined and verified for the year 1882 was nearly $59,000,000. It is only since April, 1864, that this supervision of disbursements has been required of the department.

In addition to the increased labor above referred to, the inspection duties have been augmented by reason of the larger territory occupied by troops and disbursing officers, a territory no longer limited by the Mississippi River, but stretching from ocean to ocean.

As at present organized, there are fourteen officers employed as inspectors-general, of whom only five, to wit, one general, one colonel, two lieutenant-colonels, and one major, are permanent, while nine, to wit, two lieutenant-colonels, four majors, two captains, and one lieutenant, are detailed from the line.

It is evident that the duties are now so varied and important as to be best performed by permanent officers, whose growing experience may render their services constantly more valuable. An officer detailed from the line needs a certain time to learn his novel duties, and while he is thus employed his regiment is deprived of the services which would be of value to it. The injury inflicted on regiments of volunteers during the rebellion by the large details of officers for staff duty and of enlisted men to the Quartermaster, Commissary, and Medical Departments is notorious.

Economical and efficient service can best be attained through officers carefully selected and permanently employed in duties which demand a special capacity. Such special capacity is certainly needed in performing the duties, as at present defined, of inspector-general. These officers should not only be chosen with care, but should have conferred on them sufficient rank to give dignity to their office. They are often ordered to investigate and report upon the administra-

tion of officers of high rank, who, as is natural, would submit with very bad grace to the inspection of an officer much lower in rank than themselves. For a like reason an officer commanding troops always refuses to parade his command for inspection in person when the inspector is his inferior in rank. In one word, the inspection of officers of high rank by those far below them is liable to be accompanied by circumstances which may prejudice good order and military discipline.

In consideration of the former constitution of the Inspector-General's Department, and of the recommendations of the Inspector-General, and in view of the arguments set forth in this report, your committee is of opinion that the Inspector-General's Department should consist of one brigadier-general, two colonels, two lieutenant-colonels, and six majors.

If the inspectors-general are officers of sufficient rank, carefully selected and retained permanently for their special duty, it is believed that eleven officers, with an aggregate annual pay of $33,500, could properly perform the duties now assigned to fourteen officers with an aggregate annual pay of $39,100, thus making a saving of $5,600.

House bill 1017, as amended, provides that the reconstructed department should be composed of officers now serving in that department. These would comprise the five officers now permanently attached, and, in addition, six more officers to be selected from those now detailed as inspectors-general from the line.

The bill further provides that all vacancies in the grade of major in the Inspector-General's Department shall be filled by selections from captains in the line; that the senior inspector-general shall be appointed by selection from officers in his department, and that all other promotions shall be by seniority in the corps.

The committee therefore recommend that House bill 1017 be amended as follows: By striking out in the fifth line the word "three" and inserting in its place the word "two;" by striking out in the sixth line the word "three" and inserting in its place the word "two;" and by striking out in the eighth line the word "three" and inserting in its place the word "six," and that it pass as thus amended.

The bill as amended was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTIONS IN JUDGE-ADVOCATES' CORPS.

Mr. ROSECRANS. I now call up from the Speaker's table the bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the Bureau of Military Justice and the corps of judge-advocates of the Army be, and the same are hereby, consolidated under the title of Judge-Advocate-General's department; and shall consist of one Judge-Advocate-General, with the rank, pay, and allowances of a brigadier-general; one assistant judge-advocate-general, with the rank, pay, and allowances of a colonel; two deputy judge-advocate-generals, with the rank, pay, and allowances of lieutenant-colonels; and four judge-advocates, with the rank, pay, and allowances of majors; the colonel and lieutenant-colonels to be selected by seniority from the present corps of judge-advocates. And the Secretary of War is hereby authorized to detail such number of officers of the line as he may deem necessary to serve as acting judge-advocates of military departments, who shall have while on such duty the rank, pay, and allowances of captains of cavalry.

SEC. 2. Promotions in the Judge-Advocate-General's department, as provided in the first section of this act, shall be by seniority up to and including the rank of colonel.

SEC. 3. That nothing herein shall be construed to interfere with the rank or position of any officer now holding a commission in either the Bureau of Military Justice or corps of judge-advocates.

Mr. ROSECRANS. I move to amend by striking out all after the enacting clause and inserting what I send to the desk.

The Clerk read as follows:

Be it enacted, &c., That in view of the absence of all promotion in the corps of judge-advocates of the Army, whenever any officer of said corps shall have served fifteen years' continuous service as major he shall be promoted to the rank of lieutenant-colonel, and when he shall have served thirty years he shall be promoted to the rank of colonel; but such promotion shall not authorize an appointment to fill any vacancy when such appointment would increase the whole number of officers in the corps beyond the number fixed by law.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROSECRANS. I move that the title of the bill just passed be amended so as to read: "A bill to provide promotion in the corps of judge-advocates."

The amendment was agreed to.

BRANCH HOME FOR DISABLED SOLDIERS.

Mr. LAIRD. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska; and that the House proceed to the consideration of the bill.

There being no objection, it was ordered accordingly.

The bill was read, as follows, with the amendments reported by the committee:

Be it enacted, &c., That the board of managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the home at some suitable point in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska; and that the same shall not be located on a tract of land less than three hundred and twenty acres in extent.

SEC. 2. That said branch home shall be located and the ground purchased by said board of managers unless the same be given within three months, or as soon thereafter as practicable, from the approval of this act.

SEC. 3. That within six months, or as soon thereafter as practicable, from the approval of this act, the said board of managers shall commence the erection of a suitable building or buildings on the grounds so purchased for the use of the said branch home; that said building or buildings shall be completed at as early a day as practicable.

SEC. 4. That the sum of $250,000 is hereby appropriated for the purposes hereintofore mentioned and the improvements of the grounds of said branch home.

SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion or any other war in which the United States has been engaged, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the home for disabled volunteer soldiers.

Mr. COSGROVE. I would like to ask the gentleman who has charge of the bill how this home is to be located?

Mr. LAIRD. It is to be located by the Board of Managers of the Soldiers' Home.

Mr. COSGROVE. It appears that they are not confined to any particular State, but may locate this home either in Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska.

Mr. LAIRD. Yes, sir.

Mr. COSGROVE. Those are the only States? [Laughter.]

Mr. LAIRD. Yes, sir. The board of managers is authorized to locate this institution in any of the States named in the bill.

Mr. COSGROVE. I think I must move to amend by striking out "Arkansas, Colorado, Kansas, Iowa, Minnesota, and Nebraska." [Laughter.]

Mr. HENDERSON, of Iowa. Does the gentleman want to leave Missouri alone?

Mr. PUSEY. I move to lay the House bill upon the table, and in lieu of it to take up for action at this time the Senate bill.

The SPEAKER *pro tempore*. The Chair hears no objection, and the House bill will be laid upon the table; and there being no objection, the bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes, will be taken up for consideration.

There was no objection; and the bill was taken from the Speaker's table, and read a first and second time.

Mr. MAGINNIS. Is it similar to the House bill?

Mr. ROSECRANS. It is. I understand identical.

Mr. MAGINNIS. In order to see whether it is or not, let it be read.

The bill was read, as follows:

An act (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes.

Be it enacted, &c., That the board of managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the home at some suitable point in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska. The same shall not be located on a tract of land less than three hundred and twenty acres in extent.

SEC. 2. That said branch home shall be located and the ground purchased by said board of managers within three months, or as soon thereafter as practicable, from the approval of this act: *Provided*, That said board of managers may select any Government property suitable for such home, by and with the consent of the Secretary of War.

SEC. 3. That within six months, or as soon thereafter as practicable, from the approval of this act, the said board of managers shall commence the erection of a suitable building or buildings on the ground so purchased for the use of said branch home. That said building or buildings shall be completed at as early a day as possible.

SEC. 4. That the sum of $250,000 is hereby appropriated for the purposes hereinbefore mentioned and the improvement of the grounds of said branch home.

SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the home for disabled volunteer soldiers.

SEC. 6. That the board of managers of the Home for Disabled Volunteer Soldiers is hereby authorized to inquire into the expediency of establishing a branch of the home in the State of California for the Pacific coast, and to that end the said board is authorized to receive propositions from the managers of the "veterans' home," located in Napa County, California, for the transfer of the buildings, grounds, and property of said "veterans' home" to the United States, for use as a branch of the National Home for Disabled Volunteer Soldiers, and to report to Congress in respect to the propriety and expediency of accepting said "veterans' home" for such branch; but this section shall not interfere with the establishing of the home provided for in this act. And also that the board of managers of the Soldiers' Home be instructed to inquire into the expediency of establishing a branch soldiers' home in the State of Michigan, and also as to the use of the Fort Dearborn military reservation, and the building thereon for that purpose, and to report to Congress thereon at an early day; but this provision shall not interfere with the establishment of the home provided for in this act.

Mr. MAGINNIS. I call the attention of the House to the fact that there is an omission in the Senate bill, as it does not provide "for other wars of the United States."

Mr. ROSECRANS. I wish to say, Mr. Speaker, with regard to the bill just read that I see it has additional provisions to those contained in the House bill. I am glad to see them there. I do not propose to take up the time of the House by discussing those additional provisions, but I will say a word in regard to the ambiguity we left in the other bill regarding the erection of the soldiers' home west of the Mississippi. Our purpose in leaving that unsettled was that we might have the best judgment and the best information that could be procured through the Board of Managers of the National Home for Disabled Volunteer Soldiers.

We were particularly attracted by the statement made by the presi-

dent of the board of managers to the committee that an increasing number of rheumatic and disabled soldiers were continually calling for a milder climate and more favorably conditions; and inasmuch as the existing homes were already substantially crowded, and according to their opinion likely to be more crowded by a percentage of increase for several years, to wit, some eleven or twelve years according to their estimate, we thought that this Western home would be an outlet, first, to provide for that large body of soldiers who were going West into a new country and who failed by breaking down in life, and that it would also be an outlet for such veterans of other homes who could not well endure the sharp climate where the present four homes are. We therefore left it so it might be located wherever the board of managers might think proper, either in Kansas or one of the other States mentioned, instead of specifying any particular State.

Mr. COSGROVE. This bill, I understand, provides for the erection of a home absolutely in the State of California and one in Michigan.

A MEMBER. No.

Mr. COSGROVE. Yes; it does. It provides for three, if not four, and I presume that each one will cost $250,000. As to these soldiers who may be required to go to these homes, I think, as a matter of humanity, it would be better to give them the money, if it is to be appropriated right out, than to establish these homes in this way.

A MEMBER. That is it.

Mr. COSGROVE. If I correctly recollect the reading of the bill it provides absolutely for one in the State of California. One may be located in Arkansas, Missouri, Kansas, or Iowa. Another must be located in Michigan and another in Minnesota. I am opposed to the bill.

Mr. MAGINNIS. If my friend will have that portion of the bill read again he will see it only requires that report shall be made to Congress as to the possibility of a home in Michigan or California.

Mr. COSGROVE. I do not understand that to be the opinion in regard to the home in California. I am opposed to the bill anyway.

The bill was again read.

Mr. ROGERS, of Arkansas. I move in the fifth section, after the word "rebellion," to insert "or in other wars in which the United States has been engaged."

Mr. MAGINNIS. That makes the bill conform to the report of the Military Committee.

Mr. HENDERSON, of Iowa. I would like to know from the chairman of the committee or any other gentleman whether the same provisions obtain as to the other soldier homes in the country, or whether this is an innovation? If it is an innovation, I am opposed to it and would favor some general statute applying to all.

Mr. ROSECRANS. I will state in response to the inquiry of the gentleman from Iowa that since the passage of the first law creating homes for disabled volunteer soldiers some thirteen or fourteen acts have been passed enlarging the privileges and extending them to a larger number of persons than was at first contemplated, and at present the summing up all of these laws amounts to the provision as set forth in this bill.

Mr. ROGERS, of Arkansas. I understand that to be in substance the report of the House committee which reported the original bill corresponding to this now before the House, which is the Senate bill. It simply enables all soldiers to stand upon an equal footing.

Mr. HENDERSON, of Iowa. That amendment would take in the soldiers of the Indian wars as well?

Mr. ROGERS, of Arkansas. Yes.

Mr. MAGINNIS. It ought to take in any soldier who fought under any flag for the Constitution, the laws, and the glory of the United States.

The amendment proposed by Mr. ROGERS, of Arkansas, was agreed to.

Mr. CRISP. Is it in order to call for the reading of the report accompanying this bill?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Georgia that we are now considering a Senate bill, and there is no report with the Senate bill.

Mr. CRISP. Then may I call upon the chairman of the Committee on Military Affairs to state some reason for passing this bill at all?

The SPEAKER *pro tempore*. The Committee on Military Affairs reported a bill upon the subject, and by unanimous consent of the House the Senate bill was taken up in place of the House bill, which Senate bill is now under consideration.

Mr. CRISP. Well, Mr. Speaker, in the absence of anything in the shape of a reason given for the establishment of this home I am opposed to it. No gentleman has given any reason whatever, and when I ask for the reading of the report I am informed that there is none.

Mr. ROSECRANS. In response to the inquiry of the gentleman from Georgia, I will state what I said before, that the House committee made a long and full report recommending the bill upon this subject, which report contained probably all of the information he desired. But in consequence of the unanimous consent which has been given to substitute the Senate bill for the House bill, and nobody having called for the House report, no report has been read. I am sure, however, if the gentleman desires to have the report accompanying the House bill read it will answer fully all of his inquiries upon this subject.

Mr. ROGERS, of Arkansas. I presume there will be no objection to having the House report read.

The SPEAKER *pro tempore*. The Chair will state that any gentleman can have the report read as a part of his remarks.

Mr. CRISP. Then I will ask to have that report read as a part of my remarks.

The SPEAKER *pro tempore*. The House report will be read.

The Clerk read as follows:

Mr. LAIRD, from the Committee on Military Affairs, submitted the following report:

The records of the War Department show the enrollment of 2,859,132 volunteer soldiers during the rebellion, 2,320,272 of which were three-years' men. Of this number 284,037 were from the States and Territories west of the Mississippi River.

The estimates of the Pension Department show that of the total number of soldiers raised 1,200,000 are now living. Of these 846,811 live east and 353,189 west of the Mississippi.

There are four homes for volunteer soldiers, all of which are located east of the Mississippi, namely, Dayton, Ohio; Milwaukee, Wis.; Augusta, Me., and Hampton, Va.

There is one home for soldiers of the regular Army alone, located at Washington, D. C. The capacity of this home is estimated at five hundred persons, which is the number of its inmates.

The following table shows what was done by the several volunteer homes during the year ending June 30, 1883:

Homes.	Number of inmates, 1883.		
	Average.	Highest at any one time.	Total aided or cared for.
Dayton	3,946	4,015	9,481
Milwaukee	848	Not given.	1,796
Augusta	1,045	Not given.	1,896
Hampton	953	1,003	1,530
Total	6,792	5,018	14,704

While your committee have not been able to learn the capacity of these homes to a man, it appears that two of them are now filled beyond their capacity, and that the others will be before new homes can be provided.

The following extracts from the reports of the governors of the three principal homes will show the condition of the several institutions named on the 30th of June, 1883:

[From the report of Governor Patrick, of the Dayton (Ohio) Home.]

"During the last winter the number of our members 'present' rose to 4,015—the highest number ever reached—making it necessary for large numbers of men to sleep on the floors, and crowding the barracks much beyond their capacity, interfering with both ventilation and comfort. From present indications we shall be still more crowded in time to come. Judging from past experience, especially of the last three years, the ratio of increase in numbers will continue to grow for some years to come; and the question constantly before us is, How shall the demand be met? Already we have been crowded to the utmost of our capacity, as I have already stated. By far the largest proportion of those who now apply for admission are well advanced in years, many of them requiring hospital accommodations from the time they enter the home. Many of those who have hitherto taken care of themselves with a little aid from others are now compelled to apply for admission; others still, who have been more largely dependent upon their families, find their families breaking up by death or otherwise and seek a refuge here. Their claims can not be ignored, but how can they be met?"

[From the report of Governor Woodfin, of the Hampton (Va.) Home.]

"We could hardly have accommodated our numbers except for the addition and alterations to main building giving us more room, but as admissions are coming in it is evident that very shortly the example of the Central branch must be followed here and further applications denied, unless additional quarters be provided. Hospital accommodation is much needed, as the present buildings are inadequate, old, and inconvenient.

[From the report of Governor Stephenson, of the Augusta (Me.) Home.]

"It is evident, however, that the applicants for admission during the coming year are to be very numerous, overtaxing the accommodations that can be provided. As a general rule the new applicants are of a better class of men—veterans who have struggled to support themselves in spite of wounds and disease, until increased age compels them to seek the national homes. The number of applications for furloughs is also decreasing, the men as they grow older evidently preferring to remain quiet and less inclined to seek change."

For the data referred to in this report touching existing volunteer homes, see report board of managers Soldiers' Home 1882 and 1883, Mis. Doc. No. 13, first session Forty-seventh Congress; Mis. Doc. No. 14, first session, Forty-eighth Congress.

While the homes herein named are called volunteer homes, regulars of any war are admitted to them as well as volunteers; but sailors of the war of the rebellion are not, unless they served in the Army as well as the Navy. Sailors of any other war than that of the rebellion are admitted.

There is no home provided for sailors of the late war, and no place where they can be cared for, unless they have served for twenty years, in which case they are eligible for admission to the naval asylum in Philadelphia.

No ex-soldiers, however helpless, under existing laws can be admitted to any home named unless he can trace his disability to an injury received or disease contracted in the line of duty.

The average number of soldiers to a home east of the Mississippi is 211,702; in this estimate the home in contemplation at Erie, Pa., is not included. The number of soldiers west of that river to no home is 353,189.

The ratio of inmates of a home in the territory east of the Mississippi to those who are not is 1 to every 138. The ratio in the West is 1 to 531.

East the ratio of total number cared for at all the soldiers' homes to those not cared for is 1 to 57. West the comparison can not be made, as it is not shown that any are cared for save such as are inmates.

The number of inmates of existing homes from States and Territories west of the Mississippi is 665. They are distributed as follows:

Arkansas	1	Nebraska	8
California	42	New Mexico	1
Colorado	4	Oregon	4
Iowa	206	Texas	1
Kansas	52	Utah	4
Louisiana	42	Washington Territory	5
Minnesota	44		
Missouri	251	Total	665

The number of soldiers west of the Mississippi entitled to the benefit of homes, as shown by the ratio established in the East, between the disabled (*i. e.*, inmates of homes) and those not, is 2,559; or, deducting the 665 from the West now cared for in the East, 1,894. The number of soldiers entitled to some care, as shown by the ratio found to exist east of the Mississippi, is 5,531.

There is another means of finding the number of soldiers in the West entitled to the benefits of the home more reliable than the ones so far adopted, namely, the relation of inmates to pensioners. An examination of the reports cited here shows that one out of every fifteen of the inmates of present homes are pensioners. January 1, 1884, there were 37,783 ex-soldiers west of the Mississippi on the pension-rolls, and 18,986 applications pending not acted on. We assume that one out of fifteen of this whole number, 56,769, or 3,784, less the number from the West, 665, now cared for in the East, 3,119, are now cared for by public or private charity, or are suffering for want of any care. This makes no account of the 5,531, who, if in the East, would receive some care or assistance from homes there. These estimates are based on the assumption that only those are to be cared for who are now eligible for admission to existing homes, and consequently fall far short of the actual number entitled to aid, unless the Government proposes to continue a policy which, in our judgment, owes its present existence only to the fact that the attention of Congress has not before been called to it. Assuming, however, that the present policy of caring for only such ex-soldiers as can trace their disability to wounds, or disease contracted in the line of duty in service, was intelligently adopted and has been intentionally adhered to, this bill brings the question of change of its policy squarely home to the Government, for it provides:

"SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion, or in any other war in which the United States has been engaged, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into this home for disabled volunteer soldiers."

Your committee, after full consideration and examination of the subject, are unanimously agreed that the policy of caring for all as indicated in this bill is the true policy and ought to be adopted at once by this Government, and on this point they submit the recommendations of the board of managers of existing homes. In their report for the year ending June 30, 1882 (pp. 3 and 4, Mis. Doc. No. 14, first session Forty-seventh Congress), they say:

"In the last report of the board it was recommended that the benefits of the home be extended to destitute, deserving soldiers unable to earn their living, who could not trace their disabilities to their service, and that sailors who served the United States during the war of secession should be placed upon the same footing of admission to the home as are soldiers and sailors who served in preceding wars. Both propositions have been rejected by Congress, as we think, under a misapprehension; but in any event the persons included in these recommendations are in general as deserving of care by the General Government as are the present members of the home. Men are daily becoming prematurely disabled from disease, the seeds of which were sown in service, although when they were discharged they were able-bodied. The manager before whom such a case comes, if he act according to existing law, must refuse the man admission, and in general the applicant can only go to the nearest poor-house. If the manager admit the man, making a strained interpretation of the law on the side of humanity, the home, without further legislation, will soon overflow and admissions must cease.

"The case of disabled sailors requires only to be mentioned. Under existing law there is no place where a United States sailor disabled in the late war can be cared for, unless he had previously enlisted as a soldier."

Again, in their report for the year ending June 30, 1883 (pp. 3 and 26, Mis. Doc. No. 14, first session Forty-eighth Congress), they say:

"The board has on several occasions recommended legislation concerning the admission of destitute deserving soldiers whose disabilities can not be traced to their service, and the admission of sailors who served in the Navy during the civil war who are not now eligible to admission, although sailors who served in any other war are eligible. These recommendations, the board believes, deserve the attention of Congress, and they are respectfully reiterated.

"This failure to authorize the admission of disabled sailors is to be regretted, inasmuch as deserving men who served in the Navy are at this time wholly unprovided for unless they have served for twenty years, in which case they are eligible for admission to the Naval Asylum in Philadelphia."

Your committee have been unable to estimate the number of ex-soldiers or sailors that would be entitled to admission to homes on account of destitution and disability contracted since discharge.

It is obvious, however, that it will very largely increase the number now entitled to care, and that will compel a large increase of the capacity of existing homes and the building of additional ones. Whether the Government shall undertake the care of all destitute and disabled soldiers and sailors or not can make no difference with this bill, for there are from 1,894 to 3,119 disabled soldiers now living west of the Mississippi, and now entitled to care under existing laws, and suffering for the want of such care as those in the East are receiving, and have been since 1867. It is to be borne in mind that soldiers in the West now uncared for can not be cared for in the existing homes in the East at all. Those homes are now overcrowded by applicants from their own territory, and must at once be enlarged or relieved by this and other homes, or must close their doors and refuse shelter to those whose wounds guarantee them protection.

In this connection the following figures are of interest: The total number of new admissions to all the branches of the home for four years from 1876 to 1879, inclusive, was 6,020, and the total losses by death in the same time was 1,102, making a net gain of 4,918, being an average of 307 new admissions each year to each branch of the home The whole number of admissions for the four years from 1880 to 1883, inclusive, was 7,103. The number of deaths in the same time was 1,754, being a net gain of 5,349. A comparison of the aggregate of the series of years shows a decreased percentage of gains, but a further examination of the series of years from 1880 to 1883 shows that while the net gain for the year 1882 was but 1,282, that for 1883 was 1,703, or 25 per cent. more than that of 1882, indicating that the net increase of inmates of existing homes in the next four years will be from 800 to 1,000 more than the preceding four years, unless there shall be a change from present indications; and on that point we submit the following from the report of the board of managers for 1882:

"It is a mistake to suppose that there will soon be any material diminution of the number of members of the home. Many soldiers discharged for disability, without pensions as well as pensioners, who have hitherto supported themselves or lived with their families now grown up, begin to look to the home as the place where they wish to pass their declining years. They all, under the law, are eligible for admission, and such cases will arise for the next generation."

The judgment of the board, delivered in 1882, is more than confirmed by the increase of 1883.

Of the 353,189 ex-soldiers west of the Mississippi, it is estimated by certain members of the committee that fully two-thirds are located in the four States of Iowa, Nebraska, Kansas, and Missouri, the major part of the balance being in Minnesota, Dakota, and California, the residue in Colorado, on the Pacific Slope, and in the South. The rosters of the States represented at the annual reunions of the veterans in the first four States named show that every loyal State is represented in these States by soldiers that enlisted from their home States and served through the war. As an evidence of the number of soldiers now in the State of Nebraska, at the last annual reunion held therein, at Hastings, at least one-half of the 40,000 people present were ex-soldiers.

Speaking of the character of the people who ask this relief, and the claims of the section in question, it can not be denied that both deserve well of the nation. The spirit of loyalty and enterprise that placed them among the foremost upon the battlefields of the war made them after its close the pioneers and founders of what may be called in numbers and extent a new nation, happily formed in the far West, without the pain of battle. They are a brave and loyal class. They have not lain supinely down and kissed the hand of national charity for a living; but as befitted their glorious teachings on the fields of death, they have laid hold of the engines of toil and used them to build an empire, where a score of years ago science proclaimed a desert. For nearly twenty years they have borne their share of the cost of maintaining the homes of the East that sheltered their brethren in arms, and made no sign. They were independent, for they could work.

Now that age and disease is beginning to overtake them and pull them down, we believe that the whole nation will give them gratefully, thankfully, the shelter they have doubly earned, and give it, too, without respect to whether they can trace their disabilities to wounds or disease contracted in the line of duty in the service. Knowing the character of those for whom it pleads, your committee prays that this, their home, may be placed conveniently in their midst, where they can be comforted and sustained in their failing years by the sight of family and friends, and where they may still watch with interest the growth of institutions and States they helped to found.

It is not thought by your committee that the admission or exclusion of sailors from this home will prove of much consequence as a fact, for there are very few, if any, such in the trans-Mississippi country; but as a matter of principle, as well as sentiment, the committee are of opinion that honorably discharged sailors ought to be treated as well as and no worse than soldiers; and it is gratifying to us to bear witness to the generosity of those who ask for this home in that they lead the way to justice long deferred by asking that their comrades of the Navy shall be admitted equally with themselves. There were 121,954 sailors enlisted during the war, exclusive of soldiers transferred to the Navy. Of this number 1,804 were killed and 3,266 wounded, a total casualty list of 5,070. When these facts are taken into account, and also the merit of the service rendered, and the extraordinary gallantry of those rendering it, it is matter of wonder that their claim to recognition has slumbered for twenty years, and only now been awakened by men who are strangers to them.

The introduction of the bill in question was asked in accordance with a resolution offered and unanimously adopted by the National Encampment of the Grand Army of the Republic, held at Denver, Colo., in July, 1883, by authority of which resolution a committee of five members of that organization was appointed to represent to the next Congress of the United States the necessity and justice of establishing a soldiers' home west of the Mississippi. As the views of that organization are set forth in the forcible and eloquent memorial referred to this committee, we attach the same hereto, marked Exhibit A, and make it a part of this report.

Your committee recommend that the bill be amended as follows: In line 2, section 2, after the word "managers," insert "unless the same be given." In line 6, section 3, strike out the word "possible" and insert in lieu thereof the word "practicable." In line 2, section 5, insert after the word "rebellion" the words "or in any other war in which the United States has been engaged." Amend the title of the bill by inserting after the word "soldiers" therein the words "and sailors."

And as so amended your committee recommend that the bill do pass.

EXHIBIT A.

To the Senate and House of Representatives of the United States of America:

Your memorialists would respectfully state that the necessity for the establishment of a soldiers' home west of the Mississippi for disabled volunteer soldiers and sailors who served in the war of the rebellion, who by reason of old age, sickness, or otherwise are incapable of earning a living, is, we take it, an admitted fact. Recognizing this necessity, the seventeenth annual session of the National Encampment of the Grand Army of the Republic, at Denver, Colo., July, 1883, on motion of a comrade from the State of Kansas, adopted a resolution "that a committee of five members of this encampment be appointed to present to the next Congress of the United States the necessity and justice of establishing a soldiers' home west of the Mississippi." In pursuance of said resolution, your memorialists were appointed such committee, and have prepared the accompanying bill.

This bill is not drawn in the interest of any locality, but alone in the interest of those whom it is intended to benefit in the great States of Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, and Nebraska, having in their borders to-day more than 300,000 volunteer soldiers and sailors who served their country well in the war of the rebellion, many of whom, by reason of age or sickness, are unable to earn a living. Thus conditioned and in poverty they must find shelter, food, and raiment in a home provided as an act of justice, not charity, by the Government they fought to save, or become inmates of the poor-house, and through its windows look out upon the prosperity which without them would have been impossible to the Government which leaves them to starve or become the objects of common charity.

"I have been young," says the Psalmist, "and now am old; yet I have not seen the righteous forsaken, nor his seed begging bread." May this nation never become so old or forgetful of its duty as to permit one of the least of these, its veterans, to beg bread.

Your memorialists have only one object, and that is to secure the speedy erection of a commodious and suitable home at some convenient point in one of the States named in this bill. They have full faith and confidence in the Board of Managers of the Home for Disabled Volunteer Soldiers, and that their selection of a location under the bill will be a wise one.

Your memorialists trust that no member of Congress will antagonize this measure, which is just, as well as one of pressing necessity, because he may prefer to name the locality of the home in his district or State. This bill also provides for the admission into the home of all destitute honorably discharged soldiers and sailors of the civil war, who by reason of age, sickness, or otherwise are rendered incapable of earning a living, whether their disabilities can be traced to their service or not. This is in accordance with the oft-repeated recommendations of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and, in their language, "deserve the attention of Congress." The homes now established are inadequate to meet the demands, and are far removed from the Territory named in this bill, and are so crowded that they could not receive our disabled comrades if sent to them.

No nation can afford to have millions of surplus revenue in its treasury and permit its veterans, who rendered that surplus revenue possible, to starve.

The justice, wisdom, and immediate necessity for the passage of this bill must be apparent to every member of Congress. These destitute soldiers need not words of praise and commendation—"words that are the children of the wind." Words grouped ever so eloquently do not warm the cold, clothe the naked, or feed the hungry. The disabled volunteer soldiers and sailors of the civil war deserve all and more than is asked in this bill. Let your appreciation of their services, when strong of body and brave and patriotic of spirit, be shown by your deeds—"deeds that are the daughters of the soul."

Your memorialists, in their personal intercourse with the members, have been kindly received and assured that their application will receive prompt

attention. They believe that all that is necessary to secure the passage of this bill is to call your attention to its pressing necessity.

To this end your memorialists will ever pray.

WM. WARNER.
THEO. WISEMAN.
JOHN LINDT.
H. E. PALMER.
ALBION P. PEASE.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I desire to say a word or two in regard to this bill.

Mr. LAIRD. Will the gentleman yield to me for a moment to make a suggestion?

Mr. JOSEPH D. TAYLOR. Certainly.

Mr. LAIRD. I understand that there is considerable opposition to the bill offered in lieu of the House bill; and to the end that these objections may be obviated as far as possible, it is agreed by the committee that we now ask unanimous consent to lay aside the Senate bill and proceed with the consideration of the House bill.

The SPEAKER *pro tempore*. Is there any objection to the request of the gentleman from Nebraska to vacate the order of the House substituting the Senate bill for the House bill, and resume the consideration of the House bill, which was laid aside? This bill has already been read for the information of the House.

There was no objection, and it was ordered accordingly.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I have listened attentively to the reading of this report, and it has satisfied me better than I was satisfied before that the passage of this bill will not remove the difficulties suggested in the report. I am in favor of doing almost anything that can be done in the interest of the soldiers of this country. I think we can never do too much for them, and I stand second to no gentleman on this floor in my purpose to do anything that I think will be really in their interest. But I am not inclined to the opinion that there is any present demand for the home provided for in this bill, nor do I think that such a home as this is adequate to the present wants of dependent soldiers.

I recently had occasion to address a letter to the Secretary of War, making certain inquiries in regard to soldiers' homes, and asking him to furnish me with a statement showing the expense of supporting soldiers in the soldiers' homes in this country. I had looked into the reports and was not inclined to believe the statements I found there to be entirely correct. I was afraid to quote them until I made these inquiries. I thought that there must be some mistake in the figures. I consequently addressed a letter to the Secretary making these inquiries, and received from him the following answer:

WAR DEPARTMENT, *Washington, D. C., April* 15, 1884.

SIR: In answer to your request of the 12th instant for a statement of the cost per year for the support of a soldier in a soldier's home, I have the honor to state the expenditures of the Soldiers' Home, District of Columbia, during the year ending September 30, 1883, were $125,609.43; the average number of soldiers therein was four hundred and sixty-two, and the average cost of support of each soldier was $271.88, which also includes the cost of buildings erected or repaired during the year and all other expenses.

In regard to the cost of maintenance of a soldier in the National Home for Disabled Volunteer Soldiers, I must refer you to the annual report of the board of managers of said home, which is printed as House Miscellaneous Document No. 14, Forty-eighth Congress, first session, as these homes are not under the jurisdiction of this Department, the Secretary of War being only an *ex officio* member of the board of managers. From page 20 of that report, it appears that the "average cost of keeping each inmate, exclusive of clothing," is $483.11.

Very respectfully,

ROBERT T. LINCOLN,
Secretary of War.

Hon. JOSEPH D. TAYLOR,
House of Representatives.

I learned from this letter, as well as from the report to which he refers, that the cost of maintaining a soldier in a soldiers' home for disabled volunteer soldiers is $483.11 a year. This is the annual expense, the average cost, of each inmate. The National Home for Disabled Volunteer Soldiers has several branches located in different parts of the country, and I am in favor of giving it a generous support. These homes are said to be well managed. They are under the control of distinguished men, and I take it that they are as well managed as they can be. And yet, after we have had twenty years of experience in managing soldiers' homes, this large expense seems unavoidable; and this expense of $483.11 a year is exclusive of clothing. The expense per capita of the inmates of the Soldiers' Home in the District of Columbia is not so much as the expense in the homes for volunteer soldiers, for reasons which are apparent to those who know how differently these homes are situated.

Mr. WELLER. I would be pleased to ask a question of the gentleman from Ohio.

Mr. JOSEPH D. TAYLOR. I do not care to yield. I do not want to be interrupted.

After twenty years of experience in the management of soldiers' homes we have ascertained the fact I have stated, that it costs $483.11 exclusive of clothing, to support a single inmate for a single year, in the National Home for Disabled Volunteer Soldiers, and this National Home includes all the volunteer homes, as they are all under one management and are considered as one home. This would support these soldiers in a first-class hotel in almost any part of this country. And yet the report shows, if it shows anything, that we would have to build a score of these soldiers' homes to accommodate the number of persons mentioned in this report as needing assistance. It would certainly require one in each State, and perhaps in some States two or three. This is on the supposition that there are as many persons needing help as is stated in this report.

There is a remedy, Mr. Speaker, and I am in favor of that remedy; and that is to pay this money to the soldiers. Give it to the disabled volunteers; pay it to them directly in the shape of a pension. Two hundred dollars a year paid directly to these soldiers would support them comfortably almost anywhere. It would feed and clothe them and supply all their wants, and supply them many luxuries and comforts which they never obtain in a soldiers' home; and we would then save to the Government $283.11 per soldier.

The time has come, Mr. Speaker, when we should make appropriations payable directly to the soldier. We must recognize the fact that there are thousands of soldiers in this country to-day who have never yet drawn a pension, who were brave and true soldiers, men who were at the front and in the thickest of the fight, men who never turned their back on their country's cause, men who followed the flag of their country through all the long, dark years of the war, and who are to-day in poverty and want, and when they applied for a pension they were refused because they could not furnish all the evidence required by the Department.

Only to-day I read a letter from a soldier who has a wife and three children and who has for years been trying to get a pension and is unable to get it because he can not show treatment for the disease while in the service. And he writes me that during that time he was a prisoner of war, in Andersonville or Libby Prison, and had no treatment. And yet he is required to make this proof in order to obtain a pension from this great and generous Government.

Mr. VALENTINE. I would suggest to the gentleman that that is all removed by the Senate amendment put on the Mexican pension bill passed by the Senate to-day.

Mr. JOSEPH D. TAYLOR. I was going to come to that in a moment. I think the amendment made to the Mexican pension bill which passed the Senate to-day is a step in the right direction and will obviate the necessity for any more soldiers' homes. It will pay the money to every soldier who needs money. It will distribute the money to every honorably discharged soldier who is in want and who is not now drawing a pension. This bill as amended is the very thing that is needed. It provides for all disabled soldiers who have no means of support. These are the soldiers who appeal to the generosity of this country and to the magnanimity of this Government.

These men can not go to a soldiers' home. Many of them have wives and children. From boyhood to manhood, and frequently to old age, they have lived in the same familiar neighborhood. There they have their domicile. All their early and later associations and attachments cluster around their home, and many of them will die paupers before they will go away fifty or one hundred or two hundred miles to become the inmates of a soldiers' home. A soldiers' home to most volunteer soldiers seems like a prison or an infirmary. There is nothing homelike about it—no wife nor children, friends nor neighbors to make it cheerful or bright.

The homes are beautiful places to look at, and very attractive to those who are not compelled to stay there. You can surround them with all the poesy you please, but they lose much of this enchantment to the inmates. No soldiers' home is like the real home of the soldier. The place where the soldier desires to live is with his wife and children, if he has any, and most of them have. Then there is this fact which no one will question. The influences which surround a soldiers' home are often demoralizing. You can not go to one of these places without realizing this fact. Vicious habits are sometimes formed at these homes the influences of which sometimes follow the soldier to his home and family. Besides, Mr. Chairman, it is not in harmony with American ideas to herd together large numbers of men and abrogate the home which is sacred to the people of this country. And if you will examine the reports of these institutions you will discover that the largest number of the inmates are foreigners—men who have no homes or families, and hence, no local attachments. This way of living is distasteful to most Americans. I have had letters from soldiers who say they would rather go to the poor-house than to a soldiers' home, as in this event they would be near home and could get to see their wives and children.

And I have been surprised at another thing, and this report shows it. It shows the large number of persons who have been received into these soldiers' homes. The number is very large. Do you know the reason of this? It is because they constantly come and go, remain but a short time and the number of desertions is very large. Examine these reports and you will find that hundreds and perhaps thousands of soldiers who never deserted their country's flag, who never wavered in the face of an enemy—deserted these homes because they became so distasteful to them and because the regulations were objectionable. Read these reports and you will find how many men who were brave and true soldiers during the war, have deserted these soldiers' homes and have gone back home to live and die without the aid of the Government rather than receive its beneficence in this way.

Let us give the money to the soldiers. We owe it to them. We owe them a comfortable living. They need no guardian. We do not want

to make soft places for Government appointees. If that is the object let us have more soldiers' homes. But if we have at heart the good of the soldier and the good of the soldier only, let us be generous toward every soldier that needs money and is without support. Every soldier that is disabled from any cause and is without means of support, every soldier who would have occasion to go to a soldiers' home let us pay him, and pay him liberally, instead of paying $100,000 for the purpose of benefiting the soldiers $25,000. You can readily see, Mr. Speaker, that it is time that we should change our system of supporting disabled soldiers. I can see no wisdom in appropriating money when only one-fourth of it ever reaches or benefits the soldier. If we mean to benefit the soldier let us do that directly. We can trust them with the money and should pay it to them directly, and in this way do them more good and save the Government a large and unnecessary expense.

I am very sure that not more than one-fourth of the amount of money appropriated for the support of these soldiers' homes ever reaches or benefits the soldier. Hence I do not now see why this bill should pass. I have not learned from this report any necessity for this increased expenditure. Indeed, I think the time has come for us to make the soldier his own guardian. Let him govern himself as a free man without having any superintendent or manager over him.

I now yield to the gentleman from Iowa [Mr. HENDERSON] for ten minutes, and will surrender the rest of my time.

Mr. HENDERSON, of Iowa. I was not aware that this question was coming up to-night. I certainly am surprised at the presentation which has just been made by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR]. It seems that we have five or more homes for disabled soldiers.

Mr. LAIRD. There are four of them.

Mr. HENDERSON, of Iowa. We have four homes for disabled soldiers in this country, all of them located east of the Mississippi River. The gentleman from Ohio who has just taken his seat [Mr. JOSEPH D. TAYLOR] has in his own State, I believe, a comfortable home for soldiers. Now, when the region of country west of the Mississippi comes modestly to the doors of Congress asking for the establishment of a home for the benefit of the vast number of disabled soldiers now living in that region, we are suddenly informed that there must be a revolution in this system and startling developments are made before us.

Sir, we are not discussing this as an original proposition. This Government has passed that point already; the policy of establishing soldiers' homes has been settled. The only question now presented to us by this bill is: Shall we establish a home for disabled soldiers west of the Mississippi as well as for those east of the Mississippi? If I remember correctly the report which has been read to-night, one home alone which has been established has over 4,000 soldiers in it. From the data given in that able report of the committee it appears that there are only 1,900 soldiers west of the Mississippi out of the three hundred and fifty-odd thousand soldiers from that region who are eligible for admission into these homes.

Yet when we come here asking for the establishment of a home for that vast region, peopled as it is with disabled soldiers, not only from that portion of the country, but many of them who have moved from the East, we find a Representative from the State of Ohio, which State enjoys one of these homes, bringing forward some little objections to the policy inaugurated by this Government, and on those objections he seeks to deny us the benefit of a soldiers' home west of the Mississippi.

The gentleman says that it is expensive keeping these soldiers in these homes. The amount is greater than I supposed, some $480 a year each. But judging from the eloquent tribute which that gentleman paid to the soldiers of the Republic I suppose he would not stop at giving them that amount, but would be willing to give it into their own hands. It is not, therefore, the amount which troubles my friend from Ohio but the mode of placing it, whether through trustees or given directly to the soldiers. I will not be outdone by my friend in the matter of generosity to soldiers in the way of pensions. I believe in liberal pensions; I believe that justice should be done to the soldiers. And since it is only the manner and not the amount that troubles my friend, that point should be eliminated from this discussion.

We are told another thing, that there are evils in these homes. I am sorry to say, Mr. Speaker, that there are evils in all homes; even in that great citadel of virtue, the family home, we may find evils. I grant that in all organizations where man is housed by himself there is a tendency to evil. But human experience in every great nation has recognized the virtue of patriotism and the propriety of having homes for the disabled defenders of their country. I think we have passed the point to consider such trivial objections as these as a reason why we should not have another soldiers' home.

To sum up briefly, the facts are simply these: We have now four soldiers' homes established east of the Mississippi, while not one is established in that great Western paradise, the region west of the Mississippi. We come now for the first time modestly asking for our disabled soldiers that recognition which has been given to the soldiers in the Eastern States. I do not believe that any Representative east of the Mississippi River will cast his vote against us. I feel confident that no Representative from the South will cast his vote against us. And I know that no Representative from the vast plains west of the Mississippi River will be found casting his vote against us.

I do not talk for the sake of talking; but I say that unless this House is prepared to strike down this whole system, no argument has been advanced by my able friend from Ohio that will warrant any patriot here in voting against this home asked for by 2,000 disabled soldiers from the valley of the Mississippi now knocking at your doors.

Mr. LAIRD addressed the House. [See Appendix.]

Mr. MCADOO. Mr. Chairman, is it in order to move amendments to the bill?

The SPEAKER *pro tempore*. The gentleman from Nebraska still holds the floor.

Mr. MCADOO. Mr. Speaker, that the House may fully understand the amendment which I have just offered to this bill, I take the liberty of again reading the same:

Provided, That wherever a soldier has been an inmate of any one of the national soldiers' homes for a period of not less than twelve months, and shall have during that time a record of good behavior, it shall be optional with him to retire from said home and receive from the funds appropriated for the maintenance of the home of which he was a member $10 for every month he shall remain away from said home.

Mr. Speaker, the main object of the bill under consideration is to increase the number of soldiers' homes, so as to make possible the admission of fresh applicants and relieve the already overcrowded homes east of the Mississippi River. Sir, I think that by adopting this amendment these homes already existing can be relieved of many of their inmates with great satisfaction to the soldiers themselves and with profit to the Government. My friend from Ohio [Mr. MURRAY], who has given this matter his careful attention, tells me, and I know the same to be true myself, that there exists in the minds of these old veterans a dislike to be considered paupers and to be herded and housed and ruled in their declining years under the strict discipline of these homes.

Many of them leave their little families perforce to go into these institutions. Once again, as in the days of civil strife, the fondest and dearest ties of the human heart are cruelly severed, and the aged veteran, stabbed by his own patriotism, comes a mendicant to this Government institution often within its cold walls to but "crave a little earth for charity."

But from an economic standpoint there is a strong argument for this amendment. Leaving out interest and insurance and the like, the gentleman from Ohio [Mr. MURRAY] informs me that the cost of maintenance per capita is about $11 per month. To keep strictly within bounds I have made the allowance only $10 per month. If allowance were made for cost of building, interest on investment, insurance, official salaries, and the like, the amount per capita would be very much larger. A great many inmates of these homes would undoubtedly take advantage of this amendment, and the Government, aside from dealing justly with these men, would save, in addition to all other things, the expense of building these new homes in the West. Do gentlemen want to increase Government institutions and the roster of officials drawing salaries from the Federal Treasury? Defeat this amendment, and you show just how deeply your much vaunted love for the soldier compares with your desire to swell the number of names in the Blue Book.

When I see how profuse gentlemen can be in their professions of love for the soldier, how careless or reckless in legislating for him, how utterly unconscionable in their appeals to his feelings and his prejudices, I feel like paraphrasing the celebrated saying of Madame De Staël and exclaiming: "O soldier, for how much rascality and demagogy has thy patriotism been a cloak!"

Sir, the honest, patriotic, and intelligent soldiers of this land, whose valor preserved the Union, will no longer permit themselves to be shields for such rascality or the ready recipients of such unwholesome flattery. The time is rapidly approaching when in the interest alike of the soldier and the entire people the land and pension laws must cease to be patchworks of inconsistency and injustice. I have had the honor to present to this House a petition signed by over 5,000 ex-Union soldiers asking revision of the land and pension laws. Intimately connected with the question of pensions is that of preserving the public domain alike from domestic monopolists and foreign invaders. "Land for the landless millions" is the cry of the underpaid operatives in the great industrial communities, coupled with the strong and daring resolve that the invasion of our soil by alien freebooters and great corporations must stop. In this connection I want to put before the House and the country the following statement from the New York Star of January 6 last past:

OUR ALIEN LAND-GRABBERS—ONE RESULT OF REPUBLICAN MISRULE AND MISMANAGEMENT.

WASHINGTON, *January* 5.

Within the whole domain of public affairs there is no question of greater importance to the American people than that of land monopoly.

Between the Republican party, the railroad corporations, and foreign land-grabbers, the public lands are rapidly falling away. Within a very few years no less than 300,000,000 acres of the finest soil the sun ever shone upon have passed from the people into the hands of men who would hardly hesitate to overturn this Government if it were necessary to serve their ends. The poor man's inheritance, the public domain, is rapidly becoming a reminiscence.

Nothing in the history of the titled robbers of the feudal ages can compare with the recklessness that has characterized the Republican party in their management of the public lands, which were intended for the people and not for greedy capitalists or monopolists.

Land monoply in its best form (if that term be permissible) is a dangerous institution, but the danger is increased a hundred-fold when the land is held by men who are aliens by birth, by choice, and in principles.

To go into the details of this matter would fill column after column of your paper and tire the reader. A clear, concise table giving the names, locations, and amounts of territory controlled by foreigners will show the people the danger which threatens. Here are the names, etc.:

	Acres.
The Holland Land Company, New Mexico	4,500,000
An English syndicate No. 3 in Texas	3,000,000
Sir Edward Reid and a syndicate in Florida	2,000,000
English syndicate in Mississippi	1,800,000
Marquis of Tweedale	1,750,000
Phillips, Marshall & Co., London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London	750,000
Bryan H. Evans, of London, in Mississippi	700,000
Duke of Sutherland	425,000
British Land Company, in Kansas	320,000
William Whalley, M. P., Peterboro, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Robert Tennant, of London	230,000
Dundee Land Company, Scotland	247,000
Lord Dunmore	120,000
Benjamin Newgas, Liverpool	100,000
Lord Houghton, in Florida	60,000
Lord Dunraven, in Colorado	60,000
English Land Company, in Florida	50,000
England Land Company, in Arkansas	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir J. L. Kay, Yorkshire, England	5,000
Alexander Grant, of London, in Kansas	35,000
English syndicate (represented by Close Bros.), Wisconsin	110,000
M. Ellerhauser, of Halifax, N. S., in West Virginia	600,000
A Scotch syndicate, in Florida	500,000
A. Boysen, Danish consul, in Milwaukee	50,000
Missouri Land Company, of Edinburgh, Scotland	165,000
Total	20,747,000

Writing recently in the Elmira Gazette upon this question, Rev. Thomas K. Beecher, a brother of Henry Ward Beecher, said: "We have here a high-lifting, frowning portent that should startle every intelligent patriot and cause him to instruct his Congressman inexorably to the effect that the ownership of land by non-residents must come to an end; and further, that the ownership of lands in great blocks must come to an end. However plausible, because profitable, their temporary occupancy may be, we can not afford to repeat in this country the horrible experiences of Ireland."

I am pleased, however, to state that the present Congress has taken a hold of this question of alien land ownership, and there is every prospect that the evil will not only be abated, but that some arrangement will be made whereby those immense tracts will revert to the people, to whom they properly belong and from whom they should never have been permitted to go. Congressmen McADOO of New Jersey, HOLMAN of Indiana, and HOPKINS of Pennsylvania have introduced bills that cover this important matter, and there is scarcely any doubt that they will pass. The people should urge upon their Representatives the necessity of supporting these bills.

The names, &c., of our native land monopolists would fill every page of this issue of the Star. I select only a few from the several States and Territories, as follows:

	Acres.
Hon. C. F. Brainerd, of Brainerd, Minn., a stalwart Republican, in Arizona	140,000
Hon. George Hearst, San Francisco	48,000
A. P. Moore, Santa Rosa, Cal	138,000
The Murphy estate, Santa Clara	150,000
F. C. Sherwin, in New Mexico	600,000
"My Dear Dorsey," star-router	500,000
Senator John A. Logan	80,000
Whitmore & Co., of Wisconsin, in Alabama	35,000
J. W. Iliffe, Colorado	15,000
Grandin Brothers, of Tidioute, Pa., in Dokota	40,000
Oliver Dalrymple, of Saint Paul, Minn	500,000
H. Disston, of Philadelphia	2,000,000
Hon. William Larabee, in Iowa	18,000
Walter Brown, of Kansas, in Kansas	43,000
Congressman E. N. Morrill & Co., in Kansas	102,000
J. B. Watkins, Louisiana	1,225,000
Daniel Murphy, Nevada	200,000
Mr. David Seltzer, of Ohio	25,000
Thompson & Warner, Minnesota	50,000
J. B. Walker, Minneapolis	50,000
Hon. J. S. Pillsbury, Minneapolis	30,000
J. M. Richmond & Co., of Buffalo, in Missouri	150,000
Michael Brand, sr., Missouri	100,000
Adirondack Land Company, New York	500,000
Hiram H. Sibley, of Rochester	500,000
William Clark	30,000
The David Raleigh estate, in New Jersey	30,000
Shenango and Alleghany Railroad Company	50,000
R. D. George, South Carolina	25,000
Colonel Meyer, Wisconsin	35,000
Governor Jeremiah Rusk, Wisconsin	18,000
Total	7,427,000

The above are simply a few specimens. There is not a State or Territory in this broad Union which does not contain scores, even hundreds, of men who hold tracts fully as large as those noted.

Concerning the railroad grants, those colossal monuments to corruption and robbery, it is impossible to speak with patience of the men and party responsible for them. I was informed the other day by a gentleman who served in the Thirty-seventh Congress that 300,000,000 acres of land were granted to railroad corporations within twenty years.

Since the beginning of the present Congress no less than thirty bills have been introduced declaring the land granted to railroads forfeited. Mr. Holman's bill is the most sweeping, and therefore better calculated to do justice to an outraged people. Should it pass, the railroad corporations of America will be compelled to disgorge 100,000,000 acres of the best land in America, which they hold in defiance of law, decency, and justice.

Discussing this bill one gentleman says that in Europe they have palatial homes for disabled soldiers. Sir, the American soldier is a citizen who volunteered from love of country to leave for a time the ranks of peaceful life to preserve the integrity and honor of his country. He is no liveried hireling of an ambitious prince, to spend his entire life under the rule of official martinets.

There are four volunteer soldiers' homes in the United States, namely, at Augusta, Me., Milwaukee, Wis., Hampton, Va., and Dayton, Ohio. A national board of managers, composed of Army officers, control these institutions. Red tape and discipline make them unattractive to the veteran. These old men with honorable scars are compelled to live by rule and die to order. Unlike the old soldier in Goldsmith's "Deserted Village," they sit not the night away, talking of scenes of past glory and carnage, but retire to drum-beat and raise their feeble bodies to meet the bugle-call. And the cry of the managers is for more homes.

That the soldiers themselves join this cry is simply because it is the only relief presented. For certain friendless and entirely homeless soldiers such homes, if properly conducted, are a necessity, but I speak for a great class, who could with this additional allowance manage with much more satisfaction to themselves to get along better without than within these institutions.

They want one in California, in Pennsylvania, in Michigan, and ever so many other States. Adopt this amendment, and the great home in Hampton, Va., in the mild, salubrious seaboard climate of our middle region, will hold nearly all applicants and save millions in the cost of new buildings. This monthly allowance, with the pension which most of them receive, will keep them in comparative comfort. Members say this would be an easy way to increase pensions. That is no argument. If the soldier is entitled to enter one of these homes he must be supported there, and it costs the Government just the same whether they expend it for him or he spends for himself.

Soldiers' homes! Mr. Speaker, I want, sir, to make true homes for the soldiers to whom we owe so much. No great, cold, heartless depot, where the inmates are treated as paupers, ruled by martinets, and surrounded by guard-houses, but the happy cottage home in the great centers of our civilization or on the free lands of the West. Not to be immured in some gloomy pile to pine and fret and die of heart-break, but the shady, vine-clad porch under the summer's sun, and the genial fireside with its prattling children and loving helpmate to rob the winter's day of all its gloom. Instead of bowing and fawning to every gold-laced superior, let the aged veteran spend his declining years surrounded by the loves and comforts, the sweet memories and holy influences, of a true American home. As I speak these words there comes before me the face and form of an aged veteran who has appealed to me to aid his claim for just dues before this House. His kindly face, his long gray locks, his manners, and his talk bespeak him the gentleman and scholar. Before the late civil war he was the author of a book on military tactics. He afterward rose to the rank of major in the Federal Army. Now, in the "sere and yellow leaf," weary with waiting for his claims, he comes to me with breaking heart and tears streaming down his furrowed cheeks, and asks as a last resort admission to one of these tombs of human hopes and loves and ambitions—a soldiers' home.

Mr. LAIRD. I give notice that I will call the previous question at 10 o'clock. I yield now for five minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I will not occupy the time of the House but a moment with any remarks on this bill. I desire to say I have given it very careful attention and studied this subject with a great deal of care as a member of the Military Committee. This bill comes here as the unanimous report of that committee. It comes here with the hearty approval of every member of that committee upon both sides of the House.

We recognized the fact, Mr. Speaker, that this system of soldiers' homes having been established and carried forward by common consent to this time, it is simply doing justice to the region beyond the Mississippi.

I wish further to call the attention of the House to a few facts which perhaps did not appear in the report, in order to show why we came to this conclusion. It appears from the statistics that the increase in the number of inmates during the year 1881 was 464. The increase in the year 1882 over the preceding year was 680. The increase in the year 1883 over the preceding year was 479. From a study of the statistics from the foundation of these homes until now we find the number of inmates is increasing with a very steady and constant ratio, and arguing from the experience of the past we have every reason to expect they will increase in the future in a like ratio. During the late visit of the Committee on Military Affairs with the board of managers of the National Soldiers' Home to the home at Hampton, Va., that board assured the members of the committee that in their opinion the number of inmates would constantly continue to increase for ten years certainly and probably for fifteen years. And it was the opinion of Major-General Franklin, and so far as I could learn the opinion of every member of that board, that when the maximum number of inmates would be reached it would double the number at present, which is something like seven thousand. So much for that point of the necessity for increase of accommodation.

In the second place I desire to meet the argument of my friend from Ohio [Mr. JOSEPH D. TAYLOR], and the point I wish to make is this: This is not to provide for men who are pensionable under the laws, but to provide for men who are non-pensionable under the laws. This bill provides for those non-pensionable as well as for those who are pensionable.

And there is another thing. His argument was it would be better

to pay these men pensions and let them spend the time with their families at home. But, sir, the unfortunate circumstance is, the great majority of these men have no families and have no homes and do not have anywhere else to go. Therefore if you deprive them of these national homes there is no refuge for them but the alms-house. There are today in the State of Michigan two hundred of these non-pensionable soldiers who are cared for in the almshouse, to the disgrace of the nation that they have not been provided for elsewhere. The State has no other means. I find from the figures taken from the last annual report of the board of managers that out of the entire number of 14,704 cared for in soldiers' homes last year, 1883, there were a little over 3,000 of them that had families to go to. If you take away from them these homes then it leaves them the almshouse and no other place to go to.

I say, sir, it would be a burning and a withering shame upon this Republic to let its brave defenders die uncared for in the almshouses of this country. And as this comes from the Military Committee unanimously and heartily recommended, I trust that it will pass the House by a unanimous and hearty vote.

Subsequently Mr. CUTCHEON was granted leave to append the following report to his remarks:

Mr. CUTCHEON, from the Committee on Military Affairs, subm'tted the following report:

The policy of establishing homes for honorably discharged and disabled volunteer soldiers is no longer an open question in this country. It was deliberately entered upon at the close of the war, and it has been deliberately persevered in and maintained ever since. Many millions of dollars have been expended in the creation and maintenance of these homes, and in fact we believe that we may safely say that it is the settled policy of this Republic to care for the support of its disabled and honorably discharged soldiers when left otherwise without adequate means of support, and especially when they would otherwise become objects of public or private charity.

There are at present four of these homes, the Central home, at Dayton, Ohio; the Eastern home, at Augusta, Me.; the Western home, at Milwaukee, Wis.; and the Southern home, at Hampton (near Fortress Monroe), Va. These are all technically and officially know as branches of the National Home. These branches, constituting the National Home for Disabled Volunteer Soldiers, are under the charge and direction of a board of managers of nine distinguished officers, together with the President, Chief-Justice, and Secretary of War of the United States, who are members *ex officiis*.

The annual report of this board of managers will be found in House Miscellaneous Document 14, transmitted to the House January 9, 1884. The board of managers for the past year were as follows:

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Managers.

The President of the United States, the Chief-Justice, the Secretary of War, *ex officiis*.
General William B. Franklin, president, Hartford, Conn.
Col. Leonard A. Harris, first vice-president, Cincinnati, Ohio.
General John A. Martin, second vice-president, Atchison, Kans.
General Martin T. McMahon, secretary, 93 Nassau street, New York city.
Maj. David C. Fulton, Hudson, Wis.
General George B. McClellan, Orange, N. J.
General John M. Palmer, Springfield, Ill.
General Charles W. Roberts, Bangor, Me.
General James S. Negley, Pittsburgh, Pa.

In order to show the constant, rapid, and steady growth of these homes since their foundation in 1867 to the present time, and to draw therefrom an inference as to the prospective increase, the following table is inserted:

Number of members of the home present, and present and absent, at the end of each fiscal year; number of deaths during each fiscal year, and percentage of total deaths to total present and absent from the organization to June 30, 1883.

Years.	Central branch.			Western branch.			Eastern branch.			Southern branch.			Total present.	Total present and absent.	Total deaths.	Percentage of deaths to total present and absent.
	Present.	Present and absent.	Deaths.	Present.	Present and absent.	Deaths.	Present.	Present and absent.	Deaths.	Present.	Present and absent.	Deaths.				
1867	361	403											361	403		
1868	614	751	27	91	119	11	77	97	4				782	967	42	4.34
1869	834	1,161	42	135	191	13	378	580	13				1,347	1,932	68	3.52
1870	879	1,308	72	367	500	24	424	529	15				1,670	2,337	111	4.75
1871	1,079	1,598	70	445	575	39	414	594	17	160	173	12	2,088	2,940	138	4.69
1872	1,185	1,631	104	383	541	37	402	568	19	265	313	16	2,235	3,053	176	5.76
1873	1,443	1,874	108	336	513	42	445	696	20	294	361	17	2,518	3,444	187	5.43
1874	1,782	2,374	130	422	608	39	511	790	22	406	503	18	3,121	4,275	209	4.89
1875	2,022	2,604	150	470	636	39	550	706	28	447	543	24	3,489	4,489	241	5.37
1876	2,511	3,075	155	483	677	29	555	827	39	480	629	53	4,029	5,208	276	5.30
1877	2,687	3,348	174	128	828	41	611	938	33	532	645	39	4,458	5,759	287	4.98
1878	3,010	3,731	200	634	814	46	786	1,053	32	580	738	28	5,011	6,336	306	4.83
1879	3,336	4,076	145	651	848	53	822	1,123	36	645	828	29	5,454	6,875	263	3.83
1880	3,341	4,311	199	629	823	58	734	1,041	60	625	828	40	5,329	7,003	357	5.10
1881	3,354	4,537	261	668	924	56	810	1,100	65	706	906	40	5,538	7,467	422	5.65
1882	3,672	4,855	305	664	974	72	876	1,268	58	770	1,050	55	5,982	8,147	490	6.01
1883	3,653	4,737	281	737	1,155	66	971	1,405	66	1,003	1,330	72	6,414	8,626	485	5.62
Total			2,423			665			527			443			4,058	

From this table it will be seen that the number of beneficiaries of the home has increased with a very constant ratio, from 403, in 1867, to 8,626 in 1883. The recent increase will be shown by the following figures for the last four years:

Total inmates, 1880 7,003
Total inmates, 1881 ..... 7,467—increase, 464
Total inmates, 1882 ..... 8,147—increase, 680
Total inmates, 1883 ..... 8,626—increase, 479

And this is in spite of the large number of deaths shown.

We are assured that the increase during the past winter has been greater than ever before, and has strained all the branches to their utmost capacity.

During the recent inspection by members of this committee of the Southern branch at the invitation of the board of managers, we found that that branch had been crowded beyond all reason or convenience. Three additional temporary dormitories had to be erected, the summer-house inclosed and converted into a dormitory, and an unfinished attic over the hospital, although unfit for use, had been utilized. In short, this branch has been forced to accommodate at least two hundred and fifty more than its proper and normal capacity. General Franklin, the president of the managers, assured members of your committee that during the last winter the Central branch, at Dayton, was crowded at least five hundred beyond its normal capacity, and the other homes or branches are full.

To assist in arriving at the probable demands upon the homes for years to come, we append the official statistics as to admissions, discharges, deaths, ages, &c., of inmates during the last fiscal year, as follows:

Annual report for the four branches National Home for Disabled Volunteer Soldiers for year ending June 30, 1883.

Gain:	
Admitted	2,252
Readmitted	651
Transferred	334
Total	3,237
Loss:	
Honorably discharged	729
Dishonorably discharged	70
Transferred	362
Deserted	1,121
Died	485
Total	2,767
Total present	6,437
Total present last report	5,966
Total present and absent	8,626
Total present and absent last report	8,156
Whole number cared for during year	14,704
Whole number cared for during previous year	10,056
Average number present during year	6,792
Average number present and absent during year	8,435
What war:	
War 1861	11,070
Mexican war	311
War 1812	17
What service:	
Volunteers	10,936
Regulars	332
Navy	80
Age:	
30 to 40	1,711
40 to 50	3,382
50 to 60	3,447
60 to 80	2,729
80 to 100	129
Married, with wives and minor children	3,315
Disability:	
Loss of limbs	557
Wounds	4,405
Sickness	5,772
Blindness	512
Other causes	152

It will be seen from the foregoing that the number of admissions last year was 2,252 and the readmissions 651—total, 2,903; discharged, 799; died, 485; deserted, 1,121—total, 2,405; net gain, 498.

The matter of age is also an important item. It will be noticed that only 1,711 are under 40 years of age, while 6,305 of them are upward of 50 years old, and the average will approach closely toward 55 years of age. As age comes upon the veterans, many who have heretofore been self-supporting must give up the battle for a living, though they have fought for it long and well. Judging from the experience of the past winter, we may safely conclude that during the coming fiscal year there will be a demand for accommodations for not less than 1,000 additional inmates.

It is the unanimous opinion of the members of the board of managers, with

whom your committee have conferred, that the number of beneficiaries must constantly increase for ten years to come, and perhaps for fifteen years.

There can be but little doubt, judging from experience and the present outlook, that when the maximum is reached the number will reach nearly, if not quite, double the present accommodations. That provision should be made seasonably to meet this demand admits of no doubt nor room for discussion.

It does not answer this demand to say that the present system has its drawbacks; that may be admitted. It may be said that it would be better if these men could be provided for in their families. Let it be granted. But it will be noted that out of the whole number of the entire 14,704 cared for during last year there were but 3,315 who had wives or minor children.

With the great majority—nearly three-fourths of them—it is a question between the soldier's home and the poor-house. Can any intelligent and right-minded man hesitate which it shall be? The past and the future, patriotism and humanity, alike and equally cry out against leaving these men in almshouses. It was not so that we promised them. It is not so that this nation owes it to itself, its history, and its future, to provide for the men who fought its battles and preserved its integrity?

In the emphatic words of General Franklin to your committee, "We must have more homes."

The only question is, Where shall they be located?

The answer to that question is, They ought to be located in those States and among those communities which sent these men to the front, and where, so far as they have families, their families reside.

Several members of the committee were present with the managers during their interview with the inmates of the Hampton home, and noted with interest the universal desire of those that had families to be transferred to the branch nearest their families, even though it took them from the sunny and genial South to the comparatively inclement North.

We believe that in establishing these additional homes it will be wise policy to bring the home to the old soldiers, and not remove the old soldiers so far from all familiar scenes and associations that they can not occasionally see their old friends and neighbors and the old comrades who fought side by side with them. In giving them a home they ought not to be expatriated or removed from their own States or sections when it can be avoided. This policy has been already wisely recognized in providing for a home beyond the Mississippi, in a bill already reported from this committee.

The bills now under consideration provide for the establishment of a branch of the National Home for Disabled Volunteer Soldiers in the State of Michigan.

The State of Michigan sent to the field during the war, from 1861 to 1865, about 93,000 men. Her population was then but 749,113, as shown by the census of 1860. In 1880 it had reached 1,636,937, and at the present time is estimated at very nearly 2,000,000. Of the population of the State at the outbreak of the war rather more than 10 per cent. were enrolled in the military service. It is believed that very nearly that ratio of the present population is made up of old soldiers. By reference to the last annual report of the national homes, we find that at the end of the last fiscal year there were in the several branches soldiers who enlisted from Michigan, as follows:

Central branch	203
Western branch	81
Southern branch	28
Total	312

At the last annual encampment of the Grand Army of the Republic, Department of Michigan, held at Detroit, Mich., January 23 and 24, 1884, the following report was made and unanimously adopted:

"The committee on the subject of a soldiers and sailors' home in Michigan made the following report:

"Your committee, to whom was referred the matter of suggesting what legislation should be had relative to the establishment of a home for disabled Union soldiers and sailors at some point in the State of Michigan, would respectfully report that they have carefully considered the same, and they submit the following as in their opinion the most feasible and speedy plan of securing the desired result:

"Whereas evidence has been furnished this encampment by our comrade, William Shakspeare, quartermaster-general of the State, that a large number of worthy and deserving soldiers are pauper inmates of our county poor-houses; and

"Whereas it is also learned with regret that the four branches of the National Home for Disabled Volunteer Soldiers are inadequate to supply the want they were designed to meet, and that large numbers of deserving soldiers and sailors are dependent upon others, or left to want: Therefore,

"*Resolved*, By the Department of Michigan Grand Army of the Republic in annual encampment assembled, that a committee be appointed by the department commander to draught a bill providing for the erection and permanent establishment of a Michigan home for disabled volunteer soldiers and sailors.

"*Resolved*, That such bill, when so draughted, be presented to our members of Congress, and that the department commander and the committee unite in an urgent request in behalf of this department that they use every honorable effort to secure its passage the present session of Congress.

"The report of the committee was unanimously adopted, and the following comrades were appointed to constitute the committee: R. F. Hill, of Post No. 79; George P. Sanford, of No. 42; and L. S. Trowbridge, of No. 17."

This department of Michigan represented at that time two hundred and twenty-one active posts and an actual active membership of upward of 10,000 veteran soldiers.

In addition to the foregoing the following memorial of the Soldiers and Sailors' Reunion Association of Southwestern Michigan, representing, as is claimed, 20,000 veteran soldiers, has been submitted to the committee:

HEADQUARTERS SOLDIERS AND SAILORS' REUNION ASSOCIATION OF SOUTHWESTERN MICHIGAN,
Buchanan, Mich., February 29, 1884.

In accordance with the resolutions adopted at the annual meeting of the Soldiers and Sailors' Reunion Association of Southwestern Michigan, held at Saint Joseph, Mich., on the 23d day of August, A. D. 1883, we, the undersigned, members of the executive committee of said association, respectfully recommend and urge the passage of the following bill for the establishment of a Michigan branch of the National Home for Disabled Volunteer Soldiers:

An act to amend chaper 3 of title 59 of the Revised Statutes of the United States, entitled "National Homes for Disabled Volunteer Soldiers," by adding thereto sections 4838, 4839, and 4840.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3 of title 59 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto three new sections, to stand as sections 4838, 4839, 4840, as follows:

SEC. 4838. Said board of managers are hereby authorized, empowered, and directed to locate, establish, construct, and permanently maintain a Michigan branch of said National Home for Disabled Volunteer Soldiers, to be by said board located at such place in the State of Michigan as to said board shall appear most desirable and advantageous, to be known and designated as the Michigan branch of the National Home for Disabled Volunteer Soldiers, and to consist of a tract of land of not less than four hundred acres, and suitable accommodations for at least 4,000 disabled soldiers, and that the sum of $1,000,000 is hereby appropriated out of the United States Treasury, to be paid to said board, and by them expended for the purchase of the necessary land and the erection of suitable buildings thereon for said Michigan branch of said National Home for Disabled Volunteer Soldiers.

SEC. 4839. That all honorably discharged soldiers and sailors who served in the volunteer forces of the United States in the war of the rebellion, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living, and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted into said home for disabled volunteer soldiers, subject to like regulations as they are now admitted to existing National Homes for Disabled Volunteer Soldiers.

SEC. 4840. That within nine months from the approval of this act the said board of managers shall commence the erection of suitable buildings on the ground so purchased or procured for the use of said home. Said buildings shall be completed and ready for occupancy at as early a day as practicable.

L. J. ALLEN,
R. F. HILL,
Z. ALDRICH,
C. E. DEXTER,
R. L. WARREN,
Executive Committee.

Approved by—

SAMUEL WELLS,
President of Soldiers and Sailors' Reunion Association of Southwestern Michigan.
DAVID BACON,
Secretary of Soldiers and Sailors' Reunion Association of Southwestern Michigan.

In addition to this there have been received and filed with the committee about fifty separate petitions from as many different towns and cities of the State of Michigan, praying for the establishment of a branch of the National Soldiers' Home in that State. It is claimed that about two hundred old veterans of the war are now supported in poor-houses and hospitals by public charity in the State. These are men whose bodies were shattered and whose health was wrecked in the defense of the Republic. They are proper subjects for support in a home for disabled soldiers like those at Dayton and Hampton.

With those now supported in the homes from Michigan (312), it is evident that there is a present demand for the accommodation of about five hundred inmates of such an institution in the State of Michigan. This number in the next ten years we may expect to see reach a maximum of nearly, if not quite, double that number.

If such a branch were located at some point in Southwestern Michigan, it would be contiguous to the northern portion of Indiana and Illinois, and in very complete railroad communication with them. The climate in that latitude is milder than that of Milwaukee or Augusta, and about the same as that of Erie, and but slightly different from that of Dayton. Beautiful and healthful locations can be found in abundance along the line of either the Michigan Central or Southern Railroads, or farther north, where such a home can be conducted as cheaply as at any point in the United States. The branch would be under the management of the Board of Managers of the National Home. The location would be left to their discretion. The amount of land to be acquired, and the manner of its acquisition, should be left to their judgment, as well as the extent of accommodations to be provided. The size and plan of buildings should also be left to them, to be added to from time to time as occasion might require.

In conclusion, we must have more homes. We do not consider such great aggregations as that at Dayton desirable. Discipline is more difficult of enforcement. The moral influence is not so salutary. Transportation is greatly increased; the soldiers are more widely separated from their families or associates. Smaller homes, more scattered, bringing the old soldiers nearer to their home influences and old comrades, we believe to be the truer and wiser policy.

Again, when these institutions cease to be needed for their present use it might be difficult to find appropriate use for such a vast concern as that at Dayton, while there would be no such difficulty in regard to the smaller institutions.

We therefore recommend that House bills 5050 and 5521 be reported back, with a substitute for both in accordance with the views herein expressed; that the sum to be appropriated be limited to the same amount recommended for the home west of the Mississippi River, to wit, $250,000; and that the quantity of land to be acquired and the number of inmates to be accommodated be left to the judgment and discretion of the said board of managers the same as at other branches, and that said bills 5050 and 5521 do lie on the table, and that said substitute do pass.

Mr. LAIRD. I now yield ten minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. Mr. Speaker, as has been remarked, this is a unanimous report from the Committee on Military Affairs, made after mature consideration. I did not expect when I came here to-night to say a word on any of these bills, but the very singular position which has been assumed by my distinguished friend from Ohio [Mr. JOSEPH D. TAYLOR] induces me to occupy the attention of the House for a very brief time.

The gentleman from Ohio, in the course of his remarks, in criticising the management of these homes, has stated that these soldiers could be boarded cheaper at a hotel or tavern. I doubt whether that could be done. I doubt exceedingly, even if it could be done, whether they would have the same comfort, the same kindness shown them, and the same domestic feeling that surrounds them where they are. It is their home, sir, and there is something sweet, something beautiful, lovely, and touching in the very name of home. Boarding in a tavern is not home; it could not be home to them. They would be thrown among strangers, constantly changing, and there would be a foreign feeling in the very name itself. I doubt, also, as I have said, whether it could be done as cheaply; but even if it could, that is not a question here.

It is not a proper return for their brave efforts. When a soldier feels that he has fought for his country, that he has gone to the front in the time of her peril and danger and offered his life to protect her, and that country, grateful and mindful of his services, has made him a home for his declining years, he can say, with pure and grateful feelings rising up in his heart, "This is my home, my sweet home." Ay, more than that; he can say it is a home which is given to him by a grateful country, a home that has been purchased by his own blood, and given by a country that he loved to shed his blood for. He can say, "It is

given to me by my country for whom I have given my best days; I love it, therefore, as a home, because no home on earth could be so dear to me as that one which comes through the kind and grateful hearts of my countrymen."

But the argument of the gentleman from Ohio would seem to imply the conviction that you have to force the soldiers into these homes. Mr. Speaker, that is entirely a mistake. There is nothing of that kind. No man is compelled to go into a home unless he desires. It is his refuge in age, poverty, and misfortune; and, as has been so well expressed by the distinguished gentleman from Michigan [Mr. CUTCHEON], there are but two things left for him in his old age and poverty—either the national home or the almshouse.

Now, can anything be more degrading to the finer feelings of a man who has given his youth and his vigor and his strength for his country than to feel compelled in his old age to take up his home in the almshouses of the country because his country does not maintain him as it ought to? How humiliating it must be to a brave soldier to feel compelled to accept such charity, when he knows there was a time when his country was ready to expire, when it was in imminent peril and danger, and he stepped bravely to the front in her defense, and now that the day of peril is past he is entirely forgotten.

Can there be anything imagined better calculated to rob him of that gratitude he now feels for his country than to find himself a pensioner upon the bounty of a private charitable institution with the cold finger of scorn pointing at him, with no home of his own, and no home provided by his country? On the contrary, under the present humane policy pursued by the Government he may say with pride, "Here am I well cared for in my old age by the best government upon earth, the most loving country, and the most grateful. It has not turned me over to private charity." Mr. Speaker, I would not for one be willing to see our soldiers turned over to private charity. Gentlemen talk of the policy of giving them large and bountiful pensions in place of providing them with homes.

I have heard that ever since I have been here in this House, and yet I notice that whenever it comes to a question of giving arrears of pension to some poor disabled soldier or to his helpless widow and children the proposition is voted down. He can not get it. They are large in promises, and they are very slow of fulfillment. The soldier may well say that you are fruitful in promises; but here is a bill which proposes to give him a home in this Western country, in the place he has chosen for his occupation, for his residence. And I ask that this bill shall be passed, so that he may have this asylum.

But again we are met by the assertion that the most of these are not Americans, that they are foreigners, that they are not native-born to this country. That may be true to a certain extent; but even admitting it to be true, there are still many of them who are native-born Americans. But would you say to La Fayette, would you say to Kosciusko, who came and fought for the liberty of this country during the time that tried men's souls, "We will have nothing to do with you; you are foreigners?" What would you say to them? "It is true you loved our country. It is true you loved liberty. You left your homes and came to us in our trouble, but we purpose now to turn upon you the cold shoulder for all that you have done because you are not of us. You are not with us. You are not native-born to this country. You are not Americans. You are foreigners!"

Mr. Speaker, if many of these men who fought in our late war were foreigners they were those who loved the flag of this country and they added to its glory. Thousands upon thousands of them shed their blood upon the battlefields, or died in defense of the country; and it would be but a poor return for all of their services to turn the survivors adrift in their helplessness without food, shelter, or a home because they were foreigners. The survivors are our pensioners. The sea rolls between them and their native homes. They have no assistance from their native homes; they have no assistance from their native land. They shouldered their muskets in the time of our trouble and went bravely to the front; and, sir, I can not find it in my heart to refuse them that aid which is so much needed in their age and poverty. [Applause.]

Let others do as they will; for my part I am willing to say to them: "It is true you are not native-born Americans; true you were born under a foreign flag, but yet you came here when the question was asked, 'Shall the American Government survive the shock it is now called to endure; shall all the glory and power of this Government survive?' When that was being put to the test you shouldered your muskets and went bravely to the field of battle. Now let us turn to you and say we will give you a good home in your old age, even though you are foreigners." [Applause.]

I have said all I desire to say upon this question.

Mr. LAIRD. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] seems to think there is no demand or desire for the establishment of this home. I think, sir, it might be assumed that the Grand Army of the Republic, an institution that is somewhat well known in this country, might be regarded as representative of the sentiment of the soldiers of the war of the rebellion. And I will remind you that at the national encampment of that organization held at the city of Denver last summer they appointed a committee to memorialize Congress on that subject, and that committee has been here day after day and week after week asking for the establishment of this soldiers' home west of the Mississippi River.

Again, as an evidence that there is a desire for this, I might say that the State of Iowa through its last Legislature appropriated the sum of $50,000 to be used if need be in the selection of a site to influence the location of this soldiers' home.

I think these are evidences that there is a public desire, the same that existed in the State of Ohio a few years ago, for the establishment of such a home; and I do not think that the criticism that the gentleman has made comes in good grace from him. I think that there may be something of selfishness laid to his door. He is a Representative from Ohio, and, representing the soldier element of that State, has secured all that they as a State can wish in this behalf. Having accomplished all that they desire, he now proposes to say that there shall be no other soldiers' homes established in the United States. There is a selfishness about that, I think, too gross for the gentleman from Ohio with his antecedents to indulge in.

Mr. LAIRD. I call for the previous question on the bill and amendments.

Mr. MCADOO. I desire to offer an amendment.

The SPEAKER *pro tempore*. The amendment can not be offered unless the gentleman from Nebraska withdraws his call for the previous question.

Mr. LAIRD. I believe I must insist on the call for the previous question unless it is agreeable to the committee that the amendment should be offered. There has been no arrangement about it that I know of.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on the first amendment reported by the committee.

The first amendment recommended by the committee was read, as follows:

In line 2, section 2, after the word "managers," insert "unless the same be given."

The amendment was adopted.

The next amendment reported by the committee was read, as follows:

In line 6, section 3, strike out the word "possible" and insert in lieu thereof the word "practicable."

The amendment was adopted.

The next amendment reported by the committee was read, as follows:

In line 2, section 5, insert after the word "rebellion" the words "or in any other war in which the United States has been engaged."

The amendment was adopted.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

Mr. MCADOO. I understand that now the gentleman from Nebraska is willing to have my amendment considered.

Mr. LAIRD. I am willing that it should be read.

The SPEAKER *pro tempore*. That can not be done, the previous question having been ordered, unless that action of the House is reversed.

Mr. MCADOO. I ask unanimous consent that the amendment may be considered at this time.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New Jersey, that the amendment be considered by unanimous consent?

There was no objection.

The Clerk read Mr. MCADOO's proposed amendment, as follows:

Provided, That wherever a soldier has been an inmate of any one of the national soldiers' homes for a period of not less than twelve months, and shall have during that time a record of good behavior, it shall be optional with him to retire from said home and receive from the funds appropriated for the maintenance of the home of which he was a member $10 for every month he shall remain away from said home.

Mr. MAGINNIS. I have no objection to that if the gentleman will make it a year.

Mr. MCADOO. I accept the gentleman's suggestion and will modify my amendment so that it will read:

Whenever a soldier has been an inmate of any one of the national soldiers' homes for a period of not less than twelve months, &c.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment as modified.

The House divided; and there were—ayes 21, noes 40.

So (further count not being called for) the amendment was not agreed to.

The bill as amended was ordered to be engrossed and read a third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. CRISP. I call for a division.

The House divided; and there were—ayes 57, noes 15.

Mr. CRISP. No quorum.

Mr. MAGINNIS. As the point of no quorum is made, and as I understand it to be insisted upon, I ask that by unanimous consent this bill go over to be acted upon by a full House, the previous question being ordered on it.

Mr. VALENTINE. I hope that suggestion will be agreed to if the bill will come up as unfinished business to-morrow in a full House.

Mr. PERKINS. I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. On the question of the passage of the bill the gentleman from Georgia [Mr. CRISP] makes the point that no quorum has voted. The Chair will appoint tellers.

Mr. KEIFER. It is evident there is no quorum present to-night. I think the suggestion of the gentleman from Montana had better be agreed to, that this bill go over as unfinished business until to-morrow morning.

Mr. MAGINNIS. I now again submit my request that this bill be allowed to go over as unfinished business, the previous question having been ordered on its passage, and that the House proceed to the consideration of other business reported by the Committee on Military Affairs. Here is a bill for the disposal of abandoned military reservations, a matter that was considered so important by the Committee on Appropriations last year that they put it on the sundry civil bill. It is a matter of importance to the whole country.

The SPEAKER *pro tempore*. The gentleman from Montana asks unanimous consent that the pending bill may be laid aside, retaining its place under the rules to come up as unfinished business. Is there objection?

Mr. HENDERSON, of Iowa. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HENDERSON, of Iowa. I desire to know if the order made by the House now leaves the bill in such a position that it can be reached again this session?

The SPEAKER *pro tempore*. It will come up as unfinished business.

Mr. KEIFER. Of its class.

The SPEAKER *pro tempore*. It will come up as unfinished business in its order. Is there objection to the proposition of the gentleman from Montana [Mr. MAGINNIS]. [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. CUTCHEON. By consent of the gentleman from Montana I ask to have printed House report No. 1514, which has been nearly exhausted. It is the report of the Committee on Military Affairs on the proposed branch of the soldier's home in Michigan.

The SPEAKER *pro tempore*. The Chair does not think that motion is in order under the order of the House for business at this evening session.

ABANDONED AND USELESS MILITARY RESERVATIONS.

Mr. MAGINNIS. I am instructed by the Committee on Military Affairs to report back with amendments Senate bill No. 1581, to provide for the disposal of abandoned and useless military reservations.

The bill was read, as follows:

Be it enacted, &c., That whenever, in the opinion of the President of the United States, the lands, or any portion of them, included within the limits of any military reservation heretofore or hereafter declared, have become or shall become useless for military purposes, he shall cause the same, or so much thereof as he may designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof.

SEC. 2. That the Secretary of the Interior may, if in his opinion the public interests so require, cause the said lands, or any part thereof, in such reservations, to be regularly surveyed, or to be subdivided into tracts of less than forty acres each, and into town-lots, or either, or both. He shall cause the said lands so surveyed and subdivided, and each tract thereof, to be appraised by three competent and disinterested men to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in them, appraise the said lands, subdivisions, and tracts, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved he shall cause the said lands, subdivisions, and lots to be sold at public sale, to the highest bidder for cash, at not less than the appraised value thereof, nor less than $1.25 per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having a general circulation in the country or section of county where the lands to be sold are situate; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time, in the same manner, at the discretion of the Secretary of the Interior; and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale, for cash, at not less than the appraised value, nor less than $1.25 per acre: *Provided*, That any settler who was in actual occupation of any portion of any such reservations prior to the location of such reservation or settled thereon prior to January 1, 1884, in good faith for the purpose of securing a home and of entering the same under the general laws, and has continued in such occupation to the present time, and is by law entitled to make such entry, shall be entitled to enter the land so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions: *Provided further*, That said lands were subject to entry under the public-land laws at the time of their withdrawal: *And provided further*, That all patents heretofore issued and approved State selections covering any lands within the old Fort Lyon military reservation, in the State of Colorado, declared by executive order of August 8, 1863, are hereby confirmed; and the rights of all entrymen and settlers on said reservation to acquire title under the homestead, pre-emption, or timber-culture laws are hereby recognized and affirmed to the extent they would have attached had public lands been settled upon or entered; and such portions of said reservation as shall not have been entered or settled upon as aforesaid shall be disposed of by the Secretary of the Interior, under the provisions of this act, including lands that may be abandoned by settlers or entrymen.

SEC. 3. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situate upon any such lands, subdivisions, or lots, not heretofore sold by the United States authorities, to be appraised in the same manner as hereinbefore provided for the appraisment of such lands, subdivisions, and lots, and shall cause the same, together with the tract or lot upon which they are situate, to be sold at public sale, to the highest bidder for cash, at not less than the appraised value of such land and improvements, first giving the sixty days' notice as hereinbefore provided; or he may, in his discretion, cause the improvements to be sold separately, at public sale for cash, at not less than the appraised value, to be removed by the purchaser within such time as may be prescribed, first giving the sixty days' public notice before provided; and if in any case the lands and improvements, or the improvements separately, as the case may be, are not sold, for want of bidders, then the Secretary of the Interior may, in his discretion, cause the same to be reoffered for sale, at any subsequent time, in the same manner as above provided, or may cause the same to be sold at private sale for not less than the appraised value: *Provided*, That where buildings or improvements have been heretofore sold by the United States authorities the land upon which such buildings or improvements are situate, not exceeding the smallest subdivision or lot provided for by this act upon the reservation on which said buildings are situate, shall be offered for sale to the purchaser of said improvements and buildings at the appraised value of the lands, and if said purchaser shall fail for sixty days after notice to complete said purchase of lands the same shall be sold under the provisions of this act: *And provided further*, That the proceeds of the military reservation lands sold on Bois Blanc Island near to Fort Mackinaw military reservation shall be set apart as a separate fund for the improvement of the national park on the island of Mackinaw, Michigan, under the direction of the Secretary of War.

SEC. 4. That the provisions of the act of August 18, 1856, relative to military reservations in the State of Florida, and the sixth section of the act of June 12, 1858, relative to the sale of military sites, be, and the same are hereby, repealed.

The amendments reported from the committee were as follows: In section 2 strike out the words "January 1, 1884," and insert in lieu thereof the words, "the passage of this act;" also strike out the word "such," before the word "entry," and insert in lieu thereof the words, "a homestead;" so that portion of the section will read as follows:

Provided, That any settler who was in actual occupation of any portion of any such reservations prior to the location of such reservation, or settled thereon prior to the passage of this act in good faith, for the purpose of securing a home and of entering the same under the general laws, and has continued in such occupation to the present time, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions.

Also add to the bill the following:

SEC 5. Whenever any land containing valuable mineral deposits shall be vacated by the reduction or abandonment of any military reservation under the provisions of this act, the same shall be disposed of exclusively under the mineral-land laws of the United States.

SEC. 6. The Secretary of War shall have authority in his discretion to permit the extension of State, county, or Territorial roads across military reservations, to permit the landing of ferries and erection of bridges thereon, and permit cattle, sheep, or other stock animals to be driven across such reservation whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon.

The amendments were agreed to.

Mr. MAGINNIS. I now move the previous question on the third reading of the bill as amended.

Mr. WHITE, of Kentucky. I ask the gentleman to give me his attention for a moment.

The SPEAKER *pro tempore*. Unless the demand for the previous question is withdrawn, debate is not in order.

Mr. MAGINNIS. I am directed by the Committee on Military Affairs to insist on the previous question.

Mr. LAIRD. I would like to ask the gentleman one question. As this bill is now amended, will the lands affected by it be open to homestead entry, except by people now on the lands?

Mr. MAGINNIS. No, sir.

Mr. LAIRD. Then I desire to move an amendment to open the land to homestead entry as well as to sale otherwise.

Mr. MAGINNIS. I am willing to go as far as any other Western man in opening lands to homestead entry. But there are lands embraced within this military reservation which are worth a thousand dollars an acre, which lands may be disposed of under this bill. I do not think that Eastern people should have the cheek to ask permission to take up such lands under the homestead laws. This is a carefully drawn bill.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. WHITE, of Kentucky. I ask that there shall be some debate on this subject.

Mr. MAGINNIS. I am directed to insist upon the previous question.

The previous question was ordered, and under the operation thereof the bill as amended was ordered to a third reading, and read the third time.

The question was on the passage of the bill.

Mr. MAGINNIS. I move the previous question on the passage of the bill.

The previous question was ordered.

Mr. WHITE, of Kentucky. I now move to recommit the bill with instructions to report the same back so amended as to conform to the

legislation adopted by the House to-day on the recommendation of the Committee on Public Lands.

Mr. MAGINNIS. That has already been done.

Mr. WHITE, of Kentucky. By what amendment?

Mr. MAGINNIS. By an amendment to the second section of the bill.

Mr. LAIRD. You have amended the bill so as to give the right of homestead entry to those who are on the land when this bill shall take effect, but you deny all other people the opportunity to enter this land for homesteads.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] will reduce his proposition to writing.

After some time,

Mr. WHITE, of Kentucky, said: I have reduced my proposition to writing.

The SPEAKER *pro tempore*. The Clerk will read it.

The Clerk read as follows:

Resolved, That the bill as amended be recommitted to the Committee on Military Affairs with instructions to report a bill at the earliest possible day which will conform to the views expressed in the bill passed to-day on the subject of pre-emption, timber-culture, and homesteading.

Mr. VALENTINE. That has just been done by the amendments made to this bill.

The question being taken on the motion of Mr. WHITE, of Kentucky, to recommit the bill with instructions, it was not agreed to.

The bill was then passed.

Mr. VALENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICERS' THREE MONTHS' EXTRA PAY.

Mr. ROSECRANS. I now call up the bill (S. 675) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865.

The bill was read, as follows:

Be it enacted, &c., That section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865, be so construed as to entitle to the three months' pay proper provided for therein the heirs or legal representatives of all officers of volunteers specified therein who were killed or who died in the service between the 3d day of March and the 10th day of April, 1865.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs or legal representatives of said officers the sum or sums of money to which they may be found entitled under the provisions of this act; and a sum sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CRISP. I would like to hear some explanation of this bill. It seems to me we ought to know what is the expenditure involved. Is there any report accompanying the bill?

The SPEAKER *pro tempore*. The Chair will state that this is a Senate bill.

Mr. CRISP. I ask the gentleman from California [Mr. ROSECRANS] to give us some explanation.

Mr. ROSECRANS. A House bill similar to this—House bill 5905—was referred to our committee and reported back; but there was no report further than a statement that the committee adopted in lieu of the House bill the bill of the Senate. The report of the Senate committee did not accompany the bill of the Senate when it came to this House; or if it did I did not see that report. I think, however, I understand the reasons for this measure. There were a few officers who died between the time of the passage of the act of March 3, 1865, and the close of the war. By a strict construction of that act, those officers having died without having been mustered out, their heirs could not obtain this three months' pay.

Mr. CRISP. I do not know that I fully understand the gentleman's explanation.

Mr. CUTCHEON. Perhaps I can explain the matter to the gentleman. Congress by the act of March 3, 1865, enacted that all such officers of the volunteer army as remained in the service until May 1, 1865, should be entitled to receive as a sort of bounty three months' extra pay upon being mustered out. Those who remained in the service until May 1, 1865, and were then mustered out did receive this bounty. Now, this bill proposes that the heirs of those who were killed in battle or who died between the enactment of the law of March 3, 1865, and the time when they would have been mustered out if they had lived shall receive this bounty of three months' pay proper, upon the presumption that if the officers themselves had not died or been killed they would have been mustered out and received the bounty.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE P. WEBSTER.

Mr. POST, of Pennsylvania. I ask unanimous consent to have taken from the Speaker's table for present consideration the bill (S. 472) for the relief of George P. Webster.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury are hereby authorized and directed to place to the credit of George P. Webster, late a captain and assistant quartermaster of United States volunteers, the amount suspended in his accounts as such quartermaster, which was disbursed in payment of rents for certain property in the city of Covington, State of Kentucky, used for military purposes, during the period from October 1, 1862, to August 31, 1865, and that the said George P. Webster and his official sureties or bondsmen are hereby released from any liability to the United States on account of the amount suspended as aforesaid.

The SPEAKER *pro tempore*. The Chair will inquire whether this bill has been considered by the Committee on Military Affairs and reported to the House?

Mr. POST, of Pennsylvania. There is a report accompanying the bill.

Mr. MAGINNIS. The bill was reported by the gentleman from New York [Mr. SLOCUM], who is not here to-night.

Mr. POST, of Pennsylvania. The gentleman from New York who made the report is absent, and it is at his request that I ask to have the bill considered.

The SPEAKER *pro tempore*. Then the bill is in order at this evening's session.

The bill was ordered to a third reading, read the third time, and passed.

Mr. POST, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HORSE RAILWAY ON ROCK ISLAND.

Mr. ROSECRANS. I will detain the House only to call up one more bill from the House Calendar.

The bill (H. R. 445) to empower the Secretary of War to establish, under certain conditions, a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith, was taken from the House Calendar, and the bill and amendments reported by the Committee on Military Affairs were read, as follows:

A bill (H. R. 445) to empower the Secretary of War to establish, under certain conditions, a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to permit the location, building, and keeping in repair, upon the island of Rock Island, in the State of Illinois, and upon the arsenal bridges connecting said island with the cities of Davenport, Iowa, and Rock Island, Ill., in such manner as he, the Secretary of War, may deem fit, and so as to interfere as little as may be with the use of said island by the United States for a national armory and arsenal, a continuous line of double-track railway, at the expense of the Davenport and Rock Island Street Railway Company; which company shall have the privilege of running their cars on and over the said railway, at their own expense, under such regulations and restrictions as to times and manner of running the cars and rates of fare as the Secretary of War shall from time to time prescribe: *Provided*, That the rate of fare for employés of the United States at the Rock Island arsenal from Rock Island and Moline, in Illinois, and from Davenport, in Iowa, to the arsenal shall not exceed 2½ cents for one passenger for one way. The Secretary of War is empowered to suspend or revoke this privilege, and to remove said railway, at any time in his discretion.

SEC. 2. That the Secretary of War is empowered to establish and enforce such rules and regulations as he may deem fit for collecting from said railway company, and for holding, expending, and accounting to said Davenport and Rock Island Street Railway Company for the moneys required for and expended in carrying out the provisions of section 1 of this act; and the decision of the Secretary of War as to the amount of moneys required therefor shall be final and binding on said railway company.

SEC. 3. That if any person or persons shall willfully and unnecessarily obstruct or impede the passage on or over said railway, or any part thereof, or shall injure or destroy the cars or any property belonging to said company, the person or persons so offending shall forfeit and pay for every such offense the sum of $20 to said Davenport and Rock Island Street Railway Company, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their acts as aforesaid; and that the suits therefor may be had in the courts of the United States having jurisdiction: *Provided*, That this clause and penalty shall not apply to or restrict or affect in any way the officers or employés of the United States Government on said island in any act of theirs for the maintenance of good order on and for enforcing the rules and regulations pertaining to said bridges and island, and for enforcing the regulations of the Secretary of War for the government of said railway thereon.

Amend the title so as to read: "A bill to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith."

Mr. COSGROVE. I should like to hear some explanation of that bill. As I understand its provisions it authorizes the Secretary of War to construct a street railway there.

Mr. MAGINNIS. It only gives permission.

Mr. COSGROVE. It does more than that.

Mr. MAGINNIS. It only gives the Secretary of War control of it. The title of the bill is wrong, and an amendment has been reported to it.

Mr. ROGERS, of Arkansas. I move the House adjourn.

Mr. NEECE. Let us first pass this bill; it will occupy but a few minutes.

Mr. VALENTINE. Vote down the motion to adjourn and pass the bill.

Mr. MAGINNIS. This is for the benefit of the laboring men who go to and from their work at the United States arsenal on Rock Island.

The House refused to adjourn.

Mr. VALENTINE. I hope the gentlemen will permit this bill to pass. It is only to allow this railway to pass over Rock Island, whereupon the United States arsenal is located.

Mr. TOWNSHEND. Do not make a speech, and the bill will pass.

The SPEAKER *pro tempore*. If there be no objection the amendments of the committee will be voted on in gross.

There was no objection; and the amendments were agreed to.

Mr. NEECE. I move the following amendment, which has the approval of the committee.

The Clerk read as follows:

After the word "way," in line 22, insert:
"*And provided further*, That the rate of fare shall not exceed 2½ cents per passenger for one way during the hours from 6 to 11 o'clock in the morning and from 5 to 7 o'clock in the evening."

The amendment was agreed to.

Mr. PRICE. I wish to have the attention of the House for a few moments. I have been familiar with Rock Island since 1845, and I do not think this bill ought to pass. Believing it ought not to pass, I say it can not pass to-night without a quorum.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CUTCHEON. I demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. PRICE. Division.

The House divided; and there were—ayes 35, noes 5.

Mr. PRICE. No quorum.

And then, on motion of Mr. BRECKINRIDGE (at 10 o'clock and 45 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRAINERD: Petition for the enactment of a general pension law—to the Committee on Invalid Pensions.

By Mr. F. B. BREWER: Petitions from citizens of Jamestown and Dunkirk, N. Y., in regard to telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. BRECKINRIDGE: Petition of citizens of Hot Springs for legislation to settle titles to property on the reservations—to the Committee on the Public Lands.

By Mr. T. M. BROWNE: Petition of 103 ex soldiers and sailors of the late war, on the subject of pensions, bounties, &c.—to the Committee on Military Affairs.

By Mr. CALKINS: Petition of S. N. Wood, for additional compensation as contestant in the case of Wood *vs.* Peters—to the Committee on Elections.

By Mr. LANHAM: Petition in relation to the claim of John F. Byars—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of Ruel T. Ellis, for a pension—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: Petition of citizens of Pennsylvania against a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. POLAND: Resolutions of Jarvis Post, Grand Army of the Republic, Springfield, Vt., in favor of pension bill of Simon Grow—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petitions of members of the Grand Army of the Republic, praying for the establishment of a national cemetery near Philadelphia—to the Committee on Military Affairs.

By Mr. E. B. WINANS: Petition of Joseph Moyer, T. E. McCann, Sebastian Glading, and 80 other Union soldiers and sailors of Leetonia, Columbia County, Ohio, praying for favorable legislation by this Congress—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June* 25, 1884.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. INGALLS. Mr. President, I move a call of the Senate.

The PRESIDENT *pro tempore*. The Senate is not yet called to order.

Mr. INGALLS. The Senate adjourned, I believe, until 11 o'clock. It is now 10 minutes past 11. I think there is not a quorum present.

The PRESIDENT *pro tempore*. The Senate will please come to order. No quorum is present, as suggested by the Senator from Kansas.

Mr. INGALLS. I move a call of the Senate.

The PRESIDENT *pro tempore*. According to the rules the Journal can not be read until a quorum is present. The Senator from Kansas moves that there be a call of the Senate. Is the Senate ready for the question? [Having put the question.] The "ayes" have it and the motion is agreed to. The Secretary will call the roll.

The Secretary called the roll and thirty Senators answered to their names.

The PRESIDENT *pro tempore*. There is not a quorum present. The Secretary will read the list of absentees.

The SECRETARY. Messrs. Aldrich, Anthony, Bayard, Beck, Blair, Bowen, Butler, Camden, Colquitt, Cullom, Fair, Farley, George, Gibson, Gorman, Groome, Harris, Hill, Hoar, Jackson, Jonas, Jones of Florida, Jones of Nevada, Kenna, Lamar, Lapham, Logan, McPherson, Mahone, Maxey, Miller of California, Morgan, Morrill, Palmer, Pendleton, Pike, Sabin, Sawyer, Sewell, Slater, Vance, Van Wyck, Voorhees, Walker, Williams, and Wilson—46.

Mr. FARLEY and Mr. MAHONE entered the Chamber.

The PRESIDENT *pro tempore*. Thirty-two Senators are present.

Subsequently Mr. HARRIS, Mr. MAXEY, and Mr. HILL entered the Chamber.

After some little delay—

Mr. RIDDLEBERGER. I move that the Senate now adjourn, and I ask that the vote be taken by yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 0, nays 40; as follows:

YEAS—0.

NAYS—40.

Allison,	Edmunds,	Jonas,	Pendleton,
Brown,	Farley,	Lapham,	Platt,
Call,	Frye,	McMillan,	Plumb,
Cameron of Pa.,	Garland,	Mahone,	Pugh,
Cameron of Wis.,	Hale,	Manderson,	Ransom,
Cockrell,	Hampton,	Maxey,	Riddleberger,
Coke,	Harris,	Miller of Cal.,	Saulsbury,
Conger,	Harrison,	Mitchell,	Sherman,
Dawes,	Hawley,	Morgan,	Vest,
Dolph,	Hill,	Morrill,	Wilson.

ABSENT—36.

Aldrich,	Cullom,	Jones of Florida,	Sabin,
Anthony,	Fair,	Jones of Nevada,	Sawyer,
Bayard,	George,	Kenna,	Sewell,
Beck,	Gibson,	Lamar,	Slater,
Blair,	Gorman,	Logan,	Vance,
Bowen,	Groome,	McPherson,	Van Wyck,
Butler,	Hoar,	Miller of N. Y.,	Voorhees,
Camden,	Ingalls,	Palmer,	Walker,
Colquitt,	Jackson,	Pike,	Williams.

So the Senate refused to adjourn.

THE JOURNAL.

The PRESIDENT *pro tempore*. A quorum of the Senate having appeared, the Journal of yesterday's proceedings will be read.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. LAPHAM presented a memorial of citizens of Homer, N. Y., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; which was ordered to lie on the table.

Mr. JONAS presented memorials of residents of Monroe, La., Red River Parish, Louisiana, and Shreveport, La., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2234) to establish signal stations upon the island of Nantucket and submarine telegraphic communication with the mainland, asked that the committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Appropriations with a recommendation that it be made an amendment to the sundry civil appropriation bill; which was agreed to.

He also, from the Committee on Commerce, to whom was referred the bill (S. 1644) making an appropriation for the erection of a lighthouse on Canonicut Island, Narragansett Bay, Rhode Island, reported it with an amendment, and asked that the committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Appropriations with a recommendation that it be made an amendment to the sundry civil appropriation bill; which was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom was referred a petition of citizens of Iowa, praying that a pension be granted to David Galbraith, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred a petition of citizens of Iowa praying that pensions be granted N. D. Bates and

others, submitted an adverse report thereon; and the committee were discharged from the further consideration of the petition.

REPORT ON PRECIOUS METALS.

Mr. HAWLEY. The Committee on Printing instruct me to report favorably and without amendment a concurrent resolution of the House of Representatives for printing the report of the Director of the Mint.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That 9,000 copies of the report of the Director of the Mint on the precious metals in the United States, for the year 1883, be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Mr. HAWLEY. I ask the immediate consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the question is on concurring in the resolution.

Mr. HAWLEY. It is the regular annual resolution, and it varies in no respect. The cost is stated to be about $4,000.

The resolution was concurred in.

DEPARTMENTAL INVESTIGATION.

Mr. WILSON, from the Committee on Expenditures of Public Money, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Expenditures of Public Money be, and hereby is, given leave to sit during the sessions of the Senate, and to pursue the investigation ordered by resolution of this body of the 23d instant by subcommittee appointed as such committee may order, either during the sessions of the Senate or the vacation of Congress, and the subcommittee appointed for the purpose aforesaid shall have all the powers in executing said resolution that are possessed by the full committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate to print 16,060 extra copies of the annual report of the Smithsonian Institution for the year 1883.

The message further announced that the House had passed the following bills:

A bill (S. 675) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865; and

A bill (S. 472) for the relief of George P. Webster.

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

A bill (S. 828) to consolidate the Bureau of Military Justice and the corps of judge advocates of the Army, and for other purposes; and

A bill (S. 1581) to provide for the disposal of abandoned and useless military reservations.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; and

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under Rule VIII. Order of Business 291 has been passed over by unanimous consent to await the return of the Senator from Rhode Island [Mr. ANTHONY].

Mr. ALLISON. I move to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, the pending question being on the amendment of the Committee on Appropriations as amended, in line 93, after "document-room," to insert "(Amzi Smith), $2,592;" so as to read:

For superintendent of the document-room (Amzi Smith), $2,592.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 95, after the word "thousand," to strike out "four hundred and forty" and insert "six hundred;" so as to read:

Two assistants in document-room, at $1,600 each.

The amendment was agreed to.

The next amendment was, in line 99, after the word "thousand," to strike out "four hundred and forty" and insert "six hundred;" so as to read:

One clerk to the superintendent of the document-room, under resolution of the Senate of December 21, 1881, $1,600.

Mr. HARRISON. I wish the chairman of the committee would allow the amendment to be passed over for the present. It is a matter I should like to look at.

Mr. ALLISON. Very well; let the amendment be passed over.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that this amendment be passed over informally, to be resumed at a later stage. Is there objection? The Chair hears none, and it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 103, to insert:

One clerk in the folding-room, $1,000.

The amendment was agreed to.

The next amendment was, in line 105, before the word "messengers," to strike out "twenty-four" and insert "twenty-five," so as to read:

For twenty-five messengers, at $1,440 each.

The amendment was agreed to.

The next amendment was, in line 126, before the word "pages," to strike out "fourteen" and insert "fifteen;" in the same line, after the word "Chamber," to insert "including one telephone page;" and after the word "thousand," in line 128, to strike out "$235" and insert "$537.50;" so as to make the clause read:

For fifteen pages for the Senate Chamber, including one telephone page, at the rate of $2.50 per day each during the session, $4,537.50.

The amendment was agreed to.

The next amendment was, in the appropriations for the "contingent expenses of the Senate," in line 137, after the word "stationery," to insert "and newspapers;" in line 139, after the word "Senate," to insert "and $100 for postage-stamps for the office of the Secretary, and $100 for postage-stamps for the office of the Sergeant-at-Arms of the Senate;" and in line 142, before the word "hundred," to strike out "five" and insert "seven;" so as to make the clause read:

For stationery and newspapers, including $6,000 for stationery for committees and officers of the Senate, and $100 for postage stamps for the office of the Secretary, and $100 for postage-stamps for the office of the Sergeant-at-Arms of the Senate, $15,700.

The amendment was agreed to.

The next amendment was, in line 148, to increase the appropriation "for folding speeches and pamphlets, at a rate not exceeding $1 per thousand," from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 153, to increase the appropriation for "miscellaneous items, exclusive of labor," from $10,000 to $34,000.

The amendment was agreed to.

The next amendment was, in line 155, after the word "Senate," to insert "including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.50 per printed page;" and after the word "page," in line 158, to strike out "thirty-five" and insert "twenty-five;" so as to read:

And for expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.50 per printed page, $25,000.

Mr. INGALLS. I ask the chairman of the Committee on Appropriations if this amendment has been carefully considered? I am advised that the present rate of compensation to stenographers to committees is $2.25 per printed page. This reduces the amount to $1.50, which is a very material change. If the amount now allowed is necessary to secure the efficient accomplishment of the work, then the amendment ought not to be agreed to.

I am not advised definitely about the fact, but have received information in a general way that the amount named in the amendment will not be sufficient to secure the satisfactory performance of the work that is provided for, and I should like to hear from the chairman of the committee on the subject. Of course if this is sufficient there can be no objection to it, but if the present amount allowed, two dollars and a quarter, is not more than enough, this would seriously interfere with the efficiency of the service.

Mr. ALLISON. The rule now is, I believe, as settled by the Committee on Contingent Expenses, to allow $3.15 a page for one class of printed matter in small type; $2.25 for the ordinary type which is used in this class of work; and $1 per page for all exhibits or mere addenda, documents attached.

The Committee on Appropriations looked into this matter as carefully as they could, and believe that a uniform price of $1.50 will secure competent people to perform the work. That is the opinion of the committee. For that reason we thought it best to insert this provision. I think it will be found to operate very well.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 159, to increase the total amount of the appropriations for "contingent expenses of the Senate" from $62,770 to $76,770.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 160, to strike out the following proviso:

Provided, That no part of the money appropriated by this act shall be expended for clerical services for any Senator, Representative, or Delegate in Congress.

The amendment was agreed to.

The next amendment was, in line 165, after the word "thousand," to insert "five hundred;" so as to read:

For reporting the debates and proceedings of the Senate, $25,500, payable in equal monthly installments.

The amendment was agreed to.

Mr. ALLISON. At that point the committee have instructed me to offer an amendment which is not printed. I will offer it after the printed amendments are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "House of Representatives," in line 189, to increase the appropriation "for compensation of the officers, clerks, messengers, and others in the service of the House of Representatives from $335,355.10 to $336,955.10."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 242.

Mr. ALLISON. In line 240, after "Commerce," I move to insert:

Clerk to Committee on Naval Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 242, to insert:

For assistant clerk to the Committee on War Claims, $1,600.

The amendment was agreed to.

The next amendment was, in line 261, to increase the appropriation for the compensation of "doorkeeper" of the House of Representatives from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, in line 335, after "(John J. McElhone)," to strike out "six thousand" and insert "five thousand five hundred;" and in line 338, after the word "each," to strike out "twenty-six thousand" and insert "twenty-five thousand five hundred;" so as to make the clause read:

For one chief official reporter (John J. McElhone), $5,500; and four official reporters of the proceedings and debates of the House at $5,000 each, $25,500.

The amendment was agreed to.

The next amendment was, in line 363, after the word "accounts," to insert "but not exceeding $1.50 per printed page;" so as to make the clause read:

For miscellaneous items and expenses of special and select committees, including compensation, at such rate as may be fixed by the Committee on Accounts, but not exceeding $1.50 per printed page, to stenographers to committees, to be appointed by the Speaker on the application of committees, $40,000.

The amendment was agreed to.

The next amendment was, in line 367, after the word "stationery," to insert "and newspapers;" so as to make the clause read:

For stationery and newspapers for members of the House of Representatives, officers of the House, and committees of the House, including $6,000 for stationery for the use of the committees and officers of the House, $47,625.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 403.

Mr. ALLISON. I move, in line 404, before the word "thousand," to strike out "one" and insert "two;" so as to read:

For contingent expenses of said Library, $2,000.

I will say that that is on the recommendation of the Committee on the Library. They think that sum is necessary.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Civil Service Commission," in line 447, after the word "secretary," to strike out "one thousand six hundred" and insert "two thousand;" in line 448, after the word "dollars," to insert "one clerk at $1,200;" and in line 450, after the word "all," to strike out "seventeen thousand five" and insert "nineteen thousand one;" so as to make the clause read:

CIVIL SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one stenographer, $1,600; one clerk, at $1,200; and one messenger, $840; in all, $19,140.

The amendment was agreed to.

The next amendment was, in line 452, to increase the appropriation "for necessary traveling expenses" of the "Civil Service Commission" from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Department of State," in line 467, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class 3.

The amendment was agreed to.

The next amendment was, in line 472, to increase the total amount of the appropriations for the compensation of the Secretary of State, the assistant secretaries of state, clerks, and other employés in his Department from $112,350 to $113,950.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in the appropriations for the "Secretary's Office," in line 509, before the word "assistant," to strike out "five" and insert "six;" so as to read:

Six assistant chiefs of division, at $2,000 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 515, before the word "clerks," to strike out "forty-one" and insert "forty;" so as to read:

Forty clerks of class 4.

The amendment was agreed to.

The next amendment was, in the same clause, line 539, to increase the appropriation for compensation of "one paper-counter" from $660 to $720.

The amendment was agreed to.

The next amendment was, in the same clause, line 541, to increase the appropriation for the compensation of "twenty-six paper-counters and laborers" from $600 to $620 each.

The amendment was agreed to.

The next amendment was, in line 551, to increase the total amount of the appropriation for the compensation of the Secretary of the Treasury, assistant secretaries, clerks, &c., in the "Secretary's office" from $493,401.25 to $494,181.25.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "Supervising Architect," in line 570, before the word "thousand," to strike out "twenty" and insert "forty;" so as to read:

Provided, That the expenditures on this account for the fiscal year ending June 30, 1885, shall not exceed $140,000; and the Secretary of the Treasury shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Second Comptroller of the Treasury," in line 587, before the word "clerks," to strike out "eight" and insert "ten;" and in the same line, after the words "class four," to strike out "twelve" and insert "sixteen;" in line 588, after the words "class three," to strike out "thirteen" and insert "fifteen;" and in line 591, after the word "all," to strike out "ninety-eight thousand three" and insert "one hundred and eleven thousand one;" so as to make the clause read:

Second Comptroller of the Treasury:

For Second Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; five chiefs of division, at $2,100 each; ten clerks of class 4; sixteen clerks of class 3; fifteen clerks of class 2; twelve clerks of class 1; three clerks at $1,000 each; nine clerks at $900 each; one messenger; and three laborers; in all, $111,120.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "First Auditor," in line 616, after the words "class four," to strike out "nine" and insert "ten;" in the same line, after the words "class three," to strike out "ten" and insert "eleven;" in line 617, after the words "class two," to strike out "sixteen" and insert "eighteen;" and in line 620, after the word "all," to strike out "eighty-three thousand four" and insert "eighty-eight thousand eight;" so as to make the clause read:

First Auditor:

For the First Auditor of the Treasury, $3,600; deputy auditor, $2,250; four chiefs of division, at $2,000 each; seven clerks of class 4; ten clerks of class 3; eleven clerks of class 2; eighteen clerks of class 1; three clerks, at $1,000 each; two copyists and two counters, at $900 each; two assistant messengers; and two laborers; in all, $88,810.

The next amendment was, in the appropriations for the office of the "Second Auditor," in line 625, after the words "class four," to strike out "thirty-seven" and insert "forty-two;" in line 627, after the word "dollars," to strike out "fifty-two" and insert "fifty-eight;" in line 628, after the words "class two," to strike out "forty-four" and insert "fifty;" and in line 631, after the word "and," to strike out "thirty-two thousand six" and insert "fifty-six thousand two;" so as to make the clause read:

Second Auditor:

For Second Auditor, $3,600; deputy auditor, $2,250; six chiefs of division, at $2,000 each; eight clerks of class 4; forty-two clerks of class 3; additional to one clerk of class 3 as disbursing clerk, $200; fifty-eight clerks of class 2; fifty clerks of class 1; eight clerks, at $1,000 each; three assistant messengers; and eight laborers; in all, $256,290.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Auditor of the Treasury for the Post-Office Department," in line 670, after the words "deputy auditor," to insert "who may be designated to sign, in the name of the said Auditor, such letters and papers as the Auditor may direct;" in line 673, before the word "chief," to strike out "eight" and insert "nine;" in line 676, before the word "clerks," to strike out "sixty-three" and insert "seventy;" in the same line, after the words "class three," to strike out "eighty" and insert "eighty-two;" in line 677, after the words "class two," to strike out "sixty-four" and insert "sixty-seven;" in line 678, after the words "class one," to strike out "fifty" and insert "fifty-three;" in line

679, before the word "female," to strike out "twenty-eight" and insert "thirty-one;" and in line 683, after the word "and," to strike out "thirty-three thousand" and insert "fifty-eight thousand three hundred;" so as to make the clause read:

Auditor of the Treasury for the Post-Office Department: For the Auditor of the Treasury for the Post-Office Department, $3,600; deputy auditor, who may be designated to sign, in the name of the said auditor, such letters and papers as the auditor may direct, $2,250; chief clerk, $2,000; nine chiefs of division, at $2,000 each; fifteen clerks of class 4, and additional to one clerk as disbursing clerk, $200; seventy clerks of class 3; eighty-two clerks of class 2; sixty-seven clerks of class 1; fifty-three clerks, at $1,000 each; thirty-one female assorters of money-orders, at $900 each; three assistant messengers; twenty laborers; and ten charwomen, at $180 each; in all, $458,310.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Engraving and Printing," in line 788, after the word "dollars," to strike out "one clerk" and insert "two clerks;" and in line 793, after the word "all," to strike out "twenty-six thousand one" and insert twenty-seven thousand seven;" so as to make the clause read:

Bureau of Engraving and Printing: For chief of Bureau, $4,500; one assistant, $2,250; accountant, $2,000; one stenographer, $1,600; two clerks of class 3; one clerk of class 2; four clerks of class 1; one clerk, $1,000; additional to one clerk as disbursing clerk, $200; three copyists, at $900 each; two assistant messengers, and four laborers; in all, $27,730.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of Life-Saving Service," in line 801, after the word "dollars," to insert "one draughtsman, $1,500;" in line 804, after the words "class two," to strike out "four" and insert "five;" in line 807, after the word "all," to strike out "thirty-three thousand nine" and insert "thirty-six thousand six;" so as to make the clause read:

Office of Life-Saving Service:
For General Superintendent of the Life-Saving Service, $4,000; assistant general superintendent of the Life-Saving Service, $2,500; one topographer and hydrographer, $1,800; one civil engineer and draughtsman, $1,800; one draughtsman, $1,500; one principal clerk and accountant, $1,800; one clerk of class 4, three clerks of class 3, two clerks of class 2, five clerks of class 1, two clerks, at $1,000 each; five clerks, at $900 each; one assistant messenger, and one laborer; in all $36,680.

The amendment was agreed to.

The next amendment was, in the appropriations for "office Supervising Inspector-General Steamboat Inspection Service," in line 832, before the word "clerk," to insert "chief;" so as to read:

One chief clerk, not to exceed $1,800.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "Commissioner of Internal Revenue," in line 879, to increase the appropriation "for salaries and expenses of collectors and deputy collectors from $1,750,000 to $1,850,000."

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 880, to strike out the following proviso:

Provided, That from and after the 30th day of June, 1884, there shall be no more than forty-three collection districts; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid, in the manner heretofore provided by law.

Mr. VANCE. Is it in order now to make an objection to the amendment suggested by the committee?

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is, Will the Senate agree to the amendment proposed by the Committee on Appropriations?

Mr. VANCE. I move to non-concur, or rather I object to the amendment.

The PRESIDING OFFICER. The question can be taken in the affirmative form just as well.

Mr. VANCE. So I understand. The proviso is:

Provided, That from and after the 30th day of June, 1884, there shall be no more than forty-three collection districts; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid, in the manner heretofore provided by law.

The amendment, I think, ought to be disagreed to and the text of the bill as it came from the House ought to be adhered to by the Senate, for reasons which I will show in arguing the amendment further on. At the present time I will simply say that it is in the line of economy, and I have no doubt the revenue will be as well collected by having forty-three districts as by having the number now fixed by law, which is eighty-one I believe.

Mr. MORRILL. I hope that will not be done. If it is intended to collect the revenue from spirits it can not be done. The idea of collecting the revenue even in North Carolina by the reduction of the collectors to one-half, would be regarded, I am sure, by the Senator from North Carolina himself as preposterous.

Mr VANCE. I should like to hear some reason given by the committee who suggest this amendment why the consolidation can not be made and the revenues collected as well as now.

Mr. ALLISON. Mr. President, there are now eighty-six collection districts in the United States, the number having been reduced by an order of the President last year. He has authority under the existing law to reduce the number as he may choose from time to time. The Committee on Appropriations investigated this matter as thoroughly as they could, and are unanimously of the opinion that it is an unwise thing to reduce in this way the number of collection districts; that instead of being a matter of economy it will result otherwise, and they therefore report the amendment striking out the proviso. That is all there is of it. The Commissioner of Internal Revenue says it will very materially interfere with the collection of the revenue and impair the efficiency of the service to do this.

Mr. VANCE. The reason assigned by the committee is that they think it unwise.

Mr. ALLISON. Yes, sir.

Mr. VANCE. In my opinion (and I set that up against that of any one member of the committee, not against the whole number) it would be wise to reduce. I can see no reason, for instance in the State of North Carolina, where there are now four collection districts and where in some of them the cost of collecting is about equal to the money paid to the Treasury or at least 50 per cent. of it, why two collection districts would not be sufficient for the whole State.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations.

Mr. BECK. I only desire to say that I shall vote with the committee for this amendment, not because I see any very serious difficulty in carrying on the internal-revenue department after the consolidation of the districts, but because at this late day of the session and so near the beginning of the fiscal year to which the bill applies I can see great difficulty in arranging the matter. I have no doubt, as the Senator from North Carolina says, that one or two collection districts in North Carolina could do the business as well as four, retaining trained collectors, instead of having the whole machinery of the office circulated all over the country. I agreed with the committee that it was very doubtful whether at this time we should begin a reorganization. I vote with the committee now, not because of my opposition to the principle, but because of the difficulty I see in enforcing it just now.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. VANCE. Let us have the yeas and nays. I want the record made up.

The yeas and nays were ordered.

Mr. VANCE. In line 880 I move to strike out "the 30th day of June," and insert "the 30th day of October." That would give the Department sufficient time—a full quarter—to make the necessary changes.

Mr. MORRILL. The yeas and nays have been ordered upon the amendment.

The PRESIDING OFFICER. The yeas and nays having been ordered, the amendment proposed by the Senator from North Carolina is not in order.

Mr. VANCE. Very well.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Committee on Appropriations.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I was paired for yesterday with the Senator from Illinois [Mr. CULLOM]. I do not see him in his seat to-day.

Mr. LOGAN. My colleague [Mr. CULLOM] is still absent.

Mr. KENNA. I understand that my pair with him still continues, so I refrain from voting. I should vote "nay" if the Senator from Illinois were present.

Mr. MANDERSON (when his name was called). I am paired on all questions with the Senator from Tennessee [Mr. JACKSON], who is necessarily absent.

The roll-call was concluded.

Mr. HARRIS. I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

The result was announced—yeas 29, nays 22; as follows:

YEAS—29.

Aldrich,	Dawes,	Lapham,	Platt,
Allison,	Dolph,	Logan,	Plumb,
Bayard,	Fair,	McMillan,	Sawyer,
Beck,	Frye,	Miller of N. Y.,	Van Wyck,
Bowen,	Hale,	Mitchell,	Wilson.
Cameron of Pa.,	Hawley,	Morrill,	
Cameron of Wis.,	Hill,	Palmer,	
Conger,	Jones of Florida,	Pike,	

NAYS—22.

Brown,	Garland,	Morgan,	Vance,
Butler,	George,	Pendleton,	Vest,
Call,	Groome,	Pugh,	Walker,
Coke,	Hampton,	Ransom,	Williams.
Colquitt,	Jonas,	Saulsbury,	
Farley,	Maxey,	Slater,	

ABSENT—25.

Anthony,	Gorman,	Kenna,	Sabin,
Blair,	Harris,	Lamar,	Sewell,
Camden,	Harrison,	McPherson,	Sherman,
Cockrell,	Hoar,	Mahone,	Voorhees.
Cullom,	Ingalls,	Manderson,	
Edmunds,	Jackson,	Miller of Cal.	
Gibson,	Jones of Nevada,	Riddleberger	

So the amendment was agreed to.

The reading of the bill was resumed and continued to line 890.

The SECRETARY. The next amendment of the Committee on Appropriations is, after the word "year," in line 890, to strike out all down to and including the word "nine," in line 895.

Mr. BECK. All that portion from line 890 to line 940 I understand to be one amendment, and therefore it should all be read before a vote is taken.

Mr. ALLISON. The suggestion of the Senator from Kentucky is a very good one. The provision from line 890 to line 940 relates to one topic, and may as well be read and considered as one amendment.

The PRESIDING OFFICER. The part recommended by the committee to be stricken out, as indicated, will be read.

The Secretary read as follows:

And provided further, That the President is hereby authorized and directed to consolidate and reorganize the customs collection districts of the United States on or before the 1st day of October, 1884, so that the same shall not exceed in number sixty-nine.

And the President shall fix the boundaries of such reorganized districts and designate ports of entry therein, and shall also, from time to time, designate ports in each of such districts at which deputy collectors may be stationed to receive duties and other moneys, enter and clear vessels, and perform such other services in relation to the customs and navigation laws as he may deem necessary; and he shall give notice of the boundaries and designations of such reorganized customs districts; and said ports, when so designated, shall have all the privileges of ports of entry and delivery.

And the President is authorized and directed to discontinue the services and abolish the offices of such collectors, surveyors, and appraisers as may be necessary to conform to the number of collection districts herein provided for, and to designate places of deposit for the records and files pertaining to those collection districts which may be abolished pursuant to the provisions of this act.

Sections 2648 and 3687 of the Revised Statutes of the United States, together with all laws or parts of laws authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites of whatsoever name and nature, are hereby repealed, to take effect on the 1st day of July, 1885; and all fees collectible by law shall thereafter be accounted for and paid into the Treasury as moneys belonging to the United States; and the Secretary of the Treasury is hereby authorized to provide for the collection of such fees by the use of stamps, under such regulations as he may prescribe.

And it shall be the duty of the Secretary of the Treasury to include in the regular Book of Estimates for the fiscal year ending June 30, 1886, and each fiscal year thereafter, estimates specifying in detail the number and class of officers and employés of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specially provided for: *Provided*, Nothing in this act shall prevent the shipment of merchandise to ports of delivery heretofore established by law.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations, to strike out from the bill the words which have been read. Is there objection?

Mr. BECK. Yes, sir; I hope it will not be agreed to. I could not agree with a majority of the committee in regard to that proposition, and I propose to give the reasons why.

Mr. President, this is an amendment prepared, as I understand it, at the Treasury Department, and approved by the Secretary of the Treasury. While the internal-revenue districts were cut down by order of Congress one-third a year or two ago, or from one hundred and twenty-six to eighty-four, the number to which they are now limited, and the Secretary and Commissioner of Internal Revenue both protest that they can not be cut down any further without injuring the public service, so far as the customs districts are concerned, the Secretary, who has been carefully investigating this matter for two years by order of Congress, has come to the conclusion that he has no sort of use for, and that the public service does not require, anything like the number of customs districts that are now in existence, and he proposes in the interest of economy and the public interest to have them cut down as proposed by the House in this bill. Indeed, I am advised that the provision inserted by the House in this bill was prepared by order of the Secretary himself.

In his last annual report the Secretary presents the whole argument. I propose to lay a portion of it before the Senate. After stating the careful investigation he had caused to be made, first by commissioners and again by experts selected by himself, he says:

It was stated—

That is by those who made the investigation—

It was stated that those officers were variously compensated—some by salaries, commissions, and fees; some by commissions and fees only, some by salaries only—and that the amount paid was in some cases too small to insure the constant service of competent men, and that in others the salary and emoluments were excessive for the service rendered. It was shown that there are many districts in which no duties have been collected for years, and others in which the duties collected are not sufficient to pay the cost of collection. The labors of the officers in those districts are confined almost entirely to issuing documents to vessels, collecting hospital tax and fees, and making up monthly and quarterly returns to the Department, often of "no transactions."

I remember in the House of Representatives when this question was up years ago the distinguished Senator from Massachusetts [Mr. DAWES], then chairman of the Committee on Ways and Means of the House, read a letter from an officer of a custom-house situated in some Western town (I think I will send for the speech and read it) where he showed that he had nothing to do but draw his salary of some $3,000 a year; and he was dismissed in a very short time after he made the report that there was no use for him as all he had to do was to go quarterly and draw his pay. He wrote to the Department to know why he had been dismissed, and the only reason that he could imagine why he had been dismissed was because he had been such a fool as to tell the truth and expose the situation by stating that all his work was to draw his salary quarterly; and I think he said it was perhaps upon the ground of lunacy that they dismissed him. That letter is in the Globe, which perhaps I shall read after a little while. He returned "no transactions," as the Secretary of the Treasury says is the case with many of them. The Secretary proceeds:

Custom-house fees began with the act of March 2, 1799. It was thought that the customs service would be practically self-sustaining, and that the burden of its maintenance should fall on those who had dealings with it, with nominal salaries only, in addition to fees. The system has not been self-supporting. The aggregate amount of fees collected is about $600,000 per annum; the annual cost of collecting the customs revenue is over $6,000,000.

These fees are made up of small and annoying exactions from importers and ship-owners, difficult to collect, and involving much unprofitable clerical work in accounts. Besides that, the sum of them, in instances, is so large as to compensate the officer beyond desert.

The advantage of fixed salaries is obvious. An objectionable feature of the present system is the temptation at small ports to obtain "additional compensation for storage" under the bonded warehouse system. Then, too, is the uncertainty of the amount of compensation. By the act of June 23, 1874, Congress recognized all this, and gave fixed salaries to the officers of leading ports, but left others unchanged.

The oaths required to be taken before collectors upon entry of merchandise are, as a rule, formal. They cause inconvenience to importers by compelling their personal attendance at the custom-house. They deter not the dishonest from fraudulent entries. They add not to the security of entries by honorable merchants. A simple declaration by the importer, attested by a notary, sanctioned by penalties, would prove a relief to merchants, and be as safe.

Now, I desire the Senate to note what follows; no man can truthfully contradict it. The Secretary says:

There are useless customs districts, and nothing but local pride or interest will disagree therefrom. There are twenty-two ports of entry at which not a dollar of duties has been collected for years, at different times. There are thirty-two ports of entry in which the year's collections from all sources have not equaled the year's expenses. These had importance when foreign trade was carried on in sailing vessels, and before the concentration of importations at large ports from regular lines of ocean steamers, and the present system of rapid inland transportation. The custom-houses in these districts are, however, kept up, with all the formalities of activity, with deputies, inspectors, and clerks, to make official returns to the accounting officers of the Treasury and the Bureau of Statistics.

The consolidation of districts and diminution of ports of entry are called for by sound business considerations, and may be accomplished without increasing smuggling or withdrawing proper facilities for documenting vessels.

The issuing of papers to vessels and the collection of hospital dues may as well be done by subordinates, and the unproductive districts abolished, saving expense and promoting the efficiency of the service. Owing to the inequalities in the present compensation of collectors and surveyors, and to the nature of some of these offices, sinecure almost, it was found impracticable to adopt any uniform rule for fixing salaries of collectors and surveyors under the present organization.

I was then, and am now, convinced, upon a careful consideration of the subject, that districts should be consolidated and the number thereof reduced. The matter is of such importance, as bearing upon an economical conduct of public affairs, that I presume to present it in this annual report, and to again offer my views and the facts and considerations which I think uphold them, and to renew the propositions which I then made.

The Secretary next proceeds to give the details of the present system, showing the expense of it, at considerable length. After stating how much is provided for as a permanent appropriation, and that all penalties, forfeitures, fines, and other things are added to the permanent appropriation and set apart to pay the expenses of the collection of customs, which he sets forth with care in the report which I hold in my hand, he says:

In addition thereto is the amount to come from the provision of the United States Revised Statutes, section 3687, which makes a permanent annual appropriation of $2,750,000 for the expenses of collecting the revenue from customs for each half year, in addition to such sums as may be received from fines, penalties, and forfeitures connected with the customs, and fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services. In the year 1882 the amount derived by the operation of this section increased the available funds to the sum of $7,566,688.24; in 1883 to $7,953,329.51. These figures are furnished to me from the warrant division of this Department. If they err at all, it is that they are less rather than more than they should be. Consolidation, according to the estimate above given, is, in expense, less than this nearly $1,500,000.

Yet the Committee on Appropriations of the Senate move to strike out a provision inserted in the bill by the House of Representatives, approved by the Secretary of the Treasury if not drawn by himself, a substantial copy of which will be found in his last report to Congress, on page 80, as the draught of a bill he proposes by which he says he can save, say, from a million to a million and a half annually and do the customs business of the country better than it is done now, getting clear at the same time of the machinery in fifty-odd districts, twenty-two of which pay nothing and thirty-two do not pay their expenses. To that proposition of the Senate committee I object.

In this carefully prepared report so earnest was the Secretary to give us full, fair information that he gives a schedule of the estimated expenses and of the needed number of employés, estimating for them proper wages, that would result from the consolidation which he recommends.

Besides all this, his plan enables us to get rid of an evil that we have been long complaining of. We have passed measures through the Senate once or twice on the recommendation of the then Secretary of the Treasury, the distinguished Senator from Ohio [Mr. SHERMAN], abolishing all these permanent appropriations so far as they apply to payment of salaries and expenses in the collection of customs, bringing them, as we do all other officials, annually within the supervision of Congress for the regulation of their salaries and other expenses, and require them to

give us an account of their services, and the reasons why they should be continued. To-day in all these useless custom-houses where they could not get a dollar appropriated under the supervision of Congress by means of permanent appropriations, fines, forfeitures, and penalties, they pay these officials what they please and account to nobody except to make up their statement of what is paid, which is furnished to Congress by the Register of the Treasury in a book which Congress never looks at, because it has no control over these things and is not consulted about them.

While we are solemnly going over this legislative bill of one hundred and nine pages, cutting down a clerk here, and a charwoman there, and thinking we are prodigies in the line of economy because we can shave off a little here and trim and nail a little there, and prevent by withholding needed help the Land Office from doing its duty, or the Pension Office from doing its duty, or the Patent Office from doing what it ought to do promptly, all in the interest of economy of course, here is a great customs system permeating all the cities in the land, involving seven and a half million dollars for salaries and expenses, not one dollar of which comes under the supervision of Congress, but a permanent appropriation of $2,750,000 given for each half year to be taken just as they like, and all the fines and all the forfeitures and all the penalties, the cartage, the storage, everything they please to squander just as they like for political or any other purposes they see fit. Yet when the Secretary tells us this ought not to be; that many of these districts ought not to exist, and that the men should be paid under the supervision of Congress by fixed salaries, which he estimates for and inserts in his annual recommendation, the Senate committee propose that we shall ignore all these recommendations.

This provision is not like that relating to the internal revenue. This is to take effect on the 1st day of next October. Three months' time to adjust the chances is given, instead of on the 30th of June, 1884, only a day or two, as the other proposes. Within the three months the Secretary of the Treasury can reorganize all those districts. The House at first had cut them down to I think sixty-seven, but upon the recommendation of the Secretary two districts in Oregon were added to points where new lines of railroad had reached on the Pacific Ocean. Those two were added so as to do no injustice. The districts are so arranged by the bill as to enable the Secretary to carry out the plans he proposes and to make the saving he proposes, and to bring the officials with their fees and their salaries under the eye of Congress instead of having them permanently appropriated for as they have been for years, to the great detriment of the public interest.

Mr. President, the amendment of the Senate committee ought not to be agreed to. The Secretary ought to have a chance to correct and the country ought to have a chance to get rid of these useless and expensive incumbrances. There ought not to be fifty-odd useless collection districts that the Secretary says should be abolished as well as the system of paying the officers in the way they are paid now, some not getting enough, others three times more than they are entitled to, through an old system of fees that has shown to be unjust and vicious, giving some men large salaries for doing nothing, while difficult, complicated custom-house machinery is kept up that ought to be dispensed with.

Mr. HARRIS. Will the Senator from Kentucky allow me to inquire what would be the annual saving if the policy recommended by the Secretary of the Treasury should be adopted?

Mr. BECK. He assumes that it would not be less than $1,000,000. He makes the calculation in two or three different ways. In one case he says it would be some $500,000 if a certain view should be adopted; then he says it would be $1,000,000 if another view is taken. I will read again from his last annual report:

> In addition thereto is the amount to come from the provision of the United States Revised Statutes, section 3687, which makes a permanent annual appropriation of $2,750,000 for the expenses of collecting the revenue from customs for each half year, in addition to such sums as may be received from fines, penalties, and forfeitures connected with the customs, and fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services. In the year 1882 the amount derived by the operation of this section increased the available fund to the sum of $7,566,688.24; in 1883, to $7,953,329.51. These figures are furnished to me from the warrant division of this Department. If they err at all, it is that they are less, rather than more, than they should be. Consolidation, according to the estimate above given—
>
> That is the only estimate which the House has adopted—
>
> is, in expense, less than this nearly $1,500,000.

But the improvement of the system will be worth $1,500,000 more, because as long as they have the right to impose fines, penalties, and forfeitures and charge for storage, cartage, drayage, labor, and services what they please and make what threat they please to enforce obedience to them, what compromises or corrupt bargains they please, no man will ever know how much they really do get for so-called services. But if they are brought before Congress as every officer ought to be brought to give annually an account of his work and as every other officer except custom-house officers are now brought to have his salary fixed under the supervision of Congress and have annual salaries paid them according to the labor done, then the abuses of the system will be largely diminished if not cut off, which will be more valuable to the public service than the saving of money suggested by the Secretary. The two considerations together make it, in my opinion, the imperative duty of Congress to agree with the House in the proposition made in the bill to give the Secretary a chance to do what he says he can do and desires to do, all the details of which with great completeness he sent to us in his last annual report and urged us to do.

It is so seldom that a public official comes before Congress and asks to cut down expenditures, points out the evil of existing systems, and recommends Congress to take under its own control its public employés instead of giving them corruption funds in the shape of fees, penalties, forfeitures, cartage, drayage, storage, and all sorts of things, with a permanent appropriation to be dispensed with by them as they please, it ought to be the pleasure of the Senate at once to say to that officer, "We will hold up your hands and strengthen your efforts in this reform," instead of striking it down when the House of Representatives with signal unanimity inserted it in the bill which is now before us.

Several gentlemen around me have inquired whether this change and consolidation of districts would not have the effect of diminishing the present conveniences existing at ports of entry and ports of delivery. I answer, no; it will destroy the complicated machinery now existing at many of the useless ports, but there will be deputy collectors and other necessary officers who will be at all existing ports ready to receive, with as much convenience to the public, all goods coming from abroad and see to the export of all goods desiring to be sent abroad as if it was a principal port of entry with all its complicated and expensive machinery. The civil service, as they call it, at the small ports will be cut down, the machinery will be diminished, but none of the existing guards against smuggling be decreased, nor will any inconvenience ensue either to the importer or the exporter, or to any man having any connection with the public business at those ports. So the Secretary assures us. I was looking to see if I could lay my hand at this moment on that portion of his report where he says so. I think it is substantially here. Let me read anyhow. He says:

> The plan outlined in Schedule No. 2 is the result of much thought and careful inquiry. A test in practice may show some imperfections, and doubtless will. Alteration in the plan suggested, clearly in the way of improvement, may, from time to time, be needful. In the event of adoption of it by Congress, with the numbers and boundaries of districts fixed by enactment, the Executive could not apply an immediate remedy to evils that practice might show to exist. Hence, there may be doubts whether a system unchangeable, save by legislation, is the best mode for a practicable as well as an economical administration of the customs service. To forestall failure the power could be given to the President to alter districts and designate or appoint officers thereto, as is his power with internal-revenue collection districts, by section 3141 of the United States Revised Statutes.

I now agree to these views; but it was only after some care and a great deal of consideration, because when that report first came to Congress I looked at it with what care I could. Other members of the Committee on Appropriations looked at it. The chairman of the committee [Mr. ALLISON] and myself went over it with experts from the Treasury Department. We examined the provision which is now placed by the House in this bill, because it is substantially incorporated into the bill as it passed the House. We were afraid that it might confer some power to the Secretary or to the President that might be abused, or that might cause some discontent. Therefore I called upon the Secretary and asked him to prepare a bill designating the districts as he desired them, which bill I hold in my hand, being Senate bill 1853, introduced by me on the 17th of March, 1884, and after a good deal of consultation between the chairman and myself, and with the Finance Committee, and with the Committee on Commerce, I had it referred to the latter committee. It is the bill to which the Secretary in the suggestions I have just read objects, although he drew it himself, because he says, as you will observe, that upon further examination he does not think it wise to have districts appointed by law which are unchangeable. He uses this language:

> Hence, there may be doubts whether a system unchangeable, save by legislation, is the best mode for a practicable as well as an economical administration of the customs service. To forestall failure, the power could be given to the President to alter districts and designate or appoint officers thereto, as is his power with internal-revenue collection districts, by section 3141 of United States Revised Statutes.

I believe now, after a careful investigation of it all, that the first suggestion of the Secretary in the bill he has drawn, which is substantially adopted by the House as part of his annual report, is better than the bill which was drawn designating each of the districts to be fixed by law and which is now before the Committee on Commerce of this body, because those districts might not be so fixed as to promote the interests of the public service properly. The Secretary, acting for the President, can find out from time to time what modifications ought to be made and the power ought to be in his hands at all times to make those modifications. So, while I introduced the bill, as I believed that was the best thing to do at first, I am now satisfied that the Secretary is right and the House is right in giving him general authority. I also think they were right in adding those two districts on the Oregon coast as they did. The Senator from Oregon [Mr. SLATER] suggested to me some time ago these difficulties, because he knew railroads were being built there and at other points. They are now made a part of the provision.

For these reasons and for many others I might give I hope the Senate will not agree to the amendment proposed by the Senate Committee on Appropriations.

Mr. ALLISON. Mr. President, I am rather surprised at my friend

from Kentucky, a member of the Committee on Appropriations, pressing the House provision as earnestly as he does, in view of the fact that it is in violation of the general rule prevailing here with reference to inserting new and radical legislation upon an appropriation bill. Of course I agree that we can legislate, as we do often legislate, with reference to immediate appropriations.

Mr. BECK. The provision was inserted in the bill by the House. I did not move it.

Mr. ALLISON. But laying that matter aside, I was rather misled, as I think the Senator from Kentucky has been misled, by the report of the Secretary of the Treasury on the subject of our customs collection districts. When I first looked that report over it seemed to me that there was something in his suggestion, but the more I have examined it the more I am averse to it. I am satisfied that if the Senate understand the proposition they will never give their consent, nor will either House of Congress, to what is proposed in the bill.

In the first place, it is a practical repeal of nearly fifty pages of the Revised Statutes, the sections which run from page 492 to page 536, statutes that have been passed from time to time, since the organization of our Government, establishing collection districts at the different ports and in different sections of our country.

It is proposed that the two Houses of Congress shall by this provision abdicate their legislative function and place the entire control and jurisdiction of this question with reference to the places of ports of entry and ports of delivery in the hands of a single executive officer of the Government. I am amazed for one that a proposition of this kind should emanate from the Democratic side of the Chamber, to say nothing of any other place where it has originated. Here is a proposition to abolish every port of entry and every port of delivery in the United States, and there are a great many of them, I think about one hundred and forty in all now, and to give into the hands of the Secretary of the Treasury the power to re-establish ports of entry at such places as he may think wise, not as may be thought wise by the representatives of the people, but it is proposed that he shall have the power to divide up this country as he chooses, establishing a port of entry here and a port of entry or a port of delivery there, without consultation with the people who are most interested in these questions.

Mr. LAPHAM. If the Senator will pardon me, I will state that the bill gives to the President the vast power to which he refers.

Mr. ALLISON. Very well; it is given to the President of the United States. It will, of course, be only exercised through the Secretary of the Treasury; it can not be exercised by the President personally.

I ask the Senator from Kentucky, or any other Senator on this floor, if a Secretary of the Treasury, sitting in the Department at Washington, knows more about how your ports of entry and ports of delivery should be established in the far-off State of Oregon than does the Senator from Oregon [Mr. SLATER] who sits before me? Is it so in the State of Florida, in the State of Georgia, in the State of Louisiana? Since this provision has been pending before the Committee on Appropriations, more than fifteen Senators have approached me upon the subject, saying that if this clause was not to be absolutely stricken out they wanted a rearrangement and readjustment different from that provided by the Secretary of the Treasury in Executive Document No. 73, House of Representatives, second session, Forty-seventh Congress. There is not a Senator on this floor, who has a port of entry or a port of delivery in his State, who is satisfied with that document. Yet we propose to abdicate our legislative power here and turn it over to the President or to the Secretary of the Treasury. For one, I shall never consent to give that power into the hands of the President or the Secretary of the Treasury, no matter who he may be or what measure of confidence I may have in his administration.

Mr. BECK. Allow me to ask the Senator a question; it will save me from answering him, perhaps. All the internal-revenue districts to-day are changed in the discretion of the President and of the Secretary of the Treasury, without consulting any Representatives or Senator, just as the executive officer pleases. How does the Senator answer that?

Mr. ALLISON. I shall answer that in a moment?

Mr. BECK. How is that to be answered?

Mr. ALLISON. That is easily to be answered. That is an entirely different thing.

Mr. BECK. I should like to hear the answer.

Mr. ALLISON. The question of the establishment of ports of entry and ports of delivery relates to the external and internal commerce of this country. It enters into the heart of every community and of every city of this Union. I see the Senator from Michigan [Mr. PALMER] before me. How would he like the President of the United States, or the Secretary of the Treasury, or any other officer to have the power to abolish the port of entry of Detroit? That is what this involves. It does not involve merely the collection of so much money, as the internal revenue involves. It involves all the ramified questions that are involved in the internal and external commerce of our country. Every vessel that sails in our coastwise trade, every vessel that sails upon our rivers and estuaries must be examined by some one of the collectors of customs and a certificate must be given. In numerous cases that I have examined in looking over this matter, it will compel the owners of vessels, for instance upon the Mississippi River, to make a journey of one hundred or two hundred or three hundred miles to a distant port for the purpose of having an officer register the vessel. There is no sort of analogy between this and the collection of the internal revenue, which is a fixed revenue on specified objects, and has no relation whatever to the great internal and external commerce of our country. That is my answer to the Senator from Kentucky on that question.

It is said that there is to be a saving by this consolidation. That is in a great measure only a pretense. I have looked over the Executive Document No. 67 with great care, and instead of a suggestion even by the Secretary of the Treasury that there is a saving of a million dollars, his suggestion is only a saving of $486,295; but when he comes, as is proposed by this measure of consolidation, to pay fixed salaries to all these officers, when he comes to abolish the ports of delivery as is proposed here, then as a matter of course there will have to be a great number of additional officers added to the list already there; and I venture the assertion that after we adopt the suggestions of the Secretary of the Treasury in this regard within a year or two the official list will be swelled far beyond the present exigency.

So I am opposed to the general policy of placing in the hands of any executive officer the great powers which belong exclusively to the legislative branch of this Government, and which have never been exercised in any other way except by acts of Congress since the foundation of the Government.

Now, when you come to look at the details of the provision here, what is proposed? In the first place, to reduce the number of districts to sixty-nine.

Mr. INGALLS. What is the number now?

Mr. ALLISON. The number now is about one hundred and thirty-nine or one hundred and forty-one; I do not remember exactly, but exceeding one hundred and thirty. Why this particular number of sixty-nine? In another place, when this was suggested upon an appropriation bill, one Representative rose and said that it was an absurd provision in reference to his State, and another Representative rose and said it was an absurd provision in reference to his State; and so in two minutes the committee that reported this provision—if I am permitted to speak of it—made a change and increased the number two.

If we are to limit the number here, is it probable that any Senator on this floor is satisfied with the number sixty-nine? The Senator from Kentucky said that he agreed with the Senator from Oregon that it was wise to increase the number of districts in the State of Oregon two beyond the original proposition, thus increasing the total from sixty-seven to sixty-nine. That object is not secured by the increase. The whole question of whether there shall be one, two, or three collection districts in Oregon is still open under this provision, and left unqualifiedly and absolutely in the control of the President of the United States as exercised by his Secretary of the Treasury. So my friend from Oregon may be cheated after all; and, besides, it was only intended that one of the additional districts should apply to Oregon, and the other was to apply to Massachusetts. But I am not content myself with this provision. I should want seventy instead of sixty-nine, so as to include a portion of my own region. How do I know that if we add one to this number and make it seventy, the present Secretary of the Treasury or another Secretary of the Treasury will not say that instead of reducing the number of ports of entry in Massacuhsetts from ten to three, it is an unwise thing to do that; and instead of having ten in the State of Massachusetts he will have seven in Massachusetts, and thus cut out another region of country entirely.

The absolute injustice of placing this whole subject in the power of one man is that he has the control of every State of this Union, and every Senator and Representative is bound to go to him and say, "I want this, that, and the other number;" and, after hearing all, he can do as he pleases. It is not so as to the internal revenue. That is as to the number of districts. But see what further is proposed here:

> The President shall fix the boundaries of such reorganized districts, and designate ports of entry therein.

All ports of delivery are abolished by this provision. It is true that it authorizes the President from time to time to—

> Designate ports in each of such districts at which deputy collectors may be stationed to receive duties and other moneys, enter and clear vessels, and perform such other services in relation to the customs and navigation laws as he may deem necessary.

The Secretary of the Treasury can go into my State or into your State, sir, and say what shall or shall not be done at these places designated by the Secretary of the Treasury. Are we to establish an autocracy in this country in the Treasury Department or in the Executive Mansion with reference to all these great questions of external and internal commerce? For one I shall never agree to it by my vote.

So you may go on and you will find further that this provision in the bill proposes to repeal sections 2648 and 2687 of the Revised Statutes. What are they? They are the two sections which authorize the Secretary of the Treasury to pay the necessary expenses of collecting our customs duties as provided by law. Those are repealed absolutely after the 1st day of July, 1885, and all fees now assessable by law are repealed after the same date; and yet there is no provision whatever in

this bill which suggests even that the collectors, deputy collectors, surveyors, &c., at the various ports shall receive any compensation for their services. It is a matter of fact under existing law that most of these officers are now paid by fees. The clause before us wipes out every vestige of these fees and repeals the law which provides a fund to pay the officers, and yet provides nothing in its place.

Is that a wise thing for us to do? I submit to the Senate that this is a most crude provision attempting to strike down what has existed in this Government since 1789 and putting in its place absolutely nothing, except devolving on the President of the United States the whole power to do as he chooses with reference to the external and internal commerce of our country so far as establishing ports of entry and ports of delivery is concerned.

Mr. SLATER. I desire to say a word or two in relation to this proposition inasmuch as reference has been made particularly to my own State and to a circumstance that, in my judgment, gives a better understanding (at least it does to me) of the effect of this measure than any mere statement would without a knowledge of the circumstance.

It must be understood, I presume, by every Senator that the Secretary of the Treasury can not of himself know personally the business relations of every locality that may aspire to be a port of entry or a port of delivery in the United States. He must be informed of all the facts and circumstances of the business through Treasury agents who will be sent to far distant sections of the country to ascertain those things and report.

It so happened in Oregon, I suppose—I do not know the fact, but I presume it must have been so—that some Treasury agent was instructed to report the conditions in relation to custom-houses and ports of entry in Oregon. A report was made. Now, what do we find? This recommendation is that we shall be practically reduced to one port of entry of Oregon, a State of 95,000 square miles, with a large extent of seacoast and many rival towns and sections. Such a report could not have been made by any person who lived in Oregon and knew the situation there. It was utterly impracticable. It was made and, as has been said, adopted by the Secretary. As soon as he received this report the member of the House from Oregon and others interested set to work to counteract it, and, as I remarked to the Senator from Kentucky, we had great trouble in getting a letter from the Secretary correcting the mistake he had fallen into. Now, as we understand, the total number was increased from sixty-seven to sixty-nine to meet this mistake, and yet I am now informed by the Senator from Iowa that one of this increase only was intended for Oregon and one for somewhere else.

Now, if we pass this law as the House has sent it to the Senate, and the Secretary sits down to rearrange the customs districts, how do we know that some of those districts designated to be consolidated will not be omitted or that a greater blunder perhaps has been made than he made in some part of Massachusetts, than was made in Oregon? Then Oregon goes without either one of the restored districts intended for her. It is fair to assume that if a mistake was made in Oregon and a mistake was made in Massachusetts, a dozen such mistakes equally as great, equally as necessary to be rectified, will be shown before these customs districts can be readjusted.

I agree entirely with the Senator from Iowa, that it is placing too much power in the hands of the Secretary of the Treasury to give him the complete handling of all the customs collection districts in the United States. There is no comparison between the two systems, the internal-revenue system and the customs system. The business is different. A very much larger proportion of the community have business relations with the customs officers than with the internal-revenue districts. But a small portion of the people practically have business to transact with the internal-revenue officers or are affected by them, but go into the seaport towns and seaport States of the country and you will find that a very large volume of the business of the country, all the import business, all the export business, all the coastwise business, all the shipbuilding business is connected directly with the custom-houses. We are overturning a well-settled system and trying a system that we have nothing but theory to justify, and the very first effort showed that it involved mistakes and blundering and misapprehensions and misunderstandings, and it must inevitably do so.

I shall stand by the report of the committee on this proposition.

Mr. HAWLEY. I second the remarks of the Senator from Oregon. They apply *mutatis mutandis* to my own State.

I judge from these suggestions of the Secretary of the Treasury that he proposes to make two districts instead of five in my own State. Now, I know that that can not be done without very serious damage to the importing and manufacturing interests of the State. I suppose he wishes to abolish the customs district at Middletown, which is really the district of Hartford. Since the Treasury Department has been so kind as to extend some facilities to us in the matter of transporting goods in bond, and has established a bonded warehouse for us, the revenues at Middletown are rapidly increasing. They were $37,000 last year; they will run from $60,000 to $65,000 this year, and will continue to increase. From information received from merchants and manufacturers I am sure the collections will be over $100,000 in the next fiscal year. That custom-house the Secretary proposes to abolish, and I suppose transfer the duties thereof to New Haven, which, by land, is twenty or twenty-five miles away, and by water—I speak without precise recollection—some sixty miles. Our manufacturers in a wide region of country above Middletown have lately been felicitating themselves that the Treasury has granted what they have been desiring for many years. It is a very great accommodation to us, a considerable saving in money. Their goods come to New York and are sent without breaking bulk to Hartford, where the goods are appraised and the duties paid.

I know I speak the sentiment of all the people of my State interested when I say that the consolidation proposed will be a great injury. I can imagine some possible reductions and I can imagine a consolidation that would work no very serious injury; and if the Treasury Department will submit to us a substitute for the long and detailed statute in the Revised Statutes referred to by the Senator from Iowa and designating the districts to be abolished or consolidated, so that we can discuss them in detail, we could probably come to an agreement upon a reasonable reduction; but I am utterly unwilling to consent to the meat-ax surgery in this bill, and give this extraordinary discretion to the Treasury Department.

The Senator from Oregon supposed that the number of districts proposed under the consolidation, being originally sixty-seven, were increased from sixty-seven to sixty-nine to accommodate Oregon. He learns now that one of those two added is another district in some other State, and so he wants the number named in the bill to be seventy. I want the number to be at least seventy-two; some other Senator wants it to be seventy-three or seventy-four; and so we go on. Possibly if the Secretary of the Treasury would send us the draught of a bill that we could discuss outside of an appropriation bill, we might cut the one hundred and thirty-five districts down to one hundred or one hundred and twenty-five. I suppose under his suggestions here that while he would give us but two customs districts in Connecticut he might oblige us with one or two or three ports of entry, but I could only hope it. I do not know it.

I emphatically stand by the committee. I can conceive no scheme of this character that ought to have our approval. I want an independent bill and a fair discussion of its details. I am unwilling to abdicate all my legislative power and duty in regard to this important matter.

Mr. HALE. Mr. President, it is a very rare thing that the Senate sees so plain and marked an instance of the unwisdom of the policy of putting general legislation of an important kind on an appropriation bill as this experiment affords. Here is a great system that was elaborated ninety years ago with the extremest care, in which the subdivisions of the country were regarded, and which from time to time, as our territory has increased and our seacoast has expanded, has been adapted to the necessities of the public service and to the collections of the revenues of the Government; and in the waning days of a long session, with no indication even that the committee in charge of it has given much time or consideration to it, the whole thing is sought to be obliterated, struck from the statute-book, where it occupies fifty pages, and in a few provisions in an appropriation bill a complete overturning and upsetting and revolution is attempted; and this great measure, fraught with such effects as may naturally follow, is sent to the Senate and comes in here at a time which many Senators hope is within ten days of the end of the session, and we are asked, the Committee on Appropriations of the Senate, with 10,000 subjects-matter to consider—I do not exaggerate—sitting day and night, is asked to consider and pass upon, and if need be amend (for in order to consider you have got to have the power to amend), such a vast proposition as this.

Confronted by that situation the Committee on Appropriations did what it has been sustained in doing time and time again by Senators upon both sides of this Chamber, struck out this provision of the bill, declaring that there was no opportunity to consider it and that it ought not to find place upon this legislative, executive, and judicial appropriation bill, which is simply an appropriation bill for the running expenses of the Government for the next fiscal year. That statement of the case, incomplete as I have made it, ought to dispose of this amendment, and the Senate ought to set its face rigidly against any such efforts to bring such subjects-matter before this body at this late day.

If this is so good a measure, if it has been elaborated elsewhere so soundly, why is it that the Department has not seen to it that proper bills have been introduced and referred to the proper committees, who can study the subject week in and week out and report a measure with the authority of a committee that has jurisdiction over the great subject of the commerce of the country entering into its ports and the collection of the revenues there? Why is it that a body—I will not refer to it by name—has sat here for six or seven months, and only at the last, tail-end of the session sent in such a measure as this is on the legislative, executive, and judicial appropriation bill? Why, sir, if that is to be done, if that is to be tolerated, if it shall be borne by the Senate, the most significant legislation that could come before Congress may be kept in the committee-rooms until the last month of the session and then hurried before this body on the appropriation bills and we be obliged on a five-minute debate—for we can not give much more time than that to these last appropriation bills—to consider every subject-matter.

The Senate has just voted down, most properly, a provision put on here in reference to the internal revenue, and I can not imagine that any different result will follow here. Nor would I under any conditions—and I am not going to elaborate what has been so much better said than I can say it—when this is done intrust any of this discretion either to the Secretary of the Treasury or to the President of the United States. It does not belong there. The division and subdivision of the Union into great and small collection districts that shall collect the revenues of the country, which are laid by acts of Congress and which are collected by a force supplied by Congress, is a thing that this body and the House at the other end of the Capitol ought always to take faithfully into mind and consider and elaborate and bring forth the results of. I am free to say, Mr. President, that no Secretary of the Treasury, whether he has sat in his seat one year, or three years, or five years, or eight years, simply receiving the reports of his special agents and subordinates, who traverse the country, in reference to these things, can be so well informed on this great subject as the Congress of the American people coming from all the States, representing all the interior and the seaboard. It is a power, it is a discretion that never should be abandoned to any other department of the Government; and there has been nothing done this session in the way of attempted legislation that strikes at the power which should lie in the two Houses equally with this project that is put onto this appropriation bill.

Now, as to the details, I am not going into them, because I am not going to weary the Senate. I was struck with what the Senator from Oregon said about the likelihood, the necessity even as has been shown, of mistakes occurring in any plan that any Secretary may present here. Take the argument that was read by the Senator from Kentucky, that districts ought to be consolidated because no revenue is collected. I would like to see any man, no matter how wise he may be and no matter how gifted he may be, undertake to administer the Treasury Department and collect the revenues of the Government with only a few custom-houses where duties are collected and where the revenues gather together and are received and paid. The moment you adopt that system and only have a custom-house where duties are collected, then for every dollar that you will save in the salaries of honest and vigilant officials at the small custom-houses, where no duties are collected, you will lose a thousand dollars in the falling off of the revenues in the great custom-houses.

From Quoddy Head in Maine all around our border in the interior to the Canada line, along the coast and along the Southern States, or along the Gulf, or along the Pacific coast, there is not a single custom-house, no matter whether a dollar is collected or not, that does not tend to force the customs right into the great custom-houses. By their safeguards against smuggling, against a thousand infractions of the revenue laws that always have a charm for enterprising and ingenious men on the border, by the scrutiny and by the public sentiment that they raise against what is called smuggling, the small custom-houses sent the duties unerringly into the great custom-houses. Abolish them or cut down their importance and substitute nothing but tide-waiters and inspectors, remove that public sentiment which is made by the collectors of the smaller customs-districts, and smuggling will spring up everywhere, in every nook, in every corner, upon every little bay, and your revenues will fall off a thousand dollars in New York, Boston, and San Francisco where you save one in the pay of officers.

This system was not devised without some wisdom; it was not devised without considering these things; and the argument is not worth one penny that says you shall only have custom-houses where duties are collected.

I have been looking over the details in my own State of this plan of the Secretary of the Treasury. There is upon my State a seacoast, following the indendations, where vessels can go of 1,500 miles. There is a land border of seven hundred or eight hundred miles besides. It is formed by nature as an invitation and as an incentive to the smuggler. It is the kind of coast that in England or Ireland would harbor in every bay and every cove and every estuary of a river a haunt of smuggling. It stretches on the land, as I have said, hundreds and hundreds of miles, and in the wisdom of the fathers there have been placed along every hundred miles, sometimes less than that, a custom-house, with the responsibilities and duties of a custom-house and with a collector at the head. What is the result? The smuggling that is done there is a trifle. I do not say this on my own authority; go to the Department and find officially not only what they know, but what they suspect, and they will tell you that it is a bagatelle. Smuggling is not fashionable; public sentiment is against it. Why? Because in every one of these collectorships, ranging along from fifty to one hundred miles in space, the head of the office is the first man in his community; he is a man of character; he is a man of standing; he is a man of probity; he is a man who makes public sentiment; he is not simply a tide-waiter; he is not simply a paid official who depends merely upon what he gets as a salary from day to day as a subordinate, but he is a man who is wont to lead his community, and he and his influence make smuggling unfashionable, and it does not grow up.

Now, cut down these custom-houses and put only two or three, or whatever the Secretary may prescribe, all along that coast, and all along the wooded frontier, and you have nothing but deputies and inspectors and the lower kind of officers, and the moral force that is thrown about this service by the men who are at the head of it ceases, and smuggling grows up at every corner, at every place. I have studied the subject. I used to think myself that a consolidation might be beneficial. I am satisfied it would be disastrous.

Does the Secretary save anything? Applying this to this one instance that I am giving, he blots out these custom-houses, he builds up two or three others and adds immensely to their force, and instead of saving any large sum of money the difference between his list and the list as it is now is not $3,000; and I venture to say that if that plan is set on foot and is adopted, in five years from now, where there is a dollar of smuggled goods that now comes into the State of Maine, either on its seaboard or on its frontier in the forest, there will be a hundred. The officers who are sought to be abolished are men who give attention to their duties; they are men who know of the services that are required not only by themselves but by their subordinates, and to-day it is the wonder of the world that, exposed as the United States is on her northern boundary, all along the Pacific, all along the Atlantic and Gulf coast, that the amount of smuggling is so small. The system at present is a good one, not a perfect one, and we shall never get a perfect one, but it is a good one, and there is no sense in rudely assailing it as it is assailed by this proposal.

Mr. SEWELL. Mr. President, following in the line of argument of the Senator from Maine, I merely wish to add an illustration in the case of New Jersey. The proposition is there to cut out four of the oldest collection districts in this country established between the Delaware Bay and the port of New York. These custom-houses were established not for the entries made, not for the importations; but simply to prohibit smuggling and for the purpose of enrolling vessels. At two of these points of prominence, Great Egg Harbor and Little Egg Harbor, you can see at any one time from one hundred to two hundred vessels sailing along the coast. These vessels do not enter there, they do not discharge their cargoes there; but there is a great passageway between the Delaware Bay and New York, between the North and the South; the European vessels coming in strike the light of Absecom near by before entering the ports of the Delaware or New York, and there is an absolute necessity for the protection of our customs interests that there should be custom-houses along this line. The breaking up of those ports of entry would leave an exposed coast for one hundred and seventy-five miles open to the smuggler, as suggested by the Senator from Maine.

I trust the proposition will not be entertained.

Mr. LAPHAM. Mr. President, the legislation in regard to custom-houses and ports of entry which is incorporated in the Revised Statutes is a compilation of acts of Congress adopted from time to time from the origin of the Government down to the period of the revision of the laws; so that nearly every custom-house in the United States was created by a separate act of Congress. We have established a considerable number of ports of entry since the revision of the statutes. Now the proposition is by this provision in an appropriation bill to sweep away this legislation of nearly a century and to put in the place of it the arbitrary exercise or discretionary exercise of power on the part of the President and the Secretary of the Treasury. The proposition, as has been well said, is an amazing one to be incorporated in an appropriation bill.

While I do not feel disposed to differ with the Secretary of the Treasury in the ideas entertained by him that by appropriate legislation some changes may be introduced in this respect to promote economy, I beg entirely to differ with him in the suggestion which induced him to liken this to the case of the collection of the internal revenues.

Custom-houses and ports of entry are not established solely for the purpose of collecting revenues as the districts of internal revenue are. A custom-house, a port of entry, is not established for the mere purpose of collecting revenue any more than a post-office is established on the frontier for the purpose of collecting revenue or a school-house is established in a new country for the purpose of collecting revenue. These customs districts and ports of entry are established for the encouragement of commerce, and for the spread of improvement along our ocean coasts.

Let me illustrate, Mr. President. Since the revision of the laws to which I have referred, and since I have had the honor of a seat on this floor, we have established a port of entry at Newport News in Virginia, on the bay opposite Norfolk, in that State, and what has been the result? I was there in October last, and found there had been erected there by the Chesapeake and Ohio Railway Company, mainly by capital furnished by the city of New York as I was informed, a storehouse into which the railroad cars ran to unload their cargoes and products upon steamers, and to receive from steamers their cargoes to be carried along the line of the road. A large elevator which transfers by steam the products of the country to and from the boats had also been constructed. It is one of the largest, if not the largest, elevator in the United States. So that, in my judgment, the advantages to commerce at this port are not excelled, if they are equaled, at any point upon the entire Atlantic coast. Neither Boston nor New York nor Philadelphia nor Baltimore can furnish such facilities as are furnished there. The expenditure must have reached millions.

Now what did this bill propose? It proposed not only to abolish all these collection districts, to give to the President the authority to reduce them to the number of sixty-nine, but to give to the President also the authority to designate the ports of entry in all such districts. He may say that Newport News shall no longer be a port of entry, and then what would become of this vast investment of capital? Since Newport News was established as a port of entry the post-office at that place which before hardly paid for keeping its doors open has become a Presidential office. It is such rapid development and progress which this legislation facilitates and encourages in the country. It is a narrow, a very narrow and imperfect view to take of this subject of legislation to treat it as a mere matter of collecting revenue. That, it is true, is one of the incidents. These custom-houses, really in the more scattered portions of the country, and where but a small portion of the revenues are collected, are practically, as has been suggested, a part of the detective force of the Government Treasury to prevent smuggling. They are like the secret agents of the Treasury, of which we once had fifty-three in number. In the Forty-fourth Congress the Democratic party struck out the entire list, and it was only by strife that I was enabled to save ten of the number in the House bill which was increased to twenty in the Senate and agreed to in conference committee. I think the number has since been increased by adding eight more.

I would as soon think of leaving a marshal or a sheriff without his posse comitatus as to take away from the Treasury Department these means of protecting the revenues against fraud.

In any aspect in which we can view this subject, Mr. President, it seems to me this legislation as it was proposed in this bill would be unwise, even if it came here on the recommendation of the proper committee of the Senate or of the other House. But to undertake to do this upon an appropriation bill without any facts before us, without anything upon which we can intelligently act in respect to it, it seems to me is a very extraordinary proposition. If the recommendation of the Secretary of the Treasury is worthy of consideration, as I think it is, let it, as has been suggested and as recommended by him, come before us in a bill properly prepared. Let it go to the Committee on Commerce which has the whole subject committed to its consideration under our rules, and when a bill reaches us with the recommendation and report of that committee, we shall have the facts upon which we can judge as to the propriety of what is proposed.

But here is nothing but a mere arbitrary fiat of an appropriations committee wiping out this whole scheme of legislation by the Government, and remitting the entire collection of the customs of the country and the whole policy of the commercial regulations and relations of the country to the arbitrary exercise of discretion by the President and Secretary of the Treasury. I am quite sure that no such proposition can receive the sanction of the Senate.

Mr. BECK. Mr. President, I suppose from the amount of opposition developed to the proposed House provision that anything I may say will not go very far toward retaining it, but I am a good deal astonished at hearing gentlemen all around me say this is a new subject which they have not had time to consider. We have been considering it for more than ten years, and Secretary after Secretary has recommended it. Not only has the consolidation of these districts down to the number needed to transact the public business been recommended, but the expensiveness, the uselessness of great numbers that are kept up has been pointed out, and the system under which all the employés are now paid has been condemned by every Secretary of the Treasury and has been condemned by a vote of the Senate twice, I believe, unanimously, and yet we are told now that we are going to overthrow the whole legislation of the country concerning customs from Congress and create an autocracy in the hands of one man, if we venture to make the consolidation in the mode here proposed. The Secretary of the Treasury has set forth the case in great detail, and taken pains to show how the reduction of districts can be done and how little damage or inconvenience it will be to any interest, how much it will save to the country and how much it will improve the system; and yet because it is assumed that the members of Congress know so much more than the Secretary we are to reject it, and fix each line of each district by statute, when we know nothing about it and some gentlemen say they have not had time to look at the subject at all.

The Secretary has laid this matter before us year after year, and in the volume I hold in my hand he has, so that every Senator and every Representative could see it, taken the pains to make maps of the whole country showing the old districts and designating the new districts. Here is the map for Maine, Massachusetts, Connecticut, and the eastern seaboard [exhibiting], with full explanations of the existing condition, the changes that are proposed, the improvements expected to be made by the change, and so on; then New York, New Jersey, and Virginia, and so on. Here is map after map, and explanations of every one of them. The plan has been considered not only by committees of the two Houses, but has now met the approval of the House of Representatives after full consideration, and that legislation is now sent to us thus recommended and we are told that we are overthrowing long-established precedents if we attempt to interfere with the miserable, wasteful, useless, and corrupt system now existing.

This subject has been before us time and again, till it ought to be familiar to all. Ten years ago this matter was pressed by the then Secretary of the Treasury upon the attention of Congress. I hold in my hand a speech of the Senator from Massachusetts [Mr. DAWES], then chairman of the Ways and Means Committee, to which I referred a while ago, in which he set forth the recommendation of the Secretary of the Treasury and in which he presented urgent reasons why this consolidation should be had and why these changes ought to be made. My recollection is that it passed the House of Representatives then almost as unanimously as it has passed that body now. The Senator from Massachusetts in that speech, and it was a very able one, by the way—I commend it to gentlemen on the other side—delivered on the 12th of February, 1874, over ten years ago, said:

I have here a full list of all the ports—

Referring to the finance report of the Secretary of the Treasury—

in which will be seen those which do not pay their expenses—ports at which a watchman with a salary of a few hundred dollars a year can prevent smuggling, and will meet all the needs of the Government. The expenses drawn from the Treasury to maintain these twenty-nine ports are $344,685. The list in detail is as follows, and I call the special attention of members to it.

And among others—and perhaps that is what excited the ire of the Senator from Maine—are fourteen districts in Maine where the aggregate compensation was $213,822, with one hundred and ninety-four employés, and at one of them, Frenchman's Bay, $24.68 was collected; at Machias, $194.46; at Wiscasset, $54.60; at Bath, $11,527.15, and so on; these were set forth in great detail. None of those paid their expenses, and the recommendation was made ten years ago by the Secretary of the Treasury that the number should be reduced; it has been pressed with more or less earnestness ever since, and recommended by every Secretary.

In the State of Maine, I observe in a speech made in the House of Representatives by a colleague of my own, Mr. THOMPSON, on the 21st of June, 1882, the same tables, only more in detail, were set forth, and in York, Frenchman's Bay, Waldoborough, Machias, Saco, Wiscasset, Belfast, Castine, and Kennebunk, in Maine, there were forty-four officers. Their pay for wages was $26,928, and the cost of public buildings was $137,659.80, and the total collections were $4,217.64.

There is one set forth at Evansville, Ind., by Mr. THOMPSON, where there is not a dollar collected; yet there is a public building there which cost $234,423.89 noted as a building for a custom-house.

Mr. JONES, of Florida. Is it occupied by the post-office?

Mr. BECK. It is stated as having been erected as a custom-house. I do not know whether it is occupied for other purposes or not. I think it was at Evansville where the condition existed as set forth in the speech of the Senator from Massachusetts. Somebody sent him a letter which I said I would refer to; I have it now. I believe it came from Evansville. The Senator from Massachusetts read it to the House and it made an impression on me at the time. It reads as follows:

In 1870 Congress passed a law containing a section making —— and quite a number of cities in the West, ports of entry. They had been ports of delivery for years. A previous act had made other places ports of entry, and all of them were about a dozen. In March, 1871, I was appointed appraiser of merchandise at this port. This was a new office at $3,000 a year. When I received that appointment I told ——— ———, who was my Senator, that it was a sinecure. I afterward told the Secretary of the Treasury to the same effect; and a year ago the present month I informed my other Senator that the law should be repealed and the office abolished. Well, an office-holder who expresses such sentiments about his own position is decidedly unpopular in the Republican party [laughter], and in March last I was removed, for what cause I have never been informed, but I presume the charge was insanity. [Laughter.] There could be no charge of neglect or incompetency, for no officer was ever more faithful and diligent in drawing his salary than I was during those two years, and absolutely there was nothing else to do. [Laughter.]

Seriously, while members of Congress are talking about retrenchment and economy, let them abolish these twelve useless offices and save $40,000 per annum, for their blank books and forms (which are not used) amount to a considerable sum. Will you give this subject your attention?

Truly, your friend.

——— ———.

I remember that was given by the Senator as a specimen case. That was in the speech of the Senator from Massachusetts ten years ago, so that this is not a new question; and the Secretary of the Treasury has renewed the recommendation constantly for ten years asking for the abolition of these useless custom-houses. No man can read the reports of the Secretary of the Treasury and the investigations he has made and the maps he has had drawn and presented, and all the information he has given to Congress, without being entirely satisfied that the House of Representatives would have come short of its duty if it had not taken the step it did and inserted this measure somewhere. I regret that it is on an appropriation bill. I have opposed legislation on appropriation bills as much as any man, and I would not have inserted it in the bill if I had been in the House; but it is here, and being here we have to deal with it. We have nothing to do with and can make no points of order on their methods; the subject is now before us, and the question is, is it right or is it wrong that we should consolidate these districts?

The Secretary has told us, former Secretaries have told us, indeed, they have all told us, that they can prevent smuggling just as well without this machinery of collectors, appraisers, and civil establishments at these ports where they are collecting nothing as they can with them. The ships can be cleared, licensed, and registered, and all the

facilities given to shipping and exporting and importing as easily and as absolutely by deputies who have facilities, without all the machinery of custom-house appliances; and the Senator from Maine must know that smuggling can be prevented just as well with an efficient man at these places as it can by a civil establishment costing $200,000. Men who go into the business of smuggling are not detected at custom-houses. We have 3,000 miles perhaps along the Canadian line between the Atlantic and Pacific Oceans not guarded by custom-houses; we have a line along the Mexican border of perhaps 2,000 miles hardly guarded at all except by the revenue agents of the Government; we have the coast of the Pacific with only two or three ports where there are custom-houses. When men go to smuggling they do not carry brass bands; they do not march up to the custom-houses and advise them of what they are going to do. They seek out-of-the-way places, as far remote from custom-houses as possible where the revenue is collected; they seek the bayous and the inlets. The custom-houses do not aid in any regard in preventing that any more than, indeed, not as much as, other machinery now in use or that can be used would do without all this expensive custom-house machinery. Therefore there is no effort to break down the security of the revenues, no effort to impair the efficiency of the service by reducing the customs districts.

Mr. VANCE. Will the Senator from Kentucky allow me to ask him if the effect of this amendment recommended by the Secretary would be to abolish any point on the coast as a port of entry?

Mr. BECK. No, sir.

Mr. VANCE. So that persons who desire to enter a cargo will have sufficient machinery remaining to do it?

Mr. BECK. The Secretary distinctly says that all the machinery necessary to give every facility exists and that a deputy collector at these points can do all that the present machinery does. He can get along better by getting clear of the intricate machinery now required.

All that he sets forth with great clearness and great distinctness. But the struggle is and has been and always will be to keep in power and position great masses of men who do not come to Congress for their pay, and that is the worst part of it. We are engaged now in almost as great a farce as the post-route bill we used solemnly to pass, of 150 pages, of making a post-route from Brown's Cross-Roads to Ivy Mills. We are now going seriously through a bill of one hundred and odd pages, cutting down the wages of charwomen and clerks here and there, when all the flood-gates are open in the great customs collection districts of the country, drawing from the tax-payers to the amount of six or seven or eight million dollars of permanent appropriations annually that Congress never sees, and about which we know nothing and seem to care less.

I know the importance of time now, and I know that I have taken more of it perhaps than I ought in this regard, but the Senator from Iowa is so terribly afraid of the Secretary of the Treasury doing something enormously wrong with this discretion if we place it in his hands. He knows, and he was one of the gentlemen earnestly in favor of it, I believe, that we gave authority to the Secretary of the Treasury and the President to change the internal collection districts and to reduce them quite as much in proportion as the House now proposes to do in regard to the customs districts, and they did reduce them from one hundred and twenty-six to eighty-four, and they are doing their work as well and as efficiently, as is now admitted, with the eighty-four districts as they did with the one hundred and twenty-six.

Mr. JONES, of Florida. Will the Senator from Kentucky permit me to ask him a question?

Mr. BECK. Yes, sir.

Mr. JONES, of Florida. I desire to know if any considerable increase in the customs districts of this country has been made since 1860 to the present time?

Mr. BECK. I should have to look over the record to see.

Mr. JONES, of Florida. I say there has not been.

Mr. BECK. I am not prepared to say; but at that time and before much of the work of exporting and importing that was done was in small sailing vessels; now the great bulk of our commerce is carried on by great steamship lines. Many offices were established under the old sailing-vessel system, then offices of considerable importance, but now, by the concentration of railroads at the great ports, business being transacted through great iron steamship companies, those small ports have lost their importance and are no longer ports where return cargoes come. The Senator from Florida understands that one of the great reasons why the concentration of commerce is so great at the port of New York is that the return cargoes, the immigrants, and a thousand things that come to a great port that never come to a small one furnish a return cargo to vessels, and that tends to concentrate business at the great port of New York more and more every year.

The difficulty we have with many of the Southern ports is not that we can not send goods abroad as cheaply but because the ships that go from these ports can get nothing to come back with, or so little that they can not afford to carry as cheaply as they can to and from New York. Hence conditions are changing; and when conditions change, then as prudent men we ought to change our legislation to correspond with them, and not keep up places that twenty, thirty, or forty years ago may have been important points, but which are now absolutely unimportant, because they were at one time important.

I was going on to say that if the internal-revenue districts can be changed, why can not the customs districts? The collectors of internal revenue and their subordinates ramify the whole country. Every man who sells a cigar, every man who makes one, every man who retails tobacco, beer, spirits, or wine of any sort, is subject to inspection; the internal-revenue officers are at every man's door, infinitely more so than the customs officers, for the customs officers are confined to the great custom-houses at the ports of entry where the great masses of people never see them; and yet the internal-revenue districts were consolidated from one hundred and twenty-six down to eighty-four, not only with no detriment, but with great advantage to the public service, and Congress was not consulted, because Congress said to the President and Secretary we will pass a law authorizing you to do it; but we are told that Congress knows better how to change a customs district than the Secretary does. With all due respect to the Senator from Iowa, I would say that is almost ridiculous. The Secretary has agents all over the country, ramifying every part of it, reporting to him their condition every day. We could with far more reason profess to know all about the internal-revenue districts than about the customs districts. Our chances to obtain information are far better.

What does any one of us know, what do I know about the customs districts in my State? How can I know, how can any Senator know what the business is at any point unless he goes to the books of the custom-house and ascertains all the ramifications of the business? Much less can any one of us know what is going on in distant States and say this shall be a customs district, and that shall be maintained now because it existed in 1860, especially when the Secretary says, with his knowledge from information on the subject, received from all the collectors of the revenue, that twenty-two or twenty-three districts do not pay a dollar, that thirty-five more do not pay their expenses, and that he can consolidate them and save from half a million to a million and a half. It must be equally clear that Congress ought to pay these officials a salary to take charge of these districts and not allow them to be paid by allowances out of permanent appropriations and fines and penalties and other things that we know nothing about. We ought to retain their compensation in the same condition as all the other civil employés of the Government who are paid by appropriation bills annually submitted to Congress. That done, we will have a system where men who do the work will be properly paid, and men who do nothing but are supernumeraries will be discharged. That is what the House proposition amounts to in regard to this great subject.

I assert again that the power to consolidate the internal-revenue districts operated upon more people, ten to one, and reached the heart of the whole country far more extensively than would the consolidation of the customs districts; and yet that was done, and done without injury, indeed to the great advantage of the country, cutting off numbers of employés and a great number of supernumeraries who were of no value to the service; and this reduction can be made and will be done safely and properly, unless the Senate strikes out the provision which the House has inserted in this bill.

Mr. JONES, of Florida. Mr. President, the argument of the Senator from Kentucky, if there is anything in it, would apply with just as much force to the Post-Office Department as it does to the custom-house system.

Mr. BECK. It does; and we allow the Postmaster-General to put on service on every public road where he desires. That is done.

Mr. JONES, of Florida. The Senator from Kentucky fortunately lives in a State where there is not much need for customs districts, although I presume he has his share of internal-revenue organizations.

The customs districts, let me say to the Senator, never were organized on a self-sustaining principle. I have been in the Senate now for nine years, and I do not remember any increase in those districts. It is possible that their commerce may have fallen off, but those who live on the seaboard and comprehend the wants of their people know very well the necessity for those districts to facilitate commerce between the States wherein they exist and the countries with which we trade. In my State, for example, with an immense seaboard and depending almost entirely upon exports for the support of our people, I do not think there is a single port of entry that ought to be abolished, notwithstanding there are quite a number of places where the income of the office does not meet the expenses required to maintain it. But that is no argument. The people want facilities for sending their goods abroad.

Under this power proposed to be given to the Secretary of the Treasury he can abolish custom-house after custom-house in every State at his discretion without the representatives of the people who are interested in business knowing whether his action is right in the effects or not. I am not going to vote for any such proposition. I say that this is a legislative power and not an executive power. If you propose to reorganize the customs districts of the country, let the Committee on Commerce bring in the bill and designate in it the changes proposed to be made.

All the customs districts now existing have been fixed by law and not by the Executive, and the clause which the committee has stricken out proposes to give to the President, not the power to execute the law, but to change a pre-existing law that Congress enacted designating the boundaries of customs districts and fixing the number of custom-houses in the respective States.

I say Congress has no business to delegate this power to the President. The representatives of the people and the States are deeply concerned in this subject, and I know that the people of my State are as much concerned in having custom-houses and ports of entry there as they are in having post-offices, the medium by which intelligence can be distributed. If you give this power to the President, exercising it upon the representation of local officers, what guarantee have you that it will be wisely executed? Every district is represented in Congress by a person who is presumed to know the wants of his people. It is not entirely a Federal affair; it is an eminently local affair. I think there have been one or two petitions from my State since I have been here asking for a new port of entry with privileges where the people could clear vessels, because otherwise they would have to go to remote ports in order to get a cargo out. Will it be said that because these little offices do not pay all that the Government ought to get from them the people are to be deprived of the advantages of sending out their products to foreign countries and to have to go one hundred or two hundred miles to clear a vessel? My colleague knows the case of Tampa, a little port it is true on the Gulf, but it has a commerce with Cuba. Before we succeeded in establishing a port of clearance there, these people had to go to Key West, two or three hundred miles off, to clear or discharge a vessel, and a large portion of the people are dependent upon the exportation of cattle for support. Because that office does not pay a large sum of money in the way of duties on imports, it is to be abolished or the authority is to be given to the Secretary of the Treasury to abolish it. I think that proposition is wrong. If we were legislating on this subject intelligently, I think Congress ought to exercise this power. It is a legislative power. The organic law says that Congress shall exercise the legislative power, and not the Executive:

The President is hereby authorized and directed to consolidate and reorganize the customs collection districts of the United States on or before the 1st day of October, 1884, so that the same shall not exceed in number sixty-nine.

Is that an executive power?

The President shall fix the boundaries of such reorganized districts and designate ports of entry therein.

He is to designate the ports of entry. What guarantee have you that that power will be exercised wisely? Have not the representatives of the people and of the States wherein there is a single port of entry now established a right to be heard on this subject before Congress before a change is made? They will not be heard if this becomes a law, because it will be done after star-chamber fashion behind the doors of the Treasury. The first thing you will know a half a dozen ports of entry will be abolished and the whole system of commerce in the States revolutionized, and the conveniences that they now enjoy taken away. I am opposed to the proposition.

Mr. MILLER, of California. Mr. President, I have not the slightest idea that this proposition of the House will pass the Senate, and I do not propose to take up the time of the Senate in discussing it; but as it affects that part of the country which I in part represent it is proper that I should say something in opposition to it.

The establishment of a port of entry in any part of this country is the exercise of the power to regulate commerce between the United States and foreign states, and that is one of the enumerated powers belonging exclusively to Congress. Even if in its effects this was not a dangerous power, very far-reaching, under the exercise of which the commerce of cities may be destroyed and the business and commerce of other cities or towns adjacent may be built up, I should still be unwilling that Congress should delegate any one of its enumerated powers under the Constitution to an executive officer. It is wrong in principle and it can not but work wrong in practice. There may be too many customs districts in the United States; I believe there are too many.

Mr. BECK. I suppose the Senator from California does not assume that because collection districts are consolidated ports of entry are abolished. Nobody pretends that we are abolishing ports of entry by this. A collection district may have ten ports of entry in it.

Mr. MILLER, of California. This provision in the bill places it in the power of the President of the United States to abolish a collection district utterly and consolidate it with others, or make entirely new districts, as I understand.

Mr. BECK. A change of the collection districts does not involve a change of the ports of entry.

Mr. MILLER, of California. But the port of entry is established when you establish the collection district.

Mr. BECK. There may be ten different ports of entry in one collection district. There are half a dozen in some of them.

Mr. MILLER, of California. I know of no instance in the United States where there is more than one port of entry in a collection district. Each port of entry with a certain area of country about it is a collection district. That is the law as far as I know the law. I do not know of a single instance where there are two ports of entry in a collection district. The power to abolish or consolidate collection districts necessarily gives the power to abolish ports of entry; at least that is my construction of it.

As I began to say, I think perhaps there may be too many customs districts in the United States, but we are not able to determine that here and now, and it is unsafe and unwise in my opinion to delegate the power to change these collection districts, to abolish some and build up others, to the President of the United States, which in effect is to the Secretary of the Treasury, and he gets his information from special agents.

If you enact this legislation you will have the spectacle of collection districts and ports of entry being changed and abolished and new ones established on the reports of special agents, who are subordinate officers of the Treasury, who are governed and controlled, as we all know, by considerations sometimes personal, sometimes pecuniary, but on the whole a somewhat unreliable body of officers of this Government. They desire to magnify their own office, to exercise power, to punish enemies, to build up friends, and they are the men who are to give the information upon which the Secretary of the Treasury is to make out his schedule of collection districts and report it to the President under this bill.

Congress had better hold this power in its own hands and exercise it here, as it is competent to do, in the interest of the Government and the interest of the people. The Senators and Representatives in Congress are the certificated agents of the people, and are presumed to best know what is for the interest of the Government and the people in respect of these collection districts and these ports of entry; and it is not safe to place the subject in the control of any man, much less in the power of a corps of special agents, to break down the commerce and business and shipping interests of any particular place and build up those of another.

Such a proposition ought never to have come to the Senate in an appropriation bill. Such a proposition ought never to be considered upon an appropriation bill. If we are to consider this question let it come in the shape of a bill from the proper committee, the Committee on Commerce of the Senate. Let them look into it and then give us the opportunity here of debate and to represent what are the interests and the wishes and the desires and the necessities of the people in the different districts of this country.

On the Pacific coast we have a great and growing commerce. We have four collection districts in the State of California. By this plan of the Secretary of the Treasury one of these collection districts is to be abolished, and I know that it ought not to be abolished. It was created by an act of Congress after a full discussion of the subject and a full understanding of it; and it is not a proper thing for the Secretary of the Treasury to abolish that collection district upon his judgment of the matter.

Mr. BECK. The Senator will allow me to suggest to him that I find in section 2568 of the Revised Statutes, in relation to the collection district of New Orleans, after stating what it shall comprise, there are ports of delivery attached to that district, about twenty-five in number, embracing Saint Louis, Mo., Nashville, Tenn., Louisville, Ky., and up as far as Pittsburgh, Pa., and across to Wisconsin, all subject to that port of entry.

Mr. MILLER, of California. Those are ports of delivery.

Mr. BECK. Yes; all ports of delivery, but all subject to that one port of entry.

Mr. MILLER, of California. But they are not ports of entry. The question was how many ports of entry were in a collection district. A port of delivery is not a port of entry. You can not enter or clear vessels at a port of delivery.

Mr. BECK. I think several of these places have been made ports of entry since.

Mr. HALE. There are no cases, or at least very few, where there is more than one port of entry in the same district of collection. There are several instances where there are several ports of delivery in a collection district.

Mr. BECK. May there not be a port of entry where there is no custom-house?

Mr. HALE. Oh, no.

Mr. MILLER, of California. At a port of delivery a vessel may land goods and take in cargo, but duties can not be paid at a port of delivery. Duties are paid at the port of entry.

Mr. DAWES. Mr. President, I think the Senator from Kentucky [Mr. BECK] is under great obligation to me, for I have furnished him with more material upon which to make speeches in the last ten years, I think, than any other friend he has. [Laughter.]

Mr. BECK. I admit that.

Mr. DAWES. If I had known the uses to which they would have been put, perhaps I should not have filled the RECORD with so many as I have made. The Senator has been quoting very liberally from a speech which I made some ten years ago in the other branch upon another subject and referring to a very different measure than this; and the idea that it could have been used to support a proposition like this I think is a discovery for which the Senator is entitled to a great deal of credit, and which I yield to him entirely, and shall set up no claim at all to the idea that the President of the United States is a better law-making power under this Government than the constituted Legislature formed as our fathers made it. I certainly never had any idea that it would contribute even to that which the Senator has so near at heart at this moment, economy of administration, for the representatives of the people to surrender to the Executive not only their constitutional functions

but all the knowledge that they derive from their combined deliberation, coming from different parts of the country and representing different interests and filled with a knowledge of the localities from which they came. The Government of the United States was framed upon the idea that the many knew more than the few, and it runs through all our legislation, and not more in anything else than in this very thing.

The Senator has produced a paper which I read to the other branch ten years ago as an evidence of the condition of things to-day. Nothing can be so great a mistake as the idea that the condition of the commerce of the country, the business of the country, the currents and drifts of trade, foreign and domestic, are now what they were ten years ago. I have no doubt now, I did not have then, that the customs districts of the country should be reorganized, and that some of them should be consolidated; but whether there should be less in the aggregate now than then I quite question. The country is vastly greater than it was ten years ago in all that constitutes its commerce, foreign and domestic. All along its border there are new currents of trade and of business, requiring new facilities and the creation of new custom-houses in places like that indicated by the Senator from New York [Mr. LAPHAM] at Newport News.

Why, sir, it is within the memory of the oldest inhabitant that Yorktown, in Virginia, was supposed to be a port of more promise in the then future than New York, and men settling in New York tried to induce residents of Yorktown, Va., to remove to New York under intimations that the future of New York would be greater than that of Yorktown, and they were answered by the fact that goods were imported at that time into Yorktown and from Yorktown taken to New York. Alexandria was but a few years ago more of a port than Baltimore. Newport News was not thought of when Yorktown was supposed to be the finest harbor in the United States. It is idle to think that you can make this system of customs continue just as it is year after year. There is a current of trade to-day in one direction and another in another next year. That must be reached by legislation, and facilities in one place increased while they may be diminished in another. Who knows best how and when and how much and to what extent this legislation is demanded? For what are the representatives of the people assembled but to bring together the various knowledge and experience and wants of the whole people into the form of law? Who ever thought of surrendering to the Executive the functions of the Legislature?

Why, sir, this very proposition was not under consideration in another place a half hour before the scheme of the Secretary of the Treasury was shown to be in some respects and in particular localities so impracticable that it has come to pass that that which he said could be reduced to sixty-seven custom-houses and ports of entry has come into this bill sixty-nine. In two localities, in the half hour that the bill was passing through, the utter impracticability of the scheme that had been suggested at the other end of the Avenue was demonstrated, and two more were added. It could not have been considered there as long as it is being considered here, with the attention of members from different parts of the country drawn to it, but what there would have been found other inconsistencies and impracticabilities in it, besides those found already, to such an extent that it would have been abandoned or modified more and more than it was in going through some other branch than this.

It is the strangest proposition in the world to say that one man, having no experience and practical knowledge of localities or of the currents of trade and the demands of commerce except such as comes to him at the capital, can determine practically with any wisdom what shall be the entire commercial facilities of the country, and what shall be the most effective guards over the revenue of the country.

But, sir, one feature of this case—I have not heard all this debate—I have not heard alluded to. The President of the United States is to revolutionize the entire commercial facilities of this country before the 1st day of October in this year. He is to say whether Boston shall be the only port of entry in New England, or whether Salem shall be and Boston closed; he is to say whether it shall be New York or it shall be Albany; he is to say in any other locality, and he is to say it under the heat and excitement and temptations of a Presidential canvass. He is to exercise upon the great commercial interests of this country a greater power than was ever reposed in the President of the United States before, and he is to exercise it in those three months of the four years of his administration in which he ought never to be tempted to exercise it. I have as much confidence in the Executive as has any other Senator; I have no doubt that he would endeavor to rise above any such considerations as those I have alluded to, but he could not rise above the invitation; he could not rise above the jar; he could not rise above all the malign influences that would grow out of the suspicion. He never should be put to the temptation. If ever the President of the United States should be clothed with such power as is indicated in this measure, he should not be clothed with it now.

I believe in the propriety and it may be the necessity of the reorganization of the customs districts of the United States. I believe it should be the result of careful and patient investigation in the House of Representatives and in this branch, too; it should be the work of mature legislation. There was no such proposition as this in the recommendation of the Secretary of the Treasury in 1874, to which I called the attention of the House in the speech the Senator from Kentucky has read from. It was a proposition of the Secretary of the Treasury to invite Congress to take up this subject, and take it up, too, with an idea prominently in his mind to which this present proposition is an entire stranger, and the recommendation of it seems to have come from a source that is not that of the other considerations which I should like to read from the Secretary of the Treasury at that time.

I invite the attention of Congress—

Says that Secretary—

to the propriety of reorganizing the customs collection districts on the Atlantic coast—

He proposed to try the reorganization of those upon the Atlantic coast first—

seventy-nine in number.

He then goes on to state why he thinks they can be changed.

At the same time—

He says—

it must be remembered that the effective administration of the revenue system often requires the services of customs officers at points where few or no duties are collected. The judicious disposition of a force for the prevention of smuggling is indispensable to the collection of the revenue from imports, especially where the extent of coast affords opportunities for the clandestine introduction of dutiable merchandise. I would therefore suggest such action as may lead to a reduction of the number of districts, and a consequent reduction of expenses, without affecting the convenience of importers or the safety of the revenue.

This was the legislation which he invoked from Congress. To such legislation I would give my hearty support to-day as I urged it then. But from that day to this, Congress, fresh every two years from the people, conversant in all localities with the needs and necessities and conveniencies and facilities of commerce, has not found it within the line of its duty to close up at once more than half of the customs districts of the United States, and leave the other half to be designated by the President of the United States without the voice of the representatives of the people confirming or rejecting his views, and to do that in the hurry of three months, and those three months when the entire country shall be convulsed with a Presidential campaign.

There could never have been selected a time so inopportune as there never could have been selected a method so out of keeping with the entire theory and practice and needs of our Government as the one which, without warning to the representatives of the people, was crowded into an appropriation bill and hurried through one branch without opportunity enough except for two members to be able to disclose its inconsistencies and incompatibilities so much that, without opposition, to that extent the scheme was modified and reformed, as it ought to have been from beginning to end by the legislators of the people.

The attempt to carry great measures, whether of reform or otherwise, in appropriation bills is the evil of the hour in legislation in these Halls, and if we yield our conviction of that evil when our partiality for measures is so great as that of the Senator from Kentucky at this moment, we say to each other, "Remember whenever you have a conviction of the wisdom of anything special," like that which the Senator has here, "you are at liberty always to forget the principle that underlies appropriation bills, that they shall be freely considered, item by item, uninfluenced by considerations attached to other measures, and other measures should carry themselves through both branches of the law-making power upon their merits, and not be carried through upon the necessities of appropriations from year to year."

Therefore, sir, I regret that the Senator from Kentucky, who has always been for eliminating general legislation from appropriation bills, except that kind of general legislation to which he is most attached, should not see that he gives up all the principle when he says, "I feel at liberty to depart from it so far as those measures that I think are right are concerned; I will only oppose general legislation in appropriation bills so far as it concerns measures that I disapprove of."

Mr. BECK. One word and I am done. I am utterly unable to understand how we are giving up the power of Congress to legislate over this subject by the proposition which has been submitted to us by the House. We had declared by law, as is very well understood, that there should be one hundred and twenty-five or one hundred and thirty custom districts in the United States. We had declared by law that there should be one hundred and twenty-six internal-revenue collection districts in the United States. We caused an investigation to be made into the use for this number of internal-revenue collection districts in the United States, and we said to the President upon this investigation that he ought to cut them down to eighty-four, and he did so cut them down, and there are eighty-four now. He has no right to change to a smaller number nor increase above what we ordered. We regulate that by law, but the details of how it should be done were submitted to the President of the United States.

Now we have, say, one hundred and thirty customs districts in the United States. We called on the Secretary of the Treasury for an exhibit in relation to them, and he reported that twenty of them were paying nothing and that thirty were not paying expenses; that there were altogether too many; and we directed an investigation to be made as to how many could be dispensed with. The Secretary, in obedience to the order of Congress, did make that investigation, and gave

the result of it in his last report. He says to us, "There are fifty or sixty districts that I have no use for and that the country does not require. The number ought to be cut down; they have become useless by the changes of trade." He has furnished to Congress maps of the old districts and the new districts, and how they should be modified and changed, and how sixty-nine can be made ample for all purposes. All that has been laid before Congress by order of Congress; and now the House of Representatives proposes to us, after the investigation has been made and the maps made of the new districts suggested in lieu of the old, to embody in this bill authority to carry out the measure.

Who then is taken by surprise? Report after report has been made in regard to this matter; the maps have been laid on the tables of Senators for six months, showing exactly what is proposed, and all done in accordance with the laws of Congress. Is it assumed that the Congress of the United States will undertake to say that they know more than the Secretary of the Treasury and know more than the officers who are collecting the customs as to how the lines of each district shall be run all over the United States? That must be left to somebody. We left it to the Secretary of the Treasury in regard to districts and he has done the work as ordered. He has done it to the satisfaction of the House, and I think to the satisfaction of the Senate, unless somebody can give a better reason than that we are giving up the power of Congress to one man and making an autocracy. We establish the collection districts at 69 if this law passes. We have them established now at 125, or 130, or whatever is the number by law. We had the internal-revenue districts established at 126. We said that there were too many, and upon investigation cut them down to 84, and the President has executed our order. The House now says something here in regard to the customs districts. We have too many, and the Secretary has furnished us the facts to show that we have.

Twenty-odd districts paying nothing are kept up at great expense with appraisers and collectors and all the machinery of collection. Thirty-odd more do not pay their expenses. It is only keeping up a set of electioneering bummers. If I must speak in the vernacular, that is the meaning of it. They are kept up for party purposes, to become party contributors, with a million dollars thrown away on them, and the officials are made to contribute because they are holding sinecures and give no other consideration for the money they get from the tax-payers, except the weight and means they give to the party in power. I did not want to say that on the floor of the Senate; but that is the truth, and the Secretary virtually admits it in his report. Now, will Democratic Senators tell them to keep their electioneering fund, and tell them to hold on to a million dollars to pay to supernumeraries upon some constitutional nicety that they are afraid somebody is going to have power to change a district?

We are seeking to make these changes for good and sufficient reasons, and those proposed reductions are the result of two years' investigation carefully made and fairly stated by the Secretary of the Treasury. That is all I care to say.

Mr. JONES, of Florida. Mr. President, the Senator from Kentucky does not state, I think, very clearly the power proposed to be given in this provision. It reads:

> And the President shall fix the boundaries of such reorganized districts and designate ports of entry therein, and shall also, from time to time, designate ports in each of such districts at which deputy collectors may be stationed to receive duties and other moneys, &c.

Sir, from the time this Government was founded to the present hour no such power was ever given to a Secretary of the Treasury. The bills introduced at every session, from time to time, asking for the establishment of ports of entry by the legislative power, go to affirm that this is a clear usurpation of the rights of the representatives of the people.

Mr. BECK. Will the Senator allow me to ask him a question?

Mr. JONES, of Florida. Certainly.

Mr. BECK. The same useless formality was gone through with from the foundation of the Government with regard to post-routes. The Senator alluded to that before. At one sweep of the pen we dashed it all out and said: "You may establish the postal service upon any public highway to suit the good of the country." Did we surrender all power in doing that?

Mr. JONES, of Florida. We did not give it to the President.

Mr. BECK. We gave it to the President.

Mr. JONES, of Florida. We never gave it to him.

Mr. BECK. I beg pardon; the Senate gave it to him unanimously.

Mr. JONES, of Florida. It may have gone through, like some other measures that have brought some reflection upon the country, such as the demonetization of silver and things of that kind, not after full discussion. As is suggested to me by the Senator from Georgia [Mr. BROWN], Congress simply established the principle that every road on which the mail was carried was a postal road. That is legislative power. But here, I say, for the first time in the history of the Government, you propose to give to the President of the United States the authority to abolish and to establish, in his discretion, ports of entry. The Constitution declares that all legislative power therein granted shall be vested in a Senate and House of Representatives, and the people in each district known as a customs district are concerned and interested in the subject as to where ports of entry shall be established.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. JONES, of Florida. Certainly.

Mr. GEORGE. Does not the Constitution authorize Congress to establish post-offices and post-roads?

Mr. JONES, of Florida. Most assuredly.

Mr. GEORGE. Has not the President or the Postmaster-General power to establish post-offices, and does not he abolish them if he chooses?

Mr. JONES, of Florida. Congress does it. I have never known the President to do it.

Mr. GEORGE. To establish post-offices?

Mr. JONES, of Florida. No.

Mr. GEORGE. The Senator is mistaken.

Mr. JONES, of Florida. They are established by law, and when you are getting away from that part of the fundamental law you are abdicating your trust.

Mr. GEORGE. Do I understand the Senator to say that every post-office in the United States is established by a direct act of Congress, or is it done by the Department?

Mr. JONES, of Florida. I suppose the mere machinery of the post-office is established by the Post-Office Department under the authority of Congress.

Mr. GEORGE. Has Congress ever established a post-office anywhere? Has it not always been left to the Post-Office Department?

Mr. JONES, of Florida. That does not meet the question. I ask the Senator if Congress has ever before given authority to establish customs districts?

Mr. GEORGE. Does not the Constitution vest in Congress the power to establish post-offices and post-roads? If the argument is worth anything that we are abdicating a power vested in us by the Constitution and granting it to somebody else in reference to the ports of entry, does it not apply just as strongly to post-offices?

Mr. JONES, of Florida. The laws of Congress I think are silent upon that subject. There have been a great many powers exercised by the Departments of this Government for which no authority can be found, and nobody knows it better than the Senator. So far as post-offices and post-roads are concerned they have been established by acts of Congress, and if there has been any departure from that principle lately it has been an unwise innovation.

Mr. GEORGE. Has there been any post-office in the United States established by act of Congress?

Mr. JONES, of Florida. Let the Senator tell the Senate whether there has been or not. It is easier to ask questions than to answer them.

Mr. GEORGE. My answer is that in ninety-nine cases out of a hundred the post-offices are established at the discretion of the Post-Office Department and abolished at its discretion.

Mr. JONES, of Florida. By authority of law.

Mr. GEORGE. By authority of law.

Mr. JONES, of Florida. What argument does the Senator draw from that?

Mr. GEORGE. I infer from that fact that inasmuch as the Constitution gives Congress power to establish post-offices and post-roads, it can give the exercise of that power to the executive department. That has been conceded all along. The same argument, the same reasoning which will sustain that will sustain the proposition in the bill, to give the executive department the power to establish and abolish ports of entry.

Mr. JONES, of Florida. Now I propose to put a question to the Senator. Does he know of an instance where the executive department abolished a post-office after it was established?

Mr. GEORGE. Yes, sir.

Mr. JONES, of Florida. A first-class office?

Mr. GEORGE. It is a very frequent occurrence to abolish post-offices when they have become useless. I have one case in my mind now.

Mr. INGALLS. Will the Senator from Florida pardon me there?

Mr. JONES, of Florida. Certainly.

Mr. INGALLS. Suppose the House of Representatives should send here a bill, or a provision in a bill, declaring that hereafter there should be but sixty-nine post-offices in this country, that would be a parallel case.

Mr. GEORGE. My remarks were addressed simply to the question of power. It has been denied in this debate that Congress can delegate to the executive department the power to establish or abolish ports of entry because it is said that it is a legislative power. I quote the Constitution——

Mr. JONES, of Florida. I have the floor, if the Senator will permit me. I should like to have the Senator designate the act of Congress which gives authority to the President to establish post-offices and post-roads.

Mr. GEORGE. I do not know that I can refer to the special act, but I know that it is the custom everywhere.

Mr. JONES, of Florida. Ah, it is the custom. As I said there has been a custom for nearly everything without authority of law. If the Senator was to hunt up the statute on that subject, I think he would hardly find it. He would find that the Constitution stands there unexecuted, and that we have uniformly exercised the legislative power in establishing post-offices and post-roads. They have made rules in the Department, they have usages, they have gone on and done a great

many things, but I say that so far as the establishment of ports of entry is concerned and changing the collection districts, it has ever been regarded as a legislative power. Hundreds of bills have passed through Congress from time to time affirming the authority of Congress to establish or abolish ports of entry and ports of delivery, and this is the first attempt within my recollection to take this power away from Congress and to vest it in the discretion of the President, and that too on an appropriation bill.

I do not know what is usually contained in the post-office bills that pass Congress from time to time; a great many anomalous provisions get in of one kind or another; but I am speaking of the well-established usage of the Government with respect to collection districts, in which the people are directly interested.

I venture to say that if the proposition had been brought before the House of Representatives to abolish the number of ports of entry and delivery which I have seen marked for decimation and destruction, it would have met with opposition from the Representatives of the people of the States where those ports are located. But under the general authority here given, in which nothing specially is authorized to be done, the Secretary of the Treasury can come in and he can consolidate all the districts of my State into one, establish one port of entry for the entire territory of Florida, and the wishes of the people whose business is concerned will not be consulted.

Mr. GEORGE. Will the Senator allow me now to answer his question about the statute?

The PRESIDENT *pro tempore*. Does the Senator from Florida yield?

Mr. JONES, of Florida. Yes; I want the information.

Mr. GEORGE. In answer to the question about the statute, I will read from section 3829 of the Revised Statutes:

> The Postmaster-General shall establish post-offices at all such places on post-roads established by law as he may deem expedient.

Mr. JONES, of Florida. Very well; that is as far as his power goes.

Mr. HALE. If the Senator from Florida will allow me, I have here the act passed by Congress and approved by the President during the present session with reference to post-roads, in which it is enacted:

> That all public roads and highways, while kept up and maintained as such, are hereby declared to be post-routes.

Heretofore there has been no power on the part of the Post-Office Department to establish a post-office or to put service upon any road until Congress has made it a post-road. Year by year Congress has passed a bill called the post-route bill establishing post-routes. Now, Congress has made all roads in use post-roads. There never had been given to the executive department any power to establish a post-road anywhere.

Mr. GEORGE. I did not assert that.

Mr. HALE. Nor a post-office, excepting upon such a road as had been established by Congress. That has been the law always and is so today.

Mr. GEORGE. Notwithstanding that, the Constitution draws a distinction between post-offices and post-roads. It gives the power to Congress to establish post-offices and post-roads. Although Congress may have uniformly exercised the power to establish post-roads, it also uniformly exercised the power to grant to the Postmaster-General the power of establishing post-offices.

Mr. ALLISON. But I wish the Senator from Mississippi to answer the Senator from Kansas [Mr. INGALLS], who suggests that the situation here is a limitation to the number, sixty-nine. Would the Senator from Mississippi, as a representative from his State, be willing to confide this authority to the executive power, limiting the number so that there could be only a certain number, and that a limited number, throughout the Union? There is no parallel in the suggestion that he makes now with reference to post-offices and post-roads.

Mr. GEORGE. May I answer now?

The PRESIDENT *pro tempore*. Does the Senator from Florida yield?

Mr. JONES, of Florida. Oh, yes, sir.

Mr. GEORGE. The answer to the position taken by the Senator from Kansas and repeated by the Senator from Iowa is a very plain one. We are not discussing, at least I am not, or have not been during this debate, the question of the expediency of the exercise of the power; I am discussing alone the question whether the power exists. It has been denied in debate here. It has been said that this is a reasonable legislative power which Congress can not delegate to the executive department. I have endeavored to show not that it is proper to exercise the power—I have said nothing about that—but that the power of delegation does exist; and I have shown that under the express grant made by the Constitution to Congress to establish post-offices—Congress shall have power "to establish post-offices," is the language of the Constitution—Congress has uniformly granted to the Postmaster-General or the executive department the power to establish and abolish post-offices.

Mr. JONES, of Florida. Not to abolish post-offices. The Senator did not read the statute.

Mr. GEORGE. I have not read it, but I have already got the volume and will turn to it.

Mr. JONES, of Florida. I asked him awhile ago if the statute went so far as to give authority to abolish post-offices. It gave the Postmaster-General authority to establish post-offices for the convenience of the people on such post-routes as might be established by law. That is as far as it has gone. There is a great difference between these two powers. The power to regulate commerce is the power under which every provision of law is made looking to the collection of the revenue and the establishment of customs districts, and it is a very different power from that to which reference has been made relating to post-offices. Take, for instance, the inhibition in the Constitution contained——

Mr. GEORGE. Will the Senator allow me——

Mr. JONES, of Florida. Hold on for a moment. I do not wish to be interrupted just now.

Mr. GEORGE. I merely wanted to furnish the Senator the other information he called for about abolishing post-offices.

Mr. JONES, of Florida. I say there is no analogy between the two powers; that no possible danger can be apprehended from the exercise of the power to which the Senator alluded in regard to post-offices and post-roads, while to give the power claimed in the bill in reference to customs districts to the head of the Treasury Department might result in the sheerest usurpation and danger to the private rights of individuals. The Constitution was carefully drawn on the subject when it came to the regulations of commerce; and what is this but a regulation of commerce? One of the most important regulations of commerce, let me tell the Senator from Mississippi, is that which designates the particular points in the country where vessels may enter and discharge cargo and from which they can obtain clearances. It is this privilege that gives to commerce its vitality and its life. If a President of the United States should be invested with the absolute power of designating the particular ports or places where duties could be collected and clearances made, he would have it in his power to destroy the vital interests of commercial communities.

It may be said that you are not to argue from the existence of a power to the abuse of it; but when it comes to this question I am not willing to give this authority to any one man; I am not willing to leave it to him to say that the business of Pensacola shall be abolished, and that all clearances in that section of country shall be made in the port of Mobile. I am not willing for him to have authority to say that all clearances and entries shall be made at one point in Florida. It never was intended that this authority should be given to one man, especially when you come to read the inhibition contained in clause 6 of section 9 of article 1 of the Constitution, which says:

> No preference shall be given by any regulation of commerce on revenue to the ports of one State over those of another.

Those regulations are to be uniform. This is not a restriction upon the executive power; it is a restriction upon the legislative power. It never was intended that the Executive should have anything to do with designating the boundaries of collection districts or with designating the ports where revenues should be collected or clearances made. The whole practice of the Government from its foundation to the present hour vindicates the truth of what I say.

In reply to the Senator from Kentucky [Mr. BECK] I will say that the establishment of these ports never was made to rest upon the mere question of income from the offices. The convenience of the people concerned in commerce was regarded. Politics did not enter into it, nor party interests; nothing of that kind. It was left with the representatives of the States and of the people, as is shown by the petitions on file in Congress from year to year for the establishment of ports of entry and for obtaining additional facilities for the people to carry on commerce with the world at large. That has always been done through Congress, and Congress alone.

What innovations have taken place in regard to the postal system I am not prepared to say, but I think we have gone far enough in the line of usurpation. I am willing to stand by the wholesome records of the past on this subject. If they want any diminution in the number of districts where revenue is collected or a change made, let them come before Congress and let them designate the changes to be made. Let us understand what ports of entry are going to be abolished, so that those of us who are interested in the subject may be able to do our duty toward our constituents, but do not let us leave it in the discretion of an officer sitting here in Washington, a clerk of the President, to execute the laws, to say where revenues shall be collected, where entries shall be made, where clearances shall be effected in derogation of the usage and the customs of the past.

Mr. GEORGE. Mr. President, I was asked by the Senator from Florida to produce the statute which authorized the Postmaster-General or the executive department of the Government to establish post-offices. I produced that statute. Then the Senator from Florida challenged me to produce a statute which authorized the Post-Office Department to abolish post-offices. I have found that statute also, and for his satisfaction I will read it. Section 3864 of the Revised Statutes reads as follows:

> The Postmaster-General may discontinue any post-office where the safety and security of the postal service and revenues are endangered from any cause whatever, or where the efficiency of the service requires such discontinuance, and he shall promptly certify such discontinuance to the Sixth Auditor.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the Committee on Appropriations striking out from the bill the matter between line 890 and line 940.

Mr. BECK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If I were not paired, I should vote "nay."

Mr. KENNA (when his name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN]. I am paired with the Senator from Illinois [Mr. CULLOM]. If the Senator from Illinois were here, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. The Senator from New York [Mr. MILLER], who would vote "yea" on this amendment, is paired with the Senator from Maryland [Mr. GROOME].

Mr. HARRIS. My colleague [Mr. JACKSON], who was called home yesterday, is paired with the Senator from Nebraska [Mr. MANDERSON].

The result was announced—yeas 41, nays 13; as follows:

YEAS—41.

Allison,	Frye,	Logan,	Ransom,
Bowen,	Garland,	McMillan,	Riddleberger,
Brown,	Hale,	Mahone,	Sawyer,
Call,	Hampton,	Maxey,	Sewell,
Cameron of Pa.,	Harrison,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Hawley,	Mitchell,	Slater,
Conger,	Ingalls,	Morrill,	Van Wyck,
Dawes,	Jonas,	Palmer,	Wilson.
Dolph,	Jones of Florida,	Pike,	
Edmunds,	Jones of Nevada,	Platt,	
Farley,	Lapham,	Pugh,	

NAYS—13.

Bayard,	Coke,	Pendleton,	Williams.
Beck,	Colquitt,	Saulsbury,	
Butler,	George,	Vance,	
Cockrell,	Morgan,	Walker,	

ABSENT—22.

Aldrich,	Gibson,	Jackson,	Plumb,
Anthony,	Gorman,	Kenna,	Sabin,
Blair,	Groome,	Lamar,	Vest,
Camden,	Harris,	McPherson,	Voorhees.
Cullom,	Hill,	Manderson,	
Fair,	Hoar,	Miller of N. Y.,	

So the amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had appointed Mr. WILLIAM H. HATCH, of Missouri, one of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 251) providing for printing the annual Report of the Commissioner of Agriculture for the year 1884, in place of Mr. W. F. ROGERS, of New York, excused.

The message further announced that the House had passed the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1017) relative to the Inspector-General's department of the Army;

A bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, or Nebraska;

A bill (H. R. 5890) to provide for the settlement of accounts of officers of the Army who served during the war of the rebellion;

A bill (H. R. 5670) to authorize a retired-list for privates and noncommissioned officers of the United States Army who have served for a period of thirty years or upward;

A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States; and

A bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 4678) to remove certain disabilities of Henry Newman;

A bill (H. R. 2400) for the relief of Judith Lauter;

A bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick;

A bill (H. R. 4981) granting a pension to Isabella I. Ramsdell;

A bill (H. R. 5458) to remove the disabilities of Robert D. Thorburn, of Virginia;

A bill (H. R. 4411) to provide for the administration of oaths to witnesses in matters pending in either House of Congress;

A bill (H. R. 1340) to establish a bureau of labor;

A bill (H. R. 1076) granting a pension to Miles B. Farlin;

A bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its name and location; and

Joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology.

COUNT OF ELECTORAL VOTES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon, which passed the Senate, was sent to the House of Representatives, and is returned with an amendment in the nature of a substitute. The amendment of the House of Representatives will be printed, and the bill with the amendment will be referred to the Committee on Privileges and Elections.

JUDGE-ADVOCATE-GENERAL'S BUREAU.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes.

Mr. MAXEY. I move that the Senate non-concur in the amendment proposed by the House, and ask for a conference on the disagreeing votes of the two Houses.

Mr. SHERMAN. I think the amendment had better be read. Perhaps it would be concurred in.

Mr. MAXEY. It proposes a complete change of the whole bill. It is a new measure entirely to strike out all after the enacting clause and insert.

Mr. SHERMAN. Then I think it ought to be referred to the Committee on Military Affairs before being sent to a committee of conference.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be read and then it will be open to debate.

The CHIEF CLERK. The amendment of the House of Representatives is to strike out all after the enacting clause of the bill and to insert:

That in view of the absence of all promotion in the corps of judge-advocates of the Army, whenever any officer of said corps shall have served fifteen years' continuous service as major he shall be promoted to the rank of lieutenant-colonel, and when he shall have served thirty years he shall be promoted to the rank of colonel; but such promotion shall not authorize an appointment to fill any vacancy when such appointment would increase the whole number of officers in the corps beyond the number fixed by law.

The PRESIDENT *pro tempore*. The Senator from Texas [Mr. MAXEY] moves that the Senate disagree to the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses thereon.

Mr. MAXEY. I can explain to the Senator from Ohio in one minute why I make that motion. The precise bill which is now reported as an amendment to the Senate bill was before the Committee on Military Affairs of the Senate and was rejected by that committee. The committee reported a bill which was unanimously adopted by the Senate. So I know what the sentiment of the Committee on Military Affairs is. However, if the Senator wishes to have the bill and the amendment of the House referred to the Committee on Military Affairs, I have no objection to the reference.

Mr. SHERMAN. Under the circumstances, if the Committee on Military Affairs have considered it, I have no objection to a committee of conference.

Mr. MAXEY. The Committee on Military Affairs considered precisely the same bill.

Mr. SHERMAN. Of course the proper order of business is to refer a substitute of this kind to the committee from which the bill came.

Mr. MAXEY. The amendment is exactly the wording of a substitute offered in the Senate by the Senator from Louisiana [Mr. GIBSON] which was laid before the Committee on Military Affairs. The bill which we adopted is one which meets the concurrence of the War Department, and unanimously of the Committee on Military Affairs. It was in my charge and was reported by me by direction of the committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Texas that the Senate disagree to the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. LOGAN, Mr. SEWELL, and Mr. MAXEY were appointed.

ABANDONED MILITARY RESERVATIONS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations.

Mr. COCKRELL. There are three amendments added to the bill by the House. I ask that the bill lie on the table until we can have time so consider it.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection. The Chair lays before the Senate bills from the House of Representatives.

HOUSE BILLS REFERRED.

The bill (H. R. 7004) to repeal all laws providing for the pre-emption of public lands and the laws allowing entries for timber-culture was read twice by its title, and referred to the Committee on the Public Lands.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1017) relative to the Inspector-General's Department of the Army;

A bill (H. R. 4696) to authorize the location of a branch home for disabled soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, or Nebraska;

A bill (H. R. 5890) to provide for the settlement of accounts of officers of the Army who served during the war of the rebellion;

A bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward;

A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States; and

A bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

TRANSPORTATION OF DUTIABLE GOODS.

The bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, was read twice by its title.

Mr. MORRILL. That bill is precisely the bill reported by the Committee on Finance unanimously only a few days since. It merely changes the existing law in relation to the transportation of dutiable goods by railway so that they can be transported not only by railway, but partly by water routes. For instance, if goods were taken from New York to the lakes they could still be transported in bond, or from the Gulf across to California. The only change in the existing law is to insert the words "or where the route is bonded for both land and water carriage." As it is thought to be important by the railroads, I ask for the immediate consideration of the bill from the House, which is word for word the Senate bill.

Mr. ALLISON. I shall not object to it if it does not lead to debate.

Mr. MORRILL. If it leads to any discussion I shall not ask for its consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill be now considered.

Mr. ALLISON. I think I shall have to object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. MORRILL. Let the bill lie on the table, and when the appropriation bill is through I shall call it up.

The PRESIDENT *pro tempore*. The bill will lie on the table, if there be no objection.

PETITION.

Mr. MITCHELL presented the petition of Mary F. Potts, of Philadelphia, Pa., praying an extension for her letters patent for a certain improvement on flat-irons; which was referred to the Committee on Patents.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d instant, a report respecting the workings of the underground telegraphic cables laid between the Capitol and Executive Departments; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BILL INTRODUCED.

Mr. MORRILL introduced a bill (S. 2342) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;" which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO SUNDRY CIVIL BILL.

Amendments were submitted by Mr. MILLER of New York, Mr. BAYARD, Mr. GROOME, Mr. ALDRICH, Mr. MILLER of California, Mr. LAPHAM, Mr. SAWYER, Mr. GARLAND, Mr. HAWLEY, Mr. JONAS, and Mr. SEWELL, intended to be proposed by them, respectively, to the sundry civil appropriation bill; which, with the accompanying papers, were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO GENERAL DEFICIENCY BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MAHONE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1727) to grant letter-carriers at free-delivery offices fifteen days' leave in each year;

A bill (H. R. 2346) for the relief of Sarah A. Redmond;

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia;

Joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey; and

Joint resolution (H. Res. 264) to amend a resolution approved August 7, 1882, providing for the publication of report of Public Land Commissioner.

HOUSE BILL REFERRED.

The bill (H. R. 445) to empower the Secretary of War to establish, under certain conditions, a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith, was read twice by its title, and referred to the Committee on Military Affairs.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 940, to insert:

And hereafter it shall be the duty of the Secretary of the Treasury, at the beginning of each regular session of Congress, to submit a report specifying in detail the number and class of officers and employés of every grade and nature in the customs service, with the rate of compensation received by each, together with a statement of all fees and emoluments of every kind and nature at each port of entry and delivery in the United States, and how distributed among the officers and employés of each port, respectively; and also an estimate of the number of officers and employés at each port and the rate of compensation to each that may, in his judgment, be required to properly conduct the business of collecting the revenue at each port, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specifically provided for.

Mr. BECK. I suggest to the chairman of the committee that the amendment, in my judgment, is all right as far as it goes, but I should like to know what the object is in having this report made to us unless we propose to do something with it? It ought to be amended in some way so as to indicate that we are about to abolish the permanent appropriations made for all these things and make appropriations for them in accordance with the recommendations of the Department. If we are not going to do that, it is hardly worth while for the Secretary of the Treasury to tell us year by year what he does unless we propose to do something ourselves.

Mr. HALE. When we get the report we can act upon it.

Mr. BECK. We have the report every year. We have had one for the current year.

Mr. ALLISON. Does the Senator object to the amendment?

Mr. BECK. I have no objection to it so far as it goes, but it is wholly inconclusive unless we do something. The former Secretary of the Treasury, the Senator from Ohio [Mr. SHERMAN], whom I see now before me, urged us to take this thing in our charge and make these appropriations. We did agree to it as far as the Senate was concerned by passing two bills. This information is very valuable if we are going to carry it out, but it ought to be amended in order that Congress may make the appropriations in accordance with it.

Mr. SHERMAN. I believe that this provision is entirely unnecessary. The law itself now provides for annual reports of the very facts stated here, and it is only making an unnecessary expense. Every second year by law the salary of every officer, the amount paid to every employé is published in what is called the Blue Book. The very information called for here is published in the best form possible for public use, and every year in the reports made by the Secretary of the Treasury this information is contained.

It seems to me that the amendment is totally unnecessary and would

tend to complicate matters. I suppose this was intended to be an appendix to the preceding provision which has been stricken from the bill, and I think by common consent it ought to be disagreed to at present. If there is any information called for in this amendment which is not contained in the regular reports, I do not know it. It seems to me that it is only a part of the preceding provision, and therefore it had better be stricken out.

Mr. BECK. There is nothing in the amendment, unless it means that we are hereafter going to take charge of and appropriate for the compensation of all these officers in accordance with the report; because, as was said by the Senator from Ohio, the reports of the Treasurer and other officers give us at least once in two years what they purport to spend, but we have no control whatever over them. If we add to this that Congress shall hereafter act in accordance with it or take it under its charge it would be a very valuable amendment.

Mr. ALLISON. As both the Senator from Ohio and the Senator from Kentucky object to the amendment I shall not insist upon it.

Mr. BECK. I do not object to it, except that it looks to me like an inconclusive effort to assume that we are going to do something when we do not propose to do anything. I am perfectly willing to let it go in.

Mr. INGALLS. Is not the amendment open to a point of order on the ground of being general legislation? If it is I interpose that objection.

The PRESIDING OFFICER (Mr. GARLAND in the chair). In the opinion of the Chair the amendment would be subject to that point. The point of order is sustained.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 959, to increase the appropriation "for salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses," from $2,164,000 to $2,300,000.

The amendment was agreed to.

The next amendment was, to strike out, from line 960 to line 978, the following words:

That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to payment of the tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery or all distilleries which mash twenty-five bushels of grain per day from the operation of the provision of said title relating to the manufacture of spirits, except as to the payment of the tax; and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by the Secretary of the Treasury, in which he may cause to be deposited the product of any number of said distilleries, to be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses.

And in lieu thereof to insert:

And section 3261 of the Revised Statutes is hereby amended so as to read as follows:

"No collector shall approve the bond of any distiller until all the requirements of the law, and all regulations made by the Commissioner of Internal Revenue in relation to distilleries in pursuance thereof, have been complied with; nor shall the collector hereafter approve any bond of a grain distiller the survey of whose distillery shall be for a less capacity then ten bushels of grain per day; nor shall the survey of any grain distillery be made for a less capacity than ten bushels of grain per day; nor shall the per diem capacity of any grain distillery be reduced below ten bushels. Every collector who violates this provision shall forfeit and pay $2,000 and be dismissed from office; and every distiller of grain who, after the 1st day of November, 1884, operates his distillery on a less capacity than ten bushels of grain per day shall be liable to the fines, forfeitures, and imprisonment specified in section 3260 of the Revised Statutes."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VANCE. Mr. President——

Mr. INGALLS. I reserve the point of order on the amendment, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina is entitled to the floor.

Mr. VANCE. Mr. Psesident, I hope the Senate will not concur in that proposition to strike out and insert. In the operations of the small distilleries in this country I think there is more shameless corruption and fraud practiced upon the Government than in any other department of this Government, great as that may be. In the States of Kentucky, West Virginia, Virginia, Tennessee, North and South Carolina, and Georgia there are found a great many small distilleries with a capacity of from three and three and a half bushels to ten bushels of grain per day. In the State of North Carolina there are reported to be 408 grain distilleries, 371 of which are in constant operation, and 1,246 fruit distilleries, making 1,654. Only five have a capacity of mashing more than 10 bushels per day. To each one of these grain distilleries there is assigned a storekeeper and gauger. To every six or eight of the fruit distilleries is assigned a gauger during that period of the year when they are in operation, and in every county there are more or less of what are called warehouses, or storehouses, which also have in attendance upon them what is called a general storekeeper, the pay of whom is from four to five dollars per day.

The product of taxation on this whole number of 1,654 small distilleries in North Carolina is $451,194. The total amount of taxation collected by the Internal Revenue Department in the State of North Carolina amounts to $2,377,116, of which $1,925,922 is derived from tobacco, leaving $451,194 as the product of these small distilleries of grain and fruit.

I will give the Senate in a moment the cost of running these small distilleries and of collecting the revenue from them. For the past year, ending June 30, 1883, the amount collected in the sixth collection district alone, the one in which the greatest number of the small distilleries is to be found, was $456,864.16. The cost of collecting that last year was $190,284.26, or about 40 per cent. Of this $456,864.16, I have not the exact means of determining what portion is attributable to tobacco and what to spirits, for the tobacco product and the spirits product are not separated in the report of the Commissioner of Internal Revenue for the districts as they are for the State; but from my personal knowledge of the manufactories of tobacco which are situated in that district I am quite sure that the amount of money collected from the spirits alone would not pay the cost of its collection.

In the year 1881, the amount collected in that district was $499,455.08, and the cost of collecting it was $268,324, or about 57 per cent., and when the cost of suits in court and of prosecutions and of all the legal proceedings attendant upon the execution of the law is taken into consideration the cost in that district of collecting the tax on both whisky and tobacco was about 90 per cent., as placed by the estimate of the Commissioner of Internal Revenue; and taking out the tobacco proceeds the cost of collecting the spirit tax in that district was far more than the tax itself.

To show you that this system is used not for the purpose of revenue but for the purpose of maintaining an army of office-holders who answer a very convenient and satisfactory purpose about election times, I will read the cost of collecting the internal revenue since 1878 in that district and show what years there was a general election held and what years there was not a general election held, and ask Senators to note the difference.

For the year ending June 30, 1878, the amount collected in the sixth collection district of North Carolina was $252,288.24. The cost of collecting it was $57,541.47, or about 25 per cent. That year there was no election. In 1879 the amount collected was $338,659.93, being an increase of about 30 per cent. on the amount collected, and the cost of collecting was $136,987.05, being an increase of nearly 300 per cent. in the cost of collecting. That was the election year. For the year ending June 30, 1880, the amount collected was $455,457.88, and the cost of collecting was $182,192.70. There was no election that year. For the year ending June 30, 1881, the amount collected was $499,455.08, and the cost of collecting was $268,324, or about 57 per cent., as I have said before. There was an election that year. For the year ending June 30, 1882, the amount collected was $508,174.32, the cost of collecting which was $159,970.36. There was no election that year.

Mr. ALLISON. No election in 1882?

Mr. VANCE. No election for the fiscal year ending June 30, 1882. So in that case there was an increase of only $9,000 in the amount collected, and there was a decrease of $107,000 in the cost of collection as compared with the preceding election year. The amount collected for the fiscal year ending June 30, 1883, was $456,864.16, and the cost of collecting was $190,284.26, as I before said. This covered the election year of 1882, embracing the period of the fall of 1882, when the elections were held.

If anything more were needed to show that this whole machinery was used down there in the State of North Carolina for purely political purposes and as a means of relieving the campaign committees of the expense of hiring men out of their own pockets for the purpose of canvassing, let me further read about the appointment of officers in that same district. In the fiscal year ending June 30, 1880, which period covered no election, the total number of officers reported was three hundred and thirty-nine, of whom thirty-seven were special deputies. For the fiscal year ending June 30, 1881, which period covered the State and national elections, the number of officers was four hundred and twenty-seven, of which number fifty-four were special deputies. For the fiscal year ending June 30, 1882, a period which covered no political election, the number of officers shrank down to three hundred and ten, and the number of special deputies shrank down to nine, although the records show that there had been a steady increase in the number of small distilleries and there ought to have been, if honestly administered, an increase in the officers in proportion.

I have already read the expenses of collecting. In 1878 there were paid to the character of officers called gaugers only $3,937.31; for the year ending June 30, 1879, $2,228.20; for the year ending June 30, 1880, $3,519.09; for the year ending June 30, 1881, $8,306.48, and for the year ending June 30, 1882, $10,897.50. The amount paid to storekeepers in the same period for the year ending June 30, 1878, was $28,922; for the year ending June 30, 1879, $98,757; for the year ending June 30, 1880, $161,412; for the year ending June 30, 1881, $201,395. That covered the year of the Presidential election in 1880. For the year ending June 30, 1882, the amount paid to storekeepers was $115,567. So it goes up or it goes down just as the exigencies of the party may require and the revenue takes care of itself, the object of the Department being to take care of the elections.

Mr. President, I speak advisedly about this, not only from personal observation but from the report of the special committee of the Senate

which in 1882 investigated this whole subject, and the facts were elicited which I have read to the Senate, and which are not denied and can not be denied. It was also ascertained and proven before that committee that the storekeepers who were receiving $3 a day at the small distilleries in order to induce a distiller to set up and run his distillery would agree to divide his pay with him. It only takes about $150 to start one of these small distilleries. A system prevailed of the collector issuing commissions to whatever young men he thought he could influence politically by doing so. He would tell such: "I have not any work for you at present, but I am expecting some distillery to start. Here is your commission; you will be ready and you will receive your $3 a day as soon as some distillery starts." The young man would take his commission and he would stand around waiting for a considerable time until he would get tired, and then he would go to some neighbor and propose to him, "If you will start a distillery now I will give you half my pay, because I would rather be getting a dollar and a half per day than to be getting nothing."

Under this arrangement a distiller could be induced to start one of these small, one-horse distilleries, mashing, as they call it, four bushels of corn a day, which would make about eight gallons a day if they had good luck and the weather was propitious. That eight gallons yielded a tax of 90 cents a gallon, making $7.20. The grain would cost from $3 to $4 to run the still one day, and all the expenses of the distillery put together would not amount to more than a dollar per day besides, so that the storekeeper paid almost one-half of the total expenses of running the distillery; and we have the strange spectacle, the dignified spectacle presented to the world of the Government of the United States being in partnership with a four-bushel distiller and running it on shares. The compensation that the Government received in reward for this sacrifice of its dignity was that both the distiller and the storekeeper became sworn bummers of the Republican party and answerable to all the calls made upon them both in time and money.

Not only was this done, but under the operation of the provision of the Secretary of the Treasury whenever a man had a twelve-bushel distillery operating according to law he would divide it and make three distilleries of four bushels each, and in that way he would get half the salary of $3 per day from three storekeepers instead of one.

Now, sir, that is not a fancy sketch. I never laid much claim to imagination, and I could not have invented anything so ridiculous, so absurd as that. Those facts were sworn to before the committee which was appointed specially to investigate these things. With a guilty copartnership like that, of the sworn officers of the law with the violators of the law, of course there was no end possible to be conceived of the iniquities that would be perpetrated under such a system. Among other things proven before that committee was the acceptance of the idea that if a distiller could make anything more out of his run than the minimum of his registered capacity he was entitled to have that excess tax free. It was generally estimated in that country that two gallons ought to be made from each bushel of grain, and that was the minimum of the law.

If a distiller by successful manipulation, and by all circumstances being favorable, could manage to make three gallons to the bushel the storekeeper did not pretend to tax him for over two gallons. That was his. He took it of course. That was so much clear gain. Whenever the weather and the other circumstances did not tend to the production of a good run, a large turn out, the storekeeper very accommodatingly turned his back and allowed the distiller to mash in as much grain as he could possibly cram into his distillery in order to make that three gallons, or to increase the amount over that which was supposed to be required by law. It was proven before this committee in divers instances that the storekeepers never pretended to weigh or measure their material; but when the material was placed in a box which by law should have been kept locked, and he should have had the key, he left the box open and would go away to the country, or off on a visit somewhere, and the distiller had nothing to do but to help himself. It was testified before us that more than one-half of all the spirits produced at these small distilleries escaped taxation in that way. One distiller, whom I remember in particular, swore that he ran and operated a distillery whose capacity was forty-eight gallons a week; that he made one hundred and two gallons per week in that same distillery, fifty-two of which never paid any tax. The storekeeper did not deny but that it was to be his, and he could make that much over and above the minimum required.

It would be endless to detail the frauds committed in these small distilleries down there in the State of North Carolina, and I presume they are a sample of all of them in the mountain country of the Southern States where they are in operation.

But the most beautiful part of the system, and I suppose the one in which the Senators on the other side will take the liveliest interest, was the political part of it. A tax was levied—I speak advisedly—of 12 per cent. That was the regular tax, to say nothing of special calls that the exigencies of the party required to be made—one-twelfth, or one month's salary; so that if an officer, a deputy collector, or a storekeeper was receiving $100 per month, he gave one month's salary, or $100, every campaign for the purpose of promoting the interests of his party. In one campaign it was estimated that not less than $30,000 was raised for corruption purposes, and when it was undertaken to inquire into where that money had gone after it was raised, the majority of the committee refused to let that veil be withdrawn. That was sacred ground which no profane eyes had any right to behold.

These contributions were levied voluntarily; of course there was no compulsion about it, though several men swore that if they had not paid the money they had no doubt in the world that they would have gone out, and they paid it for fear that they would go out. A number refused to pay and did go out of office, or if their commissions were not taken from them they failed ever afterward to get any work. In addition to that, bargains were sometimes made by the collector beforehand: "I will appoint you to a commission now with the understanding that you are to give one month's service, or $50 or $100, as the case may be, to forward the cause of the party which promotes you."

A system so corrupt it seems to me ought not to be upheld and maintained by any party or any portion of the American people who profess to desire purity in government or in politics. Those men have absolute control of the politics of North Carolina; they hold all the positions; they represent all the public opinion of the Republican party in that country; they send delegates to all the national conventions, and they talk loudest about the freedom of the ballot and the oppression of the Democratic party in the South, and the desire to have pure and free elections, and they assist in nominating all the candidates of the party. Such is the legitimate outgrowth of this system.

But that is not the worst, Mr. President. I am happy to say that such a state of things does not now prevail, but for many, many long, weary years after the war had closed this system had been brought to bear upon the people of North Carolina and the Southern States generally where these small distilleries were. Owing to the oppression, the exaction, the insolence, and the tyranny of the men who exercised the authority of the Government in the collection of this internal revenue numbers of outrages of all kinds have occurred. There was at one time a most unhappy state of affairs down there, all growing out of the fact that the execution of these laws, odious at all times and to all people, was intrusted to men under circumstances which gave rise to so much corruption and misrule. It calls for a wiping out. It is no economy on the part of the Government to maintain the system at such a vast expense, at the cost of worrying and harassing its people, and exciting so much dissatisfaction against the Government of the United States as this whole system has done.

These men are not subjected to the examinations and requirements of the civil-service act. It will be recollected that when that bill was pending in the Senate I proposed by an amendment to it to subject the officers who were to be appointed under the internal-revenue laws to the same scrutiny and the same tests of character and of official fitness as other subordinates of the Government were; and although that amendment was acceptable to the distinguished Senator who was the author of the bill, it was promptly voted down by gentlemen on the other side. So that we have now in the United States a vast brigade, an army of officials who are not subject to any test of the civil service law, but are appointed purely at the pleasure of the collectors, and who look to them for their preferment and for the approbation of their conduct.

I will read to the Senate, taken from the official record, the number of officers that are not confirmed by the Senate and who are not in any way subjected to the official tests of capacity that other officers are in the Departments. In 1882 the Commissioner of Internal Revenue reports that there were 976 deputy collectors. I make no mention of collectors, as they are subject to the confirmation of the Senate. There were 867 gaugers; there were 1,000 storekeepers and gaugers; there were 552 storekeepers; there were 199 clerks, messengers, &c., and 13 inspectors of tobacco, making 3,624 for the year 1882.

In 1883 there were 981 deputy collectors; there were 226 clerks and messengers; there were 852 gaugers; there were 1,130 storekeepers and gaugers; there were 725 storekeepers; there were 35 tobacco inspectors, and 23 surveyors of distilleries, making 3,972 officers of this Government whose fitness can not be inquired into by any person under the authority of the civil-service law of the United States and can not be known to the Senate; and there is an increase of more than three hundred in one year, notwithstanding the fact that a portion of the districts had been abolished and that consolidation had been gradually going on.

Now, sir, the text of the bill as it comes to us from the House proposes to abolish this state of things, and without doing away or dispensing with any of the taxes due from those small distilleries, it proposes to abolish the machinery by which this vast array of men are kept in the pay of the Government to such a disadvantage to its efficiency and purity:

That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to payment of the tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery or all distilleries which mash twenty-five bushels of grain per day from the operation of the provision of said title relating to the manufacture of spirits, except as to the payment of the tax; and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by

the Secretary of the Treasury, in which he may cause to be deposited the product of any number of said distilleries, to be designated by him by his order, &c.

Why should not that be the law? The tax is not released; and it will not do to say that if grain distilleries are permitted to operate on the same small scale as fruit distilleries are frauds will be perpetrated. The whole number of these small distilleries, if run from the 1st of January to the 31st of December without cessation, could not, if they paid no tax whatever, defraud the Government out of more than the cost of maintaining this army of men in the State of North Carolina. To make them a present of their taxation would not equal the amount of fraud that is perpetrated now in the name of the law. There is no reason, I may say, to suppose that there would be any more frauds perpetrated by a man who runs a small grain distillery than by a man who runs a small fruit distillery. They would be under precisely the same supervision and they would pay precisely the same tax, and we should have the satisfaction of knowing that if the gross proceeds did fall somewhat short of the present amount the net proceeds would far exceed it, and the authorizing of the Secretary of the Treasury to designate particular warehouses in which all the productions of a certain number of distilleries should be deposited, to be under the supervision of only one storekeeper instead of as now, having each little warehouse with its own storekeeper—I can not see how that can possibly be objected to by any one with a view to economy.

The motion to strike out is followed by the proposition of the committee to insert what has been read by the Secretary, and which in effect absolutely prohibits the running of any distillery of less than ten gallons. Now, Mr. President, that is one way to cure the evils of which I have spoken, it is true, but it seems to me it is not the right way. I do not know that we have a right, because a man is poor and unable to operate a large distillery, to say that he shall not operate any at all. It seems to me that that would be following up the idea of encouraging the large establishments of the country to the exclusion and the crowding out of the small. We should be following out the idea that capital is entitled to receive the chief protection of the law while the poor are not so entitled. I do not see any reason why a man who because he is not able to run a distillery of the capacity of ten bushels per day should not be permitted to run a distillery of four if he has the means to do so and sees proper to do so; and if he does, I see no reason why he shonld not be permitted to run it under the same terms as his neighbor who runs a fruit distillery.

I feel a great interest in this subject, Mr. President. I liv e in the midst of these evils of which I have complained, and I can assure Senators that if they could see the workings of this internal-revenue system as applicable to the small distilleries scattered throughout a poor mountain country they would agree with me that it is a scandal upon the people of the United States to maintain it any longer, that it is worthless in point of revenue, it is provocative of ill-feeling and of crime and of all manner of disturbance between the officers of the Government and the people, which ought to be avoided, and that they would unite with me in maintaining the bill as it came from the House of Representatives and putting an end to it as far as that does.

Mr. SHERMAN. Mr. President, the two propositions by the Senate Committee on Appropriations and by the House of Representatives, opposing each other, are perhaps as striking an illustration of the evils of this system of legislation as has been exhibited here for several years. Here is an ordinary appropriation for gaugers and storekeepers and for the expenses of collecting the internal revenue. To that the House of Representatives attach a provision which will absolutely destroy all hope or possibility of collecting any tax from whisky distilled from grain in all the mountain States of this country. I will venture to say (and I think the argument of the Senator from North Carolina illustrates it probably as well as any argument I could make) that if this House proposition should be adopted it would be idle to attempt to collect any tax on whisky from grain in all the region from the northern part of Pennsylvania clear through the Alleghany range and in all those places where the small distilleries are now planted. The Senator from North Carolina himself described in his own way the evils of the present system, how difficult it is to collect the tax, even with the aid of storekeepers and with all the enginery provided by law. He says the storekeepers divide their pay with the distillers; they combine together to cheat the Government and convert this machinery of the law into an electioneering process. I do not know anything about that. I have always had a very good idea of the people of North Carolina; but the Senator gives them rather a bad caste in his argument. They combine to cheat the Government of the United States, according to his statement, and divide the fees.

But assuming that the people of North Carolina are in that respect like all other people who are looking after their own interest, let me suppose the case that there should be no storekeeper, no gauger, no representative of the Government of the United States to watch over these distilleries when the distillers, sustained as they are by public opinion in their neighborhood, would have no desire to pay the tax or account for it, how much is it imagined the Government of the United States would receive from such a tax?

There may not be very many distilleries of that kind in North Carolina now, though, if I remember aright, there are a thousand of them; but, let this House provision become the law, and there would be 5,000. If there was no storekeeper in any of the small distilleries, they would, in that whole mountain chain, multiply as rapidly as the lice of Egypt. The result would be that not only would there be no tax collected from this whisky, but it would have its influence also in the great whisky-producing regions of Kentucky and Ohio and Illinois, and practically destroy this important source of revenue.

I have no doubt that evils exist now, and did exist under the old system; but at one time the Treasury Department made a kind of league or alliance with the distillers of New Jersey and North Carolina, by which they agreed to behave themselves and pay the tax. Certain restrictions were removed, under the provisions of law, by the authority of the Treasury Department, and since that time so far as I know the tax has been fairly collected in that region. It is true the cost has been very large in proportion to the income, but that is necessary, because these small distilleries sometimes require as much expense to watch them as large distilleries do. Therefore the expense in these small distilleries is larger in proportion than in the large distilleries; but it is necessary to maintain the watchfulness of the officers over the small distilleries to prevent fraud having its influence on the larger distilleries.

This proposition I therefore would say was a plan to enable the distilleries in North Carolina and that whole region of country to escape the whisky tax, while the Senate committee's proposition is not much better. The Senate committee's proposition is to absolutely prohibit by law all the people of that region of country from converting their surplus grain into a marketable article in the neighborhood and also an article of merchandise to be sent abroad. It undertakes by the power of the law to prohibit the operation of the small distillery that only consumes ten bushels of grain a day making about thirty gallons, or twenty-five bushels a day making about seventy-five gallons of whisky a day. If you accumulated these distilleries you would soon make enough for all the markets of the country and the result would be that we could not collect the tax at all. If we can not collect it with the aid of gaugers and storekeepers and with the watchful machinery of the law how can we do it without any of these agencies?

But on the other hand the Senate committee's proposition is to restrain these people from doing what they have done probably for one hundred and fifty years, manufacturing their own whisky. I do not believe it can be done. I believe this prohibition on the part of the Senate would fall idle, as dead, as useless, and foolish a restriction and prohibition on the power of the people to do what they want to do as any proposition could be. If they are not authorized to do it by law they will do it without law, and then you have to have your gaugers and constables and sheriffs and marshals and your machinery with officers there to prevent them from violating the law. They would start these little distilleries everywhere, which, as the Senator tells us, cost only $150. Then you would have to have an army of office-holders of a different kind, your marshals, &c., to watch and carry out your prohibition.

Both propositions are equally offensive to good policy and good morals, and neither ought to find its way into the statute-book, and especially into an appropriation bill. I reserve the right to object to the proposition of the Senate committee.

To show that what I have stated is true I will read two brief clauses of what the House propose:

That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to payment of the tax.

This strikes down every guard, every protection that is now devised by law to prevent frauds in the manufacture of whisky from grain, and then it goes further—a still more dangerous provision—and authorizes the Secretary at his discretion, either in special cases or by general rule, to authorize distillers making seventy-five gallons a day, or consuming twenty-five bushels of grain—the average is about three gallons to the bushel—to manufacture even seventy-five gallons a day without watchful guards, without any of the machinery of the law. It is idle to discuss that further.

While this opens the door for fraud, the other proposition is an arbitrary assertion of power that I do not think ought to be exercised by the Congress of the United States. Here it is; this is the Senate committee's proposition:

Nor shall the survey of any grain distillery be made for a less capacity than ten bushels of grain per day.

That is, all the multitude of small distillers over the United States, who make but a small quantity of whisky for home consumption, shall be absolutely forbidden from carrying on their business at all, and their property is at once destroyed without compensation, without question; and then it goes further:

Nor shall the per diem capacity of any grain distillery be reduced below ten bushels.

* * * * * * *

And every distiller of grain who, after the 1st day of November, 1884, operates his distillery on a less capacity than ten bushels of grain per day, shall be liable to the fine, forfeitures, and imprisonment specified in section 3260 of the Revised Statutes.

Here is an absolute prohibition. If there is anything the American

people do not like it is to be forbidden to do what is done elsewhere. The statement made by the Senator from North Carolina it seems to me is a proper one: if a Kentucky distiller or an Ohio distiller can manufacture five hundred gallons a day, why should not a distiller in the mountains, where money is less abundant, where the supply of grain is less, be allowed to make his ten gallons? Why discriminate against the poor in favor of the rich?

Mr. BECK. Allow me to make a suggestion to the Senator, in the line of his argument. There is a prohibition now against allowing any under four gallons. That has always been maintained. Why should that be maintained?

Mr. SHERMAN. The reason is, because experience has shown that so small a distillery as that is practically not profitable, and therefore that is a limit which we apply by law generally.

Mr. BECK. But the information we have now is that any distillery making under ten gallons a day is necessarily operated as a fraud.

Mr. SHERMAN. If we had the power of the British Parliament and if we could say that there should be only five distilleries in the United States of America, we could locate them at Cincinnati, Peoria, and the places where whisky is made in quantities; but we have never undertaken to exercise such a power. It would be better in one sense, and we could make all the whisky needed for commerce and for our own use in five or six distilleries and there collect the taxes with more certainty and with probably less expense than any other tax; but the whole sentiment of our people would rebel against such a thing as that. It would be a discrimination in favor of localities.

This proposition of the Committee on Appropriations would benefit Kentucky, Ohio, and Illinois, but it would be wrong to the distillers in all the States (including Pennsylvania) along the mountains. I would not like to stand up here advocating a proposition to benefit my own people and give them a monopoly of the whisky trade. It would not be right, and I would not do it.

The law now is operating pretty well. It is admitted on all hands that the whisky tax is collected with about as much certainty, with about as much security and with less cost than even your customs duties. Although in North Carolina, where it has to be watched very carefully, it costs a good deal, yet taking the whole country together the cost of the collection of the whisky tax is only from 2 to 3 per cent. Why not let the law alone? Why put an amendment to it on an appropriation bill which has to be passed every year? Why put it there for the purpose of disturbing this carefully examined machinery, and transfer from the Committee on Finance these questions, that have been studied over time and time again and solved and passed upon, and turn them over to the Committee on Appropriations in the last days of the session?

If the Senate of the United States could be presumed to be guilty of a supreme act of folly it seems to me this would be the one. I therefore propose to object to the Senate committee's proposition as being legislative, and I hope that the Senate will without much division strike out the House proposition and leave this question to be legislated upon in a proper and orderly manner.

The PRESIDENT *pro tempore*. The Senator from Ohio makes the point of order that the Senate committee's amendment, the affirmative part of it, is general legislation.

Mr. ALLISON. I hope the Senator will reserve the point of order for the present.

Mr. SHERMAN. I will withdraw it for the purpose of enabling the Senator to discuss it.

The PRESIDENT *pro tempore*. The Chair will state as to the point of order that the language of the rule is, that "no amendment shall be received to which this objection applies." The Chair has some doubt as to whether the point can now be raised after the amendment without objection or any point being reserved has been opened for debate.

Mr. SHERMAN. The Senator from Kansas did at the very opening of the matter reserve it. He called my attention to it as he went out.

The PRESIDENT *pro tempore*. Without saying whether following the rule rigidly a point of order made after debate has opened would be in time, as the Chair is inclined to be liberal on a subject of that kind, the point of order for the present will be reserved.

Mr. ALLISON. I will say to the presiding officer that the Senator from Kansas at the beginning of this debate reserved the point of order.

The PRESIDENT *pro tempore*. That relieves the question of the difficulty suggested by the Chair.

Mr. BECK. I agree that something has to be done. While I do not want to vote for the House proposition, which is objectionable in many regards, it is not subject to a point of order. Are we to have no alternative but to reject altogether the House provision and allow the present condition of things to remain, or vote for the House proposition, which is not subject to the point of order? Therefore I will say a few words as to the reason why the committee proposed the change.

Much of what the Senator from North Carolina said is undoubtedly true as to the present condition of affairs. It is about as bad as it can be. But as one of the members of the Committee on Appropriations I thought the proposition of the House was too radical to allow all these small distilleries to run without any guard, if another and a better provision can be had.

The present law prohibits the licensing of any distillery unless it mashes four bushels a day. That is a prohibition just as much as for ten bushels, depending on what is the minimum quantity that should be required to be produced to bring it within the conditions of the public revenue. The distilling of whisky is not like the raising of tobacco. Whisky is not an agricultural product; tobacco is; and yet we do not allow a man who raises his tobacco to sell his crop to any one but a licensed dealer, and we impose a tax of $500 on every licensed tobacco dealer. We prohibit absolutely every man from becoming a licensed dealer in tobacco without paying that.

So to-day the man who raises tobacco is obliged to sell his crop to regular wholesale dealers. That was done because it was said the revenues of the country require us to do that, and if we did not do that the tobacco would be sold to Tom, Dick, and Harry, and the tax would be avoided altogether. Last winter we did allow the tobacco-raiser to sell his crop to the amount of $100 by a hard squeeze after ten or twelve years of struggle to give the little people who live at the head of the hollows an opportunity to swap for sugar the little product of their gardens. Beyond that the man who raises an agricultural product that he has as much right to raise as he has to raise wheat or corn or hay is because of the necessities of the revenue compelled to sell his product only to the wholesale dealer.

Whisky is not of that character. The corn, the rye, the potatoes, the wheat, or anything that is put into whisky can be put into hogs, can be put into cattle, can be put into many other things besides whisky. The limitation is fixed now at four bushels a day as the minimum at which we allow a distillery to run. Experience has shown, as the Senator from North Carolina has very well said, that that minimum of four bushels per day is productive of the grossest frauds; and it is admitted by the Revenue Department and must be known to the common observation of every man in the Senate that every one who distills less than ten bushels a day does not intend to carry on an honest business, and he can not make whisky unless he goes into partnership with the storekeeper or the gauger and makes more than the minimum we tax him for and sells the untaxed product clandestinely, all of which demoralizes trade, breaks down the morals of the community, makes men lawless, and causes loss to the revenue.

Out of the thousand and odd distilleries now running the Commissioner of Internal Revenue in a report made to us the other day, which I hold in my hand, gives the number of distilleries not exceeding ten bushels daily capacity in the following table:

Statement of the number of registered grain distilleries not exceeding twenty-five bushels' capacity in the United States during the year ended April 30, 1884.

States.	Not exceeding 10 bushels capacity daily.	Exceeding 10 and less than 25 bushels capacity daily.	Just 25 bushels capacity daily.
Alabama	2	1	.....
Arkansas	11	10	.....
California	1	.....	.....
Georgia	75	6	.....
Illinois	1	.....	.....
Indiana	1	4	.....
Kansas	1	.....	.....
Kentucky	104	36	3
Maryland	5	6	.....
Missouri	7	11	.....
North Caralina, fourth district	18	.....	.....
North Carolina, fifth district	122	5	.....
North Carolina, sixth district	294	3	.....
Ohio	10	3	.....
Pennsylvania	23	37	.....
South Carolina	22	5	.....
Tennessee	48	.....	.....
Texas	1	4	.....
Virginia	30	14	.....
West Virginia	4	1	.....
Wisconsin	2	.....	.....
Total	782	146	3

It will be seen that there are 104 in my own State, 294 in the sixth district of North Carolina, 122 in the fifth district of North Carolina, 75 in Georgia, 30 in Virginia, and so on, making a total of 782 little distilleries out of an aggregate number running to a thousand and something that mash less than ten bushels a day, and every one of them is running at a loss to the Government, running as a fraudulent distillery, and no man can run such a distillery unless he is doing it in a combination such as the Senator from North Carolina has suggested; and at every one of these places there is a Government officer called a storekeeper, who is paid $3 per day, and a gauger is there, and all the machinery of collection. So it is extremely doubtful, if you can ascertain the facts accurately, which I have been unable to do, whether or not

the Government gets as much money from these distilleries under ten bushels a day as it pays for collecting the tax.

Number of storekeepers and gaugers in commission in the fifth district of North Carolina, April 30, 1884. 104
Number of storekeepers and gaugers under assignment in the fifth district of North Carolina, April 30, 1884..... 54
Number of gaugers in commission in the fifth district of North Carolina, April 30, 1884..... 16
Number of storekeepers and gaugers in commission in the sixth district of North Carolina, April 30, 1884..... 321
Number of storekeepers and gaugers under assignment in the sixth district of North Carolina, April 30, 1884..... 184
Number of gaugers in commission in the sixth district of North Carolina, April 30, 1884..... 52

MEMORANDUM.—The gaugers are only assigned during the fruit season.

On the 16th day of June I sent a note to the Commissioner of Internal Revenue asking for information on this subject, in these words:

The Commissioner of Internal Revenue will please advise the Committee on Appropriations, United States Senate, as to the number of registered grain distilleries in the United States for the fiscal year ending June 30, 1883, giving—

First. The total product, the aggregate collection, and aggregate expenses of all those of capacity of twenty-five bushels and over.

Second. Giving the same facts relative to those from ten to twenty-five bushels.

Third. The same from five to ten bushels.

Fourth. The same under five bushels.

Sixth. The same facts as to fruit distilleries.

Seventh. State the total number of storekeepers, gaugers, and storekeeper-gaugers commissioned during the year, and the largest number assigned to duty and receiving pay at any one time.

That would have told us all about it, but I received a note saying it would take ten days to do it; it could not be done, and the information never was given; so I am unable except by general guess to state what the result would be. I thought I had brought the answer but I picked up the wrong paper. If that information had been given, as could have been done in my judgment in one day or certainly in two or surely long before this time, there would be no trouble in ascertaining all the facts we are now calling for, but it is painfully apparent that these distilleries that are now run under ten bushels per day are paying very little, if anything, more than the expense of running them.

If we can put a limitation of four bushels a day, why not of ten? Why shall we not say in this amendment that no collector shall authorize less than ten bushels just as we now say by the present law he shall not authorize less than four? If you do that you will cut off, as the Commissioner of Internal Revenue shows by the report I hold in my hand, which was given to the committee the other day, seven hundred and eighty-two of these distilleries, with all their machinery, and you will get clear of much of the evil now complained of.

I am one of those who believe that the most legitimate tax that can be collected is the tax on whisky and tobacco; and I have a table prepared by myself, which I am unable to lay my hand on at this minute, showing that fifteen districts in the United States pay $53,000,000 out of the $74,000,000 now collected; and that the total cost in those districts does not exceed 1½ per cent., and in many of them not 1 per cent., while in the sixth district of North Carolina and in the eighth district of Kentucky and in districts in Tennessee and elsewhere the expenses of collection run from 18 to 45 per cent. It is true when you come to aggregate it all together the cost is only about 3½ or 4 per cent., yet it is less than 2 per cent. in fifteen of the large districts, embracing the sixth and seventh Kentucky, the first Illinois, the fifth Iowa, and others whose names I can not now recall, and $54,000,000 out of $74,000,000 is collected at a cost of less than 2 per cent., and in some of the larger districts at less than 1 per cent. The great expense is in the other districts.

Mr. MAXEY. I should like to understand this matter. Suppose that the tax is not imposed on these small distilleries using less than ten bushels to the day, would not this have the effect of inducing fraud by having those distilleries that consume ten, eleven, twelve, thirteen, or fourteen bushels a day report less than ten, and thus evade the tax altogether; would not that lead to fraud on the Treasury?

Mr. BECK. I do not know that I quite comprehend the Senator. Ten bushels a day is the minimum.

Mr. MAXEY. Suppose you make ten bushels a day the minimum. Under that there is no taxation.

Mr. BECK. No; under that there is no distillery allowed.

Mr. MAXEY. I did not understand that before.

Mr. BECK. That is the position our committee took, that the collector shall not license such a distillery, because whenever a man runs less than ten bushels a day, after he pays for his grain and pays for his machinery and the expense of running it, it is apparent that he can make no money.

Mr. MAXEY. I understand the position now.

Mr. BECK. Our position is that unless a man makes ten bushels a day he does not do it for legitimate purposes, and as we are collecting revenue from it and are obliged to protect those who are paying the revenue honestly, we must not allow any more frauds than we can possibly help to come in, and thus have untaxed whisky on the market.

The difference between the grain distiller and the fruit distiller is this: The fruit season only lasts a few weeks. Extra vigilance can be exercised during those few weeks to see how much whisky is made out of the fruit. The men who distill from fruit generally own large orchards and are men of respectability, of position, standing, and property. All these things operate as a guard on the fruit distiller. But when you turn to a little grain distillery of four or five bushels a day and put no guard over it, that can run the whole year around, and such concerns are generally run by men who are not responsible, who have nothing to collect anything from, and then they are turned over to the tender mercies of the revenue department. There is the difficulty we saw, and hence we said the present condition of things is intolerable and we seek to amend it, we seek to improve it. We do not want to strike poor men down, because any man, however poor he may be, who wants to go into that business will at least mash ten bushels a day. If he does not mash that much, he means not to go into the business at all to make money legitimately, but for the purpose of combining with the United States officers to commit fraud. We stopped all the small distilleries for many years, because for many years we required the distiller to pay the storekeeper $4 a day, and no man could run a ten-bushel house and pay the storekeeper $4 a day, and none ran.

That was said to be hard upon the poor people, that a man making a thousand gallons or five thousand gallons a day at Peoria or Louisville or in portions of Indiana could afford to pay $4 a day, but the small distiller could not. Congress listened to that appeal on behalf of the poor man and said very properly it was not well for Government officials to be paid by the men whom they watched, and the small distillers were handicapped by having to pay $4 a day when they only made a small quantity, whereas the large distillers hardly felt it. Therefore, we changed the law and made the Government pay the storekeeper $4 a day. That being done, little distilleries sprang up all over the country to take advantage, just as the Senator from North Carolina has stated, of that condition of things and go into partnership with the officers to commit frauds on the revenue.

That having been developed to the extent it has, I do not think anything remains except to say that a man shall not go into that business at all unless he mashes a sufficient amount to give some reasonable assurance that he is going into the business honestly.

We went as much as anything else upon the report of the Senator from North Carolina, which I wish he had read, and which I believe I will either read or hand to the Reporter with the permission of the Senate to be inserted as part of my remarks. Perhaps I had better do that to save the time of the Senate. It shows the proof, the page, the names of the witnesses verifying every fact that he stated, and quite a number of others. The Senate will say whether I shall read it or not. I believe that I will assume that I have permission to do so. But one part of it is worth reading:

Indeed so obvious—

Says the Senator from North Carolina in his report—

were the advantages to the distiller of obtaining this division with the storekeeper that many who were originally running distilleries of eight, ten, and twelve bushels capacity immediately divided them into smaller ones in order to get more storekeepers. (See testimony of Commissioner Raum, part 1, pages 310, 311.)

Then he tells how the surplus was kept, and he gives the testimony of numerous witnesses with the pages where the testimony can be found, all of which may be useful, and that is the reason why, without adding additional force to what he has said in that regard, I will ask to have this made part of my remarks:

After many years of this vexatious state of half-warfare between the Government and these hardly treated people, an amnesty was proclaimed in 1876 for all offenses against the revenue laws, and the Department undertook to coax men into the business of legal distilling. They were permitted to establish and operate distilleries with capacities as low as seven gallons per day; to divide indefinitely the larger into smaller ones, and storekeepers were assigned to them, agreeable to the distillers, often of their selection. (See part 2, testimony of Riley Talent, pages 239, 240; L. A. Bristol, page 85; W. A. Clontz, page 3.) Under this arrangement great changes took place throughout the State. More than 1,400 licensed distilleries were registered by 1881, at least eight hundred of which were in the sixth district.

The distillers at once became the favorites of the Government, and were treated with the utmost consideration. "Blockading" went out of fashion, and is now comparatively abandoned. But the public dislike to the system continued and continues unabated. The suspicion went abroad that the illicit distillers had simply gone into partnership with the revenue officers; and reflecting men believed that public demoralization was greater even than under the previous régime. How well founded this belief was will be seen by the disclosures made by the testimony herewith submitted.

The number of officers was increased indefinitely. From year to year they grew larger, until in 1881 there were on duty, as shown by the official records, 427, besides those who held commissions, but who were not assigned to duty, amounting to probably half as many more. At no time since 1880 could there have been less than 600 men connected with the service in that single district. The expenses of collection of course kept pace with this increase of officials until 1881, when they reached the sum of $268,324, being over 54 per cent. of the collections, which amounted to 499,455. When to this is added the cost of all legal proceedings paid under another head, the amount of which the committee was not able to obtain, the cost of collection for that year would not be far from 75 per cent. (see Raum's testimony, part 1, page 311). The testimony taken was mostly that of revenue officials themselves, or distillers, and of course was given under duress to some extent of official displeasure of their superiors. Nevertheless enough was obtained to develop an amount of laxity, incompetency, and fraud, sufficient to call for rigid reformation or the entire abolition of the system as applied to small distilleries. A reference to some of the more salient things will furnish an idea of the manner in which the revenue laws are administered there.

It is proved that the practice of storekeepers dividing their pay with distillers prevails to a very great extent. Sometimes this arrangement was made before the distilling was started. It was a very simple transaction indeed. A store-

keeper with a commission in his pocket would have no assignment, and was therefore earning nothing; he would propose to a neighbor that if he would start a distillery and have him assigned as storekeeper he would give him half his pay, either in cash or as board. As it would not take more than from $100 to $200 to start a four-bushel distillery, this was often done. (See testimony of W. G. Bogle, part 1, page 2; J. C. Barkley, pages 16 and 18; M. C. Williams, page 20; A. D. Cowles, pages 11 and 12; Thomas Templeton, pages 32 and 33; A. H. Brooks, pages 131 and 135; Tyre Glenn, page 124; T. K. Bruner, pages 212, 213, and 214; J. T. McIntosh, page 164; A. T. Davidson, page 428; A. C. Avery, page 444. Part 2: W. B. McDowell, pages 5 and 6; J. H. Craig, pages 28 and 32; W. K. Gibbs, page 34; J. M. Howard, pages 41, 42, 43, 44, and 45; P. M. Mull, pages 132, 135, 136, 137, 138, and 145; Terrill Hudson, page 216; N. L. Chapman, page 242; J. A. Pasour, page 280; Rufus Dobson, page 304; C. Pasour, pages 362, 363; H. H. Martin, page 400; R. O. Costner, page 432; A. A. Stroup, pages 390 and 391.)

This may be considered as the foundation of all the other fraudulent practices. When a distillery was in operation the distiller would often demand of the storekeeper part of his pay, and would threaten to suspend business if the demand was refused; for he could suspend at any time without serious inconvenience, and, in fact, often did suspend, in which case the storekeeper's pay ceased also. (See testimony, part 1, of J. T. McIntosh, page 164; T. K. Bruner, pages 213 and 214. Part 2, W. B. McDowell, pages 5 and 6; J. H. Craig, page 28; W. K. Gibbs, page 34; J. H. Howard, page 42; J. A. Pasour, page 280; Rufus Dobson, page 330; W. F. Holland, page 300; H. H. Martin, page 400; P. W. Jenkins, pages 412 and 413.)

Both distiller and storekeeper being thus guilty of violation of law, they were mutually in each other's power, and the door was opened for numberless frauds. Prominent among these were that in many cases the storekeepers and distillers kept no books, or none sufficient; that storekeepers did not weigh or measure the meal or grain used by the distillers, but permitted the latter to help themselves, and to "mash in" falsely by every conceivable method. (See testimony, part 2, of J. A. Pasour, page 279; W. E. Smith, pages 284, 287, 288; J. A. Tritt, pages 290 and 295; Rufus Dobson, pages 301, 302, 303; C. Pasour, pages 363, 365, 366; A. Cloninger, pages 370, 373, 378; J. A. Shrum, pages 382, 383; A. A. Stroup, page 389; H. H. Martin, pages 400 and 403; M. H. Costner, page 406.)

Agent after agent reported their belief of these abuses, and urged that as a remedy the storekeepers should be changed every sixty days. The supervisor of that State did once so order, but after the abolition of those officers the old abuse was returned to and renewed with thrift and vigor. (See evidence, part 1, report of Revenue Agent Tracie, pages 500 to 506, inclusive; testimony of C. L. Cook, part 1, pages 456 and 460.)

Another fraud that inevitably followed this guilty partnership was, that after the minimum quantity of whisky permitted by law from a bushel of grain was drawn off and put in the warehouse for taxation, the surplus beyond the minimum was left to the distiller untax-paid. (See testimony, part 1, report of Revenue Agent Tracie, page 502. Part 2: J. H. Craig, pages 28 and 29; J. A. Pasour, pages 278, 279, and 284; W. E. Smith, page 285; J. A. Tritt, page 291; Rufus Dobson, pages 301, 302; C. Pasour, pages 362, 366; A. Cloninger, pages 371, 372, 380; J. A. Shrum, pages 383, 384; A. A. Stroup, page 389; H. H. Martin, pages 400, 401; and M. H. Costner, pages 406 and 409.)

This minimum was two gallons to the bushel. Under ordinary circumstances, and with honest "mashing in," from two and a half to three gallons was the usual product; but under the dishonest methods of "mashing" the surplus often exceeded the minimum capacity. One distiller swore in particular that at his distillery, the capacity of which was assessed at forty-eight gallons per week, he frequently made one hundred gallons, of which fifty-two paid no tax. (See testimony of W. E. Smith, part 2, page 285.) Another, that at a distillery the capacity of which was seventy gallons per week he made one hundred and thirty gallons, sixty gallons of which paid no tax. (See testimony of J. Pasour, part 2, page 282.) Indeed, so obvious were the advantages to the distiller of obtaining this division with the storekeeper that many who were originally running distilleries of eight, ten, and twelve bushels capacity immediately divided them into smaller ones in order to get more storekeepers. (See testimony of Commissioner Raum, part 1, pages 310, 311.)

This surplus and untaxed spirits was not only sold privately in the neighborhood, but was shipped abroad in large quantities in kegs of less than five gallons, which did not require a stamp. (See testimony of J. H. Craig, part 2, pages 28, 29.) In one county in which there were some forty or fifty registered distilleries, the opinion of intelligent men was that not more than two-thirds of the whisky paid tax, as the following extract from the testimony of J. H. Craig, a man of standing in the county of Gaston, North Carolina, and found in part 2, page 29, shows:

Q. Have you any opinion as to the amount of whisky made in Gaston county that pays no tax?

A. My opinion is there is at least one-third of it. That is my honest opinion.

Q. That pays no tax?

A. Yes, sir.

Q. Is there as much now, in your opinion, as there was when blockading was more common?

A. As much unbranded?

Q. Yes.

A. I think a great deal more.

Q. Than when blockaders were in full swing?

A. Yes, sir.

Q. Is that opinion of yours sustained by other men of judgment there?

A. I have heard different men express themselves that way.

Q. Men who are competent to know?

A. I think so. I have heard of men expressing themselves, who were in it before and then went in according to law, that this is much the best way; they did not have the fear of being pulled about in the old way; "they thought they knew it before, but did not know it right."

Q. The opinion is this: that there is more untaxed-paid whisky made in your county than there was before the introduction of small stills?

A. I have heard men who ought to be cognizant of it say there is a great deal more whisky made, and more sold without any tax, than before they went at it according to law.

So also distillers were frequently permitted to carry the keys of the storekeepers, and any number of them procured possession, by one means or another, of the keys of the storekeepers and had them counterfeited, by which means they had at all times access to the cistern-rooms and warehouses of their distilleries. (See part 2, testimony of Joseph Huffman, page 22; J. H. Craig, pages 27, 30, 31; J. A. Pasour, pages 279, 283; W. E. Smith, page 286; J. A. Tritt, page 292; C. Pasour, page 362; A. Cloninger, page 373; A. Rhyne, page 305; A. A. Stroup, page 389; M. H. Costner, page 406; R. O. Costner, page 432.) That scarcely a distillery in the district was prepared as required by law, thus increasing the opportunity for fraud indefinitely. (See reports, part 1, of revenue agents, James W. Ballard, page 499; T. C. Tracie, pages 500 to 506; J. E. Hetherington, page 533; E. Latham, pages 545, 546, 547; H. B. Burgh, 554, 555, 556.)

We are driven either to permit the present condition of things to remain or to adopt some modification. The point of order may make some of us vote for the House provision as better than the present condition, rather than submit to going on as we are now.

Another evil which the Senator from North Carolina referred to is an intolerable one, the commissioning a large number of men and holding them in the service of the Government when they are not employed and not expected to be employed, and not needed and not pretended to be needed. That we remedy in the Senate amendment by saying they shall not have more than 15 per cent. above those actually needed. Some percentage will be necessary. Why? Because when a distillery is running to its full capacity, making 5,000 gallons a day with a full force, they may reduce it down to 2,000. The distiller may give notice at a moment's warning that he will resume working to his full capacity again, because he gauges his production by what he can sell. Some man may be incompetent, some man may be a drunkard, some storekeeper may be sick, and therefore some margin must be given.

While I thought 10 per cent. would perhaps be enough, the Commissioner thought it should be 15 per cent., and we allowed 15; but in his communication sent to us on the 13th of June the Commissioner shows that he had in the fifth district of North Carolina one hundred and four men in commission and only fifty-four under assignment; that he had in the sixth district of North Carolina three hundred and twenty-one men under commission and only one hundred and eighty-four assigned. What is the meaning of that? He commissions double and in many instances treble the number of men he wants or ever will or can need, and he does this: He will give one man employment for three months, another for two months, a third for three months, a fourth for three months. One hundred and eight dollars a month for three months would be $324 which he pays to these men. It is more than they can make for a year's services in the mountain part of North Carolina and other States, and they are glad to get it, and all are party hacks, and they are made to contribute to the collector for campaign expenses. He has four men in commission where but one is needed, and is dividing up with them four times a year, making four men do one man's work, keeping them in commission when he never intends to have them employed or only a part of the time, and then to have their services for political purposes. This was the condition developed beyond all doubt. It ought not to exist.

There is, as I have said, no more legitimate tax than the tax on whisky and tobacco. The people do not complain of it. They would rather pay tax on their whisky and tobacco than they would on their shoes, stockings, clothes, sugar, and the necessaries of life. But they complain of the way in which this law is administered, that under pretense of collecting the tax in these mountain districts there are hundreds of men kept in commission and paid out of the Treasury of the United States who do nothing for the pay they are receiving, who are aggravating the whole community.

The ten-bushel houses, of which as I said there are according to the Commissioner's own statement 782 out of a total number running of not less than 1,100, require the machinery to be kept up, the mode of collecting bringing the whole internal-revenue system into disrepute and making men clamor for a total abolition of the whole system, to get clear of the tax on whisky and tobacco when it is not the tax they are seeking to get clear of, but the system under which it is collected, and the abuses of that system as now carried on.

Here is an honest effort on the part of the House, and I think a more intelligent one on the part of the Senate committee, to correct these abuses and to show that a system which from distilled spirits produces $74,000,000 a year, every dollar of which goes into the Treasury of the United States—deducting less than 2 per cent. for collection, which would be the amount if these ten-bushel distilleries were all removed—is the best tax that can be imposed on a people. But if we are to pay $190,000 in the sixth district of North Carolina, if we are to pay from fifty to sixty thousand dollars in other districts where there is hardly that much revenue collected, and we know that that is used for corruption purposes, it disgusts the people with the entire system and makes them clamor for the abolition of it all because they feel the abuses without knowing how easily the tax could be collected under a decently fair system.

I suppose if the point of order is made it will be made not in the interest of economy, not in the interest of revenue, not in the interest of good government, but in the interest of the worst set of political bummers that ever were held together under any system. The point may be made and the Chair may be compelled to sustain it, and the system may have to go on, and perhaps it will. But there is one provision in the House clause that can not go out on a point of order, and I hope it will be maintained, and that is this:

Provided, That special warehouses may be established by the Secretary of the Treasury, in which he may cause to be deposited the product of any number of said distilleries, to be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses.

Under the present system the Commissioner has the right to allow ten gallons of whisky to remain in a distillery warehouse and pay a man three or four dollars a day for watching it. That distiller has a right, if the Commissioner of Internal Revenue does not order it away, to have it remain there three years and he will pay four times the amount to a man to sit and watch ten gallons of whisky in a warehouse than the tax on the whisky amounts to, and under the present

law he is compelled if there are fifty barrels remaining in warehouse to allow it to remain there for the whole three years if the distiller sees fit to have it kept there, and he can not help himself.

What is the result of that? I have made that calculation. Unless it is reduced to 2,000 gallons, even the Commissioner can not send it to another warehouse. It may be in a log warehouse, it may be in a place that can be set on fire, if it is burned or destroyed the Government gets no tax; if it is stolen it gets nothing, and there are plenty of places where there will be found water instead of whisky in the barrels in warehouse in the mountain districts. But if a man makes 2,000 gallons or fifty barrels in six months and stops and reports no more, says "I will not make more, but hold that fifty barrels," he must have a storekeeper at three or four dollars a day, as the Commissioner of Internal Revenue sees fit to allow him, to stay in that warehouse until three years expire, when he is obliged to take it out; and what is the result? The total tax upon that fifty barrels of forty gallons to the barrel, making 2,000 gallons, at 90 cents, is $1,800. The leakage for three years is a discount of 15 per cent. The net amount received by the Government would be $1,530. At $4 a day for a man to sit and watch it the Government would pay out $3,650, or $2,120 more than the tax received. Under the present law as it stands the distiller has the right to keep it there, and to have that storekeeper paid $4 a day to sit and watch it for two years and six months after he closes his distillery, assuming that he makes fifty barrels the first six months. The House says that is an outrage, and I say it is an outrage. No law ought to permit it.

When we allow whisky to be taken in bond for export to be carried from place to place over the country and delivered to mechanical and scientific institutions, allow it to be carried from one distillery warehouse to another if the Commissioner of Internal Revenue does not think it is in a safe warehouse, what risk can there be in carrying the product of twenty or thirty or forty small distilleries, watched by forty storekeepers at three or four dollars a day each, to a fire-proof warehouse on some railroad at a county seat convenient for it to be shipped, in a place where it is not liable to be destroyed by fire and the Government tax lost, where a single storekeeper can watch the product of all, instead of keeping forty storekeepers to watch forty little log warehouses? What harm, I ask, can come from that? The House proposes to do that.

Two years ago the Commissioner of Internal Revenue, Mr. Raum, prepared a bill and sent it to the Senate, and the Senate passed it authorizing that to be done, and he accompanied his recommendation with a letter which I hope I can find. I did not expect to debate this matter and I did not bring all the papers I otherwise would have done, but I have that. Commissioner Raum said to Congress, accompanying the bill he sent authorizing these warehouses:

> The establishment and use of special bonded warehouses, as provided for in the second and other sections of the bill, is a feature which I think can properly be looked upon with favor. These warehouses would no doubt be established by men of means and business standing, at important points of trade, where transportation would be easy, and would be constructed as nearly as possible fire-proof. To these warehouses would be sent, by direction of the Commissioner, under section 3272, United States Revised Statutes, the spirits in warehouses which were deemed insecure, and, under the provisions of the present bill the spirits in warehouses where the distilleries had been suspended for a year and upward.

It ought to be for a month or a portion of it.

> To them would also be taken, on the application of the distiller, the spirits produced at small establishments, remote from railroad or other important lines of transportation, to the great advantage of the small manufacturers, who would thus be enabled to insure their goods at low rates, to obtain loans upon their warehouse receipts without difficulty, and to deliver their goods, when sold, to their customers without unnecessary delay in transportation. These warehouses would be under the control of the collectors and in the custody of storekeepers, and in my opinion the interests of the Government, as well as the convenience of the trade, would be promoted by their establishment.
>
> In conclusion I will state that, in my opinion, the provisions of the bill extending the bonded period, allowing leakage, and authorizing the establishment of bonded warehouses, are judicious, and will work beneficially to the Government, the manufacturers, and the trade, and I think that the proposition of an annual warehouse bond is a good one. The proposed reduction of the penal sum of the warehousing bonds may be considered as endangering the interests of the Government. I venture the opinion that if Congress in its wisdom sees fit to adopt this branch of the bill it can be administered so as to protect the interests of the Government.
>
> I have the honor to be, very respectfully,
>
> GREEN B. RAUM, *Commissioner.*

If nothing else is done, that ought to be done. It would pay the Government hundreds of thousands of dollars, and save the payment of hundreds of useless employés who are now, under pretense of watching little log-warehouse distilleries, getting $3 or $4 a day, when one intelligent man at one concentrated warehouse would guard the interest of the honest distiller and the interest of the Government, and, as Mr. Raum says, to the advantage of all.

I do not believe the point of order ought to be raised against the amendment of the Senate committee. I do not believe the House bill as it came to us ought to be adopted, if it can be helped, abolishing all supervision over small distilleries. I do not believe that any distillery of a capacity under ten bushels is open with the intention of being honestly conducted; and I believe particularly that the special warehouses recommended by the House ought to be adopted, as the former Commissioner said, and as I believe the present Commissioner agrees with him, would be for the interest of all concerned.

Mr. ALLISON. I ask leave at this time to offer a resolution in order that it may be printed.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to offer a resolution at this time. The Chair hears no objection to its being received. It will be read.

The Chief Clerk read as follows:

> *Ordered*, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motions shall be determined without debate.

Mr. BECK. I object to the consideration of that now.

Mr. ALLISON. I do not propose to consider it now. I merely offer it. I will say to the Senator from Kentucky that it has been usual, I believe, at the close of every session to have such an order.

Mr. BECK. We have the sundry-civil bill yet to consider, and no man can tell what is in it or what may be offered to it.

Mr. ALLISON. The order does not apply to this bill unless the Senate adopt it. There is no order now by which we can have a five-minute debate on any amendment, as I understand. This is merely to authorize a five-minute rule on an amendment or on a whole bill.

The PRESIDENT *pro tempore*. The resolution has been received.

Mr. HARRIS. Is the resolution intended to apply to the consideration of this bill?

Mr. ALLISON. It does not apply to it now. If the Senator from Kentucky will examine this resolution he will see that there is no harm in it.

The PRESIDENT *pro tempore*. The resolution will be printed and go over.

The Chair understood the Senator from Ohio [Mr. SHERMAN] to say that the Senator from Kansas [Mr. INGALLS] had raised a point of order when the pending amendment was read.

Mr. ALLISON. The Senator from Kansas did raise the point of order at that time; and I desire to say one thing with reference to this point of order. Of course I do not know what the rule ought to be, but merely desire to make a suggestion to the Chair.

The House of Representatives sent to us a provision relating to the regulation of small distilleries. The Senate Committee on Appropriations believe that that is an unwise provision, aside from the question of legislation on appropriation bills, and therefore they have inserted in lieu of that provision another which they believe will be more effectual to accomplish any just object that ought to be accomplished with reference to this question. That is all I desire to say on that point. Ours is an amendment to a House amendment, and if it is to be ruled that no amendment to a House amendment can be presented here, then of course we are in a box, compelled to assent to whatever the House sends to us or to reject it absolutely. We have no power of revision or amendment over the House provision.

I merely call the attention of the Senate to this situation without expressing any opinion as to what the just rule ought to be.

Mr. PLATT. It is hardly an amendment to a House amendment. It is an amendment to the bill which the House sends to us. I suppose that is what the Senator meant to say.

Mr. ALLISON. Yes, sir.

Mr. PLATT. I find that in the appropriation bills which have come over from the House, there is quite a considerable amount of general legislation, and I think we ought to strike it out in almost all instances, not only in this bill, but in other bills which have come to us. I do not wish the Senate to put itself in the position of trying to ingraft any legislation upon a general appropriation bill. I believe it better that we should strike out what comes to us from the House. I do not know anything about the point of order; but if the point of order lies upon this, I hope it will be insisted upon.

Mr. ALLISON. I beg to be indulged in saying a very few words, as I should like to get a vote on this amendment this evening. I desire to say a word in response to the Senator from Ohio [Mr. SHERMAN], who is not in his seat at this moment, in regard to the amendment proposed by the Senate Committee on Appropriations and the public policy of that amendment.

The Senator from Ohio says that it is not wise for us to prohibit in any way any legitimate business or occupation in this country. That as a general rule, perhaps, is a sound one; but we have done that thing over and over again. Many years ago, you will remember, we passed a law taxing State banks 10 per cent. on their circulation. What was that but prohibition? And on this very question of distilled spirits, in 1868, when the principal tax law in regard thereto was passed, there was a practical prohibition of all small distilleries. Prior to the passage of the law of 1868 we had a tax of $2 a gallon upon distilled spirits and a revenue from that source of $14,000,000 per annum. Every one knew that there was fraud without limitation in the distillation of whisky and in the management of that tax. So the law of 1868 undertook to put around the whisky business such restrictions and limitations as would enable this Government to realize a large revenue from distilled spirits, while the tax was reduced from $2 to 50 cents a gallon, and other indirect taxes were imposed, making it amount to 60 cents on the gallon, and a tax was placed on every still of $2 a day, whether that distillery ran or did not run, and every distillery that did run was

bound to have a storekeeper by the side of that distillery, who was authorized to be paid either $4 or $5 per day. That was paid out of the Treasury of the United States in the first instance, but the distiller himself was bound to reimburse the Government of the United States for the cost of that storekeeper.

So, then, although there was no direct prohibition in the law of 1868, as amended in 1869 there was a complete and absolute prohibition against all small distilleries, and by gradual changes in the law these restrictions and limitations were uncovered from time to time. The distillers who were compelled to pay storekeepers were relieved from that payment in 1872, so that the Government of the United States paid directly out of the Treasury all the cost of storekeepers; but there has never been a time, and I want to call the attention of the Senator from North Carolina to this fact, since 1868 and since the great frauds were perpetrated upon the Government with reference to distilled spirits that any committee of either House of Congress was willing to leave a distillery, whether small or great, without the presence of a storekeeper, whose duty it should be to guard and protect the Government at that distillery, and see from day to day and from hour to hour what the distiller was doing. That has been the uniform rule.

Mr. VANCE. Do not the fruit distillers distill now without a storekeeper standing by to see what they are doing?

Mr. ALLISON. Undoubtedly they do; and the very law of 1868 which I described a moment ago exempted distillers of fruit brandy, whether made from apples, peaches, or grapes, from the operation of that law. Why was that done? It was done because everybody knew that the distillation of fruit must be in the very nature of things a temporary matter. For instance, if a man distills brandy from peaches, how long can he distill in any neighborhood brandy from peaches? It can not be done, in the nature of things, beyond two or three weeks. So of apples; so of grapes. The season regulates that; and during the season of distillation for grapes or peaches of course there is a surveillance over these distilleries, and then they go out of existence until the fruit crop comes in again. Am I right in that? The Senator has such distilleries in his State.

Mr. VANCE. It seems to me the shorter time the distiller would have to run the greater would be his exertion to commit all the fraud he could while he was running.

Mr. ALLISON. Very likely.

Mr. VANCE. I can not see why he should not commit as much fraud *pro tanto* while he was running two or three months distilling fruit as while running all the year round distilling grain.

Mr. ALLISON. Of course the Senator from his standpoint may think that *pro tanto* there is as much fraud, and I am sorry to say that the Commissioner of Internal Revenue rather agrees with him in the statement that there is a great deal of fraud in the distillation of brandy from fruit, although the season is necessarily short.

Mr. VANCE. The Senator, I hope, will do me and the distillers of brandy and the Commissioner of Internal Revenue the justice to say that there is not near the complaint of the fruit-brandy distillers that there is of the grain distillers.

Mr. ALLISON. That is true, of course. That is true everywhere, in the nature of things. The distillation of brandy from fruits must be in a degree an open distillation. You can not conceal the transportation of these heavy products from the orchard to the distillery, and, as I said before, the season is brief.

I have some sympathy with the Senator from North Carolina in his hostility to the internal-revenue laws as applied to distilled spirits. I would regret exceedingly to be compelled to stand upon this floor and admit for my constituents what the Senator from North Carolina admits in reference to his constituents, and I regret to say that nearly all the troubles we have had with regard to these small distilleries came from North Carolina. Why, Mr. President, it is a notorious fact that in the sixth district of North Carolina there have been from the very beginning of this law frauds without number and almost without limit. Men have been murdered by the fifties in attempting to enforce the law in the fifth and sixth districts of North Carolina, and I have before me the report of the Senator from North Carolina, made by himself less than two years ago, in which he discloses a most melancholy and disgraceful tale in reference to the distillers in North Carolina, and they are not small in number. There are to-day in the sixth district of North Carolina alone, I believe, over six hundred distillers who distill from grain and distill less than ten bushels per day to the distillery. I want to ask the Senator why it is that in the mountains of North Carolina, where corn naturally can not grow as it must grow upon the plains of Iowa and of Indiana and the other States of this Union, it has become so immensely profitable for men to plant ten-bushel or four-bushel or six-bushel distilleries? It is, in the very nature of things, a fraud upon the revenue, and it is known to be a fraud upon the revenue. While I admit that there may be officers there who are implicated in the fraud, it is none the less a fraud on the part of the people of those districts who are in connivance with the officers of the Government by which they defraud the tax-payers of this country of their lawful revenue.

Mr. President, as is stated in this very report, these men in North Carolina to-day are distilling by a compromise with the Government, and the very terms of the compromise—and I am sorry the Senator from Ohio is not here—were in one sense a fraud on the distillers of the whole country outside of North Carolina. It is a well-known fact that grain distillers can distill from each bushel of grain three gallons of whisky; and yet for the purpose of compromising with these moonshiners in North Carolina the Commissioner of Internal Revenue authorized surveys to be made whereby the distilleries in North Carolina should be confined to two gallons per bushel, and that is the rule in that State, I am told, to this day; and the Senator from North Carolina says that although the surveys authorized two gallons per bushel these men actually manufactured three gallons per bushel. And yet the Senator from North Carolina in his State proposes to throw open the doors and throw down the bars and let these people in North Carolina manufacture distilled spirits to the utmost extent without any surveillance whatever, as provided in the thirty-fifth title of our United States laws. If we could confine that clause to those two districts I do not know whether I should not be willing to get rid of North Carolina once and for all in that regard.

But while we are doing this we are opening a trap-way whereby $74,000,000 of taxes, which last year were collected from distilled spirits, will be gradually melted away in the fraudulent distilleries that will not only then exist in North Carolina but in every State of this Union, because if a man without restriction and limitation of the law can establish a distillery in North Carolina of ten bushels per day at a cost of $150, I do not believe the people of the other States of the Union are so virtuous that they will not imitate the bad example.

Then, instead of having this particular wrong which is so depicted and described by the Senator from North Carolina, in those two districts alone, we should have this fraud and wrong spread over the entire Union; and instead of collecting the $74,000,000 which we now collect from distilled spirits and pay into the Treasury, we should have it gradually wasted away until we found ourselves in the condition we were in in 1868, when with a nominal tax of $2 a gallon we only collected $14,000,000 per annum. That is the thing that the Senator from North Carolina and this House provision invite us to. If the Senate are disposed thus to open the door to fraud, not only in the fifth and sixth districts of North Carolina, but throughout the United States, then they will keep the provision sent to us by the House of Representatives where it is.

Mr. President, I do not care to occupy time with reference to the amendment. I only state what will be the result of the adoption of the House provision, and in this I may say that the committee concurs, so far as I know, without a dissenting voice, and for that reason I antagonize it with a proposition stringent in its nature with reference to the small distilleries.

Mr. VANCE. Mr. President, the Senator from Iowa says he would be very sorry to say of his people what I have said of mine. I am responsible to the people whom I represent for what I have said. In my report made to the Senate two years ago I spoke advisedly. I spoke advisedly to-day; and I had reference to that portion of our people only who were capable of being corrupted by the officials of the Republican party representing the Government of the United States. I am sorry and ashamed to say that there are any there at all who could thus be corrupted, but it is so, sir. The frauds to which I adverted in my report, and to which I alluded to-day, were perpetrated by the corrupting influences and teachings of the agents of the party of the Senator. Those corrupt agents are the ones that we desire to get rid of.

It is not the tax that we object to, as was well and truthfully said by the Senator from Kentucky. We care nothing about the tax. A reasonable tax on whisky and tobacco is a proper and legitimate one. I know of no subject of taxation more proper than those. But it is the system that we object to. It is the corrupt and corrupting horde of office-holders, who are maintained upon us like the Egyptian locusts, of the Republican party to the injury of our people. It is not for the purpose of opening the door to any further frauds that we desire this relief; it is for the purpose of closing the door against the power and the administration of those frauds by the agents of the Government which the party of the Senator sends down upon us. That is what we object to, sir; for if there was any man desirous of committing fraud in North Carolina or anywhere else he could find no safer means of indulging in that propensity than by taking into partnership such men as represent the Government in the State of North Carolina.

Those men, I wish the Senator to understand, as I have no doubt he does, constitute the leaders of his party in my State. They are the men with whom he associates when he meets in national convention. They are the men to whom he looks for advice and counsel when seeking how to carry the elections in my part of the country. They are "hail fellows, well met," and I am sorry that he does not take more pains to defend them than he has done here to-day. I am sure that if I employed a set of fraudulent office-holders to stand by my party as those do by his, I should have the manliness to say some word of justification in their behalf, and would not absolutely surrender them to the tender mercies of the enemy when the pinch comes, as he has done. I would not accept their iniquity and deny them, as he does.

Mr. MORRILL. There is no doubt about that.

Mr. VANCE. Sir, this matter cannot be plainer. The true secret is that gentlemen on that side do not want to spare their political allies in the coming election. That is where the shoe pinches. So long as

they can be made useful as political bummers to override the sentiment of the decent people of North Carolina, so long do I expect to see them maintained in full power and authority; and report after report, by committee after committee, might be made to the Senate piling up the grievances of their practices mountain high, and it would have no effect.

As I said before, we have no desire to escape the taxes except in the event that we can escape this army of officers in no other way. Then we desire to burn the whole barn for the sake of getting rid of the rats. That is the position that the people of North Carolina occupy in relation to it.

Now, the House of Representatives has sent to us a bill providing a means of getting rid, not of all, but of the greater number of the useless portion of these corrupt men. When I say that, I want to speak within limits. They are not all corrupt, though great portions of them are politically. I say the House of Representatives has sent us this provision, showing us the way by which we can get rid of these men without doing any damage to the Treasury of the United States. I think that all persons who are sincerely desirous of reforming the service of the country and wiping out any scandalous corruptions that exist ought to take the provision that came to us from the House or give us something better.

To crush out all small distilleries, as I said in my first remarks, I do not think would be right or just toward men who are not able to run larger distilleries. It would be one way, it is true, but I do not think it is the proper and honest way to face a great political evil like this; but the way is to shut the door in the face of these officers who thus abuse the powers of the Government, and cut off the source of corruption in that manner.

Why it is that a man should be treated as a scoundrel necessarily who undertakes to distill grain I never could understand. There are no other people in this Government who are required to be watched by a Government spy all the time in all their transactions in order to collect the taxes from them. The men who distill fruit are not so required to be watched. They are treated as though they could be trusted, and pay their taxes as other honest men, and the amount that they owe may be rendered upon oath, as all other men who pay taxes to the Government do, I believe, without exception. But whenever a man undertakes to distill grain he is henceforth treated as a scoundrel, and another scoundrel is paid to sit down and watch him. That is the way the whole thing runs in the State of North Carolina and everywhere else that these small distilleries prevail.

As to the amount of fraud perpetrated down there I claim that in the aggregate it is very small. In the number of instances it may be great, but more fraud can be perpetrated and has been perpetrated in one great distillery in the Northwest at one single venture than has been perpetrated in all the time since the United States imposed the internal-revenue law upon the Southern country by the small distillers in that country. They do things on a big scale in that part of the country. In the South it is different. I take occasion to say that even those of our people there who combined with the officers of the Government are no worse than the people are anywhere else. They are no better and no worse. I have no other apology or explanation to make with regard to the charges that I made in my report against those who combined with the Government officers in North Carolina.

We want some redress, sir. We must have some redress from the iniquities and the disturbances and the outrages that are perpetrated upon the people in my State and in various portions of the mountain country of the South. The Government of the United States does not need this little revenue.

I have every reason to believe, and I do believe, and I so assert, that if men are treated as though they were to be trusted they will prove more worthy of that confidence than if they are surrounded by paid spies and informers all the time. I believe that if they were treated as though they were honest men they would show, all of them, more of honest respect for the Government than they do under this espionage. I believe that there would be no more frauds perpetrated by the small grain distillers of the South and of the mountainous regions of this country than there is now perpetrated, or has been perpetrated, by the fruit distillers; and the Senator acknowledged that there was very little complaint of any fraud committed by the fruit distillers in this country. There is no reason why there should be. There is no reason or logic in the assertion that one occupation is not quite as reputable as the other. There is no reason in morals or in logic why the distiller of grain, rye or wheat, as the case may be, should be more dishonest than one who distills apples, peaches, or grapes; and the fact that the season is not so long for the distillation does not touch the general principle asserted. It only seems to me, as I interpolated into the remarks of the Senator, that if a dishonest man intended to perpetrate fraud and only had a short season in which to do it, he would hasten all the more his action in respect to that fraud.

Now, sir, the Senate can and will do as it pleases about this matter. I have had a great interest for many years in trying to redress the grievances of my people. I have been trying to wipe out this scandal upon our political system which grows out of the system of internal-revenue taxation in my part of the country. I have tried to do it earnestly, and I want to see the record made up. I want to see those who are in favor of doing something for that to say so; and I want to see those who are in favor of continuing that army of officers upon the people of this country for the production of little or no revenue, but for political purposes only, who are retained and paid out of the Treasury—I want to see them say so upon the record; and then if there is no redress to be granted, the people of my part of the country will know who is to blame for it.

Mr. BROWN. Mr. President, I should like to make some remarks on this question. We came here, however, at 11 o'clock this morning; the weather is excessively hot; it is now 6 o'clock. I should prefer, as my remarks may be of some little length, not to make them this evening, and I ask the chairman of the committee whether he is willing to agree to an adjournment?

Mr. ALLISON. I will consent to an adjournment now.

Mr. BROWN. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 25, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. A. F. STEELE, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

FRENCH AND AMERICAN CLAIMS COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In answer to resolution of the House of Representatives of the 7th instant, making an inquiry regarding the expenditure of moneys appropriated by Congress to meet the expenses of the French and American Claims Commission, I transmit herewith a report of the Secretary of State upon the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, June* 24, 1884.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. CLEMENTS to withdraw from the files of the House papers accompanying H. R. 3977, for the relief of A. McLaughlin, there being no adverse report.

TESTIMONY BEFORE COMMITTEE ON RIVERS AND HARBORS.

By unanimous consent, the Committee on Rivers and Harbors was granted leave to have printed certain testimony of Captain Eads and others taken before said committee.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. BEACH to print additional remarks upon the sundry civil appropriation bill, relating to the appropriation for the improvement and protection of the Yellowstone National Park [See Appendix.]

EIGHT-HOUR LAW, ETC.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That Saturday, June 28, or so much thereof as may be necessary, be set apart for the consideration of the bill (H. R. 6541) relative to the eight-hour law, and the bill (H. R. 995) relative to convict labor.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SINGLETON. I object unless it is made subject to previous orders.

Mr. HOLMAN. I move that the morning hour be dispensed with.

The SPEAKER. Does the gentleman from Indiana demand the regular order?

Mr. HOLMAN. I do not.

Mr. LOVERING. I hope the gentleman from Mississippi will withdraw his objection, as this asks for but a day or a part of a day.

Mr. SINGLETON. I will withdraw the objection.

There being no further objection, the resolution was agreed to.

Mr. LOVERING moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move to dispense with the morning hour.

The SPEAKER. This requires a two-thirds vote.

The question was taken; and the Speaker decided that by the sound the ayes seemed to prevail.

Mr. MORRILL. I demand a division.

The House divided.

Before the announcement of the result,

Mr. MORRILL. I withdraw the demand for a division.

So (no further count being demanded) the motion to dispense with the morning hour was agreed to—two-thirds voting in favor thereof.

Mr. COOK. I rise to a question of the highest privilege.

The SPEAKER. The gentleman will state it.

Mr. COOK. I desire to call up the contested-election case of Chalmers *vs.* Manning.

Mr. BROWNE, of Indiana. I hope my friend from Iowa will yield to me for a moment to ask unanimous consent to offer a resolution for reference.

Mr. COOK. I will yield for that purpose.

The SPEAKER. Several gentlemen have matters they desire to refer to committees, and if the gentleman from Iowa yields the Chair will recognize gentlemen for the presentation of such matters.

Mr. COOK. I will withdraw the demand temporarily.

JACOB PINDLE.

Mr. BROWNE, of Indiana. I ask unanimous consent to submit a resolution for reference to the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to Jacob Pindle $50 per month for service rendered in the bath-room of the House from the commencement and during the present session of Congress.

The resolution was referred to the Committee on Accounts.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, of Missouri. I desire to offer a joint resolution for reference to the Committee on Printing.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Joint resolution (H. Res. 276) providing for the printing of 50,000 copies of the first annual report of the bureau of animal industry.

Be it enacted, &c., That there be printed 50,000 copies of the first annual report of the bureau of animal industry of the Department of Agriculture; of which 10,000 shall be for the use of members of the Senate, 35,000 for the use of members of the House of Representatives, and 5,000 for the use of the Commissioner of Agriculture. The illustrations to be executed under the supervision of the Public Printer in accordance with the direction of Joint Committee on Printing; the work to be subject to the approval of the Commissioner of Agriculture.

The joint resolution was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ADDITIONAL LABORERS UNDER THE DOORKEEPER.

Mr. ERMENTROUT. I desire to submit a resolution for reference.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to employ four additional laborers during the recess, namely, from the adjournment of this session to the 1st of December, to be paid out of the contingent fund of the House at the rate of $720 per annum while employed.

The resolution was referred to the Committee on Accounts.

NATIONAL BANK OF HILLSBOROUGH, OHIO.

Mr. HART, by unanimous consent, introduced a bill (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BEACH. I offer the resolution which I send to the desk for reference to the Committee on Rules.

The Clerk read as follows:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of bills and resolutions which shall have been previously reported by committees of the House and such reports printed, and Senate bills and resolutions on the Speaker's table which, or substantially similar measures, shall have received favorable action of appropriate House committees, in the following manner, to wit:

The Speaker shall call the committees in their order, whereupon, by direction of committees so called, not more than one measure may be called up for final consideration, which measure may or may not belong to the committee making the direction, as the case may be. If not more than five members object, such consideration shall proceed, provided that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees or explanations in lieu thereof, this hour not to interfere with revenue or appropriation bills.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. Does the gentleman from Indiana object to the reference of the resolution.

Mr. HOLMAN. I do. I do not think the time has yet come for the adoption of the Pound rule.

Mr. COX, of New York. Let the resolution be referred.

The SPEAKER. The gentleman from Indiana objects, and calls for the regular order.

COMPILATION OF INTERNAL-REVENUE LEGISLATION.

Mr. SCALES, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Ways and Means:

Resolved, That the Committee on Ways and Means take into consideration the propriety of procuring and printing a compilation of internal-revenue legislation from the foundation of the Government under the Constitution to the present time, including a sketch of the debates leading to the passage of the several acts.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BROWN, Mr. SAWYER, and Mr. HAWLEY as conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the joint resolution (H. Res. 251) providing for the printing of the annual report of the Commissioner of Agriculture for the year 1884, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. GORMAN, and Mr. CONGER as the conferees on the part of the Senate.

REPORT OF COMMISSIONER OF AGRICULTURE.

The SPEAKER. The Chair appoints as one of the managers on the part of the House of the conference between the two Houses on the joint resolution (H. Res. 251) providing for the printing of the annual report of the Commissioner of Agriculture for the year 1884, Mr. HATCH, of Missouri, in place of Mr. ROGERS, of New York, who is absent from the city.

DUTIES ON IMPORTS, ETC.

Mr. HEWITT, of New York, from the Committee on Ways and Means, reported a bill (H. R. 7429) to modify existing laws relating to duties on imports and the collection of revenue; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

BRANCH HOME FOR DISABLED SOLDIERS.

Mr. LAIRD. I call for the regular order.

Mr. BINGHAM. I ask unanimous consent to present a report.

The SPEAKER. The regular order is called for, which is the unfinished business coming over from last evening, on which the previous question was ordered. The Clerk will report the title of the bill:

The Clerk read as follows:

A bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska.

The SPEAKER. The question is upon the passage of the bill. The previous question was ordered by the House.

The bill was passed.

Mr. LAIRD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HORSE-RAILWAY ON ROCK ISLAND.

The SPEAKER. The Clerk will report the title of the next bill coming over from last evening as unfinished business.

The Clerk read as follows:

A bill (H. R. 445) to empower the Secretary of War to establish under certain conditions a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith.

The SPEAKER. The question is upon the passage of this bill, upon which the previous question has been ordered by the House.

Mr. HOLMAN. I ask for the reading of the bill.

The bill was read.

Mr. BLAND. I understand that this bill——

The SPEAKER. The question is not debatable.

Mr. PRICE. I move to reconsider the vote by which the previous question was ordered on the passage of the bill.

Mr. BLAND. I hope that may be done. I do not see why the Government should go to the expense of building a horse-railway for a private corporation.

The SPEAKER. The gentleman from Wisconsin [Mr. PRICE] moves to reconsider the vote by which the previous question was ordered on the passage of the bill.

The question being taken, there were—ayes 73, noes 58.

Tellers were ordered, 40 members voting therefor—more than one-fifth of a quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Wisconsin, Mr. PRICE, and the gentleman from Illinois, Mr. NEECE.

The House again divided; and the tellers reported—ayes 49, noes 102.

So (further count not being called for) the motion to reconsider was not agreed to.

The SPEAKER. The question is, Shall the bill pass?

The bill was passed.

The SPEAKER. The Clerk will report the amendment proposed to the title of the bill.

The Clerk read as follows:

Amend the title so as to read:

"A bill to empower the Secretary of War to permit the establishment under certain conditions of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith."

The amendment to the title was agreed to.

Mr. ROSECRANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON MILITARY AFFAIRS.

Mr. ROSECRANS. I ask unanimous consent to have corrected a mistake made by my clerk in preparing the resolution which was adopted yesterday.

The SPEAKER. The gentleman from California asks unanimous consent to offer for present consideration the resolution which he sends to the desk, stating that there was a mistake in the preparation of the resolution offered yesterday.

The Clerk read as follows:

Resolved, That the House shall take a recess this evening at 5 o'clock to reassemble at 8 o'clock, for the sole purpose of considering bills from the Committee on Military Affairs and Senate bills on the Speaker's table the subject-matter of which has been considered in the Committee on Military Affairs.

Mr. HEWITT, of Alabama. I must object to that order being made at this late hour of the session.

ORDER OF BUSINESS.

Mr. COOK. I now call up for consideration the contested-election case of Chalmers *vs.* Manning.

Mr. MILLS. I raise the question of consideration.

The SPEAKER. The Clerk will report the resolution reported by the committee.

The Clerk read as follows:

Resolved, That James R. Chalmers was duly elected as a Representative in the Forty-eighth Congress from the second district of Mississippi, and is entitled to be sworn in as a member of this House.

Mr. LEWIS. I raise the question of consideration against this case, in behalf of bills reported from the Committee on the Public Lands to forfeit land grants to railroads.

The SPEAKER. The question of consideration stands alone; it is not necessary to raise it in behalf of any particular proposition.

Mr. DAVIS, of Missouri. I ask unanimous consent to make a statement.

Mr. MILLER, of Pennsylvania. I object.

The SPEAKER. The question is, Will the House now proceed to the consideration of the contested-election case of Chalmers *vs.* Manning from the State of Mississippi?

Mr. MILLER, of Pennsylvania. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 112, nays 107, not voting 104; as follows:

YEAS—112.

Adams, G. E.	George,	Lovering,	Smalls,
Aiken,	Greenleaf,	McCoid,	Spooner,
Anderson,	Guenther,	McCormick,	Stevens,
Arnot,	Hanback,	Millard,	Stewart, J. W.
Atkinson,	Hancock,	Miller, S. H.	Stone,
Beach,	Hart,	Mutchler,	Strait,
Bingham,	Hatch, H. H.	Neece,	Struble,
Bisbee,	Henderson, D. B.	Nelson,	Taylor, E. B.
Bowen,	Henderson, T. J.	Nutting,	Taylor, J. D.
Boyle,	Hepburn,	O'Ferrall,	Throckmorton,
Brainerd,	Hewitt, A. S.	O'Hara,	Tillman,
Browne, T. M.	Hiscock,	O'Neill, Charles	Turner, H. G.
Brown, W. W.	Hitt,	Parker,	Valentine,
Brumm,	Hoblitzell,	Payson,	Wadsworth,
Cannon,	Holmes,	Peters,	Wait,
Cook,	Holton,	Poland,	Wakefield,
Cox, S. S.	Horr,	Potter,	Wallace,
Cutcheon,	Houk,	Price,	Washburn,
Dargan,	Howey,	Ranney,	Weaver,
Davis, G. R.	Jeffords,	Ray, G. W.	White, Milo
Dingley,	Johnson,	Reed,	Whiting,
Dunham,	Jones, B. W.	Rice,	Wilson, James
Elliott,	Kean,	Riggs,	Wilson, W. L.
Ellwood,	Keifer,	Rockwell,	Winans, John
Everhart,	Kelley,	Rowell,	Wolford,
Ferrell,	Laird,	Ryan,	Woodward,
Foran,	Lawrence,	Seymour,	Worthington,
Funston,	Libbey,	Skinner, C. R.	York.

NAYS—107.

Alexander,	Dowd,	Jones, J. T.	Scales,
Barksdale,	Dunn,	Jordan,	Shaw,
Belmont,	Eldredge,	Kleiner,	Shelley,
Bennett,	Ellis,	Lanham,	Singleton,
Blanchard,	English,	Lewis,	Stewart, Charles
Bland,	Ermentrout,	Lowry,	Stockslager,
Blount,	Fiedler,	McAdoo,	Storm,
Breckinridge,	Findlay,	McMillin,	Sumner, D. H.
Buchanan,	Follett,	Maybury,	Talbott,
Cabell,	Forney,	Miller, J. F.	Taylor, J. M.
Caldwell,	Geddes,	Mills,	Thompson,
Campbell, Felix	Glascock,	Mitchell,	Townshend,
Candler,	Halsell,	Moulton,	Tucker,
Carleton,	Hammond,	Muldrow,	Tully,
Clay,	Hardeman,	Oates,	Van Alstyne,
Clements,	Hardy,	O'Neill, J. J.	Vance,
Cobb,	Hatch, W. H.	Patton,	Van Eaton,
Connolly,	Hemphill,	Pierce,	Ward,
Cosgrove,	Henley,	Peel,	Warner, Richard
Covington,	Herbert,	Post,	Wellborn,
Crisp,	Hewitt, G. W.	Pryor,	Williams,
Curtin,	Holman,	Pusey,	Willis,
Davis, L. H.	Hopkins,	Rankin,	Winans, E. B.
Deuster,	Houseman,	Reese,	Wise, G. D.
Dibble,	Hunt,	Robertson,	Wood,
Dibrell,	Jones, J. H.	Rogers, J. H.	Yaple.
Dorsheimer,	Jones, J. K.	Rosecrans,	

NOT VOTING—104.

Adams, J. J.	Culberson, D. B.	Ketcham,	Randall,
Bagley,	Culbertson, W. W.	King,	Ray, Ossian
Ballentine,	Cullen,	Lacey,	Reagan,
Barbour,	Davidson,	Lamb,	Robinson, J. S.
Barr,	Davis, R. T.	Le Fevre,	Robinson, W. E.
Bayne,	Dockery,	Long,	Rogers, W. F.
Belford,	Duncan,	Lore,	Russell,
Blackburn,	Eaton,	Lyman,	Seney,
Boutelle,	Evans, I. N.	McComas,	Skinner, T. G.
Breitung,	Evins, J. H.	Matson,	Slocum,
Brewer, F. B.	Finerty,	Milliken,	Smith,
Brewer, J. H.	Fyan,	Money,	Snyder,
Broadhead,	Garrison,	Morgan,	Spriggs,
Buckner,	Gibson,	Morrill,	Springer,
Budd,	Goff,	Morrison,	Steele,
Burleigh,	Graves,	Morse,	Stephenson,
Burnes,	Green,	Muller,	Sumner, C. A.
Calkins,	Harmer,	Murphy,	Thomas,
Campbell, J. M.	Haynes,	Murray,	Turner, Oscar
Campbell, J. E.	Hill,	Nicholls,	Warner, A. J.
Cassidy,	Hooper,	Ochiltree,	Weller,
Chace,	Hurd,	Paige,	Wemple,
Clardy,	Hutchins,	Payne,	White, J. D.
Collins,	James,	Perkins,	Wilkins,
Converse,	Kasson,	Pettibone,	Wise, J. S.
Cox, W. R.	Kellogg,	Phelps,	Young.

So the House determined to proceed to the consideration of the election case.

The following were announced as paired on all questions until further notice:

Mr. LORE with Mr. RAY, of New Hampshire.

Mr. COX, of North Carolina, with Mr. BAYNE.

Mr. BLACKBURN with Mr. RUSSELL.

The following were announced as paired on all political questions until further notice:

Mr. SNYDER with Mr. BARR.

Mr. HILL with Mr. HOLTON.

Mr. MORSE with Mr. DAVIS, of Illinois.

Mr. REAGAN with Mr. OCHILTREE.

Mr. EVINS, of South Carolina, with Mr. LACEY.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. KELLOGG.

Mr. GREEN with Mr. THOMAS.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio.

Mr. ROGERS, of New York, with Mr. HOOPER.

Mr. PAIGE with Mr. BOUTELLE.

Mr. DUNCAN with Mr. SMITH.

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. CONVERSE with Mr. CAMPBELL, of Pennsylvania.

Mr. MATSON with Mr. LIBBEY.

Mr. CLARDY with Mr. J. S. WISE.

Mr. NICHOLLS with Mr. CHACE.

Mr. MORGAN with Mr. CULLEN.

Mr. YOUNG with Mr. PAYNE.

Mr. HUTCHINS with Mr. CALKINS.

The following were also announced as paired:

Mr. GARRISON with Mr. EVANS, of Pennsylvania, on this vote.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. WARNER, of Ohio, with Mr. KETCHAM, until June 30.

Mr. LAMB with Mr. LONG, until June 28.

Mr. GRAVES with Mr. MORRILL, until June 26.

Mr. ADAMS, of New York, with Mr. BREITUNG, until June 25.

Mr. CAMPBELL, of Ohio, with Mr. PETTIBONE, until June 27.

Mr. SKINNER, of North Carolina, with Mr. PERKINS, until June 27.

Mr. WILKINS with Mr. KASSON, until June 27.

Mr. TURNER, of Kentucky. I desire to record my vote, and ask unanimous consent for that purpose.

The SPEAKER. The Chair can not entertain a request for unanimous consent unless the gentleman states that he was in his seat when the roll was called and did not hear his name.

The result of the vote was then announced as above stated.

MISSISSIPPI ELECTION CONTEST—CHALMERS VS. MANNING.

The SPEAKER. The House having determined to proceed with the consideration of the contested-election case from the second district of Mississippi, the gentleman from Iowa [Mr. COOK] is entitled to the floor. Does the gentleman desire to have the report read?

Mr. COOK. No, sir; I do not.

Mr. COSGROVE. I think the report had better be read.

Mr. ROGERS, of Arkansas. Has not a member the right to call for the reading of the report?

The SPEAKER. Any gentleman has the right to have the report read in his own time, if he so desires; but otherwise the reading of the report can not be called for as a matter of right.

The resolution reported by the majority of the Committee on Elections was read, as follows:

Resolved, That James R. Chalmers was duly elected as a Representative in the Forty-eighth Congress from the second district of Mississippi, and is entitled to be sworn in as a member of this House.

Mr. COOK. Mr. Speaker, before proceeding to a statement of the facts in this case, I wish to say that the report made to the House has been delayed because, when the committee decided the matter, the work of making the report was assigned to the gentleman from Ohio

[Mr. CONVERSE]. Some time afterward he announced his inability to make the report, owing to indisposition. I was then charged with the duty of making the report. I prepared it hastily in accordance with the conclusions of fact as arrived at by a majority of the sub-committee (of which I was a member) by which the case was heard. I stated at the time I presented the report that there would be gentlemen on the one side of the House who would think the report stated the facts too strongly to the prejudice of Mr. Chalmers, while on the other side there would be gentlemen who would claim that I had not stated them strong enough; but that the main issue would be upon the question of law presented in the report as to the eligibility of Mr. Chalmers.

All the Republican members of the committee, six in number, have presented their views, in which they strongly antagonize the conclusions of fact presented in the report of the majority.

There is one thing in the report which in justice to myself, to the committee, and to Mr. Chalmers I feel called upon to refer to in the outset. As I said before, the report was prepared by me in haste. It is unusually short. I designed simply to present the conclusions of the majority of the committee without any effort to state the evidence. My attention having been called to one portion of the report since it has been in print—and every gentleman will readily recognize that a matter when coldly viewed in print sometimes looks different from what it did when considered hastily in manuscript—I find that on the second page of the report one word is there by inadvertence. Where the words are "a large part of the evidence is calculated to show," the word "calculated" should have been "intended." It was not my purpose to present any view of the committee upon the matter stated in that paragraph, but simply to state that a large portion of the evidence in the case was intended to show a certain thing. It appears clearly, however, in the report that I simply refer to the matter to show that it was immaterial in the case.

Mr. RANNEY. "Intended" by whom—by the parties giving the evidence or the party introducing it?

Mr. COOK. I meant to say that it was intended by the party who introduced it—the contestee.

Now, Mr. Speaker, the fact is there is in the evidence a great deal that is wholly immaterial to the question, to which this House must limit itself under its duty of judging of the election of Mr. Chalmers, because it will be observed from the report that the matter of the election of Mr. Manning is entirely disregarded. No one can seriously claim under the testimony that Mr. Manning has any claim whatever to the seat upon the merits of the case. Mr. Chalmers received a majority of over 1,100 in the district. The facts attempted to be proved by Mr. Manning would not show that he had any right to the seat. They could not do more than make the election void.

The only question before the House is whether Mr. Chalmers has the right to be sworn in. While referring to this question I want to say again that this House has no right to look into the political antecedents of either of these men. And what I had reference to in that part of the report is simply matter pertaining to Mr. Chalmers's political methods. I urge the House to pay no attention to Mr. Chalmers's political history, methods, or motives, as all this does not bear on the question of who was elected.

There is another branch which is properly before the House, and that is matters charged in reference to the conduct of the election and the canvass leading thereto, upon which it is claimed the election should be set aside as fraudulent.

Gentlemen who look at the report submitted by me in behalf of the majority of the committee should not take one fact or one conclusion stated separately from the other; all the conclusions of fact should be fairly taken together.

There is one conclusion I wish to call attention to now, which is that all the facts the majority of the committee find to be true fail to show that Mr. Chalmers is indebted in his election to those facts. In short, noman can fairly say, "I think if nothing of this had occurred Chalmers would not have been fairly elected." On the contrary, on my own responsibility I wish to say here—and I believe the gentlemen who were with me on the subcommittee and who alone looked into the facts of the case are with me in the conclusion—that if Mr. Chalmers had announced himself as a candidate in that district under all the circumstances which surrounded him, bearing in mind he had formerly resided there and was well acquainted in the district, without any interference of the Federal authorities in the canvass or at the election he would have been elected. That is the conclusion the committee arrived at, and I believe we fairly considered the facts in the case and matters of general public notoriety which may be called historical facts and which we had a right to consider.

I wish to say right here as a matter of law this House must not overlook this fact that no matter what was done that was contrary to public policy, or even that was a fraud on the election, before you can set aside the election of a man who received a majority you must find those facts produced the results and that the majority he received was gained by such methods. It is a familiar rule of law in the courts in all matters when what is done is contrary to public policy, unless it is shown affirmatively the result is reached through that, and by means of it, the result can not be disturbed.

Again, the principal objection is that Chalmers called upon certain members of the Departments here in Washington for aid, or that he consulted them with regard to the canvass; that the canvass was directed by them, and he had the aid of the Federal officials in his district in making his canvass and securing his election.

Now, Mr. Speaker, the proof in regard to that shows that it was mainly devoted to securing him the support of the Republican party. He was nominated by the Republican party of his district, and that influence was mainly to secure him that nomination.

Now, grant it that he secured that through the influence of the Federal officials; that is wholly immaterial to the question before the House. We certainly can not commit ourselves to the idea that a man's right to a seat on this floor shall be antagonized because he secured the nomination of a political party, no matter by what method. If these officials aided him in securing the Republican nomination and the support of the Republican organization in that district it will not be claimed on that ground he should be denied his seat on the floor of the House to which a majority of the people elected him.

I want now to address myself to the legal question which arises in the case.

Mr. WOLFORD. I understand you to say that by fraud and violence he was given the nomination so to speak. Am I correct?

Mr. COOK. The gentleman misunderstood me. I did not say fraud and violence were resorted to.

Mr. WOLFORD. Was not fraud or violence used in securing him that nomination?

Mr. COOK. I know of none. There was no fraud so far as I know in securing him the Republican nomination in his district. There is nothing to show he paid any delegates to the convention, and I do not think even if he had purchased that nomination we could on that account set aside his election.

Now, if I am not interrupted, before I go to the legal question involved I want to say here that no man upon this floor will go further than I would to set aside an election or declare it void because of interference by Federal officials or the use or promise of Federal patronage. I looked into this case from that standpoint and I failed to find sufficient to warrant me here to say the election should be set aside. And that I may not be misunderstood, I will at the risk of repetition say although every fact stated in the report of the majority by me submitted is true and much occurred in the canvass and at the election that every good citizen must condemn, yet before we can set aside the election we must find as a principal fact that the election resulted from this conduct or these acts, and in view of the large majority Chalmers received and the previous history of the district we are not warranted in saying that his election was brought about by these means.

There is another question, a question of law, involved, to which I will now give attention. It is claimed that Mr. Chalmers is not entitled to be sworn in or to hold his seat here because of the fact that on the 9th of December, 1882, he was by the Attorney-General of the United States employed or appointed as a "special assistant to the district attorney for the northern and southern districts of Mississippi," which he retained until after Congress convened, or at least that he filled the office or exercised the duties, whatever they were, conferred by this appointment after the 4th of March and after the term of office to which he was elected had begun.

Now, the first question upon that point is whether this is an office under the Constitution that declares no person holding any office under the United States shall be a member of either House during his continuance in office. The majority of the committee agree that it is not such an office as the Constitution contemplates. Still others of the committee came to the conclusion that, whether it be an office or not, Mr. Chalmers surrendered the office or did not exercise its functions after the time for the convening of the House by law; that is to say, after the first Monday in December.

I take the view that a man holding an incompatible office may, under the decisions of the House, exercise its functions after the term for which he is elected begins; but if he surrenders it or it expires before the time for the convening of the House he is not disqualified from being sworn in as a member. In short, that he may hold the two offices until the time of the convening of the House.

In support of that proposition we have the case of Earle, cited in Clark & Hall, 314; and also the case of Schenck, directly in point.

There is still another matter. It is claimed that Mr. Chalmers never formally resigned the position until after the House actually convened.

The facts, however, are, as the majority of the committee find them, that he was appointed for a special purpose, to aid the district attorney in the prosecution of some election cases; that he rendered his account to the Department before the first Monday in December, and that his account was closed and his connection with the Department ceased before that time; that no resignation was necessary, and that he therefore stands from that time the same as if he had resigned his office. Directly in point on this proposition is Mr. Munford's case, where it was held by the House that the formal resignation of an office held by a member-elect is not necessary; that the duties of the office having ceased operates a virtual abolition of the office. That, I say, is di-

rectly in point on this proposition, and therefore if his connection with the office had ceased it was immaterial whether he resigned or not.

Now, Mr. Speaker, one thing further and then I shall yield the floor. The Committee on Elections has sometimes been criticised because of the delay in deciding these cases. I want here, because it is the only opportunity I will have, to call the attention of the House to a fact not specially connected with this contest, but with contests generally. The law relating to the taking of testimony and the preparation of these cases for a decision by the committee, under the rules of the House pertaining to its organization, is so defective that the Committee on Elections can not enter upon the work of deciding these cases until the expiration of three months after the House has organized; and then we go to work upon a record so voluminous and a mass of printed matter so large that it is impossible to do contestants justice in time.

I can appreciate the wrong done to contestants by this delay when I think of my own case in the last Congress, which was not decided until twenty-three hours before the term expired. The present committee, I believe, has worked harder than any other committee. It has met in general sessions every other day and its subcommittees have met and worked in the interim. The cases we have disposed of cover over 12,000 pages of closely printed matter.

Something should be done by the way of an enactment to change the law that is now upon the statute-books to the end that the evidence should be printed in vacation, as also the briefs of counsel, so that when the House has organized the Committee on Elections may at once set to work upon the examination of the cases before them. It is very important that this Congress should not neglect the passage of such an enactment.

I reserve the remainder of my time.

The SPEAKER *pro tempore* (Mr. ELLIS in the chair). The gentleman has thirty-five minutes remaining.

Mr. DAVIS, of Missouri. Mr. Speaker, two questions are presented in this case:

1. Is the position of Representative an office?

2. Is that of special assistant United States district attorney an office?

In 1882 Mr. Manning and Mr. Chalmers were opposing candidates for Congress in the second Congressional district of Mississippi, and at the election in November of that year, Mr. Chalmers received the majority of the votes cast; and hence was entitled to the certificate of election and to a seat in this House at the assembling of this Congress, provided no disqualification existed at that time.

It will be remembered that on the 9th day of December, 1882, Mr. Chalmers was appointed by the Attorney-General special assistant United States district attorney. The first question then, as the gentleman from Iowa [Mr. COOK] has stated, is whether this is an office in the meaning of the statute. I ask the Clerk to read sections 363 and 366 of the Revised Statutes.

The Clerk read as follows:

SEC. 363. The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings.

SEC. 366. Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, as a special assistant to the Attorney-General, or to some one of the district attorneys, as the nature of the appointment may require; and shall take the oath required by law to be taken by the district attorneys, and shall be subject to all the liabilities imposed upon them by law.

We gather from these two sections—

1. That the Attorney-General has the power to employ attorneys to assist the United States district attorneys.

2. That the Attorney-General has supervision of the conduct and proceedings of such assistants.

3. That the attorneys employed in the trial of any case in which the Government is interested shall receive a commission from the Attorney-General.

4. That they shall take the oath required by law to be taken by district attorneys.

5. And shall be subject to all liabilities imposed on district attorneys by law.

In a word, the assistants shall be commissioned, shall take the same oath, and perform the same duties required of district attorneys, and shall be subject to the same liabilities. They occupy the same position.

Mr. Chalmers was commissioned:

DEPARTMENT OF JUSTICE, *Washington, December* 9, 1882.

SIR: You are hereby appointed special United States assistant attorney for the northern and southern districts of Mississippi, to assist United States attorneys in the prosecution of violations of the election laws at the late election. Your compensation will be $500 at least and will not exceed $1,000, to be fixed at the discretion of the Attorney-General.

Very respectfully,

BREWSTER, *Attorney-General.*

Gen. J. R. CHALMERS,
419 *New Jersey Avenue, S. E., Washington, D. C.*

Mr. Chalmers took the oath of office:

I, James R. Chalmers, of Mississippi, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God.

JAMES R. CHALMERS.

Sworn to and subscribed before me this 12th day of December, A. D. 1882.
[L. S.] WILL HAIGHT, *Notary Public.*

Clearly, then, Mr. Chalmers accepted an office under the United States and subsequent to his election as Representative. But it is held that the statute uses the words "employ" and "retain," and these imply simply a contract.

Section 169 of Revised Statutes provides "each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law."

By subsequent sections the duties of clerks are to be regulated by the several Departments.

It will hardly be maintained that a special assistant district attorney is not an officer if these clerks are officers of the United States Government. Whatever may be the duties and liabilities of the district attorney become by section 366 the duties of his assistant. They are therefore in the strictest sense regulated by law. There is a position provided for by law, and the duties appertaining thereto are prescribed by law. The person who fills it must therefore be an officer of the Government that made the place and prescribed its duties.

While the same word "employ" is used in reference to clerks and assistant district attorneys, the duties of the former are to be regulated by the several Departments, and those of the latter are regulated by fixed laws. Clerks are recognized everywhere as officers of the United States, and courts have held them to be such officers.

Ex parte William S. Smith, 2 Cranch, Circuit Court Reports, page 693. This was a case of habeas corpus sued out by Smith, alleging he was illegally held in custody by the marshal of the District of Columbia. The marshal in his return said the cause of detention "to be for sundry militia fines, &c., * * * put into the hands of said marshal for collection according to law."

The second section of the act organizing the militia exempted from militia duty "the Vice-President of United States, the officers, judicial and executive, of the Government of the United States."

Smith was a clerk in the Treasury Department, and as such claimed he was exempt from militia duty under said section, and therefore not liable for the fine for the non-payment of which he was in custody. The court decided that Smith was an executive officer of the Government of the United States and was not liable to be enrolled in the militia.

There are several other authorities, but it is useless to multiply them. It is also claimed that Mr. Chalmers was employed for particular cases and a temporary purpose. That can make no difference, for section 366 uses the words "in any case." So neither duration nor the extent of his employment could change his relation to the Government.

It is also claimed that if this was an office, it ceased before Congress convened; in other words, that when Mr. Chalmers presented an account for $500 and it was paid his services in that position ceased. The letter of the Attorney-General is referred to as corroborative of this claim, in which letter he says he regarded the payment of the account as ending Mr. Chalmers's employment, and no resignation was necessary. But it must not be forgotten that only a few days before this the Attorney-General wrote that "Mr. Chalmers is still in its employment" (the Government's).

But his opinion can not change the law and the facts. His opinion can not vacate an office. There are but three ways by which an office can be vacated. One is by removal, another by resignation, and the third by its expiration. Was Mr. Chalmers removed from this office? No. Had its term expired? No limit was fixed in the commission, and some of the election cases were still pending. Did he resign? Yes; but not until February 26, 1884, two months after this Congress assembled, and even then he resigned only for the northern and not for the southern district of Mississippi. He was appointed for both; and occupies to-day the position of special assistant United States district attorney for the southern district, an office under the United States, and hence is ineligible to a seat in this House.

I know the authorities are to the effect that a member may hold an office under the United States up to the time Congress assembles. The reason given is that the Constitution simply says "no person holding an office under the United States shall be a member of either House during his continuance in office," and that he can not be a member until Congress assembles and he takes the oath of office.

This construction of this clause of the Constitution strikes me as obnoxious to common sense and reason. Why? Because is is claimed the intention of this clause is to prevent executive interference with the deliberations and legislation of Congress; and yet this intepretation will permit a member-elect to hold a United States office up to the very hour he takes the oath of office as a member of this House. It would, it seems to me, be difficult to determine when the executive influence ceases, the hour before taking or the hour after taking the oath required of members of this House.

Those who hold to this view attach to the word "member" a significance it does not possess, making a wide distinction between the Representative before taking the oath and the Representative after taking the oath.

"The oath of office, as the supreme court of North Carolina decides, is a mere incident and constitutes no part of the office."

Section 2, article 1, of the Constitution says:

The House of Representatives shall be composed of members chosen every second year, &c.

Section 3, of same article, says:

No person shall be a Representative, &c.

What is meant here? Evidently that the House of Representatives shall be composed of Representatives or members chosen every second year, the words "Representatives" and "members" being used as synonymous terms. The word "members" is simply used to prevent the repetition of the word "Representatives." The Representatives constitute the House.

So in the third clause of section 6:

And no person holding any office under the United States shall be a member of either House during his continuance in office. The word "member" is simply used to avoid the repetition of the words "Senator or Representative."

The words "Representative" and "member" being used as synonymous terms in the Constitution, and an oath being no part of an office, the question, "Is a Representative an officer?" presents itself.

The power to choose Representatives is lodged in the people of the States. As soon as the choice is made the Constitution is complied with in this particular and a Representative becomes an officer. There is but one thing left for him to do, and that is to take an oath to support the Constitution of the United States. The Constitution does not say where or when he shall take it, but simply that "Senators and Representatives shall be bound by oath or affirmation to support the Constitution of the United States." (Article 6, clause 1.) This very clause, it will be noticed, recognizes them as Senators and Representatives before they are bound by oath or affirmation, thereby clearly indicating that the oath is no part of the office. That of Representative being an office, we need not go to the Constitution to determine this question.

Willcok, in his Treatise upon Municipal Corporations, states that "the election of an officer to an incompatible office does not vacate the former before acceptance by the officer." Angell and Ames on Corporations adopt this same language. In Whitney *vs.* Canique (2 Hill, 93) this language is used:

The appointment of a person to a second office incompatible with the first is not absolutely void, but on his subsequently accepting the appointment and qualifying the first office is *ipso facto* vacated.

Mr. Chalmers was elected a Representative to this Congress at the November election 1882. He signified his acceptance of that position, or, to use the language of Cushing, "he did what was incumbent on him to qualify him to discharge the duties of the office of Representative." His case can not be distinguished in principle from that of a party duly elected and presented with a commission.

As I have said, after this election Mr. Chalmers accepted the office of special assistant United States district attorney in 1883. Are these two offices incompatible? Certainly. One makes him subject to the supervision and orders of the executive department of the Government; the other to the control and authority of the House of Representatives. He can not serve these two masters at once. So it makes no difference if he resigned, or his service ended, as special assistant United States district attorney, before this Congress assembled. The acceptance of the office of special assistant United States district attorney while he was a Representative vacated the office of Representative. This is in accord with the spirit and true intent and meaning of the Constitution.

Mr. Speaker, I ask that the majority report be read as a part of my remarks.

The Clerk read the report of the majority of the Committee on Elections (presented by Mr. COOK), as follows:

At the regular election for Representative in this Congress, in the second district of Mississippi, James R. Chalmers received a majority of the votes cast.

The certificate of election or commission, however, was given to the contestee, Van H. Manning. The facts and circumstances under which this was done fully appear in the report and proceedings on the question of *prima facie* right heretofore had.

In the contest on the merits Mr. Manning took the burden of the issue and sought to show that there was such interference in the election and canvass leading to it by the Executive Departments at Washington and Federal authorities in the district as to at least make the election void.

It appears that Mr. Chalmers, a short time before the election, was declared not elected to a seat which he occupied as a Democrat in the Forty-seventh Congress. Up to this time he had for years acted with the Democrats. Immediately after this he conferred with leading Republicans at Washington and with members of the administration, arranging with them to aid him in securing the support of the Republicans of this district, in which he did not then reside. It is fairly proved that he had the active aid of the Departments at Washington and their subordinates in the district in the work of securing the support of the Republican party organization in his canvass, and the votes of its adherents, the great mass of whom are of the colored race.

While the evidence is not clear, yet it fairly shows facts that are a reproach to the civil service of the country.

Not only was much time for which some of the Federal officials were paid by the Government devoted to canvassing for the contestant, but their accounts for expenses incurred in the canvass were rendered to the Departments at Washington as incurred on account of the Government, although it does not appear that they were paid.

The committee appreciate the gravity of the issue thus presented; elections should be free from all corrupting influences.

The use of large sums of money in elections in many parts of the country is an element of danger, even though it be not used directly upon the voters.

That the Federal patronage and the influence of superiors may produce a strong and corrupting effect among a voting population such as this district contains must be admitted. The direct bribery of voters and corrupt use of money could not be much more baneful.

Again, it is of the highest importance that Congress should be a body free as far as may be from executive interference or dominance. No member should feel that he is in any degree indebted to the Executive Departments for the seat which he holds.

The use of the executive patronage and power is a growing evil, the force and effect of which all good citizens realize only to regret and condemn; nor can we close our eyes to the fact that this influence may be exercised with greater effect and more perniciously in one section of the country than another.

Believing that it is the duty of the House, whenever it is shown that the election of a member is the result of this influence, to declare the election void; and believing, further, that the testimony in a case is to be taken in connection with contemporaneous historical facts, your committee has given careful attention to the record and evidence in this case. We conclude that it can not fairly be said that the election of Mr. Chalmers was secured by such undue influence; that is to say, that without it he would not have been elected, especially in view of the large majority he received. It was perhaps more instrumental in making him the candidate of the Republican party and suppressing other aspirants for party support. But with this we think the House has no concern.

A large part of the evidence is intended to show that the contestant was deceitful in his politics, treacherous to his political friends, and unworthy of so high an office. This, however, must address itself to the voters of his district, and the House has no right to render an unjust decision, because a man lawfully elected may be subject to this criticism more or less.

It is next claimed that Mr. Chalmers, if legally elected, has since his election disqualified himself from holding this office by accepting another office from the United States and performing its duties within the term of office of a member of the Forty-eighth Congress, under the following provision of the Constitution, "And no person holding any office under the United States shall be a member of either House during his continuance in office," because on the 9th day of December, 1882, Mr. Chalmers was by the Attorney-General of the United States employed or appointed "special assistant to the district attorneys for the northern and southern districts of Mississippi," and that by retaining this position he had vacated his office as Representative.

Your committee, however, passing the question of whether this is an office within the meaning of the Constitution, find that Mr. Chalmers was retained for a special purpose, and that prior to the time for the convening of Congress the matter for which he was appointed or employed had been disposed of. His account had been rendered to and closed by the Department. No resignation had been made; none was necessary. Practically, his connection with the office of district attorney had ceased.

We recommend to the House for adoption the following resolution:

Resolved, That James R. Chalmers was duly elected as a Representative in the Forty-eighth Congress from the second district of Mississippi, and is entitled to be sworn in as a member of this House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. JOHNSON, one of its clerks, informed the House that the Senate had adopted a resolution of the House to print 9,000 copies of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1883.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 1682) providing for two additional associate justices to the supreme court of the Territory of Dakota; and

A bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

ELECTION CONTEST—CHALMERS VS. MANNING.

The House resumed the consideration of the contested-election case of Chalmers *vs.* Manning from the second Congressional district of the State of Mississippi.

Mr. ELLIOTT. Considering the action which I thought proper to take upon this case in its primary stage, I think I can hardly be accused of partiality toward the contestant. I believed that the contestee, or Mr. Manning, should have been seated upon his *prima facie* case. After a most careful inquiry, a most thorough examination of the record, I am just as thoroughly of the opinion that Mr. Chalmers ought to be seated upon the merits.

This case is within a very narrow limit; there is but a single question upon which any controversy arises. It is conceded and must be conceded that Mr. Chalmers received more than 1,000 majority of the legal votes cast at that election. No man controverts the fact that he was duly elected.

It is claimed, and some evidence was introduced to show that he received contributions of money from the Republican national committee and from Republican officials in Washington. But there is not a scintilla of evidence in this record that shows or tends to show that a dollar of that money was used for the purpose of influencing a single voter in that district. It is impossible for me to conceive how gentlemen upon that committee who have examined carefully the record in this case can take the position upon this floor that Mr. Chalmers was not duly elected and ought not to be seated.

I submit that this House can not afford to refuse to seat a man, no matter what his politics, no matter what may be his political character, if his district has said, and by a large majority, "This man is he whom we desire to represent us in the House of Representatives."

The only point made against Mr. Chalmers is that subsequent to his election he accepted an office under the Government of the United States, which had the effect to vacate his office of member of Congress. Upon that question I desire to be heard a few moments. Subsequent to his election he was retained and employed by the Attorney-General of the United States to prosecute certain specific cases in certain districts of Mississippi in which the Government of the United States was interested.

Mr. RANNEY. Employed to aid the district attorney.

Mr. ELLIOTT. He was employed simply to aid the district attorney. The authority under which that employment was made is to be found in the following section of the Revised Statutes:

The Attorney-General shall, whenever in his opinion the public interests require it, employ and retain in the name of the United States such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties.

In my judgment it requires a vivid imagination, and also requires a lawyer who reasons queerly, to take the position that an employment under that section constitutes an appointment to an office under the Government of the United States comprehended in the article of the Constitution which prohibits a member of Congress from being appointed to or holding any other office of trust or profit under the Government of the United States. Does not every lawyer understand, and most laymen who have had occasion to have lawsuits, what the retaining of a lawyer means? It means hiring him to try a lawsuit; that is what it means. Nobody ever thought that by retaining a lawyer he was appointed to an office within the meaning of the Constitution.

But it is not left to inference. This section says "shall employ and retain." Now, to employ does not mean to appoint to an office, any more than to retain a lawyer means to appoint him to fill an office. He is employed and retained for a special purpose.

And I desire to state here and now that the evidence from the Attorney-General's Office (and that was all the evidence that was before the committee) shows simply that Mr. Chalmers was employed to assist the district attorney in trying certain specific enumerated cases. He had no other functions to perform than to try the cases, or to assist in the trial of the cases which he contracted with the Attorney-General to try at the time he was employed. And when those cases were tried his relations to the Attorney-General and to the Government ceased. The Attorney-General certifies that he settled the accounts of Mr. Chalmers long before it was necessary for him to have been sworn in as a member of this House, had his seat not been contested.

Mr. BLOUNT. Will the gentleman allow me a question?

Mr. ELLIOTT. Yes, sir.

Mr. BLOUNT. I desire to know whether in the payment of Mr. Chalmers he was paid under the statute providing the mode of paying district attorneys, or whether he was paid under a special contract.

Mr. ELLIOTT. He was paid under the provision of this section which I was about to read:

To assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorney and counselor—

Not such assistant district attorney, but such attorney and counselor—

shall stipulate with such assistant attorney and counselor the amount of compensation.

The contract in this case was that Mr. Chalmers should receive a retainer of $500; and the compensation for all services it was agreed should not exceed $1,000. He was paid $500, and the Attorney-General declined to pay him more; and that was prior to the time when Mr. Chalmers could have taken his seat in this House.

Now, I undertake to say that if he was an officer his term of office expired prior to the time when he could have taken his seat in this House; and if this House has ever determined one thing more strongly than another in election cases, it has determined that a member of Congress elect may hold and perform the duties of an office up to the time when it becomes his duty to be sworn in as a member. Hence there is not left a shadow for the opponents of Mr. Chalmers to stand up under the precedents of this House.

But, Mr. Speaker, examine further the phraseology employed in this section:

And retain in the name of the United States.

Who ever heard of such phraseology being employed when it was the purpose to appoint a man to office?

"To retain in the name." In other words the person thus employed is to act as agent of the plaintiff in such suits—to act in the name of his client—in the name of the United States. This is the duty of Mr. Chalmers or any other attorney or counselor at law who is employed to assist the district attorney in the trial of causes.

Now I undertake to say that the employment in this case has not the first element of an office. It is simply a contract relation between these two parties—the Attorney-General acting for the Government, as he is authorized to act, and Mr. Chalmers acting for himself.

Why, sir, if this had been an appointment to an office the party appointed would have no voice in determining his compensation or the duration of his employment or the time for which his office should continue. In this case the whole matter was a subject of contract, the contract being made under this act of Congress authorizing the employment.

I beg to call the attention of the House to an authority or two on this question, and I ask pardon for detaining the House, because in my judgment there can be no question in the minds of the lawyers of this House upon this subject. But it may be well perhaps to refresh our memories in reference to what has been held to be an office in this country. I call attention to Brockenborough's Reports, the opinion in the case having been given by Chief-Justice Marshall. He was a reasonably fair lawyer in his day, though his theories may now be exploded.

The question in this case was whether the superintendent of fortifications was an officer. A suit upon the bond of this superintendent was brought, and it was held that he was not an officer because his employment did not come from the head of a Department. But the court held that his bondsmen were liable at common law for the faithful performance of the duties which he undertook to perform for the Government of the United States. In the course of his opinion Judge Marshall states the doctrine as to what constitutes an office; and the opinion of Judge Marshall in this case has been since followed in the courts of the United States and the courts of the different States of this Union. Judge Marshall says:

Although an office is "an employment," it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to do an act, or perform a service, without becoming an officer. But if a duty be a continuing one—

Mark the language—"if a duty be a continuing one." Was this employment a continuing one? Had it duration? Were the duties prescribed by law?—

But if a duty be a continuing one, which is defined by rules prescribed by the Government—

And if rules are prescribed by the Government they must be prescribed by statute, or there must be a statute authorizing the establishment of rules by some Department of the Government—

But if a duty be a continuing one which is defined by rules prescribed by the Government, and not by contract, which an individual is appointed by Government to perform, who enters on the duties appertaining to his station without any contract defining them—

Was there any contract in this case defining the relations between the Attorney-General and Mr. Chalmers?—

without any contract defining them, if those duties continue, though the person be changed——

Now, I desire the House to examine this case in the light of the statement of Judge Marshall. Had this office duration? There was a contract that Mr. Chalmers should try those causes. That is all the contract he had. Would the office have continued upon the death of Mr. Chalmers? For what length of time would it have continued? If this man was an officer there must have been an office to be filled; and if there was an office to be filled, it continued after Mr. Chalmers ceased to be an officer.

Was there any office left after Chalmers concluded his duties? No man will pretend for a moment there was a continuing office; that his duties were continuous; that his duties were prescribed by statutes; that he had any of the functions of district attorney except to sit down by the side of the district attorney and try causes he was employed to try by the Attorney-General.

I have a recent case determined by the Supreme Court of the United States, which, in my judgment, is on all fours with this case. I call the attention of the House, in 99 United States Reports, to the case commencing on page 508, United States *vs.* Germaine. This case came into the Supreme Court through a difference of opinion between the district and circuit judges. The defendant was appointed by the Commissioner of Pensions to act as surgeon under the act of March 3, 1873, the third section of which is thus stated in the Revised Statutes:

That the Commissioner of Pensions be, and is hereby, empowered to appoint, at his discretion—

Here the word "appoint" is used—

civil surgeons to make a periodical examination of pensioners which are, or may be, required by law, and to examine applicants for pension.

He was indicted for extortion in the State of Maine, for collecting fees from men to which he was not entitled, under the section which authorizes the prosecution of officers of the United States for taking extortionate fees. The Supreme Court held he was not an officer because he was not appointed by the President or head of Department under the Constitution:

United States *vs.* Hartwell is not, as supposed, in conflict with these views. It is clearly stated and relied on in the opinion that Hartwell's appointment was approved by the Assistant Secretary of the Treasury as acting head of that Department, and he was therefore an officer of the United States.

If we look to the nature of the defendant's employment, we think it equally clear that he is not an officer. In that case the court said the term embraces the ideas of tenure, duration, emolument, and duties, and that the latter were continuing and permanent, not occasional or temporary.

Now, sir, were the duties in this case continuing and permanent or occasional and temporary?

In the case before us the duties are not continuing and permanent, and they are occasional and intermittent. The surgeon is only to act when called on by the Commissioner of Pensions in some special case, as when some pensioner or claimant of a pension presents himself for examination.

In this case the act of Congress authorized the appointment, not the employment, and yet the Supreme Court say that the examining surgeon is not an officer of the Government of the United States, because his duties are not continuing, because they are not permanent in their character; they are occasional and temporary.

It seems to me I have got my view before the House, and that is all I desire. My purpose is not to take the time of the House, but to call attention to the fact that the statute under which this man is claimed to be an officer authorized the employment, authorized the retaining,

authorized the retaining in the name of the United States, and does not authorize the appointment of an assistant district attorney. It is claimed in the minority report, as I understand, that he was appointed assistant district attorney. He was appointed to assist the district attorney—that is to say, to assist the district attorney in the trial of special cases.

I undertake to say there is no authority in the Supreme Court of the United States, there is not a single authority in the Government, for I have given this question some attention, that at all bears out the view entertained by the distinguished gentleman who made this minority report. It has been held in my State that district attorneys where they were formerly appointed by the attorney-general of the State instead of being elected in the several counties, were simply appointees and did not hold office within the meaning of the constitution of Pennsylvania. It has been held over and over again by the different States that employment of this character was simply the hiring of a lawyer to try a lawsuit, and when he performed that service his employment was at an end.

Another thing is conclusive to my mind on this question, that you can not separate the office from the man. In this case, if Mr. Chalmers was an officer he was also the office, for the office did not continue after he was settled with by the Attorney-General and discharged.

As this is the only question in this case, I submit this man should be promptly seated, and that no questions of a political consideration should enter into this discussion or should influence the House in its vote. Whether we like him or dislike him, whether we agree or disagree with him, he was fairly elected, against whose majority no evidence has been introduced, who has more than 1,000 majority, and was simply retained by the Government to try a specified case, and they say that is within the contemplation of the Constitution of the United States prohibiting a member of Congress holding any other office of profit or trust under the Government of the United States.

Do you suppose, sir, that the framers of that Constitution contemplated that the Attorney-General could not hire a member of this House to assist him in the preparation or trial of a cause without that member forfeiting his seat on this floor? If he forfeits it by virtue of the employment when he agrees to try ten cases, he forfeits it on the same principle by making an agreement to participate in the trial of one cause; and if the Attorney-General, who, as he did a few days ago, employed a citizen of my own State to come down here to Washington to assist in the prosecution of a single case, and that gentleman so employed had been a member of Congress, is it pretended that he would thereby have forfeited his seat here because forsooth he held an office within the contemplation of the Constitution of the United States? I think that position will hardly be maintained.

Mr. HUNT. May I ask the gentleman from Pennsylvania a question before he sits down?

Mr. ELLIOTT. Certainly.

Mr. HUNT. Has the gentleman the terms of the employment embodied in the record in this case? And, if so, I ask him to be kind enough to inform the House what they are.

Mr. ELLIOTT. I will answer the gentleman with pleasure.

Mr. DAVIS, of Missouri. I can answer the question of the gentleman from Louisiana so far as the record is concerned. Here is the commission published in the report of the committee, and the correspondence in reference to it.

Mr. ELLIOTT. I thank the gentleman from Louisiana for his suggestion as to that point. The gentleman asks me as to what are the terms of the employment of Chalmers, and whether they appear by the record. I will say to him in answer that nothing of this kind appeared by the record as made up by the pleading, neither in the petition of the contestant nor in the answer or the testimony.

Later, while the case was under argument, it was contended that Mr. Chalmers had accepted another office, and correspondence with the Attorney-General's Office was introduced before the committee. That was all we had to act upon in that respect, and it appears by that correspondence simply that he was retained to try certain cases as an assistant counsel, and was paid therefor $500, and the Department refused to pay any more when a subsequent account was rendered. The Attorney-General said he considered his term of service as having expired and that there was no further need of any statement between the Government and himself.

Now, it has been said by the gentleman from Missouri [Mr. DAVIS] that there was a commission. I will state to the House what that commission was. It was simply a letter from the Attorney-General authorizing him to act, just as I would give my power of attorney to any man to act for me in a particular and given case. That is all. You call that an office, do you? Of course it was necessary that he should have had authority from the Attorney-General to act, and the gentleman from Missouri would have the letter from him read before he sat down. But it is said, and I desire to reply to that now, that he was required to take an oath before entering upon the duties assigned to him.

Mr. Speaker, every lawyer is required to take an oath, and the more times he swears ordinarily the better it is for his clients. But the taking of an oath does not constitute the man an officer within the terms and meaning of the Constitution of the United States. He ought to perform his duties confided to him as an attorney of this client; and that is what is required under this act of Congress.

But, sir, there is another and a subsequent section to which my friend from Missouri has called attention and which I had almost forgotten to allude to. I hold that the employment of Mr. Chalmers comes under the section to which I have called attention. There is, however, a subsequent section which provides for taking the oath and on which the majority rely:

Every attorney or counselor who is specially retained—

Now, does it do anything more? But to make this plain, this section upon which they rely, I will read the entire section—

Every attorney or counselor who is specially retained under the authority of the Department of Justice to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, &c.

Mr. DAVIS, of Missouri. Now read the commission itself.

Mr. ELLIOTT. You may read it in your own time. I have stated it, and any member of the committee who examined the question will bear me out in this assertion, that it is merely an authority given to act in this case. I do not care what phraseology the Attorney-General couched that letter in. He can not rise above the law. He might have given a commission to perform any and all duties. He might have put the seal of the Department of State upon it. He might have had it signed by every member of the Cabinet and by the President of the United States, but he could not have added a single iota to the authority given him by the act of Congress. I repeat I do not care what phraseology he employs; it is to my mind ridiculous to talk about the phraseology of a letter from the Attorney-General when his authority comes under the section to which I have called attention.

The idea is preposterous that he can by a commission make an officer when the law does not make the party he employs an officer of the Government. I should be glad to have some gentleman explain to this House how the Attorney-General can make a man an officer if there is not any authority of law to constitute him one. Does not the provision in the subsequent section providing for a commission construe itself? Is it from the President? Not at all. It is an authority from the Attorney-General to act, and it says he is "specially retained." Does not everybody understand what that means? "Specially retained." Does that mean appointment to an office? Has he continuing office under the meaning of the Constitution?

With these remarks I submit, so far as I am concerned, this question to the consideration of the House.

Mr. BENNETT rose.

Mr. COOK. I wish to inquire, before the gentleman from North Carolina proceeds, how long time is desired on that side?

Mr. BENNETT. I will say to my friend from Iowa that I have no idea at present of limiting myself.

The SPEAKER *pro tempore* (Mr. ELLIS). The gentleman from North Carolina will proceed.

Mr. BENNETT. The election out of which this contest arose was held on the 7th day of November, 1882. On the 4th day of December, 1882, the notice of contest was served upon Mr. Manning by Mr. Chalmers. On the 20th day of December, 1882, the answer to Mr. Chalmers was filed in the cause. On the 9th day of December, 1882, Mr. Chalmers was appointed special assistant to the United States district attorneys for the northern and southern districts of Mississippi.

Here is the appointment:

DEPARTMENT OF JUSTICE,
Washington, D. C., December 9, 1882.

SIR: You are hereby appointed special assistant United States attorney for the northern and southern districts of Mississippi, to assist United States attorneys in the prosecution of violations of the election laws at the late election. Your compensation will be $500, and will not exceed $1,000, to be fixed at the discretion of the Attorney-General.

Very respectfully,

BREWSTER, *Attorney-General.*

General J. R. CHALMERS,
419 *New Jersey avenue, S. E., Washington, D. C.*

The point is made by the gentleman from Pennsylvania [Mr. ELLIOTT] that this question of the eligibility of Mr. Chalmers was not made in any of the pleadings in the cause, but for the first time ground was broken respecting this ineligibility pending the hearing of this case before the Committee on Elections. How could it have been otherwise? The appointment of Mr. Chalmers to these places was made the 9th day of December, 1882. The notice of contest was served the 4th day of December, 1882. The answer was served on the 30th day of December, 1882. It was impossible, therefore, in the nature of things that this appointment should have been the subject of emphasis in the original pleadings in the cause.

Besides, I concede that a member of Congress, according to the precedents, may hold another office after his term of office begins and run that office along parallel with that of a member of this House or of a Senator at the other end of the Capitol until the first day of the session. Such seems to be the fair inference from Mumford's case, from Hammond's, and from Earle's. When the first Monday in December, the day for the assembling of the Congress, has come, then he makes his election, and if he holds another office after that date by operation of

law it eviscerates the original one, so to speak, or at all events vacates the original one.

The true legal question, therefore, in this case is this—there is another, to which I purpose to devote myself by and by, turning upon the facts of this case—but the true legal question is whether on the first day of the session of this Congress, or at any time thereafter, Mr. Chalmers held another office than that which he claims to hold upon the floor of this House. The point could never have been made until the first Monday of December, 1883, that Mr. Chalmers held another office at variance with and in antagonism to that of membership upon this floor. How, then, could Mr. Manning have made the point in the pleadings? It could only have been made when the first Monday in December had come and gone. I apprehend no gentleman here who is capable of comprehending a legal principle will say that even in the absence of pleadings this House has no inherent power to purge itself of a member who attempts to hold and exercise upon this floor the office of Representative and who at the same time holds a position inconsistent therewith. The power of punishing for contempt is a power inherent to the constitution of courts of justice. The power of preserving order in the absence of all legislation, in the absence of any public rule, is a power inherent to the constitution of courts of justice. Shall it be said that this Congress, invested with power to legislate for a Government bounded on the south by bananas and on the north by icebergs, has no power to purge its body of an ineligible member unless the point is so denominated in the pleadings? Away with such nonsense! It is magnificent trifling.

Now, then, let us confront the legal proposition involved in this case. The appointment of Mr. Chalmers by the Department of Justice has been read. I do not propose to make any reflections against the head of that Department. I know him personally, and esteem him for his excellent qualities. I regard him as an honorable counselor, a good man and a just. The oath of Mr. Chalmers is as follows:

I, James R. Chalmers, of Mississippi, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

JAS. R. CHALMERS.

Sworn to and subscribed before me this 12th day of December, A. D. 1882.
[SEAL.] WILL HAIGHT, *Notary Public.*

The gentleman from Pennsylvania [Mr. ELLIOTT] said a while ago that a man in the common lot of life when hiring a lawyer never for a moment suspected that the gentleman who was assuming that position toward him was an officer; that it was never assumed that an engagement between a client and an attorney reached so high a dignity. As the facts are put by the gentleman from Pennsylvania it is entirely obvious that the attorney is not a public officer in his relations to a private client.

There are a few significant differences between a special assistant to a United States district attorney and an ordinary lawyer, upon which I beg the kindly indulgence of this House while I comment. It is said by Forsyth, in his history of Hortensius, that part of the oath anciently taken by an attorney was that he would "bring nothing false before the court and would make war for his client." It is not supposed that it is the duty of one who is about to assume the relation of attorney to a client, whether he be hired or retained, to subscribe a fresh oath every time he repeats his engagement. I have no doubt that the member from Pennsylvania would find himself exceedingly crowded by the number of oaths to which he would have to subscribe if in every instance where a retainer came he had to appeal to the author of all human existence to witness the correctness of his conduct.

One thing is certain: the gentleman who assumes the attitude of special assistant to a United States district attorney takes an oath. Here it is, as filed in this case. Had he not before sworn "to bring nothing false before the court and to make war for his client?" What is there in the nature of things that so heightens the obligation that he owes to the Government when putting on these new robes that requires him to lay his hand upon his heart and again register his vow of fidelity to the country? Is there any inherent difference between a common client and the Government that makes it essentially necessary that an attorney assuming the relation of special assistant to the latter should again pledge himself afresh, should again declare that he will support the Constitution with all ardor, should again say, "This is my first love?" Is there any such inherent difference between the common virtuous citizen and the Government of the United States? I have the misfortune to have lived to this age and never have seen the difference between the sanctity of the two.

What, therefore, is the moving cause of this additional sacredness when he come to assume this relation to the General Government? Everybody is supposed to be loyal from one end of the country to the other. Why, therefore, take him again to the Book which is the best comfort of our imperfect condition and put him through the ordeal of swearing fidelity to the country and to his client? Not only an oath, but, as suggested to me by my friend from Missouri [Mr. DAVIS], an oath conceived partly in these words: "I will well and faithfully discharge the duties of the office on which I am about to enter." Is that a cunning juggle? Is that put in to make the condition completely splendid? Or does it mean something, and are they weighty words?

The people always think well when they think a long time. I have seen astute lawyers attempt to put the blinders on a jury of common people, and for the moment by their tempestuous eloquence they have swept them from their feet. But let that jury go out for a moment to perform some pressing personal necessity, and there will be somebody in it that will discover the true point in the case. You can not cover the central facts in this case and drive the true sense of this House away from its proper moorings.

It has been said here that if the engagement had expired by lapse of time or by non-user, or if the particular duty which the gentleman was appointed to perform had ended, then the engagement ends. Let it be so. Here is a communication from the Attorney-General, dated December 9, 1882:

DEPARTMENT OF JUSTICE, *Washington, December 9, 1882.*

SIR: As requested in your letter of the 4th instant, Hon. J. R. Chalmers has this day been appointed to assist in prosecuting the violators of the election laws at the last election in your State, and has been notified of his appointment at No. 419 New Jersey avenue, southeast, in this city.

Very respectfully,

BREWSTER, *Attorney-General.*

GREEN C. CHANDLER, Esq.,
United States Attorney, Oxford, Miss.

The election was held on the 7th of November and the appointment was made on the 9th of December. You have heard, Mr. Speaker, of feeding a dog on his own tail. [Laughter.] Here is another communication:

HOUSE OF REPRESENTATIVES, UNITED STATES,
February 21, 1884.

SIR: Please furnish me at your earliest convenience a copy of the order appointing Hon. J. R. Chalmers special assistant to the attorney of the United States for the northern and southern districts of Mississippi; of all accounts filed by said Chalmers for services indorsed as such, and copy of resignation filed by said Chalmers as such, with date of receipt of each at your Department. I desire copies of all the papers in connection with his appointment and service in your Department; and if there are others not specifically called for herein please furnish copies of the same.

Respectfully,

H. L. MULDROW,
Member Congress First District Mississippi.

Hon. BENJAMIN BREWSTER,
Attorney-General of the United States.

DEPARTMENT OF JUSTICE, *Washington, February 26, 1884.*

SIR: As requested in your letter of the 21st instant, I have the honor to inclose a copy of the appointment of J. R. Chalmers, esq., a special assistant to the United States attorney for the districts of Mississippi.

Two accounts were presented by Mr. Chalmers. The first, for $500, was allowed, and a copy of it can be found at the Treasury Department. The second was disallowed entirely, as will be seen from a copy of a letter inclosed.

Mr. Chalmers is still in the employment of the Government. There is, therefore, no resignation on file from him.

Very respectfully,

BREWSTER, *Attorney-General.*

Hon. H. L. MULDROW,
House of Representatives.

I read these letters to show as a matter of fact that the engagement of Mr. Chalmers as special assistant to the United States district attorney has never ceased. I ask this House to underscore these letters and to fasten their attention upon them:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 26, 1884.

DEAR SIR: Mr. Manning has made the point on me that I am an office-holder under the United States by reason of my acceptance of employment from you to assist the United States district attorney for the northern district of Mississippi in the prosecution of the violators of the election laws.

I never considered myself thereby an officer of the United States; but if it is an office, I hereby resign all right or title I may have thereto.

I have the honor to be, yours, respectfully,

JAS. R. CHALMERS.

Hon. B. H. BREWSTER,
Attorney-General United States.

Now listen to this:

WASHINGTON, D. C., *March 5, 1884.*

DEAR SIR: I have just seen your letter to Hon. H. L. MULDROW, of Mississippi, of February 26, stating that I was still in the employ of the Government because I had not resigned.

I respectfully call your attention to the terms of my employment and to your letter to me of 9th of July, 1883, in which you state that my compensation "was to be fixed by the Attorney-General on the conclusion of your services," and that you then and there fixed the amount at $500. I also respectfully call your attention to my letter of July 6 inclosing my account and asking a final settlement, because the court had quashed the information *vs.* E. M. Watson and others, and the United States district attorney had asked leave to dismiss the other cases. If my letter can be found please send me a copy of it.

I further respectfully ask whether Mr. Manning ever resigned a similar employment given to him during the time Hon. G. Wiley Wells was district attorney.

Yours, truly,

JAS. R. CHALMERS.

Hon. B. H. BREWSTER,
Attorney-General United States.

Here are the papers, gentlemen; take them and read them:

DEPARTMENT OF JUSTICE, *Washington, February 26, 1884.*

SIR: Your resignation as assistant to the United States attorney for Northern Mississippi, in the prosecution of violators of election laws, is accepted, to take effect this date.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. J. R. CHALMERS,
House of Representatives.

DEPARTMENT OF JUSTICE, *Washington, March* 6, 1884.

SIR: Referring to my letter of the 26th ultimo, I desire to state that the information then furnished you in regard to Mr. Chalmers's resignation is erroneous to the extent that I then stated that Mr. Chalmers had not resigned, and was still an employé of the Government as an attorney to prosecute certain cases.

The records of the Department show but few formal resignations. The rendition of a final account and its payment is an official recognition of the resignation and its acceptance.

Very respectfully,

S. F. PHILLIPS, *Acting Attorney-General.*

Hon. H. L. MULDROW,
House of Representatives.

Mr. RANNEY. Will the gentleman state when that account was rendered?

Mr. BENNETT. Oh, yes. You always ask a question at the right place. You have a logical and chronological mind. [Laughter.] Now, listen just a moment:

The United States, Dr. to James R. Chalmers, assistant United States district attorney, for balance of services in the case of The United States *vs.* E. M. Watson *et al.* (Conspiracy to violate election laws.) 1942.

At the June term, 1883, of the western division of the northern district of Mississippi, at Oxford.

Balance due, case being ended, $500.

That case was tried on demurrer, and the indictment or information was quashed; and it is for services in that case alone that Mr. Chalmers filed his claim.

Personally appeared before me George R. Hill, clerk, &c., the undersigned, James R. Chalmers, who, being duly sworn, says that he rendered the services herein stated; that the account as stated is just and true, and that he has not received any payment therefor.

JAS. R. CHALMERS.

Sworn to and subscribed before me this the 6th day of July, 1883.

G. R. HILL,
Clerk United States Court.

It will be remembered that Mr. Chalmers was appointed special assistant to the district attorney for the northern and southern districts of Mississippi. This case—the only case in which he filed an account for services rendered—was in the northern district of Mississippi, and was a case against Watson and his codefendants.

Now, as to the southern district, I took the precaution to write to the Department of Justice for the entire correspondence covering this matter, and I apprehend that a great Department of this Government that ought to hold the scales of justice with unfevered hand would give me whatever was due Mr. Chalmers and whatever was due this citizen on the other side.

Mr. VALENTINE. Has the gentleman read all the letters?

Mr. BENNETT. I have read all that I have.

Mr. VALENTINE. Have you read the letter referred to by you in your opening remarks——

Mr. BENNETT. What letter?

Mr. VALENTINE. The letter in which the Attorney-General said it was not necessary that there should be a formal resignation.

Mr. BENNETT. I think I have read that, my friend.

Mr. VALENTINE. I did not hear you read it.

Mr. BENNETT. Well, I can help you with information; but I can not give you ears. [Laughter.]

Mr. VALENTINE. I did not hear the last remark.

Mr. BENNETT. It was nothing but a kindly remark made to you.

The contestant continued in the discharge of his duty as such assistant district attorney until February 26, 1884. While this contest was pending the Attorney-General, in answer to a letter of Hon. H. L. MULDROW, wrote: "Mr. Chalmers is still in the employ of the Government; there is therefore no resignation on file from him."

Mr. RANNEY. Does the gentleman claim that since that account was rendered by Mr. Chalmers in July 1883, he has rendered any service?

Mr. BENNETT. Certainly I do.

Mr. RANNEY. Where is the evidence?

Mr. BENNETT. You anticipate me.

Mr. RANNEY. I ask the question for information.

Mr. BENNETT. I will give it to you before I am through.

The question then comes up, is the place of special assistant to the United States district attorney for the northern and southern districts of Mississippi an officer? Upon this question hangs the law of this case as distinct from the facts; for I apprehend I shall be able to show by and by that there is exhibited in this record a state of facts which violates all official propriety and which this House can not possibly, with decent regard for its own dignity, condone.

Section 363 of Revised Statutes provides for the appointment of assistant district attorneys in the following words:

The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain in the name of the United States such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counselors the amount of compensation, and shall have supervision of their conduct and proceedings.

Section 366 provides:

Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission.

If the gentleman from Pennsylvania [Mr. ELLIOTT] will reflect for a moment it will occur to him that in the course of a long practice at the bar he never was retained by a private client and commissioned in behalf of that client.

Mr. RANNEY. Is a letter of attorney anything but a commission?

Mr. BENNETT. Oh, yes; it is quite different.

Mr. ELLIOTT. Does not the gentleman think that when employed as an attorney by a private client I could always be compelled to file my power of attorney before acting in the case, so that it might be known I had authority to act?

Mr. BENNETT. The gentleman might be compelled to file it, not for the benefit of his client but for the benefit of the other side. The line of division in the two cases is perfectly distinct. Upon a rule served at the instance of the other side an attorney may be compelled to file the muniment of his office. Why? Because otherwise his client would have no standing in court.

Section 366 provides that every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, as a special assistant to the Attorney-General, or to some one of the district attorneys, as the nature of the appointment may require; and shall take the oath required to be taken by law by district attorneys, and shall be subject to all the liabilities imposed on them by law.

The statute has never been construed by any judicial tribunal in this country. The nearest approach to a judicial opinion is that, I believe, of Mr. Lawrence. I do not remember exactly what position he occupies in the Treasury Department.

Mr. MILLS. He is the First Comptroller of the Treasury.

Mr. BENNETT. This statute is of recent adoption in this country. I speak subject to correction. I believe it first appeared in the statutes of the United States about the year 1870. The judicial decisions defining what is and what is not an office are numerous and plenary on this point, not indeed by direct construction of the statute, but by the forcible analogies of the law.

First, I call the attention of the Chamber to the case of Clark *vs.* Stanley, (66 N. C. R., 63). I will begin at home; I will go to my native mud. [Laughter.] The opinion comes from an eminent Republican court, one of the most eminent we ever had in that State. In that case the court says:

A public office is an agency for the State, and the person whose duty it is to perform it is a public officer. This we consider to be the true definition of a public officer in its original broad sense. The essence of it, the duty of performing an agency—that is, of doing some act or acts, or series of acts, for the State. Public officers are usually required to take an oath, and usually a salary or fees are annexed to the office, in which case it is an office coupled with an interest. But the oath, salary, and fees are mere incidents and constitute no part of the office. This definition also excludes the idea that a public officer must have continuance. It makes no difference whether there be but one act or a series of acts to be done; whether the office expires as soon as the one act is done, or is to be held for years, or good behavior.

Mr. ELLIOTT. Does that overrule a decision of the Supreme Court of the United States?

Mr. BENNETT. I am going up higher and higher. [Laughter.]

Mr. ELLIOTT. You have a long way to go to get there.

Mr. BENNETT. I travel very rapidly on the home-stretch. [Laughter.]

It did not occur to the gentleman from Pennsylvania when he said that if Mr. Chalmers were to die there would be no continuity in the office—it did not occur to him I say that the act providing for the appointment of this special assistant is of a continuing character; that it runs along *pari passu* with the life of the Government, and that the mortuary changes of individuals do not change its existence. Call it an original vacancy, if you choose, the act is there; the background is there.

United States *vs.* Maurice. (2 Brockenborough, 97). This was an action on bond of an agent of fortifications authorized by regulations of Department, and recognized by an act approved April 24, 1816. The question involved was, Was he an officer of the United States? The regulations prescribed his duties to be to provide materials and workmen, pay laborers employed, make an abstract of articles furnished, of labor performed, pay of mechanics, and of contingent expenses. The opinion of the court was by Chief-Justice Marshall, who decided that this agent was an officer of the United States.

Vaughn *vs.* English, (8 California Reports, 41); Shelby *vs.* Alcorn, (36 Mississippi Reports, 273). These cases and others that might be cited abundantly show that the position of special assistant district attorney is an office within the meaning of the sixth section of the first article of the Constitution. The appointment or employment is provided for by section 363 of the Revised Statutes, and his duties are prescribed by section 366. Within all the authorities this is an office. But it may be attempted to show that this employment only amounted to a contract between the Government and the contestee. A contract between the Government and an individual may certainly be made, to do any work that is imposed on the Government, and for which there is no provision of law as to how it shall be done, when the law does not create the position or place, and does not prescribe its duties. In such a case the contract takes the place of the law, and the rights, and duties, and obligations of both parties are defined not by law but by the terms

agreed on, and neither can depart from them without the consent of the other.

United States *vs.* Hartwell, (6 Wallace, 393). The words "employ and retain," used in section 363, have been relied on to support the view that this is a contract and not an office.

It is the argument of the member from Pennsylvania, and he lays particular stress on the fact that the words "employ" and "retain" are the operative words in the two sections.

Section 169 of the Revised Statutes provides that each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law. Section 170 provides that no money shall be paid to any clerk employed in either Department at an annual salary as compensation for extra services unless expressly authorized by law.

So the words "employ" and "retain" are to be found bristling all through the statutes in connection with the appointment of those who have again and again been decided by the courts of last resort to be officers within the meaning of the law.

This question has frequently arisen in the House of Representatives, and it has been uniformly decided that the person holding a Federal office on or after the day when Congress meets is not elegible to a seat in the House. The question first arose in the case of Van Ness, in 1803. He was elected to Congress, and afterward, and before the first session began, he accepted the appointment of major of the militia of the District of Columbia, which he held at the time the question of his elegibility was before the House. By a unanimous vote of the House he was turned out and the seat declared vacant.

I do not suppose the average member of this House would regard any other office as quite so insignificant as that of a major of militia. I believe, according to the Georgia custom, a major's uniform is currently believed to consist of a pair of spurs and a paper collar. [Laughter.] Mr. Randolph, of Virginia, said, in reference to the Van Ness case:

> On a precedent so important as was about to be established by the vote of the House, it was unnecessary to say a word. He wished, however, the disposition of the House to exclude by unanimous vote even the shadow of executive influence should be recorded on their journals, for which purpose he called for the yeas and nays.

They were taken and were unanimous.

In the case of Baker, of Illinois, and Yell, of Arkansas, Twenty-ninth Congress, second session, found in contested-election cases from 1834 to 1865, page 92, the same principle was affirmed. Baker and Yell, after their election to Congress, accepted commissions as colonel of volunteers for the Mexican war. The committee reported that holding this office at the time Congress convened vacated their seats in the House under the clause of the Constitution already cited. The report also took the ground that the two positions were incompatible, and, under the fifth section of the first article of the Constitution, which declares that "each House shall be the judge of the elections, returns, and qualifications of its own members," it was the duty of the House to declare their seats vacant. The report says, on page 93:

> The committee believe that to hold an office in the Army of the United States is incompatible with the office of a member of Congress, and that, therefore, the two offices can not be held at the same time by the same individual; that it is against the whole theory and spirit of our Government. The Constitution intended that the President should have no power to control the action of Congress in any respect; that it should be perfectly independent. Now, suppose every member was a colonel in the Army in the service of the United States, and the President, who, by the Constitution, is Commander-in-Chief of that Army, should come into the Halls of Congress, and order each member to retire immediately, under penalties inflicted for disobedience of orders, to his post in the Army, what would become of Congress? Or suppose, while Colonel Baker was making his speech here this session as a member, the President had come into this Hall and commanded him to be silent, or retire to his regiment in Mexico? Suppose in that speech Colonel Baker had spoken disrespectfully of his superior officer, the President, could he not be held responsible before a court-martial? To enlarge upon this argument is useless. To allow the two offices to be held by the same person would utterly destroy the independence of Congress and convert the country into a military despotism.

For further illustration of this principle, see the debate in the House on February 5, 1847.

The next case to which attention is called is that of Byington *vs.* Vandever, found in same book of contested-election cases, page 395. Vandever, after his election to Congress in 1860, was on the 30th of August, 1861, appointed a colonel of the Ninth Regiment of Iowa Volunteer Infantry. The committee in their report on this case say:

> He has no right as a Representative to absent himself from the House without leave; and if he does he is liable to be arrested by the officer of the House, and returned and punished. But he is also bound as an officer of the Army to be present with his regiment (perhaps a thousand miles distant), ready to execute the commands of his superior officer, and for his default is liable to punishment, it may be with death. Or his military superior may take him by force from his seat and duties in the House to his post in the Army. That such a physical impossibility as is thus created to execute the duties of both offices renders them incompatible would seem beyond a doubt.
>
> But there is this also in the nature of the powers incident to the two positions which renders them incompatible: As Representative he may, by his vote, repeal the law or Army regulation creating a duty or imposing a penalty, which, as an officer of the Army he has neglected or incurred. Or in the exercise of his right (and perhaps duty) as Representative to speak of the conduct of his superior military officers, he might utter words for which, as an officer of the Army, the superior would have equal right to cause him to be tried by court-martial and punished.

This reasoning fits the case of contestant perfectly. He is an officer of the Department of Justice, commissioned by that Department, and by section 360 of the Revised Statutes the Attorney-General may require him to perform any duty required of the Department or any officer thereof, and by section 366 he is subject to all the liabilities imposed by law on district attorneys. He has no right to absent himself from the House, and while performing duties there he may be, in discharge of his duties as assistant district attorney, compelled to be in Mississippi in prosecuting the cases specially committed to his charge as such assistant district attorney. As Representative he may, by his vote, change the law regulating his duties as assistant district attorney and increasing his compensation as such. He may, by his absence from the House, subject himself to arrest and penalties, and by his absence from the court in Mississippi disobey the directions of the Attorney-General. Or when in the discharge of his duties in Mississippi as assistant district attorney he may in the most critical period of such duties be taken by the Sergeant-at-Arms of the House and carried to Washington. Clearly the duties of the two places are incompatible, and the House seat is vacant. The authorities are abundant and directly in point.

The case of Delarge *vs.* Bowen confirms this doctrine. In this case Bowen, after his election to Congress, had accepted the office of sheriff of the city of Charleston, and was in the discharge of the duties of this office when Congress convened. The House held the two offices incompatible, and declared the seat vacant.

The only other case that will be noticed is that of Blair (Report 110, first session Thirty-eighth Congress, pages 5 to 10). This case was heard and determined with that of Schenck. They were both elected to the Thirty-eighth Congress, and thereafter, and before the first session began, they were both commissioned as general officers in the Federal Army. Schenck resigned his commission in the Federal Army before the first session of Congress began, on the first Monday in December, 1863. Blair resigned his commission the 1st of January, 1864, in order to take his seat in the House, which had been in session about a month. The committee and the House decided that Schenck was entitled to retain his seat, but Blair was not, and the seat of the latter was declared vacant. In the report the committee say:

> The authorities are clear that the mere appointment or election to office, the duties of which are incompatible with those of one already held, will not vacate such office. This is true even in England, where the appointment to office can not always be avoided, and where once assumed it can not, as we have seen, be always voluntarily resigned by the incumbent. * * * The common law has been shown to be clear that the election alone to an incompatible office will not vacate one already held. The language of the Constitution is that "No person holding any office under the United States shall be a member of either House during his continuance in office." The words are "shall be a member," not "shall be elected." No one can be made a member against his will. He may be elected without his consent or knowledge, for he may be in a foreign land, but to become a member he must not only be elected, but he must take the oath of office. * * * In the clause now under consideration the language is: "No person holding any office under the United States shall be a member of either House during his continuance in office." No one doubts that the object of the constitutional inhibition was to guard the House against executive influence. This object is attained so far as it can be by this provision, if the inhibition attaches the moment the member enters upon the discharge of his duties as such, and nothing is gained by an earlier application of it.
>
> But this record raises another question, which, so far as the committee can learn, has not before arisen, and which it becomes necessary to examine. Mr. Blair was appointed a brigadier-general August 7, 1862, and a major-general November 29, 1862, the duties of which latter office he discharged till January 1, 1864, when he tendered his resignation, which was accepted January 12, 1864. On this latter day he qualified and took his seat in the House of Representatives. The first regular session of the Thirty-eighth Congress, fixed by law, commenced the first Monday in December, 1863. It therefore appears that Mr. Blair held and discharged the duties of major-general for more than a month after the commencement of the session fixed by law of the Congress in which, after resigning that office, he subsequently took his seat.

The only conclusion that can be drawn from the record is that Mr. Chalmers sought a position from which he was enabled to shield his partisans, and in the name of the United States persecute the friends of Mr. Manning, whose fidelity to him and the principles he represented had aroused the anger of contestant during the canvass.

He sought and obtained this position, which enabled him at Government expense and with the power of the Government to prosecute his claim for this seat in Congress.

By reason of this position he was enabled to summon witnesses on behalf of the United States, who, when they obeyed the process, were required to exhibit the private correspondence of Mr. Manning, though not a party to the case under examination. He was enabled to gain access to the grand jury, and under the protection of its secrecy, and without any danger of detection, he could turn this great engine provided for the protection of society to forward his ambitious schemes and wreak his vengeance.

How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has ten minutes of his time remaining.

Mr. BENNETT. I fear I shall not be able to conclude my remarks within the hour, and shall probably be required to ask an extension.

Now, whether disqualified under the sixth clause of the first article of the Constitution by reason of his holding this Federal office, it is insisted that under the fifth clause of the same article he should not be allowed a seat on the floor of this House. Under the last-cited section the House is the exclusive judge not only of the election but the qualification of its members.

It is deemed unnecessary to comment on the conduct of the con-

testant. As exhibited in the record, both before and subsequent to the election, it was so bad that to give him a seat in this House would set an example and a precedent calculated to sap the foundations of our representative system.

The committee in their report, on page 2, say:

Your committee, however, passing the question of whether this is an offense within the meaning of the Constitution, find that Mr. Chalmers was retained for a special purpose, and that prior to the time of the convening of Congress the matter for which he was appointed or employed had been disposed. His account had been rendered to and closed by the Department. No resignation had been made—none was necessary. Practically his connection with the office had ceased.

The record will be searched in vain for the facts stated in this extract from the report of the majority. On the contrary, it will appear from the evidence that Mr. Chalmers was appointed to assist in the election cases; that some of these cases were still pending in February last when this case was under argument and more than sixty days after this session begun.

It will also appear by the statement of the Attorney-General that Mr. Chalmers's account had not been closed and that his connection with the office had not practically ended. On the contrary, it will appear that Mr. Chalmers had not rendered his account in but a single case, that of The United States *vs.* E. M. Watson and others, and the Attorney-General expressly states that his account in that case is closed. There is no evidence that he ever rendered or closed an account with the Department in any other case, but he remained up to February still in the discharge of his duties as assistant district attorney with his account for services unsettled except as to the Watson case.

Now, Mr. Speaker, if this is a mistake on the part of the majority of the committee and "the matter for which he was appointed or employed had not been disposed of" "prior to the time for the convening of Congress," then the question still arises, Was his position an office within the meaning of the Constitution? The authorities I have already cited settle this question beyond all dispute, and it must be held, in accordance with the precedents relied on, that Mr. Chalmers can not take his seat.

The evidence fairly shows that Messrs. Raum, Hatton, Chandler, and Bruce (all officers of the United States Government), and Jay Hubbell, chairman of the Republican executive committee, brought about the candidacy of contestant. Register Bruce, at a critical moment, extinguished the aspirations of his colored brother, J. P. Little, by the following telegram:

Republicans here (Washington) do not think it would be wise to nominate a Republican candidate for Congress. Give Chalmers a chance at the Bourbons. (Record, page 126.)

Mr. RANNEY. Is there anything illegal about that?

Mr. BENNETT. If there is not anything illegal in it, there is a "damned spot" in it. If there is anything consecrated in the traditions of this country it is that the affairs of the States, the legitimate privileges of the States, their elections, and their laws shall not be invaded by the Executive, or by the General Government, or by any Department thereof. [Applause on the Democratic side.]

Propriety, Mr. Speaker, may have fled the country. All sense of delicacy in these matters may be gone, and it may be that this generation "that knew not Joseph" are better in their principles than were the opinions and the traditions of the fathers. In the better days of the Republic an officer of an Executive Department of this Government would sooner have thrust his finger into the fire, would rather have gone shackled to the place of execution, than to have attempted an invasion in the affairs of the State at the time of an election. Anything improper in it! Do not shut your eyes to what is public history. Do not shut your eyes to the fact that an Executive Department of this Government, as is now commonly understood, has gone into a State that lies here under the very eaves of the Capitol to advance the ambitions and the projects of one who sits in the other end of the Capitol. Do not forget that the patronage of a great State has been given into the hands of a single citizen, all of it to be used in one monstrous attempt—an irresistible column—to break down the spirit of liberty that still lingers in the States. Do not, I repeat, shut your eyes to that which is current history. Do not shut your eyes to what is implied in this dispatch. Do not shut your eyes to the fact that there is more behind than appears on the face of this dispatch itself. It is incontestibly proven by implication that to get a seat upon the floor of this House he has turned his back upon kith and kin to make friends with those some time ago his enemies. [Applause on the Democratic side.] And nothing but the power of this General Government exercised from this safe quarter in his behalf would have taken him away from his public allegiance. He is the victim of too much patronage [laughter], and his people in that State are made the sufferers. Great God! It is enough to make the face of any independent, right-thinking citizen mantle with shame. It is enough to make any honest citizen who regards the Government as simply made to increase the amount of good and comfort for the citizens—it is enough to make him recoil and his flesh creep to see the patronage of the Government thus foully and most unnaturally abused.

Mr. Raum detailed two men, calling them internal-revenue collectors, to help Chalmers.

Cannon to right of them,
Cannon to left of them.

they gave their whole time to the work, and the account for their services was filed against the Government.

Mr. Hubbell "paid" Chalmers $250 "as a send-off," and afterward made other remittances for his benefit, the exact amount of which (above $1,250) could not be ascertained from the fund managers because they had burned the books of the committee soon after the election.

Did you ever see a cat retire—gone for a moment and then looking back with a cunning look as if she knew something that nobody else knew? [Laughter.]

The SPEAKER *pro tempore*. The time of the gentleman from North Carolina has expired.

Mr. VALENTINE rose.

Mr. LOWRY. I propose to take the floor and will yield to the gentleman from North Carolina such time as he may want.

The SPEAKER *pro tempore*. The gentleman from North Carolina will proceed.

Mr. LOWRY. That there may be no want of unanimity, I will not claim the floor at this time but will yield to the gentleman from Nebraska [Mr. VALENTINE]. I will claim the floor afterward and will then yield to the gentleman from North Carolina [Mr. BENNETT].

Mr. VALENTINE. If the gentleman from North Carolina is to speak any further on this case I would prefer that he should speak now. The gentleman in charge of the report, the gentleman from Iowa [Mr. COOK], told me he proposed to call the previous question in thirty-five minutes. Before that is done I desire to submit some remarks.

Mr. LOWRY. My friend from North Carolina [Mr. BENNETT] suggests that you can lead a horse to the water but you can not make him drink. He does not desire to proceed now. The gentleman from Nebraska [Mr. VALENTINE], if it be agreeable to him, can proceed at this time, and I will afterward take the floor and afford my friend from North Carolina an opportunity to be heard further when he is a little refreshed.

Mr. COOK. It was my purpose when the gentleman from North Carolina [Mr. BENNETT] rose to take the floor under the thirty-five minutes I have left and yield the whole of that time to the gentlemen on that side and then to call the previous question. As I have thirty-five minutes remaining I will yield that time to the gentlemen on the other side and then ask for a vote. I ask that that arrangement be made by unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Iowa asks unanimous consent that after thirty-five minutes of debate accorded to the minority the previous question shall be considered as ordered. Is there objection?

Mr. VALENTINE. I object.

Mr. LOWRY. I desire to afford the gentleman from North Carolina an opportunity to conclude his argument on this question. He certainly has not been wasting any time. I am willing on the other hand the gentlemen who espouse the other side of the question shall have ample opportunity to express their views, and I suggest it is entirely proper my friend from Nebraska should proceed now and that Judge BENNETT be allowed to finish after he has somewhat refreshed himself.

The SPEAKER *pro tempore*. Those arrangements are not within the power of the Chair.

Mr. HART. I think it is but fair that the gentleman from North Carolina should conclude his speech now, if he proposes to speak any further.

Mr. LOWRY. I have not yielded the floor. I believe I am recognized as still occupying the floor. I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman from Nebraska [Mr. VALENTINE] is recognized.

Mr. VALENTINE. I shall not detain the House at any great length on this question. In fact, I do not know that I desire to argue the evidence in the case or the law to any great extent. I would not be disposed to say anything at this time upon this question, but would leave it to the members to vote upon as it is presented by the various members of our committee, if it were not for the fact that I believe it my duty, to myself at least, if not to other members of this committee, to call the attention of the House to what I at least consider unjust treatment at the hands of my friend—and I class him as such, I am glad to say—the gentleman from Iowa [Mr. COOK]. I believe, and I desire to so state, that in the writing of this report and its submission to the House by my colleague he has used unnecessary and uncalled-for language. He was delegated by a majority of our committee to report in favor of the seating of Mr. Chalmers. The minority members of the subcommittee, together with two of the majority, gave from one to three hours per day for two weeks to the argument of this question. The question was argued at great length both upon the facts and upon the questions of law involved. The subcommittee, composed of three Democrats and two Republicans, were unanimous in their report to the full committee that Mr. Chalmers was duly elected and entitled to a seat on this floor. The chairman of our subcommittee was asked to make a

report in accordance with the majority report of the full committee. For some reason he failed for a considerable length of time to make this report. Afterward the gentleman from Iowa [Mr. COOK], the second member of the subcommittee, was asked by the full committee to make this report, and, as I at least presumed, to embody therein the views of the majority.

The language used here is not indorsed by any Republican member of the Elections Committee. We do not believe it warranted by the facts or by the evidence, and think that it ought not to have appeared in a report to this House. He has taken occasion to use language which he admits does not convey, or ought not to convey, the meaning that a casual reader would give it, and that is why I object to it.

I desire, without taking the attention of the House, to ask to have inserted as a part of my remarks upon this question the majority report. I will not ask to have it read, as it has been already read.

Mr. COOK, from the Committee on Elections, submitted the following:

The Committee on Elections submit the following report in the case of James R. Chalmers *vs.* Van H. Manning:

At the regular election for Representative in this Congress, in the second district of Mississippi, James R. Chalmers received a majority of the votes cast.

The certificate of election or commission, however, was given to the contestee, Van H. Manning. The facts and circumstances under which this was done fully appear in the report and proceedings on the question of *prima facie* right heretofore had.

In the contest on the merits Mr. Manning took the burden of the issue and sought to show that there was such interference in the election and canvass leading to it by the Executive Departments at Washington and Federal authorities in the district as to at least make the election void.

It appears that Mr. Chalmers, a short time before the election, was declared not elected to a seat which he occupied as a Democrat in the Forty-seventh Congress. Up to this time he had for years acted with the Democrats. Immediately after this he conferred with leading Republicans at Washington, and with members of the administration, arranging with them to aid him in securing the support of the Republicans of this district, in which he did not then reside. It is fairly proved that he had the active aid of the Departments at Washington and their subordinates in the district in the work of securing the support of the Republican party organization in his canvass, and the votes of its adherents, the great mass of whom are of the colored race.

While the evidence is not clear, yet it fairly shows facts that are a reproach to the civil service of the country.

Not only was much time for which some of the Federal officials were paid by the Government devoted to canvassing for the contestant, but their accounts for expenses incurred in the canvass were rendered to the Departments at Washington as incurred on account of the Government, although it does not appear that they were paid.

The committee appreciate the gravity of the issue thus presented; elections should be free from all corrupting influence.

The use of large sums of money in elections in many parts of the country is an element of danger, even though it be not used directly upon the voters.

That the Federal patronage and the influence of superiors may produce a strong and corrupting effect among a voting population such as this district contains must be admitted. The direct bribery of voters and corrupt use of money could not be much more baneful.

Again, it is of the highest importance that Congress should be a body free, as far as may be, from executive interference or dominance. No member should feel that he is in any degree indebted to the Executive Departments for the seat which he holds.

The use of the executive patronage and power is a growing evil, the force and effect of which all good citizens realize only to regret and condemn; nor can we close our eyes to the fact that this influence may be exercised with greater effect and more perniciously in one section of the country than another.

Believing that it is the duty of the House, whenever it is shown that the election of a member is the result of this influence, to declare the election void, and believing, further, that the testimony in a case is to be taken in connection with contemporaneous historical facts, your committee has given careful attention to the record and evidence in this case. We conclude that it can not fairly be said that the election of Mr. Chalmers was secured by such undue influence—that is to say, that without it he would not have been elected—especially in view of the large majority he received. It was perhaps more instrumental in making him the candidate of the Republican party and suppressing other aspirants for party support. But with this we think the House has no concern.

A large part of the evidence is calculated to show that the contestant was deceitful in his politics, treacherous to his political friends, and unworthy of so high an office. This, however, must address itself to the voters of his district, and the House has no right to render an unjust decision because a man lawfully elected may be subject to this criticism more or less.

It is next claimed that Mr. Chalmers, if legally elected, has since his election disqualified himself from holding this office by accepting another office from the United States and performing its duties within the term of office of a member of the Forty-eighth Congress, under the following provision of the Constitution:

"And no person holding any office under the United States shall be a member of either House during his continuance in office."

Because, on the 9th day of December, 1882, Mr. Chalmers was by the Attorney-General of the United States employed or appointed "special assistant to the district attorneys for the northern and southern districts of Mississippi," and that by retaining this position he had vacated his office as Representative.

Your committee, however, passing the question of whether this is an office within the meaning of the Constitution, find that Mr. Chalmers was retained for a special purpose, and that prior to the time for the convening of Congress the matter for which he was appointed or employed had been disposed of. His account had been rendered to and closed by the Department. No resignation had been made—none was necessary. Practically, his connection with the office of district attorney had ceased.

We recommend to the House for adoption the following resolution:

Resolved, That James R. Chalmers was duly elected as a Representative in the Forty-eighth Congress from the second district of Mississippi, and is entitled to be sworn in as a member of this House.

And I desire to follow that report in the RECORD with the views of the minority of the majority as submitted in the following report. I incorporate them as part of my remarks.

Views of dissent from some portions of the majority report in Chalmers *vs.* Manning.

It will be remembered that the House, upon a report of the committee, decided that the contestee was not entitled to be sworn in upon his alleged *prima facie* title, although he finally caused his certificate to be presented to the House and claimed such a right, notwithstanding what he had inserted in his answer. It appeared that the certificate was awarded to him by the State executive, because of, and in pursuance of, the action of the secretary of state, which was proved to have been illegal and fraudulent; that upon the returns the contestant, Mr. Chalmers, was elected and should have been so found by that officer and awarded the certificate.

Mr. Chalmers was thereby deprived of the benefits of the same, and both he and his district have, because of it and delay in the committee, been denied hitherto all the benefits of representation upon the floor of the House. After the decision had been made upon the question of *prima facie* title the case was before the committee for determination upon its merits. The record was not voluminous, and the questions of fact and law involved in the contest were not complicated or difficult of solution. An earnest endeavor was made on his part to get the case heard and determined speedily and without any unnecessary delay. The undersigned must be allowed to say, in justice to themselves, that they did all in their power to have this done, but to their great regret and extreme mortification the case has remained undetermined until now, so near the end of the session.

There was no evidence in the case upon which any reasonable claim could be made that Mr. Manning was elected, indeed none which furnished even a plausible pretext for such a contention. The contestant was chosen beyond all question by a large and a decided majority in an election fairly and honorably conducted. There was nothing so far to require any serious consideration or to raise any doubt whatever in our minds. Contestee did not, in his answer to the notice of contest, set up a claim, not directly at least, and he has presented no reasons to the committee, on the evidence or otherwise, tending to support a claim, that he was entitled to the seat on the merits.

It has been contended that contestant was not eligible, or rather that he had lost his right to a seat, because employed December 9, 1882, by the Attorney-General to act as counsel and aid the district attorneys in the prosecution of some criminal cases in Mississippi. His employment was a special one in the line of his profession, and it was in no sense an office which was incompatible with his holding the position of Representative to Congress. He was not awarded a certificate of election as the chosen Representative, but the same was awarded to, and was held by, another person, to wit, the contestee. He was only a contestant claiming the seat. He was employed and retained after the day of election for a special purpose, to assist the district attorneys for the northern and southern districts of Mississippi in the prosecution of certain criminal cases. The employment was authorized under the statutes of the United States. It was a special contract employment for special pay according to what he did, and not an appointment to fill any office created by law with duties prescribed and a salary attached.

There is no good reason for a claim that it was the holding of an office under the United States, which was incompatible with his being a member of this House under the provisions of the Constitution, even if he had been a member of that body. But whether it was or not, inasmuch as he was not then accredited as a member and another person was, and especially inasmuch as his employment had ceased, his services having been fully performed and ended before the Forty-eighth Congress met, he could not in any event properly be held to come within the provision of the Constitution referred to, either in its letter or spirit. (Contested Elections in Congress, 1779–1837, page 122; Hammond *vs.* Herrick, in same, p. 287; Earle's case, p. 314; Mumford's case, p. 316; Schenck's case; McCrary, sections 238, 244.)

The contestee, in his answer to the notice of contest and in his evidence adduced, seems to have bent and exhausted his energies in attempts to assail the personal character of contestant and in making grave charges against him of a personal nature, and against the Departments of the Government and some Government officials, evincing, as it seems to us and is claimed, a spirit of vindictiveness and malice more than a desire to deal with what constituted legitimate issues in an election contest. Charges were made by contestee of money having been used in the election for corrupt purposes, and against the conduct of deputy marshals, &c. There has been evinced on both sides in course of conducting the contest, in the briefs and otherwise, much acrimony of feeling and speech.

But what has been done on the part of the contestant has been chiefly in repelling the attacks of contestee, and under a provocation of the strongest kind. The purpose of the undersigned was to disregard all immaterial issues and personal attacks, and regard only what is a proper subject of decision and report. Nothing else was discussed in general committee. Nearly a unanimous decision was reached, and we had a right to suppose that the report was to be made accordingly. We have found to our surprise a report filed of quite a different character. The majority report is so drawn as to reflect upon the personal character of contestant, upon the Departments of the Government, Government officials, &c., and it indirectly charges or insinuates that money was raised and expended improperly, and that influence was exercised of a baneful character by high officials in the Government. This is done without warrant and against the evidence as we view it.

The evidence discloses that contestant had campaign funds from different sources, as follows, namely, $250 from Jay A. Hubbell, and that $1,000 was paid by D. B. Henderson to Mr. Buchanan for same purposes, making $1,235 in all. It is shown conclusively that this was all spent for legitimate general campaign purposes, and the items of disbursement are all accounted for, without conflict of evidence, and as properly expended.

On the other hand, the sum of $2,650 was contributed and spent by, or on behalf of, contestee in his attempted election. We annex references to the evidence and to the items thereof.

Amount paid Van Manning by national Democratic committee	$1,500
Amount paid by E. M. Watson by State Treasurer Hemingway	750
Amount paid E. M. Watson by Secretary of State Myers	100
Amount paid L. S. Dillard by Oxford Democrats	150
Amount collected by Watson in Holly Springs	150
Total	2,650

(See testimony Watson, page 94; Dillard, page 93; Hemingway, page 88.)

We do not find that any of this was spent corruptly. But there is the following evidence tending to show that attempts were made by the use of money to corrupt voters or to detach persons from the support of contestant. We insert the same with comments made thereon by the contestant as found in his brief, and which seems to us to be fully warranted by the evidence.

Deposition of Scott Martin:

"Ans. to 1st int. My name is Scott Martin; 45 years old; and a farmer by occupation; reside at Batesville, county of Panola, and State of Mississippi, and belong to the Greenback party, and voted for Jas. R. Chalmers last year for a member to the 48th Congress from the 2d Congressional district of Mississippi.

"Ans. to 2d int. About eight days before the last election a telegram from Alfred Fields summoned me to Sardis, in said county. Fields told me that I could get $500 if I would change my influence from Chalmers to Ham. Carter; that I could get $300 cash down and the balance any time I called for it.

"After talking with him some time, Mr. J. T. Farthing, whom I understood to be a Democrat and supporter of Colonel Manning, came to the door of the room which we were in, about the time I had asked Fields who was to pay the money, and he said Mr. Farthing is one of the men who is attending to this business. Farthing said to Fields: 'Have you got him?' To which Fields replied: 'No; I am talking to him now.' Fields and I were locked in a room alone together until Farthing knocked at the door and called Fields.

"After some low private talk between Farthing and Fields at the door, Farthing left, and in about three-fourths of an hour he returned and called Fields out and talked with him some five minutes privately. Fields then came back into the room, and in a few minutes told me they wanted me over at the store. We went there and found J. B. Boothe, a Democrat, and supporter of Van H. Manning, who exhibited to me a written contract, which he read and asked me to sign, the language of which I can not remember, but in substance it required me to transfer my influence from Chalmers to Ham. Carter, who was a Republican candidate for Congress, and, as I understood, for the purpose of dividing the support of Chalmers and thereby secure the election of Manning. The contract read to me stated what I should say to the people to induce them to change. Mr. Farthing came into the back room during this time, but said nothing. I deferred giving them an answer until the next day, and then told Mr. Boothe I could not accept his proposition.

"Ans. to 3d int. I know of no other persons that were promised or received anything for the support of Manning during said election. I have stated all I know upon this subject.

"And further this deponent saith not."

(See page 100.)

"Ans. to 1st int. Alfred Fields said: I decline to be sworn or give any testimony in reference to any money offered me by the friends of Col. Van H. Manning, and time of conversation on the subject, and I will go to jail before I will give any testimony on the subject. As I did not desire to proceed to extremities with him, I return the interrogatories with this statement, which I certify to be true and correct.

"Given under my hand and seal of said court this the 13th day June, 1883.

[SEAL.] "S. R. BLANN, *Clk.*"

(See page 91.)

We point next to an attempt to corrupt a minister of the gospel.

DEPOSITION OF J. G. JOHNSON.

"I am 53 years of age; my place of residence is Oxford, Miss.; occupation, preacher of the gospel; I belong to the Republican party; I voted for James R. Chalmers for a member of the Forty-eighth Congress, of second district of Mississippi; there was not any money paid, offered, or promised me by Van H. Manning, or any friend or supporter of his, or any one else to vote for him; but several weeks prior to the November election of 1882, in which Mr. V. H. Manning and James R. Chalmers were candidates for the Forty-eighth Congress, a Mr. William Swindoll came in my room, and in the course of our conversation Mr. Swindle asked me the following questions relative to the pending election: 'Johnson, who are you going to vote for in our coming election for Congress?' I replied 'that I had not decided to vote as yet, but should I do so, I should vote for James R. Chalmers.' Mr. Swindle replied, 'that he could not see how an intelligent colored man could vote for a man of so notorious a character, and who had made his war record so hideous to the people of your race.' I replied to the captain by saying 'that should I vote for Mr. Chalmers I should do so from the fact that he had been made the choice of my party.' Capt. William Swindle asked 'if I would take $50 and remain neutral (or not vote at all);' when I replied 'that no amount would induce me to do so.' He said 'he asked question as a joke, and had no other intention than to try of what metal I was.'"

(See page 93.)

See also testimony of A. J. Terry, page 66.

"Answers to cross-interrogatories:

"X 1st. In answer to 1st cross int'y he says: Nobody offered or paid me any money for Van H. Manning, but a man whom I met coming from Michigan City, and whom I did not know, said he would guarantee me $75 if I would work for Manning as I was working for Chalmers."

We next call attention to the admissions of Mr. E. M. Watson:

"Int. 2d. Did you have any conversation with J. B. Boothe, L. C. Standifer, or W. C. Parker, or either of them, or with any one else as to the necessity, propriety, or practicability of hiring or employing Scott Martin, Alfred Fields, J. E. Settle, or any colored men in any way to support said Manning as said candidate last fall for a seat in said 48th Congress? If yea, please state all that was said by you or them or either of them or by you and any one else upon the subject of hiring or employing any colored or white men to aid in any way the said election of said Manning. Please answer fully and particularly, giving all the facts.

"Ans. to int. 2d. I had a conversation with Mess. Standifer and Booth and several others at same time; with Mr. Booth about parties you named. One of the gentlemen above named, or, as I am inclined to think, Mr. Barber, who was present, said that Fields had informed him that Chalmers had paid to himself (Fields), Scott, Martin, Settle, and one Littlejohn $50 each, with promise of $200 more each, to secure their services. That part of this $200 was then overdue and unpaid, and the four were restless and impatient. That if he (Fields) had the money to repay to Chalmers the amount received he would support Ham. Carter and work for him if he could compensate him for his time, and that Scott Martin was the same way. This was in substance the information conveyed to me. I expressed the hope that these men would turn for Carter, and a willingness to subscribe to the fund for relieving their obligations to Chalmers. I don't remember any Mr. Parker, but I have met such a gentleman. I never had any conversation about securing services of parties named for Manning that I remember. They were very influential men with their race, as I was informed, and I would have been very glad to have seen them desert Chalmers.

"I understood they were at heart, at least Fields and Martin, for Carter, and I would have aided in any legitimate way to remove the obligation or temptation which I was informed kept them for General Chalmers. We discussed the information as to these men at length, and concluded that they had been bought for General Chalmers, and were really in sympathy with Carter. That we would be glad to see Carter have them; would let Carter know, if he did not already know, how matters stood, and furnish him money to pay back to Chalmers what he had paid them.

"Ans. int. 3d. I have already answered this.

"ED. M. WATSON."

(See pages 94, 95.)

The pretense that Scott Martin wanted to abandon Chalmers for Carter is completely refuted by Martin's testimony. And if his testimony was not absolutely true on this point, why were not Messrs. Farthing and Boothe examined to contradict him? Mr. Boothe is shown by the testimony to have been the confidential telegraphic correspondent of Mr. Watson, and would without doubt have promptly denied this statement if it was false.

Allusion is made in the majority report to interviews of contestant with officers, high officials in the Department of the Government. Contestee made a charge in his answer to the notice of contest, which we insert. He then examined those officials, and we insert the material portions of their evidence taken by him and appearing in the record:

Mr. Manning charges that Chalmers "having pretended for many years to be in full accord with the Democratic party, you, on the — day of ——, 1882, entered into a corrupt bargain with some of the members of the Republican Congressional executive committee, of which Jay A. Hubbell was chairman, and D. B. Henderson, secretary, whereby you were to be a candidate for Congress at said election, and if elected, to vote with their party, or as desired by the Federal administration on certain important party questions; in consideration for which it was agreed that said administration should use its power and make its appointments in said Congressional district in such manner as best to promote your election, and that money should be collected from Federal employés, and used as a corrupt fund in said district."

Testimony of D. B. Henderson (record, page 110):

"Question 25. Do you know, by hearsay or otherwise, that money was obtained for that district from the Federal employés in and for the State of Mississippi?

"Answer. I never knew or heard of any money being raised from Government employés in Mississippi, excepting that I presume circulars like those referred to above were sent to office-holders in Mississippi, as elsewhere, but not specially for Mississippi, or any district therein. And whatever was so raised went into the general fund of the committee, and was not specially appropriated to Mississippi. I heard a rumor to the effect that some friends of one Mr. Carter attempted to raise funds to induce him to run as an independent candidate in the interest of Mr. Manning, but touching this I have no positive knowledge. This latter money that I speak of, as I heard the rumor, was partly raised by some clerks from Mississippi in the Departments, and partly by Democratic friends of Mr. Manning.

"Q. 26. Do you know, from hearsay or otherwise, whether General Chalmers controlled the Federal patronage, or any part of it, for that district in the campaign of 1882?

"A. From some things that I know, my understanding is that General Chalmers did not control the Federal patronage of that district in 1882?

"Q. 27. What are those things that you know?

"A. I have in mind a letter which General Chalmers wrote to me, or else written by some friend for him, I am not clear which, making complaint that his wishes were not regarded touching some post-office change desired in Mississippi, and I understand the change desired has never been made; at least, it was not prior to the election in November."

That there was no such bargain is shown by the following testimony of W. E. Chandler, a member of the Cabinet:

"Q. 4. State the purport of the conversations?

"A. Mr. Chalmers stated to me in the summer of 1882, after he had lost his seat in the House—within a fortnight after, I think—that he was going back to Mississippi intending to run for Congress against Mr. Manning. He stated to me generally his plan of proceedings, to which I listened.

"Q. 5. State what were his general plans as developed in that conversation?

"A. The conversation lasted perhaps half an hour, and he did most of the talking. I can give the general substance of his talk. He spoke with bitterness of the treatment he had received from the Democratic leaders, and said he was determined to break up Bourbon Democracy in Mississippi; that he intended to run as an independent Democratic candidate against Manning; believed he could carry a large Democratic vote; believed the Republicans of the district would be glad to vote for him, and that he could be elected beyond a question, unless Republican influences outside of the State were brought to bear upon the Republicans of the district to induce them to nominate a straight Republican candidate. Such influences, he said, he hoped would not be exerted. He spoke of the Mississippi River message of the President; commended it as likely to make the Administration strong in the Mississippi Valley. He went over substantially the same ground traversed in his subsequent letter, announcing himself a candidate. I said very little. I said I hoped Manning would be beaten, and that I would think over what he had stated to me of his plans and purposes. I think I expressed my views generally and briefly with reference to the true policy of Republicans in Southern States—that it should be one of co-operation with every man without regard to past political antecedents, who should be willing to contend for a free ballot, an honest count, and popular education.

"Q. 6. Do you mean that your last answer embraces the purport of the several conversations between you and the contestant during the period referred to?

"A. It does—the substantial purport."

Testimony of G. B. Raum (see record, page 127):

"Q. 5. In your interviews with Chalmers was it discussed whether it was better for him to run as an Independent or Republican candidate?

"A. The first interview I had with General Chalmers was after he had declared his candidacy as an independent candidate. The policy of declaring himself as a Republican candidate I don't think was discussed at all. I stated to him very frankly that to entitle himself to the support of the Republican party of that district it would be necessary for him to convince them that he was sincerely devoted to the principles of a peaceful and fair election.

"Q. 6. Was the policy of running a Greenback candidate discussed in those interviews?

"A. It was not. I understand from General Chalmers that he expected to unite all the elements opposed to the Bourbon Democracy.

"Q. 7. In your interviews with Chalmers, did you promise him any aid in his canvass—pecuniary aid, or aid by patronage, or anything of that sort?

"A. I did not.

"Q. 8. You have stated in a former answer that the appointment of A. T. Wimberly as a revenue agent was spoken of by General Chalmers with approval. Did he express a desire for his appointment?

"A. Mr. Wimberly had been appointed before this interview.

"Q. 9. Why did he express his approval of the appointment?

"A. I suppose because he thought Wimberly would oppose the Bourbon Democracy."

To the same purport was the testimony of General Frank Hatton, page 123.

It will be observed that General Hatton's testimony was taken in 1883, and that all the exhibits of Chalmer's letters filed by General Hatton bear date after the election; and that there is no evidence in the record of any Federal appointment made upon the recommendation of Chalmers. And except the telegram asking for the appointment of Howry as postmaster at Oxford, which was not granted, there is no evidence of any application made by Chalmers for the appointment of any one to a Federal position until after the election.

The answer charges that John Mahon was appointed postmaster at Holly Springs, A. T. Wimberly and E. A. West revenue officers, "in pursuance of this corrupt understanding." The proof shows that Chalmers had nothing to do with the appointment of either. That he had nothing to do with the appointment of John Mahon will be seen by the testimony of G. M. Buchanan. (Record, page 45.)

The testimony of G. B. Raum and A. T. Wimberly shows that Wimberly was appointed on the recommendation of others before Chalmers knew anything about it, and before his canvass began. (See Record, pages 127-195.)

Edgar West was appointed entirely without the knowledge of Chalmers, and because he was an experienced revenue officer and was needed for some particular service. (See testimony of West, record, page 41.)

We leave the House to judge whether the statements made by the author of the majority report, directly or by innuendoes, "or as not clearly proved, but fairly shown," are justified by the evidence. This attempt to put heads of the Departments on trial incidentally, when it is not pretended that anything is proved which affects the validity of the election, and to state as facts things not proved clearly, but, as we say, wholly without evidence, and against credible evidence introduced by contestee himself, is to be deprecated, to say the least of it.

The author of the majority report has gone out of his way to allude to attacks upon contestant's character as a man, if not by a direct finding, by a statement of what the evidence is calculated to prove. His offense as charged seems to have been the abandonment of the Democratic party, or one portion of the same,

he declaring and going for a free ballot and an honest count in opposition to what is called Bourbon Democracy; and the offense of Government officials, as charged or so far as shown, seems to be that they had sympathy with such efforts and as men were inclined to favor and encourage the same. Contestant replies to contestee; *hinc illæ lacrimæ*. He charges and endeavors to prove in turn improper conduct on the part of contestee, his supporters, and the managers of the campaign in his behalf, including Mr. Myers, the secretary of state, a conspiracy or an attempt to defeat an honest count and return of the vote as cast by getting other and supplementary returns, and withholding the canvass for that purpose in violation of law. There is some evidence on this point giving much countenance to such a charge. But as nothing was accomplished which effectuated that end and the illegal conduct of the secretary of state in falsely certifying the result of the election has already been exposed in a prior report and discussion, we did not and do not now deem it necessary or proper to deal with that collateral and immaterial issue. It is referred to now only for the purpose of bringing to the attention of the House the report of the member from Iowa [Mr. COOK], and the various personal and collateral issues raised.

The author of the majority report attempts to make it out that the civil service of the country has been disregarded and its obligations violated. Now, we do not care to enter into any discussion herein on the subject of civil service, or general morals, or to follow any bad example which has been set in endeavoring to make political capital out of a case which should be treated judicially only. But we feel bound to say, in view of the majority report, that we find nothing in the evidence of this case which justifies the charges made, directly or inferentially, in this respect in the so-called majority report. It is to be observed that no allusion is made by way of reference to, or in condemnation of, the conduct of the State officials of the State of Mississippi. Contestant, in his brief, was justified by the evidence and the facts on this point in saying what he did, as follows, namely:

"CANVASSING BY OFFICIALS.

"If it be a crime for Federal officials to canvass and make speeches for candidates does not the same rule apply to State officials? Of the four revenue officers—Buchanan, Burton, Wimberly, and West—Buchanan and Wimberly made speeches in Marshall, and Wimberly one speech only, at Tippah. Burton and West made no speeches at all. Of the State officials, in the cause of Colonel Manning, Governor Lowry and Treasurer Hemingway spoke in Union County, and Senator George spoke in Union, Tippah, Benton, Marshall, La Fayette, Panola, Tate, and De Soto.

"(See testimony, Burton, page 41; Buchanan, page 46; Senator George, page 89.)"

There is no reliable or sufficient evidence in the case which shows that the Government, or any officer thereof, improperly used patronage or other influence to affect voters, but the evidence is to the contrary thereof, as already quoted.

A charge was made that United States deputy marshals were improperly used, and that they improperly interfered in the election, but this charge wholly fails of proof, and it is proved to be utterly baseless. Contestee has failed entirely to vitiate any of the returns or to destroy any considerable number of the votes cast for contestant, and his charges and his evidence on this point are not worthy of serious consideration. We regret the necessity which has been forced upon us to express these dissenting views, because the majority report was made without our sanction, and purports, contrary to the fact, to represent the views of the majority, while we agree to the resolution reported.

We feel bound to say emphatically, in view of the fact that the majority report has been so drawn as to reflect upon the character of contestant as a man, that there is nothing in the case, as presented to us, that will warrant any such assumption, statement, inference, or innuendo. Of the conduct of the State officials, the secretary of the state, and that of the contestee, as connected with this contest and the election, we do not deem it proper to speak, and have not done so only so far as it bears upon material issues in this case or is proper to be alluded to in connection with the majority report.

A. A. RANNEY.
AUG. H. PETTIBONE.
SAML. H. MILLER.
EDWD. K. VALENTINE.
WM. P. HEPBURN.
ALPHONSO HART.

Mr. VALENTINE. Now, a word upon the question whether the position of assistant attorney is an office within the meaning of the Constitution, and then I will conclude. In the first place, I do not believe that the appointment of Mr. Chalmers or his retention under the statute was an appointment to an office within the meaning of the Constitution of the United States. After hearing an argument of many hours by very able counsel, citing all the authorities upon this question, after having read the authorities very carefully (and if time permitted I could give them at considerable length), after examining all the well-digested cases in the United States I think it safe to say that this employment is not an office within the meaning of the Constitution of the United States or within the meaning of any constitution of any State.

But I hold this as a legal question, and I believe I am stating but the formal ruling of the House on the question, conceding that this appointment as special assistant to the United States district attorney was an office, conceding that it was an office incompatible with that of member of Congress, yet the uniform decision of the House has been that if such office is vacated before the time at which the member-elect to Congress is given an opportunity to choose between the two offices, and he elects to retain that of a member of Congress, then he has a right to be sworn in as such. I hold that, under the uniform practice of this House, Mr. Chalmers not having received a certificate of election has at no time and has not yet the right to a seat in this House. That question is one to be determined by a vote of the members of this House.

If he be holding to-day an incompatible office with that of a member of this House, and to-day is the first opportunity given to him to decide as to which of the two offices he will retain and which he will reject, and he now comes forward and says that he will retain that of a member of Congress, it is perfectly lawful for him to do so. Admitting that he holds an incompatible office until he has a right to come before the bar of this House and take the oath administered to members of Congress, until that hour arrives he has the right to determine between the two offices. I therefore believe that if the House should determine, which it certainly can not do, that the appointment of Mr. Chalmers as special assistant to the district attorney was incompatible with his duties as a member of Congress, and if the House shall decide that he was elected, as it ought to do, as a member of this House, and he is given an opportunity to be sworn in, then for the first time is presented to him the right to choose between the two offices.

I submit that as my conviction on this question after a most careful and painstaking review of all the authorities I have been able to find or which have been cited by counsel on either side in this case.

When this case was submitted to the subcommittee I for one supposed that we were to hear it upon the evidence contained in the printed record presented to us. But when the case was called for hearing, and the counsel began their arguments, Mr. Manning admitted the election of Mr. Chalmers, and assumed the burden of proof to show that the election ought to be set aside. Then for the first time did we hear this question of an incompatible office. It was not raised in the pleadings, and was considered in the argument of the case without regard to any record made in the taking of the testimony. My friend from Iowa [Mr. COOK] suggests that members of the House on both sides desire to have a vote, and I will therefore not take up any further time of the House now, but will reserve any time that I may have remaining.

Mr. LOWRY. I had the floor some time since, and reserved my time for the purpose of yielding to the gentleman from North Carolina [Mr. BENNETT], to whom I now yield such time as he may desire.

Mr. BENNETT. I desire to call the attention of this House to page 34 of the record, to the testimony of Abram Fulkerson, who testifies as follows:

I reside in Goodson, Washington County, Virginia. I am a Democrat. I was a member of the Forty-seventh Congress of the United States. I was elected to the Forty-seventh Congress as a Democratic Readjuster, by an organization known in Virginia at that time as the Readjuster party. Some time before the adjournment of the first session of the Forty-seventh Conpress—I do not remember the month or day—I went to the public office, in the Treasury building, of Green B. Raum, Commissioner of Internal Revenue, on business for some of my constituents. When I entered General Raum's office I found him engaged in what seemed to me earnest conversation with John R. Lynch, who had theretofore been seated by the House of Representatives in place of J. R. Chalmers, of Mississippi. After the usual civilities General Raum requested me to be seated, and resumed conversation with Lynch in a loud tone of voice and with some animation. I can not undertake to give the language of General Raum, who did the most, if not all the talking. The substance of the conversation was this: General Raum resumed by saying, we have given General Chalmers the patronage in Mississippi, Mr. Lynch, for the purpose of trying an experiment. The Republican party in your State, as indeed in all the South, is a failure, as you know, and the reason of the failure is because there are so few white people in it. Now, we have given Chalmers the patronage in Mississippi, to be used among the white people with the hope of drawing them to our party.

A MODERN DANIEL.

It is an experiment, and if that fails we had as well abandon the party in your State. If you were given the patronage, you would use it among Republicans, and of course add nothing to the strength of the party. We must have more white men in our party in the South, and you and your people ought to allow us to make this experiment without complaint. We are trying the same experiment in Virginia, and General MAHONE reports fair progress. Lynch made some reply indicating that he was not satisfied, and left the office.

Answer to cross-interrogatories. I have stated as nearly as I can where the conversation between Raum and Lynch occurred. It occurred in the public office of Green B. Raum, in the Treasury building, in the city of Washington, D. C. I was present on public business; that was, to make application for the establishment of a stamp agency at Abingdon, a town within the Congressional district which I represented. Why I happened to hear the conversation was because it was spoken in an audible tone in my presence.

Mr. RANNEY. Will the gentleman permit me to ask him a question?

Mr. BENNETT. Certainly.

Mr. RANNEY. Will the gentleman say as a lawyer and a judge (for I believe he has been one) that that is competent evidence in this case to prove any fact?

Mr. BENNETT. Unquestionably, to show the animus.

Mr. RANNEY. Of whom?

Mr. BENNETT. Of these conspirators.

Mr. RANNEY. Is not the evidence of Mr. Raum in direct conflict with that?

Mr. BENNETT. No, sir.

Mr. RANNEY. Then you have not read it.

Mr. BENNETT. I will read it.

Mr. RANNEY. Read the testimony of Mr. Raum.

Mr. BENNETT. There is nothing in this record that I need keep back.

Mr. RANNEY. But that is a conversation between Mr. Lynch and Mr. Baum?

Mr. BENNETT. Yes, sir; and it is testified to by Mr. Fulkerson.

Mr. RANNEY. But that is not competent here.

Mr. BENNETT. Now, I respectfully, but with a great deal of misgiving, differ from my honored friend from Massachusetts. It may be, as my friend is running by sight, with his eye fixed on one point only, he is entirely correct from his standpoint. But to show the animus of these parties, to show the internal working of the machine, this evidence is unquestionably competent:

I inferred from that portion of the conversation which occurred after I entered Raum's office that Lynch was seeking the control of some or all the patronage in his district, and that he had complained because it had been given to Chalmers.

I can not state that Lynch was politically or personally inimical to Chalmers

at the time this conversation took place. During the time of the contest in the House between Lynch and Chalmers I understood Lynch to be politically inimical to Chalmers, as he professed to be a Republican, while Chalmers professed to be a Democrat. My understanding at the time of, and before the conversation referred to took place, was that Chalmers had agreed to try the Mahone experiment in Mississippi; that is, to act with the Republican party in the future on condition that the administration would give him control of the public patronage in that State.

Now, let me read from page 111 of this record:

Jay A. Hubbell, being duly sworn, deposed as follows in answer to questions by General Eppa Hunton:

Q. 1. Had you or not any official connection with the Republican Congressional campaign committee of 1882; if so, state it.

A. I was its chairman and acting treasurer. At the organization of the committee I was named as acting treasurer. No treasurer was ever elected, and so I continued to act, and appointed Thomas R. Stuart as assistant treasurer.

Q. 2. Did you keep books of the receipts and disbursements of your committee?

A. We kept first a receipt-book, with a large space for stub, on which was entered the amount received from an individual, date of its reception, his name and residence, and filled up the receipt from the stub, and sent it the party sending any money, and these amounts were carried forward from page to page. We also kept a cash account and a bank account. Our disbursements were shown in the committee-rooms by the stubs of our check-books, and all moneys paid out or disbursed were so paid by check, and all moneys received were deposited in bank.

Q. 3. Did you draw the checks in the distribution of the funds of your committee?

A. Only for a very short time, with perhaps two or three exceptions. As soon as the assistant treasurer was appointed he drew the checks as assistant treasurer, and they had to be countersigned by the secretary before they could be honored at the bank. The only exceptions I remember are that I drew the checks for the payment of the secretary's salary.

Q. 4. Why did you not continue to draw checks for the distribution of the fund?

A. In the first place, because I was not often at the committee-rooms, and mainly for the reason that the papers were charging that I might be using the funds of the committee to carry on a canvass I had in Michigan. And to avoid any question being raised on that point I required that checks should be drawn as above stated, and that all disbursements for campaign purposes should be made by the secretary.

Q. 5. What were the funds of your committee called?

A. Cash—money. Their right name was Republican campaign fund; but they were called Hubbell's corruption fund, and every other name that one could think of.

Q. 6. Do you know General Chalmers, the contestant in this case; and, if so, how long have you known him?

A. I know General Chalmers, and have known him ever since he has been in Congress.

Q. 7. Did you have any interview with General Chalmers about the time he was turned out of the Forty-seventh Congress?

A. I remember having an interview with General Chalmers about that time in the parlor of the Riggs House in this city.

Q. 8. Please state who was present at that interview and what was the subject-matter of it.

A. One morning I met General Chalmers in the office of the Riggs House, and he said he wanted to have a talk with me about the situation in Mississippi, or affairs in Mississippi, and wanted to know when he could have an interview with me for that purpose. I asked him how long it would take. He said not a great while. I then told him that if he would wait until I got my breakfast I would see him then. I ate my breakfast, met him, and went into the sitting-room and sat down. General Chalmers then began to talk about Mississippi politics, the attitude he proposed to take with respect to them, and what he proposed to do. He said that he was satisfied in his own mind that there was no hope for better times in Mississippi, politically, unless Democratic Bourbon rule in that State could be broken or overthrown. He said, in response to my question as to what he proposed to do, that he should return to Mississippi and announce himself as an independent administration candidate for Congress, and wanted to know if I would be willing, in behalf of the committee, to aid him in making the race. I replied that we were not helping in that sort of a fight, and would not entertain the question of assisting him unless he was indorsed by the Republicans of the district.

After quite a long conversation, during which I was trying to ascertain whether or not he really meant to make the fight, I became satisfied that he did. I said to him, "Now, general, I am satisfied that you really intend to make the fight for Congress in your district, and I am anxious to have you do it, because I believe that if you and Mr. Manning get by the ears in that district, the result will be that we shall have a full vote there, a fair count, and that a Republican will in that event stand a pretty good show for winning the race." The general said that he had been to a good deal of expense in making his contest, and alleged other reasons why he was short of money and wanted me to assist him, and urged that there was no better way of spending money than by doing so, if I really wanted a Republican from that district. After talking that subject over pro and con for some time I said to the general, "You go down there and make the race in your district as you have talked here. I will give you $250 as a send-off, but it must be upon the distinct understanding that the committee is to have nothing further to do with your fight and to furnish you no further aid either in money or otherwise." The general said, "Suppose the Republicans of the district nominate me, what will you do then?"

Now we are coming to the point, and it is very interesting:

I replied, we will consider that question when it comes up, as we will consider other questions when they arise.

He does not add that he winked at him at this point, but I suppose he did. [Laughter.]

The general said he was in a hurry to get away, and I replied, "Call here this evening and I will pay you the money." He called in the evening and I did so, in the mean time having collected the money from some Republican members of Congress at the House. [Laughter.]

The names of the persons contributing are not given. If they were I would read them. [Laughter.]

Mr. RANNEY. Will the gentleman allow me a question right there?

Mr. BENNETT. With the greatest pleasure.

Mr. RANNEY. Does it not appear, and is it not undisputed, that Mr. Manning received from the national Democratic committee at one time $1,500, and in all $2,650, and that one of those who contributed was Mr. Myers, the secretary of state?

Mr. BENNETT. Are you completely done?

Mr. RANNEY. That is my question.

Mr. BENNETT. I will come to that directly. You are running by sight altogether.

Mr. RANNEY. I am going by the record.

Mr. BENNETT. I am very fond of you, but you get powerfully contrary sometimes. [Laughter.]

Mr. RANNEY. Well, is not what I have just stated true?

Mr. BENNETT. I will come to that:

Blanche K. Bruce, being duly sworn, deposes as follows, in answer to questions by General EPPA HUNTON:

Q. 1. State your name, age, residence, and occupation.

A. Blanche K. Bruce; age, 42; residing temporarily, Washington, D. C.; legal residence, Mississippi. I am Register of the Treasury.

Q. 2. Are you acquainted with the contestant in this case, J. R. Chalmers? If so, how long have you known him?

A. I am, and have known him since 1873. For some years he practiced law in the courts of Bolivar County, of which county I was sheriff.

Q. 3. Have you had any interviews with said Chalmers on the subject of politics since January, 1882? If so, give their purport and the date of first one.

A. Yes; I have had in all perhaps a half dozen interviews with General Chalmers. The first one occurred about three days, I think, after he was turned out of the House of Representatives. He informed me that he had determined to become an independent candidate for Congress in the second district of Mississippi, and he believed that he could be elected if the Republican party would place no candidate in the field. I replied that if he and others would likely act with him, would give assurance to the colored people of the State that they would favor a revision of the criminal laws of the State, an improvement of the school system, and fair elections, he would, in my judgment, receive the support of a very considerable number of the Republicans. This he said he would do.

Q. 4. Did you or not send to J. T. Settle, who was at that time a colored Republican candidate for Congress in that district, a telegram substantially as follows: "Our friends of the committee think you should retire in favor of General Chalmers?"

A. I sent J. T. Settle a telegram, but I do not believe that I used the language which you have just used. I will repeat from memory the telegram in question. It was in substance as follows: "Republicans here do not think it would be wise to nominate a Republican candidate for Congress. Give Chalmers a chance at the Bourbons."

Q. 5. Do you know whether any aid was furnished to that district in the canvass of 1882?

A. I do not know what aid was furnished. I have heard that the committee furnished $1,000. This information was given me by General Chalmers himself.

B. K. BRUCE.

Let me read further. I refer to page 25 of this record:

HOLLY SPRINGS, MISS., 9.27.

Col. D. B. HENDERSON, *Washington, D. C.:*

The delay as to the Oxford post-office appointment is hourly hurtful. Urge Hatton to act immediately.

JAS. R. CHALMERS.

"Help me, Cassius, or I sink!" [Laughter.]

Mr. RANNEY. If that is the letter of Mr. Chalmers, I hope the gentleman will read the whole of it.

Mr. BENNETT. I will read till you get surfeited.

HOLLY SPRINGS, MISS., *October* 25, 1882.

Hon. HATTON, *Asst. Postmaster-Genl., Washington:*

Delay in appointing Hawry postmaster Oxford injuring us hourly. Will you act at once?

GEO. M. BUCHANAN.

WASHINGTON, D. C., 10.21.

A. T. WIMBERLY:

Better win a battle or two on what you have had. You push too hard.

D. B. HENDERSON.

[Laughter.]

But let me read the next dispatch. It appears that the gentleman over the way [Mr. HENDERSON, of Iowa] could not stand the pressure any longer:

WASHINGTON, D. C., 10.25.

Hon. GEO. M. BUCHANAN:

Draw on me for $500. Answer.

D. B. HENDERSON.

HOLLY SPRINGS, *October* 26, 1882.

Hon. D. B. HENDERSON, *Se'cy, Washington:*

I have drawn $500 as directed. Much obliged. Prospects bright.

GEO. M. BUC.

HOLLY SPRINGS, *October* 26, 1882.

Gen. JAS. R. CHALMERS, *Sardis:*

Henderson telegraphs me to draw on him for $500, which I done at once.

GEO. M. BUCHANAN.

WASHINGTON, D. C., 10.27.

Hon. GEO. M. BUCHANAN:

Draw on me for another five hundred, and notify the interested. Answer.

D. B. HENDERSON.

HOLLY SPRINGS, *October* 28, 1882.

To Hon. D. B. HENDERSON, *Washington, D. C.:*

Have drawn, as directed, another five hundred. Could use more advantageously.

[Laughter].

Thanks. [Laughter.]

His gratitude seems to have consisted of "a lively sense of favors expected."

Certain of election unless rob'ed more than ever before.

GEO. M. BUCHANAN.

HOLLY SPRINGS, *October* 28, 1882.

Gen. JAS. R. CHALMERS, *Sardis:*

Henderson telegraphs Buchanan to draw another $500 and notify interested. I have the money in my pocket. Meet you at depot morning.

JNO. BURTON.

Now, Mr. Speaker, the situation is becoming magnificent:

HOLLY SPRINGS, *October* 30, 1882.

Hon. D. B. HENDERSON, *Washington:*

Do let me draw on you again. Waxing warm; both sides full array. Give if possible and say what amount. Answer.

GEO. M. BUCHANAN.

[Great laughter.]

WASHINGTON, D. C., 10.30.

Hon. GEO. M. BUCHANAN:

Out of our power. We have already exceeded all assurances to you.

D. B. HENDERSON.

Mr. HART. Will the gentleman from North Carolina state how much Mr. Manning received?

Mr. BENNETT. Certainly, if I could.

Mr. HART. Did he not receive $2,500 or $2,600?

Mr. BENNETT. Have you finished your statement? If you have, it is not necessary that I should weary the patience of this House by going over it again. The gentleman I suppose has stated it.

Mr. RANNEY. Have you Van H. Manning's dispatches?

Mr. BENNETT. I have not, but if you have them you can read them in your own time. [Laughter.]

Mr. MILLS. Do not let them interrupt you; but continue your speech, as it is a good one.

Mr. BENNETT. Let them interrupt me as much as they please; they are not going to make anything out of me.

Yes, sir, if Mr. Manning had fought that contest in the State of Mississippi single-handed and alone against Mr. Chalmers and the proof were made here he was aided by moneys, unhallowed moneys, if his majority were 10,000 I would stand here and fight until I dwindled down to the size of a cake of soap before I would consent to his admission to the floor of this House. Do not let these astute gentlemen who are full of excuses and rheum, do not let them disguise the real issue in this case by talking about what Mr. Manning got. It is not a question whether you will seat Mr. Manning, but the question is whether the unhallowed means used by that citizen who is over yonder, whether his action from first to last, whether, covered all over as he is by badges of suspicion and turpitude, whether you will let him in here as a member of this House. That is the question, sir, and not whether Manning is to come in or not. Mr. Manning is not seeking to be admitted.

Now, can this Congress afford to put itself on the pinnacle of infamy by admitting to the privileges of this House a citizen like that?

Mr. HART. Put it the other way.

Mr. BENNETT. "Let the galled jade wince, my withers are unwrung." [Laughter.]

Can this House afford to put itself on the pinnacle of infamy by admitting to the privilege of this floor a citizen who turned his back upon his race, "heroes of all the ages; foremost in the files of time?" Can it afford to admit a man who covered himself all over with the mantle of mercenary help to the privileges of this floor? If you can, then go on and let the country understand it. Tell it everywhere. I will talk it all around and the country shall know of it.

Now, there is abundant testimony of this sort in this record, plenty of it, sir; but I will not further detain the House. I have already transgressed upon the patience of members; I will not fatigue them further. I ask this House before they take this last step to consider well the attitude it will occupy before the country. If it is to be so, let it go forward and admit him to a seat; but, sir, in my judgment, a Representative in this House on this floor ought to stand before the country and his colleagues like Aaron before the children of Israel, a clean man. [Applause.]

Mr. COOK. I yield now for four minutes to the gentleman from Georgia.

Mr. TURNER, of Georgia. Mr. Speaker, I have no desire to discuss this case, because the questions have been already presented fairly to the House. I simply desire to state that I regret exceedingly to be compelled to dissent from the view so ably presented by my colleague on the committee, the gentleman from Pennsylvania [Mr. ELLIOTT]. I believe that the relations which Mr. Chalmers sustained to the Government, under the facts disclosed in this record and in these reports, constituted incompatibility with his position on this floor. But I agree with the finding of the gentleman from Pennsylvania in that view of the case in which he stated that this official relation to the Government had ceased prior to the period at which his legislative duties could have begun. If that were an original question I should have no difficulty in coming to a different conclusion from that which I now entertain, but the precedents have settled the rule that an incompatible place may be held up to the beginning of the legislative session. I was not willing, sir, at this late day, to undertake to override these precedents to defeat an obnoxious person.

I believe, however, sir, if he had held this place after the time when his legislative career should have begun I should have been found among those who would have been willing to rebuke with something of emphasis the confusion of departments—the legislative, executive and judicial—and the thrusting into this Hall of the least trace of executive influence. That is all I desire to say.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled joint resolutions and bills of the following titles; when the Speaker signed the same, namely:

Joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey;

A bill (H. R. 2346) for the relief of Sarah A. Redmond;

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia;

Joint resolution (H. Res. 264) to amend a resolution approved August 7, 1882, providing for the publication of report of Public Land Commissioner;

A bill (S. 1727) to grant letter-carriers at free-delivery offices fifteen days' leave of absence in each year; and

A bill (H. R. 4678) to remove certain disablities of Henry Newman.

CONTESTED ELECTION—CHALMERS VS. MANNING.

Mr. COOK. Mr. Speaker, before calling the previous question I beg the attention of the House again for a moment. My friend from North Carolina [Mr. BENNETT] has read the telegrams that passed between my friend and colleague from Iowa [Mr. HENDERSON] and Mr. Burton. There is nothing to show that one dollar of that money was used corruptly to influence a voter. On the contrary, it is accounted for by showing how it was expended. I say this, as I feel under some obligation to my colleague from Iowa, and I do not want the House to become prejudiced against him. He did not pay this over until after the Republicans had nominated Mr. Chalmers; then he paid it over to the committeeman. The proof shows that none of it reached the voters; it all stuck in the pockets of the campaign managers, where I trust any similar fund may in future always go.

Mr. COBB. I would like to hear an explanation from the gentleman as to how that money was used.

Mr. COOK. It was expended in conducting the canvass by paying expenses which necessarily and ordinarily arise on such occasions; but, as I have said, not a dollar of it was used for the purpose of influencing a voter.

Mr. COBB. I did not know but that it had been used to build a church or something of that kind.

Mr. COOK. No, sir; it was used just as I have stated.

Mr. HENDERSON, of Iowa. I would be glad if my colleague would yield to me to answer that question of the gentleman from Indiana.

Mr. COOK. I regret that I can not yield any further. I have, however, said enough to absolve my colleague from any blame in connection with the distribution of that fund—the Hubbell fund.

Now, with regard to anything else that was done in that district which in the judgment of the House would address itself to the consideration of the Committee on Civil-Service Reform, we must not forget the fact that the subcommittee of the Committee on Elections that heard this evidence, three of whom, myself included, are as emphatic in denouncing any interference in elections by Federal patronage as any man on the floor of this House or elsewhere, and would, I say again, go as far as any man on this floor to declare an election void when it is shown that election is due to the interference of any branch of the executive department, failed to find anything in the evidence in connection with the historical facts contemporaneous with this transaction that would warrant us in saying that the election of Mr. Chalmers would not have occurred without it.

I repeat, it is not sufficient to show that improper influences were at work or even corruption practiced, but must also find that to this he owes his election, before we could declare the election void.

Now, a word in answer to my genial friend from Nebraska [Mr. VALENTINE], who thought it proper to criticise the report which I had the honor to submit. I realized the delicate position in which I was placed in the preparation of that report. My idea of a report from a committee to this House is that it should show the conclusion of fact found by the committee from the proof, and also the conclusions of law reached by them. I made my report as to the facts and to meet the approval of the committee. It does meet the approval of nine out of the fifteen members of the committee, and with that I am content.

Again, I say the whole report must be taken together. The conclusion we arrived at must be taken as a whole and properly considered by every gentleman who casts his vote upon this question.

I now demand the previous question upon the resolution of the committee, and also the resolutions submitted as a substitute by the minority of the committee, and ask that they may all be considered as pending, without regard to the fact that the substitute has not been formally offered, for I do not wish to be technical.

The previous question was ordered.

The SPEAKER. The substitute reported by the minority of the committee will be reported.

The Clerk read as follows:

Resolved, That the means and methods employed by the Federal administration in securing the election of James R. Chalmers as a member of the House of Representatives of the Forty-eighth Congress are, as appears by the majority.

report and the evidence on file, repugnant to and subversive of true representative government, and the said election is therefore declared void.

Resolved further, That said Chalmers having accepted the office of special assistant United States district attorney for the northern and southern districts of the State of Mississippi, since the said election, and holding said office up to and beyond the 1st day of February, 1884, is ineligible to a seat in this Congress, and a vacancy exists in the second Congressional district of the State of Mississippi.

The SPEAKER. The question is upon agreeing to the resolution just read as a substitute for the resolution reported by the majority of the Committee on Elections.

Mr. BENNETT. Under correction from the Chair, if I am not authorized to make the request, I ask a division of the resolution, so that a separate vote may be taken upon the concluding resolution first, being the following:

Resolved further, That said Chalmers having accepted the office of special assistant United States district attorney for the northern and southern districts of the State of Mississippi since the said election, and holding said office up to and beyond the 1st day of February, 1884, is ineligible to a seat in this Congress, and a vacancy exists in the second Congressional district of the State of Mississippi.

The SPEAKER. The Chair thinks that is a complete proposition by itself, and that the gentleman is entitled to a separate vote upon it.

The question is first upon the adoption of the second resolution reported by the minority, which the Clerk will again report.

The second resolution of the minority was again read.

Mr. BENNETT. Upon the adoption of that resolution I ask the yeas and nays.

The yeas and nays were not ordered—12 members only voting in favor thereof.

The question was taken upon the adoption of the resolution.

Mr. BENNETT. I demand a division.

The House divided; and there were—ayes 36, noes 98.

So (no further count being demanded) the second resolution was not agreed to.

The SPEAKER. Does the gentleman desire a vote upon the remaining part of the resolution?

Mr. BENNETT. Yes, sir.

The SPEAKER. The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That the means and methods employed by the Federal administration in securing the election of James R. Chalmers as a member of the House of Representatives of the Forty-eighth Congress are, as appears by the majority report and the evidence on file, repugnant to and subversive of true representative government, and the said election is therefore declared void.

Mr. DAVIS, of Missouri, Mr. MILLS, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 56, nays 163, not voting 104; as follows:

YEAS—56.

Aiken,	Cosgrove,	Jones, J. H.	Rogers, J. H.
Alexander,	Crisp,	King,	Scales,
Bagley,	Culberson, D. B.	Lewis,	Shaw,
Barksdale,	Curtin,	McMillin,	Shelley,
Bennett,	Davis, L. H.	Maybury,	Singleton,
Blanchard,	Dibrell,	Miller, J. F.	Talbott,
Buchanan,	Dowd,	Mills,	Taylor, J. M.
Cabell,	Dunn,	Money,	Turner, Oscar
Caldwell,	Forney,	Muldrow,	Vance,
Carleton,	Hammond,	Oates,	Van Eaton,
Clay,	Hardy,	O'Ferrall,	Warner, Richard
Clements,	Hatch, W. H.	Pierce,	Wellborn,
Cobb,	Hoblitzell,	Pryor,	Williams,
Connolly,	Hurd,	Reese,	Yaple.

NAYS—163.

Adams, G. E.	Ellwood,	James,	Post,
Adams, J. J.	Evans, I. N.	Jeffords,	Potter,
Anderson,	Everhart,	Jones, B. W.	Ranney,
Beach,	Ferrell,	Kean,	Ray, G. W.
Belford,	Fiedler,	Keifer,	Ray, Ossian
Bland,	Findlay,	Kelley,	Reed,
Blount,	Finerty,	Laird,	Rice,
Boyle,	Follett,	Lanham,	Riggs,
Brainerd,	Foran,	Lawrence,	Rockwell,
Breckinridge,	Funston,	Libbey,	Rowell,
Breitung,	Geddes,	Lore,	Ryan,
Brewer, F. B.	George,	Lovering,	Seymour,
Brewer, J. H.	Glascock,	Lowry,	Skinner, C. R.
Broadhead,	Goff,	Lyman,	Smalls,
Browne, T. M.	Greenleaf,	McAdoo,	Smith,
Brown, W. W.	Guenther,	McComas,	Spooner,
Brumm,	Halsell,	McCormick,	Springer,
Budd,	Hanback,	Millard,	Stephenson,
Campbell, Felix	Hancock,	Milliken,	Stevens,
Campbell, J. M.	Harmer,	Mitchell,	Stewart, Charles
Candler,	Hart,	Morrison,	Stewart, J. W.
Cannon,	Hatch, H. H.	Murphy,	Stockslager,
Cassidy,	Hemphill,	Murray,	Stone,
Collins,	Henderson, D. B.	Neece,	Storm,
Cook,	Henderson, T. J.	Nelson,	Strait,
Covington,	Hepburn,	Nutting,	Struble,
Cox, S. S.	Hewitt, A. S.	Ochiltree,	Sumner, C. A.
Culbertson, W. W.	Hewitt, G. W.	O'Hara,	Taylor, E. B.
Cutcheon,	Hiscock,	O'Neill, Charles	Taylor, J. D.
Dargan,	Hitt,	O'Neill, J. J.	Thompson,
Davis, G. R.	Holman,	Parker,	Tillman,
Davis, R. T.	Holmes,	Patton,	Townshend,
Deuster,	Holton,	Payson,	Turner, H. G.
Dingley,	Horr,	Peel,	Valentine,
Dunham,	Houseman,	Peters,	Wadsworth,
Eldredge,	Howey,	Phelps,	Wait,
Elliott,	Hunt,	Poland,	Wallace,
Ward,	White, Milo	Wilson, W. L.	Wood,
Washburn,	Whiting,	Winans, E. B.	Worthington,
Weaver,	Willis,	Winans, John	York.
Wemple,	Wilson, James	Wolford,	

NOT VOTING—104.

Arnot,	Duncan,	Ketcham,	Robinson, J. S.
Atkinson,	Eaton,	Kleiner,	Robinson, W. E.
Ballentine,	Ellis,	Lacey,	Rogers, W. F.
Barbour,	English,	Lamb,	Rosecrans,
Barr,	Ermentrout,	Le Fevre,	Russell,
Bayne,	Evins, J. H.	Long,	Seney,
Belmont,	Fyan,	McCoid,	Skinner, T. G.
Bingham,	Garrison,	Matson,	Slocum,
Bisbee,	Gibson,	Miller, S. H.	Snyder,
Blackburn,	Graves,	Morgan,	Spriggs,
Boutelle,	Green,	Morrill,	Steele,
Bowen,	Hardeman,	Morse,	Sumner, D. H.
Buckner,	Haynes,	Moulton,	Thomas,
Burleigh,	Henley,	Muller,	Throckmorton,
Burnes,	Herbert,	Mutchler,	Tucker,
Calkins,	Hill,	Nicholls,	Tully,
Campbell, J. E.	Hooper,	Paige,	Van Alstyne,
Chace,	Hopkins,	Payne,	Wakefield,
Clardy,	Houk,	Perkins,	Warner, A. J.
Converse,	Hutchins,	Pettibone,	Weller,
Cox, W. R.	Johnson,	Price,	White, J. D.
Cullen,	Jones, J. K.	Pusey,	Wilkins,
Davidson,	Jones, J. T.	Randall,	Wise, G. D.
Dibble,	Jordan,	Rankin,	Wise, J. S.
Dockery,	Kasson,	Reagan,	Woodward,
Dorsheimer,	Kellogg,	Robertson,	Young.

So the first resolution reported by the minority of the committee was not agreed to.

Mr. COOK. I ask unanimous consent to dispense with the reading of the names of members voting.

There was no objection.

The following additional pairs were announced:

Mr. GARRISON with Mr. JOHNSON, for this day.

Mr. TULLY with Mr. WAKEFIELD, for this day.

Mr. PUSEY with Mr. MCCOID, for this day.

Mr. HOUK with Mr. BURNES, on this vote.

Mr. PRICE with Mr. SUMNER, of Wisconsin, on the Chalmers *vs.* Manning contest.

Mr. ROBERTSON with Mr. MILLER, of Pennsylvania, in the Manning *vs.* Chalmers case.

Mr. THROCKMORTON with Mr. HARDEMAN, on the Chalmers *vs.* Manning contest. Mr. THROCKMORTON would vote to seat Mr. Chalmers and Mr. HARDEMAN would vote against seating him.

Mr. ELLIS with Mr. KELLOGG.

Mr. PERKINS. I voted in the negative on this vote. I am paired with the gentleman from North Carolina [Mr. SKINNER]. Not knowing how he would vote, I withdraw my vote.

Mr. TULLY. I am paired with the gentleman from Minnesota [Mr. WAKEFIELD]. He would vote "no" and I would vote "ay."

Mr. GOFF. I did not vote, under the impression that I was still paired with my colleague from West Virginia [Mr. GIBSON]. I am informed the pair is withdrawn. I ask leave to record my vote.

There was no objection.

Mr. GOFF. I vote "no."

The result of the vote was then announced as above stated.

The SPEAKER. The question is now on the adoption of the resolution reported by the majority of the committee.

The resolution was agreed to.

Mr. COOK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. J. R. CHALMERS appeared and qualified by taking the oath prescribed by section 1757 of the Revised Statutes.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 1076) granting a pension to Miles B. Farlin;

A bill (H. R. 1340) to establish a bureau of labor statistics;

A bill (H. R. 2400) for the relief of Judith Lauter;

A bill (H. R. 4411) to provide for the administration of oaths to witnesses in matters pending in either House of Congress;

A bill (H. R. 4707) granting a pension to Eliza V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick;

A bill (H. R. 4981) granting a pension to Isabella J. Ramsdell;

A bill (H. R. 5458) to remove the disabilities of Robert D. Thorburn of Virginia;

A bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location and name; and

Joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology.

BACKBONE RAILROAD LAND GRANT.

Mr. LEWIS. I call up as a privileged report the bill (H. R. 5682) reported by the Committee on Public Lands.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. TUCKER. I raise the question of consideration.

The SPEAKER. The gentleman from Virginia raises the question of consideration on the bill called up by the gentleman from Louisiana. The question is, Will the House now proceed to the consideration of this bill?

The question was taken; and it was decided in the affirmative.

The SPEAKER. The bill will be read.

The Clerk read the bill, as follows:

Be it enacted, &c., That section 22 of the act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes, approved March 3, 1871, which reads as follows, to wit, "That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route, to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rogue, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisiana, as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act," be, and the same is hereby, repealed.

SEC. 2. That the land grant therein made to the New Orleans, Baton Rouge and Vicksburg Railroad Company be, and is hereby, declared forfeited by said company for non-compliance with the conditions of the grant; and the lands granted to said company are hereby restored to the public domain, and from and after the passage of this act shall be subject to entry and settlement under the laws of the United States: *Provided*, That all persons who have first settled in good faith upon these lands prior to the 1st day of January, 1884, and who are now in occupation of the same in good faith, shall have the prior right of entry thereon, either under the homestead or pre-emption laws: *Provided further*, That said entries shall be limited to one hundred and sixty acres in each case, and at a price not to exceed $1.25 per acre.

Mr. LEWIS. Mr. Speaker, if I can get the attention of the House I shall endeavor to state as briefly and as clearly as I can the facts of this case. In 1869 the State of Louisiana incorporated what was called the New Orleans, Baton Rouge and Vicksburg Railroad Company; the act authorizing that company to build a road commencing in the parish of Livingston, and running due north through the State of Louisiana to the line between the States of Louisiana and Mississippi; the road terminating at Vicksburg, in the State of Mississippi. The charter provided for lateral branches running east and west; so that the company received the name of Backbone, because of the fact that it was a line running due north and south through the State with lateral branches provided for. That is why it was called the Backbone railroad. This road was by the act of the Legislature of Louisiana located on the east side of the Mississippi River up to Baton Rouge. As I have said, this charter was passed in 1869. The company was organized soon after the charter was passed.

In 1871 the charter of the Texas Pacific Railroad Company was passed by Congress, and in the twenty-second section of that act a grant was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company chartered by the State of Louisiana. The granting act provided that the land given was in aid of the construction of the road from New Orleans to Baton Rouge and thence to the eastern terminus of the Texas Pacific Railroad Company, at Marshall, Tex. The grant was made upon the condition that the whole road should be completed within five years, and being made on the 3d of March, 1871, the time expired on the 3d of March, 1876.

In 1872 the State of Louisiana passed an act amendatory of the charter of the Backbone Railroad Company, by which they were authorized to construct a road northwesterly through the State so as to make this connection. But that act contained a proviso expressly declaring that the road from New Orleans to Baton Rouge should be on the east side of the Mississippi River.

The New Orleans, Baton Rouge, and Vicksburg Railroad Company never built one foot of that road within the time given it to earn the grant. They organized the company, issued the full amount of bonds and stock, and then dissolved. They did not keep up their organization, which the law required to be maintained in the city of New Orleans. They abandoned the whole road, its organization, and no one in the State of Louisiana ever heard of the company again until long after the grant had lapsed, and the matter was again revived by the efforts of what is known as the New Orleans Pacific Railroad Company, to obtain the grant. In 1875 the New Orleans Pacific Railroad Company was organized under the corporation laws of the State of Louisiana, by which it received a roving commission to build a railroad in any part of the State of Louisiana. The charter of that company was indorsed by the Legislature in February, 1876, about fifteen days before the time expired within which the original Backbone road should have been completed.

The New Orleans Pacific Railroad Company located the line of their road substantially over the line of the Backbone road, except that they located their road on the west side of the Mississippi River up to Baton Rouge. From that point they run in the main on the line of the Backbone Railroad, not to the western terminus of the Texas Pacific road, but to Shreveport, a place forty miles distant from the western terminus of the Texas Pacific road. The New Orleans Pacific Railroad Company organized, raised a little money, and I think surveyed its route on as far as Marshall, Tex. They did some little grading, and then the company become involved in debt. They came here to Washington in 1878 or 1879, and had bills introduced into Congress, asking that the grant to the Backbone road be forfeited and transferred to them.

The first bill was introduced in 1877, and was referred to the Committee on Pacific Railroads and never came out of that committee. The next bill was introduced in 1878, I think, and referred to the Committee on Pacific Railroads. The committee ordered the bill to be reported and recommitted. It was reported and recommitted, but never came back into the House.

Again, in 1879 or 1880, my predecessor, Hon. E. W. Robertson, introduced the same bill for the third time, declaring the forfeiture of the grant to the Backbone Railroad Company and providing for its transfer to the New Orleans Pacific Railroad Company. That bill went to the Committee on Pacific Railroads, but never came out of that committee into the House. So that this House has never yet, notwithstanding bills have been introduced, had an opportunity to act upon the subject. This was at the close of the Forty-sixth Congress.

In the mean time these gentlemen representing the New Orleans Pacific Railroad Company, finding that they could not secure favorable action from Congress—and it is so stated in the minority report of this committee—gave it up as a hopeless task. They then went to work negotiating with the New Orleans, Baton Rouge and Vicksburg Railroad Company for their grant. Determined to secure the grant at all hazards they opened negotiations with the stockholders of that defunct bankrupt concern.

They purchased from the New Orleans and Baton Rouge Company, or rather it is alleged that they purchased, this lapsed land grant. Mr. William H. Barnum, as the president of that company, and his son, as the secretary, professing to be authorized by the action of the board of directors of the company, situated in the city of New York—bear in mind that the legal domicile was in New Orleans—acting under that alleged authority, assumed to transfer this land grant to the New Orleans Pacific Railroad Company. The transfer was made on the 5th day of January, 1881.

Finding, as matter of law, however, that the directors of a railroad company have not, by virtue of the functions of their office, the legal authority to dispose of its assets, they attempted to secure a ratification of that action of the directors by holding a meeting of the stockholders in the city of New Orleans. This they did through the means of proxies to the president of the New Orleans Pacific Railroad Company. He held proxies from some nine stockholders of the Backbone Railroad Company.

He went to New Orleans, and with his proxies and a secretary, so far as the record shows, held a meeting. These proxies authorized him to vote at an election of directors of the Backbone company, and to do any other business that might come before them.

Acting under that proxy or that mandate the president of the New Orleans Pacific Railroad Company at this meeting in New Orleans voted for a new board of directors for the Backbone Railroad Company, and then, going beyond the authority conferred by the power of attorney, attempted to ratify the sale which had been made by William H. Barnum and his son in the city of New York.

The claimant for this land is the New Orleans Pacific Railroad Company under this transfer. The charter of the Backbone company was repealed in 1879 by an act of the Legislature of Louisiana. The Legislature investigated the matter, and ascertained that the corporation had not accomplished the object of its creation, had done nothing whatever toward building the road. There was a suit instituted—evidently a manufactured case—by which it is pretended the constitutionality of the repealing act was brought before the courts; and what is manifestly a consent decree was entered holding this act of the Legislature to be unconstitutional.

Now, the New Orleans Pacific Railroad Company, claiming to have purchased this land grant as I stated, and having abandoned the Halls of Congress where they had sought in vain to obtain from the grantor a transfer of the grant, then besieged the Interior Department. But before that—the moment the land grant was purchased—the New Orleans Pacific Railroad Company, in June, 1881, before this road was constructed, sold to the Texas and Pacific Railroad Company its franchises and its assets, and was consolidated with that road. That company has never owned a box-car since June, 1881. The sale was made to Mr. Jay Gould, representing the Texas Pacific Company. I may as well state here that in my opinion Mr. Jay Gould built this road without reference to the grant, and for the sole purpose of securing an outlet for his Southwestern system to the Gulf of Mexico.

The New Orleans Pacific Company in making this sale to Mr. Jay Gould reserved from the sale this land grant.

Mr. OATES. The gentleman does not pretend to say, I presume,

that what he is now stating in regard to the sale of the New Orleans Pacific to Jay Gould is on the record.

Mr. LEWIS. I have a copy of the sale.

Mr. OATES. But the gentleman does not pretend that there is any such thing in the report in this case.

Mr. LEWIS. It is stated in the majority report.

Mr. OATES. If so, I do not know where it is.

Mr. LEWIS. The gentleman asks whether the fact I have stated in reference to the sale of the New Orleans Pacific road, with all its franchises, &c., to the Texas Pacific, is in the record. It is stated in the majority report, and I have with me as I said a copy of the sale. I know of my own personal knowledge that the New Orleans Pacific road, with all its franchises and assets except the grant, was, on the 20th June, 1881, sold to Mr. Jay Gould, and that company has not, so far as I know, owned anything connected with a railroad from that time to this. This road was built after that period, and as I believe by Jay Gould, yet that company, the New Orleans Pacific, is here now claiming this grant as the builders of that road.

But let me make one other statement. The grant made by Congress to this corporation created by the State of Louisiana recognizes in terms the existence of the charter granted by the State, because the language is that the grant is made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana. I contend that the grant was made to that corporation with full knowledge of the location of the road, and with the intent to aid in accomplishing the purposes and objects of its creation by the State of Louisiana, that State having specifically required of this company that the road should be built on the east side of the Mississippi up to Baton Rouge. Congress, in making the grant, by clear implication, adopted that as the location of the line for the construction of that part of the road.

Mr. ELLIS. May I ask my colleague a question?

Mr. LEWIS. Certainly. I am ready to answer any question.

Mr. ELLIS. At the time of the grant of this land in 1871 had the Backbone company a charter that enabled it to go west of the Mississippi River?

Mr. LEWIS. I have said that the State of Louisiana gave it that authority in 1872.

Mr. ELLIS. After the land grant?

Mr. LEWIS. Yes, sir.

Mr. TUCKER. To go west of the Mississippi River?

Mr. LEWIS. Certainly. I will state furthermore that the original charter of the Backbone Railroad Company authorized it to own and maintain roads going in almost any direction.

Mr. ELLIS. No; the gentleman is mistaken.

Mr. LEWIS. If the gentleman will examine closely the statute, especially the twenty-seventh section, I think he will find this company was authorized to own and maintain roads running in almost any direction.

Mr. ELLIS. Then why was a supplemental charter necessary?

Mr. LEWIS. The supplemental act, if I recollect aright, was passed in order to amend the original charter in some other respects.

In addition to the fact that this road was to have been built on the east side of the river, I wish to state that it is not completed, in point of fact, to the eastern terminus of the Texas Pacific Railroad. The law required the road to be built to Marshall, Tex. It is only built to Shreveport, forty miles distant. The answer given on this point by the minority of the committee is that by the act of Congress of 1871 or 1872 the Texas Pacific company was required to own, lease, or maintain a road from Marshall to Shreveport, and that the substantial purposes of the act were accomplished by running this New Orleans Pacific Railroad to Shreveport, inasmuch as a through line of travel was the object to be accomplished. I contend it was not at all necessary for the New Orleans Pacific Railway Company to go to Shreveport so far as the grant is concerned and assignee thereof. They were authorized to build to the State line in the northwestern part of the State of Louisiana, and had, as I said in the beginning, a roving commission to build a railroad anywhere it pleased in the State.

Mr. BLANCHARD. I desire to ask my colleague a question. Does not my colleague remember that the charter of the New Orleans Pacific Railroad Company required that road to make Shreveport its northwestern terminus?

Mr. LEWIS. I do not recollect; but if that were the case it gave them no right to come in as assignee of the Backbone grant and plead that as an excuse for not complying with the conditions imposed in the granting act.

Mr. BLANCHARD. Is it not the fact that it was required to build a road to Shreveport?

Mr. LEWIS. I believe they were.

Mr. PAYSON. That is in the charter.

Mr. LEWIS. I do not know but that they were required to do so. But, sir, that has nothing to do with their fulfillment of the obligations and duties imposed by Congress, especially as they profess to stand in the shoes of the Backbone company as to the grant. It is that grant they are claiming, and it is as the assignee of that road they claim to have fulfilled and performed the conditions of the grant—in a word, to have built the road as the law required it to be built by the grantee; and whatever right their charter may have conferred on the New Orleans Pacific to go to Shreveport, whether it be a fact or not, it has nothing to do with this question.

In the arguments made by Judge Dillon in behalf of claimant before the committee he virtually took the position that the New Orleans Pacific Railroad Company stood in the shoes of the Backbone Railroad Company. If it did, then it was bound by all those provisions of its charter and of the granting act in so far as those provisions fix the location and terminus of the road. The Backbone company could not build on the west side of the river, make Shreveport its terminus, and thereby earn the grant, and so neither can the New Orleans Pacific as assignee do so. Geographically speaking, it was not necessary at all for this company to go to Shreveport so far as this grant is concerned. To have gone directly to Marshall would have left Shreveport some distance northward. This will not be denied.

Mr. VAN EATON. Does not this road as now built and operated connect with the Texas Pacific and the rest of that system?

Mr. LEWIS. It does.

Mr. VAN EATON. That is all I want to know.

Mr. LEWIS. I think the gentleman knew that perfectly well without interrupting me to ask the question.

I desire to state briefly the positions taken by the Public Lands Committee, or at least a majority of them, on the law as applicable to the question of forfeiture. They are fully aware of the distinction between estates granted on conditions precedent and estates granted on conditions subsequent. They take the position where a public grant is concerned for the accomplishment of a public purpose made by statute that all of the conditions of the grant are to be strictly construed; that in case of doubt the Government under the law is entitled to the benefit of that doubt and against the grantee, and that the grantee should be held to a strict compliance with the conditions of the grant.

The Committee on Public Lands, following these principles in all cases where there was any doubt at all, has given the Government the benefit of that doubt. Take the case of the Oregon Central, where there was a question of the construction of a statute. Some members contended that the forfeiture could not legally cover the whole grant, but only that part contiguous to the road not constructed under the third section of the act, while others contended that under the sixth section the whole grant was forfeitable. If that part of the land lying contiguous to the constructed road had been left out of the forfeiture, conceding there was some doubt about the true construction of the act, Congress in passing such an act would by implication ratify the title to that part omitted, and when it went before the court the statute could be pleaded against any claim the Government might set up. The Government and people who are vitally interested in these matters should have the benefit of every advantage the law gives, and the Public Lands Committee has given the Government the benefit of the doubt in all cases, feeling satisfied whenever these questions go to the courts, as they must ultimately, the courts would resolve these doubts, and if we were in error they would correct them, and if we were not the Government would by this means recover its just dues.

I do not wish to talk any further on this subject now, but am perfectly willing before I resume my seat to answer any questions in regard to the bill which gentlemen may wish to ask.

Mr. VAN EATON. I understand the gentleman to say the committee had given the benefit of every doubt to the Government.

Mr. LEWIS. I said the majority of the committee, not you.

Mr. VAN EATON. Because it did not apply in this case.

Mr. LEWIS. I was only stating the position of the majority of the committee.

Mr. VAN EATON. You did not give the benefit of the doubt in this case for the simple reason that there was no doubt to give.

Mr. LEWIS. Before resuming my seat I desire to state further, Mr. Speaker, that the Committee on Public Lands have uniformly held that no railroad company under the law earns the grant except upon a strict compliance with the terms of the granting act; and where a time is fixed within which the road or a part of the road should be built, and within that time the road or no part of the road in compliance with the terms of the granting act had been built, the lands are justly forfeitable to the Government. Now, in the present case there was not a mile of this road built within the time fixed by the law, and the claimant company entered upon the construction of the road long after the time had elapsed within which it should have been built.

The SPEAKER *pro tempore* (Mr. TOWNSHEND in the chair). Does the Chair understand the gentleman from Louisiana to relinquish the floor, reserving the remainder of his time?

Mr. LEWIS. Yes, sir; I wish to reserve the remainder of my time.

Mr. POLAND. Before the gentleman takes his seat I would like to be permitted to ask a question. I do not think I distinctly understood the gentleman, but the inference I drew from what he said was that this land grant was not conveyed to the existing railroad company there until after the road was built. Did the gentleman mean to state that?

Mr. LEWIS. No, sir; I did not say that. I said the land grant was conveyed to the claimant company before any road was built.

I will give the gentleman the dates, as near as I recollect them, as

to these transactions. The transfer of the grant was made in January, 1881. In June, 1881, the claimant company, which was the assignee of the grant, sold out its road-bed, such as it was, its franchises, and its assets, &c. I said that the road was really constructed after that sale was made, and I claim that the New Orleans Pacific did not build the road at all, but that Jay Gould built it.

Mr. PAYSON. Will the gentleman permit me to interrupt him for a moment? He will not deny that the road was built under a contract made with the New Orleans Pacific road? He will concede that.

Mr. LEWIS. I will not concede that. I do not believe a word of it.

Mr. PAYSON. Well, of course, if the gentleman does not concede it——

Mr. ELLIS. Let me state that my colleague is further mistaken in saying that the road has been sold out, because the facts are directly to the contrary. It is owned and operated to-day by its own president and board of directors, and it has only been consolidated with another road for the convenience of passengers and traffic.

Mr. LEWIS. In regard to that matter I will state that I think I am perfectly well informed upon that point, and that my information in regard to this subject is that the New Orleans Pacific did sell its franchises, its road, its station-houses, and its rolling stock, and that it does not own even a single box-car. They reserved their simple, formal organization, to be dissolved whenever it suited their convenience, and preserved it only, in my judgment, until they could consummate the scheme they had devised to obtain the bonus in lands they are now seeking. They retained their organization as an intermediary through which Gould is to get the land. That is my opinion.

Mr. STEWART, of Vermont. Will the gentleman from Louisiana permit me to ask him a question?

Mr. LEWIS. Yes, sir.

Mr. STEWART, of Vermont. I would like to ask the gentleman if he makes this statement of fact upon the findings of the committee, or whether it is merely the personal understanding of members of the committee?

Mr. LEWIS. On my own personal understanding and belief.

Mr. VAN EATON. But there is not a word in proof before the committee as to the last statement with reference to Gould.

Mr. COBB. That is of no consequence if it is before the committee as a matter of fact.

Mr. LEWIS. I stated it as my opinion and on my individual responsibility, and I will state it again, that in my judgment that organization was only retained to consummate this bargain through which the possession of the land is to revert to Jay Gould.

Mr. ELLIS. Does my colleague state that as a fact?

Mr. LEWIS. I state it as my own opinion, and that it is the conviction not only of myself, but of almost all of the people living along the line of the road in my section. I do not speak, of course, of your district, for I do not know anything of that, but of my own.

Mr. BLANCHARD. Let me ask my colleague is that the understanding of the people along the line of the road?

Mr. LEWIS. I have not so stated, but it seems that gentlemen are determined to misunderstand me.

Mr. BLANCHARD. I am sure my colleague does not think I wish to misunderstand him.

Mr. LEWIS. If my colleague had heard my statement, more than once repeated, you would see that I spoke of that part of the road lying within my district. I am not familiar with the feelings or opinions of those residing in other districts.

Mr. BLANCHARD. Or their understandings—

Mr. LEWIS. No, sir. I am now speaking of the road that runs through my district.

Mr. ELLIS. How much of it?

Mr. LEWIS. I can not recall the mileage; but I can give you the number of people, if you desire it, who have settled on these lands.

Mr. ELLIS. I did not expect to get the fact in reply to my question.

Mr. LEWIS. How much time have I remaining?

The SPEAKER. The gentleman has thirty-two minutes remaining.

Mr. LEWIS. I reserve the balance of my time.

Mr. OATES. The policy of granting lands to aid in the construction of railroads in this country began nearly thirty years ago, at a time when the public lands were used as a source of revenue; the price generally being $1.25 per acre. And the policy of making grants to aid in the construction of railroads was not a donation of the public domain, because it was upon the theory that the Government would lose nothing and would gain the advantages of increased commerce and population thereby. The policy was to give, to aid in the construction, alternate sections, and those reserved were doubled in price and sold by the Government at $2.50 per acre. The mere statement of the fact therefore shows that the policy of the Government was not to make donations, but that it was considered a wise and beneficent policy, because it developed the resources of the country and at the same time facilitated the sales of the public domain and added to the revenues of the Government.

This policy, however, a good policy in many respects, like many other good ones, was in the course of time abused. The Congress continued to enlarge the grants until the amount of the public domain devoted to the construction of railroads aggregated about 200,000,000 of acres.

The policy of the Government, however, in respect to the public lands has undergone a change, and they are now held not so much as a source of revenue but are given to actual settlers as homesteads. Nevertheless along the lines within the limits of these grants, I believe without exception, the Government still requires the payment of the advanced price. Therefore when we apply the principle to the grant now under consideration the Government of the United States has parted in fact with nothing. While it is true that about 900,000 or a million acres of land are claimed under this act by this railroad company, an equal amount which was reserved by the Government has been or is to be sold at the advanced price of $2.50 per acre.

The questions presented, in my humble judgment, are business propositions, and should be acted upon by Congress as such; not as political questions, but as great business propositions. Now, what are these? I take it that every member of this House is in favor of forfeiting and returning to the public domain all of the grants to railroad corporations which ought to be forfeited and returned; and, on the other hand, that every one is opposed to a forfeiture where no forfeiture ought to be made.

But the question arises as to what ought or ought not to be forfeited. This depends upon every gentleman's judgment when he comes to apply the law to the facts of the particular case in hand. There are some questions connected with this grant which are admitted, and therefore it is unnecessary to consume time in the argumentation of them.

What is known as the Backbone railroad corporation was one chartered by the Legislature of Louisiana in 1869. It was authorized to construct a road from the city of New Orleans, on the east side of the Mississippi River, to Vicksburg, in the State of Mississippi. Any gentleman who will look at the map will see that to pursue a direct line would very soon after leaving the city of New Orleans cause the road to depart widely from the river. The same charter authorized the company to construct a branch road from the main trunk line to Baton Rouge. Thus it stood when Congress in the twenty-second section of the act of the 3d of March, 1871, known as the Texas Pacific grant, made a grant for the construction of the road which we are now considering. I will ask the Clerk to read that section.

The Clerk read as follows:

That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect, by the most eligible route, to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by way of Alexandria, in said State, to connect with said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public land per mile in the State of Louisiana as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and open for settlement and preemption upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act.

Mr. OATES. It will be seen that this grant is made to the New Orleans, Baton Rouge and Vicksburg Railroad Company. That corporation was given—

The right to connect—

Mark the language—

by the most eligible routes, to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way, &c.

Now, after this grant was made the maps of location were filed in the General Land Office, and nothing more was done toward the construction of that road by that company.

Mr. LEWIS. Will the gentleman allow me to ask him a question?

Mr. OATES. Yes, sir.

Mr. LEWIS. Are you aware the maps filed in the Interior Department by the New Orleans, Baton Rouge and Vicksburg Railroad Company located that railroad?

Mr. OATES. I am perfectly aware of that. That was what was done. The company did nothing more. At last, in the early part of 1876, the New Orleans Pacific Railroad Company, which now claims this grant, was chartered by a notary under the general law. Then, in 1876, before the five years' limit mentioned in this twenty-second section expired, the Legislature, amending that notarial charter, authorized the New Orleans Pacific Railroad Company to construct a road from New Orleans, by Baton Rouge, westward to Dallas, or other points westward in Texas.

The purpose of the Legislature in amending this notarial charter manifestly was to enable the company, if the Backbone company did not do so, to construct a road so as to connect with the Texas Pacific system. The difficulty evidently occurred to the Legislature of Louisiana afterward that the New Orleans Pacific Railroad could not build over the line of the Backbone road so long as the grant to that road remained, because, the maps of location having been filed in the General Land Office, the lands on either side of the route had been withdrawn, and the New Orleans Pacific Railroad could not build without going over the grant already made.

Therefore, for the purpose of enabling the company to do so, soon afterward—in April, 1871, I believe it was—the Legislature of Louisiana passed an act repealing the charter of the Backbone company. That company had proved itself a do-nothing company; it had issued its bonds but had constructed no road, and the time had elapsed for constructing the road, as specified in section 22 of the granting act. The purpose of Congress in making this grant, it is patent, was to secure a connection between New Orleans and the Mississippi River with the Texas Pacific system. The language used in the grant authorizes the company to construct a road "over such route as it shall designate touching the points named," Baton Rouge and Alexandria, to connect with the Texas Pacific system, or at its eastern terminus. The language of the act is not, as the gentleman from Louisiana [Mr. LEWIS] employed in his remarks, to build a road to Marshall, Tex.

Mr. LEWIS. Read the whole of the section.

Mr. OATES. It is "to connect by the most eligible route, to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus." Subsequently, in 1872 or 1873 I believe, an act was passed in relation to the Texas Pacific Railroad Company, changing its name, authorizing it to issue bonds, and to either build a road or to form running connections from its eastern terminus, as fixed by the original act, to Shreveport, in Louisiana. Therefore, while Marshall, Tex., remained in law the eastern terminus, and the office of the company was kept there, in fact by this subsequent enactment the company was authorized and required to extend its eastern terminus to Shreveport, in Louisiana, and they did so.

The eastern terminus of the road, or where it has its office, is in law at Marshall, Tex., but in fact it is at Shreveport, La. Mark you, this act was passed before the amendatory act of the Legislature of Louisiana of December 11, 1872. Up to that date the Backbone company had no charter from the State authorizing it to go to Shreveport or to any point on the west side of the Mississippi. When this grant was made the Backbone company had no charter to operate on the western side of the Mississippi River.

The grant made by Congress was for the construction of a road from New Orleans, by Baton Rouge and Alexandria, to connect with the eastern terminus of the Texas Pacific system. Here was a right of way given by Congress in the grant.

Subsequently, December 11, 1872, in order to enable the Backbone company to avail itself of this grant, the Legislature of Louisiana amended the charter, and authorized it to construct a road to Baton Rouge by the way of Alexandria and Shreveport; not to the eastern terminus of the Texas Pacific Railroad, but to Shreveport.

Mr. LEWIS. My friend is mistaken.

Mr. OATES. No, I am not; or, if I am, the gentleman has time reserved in which he can answer me.

ORDER OF BUSINESS.

Mr. ROSECRANS. I ask the gentleman from Alabama [Mr. OATES] to yield to me that I may move that the House shall take a recess at 5 o'clock to reassemble at 8 o'clock, and to ask unanimous consent that the session of this evening shall be for the consideration of business reported from the Committee on Military Affairs and Senate bills on the Speaker's table the subject-matter of which has been considered by that committee.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. ROSECRANS]?

Mr. CRISP. I object.

Mr. ROSECRANS. Then I will make the motion that the House now take a recess until 8 o'clock.

The SPEAKER. The question is on the motion for a recess.

Mr. ROSECRANS. And I ask unanimous consent that upon reassembling the House shall proceed to the consideration of bills reported from the Committee on Military Affairs and Senate bills on the Speaker's table the subject-matter of which has been considered by that committee.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. If the House shall now take a recess until 8 o'clock and there is not unanimous consent as asked by the gentleman from California [Mr. ROSECRANS], will we not have to go on with the ordinary business of the House this evening?

The SPEAKER. The House will go on with its usual regular business.

Mr. THOMPSON. I move that the House now adjourn.

Mr. OATES. I will yield for a motion to adjourn, retaining my right to the floor when the consideration of the pending bill shall be resumed.

LEAVE TO PRINT.

Mr. CHALMERS. I ask consent to have printed in the RECORD, as a portion of the debate of this House, some remarks prepared by me on the subject of the tariff.

Mr. HENDERSON, of Iowa. That is not necessary, for general leave to print has already been given by the House.

The SPEAKER. The Chair thinks there has been a general order to that effect. But the leave will be granted, as requested by the gentleman from Mississippi [Mr. CHALMERS], if there is no objection.

There was no objection, and leave was granted accordingly.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from California [Mr. ROSECRANS] asks unanimous consent that there be a session this evening, commencing at 8 o'clock, and that the House shall then consider business reported from the Committee on Military Affairs and Senate bills on the Speaker's table the subject-matter of which has been considered by that committee. Is there objection?

Mr. CRISP. I object. There is no quorum of members in attendance at evening sessions.

Mr. THOMPSON. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Kentucky [Mr. THOMPSON] that this House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOYLE: Petition of Union soldiers and sailors for the passage of certain pension laws—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE: Petition of citizens of Hot Springs Ark., to confirm awards to property at said place—to the Committee on the Public Lands.

By Mr. DIBBLE: Petition of the Bricklayers' Union, No. 1, of Charleston, S. C., in favor of the bill to prohibit the importation of aliens under contract to perform labor in the United States—to the Committee on Labor.

By Mr. HARMER: Petition of members of the Grand Army of the Republic, asking for an appropriation to establish a national cemetery near Philadelphia, Pa.—to the Committee on Appropriations.

By Mr. LYMAN: Petition of citizens of Clinton, Mass., against a Government postal telegraph—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *June* 26, 1884.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The PRESIDENT *pro tempore*. The Senate will come to order.

Mr. HARRISON. I suggest the absence of a quorum and move a call of the Senate.

The PRESIDENT *pro tempore*. It being suggested that there is no quorum present, the roll will be called.

The Chief Clerk called the roll, and thirty-three Senators answered to their names.

The PRESIDENT *pro tempore*. The names of the absentees will be called.

The CHIEF CLERK. Messrs. Aldrich, Anthony, Bayard, Beck, Blair, Bowen, Butler, Camden, Cameron of Pennsylvania, Coke, Colquitt, Cullom, Dolph, Fair, Farley, Garland, George, Gibson, Gorman, Groome, Hoar, Ingalls, Jackson, Jones of Florida, Jones of Nevada, Kenna, Lamar, Lapham, Logan, McPherson, Mahone, Manderson, Miller of New York, Palmer, Riddleberger, Sabin, Saulsbury, Sewell, Sherman, Van Wyck, Voorhees, Walker, and Williams—43.

Subsequently, Mr. GARLAND, Mr. BUTLER, Mr. INGALLS, Mr. CAMERON of Pennsylvania, Mr. FAIR, and Mr. LOGAN entered the Chamber.

The PRESIDENT *pro tempore*. Thirty-nine Senators are present, constituting a quorum. The Journal of yesterday's proceedings will be read.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of J. H. R. Storey, treasurer of the United States Maimed Soldiers' League of Philadelphia, Pa., praying for the passage of Senate bill 2315, granting pensions to maimed soldiers; which was referred to the Committee on Pensions.

He also presented the petition of W. Mandeville, late a sharpshooter in Company E, First Pennsylvania Rifles, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Francis Story, of Haverhill, Scioto County, Ohio, late private Battery L, First Ohio Light Artillery, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MCMILLAN. I present a petition of the Chamber of Commerce of Saint Paul, Minn., in favor of an additional appropriation for the quartermaster's department building in that city. In this connection I submit an amendment intended to be proposed to the sundry civil appropriation bill, which I move be referred, with the petition, to the Committee on Appropriations.

The motion was agreed to.

Mr. HAWLEY presented the petition of Capt. H. C. Cook and 11 other officers of the Second United States Infantry, praying for the

passage of House bill No. 3117, to reorganize the infantry regiments of the United States Army, and for other purposes; which was referred to the Committee on Military Affairs.

He also presented the petition of T. B. Adams and 17 other lieutenants of artillery of the United States Army, praying for the passage of Senate bill No. 1677 removing discriminations between lieutenants of the line and lieutenants of the staff; which was referred to the Committee on Military Affairs.

Mr. PENDLETON presented a memorial of the John Shillito Company, of Cincinnati, Ohio, remonstrating against the passage of what is known as the Culberson bill, relative to the jurisdiction of Federal courts; which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Lemert Post, No. 71, Department of Ohio, Grand Army of the Republic, Newark, Ohio, favoring the passage of what is known as the Lovering House bill, No. 6463, in regard to pensions; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1977) for the relief of Maria L. Hammer, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2017) granting a pension to Walter Dickson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6529) for the relief of John Kane, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2378) restoring to the pension-roll the name of John Allee, reported it without amendment, and submitted a report thereon.

Mr. MCMILLAN. I am instructed by the Committee on Commerce to report to the Senate a document sent to the committee by the War Department from the board of engineers appointed by the Department to examine and report upon the construction of bridges across the Great Kanawha River, in West Virginia. I move that the report be printed for the use of the Senate.

The motion was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 2447) for the relief of Catherine Terry;

A bill (H. R. 2660) granting a pension to William Printz;

A bill (H. R. 2425) granting a pension to Catharine Henry;

A bill (H. R. 1897) granting a pension to Catherine Hunter; and

A bill (H. R. 2536) granting a pension to Michael Mack.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2049) granting a pension to James King, reported it with an amendment, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the joint resolution (S. R. 3) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario, reported it without amendment, and submitted a report thereon.

Mr. SLATER. On the 27th of May last I was instructed by the Committee on Public Lands to report back the bill (S. 2036) to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, and asked leave at the time to file subsequently the report of the committee. I now submit the report, and move that it be printed and recommitted to the Committee on Public Lands.

The motion was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1646) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy, reported it with amendments, and submitted a report thereon.

REPORT ON FISH AND FISHERIES.

Mr. HAWLEY. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution to print the report of the Commissioner of Fish and Fisheries, to report it favorably, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1884 be printed, and that there be printed 10,000 extra copies, of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Public Printing.

Mr. COCKRELL. Are there any amendments reported?

Mr. HAWLEY. No amendments. The committee report the resolution in accordance with the practice heretofore, expecting an amendment from the Senator from Missouri, if he choses to offer it. If the Senator is not satisfied with the number of 2,000, as proposed, he can move an amendment.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

By unanimous consent the Senate proceeded to consider the resolution.

Mr. COCKRELL. I move to strike out "3,000" and insert "2,500," and to reduce the "6,000" to "5,000" for the House. That will give 2,500 to the Senate and 5,000 to the House. I wish the Committee on Printing would adopt that rule and report the amendments to save the trouble of always having to move and adopt them in the Senate. I think it is a fair and just distribution, and the Senate has sustained it so often that it ought to become a rule of action.

Mr. HAWLEY. I confess that in this particular case we followed the precedent without stopping to think of the rule that the Senator from Missouri desires to establish; but I suggest to him that where the Senate has been for a long series of years accustomed to a certain distribution, and has made no complaint, we do not feel quite justified in proposing an additional number. We can hardly expect the other House to consent to a reduction of its number, the House having added thirty-two to its total membership. Therefore, we have followed the precedent.

Mr. COCKRELL. Then I move to add to the amount allowed to the Senate, so as to make it 3,000. This is a valuable document, and there are a great many applications for it. Instead of 2,000 for the Senate, I move to make the number 3,000 for the Senate. That will leave the House with the present number, and give the Senate one-half.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri will be read.

The CHIEF CLERK. In line 5 it is proposed to strike out "10,000" and insert "11,000;" and in the same line to strike out "2,000" and insert "3,000;" so as to read:

And that there be printed 11,000 extra copies; of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri.

Mr. INGALLS. I never have been able to see any reason for the difference in the number of copies of works ordered by Congress that are assigned to the Senate and the House of Representatives. I can not understand why the Senate is not entitled to precisely the same number that is ordered for the House. It is not a question of numerical membership. The two Senators from the State of Connecticut represent exactly as many people as the four Representatives from that State. There is no just reason and no propriety, as I understand, in the difference which has hitherto been made. I believe that under previous regulations the Senate has received one-third the number assigned to the House. The Senator from Connecticut can probably inform me.

Mr. HAWLEY. It varies with different documents. That is approximately correct.

Mr. INGALLS. I should be glad if the Committee on Printing would assert what I believe to be the privilege and prerogative of this body. We represent exactly the same number of people with our number of seventy-six that is represented by the three hundred and twenty-five members of the House of Representatives, and with regard to all valuable publications we are entitled to precisely the same number.

Of course I do not expect to have that idea enforced in this resolution, but it seemed an appropriate place to make the observation that no reason has been shown why the difference should continue to exist, and to express the hope that the committee will take the matter into consideration.

Mr. HAWLEY. The pending resolution, as proposed to be amended on the motion of the Senator from Missouri, gives the Senators about forty copies apiece of this valuable report, and it gives the Members of the House less than twenty each. It is true that two Senators represent a whole State, yet it is also true that many of the local wants and many of the local libraries are supplied by the members. The proposition of the Senator from Kansas would introduce a new usage, one that has never appeared to be necessary for the public business, and would also lead to a very heavy increase of the appropriation for public printing. The Committee on Public Printing have endeavored to restrain the extraordinary disposition of the American people to print.

Mr. INGALLS. If the Senator will pardon me for a single suggestion, I do not see how it could increase the expenditure for public printing if the numbers of documents were equally divided.

Mr. HAWLEY. If the Senator proposes not to increase the total number but to simply divide by two——

Mr. INGALLS. I propose to change the distribution.

Mr. HAWLEY. It is not proper to speak of what the other House have done, though it might be proper to conjecture what they might do. We should find that utterly impossible. However, if the Senator does not propose to apply his suggestion to the pending resolution I shall say no more.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

ALLEGED OUTRAGES AT DANVILLE, VA.

Mr. HAWLEY. The Committee on Printing, to whom was referred the joint resolution (S. R. 95) for the printing of extra copies of the report of the Committee on Privileges and Elections in regard to alleged outrages in Danville, Va., report the same favorably without any recommendation as to the number of copies. The resolution provides for 150,000 copies of the majority and minority reports, the cost of which would be $109,200. As the committee stands at present, it makes no recommendation as to the number, but reports in favor of the resolution generally.

The PRESIDENT *pro tempore*. Does the Senator desire to have the joint resolution considered now?

Mr. HAWLEY. I believe the resolution concerning Copiah County went to the Calendar. This may take the same course. It can be called up hereafter.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 2343) relative to the retirement of mates in the Navy; which was read twice by its title, and, with the accompanying memorial, referred to the Committee on Naval Affairs.

Mr. JONAS (by request) introduced a bill (S. 2344) appropriating money for the establishment of a Government farm at or near the thirty-first parallel of north latitude; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. ALLISON introduced a bill (S. 2345) granting a pension to E. W. Nagle; which was read twice by its title, and referred to the Committee on Pensions.

JAMES COFFEY.

Mr. MITCHELL. In the case of the bill (S. 513) granting a pension to James Coffey, of Oregon, I ask that the vote by which the bill was indefinitely postponed be reconsidered by unanimous consent and that the bill be recommitted to the Committee on Pensions. A mistake was made in the case, and we wish to correct it.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to have the vote heretofore taken in the Senate indefinitely postponing the bill named by him reconsidered and that the bill be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and it is so ordered.

HELEN M. HARRISON.

Mr. MCMILLAN. I ask that the bill (H. R. 2325) granting a pension to Helen M. Harrison be recommitted to the Committee on Pensions. An adverse report was made upon the bill by the Senate committee. The Senator from Iowa [Mr. WILSON] made the report.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the bill named by him be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and it is so ordered.

DEBATE ON APPROPRIATION BILLS.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are in order; and the Chair lays before the Senate the resolution offered yesterday by the Senator from Iowa [Mr. ALLISON]. It will be read.

The Chief Clerk read as follows:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment, or all amendments, to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. SAULSBURY. Does the resolution apply to the pending appropriation bill or to all such bills?

The PRESIDENT *pro tempore*. If adopted it will apply to the pending bills; but it is not a resolution which operates upon the bill itself. It only makes it in order to move a limit to debate.

Mr. MORGAN. I suggest to the Senator from Iowa that he increase the time to ten minutes. I believe it would be economy of time to allow Senators to speak ten minutes instead of five, and it would prevent a resort to the fashion we have here of moving to strike out the last word, and the like of that, in order to keep the floor to complete remarks that Senators want to make.

Mr. ALLISON. I will state to the Senator from Alabama that the five-minute rule is usual. It has prevailed in the Senate, I think, for many years on appropriation bills, and has been found to be quite convenient. It is never enforced, the Senator will remember, unless it is absolutely necessary to save time and get along with the work. It requires a majority of the Senate to agree to it on any amendment or any bill. I do not think there is any abuse liable to occur under it.

Mr. MORGAN. There are a great many very important questions on the pending bill; and the sundry civil bill is coming up. The sundry civil bill, as we know, was passed without any discussion in the other House. I am informed by some Senators upon the Committee on Appropriations that there is likely to be a good deal of change in the deficiency bill. I think that a ten-minute rule is a very much more economical one than a five-minute rule. Some Senators do not like to transgress upon such a rule, but others are not quite so tender-footed about it. I believe that if we gave a Senator ten minutes that would be ample time, and it would be more satisfactory.

Such a rule, it is true, has been acted upon sometimes in the Senate when under great pressure for want of time, but it has been most frequently—

More honored in the breach than the observance.

Senators run over the time, ask unanimous consent to proceed, and get embarrassed in their remarks by the fact that they are confronted with a five-minute limitation upon debate. The Senate gets into the habit of going rather slow anyway, pretty much at its leisure, and it is not quite the thing to bring us up to a rapid gait all at once.

Mr. ALLISON. I think we had better adhere to the established rule.

Mr. MORGAN. I do not. I think ten minutes is right, and I move to amend by striking out "five" and inserting "ten," before the word "minutes."

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 4, it is proposed to strike out the word "five" and insert "ten;" so as to read:

That debate on any amendment, or all amendments, to any appropriation bill then before the Senate be limited to ten minutes for each Senator.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. INGALLS. The Senator from Iowa suggests that probably the resolution had better be adhered to in the terms presented by him, and intimates that it never is very rigidly enforced. I should be inclined to suspect that if the present occupant of the chair happened to be presiding, the probabilities are that there would not be a great deal of latitude permitted in case the rule should be adopted. And in my judgment, considering the present condition of the public business, this is a pretty drastic provision. I understand, although I have not yet had the opportunity of examination, that very important and radical changes in existing laws have been made in the bill making appropriations for sundry civil expenses of the Government. If they are what they are reported to be, I judge that they will be strenuously resisted. I suggest to the Senator from Iowa that in case a debate of that kind is provoked, as seems to be probable, the operations of this rule might be very embarrassing; and I should regret to see it adopted at this stage of the session.

Mr. ALLISON. If the Senator will allow me, certainly if we are to take into consideration the radical legislation on the sundry civil bill the majority of the Senate would never agree to the application of the rule. I for one would never move it on a debate of that importance. Of course this rule will not apply, the Senator knows very well, until a majority of the Senate agrees to it.

Mr. INGALLS. If the rule is not to apply, why should it be adopted?

Mr. ALLISON. As the rules now are, it is impossible to move to limit debate to five minutes. This only makes it possible. Of course on those occasions the debate will have to be limited by a vote of the Senate and by a majority of the Senate.

Mr. INGALLS. I have never seen any abuse of the usual privileges of debate that are allowed in this body. I think it conducive to the welfare of the public service that there should be here a free and untrammeled expression of opinion upon matters of public import. I am very sure that every Senator feels the importance of the due transaction of the public business and the dignity of his station sufficiently to render it very certain that he will not infringe upon what is necessary or appropriate.

In view of what is likely to occur, as I said before, I think the application of the rule at this time is very unwise.

Mr. HARRIS. This resolution only makes it in order for a Senator to move to limit debate upon amendments. I think there is economy of time in the adoption of such a resolution. I am confident that no harm can result from it, because I am sure that no Senator in charge of a bill would move to limit debate until at least a reasonable time and a fair opportunity for debate upon every important question had been had; and if the motion is made, it is within the power of a majority of the Senate to decline to adopt it until full and sufficient debate has been had upon pending questions.

Mr. BAYARD. Or to discontinue it.

Mr. HARRIS. Of course. A majority of the Senate can adopt it or a majority of the Senate may discontinue it even if the resolution shall be passed. I see no possible harm that can result from it, and I hope the resolution as offered by the Senator from Iowa may be adopted.

Mr. BECK. Mr. President, I only desire to say that when the resolution was offered yesterday by the Senator from Iowa at the close of the somewhat extended remarks I had made, I thought it was to limit debate to five minutes absolutely, and therefore I objected, thinking that there might be questions coming up that would require more than

five minutes' debate on some of the appropriation bills; but after looking at it this morning, and observing that it only makes it in order to move that that shall be done at any time, either on a whole bill or on an amendment to it, if a majority of the Senate should think time was being wasted by myself or others, I regard it is very well to have that in the power of the Senate. I think the resolution ought to be adopted. It makes no difference as to the time; the Senate can always suspend it at any moment they think it necessary, and five minutes is about as much as in ordinary debate I care about.

Mr. MORGAN. I suggest to the Senator from Kentucky that we can not amend it after it is an established rule of the Senate.

Mr. HARRIS. We can suspend it.

Mr. MORGAN. It can not be suspended except by unanimous consent.

The PRESIDENT *pro tempore*. The Chair will suggest that it will be in order to move to reconsider the vote by which debate was limited on any question.

Mr. MORGAN. That would be in order, perhaps. Of course when the Senator from Iowa gets up and moves a limit to debate on a certain bill, or a certain feature of a bill, to five minutes, then it is a question for debate whether we shall do it or not, and perhaps we shall consume half the day in debating the motion. That is no economy of time.

Mr. ALLISON. The Senator will see that a Senator in charge of a bill would never make the motion if he thought it was likely to be debated, because that would be a waste of time.

Mr. MORGAN. Then what is the use of the rule?

The PRESIDENT *pro tempore*. Senators will see by reading the rssolution of the Senator from Iowa that the motion to limit debate is not a debatable motion.

Mr. MORGAN. I think an amendment allowing ten minutes will get rid of the difficulty. I should be willing to vote for the resolution in that form.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama, to strike out "five" and insert "ten."

The amendment was rejected.

Mr. SAULSBURY. I move to amend the resolution by striking out the words "or all amendments." Under this resolution, when a particular amendment is under discussion a motion is made to limit debate on that particular amendment, or it may be an extended motion to limit debate on all amendments, some of which may not have been considered at all. I think it sufficient to give to any member an opportunity to move that debate on a particular amendment shall be limited to five minutes, but not to give the power upon the first amendment that comes up to move that debate on all amendments that may be offered to a bill shall be limited to five minutes. I move to strike out the words "or all amendments," in the third line.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

PRINTING OF PENSION BILL.

On motion of Mr. MITCHELL, it was

Ordered, That the bill (H. R. 5667) granting pensions to soldiers and sailors of the Mexican war, and for other purposes, be printed, as amended by the Senate, for the use of the Senate.

ROBERT BUTLER.

Mr. BUTLER submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to place on record in the War Department the order of President Jackson of March 3, 1837, canceling the commission conferring the rank of lieutenant-colonel by brevet on Robert Butler, adjutant-general, dated July 1, 1815.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. MORRILL. I ask unanimous consent now to consider the bill on the table which came from the House yesterday merely making an alteration in the statutes of 1880 to allow dutiable goods to be transported both by land and water. Many of the ports in the western part of our country find that they can get transportation much cheaper if they have it partly by railroad and partly by water. This bill that comes from the House is identical in all its parts with a bill reported from the Committee on Finance which allows this to be done, and the only alteration in the existing law is, "or where the route is bonded for both land and water carriage," in the first section, and in the second section merely making provision so that it can be carried out.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent to have taken from the table and now considered the bill indicated by him.

Mr. ALLISON. I will not object in this particular instance unless it leads to debate.

Mr. MORRILL. There will be no debate about it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move now to proceed to the consideration of the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. BROWN. Will the Senator indulge me a moment? I desire to submit a report from a committee of conference.

Mr. ALLISON. Let the appropriation bill be first taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

RAILROAD IN INDIAN TERRITORY.

Mr. BROWN. I desire to submit the report of the committee of conference appointed on the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes. I ask that the report be considered now.

The PRESIDENT *pro tempore*. The Senator from Georgia presents a report of the conference between the two Houses on House bill 3961. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3961) to grant the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with the following amendment, namely: In lieu of the Senate amendment insert the following: "The line to be located in sections of twenty-five miles each, and before work is begun on any section the line thereof is to be approved by the Secretary of the Interior;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered respectively 2, 3, 4, 5, 6, and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with the following amendment, namely: Amend the Senate amendment by inserting after the word "construction" the word "operation," and adding after the word "Interior" the words "in accordance with said intercourse laws;" and the Senate agree to the same.

JOSEPH E. BROWN,
PHILETUS SAWYER,
J. R. HAWLEY,
Managers on the part of the Senate.

OLIN WELLBORN,
RICE A. PIERCE,
B. W. PERKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the report.

Mr. HARRISON. I make no objection to the report of the committee of conference except as to the last suggestion. The language used in the Senate amendment, which I had the honor to offer, is exactly and literally the language of our treaty with those nations. The treaty provides that any operative who may be brought into the Territory in connection with the construction or use of railroads shall there be subject to the Indian intercourse acts and to such regulations as may be prescribed by the Secretary of the Interior. That is an explicit treaty stipulation. If we, as the representatives of the United States acting here as a Senate, mean to abide by our obligations deliberately entered into for a consideration; if we do not mean to put ourselves in the attitude of truce-breakers, and to proclaim that we have no regard for a treaty when made with a nation or power that is unable to enforce its treaty obligations against us, then we ought to disagree to the conference report in that respect. The language of the amendment as adopted by the Senate was exactly the language of our treaty. I copied it from our treaty of 1866 with these Indians; and the limitation is to restrict the power of the Secretary of the Interior to make rules with reference to this matter to the Indian intercourse acts. That is the effect of it. He may make regulations touching all the matters that are governed by the intercourse acts, but it limits his power over these, whereas we expressly stipulated in the treaty that he might make other rules and regulations.

We are brought then to the square test whether as Senators we desire or are willing, in the interest of a railroad corporation, to deliberately walk over our treaty stipulations in the premises.

Mr. BROWN. The same argument has been submitted over and over again as an objection to the granting of any charter to any railroad company through the Indian Territory, that it is a violation of the treaty with the Indians. A similar question went before the Supreme Court of the United States some years ago when we enforced the internal-revenue laws in the Indian Territory, and it was claimed that we were violating our treaty. The Supreme Court of the United States said it was true that the act of Congress in reference to the internal revenue and the treaty could not stand together, and that the treaty must yield.

Probably all this railroad legislation may be in violation of treaties,

if you use the strongest term and call it a violation; but there is no question whatever about the power of the Government and the right of the Government, if the Indians do not possess the sovereignty of that Territory, to make such rules and regulations and enact such laws as it may think proper from time to time on these subjects even without regard to the treaties. If we take the property of a citizen in one of the States as a right of way for a railroad we violate the express grant that was made by the State to the citizen; we take from him property that had been guaranteed to him forever. We can only do it by paying him just compensation. The Government of the United States has exactly the same right by paying just compensation to the Indians to take any property that they have within the Indian Territory, and it is no more a violation of the treaty in that case than it is a violation of the grant in the other case.

If we are to have railroads across that Territory we shall be obliged to enact certain laws that do not exactly conform to the treaties heretofore made. What we are doing is doing the Indians no injustice certainly, because we are paying them very liberal compensation for all we take from them. I presume it will hardly be contended successfully in this Congress in future, or in any other Congress, that the Indians can sit down in that Territory, a small number as they are, and deny to the people of the United States the right to build railroads and conduct transportation across it from one part of the Union to another. Their rights will have to be held there subordinate to the general rights of the whole people and to the legislation of Congress. In all cases, however, we should be very careful to do them full and ample justice. We have done so in the case of this railroad charter. We provide for paying them $50 per mile, and if we capitalize the $15 per mile per annum we are to pay them hereafter, we pay them about $24 an acre for the land we take. The land would not bring a dollar and a half an acre, as it lies there now. I think we have dealt very generously and very justly with them.

Now, if all the employés and everybody connected with the running of this railroad are to be under local regulations of the Indians, or under such regulations as the Secretary of the Interior might prescribe, outside of the regular rules and regulations or outside of the intercourse laws, then it seems to me the railroad authorities would be very much embarrassed, and if on a former occasion we have embarrassed one company in that way I do not think it is wise or proper that we should embarrass another. If we permit railroad companies to run lines of road across the Territory, we should give them all the real authority that is necessary, we should find places on the right of way as we do in this case for their operatives and employés to live and transact the business.

It seems to me that there is really no more solid objection to this than there is to the whole measure, and the Senate has already determined upon that.

Mr. HARRISON. Mr. President, I confess to some surprise to hear the Senator from Georgia say that we must walk deliberately and with open eyes over a solemn treaty compact with these Indians for fear we may embarrass a railroad company.

Mr. BROWN. No; that was not my statement. I stated that we could not conduct transportation across the Territory without having the necessary privileges there for our employés.

Mr. HARRISON. The Senator from Georgia said just what I remarked, that this would result in embarrassment to the railroad company, and he did not controvert my proposition that it was an express treaty stipulation.

Mr. BROWN. That was said in connection with other matters, but it was not all I said.

Mr. HARRISON. It was not all he said, but it was the gist and substance of the argument, and all the argument that has been made upon this proposition.

Now, I want to read to the Senate our treaty stipulation with these people upon this subject to show that the amendment I offered was in the exact terms of our treaty, and then I want to see who there is among us here that is willing to walk open-eyed over that obligation for fear he may embarrass a railroad company. After providing that railroads may be constructed through the Territory we have this stipulation in the treaty of 1866:

But such railroad company, or companies, with all its or their agents or employés, shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose.

I do not care to argue this further.

Mr. HAWLEY. The amendment to the House bill offered by the Senator from Indiana [Mr. HARRISON] was in these words:

The officers, servants, and employés of said company necessary to the construction—

The conference committee here inserted the word "operation," to which the Senator makes no objection. So I will read it so—

The officers, servants, and employés of said company necessary to the construction, operation, and management of said railroad and telegraph and telephone lines shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior.

The Senator from Indiana himself in moving this amendment made no reference therein to the treaty obligations, which I suppose he took for granted were binding, as I did, so that it was not necessary to refer to that; and the conference committee added that rules and regulations may be established by the Secretary of the Interior in accordance with the Indian intercourse laws. I take it that does not bar the Secretary of the Interior from continuing the performance of the duty that is now resting upon him to lay down for those employés also any obligations they may be under under the treaties with the Indians. I think he is not barred from enforcing the treaties because he is authorized to lay down regulations in accordance with the intercourse laws.

Mr. HARRISON. I think there is just where the Senator's mistake is, as in the case referred to by the Senator from Georgia. We had a treaty stipulation which was violated in its letter, and in its spirit too, perhaps, by our internal-revenue laws; yet the law was as high obligation as the treaty, and being the later expression of the legislative will, it controlled, and the Supreme Court decided that the treaty had no sanction which was superior to that legislation. So I think it would be here.

Mr. HAWLEY. If I thought there was any doubt, being as anxious to abide by these treaties as the Senator from Indiana, and having indicated that anxiety in a previous debate, I would add this:

And the treaties with said Indians.

If the Senator desires to make that amendment I will support it. I was upon this conference committee, and assented to the amendment proposed because I thought it expressed what the Senator from Indiana desired.

Mr. HARRISON. If the words the Senator from Connecticut suggests are inserted there, they certainly would give the Secretary authority to enforce our treaty stipulations as part of this legislation.

Mr. HAWLEY. It would not interfere, in my opinion, with the claim made by the Senator from Georgia, which is a claim I do not assent to, that we have a right to override these treaties entirely. I do not think it would interfere with any purpose he has intimated to us, but it would remove the objection made by the Senator from Indiana, and if there be any legal force in his objection I concur with him. I would not have agreed to the conference report if I supposed that was its construction.

Mr. INGALLS. The report of a conference committee can not be amended.

Mr. HAWLEY. It can go to another conference.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair will state to the Senator from Connecticut that the only method is to disagree to the report.

Mr. HAWLEY. I agree to that on reflection. If there be any doubt, if the Senator from Indiana thinks there is any doubt, as to the construction of this matter I hope he will oppose the acceptance of the report.

The PRESIDING OFFICER. The question is, Will the Senate concur in the report of the committee of conference?

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 81) for the relief of Benjamin F. Pope;

A bill (S. 1721) for a bridge across the Missouri river at White Cloud, in Doniphan County, Kansas; and

A bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2344) for the relief of Melissa G. Polar;

A bill (H. R. 2722) for the relief of Martha Turner; and

A bill (H. R. 6082) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kenyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs and before the same had entered into consumption.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I call for the regular order.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, the pending question being on the amendment of the Committee on Appropriations to strike out from line 960 to line 978 the following words:

That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to payment of the tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery or all distilleries which mash twenty-five bushels of grain per day from the operation of the provisions of said title relating to the manufacture of spirits, except as to the payment of the tax; and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by the Secretary of the Treasury, in which he may cause to be deposited the prod-

uct of any number of said distilleries, to be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses.

And in lieu thereof to insert:

And section 3261 of the Revised Statutes is hereby amended, so as to read as follows:

"No collector shall approve the bond of any distiller until all the requirements of the law, and all regulations made by the Commissioner of Internal Revenue in relation to distilleries in pursuance thereof, have been complied with; nor shall the collector hereafter approve any bond of a grain distiller the survey of whose distillery shall be for a less capacity than ten bushels of grain per day; nor shall the survey of any grain distillery be made for a less capacity than ten bushels of grain per day; nor shall the per diem capacity of any grain distillery be reduced below ten bushels. Every collector who violates this provision shall forfeit and pay $2,000 and be dismissed from office; and every distiller of grain who, after the 1st day of November, 1884, operates his distillery on a less capacity than ten bushels of grain per day shall be liable to the fines, forfeitures, and imprisonment specified in section 3260 of the Revised Statutes."

The PRESIDING OFFICER. On the pending amendment the Senator from Georgia [Mr. BROWN] is entitled to the floor.

Mr. BROWN. Mr. President, I do not think this amendment ought to prevail. It seems to me the bill as it came from the House of Representatives contains what it ought to contain on this question. From the earliest period of the Government there has been difficulty on this question of internal revenue and whisky taxation. During the administration of General Washington there was an internal-revenue law something like this, imposing a tax upon whisky, which caused a rebellion in the State of Pennsylvania, and caused the Father of his Country at the head of an army to have to go there for its suppression.

In Mr. Jefferson's time it was entirely abolished, and he congratulated the country in his second inaugural address in this language:

The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These, covering our land with officers and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of produce and property. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because if they had any merit the State authorities might adopt them, instead of others less approved.

The remaining revenue, on the consumption of foreign articles, is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts, being collected on our seaboard and frontiers only, and incorporated with the transactions of our mercantile citizens; it may be the pleasure and pride of an American to ask what farmer, what mechanic, what laborer ever sees a tax-gather of the United States.

That is the language of Mr. Jefferson. As already stated, on account of the difficulties that had grown up on the question of whisky taxation during Washington's administration, Jefferson had set his head very firmly against a tax of this character. There was nothing further of the internal-revenue system until the administration of Mr. Madison, when the war of 1812 made it necessary during part of Madison's administration to enact laws very similar to those we now have. They were, however, war measures, intended as such, not as permanent measures, and they were repealed very soon after the end of the war. The war ended practically with the battle of New Orleans, on the 8th of January, 1815, and the Congress of the United States passed a law repealing the internal-revenue laws, which took effect on the 31st of December, 1817. So they were only permitted to remain in existence as a war measure during the war and for three years after the termination of the war.

What have we done in this case? We enacted as a war measure and during the war the present system of internal-revenue laws. Of course there have been amendments since the war, but we did not act as wisely probably as our fathers did when we continued this war tax for nearly twenty years after the termination of the war and when we now attempt to make it permanent.

I have heard a great deal said recently about the war tariff, and it has been claimed by a large majority of my own party in Congress that it needed revision and modification. I agree to that; but I think it needs it on a plan very different from that of establishing a sliding scale of a certain per cent. of reduction. There are inequalities in the tariff that ought not to be there, and when the Republican party modified the tariff in 1883 they did not correct those inequalities to the extent that they ought to have been corrected. Therefore I have no quarrel with my own party or with anybody else on the question of the necessity of a proper revision of the tariff; but I do not see the propriety of making a point upon the tariff as a war tariff and having nothing to say about the internal revenue, which was strictly a war measure, and only justified according to the common usages of the Government and the practices of our people by the war.

I know that it is said that men pay the tax on whisky and tobacco more cheerfully than they would upon their shoes or their clothes or their hats or some other articles that may be necessary for themselves and their families, and that it is better to raise the revenue that way because they will pay it. There are a good many other articles that men and women would pay taxes on very cheerfully rather than do without them. The people of this country would pay a heavy tax on coffee rather than do without it, and I admit that the people of this country would pay a very heavy tax on whisky rather than do without it; but the question is whether the country is really benefited more by collecting it in this way. Take a man of very small means with a family, who is determined to have his dram occasionally no matter what it costs, and so far as the injury to the family is concerned or the diminution of the means necessary to the support of the family is concerned it injures them just as much to pay the tax on the whisky he drinks as it would to pay a like amount on any of the other articles necessary to the use of the family. The other articles may be necessary and the whisky may not be necessary, but that does not alter the case; he will use whisky whether it is necessary or not. He may believe it is necessary, or he may determine to have it as a luxury, but it diminishes the means for the support of his little family just as much in the one case as in the other if the same amount is expended.

Therefore there is really nothing in the cry that we very often hear, that it is the easiest way to collect a revenue and the proper way to collect it, because people will pay it more cheerfully in that way. It costs after all $100,000,000 of the people's money to pay $100,000,000 on whisky and tobacco, and it costs $100,000,000 of the people's money to pay $100,000,000 on taxes raised in any other way; so that there is not after all so much in that point as we have often heard claimed for it.

But, Mr. President, there is another thing that is a little peculiar about this matter. We have heard in the Senate from time to time a great deal said about the importance of collecting the money on the internal-revenue system, and the leading advocates of it have had a great deal of sympathy with the people. They tell us that it is a great hardship to collect a tariff on a man's wool hat or his trace-chains or anything else he is obliged to use; and they complain a great deal in behalf of the people of such collections of revenue; but the whisky-men stand willing at any time to pay fifty, seventy-five, or one hundred million dollars per annum on whisky and tobacco, or more especially on whisky, for the tobacco-men are clamoring for a reduction or abolition of the tax on tobacco. But you never hear the whisky men complain. If a bill is introduced or an amendment is introduced in the Senate to abolish the whisky tax or take off a portion of it, to make the amount collected less than it is now, we see none of the friends of the distiller voting for the reduction.

It must be a very great pleasure to the whisky men to pay taxes; and they are always insisting that we are oppressing the poor people by the tariff, and they very patriotically say, "Put it on us; fifty millions, one hundred millions, if you please; we are perfectly willing to pay it; we make no objection to it." No doubt the whisky men are just as patriotic as a like number of other citizens, and I suppose they have no right to claim more patriotism than others have. I must suspect, therefore, that there is a motive in all this, that there is some personal interest in it all. They would not be so willing to pay $100,000,000 or any other large sum of taxation per annum if it came out of their own pockets and was a burden to them. But it does not; not a dollar of it, so far as I am aware. It is charged up to the consumer. The 90 cents a gallon is paid by the men who drink the whisky. It is therefore a tax upon the people and not upon the distillers.

But there is another side to it. If there were not a very large profit in this business the whisky men would not be so patriotic in never asking the abolition of the tax and their Representatives never voting to reduce the tax. We have heard a great deal from their Representatives on the subject of monopoly and the tyranny of monopoly in this country. Now, sir, I suppose ever candid man knows that the whisky monopoly, the whisky ring, as it is sometimes called, is much the largest and grandest monopoly on this continent. None other that I know has so many peculiar privileges as it has or is so big a monopoly as it is, and it is very natural in that case that it struggles to maintain it. I do not wonder at that.

How does the matter stand? These liscensed distillers are usually men of large means. They make large quantities of whisky. They pay the revenue on it, and they charge it up to the consumer. How much do they make?

It has been said sometimes that if we should abolish the tax the temperance people would be very much offended at that; that they desire a law on the statute-book that imposes a heavy tax on whisky. I do not know whether the temperance people have very much interest in this question in that shape. If by this taxation we curtail the quantity that is made, and bring it below the demand, and reduce the consumption there might be something in it; but the licensed distillers make, in connection with what runs the blockade, as the term sometimes is, all the whisky they can sell to all the people in the United States. Nobody is stinted; everybody has just as much as he wants. It is said it is drugged by the dealers sometimes. I do not know how that is; but there is certainly plenty for everybody. The distillers keep all they can sell at home and all they can find a market for abroad all the time; and they keep from seventy-five to one hundred million gallons lying in store in bonded warehouse waiting for a consumer.

In the discussion here last March a year it was admitted by the advocates of a measure then pending that there were at that time 84,000,000 gallons lying in bonded warehouse. They keep about that amount in addition to all they can find a foreign market for, and in addition to all that they can get the people of this country to drink. Therefore the temperance people need not be very uneasy about this question, so far

as the tax on the distillers is concerned, for it certainly does not diminish the quantity. They make enough for each, and enough for all, and they are glad to sell to all.

But, Mr. President, as I understand it, they have privileges and benefits that no other class of people do have. For instance, they are permitted when they make their whisky to put it in bonded warehouse, and it lies there for three years, if they choose to have it remain, without the payment of tax. After the first year they pay, I believe, 5 per cent. interest on the tax.

Mr. BECK. No.

Mr. BROWN. Has that been abolished?

Mr. BECK. Yes, sir.

Mr. BROWN. The Senator from Kentucky says they pay no interest. I thank him for the suggestion, for I was under the impression they had to pay interest the last two years. Then they pay no interest. They have the right to put the whisky in bonded warehouse and keep it there for three years without paying any interest. We would naturally suppose they ought to be at the expense of storage, because there is a very large income to them from the storage. Everybody knows that a gallon of bourbon when it is new is not worth half as much as a gallon of bourbon when it is three years old. It is one of the things that are benefited and greatly increased in value by storage and by time. It would not be unnatural to require them to pay the expense of keeping it in store, but we do not require that. We pay the gaugers and the storekeepers out of the Treasury of the United States, and after we have guarded it for them by the agents of the Government for three years, if they should then choose, there being a demand in a foreign market for it, to export it we do not get a dollar of tax upon it. We have simply taken it in hand for their benefit, and we have stored their whisky for them for three years, and we have guarded it by our agents paid out of the Treasury of the United States for three years, and at the end of that time if they choose to export it we get nothing on it. And they get a reduction of seven gallons and a half out of each forty gallons for leakage for the three years while we guard it for them, on which we get no revenue. Probably there is a ten-cent exportation stamp or some other stamp—ten cents goes on a twenty-gallon keg, about half a cent a gallon. If there is any other tax of any other character imposed upon it I am not aware of it. That is doing a good deal for them.

I have heard it said, however, that the importer who brings his goods into this country has a like right or privilege of storing them in bonded warehouse for three or four years, but not upon the same terms and not with the same privileges and advantages which we extend to the whisky men. They are our special favorites. The foreign importer may put his imported goods into bonded warehouse and let them lie there one year, and if within one year he withdraws them for consumption he is only bound to pay the tariff and necessary expenses; but those necessary expenses include the storage and guarding and everything that may be necessary to take care of the goods. He has that to pay. The whisky man does not have it to pay, but the United States Government pays it for him.

Not only that, but if the foreign importer keeps his goods longer than one year and withdraws them from the bonded warehouse for consumption within the period between the end of one year and the end of three years, he not only has to pay the tax, but, as I find in the statutes, he has to pay 10 per cent. of the amount of the tariff added. That, then, does not put the importer of foreign goods and the manufacturer of whisky upon the same terms, nor does it extend to each the same benefits. In the one case the whisky man after the end of the year may withdraw his whisky for consumption or for foreign exportation without paying anything of the expenses or of the guards. The importer of foreign goods who after the end of the year withdraws his goods for consumption must pay all expenses and 10 per cent. added to the tariff. So there is no equality at all.

Then there is another advantage which these gentlemen have, and I never hear any complaint of that in the tariff discussions. There is a heavy duty on foreign whisky. I am not sure that I recollect, but I believe it is $2 a gallon. The tariff is $2 a gallon, which is prohibitory and excludes foreign whisky from the market, and gives our whisky manufacturers the monopoly here. The foreign manufacturer of whisky comes to our ports with his cargo of whisky and he seeks to enter it. He must pay $2 a gallon tariff before he can enter it. Then their interests are guarded at the ports by the Government by a prohibitory tariff, and their productions are guarded for them at home free of charge. Every advantage is given to them that they could ask. They are a favorite, protected class—the pets of the Government.

In this state of the case, Mr. President, it does seem to me that the small man, the citizen with small means, ought to have a little share in this monopoly. It was stated, I believe, yesterday, that heretofore we have excluded those who did not use as much as four bushels of grain per day. We shut down on them. They were too small to take any of this benefit, and we do not permit them to distill at all. Now, the proposition of the House of Representatives is to permit those who do not distill more than ten bushels a day to be relieved of all the care and trouble of officers, and to permit them, as I understand it, to give in and pay their taxes free from that; in other words, they are relieved against everything but the payment of the tax.

The Senate Committee on Appropriations meets that with a proposition to strike out that provision of the House bill and to insert a provision which makes it absolutely prohibitory, and does not permit a man who has not a distillery large enough to consume ten bushels of grain per day to distill at all. In other words, this great boon and this grand monopoly is reserved entirely for the wealthy whisky ring. It will not do, they say, to fritter it away. We must not let the small men have anything to do with it. We must not let poor men take any part in it. If men do not distill as much as ten bushels a day we will not allow them to compete at all. That is, as I understand it, this proposition, and it is outrageous. Now, there are a vast number of men in this country, from Pennsylvania to Alabama, all along the Alleghany and Blue Ridge ranges of mountains, who have small farms of rich land, many of whom are forty or fifty or sixty miles from a railroad, who make their grain, and it is their principal resource for the support of their families. They are obliged to have what are usually termed necessaries; they are obliged to have sugar and coffee and salt and things of that character. To undertake to haul their grain fifty or sixty miles to a railroad for sale would cost one-half the price of it; in other words, it costs about half what they get for corn to carry it to market. If they can, as they have been in the habit of doing heretofore, distill that corn, though it may be but a small quantity, and make one, two, or three barrels of whisky, they can put the whole crop into on ox-cart and carry it to market and dispose of it and buy their necessaries.

The purport of this amendment is to cut off absolutely that privilege from all that vast class of people. They shall not distill at all. If they raise grain they must do the best they can with it or dispose of it in some other way, or they must haul it probably across the Blue Ridge Mountains to the railroad and pay the expense and not get more than half the real value of it, at the end of the whole trouble, because they have to pay half for hauling it.

Mr. President, there is great inequality and injustice in this. Why should all this very large class of poor people, of common people, of people of small means, be cut off entirely from this privilege, in order that the wealthy licensed whisky men of the West may have the monopoly of the business? It is not right, it is not fair, it is not democratic, it is not good republican doctrine. It is not right in any possible view, and it ought not to be done. I suppose by another session of Congress, if there be still too much intrusion upon the prerogatives and privileges of this great monopoly, it will be easy to bring in another bill and say that no one should distill who does not consume twenty bushels or fifty bushels per day. Doubtless if we commence legislation upon that we shall carry it far enough so that the favored few shall have all the benefits, and all who attempt to compete shall go to jail; and nobody else dare intrude, the penalty being the jail and a fine; nobody else dare compete, or he must be imprisoned if he does.

But, Mr. President, it has been said in the debate that in the case of these men who run small distilleries it takes too large a proportion of the value of the whisky to pay the immense swarm of revenue collectors so graphically described by the Senator from North Carolina [Mr. VANCE] yesterday, who demonstrated very clearly that it takes a great deal larger force on alternate years; when the election year comes round it takes an exceedingly large force to collect the revenue from the distilleries. In other words, the Republican party has need of more agents and retainers and persons in its interest to travel over the country at public expense from place to place to electioneer for their candidates' aid in this, that, and the other locality. More are needed in the election year than in any other year, and consequently the cost of collecting the revenue is about double in the election year, as shown by the Senator from North Carolina.

Mr. President, there is an easier way to get at all that. The people of this country are not all dishonest; they are not all knaves; they do not all need constant watching for fear they will appropriate something that does not belong to them. I know in my State that the section of the country where most of the distilling is done, Northeast Georgia particularly, was the strongest Union section when the war commenced. I know we had trouble to keep those people along with us, and keep many of them from going over to fight against us for the Union. They were honest mountaineers, they were men of true grit and courage. They had all loved the Union and they would have stood by it, and it was with great difficulty that we prevented a great deal of trouble. Since the end of the war they have been so much oppressed, they have been so badly treated by the revenue laws and revenue officers, that there is probably no place in the South now where there is less of real love for the Union and its laws.

The internal-revenue laws as they have been administered have driven that people far away from the devotion which they entertained for the Government and its glory and its laws prior to the war. In other words, while there is no rebellion, and no talk of rebellion, they murmur and complain, and justly, too, that their Government is oppressing them tyrannically, and that they are trampled under foot for the slightest and most trivial pretext, as for selling a small quantity of whisky, or when the law made it penal—that has probably been changed since—for selling a twist, or a hand, of tobacco, they have been seized by the revenue officers and carried a hundred miles to Atlanta, placed in jail, kept there for trial for months, then found guilty, pos-

sibly, and imprisoned, and sent home ruined. No people can love a Government that oppresses them in that way. We ought to prohibit all such tyrannical measures, and not permit that sort of oppression.

Well, but, it is said, how then will you enforce the revenue laws? Let everybody distill who wants to; make a law that where the distillery is below a certain number of bushels per day, ten, if you please, or twenty if you think better, each distiller under heavy penalties shall give in and pay tax on every gallon he makes; require him to give it in under oath; and if they are required to do that the great mass of them, say nine-tenths of them, are honest and will make honest returns. Make it as penal as you please. If they swear falsely put them in the penitentiary, and make it penal for them to sell their production until they have reported it and paid the revenue. You can then dismiss all the swarm of leeches that are eating out our substance, and keep only honest officials, and you will get twice as much revenue from that section under that system as you get now. But if it costs you all that it is worth to collect the revenue there, if I am entirely wrong on that point, then you have no right to fix a class rule, and say that every man who is wealthy enough to distill a number of bushels equal to the rule prescribed may go on and do so by taking a license and there shall be no penalty; but if his neighbor who is able to distill but half the amount is willing to pay the revenue you deny him the right to do so, and you put him in jail if he competes with his wealthier neighbor. That is not democratic; that is not, as I understand it, according to the principles of republican government, and I can not support any measure which draws such a discrimination, which builds up with still more power a grand monopoly at the expense of the great mass of the people of the United States who have less means. It is unjust legislation in favor of the rich at the expense of the poor, and it ought not to receive the sanction of this Senate.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. ALLISON. I desire now to have the point of order decided which was made by the Senator from Ohio [Mr. SHERMAN] yesterday in reference to this amendment.

Mr. SHERMAN. I suggest that the question had better be taken upon the motion to strike out alone. I know that a motion to strike out and insert is not divisible, but the question might be taken on the motion to strike out and not decide the whole question by a single vote.

The PRESIDENT *pro tempore*. Does the Chair understand that a question of order is made?

Mr. SHERMAN. Yes, sir.

The PRESIDENT *pro tempore*. The Chair sustains the point of order on so much of the amendment proposed by the Committee on Appropriations as is to insert new words. That part of the amendment is not in order. It is clearly, the Chair thinks, within the letter and spirit of the rule on that subject.

Mr. SHERMAN. I hope we shall have a vote on the motion to strike out.

The PRESIDENT *pro tempore*. The question is on agreeing to the residue of the amendment, being the recommendation of the Committee on Appropriations to strike out from line 960 to line 978 on pages 40 and 41 of the printed bill.

Mr. BECK. Would it be in order to modify the proposition as made by the Committee on Appropriations?

The PRESIDENT *pro tempore*. It will be in order to move any amendment which Senators may desire that is allowable under the rules after the question of striking out is disposed of. It is in order to move to perfect the text proposed to be stricken out, provided the motion be within the rules as to appropriation bills.

Mr. BECK. What I desire to ascertain is, the Chair having decided the proposition made by the Committee on Appropriations out of order because it is new legislation, whether it would not be in order to change that now and to move its adoption again if it can be modified so that the point of order can be avoided.

The PRESIDENT *pro tempore*. The Chair thinks under the order of yesterday that the committee amendments should be first gone through with; that would not now be in order. It will be in order for any Senator to move any amendment to this part of the bill when the committee amendments are disposed of, as under the agreement of yesterday the committee amendments are to be gone through with first, or by general consent it may be received before.

Mr. BECK. I propose now to amend the committee amendment.

The PRESIDENT *pro tempore*. It is in order to amend the text proposed to be stricken out.

Mr. SHERMAN. But not now.

The PRESIDENT *pro tempore*. Pending the motion to strike out, it is in order to move to perfect the paragraph proposed to be stricken out.

Mr. BECK. That is not the proposition I desire. I understand the Committee on Appropriations of the Senate offered an amendment to be found from line 978 to line 998. That is not in order as offered, I understand. Now, I propose to so amend that as to make it in order if I can by leaving out the words from line 978 to 980:

And section 3261 of the Revised Statutes is hereby amended so as to read as follows.

And then say:

No part of the money hereby appropriated shall be expended for the maintenance of a grain distillery which has not a mashing capacity of ten bushels a day, and—

And then let the words used by the committee follow:

No collector shall approve a bond of any distiller, &c.

That is what I desire to submit.

Mr. SHERMAN. That would be subject to the same objection.

Mr. BECK. I think not.

Mr. SHERMAN. Because it indirectly repeals the law.

Mr. BECK. As I propose it it is not objectionable to the point of order, and I have looked at the matter with some care.

Mr. SHERMAN. It is for the Chair to decide.

Mr. BECK. If I may be allowed to state why I offer this, I will say that there is now no limitation on the right of the Internal Revenue Department to indicate what shall be the minimum of the mashing capacity of a grain distillery. That is simply regulated by the orders of the Internal Revenue Department. They do not in fact permit any less than four bushels to be run or licensed, but they have the right to allow a distillery of one bushel to be licensed and run and to furnish a storekeeper for it. They have made that regulation themselves; there is no law in regard to it, and this proposition is simply to say that the money hereby appropriated shall not be used by the Internal Revenue Department so as to allow them to license any distillery that has not a mashing capacity of ten bushels a day. There is no law in regard to it now.

We are making an appropriation in this bill of $2,300,000 for salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses. And we make an appropriation in line 878—

For salaries and expenses of collectors and deputy collectors, $1,850,000.

There is over $4,000,000 that we are taking out of the Treasury for the use of this Department.

Mr. HARRIS. Will the Senator from Kentucky allow me to ask him a question? I am quite in sympathy with the object the Senator from Kentucky has in the suggested amendment, but if I understand the statement of the Senator from Kentucky, it is that there is no law now restraining the Commissioner of Internal Revenue from licensing a thousand distilleries with the minimum capacity of one bushel a day, for that is the way I understand it.

Mr. HARRIS. Then if his amendment should be offered and adopted it would create a rule of law that does not exist now, would it not?

Mr. BECK. It would impose a regulation on the department so far as the appropriation we are now making is concerned, preventing the Commissioner from squandering it as he is now doing.

Mr. HARRIS. The point on my mind is, will it not create a rule of law controlling a public officer which does not now exist?

Mr. BECK. It will.

Mr. HARRIS. And if that be true, is it not legislation in the sense of the rule?

Mr. BECK. I think not. We are now called upon to give money out of the public Treasury to run a particular service which is not regulated or limited by any law. The appropriation may make a rule of law. We give $4,000,000 for the service. Without that the Commissioner can not run the system a day. Independent of running that whole machinery with the money we give him, the Commissioner of Internal Revenue has been running it in a way that the Congress of the United States says is not good for the public service, not by virtue of any law, but by virtue of regulations that he himself makes. Now, I insist that Congress has the right when it takes out of the public Treasury $4,000,000 for gaugers, storekeepers, collectors, and assistant collectors, and all the machinery of running that department, to say to its head, "You shall not take this money that we give you and expend it on these little distilleries," which it was proved yesterday and are admitted everywhere to be run in fraud and not in the interest of the public service; "but the money that we take out of the Treasury and give to you shall be used in such a way that it shall redound to the interests of the public service, and not be given to a body of men for rendering no service."

If we have not that power, then we are at the mercy of every bureau of every Department, and they may spend all the money we give them at any time and we can not put any limitation on their action. Congress is here at the mercy of every one of its bureau officers to spend the money we give as they please, although we may know and although the records may show and the facts stand admitted that the money we are giving them out of the public Treasury is wasted and thrown away upon objects worse than useless. It is entirely in the power of the Commissioner of Internal Revenue to start one-bushel houses under the present law or a half-bushel house; he may permit a man to make a quart and pay $4 a day to a storekeeper to protect that quart of whisky, and Congress is powerless to prevent him under the suggestions now made as to what are the rules of the Senate. We are to give him the $4,000,000, and he can start a thousand distilleries to-morrow running a bushel a day each or a quart a day each, and pay men $4 a day to

stand there and watch that, and so squander the $4,000,000 upon that class of houses, and we can not say that he shall not do it; it is not in order; the Senate has no power over its own appropriations to say what shall be done with the money it gives, but that it shall be expended as the Commissioner of Internal Revenue may see fit to waste it. That is the argument, that is the position we are assumed to be in.

I would rather vote against giving him one dollar than to give him that absolute power. I suppose there is no law to prevent us from saying we will not give the money unless so and so is done. Perhaps that might be a new law, as we have been giving it heretofore without restraint. I do not know how the Chair would rule upon that; but I suppose we have the absolute right, if we are satisfied that the money we are giving is being squandered, to say that it shall not be squandered any longer or to refuse to give it unless there is some limitation put upon the use of it. If the rule of the Senate forbids this, it is an absurd, ridiculous rule and ought not to be regarded. I do not believe that is the rule of the Senate, although perhaps I may be in a small minority in that regard. It ought not to be the rule. Why, sir, there could be no evil corrected, there could be no restraint put upon abuses even in the expenditure of the very money we are voting to any Department or branch of this Government if that is the rule. Complaints may be made, admissions may be so absolute that there is no doubt about the fact that all the money we gave for the current year has been absolutely wasted, and yet we are to give the same man four millions, five millions, any amount of millions, and we are told that it has got to go on in that way because it is the practice of some bureau to expend it in that way, and we can not change it. I am not seeking by this amendment to make a general law. I am saying that this money we now give shall be given with this limitation, that it shall be expended in such a way as not to produce these results.

I have only one more word to say in regard to a remark made by the Senator from Georgia [Mr. BROWN]. He is mistaken when he announces that it costs such an enormous amount to collect this tax—I think he said $100,000,000 to collect $100,000,000.

Mr. BROWN. Oh, no. I was referring to the remarks made by the Senator from North Carolina [Mr. VANCE] about the small distilleries.

Mr. BECK. But I understood the Senator to say the cost of its collection was absolutely enormous.

Mr. BROWN. I only referred to the small distilleries.

Mr. BECK. There never was a more legitimate system fairly collected than the system now adopted of getting revenue.

Mr. BROWN. I did not refer to the collection of internal revenue in general.

Mr. BECK. While the Senator was speaking I was so much struck with his remark that I turned to the report, and I found that in the first district of California we collected from distilled spirits over $2,000,000; in the first Illinois, over $6,800,000; in the fifth Illinois, $13,000,000; in the fourth Indiana, $2,000,000; in the fifth Iowa, $7,000,000; in the fifth Kentucky, $6,000,000; in the sixth Kentucky, $3,000,000; in the seventh Kentucky, $2,000,000; in the first Missouri, $2,000,000; in the first Ohio, $9,000,000. In these ten districts from whisky alone $51,000,000 were collected last year, and the average cost for collection was less than 1½ per cent., and in those districts three-fourths of the whole revenue was collected, and every dollar goes into the Treasury of the United States, and not into the pockets of anybody, except the 1½ per cent., the cost of collection. Can there be a better system of obtaining $74,000,000 than that, provided it is purged from the evils that exist now in squandering it upon the little distilleries that are not carried on legitimately?

The sale of whisky is regulated everywhere. A man can not obtain a license to sell it in any city in Georgia, Kentucky, or elsewhere unless he is shown to be a man of good moral character and will keep an orderly house. A man is not allowed to make whisky unless he is shown to be a respectable man, a man of good character, who will obey the law. We required him for a long time to pay his own storekeeper, but that was found to be oppressive and we relieved him from that, and now all we ask is that he shall make enough whisky at least to pay expenses and give a decent assurance that he is going to carry on a legitimate business.

But that has nothing to do with the point of order. I propose to have the words I have read inserted after striking out the words about the amendment of the section of the Revised Statutes which is not in fact amended and insert:

That no part of the money hereby appropriated shall be expended in the maintenance of any grain distillery which has not a mashing capacity of ten bushels a day.

And then inserting what follows from line 981; and I shall appeal from the decision of the Chair on that point of order and ask a yea-and-nay vote of the Senate, because if it can not be done in this particular appropriation and we can not in any way curtail the action of the Department we might just as well refuse to give them the money altogether, because it is being wasted and squandered in ways that it ought not to be.

The PRESIDENT *pro tempore*. The Senator from Kentucky will send to the desk his amendment and it will be read; after which the Chair will rule upon the point of order.

The SECRETARY. In line 978, in place of the words—

And section 3261 of the Revised Statutes is hereby amended so as to read as follows"—

It is proposed to insert:

No part of the money hereby appropriated shall be expended for the maintenance of any grain distillery which has not a mashing capacity of ten bushels a day; and no collector shall approve the bond of any distiller until all the requirements of the law, and all regulations made by the Commissioner of Internal Revenue in relation to distilleries in pursuance thereof, have been complied with; nor shall the collector hereafter approve any bond of a grain distiller the survey of whose distillery shall be for a less capacity than ten bushels of grain per day; nor shall the survey of any grain distillery be made for a less capacity than ten bushels of grain per day; nor shall the per diem capacity of any grain distillery be reduced below ten bushels. Every collector who violates this provision shall forfeit and pay $2,000 and be dismissed from office; and every distiller of grain who, after the 1st day of November, 1884, operates his distillery on a less capacity than ten bushels of grain per day, shall be liable to the fines, forfeitures, and imprisonment specified in section 3260 of the Revised Statutes.

The PRESIDENT *pro tempore*. The Chair understands the motion of the Senator from Kentucky to be a motion to amend the amendment recommended by the committee. That is, the committee's amendment now is to strike out certain lines of the bill; the Senator from Kentucky moves to amend that amendment so as to make it a motion to strike out the lines that are run through and insert what has been sent to the Chair. Does the Chair correctly understand the Senator from Kentucky?

Mr. BECK. That is right.

The PRESIDENT *pro tempore*. The Chair thinks that an amendment to the amendment of the committee is in order, although usually a motion to strike out is taken by itself; but the Chair thinks that the amendment proposed by the Senator from Kentucky is liable to the same objection as the one reported from the committee. The Chair thinks that the difference between a limitation on the expenditure of money and an affirmative provision by law guiding the conduct of officers already established by law, is quite shadowy. It may be illustrated by other clauses of this legislative and judicial appropriation bill. There are provisions, the Chair supposes, for the salaries of judges. It would be competent, the Chair thinks, under the rule for the Senate and the House of Representatives to put in under their rules a provision that money appropriated for a particular judge should only be expended at certain dates and in certain quantities, monthly or quarterly; but if an amendment went further and provided that the money should not be paid to a judge whose salary was fixed by law unless the court should be held four times a year, and declared that it should be held four times a year and that grand and petit juries should be summoned and that the jurisdiction of the court should be different from what the law already makes it, embracing other objects or fewer objects, that would not be in order. At the same time if in some bill there was a provision for the erection of a court-house, the construction and regulation of which the law had not already provided for, that item of appropriation might be limited and its expenditure directed through such agencies as the law should provide. It was on that theory that the Chair held some time ago that the amendment to the naval appropriation bill for the construction of new ships was in order, because it was purely a matter of the expenditure of money not previously regulated by law in any way and therefore merely a business transaction not required to be in a separate bill. The Chair is obliged to rule that this amendment of the Senator from Kentucky is not in order.

Mr. BECK. Would it make any difference, in the opinion of the Chair, if we were assured and believed that there was now no law regulating what shall be the maximum or mininum mash capacity of a distillery? In the case stated by the Chair as to changing the terms of court the matter is regulated by law; but the distillery to which we now apply a mininum capacity is not regulated by law, simply an order of the department, as I understand.

The PRESIDENT *pro tempore*. The Chair does not now mean to hold on the amendment of the Senator from Kentucky as a whole—as it must be taken for the purposes of the question of order—that it would not be in order to say simply as the written part of the Senator's amendment is—

That no part of the money hereby appropriated shall be expended for the maintenance of any distillery which has not a mashing capacity of ten bushels a day.

That question would arise if that should be offered alone.

Mr. BECK. I will offer that by itself, submitting to the first ruling of the Chair.

The PRESIDENT *pro tempore*. The Chair is inclined to think that the amendment of the Senator from Kentucky in that form is in order, and will so rule.

Mr. ALLISON. I submit to the Senator from Kentucky that if he succeeds in his amendment as now offered, simply striking out the House provision and inserting what he proposes to insert, he accomplishes exactly what the original House provision seeks to do. It seeks to prevent either storekeepers or gaugers from appearing at these small distilleries; and he will accomplish by his amendment, unless he adds the prohibitory clause, just what the original provision of the House proposed.

Mr. BECK. The chairman will allow me to say that I was endeavoring to ascertain what would be in order and would perfect this amendment, but I do not desire to offer it now or interfere until the Senate has acted upon all those portions which the committee have stricken out.

Mr. ALLISON. I merely wished to call the attention of the Senator from Kentucky to the fact that his amendment as he now offers it will accomplish precisely what the bill now accomplishes by the provision of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky, which will be again read.

Mr. BECK. No; I will offer that after the action of the Senate has been taken in regard to the committee's amendment to strike out.

The PRESIDENT *pro tempore*. The amendment is withdrawn temporarily. The question recurs on the amendment of the Committee on Appropriations to strike out the lines which have been read.

Mr. BECK. The proposition is, as I understand it, to strike out all after the word "dollars," in line 960, down to and including the word "warehouse," in line 978.

The PRESIDENT *pro tempore*. That is the proposition.

Mr. BECK. I ask if that proposition is divisible? I desire to vote to strike out all from line 960 to and including the word "operated," in line 971. The other relates to a different subject.

The PRESIDENT *pro tempore*. The Chair thinks it is divisible.

Mr. BROWN. I call for a division of the question, because as to the special warehouses provided by the House, from line 971 to line 978, I think a very different question is presented.

The PRESIDENT *pro tempore*. The question on the demand of the Senator from Kentucky [Mr. BECK] will be divided, and first taken on striking out all after the word "dollars," in line 960 to and including the word "operated," in line 971.

Mr. VANCE. I call for the yeas and nays on that.

The yeas and nays were ordered.

Mr. BROWN. Let the words proposed to be stricken out be read.

The PRESIDENT *pro tempore*. The paragraph now proposed to be stricken out will be read.

The SECRETARY. The words proposed to be stricken out are:

That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes relating to the manufacture of spirits, except as to payment of the tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery or all distilleries which mash twenty-five bushels of grain per day from the operation of the provision of said title relating to the manufacture of spirits, except as to the payment of the tax; and any distillery so exempted shall be run as fruit distilleries are now operated.

Mr. VANCE. I simply want to understand the effect of this vote. I understand it to be that if the Senate strikes out this provision in the bill, it having been held to be out of order to insert anything in place of that which is stricken out, the law will stand as it is now, without any limitation whatsoever.

The PRESIDENT *pro tempore*. The Chair has not held that it is out of order to insert anything. The Chair has only held that it was not in order to insert what the Committee on Appropriations proposed to insert. The question is on agreeing to the recommendation of the committee to strike out the first division, which has just been read, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. HOAR], who is absent, but as his colleague [Mr. DAWES] votes "yea" on this question and I propose so to vote, I will record my vote in the affirmative.

Mr. LOGAN (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired on all questions with the Senator from Minnesota [Mr. SABIN]. I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. GROOME. I am paired on all questions with the Senator from New York [Mr. MILLER]. My colleague [Mr. GORMAN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALLISON. The Senator from Wisconsin [Mr. CAMERON] is paired with the Senator from Mississippi [Mr. GEORGE].

The result was announced—yeas 28, nays 13; as follows:

YEAS—28.

Allison,	Edmunds,	Lapham,	Platt,
Beck,	Garland,	McMillan,	Plumb,
Cameron of Pa.,	Harris,	Mahone,	Saulsbury,
Cockrell,	Harrison,	Mitchell,	Sawyer,
Coke,	Hawley,	Morrill,	Sewell,
Conger,	Hill,	Pendleton,	Sherman,
Dawes,	Jones of Nevada,	Pike,	Wilson.

NAYS—13.

Bayard,	Fair,	Lamar,	Vest.
Brown,	Gibson,	Pugh,	
Butler,	Hampton,	Ransom,	
Call,	Jonas,	Slater,	

ABSENT—35.

Aldrich,	Farley,	Jones of Florida,	Palmer,
Anthony,	Frye,	Kenna,	Riddleberger,
Blair,	George,	Logan,	Sabin,
Bowen,	Gorman,	McPherson,	Vance,
Camden,	Groome,	Manderson,	Van Wyck,
Cameron of Wis.,	Hale,	Maxey,	Voorhees,
Colquitt,	Hoar,	Miller of Cal.,	Walker,
Cullom,	Ingalls,	Miller of N. Y.,	Williams.
Dolph,	Jackson,	Morgan,	

So the motion to strike out was agreed to.

The PRESIDENT *pro tempore*. The question now is on striking out the residue of the paragraph.

Mr. BECK. On that I ask for the yeas and nays or a division, I do not care which.

Mr. ALLISON. I hope the Senator from Kentucky will not press that. It seems to me this last proviso should go out, inasmuch as the first part of the provision is stricken out. It relates to the distilleries which are absolutely exempted here.

Mr. BECK. Oh, no.

Mr. ALLISON. Yes, sir.

Mr. BECK. It relates to all distilleries.

Mr. ALLISON. No; it reads:

Provided, That special warehouses may be established by the Secretary of the Treasury, in which he may cause to be deposited the product of any number of said distilleries.

That is, the distilleries which have been exempted.

Mr. BECK. I beg pardon.

Mr. ALLISON. The proviso proceeds:

To be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations, &c.

Mr. SHERMAN. It only relates to small distilleries.

Mr. ALLISON. It only relates to small distilleries, and it only relates to those distilleries exempted. Until the distilled spirits get into the general warehouse they would not be subject to the provisions of this proposed law.

Mr. SHERMAN. The Senator from Kentucky is thinking as I did when I first looked at it. I thought probably there was no objection to it, because there was a proposition pending before the Committee on Finance a year or two ago authorizing several distillers to club their whisky in one distillery at a place to be selected by the Secretary of the Treasury, so that it might be kept with less expense and less danger. But that is not this provision. This is a provision made for small distilleries, and it ought to go out with the rest of the paragraph. It would not do to put it in now without adding other provisions, because there must be some provision for removing the spirits from one warehouse to the other; there must be some regulation, such as was contained in the bill that I had in my mind and which the Senator no doubt had in his mind, by which the Government would be protected in the removal of whisky from one place to another; that is, the spirits would have to be gauged and measured before the removal from one warehouse to another. But those are provisions not found here, and this clause ought to be stricken out. It relates only to small distilleries and enables the distillers to bring their product together so as to be kept at less expense.

Mr. BECK. The operation of the measure the Senator from Ohio suggests as having been considered by the Finance Committee a year ago, and which was passed by the Senate I believe unanimously (I know it was reported by the committee and recommended by Mr. Raum), was precisely the same as this if the word "said" should be stricken out in line 974, before "distilleries," and the word "said," in line 975, before the word "distillers."

Mr. SHERMAN. The Senator is mistaken. Under that provision ample arrangements were made for a gauge and examination before the removal of the spirits. This does not contain that.

Mr. BECK. I beg pardon. If the Senator will look he will see that it reads—

And when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise, as is now provided by law for other warehouses.

That covers everything connected with it.

Mr. SHERMAN. That is not the provision. This only applies after the deposit is made in a new place. This is subject to the same provision that existed before, but there is no provision made here for an inspection, gauging, &c., of the whisky before it is removed from one place to the other. I think, therefore, it had better be dropped out here.

I think it would be an act of wisdom in the next change in the internal-revenue system to provide that wherever whisky is manufactured at any distillery it shall be taken to a large distillery warehouse, built under the direction of the Government like a Government warehouse in the customs service and guarded against fire and the possibility of loss. Such a provision as that in regard to whisky would be a very proper one; the very moment it is manufactured to have it gauged and carried to some other place, where it would be secure against fire and against probable interference or fraud. But this clause is not sufficiently guarded for passage now.

Mr. BECK. Would it be in order, before a vote is taken on the pro-

viso, to move to strike out the word "said," before "distilleries," in line 974, and the word "said," before "distillers," in line 975? If so, I make that motion.

The PRESIDENT *pro tempore*. The Chair thinks that motion is in order.

Mr. ALLISON. I submit to the Senator from Kentucky that that will not cover the case. The trouble with this provision is that it was intended for the small distilleries, and it was prepared with that view. Now, the Senator from Kentucky desires to get in some provision that will apply to all the distilleries in the United States. Such a provision ought to be prepared with the utmost care, and would probably require three, or four, or five sections, because the distilled spirits must be followed from the distilleries into the general warehouses, they must be gauged in and gauged out, and a record kept constantly, or else frauds would be committed under the provision.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to amend the paragraph which is proposed to be stricken out by striking out the word "said," before "distilleries," in line 974. The question is on agreeing to the motion to strike out that word.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Kentucky also moves to strike out the word "said," in line 975, where it occurs before the word "distillers."

Mr. HARRIS. I suggest to strike out the words "of said," in line 975.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky modify his amendment?

Mr. BECK. Yes; that is right.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to strike out the words "of said," preceding the word "distillers," in line 975.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on striking out the proviso as amended.

Mr. HARRIS. After the word "distillers," in line 975, to make it perfectly consistent with the object of the Senator from Kentucky, I move to insert the words "so established."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Tennessee will be read.

The CHIEF CLERK. In line 975, after the word "distillers," it is proposed to insert "so established;" so as to read:

And in which any distillers so established may deposit his product.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to amend.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on striking out the proviso as amended.

Mr. BECK. Mr. President, one word in regard to that. We all agree, I think, that the most insecure place where distilled spirits are deposited to remain after they are manufactured, especially in the case of small distilleries, is in a little log warehouse attached to those distilleries, and that the best thing both for the Government and for the distillers is that the spirits should be removed to some place of safety where they can be held until offered for sale. I read yesterday what Commissioner Raum said in that regard. Senators perhaps may not recollect it, and I will read it again, because it is short:

The establishment and use of special bonded warehouses, as provided for in the second and other sections of the bill—

Referring to the bill that he then presented for the extension of time—

The establishment and use of special bonded warehouses, as provided for in the second and other sections of the bill, is a feature which I think can properly be looked upon with favor. These warehouses would no doubt be established by men of means and business standing at important points of trade, where transportation would be easy, and would be constructed as nearly as possible fire-proof. To these warehouses would be sent, by direction of the Commissioner, under section 3272 United States Revised Statutes, the spirits in warehouses which were deemed insecure, and, under the provisions of the present bill, the spirits in warehouses where the distilleries had been suspended for a year and upward.

To them would also be taken, on the application of the distiller, the spirits produced at small establishments, remote from railroad or other important lines of transportation, to the great advantage of the small manufacturers, who would thus be enabled to insure their goods at low rates, to obtain loans upon their warehouse receipts without difficulty, and to deliver their goods, when sold, to their customers without unnecessary delay in transportation. These warehouses would be under the control of the collectors and in the custody of storekeepers, and in my opinion the interests of the Government, as well as the convenience of the trade, would be promoted by their establishment.

At the close of his letter he says:

I venture the opinion that if Congress in its wisdom sees fit to adopt this branch of the bill it can be administered so as to protect the interests of the Government.

I have the honor to be, very respectfully,

GREEN B. RAUM, *Commissioner*.

The provision in this bill as it passed the House and as it has been amended reads:

That special warehouses may be established by the Secretary of the Treasury, in which he may cause to be deposited the product of any number of distilleries, to be designated by him by his order, and in which any distillers so established may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses.

Small lots of distilled spirits remaining in the little warehouses of course would not be removed to a special warehouse except under the orders of the Secretary of the Treasury or the Commissioner of Internal Revenue. Everything necessary for the secure removal would be provided, because the Secretary of the Treasury is authorized by this provision to establish special warehouses, "in which he may cause to be deposited the product of any number of distilleries." In the very establishment of those warehouses he can make and will make all the provisions necessary for the safe removal, including gauging, measuring, and everything else necessary in regard to the spirits to be brought into them; the amount to leave the distillery warehouses will be ascertained; the amount that comes into the special warehouse will be ascertained; accurate accounts will be made. All that will be done by regulation, and when once there it would be subject to the same laws to which it would be subject if it should remain in the distillery warehouse.

The reason why we ought to give that permission is perfectly obvious. The Secretary of the Treasury is compelled so long as small lots of whisky remain in a distillery warehouse to keep a storekeeper there to watch them. Frequently, as I stated yesterday, the cost of keeping that officer is four times as great as all the revenue derived from the spirits. Being in insecure houses the spirits are subject to be destroyed by fire; they are subject to larceny; they are subject to be tampered with, besides keeping up a host of men to guard them, there being, as was shown yesterday by the Commissioner's own statement, seven hundred and eighty-two little distilleries now mashing less than ten bushels a day and one hundred and forty-six more mashing less than twenty-five bushels a day. There are nearly a thousand of them which could be so adjusted that the contents of thirty, forty, or fifty, where there were so many in a neighborhood, could be placed in a special fire-proof warehouse, where one storekeeper, some intelligent man, could guard the spirits just as well as the thirty or forty men now used in the thirty or forty little warehouses where there are from ten to twenty barrels, and in some perhaps not more than one barrel. Cases were shown a year or two ago during a discussion here where one man had guarded a keg of five gallons in the eighth district of Kentucky, and I have no doubt that in North Carolina there are many cases where they have guarded kegs for months, or staid by them—I do not know whether they guarded them or not.

It seems to me that no harm can come from this provision. I think the Commissioner himself would say so. The former Commissioner said so. The whole matter is in his control. The Secretary of the Treasury can put the safeguards around it. He is not compelled to do it; he may do it in his discretion. The right is given that special warehouses may be established by him. It does not compel him to do it. It takes no power out of his hands. If he does establish them, it is assumed that he will establish them with all the safeguards possible against fraud. Why should he not have the right to protect those spirits that are subject to tax and cut down the number of supernumeraries if in his judgment he thinks it best? I can not see why not.

If it is said that we have no warehouses in which to do it, they can be procured. We have out of 48,000 post-office buildings perhaps not over a hundred that are owned by the Government; and we always get them when required. If none suitable are offered for rent or occupation by the United States, the Secretary of the Treasury will not occupy those places any more than the Postmaster-General would for a post-office, or any other executive officer any other public building that he needs.

I have nothing more to say except that I can not see how the provision can possibly do any harm, and it will give the Secretary of the Treasury and the Commissioner of Internal Revenue power to guard the United States in this tax and to secure the property much better than it is now secured.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the committee to strike out the proviso.

Mr. HARRIS. In the hurry of offering an amendment a few moments since I find that the word "distillers," in line 975, should be changed to the word "distilleries," and the word "his," after the word "deposit," should be changed to "their," in order to clearly express what I understand to be the object of the Senator from Kentucky in the amendment which he offered.

Mr. ALLISON. I think the Senator from Tennessee makes it worse by that amendment.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Tennessee will be read.

The CHIEF CLERK. In line 975 it is proposed to change the word "distillers" to "distilleries," and to strike out the word "his" and insert "their;" so as to read:

And in which any distilleries may deposit their product.

Mr. BECK. I do not think that will do.

Mr. HARRIS. I shall not insist on the amendment if it does not meet the approval of the Senator from Kentucky.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The question is on agreeing to the recommendation of the committee to strike out the proviso.

Mr. BECK. Let us have the yeas and nays on the question.

The yeas and nays were ordered.

Mr. ALLISON. Mr. President, I only desire to say one word. This is the dangerous and delicate part of the whole question of collecting revenue from distilled spirits. The provision as now suggested by the Senator from Kentucky applies to every distillery in the United States, and I think it is a very dangerous piece of legislation. I hope the proviso will not be retained in the bill.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the recommendotion of the committee to strike out the proviso.

The Secretary proceeded to call the roll.

Mr. GROOME (when Mr. GORMAN'S name was called). The Senator from Maryland [Mr. GORMAN] is paired with the Senator from Rhode Island [Mr. ALDRICH]. I am paired with the Senator from New York [Mr. MILLER].

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON]. As I do not know how he would vote on this question, I refrain from voting.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER], but understanding that he would vote "yea," I shall vote. I vote "yea."

The roll-call was concluded.

Mr. FAIR. I am paired with my colleague, the Senator from Nevada [Mr. JONES].

The result was announced—yeas 31, nays 8; as follows:

YEAS—31.

Allison,	Garland,	Lapham,	Platt,
Brown,	Gibson,	Logan,	Pugh,
Butler,	Hampton,	McMillan,	Sawyer,
Cameron of Pa.,	Harrison,	Mahone,	Sherman,
Conger,	Hawley,	Miller of Cal.,	Vance,
Dawes,	Hill,	Mitchell,	Vest,
Edmunds,	Ingalls,	Morrill,	Wilson.
Frye,	Jonas,	Pike,	

NAYS—8.

Bayard,	Call,	Jones of Florida,	Saulsbury,
Beck,	Coke,	Morgan,	Williams.

ABSENT—37.

Aldrich,	Fair,	Kenna,	Riddleberger,
Anthony,	Farley,	Lamar,	Sabin,
Blair,	George,	McPherson,	Sewell,
Bowen,	Gorman,	Manderson,	Slater,
Camden,	Groome,	Maxey,	Van Wyck,
Cameron of Wis.,	Hale,	Miller of N. Y.,	Voorhees,
Cockrell,	Harris,	Palmer,	Walker.
Colquitt,	Hoar,	Pendleton,	
Cullom,	Jackson,	Plumb,	
Dolph,	Jones of Nevada,	Ransom,	

So the amendment was agreed to.

Mr. BECK. I believe everything is out of the bill now after line 960, as far as has been read.

The PRESIDENT *pro tempore*. It is all stricken out after the word "dollars," in line 960 to and including the word "warehouses," in line 978.

Mr. BECK. I propose now to amend, by adding after the word "dollars," in line 960, what was read some time ago:

That no part of the money hereby appropriated shall be expended for the maintenance of any grain distillery which has not a mashing capacity of ten bushels per day.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Kentucky offering the amendment at this time, the order of the Senate having been that the committee amendments should first be considered?

Mr. BECK. I beg pardon. I will withdraw the amendment and offer it afterward.

The PRESIDENT *pro tempore*. Does the Senator withdraw it? The Chair was asking if there was objection to receiving the amendment.

Mr. ALLISON. I think I shall have to object, as a good many Senators have left the Chamber under the impression that we had passed from this question.

Mr. BECK. Very well; I shall offer it hereafter.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 999, after the word "provided," to strike out "further;" and, in line 1001, before the word "bushels," to strike out "twenty-five" and insert "twenty;" so as to read:

And provided, That storekeepers, or storekeepers and gaugers, who are assigned to distilleries whose registered capacity is twenty bushels or less, shall receive $2 per day for their services.

The amendment was agreed to.

The next amendment was, in line 1007, after the word "than," to strike out "are" and insert "15 per cent. in excess of the number;" and in line 1009, before the word "indispensably," to strike out "are;" so as to read:

And no collector in any district shall recommend, nor shall there be appointed or commissioned, more deputy collectors, storekeepers, storekeepers and gaugers, gaugers, inspectors, or other officers, or allowed to remain in commission more of any of said officers, at any one time, than 15 per cent. in excess of the number actually engaged in performing duty at the time, and indispensably necessary for the performance of said duty.

The amendment was agreed to.

Mr. LAPHAM. I offer an amendment to the bill now under consideration, which I move be printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1011, before the word "agents," to strike out "five" and insert "twenty-five;" in line 1012, after the word "number," to insert "now;" and in the same line, after the word "by," to strike out "section 3152 of the Revised Statutes, as amended by the act approved June 19, 1878," and insert "law;" so as to read:

And hereafter there shall not be employed exceeding twenty-five agents in lieu of the number now authorized by law.

The amendment was agreed to.

The next amendment was to strike out from the items for contingent expenses of the Treasury Department line 1021, in the following words:

For postage, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Independent Treasury," in the appropriations for the "office of the assistant treasurer at Boston," in line 1080, to increase the appropriation for the compensation of "assistant treasurer" from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was, in line 1097, to increase the total amount of the appropriation for "office of the assistant treasurer at Boston" from $35,560 to $36,060.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of assistant treasurer at Chicago," in line 1106, before the word "clerks," to strike out the word "two" and insert "three;" after the word "dollars," in line 1107, to insert "one janitor at $600;" and in line 1109, after the word "all," to strike out "twenty-one thousand four" and insert "twenty-three thousand two;" so as to make the clause read:

Office of assistant treasurer at Chicago: For assistant treasurer, $4,500; for cashier, $2,500; for paying-teller, $1,800; for book-keeper and receiving teller, at $1,500 each; two coin, coupon, and currency clerks, at $1,500 each; one assistant book-keeper and three clerks, at $1,200 each; for one messenger, $840; one janitor, at $600; and three watchmen, $720 each; in all, $23,200.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of assistant treasurer at San Francisco," in line 1193, after the words "assistant treasurer," to strike out "four" and insert "five;" in line 1194, after the word cashier," to strike out "two thousand five hundred" and insert "three thousand;" in line 1195, after the word "thousand," to insert "five hundred;" in line 1196, after the word "thousand," to insert "four hundred;" and in line 1203, after the word "all," to strike out "twenty-five thousand seven," and insert "twenty-eight thousand one;" so as to make the clause read:

Office of assistant treasurer at San Francisco: For assistant treasurer, $5,500; cashier, $3,000; book-keeper, $2,500; one chief clerk, $2,400; assistant cashier, $2,000; receiving-teller, $2,000; assistant book-keeper, $2,000; coin-teller, $1,800; one clerk, $1,800; one clerk, $1,400; one messenger, $840; and four watchmen, at $720 each: in all, $28,120.

The amendment was agreed to.

The next amendment was, in line 1216, after the word "others," to strike out "twenty-five" and insert "twenty-eight;" so as to make the clause read:

For engraving, printing, finishing, and binding interest, transfer, redemption, pension, and other checks and drafts, including cost of paper for the same, for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $28,000.

The amendment was agreed to.

The next amendment was, under the heading "United States mints and assay offices," in the appropriations for the "office of the Director," in line 1224, after the words "class two," to insert "one of whom shall be a stenographer;" so as to read:

Two clerks of class 2, one of whom shall be a stenographer.

The amendment was agreed to.

The next amendment was, in the appropriations for the "mint at San Francisco, Cal.," in line 1267, to increase the appropriation for the compensation of "assistant assayer, assistant melter and refiner, and assistant coiner," from $2,000 each to $2,500 each.

The amendment was agreed to.

The next amendment was, in line 1275, to increase the total amount of the appropriations for the salary of superintendent, assayer, melter and refiner and coiner, &c., at the mint at San Francisco, from $41,900 to $43,400.

The amendment was agreed to.

The next amendment was, in the appropriations for the "mint at Denver, Colo.," in line 1320, after the word "dollars," to strike out "and hereafter the mint at Denver, Colo., shall be designated 'assay office at Denver, Colo.'"

The next amendment was, under the head of "Government in the Territories," in line 1393, before the words "associate judges," to strike out "three" and insert "five;" and in line 1395, before the word "thousand," to strike out "sixteen" and insert "twenty-two;" so as to make the clause read:

Territory of Dakota: For salary of governor, $2,600; chief-justice and five associate judges, at $3,000 each; and secretary, at $1,800, $22,400.

The amendment was agreed to.

The next amendment was, in line 1403, to increase the appropriation for "legislative expenses" of the Territory of Dakota from $26,029.60 to $38,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the "Territory of Alaska," in line 1503, after the word "thousand," to insert "five hundred;" so as to make the clause read:

Territory of Alaska:
For salary of governor, $3,000; judge, $3,000; attorney, marshal, and clerk, $2,500 each; four commissioners, $1,000 each; four deputy marshals, $750 each; in all, $20,500.

The amendment was agreed to.

The next amendment was, in line 1509, before the word "contingent," to insert "incidental and;" and after the word "governor," in line 1511, to insert "two thousand;" so as to read:

For incidental and contingent expenses of the Territory, to be expended under the direction of the governor, $2,500.

The amendment was agreed to.

The next amendment was, under the head of "War Department," in line 1519, after the words "class two," to strike out "twenty-eight" and insert "twenty-nine;" in line 1520, after the words "class one," to strike out "seven" and insert "eight;" and in line 1526, before the word "hundred," to strike out "nine thousand seven" and insert "eleven thousand nine;" so as to read:

WAR DEPARTMENT.

For compensation of the Secretary of War, $8,000; one chief clerk, at $2,750; one disbursing clerk, at $2,000; one stenographer, at $1,800; three chiefs of division, at $2,000 each; five clerks of class 4; seven clerks of class 3; eight clerks of class 2; twenty-nine clerks of class 1; eight clerks, at $1,000 each; four messengers; six assistant messengers; eight laborers; carpenter, $1,000; foreman of laborers, $1,000; one hostler, $600; two hostlers, at $540 each; and one watchman, at $540, in all; $111,930.

The PRESIDING OFFICER (Mr. HARRIS in the chair.) The Chair calls the attention of the Senator from Iowa to the fact that the semicolon after the word "all," in line 1525, should come after the word "dollars."

Mr. ALLISON. I agree. Strike out the semicolon.

The PRESIDING OFFICER. It will be so modified, there being no objection. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1546, to insert:

For the following additional clerks in the Office of the Adjutant-General, for the sole purpose of completing the regimental registers of the volunteer forces of the several States during the late war, namely: One clerk of class 4; three clerks of class 3; six clerks of class 2; and twelve clerks of class 1; in all, $29,400.

The amendment was agreed to.

Mr. ALLISON. Immediately after the amendment which has just been agreed to, I move to add:

For the hire of a suitable building, for heating the same, and for the purchase of the necessary desks, chairs, stationery, &c., in order to enable the Secretary of War to carry forward expeditiously the work of completing the volunteer registers of regiments, $3,500.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1576.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Iowa, in line 1571, to the word "of." Should it not be "as?"

Mr. ALLISON. It should be. I will move that amendment.

The PRESIDING OFFICER. It will be agreed to, there being no objection.

The reading of the bill was resumed and continued to line 1579.

Mr. PENDLETON. I should like to ask the Senator from Iowa who has charge of the bill whether the amount of $45,000 appropriated here for the office of the Chief of the Signal Service embraces all the appropriation that is made for the service in all the appropriation bills?

Mr. ALLISON. I will say to the Senator from Ohio that this is simply for the clerical force in the office of the Chief Signal Officer.

Mr. PENDLETON. The clerical force?

Mr. ALLISON. The clerical force I believe is all that is included here. The main appropriation for the Signal Service is found in the sundry civil bill, which has not yet been reported to the Senate.

Mr. PENDLETON. Can the Senator from Iowa inform the Senate what is the total amount appropriated in all the appropriation bills for the performance of the service in that bureau?

Mr. ALLISON. I can not accurately state it at this moment.

Mr. PLUMB. It is about $600,000.

Mr. ALLISON. Certainly as much as $600,000. My impression is that it is between $800,000 and $900,000, but I would not like to undertake to state accurately, because I have not the figures before me.

Mr. PENDLETON. In what appropriation bill is it that the chief expenses of that office are provided for?

Mr. ALLISON. They are found in the sundry civil bill.

Mr. PENDLETON. Are the details of the appropriations made in that bill?

Mr. ALLISON. The appropriations are made now with pretty full details. Formerly the appropriations were made in a lump, but last year we required careful detailed estimates to be made of the expenditures of the Signal Service. Although I have not had time to examine it carefully, I think the appropriation bill as sent to us from the House appropriates for that bureau in considerable detail.

Mr. PENDLETON. Will the Senator be kind enough to inform me, if he can, where I can lay my hand upon the statutes, the provisions of law which regulate the service of that bureau?

Mr. ALLISON. It would be very difficult for me to do so. The Signal Service is very much like Topsy; it has "grown up." I do not think it ever was established by law in the sense that a bureau is established by law. It has grown up as a growth of the war, and has been gradually enlarged and amplified until a few years ago, I believe in an appropriation bill, we authorized the appointment of a brigadier-general as the head of it, General Myer, who had been for a long time in the Signal Service. He was promoted to the rank of brigadier-general by virtue of a statute passed three or four years ago. I think that is all the law there is on the subject except what is contained in the appropriation acts.

Mr. PENDLETON. The Senator will doubtless remember that some comment was made in another place a few years ago, or a few months ago perhaps, in relation to the expenditures for traveling expenses of the officers of the bureau and in relation to the printing expenses of the persons connected with that office. I do not see any appropriation of that kind here, and I have no desire specially to ask the Senator to-day about these other matters. If he can indicate upon what bill we may find special provisions made for expenditures in that bureau, I am perfectly willing to defer any suggestions that I may have to make on the subject, but if he prefers it I should like to ask him some questions either to-day or hereafter, when the subject is more properly before the Senate.

Mr. ALLISON. I hope the Senator from Ohio will defer that class of questions, as all those expenses are appropriated for in the sundry civil bill. The committee will endeavor to examine into the different items of expense so as to furnish full information respecting the matter.

Mr. PENDLETON. I do not know that any of the items relating to the Signal Service in this or any other bill which will be reported are not entirely unobjectionable, but I have been looking a little over the statutes to see the organization of the bureau. It seems to have spread itself out in many directions, for if I am not mistaken very much that bureau had a great deal to do with fitting out an expedition into the north seas last year. I find it very difficult in the Revised Statutes or any other place to trace up the various powers belonging to that bureau.

Mr. MORGAN. Does the Senator refer to the Howgate expedition?

Mr. PENDLETON. It was an expedition in search of somebody, I do not know whether it was the Howgate expedition or not.

Mr. MORGAN. Howgate has not been found yet, I believe.

Mr. ALLISON. The appropriations for the Signal Service will be found, as I said to the Senator, in the sundry civil bill. I have the House print of that bill before me now, and I find that as it came from the House the total amount as footed up by the Senator from Kansas [Mr. PLUMB] is $624,000. However, I will say that from several letters received and from sundry indications, I think it is expected that the sum will be somewhat enlarged when the bill comes into the Senate. But all the details are found in that bill. I commend it to the Senator, and I hope he will defer special inquiries until we have had an opportunity of examining the matter.

Mr. PENDLETON. I shall do so in deference to the Senator's wish. I should like to ask the Senator if he does not think it would be a good thing to have a codification of all the provisions of law in relation to the establishment of that bureau, and whether either the War Department or some committee of the Senate had not better be charged with the duty by the next session of collating those laws.

Mr. ALLISON. I think that would be a very wise thing to do. It would take very little time, I think, and very little space.

Mr. PENDLETON. Perhaps very little space, but I am inclined to think from the examination I have made it would take a good deal of time.

Mr. ALLISON. Very likely.

Mr. PENDLETON. I should like to ask another question in connection with the subject, whether these appropriations have not swelled year by year to such an amount as that it would perhaps be a good thing to have a separate appropriation bill for the Signal Service Bureau as we have for the Military Academy and various other establishments.

Mr. ALLISON. I think not. I will state to the Senator that these

appropriations have been diminished in the last few years rather than increased. It is only last year and this year, if my memory serves me, that we have appropriated at all in detail for the Signal Service. We were in the habit of making a lump appropriation, and the amount was expended according to the wisdom and discretion of the officer at the head of that bureau, except as supervised by the Secretary of War.

Mr. BUTLER. I should like to ask the Senator from Iowa a question.

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. PENDLETON. In one moment. I wish to call attention to one other thing, and then I shall yield with great pleasure. I call the attention of the Senator from Iowa to page 191 of the estimates of appropriations for this year, in which I find a statement that the aggregate of estimates for the Signal Service is $1,368,645, and some items are given of the general amounts that go to make up that sum. I have no desire to press the subject at this moment if the Senator prefers that his attention should be called to it when the sundry civil bill is under consideration; but having noticed this estimate of appropriation, as the statement of the Senator from Iowa prompted by the Senator from Kansas is that it is about $600,000, I call his attention to a discrepancy of some $700,000, not with a view of asking any explanation at this time but so that we may have it explained hereafter.

Mr. ALLISON. I will state in response to the Senator from Ohio, however, that the amount estimated is not a very clear indication of the amount to be appropriated as these bills come to us.

Mr. PENDLETON. That is clear.

Mr. ALLISON. Nor is it a very fair indication of what the Senate Committee on Appropriations will be likely to report. Of course the Signal Service is like a good many other branches of the service in our Government; those at the head are quite willing to amplify and draw into their bureau or Department a good many things that Congress is not in the habit of appropriating for. I promise the Senator to look into it with great care and will try to give him full information of the details.

Mr. BUTLER. I should like the Senator to inquire at the same time, if it would not put him to too much trouble, as to what Department of the Government the Signal Service Bureau is amenable to. I have been informed that the chief of the bureau is not a military officer in the sense that he is amenable to the rules and regulations for the government of the Army; that he is a civil officer with a military title. I should like very much to know the exact status of that bureau in relation to the Departments of the Government.

Mr. ALLISON. I suppose that the chief of the Signal Service is a military officer, and I suppose he would be amenable to the Articles of War, whatever they are.

Mr. BUTLER. I understand that he is not.

Mr. ALLISON. He is appropriated for as a brigadier-general and considered to be a brigadier-general in one of the staff corps of the Army; but I can not lay my hand now upon the precise law that governs his appointment and his status in the War Department. I am quite sure he is in the War Department or is so considered.

Mr. BUTLER. I have been informed that he is not liable to court-martial and that he is not governed by the rules and regulations for the government of the Army. That has been my information; I do not know how correct it is. I should like the Senator, while looking into that bureau, to have an eye to that question also.

Mr. ALLISON. I shall also have an eye to that question, and I will consult with the Military Committee and the Judiciary Committee to ascertain what their construction may be of the existing statutes on this subject.

Mr. BUTLER. It might be a very important matter to have that determined with reference to the very question of responsibility in the disbursement of the money appropriated by Congress.

Mr. ALLISON. I shall look into it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for "the office of the Quartermaster-General," in line 1605, before the word "subsistence," to strike out "for" and insert "in lieu of;" in line 1606, after the word "duty," to insert "at a rate to be fixed by the Secretary of War, not exceeding $3 per day;" so as to make the clause read:

For per diem, in lieu of subsistence of the agents employed while traveling on duty, at a rate to be fixed by the Secretary of War, not exceeding $3 per day, and for actual necessary expenses for transportation, $30,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "the office of the Chief of Engineers," in line 1664, after the word "exceed," to strike out "fifty-two" and insert "fifty-six;" so as to make the clause read:

And the services of skilled draughtsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys of military defenses, to be paid for from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1885, shall not exceed $56,000; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, and the amount paid to each.

The amendment was agreed to.

The next amendment was, in the appropriations for "the Office of Publication of Records of the Rebellion," in line 1671, after the words "two clerks," to strike out "at $1,000 each" and insert "of class 1;" so as to read:

Two clerks of class 1.

Mr. ALLISON. In line 1671 I move to strike out "two" and insert "three," these clerks being all of the same grade; so as to read:

Three clerks of class 1.

The PRESIDING OFFICER. This amendment will be treated as a modification of the amendment reported by the committee, so as to read "three clerks of class 1." The question is on the amendment as modified.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 1678, to increase the total appropriation for the "Office of Publication of Records of the Rebellion" from $30,680 to $31,080.

Mr. ALLISON. I move to insert there $32,280 as the total.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1700, to increase the total amount of the appropriations "for contingent expenses of the Secretary of War and the bureaus, buildings (except the War Department building), and offices of the War Department," &c., from $60,120 to $63,620.

The amendment was agreed to.

The next amendment was, in the appropriations for "public buildings and grounds," in line 1734, after the word "at," to strike out "six hundred and sixty," and insert "seven hundred and twenty;" and in line 1735, after the word "thousand," to strike out "three hundred and twenty" and insert "four hundred and forty;" so as to make the clause read:

For two night watchmen in Smithsonian Grounds, at $720 each, $1,440.

The amendment was agreed to.

The next amendment was, in line 1743, after "Washington Circle," to insert "one for Du Pont Circle;" in line 1748, after the word "reservations," to strike out "seven" and insert "eight;" and, in line 1749, after the word "each," to strike out "four thousand six hundred and twenty" and insert "five thousand two hundred and eighty;" so as to make the clause read:

For one watchman for Iowa Circle; one watchman for Fourteenth Street Circle and neighboring reservations; one for Rawlins Square and Washington Circle; one for Du Pont Circle; one for McPherson and Farragut Squares; one for Stanton Place and neighboring reservations; one for Armory Square and reservations east to Botanical Garden; one for Mount Vernon Square and adjacent reservations; eight in all, at $660 each, $5,280.

The amendment was agreed to.

The next amendment was, in line 1752, to increase the appropriation "for one night watchman for Armory Square and reservations east to Botanic Garden," from $660 to $720.

The amendment was agreed to.

The next amendment was, to strike out lines 1754 and 1755, as follows:

For one bridge-keeper at Chain Bridge, $660.

Mr. ALLISON. I hope that amendment will not be agreed to.

The amendment was rejected.

The next amendment was, in the appropriation for the "State, War, and Navy Department building," in line 1765, before the word "watchmen," to strike out "forty-five" and insert "fifty-seven;" in line 1770, before the word "charwomen," to strike out "fifty-six" and insert "fifty-four;" and after the word "all," in line 1771, to strike out "eighty-three thousand eight hundred and twenty" and insert "ninety-two thousand one hundred;" so as to make the clause read:

State, War, and Navy Department building: Office of the superintendent: One clerk, class 1; one chief engineer, at $1,200; six assistant engineers, at $1,000 each; one captain of the watch, $1,200; two lieutenants of the watch, at $840 each; fifty-seven watchmen; one machinist, at $900; two skilled laborers, at $720 each; seventeen firemen; six conductors of the elevator, at $720 each; sixteen laborers; one laborer, at $600; and fifty-four charwomen, at $180 each; in all, $92,100.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Navy Department," in line 1782, after the word "dollars," to insert "one stenographer at $1,400;" in line 1784, before the word "clerks," to strike out "two" and insert "three;" in the same line, after the words "class two," to strike out "six" and insert "five;" in line 1791, after the words "class two," to strike out "who shall be a stenographer;" and in line 1794, after the word "all," to strike out "fifty-six thousand" and insert "fifty-seven thousand six hundred;" so as to make the clause read:

Navy Department: For compensation of the Secretary of the Navy, $8,000; for compensation of chief clerk of the Navy Department, $2,500; one disbursing clerk, $2,250; five clerks of class 4; three clerks of class 3; one stenographer, at $1,600; one stenographer, at $1,400; three clerks of class 2; five clerks of class 1; four clerks at $1,000 each; telegraph operator, at $1,000; one carpenter, $1,000; two messengers; three assistant messengers; one messenger boy, at $420; one messenger boy, at $240; three laborers; one clerk of class 2, and one laborer (for inspection board); one clerk of class 2 (for examining and retiring); one clerk of class 1; and one assistant messenger (in care of library); in all, $57,610.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Nautical Almanac Office," after the word "at," at the end of line 1819, to strike out "four hundred and eighty" and insert "seven hundred and twenty;" in line 1821, after the word "dollars," to insert "one laborer;" and in the same line, after the word "all," to strike out "fourteen thousand four" and insert "fifteen thousand three;" so as to make the clause read:

Nautical Almanac Office: For the following assistants, namely: Three at $1,600 each; two at $1,400 each; three at $1,200 each; two at $1,000 each; one assistant messenger; and one copyist at $720; one laborer; in all, $15,300.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Hydrographic Office," in line 1827, after the word "for," to strike out "chief of engraving and draughting, $2,400;" in line 1829, after the words "class two," to insert "one clerk of class 1;" and in line 1831, after the word "all," to strike out "six thousand three" and insert "five thousand one;" so as to make the clause read:

Hydrographic Office: For two clerks of class 2; one clerk of class 1; one assistant messenger; and one office attendant, $420; in all, $5,140.

The amendment was agreed to.

The next amendment was, in line 1835, to increase the appropriation "for draughtsmen, engravers, copyists, copper-plate printers, printers' apprentices, and laborers in the Hydrographic Office" from $32,660 to $40,000.

The amendment was agreed to.

The next amendment was, to strike out lines 1837 to 1841, inclusive, as follows:

For purchase of chart-paper, copper plates, printing material, and foreign hydrographic works; photolithographing charts, repairs to printing-presses, and engraving and drawing outside of Hydrographic Office, $20,000.

And in lieu thereof to insert:

For purchase of chart-paper, copper plates, electrotyping copper plates; ink and other materials necessary in printing division; materials for drawing division and for mounting charts; materials for engravers; for photolithographing charts for immediate use, and transfer of photolithographic and other charts to copper; repairs to printing-presses and purchase of new hydraulic press; for extra drawing and engraving, and for purchase of foreign charts and hydrographic works for the use of the vessels of the Navy; for the purchase of drawing-paper, drawing-materials, and necessary instruments to be furnished naval vessels while surveying, and for repair of such instruments, $20,700.

The amendment was agreed to.

The next amendment was, after line 1854, to insert:

For new edition of Maury's pilot chart, $3,500.

The amendment was agreed to.

The next amendment was, after line 1856, to insert:

For the purchase of instruments for a systematic examination of the currents of the ocean by the steam merchant marine, $1,200.

The amendment was agreed to.

The next amendment was, in line 1866, after the word "thousand," to strike out "charts" and insert "dollars;" so as to read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, New Orleans, and San Francisco, including furniture, fuel, lights, and care of offices, car-fare and ferriage in visiting merchant vessels, freight, express, telegrams, and other necessary expenses incurred in collecting the latest nautical information for the pilot charts, $5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Naval Observatory," in line 1868, after the words "assistant astronomers" to strike out "four thousand nine" and insert "one at $2,100 and two at $1,800 each, five thousand seven;" in line 1872, after the word "dollars," to insert "two computers, at $1,200 each;" and in line 1876, after the word "all," to strike out "seventeen thousand four" and insert "twenty thousand six;" so as to make the clause read:

Naval Observatory: For pay of three assistant astronomers, one at $2,100 and two at $1,800 each, $5,700; one clerk of class 4; one instrument-maker, $1,500; two computers, at $1,200 each; four watchmen, including one for new Naval Observatory grounds; two skilled laborers, one at $1,000 and one at $720, and seven laborers; in all, $20,620.

The amendment was agreed to.

The reading of the bill was continued to line 1896.

Mr. PLUMB. I notice the item of "gas," and then again "for lights," in various Departments and offices in the city of Washington. I wish to ask the chairman of the Committee on Appropriations whether he knows the price paid for gas; whether it contemplates the price paid by private consumers or not; whether it is in the discretion of the persons having charge of these various contingent funds. I speak of this because in the sundry civil bill the price is fixed for the care of lamps in the various parks and public places in the city. I desire to know if we have any uniform rate at which gas is paid for in the city of Washington?

Mr. ALLISON. I do not know whether there is a uniform rate applied to all the Departments. I happen to know that the gas bills in some of the Departments are pretty high. This item of expenditure is under the disbursing officers of the different Departments, of course, and I should suppose that the rate per thousand feet would be the same to all, but I am not advised as to that. That of course can be ascertained by a careful examination of the expense account. I know the Postmaster-General said to me the other day that he thought the bills for gas in the Post-Office Department were very high. Those bills have not been paid I believe for the last four months, and for that reason he had some occasion to examine into them.

Mr. PLUMB. I call the attention of the Senator to that not because I design now to move any amendment, but I notice in various places here there are large sums of money for lights under miscellaneous expenses, and they are large enough to a person unaccustomed to very large expenditures to cause inquiry, and in view of some of the recent developments also to a suspicion in my mind that perhaps some of these sums might be diminished.

I call the attention of the chairman of the committee now to this point because the sundry civil bill, in which there is an appropriation made for gas for the public squares and parks of the city, is to be considered by the committee, and I make the suggestion that possibly in that bill there may be some limitation placed on these various expenditures for gas which would conduce to economy and to the diminution of expense.

The PRESIDING OFFICER. The reading will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Bureau of Ordnance," Navy Department, in line 1900, after the words "class two," to insert "one clerk of class 1;" and in line 1902, after the word "all," to strike out "eight thousand nine" and insert "ten thousand one;" so as to make the clause read:

Bureau of Ordnance: For chief clerk, $1,800; draughtsman, $1,800; one clerk of class 3; one clerk of class 2; one clerk of class 1; one clerk, at $1,000; one assistant messenger; and one laborer; in all, $10,180.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Medicine and Surgery," Navy Department, in line 1930, after the word "one," to strike out "assistant chemist" and insert "laborer;" so as to make the clause read:

Bureau of Medicine and Surgery: For chief clerk, $1,800; one clerk of class 3; one clerk of class 2; one clerk of class 1; one clerk, at $1,000; one assistant messenger; and one laborer; one janitor, $600; one laborer, $480 (for naval dispensary); in all, $9,460.

The amendment was agreed to.

The next amendment was, in the appropriations for the Office of the "Judge-Advocate-General, United States Navy," in line 1934, after the word "for," to insert "one clerk of class four;" in line 1935, after the words "class one," to strike out "one clerk, at one thousand dollars;" and in line 1936, after the word "all," to strike out "five thousand six" and insert "six thousand four;" so as to make the clause read:

Judge-Advocate-General, United States Navy:
For one clerk of class 4; one clerk of class 3; two clerks of class 1; one laborer; in all, $6,460.

The amendment was agreed to.

The next amendment was, after line 1937, to insert:

For the compilation of the naval records of the war of the rebellion: For one agent for the collection of confederate naval records, $1,800; one clerk, at $1,000; in all, $2,800.

For traveling expenses of agent, freight, expressage, postage, and other necessary expenses, $1,000: *Provided*, That said agent shall be allowed while traveling on duty a per diem in lieu of subsistence at a rate, to be fixed by the Secretary of the Navy, not exceeding $3 per day and for actual necessary expenses of transportation.

The amendment was agreed to.

The next amendment was, in line 1955, after the word "officers," to strike out "eleven thousand" and insert "thirteen thousand nine hundred;" so as to make the clause read:

For stationery, furniture, newspapers, plans, drawings, drawing materials, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $13,900.

The amendment was agreed to.

The next amendment was, after line 1956, to insert:

For rent of rooms for use of the presses used for hydrographic printing, $1,200.

The amendment was agreed to.

Mr. ALLISON. I move to insert there:

For removal and resetting of said presses, $1,000.

The Secretary of the Navy in a letter informs the committee that it will require a thousand dollars to remove and reset these presses.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Department of the Interior," in line 1962, after the word "dollars," to strike out:

Second Assistant Secretary, $3,500.

The amendment was agreed to.

The next amendment was, in line 1965, after the word "building," to insert:

Three members of the board of pension appeals, to be appointed by the President, by and with the advice and consent of the Senate, at $2,500 each.

Mr. ALLISON. I move to amend the amendment by striking out "by the President, by and with the advice and consent of the Senate" and inserting "by the Secretary of the Interior."

The amendment to the amendment was agreed to.

Mr. ALLISON. Now I move to strike out the word "the," before the word "board," in line 1966, and insert "a;" so as to read:

Three members of a board of pension appeals.

The amendment to the amendment was agreed to.

Mr. LOGAN. I should like to call the attention of the chairman of the committee to the compensation allowed to the Assistant Secretary of the Interior, $4,000. Ought not that to be equal to the Commissioner of the General Land Office, $4,500? The Commissioner of Indian Affairs has $4,500 by this bill.

Mr. ALLISON. The Assistant Secretary now receives the compensation here named, and we heard no suggestion with reference to it and made no amendment regarding it.

Mr. LOGAN. There has been no suggestion about it, but on accout of the increase in the other offices I thought it would be fair to allow $4,500 to him.

Mr. ALLISON. The Senator can call attention to it afterward.

Mr. LOGAN. Very well; I will wait till the reading of the bill is through.

The PRESIDING OFFICER. The question is on the amendment as amended in lines 1965 to 1968.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1980, after the word "dollars," to insert:

One female clerk to sign land patents, $1,200.

Mr. ALLISON. I move to amend that by adding after the word "clerk" the words "to be designated by the President."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1994, to increase the total amount of the appropriation for compensation of the Secretary of the Interior, Assistant Secretary, and the clerks and employés in the office of the Secretary from $147,730 to $152,930.

The amendment was agreed to.

The next amendment was, in the appropriations for the General Land Office, in line 2005, to increase the appropriation for salary of the "Commissioner of the General Land Office" from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 2006, to insert:

One assistant commissioner, who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, $3,000.

Mr. ALLISON. I move to insert "to be appointed by the President, by and with the advice and consent of the Senate."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 2012, after the word "dollars," to strike out:

Law clerk, $2,000.

And in lieu thereof to insert:

Two law clerks, at $2,000 each; two examiners of office decisions, at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 2018, after the word "each," to strike out "three principal clerks, at $1,800 each," and in lieu thereof to insert:

Ten chiefs of division (three of whom shall be in lieu of the three principal clerks now authorized by law), at $2,000 each.

Mr. ALLISON. I move to insert there "and to be appointed by the Secretary of the Interior," striking out in line 2017 "to be appointed by the Secretary of the Interior," and inserting it below. It is a mere transposition.

The PRESIDING OFFICER. The suggestion of the Senator from Iowa will be regarded as a modification of the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. ALLISON. I move to insert in line 2022:

And the additional law clerk, examiners, and chiefs of divisions shall be appointed by the Secretary of the Interior.

So that there shall be no question about it.

Mr. PLATT. Let the whole paragraph be read as amended.

The PRESIDING OFFICER. The Secretary will report the amendment as it will read if amended as proposed.

The Secretary read as follows:

Three inspectors of surveyors-general and district land offices, at $2,000 each; ten chiefs of division (three of whom shall be in lieu of the three principal clerks now authorized by law), at $2,000 each; to be appointed by the Secretary of the Interior. And the additional law clerk, examiners, and chief of division shall be appointed by the Secretary of the Interior.

The amendment was agreed to.

Mr. ALLISON. The Chair will excuse me if there is a little confusion about this. It arises from the fact that three principal clerks who are converted into chiefs of division are now appointed by the President by and with the advice and consent of the Senate. Therefore it is important to insert the words I have just asked to have inserted. But the three inspectors of surveyors-general and district land offices are now appointed by the Secretary of the Interior, and having struck out the words "to be appointed by the Secretary of the Interior," I am afraid there might be some confusion in reference to them. Therefore I ask that by unanimous consent those words may be restored in line 2017.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the vote by which the amendment was made is reconsidered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2022, after the word "each," to strike out "thirty-three" and insert "thirty-eight;" so as to read:

Thirty-eight clerks of class 4.

The amendment was agreed to.

The next amendment was, in line 2023, before the word "clerks," to strike out "forty-six" and insert "sixty-six;" so as to read:

Sixty-six clerks of class 3.

The amendment was agreed to.

The next amendment was, in line 2023, after the word "three," to strike out "fifty-seven" and insert "seventy-seven;" so as to read:

Seventy-seven clerks of class 2.

The amendment was agreed to.

The next amendment was, in line 2024, after the words "class two," to strike out "fifty-eight" and insert "seventy-eight;" so as to read:

Seventy-eight clerks of class 1.

The amendment was agreed to.

The next amendment was, in line 2025, after the words "class one," to strike out "forty-seven" and insert "fifty-seven;" so as to read:

Fifty-seven clerks, at $1,000 each.

The amendment was agreed to.

The next amendment was, in line 2026, before the word "copyists," to strike out "fifty-four" and insert "sixty-nine;" so as to read:

Sixty more copyists, at $900 each.

The amendment was agreed to.

The next amendment was, in line 2029, to reduce the appropriation for compensation of "six packers" from $720 to $660 each.

Mr. ALLISON. I hope that amendment will not be agreed to.

The amendment was rejected.

The next amendment was, in line 2031, to increase the total amount of the appropriation for the salary of the Commissioner of the General Land Office, assistant commissioner, and the clerks and employés in the General Land Office, from $417,650 to $557,890.

Mr. ALLISON. The amendment just made will require a change of footing. It should be $558,730 instead of $557,800.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2033, after the word "for," to strike out "the actual expenses" and insert "per diem in lieu of subsistence;" in line 2034, after the word "inspectors," to strike out "while on duty;" after the word "misconduct," in line 2036, to insert "while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation;" and in line 2040, after the word "dollars," to insert "to be expended under the direction of the Secretary of the Interior;" so as to make the clause read:

For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation, $10,000, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment in the appropriations for the "Indian Office," in line 2048, after the word "thousand," to insert "five hundred;" so as to read:

For compensation of the Commissioner of Indian Affairs, $4,500.

The amendment was agreed to.

Mr. ALLISON. In line 2050, I move to strike out "one chief" and insert "two chiefs," and in line 2051, after the word "dollars," to insert "each;" so as to read:

Two chiefs of division, at $2,000 each.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the same clause, in line 2052, before the word "clerks," to strike out "three" and insert "four," after the word "four," at the end of the same line, to insert "one of whom shall have charge of the educational division;" after the word "division," in line 2053, to strike out "nine" and insert "eleven;" in line 2055, after the word "dollars," to strike out "fifteen" and insert "eighteen;" after the word "draughtsman," in line 2056, to strike out

"eight" and insert "ten;" and in line 2057, after the words "class one," to strike out "ten" and insert "fifteen;" so as to read:

Indian Office: For compensation of the Commissioner of Indian Affairs, $4,500; chief clerk, $2,000; one financial clerk, at $2,000; two chiefs of division, at $2,000; one principal book-keeper, $1,800; four clerks of class 4, one of whom shall have charge of the educational division; eleven clerks of class 3; one stenographer, at $1,600; eighteen clerks of class 2, one of whom shall be a draughtsman; ten clerks of class 1; fifteen clerks, at $1,000 each; fourteen copyists, at $900 each; one messenger, one assistant messenger, and one laborer.

The amendment was agreed to.

Mr. ALLISON. I move to insert, after the words "assistant messenger," in line 2060, the words:

One messenger-boy, at $360 perannum.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2060, to change the total of the appropriations for compensation of the Commissioner of Indian Affairs, and the clerks and employés in his office, from $88,620 to $105,720.

Mr. ALLISON. The total should be changed. Instead of "$105,720" it should be "$108,080," we having added $2,360 to the total. I move so to amend the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Pension Office," in line 2068, to increase the appropriation for compensation of "medical referee" from $2,500 to $3,000.

The amendment was agreed to.

The reading of the bill was continued to line 2074.

Mr. MITCHELL. In line 2074 I move to strike out the word "one," where it occurs before the word "thousand," and insert in lieu thereof "two;" and after the word "thousand" to strike out "eight hundred;" so as to read:

Eighteen medical examiners, who shall be surgeons of education, skill, and experience in their profession, at $2,000 each.

The PRESIDING OFFICER. The Chair will state to the Senator from Pennsylvania that the Committee of the Whole is now acting upon amendments recommended by the Committee on Appropriations. His amendment will be in order when the bill has been gone through with.

Mr. ALLISON. Will the Senator reserve his amendment for the time being?

Mr. MITCHELL. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2077, before the words "principal examiners," to strike out "forty-five" and insert "fifty;" so as to read:

Fifty principal examiners for review board, at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 2080, before the word "clerks," to strike out "sixty-five" and insert "seventy;" so as to read:

Seventy clerks of class 4.

The amendment was agreed to.

The next amendment was, in the same line, after the word "four," to strike out "ninety-five" and insert "one hundred;" so as to read:

One hundred clerks of class 3.

The amendment was agreed to.

The next amendment was, in line 2081, after the word "three," to strike out "three hundred and ninety" and insert "four hundred;" so as to read:

Four hundred clerks of class 2.

The amendment was agreed to.

The next amendment was, after the word "two," in line 2082, to strike out "three hundred and fifty-eight" and "insert "four hundred;" so as to read:

Four hundred clerks of class 1.

The amendment was agreed to.

The next amendment was, after the word "one," in line 2083, to strike out "ninety-five" and insert "two hundred and twenty;" so as to read:

Two hundred and twenty clerks, at $1,000 each.

The amendment was agreed to.

The next amendment was, in line 2087, before the word "copyists," strike out "seventy-five" and insert "one hundred and thirty;" so as to read:

One hundred and thirty copyists, at $900 each.

The amendment was agreed to.

The next amendment was, in line 2092, to increase the total amount of the appropriation for compensation of the Commissioner of Pensions, deputy commissioners, clerks, and employés in the Pension Office from $1,689,250 to $1,955,650.

The amendment was agreed to.

The next amendment was to strike out lines 2094 to 2096, inclusive, as follows:

For per diem for traveling examiners, for subsistence, and for actual and necessary expenses for transportation and assistance, $360,000.

And in lieu thereof to insert:

For per diem, in lieu of subsistence for traveling examiners while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses for transportation, $360,000.

Mr. ALLISON. I move to insert the words "and assistance," in line 2101, after the word "transportation." Those words are in the original clause, and they ought to have been copied here.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 2108 to 2011, inclusive, as follows:

For per diem for one hundred and fifty additional special examiners above provided for, for subsistence, and for actual and necessary expenses for transportation, $220,000.

And in lieu thereof to insert:

For per diem in lieu of subsistence for one hundred and fifty additional special examiners above provided for, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses for transportation, $220,000.

Mr. ALLISON. I move to insert after the word "transportation," in line 2116, the words "and assistance."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 2118 to 2128, inclusive, as follows:

That hereafter there shall not be allowed to any special agent of any of the Executive Departments, when they are actually engaged in traveling or absent from their posts of duty on the business of the Government, for subsistence and other actual and necessary expenses, not including transportation, any sum exceeding the amount actually expended, in no case to exceed $3 per day; and sworn itemized statements of such expenses shall be presented at the end of each month by each of said special examiners so engaged to the proper accounting officer of the Treasury.

The amendment was agreed to.

The next amendment was, in the appropriations for the "United States Patent Office," in line 2130, to increase the appropriation for the "compensation of the Commissioner of the Patent Office" from $4,500 to $5,000.

The amendment was agreed to.

The Chief Clerk read the next item, in lines 2131 and 2132.

For assistant commissioner, $3,000.

Mr. LAPHAM. I desire to offer an amendment there, but I understand it is not in order now.

The PRESIDING OFFICER. Not at this time, until the committee amendments shall have been acted on.

Mr. LAPHAM. Until the bill is completed?

The PRESIDING OFFICER. Until the committee amendments have been acted on. The bill will then be open to amendment generally.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2133, after the word "dollars," to insert—

One law clerk, at $2,000.

The amendment was agreed to.

The next amendment was, in line 2138, before the word "principal," to strike out "twenty-three" and insert "twenty-six;" so as to read:

Twenty-six principal examiners, at $2,400 each.

The amendment was agreed to.

The next amendment was, in line 2140, before the words "first assistant," to strike out "twenty-six" and insert "thirty;" so as to read:

Thirty first assistant examiners, at $1,800.

The amendment was agreed to.

The next amendment was, in line 2141, before the words "second assistant," to strike out "twenty-six" and insert "thirty-three;" so as to read:

Thirty-three second assistant examiners, at $1,600.

The amendment was agreed to.

The next amendment was, in line 2143, before the words "third assistant," to strike out "twenty-six" and insert "forty;" so as to read:

Forty third assistant examiners, at $1,400 each.

The amendment was agreed to.

The next amendment was, in line 2144, before the words "fourth assistant," to strike out "twenty-five" and insert "fifty;" so as to read:

Fifty fourth assistant examiners, at $1,200 each.

The amendment was agreed to.

The next amendment was, in line 2151, after the word "each," to strike out "two" and insert "three;" and in the same line, after the word "four," to insert "one of whom shall act as application clerk;" so as to read:

Three clerks of class 4, one of whom shall act as application clerk.

The amendment was agreed to.

The next amendment was, in line 2153, before the word "clerks," to strike out "four" and insert "seven;" so as to read:

Seven clerks of class 3, one of whom shall be translator of languages.

The amendment was agreed to.

The next amendment was, in line 2154, after the word "languages," to strike out "fifteen" and insert "twenty;" so as to read:

Twenty clerks of class 2.

The amendment was agreed to.

The next amendment was, in line 2155, after the word "two," to strike out "forty-five" and insert "sixty;" so as to read:

Sixty clerks of class 1.

The amendment was agreed to.

The next amendment was, in line 2165, before the word "skilled," to strike out "fifty-one" and insert "fifty-three;" so as to read:

Fifty-three skilled laborers, at $720 each.

The amendment was agreed to.

The next amendment was, in line 2168, after the word "each," to insert:

Five laborers, at $360 each.

The amendment was agreed to.

The next amendment was, in line 2169, to increase the total amount of the appropriation for the compensation of the Commissioner of Patents, assistant commissioner and the clerks and employés in the Patent Office, from $546,350 to $658,890.

The amendment was agreed to.

The next amendment was, in line 2196, after the word "patents," to insert "and for expenses attending defense of suits instituted against the Commissioner of Patents;" so as to make the clause read:

For investigating the question of the public use or sale of inventions for two years or more prior to filing applications for patents, and for expenses attending defense of suits instituted against the Commissioner of Patents, $1,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Education," in line 2210, after the word "messenger," to insert "one engineer and skilled laborer, at $900; one watchman;" and in line 2214, after the word "all," to strike out "forty-four thousand five hundred and eighty" and insert "forty-six thousand two hundred;" so as to make the clause read:

Bureau of Education: For the Commissioner of Education, $3,000; collector and compiler of statistics, $2,400; chief clerk, $1,800; two clerks of class 4; one statistician, $1,800; two clerks of class 3; one translator, $1,600; four clerks of class 2; six clerks of class 1; two clerks, at $1,000 each; seven copyists; two copyists, at $800 each; one copyist, $720; one assistant messenger; one engineer and skilled laborer, at $900; one watchman; two laborers; two laborers, at $480 each; one laborer, at $400; one laborer, at $360; in all, $46,200.

The amendment was agreed to.

The next amendment was, in line 2222, to increase the appropriation "for collecting statistics for special reports and circulars of information" from $2,200 to $7,500.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of Commissioner of Railroads," in line 2233, after the word "dollars," to strike out "one clerk of class 4," and insert "one assistant book-keeper, at $2,000;" and in line 2236, after the word "thousand," to strike out "four" and insert "six;" so as to make the clause read:

Office of Commissioner of Railroads: For Commissioner, $4,500; book-keeper, $2,400; railroad engineer, $2,500; one assistant book-keeper, at $2,000; one clerk of class 3; one copyist; and one assistant messenger; in all $14,620.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of the Director of the Geological Survey," in line 2258, to reduce the appropriation for compensation of "chief clerk" from $2,400 to $2,200.

Mr. LOGAN. I move to insert "four" instead of "two."

The PRESIDING OFFICER. Then the Senator proposes simply to disagree to the amendment.

Mr. LOGAN. Yes, sir; to disagree to the committee's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LOGAN. I will state the reason so that the Senate may understand it.

Several SENATORS. It is not necessary; we understand it.

The PRESIDING OFFICER. The question is on agreeing to the amendment recommended by the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the same clause, line 2260, to reduce the appropriation for compensation of "chief disbursing clerk" from $2,400 to $2,200.

Mr. LOGAN. I move in that case also that the Senate disagree to the amendment of the committee, leaving the amount as fixed by the House, $2,400 instead of $2,200.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment reported by the Committee on Appropriations?

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2270, to reduce the total amount of the appropriation for compensation of the Director of the Geological Survey, executive officer, and the clerks and employés in the office from $35,340 to $34,940.

Mr. LOGAN. I move to disagree to that amendment, so as to leave the aggregate amount as it was in the House bill, in order to correspond with the action already taken.

The amendment was rejected.

The reading of the bill was resumed and continued to the end of line 2287.

Mr. ALLISON. I move to strike out that paragraph, with a view of inserting the amount there in line 2302. The clause reads:

For rent of suitable building for use of custodian, $360.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be regarded as agreed to, if there be no objection, and lines 2286 and 2287 will be stricken out.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2299, after the words "for rent of," to strike out "a building" and insert "buildings;" in the same line, after the words "of the," to strike out "United States Geological Survey and Pension Office" and insert "Department of the Interior, in the discretion of the Secretary;" and in line 2301, after "Secretary," to strike out "fifteen" and insert "not exceeding twenty;" so as to make the clause read:

For rent of buildings for use of the Department of the Interior, in the discretion of the Secretary, not exceeding $20,000.

Mr. ALLISON. Now, I move to insert "three hundred and sixty" after the word "thousand," in line 2302; so as to read:

For rent of buildings for use of the Department of the Interior, in the discretion of the Secretary, not exceeding $20,360.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2304, after the words "Pension Office," to insert "not exceeding;" so as to make the clause read:

For rent of additional buildings for use of the Pension Office, not exceeding $18,760.

The amendment was agreed to.

Mr. INGALLS. I observe that on pages 94 and 95, so far as the Secretary has now read, there are appropriations in excess of $60,000 for rents. It appears to me that that amount is enormous. I can not say that it is excessive, because I do not know exactly the accommodations that are required, but it would be interesting to know from the chairman of the Committee on Appropriations how much longer the Government is to be called upon to make these annual appropriations for this extraordinary amount of rent. I believe we have a building in process of construction for the use of the Pension Office to which a great many hundred thousands of dollars have been already appropriated, and which it is to be hoped will some time be completed. I hope the chairman will advise us as to what the situation is so far as the Government property is concerned.

Mr. ALLISON. In response to the suggestion made by the Senator from Kansas, I think I ought to say that the rent paid by the Interior Department seems exorbitant, as we provide here for $64,000 and upward of rent for the Interior Department. This of course is largely due to the force in the Pension Office. The building on the corner of Twelfth street and Pennsylvania avenue is rented for $16,000.

Mr. INGALLS. By the year or for a term?

Mr. ALLISON. All these rentals are by the year. It is so especially provided in the law. The Pension Bureau also has the building on the corner of Thirteenth street and Pennsylvania avenue, and I believe pays $16,000 per annum for that building. That also is rented from year to year.

Mr. INGALLS. The old newspaper office?

Mr. ALLISON. The old office of the Republican newspaper. The provision to be found in line 2302 is a proposition to rent what is known as the Hooe building, near the Ebbitt House. That is to be used, as provided in the House bill, by the Pension Office and Geological Survey; but the Committee on Appropriations, in looking over the enormous rents, believed that it was wise to allow the Secretary of the Interior in his discretion to make disposition of all these buildings.

As Senators will see, we have provided in the bill for a large increase of force in the Land Office, made necessary by the constantly accumulating business of that office; and if that force is to be finally provided for additional room will be required by the Commissioner of the General Land Office. We have also provided here a considerable increase for the Commissioner of Patents. The Commissioner of Patents informs us that this increase is absolutely necessary for the expeditious conduct of the business of his office, and the committee are satisfied that his statement is correct in this regard. The whole expense of the Patent Office is now paid by inventors, and a sum ranging from $75,000 to $100,000 additional. These various bureaus must be provided for outside of the Interior Department building for the present, although if we shall appropriate a sum sufficient to finish the third story of the Interior Department building known as the Patent Office building about one hundred clerks can be accommodated there.

Mr. INGALLS. When is the new pension building to be finished?

Mr. ALLISON. The new pension building in Judiciary Square is progressing, but not as rapidly, I think, as it ought to progress. We have now before us an estimate for an additional appropriation of $200,000 to complete that building and to furnish it, although when the building was authorized to be constructed it was stated that $450,000 would be sufficient to complete it.

Mr. INGALLS. How much has been spent on it?

Mr. ALLISON. There will have been spent to the end of the present fiscal year $450,000, or nearly that sum.

Mr. INGALLS. How much will be required to finish it?

Mr. ALLISON. Two hundred thousand dollars.

Mr. CAMERON, of Wisconsin. That includes the furnishing.

Mr. ALLISON. That includes, I believe, the furnishing, or at least what furniture will be required when the clerks are removed from the other buildings. When the Pension Office building is completed it will conveniently house 1,200 clerks, so that when that building is completed it is possible we can reduce these rentals by from $30,000 to $35,000 per annum. But we are confronted by the fact that after the large building which is now being constructed in Judiciary Square shall have been completed there will still be a necessity for a considerable sum annually for rentals for offices for the Interior Department.

I believe that is all I need say with reference to these rents.

Mr. INGALLS. These rents represent a capitalized sum of more than $2,000,000 at the rate that the Government is paying on its obligations. I doubt very much whether the property that we hire for which we pay these extraordinary sums is worth three-quarters of a million, certainly not to exceed $1,000,000; and yet we are paying every year at the rate of 3 per cent. the interest on more than $2,000,000. It appears to me that it would be very wise, and as a matter of economy judicious, for the Government to make such appropriations as are necessary to secure the requisite accommodations for the carrying on of its own executive business. I can not but think that these appropriations, while they are undoubtedly required and are indispensable in the current of public business, are extravagant and unwise.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 2306 and 2307, in the following words:

For rent of additional buildings for the use of the Patent-Office, $5,000.

Mr. INGALLS. Why is that stricken out? If additional buildings are required why should they not be allowed?

Mr. ALLISON. That item is included, as the Senator will see, in line 2302.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "surveyors-general and their clerks," in line 2315, before the word "thousand," to strike out "three" and insert "five," and in the same line, after the word "all," to strike out "five" and insert "seven;" so as to make the clause read:

For surveyor-general of the Territory of Arizona, $2,500; and for the clerks in his office, $5,000; in all, $7,500.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Iowa to line 2313. The word "of" is omitted after the word "Territory."

Mr. ALLISON. That is a misprint.

Mr. INGALLS. It is no print at all.

Mr. ALLISON. Well, it is an omission.

The PRESIDING OFFICER. The word "of" will be inserted. The question is, Will the Senate agree to the amendment reported by the committee?

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2328, after the words "surveyor-general of," to strike out "Minnesota and;" in line 2330, after the word "office," to strike out "fourteen thousand nine hundred" and insert "ten thousand;" and in line 2331, after the word "all," to strike out "seventeen thousand four" and insert "twelve thousand five;" so as to make the clause read:

For surveyor-general of the Territory of Dakota, $2,500; and for the clerks in his office, $10,000; in all, $12,500.

Mr. CAMERON, of Wisconsin. The business of the office of the surveyor-general of Dakota is very large. I observe that the committee recommend to reduce the sum appropriated for clerk-hire from $14,900 to $10,000.

Mr. ALLISON. The Senator will see that in the paragraph as the bill came from the House, Minnesota and Dakota were consolidated.

Mr. CAMERON, of Wisconsin. I see.

Mr. ALLISON. We strike out Minnesota, and that State is provided for elsewhere.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2343, to insert:

For surveyor-general of Minnesota, $2,000; and for the clerks in his office, $8,000; in all, $10,000.

The amendment was agreed to.

The next amendment was, in line 2349, before the word "thousand," to strike out "eight" and insert "ten;" and in the same line, after the word "all," to strike out "ten" and insert "twelve;" so as to make the clause read:

For surveyor-general of the Territory of Montana, $2,500; and for the clerks in his office, $10,000; in all, $12,500.

The amendment was agreed to.

The next amendment was, in line 2359, after the word "office," to strike out "six thousand" and insert "seven thousand five hundred;" and in line 2360, after the word "all," to strike out "eight thousand five hundred" and insert "ten thousand;" so as to make the clause read:

For surveyor-general of the Territory of New Mexico, $2,500; and for the clerks in his office, $7,500; in all, $10,000.

The amendment was agreed to.

The next amendment was, in line 2362, after the word "office," to strike out "four" and insert "five;" and in line 2363, after the word "all," to strike out "seven" and insert "eight;" so as to make the clause read:

For surveyor-general of Oregon, $2,500; and for the clerks in his office, $5,500; in all, $8,000.

The amendment was agreed to.

The next amendment was, in line 2368, after the word "thousand," to insert "five hundred;" and in line 2370, after the word "thousand," to insert "five hundred;" so as to make the clause read:

For surveyor-general of the Territory of Washington, $2,500; and for the clerks in his office, $5,500; in all $8,500.

The amendment was agreed to.

The next amendment was in the appropriations for the "Post-Office Department," in line 2378, to increase the appropriation for compensation of the "chief clerk to the Postmaster-General" from $2,200 to $2,500.

The amendment was agreed to.

The next amendment was, in line 2380, to reduce the appropriation for compensation of the "appointment clerk" from $1,800 to $1,400.

Mr. FRYE. Mr. President, I desire to oppose that amendment. I hope the Senate will disagree to the amendment.

Mr. ALLISON. If the Senator will allow me, I will state that the committee proposed this amendment at the suggestion of the Postmaster-General. We find on further examination that this is a faithful officer. The reason which the Postmaster-General gave for this reduction, as we supposed, was that owing to the fact that the Civil Service Commission now provided for all the appointments we could reduce the compensation of the appointment clerk; but on further examination we found that the appointment clerks are kept pretty busy, and generally are old clerks. As we have not reduced any of the others we thought it was inexpedient to reduce this one. Therefore I concur with the Senator from Maine.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment reported by the committee?

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2384, after the word "dollars," to strike out:

One clerk (Jennie M. Hunt), at $1,000.

Mr. DAWES. I should like to inquire of the chairman of the committee whether striking out those words will make it necessary to increase the number of clerks by one? Is there the same number of clerks that there would be if she were not taken out of the number appropriated for and put in specifically?

Mr. ALLISON. I so understand, and that it is not necessary. Jennie M. Hunt is now employed in the office of the Third Assistant Postmaster-General.

Mr. DAWES. The same number is appropriated for there that would be appropriated for if she was not taken out?

Mr. ALLISON. That I understand to be so.

Mr. INGALLS. Will she still be retained if the amendment of the committee is agreed to?

Mr. DAWES. It is expected that she will be retained, but if the number of clerks has been made one less in the Third Assistant Postmaster-General's Office on account of her having been put in here, then if you strike her out here you must increase the number in the Third Assistant's office.

Mr. ALLISON. I understand the suggestion of the Senator.

Mr. INGALLS. A clerk who has such exceptional value as to be specifically designated by name in the appropriation bill it appears to me ought not to be thus lightly dealt with. I hope we shall have some specific and definite information on this subject before we are called upon to agree with the committee.

Mr. DAWES. It was not the committee that put the name in specifically.

Mr. INGALLS. But the committee propose to strike her name out.

Mr. DAWES. They propose to conform to the uniform custom. The Senator is troubled to death because her name was put in specifically. I suggest to the Senator that he make the inquiry of the House which put her name in specifically.

Mr. ALLISON. It is not necessary to change the number, I will say to the Senator from Massachusetts. In response to the Senator from Kansas I will say that this lady is now employed in the office of the Third Assistant Postmaster-General.

Mr. INGALLS. And will probably continue to be employed?

Mr. ALLISON. I think so.

Mr. DAWES. It is due to the lady that some one should state that she is a cripple and has suffered by a fall in the elevator. It was from the kindest possible motive on the part of those in the House who put in her name here. It was ascertained afterward that it was not necessary, and that she would be provided for in the Department without any specific designation of her in the appropriation bill.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment reported by the committee?

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2387, to reduce the total amount of the appropriation for compensation of the Postmaster-General and the clerks and employés in his office from $30,760 to $29,660.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Iowa to the fact that this general aggregate will have to be changed by reason of disagreeing to the previous amendment.

Mr. ALLISON. It should be $30,060.

The PRESIDING OFFICER. If there be no objection that amendment will be agreed to, and the amendment as amended will be agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of the "First Assistant Postmaster-General," in line 2393, to increase the appropriation for compensation of "chief of salary and allowance division" from $2,000 to $2,200.

The amendment was agreed to.

The next amendment was, in line 2394, after the word "dollars," to strike out "one clerk of class 4" and in lieu thereof to insert "chief of bond division, $2,000."

The amendment was agreed to.

The next amendment was, in line 2407, to increase the total amount of the appropriation for compensation of the First Assistant Postmaster-General and the clerks and employés in his office from $100,060 to $106,100.

The amendment was agreed to.

The next amendment was, in the same clause, to strike out the following proviso from line 2409 to line 2414:

Provided, That three of the clerks at $1,000 each, and four of the laborers provided for above shall be paid from the appropriation made for stationery in the act making appropriations for the service of the Post-Office Department for the fiscal year 1885.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Third Assistant Postmaster-General," in line 2435, before the word "female," to strike out "ten" and insert "eight;" so as to read:

Eight female clerks, at $1,200 each.

The amendment was agreed to.

The next amendment was, after the word "each," in line 2436, to insert:

One female principal clerk, to correct errors and supply deficiences in the addresses of letters, and to decipher illegible superscriptions, $1,400; one female clerk in charge of the foreign branch of the dead-letter office, $1,400.

The amendment was agreed to.

The next amendment was, in line 2446, to increase the total amount of the appropriation for compensation of the Third Assistant Postmaster-General and the clerks and employés in his office from $230,380 to $230,780.

The amendment was agreed to.

The next amendment was, after line 2447, to insert:

To enable the Postmaster-General to employ an agent and necessary assistants to supervise the manufacture and distribution of post-office envelopes, a sum not exceeding $3,000, to be paid from the appropriation "for registered-package envelopes, locks, and seals, and for office envelopes and for dead-letter envelopes," in the Post-Office appropriation act for the fiscal year, 1885.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "superintendent of the money-order system," in line 2472, before the word "laborers," to strike out "eight" and insert "ten;" and in line 2473, after the word "all," to strike out "seventy-one thousand eight hundred and forty" and insert "seventy-three thousand one hundred and sixty;" so as to make the clause read:

For superintendent of the money-order sytem, $3,500; chief clerk, $2,000; six clerks of class 4; eight clerks of class 3; five clerks of class 2; ten clerks of class 1; six clerks, at $1,000 each; five clerks, at $900 each; one assistant messenger; one engineer, $1,000; two firemen; four watchmen; one conductor of elevator, $720; four charwomen, at $180 each; one female laborer, $480; and ten laborers; in all, $73,160.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 2509.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Iowa to line 2506, "nineteen watchmen, twenty laborers, one plumber, $900." The Chair suggests that the word "each" should be inserted to make it conform to the rest of the bill. The sum allowed to the twenty laborers does not appear to be mentioned.

Mr. ALLISON. It is not necessary to repeat the sum given to the laborers for the reason that in the latter part of the bill the price paid laborers is stated. I suppose the twenty laborers are included in the footing. I have not examined it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Judicial," in the appropriations for the "Office of the Attorney-General," in line 2559, before the word "copyists," to strike out "seven" and insert "eleven;" and, after the word "copyists," to strike out "one messenger" and insert "two messengers;" so as to read:

Eleven copyists, two messengers.

The amendment was agreed to.

The next amendment was, in line 2562, to increase the appropriation for compensation of "one engineer" from $1,000 to $1,200.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 2566.

Mr. ALLISON. In line 2565, before the word "firemen," I move to strike out "two" and insert "three;" so as to read:

And three firemen.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 2566, to increase the total amount of the appropriation for compensation of the Attorney-General, Solicitor-General, assistant attorneys-general, solicitor of internal revenue, and the clerks and employés in the office of the Attorney-General from $111,390 to $116,030.

Mr. ALLISON. On account of the amendment just made the total should be changed so as to read "$116,750."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2569, after the word "thousand," to insert "five hundred;" in line 2573, before the word "hundred," to strike out "five" and insert "nine;" and in line 2577, after the word "all," to strike out "eleven thousand six hundred" and insert "twelve thousand five hundred;" so as to make the clause read:

For contingent expenses of the Department, namely: For furniture and repairs, $1,500; for law and miscellaneous books for library of the Department, $1,500; to supply deficiencies in sets of State statutes, $500; for stationery, $1,900; for miscellaneous expenditures, such as telegraphing, postage, fuel, lights, labor, and other necessaries, including ordinary repairs of building and care of grounds, $7,160; in all, $12,560.

The amendment was agreed to.

The next amendment was, in line 2580, to increase the appropriations "for care and subsistence of horses, purchase of new horses, and repairs of wagons and harness," from $1,200 to $2,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "United States courts," after line 2630, to insert:

For compensation of the district attorneys of the United States, $20,100.

The amendment was agreed to.

The next amendment was, after line 2632, to insert:

For compensation of the district marshals of the United States, $12,700.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

The PRESIDENT *pro tempore*. In line 99 there is one amendment of the Committee on Appropriations which was reserved.

Mr. HARRISON. In line 99 I move to amend the amendment of the committee by striking out the word "six," before "hundred," and inserting "eight;" so as to read, "$1,800." The committee proposed to increase the compensation to one clerk to the superintendent of the Senate document-room from $1,440 to $1,600. I propose to make it $1,800.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Iowa that the amendment agreed to on the motion of the Senator from Indiana would increase the total sum required for compensations of officers and employés of the Senate.

Mr. ALLISON. Yes, sir; by adding $200 in line 16. There was another change of $192. The total amount to be added on line 16 would be $392. I move to strike out $66,884.60 and insert $67,276.60.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. ALLISON. Yesterday I offered an amendment in line 400 to strike out "one" and insert "two," but the Secretary and also the Reporter, as I note by the RECORD, took my amendment to apply to line 404. I wish to have that correction made by unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the amendment adopted in line 404 be reconsidered and disagreed to and withdrawn, so that line 404 will stand as reported. Is there objection? The Chair hears none, and it is agreed to. The Senator from Iowa also moves to amend line 400 by striking out the word "one" after "governments" and inserting "two;" so as to read:

For expenses of exchanging public documents for the publications of foreign governments, $2,000.

Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. ALLISON. After line 403 I move to insert, at the request of the Committee on the Library, as understood by the Committee on Appropriations, the following:

To enable the Joint Committee on the Library of Congress to purchase works of art, $12,000.

To enable the Secretary of State to contract for and purchase of Mr. B. F. Stevens 200 copies of each volume of the compilation to be prepared by him of certain documents relating to the peace of 1782 and 1783, 100 copies for the use of the Department of State and 100 copies for the use of the Library of Congress, the sum of $5,000, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to. The Chair will call the attention of the Senator from Iowa to the footing in line 402 after the change made in line 400.

Mr. ALLISON. It should be $13,500.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. ALLISON. In line 166, after the word "installments," I move to insert:

And hereafter no speech or portion of a speech or remarks shall be printed in the RECORD that shall not have been delivered on the floor of the Senate or House of Representatives in open session.

Mr. VEST. Mr. President, I wish to say a word upon that amendment.

Mr. MORGAN. A point of order lies against it.

Mr. VEST. Very well.

Mr. MORGAN. I make the point of order on the amendment.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Alabama.

Mr. MORGAN. I raise the question that the amendment is new legislation.

The PRESIDENT *pro tempore*. The Chair sustains the point of order. Has the Committee on Appropriations concluded its amendments?

Mr. ALLISON. Was there a point of order made upon the last amendment?

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] made the point of order that it is new legislation. The Chair thinks it is, in the form in which it is put.

Mr. SHERMAN. I am directed by the Joint Committee on the Library to move to insert, after line 403, to follow the amendment adopted on the motion of the Senator from Iowa, the following:

To enable the Joint Committee on the Library to purchase the painting of the Electoral Commission of 1877, by Mrs. C. Adele Fassett, $15,000.

The amendment was agreed to.

Mr. SHERMAN. I am directed by the same committee to offer one other amendment, which completes the amendments of the Committee on the Library. After line 412, I move to add:

For concrete walks in Botanic Garden, and sundry necessary improvements to building, as per estimates of Edward Clark, Architect of the United States Capitol, $4,600.

The amendment was agreed to.

Mr. MORGAN. At the request of Senators I withdraw the point of order I made upon the amendment of the Senator from Iowa. I regret that I cut the Senator from Missouri off from making his observations.

Mr. ALLISON. I am much obliged to the Senator from Alabama.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Iowa will be read.

The CHIEF CLERK. After the word "installments," in line 166, it is proposed to add:

And hereafter no speech or portion of a speech or remarks shall be printed in the RECORD that shall not have been delivered upon the floor of the Senate or House of Representatives in open session.

Mr. SHERMAN. I should like to have the exact meaning of that understood. I am in favor of the principle of the amendment; but would it prevent the ordinary revision of speeches, the correction of grammar, sometimes a transposition of words, and whatever little things of that sort may be necessary?

Mr. HALE and others. Oh, no.

Mr. SHERMAN. That is done every day.

Mr. ALLISON. It is not so intended.

Mr. SHERMAN. I wish it distinctly understood; because, although I very seldom revise what little I say here, still when I do I find sometimes mistakes that I should like to correct. I have no objection to the amendment with the understanding that it is not to prevent us from doing what is usually done, transposing, &c., without inserting new matter.

Mr. HARRIS. I do not think such an understanding as the Senator from Ohio suggests, if the language of the amendment becomes a law, will avail him. In my opinion, if the amendment is agreed to, neither the Senator from Ohio nor any other Senator could so revise his remarks as to insert a single word that he had not uttered on the floor. He might perhaps strike out, but I doubt whether he could insert. I do not think he could.

Mr. VEST. I offered the amendment substantially as the chairman of the committee has proposed it, and I have some doubt myself as to what would be the construction. I shall offer a substitute for it, which I think will meet the views of the Senator from Ohio.

Mr. ALLISON. I will withdraw my amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa is withdrawn. Does the Senator from Missouri offer an amendment to the bill?

Mr. VEST. I do.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Missouri will be read.

The CHIEF CLERK. In line 166, after the word "installments," it is proposed to add the following proviso:

Provided, That the report in the CONGRESSIONAL RECORD shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress, and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives, and such speeches shall be printed as they were actually delivered, except verbal corrections made by the author of the speech and by no other person; and that when speeches are reserved by their author for correction they shall be returned to the Reporter of the House in which they were delivered within one week, and if not so returned they shall then be printed in the CONGRESSIONAL RECORD from the original notes of the Reporter.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. In line 100, among the Senate provisions, I move to strike out "seven hundred and twenty" and insert "nine hundred;" so as to read:

One page in the document-room, $900.

The amendment was agreed to.

Mr. ALLISON. The footing will then be changed again, adding $180 in line 17.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to correct the total in line 17 by adding thereto the increase made necessary by the last amendment. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. CALL. In line 113, I move to strike out "two hundred" and insert "four hundred and forty;" so as to read:

Conductor of elevator, $1,440.

I offer this amendment after conference with members of the Committee on Appropriations. The conductor of the elevator of the Senate was formerly paid $1,440. He has no assistant, and that is the sum which is paid in the other House. He has been classed with the messengers heretofore.

The amendment was agreed to.

Mr. LAPHAM. In line 2132, in the appropriations for the Patent Office, I am directed by the Committee on Patents to move to strike out "three" and insert "four" before the word "thousand," so as to read:

For assistant commissioner, $4,000.

Mr. ALLISON. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. Has the amendment been referred to the Committee on Appropriations?

Mr. LAPHAM. It has not.

The PRESIDENT *pro tempore*. Then the Chair is obliged to sustain the point of order.

Mr. PLATT. I desire to appeal to the chairman of the Committee on Appropriations to withdraw the point of order. I know that this matter is not debatable. I am sure that this officer ought to receive at least $3,600; I think he ought to receive $4,000, but I shall be content to make it $3,600, so that he may be placed on an equality with the deputy commissioners of pension, two of whom receive $3,600.

Mr. INGALLS. What officer is it?

Mr. PLATT. The assistant commissioner of patents. He is a specialist; he is a gentleman who has large ability, and I think is fully entitled to $4,000. I wish the Senator would withdraw his point of order and consent that the salary be made $3,600.

Mr. LAPHAM. I have here a letter from the Commissioner of Patents, who says that the salary of the assistant commissioner is inadequate and that it ought to be increased to $4,000.

Mr. ALLISON. I have no doubt there is a great deal of feeling on the subject in the Patent Office, and I regret exceedingly to make the point of order, but the Committee on Appropriations have had numerous applications from almost every bureau and every Department of the Government to increase the compensation of officers. The committee yielded in one or two instances to what seemed pressing cases, and of course this among others was regarded by the committee. But we saw that if we went into it there would be no end of the business. I therefore shall be compelled to insist upon the point of order.

The PRESIDENT *pro tempore*. The Chair is obliged to sustain the point of order. The Chair will call the attention of the chairman of the committee to a correction necessary, in line 17, in the aggregate appropriation for compensation of Senate officers and employés. Since the amendment adopted on the motion of the Senator from Florida [Mr. CALL], the aggregate should now be $67,696.60. Is there objection to having it so corrected? The Chair hears none, and it is so ordered.

Mr. BECK. After the word "dollars," in line 960, I move to insert the following proviso:

Provided, That all distilled spirits entered for withdrawal for export may be set apart and remain, for a period not exceeding six months, in the warehouse of the distillery in which they were stored when so entered, subject to such regulations as the Secretary of the Treasury may prescribe.

Mr. INGALLS. I reserve a point of order on the amendment.

Mr. BECK. I was about to say that I am afraid after consultation with a number of gentlemen, that the point of order will lie against this amendment. I have a statement from the Commissioner of Internal Revenue, which is perhaps too long to read, in regard to this matter, in which he says that he can now, by a good deal of circumlocution, give the length of time here proposed under the authority which is now confided to him, but he would rather have the direct authority of Congress to allow it to be done than to have to do it by any sort of indirection. That is the substance of his statement.

Under the law as it now stands the spirits can remain in warehouse a month or six weeks and then be sent to any port of export and remain there two or three months longer.

This is the condition: There are $29,000,000 of taxes to be paid before the 1st day of July and it is impossible for the holders of the spirits to pay them. They have been exporting all they could. They sent 57,780 barrels to different points, of which 25,000 barrels were sent to Bermuda, 3,000 to Hamburg, 26,000 to Bremen, 2,000 to England. The warehouses at Bermuda were absolutely full. They are building new houses for themselves at Hamburg and elsewhere, and they can not get the spirits exported because there are no conveniences for them. The banks of the country are carrying all they possibly can. These holders are driven to the point of bankruptcy; many of them have lately been compelled to make assignments. A little relief of this sort will perhaps enable them to pull through until the market shall improve.

I laid the matter before the Committee on Finance, and I was instructed by them, I believe unanimously, to present this as an amendment to the present bill, subject, however, to the point of order I admit. The Committee on Appropriations also looked at it carefully, after consulting with the Commissioner, and believing that it would be to the interest of the Government and its revenues, and in the interest of the business of the country at a time like this when it is quite important that the failures and embarrassments should not bring any further disasters, if they can be avoided, it was thought this relief might be given.

I do not think there is any dissent either in the Committee on Finance or the Committee on Appropriations as to the merits of the measure, but I know it was the general opinion that if the point of order was made I could not have the provision inserted here.

I believe I have stated the case now as it exists. The chairman of the Committee on Appropriations will correct me if I have not done so. That is all there is of it.

The PRESIDENT *pro tempore*. The Chair sustains the point of order made by the Senator from Kansas, and thinks the amendment is not in order.

Mr. MITCHELL. In the appropriations for the Pension Office, in line 2075, I move to insert:

For chief of special examiners, $3,000.

Mr. ALLISON. Is that the only amendment the Senator will propose?

Mr. MITCHELL. There is another amendment that I think ought to be agreed to.

Mr. ALLISON. I shall yield to that amendment, but to no other. I think the chief of the division of special agents ought to have more compensation than he is receiving, and the committee so thought, and authorized me to make an exception in his case, but I forgot it.

Mr. MITCHELL. The Commissioner of Pensions, in his last annual report, says:

Mr. McCalmont, formerly the chief of this division, under whose supervision it was organized and developed, resigned on July 1, 1883, as chief, by reason of the failure of his health, and was assigned a supervising district, and I have secured the services of Mr. E. G. Rathbone, late of the Treasury Department, a man adapted in every respect to the development of this branch of our service, to take his place. He has thrown himself into the work with energy, and is giving personal supervision to the division of the country into districts and assignment of examiners and supervisors thereto, and already the influence of this work is being felt in accelerated results. It is believed that the net savings to be effected by this division in the coming year will be sufficient to defray the entire cost of this bureau to the Government for salaries, rents, and all expenses. I shall be disappointed if it does not, inasmuch as the work of the past year has more than one-half accomplished this result.

From the report of the special examination division of that bureau it appears that there were examined by these special examiners during the last year seven hundred and forty-one cases, and the saving resulting from their investigations are stated as follows:

Amount due and unpaid 158 pensioners whose names were dropped after investigation	$27,169 91
Accrued pension in 1,085 claims rejected after the investigation	1,372,715 11

This gentleman served many years as secret agent of the Treasury Department, and was selected specially on account of his large experience in that business.

Mr. ALLISON. My attention being called to it, in line 2075, after the word "each," I move to insert:

For chief of division of special agents, $2,500.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania withdraw his amendment?

Mr. MITCHELL. I withdraw my amendment, then.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

Mr. ALLISON. In line 2075, I move to strike out "twelve" and insert "eleven;" so as to read:

Eleven chiefs of division at $2,000 each.

The amendment was agreed to.

Mr. ALLISON. In line 2093, $500 must be added to the total footing for the Pension Office. I move to strike out "nine hundred and fifty-five thousand six" and insert "nine hundred and fifty-six thousand one hundred and fifty;" so as to read:

In all, $1,956,150.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair will call the attention of the chairman of the committee to page 11 of the bill in the appropriations for the House of Representatives, where a clerk to the Committee on Naval Affairs has been added to the annual clerks, in connection with the question whether the total of the appropriations for the House officers and employés should not be changed.

Mr. ALLISON. It is the difference between $6 a day for four months and $2,000 a year. I ought to apologize to the Senate with reference to the footings. I usually have the clerk of the Committee on Appropriations here when these bills are considered, who makes the footings as we go along, but he is otherwise engaged this afternoon, and I have neglected the footings. The footings can all be corrected by the Secretary, by unanimous consent, of course.

The PRESIDENT *pro tempore*. The item for clerk to Committee on Naval Affairs was inserted in line 240. The total appropriation for House officers and employés appears to be in lines 189 and 190.

Mr. ALLISON. The footing there has already been changed.

The PRESIDENT *pro tempore*. But this amendment has been made since that change, the Chair understands.

Mr. ALLISON. Three hundred and thirty-eight thousand one hundred and fifty-five dollars and ten cents will cover the difference, as I foot it. It is now $337,955.10.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend, in line 189 and 190, so as to make the total $338,155.10. Is there objection? The Chair hears none, and it is agreed to.

Mr. GROOME. I should like to call the attention of the chairman of the committee to lines 2425 to 2432. I see that the chief of the division of dead-letters receives $2,250, and the chief of the division of postage-stamps receives a like amount, while the chief of finance division receives but $2,000. I am informed that the duties of the latter officer are as laborious and are more responsible than those of the other two chiefs; that under his supervision all the money to the mail contractors, aggregating twenty-odd million dollars a year, is disbursed. It seems to me that his salary ought to be equal to that of the other two officials, especially as he is a bonded officer. I ask the chairman of the committee if there is any serious objection to amending in line 2432 so that the chief of the finance division shall receive $2,250 a year? Such an increase was recommended a year ago.

Mr. ALLISON. I do not know that there is any sort of objection to it except that this officer seems to be pretty vigorous on that question. We raised his salary last year from $1,800 to $2,000, and we hoped to have a rest for one year. I think the Senator had better not press the amendment.

Mr. GROOME. I do not see anything in the Book of Estimates on the subject. I do not propose to press it.

Mr. ALLISON, This officer received $1,800 up to last year.

Mr. BECK. I now propose the amendment that I had read some time ago, the consideration of which was postponed. After the word "dollars," in line 960, I move to add:

No part of the money hereby appropriated shall be expended for the maintenance of any grain distillery that has not a mashing capacity of ten bushels a day.

I desire a vote upon that amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

Mr. BECK. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

The roll-call was concluded.

Mr. GROOME. I announce again that I am paired on all questions with the Senator from New York [Mr. MILLER].

The result was announced—yeas 21, nays 27; as follows:

YEAS—21.

Bayard,	Coke,	Maxey,	Vance,
Beck,	Garland,	Morgan,	Vest,
Brown,	George,	Pendleton,	Williams.
Butler,	Hampton,	Pugh,	
Call,	Jonas,	Ransom,	
Cockrell,	Lamar,	Slater,	

NAYS—27.

Allison,	Hale,	McMillan,	Platt,
Cameron of Pa.,	Harrison,	Mahone,	Plumb,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Riddleberger,
Conger,	Hill,	Mitchell,	Sawyer,
Dawes,	Ingalls,	Morrill,	Sewell,
Edmunds,	Jones of Nevada,	Palmer,	Sherman.
Frye,	Lapham,	Pike,	

ABSENT—28.

Aldrich,	Dolph,	Hoar,	Miller of N. Y.,
Anthony,	Fair,	Jackson,	Sabin,
Blair,	Farley,	Jones of Florida,	Saulsbury,
Bowen,	Gibson,	Kenna,	Van Wyck,
Camden,	Gorman,	Logan,	Voorhees,
Colquitt,	Groome,	McPherson,	Walker,
Cullom,	Harris,	Manderson,	Wilson.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. If there be no objection the question will be taken on the amendments in gross.

Mr. MORGAN. I desire to reserve an amendment on page 4.

The PRESIDENT *pro tempore*. The Senator from Alabama reserves an amendment on page 4.

Mr. MORGAN. In line 81.

The PRESIDENT *pro tempore*. There are several amendments on page 4.

Mr. MORGAN. In lines 81 and 82.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be reserved and the question will be taken on all the other amendments together.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The reserved amendment will now be read.

The SECRETARY. In line 81, after the words "dollars," the Senate, as in Committee of the Whole, struck out "acting assistant doorkeeper," and inserted "assistant sergeant-at-arms;" so as to read:

Assistant sergeant-at-arms, $2,592.

Mr. MORGAN. I merely desired to understand why we call upon Congress to prescribe officers for the Senate. Heretofore we have done this by resolution of the Senate entirely. I believe all of our Senate officers are chosen by order of the Senate, either by resolution or by election, and it seems to me that this is putting ourselves in the power of the other House unnecessarily.

Mr. ALLISON. I would say to the Senator from Alabama that it was represented to us by several gentlemen who had served on committees, that it was necessary to have an assistant sergeant-at-arms in order to have an officer to serve process. As it is now, there is no officer, as I understand, authorized to serve process, except the Sergeant-at-Arms.

Mr. INGALLS. We could authorize any officer to serve a process, by resolution.

Mr. ALLISON. At any time.

Mr. INGALLS. That explanation seems to me unsatisfactory.

Mr. ALLISON. It is a matter I have no interest in whatever and no care about; but the Senator from Maine [Mr. FRYE] and one or two other Senators who have been on investigating committees, made this suggestion to the Committee on Appropriations. If any Senator thinks it is an unwise thing to do, I shall not press it.

Mr. MORGAN. I merely wanted to know why it was that we were consulting both Houses in fixing the officers of the Senate.

I concur with the Senator from Kansas that there is no satisfactory explanation for this departure from custom. I do not care to have an officer put in over the Senate that we can not hereafter remove or change without the consent of the House. I do not think it good policy. I am willing to vote for a resolution appointing an assistant sergeant-at-arms.

Mr. INGALLS. This does not create the office of assistant sergeant-at-arms, as I understand it. It merely makes provision by appropriation for this year for an officer unknown to the law, unrecognized by our rules. I think the Senator from Alabama is clearly right in the suggestion he makes.

Mr. ALLISON. That is just where the Senator is mistaken. The Committee on Rules reported this special officer. When we came to look into it we found the Committee on Rules had changed the office, and if the Senator will look to the report of the Committee on Rules he will find that they have provided there for an assistant sergeant-at-arms.

Mr. INGALLS. It must be under some different name than this.

Mr. ALLISON. If the Senator has a copy of the rules I will show him where it is.

Mr. FRYE. In the House of Representatives there is a Sergeant-at-Arms and a Doorkeeper, two distinct officers. In the Senate of the United States there is a Sergeant-at-Arms and Doorkeeper under one name. By the resolution of the Senate an assistant doorkeeper was created. The assistant doorkeeper, Mr. Bassett, has been provided for as assistant doorkeeper, not assistant sergeant-at-arms and assistant doorkeeper, but assistant doorkeeper. By a resolution of the Senate a number of years ago an officer was created to act practically as assistant sergeant-at-arms, Mr. Christie, and he was named at the time, as I find in the debate before me. Mr. Conkling named Mr. Christie as the gentleman for whom at that special time the office was created. He is not assistant doorkeeper, because Mr. Bassett is assistant doorkeeper, and Mr. Bassett, the assistant doorkeeper, is elected by the Senate. The gentleman at yonder time, who has practically charge of the Senate Chamber, is appointed by the Sergeant-at-Arms and is really what in the House would be an assistant sergeant-at-arms.

When the Sergeant-at-Arms is absent he has no deputy mentioned in law anywhere, appropriation bill, or anything of that kind. There is no one authorized to sign the pay-rolls or do anything of that kind. And yet as a matter of fact the gentleman in charge of that door is deputy sergeant-at-arms, acts as such in every single thing except that when the Sergeant-at-Arms happens to be absent he has not the legal power.

I undertook in the Committee on Rules to have the office of Sergeant-at-Arms and Doorkeeper divided, as they were in the House, but there were objections made to that. I can not, however, for the life of me, see the slightest objection to calling this officer "assistant sergeant-at-arms" or "deputy sergeant-at-arms." He is in fact deputy sergeant-at-arms, and does all the duties of assistant sergeant-at-arms when the Sergeant-at-Arms is here. It does not interfere with the assistant doorkeeper in any possible way, because he is elected by the Senate and he is named assistant doorkeeper, and not assistant sergeant-at-arms. He is assistant doorkeeper, not deputy sergeant-at-arms and doorkeeper.

Mr. MORGAN. That is a very good explanation of it; but the Senate ought to do it; there is no reason why we should ask the House of Representatives to do this for us. It ought to be done by a resolution of the Senate, and not by a law of the land to be signed by the President. That is my objection to it.

Mr. FRYE. My judgment is that the officer will not be provided for anywhere except in the appropriation bills. The debate to which I have referred occurred on an appropriation bill. He has been named each year in the appropriation bill. All that I desired, so far as I was concerned, was that a proper name should be given him instead of the name which he received there.

Mr. MORGAN. Will there be any confusion between the functions of Mr. Bassett and Mr. Christie after this is passed?

Mr. FRYE. If he is called deputy sergeant-at-arms, of course not, because Mr. Bassett is assistant doorkeeper.

Mr. MORGAN. Mr. Christie is a much younger man than Mr. Bassett, and I do not desire to put him in any superiority over Mr. Bassett.

Mr. FRYE. The Committee on Rules determined without any hesitation that nothing should be done of any kind which would interfere at all with the dignity of the office occuped by Mr. Bassett, and he is left just as the Senate has created and elected him, assistant doorkeeper.

Mr. MORGAN. With that understanding I shall not press my objection to the amendment.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made, as in Committee of the Whole, by striking out, in line 81, "acting assistant doorkeeper" and inserting "assistant sergeant-at-arms."

Mr. INGALLS. The Senator from Iowa informed me, with considerable spirit, I thought for him, that the Committee on Rules had provided for the appointment of an assistant sergeant-at-arms. I find by looking at Rule I that the Sergeant-at-Arms of the Senate, who is also the Doorkeeper, has certain duties imposed upon him. The second rule is:

That the assistant doorkeeper and acting assistant doorkeeper shall be assigned during the day session of the Senate to duty upon the Senate floor.

There is no assistant sergeant-at-arms under our rules. This is the creation of an officer of the Senate by an act of Congress, and I object to any interposition on the part of the House of Representatives or the President of the United States, in declaring who the officers of this body shall be. It is one of the functions that belong to the Senate to say what their officers shall be, and what their executive corps shall consist of, and I reiterate the statement that there is no assistant sergeant-at-arms recognized by our rules. If the Senate desire to accede to the idea that the Congress of the United States shall prescribe who the officers of this body shall be, well and good; but I submit that it is an innovation which is very undesirable.

Mr. DAWES. I should like to inquire of the Senator from Kansas if the President of the United States and the House do not participate in making all these offices just as much as the Senate.

Mr. INGALLS. No, sir; because the other officers are recognized by the Senate and created by the Senate and that is merely a definition or description. But here is an officer not recognized by the rules, not created by action of the Senate, and for the first time appearing in an appropriation bill, and therefore it is created by an act of Congress.

Mr. DAWES. They are no less created by an act of Congress when they are found in an act of Congress because they were also in the rule. If the act of Congress creates the one, it creates the others that are mentioned in the same section and in the same operative words. An act of Congress makes each one of these just as much as it makes that one.

Mr. SHERMAN. It seems to me this is a matter purely for the Senate to regulate by its own rule. If there is any feeling created by this—and I can conceive that there might be between old officers of the Senate—the best way is to let it go to the Committee on Rules, and, if it is deemed advisable to introduce a new officer called assistant sergeant-at-arms, we can do it by rule or resolution. This does not change the salary. I think therefore it had better be left to stand under the old rule.

The trouble is that hitherto the Doorkeeper of the Senate has always been considered the second ranking officer here, and I think there ought to be nothing to disturb that position. We ought not to change the relative rank of these officers or their standing and position until the Senate considers the subject more fully. I hope, therefore, that without further discussion and without any contest this matter will be allowed to stand, because all these officers are respected by Senators. I think it would be better to leave it stand under the old rule until the Committee on Rules consider it and act upon it and report what they think would be proper for the consideration of the Senate.

Mr. DAWES. I do not think any Senator desires to make the assistant doorkeeper anything but the second officer of the Senate. There is no question about that. Every Senator desires to have him remain the second officer of the Senate. After providing for the second officer of the Senate, calling the next officer assistant sergeant-at-arms does not give him rank before an officer who was created before him.

Mr. ALLISON. Mr. President, I did not desire to speak with any excitement upon this question, and if I did I wish to beg pardon of my friend who sits next me [Mr. INGALLS], because it is a matter that I would not get excited over, even for him. [Laughter.]

When this matter first came up in the Committee on Appropriations it was pretty generally believed that we having appropriated for a long time for an acting assistant doorkeeper should continue to do so; but after considerable conversation with the Sergeant-at-Arms we yielded to it. He explained to us the difficulties he had in the way of always being required to deputize some one to serve process, and that many times the Sergeant-at-Arms would like to be absent, and when absent if there was an assistant sergeant-at-arms he would be clothed with the authority of the Sergeant-at-Arms and could serve process.

Mr. INGALLS. Allow me one moment, right there.

Mr. ALLISON. Certainly.

Mr. INGALLS. I should like to ask the Senator how, without the action of the Senate, the description of this officer as assistant sergeant-at-arms would authorize him to serve process?

Mr. ALLISON. That I will answer in a moment. We examined the situation, and we found that the rules provide for a Sergeant-at-Arms and a Doorkeeper.

Mr. INGALLS. No; that is the same officer. The Sergeant-at-Arms and Doorkeeper is one officer.

Mr. ALLISON. Undoubtedly. That is just what I say. The rules provide for the appointment of a Sergeant-at-Arms and Doorkeeper, one person. We found that there was an assistant doorkeeper and no assistant sergeant-at-arms, and we found that this new Committee on Rules, which regulated everything for us so wisely and so well, changed entirely the rule upon this subject by declaring that the acting assistant doorkeeper should be assistant sergeant-at-arms. The Sergeant-at-Arms and Senators came to us, who seemed to understand this question; I confess I do not. Therefore the committee simply changed the phraseology. Of course we knew that we could not change this officer until the Senate agreed to it.

I have no wish about this matter for myself. If it in the slightest degree interferes with what now exists as the proper prerogative and priority in the Senate with reference to position and rank, I should be the last person to even suggest it. One of the first questions that I asked was whether it would place the present occupant of the position of acting assistant doorkeeper above or beyond the position held by another officer of this body, whom we all respect as we do. That question was thoroughly considered in the committee.

I have no wish about this. If it is not a wise thing to do, vote down the amendment. I care nothing about it and the committee cares nothing about it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments made as in Committee of the Whole.

The amendment was not concurred in; there being on a division—ayes 19, noes 24.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I am instructed by the Committee on Commerce to report back with amendments the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. I move that the bill be printed, and that it be recommitted to the Committee on Commerce.

The motion was agreed to.

AMENDMENTS TO SUNDRY CIVIL BILL.

Mr. HAWLEY, Mr. PLATT, Mr. PENDLETON, and Mr. SLATER submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. MILLER, of California, submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. LAPHAM submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co., certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs and before the same had entered into consumption, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 2722) for the relief of Martha Turner was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 2344) for the relief of Melissa G. Polar was read twice by its title, and referred to the Committee on Finance.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

The motion was agreed to.

THE SIGNAL SERVICE.

Mr. PENDLETON. I ask unanimous consent to be allowed to offer a resolution and have it considered now. As it only asks a report from the Secretary of War at the next session of Congress, I think there will be no objection to its immediate consideration:

Resolved, That the Secretary of War is directed to collate the various laws under which the Signal Service is organized, and to report a codification thereof with such amendments as he may suggest at the commencement of the next session of Congress. That he also report the status in the Army of the chief officer of the Signal Service Bureau, and the propriety of keeping the said bureau under the general supervision of the War Department.

Mr. HARRISON. Let that resolution lie over until we can see it in print.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

BILL INTRODUCED.

Mr. MAHONE introduced a bill (S. 2346) regulating the appointment of assistant naval constructors; which was read twice by its title, and referred to the Committee on Naval Affairs.

THE TRADE-DOLLAR.

Mr. CAMERON, of Pennsylvania. I offer the following resolution:

Resolved, That the Finance Committee be discharged from the further consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. HARRIS. Let that lie over.

The PRESIDENT *pro tempore*. The resolution goes over and will be printed.

CHARGE OF DESERTION.

Mr. COCKRELL. I desire with the leave of the Senator from Kansas to submit a report. The Committee on Military Affairs, to which was referred the bill (H. R. 4383) to relieve certain soldiers of the charge of desertion, have instructed me to report the same back to the Senate with sundry amendments accompanied by a written report, and as amended recommend the passage of the bill. I ask that the report be printed and I give notice that at an early day I shall call up the bill for action.

The PRESIDENT *pro tempore*. The report will be received if there be no objection.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the fol-

lowing enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 81) for the relief of Benjamin F. Pope;

A bill (S. 472) for the relief of George P. Webster;

A bill (S. 675) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865;

A bill (S. 1721) for a bridge across the Misouri River at White Cloud, in Doniphan County, Kansas;

A bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa; and

A bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. MORRILL. I move that the bill (S. 1925) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," now on the Calendar, be postponed indefinitely, the House bill on that subject having passed the Senate to-day.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

Mr. PLUMB. I rise to a parliamentary inquiry. Will it be necessary to lay the Atlantic and Pacific forfeiture bill before the Senate as unfinished business?

The PRESIDENT *pro tempore.* It is before the Senate now, and awaits its reading.

Mr. PLUMB. Will it come up as the unfinished business to-morrow at 1 o'clock?

The PRESIDENT *pro tempore.* It will be the unfinished business for to-morrow if the Senate now proceeds to the consideration of executive business and then adjourn without taking up other business. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 26, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

BENJAMIN F. POPE.

Mr. DIBRELL. I ask unanimous consent to have taken from the Speaker's table for present consideration the bill (S. 81) for the relief of Benjamin F. Pope.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Benjamin F. Pope to be an assistant surgeon in the Army of the United States, as of the 14th day of May, 1867, and he shall take rank and position on the list of assistant surgeons as of the date aforesaid; and the said Benjamin F. Pope is hereby authorized to retain all pay and allowances actually received since the date of his original commission, and to receive all other pay and allowances due since that date: *Provided,* That he shall receive no pay or allowances for the time between February 13, 1871, and June 17, 1871, during which he was actually out of the service.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TOWNSHEND. I desire to know whether this bill has been examined by any committee.

Mr. DIBRELL. It is a Senate bill, and has received the unanimous approval of the Committee on Military Affairs. This officer was mustered out by mistake under the act of July 15, 1870. The President revoked the order mustering him out and assigned him to duty. He is now in charge of the hospital records in the Pension Department, and has been for several years. But the Treasury officials have raised a question as to the authority of the President to revoke the order mustering him out. This bill simply settles that difficulty. It does not take one dollar out of the Treasury.

There being no objection, the bill was taken up, read three times, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES H. GETMAN AND OTHERS.

Mr. NUTTING. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill which I send to the desk, and that the House now proceed to its consideration.

The bill was read, as follows:

A bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to refund to Charles H. Getman a sum not exceeding $4,196.17; to the firm of E. W. Rathbun & Co., a sum not exceeding $3,936.65; to the firm of Kinyon, Wright & Co., a sum not exceeding $2,129.23; to the firm of Bond & Jenkins, a sum not exceeding $1,604.38, and to the firm of Page, Fairchild & Co., a sum not exceeding $671.28; said sums being the amount of duties supposed to be paid by said parties, respectively, to the collector of the port of Oswego, N. Y., on lumber imported from Canada and destroyed by accidental fire at said port while in the custody of officers of the customs, and before the same had entered into consumption: *Provided, however,* That nothing shall be paid to either of said parties until he shall present proper vouchers to the accounting officers of the Treasury Department showing the amount paid by him for duties as aforesaid, and also showing the amount of imported lumber actually destroyed by said fire in each case on which the said duties were paid.

Mr. WELLER. I desire that the gentleman from New York [Mr. NUTTING] shall explain something about this bill. I want to know whether there was any insurance upon this lumber in favor of these parties at the time it was burned.

The SPEAKER. If there be no objection the gentleman from New York will make a brief statement, subject to the right to object.

Mr. NUTTING. Mr. Speaker, in 1881, I think, at the city of Oswego, N. Y., about three million dollars' worth of lumber was burned in one night by one fire. The lumber to which this bill refers was on the Government dock at the time of the fire. The duty had been paid upon it on the afternoon preceding the fire; and there was no insurance upon it, as I understand it. The lumber had been insured as it came across on the vessel, from Canada I suppose; but the insurance ceased when the lumber was placed on the dock, as I understand. This bill proposes to repay the duties upon the lumber destroyed at that time, those duties having been paid on the afternoon preceding the fire, and there having been no insurance whatever upon the lumber at that time, as I understand it.

Mr. WELLER. I understand from the gentleman that this lumber was not at the time of the fire in possession of the parties who are now seeking this redress, but was in the custody of the custom-house officers.

Mr. NUTTING. The lumber was in the custody of the Government. It was being counted and adjusted so as to get at the amount. The circumstances are clearly explained in the letter of the Secretary of the Treasury, which is printed in the report.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NUTTING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONUMENT TO MARY, MOTHER OF WASHINGTON.

Mr. GARRISON. I again ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 5410 and that the bill be now taken up and passed. The objection made to this bill a few days ago has been withdrawn.

The bill as amended by the Committee on the Library was read, as follows:

A bill (H. R. 5410) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.

Be it enacted, &c., That the sum of $20,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used in the completion of the unfinished monument to Mary, the mother of Washington, at Fredericksburg, Va., and for grading and inclosing with stone curbing and iron fencing a space of thirty-four feet square around the base thereof, substantially in accordance with the recommendation of the Select Committee on the Washington National Monument in their report to the House of Representatives of June 1, 1874; which sum shall be expended under the direction of the President of the United States or such officer as he may designate: *Provided,* That the money hereby appropriated shall be drawn, from time to time, only as may be required during the progress of the work, and upon the requisition of the President: *And provided further,* That no part of the sum hereby appropriated shall be so expended until the lot of land at Fredericksburg, Va., on which said monument is situated (being thirty-four feet square) shall be conveyed, with all the right, title, and interest therein of the owner thereof, to the United States, and the deed duly recorded.

SEC. 2. That this act shall be in force from its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WELLER. I am opposed to using any money for the building of any monument until the pensions of soldiers are paid when they are due. I object to this bill.

MARTHA TURNER.

Mr. HOUK. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further

consideration of the bill (H. R. 2722) for the relief of Martha Turner, and that the bill be now taken up for passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Martha Turner, widow and beneficiary of John Turner, late of Union County, in the State of Tennessee, the sum of $2,000, in full payment for the services of the said decedent in piloting and conducting recruits from the confederate to the Union lines during the late war.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOUK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ATLANTIC ALCOHOL COMPANY, IOWA.

Mr. PUSEY. I ask by unanimous consent to take from the Speaker's table the bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Atlantic Alcohol Company, of Atlantic, State of Iowa, out of any money in the Treasury not otherwise appropriated, the sum of $2,734.20, in full for internal-revenue tax collected from them on certain distilled spirits on or about the 25th day of June, 1883, said spirits having been destroyed by fire on the 4th day of July, 1883, and before the proper stamps had been affixed: *Provided*, That the stamps issued to be used on the alcohol destroyed shall be first returned to the Commissioner of Internal Revenue for cancellation.

Mr. PUSEY. I now ask that the Clerk read the certificate of the Commissioner of Internal Revenue.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 24, 1884.

I certify that on July 18, 1883, tax-paid spirit stamps of the face value of $2,734.20 were received at this office, having been forwarded by the Atlantic Alcohol Company, of Atlantic, Iowa, for redemption; and that the said stamps are still in possession of this office unredeemed.

WALTER EVANS,
Commissioner of Internal Revenue.
A. H. H.

Mr. CABELL. I object.

Subsequently Mr. CABELL withdrew his objection; and there being no further objection the bill was taken from the Speaker's table, read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PUSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER MISSOURI RIVER AT WHITE CLOUD, KANS.

Mr. MORRILL. I ask by unanimous consent to take from the Speaker's table the bill (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas.

The bill was read, as follows:

An act (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago and Central Kansas Railroad Company, an incorporation organized under the laws of the State of Kansas, is hereby authorized to construct and maintain a bridge across the Missouri River, at such point as may be hereafter selected by said corporation, within one mile of the town of White Cloud, in the county of Doniphan and State of Kansas, as shall best promote the public convenience and welfare and the necessities of business and commerce, and also to construct accessory works to secure the best practicable channel-way for navigation and confine the flow of the water to a permanent channel at such point, and also to lay on and over said bridge a railway track for the use of any railroads that are or shall be constructed to said river at or opposite said point; and said corporation may construct and maintain ways for wagons, carriages, and for foot-passengers, charging and receiving reasonable toll therefor as may be approved from time to time by the Secretary of War.

SEC. 2. That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall have three or more channel-spans, and shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the lowest point of the superstructure of the bridge, nor shall the spans of said bridge be less than three hundred feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the head-room under such span shall not be less than ten feet above local high-water mark: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or said accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the State of Kansas or State of Missouri in which any portion of said obstruction or bridge may be located.

SEC. 4. That the said bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be lawful structures; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

SEC. 5. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control.

SEC. 6. That Congress shall have the power at any time to alter, amend, or repeal this act so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works; and the expense of altering said bridge or removing such obstructions shall be at the expense of the owners of or persons controlling such bridge.

Mr. MORRILL. The gentleman from Iowa who heretofore objected to this bill has some amendments to offer.

Mr. WELLER. The gentleman having in charge this bill has consented that the following amendments shall be considered at the present time. They are satisfactory, as I understand, to him.

Mr. POST, of Pennsylvania. Of course the bill is still open to objection after the amendments have been read.

The SPEAKER. The gentleman from Iowa who has heretofore objected to this bill has withdrawn his objection.

Mr. WELLER. I have withdrawn my objection and have moved the amendments which I now ask the Clerk to read.

The SPEAKER. If there be no objection the amendments will be read and will be acted on in gross.

There was no objection, and the amendments were read, as follows:

Amend section 2 by adding after the first word, "and," in the thirtieth line, the following words: "the best."

Further amend said section by adding after the word "prescribe," in the forty-first line, the following words:

"*Provided, however*, That said corporation or company shall build or cause to be built, at the time of the erection of said bridge, proper sheer-booms or other proper protections to safely guide vessels, boats, rafts, and other water crafts through any span of said bridge; and plans therefor shall be approved by the Secretary of War before said bridge is built: *And further provided*, In case of failure to so build such sheer-booms and other proper protections to navigation, the same shall be done by order of the Secretary of War at the proper costs, charges, and damages of, and to be paid by, said company or corporation."

Amend section 5 by adding after the word "telegraph," in the second line of said section, the words "and telephone;" also in line 3, same section, after the word "control," add the words "without damages or charges therefor;" so that said section, being so amended, will read as follows:

"SEC. 5. That the United States shall have the right of way for such postal telegraph and telephone lines across said bridge as the Government may construct or control, without damages or charges therefor."

Amend second 6 by striking out of line 2 the words "so as," and insert in their stead the word "also." Further amend section 6 by striking out in line 3 thereof the words "and substantial." Further amend section 6 by adding after the word "removing," in the fifth line, the words "said bridge, accessory works, or;" so that said section will read, being so amended, as follows:

"SEC. 6. That Congress shall have the power at any time to alter, amend, or repeal this act, also to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge and its accessory works; and the expense of altering said bridge or removing said bridge, accessory works, or such obstructions shall be at the expense of the owners of or persons controlling such bridge."

The question recurred on the adoption of the amendments of Mr. WELLER.

The House divided; and there were—ayes 26, noes 35.

Mr. WELLER. No quorum has voted. I would like, Mr. Speaker, if permitted, to make a suggestion.

The SPEAKER. The vote is being taken, and the point of no quorum having been made, the Chair will appoint Mr. POST, of Pennsylvania, and Mr. WELLER tellers.

The House again divided; and the tellers reported—ayes 36, noes 131.

So the amendments were rejected.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LEWIS. I now demand the regular order of business.

The SPEAKER. The Chair will state there are several gentlemen on the floor who have matters merely for reference to committees. If there be no objection, those gentlemen will be recognized at this time.

Mr. LEWIS. I will yield for that purpose.

CONSOLIDATED INDEX.

Mr. SHELLEY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk be, and he is hereby, authorized to employ a clerk during the recess for the purpose of preparing a consolidated index of the 22,298 claims reported to Congress by the commissioner of claims, under the act of March 3, 1871, and subsequent acts; also for the purpose of recording the cases referred to the Court of Claims under the Bowman act; said clerk to be paid out of the contingent fund of the House the same compensation paid committee clerks.

MRS. SOPHIA HELRIGEL.

Mr. JORDAN, by unanimous consent, introduced a bill (H. R. 7430) for the relief of Mrs. Sophia Helrigel; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. JORDAN, by unanimous consent, also introduced a bill (H. R. 7431) for the relief of Mrs. Sophia Helrigel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

Also, that the Senate had passed without amendment the bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

Also, that the Senate had passed a resolution, in which the concurrence of the House of Representatives was requested, to print 11,000 extra copies of the report of the Commissioner of Fish and Fisheries for 1884.

The message further announced that the Senate non-concurred in the amendments of the House of Representatives to the bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes, and asked a conference of the two Houses thereon; and further, that the Senate had appointed Messrs. LOGAN, SEWELL, and MAXEY as managers at said conference on the part of the Senate.

GENERAL LEWIS J. BLAIR.

Mr. LOWRY, by unanimous consent, introduced a bill (H. R. 7432) granting a pension to Lewis J. Blair, late colonel Eighty-eighth Regiment Indiana Volunteer Infantry, and brevet brigadier-general; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM EAST.

Mr. CLAY, by unanimous consent, introduced a bill (H. R. 7433) for the relief of William East; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYLVESTER GREENOUGH.

Mr. COOK, by unanimous consent, introduced a bill (H. R. 7434) granting a pension to Sylvester Greenough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. A. DAVIS.

Mr. PERKINS, by unanimous consent, introduced a bill (H. R. 7435) granting a pension to L. A. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTRIC PAGE-CALLS.

Mr. ADAMS, of Illinois, by unanimons consent, introduced the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That the Western Electric Company, of Chicago, be permitted to attach to not less than five or not more than fifteen desks of members in the Hall of the House of Representatives electric page-calls on the system in use in the State-house at Des Moines, Iowa; and also in the capitol building at Lansing, Mich.: *Provided*, That said work shall be done at the expense of said company, and under the direction and supervision of the Committee on Rules, and shall not interfere with or injure the carpets or desks of members, and shall be removed by said company at its own expense upon the order of the House or of the Committee on Rules.

HUGH LYONS.

Mr. LORE, by unanimous consent, introduced a bill (H. R. 7436) for the relief of Hugh Lyons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIM OF M'MANUS VS. MEXICO.

Mr. BELMONT, by unanimous consent, introduced a joint resolution (H. Res. 277) authorizing the Secretary of State to deliver to parties in interest, or their duly authorized representatives, custom-house certificates and other vouchers filed in support of the claim of McManus *vs.* Mexico; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN W. SANDERS.

Mr. NEECE, by unanimous consent, introduced a bill (H. R. 7437) for the relief of John W. Saunders; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MELISSA G. POLAR.

Mr. SPRIGGS. Mr. Speaker, I ask unanimous consent to reconsider the vote whereby House bill No. 2344, for the relief of Melissa G. Polar, was ordered to be read the third time and passed.

The SPEAKER. The Chair will state for the information of the House that there was an error in the engrossment of this bill by which the word "of" was substituted for the word "to," and in order to correct that error it would be necessary to vacate the vote on the passage of the bill, and also the vote ordering it to be engrossed and read the third time.

If there be no objection these votes will be reconsidered and vacated.

There was no objection, and it was ordered accordingly.

Mr. SPRIGGS. I now ask unanimous consent that the word "of," in line 2 of section 3, be stricken out and the word "to" be substituted; so that it will read:

That upon the presentation of said duplicate certificate to the Secretary, &c.

There was no objection, and it was ordered accordingly.

The SPEAKER. The question is now upon ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF PENSION LAWS.

Mr. BRUMM, by unanimous consent, introduced a bill (H. R. 7438) to amend the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. LEWIS. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

ESTATE OF ISAAC P. TICE.

Mr. TUCKER, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 5092) for the relief of the administrators of the estate of Isaac P. Tice, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TESTING OF CHAIN AND ANCHORS.

Mr. BOYLE, from the Committee on Commerce, reported back with amendments the bill (H. R. 5353) to require the testing of chain and anchors; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

TARE OF HOPS, ETC.

Mr. BOYLE, from the Committee on Commerce, also reported back with an adverse recommendation the bill (H. R. 5794) to regulate and fix the tare of hops, the weight of hop-baling, and a standard weight of hops; which was laid on the table, and the accompanying report ordered to be printed.

CHESTER R. MERRILL.

Mr. MORSE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 3666) for the relief of Chester R. Merrill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POSTAGE ON FIRST-CLASS MATTER.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 1330) fixing the rate of postage to be paid on mailable matter of the first class; which was referred to the House Calendar, and, with the accompanying report, hereafter to be filed, ordered to be printed.

PENSIONS.

Mr. HOLMES presented the views of a minority of the Committee on Invalid Pensions on the bill (H. R. 1652) to grant pensions for services in the Army and Navy and Marine Corps of the United States during the war of the rebellion; which were ordered to be printed with the report of the majority.

ALBERTINE COCKRUM.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported

back with amendments the bill (H. R. 5902) for the relief of Albertine Cockrum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

EDWARD HARBERT.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 43) for the relief of Edward Harbert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID PETERSON.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3185) granting a pension to David Peterson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY C. AXLINE.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 6653) granting a pension to Mary C. Axline; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

BENJAMIN JEFFRIES.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1982) granting a pension to Benjamin Jeffries; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABIGAIL HONEY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5929) for the relief of Abigail Honey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6859) for the relief of John Richmond;
A bill (H. R. 6868) for the relief of Catherine McCarthy;
A bill (H. R. 2003) for the relief of Daniel K. Wright;
A bill (H. R. 4441) for the relief of Amy L. De Witt;
A bill (H. R. 6858) granting a pension to D. H. Denny;
A bill (H. R. 2014) granting an increase of pension on certificate 191347, in favor of Barbara A. Cheeney;
A bill (H. R. 6097) granting a pension to Russell Harvey;
A bill (H. R. 5313) for the relief of Abigail Honey;
A bill (H. R. 1994) granting a pension to W. W. Dennis;
A bill (H. R. 476) granting a pension to Elizabeth Tribble;
A bill (H. R. 4998) for the relief of George G. Shumard;
A bill (H. R. 444) granting a pension to Joseph Austin;
A bill (H. R. 470) for the relief of John O. Vallandigham;
A bill (H. R. 1773) granting a pension to Jemima Underwood; and
A bill (H. R. 7132) for the relief of John B. Goodie.

FREDERICK P. DEARTH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7315) granting a pension to Frederick P. Dearth; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN O. GARDNER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7178) granting an increase of pension to John O. Gardner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported adversely the following; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7317) to rerate the pension of Philip Hofeld;
A bill (H. R. 2061) granting a pension to Richard R. Yeargin;
A bill (H. R. 4765) granting a pension to S. J. Grissom; and
A bill (H. R. 6949) for the relief of Samuel Henry.

CHARLES H. BRIGANCE.

Mr. JONES, of Texas, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 5605) to increase the pension of Charles H. Brigance from eight to twenty dollars per month; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN A. VANDERHOFF.

Mr. JONES, of Texas, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7256) granting a pension to John A. Vanderhoff; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PENSIONS FOR TIPPECANOE CAMPAIGN.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 5224) granting pensions to the officers and soldiers of the Tippecanoe campaign of 1811, and to their surviving widows; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

R. G. HUSTON & CO.

Mr. DOWD, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4233) for the relief of R. G. Huston & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MADISON R. CALVERT.

Mr. DOWD, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 4273) for the relief of Madison R. Calvert; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

W. B. WALDRAN.

Mr. DOWD, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 4294) for the relief of James D. Stratton, assignee of W. B. Waldran; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

E. P. THOMPSON.

Mr. DOWD, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 410) for the relief of E. P. Thompson; which was referred to the Commmittee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY A. LEWIS.

Mr. ELLWOOD, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 690) for the relief of Mary A. Lewis, widow of Joseph N. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANCIS I. WHEELER.

Mr. ELLWOOD, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 5945) for the relief of Francis I. Wheeler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANK GALT.

Mr. SPOONER, from the Committee on Accounts, reported adversely the joint resolution (H. Res. 155) for the relief of Frank Galt, a notary public of the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The list of committees was concluded.

The SPEAKER. If there be no objection, the Chair will recognize gentlemen to submit reports who were not in their seats when their committees were called.

There was no objection.

EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. HOPKINS, from the Committee on Labor, reported back with amendments the bill (H. R. 7091) granting leave of absence to the employés of the Government Printing Office and pay when actually sick; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FORFEITURE OF ALABAMA LAND GRANT.

Mr. OATES, from the Committee on the Public Lands, reported adversely the bill (H. R. 179) to declare forfeited certain lands granted to the State of Alabama to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings; which was laid on the table, and the accompanying report ordered to be printed.

R. D. HAY.

Mr. BLACKBURN, from the Committee on Ways and Means, reported back favorably the bill (H. R. 2488) for the relief of R. D. Hay;

which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SUBMARINE CABLES.

Mr. VANCE, from the Committee on Patents, reported back adversely the bill (H. R. 5326) to provide for the extension of letters patent for an improvement in insulating submarine cables; which was laid on the table, and the accompanying report ordered to be printed.

MARY F. POTTS.

Mr. VANCE, from the Committee on Patents, also reported a bill (H. R. 7439) for the relief of Mary F. Potts; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY AGNEL.

On motion of Mr. LOVERING, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 765) for the relief of Emily Agnel; and the same was referred to the Committee on Pensions.

FREDERICK A. REPLOGLE.

Mr. EVERHART, from the Committee on War Claims, reported back adversely the petition of Frederick A. Replogle, of Madison County, Tennessee; which was laid on the table, and the accompanying report ordered to be printed.

REPRINTING OF A REPORT.

On motion of Mr. HEWITT, of New York, by unanimous consent, the report accompanying the bill (H. R. 7366) giving effect to the convention with Mexico was ordered to be reprinted.

LEAVE OF ABSENCE.

Mr. KELLEY, by unanimous consent, obtained leave of absence for the remainder of this session.

ORDER OF BUSINESS.

Mr. BROWNE, of Indiana. If the business of the morning hour is concluded, I move that the House proceed to the consideration of business on the Speaker's table.

Several MEMBERS. Regular order!

Mr. BROWNE, of Indiana. This is the regular order.

The SPEAKER. The Chair thinks that under the rules the motion indicated by the gentleman from Indiana can not be made until after the disposition of the unfinished business. The Chair will cause to be read the rule upon this subject.

The Clerk read as follows from Rule XXIV:

4. After the hour shall have been devoted to reports from committees, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table, which, the motion prevailing, the Speaker shall dispose of in the following order.

The SPEAKER. The gentleman from Indiana will see that his motion is in order only after the unfinished business has been disposed of.

Mr. BROWNE, of Indiana. I think the Chair is correct in his interpretation of the rule. But I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. May I not antagonize or raise the question of consideration as to the unfinished business?

The SPEAKER. Certainly.

Mr. BROWNE, of Indiana. And may I be permitted to say, Mr. Speaker, that my object in asking the House to go to business on the Speaker's table is that we may take up for consideration the amendments of the Senate to the Mexican war pension bill, which was passed in this House with so great unanimity a short time ago.

Mr. HEWITT, of Alabama. It is a late hour for the gentleman from Indiana to become an advocate for pensioning soldiers of the Mexican war. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Indiana raises the question of consideration respecting the unfinished business.

Mr. ADAMS, of Illinois. I wish to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of Illinois. If the motion of the gentleman from Indiana should prevail and we should go to business on the Speaker's table, will it be for the consideration of the bill which he indicates or for all the business on the Speaker's table?

The SPEAKER. It will be for the consideration of business on the Speaker's table in its regular order. But under the rules bills with Senate amendments have priority in the order in which they stand. The question is, Will the House proceed with the consideration of the unfinished business?

The question was taken; and there were—ayes 82, noes 60.

Mr. BROWNE, of Indiana. Mr. Speaker, I ask the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 83, not voting 106; as follows:

YEAS—135.

Adams, J. J.	Elliott,	Lore,	Spriggs,
Aiken,	Ellis,	McAdoo,	Stewart, Charle
Alexander,	English,	McMillin,	Stockslager,
Arnot,	Ermentrout,	Maybury,	Storm,
Ballentine,	Ferrell,	Miller, J. F.	Sumner, C. A.
Barksdale,	Fiedler,	Mills,	Sumner, D. H.
Beach,	Findlay,	Mitchell,	Talbott,
Belmont,	Foran,	Money,	Taylor, J. M.
Bennett,	Forney,	Morrison,	Thompson,
Blanchard,	Garrison,	Morse,	Throckmorton,
Blount,	Gibson,	Moulton,	Tillman,
Boyle,	Glascock,	Murphy,	Tucker,
Breckinridge,	Greenleaf,	Mutchler,	Tully,
Broadhead,	Halsell,	Neece,	Turner, H. G.
Buchanan,	Hardeman,	Oates,	Turner, Oscar
Burnes,	Hardy,	O'Ferrall,	Van Alstyne,
Cabell,	Harmer,	Patton,	Vance,
Caldwell,	Hatch, W. H.	Pierce,	Van Eaton,
Campbell, Felix	Henley,	Peel,	Wallace,
Candler,	Hewitt, A. S.	Post,	Warner, Richard
Clay,	Hewitt, G. W.	Potter,	Weaver,
Clements,	Holman,	Pryor,	Wellborn,
Cobb,	Hopkins,	Randall,	Weller,
Collins,	Houseman,	Reese,	Wemple,
Cosgrove,	Hurd,	Riggs,	Williams,
Covington,	Jones, B. W.	Robertson,	Willis,
Cox, S. S.	Jones, J. H.	Rogers, J. H.	Wilson, W. L.
Dargan,	Jones, J. K.	Rosecrans,	Winans, E. B.
Davis, L. H.	Jones, J. T.	Scales,	Wise, G. D.
Deuster,	Jordan,	Seney,	Wolford,
Dibrell,	King,	Seymour,	Worthington,
Dorsheimer,	Kleiner,	Shaw,	Yaple,
Dunn,	Lanham,	Shelley,	Young.
Eaton,	Lewis,	Singleton,	

NAYS—83.

Adams, G. E.	Everhart,	Laird,	Rockwell,
Atkinson,	Funston,	Lawrence,	Rowell,
Belford,	Geddes,	Lovering,	Smith,
Bowen,	George,	Lowry,	Spooner,
Brainerd,	Guenther,	Lyman,	Stewart, J. W.
Breitung,	Hammond,	McComas,	Stone,
Brewer, F. B.	Hanback,	Millard,	Strait,
Browne, T. M.	Hart,	Milliken,	Struble,
Brown, W. W.	Hatch, H. H.	Ochiltree,	Townshend,
Brumm,	Henderson, D. B.	Payne,	Valentine,
Cannon,	Henderson, T. J.	Payson,	Wadsworth,
Cassidy,	Hepburn,	Perkins,	Wait,
Chalmers,	Hitt,	Peters,	Wakefield,
Culbertson, W. W.	Holmes,	Poland,	Ward,
Cutcheon,	Horr,	Price,	White, Milo
Davis, G. R.	Houk,	Pusey,	Whiting,
Davis, R. T.	Howey,	Rankin,	Wilson, James
Dingley,	Jeffords,	Ranney,	Winans, John
Dunham,	Johnson,	Ray, G. W.	Woodward,
Ellwood,	Kean,	Reed,	York.
Evans, I. N.	Kellogg,	Rice,	

NOT-VOTING—106.

Anderson,	Curtin,	Keifer,	Ray, Ossian
Bagley,	Davidson,	Kelley,	Reagan,
Barbour,	Dibble,	Ketcham,	Robinson, J. S.
Barr,	Dockery,	Lacey,	Robinson, W. E.
Bayne,	Dowd,	Lamb,	Rogers, W. F.
Bingham,	Duncan,	Le Fevre,	Russell,
Bisbee,	Eldredge,	Libbey,	Ryan,
Blackburn,	Evins, J. H.	Long,	Skinner, C. R.
Bland,	Finerty,	McCoid,	Skinner, T. G.
Boutelle,	Follett,	McCormick,	Slocum,
Brewer, J. H.	Fyan,	Matson,	Smalls,
Buckner,	Goff,	Miller, S. H.	Snyder,
Budd,	Graves,	Morgan,	Springer,
Burleigh,	Green,	Morrill,	Steele,
Calkins,	Hancock,	Muldrow,	Stephenson,
Campbell, J. E.	Haynes,	Muller,	Stevens,
Campbell, J. M.	Hemphill,	Murray,	Taylor, E. B.
Carleton,	Herbert,	Nelson,	Taylor, J. D.
Chace,	Hill,	Nicholls,	Thomas,
Clardy,	Hiscock,	Nutting,	Warner, A. J.
Connolly,	Hoblitzell,	O'Hara,	Washburn,
Converse,	Holton,	O'Neill, Charles	White, J. D.
Cook,	Hooper,	O'Neil, J. J.	Wilkins,
Cox, W. R.	Hunt,	Paige,	Wise, J. S.
Crisp,	Hutchins.	Parker,	Wood.
Culberson, D. B.	James,	Pettibone,	
Cullen,	Kasson,	Phelps,	

So the House decided to consider the unfinished business.

The following were announced as paired on all questions until further notice:

Mr. COX, of North Carolina, with Mr. BAYNE.

Mr. BLACKBURN with Mr. RUSSELL.

Mr. MORRILL with Mr. GRAVES.

The following were announced as paired on all political questions until further notice:

Mr. HISCOCK with Mr. HERBERT.

Mr. TALBOTT with Mr. STEELE.

Mr. SNYDER with Mr. BARR.

Mr. HILL with Mr. HOLTON.

Mr. MORSE with Mr. DAVIS, of Illinois.

Mr. REAGAN with Mr. KELLEY.

Mr. EVINS, of South Carolina, with Mr. LACEY.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. KELLOGG.

Mr. GREEN with Mr. THOMAS.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio.
Mr. ROGERS, of New York, with Mr. HOOPER.
Mr. PAIGE with Mr. BOUTELLE.
Mr. DUNCAN with Mr. SMITH.
Mr. DOCKERY with Mr. BREWER, of New Jersey.
Mr. CONVERSE with Mr. CAMPBELL, of Pennsylvania.
Mr. MATSON with Mr. LIBBEY.
Mr. CLARDY with Mr. JOHN S. WISE.
Mr. NICHOLLS with Mr. CHACE.
Mr. MORGAN with Mr. CULLEN.
Mr. HUTCHINS with Mr. CALKINS.
The following were also announced as paired:
Mr. MULDROW with Mr. GOFF.
Mr. CULBERSON, of Texas, with Mr. BISBEE.
Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.
Mr. WARNER, of Ohio, with Mr. KETCHAM, until June 30.
Mr. LAMB with Mr. LONG, until June 28.
Mr. CAMPBELL, of Ohio, with Mr. PETTIBONE, until June 27.
Mr. SKINNER, of North Carolina, with Mr. PERKINS, until June 27.
Mr. WILKINS with Mr. KASSON, until June 27.
The following were announced as paired on this vote:
Mr. HAMMOND with Mr. JAMES.
Mr. BAGLEY with Mr. RAY, of New Hampshire.
Mr. SKINNER, of North Carolina, with Mr. ANDERSON.
Mr. CRISP with Mr. NELSON. Mr. CRISP would vote "ay," and Mr. NELSON "no."

Mr. JONES, of Alabama. I am paired with Mr. BURLEIGH on all questions except this land grant, and therefore I have voted.

On motion of Mr. BROWNE, of Indiana, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

BACKBONE RAILROAD LAND GRANT.

The SPEAKER *pro tempore* (Mr. COX, of New York, in the chair). The House resumes the consideration of the unfinished business, the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. LEWIS. I yield to the gentleman from California to submit a privileged report.

CHEROKEE RESERVATION, ARKANSAS.

Mr. HENLEY, from the Committee on the Public Lands, reported back favorably the bill (H. R. 1781) to provide for the disposal of the Cherokee reservation in the State of Arkansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BACKBONE RAILROAD LAND GRANT.

The SPEAKER *pro tempore*. The House resumes the consideration of the unfinished business, and the gentleman from Alabama [Mr. OATES] is entitled to the floor.

Mr. OATES. Mr. Speaker, the ground upon which the majority of the committee rely for the forfeiture of the land grant under consideration may be stated in the first place as a failure to construct the road on the line and to the point required by the granting act and the charter; secondly, as a failure to perfect the transfer of the grant by the grantee to the claimant company; and thirdly, that no road was constructed within the five years' limit expressed in the proviso to the grant.

At the conclusion of my remarks yesterday evening, when I gave way to a motion to adjourn, I stated that subsequently, December 11, 1872, in order to enable the Backbone company to avail itself of this grant, the Legislature of Louisiana amended the charter and authorized it to construct a road from Baton Rouge by the way of Alexandria to Shreveport; not to the eastern terminus of the Texas Pacific Railroad, but to Shreveport.

That proposition was questioned by the gentlemen from Louisiana [Mr. LEWIS]. I will read from page 1 of the majority report:

The State Legislature, act approved December 11, 1872, said:

> Full power and authority to commence the construction of their road in the city of New Orleans or Shreveport, or at any intermediate point on the line of their road, as may best suit the convenience of said company and facilitate the construction of a continuous line from the city of New Orleans to the city of Shreveport, or perfect railroad communication with the Texas Pacific Railroad or any other railroad in Northwestern Louisiana at or near the State line: *Provided, however*, That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge, on the east of the Mississippi River, to the corporate limits of the said city of Baton Rouge or adjacent thereto.

In all the legislation had by the State of Louisiana up to this point one of the objects was to have the road constructed upon the east side of the river. The grand object desired or sought, however, to be gathered from its legislation was the connection of New Orleans and the Lower Mississippi with the Texas Pacific railway system.

Let me remark, however, before leaving this point, that on the 2d of May, 1872, the Congress of the United States passed a supplemental act to the Texas Pacific grant, under the fifth section of which that company was required to construct its road or to control a road from Marshall, Tex., to Shreveport, La.; and in order to state the question here presented in a concise form I will read from the report of the Judiciary Committee, drawn by its chairman, always concise and to the point.

But before doing so let me say that the act of May 2, 1872, which in fact made Shreveport the eastern terminus, required it to allow connections to be made by any and all other railroad companies eastward. The Legislature of Louisiana at the following session, December 11, 1872, amended the charter of the Backbone company so as to give it the right of building its road to Shreveport, thereby recognizing Shreveport in this act of May 2 as in fact the eastern terminus of the Texas Pacific system, and not Marshall, as contended for by the majority of the Committee on Public Lands.

Mr. COBB. If the gentleman will pardon me, I understand him to be speaking of the legislative enactment of the State of Louisiana. Now, does the gentleman insist that the Legislature of that State could change the law of Congress with regard to fixing the terminus of this road which is subject to this grant? I want to understand the gentleman.

Mr. OATES. The gentleman will have an opportunity of replying to me, and if he will listen for the few moments that I have I will explain exactly what I mean.

Mr. LEWIS. Does not the very act you allude to make an express provision to that end?

Mr. OATES. As I have said, gentlemen will have the right to reply and can answer my points. But I will state to the gentleman that I am now speaking of the purposes of the Legislature in granting the charter, and that the Legislature recognized Shreveport as the eastern terminus of the Texas Pacific system.

Mr. COBB. But does the legislative enactment control the act of Congress?

Mr. LEWIS. Evidently the gentleman thinks so.

Mr. OATES. I must decline to be interrupted. Gentlemen, as I have said, will have ample time to reply.

Then February 13, 1873, the second and final map of location was filed and the withdrawal of the lands made. In June, 1875, the New Orleans Pacific Railroad Company obtained its charter. February 19, 1876, but a few days before the expiration of the five years' limit in the proviso to the granting act, the Legislature of Louisiana amended the charter, and authorized the New Orleans Pacific company to build from New Orleans to Shreveport and Marshall or whatever point was necessary to form a connection with the Texas Pacific system. Thereby gentlemen will see the object of the Legislature of Louisiana was identical in this respect with the legislation of Congress in regard to the Backbone company. The object was to obtain a connection between the city of New Orleans and the lower Mississippi with the Texas Pacific railway system. This is not denied by the majority of the committee, who on page 3 of their report say:

> The line projected by this company corresponded with and ran in the same general direction as the route indicated by the New Orleans, Baton Rouge and Vicksburg Railway Company, on file in the General Land Office, except that the route of the latter from New Orleans to Baton Rouge was on the east, while that of the former lay on the west, side of the Mississippi River.

But there was the difficulty again encountered; here was the grant to the Backbone company; the five years' limit had about expired. That company had done nothing except to file its map of location. It was not constructed; no part of the road had been built. It was by its inaction defeating and disappointing the object and purpose of the State of Louisiana and of the United States, for the desire of each, as expressed in their legislation, was to favor this important connection. Therefore, as the Backbone grant was in the way of the New Orleans Pacific and would not or could not proceed, on April 30, 1877, the Legislature of the State attempted to repeal the charter, and passed an act for that purpose; but still, owing to the nature and character of the grant and the unconstitutionality of the act, the New Orleans Pacific Company was not forwarded in its enterprise thereby.

In June following a case, perhaps an agreed case, which is characterized by the majority as a piece of judicial ledgerdemain, was presented in the United States circuit court at New Orleans and by that court decided that this repealing act was void.

This decision is characterized in the majority report as a piece of judicial ledgerdemain, but any gentleman it seems to me who will examine this legislation will see that the State of Louisiana and the New Orleans Pacific Railroad Company were in accord; and that case was made for the purpose of determining the worth of the repealing act, if it had any. The judge properly decided that it was void. Although that decision, it is said, is not binding on the State of Louisiana because it was not a party to the suit, every lawyer knows or ought to know that the act was a nullity for the reason that in the charter it was stipulated that the said company—

> Shall possess and enjoy the rights and franchises granted to said company by the State of Louisana in this act and heretofore; and such grants and the engagements herein made and entered into on the part of the State of Louisiana shall be deemed to be, and shall be, binding contracts between the State of Louisiana and the said company, not to be impaired, disturbed, or modified by subsequent legislation, except with the consent and on the petition of said company.

Now, article 447 of the Code of Louisiana, in existence when this charter was granted, reads:

> A corporation legally established may be dissolved—
> First. By an act of the Legislature, if they deem it necessary or convenient to

the public interest, provided that when the act of incorporation imports a contract, on the faith of which individuals have advanced money or engaged their property, it can not be repealed without providing for the reimbursement of the advances made or making full indemnity to such individuals.

Second. By the forfeiture of their charter, when the corporation abuses its privileges or refuses to accomplish the conditions on which such privileges were granted, in which case the corporation becomes extinct by the effect of the violation of the condition of the act of incorporation.

It is not claimed that on the second ground this corporation had forfeited its charter and had become extinct; but the repealing act is on the first ground. The Legislature passed a repealing act, when the record before the House abounds with evidence that this company had issued its bonds and sold them and had contracted debts and liabilities. Therefore it was not competent to repeal its charter without its consent, and this consent was not had; no petition was put in for this repealing act. Therefore it was not competent for the Legislature to repeal its charter without providing indemnity for its creditors, and the repealing act was a mere nullity.

What next? There was the grant still in the way. It is admitted, and therefore it is unnecessary to be argued, that the grant was of an estate upon condition subsequent. It is the undoubted law from Blackstone all the way through all the authorities to the present time that in this character of estate when the condition is not performed the estate does not become *ipso facto* void or revert. It is within the discretion of the grantor to permit the estate to continue vested or by a re-entry or acts equivalent thereto to terminate it. In the absence of such action on the part of the grantor, whether an individual or the Government or a corporation, the estate remains in the grantee. No one else can disturb it. The grant then stood thus in this case.

A sharp criticism is made in the report of the committee upon the conduct of the president of the New Orleans Pacific Company because he came before Congress after this act had been declared void and undertook to get this grant to the Backbone company declared forfeited and conferred upon his company. This action of his was in accord with the will of the State, because the State had done everything it could to get this Backbone company or its grant out of the way to permit the New Orleans Pacific Company to build the road and facilitate it in doing so. He came here and protracted his efforts. He urged that it was a defunct corporation—on the faith manifestly of this repealing act. But Congress declined to forfeit it. Bills were introduced. They were referred to committees. Strenuous efforts were made by Wheelock, the president of this company, to have this grant forfeited. It is cited as an evidence why it ought to be forfeited now because he said if this grant was out of the way his company was able and willing to construct the road without Government aid. But that is no ground for forfeiture. That is manifestly the result of his enthusiasm for a forfeiture in order to get the land grant out of the way or conferred upon his company—at least to get it removed.

When we look at the granting act we find that the purpose of the Government of the United States in making the grant was to have connection between the eastern terminus of the Texas Pacific system and New Orleans. That was the purpose of the Government, and the only requirements were that the road should be constructed to touch Baton Rouge and Alexandria and reach connection with the eastern terminus of the Texas Pacific and be completed within five years. The object of the State was the same, and the right of the company from Baton Rouge westward to Shreveport to build the road and the right of way were conferred by the Government of the United States in advance of any action by the Legislature of Louisiana.

The road has been constructed, and was completed in October, 1883, and is within the withdrawal limits of the grant. This is sufficient to entitle the company to the lands unless the failure to build the road within the five years will defeat their claim. (Van Wyck *vs.* Knevals, 106 United States Reports.)

After the failure upon the part of Colonel Wheelock, president of the company, to obtain a forfeiture of this grant, he then resorted to negotiation and purchase, and finally succeeded. There is in the report a criticism upon the mode of the purchase, and it is denied that any title passed by the purchase, on the ground that it was fraudulent and that there was no transfer made of this grant. It is admitted that it was transferable or assignable. That is not questioned. The record discloses that there was a meeting of the president and the directors, or a quorum of them, and they passed a resolution to make a transfer of the land grant of the Backbone company to the New Orleans Pacific. Subsequently the New Orleans Pacific Company accepted the transfer, the deed having been made by the authorities of the Backbone company on January 5, 1881. There was also a meeting of the stockholders of the Backbone company subsequently called for the purpose of ratification. They met and ratified the transfer.

Mr. LEWIS. State how they did it.

Mr. OATES. You state in your report that a majority of the stockholders were represented by Wheelock, the president of the New Orleans and Pacific Railroad Company, as their proxy.

Mr. LEWIS. I stated that he represented stockholders, not that he represented a majority of the stockholders.

Mr. OATES. It makes no difference in law whether this transfer was made for the purpose of defrauding or not; it is legal on its face. Although the consideration recited in the deed is but one dollar, that makes no difference. The New Orleans Pacific Railroad Company took the grant *cum oncre*, subject to forfeiture, subject to the claims of creditors. So far as the Government is concerned that transfer, whether it was made in good faith or with a fraudulent purpose, is *res inter alios acta*.

Mr. LEWIS. May I ask a question?

Mr. OATES. No, sir; I have not time. If the transfer was made for a fraudulent purpose who had a right to complain? The creditors of the company, the stockholders of the company; no one else.

If this assignment was improperly made, made for a fraudulent purpose, the courts were open to the stockholders and to the creditors to interfere and interpose for the adjustment of their rights. It matters not to this Government whether this grant was thus transferred or not, the object, the grand purpose of the Government in making the grant has been completely effectuated; to wit, a road has been constructed touching all the points mentioned in the granting act. The road was thus constructed, completed, and trains running on it from New Orleans connecting with the Texas Pacific Railroad for something like a year and a half before the present bill was introduced to declare a forfeiture of the grant.

Mr. LEWIS. A bill was filed to forfeit this grant long before that, in 1878 or 1879.

Mr. OATES. Bills were introduced for a forfeiture prior to that time, it is true. Bills were introduced into the Forty-seventh Congress, mark you, before the completion of the road. What was the result? The bill or the resolution was referred to the Committee on the Judiciary, which then had jurisdiction of the forfeiture of land grants. The House thereby had cognizance of the matter. After a full investigation, to the satisfaction of my learned friend from Illinois [Mr. PAYSON], who was perfectly familiar with this whole subject, and who had, prior to that time, filed his objection in the General Land Office against the issuance of patents, that gentleman became satisfied that there was no just ground for forfeiture, and wrote a letter to the Secretary of the Interior so informing him.

Mr. LEWIS. Did he have any authority to withdraw the resolution?

Mr. OATES. He had to get permission of the committee to do it.

Mr. LEWIS. The resolution was offered in the House and referred to the committee.

Mr. OATES. A resolution in the same Congress was introduced in the Senate and referred to the proper committee of that body and by that committee considered and reported back, and its action declaring against this forfeiture was confirmed by the Senate.

Mr. LEWIS. My friend is mistaken.

Mr. OATES. No; I am not.

Mr. LEWIS. The Senate never took any action on that.

Mr. OATES. I will send it up to be read.

Mr. LEWIS. I know what the report is, but I do not think the Senate ever took any action upon it.

Mr. OATES. I will not have it read now, but will print it as a part of my remarks. The whole question is embodied in that report, which was concurred in by the Senate, and which is as follows:

[Senate Report No. 711, Forty-seventh Congress, first session.]

IN THE SENATE OF THE UNITED STATES.

JUNE 7, 1882.—Ordered to be printed.

Mr. JONAS, from the Committee on Railroads, submitted the following report:

The Committee on Railroads, to whom the subject was referred, submit the following report:

A petition has been referred to the Committee on Railroads of certain citizens of Louisiana, asking for the forfeiture of the land grant made to the New Orleans, Vicksburg, and Baton Rouge Railroad Company by the ninth section of the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, on the ground that the company to whom the grant was made has failed to build the road within the time prescribed by the act.

The grant was made to the New Orleans, Baton Rouge, and Vicksburg Railroad Company, its successors and assigns. That company was incorporated by an act of the Legislature of Louisiana, approved December 30, 1869. The object of Congress in making the grant was to aid in the construction of the proposed road, via Baton Rouge, Alexandria, and Shreveport, to connect with the eastern terminus of the Texas Pacific Railroad, and thus connect that road with the Mississippi River and the Gulf of Mexico.

The committee find that this connecting road, on almost the same line, and between the same points (if not built by the original grantees), has been built by the New Orleans Pacific Railway Company, which was organized under a charter confirmed by an act of the legislature of Louisiana, approved February 19, 1876. This road is now completed and running between New Orleans and the eastern terminus of the Texas Pacific Railroad, at or near Marshall, Tex., its route being via Baton Rouge, Alexander, and Shreveport.

The New Orleans, Baton Rouge and Vicksburg Railroad Company (which still has corporate existence), by deed dated the 5th day of January, 1881, granted and transferred to the New Orleans Pacific Railway Company all its right, title, and interest in and to the lands granted to it by the before-mentioned act of Congress incorporating the Texas Pacific Railroad Company. This transfer was approved, ratified, and confirmed at a meeting of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company by a vote of two-thirds of its entire capital stock. The transfer was formally accepted by the board of directors of the New Orleans Pacific Railway Company.

The deed of transfer, a certified copy of the resolution of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company ratifying the transfer, and a certified copy of the resolution of the board of directors of the New Orleans Pacific Railway Company accepting the transfer, have been filed in the Department of the Interior.

A commissioner to inspect a portion of the railroad built by the New Orleans Pacific Railway Company was, upon the application of that company, appointed by the President of the United States, and the report of the said commissioner,

approving the construction of the portion of the railroad inspected by him, was duly filed in the Department of the Interior.

Application is now made for the issuance of patents to the New Orleans Pacific Railway Company for the lands granted by Congress to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and by the last-named company assigned to the New Orleans Pacific Railway Company, as heretofore stated.

The grant was originally made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, for the purposes above stated.

The road has been built by the assignee of the grantee, and the objects of the grant have been fully attained.

No forfeiture of the grant was made before the completion of the road on the grounds alleged, and we think it would be unjust and inequitable to make such forfeiture now when the work has been completed by the assignee company, which has built the road in good faith and in full expectation of receiving the benefit of the grant, which remained unforfeited and assignable in the control of their grantor.

Your committee think no consideration of public policy requires the forfeiture of the grant, and they recommend that the committee be discharged from further consideration of the memorial.

This brings me to the consideration of the third point. It is declared by the majority of the committee, and I may say, for the record discloses it, that the Committee on Public Lands are about as equally divided on this question as you can divide eleven men, six declaring for the forfeiture and five against—it is declared by the majority of the committee that this grant ought to be forfeited because no road was constructed within the five years' limit.

Now, I maintain that while it was within the power of the Government to declare a forfeiture at any time after the expiration of the five years, Congress having failed to do it until after the road was completed, that is a waiver of the right to declare a forfeiture, and it would be most inequitable for us to do so now. With reference to the transfer, let me remark, in passing, that recognition was had from the executive department, as summarized in that portion of the report of the Committee on the Judiciary to which I referred awhile ago and which I will now read:

The New Orleans Pacific Railroad Company, after obtaining said deed from the Backbone company, applied to the General Land Office and Interior Department for information as to the recognition of the validity of the transfer of land to it on the part of the authorities of the United States. The events which led to this may be noted in order.

February 3, 1881.—Resolution of the New Orleans Pacific Railroad Company authorizing its president to accept the grant. On the 17th of February a letter of Comissioner Williamson to Mr. Barnum, president of the Backbone company, which closes as follows (S. Ex. Doc. 31, pp. 23, 24):

"There can be no doubt that when the president of the New Orleans Pacific Railway Company accepts said transfer, the company will be fully vested with all the right, title, and interest which the New Orleans, Baton Rouge and Vicksburg Railroad Company has in and to said grant."

On the 19th of February, 1881, the New Orleans Pacific Company accepted the grant, and on the 21st of February Commissioner Williamson wrote to Mr. Barnum, president of the Backbone company, in these words:

"The transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interests in and to said grant to the said New Orleans Pacific Railway Company is now complete." (S. Ex. Doc. 31, pp. 24, 25.)

These events in their order show that before its acceptance of the grant of lands the New Orleans Pacific Company was careful to be satisfied that their title would be effectual, and for the reason, which fully appears from the affidavits of G. M. Dodge and E. G. Wheelock, that they did not intend to undertake to build the road along the general line of the Backbone company without the Congressional land grant to that company as a basis of credit upon which to proceed securely.

Much contention seems to have arisen over this whole matter, as appears in Executive Document 31, which ended in the opinion of Attorney-General Brewster dated, June 13, 1882, upon the validity of the assignment. (See pp. 52-55.) That opinion held that the Congressional grant to the Backbone company was legally assigned to the New Orleans Pacific Company, and was a grant *in præsenti*.

I maintain that the building of the road by the New Orleans Pacific Company makes the question stand precisely in the attitude as though the road had been built by the original grantee, the Backbone company, with this exception: that after the transfer to the New Orleans Pacific Company they constructed the whole line of road in less than two years; there was no delay about it. The company was induced to build the road by the recognition of the officers of the Land Department, by assurances from the executive department of the Government that the transfer of the grant was complete, and by a letter from the delegation in Congress from Louisiana giving assurance that they would do all they could to secure the land grant to the New Orleans Pacific Company.

General Dodge swears that by reason of the land grant this company was induced to undertake the construction of this road; that without the land grant they would not have undertaken it, would not have expended the money necessary to have constructed it.

Now, touching the question of the right of forfeiture, it is a well-settled principle of law that any person interested in the estate may perform the condition, and the performance of the condition after the expiration of the time named dispenses with or discharges the condition if influenced or accepted by the grantor, or if with full knowledge he remains silent or forbearant and sees the condition performed without objection; in either event equity and good conscience alike declare that the right of forfeiture is thereby waived.

Now, in the limited time which I have, it is quite out of the question for me to read *in extenso* the authorities I have at hand upon this proposition.

The SPEAKER *pro tempore* (Mr. MORSE). The time of the gentleman from Alabama [Mr. OATES] has expired.

Mr. BLANCHARD. I ask that the gentleman be allowed to proceed.

Mr. OATES. I desire but a few minutes more.

The SPEAKER *pro tempore*. The Chair hears no objection, and the gentleman will proceed.

Mr. OATES. There was full knowledge and recognition by the Government, because this question was brought to its attention in both branches of Congress, and was brought to the attention also of the Executive Departments; this, too, before the completion of the road, while the condition was in fact being performed, and yet Congress refused to forfeit this grant.

Mr. LEWIS. Refused?

Mr. OATES. It has not done so.

Mr. LEWIS. It has not had a chance to vote on the question; that is the reason.

Mr. OATES. Congress could have declared the forfeiture if it so desired. I wish to read from the head-notes in the case of Ludlow *vs.* The New York and Harlem River Railroad Company (12 Barbour's Reports, page 440):

The defendants obtained from the plaintiff a deed in fee of a strip of land, the fences, &c., and the deed was to cease and be void unless the railroad was completed through the premises granted on or before a certain day therein named. The road was not completed at the time specified, but the plaintiff made no effort to assert his right to the estate, or to do any act equivalent to an entry at the common law until two years after the forfeiture had occurred. During that time he saw the defendants making large expenditures over the premises in question; he gave them notice to make the fences, which they did accordingly about a year before the suit was commenced; he traveled over the road himself, &c.: Held, that no stronger evidence could be exhibited, short of the execution and delivery of a new deed, of a design to waive the forfeiture and confirm the grant than these facts, and that the plaintiff could not, therefore, recover the premises in an action of ejectment.

In 2 Paine's Reports, page 562, in the case of The People of Vermont *vs.* The Society for the Propagation of the Gospel in Foreign Parts, the court said:

But without placing our opinion entirely upon this view of the case (although we think it would be difficult to surmount the objections already stated to the claim set up on the part of the State), the fact set up in the plea and admitted by the demurrer, that the condition has been performed, is an unanswerable objection to the claim of forfeiture.

It is a general rule that any one may perform a condition who has an interest in it or in the land whereto it is annexed; and if a time to perform be appointed, the purchaser may perform. This was the rule laid down in the case of Marks *vs.* Marks, and is recognized by the elementary writers; and when a condition is once performed it is thenceforth entirely gone, and the thing to which it was before annexed becomes absolute and wholly unconditional.

This was a legislative grant, and the condition was performed after the expiration of the time specified.

Mr. LEWIS. Will the gentleman allow me a question?

Mr. OATES. Yes, sir.

Mr. LEWIS. Are not the cases which the gentleman has cited cases of private deeds? And does the gentleman contend that the principles applicable to covenants in private deeds apply to public grants?

Mr. OATES. They do, Mr. Speaker, with this exception: A public grant must be construed more strongly against the grantee than a private grant; in other words, in the case of a legislative grant the act must show that the right claimed is within the grant. Notwithstanding that rule, the common-law rule with reference to the performance of conditions in the case of estates upon condition is not changed at all, but is the same whether the grant be a public legislative one or a private one.

In the case of Marks *vs.* Marks (10 Modern) Lord Chancellor Parker, assisted by the master of the rolls, held that an estate in remainder, upon condition that the remainderman pay a certain sum of money within three months after the death of the first taker, that the condition was performed and the estate became absolute by a payment of the money after the three months had expired.

In Williard *vs.* Alcott (2 N. H.) a grantor of an estate to his son, on condition that the son should maintain the father in a certain manner during his life, which the son failed to do, it was held that the failure of the father, who resided on the premises, to notify the son that he re-entered and took advantage of the breach before suit brought, was a waiver of his right of forfeiture.

In Chalker *vs.* Chalker (1 Conn.) there was a breach of condition in non-payment of an annuity, and the grantor subsequently accepted the money. This was held to be a waiver of the condition subsequent attached to the grant, and that a forfeiture once waived can never afterward be claimed.

In Hume *vs.* Kent (1 Ball and B.) it was held that allowing a tenant to lay out money in repairs of the estate after a breach of condition was a waiver of the right to declare a forfeiture.

In Andrews *vs.* Senter (32 Maine) it was held that any acts by the grantor or vendor inconsistent with his claim of forfeiture are evidence of a waiver of that right.

I could enumerate many more authorities to the same effect. They run all through the books.

Now, there is this difference only between my friend from Illinois and myself in regard to this question: In the minority report it was claimed that the seventeenth section of the act had an effect upon this grant. I now admit, on further investigation, that it has not. Therefore the only difference between us is in the language employed, wherein he claims that the equities in this case are with the company, and that

no forfeiture should be had—evidently meaning what I mean. The difference is in mere form of expression rather than in substance.

I believe that we agree that as between an individual and the New Orleans company the individual as grantor would on the facts have no standing in a court of justice to declare this grant forfeited.

I claim that the condition having been performed, the grantor, with full knowledge, having permitted the condition to be performed, although the time had elapsed, would as between individuals constitute an estoppel against declaring this forfeiture. We may speak of an equity in a legislative sense, meaning nothing more than a declaration of public policy. But when we speak of equities as known and ascertained by rules it is law, as well defined in its enlarged sense. Therefore in this case I maintain that both by law and equity, by the fixed rules which obtain in like cases between individuals, the Government has no right to declare this forfeiture. That this Government is strong enough to do whatsoever it pleases I will not question. But the doctrine that laches are not to be imputed to the Government, that the Government can do no wrong, is a doctrine which belongs only to governments which recognize the divine right of kings as the supreme law.

While this great Government is powerful enough to do whatsoever it pleases by physical force, yet in dealing with its citizens it will treat them and itself as equals before the law in the adjustment of rights. That is what should be done by it in every case and in all of its departments. Therefore apply this principle as between individuals, and it is manifest that it is unlawful for the Government now to declare this forfeiture and take this land from that company which it so promptly earned once it had the opportunity to do it.

No lands are claimed for sixty-eight miles of road from New Orleans to White Castle. The New Orleans Pacific Company bought that, it being a part of Morgan's Louisiana and Texas Railroad, and the Attorney-General very properly decided that the company were not entitled to any lands for that. The grant was made to aid in the construction of a road, not to pay for one already in existence.

The eighteenth section of the Texas Pacific grant, which applies to the case under consideration, is in these words:

SEC. 18. That the President of the United States, upon the completion of the first section of twenty miles, shall appoint one commissioner, whose duty it shall be to examine the various sections of twenty miles as they shall be completed, and report thereon to him in writing; and if from such report he be satisfied that said company has fully completed each section of its road, as in this act provided, he shall direct the Secretary of the Interior to issue patents to said company for the lands it is entitled to under this act as fast as each section of said road is completed.

Under the authority conferred by this law the President appointed Thomas Hassard, a competent man for that business, to inspect the road as constructed. He performed that duty and reported with minute particularity under oath that the road was properly constructed.

On the 13th of March, 1883, the Secretary of the Interior made a report to the President, setting forth a history of the various transactions pertinent to the question to be considered, as appears in Senate Executive Document 31, page 76, and recommended that patents be issued to the company.

Thereupon the President approved the recommendation of the Secretary.

Now here was a decision by the Interior Department and the Chief Executive that the New Orleans Pacific Company was entitled to the lands granted to the Backbone company less the sixty-eight miles of purchased road. Did the Department and the President have authority of law for their action? They unquestionably had. Then the decision made was conclusive and binding.

A universal principle of law is that if an agent act within the scope of his authority his principal is bound thereby. The Government of the United States can act only through its agents, and hence this rule applies to it with full force. (2 Nott and Huntington's Reports.)

In the Floyd case in this volume, where the Secretary of War accepted or certified checks against the Government without authority, his act was held not to be binding. But in Adams's case, in the same volume, the court held that where the general in command of a Western army made an illegal contract for the construction of mortar-boats, and after they were built the Secretary of War without any express authority, but by mere implied authority, it being within the scope of his power, ratified the contract, and thereby gave it force and validity. In Johnson *vs.* Towsley, in 13 Wallace, the Supreme Court of the United States has declared as settled law that where a Department or officer is authorized by law to decide any question and he does so the decision is as conclusive and binding as a judgment of a court of law.

Now, Mr. Speaker, thanking the House for indulging me in time beyond that allotted to me, I will trespass no further.

Mr. CURTIN. Mr. Speaker, no American citizen can be insensible to the great benefits conferred on the trade, commerce, and advancement of all the material interests of this country by railroads. It would have been better for the railroads and those who invest money in them, infinitely better for the people who travel and transport goods over them, if they had been confined to the common and statute law as common carriers only. I can not but believe that the immunities and powers given to our railroad system beyond the rights and powers of common carriers, by water or other means of transportation, would have been infinitely better for them and for the country. But the legislation of this country in the States and by the Congress of the United States in its wisdom has conferred upon railroad companies powers far beyond the purposes for which they may be equally useful to the people and at the same time not oppressive in their exactions.

Mr. Speaker, it was generous, nay it was patriotic, in the States owning vast domains in the West to give to this people lands to which they had a perfect title and which they generously surrendered for the national good. It was an inspiration of American statesmanship that led Jefferson to purchase Louisiana and the vast territories included in the purchase; and in the war with Mexico this great people conquered and gave to the public still more lands. For seventy-five years the lands given to this country were held in sacred trust for the people, to make homes for the homeless and to give lands to the landless. Fifty-three millions of acres, sir, were given to the States for internal communications, for the advancement of trade and commerce, the settlement of the States, and for the purpose of education. Two hundred millions of acres have been voted to railroad corporations. In 1862 the Congress of the United States passed a law known as the homestead law. That, sir, was beneficent and generous legislation. It gave to the overflow of population in the Atlantic States a welcome to a home and a title to land where the American freeman could settle, turn the virgin soil to the light of the sun, and build upon it a home for himself and his family, and in the fullness of time acquire by his residence a fee-simple title. From 1861 until 1874 these unprecedented and munificent gifts were made to railroad corporations. Since 1874, when the change occurred in the majority in this House, not one acre has been given away and not one land grant has been revived or extended. [Applause.]

Corporations are almost a necessity and vast benefits have arisen from such grants and the works accomplished through them, but of immeasureably more value are the lands to the people of this Republic. I repeat, sir, that from 1874 to this time not one acre of land has been given to a corporation and not one grant that has lapsed by reason of the failure on the part of the corporations to comply with its conditions has been revived or extended beyond the time of its limitation. [Applause.] I must not be understood, sir, to intimate for an instant that this great Government should not be held to its contracts, bad as they were in the beginning. "Keep thy covenant," proclaimed upon the plains of Mesopotamia so long since in the dark past, applies to individuals as well as to governments and people, and is a safe rule of conduct for all humanity; and where our Government has made a contract let us fulfill it to the letter, but do not let the gift of this great Government and people be revived into life by management or artifice. There runs through this entire bill the clearest evidence of management by individuals to take a million of acres of land which should have been dedicated to the people as their homes when they acquire title under the homestead law.

This Government can be strong and the Republic maintained in its strength only by the occupancy of land by the holders of small property. History is philosophy teaching by example; and tell me in all the line of history where a government republican in form has existed where a few people owned the land and the masses were serfs or peons or small tenants. All the roads of the Empire lead to Rome is the boast of history. Armies marched from Rome to conquer and pillage foreign countries. They brought to Rome wealth and power, producing centralization and too much of the immorality they found in Asiatic countries. Such was the centralization in that great republic, that at last a few people, rich and powerful, owned all the lands of the country. A distinguished citizen of Rome returning from foreign service found upon the slopes of the Alps, in Tuscany and Lombardy, where the Roman law should have given the soldiers one-fourth of the lands, one-fourth reserved to the state to be sold and the money returned to its treasury, one-half to be given to the Roman freemen for homes. Tiberius Gracchus found in all the provinces on the slopes of the Alps scarcely one Roman freeman who owned an acre of land. Returning to Rome, as the tribune of the people, he introduced a law, and in it was generous to the rich patricians. There were political rings at that time in Rome as there are unfortunately in this country at the present day. The rich and the powerful had their following of henchmen and servitors, and when the law was proposed by Gracchus he made it generous to the patricians, as it provided that they should be paid for the homes by the freemen who had been deprived of them. It was a just, a generous, and a liberal offer. It was just to the patricians; it was equally just to the people; but the rich and the powerful would not accept his generous offer. From the tribune they followed him through the streets of Rome, clubbed and stoned him to death, and threw his body into the Tiber. Then, sir, equality and liberty commenced to decay and darkness fell upon the civilized world; learning fled to the cloisters; in their ignorance rulers could not even sign their names to their decrees. There was anarchy and pillage and wrong and oppression throughout the civilized world.

I say, Mr. Speaker, that history teaches by example. We can look back and gather wisdom from the events of the past, but who will claim power to look forward and anticipate what is in the future? That condition of the Roman republic has not failed to interest friends of

humanity from that time to this. At the beginning of the French revolution, when France was entering upon revolution and the people struggling for the right to be relieved from oppression, when the exactions of tyrannical landlords had robbed them of all their just rights, reduced to poverty and frenzied by oppression the French people rose in their majesty, and in their struggle for their just rights convulsed the commerce and trade and civilization of the world for fifteen years. But in the end the domain was taken from the church and state, and France was divided into small estates by purchase.

There are 10,000,000 of property-owners in France to-day, with a population of 37,000,000. There are less than four and a half millions in this land of liberty, with its population of 55,000,000. At that fearful era in the history of the world, Mirabeau, who was a real friend of humanity, uttered from the tribune in the States-General words of wisdom and eloquence: "Thus," said he, "perished the last of the Gracchi by the hands of the patricians, who, having received the mortal blow, flung a handful of dust toward heaven, attesting the avenging gods, and from this dust rose Marius—Marius less great in having exterminated the Cimbri than in having quelled in Rome the aristocracy of the nobility." There were never words more sublime in sentiment or more beautiful in rhetoric uttered in the classic age. Burke was never grander in the British commons or our own Webster in the Senate. And, sir, mark the conclusion, the beauty of the prophecy and the purity of the philosophy: "Privileges," said Mirabeau, "must have an end—the people is eternal." The wisdom of that prophecy and philosophy is not unprofitable in this discussion.

And now, Mr. Speaker, without proposing to speak of the details of this bill, I must refer to it in general terms, as gentlemen on both sides have given all the data necessary for a proper conclusion. I have, sir, the most profound respect for the chairman of the Committee on the Judiciary, for his learning, his integrity, and his patriotism, and yet I find in this bill, as expounded upon the one side and the other, that this land is to be taken from the people by artifice and not by fair dealing. Old charters are revived, life is given worn-out and forfeited grants, and with apparent attempt by indirection to revive a munificent grant of this Government. There is running through the entire bill evidences of the want of title and covenant, surely things of interest to this people.

It was the intention of the American people to enjoy this rich heritage given to them by the States and held in trust by the Federal Government for so many years. If there be doubt on this subject, the covenant of the Government binds it. Let this question go to the courts, where my learned friend the chairman of the Judiciary Committee can be heard and the legal and just rights of the parties can be fairly adjudged. This is scarcely a question for a popular assembly. This is not the place to decide a question serious as the one under consideration. We perform our duty by maintaining that the grant has lapsed by the failure of the corporations to perform the covenant they made. This question can be settled by the calm deliberations of the courts provided by the Constitution. When the court sits upon the question involving the rights of American freemen I trust, sir, the judges will put on ermine that will be spotless. And if the courts decide that the contract with the companies is of such character and requires this means for its fulfillment, I say the American people will bow in submission to the decision. I repeat, "Keep thy covenant;" but if the court should find that there is management and artifice and indirection in the attempt to acquire title to this land, then decree back to the people of this country the lands that belong to them.

Mr. Speaker, the amount of money invested in railroad corporations in the United States is upward of $7,000,000,000, and that does not include the land granted by Congress. In contrast to that the taxable property in the United States is something more than $17,000,000,000, not including the property free from taxation by this Government and many of the States. Of the 200,000 miles of railroad in the world we have 120,000 in the United States; we are gridironed with railroads. Who is insensible to the fact that they have advanced the national power and consequence and contributed to the ease and comfort and happiness of our people, united jarring interests, afforded facilities for the interchange of commodities, promoted trade and commerce and the social intercourse of our people? If the railroad system of the United States prior to 1860 had extended their lines to the South, instead of to the West, on the isothermal lines, I doubt if we would ever have had that terrible and unhappy war in which so many of our people perished and which left so large a part of our rich country in poverty.

It is fortunate for this country that the vast amount of capital invested in railroads and the enormous wealth of the few men who own most of the capital stock can not combine together and make common cause in the government of this country. The citizens who control the railroads of this country are generally enlightened men. They know too well the value of this Government in the protection of their interests to attempt such a thing. If they should combine, they could control this Government and mold its destinies for the future. They could say who should sit in this Chamber and in the august body at the other end of the Capitol, and what citizen should occupy the palatial residence at the other end of the Avenue, and who should be upon the benches of the courts; and, if united, with their vast power they could say who should compose the court of last resort of the American citizen, a court that has power to interpret laws, a tribunal that in power and influence is to the individual American citizen next to his God.

Who would be the keeper of an insane asylum if the inmates could combine; who would undertake the task? But, sir, they can not combine because reason is dethroned and the inmates madmen; nor can the railroad companies combine to dominate this country by their wealth, the number of people connected with them, or their power. Ambition, rivalry stands in the way of their combination, and as yet there is a degree of patriotism which to an extent controls those in the management of the railroads and the vast capital invested in them. But, sir, it might come in the future; and while it is scarcely proper to expect such a calamity, there is a time when it is fair to object to a combination such as is presented in this bill, enriching railroads with lands which should be taken back and given to actual settlers under the beneficent legislation of our country, to soldiers who so gallantly served it in its great peril. Why, Mr. Speaker, the 200,000,000 acres given to corporations would make seven States like Pennsylvania, and the gift of this vast domain to railroads can scarcely be said to make your country strong. I read in a newspaper that a syndicate of a railroad corporation had in the West 10,000 acres of wheat. I presume that two hundred men could put the seed in the ground and reap and garner it with the modern machinery used in husbandry. Ten or fifteen men could watch and care for this great farm during the winter; but what becomes of those not so employed? Where do they go? Their homes are not there nor can they settle upon lands. Thrown out of employment, they must become what are known in this country as "tramps," and the man who would work for a living if he could get employment is remitted to the highway and to want. Under the ragged clothes of a man called a tramp there may beat a heart as faithful to the Government as yours, and no man with proper feeling will refuse a crust of bread to hungry humanity thrown out of work and cast upon cold charity, even though he be called by the opprobrious name of tramp.

A minister of the United States accredited to one of the great powers abroad, after the war, was summoned into the presence of the oldest if not the ablest statesman and diplomate in Europe, who addressed him as follows: "Your country presents an anomaly to the world. The Crimean war closed in 1856. We are still at a depreciation of 33 per cent. on our securities. You have had an exhaustive war. Nearly 700,000 people engaged in productive industrial pursuits perished, and a large part of your country was left in desolation and poverty. The debt of your Government and States exceeds $10,000,000,000, not counting the debts of your smaller municipalities. Your national debt exceeds three billions and a half. You have commenced to pay your debt; tell me, is that a real payment from the income of your Government, or is it to give you credit in the money markets of Europe?"

The minister said, "Sir, how much land do you own?" The statesman stated the extent of his vast domain. The minister named over other members of the nobility of the empire and the extent of their lands was given to him, making an aggregate like that given in this country to associated classes. States could have been carved out of such possessions as large as many of the States of the American Union. The minister said: "You manage your lands through agents and your people work reluctantly and merely to live. From these lands you get what enables you to live here in luxury. Now, sir, in my country you start from Baltimore, from Philadelphia, from New York, or from Boston, and you may travel by five lines of railroad for 1,500 miles or more. You pass through States and towns and villages where an industrious people produce what is wanted in the country. On your right and on your left you find comfortable farms with all the appointments and appliances of civilization and thrift and progress. You find the church and the school-house, comfort and happiness, and nineteen-twentieths and more of the men living upon the farms own them. That makes my country strong and powerful, makes it able to pay the public indebtedness, to maintain individual happiness and prosperity, and perpetuate the liberty of the Republic, and so long as we have credit at home it is immaterial to us whether or not we have credit abroad."

I have said when the land was given to this Government by the States or acquired by purchase or conquest it was intended to make homes for the overflow of the population of the Atlantic States, but the beneficent legislation that gave to the settler after five years' occupation, during which time he had farmed the land and built his home on it, the fee-simple title was defeated to a large extent by these vast grants to corporations. I know full well how much the railroads have done for this country; everybody knows that; and yet railroads would have come in the progress of the American people. There is no enterprise which leads to profit and comfort, there is nothing which will invite capital and money that can not be performed by the American people when inducements are offered to them. So far as I am concerned, whether I maintain my place upon this floor for a single day or for a term, I will never vote to incorporate a company for any purpose by national legislation, nor will I ever vote to make a grant to a combination or any class of people; for of all things in this country that we should have a fear of, is centralization of power—centralization here at Washington of

power taken from the States; a departure from the purposes of the apostles of liberty and freedom who framed our Constitution; a departure from the equality which can only come from a republican form of government, until all power seems to be centering here, as all power did at Rome until it broke that republic.

Why, Mr. Speaker, what makes Ireland so poor to-day? The poor Irishman living in his cabin does not own it or the ground it stands on. You make a government strong when members own a part of the soil, however little, and the roofs that cover their families. The large landed estates of Ireland have taken from the people of that unhappy country their spirit. They are oppressed by absenteeism and fruits of their labor gathered by others who live in luxury; and that gallant people, with their poets and orators and statesmen, whose soldiers have fought in every battle in which the British arms have triumphed and whose blood has stained the soil of every battlefield of American freedom—Lexington and New Orleans and Buena Vista and Fredericksburg attest this—have been dispersed throughout the earth. Is it a wonder this brave people are restless under oppression? Their 9,000,000 population has come down to less than 5,000,000, and it is a historical fact that in the great famine of 1846–'47 2,000,000 people perished by starvation, and yet landlords exported grain from that country at that time.

I can not but think it will be better for this country to be in the hands of small land-owners, especially when as at present power is so centralized in this Federal city, and when the jurisdiction of the courts of the National Government has been so extended that the people scarcely find a settlement of their rights of property and person in the State courts. Why, sir, I can remember when the American citizen no more felt the power of the Federal courts than the air he breathed. When money is centralized in the hands of a few, when a few men dominate and control the business of the country, I tremble, sir, for its liberties, and wonder if monopolists shall be allowed to shape its future. Twenty-five million acres of land were recently purchased by foreign people in one body, it is said by some reports by fraud. I learned last September in California that an English and Scotch company had purchased a vast tract of the red-timber land of that State likely to become of great value and not too much of it to monopolize. I know full well, Mr. Speaker, that if you divide the property of this country it could not remain divided. Every one who has a sense of justice in his soul would look with horror upon the division of property as an act of communism and socialism. To divide would place the idle and the vicious on a level with the intelligent and the industrious. From the former it would soon pass away and the balance would be restored. In addition, the absence of all laws of primogeniture is the surest protection against the accumulation of vast landed estates. To expect that every man should have a home of his own and a part of the land would be Utopian. It would be a dream, and such dreams would be dissipated by the waking senses which come to us in teaching the actual and not the ideal.

But there is a measure of conservatism which should protect the industrious pursuits of the masses of the world. Lands having been given to corporations, if they have not fulfilled their contracts it is the highest duty of this Congress to forfeit their contracts and take the lands back and fulfill their pledges with the people made long before the legislation which gave them these vast properties. The citizens of the United States should have these lands for homes, and the Government should regard these as sacred trusts.

Mr. Speaker, I view the future of this country with hope, and I have never believed the corporations could control its destinies. As I have said, they can not combine to control it; but no one can be insensible to the vast power in the hands of a privileged class and of the influence they have in the legislation of Congress and of the States. It is an unfortunate fact that men are willing to do as a corporation what they would scorn to do as individuals, and they too often forget in the parlor of a corporation the code of morality that governs them as individuals.

At the beginning of the French revolution in 1790 there were issued nine thousand million of assignats, founded upon the public domain, from which it may be estimated how much of that country was held by the governing classes.

The issue of the assignats was a financial experiment and failed. Then came the revolution, and from it the restoration of the land of the country from the state and church to the people by purchase, and from that time France has been divided into small properties. But two nations in the world could have paid the exactions which were made on France at the end of the war with Germany. France is one; the United States is the other. England could not have paid it. England is owned by a small portion of her people. I have a sincere belief that France will remain a republic, and chiefly from the number of small proprietors.

Our Government made these vast concessions, and has also covenants with the people, as it held these lands in trust for their use and benefit. A code of morality that applies to individuals which can not be applied equally to the Government is a fraud and a delusion. But, sir, the Government should be held strictly to the letter of the law, and the people will sustain any such legislation, but beyond that not one step. No part of the lands granted that have been forfeited by the failure to perform the covenants on the part of the companies should remain in their hands one day. And it must be considered as the settled policy of this Government that no more of the public domain will be given to corporations.

My time is nearly exhausted, Mr. Speaker, and perhaps there is little more to say on this question. It can not fail to be noticed with great satisfaction that at a recent national convention there was a declaration made against the importation of foreign laborers by corporations. How wonderfully elastic political opinion is in this country! Its views are as variable and changing as the colors of the kaleidoscope. Why, here in this book upon my desk is a statute passed in 1864, under which foreign labor could be imported, and which expressly provided that the imported man could be mortgaged and held in bondage for a year, and if he built a house his house and land could be sold by summary process on the contract made with him. At that time the war was raging. To give more accommodation and encouragement to these people it was declared that they should not be subject to military duty. That statute bears date the 4th of July. It is rather remarkable that the birthday of freedom and liberty and equality should be selected on which to sign such a law. That law was afterward repealed, and did not long disgrace our statute-book.

And now, sir, waking after a long period of inexcusable indifference, the convention at Chicago has declared against any such legislation—in fact for the enactment of such legislation as is necessary to prevent it.

During the last Congress the passage of the Chinese bill was steadily resisted upon this floor. The bill first passed was sent back with a veto by the President, and it is a notorious fact that every voice raised on this floor and every vote cast against the bill of this session to make that law effectual was by Republican members, whose convention declares for the policy they have opposed. And who, sir, knows what will be the fate of that bill in the august Chamber at the other end of the Capitol, controlled as it is by the political friends of the gentlemen on the other side?

It was my good fortune to be here when the first Chinese bill was passed; and it was my privilege to raise my voice and cast my vote for it. Doubtless the convention soon to meet at Chicago will speak with no uncertain sound on this important question. Too many have already been imported, too many are here now; they interfere with the labor of the American citizen.

Mr. Speaker, what becomes of your tariff and revenue laws? They are questions that can be settled in the future. If they are not correct they can be corrected, and the wisdom is here to do it. They are questions that can be settled in accordance with the constant change of industrial conditions and require legislation adapted to these conditions. There is no man of sufficient wisdom to anticipate what the economical and financial necessities of this great people will require. Congress is here to attend to that; to legislate for their interests and their wants. But the question of giving away the lands, the inheritance of the people, can not be decided by the platform of a national convention. We have the right in this country now, or if not now in the near future, to say who shall come to this country and who shall not come, and we will not permit corporate wealth and power, either foreign or domestic, to control this country and dominate its destinies by the importation of such labor as has been imported within the last two or three years. In the district I have the honor to represent large numbers of Italians, Hungarians, and Bulgarians have been imported. They do not assimilate with our people, and never can any more than the Chinese. They interfere with our own citizens who labor, native and naturalized, and take from them their legitimate employment.

There is no question that should appeal more strongly to the statesman, philanthropist, and patriot than the condition of the laborers of this country. The wonderful skill and ingenuity of the American people has wrought such marvelous improvement in labor-saving machinery that it in large measure does the work of man until the hand of the skilled mechanic is rarely found, and there is an overproduction, and there can scarcely be said to be employment for the labor of this country; if not now, that time can be anticipated in the near future. Now, if there is any power for us to legislate so as to protect American labor it is a duty we owe to the people to do so. And we can do it on this question, for I can not but believe that if the public lands had been reserved for the purpose for which they were intended and that the crowded population of the East could go West and find homes there, great good would be done. We are growing in population; and the lands now illegally held by corporations under grants that have been forfeited or being acquired in vast tracts by foreign capitalists would afford in the future homes for millions of American freemen. Let us return, then, to the original condition of things before that terrible war separated us, making the South poor and blistering the morality of the North; let us return to the principles of the founders of this Government; let us accept the Constitution and laws and live up to them; let us keep our covenant and require the fulfillment of the covenant with us; let us be faithful to our trust; and above all things let liberty and justice, equality, concord, and fraternity prevail. [Applause.]

Mr. COBB. The debate upon this bill has already extended to considerable length, and I trust some understanding may be now had as to when the vote shall be taken, so that gentlemen who desire to address the House may know when the time for debate will expire. I would

suggest that an agreement be made to take a vote within the next hour and a half.

Mr. LEWIS. Say at 4 o'clock.

Mr. COBB. It is suggested that I say 4 o'clock. We have already occupied two hours in this debate to-day, and I think we can get through in two hours more. We have other bills much more important than this which we want to dispose of.

Mr. ELLIS. There are other gentlemen who desire to be heard upon this subject. It is very evident that we can do nothing more to-day than to discuss this bill; and I therefore suggest that the debate be allowed to go on until 5 o'clock.

Mr. LEWIS. I desire to give notice to the House that if I can be recognized I will call the previous question at 4 o'clock.

Mr. PAYSON. How does the gentleman propose that the time shall be divided between now and 4 o'clock? How is he willing to have it divided?

Mr. LEWIS. Equally between the two sides. I have no objection to that.

Mr. PAYSON. That is right.

Mr. COBB. The time in the debate thus far has been about equally divided between gentlemen on each side.

Mr. VAN EATON. Mr. Speaker, with all that has been said so eloquently by the distinguished gentleman who has just taken his seat [Mr. CURTIN] in favor of "homes for the homeless" and "lands for the landless," and in favor of small holdings of land as tending to make a strong and prosperous Government, I most heartily agree. With his other sentiment, that this Government should keep its covenants, I as heartily agree.

Mr. Speaker, we have presented to us by the bill and report under consideration the extraordinary proposition that this House should vote in favor of the forfeiture of a grant of land made in aid of a railroad, after the road has been entirely completed, every condition complied with, the cars running and the terms of the grant satisfied. And for what reason is the forfeiture asked? It is based upon two grounds: One that the original grantee was not an honest corporation; the other that although it can not be denied, even by the majority of the committee, that the road has been built, yet it was not constructed within the time limited. I propose to address myself briefly to these two propositions.

With regard to the first, grant, Mr. Speaker, for the sake of argument that the "Backbone" corporation was as corrupt and swindling a body as in all the dark days of reconstruction was ever thrown to the surface of the troubled waters of that period. Grant that in all the "carpet-bag" era there was no worse corporation than this; yet if the company complied with its contract, what has its moral character to do with the argument? I have yet to learn as a proposition of law that because one party to a contract may have a bad character the other is absolved from complying with the conditions of the contract, even though the party having the bad character complies all through with the terms of the agreement. To state that, it seems to me, as a reason for this forfeiture, answers the proposition.

It so happens, Mr. Speaker, that this grantee corporation which has been so assailed is not claiming this grant and never built the road. It is admitted further that it assigned its rights to the New Orleans Pacific Railroad Company, and it is further admitted in the majority report that it was perfectly competent for the company to make this assignment. It is admitted that the company could make this assignment, not only by the terms of the granting act but by the general laws governing the holding and transfer of property. The transfer, I admit, was not made within the time limited for the building of the road. I admit that this road was not built within the time limited by the granting act. But, Mr. Speaker, I wish to call the attention of the House plainly to the actual facts. This road was chartered, as appears by the granting act, for what purpose? I want to read the language of that act. In section 22 of the charter of the Texas Pacific Company we find this language, referring to the grant under consideration:

That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route, to be selected by said company, with the Texas Pacific Railroad.

Then follows the grant of land. Plainly, the object of Congress was to furnish an outlet to the people of the lower Mississippi Valley and the city of New Orleans by means of the Texas Pacific Railroad. And observe the language:

Shall have the right to connect by the most eligible route, to be selected by said company—

Right here I pause to remark that stress has been laid upon the fact that the New Orleans, Baton Rouge and Vicksburg Railroad Company was chartered to run its road on the east side of the river and that the assignee company constructed its road on the west side. That is true. But, Mr. Speaker, they constructed it within the limits of the grant. They were authorized by Congress in the act making the grant to construct the road by the route that they themselves should deem most eligible, going from New Orleans by Baton Rouge and Alexandria, so as to make the connection; and this, it will not be denied, is just what they have done. They have built the road. They have connected with Baton Rouge and with Alexandria and with the Texas Pacific system. It will not be denied by the majority of the committee that this very thing has been done, for the fact is notorious. So far as concerns the mere charter by the State of Louisiana of what is called the Backbone road, I have this to say: The charter originally contemplated that the company should build their road on the east side of the river. Congress merely selected them as a medium for carrying out its purpose of giving to the people of New Orleans and the lower Mississippi Valley a connection with the Texas Pacific system, and granted them the right to go by the route they themselves should deem most eligible.

The company constructed the road as the charter even of the Backbone road required—by Baton Rouge, by Alexandria, and connected with the Texas Pacific road. They did not construct their road on the east side of the river; and I may remark the people of that section are very glad, as it turns out, that the company did not construct the road on the east side. Why, Mr. Speaker, since that road has been constructed on the west side another road has been built running through the State of Mississippi along the east side, exactly where it was first contemplated that the Backbone road should run; and this, with the fact that the New Orleans Pacific constructed their road on the west side, has given the people of that country two roads instead of one, and has thus operated as a benefit to the people, not as an evil or an injury to any one.

Mr. Speaker, in the leading case of Van Wyck *vs.* Knevals the Supreme Court has held that such a deviation is not sufficient to forfeit the grant. I read the language of the court in that case:

As to the alleged deviation of the road constructed from the route laid down in the map, admitting such to be the fact, the defendant is in no condition to complain of it. The lands in controversy are within the required limit, whether that be measured from one line or the other. A deviation of the route without the consent of Congress so as to take the road beyond the lands granted might perhaps raise the question whether the grant was not abandoned. But no such question is here presented. The deviation within the limits of the granted lands in no way infringed upon any rights of the defendant.

Now I am very anxious that this House should be thoroughly informed about the exact status of the equities as well as the facts in this case, and for that purpose shall call attention to a few facts.

It is true that the Backbone people were unable, either from poverty, rascality, or I care not what, to construct their road. The people in that section wanted a road. The city of New Orleans greatly needed a connection with the Texas Pacific system of roads. To that end they chartered the New Orleans Pacific. That road immediately went to work and tried to get this grant, finding the Backbone people could not build their road. Congress refused to forfeit the grant and transfer it to them. They then did make a contract with the Backbone road and obtained their grant by purchase and assignment.

It is not necessary for me to take up time now answering an argument which has been made that the Backbone people could not make that transfer because they had no charter. The facts are, the Legislature, without making them a party, assumed to pass an act forfeiting or revoking the charter. It is a principle so well known that it is elementary in the law that a charter is not only a law but a contract, and one party alone can not annul it. Besides that, it has been decided by the United States court that act was unconstitutional and a nullity.

I come now to what I was going to say. Then the New Orleans Pacific set about getting a transfer of this grant to itself. Before they did it, however, they came to Washington and inquired about the status of the grant, and they also inquired of the authorities whether if the grant was transferred they could construct the road and have the benefit of it.

Now, I wish the House to listen. I want the Clerk to read a letter from the Commissioner of the General Land Office on this subject. I am going to follow this up and state a regular chain of facts upon which I propose to make an argument. First, I ask for the reading of a letter of the Commissioner of the General Land Office at that time.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 17, 1881.

SIR: In compliance with the verbal request of Hon. J. H. Ketcham, I make the following statement:

By the twenty-second section of an act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871, a grant of land was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company for the purpose of aiding in the construction of its road.

At a special meeting of the directors of said New Orleans, Baton Rouge and Vicksburg Railroad Company, held December 29, 1880, a resolution was adopted authorizing the president and secretary of the company to transfer all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company, and to make and execute such instruments as should be necessary for that purpose.

On the 5th day of January, 1881, the president and secretary, pursuant to said authority, executed a deed in the name of the New Orleans, Baton Rouge and Vicksburg Company, conveying all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company.

On the 3d day of February, 1881, the directors of the last-named company adopted a resolution authorizing the president of the company to accept said conveyance, and to execute any documents necessary to evidence the acceptance.

There can be no doubt that when the president of the New Orleans Pacific Railway Company accepts said transfer the company will be fully vested with all the right, title, and interest which the New Orleans, Baton Rouge and Vicksburg Company has in and to said grant.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

W. H. BARNUM, Esq.,
President of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

Mr. VAN EATON. There followed an acceptance on the part of the New Orleans Pacific Railroad Company of the transfer of the Backbone, and I will ask the Clerk to read No. 11 in that document, Senate Document 820.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 21, 1881.

SIR: The president of the New Orleans Pacific Railway Company has duly accepted, in behalf of said company, the deed referred to in my letter addressed to you, dated February 17, 1881, being the deed to the said New Orleans Pacific Railway Company by the New Orleans, Baton Rouge and Vicksburg Railway Company of all its right, title, and interest in and to the grant to said last-named company by the twenty-second section of an act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871.

The transfer by the said New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to said grant to the said New Orleans Pacific Railway Company is now complete.

Very respectfully,

J. A. WILLIAMSON, *Commissioner.*

W. H. BARNUM,
President of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

Mr. VAN EATON. The New Orleans Pacific Railroad Company, assured by the Departments here, first, the Backbone could transfer its grant, and second, the transfer was complete, on the faith of that transfer, as I am prepared to prove by written affidavits of the officers of the company, proceeded to construct the road. It was asserted yesterday that it was constructed by somebody else's money, and not on the faith of the grant. I hold in my hand the affidavits of the president of the construction company; of Mr. Wheelock, president of the New Orleans Pacific Company, and of Mr. Barnum, the president of the Backbone company, all showing this grant was made in good faith to the New Orleans Pacific Railroad Company, and it went on and constructed the road on the faith of the assurance of the Department here they could obtain the land grant.

About this time, however, the members of Congress representing the section of country where this grant lay, fearing that the settlers on the granted lands might be disturbed, made some objections. That was afterward arranged satisfactorily, the company binding themselves not to disturb the settlers and to allow them in good faith to purchase any lands on which they had settled not exceeding one hundred and sixty acres to each head of a family at a lower price than the Government had placed upon them, to wit, $2 an acre, and that arrangement was made. Now, I ask the Clerk to read No. 38, of the same Senate document.

The Clerk read as follows:

WASHINGTON, *January 4, 1882.*

SIR: We hereby withdraw the opposition and protest filed by us to the recognition of the New Orleans Pacific Railroad Company as the grantees and transferees of the land in Louisiana granted by the act of Congress of 1871 to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and claimed by said New Orleans Pacific Company as transferees of the New Orleans, Baton Rouge and Vicksburg Company.

The object we had in filing said protest was the protection of the rights of settlers on the land covered by said grant, and as that has been obtained by agreement with the company, we do not wish to throw any further obstacle in the way of the recognition by the Department of the Interior of the rights claimed by the company.

The New Orleans Pacific Company have constructed the road running through the grant—that is to say, from New Orleans to Shreveport—and having obtained the funds with which to do so upon the faith of its right to the land grant, we think that justice demands the recognition of their claims to the land.

We are, sir, with great respect, your obedient servants,

E. W. ROBERTSON,
Member of Congress, Sixth District of Louisiana.
N. C. BLANCHARD,
Member of Congress, Fourth District of Louisiana.

The SECRETARY OF THE INTERIOR.

(Indorsement:) Hon. E. W. Robertson and N. C. Blanchard, Washington, D. C., January 4, 1882, withdraw their protest against patenting certain lands in Louisiana to New Orleans Pacific Railroad Company.

Mr. VAN EATON. Now, Mr. Speaker, that settlement, after everything had been arranged satisfactorily to the settlers, was assented to by Mr. BLANCHARD and Mr. Robertson, the members of Congress who at that time represented the districts which contained every foot of land in this land grant. Great care was taken that no settler's rights should be interfered with. On the contrary, they were thoroughly protected and placed upon a better footing than they had been, or than they would be, if they bought from the Government. While on that subject allow me to say it is a fact that this company went on and completed their road (though I shall elaborate that more fully after a while). But supposing the patents were about to issue, they proceeded to carry out their contract in regard to the settlers.

Now, for the information of members I will give you the contract with the settlers and the agreement, which I ask the Clerk to read. It is numbered 77 in the same document.

The Clerk read as follows:

WASHINGTON, *January 4, 1882.*

GENTLEMEN: In consideration of the withdrawal by you of the protest and objection filed by you with the Department of the Interior against the recognition of the claims urged by the New Orleans Pacific Railroad Company, to the land grant made by the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of Congress of 1871, and now claimed by the New Orleans Pacific Company, transferees of the New Orleans, Baton Rouge and Vicksburg Company, on behalf of the said New Orleans Pacific Company and any other railroad association or combination with which said New Orleans Pacific Company is connected, I hereby agree, consent, and obligate myself and the said company and any other company or association connected with it that the right of settlers and occupiers on the land included within the limits of said grant shall be recognized and protected as follows, to wit:

Settlers and occupiers of any of the lands aforesaid up to this date shall be given the right within twelve months from the register of the patents issued by the Government to the said company or its transferees for said lands, in the office of the clerk of the district court and *ex officio* recorder of conveyance and mortgages of the parish where the land wanted by such settlers or occupiers is situated, to file their applications with the railroad company, through agents to be designated by the company for the purpose, for the land claimed or wanted by them; such settlers or occupiers shall at the time the title-deeds are issued to them pay one-third in cash of the price of the land so occupied or settled by them, and shall have one and two years from that time, with 6 per cent. interest, in which to pay the remainder, mortgage and vender's privilege to be retained by the company.

The price of land to be paid by such settlers or occupiers shall not exceed $2 per acre, and the quantity of land to be claimed by each shall not exceed one hundred and sixty acres.

Immediately upon the register of the patents in the office of the recorder of mortgages of the parishes affected by the land grant, the railroad company shall give notice by publication for ten days in a newspaper in the parish where any settlers or occupiers live, and also by publication at the court-house door of such parish, the fact of the register of patents, and that the company is ready to receive application from settlers and occupiers for the land wanted by them, and indicating the place where and person to whom application should be made.

Should this notice not be given immediately upon the register of the patents, these settlers and occupiers are to have twelve months in which to file their application from the time of the giving of such notice aforesaid. Proof of occupancy shall be the same as required by the laws of the United States for the acquisition of public lands if required by the company.

E. B. WHEELOCK,
President New Orleans Pacific Railway Company.

Hons. E. W. ROBERTSON and N. C. BLANCHARD,
Representatives in Congress from Louisiana.

Accepted on behalf of settlers and occupiers.

E. W. ROBERTSON,
Member of Congress Sixth District of Louisiana.
N. C. BLANCHARD,
Member of Congress Fourth District of Louisiana.

Mr. VAN EATON. Now, then, to show that good faith was kept in that connection, these people proceeded to give notice to the settlers—and I ask the Clerk to read the notice to the settlers, which will be found on the same page of this document.

The Clerk read as follows:

NOTICE TO SETTLERS.

Lands granted by act of Congress of March 3, 1871, to New Orleans, Baton Rouge and Vicksburg Railroad Company, known as "Backbone Road."

This grant having been assigned to the New Orleans Pacific Railway Company, and the title to the lands so granted having been duly vested in the New Orleans Pacific Railway Company, by proper action of the authorities of the United States, notice is hereby given to the settlers whose claims were provided for in the agreement made by the New Orleans Pacific Railway Company and Messrs. Blanchard and Robertson, Representatives in Congress, of date of January 4, 1882, that the New Orleans Pacific Railway Company is now ready to receive claims under said agreement, in order that patents may be issued to such settlers as soon as the same can be obtained from the United States Government.

On application to the undersigned, stating full particulars of claim, and location of land, a circular will be forwarded containing a copy of the above agreement with Messrs. Blanchard and Robertson, and such other information as may be necessary.

E. B. WHEELOCK,
President New Orleans Pacific Railway Company.

NEW ORLEANS, *November 18, 1883.*

Mr. VAN EATON. That shows clearly that there was full notice given.

Mr. COBB. Will the gentleman allow me a moment? I want to attract his attention to a point in connection with that agreement and to ask whether in violation of it the company did not mortgage the land grant and put it upon record and keep it there until last January, when they found that we were about to legislate upon the subject of forfeiting these lands, and without reserving the rights of the settlers in any respect?

Mr. VAN EATON. It makes no difference, it would be utterly nugatory if they did. But I do know this, that when their attention was called to the fact they immediately canceled the mortgage and made another one which does protect in the fullest manner the rights of the settlers.

Mr. COBB. Because they knew that the lands would be forfeited certainly if they did not, or rather they became apprehensive when they found that we were beginning to take action upon the subject.

Mr. VAN EATON. The gentleman can state his reasons and opinion in his concluding remarks. I prefer not to have my time taken up.

Now, the contract was and is to-day to allow the settlers to have their lands at $2 an acre, and until the title deeds are issued the settlers do not pay the $2 on them; they only need to pay one third of it in cash and then proceed to settle upon and occupy the lands, and have one and two years within which to pay the balance. And all of that is done, settled, signed, sealed, and agreed to. Now, if this House should declare a forfeiture and if that forfeiture should stand in the courts, these people will be in a much worse condition than they were before while in the hands of the railroad company. Their last estate will be much worse than the first. Their titles will be all unsettled; the lands will go back to the public domain, and any contract, any agreement heretofore made, will of course not remain binding. So much for the settlers.

Now, Mr. Speaker, I am going back for a moment to follow my line of argument. I find that so far the transfer has been approved by the Department, the settlers protected, the road built on the faith of the

grant, built in the direction and accomplishing the purpose for which the grant was made. What else do we find? When the road was so completed the Department was notified of that fact and commissioners were requested to be sent to make the examination. This matter was referred to the Attorney-General and these questions were asked. The Secretary of the Interior, wishing to be right about this contract, wrote to the Attorney-General, giving him a full and detailed statement of what had been done, just as I have been trying to go over it, and then he asked these questions:

1. Was the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company a grant *in præsenti?*
2. Had the New Orleans, Baton Rouge and Vicksburg Railroad Company, at the date of its alleged transfer of lands to the New Orleans Pacific Railway Company, such an interest in the lands, under said act, as was assignable?
3. Is the New Orleans Pacific Railway Company such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company as is contemplated by said act?

The answer of the Attorney-General is of some length. I will read the last paragraph:

Agreeably to the foregoing views, and in direct response to the several questions submitted, I have the honor to reply as follows: The first, second, and third questions—

Those I have just read—

I answer in the affirmative.

The fourth question he answers in the negative. That was whether they would have a right to lands coterminous with the road they had purchased and not built. They have abandoned that. There were sixty-eight miles constructed, over which they located their road, and the Department decided that, being a road constructed before they commenced theirs, they could not have any lands, and that claim was abandoned.

The Attorney-General therefore decided this company had a grant which they could assign; and secondly, he decided that it was such an assignment as was contemplated in the act.

The New Orleans Pacific Company, I say, went on and completed their road. When it was completed they reported that fact to the Department at Washington. And here is what follows: On page 76 of Senate Executive Document No. 31, of the Forty-eighth Congress, there is a letter in which the Secretary of the Interior notifies the President—I will not read it; it is long; but I will give the substance of it—notifies the President that the New Orleans Pacific Railway Company, the grantee of the Backbone grant, has built its road and has so reported to him; that he has sent out commissioners; that they have examined it; that they report it completed according to the terms of the grant. And Mr. Teller recommends that patents be ordered to issue. And here is the indorsement which follows:

EXECUTIVE MANSION, *March* 16, 1883.

The within recommendations are approved.

CHESTER A. ARTHUR.

Now, we have followed this up to its completion, examination, approval, and order of the issue of patents. Everything has been done but that. There is another letter in which Secretary Teller gives the reason why patents have not issued. I will not read it. He says it is because proceedings have been instituted in Congress looking to a forfeiture, and he thought it better not to issue patents until Congress acted.

I have thus stated the facts. I only want to call the attention of the House very briefly to the law. The position has been taken by my colleague on the committee, the gentleman from Alabama [Mr. OATES], very properly, that although this road was built out of time, yet having been built, having been completed without objection on the part of the Government, all the rights to the land have fully vested and their title has now become perfect; and further than that, that the Government has absolutely waived its right to a forfeiture. Now, let us see what the law-books say:

I read from Washburn on Real Property, page 450. Speaking of conditions—of course the House remembers that this is treated as a condition subsequent; that is, a grant, with a condition subsequent, liable to be forfeited in the case of non-performance of the condition—of the question of performing the conditions out of time, Washburn says:

A condition, however, defeats the estate to which it is annexed only at the election of him who has a right to enforce it.

In this instance the Government.

Notwithstanding this breach, the estate, if a freehold, can only be defeated by an entry made; and until that is done it loses none of its original qualities or incidents.

Notwithstanding the time has elapsed in which the condition was to be performed, it still remains a title in the grantor, and loses none of its original qualities or incidents. But that is not all.

And any one who is interested in a condition, or the estate to which it is attached, may perform it, and when it has been once performed it is thenceforth gone forever.

When the condition is performed there is no more condition; it has gone forever, and the title is perfect.

But gentleman say this does not refer to a condition performed out of time. Well, let us see what follows. On page 454, section 19, the same author says:

A forfeiture may be saved, though a condition may have been broken, if the party who has the right to avail himself of the same waives this right, which he may do by acts as well as by express agreement.

And in section 20:

But a mere silent acquiescence in or parol assent to an act which is constituted a breach of an express condition in a deed would not amount to a waiver of a right of forfeiture for such breach.

Then this follows:

Where, however, a grant to a railroad company of lands was upon condition that the road should be completed by a certain time, which was not done, and after that the grantor, knowing the fact, suffered the company to go on and incur expenses in constructing their road and made no objection, it was held to be a waiver of the condition and forfeiture.

I commend that decision to this House. I admit that in this case the road was constructed out of time. But bear in mind with what exceeding care these grantees went to work building that road and incurring expense; consulting with the Department, getting its approval, and spending large sums of money, as they say in one of their reports spending $400,000 on one bridge across the Atchafalaya River, the difficulties of which I happen personally to know. And all the time the Government not only silently acquiesced but absolutely, through its executive and ministerial officers, told them that the grant was good, and that they would get the land if they built the road. And when the road was all done the executive officers of the Government agreed that the road was built according to contract, according to the manner and for the purpose which Congress intended. That is the case which is presented to this House to-day, and that is the grant for which a forfeiture is now asked.

Mr. Speaker, no man can make a suitable argument to this House on a subject as vast as this is in the short space of one hour. I have been forced to run rapidly over matters connected with this grant. I have endeavored to cover all the salient points. I have endeavored to state the reasons that prompted the minority of the committee to make their dissenting report. I now would commend the subject and that report to the sense of justice and equity of this House.

I would state further that this is not one of the vast grants which have been sometimes spoken of so deprecatingly. There are only about a million of acres of land comprised in this whole grant. This road is through a section of country that sadly needs development by means of railroads; a section of country that has been neglected for years, which in all the centuries until this road was built never heard the sound of a locomotive's whistle. The construction of this road has been a beneficent work. Congress in making this grant saw the benefit that would result from opening up that lower Mississippi country to the Texas Pacific system and the rest of the world. Congress made the grant, the road has been built, the country has been opened up, and the people there have been benefited. Everybody, Government and people, are satisfied except, in the language of the minority report, the majority of the Committee on Public Lands, and I believe nothing will ever satisfy them but the forfeiture of the entire grant, right or wrong.

If I have any time left, Mr. Speaker, I desire to reserve it.

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. GLASCOCK. Before the gentleman takes his seat will he answer one question?

Mr. VAN EATON. If I can.

Mr. GLASCOCK. I understand that the latter portion of the gentleman's argument is based upon the decision in the case of Ludlow *vs.* New York and Harlem Railroad Company (12 Barbour, 444), cited in 1 Washburn on Real Property. That decision was as follows:

Where, however, a grant to a railroad company of land was upon condition that the road should be completed by a certain time, which was not done, and after that, the grantor knowing the fact, suffered the company to go on and incur expenses in constructing their road, and made no objection, it was held to be a waiver of the condition and forfeiture.

Mr. VAN EATON. Yes.

Mr. GLASCOCK. That was the case of a private grant.

Mr. VAN EATON. It may be so; I do not know.

Mr. GLASCOCK. Does the gentleman see any distinction between the cases of a private grantor and a public grantor; and does he hold that equities or limitations were against the sovereign power granting as against an individual grantor?

Mr. VAN EATON. Nobody will deny the doctrine about laches not running against the Government. Whether this particular case was a grant by the Government or by an individual, I have this to say: a government, particularly our Government, is as much bound by the great rules of right and morality as an individual.

Mr. GLASCOCK. As the gentleman seemed to base his argument on the legal phase of the case, I asked him that question expecting a legal answer.

Mr. VAN EATON. I do base it on the legal phase of the case and on the eternal principles of right.

Mr. STRUBLE. Permit me to ask a question.

Mr. VAN EATON. Certainly.

Mr. STRUBLE. I understand the gentleman to assert that this road was built and completed by the immediate assignee of the first company, of the Backbone company.

Mr. VAN EATON. That is true.

Mr. STRUBLE. If I understand the majority report it was held that it was not built by that company.

Mr. VAN EATON. I know that my colleague on the committee [Mr. LEWIS] claimed yesterday that that was not so. There was no evidence before the committee of that kind. On the contrary, Judge Dillon, who ably argued the case before the committee, took the other ground and claimed that it was built by the New Orleans and Pacific Railroad Company.

Mr. STRUBLE. I understand that you have affidavits upon the subject by the New Orleans and Pacific Railroad Company.

Mr. VAN EATON. I have.

Mr. STRUBLE. If you have time I would like very much to have you state the substance of those affidavits and by whom made.

Mr. VAN EATON. One is made by Mr. Wheelock, president of the New Orleans Pacific road, stating that everything connected with the transfer was in perfect good faith, and that to his personal knowledge, as president of the New Orleans and Pacific road, the road was constructed in perfect good faith, on the faith of the land grant. The affidavit of Mr. Dodge is that he was president of the construction company that constructed the road. He states in his affidavit, sworn to here in Washington, that he never would have begun the construction of the road if he had not been assured that he would get the benefit of this land grant.

Mr. WHITE, of Kentucky. Will the gentleman allow me a question?

Mr. VAN EATON. Yes, sir.

Mr. WHITE, of Kentucky. Is it true, as stated on page 33 of Executive Document 31 of this Congress, that directors authorizing this transfer had no authority to authorize the same.

Mr. VAN EATON. No, sir; it is not true.

Mr. WHITE, of Kentucky. I desire to ask the gentleman further whether it is true that William H. Barnum owned 35,000 shares of this company?

Mr. VAN EATON. Mr. Speaker, I will state to the gentleman that I have not had the opportunity of looking into Mr. Barnum's portfolio, and I can not answer the question.

Mr. WHITE, of Kentucky. I find this matter on page 40 of Executive Document No. 31. This seems to be an exceptional case in which the Democratic side is taking an interest, and I want to know whether there is any "milk in the cocoa-nut."

Mr. VAN EATON. I suppose the gentleman from Kentucky is a better hand at hunting up such things than I am. I shall have to let him answer that question. I turn the cocoa-nut over to him to crack.

Mr. WHITE, of Kentucky. William H. Barnum is in the habit of buying "mules," and is a prominent man in this country; and I wanted to know whether he was at the bottom of this whole business.

Mr. VAN EATON. I reserve the balance of my time.

Mr. PAYSON. Mr. Speaker, I am opposed to the passage of this bill. The arguments which I have heard in support of it are not new to me. The questions involved in it I had occasion to examine to my own satisfaction during the Forty-seventh Congress. Before the Judiciary Committee of the last Congress, of which I had the honor to be a member, a bill similar in terms to this was considered in connection with numerous others of like character; and all the arguments which have been adduced here were presented there with reference to this bill. So far as I am concerned, nothing specially new has been presented. But very much, Mr. Speaker, which controlled me in coming to the conclusion I then arrived at has not been adverted to upon this floor; and I ask the continued attention of the House to such facts as I shall present as a reason why this bill ought not to become a law.

Ever since I have occupied a seat upon this floor I have been an earnest, patient, laborious investigator of the questions involved in the cases of the different land-grant roads where there had been a failure of performance under the terms of the act making the grant, and during the Forty-seventh Congress the whole subject was given careful attention. As I have said, among other cases then before that Congress was this. Although the road had been constructed and was in successful operation, and had been accepted by the executive department of the Government, as well by the President as the Secretary of the Interior, yet a resolution looking to the forfeiture of the grant was pending before the Judiciary Committee of that Congress.

An application for the issue of the patents for the land had been made, and upon certain representations of fact made to me as a member of that committee I addressed letters to the President and Secretary of the Interior asking a suspension of action until I could fully examine the questions involved.

At that time I had been engaged in the examination of the case of the Texas and Pacific Railroad grant claimed by the Southern Pacific Railroad Company, a grant it will be remembered made in the same act making the one we are now considering, and it was represented to me that this case was precisely similar, identical in all its features with the Texas Pacific case, that the rights of many settlers in good faith were involved, and that unless application was made to the President and Secretary of the Interior by some one whose request they would respect and probably comply with, the land would pass beyond Congressional control before action could be had.

It was well known in the last Congress that I had made the case of the Texas Pacific grant a special matter of study and investigation, and that I was firmly of opinion that the Southern Pacific Railroad Company had not a shadow of right to the vast area of land it claimed, and that I was diligently striving to procure the passage of a bill to forfeit that grant.

Hence I suppose application was made to me to secure delay in Department action, and, as I have said, I wrote the President and Secretary of the Interior asking a suspension of action. My request was courteously complied with, and action was delayed.

Upon my return in November, 1882, I at once took up this case, and after careful examination concluded then that the Government ought not to interfere with the grant, if it had the power, as a matter of equity between itself and the railroad company, and that it had not the power legally to do so. And on that conclusion, and at the request of the entire Louisiana delegation to the Forty-seventh Congress, I addressed a letter to the Secretary of the Interior withdrawing my request for suspension of action, which letter has been a matter of public record for nearly two years.

I am of the same opinion now. I have patiently listened to all arguments made in favor of this proposed action and am only strengthened in my conclusion.

The difference between this case and the Texas Pacific is so apparent that only a word is necessary. There the road was built by a rival, hostile company, without hope or expectation of the grant, which was conveyed to it after the road, built as a rival opposition road, had been constructed. Here, as I expect to show and believe, the grant was secured as a basis for building the road by the claimant company, and the road built on the faith of it; and the road, as constructed, completed before hostile legislation was begun as to it.

And while I have always been, and shall ever be while I am in public life, earnestly in favor of forfeiting and restoring to the public domain every acre of land to which these railroad companies are not entitled, either legally or by equivalent equity, yet I hope I shall never be so blinded by even proper prejudice that I shall fail to do what I believe to be just.

I am accustomed to doing my own thinking on this question as well as every other I have to deal with here. I have, I hope, the courage of my convictions.

I was opposed to forfeiture of this grant after examination then and am opposed to it now, and for reasons which I shall give, based on these facts:

Primarily I indorse all the propositions advanced by the distinguished gentleman from Pennsylvania [Mr. CURTIN]. I believe that this great Government of ours after having made a covenant should keep it. And the question which is presented to this body now as a business proposition is whether a contract that was made by this Government in 1871 and which has been performed by the other contracting parties should be by the Government adhered to and performed on its part. I do not agree with the sentiment that I have heard uttered on this floor that this Government has the power to do anything. It only has the power to do what is right; and that is what I insist it should do in this case.

Mr. Speaker, the facts upon which the action of this House is to be based are comparatively few. In the first place, here is a line of road three hundred and thirty-three miles in length, constructed as I shall insist and shall demonstrate, as I think, before I sit down, upon the faith of this land grant. Everything which has been done with reference to it, and which has been a substantial compliance with the requirements of Congress, was done before this hostile legislation was invoked. Although the railroad was constructed out of time, still it was constructed; was accepted by the executive branch of the Government; had imposed upon it the obligations of a land-grant road; everything that could be done by the Government toward its acceptance was done, and before this bill was introduced or any hostile legislation proposed as against the company claiming the grant.

This grant is claimed by the New Orleans Pacific Railroad Company, a corporation organized under the laws of the State of Louisiana in June, 1875, to build and operate a railroad from New Orleans to Shreveport by way of Baton Rouge, and it asserts its right to the grant as the successor and assign or the grantee of the New Orleans, Baton Rouge and Vicksburg Railroad Company by deed of conveyance from that company executed in January, 1881, of this grant. This latter company was chartered by the Legislature of the same State December 30, 1869, and by its act of incorporation was authorized to build a railroad from a point on the New Orleans, Jackson and Great Northern Railroad in the parish of Livingston to a point on the State line between Louisiana and Mississippi, with a branch to Baton Rouge. All this, it will be kept in mind, is east of the Mississippi River.

December 11, 1872, and after the grant in question was made by Congress, the Legislature of that State passed an amendatory act, authorizing the company to build its road from New Orleans to Shreveport or any other railroad in Northwestern Louisiana near the Louisiana State line, "but from New Orleans to Baton Rouge, on the east side of the Mississippi River." Now, the act of Congress making the grant is section 22 of the Texas Pacific act of 1871, which I will ask the Clerk to read.

The Clerk read as follows:

That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect, by the most eligi-

ble route to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by way of Alexandria, in said State, to connect with said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public land per mile in the State of Louisiana as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act.

Mr. PAYSON. Under this act some surveys were made and some work done and indebtedness incurred by the Backbone Railroad Company, but nothing amounting to any substantial compliance in the way of construction of the road during the whole time within which the road should have been constructed. Financial embarrassment seemed to overwhelm it, and in the mean time the New Orleans Pacific, organized in 1875, having the same termini, and its proposed line of route practically coincident with that of the Backbone Railroad through its entire length, all within the limits of this grant, and near the middle of it, attempted to preserve this grant for itself to aid in the construction of its line. Congressional action to that end was sought, to which I shall refer later. Finally the New Orleans Pacific arranged to purchase the right of the Backbone company to the grant and go on and construct the road, but before doing this certain correspondence was had with the Interior Department as to whether the grant was an assignable one and whether the New Orleans Pacific could legally succeed to the rights of the Backbone company. The correspondence will be noticed later, but these dates will suffice now:

December 9, 1880, the Backbone company resolved to convey to the New Orleans Pacific this grant of land.

January 15, 1881, such conveyance was made.

February 3, 1881, the conveyance was finally accepted by the New Orleans Pacific Company, and the Interior Department, on February 21, 1881, as will be shown, pronounced "the transfer complete."

Upon this recognition, the New Orleans Pacific proceeded to build the road, assuming it to be a compliance with the act of Congress, upon practically the same line, basing its expenditure for that purpose upon faith in the validity of the transfer and the opinion of the Commissioner of the General Land Office of the Interior Department, and this was all done before any hostile legislation had been begun toward the New Orleans Pacific Company.

Mr. LEWIS. Did I understand the gentleman to state that no bill was introduced to forfeit this land grant until after the road was completed?

Mr. PAYSON. I say this bill was not introduced, and no bill was introduced, nor was the suggestion ever made, to take this land or any part of it from the New Orleans and Pacific Railroad Company until after it had completed its road.

Mr. LEWIS. Did not the gentleman himself introduce a resolution on this subject in the Forty-seventh Congress?

Mr. PAYSON. Yes, sir; but that was after the road had been accepted by Mr. Hazzard, the examiner appointed by the President.

Mr. LEWIS. Does not the gentleman know as a fact that bills to forfeit this land grant were introduced in 1877, 1878, and 1879?

Mr. PAYSON. If the gentleman will not anticipate me I think I shall make myself understood. He does not understand me at all, or he would not state what he now states. The bills introduced in the Forty-fifth Congress were to forfeit the lands of the Baton Rouge Company and bestow them on this company.

Mr. LEWIS. Yes, sir.

Mr. PAYSON. Then I understand the matter as the gentleman does. And the bill introduced in the Forty-sixth Congress was for the same purpose.

Mr. LEWIS. That is so.

Mr. PAYSON. Then I understand the gentleman and he understands me. I beg he will not anticipate me, for I promise that I will not make a single statement of fact with reference to this case which I can not prove by him.

Mr. LEWIS. That is all right.

Mr. PAYSON. I know it is all right, otherwise I would not state it. I think I know something about this matter. I have been paying attention to it for several years, and so far as the facts of the case are concerned I yield to no one on this floor in my knowledge of them. Whether I am correct in the conclusions I base upon those facts is another proposition. The House may or may not agree with me there. But so far as the facts are concerned, I assume to speak from knowledge.

Mr. HENLEY. I understood the gentleman to state very distinctly that no measure hostile to this land grant had ever been introduced in Congress until after the completion of the road.

Mr. PAYSON. Yes, sir; as to this company.

Mr. HENLEY. I am not talking about this company.

Mr. PAYSON. I am talking about it. That is precisely what I am trying to say; that as to this company no adverse legislation was proposed till after it had built the road.

Mr. HENLEY. You can not distinguish between the two companies.

Mr. PAYSON. I do not care to be interrupted further. I will say to the gentleman from California that if he will not interrupt me I will come to all that presently.

Mr. HENLEY. I will not do it any more.

Mr. PAYSON. This grant being made originally to the company commonly known as the Backbone Railroad Company, and it at that time having no authority whatever to build its road west of the Mississippi River, matters remained in that condition substantially until the organization of the New Orleans Pacific. For reasons not necessary to be stated, it is enough to say as a conclusion of the whole matter the New Orleans, Baton Rouge and Vicksburg Railroad Company became financially embarrassed or practically insolvent, so that, except in the matter of making some preliminary surveys, or possibly doing a little work, but nothing in the way of substantial performance, that company went to the wall. Then the New Orleans Pacific Railroad Company was organized, having the power to build a railroad from New Orleans to Shreveport.

Mr. DAVIS. Any place they pleased.

Mr. PAYSON. Practically from New Orleans to Shreveport. I beg the gentleman not to interrupt me. We do not disagree about it, but it does not strengthen my statement of the fact by the gentleman indorsing it. We do not disagree about it. The New Orleans Pacific was organized. There stood the charter of the Backbone company in the way—a subsidy land grant in its interest in the way, and the terminal points of the two corporations practically the same.

The gentleman says "No, sir." I will yield a minute to him to show that.

Mr. LEWIS. I say no, because that very act did not change the terminus of the road as fixed in the grant by Congress.

Mr. HEPBURN. You say they had a roving commission to go where they pleased.

Mr. PAYSON. After the New Orleans Pacific Railroad Company was organized it commenced and did everythingin its power, so far as I have been able to ascertain, to secure to itself the privileges that the New Orleans, Baton Rouge and Vicksburg Railroad Company had. The contest commenced there at home. An attempt was made to repeal the charter of the old railroad company by the Louisiana Legislature in the interest of the other company. The contest was then transferred to the Halls of Congress.

Mr. HENLEY. You do not pretend——

Mr. PAYSON. I decline further to be interrupted. The gentleman will learn what I pretend if he will do me the honor to listen. In the Forty-fifth Congress a bill was introduced, and that is the bill referred to by the gentleman from California, who does not now honor me by his attention, seeking to forfeit this land grant as to the Backbone company and bestow it on the New Orleans Pacific Railroad Company.

But it is asserted in the majority report made by the gentleman from Louisiana that nothing was done with reference to it in that Congress whatever. I am authorized to state by gentlemen now members of this Congress that the Committee on the Pacific Railroads of that Congress having this matter before them unanimously voted to report a bill declaring the grant forfeited as to the New Orleans, Baton Rouge and Vicksburg Railroad Company and bestow it on this company. That report was prepared by Mr. Elam, then a member of the House of Representatives from the State of Louisiana.

Mr. LEWIS. Forty-sixth Congress.

Mr. PAYSON. In the Forty-fifth Congress.

Mr. LEWIS. Go ahead.

Mr. PAYSON. If the gentleman insists upon interrupting me I insist he shall be accurate.

Mr. LEWIS. Go ahead; I will not interrupt you.

Mr. PAYSON. The gentleman is only demonstrating and emphasizing that he does not know and is not familiar with the facts in his own case.

Mr. LEWIS. I will permit you to say anything you please.

Mr. PAYSON. I repeat, that action was in the Forty-fifth Congress. By reason of the crowded condition of the Calendar nothing was done with reference to it, but that was the action of the committee. In the Forty-sixth Congress a similar bill was introduced and favorably reported, and failed in the same manner. That answers the proposition of the gentleman from California. On that committee were Mr. ELLIS of this House, Mr. HARMER of Pennsylvania, and I think the gentleman from Mississippi [Mr. CHALMERS] sitting on my right. All three were on the committee. I am authorized to say that committee unanimously made a report to the same purport and with the same result. That report was prepared by the gentleman from Louisiana [Mr. ELLIS], but no action was had.

Mr. CHALMERS. As I have been referred to, let me say that my recollection is that it was not unanimous.

Mr. PAYSON. I understood it was.

Mr. CHALMERS. Mr. WELLBORN and myself were in a minority. I will state further in reference to the Forty-fifth Congress, my recollection is that Mr. Elam asked leave to print a report, and it was referred back to the committee. I do not think it was ever acted upon.

Mr. PAYSON. I am told by members that that is the case; but whether unanimous or not, it was the action of the committee.

Now, in the Forty-seventh Congress a bill was introduced in the Senate and referred to the Committee on the Pacific Railroads there, which committee, as the record shows, reported unanimously against any interference with this railroad company, and the report is a part of the record of the Congressional proceedings of this Government.

That, Mr. Speaker, has been the history of Congressional action with reference to this grant; and so I come back to the proposition I at first advanced, that from the commencement of this contest down to the present time there has never been a report, there has never been any action, direct or indirect, on the part of either House of Congress, or of any committee of either House of Congress, adverse to the claim which the New Orleans Pacific Railroad Company makes to this grant. So the question is presented here, whether or not under the circumstances of this case a forfeiture of this grant is either legal or equitable; and I insist, sir, and I will endeavor to demonstrate if my time permits and I can have the honor of the attention of the House that it is now giving me, that the grant is not forfeitable, either legally or equitably; and I will be glad if the gentlemen who are to follow me in support of this bill will follow the propositions which I shall assert here to show to the House by argument and by authority whether the positions I shall take are supported by the books or not.

This road was constructed by an assignee company, the New Orleans, Baton Rouge and Vicksburg Company, standing as the grantee of the first corporation, the Backbone company. It is not denied, in fact it is conceded, that a deed has been executed, and by the proper officers, which deed upon its face conveys the legal title to this grant to the claimant company.

Nobody pretends to deny it. It is admitted all through the case. But in the early history with reference to this grant it was insisted that the grant was not such a one as could be conveyed. It was argued by those who opposed the claims of this company that the New Orleans, Baton Rouge and Vicksburg Company being the agent selected by the Government to build the road, it alone could perform the conditions of the grant and it alone would be entitled to the land, and that not until after it had performed the conditions and had built the road and within the time prescribed by the granting act. That was then strenuously insisted upon.

But the authorities are all the other way; that the language of this act being that there is hereby granted to the New Orleans, Baton Rouge and Vicksburg Company every odd section of land for so many miles on either side of the road, to it, "its successors or assigns," that it vested that railroad company with present title to the land, and that being so vested it was the subject of alienation and conveyance. That doctrine insisted upon last year has been abandoned by the majority of the committee now, and they in their report concede that the New Orleans Pacific Railroad Company, by the deed which was made to it by the New Orleans, Baton Rouge and Vicksburg Company, took the legal title to the land as such, but coupled with the burden of the performance of the conditions. So there is no necessity for arguing that phase of the case.

The majority say:

That the grant is assignable we do not question, not because of the language "its successors and assigns" in the granting act, but because the right of disposition is inherent in ownership.

That being so—that the title to the grant could be legally assigned and conveyed—it follows that the New Orleans Pacific would stand in the shoes of the grantor, the Backbone company; it would take the grant with all the burdens, and subject to the same conditions; and it necessarily follows that unless the grant could be forfeited against the Backbone company had it done all that the New Orleans Pacific has done, it can not be forfeited as against the latter company. Let us see what the authorities are on this question.

By the conveyance the New Orleans Pacific was vested with the full right of the Backbone company, subject to the condition that it should build the road.

The law is well settled that any one interested in a condition may perform it.

The concession of the power to assign is conclusive against the right to forfeit as against the assignee, unless the grant could have been forfeited against the assignor, since this concession implies that the assignee may perform the condition, namely, build the road; and the law is clear that a substantial performance of the condition is all that is required.

Who may perform the condition? The law on this subject is well settled that any one interested in a condition may perform it.

It is a general rule that any one may perform a condition who has an interest in it or in the land whereto it is annexed. * * * This rule is recognized by the elementary writers. (People of Vermont vs. Society for Propagation of the Gospel, &c., 2 Paine, 545.)

Any one who is interested in a condition or the estate to which it is attached may perform it, and when it has once been performed it is thenceforth gone forever. (2 Washburn on Real Property, 2d ed., p. 10; 2 Crabbe on Real Property, 815; 10 Mod., 419; Cruise, title 19, Estates on Con., ch. 2, secs. 6, 20; Bac. Abr., title Condition (P) 1; Simonds vs. Simonds, 3 Met., Mass., 558.)

A substantial performance of the condition according to the meaning and intention of the parties is sufficient. (Wilson vs. Galt, 18 Ill., 431.)

It is sufficient if the substance of the condition be performed. (Comyn's Dig., Condition (G), 14).

If the condition be performed in substance it is sufficient. So if it be performed as near the intent of the condition as can be. (Comyn's Dig., Condition (L), 1).

Angell and Ames on Corporations, section 776, say:

A substantial performance of conditions, however, is all that is required, whether they be conditions precedent or subsequent.

So that it is clear that if the grant was legally conveyed there is no more power to forfeit this grant against the New Orleans Pacific than there would be against the Backbone Railroad Company.

What, then, is the next objection? And it will be noticed, Mr. Speaker, and to this I invite the attention of the House, that every argument made in favor of the forfeiture of this grant is based upon purely technical grounds, purely technical reasons, and those alone. To this I propose to address myself and take up the arguments in the order as they occur to me, whether or not the opposition is well grounded. The first is, and that point is strenuously insisted upon by the gentleman from Louisiana [Mr. LEWIS], that under the charter which the New Orleans Pacific Railroad Company had, and the amendments to it, it is required that the railroad which it should construct from New Orleans to Baton Rouge should be built on the east side of the Mississippi River. I agree that the charter does so provide, that the railroad it was authorized to build by the Louisiana Legislature from New Orleans to Baton Rouge should be built on that side of the river.

I concede the fact, too, that the railroad it did build is located on the west side of the Mississippi River from New Orleans to Baton Rouge. The answer to the objection made by the gentleman from Louisiana is this: This grant is made by an act of Congress, and Congress, when it made this grant, found *in esse*—in existence—a corporation capable of doing something created by the Legislature of Louisiana; and the act of Congress making this grant provides in express terms that the route upon which this road shall be built and in aid of which the grant is made shall be upon the route that the company deems the most eligible.

Mr. LEWIS. That is not my position.

Mr. PAYSON. Then what is it?

Mr. LEWIS. My position is that the road ought to be built in accordance with the act of the Legislature of Louisiana.

Mr. PAYSON. That is what I say as to your position. I supposed I was capable of speaking the English language with some degree of directness and that I would be understood in making an ordinary statement. But the gentleman bears me out in my statement. He insists that because the road was not built on the east side of the Mississippi River, therefore it had no power to build on the west side, because the charter provides that it might build a road on the east side.

Mr. LEWIS. No, that it must.

Mr. PAYSON. That it had no right to build it on the west side?

Mr. LEWIS. That is my position. I do hold that.

Mr. PAYSON. That is the gentleman's position, as I have repeatedly stated.

Now, I do not believe, since the decision of the Supreme Court in the "Granger cases"—bearing upon the power of Congress to deal with the question of interstate transportation, to confer upon corporations such powers and privileges as it might choose for purposes of carrying out and effectuating its purposes—I never supposed a lawyer would be found to stand up on the floor of this House and claim that Congress was restricted in any manner with reference to its dealings with any of these transcontinental lines.

I assert the law to be, and I will demonstrate it before I am through, that it makes no difference whatever as to the restrictions which the State Legislature made upon the local corporation. Congress could confer upon it the power to build a railroad wherever it chose. If the Legislature did not create a corporation, Congress has power enough in its arm to create the corporation itself and permit it to exercise the right of eminent domain in any State of this Union even against the opposition of a State Legislature. That is the settled law of this land to-day; and I doubt whether there is a lawyer who values his reputation that will stand on this floor and dispute that position.

A familiar illustration of it is found in the case of the Central Pacific Railroad. There was a corporation named in one of the greatest grants that were ever made by the Congress of the United States, the grant to the Union and Central Pacific Railroads. The Central Pacific Railroad Company was chartered and organized under an act of the Legislature of the State of California, and the only power that it had under its charter was to build a line of railroad from the city of Sacramento to the east line of the State of California. That was the only power it had; precisely a pat case with this.

Mr. LEWIS. Will the gentlemen permit me——

Mr. PAYSON. Not now.

Mr. LEWIS. I do not want you to misstate me.

Mr. PAYSON. I am not misstating the gentleman. I am talking about the Central Pacific Railroad, and I am asserting the doctrine, or trying to assert it, that it is perfectly and utterly immaterial, as between the Congress of the United States or the Government of this country and the different States of this Union, what power is conferred by a State Legislature. If Congress in its wisdom and for national objects, to effect national purposes, sees fit to clothe any local corporation with additional powers or impose upon it additional duties, it can do so, and nobody, not even a State, has any right to complain. I do not

know that I can state it any plainer than that. In illustration of that proposition I was saying, Mr. Speaker, that the Central Pacific Railroad Company, which was the beneficiary, to the extent that it constructed its road, of the great grant to the Union and Central Pacific Railroad Companies, only had the power to build its road from Sacramento, in the State of California, to the east line of the State. What did Congress do? Congress wanted the line to extend to San Francisco. Finding the Central Pacific Company organized by the State of California and willing to perform the obligations sought to be imposed upon it, Congress exercised its power and said: "Build this road from the city of San Francisco east to the State line and we will make you this grant of land." And in the Sinking-fund cases, reported in 97 United States, the Supreme Court of the United States expressly decided the very question that I am presenting here, and say that as between Congress and the corporation it is utterly immaterial what powers it had granted to it by the State Legislature, but for whatever rights it claimed as between the Government and it, it must look to the national Legislature.

So, in this case. Here was a corporation of the State of Louisiana, authorized, I agree, to build its road only on the east side of the Mississippi River by its Legislature. But Congress comes in and says: "If you will build a railroad from New Orleans to Shreveport upon the most eligible route to be selected by you we will make you this grant of land." And this route was selected by the company and the railroad was built by its assignees between the points named in the granting act. I desire some of the gentlemen who will follow me to call attention to some authority which is in conflict with the proposition I have just advanced.

I will call attention to the familiar text-book of Cooley on Constitutional Limitations, where the distinguished author lays down precisely the same proposition and in about the same words that I have used here. I am quoting from that work from memory. So, Mr. Speaker, I take it that disposes of the objection, if it may rise to the dignity of an objection.

Another objection is made, Mr. Speaker, and it is regarded as one of the strong points in this case by gentlemen on the other side of it. They say that although this grant was conveyed in form by a deed fair upon its face, and if the antecedent steps had been regular would have conveyed the title, yet it is absolutely void for want of power. The question of *ultra vires* is raised as against the corporation which was the grantor in that deed, the Backbone company. My friend from Louisiana [Mr. LEWIS] labored long and earnestly to show that although the Backbone company was chartered by the Legislature of the State of Louisiana, still before that deed was made the Legislature of Louisiana had repealed the charter and therefore it had no legal existence, so that it could not execute this conveyance, and therefore the New Orleans Pacific Company took nothing by that deed. I grant that they attempted to do what he says they did do. But I deny, Mr. Speaker, that the act of the Legislature of Louisiana was worth the paper upon which it is printed.

I ask the attention of the lawyers of this body just for a moment to this fact. Without stopping to read it I will ask permission to print it at length with my remarks. But I will say to the gentleman from Louisiana in front of me [Mr. LEWIS], if he does not understand my recital of this legislation precisely as I do, I will regard it as a personal favor if he will stop me anywhere to correct me.

Mr. LEWIS. It is rather late for repentance, I think. I wanted to interrupt the gentleman before and he would not let me do it.

Mr. PAYSON. In the charter which was passed by the Legislature of Louisiana incorporating the Backbone Railroad Company is found this language, substantially: "This charter shall be deemed and held to be between the State of Louisiana and the corporation hereby created, a contract which shall not be impaired, abrogated, or interfered with except upon petition by the corporation." That is almost *verbatim* a quotation from the charter of the Backbone Railroad Company. Anterior to that time, as a matter of prior legislation, there was a general act of the General Assembly——

Mr. LEWIS. It has always been in existence.

Mr. PAYSON. No; it has not always been in existence, for there was a time when the State of Louisiana itself did not exist. It was found among the session laws of Louisiana, and it is immaterial when it was passed so it was prior to this legislation. That general act provided in general terms that the Legislature should have power to abrogate the charters of private corporations, but only upon certain conditions, such as providing for the payment of the debts of the corporations and all that sort of thing. Subsequent to that general act this charter was passed, which was the latest expression of the legislative will and contained the clause which I have quoted.

In the repealing act, and without stopping to read it, for it is pretty voluminous—I will give the substance of it, giving to the gentleman from Louisiana [Mr. LEWIS] the same privilege that I gave him before of correcting me if I misstate—in the repealing act is only found the simple provision of repeal and nothing else. There is no pretense on the part of anybody who has ever been connected with this case either that there ever was a petition of this railroad company for the abrogation of its charter, or a compliance with the general law of Louisiana with reference to the repeal of charters generally. Nobody will ever pretend that; nobody has ever asserted it; and I say here confidently that from this time until the vote shall be taken on this bill nobody will stand up here and assert it.

That, it seems to me, settles the legal question. I appeal to lawyers within the sound of my voice, who are familiar with the decided cases from the Dartmouth College case down to this day, if the doctrine so elaborately asserted by the gentleman from Louisiana [Mr. LEWIS] yesterday would find a lodgment in the brain of any lawyer in this country. Nobody should assert it, and in the few minutes which I have spoken here it has been mentioned for the first time in this discussion.

Mr. LEWIS. My friend will not find in my speech of yesterday that I made anything more than a statement of the fact that the Legislature of Louisiana——

Mr. PAYSON. Oh, yes; the gentleman says he only stated the fact that the Legislature of Louisiana repealed the charter. I am endeavoring to demonstrate that the Legislature of Louisiana did not, because it could not repeal the charter by the action it took; that is what I said.

Mr. LEWIS. I claim that I have a right to interrupt the gentleman.

Mr. PAYSON. I do not yield.

Mr. LEWIS. You stated in the beginning of your remarks that you were willing to be interrupted for correction as to statement of facts.

Mr. PAYSON. I am willing to be interrupted when I misstate any facts.

Mr. LEWIS. I say you are not stating facts now. You agreed that I should be permitted to correct you if you made a misstatement, and I say you have made a misstatement.

Mr. PAYSON. I hope the gentleman will not get excited. I am trying to treat him more than fairly.

Mr. LEWIS. But you do not treat me with any courtesy at all.

Mr. PAYSON. I stated to the gentleman, and I repeat it now, that as to any statement of fact which I may make with reference to this legislation, or any statement of fact in connection with the relation of these two railroad companies to this land grant, I am willing and will be glad to be corrected. But I do not hold myself responsible for the misstatements, or rather the erroneous conclusions, of the gentleman from Louisiana, and do not agree that out of my time he may endeavor to set himself straight before the House as to the fallacies in which he indulged yesterday. As to any question of fact in relation to this grant, the attitude of Congress toward it, what the courts have decided, any question of fact in a broad sense, I am not only willing but will be glad and desirous to be interrupted; for all I want is to know what the facts are.

Mr. LEWIS. I state that the gentleman has misstated the position which I took yesterday.

Mr. PAYSON. I will yield to the gentleman out of my time three minutes to state what his position is in reference to this repeal, and to state how he now desires the House to understand him. Does the gentleman take it?

Mr. LEWIS. I did not hear you.

Mr. PAYSON. I beg the gentleman will give me his attention. I am vociferating at the top of my voice, and the gentleman does not give me his attention.

Mr. LEWIS. There is no doubt about your vociferating.

Mr. PAYSON. I say I will give the gentleman three minutes of my time to show the House what his position is in reference to the effect of the attempted repeal by the Legislature of Louisiana of the Backbone charter.

Mr. LEWIS. I merely stated that yesterday as one of the facts in this case, but made no argument upon it at all. I stated it simply as a fact in the history of this matter, and did not attempt to make any argument on that branch of the case at all.

Mr. PAYSON. Is that all the explanation the gentleman desires to make?

Mr. LEWIS. That is all I desire to state. I only want to correct your misstatement that I made any elaborate argument on that branch of the case.

Mr. PAYSON. Oh, I am willing to admit that the gentleman made no elaborate argument. Then if it is not asserted by the gentleman from Louisiana, if he does not now claim that the act of the Legislature of his State was effectual to any degree in repealing the privileges of the New Orleans, Baton Rouge and Vicksburg Railroad Company, I ask him now why he stated it at all as part of his argument?

Mr. LEWIS. Stated what?

Mr. PAYSON. Why, you stated as a fact that the charter had been repealed.

Mr. LEWIS. I did so for the simple reason that I wanted the House to be in possession of all the facts, whatever effect they might have. That is the reason I stated it.

Mr. PAYSON. I will call attention to the exact language of the charter and the alleged repeal, that there may be no room for dispute about it, as that seems to be regarded as specially important.

This is the provision of the Backbone charter:

An act to incorporate the New Orleans, Baton Rouge and Vicksburg Railroad Company, and to expedite the construction of their road.

SEC. 26. *Be it further enacted, &c.*, That the said company may accept the terms, conditions, and provisions of this act at any time within one year from the date of its passage and approval by a written acceptance, signed by a ma-

jority of the directors of the company, and addressed to the governor of the State of Louisiana; and in case of such acceptance by said company, said company shall be entitled to the benefit of the provisions of this act, and shall possess and enjoy the rights and franchises granted to said company by the State of Louisiana in this act and heretofore; and such grants and the engagements herein made and entered into on the part of the State of Louisiana shall be deemed to be and shall be binding contracts between the State of Louisiana and the said company, not to be impaired, disturbed, or modified by subsequent legislation, except with the consent and on the petition of said company.

Approved December 30, 1869. (Acts of Louisiana, 1870, pages 7 to 19.)

This the general law, passed prior to the charter. Article 447, Code of Louisiana, the general law, provides that—

A corporation legally established may be dissolved:

First. By an act of the Legislature, if they deem it necessary or convenient to the public interest; provided that when the act of incorporation imports a contract, on the faith of which individuals have advanced money or engaged their property, it can not be repealed without providing for the reimbursement of the advances made or making full indemnity to such individuals.

Second. By the forfeiture of their charter, when the corporation abuses its privileges or refuses to accomplish the conditions on which such privileges were granted, in which case the corporation becomes extinct by the effect of the violation of the conditions of the act of incorporation.

This the "repealing" act:

An act to repeal an act entitled "An act to incorporate the New Orleans, Baton Rouge and Vicksburg Railroad Company, and to expedite the construction of their road," No. 143, approved December 30, 1869; and also an act entitled "An act authorizing certain parishes, cities, and towns, by contributing to the New Orleans, Baton Rouge and Vicksburg Railroad Company, or by subscribing for its stock, or by purchasing its bonds, or by issuing the bonds and warrants of the said parishes, cities, and towns, to aid in the construction of the road of the said company or its branch or branches," No. 80, approved March 16, 1870; and also an act entitled "An act authorizing the parishes of Livingston, Saint Helena, East Feliciana, East Baton Rouge, and the city of Baton Rouge to aid in the construction of the New Orleans, Baton Rouge and Vicksburg Railroad," No. 145, approved December 30, 1869.

SEC. 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in General Assembly convened*, That the act entitled "An act to incorporate the New Orleans, Baton Rouge and Vicksburg Railroad Company, and to expedite the construction of their road," No. 143, approved December 30, 1869; and also the act entitled "An act authorizing certain parishes, cities, and towns, by contributing to the New Orleans and Vicksburg Railroad Company, or by subscribing for its stock, or by purchasing its bonds, or by issuing the bonds and warrants of said parishes, cities, or towns, to aid in the construction of the road of said company or its branch or branches," No. 80, approved March 16, 1870; and also the act entitled "An act authorizing the parishes of Livingston, Saint Helena, East Feliciana, East Baton Rouge, and the city of Baton Rouge to aid in the construction of the New Orleans, Baton Rouge and Vicksburg Railroad," No. 145, approved December 30, 1869, be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted, &c.*, That this act shall take effect from and after its passage, and that all laws and parts of laws contrary to the provisions of this act be, and the same are hereby, repealed.

LOUIS BUSH,
Speaker of the House of Representatives.
LOUIS A. WILTZ,
Lieutenant-Governor and President of the Senate.

Approved April 30, 1877.

FRANCIS T. NICHOLS,
Governor of the State of Louisiana.

A true copy.

WILL A. STRONG,
Secretary of State.

(Acts of General Assembly of State of Louisiana, extra session, March 2, 1877.)

Now I come to another phase in this case. It is insisted by the gentlemen on the other side that time is of the essence of this contract——

Mr. HENLEY. If the gentleman will pardon me one moment, I understood there was a limitation of time in this debate?

Mr. PAYSON. I can not yield for any further arrangement.

Mr. HENLEY. The gentleman must yield for the rules of the House.

Mr. PAYSON. I hope the gentleman will not be so peremptory as to say that I "must yield." If he says that, I will not, though I am usually glad to extend any courtesy.

A MEMBER (to Mr. PAYSON). He says you must yield to the rules of the House.

Mr. HENLEY. I understood the time was to be divided equally between the opponents and the supporters of the bill.

Mr. PAYSON. I never understood there was any order of the House about the division of time. I tried to get such an order, but nobody would agree to it. Mr. Speaker, does this interruption come out of my time?

The SPEAKER *pro tempore* (Mr. SPRINGER). It does not. The gentleman is entitled to occupy the floor until his hour expires.

Mr. HENLEY. Three-fourths of the time thus far given to this debate has been consumed by gentlemen on one side.

The SPEAKER *pro tempore*. The Chair will state that there is no order of the House in regard to this debate. The gentleman from Illinois is on the floor in his own right, and is entitled under the rules to one hour.

Mr. PAYSON. Mr. Speaker, it was insisted on the other side, as another proposition, that time was of the essence of this contract; that in order for this company to claim this grant it was essential it should be shown that this road was constructed within the five years. No authority was cited in support of that proposition, nor can any be found. I make this statement without any affectation of learning. Commencing with the leading case upon this question, the case of Schulenberg *vs.* Harriman, in 21 Wallace, followed by an unbroken line of decisions of the Supreme Court and preceded by repeated and continued opinions by the Department of Justice, to be found in the sixteenth and seventeenth volumes of the Opinions of the Attorneys-General, the uniform course of opinion and decision has affirmed the doctrine which I will state in the language of the Supreme Court in the Schulenberg case, because it is better expressed than I could express it:

If the condition be not enforced—

That is, if the forfeiture be not declared for breach of condition—

the power over the land and the grant continues as well after as before the breach and is limited only by the object of the grant.

That is, the building of the road.

This doctrine, Mr. Speaker, has never been departed from by the Supreme Court in any case to which my attention has been called. Case after case has arisen where the application of that doctrine has been made, and this is the first instance either in Congress or the Departments where its application has been disputed where the road has been substantially completed before adverse legislation was begun.

I call attention to the opinion of the Attorney-General in two cases on the question as to "time being of the essence of the contract," and as to whether, after the expiration of the time, if Congress does not interfere to assert a forfeiture, the title to the lands is at all impaired by reason of the delay.

1. As to the effect of the proviso to the fourth section of the act of July 4, 1866:

While the part of the road to which your inquiries relate was not completed within the time limited by law, no attempt has been made to enforce any forfeiture of the lands granted to the State of Minnesota, or by any means, legislative or other, to revest the title in the United States. The question whether the State of Minnesota may still claim, under the act of Congress, lands which have been earned by the construction of the road since the expiration of the period, is determined by the case of Schulenberg *vs.* Harriman (21 Wallace, 44). This was the case of a grant of lands to the State of Wisconsin to aid in the construction of a certain railroad within that State by an act of June 3, 1856. The language there used in reference to the condition upon which the grant might be defeated by non-completion of the road within ten years was as follows: "No further sales shall be made, and the lands unsold shall revert to the United States." The road had not been completed within the time required for its construction, which had not been extended; and Congress had passed no act nor taken any judicial proceeding to enforce any forfeiture of the grant for failure to construct the road within the period prescribed. Upon this state of facts it was held that a present interest was passed by the grant to the State of Wisconsin; that the proviso was in the nature of a condition subsequent; that the prohibition against further sales, if the road were not completed, added nothing to the force of the proviso, because a cessation of sales was necessarily implied in the condition that the lands should revert, but that if the condition were not enforced the power to sell continued as before its breach, limited only by the objects of the grant and the manner of sale prescribed by the act; and that as no action had been taken, either by legislation or judicial proceedings to enforce a forfeiture or revest the title in the United States, that title remained in the State as completely as it existed on the day that the title by location of the line of the railroad acquired precision and became attached to the adjoining alternate sections.

In direct answer to your inquiry upon this point I therefore reply that the Department is authorized by law to issue patents to the State of Minnesota for lands opposite that portion of the road constructed in sections of ten consecutive miles since February 26, 1877, the date at which, according to the fourth section of the act of July 4, 1866, it was provided, in the event that the road was not completed, that the lands not patented should revert to the United States, and this for the reason above stated, that no act, legislative or judicial, has been taken to revest the title of the United States.

DEPARTMENT OF JUSTICE, *October* 26, 1880.

SIR: Your letter of the 15th instant presents for my consideration the application of the Atlantic and Pacific Railroad Company for the appointment of three commissioners to examine a section of twenty-five miles of its road west from Albuquerque, N. Mex., under section 4 of the act of Congress of July 27, 1866.

The Atlantic and Pacific Railroad Company was created by, and organized under, the act of Congress above mentioned, and was granted the right of way and the public lands of the United States, within certain defined limits, from Springfield, Mo., through the Indian Territory and New Mexico, to the Pacific coast.

Before 1871 it appears that the company constructed its road from Springfield to the western boundary line of the State of Missouri, and this portion of the road was duly accepted by the President, and patent for the land issued. This action was in accordance with the provision of section 4 of the granting act, which provides that when the company shall have twenty-five consecutive miles of any portion of said railroad ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same; and if it shall appear that twenty-five consecutive miles of road have been completed in all respects as required by the act the commissioners shall so report to the President of the United States, and patents to lands, as provided for by the third section of the act, shall be issued to the company.

The company next completed thirty-four miles in the Indian Territory prior to 1871; but because the United States had not extinguished the Indian title no steps were taken for the issuance of patents along the road in that Territory.

From the early part of the year 1871 down to August or September of the present year no section or portion of the road was constructed by the company; in fact no work of any kind or description was done by the company on the road.

Section 8 of the act makes it a condition of each and every grant, right, and privilege given to the company that the company "shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year; and shall construct, equip, furnish, and complete the main line of the whole road by July 4, 1878."

The company has not conformed to this condition, as it appears that for six years prior to July 4, 1878, no road was constructed; and, in addition, that for two years subsequent to that date no portion of the road was constructed.

The ninth section of the act recites that the conditional grants were made and accepted upon the further condition that "if the company make any breach of the conditions and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

By section 20 Congress has retained the right to add to, alter, amend, or repeal this act, having due regard for the rights of said railroad company.

Having in view the provisions and conditions of the granting act, and the failure on the part of the railroad company to perform the conditions prescribed in the manner recited, you request my opinion upon the following question:

"Is it within the power and the duty of the Executive to appoint commissioners to examine the section of road submitted by the Atlantic and Pacific Railroad Company, to accept the same if completed in all respects required by the

act of July 27, 1866, and to cause patents to be issued to said company for lands situated opposite to and conterminous with the section of road if completed?"

As I think the grant to this railroad must be treated as a present grant, to be made afterward definite, as from time to time the various portions of the road are completed, the only inquiry would seem to be whether or not the conditions upon which the company received the grant are in their nature conditions precedent or subsequent. If conditions precedent, the failure to perform such conditions would deprive the road of its right to make application for the benefits of the act if after such conditions were violated it proceeded to build portions of the road. If conditions subsequent, then it would be necessary for the United States to take advantage of such conditions by acting under the ninth section of the act, and proceeding itself to do acts and things which might be safe or necessary to insure a speedy completion of the road, or by declaring a forfeiture of the grant by legislative action, or by providing for enforcing the same by a judicial proceeding. If the United States were disposed to revest in itself or to enforce a forfeiture of the lands granted, it would be necessary to take some action indicative of that intention.

The case of Schulenberg *vs.* Harriman is apparently decisive of the present inquiry. That was the case of a grant of lands to the State of Wisconsin to aid in the construction of a certain railroad within that State by the act of June 3, 1856. The language of the first section of that act was, "that there be, and hereby is, granted to the State of Wisconsin" the lands specified. Similar language is found in the third section of the act of July 27, 1866: "That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company," &c. In that case the grant was made upon a condition that if the road be not completed within ten years "no further sales shall be made, and the lands unsold shall revert to the United States." The road had not been completed within the time required for its construction, which had not been extended, and Congress had passed no act, nor provided for any judicial proceedings, to enforce any forfeiture of the grant for failure to construct the road within the period prescribed. Upon this state of facts it was held that the grants to the State of Wisconsin were grants *in præsenti*, which acquired precision as the right of the road became fixed by its location, and that the lands had not reverted to the United States, although the road was not constructed within the period prescribed, no action having been taken, either by legislation or judicial proceedings, to enforce a forfeiture of the grant. (21 Wall., 44.)

The conditions in the present case must be held, in view of this authority, to be conditions subsequent. Apparently they are much more strongly so in the case referred to. The section, 9, in which they are found distinctly contemplates that the United States will do some act, and may do certain acts upon the breach of the conditions.

I am, therefore, of opinion that the grant to the railroad has not been forfeited by its failure to build its road within the time named in the act, no action, by reason of its failure to perform the conditions, having been taken by authority of Congress. It having then a present grant, even if it be treated as one liable to forfeiture, it has still a right to proceed to construct the road, and until in some form advantage shall be taken of the breach of the conditions, it would be the duty of the executive department to give it the benefit of the grant.

I am also of opinion, therefore, that it would be within the power and duty of the Executive to appoint commissioners to examine the section of road submitted by the Atlantic and Pacific Railroad Company, to accept the same if completed in all respects as required by the act of July 27, 1866, and to cause patents to be issued to said company for lands situated opposite to and conterminous with the section of road if completed.

I have the honor in this connection to refer to the opinion delivered to your Department by me of the date of November 29, 1879 (upon which I understand the Department has acted), in which the case of Schulenberg *vs.* Harriman, *supra*, was considered.

Very respectfully, your obedient servant,

CHAS. DEVENS.

Hon. CARL SCHURZ,
Secretary of the Interior.

Mr. Speaker, would the House believe this statement: that of the land-aided roads, aggregating over 12,000 miles in this country, roads aggregating more than 8,000 miles have been completed out of time? In Iowa, in Nebraska, in Kansas, in Michigan, in Minnesota, in Dakota, and all over the great Northwest the great majority of all the land-grant roads were completed out of time. Of the fourteen principal roads to which I shall call attention, this is the first road in regard to which it has ever been suggested that it should be interfered with on that account.

Perhaps, Mr. Speaker, I may as well refer to these cases now. The first is that of the North Wisconsin, formerly the Saint Croix and Lake Superior, and now the Chicago, Saint Paul, Minneapolis and Omaha. This is a road two hundred and twenty-six miles in length. The grant in aid of it was 1,408,000 acres, and not a spadeful of earth was turned on that road before the expiration of the time. It was all built out of time, the main line and branch.

This is the road out of the grant to which arose the Schulenberg case, and it was built thirteen years out of time, and built by an assignee company, precisely as in the case being considered.

In none of these cases has it been proposed to interfere. Why? Because, as I shall show, the authorities are to the point that if there has been substantial performance by anybody who was interested in it and before the grantor chose to take advantage of the breach, the right is gone. I will call attention to the authorities in support of it.

Mr. HENLEY. The House desires information.

Mr. PAYSON. Ask me a question; I do not yield for a speech.

Mr. HENLEY. I understand the gentleman to say the authorities are numerous that in a Government grant, where the condition subsequent is performed after the time prescribed, the grant is then yielded and is not forfeitable. Cite one single authority to the country.

Mr. PAYSON. I have not cited one authority as to a Government grant. I am speaking on the subject of grants generally.

Mr. HENLEY. Then what is the gentleman talking about?

Mr. PAYSON. I am talking about the law in reference to a grant, and I will call the gentleman's attention to it if he will not interrupt me.

Mr. HENLEY. Oh, that is becoming too monotonous.

Mr. PAYSON. It is a monotony the gentleman will have the opportunity to indulge in when he follows me by referring us to a few books where a different doctrine is laid down.

Mr. HENLEY. I will, if you ever get through your speech.

Mr. PAYSON. I say the authorities are all to the point where there was a condition subsequent and that condition was performed in substance by the grantee or anybody entitled to perform the condition, and before the grantor has taken steps to take advantage of the breach of condition, then the condition is waived. The law is precisely the same as to the Government in reference to any of these transactions as it is between individuals, except the single difference that negligence is never imputable to the Government, and that is the only exception to the rule.

Mr. OATES. Here is a case of a legislative grant.

Mr. PAYSON. The gentleman from Alabama [Mr. OATES] calls my attention to this case, The People of Vermont *vs.* The Society for the Propagation of the Gospel, &c., 2 Paine, 563. It is a legislative public grant on condition, and one question was the effect of a performance. After citing Marks *vs.* Marks, 10 Mod., 419, the court say:

When the condition is once performed it is thenceforth entirely gone, and the thing to which it was before annexed becomes absolute and wholly unconditional.

And I call attention to Washburn on Real Property, volume 2, page 10, where it is said, in speaking of estates on condition and of the rights of the grantor in case of breach of the condition:

Notwithstanding the breach, the estate, if a freehold, can only be defeated by an entry made, and until that is done it loses none of its original qualities or incidents.

And any one who is interested in the condition or the estate to which it is attached may perform it, and when it has once been performed it is thenceforth gone forever.

I will not take the time of the House by reading the list of authorities I have here before me to the same purport. Nearly all of them have been cited by the gentleman from Alabama [Mr. OATES], and it is unnecessary to repeat the reading; but the House will remember that all the cases, without any exception, yet considered by the committee or the House have been where nothing whatever has been done, or where there has been only part performance.

Here the road, as constructed, was completed and accepted, and the condition substantially performed before this bill was introduced into the House.

The next case I will call attention to is the Saint Vincent Extension of the Saint Paul and Pacific Two-thirds of that road was completed after the time and the last of it eleven years after the time had expired as to the grant.

The Brainerd Branch of the Saint Paul and Pacific, a grant of 243,712 acres. There not a spadeful of work was put in time by the people who took the grant, and no one ever pretends or insists that was forfeitable.

Then comes the Hastings and Dakota, 1,293,400 acres. One hundred and twenty-eight miles of the road was built after the time, some seven years after the time, and only forty-seven miles was built within the time. The grant went, and nobody pretends or ever did pretend the Government could interfere.

Then comes the West Wisconsin. There was a road that was built fifteen years after the time. It should have been completed June 5, 1866. It was completed fifteen years out of time. The grant was 1,305,600 acres.

I next call attention to the Wisconsin Central. A part of the main line was built out of time, and a part of the road from Ashland to Superior City has not only never been built, but has been abandoned, as gentlemen from that part of the country well know. That part of the Wisconsin Central road from Ashland to Superior City has never been built, and a large portion of the road was built out of time. No one pretends there is any right to interfere with that grant of 1,800,000 acres.

Then comes the Jackson, Lansing and Saginaw road, in Michigan. Twenty miles of that road is built from Janesville to Amboy. It was a branch line. The main line is built, and that is regarded as a substantial compliance with the conditions of the grant.

Then comes the Southern Minnesota Railroad Extension. Of that road one hundred and forty-nine miles was built within the time, only a small proportion of it within the time contemplated by the law, and that also was regarded as a substantial performance. The grant was made to the Southern Minnesota Railroad Company, which company was succeeded by another, the Southern Minnesota Railroad Extension Company. This company, as the assignee of the original grant, went on and completed the construction out of time, and that is not to be interfered with. The Lake Superior and Mississippi is another. The Little Rock and Fort Smith is another. And if the gentleman from Arkansas [Mr. JONES] is present I desire to call his attention to a matter in connection with that road which took place in the last Congress. It was, or a portion of it rather, substantially built within the time required. It was not entirely built. A bill was introduced declaring the land forfeited because of non-compliance.

The question came before the Committee on the Judiciary of the last Congress, of which I was a member, and it was shown by the certificate from the governor of that State that the road was then entirely completed. The Committee on the Judiciary unanimously reported, at the request of the gentleman from Arkansas, a bill to the effect that the grant ought not to be interfered with, and the patent issued, and it was done.

There is another case, a late case, in the district represented by the gentleman from Iowa [Mr. STRUBLE], the Sioux City and Saint Paul

road. There is a bill which has been reported to this House from the Committee on the Public Lands. The grant made in that case was for the construction of a road from the Minnesota State line to Sioux City or Le Mars. They commenced the construction of the road at the Minnesota State line and built toward Sioux City. When they got within some twenty-six miles of Sioux City they made connection with another road which was constructing from the opposite direction but had built its line down toward Sioux City, this road being built by the McGregor Western, I believe. They made a junction with this road at Le Mars, considering that there was no necessity for the construction of both roads. The Committee on the Public Lands reported a bill, which passed Congress within the last four days by unanimous consent, giving that company the lands which lie conterminous with the constructed portion of the road, simply declaring a forfeiture of the unearned part. This was within the last four days.

Mr. COBB. I think my friend from Iowa should do the Committee on Public Lands the justice to say that by the act this land can not be forfeited.

Mr. PAYSON. But there is another road, Mr. Speaker, the Saint Paul and Sioux City. There is a little branch from Saint Paul to Shakopee Falls which was never constructed. Part, I think, of the balance of the road was built within the time, but this was never constructed, although it has been held to be a substantial compliance.

Now, I have given a list of thirteen of the roads standing upon analogous if not absolutely pat grounds with the case considered here. And I state what I believe to be true, and never has been disputed, that there has not been a suggestion at any time that Congress should or could declare the forfeiture of any of them.

The question was asked by the gentleman from Louisiana, "Why not give the Government the benefit of the doubt, as in the case of the Oregon Central, passed the other day?" and looked at me as if addressing the inquiry to me; and I assume that he expected an answer. I shall give it to him with pleasure. The difference is simply this: In the case of the Oregon Central grant, as every member of this House present will remember, there had been only twenty-five miles of the main line and twenty-seven and one-half miles of the branch road built, and the ninety-seven miles of the main line, which was the essential factor in the case, had been absolutely abandoned by the company claiming the benefit of the grant. Here, in the case at bar, the railroad company have performed the conditions before adverse legislation is attempted, and are only claiming the lands which are conterminous with the constructed portion of the road.

One feature of the case may be touched upon by gentlemen upon the other side when they come to close this debate. It is that sixty-eight miles of this road from New Orleans northwardly from Baton Rouge were not built by this company at all. I presume that will be adverted to, because it is a point that is noticed by the committee. It is true that, as a matter of fact, when this company commenced the construction of this road to Baton Rouge and Shreveport they purchased from the old Morgan Steamship and Railway Company sixty-eight miles of constructed road, which they utilized as a part of their road. But they claim no land on account of that. The application to the Interior Department is for lands conterminous with the roads they constructed.

Now, another thing. It was stated by the gentleman from Louisiana [Mr. LEWIS] that the New Orleans Pacific Railroad Company did not build this road, and he asserts it was built by the Texas Pacific under the lead of Mr. Jay Gould. I have nothing in sympathy with Mr. Gould. I do not know him personally, although I have heard something of him through the newspapers. But I speak of what appears in the records of the Public Lands Committee, in documents there which have never been disputed, when I say that at the time the contract for this road was made Mr. Gould had not a dollar of interest in the Texas Pacific Company. It was then under the presidency and control of Mr. Thomas Scott, a name somewhat familiar to every one who is interested in railroad matters. But, then, what difference does that make?

Another point was made by the gentleman from Louisiana, that the road was not constructed by the New Orleans Pacific Railroad Company. I hold in my hand and will ask to have it printed with my remarks the sworn statement of General Dodge, of Iowa, who was connected with the construction company which did build the road, and the sworn testimony of Mr. Wheelock, who was at that time the president of the New Orleans Pacific Railroad Company. In those affidavits, which have been matters of record in the Public Lands Committee since last January, they make the sworn statement that this railroad was built by the New Orleans Pacific Railroad Company upon the faith of this grant and upon the positive and direct assurance first of the Backbone Railroad Company that the grant should be obtained, and then later on, in the fall of 1880 and the early winter of 1881, on a direct affirmance on the part of the Interior Department that the grant was assignable and that the New Orleans Pacific would be entitled to it if it secured the grant and built the road.

The papers made by the gentlemen named are these:

Sworn statement of Grenville M. Dodge in regard to the construction of the New Orleans Pacific Railway (submitted to House Public Lands Committee).

HOW THE ROAD WAS BUILT.

I, Grenville M. Dodge, state that in the winter of 1879 or spring of 1880 Mr. E. B. Wheelock, president of the New Orleans Pacific Railway Company, came on his own motion, and without any suggestion from me, to see me and other gentlemen with whom I was associated in business relations to enlist us in the enterprise of building the road of the said company from New Orleans to Shreveport, showing us the charter, constitution, and laws of Louisiana, and representing very strongly how earnestly the people of New Orleans and Louisiana wanted this road constructed, so as to give New Orleans a connection with the Texas and Pacific Company. I had repeated interviews with Mr. Wheelock on the subject, and in April and May, 1880, I caused an examination of the route and cost of the proposed road to be made by engineers and others. I was informed and knew of the existence of the Backbone land grant.

ASSIGNMENT OF LAND GRANT A SINE QUA NON.

The result of numerous interviews was that I told him, as representing myself and others, that we would not undertake the construction of this road unless it could get the benefit of the land grant which had been made to the Backbone company, either by a transfer of the same by Congress or by the Backbone company. He assured myself and associates that in one of these ways this could be effected, and to confirm his assurance he showed us a written statement, signed, as I recollect, by the Louisiana delegation, that they were in favor of, and would do everything in their power to secure this grant, to aid in the construction of the New Orleans Pacific Railroad, which statement had a very material, if not controlling, influence in inducing us to undertake and carry on this work. I here positively state that unless this land grant could have been assured to the New Orleans Pacific we would not have enlisted in the enterprise of building the road. As the route of this road was practically identical with the route of the Backbone Company, it is clear that as a business matter capital could not be enlisted in it as against another company having the advantages of a land grant. We said to Mr. Wheelock that the transfer of the land grant from the Backbone company to the New Orleans Pacific Company would answer, provided the other terms could be satisfactorily agreed upon; and provided further, our counsel would advise us that an assignment by the Backbone company would be effectual. Negotiations were carried on through the spring and perhaps early summer of 1880, which finally resulted in an undertaking by the representatives by the Backbone company to transfer the land grant to the New Orleans Pacific, which agreement was afterward carried out by the resolution of the Backbone company dated December 29, 1880, subsequently ratified by the stockholders of that company and by the deed of that company of date January 5, 1881.

THE CONSIDERATION FOR BUILDING.

The land grant constituted part of the consideration for the building of the New Orleans Pacific road, and the enterprise was undertaken by myself and others, organized into the American Railway Improvement Company, on the faith of getting the benefit of the land grant, and the enterprise was prosecuted on the faith and belief that the assignment was effectual, and with the repeated recognition thereof by the officers of the Government during the progress of the work, such as the letters of General James A. Williamson, Commissioner of the Land Office, of February 17, 1881, and February 21, 1881; by Secretary Kirkwood in 1881; by the appointment of a commissioner to examine the road; and the opinion of the Attorney-General of June 13, 1882. The road was completed in 1882, with the exception of a bridge across the Atchafalaya River, which is a very expensive structure, costing about $400,000, which was completed about Christmas, 1883. On March 13, 1883, the Secretary of the Interior recommended the issue of patents to the New Orleans Pacific company for the lands earned by it for the construction of the said road, and his recommendation was approved by the President; on the faith of which large sums of money have been expended in the construction of the said bridge; and on faith of which also, and of the instructions of the Commissioner of the General Land Office of October 15, 1883, large sums of money have been paid for the cost of selecting lands to which the company was entitled, amounting, as near as I can recollect, to about $30,000.

THE COMPANY'S LIBERAL POLICY AND DEALINGS.

To avoid all doubtful questions, and display a spirit of fairness and liberality, I assented on behalf of my company to relinquish our right to the lands in respect of sixty-eight miles of road which, instead of building, the New Orleans Pacific Railway Company purchased and acquired from another company, notwithstanding I was advised by counsel that the New Orleans Pacific Railway Company was just as much entitled to the land grant for these sixty-eight miles of road, purchased under lawful authority from another company, and thus made part of its line, as if the New Orleans Pacific Railway Company had originally built it itself.

In pursuance of this same spirit and policy the improvement company assented that the railroad company might accept the adjustment proposed by the Commissioner of the General Land Office in his letter of May 22, 1883, fixing the date of definite location as of October 27, 1881, and November 17, 1882, although the said line was definitely located long prior to those dates; and in pursuance of the same spirit and policy the said improvement company assented to the Robinson-Blanchard contract of January 4, 1882, whereby it was agreed that settlers and occupiers of the lands up to that date should have the right to purchase the same, not exceeding one hundred and sixty acres each, at a price not exceeding $2 per acre.

Under these circumstances to forfeit this land grant, even if the bare legal power to forfeit it exists, I hope I will be pardoned to say, since such is the opinion and sentiment of those who furnished the means whereby to build and equip this road and to effect and consummate the public object of Congress in making the grant, without which New Orleans and Louisiana would to-day remain without direct connection with the Texas and Pacific, is so monstrously unjust, that it is difficult to conceive it as even possible.

SMALL PROFITS IN CONSTRUCTION.

In building this road, on account of the extraordinary high waters for two years and the increased cost of bridging the Atchafalaya River and the large and expensive terminals in New Orleans, there has been no profit to the improvement company. The actual cash paid out for the construction of the road is more to-day than the value of the securities received for the construction thereof; and if this land grant is obtained with the quantity thus diminished, as above stated, it will afford, at most, to the builders of this road a very moderate, almost insignificant, profit.

G. M. DODGE.

Sworn to February 18, 1884.

W. W. COTTON, *Notary Public.*

In the matter of the land grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company.—Statement of E. B. Wheelock, president New Orleans Pacific Railway Company, the assignee of above land grant.

To the honorable members of the House of Representatives of the Forty-eighth Congress:

GENTLEMEN: As president of the New Orleans Pacific Railway Company, the assignee of the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by act of Congress of March 3, 1871, it is my purpose to lay before you a brief summary of the facts and incidents connected with the assignment and pertinent to the question now under consideration by your honorable body, to wit, the forfeiture of the said grant.

The New Orleans Pacific Railway Company was chartered under the general law of Louisiana on June 29, 1875, and work was begun during the ensuing autumn. On the 19th of February, 1876, the General Assembly of Louisiana passed an act confirming the notarial charter and granting its perpetual existence. The long-felt need of railway communications in my State, and the urgent necessity for them then existing, and plainly visible on every side in the

decline in value of all the immovable property of every description, both in the country parishes and in the chief city of Louisiana (New Orleans), had aroused the people throughout the State to a sense of the imperative need of a line of railway which would connect them with the great and prosperous section west of the Mississippi River. No public enterprise ever undertaken was more in harmony with popular feeling and popular sympathy than the proposed construction of the New Orleans Pacific Railway Company.

After the lapse of a little more than a year about $750,000 in cash had been subscribed, and a portion of it had been expended. In the winter of 1877 the railway company made vigorous efforts in Washington to procure the forfeiture of the land grant to the New Orleans Pacific, Baton Rouge and Vicksburg Railroad Company, with the view of obtaining the same for themselves. These efforts were continued until 1880 without success, and the New Orleans Pacific Railway Company found themselves at that period with their funds exhausted and a portion only of the road-bed constructed. Such was the embarrassed condition of the finances of the people of Louisiana that the company was left helpless and unable to prosecute the work. At this juncture, the parties who were constructing the Texas and Pacific Railroad entered into writings to extend that line and construct the New Orleans Pacific Railway to New Orleans, provided the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company was secured to them. I at once took steps to secure the transfer of the land grant, and succeeded. Contracts for the construction of the road were then immediately signed, and it was rapidly pushed forward, and was completed in 1882. Upon its completion the Government of the United States accepted the road and issued orders for the issue of patents upon the land, and the local land officers officially notified that the New Orleans Pacific Railway Company could make their selections, and on the payment of fees the title thereto would be vested in the company, so that the lands have been fully earned and the title or right of the company thereto is perfect. Only the formal act of the issue of the patents remains to be done.

As an immediate consequence of the construction of the road, the values of property in New Orleans and in the country parishes on the line of the road were largely enhanced, railroad enterprises were stimulated and increased, thereby greatly enlarging the assessments of taxable property and offering increased facilities to agriculture and commerce.

On the accession of Hon. N. C. BLANCHARD to a seat in the House of Representatives from the fourth Louisiana district, in the year 1881, a doubt appeared in his mind as to the possibility of the railroad company not properly regarding the right of the settlers and occupiers of the land embraced in the grant, and jointly with Hon. E. W. Robertson, member of Congress from sixth Louisiana district, he filed a letter with the honorable Secretary of the Interior asking for delay in the issuance of patents to the New Orleans Pacific Railway Company. On being apprised of this, I at once proceeded to Washington and entered into a written agreement for the protection of the settlers and occupiers; and thereupon, on the 4th of January, 1882, Messrs. Robertson and BLANCHARD addressed a letter to the honorable Secretary of the Interior withdrawing their objections. Throughout this interval various protests and objections to the issuance of the patents have been presented to the honorable Secretary of the Interior. Some of these, attaining prominence through the agency of the press, were afterward proved to have emanated from black-mailing sources, not before, however, leaving their impress in certain quarters where one might have expected that good judgment and able statesmanship would have resisted the cry of "anything to beat a railroad corporation." Happily such sentiments do not find a lodgment in the clear intelligence and strong sense of justice which control the deliberations and conclusions of this honorable body.

The right to the lands claimed by the New Orleans Pacific Railway Company under the transfer of this grant has been acquiesced in by the Senate Commitee on Railroads (Senate Report No. 711, Forty-seventh Congress, first session); by both the late and the present Commissioner of the General Land Office; by the Secretary of the Interior; by the Attorney-General; and finally by the President of the United States.

More than two years after the completion of the road a protest against the issuance of the patents to the New Orleans Pacific Railway Company was filed by Hon. E. T. LEWIS, member of Congress from sixth Louisiana district, in which he stands alone of the delegation from his State. By reference to a map to be found in the General Land Office it will be seen that about one-twentieth of the lands included in this grant and belonging to the railway lies in his district, while nineteen-twentieths of the land is embraced in the district represented by Hon. N. C. BLANCHARD, member of Congress.

By reference to the Census Compendium of 1880 and the extra census bulletin (areas of the United States) it can be proved that unless more than 10 per cent. of the constituency represented by Hon. Mr. LEWIS are settlers without title upon the lands in question, the number of people in his district who are interested in this matter does not exceed sixty, and these are amply protected by the agreement made between the railway company and Mr. BLANCHARD, and the predecessor of Mr. LEWIS, Mr. Robertson.

Under the act granting these lands there could be no valid settlement or pre-emption after the maps of location were filed. These were filed by the grantee company in 1871 and 1873, and the lands withdrawn from sale or pre-emption. At all events there could be no valid settlement or pre-emption after the New Orleans Pacific Railway Company actually built its road. Now the Robertson-Blanchard agreement agrees to protect all settlers down to the date of that agreement, January 4, 1882, and allows them to buy their lands at $2 per acre, one-third cash on the issue of patents and balance in one and two years, at 6 per cent. interest. This is less than Government price for the alternate sections, and on easier terms.

If Congress should undertake to forfeit this grant this would end this agreement, and years of litigation would ensue, in which no one would know meantime who owned the lands. A greater misfortune to the settlers and curse and blight to this whole region, now rapidly developing, could not be inflicted than to pass an act of Congress (which would certainly prove abortive in the courts) undertaking to forfeit the grant.

An act of greater injustice to the men who furnished the money to build this road on the faith of this grant, and without which the road would not have been built to-day, was never proposed to a legislative body.

It can not be possible, in view of this plain statement of facts, that a sufficient number of Representatives in Congress can be found to sustain this attack upon the legal and equitable rights of the New Orleans Pacific Railway Company, and to demand a forfeiture, which in this instance is but another name for a violation of the obligation of a contract.

It is a form of repudiation which I will not believe that any considerable portion of an American Congress will lend themselves to.

Respectfully submitted.

E. B. WHEELOCK,
President New Orleans Pacific Railway Company.

The point that I make, Mr. Speaker, is that if the statements made by the gentleman from Louisiana, which he says he believes to be true, but which are in conflict with these sworn affidavits which have been in our committee-room since last January—if his belief is well founded, it seems to me very strange there has not been some proof obtained in the matter. This case is not one which has quietly gone through the committee and been reported *pro forma*. It has been contested by friends and opponents of the bill. From its very inception down there has never been to my knowledge an asserted statement of facts susceptible of proof and capable of proof that has not been disputed, and as to which proof has not been adduced. And therefore I ask that when two gentlemen who are reputed to be respectable men, who had positive knowledge with reference to it, come before the committee, although they happen to be connected with a railroad corporation, and make a sworn statement of fact, and nobody denies it or disputes their statement, it is simply a matter of conviction on the part of the gentleman from Louisiana, without a statement to the House as to the fact on which he bases that conviction, that these affidavits should go for what they are worth.

Now that the Interior Department did give this railroad company the assurance that if the railroad was built they would have the grant confirmed——

Mr. LEWIS rose.

Mr. PAYSON. Does the gentleman deny that?

Mr. LEWIS. I do dispute the fact that the Interior Department ever gave sanction to this grant until March 3, 1883.

Mr. PAYSON. The Interior Department gave that assurance so far as the Commissioner of the General Land Office could do it. The gentleman stultifies himself when he says it did not.

Mr. LEWIS. I do not stultify myself.

Mr. PAYSON. If the expression is not parliamentary I withdraw it. I have here letters, three in number, from the Department of the Interior, addressed to the managers of the railway company before they had commenced substantial performance of the work—before they commenced the work, showing that they relied on this grant, they addressed a letter to the Commissioner of the General Land Office to know whether they would have the benefit of this grant, if the New Orleans, Baton Rouge and Vicksburg Company would convey it to them. The Commissioner of the General Land Office officially notified the company it was subject to transfer, and if they secured it and built the road they would be entitled to the benefit of the grant. I will ask leave to print this with my remarks. If any gentleman desires it I will ask the Clerk to read it.

Mr. LEWIS. You have not time left for that.

Mr. PAYSON. Then I will insert them.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 17, 1881.

SIR: In compliance with the verbal request of Hon. J. H. KETCHAM, I make the following statement:

By the twenty-second section of an act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871, a grant of land was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company for the purpose of aiding in the construction of its road.

At a special meeting of the directors of said New Orleans, Baton Rouge and Vicksburg Railroad Company, held December 29, 1880, a resolution was adopted authorizing the president and secretary of the company to transfer all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company, and to make and execute such instruments as should be necessary for that purpose.

On the 5th day of January, 1881, the president and secretary, pursuant to said authority, executed a deed in the name of the New Orleans, Baton Rouge and Vicksburg Company, conveying all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company.

On the 3d day of February, 1881, the directors of the last-named company adopted a resolution authorizing the president of the company to accept said conveyance, and to execute any documents necessary to evidence the acceptance.

There can be no doubt that when the president of the New Orleans Pacific Railway Company accepts said transfer the company will be fully vested with all the right, title, and interest which the New Orleans, Baton Rouge and Vicksburg Company has in and to said grant.

Very respectfully,

J. A. WILLIAMSON, *Commissioner.*

W. H. BARNUM, Esq.,
President of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

NEW YORK, *February* 19, 1881.

SIR: I transmit herewith telegram from E. B. Wheelock, president, &c., advising me of the acceptance by the New Orleans Pacific Railroad Company, of the deed and transfer executed by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to the land grant made by section 22 of the act of Congress approved March 3, 1871. Letter of acceptance, in same terms, to be filed in your office, will follow in due course of mail.

Please advise me if this action completes the assignment and transfer of this land grant, and oblige,

Very respectfully, your obedient servant,

W. H. BARNUM,
President New Orleans, Baton Rouge and Vicksburg Railroad Company.

Hon. J. A. WILLIAMSON,
Commissioner, &c.

---

10 A.

[The Western Union Telegraph Company. * * * Dated New Orleans, February 19, 1881. Received at ——, ——.]

To Hon. W. H. BARNUM,
President New Orleans, Baton Rouge and Vicksburg Railroad Company:

In pursuance of the resolution of the board of directors of the New Orleans Pacific Railway Company, passed February third, eighteen hundred and eighty-one, I hereby accept, in behalf of said company, the deed and transfer executed by the New Orleans, Baton Rouge and Vicksburg Railroad Company, bearing date of January fifth, eighteen hundred and eighty-one, conveying all its rights, title, and interest in, to, and under the land grant made by section twenty-two of the act of Congress approved March third, eighteen hundred and seventy-one.

THE NEW ORLEANS PACIFIC RAILWAY COMPANY,
By E. B. WHEELOCK, *President.*

(Indorsement:) Received the within this 19th day of February, 1881. The New Orleans, Baton Rouge and Vicksburg Railroad Company, by W. H. Barnum, president.

11.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 21, 1881.

SIR: The president of the New Orleans Pacific Railway Company has duly accepted, in behalf of said company, the deed referred to in my letter addressed to you, dated February 17, 1881, being the deed to the said New Orleans Pacific Railway Company by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its rights, title, and interest in and to the grant to said last-named company by the twenty-second section of an act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871.

The transfer by the said New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to said grant to the said New Orleans Pacific Railway Company is now complete.

Very respectfully,

J. A. WILLIAMSON, *Commissioner.*

W. H. BARNUM,
President of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

12.

NEW YORK, *February* 23, 1881.

MY DEAR SIR: Inclosed I hand you acceptance of the New Orleans Pacific Railway Company of the transfer of land grant made by the New Orleans, Baton Rouge and Vicksburg Railroad Company, which is the original of the telegram of acceptance forwarded to the Department.

Yours, very truly,

WM. M. BARNUM.

Hon. J. H. KETCHAM, *Washington, D. C.*

[Indorsement.]

WASHINGTON, D. C., *February* 24, 1881.

SIR: Please file the inclosed letter of acceptance with the other papers in the case, and oblige,

Yours, very truly,

J. H. KETCHAM.

Hon. J. A. WILLIAMSON,
Commissioner, &c.

---

12 A.

NEW ORLEANS PACIFIC RAILWAY COMPANY,
OFFICE OF THE PRESIDENT,
New Orleans, February 19, 1881.

SIR: In pursuance of the resolution of the board of directors of the New Orleans Pacific Railway Company, passed February 3, 1881, I hereby accept, in behalf of said company, the deed and transfer executed by the New Orleans, Baton Rouge and Vicksburg Railroad Company, bearing date January 5, 1881, conveying all its right, title, and interest in, to, and under the land grant made by section 22 of the act of Congress approved March 3, 1871.

THE NEW ORLEANS PACIFIC RAILWAY COMPANY,
By E. B. WHEELOCK, *President.*

Hon. W. H. BARNUM,
President N. O., B. R. and V. R. R. Co., 52 William st., N. Y.

Received the within acceptance this 23d day of February, 1881.

THE NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILWAY COMPANY,
By WM. M. BARNUM, *Secretary.*

(Indorsements:) 1377, C. 6. Department of the Interior, Lands and Railroad Division. Received October 29, 1881.

14.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 26, 1881.

SIR: On the 17th instant you filed with me certain papers, showing the transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company to the New Orleans Pacific Railway Company, of the land grant to the former company. You verbally asked me for an expression of opinion as to the effect and sufficiency of the transfer.

On the same day (17th instant) I addressed a letter to Hon. W. H. Barnum, president of the first-named company, expressing the opinion that the transfer would fully vest in the last-named company, upon a formal acceptance thereof by it, all the right, title, and interest of the first named.

On the 21st instant you filed a letter from Mr. Barnum, dated 19th instant, addressed to me, covering a telegram from E. B. Wheelock, president of the New Orleans Pacific Railway Company, dated New Orleans, 19th instant, being the required acceptance of the transfer.

By letter to Mr. Barnum, dated 21st instant, I acknowledged receipt of his letter and inclosure, and stated that the transfer was not complete.

On the 24th instant you referred a letter dated New York, 23d instant, addressed to you from William M. Barnum, secretary of the New Orleans, Baton Rouge and Vicksburg Railroad Company, covering the original of the telegram of acceptance, above referred to.

Yesterday you telegraphed me, asking if the papers last described had been received; to which I at once responded by telegraph in the affirmative.

All the papers in the case have been filed.

Very respectfully, &c.,

J. A. WILLIAMSON, *Commissioner*

Hon. J. H. KETCHAM,
House of Representatives.

It is said the proceedings making the transfer were fraudulent as to the stockholders of the Backbone company.

Although this case has been continuously and notoriously before the proper committee of the House, both in the last Congress and in this, I have yet to see or hear of a single person who now makes complaint, by himself or by his attorney, who was interested either as stockholder, bondholder, creditor, or officer of the Backbone company. A list of the stockholders of that company has been filed in the Interior Department for several years, and none of them have complained to my knowledge. No such complaint has come to my notice or hearing. The papers, records, deeds, proxies, &c., are all regular and fair on their face; and in the absence of any complaint on the part of any person interested, and who would complain if injured, I feel bound to assume that the papers are good for what they purport.

The question of the action of officers of the company is one for the courts. If any shareholder has been injured the courts will afford him a remedy. Here the deed of the Backbone company was, in fact, made, and the grantee accepted it, and no one interested is making any compliant.

Another point I wish especial attention to and not yet presented here: That there has been full performance has been found and determined by the proper officers, as provided by law. The railroad has been inspected and accepted by the executive branch of the Government, and the acceptance is conclusive unless set aside by the courts for fraud. The statute provides for the inspection and acceptance of the road. (Section 18.) It has been done. (Hassard, No. 18, 53; Executive Document 31.) This is the law: An administrative officer charged with the duty of determining a fact, and applying the law thereto, acts in a quasi-judicial capacity, and his decision is valid and binding.

In Murray's Lessee *et al. vs.* Hoboken Land and Improvement Company (18 How., 280) it was held:

That the auditing of the accounts of a receiver of public moneys may be, in an enlarged sense, a judicial act, must be admitted. So are all these administrative duties, the performance of which involves an inquiry into the existence of facts and the application to them of rules of law.

Cooley's Constitutional Limitations, page 69:

Great deference hasbeen paid in all cases to the action of the executive department, where its officers have been called upon, under the responsibility of their official oaths, to inaugurate a new system, and when it is to be presumed they have carefully and conscientiously weighed all considerations and endeavored to keep within the letter and the spirit of the Constitution. If the question involved is really one of doubt, the force of their judgment, especially in view of the injurious consequences that may result from disregarding it, is fairly entitled to turn the scale in the judicial mind.

See Lytle *vs.* State of Arkansas, 9 Howard, 333: A register and receiver being made by the act a tribunal to ascertain questions of fact as to pre-emption, their decision can not be impeached except for fraud.

United States *vs.* Arredondo (6 Peters, 691):

It is a universal principle that where power or jurisdiction is delegated to any officer or tribunal over a subject-matter, and its exercise is confided to his or their discretion, the acts so done are binding and valid as to the subject-matter, and individual rights will not be disturbed collaterally for anything done in the exercise of that discretion within the authority and power conferred. The only questions which can arise between an individual claiming a right under the acts done and the public, or any person denying its validity, are power in the officer and fraud in the party. All other questions are settled by the decision made or the act done by the tribunal or officer, whether executive, legislative, judicial, or special, unless an appeal is provided for, or other revision by some appellate or supervisory tribunal is prescribed by law.

In the case of the Missouri, Kansas and Texas Railway Company (7 Otto, 496) the Supreme Court holds that the approval by the President of the report of the commissioners appointed to examine the road vests the title to the land, and that the land is beyond the control of the Government or any of the Departments; that so far as the Government is concerned the transaction is closed.

The Court of Claims has held in the Chorpenning case (3 Court of Claims, 147) that—

If, on the contrary, the Postmaster-General acted or was to act in a judicial or quasi-judicial character, either as arbitrator or as a special tribunal invested with the sole jurisdiction of the claim, then his award was final and conclusive, and its errors can not be corrected by an action in any other tribunal.

United States *vs.* Burlington and Missouri River Railroad (98 United States, 341), on the question of Department construction of statutes even:

Such has been the uniform construction given to the acts by all Departments of the Government. Patents have been issued, bonds given, mortgages executed, and legislation had upon this construction. This uniform action is *as potential and as conclusive of the soundness of the construction as if it had been declared by judicial decision.* It can not at this day be called in question.

Ex parte Randolph, 2 Brock., 473:

I take it to be a sound principle that where a special tribunal is created, with limited power and a particular jurisdiction, whensoever the power is once executed, the jurisdiction is exhausted and at an end; that the person thus invested with power is, in the larger usage of the law, *functus officio.*

This doctrine has been repeatedly expounded by consecutive Attorneys-General: Attorney-General Wirt (2 Op., 9); Attorney-General Taney (2 Op., 462); Attorney-General Nelson (4 Op., 341); Attorney-General Toucey (5 Op., 29); Attorney-General Johnson (5 Op., 122); Attorney-General Crittenden (5 Op., 284); Attorney-General Black (9 Op., 32,101, 301); Attorney-General Stanbery (12 Op., 355); Attorney-General Hoar (13 Op., 33, 226); Attorney-General Akerman (13 Op., 387); Attorney-General Bristow (13 Op., 457); Attorney-General Devens (15 Op., 208, 316).

The SPEAKER *pro tempore* (Mr. SPRINGER). The time of the gentleman from Illinois [Mr. PAYSON] has expired.

Mr. PAYSON. I have had a good deal of my time taken up by interruptions.

Mr. COBB. I have tried to have a fair division of the time. The gentleman from Louisiana [Mr. LEWIS] who has charge of the bill gave notice that he would call the previous question at 4 o'clock.

The gentleman from Illinois [Mr. PAYSON] who now has the floor, or is about to yield it, asked me how the time would be divided, and I told him that it would be divided equally. The gentleman has now consumed very nearly all the time on that side, and it does seem to me that it would be well for the previous question to be now called.

Mr. VAN EATON. I will yield to the gentleman from Illinois [Mr. PAYSON] the balance of my time.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Mississippi [Mr. VAN EATON] has ten minutes of his time remaining and yields it to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. I thank the gentleman for his courtesy. As I was saying, the record in this case, all the testimony in connection with it, which to my knowledge has never been disputed, shows that this railroad was built upon the faith and strength of this grant. That the Government of the United States made a covenant with this company by the twenty-second section of the Texas Pacific act that if this road was built by them they should have this grant is not disputed. That the road has substantially been built is conceded.

There is some technical objection as to that portion of the road between Marshall and Shreveport, but outside of that, and waiving the legal point that they had no right to build on the west side of the Mississippi River, the gentleman from Louisiana [Mr. LEWIS] will not deny that from New Orleans by the way of Baton Rouge to Shreveport, and connecting thence with the Texas Pacific system running west to El Paso and thence to the Pacific Ocean, a line of railroad has been constructed and is now in successful operation. That will not be disputed. The gentleman assents to it.

Now, what has been the affirmative action of every official upon this grant? Every department of this Government, from the making of this grant down to this day, commencing first at the White House, the President of the United States saying formally and placing his signature and seal upon a document now in the Interior Department, a printed copy of which I hold in my hand, that this railway company is entitled to the benefit of this grant; the Secretary of the Interior, Secretary Teller, a man who is known this country over as a man who does not swerve in the least in the interest of corporations, stating in an official report to the President of the United States that this railroad company is entitled to the benefits of this grant——

Mr. LEWIS. He says he resisted it.

Mr. PAYSON. I beg the gentleman not to interrupt me; if he will not state the facts——

Mr. LEWIS. I can state facts just as well as you can, and I do not like this insinuation; I want you to understand that. [The Speaker *pro tempore* rapped with his gavel.] I do not like this insinuation. I can state facts as well as you can. I will not permit these insinuations from any man on this floor.

The SPEAKER *pro tempore* (rapping). The gentleman from Louisiana [Mr. LEWIS] is not in order.

Mr. PAYSON. What is the matter with the gentleman?

Mr. LEWIS. I will let you know what is the matter with me very quick. I do not like any such insinuations that I can not state facts as well as you can.

The SPEAKER *pro tempore*. The gentleman from Louisiana is not in order. The gentleman from Illinois [Mr. PAYSON] declines to yield.

Mr. PAYSON. I hope there will not be anybody injured; I hope not. I ask the Clerk to read——

Mr. LEWIS. I do not like any unjust insinuations upon my ability to state facts as well as the gentleman can.

Mr. PAYSON. Oh, nobody insinuated that.

Mr. LEWIS. If you do not mean that, say so.

Mr. PAYSON. Nobody has insinuated a word against you.

Mr. LEWIS. Very well; that is all right.

Mr. PAYSON. I ask the Clerk to read a paragraph from the official letter of Secretary Teller to the President.

The Clerk read as follows:

I have also the honor to submit herewith two reports on the New Orleans Pacific Railway by Mr. Thomas Hassard, whom you appointed commissioner to examine completed portions of said railway.

The first report bears date 26th of October, 1881, and has not been submitted to you at an earlier date on account of the controversies heretofore in question.

The portions of said railway examined and at that time reported on extend from the west bank of the Mississippi River, opposite Thalia street, New Orleans, La., in a northwesterly direction, near said river, 60 miles, to near the town of Donaldsonville, in T. 11 S., R. 15 —; also from Bayou Lamourie, in T. 2 N., R. 1 E., to a point in T. 4 N., R. 2 W., a distance of 20 miles; also from the junction of said railway with the Texas and Pacific Railway, in Shreveport, La., southwardly to T. 10 N., R. 12 W., a distance of 50 miles.

The second report bears date 15th of November, 1882, and relates to such portions of said railway as were not examined and reported on in October, 1881, amounting to 198 miles, lying between New Orleans and Shreveport.

The commissioner reports said portions of road, 328 miles in all, as constructed in substantial compliance with law and the instructions of this Department.

In view of the facts and the law of the case, I regard the New Orleans Pacific Railway Company as the lawful assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, and entitled to the lands granted by the twenty-second section of the act of March 3, 1871, to said latter-named company, and to patents therefor in so far as it has earned or hereafter may earn the same under that act, with the exception below named, and recommend that you accept said three hundred and twenty-eight miles of said road, less and exclusive of sixty-eight miles of the line of said New Orleans, Baton Rouge and Vicksburg road, extending from New Orleans to White Castle, between New Orleans and Shreveport (to which sixty-eight miles the New Orleans Pacific road has withdrawn its claim and right to receive lands under the twenty-second section of said act), and that patents for such lands as may have been earned by the construction be issued to the New Orleans Pacific Railway Company (exclusive, nevertheless, of lands along said sixty-eight miles) on their compliance with the law and regulations in such case made and provided.

These patents will, of course, be subject to rights acquired by any person or corporation prior to the act of March 3, 1871.

Requesting that the inclosures herewith be returned to this Department when no longer needed for the purposes hereof,

I am, very respectfully,

H. M. TELLER, *Secretary*.

The PRESIDENT.

(Indorsements:) Department of the Interior, March 13, 1883. H. M. Teller, Secretary, submits to the President report of commissioner on 328 miles of the New Orleans Pacific Railroad, with recommendations.

EXECUTIVE MANSION, *March* 16, 1883.

The within recommendations are approved.

CHESTER A. ARTHUR.

Mr. PAYSON. That is enough for my purpose. That opinion of Secretary Teller, of the Interior Department, is indorsed by the President of the United States, who confirms his recommendation and directs the patent to issue.

In addition to that, Secretary Kirkwood, when he was Secretary of the Interior—and no man who has ever heard of him will insist or intimate that he would swerve from the line of duty against the rights of the people—recognized this company as entitled to the benefits of this grant, and classed it as a land-grant road in his report made in 1881. Secretary Teller so classed it in both of his reports, and the Commissioner of the General Land Office has done the same thing in the letters to which I have called the attention of the gentleman from Louisiana [Mr. LEWIS] and this House. The committees of this House in both the Forty-fifth and the Forty-sixth Congresses determined the same thing. The Senate Committee on the Pacific Railroads in the Forty-seventh Congress did the same thing. The Attorney-General of the United States, Mr. Brewster, delivered a long and exhaustive opinion, which I will ask leave to print in connection with my remarks, holding that this company was entitled to the benefits of this grant.

That opinion is as follows:

DEPARTMENT OF JUSTICE, *Washington, D. C., June* 15, 1882.

SIR: By a letter dated the 5th of January last, your predecessor submitted to me a number of question arising upon an application of the New Orleans Pacific Railway Company for certain lands claimed under the land grant made to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of Congress of March 3, 1871, chapter 122.

The land grant mentioned is contained in the twenty-second section of that act, which provides:

"That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect, by the most eligible route, to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisiana, as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

The eastern terminus of the Texas Pacific Railroad, as fixed by the same act, was a point at or near Marshall, Tex.

The New Orleans, Baton Rouge and Vicksburg Railroad Company was incorporated by an act of the Legislature of Louisiana passed December 30, 1869, which authorized it to construct and operate a railroad "from any point on the line of the New Orleans, Jackson, and Great Northern Railroad, within the parish of Livingston, running from thence to any point on the boundary line dividing the States of Louisiana and Mississippi," the route here indicated lying east of the Mississippi River. It was also authorized to construct and operate a branch railroad from its main line (above described) to the city of Baton Rouge; and for the purpose of connecting its railroad with the railroads of other companies, &c., it was furthermore authorized "to construct, maintain, and use, by running thereon its engines and cars, such branch railroads and tracks as it may find necessary and expedient to own and use;" and such branch railroads were, for all the purposes of the act, to be deemed and taken to constitute a part of the main line of its railroad within the State of Louisiana.

On November 11, 1871, that company filed in the General Land Office a map designating the general route of a road projected thereby from Shreveport, by way of Alexandria, to Baton Rouge, and thereupon a withdrawal of the public lands along the same was ordered, which became effective in December following.

Subsequently, by an act of the Legislature of Louisiana passed December 11, 1872, the same company was given "full power and authority to commence the construction of their road in the city of New Orleans or Shreveport, or at any intermediate point on their line of road, as may best suit the convenience of said company and facilitate the speedy construction of a continuous line from the city of New Orleans to the city of Shreveport, or perfect railroad communication with the Texas Pacific Railroad, or any other railroad in Northwestern Louisiana, at or near the Louisiana State line: *Provided, however*, That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge on the east side of the Mississippi River, to the corporate limits of the said city of Baton Rouge, or adjacent thereto."

In the mean time, by the act of Congress of May 2, 1872, chapter 132, the Texas and Pacific Railway Company (formerly styled the Texas Pacific Railroad Company) was "authorized and required to construct, maintain, control, and operate a road between Marshall, Tex., and Shreveport, La., or control and operate any existing road between said points of the same gauge as the Texas and Pacific Railroad." The same act further provided that "all roads terminating at Shreveport shall have the right to make the same running connections, and shall be entitled to the same privileges, for the transaction of business in connection with the said Texas Pacific Railway, as are granted to roads intersecting therewith."

On February 13, 1873, a second map was filed in the General Land Office by the New Orleans, Baton Rouge and Vicksburg Railroad Company, designating the general route of a road projected thereby from New Orleans to Baton Rouge, and a withdrawal of the public lands along the same was ordered, which took effect in April, 1873. The route between those places, those designated, lies on the east side of the Mississippi River. That company has not constructed any part of its road, either on the route between New Orleans and Baton Rouge or on the route between the latter place and Shreveport; nor, indeed, has there

been a definite location of its road anywhere between the points mentioned. Nothing beyond the designation of the general route thereof appears.

Pursuant to a resolution of its board of directors, adopted December 29, 1880, all the right, title, and interest of that company in and to the aforesaid grant of public lands made by the act of March 3, 1871, were deeded by it to the New Orleans Pacific Railway Company. This action of the board of directors and officers of the former company was afterward approved and ratified by the stockholders thereof at a meeting held in December, 1881.

The New Orleans Pacific Railway Company was originally incorporated under the general laws of the State of Louisiana in June, 1875. Its charter was subsequently amended by acts of the Louisiana Legislature, passed February 19, 1876, and February 5, 1878. It is thereby authorized to construct a railroad "beginning at a point on the Mississippi River, at New Orleans or between New Orleans and the parish of Iberville, on the right bank of the Mississippi, and Baton Rouge on the left bank, &c., or from any point within the limits of this State, and running thence toward and to the city of Shreveport," which is made its northwestern terminus.

The route of this company as projected is understood to extend from New Orleans to Baton Rouge, and thence by way of Alexandria to Shreveport. Between New Orleans and Baton Rouge it lies on the west side of the Mississippi River, while the designated route of the New Orleans, Baton Rouge and Vicksburg Railroad Company between the same points lies on the east side of that river. Between Baton Rouge and Shreveport its general course and direction correspond in the main with the route designated by the last-named company. It is throughout its entire length from New Orleans to Shreveport within the limits of the before-mentioned withdrawals of public lands.

In October, 1881, the president of the New Orleans Pacific Railway Company made affidavit that three sections of its road were then completed and ready for examination by the Government; whereupon a commissioner was appointed to examine the same the result of whose examination appears in a report made by him to the Secretary of the Interior under date of the 26th of that month. One of the sections embraces sixty-eight miles of road, beginning on the west bank of the Mississippi River, opposite New Orleans, and ending near the town of Donaldsonville; another embraces twenty miles of road near Alexandria; and the third embraces fifty miles of road terminating at Shreveport. For each of these sections lands are claimed by that company under the aforesaid land grant, as assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

No map of definite location of any portion of its road has been filed, other than those of constructed portions.

It appears that in February, 1881, the New Orleans Pacific Railway Company purchased from Morgan's Louisiana and Texas Railroad and Steamship Company the road constructed on the west bank of the Mississippi River by the New Orleans, Mobile and Texas Railroad Company, from Westwego to White Castle, a distance of sixty-eight miles, and that the same has become a part of the main line of the road of the New Orleans Pacific Railway Company.

The following are the questions submitted:

"1. Was the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company a grant *in præsenti?*

"2. Had the New Orleans, Baton Rouge and Vicksburg Railroad Company, at the date of its alleged transfer of lands to the New Orleans Pacific Railway Company, such an interest in the lands, under said act, as was assignable?

"3. Is the New Orleans Pacific Railroad Company such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company as is contemplated by said act?

"4. Should it appear that the sixty-eight miles of the New Orleans, Mobile and Texas Railroad was constructed prior to the act of March 3, 1871, granting lands to aid in the construction of the New Orleans, Baton Rouge and Vicksburg Railroad, can the New Orleans Pacific Company (its assignee) claim any benefit from the grant? Or in case of such prior construction, and the nonconstruction of any portion of the New Orleans, Baton Rouge and Vicksburg road, has the purpose for which the grant was made failed and the grant consequently lapsed?

"5. If the New Orleans, Mobile and Texas road was constructed subsequently to the date of said act, is so much of its road as is now owned by the New Orleans Pacific Company such a road as is contemplated for acceptance by the President within the meaning of said act, and may patents issue to the latter for lands opposite to and conterminous with such constructed portion of road?"

These questions are accompanied by a request for an opinion upon such other questions of law as may suggest themselves touching the transfer of said land grant to which reference is above made.

Of the above-stated questions the first three may be considered together, in connection with the following inquiry, which presents itself at the outset: whether the assent of Congress to the transfer made by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its interest in said land grant to the New Orleans Pacific Railway Company is necessary (by reason of anything in the provisions of the grant itself) to entitle the latter company to the benefit of said grant in aid of the construction of the road projected by it?

The act of March 3, 1871, passed to the New Orleans, Baton Rouge, and Vicksburg Railroad Company a present interest in a certain number of alternate sections of public lands per mile within the limits there prescribed. Its language is, "there is hereby granted to the said company" the number of alternate sections mentioned; words which import a grant *in præsenti*, and not one *in futuro*, or the promise of a grant. (97 United States Reports, 496.) But the grant thus made is in the nature of a float. It is of sections to be afterward located, their location depending upon the establishment of the line of the road. Until this is definitely fixed the grant does not attach to any specific tracts of land. Upon the line of road being definitely located the grant then first acquires precision, and the company becomes invested with an inchoate title to the particular lands covered thereby, which can ripen into a perfect title only as the construction of each section of twenty miles of road is completed and approved, when the right to patents for the lands opposite to and conterminous with such constructed section accrues.

The proviso in the grant that the company shall complete the whole of its road within five years from the date of the act is a condition subsequent, the failure to perform which does not *ipso facto* work a forfeiture of the grant, but only gives rise to a right in the Government to enforce a forfeiture thereof. Yet in order to enforce a forfeiture such right must be asserted by a judicial proceeding, authorized by law, or by some legislative action amounting to a resumption of the grant. (Schulenberg *vs.* Harriman, 21 Wall., 44.) Hence, until advantage is taken of the non-performance of the condition, under legislative authority, the interest of the grantee in the grant remains unimpaired thereby.

Such being the nature and effect of the grant and its accompanying condition, and no action having been taken either by legislation or judicial proceedings to enforce a forfeiture thereof, it follows that at the period of said transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company this company was invested with a present interest in the number of alternate sections of public lands per mile granted by the act of 1871, notwithstanding it was already in default in the performance of the condition referred to, and that it still retained a right to proceed with the construction of the road in aid of which the grant was made until advantage should be taken of the default. But as it had not then definitely fixed the line of its road, although a map designating the general route thereof was duly filed, that interest did not attach to any specific tracts of land, but remained afloat, as it were, needing a definite location of the road before it could become thus attached. Was the interest here described assignable to another company, so as to entitle the latter to the benefit of the grant in aid of the construction of its road between the places named therein without the assent of Congress?

Doubt has perhaps arisen on this point in view of the fact that in one or two instances it has been thought expedient to obtain legislation by Congress confirming or authorizing a similar assignment (see section 2 of the act of March 3, 1865, chapter 88, and section 1 of the act of March 3, 1869, chapter 127), and also in view of the adverse ruling of this Department in the case of the Oregon Central Railroad Company. (13 Opin., 382.) However, a similar assignment made in 1866 by the Hannibal and Saint Joseph Railroad Company to the Pike's Peak Railroad Company, afterward know as the Central Branch Company, was held to be valid by Attorney-General Stanbery in an opinion given to the Secretary of the Treasury under date of July 25, 1866.

In the latter case the Hannibal and Saint Joseph Company, which was incorporated by the State of Missouri with authority to construct a railroad between Hannibal and Saint Joseph, within that State, was, by the Pacific railroad act of July 1, 1862 (section 13), authorized to "extend its road from Saint Joseph, via Atchison, to connect and unite with the road through Kansas, * * * and may for this purpose use any railroad charter which has been or may be granted by the Legislature of Kansas," &c., and by the fifteenth section of the same act it was provided that "wherever the word company is used in this act it shall be construed to embrace the words their associates, successors, and assigns, the same as if the words had been properly added thereto."

Subsequently, in 1863, an assignment was made by that company of all its rights under said act (which included an interest in both a land and a bond subsidy) to the Atchison and Pike's Peak Railroad Company, a company previously organized under a charter granted by the Legislature of Kansas. The latter company, having constructed a section of twenty miles of the proposed road west from Atchison, claimed the benefit of the grant made to the Hannibal and Saint Joseph Company, as its assignee, and this claim was recognized and allowed, in accordance with the opinion of the Attorney-General. It will be observed, however, that the Hannibal and Saint Joseph Company was authorized to "use any railroad charter which has been or may be granted by the Legislature of Kansas," and this, together with the provision in the fifteenth section quoted above, may have been regarded as sufficient to sustain the assignment.

In the case of the Oregon Central Railroad Company, mentioned above, a grant of a right of way through the public lands, and also of alternate sections thereof, was made to that company, "and to their successors and assigns," by the act of May 4, 1870, chapter 69, for the purpose of aiding in the construction of a railroad and telegraph line in certain places in Oregon. In August following an instrument was executed by the company assigning all its interest in the grant to the Willamette Valley Railroad Company, and thereupon the question arose whether the grant was susceptible of being thus transferred. The Attorney-General (Mr. Akerman), to whom the question was submitted, after reviewing the various provisions of the act, some of which (see section 5) imposed certain duties and required certain important acts to be performed by the company, decided in the negative, holding that, upon consideration of those provisions, the Oregon Central Company was alone within the contemplation of Congress in respect of the donation made and duties imposed by that act. The words "their successors and assigns," as used in the act, were regarded as words of limitation merely.

But the grounds upon which that decision appears to have been based are not found to exist in the case now under consideration. Here a grant of a certain number of alternate sections of public lands per mile is made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, in and for the construction of a road from New Orleans, by the route indicated, to connect with the eastern terminus of the Texas and Pacific Railroad, which lands are required to be "withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company." The grant is coupled with no special duties or trusts for the performance of which there is reason to believe the particular company named therein was more acceptable to Congress than any other. Its purpose is to secure the construction of a railroad between the points designated, and whether this purpose be fulfilled by that company or by another company must be deemed unimportant in the absence of any provision indicative of the contrary. The interest derived by the grantee, though it remain only afloat, is a vested interest, and it is held under the same limitations which apply after it develops into an estate in particular lands until extinguished by forfeiture for non-performance of the condition annexed to the grant. I perceive no legal obstacle arising out of the grant itself to a transfer of such interest by the grantee to another company, and should the latter construct the road contemplated agreeably to the requirements of the grant, and thus accomplish the end which Congress had in view, I submit that it would clearly be entitled to the benefits thereof.

The question of the assignability of the interest of the grantee would be more difficult if, after definitely locating the line of its road, and thus attaching the grant to particular lands along the same, it was proposed to transfer that interest to another company for the benefit of a road to be constructed by the latter on a different line, though following the general course of the other road. But in the present case the facts give rise to no such difficulty. The grant had not previous to the transfer become thus identified with a particular line of road, and was thereafter susceptible of location upon the line of the road projected by the assignee (the New Orleans Pacific Company), provided this road met the requirements of the grant in other respects, as to which no doubt is suggested.

My conclusion is that the assent of Congress to the assignment made by the New Orleans, Baton Rouge and Vicksburg Railroad Company, as above, is not necessary in order to entitle the assignee to the benefit of the land grant in question.

The remaining questions relate to the sixty-eight miles of railroad formerly belonging to the New Orleans, Mobile and Texas Railroad Company, but now owned by the New Orleans Pacific Company, and made a part of its main line between New Orleans and Baton Rouge.

The land grant in question was, as its language imports, made in aid of the construction of a railroad between certain termini, contemplating a road to be constructed, not one already constructed. It has not been the policy of Congress thus to aid constructed roads. Had a constructed road existed at the date of the grant, which extended from one terminus to the other, and afterward the New Orleans, Baton Rouge and Vicksburg Railroad Company, instead of entering upon and completing the construction of a road, had purchased the road already constructed, this, it seems to me, would not have satisfied the purposes of the grant so as to entitle the company to the benefit thereof. The same objection would apply where the constructed road extended over only a part of the route contemplated by the grant. So far as I am advised, the action of the Government hitherto has accorded with this view. On the other hand, if such road was constructed subsequently to the date of the grant, and is owned by the grantee or the assignee of the latter, I see no ground for excluding it from the benefit of the grant should it otherwise fulfill the requirements thereof.

Agreeably to the foregoing views, and in direct response to the several questions submitted, I have the honor to reply as follows:

The first, second, and third questions I answer in the affirmative. The fourth question (including the alternative added thereto) I answer in the negative. The

fifth question I answer in the affirmative; assuming, as I do, the company named therein to be an assignee of the grantee in the act referred to.

I have the honor to be, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

The Judiciary Committee of this House with practical unanimity, but two members dissenting, have come to the conclusion that legally the grant could not be interfered with.

In the Public Lands Committee there was a vote of 6 to 5 on the proposition. More than that, Mr. Speaker, as tending to show how the people more particularly interested regard this question, let me say that in the last Congress every member of the Louisiana delegation was opposed to this action, and in the present Congress, as I understand (although I have not canvassed the delegation), both Senators and all the members from that State, except the gentleman in charge of this bill [Mr. LEWIS], are opposed to this proposed action; and so far as I know—I make this statement advisedly—there has never come to the Public Lands Committee from a single citizen of Louisiana a petition for this forfeiture.

As to the irregularity that gentlemen allege against the first corporation, that some of its shareholders were swindled, I do not know what what the fact may be; but I do know that no party claiming a dollar's interest in the Baton Rouge Railroad Company has ever appeared before the Public Lands Committee, either in person or by attorney or proxy, in favor of this proposed action; but, on the contrary, every such person has been in favor of defeating this bill.

Now, Mr. Speaker, I submit to the House whether or not, in view of the law of this case as laid down in the books; in view of the uniform and concurrent action on the part of every one in authority and in both Houses of Congress during all these years; in view of the fact that over $4,000,000 has been invested in the enterprise upon the faith of this grant; in view of the substantial accomplishment of the object the Government had in view, the connection of the city of New Orleans by rail communication with the Pacific Ocean—I appeal to the House whether this Government will keep its compact, whether it will do as between itself and its citizens that which will reflect credit upon itself, or whether it will do what it seems to me many people of this country must concur with me in regarding as akin to absolute repudiation. I trust the bill will not pass. [Great applause.]

Mr. JONES, of Arkansas. I have understood that the gentleman from Illinois [Mr. PAYSON] in the course of his remarks, while I was out of the Hall, made some allusion to myself and to the Little Rock and Fort Smith Railroad.

Mr. PAYSON. I will gladly repeat what I said. It will take only a moment.

I said it was claimed that a small portion of the road which the gentleman has named was built out of time; and upon that assumption a bill was introduced on this floor for the forfeiture of a portion of its land grant; that a gentleman from Arkansas, and I think it was the gentleman now before me [Mr. JONES], appeared before the Judiciary Committee, of which I was then a member. There was an Indian reservation or something of that kind involved; and although the road had been substantially built, it appeared a portion had been left out: and on account of the pendency of this claim before the Judiciary Committee the Interior Department refused to issue patents. The committee unanimously reported to the House a recommendation in favor of non-forfeiture; and patents were issued, as I understand.

Mr. JONES, of Arkansas. With a slight deviation, that is a correct statement of the facts. The charter of the Fort Smith Railroad Company required that a road should be built from Little Rock to a point opposite Fort Smith within a given time. The road was actually built from Little Rock to a point opposite Fort Smith within the time required. But a mile or perhaps less than a mile of that road ran across the territory of the Indian nation; and after the expiration of the time the Indian nation complained of the road across their territory. The Secretary of the Interior required the company to tear up that portion of its road. They came back down the river four miles, I believe, and built their road on the south side of the river from Van Buren to Fort Smith, instead of the north side. But the portion of the road rebuilt at the dictation of the Secretary of the Interior was built after the expiration of the time named in the charter.

Mr. PAYSON. That is in substance what I stated. On account of the failure to build that portion of the road within the time a bill was introduced here for some kind of a forfeiture. The point I was making was, that in the history of this legislation it has happened that there had been one attempt to forfeit a land grant on account of the road not having been fully built within the time, and Congress had in that case refused to declare a forfeiture.

Mr. LEWIS. I now move the previous question.

Mr. BLANCHARD. I desire to make a request. I ought to have the right to be heard on this question for the reason that nine-tenths of the land involved and nine-tenths of the people more particularly interested are in my district.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman may submit a request, but debate is not in order.

Mr. BLANCHARD. I ask unanimous consent to make a statement.

Mr. VAN EATON. We can vote down the demand for the previous question.

Mr. BLANCHARD. I ask for a few minutes to make a statement.

Mr. PAYSON. I hope the gentleman's request will be granted.

Mr. COBB. If the gentleman desires to occupy time on this bill the question arises, upon what side is he going to speak?

The SPEAKER *pro tempore*. The gentleman from Louisiana desires to make a statement to the House. Is there objection?

Mr. COBB. I do not know on which side he is. I shall object unless I know on which side he is; the other side so far to-day has had all the time.

Mr. BLANCHARD. I have one other request. If I am denied the poor privilege of being heard——

Mr. COBB. It is not a poor privilege.

Mr. BLANCHARD. I ask leave to print some remarks on this bill in the RECORD.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELLIS. I make the same request.

Mr. HUNT. And so do I.

The SPEAKER *pro tempore*. The Chair hears no objection, and leave is granted accordingly.

The previous question was ordered.

Mr. LEWIS. Mr. Speaker, I think under the rules I have an hour after the previous question, and I will yield to the gentleman from California.

Mr. PAYSON. If I understood the gentleman from Louisiana, he claims he is entitled to an additional hour.

Mr. LEWIS. I have it under the rules of the House.

Mr. PAYSON. I have no objection but——

Mr. LEWIS. I intend to use that hour to suit myself and on my own side.

Mr. PAYSON. May I be recognized for a parliamentary inquiry?

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. The inquiry I desire to make is this: Whether after the previous question has been ordered by the House the gentleman having charge of the bill, although it has come over from a previous day, can still occupy an hour in debate? I am not objecting, but I wish to know what is the rule.

Mr. LEWIS. That is the rule.

Mr. PAYSON. I know what the ruling has been.

The SPEAKER *pro tempore*. The Clerk will read the third clause of Rule XIV.

Mr. HENLEY. Is the gentleman trying to stop this debate?

The Clerk read as follows:

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

Mr. PAYSON. That does not meet the question. The question I make is whether the gentleman having charge of a bill, if he chooses to move the previous question and it is ordered by the House, can take the floor and hold it for an additional hour of debate? Does not the ordering of the previous question cut him off?

Mr. REED. I ask that the first part of Rule XVII be read.

The Clerk read as follows:

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered.

Mr. LEWIS. That is the general rule.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The Chair is of the opinion that the third clause of Rule XIV governs in this case. It is his duty to give effect to all the rules, and the two which have been cited, the fourteenth and seventeenth, are not inconsistent with each other when construed together. The gentleman from Louisiana having reported the pending bill from the Committee on Public Lands, and the debate having extended beyond one day, is entitled to one hour after the previous question has been ordered.

Mr. REED. Read the third clause of Rule XXVIII, which shows no debate can be allowed after the previous question has been ordered.

The Clerk read as follows:

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER *pro tempore*. That is when there has been no debate.

Mr. HENLEY. There has been a ruling.

Mr. REED. It confines debate upon the previous question to where there has been no debate.

The SPEAKER *pro tempore*. That does not apply to this case.

Mr. REED. That is the only provision for debate after the previous question.

The SPEAKER *pro tempore*. It applies where there has been no debate, and there thirty minutes is allowed, fifteen minutes on each side.

Mr. REED. I understand the Speaker of the House to have ruled otherwise.

Mr. HENLEY. I call for the regular order. The Speaker has ruled.

The SPEAKER *pro tempore*. Questions of order ought to be settled as they arise.

Mr. REED. I have not the slightest desire as to this question. I simply raise the question now in the interest of the orderly business of the House. It is desirable that there should be an established rule upon the subject, and not a variation from it. If the present occupant of the chair upon an examination of the matter has come to the conclusion that under the rules of the House, fortified by the opinions of the Speaker of the House, an hour's debate is allowed under the circumstances here pending, I have no personal objection. I desire simply that the matter should be well considered by the present occupant of the chair.

The SPEAKER *pro tempore*. The present occupant of the chair has observed the practice that has prevailed under the rules of the House in this respect since he has been a member, and desires the Clerk to read a portion of the digest on page 277.

The Clerk read as follows:

The right of the "member reporting the measure" to open and close debate is not affected by an order, either for the previous question or that debate shall cease in committee.

Mr. REED. When was that decision?

The SPEAKER *pro tempore*. In the first session of the Thirty-first Congress.

Mr. REED. But that was under the old rule.

The SPEAKER *pro tempore*. The rules of the House have not been changed in that respect.

Mr. REED. I think the rules have been changed since that decision took place.

The SPEAKER *pro tempore*. Not in that respect. The Chair has decided the point of order, and there is nothing further in order in reference to it, unless an appeal be taken.

The gentleman from Louisiana yields ten minutes to the gentleman from California [Mr. HENLEY].

Mr. LEWIS. I will yield to him so much of the time as he may desire.

Mr. HENLEY. The gentleman from Arkansas desires a few moments.

Mr. JONES, of Arkansas. I will not trespass upon the patience of the House by attempting to make any remarks at this time, but shall simply ask leave to print in the RECORD certain remarks that I desire to make.

There was no objection.

Mr. HENLEY. Mr. Speaker, that time wears apace and legislation is belated are sufficient reasons why I shall have very little to say to the House on this measure; but there were some observations submitted by the gentleman from Illinois [Mr. PAYSON] to which I shall make some brief response; and I first desire his attention particularly, because I wish to interrogate him upon a certain matter of fact which is not altogether clear in my memory just now. The question I desire to address to him is this: I understood him to assert, while giving the legislative history of this land grant, that there had been no effort in the way of forfeiture initiated by the introduction of a bill in Congress against the New Orleans, Baton Rouge and Vicksburg Railroad Company before the completion of the road. To the end that all uncertainty may be dispelled I now ask if I understood him correctly?

Mr. PAYSON. To my knowledge that is so except a resolution that I introduced myself in the last session of the Forty-seventh Congress.

Mr. HENLEY. I understood that to be the statement. That both illustrates and admonishes us how a man ought not to too vauntingly proclaim his ability to speak *ex cathedra* and as if with indisputable information as to all matters of fact or law connected with a legislative land grant.

The gentleman with great vociferation assumed from first to last that he was familiar with every step in connection with the legislative history of this grant in its minutest detail, and asserted that no hostile or inimical measures of legislation having the purpose of forfeiture of this grant as against the New Orleans, Baton Rouge and Vicksburg Railroad Company had been commenced up to a certain time; that is, up to the time or until after the road had been completed. After such a statement the gentleman, and doubtless the country, will be astonished at learning that I hold in my hand a bill to forfeit this same grant, introduced long before the completion of this road by a Democratic member from the State of Louisiana, big enough and plain enough and emphatic enough to have challenged the attention of the gentleman from Illinois who claims to have been one of the most watchful members of this House upon these matters. The title of it is "A bill to forfeit the title to the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company." This bill was introduced in the House on the 24th day of May, 1878, in the Forty-fifth Congress, second session. And more than that——

Mr. PAYSON. Will the gentleman allow me to interrupt him a moment?

Mr. HENLEY. Certainly.

Mr. PAYSON. That is precisely what I stated, that in the Forty-fifth Congress a bill was introduced forfeiting the grant made for the benefit of the New Orleans and Pacific road, and the committee reported in favor of giving the New Orleans Pacific the benefit of the grant.

Mr. HENLEY. No, sir; I beg pardon, this was to forfeit the grant to the company I have stated, and the gentleman puts himself in error. I have the bill before me. The latter part of the bill or the recommendation of the committee in its report is to make the transfer from one corporation to the other, but that is all.

Mr. PAYSON. That is precisely what I stated.

Mr. HENLEY. I do not think it is what the gentleman stated.

Mr. ELLIS. Will the gentleman from California permit me to make an inquiry?

Mr. HENLEY. Wait a minute. The gentleman from Illinois stated it was reported and could not be acted upon because of the crowded condition of the calendars. I find here it was read twice, referred to the Committee on Pacific Railroads, and ordered to be printed.

Mr. ELLIS. Who introduced it?

Mr HENLEY. A Democratic member from the State of Louisiana, Mr. Elam.

Mr. ELLIS. He made the report to transfer it to the New Orleans Pacific.

Mr. HENLEY. The report speaks for itself.

Now, then, Mr. Speaker, I must congratulate the gentleman from Alabama [Mr. OATES] upon his successful evangelization and conversion of the gentleman from Illinois [Mr. PAYSON] to the peculiar views that have hitherto been enunciated by the gentleman from Alabama, from which the gentleman from Illinois has hitherto dissented upon all occasions. Apropos of that, and as something that logically should be associated with it, the gentleman from Illinois, we find in the printed report accompanying this bill, in which he joined with a minority, did not place his antagonism to the views of the majority in favor of the forfeiture upon any legal ground whatever. On the contrary, he said he dissented; and in a report filed by himself attached to the minority report he expressly dissents from the legal grounds urged by the gentleman from Alabama and the other members of the minority of the committee, and states that he places his objection to the forfeiture solely upon the ground of the equities existing on the part of this company. He explicitly denies the soundness of the legal propositions of the minority.

Now what do we see? Why the gentleman seems to have consulted his books. While heretofore the equities only were in favor of this company he now discovers that both equity and law were on its side. He said just now that he was familiar with the law bearing on this question, and he challenged contradiction upon various legal propositions that are involved in this forfeiture. He proclaimed he had consulted every authority and familiarized himself with all the decisions. While in his minority report he places his grounds of antagonism to the forfeiture solely on the equities that inure to this company, he now consumes more than half his time in arguing strictly legal propositions in regard to which he previously dissented from the other members of the committee who joined in the minority report. So that we find, notwithstanding the fact that the gentleman from Illinois has so constantly and so assiduously given attention to these land-grant matters—we find that since the filing of the report in a very short time his position has been completely revolutionized in regard to those great leading principles enunciated by many decisions of the Supreme Court of the United States, and with which an able lawyer as he is, and every other lawyer in this House who has ever bestowed any attention to these questions, should have been thoroughly familiar.

There is another point to which I must advert, and I desire the House to give me its close attention thereupon. We find ourselves in our efforts to forfeit this land grant confronted with what I admit ought to be a very formidable obstacle, to wit, the report of the Judiciary Committee of this House, in which they seem to take ground adverse to the majority report of the Public Lands Committee. In one portion of that report the following passage occurs:

The legal right, therefore, of one who has incurred a forfeiture by breach of condition-subsequent, to relief against an unwilling adversary, upon a substantial performance after the day, at law, and in equity, and undoubtedly in the latter forum, can not be denied.

The foregoing passage occurs in that portion of the report of the Judiciary Committee where its distinguished chairman, Mr. TUCKER, of Virginia, is making the point that equity will relieve against forfeiture in cases analogous to the one under consideration.

Now, Mr. Speaker, the trouble about that is this—and it will occur to the minds of all who have deeply considered this question—the difficulty is that the Committee on the Judiciary have failed to draw a distinction, which is wide and broad and deep upon this question, between a public and a private grant. And right here I may state that the gentleman from Illinois [Mr. PAYSON] regaled this House with a statement as to the law in adjudicated cases and in the text-books governing forfeiture of grants between private individuals; and he challenged the House to furnish one single authority that was in contravention of the principle which he then proclaimed was the correct one. But while the gentleman stated the law correctly as between private parties, he failed to advise the House that it was as to private grants that he was speaking. And I think the House generally understood him to be pur-

porting to state the law governing public grants. Because, sir, why under the sun did we want to know anything about private grants in connection with this bill?

What does this House want to know? Obviously enough, the law in reference to public grants. And why should the gentleman expend his learning and his energy and consume our valuable time in challenging contradiction of the principles he enunciated with reference to the law as to private grants? The gentleman did not say that he was treating of "grants between private individuals;" he said "grants upon conditions." But I supposed, of course, that he meant grants generally, public as well as private. I do not believe he had an auditor on this floor who did not participate with me in that belief, because I assumed his remarks had some pertinence and that he was not indulging in mere idle talk.

This case, Mr. Speaker, is that of a legislative grant to a private corporation in which all of the leading principles governing grants between private individuals are entirely reversed. As for example, it is familiar to all lawyers in construing a grant between private individuals you construe them more strictly against the grantor. The principle is directly reversed in the case of a public grant; it is of no use to marshal authorities upon so familiar a proposition; in that case the grant is construed more strictly in favor of the grantor, and the grantee takes nothing by implication or construction that the gentleman did not mention.

The Judiciary Committee say, and the gentleman from Illinois concurs in that view, that a forfeiture in this case can not be invoked and that a court of equity would relieve against it. Now, sir, I admit in a proper case a court of equity will do so as between private individuals, that is, if the grantee shows a sufficient reason in equity why the estate should not be forfeited. But while in the forum of equity, as is well known, an individual may be heard to declaim against the oppression and harshness of the condition, and obtain a decree relieving him from forfeiture, it is not so with reference to legislative grants. You may complain of the harshness of the bargain you have made with an individual, but you can not be heard to say in a court of equity that the condition of a legislative grant or bargain you have entered into is oppressive, or wrong, or harsh. I say to the gentleman from Illinois, and to any member of the Judiciary Committee who takes the same view, that from lid to lid of any law-book ever written you could not find an adjudication by a court of final resort in conformity with that view.

And that brings us squarely confronting face to face the great underlying principle upon which this bill must be decided. So far as the equities are concerned it may be possible that the parties against whom this legislation is directed are invested with certain equities. But the facts in connection therewith were so confused and involved and intermingled with other matters that the majority of the Committee on Public Lands were unable to determine with precision and accuracy whether they had equities or not. There were charges and denials, criminations and recriminations, until we were left in that state of incertitude that we were unable to say (even if we were permitted to do so, if we were not bound by the pledges and platforms made to the people before we came here, which preclude the consideration of mere equities), whether or not the equities in this case were sufficient to grant the indulgence claimed on behalf of this company.

It simply comes down to this one conclusion, and to that I invoke the serious consideration of the members of this House, that there is no question of law in this case as to our legal right to forfeit this grant; mere indulgence is out of the question. The gentleman from Illinois [Mr. PAYSON], to support his view of the law, cited the practices of the Interior Department for many years preceding; the action of Mr. Delano, for example, the action of Mr. Schurz, the action of various preceding Secretaries of the Interior, in cases where roads had been constructed after the time prescribed in the act and patents had been issued to the companies.

I ask the gentleman if the Secretary of the Interior had acted, how could any contest be raised in reference to the rights of these companies? The Secretary acts and that ends it, and no question is raised. That is one point that the House must not lose sight of; that in this legislation we simply endeavor to give to the Government of the United States and to the people the opportunity to go into the courts and litigate and contest their rights. If they have no rights, then these railroad corporations are not injured; and if they have rights, then as a matter of course no one should complain. Take the case of Farnsworth against the Minnesota and Pacific Railroad Company (92 United States Reports, 68). I will cite that case as an answer to the position assumed by the Committee on the Judiciary, where they seem to confound the principles pertaining to public and private grants. I read from that case:

> But it is said that provisions for forfeiture are regarded with disfavor and construed with strictness, and that courts of equity will lean against their enforcement. This as a general rule is true when applied to cases of contract, and the forfeiture relates to a matter admitting of compensation or restoration; but there can be no leaning of the court against a forfeiture which is intended to secure the construction of a work in which the public is interested, where compensation can not be made for the default of the party—
>
> As nobody can contend that it can be made here—
>
> nor where the forfeiture is imposed by positive law.

"Where any penalty or forfeiture," says Mr. Justice Story, "is imposed by statute upon the doing or omitting some particular act, there courts of equity will not interfere to mitigate the penalty or forfeiture if incurred, for it would be in direct contravention of the legislative will." (Story's Equity Jurisprudence, section 1326.) The same doctrine is asserted in the case of the Duke of Somerset *vs.* Peachy, reported in 1 Strange R., and in that of Keating *vs.* Sparrow, reported in 1 Ball and Beatty. In the first case Lord Macclesfield said that cases of agreements and conditions of the party and of the law are certainly to be distinguished.

Again I assert, and for the last time, that lawyers and jurists may ransack cases in vain to find a solitary one where it has been held by a court of last resort that this principle may be invoked to prevent the forfeiture of a legislative grant.

The gentleman from Illinois [Mr. PAYSON] says that time is not of the essence of the contract. Mark it, Representatives, that was the square declaration on the part of that gentleman. From the eminence which he has attained, and justly attained, by his preceding efforts in these matters before the House and the country, I have no doubt that declaration had its weight and influence with those who were listening to him. He says that time is not of the essence of the contract. I could find abundant authorities to show that it is; but I will read from the latest work I have been able to find in the library, Tiedeman on Real Property. Tiedeman is a professor in the University of Missouri. In section 276 of that work he says, speaking of estates upon condition:

> If there is a time specified within which the condition is to be performed, it can not be performed afterward. Where there is no express specification of time, it must be determined from the apparent intention of the grantor or testator, as gathered from the context or nature of the condition.

I will not consume the time of the House in reading further authorities. I aver my ability, if time did not press and circumstances were such as to justify my making a presentation of them—I aver my ability to show to the House that time has been held to be of the essence of this character of contracts, and that is the established law, sustained by a long current of decisions heretofore, and is now held to be by the text writers of the land.

Mr. LEWIS. And was held by the gentleman from Illinois [Mr. PAYSON] in every action of his in the committee.

Mr. HENLEY. I must say that the position of the gentleman from Illinois has struck me with amazement, possibly because I did not heretofore understand the attitude which he assumed in respect to these principles of law, or possibly because I may not understand him now. But as I do understand him, his attitude, as proclaimed by himself this afternoon, constitutes a complete reversal of the position assumed by him heretofore.

Mr. Speaker, something has been said as to the position of the delegation from Louisiana on this measure. I do not know anything about that. I do know the danger that frequently assails the political fortunes of gentlemen in a State whose political doctrines may be dominated by railroad influences. I do not believe there is a member of that delegation who would consciously be influenced by anybody belonging to a railroad corporation except in favor of what he believed to be right. But, sir, there are unconscious operations of the mind by which we are swayed, and I need not turn to the pages of the great masters of mental and moral philosophy in order to impress that upon the House. A gentleman from a district traversed by a portion of this road is in favor of this forfeiture. Other gentlemen from the same State seem to think they should not support it. It may be that these gentlemen are influenced by the pledge given by their predecessors in Congress to these railroad projectors that this grant should not be forfeited in the event that they would go on and complete this road. I do not know that it would be discreditable to those gentlemen to have some regard for a fact of that kind. Influenced, for aught I know, to some extent by that pledge, believing as they may have believed that it was for the best interests of the country that this road should be constructed, they may have been participants to some degree in that pledge. I do not know and do not care how that fact may be. I have no criticisms——

Mr. HUNT. Does the gentleman mean to say that I am involved in any pledge of any kind——

Mr. HENLEY. No, sir.

Mr. HUNT. Or that I have any disposition except to do what is right?

Mr. HENLEY. Certainly not. I thought I had said that plainly enough. I have no criticism, adverse or otherwise, to bestow on those gentlemen for the votes that they may give, because I suppose they as well as other members are governed by their conscientious convictions in their conduct on this floor.

But because the Louisiana delegation may have undertaken to pledge the future action of this House, is that binding upon this House? By what rule of law, or equity, or human conduct should it be? They may have had their own view in respect to the disposition of the public lands; but they can not pledge the conduct of a succeeding Congress which, for aught they know who made the pledge, may have views entirely the reverse of theirs, and may be opposed to the upholding of any such pledge.

My time is now up, and I yield the floor.

Mr. LEWIS addressed the House. [See Appendix.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LEWIS demanded the previous question on the passage of the bill.

The previous question was ordered.

Mr. OATES demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 78, nays 121, not voting 125; as follows:

YEAS—78.

Alexander,	English,	Lore,	Stone,
Anderson,	Ermentrout,	Lowry,	Storm,
Beach,	Ferrell,	McAdoo,	Townshend,
Bennett,	Follett,	McComas,	Tully,
Bland,	Foran,	McMillin,	Turner, Oscar
Boyle,	Forney,	Miller, J. F.	Van Alstyne,
Brainerd,	Gibson,	Murray,	Warner, Richard
Buchanan,	Glascock,	Patton,	Weaver,
Cabell,	Halsell,	Pierce,	Wellborn,
Caldwell,	Hammond,	Pryor,	Weller,
Campbell, Felix	Hardy,	Rice,	White, J. D.
Candler,	Hatch, W. H.	Riggs,	Willis,
Cassidy,	Hemphill,	Robertson,	Wilson, W. L.
Clements,	Henley,	Rosecrans,	Winans, E. B.
Cobb,	Hewitt, G. W.	Scales,	Wolford,
Connolly,	Holman,	Seney,	Wood,
Cook,	Jones, B. W.	Shaw,	Woodward,
Covington,	Jones, J. H.	Singleton,	Yaple.
Dowd,	Jones, J. K.	Springer,	
Dunn,	Lanham,	Stockslager,	

NAYS—121.

Adams, G. E.	Everhart,	McCoid,	Seymour,
Adams, J. J.	Garrison,	McCormick,	Shelley,
Aiken,	George,	Maybury,	Smalls,
Arnot,	Greenleaf,	Mitchell,	Smith,
Atkinson,	Guenther,	Morrison,	Spooner,
Bagley,	Hanback,	Morse,	Stephenson,
Belford,	Hancock,	Mutchler,	Stevens,
Belmont,	Harmer,	Nelson,	Stewart, Charles
Breitung,	Hatch, H. H.	Nutting,	Stewart, J. W.
Brewer, F. B.	Henderson, D. B.	Oates,	Strait,
Brewer, J. H.	Henderson, T. J.	Ochiltree,	Struble,
Broadhead,	Hepburn,	O'Ferrall,	Taylor, J. D.
Browne, T. M.	Herbert,	O'Hara,	Tillman,
Brown, W. W.	Hewitt, A. S.	O'Neill, Charles	Tucker,
Cannon,	Hitt,	Parker,	Turner, H. G.
Carleton,	Horr,	Payne,	Vance,
Collins,	Houk,	Payson,	Van Eaton,
Culbertson, W. W.	Houseman,	Peel,	Wadsworth,
Cutcheon,	Howey,	Phelps,	Wait,
Dargan,	Hunt,	Poland,	Wallace,
Davis, G. R.	James,	Potter,	Washburn,
Davis, R. T.	Jeffords,	Price,	Wemple,
Deuster,	Johnson,	Pusey,	White, Milo
Dibrell,	Jones, J. T.	Rankin,	Whiting,
Dorsheimer,	Kean,	Ranney,	Wilson, James
Dunham,	Keifer,	Ray, G. W.	Winans, John
Eaton,	Kellogg,	Ray, Ossian	Wise, G. D.
Elliott,	Ketcham,	Reed,	York.
Ellis,	King,	Rockwell,	
Ellwood,	Lawrence,	Rogers, J. H.	
Evans, I. N.	Lewis,	Rowell,	

NOT VOTING—125.

Ballentine,	Curtin,	Kelley,	Reese,
Barbour,	Davidson,	Kleiner,	Robinson, J. S.
Barksdale,	Davis, L. H.	Lacey,	Robinson, W. E.
Barr,	Dibble,	Laird,	Rogers, W. F.
Bayne,	Dingley,	Lamb,	Russell,
Bingham,	Dockery,	Le Fevre,	Ryan,
Bisbee,	Duncan,	Libbey,	Skinner, C. R.
Blackburn,	Eldredge,	Long,	Skinner, T. G.
Blanchard,	Evins, J. H.	Lovering,	Slocum,
Blount,	Fiedler,	Lyman,	Snyder,
Boutelle,	Findlay,	Matson,	Spriggs,
Bowen,	Finerty,	Millard,	Steele,
Breckinridge,	Funston,	Miller, S. H.	Sumner, C. A.
Brumm,	Fyan,	Milliken,	Sumner, D. H.
Buckner,	Geddes,	Mills,	Talbott,
Budd,	Goff,	Money,	Taylor, E. B.
Burleigh,	Graves,	Morgan,	Taylor, J. M.
Burnes,	Green,	Morrill,	Thomas,
Calkins,	Hardeman,	Moulton,	Thompson,
Campbell, J. M.	Hart,	Muldrow,	Throckmorton,
Campbell, J. E.	Haynes,	Muller,	Valentine,
Chace,	Hill,	Murphy,	Wakefield,
Chalmers,	Hiscock,	Neece,	Ward,
Clardy,	Hoblitzell,	Nicholls,	Warner, A. J.
Clay,	Holmes,	O'Neill, J. J.	Wilkins,
Converse,	Holton,	Paige,	Williams,
Cosgrove,	Hooper,	Perkins,	Wise, J. S.
Cox, S. S.	Hopkins,	Peters,	Worthington,
Cox, W. R.	Hurd,	Pettibone,	Young.
Crisp,	Hutchins,	Post,	
Culberson, D. B.	Jordan,	Randall,	
Cullen,	Kasson,	Reagan,	

So the bill was not passed.

On motion of Mr. ELLIS, by unanimous consent, the reading of the names was dispensed with.

Mr. LEWIS. I voted in the affirmative. I wish to change my vote to "no" for the purpose of moving a reconsideration.

Mr. ROBINSON, of Ohio. I am paired with my colleague, Mr. LE FEVRE. If he were present, I should vote "no."

The following pairs were announced:

Mr. DINGLEY with Mr. DIBBLE, for this day.

Mr. FINERTY with Mr. THOMPSON, on this vote.

Mr. HISCOCK with Mr. BLOUNT, on this vote. Mr. HISCOCK would vote "no," Mr. BLOUNT "ay."

Mr. RANDALL with Mr. SKINNER, of New York, for this day.

Mr. SLOCUM with Mr. BRECKINRIDGE, on this vote. Mr. BRECKINRIDGE would vote "ay."

Mr. THROCKMORTON with Mr. CRISP, on this vote. Mr. CRISP would vote "ay," Mr. THROCKMORTON "no."

Mr. BARR with Mr. ROBERTSON, until further notice.

Mr. WAKEFIELD with Mr. SUMNER, of Wisconsin, until further notice.

Mr. CURTIN with Mr. LYMAN, on the Backbone railroad bill and on all political questions, until Saturday.

Mr. SUMNER, of California, with Mr. BURLEIGH, on this vote.

Mr. WILLIAMS with Mr. HART, for this day.

Mr. TAYLOR, of Tennessee, with Mr. BINGHAM, for this day.

Mr. HARDEMAN with Mr. EZRA B. TAYLOR, for this day.

Mr. DAVIS, of Missouri, with Mr. VALENTINE, on this question. Mr. DAVIS would vote "ay," Mr. VALENTINE "no."

Mr. REESE with Mr. MILLIKIN, on the pending bill. Mr. REESE would vote "ay," Mr. MILLIKIN "no."

Mr. GEDDES with Mr. HOUK, for this day.

Mr. NEECE with Mr. WARNER, of Ohio, on this bill. Mr. NEECE would vote "ay."

Mr. BARKSDALE with Mr. PETERS, on this vote. Mr. BARKSDALE would vote "ay," Mr. PETERS "no."

Mr. COSGROVE with Mr. HUTCHINS, on this vote.

Mr. BALLENTINE with Mr. FINDLAY, on this bill.

Mr. BURNES with Mr. O'NEILL, of Missouri, on this vote. Mr. BURNES would vote "ay."

Mr. BRUMM with Mr. YOUNG, on this vote.

Mr. CALKINS with Mr. HOPKINS, on this vote.

Mr. HURD with Mr. CLAY, on this vote. Mr. HURD would vote "no," Mr. CLAY "ay."

Mr. MONEY with Mr. WARD, on this bill. Mr. WARD would vote "ay," Mr. MONEY "no."

Mr. POST with Mr. HOLMES, for this day.

Mr. KLEINER with Mr. LAIRD, for this day.

Mr. HOBLITZELL with Mr. MILLARD, for this day.

Mr. WORTHINGTON with Mr. MURPHY, on all votes relating to the Backbone railroad forfeiture. Mr. WORTHINGTON would vote "ay," Mr. MURPHY "no."

Mr. MILLS with Mr. KELLEY, on this vote.

The result of the vote was then announced as above recorded.

Mr. LEWIS. I move to reconsider the vote just taken; and, pending that, I move that the House do now adjourn.

Mr. ELLIS. I move to lay the motion to reconsider on the table.

Mr. OATES. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. OATES. I submit that it is not competent for the gentleman from Louisiana to move a reconsideration of the vote, he having changed his vote for that purpose and so expressed it at the time. I think it has been held that it was not competent, where the announcement of the purpose was made, to make the motion.

The SPEAKER. The Chair is only governed by the record of the vote. Any gentleman who voted with the majority, or on the prevailing side in any case, has a right to move a reconsideration.

Mr. OATES. But is it competent to make the change of his vote, announcing his intention at the time?

Mr. KEIFER. That is the parliamentary practice.

The SPEAKER. It has been customary, and the Chair knows of no rule to the contrary.

The question is on agreeing to the motion of the gentleman from Louisiana that the House do now adjourn. Pending that motion the Chair desires to present a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 472) for the relief of George P. Webster; and

A bill (S. 675) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following title; when the Speaker signed the same:

A bill (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas;

A bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa;

A bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; and

A bill (S. 81) for the relief of Benjamin F. Pope.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARR, for five days, on account of important business.

To Mr. HOBLITZELL, for this day, on account of sickness.

BACKBONE RAILROAD LAND GRANT.

The SPEAKER. The question is upon the motion made by the gentleman from Louisiana that the House do now adjourn.

Mr. WHITE, of Kentucky. Would it be in order to move that the House take a recess?

The SPEAKER. The motion to adjourn takes precedence.

The question being taken on the question to adjourn, the Speaker stated that the "noes" seemed to have it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 63, noes 87.

Mr. WHITE, of Kentucky. I call for tellers.

Tellers were not ordered, only 30 members voting therefor—not one-fifth of a quorum.

Mr. WHITE, of Kentucky. I call for the yeas and nays.

On the question of ordering the yeas and nays, there were ayes 24—not one-fifth of the last vote.

Mr. WHITE, of Kentucky. Count the other side.

The negative vote was counted, and there were noes 102—the affirmative not being one-fifth of the whole vote.

Mr. WHITE, of Kentucky. I call for tellers on the yeas and nays.

Tellers were not ordered, only 24 members voting therefor.

The SPEAKER. Tellers are refused, the yeas and nays are refused, and the motion to adjourn is not agreed to.

Mr. OATES. I move to lay the motion to reconsider on the table.

Mr. WHITE, of Kentucky. I move that the House take a recess until 10 o'clock to-morrow.

Mr. ROSECRANS. I move to amend that motion so that the House shall take a recess until 8 o'clock to-night; and I ask unanimous consent that the evening session be assigned for the consideration of business reported by the Committee on Military Affairs.

The SPEAKER. The Chair can not entertain a request for unanimous consent while other matters are pending. Does the gentleman from California move to amend the motion of the gentleman from Kentucky?

Mr. ROSECRANS. I do. I move to amend that motion so that the House shall take a recess until 8 o'clock this evening.

The amendment was not agreed to.

Mr. LEWIS. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 56, noes 72.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER. A quorum is not required on a motion to adjourn.

Mr. LEWIS. I call for tellers on the motion to adjourn.

Tellers were not ordered, only 29 members voting therefor—not one-fifth of a quorum.

So the motion was not agreed to.

The SPEAKER. The question is on the motion made by the gentleman from Kentucky [Mr. WHITE] that the House take a recess till 10 o'clock to-morrow morning.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. WHITE, of Kentucky. I call for a division.

The House divided; and there were—ayes 36, noes 89.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. WHITE, and the gentleman from Alabama, Mr. OATES.

The House again divided; and the tellers reported—ayes 4, noes 112.

The SPEAKER. The noes have it, and the House refuses to take a recess.

Mr. WHITE, of Kentucky. I insist on the point that a quorum has not voted.

Several MEMBERS. Too late.

The SPEAKER. The Chair thinks the gentleman made the point as to a quorum too late. The result had been announced.

Mr. BLAND. I move that the House do now adjourn.

The House divided; and there were—ayes 65, noes 77.

So the motion was not agreed to.

The SPEAKER. The question is on the motion to lay on the table the motion to reconsider the vote by which the House refused to pass the bill.

Mr. WHITE, of Kentucky. I move that the House take a recess until half past 10 o'clock to-morrow morning.

The question was taken; and the Speaker stated that the "noes" seemed to have it.

Mr. WHITE, of Kentucky. I call for tellers.

Tellers were ordered—thirty-four members voting therefor.

The SPEAKER appointed as tellers Mr. WHITE, of Kentucky, and Mr. ELLIS.

The House again divided; and the tellers reported—ay 1, noes 95.

Mr. WHITE, of Kentucky. No quorum.

Mr. ELLIS. I move a call of the House.

Mr. BLAND. Pending that, I move that the House do now adjourn.

The House divided; and there were—ayes 62, noes 72.

Mr. BLAND. I call for tellers.

Tellers were ordered—thirty-eight members voting therefor.

The SPEAKER appointed as tellers Mr. ELLIS and Mr. BLAND.

The House again divided; and the tellers reported—ayes 62, noes 77.

So the motion to adjourn was not agreed to.

Mr. OATES. I ask unanimous consent that the vote on my motion to table the motion to reconsider made by the gentleman from Louisiana [Mr. LEWIS] be taken to-morrow at 1 o'clock. If that is agreed to we can then adjourn.

The SPEAKER. The Chair will state that if the House should now adjourn this matter will come up to-morrow immediately after the reading of the Journal.

Mr. OATES. The House may not be full at that time, and I have suggested a later hour that there may be the vote of a full House on the motion.

Mr. LEWIS. I am willing to assent to that arrangement.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the vote on the motion to lay the motion to reconsider on the table shall be taken to-morrow at 1 o'clock. Is there objection?

There was no objection.

Mr. LEWIS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CONNOLLY: Petition of George B. Seamans, M. D., and 48 others, citizens and residents of Pleasant Valley, Luzerne County, Pennsylvania, asking that a pension be granted to George Lampman—to the Committee on Invalid Pensions.

By Mr. NELSON: Petitions and exhibits relative to the inspection of hulls and boilers at Duluth, Minn.—to the Committee on Commerce.

By Mr. WHITING: Petition of B. F. Cook and others, of Northampton, Mass., against the Government engaging in the telegraph business—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *June* 27, 1884.

The Senate met at 11 o'clock a. m.

Prayer by Rev. NATHAN SITES, of Foo Chow, China.

Mr. GARLAND called the Senate to order, and the Secretary read the following letter:

VICE-PRESIDENT'S CHAMBER, *Washington, June* 27, 1884.

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. A. H. GARLAND, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

Thereupon Mr. GARLAND took the chair as presiding officer for to-day.

Mr. HARRIS. I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll of Senators.

The Secretary called the roll, and thirty-five Senators answered to their names.

Mr. MORRILL. Let the absentees be called.

The PRESIDING OFFICER. If there be no objection, the absentees will be called.

The SECRETARY. Messrs. Aldrich, Anthony, Brown, Butler, Camden, Cameron of Pennsylvania, Colquitt, Cullom, Dolph, Edmunds, George, Gibson, Gorman, Groome, Hampton, Hawley, Hill, Hoar, Jackson, Jones of Nevada, Logan, McPherson, Mahone, Maxey, Miller of California, Miller of New York, Morgan, Palmer, Pugh, Riddleberger, Sabin, Saulsbury, Sawyer, Sewell, Sherman, Vance, Van Wyck, Vest, Voorhees, Williams, and Wilson—41.

Mr. CONGER. I move that the Senate take a recess until 12 o'clock. The Committee on Commerce are closing the river and harbor bill, which must be prepared and must be reported; and calling us down to make a quorum or to answer to our names here prevents the public business more than it would be benefited by having the session postponed until 12 o'clock, as I think, and it is so with other committees.

Mr. INGALLS. I suggest that the Committee on Commerce have leave to sit during the sessions of the Senate. That would obviate the difficulty the Senator intimates.

Mr. CONGER. I should like to have that permission for to-day at least.

Subsequently Mr. WILSON, Mr. MAXEY, Mr. PALMER, and Mr. DOLPH entered the Chamber.

The PRESIDING OFFICER. A quorum is present.

Mr. INGALLS. I move that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. On the motion of the Senator from Kansas, if there be no objection, further proceedings under the call will be dispensed with.

Mr. CONGER. Now I ask permission of the Senate that the Committee on Commerce for to-day, at any rate, have leave to sit during the session of the Senate.

Mr. HARRIS. I think leave to sit during the sessions of the Senate has already been granted to the Committee on Commerce.

Mr. CONGER. It has not been granted.

Mr. HARRIS. I thought it had been.

The PRESIDING OFFICER. The Senator from Michigan moves that permission be granted to the Committee on Commerce to sit during the sessions of the Senate.

Mr. CONGER. For this one day.

The PRESIDING OFFICER. If there be no objection, that motion will be considered as agreed to. The Chair hears no objection. The Journal of yesterday's proceedings will be read.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Navy, retransmitting a report of Professor J. E. Nourse, United States Navy, on the Suez Canal, which had been returned to the Department for the purpose of adding important information received since the report was transmitted; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, recommending an increase of the appropriations proposed to be made for certain items of expenditure in his Department by the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer in part to a resolution of the 20th instant, a report from the Commissioner of Indian Affairs, inclosing copies of contracts made by the United States with citizens for furnishing beef-cattle to the Indians during the years 1883 and 1884; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WILSON presented the petition of James Northrup and 23 others, Union soldiers and sailors, residents of Jones County, Iowa, praying for certain legislation in the interest of soldiers and sailors of the late war; which was referred to the Committee on Pensions.

Mr. LAPHAM presented a petition of citizens of Orange County, Indiana, praying for the passage of the bills granting pensions to the Union soldiers and sailors of the late war; which was ordered to lie on the table.

Mr. HARRISON. I present the petition of R. M. Morgan and 96 other soldiers of the Union Army, of the State of Indiana, praying for the passage of the bills now before Congress for increase of pensions. The petition was forwarded to the Senator from Wisconsin [Mr. SAWYER] and he handed it to me to present to the Senate. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. WILLIAMS presented a petition of the Southern Exposition Company, of Louisville, Ky., praying for an appropriation for exhibits at that exposition illustrative of the several departments of the Government of the United States; which was referred to the Committee on Agriculture and Forestry.

Mr. PIKE presented the memorial of Hon. George W. Nesmith and 30 other citizens of New Hampshire, remonstrating against the transfer of the Geodetic Survey in the several States from the Coast Survey to the Geological Survey; which was referred to the Committeee on Appropriations.

Mr. LOGAN. I present an amendment sent to me by request of a committee to be referred to the Committee on the District of Columbia. It is an amendment to the laws that exist in reference to plumbers in the city of Washington. There is a petition in connection with it signed by a number of persons from different cities of the United States. I was asked by this committee to present it to the Senate. I do so at their request, and ask its reference to the Committee on the District of Columbia for its consideration. I do this at the request of the committee. I know nothing about the matter myself.

The PRESIDING OFFICER. The papers will be received, printed, and referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. BAYARD. I am instructed by the Committee on Private Land Claims to report adversely the bill (S. 603) for the relief of William McGarrahan, and to state that the chairman has been instructed to prepare a report, which will be hereafter submitted. I ask that the bill may be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MAHONE, from the Committee on Education and Labor, to whom was referred the bill (S. 2170) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 2347) to incorporate the national encampment of the Grand Army of the Republic; which was read twice by its title.

Mr. MITCHELL. I ask that the bill be referred to the Committee on Military Affairs, although I do not know what the practice of the Senate has been in referring similar bills.

Mr. SHERMAN. It should go to the Committee on the District of Columbia.

The PRESIDING OFFICER. The bill will be referred to the Committee on the District of Columbia.

Mr. VAN WYCK introduced a bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Finance.

Mr. HARRISON introduced a bill (S. 2349) authorizing a seal for the United States Pension Office; which was read twice by its title, and referred to the Committee on Pensions.

THE SIGNAL SERVICE.

The PRESIDING OFFICER. Under the call for "concurrent or other resolutions" the Chair lays before the Senate a resolution submitted yesterday by the Senator from Ohio [Mr. PENDLETON]. It will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of War is directed to collate the various laws under which the Signal Service is organized, and to report a codification thereof with such amendments as he may suggest at the commencement of the next session of Congress. That he also report the status in the Army of the chief officer of the Signal Service Bureau, and the propriety of keeping the said bureau under the general supervision of the War Department.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. HARRISON. I move the reference of the resolution to the Committee on Military Affairs.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana.

Mr. HARRISON. I wish in that connection to call the attention of the Senator from Ohio to what has probably escaped his observation in the sundry civil appropriation bill. As it comes to us from the House of Representatives there is found in connection with the appropriations for the Signal Service the following provision:

That a joint commission, consisting of three Senators, to be appointed by the President of the Senate, and three members of the House, to be appointed by the Speaker of the House of Representatives, shall consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, with the view to secure greater efficiency and economy of administration of the public service in said bureaus; and said joint commission shall report to their respective Houses on the first Monday in December, 1884, their conclusions, by bill or report.

It will be observed by Senators that there is already a proposition which comes to us from the House for joint action by the two Houses by a commission to be composed of Senators and Members to examine into this whole question as to the Signal Service Bureau, and to report such conclusions as they may arrive at touching its future management and control. The commission thus appointed will represent the legislative body that must deal with this question. They will have the advantage of access to the Secretary of War. They would undoubtedly call the Secretary of War before them, take his advice, hear his statements with reference to this bureau, which is now under his Department, and they would formulate some report upon the subject, perhaps propose some bill, as they are directed to do if they think best. This certainly is a better way of getting at it than simply to ask the advice of the Secretary of War and have that come to Congress and then have that go to some committee or commission upon which they must act.

The Senator from Ohio will see that if the Senate adopts this provision of the sundry civil bill we shall expedite the inquiry which he seems to desire to make into the Signal Service. It will be made by those who will be on the floor of the House and on the floor of the Senate to explain and defend the conclusion at which they may arrive; whereas if his resolution is passed we shall simply have sent to this body at the first day of the next session the views of the Secretary of War alone, and those views as thus expressed must go to the Committee on Military Affairs or some other committee of this body and have their consideration before we shall have any report or any legislation proposed to us at all.

If there be something here that ought to be investigated this commission will do it, having all the necessary machinery and appliances for a full investigation. If the advice of the Secretary of War is important the commission will have it, and will present it to us in their report together with whatever information they may derive from other

sources. So, it is a wider, a safer, and a quicker inquiry into this matter than the proposition of the Senator from Ohio.

I would not desire that the resolution in the shape in which it is should pass without an examination by a committee at least. I hope therefore it will go to the Committee on Military Affairs in order that they may consider whether the proposition of the Senator from Ohio or the proposition contained in the sundry civil bill is the better, or, if stimulated by his resolution, they should think best to modify the proposition of the House it can be done, and will be in the shape of legislation.

Mr. MAXEY. As a member of the Committee on Military Affairs I concur very heartily in what has been said by the Senator from Indiana. It is a fact that the Committee on Military Affairs have give a great deal of attention to the subject-matter of the Signal Service Bureau. A subcommittee, consisting of the Senator from Indiana [Mr. HARRISON], the Senator from Connecticut [Mr. HAWLEY], and myself, took charge of that matter, and we spent a long time in endeavoring to work out some correct system of organization for the Signal Service Bureau and to make it more effective. There were various communications by the Secretary of War upon the subject.

The plan proposed in the sundry civil bill to my mind is the correct plan, and now to take all that work from the proper committee, which is the Committee on Military Affairs, it seems to me would be wrong. That committee has heretofore had charge of it. The Signal Service Bureau belongs to the War Department, and hence the matters connected with that bureau properly belong to the Military Committee. For every reason it seems to me that the business which has already been intrusted by the Senate to the Committee on Military Affairs, relating to the Signal Service Bureau should be kept there.

Mr. PENDLETON. I had not observed the provision in the sundry civil bill to which the Senator from Indiana has called my attention, but if I had done so it would not have affected in any degree my action in offering the resolution. I have no disposition to antagonize that provision of the sundry civil bill, and I have not the least disposition to interfere with any action that the Military Committee has taken or may take in reference to the matter.

I have found a great deal of difficulty in understanding the laws under which this bureau is conducted, the powers that are given to it, the number of men employed in it, the exact function which it is intended to perform, and it was with a disposition of getting information upon that subject, and not of antagonizing the bureau or criticising any of its ways, that I offered the resolution.

I presume that the information desired as to the provisions of law on the subject is in the War Department and can be readily collated; and I desire that the resolution shall pass notwithstanding what has been said by the Senators who have spoken. The provision of the sundry civil bill may not in the end be adopted. I shall not oppose it; I approve of it very highly, but it has only come from the House. The bill is still in the hands of the Committee on Appropriations, and the provision may be stricken out by the committee or it may be non-concurred in by the Senate. The information which I seek is that which we ought to have and which I have no doubt can be very readily furnished to the Senate.

I repeat, it was with no disposition to antagonize the committee or to antagonize this provision of the sundry civil bill that I offered the resolution, but it was in order that the Senate might have in some condensed and proper form the information as to the organization of that bureau.

I trust the Senate will not refer the resolution at this late stage of the session to the Military Committee. We know that the committees are pressed with business which requires immediate attention. The resolution can do no possible harm. It can in no way interfere with the functions of the committee or of the commission which shall hereafter be created, if one be created under the provisions of the sundry civil appropriation bill.

I therefore hope that the gentlemen will withdraw their opposition to the passage of the resolution, as it antagonizes none of the work either of the Military Committee or of the commission, if it shall be adopted, and allow the information to be furnished to the Senate. It will require no additional work, for whatever is done would be necessary to be done for the commission if it should ever be created. If it shall ever be created it will be necessary for that commission to have the information in order to discharge the duties proposed to be intrusted to it in the sundry civil bill. I hope that the resolution will not be referred, but that it will be adopted by the Senate.

Mr. HARRISON. The Military Committee meets regularly on Tuesday, and there is no reason in the world why the resolution may not be considered and promptly reported at that time. The Senator from Ohio is seeking by the resolution to get the views of a single man, the head of the War Department.

Mr. PENDLETON. I am perfectly willing, if the Senator pleases, to strike out the provision in reference to his views. That is not what I wanted. If that is the objection that the Senator makes, I have no indisposition to modify the resolution in that way. I did not offer the resolution with any disposition to get the views of a single officer in antagonism either to the proposed commission or the Committee on Military Affairs.

Mr. HARRISON. The resolution requires the Secretary of War to report a codification of the law regulating the Signal Service, with such amendments as he may suggest. Suppose that report comes to us; it is the expression of the Secretary of War alone; it is an expression upon his own consideration of the question, without any examination or cross-examination, or without any inquiry into the reasons, such as the commission would be able to make.

We should get all the Senator from Ohio asks, every whit of it, through the commission. We should get the views of the Secretary of War as to what changes he thought ought to be made in the law, and the reasons on which these changes are to be based; and we should not only get that, but the views of the General of the Army, and the views of other officers high in rank in the Army, so that we should have for comparison the views of the Secretary of War, and of others whose opinions would be entitled to great respect in this matter. We should have them all before us when the commission made its report.

In other words, the provision in the sundry civil bill embraces all that the Senator from Ohio asks in his resolution and embraces much more, and brings it to us in such a shape that it will be brought here by members of this body who have been connected with the investigation who have made themselves thorough in this inquiry and are able to defend upon the floor any changes that they may recommend to be made in the Signal Service law.

Mr. MAXEY. I wish simply to add to the point the Senator is so well making a statement of the fact that in every investigation which the Committee on Military Affairs makes a thorough interview with the Secretary of War is a part of that investigation, and whatever he thinks about this matter will be laid before the Senate along with a vast amount of other valuable information.

Mr. HARRISON. Undoubtedly that would be true; so that if the Senator from Ohio wants a wide, a searching, a comprehensive, and an intelligent inquiry into the laws regulating the bureau and every other question connected with it, the proposition of the sundry civil bill gives it to him, and it brings it here in the shape of a report based on investigation. I should hope that if such a commission is constituted and the bill is passed we might have the assistance of the Senator from Ohio in looking into this matter, as he has taken an interest in the Signal Service as expressed in his resolution, and then we shall be in a position to act upon it intelligently.

As the Senator from Texas has said, a subcommittee of the Military Committee have given a good deal of attention to this matter, and they did feel that there were probably some changes in the laws regulating that bureau, if I may call it such, that could wisely be made. Some were suggested at the last Congress but were not enacted into law. It seems to me that in a question of this kind, where there need be no haste about its passage, when there is an appropriate committee to consider it, when there are two propositions to be considered it is unusual to object that the appropriate committee should have their day to make an examination of it.

Mr. PENDLETON. I am a little surprised at the sensitiveness of the Senator from Indiana upon this subject. I had no idea that I was treading upon anybody's toes in offering the resolution; but if the Senator from Indiana and the Senator from Texas both feel that it is an invasion of the duties of the Military Committee and of the duties that they have taken upon themselves, I shall ask that the resolution lie over until we see what shall be the fate of the provision in the sundry civil bill.

Mr. MAXEY. I will state to the Senator from Ohio a fact that perhaps he does not know, that the subcommittee to which I referred, by direction of the committee, spent more time I expect upon that single proposition than on any other one proposition that the Military Committee has had under consideration for years.

Mr. PENDLETON. I was entirely unaware that there was a single committee considering the subject.

Mr. MAXEY. I supposed that to be the case. The Secretary of War has been seen time and again in regard to the subject by myself and by the Senator from Connecticut and I think by the Senator from Indiana.

Mr. PENDLETON. That was entirely unknown to me. I was not aware that there was any subcommittee considering the subject or that the Military Committee had taken cognizance of it. I ask then that the resolution lie on the table subject to be called up hereafter if necessary.

The PRESIDING OFFICER. The Senator from Ohio asks that the resolution may lie over subject to his call? Is there objection? The Chair hears none and it is so ordered.

THE SENATE MANUAL.

Mr. FRYE. I offer the following resolution:

Resolved, That there be printed, under the direction of the Committee on Rules, a new edition of the Senate Manual in accordance with the suggestions made in their report.

I ask that the resolution lie over in order that fifteen minutes at least may be spent in its consideration to-morrow morning. I call the at-

tention of the Senate to the fact that the Committee on Rules at the opening of the session, under instructions of the Senate, reported a resolution in terms like this, and in their report they reported certain amendments which they advised in the new edition of the Manual. I will call the attention of Senators to-morrow morning to those recommendations so that if the Senate does not concur with the committee such recommendations as it does not concur in may be stricken out.

The PRESIDING OFFICER. The resolution will lie over subject to the call of the Senator from Maine, and will be printed.

Mr. PLATT. I should like to ask the Senator from Maine a single question before the resolution passes from the consideration of the Senate. I think when the Senate adopted its new rules, it also adopted, so far as it could, some joint rules. I should like to inquire whether those rules have ever been adopted by the other branch.

Mr. FRYE. I learned on an inquiry which I made a few days since that no action whatever has been taken by the Committee on Rules of the House touching the joint rules.

Mr. PLATT. So we have no joint rules?

Mr. FRYE. We have no joint rules at all.

THE TRADE-DOLLAR.

The PRESIDING OFFICER. The Chair will lay before the Senate a resolution offered yesterday by the Senator from Pennsylvania [Mr. CAMERON].

The resolution was read, as follows:

Resolved, That the Finance Committee be discharged from the further consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. MORRILL. The Senator from Pennsylvania [Mr. CAMERON] is absent, and I learn has made a request that the resolution shall go over until his return.

The PRESIDING OFFICER. The resolution will so lie over if there be no objection.

NEW YORK BANKS.

Mr. BUTLER. Mr. President, I wish to make a brief statement as to my purpose in reference to the resolution which I had the honor to offer some time ago relating to the New York national banks. I intended to call that resolution up yesterday or to-day, but the Senator from Rhode Island [Mr. ALDRICH] begged me not to do so until Monday, as he was compelled to be absent from the city. I give notice now that, if the Senate will permit, I shall ask a vote on the resolution on Monday next, by which time the Senator from Rhode Island will have returned.

RAILROAD IN INDIAN TERRITORY.

Mr. CAMERON, of Wisconsin. I move that the Senate proceed to the consideration of House bill 4680.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, the pending question being on the amendment proposed by Mr. CONGER, beginning in line 6, section 6, to strike out the following words:

And after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company.

The amendment was agreed to.

Mr. HARRISON. I move the amendment indicated upon the paper I send to the desk, which is the charter of the Saint Louis and San Francisco road in relation to highways. The Secretary will see what it is.

The PRESIDING OFFICER. Will the Senator inform the Secretary where it is to come in?

Mr. HARRISON. It is to come in at the end of section 9.

The CHIEF CLERK. At the end of section 9 it is proposed to insert—

That said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

The amendment was agreed to.

Mr. HARRISON. I should like to inquire of the Secretary, as I have no memorandum of it here, whether the amendment providing that the line shall be located subject to the approval of the Secretary of the Interior has been incorporated in the bill.

Mr. PLUMB. That was incorporated on the motion of the Senator from Indiana.

The PRESIDING OFFICER. The Secretary informs the Chair that it has been inserted.

Mr. HARRISON. I am entirely opposed to the bill, but I have no further amendment to offer.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PLUMB. I want to make a suggestion to the Senator from Indiana about the amendment he spoke of a moment ago, and ask him whether he will not be willing to have it so modified as that the railroad shall be located, subject to the approval of the Secretary of the Interior, in sections say of twenty-five miles?

Mr. HARRISON. I suppose it is too late to amend that amendment, as it has been agreed to in the Senate.

Mr. PLUMB. It can be amended by unanimous consent.

Mr. HARRISON. It can not be amended in the Senate.

The PRESIDING OFFICER. A motion to reconsider would be entertained by the Chair.

Mr. HARRISON. I shall not make any objection. I believe the conference committee on the other bill reported that proposition as to the Gulf, Colorado and Santa Fé Railroad, and the Senate concurred in it.

Mr. PLUMB. I wanted to obviate the necessity of any conference committee if it could be avoided. The provision as it stands is rather obstructive in its character.

Mr. HARRISON. I said I would make no objection.

Mr. PLUMB. Then I ask unanimous consent that that clause may be amended so that that location shall be made in sections of twenty-five miles, subject to the approval of the Secretary of the Interior, before the construction commences.

The PRESIDING OFFICER. Is there objection to this request? The Chair hears none. By unanimous consent the correction will be made.

Mr. HARRISON. I wish to inquire whether the amendment in relation to the rights of employés of the road was adopted before. I think it was offered, but we passed from the consideration of the bill, and I have no memorandum that will enable me to discover.

The PRESIDING OFFICER. The Secretary will examine and report.

Mr. PLUMB. That was incorporated on the motion of the Senator from Massachusetts [Mr. DAWES], I think.

Mr. HARRISON. That the employés should be subject to the Indian intercourse laws?

Mr. PLUMB. I find that the same amendment is inserted. It is copied from the RECORD as inserted in the other bill.

Mr. HAWLEY. Copied from the conference report?

Mr. PLUMB. Not from the conference committee's report.

Mr. HAWLEY. It might as well be in the terms reported by the conference committee, if it is a matter of disagreement between the two Houses, to avoid a further conference.

Mr. PLUMB. It was not a matter of disagreement.

The PRESIDING OFFICER. The Secretary will now report the amendment corrected by the Senator from Kansas.

The SECRETARY. In the amendment adopted to the bill, after the word "void," in section 6, line 12, "and said location shall be approved by the Secretary of the Interior before work is begun," strike out the words "before work is begun" and insert:

In sections of twenty-five miles before the construction of any such section shall be begun.

So as to make the clause read:

And said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before the construction of any such section shall be begun.

The PRESIDING OFFICER. If there be no objection, the amendment as amended will be considered as agreed to.

Mr. HARRISON. I understand that section 7 was stricken out and the amendment I proposed to the other bill inserted.

Mr. PLUMB. The amendment was copied from the RECORD and incorporated in this bill.

Mr. HARRISON. Am I right in supposing that section 7 was stricken out?

The PRESIDING OFFICER. The Secretary will report the state of facts.

The CHIEF CLERK. Section 7 was stricken out, as follows——

Mr. HARRISON. That will do. It is all right.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. LAMAR. I ask unanimous consent to take up the joint resolution (S. R. 4) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? The Chair hears none. It is before the Senate as in Committee of the Whole, and will be read.

The joint resolution was read.

Mr. INGALLS. Is there a report in that case?

Mr. LAMAR. Yes, sir.

Mr. INGALLS. I should like to hear it read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report submitted by Mr. BROWN February 25, 1884:

The Committee on Railroads, to whom was referred the joint resolution (S. R. 4) to provide for the settlement of accounts with the Mobile and Ohio Railway Company, respectfully report:

That they have examined into the facts of the case as exhibited in the different laws passed and the reports of the Quartermaster-General and previous reports of committees upon this subject.

By the act of February 27, 1875, "to provide for settlements with certain railway companies," the Secretary of War and Attorney-General were authorized and empowered jointly to adjust and settle the claims of the United States

against the Mobile and Ohio and other railway companies named therein for property purchased by them of the United States in the years 1865 and 1866. The Secretary of War reported to the Senate (Executive Document No. 57, Forty-fourth Congress, first session) that under the provisions of that act an abatement of 25 per cent. was found equitable and just in the valuation of the property charged, and that he made that deduction and settled with certain of the roads on that basis in accordance with the provisions of the law. He reported further that he had been unable to make any settlement of the account with the Mobile and Ohio Railway Company for the reason that a settlement on the basis determined on as equitable and just, and on which settlement had been made with the other companies, would bring the Government in debt to the company, and that no means had been provided in the act cited for paying any balance in favor of the company.

It was the evident intention of the law that the companies specially named in it should receive its benefits, and that settlements should be made with them on a common basis. The fact that, after such basis had been determined on, it would leave all the companies except one still in debt to the Government should not be allowed to operate to the detriment of that one. The fact that it had been more prompt than the others in paying the demands of the Government, thereby leaving such a small balance against it, is evidence of the good faith of the company.

This resolution was favorably reported to the Senate by the Committee on Railroads in the Forty-seventh Congress. In the annual report of the Quartermaster-General made to this session of Congress attention is called to the condition of the accounts of the Mobile and Ohio Railway Company, and legislation is recommended for their settlement on an equitable bas s.

In the report of Colonel Chandler he says:

"Three acts of Congress have passed, under which compromises have been effected, and the accounts closed, of several of those indebted railroads upon the basis of a reduction in the value of the property purchased and in the interest charged of 7.3 per cent. per annum. One of these acts, that of February 27, 1875, specially provided for the settlement of the indebtedness of the Mobile and Ohio Railroad Company, authorizing an equitable abatement in the amount charged against the railroad. Under this act the accounts of the Selma, Rome and Dalton Railroad Company and Memphis and Little Rock Railroad Company were closed; but it was found not possible to close the account of the Mobile and Ohio Railroad Company, because, on an application of the principle considered equitable, a cash payment from the United States to the railroad company was necessary, as the railroad had already paid over $500,000 on its debt, and it was considered that the law did not justify a settlement which would bring the Government in debt. In this case it is suggested that Congress be asked to have some equitable law to close the long-standing account."

The committee believe that the law intended that settlement should be made with each company on the same basis. The fact that settlement on the basis adopted requires the return to the Mobile and Ohio Railway Company of money overpaid by it should not be taken advantage of by the Government from any failure in the law to provide for it.

This resolution is to direct the settlement to be carried out with the Mobile and Ohio Railway Company, and that if it shall be found to require the return of any money it provides that it shall be returned.

We report the resolution back, and recommend that it be passed.

The PRESIDING OFFICER. The joint resolution is before the Senate as in Committee of the Whole.

Mr. HARRISON. Was there any consent of the Senate to take up the joint resolution?

The PRESIDING OFFICER. The Chair asked if there was any objection and heard none.

Mr. HARRISON. I hope that we shall not waste the time that we have now in considering railroad bills. There are a great many pension bills on the Calendar, and I should like to have a little time this morning for them.

The PRESIDING OFFICER. Does the Senator object to the consideration of the joint resolution?

Mr. HARRISON. If the Senate has voted to take it up I suppose we have passed the point where I could object. Otherwise I would.

The PRESIDING OFFICER. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. HAWLEY. I presume this is all right if the Senator from Mississippi moves it. Does it come from the Railroad Committee?

Mr. LAMAR. Yes, sir; unanimously recommended by that committee at two Congresses.

Mr. HAWLEY. Very well; but I do not recall it.

The joint resolution was passed.

The PRESIDING OFFICER. The question is on the preamble.

Mr. HARRISON. I have just been informed that this measure has been before the Judiciary Committee of the Senate and perhaps the Committee on Claims, and has failed to secure favorable action from either of those committees in previous Congresses. I should like to know whether that is true.

Mr. LAMAR. I am under the impression that the Senator from Indiana is entirely mistaken about that. I am sure it has been unanimously recommended by two Committees on Railroads. There has been an adverse recommendation by the Committee on Claims on another measure, but it has no reference whatever to this and does not involve the same question.

Mr. MITCHELL. Is it in order now to move to proceed to the consideration of private pension bills?

The PRESIDING OFFICER. The preamble to the joint resolution has not yet been disposed of. The question is on the preamble.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3961) to grant to the Gulf, Colorado, and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes.

FISH IN POTOMAC RIVER.

Mr. LAPHAM. I move that the Senate proceed to the consideration of House bill 3108.

Mr. BUTLER. I do not rise for the purpose of antagonizing the proposition of the Senator from New York, but for the purpose of making a suggestion which I think would facilitate the business on the Calendar very much. It is that we proceed to the consideration of the bills which have passed the House and are now on the Calendar, in their regular order.

Mr. LAPHAM. This is one of those.

Mr. BUTLER. I was going to suggest that we proceed with them in order and call them regularly.

Mr. LAPHAM. I will state that this is a House bill to which the Committee on Fish and Fisheries of the Senate have proposed an amendment to stop the flow of gas-tar into the Potomac River, and it is necessary it should pass and get back to the House in order that that amendment may be adopted. It is a very important measure, one to which there is no objection, which is recommended by the District officers, by the Commission of Fish and Fisheries, and is assented to by the gas companies.

Mr INGALLS. The title of the bill was not heard here.

The PRESIDING OFFICER. The title of the bill will be reported by the Secretary.

The CHIEF CLERK. A bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

Mr. HARRISON. I hope the Senate will adopt the suggestion of the Senator from Pennsylvania and proceed to dispose of the pension cases on the Calendar.

Mr. LAPHAM. This will take but a moment.

Mr. HARRISON. Perhaps that is true.

Mr. LAPHAM. I move to take it up.

The PRESIDING OFFICER. The Senator from New York moves that the Senate proceed to the consideration of the bill whose title has been stated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Fisheries with an amendment, to add as a new section:

SEC. 3. That from and after two months from the date of the passage of this act it shall be unlawful to allow any tar, oil, or other waste products of any gas-works, or of works engaged in using such products, to flow into or to be deposited in Rock Creek or the Potomac River, or into any pipe or conduit leading to the same; and any one guilty of violating this section shall be fined not less than $10 nor more than $100 for each and every offense, to be prosecuted for and recovered as provided in the preceding section.

Mr. PLATT. I should like to hear the report read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the following report submitted by Mr. LAPHAM June 17, 1884:

The Committee on Fisheries, to whom was referred the bill (H. R. 3108) to protect the fish in the Potomac in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, have duly considered the same, and respectfully report:

Your committee recommend the passage of the bill as it came from the House. In connection with said bill there have been referred to the committee certain communications and recommendations relative to the flow of oil and other refuse products in the river and its tributaries from the works of the gas-light companies of Washington and Georgetown, which are believed to be very destructive to young fish and fish-spawn.

It appears from the reports of engineers, the letter of Major Hains, who has charge of the river improvement, the letter of Professor Baird and his assistant, Colonel McDonald, of the Commission of Fish and Fisheries, and of Dr. Townshend, the health officer of the District, that the complaints in this respect are well founded.

It also appears from the papers that the said gas companies will arrange to stop the deposit of such waste in the river within two months from the passage of a law prohibiting the same.

The commissioners of the District propose an amendment to the bill, to be section 3 of the same, which your committee report favorably and recommend its passage.

A petition of citizens——

Mr. LAPHAM. It is not important to read the rest of the report.

Mr. PLATT. I want to hear it all.

The Secretary resumed and concluded the reading of the report, as follows:

A petition of citizens engaged in fisheries has been presented, protesting against the passage of the bill in question, and asking, in case of its passage, that the petitioners be paid the value of their several outfits, as stated in said petition, or such portion thereof as may be deemed proper.

Your committee are unable to conceive any ground upon which the prayer of the petitioners asking legislative relief can be granted. They therefore ask to be discharged from further consideration of the same, and ask that it be indefinitely postponed.

Mr. PLATT. This seems to be a bill to destroy the fisheries that exist in the District of Columbia without compensation, and that portion of the bill seems to be commended to the Senate by an amendment which has been put upon it to prevent the emptying of gas-tar into the river. I am not ready to vote for a bill to prohibit shad-fisheries and other fisheries in the District of Columbia without some explanation of the reason why it should be done. I have had no opportunity to examine the bill and have only heard it read, but I assume that there are parties engaged in shad-fishing here in the District of Columbia that have investments in it which they have been carrying on for a long time, have property rights of fishery; and if I understand the bill, listening to it in the hurried way in which it was read and the confusion which there is in the Chamber, this bill proposes to stop them. I do not think we ought to pass a bill here in the hurry and hurly-burly of this morning hour of the Senate, of that character, without some consideration.

Mr. LAPHAM. This bill provides that for a period of five years, within the limits of the District of Columbia, the use of seines shall be prohibited. The object of it is to enable the United States Commission of Fish and Fisheries to convert this portion of the Potomac into a spawning-ground for shad and herring. As the fisheries are now carried on, all efforts to increase the quantity of shad and herring in the Potomac are practically useless by reason of the multitude of seines that are used at the very headwaters of the Potomac, where fish come in the spawning season.

This does not prevent the use of seines outside the bounds of the District of Columbia, and all the persons who are engaged in the fisheries can carry on their operations lower down the river, but they are only prohibited for the period of five years from doing it within the bounds of the District.

The bill passed the House unanimously, as I am informed, if I may state that fact, and it is the unanimous report of the Committee on Fish and Fisheries that that portion of the bill should be recommended for passage to the Senate. It is by no means correct to say that the other provision of the bill which prohibits the flow of gas-tar into these streams is added here to aid in the passage of the provision of which I have spoken. It is added here to aid in the accomplishment of the purpose of the bill, because if this flow of gas-tar is permitted to go into the Potomac the evidence conclusively shows that the use of the river as a spawning-ground will be practically destroyed. This gas-tar comes down the river nearly to Alexandria. The certificate of Major Hains is that his men who are engaged in the river improvement, the divers, come up with their clothing all covered with the gas-tar which is found in the bottom of the river.

The gas companies were compelled to concede that it is an impropriety, and assent to a proposition that they shall stop entirely the flow of this gas-tar into the river after the expiration of two months from the passage of the act, and this amendment has been adopted by the unanimous concurrence of Professor Baird and his assistants, of the District commissioners, of the health officer of the District, and of Major Hains, who is engaged in the river improvement.

There is no possible objection, it seems to me, to the enactment of this measure, and unless it is done the moneys which we are expending through the agency of the national Commission of Fish and Fisheries, so far as the Potomac is concerned, will be expended uselessly. It is here at the headwaters, and here only, that the operations of that commission can be successfully carried on.

Mr. PLATT. Mr. President, the thing that attracted my attention about this bill was the report which, if it had been read leaving out the portion which the Senator from New York said was of no consequence, would never have informed the Senate that there was anything in this bill except to prevent the discharging of gas-tar into the waters of the Potomac. The whole report is based upon that ground, and then, as the Senator from New York said, this portion of the report is of no consequence:

> A petition of citizens engaged in fisheries has been presented, protesting against the passage of the bill in question, and asking, in case of its passage, that the petitioners be paid the value of their several outfits, as stated in said petition, or such portion thereof as may be deemed proper.
>
> Your committee are unable to conceive any ground upon which the prayer of the petitioners asking legislative relief can be granted. They therefore ask to be discharged from further consideration of the same, and ask that it be indefinitely postponed.

Mr. LAPHAM. I desire to state that that petition asked that we should compensate them for the value of their seines. They sent in a petition, and each appends to his name the value of his seine, and the request was that we should pay them for the expense of their seines. They do not object to this measure; they make no opposition to the passage of the bill; but they seek to get compensation for their seines. I did not see any ground on which we could do that.

Mr. PLATT. I do not know whether they object or not, but I know——

Mr. LAPHAM. They do not.

Mr. PLATT. I know that this portion of the report which the Senator from New York did not want read says——

Mr. LAPHAM. There is no remonstrance against the passage of the bill. The petition itself did not remonstrate.

Mr. PLATT. I do not know about that. I know the report says, or that portion of it which the Senator from New York did not want read, says:

> A petition of citizens engaged in fisheries has been presented protesting against the passage of the bill in question.

Mr. LAPHAM. The Senator should not say I did not want it read.

Mr. PLATT. The Senator suggested that it was of no importance.

Mr. LAPHAM. I only said it need not be read, because the petition had been indefinitely postponed. That was the only ground on which I made that suggestion.

Mr. PLATT. I repeat, that if it had not been for this clause in the report we should have supposed that the bill was simply a bill to prevent the discharge of gas-tar into the Potomac River.

Now, I want to say that I know nothing whatever about the merits of this bill. No one has ever spoken to me on the subject; I never heard of it until the bill was read at the desk; but I think it is of consequence enough that we should not hurry it through in the way which we have adopted of hurrying bills through here, without consideration.

Mr. INGALLS. Mr. President, if I were sensitive upon matters of jurisdiction I perhaps might complain that this bill was not assigned to the Committee on the District of Columbia for consideration, but the Senator from New York advises me *sotto voce* that it was sent by the Senate to the Committee on Fish and Fisheries, I assume upon the theory that the jurisdiction of the District Committee extends only to the land and not to the waters of the District of Columbia.

It is well known to those who are conversant with this subject that the waters of the Potomac and the East Branch and the other tributaries of the Potomac, which formerly swarmed with fish, have been so depleted by the devices which have been employed and by the detrimental substances which have been permitted to flow into and contaminate the waters of the streams from the various manufacturing establishments in the District, that the fish have practically departed, so that the fishermen who formerly obtained a competent livelihood have of late years been like the disciples upon the Sea of Galilee, who toiled all the night and caught nothing.

It appears to me that the objection urged by the Senator from Connecticut is without foundation. It is true that a certain number of those who are employed in catching fish appeared before the committee and protested; but it seemed to me that it was an instance where individual interests would have to be sacrificed to the common good. The parties who presented their protest to the Committee on the District of Columbia stated that they represented an aggregate of property, perhaps, valued at fifteen or sixteen thousand dollars, which was invested in seines and in the various appliances used in fishing. They also represented that the value of the fishing places would be somewhat damaged; but it is my impression that the passage of this bill will so very largely increase the value of these privileges within a very short time that the prayer of the petitioners ought not to be heeded. I therefore very cordially advocate the passage of the bill.

Mr. PLATT. I should like to ask the Senator from Kansas whether the depletion of the fish has risen from catching the fish or from the gas-tar which he speaks of?

Mr. INGALLS. Probably both of those influences have concurred in the result which every person is familiar with who has given the matter any attention; that is, that these waters which formerly swarmed with the most valuable edible fish, shad, herring, and other varieties, are now practically vacated. The bill which the Senator from New York advocates is unquestionably in the interests of the public of this District and the country at large.

Mr. PLATT. I am yet unable to see how hauling the seine within the District of Columbia destroys the fish any more than hauling it below the limits of the District.

Mr. INGALLS. Because in the District of Columbia are the spawning grounds. The headwaters of the Potomac are found practically within the limits of the District. It is the place where the fish assemble by some mysterious instinct at stated seasons of the year for purposes of propagation. That interesting performance is interfered with by the devices of the fishermen; they are disturbed and they depart, and therefore it is very obvious that this bill should be adopted in order to allow the natural evolution which results in the spawning and hatching of the eggs to go on.

Mr. PLATT. That matter might all be regulated by a close season allowing the matter of fishing to go on through the proper season, and by preventing the use of improper nets for the taking of small fish, as is the custom elsewhere. I undertake to say that nowhere in the United States has there been any law passed or will there be any law passed, unless it be in the District of Columbia, whereby fishing for shad and kindred fish is prohibited for five years. It would not be tolerated anywhere except in the District of Columbia. That whole matter is regulated by the season and by the kind of nets which are used for the purpose of taking the fish. But it is a matter in which I have no interest.

Mr. LAPHAM. I do not know how it is in other localities, but in the State of New York the use of seines in our interior lakes is absolutely prohibited all the year round.

Mr. PLATT. I am talking about the Hudson River where the shad

runs. The Senator would not permit it to be done in the State of New York.

Mr. LAPHAM. I desire only to add that the report of the House committee, which I supposed was with the papers—I do not see it at this moment—states that in 1868 219,205 shad and 689,392 herring were caught within the limits of this District in a single year, and in 1879 only 21,498 shad and 222,887 herring. The shad-fishing with seines here has been practically useless for the past few years. The most of the shad-fishing is done below the limits of the city in the river, and the men who own seines are really not changed in their practice materially by the passage of this bill.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORIGINAL WASHINGTON PORTRAITS.

Mr. VOORHEES. I offer an amendment which I intended to propose to the sundry civil bill. I ask that it be read. It is very brief and I desire to call attention to it.

The PRESIDING OFFICER. The proposed amendment will be read.

The Chief Clerk read as follows:

For the purchase of 1,000 copies of the book entitled Original Portraits of Washington, by Elizabeth Bryant Johnston, to be distributed to public libraries under the order of the Senate, $12,000.

Mr. VOORHEES. I desire to say that I offer that by the authority of the Senate Committee on the Library, who authorized me to make the report. I move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

DISTRICT MECHANICS' LIENS.

Mr. PIKE. I desire to call up Order of Business 737, and ask the passage of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire moves to proceed to the consideration of a bill which will be read by title.

The CHIEF CLERK. Order of Business 777, a bill (S. 2244) granting a pension to James Brown.

Mr. BUTLER. I do not desire to antagonize the pension bills, but I repeat my suggestion.

Mr. RIDDLEBERGER. If the Senator will permit me, the Order of Business has been improperly called by the Chief Clerk. That is not the motion made by the Senator from New Hampshire. It was the Order of Business 737, a District matter.

Mr. PIKE. The bill is House bill 7164, Order of Business 737.

The PRESIDING OFFICER. The Secretary will now report the title of the bill correctly.

The CHIEF CLERK. Order of Business 737, being the bill (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens.

Mr. BUTLER. I renew my motion that the Calendar be taken up and that the House bills reported from the committees of the Senate favorably be considered in their order and acted upon by the Senate.

The PRESIDING OFFICER. The pending question is on the motion made by the Senator from New Hampshire [Mr. PIKE].

Mr. PIKE. If I may be permitted to say one word, this bill has passed the House of Representatives——

Mr. MITCHELL. I gave notice this morning early, and I should be glad to have it understood that there is a desire here to insist on the consideration of the private pension bills. I desire the Senate to understand that I will make the motion for their consideration as soon as I can get the floor for the purpose.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from New Hampshire.

Mr. PIKE. I hope I may be permitted to say one word on that.

The PRESIDING OFFICER. If there be no objection, the Senator will proceed.

Mr. PIKE. This bill passed the House of Representatives without any opposition. It has been reported by the Committee on the District of Columbia unanimously. It is a very important bill for the interests of this District; the people here are more interested in it than in any other measure I have had anything to do with during this session of Congress. It is to amend the lien law of the District, which is very defective. I know of no opposition to it, and I think it will take no time beyond the time required to read the bill.

The PRESIDING OFFICER. If there be no objection, the Senate will proceed to the consideration of the bill indicated by the Senator from New Hampshire.

Mr. MITCHELL. I object.

Mr. PIKE. I move then that it be taken up.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to proceed to the consideration of the bill.

Mr. BUTLER. I should not object in the slightest to taking up the bill of the Senator from New Hampshire, and I have no desire to antagonize it, but there are quite a number of other bills on the Calendar in the same situation as the one he has in his hand, and we should get along a great deal better and dispose of a great deal more business by taking up the Calendar and going through regularly with such House bills as have been reported.

Mr. PIKE. That can not be done. I am as much interested in the pension bills as any Senator on this floor, I think, but I am fully persuaded that this bill ought to be acted on and ought to be passed. Every interest in the District requires it, and I hope no Senator will antagonize it, for it will take no time as I understand.

Mr. BUTLER. I have a bill in my hand passed by the House, and reported by the Senate Committee on Naval Affairs, which I think of equally great importance. The result will be in my judgment that a great deal of time will be consumed in mere contests for position on the floor of the Senate. We shall get along a great deal better by proceeding in regular order. I have no desire whatever to antagonize the particular measure which the Senator has in his hand.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to proceed to the consideration of the bill indicated by him.

Mr. MITCHELL. I ask for the yeas and nays. ["No!" No!"]

Mr. PIKE. It will not take half the time to pass the bill that it will require to call the yeas and nays.

Mr. MITCHELL. I want to get to the pension bills.

The PRESIDING OFFICER. The Senator from Pennsylvania asks for the yeas and nays.

Mr. HARRISON. As we are wasting time over this, I ask the Senator from Pennsylvania to let this bill pass with the understanding that the Chair will recognize him to make his motion.

Mr. MITCHELL. I wish to proceed to the disposition of the pension bills. I withdraw the call for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7164) to amend chapter 20 of the Revised Statutes, relating to the District of Columbia, concerning mechanics' liens.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHESAPEAKE AND OHIO RAILWAY.

Mr. RIDDLEBERGER. I move to take up Order of Business 745. I do this very reluctantly; but it will not take three minutes to read and pass the bill. It is very important, and it has had the indorsement of the other House and of two committees unanimously.

Mr. HARRISON. I believe I have never known a time——

The PRESIDENT *pro tempore*. The bill will be first read by title. The Senator from Virginia moves that the Senate take up a bill which will be read by title.

The CHIEF CLERK. Order of Business 745, being the bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va.

Mr. HARRISON. I believe I have never known a time in the Senate in the brief period I have been here when a request to take up the Calendar of private pension claims was antagonized by anything else. The Senator from Pennsylvania gave way upon urgency to the last application that was made to pass one of these bills, but I hope the Senator from Virginia will let us go through the Pension Calendar now and get it out of the way.

Mr. RIDDLEBERGER. I will just say to the Senator from Indiana that this bill is not ten lines long; it will not take three minutes. Let those who are interested in pension bills allow this piece of legislation to go on, and then I will agree to take up the pension bills.

Mr. HARRISON. We have spent the whole morning, and the pension bills have been deferred on just that sort of applications one after another, and the time is running rapidly out and we shall not get to the Calendar at all. I am satisfied there are cases of extreme distress.

Mr. RIDDLEBERGER. The bill could have been passed by this time if the Senator had allowed it to proceed.

Mr. HARRISON. That may be true of forty other bills.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia.

Mr. RIDDLEBERGER. I want to call the attention of the Senator from Indiana to one other point——

The PRESIDING OFFICER. If there be no objection the Senator will proceed.

Mr. RIDDLEBERGER. I was a victim a few mornings ago to the misunderstanding between the Senator from Kansas and the Senator from Nebraska, and that ought to make some appeal to his charity for me this morning. This bill will not take three minutes.

Mr. INGALLS. There has been no misunderstanding that I know of between the Senator from Kansas and the Senator from Nebraska.

Mr. RIDDLEBERGER. I refer to what the Senator from Nebraska called the objection of the Senator from Kansas to a bill of his when it was not an objection.

Mr. SHERMAN. Let us take up something.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes; further insisted upon its disagreement to the amendment of the Senate numbered 35, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM M. FORNEY of Alabama, Mr. RICHARD W. TOWNSHEND of Illinois, and Mr. J. WARREN KEIFER of Ohio managers at the conference on the part of the House.

PENSION BILLS.

Mr. HARRISON. I move that the Senate now proceed to the consideration of pension bills reported favorably on the Calendar.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will report the first pension bill in order on the Calendar.

THE MORNING HOUR.

Mr. INGALLS. Mr. President, I rise to a parliamentary inquiry; and that is whether the Senate meeting at 11 o'clock the morning hour practically expires at 12 and Rule VIII comes into operation at 1 o'clock?

The PRESIDING OFFICER. The present incumbent of the chair would hold that the rule is not changed by the change in the hour of meeting.

Mr. INGALLS. The morning hour continues until 2 o'clock; that is, the unfinished business of yesterday will not come up until 2 o'clock.

The PRESIDING OFFICER. That is the impression of the Chair.

Mr. FRYE. My impression is that unanimous consent was asked that what is ordinarily termed the morning hour should expire at 1 o'clock instead of 2 o'clock. I have a recollection of that kind, but I may not be correct.

The PRESIDING OFFICER. The Secretary informs the Chair that that has not been the case at this session.

Mr. SHERMAN. I think it had better be done after to-day.

Mr. FRYE. I then will ask unanimous consent that what is ordinarily termed the morning hour shall close after to-day at 1 o'clock instead of 2.

Mr. HARRIS. During this session?

Mr. FRYE. During this session.

The PRESIDING OFFICER. Is there objection to that request? The Chair hears none, and such will be the order. The Secretary will now report the first pension bill under the order just made by the Senate.

HENRY H. SIBLEY.

Mr. MORGAN. I ask unanimous consent to reconsider the vote by which the Senate indefinitely postponed the bill (S. 1135) for the relief of Henry H. Sibley, which was reported from the Committee on Claims on the 16th of June, in order to have the bill put on the Calendar. I was not present when the report was made, or if I was it escaped my attention.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the vote by which the bill indicated by him was indefinitely postponed be reconsidered. Is there objection? The Chair hears none, and it will be so ordered.

The Senator from Alabama now desires the bill to be placed on the Calendar with the adverse report of the committee, which will be the order if there be no objection.

EMILY AGNEL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 475) granting arrears of pension to Emily Agnel.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "directed," to insert "to readjudicate the pension claim of Emily Agnel, widow of Hyacinthe Robert Agnel, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to readjudicate the pension claim of Emily Agnel, widow of Hyacinthe Robert Agnel, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880, and to pay, or cause to be paid, to the aforesaid Emily Agnel, a pension, at the rate prescribed by law, from the date of death of the said Hyacinthe Robert Agnel: *Provided*, That all sums previously paid on account of pension to the said Emily Agnel be deducted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on the preamble.

The preamble of the bill was agreed to.

WILLIAM W. DAY.

The consideration of the bill (H. R. 4188) granting a pension to William W. Day was resumed as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY LE G. JEFFERS.

The bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers was announced as next in order.

Mr. COCKRELL. That is reported without recommendation.

The PRESIDING OFFICER. The Senator from Missouri suggests that the bill was reported without recommendation. The bill is before the Senate as in Committee of the Whole.

Mr. COCKRELL. I thought this consideration was to include only favorable reports.

Mr. HARRISON. That was the motion.

The PRESIDING OFFICER. Then this bill will be passed over. The Secretary will report the next.

MARY T. BARNES.

The bill (H. R. 1406) granting a pension to Mrs. Mary T. Barnes was announced as next in order.

Mr. COCKRELL. That is the same as the other, reported without recommendation.

The PRESIDING OFFICER. The bill will be passed over.

MARY HOPPERTON.

The bill (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Hopperton, widow of Edward Hopperton, at the rate of $8 per month from the date of his death.

The bill was reported from the Committee on Pensions with amendments. The first amendment was, in line 6, to change the name "Happerton" to "Hopperton" where it twice occurs.

The amendment was agreed to.

Mr. COCKRELL. Let the report in that case be read. I see there is a majority and a minority report.

Mr. BLAIR. Is there not another amendment?

The PRESIDING OFFICER. The Senator from Missouri has asked that the report be read. That will precede action on any amendment.

Mr. MAXEY. I see there is a minority report in that case.

The PRESIDING OFFICER. The views of the minority are here.

Mr. MAXEY. That indicates objection, and I ask that the bill go over.

The PRESIDING OFFICER. The order was to take up those bills which the Committee on Pensions had recommended. The Secretary will proceed to read the report.

The Secretary read the report submitted by Mr. BLAIR May 19, 1884, and also the views of the minority of the committee, submitted by Mr. JACKSON, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1225) granting pension to Mary Hopperton, widow of Edward Hopperton, report the same favorably, with the recommendation that the same do pass. The facts in the case are as follows:

At the commencement of hostilities with Mexico, in 1845, Edward Hopperton, then the husband of the petitioner, was engaged in the manufacture of army wagons and ambulances at Cincinnati, Ohio, under contract with the Quartermaster's Department, United States Army. At the earnest solicitation of Capt. James R. Irwin, assistant quartermaster, United States Army, subsequently chief quartermaster of General Scott's army in Mexico, he left his home and his business and proceeded, with a number of mechanics, to Corpus Christi, Tex., to superintend the manufacture of the wagons preparatory to the march of the army of occupation.

When the army of General Scott sailed for Vera Cruz, Mr. Hopperton again yielded to Captain Irwin's earnest request to attend to a like important duty (for which he was unusually well qualified) in that army, and accompanied Capt. A. R. Hetzel, acting quartermaster, United States Army, in the capacity of master wheelwright, and is so borne on the rolls of that officer and the succeeding chief quartermasters of Vera Cruz from February 27, 1847, till the time of his death, August 20, 1847. He appears to have shared in the dangers of the bombardment of Vera Cruz, and the public records show that he must have rendered valuable services to the army in fitting up the vast trains of wagons and ambulances required to transport supplies and munitions of war and the sick and wounded soldiers on their march to the city of Mexico. During the campaign embracing the magnificent military operations which were initiated by the capture of Vera Cruz, and which culminated in the military occupation of the City of Mexico and such incalculable benefits to the United States, Mr. Hopperton remained at Vera Cruz in the discharge of his important duties at that place, which constituted the base of supplies to the army.

Every available soldier was at the front, and the Mexicans were continually threatening Vera Cruz and the line of march of the army. It therefore became necessary to impress the employés of the Government in the Quartermaster's Department. They were placed under military orders, discipline, and drill, and from time to time they were required to perform the active duties of a soldier. In this dual capacity Mr. Hopperton, with others, served the country under orders No. 2, Headquarters Department of Vera Cruz, dated May 7, 1847, up to

and including the time of his death. The order under which he thus served the country was imperative in its terms, and required troops and all others to turn out in case of alarm. The service thus rendered would seem to have been compulsory.

The following affidavit of George Merritt, who was himself enrolled a master carpenter under Capt. A. R. Hetzel, and who was also captain of the company of mechanics in which Mr. Hopperton served, is before the committee. He says that he "knew the master wheelright (Mr. Hopperton) intimately, and all the master mechanics in the department. When the order was issued, in May, 1847, for all persons in Government employment to turn out under arms, the mechanics were all quartered in the convent of St. Augustine, of which I had charge, and thus became acquainted with all the men, about one hundred and fifty in number. * * * We were all mustered for mititary duty, armed and equipped for service, and turned out at every alarm. In fact we were at all times doubly employed as mechanics, &c., and doing garrison duty as soldiers under military authority, I acting as captain of the company of mechanics. I do further state that we were formed into a company before Vera Cruz was taken, and afterward in the city we had an armory, and an armorer by the name of Brown to take care of our arms, and we drilled every Saturday afternoon when not hurried with work."

Other evidence before the committee shows that this company, armed and mounted as rangers, accompanied a detachment of regular troops to the interior on an expedition organized to break up a camp of guerrillas which threatened the city and the communications with the interior.

While engaged in this double service, Mr. Hopperton died of yellow fever at Vera Cruz, August 20, 1847.

This double service seems to have been of an exacting character, and if service in the Quartermaster's Department, with an army of occupation in an enemy's country, could in any sense be called civil service, it is difficult to see how, when the same man rendered a civil service martial in its character, superadding to that compulsory subjection to all the demands and duties imposed on an enlisted man, and actually serving as such, can be said not to have been in the military service also. The logic of the conclusion of the minority committee goes to this length: That if a man renders service to the country in both a civil and a military capacity, he therefore renders service in neither a military nor a civil capacity.

The truth is that Mr. Hopperton rendered double service and in both capacities. Certainly, if he was a volunteer in the Quartermaster's Department he was not a volunteer in the sense that he could escape the obligation of service therein at will, and if his service in the Quartermaster's Department was voluntary his impressment into garrison duty, whereby he saved the Government the service of an enlisted man, and in the performance of which he lost his life, can be no ground for denying to his widow that equitable relief which the Government would have owed him without doubt had he been an enlisted man and nothing else.

Mr. Hopperton appears to have been a man of property and large business capacity, who assumed the performance of duties far below his actual capacity at the earnest solicitation of the officers of the Government, and from the most patriotic motives. In so doing he destroyed his business, sacrificed his property, and lost his life. His widow is aged and penniless, and is alone, without means of support.

Very few men contributed more largely than her husband to our success in the Mexican war, and to our enormous accretions of territory, population, wealth, and glory which have resulted from it.

Besides his service and his life, he seems to have contributed directly to the Government a considerable amount of property, for which his widow made claim, but which has been disallowed.

The petitioner asks pension from the death of her husband, but, mindful of the temper of Congress, which is to deny arrears of pensions in most cases, and being anxious that partial justice be done to the claimant, we recommend the passage of the accompanying bill, granting to her pension at the rate of $8 per month from and after its passage, the bill being amended accordingly.

Mr. JACKSON, from the Committee on Pensions, submitted the following views of the minority:

The undersigned, not concurring in the report of the majority of the Committee on Pensions on bill S. 1225, respectfully submit the following as their views:

This case was fully considered during the Forty-fifth Congress, was adversely reported, and the report adopted by the Senate. It was again before Congress at the first session of the Forty-seventh Congress, was again examined by the committee, and again reported adversely. This last report (No. 437) correctly sets forth the facts on which the application is rested, and the grounds of its rejection, and is here adopted, as follows:

"Mr. PLATT, from the Committee on Pensions, submitted the following report:

"The Committee on Pensions, to whom was referred the petition of Mary Hopperton for a pension, having examined the same, report:

"The petitioner applied by petition to the Forty-fifth Congress for a pension, and the Committee on Pensions reported as follows:

"'That the petitioner alleges that she is the widow of Edward Hopperton, who, at the earnest solicitation of Capt. James R. Irwin, General Scott's chief quartermaster in Mexico, left his business at Cincinnati, went to Corpus Christi, Tex., to build wagons and ambulances for the army of occupation, and subsequently left with said army in the employ thereof as master wheelwright, and continued in said last-named service from February 27, 1847, till the 20th of August of the same year; also that he bore arms as a volunteer under orders No. 2, Headquarters Department of Vera Cruz, dated 8th May, 1847, which directed the troops and all others so required to turn out under arms in case of alarm.

"'The records of the Quartermaster-General's office show that Edward Hopperton was employed, as alleged, as master wheelwright for the period named, at $60 per month, and that he died at Vera Cruz August 20, 1847.

"'Evidence of petitioner's marriage to deceased is produced.

"'The petitioner prays relief at the rate of $8 per month from August 20, 1847, to the date of granting said relief.

"'The Commissioner of Pensions reports that claim for pension was rejected in 1849, as there is no provision of law granting her a pension.

"'There is no doubt this man died of disease contracted while in the service of the United States, but the service in which he was engaged was civil and not military. He may on a single occasion have rendered, as a volunteer, some military service, but there is not any pretense that the disease of which he died was contracted on that occasion.

"'The committee recommend that the bill be indefinitely postponed.'

"The report was adopted by the Senate, and since that time the petitioner has filed some additional evidence in support of her claim for a pension, but the additional evidence does not prove that he contracted the disease of which he died in the military service. Your committee therefore recommend the adoption of the following resolution:

"*Resolved*, That the committee be discharged from the further consideration of the petition of Mary Hopperton for pension."

The PRESIDING OFFICER. There is another amendment reported by the committee, the Chair is informed. The amendment will be read.

The CHIEF CLERK. In line 8, after the word "from," the committee report to strike out "date of his death" and insert "passage of this act;" so as to read:

And pay her a pension at the rate of $8 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary Hopperton, widow of Edward Hopperton."

AMANDA CUTTER.

The bill (H. R. 3188) granting a pension to Amanda Cutter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda Cutter, mother of J. Henry Cutter, formerly a private in Company C, Thirty-second Regiment of Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK F. FITKIN.

The bill (H. R. 1986) granting a pension to Frank F. Fitkin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank F. Fitkin, late a private in Company B, Thirty-first Regiment of Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY ELLIS.

The bill (H. R. 2979) granting a pension to Nancy Ellis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy Ellis, widow of James Ellis, late a private in Company G, First Regiment Alabama Vidette Cavalry Volunteers, at the rate of $8 per month.

The PRESIDING OFFICER. The Chief Clerk calls the attention of the Chair to what is evidently an error, that the enacting clause of the bill begins with the word "Resolved." If there be no objection it will be changed so as to make it a bill.

Mr. MITCHELL. That would involve the necessity of sending the bill back to the House, as it is a House bill. I should like to know whether in its present form it would not be effective. I think it would be considered to be a joint resolution which would be equivalent to a bill.

The PRESIDING OFFICER. The Chair is not familiar with the precedents in such a case. The title of the bill reads, "An act granting a pension to Nancy Ellis," while the enacting clause reads, "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*"

Mr. MITCHELL. It is in the usual form of a joint resolution, and I suppose the title would be sufficient. I think there would be no danger about the construction of it.

The PRESIDING OFFICER. It would be necessary then to change the title so as to read, "A joint resolution granting a pension to Nancy Ellis."

Mr. COCKRELL. To avoid any amendments let it go as it is.

Mr. SHERMAN. I think the House would concur without delay. It is a mere formal amendment.

Mr. MITCHELL. Then I move to amend so as to make it in the usual form of enactment.

The PRESIDING OFFICER. The usual enacting clause will be prefixed.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ROSE ANN GALBRAITH.

The bill (H. R. 4818) for the relief of Rose Ann Galbraith was considered as in Committee of the Whole. It places on the pension-roll the name of Rose Ann Galbraith, widow of John Galbraith, late a private in Company G, Seventh Regiment of Infantry, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN CROAN.

The bill (S. 461) granting a pension to Warren Croan was considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of Warren Croan, late a private in Company A, Thirty-fifth Regiment New York Volunteers, and a veteran in Company K, Tenth Regiment New York Heavy Artillery, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. JONES.

The bill (H. R. 394) granting a pension to Mrs. Mary C. Jones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary C. Jones, widow of Dr. Thomas M. Jones, late surgeon of the One hundred and thirtieth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD JOBES.

The bill (S. 1696) to increase the pension of Richard Jobes was announced as the next pension bill on the Calendar.

Mr. PLATT. Is there not a House bill in that case?

The PRESIDING OFFICER. The Chair is informed that there is such a House bill.

Mr. PLATT. The House bill differs from the Senate bill in the amount.

The PRESIDING OFFICER. Order of Business 729 is a House bill on the same subject.

Mr. PLATT. I ask that action be had upon the House bill.

The PRESIDING OFFICER. The Senator from Connecticut moves to indefinitely postpone the Senate bill.

Mr. PLATT. Let it be laid aside informally until the House bill is read and acted on.

The PRESIDING OFFICER. If there be no objection that course will be taken.

The bill (H. R. 6530) to increase the pension of Richard Jobes was considered as in Committee of the Whole. It proposes to increase the pension of Richard Jobes, late of Company D, Sixteenth Regiment of Connecticut Volunteers, to $40 per month.

The bill was reported from the Committee on Pensions with an amendment.

Mr. WILSON. The amendment reported by the Senate committee should be made to the House bill.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. In line 6, before the word "dollars," it is proposed to strike out "forty" and insert "thirty;" so as to read "$30 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLATT. I move that the bill (S. 1696) to increase the pension of Richard Jobes be indefinitely postponed.

The motion was agreed to.

THOMAS CHESHIRE.

The bill (H. R. 5258) granting a pension to Thomas Cheshire was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Cheshire, late a scout under General Burnside during the late war, as though he had been regularly mustered into the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE SHEWARD.

The bill (H. R. 4718) for the relief of Caroline Sheward was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline Sheward, widow of N. D. Sheward, late a teamster in the United States Army, who died in prison of the enemy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SWEARER.

The bill (H. R. 4717) for the relief of John Swearer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Swearer, late a private in Company C, First United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN HORGAN.

The bill (H. R. 4164) for the relief of Ellen Horgan was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Ellen Horgan, mother of William Horgan, late major of the Eighty-eighth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK WILHELM.

The bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH SINFIELD.

The bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Sinfield, of Dunkirk, N. Y., for services rendered by her during the war of the rebellion in the Third Excelsior.

The bill was reported from the Committee on Pensions with an amendment, to add:

And pay her a pension at the rate of $15 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MELVIN PIERCE.

The bill (H. R. 1985) granting a pension to Malvin Pierce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out "Malvin" and insert "Melvin;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Melvin Pierce, late first sergeant of Company E, Eighth Michigan Cavalry Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act granting a pension to Melvin Pierce."

GEORGE H. FLUKE.

The bill (H. R. 5999) granting additional pension to George H. Fluke was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George H. Fluke, late a private in Company K, Nineteenth Ohio Volunteer Infantry, and directs that he shall be paid $40 per month instead of the sum he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M'LAUGHLIN.

The bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary McLaughlin, widow of Barney McLaughlin, late of Company I, Thirty-fourth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMPSON HARRIS.

The bill (H. R. 433) to increase the pension of Simpson Harris was announced as next in order.

Mr. HARRISON. That is not favorably reported. It is reported without recommendation.

The PRESIDING OFFICER. The bill is reported without recommendation.

Mr. HARRISON. I make no objection to its consideration, but it was not within the order that a bill so reported should be considered.

Mr. HARRIS. All other bills so reported that have been reached have gone over.

The PRESIDING OFFICER. All other bills so reported have gone over.

Mr. HARRISON. Then this bill ought to go over with those.

The PRESIDING OFFICER. The bill will be passed over.

SARAH BRYAN LEET.

The bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sarah Bryan Leet, widow of George K. Leet, late a private in Cooley's Independent Battery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. WILSON.

The bill (H. R. 2714) to increase the pension of Thomas E. Wilson was considered as in Committee of the Whole. It proposes to increase the pension of Thomas E. Wilson, late of Company H, Sixty-second Pennsylvania Volunteers, from $24 per month to $40 per month, he having had his eyesight so much impaired by a gunshot wound in the left eye as to make the loss of eyesight practically, although not absolutely, total.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. CHIPMAN.

The bill (H. R. 5686) granting a pension to Sarah J. Chipman was

considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah J. Chipman, widow of Charles B. Chipman, deceased, late a private in Company C, Ninth Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. HESS.

The bill (S. 1444) granting a pension to William J. Hess was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William J. Hess, late a private in Company F, Fourth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. ISRAEL STOUGH.

The bill (S. 1227) granting a pension to Capt. Israel Stough was considered as in Committee of the Whole. It proposes to place the name of Israel Stough, late captain of Company F, Forty-fourth Regiment Ohio Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB MILLER.

The bill (H. R. 4417) granting an increase of pension to Jacob Miller, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "forty-five" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Jacob Miller, late a private in Company K, Ninth Indiana Volunteer Infantry, from $30 to $40 a month, from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALLICIA DURRANT.

The bill (H. R. 5457) granting a pension to Allicia Durrant was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Allicia Durrant, widow of Henry K. Durrant, late an acting assistant surgeon in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA BASTIN.

The bill (S. 1566) granting a pension to Martha Bastin was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Martha Bastin, of Sullivan County, Indiana, dependent daughter of Bartlett Bastin, late a private in Company F, Thirty-first Regiment Indiana Volunteers, and pay her the pension to which she would be entitled if she had not reached the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER SAINT BERNARD.

The bill (H. R. 4790) granting a pension to Alexander Saint Bernard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alexander Saint Bernard, late pilot on the steamer Michigan, United States Navy, at $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER P. DAVIDSON.

The bill (H. R. 2252) for the relief of Christopher P. Davidson was considered as in Committee of the Whole. It provides that Christopher P. Davidson, who served as a surgeon's steward in the United States Navy, shall be allowed and paid out of the naval pension fund the amount of pension that would have been due him if he had been an enlisted person instead of an appointed one, as provided in section 4756 of the Revised Statutes, namely, one-half the pay of his rating at the time of his discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TEMPLE GOLDEN.

The bill (H. R. 5070) granting a pension to Temple Golden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Temple Golden, late a private in Company K, Seventy-sixth Regiment Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASAHEL D. WHITCOMB.

The bill (S. 1645) granting a pension to Asahel D. Whitcomb was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Asahel D. Whitcomb, late of Company E, First Regiment Missouri Engineers and Mechanics, on account of disease of spine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH DAYTON.

The bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-roll the name of Sarah Dayton, widow of Erastus G. Dayton, late acting ensign under General J. G. Foster, who received a grape-shot wound during the rebellion and died from the effects thereof; and to pay her the pension of a widow of an ensign in the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. F. TOBY.

The bill (S. 464) granting a pension to James P. F. Toby was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James P. F. Toby as second lieutenant of Company B, Thirty-first Maine Volunteers, now on the pension-roll as a sergeant in that company and regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK DRONEY.

The bill (H. R. 759) granting a pension to Patrick Droney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Droney, son of Mathew Droney, late a private marine in the United States Navy, and to pay him a pension at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH E. SMITH.

The bill (H. R. 6171) granting a pension to Noah E. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Noah E. Smith, now of Laconia, in the State of New Hampshire, and to pay him a pension at the rate of $50 per month from and after the passage of this act.

Mr. BLAIR. I should like to have the report of the committee read.

The PRESIDING OFFICER. The report of the committee will be read.

The Secretary read the following report submitted by Mr. BLAIR, June 18, 1884:

The Committee on Pensions, to whom was referred the bill (H. R. 6171) granting pension to Noah E. Smith, have considered the same, and report the same favorably, with an amendment, and as amended recommend its passage.

The committee report the following amendment to the bill: Strike out the words "seventy-five dollars" in the bill, and insert instead thereof the words "fifty dollars."

We append the House report, and also certain letters and documents supporting the claim of Mr. Smith.

The Committee on Pensions, having had under consideration a bill to grant a pension to Noah E. Smith, beg leave to make the following report:

Noah E. Smith, a citizen of the State of New Hampshire, is now seventy-six years old, and very infirm and poor. At the time of the war with Mexico he was a citizen of the United States doing a large and prosperous business, and possessed of a fine fortune in the City of Mexico, consisting of property. He had been in the City of Mexico twenty years, and had for years superintended a stage line from Vera Cruz to the City of Mexico, including several branch lines, and had gained a thorough knowledge of the country over which General Scott's army had to pass. He had fully mastered the language, and knew all the habits and customs of the people. When American prisoners from General Taylor's line were carried to the City of Mexico he used his influence to have them released from a filthy prison and given the privilege of the bounds of the city, and furnished them money to support them decently. After General Scott started from Vera Cruz to the City of Mexico, General Lombardine, commander of the military forces of the City of Mexico, had Smith and other American citizens expelled from the city.

Smith took refuge in the house of Sir Edward Thornton, the English minister, for ten days, and escaped by night in disguise, carrying important dispatches to General Scott, whom he reached at Pueblo; and General Scott, learning of Smith's good character, good sense, and thorough knowledge of the Mexican language and of the Mexican people and country, invited him to become an honorary member of his staff, which position he accepted, and was General Scott's guide and interpreter from that time until he entered the City of Mexico; and rode by his side, only when sent for supplies, and when detached with the engineers for the purpose of reconnoitering, and on that duty, with Capt. Robert E. Lee, P. G. T. Beauregard, and others, he was of great service. Reaching the city, General Scott gave him the command of fifty dragoons, and he led General Scott into the City of Mexico. He has never received any compensation for his services, and lost all his property in the City of Mexico. General Beauregard, Cassius M. Clay, Captain Smith, and Captain Heady all send letters bearing testimony to his great service to his country and to the American prisoners. Wherefore your committee report the bill favorably, and recommend that Noah E. Smith be placed on the pension-roll at the rate of $75 per month from and after the passage of this bill, during the remainder of his life.

To the honorable Senate and House of Representatives in Congress assembled:

Your petitioner, a citizen of Laconia, in the State of New Hampshire, respectfully represents that he is 76 years old, and has always lived in New Hampshire, with the exception of twenty years. At the outbreak of the Mexican war he had been a resident of the City of Mexico for fifteen years, and was then keeping a large livery and boarding stable, sufficient to accommodate 1,000

horses, and in connection therewith was doing an extensive business in buying and selling horses upon commission; that the net profits from his business were $10,000 per annum by estimate; that prior to engaging in this line of business your petitioner was superintendent of a stage line, extending from Vera Cruz to the City of Mexico, and including several branch lines, in which position he gained a thorough knowledge of the country, its customs, and language; that in a few months after the war began your petitioner, with all other American citizens residing there, was expelled from the city by general order of the commander-in-chief of the military forces of the city, General Lombardine, and compelled to abandon all his business and property on forty-eight hours' notice, or sell it for what he could get; that upon publication of said order your petitioner immediately took refuge in the house of the English minister for a few days. Here he received from Sir Edward Thornton important dispatches, to be delivered to General Scott in person; that your petitioner, disguised, accompanied by his servant and guide, left the house of the English minister and escaped from the city by night, and in forty-eight hours reached Pueblo, the headquarters of General Scott, and was immediately introduced to him, and delivered the dispatches; that General Scott, after learning of your petitioner's knowledge of the country, the customs of the people, and their language, immediately invited him to become an honorary member of his staff, which position your petitioner accepted.

From that time until the capture of the City of Mexico your petitioner acted as General Scott's guide and interpreter, rode by his side, and was never from him an hour at a time, night or day, except when detached with the engineers for purposes of reconnoitering, or with a convoy for procuring supplies; that when the United States Army entered the city, in compliance with an order from General Scott, your petitioner took fifty dragoons and led the General and his forces into the city by way of San Cosme gate, keeping fifty paces in advance and measuring his distance well; that your petitioner has never received any compensation for his services while with the army, or for the personal expenses of himself and servant, or from losses arising from destruction of business and property occasioned by his expulsion from the city.

Wherefore your petitioner prays that the Secretary of the Interior be authorized and directed to place his name on the pension-rolls at such sum per month during his natural life as Congress may determine.

NOAH E. SMITH.

NOVEMBER 14, 1882.

DEAR SIR: I have received your second letter about Noah E. Smith, esq., who indeed rendered such important services to the American prisoners of war in the City of Mexico. Colonel Smith was no doubt a bold, generous, and patriotic gentleman, and risked all property and life for our cause, and deserves well of his country, and should have a pension by all means from the United States. Since you mention his deeds more particularly I recall and identify him, and will do anything I can that is honorable to commend him to the good offices of Congress and the National Government. Please give my kind regards to the Colonel, and believe me,

Truly yours,

C. M. CLAY.

Col. T. J. WHIPPLE, *Laconia*.

LOUISVILLE, KY., *February* 12, 1883.

DEAR FRIEND: I have just received your letter and one to Capt. George P. Smith, which I forwarded to him to Pendleton Station P. O., Henry County, Kentucky, where he lives. It has been a long time, but my recollections of you and your conduct are hallowed by pleasing, grateful memories of your kindness to the Encarnacion prisoners at the City of Mexico, in 1847. I well recollect that your sudden expulsion from the city was upon an order from the war department to leave within twenty-four hours; that you left your family, wife and children, your livery stable—a large one well stocked with horses, carriages, and other property suitable to that business; that you came back to the city with the army commanded by General Scott. I was not with you on the march from Pueblo to the capital, but my information was that after your expulsion and joining Scott at Pueblo that you acted as his guide and interpreter, and that your employment in these capacities was continued long after our departure (the Encarnacion prisoners) from the city on the 1st November, 1847—perhaps to the close of the war. I recollect your calling to see me at Louisville the next spring—I think, about the latter part of May, about the time peace was made—on your way to join your children in the East, your wife having died crossing the Gulf; that you told me your connection in the Government service had recently terminated. You loaned us money, clothed us when we were in rags, and fed us when we were hungry. Your devotion and loyalty to the United States Government, its cause, officers, and soldiers was of the highest character, and Congress should unhesitatingly indemnify all your losses and richly compensate your valuable services.

Yours, truly,

WM. J. HEADY.

Mr. NOAH E. SMITH, *Laconia, N. H.*

PENDLETON, KY., *February* 25, 1883.

MY DEAR SIR: Your letter of the 4th instant did not reach me until Saturday, 23d, and now I reply, hoping what I have to say may be of service to you in whatever effort you may make for remuneration for your large services rendered General Scott and the army under him during his occupancy of the City of Mexico. To begin with, I have a perfect recollection of you and your untiring efforts to relieve the suffering of myself and other fellow-prisoners while incarcerated in the St. Jago prison or near the City of Mexico. It was doubtless through your instrumentality that the prisoners were placed on parole after several months of prison life in the loathsome prison above named. It was you more than any American citizen then resident of the City of Mexico that contributed in having us placed on parole, and then having the entire liberty of the city, to walk the streets of the same without molestation, and to have our prison life changed to one of the best hotels of the city.

I feel, sir, that it was you and through you that this change in our favor was brought about, and that but for your efforts for the amelioration of our suffering in prison we might have remained there till released by General Scott and his army on their entrance into the city. We were allowed for our support, I think, $3 per week by those who had control of us, a sum far below the amount necessary for an economical support. This deficiency was readily and cheerfully supplied by your liberal hand.

How often, when you were looking after your daily business, did the paroled prisoners bless Noah Smith for his manifest interest in our behalf, you will never know. Without limit your purse was ever open to extend such relief as our real or imaginary wants suggested. Those many acts of your kindness to me, now stricken in years, I can never, never forget. I have sat at your table and have partaken of your hospitalities, and when leaving the City of Mexico, the 1st of November, 1847, so fearful were you that your wife would meet with insult and abuse from the Mexicans after the withdrawal of our army, you intrusted her to our care to visit her native State; but, sad to think of it now, at these long intervening years, she died before reaching New Orleans, and the ex-prisoners, I reckon without an exception, followed her remains to their place of interment in that city.

Many times have I, with other prisoners, sat at your livery stable, at or near San Augustine convent, and there talked about your business, which seemed, before the taking of the city by the American Army, to be in a very prosperous condition. I learned while there, not from you but from others, that you had amassed a good fortune, and I know it was so regarded by all of my fellow-prisoners. I know and I shall never forget the order banishing you from the city of Mexico, and what consternation was produced in the hearts and minds of resident Americans; but a fear for the safety of helpless prisoners pervaded the minds of all people of other countries then in the city. I would undertake to say that the services you rendered General Scott as guide, interpreter, &c., could not be reckoned or estimated by dollars and cents, and while Congress, thus far, has failed to vote a dollar toward the support of Mexican veterans in their declining years, I trust they will take up your case and act upon it without delay and gladden your heart by making such liberal allowances as will secure to you and yours a competency for the remainder of your years here on earth.

Sincerely, your friend,

GEORGE T. SMITH,
Late Captain and Assistant Quartermaster, United States Army.

NOAH E. SMITH, *Laconia, N. H.*

P. S.—I am now in my seventy-second year, with a broken hip from a fall on the ice four years ago. I go on crutches, and am not in very good health. Do write to me and tell me all about yourself.

S.

NEW ORLEANS, *April* 20, 1883.

DEAR SIR: Your favor of the 15th instant has been received. I remember you well, and your valuable services in Mexico during the year 1847. You joined us at Pueblo, in August or September of that year, just before our march to the valley of M. You were at once attached to General Scott's staff as interpreter and guide, and by your thorough knowledge of the country and its language you were of great service to the Corps of Engineers in procuring a map of the City of Mexico, and giving such information as we needed to facilitate our advance. You were noted also for your courage and zeal. While in that city, before joining us, you were of assistance to the American prisoners there, and you were instrumental, we were afterward informed, in getting some of our officers in the city paroled by the Mexican authorities.

In conclusion, I know no one in civil life who took a part in that campaign better entitled to the kind consideration of the United States Government.

I am, yours, very truly,

G. T. BEAUREGARD.

Mr. NOAH E. SMITH,
Laconia. N. H.

Mr. BLAIR. The bill as it passed the House gives this old gentleman, the guide of the American army from Vera Cruz to the capital of Mexico in the Mexican war, a pension at the rate of $75 per month. The Senate committee reported the bill with an amendment reducing it to $50 a month. Since the report was made I have had a conversation with my colleague [Mr. PIKE], who can in a moment state the matter more fully in regard to the physical condition of this old gentleman. It seems that he is now in such a state of health that there is no encouragement to hope that he will live more than a very short time. Probably he can hardly survive a year, and if he is to receive so small a pittance as a pension of $50 for a month or such a matter, it will be of no substantial assistance to him.

Of the great service which he rendered to the country there can be no question. I presume if they were present there are probably members of the Senate who remember Mr. Smith. He was a particular personal friend of ex-President Pierce. It is a matter of common notoriety, at least it has been in our State for a long time, that his services were considered invaluable to the army. In fact his local knowledge of the city was the means by which the plans of the Engineer Corps which had been erroneously drawn were corrected in such a way that the final assault upon the Mexican capital was successful.

His losses were very large. He lost his wife as well as his fortune during and in consequence of his connection with the war. I think if the committee had known the facts more thoroughly in regard to his present condition, his great poverty and his excellent desert, the bill would have been reported without question as it came from the House. I hope the amendment will be disagreed to and that the bill will pass as it came from the House, giving him a pension of $75 a month.

Mr. PIKE. I hope the amendment will not be adopted. I do not as a rule believe it to be wise to antagonize the report of a committee, but I think if the committee had known about this case as well as I know of it they would not have proposed to amend the bill as it came from the House but would have agreed to give this man a pension of $75 per month. He is a very old, infirm man. He had a prosperous business and a large estate in the City of Mexico. When General Scott went there he was ordered to leave the city. He escaped in the night and became an honorary member of General Scott's staff and led his victorious army into the city, and I believe did more than any other single man to make our arms triumphant there.

He is now almost 80 years old. He asked nothing from the Government until his property was all gone, and now he must either go to the poor-house or live on the charity of friends, or else receive something from the Government to sustain him during the rest of his life. I think it is a very meritorious case. He is a toppling old man, who must have somebody to take care of him personally, and it would be wrong to diminish the amount granted him by the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment recommended by the Committee on Pensions.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESA CROSBY WATSON.

The bill (H. R. 103) granting a pension to Theresa Crosby Watson was announced as the next pension bill in order on the Calendar.

Mr. BLAIR. That is one of a class of cases that may lead to discussion, and it may be passed over if there is no objection.

The PRESIDING OFFICER. If there be no objection the bill will be passed over.

Mr. FAIR. I was in hopes that that bill would pass as it came from the House, granting a pension of $50 per month. I knew Captain Watson well. His people are very poor. This pension is all they will have to live upon. The committee propose to reduce the pension from $50 to $30 per month. I think the bill should be considered.

Mr. BLAIR. It is a case which unquestionably would pass without opposition at $30 a month; but it is one of the strongest cases I know on or off the pension-roll where the ordinary increase granted to the widow of an officer of high rank should be to $50 per month. The bill passed the House at that rate. The Senate committee have amended the bill as it came from the House by reducing the pension to $30 a month. The question involved in the amendment is whether there shall be a reduction from the amount fixed by the House. If it is thought best to take the bill up at the present time I have no objection. I am myself in favor of the passage of the bill as it came from the House. Others oppose it.

The PRESIDING OFFICER. Does the Senator from New Hampshire object to the consideration of the bill at this time.

Mr. CALL. I hope there will be no objection to the substitution of the proposition of the House for the recommendation of the committee.

Mr. BLAIR. I withdraw my objection, as Senators seem inclined to go on with the bill, but I reserve the right to renew the objection.

Mr. CALL. Does the Senator from New Hampshire object to the consideration of the bill?

Mr. BLAIR. I do not object if the friends of the applicant are inclined to go on with the bill.

Mr. VAN WYCK. I desire to reserve the right to object if necessary.

Mr. CALL. I do not desire to interpose in the matter if the Senator from New Hampshire thinks it better that the bill should not come up at this time. I leave the matter with him.

Mr. BLAIR. As I said before, it is one of a class of cases, and it occurred to me that there might be Senators who wish to be heard on it, who may not have been aware that the bill would come up to-day. It would involve considerable discussion, and I think it would be a fairer thing to everybody that the case should be passed over at the present time.

Mr. CAMERON, of Wisconsin. I will inquire how many similar cases are on the Calendar.

Mr. BLAIR. I do not know the precise number, but there are probably six or eight in all, but not of this highest rank. There are others involving the question of an increase, but of a lower rank.

Mr. VAN WYCK. The Senator had better agree to fix the pension at $30.

Mr. BLAIR. I understand that there is no trouble about giving a pension of $30. There is no controversy over $30.

Mr. WILSON. Let it go through at $30.

Mr. BLAIR. No; I object to that. I think the case had better be passed over for the present.

Mr. MITCHELL. I shall object to the consideration of the case now in order to save time.

Mr. BLAIR. However, I give notice that I shall call the bill up at an early time.

The PRESIDING OFFICER. The bill goes over, and the next pension bill on the Calendar will be reported.

MARY MORRIS HUSBAND.

The bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Morris Husband, a volunteer nurse in the late war, at $25 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ELIZA DICKSON.

The bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Eliza Dickson, widow of Dr. Thomas Dickson, as the widow of an assistant surgeon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BROWN.

The bill (S. 2244) granting a pension to James Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Brown, late a private in Company —, One hundred and thirty-ninth Pennsylvania Volunteer Infantry, at the rate of disability for total blindness.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "pension-roll," to strike out the words "subject to the provisions and limitations of the pension laws."

Mr. VAN WYCK. The proposition of the committee was that those words should be stricken out where they occur and be inserted at the end of the bill. I move the amendment in that form.

The amendment was agreed to.

Mr. VAN WYCK. The committee also report to fill the blank by inserting the letter "F;" so as to read "Company F."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business.

The CHIEF CLERK. A bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. COCKRELL. I ask that the bill be informally laid aside until we conclude the call of the pension cases.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Missouri. The Chair hears none, and such will be the order. The next pension bill on the Calendar will be announced.

JOSEPH B. SELLERS.

The bill (H. R. 432) to increase the pension of Joseph B. Sellers was considered as in Committee of the Whole. It proposes to increase the pension of Joseph B. Sellers to $36 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN M'CARNEY.

The bill (H. R. 3331) for the relief of Ann McCarney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann McCarney, widow of Thomas McCarney, late a private in Company B, Thirty-second Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. ARMSTRONG.

The bill (S. 912) granting a pension to Henry A. Armstrong was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out the words "at the rate of $50 per month."

The amendment was agreed to.

Mr. BLAIR. What is the rank of that officer?

Mr. COCKRELL. Let the bill as amended be read.

The PRESIDING OFFICER. The bill will be read as amended.

The Chief Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Armstrong, late surgeon of the Second Regiment of New York Heavy Artillery.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY J. SEWARD.

The bill (S. 284) granting a pension to Henry J. Seward was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry J. Seward, late a corporal of Company C, First Regiment Indiana Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EUGENE L. TOWNSEND.

The bill (H. R. 5595) granting a pension to Eugene L. Townsend was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eugene L. Townsend, late of Company H, Seventy-first New-York Volunteers, and Ninth Regiment Veteran Reserves.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH T. CALDWELL.

The bill (H. R. 554) granting a pension to Joseph T. Caldwell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph T. Caldwell, late of Company G, Sixty-ninth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA M. B. M'CULLACH.

The bill (H. R. 1411) granting a pension to Martha B. McCullach, of Freeport, Pa., was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-roll the name of Martha M. B. McCullach, widow of Doctor William

P. McCullach, or McCullough, who was assistant surgeon in the Seventy-eighth Regiment of the Pennsylvania Volunteers in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH H. LAWLER.

The bill (H. R. 229) granting a pension to Elizabeth H. Lawler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth H. Lawler, widow of General Michael K. Lawler, deceased, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BOSTATER.

The bill (H. R. 4440) for the relief of John Bostater was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Bostater, late a sergeant of Company F, Thirty-seventh Regiment Iowa Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET P. DAME.

The bill (H. R. 3307) granting a pension to Harriet P. Dame was considered as in Committee of the Whole. It proposes to place the name of Harriet P. Dame, of New Hampshire, on the pension-roll at $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET S. BRISBINE.

The bill (H. R. 6542) granting a pension to Harriet S. Brisbine was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet S. Brisbine, widow of the late Napoleon B. Brisbine, assistant surgeon of the One hundred and twenty-third Regiment of Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. BROWNE.

The bill (H. R. 1751) for the relief of William R. Browne was considered as in Committee of the Whole. It amends an act approved February 7, 1879, granting a pension to William R. Browne at the rate of $22.50 per month, so as to grant him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLAVIA A. HASKELL.

The bill (S. 1627) granting a pension to Flavia A. Haskell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Flavia A. Haskell, widow of Charles Haskell, late a private in Company H, Thirtieth Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL O'BRIEN.

The bill (S. 1220) for the relief of the heirs of Michael O'Brien was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue a land-warrant to William O'Brien, James O'Brien, and Louisa Turnbroke, children of Michael O'Brien, deceased, late a member of the Second United States Infantry.

Mr. MITCHELL. I move to change the name "Turnbroke" to "Turnburke." There is a mistake in the name.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES RODEN.

The bill (H. R. 2543) granting a pension to James Roden was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of James Roden, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. SEYMOUR.

The bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Seymour, widow of Charles J. Seymour, a surgeon in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATHEW O. REGAN.

The bill (H. R. 1631) to increase the pension of Mathew O. Regan was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mathew O. Regan, late of Company E, Third Regiment United States Artillery, at the rate of $30 per month, according to the provisions of the act increasing pensions, approved March 3, 1883, instead of $24 per month, which he now receives, from and after the passage of this act, the same as if his arm had been amputated at or above the elbow.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. PRICE.

The bill (H. R. 3623) granting a pension to Sarah E. Price was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah E. Price, widow of Nathan Price, late captain of Company F, Tenth Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA A. PORCH.

The bill (H. R. 3294) granting a pension to Emma A. Porch was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Emma A. Porch, of Cole County, Missiouri, at the rate of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA J. PIERCE.

The bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce was considered as in Committee of the Whole. It provides that Mrs. Rebecca J. Pierce, widow of David A. Pierce, late of Company I, Twenty-fourth Missouri Volunteer Infantry, be placed on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. BOLAR.

The bill (S. 1398) granting an increase of pension to Andrew J. Bolar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment after the word "to," in line 6, to strike out "fifty" and insert "seventy-two;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Andrew J. Bolar, late major of the Twelfth Regiment Pennsylvania Reserve Volunteer Corps, from $30 to $72 per month, from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH C. HALL.

The bill (S. 1430) granting a pension to Sarah C. Hall was considered as in Committee of the Whole.

The bill was reported to the Committee on Pensions with an amendment to add at the end:

With pay from the date her name was dropped from the pension-roll.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. Hall, widow of John Hall, late a captain in the Fourth New York Cavalry, with pay from the date her name was dropped from the pension-roll.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT NUTT.

The bill (H. R. 2419) granting a pension to Robert Nutt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Nutt, late a private in Company I, One hundred and forty-fourth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA M'NAIR.

The bill (H. R. 3613) granting a pension to Ira McNair was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Ira McNair, late a private in Company D, Eighteenth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. SAWYER.

The bill (H. R. 1998) for the relief of William J. Sawyer, was considered as in Committee of the Whole. It proposes to have the name of William J. Sawyer, late first lieutenant of Company F, Sixteenth Regiment Iowa Volunteer Infantry, placed on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CATHARINE H. GLICK.

The bill (S. 1971) granting a pension to Mrs. Catharine H. Glick was considered as in Committee of the Whole. It provides for placing

on the pension-roll the name of Catharine H. Glick, widow of Elias B. Glick, late surgeon of the Fortieth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES KING.

The bill (H. R. 267) granting a pension to James King, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James King, late a private in Company F, First Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ULLERY.

The bill (H. R. 4234) granting a pension to Mary Ullery, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Ullery, mother of Daniel Ullery, who was drowned while in the United States service as a member of Company D, Twelfth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. CUMMINS.

The bill (H. R. 314) for the relief of John W. Cummins, was considered as in Committee of the Whole. It provides for placing the name of John W. Cummins, late a first lieutenant of Company C, Thirty-fifth Regiment Indiana Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY M. ORD.

The bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord, was announced as next in order.

Mr. MITCHELL. I ask that that be passed over. It is similar to other cases which have been passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MILLER, of California. I hope we shall pass the bill in relation to Mrs. Ord. There is no reason for passing it over.

Mr. MITCHELL. I have no objection to its consideration.

Mr. MILLER, of California. I ask the Senate to consider the bill now.

Mr. MITCHELL. I withdraw my objection.

Mr. COCKRELL. If that is to lead to discussion as the others did, I hope the Senator will not insist upon it. If the purpose is simply to pass the bill as it was reported by the committee, I have no objection; but there are some other cases on the Calendar that we ought to run through with.

Mr. MILLER, of California. Go on with the other cases, and we will take this up afterward.

SOLOMON K. RUGGLES.

The bill (H. R. 1237) granting a pension to Solomon K. Ruggles was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA L. HAMMER.

The bill (H. R. 1977) for the relief of Maria L. Hammer was considered as in Committee of the Whole. It provides for the payment to Maria L. Hammer, as a nurse in the service of the United States in Government hospitals during the late war, of a pension at the rate of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER DICKSON.

The bill (H. R. 2017) granting a pension to Walter Dickson was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Walter Dickson, formerly sergeant of Company G, One hundred and forty-fourth New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN KANE.

The bill (H. R. 6529) for the relief of John Kane was considered as in Committee of the Whole. It proposes to place on the pension-roll of the United States the name of John Kane, late a private in Company A, Eleventh Regiment Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ALLEE.

The bill (H. R. 2378) restoring to the pension-roll the name of John Allee was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of John Allee, formerly of Company K, Twenty-second Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE TERRY.

The bill (H. R. 2447) for the relief of Catherine Terry was considered as in Committee of the Whole. It proposes to place the name of Catherine Terry, the widow of Mitchell Terry, late a private in Company A, One hundred and eighteenth New York Volunteers, upon the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM PRINTZ.

The bill (H. R. 2660) granting a pension to William Printz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Printz, late of Company F, Sixty-second Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE HENRY.

The bill (H. R. 2425) granting a pension to Catharine Henry was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Catharine Henry, widow of Hiram Henry, late a private in Company F, Sixty-first New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE HUNTER.

The bill (H. R. 1897) granting a pension to Catherine Hunter was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Catherine Hunter, widow of Levi M. Hunter, late a private in Company A, One hundred and twentieth Indiana Volunteers.

Mr. MITCHELL. There appears to be an error in the enacting clause of that bill, as there was in another case. I move to make it conform to the usual form.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the word "resolved" will be stricken out and the words "be it enacted" inserted. The Chair hears none.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES KING.

The bill (S. 2049) granting a pension to James King was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-roll the name of James King, late a private in Company B, Forty-eighth Regiment Kentucky Volunteers, and to direct the Secretary of War to enter on the roll of Company B, Forty-eighth Regiment Kentucky Volunteers, the name of James King, as enlisted June 15, 1863, at Marion, Ky., and discharged December 18, 1864, at Bowling Green, Ky., and to issue to him an honorable discharge accordingly.

Mr. INGALLS. We have passed a House bill for James King.

The PRESIDING OFFICER. If a bill pensioning the same person has been passed this ought to be indefinitely postponed, but the Chief Clerk informs the Chair that it is a different James King.

Mr. MITCHELL. The name is the same, but I think the case is different.

The PRESIDING OFFICER. The Chair is so informed by the Secretary.

The bill was reported from the Committee on Pensions with an amendment, to strike out section 2 of the bill, as follows:

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to enter on the roll of Company B, Forty-eighth Regiment Kentucky Volunteers, the name of James King, as enlisted June 15, 1863, at Marion, Ky., and discharged December 18, 1864, at Bowling Green, Ky., and to issue to him an honorable discharge accordingly.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL MACK.

The bill (H. R. 2536) granting a pension to Michael Mack was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Michael Mack, late a private in Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, also late a private in Company G, first battalion Eighteenth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT PROPERTY AT HARPER'S FERRY.

Mr. KENNA. I understand we have now passed the last of the pension bills. I ask leave to take from the Calendar House bill 1628.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent of the Senate that the unfinished business be informally laid aside and that the Senate proceed to the consideration of the bill (H. R. 1628) authorizing and directing the sale of the real es-

tate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia. Is there objection?

Mr. INGALLS. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill:

Mr. INGALLS. From what committee of the Senate is the bill reported?

The PRESIDING OFFICER. The Committee on Military Affairs.

Mr. MAXEY. The Committee on Military Affairs of the Senate.

Mr. INGALLS. Is there a printed report? If so, let it be read.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole. The Secretary will read the report.

Mr. MAXEY. If the Senator from Kansas will permit me, as I made the report, I think I can state in a much shorter time than the reading will occupy all the points in it.

Mr. INGALLS. I should like to hear it read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report submitted by Mr. MAXEY June 24, 1884:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia, respectfully submit the following report:

Attention is called to the communication of the Solicitor of the Treasury, addressed to Hon. S. M. STOCKSLAGER, of the House of Representatives, herewith, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., February 15, 1884.

SIR: I am in receipt of your letter of the 12th instant, inclosing House bill 1628, authorizing the sale of United States property at Harper's Ferry, and requesting me to make any recommendation in reference to the matter.

The property mentioned in the bill consists mainly of the water-powers of the Potomac and Shenandoah Rivers at that place, formerly used for the manufacture by the United States of ordnance material for the Army. Its chief and perhaps only value consists in the water-power of the two rivers, and the machinery, water-wheels, masonry, and building material on the ground. By sections 3749, 3750, Revised Statutes, and by act of Congress of June 14, 1878 (20 Stats. at L., sec. 130), the care and sale of this property devolves on the Solicitor of the Treasury.

Under the sections of the Revised Statutes aforesaid, in the character of property acquired through judicial process in the payment of debt, a sale is subject to the approval of the Secretary of the Treasury.

The difficulty has been in estimating the actual value of the water-power privileges, or in fixing some limit as a minimum to prevent sacrifice. In the year 1869 the War Department offered the two properties at public auction, and the same were bid off and sold on a credit of two years for $206,000. This was manifestly a fabulous price. However, not a dollar of the purchase-money was ever paid, and on a foreclosure of the lien in 1876 the United States, by the Solicitor of the Treasury, bid the property in for the payment of the debt upon it at $70,000.

Since then an offer of $15,000 has been made or guaranteed as a bid in case of advertisement for sale. I think the property should be sold at any reasonable sum. It is rapidly deteriorating in its material and capabilities, and besides, in this region of the country, water-power, as compared with steam, is of much less value for obvious reasons than in former years.

The value of the property in question has no doubt been exaggerated very greatly in the minds of the Government officers who have had charge of it. It has been well advertised over the country, and there has been little or nothing to convince me that it would attract any general attention at an auction sale. The best and perhaps the only test of its value is the sum it will realize by competitive bidding after extended notice of the sale.

In regard to the bill which has been prepared, I would say that I am inclined to favor that feature thereof which makes the offer to sell imperative; and yet there should be some limit or guard that the property may not be unduly sacrificed.

I would suggest that the bill be amended so as to authorize and direct a sale at a price not less than $15,000 for the two water-power tracts.

Very respectfully,

K. RAYNER,
Solicitor of the Treasury.

Hon. S. M. STOCKSLAGER,
Chairman House Committee on Public Buildings and Grounds.

The committee adopt the House of Representatives report on the bill, as follows:

"The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia, having had the same under consideration, report it to the House with the recommendation that it pass. The buildings formerly used as workshops, armory, and arsenal at Harper's Ferry having been destroyed during the war, the Government abandoned the property for public uses, and Congress having obtained the opinion of the Attorney-General that the United States had a fee-simple title to the same, passed an act December 15, 1868, directing the Secretary of War to make sale at public auction of the lands, tenements, and water privileges belonging to the United States at or near Harper's Ferry. In pursuance of this authority the Secretary of War sold said property on November 30, and December 1 and 2, 1869, consisting (1) of the water-power and grounds on which the arsenal, armories, and factories formerly stood; (2) an ore bank; (3) a ferry privilege; (4) a large number of lots. The total amount bid for said property was $297,803.50, of which the water-power and the property connected therewith brought $206,000. The sale was upon credit, and it eventually appeared that the chief item, the water-power, was bid in by a company of irresponsible speculators, who took no steps toward using or improving the property, and defaulted in the payment of their bonds.

"After several years' delay, during which a disastrous flood reduced its value, and that value otherwise steadily depreciated, the Government was unable to collect anything on the bonds and was compelled to enforce its vendor's lien, and bought back said property at a mere fraction of the original price. Moreover, the two hundred and forty lots sold to private individuals for the aggregate of $73,303.50 had been bought on the faith of the improvement of the water-power and consequent restoration of some measure of prosperity to the town. This having failed, the purchasers, who were generally the poor people of the vicinage, were, except in a few cases, unable to comply with the terms of purchase, and Congress finally came to their relief by act passed June 14, 1878, authorizing the Solicitor of the Treasury to cancel their contracts and release the purchasers. Thus, after ten years, the Government became again seized of almost all the property it had sold, greatly diminished in value.

"The same act authorized the Solicitor to resell the whole or any part of said property or to lease the same for a term of years. Any effort to sell under this authority is greatly hampered by the fact that the value of the property has become so shrunken and speculative that as long as the sale remains in the discretion of any officer, it imposes an embarrassing responsibility upon him to judge whether the price is really an advantageous one. The object of the present bill is to effect an early sale of the property and relieve from any such embarrassment, by making the order for sale peremptory in case a minimum limit is reached, and at the same time providing that it shall only be made at public auction, after full and fair advertising, and at open competition. This is at once for the interest of the United States and of the locality itself, where recuperation and prosperity are totally repressed by the continued disuse and desolation of this property.

"The Government is incurring expense by holding on to property which it declines to use for any purpose, while its value is steadily diminishing upon its hands. It is also a matter of sheer justice to the State of West Virginia and to the particular locality that this large area of property in the very heart of the village of Harper's Ferry, abandoned and in ruins, exempt from taxation, and by its very abandonment repressing all prosperity and almost destroying the value of contiguous private property, should be as soon as possible transferred to ownership which will improve it, develop its capabilities, and subject it to its equitable share of local burdens.

"Moreover, your committee deem it equally impolitic and unjust for the Government, after ceasing to use property for the public purposes for which it was acquired, to become a lessor thereof to private individuals for the erection of works which would be tax-free. The Legislature of West Virginia has passed a joint resolution asking for the sale of this property.

"Your committee, therefore, looking to the interest of the Government and to the rights of the State wherein the property is located, recommend the passage of this bill, with the following amendments:

"In section 1, line 7 of printed bill, after the word 'reservation,' insert the words 'except as hereinafter provided.'

"Add to section 1 the following proviso: '*Provided*, That the property shall not be sold for a less sum than $20,000.'

"Add to section 2 the words 'but so that at least one-third of the purchase-money shall be paid in cash, and the credit portion shall bear interest at the rate of 6 per cent. per annum.'

"Insert in the bill as section 3 the following:

"'SEC. 3. That upon the compliance of any purchaser or purchasers of the whole or of any parcel, purchased as aforesaid, with the terms of sale, such purchaser or purchasers shall be let into possession of the premises so purchased; and upon full payment of the purchase-money, and interest (if any be due), the Solicitor of the Treasury, for and in behalf of the United States, shall make, seal, and deliver to the purchaser or purchasers good and sufficient deed or deeds, conveying all the right, title, interest, and estate of the United States in the said property, or parcel thereof, as the case may be, in fee-simple.'

"Insert section 3 of the original bill as section 4.

"The committee are of opinion that there is no reasonable probability that this property will ever again be used for governmental purposes, in which case it is best that it pass into private hands upon just compensation, in order that it may be used for productive purposes. It seems but just that, if not intended to be used by the Government, it is but fair that it should be subjected to taxes like other property in West Virginia."

The bill appears to be well guarded; wherefore the committee report the said bill without amendment, and recommend that the same do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABANDONED MILITARY RESERVATIONS.

Mr. COCKRELL. A few days ago the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations was returned from the House with sundry amendments and was laid upon the table. I ask now that it be taken up and that the Senate disagree to the amendments of the House, and ask for a conference on the disagreeing votes of the two Houses.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Missouri asks unanimous consent to consider the bill at this time. Is there objection? The Chair hears none.

Mr. COCKRELL. I move that the Senate disagree to the amendments made by the House of Representatives and ask for a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. LOGAN, Mr. HARRISON, and Mr. COCKRELL were appointed.

AMENDMENTS TO SUNDRY CIVIL BILL.

Mr. DOLPH submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations.

Amendments were submitted by Mr. HARRISON, Mr. PIKE, Mr. GARLAND, Mr. BLAIR, Mr. GROOME, Mr. RIDDLEBERGER, Mr. DAWES, Mr. VOORHEES, Mr. RANSOM, and Mr. INGALLS, intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. DOLPH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. MORGAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. KENNA submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. LAPHAM, it was

Ordered, That B. J. O'Driscoll have leave to withdraw his petition for pension, and other papers accompanying the same, from the files of the Senate, in accordance with the rules of the Senate.

ORDER OF BUSINESS.

Mr. PLUMB. I ask that the Chair lay before the Senate now the unfinished business of yesterday.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Chair lays before the Senate the unfinished business, being the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. CALL. I ask the Senator from Kansas to let this bill be temporarily laid aside in order that we may proceed with the consideration of such pension cases as have been adversely reported. There are some meritorious cases, and certainly there is no reason why a pensioner who has a good case should not have it acted on by the Senate because the committee has reported adversely.

Mr. INGALLS. Some pension bills favorably reported were laid over, I believe.

The PRESIDING OFFICER. There were some bills reported without recommendation which were passed over under the rule adopted this morning.

Mr. BLAIR. There are several which were reported favorably with amendments, and I think that those ought certainly to be considered.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent of the Senate that the unfinished business be informally laid aside in order that the Senatemay proceed to the consideration of the pension bills on the Calendar.

Mr. PLUMB. I shall have to object to that.

The PRESIDING OFFICER. Objection is made.

Mr. PLUMB. I will state to the Senator from Florida that I am interested myself in a number of pension cases which have been reported adversely, and I was in hopes that the other pension cases might have been disposed of a little earlier so that they might be taken up; but I am advised that there will be other pension cases to be taken up before the Senate will adjourn, and I hope the Senate will agree to take up all the pension cases, both those reported favorably and those reported unfavorably, at some opportune time, and that then the cases in which the Senator from Florida is interested, as well as those I am interested in, may be considered. I think that will answer his purpose. I do not believe at this time I can yield any further.

RAILROAD IN INDIAN TERRITORY.

Mr. INGALLS. I ask my colleague to allow me to make a motion for the purpose of perfecting the Journal, and that is that Senate bill 908, Order of Business 164, may be indefinitely postponed, a House bill on the same subject having been passed this morning.

The PRESIDING OFFICER. The Senator from Kansas moves that the bill (S. 908) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, be indefinitely postponed.

The motion was agreed to.

GENERAL DEFICIENCY BILL.

Mr. HALE. I report back from the Committee on Appropriations the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, with sundry amendments and a report. I ask that the report be printed, and I give notice that I shall ask the Senate to take up the bill tomorrow morning after the reading of the Journal.

The PRESIDING OFFICER. The report will be printed, and the bill will go upon the Calendar.

THERESA CROSBY WATSON.

Mr. BLAIR. I should like, in one of the pension cases that has been passed over, Order of Business 764, to know the entry.

The PRESIDING OFFICER. The chair does not understand the Senator.

Mr. BLAIR. I should like to know what order has been entered in relation to the bill (H. R. 103) granting a pension to Theresa Crosby Watson, which has been passed over.

The PRESIDING OFFICER. It was objected to, and went over.

Mr. BLAIR. I should like it passed over without detriment, without losing its place on the Calendar.

The PRESIDING OFFICER. It holds its place on the Calendar, of course.

Mr. BLAIR. It does not go over to the Calendar under the ninth rule?

The PRESIDING OFFICER. Of course not; it holds its place on the Calendar.

PENSION APPROPRIATION BILL.

Mr. DAWES. I desire to present a conference report at this time.

The PRESIDING OFFICER. The report will be received and read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$300,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert: "*Provided*, That from and after July 1, 1884, agents for the payment of pensions shall receive only $12.50 for each one hundred vouchers, or at that rate for a fraction of one hundred, prepared and paid by any agent in excess of four thousand vouchers per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, and 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendments insert the following:

"That the act entitled 'An act relating to claim agents and attorneys in pension cases,' approved June 20, 1878, is hereby repealed: *Provided, however*, That the right of the parties shall not be abridged or affected as to contracts in pending cases, as provided for in said act, but such contracts shall be deemed to be and remain in full force and virtue, and shall be recognized as contemplated by said act.

"SEC. 2. That sections 4768, 4769, and 4786 of the Revised Statutes are hereby made applicable also to all cases hereafter filed with the Commissioner of Pensions, and to all cases so filed since June 20, 1878, and which have not been heretofore allowed, except as hereinafter provided.

"SEC. 3. That section 4785 of the Revised Statutes is hereby re-enacted and amended so as to read as follows:

"'SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25; nor shall such agent, attorney, or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed: *Provided*, That in all claims allowed since June 20, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney.'

"SEC. 4. That section 4786 of the Revised Statutes is hereby amended so as to read as follows:

"'SEC. 4786. The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty-land, and no agreement is filed with the Commissioner as herein provided, the fee shall be $10, and no more. And such articles of agreement as may hereafter be filed with the Commissioner of Pensions are not authorized, nor will they be recognized except in claims for original pensions, claims for increase of pension on account of a new disability, in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension-rolls on testimony taken by a special examiner, showing that the disability or cause of death on account of which the pension was allowed did not originate in the line of duty, and in cases of dependent relatives whose names have been or may hereafter be dropped from the rolls on like testimony, upon the ground of non-dependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize them: *Provided*, That no greater fee than $10 shall be demanded, received, or allowed in any claim for pension or bounty-land granted by special act of Congress, nor in any claim for increase of pension on account of the increase of the disability for which the pension had been allowed: *And provided further*, That no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension or increase of pension may be allowed.'

"The articles of agreement herein provided for shall be in substance as follows, to-wit:

"'ARTICLES OF AGREEMENT.

"'Whereas I, ——— ———, late a ——— in Company —, of the —— Regiment of ——— Volunteers, war of 1861 [or if the service be different, here state the same] having made application for pension under the laws of the United States:

"'Now, this agreement witnesseth, that for and in consideration of ——— services done and to be done in the premises, I hereby agree to allow my attorney, ——— ———, of ———, the fee of —— dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney [or attorneys], in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him [or them] in accordance with the provisions of sections 4768 and 4769 of the Revised Statutes.

"'(Claimant's signature.)

"'(Two witnesses' signatures.)

"'STATE OF ———,

"'*County of* ———, *ss:*

"'Be it known that on this the — day of ———, A. D. 188–, personally appeared ——— ———, who, after having had read over to ——— in the hearing and presence of the two attesting witnesses the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be ——— free act and deed.

"'(Official signature.)

"'An now, to wit, this — day of ———, A. D. 188–, I [or we] accept the provisions contained in the foregoing articles of agreement, and will, to the best of my [or our] ability, endeavor faithfully to represent the interest of the claimant in the premises.

"'Witness my [or our] hand the day and year first above written.

"'(Signature of attorney.)

"'STATE OF ———,

"'*County of* ———, *ss:*

"'Personally came ——— ———, whom I know to be the person he represents himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be ——— free act and deed.

"'(Official signature.)'

"And if in the adjudication of any claim for pension in which such articles of agreement have been or may hereafter be filed, it shall appear that the claimant had, prior to the execution thereof, paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no articles of agreement had been filed, deducting from the fee of $10 allowed by law such sum as claimant shall show that he has paid to his said attorney.

"Any agent, or attorney, or other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand, or receive, or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is herein provided, or for payment thereof at any other time or in any other manner than is herein provided, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land-warrant issued to any such claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding $500 or imprisonment at hard labor not exceeding two years, or both, in the discretion of the court.

"SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims; and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his Department any such person, agent, or attorney shown to be incompetent or disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud in any manner, deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

"SEC. 6. The Commissioner shall have power, subject to review by the Secretary, to reject or refuse to recognize any contract for fees herein provided for whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to such contract."

And the Senate agree to the same.

JOHN A. LOGAN,
H. L. DAWES,
WILKINSON CALL,
Managers on the part of the Senate.

JOHN HANCOCK,
JOHN F. FOLLETT,
W. D. WASHBURN,
Managers on the part of the House.

The report was concurred in.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I am directed by the Committee on Commerce, to whom was recommitted the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with amendments and submit a report thereon.

The PRESIDING OFFICER (Mr. FRYE in the chair). The bill will be placed on the Calendar with the report of the committee.

AMENDMENT TO THE SUNDRY CIVIL BILL.

Mr. BOWEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

Mr. PLUMB. I call for the regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

The bill was reported from the Committee on Public Lands with an amendment, in section 1, line 24, after the word "stations," to insert:

Provided, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

Mr. MORGAN. I have an amendment to the first section of the bill.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Is it an amendment to the amendment of the committee?

Mr. MORGAN. My amendment is to strike out this amendment and part of the text of the bill and substitute other matter.

Mr. PLUMB. I suggest to the Senator from Alabama to permit the committee amendment to be acted on; he can then offer his amendment and it will not disturb the harmony of the bill as reported by the committee if it should be adopted.

The PRESIDING OFFICER. Does the amendment of the Senator from Alabama propose to amend the part of the text of the bill which the committee propose to strike out?

Mr. MORGAN. Yes, sir.

The PRESIDING OFFICER. Then it is now in order, and it could not be received after action on the committee amendment. The amendment of the Senator from Alabama will be stated.

Mr. MORGAN. I send it to the desk.

The CHIEF CLERK. In section 1, line 17, it is proposed to strike out all after the word "forfeited," as follows:

And the title thereto resumed by the United States, and said lands restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made; but nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory, or claim thereto, on condition or otherwise, except the right of way and land for stations.

And in lieu thereof to insert:

SEC. 2. Jurisdiction is hereby conferred on the circuit court of the United States for the western district of Missouri to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any laws of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

SEC. 3. It shall be the duty of the district attorney of the United States for the western district of Missouri, under the direction of the Department of Justice, to proceed in the circuit court of the United States for the said district, by bill in equity in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. 4. Any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands or any part thereof which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath, and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim is necessary to do complete justice in such cause, the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. 5. The court shall, if it see fit, tax all the costs of the suit under the third section of this act against the United States, and shall apportion the cost of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree therein to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases. And the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined. But no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Alabama to the amendment recommended by the committee.

Mr. PLUMB. Mr. President, I do not design to consume the time of the Senate in a discussion of this bill at any great length, but I shall make a statement of the facts of the case and of the views which the committee took of the bill in order that the theory of the case which has been observed by the committee in reporting the bill may be before the Senate.

This Atlantic and Pacific Railroad Company was chartered by an act of Congress of July 27, 1866, for the purpose of building a railroad from Springfield, Mo., to the Pacific Ocean. To aid in the building of the railroad Congress granted to it not only the right of way across the public domain to the extent of one hundred feet in width and the right to take materials for construction off the adjacent public land, but granted to it as well—

Every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any State, and whenever, on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights, at the time the line of said road is designated by a plat thereof, filed in the office of the Commissioner of the General Land Office."

The line of road from Springfield, Mo., to San Francisco, the terminal point now claimed by the company, is about 1,800 miles. It may be 1,900 miles, according to the line which would be ordinarily followed in the construction of the road. It is sixty-six miles in the State of Missouri, and about four hundred miles in the State of California. The remaining portion of the line is in the Indian Territory and the Territories of New Mexico and Arizona.

The total amount of lands, provided the grant should be full—that is, provided there are public lands along the line of the railroad sufficient to satisfy the grant according to the terms—would be about 50,000,000 acres. Up to three years ago the company had constructed the line from Springfield, Mo., to Vinita, in the Indian Territory, a point on the Missouri, Kansas and Texas Railroad. Since that time it has constructed from Vinita southwesterly to Tulsa, on the Arkansas River, some fifty or sixty miles, and has also completed in the neighborhood of six hundred miles from Albuquerque, on the Atchison, Topeka and Santa Fé Railroad, in the Territory of New Mexico, to a place called the Needles, in California, on the line between California and Arizona, and a point on the Southern Pacific Railroad in California. It has had certified to it by reason of such construction about a million acres of land.

The bill does not propose to take from the railroad company any land affirmatively which it has earned, to use that term in its ordinary signification, by reason of the building of any mile of its railroad, but it simply proposes to take from it the lands which it has not earned—that is to say, the lands opposite the uncompleted portions of its line. According to the terms of the grant it was required—

That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the main line of the whole road by the 4th day of July, A. D. 1878.

No portion of this road was completed except that portion from Spring-

field to Vinita, in the Indian Territory, prior to the 4th day of July, 1878, the date named at the expiration of which the railroad should have been completed from Springfield to the Pacific Ocean. All the road which has been constructed since that date has been since the time when by its terms the grant was subject to forfeiture, that being so much of the line as lies between Vinita, in the Indian Territory, and Tulsa, on the Arkansas River, in the Indian Territory, and that portion of the line between Albuquerque and the Needles, amounting, as I said, to about six hundred and forty miles in length. The remaining portion of the line, amounting to some twelve or thirteen hundred miles, not only has not been completed, but practically the road has not been definitely located over any portion of that line and no work has been done upon it of any kind or description whatever.

It was provided also that the road should be built to the Pacific Ocean upon the most practicable route, but by some means the company determined to build to San Francisco, although that was not the nearest practicable point on the Pacific Ocean which could have been reached by the construction of the railroad. It secured the withdrawal of land along the line in California from the point at which the road was to enter the State to San Francisco, upon the theory that that was the nearest practicable point upon the Pacific Ocean to be reached by the construction of the road. I do not think there can be any question that that withdrawal was practically in violation of the terms of the act, and that the company was required to build its line across the State of California to the nearest harbor upon the Pacific coast which could be reached by the construction of a line not, at least, unusually expensive.

Mr. MORGAN. If the Senator from Kansas will allow me, in order to get the record exactly right about this matter, I will read from that part of the act which locates the route:

> Beginning at or near the town of Springfield, in the State of Missouri, thence to the western boundary line of said State, and thence by the most eligible railroad route, as shall be determined by said company, to a point on the Canadian River; thence to the town of Albuquerque, on the River Del Norte, and thence by way of the Agua Frio, or other suitable pass, to the headwaters of the Colorado Chiquito, and thence along the thirty-fifth parallel of latitude, as near as may be found most suitable for a railway route, to the Colorado River at such point as may be selected by said company for crossing; thence by the most practicable and eligible route to the Pacific.

Mr. PLUMB. Yes, I was looking for that portion of the statute which the Senator from Alabama has read. The design was apparently to have a road constructed substantially upon the thirty-fifth parallel. San Francisco is nearly two hundred miles north of that parallel. It is on the thirty-eighth parallel. But by some hocus-pocus the land was withdrawn in such a way as to permit the railroad company, if it could thereby acquire the right, to built to San Francisco and have a grant for the entire land to that place. To built it directly to the Pacific in place of building it to San Francisco would shorten the line at least one hundred and fifty miles.

In 1871, by the act of April 20 of that year, Congress passed an act authorizing the Atlantic and Pacific Company to mortgage its road. Under that act the company was authorized—

> To make and issue its bonds in such form and manner, for such sums, payable at such times, and bearing such rate of interest, and to dispose of them on such terms as its directors may deem advisable; and to secure said bonds the said company may mortgage its road, equipment, lands, franchises, privileges, and other rights and property, subject to such terms, conditions, and limitations as its directors may prescribe. As proof and notice of the legal execution and effectual delivery of any mortgage hereafter made by said company, it shall be filed and recorded in the office of the Secretary of the Interior: *Provided*, That if the company shall hereafter suffer any breach of the conditions of the act referred to, under which it is organized, the rights of those claiming, under any mortgage made by the company to the lands granted to it by said act, shall extend only to so much thereof as shall be conterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage.

From the language of that subsequent act the company draws the conclusion that any mortgage it may put upon the railroad will be good as against any land opposite or conterminous to the constructed portion of the railroad up to the time when the mortgagees shall enter suit for the purpose of foreclosing the mortgage; and that therefore the grant is necessarily a continuous one—that is to say, it is to extend indefinitely, at all events so long as the company continues to construct. It was a consideration of that question which determined the Committee on Public Lands of the Senate to urge the consideration of this bill as the company whose grant should first be forfeited if any forfeiture should take place, because of this seeming right reserved to continue the construction and the right to mortgage as long as the construction should continue unobstructed by act of Congress or other act on the part of the Government which should amount to a forfeiture.

There are a number of other considerations which enter into this case which it is proper for me to mention at this time, as of importance in determining the action of the Senate. A question has always existed as to whether the grant attached to lands in the Indian Territory. The word "Territories" is used in the act, but that word in its ordinary signification means the organized Territories of the United States, Territories with civil jurisdiction, Territories with courts and other machinery provided by Congress, Territories which are in that preparatory or inceptive state which leads to the ultimate formation of States for admission into the Federal Union.

It has been denied always that this grant covered any land in the Indian Territory. A condition of things is now existing in that Territory which makes it to my mind certain that within a very short period of time some portion at least of the land in that Territory will be open to public settlement, and it makes little difference in point of fact whether action by Congress declaring the fact of the opening of those lands shall precede settlement or follow it, because in the very nature of things, judging by what has taken place continuously upon the frontier for the last forty years, no considerable body of land which can be made subject to the public land laws of the United States by action of Congress will remain long in a condition not subject to those laws.

Settlers are, as heretofore they always have been, going out upon the frontier. They are crowding upon the arid line. They are all the time seeking the good, the valuable, the agricultural lands of the country. It has been so long the policy of the Government to open up from time to time as the necessities of the situation seemed to require such lands as were subject to its jurisdiction, that it has come to be generally understood that wherever there is land which is not occupied, which the Government may acquire even though it has not acquired it, persons seeking homesteads are privileged to go upon it, and whether the action of the Government opening it up precedes or follows that settlement is a matter of no consequence, because the action will come in time to answer all the practical purposes of those who seek the land.

Mr. MORGAN. If it will not disturb the Senator, I ask permission to read from the grant the portion of it that relates to the topic he is now discussing.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Alabama?

Mr. PLUMB. I do.

Mr. MORGAN. The concluding clause of section 2 of the act of July 27, 1866, is as follows:

> The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the Indians, and only by their voluntary cession, the Indian title to all lands falling under the operation of this act and acquired in the donation to the road named in the act.

Then in section 17 it is provided—

> That the said company is authorized to accept to its own use any grant, donation, loan, power, franchise, aid, or assistance which may be granted to or conferred on said company by the Congress of the United States, by the Legislature of any State, or by any corporation, person, or persons, or by any Indian tribe or nation through whose reservation the road herein provided for may pass: and said corporation is authorized to hold and enjoy any such grant, donation, loan, power, franchise, aid, or assistance, to its own use, for the purpose aforesaid: *Provided*, That any such grant or donation, power, aid, or assistance from any Indian tribe or nation shall be subject to the approval of the President of the United States.

Mr. PLUMB. That provision of the charter is one upon which I rely for the statement I make as one of belief: that the railroad company did not acquire by reason of this act any right in the Indian Territory. The granting act seems to distinguish between the lands which the Government of the United States had control over and those which were controlled by Indian tribes, and instead of making the grant through the lands owned by the Indians it provided simply that the railroad company itself might negotiate, which it never has done, with the Indians for such cession as it might deem desirable or might be able to obtain from them. But even supposing it to be true that the railroad company has the right to acquire by building through the Indian Territory the forty sections of land per mile named in the act, that is a reason which moved the committee to say that the grant should be forfeited.

In the first place, there is no evidence that the company is proposing to continue its construction in any reasonable time. It has apparently exhausted itself in the construction of the line from Albequerque to the Needles, a distance of about six hundred miles. It connects on the east with the Atchison, Topeka and Santa Fé Railroad and on the west with the Southern Pacific Railroad. Those are two rival companies. It is not to the interest of either one of those companies, practically speaking, I think, that this railroad should be continued to the Pacific, certainly not if it is to be an independent line and carried on in opposition to both or either of them. There does not seem to be any reason to believe that within a reasonable period of time this railroad is to be constructed, at least by those who own it at present.

There is a large body of land in the Indian Territory not occupied by any tribe and not subject to the jurisdiction of any tribe, land to which the Government of the United States as I believe has title, subject, however, to a conditional use which is made the shield or the pretext for withholding it from settlement. I do not mean to say that it is in the power of the Executive to open the land to settlement, because I do not know that it is true, but certainly it is land which Congress may open to settlement, and more than that, it is land which Congress will be obliged to open to settlement within a very brief period of time.

If Congress shall open that land to settlement, and if the theory which the Senator from Alabama, I think, proceeds upon, that the land is subject to the grant be correct, then the moment the land is opened to settlement, the last vestige of the Indian title being extinguished, the grant attaches to these lands. They are lands now being sought

after by men who seek to make homes upon them, and they are lands which will be settled, whether the Government takes action or not, within a very brief period of time by men who want homes, and who, seeing the lands open and being mindful of the policy of the Government heretofore, will go upon them, the Government to the contrary notwithstanding, if that becomes necessary, in order that they may occupy them. Then we shall be brought face to face with a condition of things which will require the opening of those lands to settlement; and if at that time the burden of this railroad grant has not been removed the grant will immediately attach, and the railroad company, stimulated undoubtedly by the settlers, will proceed to construct their road, and will, according to the decisions of the Supreme Court, as we believe them to be, acquire each alternate section through all that section of country which will then be occupied by settlers, and undoubtedly out of the conflict which will ensue between the railroad company and the settlers great difficulty will occur, and the General Government will be called upon to settle that difference between the settlers who have gone on the lands and the railroad company.

In the next place, the grant should be now forfeited because of the peculiar provisions of the act of 1871. If it be true, as is contended, that by that act the grant is extended with the right of the company to go on and construct its road and acquire land until such time as there may be a suit brought to foreclose a mortgage upon which default may have been made, then it is proper that Congress should at the earliest possible moment declare the forfeiture in order that no further mortgages may be issued and that it may be in a position to resume control of the grant at the earliest possible time. Delays in this case will be dangerous. With the forfeiture once declared, no further mortgage could be issued upon the land and no further road would be constructed. If we delay until circumstances shall seem to favor it, until other portions of the line shall be settled up, and then the construction goes on, mortgages of course would continue with the construction and each one of the mortgages would be a lien upon the land, and the Government could not, in view of the act of 1871, probably defeat the lien upon the land opposite the constructed portion of the road.

Mr. GEORGE. May I ask the Senator a question? Does the mortgage now extend beyond the lands which lie along the completed portion of the road?

Mr. PLUMB. It does not. The company which has built the railroad is composed of gentlemen of experience in railroad building, men of capital and men of good reputation. I have no doubt that so far as they have gone they have acted in good faith—that is to say, they have acted in good faith in the belief that the grant was a continuous grant, and that for every mile of railroad they should build they would acquire forty sections of land from the public domain along the line of the constructed road. They chose in building the line, however, in their last construction to build from a point on the Atchison, Topeka and Santa Fé Road, an apparently rival corporation, across to a connection with the Southern Pacific Railroad, another apparently rival corporation, and rather than extend the line through the Indian Territory, making a continuous line from Springfield, Mo., west. There is between the western portion of their main line and Albuquerque, where they resumed the construction, a break of about six hundred miles. That is through a section of country all of which, except about one hundred and fifty miles, is what is called arid land.

It is a country that does not now present any inviting features for railroad investment. It is a country which has no settlement, and being largely in the Indian Territory is without the possibility of present settlement. Beyond the line of the Indian Territory it is a country fitted only for grazing, except in a very small measure. There is no local business, therefore, along this projected line of road, and the building of the railroad would make very little more. In the State of California, beyond the point of intersection with the Southern Pacific Railroad westward, the line crosses what is called the Mohave Desert for probably one hundred and twenty-five miles. I am not certain but that there are one hundred and fifty miles of that character of country between the Needles and the nearest point at which agricultural land or land fitted for settlement can be reached. That country is fit for nothing; a bird cannot live upon it; nobody can settle there. No inducement whatever exists to build a line of railroad there.

The undertaking of building this line in the way in which it was built seems to me to have been practically without head or tail, except it was designed, in connection with the two lines already existing, to make a shorter route which would accommodate both of them. In other words, it is difficult to conceive that any one who expected to invest his own money or to get a reasonably credulous public to put money into his lands for investment, should have calculated the building of a line from Vinita, in the Indian Territory, across the Indian Territory, across the Territory of New Mexico, the Territory of Arizona, and the Mohave Desert, on the Pacific coast, with any expectation of a return within any reasonable period of time. My own belief is that there is no reasonable expectation that within the lifetime of any person now living any considerable part of the unconstructed portion of the line will be constructed. There are occasionally along the line of road beyond what is known as Oklahoma, in the Indian Territory, favorable locations for ranches, occasionally places where water may be obtained for irrigation, occasionally places where a man might get a collection of a certain number of cattle and such little agriculture as he might be able to carry on successfully for a livelihood. Undoubtedly, following the same law, the operation of which has been observed in the States of Kansas and Nebraska, the settlement of the country will in time bring a large portion of it under conditions fit for agriculture; but the transition is slow and it is expensive to those who undertake to conquer nature in those localities, and it will be many years before anything except the most fitful kind of agriculture could be expected to practically result.

In the State of California west of the Mohave Desert are valleys and foot-hills within the limits of the grant, undoubtedly containing very fine bodies of land. A great many settlers have gone upon these lands in the State of California. The committee have had numerous letters from such settlers. Many of them were settlers before the lands were withdrawn, and controversies undoubtedly would arise if the company should now attempt to build a railroad over any portion of that line. When the road approaches San Francisco of course there would be little or no land subject to the grant, because of the fact of settlement prior to the location, and because of the fact that large portions of the lands were taken up by Spanish and Mexican grants which had a legal existence before the acquisition of California by the United States.

The lands which the company have earned lie between Albuquerque, in New Mexico, and the Needles on the line of California and Arizona. They are arid lands in the strongest sense in which that term can be used. They are lands which the bill does not forfeit or assume to forfeit. The bill concedes those lands to the company. They are high table-lands, usually covered with a thin growth of gramma or mesquite grass, with occasional springs, with very few streams, and, except in very rare instances, fit for nothing but grazing. Of these lands, in connection with the lands in the State of Missouri which the company acquired, only about a million acres have been certified; but the amount which the railroad company have earned, which they would be entitled to receive patents for and have surveyed if the bill should pass as reported, will be about fifteen or sixteen million acres. The remainder of the grant, about thirty-five million acres, would be forfeited by the bill.

Mr. WILLIAMS. Where does that land lie?

Mr. PLUMB. That land lies in the Indian Territory and in the strip of public land which lies between the Panhandle of Texas on the south and the States of Kansas and Colorado on the north, in the Territory of New Mexico to Albuquerque, and in the State of California west of the point of junction at the Needles.

Mr. BLAIR. I am not sure that I quite understand the statement as to the amount of earned and unearned land.

Mr. PLUMB. The amount of earned land is about 15,000,000 acres. The amount of unearned land would be about 35,000,000 acres; but it is only fair to say that that goes upon the supposition that the company would get all the lands to which they are nominally entitled. Probably the entire forfeiture would not amount to more than 25,000,000 acres.

Mr. BLAIR. Will the Senator state the reason why the bill does not cover the entire amount to which they are nominally entitled?

Mr. PLUMB. Simply because the lands have been heretofore taken. For instance in the State of California the lands had been taken up by Spanish grants and lands had been taken up by settlers prior to the location of the line.

Mr. BLAIR. How as to indemnity limits?

Mr. PLUMB. The indemnity limits would of course add something to what otherwise would be obtained, but not enough to probably bring the amount over 25,000,000 acres, and of those at least six or seven million are in the Mohave desert.

The bill was presented by the committee as the one which should be first considered by the Senate for another reason. At a somewhat early stage of the proceedings upon these bills the committee determined that it would not, unless instructed by the Senate, recommend the forfeiture of earned lands. I do not know whether I can safely speak of what has heretofore occurred in the House of Representatives, but instead of referring in the usual way to what has happened in another place, I can speak at least of what occurred in the Committee on Public Lands of the other House. The Public Lands Committee of the House seem to have adopted a different plan and the Public Lands Committee of the Senate waited until a recent period for the purpose of ascertaining whether there was likely to be any harmony of action between the two committees representing the two bodies upon this important question.

The bill which is under consideration now came from the House, but after a similar bill had been reported from the Senate committee and placed upon the Senate Calendar. This bill the House and Senate committees agree upon—that is, they agree as to the extent to which the forfeiture should go. They have differed only as to the price of the lands to be forfeited and the price of the lands which the Government before owned within the limits of the railroad grant. The bill as it came from the House proposed to fix a price of one dollar and a quarter an acre on the lands to be forfeited, while the sections adjoining which were not forfeited, which were Government property, not having been granted, were to remain at the old price of two dollars and a half an acre.

The Senate committee have fixed a uniform price of $2.50 an acre, because it was necessary to have a uniform price, as we thought, and, in the next place, as a great many lands have been acquired within the railroad limits by settlers and others at two dollars and a half an acre, it was feared that if the price was now reduced to a dollar and a quarter an acre, those settlers would come in and say they were entitled to be made good for the excess which they had paid for their land over a dollar and a quarter an acre, and thereby bring forward a large number of claims against the Government, the adjustment of which would undoubtedly at some time be attempted and it would be attended with very large expense. But the homestead law, which gives to every man who settles on the public domain, who possesses certain qualifications, one hundred and sixty acres of land in consideration of living upon the land five years, is left in full force and effect, so that all the lands to be forfeited as well as all those which were before the property of the Government in the granted limits are subject to the homestead laws, and to entry and settlement without price.

The Senator from Alabama has proposed an amendment which sends the question of the forfeiture, the extent of it, the relative rights of the Government and of the railroad company and of any person who may have settled within the limits of the grant, to the courts for adjustment. I do not myself regard that as necessary or under the circumstances wise. I do not believe the railroad company has any right whatever beyond the line of the constructed road which we can not take away at will. Just about six years have elapsed since the date fixed in the charter within which the railroad was to have been completed. Something over six hundred miles of road have been constructed since that time. Following the decision of the Supreme Court of the United States in the case of Schulenberg *vs.* Harriman the committee have not sought to disturb the lands along the line of the completed road, but we believe that the right and the power and the duty of Congress is evident and plain to now resume in behalf of the United States Government all the lands which lie conterminous with the uncompleted portion of the railroad, and that the railroad company itself is not in a condition to interpose any objection or to assert any right against the Government by reason of its action for the purpose of opening up these lands to settlement now.

To prevent complications that may arise in the Indian Territory and settlement there by reason of the fact that the railroad if it is to be built will not be a competing line as originally intended to be, and will therefore not perform the useful purpose for which it was contemplated, and for other reasons which are manifest, the committee believe that it is not necessary or desirable to send this case to the courts for adjudication. There is no class of cases, so far as I am advised, along the line of the road in which interests have grown up which require adjudication except they may be those of the railroad company, and as I have stated I do not believe the railroad company has any rights to assert against the Government. Therefore there is no complexity which requires judicial determination. It is, I believe, a plain question between the railroad company which has forfeited the grant by reason of the failure to build, and the General Government which made the grant and which by reason of its having made it, and having made it upon conditions which have been forfeited, has a right now to step in and say that it will not permit any further construction, but will take away the lands which have not been earned by the construction of the road.

Mr. WILLIAMS. Mr. President, the amendment offered by the Senator from Alabama was a very voluminous one and there was a great deal of noise in the Senate when it was being read, so that I could not hear it distinctly; but it struck me that it was merely providing proper legal tribunals to settle and test the equitable rights of all parties growing out of the forfeiture of this land grant. I do not rise to speak upon that amendment, for I shall have to examine it more thoroughly before making up my own mind as to how I shall vote upon it.

I rise to ask information from the committee upon a point embraced in the bill as reported by them. I desire to know why the lands which it is proposed to turn back into the public domain should be still held at two dollars and a half an acre. I can see no reason for it. It is an unusual provision to make upon the forfeiture of lands and their return to the public domain. I have heard no satisfactory explanation given of that. It does seem to me that instead of being fixed at two dollars and a half, they ought to be put at the low minimum of one dollar and a quarter an acre to compensate the settler in some degree for the disappointment he has been led into because of settling there with the expectation of the building of a railroad which has failed to be constructed.

Mr. PLUMB. The settler can get the lands now for nothing by simply entering them under the homestead law.

Mr. WILLIAMS. But only a small portion.

Mr. PLUMB. He can get just as much under the homestead law as under the pre-emption law.

Mr. WILLIAMS. But if he enters the land you propose to make him pay two dollars and a half.

Mr. PLUMB. But instead of that he may not enter them; he may acquire the lands simply by continuing to live on them for five years.

Mr. WILLIAMS. Suppose he should buy?

Mr. PLUMB. Then we propose that he shall pay $2.50 an acre.

Mr. WILLIAMS. I say he should be only required to pay $1.25 an acre, and I will show why in a moment. The second section proposes to repeal the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits." Now, what is that act? That act provides that when a settler goes within the limits of railroad lands and takes up eighty acres of land and the lands adjoining the railroad are forfeited, he shall have the right without additional cost of entering as much more land without paying a cent for it, as he has already entered, and for which he has paid two dollars and a half an acre. That equalizes the thing in the end. If he has bought one hundred and sixty acres at two dollars and a half an acre and the land is forfeited and thrown back into the public domain, he is allowed to enter one hundred and sixty acres more land without paying a dollar for it, and of course it makes the whole of his land cost him a dollar and a quarter an acre.

But the bill proposes to repeal that law. Why do you propose to put up these lands to two dollars and a half an acre? The effect will be to keep them from settlement forever. I should like to know who is going to be benefited? The policy of the Government is to induce settlement into that part of the country and not to keep it a wilderness still. Who is going there to buy land at two dollars and a half an acre when he can buy land equally as good elsewhere at a dollar and a quarter?

I have heard it suggested that there are great cattle ranges along the line of this road, and that the owners of the cattle are anxious to keep settlers out of that country so that they may have a perpetual grazing-ground for their herds that now roam over a thousand hills. I do not know it to be the fact, but it seems to me that if the land is turned back into the public domain, it should be turned back at the minimum price and not at the maximum price of $2.50 an acre.

I should like to understand something about this measure before I vote upon it. I desire to do what is right, but it does seem to me that we should not put this land up to two dollars and a half an acre instead of putting it down to a dollar and a quarter, or even less, for we all know that the railroad company has been offering land for 50 cents an acre. When we charge settlers two dollars and a half the only effect will be to make it a grazing ground for the benefit of cattle syndicates. They are the men to be benefited, and not the poor. The policy of the Government has been to keep the public land so as to provide homes for the homeless, and not to furnish grazing ground for great cattle syndicates.

Mr. PLUMB. I think the Senator from Kentucky is not so thoroughly posted as he ought to be about this question or he would see that the amendment of the committee is directly against the cattle-men. The frauds that have been committed under the shelter of what is known as the pre-emption law have been chiefly by that class of men. A man desiring a cattle range goes into a section of country with his herds and his cowboys and he locates them upon different quarter-sections of public land as pre-emptioners, and they buy the land at a dollar and a quarter an acre and then deed it to him. By means of that fraud upon the pre-emption law large bodies of land have been bought by the very class of men the Senator from Kentucky now berates. My own belief is that the pre-emption law ought to be repealed and there ought to be no public land hereafter ever sold to any man for money, at least no acre of land which may either now be fit for settlement or which there may be any expectation that it will be fit for settlement in the generation yet to come.

As a step in that direction the committee said simply: "We will not permit these lands to be sold to speculators at a dollar and a quarter an acre; we will preserve them for the homesteaders." Let the man who puts his family upon them, who lives there five years, and who has lived there five years to acquire title (and if he intends to make a home it is indifferent to him whether he lives there five years or fifty years because he expects to live there all his life), have the title, but put up the price to the man who would obtain it for speculative purposes at two dollars and a half. It only lacks one step of going as far as I want to, and that step is to wipe out the pre-emption law altogether and subject lands to the homestead law. Then the cattle-men and the speculators could not gain the land at all. As it is now the pre-emption law is used as a shelter largely for speculation, while the homestead law practically can not be so used.

Mr. WILLIAMS. That is exactly what I complain of. These men do not want to own these lands themselves and they do not want other people to take them up. They want them to remain eternally in the public domain. Their herdsmen and their cattle-boys have gone along the line, which, you will observe by the map, runs along the Canadian River. They have already taken up all the water of the country, and they want to keep the country on both sides forever in the public domain so that they may have grazing grounds for their cattle. They have already taken up all the water and they do not intend ever either to buy or enter the lands.

Mr. PLUMB. But those lands are all subject to entry by any homesteader. The Senator himself, if he felt so disposed, might go and take up a quarter-section of land right in the middle of one of those ranges.

Mr. WILLIAMS. It would be of very little use if they would have all the water and if I did not have any.

Mr. PLUMB. They are not near the water. In the first place, in the section the Senator speaks of, the land along the Canadian River is not subject to entry; he can not acquire title to it. Now, if it is thrown open to pre-emption those people are there on the spot and they will buy it at a dollar and a quarter an acre, and the homesteader can not get an acre of it.

In regard to the second section of the bill, which the Senator speaks of, that is a section which repeals a law, and probably there is no worse law on the statute-book. Any man who has gone within the railroad limits and paid two dollars and a half an acre for a piece of land if the railroad grant is forfeited then is entitled to take out floating scrip, which he can locate upon any quarter-section of land that the Government owns anywhere, and that scrip, or similar scrip, is worth now in the market from $12 to $15, and even as high as $30 an acre, because it is a land-warrant or land-scrip which can be located without settlement; and so every man who has got a quarter-section of land can exchange his piece of scrip for another, sell it to somebody else, who will sell it to somebody else; and in that way the public lands will be absorbed by speculators. Not to repeal that would be to open up to speculation of a worse kind than any railroad grant could possibly be a very large area and the very best portion of the entire public domain.

Mr. WILLIAMS. Here is the law; I will read it.

Mr. JONES, of Florida. With the permission of the Senator from Kentucky, I should like to ask the Senator from Kansas a question for information. He speaks of the lands open to purchase under the pre-emption law as taken up by speculators. I desire to know from him, as the chairman of the Committee on Public Lands, how far that right of purchase extends. Does it go beyond one hundred and sixty acres?

Mr. PLUMB. No.

Mr. JONES, of Florida. There is not much margin then for speculation.

Mr. PLUMB. That results in this way: A man who has a dozen men in his employ—I speak of that which has been continuously done in regard to large bodies of the public lands—locates each one of them on a quarter-section; they enter it and in turn convey it to him.

Mr. JONES, of Florida. That is an evasion of the law.

Mr. PLUMB. That is an evasion of the law, but it is done, and it is not only done, but it is done in such a way as to cause the Government to part with its title practically for speculation.

Mr. JONES, of Florida. My recollection was—but I thought possibly there might have been some change in the law—that purchases under the pre-emption law could not exceed to one individual more than one hundred and sixty acres.

Mr. PLUMB. No pre-emptor can acquire more than one hundred and sixty acres, but many pre-emptioners may deed to one man what each one has pre-empted, and that has been done, and is the reason why the Land Office and the Secretary of the Interior have for a number of years recommended the repeal of the pre-emption law, because it is made use of as a cover for speculation in the public domain.

Mr. WILLIAMS. Now, I propose to read this section from the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits:"

That where any actual settler who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate, on any unoccupied lands, an amount equal to their original entry, without further cost.

Why should they not be allowed? They paid double the minimum price established by law for these lands in consequence of the expected building of the railroad, and it has failed. Then, instead of returning them their money, why not reimburse them by allowing them to enter an equal amount of Government land? My friend from Kansas says that the chief objection is that it will dissatisfy men who have already bought land at $2.50 an acre to come in and have land at a dollar and a quarter. I admit it will dissatisfy them if you repeal this act for the relief of settlers within railroad limits, approved March 3, 1875. It will unquestionably dissatisfy them. But let the act stand and it will not.

Mr. PLUMB. I should think not. You take $2.50 an acre from a man for land, and then you give him in lieu of that a piece of scrip which is worth eight times what his land cost him.

Mr. WILLIAMS. I should like to know how the scrip is worth more than the land that corresponds to it.

Mr. PLUMB. It can be located on any public land of the United States, and scrip possessing a similar qualification has been sold in this town as high as $30 an acre in the last six months, and is now selling regularly at $15.

Mr. WILLIAMS. It has no more advantages than a soldiers' land-warrant.

Mr. PLUMB. Undoubtedly it has. A soldier's land-warrant can only be located on surveyed lands.

Mr. WILLIAMS. This is on "any occupied land."

Mr. PLUMB. Including unsurveyed lands. The land-warrants can only be located on surveyed lands.

Mr. WILLIAMS. It is apparent that the object of this law was to protect a man against the failure of the building of the railroad. There can be no sort of question about that. The Government undertakes to compensate itself for giving the alternate sections to the construction of the railroad by enhancing the price of the land to be put upon the market; doubling the price upon the supposition that the building of the railroad will double the value of the land. We should reimburse the actual settler, and allow him to enter without any further cost an amount of land equal to the number of acres which he paid $2.50 for.

Mr. MORGAN. Mr. President, I am informed that the United States have made over one hundred land grants to different railways, and military roads, and canals in this country, a very large number of which are perhaps open to some attack on the part of the Government. A number of bills are pending now in the Senate and before the Committee on Public Lands of the Senate, and some I believe before the Judiciary Committee, involving the question of the right and power of Congress to declare forfeitures of lands so granted. These bills on the part of the Committee on Public Lands have received almost exclusive consideration since the meeting of the Senate in December.

We have listened to arguments until as late as 2 o'clock at night; we have called quite a number of extraordinary meetings of the committee for the purpose of hearing arguments pro and con; we have received briefs in large numbers, and from some of the ablest counsel in the United States, some of whom have been eminent judges on the bench, men largely experienced in law and in public affairs of every kind. I suppose there was never a subject upon which there was so great a contrariety of opinion among lawyers as has been expressed in regard to the power of the United States Government in the declaration of the forfeiture of land grants.

The common law-books of law and equity, the reports, and the elementary authors have been searched and ransacked for precedents of every kind. They have all been produced I think without any omission. The statutory course pursued by other governments, especially by the Government of Great Britain, in the forfeiture of lands to the Crown in consequence of political disturbances there, have been brought to our attention, and the subject has been argued and debated until we have ascertained at least one thing about it, and that is that, with the exception of the case of Schulenberg *vs.* Harriman, there is no adjudicated case which can be claimed to be an authority on the subject of our powers, duties, and rights as a legislative body in dealing with this very delicate and involved subject. There are some other authorities following that and some preceding it which throw light to a greater or less degree upon it, but the case of Schulenberg *vs.* Harriman is the one that is considered on all hands as being the leading authority, except that some of the lawyers dispute that that is an authority to the extent that others claim it to be, because they say that a portion of that decision is *obiter dictum*.

The facts in regard to each of these land grants differ; the provisions of the statute law in respect of each of them are varied and sometimes very widely different. So that each separate grant brings up a separate field of controversy and presents questions which are new to that case. Within these various fields of controversy the questions are almost innumerable; questions of the powers of the law courts, the powers of the equity courts, the duty of Congress to enforce the technical and legal rights of the Government of the United States on the one hand and its duty to yield to the persuasive influence of strong equities upon the other. If the Senate of the United States were a body of lawyers each informed as fully as we might suppose a judge of the Supreme Court ought to be upon questions of law, this body would still have great difficulty in arriving at a satisfactory conclusion upon all of these various questions of law.

Now, sir, when you come to consider that there is a vast mass of facts presented in these cases, very few of which are admitted, almost all of them in disputation, you can gather an idea of the difficulties that the Committee on Public Lands have had in trying to come to a satisfactory conclusion in respect of each and all the subjects that have been brought to their attention. We have not had the powers of a court to call witnesses before us and examine them, conclude the testimony at a certain time, and ascertain the state of facts upon which our adjudication was to be pronounced. On the contrary, if we had had the time to do this, and the authority of the Senate to do it, and had chosen to involve the country in so great an expense as it would have resulted in, we should not have had the physical capacity in the time alloted to us to ascertain and determine the facts in dispute between these litigating parties, for they are really litigating parties. In the absence of such opportunity on our part we have had to take statements and suggestions which often contradict each other.

Now we come before the Senate of the United States with our reports, and what are they based upon? As to the facts, they are based upon the declarations made by counsel, or interested agents, and never by sworn witnesses, but always by parties in interest; and we are left when we come from the committee-room to make our report with a confused, indefinite, and uncertain idea of the facts of the case. Then we are asked to pronounce a judgment upon those facts as to whether the forfeiture ought to be granted or not, and, if granted, upon what terms or conditions, or to what extent it ought to be granted; and we bring our report in here, deciding the case fully, and when presented

it is nothing more than our opinion upon the rights of the parties pro and con, as the case may be. The committee, I believe, has never been unanimous in any single report. The opinions of the Senators upon the committee, first on the law of the case and then on the facts of the case, are widely divergent.

The question that I have to put to the Senate in this condition of affairs is this: Are you in a condition to pronounce a conclusive judicial sentence upon the rights of parties thus presented for your consideration? I maintain that we are not. I would hesitate if the Senate were acting as an appellate court, as the British House of Lords act upon a record sent up by an appeal from an inferior court, to pronounce an opinion upon so grave a question as that which is presented in this bill in the short time allowed us. This is the first time that any such question has been before the Senate since I have been here, now eight years, and I believe the first that has been before this body at any time. I would hesitate if we had a record to act upon to pronounce an opinion within the time that can now be given us for the consideration of the question of law arising upon the facts stated in that record. Much more am I unwilling to take final and conclusive action in so great a matter or to ask the Senate to do it when I can not state in any authentic way what are the established facts.

Here is a grant of land in which the Senator from Kansas informs us that there are more than 20,000,000 acres claimed by the Government as being forfeited, the titles having been lost by the laches of the railroad company. That is an enormous amount of property, and its present value is sufficient to startle us with the importance of this subject, but its prospective value is something that is almost incalculable, for it traverses a great mining region as well as a great agricultural and grazing country. Therefore the questions that are presented to the Senate upon this bill are of the very highest importance, not only in respect of the nature of the questions themselves and the novelty of the action that we are called upon to take, but also in respect to the great amount of property involved.

I have been able on my part to come to one safe conclusion, and that is that it is the duty of the Congress of the United States in this case to declare that what are called the unearned lands of this railroad corporation are forfeited; but I am not willing to go beyond that declaration, and to assume the right to decide conclusively that the vote that we shall give declaring this forfeiture shall *ipso facto* operate to transfer the title from the railroad company, or its mortgagees, or persons claiming under it, to the Government of the United States, denying to these claimants at the same time the opportunity of impeaching our action, if they are able to do it upon constitutional grounds in the courts of the country.

I can not get my consent to give a vote to take from any person property that he claims, unless we give to him at the same time the right and privilege of questioning my power and authority to do so in a court, for if we do that we assume to ourselves a part of the judicial functions not given to Congress by the Constitution and invade the rightful authority of one of the co-ordinate departments of this Government at the expense of private rights.

Mr. JONES, of Florida. Will the Senator from Alabama allow me to make a suggestion?

Mr. MORGAN. Certainly.

Mr. JONES, of Florida. Speaking about the title, I ask for information if any title is transferred in cases of this kind except as the road is completed? The title really is in the Government until then.

Mr. MORGAN. The case of Schulenberg *vs.* Harriman is a direct decision to the contrary. That is all I wish to say about that. The title is with the company. The act granting the land transferred it *in præsenti*, and it is subject only to forfeiture for breach of condition subsequent. That is really the only practical point that is decided, as far as I am able to say, by the Supreme Court of the United States in any of these cases. That is the nature of the title held by the corporation, a title in fee, the operative words of the statute granting it *in præsenti*, subject to forfeiture for the breach of condition-subsequent, expressed in the grant and attached to the estate. And the enforcement of this condition is the only power reserved to the United States, except the power to alter, amend, or repeal the act.

Mr. President, it is I think unfortunate for us that we have no system of statutory law granting to the United States courts jurisdiction to declare forfeitures of the public land grants made upon condition. In that respect our Government is not well supplied with statutory law. Our judicial tribunals are not fully equipped with power. It is not so in England. There, growing up under the common law, which has been aided by statute, there is a proceeding by a prerogative writ for the purpose of determining a question of the forfeiture of crown lands, granted to individuals or corporations. In this country we have no prerogative writ because we have no power that can exercise prerogative, so that in deriving the powers of the Government of Great Britain in any respect through the common law into the hands of our own government we do not take the prerogative writ; we have no lawful authority in the United States adequate to its exercise.

The process in England of having a forfeiture of lands declared in favor of the crown is one of extreme interest to us at this moment of time. It is the only analogous case with which we can compare our own institutions, our own situation, and the rights of our own citizens, and so it becomes very important. When the crown has granted land in England subject to be defeated by the breach of a condition subsequent, the crown asserts its authority, in case it may suppose that the land reverts in consequence of the breach of the condition, by the issue of a writ called a prerogative writ, which issues directly from the king, and it is directed to a coroner or to some other lawful officer. The coroner is the person who generally executes it. He is directed to summon a jury, which may be a jury of twelve or more men as the coroner may see proper to designate, and that jury when brought together have the facts of the case laid before them, and they determine *ex parte* upon the evidence presented, but in a judicial way, whether or not the lands are forfeited to the crown. That involves, of course, an inquiry of fact. The coroner reports that finding back as a verdict from that jury, and the law gives to it all the qualities of a judicial proceeding. Thereupon the crown enters not by taking actual *pedis possessio*, but enters by force of the law, which carries the possession with the title which is thus ascertained by the jury to have reverted to the crown.

That is the mere initiation of a proceeding on the part of the government for the purpose of recovering lands which were supposed to be forfeited to the crown by reason of the breach of a condition subsequent. A private individual who has made a grant of land is not required to go through with this formality in order to recover his lands when the condition of the grant is broken. He must, however, make a personal entry upon the land by himself or his agent so as to acquire actual possession and unite it with his estate, which he has regained, as he asserts, because of the breach of the condition of the grant and its consequent reversion to him. There is the difference between the proceeding by the Government and the proceeding by individuals under the English law.

When the Government enters, what is the next step? In England the citizen has what is called the petition of right, which is a suit against the crown. Our citizens have not got that right. What is the petition of right? It is a petition filed by the citizens against the crown and allowed by the crown, upon which a jury is called. A court takes jurisdiction, and right of that citizen to that property is determined in that petition of right, reaching back through the adverse verdict of the coroner's jury to the original question, and the right of the citizen if the petition is found to be true is stronger than the claim of the crown itself, and he is admitted to the possession of his land.

When the citizen, after this finding of the coroner's jury and the judgment thereon, which is called "office found," brings his petition of right, for the purpose of inquiring into his title as between him and the crown, as I have stated already, the inquiry goes back to the origin of the title, and the court can set aside the finding of the coroner's jury, can set aside every demand made by the crown and determine that that citizen has a better right to that land than the crown has.

Now, let me ask Senators whether there is any provision of that sort in the laws of the United States? We have no law here that authorizes a citizen to go into court and sue the Government of the United States by petition of right or by any proceeding of that character. No man can sue the Government of the United States in this country except he does it by virtue of express statutory authority. He must produce a statute upon which he predicates his right to come into court and make any complaint against the Government of the United States.

We have instituted a Court of Claims, and authorized our people to sue the Government there, and in some other cases we have passed laws to authorize the people to sue the Government of the United States; but we have no right of the citizen in this country at all analogous to the petition of right in Great Britain. Hence when the Government of the United States asserts and declares by act of Congress a forfeiture of land, unless we provide by statute so that the citizen can come in and inquire into our authority and power to do that thing, that citizen has the doors of justice shut in his face beyond remedy, and we in doing this violate the Constitution of the country because we take the man's property or what he honestly claims to be his property, without due course of law. That is the difficulty in which we involve ourselves and the people when we take away their rights by acts of Congress, and give them no remedy.

In the present state of the law, if we simply declare the forfeiture of a railroad land grant and we proceed further in pursuance of that declaration to resume the title and the possession of that land to the Government, extending to our citizens no right to be heard, to present their petitions of right against us, or to assert in any form their claims, we take from them what they claim at least to be their rights and we deny them all remedy. I can not do that. When I was sent to the Senate of the United States I was not commissioned as a judge.

If I had been commissioned as a judge I would have been sworn in connection with my commission that I should hear both sides and render justice according to law and equity. Therefore I can not perform an act which has the effect of depriving a man of that which he claims without giving him an opportunity of going into a court and making good his assertions if he wants to do it. I can not exonerate myself either in my own conscience or before the world in doing an act of that kind as a Senator of the United States, any more than I could do it as a private citizen if I had the power to wrest a man's property from him and put him in a condition where he could never assert his rights.

It has seemed to me in view of this brief statement and without refer-

ence to the support which is given to it by the opinions of all the great writers upon public law in this and in other countries, that the duty is a palpable one, whenever the Congress of the United States makes a declaration by law which a citizen of the United States asserts is an invasion of his rights of property, to give that man an opportunity to be heard in a court of justice. You can not pass this bill, Mr. President, in the form in which it is reported from our committee and give no remedy to the railroad company or to any of the claimants under it, mortgagees or whatever they may be, without destroying an honest property to the extent of millions of dollars. It makes no difference to me what the clamor may be, whether it comes from Democratic or from Republican quarters, from Senators or lobbyists, or from people who want to settle on the lands or people who do not want to settle there. I care not from what source the clamor comes or how loud it may be, I for one will try to observe my equanimity and respect the duties of my position so far at least as not to do a rash act of injustice against any man and then deny to him access to the courts to inquire into the authority by which I do it. I can not go to that extent.

I beg leave to remark just here that the American people are very much subject to agitation, as much so perhaps as any people, and in the excitement of a popular agitation upon any question it behooves the men whose position requires of them sobriety of judgment and discretion in council that they should stop and consider the ground over which they are going more carefully in times of excitement than when everything is cool and quiet. Now is the time for the Senate of the United States to pronounce a true and impartial judgment in this case, first as to the extent of its own powers, and next upon the rights of those persons who claim these lands against the Government of the United States.

This subject has been before the Judiciary Committee of the Senate in various forms at various times. That honorable committee have considered it completely, and in looking over their reports I have observed that they have never brought a report in here which violates the principles I am now advocating. They have never given their sanction to a bill which undertook to decide first upon the extent of our authority, and then upon the right of a claimant either under or against the Government of the United States without giving an opportunity to the claimant to go into a court to be heard.

Mr. President, lawyers in this body differ, of course honestly, in respect of the extent to which we can make a declaration of forfeiture operative upon a title held by this railroad company. In Schulenberg vs. Harriman the Supreme Court of the United States have declared that a title in the very words I believe, at least substantially in the very words, of the grant made in this case is a grant of a fee-simple title to the railroad company, which if undisturbed by the action of the Government of the United States is as good a title to lands as ever was covered by a patent issued from the Land Office, a perfect title as to everybody in the world except the Government of the United States. There is not any human being on this earth to-day who can go into a Federal court or any court, I care not how he may get his title, and assert it with effect against that which is granted in the act to this railroad company, until he has first obtained the consent of the Government of the United States. The title is environed with every defense that is necessary for its security, and no power exists at all that can question it except the power of the Government of the United States expressed through an act of Congress, or else expressed through a judicial finding and decree.

That is how this railroad company holds these 20,000,000 acres of land to-day. That is the kind of title it has. If the Congress of the United States shall withhold the exercise of its power of forfeiture, that title is good against the whole world; nobody can impeach it; there is nothing doubtful or disputable about it. It is a perfect fee-simple title, subject only to a forfeiture on the part of the Government of the United States and by nobody else, and subject to forfeiture only upon the conditions expressed in the original grant. If the Congress of the United States were to-day to undertake to impose new conditions upon that title, there is not a court in Christendom which would not hold that that undertaking was vitiated and void under the Constitution.

The title is to be tried upon the conditions that are expressed in the grant, and upon none other. You have no right even to refer to another condition subsequently imposed by Congress or to any change of circumstances which may have occurred, physical or natural, or through Congressional action, for the purpose of qualifying or modifying or affecting in any way the integrity of this grant. It stands upon the act making it, and is affected only by the legal construction to be put upon that act, and by nothing else.

Now we propose to assail a title of that kind. In order to do that we have got to keep Congress within the law, not within some vain imagination of a power that we would have reserved, or might have reserved, but within the construction which belongs to the letter and spirit of the law under a reasonable and proper interpretation. In this case we had a right to declare a complete forfeiture of this land grant after twelve years from the date of enactment (for that is the period when the law provided that this railroad should be entirely completed to the Pacific Ocean), and if we had commenced at the end of twelve years to assert our right perhaps nobody could have disputed the power of Congress then to declare the forfeiture.

We have waited now for six years after that period has expired without ever having taken any action to indicate a purpose on our part that we intended to claim this forfeiture; and during that period of waiting, after three years had elapsed from the 4th day of July, 1868, we passed a law in full view of all that had been done, in full view of all the rights of forfeiture that we had a right to claim, of all the delinquencies and derelictions of this company that are asserted against it as having existed prior to the early part of January, 1871, we then passed a law authorizing this railroad company to mortgage all of its property for the purpose of getting money to build the road to the Pacific Ocean. Now, it is claimed on the part of the railroad company that in giving them authority to make a mortgage on all their estates and franchises to raise money to build the road, the Government of the United States waived its right of forfeiture, all at least that existed at that time.

Is that a good claim or is it a bad one? If I were to ask this honorable Senate to rise and vote upon it there would be a division of opinion here. I for one, notwithstanding the old saw that no estoppel runs against the Government, believe that a government can be just as much estopped at law and in equity as a private man when it puts itself in the attitude of a private contractor with another party, and that is the attitude the Government assumed here. The Government steps down from its high pedestal of sovereign power when it makes a contract consisting of mutual terms with its citizen, takes him by the hand and they strike a bargain, and from that time forward that government, as respects that bargain, yields its sovereignty as to him and it is bound by its contract. So said the Supreme Court in this case of the Union and Central Pacific Railroad Companies.

Mr. LAPHAM. I should like to understand whether the mortgage was given after the expiration of the forfeiture of the original land grants.

Mr. MORGAN. After the expiration of some of them.

Mr. LAPHAM. After the twelve years had expired?

Mr. MORGAN. No; it was five years after the grant was made and it was three years after the Government had a right to have claimed a forfeiture for the non-completion of fifty miles of the road each year. They were required to build fifty miles of road a year and they built twenty-seven miles in five years and then got the power from Congress to make the mortgage to build the rest; but it has gone on since that time and built nearly nine hundred miles, perhaps over that; I will get the figures directly.

I assert that when the Government of the United States thus assumes the character of a party to a contract and binds itself by the stipulations of a mutual obligation, it can not afterward, in dealing with that contract, resume its sovereignty and say "no estoppel runs against the king." That government must deal with the citizen upon the plane that it chose to occupy in making the contract.

Here, then, is a question raised as to what is the effect of authorizing this mortgage to be given upon this property after rights of forfeiture had accrued to the Government of the United States? It is claimed by the Government of the United States that it has not waived its right to demand a forfeiture for that case. It is claimed by the other party, the railroad company, that it has waived it. This is a doubtful question of law, and I repeat that if I were to ask this honorable Senate to rise and vote on that question now there would be a strong difference of opinion among us, some Senators voting one way and some another. Possibly the majority would be in the wrong, because we are not all lawyers; we are not all in the habit of giving close and strict attention to questions of this narrow and difficult character.

When that is the fact are we to decide that sort of question by a mere majority vote of the Senate and exclude the company from having any right to review the decision that shall be made here? Shall we take this question of law even upon admitted facts, and decide it absolutely, and then refuse to permit the parties interested in this question to go into a court and litigate it? No, sir; we ought never to do it. We can not afford it.

A question was stated also by the Senator from Kansas in connection with this mortgage, which I may as well refer to now, but to which I attach no importance whatever. It was provided in this statute, I suppose by some slip of the pen, that the mortgage should be operative upon all the lands that might be earned by the company under the provisions of the act up to the date of the foreclosure of the mortgage. That evidently meant up to the date of the forfeiture of lands or the declaration of forfeiture, but whoever prepared that act got it into a different shape. But I think there is no difficulty in giving a proper construction to that feature of the case.

It was not intended by Congress, in putting the period during which there might be acquisition of land under this grant to the date when the mortgage was to be foreclosed, to postpone its right of declaring a forfeiture until the mortgagee might elect to foreclose under his mortgage. Congress never thought of putting the rights of the Government of the United States into the hands of a person whose interests were diametrically opposed to the Government. That argument, it is true, was made before the committee, but I suppose that it was made in the anxiety of counsel to present every possible phase of the case

they could that they thought would weigh in their behalf. I attach no importance to that, and I would not hesitate to act immediately and declare the forfeiture in this case because of any weight I could attach possibly to an argument of that kind.

The whole effect of the mortgage act is simply this, that in 1871, a few years before the time when the railroad was to be completed and when the Government of the United States had seen that the company was unable to complete the road, the Government changed its policy in respect of this road precisely as it did with respect to the Northern Pacific, and it waived all existing causes of forfeiture and gave the company an additional means of completing its road. It is worthy of remark here, as illustrating what Congress meant in this legislation in 1871, in giving the authority to make this mortgage, that the Northern Pacific Railroad had been projected upon the idea that subscriptions of stock from private citizens could be obtained in sufficient quantities to build the road and that the subscribers to the stock would be really the purchasers of the enormous land grant given to that company.

The same tactics and the same policy precisely was pursued in respect of the Atlantic and Pacific, and about the same time Congress came to the conclusion that the failure of both roads was absolute; that neither the Atlantic and Pacific nor the Northern Pacific would ever be built if the money was to be obtained by private subscriptions of stock. Congress realized that it had to enable the companies respectively to enlist capitalists of large means in this country and in foreign countries to take hold of these projects with such energy and such power as could be relied on to build these very important and very desirable roads. Hence it was that with the express view in this case, as in the Northern Pacific case, of inducing capital from abroad as well as capital in the United States to assist this railroad company by making loans upon the faith and credit of the great land grant, Congress passed this act of 1871. The Supreme Court of the United States, in considering a question of this kind in regard to the Union Pacific Railroad, in 1 Otto, 80, used the following language:

> This enterprise was viewed as a national undertaking for national purposes, and the public mind was directed to the end in view rather than to the particular means of securing it. Although this road was a military necessity there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier. There was a vast unpeopled territory lying between the Missouri and Sacramento Rivers, which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction, the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased, and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.
>
> It was in the presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable.
>
> Although a free people, when resolved upon a course of action, can accomplish great results, the scheme for building a railroad, 2,000 miles in length, over deserts, across mountains, and through a country inhabited by Indians jealous of intrusion upon their rights, was universally regarded at the time as a bold and hazardous undertaking, it is nothing to the purpose that the apprehended difficulties in a great measure disappeared after trial, and that the road was constructed at less cost of time and money than had been considered possible. No argument can be drawn from the wisdom that comes after the fact. Congress acted with reference to a state of things believed at the time to exist; and, in interpreting its legislation, no aid can be derived from subsequent events. The project of building the road was not conceived for private ends; and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities and requiring national assistance.
>
> The policy of the country, to say nothing of the supposed want of constitutional power, stood in the way of the United States taking the work into its own hands. Even if this were not so, reasons of economy suggested that it were better to enlist private capital and enterprise in the project by offering the requisite inducements. Congress undertook to do this, in order to promote the construction and operation of a work deemed essential to the security of great public interests.
>
> It is true the scheme contemplated profit to individuals; for, without a reasonable expectation of this, capital could not be obtained, nor the requisite skill and enterprise. But this consideration does not in itself change the relation of the parties to this suit. This might have been so if the Government had incorporated a company to advance private interests and agreed to aid it on account of the supposed incidental advantages which the public would derive from the completion of the projected railway. But the primary object of the Government was to advance its own interests, and it endeavored to engage individual cooperation as a means to an end—the securing of a road which could be used for its own purposes. The obligations, therefore, which were imposed on the company incorporated to build it must depend on the true meaning of the enactment itself viewed in the light of contemporaneous history.

Congress desired this Atlantic and Pacific road to be built in order that it might have a highway through the Indian Territories, especially through the hostile Indian Territories infested by Comanches and Arapahoes and Cheyennes and Kiowas and various other hostile and dangerous races of Indians. It wanted a line across the northern border of Mexico; it wanted to reach the Pacific Ocean at more than one place. I have no doubt I concur in the opinion expressed by the honorable Senator from Kansas that the first object an the part of Congress was to build to a southern point on the Pacific in California.

We had every inducement that a nation could have for national purposes and national convenience and national pride and security and development of every kind to assist in the building of this railway. Therefore after it had ascertained that between the date of the charter and 1871 this company, though it had expended a large amount of money, more than $10,000,000, in buying another railway to connect it to Springfield, Mo., had built only twenty-seven miles of road out of its own means in addition to the purchase of this other road, Congress in this case, as in the case of the Northern Pacific, said to the country in effect: "We deem it of sufficient importance in order to get this road secured to the nation as well as to the people interested that there should be power given to this corporation to mortgage all that it possesses; we will not take advantage of technical forfeitures in this case; we are dealing with a great national question and we are dealing with men who represent national as well as personal interests in this matter, and therefore we are going to deal in the direction that we think will be for the national advantage. We will therefore grant this company the right in 1871 to mortgage its property of every kind and character and we will not say that that mortgage shall be due in five years or ten or fifteen or fifty," for there is no restriction in this act as to the time within which these bonds shall be made payable which are to be secured by this mortgage, and that is a very important fact.

Congress therefore gave to this company the right to fix the time when these bonds should mature and secured to the company and to every man who should deal with it the right to insist upon the payment of these bonds at their maturity, whenever that might be, and that they and the company should agree upon the period of maturity. Had the Congress of the United States in that case given to this company the right to issue its mortgage to secure bonds payable twenty years after date, would Congress, as to those bondholders, have the right to forfeit the land grant and take it away within ten years? Scarcely; or suppose there is a division of opinion between us on that point, shall I decide it in my own way or will you decide it in yours? I say, let the judge come between us and decide, and do not let us undertake to decide that question.

Now, what did this company convey to the bondholders in this mortgage? It must be remembered that this company owes its entire existence to an act of Congress. No State or Territorial Legislature had any agency at all in founding this corporation. It is the child of Congress. All its rights, powers, and privileges are conferred in this act of Congress granting this charter, and I believe that I have never seen a charter that I thought was better drawn or more carefully prepared than this one. It is a masterpiece of ability on the part of the man who wrote it, whoever he may be. The franchise to be a corporation, the powers of the corporation, the privileges, the grants made to it, the restraints and restrictions upon it in various directions, the uses for which it is to be employed hereafter, are all of them fixed by act of Congress.

Every power that had been conferred, even to the franchise, was given to this company under the act of 1871, as property, for the purpose of mortgaging it to raise money. When the bondholder came to look over what the Government invited him to put his money down upon, he saw not merely a valuable land grant, an enormous land grant you may call it, and a great trunk line of railway running through it, with right of way and stations and depots and iron and steel bridges and everything of that kind, but he saw there a charter that was almost without limit and without end, a charter built to last as long as the road itself should last, and he saw the act of Congress which empowered this corporation to pledge everything that it owned in the world, even to its own body, if you can call it such, its own corporate existence, to the bondholders for the security of their debt.

Now we propose to take from the bondholders everything except the right of way and the franchise, the power to be a corporation and to operate a railroad, and to convert it to our own use, and that upon the technical ground that the company has not completed the railroad within the time prescribed within the statute. Have we the power to do that? Can we grant rights like those into the hands of these mortgagees and then turn around within a brief period of time after they have sold their bonds and the bondholders have paid their money and say, "We shall by our own final decree take from you the whole substance of this grant, leaving in the hands of the company the franchise to be a corporation and the right of way, and leaving nothing else for your mortgage but that?" Has Congress the power to do this? Does the power to declare a forfeiture reach that far? Does the power to declare a forfeiture by the Crown of England reach that far? Do we find any constitutional or legal provision and authority which reaches that far under our system of laws or jurisprudence? No, sir; we have not got it. If we establish such a power at all it will be done by this act. If that conclusive declaration is made, it will be for the first time by this act.

Mr. GEORGE. May I interrupt the Senator for a moment?

Mr. MORGAN. Yes, sir.

Mr. GEORGE. I understood the Senator from Kansas to say in response to a question which I put to him that there was no mortgage upon any lands which this bill proposes to forfeit. I understood him to say so. If that be so, it seems to me that the objection raised by the Senator from Alabama is without force on that point.

Mr. MORGAN. All I can say about that is that the mortgage is upon all the lands granted in this act. How much you can take out of it I do not know.

Mr. SLATER. I should like to ask the Senator a question. Do I understand him to argue that the mortgagees got any better or larger or higher title than the grantee had by the original grant or that the

permission of Congress that they might mortgage their land and corporate franchise carried with it any other grant greater than the original act gave them?

Mr. MORGAN. I am not so sure about that. It is a very doubtful question. My opinion would be that the act of 1871 authorizing the mortgage of the lands notwithstanding the fact that on the 4th of July, 1878, the road was required to be built, Congress knowing that it could not be built in that time, it must have been the intention of Congress to extend the time longer than that. You gave to them power to make a mortgage without saying when the bonds should fall due or when the mortgage should fall due. You put no restriction upon them that they should build the railroad by the 4th of July, 1878. Put the two facts together and borrow $26,000,000 of money upon them, and I should say when you were dealing with a private citizen the implied understanding in that case would not be that you should have your road completed by the 4th of July, 1878, but that some extension of the time was to be expected. That is the equitable and just view of it, to say the least.

I am not here for the purpose of deciding these questions. I do not want to be here for that purpose. I am here for the purpose of arguing them and showing how strong a case the Senator can make on his side of it, and how strong a case I can make on the other side, and to convince the Senator, as well as everybody else, that when two lawyers get up here and express opinions diametrically opposite upon this case and both are plausible, then the judge should come in and decide. My argument is that these are not questions that it is necessary for us to decide in order to do all that we lawfully can to assert and maintain the rights of the United States.

I am not trying to prove any right in favor of the Government of the United States in this argument or in favor of the claimant as being undeniably true. I am trying to show that both upon the law and the facts of this case, over the whole of it from beginning to end there is so much of doubt and uncertainty as that the Congress of the United States ought not to usurp to itself the final judicial determination upon those facts which will dispose of the property absolutely and take the matter away from the courts.

Mr. GEORGE. Does the Senator from Alabama say that will be the effect of this bill?

Mr. MORGAN. The effect of my amendment will be——

Mr. GEORGE. But does the Senator say the effect of the bill is to settle the rights of the parties without resort to the courts?

Mr. MORGAN. Unquestionably. You can not get further than the bill goes in that direction. In further answer to the question put to me by the Senator from Mississippi, I will read from section 1 of the bill to convice him that this is the effect of the bill. That the sentence we are to pronounce by the passage of this bill is a final and conclusive sentence that nobody ever after can disturb. It may be inquired into in some collateral way in a private suit, but it can not be done in a direct suit against the Government. I will read:

> That all the lands * * * be, and the same are hereby, declared forfeited, and the title thereto resumed by the United States, and said lands restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made.

In addition to the taking of this property out of the hands of all claimants and its relegation to the public domain, this section proposes to do what we have never had the right to do—to repeal an act in the sense of expunging it. The power does not exist in the Congress of the United States of a legislative character, to say the least of it, so to affect any existing law as to expunge it from the statute-book and to give it no more effect than if it had never existed. Why, sir, the exercise of a power of that kind might be used to the utter destruction of every human right, and I do hope I shall never see the day when the Senate of the United States will consent to legislation of that kind. An act was passed twenty years ago under which rights have sprung up; can we by an act of Congress now cut down to the very root of the former act, and say that for the purpose of protecting the title to property which we take from one party and give to another this first act shall be as if it never had existed? No, Mr. President, we can not do that. That is going too far.

Mr. MAXEY. Will the Senator allow me to suggest in the line of his argument that I never heard it asserted before that a subsequent Legislature could divest rights acquired under an act of a previous Legislature? In support of this I refer the Senator to Fletcher *vs.* Peck, 6 Cranch, in which the doctrine, as I have stated it, is fully laid down. I speak from memory, but I am sure the decision sustains the position.

Mr. MORGAN. Certainly if such a thing were possible that you could go into a Legislative Assembly and buy a public act out and out from speaker and members of both houses and bribe the governor to sign it, it is none the less a valid law.

Mr. MAXEY. The point of that case as I remember it—and I speak entirely from memory—was that an act was procured from the Legislature of the State of Georgia, and under that act property rights became vested, and a subsequent Legislature declared that that act had been fraudulently procured and that the rights of parties under that act were fraudulently obtained, and repealed the act and the rights under it. The case came to the Supreme Court of the United States and it was decided that that could not be done.

Mr. MORGAN. I think the law upon that proposition is too clear for any disputation at all, and I can not follow the committee to the extent that they have gone here in an attempt to expunge a law, and in that way to cut down all the rights that might have accrued under it back to the date of its enactment.

Mr. President, my argument has been addressed, as the Senate has seen, to the proposition that there is too much of doubt and disputation in the facts and too much uncertainty in the law of this case for us to undertake to do what the committee recommend we shall do in the passage of this bill as it is. When we come to the outside boundary and limit of our authority upon this question, it is simply this: We can make a political declaration—I call it political as contradistinguished from judicial—we can make a political declaration of the will of the Government of the United States that these lands are forfeited. In doing that we reach precisely the point and go no further than the king can go in England when he issues his prerogative writ and has his coroner to summon a jury and get a verdict of the jury which pronounces that the lands claimed by the crown are forfeited, and the effect of the declaration here is precisely what the effect of the verdict of the coroner's jury in England is in such proceeding—"office found," as it is called. Not a judicial decree to settle conclusively the right of the matter, not to touch the title in a dispute between the citizen and the Government, but merely to give the Government that legal standing with reference to the title which a private citizen would acquire who claimed the right to a return or reversion of land to him under a forfeiture for breach of condition-subsequent and entered into the possession and so united the possession with his title. What lies beyond that, in disposing of the right of property, if it is done by an act of Congress, is done by usurpation and at the expense of that feature of the Constitution of the United States which says that a man's property shall not be taken from him except by due course of law.

The Government of the United States in this case, in my opinion, ought to enter its declaration of forfeiture of these lands. I follow the committee to the whole extent that the Government ought to declare the forfeiture of all these lands that are unearned as we say—lands that are not coterminous with the constructed parts of this road. I say I follow the committee. I do it reluctantly, but I do it for the purpose of giving in this act full vigor and effect to the declaration that Congress may make upon this question. My conviction is one that I can not shake off that this company is holding that portion of the land grant between the place called the Needles, where it unites with the Southern Pacific road, to San Francisco, a belt of land lying along the coast of the Pacific Ocean, not in the good faith of an intention now, or within a reasonable time, to build that road; and believing so, I will concur in the political declaration, which is true as matter of fact, that this company have done nothing west of the point called the Needles to earn the grant.

They have not indicated by their conduct that they have not really abandoned the purpose of trying to earn the land beyond the Needles, and therefore I am willing to make this declaration that beyond that point the lands ought to be forfeited, and I will go with the committee to the eastward of that place and in the gaps and intervals, wherever they may exist, where this corporation have not built the road. I am willing also to make a declaration of like kind, though I believe it smacks considerably of injustice, and let the courts pass upon our right to do this.

When that declaration is made we should stop. Then I propose by my amendment in the next section of the bill to give jurisdiction to the circuit court of the United States for the western district of Missouri to hear and determine all questions arising under the land-grant act and any amendments thereto, and under this act that we are now passing; for I do not wish to put the action of a preceding Congress under the inspection of a court and deny to that court the right to inspect our act also. I want the courts to ascertain how far our action has been constitutional, or how far it may have invaded the rights that we have no right to invade. I therefore give to that court in my amendment full and ample power and jurisdiction to decide between the Government of the United States and this corporation and all persons claiming under the corporation or under any law of the United States, what their rights are within this land grant.

In the next section of my amendment I make it the duty of the district attorney for the western district of Missouri, under the direction of the Attorney-General of the United States, to file a bill in equity in the circuit court in the nature of a bill of interpleader, the complainant in which bill shall be the United States; and one of the defendants at least shall be the corporation and such other persons as that officer shall believe are the proper representatives of the actual interests, whether legal or equitable, arising under that grant and under this act of forfeiture, bring them into court, cause them to interplead, the one with the other, in the assertion of all the rights and equities and privileges that they claim under these acts, and then let the judge decide these questions. If the judge wants a jury, as sometimes is the case in issues out of chancery, let him summon a jury to decide the questions of fact when he is not willing to decide them himself.

In the next section of the amendment it is provided that those persons who are not made original parties to this suit, persons who are not necessary parties but may be proper parties, persons who may have an

interest in this litigation or in this property which it would be justice and right to open the doors to allow them to present and to controvert, may come in by petition, if they choose, within twelve months from the filing of the bill. They may present before the court the nature of their claims by petition, supported by oath. Thereupon the judge shall take the petition and look it over, and if he should decide that the facts presented in that petition are necessary for the proper determination and full settlement of all the matters brought to his attention and within his jurisdiction by this law, he may admit that party to come in as a party defendant, and thereupon he is a party on the record precisely as if he had been originally sued.

So thus we give the opportunity in this amendment to whoever wishes to come in, provided the judge says he is not a mere intruder, provided he has not some private quarrel with his neighbor that he wants the jurisdiction of this court exercised to dispose of. If his case is against the Government and requires that it shall have the construction of the court upon the laws of the United States under which he claims, my amendment lets him come in to the case.

Then in the next section it is provided that the court shall have power in the case where the defendants are made such in the original suit to determine who shall pay the costs, and if the court is of opinion that the Government of the United States ought to pay them to tax them all against the Government, but in the other class of cases where men come in by petition it shall be the duty of the court to apportion the costs between the Government of the United States and the claimants in such manner as according to law and equity it may deem advisable.

That is the whole purport of my amendment, except that I would add to the end of it—if the Senator from Kansas desires it—that whatever lands remain after these decisions have been completed shall be disposed of by the Government of the United States. He says at two dollars and a half an acre; the Senator from Kentucky says a dollar and a quarter an acre, and that provision, of course, can come in. I do not mean to strike out that provision in my amendment, although I include it, because the language of the bill as reported has some things in it that I have to get rid of in order to make my amendment harmonious with the rest of the bill.

Now, about the appeal. I provide that any person after a final decree may take an appeal from the decision in this case to the Supreme Court of the United States, provided the appeal is taken within six months after the final decision. It is then provided that it must be done under the rules and regulations governing appeals in equity causes as they are now in existence, the acts of Congress, and the rules prescribed by the court to govern and regulate appeals.

Then it is provided that it shall be the duty of the Supreme Court to advance these causes upon the docket so that they may be heard, the object being, of course, to settle all this great mass of rights as speedily as can be done.

Now let me ask the Senate, would not every Senator in this body feel that he was upon more secure ground if he had the judgment of the Supreme Court or of the circuit court of the United States to stand upon, and would we ever regret that we had delayed our action in seizing this land and appropriating it to the Government of the United States until by the intervention of the courts we could have these matters settled by the judicial tribunals of the country?

Mr. President, the people of the United States are not going to look upon measures of this novel and interesting character with entire composure. When Congress reaches its hands out within the domain of the jurisdiction of the Federal judiciary and undertakes to become judge and jury and thereby touches private rights we may expect that the sensibilities of the American people, who are always awake to questions of this kind, will come back to question us with great severity as to the ground we stand upon. No, sir; let us stand upon safe ground in this matter.

I could go further in the elucidation of this matter by an examination of the provisions of the charter. I have remarked already that it was a very able charter; it covered a great deal of ground and with no doubtful words.

Now, it is contended by the lawyers, and able lawyers, too, who represented this company before the committee of the Senate and the committee of the House, it is also, I observe, in looking at the debates of the House, contended by able members of the House of Representatives, that there is no reservation in this act of the right to declare these lands forfeited to the United States. That is a broad declaration; that is a broad question, and a very important one. Precisely the same language is in the Northern Pacific grant and perhaps in other grants in this country, and it will be twenty-five or fifty years or perhaps one hundred before the Senate of the United States will have a law question to settle equal in its intrinsic importance with this question arising from this grant.

Let me state to you without debating them some of the arguments made in behalf of the railroad company and the mortgage bondholders to show that the Government of the United States never reserved in this act the right to declare these lands forfeited to itself.

Mr. MILLER, of California. If the Senator——

Mr. HAWLEY. Allow me a moment. I fear there is about to be a motion for an executive session. I am anxious to say a very few words to-night if the Senator from California will yield a moment and the Senator from Alabama will permit me. I wish to say just a word or two to night before we go into executive session, upon this measure. Senators will excuse me after they have heard me I am sure.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. HAWLEY. I shall trouble the Senate but a moment. I had intended, if I could have obtained the floor earlier, to make some general observations upon the policy of the United States in regard to its great Western lands, in view of the renewed interest that has been awakened in the public mind, and especially with regard to the great holdings that we have permitted to grow up there, whether in the hands of individuals or of great corporations; but I forbear this evening and only now speak of a matter which I had intended to introduce incidentally in my remarks.

I find in the CONGRESSIONAL RECORD to-day—I invite the attention of Senators to this matter—a catalogue of citizens of the United States holding enormous estates in the Territories and in the various States, and among them I find placed the name of Senator JOHN A. LOGAN as holding 80,000 acres. I can hardly mistake when I say that the object of a statement of that kind appears to be to prejudice a gentleman whose circumstances are such that he can hardly speak for himself, though abundantly qualified, as everybody knows, to do so. I beg leave, therefore, to say that the gentleman referred to is not the owner of any such estate of land in the Territories or anywhere else. He is only the owner of the land upon which his father died and which he purchased from the other heirs, and to which he has added a little in his own State of Illinois, and he has not the good or ill fortune to be the owner of the 80,000 acres referred to.

Mr. LOGAN. I do not wish to allude to myself, but I will say to the Senator so that he may be correct about it that the statement is utterly false. I do not think it material to go into the matter, for I do not propose to give a schedule of my property to anybody. I will say, however, that what property I do own is in the State of Illinois. I do own some tracts of land outside of town lots, all of which put together would not amount to one hundredth part of what is alleged.

Mr. MILLER, of California. The Senator from Alabama would prefer to conclude his speech to-morrow morning. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Will the Senator yield to me that I may present an amendment to the bill?

Mr. MILLER, of California. I withdraw the motion for the present.

Mr. BLAIR. Being opposed to this bill in its present form, and feeling obliged to oppose it unless it shall be radically amended, I desire at this time to offer a substitute for the whole bill which I wish to have printed, and which I shall press on the attention of the Senate unless the bill itself should be substantially amended.

The PRESIDING OFFICER. The proposed amendment will be received and printed.

Mr. MORGAN. I ask that the amendment which I offered to-day may be printed.

The PRESIDING OFFICER. The Senator from Alabama moves that the amendment offered by him be printed.

The motion was agreed to.

COUNT OF ELECTORAL VOTES.

Mr. HOAR. Will the Senator from California allow me to make a motion? The House, as is well known to the Senate, has amended the bill providing for the count of the Presidential vote by substituting an entirely different scheme. I desire to move that the Senate nonconcur and ask for a conference.

The PRESIDING OFFICER. The House amendment has been referred to the Committee on Privileges and Elections.

Mr. HOAR. I was not aware of that.

The PRESIDING OFFICER. It will be necessary for the Senate to discharge the committee before the proposed action can be had.

Mr. HOAR. There has not been a meeting of the committee since the action of the House; but I am so confident that the committee will be unanimous that I will ask unanimous consent of the Senate that the committee be discharged from the further consideration of the bill and that the Senate non-concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Committee on Privileges and Elections be discharged from the further consideration of the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, and that the Senate non-concur in the amendment of the House of Representatives and ask a conference. Is there objection? The Chair hears none, and the order will be entered.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 27, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

INDUSTRIAL HOME SCHOOL, DISTRICT OF COLUMBIA.

Mr. HORR. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill 1519, to regulate the powers and duties of the board of trustees of the Industrial Home of the District of Columbia in respect to infant wards and scholars, and for other purposes. The bill passed the Senate unanimously, and simply proposes to give to the trustees of the Industrial Home School of the District of Columbia the right to take charge of children, so that the courts can make them guardians of the children that are left with them. I think there will be no objection to the bill.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That when a guardian or parent of an infant shall, by an instrument in writing duly signed, executed, and acknowledged before a notary public of the District of Columbia or the clerk of the supreme court of said District, surrender said infant to the custody of the board of trustees of the Industrial Home School of the District of Columbia, the said undertaking shall be binding upon said parent or guardian for the time named in said undertaking as the time during which the said infant is to remain in the custody of the said board.

SEC. 2. That upon application or consent of the president of the said board of managers of the Industrial Home School of the District of Columbia, the supreme court of the District of Columbia may appoint the said corporation to be the guardian of an infant ward, and the said corporation may take and exercise said guardianship so far as relates to the person of such ward to the same extent and under the same obligations and conditions as is now provided by law in the case of natural persons.

Mr. STOCKSLAGER. I will ask if this bill or one similar to it has been considered by the appropriate committee of the House?

Mr. HORR. It has not been; but the bill has been considered in the Senate and passed unanimously by that body.

Mr. HOLMAN. If I understood the first section of the bill correctly as it was read, I would call the attention of the gentleman from Michigan [Mr. HORR] to the fact that it provides for the surrender of infants to this institution by the guardian or parent.

Mr. HORR. Yes.

Mr. HOLMAN. Would it not be rather a stretch of power to confer upon the guardian the right to surrender an infant to the control of this institution? If the guardian is to act at all, should it not be with the consent of the parent, if there be one?

Mr. HORR. If I understand the bill that is what it provides. If there are parents, then the surrender must be by the parents; and if not, then by the guardian.

Mr. HOLMAN. I ask that the first section be again read.

The first section of the bill was again read.

Mr. HORR. I do not think that section is subject to the objection which the gentleman from Indiana [Mr. HOLMAN] has suggested.

Mr. HOLMAN. That is to say, according to that section, the assent of the father or mother is not required when the act is done by the guardian. Now, many instances might arise when a guardian ought not to be permitted to surrender a child to this institution for an indefinite period without the consent of the father or mother.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. TUCKER. I think this bill had better be referred to the Committee on the Judiciary, and therefore I object to its present consideration.

Mr. HORR. And I ask that it be referred with leave to the committee to report it back at any time.

The SPEAKER. Unanimous consent is asked that the bill just read be referred to the Committee on the Judiciary with leave to report it back at any time. Is there objection? [After a pause.] The Chair hears none.

The bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary with power to report the same back at any time.

JOHN W. MARTIN.

Mr. BARKSDALE. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. 5452) for the relief of John W. Martin and that the same be considered in the House at this time.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John W. Martin, of Brookhaven, Miss., the sum of $300, for services actually rendered as postmaster at Brookhaven, Miss., by authority of the military commandant, from July, 1865, to July, 1866.

The SPEAKER. Is there objection to discharging the Committee of the Whole on the Private Calendar from the further consideration of the bill which has just been read and to considering the same in the House at this time?

There was no objection.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. BARKSDALE moved to amend the bill by striking out "$300" and inserting in lieu thereof "$700."

Mr. HOLMAN. I think we had better hear the report in this case.

The report (by Mr. STORM) was read, as follows:

The facts in this case, as disclosed by the papers, are as follows:

That on the 24th day of June, 1865, the said John W. Martin was appointed postmaster at Brookhaven, Miss., by Maj. Alfred Hodsden, commanding the post at that place. The records of the Adjutant-General's Office show the appointment of said Martin. The records also show that the fact of his appointment was duly communicated by Major-General Osterhaus to the Postmaster-General of the United States. Twenty-one leading and respectable citizens of Brookhaven certify that Dr. Martin discharged in a very acceptable manner the duties of postmaster at that place for a period of twelve months.

The Post-Office Department refused to pay the claim for service because it was a military appointment and did not come within the jurisdiction of that Department.

The claimant trusted his claim to members of Congress to look after several years ago, but through carelessness important papers were lost, and the claim was neglected by no fault of the claimant.

The claimant fixes his demand at $1,300. He does not state that that amount was fixed by the Government as his compensation. There is a statement made by one witness that the services were worth $1,300. But the books of the Post-Office Department show that for the two subsequent years, 1867 and 1868, the pay of the postmaster at Brookhaven was fixed at $300. There being nothing in the case to show that the service for the year 1865-'66 was worth more than for subsequent years, the committee is of the opinion that $300 would be full pay.

The committee therefore recommend the passage of the accompanying bill as a substitute for House bill No. 3266, and recommend its passage.

Mr. HOLMAN. I do not think the gentleman from Mississippi [Mr. BARKSDALE] should go beyond the recommendation made in the report of the committee, which is to pay this man the sum of $300 for his services as postmaster.

Mr. BARKSDALE. The committee made their report without full knowledge of all the facts, some of which have been since supplied. I will briefly state them if it is the wish of the gentleman from Indiana [Mr. HOLMAN] and the House that I should do so.

Mr. HOLMAN. I would like to know what the facts are.

Mr. BARKSDALE. I can state them very briefly in the presence of the gentleman from Pennsylvania [Mr. STORM] who prepared the report in this case, and he can testify to the correctness of my statement.

This claim is for services rendered nineteen years ago. Upon investigation the committee ascertained that the claim was just. The pay of the postmaster at Brookhaven for the two years immediately subsequent to the war was only $300. The rate of compensation had not then been adjusted to the changed condition of affairs. But three years later when the State had been readmitted into the Union, so to speak, the compensation, as shown by records of the Post-Office Department, was fixed at $1,300, with an allowance of $300 for office rent, making $1,600. Now, Mr. Speaker, in a spirit of compromise, and in order to settle this long-standing claim, which is entirely just, as ascertained by the investigation of the committee, I propose that Mr. Martin be allowed $700, about half the sum claimed in the original bill. I hope there will be no objection. It is a strictly just claim.

The SPEAKER. The question is upon the adoption of the amendment proposed by the gentleman from Mississippi.

Mr. DINGLEY. Does the gentleman from Mississippi move to allow $700, instead of $300 as reported by the committee?

Mr. BARKSDALE. Yes, sir; that is my motion.

Mr. DINGLEY. The committee, I understand, reports in favor of allowing only $300.

Mr. BARKSDALE. Only $300; but that report is based upon an imperfect statement of facts, which have since been supplied.

Mr. DINGLEY. The amount allowed at that office by the Postmaster-General for the year subsequent to the period named in the bill was only $300.

Mr. BARKSDALE. Yes, sir. But the third year after that time the compensation was fixed at $1,350, and the allowance now, although the population of the place has not largely increased, is $1,650, including $300 for office rent. My amendment provides that the postmaster who performed this service shall be paid only $700.

The question being taken on the amendment of Mr. BARKSDALE, it was agreed to; there being—ayes 61, noes 20.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced

that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Govment for the fiscal year ending June 30, 1885, and for other purposes.

PRINTING OF A BILL.

The SPEAKER. A number of gentlemen on the floor desire that the bill to grant pensions to soldiers and sailors of the Mexican war, which has been returned from the Senate, with amendments, and is now on the Speaker's table, be printed, with the amendments, for the use of members. If there be no objection, the order which the Chair directs the Clerk to read will be entered.

The Clerk read as follows:

Ordered, That House bill 5667 "granting pensions to the soldiers and sailors of the Mexican war and for other purposes," on the Speaker's table with Senate amendments, be printed.

There being no objection, the order was adopted.

Mr. McMILLIN. I demand the regular order.

GULF, COLORADO AND SANTA FÉ RAILWAY COMPANY.

Mr. WELLBORN. I rise to a privileged question. I send to the desk the report of a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (3961) entitled "An act to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with the following amendment:

"In lieu of the Senate amendment insert the following: 'The line to be located in sections of twenty-five miles each; and before work is begun on any section the line thereof is to be approved by the Secretary of the Interior.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered respectively 2, 3, 4, 5, 6, and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with the following amendment:

"Amend Senate amendment 8 by inserting after the word 'construction' the word 'operation,' and adding after the word 'interior' the words 'in accordance with said intercourse laws.'"

And the Senate agree to the same.

OLIN WELLBORN,
RICE A. PIERCE,
B. W. PERKINS,
Managers on the part of the House.
JOSEPH E. BROWN,
PHILETUS SAWYER,
J. R. HAWLEY,
Managers on the part of the Senate.

The SPEAKER. The statement of the House conferees, accompanying the report, will be read.

The Clerk read as follows:

STATEMENT.

Under the Senate amendment numbered 1, the whole line of the road is to be permanently located and approved by the Secretary of the Interior before work is begun on any portion of it. Under the amendment, as changed by the committee of conference, the company is to locate its road by sections of twenty-five miles, and each section is to be approved before work is begun on the section.

The House recedes from its disagreement to the amendments numbered, respectively, 2, 3, 4, 5, 6, and 7.

Under the eighth Senate amendment "the officers, servants, and employés of said company necessary to the construction and management of said road and telegraph and telephone lines shall be allowed to reside while so engaged upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior." The first amendment reported by the conference committee to the eighth Senate amendment simply makes specific what the Senate amendment was doubtless designed to effect, by expressly providing that all officers, servants, and employés of the railroad shall be permitted to reside on the right of way who are necessary to the construction, operation, and management of the road.

The second amendment reported by the conference committee to the eighth Senate amendment limits the regulations which the Secretary of the Interior is authorized to make to such regulations as are in accordance with the intercourse laws of Congress.

OLIN WELLBORN,
RICE A. PIERCE,
B. W. PERKINS,
House Conferees.

Mr. HOLMAN. What is the object of agreeing to the location of this road by sections of twenty-five miles, each subject to the approval of the Secretary of the Interior, instead of the whole line, as originally proposed?

Mr. WELLBORN. The bill, as it originally passed the House, contained no provision whatever requiring the Interior Department to approve of the line. When it went to the Senate, however, it was amended, requiring the Secretary of the Interior to approve the whole line across the Territory before work should be begun on any portion of it. That requirement is an impracticable one, to locate a whole line, two hundred and fifty miles, permanently and definitely, before the work should be begun on any portion of it. The committee of conference, therefore, on investigation of the matter, determined to require the location in sections of twenty-five miles, each section to be approved before the work should be begun. That is all there is of the amendment.

Mr. BLAND. Has there been any change in the provision reserving the power of regulation to Congress?

Mr. WELLBORN. There has not been any change.

The report was adopted.

Mr. WELLBORN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. HANCOCK. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6094) "making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$300,000;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert: "*Provided*, That from and after July 1, 1884, agents for the payment of pensions shall receive only $12.50 for each one hundred vouchers, or at that rate for a fraction of one hundred, prepared and paid by any agent in excess of 4,000 vouchers per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, and 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendments insert the following:

"That the act entitled 'An act relating to claim agents and attorneys in pension cases,' approved June 20, 1878, is hereby repealed; *Provided, however*, That the rights of the parties shall not be abridged or affected as to contracts in pending cases, as provided for in said act; but such contracts shall be deemed to be and remain in full force and virtue, and shall be recognized as contemplated by said act.

"SEC. 2. That sections 4768, 4769, and 4786 of the Revised Statutes are hereby made applicable also to all cases hereafter filed with the Commissioner of Pensions, and to all cases so filed since June 20, 1878, and which have not been heretofore allowed, except as hereinafter provided.

"SEC. 3. That section 4785 of the Revised Statutes is hereby re-enacted and amended so as to read as follows:

"'SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25; nor shall such agent, attorney, or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed: *Provided*, That in all claims allowed since June 30, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney.'

"SEC. 4. That section 4786 of the Revised Statutes is hereby amended so as to read as follows:

"'SEC. 4786. The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty land, and no agreement is filed with the Commissioner as herein provided, the fee shall be $10 and no more. And such articles of agreement as may hereafter be filed with the Commissioner of Pensions are not authorized, nor will they be recognized except in claims for original pensions, claims for increase of pension on account of a new disability, in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension-rolls on testimony taken by a special examiner, showing that the disability or cause of death, on account of which the pension was allowed, did not originate in the line of duty, and in cases of dependent relatives whose names have been or may hereafter be dropped from the rolls on like testimony, upon the ground of non-dependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize them: *Provided*, That no greater fee than $10 shall be demanded, received, or allowed in any claim for pension or bounty land granted by special act of Congress, nor in any claim for increase of pension on account of the increase of the disability for which the pension had been allowed: *And provided further*, That no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension or of increase of pension may be allowed.'

"The articles of agreement herein provided for shall be in substance as follows, to wit:

"'ARTICLES OF AGREEMENT.

"'Whereas I, ——— ———, late a ———, in Company —, of the ——— Regiment of ——— Volunteers, war of 1861 [or, if the service be different, here state the same], having made application for pension under the laws of the United States:

"'Now, this agreement witnesseth, that for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, ——— ———, of ——, the fee of ——— dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney [or attorneys], in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him [or them] in accordance with the provisions of sections 4768 and 4769 of the Revised Statutes.

(Claimant's signature.)
(Two witnesses' signatures.)

STATE OF ———
County of ———, *ss:*

Be it known that on this the — day of ———, A. D. 188—, personally appeared the above named ——— ———, who, after having had read over to —, in the hearing and presence of the two attesting witnesses, the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be —— free act and deed.

(Official signature.)

And now, to wit, this — day of ———, A. D. 188—, I [or we] accept the provisions contained in the foregoing articles of agreement, and will, to the best of my [or our] ability, endeavor faithfully to represent the interest of the claimant in the premises.

Witness my [or our] hand the day and year first above written.

(Signature of attorney.)

STATE OF ———
County of ———, *ss:*

Personally came ——— ———, whom I know to be the person he represents

himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be —— free act and deed.

(Official signature.)

And if in the adjudication of any claim for pension in which articles of agreement have been or may hereafter be filed it shall appear that the claimant had, prior to the execution thereof, paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no article of agreement had been filed, deducting from the fee of $10 allowed by law such sum as claimant shall show that he has paid to his said attorney.

"Any agent or attorney or other person instrumental in prosecuting any claim for pension or bounty land who shall directly or indirectly contract for, demand, or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is herein provided, or for payment thereof at any other time or in any other manner than is herein provided, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land-warrant issued to any such claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding $500, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

"SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims; and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter, or by advertisement.

"SEC. 6. The Commissioner shall have power, subject to review by the Secretary, to reject or refuse to recognize any contract for fees, herein provided for, whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to such contract."

And the Senate agree to the same.

JOHN HANCOCK,
JOHN F. FOLLETT,
W. D. WASHBURN,
Managers on the part of the House.

JOHN A. LOGAN,
H. L. DAWES,
WILKINSON CALL,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying the report under the rules will now be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6094) making appropriations for the payment of pensions, submit the following written statement in explanation of the action recommended on each amendment in the accompanying conference report:

On amendment numbered 1: Inserts the words "estimated at sixty-six million dollars" in connection with the reappropriation of unexpended balances to be available during the fiscal year 1885.

On amendments numbered 2 and 3: Appropriates $300,000 for salaries, fees, rent, fuel, lights, and postage for pension agents; fixes the fees for preparing vouchers at $12.50 per hundred, and strikes out provision to reduce the pension agencies from eighteen to twelve.

On amendments 4, 5, 6, 7, and 8: Inserts the matter which is set forth in full in the conference report in lieu of sections 2, 3, 4, 5, and 6 of the bill as it passed the House.

The bill as agreed upon appropriates $20,810,000, and reappropriates an unexpended balance estimated at $66,000,000.

JOHN HANCOCK,
JOHN F. FOLLETT,
W. D. WASHBURN,
Managers on the part of the House.

The report was agreed to.

Mr. HANCOCK moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. FORNEY, the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, was taken from the Speaker's table, the amendments of the Senate ordered to be printed, and the bill and amendments referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. TURNER, of Georgia. Mr. Speaker, I ask the House now to proceed to the consideration of the contested-election case growing out of the resolution relating to the election of Thomas G. Skinner, from the first district of North Carolina.

Mr. MCMILLIN. Mr. Speaker, this being private bill day, and as it may possibly be the last private bill day we will have during the remainder of the session, I must raise the question of consideration.

Mr. TURNER, of Georgia. If the gentleman from Tennessee will allow the remark to be made, I will state that I propose to call the previous question in this case at the end of two hours' debate.

The SPEAKER. The question is, Will the House proceed to consider the election case?

Mr. SINGLETON. I will give notice if that fails I shall again attempt to call up for consideration the bill declaring the forfeiture of the Northern Pacific land grant.

Several MEMBERS. Regular order!

The question was taken on the motion to proceed with the election case.

The House divided; and there were—ayes 67, noes 73.

Mr. TURNER, of Georgia. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. TURNER, of Georgia, and Mr. MCMILLIN were appointed tellers.

The House again divided; and the tellers reported—ayes 64, noes 104.

So the House refused to proceed with the consideration of the election case.

Mr. SINGLETON. Mr. Speaker——

Mr. SCALES. I rise to submit a privileged report.

The SPEAKER. This being Friday, the call of committees for reports of a private nature is in order. The gentleman from Mississippi addressed the Chair.

Mr. SINGLETON. I do not propose to antagonize private business.

Mr. HENLEY. I move now to proceed with the consideration of business on the House Caledar for the purpose of taking up the forfeiture of the Northern Pacific land grant.

The SPEAKER. That can only be done by dispensing with private business.

Mr. HENLEY. I move to dispense with private business.

The SPEAKER. The Chair will state the motion: The gentleman from California proposes to dispense with the consideration of private business for to-day.

ARMY APPROPRIATION BILL.

Mr. FORNEY. Pending the motion to dispense with private business, I desire to present a report from the committee of conference on the disagreeing votes of the two Houses on the Army appropriation bill.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 6861, making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 11, 12, 36, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 34, 37, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, and 50, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$12,150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "That the Secretary of War is authorized to appoint on the recommendation of the Quartermaster-General as many post quartermaster-sergeants, not to exceed eighty, as he may deem necessary for the interests of the service, said sergeants to be selected by examination from the most competent enlisted men of the Army who have served at least four years, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to the post and other quartermasters. Said post quartermaster-sergeants shall so far as practicable perform the duties of storekeepers and clerks in lieu of citizen employés. The post quartermaster-sergeants shall be subject to the Rules and Articles of War, and shall receive for their services the same pay and allowances as ordnance-sergeants;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: On page 10, after the word "advertisements," in lines 8 and 9 of the bill, insert "except in cases of extreme emergency;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows:

At the end of the amended paragraph, after the word "Register," insert the following:

"*Provided*, That the medical officers of the Army and contract surgeons shall, whenever practicable, attend the families of the officers and soldiers free of charge."

And the Senate agree to the same.

On amendment numbered 35 the conference committee is unable to agree.

WILLIAM H. FORNEY,
RICHD. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

JNO. A. LOGAN,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6861, making appropriations for the support of the Army for the fiscal year 1885, submit the following written statement in explanation of the effect of the action recommended on each amendment in the accompanying conference report:

On amendment numbered 1: Provides for an additional allowance of $1,000 to the officer in command of the military prison at Fort Leavenworth.

On amendments numbered 2, 25, 29, 41: Restores to the bill the provision for the appointment of post quartermaster-sergeants, limiting their number to eighty, and fixing their compensation and allowances at the same as given to ordnance-sergeants. Strikes out the provision to abolish wagon and forage masters, and to issue fuel in kind to officers on duty west of the Mississippi River.

On amendment numbered 3: Appropriates $12,150,000 for pay of the Army.

On amendments numbered 4, 5, 6, 7, 8, 9, and 10: Provides as follows: "That hereafter any paymaster of the rank of major who has served twenty years in the United States Army as a commissioned officer may, upon his own application, or by direction of the President, be placed upon the retired-list of the Army, until the Pay Department shall be reduced to thirty-five members, as follows: One Paymaster-General, with the rank of brigadier-general; two assistant paymasters-general, with the rank of colonel; three deputy paymasters-general, with the rank of lieutenant-colonel, and twenty-nine paymasters, with the rank

of major; and no more appointments of paymasters shall be made in the Pay Department until the number shall be reduced below twenty-nine majors, and thereafter the number of officers in the Pay Department shall not exceed thirty-five: *Provided further*, That nothing herein shall be construed to change the present relative rank of any officer now in the Pay Corps: *And provided further*, That section 1225 of the Revised Statutes, relating to the detail of officers of the Army to act as presidents, superintendents, and professors of colleges and universities, be so amended as to read 'but the number of officers so detailed shall not exceed forty at any time,' instead of thirty, as now provided by act of July 5, 1876, amendatory of said section."

On amendments numbered 11 and 12: Retains in the bill as it passed the House the provision for sales of subsistence supplies to officers and men at cost prices, and strikes out the following: "That the purchases made by the commissary of cadets at West Point, from the funds appropriated for the pay of cadets, shall, as far as practicable, be made upon public advertisement, as for other Army supplies, under such regulations as the Secretary of War may adopt."

On amendments numbered 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24: Applies to the Commissary Department the same regulations contained in the House bill governing the purchase of supplies by the Quartermaster's Department, and makes verbal corrections in the text of the bill.

On amendments 26, 27, 28, 30, 31, and 32: Makes verbal corrections in the bill, provides for interment of officers killed in action or who die at military posts on the frontiers, and provides for extra-duty pay to clerks at army, division, and department headquarters at 50 cents per day.

On amendments 33 and 34: Makes verbal corrections in the text of the bill.

On amendments 36, 37, 38, 39, and 40: Strikes out the words "hire of" in the provision for barracks and quarters; also the words "for commutation of quarters for general-service men;" leaves in the bill the provision that no expenditure exceeding $500 shall be made on any building or military post without the approval of the Secretary of War; and provides that the civilians employed under the Quartermaster's Department shall include those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, and camp and garrison equipage.

On amendment numbered 42: Strikes out the following: For quarters for the non-commissioned staff of the Army, as sergeant-major, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, veterinary surgeons, and chief musicians and chief trumpeters, and principal musicians, $25,000."

On amendment numbered 43: Appropriates $100,000 for construction and repair of hospitals.

On amendment numbered 44: Strikes out the following: "For construction of quarters adjacent to the hospitals for hospital stewards, as recommended by the Surgeon-General of the Army, including the pay of enlisted men employed on extra duty in the same, $15,000."

On amendments 45 and 46: Appropriates $225,000 for the Medical Department, and limits the expenditure therein to $36,000 for civilian employés and provides that medical officers of the Army shall attend the families of the officers and soldiers free of charge.

On amendment 47: Strikes out the sum of $15,000 for field steel guns.

On amendments 48, 49, and 50: Makes the last paragraph of the bill read as follows:

"That hereafter all officers, agents, or other persons receiving public moneys appropriated by this or any subsequent Army appropriation act shall account for the disbursement thereof according to the several and distinct items of appropriation expressed in such act."

On amendment numbered 35: Which strikes out that portion of the bill fixing the compensation to railroads that received aid from the Government in addition to land grants by loan or guarantee of bonds for the transportation of the property or troops of the United States at not exceeding 50 per cent. of the amount paid by private parties for the same kind of service, the committee of conference is unable to agree.

The bill as far as agreed upon appropriates $24,454,450, being $100,000 less than as it passed the Senate and $210,000 more than as it passed the House. It is $226,800 less than the law for the current year and $2,355,653.91 less than the estimates.

WM. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. FORNEY. I move that the House agree to the report of the committee of conference.

The report was agreed to.

Mr. FORNEY moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. FORNEY. I move that the House further insist on its disagreement to the amendment of the Senate numbered 35.

Mr. KEIFER. And ask for a further committee of conference.

Mr. FORNEY. Perhaps the Senate may recede.

The SPEAKER. It is entirely competent for the House to ask for a committee of conference at this time.

Mr. KEIFER. I think we should.

Mr. FORNEY. Very well; I move that the House further insist on its disagreement to the amendment No. 35 and ask for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. FORNEY, Mr. TOWNSHEND, and Mr. KEIFER.

ORDER OF BUSINESS.

The SPEAKER. The question now recurs on the motion made by the gentleman from California [Mr. HENLEY] to dispense with the consideration of private business. This motion requires a vote of two-thirds.

Mr. KEIFER. I presume that would not dispense with the evening session for pension bills.

The SPEAKER. It would not.

The question being taken on Mr. HENLEY's motion, there were—ayes 47, noes 70.

So (further count not being called for and two-thirds not having voted in the affirmative) the consideration of private business was not dispensed with.

Mr. MCMILLIN. I move that the House proceed to the consideration of the unfinished private business. There are various reports made by the Committee of the Whole which ought to be disposed of.

The SPEAKER. The Chair will state that those reports are not unfinished business in the proper sense of the term, because the House itself has not entered on the consideration of them. They could only now be taken up by unanimous consent, but they will come up regularly as soon as the Committee of the Whole rises, if the House should go into committee, as reports from the Committee of the Whole in their regular order.

Mr. MCMILLIN. I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. COX, of New York, in the chair.

SILAS Q. HOWE.

The CHAIRMAN. The Committee of the Whole resumes the consideration of the Private Calendar. The Clerk will read the pending bill.

The Clerk read the title of the pending bill, as follows:

A bill (H. R. 329) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.

The CHAIRMAN. The bill and report have already been read.

Mr. HOLMAN. I think it would be well to read the report again.

The report, which has already been printed in the RECORD, was again read.

Mr. HOLMAN. When this bill was before the Committee of the Whole when the House was last in Committee of the Whole on the Private Calendar, I mentioned the fact that my colleague from Indiana, General BROWNE, was more familiar with the facts of the case than perhaps any other gentleman. I see he is now present and I am glad to yield the floor to him.

Mr. BROWNE, of Indiana. If the committee will give me its attention for three minutes I think I can make it understand the facts in this case. I had to do with it while I was acting as the attorney of the United States for the district of Indiana. I prosecuted the case in the courts of that State against Pate & Co. There was a trial by jury and a failure on the part of the jury to agree; and that failure originated because of a misapprehension on the part of both the jury and the counsel as to the testimony of one of the important witnesses for the Government.

The case was this: Under the revenue law then, and I suppose it is the same now, distillers are required to keep what are known as distillery books, in which is kept a record not only of all material furnished them, &c., but of all the spirits distilled, and to state when and to whom distilled spirits were shipped; and this book of the distiller is kept constantly open for investigation on the part of the revenue officers. A revenue detective examining the books found that this company reported to have manufactured within a certain term a certain quantity of distilled spirits. I do not remember now whether that term embraced a whole year or less than a year. The detective, having ascertained the amount of spirits distilled according to the distillers' books, then proceeded to make investigations in Louisville and other places, and found that during this period this company had put into the market spirits in excess of those reported to have been manufactured amounting to something over 9,000 gallons, if I remember correctly.

The Government at once assumed that as more spirits had been sold within the period than the distillers had reported as having been manufactured by them this excess of sale over the amount distilled was fraudulent. The Government thereupon assessed the distillers, and under the law they were compelled to pay the amount or subject their distillery to seizure. They could not contest the fact in advance of payment. I am not certain whether the distillery was actually seized or not. It was either seized or they were compelled to pay under protest.

The case went into the courts, as I have stated. Ten, I think, of the twelve jurors were in favor of an acquittal. It was ascertained subsequent to the mistrial that the excess of sales was accounted for in this way: Pate & Co. had been for some time engaged in the business of distilling, and they had on hand prior to the time mentioned a large quantity of what is known as free whisky—that is, a large quantity of whisky on which taxes had been paid—in fact, they had not only sold during this period the spirits they had manufactured and paid taxes upon within the period, but other spirits that had been before that time manufactured on which they had paid their taxes. This was conclusively established by the testimony of the witnesses for the United States.

It was so clearly, unmistakably proved that, under the direction of the court, the Government abandoned the prosecution. I conferred with the judge of the court who had heard the testimony, and upon his direction I dismissed the case. The court had no doubt then, and I have never entertained a doubt for a moment since, that Pate & Co. had been compelled to pay tax twice on the amount of spirits covered by this bill. They are not only entitled to recover it back, but it ought to have been returned to them long ago.

Mr. HOLMAN. I think that upon the facts now before the com-

mittee there will be no objection to laying this bill aside to be reported favorably to the House, and I make that motion.

Mr. WHITE, of Kentucky. Before that question is put I desire to call the attention of the committee to the fact that here is a case involving over $19,000, a whisky claim that has been delayed for seventeen years. After the statement of the distinguished gentleman from Indiana [Mr. BROWNE], for whose return this case has been waiting, lo! these many days, because the gentleman from the third district of Indiana [Mr. HOLMAN] knew nothing about it when it was taken up the last time the Private Calendar was considered, because the gentleman from the Committee of Ways and Means who reported the case was absent and the other members of the Committee of Ways and Means knew nothing about it, I wish to state that those were the reasons why in the past I conceived it to be my duty to oppose the passage of this bill.

After the clear statement of the distinguished gentleman from Indiana [Mr. BROWNE], who was the United States attorney, and who has stated that the testimony of the witnesses for the Government showed conclusively that these men were falsely reported, I desire to call the attention of the committee to some recent legislation on this whisky business. I refer to the provision which was passed here under the lead of my colleague [Mr. THOMPSON], and I am glad to see him present, allowing the Secretary of the Treasury to appoint storekeepers and gaugers for several counties and requiring the small distillers to bring their spirits to one special bonded warehouse. That leaves it to some unscrupulous prowling revenue agent, under the leadership of some politician like the present Commissioner of Internal Revenue or the late Commissioner of Internal Revenue, under the lead of some man high in internal-revenue service, to require a man of large means and good credit, as Mr. Pate is shown to have been, as the distinguished gentleman who has just taken his seat states he was, a man totally innocent—to allow an unscrupulous agent to require that man to go into the Federal courts.

Now, I ask my colleague, whether, under the operation of his bill which we passed a few days ago, the small distillers will not under the system of red tape and oppression and dictatorship of such corrupt officials be utterly obliterated, and good men, who, though not of great wealth, still possess means and good credit even higher than the credit of Mr. Pate was, will be compelled to break up their business?

This bill shows, to my mind, more conclusively than ever that the passage of the bill recently pressed through by my colleague [Mr. THOMPSON] is but the fastening of another link, but another tightening of the chain which will enable the grand whisky monopoly, which now has 100,000,000 gallons in bond, to crush out all the smaller distillers upon the plea that they will eventually pay the tax on the whisky they have in bond. Yet we all know that under the Carlisle bill of 1880 they are allowed seven and one-half gallons of leakage on each cask of forty gallons. And under the law of 1878 they have three years' time within which to pay the tax, and at the expiration of those three years they can ship their old whisky abroad without paying any tax upon it and put new whisky in bond in place of it.

The result is that these men—with 100,000,000 gallons of whisky in bonded Government warehouses for which the people are taxed only $5,000,000 for the purpose of paying these unscrupulous prowling revenue agents; these whisky monopolists; this whisky ring, without paying any revenue—are enabled to crush out the smaller distilleries and pile up in the bonded warehouses an unlimited supply of whisky, and when the time comes that the tax is wiped out, then this whisky ring will have on hand a large quantity of aged whisky, while the Government will lose all the tax upon it.

Mr. BROWNE, of Indiana. Would it be in order, Mr. Chairman, to return now to the consideration of the Pate bill?

The CHAIRMAN. The question is upon the motion of the gentleman from Indiana [Mr. HOLMAN] that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. On several occasions heretofore bills have been considered in the Committee of the Whole on the Private Calendar, have been laid aside to be reported favorably to the House, have been reported to the House, and are yet undisposed of. I think we ought to dispose of these bills before we crowd any more into the House for consideration. I therefore move that the committee now rise.

Mr. MCMILLIN. I hope the gentleman will not insist upon that motion. By unanimous consent an order of the House was made that to-day at 1 o'clock we should take a vote on the forfeiture land-grant bill which was under discussion yesterday. We can take up and dispose of one or two bills in Committee of the Whole before that time arrives. I sympathize with the gentleman in the object he seeks to accomplish and will do all I can to aid him to accomplish it.

Mr. SPRINGER. Very well; I will withdraw the motion with that understanding.

The CHAIRMAN. The Chair will state that, by order of the House, this Committee of the Whole must rise at 1 o'clock so that a particular bill may be taken up in the House.

Mr. SPRINGER. I withdraw my motion.

HIRAM JOHNSON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 1477) to pay Hiram Johnson and other persons therein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. MCMILLIN. I move that this bill be passed over, and that we proceed to the consideration of the next bill on the Private Calendar. A bill embracing the same subject-matter as House bill No. 1477 has been heretofore disposed of in the Committee of the Whole and is now awaiting the action of the House.

The CHAIRMAN. This bill can not be laid aside informally except by unanimous consent.

Mr. WHITE, of Kentucky. I object. I think we had better take up these claims in their regular order.

Mr. MCMILLIN. I will again state, for the information of the gentleman from Kentucky, that a bill covering the same subject-matter as House bill No. 1477 has been disposed of heretofore in Committee of the Whole and is now awaiting the action of the House. I presume that bill will be disposed of to-day.

Mr. WHITE, of Kentucky. Do I understand the gentleman to say that this subject has been acted on already in committee?

Mr. MCMILLIN. It has been; and I desire that this bill be passed over informally until action shall be had in the House on a similar bill.

Mr. WHITE, of Kentucky. I withdraw my objection to the suggestion of the gentleman from Tennessee.

The CHAIRMAN. If there be no objection this bill will be laid aside informally.

There was no objection; and it was ordered accordingly.

PRIVATE LAND CLAIM IN NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 130) to confirm a certain private land claim in New Mexico.

Mr. MULDROW. I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

There being no objection, it was ordered accordingly.

MARCOS RADICH.

The next business on the Private Calendar was the bill (H. R. 4381) for the relief of Marcos Radich.

Mr. STORM. The Senate bill similar to this was passed some two months ago.

Mr. HOLMAN. This bill, then, should be reported to the House with a recommendation that it lie on the table.

The CHAIRMAN. If there be no objection this bill will be laid aside to be reported to the House with a recommendation that it be laid on the table.

There being no objection, it was ordered accordingly.

WILLIAM H. DAVIS.

The next business on the Private Calendar was the bill (H. R. 4382) for the relief of William H. Davis.

Mr. GEDDES. By an arrangement with parties interested in this bill it has been agreed that it be passed over informally for the present.

The CHAIRMAN. The gentleman from Ohio [Mr. GEDDES] asks unanimous consent that this bill be passed over informally. The Chair hears no objection, and that order will be made.

JANE M. GOODALL.

The next business on the Private Calendar was the petition of Jane M. Goodall, reported adversely from the Committee on War Claims.

Mr. MCMILLIN. I ask unanimous consent that this matter be passed over informally.

Mr. WHITE, of Kentucky. I object.

Mr. HOLMAN. I believe there is a long report on this case, and it is adverse.

Mr. MCMILLIN. It is.

Mr. WHITE, of Kentucky. I call for the reading of the report.

Mr. MCMILLIN. This is a matter which, if considered, must cause some controversy. As there is a special order in the House at 1 o'clock, and it is now about that time, I move that the committee rise.

The CHAIRMAN. Before putting the question the Chair will state the position of the pending matter, the petition of Jane Goodall. The objection of the gentleman from Kentucky [Mr. WHITE] to passing over the matter informally is pending.

Mr. WHITE, of Kentucky. And I have called for the reading of the report.

The CHAIRMAN. Meanwhile, the gentleman from Tennessee [Mr. MCMILLIN] moves that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the Private Calendar, having had under consideration the Private Calendar, had directed him to report favorably a bill (H. R. 329) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co., with a recommendation that it lie on the table, and a bill (H. R. 4381) for the relief of Marcos Radich.

QUESTION OF PRIVILEGE.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a question of privilege affecting the proceedings of the House. I send to the Clerk's desk this morning's National Republican, and ask for the reading of so much as relates to the bill we are now about to vote upon; and I shall ask the House to take such action as in its judgment may seem fit under the circumstances.

The SPEAKER. The gentleman from Kentucky states that he rises to a question of privilege, and sends an article to the desk to be read.

The Clerk proceeded to read.

Mr. OATES. Is that in order?

The SPEAKER. The Chair does not know what the matter is until it is read. The gentleman from Kentucky states he rises to a question of privilege affecting the integrity of the proceedings of the House. If it be such a question of course it is a matter of privilege under the rules.

The Clerk read as follows:

BACKBONE LAND GRANT—A LETTER FROM E. JOHN ELLIS THAT WILL BEAR AN EXPLANATION—CHAIRMAN BARNUM'S CONNECTION WITH THIS UNPLEASANT BUSINESS.

The unsavory Backbone land-grant matter came up in the House yesterday, and a bill to forfeit the grant was defeated by a vote of 77 for to 121 against. The grant embraces about 1,492,000 acres of land, valued at something like $5,000,000. There has been a scandal attached to this grant from the first. The grant was voted to the New Orleans, Baton Rouge and Vicksburg (the Backbone) Railroad Company about the same time the Texas Pacific concession went through Congress.

W. H. Barnum, of "seven-mule" fame, was on the House Railroad Committee at that time, and president of the New Orleans, Baton Rouge and Vicksburg Railway Company. This circumstance is merely mentioned as a coincidence. In 1881 the Backbone company, through W. H. Barnum, its president, and his son, W. M. Barnum, transferred the grant to the New Orleans Pacific (now a part of the Texas Pacific) receiving, according to common report, a third interest in a line of railroad to be built over substantially the same route laid out by the Backbone. Backbone land-grant bonds to the nominal value of $5,000,000 were subsequently provided for by the purchasers at 20 cents on the dollar, but not without a row.

It has been charged repeatedly that a large quantity of these land-grant bonds had found their way into the hands of Congressmen, and that a settlement for the redemption of the bonds was only reached as the consequence of threatened exposure.

Representative E. JOHN ELLIS, of Louisiana, has led the fight against the forfeiture of the grant at this session of Congress, and, as the vote shows, has done good work. Rival lobbies have been laboring industriously in this matter, one for and the other against the passage of the forfeiting bill.

Capt. J. A. George, whose name has been mixed up in this deal for years, visited this office last evening and produced the following letter, which he said had been written him by Mr. ELLIS, and which would seem to indicate that the Louisiana Congressman had knowledge of crookedness in connection with the scheme he now champions, which his compeers and the country might wish to hear about:

HOFFMAN HOUSE, NEW YORK, *November* 7, 1881.

MY DEAR CAPTAIN: Your favor of the 5th instant was received yesterday. I gave your letters, demand, &c., to Mr. B. for his consideration. He promised me an engagement last Friday week, and I failed to keep it. A few days after he went home to Connecticut, sick. I have been very busy with my own affairs and shall leave in a day or two for New Orleans. From what I learn, though, affairs are in a hell of a muddle through some parties who bought some Backbone stock honestly, and through some other parties who were in Congress and the Senate when the bill was passed, and who represent stock that was paid as bribes.

As the road is now an assured fact I care but little about the matter, and would, above all things, delight to see a rigid and close investigation; and if they do not spoil the chance by settlement I shall move an investigation in December. If they settle, of course they will all swear one way. If they don't settle, then we might get some truth, and in that case you and Newell would be of valuable assistance. I am only sorry for Mr. Wheelock.

I trust you and Colonel Newell will get your honest dues. I suppose Mr. B. will give you direct answer as soon he is well. But from the shape of things I think there will be no settlement at all, but that a devil of a row will be kicked up, and that when Congress meets that resolution of final forfeiture will be passed. I shall leave here in a day or two for home.

Very truly, yours,

E. JOHN ELLIS.

To Capt. J. A. GEORGE.

Mr. ELLIS might do his country a service by rising in his seat to-day and telling what he knows about the "Backbone" scheme, and give up his proof, if he has any, of the corruption he referred to in the above letter.

Mr. Barnum, chairman of the Democratic national committee, might also make a statement in this connection. It would be interesting to know whether he still holds an interest in the "Backbone," and whether his recent visit to Washington had anything to do with the action of the House; also, whether he is the Mr. B. referred to in Mr. ELLIS's letter. There are several other things that might prove of interest in this business if both sides could be induced to talk.

The SPEAKER. Upon what ground does the gentleman claim this is a matter of privilege?

Mr. WHITE, of Kentucky. I claim in view of the fact we are about to vote on the Backbone land grant, in view of the fact that report No. 31, from which I read a short extract yesterday showing the whole proceeding by which this land grant, or land grab I should say, was secured from Congress. It strikes me, sir, in view of the debate and the dilatory proceedings indulged in here some time ago, when we were about to get this forfeiture up, and which has delayed this matter from time to time—I say it does strike me, Mr. Speaker, we are about to act hastily in the matter, and that the full investigation of the facts connected with this land grant or land grab from beginning to end should be made by a committee of this House.

The SPEAKER. But the gentleman has not moved for a committee. And, besides, if he did it would not be a matter of privilege. It simply appears from the letter read that the writer of it believed, or had an impression at least, there had been some improper means employed to procure the original grant in a previous Congress. In that letter——

Mr. WHITE, of Kentucky. The gentleman who wrote it is a member of this House.

The SPEAKER. But there is nothing to show that the gentleman who wrote it has been guilty of improper conduct. On the contrary, that gentleman stated that in a certain contingency he would move an investigation as to what had been done in a previous Congress.

Mr. WHITE, of Kentucky. And that is exactly why I am asking that something should be done—that the very thing he asks be done should now be done. [Cries of "Regular order!"]

The SPEAKER. The Chair decides no matter of privilege has been presented whatever. [Cries of "Regular order!"]

Mr. MOULTON. What has been read should not be permitted to go into the RECORD.

Mr. WHITE, of Kentucky. I ask the Clerk to read Rule IX.

The Clerk read as follows:

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Mr. WHITE, of Kentucky. I call the attention of the Speaker to the fact that this letter, in connection with the bill we are about to vote on at 1 o'clock, does affect the dignity and integrity of the proceedings of this House.

The SPEAKER. How? That is what the Chair desires the gentleman to state.

Mr. WHITE, of Kentucky. I have had the letter read for that purpose, and if the Chair does not see it I can not help him. [Laughter.]

The SPEAKER. That letter seems to relate entirely to matters which transpired in a previous Congress, so far as the Chair understands it from the reading at the desk. [Cries of "Regular order!"]

Mr. ELLIS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. ELLIS. I regret the gentlemen who are endeavoring to forfeit this land grant should have been driven by stress of weather to the poor expedient of directing a personal attack upon me. My attention was called to it very early this morning. I was somewhat nettled. I put myself in consultation with a valued friend upon whose honor and courage I can rely, and he wrote for me the following, which I will read:

"Mr. Speaker, while I do not desire to interrupt the vote on this question by any matters personal to myself arising from the publication of a letter in this morning's National Republican purporting to have been written by myself, and which letter I pronounce to be materially altered and garbled to suit the purposes of the publisher thereof, I desire now to state that at an early day I shall claim from the House, as a matter of personal privilege, the opportunity to expose the animus, the falsity, and the malignity of the unwarranted innuendoes directed against myself in the publication alluded to, which are intended to warp and bias the judgment of this House upon a question purely of law and equity.

"All that I can say now is that this is the last vindictive thrust of a professional black-mailer, whose baffled greed and disappointed avarice have directed this blow at me, whose unfortunate connection with him originated in a desire to do him a kindness, I at that time being unware of his real character and supposing him to be an honest man." [Great applause.]

BACKBONE RAILROAD LAND GRANT.

The SPEAKER. By order of the House the vote will now be taken on the motion of the gentleman from Alabama [Mr. OATES] to lay upon the table the motion to reconsider the vote by which the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes, was rejected.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

Mr. WHITE, of Kentucky. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. If the House should decide to reconsider the vote by which the Backbone Railroad land-grant bill failed to pass what then would be the status of the matter in the House?

The SPEAKER. If the House should reconsider the vote the question then would be, Shall the bill pass?

Mr. WHITE, of Kentucky. And it would be open to debate as before?

The SPEAKER. It would; and it has always been held when a vote has been reconsidered it comes before the House divested of the operation of the previous question.

Mr. TOWNSHEND. What is the question?

The SPEAKER. The question is to lay the motion to reconsider on the table, on which the yeas and nays have been ordered.

The question was then taken; and it was decided in the affirmative—yeas 124, nays 115, not voting 85; as follows:

YEAS—124.

Adams, G. E.	Findlay,	McCoid,	Ray, Ossian
Adams, J. J.	Garrison,	McCormick,	Reed,
Aiken,	George,	Maybury,	Robinson, J. S.
Arnot,	Goff,	Millard,	Rockwell,
Bagley,	Greenleaf,	Miller, S. H.	Rogers, J. H.
Bayne,	Guenther,	Milliken,	Rowell,
Bisbee,	Hancock,	Mills,	Seymour,
Breitung,	Harmer,	Mitchell,	Shelley,
Brewer, J. H.	Hart,	Money,	Smalls,
Broadhead,	Hatch, H. H.	Morse,	Smith,
Campbell, J. M.	Henderson, D. B.	Muldrow,	Stephenson,
Cannon,	Henderson, T. J.	Murphy,	Stevens,
Carleton,	Herbert,	Mutchler,	Strait,
Collins,	Hewitt, A. S.	Nelson,	Struble,
Converse,	Hiscock,	Nutting,	Taylor, J. D.
Culberson, D. B.	Holmes,	Oates,	Thomas,
Culbertson, W. W.	Horr,	Ochiltree,	Throckmorton,
Cutcheon,	Houk,	O'Ferrall,	Tillman,
Dargan,	Houseman,	O'Hara,	Tucker,
Davis, G. R.	Howey,	Parker,	Turner, H. G.
Davis, R. T.	Hunt,	Payne,	Valentine,
Deuster,	Jeffords,	Payson,	Vance,
Dibble,	Johnson,	Peel,	Van Eaton,
Dibrell,	Jordan,	Poland,	Wadsworth,
Dorsheimer,	Kasson,	Post,	Wait,
Dunham,	Kean,	Potter,	Wallace,
Eaton,	Keifer,	Price,	Washburn,
Elliott,	Kellogg,	Pusey,	White, Milo
Ellis,	Ketcham,	Rankin,	Whiting,
Ellwood,	Lawrence,	Ranney,	Wilson, James
Evans, I. N.	Libbey,	Ray, G. W.	Winans, John.

NAYS—115.

Alexander,	Dingley,	Jones, J. H.	Stewart, Charles
Anderson,	Dunn,	Jones, J. K.	Stockslager,
Atkinson,	Eldredge,	Kleiner,	Stone,
Ballentine,	English,	Laird,	Storm,
Barksdale,	Ermentrout,	Lamb,	Talbott,
Beach,	Everhart,	Lanham,	Taylor, J. M.
Bennett,	Ferrell,	Le Fevre,	Thompson,
Bland,	Fiedler,	Lewis,	Townshend,
Blount,	Finerty,	Lore,	Tully,
Bowen,	Follett,	Lowry,	Turner, Oscar
Boyle,	Foran,	McAdoo,	Van Alstyne,
Brainerd,	Forney,	McComas,	Ward,
Browne, T. M.	Geddes,	McMillin,	Warner, Richard
Brown, W. W.	Gibson,	Miller, J. F.	Weaver,
Buchanan,	Glascock,	Morrill,	Wellborn,
Burnes,	Graves,	Neece,	Weller,
Cabell,	Green,	Paige,	White, J. D.
Caldwell,	Halsell,	Patton,	Wilkins,
Candler,	Hammond,	Pierce,	Williams,
Cassidy,	Hardeman,	Peters,	Willis,
Chalmers,	Hardy,	Pryor,	Wilson, W. L.
Clements,	Hatch, W. H.	Reese,	Winans, E. B.
Cobb,	Hemphill,	Rice,	Wise, G. D.
Cosgrove,	Henley,	Riggs,	Wolford,
Covington,	Hewitt, G. W.	Scales,	Woodward,
Cox, S. S.	Holman,	Seney,	Worthington,
Cox, W. R.	Hopkins,	Shaw,	Yaple,
Crisp,	James,	Singleton,	York.
Davis, L. H.	Jones, B. W.	Spooner,	

NOT VOTING—85.

Barbour,	Cullen,	Lacey,	Russell,
Barr,	Curtin,	Long,	Ryan,
Belford,	Davidson,	Lovering,	Skinner, C. R.
Belmont,	Dockery,	Lyman,	Skinner, T. G.
Bingham,	Dowd,	Matson,	Slocum,
Blackburn,	Duncan,	Morgan,	Snyder,
Blanchard,	Evins, J. H.	Morrison,	Spriggs,
Boutelle,	Funston,	Moulton,	Springer,
Breckinridge,	Fyan,	Muller,	Steele,
Brewer, F. B.	Hanback,	Murray,	Stewart, J. W.
Brumm,	Haynes,	Nicholls,	Sumner, C. A.
Buckner,	Hepburn,	O'Neill, Charles	Sumner, D. H.
Budd,	Hill,	O'Neill, J. J.	Taylor, E. B.
Burleigh,	Hitt,	Perkins,	Wakefield,
Calkins,	Hoblitzell,	Pettibone,	Warner, A. J.
Campbell, Felix	Holton,	Phelps,	Wemple,
Campbell, J. E.	Hooper,	Randall,	Wise, J. S.
Chace,	Hurd,	Reagan,	Wood,
Clardy,	Hutchins,	Robertson,	Young.
Clay,	Jones, J. T.	Robinson, W. E.	
Connolly,	Kelley,	Rogers, W. F.	
Cook,	King,	Rosecrans,	

So the motion to reconsider was laid on the table.

Mr. OATES. I ask unanimous consent to dispense with the reading of the names.

Mr. WHITE, of Kentucky. I object.

The Clerk recapitulated the names of those voting on the proposition.

Mr. CLAY. I am paired with the gentleman from Ohio, Mr. HURD. If he were present, he would vote "ay" and I should vote "no" on this proposition.

The following pairs were announced:

Mr. BLACKBURN with Mr. RUSSELL, until further notice.

Mr. COX, of North Carolina, with Mr. BAYNE, until further notice.

Mr. TALBOTT with Mr. STEELE, until further notice.

Mr. SNYDER with Mr. BARR, until further notice.

Mr. HILL with Mr. HOLTON, until further notice.

Mr. REAGAN with Mr. KELLEY, until further notice.

Mr. EVINS, of South Carolina, with Mr. LACEY, until further notice.

Mr. DAVIDSON with Mr. HAYNES, until further notice.

Mr. BUCKNER with Mr. KELLOGG, until further notice.

Mr. GREEN with Mr. THOMAS, until further notice.

Mr. ROGERS, of New York, with Mr. HOOPER, until further notice.

Mr. PAIGE with Mr. BOUTELLE, until further notice.

Mr. DUNCAN with Mr. SMITH, until further notice.

Mr. DOCKERY with Mr. BREWER, of New Jersey, until further notice.

Mr. MATSON with Mr. LIBBEY, until further notice.

Mr. CLARDY with Mr. JOHN S. WISE, until further notice.

Mr. NICHOLLS with Mr. CHACE, until further notice.

Mr. MORGAN with Mr. CULLEN, until further notice.

Mr. HUTCHINS with Mr. CALKINS, until further notice.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until further notice.

Mr. SUMNER, of Wisconsin, with Mr. WAKEFIELD, until further notice.

Mr. ROBERTSON with Mr. BARR, until further notice.

Mr. WARNER, of Ohio, with Mr. KETCHAM, until June 30.

Mr. LAMB with Mr. LONG, until June 28.

Mr. CURTIN with Mr. LYMAN, until June 28.

Mr. HENDERSON, of Illinois, with Mr. MURPHY, on this vote.

Mr. LAMB. Mr. Speaker, I am announced as being paired with the gentleman from Massachusetts, Mr. LONG. That is a mistake; the gentleman from Massachusetts is paired with Mr. MATSON, of Indiana.

Mr. HOPKINS. I notice that my pair has not been read. I was informed that I had been paired, and hence refrained from voting. I ask now to record my vote.

Mr. NEECE. I was paired on this bill with the gentleman from Ohio, Mr. WARNER, but I notice by the reading of the pairs that he has been paired with somebody else.

The SPEAKER. The Chair is informed that the Clerk has not concluded the reading of the pairs as yet.

The following additional pairs were read:

Mr. BUDD with Mr. HUTCHINS, on this vote.

Mr. MATSON with Mr. LONG, for this day.

Mr. STEWART, of Vermont, with Mr. SPRINGER, for this day.

Mr. HEPBURN with Mr. COOK, for this day.

Mr. ROSECRANS with Mr. RYAN, for this day.

Mr. MULLER with Mr. HOUK, for this day.

Mr. CAMPBELL, of New York, with Mr. KING, on this vote. Mr. KING would vote "ay," Mr. CAMPBELL "no."

Mr. HANBACK with Mr. SNYDER, on this vote.

Mr. HOPKINS. I now ask leave to record my vote.

The SPEAKER. The gentleman from Pennsylvania, Mr. HOPKINS, and the gentleman from Illinois, Mr. NEECE, state that, believing themselves to be paired upon this vote, they did not answer when their names were called. If there be no objection they will be allowed to cast their vote.

There was no objection.

Mr. BREWER, of New Jersey. A pair was read for me with the gentleman from Missouri [Mr. DOCKERY]. I desire to say that he left me free to vote on questions not political in their nature. I do not consider this such a question, and have therefore voted.

Mr. SKINNER, of New York. On this question I am paired with the gentleman from Pennsylvania [Mr. RANDALL].

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. MCMILLIN. I demand the regular order.

The SPEAKER. The regular order is the consideration of bills reported from the Committee of the Whole on the Private Calendar.

The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

Mr. MCMILLIN. We have a number of private bills—bills affording relief in individual cases—that ought to be disposed of. The bill the title of which has just been read has stood in the way of such action for several weeks. I therefore move to postpone the further consideration of this bill until next Friday, in order to dispose of private bills reported from the Committee of the Whole.

Mr. DUNHAM. I object.

The SPEAKER. This is a proper parliamentary motion, the Chair thinks, and not subject to objection. It can only be opposed by a vote of the House.

Mr. WHITE, of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I wish to ask whether the bill just declared by the Speaker to be passed is yet perfected until the title has been voted upon?

Mr. KEIFER. The bill was not passed; it was defeated.

The SPEAKER. It was defeated by a vote of the House on yesterday, as the gentleman will remember.

Mr. KEIFER. And it does not need a title.

Mr. BROWNE, of Indiana. I wish to make a parliamentary inquiry as to whether a defeated bill does need a title.

The SPEAKER. The Chair thinks not.

Mr. WHITE, of Kentucky. I was thinking it ought to have a title.

Several MEMBERS. Regular order!

Mr. MCMILLIN. I renew the motion to postpone the further consideration of the bill just read until next Friday.

Mr. DUNHAM. I want to know when this bill was laid aside; I mean how many Fridays have passed since it was reported.

The SPEAKER. It was reported to the House from the Committee of the Whole House on the 18th of April.

Mr. DUNHAM. More than two months have passed since it was reported.

The SPEAKER. The question is on postponing the consideration of the bill till next Friday.

The House divided; and there were—ayes 47, noes 68.

So (further count not being called for) the motion to postpone was not agreed to.

The SPEAKER. The question is on the motion made by the gentleman from Indiana [Mr. STEELE] to commit the bill to the Committee on Military Affairs.

The House divided; and there were—ayes 33, noes 74.

So (further count not being called for) the motion to commit was not agreed to.

Mr. RANDALL. I suggest that we should have the previous question on the bill.

Mr. MOULTON. I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is, Shall the bill pass?

Mr. HEWITT, of Alabama. I call for the yeas and nays.

The yeas and nays were not ordered—only 19 members voting therefor.

The question being taken on the passage of the bill, there were—ayes 89, noes 38.

So (further count not being called for) the bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN P. GREGSON.

The next bill reported from the Committee of the Whole House was the bill (H. R. 257) for the relief of John P. Gregson. The bill was reported with an amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to read, "A bill for the relief of John P. Gregson and Francis H. Ellison."

MYRA CLARK GAINES.

The next bill reported by the Committee of the Whole House was the bill (H. R. 1000) for the relief of Myra Clark Gaines.

The bill was reported with an amendment in the nature of a substitute.

Mr. HOLMAN. I ask that the substitute be read.

The Clerk read as follows:

Whereas it appears that Myra Clark Gaines, as the legal representative of Daniel Clark, deceased, of Louisiana, is entitled to 39,737 arpents of land, being a portion of a grant made by Spain to Thomas Urquhart, and 5,470 arpents, being a portion of a grant made by Spain to John Lynd, amounting altogether to 45,207 arpents, equal to 38,457 acres of land: Therefore,

Be it enacted, &c., That patents shall issue in the usual manner to Myra Clark Gaines, her heirs and assigns, for all of the aforesaid lands which the Commissioner of the General Land Office shall find to be vacant, unappropriated, and undisposed of by the United States, which patent shall operate only as a relinquishment of title on the part of the United States, and shall not in any wise impair or preclude any adverse claimant or claimants from the right to assert the validity of their claim or claims in a court or courts of justice: *Provided*, That no mineral lands shall be granted by this act or located by the scrip to be issued pursuant to this act.

SEC. 2. That for all of said lands which have been disposed of by the United States, or otherwise lawfully appropriated, the number of acres so disposed of to be ascertained by the Commissioner of the General Land Office and by him certified to the Secretary of the Treasury, who is hereby authorized and required to pay to said Myra Clark Gaines a sum of money equivalent to $1.25 an acre for said lands so disposed of and so ascertained; and there is hereby appropriated out of any money in the Treasury not otherwise appropriated a sum sufficient to pay the same.

Mr. COSGROVE. I move the previous question on the bill and substitute.

The previous question was ordered.

The amendment, in the nature of a substitute, was adopted.

Mr. HOLMAN. Is there not an amendment to the substitute?

The SPEAKER *pro tempore* (Mr. COX, of New York). The amendment, in the nature of a substitute, has just been adopted.

Mr. HOLMAN. Was there not an amendment to the substitute in regard to the payment of money? As I understand, the substitute was only for a part of the bill.

The SPEAKER *pro tempore*. The Clerk read the amendment as a whole, as a substitute for the whole bill. It includes the money payment. The amendment offered by the gentleman from Alabama [Mr. HEWITT] was read as part of the substitute.

Mr. HOLMAN. How about the amendment offered by the gentleman from Missouri [Mr. BLAND]?

Mr. COSGROVE. I think I can explain it to the satisfaction of the gentleman from Indiana. My colleague [Mr. BLAND] offered a substitute to the effect that Myra Clarke Gaines be paid money at the rate of $1.25 per acre for all land disposed of by the Government. For all undisposed of she was to have patents.

Mr. MCADOO. Will the gentleman from Missouri [Mr. COSGROVE] permit me one question?

Mr. COSGROVE. Yes, sir.

Mr. MCADOO. Does any land at all pass under this bill.

Mr. COSGROVE. No lands pass under this bill. But wherever the Government has disposed of lands belonging to this lady, the bill provides she shall be paid at the rate of $1.25 per acre.

Mr. HOLMAN. But if the lands are not disposed of she shall have the lands?

Mr. COSGROVE. Yes, sir.

Mr. HOLMAN. It is a land grant, so to speak.

Mr. COSGROVE. Not at all. This woman is getting only what belongs to her—what she has hitherto been robbed of. There is no land grant about it.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

The House divided; and there were—ayes 43, noes 7.

So (further count not being called for) the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COSGROVE. I move the previous question on the passage of the bill.

Mr. HOLMAN. I call for a division.

The House divided; and there were ayes—ayes 62, noes 6.

So (further count not being called for) the previous question was ordered.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

The bill was passed.

Mr. COSGROVE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARGARET CASSIDY.

The next bill reported by the Committee of the Whole House was the bill (H. R. 3950) for the relief of Mrs. Margaret Cassidy. The bill was reported without amendment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIS N. ARNOLD.

The next bill reported by the Committee of the Whole House was the bill (H. R. 3937) for the relief of Willis N. Arnold.

The bill was reported with an amendment in the nature of a substitute.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment in the nature of a substitute.

Mr. MCMILLIN. I demand the previous question.

Mr. ROWELL. I ask to have the amendment read.

The amendment, in the nature of a substitute, was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided to the respective persons named herein, or to their heirs or legal representatives, to wit:

To H. Johnson, $753.89.
To Stephen M. Johnson, $753.89.
To D. J. Franklin, $149.37.
To Josiah Franklin, $179.05.
To Nat Buckley, $298.65.
To John Tull, $358.10.
To Elias Bray, $447.65.
To Dr. G. Johnson, $179.05.
To Harrison Trice, $298.65.
To Jeremiah Crook, sr., $597.30.
To Willis Arnold, $5,956.86.
To Archie McCorkle, $447.65.
To G. L. Ross, $1,493.15.
To S. L. Ross, $1,493.15.
To John M. Hart, $597.30.
To William A. Brummer, $915.94.
To John D. Smith, $298.65.
To A. B. Crook, $298.65.
To Daniel McCollum, $298.65.
To Jeff. Jones, $149.37.
To Thomas McGill, $179.05.
To James Ledbetter, $179.05.
To William Ozier, $597.30.
To Elijah Bond, $298.65.
To John L. Cawthon, $597.30.
To William Hall, $597.30.
To Carroll Beaver, $597.30.
To John West, $753.89.

To James Clifford, $298.65.
To O. F. Hendrix, $895.26.
To Frank Cawthon, $358.10.
To James Cawthon, $149.37.
To S. E. Grider, $149.37.
To Silas Grider, $149.37.
To John Robinson, $274.32.
To Hugh McKnight, $228.60.
To John G. Smith, $91.44.
To Caleb McKnight, $228.60.
To James Thomas, $228.60.
To William P. Walker, $137.16.
To A. S. Rogers, $389.71.
To Tison G. Maness, $640.08.
To William H. Bond, $137.16.
To F. M. Ballard, $274.32.
To Stephen Messengill, $137.16.
To William Swink, $502.92.
To Kenton M. Jones, $411.48. In all, $25,445.36.

Mr. ROWELL. It strikes me before the previous question is called the House ought to know what it is voting on. This substitute is a bill reported——

Mr. MCMILLIN. I have demanded the previous question. I repeat, we have here a number of bills reported by the Committee of the Whole House on the Private Calendar that have not been acted upon by the House. They have stood here for several weeks without action; and I think it is but right there should be some disposition made of them to-day. And I will state in response to my friend from Illinois that this bill was discussed in the Committee of the Whole for half a day, and after full discussion was recommended to the House.

Mr. ROWELL. I only want five minutes to call the attention of the House to what the bill is.

The SPEAKER *pro tempore*. Debate is not in order pending the demand for the previous question. The gentleman from Tennessee, who is in charge of the bill has called the previous question.

The House divided upon ordering the previous question; and there were—ayes 61, noes 58.

Mr. ROWELL. No quorum has voted.

Tellers were ordered, and Mr. MCMILLIN and Mr. ROWELL were appointed.

While the tellers were counting,

Mr. SPRINGER said: I ask unanimous consent that further count upon ordering the previous question be dispensed with, and that five minutes on each side be allowed for debate, and that then the previous question be ordered.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] as a parliamentarian knows that that can not be done.

Mr. SPRINGER. It can be done by unanimous consent, and that is what I ask.

The SPEAKER *pro tempore*. The Chair can not entertain any proposition while the House is dividing.

The House again divided; and the tellers reported that there were—ayes 96, noes 68.

So the previous question was ordered.

The question was upon agreeing to the substitute reported from the Committee of the Whole.

Mr. GEDDES. On that question I demand the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 41 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. WELLER. I ask that the substitute be now read.

The SPEAKER *pro tempore*. The substitute has just been read.

The question was taken; and there were—yeas 81, nays 120, not voting 123; as follows:

YEAS—81.

Aiken,	Crisp,	King,	Taylor, J. M.
Alexander,	Culberson, D. B.	Lanham,	Thompson,
Ballentine,	Dibble,	Lewis,	Throckmorton,
Barbour,	Dibrell,	Libbey,	Tillman,
Barksdale,	Dunn,	Lore,	Turner, H. G.
Belmont,	Ermentrout,	Lovering,	Turner, Oscar
Bennett,	Findlay,	McMillin,	Vance,
Bland,	Forney,	Miller, J. F.	Van Eaton,
Blount,	Garrison,	Mutchler,	Warner, Richard
Boyle,	Greenleaf,	O'Ferrall,	Wellborn,
Breckinridge,	Halsell,	Pierce,	White, J. D.
Broadhead,	Hancock,	Peel,	Williams,
Buchanan,	Hardeman,	Pryor,	Willis,
Cabell,	Hemphill,	Pusey,	Wilson, W. L.
Caldwell,	Hewitt, G. W.	Reese,	Wise, G. D.
Candler,	Hoblitzell,	Scales,	Wolford,
Cassidy,	Hunt,	Shelley,	Woodward,
Clements,	Jeffords,	Singleton,	Young.
Connolly,	Jones, J. H.	Stevens,	
Cox, S. S.	Jones, J. K.	Stewart, Charles	
Cox, W. R.	Jordan,	Storm,	

NAYS—120.

Adams, G. E.	Breitung,	Converse,	Eldredge,
Anderson,	Brewer, J. H.	Cosgrove,	Ellwood,
Atkinson,	Browne, T. M.	Culbertson, W. W.	English,
Bagley,	Brown, W. W.	Cutcheon,	Evans, I. N.
Bayne,	Campbell, J. M.	Davis, G. R.	Everhart,
Beach,	Campbell, James E.	Davis, R. T.	Ferrell,
Belford,	Cannon,	Deuster,	Fiedler,
Bisbee,	Carleton,	Dingley,	Finerty,
Brainerd,	Collins,	Dunham,	Funston,
Geddes,	Le Fevre,	Peters,	Talbott,
Glascock,	Lowry,	Phelps,	Taylor, E. B.
Goff,	Lyman,	Post,	Taylor, J. D.
Graves,	McCormick,	Price,	Thomas,
Guenther,	Maybury,	Ray, G. W.	Townshend,
Hatch, H. H.	Millard,	Rice,	Valentine,
Hatch, W. H.	Miller, S. H.	Riggs,	Wadsworth,
Henderson, D. B.	Milliken,	Robinson, J. S.	Wait,
Hiscock,	Mills,	Rockwell,	Wallace,
Holman,	Morrill,	Rowell,	Ward,
Holmes,	Murray,	Seymour,	Weaver,
Horr,	Neece,	Shaw,	Weller,
Howey,	Nelson,	Smalls,	White, Milo
James,	Nutting,	Smith,	Whiting,
Johnson,	O'Hara,	Spooner,	Wilson, James
Jones, B. W.	O'Neill, Charles	Steele,	Winans, E. B.
Kasson,	Parker,	Stephenson,	Winans, John
Kean,	Patton,	Stockslager,	Wood,
Kleiner,	Payne,	Strait,	Worthington,
Laird,	Payson,	Struble,	Yaple,
Lawrence,	Perkins,	Sumner, C. A.	York.

NOT VOTING—123.

Adams, J. J.	Duncan,	Jones, J. T.	Ranney,
Arnot,	Eaton,	Keifer,	Ray, Ossian
Barr,	Elliott,	Kelley,	Reagan,
Bingham,	Ellis,	Kellogg,	Reed,
Blackburn,	Evins, J. H.	Ketcham,	Robertson,
Blanchard,	Follett,	Lacey,	Robinson, W. E.
Boutelle,	Foran,	Lamb,	Rogers, J. H.
Bowen,	Fyan,	Long,	Rogers, W. F.
Brewer, F. B.	George,	McAdoo,	Rosecrans,
Brumm,	Gibson,	McCoid,	Russell,
Buckner,	Green,	McComas,	Ryan,
Budd,	Hammond,	Matson,	Seney,
Burleigh,	Hanback,	Mitchell,	Skinner, C. R.
Burnes,	Hardy,	Money,	Skinner, T. G.
Calkins,	Harmer,	Morgan,	Slocum,
Campbell, Felix	Hart,	Morrison,	Snyder,
Chace,	Haynes,	Morse,	Spriggs,
Chalm	Henderson, T. J.	Moulton,	Springer,
Clardy,	Henley,	Muldrow,	Stewart, J. W.
Clay,	Hepburn,	Muller,	Stone,
Cobb,	Herbert,	Murphy,	Sumner, D. H.
Cook,	Hewitt, A. S.	Nicholls,	Tucker,
Covington,	Hill,	Oates,	Tully,
Cullen,	Hitt,	Ochiltree,	Van Alstyne,
Curtin,	Holton,	O'Neill, J. J.	Wakefield,
Dargan,	Hooper,	Paige,	Warner, A. J.
Davidson,	Hopkins,	Pettibone,	Washburn,
Davis, L. H.	Houk,	Poland,	Wemple,
Dockery,	Houseman,	Potter,	Wilkins,
Dorsheimer,	Hurd,	Randall,	Wise, J. S.
Dowd,	Hutchins,	Rankin,	

So the amendment was not agreed to.

The following additional pairs were announced for this day:

Mr. ROGERS, of Arkansas, with Mr. PETTIBONE.

Mr. CLAY with Mr. JEFFORDS.

Mr. TULLY with Mr. GEORGE.

Mr. SKINNER, of New York, with Mr. RANDALL.

Mr. HAMMOND with Mr. REED.

Mr. ADAMS, of New York, with Mr. BOUTELLE.

Mr. HENDERSON, of Illinois, with Mr. MURPHY.

The result of the vote was then announced as above stated.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. TAYLOR, of Tennessee. I move that the bill be recommitted to the Committee on War Claims.

The question was taken upon the motion to recommit; and upon a division there were—ayes 87, noes 59.

So (no further count being called for) the bill was recommitted to the Committee on War Claims.

ALONZO GESNER.

The next private bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 1299) for the relief of Alonzo Gesner.

The question was upon the adoption of the amendment reported from the Committee of the Whole to add to the bill the following: "Which said sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for said purpose."

Mr. HOLMAN. I call for the reading of the bill with the amendment.

The bill as proposed to be amended was read.

Mr. MCMILLIN. I call for the previous question.

The previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCMILLIN move to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. T. PICKETT.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 3181) for the relief of J. T. Pickett.

Mr. TILLMAN. I ask unanimous consent that Senate bill 534,

which is similar in terms to this House bill, be taken from the Speaker's table and passed in lieu of it.

The SPEAKER *pro tempore*. If there be no objection the House bill reported from the Committee of the Whole will be laid on the table and the House will proceed to the consideration of the corresponding Senate bill now on the Speaker's table.

There was no objection.

The bill (S. 534) for the relief of J. T. Pickett was taken from the Speaker's table and read a first and second time.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay to J. T. Pickett, formerly consul at Vera Cruz, Mexico, out of any unappropriated money in the United States Treasury, the sum of $1,375, being the amount advanced and disbursed by him, while acting as such consul, for the relief of destitute American citizens not seamen.

Mr. McMILLIN. I call the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. TILLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COL. HENRY J. HUNT.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army.

The SPEAKER *pro tempore*. This bill has been reported from the Committee of the Whole with an amendment.

Mr. LYMAN. I move the previous question.

Mr. McMILLIN. Let the bill be read.

The bill was read, as follows:

Whereas Col. and Bvt. Maj. Gen. Henry J. Hunt was, on the 14th day of September, 1883, retired from active service as colonel of the Fifth Regiment of Artillery, by due operation of law, after more than forty-four years of continuous active, honorable, and distinguished service in the Army of the United States; and

Whereas the said Henry J. Hunt exercised the appropriate command of a major-general in the field during the greater portion of the late war, and at the date of his retirement he was in command of a geographical military department, held the command of a major-general of the United States Army by brevet, dating from March 13, 1865, conferred upon him for "gallant and meritorious services in the field during the rebellion:" Therefore,

Be it enacted, &c., That the President be, and he is hereby, authorized to place Col. and Bvt. Maj. Gen. Henry J. Hunt on the retired-list of major-generals, with the rank, pay, and emoluments of a major-general of the United States Army on the retired-list, to date from September 14, 1883.

The amendment reported from the Committee of the Whole was to insert after the word "authorized," in line 3, the words "to nominate and, by and with the advice and consent of the Senate, to appoint and," and to strike out after the words "retired-list," in line 5, the words "of major-generals," and insert "as a major-general."

Mr. HOLMAN. Would it not be in order to move to amend this bill so as to allow this officer to be retired on the rank that he held in the Army?

The SPEAKER *pro tempore*. The previous question has been called.

Mr. HOLMAN. I suggest that it would remove an objection to this bill if it were amended so as to retire this officer on the rank which he held in the Army—the rank of colonel, I believe.

Mr. LYMAN. That would not give him the pay to which he is justly entitled. He is already retired as a colonel.

Mr. McMILLIN. I think that some further explanation of this bill should be given. It has not been customary to pass bills of this kind; and whenever we have sent to the Senate a bill retiring an officer upon rank higher than he actually held the Senate has always amended the bill so as to retire him upon his actual rank.

The SPEAKER *pro tempore*. The gentleman from Massachusetts demands the previous question.

Mr. MILLS. I suggest to the gentleman from Massachusetts to withdraw the call for the previous question, and give the House an explanation of the bill.

Mr. LYMAN. I have no desire to cut off debate or explanation of the bill. I therefore withdraw the call for the previous question and will explain, as I thought I explained fully the other day, that this officer rendered eminent service during the war in the artillery corps and only failed to be promoted to the rank of major-general because in the artillery branch of the service there were no promotions to that rank. Of the one hundred and fifty-six commissions issued to major-generals of the United States Army during the war not one was issued to any artillery officer. General Hunt was the first artillery officer in the service, and by remaining in the artillery corps waived his right to promotion.

Mr. McMILLIN. This is a bill for the retirement of an officer with a rank which he never actually held. If we pass this bill it will be, I believe, the first instance of the kind.

Mr. LYMAN. This officer was promoted to be a full brigadier-general of the volunteer service and breveted a major-general. But he was never assigned to duty upon that rank. By remaining in the artillery corps he was denied the promotion which he ought to have had. He held a position equal in responsibility to that of a corps commander, but received only the pay of a colonel. His expenses were great. He was obliged to pay out about $2,000 a year during that war. He actually expended the whole of his own slender fortune and that of his wife to support the dignity of his rank. He served with distinction throughout the war in many bloody battles and expended from his own means $8,000.

Mr. KING. I believe this officer was chief of artillery in the Army of the Potomac.

Mr. LYMAN. Yes, sir.

Mr. KING. A very worthy officer, I understand.

Mr. LYMAN. He held the very highest rank attainable in his branch of the service.

Mr. SPRINGER. The gentleman from Massachusetts has stated the effect of this bill so far as concerns the rank of this officer. I hope he will also state what will be its effect in increasing the pay of this officer upon the retired-list.

Mr. LYMAN. This will raise his pay about $1,500 or $2,000 a year. I can give the exact figures if required.

Mr. McMILLIN. What does he now get?

Mr. LYMAN. Three thousand three hundred and seventy-five dollars.

Mr. McMILLIN. The proposition is to raise it to about $5,000, where services are nothing.

Mr. LYMAN. What?

Mr. McMILLIN. Where no services have been rendered?

Mr. LYMAN. He has rendered services; he has expended his own private fortune for the benefit of his country. If no one asks for further explanation I will renew the demand for the previous question.

The previous question was ordered.

The amendment of the Committee of the Whole House on the Private Calendar was agreed to, and as amended the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LYMAN demanded the previous question on the passage of the bill.

The previous question was seconded.

Mr. PRICE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 127, nays 58, not voting 139; as follows:

YEAS—127.

Adams, G. E.	Ellis,	Lawrence,	Rockwell,
Aiken,	Everhart,	Lewis,	Rosecrans,
Alexander,	Ferrell,	Libbey,	Rowell,
Anderson,	Findlay,	Lovering,	Seney,
Arnot,	Finerty,	Lowry,	Seymour,
Bagley,	Follett,	Lyman,	Shelley,
Bayne,	Forney,	McCoid,	Smith,
Beach,	Funston,	McCormick,	Spooner,
Belford,	Goff,	Maybury,	Steele,
Bennett,	Graves,	Millard,	Stephenson,
Bisbee,	Greenleaf,	Milliken,	Stewart, Charles
Blanchard,	Halsell,	Mitchell,	Stone,
Bowen,	Hancock,	Morrill,	Thomas,
Brainerd,	Hatch, H. H.	Morse,	Tillman,
Breitung,	Hatch, W. H.	Muldrow,	Valentine,
Brewer, F. B.	Hemphill,	Murray,	Van Eaton,
Broadhead,	Herbert,	Mutchler,	Wadsworth,
Brown, W. W.	Hewitt, A. S.	Nelson,	Wait,
Burnes,	Hewitt, G. W.	Nutting,	Wallace,
Campbell, Felix	Hoblitzell,	O'Ferrall,	Ward,
Cannon,	Holmes,	O'Neill, Charles	Weaver,
Carleton,	Hopkins,	Parker,	White, J. D.
Chalmers,	Houseman,	Patton,	White, Milo
Collins,	Howey,	Payne,	Whiting,
Converse,	Hunt,	Payson,	Wilkins,
Culberson, D. B.	Hurd,	Peel,	Williams,
Culbertson, W. W.	Johnson,	Phelps,	Wilson, W. L.
Cutcheon,	Jones, J. H.	Post,	Wolford,
Davis, G. R.	Jordan,	Pusey,	Wood,
Deuster,	Kasson,	Ray, Ossian	Worthington,
Dibble,	King,	Rice,	Yaple.
Elliott,	Kleiner,	Robinson, J. S.	

NAYS—58.

Bland,	Cox, W. R.	Le Fevre,	Taylor, J. M.
Blount,	Crisp,	Lore,	Throckmorton,
Boyle,	Dunn,	McMillin,	Townshend,
Breckinridge,	Eaton,	Mills,	Turner, H. G.
Browne, T. M.	Eldredge,	Neece,	Turner, Oscar
Buchanan,	Ellwood,	Pierce,	Warner, Richard
Cabell,	English,	Peters,	Wellborn,
Caldwell,	Geddes,	Price,	Weller,
Campbell, J. M.	Guenther,	Pryor,	Willis,
Campbell, J. E.	Hardeman,	Riggs,	Winans, E. B.
Candler,	Hiscock,	Scales,	Winans, John
Clements,	Holman,	Shaw,	Wise, G. D.
Cobb,	James,	Stockslager,	York.
Connolly,	Jones, B. W.	Storm,	
Cosgrove,	Lanham,	Talbott,	

NOT VOTING—139.

Adams, J. J.	Barr,	Brewer, J. H.	Calkins,
Atkinson,	Belmont,	Brumm,	Cassidy,
Ballentine,	Bingham,	Buckner,	Chace,
Barbour,	Blackburn,	Budd,	Clardy,
Barksdale,	Boutelle,	Burleigh,	Clay,

Cook,	Hart,	Morgan,	Slocum,
Covington,	Haynes,	Morrison,	Smalls,
Cox, S. S.	Henderson, D. B.	Moulton,	Snyder,
Cullen,	Henderson, T. J.	Muller,	Spriggs,
Curtin,	Henley,	Murphy,	Springer,
Dargan,	Hepburn,	Nicholls,	Stevens,
Davidson,	Hill,	Oates,	Stewart, J. W.
Davis, L. H.	Hitt,	Ochiltree,	Strait,
Davis, R. T.	Holton,	O'Hara,	Struble,
Dibrell,	Hooper,	O'Neill, J. J.	Sumner, C. A.
Dingley,	Horr,	Paige,	Sumner, D. H.
Dockery,	Houk,	Perkins,	Taylor, E. B.
Dorsheimer,	Hutchins,	Pettibone,	Taylor, J. D.
Dowd,	Jeffords,	Poland,	Thompson,
Duncan,	Jones, J. K.	Potter,	Tucker,
Dunham,	Jones, J. T.	Randall,	Tully,
Ermentrout,	Kean,	Rankin,	Van Alstyne,
Evans, I. N.	Keifer,	Ranney,	Vance,
Evins, J. H.	Kelley,	Ray, G. W.	Wakefield,
Fiedler,	Kellogg,	Reagan,	Warner, A. J.
Foran,	Ketcham,	Reed,	Washburn,
Fyan,	Lacey,	Reese,	Wemple,
Garrison,	Laird,	Robertson,	Wilson, James
George,	Lamb,	Robinson, W. E.	Wise, J. S.
Gibson,	Long,	Rogers, J. H.	Woodward,
Glascock,	McAdoo,	Rogers, W. F.	Young.
Green,	McComas,	Russell,	
Hammond,	Matson,	Ryan,	
Hanback,	Miller, J. F.	Singleton,	
Hardy,	Miller, S. H.	Skinner, C. R.	
Harmer,	Money,	Skinner, T. G.	

So the bill was passed.

During the roll-call the following additional pairs were announced:

On all political questions for this day:

Mr. HENDERSON, of Iowa, with Mr. PUSEY.

Mr. STRUBLE with Mr. TURNER, of Kentucky.

Mr. DIBRELL with Mr. LAIRD.

Mr. DARGAN with Mr. WILSON, of Iowa.

Mr. VAN EATON with Mr. STRAIT.

Mr. VANCE with Mr. HITT.

Mr. ERMENTROUT with Mr. BRUMM, on all political questions until Monday next.

Mr. TURNER, of Kentucky. I learn that Mr. STRUBLE, with whom I am paired, would vote "no;" and as we are both on the same side, I have voted in the negative.

The vote was then announced as above recorded.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY A. LEE.

The next business reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 807) for the relief of Mary A. Lee; which was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH F. WILSON.

The next business on the Private Calendar was the bill (H. R. 275) for the relief of Joseph F. Wilson.

Mr. HALSELL. I move by unanimous consent Senate bill 42 be taken up and passed instead of the House bill.

There was no objection, and the House bill was laid on the table.

A bill (S. 42) for the relief of Joseph F. Wilson was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

An act for the relief of Joseph F. Wilson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be, and he is hereby, authorized and required to issue to Joseph F. Wilson, of Peoria, Ill., or his legal representatives or assigns, a number of warrants equal to eighty acres, in tracts not less than the subdivisions provided for in the United States land laws, to be located by the said Wilson, or his legal representatives or assigns, on any of the unoccupied and unappropriated public lands of the United States subject to pre-emption or homestead settlement, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which said tract of land was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by the said Josiah Smith, after his said entry, sold and conveyed to the said Wilson, and of the title to and possession of which the said Wilson was divested and dispossessed by the judgment and decree of the circuit court of the United States for the district of Indiana at the November term, A. D., 1880, thereof, by reason of a prior disposal of or a prior equitable title in and to said tract of land, as the said court held and decided, to or in persons other than the said Josiah Smith; and the said Wilson, or his legal representatives or assigns, after the location of the said warrants on such lands as he or they may select, shall be allowed patents for the lands so located. And the lands taken, selected, and located as authorized and provided for by this act shall be in full satisfaction of any claim, right, or benefit which the said Josiah Smith or any one claiming under him may have, or may have had, under and by virtue of the provisions of the said acts of Congress, as well as in full satisfaction of any claim which the said Wilson, as assignee or grantee of the said Josiah Smith, may have, or may have had, against the United States touching said described tract of land.

Mr. WELLER. Mr. Speaker, I desire to be informed as to how many acres are involved in this question?

Mr. PARKER. Eighty acres. It is a small tract.

The bill was ordered to be read a third time; and, being read the third time, was passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment bills of the following titles, namely:

A bill (H. R. 394) granting a pension to Mrs. Mary C. Jones;

A bill (H. R. 432) to increase the pension of Joseph B. Sellers;

A bill (H. R. 759) granting a pension to Patrick Droney;

A bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 1986) granting a pension to Frank P. Fitkin;

A bill (H. R. 2393) granting a pension to Mary McLaughlin;

A bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet;

A bill (H. R. 3188) granting a pension to Amanda Cutter;

A bill (H. R. 4164) for the relief of Ellen Horgan;

A bill (H. R. 4188) granting a pension to William W. Day;

A bill (H. R. 4718) for the relief of Caroline Sheward;

A bill (H. R. 4818) for the relief of Rose Ann Galbraith;

A bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe;

A bill (H. R. 5258) granting a pension to Thomas Cheshire;

A bill (H. R. 5999) granting additional pension to George H. Fluke; and

A bill (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia concerning mechanics' liens.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes.

WILLIAM J. LEE.

The next business reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation was the bill (H. R. 1073) granting a pension to William J. Lee.

Mr. BAGLEY. When this bill was considered in committee on the 24th of May the gentleman from Georgia [Mr. CRISP] made the point of no quorum, and an agreement was then entered into that it should be favorably reported and a yea-and-nay vote taken in the House. I wish to say this is a bill placing upon the pension-roll William J. Lee, a scout of the Army of the Potomac. It comes recommended by that committee, and letters were read in support of it from General Grant, General Sharpe, and other prominent men, all of them to the effect that it was a most meritorious case.

To comply with the agreement I would ask for the yeas and nays on this bill. I presume the gentleman from Georgia insists upon that, although I will be glad to have him withdraw the demand.

Mr. CRISP. Yes, sir.

The SPEAKER *pro tempore*. That is a question for the House to determine whether it will order the yeas and nays or not.

Mr. CRISP. That was not the understanding. They were considered as ordered when consent was given to allow the bill to be reported. There was no objection made to that understanding in the committee.

The SPEAKER *pro tempore*. The Committee of the Whole, however, can not order the yeas and nays so as to control the House.

Mr. CRISP. Well, then, Mr. Speaker, I desire to draw the attention of the House to the fact that in the Committee of the Whole those at least that were present agreed to it; and certainly now they can not decline to sustain the call when it was unanimously agreed to at that time.

The SPEAKER *pro tempore*. No agreement on the part of the committee has any binding force in that respect upon the action of the House.

Mr. CRISP. But it has upon the conscience of gentlemen who were present.

The SPEAKER *pro tempore*. The Chair has nothing to do with the conscience of the House. [Laughter.]

Mr. CRISP. I do not know whether the Chair has anything to do with it or not, but as a member of the House I have the right to appeal to the conscience of the House to sustain an agreement of that character, and I take it that there is something there that will respond to the demand with honor.

Mr. PARKER. I ask of the House to be permitted to say a few words upon this bill, as I believe it was laid over at my suggestion and upon an agreement on the part of the committee that there should be a yea-and-nay vote in the House. While I am strongly in favor of this bill, to which I believe there is no objection, and while I am aware that it once passed the House at the last session of Congress and has the indorsement of General Grant and other distinguished officers, I think the vote by yeas and nays should be taken upon its passage.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that debate is hardly in order.

Mr. PARKER. Then I will not detain the House any longer.

Mr. BAGLEY. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BAGLEY. Is debate in order?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. BAGLEY. I would like to have made a little explanation.

The SPEAKER *pro tempore*. The Chair will state that the present question is upon the engrossment and third reading of the bill. Does the gentleman from New York desire the yeas and nays to be taken on that question or on the passage of the bill?

Mr. BAGLEY. On the passage of the bill. I presume the gentleman from Georgia meant——

Mr. CRISP. The only purpose I have in view is to obtain a vote upon this bill by a quorum of the House. I am perfectly willing to obtain that in any way, either by tellers or by a division, simply to obtain the sense of the House, as I regard this as a departure from the policy heretofore pursued in these cases. I have no disposition to procrastinate, but simply to have a quorum.

The SPEAKER *pro tempore*. The question will first be taken upon the engrossment and third reading of the bill, upon which, as the Chair now understands, the gentleman does not desire the yeas and nays.

Mr. CRISP. No, sir.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. HOLMAN. In view of the suggestion of the gentleman from Georgia, I propose, in order to save time, if it meets his views, that we might take a vote on this by tellers.

Mr. CRISP. I have no objection to that.

Mr. HOLMAN. Then I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER *pro tempore*. That order, if there be no objection, will be vacated.

There was no objection, so the order of the House for the yeas and nays was vacated.

The SPEAKER *pro tempore*. The Chair will now appoint tellers to take the vote upon the passage of the bill.

Mr. BAGLEY and Mr. CRISP were appointed tellers.

The House divided; and the tellers reported—ayes 100, noes 27.

Mr. CRISP. In view of the fact that the affirmative is a good deal more than half of a quorum, and that nearly a quorum has voted, I do not want to obstruct the public business, and withdraw the call for further count.

So (further count not being called for) the bill was passed.

A. H. HERR.

The next bill reported from the Committee of the Whole House was the bill (H. R. 4380) for the relief of A. H. Herr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. H. Herr, of the District of Columbia, the sum of $15,000, out of any money in the Treasury not otherwise appropriated, for the use and occupation of the island of Virginius, known as Herr's Island, during the late war by the Army of the United States.

Mr. ROWELL. I demand the previous question on the engrossment and third reading of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ROWELL. I demand the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 60, noes 51.

Mr. POST, of Pennsylvania. No quorum.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. POST, and the gentleman from Illinois, Mr. ROWELL.

The House again divided; and the tellers reported—ayes 64, noes 46.

Mr. HOLMAN. I insist on the point as to a quorum. This belongs to a class of cases that should not pass without a quorum. I ask for the yeas and nays.

On the question of ordering the yeas and nays, there were—ayes 12; not one-fifth of the last vote.

Mr. HOLMAN. Count the other side.

The negative vote was counted; and there were noes 68.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered.

Mr. SPRINGER. I ask unanimous consent that this bill be passed over, not to lose its place on the orders of the House.

Mr. HARDEMAN. I object, and move that the House take a recess until 8 o'clock.

Mr. BLAND. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 38, noes 98.

So the House refused to adjourn.

Mr. SPRINGER. The gentleman from Georgia [Mr. HARDEMAN] withdraws his objection to the bill being laid aside, not to lose its place.

The SPEAKER *pro tempore*. If there be no objection the bill will be laid aside, not to lose its place.

There was no objection.

The SPEAKER *pro tempore*. The question is on the motion that the House take a recess till 8 o'clock this evening.

The House divided; and there were—ayes 74, noes 62.

Mr. SPRINGER. No quorum.

Mr. POST, of Pennsylvania. I call for tellers.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers.

Mr. WILLIS. I ask unanimous consent to make a brief statement. There are only two or three bills reported by the Committee of the Whole remaining to be disposed of. They were reported some six weeks ago. I ask the House to let them be acted upon. They have stood aside every Friday. They passed the Committee of the Whole without objection.

The SPEAKER *pro tempore*. There are nine bills reported by the Committee of the Whole House still undisposed of.

QUESTION OF PRIVILEGE.

Mr. VALENTINE. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. VALENTINE. At the evening session of the House on the 24th instant, when the House had under consideration the bill for the protection of the soldiers' homes in one of the Western States, the gentleman from New Jersey [Mr. MCADOO] asked consent to offer an amendment to that bill, which I desire to have read from the Clerk's desk.

Mr. HOLMAN. Is that a question of privilege?

The SPEAKER. The gentleman from Nebraska stated, as the Chair understood him, that he rose to a question of privilege. It has not yet been stated so as to enable the Chair to decide. The Clerk will read what the gentleman sends to the desk.

The Clerk read as follows:

Provided, That wherever a soldier has been an inmate of any one of the national soldiers' homes for a period of not less than twelve months, and shall have during that time a record of good behavior, it shall be optional with him to retire from said home and receive from the funds appropriated for the maintenance of the home of which he was a member $10 for every month he shall remain away from said home.

Mr. VALENTINE. The gentleman from New Jersey [Mr. MCADOO] asked and obtained leave, though it does not appear of record but I state it as a matter of fact because I was present and heard it, that he might be permitted to print some remarks upon that amendment. I with others present assented to the request of the gentleman. I find in the RECORD to-day a speech said to have been delivered by him on that amendment. I find in that speech he has left the subject upon which he has asked the privilege to print and has used language therein which I think is an abuse of the privilege granted at that time. After referring to the soldiers' homes he passes to the subject of land-grabbers or what is known as the land monoplists of this country, and has taken occasion to print as a part of his remarks on this amendment a very long dispatch sent from this city to the New York Star of the 6th of January last. The article, after many other things, says:

The names, &c., of our native land monopolists would fill every page of this issue of the Star. I select only a few from the several States and Territories, as follows:

Then appears a long list of persons who are said to own in the aggregate something over 7,000,000 acres of land. In the list as printed in the RECORD of to-day I find the name of—

Senator JOHN A. LOGAN, 80,000 acres.

Now, Senator LOGAN called my attention to this matter a short time ago to-day and desired me to say to this House that so far as it related to him it was absolutely false; that the only land that he owned in the world was a little homestead in the State of Illinois upon which he was born.

Many MEMBERS. Regular order!

Mr. HOLMAN. I would inquire of the Chair how this is a question of privilege?

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] will state what the question of privilege is.

Mr. VALENTINE. It is this: I with other members of this House relying in good faith upon the belief that the gentleman from New Jersey [Mr. MCADOO] would print only such matter as was right upon the subject in regard to which he asked leave to print gave consent to it. The point I make is that the gentleman has gone outside of and has left that subject, and taken occasion, while he was lauding the soldiers of this land, to stab one of the brightest and most gallant soldiers that ever defended his country. [Applause and cries of "Regular order!"]

The SPEAKER. The gentleman will state the matter of privilege which he desires to present to this House.

Mr. VALENTINE. I am trying to state it. I say that to my mind

the action of the gentleman from New Jersey [Mr. MCADOO] in this regard is an abuse of the privilege granted him by this House.

Mr. BLAND. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLAND. My point of order is that there is no resolution or proposition pending before the House.

The SPEAKER. The Chair does not think it a matter of privilege merely to correct an erroneous statement contained in the RECORD. If the gentleman has any resolution or proposition to submit to the House he can do so, and then the Chair will decide whether it is a question of privilege or not.

Mr. VALENTINE. A resolution will be offered.

Mr. SPRINGER. Leave to print.

Mr. VALENTINE. The gentleman from Illinois says "leave to print." That is the trouble now; we granted one gentleman leave to print and he abused that leave.

The SPEAKER. The Chair thinks that when a member is granted leave to print he may print anything which he might have said in order on the floor of the House. The gentleman from Nebraska [Mr. VALENTINE] so far has not disclosed anything which would have been out of order if spoken by a member on the floor.

Mr. VALENTINE. I think if that language had been spoken in debate on the floor, referring to a Senator of the United States, it would have been out of order.

The SPEAKER. The Chair does not understand the language to refer to the gentleman in his Senatorial capacity, but the name is simply mentioned with others in the discussion of a general subject.

Mr. VALENTINE. It says "Senator JOHN A. LOGAN."

Mr. COX, of New York. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. So far as my friend from Nebraska [Mr. VALENTINE] has proceeded he has disclosed nothing in the shape of a question of privilege. So far as printing in the RECORD is concerned, the gentleman has introduced no resolution to correct the RECORD. We know very well, and I pledge myself here now on behalf of my friend from New Jersey [Mr. MCADOO], that if he finds out that he has committed an error in copying from the New York Star any statement derogatory to General LOGAN he will correct it.

Mr. VALENTINE. I hope so.

Mr. COX, of New York. And that is more than you will do.

Mr. RANDALL. I hope the gentleman will be allowed to go on, for I understand the gentleman from New Jersey [Mr. MCADOO] is ready to meet him.

Mr. VALENTINE. I will yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I think, Mr. Speaker, that a question of privilege is involved here.

Mr. HOLMAN. I would ask for what purpose the gentleman from Illinois rises?

The SPEAKER. The Chair understands that the purpose of the gentleman is to show that a question of privilege is involved.

Mr. CANNON. I will try to bring myself within the rules if I can have the attention of the House

The SPEAKER. The House will be in order.

Mr. CANNON. In the RECORD of to-day I find the following:

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 24, 1884.

The House having under consideration the bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Wisconsin, or Nebraska, and for other purposes—

Mr. MCADOO said:

Mr. SPEAKER:

And then is printed what purports to be the speech of the gentleman. Further on in the speech I find this:

In this connection I want to put before the House and the country the following statement from the New York Star of January 6 last past.

The gentleman makes the statement a part of his own remarks. Along in that statement I find the following:

The names, &c., of our native land monopolists would fill every page of this issue of the Star. I select only a few from the several States and Territories, as follows.

In the list of names I find the following:

Senator JOHN A. LOGAN, 80,000 acres.

Now, I turn to the RECORD of the proceedings of the 24th of this month and I find it perfectly silent touching any leave given to the gentleman from New Jersey [Mr. MCADOO] to print remarks in the RECORD.

Mr. MCADOO. Allow me a question.

Mr. CANNON. Certainly.

Mr. MCADOO. Has not the gentleman from Nebraska [Mr. VALENTINE], who was present that evening, admitted that I had leave from the House to print?

Mr. CANNON. The gentleman has so stated. So that now, taking the RECORD of the 24th and that of the 27th (to-day), the RECORD upon its face misleads the House apparently and the country. In other words, for anything that appears upon the face of this RECORD the gentleman from New Jersey did make this speech, and his fellow-members sat about him and let it pass unchallenged; whereas in truth and in fact the speech never was made.

Now, I claim it is my right that this RECORD should show the gentleman did not stand in his place and make this newspaper article his own, calling the attention of the House and the country to that matter, but rather, under a lax practice which prevails in this House, and I believe ought not to prevail, abused the privileges of this House, and put that into his address which never was spoken and which in my opinion he ought not to have put there. And I think that, according to the common understanding of the different members of this House, he violated at least the rules of propriety and fair dealing when he placed it there. If he had said it in my hearing I should have controverted it at the time, because, as has been well stated here, the gentleman referred to owns no land except a small quantity in Illinois.

Mr. SPRINGER. Mr. Speaker, where is the question of privilege?

The SPEAKER. The gentleman from Illinois stated that he thought he could show that this did involve a question of privilege.

Mr. COX, of New York. Has he shown it?

The SPEAKER. The Chair does not understand the gentleman from Illinois [Mr. CANNON] to say that the gentleman from New Jersey did not in fact have leave to print a speech.

Mr. CANNON. I am coming to my question of privilege in a moment, Mr. Speaker.

The SPEAKER. The Chair will state, before the gentleman proceeds, in order that the gentleman may confine himself to the point, that the Chair itself has no more power over the RECORD than any other member of the House. If a resolution were offered to expunge certain matter from the RECORD, then the House of course could act upon that; but the Chair can not decide whether any particular matter should or should not be in the RECORD.

Mr. FOLLETT. The statement has been made by the gentleman from Illinois that the gentleman from New Jersey made no remarks on the 24th. The proceedings of the 24th are published in the RECORD of the 25th; and on page 6234 I read this:

[Mr. MCADOO addressed the House. His remarks will appear hereafter.]

[Laughter.]

Mr. CANNON. I did state that the RECORD of the proceedings of the 24th did not show that consent was given; and what I now desire under the resolution which I shall offer in a moment is to so amend this RECORD that it shall show this speech was printed and not delivered; so that when the gentleman goes to the country he shall go upon the facts just as they are, and can not claim that he made unchallenged the remark "before the House and before the country."

Mr. COX, of New York. I rose to a point of order some time ago; and I desire to renew with some urgency the point I made. If the gentleman from Illinois is so anxious to preserve the purity of the RECORD why did not he or the gentleman from Nebraska [Mr. VALENTINE] make some motion of this kind when on the 7th day of June, 1884, there appeared in the RECORD, under the head of "The Tariff," a speech entitled "Speech of Hon. J. HART BREWER, of New Jersey, in the House of Representatives, Tuesday, May 6, 1884, on the bill (H. R. 5893) to reduce import duties and war-tariff taxes?" I will read only a short paragraph from that speech. The rest of it is too obnoxious to read. Why, you undertake to strain at a gnat and you swallow a whole menagerie of camels. [Laughter.]

Mr. BREWER, of New Jersey, said:

Mr. CHAIRMAN: I said all that I wish to say on the tariff in my speech in the Forty-seventh Congress——

Mr. O'NEILL, of Missouri. What is the title of that speech? Is it "Twenty Years in the Government Service, and Tattooed at last?"

Mr. COX, of New York. I did hope and trust that this Congress would adjourn without our having this partisan Presidential discussion. Our side of the House has not brought forward Mr. Blaine or Mr. LOGAN.

Mr. BROWN, of Pennsylvania. But your side of the House has brought forward——

Mr. COX, of New York. I say our side of the House has acted so as to have the encomiums——

Mr. BROWN, of Pennsylvania. You are trying to defend a slander.

Mr. COX, of New York. I am not trying to defend anything. I said that if there was an error my friend from New Jersey would correct it.

Mr. CANNON. I do not yield.

The SPEAKER. The gentleman from Illinois declines to yield further.

Mr. COX, of New York. What I wish to say is——

The SPEAKER. The gentleman from Illinois has the floor and declines to yield further.

Mr. COX, of New York. I made the point of order. He ought not to be on the floor at all.

The SPEAKER. The Chair has already decided that so far nothing of a privileged character has appeared in the statement made. [Cries of "Regular order!"]

The gentleman from Illinois [Mr. CANNON] sends up a resolution, which will be read, after which the Chair will decide whether it presents a question of privilege.

The Clerk read as follows:

Resolved, That the RECORD of June 25, 1884, be so amended that it may show that the speech purporting to have been delivered by Mr. MCADOO, of New Jersey, in which reference is made to Senator JOHN A. LOGAN and others, was not actually delivered in the House, but was "printed" in the RECORD of the 27th of June instant.

Mr. COX, of New York. I move to amend.

Mr. CANNON. I believe I have the floor.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Is this a question of privilege?

Mr. RANDALL. It must go on, as it has been now begun.

The SPEAKER. The House has the right to correct the RECORD in any manner it pleases. The Chair will therefore entertain the resolution and allow the gentleman to be heard on it. The gentleman from Illinois is on the floor.

Mr. CANNON. Mr. Speaker, in my opinion the House owes it to itself to adopt this resolution. The gentleman from New York [Mr. COX] a moment ago rose in his place, as he is in the habit of doing when he or his friends are in a close place, and attempted to turn this matter into ridicule. I had no object when I asked the gentleman from Nebraska to yield to me except to see that the privileges of this House were maintained. It is not a political question. I do not speak of it or refer to it from that standpoint. It is a question whether or not the records of this House, of its debates and proceedings, shall be the records and debates of the House in fact, or whether they shall be only the records of essays of those gentlemen who shall deem it proper to insert them there on any subject being considered by the House, and so have them become the mere receptacle of political malice and individual malignity on the part of such members as may not have the courage to stand up squarely on this floor and openly make such assaults.

It is admitted, as I understand, and I am informed by the Official Reporter such is the fact, this speech, purporting to be a speech which had been delivered, misleads the House and misleads the country; that it professes to exist as an actual verbal utterance on the floor of this House, when in fact and in truth it was never delivered on the floor of this House.

As to the taste of inserting this speech under those circumstances, and in it indorsing a newspaper article, or a dispatch which was sent on the 5th day of last January, giving it currency and approval, is perhaps a question for the gentleman from New Jersey himself to determine. As to that I am willing the country and his associates on both sides of this House shall judge. But, sir, the question as to the truth, if you choose the decency, of the records of this House of Representatives is a subject we are all deeply interested in, and from that standpoint I ask for the adoption of the pending resolution.

I will now yield back the floor to my friend from Nebraska [Mr. VALENTINE].

Mr. BLACKBURN. Are you going to have all the debate over there?

Mr. VALENTINE. I yielded the floor to the gentleman from Illinois and he has only returned it back to me.

The SPEAKER. The gentleman yielded the floor to the gentleman from Illinois and it comes out of the time of the gentleman from Nebraska.

Mr. VALENTINE. Now, Mr. Speaker, my statement was not that the allegation that any Senator or Member of this House was the possessor of a large quantity of land in the United States should be considered as very derogatory to him, but when it is taken in connection, as it must be when you examine the RECORD, with the language used by the gentleman from New Jersey, you will find, I think, its insertion here under the circumstances was an abuse which should be promptly corrected. After talking about the building of this additional soldiers' home he patriotically refers to the soldiers themselves, and then uses language as follows:

Sir, the honest, patriotic, and intelligent soldiers of this land, whose valor preserved the Union, will no longer permit themselves to be shields for such rascality or the ready recipients of such unwholesome flattery. The time is rapidly approaching when in the interest alike of the soldier and the entire people the land and the pension laws must cease to be patchworks of inconsistency and injustice.

Then follows the dispatch to which I have alluded; and in this connection I claim it was unjust, that it was taking advantage of the House, taking undue advantage of me and every member who was present on that occasion and yielded assent to the printing of his remarks which he requested on the amendment he had offered.

If you examine the RECORD of the 25th, referred to by the gentleman from Ohio [Mr. FOLLETT], and nowhere, after the gentleman offered his amendment, will you find any statement that he addressed the House, but inserted several pages in advance is the statement that he did so.

I know personally that he had that permission to print some remarks upon this question in the RECORD, but I claim that it was exercised in violation of the rules, and that the resolution of the gentleman from Illinois ought therefore to prevail.

Mr. Speaker, I have no desire, I will say to my friend from New York [Mr. COX], at this time or at any other time to precipitate anything upon this House in the nature of a political debate. I have not done so, nor has this side of the House. That was precipitated upon us in the dark by a gentleman upon that side of the House. He did not make the speech upon this floor, but he took occasion, after we had given him a right to print under his request, to go outside of that right and open up the political question, if you please, by attacking the nominee of this side of the House for Vice-President of this country.

I have been reading, sir, the debate in this House which occurred on February 22, 1870, upon a question similar to this, where I find my friend from New York also took part, and I believe that he to-day will stand with me and other members on this floor in saying that the right to print under the circumstances in which it is granted by the House is so often abused by members of this and other Houses that it should not prevail, and it is time for the House to insist that when this courtesy is extended to a member it must not be abused, but that he should strictly adhere in his language to the facts of the case, and insert nothing except what is absolutely true and decorous to those who have granted him the right.

I now reserve the remainder of my time, as I presume the gentleman from New Jersey desires to be heard.

Mr. MCADOO. Mr. Speaher, if there is to be any comparison between my personal honor and my actions toward the members of this House and that of the gentleman from Illinois, I am very willing to leave the decision to the members of this House themselves and to the country. Let them judge between us. I want to make a very clear, simple, and brief statement about the publication of this speech to which the gentleman excepts.

On the evening of the 24th of this month, while I was in my place here to do my duty as a member of this body, there was before us for consideration a bill in relation to the construction of an additional home for disabled volunteer soldiers. During the course of the consideration of the bill I desired to offer an amendment which I regarded as important. It was a radical amendment to the bill and which I had intended to discuss before the House, but under the rules and under the circumstances then prevailing I was unable to get the floor for that purpose; consequently I was not permitted to present my reasons for offering it or to present the arguments which I thought would have weight with the House to induce its adoption. I accordingly asked leave simply to print my remarks in connection with the amendment in the RECORD. That permission was unanimously accorded to me. With that power from the House I wrote and sent to the Official Reporter of this House the speech which has been published in the RECORD and as to which comment has been made.

I want now, sir, simply to say this: that I do not retract a solitary word of that speech. I want to say that I accept the authorship of it in its entirety. I do not consider for one moment I have violated in any degree any rule of propriety or equity, or any rule of manhood or fair dealing, as between man and man, in the publication thereof. I have simply done, sir, what has been frequently done by the members of this House. I incorporated into my speech an extract from a reputable public newspaper of this country—a thing which has been done frequently by members of the House in similar cases. I have not commented in one line, or word, or syllable of that speech upon that article which I so incorporated.

And now, sir, what is that article which has raised such a breeze upon the other side of this House? It was published when? It was published last January in one of the most reputable newspapers of the United States; published in the great metropolis of New York city. It has been copied from Maine to California, from Montreal to New Orleans, and during that whole period from January last until the gentleman from Nebraska [Mr. VALENTINE] rose in his place to-day in response, not a line of contradiction has appeared either from the supersensitive Senator himself or his friends with relation to his name in that list.

More than that. The greater part of that article has been published time and again in the speeches of gentlemen in this House. And as to its connection with this subject of pensions, I submit to every candid reader of the speech that I have connected it logically and reasonably with the remarks which preceded it. What did I say? I said that the right of the soldier to one hundred and sixty acres of the public domain was inseparably connected with the subject of pensions.

Mr. VALENTINE rose.

Mr. MCADOO. The gentleman rises. I am not sure that I used the words "one hundred and sixty acres;" but in substance I showed that the question of pensions, as it presented itself to my mind, and the subject of the public lands were inseparably connected. And in asking this House to make just and equitable pension laws I called its attention to the twin subject of the public lands, and asked that they also be preserved for the soldier and citizen alike.

The gentleman says that I have acted with discourtesy, and that I have not the courage to speak openly on the floor what I have printed. Sir, in the State from whence I come and in the district which I have the honor to represent in this House the vilest enemy that I have never yet whispered that I was lacking in courage or in manhood. I have

never said behind the back of a living man that which I would not say to his face. [Applause.] I have never yet in a public career longer than falls to the lot of most men of my years sought to strike a public or a private man with an innuendo even when I could go as the prophet did of old and say to him as he said to the Israelitish king, "Thou art the man." [Applause.]

I do not wonder that the gentleman gets excited. I do not wonder at the turbulent eloquence of the gentleman from Illinois [Mr. CANNON]. Why has this subject been brought before this House? Because the integrity of the RECORD has been violated or the rules connected therewith? The gentleman knows better than that. He rose not to preserve the integrity of the RECORD, not to bring the attention of the country to the violation of the rules with regard to publications therein, but simply because he found the name of JOHN A. LOGAN in the published extract among those who were charged with being large owners of land.

If the Senator from Illinois got his land honestly I have not anything to say of his private action in acquiring it; but I do deprecate the principle, as is done in the article. I deprecate and condemn the principle that allows any man, whether he be a humble citizen or a great Senator, to acquire and monopolize large tracts of public or private lands. And my animadversions, if I made any at all, if I would make any now, would not be against his ownership of 80,000 acres of land, as charged in the article, but I would as a public man and a public representative most heartily condemn the principle that allows the aggregation of land in an individual to the extent of 80,000 acres.

But, as I have said before, the Senator and his friends have remained month after month while the great public prints of this country disseminated this article by the millions of copies—have remained silent as the tomb. There has not been a whisper, not a syllable, not a note of indignation from the eloquent gentleman from Illinois [Mr. CANNON]. But when that Senator has been put forward as the standard-bearer—the standard-bearer of his party peculiarly in connection with the subject of soldiers and their pensions—then it is that the choler of the gentleman from Illinois mounts as it does to the foaming point. Then it is that he breaks out upon this House with affected indignation, asking that I shall be marked as having been guilty, as a member of this House, of discourtesy toward this honorable body; that I shall be marked as a violator of the rules of etiquette which ought to govern gentlemen in their action one toward another, and that I shall be condemned for having violated the integrity of the public RECORD.

I want to say, so far as the question of the RECORD is concerned, that I believe and am credibly informed that the gentleman from Illinois himself did not deliver his tariff speech in this House.

Mr. CANNON. Nor is it printed in the RECORD.

Mr. MCADOO. Then I have been misinformed. But I had the impression that I saw the gentleman's speech in the RECORD.

Mr. CANNON. The gentleman is mistaken.

Mr. MCADOO. Some friend states we were spared that infliction. But the gentleman asked for leave to print.

Mr. CANNON. I did not, and have not printed.

Mr. MCADOO. I understand the gentleman from Illinois that he denies having addressed the committee upon the subject of the tariff; that he denies having made any speech upon the subject, or that the RECORD contains any reference to him with regard to that subject.

Mr. CANNON. Does the gentleman desire me to state the exact fact about that?

Mr. MCADOO. Oh, no. I want an answer to the question—did you address the committee with reference to the tariff?

Mr. COX, of New York. And if not, why not?

Mr. CANNON. The gentleman can pursue his own course, and I will pursue mine.

Mr. MCADOO. I find in the RECORD of April 23, page 3531, the following:

[Mr. CANNON addressed the committee. His remarks will appear hereafter.]

[Laughter.]

Now, the gentleman having said he did not address the committee, I ask him does the RECORD lie? When the gentleman says he made no remarks, then I ask him, does the RECORD lie again? When it says his remarks will appear hereafter, I ask him, are you going to print hereafter? The gentleman remains silent.

Mr. CANNON. I will answer in my own time.

Mr. MCADOO. The gentleman remains silent because the facts are against him. I will give the gentleman time to answer now. I will give the gentleman two minutes of my time to answer me.

Mr. CANNON. I will answer in my own time when the gentleman is through. [Laughter on the Democratic side.]

Mr. MCADOO. Then the gentleman is afraid, while I am on the floor, to answer me to my face and say whether the RECORD contains a lie or not when it says that the gentleman addressed the committee on the subject of the tariff.

Now, if I had acted as the gentleman did, if I had acted as some gentlemen have done, then instead of doing such a fair thing as merely printing this article, giving the newspaper and the date, I would have done as I have known men to do here. I might have got up on this floor on the evening in question, and after obtaining the privilege of this House I might have made a statement to this effect. I might have said to the deluded soldiers of this land, "What do you think of a great Senator who, in his greed to absorb the territory which belongs to the actual settler in a land that was made for independent freeholders and small farmers—what do you think of a man who poses as a statesman and a patriot, as the friend *par excellence* of the soldier, and who, under the cover of his son-in-law, went to New Mexico and tried to pre-empt the most valuable land lying along her streams, and was only estopped by the public officer finding out that it belonged to another class which he professes the utmost friendship for, and who from his manner and appearance rumor says has their blood in his veins, tried to steal from his own kith and kin hundreds of thousands of acres of land [great laughter and applause on the Democratic side], taking his lands from the unfortunate savage who was unable to protect himself until an honest Secretary of the Interior went there with the surveyor and took back the land for the Zunis?" [Renewed laughter and applause.]

I thank Heaven that my natural sensibilities and association with a party that has not in it on this floor any one man mean enough to do a thing like that prevents me from hurling such an innuendo against any man. [Cries of "Oh!" Oh!" from the Republican side.] It might come with good grace from gentlemen who, no matter how noble their attributes may be, no matter how keen their natural sensibilities may be from long association with such men, have had their moral sensibilities dulled and blunted until they can not discern between right and wrong with that sharp discrimination which belongs to men of honor, men of rectitude, and men of integrity. [Applause.]

I leave this subject to the House. I am sneaking behind no newspaper. I thank my friend from New York [Mr. COX] who spoke truly of me when he said that if it was proved here or elsewhere that I had done injustice to the humblest man I would in a moment manfully and promptly apologize. God knows I would not wrong a living man, whether he be high or low. My friend from New York was right in that.

I have simply put in that speech without comment, without approval, without a word one way or the other, an article taken from the public records which have been spread before the people throughout this land, put it where they might deal with it again. Let the gentleman deal with it. My record speaks for itself.

I now yield two minutes to my friend from Pennsylvania [Mr. HOPKINS], and will reserve the balance of my time.

Mr. HOPKINS. I think our friends on the other side had better remove the beam from their own eyes before they try to extract the motes from the eyes of others. I move as an amendment to the resolution which has been offered that which I send to the Clerk's desk.

Mr. CANNON. I will hear the amendment read for information.

The SPEAKER. The gentleman from New Jersey [Mr. MCADOO] yielded to the gentleman from Pennsylvania [Mr. HOPKINS].

Mr. CANNON. Yes; for debate. I think I have charge of the resolution.

The SPEAKER. The gentleman has charge of the resolution, of course, and the Chair will recognize the gentleman from Illinois to make any motion he desires in regard to it.

Mr. CANNON. I am willing the amendment shall be read for information.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

And that the RECORD of June 21, 1884, be so amended as to show that the speech purported to have been delivered by Mr. CUTCHEON, of Michigan, was not actually delivered in the House, but was printed in the RECORD of June 21, 1884.

Mr. HOPKINS. On Thursday last the House had before it for consideration the bill to prohibit the importation of laborers under contract. It was a non-partisan bill, and its friends were seeking to have it passed as a just measure without exciting any political feeling. The gentleman from Michigan [Mr. CUTCHEON] asked leave to print some remarks on that bill. I find in the speech which was printed that the gentleman has made an assault on the Democratic party and an unfair and unjust assault on the author of that bill. I think, therefore, it is time that gentlemen on the other side should know that this practice is abused, if abused it is, by some of their own friends. And I desire to say now that I propose to answer that speech in to-morrow's RECORD.

Mr. MCADOO. I now yield five minutes to the gentleman from California [Mr. HENLEY].

Mr. HENLEY. I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

That the Official Reporter of Debates be instructed to furnish for publication in the RECORD the remarks of Mr. CUTCHEON, of Michigan, reflecting on General Ulysses S. Grant, made on the Fitz-John Porter bill and suppressed from the RECORD.

[Laughter.]

Mr. HENLEY. Inasmuch as this seems to be an era of amendment and correction, I have, as a delicate concession to the sense of rectitude of our friends on the other side, offered this amendment for the purpose of amending and correcting the RECORD, which, as the House

may be advised, has hitherto been somewhat distorted and marred by the withholding on the part of the gentleman from Michigan of a singularly scurrilous and vindictive attack upon the name of General Grant in the course of a debate on this floor on the Fitz-John Porter bill.

My object simply is to incorporate in the RECORD (if the RECORD must speak what has been uttered on this floor and nothing else and nothing more) the observations submitted by the gentleman from Michigan upon the case to which I have referred, but which he, for some unheard-of and hitherto-unexplained reason, withheld from the world. I do this in the interest of honesty, in the interest of fair play, and more particularly in the interest of our friends up there in the reporters' gallery, who have expressed to me their mortification and embarrassment over this particular matter. It arose, Mr. Speaker, in this way: When they heard the speech of the gentleman from Michigan they transmitted all over this land upon the wings of electricity the assault that he had made on General Grant. Lo! the next morning, upon the appearance of the RECORD, it turned out that they had lied or somebody had. [Laughter.] Therefore, since our friends on the other side are disposed to repent, since they are disposed to see that the RECORD shall speak the truth and the truth only, let us have this put in the RECORD by all means.

Gentlemen, I expect your commendation and applause for what I must (although it may sound egotistical) characterize as this upright, courageous, and honest movement on my part to make things right. [Laughter and applause.]

Mr. MCADOO. I now yield to the gentleman from New York [Mr. COX] for five minutes.

Mr. COX, of New York. Mr. Speaker, I do not intend to read all this that I hold in my hand. I simply ask to have the following added as an amendment to what has been proposed by my friend from Pennsylvania [Mr. HOPKINS]——

Mr. CANNON. The amendment I suppose is read as part of the gentleman's remarks?

The SPEAKER. The Chair understands that these amendments are being read for information. [Cries of "Read!" "Read!"]

The Clerk read as follows:

And be it further resolved, That so much of the CONGRESSIONAL RECORD of June 7, 1884, as contains the supposed speech of Hon. J. HART BREWER, be, and the same be hereby, ordered to be stricken out.

Mr. COX, of New York. Mr. Speaker——

The SPEAKER. The hour of 5 o'clock having arrived, the House takes a recess till 8 o'clock this evening. [Great laughter.]

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session, and was called to order by Mr. BAGLEY, as Speaker *pro tempore*.

The Clerk read the following:

Hon. J. H. BAGLEY, jr., will preside as Speaker *pro tempore* at the session this evening.

J. G. CARLISLE,
Speaker House of Representatives.

JUNE 27, 1884.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets to-night.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole on the Private Calendar for the consideration of business under the special order of the House just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

FRANCES E. HENDRICKS.

The first business on the Private Calendar was the bill (H. R. 2059) to increase the pension of Frances E. Hendricks, reported adversely from the Committee on Invalid Pensions by Mr. MORRILL.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to rerate the pension of Frances E. Hendricks, widow of John A. Hendricks, late colonel of the Twenty-second Indiana Volunteers, killed in the battle of Pea Ridge, at the sum of $50 per month.

The Committee on Invalid Pensions reported the following amendments:

In line 4, strike out the word "rerate" and insert the word "increase;" in line 7, strike out the word "at" and insert in lieu thereof the word "to."

The report (by Mr. MORRILL) was read, as follows:

We find that Frances E. Hendricks is the widow of Col. John A. Hendricks, who fell mortally wounded while leading his regiment at the battle of Pea Ridge. She is now receiving $30 per month and asks that it be increased to $50. The committee feel the full force of all the arguments urged in favor of the claimant, but we can not overlook the fact that there are a large number of widows in our land whose cases are similar to this one, and a careful investigation of this case fails to disclose any special reasons why an exception should be made in favor of this claimant. The committee can not forget that thousands of private soldiers, as loyal and brave as ever shouldered a musket, fell on the battlefield, leaving widows and helpless children to mourn their loss, and yet these widows receive the pitiful sum of $8 per month. While the sympathies of the committee are with the claimant, and they realize fully that no money consideration can compensate her for her great loss, yet they feel that legislation in this direction should be general and not special, and therefore ask that this bill lie on the table.

Mr. MORRILL. I ask unanimous consent that this bill be passed over for this evening, retaining its place on the Calendar.

Mr. RANDALL. I object.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a recommendation that it be laid on the table?

Mr. HEWITT, of Alabama. I would like to hear a statement of the facts of this case, as I was not here the other night when it was discussed.

Mr. MORRILL. The case is a very simple one. Colonel Hendricks fell leading his regiment at the battle of Pea Ridge. His wife is now receiving the regular pension of a colonel's widow, $30 per month. The bill was introduced to increase that pension to $50 per month. The Committee on Invalid Pensions directed an adverse report to be made, for the reason that there is no instance where the widow of a colonel or of any officer of lower rank than colonel has received $50 a month. The case was called up at the last meeting on last Friday evening, when the question of a quorum was raised, and it was passed over.

Mr. RANDALL. It was not passed over.

Mr. MORRILL. If any colonel's widow's pension is to be raised this is a meritorious case, for the man was killed with his regiment. He was taken off the battlefield dead.

Mr. MATSON. My colleague on the committee is, I think, inaccurate in two respects: First, my recollection is, without having referred to the records, that Colonel Hendricks was lieutenant-colonel of the Twenty-second Indiana, and that Jeff. Davis was colonel of the regiment at the time of the battle of Pea Ridge.

He is inaccurate on the other side. There are one or two precedents for granting pensions to widows' officers below those of colonel, increasing their pensions to $50 a month. They have been pressed on the Committee on Invalid Pensions during this Congress in behalf of a number of others, bills which are now pending, and the Committee on Invalid Pensions thought the line ought to be drawn where it is. They have been willing to give the widows of general officers $50 a month. They were not willing to go beyond that and give widows of any below that. If Colonel Hendricks's widow is to receive $50 a month because he was killed on the field of battle, there is no reason why the widow of every single soldier who was killed on the field of battle should not receive $50 a month also.

Mr. HEWITT, of Alabama. No special reason why this should be made an exception.

Mr. MATSON. None, except he was killed at the head of his regiment. It was argued the other night, Mr. Chairman, that the widows of officers who were with their regiments, who were perhaps conspicuous for gallantry, ought to be pensioned at a higher rate than the widows of private soldiers. I do not subscribe to that doctrine. I think, in the first place, particularly in the case of volunteer officers where there is no lifetime service, where they entered the war for a given period, or for a period coexistent with the war itself, afterward to return to their homes as citizens and stand on a perfect equality, the widow of one man who was a volunteer should not receive more than another whose husband was killed on the field of battle. I see no reason for it.

We have made perhaps as much of a fight in this matter as we ought to, although I do not feel like yielding, and I insist a vote should be had when a quorum of the House is present. I am not disposed to be factious, but I think that such a grave precedent should not be established. If we should take that step, we should not do it without due deliberation, without the action of a quorum of the House. I suggested the other night this bill should be reported to the House favorably, with the understanding the previous question should be moved after we get into the House, so the bill should stand first in order as unfinished business, giving it the right to be called up first of all the bills on the Calendar in the order of unfinished business.

It seems to me that is all that ought to be asked. I do not feel we ought to go beyond that point. I do not think it would be doing justice to the Government; because if $50 is given in this case, how can the House refuse to give the same pension to the widow of an officer or soldier who fell on the field of battle? How can it be done? I can see no reason for it. Are we here for the purpose of legislation on this matter with favoritism? Certainly not, where there is no element of lifetime service, where there is no pretense this man after he left the Army, or, being a volunteer, if he had not left it, stood higher before the law or had any greater claim than the man who was killed in battle with a gun in his hands. I can see no reason for it.

I wish to say as I said the other night, whenever a single bill involving a pension was called up where there has been a difference of views between gentlemen as to whether the pension ought to be granted, and a

gentleman asked the bill be laid aside or passed over informally, or if it was seen fit it might be reported to the House and be voted on when a quorum was present, and no one has ever objected.

It seems to me that ought to be the course taken with this bill, and I think it is a right thing to do because it is a grave precedent. If the House shall see fit with a quorum of its members present to pass the bill, I should be better satisfied and I think the members of the House also.

Mr. RANDALL. Mr. Chairman, I think I have attended faithfully almost every Friday evening's session that has been held since the order which has just been read for that purpose was made by the House, and the gentleman from Indiana will bear witness that I have co-operated as far as I was able with the Committee on Invalid Pensions and the Committee on Pensions in the passage of all their bills. I have never during all of these sessions interposed the objection that no quorum was present even when as many as eighty bills were passed in one evening with no more than twenty-five or thirty, certainly not more than forty, of the members of the House present in their seats.

What are the facts of this case? I claim in the first place that Congress should reserve to itself the right of exercising its discretion in dealing with this subject, and that cases which are exceptional in their character, cases of peculiar merit such as this, should be disposed of under the exercise of that discretion of which Congress should never divest itself. In the present case the Committee on Invalid Pensions have reported adversely to the bill, and yet the committee were overruled in their recommendation by the majority of the House then present at the time when this bill was presented for the consideration of the committee.

In the discussion that took place it was shown that there was another bill pending upon the Calendar involving the same principle that is involved in this one—I refer to the Cushing bill—which presents also a case of peculiar merit, and should form an exception to the rule ordinarily laid down in legislative proceedings. We have been asked to pass these bills aside, to dispose of them in such a manner that it was inevitable they never could be reached during this session of Congress, in order that the other bills reported by the committee might take precedence. I did hope, sir, that the committee on Invalid Pensions, seeing that a majority, less, it is true, than a quorum, differed with them in their conclusions on this bill, would extend the same courtesy, the same equity toward these two bills that has been shown toward the consideration of other bills reported by the committee when less than a quorum followed their advice and accepted their report.

I have no wish to impede the passage of any other bill; and I say now in answer to the gentleman from Indiana that if he will place this bill in a situation before the House so that it can be considered at this session of Congress, and so that we may have final action on it before the session closes, then I am quite willing to concede the point and go on with the consideration of other measures reported from that committee with the number of members who may be present this evening, whether it be less or more than a quorum.

But unless that can be agreed to I feel that I should be doing injustice to this claimant if I permitted this bill to be defeated in that indirect manner, as well as the one to which I at first referred, each of which present peculiar reasons why this increase of pension asked for should be given. And we are not without precedent for granting this increase, as the gentleman from Indiana has conceded. Such exceptions have been made by the committee in other instances. That is all I contend for. If this committee, which has not a quorum present, will agree, in the spirit of fair play as I think, toward these two applicants for increased pension, to have an expression of the sentiment of the House so that a quorum may vote upon the bills, that is all I could possibly ask. But I never can consent that either of these bills shall be passed aside and killed by indirection. Therefore I shall continue to raise the question of a quorum unless I have the opportunity, as I have said, of securing a vote in the House at this session. I am quite willing that the sense of the House shall be taken when a quorum is present upon a yea-and-nay vote.

Mr. MATSON. May I ask the gentleman from Pennsylvania a question?

Mr. RANDALL. Certainly.

Mr. MATSON. I desire to ask if the previous question is ordered in the House if that will not give this bill a kind of precedence, so as to come up for action in that shape?

Mr. RANDALL. I think not now. That might have been the case at the last Friday evening session. But I have believed that we shall adjourn on the day before the next Friday meeting. I am struggling, as far as in me lies, to that end with the hope of successfully accomplishing it.

I repeat, all that I ask, then, is that this bill, or these two bills rather, to which reference has been made, shall be placed in such a condition that a vote of the House may be taken upon them at some time prior to the adjournment of this session; and if I permit the session to adjourn without some action upon them I would feel that I had been guilty of sacrificing the interests of these two petitioners.

As I have said, I have sat here night after night during the whole session to facilitate the passage of pension bills, and do not now feel warranted in relinquishing my efforts in behalf of these claimants.

Mr. MATSON. So far as I am concerned, and I suppose I may speak for the Committee on Invalid Pensions, I wish to say we shall not object to a vote being taken on the bill at any time when there is a quorum present and it can be called up. We will be ready in any way to facilitate a vote being taken upon it. I am willing to move the previous question to-night on the passage of the bill.

Mr. RANDALL. That would make it go over till next Friday, when the same class of business shall be taken up.

Mr. MATSON. Let there be an understanding that it will be taken up to-morrow.

Mr. RANDALL. I would be willing to agree to that.

Mr. GEORGE D. WISE. I object.

Mr. MATSON. We can not make that agreement in the committee, but I suppose by arrangement we will have no difficulty in making it in the House.

I desire, in response to what has been said by the gentleman from Pennsylvania, to say that all of us feel obliged to him for his assistance in these matters, because what he has stated is true in every sense of the word; he has been here, I believe, every Friday night, and has yielded to the committee the most cordial support. But when we come to differ with him there we do not agree.

Mr. RANDALL. When you come to differ with me I do not think the same kindness is extended to me as I extended to you.

Mr. MATSON. Perhaps the gentleman has not differed with the committee, but others have; the others have only claimed what we ask now, and it has always been accorded to them.

Mr. RANDALL. I think when the action of the Committee on Invalid Pensions is reversed in the House—and I say so without making any offensive criticism upon them at all—then they themselves having been the recipients of so much consideration ought to extend back to those who support the claims of these two petitioners a like consideration.

Mr. MATSON. I wish to say to the gentleman from Pennsylvania that some of the gentlemen who have asked for a quorum have been gentlemen whose bills have been passed by the committee; but they had a conscientious scruple and thought some particular bill ought not to pass.

Mr. RANDALL. I only ask that this bill shall not be killed by indirection. If you will agree to have a vote in the House some time during this session there need not be a moment's delay in coming to an agreement.

Mr. MATSON. I will say to the gentleman from Pennsylvania that whenever he desires to vote on this bill in the House, and there is a quorum present, I shall second every motion he makes to that end; and I apprehend every gentleman present will agree to that, so that we may get over this difficulty.

Mr. HEWITT, of Alabama. The gentleman from Pennsylvania has had about as much to do in making the rules of this House as any man I know of.

Mr. RANDALL. I do not want to break them in this case by passing this bill over.

Mr. HEWITT, of Alabama. If the gentleman can not reach the bill he desires to pass it is the fault of his rules, or the rules which he and others who have co-operated with him have induced the House to adopt.

Now, Mr. Chairman, on last Friday night, if the gentleman from Pennsylvania had consented to pass over this case, a large number of pension bills in favor of worthy petitioners that ought to have been passed would have gone through the House; and the bill that the gentleman is in favor of would have been right where it is to-night; it would have been the very first bill to be called to-night, just as it has been. But by his objection on last Friday night to laying this bill aside he has prevented—not intentionally, it is true, but he has nevertheless prevented—the passage of a number of pension bills that ought to have been passed, and he has not forwarded this bill one particle. If this bill had been laid aside last Friday night it would have occupied to-night the very position it occupies here now.

If the gentleman persists in refusing to have this bill passed over what does he effect? Not the passage of this bill; not the granting of a pension here. But he prevents the passage of a number of bills to which there would be no objection at all.

I have always been inclined to act upon the principle that when I find I can not get what I want I then take the next best thing I can get. The gentleman knows that no one member of this House to-night can prevent any action upon this bill. But, Mr. Chairman, while I am opposed to this bill, while I do not believe it ought to pass, and while I believe, with the chairman of the Committee on Invalid Pensions, that there should be no distinction between the widows of officers and the widows of private soldiers, I shall interpose no objection to action on this bill here to-night.

Mr. RANDALL. The gentleman from Alabama has alluded to my connection with the rules of this House. The rules of this House provide that bills shall be taken up in order to be disposed of. I am resisting the vacation of this rule to the injury of two petitioners.

The gentleman says that the bill stands in exactly the same condition now that it did; that I am preventing the passage of other bills to which there is no objection. Why, sir, last Friday evening when we were likely to reach a conclusion, that I hope may yet be reached to-

night, that the House may be allowed to vote upon this bill with a quorum, the gentleman from Alabama, if I remember rightly, objected to that procedure, and did not take the course which he advises that I should take to-night, and submit when he could not get things his own way. Now, I am willing to do anything to facilitate any pension bills, and I have been here all through this session assisting their passage. But I am not willing to stand here and see two petitioners for pensions indirectly injured when I can, in the exercise of my right under the rules, secure consideration in the House for those two persons.

Mr. McMILLIN. Let me ask the gentleman a question?

Mr. RANDALL. Certainly.

Mr. McMILLIN. Suppose that every other gentleman takes the same position here that you do, and calls for a quorum on this or any other bill, is it possible to pass any bill here to-night? The rules require a quorum.

Mr. RANDALL. I want to say to the gentleman that on principle I do not believe that less than a quorum of the House of Representatives should ever complete legislation. But I have stood here all this session making an exception in that respect in behalf of pension bills.

Mr. HEWITT, of Alabama. Facilitating the passage of every one that you approve.

Mr. RANDALL. No, sir. I do not want my friend to assert any such thing as that, because he perfectly well understands that I never stand here objecting to any pension bill if I have a reasonable chance to vote in favor of it.

Mr. TOWNSHEND. Is it in order now to have a call of the roll?

The CHAIRMAN. It is not.

Mr. TOWNSHEND. I understand that the question of a quorum has been raised.

The CHAIRMAN. Nothing has transpired in the committee to develop the fact that there is no quorum present.

Mr. TOWNSHEND. Why not proceed to test that question?

The CHAIRMAN. The Chair will put the question on the amendments reported by the committee.

Mr. HEWITT, of Alabama. I believe that last Friday night I interposed the point that no quorum was present. I withdraw that now.

Mr. RANDALL. I am obliged to the gentleman.

Mr. ROBINSON, of Ohio. It does seem to me that we ought to arrive at some conclusion in this matter in order to enable us to go on with business.

Mr. MATSON. I desire to say to the gentleman from Ohio [Mr. ROBINSON] and to other members present that, as I understand it, we have come to a conclusion.

The CHAIRMAN. The Chair will state the proposition now pending. The question is on the amendments submitted by the committee.

The amendments were agreed to.

The CHAIRMAN. The question now is, Shall the bill as amended be laid aside to be reported to the House with a recommendation that it be laid upon the table?

The question was taken by a *viva voce* vote, and the Chairman announced that the ayes appeared to have it.

Mr. RANDALL. What is the question?

The CHAIRMAN. The question is upon laying the bill aside to be reported to the House with a recommendation that it do lie upon the table.

Mr. RANDALL. I ask for a division upon that. My understanding was that the bill was to be reported favorably to the House.

Mr. McMILLIN. No, sir.

Mr. HEWITT, of Alabama. Allow me to make one remark.

The CHAIRMAN. The Chair will again put the question. Shall the bill as amended be laid aside to be reported to the House with a recommendation that it do lie upon the table, according to the recommendation of the Committee on Invalid Pensions?

Mr. RANDALL. On that I call for a division.

The committee divided; and there were—ayes 29, noes 25.

So (no further count being called for) the bill was laid aside to be reported to the House with a recommendation that it do lie on the table.

Mr. RANDALL. I give notice that we will try the matter in the House.

JOHN H. COOK.

The next business on the Private Calendar was the bill (H. R. 2635) granting a pension to John H. Cook.

Mr. CONNOLLY. This bill has been reported adversely from the Committee on Invalid Pensions. I am not willing to have it considered to-night, and ask consent that it be passed over informally, not to lose its place upon the Calendar.

There was no objection, and it was so ordered.

MRS. KATE L. CUSHING.

The next business on the Private Calendar was the bill (H. R. 2429) to place the name of Mrs. Kate L. Cushing, widow of the late Commander William B. Cushing, on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the name of Mrs. Kate L. Cushing be placed on the pension-roll, and that she be, and hereby is, entitled to receive $50 per month from the passage of this act during the period of her natural life.

Mr. KEIFER. I think the report in this case had better be read.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner, who is now receiving a pension of $30 per month, asks an increase to $50, to continue during her natural life. This request is based upon the past action of Congress, in that it has in many instances favored in like manner the widows of officers who have rendered valuable and distinguished services to the country. That Commander Cushing was of this class the records of the Navy Department and the history of the late war attest. His is a reputation not only national but world-wide, and no history of the United States would be complete without a page being devoted to his gallant exploits.

William B. Cushing was appointed a midshipman in 1857, commissioned as a lieutenant July 16, 1862, and on December 5, 1863, was detached and ordered to command the Monticello, and continued in commaad of that vessel and others until his promotion to lieutenant-commander October 27, 1864; promoted to commander January 31, 1872; died at Washington, D. C., December 17, 1874.

Report of Secretary of Navy for 1864 shows that Lieutenant Cushing, while in command of the Monticello, sunk the rebel ram Albemarle on the night of October 28, 1864. The records of Navy Department show Lieutenant Cushing was advanced thirty numbers and promoted to lieutenant-commander from October 27, 1864.

Surgeon-General United States Navy reports that Commander Cushing died December 17, 1874, of acute mania. The disease originated in the line of duty from exposure and high excitement during the Southern rebellion, since which time some symptoms of a disordered brain have been noticed by his brother officers. The disease developed into acute mania about four weeks ago, and December 17, 1874, he became so violent that it was necessary to convey him to the Government Hospital for the Insane, where he died at 2.30 p. m.

A brief history of Lieutenant Cushing's valuable services is given in Hamersly's Records of Living Officers of the United States Navy, which shows the bravery and persistence of this accomplished officer. It says that—

"On the 23d of November, 1862, Lieutenant Cushing, then in command of the steamer Ellis, entered New River Inlet, with orders to capture the town of Jacksonville, intercept the Wilmington mail, take possession of any vessels found in the river, and to destroy any salt works found on its banks. At 1 p. m. he reached the town of Jacksonville, captured twenty-five stand of public arms, a large mail, and two schooners. He then started down the river, shelling a rebel camp on his way, and came to anchor about five miles from the outer bar, it being impossible to take the steamer from the river that night. On the following morning the enemy opened on him two pieces of artillery from a bluff, but were soon silenced, the Ellis passing within short range without receiving fire. At about five hundred yards from this point the Ellis grounded, and every effort was made to get her afloat, but without success. Everything was removed from the steamer excepting the pivot-gun and a few small arms; the crew were called to muster and told that they could get aboard the prize schooner.

Lieutenant Cushing then called for six volunteers to remain with him on board the Ellis and fight the remaining gun. Six men came forward, two master's mates, Valentine and Barton among the number. The schooner was ordered to drop down the channel and await the termination of the impending engagement. On the morning of the 25th the enemy opened a cross-fire on the Ellis from four points with heavy rifled guns, so disabling the vessel that the only alternatives left were surrender or a pull of one and a half miles in a small boat under fire to the schooner; the latter alternative was chosen. Lieutenant Cushing fired the Ellis, reached the schooner, and made sail for sea, and four hours later arrived at Beaufort. The coolness, courage, and conduct of Lieutenant Cushing was specially commended in the official reports of Commander H. K. Davenport and Acting Rear-Admiral S. P. Lee, commanding North Atlantic blockading squadron.

"On the night of the 27th of October, 1864, Lieutenant Cushing ascended the Roanoke River in a torpedo-boat, having the second cutter of the steamer Shamrock in tow, for the purpose of blowing up the rebel ram Albemarle at Plymouth. He passed the rebel steamer Southfield without being noticed, and arrived within a short distance of the ram before he was discovered, when he cast loose the cutter, ordering her to board the Southfield and capture the picket stationed there while he attacked the ram with the torpedo. Although the enemy kept up a severe fire of musketry and with howitzers mounted on the wharf, he succeeded in exploding his torpedo under the Albemarle at the same instant that the gun of that vessel to which they were directly opposite was fired on the torpedo boat, which immediately filled, and the lieutenant ordered his officers and men to save themselves and jumped overboard. Most of the party were captured, some drowned, and only two escaped. Lieutenant Cushing managed to reach the shore, and after some hours' travel through the swamps, came to a creek, where he took possession of a boat belonging to a picket of the enemy, and by 11 o'clock the next night had made his way out to the steamer Valley City. For this daring act Lieutenant Cushing received a vote of thanks from Congress and a highly complimentary letter from the Secretary of the Navy."

It has been a rule of this committee to refuse to increase the pension of widows whose husbands' rank was beneath that of a general officer, and they feel that it would be unwise to make a departure in this case. They fully recognize the valuable services of Commander Cushing. His gallantry and bravery in the hour of his country's danger will ever be preserved as a bright spot in history, and his countrymen can not but refer to it with pleasure and pride. Moreover, the committee regret that the rule prevents a favorable recommendation to the request of the deserving widow, but under the circumstances must ask to be discharged from the consideration of the bill, and recommend that it lie on the table.

The CHAIRMAN. The question is upon laying the bill aside to be reported to the House with a recommendation that it do lie upon the table.

Mr. BREWER, of New York. The widow who makes application in this case is from my district in New York. Her husband was a resident of the Thirty-third Congressional district of the State of New York, and went into service from there.

The CHAIRMAN. The Chair will state that it has appealed to gentlemen to preserve order on the floor. If it is in the power of the Chair it intends to have order during this evening's session, and if nothing else will do the Chair will be under the painful necessity of requesting gentlemen by name to be seated and to stop conversation on the floor.

Mr. BREWER, of New York. I will detain the committee but a few minutes in order to make some statements in regard to this case.

Under ordinary circumstances, Mr. Chairman, and upon ordinary occasions, I think the Committee on Invalid Pensions would be fully justified and unanimously indorsed in reporting this bill as they have. But as there are always exceptions to good rules, I am inclined to think that while the gentlemen who make up the committee may have considered it wisest to make an adverse report on this bill from the committee-room, they will offer no objection to a consideration of the matter

in Committee of the Whole House and cheerfully acquiesce in any action which may be taken this evening.

You will observe by the report which was made by my colleague, the honorable gentleman from New York [Mr. BAGLEY], that it has been a rule with the committee to refuse to increase the pension of widows whose husbands rank below that of general officer in the Army or commodore in the Navy; and while they recognize the merits of the case under consideration, coupled with the valuable services and gallant conduct of the late Commander Cushing, they deem it unwise to depart from the rule. They close the report with these words: "Moreover, the committee regret that the rules prevent a favorable recommendation to the request of the deserving widow."

Now, gentlemen, you have no such rule in Committee of the Whole House. While we commend the Pensions Committee for the prudence and care with which they scrutinize the great multitude of bills which are submitted to their examination, and while we honor them for the exact justice which they endeavor to mete out to all, we are glad that they offer no opposition to the consideration by you at this time of this bill which is fraught with so much that is vital to the widow and orphan children of the gallant young officer, who deserves so well of his countrymen.

The reading of the report has given you but a single leaf from a volume which might be read in praise of the noble work and gallant conduct of the distinguished gentleman whose renowned and chivalrous achievements during the war of the rebellion as a naval officer commanded the admiration of all his countrymen and on three several occasions procured for him the thanks of the Secretary of the Navy and once of the Congress of the United States. I need not enter into details. Suffice it to say that he captured more blockade-runners and turned over more money to the fund of the Naval Department than any other single officer during the entire war.

With what fertility of brain he conceived, with what care and forethought he made every preparation, supervising the minutest details himself; and with what bold, gallant, and successful promptitude he executed his designs to forever disable the iron-clad monitor Albemarle as she lay at her wharf surrounded by the confederate forces and filled with confederate officers, can never be adequately described. At the time the world rang with the praises of the hero who could almost single-handed achieve what the entire fleet had been unable to accomplish. But I am not going to worry your patience. Suffice it to say, this young man, admired, honored, and beloved, died in an insane asylum from a disability the direct result of his excessive labors, his great exposure, and his indomitable perseverance in the execution of his bold and gallant exploits in the service of his country. By his dashing and successful enterprises the naval fund was increased hundreds of thousands of dollars, and it is from this fund, which he helped so much to create, that we ask you to contribute to the support of his wife and children.

Who was Lieutenant-Commander Cushing? He was born in the State of Wisconsin. With an irresistible desire to accomplish something in the world, at the age of twelve years he secured a place as page upon the floor of this House, and by dint of perseverance he pushed his way into the good graces of the members and secured admission into the Naval Academy at Annapolis. When the war broke out we find him in Washington begging of the then Secretary of the Navy, Hon. Gideon Welles, to be assigned to active and hazardous service in defense of his country. Before he was nineteen years of age he was placed in command of some of the most responsible and dangerous expeditions known to our naval service, and for his bravery, his gallantry, and his uniform success he was promoted from grade to grade until he was made a commander in the Navy. Two months before he was twenty-one years of age he, with his trusted associates, who had always stood by him, accomplished a deed of such daring and difficulty that the world rang with his praises. Yes, before he was twenty-one years of age he planned, perfected, and executed this greatest of his heroic achievements and completely destroyed the iron-clad rebel monitor Albemarle. Allow me to quote from a paper published at the time:

> The Albemarle, as has been mentioned, was an iron-clad of tremendous strength and power, which had already defeated the whole Federal fleet, sunk the Southfield, exploded the boiler of the Sassacus (both ships of the line), engaged nine vessels at one time, with no material injury to herself, forced the surrender of a brigade, and the practical abandonment of the whole region of the Roanoke, by the Union forces. The Government having no iron-clad or any other vessel capable of crossing the Hatteras Bar to encounter her and compete for the supremacy of the sea, everything seemed at the mercy of the Albemarle, and the expense of the squadron which it was necessary to keep there to watch her movements was something enormous.

It was at this time, and in this emergency, that Lieutenant Cushing submitted his plan to Admiral Lee for leave of absence to go to Washington to submit his plans for the destruction of this impregnable monster. His plans were approved, and he was ordered to go to New York to procure the proper vessels and material to carry out his design, which he did, we all know with what terrible disaster to the confederate ram and what brilliant promise to the Union troops.

The aged mother of this gallant young officer is now living in the State of Missouri on the bounty provided for her declining years by the kindly foresight and filial love of her distinguished son. She speaks to you this evening, and says: "I gave my four sons to their country; one only survives a hopeless invalid; one was killed upon the bloody field of Gettysburg while defending his battery in a most desperate hand-to-hand encounter with the confederate troops. One was killed on the Western plains. The other, after having arrived at the acme of his hopes became hopelessly insane and died in an asylum." This venerable woman says to you: "As ye have done it to others, even so do it for my son and his orphan children." This is not a new departure, the precedent has been established, and now let us do this act of justice to the children of this brave and patriotic soldier.

Mr. RAY, of New Hampshire. Mr. Chairman, although it is usually an ungracious thing to oppose the granting of a pension or the increase of a pension to a woman, I feel bound in this case to sustain the report of the committee and to oppose the bill. This estimable lady has been and is now receiving a pension of $30 per month. The bill grants her an increase to $50 per month. The report, so far as it rehearses and commends the praiseworthy conduct of Commander Cushing, I indorse most heartily. But there is another side to the story, and I dare say many members of the House are aware of it.

Commander Cushing was not married to this lady until after the close of the war. For the capture of the Albemarle he received as his share of prize-money, in two payments, the sum of $56,056.27.

There was in 1865 a distribution of the avails of the captured vessel, the rebel ram Albemarle, amounting to $79,944, awarded by the Navy Department. Afterward the parties interested in the distribution of the prize-money thought the appraisal had been too low, and they procured the passage of a bill through Congress in 1872 authorizing a reappraisal of the Albemarle. It was reappraised, and the total valuation of the vessel for redistribution of prize-money was increased to $282,856.80; and a second distribution was made among the captors of $195,836.39.

Now, the report of the Committee on Invalid Pensions does not give any information in regard to the share Commander Cushing received out of this large sum of money. I will refer to the record in order to be exactly correct. In the first distribution he received $17,952.58, which was paid to him September 28, 1865. In the second distribution he received $38,103.69, February 27, 1873; making as his share a total of $56,056.27.

It may be said he was fairly entitled to that sum, that it belonged to him because he earned it. I wish, Mr. Chairman, that such were the facts. I wish it were true as a matter of law and fact that this large sum of money which he received had been Commander Cushing's just share of that prize fund. But such is not the fact. According to Attorney-General Pierrepont's well-considered opinion, transmitted to the Secretary of the Navy in 1875, for his guidance in the division of the prize-money among the captors of the Albemarle, and whose views were adopted without dissent by the Naval Committee of the House of Representatives in the Forty-fourth Congress (Report No. 157), also by the Naval Committee of the Forty-seventh Congress (Report No. 90), Cushing was overpaid the sum of $28,742.76. He undoubtedly got that much over and above his lawful and share, it has never been refunded. You will inquire, sir, how this happened. I will tell the committee just how it was done.

A month or two after the destruction of the rebel ram, Lieutenant Cushing, for his bravery and gallant conduct on that expedition, was promoted from the rank of a navy lieutenant to that of a lieutenant-commander, to take effect retroactively, in order that he might receive a larger share of the prize fund. He was promoted in December, 1864, the promotion to take effect as of October 27, 1864, the day of the capture of the hostile vessel. The Secretary of the Navy at that time who granted the promotion also directed the distribution of the prize-money, giving him a share the same as if his rank had been that of a lieutenant-commander at the time of the capture, when in truth and in fact he did not hold that rank at that time nor until several weeks afterward, but on the contrary was only a lieutenant.

Now, the law in relation to the distribution of prize-money is that the captors, whether officers or men, shall receive certain sums proportioned to their rank at the time of the capture. But in plain violation of the statute Commander Cushing was allowed and took the share of a lieutenant-commander, a higher rank than he held when he commanded the expedition which destroyed the Albemarle and a much larger sum than his actual rank entitled him to receive. The amount he got beyond what lawfully belonged to him was, as I have already said, over $28,000. Why the division of this fund was managed in the way it was is beyond my comprehension. It can not be justified upon any sound legal principle.

In view of the fact that this lady has already been allowed a pension of nearly $1 a day all the year round, in view of the fact that she married Commander Cushing some time after the war was over, and in view of the additional fact that out of this single expedition—grand and glorious though it was, indeed—Commander Cushing received the large sum of $56,000 and upward, more than $28,000 of which he was not entitled to, it would seem we might well pause a little before granting his widow this increase of pension to $50 a month.

In the State of New Hampshire lives a man whose name is Daniel G. George. He was one of the seamen who volunteered under the command of Lieutenant Cushing when he set out on the expedition to capt-

ure the Albemarle. George was in the boat with Cushing when the torpedo was exploded by which the Albermarle was disabled, and was himself blown into the water by the explosion with the rest of the boat's crew and was taken prisoner. He did not escape with officers Haworth and Cushing. Now, this man George, an ordinary seaman, who bravely volunteered to go with Lieutenant Cushing on this expedition, enlisted as early as September 17, 1861, and having served continuously four years, six months, and sixteen days, was honorably discharged April 26, 1866. During this long service he was engaged in twenty-one different battles, and was severely wounded. After the war he was allowed a pension of $12 a month for a fracture of his right thigh while in the service. He filed an application for an increase later on, the examining surgeon certifying that his disabilities were equivalent to the loss of a hand or a foot, but it was rejected at the Pension Office. To-day he is an old man, in a crippled condition, unable to support himself by his own labor. He went through all this gallant and extraordinary service for his country and was blown into the water by the explosion of the torpedo that destroyed the Albemarle and then was taken prisoner, and is in humble circumstances so far as property is concerned, yet the last Congress only granted to this man a pension of $24 a month. All he received in both distributions of the Albemarle prize-money was $4,593.60, while his true and lawful share was $6,698.20, and there is still due him $2,104.60, which was unlawfully paid over to Cushing, Haworth, and Gay.

Now, as I have said, it is an ungracious thing to oppose the allowance of a pension to a woman. But I would be neglectful of my duty to this crippled veteran soldier, now living in humble circumstances in a little town in New Hampshire, receiving only $24 a month, if I should consent to vote this lady $50 a month and leave old Dan George out in the cold. [Applause.]

I say let us give that brave soldier and seaman Dan George a pension of $50 a month if we are to grant it to this widow.

Another thing, if it were suggested here that this lady really needed this pension for her comfortable support I am not sure but I would be inclined to favor the bill; but, sir, there is nothing of the kind suggested from the beginning to the end of the report that Mrs. Cushing actually needs the proposed increase of $20 per month in order to maintain herself and family comfortably.

Again, sir, let me call attention to the action of the House within the last three or four weeks. I had the honor to introduce a bill here granting a pension of $75 a month to Harriet P. Dame, of New Hampshire, an army nurse, one of the most noble women of our land. I want to read right here an extract from a letter written to me by General Gilman Marston, of the Second New Hampshire Volunteers, and afterward brigadier-general, and formerly a distinguished member of this House, advocating the granting of a pension to Miss Dame:

Miss Harriet P. Dame went out with the Second New Hampshire Volunteers in June, 1861, and remained with that regiment and in the army hospitals till after the close of the war. She sought no soft place, but wherever her regiment went she went, often marching on foot and camping without tent on the field. She was always present where most needed, and to the suffering, whether "Yank" or "Grayback," it made no difference, she was truly an angel of mercy. Miss Dame was the bravest woman I ever knew. I have seen her face a battery without flinching, while a man took refuge behind her to avoid the flying fragments of bursting shells. Of all the men and women who volunteered to serve their country during the late war not one is more deserving of reward than Harriet P. Dame.

Now, Mr. Chairman, I tried my level best to have the Committee on Invalid Pensions report a bill allowing Miss Dame a pension of $50 a month; but our committee said, "No; we can not give her more than $25 per month;" and both the House and Senate have approved the committee's decision by passing the bill for that sum only. Miss Dame is nearly 70 years of age, with scanty means, her health seriously impaired by the severe hardships and labors of four years of army life. In her case the sum allowed is small, indeed, when compared with the value of her patriotic services in saving the lives and alleviating the sufferings of sick and wounded men and officers all through the war. I maintain if this bill increasing Mrs. Cushing's pension is adopted you surely ought by all the dictates of good sense and justice to include the names of Harriett P. Dame and Daniel G. George with that of Widow Cushing.

Now, sir, I concur in the views expressed by my distinguished friend [Mr. MATSON] the chairman of the committee, that the idea of giving these large pensions to the widows of officers and granting to hundreds and thousands of poor soldiers' widows all over the country the scanty pittance of only $8 a month is intolerable. It ought not to be thought of for a moment. I am not in favor of such favoritism in legislation. It is just as hard for the widow of the soldier who fought in the ranks on land or the widow of an ordinary seaman who lost his life in the service of his country on the high seas to work her way through the world in poverty and destitution as it is for the widows of high commanding officers who drew their thousands and tens of thousands in salaries and prize-money. Officers are brave, I know, and so are soldiers and seamen, too.

I do not know why this bill should be singled out in favor of Widow Cushing while hundreds of widows in humbler circumstances have to be content with $8 per month.

Certainly a stronger equity existed in favor of the widow of Colonel Hendricks, whose bill you have just rejected, than in favor of the beneficiary of the bill now before the House. Colonel Hendricks was shot dead while leading his men into action. You have decided that his widow's pension shall not be increased beyond $30 per month. Commander Cushing survived all the dangers and perils of the war, received liberal compensation for his services and nearly $60,000 of prize-money besides, and he was not married until some time after the war had ended. I insist that the action of the committee in reporting this bill adversely shall be sustained. Before we pass any more bills increasing the pensions of officers' widows beyond $30 a month let us hasten to pass the bill already on the Public Calendar increasing the pension allowed to the common soldier's widow from $8 to $12 a month.

Mr. KEIFER. Mr. Chairman, it is very probable that Mrs. Kate L. Cushing, the widow of the distinguished officer (Commander William B. Cushing) who died in an insane asylum, could live and rear her infant children without an increase of pension, but I think something is due them as a national recognition for the very distinguished services rendered the Union cause by the husband and father. He died December 17, 1874, from causes resulting from his services in the war.

There are very few, Mr. Chairman, who have lived in this country who embraced or sought out an opportunity of performing a deed so gallant and daring as did this officer, Commander Cushing. The list is certainly very short, and probably in future wars, if wars shall come, and I trust they will not, there will be no more marked act of distinction performed under the most trying circumstances than this action of Commander Cushing in destroying the rebel ram Albermarle.

It is all very well to talk about the duty we owe to the private soldiers and to the widows and to the orphan children of other officers and men; it is all very proper and becoming to take notice of that; but when we survey the whole field we get no parallel to this case.

Mr. COX, of New York. There is nothing like it in the history of that war.

Mr. KEIFER. We get no parallel in any point of view, and it will be a shame and a disgrace to the American people, brave, honorable, and generous as they are, if they do not in some way—and in this way if in no other—recognize to the country and to the world the gallant exploits of Commander Cushing.

They say this widow was not his wife at the time he served in the Navy. That may be. But, Mr. Chairman, she is the mother of his infant orphan children, charged with the duty of rearing them as they should be reared. In the veins of her children run the blood of America's most gallant and daring naval officer. It is due to these children, and it is a very fine point and a closely drawn distinction to say this widow shall not receive for herself and for the benefit of her children, yet young, who are to be reared, this small pittance from the hands of the Government.

Mr. VAN ALSTYNE. May I interrupt the gentleman to ask him a question?

Mr. KEIFER. Certainly.

Mr. VAN ALSTYNE. Is there anything before the House whatever on the record to show that this widow of the dead soldier ever had any children?

Mr. KEIFER. Does the gentleman mean to ask if this woman is the mother of two small children?

Mr. VAN ALSTYNE. My inquiry was whether there was any evidence of that kind before the House.

Mr. KEIFER. I supposed that all understood the fact, and that it was not denied. In response to the gentleman from New York I will say that I have not been very familiar with the reports in this case and am not able to say whether that fact is contained in the report or not, but my friend on the right, the gentleman's colleague from New York [Mr. BREWER], knows the parties well and can answer the question.

Mr. VAN ALSTYNE. I understand the gentleman who drew the report says that there is no such fact stated in the report, and, as I gathered from the reading of the report, there does not appear to be anything in support of the statement. It is true that mere verbal statements are not of very much weight unless fortified by the personal knowledge of the person who makes the statement.

Mr. KEIFER. I do not state the fact upon my personal knowledge, but will give way to my friend on the right, who knows the facts in the case, and he can inform the gentleman.

Mr. BREWER, of New York. Lieutenant-Commander Cushing had two children, one about 10 years old and the other some two years older, just coming on the stage of life where they need education and care, while the mother has not means sufficient to care for them as they should be, although as stated here it is true she is not poor, that is to say that she is not in indigent circumstances; but to rear her children in the way in which they should be reared and in the same station of life in which she herself was reared and in which the children of such a father ought to be reared she has not the means.

Mr. KEIFER. I think that will be satisfactory to the gentleman from New York.

Mr. VAN ALSTYNE. Certainly.

Mr. KEIFER. It is alleged by the gentleman from New Hampshire [Mr. RAY] that another gentleman accompanied this expedition who is not receiving so large a pension as is proposed to be paid to Com-

mander Cushing. Now I do not intend to speak to-night about what that other gentleman did or what he has pretended since the war to have done. I think I have a distinct recollection of having seen a statement once of his, in which he undertook to describe how the Albemarle was sunk, and how often they sailed around the vessel before he did certain things toward blowing up and sinking the vessel. Yet in contradiction of the statement I learn from every other source that the rebel ram was fastened to the shore, so it would be impossible to sail around it and make the observations he claimed to have made. But that is entirely immaterial to the question here. I have no doubt that he was a brave man, and yet I am told that he sailed under an assumed name at that time for reasons no doubt sufficient to himself.

Mr. RAY, of New Hampshire. If the gentleman will yield to me for a moment I will explain to him why that was.

Mr. KEIFER. I have no doubt the statement of the gentleman will be quite satisfactory. I am entirely willing to accord to him all honor for his bravery, but I can not accord to him the credit of planning and sinking the Albemarle.

Lieutenant Cushing conceived the idea, worked it out in his brain, and sought out and converted higher officers of the Government to the plan that he could sink the rebel ram that the whole nation dreaded. He looked up the officers who were necessary to give consent, and overcame their conservatism. He pursued his purpose until he was on the very spot there himself guiding the torpedo that exploded under that vessel. Of course he was aided by brave men who were about him; but these brave men would have accomplished nothing but for the gallantry and conception of this distinguished officer. What we owe to this man in destroying that vessel we know not to-day.

But it is said that he received prize-money. It is claimed that he received more than he was entitled to. If I understood the gentleman from New Hampshire aright he said Lieutenant Cushing received more than he was entitled to under the law. Yet I understand the officers of the Government, under the advice of the law officers as well as of the judges of the courts, awarded him every dollar which he received. It is said and claimed that because the rank was given to antedate the period of appointment that should cut him off. That is the opinion of the gentleman from New Hampshire; but it seems the officers of the Government, used to administering the law, had an entirely different view of the law on that subject.

But, Mr. Chairman, he received only prize-money that he had earned, and but for his services and his gallantry in the capture of rebel blockade-runners there would have been no prize-money to distribute. Others of course contributed to the capture of the vessel, but that should not weigh a feather now as against his widow and orphan children. There is nothing in that claim.

I do not think I shall dwell upon the suggestion that the Committee on Invalid Pensions has in its committee-room an established rule that only the widows of officers of certain rank—I believe the rank of colonel or above—should have a pension of $50 per month. I believe it goes down as low as colonel.

Mr. MATSON. No, sir.

Mr. KEIFER. Then it applies to those above colonel, I am to understand. That is a purely arbitrary rule, and it is upon a false basis, in my opinion. Of course we have to establish arbitrary rules, but I think no arbitrary rule should come to cut off giving pensions to the widows and children of those who earned them purely through gallantry and distinguished services. I think that the mere rank ought not to determine. There were plenty of officers above the rank of colonel who personally deserved nothing on account of their services or their gallantry, and I agree with the gentleman from New Hampshire that there were plenty of men who served in the ranks, carrying the knapsack, the musket, and the cartridge-box, who earned everything the Government could award to them afterward or to their children after them.

I think the rule is too arbitrary. It ought at least to except those who rendered such services as to cause the Congress of the United States at the time to give them a vote of thanks, as in the case of Commander William B. Cushing for destroying the rebel ram Albemarle on October 28, 1864, at Plymouth, on the Roanoke River. Such an officer should at least stand on a par with the ordinary general officer. Mr. Chairman, I have talked altogether beyond the necessities, I hope, of this case, and altogether longer than I had intended.

Mr. PRICE. I fully appreciate the fact that to-day we owe our present prosperous condition not entirely to the efforts of Commander Cushing; not entirely to the brigadier-generals; not entirely to the officers, but to our whole American Army. I have no means of measuring our gratitude. Our bounty to every one of them should be as boundless and our gratitude as broad as their gallantry was conspicuous. But I must take exception to the style of discussion that is sometimes indulged in when we undertake to show our gratitude to these people. The gentleman from Ohio on my right [Mr. KEIFER] says that there should be some recognition. Permit me to show you that there has already been abundant recognition of Lieutenant Cushing's claims upon the gratitude and bounty of the American people. There has been recognition at all events.

The gentleman thinks the effect on the future would be disastrous if we were not to show that we fully appreciated the herculean efforts put forth and the gallant deeds performed by this distinguished gentleman by which results so satisfactory were produced. I will ask the gentleman if the results would be disastrous, what would be the other results arising from the fact that we after this war is over, after the toils and sufferings have been endured, that we should stand here as an American Congress and single out as the special objects of our favoritism the men who wore the stars and the bars against the men who trudged through the mud and carried the musket? Where will you get the soldiery to stand between the generals and danger if after we get through the war we accord recognition alone to the men who commanded and not to the men who obeyed?

Mr. KEIFER. The gentleman requires to direct his inquiry to some other gentleman than myself, because I entirely agree with him that we should look to the services rendered and not to the fact whether the stars and bars were borne by those who rendered them.

Mr. PRICE. I appealed to the gentleman from Ohio because he said the effect in the future would be disastrous if we failed to make this recognition.

Permit me to suggest that my reason leads me to the conclusion that the effect would be infinitely more disastrous if we make a distinction and make it between those in the humbler and those in the higher grades of service. I do not care where you draw the line; I do not care what rule you establish. You may give them all you please, and I will indorse every proposition for that purpose. But I want one inflexible rule established by which we shall recognize the fact that the nerves of the man who carried the musket were as sensitive, the blood as red, the feelings as acute, and the necessities as great as were those of the man who commanded him. That is all I want.

Bring them all to the same standard—no matter what the standard may be—treat them all alike, and if you have revenue enough to meet the emergency give it to them. But make an inflexible rule; treat them all alike. Any other system than that is unjust, impolitic, and will be as disastrous in its consequences in the future as the gentleman has indicated it would be if we failed to recognize fully the services of this man.

I do not care whether he got more prize-money than he was entitled to or not. It is said that he got $53,000; he is welcome to it. If he got more he would be welcome to it. What I object to is making any distinction between the man who commanded and the man who was commanded. That is all I have to say on that point.

Mr. RAY, of New York. Mr. Chairman——

Mr. PRICE. I have not got through yet; and you will not take a vote until I get through. [Laughter.] I have no desire to talk much longer on this question. I have my own ideas and reasons which guide my vote against the crowd which will go in a given direction, and which has gone in that direction a dozen times in this Congress, and will go again, simply because they say that something is due to position, to situation, and to rank. That is the rock upon which this Republic will split before the child now born shall die, unless we guard against it. We are collecting large revenues from the people in order to distribute it among privileged classes, because they occupy official positions. I am tired of this talk about the great revenue being needed in order to properly sustain public officers of high grade in positions becoming their rank. I am tired of it.

I say to you that the man who blacks the boots of the President has blood just as good, nerves just as sensitive as the President himself. While the President occupies that position pay him for it. But when he dies I would make no distinction between the wives and children of those two men.

The higher the service performed by a man the higher the price we pay him. But, when he is dead, then let his widow and children be put upon the same level as others. Any other course than that will alienate from us the affections of the people, without which the Government can not stand.

Mr. RAY, of New York, I would like to inquire, Mr. Chairman, if it will be in order at this time to offer an amendment to the pending bill?

The CHAIRMAN. Amendments are now in order.

Mr. RAY, of New York. Then I send up an amendment, which I ask to have read.

The Clerk read as follows:

Strike out the name "Kate L. Cushing," wherever it occurs, and insert in lieu thereof the name "Harriet P. Dame."

Mr. COX, of New York. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. COX, of New York. That can not be done. The amendment is not germane to the bill, and of course my friend knows that.

Mr. KEIFER. I think there is a bill pending for the relief of that person.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RAY, of New York. Then I would like to be recognized for the purpose of making a few remarks upon the merits of the bill.

The CHAIRMAN. The gentleman is recognized and will proceed.

Mr. COX, of New York. Do not oppose this bill.

Mr. RAY, of New York. My colleague says "Do not oppose this

bill." I dislike to oppose this bill or to oppose any bill which grants a pension to the widow of any soldier, for the benefit of herself or of the minor children of such dead soldier.

While I have been a member of this House, and it has not been a long time, it has been my pleasure, I think, to support every pension bill that I have had an opportunity to vote upon, though some of them did not meet my hearty concurrence.

But when it comes down to the point where I think that not justice but great injustice is being done, not to the particular individual in question but to the great mass of our citizens, by the passage of a bill, I will fearlessly oppose such a measure.

Scattered all over this broad land of ours there are thousands and tens of thousands of widows of soldiers; widows who gave their husbands, widows who gave their sons for their country. They were poor then and they are poor now. Their husbands went out and gave their lives, and left their widows and children penniless; and those widows have toiled on year after year with the needle and otherwise to support themselves and their crying children. They have been and they are to-day unable to educate those children. They have been and they are to-day unable to protect those children from the heat of summer or the storms of winter.

I believe in being generous, but I believe in first being just. When this Congress shall have been just to the thousands and tens of thousands of widows scattered through this country who are to-day in actual want, some of them in the poor-house, some of them with children dependent upon the charity of this people—when this country has been just to them then will I give my vote to be generous to this lady; then and not till then.

If the children come to want I will vote to aid them, but I can not forget the needy, deserving men who so bravely defended this Nation in its hour of peril, and who clamor in vain for aid at the hands of this Government.

I do not believe, Mr. Chairman, that any man upon the floor of this House, for the simple sake of being generous, for the simple sake of having it said that he has not voted against a pension which it is confessed is not needed by this lady or her children to make them comfortable, can afford in the eyes of the people to vote for such a bill until he shall have first seen that such laws have been placed upon the statute-book as shall take care of and well provide for every soldier, every soldier's widow, and every soldier's child who to-day is in penury and want. Mrs. Cushing is rich, her children above want. The $58,000 prize-money given by the law for Commander Cushing's bravery was a fair compensation, and there is no evidence but that he left every penny of it for the support of his widow and children. Mrs. Cushing married him after the war was over, and never suffered a moment's agony on his account.

It is for these reasons, Mr. Chairman, briefly and hastily stated, that I oppose this bill. I oppose it upon this broad principle of what I believe to be justice to the great mass of the soldiers, soldiers' widows and children in this country. I believe that the report of this committee is founded in good sense and justice, and I hope, Mr. Chairman, that it will be sustained.

Mr. WOLFORD. Mr. Chairman—— [cries of "Vote!" "Vote!"] Gentlemen, do not be in a hurry. I never detain this House long; but I want, if I can—I know it will be very difficult—to answer the labored argument of my friend before me [Mr. PRICE] and the gentleman from New York [Mr. RAY].

There is a sentiment which God Almighty put in the hearts of men when he created them, and it has come along down the stream of time until it has reached us—that the man who does most for his country deserves most of his country's gratitude. [Applause.] Sir, what common soldier—and I am the friend of the common soldier, as I want to show before I sit down—what common soldier in the Revolutionary war stands out as conspicuous as does General Washington? Who did most for his country? And whom did that country love most? To whom was that country the most grateful? I say that General Washington did more than all the gallant soldiers that stood by him and loved him; and it would have been an insult to the men who fought with him in the dark days of the Revolution to have told them that Washington was not the beloved, the honored of all. And, sir, you insult the soldiers of the late war when you tell them that the gallant officer who stood in the front is not the man who should receive honor and gratitude, is not the man whose family should receive such bounty as the Government has to bestow.

Why, sir, the people of the country elected General Jackson President of the United States because he was a gallant soldier. And, gentlemen of the Republican party, you expect to beat us at the coming election with JOHN A. LOGAN on your ticket, because he was a gallant soldier—because he did much as a brave officer. Tell me, now, why did you not take up a private soldier and put him second on your ticket to carry Blaine through? [Laughter and applause.] But you did not do it.

Now I want to talk a little about this— I will not call it demagogy, though if I were to indulge in that kind of language it would be demagogy. I refer to this talk about wanting to do so much for the private soldier. But before referring to that I want to talk a minute about this gallant officer, Commander Cushing. His brain planned the whole expedition by which the rebel ram Albemarle was blown up. It was his brain that did it all. For that the Congress of the United States thanks him. For that this nation thanks him.

But you tell me that this lady married him after the war was over. I do not blame her for marrying him. If I had been a lady, I would have married him too. [Laughter.] But she is the mother, as has been aptly said, of his children, and now the question is will you give this increase of pension to the mother of the children of that gallant officer who in a frail little vessel attacked that great ironclad that had up to that time proved more than a match for the whole Union Navy—this officer whose brain planned and whose bravery executed the expedition that blew up the ram Albemarle. We all thank God for that. Sir, I could not feel myself an American if I voted against a bill of this kind, though of course I know other men may honestly differ with him.

But I want to talk a little about the private soldier, if you please, and also about the lady the gentleman talked about and wished to put on this bill. I voted against the reduction and he voted for it. After that he comes up here now, not as a demagogue, but making the poorest argument I ever heard; that is, he who voted against the bill now comes here and says we ought to have put on the pension-roll this lady's name. I voted for the bill, and I believe I voted for it alone. That is my recollection about it.

You talk about putting a gallant soldier upon the pension-roll. You say he got $25. Introduce your bill—you say he was a good man and brave—and I will vote for it; and, sir, I venture the assertion he will not. [Laughter.] That is the way he voted during the whole time. What is this whole talk about? It is to go to the people. You must talk about the brave soldier. I want to test you here. We voted by a majority to pension the soldiers of the Mexican war. It was a pension for merit, a pension for service. Oh, my heart was in that bill! It is there yet; it is not quite alienated like that of some men. [Applause.] My heart is in that bill.

I wish to see the men who carried our flag into a foreign land, who planted the Stars and Stripes upon the Halls of the Montezumas, the men who vindicated us and the insult to our flag, who avenged the murder of our citizens on the Rio Grande—I wish to see them pensioned, every one of them who survives.

The Senate has taken up the bill, and I see some gentlemen, some who oppose this, and who say, "Oh, they have done such monstrous work we will have to give up the poor Mexican soldier in his old age, and we can not vote for the bill." What have they done? They have amended it by saying that the widow of a private soldier who was killed or died of his wounds in the rebellion shall receive $12 instead of $8. Well, I indorse that, and expect to vote for it; will you? Will you, who talk so much about the poor soldiers?

Mr. CUTCHEON. Every one of us.

Mr. RAY, of New York. I wish to say to the gentleman I will vote to give a pension to every needy and deserving soldier that ever fought anywhere a single day in the armies of the United States; but I will never give my vote for a measure that goes to pension simply the Mexican soldiers and discriminates against those who fought four years in the war of the Rebellion to save the life of the nation. [Applause.]

Mr. WOLFORD. Thank God for all that! I do not thank God for the discrimination, though. [Laughter.] These discriminators generally find something to discriminate about and to vote against a bill. I am not one of them. I do not strain at a gnat and then swallow a camel. I will take the whole camel that has come from the Senate without making a wry face about it, and I will do it to get the Mexican bill.

There is one thing more I wish to talk about. The poor old soldier who fought in the war of the rebellion, and who is now 62 years of age—why not pension him? I will cheerfully vote for that. I hope you will, too. I hope it will so sweeten it that you will vote for the Mexican bill. We will pension him if he is 62 years of age. We will vote for that.

There is another amendment. They have said all disabled and wounded, those who fought for their country, the men you love so——

Mr. PRICE. Will the gentleman permit me?

Mr. WOLFORD. Certainly. I say you love them, and now let us see you show it by your vote.

Mr. PRICE. I wish to say that I am the author of the only one of the bills which pensions every soldier who served in the Army.

Mr. WOLFORD. Are you going to vote for this bill?

Mr. PRICE. I am for a bill that puts them on an equality, and nothing that does not.

Mr. WOLFORD. Now I want to go a little further. It gives to all men who are disabled now, whether they received their wound by a bursting shell, by a cannon-ball, or a musket shot, if they were disabled in the fight in the service of their country—it gives them a pension, and they ought to have it. Can you swallow that? That is for the common soldier. These are the glorious men who went to the front. They are the men who did the fighting, and there are many of them. Let me say to you that the harvest is great, but the laborers are few. Will you come and help to reap the harvest? The oppor-

tunity is offered to you now; come and lend your aid. Then it puts aside all of these quibbles that have been raised as to whether a man was sound when he went into the Army, or otherwise.

I believe most of the amendments put on in the Senate are bills that have passed the House. But another thing. Men stand and wonder and say, how can we do it? It will take, they say, according to Commissioner Dudley's calculation, additional millions of dollars out of the Treasury. It will run the cost to such an enormous sum that we can not pay it. Well, I intend to propose an amendment to that, and I hope you will vote for it. I propose to amend the bill of the Senate, and the Senate, I think, will agree to the amendment, by laying an income tax upon every man with an income of over $5,000. That will make money enough to pay all the soldiers, and will thus divide the profits between the men who got rich during the war and those who went into the war and fought its battles.

Mr. PRICE. That is class legislation again.

Mr. WOLFORD. Now, my friend, don't dodge that. [Laughter.] I say levy the amount on the rich, those who got rich when the war was going on, and let them pay it to the soldiers who fought the war. If that is class legislation it is glorious class legislation, and God Almighty will smile when you vote for it and the devil will laugh when you vote on the other side. [Laughter.]

Now, I have said all I want to say. I did want to talk a little about this Mexican pension bill, for if we get the income tax I mean to vote for it, and if we do not get it I intend to vote for it anyhow and trust in God to get the money to pay it. [Laughter.]

The CHAIRMAN. The question is on the motion to lay the bill aside to be reported to the House with the recommendation that it do lie upon the table.

Mr. MATSON. Mr. Chairman, it has been suggested that a different course be pursued with these bills. I will say in the first instance that I am opposed to the bill; but it is suggested that an arrangement might be made by which this bill should be agreed to be reported to the House with a favorable recommendation, but with the understanding that no vote should be taken upon it until a quorum is present. That is the desire of the gentleman from Pennsylvania [Mr. RANDALL]——

Mr. GEORGE D. WISE. I object.

Mr. HEWITT, of Alabama. We might take a vote upon that proposition in the committee.

Mr. McMILLIN. But when the committee vote it down the probability is that the House will vote it down also. What agreement was made with reference to it?

Mr. MATSON. My friend was not in when the agreement was made. The agreement with Mr. RANDALL included reporting both these bills to the House with favorable recommendation.

Mr. McMILLIN. The action upon the other bill was adverse; the adverse report was sustained by the committee, and so reported to the House. I suppose there can be no agreement as to that bill, and the probability is that this will share the same fate.

Mr. MATSON. I will say again that so far as I am concerned, and I speak of course for myself alone, but in the discussion had before the other bill was acted upon this evening, between the gentleman from Pennsylvania and myself, I understood it to be agreed that this bill too should be reported to the House with a favorable recommendation but no action to be had in the House upon it without the presence of a quorum.

Mr. KEIFER. That was the understanding, I believe.

Mr. McMILLIN. That can not be done. No such agreement can be made.

Mr. MATSON. I agreed of course for myself alone. I will say again that I was opposed to both of these bills. The committee rejected the other bill, but the verbal agreement with the gentleman from Pennsylvania induced me to vote in favor of reporting it to the House with the recommendation that it pass. Now, I think by unanimous consent we might make that order.

Mr. GEORGE D. WISE. I object.

Mr. KEIFER. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. MATSON. I shall ask unanimous consent of the House for the action I have suggested.

Mr. GEORGE D. WISE. I object.

The CHAIRMAN. The Chair will state the proposition to the House.

Mr. MATSON. If the Chair will permit me, I was going to ask unanimous consent that the bill be reported to the House with a favorable recommendation, but with the understanding that a vote should be only taken in the House when a quorum was present and at the earliest possible moment.

Mr. McMILLIN. I object to that. Let the bill take its course before the committee.

The CHAIRMAN. The Chair will state the proposition.

The gentleman from Indiana asks unanimous consent that the bill under discussion be laid aside to be reported to the House with a favorable recommendation, but with the understanding that the vote to be taken in the House shall be taken only when a quorum is present, and at the earliest practicable moment. Is there objection?

Mr. McMILLIN and Mr. TURNER, of Kentucky, objected.

Mr. KEIFER. I move that it be laid aside with the recommendation that it do pass.

The question was taken; the House divided, and there were—ayes 31, noes 36.

Mr. KEIFER and Mr. COX of New York (from their seats). Tellers.

The CHAIRMAN. The Chair will state that the present occupant of the chair never recognizes a demand for tellers unless the gentleman rises in his seat for the purpose.

Mr. COX, of New York. Then I rise and make the point that no quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. BREWER, of New York, and Mr. MATSON were appointed tellers.

The committee again divided; and the tellers reported—ayes 29, noes 37.

So the motion of Mr. KEIFER was not agreed to.

Mr. COX, of New York. I think that we had better adjourn. I move that the committee rise.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it be laid on the table?

The question being taken, it was decided in the affirmative.

ORDER OF BUSINESS.

Mr. GEORGE D. WISE. I move that the committee rise.

The motion was not agreed to.

The CHAIRMAN. The Clerk will report the next bill.

Mr. MORRILL. I ask unanimous consent to take up the Senate pension bills on the Calendar. There are, I think, six of them. If we pass them to-night they will become law.

Mr. COX, of New York. I rise in my seat to object.

Mr. KEIFER. I inquire whether under the order those bills may not be taken up? I have been informed the Senate bills may be called up under the order for these evening sessions.

The CHAIRMAN. The Chair will cause the special order to be read.

The special order was again read.

Mr. MATSON. There are six pension bills on the Calendar that have passed the Senate. They were referred to the Committee on Invalid Pensions and have been reported favorably. I think those bills ought to be passed in preference to the others because when they pass the House they become law, while in regard to House bills that may pass the House to-night there is no possibility of their becoming law this session. They may just as well be passed at the next session of Congress as be passed now. I now ask that the Senate bills be taken up first.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent——

Mr. COX, of New York. I object.

The CHAIRMAN. The Chair will state the proposition.

Mr. RANDALL. Will the gentleman from Indiana [Mr. MATSON] tell us how many pension bills have been passed by the House this session?

Mr. MATSON. A little over four hundred.

Mr. RANDALL. And how many of those four hundred have the Senate passed?

Mr. MATSON. I can not say precisely; I think not exceeding fifty.

The CHAIRMAN. The Chair will state the proposition. The gentleman from Indiana [Mr. MATSON] asks unanimous consent to take up the Senate pension bills on the Calendar for present consideration. Is there objection?

Mr. COX, of New York. The Chair heard my objection.

The CHAIRMAN. The gentleman objected before the Chair stated the proposition. Is there objection?

Mr. CULBERTSON, of Kentucky. I object.

Mr. COX, of New York. The Chair heard my objection twice recorded.

The CHAIRMAN. The Chair will not recognize an objection made out of order; and the gentleman from New York is too good a parliamentarian to ask the Chair to do so.

Mr. COX, of New York. I have the same right as you have, Mr. Chairman, when you are on the floor.

The CHAIRMAN. The gentleman has exactly the same right as every other member of the House. But the Chair will not recognize an objection out of order.

Mr. COX, of New York. I made the objection in order.

The CHAIRMAN. The gentleman made it before the Chair stated the proposition. And the Chair will state to the gentleman from New York it is the purpose of the Chair to enforce the rules of the House as the Chair understands them.

Mr. COX, of New York. The Chair has not understood the rules exactly. [Laughter.]

ELIZABETH CONNOR.

The next business on the Private Calendar was the bill (H. R. 411) granting a pension to Elizabeth Connor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, di-

rected to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Connor, widow of William Connor, deceased, late a private in Captain Paterson Bain's company in the war of 1812.

Mr. GEORGE D. WISE. I would like to hear the report read.

The report (by Mr. STEELE) of the Committee on Pensions was read in part. In full it is as follows:

The Committee on Pensions, to whom was referred the bill H. R. 6075, after duly considering the same, are of the opinion that Conner was an extraordinarily brave man, and that he was of unusual service to our country in its early history as soldier, scout, spy, and interpreter, and that his aged widow is entitled to a pension under existing laws. Although the official record evidence was lost or burnt, yet from the affidavits of Abraham Williams and James M. Ray, and from history referred to herewith, and all made a part of this report, your committee think the facts are fully established showing that Conner was, as before stated, a brave soldier, and therefore report the bill back and recommend favorable consideration.

STATE OF INDIANA, *Marion County:*

Marion circuit court.

Before me, Austin H. Brown, clerk of said Marion circuit court, personally came this the 16th day of May, 1878, James M. Ray, a resident of Indianapolis, in said county, aged 77 years on December 23, 1877, who being duly sworn deposeth and saith as follows, to wit:

I became acquainted with William Conner in the spring of the year 1821, and his present widow, Elizabeth Conner, at their family residence on White River, Indiana, four miles south of the present town of Noblesville, he being there engaged as a trader with the Delaware and other Indians, and I then learned from him that he had been long so engaged as a trader with Indians of that region, for many years previous to the war of 1812, and that he was actively engaged as a spy and guide during that war for the United States troops, under the command of General William H. Harrison, in contest with the Indians who had become in that region partially hostile to the United States. That I remained closely intimate with said William Conner until the day of his death, on the 8th of August, 1835; and further, that in the month of June, 1823, I traveled on horseback, in company with the said William Conner, from his said home on White River, Indiana, to Sandwich, Canada, nearly opposite Detroit, Mich., to aid him in settling his account with a British merchant there named McGregor, for goods furnished him by the said McGregor to trade with the Indians just previous to the war of 1812, and while on that journey through the State of Ohio we met a party of several Indians on foot, each dressed in a scarlet blanket which they had just received as their annual present from the British Government in Canada for fighting for said Government against the United States in the war of 1812, and I noticed in passing said Indians that the last one of them stopped short on observing said Conner and scowled sternly at him until we were out of their sight, when the said William Conner remarked to me that it would have been dangerous for him to have met that Indian alone, as his scowl proved that he recognized him as the guide of the United States troops led by Lieut. Col. John B. Campbell to the Mississinwa towns which were burned during the battle of the 18th of December, 1812.

I will also state, as deputy clerk for the circuit court at Connersville, Ind., I issued a marriage license to the said William Conner and Elizabeth Chapman just previous to the 30th day of November, 1820; that I engaged Fielding Hazelrig, esq., a justice of the peace for Fayette County, Indiana, to unite them in marriage.

For further evidence I refer as to the identity of said William Conner's services in the said battle of Mississinwa in December, 1812, to the following extracts from the report of Lieutenant-Colonel Campbell to General Harrison, which will be found on the records and files of the proper Departments in Washington city, which I annex from Dillon's History of Indiana, on pages 511 to 513, to wit:

"At 4 on the morning of the 18th I ordered the reveille to be beaten, and the officers convened at my fire. A short time afterward, while we were in council, and about half an hour before day, my camp was most ferociously attacked by a large party of Indians, preceded by and accompanied with a most hideous yell. This immediately broke up the council, and every man ran to his post. The attack commenced upon that angle of the camp formed by the left of Captain Hopkins's troops and the right of Captain Garrard's, but in a few seconds became general from the entrance of the right to the left of Ball's squadron. The enemy boldly advanced to within a few yards of the lines, and seemed determined to rush in. The guards posted at the different redoubts retreated to camp, and dispersed among their different companies, thus leaving me without a disposable force. Captain Smith, of the Kentucky Light Dragoons, who commanded one of the redoubts, in a handsome and military manner kept his position, although abandoned by half his guards, until ordered to fill up the interval in the rear line between the regiment and squadron.

"The redoubt at which Captain Pierce commanded was first attacked. The captain maintained his position until it was too late to get within the lines. He received two balls through his body and was tomahawked. He died bravely and much lamented. The enemy then took possession of Captain Pierce's redoubt, and poured in a tremendous fire upon the angle to the right and left of which were posted Hopkins's and Garrard's troops. But the fire was as warmly returned. Not an inch of ground was yielded. Every man, officer and soldier, stood firm, and animated and encouraged each other. The fire became warm on the left of the squadron, at which Captain Markle's troops were posted, and the right of Elliott's company, which, with Markle's, formed an angle of the camp, was severely annoyed by the enemy's fire. I had assisted in forming the infantry composed of Elliott's company of the Nineteenth United States Regiment, Butler's Pittsburgh Blues, and Alexander's Pennsylvania Riflemen, and ordered them to advance to the brink of a declivity from which they could more effectually defend themselves, and harass the enemy if they should attempt an attack on that line.

"While I was thus engaged, Major Ball rode up to me and observed that he was hard pressed and must be relieved. I galloped immediately to the left wing with an intention of ordering Captain Trotter's troops to re-enforce the squadron, but was there informed that the enemy was seen approaching in that direction, and believing it improper on second thought to detach a large troop from that line, which also covered an angle of the camp, I determined to give the relief from the infantry. I wheeled my horse and met Major McDowell, who observed that the spies and guides, under the command of Capt. Patterson Baine, consisting of ten men, were unemployed. We rode to them together and ordered Captain Baine to the support of the squadron. Seven of them, to wit, James Adrian, William Conner, Silas McCullough, James Thompson, James Noggs, John Ruland, and Joseph G. McClelland, followed their brave leader and rendered most effectual assistance."

I, James M. Ray, further depose and say that the said Elizabeth Conner, widow of the said William Conner, has remained unmarried since the day of his death; and also further depose and say that I attended and was present at the funeral of said William Conner at Noblesville, Ind., soon after the day of his death, which had occurred on the 8th day of August, 1835; and I also further depose and say that I have a distinct remembrance of the said William Conner stating to me, after my personal acquaintance with him in 1821, that, being a spy and guide to the army of General Harrison in the battle on the Thames on the 5th day of October, 1813, he was called upon by the commanders in that battle at the close of the fight to come forward and ascertain certainly whether one of the Indians killed was really Tecumseh, as it was known by the other spies that he, Conner, had very intimately known him while dealing with the Indians as a trader before the war, and I am confident the name of the said William Conner, as a spy, will be found enrolled in the proper records of the War Office, among the rolls of the spies and guides engaged for the United States in that battle; and doubtless some time after the date of that battle he was honorably discharged.

And I hereby refer to the United States treaty with the Indians, made at Greenville, Ohio, on the 22d day of July, 1814, General William H. Harrison, and Lewis Cass, as governor, being commissioners. The said William Conner is named as one of the sworn interpreters, as will be found and stated in the United States Statutes at Large, No. 7, page 120, on treaties.

JAMES M. RAY.

In testimony of all of which I, Austin H. Brown, clerk of said Marion circuit court, hereunto set my hand and the official seal of said court, at Indianapolis, this 16th day of May, 1878.

[SEAL.] AUSTIN H. BROWN,
Clerk Marion Circuit Court.

STATE OF INDIANA, *Marion County:*

On this 19th day of July, 1879, comes Abraham Williams, who, being sworn, says that he is now 87 years of age past (born February, 1792); that he served in the Army of the United States in the war of 1812-'13 in Throckmorton's Kentucky militia, for which his name is now inscribed on the pension-rolls of Indianapolis agency as No. 1241 (2) (a) of the date of 18th June, 1871.

He further says that while in the service in the year 1813, in the month of October, and while in Canada, opposite or nearly opposite Detroit, Mich., he met William Conner, whose widow, Elizabeth Conner, is now an applicant for a pension under the act of Congress of ——— —, 1878.

He further says that at that time said William Conner was in the service of the United States as an Indian spy and interpreter, in which capacity he met him on several occasions at and near to the town of Sandwich, in Canada. He does not now recollect to what particular command said Conner was attached in his capacity of spy and interpreter, but understood then and now believes he was attached to the command generally and directed by the commandants to points of necessity. During the stay of affiant at that and other points in Canada near thereto he met said William Conner a number of times and knows that he was engaged in said service for the period in all about ten or fifteen days, and believes that he had been with the command from its organization, and during that time he met said Conner quite a number of times. He afterward in 1825 became a neighbor and well acquainted with said William Conner, and knew him and his family until the death of said William Conner. When he first met said William Conner in Hamilton County, Indiana, he recognized him at once, and on many occasions afterward he and the said William Conner talked over the incidents and circumstances of their meeting in Canada.

He has known the applicant, Elizabeth Conner, for the last fifty years and knows that she is the widow of the said William Conner. Affiant is old and feeble, or he would be able to give other incidents of his acquaintance and intercourse.

his
ABRAHAM + WILLIAMS.
mark.

Witnesses:
T. N. WILLIAMS.
WM. PAYNE.
BETTY MASSEY.

I, Fabius M. Finch, a notary public in and for the county of Marion and State of Indiana, certify that on the 19th day of October, 1879, the affiant, Abraham Williams, appeared before me, and after being fully and thoroughly requested to give his recollection of the facts above named, gave with much deliberation and detail the facts above set out, which, at his request, were reduced to writing as above, and after being read to him were subscribed and sworn to as here set out in the presence of the subscribing witnesses. I further certify that I have had an acquaintance of about fifty years with said Williams, and have heard him talk about some of the incidents named in this statement more than forty years ago.

Witness my hand and notarial seal this day and year given above.

[SEAL.] FABIUS M. FINCH, *Notary Public.*

Your committee refer to the following:

[Niles' Register, vol. 3, September, 1812, to March, 1813, Library House of Representatives, page 331.]

GENERAL ORDERS.] HEADQUARTERS N. W. ARMY,
Franklinton, January 2, 1813.

The commanding general has received from Lieutenant-Colonel Campbell, the official report of his late expedition against the Massassineway villages. The conduct of the colonel and his gallant detachment has been in every respect such as the general had anticipated.

* * * * * * *

Lieutenant-Colonel Campbell's official account will be transmitted to the Secretary of War; it will be published to the world, &c.

* * * * * * *

The officers, non-commissioned officers, and privates, who were fortunate enough to have an opportunity of distinguishing themselves by their valor or good conduct are as follows:

Kentucky Dragoons. * * *
Major Ball's squadron. * * *
Pittsburgh Blues. * * *
Nineteenth U. S. Inf't'y. * * *
Spies and guides: Capt. Patterson Bain. * * * William Conner. * * *

* * * * * * *

(Copy.)

L. HERKILL,
Assistant Deputy Adjt. Gen.

JOHN PAYNE.
First Lieutenant Kentucky V. L. D., and Adjt. to Detachments.

Battle was Dec. 17, 1812.
Indians were Delaware & Miami tribes.
John B. Campbell, Lt. Col. 19th Reg. U. S. Inf't'y.
Gen. W. H. Harrison was in command of N. W. Army.

The committee move to amend the present bill by striking out the name "Connor" and inserting the name of "Conner," the latter being the proper name of the person in question.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMMA DE LONG.

The next business on the Private Calendar was the bill (H. R. 3065) granting a pension to Emma De Long.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emma De Long, widow of the late Lieut. Commander George W. De Long, United States Navy, who died in Siberia, while in the discharge of his duty as the commanding officer of the expedition and during the retreat of the officers and enlisted men of the exploring steamer Jeannette, after the wreck of that vessel in the Arctic seas, and to pay to the said Emma De Long a pension at the rate of $50 per month, commencing from the 23d of March, 1882.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay to the said Emma De Long, out of any money in the Treasury not otherwise appropriated, the amount which shall, upon the passage of this act, have accrued to her under the provisions thereof.

The bill was reported from the Committee on Pensions with the following amendment:

Strike out all after the words "fifty dollars per month," namely, the following:

"Commencing from the 23d day of March, 1882.

"SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay to the said Emma De Long, out of any money in the Treasury not otherwise appropriated, the amount which shall, upon the passage of this act, have accrued to her under the provisions thereof."

The CHAIRMAN. The question is on the amendment.

Mr. HEWITT, of Alabama. I think it is scarcely necessary the report should be read. Every member knows the circumstances under which it is proposed to grant this pension.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. STEELE) from the Committee on Pensions was read, as follows:

The original bill has been slightly amended, and, as amended, the committee recommend its passage. It is not deemed necessary to refer at length to the gallant services of the brave Lieut. Comdr. George W. De Long, who gave up his life while on duty in the frozen wilds of Siberia. The long and painful story of the Jeannette expedition, the gallantry and devotion of the men therein engaged, the horrible suffering to which they were subjected, and finally the death of a number of them in the ice-fields thousands of miles from the country they served so faithfully—all has gone to history, and become a shining chapter in the great record of human heroism. And now the faithful wife of the brave De Long asks at the hands of Congress a pension sufficient to supply the bare necessities of a life darkened and saddened by the Siberian tragedy of which the husband was the central figure.

The committee unanimously and earnestly recommend the passage of the bill as amended granting a pension to Mrs. Emma De Long.

Mr. MATSON. I desire to inquire what was the rank held by this officer.

Mr. HEWITT, of Alabama. He held the rank of lieutenant-commander.

Mr. MATSON. I move to amend by striking out $50 and inserting $30. I do so for the reason that this is precisely the same case as regards rank as that of the pension to the widow of Lieutenant-Commander Cushing. Certainly the services of Lieutenant-Commander De Long were not more conspicuous, gallant, or meritorious.

Mr. STEELE. I will state to the gentleman from Indiana that this lady is very poor, and is dependent upon this pension entirely for her support. That was one of the influences brought to bear upon the committee to induce them to make this report unanimously.

Mr. KEIFER. What amount of pension is it proposed to give?

Mr. STEELE. Fifty dollars per month. This lady will have nothing but what she will get through this pension.

Mr. HEWITT, of Alabama. This is the pension that is recommended by the Secretary of the Navy.

Mr. MCMILLIN. I will ask the gentleman from Indiana [Mr. MATSON], the chairman of the Committee on Invalid Pensions, if this $30 per month is not the uniform pension that is recommended by his committee in cases of similar rank to this?

Mr. MATSON. I will say to the gentleman from Tennessee [Mr. MCMILLIN] in answer to his question, that it is not frequently the case that committees of Congress are called upon to fix the original sum to be given as a pension to widows. It is more frequently the case that they are called upon to increase pensions already granted.

I know that $30 a month is the amount allowed under the general law to widows of lieutenant-commanders. It is the highest amount allowed under the general law to the widows of officers of the Army or of the Navy. The widow whose case has just been before this House was the widow of a lieutenant-commander, a very gallant and distinguished man in every sense of the word, who certainly rendered as gallant and meritorious services as any officer. My friend from Indiana [Mr. STEELE] insists that a distinction should be made in this case because the widow is poor.

Mr. HEWITT, of Alabama. There is this difference between the two cases: in the other case Lieutenant-Commander Cushing received the sum of $56,000, while in this case not a dime has been received.

Mr. MATSON. I do not say the two cases are exactly parallel.

Mr. STEELE. And this officer died while in the service?

Mr. MATSON. The one officer died in the service, perhaps, while the other died after having left the service. There are of course differences between the two cases, but there is no difference in the matter of rank. There certainly can be no difference in favor of Lieutenant-Commander De Long so far as gallantry and conspicuous service is concerned; the difference is rather in favor of Lieutenant-Commander Cushing, because the single act by which he destroyed the Albemarle was certainly one of the most conspicuously brave and gallant acts of the whole war of the rebellion.

If you increase this widow's pension simply because she is poor, then how can you refuse to increase the pensions of other poor widows? There are very many thousands of very poor widows who are drawing small pensions.

I understand that Mrs. De Long is not receiving any pension at all now. I am perfectly willing that she shall be given a pension of $30 a month. I repeat again, what I am very loath to do, that I think this matter of increasing pensions beyond the highest amount allowed under the general law is all wrong. I say that without any feeling of demagogy—whether it is demagogy or not. Certainly it is wrong as between those of the higher ranks.

Mr. STEELE. My colleague knows that there are a great many precedents.

Mr. MATSON. Of course I know that, but none in cases of this rank.

Mr. PETERS. This House has to-night adopted a precedent in the case of the widow of Colonel Hendricks, and refused to increase her pension from $30 to $50 a month. I do not see how I can in justice sit here and see that precedent violated without objecting.

Mr. BENNETT. If in order, I desire to offer an amendment to this bill extending its privileges to the family of the assistant surgeon of that expedition who perished at his post, Assistant Surgeon Ambler. I would like to know if that amendment would be in order.

Mr. HEWITT, of Alabama. According to the ruling to-night I do not think it would be in order.

The CHAIRMAN. Will the gentleman from North Carolina [Mr. BENNETT] reduce his amendment to writing?

Mr. BENNETT. I will do so.

Mr. STEELE. I make the point of order that the amendment indicated is not germane to the bill.

Mr. HEWITT, of Alabama. The gentleman can introduce a bill for the purpose he has indicated and have it referred to the committee and the committee will report upon it.

Mr. BENNETT. I would respectfully inquire of the gentleman from Indiana [Mr. STEELE] why my amendment is not germane to the bill? These two persons died in the same service.

Mr. HEWITT, of Alabama. This is a bill for the benefit of a particular person, of Mrs. De Long.

Mr. STEELE. This is a particular bill for the benefit of a particular person.

Mr. HEWITT, of Alabama. If the amendment suggested is in order, then you can make an omnibus bill of this by putting on it a pension for each pending case.

Mr. BENNETT. I send up the amendment which I have reduced to writing.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Insert these words: "And the mother of Assistant Surgeon Ambler."

Mr. HEWITT, of Alabama. I make the point of order on that amendment that it is not germane to this bill. This is a bill to pension the widow of Lieutenant-Commander De Long, and for no other purpose. If the amendment proposed is in order to this bill, then every private pension bill before the committee is in order as an amendment, and they can all be put upon one bill. It seems to me that there would be no necessity for our going on and passing individual bills at all; we could just make one omnibus bill and put them all in that.

Mr. WILSON, of Iowa. The reason given by the gentleman from Alabama [Mr. HEWITT] goes to the point of policy as to what the Committee of the Whole may think it wise to do. As regards the power of the Committee of the Whole, I do not think the point of order is well taken. I see nothing to hinder the committee from putting two names in one bill, if it shall see fit to do so; and if they should report such a bill to the House and the House should pass it and it should pass the Senate, it will be the law of the land. Such an amendment may not meet the approval of some gentlemen here; but if the majority choose to adopt it, I have no doubt it is in order for them to do so. I think numerous precedents may be found where more persons than one have been pensioned in a single bill.

The CHAIRMAN. The Chair overrules the point of order, and holds that this amendment is germane to this bill. In the case of a bill under discussion to-day in the House a substitute was proposed, bringing in other parties in the same manner as now proposed by the gentleman from North Carolina.

The point now raised is unlike that which was decided by the Chair a little while ago, when a motion was made to strike out one name and insert another. This amendment proposes to add a name, and the Chair knows of no rule under which the point of order can be sustained.

Mr. STEELE. I wish to inquire whether the rules of the House do not require that these bills shall be first considered in a committee?

No bill for the relief of the mother of this assistant surgeon has ever been introduced or considered. If it is in order to add this name why may we not add fifty or sixty others?

The CHAIRMAN. The Chair can not take cognizance of the question whether a bill for the relief of a particular person has been introduced or not. No question of that kind has been presented to the Chair.

Mr. STEELE. I make the point that this matter has not been considered in committee.

Mr. WILSON, of Iowa. The rules of the House require that bills appropriating money shall be first considered in Committee of the Whole. This is the Committee of the Whole.

Mr. BAGLEY. I desire to offer the amendment which I send to the desk.

Mr. TOWNSHEND. I wish to offer an amendment providing pensions for the widows of all those who perished on that expedition.

Mr. HEWITT, of Alabama. The amendments reported by the committee are pending, and had better be voted on first.

Mr. McMILLIN. I make the point that no amendments submitted subsequently to that of the gentleman from Indiana [Mr. MATSON] are now in order, as his is an amendment in the second degree.

The CHAIRMAN. The first question will be upon the amendments reported by the committee, which the Clerk will read.

The Clerk read as follows:

Strike out at the end of section 1 the words "commencing from the 23d day of March, 1882."

Strike out the second section of the bill.

Mr. HEWITT, of Alabama. I ask that the vote on the last amendment be taken first, and then on the motion of the gentleman from Indiana, to strike out "fifty" and insert "thirty," because if the amount of the pension should be fixed at $30, I believe this House will give the pension from the death of the husband; and if $50 be granted, it will be given only from the passage of the bill.

Mr. McMILLIN. The rules provide in what order amendments should be acted upon. I think we had better follow the rules.

The question being taken on the amendments reported by the committee, they were agreed to.

The CHAIRMAN. The question is now upon the amendment submitted by the gentleman from Indiana.

Mr. HOLMES. I wish to inquire whether Lieutenant De Long went on this expedition as a volunteer or at the command of the Government; whether he was in the military or naval service during the time he was engaged upon this expedition?

Mr. HEWITT, of Alabama. He went as a volunteer.

Mr. HOLMES. Was this a naval expedition under the charge of the Government solely?

Mr. KASSON. It was under command of a naval officer.

Mr. HOLMES. I understand it was under the charge of Mr. Bennett. I simply make this inquiry for information.

Mr. HEWITT, of Alabama. It was under the supervision of the Government.

Mr. TOWNSHEND. Lieutenant De Long was under the orders of the Secretary of the Navy, and reported to him.

The amendment of Mr. MATSON was read, as follows:

In line 12 of section 1 strike out "fifty" and insert "thirty."

The question being taken on agreeing to the amendment, there were—ayes 33, noes 6.

Mr. STEELE. I make the point that no quorum has voted.

Mr. KASSON. I will remind the gentleman that as these amendments must be acted upon by the House he can have a vote by a quorum at that time, if he so desires.

Mr. STEELE. Understanding that we can have a vote in the House I withdraw my point.

So the amendment of Mr. MATSON was adopted.

The CHAIRMAN. The next question is on the amendment offered by the gentlemen from North Carolina [Mr. BENNETT], which the Clerk will read.

The Clerk read as follows:

Insert "and the mother of Assistant Surgeon Ambler."

Mr. TOWNSHEND. I move to amend by adding "and the widows, minor children, and dependent mothers of all those who perished on the expedition."

Mr. HEWITT, of Alabama. That would be pretty general. I do not know how you can get at that.

Mr. TOWNSHEND. There is as much propriety in pensioning these as in pensioning the others.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] will send up his amendment in writing.

Mr. BAGLEY. I have sent an amendment to the desk which I ask may be read.

The Clerk read as follows:

Also, to William Chipp, father of Lieutenant Chipp.

Mr. HEWITT, of Alabama. I make the point of order that this amendment proposes to grant a pension to a party who is not named on this Calendar; and according to the order under which we are now proceeding the case can not be considered to-night. I ask for the reading of the order.

The CHAIRMAN. The Clerk will report the special order.

The order was again read.

Mr. ROGERS, of Arkansas. I move that the committee do now rise.

The committee divided; and there were—ayes 16, noes 23.

So the committee refused to rise.

Mr. TOWNSHEND. I now send up my amendment.

Mr. HEWITT, of Alabama. That order was made by unanimous consent, and we have a right to presume when it was made that it was to consider bills reported by a committee and which had been investigated by a committee. If you can amend these bills by inserting other parties' names whose cases have not been examined and reported on, then the order is nugatory. You can then bring in the names of all applicants whose cases have never been considered at all and who have no bill on the Calendar and put them on.

Mr. STEELE. Let me call attention to a paragraph on page 224 of the Digest, where it says, "It is also out of order to ingraft upon a bill for the relief of one individual a provision for the relief of another."

The CHAIRMAN. The Chair has no hesitation in ruling against the amendment sent up by the gentleman from Illinois. The Clerk will read.

The Clerk read as follows:

And the widows, minor children, and dependent mothers of all the persons who perished on the Jeannette expedition which was commanded by Lieutenant De Long.

Mr. HEWITT, of Alabama. That is a general bill and covers a class.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BAGLEY. I move the following: "Also to Warren Chipp, father of Lieutenant Chipp."

Mr. CUTCHEON. I make the same point of order against that amendment.

The CHAIRMAN. The gentleman from Indiana has called attention to a note on page 224 of the Digest: "It is also out of order to ingraft upon a bill for the relief of one individual a provision for the relief of another."

Mr. WILSON, of Iowa. That is not the rule.

Mr. STEELE. It is a journalized decision.

The CHAIRMAN. But it does not state where the amendment is germane and of the same character; it can not be done. The Chair adheres to its original decision, and rules the amendment of the gentleman from New York in order.

Mr. GEORGE D. WISE. I move the committee rise.

The committee divided; and there were—ayes 17, noes 27.

Mr. GEORGE D. WISE. I demand tellers.

Tellers were refused.

So the committee refused to rise.

Mr. KASSON. Mr. Chairman, I ask to say a single word on the amendment. I think as a matter of correct practice we ought not to report a claim, whether for a pension or otherwise, for anybody until we know of the existence of the person through some committee of the House and know enough of the facts to be willing to pension them on an original bill. If this gentleman had simply offered a bill in committee that a pension be granted to A B or C D none of us would think of acting or voting on it; yet that is the proposition here. The gentleman suggests a name when we do not know officially of the existence of the person to be pensioned.

Mr. TOWNSHEND. I wish to say one word. It strikes me it is making an unjust discrimination against others who lost their lives on that expedition. There is as much reason and right to give pensions to the minor children and dependent mothers or fathers of the others who perished on that expedition as to those of Surgeon Ambler or Lieutenant Chipp. It would have been vastly more proper to adopt the amendment I offered which covers all these cases, Surgeon Ambler's as well as Lieutenant Chipp's and all others.

Mr. HEWITT, of Alabama. We do not know there are any minor children. We do not know whether any of these parties left a widow or a minor child, or left a dependent father or mother. We are at sea about it; and if the gentleman from Illinois has been so anxious to pension these parties why did he not introduce a bill for that purpose and have it referred to the committee for investigation, to see whether or not the cases were such that pensions ought to be granted?

Mr. TOWNSHEND. Will the gentleman let me say a word?

Mr. HEWITT, of Alabama. Answer my question, and do not answer it by asking another.

Mr. TOWNSHEND. Now let me answer my friend. Does he not know——

Mr. HEWITT, of Alabama. Answer the question, but not by asking me a question.

Mr. TOWNSHEND. I shall answer in my own way, or not at all.

Mr. HEWITT, of Alabama. Then, of course, I can not yield the floor to the gentleman.

Mr. TOWNSHEND. Very well. After the gentleman has concluded his remarks I would like to say a word with reference to this matter.

Mr. HEWITT, of Alabama. Go on. I will hear the gentleman's question now.

Mr. TOWNSHEND. I merely wished to state that if my amendment had been considered and adopted, and had it turned out that there were no widows, no dependent mothers, or no orphan children, no harm would have been done; while on the contrary if there had been, they would have become entitled to the privileges extended to the beneficiary of this bill. But in point of fact we all know that there are survivors. We know, for ihstance, that the widow of Lieutenant Collins is living. Her name is not mentioned. Several others are not mentioned who are living. By that amendment there would be no unfair discrimination.

Mr. HEWITT, of Alabama. This is the first time that I have been informed of that fact. The committee had no such information. I did know that there was the widow of Captain De Long living, because a bill was introduced and referred to the committee to grant her a pension, and we found that fact and reported it back to the House. But this is the first time that I have learned there was another widow in all of that crew.

But we are not even now told her condition. We do not know whether she is dependent or not. We do not know whether it may not be a fact that she is rich and all that. If the gentleman will introduce a bill for the relief of that widow or any of these persons and have it referred to the Committee on Pensions, the committee will at once take action upon the matter and report a bill for the relief of any who may be in need of and entitled to pensions. But no bill has been reported or introduced for any other person, and the gentleman ought not to put such an amendment on this bill until the committee have examined and reported upon the facts.

Mr. TOWNSHEND. The only amendment I have offered, the gentleman will remember, has been ruled out on the point of order; but I was simply using the fact as an illustration of the argument that dependent mothers or the other widows ought to be pensioned, and that no discrimination should be made. If there is no dependent mother there would be no pension of course.

Mr. HEWITT, of Alabama. Now, as to the case of Lieutenant Chipp we have no evidence of the fact that his father was dependent upon him at all; and if he was not dependent upon him then he would not be entitled to a pension any more than the father of a soldier who was killed in battle if the father was not dependent upon the son for his support.

In the case of Dr. Ambler there is no evidence that the mother is a widow even. There is no evidence but that the father is still living; and if he was not dependent, under the pension laws he would not be entitled to a pension even though the son had been a soldier and he had been killed in battle.

Mr. BAGLEY. Mr. Chairman, I offered my amendment because the Chair ruled the amendment of the gentleman from North Carolina to be in order.

I wish to say in relation to the dependence of Warren Chipp, the father of Lieutenant Chipp, that he was dependent upon his son. But I have grave doubts about attaching this amendment to the original bill, and if in order I would like to withdraw my amendment.

The CHAIRMAN. The gentleman can withdraw it.

Mr. BAGLEY. Then I will withdraw it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from North Carolina.

The amendment was not agreed to.

The question recurred upon the motion to lay the bill as amended aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, the bill will be laid aside——

Mr. BENNETT. I object.

The CHAIRMAN. Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question was taken. The committee divided; and there were—ayes 28, noes 4.

Mr. BENNETT. No quorum.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills to the House with various recommendations.

Mr. DUNHAM. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 37 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRENTS: Telegram from the mayor and clerk of district court, Whatcom, Wash., relative to a charter for said city of Whatcom—to the Committee on the Territories.

By Mr. COSGROVE: Petition of soldiers of the late war, relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. FINERTY: Memorial from the Master Plumbers' Association of the District of Columbia, asking for legislation in reference to their interests—to the Committee on the District of Columbia.

By Mr. FUNSTON: Petition of members of the Grand Army of the Republic for the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HANCOCK: Paper relating to the pension claim of Ann E. Davis—to the Committee on Invalid Pensions.

By Mr. HOUK: Papers relating to the bill for the relief of C. T. P. Davis—to the Committee on Indian Affairs.

By Mr. KASSON: Memorial of Elam Allen, for a pension—to the Committee on Invalid Pensions.

By Mr. McCORMICK: Petition of W. W. Watson and 48 others, citizens of Meigs County, Ohio, for the passage of Lovering House bill No. 6463 at this session of Congress—to the same committee.

By Mr. MORRISON: Memorial of Annie Diller, for a pension—to the same committee.

By Mr. MUTCHLER: Petition of Union soldiers of Perry County, Indiana, for the passage of pending bills increasing pensions—to the same committee.

By Mr. ROSECRANS: Petition of Robert W. Dunbar—to the Committee on Military Affairs.

By Mr. E. B. TAYLOR: Petition of L. H. Serrill and others relative to pensions—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *June* 28, 1884.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. CAMERON, of Wisconsin, called the Senate to order, and the Secretary read the following letter:

VICE-PRESIDENT'S CHAMBER, *Washington, June* 28, 1884.

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. ANGUS CAMERON, a Senator from the State of Wisconsin, to perform the duties of the Chair during my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

Thereupon Mr. CAMERON, of Wisconsin, took the chair as Presiding Officer for to-day.

The Journal of yesterday's proceedings was read and approved.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of Anna Ginn, of Kirkville, Iowa, praying for the passage of an act granting to her a pension on account of the death of her husband from disease contracted in the military service during the war of the rebellion, reported a bill (S. 2350) granting a pension to Anna Ginn; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 6085) granting a pension to John A. Hassell, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report an amendment intended to be proposed to the sundry civil appropriation bill. I move that it be printed and referred, with the accompanying papers, to the Committee on Appropriations.

The motion was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 3171) granting a pension to Ella Stolz;

A bill (H. R. 5821) granting a pension to Mrs. Susannah Barr;

A bill (H. R. 5723) granting a pension to Isabella Bertha Weaver; and

A bill (H. R. 6184) granting a pension to Julia M. Reynolds.

He also, from the same committee, to whom was referred the bill (S. 1893) granting a pension to Mrs. Julia M. Reynolds, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (H. R. 2358) granting a pension to James Hawkins, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3737) granting a pension to Ann McLaughlin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of James A. Quinlan, a soldier residing at the National Military Home in Montgomery County, Ohio, praying to be allowed a pension, submitted an adverse report thereon; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1867) to restore to the pension-roll the name of Samantha Harriman, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 819) granting an increase of pension to Merritt Lewis; and

A bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman.

TONAWANDA ISLAND BRIDGE.

Mr. CONGER. I am instructed by the Committee on Commerce to report back favorably the bill (H. R. 6761) respecting a bridge at Tonawanda, in the State of New York, and to ask for its consideration at the present time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to declare a lawful structure any bridge erected in pursuance of chapter 279 of the laws of the State of New York of the year 1883, entitled "An act to incorporate the Tonawanda Island Bridge Company for the purpose of constructing and operating a bridge from Tonawanda Island to North Tonawanda;" but the bridge shall not be built or commenced until the plan and location have been submitted to the Secretary of War and by him approved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CONGER. I move that the bill (S. 2185) respecting a bridge at Tonawanda, in the State of New York, be postponed indefinitely.

The motion was agreed to.

WILLIAM REINHARDT.

Mr. VAN WYCK. I am directed by the Committee on Pensions to report back favorably the bill (H. R. 585) granting a pension to William Reinhardt. In this connection I wish to state that the same bill was passed as a Senate bill some days since, but in order to make the passage of the bill more certain I report the House bill. The report in the case has already been printed, and therefore it will not be necessary to reprint the report. When the bill is reached on the Calendar, it may be necessary to move to recall the Senate bill from the House.

Mr. MITCHELL. I suggest that the bill be acted upon at this time and passed by the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of William Reinhardt, late a private in Company K, First Regiment Kansas Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VAN WYCK. In order that the record may be perfect, I move to reconsider the vote by which the bill (S. 315) granting a pension to William Reinhardt was passed and to request the House of Representatives to return the bill to the Senate.

The PRESIDING OFFICER. Is there objection to the order that the House be requested to return the bill to the Senate? The Chair hears none, and that order is made.

Mr. COCKRELL. Let the vote be reconsidered.

The PRESIDING OFFICER. The motion to reconsider will stand until the bill is received from the other House.

BILL INTRODUCED.

Mr. KENNA introduced a bill (S. 2351) to authorize the construction of a railroad through the United States Government property on the north side of the Great Kanawha River, in West Virginia; which was read twice by its title.

Mr. KENNA. I introduce this bill by request. I wish to state that I have not examined the bill, and I do not commit myself to its provisions.

The PRESIDING OFFICER. The bill will be referred to the Committee on Railroads.

Mr. KENNA. No; the property through which the railroad is proposed to be built is property owned by the United States in connection with the sites for locks and dams. For that reason I should like to have the bill referred to the Committee on Commerce.

The PRESIDING OFFICER. The bill will be so referred.

STREETS OF WASHINGTON.

Mr. PENDLETON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be instructed to inquire whether any additional legislation is necessary to enable the commissioners of the District to keep clean the streets in the city of Washington.

ARMY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE, *June* 27, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 6861, making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 11, 12, 36, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 34, 37, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, and 50, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$12,150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "That the Secretary of War is authorized to appoint on the recommendation of the Quartermaster-General as many post quartermaster-sergeants, not to exceed eighty, as he may deem necessary for the interests of the service, said sergeants to be selected by examination from the most competent enlisted men of the Army, who have served at least four years and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to post and other quartermasters. Said post quartermaster-sergeants shall so far as practicable perform the duties of storekeepers and clerks in lieu of citizen employés. The post quartermaster-sergeants shall be subject to the rules and articles of war, and shall receive for their services the same pay and allowances as ordnance sergeants;" and the Sanate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: On page 10, after the word "advertisement," in lines 8 and 9 of the bill, insert the following: "except in cases of extreme emergency;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows:

At the end of the amended paragraph, after the word "Register," insert the following:

"*Provided*, That the medical officers of the Army and contract surgeons shall, whenever practicable, attend the families of the officers and soldiers free of charge."

And the Senate agree to the same.

On amendment numbered 35 the conference committee is unable to agree,

JNO. A. LOGAN,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.
WILLIAM H. FORNEY,
RICH'D W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. PLUMB. I will state in regard to the report that the only point of difference left between the two Houses is in regard to the item inserted by the House, which was equivalent to the item in the Post-Office appropriation bill providing that the compensation to be paid to the Pacific railroads should be one-half that paid to other railroads for similar services. Following the action of the Senate in that particular in regard to the Post-Office appropriation bill, and the action of the Senate also in striking out the provision of the House, the conferees refused to concur in the proposition of the House to restore that paragraph. Everything else is agreed upon.

The only serious differences that existed were in regard to some matters of administration in the Army, the question of fuel, from which the House receded, the question of the amount of money to be appropriated for commissary supplies, the amount of difference being divided between the two Houses, and the proposition in regard to the Pay Department. The House reduced the number of officers of the Pay Department to twenty-nine, the Senate increased the number to thirty-five, and the House conferees agreed to it. The only remaining point of difference, as I said, is that in regard to railroad transportation. I wish to say, so that I may not be misunderstood, that the Senate did not increase the number of officers of the Pay Department now in the Army. The number is now forty-five, and by operation of existing law it is reduced as vacancies occur to forty. The bill if it shall become a law will make a further reduction of the number to thirty-five.

The report was concurred in.

Mr. PLUMB. I move that the Senate further insist on its thirty-fifth amendment, disagreed to by the House, and accede to the request of the House for a further conference thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. LOGAN, Mr. PLUMB, and Mr. RANSOM were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 42) for the relief of Joseph F. Wilson; and

A bill (S. 534) for the relief of J. T. Pickett.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army;

A bill (H. R. 807) for the relief of Mary A. Lee;

A bill (H. R. 1073) granting a pension to William J. Lee; and

A bill (H. R. 1299) for the relief of Alonzo Gesner.

BESSIE S. GILMORE.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 7235, being the deficiency appropriation bill.

The motion was agreed to.

Mr. SHERMAN. I ask the Senator from Maine to allow me to call up Senate bill 2321, which will excite no discussion, reported from the Committee on Finance, for the relief of Mrs. Bessie Gilmore. It is a small bill, but a matter of some importance to her. If it excites any debate at all, I shall not ask the Senator to give way further.

Mr. HALE. I will yield, saying this: It is very desirable that the deficiency appropriation bill should be got through not only to-day but as early as possible in the day, so that it may be sent to the other House that the House may act upon it and we may have the conferees appointed in order that work may be done on closing it. I will yield on condition that the bill of the Senator from Ohio gives rise to no debate.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Ohio, being the bill (S. 2321) for the relief of Bessie S. Gilmore?

Mr. COCKRELL. Let it be read for information.

The Chief Clerk read the bill.

The PRESIDING OFFICER. The bill is reported from the Committee on Finance with an amendment in the nature of a substitute. The amendment will be read.

The CHIEF CLERK. The committee report to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury is hereby directed to redeem United States 5 per cent. coupon bond numbered 38712, for $1,000, act of July 14, 1870, with interest thereon from the 1st day of August, 1876, to the 12th day of August, 1881; also one United States 5 per cent. coupon bond numbered 54191, for $500, act of July 14, 1870, with interest thereon from the 1st day of August, 1876, to the 21st day of May, 1881; also one United States 5 per cent. 10-40 coupon bond numbered 28253, for $500, act of March 3, 1864, with interest thereon from September 1, 1876, to July 18, 1879, in favor of Bessie S. Gilmore, who claims to have been the owner thereof on September 14, 1876, at which time it is alleged they were stolen from her, and who further claims that they were afterward destroyed by the thief or thieves, upon the said Bessie S. Gilmore furnishing to the Treasury Department a bond of indemnity, with good and sufficient sureties, subject to the approval of the Secretary of the Treasury, to secure the United States against loss or damage in consequence of the redemption of said bonds.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. INGALLS. I thought the Secretary of the Treasury had ample authority by statute now to redeem lost and destroyed bonds.

Mr. SHERMAN. This does not fall within his power. There is a letter from the Secretary or the Comptroller of the Treasury stating that it does not fall within the description and class of bonds that he can relieve, and he recommends it to Congress and advises the passage of the bill.

Mr. COCKRELL. Let the letter of the Secretary of the Treasury be read.

Mr. SHERMAN. The report of the committee is very brief.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report submitted by Mr. SHERMAN June 24, 1884:

The Committee on Finance, to which was referred the bill (S. 2321) for the relief of Bessie S. Gilmore, respectfully reports:

That it is clearly shown by the papers on file that Mrs. Bessie S. Gilmore was the owner of the bonds described in the bill, amounting to $2,000; that they were in her possession on board the Bremen steamer Neckar, in September, 1876; that while on the voyage they were either lost or stolen and have never been recovered; that active efforts were made by the officers of the boat, by the police officers on the arrival of the steamer at Bremen, and by the German authorities to recover the bonds, without success; and that all the circumstances indicate that the bonds were destroyed to avoid detection. They were called in due course by the Treasury Department prior to July 1, 1881, but neither bonds nor coupons have been presented. Mrs. Gilmore applied to the Treasury Department for relief under existing law on or about June, 1880, and established to the satisfaction of the Comptroller her ownership of the bonds and their loss. The Comptroller adds:

"It does not sufficiently appear that these bonds, or any of them, are destroyed. Under the provisions of the Revised Statutes, sections 3702, 3703, and 3704, no relief, in the present condition of the case, can be granted to Mrs. Gilmore. Whenever the bonds have been outstanding a sufficient length of time it is probable that she may obtain relief from Congress."

More than four years having elapsed since the date of the Comptroller's report, and it appearing that neither bonds nor coupons have been presented for payment, and it being clearly established that the claimant has a right to the bonds and the proceeds, your committee is of the opinion that she is entitled to relief by the payment of the amount of the bonds and the coupons maturing to the date of the call, upon her furnishing to the Treasury Department a bond of indemnity in the usual form.

Your committee therefore recommends the passage of the bill with an amendment in the nature of a substitute more accurately describing the bonds.

Mr. COCKRELL. This question has been before the Senate repeatedly. While the distinguished Senator who asked for the present consideration of this bill was Secretary of the Treasury his subordinate officers reported very strongly against the very thing that he is now recommending. Under the general law the bond must be proved to have been actually destroyed. The records of the Treasury Department show proof just as conclusive as that produced here of the loss of bonds, and the bonds have suddenly turned up. The proof in those cases was not correct, and there is no proof here that is conclusive. If the owner of these bonds had proved the loss and destruction of the bonds the Treasury Department would have paid them. They have power to do that now. The owner has not proved the actual destruction of them. The bill upon its face shows the proof was that the bonds were stolen and they have not been heard of since.

Mr. SHERMAN. Eight years ago.

Mr. COCKRELL. A bond of indemnity will be given in this case to repay the amount if the bond is hereafter presented. In the lapse of twenty or thirty years the bond is presented at the Treasury; it has to be paid. Where will be the securities of this applicant?

There are millions of dollars involved in this proposition, as is shown by the records of the Secretary of the Treasury, in regard to unclaimed, uncalled for, and unredeemed bonds. Now, if you open the door in this way you open a door to fraud. Some man will get the numbers of these bonds which have not been presented for redemption, and he and his confederates will make positive proof of the ownership of the bonds at a certain time, and that they have been stolen, and they will come in here and secure the payment of the whole of them.

Mr. HALE. As this has given rise to debate, I must object.

Mr. COCKRELL. No; I am done. I simply wanted to enter my earnest protest against such legislation as vicious and dangerous.

Mr. SHERMAN. I will not stand in the way of the appropriation bill.

Mr. HALE. I will yield for a vote but not for further debate.

Mr. SHERMAN. I will state that the Comptroller recommends the passage of this bill because the proof is conclusive, except as to the actual destruction of the bonds which under the law is necessary. I hope the Senator from Missouri will allow the bill to pass.

Mr. COCKRELL. I am not making objection except to put myself on the record against this kind of legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Finance. The amendment will be read.

Mr. SHERMAN. It is not necessary to read the amendment again. It has been read once. It simply corrects the dates and description of the bonds. They were not sufficiently described and the Treasury Department sent in the draught of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPOKANE FALLS AND CŒUR D'ALENE RAILWAY COMPANY.

Mr. DOLPH. The Senator from Maine has kindly consented to yield to me for a moment to bring to the attention of the Senate a bill which I ask to take up.

Mr. HALE. It is upon the condition that it gives rise to no debate whatever; but after that I must go on with the deficiency bill.

Mr. DOLPH. I desire to say a word. I think there was a misunderstanding in the Senate when I moved to take this bill up before. It was supposed I was antagonizing the Senator from Michigan [Mr. CONGER], who desired to proceed with private pension bills, and some Senators thought this was a right-of-way bill. This is a bill simply to incorporate a company to build a railroad in Idaho Territory. The general statutes prevent the incorporation of a company in the Territory by a private charter; there is no general law there authorizing such a corporation; and unless Congress grant this charter the building of this railroad will be delayed until after the next session of the Idaho Territorial Legislature. I ask unanimous consent, therefore, that the Senate proceed to the present consideration of the bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company. If any Senator thinks there is an objection to the bill I ask him to wait until the report is read, which is very short.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that Senate bill 1642 be considered at this time. The Chair hears no objection.

The Chief Clerk read the bill.

Mr. VAN WYCK. I do not desire to retard the passage of any bill to organize a railroad company in that section of the country; but there seems to be a good deal in this bill and I ask that it be laid over to be examined. There is a provision about consolidation, and I think it

gives the right which has been claimed by the Northern Pacific to go into all that section of country and take timber to build their railroad. Therefore without desiring to impede the passage of the bill, I object.

Mr. HALE. As it gives rise to debate I must object to its further consideration.

Mr. HOAR. I wish the Senator from Maine would allow me to call up a bill that will pass without debate. It is only three or four lines, and has once passed the Senate.

Mr. DOLPH. I should like to say a word. The Northern Pacific Railroad Company has nothing whatever to do with this bill. It was before the Committee on Railroads and it does nothing but incorporate a company. I hope the Senator from Nebraska will withdraw his objection and let the bill pass. It was carefully considered by the Senator from Connecticut [Mr. HAWLEY].

Mr. VAN WYCK. I will examine it to-day. As I understand the bill, it gives the privileges granted by the general law where railroads are organized. I can see no reason why this company should be given from the public domain all the timber it may desire for ties and otherwise.

Mr. DOLPH. It simply says they shall have the right of way under the general law.

Mr. VAN WYCK. If they merely want to organize a company, that is one thing; but when they organize as a railroad company and you give them privileges of consolidation and otherwise and take all the timber they want, is a different matter.

Mr. HALE. I object to debate.

PUBLIC BUILDING AT NEW BEDFORD.

Mr. HOAR. I ask the Senator from Maine to allow a bill to be read for information which is only three or four lines in length. It is Order of Business 829, a bill which once passed the Senate, and ought to have passed the other day with bills of the same kind.

Mr. HALE. If it will not give rise to a word of debate, I shall not object.

Mr. HOAR. I do not think it will.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent for the consideration of Senate bill 2246.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I desire to give notice that at the close of the deficiency bill, which is about to be taken up, I shall ask the Senate to take up the bill known as the river and harbor bill and proceed with it to-day as far as we can.

COUNT OF ELECTORAL VOTES.

The PRESIDING OFFICER. Yesterday the Senate asked the House of Representatives for a conference on the disagreeing votes of the two Houses on the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, and the conferees on the part of the Senate were orderd to be appointed by the Presiding Officer. The Chair will appoint as the conferees on the part of the Senate the Senator from Massachusetts [Mr. HOAR], the Senator from Ohio [Mr. SHERMAN], and the Senator from Alabama [Mr. PUGH].

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I call for the regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the first or formal reading be dispensed with, and that the bill be considered by paragraphs, the committee amendments to be first considered.

The PRESIDING OFFICER. The Senator from Maine asks that the first formal reading of the bill be dispensed with, and that the bill be considered by paragraphs for the consideration of the amendments of the Committee on Appropriations. Is there objection? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "Department of State," after line 14 of section 1, to insert:

To enable the Secretary of State to pay the expenses of the removal of the remains of Francis P. Van Wyck, late United States consul at Turk's Island, to the United States, and the expenses of burial, $934.84.

The amendment was agreed to.

The next amendment was, after line 19 of section 1, to insert:

That the President be, and he is hereby, authorized to unite with the Government of His Majesty the King of Spain in tendering to the distinguished gentlemen who have successively filled the post of umpire in the late Spanish and American Claims Commission suitable testimonials to express the high appreciation with which the two governments regard the service they have rendered in the adjustment of an important international question by the amicable resort of arbitration; and that to do so, in compliance with the terms of the protocol of June 2, 1883, between the two governments, there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $9,000, or so much thereof as may be necessary, to be immediately available, and to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, under the head of "foreign intercourse," in section 1, line 56, after the word "cent," to strike out—

And hereafter it shall not be lawful for any consular officer to expend from the amount received from the fees of his office any sum in excess of the allowance of salary and fees directly authorized by law, except such consular officers as are paid exclusively by fees and the consuls paid in part by salary and in part by fees, and in the latter case only such portion of the fees as are authorized in excess of their salaries.

The next amendment was, in section 1, line 88, before the word "dollars," to strike out "seven thousand five hundred" and insert "ten thousand;" so as to make the clause read:

For the payment of the remaining expenses connected with the service of the International Fishery Exhibition held at London in 1883, and for the preparation of the report called for by act approved July 18, 1882, to be expended by the United States Commissioner of Fish and Fisheries, under the direction and regulations of the Department of State, $10,000, the same to be available until June 30, 1885.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884.

The message further announced that the House had insisted upon its amendments to the bill (S. 828) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM S. ROSECRANS of California, Mr. CHARLES H. MORGAN of Missouri, and Mr. BYRON M. CUTCHEON of Michigan managers at the conference on the part of the House.

The message also announced that the House had passed the following resolution; in which it requested the concurrence of the Senate:

Resolved, That the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, be amended by inserting the figure "9" after the figure "7" in the following paragraph:

"That the House recede from its disagreement to the amendments of the Senate numbered, respectively, 2, 3, 4, 5, 6, and 7, and agree to the same,"

making the said paragraph read as follows:

"That the House recede from its disagreement to the amendments of the Senate numbered, respectively, 2, 3, 4, 5, 6, 7, and 9, and agree to the same."

RAILROAD IN INDIAN TERRITORY.

Mr. BROWN. I ask the indulgence of the Senator from Maine one moment to take up the resolution just received from the House to correct a mere clerical error in the report of the committee of conference on the bill granting a right of way through the Indian Territory to the Gulf, Colorado and Santa Fé Railroad Company.

Mr. HALE. I hope the Senator will not ask to do that now. It is very important, as I said before, that the deficiency bill should get before the House at an early hour to-day.

Mr. BROWN. It is simply to correct a clerical error. All I ask is that it be read and acted on. I will not make any remarks at all.

Mr. HALE. Very well.

The PRESIDING OFFICER. Is there objection to the consideration of the House resolution?

Mr. HALE. If it give rise to any debate, I shall object.

Mr. BROWN. If there is any question or debate about it, I shall not urge it now. There was a mere clerical omission to insert that the House recede from its disagreement to our amendment numbered 9. The clerk omitted in copying the report to put that in.

The PRESIDENT *pro tempore*. The resolution of the House of Representatives will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, be amended by inserting the figure "9" after the figure "7" in the following paragraph, namely:

"That the House recede from its disagreement to the amendments of the Senate numbered, respectively, 2, 3, 4, 5, 6, and 7, and agree to the same,"

making the said paragraph read as follows, namely:

"That the House recede from its disagreement to the amendments of the Senate numbered, respectively, 2, 3, 4, 5, 6, 7, and 9, and agree to the same."

Mr. BROWN. I move the adoption of the resolution.

The resolution was concurred in.

GENERAL DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Treasury Department," in the appropriations for public buildings, after line 106 of section 1, to insert:

For court-house and post-office, Des Moines, Iowa: One-half cost of paving alley around building, $514.42.

The amendment was agreed to.

The next amendment was, after line 109 of section 1, to insert:

For custom-house and post-office, Hartford, Conn.: One-half cost of paving between city hall and custom-house, $892.46.

The amendment was agreed to.

The next amendment was, after line 112 of section 1, to insert:

For court-house and post-office, Jersey City, N. J.: Paving Washington street adjacent to building, $244.

The amendment was agreed to.

The next amendment was, after line 115 of section 1, to insert:

For old custom-house, Saint Louis, Mo.: Paving Third street front, $1,041.74; paving Olive street front, $946.49.

The amendment was agreed to.

The next amendment was, after line 119, of section 1, to insert:

For the court-house and post-office, Grand Rapids, Mich.: Regrading, repaving, and sewering on Lyon and North Division streets, $1,491.53.

The amendment was agreed to.

The next amendment was, under the head of "Internal Revenue," after line 135 of section 1, to insert:

To pay expenses incurred during the fiscal year ended June 30, 1883, by collectors of internal revenue, under authority of the Commissioner of Internal Revenue, in securing a more thorough collection of taxes due upon spirits distilled from fruit, being a deficiency for the fiscal year 1883, $6,758.31.

The amendment was agreed to.

The next amendment was, after line 143 of section 1, to insert:

Salaries and expenses of agents and subordinate officers of internal revenue: For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, $150,000.

The amendment was agreed to.

The next amendment was, under the head of "Territories," after line 162 of section 1, to insert:

Contingent expenses, Territory of Arizona: For payment of amount found due by the accounting officers of the Treasury on account of contingent expenses, Territory of Arizona, being a deficiency for the fiscal year 1882, $230.

The amendment was agreed to.

The next amendment was, after line 168 of section 1, to insert:

Legislative expenses, Territory of New Mexico: For payment of amount found due by the accounting officers of the Treasury on account of legislative expenses, Territory of New Mexico, being a deficiency for the fiscal year 1882, $200.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," after line 193 of section 1, to insert:

For additional amount required for fuel, light, and water for public buildings for fiscal year 1881, to pay for the services of six persons employed during April, May, and June, 1881, as watchmen and cleaners in the custom-house, Chicago, by the collector of customs, and remaining unpaid for want of an appropriation, $648.90.

The amendment was agreed to.

The next amendment was, after line 201 of section 1, to insert:

Assay office at Boise City, Idaho Territory: For wages of workmen and contingent expenses, $400.

The amendment was agreed to.

The next amendment was, after line 219 of section 1, to insert:

For this amount to supply a deficiency in the appropriation made by the act of March 3, 1883, to enable the National Academy of Sciences to make observations of the eclipse of the sun on the 6th day of May, 1883, $24.76.

The amendment was agreed to.

The next amendment was, after line 225 of section 1, to insert:

National Board of Health: For rent of office, fuel, postage, telegraphing, printing, clerk-hire, pay of secretary, and other necessary miscellaneous expenses, $5,788.60.

The amendment was agreed to.

The next amendment was, after line 229 of section 1, to insert:

To pay Dr. D. M. Burgess in full compensation for services rendered by him as health inspector at Havana, Cuba, from July 15, 1882, to June 2, 1883, at the rate of $2,500 per annum, $2,190, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 236 of section 1, to insert:

To enable the Secretary of the Treasury to pay to the States of California Oregon, and Nevada, respectively, the 15 per cent. of the amount of their quota of the direct tax of 1861, on account of the proper costs for assuming the collection of the same, as follows, to wit: To the State of California, $37,191.17; to the State of Oregon, $5,271.10; and to the State of Nevada, $688.90; in all, $43,151.17.

The amendment was agreed to.

The next amendment was, in section 1, line 340, before the word "thousand," to strike out "thirty" and insert "forty;" so as to read:

For the payment to John Reynolds, in full satisfaction of a judgment for $61,295.63 rendered in his favor by the circuit court of the United States for the district of California, sitting in San Francisco, Cal., against H. L. Dodge, superintendent, and Alexander Martin, melter and refiner of the United States mint at San Francisco, Cal., for an alleged violation of certain letters patent, No. 53340, issued to said John Reynolds by the Government of the United States of date March 20, 1866, for a patented process of refining bullion, $40,000.

The amendment was agreed to.

The next amendment was, after line 354 of section 1, to insert:

To enable the Secretary of the Treasury to pay a judgment rendered by the United States court in California in favor of J. D. Culp & Co. against William Higby, collector of internal revenue, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Court of Claims," after the word "cents," in line 375 of section 1, to insert:

And interest thereon at the rate of 5 per cent. from the 11th day of June, 1883.

So as to read:

Albert Grant, $14,016.29, and interest thereon at the rate of 5 per cent. from the 11th day of June, 1883.

The amendment was agreed to.

The next amendment was, in section 1, line 391, to change the name "John E. Tripp" to "John E. Fripp."

The amendment was agreed to.

The next amendment was, in section 1, line 394, after the word "cents," to strike out:

George Turner, $1,028.

The amendment was agreed to.

The next amendment was, in section 1, line 446, to change the name "Martha S. Bayard" to "Martha S. Baynard."

The amendment was agreed to.

The next amendment was, in section 1, line 449, to change the name "W. O. P. Tripp" to "W. O. P. Fripp."

The amendment was agreed to.

The next amendment was, in section 1, line 452, to change the name "Edgar W. Tripp" to "Edgar W. Fripp."

The amendment was agreed to.

The next amendment was, in section 1, line 454, after the word "cents," to strike out:

Joel F. Kinney, $6,693.30.

The amendment was agreed to.

The next amendment was, in section 1, line 455, to change the name "Pierre S. Wiltz" to "Pierre S. Weltz."

The amendment was agreed to.

The next amendment was, in section 1, line 459, after the word "cents," to insert:

James D. Graham, $463.40, and interest thereon at the rate of 5 per cent. per annum from June 30, 1883; Walton Goodwin, $463.40; William D. Toy, $463.40; Charles E. Hawkins, $2,184.63; John W. Jordan, $1,004.86.

The amendment was agreed to.

The next amendment was, in section 1, line 467, to reduce the total amount of the appropriation "for payment of the judgments of the Court of Claims" from $253,474.90 to $245,753.60.

The amendment was agreed to.

The next amendment was, in the same clause, after the word "cents," in line 470, to insert:

And a sufficient sum, in addition thereto, as may be necessary to pay the interest on the judgments in favor of Albert Grant and James D. Graham, as above provided.

The amendment was agreed to.

The next amendment was, in section 1, after line 475, to insert:

For payment upon order of the Court of Claims of referees heretofore and hereafter appointed by said court under the act approved June 16, 1880, $2,500; but no moneys hereby appropriated shall be paid to any referee who at the time of such reference was in the employment of the Government and under pay in such employment, and hereafter no person in the employ of the Government shall receive any pay for acting as such referee.

The amendment was agreed to.

The next amendment was, in section 1, under the head of "Quartermaster's Department," to strike out lines 505 to 515, inclusive, as follows:

To pay to the owners of the Fort Brown reservation, in the State of Texas, in full for the amount due them by the Government for the rent of said reservation from the year 1846 to the year 1884, both years inclusive, except the years beginning May, 1861, to and including May, 1865 (that being the period of the recent civil war), the sum of $121,684, in full for all liability of the Government on account of rent for said premises.

The amendment was agreed to.

The next amendment was, in section 1, under the head of "Medical Department," in line 538, before the words "three hundred," to insert "one thousand;" so as to make the clause read:

For the purchase of medical and hospital supplies, expenses of purveying depots, pay of employés, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made, and for other miscellaneous expenses of the Medical Department, being for the fiscal year 1882, $1,322.96.

The amendment was agreed to.

The next amendment was, under the head of "Signal Service," in section 1, after line 552, to insert:

For pay of officers, $1,355.38.
For pay of ten second lieutenants, mounted, $1,000.

The amendment was agreed to.

The next amendment was, after line 585 of section 1, to insert:

MISCELLANEOUS.

To enable the Secretary of War to pay the awards made by the commissioners under the act of March 3, 1875, entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin," and reported to the Senate in Senate Executive Document No. 120, part 1, Forty-eighth Congress, first session, $33,771.69.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in the appropriations for "naval establishment," in section 1, line 598, after the word "quarters," to strike out "four thousand five hundred" and insert "six thousand;" so as to make the clause read:

For Marine Corps: Hire of quarters, $6,000.

The amendment was agreed to.

The next amendment was, in line 602 of section 1, after the word "cents," "for provisions for the Marine Corps, $1,878.25; for hire of quarters for the Marine Corps, $1,001.60;" and in line 606, after the word "all," to strike out "$48,749.45" and insert "$51,630;" so as to make the clause read:

For pay, miscellaneous, $48,645.29; for pay of the Marine Corps, $104.16; for provisions for the Marine Corps, $1,878.25; for hire of quarters for the Marine Corps, $1,001.60; in all, $51,630, being a deficiency on account of the fiscal year 1883.

The amendment was agreed to.

The next amendment was, in section 1, after line 610, to insert:

For ordnance, $20,000; for contingent expenses, Bureau of Ordnance, $400; for contingent expenses, Navy Department, $2,500; in all, $22,900; being deficiencies for the fiscal year 1884.

The amendment was agreed to.

The next amendment was, in section 1, after line 616, to insert:

The accounting officers of the Treasury are hereby authorized and directed to transfer from the appropriation "provisions, Marine Corps, 1882," the sum of $2,945.02, and carry the same to the credit of the following appropriations, for the purpose of closing said accounts on the books of the Treasury, namely: Repair of barracks, 1882, $240.50; contingent, Marine Corps, 1882, $2,527.48; contingent, Marine Corps, 1880, $177.04.

The amendment was agreed to.

The next amendment was, in section 1, line 630, after the word "for," where it occurs the second time, to strike out "salary" and insert "compensation;" and in line 634, after "1882," to strike out "$2,500" and insert "$5,788.81;" so as to make the clause read:

For payment of actual expenses and for compensation of civil commissioner, at the rate of $2,500 per annum, appointed under provisions of act of August 5, 1882, $5,788.81.

The amendment was agreed to.

The next amendment was, in section 1, after line 644, to insert:

To pay the Harlan and Hollingsworth Company for the use and occupation of their ship-yard by the ironclad Amphitrite, and the care of said vessel, and expenses to which they were subject for watching and storage of turrets, pilot-houses, guns, &c., from July 8, 1876, to December 29, 1882, $67,987.

The amendment was agreed to.

The next amendment was, in section 1, after line 652, to insert:

To pay William Cramp & Sons for the use and occupation of their ship-yard by the ironclad Terror, and for care and storage of the turrets, guns, &c., from July 8, 1876, to December 30, 1882, $75,790.

The amendment was agreed to.

The next amendment was, in section 1, after line 658, to insert:

To pay John Roach for the use and occupation of his ship-yard by the ironclad Puritan, and for the care of said vessel and storage of her turrets, guns, and so forth, from July 8, 1876, to December 29, 1882, $69,201: *Provided*, That no moneys hereby appropriated for the above three mentioned ships shall be paid except upon full receipt and discharge of all claims of the parties to whom the same may be paid for care and storage of said vessels, turrets, guns, &c., for use and occupation of these several yards.

The amendment was agreed to.

The next amendment was, in section 1, after the word "necessary," in line 681, to insert:

Provided, That the warrants to be issued under this appropriation shall be delivered to the claimants, or, in case of their decease, to their legal representatives, and to no other persons.

So as to make the clause read:

FARRAGUT PRIZE-MONEY.

To enable the Secretary of the Navy to pay to the officers and crews of the United States naval vessels under command of Flag-Officer D. G. Farragut the difference between the amount of bounty heretofore distributed to them and that to which they are respectively entitled under the decree of the supreme court of the District of Columbia dated May 1, 1873, for destruction of enemy's vessels near New Orleans, in April, 1862, $143,644.47, or so much thereof as may be necessary: *Provided*, That the warrants to be issued under this appropriation shall be delivered to the claimants, or, in case of their decease, to their legal representatives, and to no other persons.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," in section 1, after line 685, to insert:

For this amount, for fuel and light, $135.10.

The amendment was agreed to.

The next amendment was, to strike out lines 701 to 706, inclusive, in section 1, as follows:

To pay two accounts of the New York Herald for advertising for proposals for stationery, one in May and June, 1879, amounting to $60.80, and one in April and May, 1881, amounting to $30.80; in all, $91.60.

The amendment was agreed to.

The next amendment was, under the head of "Public Lands Service," in section 1, line 711, after the word "full," to strike out "at not exceeding 50 cents per hour while actually employed;" in line 712, after the word "clerks," to insert "while actually;" and in line 717, after "1883," to strike out "15,750" and insert "21,000;" so as to make the clause read:

For compensation in full of volunteer clerks while actually employed in transcribing a new set of records for the office of the United States surveyor-general and United States land office at Olympia, Wash., the records of which were destroyed by fire on the 12th of September, 1883, $21,000.

The next amendment was, in the proviso to the same clause, after the word "law," in line 723, to strike out:

And hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.

So as to read:

Provided, That in all cases where the clerks so employed are paid a regular salary from an existing appropriation, the amount which they may be found entitled to shall be paid them in addition to the compensation now authorized by law.

The amendment was agreed to.

The next amendment was, in section 1, after line 728, to insert:

To reimburse the appropriation for reproducing worn and defaced official plats of surveys, for the fiscal year 1884, for amount expended therefrom in procuring lithographic copies of plats for the offices of the United States surveyor-general and register at Olympia, Wash., to take the place of originals destroyed by fire, $6,360.

The amendment was agreed to.

The next amendment was, in section 1, line 745, to strike out "to George W. Cooke, $12.75; to P. J. Clover, $464.83" and insert "$556.23;" in line 749, after "1883," to strike out "to William Cullon, $19.25; to W. T. Griffith, $146.86; to John H. Welch, $224.79; to William Miller, $107; and to E. B. Sanders, $25.10" and insert "$2,022.28;" and in line 755, after the word "all," to strike out "$1,000.58" and insert "$2,578.51."

So as to make the clause read:

For payment of amounts found due by the accounting officers on account of depredations on public timber, as follows: For the fiscal year 1882, $556.23; for the fiscal year 1883, $2,022.28; in all, $2,578.51.

The amendment was agreed to.

The next amendment was, in section 1, after line 757, to insert:

For payment of amounts found due by the accounting officers on account of salaries, office of surveyor-general of Louisiana, being a deficiency for the fiscal year 1883, $1,506.62.

The amendment was agreed to.

The next amendment was, in section 1, after line 762, to insert:

For payment of amount found due by the accounting officers on account of contingent expenses, office of surveyor-general of Louisiana, being a deficiency for the fiscal year 1883, $71.20.

The amendment was agreed to.

The next amendment was, in section 1, after line 767, to insert:

For payment of amounts found due by the accounting officers on account of contingent expenses, office of surveyor-general of Colorado, being a deficiency for the fiscal year 1883, $200.

The amendment was agreed to.

The next amendment was, in section 1, after line 776, to insert:

To pay Paul J. Strobach the amount due him as receiver of public moneys at Montgomery, Ala., $197.45: *Provided*, That of this amount $17 shall be carried to his credit on his account as late receiver of public moneys, under his bond dated April 26, 1877, to close his accounts on the books of the Treasury.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," in section 1, after line 784, to insert:

Buildings and grounds, Howard University: To be used in paying to the proper officer of the Howard University for expenses incurred by the said university in making repairs during the year ending June 30, 1883, including the amount of vouchers and parts of vouchers for expenses in said year prior to August 8, 1882, disallowed by the accounting officers of the Treasury Department under section 3732 of the Revised Statutes, $4,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 821 of section 1.

The PRESIDING OFFICER. The attention of the Chair is called by the Secretary to line 821, which reads "for the fiscal year ending June 30, 1832." He inquires whether the date "1832" is correct.

Mr. HALE. It should be "1882."

The PRESIDING OFFICER. That will be corrected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Indian Affairs," in section 1, after line 828, to insert:

For payment for lands in Indian reservation in Washington Territory, being a deficiency for the fiscal year 1881, $1,521.

The amendment was agreed to.

The next amendment was, under the head of "Telegraphing and purchase of Indian supplies," in section 1, after line 848, to insert:

For telegraphing and purchase of Indian supplies, being a deficiency for the fiscal year 1883, $285.12.

The amendment was agreed to.

The next amendment was to strike out lines 853 to 861, inclusive, of section 1, as follows:

For amount due the Shawnee Indians for arrears of annuities under the third article of treaty of May 10, 1854, being a part of the balance due the said Shawnees for lands ceded to the United States under the first article of said treaty, $9,437.62, caused by the defalcation of Harrison B. Branch, superintendent of Indian affairs in 1861 and 1862.

The amendment was agreed to.

The next amendment was to strike out lines 862 to 879, inclusive, of section 1, as follows:

For this amount, or so much thereof as may be necessary, to pay the expenses of the delegates representing the Eastern Band of Cherokee Indians while in the city of Washington, attending to the business of the band or tribe, during the year 1884, including traveling expenses to and from said city, $1,250, to be paid out of any funds belonging to said tribe.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," in section 1, after line 885, to insert:

For compensation of officers and employés in the Post-Office Department, $14,052.19; for stationery for use of the Post-Office Department, $1,521.78; for rent of money-order office, $2,000; for post-route maps, $4,197.18; for fuel and heating, $1,407.32; for gas, $1,583.66; for Official Postal Guide, $2,700; for hardware, $173.88; for painting, $17.40; for furniture, $9; in all, $27,662.41; the same being rendered necessary by the embezzlement of the late disbursing officer of the Post-Office Department.

The amendment was agreed to.

The next amendment was, under the head of "Postal service," in line 904 of section 1, to increase the appropriation "for rent, light, and fuel" from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 905 of section 1, to increase the appropriation "for cotton, jute, and hemp twine" from $8,000 to $15,000.

The amendment was agreed to.

The next amendment was, in the same clause, in line 919 of section 1, to increase the total amount of the appropriations "for rent, light, fuel, twine, free-delivery service, inland mail transportation," &c., from $2,254,513.40 to $2,266,513.40.

The amendment was agreed to.

The next amendment was, in section 1, line 926, after the word "cents," to insert:

For stationery, $1,608.73.

The amendment was agreed to.

The next amendment was, in section 1, line 940, to increase the total amount of the appropriation for manufacture of postage-stamps, for foreign mail transportation, stationery, compensation of postmsaters, &c., from $2,181,828.61 to $2,183,437.34.

The amendment was agreed to.

The next amendment was, in section 1, line 947, after the word "cents," to insert "for mail-route messengers, $296.27;" and in line 950, after the word "all," to strike out "six hundred and eighty-four dollars and twelve" and insert "nine hundred and eighty dollars and thirty-nine;" so as to make the clause read:

For route agents, $582.65; for mail-route messengers, $296.27; for advertising, $98.47; in all, $980.39; being a deficiency on account of the fiscal year 1882 and payable from the postal revenues for that fiscal year.

The amendment was agreed to.

The next amendment was, in section 1, after line 957, to insert:

To pay accounts in cases of salaries of postmasters and late postmasters which have been readjusted and allowed under the act approved March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866," $35,950.49.

Mr. WILSON. The subject to which this paragraph relates was considered by the Committee on Post-Offices and Post-Roads, by whom I was directed to introduce an amendment to be proposed to the bill making appropriations for the Post-Office Department and for reference to the Committee on Appropriations. In accordance with that action of the Committee on Post-Offices and Post-Roads, I introduced that amendment, and it was referred to the Committee on Appropriations, but as I understand was considered by them as more appropriate in connection with the deficiency bill. Therefore I reintroduced the amendment and had it referred to the Committee on Appropriations, in order that it might be considered in connection with this bill.

The result of the paragraph now under consideration does not make an appropriation sufficient to meet the adjustment of these salaries under the laws referred to, and therefore I desire to offer as a substitute for the paragraph the amendment introduced by me as I have related, which I now send to the desk.

The PRESIDING OFFICER. The Senator from Iowa moves to amend the amendment of the Committee on Appropriations. The amendment to the amendment will be read.

The CHIEF CLERK. In place of the amendment proposed by the Committee on Appropriations it is proposed to substitute:

That in all cases of salaries of postmasters and late postmasters which shall be readjusted under the act approved March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866," the amounts due, when ascertained and audited, shall be paid as said act directs; and such payments shall be made out of any money in the Treasury not otherwise appropriated.

Mr. HALE. I do not think the Senator from Iowa, on my explanation of the action of the Committee on Appropriations, will insist upon his amendment. The bill that we are considering provides for deficiencies for the present year and the past year. The committee took the decisions that had been made in these old post-office claims, sent to the Department, and got a report of all claims that had been audited and that by law were entitled to payment, and has put these claims in here requesting the Secretary of the Treasury to send any others that might be audited before the bill goes through, and I have an amendment that will add to the amount reported here enough to cover all that have been reported; but I do not think the Senator would wish that these claims, which come up unexpectedly under the construction of a law not deemed probable at the time when it was passed, should have preference over other claims. Just as fast as they are audited and comptrolled they should be submitted to Congress and should be subject to the scrutiny of Congress by an appropriation bill, and that is the rule the Committee on Appropriations applies to other matters.

There are various other matters of an extensive kind that are being all the time considered by the Departments, and as fast as they report them we appropriate for them; but the committee did not think that upon this appropriation bill this class of claims should be preferred to others and any provision should be made for their payment in the future, but that as fast as they are audited they should be sent to Congress and subjected to scrutiny. There have been old cases of claims that have come before Congress where an investigation has shown mistakes in the Departments enough to put us upon our caution; and these claims the committee believe should be subjected to just the same rule, and we mean to report all as fast as they are audited.

I do not think the Senator on this explanation would wish that these claims should be preferred to others.

Mr. WILSON. Mr. President——

The PRESIDING OFFICER. The Senator will delay for a moment. The hour of 1 o'clock having arrived the Chair will lay before the Senate the unfinished business, being the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. HALE. I ask that that be informally laid aside.

The PRESIDING OFFICER. The Senator from Maine asks that the unfinished business be informally laid aside for the purpose of proceeding with the consideration of the deficiency appropriation bill. Is there objection? The Chair hears none, and the appropriation bill is continued before the Senate as in Committee of the Whole.

Mr. WILSON. I am not asking the Senate to adopt an amendment that will give a preference to these claims over any other proper claims. I am asking that an appropriation be made for the payment of claims adjusted, in accordance with an act of Congress, in the order of their adjustment. Something of a controversy occurred between Congress and the Post-Office Department concerning the proper construction of the act to which this amendment relates. The Postmaster-General sought the advice of the Attorney-General. He received it. Upon that he has formulated the rules under which he is proceeding to the adjustment of these claims. The claims of postmasters in several of the States have already been determined, and the others will be adjusted as rapidly as the force of the Department can perform the work. They all rest upon the same basis, are all governed by the same rules, and it was for that reason that we asked a general appropriation in the Post-Office bill. That was denied by the Committee on Appropriations. A partial appropriation is provided for here. We ask that it may be extended to that amount which will in due course and under the rules of the Department when each of these claims shall be adjusted provide for their payment in their order.

Mr. HALE. Let me ask the Senator why we should in this bill provide for anything more than have become deficiencies by being audited and allowed, for they never are deficiencies until they are audited and allowed?

Mr. WILSON. The reason for that is that the Committee on Appropriations declined to make provision for the payment in the regular appropriation bill for the Post-Office Department.

Mr. HALE. I do not see how they could make the appropriation in that bill because it is an uncertain matter; all of these things are uncertain. Why it is that this particular class of claims should be preferred over other classes, and why an appropriation should be made beforehand so that they shall not be subject to the scrutiny of Congress as fast as they are to be paid, I can not, for one, see. We appropriate to pay them just as fast as they become deficiencies, just as fast as they

are reported, audited, and allowed. Why, for instance, should this class of claims be preferred to a class of claims found on page 72?

For commutation of rations to prisoners of war in rebel States, prior to July 1, 1881, $16,864.58.

Or on page 73:

For horses and other property lost in the military service, prior to July 1, 1881.

All those questions have been settled by decisions that the claimants are allowed and entitled to their money, but we do not anticipate and appropriate beforehand, and leave the entire discretion for payment; we require the Department to certify, audit, and report these claims to Congress, and then Congress exercises its discretion and pays them just as fast as they are certified and allowed. Again, I say I can not see why this class of claims should be preferred over war claims that have been allowed, and are continually being allowed.

Mr. WILSON. This whole subject was considered by Congress. An act was passed directing the adjustment and payment to be made. A controversy occurred in the Department as to the meaning of that act. The Attorney-General's opinion, as I have already said, was sought in order to determine that controversy. It was had. The adjustment is proceeding in accordance therewith for not what are ordinary claims, but for amounts that are found, and to be found, to be due, in pursuance of an act of Congress. It is no more a claim against the Government, in the proper sense of that term, than the payment of any other amounts in the future that are provided for by the appropriation bills for the current or the next fiscal year. It is simply a question as to whether the adjustments of these claims, so called, when determined in pursuance of law, shall be paid or the claimants shall wait for another year and for the enactment of another deficiency bill.

Mr. HALE. It is no more than what we do in all cases.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the Committee on Appropriations.

Mr. HALE. If the amendment to the amendment is voted down, I have an amendment increasing the amount so as to cover all claims that are audited to the present time.

Mr. MORGAN. The manner in which this land has been handled by the Post-Office Department admonishes us that we are not to expect anything at all from the Post-Office Department that is not dragooned through. There has been an evident purpose to prevent the execution of the statute which has stood upon the statute-book for several years. It commenced with a law regulating the adjustment of salaries of postmasters for antecedent services, growing out of the fact that we changed the method of compensation from a commission on the sales of postage-stamps to a fixed amount graded and regulated under the discretion somewhat of the Postmaster-General.

The law was suspended in its action for two years, buffeted about back and forth between the Postmaster-General and the Attorney-General, and finally during the early part of this session, by force of resolutions passed through this body, we got those officers to act upon the subject. Thereupon an adjustment of these postmasters' accounts commenced, which has been a very slow process. They have gone through with the accounts of the State of Alabama and made their report upon them, a report which I do not think is sanctioned by the law. At the same time I suppose it is conclusive upon the people of that State; and there is money enough in the bill to pay all the postmasters in Alabama, so that I have not any of what you might call State or personal interest in the amendment proposed by the Senator from Iowa. My State is provided for, because they took up the States in alphabetical order and so considered them, and I believe they have considered two or three other States, I do not know exactly how many.

An appropriation was made of $250,000—that is my remembrance of the sum of money—in that act for the purpose of paying these accounts as they were adjusted. Delays have occurred until that appropriation has been allowed to lapse into the Treasury. The object of the Senator's amendment, or at least the effect of it, I suppose, would be to reinstate that appropriation and to allow it to stand exactly where Congress put it when the act was passed, so that as fast as the Post-Office Department should ascertain what the claims are there would be a fund on hand to pay them. As I stated, that fund has been allowed to lapse into the Treasury.

Is there any justice in the payment of the claims of the postmasters in Alabama at this time and in postponing for one year the payment of the claims of postmasters, for instance, in the State of Maryland? They all claim under the same law. It is a mere matter of convenience to that Department how many cases they will decide in a given time. They postpone and postpone the making of decisions to suit the pleasure of the subordinates in that Department, who, I regret to say, have the control of the office. When they shall have adjusted the claims hereafter that stand precisely on the same footing with the claims from Alabama, and these men come, after waiting nearly twenty years for their money, and ask for it, they will say, "We can not pay you until a deficiency bill is passed."

The Senator from Maine intimates that it is necessary that the Appropriations Committee should have these claims passed under its revision before any money is appropriated to pay them, after they have been allowed in the Post-Office Department. I would respectfully suggest that if there is any revision of these matters to take place, and I hope a revision may take place, it ought to be done by the Committee on Post-Offices and Post-Roads. They have looked at this question. They have come before the Senate session after session with their urgent demands that this debt of the Government, recognized by an act of Congress, should be paid.

There can not be any doubt about the debt being due, because Congress has enacted that it is due. There can not be any doubt about the sum of money due to each postmaster, because it depends simply upon a computation made up on the records of the Department. It does not depend upon proof *aliunde*, or any extraneous fact that is not found displayed upon the records of the Post-Office Department. It is a simple matter of calculation and computation, and nothing else. The debt is due; it has been heretofore provided for by law. There is nothing to be done but to calculate the sum of it and to pay it.

There is no necessity for the amounts to pass under the revision of the Committee on Appropriations, and if there were the Senate of the United States would find itself in the presence of a necessity imposed by law upon one of its committees that the committee can not discharge and never pretends to discharge, for the Committee on Appropriations does not overhaul these accounts to see whether the computations have been correctly made or not. They can not do it; they have not the time to do it, and they do not do it. So there is no occasion now for keeping this money out of the hands of these postmasters in order that a mere matter of routine may be performed of passing the account after it becomes a deficiency through the hands of the Committee on Appropriations.

This is not in the proper sense a deficiency. It is the mere failure of the Government to pay a debt that was due and acknowledged to be due by an act of Congress on account of the shortness of an appropriation given for a specific purpose by law, and also because the appropriation has lapsed into the Treasury, the officers of the Post-Office Department not having applied it as they were required to do by law. That is the whole of it.

This item ought to have gone upon the general Post-Office appropriation bill, but the Senator from Iowa informs us that notwithstanding the Committee on Appropriations passed a resolution asking that the Senator would introduce the amendment and send it to the Committee on Appropriations, they made the point that it had better go upon the deficiency bill, and now that we get upon the deficiency bill they make the point that it ought to have gone upon the general Post-Office appropriation bill.

I do not know where this is to end, or when these men are ever to get their money. There are thousands of them in the United States who for a great number of years have been kept out of the debt that Congress has acknowledged to be due to them and has provided the means of ascertaining and paying, but we can not get the debt paid. The matter has gone to such an extent that I am filled with apprehensions and suspicious that there is somebody in the Post-Office Department who intends to keep these postmasters out of their dues. I can not repress that conviction.

I hope that the Senate will adopt the amendment proposed by the Senator from Iowa, because it seems to be the only way left open now by which these men can get what is due them under the law.

Mr. HALE. Let me state briefly what the Committee on Appropriations is trying to do here. If it does not commend itself to the good sense and judgment of the Senate, then it ought not to stand. Years ago authority was given to several Departments upon claims arising under statutes and decisions to not only audit and pass but to pay the claims. There was no brake upon it; there was no limit; there was no power beyond the Department. So many inaccuracies, abuses, and troubles arose under that act that in 1878 Congress, for the purpose of curing these payments under general appropriations, without the discretion and supervision of Congress being exercised, passed the following law:

It shall be the duty of the several accounting officers—

And I ask Senators to listen to this act—

It shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund, under the provisions of said section, that may be brought before them within a period of five years; and the Secretary of the Treasury shall report the amount due to each claimant at the commencement of each session to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

That act has cured a thousand abuses that formerly existed in the Departments having the power to audit and report and pay, for it was found that mistake after mistake occurred, and the conservative action of passing this statute was adopted. The Committee on Appropriations now is seeking to put this class of claims under the law as all other claims are, as the claims to which I have called attention, the claims for commutation to prisoners in the war, the claims for horses stolen, the claims of the States for different allowances, the thousand claims that are coming up. We wait until they are audited and reported to us. What reason there is why this special class of claims should be

taken out of the operation of the act of 1878, as I have said, I fail to see.

Mr. MORGAN. They never were put under the operation of that act.

Mr. HALE. No; but they come under the spirit of the statute exactly. That act was passed undoubtedly before these claims arose, but this is the same class of claims precisely. The Senator claims that it comes from an appropriation that lapsed.

Mr. MORGAN. These are claims specially appropriated for.

Mr. HALE. So the statute of 1878 says:

Under appropriations the balances of which have been exhausted or carried to the surplus fund.

This is an appropriation that has been carried to the surplus fund. It has lapsed.

Mr. MORGAN. It has not been carried strictly to the surplus fund, but it has lapsed simply because the officers of the Government did not perform a duty which was enjoined upon them by the law to ascertain the amount due.

Mr. HALE. Precisely as were the cases that gave rise to the statute of 1878. There had been appropriation made, bills had accumulated, thousands upon thousands of them, and the money had not been paid, and had lapsed and gone into the Treasury. Congress then decided after careful examination—and that is a cardinal act which has been the guide of the Departments ever since—and the Committee on Appropriations have striven always to hold the payment for such claims down to the act of 1878. A large portion of the claims that are in this appropriation are under that very act, and we wait until the Department reports them to us, instead of giving the fund beforehand.

On another point, let me answer if I can the Senator from Alabama as to delay. If there is anybody in the Post-Office Department who is delaying these claims or is hostile to them, that will not be reached by general appropriation. I have heard no complaint that the auditing and comptrolling officers of the Treasury do not take these reports just as fast as they come to them and hurry them up and send them into Congress. If there is hostility in the Post-Office Department, that will not in any degree be removed by general legislation.

I have stated what the Committee on Appropriations is trying to do. If the Senate thinks it is fit and proper to give this general appropriation, to take away the scrutiny that Congress has over these claims, as it has over all others, and make them a favored class, I have nothing to say and the committee has nothing to say; but I felt it my duty to the Senate and to the committee that I should state the attitude of the committee and what it is trying to do, and the Senate must settle it.

Mr. WILSON. The claims referred to generally by the Senator from Maine are of a class different from those which we are now considering. These claims, so called, are to be determined by the records of the Post-Office Department, and no other evidence whatever is to be considered in their adjustment. Therefore they do not come within the spirit of the act to which the Senator has referred.

As to the scrutiny which Congress is to exercise concerning these claims, I will ask the Senator from Maine whether in making an appropriation to pay the expenses of the Post-Office Department they look into and examine all of the readjustments of postmasters' salaries under the biennial adjustment of the Department? If not, why apply it to this class of claims, for they rest upon precisely the rule which the Department follows in readjusting the salaries of postmasters biennially.

Mr. HALE. I ask the Senator to allow me to make a suggestion. On page 75 of the bill is a provision "for refunding to States expenses incurred in raising volunteers for which reimbursement is provided by act of July 27, 1861, and subsequent acts." There is a class of claims that is recognized by law and required to be paid. Yet it has never been asked that we should appropriate beforehand to pay these claims to the States, but just as fast as under the act they are submitted to the Treasury, certified, allowed, and reported to Congress, then we examine them and report upon them and pay them. This class of claims of postmasters is under a special act with a construction that has been fixed, and they have their claims under that act just exactly as the States have, and they ought to be submitted to the same scrutiny and to the same rules as all other claims. So it seems to me.

Mr. WILSON. The evidence upon which the claims of the States are based is of a character entirely different from that which applies to those we are now considering. With regard to the claims of States the evidence is made up not by the General Government and its officers and determined by its records, but by the officers and records of the States. Therefore it is quite proper that there should be a difference in the rule between the two cases.

Mr. HALE. Has the Senator the least idea of what these amounts will be until they are reported to us? Why should we go ahead into this unexplored domain of uncertainty? Nobody knows what they will be. I do not know whether they will be $100,000 or $500,000, or a million and a half, nor does he. It is an uncertain field. Just as fast as they are perfected, pay them. That is what we do with others.

Mr. WILSON. That answers the Senator's argument with regard to the necessity of the scrutiny to be bestowed upon them by the Committee on Appropriations. As fast as they are settled, pay. Therefore, why not make provision in order that they may be paid, because they are all settled alike and upon the same rules and the same character of evidence, and that is made up by the Government itself.

Mr. HALE. The committee, and any committee that has charge of the funds, of the purse of the Government, ought to have the right, as the Committee on Appropriations does, to send to the Departments and ask them on what basis such a claim is allowed. The comptrolling officers of the Treasury Department during the consideration of these appropriation bills day by day visit the room of the committee and bring their papers in. It not infrequently happens that a mistake is found. The other day the committee happened on one that had been reported. Some question was raised. The Comptroller was sent for. He came with his deputy and brought the papers up, and the committee found that a mistake had been made. The officers were wrong, and they asked the committee to strike it out, as we did. That is the scrutiny that ought finally to be passed upon, particularly in a matter of this kind, where it is a forced construction, where it is a pure claim. But as I have said, the Senate must take its course naturally about this matter.

The PRESIDING OFFICER. Will the Senate agree to the amendment offered by the Senator from Iowa [Mr. WILSON] to the amendment proposed by the Committee on Appropriations?

The question being put, there were on a division—ayes 12, noes 14; no quorum voting.

Mr. MORGAN. I hope the Senator from Maine will not make a point about the lack of a quorum. Let the amendment go into the bill and we can consider it again in the Senate. When the bill gets there the Senate will probably be fuller.

Mr. HALE. If the Senator is bent upon opening this door, I think the majority of the Senate ought to vote upon it.

The PRESIDING OFFICER. No quorum is present.

Mr. MORGAN. This will lead to a great deal of explanation and debate, I think, if the Senator insists upon a vote.

Mr. HALE. I do not. It is nothing for me to insist upon. There is no quorum here and no majority of the Senate has voted for the provision. If there had, I should make no point. Only twelve Senators voted for the amendment. It is not I that am insisting.

Mr. MORGAN. Very good.

Mr. HALE. If the Senator insists upon pushing his amendment now, of course I can not help that.

Mr. WILSON. I have no desire to delay progress on the bill, and with the understanding that the amendment will be renewed when the bill is reported to the Senate, I will withdraw it.

Mr. HALE. I have no objection, of course, to that.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. HALE. I ask that the amount fixed in the amendment of the committee, "$35,950.49," be changed to "$45,213.80."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriation was, after line 966 of section 1, to insert:

To pay the audited account of the Saint Louis, Keokuk and Northwestern Railway Company for transportation of the mails, being a deficiency for the fiscal year 1883, $424.03.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," in line 975 of section 1, to strike out "nine" and insert "one thousand one;" so as to make the clause read:

For miscellaneous items, telegraphing, and lights, being a deficiency for the fiscal year 1883, $1,107.13.

The amendment was agreed to.

The next amendment was, after line 976 of section 1, to insert:

For contingent expenses, namely: For miscellaneous items, $2,000; for stationery, $500; for horses and wagons, $225; in all, $2,725.

The amendment was agreed to.

The next amendment was, after line 981 of section 1, to insert:

For sewerage and plumbing for Department building, $1,981.44.

The amendment was agreed to.

The next amendment was, after line 994 of section 1, to insert:

To enable the Attorney-General to pay the State asylum for insane criminals at Auburn, N. Y., for the support of United States convicts for the fiscal year 1883, $550.39; for the fiscal year 1884, $1,037.57; in all, $1,587.96.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," in line 1004 of section 1, to increase the appropriation "for fees of United States attorneys" from $50,000 to $90,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 1007, to increase the appropriation for fees of marshals from $25,000 to $75,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 1010, to increase the total amount of the appropriations for fees of United States attorneys, clerks, jurors, witnesses, marshals, &c., from $266,000 to $356,000.

The amendment was agreed to.

The next amendment was, to strike out lines 1012 to 1019, inclusive, of section 1, as follows:

For fees of district attorneys for the fiscal year ending June 30, 1882, exclusive of claims numbered 78343, 78435, 78468, 84149, 84145, $2,370.37.

And in lieu thereof to insert:

For payment of district attorneys and their assistants, being a deficiency for the fiscal year 1882, $17,782.62.

The amendment was agreed to.

The next amendment was, in line 1027 of section 1, after the word "dollars," to insert "for expenses of Territorial courts in Utah, $2,830.26;" and in line 1029, after the word "and," to strike out "$92,000" and insert "$94,830.26;" so as to read:

For payment of district attorneys and their assistants, $115,000; for fees of clerks, $60,000; for fees of commissioners, $17,000; for expenses of Territorial courts in Utah, $2,830.26; in all, $194,830.26; being a deficiency on account of the fiscal year 1883.

The amendment was agreed to.

The next amendment was, in line 1032 of section 1, at the end of the clause providing for payment of district attorneys and their assistants, fees of clerks, commissioners, &c., to strike out the following proviso:

Provided, That no part of the money contained in this and the preceding paragraph shall be used to pay special counsel fees.

The amendment was agreed to.

Mr. VAN WYCK. May I inquire of the Senator in charge of the bill why the committee propose to amend by striking out the paragraph just read? I supposed the last statute upon the subject of special counsel provided that special counsel should not be paid except where there was some law authorizing their employment.

Mr. HALE. What is the question of the Senator?

Mr. VAN WYCK. I see the House provision is to be stricken out, which reads:

Provided, That no part of the money contained in this and the preceding paragraph shall be used to pay special counsel fees.

It was supposed that a great abuse had sprung up. In the first place, years ago a great abuse did spring up in the employment of special counsel, and a law was passed then that there should be no payment to special counsel except when some act of Congress authorized their employment. Notwithstanding that provision of the statute, the Attorney-General exercised a discretion which he had probably no right to do, in the employment to an unlimited extent and also in giving compensation apparently to an unlimited amount, and in order to check that the House I suppose inserted this provision that no part of this deficiency should be allowed in the payment of special counsel.

Mr. HALE. The committee did not think that the Attorney-General had violated the law. At any rate these are old things in the past where the contract had been made and the service had been rendered. Whatever may be the result of the attention that has been called to the matter and the feeling that has been evoked in Congress and elsewhere upon the Departments in the future, the committee thought it better to make no limitation as to the past. These old bills have got to be paid, and we did not deem it proper to put in any prohibition but preferred to leave the law as it is.

Mr. VAN WYCK. If what the special star-route counsel have been testifying under oath before a committee of the other House be true, or if any reasonable portion of it be true, it is perfectly evident that there should be no more money paid in that direction. Thousands upon thousands of dollars have been paid to the special star-route counsel. Enormous and fabulous amounts, in some cases $25,000 and $30,000 per year, have been paid with no results. There has been an enormous expenditure of money in the trial of those causes, and yet the very counsel come before a committee of the other House and give such testimony as to show that they not only did not earn the money, if there was a contract made, but that they violated their faith to their client, and really while they were receiving this compensation from the Government were in the act of betraying their client, the Government of the United States.

Mr. HALE. This does not relate to the star-route cases at all. I will tell the Senator what it does cover. It is the expenses of the trial of Guiteau. The Senator remembers how long, how laborious, how annoying, how exasperating that trial was, and not only the responsible nature but the exceedingly disagreeable character of the work of the counsel for the Government, in which they continued all through the winter and into the spring, I think. The fees were not considered by the committee as being at all unreasonable. I do not think the Senator himself would so consider them. They did not amount to anything like the star-route cases, and this does not cover any of those.

Mr. VAN WYCK. It does not cover any of the star-route cases?

Mr. HALE. No; it covers this other matter.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, to strike out lines 1035 to 1038, inclusive, of section 1, as follows:

To pay J. D. Rouse for services in defending suits in claims against the United States, being a deficiency on account of the fiscal year 1874, $87.80.

The amendment was agreed to.

The next amendment was, after line 1038 of section 1, to insert:

SENATE.

For stationery and newspapers, fiscal year 1883, $140.75.
For miscellaneous items, fiscal year 1883, $371.
For fuel and oil for heating apparatus, fiscal year 1884, $4,000.
For furniture and repairs, $1,500.
For folding documents, $500.
For miscellaneous items, $33,482.
For expenses of special and select committees, and for inquiries and investigations ordered by the Senate, $15,000.

The amendment was agreed to.

The next amendment was, after line 1054 of section 1, to insert:

To reimburse the Secretary of the Senate for three orders paid on account of compensation and mileage of Senators, the said orders being forged in the name of one of the Senators and paid as genuine by the financial clerks, $520.

Mr. HALE. After the word "reimburse," I move to strike out "the" and insert "F. E. Shober, late acting;" so as to read:

To reimburse F. E. Shober, late acting secretary of the Senate, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 1059 of section 1, to insert:

To enable the Secretary of the Senate to pay to the clerk to the Committee on Appropriations of the Senate the same amount received by the clerk to the Committee on Appropriations of the House of Representatives for services for the fiscal year 1882, $215, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1066 of section 1, to insert:

To enable the Secretary of the Senate to pay J. F. Edward for services as messenger of the Senate from June 13 to June 30, inclusive, at the rate of $1,440 per annum, $71.20.

The amendment was agreed to.

The next amendment was, after line 1071 of section 1, to insert:

To enable the Secretary of the Senate to pay to Joseph Montgomery $89.95, the amount due him for services as a laborer in the Senate from July 17 to August 31, 1879.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," line 1156 of section 1, after the name "F. W. Rockwell," to insert "James E. Campbell, James R. Chalmers;" and in line 1159, after the word "thousand," to insert "250;" so as to make the clause read:

To pay G. T. Garrison, Thomas G. Skinner, W. E. English, E. H. Funston, J. H. Wallace, F. A. Manzanares, F. W. Rockwell, James E. Campbell, James R. Chalmers, and Robert Smalls for allowances for stationery for the first session of the Forty-eighth Congress, $125 each; in all, $1,250.

The next amendment was, after line 1163 of section 1, to insert:

To pay A. Vangrueder additional compensation for services rendered the Committee on Invalid Pensions of the House of Representatives during the present session of Congress, $300.

The amendment was agreed to.

The next amendment was to strike out lines 1168 to 1176, inclusive, of section 1, as follows:

AGRICULTURAL DEPARTMENT.

That so much of the act passed June, 1884, making an appropriation for the support of the Agricultural Department for the fiscal year ending June 30, 1885, as appropriates $25,000 for the investigation of infectious and contagious diseases to which all classes of domestic animals are subject, be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," in line 1214 of section 1, after the word "dollars," to insert "to be allowed by the First Comptroller;" so as to read:

For public schools: Salary of secretary of the board of school trustees, $150, to be allowed by the First Comptroller; clocks and gas-fixtures in Jefferson school building, $363, including unexpended balance of appropriation.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1249.

The PRESIDING OFFICER. The Chief Clerk suggests that at the end of line 1249 the word "cents" should be inserted after "seventy-two;" so as to read:

One thousand nine hundred and twenty-one dollars and seventy-two cents.

Mr. HALE. That is right; the word was dropped out in the print.

The PRESIDING OFFICER. The correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1254 of section 1, to insert:

For United States marshals' fees, $311.

The amendment was agreed to.

The next amendment was, after line 2178 of section 1, to insert:

To pay the following-named persons for clerical services in making numerical and "assess" books, namely: To F. G. Cowie, $138; to G. A. Hall, $435; to W. E. Morgan, $505; to George S. Bell, $180; to Thomas B. Shoemaker, $45; to William Griffin, $900; to E. W. W. Griffin, $900; to R. A. Fish, $900; to Frank Wilson, $900; to J. F. Thompson, $171; to Charles D. Merwin, $30; in all, $5,104.

The amendment was agreed to.

The next amendment was, after line 1290 of section 1, to insert:

To pay the following miscellaneous expenses, namely: To William Ballantyne & Son, for stationery, $463.93; to Judd & Detweiler, for blank forms, $100.50; to Washington Post, for advertising, $28.12; to National Republican,

for advertising, $35.85; to Washington Journal, for advertising, $23.25; to W. O. Holtzman, for rent of office, $65; to E. Morrison, for book-binding material, $141.95; to G. W. Francis, for book-binding, $100; to J. McDermott & Brothers, for repairs to wagon for use of assessors, $20.40; in all, $979.

The amendment was agreed to.

The next amendment was, in line 1317 of section 1, after the words "public schools," to strike out "to pay the instructor of military tactics at high school $300 out of the amount already appropriated for teachers for" and insert "for;" so as to make the clause read:

For public schools: For rent of school building at Fourteenth and N streets northwest, $750; for fuel, $500; for contingent expenses, $5,000,

The amendment was agreed to.

The next amendment was, after line 1328 of section 1, to insert:

To provide for the payment for land taken for a reservoir under the "act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, $175,000: *Provided*, That this appropriation shall be subject to the same provisions and restrictions named in said act.

The amendment was agreed to.

The next amendment was, after line 1335 of section 1, to insert:

For payment of taxes upon the property of the Columbia Hospital for Women assessed prior to March, 1873, $5,320.53.

The amendment was agreed to.

The next amendment was, in the appropriations for the payment of expenses incurred in contested-election cases in the House of Representatives, in line 1355 of section 1, to increase the amount of the appropriation for "Jno. E. Massey" from $2,000 to $3,500.

The amendment was agreed to.

The next amendment was, in the same clause, line 1356, to increase the appropriation to "John S. Wise" from $2,000 to $3,500.

The amendment was agreed to.

The next amendment was, in the same clause, after the word "dollars," in line 1357, to insert:

C. C. Pool, $500; T. G. Skinner, $500; S. N. Wood, $1,500; R. M. Mayo, $1,800.

The amendment was agreed to.

The next amendment was to strike out from line 1 to line 26 of section 2, inclusive, the following words:

SEC. 2. That the several accounting officers of the Treasury Department shall not receive, examine, and consider any claim against the United States unless it shall have been filed within one year from the passage of this act, or within five years after it shall have accrued, nor unless it shall have arisen under an obligation or liability of the United States incurred by authority of law, or under some appropriation originally applicable to the payment thereof, and the balance of which appropriation shall have been carried to the surplus fund; and any claim not filled within one of the periods above named shall be forever barred, except as hereinafterward provided. If a person entitled to make a claim against the United States is at the time when it accrues or is matured an infant, or *non compos mentis*, or a married woman, or imprisoned on a criminal charge, or in execution upon conviction of a criminal offense for a term less than life, the time of such disability is not a part of the time herein limited for the filing of such claim, except that the time so limited can not be extended more than five years by any such disability, except infancy, or in any case more than one year after the disability ceases. Nothing herein contained shall be held or construed to apply to a claim arising under the public debt of the United States; nor shall anything herein contained authorize the accounting officers or the Secretary of the Treasury to allow or reopen any claim which has already been disposed of by rejection or otherwise or which is already barred by any statute.

The amendment was agreed to.

The next amendment was, before the words "the Secretary," in line 27 of section 2, to insert "that;" in line 30, after "House of Representatives," to insert "and the presiding officer of the Senate;" in line 31, after the word "before," to strike out "the House" and insert "their respective Houses;" and in line 38, after "compiled," to insert "indexed;" so as to make the section read:

SEC. 2. That the Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed, in whole or in part, to the Speaker of the House of Representatives and the presiding officer of the Senate, who shall lay the same before their respective Houses for consideration. And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.

The amendment was agreed to.

The next amendment was, in section 3, under the head of "Treasury Department," after line 68, to insert:

For vaults, safes, and locks for public buildings, 1881 and prior years, $1,276.92.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," after line 88, of section 3, to insert:

For contingent expenses, office of Secretary of the Interior, 1881 and prior years, $12.98.

The amendment was agreed to.

The next amendment was, after line 94 of section 3, to insert:

For the Geological Survey, 1881 and prior years, $46.17.

The amendment was agreed to.

The next amendment was, after line 105 of section 3, to insert:

For surveying private land claims in New Mexico, 1881 and prior years, $208.53.

The amendment was agreed to.

The next amendment was, after the word "cents," at the end of line 134 of section 3, to insert "John C. Davis, $533.42:" and in line 136, after the word "all," to strike out "$739" and insert "$1,272.42;" so as to make the clause read:

To pay Joseph P. Baldwin $127.38; S. B. Cranston, $21.36; George Conn, $21.36; J. C. Fullerton, $139.38; George Baldy, $37.48; Sewall R. Jamison, $392.04; John C. Davis, $533.42; in all, $1,272.42; on account of salaries and commissions of registers and receivers, 1881 and prior years.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," in line 144 of section 3, after the word "years," to strike out "except the claims numbered 82958, 78531, 75993, 76029, and 84106;" and in line 150, after the word "sixty-seven," to strike out "thirty-two thousand two hundred and forty-three dollars and thirty-seven," and insert "thirty-eight thousand three hundred and eighty-nine dollars and eighty-six;" so as to make the clause read:

For fees and expenses of marshals, United States courts, 1881 and prior years, as set forth in said Executive Document No. 67, $38,389.86.

The next amendment was, after the word "years," in line 167 of section 3, to strike out the following:

Except the claims numbered 78377, 78352, 78400, 83543, 83538, 84325, 84327, 84332, 84334, 83990, 84008, 84013, 84015, and 83855.

And in line 180, after the word "thousand," to strike out "one hundred and fifty-three dollars and thirteen" and insert "eight hundred and fifty-seven dollars and forty-eight;" so as to make the clause read:

For fees of witnesses, United States courts, 1881 and prior years, as set forth in said Executive Document No. 67, $6,857.48.

The amendment was agreed to.

The next amendment was, in line 184 of section 3, after the word "years," to strike out "except the claims numbered 83988 and 84331, as set forth in said Executive Document No. 67, three thousand six hundred and fifty-two dollars and twenty-three;" and in line 187, after "No. 67," to strike out "three thousand six hundred and fifty-two dollars and twenty-three" and insert "four thousand three hundred and eighty-three dollars and eight;" so as to make the clause read:

For support of prisoners, United States courts, 1881 and prior years, as set forth in said Executive Document No. 67, $4,383.08.

The amendment was agreed to.

The next amendment was, in the appropriations for "claims allowed by the First Auditor and Commissioner of Customs," in line 213 of section 3, after the word "Congress," to strike out:

Provided, That no part of the money appropriated in this paragraph shall be paid to any of the claimants until the Court of Claims shall have heard and determined all of the questions involved, and the liability of the United States Government therefor, in at least one test case. Full and complete jurisdiction is hereby conferred on the Court of Claims for the purposes above named. If the determination of the Court of Claims shall be in favor of the claimants, they shall be paid; otherwise not. The Attorney-General shall see to it that the interest of the Government is protected in said suit or suits.

The amendment was agreed to.

The next amendment was, in the appropriations for "claims allowed by the Third Auditor and Second Comptroller," after line 312 of section 3, to insert:

For Army transportation, 1881 and prior years, $126,458.89.

The amendment was agreed to.

The next amendment was, after line 315 of section 3, to insert:

For barracks and quarters, 1881 and prior years, $19,711.03.

The amendment was agreed to.

The next amendment was, after line 318 of section 3, to insert:

For horses for cavalry and artillery, 1881 and prior years, $5,094.

The amendment was agreed to.

The next amendment was, after line 323 of section 3, to insert:

For 50 per cent. of arrears of Army transportation due certain land-grant railroads, 1881 and prior years, $8,169.35.

The amendment was agreed to.

The next amendment was, after line 325 of section 3, to insert:

For clothing, camp and garrison equipage, 1881 and prior years, $44.09.

The amendment was agreed to.

The next amendment was, after line 328 of section 3, to insert:

For subsistence of the Army, 1881 and prior years, $3,130.79.

The amendment was agreed to.

The next amendment was, after line 337 of section 3, to insert:

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855, 1856, 1871 and prior years, $1,661.20.

The amendment was agreed to.

The next amendment was, after line 342 of section 3, to insert:

For 20 per cent. additional to James O'Hara, $84.

The amendment was agreed to.

The next amendment was, after line 344 of section 3, to insert:

For compensation to James (or Jamy) Courtney, prior to July 1, 1881 (under joint resolution of February 28, 1867), $31.60.

The amendment was agreed to.

The next amendment was, after line 348 of section 3, to insert:

For Rogue River Indian war, prior to July 1, 1881, $584.62.

The amendment was agreed to.

The next amendment was, in line 355 of section 3, after the word "Provided," to strike out:

That hereafter no agent, attorney, or other person shall demand or receive any fee for his services in claims for lost horses, bounty, and arrears of pay for military services until the allowance of such claim. That all fees last above mentioned shall be paid by the United States out of the amount allowed and due the claimant; and no agent, attorney, or other person shall receive any fee for his services in such claims except through the United States. That the fee in all claims for lost horses, bounty, and arrears of pay shall be $10, except in case of special written contract filed in the office of the auditor who may have charge of the auditing of such claims, and approved by such auditor as hereinafter provided. The claimant may contract with his attorney or agent of record in writing in such form as such auditor having charge of auditing such claim may prescribe, for an additional fee to an amount not exceeding 10 per cent. of the amount allowed for such claim; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act. This act shall apply to pending as well as all future applications for allowance of claims for lost horses, bounty, and arrears of pay.

The amendment was agreed to.

The next amendment was, after the word "advertisement," in line 395 of section 3, to strike out:

That any agent or attorney, or other person instrumental in prosecuting any claim for lost horses, bounty, and arrears of pay, who shall, directly or indirectly, contract for, demand, or receive, or retain any compensation for his services or instrumentality for prosecuting such claims greater than is therein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for every such offense, be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterwards debarred from practicing before the Treasury Department.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for refunding to States expenses incurred in raising volunteers for which reimbursement is provided by act of July 27, 1861, and subsequent acts," in line 419 of section 3, after the word "cents," to insert:

To the State of Nebraska, $485.

The amendment was agreed to.

The next amendment was, in the appropriations for "claims allowed by the Fourth Auditor and Second Comptroller," after line 426 of section 3, to insert:

For pay of the Navy, prior to July 1, 1881, $6,110.95.

The amendment was agreed to.

The next amendment was, after line 429 of section 3, to insert:

For pay, miscellaneous, Navy, 1881 and prior years, $2,390.81.
For pay of the Marine Corps, prior to July 1, 1881, $336.38.

For construction and repair, Bureau of Construction and Repair, 1881 and prior years, $512.17.
For contingent, equipment and recruiting, Bureau of Equipment and Recruiting, 1881 and prior years, $116.31.

The amendment was agreed to.

The next amendment was, in line 13 of section 4, after the word "cents," to insert "and for claims audited and allowed by said accounting officers under the provisions of section 2 of the act of March 3, 1883, $2,240;" and in line 19, after the word "all," to strike out "eighty-eight thousand nine hundred and sixty-five," and insert "ninety one thousand two hundred and five;" so as to make the clause read:

SEC. 4. For the payment of claims audited and allowed by the Second Auditor and Second Comptroller of the Treasury under the provisions of the act of August 7, 1882, to "authorize the auditing of certain unpaid claims against the Indian Bureau by the accounting officers of the Treasury," for services rendered and supplies furnished on account of the Indian service, $72,166.79; and for claims audited and allowed by the said accounting officers under the provisions of section 4 of the act of June 14, 1878, $16,798.47; and for claims audited and allowed by said accounting officers under the provisions of section 2 of the act of March 3, 1883, $2,240, as fully set forth in House Executive Document No. 145, first session, Forty-eighth Congress; in all, $91,205.26.

The amendment was agreed to.

The next amendment was, in line 21, at the end of section 4, to insert:

To pay Van C. Smith $5,458.52, in full of claim of $4,933.52, as allowed by the Second Auditor May 6 and by the Second Comptroller May 8, 1884, and of claim of $525, allowed by the Second Auditor May 21 and by the Second Comptroller May 24, 1884; both allowed under act of August 7, 1882.

The amendment was agreed to.

The next amendment was, in section 5, under the head of "claims allowed by the First Comptroller," in line 38, after the word "American," to strike out "citizens" and insert "seamen;" so as to make the clause read:

For relief and protection of American seamen, 1881 and prior years, $211.94.

The amendment was agreed to.

The next amendment was, in section 5, in the appropriations for "claims allowed by the Third Auditor and the Second Comptroller," after line 91, to insert:

For contingencies of the Army, 1881 and prior years, $144.
For draft and substitute fund, 1871 and prior years, $110.
For pay of volunteers (Mexican war), 1871 and prior years, $57.50.
For traveling expenses of California and Nevada volunteers prior to July 1, 1881, $192.37.
For preventing and suppressing Indian hostilities, 1871 and prior years, $19.06.
For regular supplies, Quartermaster's Department, 1881 and prior years, $520.02.
For incidental expenses, Quartermaster's Department, 1881 and prior years, $308.97.
For transportation of the Army and its supplies, 1881 and prior years, $22,077.48.
For 50 per cent. of arrears of army transportation due certain land-grant railroads, 1881 and prior years, $7,164.51.
For barracks and quarters, 1881 and prior years, $380.
For horses for cavalry and artillery, 1881 and prior years, $255.
For clothing, camp and garrison equipage, 1881 and prior years, $15.12.
For subsistence of the Army, 1881 and prior years, $601.76.
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855, 1856, 1871 and prior years, $84.
For Rogue River Indian war, prior to July 1, 1881, $314.47.

The amendment was agreed to.

The next amendment was, after line 144 of section 5, to insert:

To enable the Secretary of the Treasury to pay the following additional claims for horses lost in the military service of the United States, the same having been audited and allowed by the proper accounting officers of the Treasury, but not included in previous reports of the Secretary to Congress, namely: To David J. Williamson, $200; to George C. Douglas, $200.

The amendment was agreed to.

The next amendment was, in the appropriations for "Navy Department claims allowed by the Fourth Auditor and the Second Comptroller," after line 159 of section 5, to insert:

For pay of the Navy prior to July 1, 1881, $15,722.73.

The amendment was agreed to.

The next amendment was, after line 175 of section 5, to insert:

That for the payment of the following additional claims audited and allowed by the accounting officers under the act of June 14, 1878, and transmitted to the Senate Committee on Appropriations by the Secretary of the Treasury by letter of June 24, 1884, there is appropriated as follows:

WAR DEPARTMENT.

For contingencies of the Army, 1881 and prior years, $13.60.
For medical and hospital department, 1881 and prior years, $72.
For incidental expenses, Quartermaster's Department, 1881 and prior years, $1,720.40.
For subsistence of the Army, 1881 and prior years, $448.
For Signal Service, 1881 and prior years, $84.
For Rock Island Bridge, 1870, $48.

NAVY DEPARTMENT.

For construction and repair, 1881 and prior years, $409.20.
For contingent, Navy, 1881 and prior years, $190.80.
For contingent, Bureau of Ordnance, 1881 and prior years, $335.60.
For contingent, Bureau of Provisions and Clothing, 1881 and prior years, $838.40.
For contingent, Bureau of Equipment and Recruiting, 1881 and prior years, $267.20.
For contingent, Bureau of Yards and Docks, 1881 and prior years, $548.80.

INTERIOR DEPARTMENT.

For telegraphing and purchase of Indian supplies, 1881 and prior years, $1,910.40.
For Army pensions, 1881 and prior years, $52.80.

POST-OFFICE DEPARTMENT.

For deficiency in postal revenues, 1881 and prior years, $3,226.40.

The amendment was agreed to.

The next amendment was, after line 226 of section 5, to insert:

That for the payment of claims audited and allowed by the Fourth Auditor and Second Comptroller under the provisions of section 273 of the Revised Statutes, as fully set forth in letter of the Secretary of the Treasury to the Senate Committee on Appropriations under date of June 24, 1884, there is appropriated as follows:

NAVY DEPARTMENT.

For accrued mileage, Navy and Marine Corps, act of August 5, 1882, $249.83.
For pay of the Navy prior to July 1, 1881, $1,357.23.
For pay, miscellaneous, 1881 and prior years, $935.90.
For pay, Marine Corps, prior to July 1, 1881, $24.
For indemnity for clothing lost prior to July 1, 1881, $60.
For bounty to seamen, prior to July 1, 1881, $358.45.
For bounty for the destruction of enemy's vessels, prior to July 1, 1883, $143.82.
For equipment and recruiting, Bureau of Equipment and Recruiting, 1881 and prior years, $25.86.
For contingent, Bureau of Equipment and Recruiting, 1881 and prior years, $10.69.
For contingent, Marine Corps, 1881 and prior years, $5.53.
For maintenance, Bureau of Yards and Docks, 1881 and prior years, 96 cents.
For improvements and repairs, navy-yards, Bureau of Yards and Docks, $72.
For contingent, Bureau of Medicine and Surgery, 1881 and prior years, $12.83.
For provisions, Navy, Bureau of Provisions and Clothing, 1881 and prior years, $69.05.
For contingent, Bureau of Provisions and Clothing, 1881 and prior years, $30.20.

The amendment was agreed to.

The next amendment was, after line 275 of section 5, to insert:

For the payment of deficiencies in appropriations, also transmitted with the said letter of the Secretary of the Treasury, as follows:
For pay, miscellaneous, fiscal year 1882, $238.30.
For pay, miscellaneous, fiscal year 1883, $1,339.06.
For indemnity for clothing lost, fiscal year 1883, $341.97.
For miscellaneous, Naval Academy, fiscal year 1883, 25 cents.
For provisions for the Navy, Bureau of Provisions and Clothing, fiscal year 1883, $42.

The amendment was agreed to.

The next amendment was, after line 292 of section 5, to insert:

For the payment of the following additional claims audited and allowed by the accounting officers of the Treasury, namely:
To pay William B. Hugus for supplies furnished for the San Carlos Indian agency, 1881 and prior years, $3,452.32.
To pay E. N. Fish & Co. for flour furnished for the San Carlos Indian agency, 1881 and prior years, $4,250.

The amendment was agreed to.

Mr. SHERMAN. I offer an amendment to come in after line 358 of section 1:

To enable the Secretary of the Treasury to reimburse the amount paid for expenses of the commission appointed to go to Louisiana April, 1877, $3,950.73.

The amendment was agreed to.

Mr. MAXEY. I call the attention of the Senator in charge of the bill to lines 505 to 515, inclusive, of section 1, on page 22 of the bill. I was not in at the time that item was acted on, and I ask that it may be reconsidered now. I ask that those lines be read. The item is one making appropriation for the rent of Fort Brown and the Fort Brown reservation.

The facts in regard to the case I will state in a very few words. Fort Brown was established in 1846, during the Mexican war; it is opposite to Matamoras, in Mexico; and from that time on continuously, with the exception of the four years of the civil war, it has been occupied by the United States Government as a fort. It is the most important fort on the Rio Grande. Upon it the United States has expended perhaps half a million dollars. The fort is a necessity for the defense of that frontier.

The title of that property had been in dispute until very recently, through a long period of years. First it will be found in the Supreme Court reports in the case of Trevino *vs.* Cavazos, a very important case, involving the title to a very large grant of land. Next in Brownsville *vs.* Cavazos, in 100 United States Reports. There for the first time the question was definitely settled in that case as to the ownership of the property. There are 350 acres in the reservation. The United States never did own it. It is an important fort. The United States was always willing to pay rent to whomsoever might be entitled to it, but it was a question to whom it should go, and hence as that question was wholly unsettled the matter was left in abeyance till the settlement of the title to the property. The United States have put improvements on property belonging to private parties never claimed to belong to the United States, but they could not settle to whom to pay the rent until the title was decided. The title was settled in the case to which I have referred, and I will ask the Secretary to read this letter from the Secretary of War, which will show precisely what I have stated in regard to it, and show that this is recognized as a just claim by the War Department and by the Quartermaster-General. I ask that the letter be placed on record.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin). The Committee of the Whole agreed to the amendment.

Mr. MAXEY. I hope the Senator in charge of the bill will recognize the fact that I was casually absent when the item was acted on.

The PRESIDING OFFICER. The Senator from Texas can move a reconsideration.

Mr. MAXEY. I will move, then, to reconsider the vote agreeing to the amendment.

Mr. HALE. I told the Senator there was no necessity for that, as I would make no question about it.

Mr. MAXEY. The Senator said it would be considered as not agreed to. Now, I ask that the letter be read.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, May 3*, 1884.

SIR: Acknowledging the receipt of the telegram of yesterday's date requesting that the information called for by letter from the Committee on Appropriations, House of Representatives, of the 22d ultimo, in relation to H. R. 6625, "A bill to appropriate the sum of $136,000 to pay the owners of the Fort Brown reservation, in Texas, for rents due thereon by the Government from 1846 to 1884," be furnished to-day if possible, I have the honor to state that the Quartermaster-General of the Army, to whom the subject was referred, reports under date of the 30th ultimo, as follows:

"In the opinion of the Quartermaster-General the rental value of the site of Fort Brown from 1846 to 1866 was at least equal to $2,500 per annum, which for twenty years makes a sum of $50,000. There is no question in his mind that from 1866 to date the value of the rental, considered relatively to prices paid for similar property in the State of Texas, was and is at least $3,600 per annum, which for eighteen years gives a sum of $64,800, or a total sum of $114,800. The difference between this calculation and the sum named in the bill, namely, $21,200, is a fair, equitable amount to offset deferred payment and the natural differences of opinion that arise in determining values of this land. It was alleged in 1873 and 1874 that the property was taxed at or about $1,000 per annum. Estimates of the value of this site have varied from $25,000 to $75,000."

Very respectfully, your obedient servant,

ROBERT T. LINCOLN, *Secretary of War.*

Hon. S. J. RANDALL,
Chairman of the Committee on Appropriations,
House of Representatives.

Mr. MAXEY. As I was going on to state, from 1846 up to May, 1861, the United States Government occupied this property for governmental purposes, paying no rent therefor and claiming no title to the land. Then from the conclusion of the war up to the present time the United States have had the continuous occupation, use, and enjoyment of the property, paying no rent therefor, and to-day have it.

The Government—and I will say for myself that I regard that as an unwise thing to do, but it has been done—has placed upon that reservation about half a million dollars' worth of valuable property. The War Department has always regarded a fort at Fort Brown, where it now is, as a necessary of the frontier defense, and it always will be so.

The only question remaining is, was the House right in granting to the owners of the soil pay for the use of the soil? About that, in my mind, there can be no sort of question.

The next point is, is the amount in the bill reasonable? I have caused the letter of the Secretary of War to be read approving that amount, which embodies the report of the Quartermaster-General, giving a specific statement showing that the amount asked for is reasonable and proper. The House allowed it; and I am entirely unprepared to see any good reason why it should not be retained by the Senate. I ask the Senate to retain the action of the House.

Mr. HALE. This item covers a very old matter and a matter of some importance from its amount. No papers whatever were furnished to the Committee on Appropriations on the part of the Senate, no evidence of any kind, and the committee searched to see if it was submitted as an estimate of a deficiency by the head of any Department, and did not find that it had been.

Mr. MAXEY. The Senator will pardon me. I had no doubt the committee was acting unadvisedly for want of knowledge; but I have had the letter of the Secretary of War put on record to show that the action of the House was right, and the papers were in the House.

Mr. HALE. The matter seemed to be of that importance that the committee investigated it and conferred with the head of the War Department upon it and learned all the facts in relation to the case, and it struck out the item upon these grounds: first, that it is too much; second, that it is not a deficiency proper; third, that what the Government should do, whenever it does anything, is to buy this property and close up all claims not only for rent but for title, so that no further questions can arise. It was helped forward in that conclusion by the fact that we learned that some time ago an appropriation was made for the purpose of purchasing this property not adequate according to the claims and prices of the owners; but it finally struck out this item, and it ought to be struck out so that in conference between the two Houses what should be done is not that a large sum should be paid for the rent of this property, but that the whole question should be closed up and an appropriation made and proper authority given to the War Department to negotiate for the purchase of the title entire of this property so that it shall be cleaned out.

I hope the Senate will leave the matter in this way in order that that may be brought about in conference between the two Houses. That is all the Senators from Texas could desire.

Mr. MAXEY. I only desire to add to what I have already stated that the question of title was never definitely settled until by the Supreme Court in the case of Brownsville *vs.* Cavazos, to which I have referred in 100 United States Reports, or 10 Otto, and that decision was entered at the October term, 1879. Up to that time the United States could not pay the rent. It had to hold the property as in hand as a stakeholder for whomsoever might be entitled to it, and so it was held. Now the question of title is settled; and while I appreciate what the Senator from Maine says in regard to the bill, that this might be an item of leverage in the hands of the Government to get a better trade for the purchase of the property, the question is not that, but are these owners entitled to rent for their property, and is the amount reasonable? They are entitled, because the title is in them as shown by the decision. The amount is reasonable, as shown by the War Department and by the careful investigation of the Quartermaster-General, who makes this statement; and I will say in addition that General Holabird, who makes this report, was deputy quartermaster-general for Texas for years and personally knows all about it, and the report made by him is entitled to the fullest weight. He makes the statement that the amount is reasonable, so that it seems to me there should be no sort of question that this is a just and righteous claim, that the House is right about it, and that the Senate ought to disagree with the committee in striking out this provision.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations, the former vote being regarded as not having been taken.

Mr. HALE. If the Senator insists on a vote I shall go into this matter more fully. It is not a matter that Senators on full explanations will see their way clear to vote for.

Mr. MAXEY. I have no desire to delay the bill. I have stated to the Senate just what I thought about it, and I know the facts of the case as well as the Senator does. I have them certified here. If the Senator believes this matter can be settled in conference, I am perfectly willing to have it done. I have placed the evidence on record so that it can be referred to.

The PRESIDING OFFICER. The question is on the amendment of the committee, striking out the item from line 505 to line 515, inclusive, of section 1.

The amendment was agreed to.

Mr. HALE. On page 43, at the end of line 1038 of section 1, at the request of the Senator from Kansas [Mr. PLUMB] who is absent, I offer the following amendment:

That the Attorney-General be authorized and directed to pay to Charles H. Reed, for services as counsel for the late Charges J. Guiteau, such sum as he may deem just and reasonable, not to exceed $3,000.

The amendment were agreed to.

Mr. SLATER. On page 73, after the word "cents," in line 355 of section 3, I move to insert:

And any existing law limiting the presentation of any claim for horses lost in the military service of the United States, where the loss is reported on the Department roll by the proper officer, is hereby repealed.

Mr. HALE. I do not know enough about that to agree to it, and must make the point of order that it changes existing law.

Mr. SLATER. I hope the Senator will not raise the point of order.

Mr. HALE. I will withhold it for the present.

Mr. SLATER. There are a large number of claims, particularly from the Pacific States, for horses that were lost a number of years ago, in 1855 and 1856. Money has been appropriated to pay for them. The loss was shown on the rolls of the Department when those rolls came in. I understand there is now a statute that forbids the presentation of such claims after five years. The records of the Department show that the property was lost, show that the parties were entitled to compensation, and the value at which the horses were appraised when they entered the service. It seems to me the Government can not well stand on a position of that kind when its own records and rolls show that the property was lost and who was entitled to it. I think it hardly stands in a correct position to say it will not pay a debt which its own records show it owes.

Mr. HALE. I do not feel justified in withdrawing the point of order and opening a new class of cases.

The PRESIDING OFFICER. The Chair is of the opinion that the point of order is well taken. The amendment is not in order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 257) for the relief of John P. Gregson and Francis H. Ellison;

A bill (H. R. 1000) for the relief of Myra Clark Gaines;

A bill (H. R. 2950) for the relief of Mrs. Margaret Cassidy;

A bill (H. R. 5452) for the relief of John W. Martin; and

A bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 394) granting a pension to Mrs. Mary C. Jones;

A bill (H. R. 432) to increase the pension of Joseph B. Sellers;

A bill (H. R. 759) granting a pension to Patrick Droney;

A bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 1986) granting a pension to Frank P. Fitkin;

A bill (H. R. 2393) granting a pension to Mary McLaughlin;

A bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet;

A bill (H. R. 3188) granting a pension to Amanda Cutter;

A bill (H. R. 4164) for the relief of Ellen Horgan;

A bill (H. R. 4188) granting a pension to William W. Day;

A bill (H. R. 4718) for the relief of Caroline Sheward;

A bill (H. R. 4818) for the relief of Rose Ann Galbraith;

A bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe;

A bill (H. R. 5258) granting a pension to Thomas Cheshire;

A bill (H. R. 5999) granting additional pension to George H. Fluke; and

A bill (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia concerning mechanics' liens.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had this day approved and signed the following bill:

An act (S. 1727) to grant letter-carriers at free-delivery offices fifteen days' leave of absence in each year.

LIST OF PRIVATE CLAIMS.

Mr. VOORHEES offered the following resolution; which was referred to the Committee on Claims:

Resolved, That the Committee on Claims be, and it hereby is, authorized and directed to prepare a list or statement of the various classes of private claims against the Government and their probable amount, and a digest of the general laws relating to such claims respectively, together with such general orders, regulations, and rulings of the different Departments of the Government as relate thereto, with references to the decisions of the Supreme Court and the Court of Claims, together with such statistics or other information as they may deem useful in the proper examination of such claims. The said committee is hereby authorized to employ such clerical or other aid as may be necessary to complete the work, at a cost not to exceed $2,500, to be paid out of the miscellaneous item of the contingent fund of the Senate, upon the approval of the chairman of said committee.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr., reported it without amendment.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Presiding Officer to lay before the Senate the legislative appropriation bill.

The PRESIDING OFFICER. The Chair will lay before the Senate the message from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 28, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. ALLISON. I move that the Senate insist on its amendments, and ask the House of Representatives for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

BOMBARDMENT OF GREYTOWN.

Mr. HOAR. The chairman of the Committee on Claims, who now occupies the chair of the Senate [Mr. CAMERON, of Wisconsin], addressed by the direction of that committee a communication to the Secretary of State inquiring as to some facts in relation to claims against the United States growing out of the bombardment of Greytown. I move that the reply of the Secretary of State be printed for the use of the Senate.

The motion was agreed to.

APOLLOS HALE.

Mr. HOAR. I also ask unanimous consent that the vote of the Senate indefinitely postponing the bill (S. 1254) referring the claim of Apollos Hale, administrator, to the Court of Claims, be reconsidered and the bill placed on the Calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its amendment to the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM W. EATON of Connecticut, Mr. RISDEN T. BENNETT of North Carolina, and Mr. ALPHONSO HART of Ohio managers at the conference on the part of the House.

AMENDMENTS TO SUNDRY CIVIL BILL.

Amendments were submitted by Mr. DOLPH, Mr. VOORHEES, Mr. MILLER of California, Mr. CALL, Mr. GORMAN, Mr. MAHONE, Mr. BOWEN, Mr. COCKRELL, and Mr. PLATT, intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES, from the Select Committee on Additional Accommodations for the Library of Congress, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLAIR, from the Committee on Education and Labor, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. RANSOM, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McMILLAN. In pursuance of notice given this morning, I move that the Senate proceed to the consideration of House bill 7012, being the river and harbor bill.

The PRESIDING OFFICER. The Chair deems it his duty to lay the unfinished business before the Senate, the bill having been com-

pleted for the consideration of which the unfinished business was informally laid aside. The bill which is the unfinished business will be read by its title.

The CHIEF CLERK. A bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

The PRESIDING OFFICER. If there is no objection this bill will be informally laid aside for the purpose of entertaining the motion of the Senator from Minnesota. The question is on the motion of the Senator from Minnesota to proceed to the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. INGALLS. Has that bill been reported to-day?

Mr. MCMILLAN. It was reported yesterday.

Mr. INGALLS. I am quite sure that my colleague [Mr PLUMB] desires to continue the consideration of the land-grant-forfeiture bill. I understand the river and harbor bill was reported yesterday and recommitted.

Mr. MCMILLAN. It was reported the day before yesterday and recommitted, and again reported back yesterday. I think the Senator's colleague was aware that the river and harbor bill would be called up to-day.

Mr. INGALLS. He is absent.

Mr. MCMILLAN. But I gave notice this morning.

Mr. GEORGE. The Senator from Kansas [Mr. PLUMB] informed me this morning that he expected the land-forfeiture bill to come up this evening.

Mr. MCMILLAN. After we pass the river and harbor bill.

The PRESIDING OFFICER. The land-forfeiture bill, being the unfinished business, having been laid before the Senate it was informally laid aside without objection for the purpose of entertaining the request made by the Senator from Minnesota [Mr. MCMILLAN]. The Senator from Minnesota asks unanimous consent that the Senate do now proceed to the consideration of the river and harbor bill, so called. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that in compliance with the request of the Senate the House returned to the Senate the bill (S. 315) granting a pension to William Reinhardt.

The message also announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM S. HOLMAN of Indiana, Mr. JOHN HANCOCK of Texas, and Mr. JOSEPH G. CANNON of Illinois managers at the conference on the part of the House.

WILLIAM REINHARDT.

The PRESIDING OFFICER. The Chair will lay before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 28, 1884.

Ordered, That the Clerk of the House be directed to return to the Senate in compliance with its request——

Mr. HAWLEY. The Senator from Missouri is the Senator who is chiefly interested in making some changes in the bill. He is not here. I think I will not call it up until Monday morning.

Mr. FARLEY. We can not understand over here what is going on.

Mr. HAWLEY. The presiding officer was about to lay before the Senate a conference report on the joint resolution to print the agricultural report, but the Senator from Missouri [Mr. COCKRELL] is the one who has manifested the chief interest in certain changes; he is not here, and I ask that it lie over until Monday.

The PRESIDING OFFICER. The bill the Chair was about to lay before the Senate is not the bill the Senator from Connecticut refers to.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 28, 1884.

Ordered, That the Clerk of the House be directed to return to the Senate, in compliance with its request, the bill (S. 315) granting a pension to William Reinhardt.

The PRESIDING OFFICER. The vote by which the bill was passed will be reconsidered, if there be no objection, and the bill postponed indefinitely. The Chair hears no objection to that course, and it is so ordered.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MCMILLAN. I ask that the bill be read for amendment.

The PRESIDING OFFICER. The first reading of the bill will be dispensed with if there is no objection, and the bill will be read by paragraphs for amendments.

Mr. MCMILLAN. The amendments of the Committee on Commerce being considered first.

Mr. GEORGE. Under that arrangement can we offer amendments to each paragraph as it is read?

The PRESIDING OFFICER. The bill will be read by paragraphs for the consideration of the amendments proposed by the Committee on Commerce. After they have been gone through with, the bill will be open to further amendment.

Mr. HARRIS. Of course if any Senator desires to amend an amendment of the committee, it will be in order to offer it now; otherwise not.

Mr. HOAR. Is it intended that when a particular paragraph is reached, and amendments of the committee to that paragraph have been disposed of, other amendments to the same paragraph shall be delayed until the end of the bill, or shall they be made at that time?

The PRESIDING OFFICER. The request which is made is to consider the committee amendments as reached in order. The bill will be read by paragraphs for the consideration of the amendments proposed by the Committee on Commerce, there being no objection.

Mr. GEORGE. Is it necessary in order to have the amendments of the committee disposed of to read anything except the amendments proposed by the committee?

The PRESIDING OFFICER. The question will be taken on the amendments offered by the committee as they are reached.

Mr. GEORGE. It is a very long bill. Is it necessary to read anything except the amendments?

The PRESIDING OFFICER. Under the rule the reading of the bill can not be dispensed with.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Commerce was, section 1, line 14, to increase the appropriation for "improving harbor at Rockland, Maine: Continuing improvement" from $20,000 to $40,000.

The amendment was agreed to.

The next amendment was, in line 19 of section 1, to increase the appropriation for "improving harbor at Portsmouth, N. H.: Continuing improvement" from $12,500 to $20,000.

The amendment was agreed to.

The next amendment was, in line 21 of section 1, after "Vermont," to insert "continuing improvement, $25,000;" so as to make the item read:

Improving harbor at Burlington, Vt.: Continuing improvement, $25,000; for repairs, $25,000.

The amendment was agreed to.

The next amendment was, after line 29 of section 1, to insert:

Improving harbor at Scituate, Mass.: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in line 50 of section 1, to increase the appropriation for "improving harbor at Newport, R. I.: Continuing improvement" from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, in line 66 of section 1, to increase the appropriation for "improving harbor at Buffalo, N. Y.: Continuing improvement" from $75,000 to $100,000.

The amendment was agreed to.

The next amendment was, after line 70 of section 1, to insert:

Improving Sheepshead Bay, New York: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in line 91 of section 1, to increase the appropriation for "improving harbor at Ogdensburg, N. Y.: Continuing improvement" from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, in line 93 of section 1, to increase the appropriation for "improving harbor at Oswego, N. Y.: Continuing improvement" from $55,000 to $80,000.

The next amendment was, in line 114 of section 1, to increase the appropriation for "improving harbor at Baltimore, Md.: Continuing improvement" from $200,000 to $250,000.

The amendment was agreed to.

The next amendment was, after line 119 of section 1, to insert:

Improving approach to Norfolk Harbor and the United States (Norfolk) navy-yard: Continuing improvement, the widening of the channel of the Elizabeth River between Lambert's Point and Fort Norfolk, $50,000.

The amendment was agreed to.

The next amendment was, in line 153 of section 1, to increase the appropriation for "improving harbor at Savannah, Ga.: Continuing improvement" from $150,000 to $200,000.

The amendment was agreed to.

The next amendment was, after line 150 of section 1, to insert:

Improving harbor at Brazos Santiago, Tex.: Continuing improvement of the bar and harbor, $25,000.

The amendment was agreed to.

The next amendment was, after line 153 of section 1, to insert:

For improving and deepening bar at the mouth of the Neches River, Texas: Completing the work, $7,000.

The amendment was agreed to.

The next amendment was, in line 165 of section 1, after the word "difficulty," to strike out the following proviso:

Provided, That no part of said money shall be so expended until the Buffalo Bayou Ship-Canal Company shall have filed with the Secretary of War, in such form and manner as he may direct, a formal relinquishment forever of their franchises and any and all rights to collect or impose tolls or charges for any part of said ship-channel or Buffalo Bayou: *And provided further*, That no part of this money shall be expended until a thorough examination shall be made of said ship-channel by a board of three engineers, to be appointed by the Secretary of War, to determine the feasibility and expediency of the project.

So that the clause will read:

Improving ship-channel in Galveston Bay, from Morgan's Cut to Bolivar Channel: Continuing improvement, for which purpose the balance now remaining of the money heretofore appropriated for this work is hereby directed to be expended by the Secretary of War in the completion of said channel in accordance with the plans heretofore adopted, and in marking out said channel by piles or stakes, so as to enable navigators to find the same without difficulty.

The amendment was agreed to.

The next amendment was, in line 180 of section 1, to increase the appropriation for "improving harbor at Sabine Pass and Blue Buck Bar, Texas: Continuing improvement" from $150,000 to $200,000.

The amendment was agreed to.

The next amendment was, in line 193 of section 1, to increase the appropriation for "improving harbor at Huron, Ohio: Continuing improvement" from $5,000 to $7,500.

The amendment was agreed to.

The next amendment was, in line 196 of section 1, to increase the appropriation for "improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement" from $30,000 to $50,000.

The amendment was agreed to.

The next amendment was, after line 230 of section 1, to insert:

Improving Pent Water Harbor, Michigan: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, after line 247 of section 1, to insert:

Improving Grand Marais Harbor, Michigan: Continuing improvement, $35,000.

The amendment was agreed to.

The next amendment was, in line 251 of section 1, to increase the appropriation for "improving harbor at Ontonagon, Mich.: Continuing improvement" from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, after line 280 of section 1, to insert:

Improving harbor at Pensaukee, Wis., $5,000.

The amendment was agreed to.

The next amendment was, in line 289 of section 1, before the word "Superior," to strike out "improving" and insert "for;" in the same line, after the word "and," to strike out "entrance at Superior" and insert "harbor;" and in line 290, after "Wisconsin," to strike out "continuing improvement" and insert "and also the channel of the Saint Louis River through said bay;" so as to make the clause read:

For Superior Bay and harbor, Wisconsin, also the channel of the Saint Louis River through said bay, $45,000.

The amendment was agreed to.

The next amendment was, after line 303 of section 1, to insert:

Improving harbor at Grand Marais, Minn.: Continuing improvement, $10,000.

The amendment was agreed to.

Mr. WILLIAMS. Do I understand that unless objection is raised amendments are adopted?

The PRESIDING OFFICER. The Chair announces that they are agreed to unless objection is made.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 317 of section 1, to insert:

Improving Coos Bay, Oregon: Continuing improvement, $25,000.

The amendment was agreed to.

Mr. SLATER. I move to strike out "twenty-five" and insert "thirty" in the amendment; so as to make the sum $30,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon to the amendment of the Committee on Commerce.

Mr. SLATER. This is a very important improvement. There has been expended, I think, $100,000 in three different appropriations—one of $40,000 and two each of $30,000. The recommendation of the Engineer Department for the coming year is $150,000. The breakwater, or training-wall as it is called, has now extended to deep water, and $30,000 is the very lowest estimate that will really amount to continuing the improvement for the coming season, and it will extend the wall to a very short distance. It ought to receive $50,000.

I understand that the committees of both Houses to a certain extent have endeavored to be controlled by appropriating about one-third of the amount recommended by the Engineer Department. In this instance they have given only one-sixth. I do not think this is treating this improvement as it ought to be treated, as its deserts both as to locality and as to importance require that it should be treated. I really feel as if I ought to move for $50,000. That would make it equal to one-third, and put it on an equality with other points. But I prefer not to do that, feeling that perhaps the Senate would hardly be willing to go to that point. Therefore I shall content myself with simply moving to increase the amount from $25,000 to $30,000, and I trust there will be no objection to this.

It may be said that the committee of the Senate have been quite liberal with Oregon in making appropriations at other points. That is true, but I do not feel disposed to stand to allow an important place in the State to be overslaughed and to receive less consideration at the hands of Congress than it deserves, simply because some other parts of the State have been better remembered. I hope the amendment I have offered will be adopted.

Mr. DOLPH. I agree with all that has been said by my colleague in regard to the importance of this work. One hundred thousand dollars has already been expended for the improvement of the mouth of the bay. Six hundred thousand dollars is estimated as the total cost of the work. For some reason as the bill came from the House no appropriation was made for this work.

It is true that the Senate Committee on Commerce has been liberal with Oregon in the additions that it has made to the bill. However, there is but one work which I recall now, which has received more than 33⅓ per cent. of the estimates, while some of the most important works have received only 30 per cent. The only improvement that I now recall to my mind which has received more than 33⅓ per cent. of the estimate is the mouth of Yaquina Bay. The Coos Bay improvement has been allowed, as has been said, only one-sixth of the entire estimate. I do not know how far as a member of the Committee on Commerce I am considered at liberty to antagonize the report of the committee, but I want to insist on the amendment, and I should be very glad to have the appropriation increased to a proper proportion of the entire estimate made by the Chief of Engineers.

Mr. MCMILLAN. I hope the Senator from Oregon will not insist upon this amendment. The Committee on Commerce of the Senate have very materially increased the appropriations for the State of Oregon as the bill came from the House to the Senate. As has been stated by the Senator from Oregon nearest to me [Mr. DOLPH], the House omitted wholly to make any appropriation for Coos Bay, but the Senate, in view of the improvement, of the locality, and of its importance, consented to insert in this bill $25,000. We have also appropriated for another harbor upon the Pacific coast in the State of Oregon, Yaquina Bay, an increase of $10,000 over the House appropriation of $40,000, making the appropriation for Yaquina Bay $50,000. These two harbors are on the Pacific coast in Oregon. They are important places there, and the committee thought they were doing full justice to the State of Oregon in giving the appropriation we have here, and that this improvement of Coos Bay, receiving $25,000 at this time, could be carried on advantageously to the locality; and in justice to other improvements in the bill, not only in Oregon but throughout the country, this is as much as ought to be appropriated at that point at this time. I hope the Senate will not agree to the amendment of the Senator from Oregon.

Mr. SLATER. I am very glad to be assured that the committee desired to do full justice to this work, but the facts are that they did not do it or anything near it. The reports of the Engineer Department show that they did not as compared with the other points. They give us but 16 per cent. of what was recommended. It is true that another bay on the coast of Oregon has been awarded an appropriation, but I shall move there for an increase, and I think I shall offer very good reasons for such increase. But these ports are in no wise connected with or dependent on each other, but entirely separate from each other, and their business is entirely distinct, and they are for communities entirely separate and distinct.

I might call the attention of the Senate to another consideration in regard to Oregon, that a line of mountains extending parallel to the coast shuts off the interior of the State from the coast except at two or three points. Already steps are being taken to connect Coos Bay with the interior of the State at Roseburg; property has been purchased by capitalists with a view of constructing a railroad, and probably before another year shall have passed or even reached us a railroad will be in course of construction.

The commerce of this place is very considerable in the coastwise business, and this last season two large ocean steamers for ocean service was built there. I think some fifteen or sixteen vessels are in the trade between Coos Bay and San Francisco and other points. It is very important also that some deeper water should be had on the bar in order that they may be able to compete with other points in the shipment of lumber and coal.

Of course it will take a number of appropriations to reach the point contemplated by the Engineer Department here. Six hundred thousand dollars is supposed to be what will be required to complete this improvement. The Senate will see at once how long it will take if they are to give only $25,000 yearly until this work shall be completed. I think I am really derelict myself in not insisting upon $50,000. I hope the Senate will add the $5,000 I ask.

Mr. MCMILLAN. I hope the Senate will vote down this amendment of the Senator from Oregon. The committee have very carefully

considered the question in regard to this harbor particularly, because it is an original item in this bill; and if the House had considered it of such vast importance it certainly would not have omitted it.

If the Senator would insist upon having such a proportion of the estimates applied to all the objects of improvement which are contained in this bill the bill could not for a moment be entertained; and in view of the proportion given to the improvements in his State, with two harbors already on the coast, and the only important one which is reached now or prospectively by a railroad is the Yaquina Bay, and that we have considered and fully provided for. I hope the Senator will see the propriety of not insisting on this; but if he does I sincerely hope the Senate will vote down the amendment.

Mr. SLATER. I certainly shall insist on it, and if I am voted down I shall call for the yeas and nays, if I can get them.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon to the amendment of the Committee on Commerce.

Mr. SLATER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when Mr. JACKSON'S name was called). I desire to say that my colleague [Mr. JACKSON] was called home some days ago. He is paired with the Senator from Nebraska [Mr. MANDERSON]. I make the announcement for the day.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Tennessee [Mr. JACKSON].

The roll-call having been concluded, the result was announced—yeas 22, nays 19; as follows:

YEAS—22.

Bayard,	Dolph,	Jonas,	Saulsbury,
Beck,	Fair,	Lamar,	Slater,
Brown,	George,	Maxey,	Vance,
Call,	Gibson,	Miller of Cal.,	Williams.
Coke,	Hampton,	Morgan,	
Colquitt,	Harris,	Pugh,	

NAYS—19.

Allison,	Frye,	Mahone,	Ransom,
Blair,	Hawley,	Mitchell,	Sawyer,
Bowen,	Jones of Nevada,	Morrill,	Sherman,
Cameron of Wis.,	Lapham,	Pike,	Voorhees.
Conger,	McMillan,	Platt,	

ABSENT—35.

Aldrich,	Farley,	Jackson,	Plumb,
Anthony,	Garland,	Jones of Florida,	Riddleberger,
Butler,	Gorman,	Kenna,	Sabin,
Camden,	Groome,	Logan,	Sewell,
Cameron of Pa.,	Hale,	McPherson,	Van Wyck,
Cockrell,	Harrison,	Manderson,	Vest,
Cullom,	Hill,	Miller of N. Y.,	Walker,
Dawes,	Hoar,	Palmer,	Wilson.
Edmunds,	Ingalls,	Pendleton,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in line 321 of section 1, to increase the appropriation for "improving harbor at Yaquina Bay, Oregon: Continuing improvement" from $40,000 to $50,000.

Mr. SLATER. I move to amend the amendment by striking out "fifty" and inserting "sixty-five;" so as to make the sum $65,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon to the amendment of the Committee on Commerce.

Mr. SLATER. I regret that I am under the necessity of making these motions; but as a representative of the State of Oregon I feel that I am under obligations to the people of that State to look to their interests and represent them to the best of my ability.

This improvement has had, I think, $110,000 expended on it. It is a new improvement and somewhat peculiarly situated. As I remarked a little while ago upon the former amendment, parallel to the coast is the Coast Range of mountains, which separates the largest body of agricultural land and the heaviest portion of the settlements of the State from the ocean. As at present situated, the entire commerce of the State must go to the northwest corner of the State before it can find egress to the ocean. This improvement is opposite the center of that great valley, the Willamette, sixty miles distant. A railroad is already in process of construction from the seaboard toward the interior of the State; most of the grading is done, three large and extensive tunnels are about completed, and about five miles of the track are already laid.

Within the last two months the company that is constructing this road, opening a new avenue of commerce to the people of the State, have paid $26,000 revenue to the Government of the United States as impost duties upon the iron that they are laying down on this road, and before they will be able to complete the road to a point where it will be valuable to themselves or to the community for whom they are building it they will have paid into the Treasury of the United States for customs alone as many dollars as have been appropriated and as I am now asking to be appropriated. So the Government of the United States is simply allowing these people to have the revenue that comes to the Treasury by virtue of the improvements that they are making. In this particular this work is peculiarly situated. You are simply allowing, if this amendment be adopted, this company to invest in an improvement of the Government money that they bring to the Government by the iron they are laying down on their road.

Mr. JONES, of Florida. I should like to know if that principle were adopted as a general proposition through all the States how the Government could be carried on?

Mr. SLATER. That is a very proper question, and as matter of course if carried to an extreme point the principle would be one that could not be applied, but this case is exceptional. They are building across a mountain range which they must pass before they can receive one dollar's benefit, or before the community for whose benefit they are building can receive any advantages from the construction of the road.

It is confessed that this bay is an important point, important to the commerce of that State, and important to be improved by the United States. Now, I present the case in this way. The very improvement these people are making furnishes the Government the means wherewith to improve the harbor, and in that respect I say it is peculiar. I doubt whether you can find scarcely another place in the United States where a similar condition of facts exists.

The engineers recommend $140,000 for the continuation of this work the coming year. Now it is true, taking the standard that has been adopted by the House and Senate committees—that is to say, giving about one-third—the sum of $50,000 proposed would be fully equal or a little more than equal to the one-third suggested; but the conditions here are different; the emergencies are different. Within the next few months it is believed that the Yaquina Bay will be connected by rail with the Willamette Valley. It is important that this work should be so far completed that vessels of considerable draught can pass the bar. They now have twenty feet on the bar at high tide. The expenditure of $65,000 or $75,000 more will probably give them twenty-two or twenty-three feet. You will see the importance of this if they succeed this fall in taking out a portion of the valley crop over this bar. It is important to get as much draught as they can; but I do not expect any great amount of the present crop to go out this fall, but by another year they can be prepared to transport the entire crop of the valley, and this appropriation will place them in a position to accommodate the people.

This I say is a case that requires consideration. This improvement being made will more quickly, more readily, and immediately supply a demand that is needed there than any other improvement in the State of Oregon. A larger body of people is interested in the immediate improvement of this bay than in the immediate improvement of any other locality in the State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion; in which it requested the concurrence of the Senate.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes; and

A bill (H. R. 6542) granting a pension to Harriet S. Brisbine.

LABOR BUREAU.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Education and Labor:

EXECUTIVE MANSION, *June* 28, 1884.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, calling attention to certain omissions, &c., in the act (H. R. 1340) entitled "An act to establish a bureau of labor," and to invite the attention of the Congress to the same.

CHESTER A. ARTHUR.

HOUSE BILLS REFERRED.

The PRESIDING OFFICER. The Chair lays before the Senate sundry bills from the House of Representatives for reference.

The bill (H. R. 1000) for the relief of Myra Clark Gaines was read twice by its title.

The PRESIDING OFFICER. The Chair will ask the attention of the Senator from Delaware [Mr. BAYARD]. The Chair does not know whether the bill ought to go to the Committee on Private Land Claims or the Committee on Public Lands.

Mr. BAYARD. The bill would properly go to the Committee on Private Land Claims, I suppose.

The PRESIDING OFFICER. The bill will be so referred, if there be no objection.

The bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3950) for the relief of Mrs. Margaret Cassidy was read twice by its title, and referred to the Committee on Patents.

Mr. PLATT subsequently said: Finding that House bill 3950 is identical with a Senate bill which has been passed by this body, I ask that the vote referring it to the Committee on Patents may be reconsidered and that the bill may lie on the table. I shall call it up hereafter and ask to have it passed.

The PRESIDING OFFICER. The vote referring the bill to the Committee on Patents will be reconsidered if there be no objection, and the bill will lie on the table for the present.

The bill (H. R. 257) for the relief of John P. Gregson and Francis H. Ellison was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1861, and to declare the forfeiture of the land-grant therein made, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 5452) for the relief of John W. Martin was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 807) for the relief of Mary A. Lee was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 1299) for the relief of Alonzo Gesner was read twice by its title.

Mr. SLATER. I ask that that bill may lie on the table for the present. I shall call it up hereafter.

The PRESIDING OFFICER. The bill will lie on the table if there be no objection.

The bill (H. R. 1073) granting a pension to William J. Lee was read twice by its title, and referred to the Committee on Pensions.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment proposed by Mr. SLATER to the amendment of the Committee on Commerce.

The PRESIDING OFFICER. The Senator from Oregon [Mr. SLATER] is entitled to the floor.

Mr. SLATER. I was saying, when interrupted, that the improvement of Yaquina Bay with the connection of the road that is now being constructed would more immediately and quickly relieve a large portion of the people of the State than any other expenditure being made in that State, or on the borders of that State. It will bring them from the heart of the valley within thirty-six hours of San Francisco instead of fifty-two hours from Portland, with an addition, as is now required, of about twelve hours to go to Portland, making a difference of about one-half the time. It will be also a competing line with our present transportation route. It is to that point more perhaps than to any other that our people look with interest to the completion of this work.

I do not wish to detain the Senate, because I am very well aware that time is precious. I trust that the Senate will sustain the amendment that I have offered.

Mr. FRYE. Mr. President, I do not propose to trouble myself much about the river and harbor bill. Still I like to see fair and reasonable justice done. The committee, on page 14, inserted a new item for Oregon of $25,000, and that has already been increased by the Senate. The item now under consideration was, in the House bill, $40,000, was increased by the committee $10,000, and now the Senator asks a further increase. I call the attention of the Senate to page 32 of the bill. The first thing I strike is a new item for improving the mouth of the Columbia River, Oregon, $150,000, an increase. Then I strike an item for improving Upper Columbia and Snake Rivers, Oregon. The House appropriated $10,000. The Senate committee have recommended $20,000, an increase of $10,000 more. Then for Willamette River above Portland, Oreg., continuing improvement, the House appropriated $5,000; the Senate committee, $10,000. Then I strike another item, a new one:

Improving mouth of Coquille River, Oregon: Continuing improvement, $10,000.

The Committee on Commerce, having one member from the State of Oregon, as persistent, as earnest, as importunate a beggar for his State as I ever encountered in my life, has been impelled under the influence of it to give the State of Oregon four times the increase it has given any other State in the United States.

If the Senate is determined to take item after item here, as proposed by the Senators from Oregon, and increase each one of them over what the committee has already voted to increase, where in the name of common sense is this bill to end? In death, of course.

I never had anything to do with a river and harbor bill before, and it was a curiosity to me. The Senate committee undertook to cut down the House appropriations in the bill. They cut them down about $800,000. That bill was printed, and in less than six hours from the time the knowledge came to be circulated as to the items so cut down by the Committee on Commerce, almost every single item was back, and it left this bill coming from the Senate Committee without any practical reduction in the recommendations of the House of Representatives, and with an increase of over a million and a half dollars proposed by the Senate committee. If the Senate of the United States is going to add to the million and a half increase the committee have recommended two or three millions more, Senators know what will become of the bill; it will die.

There is not an instance in the bill where the Engineer Department having the work in charge has not, under the law, said to the Congress of the United States that it was a work that public necessity, the interests of commerce, demanded; and there is hardly an instance in the bill where the bill recommends one-third of the amount which the engineer in charge says can be properly and ought to be expended this coming year. If you appropriate under the estimates of the engineer what he recommends, or one-half what he recommends, you would have a river and harbor bill of $24,000,000 this year.

Oregon is not the State to be recognized in the Senate as the one to receive favors in this matter. Her favors have been received in the committee, and abundantly received. There is not a State represented by a Senator who voted "yea" on the last amendment that has been treated as well as Oregon, with the same recommendations, too, of the engineers, I am not apportioning these appropriations to States; I say only take the engineers' reports. You may take the State of Georgia, you may take the State of Delaware, or of Florida, the engineers' reports show just as important improvements, just as much required for the interests of commerce as the improvements in the State of Oregon. Yet here is an addition made by the committee to Oregon of nearly $300,000. I say it is not just, it is not fair for the Senator from Oregon to be insisting on an increase, and probably when we reach page 32 other amendments will be offered. I simply speak this as a notice to the Senate of what may be expected, provided the Senate puts additional amendments to the committee amendments all through the bill.

Mr. SLATER. Mr. President, I desire to say in good part to the Senator from Maine that I think I am quite as well qualified to judge of whatever relates to the interest of Oregon as he is, and I propose to stand here and defend and represent to the best of my ability the interests of that State.

The trouble is, the Congress of the United States has undertaken to put this great country of 50,000,000 people in a straight jacket, and they can not do it. We are developing and progressing with such rapidity that Congress does not keep pace with the developments of the country. Instead of the river and harbor appropriation bill being $12,000,000 or $15,000,000, it ought to be $25,000,000 every year. It is because you keep it far below what it ought to be, far below what the necessities of the country demand, far below what the requirements of commerce are, that we find ourselves in such a condition that we can not do justice to this and other places. When the Senate of the United States will take the stand and maintain it of making the necessary and proper appropriations for each particular place as its requirements demand then we shall have reached a point where the country will be satisfied with the appropriations.

It is true that in some other parts of Oregon very liberal appropriations have been made, but not in any degree beyond the requirements of that part of the country. I will not stand here and see one place overridden and deprived of what is its proper and just rights and not resent it because I am told that some other place in my State has had fair and liberal appropriations. I do not understand my duty in that way. I know that in this case a little more than one-third has been given, but this is a case of peculiar conditions and circumstances which I have endeavored to present to the Senate. In point of fact, every dollar that was recommended ought to be given. The whole $140,000 ought to be given, though I am not asking that.

Mr. JONES, of Florida. Will the Senator inform me what percentage of the amount recommended the committee have agreed to give?

Mr. SLATER. They have given a little over 40 per cent. as it now stands.

Mr. FRYE. A good deal more than it averages through the bill as it now stands.

Mr. SLATER. That may be.

Mr. JONES, of Florida. Is that the average?

Mr. FRYE. It is more than the average; it is twice the average.

Mr. SLATER. But in another important point they only gave us about 16 per cent., and in some other places they have not given us one-third. As I stated before I do not care to dwell upon this matter, but I shall not sit in my seat and see one portion of my State trodden down and deprived of its just and proper rights because some other part of it has been very fortunate.

Mr. MCMILLAN. Mr. President, I think there is not much danger of any portion of the State of Oregon being unjustly treated or trodden under foot. I concur with the views of the Senator from Oregon that the river and harbor bill should be increased in its aggregate amount, because the development of this country is going on so rapidly that we

must be prepared for making larger appropriations for the improvements which will be found necessary if the commerce of the country is to be sustained.

But in the application of the Senator's [Mr. SLATER'S] remarks to the particular appropriation under discussion I think the Senator is mistaken. Coos Bay, as I understand from the reports of the engineers, is really a more important place at present than Yaquina Bay. The railroad which is projected from the Willamette River to Yaquina Bay has been in process of construction a long time. We were told two years ago that the railroad was in process of construction; but it is not yet completed, it is not at the harbor, and it will not be there for some time, and that time is very indefinite. We can not make appropriations in anticipation of the necessities of a harbor.

This improvement has already received great favor at the hands of Congress. It was commenced in 1869. The original estimate of the engineers for the entire improvement was $465,000. There have been appropriated $110,000 in annual appropriations to this time, and now it is proposed to add to that $50,000 more. A vessel drawing thirteen feet in one or two instances has passed into the harbor with the improvements that have been made, as is stated by the engineer in charge of the improvement who makes the report.

What are the commercial statistics of Yaquina Harbor? Yaquina Bay is in the collection district of Yaquina. The following is furnished by Mr. Coll Van Cleve, the collector of customs:

Revenue collected June 1, 1883, one year, $53.85.
Coastwise arrivals from 1st of October, 1882, to June, 1883, 14.
Coastwise arrivals, registered tonnage, 930 tons.

Mr. JONES, of Florida. Will the Senator permit me to interrupt him on that point?

Mr. MCMILLAN. Yes, sir.

Mr. JONES, of Florida. Not knowing exactly for what purpose the Senator is reading these statistics, I wish to inquire if the appropriations in the bill are generally made with reference to the real commerce of a port?

Mr. MCMILLAN. Either the present commerce or what is——

Mr. JONES, of Florida. Expected?

Mr. MCMILLAN. Immediately.

Mr. JONES, of Florida. I understand the Senator to read those statistics, if he will permit me——

Mr. MCMILLAN. No, I do not read the statistics for the purpose of showing that Yaquina Bay is not a harbor of some importance. It will be an important place in the future and in the not distant future; there will be commerce there. A channel of thirteen feet ought to support a very considerable amount of commerce, and that exists there now. When the railroad which is projected to this point from the Willamette Valley is completed, doubtless there will be a very decided increase of commerce, and that harbor will be an important one.

It is important now in other respects than in a mere commercial point of view, because it is about midway between San Francisco and the mouth of the Columbia River, as I understand; but the appropriation proposed now is $50,000 for this year, and the question is whether it is not sufficient for this annual appropriation. It is more than one-third of the amount estimated by the engineer as the sum that can be profitably expended during the year. As a general rule, one-third of the estimate is referred to as a fair standard. Although that is not the invariable rule, I am free to say, where the immediate necessities of commerce do not demand a much larger increase than that, it should not be made for this annual appropriation.

The committee have endeavored to deal fairly in this matter because they have recognized the importance of the Pacific coast, especially of the Northern Pacific coast and of the harbors there. While the Senator is zealous in favor of the improvement of his State, and is justly so, I think he should be satisfied with this amount and with the action of the committee in increasing the appropriation of the House $10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. SLATER] to the amendment of the Committee on Commerce.

Mr. SLATER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Illinois [Mr. CULLOM]. My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 13, nays 30; as follows:

YEAS—13.

Bayard,	Gibson,	Pendleton,	Williams.
Call,	Hampton,	Saulsbury,	
Dolph,	Jones of Florida,	Slater,	
George,	Morgan,	Vance,	

NAYS—30.

Blair,	Gorman,	McMillan,	Pugh,
Bowen,	Harris,	Mahone,	Ransom,
Brown,	Hawley,	Maxey,	Sawyer,
Cameron of Wis.,	Hoar,	Miller of Cal.,	Sherman,
Coke,	Ingalls,	Mitchell,	Vest,
Colquitt,	Jonas,	Morrill,	Voorhees.
Conger,	Jones of Nevada,	Pike,	
Frye,	Lapham,	Platt,	

ABSENT—33.

Aldrich,	Dawes,	Jackson,	Riddleberger,
Allison,	Edmunds,	Kenna,	Sabin,
Anthony,	Fair,	Lamar,	Sewell,
Beck,	Farley,	Logan,	Van Wyck,
Butler,	Garland,	McPherson	Walker,
Camden,	Groome,	Manderson,	Wilson.
Cameron of Pa.,	Hale,	Miller of N. Y.,	
Cockrell,	Harrison,	Palmer,	
Cullom,	Hill,	Plumb,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed; and lines 322 and 323 of section 1 were read, as follows:

Improving Lubec Channel, Maine: Continuing improvement, $10,000.

Mr. HALE. As I am engaged in the room of the Committee on Appropriations and must go back, I ask unanimous consent to offer an amendment at this point.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Maine.

Mr. HALE. After the word "dollars," in line 323, I move to insert the following proviso, which comes from the officer in charge in the Engineer Corps:

Provided, That so much of the sum as may be necessary shall be expended for the removal of a rock in Eastport Harbor.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 324 of section 1, after the word "improving," to strike out "Moos a bee" and insert "Moos-a-bec;" and in the same line, after the word "Bar," to strike out "at Jonesport;" so as to read:

Improving Moos-a-bec Bar, Maine: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in line 327 of section 1, after the word "New Hampshire," to strike out "continuing" and insert "completing," and in the same line, before the word "thousand," to strike out "fourteen" and insert "twenty-eight;" so as to make the clause read:

Improving Cocheco River, New Hampshire: Completing improvement, $28,000.

The amendment was agreed to.

The reading of the bill was resumed, and lines 329, 330, and 331 of section 1 were read, as follows:

Improving Merrimac River at Rock Bridge, Mass.: Continuing improvement, $3,500.

Mr. INGALLS. "Rock Bridge" should read "Rock's Bridge."

The PRESIDING OFFICER. That correction will be made.

The next amendment of the Committee on Commerce was, in line 335 of section 1, after the word "improvement," to strike out "sixty" and insert "eighty-five," and in line 336, after the word "dollars," to insert the following proviso:

Provided, That not exceeding $1,000 of said sum may be expended in removing obstructions at the mouth of the Pawtuxet River.

So as to make the clause read:

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, $85,000: *Provided*, That not exceeding $1,000 of said sum may be expended in removing obstructions at the mouth of the Pawtuxet River.

The amendment was agreed to.

The next amendment was, in line 340 of section 1, at the end of the clause appropriating $50,000 for continuing improvement of Pawtucket River, Rhode Island, to insert the following proviso:

Provided, That this appropriation shall not become available until the officer in charge shall have reported that the rebuilding of Washington Bridge with good and sufficient draw-openings has been commenced.

The amendment was agreed to.

The next amendment was, in line 346 of section 1, to increase the appropriation for "improving Connecticut River below Hartford, Conn.: Continuing improvement" from $20,000 to $35,000.

The amendment was agreed to.

The next amendment was, in line 353 of section 1, before the word "thousand" insert "and sixty;" so as to make the clause read:

For removing the reef at Hell Gate, New York, the sum of $360,000, or so much thereof as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, after line 354 of section 1, to insert:

Deepening Gedney's Channel through Sandy Hook Bar, New York, $250,000.

The amendment was agreed to.

The next amendment was, in line 363 of section 1, to increase the appropriation for "improving Maurice River, New Jersey: Continuing improvement" from $7,000 to $17,000.

The amendment was agreed to.

The next amendment was, in line 374 of section 1, after the word "improvement," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

Improving Delaware River from Trenton, N. J., to its mouth: Continuing improvement, $150,000: *Provided*, That not exceeding $10,000 of said sum shall be expended above Bridesburg.

The amendment was agreed to.

The next amendment was, after line 377 of section 1, to insert:

Improving Cherry Island Flats, Delaware River: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 384 of section 1, to strike out "fifteen" and insert "twenty;" and in the same line, after the word "dollars," to insert "of which sum $5,000 shall be expended for the completion of the channel to Fishing Battery light-house, and for repairing, strengthening, and extending the piers and breakwaters;" so as to make the clause read:

Improving Susquehanna River above and below the railroad bridge, Maryland: Continuing improvement, $20,000, of which sum $5,000 shall be expended for the completion of the channel to Fishing Battery Light-House, and for repairing, strengthening, and extending the piers and breakwaters.

The amendment was agreed to.

The next amendment was, after line 387 of section 1, to insert:

Improving Corsica Creek, Maryland: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in line 392 of section 1, after the word "Washington," to strike out "two hundred and fifty" and insert "five hundred;" so as to read:

Improving the Potomac River at Washington, $500,000 (continuing improvement).

The amendment was agreed to.

The next amendment was, after line 394 of section 1, to insert:

Improving harbor at entrance of Saint Jerome's Creek, Maryland: Continuing operations, $15,000.

The amendment was agreed to.

The next amendment was, in line 399 of section 1, to increase the appropriation for "improving the Appomattox River, Virginia: Continuing improvement" from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 401 of section 1, after the word "improvement," to strike out "on the plan for deepening the channel to twenty-two feet at mean low tide, seventy-five," and insert "fifty;" so as to make the clause read:

Improving James River, Virginia: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, after line 411 of section 1, to insert:

Improving Staunton River, Virginia: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in line 422 of section 1, after the word "dollars," to strike out "of which sum $7,500 are to be used on a harbor of refuge at the mouth of the river;" so as to make the clause read:

Improving Great Kanawha River, West Virginia: Continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, in line 429 of section 1, to reduce the appropriation for "improving Monongahela River, West Virginia: Continuing improvement" from $45,000 to $25,000.

The amendment was agreed to.

The next amendment was to strike out lines 431 and 432 of section 1, in the following words:

Improving Buckhannon River, West Virginia, $1,500.

The amendment was agreed to.

Mr. KENNA. After line 432 I move to add:

For completing the improvement of the Little Kanawha River, in West Virginia, the sum of $31,000, appropriated by the act of August 2, 1882, is made available, and shall be expended in the prosecution of said improvement.

The PRESIDING OFFICER. The amendment, under the unanimous agreement, will not be in order until the committee amendments have been acted upon.

Mr. KENNA. I was not in the Senate at the time the agreement was made. However, I ask that by unanimous consent the amendment may be disposed of now, for the reason that I am on a subcommittee, which is occupied, and it would be a great inconvenience, probably, to me to be in the Senate at the conclusion of the bill. If there be any sort of objection to the consideration of the amendment at this time, of course I shall not press the request.

Mr. McMILLAN. I prefer that the Senator should wait until the committee amendments are through with.

Mr. KENNA. I doubt if I can be here at the conclusion of the bill.

The PRESIDING OFFICER. The Chair understands the Senator from West Virginia to withdraw the amendment.

Mr. KENNA. I withdraw it for the present.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 437 of section 1, to increase the appropriation for "improving Cape Fear River below Wilmington, N. C.: Continuing improvement" from $75,000 to $200,000.

The amendment was agreed to.

The next amendment was, after line 438 of section 1, to insert:

Improving harbor at Beaufort, N. C.: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, after line 440 of section 1, to insert:

Improving Edenton Bay, North Carolina, $10,000.

The amendment was agreed to.

The next amendment was, after line 442 of section 1, to insert:

Improving Trent River, North Carolina: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in line 450, to increase the appropriation for "improving Neuse River, North Carolina: Continuing improvement" from $5,000 to $20,000.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 462.

Mr. VANCE. I desire to offer an amendment at this point.

The PRESIDING OFFICER. Is it an amendment to an amendment proposed by the committee, or an amendment to the text?

Mr. VANCE. It is an amendment to the text of the bill.

The PRESIDING OFFICER. By a unanimous agreement of the Senate the amendments of the Committee on Commerce are to be first acted upon.

Mr. VANCE. The amendment is not in order now, I understand.

The PRESIDING OFFICER. It will not be in order until the committee amendments shall have been disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 472 of section 1, to insert:

Improving Santee River, South Carolina: Continuing improvnment, $15,000.

The amendment was agreed to.

The next amendment was, in line 478 of section 1, to increase the appropriation for "improving Chattahoochee River, Georgia and Alabama: Continuing improvement" from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was, in line 500 of section 1, before the word "dollars," to strike out "five thousand" and insert "two thousand five hundred;" and after "Geneva," in line 501, to insert "$2,500 on La Grange Bayou to Freeport, Choctawhatchee Bay, and on Holmes Creek;" so as to make the clause read:

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $15,000; $2,500 thereof to be expended between the railroad bridge and Geneva, $2,500 on La Grange Bayou to Freeport, Choctawhatchee Bay, and on Holmes Creek, and $10,000 thereof between Geneva and Newton, Ala., to make that part of said river navigable at low-water stages.

The amendment was agreed to.

The next amendment was, in line 509 of section 1, before "Escambia," to strike out "Little;" so as to read:

Improving Escambia River, Florida, $3,000.

The amendment was agreed to.

The next amendment was, after line 532 of section 1, to insert:

Improving Black Warrior River, Alabama, from Tuscaloosa to Daniel's Creek, $50,000.

The amendment was agreed to.

The next amendment was, to strike out lines 555 and 556 of section 1, as follows:

Improving Steele's Bayou, Mississippi, $2,500.

Mr. GEORGE. That is an amendment offered to this bill by the committee which I hope will not be adopted for the reasons which I will now state. I know no reason why the amendment has been proposed to the bill.

Steele's Bayou is a navigable stream some eighty-five miles long, running through about the richest country naturally that is in the United States, a country not fully settled and developed; but already on the banks of that bayou are raised from ten to twelve thousand bales of cotton for shipment. It has never been improved. It was not known commercially, I believe, until 1863 when the United States gunboats came through and navigated it. Only for the last two or three years has it been navigated by the smallest steamers, one with a capacity of five hundred bales of cotton and the other with a capacity of about two hundred bales of cotton. The engineer in charge, Mr. Miller—and I wish to be understood——

Mr. CONGER. The Senator will permit me a moment. I understood—and I am fortified by what the chairman of the committee says to me—after the Senator had appeared before the committee and explained about this stream and one or two more, the Big Black and the Yallabusha, that those items were to be restored; but I see they are not.

Mr. GEORGE. That was my understanding.

Mr. CONGER. That was my understanding, but it seems that by some means they were not restored in the hurry of passing over these things; but for myself as one of the committee—and the chairman agrees with me—considering that they were intended to be restored and have not been, I have no objection to the report of the committee being nonconcurred in as to this and the next two amendments.

Mr. GEORGE. How about Steele's Bayou?

Mr. CONGER. That is what I am speaking of, Steele's Bayou, Big Black River, and the Yallabusha River. After the Senator appeared before the committee my memorandum shows that his statement was satisfactory to the committee, and they were to be restored. That is my private memorandum; and by talking with the chairman of the committee I find that he also understood it so.

Mr. GEORGE. What I desire to know is whether the Senator's statement referred also to Steele's Bayou on page 23?

Mr. CONGER. I said my memorandum included the restoration of Steele's Bayou, and on the next page the Big Black River and Yalla-

busha River; but in the next clause for a survey of Yazoo Pass, what was stricken out the committee did not intend to restore.

Mr. GEORGE. Then I ask non-concurrence in this amendment.

Mr. CONGER. These are small amounts, and after the statements of citizens down there my memorandum shows that the committee agreed to restore the items.

The PRESIDING OFFICER. The question is to be put in the affirmative form on agreeing to the amendment.

Mr. GEORGE. I understand that the committee agrees that Steele's Bayou shall be restored.

The PRESIDING OFFICER. The question is on the amendment of the committee to strike out lines 555 and 556.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, to strike out lines 557 and 558 of section 1, as follows:

Improving Big Black River, Mississippi, $5,000.

Mr. GEORGE. The same order is to be taken there.

The amendment was rejected.

The next amendment of the Committee on Commerce was, to strike out lines 561 and 562 of section 1, as follows:

Improving Yallabusha River, Mississippi: Continuing improvement, $2,000.

The PRESIDING OFFICER. The amendment striking out lines 561 and 562 will be considered as disagreed to.

Mr. GEORGE. I understand that lines 557 and 558 have been restored to the bill.

The PRESIDING OFFICER. The amendment was not agreed to. That restores the paragraph as it was in the House bill.

Mr. GEORGE. Have lines 561 and 562 been restored?

The PRESIDING OFFICER. They have been.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after the word "improvement," in line 564 of section 1, to strike out "and also a survey of Yazoo Pass to determine the cost of a lock at that place;" so as to make the clause read:

Improving Yazoo River, Mississippi: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in line 567 of section 1, to increase the appropriation for "improving Bayou Black, Louisiana: Continuing improvement" from $3,500 to $5,000.

The amendment was agreed to.

The next amendment was, in line 577 of section 1, after the word "Louisiana," to insert "from mouth to Stein's Bluff;" so as to make the clause read:

Improving Bayou D'Arbonne, Louisiana, from mouth to Stein's Bluff, $5,000.

The amendment was agreed to.

The next amendment was, in line 596 of section 1, after the word "follows," to strike out:

Not exceeding $15,000 for revetment to protect bank at Alexandria from damage by the current of the river.

So as to make the clause read:

Improving Red River, Louisiana and Arkansas: Continuing improvement from the Atchafalaya to Fulton, Ark., $75,000, to be expended as follows: Not exceeding $5,000 to close the outlet of the river known as Sale and Murphy's Canal; the remainder (including whatever balance may remain unexpended from above improvements embraced in this paragraph) to be applied to the improvement of the main channel of the river.

Mr. CONGER. The order of the committee in regard to that (which does not appear here) was to strike out the word "bank" and insert "harbor," and restore the clause with that change; so as to read if left in:

Not exceeding $15,000 for revetment to protect the harbor at Alexandria from damage by the current of the river.

I offer that amendment from the committee. I move to amend the part proposed to be stricken out by striking out the word "bank" and inserting "the harbor."

Mr. JONAS. And then restoring the words proposed to be stricken out.

Mr. CONGER. And then to non-concur in striking out.

The PRESIDING OFFICER. The Chair would suggest that perhaps the result would be reached better by disagreeing to the amendment proposed by the committee. That would leave the text as it stood, and then whatever amendment——

Mr. CONGER. I ask unanimous consent that that correction be made.

Mr. HARRIS. An amendment to the words proposed to be stricken out is first in order. The Senator from Michigan is right in proposing to amend the clause now if he chooses to do so.

The PRESIDING OFFICER. Undoubtedly it is in order. The Senator will propose his amendment.

Mr. CONGER. I move to strike out the word "bank" and insert the words "the harbor."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

The PRESIDING OFFICER. Now the question is on the amendment of the Committee on Commerce to strike out the clause as amended.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to strike out lines 612 and 613 of section 1, as follows:

For survey of the Arkansas River from Little Rock to mouth, $19,000.

The amendment was agreed to.

The next amendment was, in line 627 of section 1, before the word "thousand," to strike out "thirty-five" and insert "ten;" and in the same line, after the word "dollars," to strike out "of which $20,000 shall be expended in the improvement of the river and $15,000 for the survey thereof;" so as to make the clause read:

Improving White River, Arkansas: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in line 631 of section 1, before the word "thousand," to strike out "twelve" and insert "eight;" and in the same line, after the word "dollars," to strike out "of which sum $4,000 are to be expended for a dredge-boat;" so as to make the clause read:

Improving Saint Francis River, Arkansas: Continuing improvement, $8,000.

The amendment was agreed to.

The next amendment was, in line 634 of section 1, before the word "thousand," to strike out "thirty-six" and insert "twenty;" and in line 635, after the word "dollars," to strike out "and for preventing erosion of the harbor at Fort Smith, Ark., $5,000;" so as to make the clause read:

For removing obstructions in the Arkansas River from its mouth to Wichita, Kans., $20,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 645 of section 1, to strike out:

And between Nashville and the foot of Smith's Shoals, $20,000; of which sum $8,000 are to be expended between the Kentucky State line and Smith Shoals: *Provided*, That such improvements shall, as far as possible, be made with reference to the last report of the engineer in charge.

So that the clause will read:

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement below Nashville, including bar at mouth of the river, $7,500.

The amendment was agreed to.

The next amendment was, after line 651 of section 1, to insert:

For the improvement of the Cumberland River above Nashville, $50,000; and such improvement shall be made according to the recommendations of Maj. W. R. King, engineer in charge, contained in the letter of the Secretary of War, March 15, 1884, Senate Executive Document No. 129, first session Forty-eighth Congress.

The amendment was agreed to.

The next amendment was, in line 671 of section 1, before the word "hundred," to strike out "three" and insert "two;" so as to make the clause read:

Improving Tennessee River, Tennessee, Alabama, and Kentucky: Continuing improvement below Chattanooga (including Muscle Shoals and shoal at Reynoldsburg), $250,000.

Mr. PUGH. I hope that the Senate will not agree to that amendment. I am very much in earnest in asking the Senate to adhere to the House appropriation for this improvement; and that the Senate may understand something of the importance of this House appropriation I will read from the engineer's report:

The navigable portion of the Tennessee River, between Chattanooga and its mouth at Paducah, a distance of four hundred and fifty-three miles, is divided into two unequal sections by the great Muscle Shoals obstruction between Florence and Decatur, Ala. This obstruction, exclusive of certain portions already navigable, is twenty-three miles long, and will when removed allow free navigation between the upper Tennessee and its tributaries and the lower Tennessee and Ohio Rivers.

Toward this improvement the Government has already expended $2,000,000 upon the Muscle Shoals alone. The work is approaching completion. The estimate for the completion made by the engineer is $700,000, and he reports that with $350,000 appropriated at this session and $350,000 the next session he can complete the improvement the next year and open up this navigation from Paducah to Chattanooga, a distance of four hundred and fifty-three miles.

It seems to me that to allow the expenditure already made upon these shoals, $2,000,000, to stand without any profit whatever to any human being, is bad policy. By the expenditure of $700,000 this and the next year the navigation can be opened all along the river for four hundred and fifty-three miles, and until that work is completed the two millions already expended lie there utterly profitless to any human being. The engineer in charge of the work has written a letter upon the subject which I beg leave to read. It is dated May 1, 1884:

In further reply to your telegram of this morning, I will say that the estimate given in the annual report is for completing the existing project, and is based upon the original estimate, which will not only complete the Muscle Shoals work, but will put the entire river in the best condition for navigation. With $700,000, and probably with a smaller sum, if the funds are available so as not to stop the work again after we get started, boats can be got through the canal and this will make the entire river navigable, even if no other appropriation was ever made.

Upon these facts I beg the Senate to adhere to the appropriation

made by the unanimous report of the House committee, as I am informed.

Mr. MAXEY. What is the depth of the water on the Muscle Shoals?

Mr. PUGH. I really do not remember; I suppose about twelve feet.

Mr. HARRIS. I agree with the Senator from Alabama in the belief that true economy demands that this appropriation should be made as provided by the House. Not very long ago—one or two years, I forget which—by reason of the exhaustion of the appropriation, or rather by reason of a diversion of a part of it, the work had to be stopped, and one or two hundred trained laborers already collected and camped upon the ground, fully understanding the work and progressing with it rapidly, were compelled to be discharged, disbanded, and scattered off. If this appropriation is made as provided by the House, the $350,000 for this year, and a similar appropriation shall be made next year, we are positively assured by the engineer in charge of the work that this great work at the Muscle Shoals can be completed and so improved as to give free navigation the whole length of the river. If it is the purpose of Congress, as I doubt not it is, to complete that work, why delay it?

Why economize by withholding an appropriation of $100,000 now, which is necessary, when the result can only be to continue the work one, two, or three years longer than is necessary to complete it? I very much hope that the Committee on Commerce will see the propriety of allowing this amendment to be disagreed to, and the appropriation as provided by the House continued in the bill.

Mr. CONGER. The committee are aware that there has been no work in the Southern States undertaken of this magnitude costing so much that is more important than the work referred to.

The navigation above the Muscle Shoals has settled into a system suited to the river above that point, and the navigation below the Muscle Shoals has its own class of boats. The navigation down these shoals consists in running the shoals at high water with some kind of craft, but not intended to run up and down the river above or below.

I think that improvement of a long river reaching from the Ohio River around through several States is a very important work, and Congress has admitted it to be so and made very liberal appropriations to carry it on. The navigation above the shoals, taking out some twenty-eight or thirty miles at the shoals, extends for some hundreds of miles now without interruption and will not be changed whether this work is done or not. So it is below. The point about it is how much is necessary to carry on the work of the improvement with economy, and as well as it can be carried on.

We are here now at the 1st of July substantially. If another river and harbor bill is passed at all by this Congress, it must be passed before the 3d of March next. Appropriations in the river and harbor act are by the terms of the bill available as soon as the appropriation is made. They are not confined to any fiscal year, but may be taken up and expended immediately after the bill becomes a law, as the exigency of the works may require. I have been familiar with this work from its commencement, having been on the Committee on Commerce in the House; I have seen its importance, and have always been favorable to very full appropriations for such a work as this is; and it was my opinion and is my opinion that $250,000 is all that can profitably be expended before another appropriation bill will be passed, if one be passed at all.

Mr. HARRIS. Will the Senator from Michigan allow me? I grant that perhaps $250,000 are as much as can be expended economically and profitably between now and the 4th of March next; but the appropriation bill that will then be passed will take effect only from the 1st of July following, and the only thing we could do in March would be to provide a deficiency, if a deficiency was necessary. This appropriation, if made, is made for the fiscal year, as the appropriation made in March next will be for the ensuing fiscal year.

Mr. CONGER. I am not mistaken in this, that no river and harbor bill confines its appropriations to a fiscal year. The bill itself has a clause at the last that all the moneys hereby appropriated shall be immediately available, and there is nothing said in the bill and nothing has ever been said in an appropriation bill for rivers and harbors that it shall be for any particular year, as other appropriation bills are. This bill provides the same as all bills do; and the clause to which I have alluded is put in for extra precaution.

I do not wish to antagonize this work; but I think the action of Congress for many years past, the large appropriations we have made for this work show that it is believed by Congress to be one of the important works of the country, and I for one should be very sorry to give any influence I have to oppose appropriations that were necessary and proper to carry it on with all the other great appropriations in the bill. My whole reason for asking that the amendment remain as it is, is that from my knowledge of the work and my careful examination of the reports of the engineers which I have read over and studied carefully, I believe this sum will carry on the work sufficiently until another appropriation bill is passed in March. If it should not be passed then, or if the Government should stop making these appropriations, this work would have to share the fate of the rest. I say that in deference to the opinion of the Senator from Tennessee.

There have been on two occasions before this times when the work did not progress so as to use between the times when the appropriation bills were passed a good many thousand dollars of money appropriated; and if it is found that there is on hand when another bill comes up fifty or seventy-five or one hundred thousand dollars of money that has been appropriated and lies idle it can not fail to prejudice the next appropriation. We all have felt the effects of that. When a new bill has been presented and the report of the engineer is that there is a large amount that has not been expended, then it is almost aways cut down below what it ought to be. It injures the bill. I say that because I have known cases of that kind, where it has been urged against an appropriation that more money had been appropriated than had been properly expended or expended at all during the preceding year, from whatever cause it might have arisen.

Now, in my judgment, at the rate this work has been going on, although the money has been all expended, the amount allowed by the committee is enough. Senators must remember that it is two years since the last appropriation bill, and the last appropriation bill provided about what the House has provided this year. Therefore it has had two years to run out in; but I venture my judgment, with perhaps more care given to it than is usual among Senators, that $250,000, the amount proposed by the committee here, is all that can be expended between now and the time when we may reasonably expect another appropriation.

I make these remarks not that I wish to oppose any appropriation for such a work as this, especially for a work of the magnitude which I consider this to be and of the great benefit that I have no doubt it will give to the people of a region not as accessible as many more level parts of the country by other means of communication, by railroads and other modes of transportation. The reasons I have stated were controlling with me in thinking this was about the proper appropriation; and if my views are correct about it, I think the work will be in a better condition if we leave it as it is now and have the money expended than it would be on the 3rd of March next or next February, when we consider the appropriation bill, to find that there were fifty or sixty or one hundred thousand dollars appropriated that had not been used.

Mr. McMILLAN. I will not detain the Senate. The only reason for making this change in the appropriation has been substantially stated by the Senator from Michigan, and it goes on the question of the amount which should be appropriated annually for this improvement. There is no doubt about the merits of the work and the benefit of the work when completed. This amount as recommended by the committee is the same amount appropriated in the last river and harbor bill, and would be the whole amount to be appropriated annually.

Mr. PUGH. I am glad to hear the Senator from Michigan state that this improvement is as important as any that is to be made in the Southern States and will result in as much benefit. The engineer in charge of the work states that he can expend the $350,000 the present year. Seven hundred thousand dollars is the estimate for the completion of the work next year.

Mr. McMILLAN. Seven hundred thousand dollars is the amount that can be expended profitably this year, he thinks.

Mr. PUGH. No, sir, I beg pardon; the engineer's estimate is $700,000 for completing the river and opening it to permanent navigation.

Mr. McMILLAN. I do not know what is the statement in the report of the engineer. The amount that can be profitably expended for the fiscal year ending June 30, 1885, is stated to be $700,000.

Mr. HARRIS. Allow me. The engineer in charge, Mr. King, states that $700,000 will complete the work if $350,000 is given this year and $350,000 next year.

Mr. PUGH. The work has been suspended for many months on account of the failure of the appropriation last March. If we get this appropriation of $350,000, it insures the completion of the work next year, with a similar appropriation then. That subject has been fully considered, as I understand, by the House committee. There was a large delegation of gentlemen well informed in relation to this improvement, and upon their representations this appropriation was made by the House committee without a dissenting voice. I hope that our committee and the Senate will allow the House appropriation to stand. It can work no injury. If the money is not expended it will be in the Treasury, but I am satisfied that it can all be expended before the next appropriation is made.

Mr. McMILLAN. I think perhaps the statement of the Senator from Tennessee should be qualified somewhat or else the engineer has made a mistake in his statement and it is inconsistent with the report. The amount estimated for the completion of the existing project, that is, the improvement of the Tennessee River below Chattanooga, $1,787,500; the amount that can be profitably expended in the fiscal year ending June 30, 1885, is stated to be $700,000. Now, it may be that the engineer is of opinion that a great portion of the improvement of the river below Chattanooga may be finished with the $700,000 of which he speaks, but not the project to which the report of the engineer refers.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Commerce, in line 671.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 675 of section 1, to reduce the appropriation for "improving Kentucky River, Kentucky: Continuing improvement" from $250,000 to $175,000.

Mr. WILLIAMS. I hope the Senate will not concur in the amendment of the committee for reasons which I will attempt to give.

Kentucky has not been in the habit of getting much in the way of appropriations for river and harbor improvements. I recollect about the time I took my seat in the Senate that upon examination it was found that in all the time past she had received less than $100 in appropriations from the General Government for works of internal improvement. In 1836 I found the statement of the Secretary of the Treasury to the effect that Kentucky had never received a single dollar from the Treasury for fortifications, for harbors, for light-houses, for rivers, or any other work of internal improvement whatever, and down to the present day she has received but $475,000 all told.

Now, why shall she be cut down? The first estimate of the engineer was $380,000 for this work. The second estimate is $100,000 more, making $480,000, which the House upon some principle of a percentage has reduced to $250,000, and the Senate Committee on Commerce has made a further reduction of $75,000. What justice is there in that?

What is this appropriation for? It is to slack-water the Kentucky River, and it takes $200,000 to build a single lock and dam, and the appropriation of the Senate committee is only $175,000, less than is necessary to build one single lock. We must build a lock every summer, and here the Senate committee has cut this appropriation down to an amount less than the estimate of the engineer to build a single lock.

It is well known to the Senate that I have always been liberal upon these questions. I believe in a considerate system of internal improvement by the General Government, and believe that its power extends to wherever the admiralty jurisdiction of our courts extends. I believe that money expended in this way is the best way Congress can expend it. It is distributed among the people; it gives employment to laborers; it gives a market for material; it leaves permanent, beneficial work in the country, and above all it gives a rival to the rapacity of the railroads in charging freights to the farmers and merchants of the country.

I want to read in this connection a letter from the engineer in charge. It is short and plain. It is addressed to the chairman of the Committee on Rivers and Harbors of the House:

UNITED STATES ENGINEER OFFICE, No. 82 WEST THIRD STREET,
Cincinnati, Ohio, March 19, 1884.

SIR: I have to acknowledge the receipt, yesterday, of your letter of the 15th instant, in regard to the improvement of the Kentucky River.

You ask the following questions:

First. What were the expenses of operating the Kentucky River improvement during the past fiscal year, and about what will they be during the present and next fiscal year?

Second. What is the estimated cost of lock and draw No. 6?

Third. Have you any commercial statistics additional to those given in last annual report?

Fourth. What is the estimated cost of locks 7, 8, &c.?

In reply to the first question, I have to state that the cost of maintaining slack-water navigation upon the river as far as the locks and dams are in operation, or for a distance of eighty-two miles from its mouth, or sixteen miles above Frankfort, Ky., is $8,000 per year, as follows:

Eight lock-keepers, two at each lock, $380 per month	$4,560 00
Watchman at No. 5, $15 per month	180 00
Superintendent of navigation, $90 per month	1,080 00
Fuel and lights	180 00
Necessary current repairs to locks and dams	2,000 00
	8,000 00

The money available for the payment of these current expenses will probably be exhausted soon after July 1, next, at which time, in the absence of some provision for paying them, navigation upon the river will have to be suspended.

Five locks are already completed, or rather already repaired, they having been built years ago by the State of Kentucky, and when the National Government took charge of this improvement these were turned over to it and the dams were repaired. The locks are in an excellent state of preservation, and navigation exisits above Frankfort, and numerous boats are plying below upon the river.

In the general estimate, quoted in your letter from my report, the twelve new locks and dams to be built were averaged to cost $200,000 each.

And here is $175,000 only allowed to keep in repair all the locks already built and build new ones.

Some of these on account of favorable locations may cost somewhat less, while others, again, will cost more. Considering the contingencies and difficulties, which can not be definitely ascertained beforehand, I have thought it safe to estimate them all at $200,000 each. No. 6 is one of those which will cost fully this amount.

That is the next one to be built this summer.

In my opinion its construction should be completed at once.

The following is the detailed estimate upon which I based the amount of $380,000 asked for in my annual report for the next fiscal year, and shows the work it is proposed to do during that year:

Repairs to lock and dam No. 5	$112,020 00
Repairs to four locks and dams in operation, protecting banks, constructing lock-houses, and current running expenses	48,294 76
Lock and dam No. 6	200,000 00
Additional amount needed for dam at Beattyville	19,685 24
	380,000 00

That is the estimate of what is indispensable to the continuance of the work, and to the preservation of that which has already been completed.

It was thought the balance of the repairs estimated for in the report to be made upon the four locks and dams might be delayed another year.

When the annual report was submitted I had been in charge of the work but little more than a month, and hence subsequent study has developed several points which should have been explained. In this connection I will refer to the fact of the advantage to be gained by constructing two of the new locks at once. By building two together not only is much time saved but more advantageous contracts can be made and many items of expense can be cut off.

I stated in my report that only $380,000 could be profitably expended during the fiscal year ending June 30, 1885. I am now prepared to state that had I added another $100,000 for the commencement of lock No. 7, it would have enabled a saving of a whole year in the extension of the slack-water navigation upon the river and rendered the work much more economical. If it is possible yet to add this amount to that stated in my report in the consideration in your committee of the amount to be given to the Kentucky River for the next fiscal year, I trust it will be done. It would be a profitable expenditure, and should if possible be granted in addition to the amount already asked for.

I have been gathering together additional statistics of the river commerce, but they are not in such a form as can be conveniently used at present, and it may take some days to arrange them. I will not delay this letter until they are prepared, but will send them as soon as ready. Enough is seen from their inspection and the development of new business along the river to convince me that the river commerce is materially increasing. It might be noted that in my report a typographical error places the amount of saw-logs at 6,000,000 feet B. M. This should be 60,000,000 feet B. M.; market value, $500,000.

The estimate of the cost of locks and dams Nos. 7, 8, &c., is $200,000 each.

Very respectfully, your obedient servant,

JAS. C. POST, *Captain of Engineers.*

Hon. ALBERT S. WILLIS, M. C.,
House of Representatives, Washington, D. C.

Now, Mr. President, I should like to know what reason there is for this reduction? I think this bill as it came from the House is a moderate and a reasonable one, and the amount appropriated is very low for such great purposes. It is two years since we have had a river and harbor bill. That bill of $18,000,000 appropriated two years ago, which was called a bill of abominations, in my judgment was the best bill Congress ever passed. There were some items in it that were not items of merit; but why shall we reject a great measure on that account?

The Senate committee has added very little to this House bill, a little over $1,000,000. It has increased some and it has reduced other items from the amounts named in the House bill. I have a list here of the States that have been reduced and the States that have been increased. I make no objection, gentlemen of the committee, to your increasing the appropriations for your States. The States which have been increased are Connecticut, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New York, New Jersey, Ohio, Oregon, Rhode Island, and Vermont, all Republican States.

Mr. MCMILLAN. There are others.

Mr. WILLIAMS. The report of the committee——

Mr. CONGER. The gentleman has a very imperfect list of the States increased, if that is the one he gives us.

Mr. WILLIAMS. The one I got was the report of yesterday. There is a further increase to Alabama, Maryland, North Carolina, South Carolina, Texas, and Virginia. It happens that there are six Southern and Democratic States increased. There are nineteen States in which the Senate Committee on Commerce have increased the appropriations over and above the House bill, and then there are the States of Arkansas, Georgia, Kentucky, Mississippi, Tennessee, West Virginia, and Delaware which have been reduced. I do not object to the committee increasing the appropriations, but do it fairly out of the Treasury and do not take it from us to put it upon your States, gentlemen.

There is a singular thing, too, about this, that the Democratic States which have not been reduced are the States that have upon the committee members of the Senate—from Maryland, North Carolina, Texas, and Virginia; no, Virginia has two Republican Senators, but she has no member on that committee. This was put in I suppose to help readjustment. I do not blame these members of the committee for saving their States, but in the name of God do not ruin us; do not increase your own appropriations by taking from us who have no voice on that committee. Put back the appropriations for the House bill and keep those that you have got, and I shall not object. The State of Texas, the State of North Carolina, and the State of Maryland were exceedingly fortunate in having such able representatives upon that committee as could increase their appropriations. Maryland is increased $70,000; North Carolina, $180,000; Texas, $82,000; Virginia, $40,000, while Arkansas is reduced $94,000; Georgia, $60,000, and Kentucky, $250,000. Kentucky is reduced nearly one-fourth of all that you take off. What has she done, what have I done or either of her Senators here to merit such punishment from the committee?

Mr. MCMILLAN. The Senator should remember that the State of Kentucky was so well represented in regard to this bill elsewhere that perhaps the State of Kentucky got all she was entitled to.

Mr. WILLIAMS. The State of Kentucky has got less than $250,000 in the whole bill. You do not call the Ohio Falls Kentucky. The Ohio Falls are merely a part of the Ohio River, which belongs to the whole country. That belongs to all the States above it and all the States below it; to all the States everywhere that have any commercial intercourse upon that river. It is a great national river, upon whose bosom floats more commerce in value than goes from every port of this country to the foreign countries of the world. The value of the tonnage on the

Ohio River is greater than all the foreign commerce of the United States. Is it fair to charge Kentucky with that?

The commerce on the Ohio is greater than all the foreign commerce of this country. Take its iron, timber, cattle, hogs, and wheat; its lumber, its millions and thousand of millions of various products. Six thousand steamboats pass annually through that canal at Louisville. The committee struck that down from $300,000 to $50,000. That will never do in this world. Pennsylvania will not stand it; West Virginia will not stand it; Ohio will not stand it; Illinois, Kentucky, Indiana, Missouri, none of the States South will stand that reduction. It is not to Louisville that that canal is of any advantage. Louisville grew up because there was an obstruction in the river there, and the removal of that obstruction by digging the canal is a matter that interests all the States above and below, and indeed all this country is interested in the navigation of that great river, second only in importance to the Mississippi in this whole country. There is more commerce upon it than upon any other river in the Union except the Mississippi; and yet $50,000 is appropriated to widen and deepen it. The commerce of half this New World of ours goes through that gate at Louisville.

Now, in relation to the next amendment, which I shall move to disagree to when we reach it—and I may as well discuss both at this time—I want to read you what a most intelligent gentleman of Louisville, W. W. Hite, president of the Louisville and Evansville Mail Company, says:

OFFICE OF LOUISVILLE AND EVANSVILLE MAIL COMPANY,
Louisville, Ky., March 18, 1884.

MY DEAR SIR: As requested in your favor of the 14th instant, I have prepared a memorandum of accidents on the Falls of the Ohio for the past few years. The dates I have taken from the books of the inspector of hulls and the records of the life-saving station. I inclose two clippings and will send scrap-book of Capt. Wm. Devan to-morrow, which contains a good many more. In talking to Captain Devan he tells me he expects to be in Washington in about a week, when he will call and see you and give you any information he may have. He is well posted about the falls. When you are through with Captain Devan's book—

Captain Devan has charge of the life-saving station there I think—

please return it to me by express. I shall be glad to aid you in any way in my power.

With kind regards, yours truly,

W. W. HITE.

Hon. ALBERT S. WILLIS,
Washington, D. C.

Captain Hite gives a list here of eighteen splendid passenger steamboats that have been wrecked at the head of the canal for the want of the very improvement which General Weitzel and Colonel Merrill have recommended should be made:

Name of boat.	Month and year.	Loss.
Alice	December, 1879	$35,000
El Dorado	February, 1880	2,500
James D. Parker	March, 1880	2,500
Virgie Lee	June, 1880	1,000
Vint Shinkle	March, 1881	300
Virgie Lee	March, 1881	3,500
Paris C. Brown	March, 1881	2,000
R. R. Springer	March, 1881	1,800
Jas. W. Gaff	March, 1881	4,500
Pacific and Low	March, 1881	4,000
Hop Louden	March, 1881	1,000
City of Baton Rouge	November, 1881	4,000
Jas. D. Parker	March, 1882	30,000
Rainbow	July, 1882	3,000
Grey Eagle	August, 1882	2,500
James Guthrie	March, 1883	3,500
Paris C. Brown	August, 1883	2,500
Buckeye State		35,000
Total		138,600

Senators all understand that the falls are between Louisville and Jeffersonville. The canal is on the Louisville side, and what is called the Indiana chute is on the opposite side, and there is between what they call the middle chute. The Government since the war, in order to improve the navigation of the river, built a wing-dam for the purpose of throwing the water into the Indiana chute to make it navigable. It furnished more water, but it made the current so rapid that it could not be navigated, and it threw the water with great violence into the mouth of the canal and against a dike constructed to conduct boats; and the improvement proposed here by the engineer is to tear out that dam, widen it, and make a basin or harbor which will be adequate to all the demands of commerce, and the estimate for that is $1,000,000, and this committee has given $50,000.

Mr. MCMILLAN. Not for that.

Mr. WILLIAMS. For the work proposed by General Weitzel. The estimate proposed here was not so large. I have the report in my hand of Colonel Merrill, appendix 2, a special report on the improvement of the Falls of the Ohio River. I send it to the desk to be read.

The PRESIDING OFFICER. The paper sent up by the Senator will be read.

The Secretary read as follows:

SPECIAL REPORT ON IMPROVEMENT OF THE FALLS OF THE OHIO RIVER.

In January, 1882, the Senate of the United States called for a special report on the improvements still needed at the Falls of the Ohio to serve the interests of the commerce of the Ohio River. This report was made under date of February 10, 1882, by Major (now Lieutenant-Colonel) Weitzel, and is printed in the annual report of the Chief of Engineers, 1882, page 1880 *et seq.*

As Colonel Weitzel's successor, it has devolved upon me to take up the subject where he left it, and to carry it on with such additions and improvements as further experience and study might suggest.

The chief improvement which he recommends is an independent coal canal, in order to prevent the stoppage of other kinds of traffic when a coal run arrives at Louisville.

Such a canal would be an excellent solution of the difficulties that now embarrass navigation, but I am reluctantly compelled to report that, in my judgment, it is not practicable at the present. The insurmountable obstacle is the fact that its construction would wholly destroy the immense cement interest of Louisville, that would thus be deprived of access to its quarries.

The cement mills and quarries could doubtless be condemned and purchased, but the condemnation price would be more than the project could bear, even if the injury to the interest of the public by the extinguishment of so important an industry were left out of consideration.

I therefore feel compelled to submit, in lieu of the independent coal canal, a project for as great an enlargement of the upper half of the canal as can be made without interfering with the cement interests. Whenever, as will happen in the course of time, the cement rock is worked out and the quarries are abandoned, it will be practicable to complete Colonel Weitzel's plan at a great saving over his present figures, as all of the costly rock excavation for which he has estimated will be done by the cement companies in their pursuit of cement rock.

The project which I therefore submit, as the best now attainable, will give great relief to the canal, and will be an inestimable boon to the city of Louisville by furnishing ample harbor room, and by greatly lessening the annoyance from mud, ice, and drift. It contemplates enlarging the present canal by moving its northern wall to the northern line of the canal property, commencing at the pivot pier of the railroad bridge and extending easterly to the intersection with the eastern boundary line of the property of the Louisville Cement Company. At this point will be the new head of the canal, and it will be connected with the existing dam on the crest of the falls by a similar dam along the eastern line of the cement company's property to its northeastern corner, thence by a straight line to the southern end of the opening for the Middle Chute. The accompanying map shows the proposed enlargement and its relations to the existing canal. The most expensive part of this and all other plans for the enlargement of the head of the canal is the necessity of excavating to canal bottom the rocky ledge that forms the falls, which has to be lowered from three to four feet.

The estimated cost of the modification herein recommended is as follows:

Rock excavation	$1,089,411
Earth excavation	84,650
Removing canal wall	15,196
Removing river wall	15,288
New retaining-wall	47,400
Removing part of dam	4,230
2,600 feet of new dam	15,600
Contingencies, 5 per cent	63,588
Total	1,335,363

As the estimate for the independent coal canal was $3,102,517, the adoption of the proposed modification will cause a present saving of $1,767,154, with the advantage that everything done under this project will fit into the larger project whenever the time comes for its execution.

The present entrance into the canal is contracted and dangerous. The head of the guiding dike is now ornamented with the wreck of a fine passenger steamboat, the Buckeye State, that got caught while trying to land at the Louisville wharf. The proposed improvement would make the harbor of Louisville as safe as any on the Ohio River, and at the same time it would make the canal accessible at all stages without danger or difficulty.

As the work should be done as soon as possible, I would recommend an appropriation of $500,000 for "enlarging Louisville and Portland Canal."

Mr. WILLIAMS. The Senate have heard what the engineer has to say, and that $500,000 the committee has reduced to $50,000. It is doubtless understood by the Senate that the Louisville Canal was originally built and owned by a private company chartered by the Legislature of Kentucky. The original cost and the improvements they put upon it amounted to $2,965,403. It was a toll canal while it belonged to a private company, and it collected during its existence off the commerce of the West $6,000,000 in the way of tolls, until the people interested in the navigation of that river rose and demanded of the Government of the United States that it should purchase and make it free to all boats up and down that river. The Government of the United States did buy it. It paid for it a total cost of $2,600,000, a sum less by $3,400,000 than the tolls which had been collected off the commerce of the West upon that river, which amount stands to-day in the nature of a credit to the commerce of the people of the West, and yet the committee give to this great improvement, so earnestly demanded by the engineer and the whole people of the Ohio Valley, only $50,000 to widen that canal, when the report shows and when the facts show that the mouth of that canal is strewn with wrecks of steamers, when the facts are that more that two hundred and fifty lives have within the last two years been saved by our life-saving station there from the wrecks of boats, and yet the Senate of the United States hesitates to adopt the bill as it passed the House.

Mr. President, I hope the Senate will refuse to concur in both the amendments as to the Kentucky River and as to the Ohio Falls. Why, sir, Kentucky, with her wealth and her commercial interests, gets in this whole bill only about $207,000. She has more navigable river front than any State in this whole Union. She has upon her northern border, for seven or eight hundred miles, the Ohio River; she has upon her east three hundred and fifty miles of the Big Sandy; she has the Kentucky; she has the Licking; she has Green River; she has Red River; the Cumberland and the Tennessee flow through her, and the Mississippi on the west; Salt River is only navigable for defeated candidates; it is navigable up stream, never down. [Laughter.] Think of it; $207,000 only appropriated for a great State that pays nearly $20,000,000 in internal revenue annually; that has received from the foundation of the Government for internal improvements only

$475,000, and is watered and washed by such a multiplicity of navigable streams.

That great river, the Tennessee, and the Cumberland run across the State of Kentucky. The Cumberland rises in the extreme southeastern county of the State, runs out south into Tennessee like my elbow [illustrating], and unites Tennessee and Kentucky, and holds them together as twin sisters, and she pours her placid waters into the Ohio on the Kentucky shore. The Tennessee is the same, navigable for 1,200 miles, rising in Virginia and upon the borders of Kentucky she courses south and takes in Alabama and Tennessee and comes back into Kentucky, hugging them all in the close embrace of sisters; and yet Kentucky gets but $207,000.

What is going to become of the locks you have already started? You do not propose to give Kentucky enough to build one lock. We shall never get that river improved if that is the course the Congress of the United States is going to take.

I say to these gentlemen put these amounts back; disagree to the amendments of the committee and let the bill stand as it came from the House. That will satisfy me. Keep the amendments you put on for yourselves. I do not object to that. I think the bill is rather a meager one at best. I should prefer to have it more liberal than it is. I would like it better if it was more liberal. I am not finding fault with you gentlemen on the committee who have saved your own States and increased them.

Mr. SLATER. The Senator seems to address me. I am not on the committee.

Mr. WILLIAMS. I thought you belonged to it. Oregon has somebody on it. I have the list of committees here.

Mr. HARRIS. California represents the Pacific coast on the committee.

Mr. WILLIAMS. I will read the names of the committee. I venture to say that no State with a Senator on the committee has suffered, but most of them have been increased; increased not by a fair, open appropriation from the Treasury, but by taking from Kentucky, from Arkansas, from Georgia, from Mississippi, from Tennessee, and other States. Here is the committee: Mr. MCMILLAN, Mr. JONES of Nevada, Mr. CONGER, Mr. FRYE, Mr. MILLER of New York, Mr. DOLPH, Mr. RANSOM, Mr. COKE, Mr. SLATER, Mr. VEST, and Mr. GORMAN.

Mr. SLATER. Will the Senator allow me a moment? That is an old committee-list printed while I was a member of it, but some time since I was excused and withdrew from service upon it.

Mr. WILLIAMS. I knew the way Oregon had gone on in regard to appropriations in the bill that she must have had some committeeman on it. I find that there is one large appropriation, a new matter, that for the mouth of Columbia River. That is a new item put on which will involve an expenditure of from two to five million dollars. I do not object to it, understand; I am for every increase you have made; I want you to have them; but let us have ours as the House sent the bill to us.

We are told that a man who will not provide for his own household is worse than an infidel.

Mr. VEST. I understood the Senator from Kentucky to state that every committeeman had secured increased appropriations for his State.

Mr. WILLIAMS. No; I did not say so.

Mr. VEST. There is no increase in my State.

Mr. WILLIAMS. No; there is no increase in Missouri or California, but in all the other States I mentioned there is.

Mr. JONES, of Nevada. How about Nevada?

Mr. WILLIAMS. You have no rivers or you would have had an increase. [Laughter.] I have no doubt that every increase is for a meritorious purpose; I do not object to it; but I object to the amounts being taken from my State and put on somebody else's. I hope that gentlemen will every one vote against the committee amendments and remand us exactly to the position in which the House bill put us.

Mr. MCMILLAN. The Senate has been in continuous session now since 11 o'clock, and evidently the Senators are exhausted. I shall not ask the Senate to remain longer in session, but I wish before closing to ask the President of the Senate if the resolution adopted a day or two since limiting debate to five minutes does not apply to this bill?

Mr. FRYE. It was only a resolution making a motion to limit debate in order.

Mr. MCMILLAN. I submit that motion now.

Mr. INGALLS. Do it on Monday morning.

The PRESIDING OFFICER. The Senator from Minnesota, under the resolution, is at liberty to move to limit debate to five minutes.

Mr. INGALLS. What is the use of moving it now if the Senate is about to adjourn?

Mr. HOAR. Will the Chair permit the resolution to be read?

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment, or all amendments, to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate.

Mr. MCMILLAN. I withdraw the motion I made, and move instead that the Senate proceed to the consideration of executive business.

The motion was agreed to, and after eleven minutes spent in executive session the doors were reopened.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. HOAR. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 28, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. WELLER. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. I understand that to-day has been set apart for consideration of bills in the interest of labor. Am I correct?

The SPEAKER. The gentleman is correct.

Mr. WELLER. Believing that interest to be of paramount importance as compared with all other questions, I call for the regular order.

The SPEAKER. The regular order is the reception of privileged reports, if there are any.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I desire to make a privileged report from the Committee on Appropriations. I am instructed by that committee to report back the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, with amendments of the Senate, and to move that the House non-concur in the Senate amendments. I make that motion.

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING AGRICULTURAL REPORT FOR 1884.

Mr. HATCH, of Missouri. I rise to make a privileged report. I present the report of a conference committee.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 251) making appropriations for printing the annual report of the Commissioner of Agriculture for the year 1884, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lines 4 and 5 strike out "314" and insert "300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 6 strike out "fifty-six" and insert "seventy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out "162,500" and insert "200,000;" and the Senate agree to the same.

A. M. SCALES,
WM. H. HATCH,
A. HERR SMITH,
Managers on the part of the House.
JOS. R. HAWLEY,
O. D. CONGER,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendments of the Senate to the joint resolution providing for printing the Agricultural Reports for 1884, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

The joint resolution as agreed to by the conference committee provides for printing 400,000 copies of the Agricultural Report for 1884 300,000 copies being for the use of the House, 70,000 for the Senate, and 30,000 copies for the use of the Department of Agriculture, and appropriate $200,000 for printing the same.

A. M. SCALES,
WM. H. HATCH,
A. HERR SMITH.
Managers on the part of the House.

Mr. HATCH, of Missouri. I move the adoption of the report; and upon that I demand the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. HATCH, of Missouri, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GULF, COLORADO AND SANTA FÉ RAILROAD.

Mr. WELLBORN. I desire to submit a privileged resolution, to correct an error in a conference report.

The Clerk read as follows:

Resolved by the House (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 3961) entitled "An act to grant to the Gulf, Colorado and Santa Fé Railroad Company a right of way through the Indian Territory, and for other purposes," be amended by inserting the figure "9" after the figure "7" in the following paragraph:

"That the House recede from its disagreement to the amendments of the Senate numbered respectively 2, 3, 4, 5, 6, and 7, and agree to the same,"

making said paragraph read as follows:

"That the House recede from its disagreement to the amendments of the Senate numbered respectively 2, 3, 4, 5, 6, 7, and 9, and agree to the same."

Mr. KEIFER. I would like to know what makes this correction necessary.

Mr. WELLBORN. The situation is this: The conference committee on this bill agreed that the House should recede from its disagreement to seven of the Senate amendments. Through a clerical omission in drafting the report one of those amendments was not mentioned. The amendment referred to was one which required the railroad company to construct and maintain crossings and bridges wherever public roads cross the line of railroad. That was omitted through clerical inadvertence. This is designed to make the correction.

Mr. KEIFER. I had thought it referred to other matters.

The concurrent resolution was adopted.

Mr. WELLBORN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUREAU OF MILITARY JUSTICE.

Mr. ROSECRANS. I call up as a privileged matter the message from the Senate relating to the bill (S. 838).

The SPEAKER. The Clerk will report the message from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 25, 1884.

Resolved, That the Senate non-concurs in the amendment made by the House of Representatives to Senate bill No. 838, to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes, and asks a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. LOGAN, Mr. SEWELL, and Mr. MAXEY be the conferees on the part of the Senate.

Mr. ROSECRANS. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. ROSECRANS, Mr. MORGAN, and Mr. CUTCHEON.

ORDER OF BUSINESS.

Mr. WELLER. I now insist upon the regular order.

Mr. McCOID. I would like to call up from the Speaker's table a bill in relation to the increase of the number of judges in the Territory of Dakota, returned from the Senate with an amendment.

The SPEAKER. That requires unanimous consent.

Mr. McCOID. Unanimous consent to take up and concur in the amendment?

The SPEAKER. It does. When the regular order is demanded the Chair can recognize only gentlemen who have privileged matters to bring before the House.

Mr. WELLER. I would be glad to accommodate my colleague [Mr. McCOID] and other gentlemen also, but I can not yield at this time.

REPORT ON FISH AND FISHERIES.

The SPEAKER, in accordance with the statute, laid before the House the following; which was read, and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1884 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Public Printing.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 394) granting a pension to Mrs. Mary C. Jones;

A bill (H. R. 432) to increase the pension of Joseph B. Sellers;

A bill (H. R. 759) granting a pension to Patrick Droney;

A bill (H. R. 1396) granting a pension to Fredrick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 1986) granting a pension to Frank F. Fitkin;

A bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin;

A bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet;

A bill (H. R. 3188) granting a pension to Amanda Cutter;

A bill (H. R. 4164) for the relief of Ellen Horgan;

A bill (H. R. 4188) granting a pension to William W. Day;

A bill (H. R. 4718) for the relief of Caroline Sheward;

A bill (H. R. 4818) for the relief of Rose Ann Galbraith;

A bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va.

A bill (H. R. 5258) granting a pension to Thomas Cheshire;

A bill (H. R. 5999) granting additional pension to George H. Fluke;

A bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes; and

A bill (H. R. 7164) to amend chapter 20 of the Revised Statutes, relating to the District of Columbia, concerning mechanics' liens.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BISBEE, indefinitely;

To Mr. JONES, of Alabama, indefinitely, on account of sickness in his family;

To Mr. EZRA B. TAYLOR, indefinitely, from necessity.

WITHDRAWAL OF PAPERS.

Mr. DUNN asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of the claim of Sally G. Ford, widow of Richard T. Ford.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the matter of privilege coming over from the session of yesterday evening, upon which the gentleman from New York [Mr. COX] is entitled to the floor.

Mr. HOPKINS. Does that take precedence of the special order?

The SPEAKER. It is a matter of privilege and unfinished business.

Mr. WELLER. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] desires to obtain the attention of the House for a moment upon a question connected with the interest of education.

The SPEAKER. Does the gentleman withdraw his demand for the regular order?

Mr. WELLER. I will for that purpose.

The SPEAKER. The gentleman can not withdraw it conditionally.

Mr. WELLER. Then I will withdraw the demand for the regular order.

QUESTION OF PRIVILEGE.

The SPEAKER. The gentleman from New York [Mr. COX] is entitled to the floor upon the question coming over from yesterday as unfinished business.

Mr. COX, of New York. Mr. Speaker, the House is too impatient to listen to any discussion about the matter that was brought in here yesterday. My impression is that the best thing we can do——

Mr. CANNON. There is so much confusion in the Hall that we can not hear what the gentleman from New York is saying.

The SPEAKER. The House will come to order.

Mr. COX, of New York. Mr. Speaker, I do not think very much harm comes from printing matters. I think the distinctive difference between civilization and barbarism is that civilized people print and barbarians do not. [Laughter.] My impression is that the best men in this House ought to indulge a little more in printing than they do. And the worst men are sure to be caught if they do print.

I have offered an amendment with reference to printing, as a speech of the gentleman from New Jersey [Mr. BREWER], a book or a portion of a book published by Mr. Blaine, of Maine. It is not a very new thing to have books printed in the RECORD. We have had the opportunity, time and again in very many ways, to print matters in the RECORD at large. I remember that a member of Congress, or rather a Delegate from a Territory, on one occasion printed in the RECORD a poem already copyrighted; and the next morning after it was printed—on the 22d of April, 1880—Mr. Garfield, our dead President, then a member of this House, rose in his place here and asked, as a question of privilege, that this poem should be stricken out. Why? He said:

I rise to a question which I presume should be regarded as a question of privilege. I call the attention of the House to the RECORD of this morning, and I move that it be referred to the Committee on Rules, with instructions to report whether the first fifteen pages of to-day's publication shall go into the permanent CONGRESSIONAL RECORD. I make this motion with the utmost respect for the gentleman [Mr. Downey] who has published in the RECORD the poem to which my motion refers. I suppose that members of the House are entirely at liberty to speak in verse or in prose, as they may choose; but I raise the question whether a gentleman has the right to file, under the privilege of printing a speech in the RECORD, a copyrighted book, which as appears from the heading here this is. It appears to be a poetical work which has been copyrighted, "all rights reserved;" and whether under the privilege granted by the House to print a speech on any given subject a man may file a manuscript copyrighted book and print it as a part of the permanent records of the House is a question worthy of consideration.

Mr. Garfield went on to say—

I think it important for us to know how far the privilege granted a Member or a Delegate to print remarks in the CONGRESSIONAL RECORD extends. I rec-

ollect that some years ago there came very near being printed, under this privilege to print, a British volume on some economical question, which it was proposed to publish entire in the records of this House so as to give it circulation. Of course it is possible that the privilege of the House may be abused by persons getting leave to print and publishing volumes which the House might have no desire to see printed.

It does seem, looking at this matter calmly, that we ought in some way or other to restrict this RECORD. I have been trying for years to have our RECORD reduced to the proportions of "Hansard." But we have to put in everything—matters belonging to the Journal, the Clerk's office, &c.—so we have all this overloading of our RECORD.

Now as to the political phase of this question. What does it mean? Somebody prints from the New York Star a little statement that Mr. LOGAN owns 80,000 acres of land. Nobody charges that he obtained the land wrongfully. Is there anything wrong about Mr. LOGAN'S accumulation of this land? If any member so thinks, let it be printed and, if necessary, let it be corrected. Why not? I do not know that General LOGAN is a dishonest man. Who does?

Mr. DUNHAM. He does not own the land and never did own it.

Mr. COX, of New York. Then let that be stated, and it ends the matter. What is the object of this discussion here to-day except to prevent an adjournment. Let us all go to work and end this matter. [Cries of "That is right!"] I will move to lay the whole matter on the table.

Mr. BROWNE, of Indiana. And I will vote for it.

The SPEAKER. Does the gentleman from New Jersey [Mr. MCADOO] yield to the gentleman from New York for the motion to lay on the table?

Mr. MCADOO. I yielded five minutes to the gentleman from New York for debate. How much time have I remaining?

The SPEAKER. Thirty minutes.

Mr. MCADOO. How much more time does the gentleman from New York desire?

Mr. COX, of New York. I am through with my remarks. If the gentleman from New Jersey will allow me, I make the motion to lay on the table. If he does not yield for that purpose I can not make it. But I think the great body of the House wants to go to business. [Cries of "Yes!" "Yes!" "Vote!" "Vote!" and "Regular order!"]

Mr. CANNON. I rise to a point of order. That it is not in order at this time to lay the pending resolution on the table; that the gentleman from New York has not the floor for that purpose.

The SPEAKER. The Chair expressly inquired of the gentleman from New Jersey whether or not he yielded for that purpose. The gentleman from New Jersey, when upon the floor in his own right, might have made that motion.

Mr. TOWNSHEND. If the other side of the House wish to talk on this subject after their experience of yesterday, I would suggest to the gentleman from New York they be allowed to proceed.

Mr. COX, of New York. I think, Mr. Speaker, the best way is to end this business and see if we can not work for an early adjournment, and therefore I will not withdraw the motion that the resolution be laid upon the table.

The SPEAKER. If the Chair never recognized any other gentleman upon the floor to move to lay upon the table than the member in charge of a measure or resolution before the House, of course the motion never could be made. It is a motion which always comes from the opponents of a pending proposition. It is a privileged motion, and the Chair understands the gentleman from New Jersey yields to the gentleman from New York for the purpose of submitting that motion.

Mr. WELLER. Let us go to a work which is of some importance to the country; and I hope there will be no delay in proceeding to the consideration of the business on the subject of labor and laborers, set down for this day.

The SPEAKER. The Chair will endeavor to ascertain whether the gentleman from New Jersey has yielded to the gentleman from New York to make the motion to lay upon the table. [After a pause.] Will the gentleman from New Jersey respond?

Mr. MCADOO. I did yield for that purpose to the gentleman from New York.

Mr. CANNON. I wish to say again, Mr. Speaker, that as I understand the usage of this House the member submitting a resolution or having charge of a bill or other measure is generally permitted to have the control of its disposition. Therefore I do not understand, pending the discussion of this resolution and before the expiration even of the hour of the member submitting it, any member of the other side can get up and cut off all further discussion on the subject by moving to lay the resolution on the table, thus depriving of the opportunity of reply to the remarks in opposition to the resolution on the other side on the part of the member who moved the resolution.

The SPEAKER. It may be unusual to do so, but still the motion to lay on the table is one which never comes from the member in charge of a measure. It is a hostile proceeding, and once made by a member entitled to the floor the Chair is bound to entertain it.

Mr. CANNON rose. [Cries of "Regular order!"]

Mr. CANNON. I am entitled to the floor for the purpose of making a parliamentary inquiry.

The SPEAKER. Certainly, and the Chair will hear the gentleman.

Mr. CANNON. I will not trespass on the patience of the House or exceed my rights.

The SPEAKER. The gentleman will proceed.

Mr. CANNON. I have never yet in my experience in this House heard of a like motion to lay upon the table a pending resolution before the mover of the resolution had occupied the time which under the rules was allotted to him. Whether there be anything in the rule or not allowing such a course to be taken on the part of the other side, I can only say, Mr. Speaker, that the unbroken precedents of parliamentary procedure in this House are against it.

The SPEAKER. The question is on the motion of the gentleman from New York to lay the whole subject on the table.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. By unanimous consent this day has been set down for the consideration of two bills coming from the Committee on Labor. The gentleman from Pennsylvania [Mr. HOPKINS] will indicate to the Chair which bill he proposes to take up at this time.

Mr. HOPKINS. I move to go into the Committee of the Whole House on the state of the Union for the purpose of taking up for consideration the bill (H. R. 6541) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, and pending that motion I move that all general debate be closed in two hours.

The SPEAKER. That can only be done by unanimous consent.

Mr. HOPKINS. Then I ask unanimous consent for that purpose.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. I understand the bill about to be read has been set down for to-day under the special order. If I understand correctly the ruling of the Chair heretofore, it is in order to raise the question of consideration.

The SPEAKER. The bill referred to is in the Committee of the Whole House on the state of the Union; when it is reached in that committee its consideration may be objected to.

Mr. BROWNE, of Indiana. May I not raise the question of consideration now?

The SPEAKER. The bill is in the House. The question of consideration is necessarily involved in the motion the gentleman makes, for if the House does not wish to proceed to the consideration of the bill it will vote down the motion to go into committee.

Mr. BROWNE, of Indiana. I will be pardoned for not knowing much about the rules of the House. I desire to inquire now whether I may not move that the House proceed to the consideration of the bills on the Speaker's table.

The SPEAKER. Not to-day, the Chair thinks, unless this business is first disposed of in some way.

Mr. TOWNSHEND. I am quite astonished at this new-born zeal on the part of the gentleman from Indiana in behalf of the Mexican pension bill. He showed no such fervor in behalf of the old Mexican soldiers when the bill was before the House for consideration.

Mr. WILLIS. I hope the gentleman from Illinois will not object to the motion to go to the business on the Speaker's table, for in that way we will be able to reach the educational bill.

Mr. TOWNSHEND. I want to see the bill in favor of the Mexican pensioners in the hands of its friends and not in the hands of its enemies.

The SPEAKER. Until the House disposes in some way of the order heretofore made it must be proceeded with.

Mr. BROWNE, of Indiana. I move to vacate that order for the purpose I have suggested.

Mr. HOPKINS. There is a motion already pending to go into Committee of the Whole House on the state of the Union.

The SPEAKER. There is a motion pending, and it will be submitted to the House.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. Will it be in order to go to business on the Speaker's table for the purpose of taking up the Mexican pension bill?

Mr. BROWNE, of Indiana. I have always been ready, Mr. Speaker, to take up and consider the Mexican pension bill as it now stands on the Speaker's table amended by the Senate. I have always been in favor of it as it now is.

Mr. TOWNSHEND. It is the first time I have known the gentleman to exhibit such active zeal on this subject, and we understand exactly what it means.

Mr. WELLER. I hope the House will do nothing to antagonize the consideration of the bills coming from the Committee on Labor which have been set down as the special order for to-day.

Mr. JOSEPH D. TAYLOR. If it be proper I should like to ask unanimous consent to present a petition.

The SPEAKER. It is not in order pending the motion to go into Committee of the Whole. [Cries of "Regular order!"]

Mr. HORR. I rise to a privileged report.

The SPEAKER. The gentleman will state what it is.

FORTIFICATION APPROPRIATION BILL.

Mr. HORR, from the Committee on Appropriations, reported a bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RANDALL. I ask now to present the views of the minority, accompanied by a substitute for the bill reported by the committee. There is one member out of the seven who has not yet signed these minority views, and I ask consent that he may have that privilege, to which I imagine the gentleman from Michigan will not object.

Mr. HORR. Certainly not.

Mr. RANDALL. I ask also that the report be printed with the report of the committee, and that the substitute recommended may also be printed in the usual form and number of bills, and referred with the report of the committee to the Calendar.

The SPEAKER. The gentleman desires to offer the substitute now, and let it be referred to the Committee of the Whole House on the state of the Union with the majority report?

Mr. RANDALL. I do; and that the usual number of the reports accompanying the substitute be also printed, so that each member of the House may have an opportunity of examining both recommendations.

There being no objection, the views of the minority were ordered to be printed, to accompany the report of the committee; and it was further ordered that the substitute bill be printed in the same manner.

Mr. HORR. I desire to give notice that I shall call this bill up on Monday next immediately after the morning hour, unless the morning hour shall be dispensed with, and press it to its passage.

Mr. STORM. It is understood that all points of order are reserved on the bill.

The SPEAKER. Points of order will be reserved.

ORDER OF BUSINESS.

Mr. HOPKINS. I now move that the House resolve itself into Committee of the Whole House on the state of the Union, to proceed with the special order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 229) granting a pension to Elizabeth Lawler;
A bill (H. R. 267) granting a pension to James King;
A bill (H. R. 314) for the relief of John W. Cummings;
A bill (H. R. 554) granting a pension to Joseph T. Caldwell;
A bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton;
A bill (H. R. 1237) granting a pension to Samuel K. Ruggles;
A bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson;
A bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa.;
A bill (H. R. 1628) authorizing and directing a sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia;
A bill (H. R. 1631) to increase the pension of Martha O. Reagan;
A bill (H. R. 1757) for the relief of William R. Browne;
A bill (H. R. 1977) for the relief of Maria L. Hammer;
A bill (H. R. 1998) for the relief of William J. Sawyer;
A bill (H. R. 2017) granting a pension to Walter Dickson;
A bill (H. R. 2252) for the relief of Christopher P. Davidson;
A bill (H. R. 2378) restoring to the pension-roll the name of John Allee;
A bill (H. R. 2419) granting a pension to Robert Nutt;
A bill (H. R. 2425) granting a pension to Catharine Henry;
A bill (H. R. 2447) for the relief of Catherine Terry;
A bill (H. R. 2536) granting a pension to Michael Mack;
A bill (H. R. 2543) granting a pension to James Roden;
A bill (H. R. 2660) granting a pension to William Printz;
A bill (H. R. 2714) to increase the pension of James E. Wilson;
A bill (H. R. 3294) granting a pension to Emma H. Porch;
A bill (H. R. 3307) granting a pension to Harriet P. Dame;
A bill (H. R. 3331) for the relief of Ann McCarney;
A bill (H. R. 3613) granting a pension to Ira McNair;
A bill (H. R. 3633) granting a pension to Sarah E. Price;
A bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce;
A bill (H. R. 4234) granting a pension to Mary Ullery;
A bill (H. R. 4440) for the relief of John Bostater;
A bill (H. R. 4717) for the relief of John Swearer;
A bill (H. R. 4790) granting a pension to Alexander St. Bernard;
A bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier;
A bill (H. R. 5070) granting a pension to Temple Golden;
A bill (H. R. 5457) granting a pension to Allicia Durrant;
A bill (H. R. 5595) granting a pension to Eugene L. Townsend;
A bill (H. R. 5686) granting a pension to Sarah J. Chipman;
A bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband;
A bill (H. R. 6171) granting a pension to Noah E. Smith;
A bill (H. R. 6529) for the relief of John Kane; and
A bill (H. R. 6542) granting a pension to Harriet S. Brisbine.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, bills of the following titles:

A bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield;
A bill (H. R. 1897) granting a pension to Catharine Hunter;
A bill (H. R. 1985) granting a pension to Melvin Pierce;
A bill (H. R. 2979) granting a pension to Nancy Ellis;
A bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River;
A bill (H. R. 4417) granting an increase of pension to Jacob Miller;
A bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Pacific Railroad Company, and for other purposes; and
A bill (H. R. 6530) to increase the pension of Richard Jobes.

The message further announced that the Senate disagreed to the amendments of the House to the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations, and asked a conference on the disagreeing votes of the two Houses on said bill, and had appointed Messrs. LOGAN, HARRISON, and COCKRELL managers at said conference on the part of the Senate.

The message also announced that the Senate agreed to the resolution of the House to amend the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3961) entitled an "Act to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes."

The message further announced the passage of Senate bills of the following titles, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 284) granting a pension to Henry J. Seward;
A bill (S. 461) granting a pension to Warner Croan;
A bill (S. 464) granting a pension to James F. Toby;
A bill (S. 475) granting arrears of pension to Emily Agnel;
A bill (S. 912) granting a pension to Henry A. Armstrong;
A bill (S. 1220) for the relief of the heirs of Michael O'Brien;
A bill (S. 1225) granting a pension to Mary Hopperton;
A bill (S. 1227) granting a pension Capt. Israel Stough;
A bill (S. 1398) to increase the pension of Andrew J. Bolar;
A bill (S. 1430) granting a pension to Sarah C. Hall;
A bill (S. 1444) granting a pension to William J. Hess;
A bill (S. 1566) granting a pension to Martha Bastin;
A bill (S. 1627) granting a pension to F. A. Haskell;
A bill (S. 1645) granting a pension to Asahel D. Whitcomb;
A bill (S. 1971) granting a pension to Mrs. Catharine H. Glick;
A bill (S. 2244) granting a pension to James Brown; and
A bill (S. 2049) granting a pension to James King.

The above Senate bills, numbered 284, 461, 464, 475, 912, 1220, 1225, 1227, 1398, 1430, 1444, 1566, 1627, 1645, 1971, 2049, and 2244, under the previous order of the House, were taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

EIGHT-HOUR LAW.

Mr. HOPKINS. I now insist on my motion that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 6541) relating to the eight-hour law.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 6541) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The bill was read, as follows:

Be it enacted, &c., That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, at the price per day as regulated by private parties in the vicinity in which the work was performed, without reference to the number of hours' work required by such parties.

SEC. 2. That all claims for labor so performed in excess of eight hours per day are hereby referred to the Court of Claims, to be adjudicated upon the basis that eight hours constitute a day's work, and are to be paid for at the price per day as provided for in the first section of this act, and judgment given against the United States in favor of each claimant for the amount found due, to be paid as other judgments of the Court of Claims against the United States.

Mr. HOPKINS. I yield to my colleague on the committee, the gentleman from Massachusetts [Mr. LOVERING], who reported the bill.

Mr. LOVERING. Mr. Speaker, in the consideration of this proposition it may be well to advert hastily to the earlier efforts in securing legislation upon this subject. The first bill for a national eight-hour law was introduced in the Thirty-ninth Congress, House of Representatives, by Mr. Rogers, of New Jersey, February 19, 1866, and in substance provided that eight hours constitute a day's work for all laborers, workmen, or mechanics employed by or on behalf of the Government of the United States. It was read a first and second time, and referred to the Committee on the Judiciary. March 1 of the same session Mr. Niblack, of Indiana, House of Representatives, introduced by unanimous consent a joint resolution to the same effect, which was also referred to the same committee. In the United States Senate, March 5, 1866, Senator Brown, of Missouri, introduced by unanimous consent a bill making eight hours a legal day's work for laborers, mechanics, and artisans of the Government; and in the House, March 12, 1866, Mr. Julian offered a similar bill, while upon April 16 Mr. Ingersoll, of Illinois, offered the following preamble and resolution:

Whereas it is one of the paramount duties of all legislative bodies to lighten as much as possible the burdens of the laboring classes and promote the general welfare: Therefore,

Be it resolved by the House of Representatives, That the Committee on the District of Columbia be instructed to inquire into the expediency of establishing by law the eight-hour system, as it is called, as constituting a day's work in the District of Columbia; and that the said committee be authorized to report by bill or otherwise at any time.

This resolution was agreed to, and went to the Committee on District of Columbia.

In this Congress no definite action seems to have been taken upon any of these bills or resolutions; they appear to have died on the dockets of the committees to whom they had been referred.

Mr. Banks, of Massachusetts, March 28, 1867, introduced the identical bill which eventually became a law, and which is now commonly and familiarly known as the eight-hour law, and under which arises the questions presented in the bill now under consideration by the House. The bill passed the House under a suspension of the rule and went across to the Senate the same day, where it was read and referred to the Committee on Finance, where it died or was forgotten.

In the Fortieth Congress, second session, January 6, 1868, Mr. Banks, of Massachusetts, again in the House of Representatives introduced the same bill which was introduced by him in the Thirty-ninth Congress. This bill, then known as House bill 365, passed under a suspension of the rules and went to the Senate. In that body upon the following day, January 7, the bill was received from the House and was read a first and second time by unanimous consent, and appropriately referred. On the 24th of June, 1868, the bill was taken up for consideration, and during the debate upon its passage a discussion ensued, which, if any member of the House having doubts as to what was meant will only take the trouble to read, I will venture the assertion, if he is fair-minded and unprejudiced in his decision, he will concede that the Senate clearly intended that no reduction of wages should follow a reduction of the hours of labor. This is clearly shown by the rejection of the amendment then offered by Senator SHERMAN, which was as follows:

And unless otherwise provided by law, the rate of wages paid by the United States shall be the current rate for the same labor for the same time at the place of employment.

In the debate on this amendment, Senator Conness said:

I hope this amendment will not be adopted. * * * The passage of this bill with this amendment would amount to nothing. * * * It would simply be a reduction of two hours' labor.

Senator SHERMAN said, in support of his amendment:

All I desire is, if the United States Government chooses to take the lead in making eight hours a day's work, that it shall not be compelled to pay for that eight hours' work more than any private individual would pay. * * * I have no objection to the bill with this amendment, for then the same amount of work done for the United States will bear the same price as if done for an individual, no more and no less.

Senator Morton said:

As I understood the amendment proposed by the Senator from Ohio, I am not in favor of it. I think it will virtually defeat the object of this bill.

To which Mr. Conness said: "Of course it will." Mr. Morton, resuming, said:

It proposes to adjust the rate of wages according to the length of time during which labor is performed. The effect of it would be to bring down the rate of wages, because the time for labor is shortened that much.

Upon the question that this law was to be an experiment, to determine whether as much work could be performed in eight hours as in ten, Mr. Morton said:

It can not be settled and the experiment can not be made if the wages in the very beginning are reduced 20 per cent., which would be the practical effect of the amendment of the Senator from Ohio, because, as I understand his amendment, it proposes that the wages shall be reduced as the hours are in point of time.

Said Senator Stewart:

The amendment of the Senator from Ohio certainly on no theory would be right, and I think on a moment's reflection the Senator himself will see that, because I believe it is admitted on all sides that men will do more work per hour if they work eight hours than they will if they work ten hours in a day. If not admitted, I think it is a self-evident proposition. I think it is one of those axioms that require very little demonstration. I say a man will do more per hour who is only required to work eight hours per day than will a man who is required to work ten hours. The less number of hours a man works the more he can do in the hours he does work. That, I believe, will be taken as true. This being so, it would not be fair to say that when we reduce the number of hours' work from ten hours to eight hours per day the wages shall be reduced pro rata. Certainly if a man only works a single hour a day he can do more in that hour—make greater exertions—than if he had to work every hour of the day. So to adjust the wages pro rata according to the number of hours would not be fair.

On this question Mr. Wilson said:

In this matter of manual labor I look only to the rights and interests of labor. In this country and in this age, as in other countries and in other ages, capital needs no champion. It will take care of itself, and will secure, if not the lion's share, at least its full share of profits in all departments of industry. * * * Whatever tends to dignify manual labor or to lighten its burdens, to increase its rewards, or enlarge its knowledge, should receive our sympathies and command our support. Animated by these sentiments I shall vote against the amendment and for the bill as it came from the representatives of the people.

Said Senator Buckalew:

The operation of his (SHERMAN'S) amendment, therefore, when it comes to be applied practically, may be found to nullify the proposed law or to embarrass the Government in the transaction of public business. * * * Upon these considerations in my judgment it is perfectly clear that if we pass this bill at all we ought not to encumber and embarrass it with the amendment of the Senator from Ohio.

The amendment of Senator SHERMAN was rejected, and the bill passed the Senate as it came from the House—yeas 26, nays 11; and still the officers of the Government which enacted this law have enforced it ever since as if this amendment was a part of that law.

When the bill passed the Senate Senator SHERMAN moved to amend so that the title of the bill be changed to make it read:

A bill to pay Government employés 25 per cent. more wages than employés in private establishments receive.

Which plainly showed what he thought at that time of the intent and scope of the bill so far as the question of a reduction of wages went; and to his credit be it said that while Secretary of the Treasury he enforced the law, though an attempt to violate it was made by the Director of the Philadelphia Mint. After the passage of the law it early became apparent that Army and naval officers in command of military stations, where laborers, mechanics, and workmen were employed, were hostile to the spirit and intent of the law and determined to construe its provisions to suit themselves and compel or induce, through fear of discharge, workmen to labor ten hours per day or submit to a reduction of wages if only eight hours' labor was given. An appeal was taken to the President, but at that time nothing definite was obtained, and a petition was presented to Congress, which resulted in the passage by the House of what was then known as the Stevens declaratory resolution.

In first session of the Forty-first Congress, in the House of Representatives, Monday, April 5, 1869, Mr. Stevens, of New Hampshire, by unanimous consent introduced a declaratory resolution. (H. R. No. 72.)

House of Representatives, Thursday, April 8, 1869, Mr. Stevens, of New Hampshire, by unanimous consent, reported back from the Committee on Naval Affairs, with a substitute, House joint resolution giving construction to the resolution of Congress approved June 25, 1868, relating to the hours of labor of certain Government employés. (H. R. No. 72.)

The substitute, which was read, provides "that the joint resolution reducing and regulating the hours of labor of Government laborers, workmen, and mechanics, approved June 25, 1868, shall not be construed as to authorize a corresponding reduction of wages."

The substitute was agreed to.

The joint resolution as amended was ordered to be engrossed.

Here, then, within ten months from its passage, is a clear construction by the House as to what it intended by the act of June 25, 1868, and in language unmistakable it proclaimed its understanding of the same, which was that wages should not be reduced to correspond to the reduction in the hours of labor.

April 20, 1869, fifteen days after the passage of this resolution, Senator Wilson addressed a letter to the then Secretary of War, wherein he said:

I am clearly of the opinion that the construction put by officers of the Government upon the act constituting eight hours a day's work for all laborers, workmen, and mechanics employed by the United States is a palpable violation of the spirit and letter of the acts and of the intention of Congress, and of the men who petitioned for its passage.

The recent act of the House of Representatives is the complete demonstration that the action of the Government officials is in direct violation of the will of the representatives of the people. * * * Congress was not asked to reduce the pay in proportion to the reduction of the hours, but to fix the number of hours that should make a day's work. * * * By that law eight hours is constituted a day's work, a day's work that commands a day's pay.

The Stevens resolution went to the Senate, where it remained until the second session of the Forty-first Congress. In the mean time President Grant had been appealed to and had issued his first proclamation of May 19, 1869, giving for a first time the executive construction to the law, which was that no reduction in wages should be had because of a reduction of the hours of labor. When the Stevens resolution came up in the Senate no final action was taken, because it was presumed that the proclamation of President Grant had settled the matter and that the law from that time forward would be respected and enforced. At that time Senator Wilson said in the Senate:

I desire now, however, simply to say that at the last session of Congress, in its closing hours, I pressed action on this joint resolution, and mainly and chiefly upon this reason: We had passed the eight-hour act in the summer of 1868, but the construction that was put upon it by the Departments placed Congress, in my judgment, in a false position. I desire to correct that and to try this experiment fairly and honestly, and not stand before the country as we should by the construction of the Departments, as simply demagogues upon this question. We failed to pass the joint resolution the last session, and the President of the United States, by his construction, I think, relieved Congress, and I am under the greatest obligation to him for it. There is no special hurry to act upon this

joint resolution, and I propose to let it pass over, as we have other pressing questions.

At that time it will be seen everybody thought that the proclamation of the President putting the executive construction upon the law would for all time, or until the law was repealed, be respected. There was no great pressing need of the passage of the resolution, consequently no action was taken by the Senate upon it, but which, time has proved, was an unfortunate omission.

But it seems that the officers of the Government cared no more for the proclamation of the President and paid it no more respect than they had the law itself; and so willful and flagrant was the continued violation thereof, that the President was compelled to issue a second proclamation, which he did May 11, 1872, putting the executive construction for a second time upon the law and commanding all officers of the Executive Departments of the Government to obey the law, and stated his second proclamation was issued because the first one had not been obeyed, namely:

Whereas the act of Congress approved June 25, 1868, constituted, on and after that date, eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States; and whereas, on the 19th of May, 1869, by executive proclamation, it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such workmen, laborers, and mechanics:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the Executive Departments of the Government having charge of the employment of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor. (U. S. Stat. at Large, vol. 17, page 955.)

Meantime, petitions and memorials had been sent to Congress for relief, and on the 18th of May, 1872, seven days after the date of the above proclamation last quoted, Congress passed an act requiring accounting officers of the Treasury to settle and pay these employés of the Government the amounts which had been withheld from them in consequence of the reduction of the hours of labor from ten to eight hours per day, section 5 of which act is in the following language:

SEC. 2. That the proper accounting officers be, and are hereby, authorized and required, in the settlement of all accounts for the services of workmen, laborers, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of the reduction of the hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

This act, however, as will be seen, only covered a period of about ten months, from the 25th of June, 1868, the date of the act constituting eight hours a day's work, to the 19th of May, 1869, the date of the President's first proclamation forbidding any reduction of wages in consequence of the reduction of the hours of labor, when it should have covered the whole period from the 25th of June, 1868, the date of the eight-hour law, to the 18th of May, 1872, the date of the passage of the act requiring settlement and payment of the amounts withheld on account of the reduction of the hours of labor; but evidently the presumption of Congress was that the President's proclamation of May 19, 1869, had put an end to the violation of the law, and that no reduction had been made subsequent thereto; and in some Departments of the Government it had this effect, but in others no regard was paid to it, which fact is shown by the second proclamation of the President, issued on the 11th of May, 1872, above referred to.

In the debates upon the passage of the act of 18th of May, 1872, Mr. Morton, in the Senate, said:

I desire to make one suggestion in reply to the Senator from Connecticut as to what was the understanding here when the eight-hour law passed. My recollection is that the Senator from Ohio sitting behind me [Mr. SHERMAN] offered an amendment to that bill for the purpose of testing the sense of the Senate as to whether there should be a full day's wages paid for eight hours work or only eight hours' labor paid for. My recollection is that the question was distinctly presented in that amendment, which was voted down by a very decided majority.

Mr. Sumner said:

It is unquestionably an act of justice. These workmen are out of their money. Some of them are dead and are represented by their families, and to them this small allowance is of very great importance. I do not think it advisable for us to take more time. I think we fairly owe the money, and therefore the sooner we pay it the better.

Under this last act new rolls were made out and a resettlement with the men was made, by which they were paid the same wages for eight hours' work that they were paid for ten hours' work before the passage of the eight-hour law, thereby making no reduction of wages in consequence of the reduction of the hours of labor. Yet notwithstanding this precedent, which clearly lays down the rule to be pursued in all future dealings between the Government and this class of its employés, some of the officers of the Government have ever since insisted that the men under their charge should either work ten hours per day or suffer a reduction of their wages to correspond with the reduction of the hours of labor, and so it has gone on until within a few weeks the last of the Government officers having charge of these employés, as I am informed, has issued orders enforcing the eight-hour law. But that does not right this great wrong of years. The plain provisions of this law in that time have been disregarded and outraged by those who should have been the last to have brushed it aside and brought it into contempt.

Men high in official positions have sneered at and insulted the employés and laborers of the Government when they have respectfully asked for their legal rights, and they have in terms been told to get them if they could. It is time a halt was called upon this sort of thing. As long as this law remains upon the statute-books the people demand its rigid enforcement, and without any of the equivocations of the past, at the hands of those whose duty it is by their oaths of office to enforce all laws; that it shall no more be nullified and trampled on by the rule of the past, the rule of the so-called "administrative discretion," which has singled out the only law ever enacted directly in the interest of labor, and has subjected it to the caprice or hostility of the official who for the time being has been clothed with a "little brief authority."

The eyes of hundreds of thousands of the wage-workers of the nation in sympathy with their long-suffering brothers are focused upon this House and its action of to-day, and they demand that here and now measures be taken to right this great wrong by favorable action upon the bill now before the House, which I was without dissenting vote instructed to report by the Committee on Labor, who, after a careful and exhaustive investigation of the whole subject, which is embodied in the report accompanying the bill, and as a result of successive hearings, determined in view of the facts that the law from the first was ignored, that the two proclamations of President Grant directing that "no reduction in pay should be had because of a reduction of the hours of labor" were disregarded, that the act of May 18, 1872, familiarly known as the construction act, which commanded the proper officers to "settle and pay without reduction because of the reduction of the hours of labor," had no more lasting effect than if it had been written upon the sands of the shore—I say the committee decided, at the request of the representatives of these laborers and mechanics who appeared before them, and who were laborers and employés themselves, that they would take their case out of the hands of the official jugglers with their legal rights, and send it to a tribunal where at least the law will be respected, and where a workman, I care not how humble he may be, may be heard, and if he has a just grievance under this law, will receive that justice so long denied him.

I claim that every man who has been forced to work for the Government ten hours for a day's wages since the passage of this law has been defrauded of his legal right, and the Government practically acknowledges as much in the case of the laborers and mechanics on the War, State, and Navy building in this city, who were paid full day's wages for eight hours labor during its construction; again, at Saint Louis, where the Government went on and repaid the workmen who labored on the public building there, and this was done long after the act of 1872, on the basis of ten hours labor; or, in other words, paid them two hours extra for their labor performed in excess of eight hours. The laborers on the Capitol grounds have received a full day's pay for eight hours' labor for the past ten or twelve years. In June, 1872, Mr. A. B. Mullet, then Supervising Architect of the United States, issued an order that certain employés on the public works under construction by him should receive the benefit of the eight-hour law. This they enjoyed until later, and after the inauguration of President Grant for a second term, when this same Mr. Mullet issued, in March, 1873, another order, which deprived these same laborers of the benefits of the eight-hour law, and compelled them to again work ten hours in defiance of the law. More like instances can be cited of the unequal and partial enforcement of this law, but these are sufficient to illustrate the arbitrary and capricious spirit of hostility and unfairness which has characterized the officers of the Government in dealing with this law.

Where, I ask any Representative upon this floor, is there any word in the original act of June 25, 1868, which can be construed as giving to any executive officer of the Government the right, which they have usurped, to enforce or annul the provisions of this law at their pleasure? To enforce its plain provisions fully in Washington and Saint Louis, and deny at the same period of time the enforcement of the same provisions of the same law in New York, Philadelphia, or Boston, to the same grade and class of their employés, such double dealing with the laborers of the Government is an outrage and a libel upon our fair fame as a nation. It is not in keeping and harmony with the spirit of our institutions, where all at least are presumed to stand as equals before the law, and equally and alike to share in its benefits and protection. The safety of every government depends upon the law-abiding spirit of its people. How important, then, that the Government itself should set an example of honest interpretation and enforcement of its laws. It is not enough that laws should be enacted; they must be faithfully enforced in the spirit and meaning intended by the framers. Nothing tends so much to create a suspicion of "class legislation" as a supposed purpose to ignore the claims for justice of one portion of the people because they labor, while laws thought to be in the interest of the wealthy receive prompt and scrupulous attention. If

unjust laws are enacted they should be repealed, and not left a dead letter upon the statute-book to weaken and destroy the confidence of the people in the good faith and justice of the Government.

It is full time that a right by the officers of the Government to the exercise of an "administrative discretion" so manifestly unjust, so dangerous in example, with its tendency to weaken the confidence of the people and diminish their respect for all laws, so subversive of the underlying principles upon which our republican form of government rests, should cease, that their right to the further exercise of it should here and now be denied. By their illegal acts the great results which were intended to have been secured by the original framers of the law in the interest of humanity and progress, by this experiment and example of the General Government, have for the time being been defeated. Pass this bill, and it will be the end of this conspiracy and rebellion of the officers of the Government against its laws, and will forever settle the question as to what Congress intended when it passed the original act of June 25, 1868. "Let justice be done though the heavens fall."

Mr. JONES, of Wisconsin. Will the gentleman allow me a question?

Mr. LOVERING. Certainly.

Mr. JONES, of Wisconsin. I would like to know whether the committee which reported this bill has formed any estimate of the number of claims which will be made under it, if enacted, and the aggregate amount of those claims.

Mr. LOVERING. It is impossible to make any exact estimate, though there may perhaps be made an approximate estimate based upon the amount of money paid by the Government during the time when the law was not fully enforced, from June 25, 1868—the period between the passage of the original act and the 19th day of May, 1869, the date of the President's first proclamation, a period of ten months and twenty-four days.

The amount required to pay the claimants in that time was something like $304,000. At that time the law was grossly and wholly violated. It would be a very easy matter, taking that as a basis, to make a calculation as to the amount required to pay the claimants for the subsequent time. I have not made an exact calculation; but I know that since that date the officers of the Government, by every means within their power, by every scheme which could be invented, undertook to evade and defeat the law—sometimes by getting its work done through contractors, thus getting the matter of hiring labor off the hands of the Government; sometimes by special contracts with employés, or engaging them by the hour or by the piece, day, or month. I think it safe to say that more than half the employés have since that time been employed on that basis. Taking the amount paid during the period I have named, and calculating on that basis the amount for the subsequent period, it would give something like $4,000,000, or $5,000,000. Supposing that the law had been violated to the extent of one-half the labor done for the Government, and I think it safe to say it has, the amount would be about two or two and a half millions. I have, however, heard it stated by gentlemen who are better qualified to judge than myself on these matters that the amount involved in these claims would not exceed one million or a million and a half of dollars.

Mr. JONES, of Wisconsin. Is it a fact that a large part of this work has been done under written contracts specifying the number of hours?

Mr. LOVERING. It is a fact. And I hold in my hand a document which purports to be "reports" of hired men, but which is a contract disguised with that heading. It reads as follows:

STATE OF ILLINOIS,
Rock Island County, ss:

Personally appeared before me, a clerk of the county court in and for the county and State aforesaid [here follow the names of fifty-two employés], who, being duly sworn, upon their oaths do say, that they, as employés at the United States arsenal at Rock Island, Illinois, as well as other employés at said arsenal, have been required to sign the contract (a copy of which is hereto attached and marked Exhibit A) or get no employment at said arsenal, and that they, as well as others, signed said contract under protest, knowing that eight hours were a legal day's work in Government employ, and that they so continued to work under said contract until the night of the 2d day of April, A. D. 1884.

[Here follow the signatures of fifty-two employés aforesaid.]

Subscribed and sworn to before me this 8th day of April, A. D. 1884.
[Seal of court.] RICHARD A. DONALDSON,
Clerk County Court.

That was in 1883, fifteen years after the passage of the eight-hour law, which expressly commanded that eight hours should be the length of a day's work. In spite of that law the commandant of the arsenal says that ten hours shall be a day's work. Then this paper continues:

[Exhibit A.]

REPORT OF MEN HIRED.

ROCK ISLAND ARSENAL, ——— —, 188-.

To comply with the requirements of G. O. No. 53, A. G. O., Washington, D. C., June 1, 1877, a day's work at this arsenal, when the length of the day will permit, is made to consist of ten hours; but to conform more strictly to the ruling custom in this vicinity, as is required by law, one-half hour of this time is allowed to the workmen for the longer walk to their work than is necessary in the cities, making the hours of labor nine and one-half hours per day. In winter, when the hours of daylight will not permit nine and one-half hours of labor, the number of hours fixed by orders from time to time will constitute a full day's work. When a workman is employed only a part of a day he will be allowed for such part of a day's work the number of hours he works divided by the number of hours that constitute a day's work at the time. Special workmen, such as foremen, guards, firemen, shop attendants, &c., whose duties require their presence more hours than other workmen, will be allowed only one day's labor for the full number of hours of service required of them in each twenty-four hours, and their wages will be fixed accordingly. We, the undersigned, agree to the above:

Signature.	Name.	For what purpose.	Wages.

Respectfully submitted.
——— ———, *Foreman.*
Forwarded approved.
——— ———, *In Charge.*
Approved.
——— ———, *Commanding.*

That is to say, if these men work twelve or fourteen hour a day they shall receive no more than the price allowed for ten hours' labor.

At the close of this I read:

We, the undersigned, agree to the above.

Then there are blank spaces for the signatures of workmen.

This is an instance of how the officers of the Government evade the spirit and intention of the eight-hour law as recent as the year 1883 by forcing its employés to sign a written contract to work ten hours or obtain no work.

I have here the order of the War Department with reference to work at this very same arsenal. It is dated December 26, 1883. In this order the Secretary recites:

WAR DEPARTMENT, *Washington City, December 26, 1883.*

SIR: I transmit to you herewith separate petitions purporting to be signed by employés of the arsenal at Benicia, the arsenal at Rock Island, and the arsenal at Frankford, representing that the provisions of the "eight-hour law" (section 3738 of the Revised Statutes) are not complied with at these arsenals, and praying that they be enforced.

The law referred to does not prohibit Government officers, for good reasons based on the peculiar character of the duty of the employé or upon the exigency of the public service, from making an agreement with an employé of the character named in the act, that he shall render his services for an agreed price during more or less than eight hours in a day, and it may be that some or all of the petitioners are employed under such an engagement.

It is, however, my opinion that in the absence of a public exigency the continuance of active work at Government manufacturing establishments for more than eight hours a day is in violation of the intent of the statute, and you will please to instruct the commanding officers of the above-named arsenals accordingly.

I have the honor to be, very respectfully, your obedient servant,
ROBERT T. LINCOLN, *Secretary of War.*

To the CHIEF OF ORDNANCE.

Then he goes on and acknowledges the validity of the eight-hour law in the following language:

It is, however, my opinion that in the absence of a public exigency the continuance of active work at Government manufacturing establishments for more than eight hours a day is a violation of the intent of the statute, and you will be pleased to instruct the commanding officers of the above-named arsenals accordingly.

Now, mind me, that order was issued by the commandant at Rock Island, Ill., through the proper channels on the 26th of December, 1883. I have in my hand here the sworn statement (see appendix) of fifty-two of the employés of that arsenal that that order did not reach their ears until the evening of April 2, 1884, three months and seven days after it was issued; and that is a fair example, Mr. Chairman, of how this law has been treated at the hands of Government officials. There is another and recent example and vindication for and enforcement of the eight-hour law. In the Washington Star of June 25, 1884, I read the following:

EIGHT HOURS' WORK AND INCREASED PAY.

Mr. Zeph. Jones, superintendent of the Pension building, received to-day a communication from General M. C. Meigs, directing him (Jones) to "announce to the bricklayers that from and after this day, until further notice, wages of bricklayers are fixed at $4.50 per day all round, and that the hours of labor also, until further notice, are fixed at eight hours per day. This is done after consultation with and the approval of the honorable the Secretary of the Interior under the eight-hour law, and the wages are those found on inquiry to be now prevailing in the city."

Before this communication or order was forwarded or issued these men received $4 per day for ten hours' labor, a less price, as I am informed, than was paid by private parties on private work. Now, under these instructions and with the approval of the honorable Secretary of the Interior, they are to labor but eight hours and are to receive $4.50 per day; or, in other words, they are to receive until further notice the benefits of the eight-hour law, as intended by the original framers of the act, in all its full intent and meaning.

Mr. STORM. If the gentleman will permit me I would like to ask him a question.

Mr. LOVERING. Certainly.

Mr. STORM. I desire to make an inquiry concerning the second section of the bill. These laborers amount to tens of thousands, and that second section refers all these claims on the part of these laborers to the Court of Claims, and judgment is to be rendered severally on

each claim. Now, why not have a provision in the bill, where there is no dispute about the facts and the amounts due, that the Departments shall be at liberty to pay to these parties the small sums which the facts will show to be due to them; because I take it, Mr. Chairman, that in nine cases out of ten there is no dispute as to the fact that these parties worked a certain number of hours in excess of the eight hours provided in the law.

As the bill is, it practically compels them to go to the Court of Claims, and, as many of the amounts are quite small, the costs which the United States would have to pay would be as much or more than the claims themselves. As I have said, the bill compels every one to go to the Court of Claims, and in reference to these small claimants objection might be obviated by inserting a provision allowing the Departments, where there is no dispute as to the facts and amounts, to settle with the parties without going to the Court of Claims.

Mr. LOVERING. This bill was born of the experience and of the suffering and treatment these parties have received at the hands of these officers themselves since the time when they were entitled to payment of their claims. There are now under the original act of 1872 hundreds of claims still pending in the accounting offices of the Treasury Department where, under the construction put upon the law by the accounting officers themselves, these claims have been brushed aside and payment refused.

Mr. STORM. In the cases indicated by me where the amounts were small and the facts undisputed under this bill the Departments might be permitted to pay without compelling the claimants to go to the Court of Claims.

Mr. LOVERING. The law has been evaded; it has been picked to pieces, construed and misconstrued; it has been got around in every conceivable shape and form; and the workmen of the Government have come to this committee in despair and asked this bill be passed, presenting it to them as their bill; and I think it no more than fair the House should accede to their demand and give it to them, as they are the interested parties and have asked for it.

Mr. STORM. I understand an amendment will be made of the character I have suggested, and as it will obviate the objection I have raised, I will not say anything more about it.

Mr. BROWNE, of Indiana. Before the gentleman from Massachusetts takes his seat I will be glad to ask him a question, if he will yield the floor to me.

Mr. LOVERING. With pleasure.

Mr. BROWNE, of Indiana. If I understand the law on the statute-book it simply provides that a day's labor when performed by a Government employé shall be eight hours. Do I understand the gentleman to assume where the Government by special contract——

Mr. LOVERING. I make no such assumption.

Mr. BROWNE, of Indiana. Do I understand the gentleman to say where one of the Government employés by special contract agrees to exceed the number of hours by increasing the compensation——

Mr. LOVERING. I made no such assumption.

Mr. BROWNE, of Indiana. Do I understand where a Government employé enters voluntarily into the Government service with notice that a day of ten hours will be exacted, and in pursuance of that notice performs labor for ten hours, he has a legal and equitable claim against the Government for an excess of over eight hours a day?

Mr. LOVERING. I should say no. I think not, because it was decided by what is called the Martin case.

Mr. BROWNE, of Indiana. I confess to having read this bill, and it is sufficiently comprehensive to permit an employé to assert a claim against the Government in either of the two contingencies. I have mentioned either that of special contract for service of ten hours a day, or where, in pursuance of notice, the office has been accepted to perform ten hours a day of labor. In either case the claimant may go to the Court of Claims and make demand for the excess of labor over eight hours provided in the statute.

Now, the gentleman will understand me that I believe the law ought to be enforced strictly.

Mr. LOVERING. I now yield the floor.

APPENDIX.

Petition for the enforcement of the eight-hour law, and to pay to employés of the Government wages hitherto withheld in violation of the "eight-hour law."

To the Senate and House of Representatives of the United States of America:

Your petitioners respectfully represent that they are laborers, workmen, or mechanics who now are or who have been employed by or on behalf of the Government of the United States subsequent to the 19th day of May, 1869; that on the 25th day of June, 1868, the following became the law of the land:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may be hereafter employed by or on behalf of the Government of the United States; and that all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed." (15 Statutes at Large, 77.)

Your petitioners further show that on the 19th day of May, 1869, U. S. Grant, then President of the United States, issued a proclamation, from which the following extract is taken:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and repealed all acts and parts of acts inconsistent therewith:

"Now therefore I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor." (16 Statutes at Large, 1127.)

Your petitioners further show that on the 11th day of May, 1872, the President of the United States issued another proclamation, of which the following is an extract, to wit:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States;

"And whereas on the 19th day of May, in the year 1869, by executive proclamation it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor;

"And whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all the officers of the Government having charge of such laborers, workmen, and mechanics:

"Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the executive department of the Government having charge of the employment and payment of laborers, workmen, or mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor." (17 Statutes at Large, 955.)

And your petitioners further show that the Congress of the United States passed an act, approved on the 18th day of May, 1872, the second section of which is as follows:

"That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated." (17 Statutes at Large, 134.)

And your petitioners further show that, notwithstanding the plain letter and spirit of the eight-hour law, and notwithstanding the Presidential proclamations enforcing it, and notwithstanding the interpretation given to the law by the act of Congress last quoted, which your petitioners are advised by counsel is binding upon all executive and judicial officers, your petitioners have been compelled to work ten hours for a day's work under penalty of dismissal or a reduction of their daily wages of 20 per cent. in case they worked but eight hours for a day's work.

The following order will show how and upon what authority the eight-hour law, which is now enforced, was violated for six months in each year for six years:

[General Order No. 227.]

NAVY DEPARTMENT, *Washington, June* 30, 1877.

The following decision of the Supreme Court of the United States is published for the information of the Navy:

* * * * * * *

Under this construction of the law, regulating public labor, given by the Supreme Court of the United States, the Department has fixed the rate of labor for mechanics, foremen, leading men, and laborers on the basis of ten hours a day. All workmen electing to labor only eight hours per day will receive a proportionate reduction of their wages.

R. W. THOMPSON, *Secretary of the Navy.*

The above order was issued by the honorable Secretary of the Navy upon the decision of the Supreme Court of the United States, No. 401, October term, 1876, the United States, appellants, *vs.* Arthur Martin.

The judicial action is reported in the case of Martin *vs.* U. S., 4 Otto, 400.

The Martin case had no merit in it. Martin worked under a special contract, was paid extra wages, then made claim under the act of May 18, 1872; his claim was adjusted. The amount found due under that act was paid and he gave a receipt in full, which relieved the Government of any further indebtedness.

The above order was enforced at the navy-yard, League Island, Pa., by the commandant, as shown by the following—a similar order being issued at each of the other navy-yards:

[Circular.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
League Island, July 7, 1877.

The following will be the working hours at this yard under the ten-hour rule: From 7.30 a. m. until 12.30 p. m.; from 1 p. m. until 6 p. m.

C. H. WELLS, *Captain, Commanding.*

[Circular.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
League Island, September 4, 1877.

By direction of the honorable Secretary of the Navy, the hour of quitting work on Saturdays is changed from 6 to 5 o'clock, commencing next Saturday, the 8th instant.

C. H. WELLS, *Captain, Commandant.*

[Circular.]

NAVY DEPARTMENT,
Washington, D. C., October 25, 1877.

SIR: The working hours in the several navy-yards may be as follows: From March 21 to September 21, 7 a. m. to 6 p. m.; from September 22 to March 20, 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner. This regulation is not designed to carry with it any present reduction of pay.

Very respectfully,

R. W. THOMPSON, *Secretary of Navy.*

Capt. C. H. WELLS, U. S. N.,
Commandant Navy-Yard League Island, Pa.

[Circular.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
League Island, October 26, 1877.

The working hours at this navy-yard will be as follows, commencing to-morrow, the 27th instant: From March 21 to September 21, 7 a. m. to 6 p. m.; from September 22 to March 20, 7.40 a. m. to 4.30 p. m., with an intermission of one hour for dinner. This regulation is not designed to carry with it any present reduction of pay.

C. H. WELLS, *Captain, Commandant.*

[Order No. 59.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
League Island, Pa., March 20, 1883.

The working hours at this navy-yard from March 21, 1883, to September 21, 1883, will be from 7 a. m. to 5.30 p. m., with a half-hour intermission for dinner

in accordance with Department circular No. 8, of March 21, 1878, and letter of March 29, 1879.

E. SIMPSON, *Commodore, Commandant.*

[Order No. 60.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
League Island, Pa., March 21, 1883.

Commandant's order No. 59, of the 20th inst., is hereby revoked, and by direction of the honorable Secretary of the Navy the present eight hours of labor will continue until otherwise ordered.

E. SIMPSON, *Commodore, Commandant.*

[Order No. 62.]

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
League Island, Pa., March 24, 1883.

Until otherwise ordered, the hours of labor at this yard will be from 8 a. m. until 12 m., and from 1 to 5 o'clock p. m. This to go into effect on Monday next, the 26th inst.

E. SIMPSON, *Commodore, Commandant.*

The eight-hour law has been violated from on or about June, 1877, to March 26, 1883, since which time it has been enforced, under orders of Hon. William E. Chandler, Secretary of the Navy, of that date, and is now in operation at all navy-yards; and that from August 25 to September 19, 1883, while the United States steamer Ossipee was on Cramp & Son's dry-dock, in Philadelphia, Pa., undergoing repairs, the employés were worked ten hours per day, and received one and a quarter day's wages for ten hours' work, thereby carrying out the law as passed by Congress June 25, 1868.

We would also state that, during the time the law was violated, the employés were paid the same rate of wages for eight hours' work as they received for ten hours' work.

As to the War Department, we would state that the "eight-hour law" has been violated in the same manner as in the Navy Department. The employés of arsenals at Benicia, Cal., Rock Island, Ill., and Frankford, Philadelphia, Pa., petitioned Hon. Robert T. Lincoln, Secretary of War, several months ago, to enforce the law, and the following order was promulgated at Frankford arsenal, namely:

[Post Order No. 3.]

THE FRANKFORD ARSENAL, *January* 8, 1884.

I. In accordance with the decision of the Secretary of War, dated January 3, 1884, the working hours at this arsenal will, on and after the 9th instant, be as follows, for all days of the week: From 8 a. m. until 12 o'clock noon, and from 12.30 until 4.30 o'clock p. m.

II. The officers in charge of shops will prepare and submit, for approval of the commanding officer, detailed regulations regarding signals for beginning and stopping work, roll-calls, &c.

By command of Major S. C. Lyford.

FRANK BAKER,
Lieutenant of Ordnance, Post Adjutant.

Official:

FRANK BAKER, *Lieutenant of Ordnance.*

At the arsenal at Benicia, Cal., Rock Island, Ill., and other posts under the immediate charge of the War Department, the employés are compelled to work nine and ten hours per day, while at the arsenal at Frankford, Philadelphia, Pa., the employés are receiving the benefit of the eight-hour law, by order of Hon. Robert T. Lincoln, Secretary of War, dated January 3, 1884.

Your petitioners therefore pray that a law be enacted directing and requiring your petitioners to be paid for the extra work which they have performed in excess of eight hours per day since the act quoted above provided for paying the workmen up to the 19th day of May, 1869, and appropriating the money to make said payments. And your petitioners further pray that such penal laws may be enacted as will for the future compel the administrative officers of the Government to respect the rights of labor under the eight-hour law.

Respectfully submitted by

J. M. DAVIS,
Representative of Petitioners, Richmond Street, Philadelphia, Pa.

Mr. HOPKINS. I wish to give notice, Mr. Speaker, that at the proper time I will move the amendments which I send to the Clerk's desk to be read. As it will be seen, one of them obviates the objection raised to the second section of the present bill by my colleague [Mr. STORM].

The CHAIRMAN. The amendments will be read now for information.

Mr. HOPKINS. That is all. I desire only giving notice that at the proper time I will move them as amendments to the bill.

The Clerk read as follows:

Strike out all after the word "work," in line 8 of section 1, the following words: "At the price per day as regulated by private parties in the vicinity in which the work was performed, without reference to the number of hours' work required by such parties."

In line 2, section 2, after the word "day," insert: "And which have not been or may not be settled upon that basis."

After the word "for," in line 4 of this section, insert the words "as such."

Strike out in line 5 the words "as provided for in the first section of this act," and insert "called for by the contract, express or implied."

Mr. HOPKINS. I now reserve the remainder of my hour.

Mr. CLAY. I would like to ask the gentleman from Pennsylvania if there is any question that these laborers in the employ of the Government did not receive the same amount of wages that were paid by private parties in the communities in which they worked. Is there any question as to that fact, that they did receive the same wages given to other parties by private persons in the communities where the work was done?

Mr. HOPKINS. The facts are not uniform in that respect. In some cases they did, in others they did not. But this bill, I think, will make that practice uniform. The amendment I propose to offer makes an express contract in reference to the matter, so that there must be uniformity.

Mr. CLAY. There is an act of 1862 I understand limiting the wages to be paid to laborers under Government contracts to the same amount as that paid by private contractors in the same vicinity.

Mr. HOPKINS. There is.

Mr. CLAY. If that be so, does not your amendment make a nullity of this bill?

Mr. HOPKINS. I think not.

Mr. CLAY. If they receive the amount they are entitled to under the law, or the amount that private laborers receive under private contracts, then they have gotten all they could have obtained under this bill as proposed to be amended by you.

Mr. HOPKINS. That law provided that the employés under the Government should receive the same per diem of wages as is paid in the localities by private employers. Subsequently Congress passed an act declaring eight hours to be a legal day. Now take a case where parties in that locality were paying at the rate of ten hours for a legal day. Then the Government officers who would restrict their employés, or deduct from them pro rata, those who served only eight hours, would be violating this law; and it is the intention of the amendment I have offered to give the laborer the benefit of the two hours that they are required to work, and not allow any reduction from their wages.

But I object to this being taken out of the limit of the time to be occupied by those in favor of the bill. Only two hours will be allowed, and one hour we supposed will be occupied in opposition.

Mr. TILLMAN. I was not aware that the time was limited. I certainly did not consent to it.

Mr. HOPKINS. I propose at the expiration of two hours to ask the House to close the general debate, and inasmuch as one hour is to be given in support of the bill only, I think it unjust to occupy any portion of that time in opposition to it.

Mr. McMILLIN. Will the gentleman from Pennsylvania permit me one moment? Is it not true that the employés of the Government have received as much in all instances as is given to laborers for private parties in the communities where the work is done for a similar service?

Mr. HOPKINS. They have not received for eight hours as much.

Mr. McMILLIN. But as much for a day's work as is given in that locality?

Mr. HOPKINS. I must decline to yield any further. The gentleman will have time to make his own argument.

Mr. McMILLIN. I have examined into the matter and I think they do receive just as much.

Mr. TILLMAN. Mr. Chairman, if this bill shall pass it will make a raid on the Treasury second only to the arrearages-of-pension act; and, sir, it will not be so much of a second, either. I undertake to say if it shall become a law, that $30,000,000 will not foot the accounts; and I say so after laborious and exhaustive investigation. It is one of those bills, Mr. Chairman, which the gentleman from Colorado [Mr. BELFORD] ought to support if he desire to carry out in good faith his favorite proposition of emptying the Treasury by every means.

What is the eight-hour law? I undertook when the Senate amendments to the naval appropriation bill were up for consideration some time ago to try to condense within a few minutes a statement of what the law was and what purpose some of those amendments plainly indicated the Secretary of the Navy intended to accomplish. I am glad now to have the opportunity, if the House will give me its attention, to amplify and complete the remarks I was unable to make then.

The eight-hour law is a mere declaration of what shall constitute a day's work when performed for the Government without any special contract. Suppose the Government agreed to pay so much per month for labor? There is a lunar month and a calendar month; there is one calendar month, except in leap-year, of twenty-eight days; there are four calendar months of thirty days each, and the remainder of the months of the year have thirty-one days each. Now, the Government can certainly define by statute a measure of time that shall cover a day or a month, as well as an hour, a minute, or a second. Owing to the different length of days, and the different climates prevailing on this vast continent, the different facilities and opportunities for labor, the hours for a day's work, even for the Government, were irregular and unequal previous to 1868. The mechanics and employés of the Government complained that in certain parts of the country at certain seasons of the year they had to work more hours for the same pay than Government employés did elsewhere, and hence Congress in 1868 passed a declaratory law that eight hours should constitute a day's work. But it never said that the laborer could not make a contract for a longer time. It never said the Government officer or agent should be punished or be prohibited without punishment from requiring a greater length of time to constitute a day's work by contract. It only undertook to say what should constitute a day's labor when there was no special agreement about it.

Now, sir, from the foundation of the Government up to that time the good sense and honesty of the heads of Departments and public officers were a guide in employing labor, both as to hours of work and rate of wages; controlled, however, by the hours and rates prevailing in the vicinity for the same sort of work. There never was any statute regulating a mechanical day's labor until 1862, and the act of 1862 relating to the navy-yards is of force to-day. The so-called eight-hour law of 1868 does not repeal it. That act of 1862 reads thus:

That the hours of labor and the rate of wages of the employés in the navy-yards shall conform as nearly as is consistent with the public interest with those

of private establishments in the immediate vicinity of the respective yards, to be determined by the commandants of the navy-yards, subject to the approval and revision of the Secretary of the Navy.

If that law has ever been changed I would like to see where it was changed. I know it is not included in the Revised Statutes. It is only one of the many laws omitted in that edition of the statutes which ought to be there. But I defy any man on this floor to say that the act of 1862 relating to labor in the Navy Department has ever been repealed, altered, or amended except to prescribe that when there is no contract between the Government officer and the employés as to time eight hours shall constitute a day's work.

The case has been different as to clerical labor. But before I allude to the clerical service, I will say that although no statute was ever passed in regard to mechanical labor by Congress until 1862, and then only in reference to the navy-yards, President Van Buren did, in 1840, issue an order requiring that nine hours in winter and eleven hours in summer, with one hour's recess for dinner, should constitute a day's work for all mechanics. As I said, there was no law but custom—the custom of the vicinity—up to 1840, when President Van Buren issued his order, and there was nothing but custom and that order to govern mechanical labor until 1862, when Congress passed the act that I have just read, in relation to the employés in the navy-yards. And that is the law to-day, which your Secretary is violating with audacious impunity.

Until 1836 the discretion of the heads of Departments governed clerical labor about the hours that the clerks should work and the Departments should be kept open. But in 1836 Congress passed an act that they should be opened eight hours in winter and ten hours in summer. In 1874 that law was repealed, so as to restore to the discretion of heads of Departments the length of time in each day the Departments should be kept open and clerks and employés required to write and work. And we know that they have kept the Departments open since 1874 only from 9 in the morning until 4 in the evening, with an hour's intermission, which makes but six hours' labor a clerical day's work. This explains why there are twice as many clerical employés in the Departments as there ought to be, and why members of Congress who have often wanted to go to the Departments before 9 o'clock in the morning or after 4 in the evening have not been able to do it.

So much, then, in a general way as regards the history of legislation both in reference to mechanical and clerical labor for the Government. There are two noted facts in connection with the eight-hour law: one is that nothing is ever said about it except in Presidential election years, and the other is that whenever most fuss is heard in regard to it a big haul on the Treasury is afoot. One can not help but suspect that even President Van Buren's order regulating the hours of labor in 1840 was designed to catch the mechanics' vote, as that was a Presidential election year. As to the attacks on the Treasury, one grand raid has already been made under the 15 per cent. compensation to contractors for Government buildings, and this bill now proposes to make still another.

The act was passed in 1868, when General Grant was for the first time a candidate for President of the United States. Another act was passed in 1872 providing compensation for all laborers between the time the first act was passed and when the first proclamation was issued by President Grant in the spring of 1869. Mark you, it only provided pay for ten months and twenty-four days. If this act of 1872 had been intended in good faith, why did it not provide for paying the unsettled accounts of laborers up to the time it was passed, and also provide for compulsory payments in future? If the act had been designed to make a mandatory instead of a declaratory law that a laborer should work eight hours and no more, why did it not say so; and why did it not attach a penalty for any officer or agent who should violate it?

I will tell you the reason why I suspect the act was not made mandatory and one reason why no appropriations were made in 1872 to carry it out except for ten months and twenty-four days. It was because certain parties connected with General Grant's administration concluded they saw where they could make millions of dollars out of the so-called eight-hour law by first getting large appropriations to erect public buildings and then letting them out by contract and paying the contractor 15 per cent. on the gross amount as profit for his care and supervision.

The post-office building at Boston, the post-office building at New York, the court-house at Philadelphia, the custom-house buildings at Hartford, Saint Louis, Cincinnati, and Chicago, and the State, War and Navy building in this city, which up to 1880 had cost over $32,000,000, exclusive of the sites for the buildings, were erected under what purported to be the 15 per cent. compensation to contractors; that is, the Government paid full price for the granite, the lime, the tools, workshops, and all the materials used in the construction of those eight mammoth edifices; paid full wages to the laborers, both common and skilled; furnished clerks, footed all the bills, and then paid the contractor 15 per cent. on the gross amount as his compensation.

While, as I have said, these eight buildings, exclusive of the sites, some of them finished only recently, and one, the State, War and Navy building, not yet completed, cost over $32,000,000, and the contractors were paid 15 per cent. on the total cost, everything was done that encouraged the contractors to pay the costliest prices for the materials and the highest wages for labor, because it increased the amount upon which they received a percentage.

And what was the pitiful pretext of General Grant's architectural bureau for making that splendid donation to the contractor? It was this: "Here is an eight-hour law; if we let the erection of these buildings out to contractors and pay them 15 per cent. on the total cost for their compensation, we will then save the Government 5 per cent. of the money which it would have to pay to the laborers under the eight-hour law." And that miserable theft continued during both administrations of General Grant and during the greater part of the administration of the fraud Hayes.

The Government paid for the tools and powder and shops to take out the granite at the quarries in Maine and Massachusetts and elsewhere for the construction of these eight buildings. I remember one case of a quarry where Government paid about $130,000 for buildings, tools, &c. After the contract had been complied with for the delivery of the rock for two of these eight large public buildings the tools, workshops, &c., were advertised in two obscure papers, and sold for the petty sum of twelve or thirteen hundred dollars; and then the contractors turned right around in a short while and resold them to the Governmert at first cost, to commence operations for quarrying, dressing, and shaping the rock for the erection of some of the other public buildings. And all that was done under the pretext of saving 5 per cent to the Government in order to flank, so to speak, the eight-hour law.

That is one raid which has been perpetrated on the Treasury. Shall you permit another by passing this bill to allow the laborers who constructed the eight buildings mentioned to come in and prove their accounts for more wages? Notice the words, how comprehensive and general they are, that "whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government" shall come in and "prove his account" and draw his pay at the rate of a day's wages for eight hours' work.

I have alluded to these eight large and costly buildings only as having been constructed by contract in that way. Most of the small public buildings, until recently, were erected by the Government itself. At a low estimate, for the last sixteen years since this so-called eight-hour law was passed, which I contend was merely a statutory declaration, like a statute declaring that sixty minutes shall constitute an hour—during these sixteen years the Government has appropriated probably about $7,000,000 a year on the average for public buildings. That would be over $100,000,000 for public buildings from the time this act proposes to make the Government liable. How much has been appropriated and expended for rivers and harbors? Nearly $100,000,000 more.

As these men are to get 25 per cent. more wages than they were paid in every instance where they worked over eight hours a day, you will perceive at once that one-fourth of $200,000,000 in the two items alone which I have alluded to, public buildings and rivers and harbors, would be $50,000,000. But it is not that much, and I will explain why. It is only half that sum.

There is no contest about the eight-hour law during the six winter months. The sun does not shine long enough for laborers to work any more hours a day than eight, when you allow a little time for dinner. But during the six summer months there is time for ten hours' and even twelve hours' work a day; and we know that domestic servants and agricultural laborers work even longer than that.

The only contest which these laborers make in this claim-agents' bill, for it is nothing else than a claim-agents' bill, is about their compensation during the six summer months. Government establishments as well as private establishment in this country average only about eight hours a day in the winter months. But in the summer time, as I have said, private workshops and factories average at least ten hours a day. It is proposed by this bill to pay the laborers for two hours a day more than they worked during six months in the year. That is the whole thing in a nutshell.

The custom of the Departments, as well as President Van Buren's order and the act of 1862, in brief the law, is that the officers and agents of the Government shall pay to public employés the same wages for the same hours of labor that is paid in private establishments in the vicinity for the same kind of work. There are those who pretend to construe this eight-hour law as mandatory, to compel the Government to give ten hours' pay for eight hours' work during the six summer months, thereby making a donation of two hours' pay for six months of the year to Government employés more than employés in private establishments in the neighborhood receive. Hence as they only seek to get 25 per cent. more wages for the six summer months, it will be seen that it will amount to only half of the $50,000,000, which is about one-fourth of the appropriations for public buildings and for rivers and harbors alone.

Then go to your navy-yards, go to the War Department, go to the Interior Department. As this is Presidential election year, even Secretary Teller is afflicted with a desire to enforce the eight-hour law. There is a pension building being erected on Judiciary Square in this city now, and perhaps the idea is to draw mechanics from abroad—Democrats, at big pay—so that they can leave about election time to vote the Republican ticket. This eight-hour law was enforced or not enforced almost anywhere and anyhow as it suited the Government officers to construe it up to 1876.

In that year there was a suit brought by a man named Martin to have the law construed by the Supreme Court of the United States. Martin had been employed for five years in the steam-heating works and gas-room of the Naval Academy at Annapolis. About one-third of the five years he worked eight hours a day; during the other two-thirds he worked twelve hours a day. He claimed that the eight-hour law was not declaratory but mandatory. He sued the Government for the additional pay that he claimed was due him. His case went to the Supreme Court and was decided against him in 1876. I ask the Clerk to read an extract from the decision of that court in 4 Otto's Reports.

The Clerk read as follows:

There are several things which the act does not regulate, which it may be worth while to notice.

First. It does not establish the price to be paid for a day's work. Skilled labor necessarily commands a higher price than mere manual labor, and whether wages are high or low depends chiefly upon the inquiry whether those having labor to bestow are more numerous than those who desire the service of the laborer.

Principals, so far as the law can give the power, are entitled to employ as many workmen, and of whatever degree of skill, and at whatever price they think fit, and except in some special cases, as of children or orphans, the hours of labor and the price to be paid are left to the determination of the parties interested. The statute of the United States does not interfere with this principle. It does not specify any sum which shall be paid for the labor of eight hours, nor that the price shall be more when the hours are greater or less when the hours are fewer. It is silent as to everything except the direction to its officers that eight hours shall constitute a day's work for a laborer.

Second. That statute does not provide that the employer and the laborer may not agree with each other as to what time shall constitute a day's work. There are some branches of labor, connected with furnaces, founderies, steam or gas works, where the labor and exposure of eight hours a day would soon exhaust the strength of a laborer and render him permanently an invalid. The Government officer is not prohibited from knowing these facts, nor from agreeing, when it is proper, that a less number of hours than eight shall be accepted as a day's work. Nor does the statute intend that, where out-of-door labor in the long days of summer may be offered for twelve hours at a uniform price, the officer may not so contract with a consenting laborer.

We regard the statute chiefly as in the nature of a direction from a principal to his agent, that eight hours is deemed to be a proper length of time for a day's labor, and that his contracts shall be based upon that theory. It is a matter between the principal and his agent, in which a third party has no interest. The proclamation of the President and the act of 1872 are in harmony with this view of the statute.

We are of the opinion, therefore, that contracts fixing or giving a different length of time as the day's work are legal and binding upon the parties making them.

Mr. TILLMAN. Now, Mr. Chairman, in addition to that decision in 1876, the Supreme Court rendered another decision in 1877 covering the case of contractors. There was a contractor named Ordway who furnished granite for the outside portion of the State, War, and Navy Departments' building. He quarried the stone down near Richmond, Va. A man named Driscoll, one of Ordway's employés, under the 15 per cent. compensation contract that I spoke of a little time ago, sued the Government also for his extra pay. The Government paid the employés, furnished the tools, erected the workshops, employed the clerk that kept the accounts for the Government so as to prevent Ordway from cheating it. But Driscoll, who was an employé of Ordway, claimed that Ordway was not a contractor, but was the agent of the Government itself; and he brought suit upon that ground. The court held that he was a contractor; that nothing prevented the Government from making a contract in that way; and whether Driscoll was working for a contractor or for the Government, he should be paid only what he bargained to receive.

Now, here are two decisions of the highest tribunal in the land upon this question. From the date of those decisions down to last year every Department of the Government acquiesced in the decisions. I know the fact, for in the Forty-sixth Congress I received letters from the Secretaries of the Navy, War, and Treasury Departments in President Hayes's Cabinet admitting it, and stating that they obeyed the law as interpreted by the court of last resort. Even President Arthur's Cabinet conformed to those decisions, until Secretary Chandler concluded last year that he would get ready in time to do a good job of electioneering in the next Presidential election. I wish to emphasize the fact, by repeating it, that for six years all the Departments conformed to the act of 1862 in relation to the employment of laborers in the navy-yards, which act in principle had prevailed from the foundation of the Government in all the Departments, in the employment of all sorts of labor.

Mr. Secretary Chandler determined that he would revive the eight-hour law for reasons best known to himself, but which we can readily surmise. I fear, I know, I charge it was in view of the near approach of another Presidential election, yet it may have been for some more 15 per cent. contracts. And the Secretary of War, too, commenced recognizing the eight-hour law again, just a few months ago, for the first time after six years. And we have to-day been informed by the gentleman from Massachusetts [Mr. LOVERING] that the Secretary of the Interior has done so in his Department only a few days ago.

Now, when I undertook to intimate the other day, in discussing the Senate amendments to the naval appropriation bill, that the Secretary of the Navy could find a fund in several of those amendments which would answer the purposes that the star-route frauds answered four years ago, some gentlemen derided that statement. No one on this floor, however, did it except my friend from New York [Mr. COX]; but the clever correspondent of that incorruptible newspaper, the New York Herald, said: "Poor Mr. TILLMAN did not know that the Secretary of the Navy had said he would not construct any of the vessels provided for in the bill in the navy-yards;" and the leading newspaper in my own State copied that article, apparently with a relish, under the caption "Caustic comments."

Now, in this connection, if those Senate amendments should be adopted, I would like to know, if the vessels are to be constructed on private account, the meaning of two provisions of the amendments. In the naval appropriation bill, as printed with the amendments, we find on page 20, at line 478, these words:

And in the event that such vessels or any of them shall be built by contract such building shall be, &c.

Clearly implying a doubt, or at all events leaving it to the discretion of Mr. Chandler, whether they should be built by contract or not.

And if they were to be built by contract what is the meaning of another provision of another amendment, page 21, line 193, which reads:

And provided, That the Secretary of the Navy shall utilize the national navy-yards with the machinery, tools, and appliances belonging to the Government either in the building of said ships or any parts thereof as fully and to as great extent as the same can be done with advantage to the Government.

Who is to be the judge about "building of said ships or any parts thereof in the navy-yards" but this man Chandler? Are his antecedents such that we can trust him when he openly violates the act of 1862 as well as the eight-hour law, and after his Department and every other during six years have acquiesced in the interpretation placed upon the eight-hour law by the Supreme Court in two decisions? I would like to know if it is unfounded suspicion, or whether I have reasonable ground not to be willing to trust him in regard to building the ships by contract or in the navy-yards?

Moreover, suppose he were to construct by contract the cruisers provided for in the Senate amendments to the naval appropriation bill, what would hinder him from exercising his elastic use of the eight-hour law so as to pay the mechanics and laborers in the private ship-yards ten hours' wages for eight hours' work, and a commission to the contractor or rent for his ship-yard. At this point I will read an extract from a "circular" that has been handed me by a "claim agent" or "eight-hour doctrinaire," I do not know which:

The eight-hour law has been violated from on or about June, 1877, to March 26, 1883, since which time it has been enforced, under orders of Hon. William E. Chandler, Secretary of the Navy, of that date, and is now in operation at all navy-yards; and that from August 25 to September 19, 1883, while the United States steamer Ossipee was on Cramp & Son's dry-dock, in Philadelphia, Pa., undergoing repairs, the employés were worked ten hours per day and received one and a quarter day's wages for ten hours' work, thereby carrying out the law as passed by Congress June 30, 1868.

We would also state that during the time that the law was violated the employés were paid the same rate of wages for eight hours' work as they received for ten hours' work.

How very liberal the Secretary would be with the public money on the eve of a Presidential election can well be inferred from all these facts.

If we pass the pending river and harbor bill or the pending bills for erecting public buildings one-eighth of the total amount can be taken out for labor, because the granite rock, lime, and other materials cost but little, since it is labor that constitutes the chief expenditure in the character of buildings the Government erects or the work it does on rivers and harbors. See what a fund can be used to control laborers' votes. This eight-hour law, carried out according to the provision of the bill and according to the construction placed on it by the heads of Departments in the present administration during the last few months, will virtually make every laborer and mechanic of the Government an officer, because he can not get employed except he has political influence behind him unless he will promise to vote the way they want him to vote. It is a pretty considerable bribe to be able to give a first-class or common mechanic 25 per cent. advance on his wages for six months in the year.

Who does not know that any laborer prefers Government employment to private employment even at the same wages. The Government agent does not oversee his laborers like a private employer. He does not follow them and exact all the work they can do. A private employer may fail to pay, but the Government never does. Not only is the work lighter, not only is the pay surer, but it is pleasanter every way. That is advantage enough, especially when taken in connection with the fact that the Government officers and agents are required by law to pay the prevailing wages for the same hours of labor that exist in the vicinity, and they always pay the highest average; they are not particular; it is not their money that they spend. The Government can get the pick of the laborers of the country when it pays no more than private employers do for the same service and the same hours.

Mr. Chairman, this bill is not only a raid upon the Treasury, but it proposes to create an aristocracy of labor. It is to make an officer practically, as I remarked before, with the right to a salary attached for six months in the year, out of every mechanic or employé of the Government. Now, Mr. Chairman, has not this Government got patronage enough? It caused the murder of one President, and unless we

adopt civil-service reform may cause the murder of others. What better rule can be adopted to regulate the hours and the wages of labor than the act of 1862, a custom which has prevailed from the foundation of the Government, especially when added to what I said about the superior advantage in the estimation of the laborer which Government service affords. Why, sir, it will demoralize the private labor in the neighborhood where Government has any work going on. No private contractor there who undertakes a job either of stone or brick work, or any other kind of work, such as the Government is having done, can get the same quantity of labor the Government gets without paying the same wages. Private contractors can not compete with the Government in purse.

The great masses of the people do not want this thing. It is only the claim agents who want it. I served on the Committee on Education and Labor in the Forty-sixth Congress. I was brought in contact with these claim agents. It is simply claim agents and doctrinaires who ask for this bill.

Mr. LAMB. Does the gentleman know any of these claims are in the hands of claim agents?

Mr. TILLMAN. I have internal evidence entirely satisfactory to myself, and have had ever since I served on the Committee on Labor in the Forty-sixth Congress, that most of them are.

Mr. LAMB. I ask for information; because if they are I do not vote for this bill. I wish the gentleman to give us information on the subject.

Mr. TILLMAN. I have answered the gentleman as fully as I propose to, and I appeal to his common sense. At best the Government can only employ a few thousand or tens of thousands of laborers and mechanics at a time. Now, if they are to be paid 25 per cent. more than private laborers for the same time in the same sort of work, pray tell me if the other twelve or fifteen million of laborers in this country are willing to work and sweat in the hot sun for ten or twelve hours a day to earn taxes for paying ten hours' wages for eight hours' work to Government pets.

Mr. LYMAN. That is the whole thing in a nutshell.

Mr. TILLMAN. This bill, I say again, was drafted and is prosecuted here by claim agents and doctrinaires; men who are too lazy to work, too proud to beg, and too cowardly to steal for fear of the penitentiary; who think that the world owes them a living; that stir about among the men of strong arms but weak heads to persuade them that they ought not to work for more than eight hours a day under any circumstances.

Mr. GLASCOCK. If it will not interfere with the gentleman's argument I would like to state to him that I do not know how it may be in reference to other States, but in regard to my own State, and especially in reference to the Mare Island navy-yard, where the Government employs from 600 to 1,200 laborers, these recommendations and petitions do not emanate from claim agents; but from my own personal knowledge they come from the employés of the Government themselves. I have been solicited time and again by the Government employés there to aid in the passage of this act and in pursuance of the ends of justice.

Mr. TILLMAN. How do you know but that the claim agents and doctrinaires have not themselves induced such recommendations?

Mr. HISCOCK. Let me interrupt the gentleman from South Carolina to ask if he is able to state about how much money this bill will carry?

Mr. TILLMAN. About $30,000,000 is my lowest estimate from the best investigation I could give it after close study and calculation.

Mr. HISCOCK. I suppose if the bill is passed they will incorporate the lines necessary to appropriate that sum from the Treasury.

Mr. TILLMAN. That is a provision of the bill already.

Mr. WELLER. I desire to ask a question.

Mr. TILLMAN. I must decline to be interrupted any more.

Mr. HISCOCK. I desire to call the gentleman's attention to the fact that there is no such provision in the bill. It will be necessary then to make the appropriation if the bill is passed.

Mr. TILLMAN. Ah, but the bill says that the Government shall pay the judgments which may be obtained in the Court of Claims.

Mr. HISCOCK. But the judgments are appropriated for when they come in here. Now, I claim that the bill ought to show the amount it will take.

Mr. TILLMAN. I know, but if the bill is passed that fixes the amount that will be required to meet the judgments.

Mr. HISCOCK. But I think the bill on its face ought to show precisely the amount appropriated and the sum of money to be expended under it. That is all I am after. I want the bill to show for itself what it does.

Mr. TILLMAN. A. B. Mullett was formerly Supervising Architect. He was at the head of the architectural bureau when all the 15 per cent. contract compensation rascality was going on, but he tried to prevent it. He tried to defy the eight-hour law as a mandatory statute, but there were influences around him that prevented it. I want to read to the House an extract from Mullett's testimony before a committee of the House to show how he regarded these claims for compensation under this eight-hour act and what he thought of the men who presented them. I never read a speech on this floor, as you all know, but shall read from his testimony, taken before the House Committee on Public Buildings and Grounds in 1874, and which will be found in House Report 390, first session Forty-third Congress, pages 3, 5, 7, and 8:

That the real workmen of the country do not want any legislation on hours of labor or rate of wages. * * * On the contrary, they want to see the public works progress, and they want to see appropriations for them. They are glad to get employment on them and give no trouble. * * * When work was commenced on the New York post-office, it was necessary to keep the men working night and day. They worked with calcium lights and were perfectly willing to work ten hours a day, with the understanding that they were to receive a day's pay. * * * The hostility to this eight-hour law, in the different cities and among private contractors is much more intense than the committee has any idea of. * * * There is an antagonism on every job between the employés of contractors and the employés of the Government. They taunt each other and quarrel, and in a few instances violence has been used.

When asked from whom does the ill-feeling come about the non-enforcement of the "eight-hour" law, Mullet replied:

From the organized officers of these working associations, who do not do a day's work themselves, but who are living on the hard earnings of others. Men who wander around the country organizing strikes. * * * These paid perambulators when they find work has been carried on by the Government which interferes in a slight degree with some of their theories, send one or two men and get them put upon the work, and in a day or two there is a strike. * * * There is no trouble with workingmen or mechanics. It is only with these perambulators, who do no work themselves. There never has been any difficulty between me and the mechanics. * * * Mr. Graham, of New York, who made this claim first for extra pay (two hours under the eight-hour law) on the New York post-office was an officer of a trades-union and known to be such. He got upon the work long enough to make a claim, which was in my opinion all he wanted.

You see, Mr. Chairman, a portion of the work in all departments of the Government has been done heretofore and will have to be done hereafter by contract and a portion by per diem labor under officers of the Government. And the then Supervising Architect tells you there was the bitterest rivalry, envy, jealousy, and jeers, and even violence, in the cases under his observation.

Mr. COX, of New York. That is from Mullet?

Mr. TILLMAN. It is from Mullet. It is backed by common sense. It is backed by all the records of the Government. Everything proclaims that he spoke the truth.

Mr. COX, of New York. May I ask the gentleman a question?

Mr. TILLMAN. Presently; not now.

Mr. COX, of New York. It is a very significant question.

Mr. TILLMAN. This is not the first law that has been passed by a Government undertaking to regulate the hours of labor and the rate of wages for men. It has been tried in England and elsewhere again and again and again. You will find such acts on the statute-books of every old State in this Union. But they are dead letters. Michigan passed such an act a few years ago. I would like to ask any member from Michigan who may be within the sound of my voice if that act is not entirely obsolete now. Why, sir, government can no more regulate the hours of labor and the rate of wages than it can regulate when a man shall eat and how much; what he shall wear and how long he shall wear it, or what sort of a house he shall live in. It is nothing but a sumptuary regulation when a government undertakes to enact a mandatory law in such matters for men. Women and children ought to be protected by law against overwork in factories, but let grown men be their own guardians! Must a young man work no more than an old one if he wants to work? Must a married man work no more than a single one if he wishes to support his wife and children decently? Must a strong man toil no more than a feeble one if he has any ambition to improve his physical condition? Then why deny him the privilege of contracting to work ten or twelve hours if he prefers to do so during the six summer months? It is absurd to talk about denying him the privilege.

The eight-hour act was either conceived in fraud to carry a Presidential election or to commit a peculation on the Treasury under the 15 per cent. conspiracy; for it was nothing else but a conspiracy; or, as I have said, it was a mere declaratory law, deciding what should be a proper measure of time for a day's labor; nothing more. It was never intended to be mandatory.

Mr. COX, of New York. Why do you not repeal it or execute it?

Mr. TILLMAN. The gentleman asks why not repeal or execute the act? I say in reply, why not repeal or execute the law that declares sixty minutes an hour or sixty seconds a minute?

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee rose informally, and Mr. CASSIDY took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the Senate amendments to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, had further insisted on its amendment No. 35 disagreed to by the House, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. LOGAN, Mr. PLUMB, and Mr. RANSOM.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 585) granting a pension to William Reinhardt; and

A bill (H. R. 6761) respecting a bridge at Tonawanda, in the State of New York.

The message also announced that the Senate had disagreed to the amendments of the House to the bill of the Senate (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decisions of questions arising thereon, and requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. HOAR, Mr. SHERMAN, and Mr. PUGH.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts; and

A bill (S. 2321) for the relief of Bessie S. Gilmore.

The message further announced that the Senate requested the return by the House of Senate bill 315, granting a pension to William Reinhardt.

Mr. KEIFER. The request of the Senate for the return of a bill should be concurred in at once.

The SPEAKER *pro tempore*. The committee rose informally only to receive a message, not to transact any business.

EIGHT-HOUR LAW.

The Committee of the Whole resumed its session and proceeded with the consideration of the bill (H. R. 6541) relative to the eight-hour law.

Mr. HOPKINS. I yield five minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. I did not expect to speak on this matter. I simply desire to say I hope the House will pass this bill. So long as this law exists we ought to execute it.

Mr. HISCOCK. May I inquire of my colleague if he does not think it would be fair to put in the bill an appropriation of money to pay these claims?

Mr. COX, of New York. I have not been on the appropriations business as much as my friend.

Mr. HISCOCK. You have been on the Appropriations Committee with me. You know you can not pay a cent of these claims until the law is passed making the appropriation.

Mr. COX, of New York. I presume a fair adjudication of these claims before the proper tribunal will show how much is due to men for their work, and I would pay to the last dollar a *quantum meruit* for men who have worked for the Government, according to the law as it is now on the statute-book. My friend from Kentucky says that my colleague [Mr. HISCOCK] voted to lay on the table a law such as he now commends to me. I do not know how that is.

Mr. HISCOCK. Who is the gentleman's friend from Kentucky?

Mr. WILLIS (rising). I plead guilty to the charge of being the one who made the suggestion to the gentleman from New York. If the gentleman wants any better record, here it is [holding up a volume of the CONGRESSIONAL RECORD].

Mr. HISCOCK. I never find fault with my record. I only say this: I believe any law which creates a claim against the Government ought to carry in it a direct appropriation of money to pay claims.

Mr. MORSE. You do not know what is the amount.

Mr. HISCOCK. Put in enough to cover the amount. If that sum is required put in $30,000,000.

Mr. MORSE. That amount may not be required.

Mr. HISCOCK. You can put in enough, and then say "or so much thereof as may be necessary."

Mr. STORM. Would not that defeat the bill?

Mr. HISCOCK. If it defeats the bill to place in it that it takes that amount from the Treasury, it should defeat it. That is my point exactly.

Mr. COX, of New York. I have not any idea but what my colleague would vote to defeat this bill if he could, directly or indirectly.

Mr. HISCOCK. Oh, I beg your pardon. But I say this: I will under no circumstances vote for the bill unless it carries an appropriation to pay the claims it creates against the Government. Then I will know it will not be a bill which the Committee on Appropriations can defeat at the next session of Congress by refusing to appropriate the money to pay the claims. I have seen as you have seen in this House hundreds of thousands of dollars struck this session from the deficiency bill that have been adjudicated by the Treasury Department, and a refusal on the part of the House to appropriate the money to pay them. I do not want any more of those scenes enacted.

Mr. COX, of New York. And I do not want any more of my time taken up. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired. [Laughter.]

Mr. HOPKINS. I yield four minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. The gentleman from South Carolina [Mr. TILLMAN] seeks to avoid the force of the law by saying that it provides only a rule of direction for the executive officers of the Government; that it is directory only. I submit that the rule as to ministerial officers is, that wherever a line of action is pointed out for them they are bound to that line of action, without any discretion upon their part. Whatever may be said of the law there is in it no quality which invites or permits its violation.

What do these people ask? They invoke the constitutional guarantee of every man that they shall not be deprived of property without due process of law. They simply ask that a judgment which has been rendered against this Government by confession may be enforced, and they ask for legal process to enforce it.

The gentleman from South Carolina says: "You can have your judgment, but you can not have an execution of the judgment," and the reason he urges is peculiar. He expressed it in this language: "If this bill should pass, it would inaugurate a raid upon the public Treasury equaled only by that which would result from a repeal of the arrearages-of-pension act; second, if this money be paid it would not go into the hands of the people who render the service, but into the hands of their agents and attorneys."

The first objection amounts to this: "We will not pay you what we owe you, because we would rather keep our money in our pockets;" and the second objection amounts to this: "We will not pay you what we owe you because we do not like some of the people to whom some portion of it may go."

Well, now, Mr. Chairman, I am not one of those who are alarmed at a raid upon the public Treasury which may result from the repeal of the arrearages-of-pension act.

Mr. TILLMAN. Will the gentleman allow me to explain what I mean?

Mr. LAIRD. After I get through.

Mr. TILLMAN. I can do it in half a minute.

Mr. LAIRD. I have not time.

Mr. TILLMAN. I know the gentleman would not misrepresent me, but I fear he has misconstrued me.

Mr. LAIRD. I have only got four minutes.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HOPKINS. I yield three minutes to the gentleman from Massachusetts [Mr. ROCKWELL].

Mr. ROCKWELL. On June 25, 1868, the following became the law of the land:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed, or who may be hereafter employed, by or on behalf of the Government of the United States; and that all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed. (15 Statutes at Large, 77.)

In view of this law, on May 19, 1869, President Grant directed—

That from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor. (16 Statutes at Large, 1127.)

Again on May 11, 1872, President Grant issued another proclamation, referring to the law and the first proclamation and the fact that they had "not been strictly observed by all officers of the Government having charge of such laborers, workmen, and mechanics," and again called attention to the law, and directed "all officers of the executive department of the Government having charge of the employment and payment of laborers, workmen, or mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government, by the day, to such laborers, workmen, and mechanics, on account of the reduction of the hours of labor." (17 Statutes at Large, 955.)

An act was passed by Congress May 18, 1872, the second section of which was as follows:

That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work, for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Then came the case of the United States, appellant, *vs.* Arthur Martin, No. 401, October term, 1876, in the Supreme Court of the United States; and see Martin *vs.* United States, 4 Otto, 400–404.

Then followed, on June 30, 1877, General Order No. 227, issued by the Secretary of the Navy, referring to that decision, and the basis of labor was fixed at ten hours a day. Then came the petitions to the Departments and a review of the matter. On March 26, 1883, the Secretary of the Navy ordered the enforcement of the eight-hour law at all navy-yards. During the present year orders have been issued in the War Department bringing the practice in accord with the law.

Practically, then, both the Navy and War Departments now admit the construction of the law of 1868 that the "workmen, laborers, and

mechanics" employed by the Government have all along claimed. It now remains to do justice by the men who have during these years worked overtime in excess of the eight hours required to constitute a day's work.

This bill allows claims for labor in excess of eight hours per day performed for the Government to be presented to the Court of Claims, to be adjudicated upon the basis that eight hours constitute a day's work. That proposition would seem to be a fair one. The law made eight hours a day's labor. The men have been often obliged to work more, or practically to lose their places. Under the construction of the law of 1868, as now agreed upon, the men have worked overtime and should be paid for that overtime. Their case is a just one.

It is said here that unless some appropriation is placed at the end of this bill these men will never recover anything. I ask gentlemen not to vote against the bill on that ground. We are willing to take a judgment against the United States, and trust to the honor, the honesty, and the integrity of future Congresses if we can not collect these claims under the law as presented here.

Mr. BROWNE, of Indiana. Will the gentleman before he takes his seat allow me to ask him a question?

Mr. ROCKWELL. I had only three minutes, and I suppose that time has about expired.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNE, of Indiana. I want some gentleman to answer me.

Mr. HOPKINS. I yield three minutes to the gentleman from Iowa [Mr. WELLER].

Mr. WELLER. It is a fair statement that the laborer is worthy of his hire. As I understand this bill the laborer is only seeking to get what he is justly entitled to.

Mr. BROWNE, of Indiana. I know the gentleman will allow me to ask him a question.

Mr. WELLER. I will, but not now. The laboring man is seeking to recover for labor that he was compelled by virtue of existing conditions to perform beyond the eight hours prescribed by the law.

Labor creates all the wealth there is except that which the First Great Cause scatters on every side. I am one of those who are willing to do all that we can to give to labor a part of that which it produces and not permit the capitalists and monopolists to absorb it all.

It was but a few weeks ago that there was scarcely a dissenting voice on this floor to an unlimited appropriation to fit out ships and man them and send them to the North Pole, or in that direction, to search for parties who had gone there to look for that which no sane man ever ought to have gone on such an expedition for. Yet when labor comes to the door of this House and asks that it be paid for the toil it has performed over and above the hours prescribed by law, we hear objections raised on every hand. I hope gentlemen who have made such objections will not carry them to the extent of a vote if we shall have a recorded vote, and I hope this vote will be taken by yeas and nays.

Mr. BROWNE, of Indiana. Now, will the gentleman yield to me for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I yield five minutes to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. This is a very simple proposition. Either there is or there is not a law known as the eight-hour law. If there is an eight-hour law, it has some meaning. The gentleman from South Carolina [Mr. TILLMAN] contends that it had no meaning.

Mr. TILLMAN. I never contended any such thing. The Supreme Court of the United States in two decisions has declared the same thing that I contended for.

Mr. WILLIS. In answer to that I will say that not only did the debate at the time the law was passed disclose the meaning of that law, but Congress by two solemn acts, one in 1872 and one in 1880, has declared the meaning of the law. In 1872 Congress passed an act appropriating money to pay the difference between the wages for eight hours and ten hours a day.

Mr. TILLMAN. For what length of time?

Mr. WILLIS. Between the 25th of June, 1868, the date of the original act, and the time of the President's proclamation.

Mr. TILLMAN. For ten months and twenty-four days. Why did not Congress appropriate money to pay up to date?

Mr. WILLIS. Then, on the 14th of June, 1880, the House by a two-third vote, which I have before me, 130 to 51, passed a bill declaring "that according to the true intent and meaning of section 3738 of the Revised Statutes," which is the eight-hour law, "all laborers, workmen, and mechanics employed by or on behalf of the Government shall hereafter receive a full day's pay for eight hours' work; and all heads of Departments, officers, and agents of the Government are hereby directed to enforce said law as herein interpreted."

When that bill was before the Senate of the United States, Mr. SHERMAN, of Ohio, then a Senator, being opposed to the bill, gave his meaning of the original act by moving to amend the title of the bill so that it should read as follows:

A bill to give Government employés 25 per cent. more wages than employés of private establishments receive.

That was the opinion which he then had of the law. His amendment had no sense in it unless the law meant to give those Government employés for eight hours' work the pay received by those around them who worked ten hours a day.

Mr. STORM. That amendment was not adopted.

Mr. WILLIS. The amendment, I am glad to say, was rejected by a two-third vote, because it was a "rider," designed for the purpose of killing the bill. Now, the reason for the passage of this law was not, I beg to say to gentlemen, a demagogical one. Mr. Hendricks, then a Senator, now an honored citizen of Indiana, stated:

The extent of this law is not very large, because it reaches only to those who are employed by the Government of the United States, but, as is suggested, it may be very valuable as an example. Its influence upon the private employments of the country may be beneficial to the laboring classes. My opinion is that eight hours of labor are enough, and that the health of the laborer and the general interests of society will be promoted by this reform.

Now, will any man with this debate before him say that this eight-hour law was merely declaratory——

Mr. TILLMAN. Has not the Supreme Court said so; and is not the Supreme Court the proper organ to construe a statute?

Mr. WILLIS. The Supreme Court has not so decided.

Mr. TILLMAN. Here is the decision, which will verify what I say:

Mr. WILLIS. The case of Martin, to which the gentleman has referred, was decided upon the single fact that Martin had forfeited his right by accepting the wages and signing the receipt. The gentleman knows that this was the pivotal point in that case.

Mr. TILLMAN. I know no such thing. On the contrary, three out of the four points in the syllabus of the case go directly to the merits of the eight-hour law.

Mr. WILLIS. I do not care anything about the "silly" part; I come to the "bus."

Mr. TILLMAN. If the gentleman will read the decision he will see I am right.

Mr. WILLIS. I refer to the decision of the Court of Claims——

Mr. TILLMAN. Here is the decision of the Supreme Court, in 4 Otto.

Mr. WILLIS. I understand that matter. Martin brought suit in the Court of Claims. The case was appealed from the Court of Claims to the Supreme Court. Now the Supreme Court, in this decision, says:

In the case before us the claimant continued his work, after understanding that eight hours would not be accepted as a day's labor, but that he must work twelve hours, as he had done before. He received his pay of $2.50 a day, for the work of twelve hours a day as a calendar day's work during the period in question, without protest or objection. At that time ordinary laborers under the same Government received $1.75 per day at the same place, and those engaged in the same department with the claimant in a private establishment, at the same place, received but $2 for a day's work of twelve hours, and the finding adds, "they had more work to do than the claimant had when similarly employed." The claimant's contract was a voluntary and reasonable one, by which he must now be bound.

The evidence shows—and if I had time I could demonstrate this from the report of the case in the Court of Claims—that Martin was called before the superintendent of the work at Annapolis and stated that the officials would not execute the law, and he voluntarily consented to enter into a specific contract and agreed to receive pay for only eight hours' work. So that the case went off on the fact that he had signed away his right. The Court of Claims stated that if he had not signed away his right his case could have stood.

Mr. TILLMAN. The Supreme Court never said that.

Mr. WILLIS. The Supreme Court did say so; and with the permission of the House I will incorporate in my remarks as published these decisions showing that they were made not on the ground that there was no such law or that it had no meaning, but because the man had put himself in a position where he could not take advantage of the law.

Mr. TILLMAN. Which is the superior authority, the Court of Claims or the Supreme Court?

Mr. WILLIS. They are both to the same point in this case.

Mr. TILLMAN. Oh, no.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] asks to print with his remarks some decisions. Is there objection? The Chair hears none.

Mr. FORAN. Mr. Chairman, I did not intend to address the House upon this measure; but some observations have been made by the gentleman from South Carolina [Mr. TILLMAN] which I think demand an answer. He said, among other things, that this was a "claim-agents' bill." He said the bill was drafted by claim agents and was prosecuted by claim agents. My understanding is that the gentleman from Pennsylvania [Mr. HOPKINS] drew this bill.

A MEMBER. Not this bill.

Mr. FORAN. The original bill.

Mr. HOPKINS. This bill is a substitute.

Mr. FORAN. And I am not aware that the gentleman from Pennsylvania is the agent or attorney of any claim agent. I am a member of the committee that reported this bill; and I saw no claim agent before that committee. No claim agent interviewed me about this bill. No person whom I knew to be a claim agent ever spoke to me about the bill. I am not aware that any claim agent spoke to any member of the committee about the bill. I do not believe there is any truth

in the allegation of the gentleman from South Carolina; and I hardly think he meant to say what he did.

Mr. TILLMAN. If the gentleman will permit me, I said that I was brought in contact with claim agents as a member of the Committee on Education and Labor in the Forty-sixth Congress, and had abundant internal evidence satisfactory to myself that claim agents were behind this thing pressing it.

Mr. FORAN. When the gentleman said, however, that this identical bill, the bill before this House, was a "claim agents' bill," I take it as a reflection upon the committee that reported it.

Mr. TILLMAN. I meant no such reflection.

Mr. WILLIS. I was a member of the same committee to which the gentleman from South Carolina has referred, was equally interested with him in this measure, and I never heard of any claim agent in connection with it.

Mr. TILLMAN. This bill is a substitute for the one introduced by the gentleman from New York, and it entirely omits the last section of that bill, which provides that laborers and mechanics when employed by the Government shall not work more than eight hours except in emergencies, and then shall be paid for the extra labor. Why did the committee omit that provision?

Mr. FORAN. I only desire to say to the House in all candor and sincerity that so far as I know no claim agent has approached the committee that reported this bill. I want that fact distinctly understood.

The gentleman from South Carolina also stated that he had great fears that this eight-hour law, if enforced by Government officials, would create dissension in the vicinity of the navy-yards and arsenals; that among laborers employed by private individuals dissatisfaction would be created. Now I wish to state what I understand to be the object of the eight-hour law and the principle involved in it, and the gentleman perhaps understands it as well as I do. The Government of the United States has a right to say what number of hours its employés shall work. The advocates of the eight-hour law claim, and I claim now, that the reduction of a man's hours of labor from ten to eight hours does not reduce production; that a man can accomplish as much in eight hours' labor as in ten; that thus there is left to the laborer two hours which he would not otherwise have, for reading, recreation, and self-improvement. That is the object of the eight-hour law. If the gentleman from South Carolina is opposed to that principle, I would like to have him so state.

If private individuals employing labor will conform to the principle of the eight-hour law there will be no dissatisfaction among their employés. I am not myself captious as to the matters contained in this bill about paying those persons who have been defrauded by Government officials out of their just rights, but I wish the principle established. This Government passed this law. It meant exactly what the law stated, that eight hours should constitute a day's labor and carry with it a full day's wages. I wish that principle established by this bill, so that the heads of Departments hereafter will find no excuse for not enforcing the law.

The gentleman from South Carolina [Mr. TILLMAN] referred to the act of 1862 and said it was still in force. The law of 1868, known as the eight-hour law, is in conflict with the law of 1862. I understand it has always been a rule of law that where two statutes are passed on the same subject, and are inconsistent with each other, the latter act prevails and repeals by implication the former act. I have no doubt that is a correct principle and applies to the acts in question.

I wish to say if these men, who are making this claim are entitled to the money for which this bill provides, then it should be paid to them. If it is right they shall have it I do not care whether it requires an appropriation of one or of ten millions of dollars. If it is due to them they ought to have it. If they have been defrauded out of it that is no reason why we should not do them justice now.

Besides, sir, the men who appeared before the committee were employés of the navy-yards of Philadelphia, New York, and Brooklyn—all men directly interested in this matter.

Before I take my seat I desire to refer to a matter which occurred here the other day, as bearing upon this question. During the time the bill was up for debate to prevent the importation of foreign labor under contract, the gentleman from Michigan [Mr. CUTCHEON] took occasion to say, although I did not hear him say it, and I believe he did not say it then, although it appears in the RECORD:

> The Democratic party is utterly disqualified and disabled by its whole constitution, history, and traditions from consistently and rationally handling this great question of free labor.

Had I heard any such remark I would have replied to it at the time. I desire to say now, notwithstanding the measure before the House at that time was called for by the exigencies of the country, the Republican party, to which the gentleman from Michigan belongs, although in power during the Forty-seventh Congress, never made any attempt to pass such a bill. The gentleman himself never undertook to introduce such a measure during this session, although if he read the papers he must have known it was called for by every one interested in labor in the United States.

He said further:

> Had this bill originated among those who have piloted the path of the empire of free labor on this continent, among those accustomed to deal thoughtfully with these great industrial and economic questions, I believe it would have been more skillfully drawn and less amenable to criticism.

It may possibly be Democratic gentlemen on this side do not know anything about economic science, but I will tell the gentleman we will not go to the school of which the gentleman was principal or president to learn it.

I will only say, in conclusion, so far as I understand the principles of the Democratic party, that party has always been friendly to free labor in this country from its inception as a party by its great founder, Thomas Jefferson, down to the present time. I do know that the late President Garfield, a great leader of the Republican party, in a speech made in 1865 on this floor, declared that the fame of Thomas Jefferson was waning and that of Alexander Hamilton waxing and that we were gravitating toward a stronger Government. If that is the principle of the party to which the gentleman belongs—the principle of monarchical government as embodied in Alexander Hamilton—he is entitled to all the credit and glory he can get out of it.

I yield now to the gentleman from Nebraska [Mr. LAIRD] to finish his remarks.

Mr. LAIRD. Mr. Chairman, when my time expired I was saying that for one I see no especial reason for alarm on account of the repeal of the arrearages-of-pension act to which the gentleman from South Carolina [Mr. TILLMAN] called the attention of the House.

Mr. TILLMAN. I meant nothing offensive by it. I only alluded to the quantity of money the arrearages-of-pension act drew from the Treasury and the dread surprise with which everybody found it took ten times as much as it was anticipated at the time the law was passed it would. I referred to it in that sense, and not in any offensive sense.

Mr. LAIRD. I wish to assure the gentleman from South Carolina that I shall attempt to make no unwarranted use of his allusion, so far as I understand myself, simply this: if it should follow that the surplus in the Treasury should be depleted by the amount named to be taken therefrom to settle arrearages of pensions I should not be alarmed, and for this reason: if a right to recover shall be established against this Government, either as arising from its failure to pay arrearages to those to whom it owes pensions or from its failure to pay the charge for labor in excess of the law to those to whom that charge may be due, the only argument that this could furnish to the opponents of the bill would be that it should not become a law, not because it is not right and proper and equitable and just, but that it shall not become a law on account of the quantum of recovery which will follow upon its enactment. That is equal to saying that if we could pay our debts without embarrassment to ourselves we would pay them, but if we could not pay them without embarrassment, then we will not pay them.

What, Mr. Speaker, is to follow upon the passage of this act? Simply an appeal to the courts. If it shall be true, as contended by the gentleman from South Carolina, that the courts have already adjudicated the question presented by the bill, then the court to which they appeal is bound by that decision, and the Government can sustain no harm.

But it is argued that this matter is already *res adjudicata*. An appeal is made to the Martin case, decided in 4 Otto, and what is known as the Driscoll case. I submit now to the House upon a careful examination of these cases, that it does not appear anywhere that the question of the right of a laborer to recover a full day's pay for the performance of eight hours' work has ever been passed upon by the Supreme Court or in any way alluded to.

Mr. WILLIS. If the gentleman will allow me to read three lines from this case decided by the Court of Claims it will carry out the views expressed:

> Whatever benefits the eight-hour law might have brought upon the claimant while employed at the Naval Academy he neglected to avail himself of, and has waived and lost by his own acts, and can not recover in this action.

Mr. TILLMAN. That is a decision of the Court of Claims. There are two opinions of the Supreme Court that overrule it.

Mr. LAIRD. There can be no danger to this Government from the opening of the doors of the courts to those who shall have claims against it to that arbitrament, just as individuals we submit all our rights; and shall we hold back from submitting those of the Government which we represent?

To one who has seen as little of the administration of public affairs as a new member of this body many things strike one with absolute astonishment. A policy adopted by a private individual similar to that adopted by this Government would devote him in almost no time to infamy. If we owe a debt we must answer, and if we refuse to answer, then comes the court, the judgment, the execution, and seizure of the property, and the end.

A review of the policy of this Government——

Mr. TILLMAN. Will the gentleman allow me to ask him a question?

Mr. LAIRD. Not now; I have but a very brief time.

A review of the policy of this Government must strike one, I say, with astonishment. Over one hundred years ago the policy was settled that the Government should answer for damages suffered upon the frontier by losses from the raids of hostile Indians, and yet I am told that there are accumulated cases proved according to the formulas of

the law, under the direction of the Interior Department, amounting to almost $100,000,000 unanswered for.

The same thing may be said with reference to the French spoliation claims; and the same policy marks the administration of the foreign affairs of the Government. Hundreds of claimants interested in the Japanese indemnity fund are cut off by the repayment to the Government of Japan of over $1,000,000, while these claimants, the people to whom the fund was due, are left, so far as the Government is concerned, to starve, and there is no redress for them.

The same policy marks the administration of the postal affairs of the Government. Mr. Chairman, it is a well-known fact that all over the Western section of this country the postmasters and the employés in the various post-offices are working unheard-of hours and receiving no consideration for it.

The postmasters in many instances are compelled to pay the rent of the buildings used by the Government for the post-offices and other expenses out of their salaries as well as the sums required for the employment of people necessary for the distribution and management of the mails, and yet the Government and its courts refuse to compensate these people for their labor even.

The Government day by day reaps the fruit of their toil. It is invested for the good of the Government. And when they come to knock at the doors of Congress asking for relief what answer do they receive? One gentleman says it will open the doors of the Treasury to a raid like that which would follow upon the repeal of the arrearages-of-pensions act. Another gentleman says the money would not go into the hands of those who earned it. And so upon one pretext or another these people are deferred, delayed, and everlastingly defeated in the recovery of their rights. I desire to ask gentlemen this: You represent the Government; you represent these people. Is it not right you should intervene between the two and see that exact justice is done?

[Here the hammer fell.]

Mr. FORAN. I yield five minutes to the gentleman from California [Mr. GLASCOCK].

Mr. GLASCOCK. I have listened with considerable interest to the discussion of this question; and I must say it has taken a very wide range. We do not seem to be discussing the fact as to whether the measure passed by Congress should be carried into effect; but we have gone to the merits of the original question itself. We are no longer discussing the question as it is presented to the House under this bill, but we have been discussing the merits of the eight-hour act. I insist that that has nothing to do with the matter under consideration.

I am in favor of the eight-hour act. I believe it a wise, beneficent, and sanatory act passed by a beneficent Government for the improvement of the people who work for that Government. But that has nothing to do with this question. The question before us is simply whether that act should be carried into effect.

Now, what is this eight-hour law? What was it passed for? Was it intended to be a mere nullity? Was it intended to have no operative effect? Or was it intended there should be some effect given to it? I submit that the general rule of construction should apply in this case as in all others, and that where a solemn declaration has been made by a deliberative body on a given subject it is to be understood something is meant by that act and something is to be effected by it.

Mr. OATES. Will the gentleman permit me to ask him a question?

Mr. GLASCOCK. I have only five minutes, but I will hear the gentleman's question.

Mr. OATES. If the eight-hour law is a good one on account of its sanatary effect in preventing employés from working too much, are you not violating the spirit of that law by encouraging them to work ten or twelve hours a day?

Mr. TILLMAN. By offering them a premium.

Mr. GLASCOCK. As I said before, the discussion of that question has nothing to do with the discussion of the pending question. And I wanted to get away from that and to show that too wide a latitude had been taken in the discussion here.

What I wanted to say was that this law is to be carried into effect or is to be decided a nullity. Which? I understand the gentleman from South Carolina [Mr. TILLMAN], who made such an able argument on the subject a short time ago, has taken the ground that it amounts really to nothing under the decision of the Supreme Court; that the Supreme Court has gone to the extent of saying that where a contract is entered into between the Government and the employé that contract should be respected. That, I understand, is the Martin case.

Every case, sir, is to be examined upon the facts presented. Every lawyer upon the floor of this House knows that all else than is embraced within the certain scope of facts presented in a particular case is immaterial. Now I maintain the Martin case decides nothing more or less than this, that where an officer of the Government has cut down the hours, say from ten to eight, and a corresponding cut down has been made in the wages, and a subordinate of his says, "We will work additional time for an additional amount," and the officer says, "No, you can work at the rate we have fixed or you can take your discharge," and he accepts that, works, gives his receipt for the money, and goes into the Court of Claims for the adjudication of the question, then they have a right to say that under this existing state of facts he can claim nothing of the Government and is entitled to nothing.

Mr. TILLMAN. Will the gentleman explain why this attempts new legislation? It says the eight-hour law shall be amended. If the eight-hour law as it now stands is a mandatory statute by itself, why does this bill propose to amend that law and amend it retroactively?

Mr. GLASCOCK. I do not know what was in the mind of the committee; but I can tell the gentleman what is in my mind and why I support the bill. I would do so as I would support a contract between individuals under a general law. For instance, take a familiar illustration. The interest law of a State may say the rate of interest shall be 6 or 8 per cent., and that up to the limit of usury you may establish any rate of interest by private contract. But in this case it is different. Here one of the contracting parties enacts a law which should bind that contracting party. I understand that the doctrine of estoppel ought to run against the United States in this, that when the United States has said eight hours shall constitute a single day's work the subordinates of the Government ought not to be allowed to say to the employés under them, under threat of dismissal, "You shall work ten hours or take your walking ticket."

I am heartily in favor of the tenor of this bill.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The Committee of the Whole House on the state of the Union rose informally, and the Speaker resumed the chair.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps;

An act (H. R. 2228) to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and for other purposes;

An act (H. R. 4678) to remove certain disabilities of Henry Newman;

An act (H. R. 5458) to remove the disabilities of Robert D. Thorburn, of Virginia;

An act (H. R. 4411) to provide for the administration of oaths to witnesses in matters pending in either House of Congress;

An act (H. R. 1340) to establish a bureau of labor statistics;

An act (H. R. 1433) granting a pension to Mary E. Murray;

An act (H. R. 3656) granting a pension to Salome Ann Walker;

An act (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.;

Joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology;

Joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan;

Joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey; and

Joint resolution (H. Res. 264) to amend a resolution approved August 7, 1882, providing for the publication of report of Public Land Commissioner.

RETURN OF A SENATE BILL.

The SPEAKER. The Clerk will read a request which has been communicated from the Senate.

The Clerk read as follows:

IN SENATE OF THE UNITED STATES, *June* 28, 1884.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 315) granting a pension to Willam Reinhardt.

The SPEAKER. If there be no objection, the Clerk will be directed to return the bill as requested by the Senate.

There was no objection, and it was ordered accordingly.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes; and

A bill (H. R. 6542) granting a pension to Harriet S. Brisbine.

EIGHT-HOUR LAW.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. FORAN. I yield ten minutes to the gentleman from Missouri [Mr. O'NEILL], and will then return the control of the floor to the gentleman from Pennsylvania [Mr. HOPKINS].

Mr. O'NEILL, of Missouri, I do not know that I would participate in this discussion if it was not that the principle upon which the original eight-hour law was based is brought in question here. In fact the perpetuity of that law rests upon your action here to-day. As I understand it this bill is a bill to practically enforce the eight-hour law.

Mr. TILLMAN. It is an amendment to the eight-hour law; it is new legislation.

Mr. O'NEILL, of Missouri. It ought to be new legislation. All I regret is that there is not a law of this country which would take hold of the heads of Departments when they fail to carry out a law passed by Congress and punish them for their failure to obey the laws of the country.

Here is a law which was passed in 1868 and yet remained a dead letter by the failure of the heads of Departments to enforce it until the President by his proclamation caused it to be enforced. It was enforced from the time of the issuance of that proclamation, May 19, 1869, until 1876—until the pious Hayes came into power. During the whole of his administration and until 1882 it remained a dead letter, although in May, 1872, an act was passed by Congress to pay claims that arose between June 25, 1868, when the original act was passed, and March 19, 1869, the date of the President's proclamation.

The act then remained a dead letter until March 19, 1883, when the Secretary of the Navy saw fit to have it enforced in the navy-yards, and last fall the Secretary of War caused it to be enforced in the arsenals. Abandoned without a reason in 1876, its enforcement is resumed seven years later. It is possible that the approach of a Presidential election may have been the galvanic battery to bring back to life this apparently dead law.

It is charged here to-day that workingmen do not ask for the enforcement of this law. Will the gentleman making this statement name any labor organization in this country which condemns the eight-hour law? I know of none. On the contrary, ever since its enactment they have consistently and persistently demanded its practical enforcement; and the principle of this bill is just as much a vital question in American politics to-day as it was the day the law was passed. There is not a labor convention that meets anywhere in the United States that does not adopt as one of the leading planks in its platform of principles "the practical enforcement of the eight-hour law." And yet we are told that this is a mere bubble raised by doctrinaires. Its resurrection after seven years' sleep by the present Administration shows plainly the strength of the demand for its enforcement. The reasons that caused its enactment in 1868 are more cogent to-day than they were then. At that time it was believed that our Republic rested upon the intelligence of the people and that eight hours' labor in the mechanical pursuits, and in all other branches of labor, was quite sufficient; that the residue of the time could well be devoted to the improvement of the mind and social faculties; and that all American citizens should be enabled to devote some portion of their time to the cultivation of the intellect.

It only affected those employed by the Government, but the example thus set it was believed would have great influence in the private employments throughout the country and result in great benefit to the working classes.

I will read a few extracts from the Senate proceedings at the time of its passage that are as applicable now as they were then.

Senator Hendricks said:

> My opinion is that eight hours of labor faithfully applied are quite sufficient, and that the health of the laborer and the general interests of society will be promoted by this reform.

Senator Stewart:

> I believe it is admitted on all hands that men will do more work per hour if they work eight hours than they will if they work ten hours a day.

Senator Cole said:

> Unless the people are provided by law with some protection against the requirement which is now put upon them by the exorbitant demands of capitalists, they will not be so well prepared to perform the duties of American citizenship. I am therefore very anxious for the passage of this bill.

Senator Conness:

> I know that labor, like every other commodity, must depend upon the demand and supply. But I, for one, will be glad when the industry of the country shall become accommodated to a reduced number of hours in the performance of labor.

My time will not permit of further quotations. If, when this law went into effect, the Government through its various departments had carried it out in good faith, its benign influence would have been felt ere this in the home of every workman, and they would not be to-day asking for the enforcement of a law enacted for the people by their representatives and dishonored by the various administrations.

The marvelous growth of labor-saving machinery, displacing each year workmen by the thousands; the exactions of selfish capital, which ignores every principle of mental improvement or needed rest to their workmen—are to-day powerful arguments for the renewal of this question, which I believe will again become the vital issue in politics to American workmen.

Believing that the Government justly owes the money to these men for over-time under the eight-hour law, and that it should live up to and carry out the law, I shall vote for this bill.

Mr. HOPKINS. I move that the committee now rise in order to limit the debate.

Mr. BROWNE, of Indiana. I would inquire how much of the time consumed in the discussion of this proposition has been accorded to those who do not exactly see their way clear to vote for this bill?

Mr. HOPKINS. I understand that one hour has been occupied by those opposed to the bill and something over an hour in favor of it.

Mr. BROWNE, of Indiana. I would be glad if the time for general discussion could be extended a little longer. We can perhaps do nothing else this afternoon than consider this bill.

Mr. HOPKINS. The gentleman may accomplish what he desires by availing himself of the discussion under the five-minute rule.

Mr. BROWNE, of Indiana. Hardly, unless I should get the floor three or four times; twice, at least.

Mr. HOPKINS. So many gentlemen have asked for time that I find it will be impossible to get through the bill to-day unless we rise to close general debate.

Mr. BROWNE, of Indiana. I think it no more than fair that equal time should be accorded to the two sides.

The CHAIRMAN. The motion is not debatable.

Mr. BROWNE, of Indiana. I hope the motion will not be agreed to.

The question being taken on the motion of Mr. HOPKINS, there were—ayes 66, noes 62.

Mr. BROWNE, of Indiana. I do not want to obstruct business, but unless we can have a little more time for general debate I must raise the question of a quorum.

The CHAIRMAN. This being a motion that the committee rise, a quorum is not required.

Mr. BROWNE, of Indiana. I ask for tellers. We only want thirty minutes longer.

Tellers were ordered; and Mr. BROWNE, of Indiana, and Mr. HOPKINS were appointed.

Mr. BROWNE, of Indiana (before the count by tellers was concluded). I have agreed to withdraw the demand for tellers if three-quarters of an hour more be allowed to the gentlemen who oppose the bill.

The CHAIRMAN. That arrangement can only be made by unanimous consent.

Mr. BROWNE, of Indiana. The gentleman from Pennsylvania [Mr. HOPKINS] can withdraw the motion that the committee rise, and then the Chair can recognize me with the understanding that after forty-five minutes the motion to rise shall be renewed.

The CHAIRMAN. Upon the motion that the committee rise tellers have been ordered; and the motion can not be withdrawn except by unanimous consent.

Mr. FIEDLER. I object.

Mr. HOPKINS. I withdraw the motion that the committee rise as I think we will save time by shortening the debate under the five-minute rule.

The CHAIRMAN. Unanimous consent is asked that the debate shall be limited to forty-five minutes.

Mr. DEUSTER. I object.

Mr. HOPKINS. Then I renew my motion that the committee rise.

The CHAIRMAN. The tellers will resume their places.

Mr. DEUSTER. I withdraw my objection.

Mr. HOPKINS. Then I withdraw my motion.

The CHAIRMAN. By unanimous consent the general debate is limited to forty-five minutes, and the Chair will recognize the gentleman from Indiana [Mr. BROWNE] as entitled to the floor.

Mr. BROWNE, of Indiana. Mr. Chairman, the eight-hour law, like all other statutes, ought to be enforced, and if this bill simply contemplates its enforcement it ought not be opposed by any gentleman who has regard for the supremacy of the law.

What is the eight-hour law, and why has it become the rule in Government employment?

The act of June 25, 1868, merely declares as follows:

> That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed, or who may be hereafter employed, by or on behalf of the Government of the United States; and that all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed. (15 Statutes at Large, 77.)

This simply defines a labor day as between the Government and certain of its employés, and in the absence of anything to the contrary declares a service of eight hours to be a day. This act leaves and was obviously intended to leave the laborer free to work as many hours as he desires, and it does not even by implication prohibit the agents of the Government from contracting for a daily service of ten hours or any number of hours. All the law does, and you may give it the most liberal possible construction, is to declare that eight hours shall be a day's labor when the agreement between the contracting parties does not stipulate to the contrary. It was not intended to interfere with the liberty of either the laborer or the Government to freely contract both as to the hours of employment and the measure of compensation. The statute does not attempt the impossible—to make eight hours equal to ten hours—nor does it require the Government to pay for eight hours a sum equal to the market value of ten hours of service. If the employer and the employé mutually stipulate for a day of ten hours no law is violated. If the laborer works two hours over the legal limit fixed for the day and is paid for this extra time, should he complain, and is it either reasonable or fair to exact double pay for this excess? If the laborer by contract either express or implied undertakes to labor

for ten hours for an agreed sum he is bound in law and morals by his contract. Who dares deny this? Then why this bill? If the Government under the law owes its workmen a debt it is our duty to give them a remedy—one that is full and complete and that will insure prompt payment.

But there is no debt to be enforced. This bill does nothing if it does not step in to abrogate an agreement between the laborer and the people. It is an attempt to arbitrarily commit us to payment for services already fully compensated. If any legal obligation exists in this case this bill is not necessary. The measure is a peculiar one. It declares the existence of a debt that has no law or contract to support it, and having declared the debt to be due, significantly fails to make any provisions whatever for its payment. If the Government is under any legal obligation to these employés, that obligation should be discharged to the uttermost farthing, even though it took from the treasury $30,000,000.

The Government has kept its contract, and owes nothing.

But, Mr. Chairman, what is the philosophy of this eight-hour law? I know the demand and supply of labor regulate its price, and the theory of limiting a day's labor to a certain number of hours is this, that you thereby diminish the amount of labor in the market and correspondingly increase its price, for as the supply is diminished the demand is increased, and increased demand brings enhanced price. If this rule could be uniform, if it could apply to the whole body of industrial people, I should be glad to see it adopted by the States and rigidly enforced. If it could be so applied I believe it would bring relief, and a large measure of relief, to the work people.

But the first question is, is it practicable? Can it be made uniform? Can it be enforced? Why, every person conversant with our industrial pursuits knows its adoption and enforcement are impossible. The majority of those who labor in the United States work on the farm. They stand behind the plow-handles, they work in the brown corn lands and in the golden harvest fields, and nature, the irrepealable law of the Almighty, exacts that when the genial sunshine of the spring-time comes and the glebe is ready for the plowshare, that the husbandman shall be at his work at that hour when the lark is ready with its matin song. He starts into his work in the first dawn of the day and labors until the night-time comes. Not, if you please, always because he desires as a freeman to do so, but because the necessity of his business demands it. When the harvest-time comes and the crop is ready for the sickle he must go and labor, regardless of the number of hours, in order that he may garner up the fruits of his toil. Practical farming employments exact during the farming season every hour of the day-time, and you can not apply an eight-hour law to the agricultural laborers. To do so is to limit food production, to leave the plow stand still in the furrow and the ripened grain to rot in the fields.

There is another large class of working people who would rebel against a law limiting the hours of their labor. I mean those mechanics who unassisted and on their own account manufacture their wares for the market: the tailor, the blacksmith, the shoemaker, and the thousands of others of like employments. These demand the liberty to work as many hours as they please. As the law can only be applied to a limited number it can effect but little in reducing the supply of labor. This is obvious.

Let us pursue this inquiry further. The theory upon which democratic government is founded is that it is to recognize no special class, and this eight-hour law does grant special favors and creates a little labor aristocracy.

Mr. LYMAN. That is just it.

Mr. BROWNE, of Indiana. Those who simply happen to be fortunate enough to secure Government employment. Gentlemen come into this House and pronounce panegyrics on this measure who, I have observed, have a navy-yard or arsenal or some governmental institution within their Congressional districts. [Laughter.] I have none in mine; and in behalf of the laborers of the factories, these bronzed men who stand under the scorching suns of the harvest-time and amid the hum of the wheels, these men who stand about the chimneys which send their black smoke heavenward, these men who stand by the glowing fires of the furnaces, I protest that they shall not work ten hours a day for the same measure of compensation that is awarded to these favored Government employés for eight hours of labor. Is it right they should do so? I demand equal pay for equal service. Whatever you may say in regard to the enforcement of this law by the Departments of the Government this is true, and no man dare deny it, that the employés of the Government have received precisely the same measure of compensation that has been given in like employment to persons who have been engaged in manufacturing establishments controlled by private capital. And you gentlemen propose by this special class legislation to give a Government employé who toils in the workshop as much money for eight hours of toil as you pay his fellow-workman, his peer in social life, his equal in ability to ply his art, who happens to be engaged by a private person, for ten hours. I say, do you propose to give the one for eight hours of service as much as his fellow-laborer working near by in the next establishment obtains for ten? That is what I want to know, and that is a plain question. Who will answer it?

Mr. WELLER. Will the gentleman permit me to ask him a question?

Mr. BROWNE, of Indiana. No; you did not permit me to ask you a question to-day.

Mr. WELLER. All right; I will let the country hear it by and by, and don't you forget it. [Laughter.]

Mr. BROWNE, of Indiana. And if I am not very much mistaken the gentleman will hear from the country, or a part of it, before very long. [Laughter.]

Mr. WELLER. And you shall hear from the "gentleman from Iowa" by way of the people.

Mr. BROWNE, of Indiana. Now, I have attempted in the first place to show briefly that an eight-hour law, if it could be made uniform and universal, would do much to relieve the laborer. I have attempted to show that it is impossible to make it uniform in its operation, first, because of the fact that certain industries necessarily require a larger number of hours than others and necessitate the extension of the ordinary working hours of the day. I have attempted to show next that the eight-hour law, if it can not be made uniform, tends to create a special class, a favored class of laborers. But there is another thing about it: if it could be made universal it is still an attack upon individual liberty. I say it is only valuable in any event when every laboring man is required by law to conform to it.

If every man was required by a cast-iron statute to conform to the eight-hour rule, if that could be done, I repeat it would be an attack upon individual liberty. Why? As the gentleman from South Carolina has well said, the poor man who has the wife and the children dependent upon him for support has the right to toil so many hours as may be necessary by his industry to provide the genial fire on the hearthstone and to put the necessaries of life on the table. If he can do it by eight hours' labor, let it so be done. But if it requires more, it is his right, ay, more than that, it is his duty to labor longer than that. I go beyond that. I say that even if it were possible for him to accumulate all that the necessities of his family require by his eight hours' labor, yet no government in the universe of God ought to fix that as a limit during which only he shall work. He has not only the right to provide for the necessities of to-day, but he may lay by something for the day of disaster, for the day of adversity that may be hidden in the womb of the future. To-day, in the vigor of his life, he may be able to achieve all that his family requires; but nature has appointed the time when old age must come and when the trembling limbs and the weary frame can labor no longer.

Every man has the right, upon him is the duty, to lay by something for himself and those who are dependent upon him for that time when the evening of his life shall come. Ah! but he may do more than that. There is still another consideration. It is not only his duty to provide for the wants of himself and of his family when the time comes that he may no longer labor, but he may store up his earnings so as to be able to give something to the children that God has given him. He may give them a start in the world. And after all there is no law so good as that irrepealable statute of the Almighty which gave man these hands and the right to use them freely, the right to plant and to water and to pluck; that irreversible law of God which gave man the brain with which to parley and plan and economize. In other words, there is no statute so invaluable to the laborer as is that statute of nature in which is enshrined his individual liberty.

A law fixing inflexibly the time during which a man may toil strikes down that invaluable privilege of a freeman, the liberty to contract. I insist that no rule, no statute, should withhold from any laboring man, however humble, the right to freely engage in any lawful service, and to contract without dictation from any quarter in regard to the terms upon which his labor shall be given. What right have we to play the rôle of master to the work people?

This Government is not a paternal Government. The Government is not the father. It is the servant of the people; that is all. We are not the bosses of the people. We are the mere servants of the people, who stand behind us and behind the Government, which is the creature of their power. The people do not ask us, they do not expect us to give them food, clothing, or houses. They do not ask the Government to support them. They do not expect that except for the unfortunates who are unable to earn these things for themselves. The people expect this: that the Government will give the fullest and the amplest protection to what? To their lives, their liberty, and their property. In other words, the Government is to give them a clear track and let them run the race as swiftly as they may. It is the purpose and end of Government to take from our shoulders the burdens, if any we bear, of class or unequal legislation. It should take all unequal legislation out of the pathway of progress, and make us all peers. The capitalist and the poor man, the employer and the employed, under this democratic system of ours, ought to be peers, and the Government gives us the richest of all possible blessings when it gives us laws that protect everything that is dear to our common nature—our lives, our liberties, and our earnings. That law which protects the millionaire in his wealth and the enjoyment of its blessings, protects the poor laboring man as he goes home from the workshop or the field of toil with his hard-earned dollar. The law that protects the poor man's earnings and leaves him free to

work and plan and economize makes it possible for him to take his place in the ranks of the rich.

The same law that allows the rich man to accumulate millions allows the poor man to do it in the same way. It is the same law; it is the law by which property is earned, and by which it is disposed of freely; for if we could not earn it freely and dispose of it freely it would be worthless to us whether it be to the poor or whether it is to the rich. But here there is an idea——

Mr. COX, of New York. Thank God for the idea. [Laughter,]

Mr. BROWNE, of Indiana. It is very seldom that my friend from New York catches on to an idea; when he does he is inclined to be reverent and thank God for it; for ideas come to him like angels' visits, few and far between. [Laughter.] Although he is not like the Scotchman; it is not necessary to bore an idea into his head with a gimlet.

Mr. COX, of New York. Go on with your speech.

Mr. BROWNE, of Indiana. My friend will please not interfere with my speech.

I was about to say that the idea pervades this country that there is some class who are entitled to all the rights, and some other class upon which are imposed all the duties of the Government. It strikes me that this legislation—class legislation, as I regard it—not general legislation applying to all the industrial people, but making a privileged class; it strikes me this legislation is in pursuance of the idea that in this democratic Government rights and duties are not reciprocal, but that there is a fortunate class of somebodies who are entitled to all the rights and privileges of the Government and some other class of unfortunates upon whom are imposed all the duties and responsibilities. Now, I assume that human rights and human liberty are only safe when protected from the encroachments of arbitrary power and the creation of privileged classes. The highest commercial and industrial civilization can be had only in that State where each man is guaranteed the free use of all his powers in the production of the means of subsistence and of wealth.

Now, what is the true theory at least of this labor question? As I have attempted to state briefly, if we are to make a system, if we wish to fashion this into a legislative system, it must be uniform, it must apply to all, it must give equal privileges to all and impose equal responsibilities upon all. Unless that is possible, unless this perfect equality of rights and duties is possible, then there ought to be no legislation upon that subject.

I insist in the second place, to recapitulate what I have attempted to say, that if this uniform rule can not be had, it is because first it can not be made to apply to certain classes of our laboring people, and secondly because it is inhibited by the right, I think the natural right, that gives to every citizen, to every living human being, the liberty to employ his hands or his head for just so many hours as his necessities or his inclinations may require. I think there is no better law and never will be a better law than to strike down every statute that attempts to give to any interest or business any kind of monopoly and allow the whole body of our people to stand upon a platform of perfect equality and each to strive to do the best he can for himself and his family.

Mr. TURNER, of Kentucky. That is good Democratic doctrine.

Mr. BROWNE, of Indiana. That is Democratic doctrine as the gentleman frankly suggests. Strange things sometimes get into the Democratic platforms.

Mr. COX, of New York. I never heard such a good speech from you in my life.

Mr. BROWNE, of Indiana. Let me conclude by saying that it is not the function of the Government to make men happy, but only to give them an opportunity by their own effort to become so.

Mr. HOPKINS. I desire to ask the gentleman what the Chicago platform of his own party contains as to the eight-hour law.

Mr. BROWNE, of Indiana. I do not remember what it contains on that subject; nor do I know what the next Chicago platform will have in it. I said in the introduction of this discussion I was in favor of the rigid enforcement of the eight-hour law, as I am for the enforcement of all laws.

Mr. HOPKINS. And yet you are attacking the very principle of the eight-hour law.

Mr. BROWNE, of Indiana. I do not agree with the gentleman on that proposition. If I am attacking the eight-hour law, in the remarks I have been making, it is unfortunate for the eight-hour law. If it is in the way of principle it is no fault of mine.

Mr. COX, of New York. Will you vote for the bill?

Mr. BROWNE, of Indiana. I will think about it. How much time have I remaining?

The CHAIRMAN. The gentleman has twenty minutes remaining.

Mr. BROWNE, of Indiana. I yield ten minutes to the gentleman from Iowa [Mr. STRUBLE].

Mr. STRUBLE. Mr. Chairman, in every meritorious contest between labor and capital or any force or combination antagonistic to the real interests of labor I have ever been and ever desire to be upon the side of the latter, and I greatly desire in all my official acts while occupying a seat in this body to so speak and vote upon all questions relating to the laboring classes as to advance their interests and their cause. If I may be pardoned a personal allusion, I will say that by birth, education, and experience I have all my life been identified with the classes who labor and earn their bread by the sweat of their brows, not that I have always toiled as a laborer in the shop or the field, but that life with me has been one of continual and unabated labor from youth until the present moment; and, sir, believing as I do that in our day it has become possible for designing and unprincipled men, backed by the power of large sums of money, to so organize and combine in their purposes and schemes for personal aggrandizement as to perpetrate gross hardships and injustice upon those who are engaged in what is called common labor, I unhesitatingly avow it to be my desire that the Congress of the United States in all matters bearing upon the general labor system of the country shall enact laws for the protection, security, and prosperity of those who now and for generations yet to come shall pass their days in those vocations of life in which the greatest exactions of toil are demanded by the very necessities which compel them to labor. But, sir, while I feel free to make this avowal I am firmly impressed with the conviction that every act of legislation in this direction should be the result of deliberation and wisdom—that, in fact, every law of the nature of the one under consideration should be founded upon principles of right, doing justly by all who may be affected thereby; and if I could bring my mind to regard the measure now under discussion as one thus founded I would cheerfully give it my support; but I do not so regard it, and in its present form I can not support it.

My first impressions of the bill, as I listened to the argument of the gentleman having it in charge [Mr. LOVERING] and to his recital of the history of the so-called eight-hour legislation, were favorable to its passage. It seemed to me that if the Government in years past has violated this law which is now and for a number of years has been upon our statute-books, or has permitted its agents and officers, its heads of Departments, to disregard the law and so manage the affairs of their Departments as to work injustice to a large class of laborers employed by them, the men who were thus employed and compelled to perform more labor per day than the law required have or ought to have such claims against the Government for the value of such time as they have labored in excess of that demanded by the law as are worthy of consideration in the manner proposed by this bill; but as the discussion has progressed and I have given further thought to the subject-matter, I have become settled in the conviction that the bill should be defeated.

During the afternoon I have been led to consider the real purpose and policy of the Government in placing upon the statute-books the enactments to which gentlemen have referred, and one of the questions that has suggested itself to my mind is this: Was it the purpose of the Government in enacting this law that purely financial benefit should result to the classes contemplated, or was it the purpose of the Government to legislate with a view to secure to its employés more time for rest, pleasure, and culture—to say to them "the Government is willing to accept from you eight hours of labor per day, instead of nine, ten, or twelve, and compensate you therefor as for a greater number of hours, leaving to you the balance of the time to be disposed of as you may see proper?"

Now, sir, I believe the policy of Congress was to secure such benefits as I have suggested rather than enlarged pecuniary gain to the classes comprehended by the law. I do not urge, however, that this is by any means an answer to the arguments adduced by the friends of this measure, but that in arriving at our conclusions we should not overlook considerations that bear upon the spirit and true policy of the law. But there are, I think, a number of substantial and satisfactory objections to establishing a precedent for the payment of arrearages of pay to civil employés. What is the fact with reference to this matter? It is alleged here, and I accept the statement as true, that certain heads of Departments have for a number of years violated or permitted the violation of this statute, but that it was largely done by or through a system of special contracts, which in one or more cases have been construed legal by our Supreme Court, and by the terms of which contracts the employés, knowing the law, consented to become parties to its violation.

Now, I insist that those persons who knowingly and willfully become guilty of violating the law should not receive at our hands the favorable consideration accorded to those who have had respect unto and obeyed the laws of the land. These men were not compelled, at least legally speaking, to enter upon any such engagement. They were free citizens—free, moral, and commercial agents—and could engage or not as they saw proper. They concluded, knowing the law, to engage to perform this service. They entered into solemn contract, and said "we agree to this proposition, and will accept the compensation which you engage to pay us." The contracts were consummated by the performance of the labor, and the Government through its officers paid the agreed price, and here, it seems to me, the case should rest in so far as any further compensation is concerned. The accounts between the Government and its employés have been settled agreeably to contract and to the satisfaction of the parties, as judged by the spirit and terms in which they engaged to perform the services.

I insist now, as a matter of law and sound policy, that we ought not in these cases which I think involve largely the principle of class legislation, to open those questions which have been settled and to throw wide the doors of the Treasury to claims of the character contemplated

by this bill, and which concern a class of men better able, in my judgment, to forego the proposed additional compensation than the thousands of our laboring people the country over, who, year by year, are submitting to wrongs far more grievous to be borne than the so-called loss of certain time by men who received the full agreed price for their labor.

There is another point upon which I wish to base an argument right here. Both of these parties have been guilty of a violation of the statute, and as all lawyers know who are familiar with the most ordinary principles of law it is manifestly against public policy to reward either party to a contract when that contract was itself a violation of the law. The violation of this statute was wrong, was bad faith, and contrary to good public policy. Gentlemen may say that as to the officers of the Government it certainly was contrary to good policy. But I insist that this claim applies equally to both contracting parties, and that each should be left where they have by their own voluntary acts placed themselves, and where the law says they should remain.

I am opposed to this bill upon many other grounds, one of which I would like to state before my time expires. I am opposed to opening this door to claims for back pay for the further reason that there are many thousands of soldiers throughout this broad land who, as the result of their service during the dark days of war, now bear upon their bodies not only the scars of battle but permanent injuries unfitting them for the active duties of life. Many of them come here to us and ask for special pensions, not being able to obtain them through the Pension Office. I am glad to attest the generosity of this Congress in meeting this class of cases fairly and in granting pensions to many hundreds of those who have thus applied for relief.

But let me remind this committee that with perhaps one or two exceptions we have denied to these men any thing like arrears of pensions. Yet here is a proposition to grant by special legislation to people who labored years ago, under contracts which have been consummated and settled, arrears of compensation for the labor they have performed. With all of my feeling of friendship for the laboring classes I do not regard this as a step which ought to be taken.

Let me say further that, as I understand it, this Congress declines positively in cases of injuries to persons employed in the civil service of the nation, and who may while so employed have been seriously injured by or through no fault of their own, but as a result of the negligence of co-laborers or those superintending the work in hand, to grant any compensation or pension to the party so injured. Now, I insist that while we refuse to the deserving soldiers of the land, who exposed their lives to the furies of war, arrears of pension, even when their disability at or since discharge is clearly established, and while we decline to compensate or pension worthy laborers who are injured in our civil service, it would be grossly unjust to single out this class of fortunate laborers and grant them "arrears of pay."

Mr. Chairman, I am most heartily in favor of the rigid enforcement of this law while it remains upon our statute-book, and I am not now in favor of its repeal; but, sir, I beg to urge that enforcement can be accomplished without the necessity of passing such a sweeping measure as this, which, in addition to many other objections, is unaccompanied by any estimate as to the amount of money required to meet its demands.

Some gentlemen seem to be of opinion that the most direct, speedy, and efficient way to accomplish enforcement is to compel payment at once of an immense amount of money, as if that proceeding would punish the Government and cause it to beware of the future, as might be the case were it a sensitive, economical capitalist; but, sir, this, in my judgment, is not the proper way to reach the desired object.

Heads of Departments and all officials of the Government are subject to the control of the people, as represented by the Congress, and if any official is persisting in violating this law, let us at once proceed by proper legislative action to call him to accountability and compel obedience by mandates within our power. The important consideration with reference to this matter, unless I am in error, is to secure for the future strict and faithful observance of this law, in deference not only to the law itself, but to that worthy sentiment in the country that is seeking the highest good and largest degree of prosperity to the laboring classes of the land.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I would inquire, Mr. Chairman, how much time I have left?

The SPEAKER. The gentleman has ten minutes of his time remaining.

Mr. BROWNE, of Indiana. I will yield the remainder of my time to the gentleman from South Carolina [Mr. DIBBLE].

Mr. HERBERT. Did not the gentleman agree to give me three minutes of his time?

Mr. BROWNE, of Indiana. I did so, and I supposed I would have the time to yield. But previous to that I had agreed to give the gentleman from South Carolina ten minutes, and that is all the time I have remaining.

Mr. DIBBLE. As I understand the proposition now before the Committee of the Whole, it is to pay to all laborers who have been in Government employment since the passage of the eight-hour law such addition to the wages which they have received as will correspond to the difference of time between the hours they actually worked and eight hours a day. I presume that it will take one or two millions of dollars, perhaps more, of the Government money. But the question of amount is not material if it is a right which these laborers have under the law of the land.

Mr. TILLMAN. The friends of the bill admit that it will take $5,000,000.

Mr. DIBBLE. If it is not a matter of right, then we have no authority to give as a gratuity to a particular class of laboring men money out of the Treasury under the guise of advantage or benefit to laboring men. Whatever those benefits might be, they would reach but a small proportion of the laborers of the country and would constitute a burden upon all the rest of the laboring classes to pay it; for labor pays its full share of public burdens.

The question therefore comes down to this: Have these employés a legal right to this additional compensation? The eight-hour law was passed on the 25th of June, 1868, and provided "that eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States."

Is this law a matter of contract between each individual laborer and the Government, which enters into and becomes a part of every agreement for labor? On that point we have the express decision of the Supreme Court in the Martin case. It was there decided that it was not a contract between the parties; it was simply a direction of the Government to its agents, and that special contracts may be made in special cases. Judge Hunt says:

> This is a direction by Congress to the officers and agents of the Government of the United States establishing a principle to be observed in the labor of those engaged in its service. There are several things which the act does not regulate, which it may be worth while to notice:
>
> First. It does not establish the prices to be paid for its work.

That is the first point decided by the court.

> Second. The statute does not provide that the employer and the laborer may not agree with each other as to what shall constitute a day's work.

So that this law only established a general directory rule for the Departments of the Government. By the express decision of the Supreme Court, this law does not provide that laborers may not agree upon any other hours of labor. Such agreements have been made. Men have gone into the Government employment knowing how many hours they were to work and what they would get for that work; they have made such contracts, which are not affected by this law. They have received their pay. The matter has been settled. And, Mr. Chairman, in some kinds of severe work it is probable laborers can not endure eight hours' employment per day. I understand that in founderies and some other establishments men can not stand eight hours' work in a day. Suppose some of these workmen were employed only seven hours per day. Does the Government propose to adjust their accounts by taking off one-eighth of their wages?

Mr. Chairman, the construction of the law for which I am now contending, as given by the Supreme Court, has been the construction from the beginning. Attorney-General Evarts—I cite the twelfth volume of the Opinions of the Attorneys-General—was called upon early for his opinion as to the meaning of this law. On the 25th of November, 1868, he gave an opinion to the effect that the eight-hour law was simply directory; that it did not follow from the law that for eight hours' work the Government should pay the same price paid for ten hours' work in a private establishment; but that one principle ran through the laws of the United States on this subject—that there should be equality between the wages of employés of the Government and wages paid for similar industry in private establishments. His language is as follows:

> The equality between the wages of the employés of the Government and of similar industry in private employment (which is so manifestly just and expedient as to have been provided for by law in regard to employés of the Navy Department, and by departmental regulation in the War Department) is a matter of substance and not of form. This equality requires that the same worth of labor should be compensated in the public employment at the same rates of wages that it receives in private employment.

And, Mr. Chairman, the principle is correct. We, as representatives of the people, should not enact any law by which the Government shall pay more for what it gets than private individuals pay in the market for similar work. Such legislation would benefit only a favored class. It would not benefit the great body of the laborers of the country. They would be subjected to additional burdens, while the few laborers so fortunate as to be in Government employment would be put above the level of those who were their equals in skill, industry, and every other requisite for doing good service for their employers.

So also, Mr. Chairman, Attorney-General Hoar gave an opinion to the same effect in 1869. One of the arguments used in favor of the eight-hour law, as shown by the debates at the time of its passage, was that by continuous employment of workmen for eight hours a day the same amount of work could be accomplished in the long run as by the employment of workmen for a longer daily period. Be that as it may, we know that the advocates of this law hold eight hours to be the period which day in and day out on the average will produce the most effective results in the ordinary kinds of labor with due regard to the health and strength of workmen. On that principle the eight-hour law was based.

If it should be, Mr. Evarts says, in his opinion from which I have quoted, that eight hours of work day in and day out will not accom-

plish for the Government as much as is accomplished in private establishments by ten hours' work day after day, then, he says, according to the principle of equality the price of labor for eight hours should be correspondingly reduced. If, on the contrary, labor continued day after day for eight hours will produce equal results with the ten-hour system in other establishments, then the same amount of compensation should be paid. But the rate of compensation was not fixed by law; that was left to be dependent entirely upon experience in various branches of industry and subject to agreement in every instance.

I cite these views of the highest legal advisers of the Government, expressed for the purpose of guiding the Departments in relation to the eight-hour law, shortly after its passage, simply to show that the rule was established that all Government employés should receive compensation equal to that paid in private employment for like services.

[Here the hammer fell.]

Mr. HOPKINS. In order to avoid the formality of having the committee rise, I ask unanimous consent that general debate be now considered as terminated.

The CHAIRMAN. Unanimous consent is asked that general debate be now closed on this bill. That is substantially the agreement arrived at some time ago. If there be no objection it will be so ordered.

There was no objection.

Mr. HOPKINS. I desire to offer an amendment to the first section of the bill.

The first section was read, as follows:

Be it enacted, &c., That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, at the price per day as regulated by private parties in the vicinity in which the work was performed, without reference to the number of hours' work required by such parties.

Mr. HOPKINS. I offer the amendment which I send to the desk:

The Clerk read as follows:

After the word "been," in line 3 of section 1, insert "since June 25, 1868, or who may hereafter be."

After the word "States," in line 5, strike out down to the word "shall," in line 7; so that, if thus amended, the section will read:

"That whoever, as a laborer, workman, or mechanic, has been, since June 25, 1868, or who may heraftер be, employed by or on behalf of the Government of the United States, shall be paid for each eight hours he has been employed as for a full day's work, at the price per day as regulated by private parties in the vicinity in which the work was performed, without reference to the number of hours' work required by such parties."

Mr. HISCOCK. I suggest whether it would not be quite as well to strike out in line 8, from the word "at" to the close, and insert in lieu thereof "should be paid the price of ten hours' work for eight hours' labor." [Laughter.]

Mr. HOPKINS. The gentleman can offer that amendment if he desires to.

Mr. HISCOCK. Then I move that amendment.

The CHAIRMAN. The gentleman is entitled to five minutes.

Mr. HOPKINS. I desire a vote and do not wish to detain the committee by a speech.

Mr. BROWNE, of Indiana. In line 8, after the words "per day," I move to insert "of the same length;" so it will read:

At the price per day of the same length as regulated by private parties in the vicinity in which the work was performed, without reference to the number of hours' work required by such parties.

Mr. HISCOCK. I desire to be heard on my amendment.

Mr. KEIFER. Allow me to suggest, Mr. Chairman, the amendments can not be considered as germane amendments to the amendment moved by the gentleman from Pennsylvania.

The CHAIRMAN. The Chair has recognized the gentleman from New York to speak to his amendment.

Mr. HISCOCK. My understanding is that the chairman of the committee and the committee itself which reported this bill understand there is no legal liability on the part of the Government to pay these alleged claims. There is no use of introducing or citing authorities, for if they believed these were legal claims against the Government the Treasury Department would have been invited to audit and send them to Congress to make appropriation for their payment.

Again, sir, if they had supposed there was a legal liability on the part of the Government there would have been no necessity to put in the pending measure in the peculiar shape in which we find it a rule of law to control the decision. Take the second section; it provides that the Court of Claims shall pass on these demands as though eight hours constituted a day's work. If there was such a rule of law now to control the Court of Claims this provision would be unnecessary.

The bill assumes these claimants have no valid claim against the Government, and proposes to give them this gratuity. It assumes they have already been paid in full; but in addition it will, by favor, give them for eight hours' work the price of ten. Why not then have this fairly and openly stated upon the face of the bill itself? If in the future that is exactly what is intended to be accomplished, why not let the bill so express it? Why not let it clearly say to all those in the Government employ the Government will pay them for eight hours' service the value or price of ten? Then you will have something definite and positive for your labor. Then you can afford to make these demagogical speeches. You can afford to say that you propose to elevate labor in the Government employ by paying it 25 per cent. or upward more than it is worth and more than labor elsewhere receives. You will have paid for the privilege.

Then you may wave the flag and talk about the laboring man, how your heart thrills with interest for those who labor, and all that sort of thing. You will then have passed a bill which expresses precisely on its face what you profess to desire to accomplish.

Now, sir, I am ready to meet such a question as is here presented, squarely and decidedly. We all talk to our constituents. I talk to mine. They are mainly laboring men. They want a fair day's wages for a fair day's work, and I am in favor of their receiving it, and they know it. They are my peers and, as to this great labor question, are, many of them, my superiors in knowledge. They believe that the profits of business should be fairly divided between capital and labor, so that each may receive its fair proportion, and so do I. They do not believe in, and they have a most profound contempt for, this buncombe talk of which we have heard so much this session.

I should like to be permitted to go further, and if my five minutes is about to run out I hope some gentleman will be able to obtain the floor and yield to me so I may be able to finish.

Mr. COX, of New York. I will be glad to yield the gentleman my time.

Mr. HISCOCK. The gentlemen who favored this bill understand perfectly well that if you pass it it is a mere declaration without further force or effect. It will not pay these claims, but by another law you will have to appropriate the necessary amount of money. Without that appropriation this bill amounts to nothing. It must be considered then as put in here as a cheat and a fraud for the purpose of advertising that you will give people laboring in the Government employ 25 per cent. more than labor is paid elsewhere. But you make no appropriation to pay the amount you have promised. You talk about your friendship for this class of people and of your intention to favor them, and you know nevertheless your bill is defective in that you can not pay one dollar under it. Even when these claims have passed they can not be paid until the appropriation for that purpose has undergone the scrutiny of the Hon. SAMUEL J. RANDALL, of Pennsylvania, who presides over the Committee on Appropriations of this House.

[Here the hammer fell.]

Mr. HOPKINS rose.

Mr. CANNON. I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania has been recognized.

Mr. HOPKINS. Mr. Chairman, part of the speech just made by the gentleman from New York was made in the Senate by a Senator from Ohio when this bill was pending before that body, and the same proposition the gentleman now makes was made in the Senate to amend the title.

In regard to the allusion the gentleman saw proper to make as to demagogy in connection with the presentation of this bill, I can only refer the gentleman to the platform of his own party——

Mr. HISCOCK. Now I am not going to wander off into a political discussion upon this bill.

Mr. HOPKINS. Then do not reflect upon the views and opinions of those who see proper to support the bill.

Mr. HISCOCK. I am not talking of this bill at all for party effect.

Mr. WELLER. I rise to a question of order. Who has the floor?

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor.

Mr. WELLER. Then I hope his time will not be filched away from him.

Mr. HISCOCK. The gentleman from Illinois rose to offer an amendment with the understanding that he would yield me his time.

The CHAIRMAN. The Chair had recognized the gentleman from Pennsylvania before the gentleman from Illinois claimed the floor.

Mr. HOPKINS. I do not propose or desire to have a political discussion upon this bill; but, as I have said, when the gentleman from New York insinuates that there is some attempt at demagogy in this matter, I repeat I refer him to the latest platform of his own party which declares in support of this proposition.

Mr. HISCOCK. Now, if the gentleman is going into that question I insist upon having time to reply.

Mr. HOPKINS. If his charge of demagogy is true as to the advocates of this measure it is a charge that lies against the assembled wisdom of his own party.

The CHAIRMAN. The time for debate has expired.

Mr. CANNON. I move to strike out the last word.

The CHAIRMAN. That is not in order; no further amendment is in order.

Mr. CANNON. There has been no substitute, as I understand it, which is permitted under the rules.

The CHAIRMAN. There are two amendments pending.

Mr. CANNON. I suppose a substitute would be in order.

The CHAIRMAN. If the gentleman has a substitute to offer, it can be offered now.

Mr. KEIFER. I make the point of order that the amendment of the gentleman from Indiana is not in order at this point. It relates to another part of the section, having no connection with the pending amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The point of order would be good if the gentleman had made it in time.

Mr. KEIFER. I desire to state that I made it some time ago; before the debate commenced.

The CHAIRMAN. The Chair asks the gentleman's pardon. The Chair had not observed that the point of order was made.

Mr. KEIFER. I think if we are to go on in an orderly way we had better not skip over from place to place in the bill in offering these amendments.

The CHAIRMAN. The Chair is informed that the gentleman from Ohio did make the point of order in time. The amendment is not in order as an amendment to the amendment.

Mr. CANNON. I move now to strike out the last word, and yield the time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Chairman, something has been said as to the Republican platform. I have not the Republican platform before me but I do not believe it proposes that we by legislative enactment shall attempt to change the value of gold. I do not believe it advocates legislation which would fix the wages of labor. I do not believe it favors legislation to fix the value of any property or commodity whatever. I do not believe it declares the laboring man shall not make his contract with the Government or with any other party as to the compensation he shall receive for his services. If it does, sir, I am compelled to say that upon that question I am an independent. [Laughter and applause.]

We all know the price of labor like everything else depends on the demand, and the most we can do, and I am in favor of that, is to create as large a demand as is practicable.

One other suggestion that I have to make will test the question whether this bill is presented here honestly and in good faith. Let those gentlemen who have charge of it tell us how much money will be required to discharge the liabilities they propose to create. How much money is involved? Then when you have told us that put into the bill an appropriation for the amount. It has been suggested by the gentleman from South Carolina [Mr. TILLMAN] that it will require $30,000,000. I have shown you that you can not pay a dollar under the bill until the Committee on Appropriations has passed upon the audit or adjudications and reported to the House; that another bill must be passed.

Having pointed that out to you, if this is in the interest of any one but claim agents, and if it is above all things in the interest of the laboring men, and they are to receive this money, and not of men that expect by some future legislation to get an appropriation bill through to cover it; if it is not in the interest, I repeat, of these claim agents, then put into the bill the amount of money necessary to pay the liabilities you propose to create and provide the money shall be paid directly to the claimants. That tests the question whether the bill comes here in good faith for the purpose of giving the people who labor for the Government this gratuity, or whether it is here as a text for demagogues to eternally harp on as to how their hearts plead for the laboring men, or for claim agents.

Mr. HOPKINS. The gentleman from New York [Mr. HISCOCK] has more than once called attention to the fact that there is no appropriation in this bill. The gentleman very well knows that every claim which is referred to the Court of Claims has to be appropriated for after it is adjudicated.

I move that the committee rise for the purpose of limiting debate on this section.

Mr. DUNN. I hope that will not be done. I have an amendment I wish to offer.

Mr. HOPKINS. I merely propose to limit debate on the first section.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6541) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, and had come to no resolution thereon.

Mr. HOPKINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of this bill; and pending that I move that all debate on the first section and amendments thereto be limited to one-half minute.

Mr. REED. Does the gentleman mean to include all future amendments?

Mr. HOPKINS. All amendments to this section.

Mr. REED. There are some further amendments to be proposed. I suggest the gentleman only limit debate on the pending amendments.

Mr. HOPKINS. I shall not object to amendments being offered, but I think we have had sufficient discussion on this section.

Mr. REED. It is very desirable an opportunity should be given for explanation. For instance, I should like to suggest that the words after the word "work," in line 8 of section 1, should be stricken out, and I would like to explain what seems to me the difficulty if those words are left in.

Mr. HOPKINS. That amendment has, I think, already been offered.

Mr. REED. I think not.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted on its amendment to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, disagreed to by the House of Representatives, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL as conferees on the part of the Senate.

EIGHT-HOUR LAW.

The SPEAKER. The gentleman from Pennsylvania [Mr. HOPKINS] moves that the House resolve itself into Committee of the Whole House on the state of the Union; and pending that motion he moves that all debate upon the section under consideration and amendments thereto be limited to one-half minute.

Mr. WHITE, of Kentucky. I hope that will not be insisted on. As I understood the gentleman, when he proposed to limit general debate he gave as a reason that there would be ample time for discussion under the five-minute rule. Now we have had only ten minutes debate and he proposes to cut it off.

Mr. HOPKINS. The gentleman forgets that I afterward yielded an additional three-quarters of an hour for general debate.

On the motion to limit debate there were—ayes 70, noes 35.

Mr. WHITE, of Kentucky. I ask for tellers.

Tellers were not ordered, only twelve members voting therefor—not one-fifth of a quorum.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER. The gentleman can not make the point as to a quorum after he has demanded tellers.

So the motion to limit debate was agreed to.

The SPEAKER. The question is on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the bill reported by the Committee on Labor.

Mr. WHITE, of Kentucky. I ask for a division.

The House divided; and there were—ayes 73, noes 20.

So (further count not being called for) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. By order of the House all debate on the first section of the bill and amendments thereto has been limited to one-half minute. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. HOPKINS].

The amendment was agreed to.

Mr. KEIFER. I move to amend by striking out all after the word "work," in line 8 of section 1.

The CHAIRMAN. The Clerk will report the words proposed to be stricken out.

The Clerk read as follows:

At the price per day as regulated by private parties in the vicinity in which the work was performed, without reference to the number of hours' work required by such parties.

Mr. KEIFER. I think the half-minute allowed for debate has not been occupied. I wish to say if these words are stricken out it will leave the person to recover, if he recovers at all, at the same rate as he performs the work for eight hours; and it will not leave the inquiry to be made as to the rate of wages paid in the vicinity.

The question being taken on the amendment, there were—ayes 55, noes 27.

So (further count not being called for) the amendment was agreed to.

Mr. HEWITT, of Alabama. I offer as a substitute for the section what I send to the desk.

The Clerk read as follows:

That whoever as a laborer, workman, or mechanic is hereafter employed by or on behalf of the Government of the United States shall be paid for each eight hours he shall be employed as for a full day's work.

Mr. BROWNE, of Indiana. That is right.

Mr. WHITE, of Kentucky. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE, of Kentucky. Is this a substitute for the entire bill?

The CHAIRMAN. It is a substitute proposed for section 1 of the bill.

The question being taken, the substitute was agreed to.

The CHAIRMAN. If there be no further amendments to the first section the Clerk will read the next section.

Mr. CUTCHEON. I desire to offer an amendment to the first section.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The committee rose informally, and the Speaker resumed the chair.

Mr. HOLMAN. I desire to call up the message received a few moments ago from the Senate in reference to the legislative appropriation bill.

The SPEAKER. The Clerk will read the message.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 28, 1884.

Resolved, That the Senate insist upon its amendments to the bill of the House, No. 7069, making appropriations for the legislative, judicial, and executive ex-

penses of the Government for the fiscal year ending June 30, 1885, and for other purposes, disagreed to by the House of Representatives, and asks a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL be the conferees on the part of the Senate.

Mr. HOLMAN. I move that the House further insist on its disagreement to the amendments of the Senate and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair will appoint as managers of the conference on the part of the House the gentleman from Texas, Mr. HANCOCK, the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Illinois, Mr. CANNON.

Mr. WHITE, of Kentucky. Before that is done I desire to ask whether it would be in order to have the Senate amendments read.

The SPEAKER. It would not at this stage.

Mr. WHITE, of Kentucky. I understand that the House is asked to insist on its disagreement to something we do not know about.

The SPEAKER. This is in response to the request on the part of the Senate for a conference.

Mr. WHITE, of Kentucky. I notice that there was considerable debate in the Senate on some portions of the House bill. If we are to insist on our disagreement to the Senate amendments I would like to have them read, so as to understand what is before the conference committee.

Mr. RANDALL. I submit that that request is too late.

The SPEAKER. The House disagreed to the amendments early in to-day's session; that was the time to discuss the Senate amendments.

ELECTORAL COUNT.

Mr. EATON. I desire to have taken from the Speaker's table at this time the message of the Senate announcing its disagreement to the amendments of the House to Senate bill 25 to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decisions of questions arising thereon, and asking a conference with the House on the disagreeing votes of the two Houses thereon. I move that the House insist upon these amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER subsequently announced as the conferees on the part of the House Mr. EATON, Mr. BENNETT, and Mr. HART.

EIGHT-HOUR LAW.

The committee resumed its session, and proceeded with the consideration of the bill (H. R. 6541) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The CHAIRMAN. The Clerk will now read section 2 of the bill.

Mr. O'NEILL, of Missouri. I desire to move to reconsider the vote by which the substitute for section 1 was adopted.

Mr. COX, of New York. That is right.

The CHAIRMAN. A motion to reconsider is not in order in Committee of the Whole.

Mr. O'NEILL, of Missouri. Then I give notice that when reported to the House that amendment will be objected to.

The CHAIRMAN. The Clerk will read section 2 of the bill.

The Clerk read as follows:

SEC. 2. That all claims for labor so performed in excess of eight hours per day are hereby referred to the Court of Claims, to be adjudicated upon the basis that eight hours constitute a day's work, and are to be paid for at the price per day as provided for in the first section of this act, and judgment given against the United States in favor of each claimant for the amount found due, to be paid as other judgments of the Court of Claims against the United States.

Mr. HOPKINS. I move to amend section 2 by inserting, in line 2, after the word "day," the words "and which have not been or may not be settled upon that basis."

Mr. MCMILLIN. I desire to ask the gentleman from Pennsylvania [Mr. HOPKINS] if his amendment just offered is not in view of the action which was taken by the Committee of the Whole in striking out the first section as amended, and adopting the substitute offered by the gentleman from Alabama [Mr. HEWITT]?

Mr. HOPKINS. I answer the gentleman very decidedly, "no," because at the opening of this discussion, before I had any idea that the amendment to which the gentlemen refers would be adopted, I gave notice of this amendment.

Mr. MCMILLIN. I remember the gentleman's suggestion now. I think his amendment should be amended, in view of what has been done by the Committee of the Whole, by striking out the words "have not been or;" so that it will read, if adopted—

That all claims for labor so performed in excess of eight hours per day, which may not be settled upon that basis, are hereby referred to the Court of Claims, &c.

The CHAIRMAN. The question is upon the amendment to the amendment.

Mr. WHITE, of Kentucky. That is debatable, I believe?

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN] is entitled to the floor on his amendment.

Mr. MCMILLIN. I do not know that I desire to be heard upon it now.

The CHAIRMAN. Then the gentleman from Kentucky [Mr. WHITE] is recognized to speak in opposition to the amendment.

Mr. WHITE, of Kentucky. I hope that order will be restored so that I can be heard.

Mr. MCMILLIN. I want the attention of the committee for one moment on my amendment.

Mr. WHITE, of Kentucky. I will yield to the gentleman.

Mr. MCMILLIN. I do not ask the gentleman to yield.

Mr. WHITE, of Kentucky. I insist that I have been recognized by the Chair.

The CHAIRMAN. The gentleman from Tennessee is entitled to five minutes upon his amendment.

Mr. WHITE, of Kentucky. But he did not take the floor, and the Chair recognized "the gentleman from Kentucky."

The CHAIRMAN. The Chair will not take any advantage of the gentleman.

Mr. WHITE, of Kentucky. Neither will "the gentleman from Kentucky." [Laughter.]

Mr. MCMILLIN. In the five minutes to which I am entitled under the rule I desire to give something of the history of the legislation which is under consideration to-day. In the Forty-sixth Congress, more than five years ago, a bill was introduced pretending to have in view the enforcement of the eight-hour law. I then moved this amendment:

That this act shall apply to future contracts and future labor only, and shall not be held as authority to control past contracts or labor.

That was objected to by the committee reporting the bill, and the gentleman from Illinois [Mr. CANNON] moved to lay the whole subject on the table, which was agreed to. I stated to the House then that that legislation was intended as a "sapper and miner" to take millions of dollars out of the Treasury, and to-day we have a verification of that prediction. Among those who voted to lay on the table the motion to reconsider the vote tabling the whole subject I find these—and I will read the names only of a portion of those who are now in Congress:

Aiken, Aldrich [now in the Senate], Anderson, Bayne, Blount, Browne of Indiana, Cabell, Cannon, Chalmers, Conger [now in the Senate], Culberson of Texas, Davidson, Davis of Illinois, Deuster, Dibrell, Ellis, Forney, Garfield, Hammond, Hiscock, King, McCoid, McKinley, McMillin, Reagan, Reed, Turner of Kentucky, Evins, Warner of Ohio, Washburn, Wellborn, Williams, and others.

Mr. WILLIS. Is the gentleman reading out a funeral notice?

Mr. MCMILLIN. If it is a funeral notice I do not care. I do not care whether it is a funeral or a resurrection notice. All I seek is to do justice, and the bill reported from the committee does not do that. So far from being a funeral notice of those who voted to lay the subject on the table, I will say that an ex-President of the United States, now deceased, in less than fifteen months after that time was nominated and in less than eighteen months was elected President. I refer to President Garfield.

The people of this country can not be deceived, nor do I believe the Committee on Labor desire to deceive. The masses of the laborers of this country will know that there can be no benefit to the laboring man in going back and over-riding the contracts made by those who sixteen years ago worked for the Government in order to pay them in excess of what was proposed by those contracts. Let us enforce the eight-hour law as long as it is on the statutes, and while it promises any good. I have no objection to that. But when the courts have decided that those who labored for the Government in the past under contract are not entitled to the compensation that the first section of this bill as reported sought to give them, I do not think we should reopen them by legislation, especially in view of the uncontradicted statement of the gentleman from South Carolina [Mr. TILLMAN] that it will cost the Government from twenty to thirty millions of dollars. Let us give them every cent they are entitled to under the law. Let us open the courts to them in the fullest manner, but I protest against entirely new retroactive legislation increasing the wages of any class of employés.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. Mr. Chairman, it seems to me remarkable that we should be considering here to-day a proposition to reopen old accounts upon which laborers have received all that they contracted for, accounts which have been settled, and which, if reopened, will, according to the statement of the gentleman from South Carolina [Mr. TILLMAN], involve an amount somewhere between twenty and thirty million dollars, nine dollars of which out of every ten will in all probability go to claim agents in the city of Washington. When we have here a Calendar having upon it undisposed of a thousand bills, reported from your committees, proposing to pay just claims, it does seem to me the merest subterfuge to propose seriously to pass a law not appropriating a dollar to pay any one of these laborers, but an empty law, which in the future will call for an appropriation out of the Treasury, which may or may not be made. I said there were a thousand bills upon the Calendar. No, sir, there are nine hundred and seventy-seven by actual count, reported from your committees, bills for the payment of the just dues of claimants who have been knocking at the doors of Congress in some instances for more than twenty years, claims of $100, $500, $5,000, or $15,000 as the case may happen to be. The majority of these claimants are poor people who can not come here to urge their claims. The bills to pay these poor people are to be pushed aside, and the valuable time

of this House, as the session is drawing to a close in the hot days of June, is to be squandered on such a bill as this.

The people will not be deceived by this bill. They have not forgotten the injunction passed on man, "in the sweat of thy face shalt thou eat bread." It rests with the laborer himself, it rests upon his ability as a man, his ability of arm or head (whether he be a laborer of high or low degree), how he shall labor and how long he shall labor. And now a committee proposes to pass through this House a measure which practically says to the laborer, "Take, therefore, no thought for the morrow, for the morrow shall take thought for the things of itself; sufficient unto the day is the evil thereof." Gentlemen in this House propose to say to the laborers of this country that this is a great paternal Government, and that we propose to establish a law whereby they may get their bread without working for it. No more dangerous doctrine was ever advocated in this country. It originated in demagogy, it is preached by fanatics, and it is not believed in by the honest laborers of this country.

The question being taken on the amendment of Mr. MCMILLIN to the amendment of Mr. HOPKINS, it was agreed to—ayes 107, noes 19.

Mr. HOPKINS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6541) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, and had come to no resolution thereon.

Mr. HOPKINS. I move that the House again resolve itself into Committee of the Whole; and pending that motion I move that all debate on the pending section of House bill 6541 and amendments thereto be terminated in one-half minute.

Mr. WHITE, of Kentucky. I move to amend so as to allow ten minutes for further debate.

Mr. CRISP. I move that the House adjourn.

The question being taken on the motion of Mr. CRISP, there were—ayes 105, noes 37.

Mr. O'NEILL, of Missouri, and Mr. FIEDLER called for the yeas and nays.

On ordering the yeas and nays there were—ayes 16, noes 143; less than one-fifth voting in the affirmative.

Mr. O'NEILL, of Missouri. I call for tellers on ordering the yeas and nays. I want gentlemen to go on record on this question.

Tellers were not ordered.

Mr. BROWNE, of Indiana. Mr. Speaker, before the result is announced I ask unanimous consent to extend my remarks in print.

Mr. WHITE, of Kentucky. I ask the same privilege.

The SPEAKER. On the motion that the House adjourn tellers have been refused, and the yeas and nays are refused. On agreeing to the motion there are—ayes 105, noes 37. The motion is agreed to; and the House stands adjourned until Monday morning next at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolution of Grand Army of the Republic Post No. 128, Allegheny County, Pa., protesting against the passage of the bill granting pensions to all soldiers of the late war who served sixty days, and favoring an increase of the pensions of widows and orphans and of disabled soldiers—to the Committee on Invalid Pensions.

By Mr. BLACKBURN: Petition of citizens of Oldham County, Kentucky, relative to the claim of said county—to the Committee on War Claims.

By Mr. DIBRELL: Papers relating to the claim of Asa Faulkner, Lewis Faulkner, and S. B. Sparlock—to the same committee.

By Mr. GOFF: Petition of M. Reiley and others, of Wheeling, W. Va., relative to the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. MAGINNIS: Petition of stock-raisers of Montana, in favor of the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. CHARLES O'NEILL: Resolutions of the Grocers and Importers' Exchange, of Philadelphia, and signatures of its members, favoring the passage of House bill No. 2414, making bills of lading conclusive evidence in certain cases—to the Committee on the Judiciary.

By Mr. PRYOR: Papers relating to the claim of John D. Inman, administrator of Argy L. Garner, deceased—to the Committee on War Claims.

By Mr. SPRINGER: Memorial of B. H. Hailey and others, ex-soldiers of the late war, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. WOODWARD: Petition of S. Chadwick and others, of Crawford County, Wisconsin, in relation to homesteads and the disposition of public lands, and other subjects—to the Committee on the Public Lands.

SENATE.

MONDAY, *June* 30, 1884.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced that he had signed the following enrolled bills which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 394) granting a pension to Mrs. Mary C. Jones;

A bill (H. R. 432) to increase the pension of Joseph B. Sellers;

A bill (H. R. 759) granting a pension to Patrick Droney;

A bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment of Pennsylvania Volunteer Cavalry;

A bill (H. R. 1986) granting a pension to Frank P. Fitkin;

A bill (H. R. 2393) granting a pension to Mary McLaughlin;

A bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet;

A bill (H. R. 3188) granting a pension to Amanda Cutter;

A bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes;

A bill (H. R. 4164) for the relief of Ellen Horgan;

A bill (H. R. 4188) granting a pension to William W. Day;

A bill (H. R. 4718) for the relief of Caroline Sheward;

A bill (H. R. 4818) for the relief of Rose Ann Galbraith;

A bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe;

A bill (H. R. 5258) granting a pension to Thomas Cheshire;

A bill (H. R. 5999) granting additional pension to George H. Fluke;

A bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes;

A bill (H. R. 6542) granting a pension to Harriet S. Brisbine; and

A bill (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens.

PETITIONS AND MEMORIALS.

Mr. CALL. I present the petition of Mrs. Sallie Bennett, of Floral City, Fla., a citizen of Hernando County, Florida. The petitioner states that she settled on a piece of land belonging to the Government of the United States, in the State of Florida, in the county of Hernando, and has continued to reside there. She also states that she built a dwelling-house, set out an orange grove, and made other valuable improvements. She also states that about the 1st of May, 1883, she filed her declaratory statement on said land, accompanied with proof of her actual settlement; also paid the proper fees, and filed the same with the register and receiver of the local land office at Gainesville, Fla., in order to require a pre-emption right to said land. The register and receiver rejected the application on the ground that this land was held for a certain railroad company, or that the records in the office showed said land to be railroad-indemnity land. The petitioner attempted to appeal to the General Land Office for redress, but the register and receiver, as the accompanying letter which is attached to this petition will show, refused an appeal. She also says that the Florida Railroad and Navigation Company offered this land for sale at $5 and $6 per acre. She states that she appeared by attorney at the railroad land office, at Wildwood, and having no other recourse, and not wishing to lose her improvements, and not being informed concerning the rights of the railroad to sell the land, she did then and there pay to the company one-half of the purchase money and executed her promissory note for the balance. The petitioner prays that this honorable body will consider this matter in her behalf and grant her such relief as may be in the power of Congress. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. GARLAND. I present a memorial of citizens of Little Rock, Ark., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials, or establish a governmental monopoly of the telegraph business, or which shall employ the functions of government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation. I also present similar memorials from citizens of Hot Springs, Eureka Springs, Pine Bluff, and Fort Smith, all in the State of Arkansas. I move that the memorials lie on the table.

The motion was agreed to.

Mr. HARRIS. I present a memorial similar to those just presented by the Senator from Arkansas signed by numerous citizens of the town of Columbia, in the State of Tennessee. I move that it lie on the table, the bill having been reported.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SLATER. On the 26th of June I submitted by instruction of

the Committee on Public Lands a report to accompany the bill (S. 2036) to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, which was ordered to be printed and recommitted to the committee. I now submit the report again by order of the committee, and ask that the usual number be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The report will be printed under the rule.

Mr. SLATER. I desire also to say that the report is not a unanimous report. Some of the members of the committee will desire to file a minority report at some future day. I ask that permission be granted for that purpose.

The PRESIDENT *pro tempore*. The Senator from Oregon asks leave that the views of the minority may be submitted hereafter. If there be no objection, leave will be granted.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1291) to quiet and confirm the title to certain lands in the Saginaw Bay, in the State of Michigan, reported it with amendments.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (H. R. 3520) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads, reported it with amendments.

Mr. MORGAN. I am also instructed by the same committee, to whom was referred the bill (S. 1368) donating three hundred and twenty acres of public land to each of the survivors of the Mountain Meadow massacre, and to each of the legal heirs of any one killed in such massacre, to report it adversely, and to make the statement in regard to the claim in favor of the survivors of the Mountain Meadow massacre in Utah that if there is any valid claim against the Government the Committee on Public Lands think it is an appropriation not within their jurisdiction; it should be a claim compensated in money and not in public lands.

Mr. GARLAND. I ask that the bill be placed on the Calendar. Since the bill was introduced, in fact since the matter went to the committee, I obtained possession of facts that I do not believe I placed in the hands of the committee. I am satisfied that those parties are entitled to something from the Government. I am not prepared to say now whether it should be land or money, but I wish to make a more definite and certain showing than has been made for one or the other after a while. All I ask now is that the bill may go on the Calendar, so that I may take such action afterward upon it as I may consider proper.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 2264) to provide for the sale of the lands belonging to the Prairie band of Pottawatomie Indians, in Kansas, reported it with an amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana," reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1838) for the erection of a public building at Akron, Ohio, reported it without amendment.

THE PUBLIC PRINTING.

Mr. ALLISON, from the Committee on Appropriations, reported a bill (S. 2352) to continue the public printing; which was read the first time by its title.

Mr. ALLISON. I ask for the present consideration of the bill.

By unanimous consent the bill was read the second time and considered as in Committee of the Whole. It authorizes the Congressional Printer to continue the work required by law in advance of appropriations to be hereafter made, for seven days.

Mr. ALLISON. I ask the Secretary to read a letter from the Public Printer, which I send to the desk.

The PRESIDENT *pro tempore*. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

OFFICE OF PUBLIC PRINTER,
Washington, D.C., June 30, 1883.

SIR: The appropriation for this office is not available after to-day. Unless Congress passes a joint resolution extending the appropriation until the sundry civil bill becomes a law it will be necessary for me to discontinue all work after to-day, including the CONGRESSIONAL RECORD. Will you please see that the necessary resolution is passed to-day?

Very respectfully,

S. P. ROUNDS, *Public Printer.*

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2353) to forfeit the unearned lands granted to aid in the construction of the Florida Railroad by "an act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," and to restore the same to settlement, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FAIR (by request) introduced a bill (S. 2354) to modify existing laws relating to regulation of commerce and navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VEST introduced a bill (S. 2355) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;" which was read twice by its title, and referred to the Committee on Railroads.

Mr. MITCHELL introduced a bill (S. 2356) for the relief of Mary F. Potts; which was read twice by its title, and referred to the Committee on Patents.

THE SENATE MANUAL.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are in order, and the Chair lays before the Senate the resolution submitted by the Senator from Maine [Mr. FRYE] on a previous occasion, which will be read.

The Chief Clerk read the resolution submitted by Mr. FRYE June 27, 1884, as follows:

Resolved, That there be printed, under the direction of the Committee on Rules, a new edition of the Senate Manual in accordance with the suggestions made in their report.

The PRESIDENT *pro tempore*. The Chair notices that the Senator from Maine is not in his seat, but felt it to be his duty to lay the resolution before the Senate.

Mr. GARLAND. Let it go over informally, as the Senator who introduced it is not here and it is a matter of some little importance.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be laid aside and presented as under the rule of objected resolutions to-morrow. Is there objection? The Chair hears none, and the resolution will be laid before the Senate to-morrow.

THE TRADE-DOLLAR.

Mr. CAMERON, of Pennsylvania. I ask that the Senate take up the resolution which I offered on Thursday last.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of Order of Business 849, which will be read.

The Chief Clerk read as follows:

Resolved, That the Finance Committee be discharged from the further consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to take up the resolution.

Mr. MORRILL. I trust——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. MORRILL. I trust that will not be done.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. CAMERON, of Pennsylvania. I hope it will be done.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to take up the resolution.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAXEY. I ask what the bill is?

Mr. MITCHELL. I was about to suggest that the bill itself be read. I ask that the bill be read as it passed the House.

Mr. ALDRICH. I rise to a parliamentary inquiry. I should like to know under what rule of the Senate the resolution is being considered.

The PRESIDENT *pro tempore*. It is under the eighth rule of the Senate which provides that at this time the Senate shall proceed to the Calendar unless the Senate otherwise order. The Senator from Pennsylvania proposes that the Senate shall otherwise order by proceeding to the consideration of this resolution.

Mr. ALDRICH. The bill is not on the Calendar.

The PRESIDENT *pro tempore*. The Order of Business 849, resolution of the Senator from Pennsylvania, is on the Calendar, which is a resolution to discharge the Committee on Finance from the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. HOAR. I see that the bill is very short. May it be read for information?

The PRESIDENT *pro tempore*. If there be no objection the bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That until January 1, 1886, United States trade-dollars shall be received at their face value in payment of all dues to the United States, and shall not be again paid out or in any other manner issued.

SEC. 2. That the holders of any United States trade-dollars, on presentation of the same at the office of the Treasurer or any assistant treasurer of the United States, may receive in exchange therefor a like amount and value, dollar for dollar, in standard silver dollars of the United States.

SEC. 3. That the trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depository of the United States

shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard silver dollars.

SEC. 4. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed.

Mr. CAMERON, of Pennsylvania. Would it be in order for me to state very briefly the object of the resolution?

The PRESIDENT *pro tempore*. Debate is not in order on a motion to take up.

Mr. CAMERON, of Pennsylvania. I simply wanted to state my reasons for offering the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Pennsylvania that the Senate take up for consideration the resolution offered by him on a previous day to discharge the Committee on Finance from the consideration of the bill, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Illinois [Mr. CULLOM]. If I were not paired I should vote "yea." My colleague [Mr. CAMDEN] is paired on all questions with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. MANDERSON. I am paired on this and other public questions with the Senator from Tennessee [Mr. JACKSON]. If he were present I should vote "nay."

Mr. HARRIS. I wish to state that my colleague [Mr. JACKSON] was called home a few days since and is necessarily absent. As announced by the Senator from Nebraska [Mr. MANDERSON], my colleague is paired with him upon all questions. I make the announcement for the day.

The result was announced—yeas 21, nays 28; as follows:

YEAS—21.

Brown,	Hampton,	Morgan,	Slater,
Butler,	Hawley,	Platt,	Williams,
Call,	Jones of Florida,	Pugh,	Wilson.
Cameron of Pa.,	Lapham,	Saulsbury,	
Cockrell,	Logan,	Sawyer,	
Groome,	Mitchell,	Sewell,	

NAYS—28.

Aldrich,	Edmunds,	Hill,	Morrill,
Allison,	Fair,	Hoar,	Palmer,
Bayard,	Garland,	Jonas,	Pike,
Beck,	Gibson,	Lamar,	Sherman,
Blair,	Hale,	Maxey,	Vance,
Bowen,	Harris,	Miller of Cal.,	Van Wyck,
Dawes,	Harrison,	Miller of N. Y.,	Voorhees.

ABSENT—27.

Anthony,	Colquitt,	Farley,	Ingalls,
Camden,	Conger,	Frye,	Jackson,
Cameron of Wis.,	Cullom,	George,	Jones of Nevada,
Coke,	Dolph,	Gorman,	Kenna,
McMillan,	Manderson,	Ransom,	Vest,
McPherson,	Pendleton,	Riddleberger,	Walker.
Mahone,	Plumb,	Sabin,	

So the motion was not agreed to.

REMARKS ON RIVER AND HARBOR APPROPRIATIONS.

Mr. HOAR. I desire to state for the information of the Senate that I wish to make some general remarks upon the river and harbor bill, and I shall probably take the occasion when the bill is ready to be reported from the Committee of the Whole to the Senate, unless the gentlemen in charge of the bill prefer some other time.

FIRST NATIONAL BANK OF OMAHA.

Mr. VAN WYCK. I move to take up the bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.

The motion was agreed to.

Mr. BUTLER. I should be very glad to get the Senate this morning, if convenient, to act on the resolution I offered some time ago. I ask that the resolution be taken up now for consideration.

Mr. VAN WYCK. I trust the Senator will not interfere with the passage of the bill. It is a mere formal matter and will take but a moment.

Mr. BUTLER. Very well.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEW YORK BANKS.

Mr. BUTLER. At the request of the Senator from Rhode Island [Mr. ALDRICH] I ask that a table which I have had prepared, a tabulation of the last report of the Comptroller of the Currency, be printed in the RECORD, in order that he may have access to it to-morrow; and to-morrow, after the morning business, I shall ask the Senate to vote upon the resolution. I therefore withdraw my motion to take up the resolution now, and will ask to have the table printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks that the table, the nature of which he has described, be printed in the RECORD. Is there objection?

Mr. SHERMAN. Is it an official document?

Mr. BUTLER. An official document.

The PRESIDENT *pro tempore*. The Chair hears no objection, and it is so ordered.

The following tabulation is an exact transcript, in headings and amounts, of the report of the Comptroller of the Currency, made to Congress, and purporting to show the condition of the forty-eight national banks of New York city in 1883:

Report of the Comptroller of the Currency, purporting to show the condition of national banks in the city of New York for the year 1883.

RESOURCES.

Name of bank.	Loans and discounts.	Overdrafts.	United States bonds to secure circulation.	United States bonds to secure deposits.	United States bonds on hand.	Other stocks, bonds, and mortgages.	Due from approved reserve agents.	Due from other banks and bankers.	Real estate, furniture, and fixtures.	Current expenses and taxes paid.
First National Bank	$10,490,083 60	$25,234 41	$500,000 00		$838,350 00	$2,300,550 11		$1,039,029 93	$681,610 48	
Second National Bank	3,288,650 78	2,704 38	50,000 00	$70,000 00				88,248 37		$8,844 04
Third National Bank	4,596,922 97	1,601 19	50,000 00			780,767 79		354,910 43	45,940 73	20,088 78
Fourth National Bank	15,704,813 04	7,314 24	400,000 00			132,757 85		1,598,387 78	600,000 00	34,561 33
Fifth National Bank	771,449 69	141 82	150,000 00			63,840 00		74,649 87	100,000 00	9,188 57
Sixth National Bank	594,049 24		214,500 00			647,953 78		25,825 85	40,000 00	
Ninth National Bank	4,522,175 00	762 17	667,000 00			150,900 00		807,738 62	354,500 00	
American Exchange Nat'l Bank	13,030,047 67	4,117 23	50,000 00			28,400 40		1,542,366 54	349,165 04	63,766 71
Bank of New York Nat'l Banking Association	8,237,740 49	6,810 94	50,000 00			24,348 05		436,361 42	250,000 00	
Bowery National Bank	1,661,839 38	191 90	250,000 00		200 00	32,594 11		171,120 72	8,704 68	
Central National Bank	7,303,796 95	14 92	330,000 00	200,000 00		592,181 25		565,715 50	677,166 09	46,794 72
Chase National Bank	3,755,632 33	3,462 48	50,000 00		159,500 00	364,048 75		212,652 46	4,000 00	14,447 38
Chatham National Bank	3,662,889 94	466 67	50,000 00					474,880 33	29,356 32	19,005 77
Chemical National Bank	12,813,164 17	5,124 85	100,000 00		368,000 00	245,546 09		1,042,060 81	100,000 00	8,315 55
Continental National Bank	5,352,436 22	74 91	500,000 00		10,000 00	220,301 24		229,818 44	585,000 00	23,140 99
East River National Bank	811,136 08	1,953 77	250,000 00		50,000 00	19,786 36		49,327 16	70,500 00	5,487 00
Fulton National Bank	1,605,748 55	142 25	50,000 00					59,411 89	45,000 00	31,586 99
Gallatin National Bank	3,440,927 04	5,946 80	890,000 00			353,500 00		110,737 12	995,000 00	30 03
Garfield National Bank	602,801 72	1,036 77	200,000 00					23,375 99	2,900 00	5,697 81
Hanover National Bank	9,237,723 61	102 74	100,000 00			3,000 00		555,123 81	37,754 99	70,007 69
Importers and Traders' National Bank	18,583,135 64	90 08	1,500,000 00		800,000 00	4,500 00		663,998 64	200,000 00	150,281 04
Irving National Bank	2,507,303 28	329 99	500,000 02		20,000 00	1,500 00		359,771 63	120,000 00	15,417 35
Leather Manufacturers' National Bank	2,255,532 48		800,000 00		50,000 00	614,658 50		80,543 63	200,000 00	28,966 96
Lincoln National Bank	2,000,473 02	28,952 11	50,000 00					22,303 83	10,780 94	6,357 32
Marine National Bank	3,268,414 61	15,971 49	300,000 00			18,200 00		223,715 84	318,922 58	4,366 50
Market National Bank	2,318,578 71	491 54	500,000 00			8,530 41		161,397 33	40,000 00	12,903 52
Mechanics' National Bank	8,520,622 99	526 60	50,000 00			6,000 00		485,235 58	179,813 26	23,775 82
Mechanics and Traders' National Bank	875,986 80	763 20	50,000 00			25,131 25		10,546 03	46,796 75	5,424 11

Report of the Comptroller of the Currency purporting to show the condition of national banks in the city of New York for the year 1883—Continued.

RESOURCES—Continued.

Name of bank.	Loans and discounts.	Overdrafts.	United States bonds to secure circulation.	United States bonds to secure deposits.	United States bonds on hand.	Other stocks, bonds, and mortgages.	Due from approved reserve agents.	Due from other banks and bankers.	Real estate, furniture, and fixtures.	Current expenses and taxes paid.
Mercantile National Bank	$6,066,967 13		$289,000 00			$31,317 50		$232,802 10	$200,000 00	$36,400 35
Merchants' National Bank	6,967,921 29	$542 50	400,000 00			9,000 00		428,317 59	206,000 00	40,592 04
Merchants' Exchange National Bank	3,201,844 60	49 10	313,000 00			3,000 00		279,449 67	243,700 00	12,848 45
Metropolitan National Bank	7,649,299 11	3,908 93	2,500,000 00			1,626,532 24		1,173,013 04	1,011,287 47	30,314 63
National Bank of Commerce	13,409,057 56		1,134,000 00	$300,000 00		1,026,200 00		578,487 27	530,000 00	92,636 84
National Bank of the Republic	4,346,050 57	175,498 09	200,000 00			106,000 00		564,160 24	600,000 00	11,207 13
National Broadway Bank	4,575,391 09	10 16	1,000,000 00			3,000 00		580,537 13	250,000 00	17,011 6
National Butchers and Drovers' Bank	1,452,334 77	94 92	300,000 00			13,400 00		81,881 47	80,000 00	9,501 31
National Citizens' Bank	2,506,600 11	20 70	300,000 00			27,500 00		204,890 22	250,000 00	10,557 65
National City Bank	7,369,312 78	1,872 82	50,000 00					613,118 80	203,000 00	79,411 15
National Park Bank	15,809,144 40	10,559 73	50,000 00	250,000 00		1,402,233 27		2,073,380 71	833,973 37	
National Shoe and Leather Bank	2,519,130 45	1,264 37	500,000 00			115,300 00		270,225 39	137,658 64	16,157 02
New York County National Bank	869,122 12		200,000 00			696,395 03		141,814 86	40,000 00	
New York National Exchange Bank	1,035,381 71	3,441 89	300,000 00			105,000 00		151,277 42	64,000 00	6,173 64
Phœnix National Bank	2,975,170 19	45 04	300,000 00			62,800 00		338,133 06	350,000 00	19,188 89
Seventh Ward National Bank	1,070,220 80	87 19	50,000 00			80,627 50		33,810 11	72,000 00	7,881 24
Tradesmen's National Bank	1,960,471 75		890,000 00			306,336 48		320,167 34	345,588 77	15,381 26
Union National Bank	3,727,080 44		50,000 00			467,450 00		80,811 40	104,500 00	26,741 81
United States National Bank	3,981,484 06	5,001 08	500,000 00			29,650 00		442,242 61	2,002 29	17,677 26
Wall Street Bank	1,802,321 17	44,744 74	50,000 00					79,496 43	6,500 00	11,223 97
Total	245,108,332 10	361,470 71	18,277,500 00	820,000 00	2,296,050 00	$13,017,587 96		20,137,272 21	10,729,222 40	1,069,392 22

Name of bank.	Premiums paid.	Checks and other cash items.	Exchanges for clearing-house.	Bills of other banks.	Fractional currency.	Specie.	Legal-tender notes.	United States certificates of deposit.	Due from United States Treasurer.	Total resources.
First National Bank	$173,029 29	$5,574 17	$1,858,102 42	$50,874 00		$3,207,216 02	$565,008 00		$75,162 12	$21,809,824 55
Second National Bank		57,653 37	236,657 25	106,884 00	$50 00	513,242 90	248,249 00		2,250 00	4,673,434 09
Third National Bank			765,760 96	52,763 00	509 78	763,475 00	450,000 00		42 00	7,882,782 63
Fourth National Bank	8,000 00	78,919 90	10,563,491 68	10,000 00	401 32	3,267,291 35	959,895 00		21,000 00	33,386,833 49
Fifth National Bank		3,180 70	88,917 91	15,063 00	207 27	141,063 00	132,677 00		6,750 00	1,557,128 83
Sixth National Bank	8,300 60	5,882 34	70,663 88	37,869 00	25 01	32,220 30	359,461 00		9,650 00	2,046,401 00
Ninth National Bank		2,190 64	674,593 83	2,270 00	1,010 02	1,084,669 00	236,478 00		42,000 00	8,546,287 28
American Exchange Nat'l Bank		844,078 00	4,816,346 78	94,213 00		1,367,668 77	1,401,000 00			23,591,170 14
Bank of New York Nat'l Banking Association			5,810,159 95	87,770 00	127 97	1,381,300 00	553,200 00		22,500 00	17,310,318 82
Bowery National Bank		4,626 77	105,760 12	21,163 00	90 32	325,568 00	168,126 00		11,250 00	2,761,235 00
Central National Bank		16,555 68	966,152 82	5,000 00	14,510 00	651,686 87	347,534 00	$660,000 00	14,850 00	12,391,958 80
Chase National Bank	27,518 53	6,390 21	183,009 86	4,180 00	9 63	760,150 00	520,262 00		2,250 00	6,067,543 63
Chatham National Bank		52,611 12	362,415 28	3,250 00		904,701 59	239,145 00		30,250 00	5,828,972 02
Chemical National Bank		106,135 51	970,777 94	92,500 00	5,326 00	5,698,572 14	367,118 00			21,922,641 06
Continental National Bank	46,505 43	13,017 09	2,042,624 06	9,892 00	7 27	1,374,211 90	242,300 00		22,500 00	10,671,829 55
East River National Bank		16,477 62	56,055 62	11,095 00	830 76	192,420 50	78,948 00		11,250 00	1,625,267 87
Fulton National Bank		20,229 35	388,888 79	11,953 00	325 04	381,262 15	90,988 00			2,685,546 01
Gallatin National Bank		246 57	1,748,678 34	12,000 00	35 36	238,081 00	75,527 00		40,000 00	7,015,209 26
Garfield National Bank	13,968 75	6,449 79	58,442,76	2,603 00	1,507 65	50,378 00	88,840 00		9,000 00	1,066,602 24
Hanover National Bank		5,715,59	1,202,278 98	3,425 00	63 24	1,682,552 00	1,002,888 00		4,500 00	13,905,135 55
Importers and Traders' National Bank	159,400 00	23,760 23	1,756,167 57	209,420 00	400 00	4,117,580 00	394,905 00	1,075,000 00	71,500 00	29,710,138 20
Irving National Bank	32,954 88	11,004 51	240,513 16	32,500 00	90 10	207,004 50	160,377 00	300,000 00	27,500 00	4,536,266 40
Leather Manufacturers' National Bank		34,815 49	514,805 60	1,800 00		372,072 04	358,447 00		27,000 00	5,138,641 60
Lincoln National Bank	8,750 00	21,436 31	62,275 40	16,195 00	368 00	415,435 50	182,343 00		2,250 00	2,827,920 43
Marine National Bank		50,394 60	765,519 61	32,489 00	5,910 06	861,959 59	192,950 00		13,500 00	6,072,313 88
Market National Bank		65,461 66	207,106 55	78,271 00		785,139 54	77,900 00		23,950 00	4,279,730 26
Mechanics' National Bank		107,511 15	2,302,166 48	31,597 00	72 11	690,234 36	891,678 00	60,000 00		13,349,233 35
Mechanics and Traders' National Bank	618 50	12,308 09	22,528 27	14,312 00	316 18	219,037 70	55,286 00		2,250 00	1,341,254 88
Mercantile National Bank		19,614 26	577,242 35	26,045 00		1,331,951 05	520,400 00		17,000 00	9,348,739 74
Merchants' National Bank		136,776 31	2,169,537 88	14,041 00	1,410 45	1,410,801 55	654,719 00		18,000 00	12,457,659 61
Merchants' Exchange National Bank		42,523 94	225,770 99	13,530 00	4,551 66	179,236 00	309,793 00	100,000 00	14,085 00	4,943,382 41
Metropolitan National Bank		103,053 91	1,001,522 24	112,114 00	716 43	2,020,870 80	307,100 00		112,495 00	17,652,227 80
National Bank of Commerce		77,591 20	5,446,531 36	132,408 00	2,422 25	307,267 10	1,749,301 00	365,000 00	51,030 00	25,201,932 58
National Bank of the Republic		109,662 70	1,650,497 36	30,332 00	137 40	374,251 50	130,221 00		9,000 00	8,307,018 08
National Broadway Bank		133,779 74	381,098 43	61,571 00	400 10	720,162 00	333,667 00		49,000 00	8,105,628 25
National Butchers and Drovers' Bank		13,017 95	88,857 50	34,093 00	646 58	416,068 45	50,617 00		13,500 00	2,554,012 95
National Citizens' Bank	15,000 00	68,188 13	283,220 44	1,200 00	69 50	475,718 33	129,559 00	60,000 00	13,500 00	4,346,024 08
National City Bank		116,890 89	3,039,119 47	40,886 00	50 60	2,297,943 00	570,000 00			14,381,605 51
National Park Bank	5,625 00	91,496 49	2,342,143 75	5,865 00	438 75	4,243,313 60	879,787 00		54,250 00	28,052,211 07
National Shoe and Leather Bank	70,000 00	75,345 90	229,911 74	27,307 00	519 60	515,336 40	135,000 00		22,500 00	4,635,656 51
New York County National Bank		5,159 90	133,082 85	22,251 00		179,557 88	275,283 00		9,000 00	2,571,666 64
New York National Exchange Bank		41,334 50	146,682 36	5,174 00	869 14	130,826 00	147,053 00		13,500 00	2,150,713 66
Phœnix National Bank	6,000 00	15,803 93	2,607,601 61	49,644 00	64 72	835,697 45	119,300 00		13,500 00	7,692,948 89
Seventh Ward National Bank		23,386 12	71,699 27	6,934 00	632 92	347,759 13	75,049 00		2,250 00	1,842,337 28
Tradesmen's National Bank	15,000 00	36,059 33	174,335 02	33,829 00	150 00	381,961 00	48,000 00		60,050 00	4,587,329 95
Union National Bank		2,830 05	4,535,204 46	56,561 00	71 21	836,558 00	15,128 00			9,902,936 37
United States National Bank	49,782 45	6,083 80	1,629,051 07	62,330 00	18 98	1,343,870 00	97,848 00		22,500 00	8,456,391 60
Wall Street Bank		4,906 32	3,633,800 05	25,420 00	35 85	238,830 86	128,240 00			6,025,519 39
Total	640,453 43	2,696,131 83	69,207,772 07	1,812,886 00	45,399 32	50,274,173 82	17,117,605 00	2,620,000 00	988,314 12	457,217,563 19

Report of the Comptroller of the Currency, purporting to show the condition of national banks in the city of New York for the year 1883—Continued.

LIABILITIES.

Name of bank.	Total liabilities.	Capital stock paid in.	Surplus fund.	Other undivided profits.	National-bank notes outstanding.	State-bank notes outstanding.	Dividends unpaid.
First National Bank	$21,809,824 55	$500,000 00	$3,000,000 00	$338,402 60	$294,920 00		$900 00
Second National Bank	4,673,534 09	300,000 00	60,000 00	113,646 08	45,000 00		300 00
Third National Bank	7,882,782 63	1,000,000 00	200,000 00	163,947 39			
Fourth National Bank	33,386,833 49	3,200,000 00	640,000 00	729,038 93	360,000 00		17,854 37
Fifth National Bank	1,567,128 83	150,000 00	35,000 00	105,960 03	135,000 00		609 00
Sixth National Bank	2,046,401 00	200,000 00	40,000 00	20,968 22	193,000 00		
Ninth National Bank	8,546,287 28	750,000 00	160,000 00	62,545 83	600,000 00		681 50
American Exchange National Bank	23,591,170 14	5,000,000 00	1,250,000 00	419,687 47		$6,803 00	9,100 50
Bank of New York National Banking Association	17,310,318 82	2,000,000 00	700,000 00	342,978 29	450,000 00		10,048 60
Bowery National Bank	2,761,235 00	250,000 00	150,000 00	93,392 62	224,550 00		350 00
Central National Bank	12,391,958 80	2,000,000 00	284,000 00	263,573 37	297,000 00		5,617 79
Chase National Bank	6,067,543 63	300,000 00	250,000 00	33,244 53	45,000 00		
Chatham National Bank	5,828,972 02	450,000 00	200,000 00	78,669 08	45,000 00		1,216 00
Chemical National Bank	21,922,641 06	300,000 00	3,000,000 00	855,452 83		10,880 00	3,855 00
Continental National Bank	10,671,829 55	1,000,000 00	200,000 00	67,867 38	450,000 00		13,769 50
East River National Bank	1,625,267 87	250,000 00	50,000 00	82,603 28	223,090 00	4,971 00	3,586 44
Fulton National Bank	2,685,546 01	600,000 00	300,000 00	69,556 45			1,411 32
Gallatin National Bank	7,015,209 26	1,000,000 00	300,000 00	563,966 83	765,000 00		52,812 80
Garfield National Bank	1,066,602 24	200,000 00	30,000 00	9,698 35	180,000 00		
Hanover National Bank	13,905,135 55	1,000,000 00	500,000 00	168,724 66	90,000 00		2,303 00
Importers and Traders' National Bank	29,710,138 20	1,500,000 00	1,801,200 92	950,096 85	1,329,282 00	5,708 00	3,499 60
Irving National Bank	4,536,266 40	500,000 00	100,000 00	92,758 32	379,900 00		4,564 08
Leather Manufacturers' National Bank	5,138,641 60	600,000 00	400,000 00	82,177 46	525,680 00		6,944 61
Lincoln National Bank	2,827,920 43	300,000 00	15,723 30	8,143 10	45,000 00		
Marine National Bank	6,072,313 88	400,000 00	130,000 00	62,345 26	270,000 00		1,255 62
Market National Bank	4,279,730 26	500,000 00	300,000 00	75,180 28	445,350 00		1,116 00
Mechanics' National Bank	13,349,233 35	2,000,000 00	400,000 00	775,248 43			6,408 00
Mechanics and Traders' National Bank	1,341,254 88	200,000 00	30,000 00	28,222 62	45,000 00		1,997 94
Mercantile National Bank	9,348,739 74	1,000,000 00	165,000 00	125,835 96	260,000 00		249 00
Merchants' National Bank	12,457,659 61	2,000,000 00	400,000 00	284,446 55	320,800 00	2,674 00	4,949 50
Merchants' Exchange National Bank	4,943,382 41	1,000,000 00	127,500 00	67,400 45	281,700 00		5,099 85
Metropolitan National Bank	17,652,227 80	3,000,000 00	1,400,000 00	100,257 18	2,152,150 00		8,890 00
National Bank of Commerce	25,201,932 58	5,000,000 00	2,000,000 00	1,183,335 78	901,285 00	1,655 00	11,844 00
National Bank of the Republic	8,307,018 08	1,500,000 00	600,000 00	264,903 19	180,000 00		16,565 00
National Broadway Bank	8,105,628 25	1,000,000 00	1,000,000 00	407,777 63	892,500 00		2,070 00
National Butchers and Drovers' Bank	2,554,012 95	300,000 00	250,000 00	69,829 80	242,898 00		1,171 60
National Citizens' Bank	4,346,024 08	600,000 00	106,121 95	146,452 87	266,000 00	5,156 00	1,069 61
National City Bank	14,381,605 51	1,000,000 00	1,000,000 00	929,795 87			3,830 00
National Park Bank	28,052,211 07	2,000,000 00	1,000,000 00	247,142 83	45,000 00		3,139 00
National Shoe and Leather Bank	4,635,656 51	500,000 00	180,000 00	45,971 88	444,200 00		2,119 00
New York County National Bank	2,571,666 64	200,000 00	40,000 00	5,153 37	180,000 00		908 00
New York National Exchange Bank	2,150,713 66	300,000 00	60,000 00	39,964 26	270,000 00		397 20
Phœnix National Bank	7,692,948 89	1,000,000 00	185,282 12	82,283 43	256,600 00		3,174 60
Seventh Ward National Bank	1,842,337 28	300,000 00	60,000 00	36,016 23	15,900 00		306 00
Tradesmen's National Bank	4,587,329 95	1,000,000 00	250,000 00	40,486 30	794,000 00		2,393 00
Union National Bank	9,902,936 37	1,200,000 00	300,000 00	486,905 10			1,465 00
United States National Bank	8,456,391 60	500,000 00	160,000 00	32,924 56	443,400 00		
Wall Street National Bank	6,025,519 39	500,000 00	65,197 01	47,735 58		1,231 00	3,321 69
Total	457,217,563 19	50,350,000 00	23,875,025 30	11,302,715 36	15,384,205 00	39,078 00	223,163 12

Name of bank.	Individual deposits.	Certified checks.	United States deposits.	Deposits of United States disbursing officers.	Due to other national banks.	Due to State banks and bankers.	Notes and bills rediscounted.	Bills payable.
First National Bank	$3,834,796 64	$927,943 81			$11,017,273 73	$1,895,587 77		
Second National Bank	4,052,574 34	44,121 61	$57,792 06					
Third National Bank	1,986,116 75	324,854 12			3,589,976 59	617,887 78		
Fourth National Bank	14,336,173 74	3,230,527 32			10,129,542 84	743,696 29		
Fifth National Bank	1,115,029 81	15,529 99						
Sixth National Bank	1,502,209 68	11,405 54			78,817 56			
Ninth National Bank	2,930,498 40	100,968 36			2,509,902 66	1,431,690 53		
American Exchange National Bank	10,414,793 91	1,766,905 58			3,001,648 98	1,722,230 70		
Bank of New York National Banking Association	7,499,387 27	2,808,374 92			2,345,496 52	1,154,043 22		
Bowery National Bank	1,974,128 90	68,813 48						
Central National Bank	4,805,496 02	107,169 40	87,302 95	$42,093 96	3,365,451 61	1,134,253 70		
Chase National Bank	607,270 53	47,375 07			2,126,795 51	2,657,857 99		
Chatham National Bank	4,191,260 74	108,284 93			407,979 13	346,562 14		
Chemical National Bank	14,843,022 91	112,165 68			2,140,393 04	656,871 60		
Continental National Bank	3,067,937 31	1,616,966 43			3,164,469 15	1,090,819 78		
East River National Bank	997,555 24	13,461 91						
Fulton National Bank	1,688,630 47	7,881 30				18,066 47		
Gallatin National Bank	2,690,157 79	1,124,822 82			293,180 60	225,268 42		
Garfield National Bank	634,726 07	9,470 68			2,707 14			
Hanover National Bank	3,999,102 86	188,362 05			5,895,060 68	2,061,582 30		
Importers and Traders' National Bank	9,102,225 65	213,831 94			10,491,114 09	4,313,179 75		
Irving National Bank	2,835,117 69	54,078 86			366,092 36	203,755 09		
Leather Manufacturers' National Bank	1,973,202 14	144,424 58			977,593 27	428,619 54		
Lincoln National Bank	2,146,720 72	6,216 57			117,927 55	188,189 19		
Marine National Bank	4,208,554 87	399,853 59			466,233 24	134,071 50		
Market National Bank	2,656,080 95	81,140 68			205,871 42	14,990 93		
Mechanics' National Bank	6,450,157 10	1,093,734 18			1,825,291 34	798,394 30		
Mechanics and Traders' National Bank	967,920 91	22,625 30			5,909 15	39,578 96		
Mercantile National Bank	2,624,589 82	179,970 71			2,986,077 22	5,007,017 63		
Merchants' National Bank	5,128,073 57	559,797 76			3,410,433 73	346,484 50		
Merchants' Exchange National Bank	1,409,989 10	53,246 92			1,800,476 01	197,970 08		

Report of the comptroller of the Currency, purporting to show the condition of national banks in the city of New York for the year 1883—Continued.

LIABILITIES—Continued.

Name of bank.	Individual deposits.	Certified checks.	United States deposits.	Deposits of United States disbursing officers.	Due to national banks.	Due to State banks and bankers.	Notes and bills rediscounted.	Bills payable.
Metropolitan National Bank	$3,999,554 97	$209,000 74			$4,803,572 44	$1,978,802 47		
National Bank of Commerce	8,909,261 12	1,881,641 97	$275,000 00		1,612,645 11	2,425,264 60		
National Bank of the Republic	2,891,088 08	1,343,666 84			996,375 74	514,419 23		
National Broadway Bank	4,183,863 44	71,174 66			501,067 84	47,174 68		
National Butchers and Drovers' Bank	1,639,365 82	15,996 40			34,744 09	7 24		
National Citizens' Bank	3,010,973 91	59,737 85			37,045 84	113,466 05		
National City Bank	8,903,790 06	1,850,367 90			405,284 75	288,536 93		
National Park Bank	9,977,206 51	419,972 30		$183,305 76	10,435,368 63	3,741,076 04		
National Shoe and Leather Bank	1,889,162 91	18,669 99			929,586 27	625,946 46		
New York County National Bank	2,111,001 87	34,603 40						
New York National Exchange Bank	1,290,947 04	21,572 40			115,996 48	51,836 28		
Phœnix National Bank	3,458,540 87	2,132,196 44			487,568 13	87,303 30		
Seventh Ward National Bank	1,398,813 84	9,748 88			21,219 78	332 55		
Tradesmen's National Bank	1,760,970 74	94,801 42			335,212 17	309,466 32		
Union National Bank	3,875,260 13	3,285,396 24			491,141 29	262,769 61		
United States National Bank	1,993,957 77	469,203 84			2,582,633 38	2,274,272 05		
Wall Street Bank	2,659,679 92	2,683,285 12			46,970 98	18,098 09		
Total	191,626,940 90	30,045,361 48	420,095 01	225,399 72	96,558,148 04	37,167,431 26		

As showing the condition of these banks as a whole, the following is a condensed statement:

Liabilities:		
Capital stock paid in	$50,350,000 00	
Surplus	23,875,025 30	
Other undivided profits	11,302,715 36	
		$85,527,740 66
National-bank notes outstanding		15,384,205 00
State-bank notes outstanding		39,078 00
Dividends unpaid		223,163 12
Individual deposits		191,626,940 90
Certified checks		30,045,361 48
United States deposits		420,095 01
Deposit of United States disbursing officers		225,399 72
Due to other national banks		96,558,148 04
Due to State banks and bankers		37,167,431 26
Total		457,217,563 19
Resources:		
Loans and discounts		245,108,332 10
Overdrafts		361,470 71
United States bonds to secure circulation		18,277,500 00
United States bonds to secure deposits		820,000 00
United States bonds on hand		2,296,050 00
Other stocks, bonds, and mortgages		13,017,587 96
Due from reserve agents		
Due from other banks and bankers		20,137,272 21
Real estate, furniture, and fixtures		10,727,222 40
Current expenses and taxes paid		1,069,392 22
Premiums paid		640,453 43
Checks and other cash items		2,696,131 83
Exchange for clearing-house		69,207,772 07
Bills of other banks		1,812,886 00
Fractional currency		45,399 32
Specie		50,274,173 82
Legal-tender notes		17,117,605 00
United States certificates of deposit		2,620,000 00
Due from United States Treasury		988,314 12
Total		457,217,563 19

The entire liabilities of the national banks in 1883, as shown by the foregoing table, were $457,217,563.19. Of this amount, $356,266,539.53 was payable on demand, to wit:

Dividends unpaid	$223,163 12
Individual deposits	191,626,940 90
Certified checks	30,045,361 48
United States deposits	420,095 01
Deposits of United States disbursing officers	225,399 72
Due to other national banks	96,558,148 04
Due to State banks and bankers	37,167,431 26
Total	356,266,539 52

To meet this liability the banks held in lawful money, stocks, bonds, and mortgages, $177,348,746.38, composed of these items:

Specie	$50,274,173 82
Legal-tender notes	17,117,605 00
Bills of other banks	1,812,886 00
Fractional currency	45,399 32
United States bonds on hand	2,296,050 00
United States bonds to secure deposits	820,000 00
Other stocks, bonds, and mortgages	13,017,587 96
Due from other banks and bankers	20,137,272 21
United States certificates of deposit	2,620,000 00
Exchanges for clearing-house	69,207,772 07
Total	177,348,746 38

Subtracting the total available assets from the demand liabilities, the latter exceeded the former by $178,917,793.15.

The specie and legal-tenders held by the banks aggregated $69,250,064.14. The amount of reserve required by law was $89,066,634.88. It follows, therefore, that the banks were short in "lawful money" in the sum of $19,816,570.74. In other words, the average percentage of reserve of all the banks referred to was 19.4 instead of 25.

The methods of the Comptroller's Office are illustrated by the statement of "The National Bank of the Republic," as follows:

RESOURCES.

Loans and discounts	$4,346,050 57
Overdrafts	175,498 09
United States bonds to secure circulation	200,000 00
United States bonds to secure deposits	
United States bonds on hand	
Other stocks, bonds, and mortgages	106,000 00
Due from approved reserve agents	
Due from other banks and bankers	564,160 24
Real estate, furniture, and fixtures	600,000 00
Current expenses and taxes paid	11,207 13
Premiums paid	
Checks and other cash items	$109,662 70
Exchanges for clearing-house	1,650,497 36
Bills of other banks	30,332 00
Fractional currency	137 49
Specie	374,251 50
Legal-tender notes	130,221 10
United States certificates of deposit	
Due from United States Treasurer	9,000 00
Total	8,307,018 08

LIABILITIES.

Capital stock paid in	$1,500,000 00
Surplus fund	600,000 00
Other undivided profits	264,903 19
National-bank notes outstanding	180,000 00
State-bank notes outstanding	
Dividends unpaid	16,565 00
Individual deposits	2,891,088 08
Certified checks	1,343,666 84
United States deposits	
Deposit of United States disbursing officers	
Due to other national banks	996,375 74
Due to State banks and bankers	514,419 23
Notes and bills rediscounted	
Bills payable	
Total	8,307,018 08

With liabilities amounting to $8,307,018.08, this bank owned only $200,000 of United States bonds, pledged for a circulation of $180,000. Of "other stocks, bonds, and mortgages" it held $106,000, which, strangely enough, is the exact amount claimed in 1882, though in the mean time securities of this class had greatly depreciated in value.

The amount of liabilities payable on demand was $5,762,114.89, and its "lawful money" on hand, $534,941.99. Crediting the bank with its "exchanges for clearing-house," $1,650,497.36, and the amount "due from other banks and bankers," $564,160.24—in all, $2,214,657.60—the surplus available assets of the association still fell short of its demand obligations to the extent of $3,012,515.30, to be realized from the following:

Loans and discounts	$4,346,050 57
Overdrafts	175,498 09
Other stocks, bonds, and mortgages	106,000 00
Real estate, furniture, and fixtures	600,000 00
Checks and other cash items	109,662 70
Total	5,337,211 36

MARGARET CASSIDY.

Mr. PLATT. Some time since there was passed in the Senate a bill for the relief of Mrs. Margaret Cassidy. A House bill came to the Senate Saturday, which had been passed by the House, being exactly in the same language with the bill passed by the Senate. It now lies on the table of the Senate, and I ask that the Senate proceed to the consideration of the House bill, so that it may be now considered.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Margaret Cassidy, widow of Peter A. Cassidy, deceased, $2,500 in full compensation for the past, present, and future use of the patent for his invention of machine for cutting vellum cloth.

Mr. INGALLS. What committee reported the bill?

The PRESIDENT *pro tempore*. No committee.

Mr. INGALLS. Then I object to it.

Mr. PLATT. I trust the Senator from Kansas will not object. Did the Senator hear the statement which I made about it?

Mr. INGALLS. I did not.

Mr. PLATT. A bill identical in terms with this bill was reported to the Senate by the Committee on Patents.

Mr. INGALLS. I withdraw my objection.

Mr. PLATT. That bill was discussed here and passed. This bill has been passed by the House. I ask that action may be had on this bill, so that it may become a law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. I do not know whether it is necessary to recall the bill from the House which the Senate has already passed. If it be necessary I will submit a motion to that effect.

The PRESIDENT *pro tempore*. It is not necessary unless there is danger of the House passing the bill.

Mr. PLATT. If it is unnecessary I shall not make the motion.

ALONZO GESNER.

Mr. SLATER. I move that the Senate proceed to the consideration of the bill (H. R. 1299) for the relief of Alonzo Gesner.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon.

Mr. COCKRELL. Has any bill of that kind been passed by the Senate?

Mr. SLATER. Yes, sir.

Mr. COCKRELL. I should like to have an explanation. I do not propose that we shall take up House bills and pass them without consideration in the Senate.

The PRESIDENT *pro tempore*. The motion to take up is not debatable unless by unanimous consent.

Mr. COCKRELL. It is a House bill, and if we can not understand what the bill is, I object to its second reading.

The PRESIDENT *pro tempore*. The bill has been read the second time and laid on the table.

Mr. COCKRELL. Then I move to refer it to the appropriate committee, if we can not have an explanation of it.

The PRESIDENT *pro tempore*. The bill is not yet before the Senate. The Senator from Oregon moves to take it from the table for consideration.

Mr. SLATER. I hope the Senator will wait for an explanation.

The PRESIDENT *pro tempore*. The motion is not open to debate. The question is on agreeing to the motion of the Senator from Oregon to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the Secretary of the Interior to approve for payment, if, on examination, he finds the surveys were made in accordance with the report and approval of the surveyor-general of the State of Oregon of date December 1, 1877, certain surveys of the public lands made by Deputy Surveyor Alonzo Gesner, amounting to fifty-four miles and three and nine hundredths chains of township-lines, and three hundred miles and sixty-one and ninety-two hundreths chains of section-lines, at the rate of $7 per mile for township and $6 per mile for section lines, amounting in all to $2,182.91.

Mr. SLATER. This bill in exact terms, except the clause making the appropriations, was reported by the Senate Committee on Public Lands, and on February 18, 1884, passed the Senate. The House bill is precisely the same as the Senate bill, except the wording of the appropriating clause. The bill is a very just one; has been carefully examined by both committees; has twice passed the Senate, and has been several times reported to the Senate from the Interior Department. I hope the bill will pass as it came from the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. JAMES N. BURNES of Missouri, and Mr. WILLIAM H. CALKINS of Indiana managers at the conference on the part of the House.

RAILROAD IN INDIAN TERRITORY.

Mr. PLUMB. I move the appointment of a committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

The PRESIDENT *pro tempore*. What is the present state of the bill?

Mr. PLUMB. The bill was passed by the Senate a few days since with amendments.

Mr. SHERMAN. Is the bill before us now?

Mr. HARRIS. Is it a House bill?

Mr. PLUMB. A House bill.

Mr. SHERMAN. Is the bill upon our tables so that we can act on it?

Mr. PLUMB. I do not know whether the bill is here or not.

Mr. SHERMAN. It would not be in order unless the bill were here. If the bill was here the motion would be in order. If the bill is in the House the request for a conference must come from the House.

Mr. HARRIS. If the bill referred to by the Senator from Kansas is in the custody of the House of Representatives, of course his motion would not be in order now.

Mr. PLUMB. I think it is in order.

Mr. HARRIS. Does the Senator know whether the bill is here or not?

Mr. PLUMB. I do not know.

The PRESIDENT *pro tempore*. The papers are not in the possession of the Senate. The Chair thinks that, if not objected to, a resolution asking a conference with the House of Representatives upon any subject which relates to the business of the two Houses would be in order. Does the Senator from Kansas offer a resolution of that character?

Mr. PLUMB. I move that a committee of conference be appointed on the disagreeing votes of the two Houses on the bill which I now report, and that the Chair appoint the committee.

Mr. SHERMAN. Can that be done in the absence of the bill? Can a committee of conference be appointed unless the bill is here?

The PRESIDENT *pro tempore*. The Chair is under the impression that it would be in order to offer a resolution and pass it which should ask a conference with the House of Representatives although the papers respecting which the conference is asked may not be in the possession of the Senate. It would be in the form of a resolution which of course is liable under objection to go over for one day.

Mr. SHERMAN. I have no objection in this particular case, for I know nothing about it; but I think it would be a very dangerous precedent; and therefore, in order to allow the Chair to look into it further, I will object to it to-day and let it go over.

Mr. PLUMB. I now move that the House be requested to return to the custody of the Senate House bill 4680.

Mr. SHERMAN. I have no objection to that.

Mr. HARRIS. I should like to ask the Senator from Kansas if he knows whether the House has taken any action whatever.

Mr. PLUMB. The House has not taken any action, and the motion is for the purpose of getting the bill out from the mass of bills.

The PRESIDENT *pro tempore*. The title of the bill will be read, after which the Chair will submit the motion.

The CHIEF CLERK. A bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the House be requested to return the bill the title of which has just been read to the Senate.

The motion was agreed to.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. May I inquire if the deficiency appropriation bill has been sent in from the House?

The PRESIDENT *pro tempore*. It is on the table.

Mr. HALE. Has a conference committee been appointed by the House?

The PRESIDENT *pro tempore*. The bill has not yet been laid before the Senate.

Mr. HALE. I ask that it be laid before the Senate. I was not here when the message came in.

The PRESIDENT *pro tempore*. The Senator from Maine asks that there be laid before the Senate a message from the House of Representatives on House bill No. 7235. The action of the House will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 30, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. BURNES, and Mr. CALKINS be the managers at the said conference on the part of the House.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the request of the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

INTERNAL-REVENUE PROSECUTIONS.

Mr. HARRIS. I move that the Senate proceed to the consideration of Order of Business 611, being House bill 6370, reported from the Judiciary Committee.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in line 4 of section 1, before the word "arising," to strike out "crime" and insert "of the various offenses;" so as to read:

That no person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal-revenue laws of the United States unless the indictment is found or the information instituted within two years next after the commission of the offense.

The amendment was agreed to.

Mr. HOAR. From what committee does the bill come?

The PRESIDENT *pro tempore*. It is reported from the Committee on the Judiciary, as appears from the Calendar.

The next amendment of the Committee on the Judiciary was, in line 8 of section 1, after the word "is," to strike out "beyond the reach of legal process" and insert "absent from the district wherein the same is committed;" so as to read:

Provided, That the time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law.

Mr. SHERMAN. Two years is a very short period of limitation for these offenses. Some of them are very grave. A fraud against the revenue involving many thousands of dollars may be going on for three or four years. A lapse of two years is a very brief limitation. I have always been in favor of some limitation upon criminal proceedings against citizens, but two years is very short. I move that the time be extended to four years.

The PRESIDENT *pro tempore*. A committee amendment is now pending.

Mr. SHERMAN. I should like to hear from the Senator from Arkansas [Mr. GARLAND] whether he has any objection to my suggestion?

Mr. GARLAND. The bill came from the House and was agreed to by the Committee on the Judiciary with some verbal changes. I will have read by the Secretary the report made by the House committee, which I think will meet with the Senator's acceptance. It seems that this bill is in conformity with the recommendation both of the Secretary of the Treasury and the Commissioner of Internal Revenue. Their letters are in the report.

The Chief Clerk read the following report submitted by Mr. MCMILLIN in the House of Representatives April 11, 1884:

The Committee on Revision of the Laws, to whom was referred the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws, having considered the same, give the following reasons for its passage, as recommended by the committee:

The limitation now fixed by law for prosecutions for a large number of offenses against the internal-revenue laws is five years. This your committee thinks is too long a period, as it results in stale and vexatious prosecutions which end and could end in nothing but the harassing of the citizen and the accumulation of large cost-bills, which the Government in most cases has to pay. But your committee thought it prudent to submit the bill to the Secretary of the Treasury for his opinion. He, in turn, called on the Commissioner of Internal Revenue, and the following are the letters of both approving the bill, with some slight modifications, which your committee have adopted:

TREASURY DEPARTMENT, *April* 7, 1884.

SIR: Your letter of the 4th instant is received, in which you submit for my opinion thereon bill H. R. 6370, being "A bill to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws.

I have the honor to inclose herewith a report on the bill of the views of the Commissioner of Internal Revenue, in which I concur. A limitation of two years after these offenses are committed was suggested to Congress in my annual report of the finances for 1883, on page 44 thereof.

A proviso excepting cases in which the accused party places himself beyond the jurisdiction of the proper court should be inserted in the bill, so that nothing be left to construction that may be so easily provided for.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

Hon. WILLIAM C. OATES,
Chairman Committee on Revision of the Laws,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 5, 1884.

SIR: I have the honor to acknowledge the reference to me, for report of my views thereon, of bill H. R. No. 6370, "to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws," and to reply that my views remain as set forth in my annual report to you for the year ended June 30, 1883. They are as follows:

"I respectfully suggest that Congress be requested to enact a statute fixing the limitation for the prosecution of offenses against the revenue laws at a much less period than five years, as now provided by law, except in cases where the accused places himself beyond the jurisdiction of the court of the district where the offense was committed. I am informed by judges of the United States district courts that in nearly every instance where a conviction has been secured the offense was committed within two years before the indictment was found. Cases older than two years are almost invariably lost by the Government. It is also very difficult in such cases to prevent abuses whereby the costs of prosecution are increased, and ultimately the ends of justice defeated. I am of the opinion that a shorter period of limitation would be much better in many ways and greatly lessen the expense of such prosecutions to the Government."

As to the exact period of limitation—whether as contemplated in this bill, one year in most internal-revenue cases, or a somewhat longer period—that may well be left to the wisdom of Congress; but I am firmly convinced that a modification of the laws on that subject as they now exist would be beneficial to the interests of the revenue.

The papers referred to me are herewith returned.

I have the honor to be, very respectfully,

WALTER EVANS, *Commissioner*.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

It will thus be seen that, according to the testimony of these high officials who are at the head of this system of internal revenue, almost every prosecution begun after a lapse of more than two years ends in vexatious failure. All the information your committee have been able to get on the subject corroborates this. They therefore recommend the amendment of the bill by striking out the words "one year," in line 6, and inserting in lieu thereof the words "two years;" and by striking out lines 7, 8, 9, and 10, and inserting in lieu the following words:

"*Provided*, The time during which the person committing the offense is beyond the reach of legal process shall not be taken as any part of the time limited by law for the commencement of such action."

And when so amended they recommend the passage of the bill.

The PRESIDENT *pro tempore*. The question is on the second amendment of the Committee on the Judiciary. The amendment of the Senator from Ohio will be in order after the committee's amendments are through.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, in line 11 of section 1, after the word "such," to strike out "action" and insert "proceedings;" so as to make the clause read:

Provided, That the time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law for the commencement of such proceedings.

The amendment was agreed to.

The next amendment was, in line 13 of section 1, after the words "apply to," to strike out "pending cases" and insert "offenses committed prior to its passage;" so as to make the clause read:

Provided further, That the provisions of this act shall not apply to offenses committed prior to its passage.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Ohio now moves to amend the bill in line 6 of section 1 by striking out the word "two" and inserting the word "four."

Mr. SHERMAN. I am quite sure that two years is too short. Take the famous whisky frauds, the greatest that ever occurred in this country, when the Government was cheated out of many millions of dollars. They were not developed in two years. So with the frauds in 1867, where we failed to collect the whisky tax, and the price of whisky was one-half the amount of the tax for two or three years, and yet the actual frauds were not discovered for two years.

For the great body of the offenses I have no objection to a limitation of two years, the smaller offenses, such as making false returns by special distillers, &c. The great offenses ought not to be limited to so short a period as two years. Take the star-route cases, where the period of limitation was three years. That operated as a bar to prevent the prosecution of great offenses.

I hope the Senate will at least agree to three years, and I would prefer four. Five years is the usual limitation, and is the proper one.

I do not agree exactly with what has been stated by the Secretary of the Treasury. I think five years is not an unreasonable period for great offenses, but I am perfectly willing to take three or four years in other cases for the protection of the public. If the Senator from Arkansas will agree to three years I will make that motion.

Mr. HOAR. I do not remember whether I was present when this bill was considered in committee, but I desire to call the attention of the Senator from Arkansas to the fact that there are many districts in the country where the grand jury does not meet oftener than once in six months, and I understand there are some where they do not meet more than once a year. This bill makes the period of limitation proceed from the time of the commission of the offense to the finding of the indictment, so that it may be practically a limitation of one year where the grand jury sits but once a year and of eighteen months where the grand jury sits but once in six months. I should think it might be desirable to make it at least three years.

Mr. GARLAND. The matter was very thoroughly considered by the committee. There was a very strong inclination on the part of the committee to make the time one year on account of a great many frivolous prosecutions that are got up according to the reports of the revenue department; but upon more mature consideration it was agreed to make the limitation just what was recommended by the Secretary of the Treasury and by the Commissioner of Internal Revenue; and upon those recommendations the committee acted.

We think that every safeguard possible is thrown around it, because we make exception where a party is out of the district. We do not use the language "beyond the reach of legal process;" but if a man is out

of the district the time shall be taken from the period of limitation; and we do not limit it as in the House bill to the proceedings on the case, but to the commission of the offense. We thought one year would amount to little or nothing. The present limitation is five years. There is something in what the Senator from Massachusetts suggests, to make the time three years; but taking the letters from the Department having control of these matters, the committee were unanimous that the time should be two years. It is now five years, and there is nothing to be lost by following the recommendation of the Department and making the time two years.

The PRESIDENT *pro tempore*. Will the Senator from Ohio repeat his amendment?

Mr. SHERMAN. I will modify the amendment to three years, though I do it against my own judgment of what is best for the public.

The PRESIDENT *pro tempore*. The Senator from Ohio proposes to amend the bill by striking out "two," in line 6 of section 1, before "years," and inserting "three;" so as to read:

Within three years next after the commission of the offense.

Mr. SHERMAN. I suggest to the Senator from Arkansas whether he could not make a distinction between ordinary offenses or misdemeanors and the higher grade of crimes, and have the one barred in two years and the other in four? In the case of the graver crimes, where there is a greater inducement to commit them and a greater care in concealing them, the time should be longer. If the Senator will permit an amendment that will make a distinction between the grave crimes and the misdemeanors or minor offenses, I should be very willing to say two years for the lesser offenses. But otherwise, if we must make a general rule for all, I think three years is short enough.

Mr. HARRIS. I would suggest to the Senator from Ohio that it seems to me the experience of the Internal-Revenue Bureau, having had charge of the entire workings of that system from its beginning, should be conclusive. We have heard the statement the Commissioner submits to Congress that there has rarely ever a conviction been had where the indictment was found more than two years from the commission of the alleged offense, and yet large numbers of prosecutions at expense to the Government, at great annoyance to the citizens, have been instituted, and almost if not the whole of the odium that rests upon the internal-revenue system grows out of these vexatious prosecutions, and not out of the law itself. In my own judgment two years is perfectly safe to the Government and is an ample time for the institution of prosecutions for every offense that may be committed under the internal-revenue laws. I therefore hope the amendment of the Senator from Ohio may be disagreed to.

Mr. HAWLEY. It seems to me that the argument of the Senator from Tennessee is rather directed against the prosecution of offenses by the Attorney-General's Department. His argument is that the Department of Justice is so careless and negligent and so much addicted to frivolous prosecutions that the time ought to be shortened one-third within which the Department may prosecute. It strikes me the proper remedy is rather to see that your Department of Justice shall not engage unnecessarily in prosecutions; that that shall be more wisely cared for; and not to provide that these men shall only be prosecuted within two years. It is often very difficult, as the Senator knows, to develop the offense within a considerable time after its commission; and, as the Senator from Massachusetts has said, the grand juries meet but once a year in many districts. It strikes me that this is altogether relaxing the grasp of justice too much.

Mr. HARRIS. The Senator from Connecticut will allow me to say that the point in my argument, if it had a point, was that the experience of the Commissioner of Internal Revenue enabled him to know very much more and better than I can know, or than I think the honorable Senator from Connecticut can know, as to the true policy in respect to this matter. I prefer following his recommendation to following any opinion that I might have myself, in my want of information that I suppose that officer to be in full possession of.

Mr. HAWLEY. I accept the suggestion of the Senator from Tennessee, but he is not in the habit of surrendering his own judgment, nor am I. The error seems to be that the Department of Justice have frequently resorted to frivolous or useless prosecutions after the expiration of two years, and therefore the Senate should cut down the time within which the Department may prosecute to two years. I prefer to correct the error on the part of the Department of Justice, and not give these criminals so much time to enable them to bridge over the two years. If they can avoid detection for six or eight months where the grand jury meets but once a year, it is adding great facilities to this class of criminals.

One Senator spoke of a great number of frivolous prosecutions. I think he had better offer an amendment that there shall be no frivolous prosecutions after one year. That would befit the style of the argument.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio to strike out "two" and insert "three" in line 6 of section 1.

Mr. SHERMAN. I think we had better have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALDRICH (when Mr. ANTHONY'S name was called). My colleague [Mr. ANTHONY] is absent from the Senate, and is paired with the Senator from Maryland [Mr. GORMAN].

The roll-call having been concluded the result was announced—yeas 29, nays 29; as follows:

YEAS—29.

Aldrich,	Dolph,	Logan,	Plumb,
Allison,	Frye,	McMillan,	Sawyer,
Blair,	Harrison,	Miller of N. Y.,	Sewell,
Bowen,	Hawley,	Mitchell,	Sherman,
Cameron of Pa.,	Hoar,	Morrill,	Van Wyck.
Cameron of Wis.,	Ingalls,	Palmer,	
Conger,	Jones of Nevada,	Pike,	
Dawes,	Lapham,	Platt,	

NAYS—29.

Bayard,	Farley,	Jones of Florida,	Slater,
Beck,	Garland,	Lamar,	Vance,
Brown,	George,	Mahone,	Vest,
Butler,	Gibson,	Maxey,	Walker,
Call,	Groome,	Morgan,	Williams.
Cockrell,	Hampton,	Pugh,	
Coke,	Harris,	Ransom,	
Fair,	Jonas,	Riddleberger,	

ABSENT—18.

Anthony,	Gorman,	McPherson,	Saulsbury,
Camden,	Hale,	Manderson,	Voorhees,
Colquitt,	Hill,	Miller of Cal.,	Wilson.
Cullom,	Jackson,	Pendleton,	
Edmunds,	Kenna,	Sabin,	

The PRESIDING OFFICER (Mr. PLATT in the chair). The amendment is not agreed to.

Mr. HOAR. As has already been said, this limitation which purports to be a limitation of two years is in point of fact in many districts but a limitation of one year, because the indictment must be found by a grand jury within two years within the commission of the offense. If the offense be concealed, or if it be discovered a year before the grand jury meet, it would be too late to make the prosecution. I move this amendment:

Provided, That where a complaint shall be instituted before a commissioner of the United States within the period above limited, the period shall be extended until the discharge of the grand jury at its next session within the district.

I think there will be no objection to that.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be read.

The CHIEF CLERK. It is proposed to add to the first section:

Provided, That where a complaint shall be instituted before a commissioner of the United States within the period above limited, the period shall be extended until the discharge of the grand jury at its next session within the district.

Mr. GARLAND. I have no objection to that, as far as I am concerned.

The amendment was agreed to.

Mr. SHERMAN. My conviction is very strong that it is not expedient for us to make easy the manufacture of distilled spirits in violation of law; and the frauds in the manufacture of whisky have been in the past so great, so enormous in extent, that I believe this bill would let down the bars too much. It is better to leave the law stand as it is. For many years the limitation has been five years. Therefore I shall be disposed to vote against the passage of the bill. I do not desire any division on the previous stages, but on the passage of the bill I shall call for the yeas and nays.

Mr. HARRISON. I should like to inquire of the Senator from Arkansas whether there is any exception here in the case of old crimes, any provision extending the limitation in case of concealment of the offense?

Mr. GARLAND. The exception is that where the party is out of the district the time of his absence shall not be counted. Let the Secretary read that portion again.

Mr. HARRISON. That is in the case of the absence of the parties from the jurisdiction.

Mr. GARLAND. Yes, sir.

Mr. HARRISON. But does not the Senator think there ought to be some exception as to concealed crimes, where they are not discovered within the two years?

Mr. GARLAND. The whole bill is drawn on the recommendation of the Secretary of the Treasury and the Commissioner of Internal Revenue, and the phraseology is adopted from their report. Let the Secretary read the whole bill again, and it will be seen just how it is.

Mr. HARRISON. That of course is authority which should have some weight, but it seems to me that the limitation is very short, and that it is in the interest of frauds against the Government, and that the limit ought to be extended, or that there ought to be some provision against concealed frauds, so that the limitation shall not run in case the criminals succeed in concealing the fraud for the two years.

Mr. GARLAND. It was intended to be very short. The Senator is mistaken. The Secretary of the Treasury recommended that it should be very short.

The PRESIDING OFFICER. The bill as amended will be read.

The Chief Clerk read as follows:

That no person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal-revenue laws of the United States unless the indictment is found or the information instituted within two years next after

the commission of the offense: *Provided*, That the time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law for the commencement of such proceedings: *Provided further*, That the provisions of this act shall not apply to offenses committed prior to its passage: *Provided*, That where a complaint shall be instituted before a commissioner of the United States within the period above limited, the period shall be extended until the discharge of the grand jury at its next session within the district.

SEC. 2. That all laws and parts of laws in conflict with this act be, and are hereby, repealed.

Mr. SHERMAN. I again call the attention of the Senate to the fact that this includes crimes committed by collectors of internal revenue who may steal—because that is the word—to the extent of a million dollars and conceal the fact by a system of fraudulent accounts; and the result will be that they may escape punishment by simply concealing their offense for two years. I beg Senators to remember that this is not the class of cases they seek to aim at. I have no doubt that the desire of the Senate is to relieve small offenses, little breaches of the internal-revenue laws, without any moral perception of the nature of the crime; but this extends also to defalcations by collectors of internal revenue, men who collect revenue by the millions upon millions, some of them ten, eleven, or twelve millions in a year. It will not do to make easy this kind of great offenses, which may be concealed very easily for two years, and in some cases they have been concealed for four or five years.

I hope, therefore, that the Senate will vote "nay" on this bill and let us have a little further time to consider it. I shall call for the yeas and nays on its passage.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. WILSON. It seems to me that if the bill on my file represents the bill that is under consideration correctly there is a very serious defect in the latter part of it. The proviso to the first section is in the following words:

Provided further, That the provisions of this act shall not apply to offenses committed prior to its passage.

The second section provides:

That all laws and parts of laws in conflict with this act be, and are hereby, repealed.

Now, what law after the passage of this bill will there be applicable to the punishment of offenses committed prior to its passage? It seems to me that that leaves no act in force after the passage of this act applicable to those offenses committed prior to its passage.

Mr. SHERMAN. As one or two Senators have come in since, I will again renew the motion I made in Committee of the Whole. I have no desire to defeat the bill if I can make it reasonable. I move to amend by striking out "two" before "years," in line 6 of section 1, and inserting "three" as the period of limitation.

The PRESIDENT *pro tempore*. The Senator from Ohio proposes to amend the bill by striking out, in line 6 of section 1, the word "two" and inserting "three;" so as to read:

Within three years after the commission of the offense.

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Tennessee [Mr. JACKSON].

The roll-call having been concluded, the result was announced—yeas 31, nays 29; as follows:

YEAS—31.

Aldrich,	Dolph,	McMillan,	Platt,
Allison,	Frye,	Mahone,	Plumb,
Blair,	Harrison,	Miller of Cal.,	Sawyer,
Bowen,	Hawley,	Miller of N. Y.,	Sewell,
Cameron of Pa.,	Hoar,	Mitchell,	Sherman,
Cameron of Wis.,	Ingalls,	Morrill,	Van Wyck,
Conger,	Jones of Nevada,	Palmer,	Wilson.
Dawes,	Lapham,	Pike,	

NAYS—29.

Beck,	Farley,	Lamar,	Vance,
Brown,	Garland,	McPherson,	Vest,
Butler,	George,	Maxey,	Voorhees,
Call,	Gibson,	Morgan,	Walker,
Cockrell,	Hampton,	Pugh,	Williams.
Coke.	Harris,	Ransom,	
Edmunds,	Jonas,	Riddleberger,	
Fair,	Jones of Florida,	Slater,	

ABSENT—16.

Anthony,	Cullom,	Hill,	Manderson,
Bayard,	Gorman,	Jackson,	Pendleton,
Camden,	Groome,	Kenna,	Sabin,
Colquitt,	Hale,	Logan,	Saulsbury.

So the amendment was agreed to.

Mr. LAPHAM. I offer the following amendment to come in at the close of the last section:

Except as to offenses committed prior to the passage of this act, and as to such offenses the laws shall be and remain in full force.

Mr. PLUMB. It seems to me that is indefinite. It says "the law." What law? I ask that it be read again.

The amendment was read.

Mr. PLUMB. It seems to me that that lacks precision.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York.

Mr. LAPHAM. I hope there will be no objection to this amendment. If we repeal all the laws which existed prior to the passage of this act, all offenses committed prior to the passage of the act will fall with that repeal and can not be punished. The only object of this exception is to save the laws in force as to offenses already committed.

Mr. PLUMB. That idea is not expressed in this amendment, or if it is I do not know the force of language. I think it will result in leaving the bill precisely as it was before the amendment.

Mr. LAPHAM. I will say "all laws applicable to such offenses shall be and remain in full force."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota.

The message also announced that the House insisted on its amendments to the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM S. ROSECRANS of California, Mr. CHARLES S. MORGAN of Missouri, and Mr. GEORGE W. STEELE of Indiana managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 42) for the relief of Joseph F. Wilson;
A bill (S. 534) for the relief of J. T. Pickett;
A bill (H. R. 229) granting a pension to Elizabeth H. Lawler;
A bill (H. R. 267) granting a pension to James King;
A bill (H. R. 314) for the relief of John W. Cummings;
A bill (H. R. 554) granting a pension to Joseph T. Caldwell;
A bill (H. R. 585) granting a pension to William Reinhardt;
A bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton;
A bill (H. R. 1237) granting a pension to Solomon K. Ruggles;
A bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson;
A bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa.;
A bill (H. R. 1628) authorizing and directing a sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia;
A bill (H. R. 1631) to increase the pension of Matthew O. Regan;
A bill (H. R. 1751) for the relief of William R. Browne;
A bill (H. R. 1977) for the relief of Maria L. Hammer;
A bill (H. R. 1998) for the relief of William J. Sawyer;
A bill (H. R. 2252) for the relief of Christopher P. Davidson;
A bill (H. R. 2378) restoring to the pension-roll the name of John Allee;
A bill (H. R. 2419) granting a pension to Robert Nutt;
A bill (H. R. 2425) granting a pension to Catherine Henry;
A bill (H. R. 2447) for the relief of Catharine Terry;
A bill (H. R. 2536) granting a pension to Michael Mack;
A bill (H. R. 2543) granting a pension to James Roden;
A bill (H. R. 2660) granting a pension to William Printz;
A bill (H. R. 2714) granting a pension to Thomas E. Wilson;
A bill (H. R. 3294) granting a pension to Emma A. Porch;
A bill (H. R. 3307) granting a pension to Harriet P. Dame;
A bill (H. R. 3331) for the relief of Ann McCarney;
A bill (H. R. 3623) granting a pension to Sarah E. Price;
A bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce;
A bill (H. R. 4234) granting a pension to Mary Ullery;
A bill (H. R. 4440) for the relief of John Bostater;
A bill (H. R. 4717) for the relief of John Swearer;
A bill (H. R. 4790) granting a pension to Alexander St. Bernard;
A bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier;
A bill (H. R. 5457) granting a pension to Allicia Durrant;
A bill (H. R. 5595) granting a pension to Eugene L. Townsend;
A bill (H. R. 5686) granting a pension to Sarah J. Chipman;
A bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband;
A bill (H. R. 6171) granting a pension to Noah E. Smith;
A bill (H. R. 6529) for the relief of John Kane;
A bill (H. R. 5070) granting a pension to Temple Golden; and

A bill (H. R. 6761) respecting a bridge at Tonawanda, in the State of New York.

DES MOINES RIVER LANDS.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 396, being Senate bill 1886.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate now proceed to the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. McMILLAN. I hope the Senator will give way to me that I may move to take up the river and harbor bill. That bill will take a long time.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. McMILLAN. I hope the motion will be withdrawn. I should like to take up the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

Mr. GARLAND. This is a motion to take up the Des Moines River grant bill, I believe.

The PRESIDENT *pro tempore*. That is the bill.

Mr. PLUMB. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and being taken resulted—yeas 17, nays 36; as follows:

YEAS—17.

Allison,	Ingalls,	Platt,	Van Wyck,
Blair,	Jones of Nevada,	Plumb,	Wilson.
Bowen,	Mahone,	Sawyer,	
Cameron of Wis.,	Mitchell,	Sewell,	
Hawley,	Morgan,	Slater,	

NAYS—36.

Aldrich,	Dawes,	Hoar,	Pike,
Bayard,	Dolph,	Jonas,	Pugh,
Beck,	Edmunds,	Lamar,	Riddleberger,
Brown,	Farley,	Lapham,	Sherman,
Butler,	Garland,	McMillan,	Vance,
Call,	Gibson,	McPherson,	Vest,
Cameron of Pa.,	Hampton,	Miller of N. Y.,	Voorhees,
Coke,	Harris,	Palmer,	Walker,
Colquitt,	Harrison,	Pendleton,	Williams.

ABSENT—23.

Anthony,	Frye,	Jackson,	Miller of Cal.,
Camden,	George,	Jones of Florida,	Morrill,
Cockrell,	Gorman,	Kenna,	Ransom,
Conger,	Groome,	Logan,	Sabin,
Cullom,	Hale,	Manderson,	Saulsbury.
Fair,	Hill,	Maxey,	

So the motion was not agreed to.

TRADE-DOLLARS.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to introduce a joint resolution.

Leave was granted to introduce a joint resolution (S. R. 96) authorizing and directing the Secretary of the Treasury to purchase United States trade-dollars.

Mr. MORRILL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read in full.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase not to exceed 10,000,000 United States trade-dollars at their face value, and shall pay therefor standard silver dollars of the United States: *Provided*, Such purchase shall be made prior to September 1, 1884.

Mr. INGALLS. How does this come before the Senate?

The PRESIDENT *pro tempore*. By unanimous consent the joint resolution is introduced. It has been read the first time for information, at length. It will be considered read the second time if there be no objection.

Mr. JONES, of Nevada. I object.

The PRESIDENT *pro tempore*. The resolution goes over until to-morrow.

AGRICULTURAL REPORT.

Mr. HAWLEY. I call from the table a conference report on the joint resolution for printing the annual report of the Commissioner of Agriculture.

The PRESIDENT *pro tempore*. In pursuance of the request of the Senator from Connecticut the Chair lays before the Senate the action of the conferees on the joint resolution (H. Res. 251) providing for printing the Annual Report of the Commissioner of Agriculture for the year 1884. The resolution has passed the two Houses with Senate amendments, on which a conference has been ordered, and the report of the committee will now be read. Has the Senator the report?

Mr. HAWLEY. Yes, sir.

The PRESIDENT *pro tempore*. The action of the House of Representatives will first be read, after which the report of the conferees will be read.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 28, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 251) providing for printing the Annual Report of the Commissioner of Agriculture for the year 1884.

The PRESIDENT *pro tempore*. The report of the conferees will now be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 251) making appropriations for printing the Annual Report of the Commissioner of Agriculture for the year 1884, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lines 4 and 5 strike out "314" and insert "300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 6 strike out "fifty-six" and insert "seventy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out "162,500" and insert "200,000;" and the Senate agree to the same.

JOS. R. HAWLEY,
O. D. CONGER,
Managers on the part of the Senate.

A. M. SCALES,
WM. H. HATCH,
A. HERR SMITH,
Managers on the part of the House.

Mr. INGALLS. How does the resolution stand as amended, Mr. President?

Mr. HAWLEY. I can explain to the Senator. The Senate conferees were obliged to yield on the most important point to the House conferees. The original resolution provided for printing 400,000 copies of the report, and the Senate struck down the number to 325,000. The original resolution gave 314,000 copies to the House and 56,000 to the Senate. The Senate changed all these figures. The conference report is in favor of the 400,000 as originally asked for by the House. The number allotted to the House has been changed from 314,000 to 300,000, and the number originally allotted to the Senate has been changed from 56,000 to 70,000. The essential matter is that the House seemed extremely anxious that there should be the whole 400,000 printed. The numbers given to the members of the two Houses will not vary very much. About nine hundred copies will be given to each Senator, and about nine hundred and nine to each member of the House under this distribution.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

The report was concurred in.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I move now to take up the bill known as the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MILLER, of New York. I wish to ask consent of the Senator from Minnesota to lay this bill aside that I may move to take up House bill 2487.

Mr. McMILLAN. I hope the Senator will not make such a request. I desire to see if we can not get through with the bill to-day.

Mr. MILLER, of New York. If the bill proceeds without further interruption I shall withdraw the request.

Mr. LAPHAM. I desire to give notice that on Wednesday, after the close of the morning business, I shall ask to take up Order of Business 787, being a resolution to pay out of the contingent fund of the Senate to Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia, with a view of submitting some remarks upon the resolution. I will not ask it at this time, as it might interfere with appropriation bills. I shall not occupy the attention of the Senate for more than half an hour.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of the Committee on Commerce, in line 675 of section 1, after the word "improvement," to strike out "two hundred and fifty" and insert "one hundred and seventy-five;" so as to make the clause read:

Improving Kentucky River, Kentucky: Continuing improvement, $175,000.

Mr. McMILLAN. At the adjournment of the Senate last week the Senator from Kentucky [Mr. WILLIAMS] discussed the amendment, and desired the Senate to refuse to concur in the amendment proposed by the committee. The bill as it came from the House appropriated $250,000, and the amendment of the Senate committee proposes to decrease that amount and make the sum $175,000. The Senator in his remarks did not confine himself exclusively to this item, but embraced in the discussion a subsequent item in the bill appropriating a sum of money for the improvement of the Falls of the Ohio. That will come up in its order. The Senate will bear in mind that these are distinct propositions entirely. The present item is as to the improve-

ment of the Kentucky River on the present plan of improvement. I read from the report of the engineer:

1. *Kentucky River, Kentucky.*—The present plan of improvement adopted contemplates a slack-water system of navigation on this river from its mouth to the junction of the Three Forks, at Beattyville, a distance of two hundred and fifty-two miles. This required the repair of five locks and dams constructed by the State of Kentucky and the construction of twelve new locks and dams.

The operations of the past year have been confined to the repairs of these locks and dams, and maintaining navigation by means of them for a distance of eighty-two miles, or seventeen miles above the city of Frankfort.

It appears that in a distance of two hundred and fifty-two miles there are to be seventeen locks and dams, five of which are built and twelve to be constructed. In the appendix to the report of the engineer in charge, it is stated:

The navigation of the Kentucky River is at present greatly restricted by the existence of the bridges crossing it. There are three of these; one at Worthville, eleven miles from its mouth, and two at Frankfort, sixty-five miles from the mouth. The former and one of the latter are iron structures, belonging to the Louisville and Nashville Railroad, and are unprovided with draws. A rise of six feet in this river, which is not infrequent, prevents the steamers from going above the railroad company's bridge at Frankfort, and if this is accompanied by a rise in the Ohio, even of moderate dimensions, navigation by steamer is entirely suspended, on account of the impossibility of passing the bridge at Worthville. The second bridge at Frankfort, and which belongs to the city, is also unprovided with a draw. It is two feet lower than the railroad bridge, and prevents the river steamers from passing above the city, except at extreme low water. This question is a very serious one in connection with the improvement of this river, and Congress is especially requested to take some action in regard to it. Another bridge across the river is contemplated at Tyrone, seventeen miles above Frankfort, and others are not unlikely to be constructed. It would therefore seem necessary, if navigation is to be continued, that some general law be enacted in regard to bridging this river, similar to that passed affecting the Ohio River, by which the height and span of all bridges may be made subject to the demands of commerce.

In view of these facts we thought an appropriation of $175,000 would enable the engineer to go on with the construction of this lock and dam for this year, and it would probably complete the repairs to all the other locks and dams, and that certainly is enough to expend in one year upon this improvement. The committee looked at the question very carefully and think the Senator should not ask the Senate to increase this amount. We do not propose to cut it down any more than to an amount sufficient to enable the engineer to get along with this particular work.

Mr. BECK. As I understand it, the former engineer died and there was some delay before Mr. Post could get his estimate fairly made, but he asked $480,000 and the House cut it down to $250,000. The only bridge that can possibly be in the way on that river will be removed before this work is done. The difficulty is that unless $250,000 be given a good deal of the work will not be put in such a state of forwardness as to make it available.

Mr. MCMILLAN. In July, 1883, there was still a balance of $72,894 available for this improvement.

Mr. BECK. I do not complain of the action of the committee; but I think $250,000 is the very lowest amount that can be economically used. When you observe that in the reductions which have been made of $426,000, leaving out the Muscle Shoals, which has been restored, $325,000 of all that comes out of Kentucky, it looks like a tremendous cut, and the only one that is really made, especially when there is a demand for so much more. I do hope the Senate will not do it.

Mr. WILLIAMS. The chairman of the committee will recollect also that Captain Post, in his letter which I read on Saturday, suggests that the repairs and expenses will amount to $48,000 and that the lock which they want to build this summer will cost $200,000.

Mr. MCMILLAN. He does not give any accurate estimate of the cost of the lock.

Mr. WILLIAMS. He does in the letter that I read on Saturday.

Mr. MCMILLAN. That is a very general estimate. It has not passed through the regular official channels; it is not a regular official estimate.

Mr. CAMERON, of Wisconsin. I should like to inquire of the Senator from Kentucky whether or not the bridges over the Kentucky River which are said to obstruct navigation were or were not erected under a charter granted by the Legislature of Kentucky.

Mr. WILLIAMS. They were. There is only one that interferes, however, with the navigation, and that bridge will be removed long before the navigation is ready.

Mr. CAMERON, of Wisconsin. I understood from the report of the engineer, as read by the chairman of the committee, that more than one bridge is an obstruction to the navigation of the river.

Mr. MCMILLAN. There are several bridges on the river reported as obstructions, but the committee have no doubt that these obstructions will be removed; but until this is done, and in view of the amount estimated here, $380,000, the amount appropriated by the Senate committee is ample for expenditure this year, and a larger proportion of the estimate than is allowed to most other works in the country. I will not detain the Senate.

Mr. WILLIAMS. I do not want to make any speech, but merely to say that I hope the Senate will vote down the committee's amendment and let the bill stand as it came from the House in this respect.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Committee on Commerce.

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. KENNA. I am paired on all questions with the Senator from Illinois [Mr. CULLOM].

The result was announced—yeas 18, nays 31; as follows:

YEAS—18.

Bowen,	Farley,	Miller of N. Y.,	Ransom,
Cameron of Wis.,	Harrison,	Mitchell,	Sawyer,
Colquitt,	Hawley,	Morrill,	Wilson.
Dawes,	McMillan,	Palmer,	
Edmunds,	Mahone,	Platt,	

NAYS—31.

Bayard,	Garland,	Jones of Florida,	Slater,
Beck,	George,	Lamar,	Vance,
Blair,	Gibson,	Maxey,	Van Wyck,
Brown,	Gorman,	Morgan,	Vest,
Butler,	Groome,	Pendleton,	Voorhees,
Call,	Hampton,	Plumb,	Walker,
Coke,	Harris,	Pugh,	Williams.
Fair,	Jonas,	Saulsbury,	

ABSENT—27.

Aldrich,	Cullom,	Jackson,	Miller of Cal.,
Allison,	Dolph,	Jones of Nevada,	Pike,
Anthony,	Frye,	Kenna,	Riddleberger,
Camden,	Hale,	Lapham,	Sabin,
Cameron of Pa.,	Hill,	Logan,	Sewell,
Cockrell,	Hoar,	McPherson,	Sherman.
Conger,	Ingalls,	Manderson,	

So the amendment was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to return to that body the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes; and

Joint resolution (H. Res. 283) to provide temporarily for the expenditures of the Government.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 680 of section 1, after the word "Kentucky," to strike out "continuing improvement in pursuance of the last plan of the engineer in charge, $300,000; of which sum such amount as may be necessary, not exceeding $5,000, shall be expended in the erection of a stone pillar or pier on the southern side of the Indiana Chute, provided the engineer in charge shall decide that such a structure will aid in the navigation thereof," and in lieu thereof insert "$50,000;" so as to make the clause read:

Improving Falls of the Ohio River at Louisville, Ky., $50,000.

Mr. WILLIAMS. Mr. President, I hope the Senate will reject this amendment of the committee, not because this is specially a Kentucky improvement, for really there are other States more deeply interested in this project than Kentucky herself, and the canal around the falls is not properly chargeable to that State. It is a part and parcel of the Ohio River. The States of Pennsylvania, Ohio, West Virginia, Indiana, Illinois, Missouri—all the States above and all below, are quite as much if not more interested in this improvement than Kentucky herself. That very obstruction was what made Louisville a city; it is what made Jeffersonville a city; it is what made New Albany a city. Three cities have grown up there. This is a national improvement. All the boards of trade, the commercial bodies of Pittsburgh, Cincinnati, Saint Louis, Memphis, and elsewhere have asked Congress to make the improvement recommended by the House. Eighteen steamboats have been destroyed in the last two years in consequence of the want of a proper improvement of that river, and I feel sure that the Senators from Ohio, Pennsylvania, West Virginia, Illinois, Indiana, and Missouri, and their constituents are as much interested as I am.

I hope the amendment of the committee will be voted down.

Mr. MCMILLAN. The improvement now under consideration is one of a very different character from the one just acted upon by the Senate. That improvement perhaps had less merit than any item in this bill. As the Senate increased the amount in that case I do not know what they will do in this. It is a question here merely of judgment as to whether the Senate will enter upon a new improvement or not.

The United States purchased from a private corporation the canal at the Falls of the Ohio, for which we paid between three and four million dollars. We have removed all the charges for tolls upon the river, and have gone on with the construction and repair not only of the canal, but an improvement in the river which has progressed to a very great degree. There is still another and a new project now formed for the further im-

provement of the Falls of the Ohio. Upon that we have not yet entered, and the question is whether we shall complete the present improvements at the falls or go on and undertake another and a very large one this year.

The engineer in charge speaks of the present improvements that are going on there. In referring to Lieutenant-Colonel Weitzel's estimate, who was the engineer in charge in 1882, he says:

Lieutenant-Colonel Weitzel's estimate, contained in his special report of February 10, 1882 (report of Chief of Engineers, 1882, pages 1880 *et. seq.*), for the completion of the improvement of the falls proper was $242,088. Since that date there has been allotted for "Indiana chute"—

Which is a chute on the north side of the Ohio River to permit boats to pass down and over the falls through the chute in high water without going through the lock—

Since that date there has been allotted for "Indiana chute," from the appropriation for the Ohio River, $35,000, leaving $207,088 yet to be appropriated for the completion of the work indicated in his report.

In the estimates for the Ohio River I have inserted $50,000 for the Falls of the Ohio as the amount that can be expended if the season is reasonably favorable. The character of the proposed work is such that it can only be carried on when the Ohio is quite low, and as such stages are of uncertain date and duration it is necessary to have a fund in hand so as to utilize a favorable season whenever it happens to come.

* * * * * * *

It is a part of the approved project to narrow the opening at the head of the Indiana chute by two short sections of movable dam, each one hundred and sixty feet in length, so that during low stages the outlet through the dam may be reduced to a width of two hundred and eighty feet, while preserving the full outlet of six hundred feet for all stages during which the falls are navigable. The south section of movable dam is on hand, and is ready to go in as soon as a low stage in the river will permit. A vigorous effort was made to erect this section last autumn, but it proved a failure on account of high water. The breakwater and coffer-dam remain in place, and by contracting the outlet add materially to the difficulty of ascending the falls, but they can not be removed until the section of movable dam is in place.

There is no doubt whatever that the improvement of the Falls of the Ohio River is very important to the navigation of that river. The only question is as to how much shall be expended on the improvement this year, whether we shall take the estimate of the engineer in regard to the existing project, the one which is in process of completion, or whether we shall now enter upon this new improvement, which would require a vast expenditure. The lock on the south side of the river is sufficient to permit boats to go down stream or to come up at any stage of water in the Ohio River. In high water, however, boats do not limit themselves to the lock. In high water they can pass over the falls, and it is for the purpose of facilitating navigation in this regard that these improvements are asked.

In addition to this appropriation for the Falls of the Ohio River there are in this bill $600,000 appropriated for the improvement of the Ohio River. It is to be expended under the direction of the engineers in charge of those improvements. It is for the Senate to determine what they will do. The committee are of opinion that we should confine ourselves at this time to the appropriation recommended by the engineer in charge for completing the improvement to which he refers. We have submitted that to the Senate, and I hope the Senate will sustain the committee.

Mr. MILLER, of New York. Mr. President, it will be noticed that the language which the Committee on Commerce has stricken out is peculiar. Nearly all the appropriations made in the bill are made in the simple language "continuing improvement." We all know that the work is done under the direction of the Secretary of War through the board of engineers, and that the improvements are made in accordance with plans submitted to the board of engineers and by them adopted. It so happens that the plan which it is proposed here to adopt by enacting it into a law has never been approved by any board of engineers whatever. A new engineer was put in charge of the work there a year ago, and instead of proposing to continue the work in the line in which it had been going on for a number of years, he devised a new and elaborate plan for an improvement, one that is to cost a number of millions of dollars. It is proposed in this bill as it passed the House to adopt this plan.

Mr. HARRISON. I wish to ask the name of the engineer, if the Senator will permit me.

Mr. MILLER, of New York. I am not able to give it, but it will be found in the report. My memory does not serve me as to the name, but I am giving the substantial facts.

Mr. WILLIAMS. General Weitzel is the former engineer.

Mr. MILLER, of New York. But the engineer in charge developed a new plan some months ago.

Mr. WILLIAMS. If the Senator will allow me to interrupt him right there——

The PRESIDING OFFICER. Will the Senator from New York yield to the Senator from Kentucky?

Mr. MILLER, of New York. I wish the Senator would first allow me to make my statement. I do not desire to detain the Senate, and it is useless to be interrupted in a statement, because its force is thus entirely destroyed. I therefore must object to an interruption.

Mr. WILLIAMS. I merely wanted to ask a question.

Mr. MILLER, of New York. Wait until I finish my statement. It happens that a major of engineers has been put in charge of the work. Not satisfied with the work as it was to go on in the original plans, plans which have been in operation and course of fulfillment for the last four or five years, he developed an entirely new plan, which is to cost a number of millions of dollars, and here, before the plan has been adopted by any board of engineers, simply upon the say of one engineer, it is proposed to restrict the Secretary of War and to restrict the board of engineers to this one particular plan. There has been no agreement whatever on the part of the Secretary of War or the board of engineers to take this plan. It is simply the recommendation of one engineer in charge of the work.

The improvement as it has been going on for a number of years since the Government came into possession of the canal around the falls needs but little more work, and the $50,000 was recommended by the other engineer who was in charge, and who was superseded, as being sufficient to carry on the work and maintain it and make the repairs on it for the year to come.

The Senate Committee on Commerce did not think it wise to forestall the judgment of the Secretary of War or the board of engineers and the Engineer in Chief by enacting into a law any particular plan, but preferred to leave it where all other improvements are left, with the Secretary of War and the board of engineers. The $50,000 provided by the committee is amply sufficient to continue the work under the original plans, and it is all that is asked. If the clause under consideration is not stricken out it will commit the United States Government to the extent of a number of millions of dollars upon a work entirely new and which has the approval thus far of only one engineer officer.

Mr. WILLIAMS. I should like to ask the Senator a question. I understand he is opposing this provision because he says it is new matter. This is an old canal. In line 355 I see there is an appropriation of $250,000 for deepening Gedney's Canal, Sandy Hook Bar, New York. That is entirely new matter. It has never been estimated for by any engineer; it has never been recommended by any; it has never been estimated for by the Secretary of War. There are five other instances in this bill of large appropriations, up to a quarter of a million dollars, four of them put in by the Senate committee, where the improvements have never been recommended by engineers nor estimated for by the Department. Yet the Senator complains that this work of continuing the improvement of the Falls of the Ohio, widening and deepening the canal to protect the navigation of that river, is new work.

The object of this improvement is to fix a harbor into which the boats intending to pass through the canal may be safely anchored until they can take their turn. I have seen three hundred and fifty coal-barges and steamboats waiting their turn to go through that canal. General Weitzel recommended that a distinct canal be dug for coal-boats alone, reserving the present canal for the steamers that navigate the river. Everybody at all familiar with the navigation of the Ohio knows that there is there a graveyard of canal-boats and steamboats and iron boats. The wing-dam built by the Government was built with the intention of benefiting the navigation of the river at high water, so as to deepen the canal on the Indiana side that boats might pass through it when the water was high. In low water there was not water enough in the channel, and in high water they could not pass through the canal well. By the construction of this dam the water is made so rapid through the Indiana chute that it can not be navigated in high water, either up or down, and the canal itself is submerged, so that navigation actually stops at a very high stage of the water at the falls at Louisville. That is an official report of the engineers found in the very volume from which the Senator from Minnesota has read.

Mr. HARRISON. I wish to ask the Senator from Kentucky whether he understands that the plan to improve the river found in the part proposed to be stricken out, the plan he has spoken of, is that of Colonel Weitzel for the construction of an independent coal-barge canal?

Mr. WILLIAMS. No, sir; it is the plan of his successor, Colonel Merrill. Colonel Merrill's plan is the one I am now advocating; but Colonel Merrill recommends his plan upon the idea that it will fit in exactly when the country is ready to adopt General Weitzel's plan of an additional canal for the coal-boats. His estimate is that it will save $4,000,000 over the plan as first proposed by General Weitzel.

Mr. HARRISON. The Senator is mistaken about that. The estimate as shown here for General Weitzel's canal was $3,102,517.

Mr. WILLIAMS. My recollection is that it was $6,000,000.

Mr. HARRISON. The cost of the improvement which Colonel Merrill suggests is $1,335,000.

Mr. WILLIAMS. But the Senator from Indiana will recollect that that does not include the condemnation of the cement beds. The whole estimate amounts to $6,000,000, and the plan of Colonel Merrill, as stated by himself, will save three or four million dollars by waiting until the cement company have quarried out their rock. Then it will cost less, and the channel will already have been sunk by the very process of quarrying by the cement company, which is now going on.

Mr. President, this is a work which is as beneficial to the whole country as it is to Kentucky, far more so indeed, because if we could return to the time when Louisville had 1,500 and 2,000 drays and hauled all the freight from Portland up to the Louisville wharf and from there down to Portland again, there would be a toll collected on

all of it to some extent. There had been already collected $6,000,000 of toll until the Government took it and made it free. Now, let us make it capacious enough to accommodate all the commerce of that river. The engineers say it does not begin to do it, and that the obstruction put there by the Government itself renders the navigation up and down the river to the falls in very high water impossible. Boats wait below and boats wait above until the water subsides sufficiently for them to pass through the canal, for the dam which has been built has made the current too rapid for boats to pass up and down when there is a large body of water in the river.

Mr. HARRISON. I think it is important that the Senate should have an exact understanding of what is contemplated in the improvement described in the bill as "continuing improvement in pursuance of the last plan of the engineer in charge." That engineer, I understand, is Colonel Merrill, of the Engineer Corps. His predecessor at that station, Colonel Weitzel, reported, as the Senator from Kentucky has said, a proposition to construct an independent canal for the passage of coal-boats, leaving the present canal for the passage of steamboats proper. The estimate of the cost of the construction of that canal, not including, as the Senator has said, the property to be condemned, was $3,102,517. That report by Colonel Weitzel was made in pursuance of a resolution of the Senate passed in January, 1882, which called for a special report on the improvements still needed at the Falls of the Ohio to relieve the interest of the commerce of the Ohio River, and the report was made February 10, 1882. The engineer officer now in charge objects to that plan on account of the fact that its execution would involve the condemnation of the Louisville Cement Works at that place, which would not only involve the Government in a large expenditure to get the property, but would destroy a very important industry.

In place of that improvement suggested by Colonel Weitzel, Colonel Merrill suggests an improvement which contemplates enlarging the present canal by moving its northern wall to the northern line of the canal property, commencing at the pivot pier of the railroad bridge, and extending eastwardly to the intersection with the eastern boundary line of the property of the Louisville Cement Company. He estimates that the cost of that would be $1,335,000, and, as the Senator from Kentucky has said, he tells us that it will fall in exactly when Congress shall come to the opinion that the Government ought to construct an independent canal; that this work will all be available as part of that canal; that in the improvement the rock from which the cement is made will have been excavated by the cement company, which will greatly cheapen the construction of the work if the coal-canal is made.

It has been objected by the Senator from New York that no board has passed upon this improvement. I do not understand that we have had the advantage of the recommendation of boards upon all the appropriations which are recommended by the Committee on Commerce.

Mr. MILLER, of New York. Most certainly, if the Senator will allow me, these recommendations come in, and the appropriations are made, to be expended under the authority of the Secretary of War. Before that is done the plans of the various engineers scattered over the country are submitted and adopted by the board. The work is carried out at all events under the direction of the Secretary of War, and he, through the board of engineers, of course, directs the expenditures. Here the proposition is that Congress shall adopt a particular plan which shall restrict the Secretary of War and the board of engineers to that particular plan, after another plan has been adopted and has been in process of completion for a number of years.

Mr. HARRISON. But the Senator's objection does not go to the question of the amount to be appropriated. If the Committee on Commerce had contented themselves with an amendment which would have made this expenditure subject to the approval of a board of engineers and the Secretary of War, the friends of the improvement at the Falls of the Ohio would have made no objection; but they have not considered that part of it.

Mr. MILLER, of New York. If the Senator will go far enough back in the reports he will find that under the plans as they have been going on for a number of years the engineer recommends that only $50,000 is required, and we have given $50,000, and report it simply for the improvement of the falls. Therefore it is under the direction of the Secretary of War and the board of engineers. We have refused to adopt this new plan or to appropriate money for it.

Mr. HARRISON. Not only have the committee refused to adopt it, but they have refused to make an appropriation which would authorize the board of engineers and the Secretary of War to adopt it if it met their approval. In other words, this amendment elects between the old plan and the new; it elects that there shall be no new work done, and that the work there shall go on under the old plan, which did not contemplate the enlargement of the canal.

Mr. MILLER, of New York. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. MILLER, of New York. Is he prepared in a bill of this kind to adopt any new plan or method which may be recommended by a single engineer in charge of the work which is to involve an expenditure of a million dollars or more? Is he willing to put that into a bill and to take the authority and the power over the expenditure out of the hands of the Secretary of War and Chief of Engineers and the board of engineers which is constantly reviewing these matters? It seems to me that would be an unsafe way of legislation. The committee thought so; and we have followed in the line of precedents.

Mr. HARRISON. I have practically answered the question of the Senator already. If the Committee on Commerce will propose an amendment making this plan and this expenditure subject to the approval of the Secretary of War and board, barring the amount named in the bill as it passed the House, I shall make no objection to it. I do not desire to distinguish this appropriation from others in that respect.

Mr. MILLER, of New York. It is distinguished from others by the very language which the House put into the bill, which is uncommon and irregular.

Mr. HARRISON. So it is; but it was perfectly competent for the Committee on Commerce of the Senate, instead of striking out the amount and striking out all of the proposition of the House, to have incorporated an amendment that would have made the expenditure of the amount of money voted by the House dependent upon the approval of the board and the Secretary of War. If the Committee on Commerce proposed such an amendment I should vote for it; but they do not propose it. The difficulty which the Senator from New York suggests is one easily obviated by an amendment. After all, this improvement practically has the indorsement of two eminent officers of the Engineer Corps.

Mr. MCMILLAN. The Senator from Indiana is mistaken in saying that the appropriation recommended by the Senate committee distinguishes between any plans for improvement going on at the falls. The language of the item as proposed by the Senate committee is:

Improving Falls of the Ohio River at Louisville, Ky., $50,000.

Under that language the Secretary of War would be at perfect liberty to expend the $50,000 appropriated in any improvement that he saw proper at the falls; so that there is no limitation.

Mr. MILLER, of New York. Either as to this plan or the old one.

Mr. MCMILLAN. Either as to this plan or the old one. The difficulty is this new improvement suggested by Colonel Merrill can not be accomplished until the property owned by the cement company is all exhausted.

Mr. HARRISON. The Senator is mistaken about that.

Mr. MCMILLAN. That is the fact as presented by the report. I refer to the plan as recommended by Colonel Weitzel.

Mr. HARRISON. The Senator is right in that.

Mr. MCMILLAN. That plan, owing to that difficulty and owing to the immense expense, has been practically abandoned, at least for an indefinite time in the future. The proposition of Colonel Merrill has never been entered upon. He makes his recommendation to the Chief of Engineers, it is true, but the question is whether we shall, as the House has proposed, positively limit the power of the Chief of Engineers to going on with that improvement as recommended by Colonel Merrill, or whether we shall wait until a future time and see as to the propriety of entering upon that improvement. In the mean time the committee propose to make the appropriation of $50,000 for the falls, which may be expended in the improvement at present progressing there, or the Secretary of War and the Chief of Engineers upon consultation may determine to enter upon this other plan. Under the appropriation, as the bill came from the House, it requires the expenditure of the money in this new improvement. That would not be advisable, as the Senate committee believe, and we think that the improvement should go on as it exists, the Indiana chute being improved and ready for further improvement, and $50,000 being sufficient according to the statement of Colonel Merrill to continue this improvement and make it suitable for navigation there.

It seems to me that under existing circumstances and in view of the large amount required to be expended under the river and harbor bill this new improvement should not be entered upon until the necessity for it is exhibited, and until the Chief of Engineers and the officers in charge together shall come to the conclusion that it is absolutely necessary. No one disputes the importance of the improvement of the falls. It is a question of expediency and propriety of expenditure at this time.

Mr. WILLIAMS. I think the last remark of the Senator from Minnesota concedes the whole question.

One word in regard to some remarks which fell from the Senator from New York [Mr. MILLER], in which he said he was opposed to this great necessary public improvement because it was in the nature of new matter introduced upon the bill; that it had not come before Congress——

Mr. MILLER, of New York. Will the Senator allow me to interrupt him?

Mr. WILLIAMS. Let me get through with my statement.

Mr. MILLER, of New York. The Senator does not certainly desire to misrepresent me.

Mr. WILLIAMS. No; I do not desire to misrepresent the Senator. He can correct me when I am done.

Mr. MILLER, of New York. I said I was not opposed to the improvement of the Falls of the Ohio, but I was opposed to Congress exer-

cising the power of adopting any particular plan; that I wanted it left to the Secretary of War and the Chief of Engineers and the board of engineers, who are the only proper authorities to decide upon the plan. I am most certainly in favor of the improvement of the Falls of the Ohio, and have repeatedly voted for it in this body and the other, but I desire that Congress shall not decide upon the plan.

Mr. WILLIAMS. I understood the objection of the Senator to be that the proposition of the bill does not come now before us, and did not come before the committee, recommended by any board. I asked him the question, which he did not answer, whether that was not the case with certain other improvements recommended by the committee involving the expenditure of $20,000,000 at least. There are five distinct improvements in the bill which have never been recommended by any engineer, by any board, or in any estimate, any more than this improvement has been. There is the mouth of the Columbia River, to which a large appropriation is made, and that appropriation will result in an expenditure of from two to five million dollars.

Mr. DOLPH. Will the Senator yield to me for a moment?

Mr. WILLIAMS. Not until I get through with my statement. I can not yield in the middle of it. There is Gedney's Channel, to which I drew the attention of the Senator from New York. The bill proposes to appropriate $250,000 for that improvement, and there is no estimate, there is no recommendation from the Secretary of War. It just stands on all fours with the matter under consideration. Two hundred and fifty thousand dollars were estimated, and the cost of the work will be from two to four million. There is the Black Warrior, an entirely new work, put by the committee upon the bill without the recommendations which the Senator requires now in the case of the falls at Louisville. The cost of the Black Warrior improvement will be from one to two million dollars. Then Sandy Bay, which involves an appropriation of from four to six million; and then there is the Cumberland River, involving from one and a half to two million dollars.

I am not objecting to any of these improvements. I have not investigated them. I have no doubt they are very meritorious, and will in time be completed by the National Government; but why is there such readiness on the part of the committee and gentlemen here to support measures like those and yet oppose an appropriation of $300,000 or $500,000 to as great a work as the widening of the canal at Louisville, when the demands of commerce are much greater there than in all the other cases? The commerce upon that river is more than the commerce at all these points put together, and yet the committee appropriate here the pitiful sum of $50,000, and they do not hesitate a moment about giving $250,000 or $300,000 to any of those new works.

Mr. MILLER, of New York. We all know that Kentucky is no more interested in this work than any of the other surrounding States, and that the argument of the Senator in favor of it is entirely unselfish. Notwithstanding, it is true that Kentucky with its inland rivers has been well dealt by in the bill; and many of the larger improvements receive in the bill as it came to the Senate in some cases 50 per cent. of the estimate, and in some cases more than that, whereas the average appropriation in the bill for the rest of the country in many cases is only 25 per cent. of the estimate, and in very few is it more than 33⅓ per cent. of the estimate. I know that that has nothing whatever to do with this case.

When the Senator called my attention to the appropriation of $250,000 for the deepening of Gedney's Channel, which is the main entrance to the port of New York, I supposed of course that it was purely facetious, and that he did not expect any answer to it. I am not disposed to compare in any way with any of the other improvements which are to be found in the bill the importance of the harbor of New York, which has thus far during all its history taken very little money out of the public Treasury. It now happens that in the changes which are being made in our great seagoing steamships many of them draw more water than is carried over Sandy Hook Bar and into that harbor into which comes nearly three-fourths of all the imports which arrive in this country and out of which pass more than 60 per cent. of all the exports. It will not, I think, strike the country as an extravagant appropriation that $250,000 has been given to the Secretary of War to initiate some movements, some operations upon that bar which may lead to its deepening. What it is finally to cost no one can tell.

It is ascertained, however, by the Chief of Engineers that an appropriation of $250,000 would enable him to undertake such measurements as would prove absolutely what could be done, and that we might be able to prove that it could be done for a very small sum comparatively; but if it should be found that its deepening would cost ten or twenty million dollars, I have no doubt that Congress is ready to undertake that work and give to New York an entrance which will be as deep or deeper than the entrance to any other harbor in the world. Therefore I do not care to compare the two appropriations.

I have not said anything against the improvement of the Ohio River or against the improvement of the Falls of the Ohio River. I have favored it always. The facts are simply as stated by the chairman of the committee. Some years ago we bought this improvement, and we have from that day to this been appropriating money liberally for improving the canal, as it is called. We have gone on and expended the moneys under the direction of the Secretary of War and the Chief of the Engineer Corps of our Army. Now we come to a bill which proposes to fix some particular plan, some new plan which has never been approved by the board or by the Secretary of War, and it is proposed in the bill to say that this new work shall now be begun.

For one I am opposed to it. I believe it is unwise legislation. It is legislation which is seldom if ever entered upon in a bill of this nature. Certainly all the moneys expended under the bill should be left to the discretion of the Secretary of War and the board of engineers, and Congress should not attempt to decide, for if we are to go fully into the question of the merits of the plan of the late engineer or the present engineer, we should be discussing this bill for a month. We have given here just what the old engineer asked, not 50 per cent., not 33⅓ per cent., but we have given all that he asked and all that is necessary to carry on the improvement as it has been carried on. But an engineer happens to have hit upon some new plan which he thinks will be better, and he has recommended it in his report. It has come before us, and here is an attempt to compel Congress to adopt his plan without any consideration, without any knowledge of its merits or demerits, and to put it into an appropriation bill and give $300,000 to have the work entered upon, knowing full well that after the work is entered upon it must necessarily be carried on from year to year, no matter whether the expenditure is $1,000,000 or $10,000,000. I say it is unwise, it is dangerous legislation, and the Senate can not afford to retain this provision in the bill.

Mr. DOLPH. Mr. President, I do not wish to discuss the amendment. I rose to correct the Senator from Kentucky [Mr. WILLIAMS]. I presume he desires to be correct. It is not true that there has been no recommendation of the board of engineers for the improvement of the mouth of the Columbia. The mouth of the Columbia was examined by a board of engineers by the express authority of Congress, who were authorized to report a plan. A plan has been reported for the improvement of the mouth of the river and recommended by the Chief of Engineers. I merely desire that it shall be understood that the Senator was incorrect in his statement; that is all.

Mr. HARRISON. As the Senator from New York seems to base his position, and that of the committee, largely upon the fact that this plan of improvement has not received the sanction of the Secretary of War or of the board of engineers, I propose when it is in order, if it is not in order now, to add after the word "charge," in line 681, the words, "subject to the approval of the plan by the Secretary of War."

The PRESIDING OFFICER. That amendment is in order at this time.

Mr. HARRISON. Then I move, in line 681, in the part proposed to be stricken out, after the word "charge," to insert "subject to the approval of the plan by the Secretary of War;" so as to read:

Continuing improvement in pursuance of the last plan of the engineer in charge, subject to the approval of the plan by the Secretary of War, $300,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment recommended by the committee as amended.

Mr. McMILLAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. The question is not fully understood. Is the question on agreeing with the committee to strike out?

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment reported by the Committee on Commerce, to strike out and insert, on which the yeas and nays have been ordered?

The Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I was paired on all questions with the Senator from Tennessee [Mr. JACKSON]. That pair has been transferred to the Senator from Rhode Island [Mr. ANTHONY.]

The roll-call having been concluded, the result was announced—yeas 30, nays 27; as follows:

YEAS—30.

Aldrich,	Farley,	Mahone,	Plumb,
Cameron of Wis.,	Garland,	Manderson,	Ransom,
Coke,	Gorman,	Maxey,	Sawyer,
Colquitt,	Groome,	Miller of Cal.,	Sewell,
Conger,	Harris,	Miller of N. Y.,	Vest,
Dawes,	Hawley,	Morrill,	Wilson.
Dolph,	Jones of Nevada,	Pike,	
Edmunds,	McMillan,	Platt,	

NAYS—27.

Bayard,	Gibson,	Lapham,	Sherman,
Beck,	Hampton,	McPherson,	Slater,
Brown,	Harrison,	Mitchell,	Vance,
Butler,	Hoar,	Palmer,	Voorhees,
Call,	Ingalls,	Pendleton,	Walker,
Cameron of Pa.,	Jonas,	Pugh,	Williams.
George,	Jones of Florida,	Saulsbury,	

ABSENT—19.

Allison,	Cockrell,	Hill,	Morgan,
Anthony,	Cullom,	Jackson,	Riddleberger,
Blair,	Fair,	Kenna,	Sabin,
Bowen,	Frye,	Lamar,	Van Wyck.
Camden,	Hale,	Logan,	

So the amendment was agreed to.

GOVERNMENT EXPENDITURES.

Mr. ALLISON. I ask the Senator from Minnesota to agree to lay aside informally the business before the Senate in order that I may ask for the present consideration of a joint resolution from the House of Representatives.

The PRESIDING OFFICER. The Senator from Iowa asks the unanimous consent of the Senate that the river and harbor bill be informally laid aside for the purpose suggested by him. Is there objection? The Chair hears none.

Mr. ALLISON. I ask that House joint resolution 283 be laid before the Senate.

The joint resolution (H. Res. 283) to provide temporarily for the expenditures of the Government was read the first time by its title.

Mr. ALLISON. I ask for the present consideration of the joint resolution.

Mr. EDMUNDS. Let it be read in full for information.

The joint resolution was read the second time at length and considered as in Committee of the Whole. It continues and makes available for a period of five days all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1884, unless the regular appropriations therefor provided in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1885; and in case the appropriations or any of them hereby continued are insufficient to carry on the necessary operations of the Government, it appropriates a sufficient amount to carry on the same, but no greater amount shall be expended therefor than shall be in the same proportion to the appropriations for the fiscal year 1884 as five days' time bears to the whole of that fiscal year. Authority is also granted for continuing during the same period the necessary work estimated for public printing and binding, and for all other miscellaneous objects embodied in the sundry civil and naval appropriations acts in advance of appropriations to be hereafter made for such objects, and all sums expended under this act shall be charged to and deducted from the appropriations for like services for the fiscal year ending June 30, 1885.

Mr. HOAR. I should like to ask the Senator from Iowa who is to determine what are necessary appropriations?

Mr. ALLISON. Under existing law, of course.

Mr. HOAR. But that is not what it says. Let the Chief Clerk read the first three lines of the joint resolution.

The PRESIDING OFFICER. The part indicated will be read.

The Chief Clerk read as follows:

That all appropriations for the necessary operations of the Government under existing laws, which shall remain unprovided on the 30th day of June, 1884," &c.

Mr. HOAR. It is only the appropriations for "necessary operations." All that are unnecessary are not provided for. What does that mean?

Mr. ALLISON. I think it is a fair presumption that there are no unnecessary appropriations.

Mr. HOAR. For instance, take the appropriation for printing the RECORD, the printing of the speeches—is that a necessary operation of the Government?

Mr. ALLISON. I suppose it would be so considered by the Public Printer. He would like to continue to print the speeches, and they will be printed.

Mr. HOAR. Why is his concurrence necessary? Why provide that "appropriations for the necessary operations of the Government" shall be continued?

Mr. ALLISON. I think that would be the better phraseology. This is a House resolution, which came to us. It is absolutely necessary that something should be passed to-day.

Mr. HALE. It is the language that has usually been employed.

Mr. ALLISON. Yes, we have used substantially the same phraseology heretofore when appropriations have been extended.

Mr. HOAR. I think if we were to call that language to the attention of the very astute First Comptroller all the speeches made in this body except those of my friend from Iowa would be stricken out. [Laughter.]

Mr. ALLISON. I do not think it would require more than one volume of decisions. [Laughter.] It is necessary that the joint resolution should pass to-day in order to carry on the operations of the Government. The resolution contemplates an adjournment by Saturday night. I merely call attention to that to show that there will be a further extension necessary unless Congress shall adjourn before Monday morning.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TEXAS PACIFIC RAILROAD LAND GRANT.

The PRESIDING OFFICER. Prior to resuming the consideration of the river and harbor bill, the Chair will lay before the Senate the message of the House of Representatives requesting the return to that body of the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes. If there be no objection the order will be entered. The Chair hears no objection and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House, in compliance with the request of the Senate, returned to the Senate the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes, and had receded from its disagreement to the amendments of the Senate to said bill numbered 8, 9, 10, and 11.

The message also announced that the House had passed a bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others; in which it requested the concurrence of the Senate.

RAILROAD IN INDIAN TERRITORY.

Mr. PLUMB. I now make the motion which I made this morning in regard to a conference on the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes. I move that the Senate insist on its amendments to that bill and ask a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. INGALLS, Mr. DAWES, and Mr. COKE were appointed.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I wish to submit the report of the committee of conference on the Indian Appropriation bill.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will first report the action of the House of Representatives upon the bill.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 30, 1884.

Resolved, That the House recede from its disagreement to the eighth, ninth, tenth, and eleventh amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

The PRESIDING OFFICER. The Secretary will announce the action of the House upon the conference report.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 30, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 17, 18, 21, 44, 50, 54, 56, 69, 79, 83, 90, 99, 119, 120, 131, 138, 139, 140, and 154.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 12, 13, 15, 16, 19, 22, 24, 25, 26, 27, 28, 29, 30, 33, 34, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 51, 52, 55, 58, 59, 60, 61, 62, 63, 65, 68, 70, 71, 73, 77, 82, 84, 85, 87, 88, 89, 91, 92, 95, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 121, 122, 124, 125, 126, 128, 129, 130, 134, 135, 136, 137, 141, 142, 143, 144, 147, 148, 149, 150, 151, 152, 153, 156, 157, 160, 162, and 163, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,800;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$90,000;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$35,000;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$49,700;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$36,600;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$65,000;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$118,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an

amendment as follows: In lieu of the sum proposed by said amendment insert "$5,000;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$9,000;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$46,000;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*And provided further*, That this shall apply only to original Sacs and Foxes now in Iowa, to be ascertained by the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$25,800;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$50,000;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,676,300;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$25,000;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with amendments as follows: After the word "mutton," on page 27, in line 4 of the bill, strike out the words "wheat flour," and after the word "potatoes," in line 5, insert the words "or other necessary articles of food," and in lieu of the sum proposed by said amendment insert "$25,000;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$50,000;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "That the lands acquired from the White Oak Point and Mille Lac bands of Chippewa Indians on the White Earth reservation in Minnesota, by the treaty proclaimed March 20, 1865, shall not be patented or disposed of in any manner until further legislation by Congress;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment numbered 76, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "To enable the Secretary of the Interior to pay to the Flathead, Kootenay, and Lower Pend d'Oreilles Indians in Montana Territory for the right of way to the Northern Pacific Railroad Company over and through their reservation, $16,000, to be paid in accordance with an agreement made between said tribes and the United States on September 2, 1882, and being the sum paid to the United States by the Northern Pacific Railroad Company in part payment for said right of way, which agreement is hereby ratified: *Provided*, That nothing herein shall be construed as in any wise affecting the relation between the Government and said railroad company growing out of the grant of land made to said company beyond the right of way provided for in said agreement;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$23,000;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$18,000;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$16,500;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$40,000;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$510,000;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$40,000;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$575,000;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment strike out the word "fifteen" and in lieu thereof insert the word "ten;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$167;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Strike out the word "Indian" proposed to be inserted by said amendment; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: After the word "farmers," in line 2 of said amendment, insert the words "in addition to the agency farmers now employed, at wages not exceeding $75 each per month; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: After the word "Pi-Utes," in line 2 of the amendment, insert the words "and other unsettled Pi-Utes;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following as a separate paragraph:

"That where Indians are in possession or control of cattle, or their increase, which have been purchased by the Government, such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong, or to any citizen of the United States, whether intermarried with the Indians or not, except with the consent in writing of the agent of the tribe to which the owner or possessor of the cattle belongs; and all sales made in violation of this provision shall be void and the offending purchaser, on conviction thereof, shall be fined not less than $500 and imprisoned not less than six months."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$275,000;" and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That the Secretary of the Interior is authorized to detail a proper person or persons from the employés of the Geological Survey, and to also appoint a suitable person not now in the employ of the Government, which said persons shall constitute a commission who shall, under the direction of the Secretary, proceed to examine and report upon the character, extent, thickness, and depth of each vein, the value of the coal per ton on the dump, and the best method to utilize the same, and to report their opinions as to the best method of disposing thereof within the White Mountain Indian reservation in the Territory of Arizona, and the result of said investigation, to the Secretary and by him transmitted to Congress. And for the compensation and expenses of the member of the commission not of the Geological Survey, and for the expenses of examination and investigation on the ground, $2,500;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with amendments as follows: In line 13 of said amendment strike out the letter "T" and insert the letter "F;" and in line 14 strike out the letter "F" and insert the letter "E;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "otherwise," insert the word "hereafter;" and after the word "locate," in same line, strike out the words "during the year for which this appropriation is made;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the words "in making them farms," and in lieu thereof insert the words "to become farmers;" and the Senate agree to the same.

On amendments numbered 8, 9, 10, and 11 the conference committee is unable to agree.

H. L. DAWES,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.
E. JNO. ELLIS,
WM. S. HOLMAN,
THOS. RYAN,
Managers on the part of the House.

The report was concurred in.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 689 of section 1, to increase the appropriation for "improving Detroit River, Michigan: Continuing improvement" from $100,000 to $200,000.

The amendment was agreed to.

The next amendment was, after line 699 of section 1, to insert:

Improving mouth and harbor of Cedar River, Michigan: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, before the word "thousand," line 706 of section 1, to strike out "twenty-five" and insert "sixty;" so as to read:

Improving Fox and Wisconsin Rivers, Wisconsin: Continuing improvement, $160,000; of which sum $10,000 are to be used for maintaining the channel between De Pere and Green Bay.

The amendment was agreed to.

The next amendment was, after line 764 of section 1, to insert:

Improving the mouth of the Columbia River, Oregon and Washington Territory: Commencing improvement, in accordance with the plan recommended by the majority of the board of engineers in 1882, $150,000.

The amendment was agreed to.

The next amendment was, in line 776 of section 1, to increase the appropriation for "improving upper Columbia and Snake Rivers, Oregon and Washington Territory: Continuing improvement" from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, in line 779 of section 1, to increase the appropriation for "improving Willamette River above Portland, Oreg.: Continuing improvement" from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, after line 779 of section 1, to insert:

Improving mouth of Coquille River, Oregon: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in line 783 of section 1, to increase the appropriation for "improving Chehalis River, Washington Territory: Continuing improvement" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 792 of section 1, to strike out:

Which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of a board of engineers consisting of three members, who shall be assigned by the Secretary of War for that purpose, one of whom may be a member of the Mississippi River Commission.

And in lieu thereof to insert:

That a commission to be called the Missouri River Commission is hereby created, to consist of five members.

That the President shall nominate and, by and with the advice and consent of the Senate, appoint five commissioners, three of whom shall be selected from the Corps of Engineers of the Army, and two from civil life, one of whom at least shall be a civil engineer; and he shall in like manner fill any vacancy in said commission; and he shall designate one of the commissioners appointed from the Corps of Engineers to be president of the commission. The commissioners appointed from the Corps of Engineers shall receive no other pay or compensation than is allowed them by law, and the other two commissioners shall each receive for their services pay at the rate of $2,500 per annum, out of any money appropriated for the Missouri River; and all said commissioners shall remain in office subject to removal by the President of the United States.

That it shall be the duty of said commission to superintend and direct such improvement of said river, and to carry into execution such plans for the improvement of the navigation of said river from its mouth to its headwaters as may now be devised and in progress, and to continue and complete such surveys as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, and to consider, devise, and mature such additional plan or plans, and all such estimates as may be deemed necessary and best, to obtain and maintain a channel and depth of water in said river sufficient for the purposes of commerce and navigation, and to accomplish the objects of this act. And to enable the commission to perform the duties assigned them the Secretary of War is hereby authorized and directed to transfer to and place under the control and superintendence of said commission all such vessels, barges, machinery, and instruments, and such plant as may now be provided, devised, or in use on said river, from appropriations heretofore made for said river, or other sources, and when thereto requested by said commission to detail from the Corps of Engineers such officers and men as may be necessary, and to place in the charge of said commission any such vessels, machinery, and instruments under his control as may be deemed necessary. And said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such additional vessels, boats, machinery, instruments, and means as may be deemed necessary; to be paid for by appropriations made or to be made for said river.

That the said commission shall, under the direction and with the approval of the Secretary of War, superintend, control, and expend for the purposes of this act all appropriations or unexpended balances heretofore made for the improvement of said river, and which may hereafter be made for said river, or so much thereof as may be necessary, and shall prepare and submit, through the Chief of the Engineer Corps, to the Secretary of War, to be by him transmitted to Congress at the beginning of the regular session in December of each year, a full and detailed report of all their proceedings and actions, and of all such plans and systems of work as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them; and the Secretary of War may detail from the Corps of Engineers or other corps of the Army an officer to act as secretary of the commission, to aid them in their work; and all money hereby or hereafter appropriated for the improvement of said Missouri River shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of said commission, when such plans, specifications, and recommendations shall have been approved by Congress.

The amendment was agreed to.

The next amendment was, after line 897 of section 1, to insert:

Improving harbor at Lake City, Minn.: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, after line 908 of section 1, to insert:

For the continuation of the construction of the dry-dock at the Des Moines Rapids Canal, on the Mississippi River, $30,000.

The amendment was agreed to.

The next amendment was, in line 914 of section 1, after the word "Bay," to insert "and the removal of the bar at the mouth of Whipple Creek, in said bay;" so as to make the clause read:

Improving Mississippi River from Des Moines Rapids to the mouth of Illinois River, including the river at Quincy and Quincy Bay, and the removal of the bar at the mouth of Whipple Creek, in said bay: Continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, after line 916 of section 1, to insert:

Improvements at the Falls of Saint Anthony: Repairs to and preservation thereof, $10,000.

The amendment was agreed to.

The next amendment was, in line 931 of section 1, after the word "head," to insert "of the;" in line 934, after "Memphis," to strike out "and;" and in the same line, after "Hickman," to insert "and Columbus;" so as to make the clause read:

Improving Mississippi River from the head of the passes to Cairo, including the improvement and preservation of the harbors of New Orleans, Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus, the deflection of the waters of Red River from the Atchafalaya, and keeping open a navigable channel through the mouth of the Red River into the Mississippi River: Continuing improvement, $1,250,000; which sum, together with the sums herein appropriated for the Mississippi River from the Des Moines Rapids to the mouth of the Ohio, shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission.

The amendment was agreed to.

The next amendment was, at the end of the same clause, after the word "commission," in line 944, to insert:

Provided, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflows: *Provided, however*, That the commission is authorized to repair and build levees if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *Provided further*, That of said first-mentioned sum the sum of $250,000, or so much thereof as may be necessary, shall be applied to the protection of the harbor of Memphis, Tenn., and the work already done on the same by the Government against destruction by the washing and erosion of the east bank of the Mississippi River at that place.

Mr. JONAS. I move to strike out from line 952 all down to the word "to," in line 955, and to insert the word "for."

The PRESIDING OFFICER. Will the Senator state again what he proposes to strike out?

Mr. JONAS. From the word "channel," in line 952, down to and including the words "applied to," in line 955, and to insert the word "for," and at the end of the clause to insert: "$250,000."

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana to the amendment of the committee will be read.

The CHIEF CLERK. In line 952, after the word "channel," it is proposed to strike out the following:

Provided further, That of said first-mentioned sum the sum of $250,000, or so much thereof as may be necessary, shall be applied to.

And to insert in lieu thereof the word "for," and after "place" insert "$250,000;" so as to make the committee amendment read:

For the protection of the harbor of Memphis, Tenn., and the work already done on the same by the Government against destruction by the washing and erosion of the east bank of the Mississippi River at that place, $250,000.

Mr. JONAS. My object in offering the amendment is to provide that no portion of the sum used for the harbor of Memphis, which I presume is eminently necessary, shall be taken from the appropriation for carrying on the work of the improvement of the Mississippi River as estimated for by the Mississippi River Commission. The appropriation made for that purpose is already $1,400,000 less than the sum asked for by the commission. In my opinion the whole amount should be appropriated, and I presume an amendment will be offered for that purpose, as one has been submitted in the Senate and referred to the committee.

It is especially desirable that the appropriation as made should not be further reduced by taking from it and appropriating to the particular purpose of improving the harbor of the city of Memphis the sum of $250,000, one-fifth of the whole amount. The bill originally provided that out of the sum for the Mississippi River the harbors of New Orleans, Vicksburg, Memphis, and other places should be improved, protected, and kept in order. That was for the ordinary wear and tear incidental to the use of those harbors, but there was no intention to provide in that appropriation for the emergency which has fallen upon the harbor of Memphis which threatens it with complete destruction. This information has been brought to Congress and to the committee since this bill passed the other House. The amendment has been put on by the committee of the Senate. I am prepared and ready to vote for it; but I think it should be an independent appropriation and not come out of the amount appropriated for the improvement of the Mississippi River.

Mr. CONGER. In the body of the bill itself Memphis is provided for to whatever extent is necessary, but the friends of that measure desired to have a particular sum or so much as was necessary set apart here. It would come out of the general appropriation, any way, as do all the improvements of the harbors maintained along there. But those who were desirous that the harbor of Memphis should have a particular appropriation desired to have it specified, and we put in just what we finally thought was necessary to protect that harbor. We have also put in Columbus, another place that was not in the bill of the House, to be protected as a harbor. The same objection to putting in any new places unless appropriations are to be made for the harbors along there would apply. We have pursued the recommendations of the engineers and it is in accordance with the wishes of the Senators representing the State in which Memphis is. Although Memphis is provided for to whatever extent may be necessary in the body of the bill, the amendment of the Senator from Louisiana will add $250,000 to the bill.

I am of the opinion that this is properly provided for. The appropriation is mainly for the improvement of these harbors. There is no need of deepening the channel down there. The object is to protect the harbors. The channel itself is deep enough.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment of the Senator from Louisiana [Mr. JONAS] to the amendment of the Committee on Commerce.

Mr. GEORGE. I hope the amendment offered by the Senator from Louisiana will be adopted. The estimates made by the Mississippi River Commission exceed in amount the appropriations made by the committee more than a million dollars. At the time of the estimates, as was remarked by the Senator from Louisiana, the extraordinary damage that has been done to the harbor of Memphis had not occurred. This large amount of money has been rendered necessary to be appropriated by Congress since the estimates made by the Mississippi River Commission.

I agree that the sum of $250,000 ought to be appropriated to the harbor at Memphis, but with a very small appropriation allowed to the Mississippi River as compared with its merits and as compared with the estimates of the Mississippi River Commission. I think it is unfair and unjust that this large sum shall be subtracted and abstracted from the amount appropriated for the Mississippi River.

I hope the amendment will prevail. At a subsequent stage I meant to present the claims of the Mississippi River for larger appropriations than have been allowed by the committee. This will provide for the present.

Mr. CONGER. The bill introduced in the Senate was for an advance of $250,000 to be taken out of the appropriation when the general appropriation should be made. It came so near the time when this bill was to be passed that we expressed it here instead of passing a separate bill. There is some time when these requests that are asked ought to have weight with the Senate when recommended by the Committee on Commerce. We leave it just exactly as it was before and as it was proposed to have it by the bill introduced for the relief of Memphis, $250,000 to be appropriated by special bill; but it did not pass as a special bill, and we have put it in here to be taken out of the general appropriation. The appropriation is for this very purpose, only it is specific in amount. It is twenty-five or fifty thousand dollars more than was estimated for in the original bill and we have specified it in this.

Mr. CAMERON, of Wisconsin. If the amendment proposed by the Senator from Louisiana is agreed to, will it or will it not add $250,000 to the aggregate of the bill?

Mr. CONGER. It adds $250,000 to this item, which is already liberal, for there is a good deal of money on hand for the river which has not been expended as yet owing to high water in the river.

Mr. GIBSON. I should like to ask the chairman of the Committee on Commerce whether this appropriation has been made in consequence of any recommendation of the Mississippi River Commission.

Mr. McMILLAN. Not from the Mississippi River Commission directly, but the statement comes officially to the committee from the engineer of the Mississippi River Commission that the appropriation for the harbor of Memphis is a necessity, and I think the amount he asked for was $300,000. That is my recollection.

Mr. HARRIS. Mr. President, there is a condition of things existing in respect to the current of the Mississippi, its effect upon the eastern shore, that threatens the entire destruction of that harbor and the foundation of the custom-house as well as the marine hospital. The freshets of the last spring washing away points above have thrown the whole volume of the current of that river against that bank, and the destruction within the last three months has been unprecedented.

The amount suggested of $250,000 appropriated to that harbor for its protection and improvement, as well as of the site of the custom-house and of the marine hospital, is absolutely necessary.

So far as that harbor is concerned the amendment of the Senator from Louisiana is as satisfactory to myself as the amendment proposed by the Committee on Commerce. The estimate made within the last three or four weeks by the engineer in charge of the work shows that $350,000 is necessary for the work to be done at that harbor, and I quite agree with the committee in believing that $250,000 appropriated at this time will be amply sufficient until Congress will have an opportunity of considering the question again and making such further appropriation as may be necessary if any others are found to be necessary.

Now, as to whether the $250,000 shall be taken from the $1,250,000 appropriated by the House bill to the improvement of the Mississippi River and the various harbors upon it from Cairo down to the mouth, or whether the amendment proposed by the Senator from Louisiana shall be adopted, of course I as the immediate representative of the Memphis harbor have no choice. I have stated with earnestness the fact that $250,000 in the form of an additional appropriation or in the form of a specific appropriation out of the $1,250,000 here appropriated is absolutely necessary to that harbor. I refer to the Committee on Commerce and to the Senator from Louisiana the question as to whether it shall be in the form of an independent appropriation or specifically appropriated from the $1,250,000. I certainly have no desire to take from any other harbor a single dollar that is necessary to be expended upon such point; I only urge affirmatively the absolute necessity of the $250,000 provided for that harbor.

Mr. JONES, of Florida. Does it appear that this sum is taken from the general appropriation for the Mississippi River?

Mr. HARRIS. The committee amendment takes it from the general appropriation. The House appropriated $1,250,000 for the improvement of the Mississippi River from Cairo to the mouth of the river, and the improvement of all the harbors between those points. The condition of things now existing at Memphis, and the great danger to which the harbor and custom-house and the marine hospital are to-day exposed, is a thing of the last three months, occurring long after the date upon which the report of the Mississippi River Commission is based. The evil did not exist at the time the report was made—at the time the data from which the bill is made were collected.

Mr. GIBSON. I have no purpose to antagonize the appropriation for the harbor at Memphis, but I suggest to Senators that applying a specific amount for the improvement of particular points on the Mississippi River independently of the judgment of the commission appointed for its improvement is a reversal of the policy which has been adopted by the Government. Anterior to the creation of the Mississippi River Commission, which under the law was required to bring in a specific plan for the treatment of the whole river, appropriations had been made from time to time for the improvement and protection of particular localities on the river, and in every instance the money so appropriated was lost, sunk in the waves of the river itself. We had appropriations made to protect the harbor of New Orleans. The engineers had furnished plans for the treatment of the harbor, and when the test was applied those plans were found wholly inadequate, and the result was that every dollar of the money thus appropriated was lost, and the history of those appropriations made for specific points had been an utter failure.

It was for this very reason that the general commission was appointed by the Government, because it was found by experience necessary to create some agency in order to ascertain the laws that controlled this great inland sea, and it is believed to-day by the engineers upon the commission, by the engineers of the Army, by intelligent men all over the country who have given attention to this subject, that the plan for the treatment of the Mississippi River devised by the Mississippi River Commission is based upon correct principles, as, in the language of Professor Hilgard, of the Coast Survey, the commission has discovered the laws that control the river.

Mr. President, the difficulty about the Mississippi River is that the cause that may produce damage in one place is not located in that particular place, but it may be four, five, or twenty miles away, and therefore I assert that the difficulty which we are contending against at the harbor of Memphis can only be remedied by treatment perhaps fifteen or twenty miles distant from the city of Memphis. The Mississippi River is not like an ordinary stream; it is more like a living organism; its parts are interdependent. The disease and difficulty which the people contend against who are aiming to treat that river are not local but constitutional, and the plan the Mississippi River Commission has proposed is all-embracing. It includes all the phenomena of the river. It is general in its application. Step by step they propose to regulate the low-water navigation, and the high water, the flood stages of the river. It is therefore a departure from the general policy of the Government, a departure that the experience of our treatment of this inland sea warns us not to make, to say that $250,000 of the amount allowed the Mississippi River Commission shall be expended in a particular spot when under the judgment of that commission the remedy for the particular difficulty existing there may have to be applied fifteen or twenty miles from it. It is not like a wave ebbing and flowing to the sea, but the monster force that controls this great river is such that while the current washes away at one point it bears with undue force on another, a distant point, sometimes fifteen, sometimes twenty, sometimes fifty miles distant; and you can not remedy the difficulty, I say again, by applying your remedy to the point where the current comes in contact with the shore, but you must go up stream, and there by your dike or your jetty divert the force at its incipiency.

I trust, Mr. President, at all events that the amendment of my colleague will be adopted. I know that this great stream, presenting a coast line of 2,000 miles in the very body of our country, is in no State, is in no man's district, but I think it appeals to every Senator here, while we are voting out millions for the improvement of its tributaries, to come forward actuated by a national spirit and readjust this great highway of the natiou.

Mr. McMILLAN. Mr. President, the appropriations for the Mississippi River Commission have always embraced certain harbors by name which were to be improved by them out of the funds appropriated. The harbor of Memphis has been mentioned in every appropriation bill that has been passed, together with some of the other harbors mentioned in this bill. What are the harbors mentioned here?

Improving Mississippi River from the head of the passes to Cairo, including the improvement and preservation of the harbors of New Orleans, Natchez, Vicksburg, Greenville, Memphis, and Hickman.

Those were in the bill that came from the House. The Senate have inserted "and Columbus," an additional harbor.

Mr. GIBSON. Will the Senator allow me to interrupt him?

Mr. McMILLAN. Certainly.

Mr. GIBSON. I call the Senator's attention to the fact that no specific amount is appropriated for those harbors.

Mr. McMILLAN. I was just going to state the fact that no specific amount was mentioned or has been mentioned in all the bills that we have for the improvement of this river. It is left to the discretion of the Mississippi River Commission to apply whatever sum they see proper for the improvement of these harbors. The Mississippi River Commission can apply to these harbors any amount they see proper, and under this bill in the absence of any specific amount mentioned they would have ample power to apply this amount or a greater amount to the protection of Memphis Harbor if they saw fit. They have already contemplated the improvement of the harbor at Memphis, and they have already anticipated the injury for which this appropriation is made, not to the extent which has transpired it is true, but to a partial extent the very danger which has happened and the further danger

which threatens has been anticipated by the commission and a sum of money estimated in their report for it. But the injury has been so sudden and so much greater than was anticipated that it was esteemeed a necessity that a specific amount should be designated by Congress in an appropriation bill for this emergency in order that the harbor at Memphis might be protected.

It is nothing but fair that this amount should come from the sum appropriated for the Mississippi River. This is one of the harbors mentioned in the bill, one to which the commissioners could apply the money. It may be that the language of the bill may operate as a limitation upon the Mississippi River Commission, rather than authorizing them to spend a greater amount than they would consider necessary. Three hundred thousand dollars was the amount stated, by I think General Comstock, who is the engineer member of the Mississippi River Commission in regard to the harbor at Memphis. The board of trade and the citizens of Memphis have been before the committee in large numbers, and have been urgent in their demands for such an appropriation; and it is reasonable that it should come from this general appropriation in view of the amount that has been already appropriated and is still in the hands of the commission, because the fund is not altogether expended. I think there was an unexpended balance at the last report of between one and two million dollars, nearly $2,000,000.

Mr. GIBSON. Allow me to say that I understand the Mississippi River Commission asked for $4,675,000 to be expended in the next year for the improvement of the river, not to speak of the harbors on that river at all.

Mr. MCMILLAN. I spoke of the amount that was on hand according to the report of the engineer. The balance available was between one and two million dollars; perhaps $1,900,000 or thereabout. That is my recollection. So this amount would be additional to the item of appropriation for the Mississippi River, adding $250,000 to that, and of course to the aggregate of the bill. In view of the fact that this harbor is mentioned there, and comes within the jurisdiction of the commission, I think it proper to let it stand.

Mr. GIBSON. I should like to call the attention of the Senator from Minnesota to the estimate of the Mississippi River Commission for the improvement of the river without reference to the harbors. The total amount is $4,675,000, and the amount allowed by this bill——

Mr. GEORGE. The Senator will find $200,000 additional on page 22.

Mr. GIBSON. I understand that item is carried on the sundry civil appropriation bill. The amount allowed by this bill is only $1,250,000, when the commission asked for $4,675,000 for the improvement of the river, and of that $1,250,000 for the improvement of the river $250,000 is taken away from it by this bill as reported from the Committee on Commerce.

Mr. President, I appeal to Senators if we have embarked upon a plan for the improvement of the Mississippi River not to dole out to that great river a niggardly sum. It is a great river, and the report of the engineers shows that the improvements to-day proposed are necessary to preserve that river as a highway of commerce. The whole Mississippi Valley from the Alleghany Mountains to the Rocky Mountains, with its forty-three mighty rivers, its 50,000 miles of tributary streams, is dependent at last upon the navigability of the great river, the basin from Cairo to the head of the passes. Why should you vote here millions of dollars to improve the Missouri and the Tennessee and the Cumberland and the Ohio? Why should you vote over $5,000,000 to open the mouth of the Mississippi River, the gateway to the great valley, and yet allow only the paltry sum of a million dollars to carry on this great work, which is to bring us deep water from the passes to Saint Louis? When the engineers ask for nearly $5,000,000, we give them $1,000,000. I venture to say that in this appropriation bill it is out of all proportion to the sum allowed to any one work on any trout stream in the highlands of the country, or any one of the tributaries of this great river, or any work on the Atlantic seaboard, or on the lakes. Here is an utterly disproportionate sum allowed to that which is called for by the engineers of the country for the improvement of our greatest national highway.

The plan that they have devised is after experiment. It is not building a dam so as to keep water in the river; it is not to slack-water the navigation of the Mississippi River; it is not to build a canal around shoals anywhere; but the plan adopted by the Mississippi River Commission is to lift up these great sand-bars in reaches of forty miles long and thirty miles long, to carry them by the accumulated velocity of the current to the deep sea where within the last two or three years there has been discovered by the Coast and Geodetic Survey a basin equal in area to the State of Georgia two miles and a half deep, a current bearing steadily from the east to the west, so that when Eads lifted up the bar at the mouth of the river by his levees or dikes or jetties—call them as you please—and tumbled it into this deep basin, no trace of it could have been discovered, no trace of it has been discovered in spite of the prophecies of the engineers.

The plan which these engineers have agreed upon for the improvement of the Mississippi River has received the special approval of three Congresses of the United States. Six long, weary years were consumed in the Congress of the United States in order to get the commission and the surveys that were made by the commission; and now, when the great work is going forward, commending itself by its success to every committee which has visited it from either House of Congress, shall we dilly-dally with it? Shall we say to the people of the great valley of the Northwest, "Your wheat may rot in your fields; your corn may be used for fuel; we will improve the small rivers of the country; we will vote millions of dollars for the improvement of the tributaries of this river, but inasmuch as the great basin itself is in no State and in no member's district, we will dole out but the pitiful sum of a million dollars to this commission; we will take a quarter of it and give it for the improvement of one harbor along the Mississippi River out of the amount for that great inland sea," presenting, as I said before, a coast line of 2,000 miles, every particle of which requires observation and treatment of some kind according to some systematic plan?

I hope the amendment of the Senator from Louisiana will meet the approval of the Senate.

Mr. JONAS. Mr. President, the chairman of the committee, the Senator from Minnesota, thinks that it is eminently proper and right that this increased appropriation of $250,000 for the harbor of Memphis should come out of the sum appropriated for the improvement of the Mississippi River. That appropriation for the Mississippi River was in the bill received from the House of Representatives. It was but a small proportion of the amount asked for by the Mississippi River Commission for the prosecution of this work. We were in hopes, and I am in hopes yet, that we shall be able to increase this appropriation so as to more nearly meet the amount required for the prosecution of this great work. But we are told by the Senator from Minnesota, the chairman of this committee, that it is eminently proper that it should be reduced in the Senate by the amount of $250,000, which he and his committee propose to take from it for a particular work.

When this bill came from the House there was no application for this large appropriation for the harbor of Memphis; the emergency had not been brought to the attention of Congress; the engineers had not asked for an extraordinary sum for that work. The harbor of Memphis, like the harbor of New Orleans and the harbor of Vicksburg, was included in the bill for such ordinary repairs as might be required from time to time, possibly amounting in the course of each year to a very few thousand dollars.

Mr. HARRIS. The Senator will allow me to say, which is exactly in the line of his remarks, that a committee from the Chamber of Commerce and the Cotton Exchange of Memphis arrived in Washington to represent this great necessity on the very day after the bill had passed the House of Representatives.

Mr. JONAS. I was about to allude to that. As stated by the Senator from Tennessee, when this bill had passed the House and arrived in the committee-room of the Senate, a deputation arrived from Memphis to represent the imminent destruction which was about to be caused to the harbor of Memphis by the Mississippi River flood then prevailing, which called for an immediate appropriation, I doubt not. The Committee on Commerce of the Senate have thought an appropriation necessary, and they have thought proper to recommend an appropriation, nearly if not quite equal to that asked for by the engineers of the Mississippi River Commission, for the protection, preservation, and completion of the harbor of Memphis, which would have been a continuing appropriation, extending through several years probably, not requiring more than ten, twenty, thirty, or forty thousand dollars a year for a term of years. The whole estimate for the completion of the harbor is about $300,000, if I remember correctly, and the Committee on Commerce give $250,000 of that amount now, while they extend to the great improvement of the Mississippi River less than 33⅓ per cent. of what is asked for by the Mississippi River Commission.

I have no objection to this appropriation; I have no doubt that it is eminently necessary and proper. Let it be made like other appropriations are made by Congress to meet special purposes and necessities national in their character and proper to be made, but let it not be taken from an appropriation already cut down beyond the necessities of the work which is under construction, already reduced more perhaps than any other item of appropriation in the bill, and eminently more necessary and national perhaps than any other item of the appropriation bill.

Mr. MCMILLAN. The Senator from Louisiana is mistaken in saying that the appropriation to the Mississippi River Commission did not contemplate the improvement of certain harbors.

Mr. JONAS. It did of the ordinary amount.

Mr. MCMILLAN. It contemplated expressly the protection and improvement of this harbor at Memphis, and the commission itself saw that danger threatened that harbor and intended to apply a portion of the appropriation to that place. They thought $25,000 perhaps might be sufficient at the time they looked at the improvement. Since that an emergency has transpired which requires a greater amount; and are they not to apply this amount to the improvement of the harbor, a harbor expressly mentioned in the bill and a harbor which has been mentioned in every bill appropriating money to this commission since the creation of the commission? That has been contemplated here and they have it as a specific work, and the work which they have already done has occasioned this injury.

Mr. JONAS. The Senator from Minnesota simply confirms what I stated. The Mississippi River Commission included in their estimates work upon the harbor at Memphis to the extent, as he says, of about $25,000, and the committee respond by recommending an appropriation of $250,000.

Mr. McMILLAN. Because the emergency which has transpired requires it.

Mr. JONAS. The Mississippi River Commission asked an appropriation of upward of $4,000,000 for continuing the improvement of the Mississippi River, and the committee respond by giving them $1,250,000, and out of that $1,250,000 they propose to take $250,000 for the harbor of Memphis.

Other Senators besides myself had the honor of appearing before the Committee on Commerce of the Senate, and we asked that the appropriation should be increased $1,000,000, and our request has met with no response. Consequently I have the right to call it the appropriation made by the Committee on Commerce of the Senate, because they have adopted the estimate made by the House, but the House did not propose to take $250,000 of that appropriation and give it to the harbor of Memphis. In the great emergency which has occurred since the House considered this bill, since the Mississippi River Commission, made their report, the committee of the Senate have made this appropriation for the harbor of Memphis solely on the evidence which has been brought to them, and that evidence justifies I have no doubt an appropriation to meet the emergency, but does not justify that the money shall be taken from the appropriation made for the improvement of the Mississippi River.

Mr. CAMERON, of Wisconsin. I would inquire of the chairman of the Committee on Commerce what amount, if any, of the sum appropriated heretofore for the Mississippi River Commission remains unexpended?

Mr. GEORGE. Fifty-seven thousand dollars.

Mr. McMILLAN. According to the report of 1883 there was $1,900,000 in round numbers.

Mr. CAMERON, of Wisconsin. At what time was that amount unexpended?

Mr. McMILLAN. The 1st of July, 1883.

Mr. CAMERON, of Wisconsin. As I understand, that entire amount has not yet been expended.

Mr. GEORGE. I see, from page 23 of the report of the commission, that they make a financial statement and they say that on the 30th of June, 1884, there will remain of former appropriations the sum of $57,080.88.

Mr. CAMERON, of Wisconsin. I will inquire right there what amount was expended by the commission the last fiscal year?

Mr. GEORGE. I do not know that I have got that before me, but that is the balance they state remaining on hand to-day.

Mr. CAMERON, of Wisconsin. My object in making the inquiry is this: if we know what amount was expended last year, we can infer what amount can be economically expended next year.

Mr. GEORGE. There was no appropriation last year.

Mr. CAMERON, of Wisconsin. I know, but there was an amount in their hands. Three million two hundred thousand dollars was appropriated two years ago for two years.

Mr. JONAS. For one year.

Mr. CAMERON, of Wisconsin. It was not covered back into the Treasury. It was a continuing appropriation, as I understand. So the amount appropriated by this bill is as much as was appropriated two years ago for each of the two years that have elapsed since that time.

Mr. JONAS. The same rule would apply to every other appropriation on the river and harbor bill.

Mr. CAMERON, of Wisconsin. The same rule to a great extent is applied to every other appropriation.

Mr. JONAS. Not at all.

Mr. CAMERON, of Wisconsin. Now, it is claimed that the whole amount of $4,000,000 asked for by the Mississippi River Commission is not appropriated by this bill. As I understand it, the rule adopted by the committee of the House and the committee of the Senate is to appropriate somewhere from 25 to 33 per cent. of the amount asked for by the engineers. The amount asked for here——

Mr. HARRIS. The Senator is not quite accurate in his figures. If it was $3,200,000 appropriated two years ago it would amount to about $1,600,000 per annum expended, but this is only $1,250,000, $400,000 short.

Mr. CAMERON, of Wisconsin. The amount that the Mississippi River Commission asks for is, as I understand, $4,000,000, and this bill appropriates $1,250,000, nearly 40 per cent. of the amount asked for.

Mr. JONAS. About twenty-five.

Mr. CAMERON, of Wisconsin. Forty per cent. of $4,000,000 would be $1,600,000. So I think the appropriation made for this work is quite as liberal as the appropriation generally made for other works which, although of not as great importance, are quite as important locally.

Mr. SAULSBURY. I should like to inquire of some person who has the information whether the large appropriations which have been made for the improvement of the Mississippi have resulted in any great benefit to the river. I am aware that the opening by the jetties of the mouth has increased the navigation at that point, but since that has been done there has been more complaint sent up to Congress about the overflowing of the river, more applications for increased appropriations to preserve the adjacent country from overflow, than I had ever heard of before. I should like to know, if anybody has the information, whether the improvements of the Mississippi River have done any special good except to open the mouth to deeper-draught vessels. We have certainly more applications now for money to be applied to protect the banks and protect the people from the overflow of the river than we had before. What may be the cause I do not know; but the idea has occurred to me that in the stopping of some of the mouths of the Mississippi River by the erection of the jetties may have caused the waters in the Lower Mississippi to overflow more extensively than heretofore. I should like to have some information on that point.

We certainly ought not to blindly appropriate money so lavishly for that river unless there is some benefit derived from it, and I know the fact that there are more applications now for money to protect the people on that river from overflow than there were in former years. If the result has been that the stopping of the mouths of the river has caused increased overflows, it may become a question which we ought to consider whether these mouths should not hereafter be reopened. I should like to have some information. Is anybody prepared to give it?

Mr. JONAS. The information which the Senator from Delaware wants has been furnished to Congress repeatedly. If the Senator has not had time to read it, it is scarcely our fault who served on committees that furnished the information, but it would consume too much of the time of the Senate to give it now.

The Mississippi River Commission, who have charge of this work, have made annual reports of the expenditure of the money and as to the results achieved, in each instance showing great benefits to the navigation of the river, great improvement to its channel by the work, and a special committee of the Senate of which I had the honor to be a member and of which the Senator from Illinois [Mr. LOGAN] was chairman have reported to the Senate that they found everywhere gratifying and satisfactory results. They found that the money had been economically and properly spent, and that the system of works as originated by the commission and as now being carried out was eminently satisfactory in achieving the purpose for which the money had been expended.

So far as the overflows are concerned and appropriations for the relief of sufferers from the overflows, I say to the Senator from Delaware that long before I came to the Senate and before the jetties were completed, in 1874, more money was appropriated by Congress to relieve sufferers from floods than has been appropriated since, and at that time the mouth of the Mississippi was not closed up as the Senator seems to think it has been since, and thus the jetties can not be called to account for this great flood sent down by Providence, because it devastated the entire valley of the Mississippi. I would say to the Senator that if the jetties at the mouth of the Mississippi which he considers may prove a stoppage to the flow of the waters out of that river shall be removed, it would be very possible and easy to restore the former condition of the river; that the depth of water at the South Pass, which is now twenty-six to thirty feet, on which vessels carrying six and eight and ten thousand bales of cotton pass out and in without the slightest difficulty or interruption can be restored to its former condition of seven feet of water at low tide, and we may have again the use of the Southwest Pass, over which no vessel in ordinary times drawing sixteen feet of water could pass, and the whole commerce of the Mississippi River and the city of New Orleans can be restored to its former condition of uncertainty and can be practically destroyed.

The jetties, in my opinion, have nothing whatever to do with the navigation of the river or with the periodical overflows we have had. They came from natural causes probably easily explained, but are not promoted or accelerated or aided in any degree by the great works which have been built at the mouth of the river.

I trust the Senator from Delaware will pay the compliment to the special committee of the Senate to read their report of their examination of the Mississippi River from Cairo to the head of the passes.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Louisiana [Mr. JONAS] to the amendment of the Committee on Commerce.

Mr. GEORGE. I am induced, owing to the very great ignorance as to the great Father of Waters exhibited here, to present some further considerations against the amendment proposed by the Committee on Commerce.

In the first place, it is well known that the estimates of the Mississippi River Commission are over $4,600,000. One million dollars has been granted already by an act passed at this session of Congress. It is proposed now to give $1,000,000 more, or less than one-half of the estimate made by the commission.

I desire to call the attention of the Senate specifically to the weight which the estimates of this commission ought to have in relation to this great work as compared with estimates made by engineers upon works which have not been taken fully under the control of the Government as this has been.

In the first place, this is a separate organization. It is composed of

five distinguished engineers, who have been commissioned by the Government to carry out the great work of improving the Mississippi River.

In the next place, this commission has a plant already acquired, on which large sums have been paid, which would be useless unless they have the means of using it in the work on that river. I want to call the attention of the Senate to some of the plant which this commission own. They own one hundred and eighty-nine barges, thirty-nine quarter-boats, four steamboats, three machine-shop boats, five steamboat tow-boats, one pumping-boat, twenty-five mattress-boats, four hydraulic graders, one steam-tug, and sixty-two pile-drivers. In other words, they have the outfit for employing all the money which they ask for. That this money is needed nobody denies. It is not even suggested by the distinguished chairman of the Committee on Commerce that there is not work enough necessary and proper to be done and which can be done within the time for which this appropriation is to run, within one year, to consume the whole amout of the estimates. Now, we stand in this position in reference to it: Here is a large plant purchased by the means of the Government; here are the officers, here are the men ready to go on with the work; here is the conceded necessity of doing the work; here is the policy of the Government recognized for a long period of years that the work shall be done, and now the committee comes and says, "We will cut off your appropriation over one-half," without giving any reason for it in the world.

The estimate of the commission is $4,675,000. One million has already been appropriated. Owing to the prevailing high flood in the river, it could not be expended. This bill proposes to give $1,000,000 more, which makes $2,000,000 out of $4,675,000, the estimate of the commission. Now, I ask Senators, where is the principle of business which authorizes us, with this large plant, with all these preparations to make the expenditure, with every machinery needed to carry on the work, when the men whom we have selected acting under oath say it will take $4,675,000 to do the work which they can do this year, I should like to know on what business principle we cut it down?

You may say you will not now or hereafter appropriate $4,675,000 to the improvement of the Mississippi River; you may say you will give $2,000,000 and stop. That would be logical; but to say you will only give $2,000,000 now and you will give $2,675,000 a year from now is very illogical, unless you will say that there is a want of funds in the Treasury to meet the appropriation.

Mr. CAMERON, of Wisconsin. The remarks the Senator from Mississippi is now making would apply to every appropriation contained in this bill.

Mr. GEORGE. It does not make any difference if it does.

Mr. CAMERON, of Wisconsin. It would make a great difference, because the bill then, instead of being $15,000,000 or thereabout, would I suppose be $100,000,000.

Mr. GEORGE. There is the difference between this and other works that I have pointed out; but the Senator from Wisconsin has not paid attention to my remarks. There is the plant already bought and paid for.

Mr. CAMERON, of Wisconsin. That is so everywhere.

Mr. GEORGE. In all the little creeks and harbors named in the bill?

Mr. CAMERON, of Wisconsin. Certainly.

Mr. GEORGE. Have they steamboats and snag-boats and that sort of thing?

Mr. CAMERON, of Wisconsin. Everything that is necessary to go right on with the work.

Mr. FRYE. They all said they had, at any rate.

Mr. GEORGE. Then there is this objection, *de minimis non curat lex*. This is a big thing, and they are small things. Will anybody say on that side of the Chamber or on this side of the Chamber that you propose to stop the improvement of the Mississippi River with $2,000,000? If so, that ends it; it is logical then. If that is the determination of the Senate, if that is the determination of Congress, then the proposition of the committee is a logical one; but if we are to go on improving the channel of the river and building levees, as this very bill authorizes levees to be built, what is the use of keeping the money locked up in the Treasury when it can be usefully and profitably expended both for the general good of the whole country and to the great advantage of those who own land in the overflowed districts.

Now, Mr. President, remarking and calling the attention of the Senate again to the fact that this appropriation is a mere subtraction from the amount appropriated by the House of Representatives of $250,000, because the injury for which the $250,000 is appropriated has occurred since the report and since the estimates made by the Mississippi River Commission, I now call the attention of the Senator from Minnesota to a remark that he made, and I desire to ask him his authority for it, and that was that this injury at Memphis Harbor was caused by the works which the Mississippi River Commission had put in the Mississippi River.

Mr. MCMILLAN. The statement is made that the Mississippi River Commission in carrying forward their improvements on the opposite side of the river a little above Memphis so affected the channel as to turn it over toward Memphis so that it strikes the levee or above the levee of the city of Memphis and is undermining it.

Mr. GEORGE. How does the Senator know that the work on the west bank of the Mississippi River turned the channel? The Mississippi River has a way of turning its channel without regard to anybody's work.

Mr. MCMILLAN. That is the opinion of the people who live at Memphis and who represent its interests.

Mr. GEORGE. Then the Senator reports the opinion of the people at Memphis and does not report the scientific judgment of any member connected with the commission or any engineer.

Mr. MCMILLAN. No; they have not exercised any scientific judgment since this occurred, I believe.

Mr. GEORGE. That is a very poor way of deciding on the work of the commission.

Mr. MCMILLAN. I did not make this as a criticism of the Mississippi River Commission, or that they intended to put the work in such a condition as to effect that object. That was not my intention at all. I merely stated a fact.

Mr. GEORGE. I do not know what the object of the Senator was in making the statement, unless to suggest to the Senate that the Mississippi River Commission was doing about as much harm or more than it was doing good, and that when it spent money at one place it required an appropriation next year of money to repair the damage which it did in another.

Mr. CAMERON, of Wisconsin. I think that follows as a necessary consequence. If under the Mississippi River Commission a chute or a slough is closed up and the water is prevented from running out through that chute or slough, it necessarily must go somewhere else, and the result is what I have seen it in the vicinity of the town where I reside. The Chicago, Milwaukee and Saint Paul Railway Company built a bridge over the Mississippi River at my town, and they constructed certain auxiliary works in connection with the bridge. The effect of those works was to throw the channel of the river so strongly toward the Minnesota shore that within one month it tore it all to pieces, and they were compelled to go to work and rip-rap the Minnesota shore in consequence of the strong current which set from the Wisconsin shore, and that was caused by the auxiliary works placed in the river in connection with the bridge. I have no doubt it is so in many other instances.

Mr. GEORGE. That would only prove that the Mississippi River Commission that we have organized here at very large expense is incompetent to the discharge of its duties and that we ought to repeal the law which established it and pass another law and appoint the Senator from Wisconsin and the Senator from Minnesota as the superintendents of the improvements.

Mr. CAMERON, of Wisconsin. That might be a very wise thing to do.

Mr. GEORGE. I think, notwithstanding the eminence of my friends on the other side who object to the Mississippi River Commission, the people of the country are better satisfied with the scientific survey and examination of the Mississippi River Commission than they would be with the unprofessional and unstudied opinions of any man not an engineer or of any community as reported by the Senator from Minnesota.

So, Mr. President, if we are to go upon the idea that the Mississippi River Commission do not understand their business, then we ought not to vote them a single dollar. If they are so ignorant of the principles of hydraulic engineering, are so ignorant of the laws that govern the Mississippi River as to spend money which, instead of doing good, actually does injury, then, sir, we ought not to appropriate a cent. Instead of reducing the appropriations for the Mississippi River a quarter of a million dollars, the committee ought to have stricken out the whole appropriation, because if no good is to come from it, if injury is to come from it, if these men know nothing about the business in which they are engaged, it is very evident we ought not to appropriate money to be squandered under their foolish and wasteful management. But I take it, Mr. President——

Mr. GIBSON. Will the Senator from Mississippi allow me to ask him a question?

Mr. GEORGE. Certainly.

Mr. GIBSON. Does not the theory upon which the Mississippi River Commission was established imply that what might be beneficial to one part of the river might by possibility produce an injury to another part of the river, and shall we not infer from that the necessity of allowing to the Mississippi River Commission full discretion to determine just where they will apply the appropriations that we may make, so that in the treatment of one part of the river they may put up such works as may be necessary and essential to prevent damage from being done there in consequence of work that perhaps may have been erected higher up? I think, therefore, that the notion which has seized upon the citizens of Memphis that the damage done to their harbor may result from some work done higher up on the river under direction of the Mississippi River Commission may be true, and the Mississippi River Commission will provide, as soon as opportunity occurs and the means are allowed them, a remedy at Memphis or in the neighborhood of Memphis to prevent this damage.

The Senator from Mississippi, I feel sure, is in full sympathy with

the general plan that has been adopted by the Mississippi River Commission, and I hope that he will draw no inference from the suggestion made by the Senators who have spoken in advance of me which would go to show either the incompetency of the commission themselves or the inadequacy of the plan which they have already submitted to Congress.

Mr. GEORGE. Mr. President, the Senator from Louisiana misunderstood me very much if he thought I supposed the commission were incompetent. On the contrary, I have the greatest confidence in their judgment and in the knowledge they have of the laws which govern the Mississippi River, and I think their reports show that they have mastered that interesting subject. I am not willing to admit that work done at one part of the river would injure another. I am willing to admit this, and you find it by the way from the reports of the Mississippi River Commission, that work at one point requires work at another point, and I want them to have money enough when they put a work at one point which would throw the current upon the opposite bank to make the proper security on that bank against injury. It is the niggardly policy of the Government which makes them do their work by halves which has caused the injury.

Of course if they have turned the channel from one bank upon the other there ought to be some protection upon the other bank; and it is because we have been so parsimonious in the appropriations so that the two works could not go on *pari passu* and at the same time that when the work on one side has been completed and no means left to do the corresponding work upon the other side injury may occur when a large overflow intervenes between the completing of the work on one side and the completing of the work on the other. That is the very thing I desire to avoid and that is the very thing which the Mississippi River Commission desires to avoid. They desire to have money enough that when they do work at one point they may be able at the same time to do all the necessary work at every other point which would be affected by the work done at the first point.

Mr. President, this committee by an amendment which they report to the bill recognize a very important fact and provide for it. The second proviso on page 29 reads as follows:

Provided, however, That the commission is authorized to repair and build levees if in their judgment it should be done as a part of their plans to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

The committee agree to that. The Mississippi River Commission in every report that it has made has expressed the opinion that the making of levees upon the banks is not only a useful mode of improving the channel of the river, but they say emphatically that it is the most economical way of improving the channel.

Mr. MCMILLAN. The Senator from Mississippi will allow me to state that that is the language of the original bill authorizing the commission.

Mr. GEORGE. It was not in this bill when it came from the House, and the Committee on Commerce has indorsed that idea by offering this amendment, which I think is a very proper amendment. Now, sir, at first—and I desire to call the attention of the Senate to that—it was a matter of speculation whether levees would improve the navigable channel of the river; but the experiments and observations and measurements made by the Mississippi River Commission have put that beyond the line of experiment. It is now a settled question, and no engineer of any respectability in this country will deny that in a sedimentary stream like the Mississippi River a raising of its banks will improve the channel of the river.

Even General Comstock, who dissents somewhat from the rest of his associates on the commission, does not deny but that is the result; and I call the attention of the Senate to the measurements made by scientific men which prove this fact beyond all doubt. Measurements were made of four outlets produced by the breaking of levees in 1882, and below every single one of them there was a large decrease in the section of the river—that is, a large decrease in its bed, and of course in its power to carry off the water. Bonnet Carré, which had been open for years, was closed about a year ago, and then it was measured and it was discovered that as soon as that outlet was closed there was an enlargement of the channel just below the crevasse equal to 12 per cent. of its section.

Mr. CAMERON, of Wisconsin. Does the Senator mean a deepening of the channel?

Mr. GEORGE. Yes; a deepening of it. These things are established. There is not a single observation made by any engineer which controverts or contradicts these facts. Here is the proof, that where the outlets occur there is a shoaling of the river just below, and that where they are closed up there is a removal of the shoal. This has been uniform. There has been no exception to it. Every one of the commissioners, including General Comstock, says that the raising of the levees to a certain height is an economical and proper mode of improving the channel of the river, and they state this very important fact, that as the river rises within the channel up to full banks the velocity of the current increases and the scouring power of the river also increases; but as soon as—and I desire to call the attention of the Senate especially to that—as soon as the water overflows the bank there is a slackening of the current and a deposit of sediment, because everybody knows that in a sedimentary stream the amount of sediment depends upon the velocity of the water. Whenever you slacken the current you make a deposit on the bottom of the channel of the river.

I may here call attention to experiments made in the Missouri River, a very sedimentary stream, where a wire gauze, if I may use that term—a wire net made of wire about the size of telegraph-wire with the interstices about a foot square was placed in the current of the river, and just the amount of slowing of the current produced by these wires, which would seem very little, raised the bank sixteen feet in one overflow. You can not diminish the current without making a deposit, and every time you accelerate it you give it scouring power, and it takes up more sediment.

Going back now to what I just remarked, as you raise the river you increase the velocity, you increase the scouring power, and increase the power to carry the sediment in suspension; and as soon as you get above the bank, as soon as it overflows, then the current by the cross action of running back east and west on the banks instead of downstream, you find a decrease in the velocity and a deposit. That means that if you will get the two, or three, or four feet additional bank necessary to hold the water within the channel, instead of there being a decrease of the velocity of the current when you get to the top of the bank, you increase it still more, because it is a law of hydraulics that as you raise the flood tide you increase the velocity.

Now, Mr. President, I want to call the attention of the Senate to what the commission have said. They say it is not necessary in order to improve the channel that the levees should be raised so as to keep out an extraordinary flood, and therefore so far as the channel improvement is concerned it is not necessary to make levees on the banks of the river high enough to protect the country from overflow; and they say on that subject this which I desire to read to the Senate:

These facts suggest obviously the idea of a co-operation between the General Government and the communities interested in the prevention of overflow in the maintenance of a levee system, which shall serve at the same time the purpose of improving the channel and protection from overflow.

"Co-operation!" I desire to bring before the Senate the fact that the Mississippi River Commission have said that it is a part of their plan of improving the river to close by levees the front of the Yazoo basin and the Tensas basin. They have already determined that. That is the unanimous opinion of the Mississippi River Commission; nobody disputes it. They have said that they have determined to do it in order to improve the navigation of the river. Of course they can not do it without the money, and if you take the money away from them they can not do it.

Mr. President, I stand here to offer co-operation, provided you do not take away from the commission all means of co-operating with the local authorities. The last session of the Legislature of Mississippi passed an act levying a tax of 13 mills on the front counties of the Yazoo basin and 9 mills on the back counties, making that tax irrepealable until the bonds were all redeemed, and authorizing the issue of $500,000 of bonds for the purpose of completing the levee.

I wish the Senate to understand that two-thirds of that levee has already been built by those counties. There are gaps now, and those gaps are broken. Here are $500,000 offered by the Mississippi Legislature to assist in closing those gaps. The bonds have been issued. Owing to the tightness of the money market, attributable to causes which are well known to the Senate, those bonds can not now be floated at par and they can not under the law be sold for less. Yet there is a large and rich railroad corporation now building its road through that bottom, and they have offered to take one-half of those bonds at par if the legislation of Congress at its present session shall indicate that there is money enough left to the Mississippi River Commission to do half the work.

So this case is presented to the Senate: The local authorities have already done two-thirds of the work. A half million more is needed. A half million more will finish it and improve the channel of the river and save that immense, rich, and valuable country from overflow. A co-operation, say the Mississippi River Commission, is what ought to take place between the Government and these people. Here is the offer to do half the work or half of the remaining one-third, which means that the local authorities will do five-sixths of the work if the Government will only but do the other sixth.

In the face of that is it right, is it just, is it proper to reduce the appropriation? When our own officers, the Mississippi River Commission, say that that is the most economical way of improving the channel of the Mississippi River, when they admit that it is a work they intend to do, when the people of the locality to be benefited by the improvement come up and say, "We are willing to do one-half of the third that remains to be done," after having done fully two-thirds before, is it right for us to turn the backs of our hands to them and say: "We will not give an amount sufficient to enable the Mississippi River Commission to co-operate with you?"

I wish to state a few facts in relation to Yazoo Valley. In the first place, I will state that in area it is only one-seventh less than the delta of the Nile. It is as rich as that delta and only one-seventh less; that is, that part of the delta within the State of Mississippi in the Yazoo basin. The delta of the Nile contains about 5,800,000 acres of land.

There are about 5,000,000 acres in the Yazoo basin subject to this overflow. Two-thirds of that valley have already a sufficient levee at the lower part. One-third of it, about one hundred and four miles, remain to be built. Two-thirds of that has been built, the other third having been washed away; and now the people of that district propose to do one-half of the other third if you will allow your own sworn officers, your own commission, enough money to do that which they say again and again in every report which they have made is the most economical way of improving the channel of the Mississippi River.

I know gentlemen object to making appropriations for the improvement of private property. I object to that. I would not like to go and dig a ditch on a man's land or grade it for him or build houses on it for his convenience; but if there is a public work justified by public considerations, as this work is proven by your own officers to be, will you say that you will not do it because one of the incidents of this public work may be that it will benefit private property? Is that an objection in the minds of Senators? Your commission say the work is necessary to improve the river. Congress and every Department of the Government says that the Mississippi River must be improved.

Under these circumstances, when the people of the locality have done two-thirds and propose to do one-half of the other third, which will result in improving the navigation of that great stream, are you going to cut down your appropriations below what your commission, created by yourselves, composed of the ablest men of the Engineer Department of the Army, say is absolutely necessary to improve the navigation of the river and declare that it is the most economical way of doing it?

I think that instead of looking at it as being an objection from the fact that it benefits private property it ought to commend itself to Senators. Certainly it adds to the beneficence of a measure clearly of a public nature that while it is a public good, conferring blessings upon the nation at large, it also confers a private blessing upon the community in which the work is located.

Mr. President, I have told you something about the size of that valley. It has been overflowed now three years. In 1882 it overflowed; in 1883 it overflowed; and this year it overflowed.

Mr. FRYE. I should like to ask the Senator a question, because he is arguing at great length a proposition that the United States shall go into partnership with Mississippi and other States in recovering lands that are overflowed. Does not the Senator know that if on one river and harbor bill that work should be deliberately entered upon, there never would be another dollar appropriated to the Mississippi River in the world; that that would be the end of it?

Mr. GEORGE. The answer to that is found in what the committee itself have reported:

That the commission is authorized to repair and build levees, if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river, and to deepen the channel.

Mr. FRYE. Of course; but the Senator's proposition is that they should join hands for the purpose in part of recovering and saving these lands in favor of commerce.

Mr. GEORGE. That is not my proposition. The commission say that there ought to be co-operation between the local authorities and the United States Government. They say that in order to improve the channel it is not necessary to build the levees as high as will be necessary to protect the adjacent country from overflow. When the Mississippi Commission has to build a levee three feet high for channel improvement, and it is necessary to build a levee four feet high to protect the country from overflow, does the Senator from Maine object that the people who would have to build it four feet high put their work on the three-foot levee, and make that four feet high? Does he desire that the Government shall build a little three-foot levee on the inside in order to improve the channel and then on the outside the citizens are to build another one four feet high? That seems to be the strength of the Senator's objection.

Mr. HARRISON. Will the Senator from Mississippi allow me to call his attention to what I understand to be the fact, that the levee which the commission recommends as in use in deepening the channel of the river in order to have its best effect must be built upon or near the bank of the river, whereas the levee for protection against overflow, as it is one that is to last and not to be a temporary structure as the other is, for its own safety must be placed remote from the river bank in many places?

Mr. GEORGE. I was interrupted by the Senator from Tennessee and did not hear the last part of what the Senator from Indiana said.

Mr. HARRISON. I was calling attention to a fact. I understand the levee, which is to be serviceable in connection with channel improvement by confining the water and so increasing its effect in deepening the channel should, according to the recommendations of the commission, be near the bank in order to get the value near and not allow any overflow, whereas the levees for the protection of land, and which are to be permanent and which must be removed far from the caving bank, very often would be placed a considerable distance from the bank of the river.

Mr. GEORGE. I will respond to the objection made by the Senator, and if he will give me his attention I have no doubt I can do it in such a way as to satisfy him that there is no force in the objection. His point is, that persons in building levees for the purpose of protecting the lands would probably build them back farther from the river than they otherwise would on account of preventing them from falling in or caving, and that the Mississippi River Commission in building levees would build nearer the banks of the river, and hence that the two lines of levees would not be the same. The answer to that is that the Mississippi River Commission would be as much obliged to select ground which would not cave on which to build their levees as the proprietors would be.

Mr. HARRISON. But the Senator does not appreciate the point that the erection of these levees in their relation to navigation is a temporary work, while in relation to land protection it is a permanent work.

Mr. GIBSON. Will the Senator from Mississippi permit me to make a suggestion in reply to the Senator from Indiana?

Mr. GEORGE. Yes.

Mr. GIBSON. I will state to the Senator from Indiana that the proposition originating with the engineers who built the jetties at the mouth of the river to extend that system from the jetties to Cairo, was based upon the theory that when a continuous line of works on the bank of the river was made complete so as to hold within the channel, especially in the flood stages, the current of the river, and thus to utilize the greatest force in carrying the deposit and sand bars to the sea, the bed of the river would be lowered just as it was lowered in the jetties themselves all the way up from the jetties to Saint Louis, and that after several seasons of high water, during which the river itself when exercising its greatest power would have cleared away the vast reaches that are filling up its channels in its middle parts and in its upper parts, the levees themselves may be dispensed with, and that with a deepened channel the people on the bank of the river would be perfectly secure from disastrous floods.

Mr. HARRISON. I know Captain Eads had some impression that the construction of these levees, which would in effect be applying the jetty system to the Mississippi, would considerably lower the flood line of that river; but I say to the Senator from Louisiana that the Mississippi River Commission as now constituted do not believe, nor do I think any sane man believes, that the construction of levees or any other works in that river will so deepen its channel as that it would carry the entire floods such as passed down it the last year.

Mr. GIBSON. I beg pardon of the Senator from Mississippi, but if he will allow me one moment more, I understood the Senator from Indiana to say that the levees or dikes which the Mississippi River Commission propose to establish on the banks of the river are to be temporary.

Mr. HARRISON. So I said.

Mr. GIBSON. How can they be temporary if the cause is to be permanent?

Mr. HARRISON. Simply temporary, because the temporary use of them would effect that deepening of the channel which would be sufficient for navigation, but not sufficient to carry the entire waters in time of a great flood.

Mr. GIBSON. I venture to say that the Senator from Indiana can find nowhere in a report of the Mississippi River Commission any such theory as that, or that any engineer of the Government except Captain Eads has ever proposed to put temporary works upon the banks of the Mississippi River.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi is entitled to the floor.

Mr. GIBSON. I beg pardon of the Senator from Mississippi for having interrupted him, and I thank him for giving me an opportunity to make this explanation.

Mr. GEORGE. Another answer to the Senator from Indiana about the necessity for putting the levees upon the immediate banks of the river in order to produce channel improvement is found in the report of the Mississippi River Commission itself. On page 20 of their last report they say that—

For about half the distance below Cairo only one side of the river requires levees.

That is for navigable purposes.

For the remainder of this side the hills are so near, at distances ranging from immediate contact to not over six or eight miles, that the loss of volume or discharge over the intervening strips of bottom land is not considered of grave importance."

So it appears that if the levees were actually set back four, five, or six miles they would not be materially lessened in value as a means of channel improvement. The levees, as now located upon the Mississippi River, are very near the banks of that river.

If the Senator from Indiana and other Senators will examine the reports of the Mississippi River Commission they will see that it is a part of the plan of channel improvement, a necessary and essential part of it, to revet the curves on bends in which the caving occurs. In other words, in order to have any improvement at all, if you discard the levees then in order to keep the channel of the Mississippi River from filling up you are obliged to stop the caving of the banks. That is one of the permanent and settled policies of the Mississippi River Commis-

sion, and if that is done there is no necessity for setting the levees back from the river. Any one who will read the reports upon that subject will see the necessity of preventing the caving of the bank and that there can be no improvement in the Mississippi River without preventing those caves.

But the Senator from Indiana said there was no sane man who believed that the levees could contain all the water coming down the Mississippi River.

Mr. HARRISON. No, I said no such thing; the Senator misunderstood me.

Mr. GEORGE. I understood it so.

Mr. HARRISON. I said that the bed of the river could be so deepened as to contain the water not in flood without the use of levees.

Mr. GEORGE. Mr. Eads believes, I think, that after the levees have been built for a series of years, thereby giving full force to the scouring power of the water, the bed of the river will be deepened so that levees will not be needed. I think he believes that, though I am not prepared now to show that he believes it. But that is not the question. The question is whether we are going to give the Mississippi River Commission the power, as the bill proposes to give it and as we have all along given it, to improve the navigation of the Mississippi River in any way they see proper, even by levees if necessary. If we do give them that power, then the next question is whether we shall allow them as a matter of economy on the part of the Government to unite with the property-holders in making the proper levees and in saving expense to the Government. I see no harm in that.

I said something awhile ago about the size of the Yazoo delta being wholly in the State of Mississippi. I propose to show somewhat of its productions and its population. The population in the counties which are entirely within the delta amounts to 98,622, of which 81,147 are colored. In addition to that, there are five counties partly in the hills and partly in the delta. Taking an average, you might say that one-third of those counties are in the delta and one-third in the hills. The population in those five counties amounts to 123,016, of which 56,272 are colored. The value of the agricultural productions of those counties inside of the Yazoo delta, leaving out those who are partly in and partly out, for the year 1879, independent of cotton, was $9,573,326. At the same time those counties raised 260,000 bales of cotton, which at $50 a bale would be $13,000,000; and all this with that small population.

I desire to call the attention of Senators who represent constituencies engaged in commeree to the value of these productions in the way of interstate commerce. A bale of cotton raised in any district in the South, especially in that district, means $50 used in commerce. It is not woven there; it is not consumed in any way there. Every bale of those 260,000 bales is sent out of that country, and I am sorry to say, but yet it is a fact, that every dollar of it is spent for something that is to be consumed in that country. There are $13,000,000 annually raised by the people of that district exported from that district, every dollar of which is spent in supplies consumed by them. They have no factories there, and they never will have any. There is no water-power; there is no coal there. The lands are so rich and the making of a living is so easy that no population living there can ever be induced to engage in the hard and continuous labor necessary for successful manufacturing.

That $13,000,000 is spent in meat; some of it, I am sorry to say, in corn, in clothing, in sugar and molasses, in the ordinary supplies of life; and the money is all spent for American supplies. The population, as I have shown you, is 81,000 colored out of 98,000 altogether. The colored people there do not buy imported fine fabrics, nor do the white people. I will venture to say that there are not $500,000 of the whole $13,000,000 spent every year by that population ever invested in a foreign importation. The things which those people need are the things which are raised in the West and which are manufactured in New England. They buy shoes, hats, calicoes, and the coarser kinds of woolen and cotton goods.

Now, this is the case with only 12 per cent. of the land in cultivation. You have $13,000,000 a year of exports to the other States of this Union, and yet only 12 per cent. of that rich and magnificent country is now in cultivation. I do not go too far when I say that were that 5,000,000 acres of land in Mississippi subject to overflow in a proper state of cultivation the whole cotton crop of the United States as it now exists can be raised on it, and in addition to that the food to sustain the population.

Mr. President, are we going to throw that away? Is the Senate so averse to making an appropriation for a public purpose (only one-sixth of that which is needed for it, the other five-sixths being furnished by that district) because a private benefit may result from it? Are they willing to turn that magnificent country, almost as large as Egypt, back into the jungles? With that overflow the Mississippi River is forty miles wide, houses are washed away, fences are washed away, stock of all sorts are drowned. Sir, I have traveled myself in a boat over splendid plantations capable of producing and actually producing in good years a bale and a half of cotton to the acre, $75 worth of produce per acre, all submerged by this mighty stream. Are we so opposed to helping those people that we can not find it a public duty, a duty we owe to all the people of the United States, to improve the Mississippi River, to wash out its bars, because foorsooth it may help some private individual down there?

What would England or France or Germany give for such an addition to their territory as is here in the Yazoo delta? Egypt has been the subject of contest for years among the great powers of Europe. It is now a matter of consultation and conference among all the crowned heads of Europe as to what to do with it. Yet Egypt is only one-seventh greater, not compared to the whole valley, but to that portion of it which is in the State of Mississippi, and for the insignificant sum of $250,000, all that is needed to do a public work necessary, we turn our backs and say we will not make the appropriation.

If Senators could see this thing as I know it to exist, if they could see the devastation and ruin produced by the floods; and if they could study and know, as their own officers have shown them, that the best way to improve the navigation of the Mississippi River is to make dikes which will protect this property, I think they would act without hesitation in this matter.

Anybody who will study the Mississippi River will find that it is a stream running over alternate ridges and valleys. It does not run down a valley like other rivers; it runs across ridges and valleys. Deep valleys and high ridges constitute the bed of the Mississippi River. All you have to do is to confine the current within the banks of the stream, and the ridges will be eroded and washed away and put into the valleys. Then you will have navigation; you will not have one hundred feet of water at one place and four and five feet at another. That is the theory upon which the Mississippi River Commission proceeds. That is the way they intend to do, and by which they can save the stream.

Some one, the Senator from Delaware, I believe, asked the question what good had been done. Sir, in Plum Point reach and Lake Providence reach, mentioned in the report of the Mississippi River Commission, the channel has already been deepened in one place to twelve feet and in the other to fifteen feet, when the river below and above where these works were in low water is only four and a half and five feet. These points where the works were commenced were the shallowest places. This was accomplished simply by the same principle that we do, or propose to do, in building the levees, making the current stronger, confining the water to the channel of the river, doing exactly as nature intended it should do to carry its own silt and sediment to the Gulf instead of going in eddies and at every eddy place making a deposit.

Mr. President, in view of the magnitude of this interest, in view of the certainty of the beneficial results to follow from it, I beg Senators, not upon the mere recommendation of the committee, without rhyme or reason, to refuse to give to their own commission the means or one-half the means which that commission has said are necessary in order to improve the Mississippi River.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. JONAS] to the amendment of the Committee on Commerce.

Mr. MCMILLAN. Let the amendment to the amendment be reported.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana will be read.

The CHIEF CLERK. In line 952 of section 1, in the matter proposed to be inserted by the Committee on Commerce, after the word "channel" it is moved to strike out the words, "Provided further, that of said first-mentioned sum the sum of $250,000, or so much thereof as may be necessary, shall be applied to," and to insert "for." Also, at the end of the paragraph, insert the words "two hundred and fifty thousand dollars."

So as to make the last part of the amendment of the committee read:

For the protection of the harbor of Memphis, Tenn., and the work already done on the same by the Government, against destruction by the washing and erosion of the east bank of the Mississippi River at that place, $250,000.

Mr. MCMILLAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MANDERSON (when Mr. JACKSON's name was called). I was paired with the Senator from Tennessee [Mr. JACKSON], but the pair has been transferred to the Senator from Rhode Island [Mr. ANTHONY].

Mr. CAMERON, of Wisconsin (when the name of Mr. VOORHEES was called). The Senator from Indiana [Mr. VOORHEES] is paired with the Senator from Illinois [Mr. CULLOM].

The roll-call having been concluded, the result was announced—yeas 22, nays 27; as follows:

YEAS—22.

Bayard,	Coke,	Jonas,	Pugh,
Beck,	Garland,	Jones of Florida,	Vest,
Brown,	George,	Lamar,	Walker,
Butler,	Gibson,	Maxey,	Williams.
Call,	Hampton,	Morgan,	
Cockrell,	Harris,	Pendleton,	

NAYS—27.

Aldrich,	Frye,	McMillan,	Palmer,
Blair,	Gorman,	Mahone,	Pike,
Bowen,	Groome,	Manderson,	Platt,
Conger,	Harrison,	Miller of Cal.,	Ransom,
Dawes,	Hawley,	Miller of N. Y.,	Sawyer,
Dolph,	Ingalls,	Mitchell,	Wilson.
Farley,	Lapham,	Morrill,	

ABSENT—27.

Allison,	Edmunds,	Kenna,	Sewell,
Anthony,	Fair,	Logan,	Sherman,
Camden,	Hale,	McPherson,	Slater,
Cameron of Pa.,	Hill,	Plumb,	Vance,
Cameron of Wis.,	Hoar,	Riddleberger,	Van Wyck,
Colquitt,	Jackson,	Sabin,	Voorhees.
Cullom,	Jones of Nevada,	Saulsbury,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 28th instant, approved and signed the bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad, from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Attorney-General, transmitting a letter from Messrs. Shellabarger and Wilson, in which they present a claim of $2,000 for services in defending John G. Thompson, late Sergeant-at-Arms of the House of Representatives in an action for false arrest and imprisonment brought against him by Hallett Kilbourn, of Washington, D. C.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the sundry civil appropriation act of August, 1872, information relative to the distribution of the Official Records of the War of the Rebellion, and recommending the appointment of one or more additional laborers to assist in the work of distribution; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of February 27, 1884, a report upon the second cruise of the revenue-steamer Corwin in the Arctic Ocean; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes was read twice by its title, and referred to the Committee on the Revision of the Laws.

JUDGE-ADVOCATE-GENERAL'S BUREAU.

Mr. MAXEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments, and that the conferees of the Senate and House agree to the Senate bill with the following amendments: In line 6 strike out the word "two" and insert the word "three;" and in line 8 strike out the word "four" and insert the word "three."

JOHN A. LOGAN,
W. J. SEWELL,
S. B. MAXEY,
Managers on the part of the Senate.

W. S. ROSECRANS,
CHARLES H. MORGAN,
B. M. CUTCHEON,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. MAXEY. The House conferees receded from the amendments of the House and agreed to the bill as it passed the Senate, with only the change that the number of judge-advocates-general to rank as lieutenant-colonels was increased from two to three, and the number of majors was reduced from four to three. That is the only change. I ask that the report be concurred in.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. COKE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico, to report it with amendments favorably to the consideration of the Senate, to be acted upon at the next session, and I am further instructed to file therewith a written report on or before the commencement of the next session of Congress. I ask that the bill go upon the Calendar.

Mr. MCMILLAN. In connection with that report I desire to state that I do not assent to the report, and will ask for the privilege of submitting the views of the minority in future, if I shall deem it necessary.

The PRESIDING OFFICER. The Senator from Texas, from the Committee on Commerce, reports favorably the bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico, and asks permission to file a report at some future day, and the Senator from Minnesota, dissenting therefrom, asks permission to file the views of the minority. If there be no objection such order will be made, and the bill placed on the Calendar.

Mr. CONGER. I ask for the reading of the resolution of the committee that accompanies the bill.

Mr. COKE. The following resolution of the committee I report in accordance with the request of the Senator:

Moved by Senator VEST that the Senator from Texas be instructed to report the bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico favorably for the consideration of the Senate at its next session, to be accompanied by a written report, to be filed by or before the next session.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1299) for the relief of Alonzo Gesner;
A bill (H. R. 2017) granting a pension to Walter Dickson;
A bill (H. R. 3613) granting a pension to Ira McNair;
A bill (H. R. 4440) for the relief of John Bostater;
A bill (H. R. 4717) for the relief of John Swearer;
A bill (H. R. 4790) granting a pension to Alexander St. Bernard;
A bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier;
A bill (H. R. 5070) granting a pension to Temple Gordon:
A bill (H. R. 5457) granting a pension to Allicia Durrant;
A bill (H. R. 5595) granting a pension to Eugene L. Townsend;
A bill (H. R. 5686) granting a pension to Sarah J. Chipman;
A bill (H. R. 3950) for the relief of Mrs. Margaret Cassidy;
Joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884; and
Joint resolution (H. Res. 283) to provide temporarily for the expenditures of the Government.

AMENDMENTS TO SUNDRY CIVIL BILL.

Amendments were submitted by Mr. BECK, Mr. MAXEY, Mr. BUTLER, Mr. MILLER of New York, Mr. LOGAN, Mr. PENDLETON, and Mr. BROWN, intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES, from the Joint Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MCMILLAN. I now ask that on all subsequent amendments to this bill the five-minute rule be applied to debate. It is a late hour in the day, and I want to get through with the bill.

The PRESIDING OFFICER. The Senator from Minnesota moves that in all subsequent amendments to this bill the rule limiting debate to five minutes by each Senator be applied.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 991 of section 1, after "Grand Chain," to strike out "and $7,500 for the ice-harbor at the mouth of the Great Kanawha" and insert "and $50,000, or so much thereof as may be necessary, for the improvement of the navigation of the river at Jeffersonville and the protection of the Government property;" so as to make the clause read:

Improving the Ohio River: Continuing improvement, $600,000; of which sum $70,000, or so much thereof as may be necessary, for the completion of the Davis Island Dam, shall be expended on that work; $50,000 shall be used in continuing work on the upper and lower dikes and other improvements at Grand Chain, and $50,000, or so much thereof as may be necessary, for the improvement of the navigation of the river at Jeffersonville and the protection of Government property.

The amendment was agreed to.

The next amendment was, in section 2, after the word "obstructions," in line 20, to strike out the following proviso:

Provided, That nothing hereinbefore contained shall be construed as a limitation upon the powers of the board of engineers, hereinbefore designated, to prepare and submit plans, specifications, estimates, and recommendations for the

expenditure of the appropriations for the Missouri River; and that said board of engineers shall constitute a commission, to be called the Missouri River Commission, to be selected from the Engineer Corps of the Army, whose duty it shall be to complete the surveys of said Missouri River between its mouth and headwaters, and make such additional surveys and investigations of said river as may be deemed needful for the maturing of such plans and estimates as will permanently locate and deepen the channel and protect the banks of said Missouri River, and give safety to its navigation and promote commerce and the postal service. Said plans, with their estimated cost, shall be by said commission reported to the Secretary of War, who shall submit the same to Congress; and all appropriations hereafter made for said river shall be expended in accordance with the same, or such other plans as said commission shall from time to time report and submit through the Secretary of War to Congress as hereinbefore provided. The Secretary of War shall designate which of said engineers shall be president of said commission, and each shall continue to be a member of said commission upon no other salary than now allowed by law, subject only to removal by the Secretary of War, who shall fill any vacancy that may occur in said commission by like other appointment.

The amendment was agreed to.

The next amendment was, in section 3, line 14, after the word "material," to strike out the following proviso:

Provided, That hereafter all purchases of supplies and materials shall be made by contract, after legal advertisement, under such rules and instructions as may be prescribed by the Secretary of War.

Mr. VEST. I want to take the sense of the Senate in regard to retaining that proviso with certain modifications. It will be seen that it is a very important provision and I ask the attention of the Senate to it.

The preceding part of this section to that stricken out provides that the Secretary of War, where the work on rivers and harbors is done under contract, shall cause the contracts to be given to the lowest responsible bidder. That is right and it is the proper way for doing work on these improvements. The House of Representative carried out the same principle as to supplies and materials purchased where the work is done by the Government. It is a very important matter, because the supplies amount to thousands of dollars. The officers who now purchase them may buy from their favorites and pay such prices as they choose. I say economical, just, and honest administration ought to require that the same principle should be applied to purchases of supplies and materials as to contracts for work; that is to say, it should be had from the lowest responsible bidder. I propose, therefore, to take the sense of the Senate by modifying the proviso which the committee propose to strike out. It reads now:

Provided, That hereafter all purchases of supplies and materials shall be made by contract, after legal advertisement, under such rules and instructions as may be prescribed by the Secretary of War.

In order to obviate the objection that an officer ought to be permitted to purchase five or ten or twenty dollars' worth of supplies for immediate emergencies, I propose to make it read:

Provided, That hereafter all purchases of supplies and materials amounting to $1,000 or more shall be made by contract after legal advertisement.

Mr. MCMILLAN. I did not hear the Senator's amendment.

Mr. VEST. I propose to modify the House proviso so as to read:

Provided, That hereafter all purchases of supplies and materials amounting to $1,000 or more shall be made by contract after legal advertisement.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment proposed by the Senator from Missouri will be read.

The CHIEF CLERK. In line 15 of section 3, after the word "materials," it is proposed to insert "amounting to $1,000 or more;" so as to make the proviso read:

Provided, That hereafter all purchases of supplies and materials amounting to $1,000 or more shall be made by contract after legal advertisement under such rules and instructions as may be prescribed by the Secretary of War.

Mr. MORGAN. I move to amend by striking out "one thousand" and inserting "five hundred."

The PRESIDING OFFICER. A further amendment to the amendment is not in order.

Mr. VEST. I will accept $500.

The PRESIDING OFFICER. The Senator from Missouri modifies his amendment. The amendment now is $500.

Mr. MCMILLAN. I hope the amendment of the Senator from Missouri will not be adopted. This applies only, it will be observed, to purchases of supplies and materials. The previous part of the section provides for letting the contracts for all work on these public improvements to the lowest bidder under public advertisement and proposals. This proviso applies only to supplies. The Chief of Engineers is of opinion that to insert a proviso of this kind or a proviso such as is moved by the Senator from Missouri would very seriously embarrass him in carrying forward the work on these public improvements, if it would not in many cases prevent him from doing so.

If the proviso were adopted, the Secretary of War or the engineers in charge of these public improvements could not purchase any of the supplies needed for the tugboats and snag-boats on the rivers, particularly in rivers where the improvements covered any great reach, without issuing advertisements for proposals; and in supplying the hands on the boat or in making purchases of supplies of any character, no odds what the emergency might be, the Secretary of War or the engineers could not purchase them without first issuing advertisements for proposals. I send to the desk to be read by the Secretary a letter which I have received upon this subject from Colonel Parke, expressing fully the views of the Chief of Engineers upon the subject.

The PRESIDING OFFICER. The letter will be read if there be no objection.

The Chief Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., June 20, 1884.

MY DEAR SENATOR: Referring to my interview of this morning in regard to the river and harbor act now under consideration, I have thought it best to send you the following memorandum:

The proviso to section 3, lines 14, 15, 16, and 17, page 36, was not in the bill as reported by the Committee on Rivers and Harbors of the House of Representatives. It was offered and accepted by the chairman in Committee of the Whole. (See RECORD of June 13, page 5677.)

Now, if this proviso becomes law, I fear it will tend to embarrass operations, and possibly may in some cases stop all work.

The Revised Statutes and Army Regulations direct how the materials and supplies for the public service shall be procured; and I would respectfully invite attention to sections 3709 and 3710 of the former, and to Army Regulations of 1881, paragraphs 1486, 1487, 1488, and 1489; which you will see carefully guard and protect the interests of the Government.

Very truly, yours,

JOHN G. PARKE.

Mr. MCMILLAN. I ask the Secretary to read the sections of the Revised Statutes referred to in the letter.

The Chief Clerk read as follows:

SEC. 3709. All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

SEC. 3710. Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.

Mr. MCMILLAN. I also request the Secretary to read the paragraphs in the Army Regulations, and I call the attention of the Senate to the particular restrictions embodied in those regulations.

The Chief Clerk read as follows:

1486. When the public exigencies do not require the immediate delivery of supplies, or the immediate furnishing of transportation or other services, advertisements shall be published for a reasonable time to allow persons at a distance to compete, and a proper time, to be set forth in the advertisement, will be given the successful bidder to make deliveries or to furnish the supplies, transportation, or services after the award.

1487. Formal written contracts, with suitable bonds, will be made in all cases when time and circumstances allow.

1488. When an exigency demands that purchases in open market be made, the purchasing officer will, if time permit, notify the principal dealers in the articles needed who may be within his reach, and will request them to submit written sealed proposals for the sale of the supplies required. This notice may be given by handbills posted in public places, by circular letters addressed to the principal dealers, or by both these means combined.

1489. When time does not permit even this course to be pursued, purchases may be made in the manner which is usual among business men. All written proposals received when purchases are made in open market will be forwarded in the proper manner to the chief of the bureau of the War Department to which the supplies purchased pertain.

Mr. MCMILLAN. Under these regulations in pursuance of the statute, all of which has been read to the Senate, it seems to me that there are sufficient safeguards thrown about this matter to relieve the Secretary of War. There are exigencies arising where it would be impossible for him to issue proposals and public advertisement in the time required without seriously interfering with the work. The officers of the Army are compelled to render a strict account of their purchases, itemized accounts of the purchases made, and they are subject to military discipline, so that in all points of view it seems to me there can be no danger resulting from it.

The PRESIDING OFFICER. The Chair notifies the Senator from Minnesota that his five minutes have expired.

Mr. VEST. I want to say a word in reply to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Missouri has once addressed the Chair on the amendment; but he has proposed a modification.

Mr. VEST. I just want to say a word in reply to the chairman of the committee.

The PRESIDING OFFICER. The Chair will recognize the Senator, as the amendment has been modified since he spoke before.

Mr. VEST. The provisions of the statute to which the chairman of the committee has referred and the Army Regulations are the same which have obtained for years, and under which the very greatest abuses have been committed. Every Senator who has taken pains to analyze those sections will see that both the regulations and the statute have this clause in each, "when the public exigencies do not permit." That opens the whole door and leaves it to the discretion of the officer. Any lieutenant, any quartermaster, or captain of a snag-boat has the discretion, and the unlimited discretion, to say when the public exigency requires or not; and under this system what has been the result? If Senators will look in the press this morning, it rings with abuses committed in this very city in all the Departments under this supply-purchase system.

Mr. MCMILLAN. Has the Senator ever heard of any improper conduct in regard to purchases under the Chief of Engineers?

Mr. VEST. I could bring statements here, if time permitted, from merchants in all the principal cities in this Union complaining of favoritism in regard to this thing. Look how simple it is. Here is a man who wants to purchase $5,000 or $10,000 or $20,000 or $30,000 worth of supplies; he simply goes to the most convenient merchant and says to him, "I take these supplies from you at your own price; put in a margin, and then," to use the parlance in the Departments here, for it has passed into a word in the English language, "we will have a divy;" that is to say, they rob the Government and divide the surplus.

I have the greatest respect for General Parke; I do not say he is a party to any such thing; but I say that in view of recent developments in this very city in all the Departments, in the Navy Department, in the Treasury Department, where men who stood as high in the service as General Parke or anybody else have been found to have been engaged in this robbery to the amount of thousands of dollars, it behooves Congress to put every limitation that is possible in regard to the purchase of these supplies and the performance of this work. General Parke's letter goes for nothing under my amendment, because he there takes an extreme case, an officer who wants to buy ten or twenty dollars' worth of supplies for immediate use. Under this amendment, if it is less than $500, he can buy in the ordinary course of business; but when it is over $500 he is required to put it up to the lowest responsible bidder. I say that is the only safe practice and the system which ought to be adopted both in regard to supplies and public works, including public buildings.

Here now our committee-room on Public Buildings and Grounds has a stock of papers which I have been proposing to examine, that it would take me two months probably to get through, containing a record of fraud and outrage on this Government in the Bureau of Public Buildings almost without a parallel—an officer permitted to resign and go out of the service and men implicated in it. He had a ring about him in the capital. As soon as a public building bill was passed the men got it who were here in Washington. Our object was to put the money in the town where the building was to be erected so as to encourage the enterprise of domestic mechanics. Instead of that, four or five men were here around this capital, and as soon as the bill was passed the bargain was made, and the first thing a stranger appeared away off in Nevada or California with his contract in his hand, and the mechanics who were intended to be benefited knew nothing of it until the work was commenced. The whole thing was wrong. I thought this amendment was broad enough, because it says "after legal advertisement under such rules and regulations as may be prescribed by the Secretary of War."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri to the amendment recommended by the Committee on Commerce.

Mr. MILLER, of New York. I trust that the amendment will not prevail. It is perfectly evident, and must be to every Senator, that a very large part of the expenditures under this bill are in such portions of the country and made under such conditions that it is absolutely impossible that contracts could be made for all the supplies that may be used. If this amendment is adopted it simply ties the hands of the Secretary of War and the Engineer Department and turns them over to the mercies of a ring of contractors.

This amendment and this provision here that all work and all materials shall be given to the lowest bidder has been moved from time immemorial. I have repeatedly been sought to introduce it myself and have always refused. I have never found any complaint of the manner of the Government's doing this work except from contractors. They are the only people from whom any complaint has ever come. I do not believe there is any scandal whatever connected with these public works so far as the engineers of the Army are concerned, and certainly it will be quite as safe I believe for us to trust the expenditure of this money to the Secretary of the War and to the Engineer Corps as it will be to turn it over absolutely to men who are engaged in contracting for public works.

It is absolutely impossible that the work can go on successfully in some portions of the country if this provision be enacted into law; and even the main part of this section which the committee have left seems to me should be carried still further and should provide in explicit terms that the Secretary of War may reject any and all bids that are made; otherwise, if he is compelled to accept the lowest bid it is possible for the contractors to form a ring and make their bids precisely as they see fit and thus rob the Government. Such was the history of the Erie Canal contracts in the State of New York; such has been the history of all contract work where the Government has not been protected by giving to its officers the right to reject any and all bids.

But it is proposed to limit the amount of purchases that can be made to the sum of $1,000 or $500. Look at the investigations made in the city of New York this winter. Under the laws of the State all contracts with the city departments above $1,000 were to be let to the lowest bidder. It was discovered that nearly all, everything was divided up into jobs of $999 and given out without any contract. There is no guarantee in such a system. We must trust this matter to the honesty and integrity of the Secretary of War and the engineers in charge of the work. If we can not do that we certainly can not give it into the tender mercies of the contractors who are engaged on our public works. It is much better to leave it as it is, and I trust the chairman will amend section 3 by providing that the Secretary of War shall have power to reject any and all bids which he deems it for the interest of the Government to refuse.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. VEST] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce to strike out the proviso to section 3.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to strike out section 4, as follows:

SEC. 4. That in case any person or corporation shall knowingly damage, injure, impair, or obstruct the navigation of any of the harbors or rivers herein appropriated for, by the deposit of refuse matter or otherwise, such person or corporation shall immediately remove the same, or, failing to do so, shall be liable in an action by the United States for damages in double the amount expended by the United States for the removal of such obstructions, and that the depositing by any process or in any manner of refuse, dirt, materials, ashes, or cinders, or any other matter of any kind other than that flowing from street sewers and carried therefrom in a liquid state into tidal waters within the navigable waters of the harbor of New York or its adjacent and tributary waters, whereby a deposit shall or may be created and the draught of water lessened, or of any other deleterious substance whereby fishes useful for food are injured or driven away or destroyed, is hereby strictly forbidden, and every such act is hereby made a misdemeanor; and all persons engaged in or who authorize or instigate such an offense shall, upon conviction, be punishable with fine or imprisonment, or both, such fine to be not less than $250 nor more than $2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide. That the licenses of any and every captain and engineer of any tugboat which shall engage in towing any scow or boat loaded with any such forbidden matter to any point of deposit or discharge within any forbidden limit shall be deemed a party participant in the infringement of this act, and shall, upon conviction, be punishable as hereinbefore provided, and shall also have each his license revoked or suspended for a term commensurate with the offense, to be fixed by the judge before whom tried and convicted. That in all cases of receiving on board of any scow or boat such forbidden matter or substances as herein described, it shall be the duty of the owner or master of such scow or boat to apply for and obtain from the local superintendent of the harbor appointed hereunder a permit defining the precise limits within which the proposed discharge of such scow or boat may be made; and any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor within the meaning of this act; and the master and engineer of any towboat towing such scow or boat shall be equally guilty of such offense with the master of the scow and liable to equal punishment. That the President of the United States shall designate and appoint from the Corps of Engineers of the United States a suitable and efficient officer, who shall be known as superintendent of the harbor of New York, whose duty it shall be to grant permits designating the different localities most convenient within which alone it shall be permissible to discharge and deposit the forbidden matter herein designated. It shall also be his duty to establish a patrol to prevent and detect transgressions of this act.

And in lieu thereof to insert the following:

SEC. 4. That if any person shall knowingly and willfully damage or injure any public work constructed, or in course of construction, by or under the authority or direction of the United States, for the improvement of any river or harbor, or shall knowingly and willfully impair or obstruct the navigation of any river or harbor for the improvement of which an appropriation is made by this act, or shall knowingly and willfully, by any process or in any manner, deposit, or cause to be deposited, or authorize, instigate, or aid in depositing any refuse, dirt, materials, ashes, cinders, or any substance other than that flowing from street sewers and carried therefrom in a liquid state, into tidal waters within the navigable waters of the harbor of New York, or its adjacent and tributary waters, whereby a deposit shall or may be created and the depth of water lessened, such person, on conviction thereof, shall be punished by imprisonment of not more than one year, or by fine not more than $2,500, or by both such fine and imprisonment.

No ballast, refuse, dirt, materials, ashes, or cinders, or other substance shall be dumped or discharged into the waters of the harbor of New York, or its adjacent or tributary waters, unless a permit shall be first obtained for that purpose from the local superintendent of the harbor to be appointed as hereinafter provided, defining the precise limits within which the proposed dumping or discharge shall be made; and the master of any scow or other vessel from which any such ballast or refuse matter shall be discharged without such permit or without the limits defined in such permit, and the master or engineer of any towboat, which shall tow any such scow or vessel for the purpose of dumping or depositing any such ballast or refuse matter without such permit, or without the limits specified therein, shall be deemed guilty of a violation of this section, and, upon conviction, shall be punished by fine or imprisonment as hereinbefore provided, and shall also, in the discretion of the court, have each his license revoked or suspended for a term commensurate with the offense, to be fixed by the judge before whom tried and convicted. And any person or corporation placing, or causing to be placed or deposited, any refuse matter, or other obstructions to the navigation of any of the harbors or rivers for the improvement of which appropriation is made in this act, shall be liable to the United States in an action brought by the United States in double the amount which shall have been expended by the United States for the removal of such obstructions, together with the costs and disbursements of the action.

The President of the United States shall designate and appoint three experienced officers of the General Government, who shall constitute a board of superintendence of New York Harbor. The three members shall be selected as follows: One shall be an officer of Army engineers, one an officer of the Navy, and one an officer of the Coast Survey. The board of superintendence shall have a permanent organization, and the President of the United States shall appoint other members from the same branches of the public service whensoever those holding office on the board shall be from any cause detached. The board shall constantly consider the best means of preventing deposits in the harbor of New York and the waters adjacent thereto and of regulating such deposits, and shall issue the orders necessary for these objects.

The President of the United States shall designate and appoint a suitable officer of the Army or Navy who shall carry out and enforce the orders and decrees of the board of superintendence, and who shall be the superintendent herein named. This officer shall have personal charge and supervision under the said board, and shall direct the patrol-boats and other means used to detect and bring to punishment offenders against port rules; and the said board shall make an examination and survey of the harbor of New York, and make a report thereof to the Secretary of War, to be submitted to Congress at the next

session; and the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated to carry into effect the provisions of this section.

Mr. MILLER, of New York. Before the question is put I desire to move an amendment to the amendment. In line 43, after the word "shall," I move to insert the words "besides the penalties hereinbefore provided."

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 4, line 43, after the word "shall," it is proposed to insert "besides the penalties hereinbefore provided;" so as to read:

And any person or corporation placing, or causing to be placed or deposited, any refuse matter, or other obstructions to the navigation of any of the harbors or rivers for the improvement of which appropriation is made in this act, shall, besides the penalties hereinbefore provided, be liable to the United States in an action, &c.

Mr. DOLPH. I suggest to the Senator from New York that he put instead of that language the words "shall, besides being liable to the punishment hereinbefore provided," so that there shall be no claim that the penalty is to be recovered in the action.

Mr. MILLER, of New York. I have no objection to adopting the suggestion of the Senator from Oregon. I want the lawyers of the body to make the language perfectly plain. The amendment I submitted was drawn by the Senator from Vermont [Mr. EDMUNDS]. I think the words are sufficient as I have proposed them.

Mr. JONES, of Florida. I do not see what proper place a provision of this kind has on a river and harbor bill. The definition of the criminal jurisdiction of the United States, it occurs to me, ought to be left to the Judiciary Committee. This amendment of the Committee on Commerce proposes to increase the criminal jurisdiction of the courts of the United States beyond the boundary now fixed, as I understand. That is what is attempted.

Mr. MILLER, of New York. I think not. It has been customary in these bills heretofore to provide for the punishment of any person who willfully or otherwise destroys the public works of the United States, or obstructs in any way the navigation of any of the waters, or damages any of the works being erected under the authority of the river and harbor bill. That is in nearly all the bills. This probably goes a little further.

Mr. JONES, of Florida. Why the necessity for it in this?

Mr. MILLER, of New York. The necessity in this case is very apparent. The State of New York has attempted to protect the harbor of New York, and has found it impossible to do it because of the conflict of authority between the States of New York and New Jersey in regard to the waters, and also from the fact that the waters really are subject to the authority of the United States Government and not to the government either of New York or New Jersey. It has found it impossible properly to protect the harbor of New York. For a long time we have been attempting to devise some legislation which would enable the United States Government to properly guard and protect that great harbor. This is the result of much labor in that direction. It is certainly impossible, as the Senator knows, to pass it in any other way than on the river and harbor bill. It is in the direct line of legislation we have frequently added on this bill.

Mr. JONES, of Florida. It is a very remarkable provision, because the laws of the United States on this subject ought to be uniform, and I can not conceive of any reason why the port of New York should be singled out more than other ports similarly situated. The question of jurisdiction arises here. While the rivers and harbors of the United States may be improved by the money power of the Government, I can not think that the power to make individual acts criminal under the authority of the United States follows from that. The power to regulate commerce confers upon this Government no power to create crimes. The harbors of the United States are for all criminal purposes within the jurisdiction of the respective States. In my State they have enacted laws on this subject providing against this very thing, making it criminal in any shipmaster to dump ballast into the bays and harbors of that State. Now, I say the jurisdiction must be either in the one authority or in the other. It can not be in both. It will lead to conflict of jurisdiction between the States and the General Government.

Does it follow because an appropriation is made for the improvement of a river in the interior of a State to facilitate commerce that the right to make an individual act on that river criminal follows from any provision in our organic law? Acts that we are authorized to designate as criminal are limited under our system. With respect to the District of Columbia and forts and arsenals of course we could do anything, because we have there the power of general legislation; but when you leave those jurisdictions you are restricted.

The PRESIDING OFFICER. The Chair notifies the Senator from Florida that his five minutes have expired.

Mr. MILLER, of New York. Mr. President——

The PRESIDING OFFICER. The Chair notifies the Senator from New York that he has once addressed the Senate on this amendment, and under the rule he has no right to do so again without unanimous consent.

Mr. DOLPH. I move to substitute for the words of the Senator from New York the words which I send to the Chair.

The PRESIDING OFFICER. The amendment of the Senator from Oregon is not in order, the pending amendment being an amendment to an amendment.

Mr. MILLER, of New York. Let the words be reported and perhaps I may accept them.

The PRESIDING OFFICER. The words proposed will be read, if there be no objection.

The SECRETARY. In lieu of the words proposed to be inserted, substitute:

Besides being subject to punishment as hereinbefore provided.

Mr. EDMUNDS. That is just as well.

Mr. MILLER, of New York. I accept the amendment.

The PRESIDING OFFICER. The Senator from New York modifies his amendment according to the suggestion of the Senator from Oregon.

Mr. MORGAN. I make the point of order that this is general legislation.

The PRESIDING OFFICER. On which amendment?

Mr. MORGAN. The one under consideration.

Mr. EDMUNDS. Do you mean the committee amendment or this phraseological amendment?

Mr. MORGAN. The committee amendment.

Mr. MILLER, of New York. The amendment is simply changing the language that is already in the bill.

Mr. MCMILLAN. In answer to the inquiry of the Senator I will state that section 4 in the bill is substantially section 4 as it appears in the amendment of the Senate Committee on Commerce. We merely undertook to put section 4 of the House bill in a form that we thought was better.

Mr. MORGAN. It is none the less general legislation on an appropriation bill. The House takes the liberty, of course, of amending the laws in a general way on appropriation bills, and the Senate rules leave us only the opportunity of voting for or against such measures as we see proper. We can not amend them under the ruling frequently made by the Chair.

The PRESIDING OFFICER. The Chair understands the Senator from Alabama as raising the question of order upon that part of the amendment recommended by the committee to be inserted.

Mr. MORGAN. As section 4.

The PRESIDING OFFICER. The Chair thinks that the amendment is legislation, and is not in order as an amendment to this bill, and so rules.

Mr. FRYE. The Chair understands that it is an amendment to a House provision contained in the bill.

The PRESIDING OFFICER. The Chair understands that distinctly; but it makes no difference in the opinion of the Chair. That part of the amendment proposed to be inserted the Chair regards as legislation.

Mr. MCMILLAN. I do not understand that the river and harbor bill is embraced within the term "general appropriation bill" as it is understood in the application of this rule.

The PRESIDING OFFICER. The Chair may be in error; but the Chair does not quite agree with the Senator from Minnesota. The Chair regards it as a general appropriation bill and subject to all the rules applicable to general appropriation bills.

Mr. MCMILLAN. I think it has never been so considered heretofore.

Mr. MILLER, of New York. I appeal from the decision of the Chair. Certainly if the committee had not disturbed the legislation put in by the House there would have been no possibility of striking it out.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that that is a question which has been raised very often. The question is, Shall the decision of the Chair stand as the judgment of the Senate upon the appeal of the Senator from New York?

Mr. CONGER. Almost every paragraph in this bill is new legislation.

Mr. MILLER, of New York. There is not anything else in the bill.

Mr. CONGER. We should have to cut out almost the entire bill if this ruling were sustained. This has never been considered by the committee a general appropriation bill subject to the rule as to new legislation, as I understand. It is not merely to appropriate for things already provided for by law, but to make the law itself.

The PRESIDING OFFICER. If this be a general appropriation bill, as the Chair thinks it is, and the matter proposed by the Committee on Commerce to be inserted in it be general legislation, as the Chair thinks it is, then it is clearly out of order, and the Chair so rules and rules it upon the ground just stated. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. INGALLS. Upon what point, whether this is a general appropriation bill, or whether this is general legislation?

The PRESIDING OFFICER. The Chair thinks both points are included.

Mr. INGALLS. The Chair is clearly right about this being a general appropriation bill. Rule XVI provides:

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce.

The exception in Rule XVI raises unmistakably by implication and by direct inference the declaration that this is a general appropriation bill. There can be, I think, no reasonable question upon that point; and if that be true then there can be no further dispute. I think that the Chair is right in holding that this is general legislation and therefore can not be received upon this bill. I shall therefore be compelled to vote to sustain the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER, of New York. I desire to appeal to the Senator from Alabama to withdraw his point of order. He will see on looking at this bill that section 4 as passed by the House is in many respects imperfect. It is now in the bill, and of course will remain there; and the section as perfected by the Senate committee will be ruled out upon a point of order if the Senate sustains the Chair, and the objectionable section, imperfect as it is, will remain in the bill. Certainly it has always been customary to put legislation of this kind into these bills, and the Senate Committee on Commerce, with great care, have perfected this section. If there are any inaccuracies in the section, and the Senator will point them out, I will ask to have them corrected. I will attempt to have it put in proper shape if there is anything in it which meets with his objection on good grounds. If the point is maintained, it leaves the imperfect provisions of the House in the bill, and the House provides machinery which is entirely inadequate for the work to be done.

I appeal to the Senator from Alabama to withdraw his point of order and let us perfect the section coming from the committee.

Mr. MORGAN. The right way of treating a matter of this kind when brought in from the House is to vote it down. We either have to do that or we have to submit all the time to the House prescribing such general legislation upon appropriation bills as they choose. We can not amend it here under our rules. This point has been made on every bill that has come up during this session of the Senate. Every appropriation bill that has contained general legislation we have uniformly ruled out of order.

Mr. HARRISON. Will the Senator from Alabama allow me to ask him a question? I want a little light on this subject. If the rule that is ordinarily applied to an appropriation bill, is applied to this bill, might it not be efficient to use this point of order against an appropriation ordering for instance the construction of a canal at a certain place? Should not the law requiring it contain an appropriation for its construction? Would not that be general legislation on this bill? And if that rule was applied would it not destroy the whole purpose of a river and harbor bill?

Mr. KENNA. Or the improvement of a river not before appropriated for?

Mr. MILLER, of New York. Allow me to call the Senator's attention to the bill on page 33. There the Senate have already put in three pages of amendments creating in the most elaborate form a commission for the Missouri River, which from this time forward is to take entire charge of the improvements on the Missouri River, and all moneys appropriated to the Missouri River are hereafter to be expended under the direction of this commission. That is an elaborate law, as much so as the creation of the Mississippi River Commission. That might have been objected to on a point of order if we are to stand on the rules.

I am appealing to the Senator to withdraw the point of order and attempting to show the necessity of doing so; otherwise this bill may be entirely destroyed because the point of order may be made on the Missouri Commission when we come to it in the Senate. Certainly it can be if a separate vote is had in the Senate, and the point is made. There is much general legislation in this bill; in fact, if the general legislation was taken out of it on points of order it would become absolutely worthless, the Department could not go on and perform this work intelligently or thoroughly. If the Senator will look at page 33, for nearly three pages there he will find an elaborate law establishing the Missouri River Commission, and that was not objected to. Now when we come to the harbor of New York, it is thrown out on a point of order. I hope the Senator will withdraw the point.

Mr. MORGAN. It is the duty of the Chair not to receive an amendment that is not in order on this bill, and I have merely suggested it to the Chair that that duty may be performed. If the States of New York and New Jersey had sent down a request to the Congress of the United States to do the legislation for them that they are perfectly competent to do for themselves, I should not have insisted upon the point of order; but I believe we are transgressing a jurisdiction that we ought not to invade when we are passing this amendment, and I think the House did the same thing when it sent up the section here.

I do not care to go back through this bill and ascertain how many points in it have violated the rules of the Senate. It is not for me to do so; but I think it is a plain answer to the question about the commission for the Missouri River to say that that is a mere regulation of the expenditure of the money we appropriate here. We are not appropriating in this section for the purpose of cleaning out the harbor of New York in the manner provided for in this new amendment; we are merely making prohibitory criminal legislation against certain acts to be done there, and conferring new jurisdiction on the courts of the United States in reference to that particular harbor, which I think is improper to be done in an appropriation bill. I should vote against it if it was put on a separate bill. I will never concede that the Government of the United States has the right to take any such jurisdiction in one of the harbors of our States. I therefore insist on my point of order.

Mr. MILLER, of New York. If the Senator will look at the close of the amendment of the committee he will find that it appropriates money for the purposes of the section, and also for a survey of the harbor, and it is certainly customary to put surveys in this bill. This section contains an appropriation of $30,000 for carrying on the work and having new surveys. It provides for the protection of the harbor of New York and making new surveys. It is very important that it should be enacted.

The PRESIDING OFFICER. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?" on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. KENNA. I am paired on all questions with the Senator from Illinois [Mr. CULLOM]. My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 27, nays 15; as follows:

YEAS—27.

Bayard,	Frye,	Hawley,	Platt,
Beck,	George,	Ingalls,	Saulsbury,
Brown,	Gibson,	Jones of Florida,	Vance,
Butler,	Groome,	Maxey,	Walker,
Cameron of Wis.,	Hampton,	Mitchell,	Williams,
Colquitt,	Harris,	Morgan,	Wilson.
Edmunds,	Harrison,	Pike,	

NAYS—15.

Call,	Dolph,	Manderson,	Plumb,
Cameron of Pa.,	Gorman,	Miller of Cal.,	Sawyer,
Coke,	Lapham,	Miller of N. Y.,	Sewell.
Conger,	McMillan,	Palmer,	

ABSENT—34.

Aldrich,	Fair,	Kenna,	Riddleberger,
Allison,	Farley,	Lamar,	Sabin,
Anthony,	Garland,	Logan,	Sherman,
Blair,	Hale,	McPherson,	Slater,
Bowen,	Hill,	Mahone,	Van Wyck,
Camden,	Hoar,	Morrill,	Vest,
Cockrell,	Jackson,	Pendleton,	Voorhees.
Cullom,	Jonas,	Pugh,	
Dawes,	Jones of Nevada,	Ransom,	

So the decision of the Chair was sustained.

Mr. MCMILLAN. The amendment of the committee consisted of two parts, the striking out of section 4 in the bill as it came from the House, and the insertion of new matter, which has been ruled out of order.

The PRESIDING OFFICER. Section 4 stands on the recommendation of the committee that it be stricken out. That is the condition of the question.

Mr. MCMILLAN. The question now before the Senate is on concurring in the recommendation of the committee to strike out section 4.

The PRESIDING OFFICER. On agreeing to the recommendation of the Committee on Commerce to strike out section 4 of the House bill.

Mr. MCMILLAN. I hope the Senate will strike out the section.

The amendment was agreed to.

Mr. BUTLER. It is quite obvious that we shall not be able to get through with this bill to-night, and if it be agreeable to the Senator from Minnesota I shall move that the Senate adjourn.

Mr. MCMILLAN. I think if the Senate will remain in session a short time we can get through with the committee amendments to the bill anyhow. We are through with the appropriations proper, and the next section refers merely to the surveys. I presume there will be no objection raised to them.

Mr. BUTLER. I understand the Committee on Appropriations have nothing for the Senate to-morrow, and we shall have the day for this bill.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, to strike out section 6, in the following words:

SEC. 6. That such parts of the money appropriated by this or any previous or subsequent act for any particular improvement, whether requiring locks, dams, abutments, or other structures as may be necessary in the prosecution of such improvement, may be expended in the purchase, voluntary or by condemnation, as the case may be, of necessary sites: *Provided*, That such expenditure shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands shall refuse to sell them at reasonable prices, then

the prices to be paid shall be determined and the title and jurisdiction procured in the manner prescribed by the laws of the State in which such lands or sites are situated.

The amendment was agreed to.

The next amendment was to strike out section 8, in the following words:

SEC. 8. That the provisions of section 3692 of the United States Revised Statutes, regarding the proceeds of the sale of public property, shall apply to the sale of any public property pertaining to river and harbor improvements.

The amendment was agreed to.

The next amendment was to strike out section 9, in the following words:

SEC. 9. That it shall be the duty of the Secretary of War to prescribe such rules and regulations in respect to the use and administration of the public works of the United States under his control relating to the navigation of the rivers, harbors, and canals as in his judgment the public interest may require; which rules and regulations shall be posted in some conspicuous place for the information of the public. Any person violating such rules and regulations shall be liable to a fine not exceeding $500 or imprisonment not exceeding six months, to be enforced in any district court of the United States within whose territorial jurisdiction such offense may have been committed.

The amendment was agreed to.

The next amendment was to strike out section 10, in the following words:

SEC. 10. That any person, unless duly authorized by the Secretary of War, who shall make or assist in making a cut-off at any neck or bend in any river or harbor of the United States, or who shall maliciously injure any of the public works appropriated for in this act, or interfere with the construction thereof, or who shall dump or deposit ashes or cinders, or other refuse matter tending to obstruct navigation, from any vessel, into any portion of Providence River above Nayatt Point, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed; and, if found guilty, he shall be liable to a fine not exceeding $1,000, or to imprisonment for not more than two years, or both fine and imprisonment as aforesaid, for each offense.

The amendment was agreed to.

The next amendment was to strike out section 11, in the following words:

SEC. 11. That any bridge or other structure that may hereafter be erected over or in any river or harbor of the United States for which appropriation has herein been made shall be subject, for the security and convenience of navigation, to such regulations as the Secretary of War shall prescribe; and to secure this object the party desiring to construct such bridge or structure shall submit to the Secretary of War drawings and descriptions of the proposed work, which must be approved by the Secretary of War before any such bridge or structure can be constructed. Should any bridge or other structure erected under this authority be found to obstruct the free and convenient navigation of said river or harbor it shall be subject to modification or removal, by direction of the Secretary of War, at the expense of the owners thereof, and to the revocation of such authority by act of Congress, if the public good shall so require.

The amendment was agreed to.

The next amendment was to insert as section 7:

SEC. 7. That whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now or hereafter to be constructed over any of the navigable waters of the United States, under authority of the United States or of any State or Territory, is an obstruction to the free navigation of such waters, by reason of difficulty in passing the draw-opening or the raft-span of said bridge, by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, on satisfactory proof thereof, to require the company or persons owning, controlling, or operating said bridge to cause such aids to the passage of said draw-opening or of said raft-span, or of both said draw-opening and raft-span, to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of said rafts, steamboats, and other water craft safely through said opening or span, or both said opening or span, as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit or district court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States: *Provided*, That no greater sum than $15,000 shall be required to be expended upon any one bridge in a single year: *Provided further*, That such sum of money as may be necessary to execute the provisions of this act is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid on the requisition of the Secretary of War.

The amendment was agreed to.

The next amendment was in section [12] 8, providing for "examination or surveys or both," under the head of "California," after line 18, to insert:

Napa River, from the mouth thereof to Napa City.

The amendment was agreed to.

The next amendment under the head of "Florida," in line 29 of section [12] 8, after the word "outer" to insert "and inner;" so as to read:

Outer and inner bar at the entrance of Pensacola Harbor; Anclote Harbor; Clearwater Harbor.

The amendment was agreed to.

The next amendment was, after line 31 of section [12] 8, under the head of "Florida," to insert:

Saint Augustine Harbor.
Musquito Inlet.
Amelia and Wacissa Rivers.
Hermosassa Bay.
Jupiter Inlet, on the Atlantic coast.

The amendment was agreed to.

The reading of the bill was continued to the end of line 44 of section [12] 8.

Mr. LOGAN. I desire to offer an amendment to come in after the word "river," in line 44:

Also to make survey of proposed ship-canal from Calumet River to Lake Calumet.

Mr. MCMILLAN. I suppose that will be in order after the committee amendments are concluded. There will be no objection to it then.

Mr. MILLER, of New York. It may as well go in now.

Several SENATORS. Let it go in now.

Mr. LOGAN. I have been watching for some time for an opportunity to offer it. There can not be any objection to it.

Mr. MCMILLAN. I make no objection to it. If the Senator wants it inserted now I shall not object.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Is there objection?

Mr. LOGAN. I understand there is no objection to it.

The PRESIDING OFFICER. It will be entertained now if there be no objection.

The amendment was agreed to.

The reading of the bill was resumed and continued to the following item in line 51 of section [12] 8:

Shawneetown Harbor and devee.

Mr. CONGER. In line 51 the word "devee" should be "levee."

The PRESIDING OFFICER. That correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the head of "Kentucky," in line 77 of section [12] 8, after the word "rivers," to insert "and the Cumberland River above the mouth of the Jellico;" so as to make the clause read:

The Secretary of War is hereby directed to report to Congress at its next session, or sooner if practicable, the condition of Green and Barren Rivers, and the Cumberland River above the mouth of the Jellico, in Kentucky, and the provisions and estimate of cost necessary to relieve the same from incumbrance, with a view to such legislation as will render the same free to commerce at the earliest practicable period.

The amendment was agreed to.

The next amendment was, under the head of "Maine," in line 93 of section [12] 8, after "Saco," to strike out "Harbor" and insert "River;" so as to read:

Saco River.

The amendment was agreed to.

The next amendment was, in line 95 of section [12] 8, before the word "Island," to strike out "Wood's" and insert "Wood;" so as to read:

Wood Island Harbor.

The amendment was agreed to.

The next amendment was, after line 99 of section [12] 8, under the head of "Maryland," to insert:

Sassafras River, above Georgetown.
Harbor at Easton Point, commencing at a point on Third Haven River where the Government work on the channel of said river was recently suspended.
Pocomoke River and Sound.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," after line 116 of section [12] 8, to insert:

The State of Michigan having tendered to the United States the balance of tolls received by the State before the surrender of the Saint Mary's Falls Ship-Canal, to aid in constructing a dry-dock at the canal, such balance being about $60,000, the Secretary of War is directed to cause plans, estimates, and specifications for such dry-dock, above the locks, and also to report whether the old locks can be used for a dry-dock, and the cost of fitting the same for that purpose.

The amendment was agreed to.

The next amendment was, after line 132 of section [12] 8, to insert:

Saint Clair River: Examination and survey of the right bank from Lake Huron to Lake Saint Clair, to ascertain whether the erosion and wearing away of said bank is injuring the navigation of Saint Clair River and Saint Clair Flats Canal by shoaling the channel and obstructing navigation therein, and to report estimates of expense for preventing such injury.

The amendment was agreed to.

The next amendment was, after line 139 of section [12] 8, to insert:

For a further and more complete survey for a breakwater at or near Cross Village, in Michigan, in the west part of the Straits of Mackinaw, with a view of making a harbor of refuge at Cross Village, Mich.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," after line 145 of section [12] 8, to insert:

Minnesota, and Minnesota and Wisconsin, Saint Louis Bay, and Saint Louis River, from Connor's Point, Wisconsin, and Rice's Point, Minnesota, to foot of first falls, Big Stone Lake, and Lake Traverse, with a view to connecting them.

Mr. MCMILLAN. There are two items there. Let a period be inserted after the word "falls," in line 148, in place of the comma and the initial letter of that word be a capital.

The PRESIDING OFFICER. The correction will be made.

Mr. MCMILLAN. Then the rest of the amendment beginning "Big Stone Lake" should be a separate item.

The PRESIDING OFFICER. That change will be made. The question is on the amendment of the committee as modified.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the head of "Mississippi," after line 158 of section [12] 8, to insert:

Cassidy's Bayou.
Yazoo Pass, to determine the cost of a lock at that place.

The amendment was agreed to.

The next amendment was, under "Missouri," after line 163 of section [12] 8, to insert:

Nish-na-botna River, with a view to increasing the depth of channel in the Missouri River.

The amendment was agreed to.

The next amendment was, under "New Hampshire," in line 167 of section [12] 8, after the word "wharf," to strike out "including Little Harbor;" so as to read:

Harbor at Portsmouth, from the sea to the wharf.

The amendment was agreed to.

The next amendment was, after line 168 of section [12] 8, to insert:

Little Harbor at Portsmouth, with a view to its improvement as a harbor of refuge.
Winnipiseogee Lake, at a point called "The Weirs."

Mr. HOAR. I should like to inquire how it is possible that Lake Winnipiseogee can be a national work?

The PRESIDING OFFICER. The Chair is certainly quite unable to inform the Senator. Does the Senator rise to a point of order on this amendment?

Mr. HOAR. No, sir.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of line 176.

Mr. SEWELL. I ask to correct a clerical error: "Carsons," in line 176, should be "Corson;" so as to read:

Corson Sound and Townsend Inlet.

The PRESIDING OFFICER. That correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 209 of section [12] 8, to insert:

OREGON.

Bar at the mouth of the entrance to Nehalim Bay and River.

The amendment was agreed to.

The next amendment was, after line 212 of section [12] 8, to insert:

PENNSYLVANIA.

West Branch of the Susquehanna River, between Salt Lick and Buttermilk Falls.

The amendment was agreed to.

The next amendment was, after line 248 of section [12] 8, to insert:

WISCONSIN.

Ashland Harbor, in Ashland Bay, Lake Superior.

The amendment was agreed to.

The next amendment was under the head of "Washington Territory," after line 259, of section [12] 8, to insert:

Lewis River.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HOAR. I was unable to go before the committee within the last few days before they reported this bill, and I have two or three slight amendments which the committee have escaped. I have seen all the members of the committee, I believe, but one. The first amendment is in section 1, line 333, to strike out "sixteen thousand" and insert "twenty-six thousand five hundred." The Taunton River is a narrow channel, and the whole work has been done except at one point; $26,500 will complete the work.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

Mr. HOAR. I move also, in line 332, to strike out "continuing" and insert "completing."

The PRESIDING OFFICER. The Chair will put the question on the whole amendment in that form.

The amendment was agreed to.

Mr. HOAR. In section 1, line 39, I move to strike out "five" and insert "ten;" so as to read:

Improving harbor at Wareham, Mass.: Continuing improvement, $10,000.

The amendment was agreed to.

Mr. HOAR. Then, in section 1, line 27, I move to strike out "five" and insert "ten;" so as to read:

Improving harbor at Nantucket, Mass.: Continuing improvement, $10,000.

The amendment was agreed to.

Mr. KENNA. On page 18, after line 430 of section 1, I move to insert——

Mr. HARRISON. If we have got through with the committee amendments I move that the Senate adjourn.

Mr. KENNA. I hope the Senator will allow this amendment to be offered.

Mr. HARRISON. I thought the understanding with the chairman was that we should go through with the committee amendments to-night.

The PRESIDING OFFICER. The Chair understood that the amendments submitted by the Senator from Massachusetts came from the committee.

Mr. HARRISON. They did not, I understand.

The PRESIDING OFFICER. The Senator from West Virginia offers an amendment which will be reported.

The CHIEF CLERK. After line 430 of section 1 it is proposed to insert:

For continuing the improvement of Little Kanawha River, West Virginia, the sum of $31,000 appropriated by the act of August 2, 1882, is made available.

Mr. KENNA. I hope there will be no objection to this amendment.

Mr. MCMILLAN. Will the Senator state the amendment?

Mr. KENNA. The amendment makes available the sum of $31,000, appropriated by the act of 1882 for the completion of the Little Kanawha River improvement. There was a condition attached to the appropriation in the House which was stricken out in the Senate. In conference the condition was restored. The money is appropriated but not available, because of the condition.

Mr. MCMILLAN. That was in the former bill.

Mr. KENNA. In the former bill. This makes no addition to the appropriation, and I hope the committee will make no objection to it.

Mr. RANSOM. It is simply asking the Senate to do what it did two years ago.

Mr. KENNA. Assuming that the Senate take the same position in regard to it that it took before.

Mr. MCMILLAN. Let the amendment remain until to-morrow morning and be the pending question.

Mr. KENNA. I have no disposition to press it unduly; but it being before the Senate I hope there will be no objection to it.

Mr. CONGER. The Senator proposes to make an addition to that amendment which has not been read.

Mr. KENNA. There is nothing in the amendment except simply a provision that the amount heretofore appropriated shall be available.

Mr. CONGER. But the addition.

Mr. KENNA. The condition is in the law now, and unless the amendment be adopted without the condition the money will not be available to complete the work. I say to the Senate that the sum of $79,000 has heretofore been appropriated, made available, and expended in the prosecution of this work. That amount is entirely wasted unless the sum necessary to complete the work be made available. This amendment has the effect of making that sum available which has been heretofore appropriated.

Mr. HARRISON. I insist on my motion to adjourn.

The PRESIDING OFFICER. The Chair had not heard the motion.

Mr. CONGER. Is there a right to take toll over a part of the work?

Mr. KENNA. There is no control by anybody over that part of the river for which the appropriation was made.

Mr. HARRISON. I believe——

The PRESIDING OFFICER. The Chair was not aware that the Senator from Indiana had made a motion to adjourn.

Mr. HARRISON. I think, as the committee do not quite understand this, it had better go over and be considered in the morning.

Mr. KENNA. I hope the Senator will allow this matter to be disposed of.

Mr. HARRISON. Evidently it is not understood just what the condition is. The Senator will have no trouble with his amendment in the morning. I move that the Senate adjourn.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

The PRESIDING OFFICER. Pending the motion to adjourn the Chair lays before the Senate the unfinished business, being the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes. The Senator from Indiana moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 30, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY.

The Journal of the proceedings of Saturday last was read and approved.

BUREAU OF LABOR.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accom-

panying documents, referred to the Committee on Appropriations, and ordered to be printed:

EXECUTIVE MANSION, *June* 28, 1884.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, calling attention to certain omissions, &c., in the act (House bill 1340) entitled "An act to establish a Bureau of Labor," and invite the attention of the Congress to the same.

CHESTER A. ARTHUR.

MEMORIAL OF NEW YORK MARINE UNDERWRITERS.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting memorial of George W. Brown, special agent of the marine underwriters of New York, with accompanying petitions, for the amendment of sections 5365 and 5366 of the Revised Statutes, restricting the application of the death penalty to certain cases; which was referred to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POLAND, until Tuesday next, on account of important business.

To Mr. WORTHINGTON, for one week.

To Mr. BLAND, indefinitely, on account of sickness in his family.

To Mr. SHAW, indefinitely.

ROSA VERTNER JEFFREY.

Mr. BLACKBURN. Mr. Speaker, I believe the House will bear me out in the assertion that in ten years' service here I have not often asked its indulgence. I now desire to ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and put the same upon its passage. I want to state that I make this request by the unanimous authority of the Committee on War Claims, the gentleman from Illinois [Mr. ROWELL] being the subcommittee having the bill in charge. It is a short bill, and I ask that it be read.

The bill was read, as follows:

Be it enacted, &c., That the claim of Rosa Vertner Jeffrey and the legatees of Claude M. Johnson for the proceeds of value of eight hundred and twenty bales of cotton alleged to have been appropriated by and to the use of the United States be, and the same is hereby, referred to the Court of Claims, with jurisdiction to hear and determine the same; and if it shall appear to the satisfaction of the said court that the said cotton, or any part thereof, was actually and lawfully seized and removed by the authorized agents of the United States, and not restored, nor the proceeds thereof paid to the owners, the court shall enter judgment for the reasonable value of said cotton, not exceeding the net proceeds of cotton taken at or about the same time in the same locality: *Provided*, That it shall also appear to the said court that the owners of the said cotton were in fact loyal to the Government of the United States during the late war.

Mr. BLACKBURN. I ask that the amendment proposed by the committee be read.

The Clerk read as follows:

Strike out in lines 11 and 12 the words "and not restored, nor the proceeds thereof paid to the owners," and insert "and the proceeds thereof received by the authorized agents of the United States." Also, after the word "locality," in the sixteenth line, insert "which judgment shall be payable from the net proceeds actually in the Treasury of cotton received by Treasury agents at Vicksburg against which no valid claims exist."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I see no objection to the reference to the Court of Claims under the Bowman bill. But the object here seems to be quite different from the mere reference under the general law. I do not understand from the reading of the bill the motive for this form of reference, and should like to hear an explanation from the gentleman in charge of it.

Mr. BLACKBURN. I will state—and it will take but a moment—if the gentleman from Indiana and the House will notice, the committee has put a proviso in the shape of a limitation upon the bill that seems to my mind to go even further than the general bill to which the gentleman has referred, because it is expressly stated on the part of the committee reporting this measure that if the Court of Claims find anything due it shall only be paid out of the net proceeds of cotton received at that one point against which no valid claims exist against the Treasury Department. It will be seen then that this bill is restricted in its effect so far as the fund applicable to its payment is concerned. The committee as a whole agreed to this, and the gentleman from Illinois [Mr. ROWELL], being the subcommittee in charge, in order to make provision for a definite settlement and a specific payment of the claim, not from any general fund but only from the net proceeds arising from the cotton in this one particular locality against which there exists no claim at present in the Treasury Department, proposes the amendment which fixes the limitation. I think the House will see that this is an express limitation, which does not apply under the general law. But the committee as a whole reported this, and of course I shall be content with it in its present form.

Mr. HOLMAN. The difference is that the judgment in this case seems to be made special, and would follow the cotton wherever it had gone; yet under the Bowman bill the finding of the court is to be simply certified back to Congress for an appropriation. I did not hear the first portion of the bill read, and ask that the bill and amendments be again reported.

The bill and amendments were again read.

Mr. HOLMAN. In this case now it is evident that the judgment, whatever it may be, is to be paid out of the proceeds of cotton received at a certain place. Under that language it would seem that the judgment if not satisfied by the cotton found at that point would be good against any other cotton held by the Government received at any other point. Suppose there is not enough cotton at that point to meet the judgment. Would it not stand as a judgment unsatisfied against the Government?

Mr. BLACKBURN. I do not so understand it. My information from the Treasury Department is that there were but five hundred bales of cotton received by the Treasury agents at that point; against that how much of valid claims exist I do not know; but the residue of it, if any, is to be applied solely to the settlement of this judgment. I do not understand that there will be any judgment remaining against the Government for the unpaid portion of the claim if this is not adequate. I do not think the bill itself would support that construction. Certainly that is not the understanding.

Mr. HOLMAN. Does not the bill itself give an improper advantage to this claimant over the other claims for cotton seized at some other place? It is impossible, of course, to trace the cotton which may have been seized at that point and shipped to other points where it was sold. Now it would seem, under the circumstances, that this would give undue advantages to this claimant in that respect, and that the residue of the unpaid claim arising from the cotton on hand from that point and actually received by the Treasury would follow as a judgment against the United States.

Mr. BLACKBURN. I wish to stand committed on the records of this Congress upon this construction: that the residue unpaid, if any, after the judgment of the Court of Claims has been rendered, will not be construed as a judgment against the Government at all.

Mr. HOLMAN. As the bill comes from the Committee on Ways and Means, as I understood unanimously, with that condition, I shall not make objection to it.

Mr. BLACKBURN. It comes from the Committee on War Claims.

Mr. HOLMAN. I should like to have a statement of the chairman of the committee, who I see is present.

Mr. GEDDES. I can add but little to what has been said by the gentleman from Kentucky. This amendment suggested by him was submitted to me and to other members of the committee, and I believe was generally satisfactory. It was supposed that it would be paid out of this specific fund and none other; but if that fund prove insufficient, in my judgment there would be no remaining claim against the United States for any unpaid portion. If it is liable to any other construction it would not have met my approval, nor do I believe it would have met the approval of the committee.

Mr. BLACKBURN. I am perfectly willing——

Mr. HOLMAN. If the gentleman from Ohio thinks the bill with that limitation is a proper one——

Mr. GEDDES. It made that impression on my mind. I am still satisfied with it.

Mr. HOLMAN. I do not wish to consume the time of the House, and if that provision be incorporated upon the bill I will not object.

The SPEAKER. The committee propose an amendment by striking out the following words: "and not restored nor the proceeds thereof paid to the owners," and in lieu thereof inserting "and the proceeds thereof received by the authorized agents of the United States."

The bill as sent to the desk by the gentleman from Kentucky [Mr. BLACKBURN] strikes out the words which the committee have proposed to insert.

Mr. BLACKBURN. I want it with the limitation that the committee have put in the bill.

The SPEAKER. Then this is a mistake.

Mr. BLACKBURN. Certainly.

Mr. STORM. I am a member of the Committee on War Claims, and I wish to say in my own behalf that I have no recollection that that amendment was ever submitted to me. I do not want therefore to go on the record as having indorsed any violation of the principle underlying the Bowman bill, that the judgment of the Court of Claims must always come back to the committee for action and the money must be appropriated by Congress to pay that judgment. I have no objection in this case, if it is so provided in the bill, that if the specific fund out of which the judgment is to be paid is not sufficient there shall be no lien against the Government.

Mr. BLACKBURN. To that I am perfectly willing to agree.

The SPEAKER. The Chair will recognize the gentleman's amendment as soon as the pending amendment of the committee before the House is disposed of.

Mr. RANDALL. Let there also be an amendment providing that it shall come under the provisions of the Bowman bill.

Mr. BLACKBURN. The Committee on War Claims are willing the bill should pass with this special limitation. I am willing to accept the suggestion which has been made on the part of the gentleman from Pennsylvania, that it shall be further amended so there shall be no

judgment against the Government because of any deficit in this special fund.

Mr. RANDALL. But that does not bring it under the principles of the Bowman bill.

The SPEAKER. The amendment of the committee will again be read.

The Clerk read as follows:

Insert before the word "provided" the following:
"Which judgment shall be payable from the net proceeds actually in the Treasury of cotton received by the Treasury agents at Vicksburg against which no valid claim exists."

The amendment was agreed to.

Mr. STORM. I now move to insert at the end of the bill the following:

Provided, The sum paid out of said specific fund shall be in full satisfaction of said judgment.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLACKBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of a bill (H. R. 7225) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, with amendments, in which concurrence was requested.

DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. I ask by unanimous consent to take from the Speaker's table the message just received from the Senate.

There was no objection, and the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, with the amendments of the Senate, was taken from the Speaker's table.

Mr. RANDALL. There are two hundred and twenty-odd amendments to that bill inserted by the action of the Senate. I have the consent of a majority of the Committee on Appropriations to ask the Senate amendments be printed and numbered, and further to move non-concurrence in those Senate amendments.

Mr. TOWNSHEND. How much do they add to the total of the bill?

Mr. RANDALL. Over $1,000,000.

Mr. RANDALL's motion was agreed to.

Mr. RANDALL. For the purpose of shortening the controversy between the two Houses I ask the usual course be departed from, and that a committee of conference be requested on the disagreeing votes of the two Houses.

The SPEAKER. That is entirely regular and parliamentary, and if there be no objection it will be agreed to.

There was no objection, and it was ordered accordingly.

The SPEAKER appointed as managers of said conference on the part of the House, Mr. RANDALL, Mr. BURNES, and Mr. CANNON in the absence of the gentleman from Indiana [Mr. CALKINS].

Some time subsequently,

The SPEAKER announced the appointment of Mr. CALKINS in the place of Mr. CANNON, declined, as one of the conferees on the part of the House.

AMERICAN-SPANISH COMMISSION.

On motion of Mr. RANDALL, from the Committee on Appropriations, that committee was discharged from the further consideration of the message from the President of the United States transmitting a communication from the Secretary of State recommending an appropriation for the various umpires in the late American-Spanish Commission; and the same was referred to the Committee on Foreign Affairs.

TOBACCO DESTROYED BY FLOOD IN OHIO RIVER.

On motion of Mr. RANDALL, from the Committee on Appropriations, by unanimous consent, that committee was discharged from the further consideration of the bill (H. R. 5855) authorizing the Secretary of the Treasury to ascertain the value of revenue stamps affixed to manufactured tobacco destroyed by reason of flood in the Ohio River, and making an apppropriation to pay the holders thereof; and the same was referred to the Committee on Ways and Means.

OZETTE INDIANS.

On motion of Mr. RANDALL, from the Committee on Appropriations, by unanimous consent, that committee was discharged from the further consideration of the message from the President of the United States transmitting a communication from the Secretary of State recommending an appropriation for rewarding the services of the Ozette Indians in rescuing and caring for the crew of the American steamer Umatilla; and the same was referred to the Committee on Indian Affairs.

ABANDONED AND USELESS MILITARY RESERVATIONS.

On motion of Mr. MAGINNIS, by unanimous consent, the House took from the Speaker's table a message from the Senate asking for a conference on the disagreeing votes of the two Houses on the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations.

Mr. MAGINNIS. I move the request of the Senate be agreed to.

The motion was agreed to; and the Speaker appointed as managers of said conference on the part of the House Mr. ROSECRANS, Mr. MORGAN, and Mr. STEELE.

PORTS OF DELIVERY.

Mr. HISCOCK. I ask unanimous consent to report at this time from the Committee on Ways and Means for present consideration the bill (H. R. 6750) with amendments.

The bill was read, as follows:

A bill (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes.

Be it enacted, &c., That paragraph 7 of section 2527 of the Revised Statutes be, and hereby is, amended by adding after the word "Provincetown" the word "Dennis."

The following amendments were recommended by the Committee on Ways and Means:

In line 5 change "word" to "words."
In line 6, after the word "Dennis," add the word "Bourne."

Mr. WELLER. I would like the gentleman from New York to state the purpose of the bill.

Mr. HOLMAN. It is impossible to understand the effect of this unless the section of the Revised Statutes be read.

Mr. HISCOCK. The bill with the amendment of the committee simply makes two other ports of delivery in a collection district. It involves no expense to anybody. It does not increase the expense at all. The matter was considered by the Committee on Ways and Means, and they report it favorably.

Mr. RANDALL. We have just passed a law, so far as the action of the House is concerned, to reduce the number of collection districts.

Mr. HISCOCK. It does not affect the collection districts at all.

Mr. RANDALL. Are they ports of delivery or ports of entry?

Mr. HISCOCK. Ports of delivery.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS MISSISSIPPI RIVER AT SAINT PAUL.

Mr. WASHBURN. I rise to make a privileged report. I send to the desk the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments numbered 1, 2, 4, 5, 6, 7, and 8.

That the Senate recede from its disagreement to amendment numbered 3, with amendments as follows:

In the first line strike out the word "rafts."

In the second and fifth lines strike out "water crafts" and insert "water craft."

Also, strike out the words "costs and damages of the common council of the city of Saint Paul, in the State of Minnesota," and insert in lieu thereof "expense of the city of Saint Paul, or of the persons or corporation constructing, owning, or operating said bridge;" and that the House agree to the same.

W. D. WASHBURN,
L. H. WELLER,
S. R. PETERS,
Managers on the part of the House.

S. J. R. MCMILLAN,
G. G. VEST,
O. D. CONGER,
Managers on the part of the Senate.

The SPEAKER. The Chair is informed that there is no statement accompanying the report. If the point is not insisted on the Chair will submit the question on agreeing to the report.

The report was agreed to.

Mr. WASHBURN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DUNN. I call for the regular order.

Mr. MATSON addressed the Chair.

The SPEAKER. The regular order is demanded. If there be no objection, the Chair will state there are a number of House bills granting pensions with Senate amendments upon the Speaker's table. If there be no objection those bills will be taken up for consideration at this time.

Mr. DUNN. I object.

The SPEAKER. The regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. On this call resolutions of inquiry addressed to heads of Departments are in order, and also resolutions and memorials of State and Territorial Legislatures for reference only.

Mr. MILLS. I move that the call of States and Territories be dispensed with.

The SPEAKER. That can only be done by unanimous consent.

Mr. MILLS. I ask unanimous consent.

The SPEAKER. The gentleman from Texas [Mr. MILLS] asks unanimous consent that the call of States and Territories for the introduction of bills and joint resolutions be dispensed with.

Mr. BAGLEY. I object.

ANNIE DILLER.

Mr. MORRISON (by Mr. MOULTON) introduced a bill (H. R. 7441) for the relief of Annie Diller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW ACKERMAN.

Mr. MORRISON (by Mr. MOULTON) also introduced a bill (H. R. 7442) for the relief of Andrew Ackerman, late private Company D, First Missouri Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER LOCK.

Mr. WARD introduced a bill (H. R. 7443) granting a pension to Peter Lock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEAL FOR UNITED STATES PENSION OFFICE.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 7444) authorizing a seal for the United States Pension Office, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES AGNEW.

Mr. STOCKSLAGER introduced a bill (H. R. 7445) for the relief of James Agnew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. MANNINGTON.

Mr. STOCKSLAGER also introduced a bill (H. R. 7446) for the relief of John W. Mannington; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEBERT TONEY.

Mr. WELLER introduced a bill (H. R. 7447) granting a pension to Lebert Toney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M. FORSYTHE.

Mr. PETERS introduced a bill (H. R. 7448) to increase the pension of Robert M. Forsythe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. J. READ.

Mr. HALSELL introduced a bill (H. R. 7449) for the benefit of S. J. Read; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD.

Mr. LEWIS introduced a joint resolution (H. Res. 278) directing the Attorney-General to institute legal proceedings for the recovery and restoration of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGES OVER RIVERS IN LOUISIANA AND ARKANSAS.

Mr. KING introduced a bill (H. R. 7450) authorizing the construction of bridges across the Tensas River, Bœuf River, and Bayou Bartholomew, in the States of Louisiana and Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PREVENTION OF ASIATIC CHOLERA.

Mr. KING also introduced a bill (H. R. 279) appropriating $200,000 to be expended by the National Board of Health to prevent the introduction and spread of the Asiatic cholera in the United States; which was read a first and second time, referred to the Select Committee on the Public Health, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. 2352) to continue the public printing.

FRANCIS MARION HALE.

Mr. MCCOMAS introduced a bill (H. R. 7451) for the relief of Francis Marion Hale, late private Company G, Second California Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DERELICT COTTON.

Mr. MORSE (by request) introduced a bill (H. R. 7452) conferring jurisdiction upon the Court of Claims in certain cases involving the title to proceeds of derelict cotton picked up on the high seas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN WINCHELL.

Mr. MAYBURY introduced a bill (H. R. 7453) to grant arrears of pension to John Winchell, of Detroit, Mich.; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

LAND LAWS.

Mr. MAYBURY introduced a joint resolution (H. Res. 280) directing the Committees on Public Lands of the House and Senate to jointly investigate the operations of the homestead, pre-emption, and other laws in encouraging settlements on the public lands by emigrants, and reporting such amendments to the laws as will more effectually aid in the accomplishment of their beneficent purpose; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. MAYBURY also introduced a joint resolution (H. Res. 281) directing the Secretary of the Treasury to suspend action in the matter of erecting public buildings in all cases where bills have been reported favorably to this House authorizing a relocation of sites for such buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRANCIS M. JOHNSON.

Mr. REED introduced a bill (H. R. 7454) for the relief of Francis M. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. PARKER.

Mr. CARLETON introduced a bill (H. R. 7455) to admit to registry the steamboat George H. Parker; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM J. POITEVANT.

Mr. VAN EATON introduced a bill (H. R. 7456) for the relief of William J. Poitevant; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. J. SMITH.

Mr. MORGAN (by request) introduced a bill (H. R. 7457) to authorize the President of the United States to place the name of A. J. Smith, late colonel Second Cavalry, on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAINT LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. MORGAN (by request) also introduced a bill (H. R. 7458) to amend an act entitled "An act to grant the right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francico Railway Company, and for other purposes;" which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PATRICK M'INTYRE.

Mr. GRAVES introduced a bill (H. R. 7459) for the relief of Patrick McIntyre; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF NEW YORK HARBOR.

Mr. MCADOO presented the following concurrent resolution of the Legislature of the State of New Jersey; which was referred to the Committee on Rivers and Harbors, and ordered to be printed in the RECORD:

Concurrent resolution, State of New Jersey.

Whereas it appears from the report of Commander Taylor, of the United States Navy, naval aid to the mayor of the city of New York, that the approach to the port of New York at Sandy Hook has become inadequate to meet the commercial necessities of the times by reason of shoaling and the increased draught of modern ships, which facts affects most seriously the commercial, manufacturing, and other interests of New Jersey, which are identical with those of New York, and have in great part their communication with the world at large through the same channel; and

Whereas the authorities of the city and State of New York have taken or are about to take action requesting the General Government to improve the said

entrance to the port of New York, and it is the interest of New Jersey to aid in every way: Therefore,

Be it resolved by the house of assembly of New Jersey (the senate concurring), That the Senators and Representatives of this State in Congress be urgently requested to use their endeavors toward securing such prompt and efficient action of the General Government for the improvement of the entrance to the port of New York at Sandy Hook as the case demands and as is warranted by the demands of a foreign commerce exceeding that of all the remainder of our country; and

Further resolved, That copies of these resolutions be forwarded to the Senators and Representatives of this State, to be presented by them to their respective Houses.

BRIDGING STATEN ISLAND SOUND.

Mr. MCADOO also presented the following concurrent resolution of the Legislature of the State of New Jersey; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD:

Concurrent resolution, State of New Jersey.

Be it resolved by the house of assembly (the senate concurring), That the Senators and Representatives representing this State in the Congress of the United States are earnestly requested to use all honorable means to prevent the passage of any bill having for its object the building of a bridge between any portion of the State of New Jersey and Staten Island, in the State of New York.

IMPORTATION OF LABORERS.

Mr. BAGLEY introduced a bill (H. R. 7460) to prohibit the business of importing certain laborers, lazzaroni, and beggars into the United States and Territories and hiring out the same; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

THOMAS FARTHING AND OTHERS.

Mr. ROGERS, of New York, introduced a bill (H. R. 7461) for the relief of Thomas Farthing, and Matilda Farthing, executrix of George Farthing, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMPILATION OF HOUSE REPORTS.

Mr. ROGERS, of New York, also introduced a joint resolution (H. Res. 282) authorizing the preparation of a compilation of the reports of the committees of the House of Representatives; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BILLS OF LADING.

Mr. JAMES introduced a bill (H. R. 7462) to provide for the liability of common carriers on bills of lading and to declare the rights of holders of bills of lading; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CATHERINE BAUR.

Mr. JAMES also introduced a bill (H. R. 7463) for the extension of letters patent to Catherine Baur, widow of Julius Baur; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JEREMIAH SIMONSON.

Mr. COX, of New York, introduced a bill (H. R. 7464) for the relief of Jeremiah Simonson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TREATMENT OF HEBREWS IN RUSSIA.

Mr. COX, of New York, also presented the following resolution; which was referred to the Committee on Foreign Affairs:

Whereas the following resolution was reported from the Committee on Foreign Affairs, and passed the House of Representatives on the 25th day of February last, and was received at the Executive Mansion on the 26th day of February last, namely:

"*Resolved*, That the President of the United States, if not incompatible with the public service, communicate to this House all communications between the Government of Russia and that of the United States not heretofore communicated or embraced in the report of the Secretary of State now being prepared for publication, with respect to the condition and treatment of Hebrews by the Government of Russia, and especially with reference to Hebrew citizens of the United States;" and

Whereas no communication to this House has been made by the President of the United States in relation to the subject-matter of said resolution, and inasmuch as it is reported in the Jewish Chronicle of June 6, 1884, and in other newspapers, that the number of Jewish victims of the persecution against the Jews in Russia has increased during the past year and since the resolution has been adopted; and

Whereas the condition of said religionists in Russia is most deplorable by reason of said persecution, and the promised manifestoes in mitigation of the severities of said persecution having resulted in disappointment: Therefore,

Be it resolved, That the President of the United States, for the information of this House, if not incompatible with the public service, be respectfully requested to comply with the above-recited resolution.

A. G. COOK AND MOSES MERRICK.

Mr. NUTTING introduced a bill (H. R. 7465) authorizing the Secretary of the United States Treasury to refund certain duties paid by A. G. Cook and Moses Merrick; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

A. G. COOK.

Mr, NUTTING also introduced a bill (H. R. 7466) authorizing the Secretary of the Treasury of the United States to refund certain duties paid by A. G. Cook; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BEACH submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of bills and resolutions which shall have been previously reported by committees of the House and such reports printed, and Senate bills and resolutions on the Speaker's table which, or substantially similar measures, shall have received favorable action of appropriate House committees, in the following manner, to wit:

The Speaker shall call the committees in their order, whereupon, by direction of committees so called, not more than one measure may be called up for final consideration, which measure may or may not belong to the committee making the direction, as the case may be. If not more than five members object, such consideration shall proceed, provided that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees or explanations in lieu thereof, this hour not to interfere with revenue or appropriation bills.

S. MAXWELL.

Mr. YORK introduced a bill (H. R. 7467) for the relief of S. Maxwell, of Ashe County, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD W. M'GINNIS.

Mr. VANCE introduced a bill (H. R. 7468) for the relief of Edward W. McGinnis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY M'INTOSH.

Mr. VANCE also introduced a bill (H. R. 7469) granting an increase of pension to Mrs. Mary McIntosh, widow of First Lieut. Donald McIntosh, Seventh Cavalry, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES WALSH.

Mr. VANCE also introduced a bill (H. R. 7470) for the relief of Charles Walsh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMMERCE AND NAVIGATION.

Mr. HARMER (by Mr. VANCE) introduced a bill (H. R. 7471) to modify existing laws relating to regulation of commerce and navigation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

W. C. HUTCHESON.

Mr. WALLACE introduced a bill (H. R. 7472) for the relief of W. C. Hutcheson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DOMESTIC MATERIAL IN GOVERNMENT VESSELS.

Mr. HOPKINS introduced a bill (H. R. 7473) requiring the use of domestic material in the construction and repair of Government vessels, steam-boilers, and ordnance; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE LAMPMAN.

Mr. CONNOLLY introduced a bill (H. R. 7474) granting a pension to George Lampman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM TALBOTT.

Mr. CALDWELL introduced a bill (H. R. 7475) for the relief of William Talbott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. C. PHILLIPS.

Mr. HANCOCK introduced a bill (H. R. 7476) for the relief of W. C. Phillips; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VIRGINIA JUDICIAL DISTRICT.

Mr. O'FERRALL introduced a bill (H. R. 7477) to unite and consolidate the eastern and western United States judicial districts of Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN F. SMITH.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 7478) for the relief of John F. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS CUMMINGS.

Mr. PRICE introduced a bill (H. R. 7479) to remove the charge of desertion which now stands against the name of Thomas Cummings; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. FRANCIS KERSHAW.

Mr. PRICE also introduced a bill (H. R. 7480) granting a pension to Mrs. Frances Kershaw, widow of W. J. Kershaw; which was read a

first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. MARSTON.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 7481) for the relief of Thomas J. Marston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWAY A. GRANT.

Mr. RAYMOND introduced a bill (H. R. 7482) for the relief of Edway A. Grant; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INSURANCE COMPANIES.

Mr. RAYMOND also presented memorial of the Legislature of Dakota, asking Congress to authorize the Legislative Assembly of Dakota to grant charters to insurance companies and other corporations; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

ANDREW J. LONG.

Mr. BRENTS introduced a bill (H. R. 7483) granting a pension to Andrew J. Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN REEVE.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 7484) for the relief of John Reeve; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALEXANDER WEIDE.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 7485) granting a pension to Alexander Weide, late captain Company C, Third Regiment West Virginia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SQUIRE A. DAVIS.

Mr. STRUBLE introduced a bill (H. R. 7486) for the relief of Squire A. Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES BROWN.

Mr. WEAVER introduced a bill (H. R. 7487) granting a pension to James Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FIRST NATIONAL BANK, OMAHA.

Mr. WEAVER also introduced a bill (H. R. 7488) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ENROLLED BILLS.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 229) granting a pension to Elizabeth H. Lawler;
A bill (H. R. 267) granting a pension to James King;
A bill (H. R. 314) for the relief of John W. Cummings;
A bill (H. R. 554) granting a pension to Joseph T. Caldwell;
A bill (H. R. 585) granting a pension to William Reinhardt;
A bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton;
A bill (H. R. 1237) granting a pension to Solomon K. Ruggles;
A bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dixon;
A bill (H. R. 1411) granting a pension to Martha B. McCullach, of Freeport, Pa.;
A bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia;
A bill (H. R. 1631) to increase the pension of Mathew O. Regan;
A bill (H. R. 1751) for the relief of William R. Browne;
A bill (H. R. 1977) for the relief of Maria L. Hammer;
A bill (H. R. 1998) for the relief of William J. Sawyer;
A bill (H. R. 2252) for the relief of Christopher P. Davidson;
A bill (H. R. 2378) restoring to the pension-roll the name of John Allee;
A bill (H. R. 2419) granting a pension to Robert Nutt;
A bill (H. R. 2425) granting a pension to Catharine Henry;
A bill (H. R. 2447) for the relief of Catherine Terry;
A bill (H. R. 2536) granting a pension to Michael Mack;
A bill (H. R. 2543) granting a pension to James Roden;
A bill (H. R. 2660) granting a pension to William Printz;
A bill (H. R. 2714) to increase the pension of Thomas E. Wilson;
A bill (H. R. 3294) granting a pension to Emma A. Porch;
A bill (H. R. 3307) granting a pension to Harriet P. Dame;
A bill (H. R. 3331) for the relief of Ann McCarney;
A bill (H. R. 3623) granting a pension to Sarah E. Price;
A bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce;
A bill (H. R. 4234) granting a pension to Mary Ullery;
A bill (H. R. 5070) granting a pension to Temple Golden;
A bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband;
A bill (H. R. 6171) granting a pension to Noah E. Smith;
A bill (H. R. 6529) for the relief of John Kane; and
A bill (H. R. 6761) respecting a bridge at Tonawanda, in the State of New York.

Mr. NEECE, from the Committee on Enrolled Bills, also reported that they had examined and found truly enrolled bills of the Senate of the following order, namely:

A bill (S. 42) for the relief of Joseph F. Wilson; and
A bill (S. 534) for the relief of J. S. Pickett.

LIABILITIES OF THE DISTRICT OF COLUMBIA IN CERTAIN CASES.

Mr. JEFFORDS introduced a bill (H. R. 7489) to define the duties and liabilities of the District of Columbia under certain conditions; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TEMPORARY APPROPRIATIONS.

Mr. RANDALL. Under instructions from the Committee on Appropriations, I report at this time for present consideration a joint resolution (H. Res. 283) which I send to the desk.

The Clerk read as follows:

Joint resolution to provide temporarily for the expenditures of the Government.

Resolved by the Senate and House of Representatives, &c., That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1884, be, and they are hereby, continued and made available for a period of five days from and after that date, unless the regular appropriations therefor provided for in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1885; and in case the appropriations or any of them hereby continued are or is insufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry on the same: *Provided*, That no greater amount shall be expended therefor than will be in the same proportion to the appropriations of the fiscal year 1884 as five days' time bears to the whole of said fiscal year: *Provided further*, That authority is also granted for continuing during the same period the necessary work required for public printing and binding, and for all other miscellaneous objects made in the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects: *And provided further*, That all sums expended under this act shall be charged to and deducted from the appropriations for like service for the fiscal year ending June 30, 1885.

Mr. RANDALL. That resolution is of like character and substance and almost identical in language, except that it is made applicable to the present time, with the resolution under like circumstances heretofore adopted and made law. The object is to continue lawfully for five days after the close of the current fiscal year the governmental expenses under the existing appropriation acts. It meets with the approval of every member of the Committee on Appropriations who has been consulted save one, whom I have not been able to reach this morning. It takes the place generally of a bill from the Senate which related to permitting the public printing to go on, and includes every department of the Government, so that no friction may be occasioned in the administration of our affairs and no lack of money to execute the laws.

I ask the adoption of the resolution.

The joint resolution was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. Several gentlemen who were absent when their States were called desire to introduce bills for reference. If there be no objection the Chair will now recognize them for that purpose.

GEORGE RALSTON.

Mr. HOLMAN introduced a bill (H. R. 7490) granting a pension to George Ralston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS LEVI.

Mr. HOLMAN also introduced a bill (H. R. 7491) for the relief of Thomas Levi, of Ripley County, State of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

METRIC SYSTEM OF WEIGHTS AND MEASURES.

Mr. EVERHART introduced a bill (H. R. 7492) to establish a metric system of weights and measures in the Departments of the Government; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MRS. SARAH M. SHEARER.

Mr. McCOMAS introduced a bill (H. R. 7493) for the relief of Mrs. Sarah M. Shearer, widow of Lieut. Col. Crawford W. Shearer, of the Maryland volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. KIRK.

Mr. ROSECRANS introduced a bill (H. R. 7494) for the relief of Col. George W. Kirk; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted upon its amendments to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, disagreed to by the House of Representatives, and agreed to the conference asked by the House on the disagreeing votes thereon, and had appointed Messrs. HALE, ALLISON, and COCKRELL managers at said conference on the part of the Senate.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3950) for the relief of Mrs. Margaret Cassidy; and

A bill (H. R. 1299) for the relief of Alonzo Gesner.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.

The message further announced that the Senate requested the return of the bill (H. R. 4680) to grant the right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

RETURN OF A BILL TO THE SENATE.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Clerk will report the resolution of the Senate requesting the return of a bill.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 30, 1884.

Ordered, That the Secretary be directed to request the return to the Senate of the bill (H. R. 4680) to grant the right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

Mr. RANDALL. I move that the request of the Senate be complied with.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. ELLIS. Mr. Speaker, I rise to a privileged report. I am directed by the conference committee on the part of the House to make the following report on the main portion of the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6092) "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1885, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 17, 18, 21, 44, 50, 54, 56, 69, 79, 83, 90, 99, 119, 120, 131, 138, 139, 140, and 154.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 12, 13, 15, 16, 19, 22, 24, 25, 26, 27, 28, 29, 30, 33, 34, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 51, 52, 55, 58, 59, 60, 61, 62, 63, 65, 68, 70, 71, 73, 77, 82, 84, 85, 87, 88, 89, 91, 92, 95, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 121, 122, 124, 125, 126, 128, 129, 130, 134, 135, 136, 137, 141, 142, 143, 144, 147, 148, 149, 150, 151, 152, 153, 156, 157, 160, 162, and 163, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,800;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$90,000;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$35,000;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$49,700;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$36,600;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$65,000;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$118,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$5,000;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$9,000;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$46,000;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*And provided further*, That this shall apply only to original Sacs and Foxes now in Iowa, to be ascertained by the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$25,800:" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$50,000;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1-676,300;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$25,000;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with amendments as follows: After the word "mutton," on page 27, in line 4 of the bill, strike out the words "wheat, flour," and after the word "potatoes," in line 5, insert the words "or other necessary articles of food," and in lieu of the sum proposed by said amendment insert "$25,000;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$50,000;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "That the lands acquired from the White Oak Point and Mille Lack bands of Chippewa Indians on the White Earth reservation in Minnesota, by the treaty proclaimed March 20, 1865, shall not be patented or disposed of in any manner until further legislation by Congress;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment numbered 76, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "To enable the Secretary of the Interior to pay to the Flathead, Kootenay, and Lower Pend d'Oreilles Indians in Montana Territory for the right of way to the Northern Pacific Railroad Company over and through their reservation, $16,000, to be paid in accordance with an agreement made between said tribes and the United States on September 2, 1882, and being the sum paid to the United States by the Northern Pacific Railroad Company in part payment for said right of way, which agreement is hereby ratified: *Provided*, That nothing herein shall be construed as in any wise affecting the relation between the Government and said railroad company growing out of the grant of land made to said company beyond the right of way provided for in said agreement;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$23,000;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$18,000;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert $16,500; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert $40,000; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$510,000;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$40,000;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$575,000;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment strike out the word "fifteen" and in lieu thereof insert the word "ten;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$167;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Strike out the word "Indian" proposed to be inserted by said amendment; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: After the word "farmers," in line 2 of said amendment, insert the words "in addition to the agency farmers now employed, at wages not exceeding $75 each per month;" and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: After the word "Piutes," in line 2 of the amendment, insert the words "and other unsettled Piutes;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following as a separate paragraph:

"That where Indians are in possession or control of cattle, or their increase, which have been purchased by the Government, such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong, or to any citizen of the United States, whether intermarried with the Indians or not, except with the consent in writing of the agent of the tribe to which the owner or possessor of the cattle belongs; and all sales made in violation of this provision shall be void, and the offending purchaser, on conviction thereof, shall be fined not less than $500 and imprisoned not less than six months."

And the Senate agree to the same.

Amendment numbered 146; That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$275,000;" and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That the Secretary of the Interior is authorized to detail a proper person or persons from the employés of the Geological Survey, and to also appoint a suitable person not now in the employ of the Government, which said persons shall constitute a commission, who shall, under the direction of the Secretary, proceed to examine and report upon the character, extent, thickness, and depth of each vein, the value of the coal per ton on the dump, and the best method to utilize the same, and to report their opinions as to the best method of disposing thereof within the White Mountain Indian reservation, in the Territory of Arizona, and the result of said investigation, to the Secretary and by him transmitted to Congress. And for the compensation and expenses of the member of the commission not of the Geological Survey, and for the expenses of examination and investigation on the ground, $2,500; and the Senate agree to the same."

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with amendments as follows: In line 13 of said amendment strike out the letter "T" and insert the letter "F;" and in line 14 strike out the letter "F" and insert the letter "E;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "otherwise," insert the word "hereafter;" and after the word "locate," in same line, strike out the words "during the year for which this appropriation is made;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the words "in making them farms," and in lieu thereof insert the words "to become farmers;" and the Senate agree to the same.

On amendments numbered 8, 9, 10, and 11 the conference committee is unable to agree.

E. JNO. ELLIS,
WM. S. HOLMAN,
THOS. RYAN,
Managers on the part of the House.
H. L. DAWES,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department for the fiscal year ending June 30, 1885, submit the following written statement in explanation of the action recommended in the accompanying conference report:

On amendments numbered 1, 2, 3, 4, 5, 6, and 7: Fixes the salaries of Indian agents at points as follows: Pine Ridge and Rosebud agencies at $2,200 each; at the Mescalero agency at $1,800; at the Sac and Fox agency at $1,200; at the Cheyenne and Arapahoe agency at $2,200, and at the Mackinac agency at $1,000.

On amendment numbered 12: Appropriates $6,000 for traveling expenses of Indian inspectors.

On amendments 13 and 14: Makes appropriation of $1,500 for traveling and incidental expenses of one Indian school superintendent, and $35,000 for buildings at agencies.

On amendments 15 and 16: Provides for five special agents in the Indian service, and makes a verbal correction in the text of the bill.

On amendment 17: Strikes out the proposed reappropriation of unexpended balances of appropriations for expenses of the commission of citizens.

On amendments 18, 19, and 20: Appropriates $12,000 for purchase of clothing; strikes out item of $5,000 for school buildings and teachers for the Apaches, Kiowas, and Comanches, and corrects a total.

On amendments 21, 22, and 23: Appropriates $10,000 for purchase of clothing; strikes out item of $5,000 for school buildings and teachers for the Cheyennes and Arapahoes, and corrects a total.

On amendment 24: Makes a verbal correction in the text of the bill.

On amendment 25: Provides that the remainder of the land not held for the use of the Indians on the Columbia reservation shall be disposed of to actual settlers under the homestead laws only, except such portion thereof as may properly be subject to sale under the laws relating to the entry of timber lands and of mineral lands, the entry of which shall be governed by the laws now in force concerning the entry of such lands.

On amendment 26: Strikes out provision that $2,000 of the appropriation to pay interest due the Creeks shall be expended for educational purposes.

On amendments 27, 28, 29, 30, 31, and 32: Strikes out provision that $3,000 of the appropriation for the Crows shall be expended for educational purposes; appropriates $5,000 for cotton and flannel goods for Crow Indian boys and girls; and instead of an enumeration of articles of food that shall be purchased for the Crows, discretion is given to purchase such articles as may be necessary, and corrects a total.

On amendments 33, 34, 35, and 36: Appropriates $5,000 for support of Kickapoo Indians in the Indian Territory, and for purchase of stock for them, and corrects a total.

On amendments 37, 38, 39, 40, and 41: Makes verbal corrections in the text of the bill.

On amendment 42: Strikes out provision to pay Matilda Teresa Rousseau her pro rata share of money heretofore paid to Miami tribe of Indians.

On amendment 43: Strikes out appropriation of $10,000 for school buildings and teachers for the Navajoes.

On amendments 44, 45, 46, and 47: Appropriates $25,000 for necessary articles and $12,000 for clothing for the Northern Cheyennes and Arapahoes; that the appropriations shall be expended pro rata for said Indians in Wyoming and on the Tongue River in Montana, and corrects a total.

On amendment 48: Strikes out provision that $7,500 of the appropriation for the Omahas shall be expended for educational purposes.

On amendment 49: Provides that hereafter the original Sacs and Foxes of Iowa shall have apportioned to them their per capita proportion of the amount appropriated for fulfilling treaties with their tribes. Said original Sacs and Foxes to be ascertained by the Secretary of the Interior.

On amendments 50 and 51: Appropriates $10,000 for clothing and other goods for the Shoshones and strikes out item of $3,000 for school buildings and teachers.

On amendments 52 and 53: Strikes out item of $2,000 for school buildings and teachers for the Bannocks and corrects a total.

On amendments 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64, which relate to the Sioux of different tribes: Appropriates $38,000 for clothing, $25,000 for additional employés at agencies in Nebraska and Dakota; $1,225,000 for subsistence, $50,000 to be expended on condition that the remainder of Sitting Bull's band shall return to the United States and unite with their tribes; strikes out the provision limiting the amount to be expended for transportation from terminations of railroad or steamboat transportation, that the supplies issued under the appropriation for subsistence shall not be issued for a greater length of time than ten days, the provision of $25,000 for school buildings and teachers, and corrects a total.

On amendment 65: Makes the appropriation for subsistence and civilization of the Yankton Sioux available for purchase of stock for their use.

On amendments 66, 67, 68 and 69: Appropriates $25,000 for clothing for the confederated bands of Utes; in lieu of specific articles authority is given to buy necessary articles of food; the item of $5,000 for school buildings and teachers is stricken out, and a total is corrected.

On amendment 70: Inserts the following: "Three thousand dollars, or so much thereof as may be necessary, to enable the President to cause to be surveyed such portion of the Puyallup reservation in Washington Territory into lots as he may deem advisable and direct, and the same assign to such individual Indians or families of such reservation as are willing to avail themselves of the privilege and will locate on the same as permanent homes in accordance with the terms of article 6 of the treaty made on December 26, 1854, and ratified by the Senate March 3, 1855."

On amendment 71: Appropriates $25,000 for subsistence and civilization of the Assinaboines in Montana.

On amendment 72: Appropriates $50,000 for support, education, and civilization of the Blackfeet, Bloods, and Piegans.

On amendments 73 and 74 Makes a verbal correction in the text of the bill and appropriates $5,000 for the settlement and subsistence of the Turtle Mountain band of Chippewas.

On amendments 75 and 76: Inserts the following paragraphs:

"That the lands acquired from the White Oak Point and Mille Lac bands of Chippewa Indians on the White Earth reservation, in Minnesota, by the treaty proclaimed March 20, 1865, shall not be patented or disposed of in any manner until further legislation by Congress.

"To enable the Secretary of the Interior to pay to the Flatheads, Kootenay, and Lower Pend d'Oreilles Indians in Montana Territory for the right of way to the Northern Pacific Railroad Company over and through their reservation, $16,000, to be paid in accordance with an agreement made between said tribes and the United States on September 2, 1882, and being the sum paid to the United States by the Northern Pacific Railroad Company in part payment for said right of way, which agreement is hereby ratified: *Provided*, That nothing herein shall be construed as in any wise affecting the relation between the Government and said railroad company growing out of the grant of land made to said company beyond the right of way provided for in said agreement."

On amendment 77: Inserts the following: "For support and civilization of Charlos's band of Flathead Indians, to be expended under the direction of the Secretary of the Interior for those of said Indians who remain in Bitter Root Valley, as well as for those who remove to the Jocko reservation, $21,000, to be immediately available."

On amendment 78: Appropriates $23,000 for subsistence and civilization of the Gros Ventres in Montana.

On amendment 79: Appropriates $80,000 for the support of Indians at Fort Peck agency.

On amendment 80: Appropriates $18,000 for the Shoshones, Bannocks, and other Indians of the Fort Hall reservation.

On amendment 81: Appropriates $16,500 for the Shoshone's, Bannock's, Sheepeaters, and other Indians at the Lemhi agency.

On amendments 82 and 83: Makes a verbal correction in the text of the bill, and appropriates $4,000 for the Modoc Indians in the Indian Territory.

On amendments 84, 85, 86, and 87: Appropriates, from funds belonging to the Navajoes $40,000 for the construction of ditches, reservoirs, wells, purchase of stock and medicines, and for pay of employés.

On amendments 88 and 89: Corrects an error in orthography, and inserts a provision that of the appropriation of $20,000 for Joseph's band of Nez Percé Indians a sum not exceeding $1,625 may be paid, under the direction of the Secretary of the Interior, to James Reuben, for expenses incurred by him in taking thirty-three Nez Percé Indians from the Indian Territory to Idaho; and the Secretary of the Interior is authorized to expend the balance of this appropriation for the removal of the Nez Percé Indians now in the Indian Territory to some other location, if he deems it proper so to do, and for their support at such new location.

On amendment 90: Appropriates $12,000 for the Shoshone Indians in Wyoming.

On amendments 91 and 92: Appropriates $10,000 for support and civilization of Shoshone Indians in Nevada, and makes a verbal correction in the bill.

On amendments 93, 94, 95, 96, and 97 provides as follows:

"For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, and in pursuance of treaty obligations, $510,000; for construction and repair of school buildings, $40,000; and for purchase of cattle and sheep for schools, $25,000; in all, $575,000: *Provided*, That the entire cost of any boarding-school building to be built from the moneys appropriated hereby, including furniture, shall not exceed $10,000; and the entire cost of any day-school building to be so built shall not exceed $800."

On amendments 98 and 99: Appropriates $15,000 for support and education of Indian children in Alaska.

On amendments 100, 101, 102, and 103: Appropriates $26,500 for industrial school near Arkansas City, to be disbursed on the basis of $175 for each scholar, and inserts the following: "And the limitation imposed upon the appropriation for this school for the fiscal year 1884 in the act approved March 1, 1883, is hereby repealed."

On amendments 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118: Leaves the paragraphs making appropriations for and in relation to the Indian schools at Carlisle, Pa., Forest Grove, Oreg., and Genoa, Nebr., just as they passed the Senate.

On amendments 119 and 120: Appropriates $19,000 for support and education of one hundred and twenty Indian children at the school at Hampton, Va.

On amendments 121 and 122: Provides for support and education of Indian children at the Indian school at Lawrence, Kans., on the basis of $175 for each scholar.

On amendments 123, 124, 125, 126, 127, 128, and 129: Inserts the following: "For care, support, and education of Indian children at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the States or Territories of the United States, at a rate not to exceed $167 for each child, $30,000; and of said sum not exceeding $20,000 may be used for the transportation of Indian children to and from schools, and also for the transportation of children from all the Indian schools and placing them, with the consent of their

parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training for a term of not less than three years, under arrangements in which their proper care, support, and education shall be in exchange for their labor."

On amendment numbered 130: Authorizes the Secretary of the Interior to use the unexpended balance of the appropriation of $150,000 made for 1884 for education of Indian children west of the Mississippi for erecting and repairing school buildings and other educational purposes.

On amendment numbered 131: Strikes out provision to purchase for Indian industrial school purposes the buildings and other improvements in what is known as Keam's Cañon.

On amendment numbered 132: Inserts the following: "To enable the Secretary of the Interior to employ practical farmers, in addition to the agency farmers now employed, at wages not exceeding $75 each per month, to superintend and direct farming among such Indians as are making effort for self-support, $25,000."

On amendment 133, 134, and 135: Appropriates $10,000 for the gathering, care, and removal of the Winnemucca or Leggins band of Piutes and other unsettled Piutes to a suitable place.

On amendments 136 and 137: Makes verbal corrections in the text of the bill.

On amendments 138, 139, 140 and 141: Leaves the paragraph providing for Indian police just as it passed the House, except a verbal correction therein.

On amendments 142, 143, 144, and 145: Makes verbal corrections in the bill and inserts the following:

"That where the Indians are in possession or control of cattle, or their increase, which have been purchased by the Government, such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong, or to any citizen of the United States, whether intermarried with the Indians or not, except with the consent in writing of the tribe to which the owner or possessor of the cattle belongs. And all sales made in violation of this provision shall be void, and the offending purchaser on conviction thereof shall be fined not less than $500, and imprisoned not less than six months."

On amendment 146: Appropriates $275,000 for transportation of Indian supplies.

On amendments 147 and 148: Makes a verbal correction in the text of the bill and strikes out the following:

"Any act which when done by a citizen of the United States would be a crime shall be, and is hereby, declared equally a crime when done by any Indian upon or belonging to any Indian reservation; and such Indian committing such crime shall be subject to the same jurisdiction and amenable to the same process that any citizen would be in like case; and no Department or officer of the United States of America shall have or exercise power or authority to shield or protect such Indian criminal from just punishment, nor shall any money herein or hereby appropriated be used for that purpose or to that end."

On amendments 149 and 150: Appropriates $50,000 for constructing irrigating ditches on reservations and instructing Indians in farming in connection therewith.

On amendments 151, 152, and 153: Inserts the following:

"Removal and support of confederated bands of Utes: For this amount, to reimburse the Ute removal fund for sum expended out of said fund for the survey of public lands of the United States formerly the Ute Indian reservation, in Colorado, $21,575.35.

"For this amount, to reimburse the Ute removal fund for sum expended out of said fund in payment for improvements of white settlers on lands in Utah selected for the location of the Uncompahgre Utes, $10,338.25.

"For the purpose of enabling the Secretary of the Interior to continue to carry out the provisions of the act of June 15, 1880, 'ratifying the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same,' $5,000, or so much thereof as may be necessary, to be taken from moneys appropriated by said act and remaining unexpended."

On amendment numbered 154: Strikes out the following:

"For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to appoint and pay the expenses of a commission of three persons to examine and report what changes should be made in the boundary lines of Indian reservations and the location of Indian agencies in Northern Montana, and to confer with the Crows in reference to a reduction of their reservation, and also to report upon examination what changes are necessary in the location of the Rosebud, Lower Brulé, and Cheyenne River agencies, in Dakota Territory, $10,000."

On amendments numbered 155 and 156: Inserts the following:

"That the Secretary of the Interior is authorized to detail a proper person or persons from the employés of the Geological Survey, and to also appoint a suitable person not now in the employ of the Government, which said persons shall constitute a commission, who shall, under the direction of the Secretary, proceed to examine and report upon the character, extent, thickness, and depth of each vein, the value of the coal per ton on the dump, and the best method to utilize the same, and to report their opinions as to the best method of disposing thereof within the limits of the White Mountain Indian reservation in the Territory of Arizona, and the result of said investigation, to the Secretary, and by him transmitted to Congress; and for the compensation and expenses of the member of the commission not of the Geological Survey, and for the expenses of examination and investigation on the ground, $2,500."

To enable the Seminole Indians now in Florida to obtain homesteads upon the public lands, and to establish themselves thereon, $6,000.

On amendment 157: Appropriates $4,348.35 to pay certain claimants out of treaty funds belonging to the Cheyenne and Arapahoe Indians for damages suffered from the raid of the Northern Cheyennes in September, 1878.

On amendment 158: Appropriates $4,419.10 to pay certain claimants out of funds belonging to the confederated band of Utes for damages caused by the Utes at the time of the Ute massacre at the White River agency.

On amendment No. 159: Inserts the following:

"That such Indians as may now be located on public lands, or as may, under the direction of the Secretary of the Interior, or otherwise, hereafter so locate, may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, $1,000, or so much thereof as may be necessary, is hereby appropriated; but no fees or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years in trust, for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs, according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever."

On amendments 160 and 161: Makes a verbal correction in the text of the bill and inserts the following: "That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock-cattle for the benefit of the tribe for which such appropriation is made, or for the assistance of such Indians to become farmers, and shall report to Congress, at its next session thereafter, an account of his action under this provision."

On amendments 162 and 163: Inserts the following:

"SEC. 10. That no part of the expenses of the public-lands service shall be deducted from the proceeds of Indian lands sold through the General Land Office, except as authorized by the treaty or agreement providing for the disposition of the lands.

"SEC. 11. That at any of the Indian reservations where there is now on hand Government property not required for the use and benefit of the Indians at said reservations the Secretary of the Interior is hereby authorized to move such property to other Indian reservations where it may be required, or to sell it and apply the proceeds of the same in the purchase of such articles as may be needed for the use of the Indians for whom said property was purchased; and he shall make report of his action hereunder to the next session of Congress thereafter."

On amendments 8, 9, 10, and 11, which strike out the provision that abolishes the office of Indian inspector, and provides that Army officers shall be detailed to act as Indian inspectors, and substitutes therefor the existing law providing for five Indian inspectors at $3,000 each, the conference committee is unable to agree.

The bill so far as agreed upon appropriates $5,859,402.91, being $420,225 less than as it passed the Senate, $403,013.64 greater than as it passed the House, $500,747 in excess of the current law, and $2,607,407 less than the estimates for the year 1885.

The four amendments not agreed upon involve the appropriation of $15,000.

E. JNO. ELLIS.
WM. S. HOLMAN,
THOS. RYAN,
Managers on the part of the House.

Mr. ELLIS. If no gentleman desires to say anything upon this report I will move its adoption. I call the previous question.

Mr. HOLMAN. I should like my colleague to allow me a few words.

Mr. ELLIS. I yield to my colleague on the committee.

The SPEAKER. The demand for the previous question is withdrawn.

Mr. HOLMAN. Mr. Speaker, I have joined with my colleagues the managers of the conference on the part of the House in signing that report. While I am in favor of a liberal and enlightened policy on the part of the United States toward those Indian tribes and believe that a humane policy which will seek to elevate and enlighten the Indians and to extend to them the benefit of education is a duty which this Government imperatively owes to the remaining tribes which are rapidly disappearing, yet, sir, I can but regret that a bill involving such large appropriations should to so slight a degree inure directly and immediately to the benefit of the Indians who are designed to be benefited by its appropriations.

It is very manifest that the *personnel* of the Indian Bureau is too large, that the number of persons employed in countless ways that do not directly reach the Indians is far beyond the number that ought to be employed. I think the appropriations made by the House were very ample, and that a larger sum in the aggregate than that which was embraced in the House bill ought not to have been appropriated. This bill appropriates something over $400,000 in addition to the sum named in the House bill, and exceeds the appropriation last year for the present year over half a million dollars. I think the appropriations for last year were very ample.

I apprehend, sir, it will be found that Congress is moving too rapidly in the attempt to develop an educational system for the Indians, and that large sums of money now being expended in the direction of boarding-school houses and school-houses over the country and in the changing of reservations, and gathering Indians together will be found to be money expended without any palpable benefit.

But, sir, in view of the subject itself and the humane policy which this Government has adopted and should persevere in to improve the condition of the Indian tribes, a member can not well refuse, especially in opposition to the views of the gentlemen with whom he is co-operating, to give a measure of this kind his assent. Therefore I have felt constrained to give the measure my support, though I had believed the sum in the House bill was the outside sum Congress should appropriate.

Mr. ELLIS. I yield for a moment to the gentleman from California [Mr. BUDD].

Mr. BUDD. One of the Senate amendments agreed to by the committee of conference strikes out that part of the bill which went from the House to the Senate making Indians amenable to the same laws that whites are subject to. It was an amendment offered by myself and unanimously adopted. I offered it because on the Pacific coast and in the Territories when an Indian commits a crime he is corraled on his reservation and the courts can not punish him. Recently Judge Wingard sent some of these Indians back to the tribes for punishment. I ask the gentleman from Louisiana the reason for striking that out.

Mr. ELLIS. The conference committee concurred in the general direction of the amendment of the gentleman from California [Mr. BUDD]. It was their thought, as well as the thought of all good men, that the courts should be extended to the Indian not only for his punishment when he shall commit a crime, but for his protection. But they deemed they had not time, nor did they have time, to enter upon the work of making adequate provision on this subject.

The Indian is not up to the standard of Anglo-American civilization. There are many little offenses which in civilization amount to crimes that are committed by Indians by long habit and by toleration among themselves. It was deemed that if this provision should pass

as it is the Indian would very often be arrested for petty offenses, taken very far away from his reservation, and subjected to great hardships; and it would be seized upon by unscrupulous officers as a means of accumulating fees against the Government. It was agreed when the next bill shall be reported some effort shall be made in the direction of the amendment of the gentleman from California.

In regard to the strictures indulged in by the gentleman from Indiana [Mr. HOLMAN], I will say that nearly all the increases in this bill—three-fourths of them at least—are in the direction of the education and civilization of the Indians, and while gentlemen may complain that the bill is large, I yet state to that gentleman and to the House, and through the House to the country, that if we shall fulfill our solemn treaties with the Indians, and pay them what we justly owe them, this bill would carry eleven or twelve millions of dollars.

In regard to the point of difference between the House and Senate I have this to say: The House provision abolished the Indian inspectors and substituted for the Indian inspectors five Army officers, to be detailed by the Secretary of War, to perform this duty. As the House will remember, it gave rise to considerable debate—my friend from Texas [Mr. THROCKMORTON] being the author of the amendment—and it was urged with much force that there were officers unemployed already, receiving salaries, who would faithfully and conscientiously discharge this duty.

On the other hand, it has been urged by the opponents of the amendment and also by the Senate conferees with much force that these Indian inspectors occupy the position of confidential agents to the Secretary of the Interior; that he must have men whom he can trust; that it is the thrusting of one department of the service on another; and that under the present arrangement the Secretary of the Interior having divided the whole Indian country into five districts and rotating or detailing one inspector to one district this month and to another next month, and so on, following each other round and round, he has constantly from different men and different standpoints accurate accounts of all that is going on, of all that appertains to the condition of the Indians on the reservations.

The House having insisted with much force on its objection, after debate the conferees on the part of the House thought it best to insist and report its disagreement to the House. I now yield to the gentleman from Texas [Mr. THROCKMORTON].

Mr. THROCKMORTON. Since that amendment was offered by me to the original bill and adopted by the House I have had some occasion to inquire into the method now pursued by the Secretary of the Interior in regard to these Indian inspectors. From my intimate knowledge of Indian Affairs some years ago I am satisfied that the inspection system of the present time is a great improvement upon the old one. From conversations I have had with the Secretary of the Interior I believe the system now adopted is a good one, and so far as I am individually concerned I am disposed to allow that system to be given a fair trial. Hence I shall no longer press the proposition which I submitted to the House, but am willing to move that the House recede from its disagreement to the Senate amendments and agree to the same.

The SPEAKER. The report of the committee of conference must be first disposed of.

Mr. ELLIS. On that I move the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. ELLIS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. THROCKMORTON. I now move that the House recede from its disagreement to the amendments of the Senate upon the subject of Indian inspectors and agree to the same.

Mr. ELLIS. That will include amendments numbered 8, 9, 10, and 11, which are the only points of disagreement between the two Houses, and all pertain to the same subject.

Mr. RANDALL. And if agreed to by the House will dispose of the bill.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read the Senate amendment numbered 8, as follows:

On page 4, strike out lines 7 to 12, both inclusive, as follows:
"The office of Indian inspector is hereby abolished, and the Secretary of War shall detail five officers of the Army, not under the grade of captain, who shall act under the direction of the Secretary of War as Indian inspectors; and the Secretary of War shall change such officers at any time the Secretary of the Interior shall request the same to be done."

The SPEAKER. The question is upon receding from the disagreement of the House to the amendment just read and agreeing to the same.

Mr. THROCKMORTON. I yield to the gentleman from New York [Mr. COX] for a moment.

Mr. COX, of New York. I myself should have made that motion, if my friend from Texas [Mr. THROCKMORTON] had not made it, for reasons which I have since ascertained from gentlemen who have been connected with this Indian service, among them Colonel Manypenny, formerly Commissioner of Indian Affairs, and others. Although the House sustained the amendment offered by the gentleman from Texas [Mr. THROCKMORTON] as an experiment, I think it is now well, in consideration of the new facts which have been developed, to recede from the provision which we put upon the bill and allow the Department to keep on in its old way, so long as it is doing so well.

The SPEAKER. The question will be taken upon the amendments separately. The first question is upon the motion that the House recede from its disagreement to the amendment of the Senate numbered 8, which has been read, and agree to the same.

The motion was agreed to.

The ninth amendment of the Senate was read, as follows:

After line 12, on page 4, insert:
"For pay of five Indian inspectors at $3,000 per annum each, $15,000."

Mr. THROCKMORTON. I move that the House recede from its disagreement to that amendment and agree to the same.

The motion was agreed to.

The tenth amendment of the Senate was read, as follows:

In line 13, page 4, strike out the words "Army officers detailed as;" so that it will read:
"For necessary traveling expenses of five Indian inspectors," &c.

Mr. THROCKMORTON. I move that the House recede from its disagreement to this amendment and agree to the same.

The motion was agreed to.

The eleventh amendment of the Senate was read, as follows:

On page 4, strike out all after the word "inspectors," in line 14, down to and including the word "act," in line 16; so that the clause will read as follows:
"For necessary traveling expenses of five Indian inspectors, including incidental expenses of inspection and investigation, $6,000."

Mr. THROCKMORTON. I move that the House recede from its disagreement to this amendment of the Senate and agree to the same.

The motion was agreed to.

The SPEAKER. That disposes of all the amendments of the Senate.

Mr. THROCKMORTON moved to reconsider the various votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS PACIFIC RAILROAD LAND GRANT.

The SPEAKER. The Chair will state that by mistake a bill was certified as having passed the House and so communicated to the Senate, when the fact was that it was rejected by the House. The Clerk will read an order upon the subject.

The Clerk read as follows:

Ordered, That the Clerk request the Senate to return to the House the bill of the House, No. 5682, to repeal section 22 of the act incorporating the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

There being no objection, the order was adopted.

FORTIFICATION APPROPRIATION BILL.

Mr. HORR. I now move that the House resolve itself into Committee of the Whole for the consideration of the bill making appropriations for fortifications and other works of defense, &c.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HORR. I ask unanimous consent to dispense with the first or formal reading of the bill.

There being no objection, it was ordered accordingly.

Mr. HORR. Mr. Chairman, this bill as reported by the majority of the Committee on Appropriations is a departure from the practice of the Government for the last seven or eight years in this respect. During that period money has been appropriated in sufficient quantity merely to keep our forts now in existence in a sort of preservation, without doing anything in the line of making any new defenses or procuring any new guns.

I labor under one disadvantage in discussing this bill. I was compelled to take up this question without any previous knowledge of military science, and I am somewhat embarrassed by knowing that to-day I am obliged to talk to at least several gentlemen who have devoted their lives to the study of this question of national defenses. Let me say in the outset to them and to all here that the most I can hope to do in the remarks I shall submit is to give the results in theory and practice which have been arrived at by just such men as those I mention, and I trust they will bear with me while I travel in my hesitating, trembling way over roads that are so familiar to them.

I have no theories of my own on military matters. I have no experience which enables me to talk as some men here might do. All I shall attempt is to give some of the conclusions at which I have arrived from an examination of the literature upon this subject which has been presented by the men who have devoted their lives to its study, and who have had great personal experience in all matters that pertain to the national defense.

In doing this I trust the House will bear with me when I say that this is a question which we should examine with great care. It is a

question that goes directly to the stability and permanency of our American Government; and while I admit that I enter upon it with somewhat of the zeal of a new convert, still I do hope I shall be able to satisfy this House that the bill reported by the majority of the committee is in the interest of the American people and is drawn for the purpose of benefiting our nation as a whole.

The first item in the bill is $1,000,000 for the purpose of building new forts at the deep-water harbors of the United States. These can all be numbered almost on the fingers of one hand: The ports of Boston, New York, Philadelphia (or the approaches to Philadelphia), New Orleans, Hampton Roads, and San Francisco. Three hundred thousand dollars in the second item is for the purpose of commencing smaller forts at our more shallow ports, no matter where located upon the coast of the United States. Gentlemen understand well that we do not need so large guns or so expensive fortifications to defend a city where in the approaches to it the water is shallow, so that none of the first-class vessels of foreign nations can enter the harbor at all. The size of the fortification and the guns constituting its armament should be determined by the size of the iron-clad vessel of war that can enter the harbor and make the attack.

In 1816 President Madison had a board of engineers appointed to investigate and report upon the defenses of the country. At the head of that board he placed the great French engineer General Bernard. The plans which that commission or board adopted were followed from that day up to 1861, and the fortifications of the country were all built according to the plans devised by that board at that early day.

Now, you must bear in mind that when that board met and made the plans of these forts the heaviest shots that could be fired from any gun carried by any naval vessel in the world was a 42-pound shot, and these fortifications were planned to meet the attack of guns of that caliber carried only upon wooden vessels of war.

When the civil war broke out in this country in 1861 this nation was as well fortified perhaps as any nation on the face of the earth. In accordance with the plans adopted by that Bernard commission and carried out by the fathers, forts had been built which were adequate to meet the attack of any of the vessels and guns used at that time in naval warfare. Since then immense progress has been made in the art of naval warfare. Vessels have been built which are iron-clad, covered with twenty inches of steel plates. They carry guns weighing sixty tons; and to-day instead of hurling 42-pound shot at our fortifications, they can fire shot weighing 2,000 pounds—shot which will penetrate an armor of from twenty to twenty-four inches of solid plate, steel and iron, and do this at a distance of 1,000 yards. Such vessels are now owned by many nations of the Old World, and several of the second and third rate powers own such ships of war.

Consequently the forts which we built before 1861 and which were then adequate are to-day entirely worthless, absolutely of no account whatever, when they have to face the heavy guns and heavy armor of the navies of the world. Our brick and mortar forts are simply useless, and there is not one of them to-day that has a single gun in position that could affect in the least a modern man-of-war making an attack upon one of our seaboard cities.

The various nations of the Old World have been building forts for years. They have been giving close attention to this subject with great care. But we since 1861 have been asleep upon this question, so that to-day a second-class iron-clad vessel of any second-class power could steam right into the harbor of New York, levy tribute upon its people, and collect it, or destroy the city in spite of everything that the American people could do. And in the face of that fact we have a minority report of a committee brought into this House which proposes to leave our country in just that defenseless condition; whereas the report of the majority proposes to commence now to build some new forts and proposes to commence the manufacture of heavy steel rifled cannon, so as to properly defend our great commercial centers from any attacks that may be attempted in the future.

Our condition is well known to foreign nations. The absolutely defenseless condition of all our coast is well known abroad. The late minister of foreign affairs in France said to one of our own statesmen not long since, "How about your defenses? In the intelligence department of our war office," said he, "we have a drawing of every military work of consequence on the whole American coast line, with comments on their strength. There is not a first-class fortification among them all. Do you know how long it takes to build a first-class modern gun?" said this French minister. The American replied that he did not. Lacour said, "It takes a whole year. Your cities would be shelled and sacked and laid under tribute while you were creating a navy; and how could you rebuild your fortifications with 1,000-pound shells falling about the ears of your workingmen? Be sure"—now mark this—"Be sure that the defenseless condition of your country is thoroughly well known and commented upon by every power in Europe that would gladly see you humbled, for, as I said, your prosperity is a dangerous menace to all the nations of the Old World except France."

For the past seven years the Engineer Department of this country have been calling the attention of the American people to this question of public defense in season and out of season. If you will read the reports of the Chief of Engineers, General Wright, for the past seven or eight years you will find that he has warned you, that he has heaped importunity upon importunity, and done everything a faithful officer could do to arouse this nation to a sense of its weakness, to the fact of its utter inability to cope with even a second-class power.

Almost every annual message of every President for the last ten years has called the attention of Congress to the defenseless condition of the country, and the last annual message of our present Executive calls especial attention to this point, and recommends that the American Congress provide for the national defense, that it commence at once to fortify our unprotected seacoast cities.

In the North American Review for March, 1884, General Smalley, who is an authority on this question, closes an article on our defenseless seaboard as follows:

> Experiments are comparatively unnecessary. The nations of Europe have been vying with each other to obtain the most destructive ordnance and the best defenses, and have apparently reached a point where much further progress is impossible—at least for years to come, or until some new projectile force is discovered or some resisting substance invented stronger than iron or steel. We may take advantage of their position and start from the point they have reached. But at present the appropriations made by Congress are barely sufficient to keep our old-fashioned fortifications from falling about the ears of their garrisons, or our obsolete old naval hulks from rotting in their docks or foundering over their anchors.

The bill submitted by the minority of this committee is just sufficiently large to do exactly what this general says we have been doing for the last eight years past. It is simply doing nothing and will accomplish nothing for the real defense of the country. General W. B. Franklin, a gentleman of high authority in our military service, in the December number of the same review closes an article on national defense as follows:

> It is an unpleasant task to tell unwelcome truths. The person who performs it is placed in the category of those who give unasked advice.

And I ask gentlemen to mark this:

> And much treasure will be saved and national humiliation avoided if the American people awake to their duty of properly defending their coasts, a duty the cost of the performance of which is infinitely small compared to the benefit to the United States which will inure from its proper and speedy performance, and the longer neglect of which is sure to bring punishment in this or a succeeding generation.

In 1859 the government of Great Britain aroused itself on this subject. Her forts were in no better condition than ours. That government appointed a commission of six army officers and one civilian. Those army officers and that civilian were instructed to examine the needs of the fortifications at their harbors of Portsmouth, Portland, Pembroke, Dover, Chatham, and the Medway, and they were especially charged with looking after the forts that guarded the approaches to the great city of London. They made an exhaustive report, and since 1861 Great Britain has expended the enormous sum of $40,000,000 on her fortifications alone. Why, in 1860 Palmerston, in his report to the British nation, stated that they needed $45,000,000 to carry out the plans of that commission.

Every first-class power of the earth has done substantially the same thing as Great Britain, with the exception of the United States of America. We have done absolutely nothing.

Our civil war demonstrated one thing—that our old fortifications of mortar and brick were of no account against the modern guns being built all over Europe. Europe discovered that fact as to her fortifications, and immediately set herself to work to build new fortifications protected by earth embankments and iron clad. She discovered the fact that you can make an iron turret on land, and then man it with the heaviest guns and protect a nation against the navies of the world, just as well as you could with brick and mortar in 1850.

We alone of all the first-class powers of the earth have never as yet built one single fort of this kind. And to-day my friend from New York [Mr. COX] knows very well that Chili, Italy, any of these second-class powers have in their navy boats that could ride right into any deep-water harbor on the coast of the United States, and we have no fortifications or guns worthy of the name to meet their assault. Talk about the small guns we now possess! They would have no effect whatever on one of these iron-clad vessels.

One such man-of-war in the hands of a company of buccaneers could enter any deep-water harbor in this country, levy black-mail upon our cities or destroy them, and sail away with their booty absolutely unharmed. You might just as well try to stop a mad rhinoceros by firing green peas out of an old-fashioned pop-gun at his armored hide as to try to stop such a vessel from entering any harbor in the United States, for the simple reason that our forts have no guns of sufficient power to do any damage to the heavy armor of such an ironclad or to prevent her in any manner from entering and doing her work of destruction.

Now my fears for the future of these great seaboard towns may be groundless. No one will be more gratified than myself if such shall prove to be the case. But I am seeking the adoption of such a policy as shall be best for the safety, the dignity, and welfare of this nation, and am willing to take no risks. I confess, Mr. Chairman, to a weakness in favor of protecting, improving, and building up these United States in every way possible. I am in favor of all our home industries as against those of the Old Word. Could I have my way, inside of ten years this Government should have a navy commensurate with her commercial importance and worthy of a nation holding so high a posi-

tion among the great powers of the earth. To do this would cost money. But such things come to no people without price.

I would also make an intelligent and determined effort to restore our general commerce upon the high seas. To me it seems a national disgrace if not a national crime that our business men are compelled to pay foreign ship-owners $120,000,000 a year for freight on our own products shipped abroad. To prevent this would also cost money. Be it so. I would make the sacrifice to secure this carrying trade to our American bottoms. I would improve all the great water ways and harbors of the country, and thereby secure cheap transportation for the products of this nation, and in that way I would benefit both the producer and the consumer. I would even go further: I would beautify and adorn this city of Washington so as to make it the healthiest and handsomest capital on the face of the earth. And then, in addition to all these things, I would so fortify and protect all the approaches to our commercial centers and to this national capital as would make them safe against the assaults of all foreign foes, and thus enable our people to pursue their peaceful avocations free from all apprehensions of danger. I would see to it that future generations should never be compelled to point out to our people when it was that this Capitol building where we now stand was destroyed a second time by some foreign foe.

One such destruction is humiliation enough for me, and to prevent a recurrence of such a national disgrace seems to me to be wise statesmanship. Now, to do all these things will necessarily involve an expenditure of money. But fortunately we have the means at hand by which to carry out all of these great national undertakings, and I would enter upon the work at once. I would do it simply for the safety, the glory, and well-being of our own people and to make the United States of America the most respected and honored nation among all the nations of the earth.

Mr. Chairman, the next provision of this bill provides for the purchase of torpedoes; but as both the substitute and the committee's bill agree substantially on the question of purchasing torpedoes, I need not take the time of the House by going into a discussion of that branch of our national defenses. Perhaps no weapons are more carefully studied or any more thoroughly improved and carefully built than the torpedoes of the present day; and yet neither of these bills gives anything like the amount that ought to be appropriated for the purchase and laying away of these most admirable means of harbor defense. Still, as the two bills agree substantially or largely upon that subject, I will not detain the House by talking upon it further.

The next item of this bill appropriates $600,000 for the conversion of our 10-inch smooth-bore guns into 8-inch rifle-guns, and for the purchase of powder and munitions of war that may be laid aside, so as to have them ready for use in an emergency. I wish to say to the committee that we have to-day about eleven hundred of these 10-inch cast-iron smooth-bore guns on hand. In their present condition they are worth scarcely anything at all. By converting them into 8-inch rifle-guns we get a weapon which answers very well for the shallow, water harbors. Once converted, they are effective for such second-class work. It costs to change each of these guns into a rifle about $2,100. When done they will throw a shot through an 8-inch iron plate at a distance of 1,000 yards.

Now, an 8-inch rifled gun much longer than these will penetrate probably about fifteen inches of iron plate. These converted guns, however, will penetrate, as I have said, eight inches of iron plate, and are sufficient for use as a defense in all our smaller and shallow harbors where heavy-plated vessels can not go because of their draught of water. But a rifled 8-inch gun such as are now being built costs $15,000, whereas for $2,100 we can convert one of these guns already on hand into a very serviceable and useful weapon. You will see as a matter of economy we should use this material now on hand, as we can in that way procure a large number of guns that will answer a certain needed purpose at a very low price.

They have been tested and tried until they are known to be a success. Several of them have already been converted into rifle-guns and have been fired from five hundred to seven hundred times, until it has been demonstrated that the gun can be used for actual purposes in regular action with safety. Hence, as I have just said, as a matter of economy we believe the nation should utilize these guns instead of going to the expense of building entirely new ones.

In this item also provision is made for the purchase of powder. I suppose many of the members of the House are not familiar with what the world has been doing in the manufacture of guns and in the manufacture of powder. There has been no part of the war material more improved and more perfected within the last fifteen years than the powder which we use in our large guns. And I am proud to say that we here in America manufacture, if not the best, as good powder as any that is made in the world.

I have here some specimens which will illustrate this subject. It is well known to expert gunners that fine powder when exploded burns so quickly that a gun could not stand the expansive force of such powder, and consequently we can not get these immense projectiles thrown as they should be by the use of the ordinary powder. They commenced experimenting, and I hold in my hand [exhibiting it] what is one grain of powder in use in the largest guns. It was also found that by making grains of different shapes an advantage is gained. Here [exhibiting it] you have an eight-sided grain of powder. That is the strongest now known in the world. It has been found that a little more surface is obtained to the bulk by making it eight-sided than is given by the cube; and they have thereby struck that mean whereby you get less expansive power and more projectile power; for it is the projectile power you are after in throwing a heavy shot.

Every grain of powder used in all the large guns in the world is run in a mold grain by grain. They are made, I say, in molds and then glazed with great care, so that they may be fitted for their work. There [exhibiting it] is a grain with holes perforated through it for the purpose of increasing the surface a little, but still keeping it within this expansive power, so as not to burst the gun but to drive the projectile forward.

The powder of the world is being manufactured with the simple view of enabling us to get the greatest velocity for our projectiles without tearing our gun to pieces. We in this country have perfected that department of our military stores; but we have not a gun in which to use a charge of that kind of powder. Why, sir, you will know something of the power of one of those enormous guns that Italy and Germany and England are now manufacturing when I tell you that to shoot one of them once takes five barrels of such powder as that, five hundred to seven hundred pounds of powder to one charge.

Of course I need not talk to you about the use of this kind of powder with our present guns; for we have not any in which we can use it to any extent and with any effect, as I shall show by and by. A modern rifled gun is of great length, and hence you can obtain great velocity for a projectile when it leaves the gun. You all understand that a shot does execution, not only in proportion to its weight, but also in proportion to its velocity. The maximum of destructive power is attained when you use such improved powder in one of these modern rifled guns.

This item also carries money for the purchase of the Gatling gun—the machine-gun. This gun has ten barrels and ten locks. It is the most perfect machine-gun known to-day, and was invented and is made in this country. Let me tell you what it will do. It carries, as I remember now, a ball about the size of the old fashioned musket-ball—that would be an ounce ball. It will fire twelve hundred of those one-ounce balls in one minute. They have recently improved this gun so that you can shoot it vertically. In that way you can drive men with it from behind any embankment, because by once getting your angle correct your balls will go up, and when they come down you can graduate it so that they can strike right where the men are at work on the other side of the embankment. It is found the balls are up about fifty-seven seconds. In coming down they get precisely the velocity they had in going up (that is one of the laws, you know, of gravitation); and the fact is that when these balls strike the ground on the other side of the fortification they pierce a plank of two inches of pine and go into the sand five inches farther, so that as a weapon there is nothing invented in modern days for that kind of warfare that compares with this gun.

These guns were tested at Alexandria, in Egypt. Two of these Gatling guns were held by four or five hundred men there when the people of that country undertook to recapture Alexandria. Four hundred men with two of these Gatling guns kept the entire Egyptian army at bay; and when they asked the commander how it happened that he could not bring his men to make an assault, what was his reply? "I could get on well enough until I struck that machine that pumped lead, and then I could not lead my men up." Now we propose to buy a few of these guns and have them ready for future use.

This is a gun that can be utilized in many conditions of a battle, they cost only about $1,200 each, and our nation should not be without a good supply of so valuable a weapon.

The next item in this bill, and it is really the largest item in it, is for the purchase of heavy steel guns. This bill carries $1,000,000 for that purpose; and further than that, it makes an annual appropriation of $1,000,000 for four years more. In other words, it sets aside five millions for the purpose of inducing the manufacturers of the United States to enter upon the building of large guns, or at least to induce them to furnish such steel as we can work up into these large rifled cannon.

To-day Great Britain has over five hundred of these large guns in position and behind modern fortifications. We have not a single large gun in this country, and not a single fort where one could be used if we had it. Just think of it for a moment. A 12-inch rifled gun weighs fifty tons, and the carriage to work it weighs twenty-five tons more. A 15-inch rifled gun weighs nearly seventy-five tons and the carriage weighs thirty-five tons more. The large 17½-inch gun which they have recently been experimenting with in Italy weighs one hundred tons and carries a shot of over a ton's weight. To work such a gun as that you must have machinery, you must have a platform made of concrete and granite upon which it can be managed. Our old forts are utterly worthless for the management of a gun of that character.

To construct such a fort as would be required will take years of labor. Pray, when shall we begin the work better than now? We must take the time if they are ever built, and why not commence when we are at

peace with the world and can build these fortifications somewhat at our leisure.

It takes more than a year to make one of these large guns. If we had all the appliances, all the machinery, everything as they have in Europe, we still could not turn out a 15-inch gun in less than twelve months. What sense is there in waiting until a war is on us before we commence to prepare for it?

We can not in this country at this time make a steel gun of 8-inch caliber. Why? Because this Government has treated the manufacturers of steel in this country so that they have been unable to put up the machinery necessary to handle such great pieces of steel.

Gun steel is different from railroad steel. Those who have examined the subject will tell you that gun steel must not only have very superior elastic powers, but it must also have excellent tensile power. Every time you fire a cannon it stretches and then goes back to its former place, just as an india-rubber band does that you put around a bundle of papers. Just as surely as you discharge one of our modern guns or any other gun there must be elasticity; the gun must yield laterally when the charge explodes. Men who have given this subject study have ascertained that you may fire a gun probably thousands of times with perfect safety if you never stretch the steel of its barrel beyond the elasticity point. Do you understand me? As long as you do not go beyond the maximum point of elasticity the gun will go back to its original condition thousands of times; but the moment you go beyond the point of elasticity then it refuses to go clear back and in a little while you have an explosion. Now, the steel for first-class guns must be of the very best quality, free from flaws, with this extra tensile and elastic power.

To make one of these large guns the immense mass of steel must be perfect in every particular. In Europe they make it perfect by hammering it. The gentleman from Pennsylvania [Mr. RANDALL]—I am sorry he is not now in his seat—in the substitute reported by him on behalf of the minority of the Committee on Appropriations, proposes to encourage American manufacturers of steel by giving $300,000 to induce them to enter upon the manufacture of these large guns. Do you, gentlemen of the minority of the committee, know what that means? It simply means not to make any guns at all; it simply means not to induce our steel-makers to try the experiment.

Why? To change the steel works of this country so that they can produce a piece of steel large enough for one of these rifled guns will require to start with an outlay of over half a million of dollars; that is, before they can make the first gun or the first piece of steel for a gun or even the first jacket to strengthen the gun. The minority of the committee propose to induce the steel manufacturers of this country, by an appropriation of $300,000, to give away $500,000, to start with, and take all the risk of the business besides.

The bill of the majority of the committee puts aside $5,000,000 to be used in the production of large guns. We take no risks, for we pay these people no money unless they shall produce steel such as is required and unless they make such a gun as we need. But we say to them, "If you do that we have money enough here in hand to give you a profitable job, to give you something to do." And the $5,000,000 is a small sum for that kind of an undertaking.

Why, gentlemen, one of Krupp's hammers that he uses in making these large guns weighs over eighty tons, and the cost of it with all the machinery for handling it is over $1,000,000. Great Britain has works of this kind now in operation where she builds these heavy guns and makes the steel also, because she has fostered and stood by these great enterprises and built them up within her own borders.

"But," says some man, "why not buy our heavy guns of Great Britain or of Germany? Can we not get them of Krupp? Can we not buy them of the works in Great Britain? Will not the Russian foundries give you a few, or rather sell them to you? Will it not be cheaper to buy all these heavy guns abroad? Why try to start such expensive works in this country if we can save money by purchasing our armaments in the Old World?"

Now, is there a man here who thinks it is the policy of the American Government to depend upon the workmen of foreign nations for our defensive armament? Is there a man who does not know that if you will give Yankee ingenuity any inducement we can make just as good steel, just as good guns on this side of the Atlantic as they can make on the other?

More than that, will it do to trust to foreign powers for such articles? When we are in trouble and need them, that will be the very time we can not get them. Consequently every principle of business requires that we should build up these institutions right here in our own country. The Old World is pursuing this policy. Germany spends its millions of dollars every year and turns them into the lap of her great manufacturer; and to-day there is no superior to the great works of Krupp that are running within her borders. Russia does this work in her own national founderies. Great Britain, France, all of them can make these guns and prepare them for their uses. We alone stand up before the world and proclaim our weakness, and then refuse to pay a dollar for the establishment of such works within our borders or to induce our mechanics to undertake these vast enterprises. Is there any sense, any patriotism, in such a course?

I believe this nation should build guns and forts to protect our great seaboard towns. I know there is a great prejudice in this country against large cities. I know we hear a great deal about the "monopolies" and the "railroad grabbers" and everything that is offensive in connection with the cities of New York and Boston and Baltimore and Philadelphia. I share nothing of this feeling I believe that the cities are of as much benefit to the country as the country is to the city. I know the country supports these great towns, but these great towns also aid the country. We could not well live without them. Why, it is true that Great Britain would not be the first power on the earth to-day but for London. London furnishes the sinews of business that make that nation the strongest financial nation in the world. London does as much for the balance of Great Britain as the rest of the country does for London. Great cities do not grow by accident. They are the creatures of commercial necessity. They are the outcome of business needs.

The property of a country naturally collects in the large cities. Every person in Kansas or in Nebraska is interested in having the city of New York and the city of Boston secure. Our accumulation of wealth must center in those large towns. It works there and flows backward and forward. Consequently it is the business of a nation to protect these exposed points. Why? I know our friends of the minority tell us in their report, and you will hear it on this floor, that the war of the rebellion taught the world one fact, to wit, that volunteer soldiers are the best in the world, and that this nation is forever secure with her volunteer soldiery ready to take up their weapons and go to the front in case of trouble. Now, that is true if we were only in danger from an invading army.

I am not afraid of the whole world bothering or pestering the United States by landing troops and putting them where we can get at them. I do not mean that I would necessarily get at them; but my friends here who went to the war would take care of them. [Laughter.] It is certain that no nation on the face of the earth could withstand the attack of an invading army more successfully than can the United States of America. But our danger is not from any invading forces. No foreign power is going to send its thousands of men to attack us on shore. Foreign nations know our weak points. Our danger is from their fitting out cruisers, armed ships of war, and sending them into these great money centers, levying contributions upon the moneyed people of the United States and destroying these great seacoast towns. They know where to make the attack. They are not going to land an army and fight us at Pensacola. That is a good harbor and a deep one. Why would they not go there? There is nothing to go there for. At Boston they can sail up and shell the city and compel its people to donate $100,000,000, $200,000,000, or $300,000,000 in order to save the city from being burned; and this they can do without leaving their ships. What is your military going to do against that kind of an attack? What has the number of men to do with a case of that kind? Whatever force might be collected by us on land would be perfectly helpless.

Mr. LONG. And an attack upon the cities is really an attack upon the country which finds its markets in the cities.

Mr. HORR. As my friend from Massachusetts suggests, an attack upon the large cities of the United States is an attack upon the entire people, because the people of the country always have a large amount of their surplus funds lying in the cities. Besides, the destruction of the cities is the destruction of the markets of the country; it breaks up the business of the country.

Now, the bill of the majority of the committee is drawn simply with the view of having this nation to start in a new way—to commence to build forts commensurate with the attack that we may be compelled to meet; to start now and build forts and guns that will enable us to defend our coast against any surprise, and prepare ourselves to ward off any blow that may in the future be aimed at our country.

I have thus given a statement of the aims and objects of this bill, and we are met in the outset with the statements that all this is unnecessary, a useless expenditure of money, on the ground, forsooth, that "no enemy is in sight;" "that we can have no foreign war," and that if we should have one we can get ready in a few days to whip the conbined nations of the world. Is it possible that we are thus secure? I know that our late war, as I have just said, demonstrated the power and efficiency of volunteer soldiers. They are equal to any emergency when we are attacked on land by an army of men.

But let me repeat, no such attack will be attempted. Our danger does not lie from an invading army. We need no forts, no 15-inch rifle-guns to withstand any such an attack. Our danger lies in an assault made upon our great and wealthy cities upon the seaboard; attack made by iron-clad men-of-war armed with heavy guns, against which volunteer soldiers or regulars can do nothing. We must meet such attacks, if at all, with iron-clad turrets; on land with torpedoes and heavy guns, against their weapons of a similar kind. But we are told no nation will ever attack us. How do you know that? As a rule nations are no better than the individuals that compose them.

The history of the world so far proves that cupidity, avarice, rapacity have been just as glaring on the part of nations as they have been in the cases of individuals. Meanness is no unusual trait in the dealing among the powers of the world. Wars so far in this world have

resulted from unreasonable causes. Nations often get into trouble when there is no sensible reason for it. Bad leaders, corrupt men in high places; ambitious princes, wicked and foolish prime ministers, often compel other nations to defend themselves or be disgraced in the eyes of the world. I would have this nation, if possible, never insult any other nation on this or the other continent; but I would also have it so strong and well equipped that in the future we need never submit to an insult from any power on the face of the earth.

I have not yet forgotten that during our civil strife we were compelled to submit to one indignity after another from Great Britain, which caused every true American to hang his head in shame. I can not forget our deep humiliation at that time. I know they tell us that England has atoned for those injuries with a round fifteen million. Do not tell me that. The feeling I refer to has no money price. Such indignities can not be paid for with gold. You can not make merchandise of national honor any more than you can of personal honor. One should guard and protect the good name of his country as sacredly as he would defend the sanctity and purity of his own household. Such things are not commodities that can be bought and sold. [Applause.]

This bill is drawn in the interest of preserving our national character. What is $5,000,000 when compared with such results? We have the money on hand; why not use it in so good a work? I do not claim that we should commence these great enterprises simply because the national Treasury is full of cash. What I do claim is this: that since the work is so important, so imperatively needed, the fact that we have plenty of ready money on hand can be properly urged as a reason why we should no longer delay these great national undertakings. It is not as if we were compelled to borrow the money, though Great Britain borrowed over $25,000,000 for her fortifications alone.

Workmen in this country are just now plentiful. Material at this time is cheap. No better thing in my judgment can be done than to put several thousand men at work building these great national defenses. Do not, I beg of you, let me hear the question asked on this bill, "How much more is it than was given last year?" I should answer, five times as much. Suppose it is? Pray will some one tell me what difference that should make? The expenses of the Government must increase from year to year as long as we continue to grow. It should cost more to carry the mails this year than it did last year. It will cost more next year than it does this year.

Really, the only statesmanlike question that can be asked is, "What are the real needs of the service?" How much do the best interests of the country demand? So on this bill the first question to be settled is, "Do our seaboard towns need defense?" "Ought our Government to fortify and protect its extensive coast?" "Should we try and keep pace with the other great powers of the earth in the manufacture of heavy guns and projectiles?"

If you say to these questions "no," then this entire bill is a mistake, and all these works should be abandoned at once. But if you say "yes," then I say we should enter upon the work at once and in dead earnest.

This bill is drafted for the sole purpose of enabling the Government to commence these works now. We believe such a course is for the safety and well-being of this Republic. Then let us pass this bill like earnest, sensible men. It is drawn in the interest of no political movement. It is simply drawn in the interest of the General Government and for the public welfare, to provide under the Constitution for "the common defense." The question of "States rights" can not be raised here.

These defenses, if built at all, must be built by the General Government. States, municipalities, these great cities, would not be permitted to enter upon such work if they desired to. No one will claim that they have the right to erect a fort or control a single gun. Our fathers were wise to so arrange that the nation, the united people, should possess such power. In times of war State lines can not be regarded. The nation must be the unit then.

I know we are to meet the usual cry of "extravagance" as against this measure. There has come to be a small class of politicians in this country, or perhaps I might better say a class of small politicians [laughter], who seem to think it a mark of statesmanship to denounce every attempt to build up this country as a piece of extravagance.

These men have but one battle-cry. You hear it here on this floor. They shout it on the stump and at the hustings. It is "Extravagance!" "Extravagance!" "Economy!" "Economy!" "Can't we cut down a penny here?" "Is it not possible to take off a shaving there?" "Is there not some other place where the starvation point has not been reached?" [Laughter.]

Now, sir, I permit no man to go before me in that economy which will prevent the squandering of a single dollar of the public treasure. I would not knowingly vote a dollar for any useless purpose. In all my expenditures I would see to it that the people get a full equivalent for the money paid.

My plans would keep the wealth of the country within our own borders. In furnishing labor for the toiling millions I would so do it as to build up all the time our own country. A nation should be managed on the same sound business principles as business men use in their management of great and important business undertakings. To be niggardly is by no means always economical. Men can be careful of expenditures without being mean. Littleness is no sure evidence of good business judgment. To always try to skin a flint is not on all occasions profitable or best.

To properly carry on a great government like ours requires not only men who can master details, but those who can also comprehend large subjects and vast enterprises. A man may be able to manage a small business and still fall very far short of a statesman. He might be able to run a peanut stand successfully for years, and after all never develop into a great public financier. [Laughter.]

The question before us should be examined on a broad basis. We should endeavor to be guided by the light of the world's past history. The reasonable probabilities of the future should carry conviction to our minds. In all your speculations do not forget that every dollar of this money is to be used for the building up and defense of our common country. I know some of you will claim that she will never need any such defense. God grant that your predictions may prove true. But I am a firm believer in the wisdom of that advice which bids us "in time of peace to prepare for war." I would build the vault and put in the safe before the bank is robbed. I would lock the stable before the horse is stolen.

Full preparation, ready strength, accumulated munitions of war, will aid in keeping the other nations of the world in a friendly attitude toward us. The power to strike terrible blows will of necessity lessen the number of our antagonists.

Besides, you must not forget that nations have power and influence in this world in proportion largely to their physical strength, in proportion to their ability to defend themselves, coupled with their power to inflict injury upon their enemies. No nation which can be insulted with impunity and which has not the energy and enterprise to keep apace with the other nations of the world in matters of self-defense can be called a first-class power.

The spread of education, the accumulation of wealth, the development of the arts and sciences, the study of philosophy, all these things adorn our civilization and add to our national glory; but all of them taken together, unaided by the strong arm of national power and unassisted by physical strength—all of them, I say, unless coupled with the ability to wage a well-directed, successful, aggressive or defensive war, will not constitute us such a nation as our patriotic forefathers intended to found, nor such an one as clear-sighted, high-minded statesmen should strive to perpetuate.

Mr. Chairman, there is such a thing as national character—a just pride in the grand events of the past, a sensitiveness as to the honor and reputation of our nation's conduct, a determination to do and suffer, if need be, for the good name and fame of one's common country, a holy, devout reverence for our national emblems; a mutual feeling of sorrow and sadness at all national disgrace and national dishonor and a common feeling of joy and gladness at our national success; a sense of genuine pleasure at anything and everything which adds new luster to our nation's glory. Such feelings as these, held in common by all classes of citizens, constitute what I would call national character. [Applause.] To build up and strengthen such sentiments, to draw out and cultivate such feelings there must be constantly transpiring noble national deeds. National works must be constantly engaged in, national improvements must be constantly in progress, national defenses must be constantly growing, and the power of the nation to make itself felt in the world must be constantly developed. This bill is drawn especially to assist in the development of such national character.

Let us, then, in the discussion of this bill, rise above all partisan zeal; let us put aside all narrowness of soul; let us endeavor to grasp with broad, unprejudiced minds these great problems of state; let us take into the account the grand destiny that awaits our beloved Republic, and so act that coming generations will say that the policy adopted by the Forty-eighth Congress for the defense of the country was conceived in a spirit of true patriotism and carried out in accordance with the teachings of the highest wisdom. [Great applause.]

Mr. RYAN (when Mr. HORR'S hour had expired) obtained the floor and said: If I am recognized I will yield so much of my time to the gentleman from Michigan as he may need to conclude his speech.

Mr. HORR resumed and concluded his remarks.

Mr. COX, of New York. Mr. Speaker, I do not think I would have undertaken to address the House on this measure——

Mr. HOLMAN. I hope the gentleman from New York will yield the floor until I can make a suggestion. I suggest to the gentleman from Pennsylvania that probably some understanding should be reached at this time in reference to the length of the general debate on the pending bill.

Mr. RANDALL. Let me remind the gentleman from Indiana this bill is not under my direction.

Mr. HOLMAN. I had overlooked that fact.

Mr. RANDALL. The gentleman from Michigan [Mr. HORR] has charge of the bill.

Mr. HORR. It is too early now to limit debate.

Mr. RYAN. Let it run on for a little while longer.

Mr. HORR. Yes, as the gentleman from Kansas says, let it run on for a little while longer; we will not be lengthy in its discussion.

Mr. ELLIS. Let the gentleman from New York proceed. I make the point, Mr. Chairman, that there is nothing before the committee.

Mr. HOLMAN. I hope the gentleman from New York will yield until we can come to some understanding on both sides of the House as to when general debate shall be closed on this bill.

Mr. ELLIS. I hope there will be no bargain made at this time

Mr. HOLMAN. I hope some understanding will be reached.

Mr. COX, of New York. I am on the floor just now.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. COX, of New York. If it had not been for the question raised the other day about printing speeches I would not ask now to be heard orally.

The CHAIRMAN. Does the gentleman yield for the suggestion made by the gentleman from Indiana?

Mr. COX, of New York. I should like to go on for a little first.

Mr. HORR. We will be through before long.

Mr. RANDALL. The gentleman from Michigan in charge of the bill it seems does not at this time desire to make any arrangement about the length of the debate.

Mr. HORR. Not just now. I will after a little. I wish to hear the other side first.

Mr. COX, of New York. Mr. Chairman, but for the discussion about printing speeches not delivered I would be glad to be relieved from delivering the remarks I propose to make. I would not deliver them at all had not my relation to naval affairs called me to study the questions involved. Nearly five years ago, as a New York member, I urged this House to make liberal appropriations for our fortifications, for guns of larger caliber, and for big ships of the best model and equipment. We may not have delayed in vain, as there is a constant advance in the arts and sciences connected with naval architecture and armaments. Indeed, by no one has this unsettled condition been better expressed than by Lieut. Edward W. Very, in his volume entitled "Navies of the World." From this I read the following:

During the past twenty years the changes in the material of which fleets are composed have been so rapid and universal that it has been impossible at any time to form a true estimate of the strength of the navy of any maritime power that would be of any value beyond a very limited time. With displacements advancing from 5,000 to 13,000 tons; weight and power of ordnance developing beyond the most exaggerated conceptions of twenty years ago; torpedo warfare springing into existence and developing as a new and special arm; modifications in engines and boilers by which speed has been developed from 12 to 18 knots, and steaming capacity from 2,500 to 6,000 miles; the revolution of naval tactics, and the entire change in the conditions of naval warfare brought about by the development of armor defense and the ram attack—it is only through paying the closest attention and under exceptionally favorable circumstances that naval officers have been able to comprehend the magnitude of the general result.

This bill and substitute came into the House in an unusual form. The bill of the majority asks for about five times as much money as the substitute of the minority. The former asks for $3,070,000, the latter for $595,000. The items vary. It is not unlikely that we can, without extravagance or parsimony, wisely take some suggestions from each. I believe in neither the monitor nor the cruiser system; hence I have so voted. I desire fighting ships of the best class.

Chief-Engineer King gives us in his exhaustive volume on war ships and navies the keynote to a true policy in the upbuilding of our Navy. He says:

The maritime power of England originated in the commercial wants of the people and become identified with them step by step in their "national progress."

What service I could render in this House on naval matters has been, first, with a view to strengthen our merchant marine, adapting it to the progress of the world in mold and materials; second, to provide defense upon our coasts by means of "great guns" of a caliber suited to that purpose and at least equal to the quality and kind of guns now used by other nations.

I am aware that all the pride of our early achievements on the sea and all the shame of our present deplorable condition have aroused a dormant national feeling in reference to both these subjects.

The question that confronts the legislation of this Congress is: How far can we go in the rehabilitation of the defenses of the country, either by fortifications and guns or by iron-clad war ships and cruisers?

NO URGENT NEED OF A NAVY.

We are told that there is urgent need of a navy. I do not admit the urgency, unless it be found in the maxim, "In time of peace prepare for war." Our peculiar situation renders this semi-barbarous maxim less applicable to the United States than to any other of the great powers of the world. Were we to be embroiled in warfare with any one or more of these powers they must come here to attack us. We have no commerce or colonial establishments to be attacked We have within our boundaries ample resources both of men and material to carry on a defensive warfare against any of the great powers of Europe or all combined.

Commerce is the bond of peace between nations. I well know that the military strength of a nation, even though unorganized, is one of its best securities from foreign aggression. I know this as well as I know that a commercial nation will hesitate long before it will provoke a war, no matter how great may be its military power. The greater the military power it will have to attack, the longer it will hesitate to declare war or give occasion for warfare. Knowing this, and knowing our I might say almost infinite military resources, I have no fear that any of the great maritime powers of the world are in the least disposed to give the American people a cause for war. Self-interest on the part of such powers sufficiently guarantees this. For the same reason, and I hope also a better one, I have no apprehension that we are disposed to provoke a war with any nation or people.

THE REPUBLIC STANDS ALONE.

Our situation and the spirit and enterprise of the American people are ample assurances that none of the great maritime powers have the least disposition to give us a cause for war.

The history of the world [says the London Times] has furnished no precedent for the condition of the United States. Hereafter Australia may exhibit a similar spectacle. As yet the North American Republic stands alone. With the conscious power to carve its own destinies belonging to perfect national independence, it combines the Roman peace enjoyed privately and commercially by subject provinces of the ancient Roman Empire. No country in the world has any interest in molesting it. None would dare gratuitously to offer it an affront or do it an injustice. Its standing army is the minutest in existence, and General Sherman, who would like it enlarged, does not desire that it should be more than minute. Except for the fear of wild Indians, or native desperadoes, it might disband the whole to-morrow and be perfectly secure. * * * Favorable geographical circumstances must be thanked in part for its immunity from many national burdens and national alarms. Unquiet and strong neighbors compel precautions generally. The United States can not be said to have more than two real neighbors; one too weak to be harmful, the other, which is great enough, possessed by the most ardent determination never to be otherwise than friendly. If even its neighbors had been among the most aggressive, its territories and its population make a solid mass, which would have insured it against attack. * * *

THE DEMANDS OF NATIONAL POLICY.

Endowed as we are with this faculty and boundless resources we need no great armaments for our defense. This fact is recognized by the honorable Secretary of the Navy. In the same report in which he recommends the remodeling of our Navy, he says in respect to "the demands of our national policy:"

The scope of that policy, as it relates to the maintenance of a military establishment, has been clearly and ably outlined by the late President Garfield, and his judicious words may well serve as guides in any action that we may take to-day. In a speech made in 1878, in the House of Representatives, he said: "The men who created this Constitution also set it in operation and developed their own idea of its character. That idea was unlike any other that then prevailed upon the earth. They made the general welfare of the people the great source and foundation of the common defense. In all nations of the Old World the public defense was provided for by standing armies, navies, and fortified ports, so that the nation might every moment be fully armed against danger from without or turbulence within. Our fathers said: Though we will use the taxing power to maintain a small army and navy sufficient to keep alive the knowledge of war, yet the main reliance for our defense shall be the intelligence, culture, and skill of our people; a development of our own intellectual and material resources which will enable us to do everything that may be necessary to equip, clothe, and feed ourselves in time of war, and make ourselves intelligent, happy, and prosperous in time of peace."

THE VIEWS OF THE NAVY DEPARTMENT.

The honorable Secretary of the Navy says that "with the views of American policy thus expressed the Department is in perfect accord;" and that "it is not now, and it never has been, the policy to maintain a fleet able at any time to cope on equal terms with the foremost European armaments." I ask close attention to the Secretary's words. The appropriations he asks for are not intended to be expended for ships fit to be the nucleus of such a navy as could cope with foreign powers.

In respect to a war with one of the great naval powers of Europe the honorable Secretary says that "the possibility of such a war is not lost sight of; but with our isolated position and traditional peace policy, it is a remote contingency, and we should cherish no ambition to take the lead among the naval powers of the world; certainly not until we again become foremost in the possession of a merchant marine." [Last annual report, Secretary of the Navy, vol. 1, page 8.]

"Any difference," says the honorable Secretary of the Navy, "which would involve us in a conflict with one of the great powers should be the growth of time, affording opportunity for gradual preparation." We may agree at present with the Secretary in his statement of our national policy. We may concur with him in regard to the remoteness of the possibility of a war between the United States and any of the great powers of the world. Such a war "is a remote contingency." We have no reasons of urgency that require any speedy or great preparation for meeting such a contingency.

But in view of this remote contingency, and in order "to assert at all times our natural, justifiable, and necessary ascendency in the affairs of the American hemisphere," continues the Secretary in the report from which I have been quoting, "we unquestionably need vessels in such numbers as fully to 'keep alive the knowledge of war,' and of such a kind that it shall be a knowledge of modern war; capable on brief notice of being expanded into invincible squadrons."

Mr. Chairman, I call your attention to the fact that we are told by the head of the Navy Department that our great and principal need of a navy at the present moment is not for defense, not for war, but only "to keep alive the knowledge of modern war." He says that "the vessels available for actual service are insufficient to give training to the officers and seamen, unequal to the present necessities of the Government"—necessities in which actual warfare is not contemplated—"and unworthy of a great and prosperous maritime state."

THE PRESENT DEMAND FOR A HOLIDAY FLEET.

The language of the honorable Secretary explains why it is that he is so urgent for "cruisers" rather than "fighters." He wants to replace the "worn-out structures of an obsolete type" with vessels more available for actual peace service, and in sufficient number to give training to our officers and seamen. All this pressure, all this urgency for a navy has for its main object this, and nothing more! We are charged with having a total disregard for the safety and best interests of the nation because we hesitate to vote millions of money from the Treasury in order to build, not a navy, but a floating annex to the Naval Academy—a holiday fleet! The urgency of the Navy Department is for "new cruisers." The ships we now have are "obsolete;" they are not fashionable enough for a training flotilla! "Hence," says the Secretary of the Navy, "provision should be made for building new cruisers, with due care and economy, by an annual outlay extending over a considerable period." "At least seven modern vessels should be built in each year until the Government has acquired a new steel navy," at an "annual expenditure of four millions."

The urgency, the great pressure brought to bear upon Congress is in behalf of the officers of the Navy, who are anxious to disport themselves in steel cruisers. This is the near and pressing urgency. They feel the need of training in modern ships, in steel cruisers, in order to be prepared for the very remote contingency of a war with the heavily-armed ironclads of one of the great naval powers of Europe. But it is not the Secretary's policy to build a fleet that would be "able at any time to cope on equal terms" with such a power.

NON-COMBATANT SQUADRONS.

Now, while I have not sufficient naval knowledge to say that we should not direct our attention mainly to providing a navy of steel cruisers for the pleasure and accommodation of our officers, before we embark to any considerable extent in the building of fighting ships, I am nevertheless well satisfied that it would be most unwise to vote $4,000,000 for the construction of seven steel cruisers next year until we have some evidence that the Chicago, the Boston, the Atlanta, and the Dolphin are of the proper type or types to enable our naval officers "to keep alive the knowledge of war." Are these the types of ships that are "capable on brief notice of being expanded into invincible squadrons?"

I am by no means satisfied that a fleet composed of cruisers of these types would not still leave us "a subject of ridicule at home and abroad," if, as the Secretary of the Navy thinks, we are now "justly" such "a subject of ridicule." I do not want to make the American people pay four millions a year without some annual evidence that they are not paying their money for a type of ship that will continue to make the "decrepitude" of our Navy a "subject of ridicule." I do not want to spend four millions a year on steel cruisers of the type now under construction, which even I, who am no naval expert, can see at a glance are not only incapable of being "expanded into invincible squadrons," but are also unequal to cope with first-class merchant steamers, such as the Alaska or Oregon, if these latter were equipped with the armaments with which they are to be provided in time of war.

ADVICE OF THE NAVAL ADVISORY BOARD.

The Secretary of the Navy wants us to give our first and greatest attention to the building of seventy steel cruisers—seven each year—in order to maintain our present complement of officers and sailors in that kind of a cruising fleet or training-school. The naval advisory board, whose advice we are urged by the Secretary of the Navy to follow, "expresses the opinion that the limit of combined efficiency and economy is reached in cruisers of the Chicago type, of 4,500 tons displacement." This board "condemns any policy looking to the present construction of cruisers that shall rival in speed the fastest transatlantic steamers." We are told that the reasons for this policy are: first, that at present less than one hundredth part of the ocean steam tonnage of the world is composed of merchant steamers of exceptionably high speed; second, that in time of war the high-speed merchant steamers would be withdrawn from their ordinary pursuits—that is to say, they would become armed cruisers; and, third, that in order to match such cruisers it would be necessary for us to build vessels with a displacement of at least 11,000 tons, at a cost of at least $4,000,000 for each vessel, "or nearly as much as that of all the seven ships recommended by the board." Is this a progressive policy?

QUALITIES WHICH A CRUISER SHOULD HAVE.

I do not claim for this House the profound wisdom of a naval advisory board in respect of naval affairs, but I do insist that we possess sufficient common sense to perceive the fallacy of these reasons. I would call the attention of the House to some of the views of the Admiral of the Navy in respect to the qualities which a war-cruiser should possess.

Under date of November 19, 1883, Admiral Porter made a report to the Secretary of the Navy, in which he calls the attention of the Secretary to the fact that "in case we should have a war with any foreign nation all ports will be closed against our cruisers so far as obtaining coal or munitions of war is concerned." "Our vessels," he says, "after consuming their coal must either lie idly by until a supply is sent from home or make an effort to reach the United States under sail, with perhaps fuel enough to run a blockade at the end of their cruise." "Without full sail power," says the Admiral, "a ship of war"—cruiser—"would make but slow progress under these circumstances." (See last annual report of the Secretary of the Navy, volume 1, page 390.)

DEFECTS OF THE ADVISORY BOARD CRUISERS.

The Admiral holds the opinion that an effective cruiser "should not only be fitted with a full area of square sails, but she should have all the usual jibs and try-sails, and have light stays between all the masts where the latter could be set," in addition to full steam-power. (Page 389.) He does not agree with the advisory board or the Secretary in respect to the speed of the Atlantic merchant steamers, or that proposed for our cruisers. He says that "a large portion of the ocean commerce is now carried on by swift steamships, many of which average fifteen knots across the Atlantic;" and that "in time of war the greater part of the enemy's commerce would be carried in such vessels." "Now and then," he says, "a comparatively slow steamer might fall a prey to our cruisers, but this would not often happen." The cruisers which the Admiral had then in his mind were the Chicago, the Boston, the Atlanta, and the Dolphin, the types approved by the advisory board; the kind of which seventy are urged to be built at an expenditure of $40,000,000, at the rate of $4,000,000 a year! The Admiral thinks that "now and then" a cruiser of such a type as any of those under construction might make a "comparatively slow" merchant steamer its prey! Are we to be denounced as being opposed to the building of a navy because we do not at once act upon the opinion of the naval advisory board when the highest officer of the Navy not only fails to indorse its recommendations but shows that if its recommendations were carried out we would still be as far as we are at this moment from having effective cruisers, much less fighting ships?

CRUISERS INFERIOR TO ENGLISH MERCHANT STEAMERS.

Admiral Porter tells the Secretary that "nearly all the European steamship lines, Messageries, Peninsular, and Oriental, &c., are composed of large and fast vessels, capable of overcoming the resistance of the heaviest seas, which would swamp a vessel of small dimensions attempting to force her way in chase." (Page 390.) The Admiral regards it as absurd to apprehend a war between England and the United States, "since their interests are so mixed up in commercial enterprises." But in the event of such a war, he says that "most of the fast steamships of Great Britain would be withdrawn from commerce and armed with heavy batteries." He says "the ocean would swarm with these converted merchant steamers, and they would effectually control it." Why does the Admiral make this statement? Because he does not regard the proposed steel cruisers—those being built and those proposed—as effective cruisers. "In case of such a war," he asks, "how long would it take for a steamship like the Oregon or the Alaska [English merchant steamers] to overhaul and capture small 'commerce destroyers?'" Let the advisory board that "condemns any policy looking to the present construction of cruisers that shall rival in speed the fastest transatlantic steamers," give us a satisfactory answer to this question before we commit Congress to the policy of building seventy ships of war each inferior in speed and cruising and fighting capacity to existing merchant steamers.

ENGLISH TYPES OF CRUISERS.

For my part I would prefer to expend $4,000,000 for one first-class war vessel that would be able to overhaul the Oregon or Alaska, and merchant steamers of that type when armed as cruisers, than have a dozen such cruisers as the Chicago, Boston, Atlanta, or Dolphin, for the same money. I have no confidence in the slow-speed policy of the advisory board in this age of high speed and scientific advancements. The steel cruisers which we are now building are already behind the requirements of the day. I risk nothing in saying this when I can point to such British merchant steamers as the Oregon and Alaska. These are types of all large British merchant steamers that are hereafter to be built. None are to be inferior to these. Most of those yet to be built will surpass them. The coal capacity of such steamers would be, as the Admiral says, "tremendous." "They would carry six months' provisions and their commanders might laugh at Atlantic seas." Courtesy to the naval advisory board and the head of the Department alone prevents the Admiral from saying that commanders of such steamers would also laugh at such cruisers as the Chicago or any of those recommended by the board. We who have no technical naval knowledge can easily see that our steel cruisers, the Chicago and the others, are a mistake. They are merely "dress-parade" or "review" ships. They are not capable of effective cruising service in war-time.

THE AMERICAN TYPE OF CRUISER.

"Take the Chicago for example," says Admiral Porter; "it is said she will have only 14,000 square feet of canvas in her principal sails. Any seaman knows that so small an amount of canvas can only be considered 'auxiliary,' and would only propel the vessel through the water in a very fresh breeze." "With the very peculiar rig of the Chicago, without bowsprit and jibs projecting beyond the bow, no vessel would work under sail in smooth water, much less in a heavy sea." The Chicago has not coal capacity, even if possessed of sufficient speed, for ocean cruising in time of war. A cruiser should be able to keep the sea. How can a ship do that if she has neither coal capacity nor full sail-power? It is not proposed to build cruisers of such capacity or power. "I am not," says Admiral Porter, "an advocate for extremes, but am certain that no ship will be a first-class cruiser unless

she has sail enough to send her thirteen knots through the water off the wind and ten knots by the wind. That is the speed of our old first-class frigates and ships of the line with their full bows. The finer lines of to-day ought to do better." He considers that modern cruisers, "with the enormous weight of boilers and machinery carried low down," have "a stability not possessed by the old-fashioned sailing ships of war;" and that "they could carry top-gallant sails when the latter would have to take a reef in the topsails."

THE IMPORTANCE OF SAIL-POWER FOR CRUISERS.

Before we go further into the building of cruisers, would it not be just as well to inquire into the possibility of constructing a ship with power under steam to overhaul the Oregon and ships of that class; and with sail-power capable of sending her through the water at a speed at least equal to that made by the old-fashioned first-class frigates with full bows and limited canvas-spreading stability? The Admiral illustrates the importance to a war ship, especially a cruiser, of full sail-power. "I will," he says, "suppose a case of two ships of war meeting at sea, of equal size and weight of metal. The machinery of both vessels may be injured, and both may have to depend on their sails. The one that is the best rigged and with the position of the center of effort of the sails so fixed that the steamer will work as well as the old-fashioned sailing ships (which can be accomplished) will sail around the other vessel and compel her to surrender." We are told by the Admiral that the desired result "can be accomplished." Why then should we spend $4,000,000 a year for the next ten years in building vessels like the Chicago, with insufficient coal capacity for war cruising and a rig under which "no vessel would work under sail in smooth water, much less in a heavy sea;" a rig that "would only propel the vessel through the water in a very fresh breeze?"

"It may be argued," says Admiral Porter, "that the proposed ships will not be required to maneuver, and that they will always work in important cases under steam." This argument might apply to heavy ironclads, but certainly not to cruisers. In respect to the latter he well says that "it is necessary to guard against every contingency," and that "even in time of peace every effort should be made to economize coal, the careless expenditure of which eats up the public treasure." "What a steamship consumes in coal would in a few years buy a new vessel." The Brooklyn is a very much smaller ship than the Chicago, yet this old-fashioned vessel can spread 8,000 square feet of canvas more than is intended for the Chicago.

Let us at least approach the best foreign types. Those now proposed are neither superior in speed nor equal in fighting capacity to ships designed twenty years ago.

When England and France assumed a hostile attitude to the United States during the late civil war, Congress appropriated money for 65,890 tons of fast steamers, "real commerce destroyers"—(I still quote from Admiral Porter's report to the Secretary)—"all larger than the proposed Boston class, and eleven of them as large or larger than the proposed Chicago." "Had these vessels been built of iron" (as they ought to have been), says the Admiral, "we might not at this day have been complaining of a decayed navy, since, if properly taken care of, they must still be serviceable." How many millions has Congress appropriated to maintain a navy since that time?

THE UTTER FOLLY OF A NON-COMBATANT NAVY.

Why was this mistake made? What party is responsible for not completing this fleet? for leaving most of these ships to rot on the stocks? Is it not the party that has squandered over $160,000,000 on our Navy Department since the close of that war? Are we to still follow the plans of that party for building a navy? Do not the statements of Admiral Porter show the utter folly of building a cruising fleet of the type of the Chicago and the others now under construction? "The Dolphin class of vessels," he says, "could do little in such weather as one meets with in winter on the Atlantic, although to the great ocean steamers such weather is encountered with nearly the same ease as our steamboats make the run between Newport and New York." He has little, if any, better opinion of vessels of the Boston or Atlanta or even the Chicago type as cruisers. None of them would, in his opinion, be a match for a well-armed merchant vessel like the Oregon or Alaska. And of course it is only as cruisers that our unarmored steel vessels are proposed to be commissioned. None of them dare show a broadside to any armored war ship.

THE QUESTION OF NATIONAL DEFENSE.

Mr. Chairman, this question of national defense is a matter in which it behooves us to "make haste slowly." So far as I am able to judge, the naval advisory board has failed to submit a plan for the reconstruction of our Navy that should be adopted. This is certainly the case in respect to the cruisers, the only ships for which any great pressure is being made on Congress. It is proposed to make these the great feature of our Navy. The ironclads are merely incidents. In respect to the latter, their efficiency depends on the as yet unsolved problem of how to cast great guns in our founderies that will equal in range and power those now made in Europe. The ingots and the projectiles for such guns are still a matter of scientific speculation and experiment. In this condition of affairs is it not our duty to hesitate before we throw away millions of dollars wrung from the people by onerous taxation? Let us insist on having thorough investigation into the best system of offensive and defensive armaments before we squander any more public money or bind ourselves to anything that there is reason to doubt might not prove the most effective. I am willing to devote a reasonable sum of money annually for experimental purposes. We, of all nations on earth, can best wait for the results of such experiments. I am willing to build cruisers to maintain "a knowledge of war" among our officers and seamen when a plan is submitted to Congress for effective ships. I want to be committed to such ships rather than to vessels fit only for holiday naval excursions to the sunlit shores of the Mediterranean. I want something more than handsome pleasure yachts for commanding officers. Duty to the tax-payers of the country requires us to at least wait for some satisfactory results from the Chicago and the other steel cruisers now in process of construction before we undertake to spend $4,000,000 a year in increasing our cruiser fleet. The common sense of the country is entitled to more respect than this affected rage for a navy that has for its inspiration the depletion of the "surplus" rather than the completion of effective ships and proper coast defenses.

GREAT GUNS.

The Navy Ordnance Bureau is now constructing at the Washington navy-yard 6-inch, 8-inch, and 10-inch guns. They are of forged steel.

The best guns for our naval service are made wholly of steel and vary in caliber (or diameter of bore) about as follows: 5, 6, 7, 8, 9, 10, 10½, 11, 12, 15, 16, and 17 inches. The capacity to manufacture such guns in the United States is limited at present to the total construction of 5 and 6 inch guns, and to the machine work up to and including 10½ inch on other guns.

The guns we are making are all breech-loaders. These are designed to be as powerful as any guns of their caliber made abroad.

The steel for the 6-inch guns is made in this country, at the Midvale Steel Works, near Philadelphia. The steel for the larger guns could not be procured in this country, as none of the steel manufacturers had sufficiently heavy hammers to forge the large ingots required. The Ordnance Department was forced to buy this steel abroad. It was procured in England, from Whitworth, and from Cammel & Brown. One of the 6-inch guns has been finished. It has been proved at the experimental battery at Annapolis. The results show that it is equal to the best gun made abroad of its caliber.

May I be allowed to say that I had the honor to fire it off? Here is a portion of the shot or shell. [Exhibiting it.] It was so well aimed that it impacted another similar 100-pound shot. The charge was thirty-five pounds of powder of improved kind. I will not say how much and how far I retired to shoot this gun. But its thunder still rings in my ears. Other Congressmen were there—General GOFF and Judge PERKINS, who, being well protected, saw me fire it behind a hill, while they peeped through holes in a big log battery.

The largest Krupp gun is about 17-inch caliber, nearly three times the size of the gun I fired. It is possessed by Germany and will throw solid shot thirteen and one-half miles. Its projectile weighs 2,200 pounds. Its charge of powder is 1,000 pounds. One-hundred-ton guns made by Armstrong are not now afloat except on Italian ironclads—the Duilio and Dandolo. But guns of this size are now being made for England. Indeed, all governments are rearming. Guns are changing. They are doubled in length.

RECENT PROJECTILE DEVELOPMENTS.

Unarmored cruisers are of no service for the defense of ports. To have any chance of success against an attack from England, France, Italy, or Germany a powerful iron-clad fleet of vessels carrying guns upwards of 10-inch caliber is necessary. Should we have such a fleet? Not large, unwieldy ironclads for foreign service, but gun-vessels, carrying a small number of protected guns of large caliber up to sixteen inches; vessels capable of high speed for a reasonable length of time, of small draught and quick turning power. A fleet of such ships would cost comparatively little. They could be moved from point to point, and their presence would render any port secure against the combined attack of all the ironclads of the world that could be brought across the ocean against us.

Another mistake of these unarmored cruisers is not only their lighter guns, but their inability to keep out of range of the projectiles of the machine-guns which form a large part of the armament of a modern ironclad. By machine-guns I mean such guns as are made by Hotchkiss, an American, who, finding no market for his productions at home, went to France, established his factories, and now supplies the world with guns of from one to three inches caliber, capable of firing projectiles from twenty to forty times a minute. The lightest of these guns would pour their rain of fire through and through the sides of these steel cruisers at 1,000 yards' distance. The heavier calibers could send twenty shots per minute through four inches of armor.

The new ironclads of Europe carry as many as thirty of these destructive weapons. Should one of the "cruisers" meet a vessel of this kind, its light sides would soon be a sieve of holes from the fire of the machine-guns alone.

This machine-gun fire is a development of the last three years. Intelligent naval men agree that it is bound to completely change the

system of maritime warfare. They say that it will be impossible for an unarmored ship to live against such a furious fire. Ships must be armored to protect men, magazines, machinery, and guns against these new machine-guns alone.

A gun capable of firing a six-pound shell which can pierce four inches of steel, and with a range of four miles, would have seemed impossible three years ago. But when such a gun can be fired twenty times a minute, and when a vessel has thirty of them, that is, a capacity of six hundred shot per minute, one of the great changes necessary in naval warfare and in the protection of ships is strikingly apparent.

I am told that the 6-inch guns of the steel cruisers will pierce ten inches of iron, and the 8-inch guns fifteen inches of iron. This penetration may possibly get through the armor of the second-class ironclads of foreign navies. But these guns can be fired only very slowly—possibly one shot in three minutes with the 8-inch guns, and one per minute with the 6-inch gun. Hitting an object at sea is a difficult matter. In the smoke and excitement of action it is hard enough to hit on land; but with the unsteady platform of a ship at sea, the confined space in the battery, and a quickly moving target, many shots must miss their mark. However courageous officers and crew may be they would stand but a small chance of getting in one lucky shot, while the unprotected sides of their ship are but as paper for a protection against the rain of projectiles from the new machine-guns.

We must have ironclads to protect our ports; ships clad with light armor to keep out machine-gun projectiles, and with their vitals protected by thick plates of steel, strongly backed with solid oak, so as to be impervious to the shot of any gun that may be likely to be brought against them.

THE NEW POWDER.

Powder plays an important part in gunnery and war. Perhaps the new powder referred to by the gentleman from Michigan [Mr. HORR] may take its place in the economy of explosion.

Perhaps the new Krupp gunpowder may come in to displace our present black compound. It is within my own observation that there is at the Annapolis experiment yard a new powder, invented by Captain Folger, working wonders and making dynamite problematical. Get a powder with thinner smoke, with a faculty to disappear quicker, or obtain such a relative proportion of ingredients as to make a greater degree of carbonization of the wood from which the charcoal is made, and you may change the gun by changing the chemical conditions of the explosive substance.

COMMENDABLE CAUTION.

The House may take pride in its caution and economy. We need heavy vessels on the ocean; and we require big guns on them and on the land. Rear-Admiral E. Simpson as president of the Navy Advisory Board, in a letter dated April 11, 1884, endeavored to prefer the fightless cruiser to the armored vessels of fighting quality; but truth crept almost unaware on his caution when he gave reasons paramount for the armored ships. He really favored one armored vessel to be under constant construction. He says, as to the construction of such a vessel, that it will take three years; and the cost would be $2,500,000. One such vessel is worth a half-dozen of flighty holiday cruisers. Hear what he says:

The length of time required for such constructions is from three to five years. They are very costly and will involve much study and careful preparation; besides the selection of a type will be a matter requiring much deliberation.

In relation to the last point—the selection of a type—I submit general dimensions and some particulars of two armored vessels, which represent the most advanced ideas of the present day. One of these would most probably be the character of the vessel that would be recommended by such a body as the advisory board.

Her Britannic majesty's steamship Imperieuse, not yet completed, was commenced in 1881. She is called an armored cruiser, and is intended for service on foreign stations where fast unarmored ships may have to be opposed and where second-class ironclads may have to be engaged. Her dimensions are as follows: Length, 315 feet; beam, 61 feet; draught, 25 feet; displacement, 7,400 tons; indicated horse-power, 8,000; speed, 16 knots.

The battery will consist of four 9.2-inch guns, each mounted in an armored barbette, and six 6-inch guns in broadside. The barbettes are arranged one forward, one aft, and the others abreast of each other at the sides amidships; the heavy guns are thus situated at twice the height from the water that they would be in a turreted ship, and can be fired three together in any direction. The speed and armament here described does not greatly exceed that of the Chicago, but the difference in displacement of 2,900 tons admits of the following armor: Throughout the length occupied by the machinery and boilers (139 feet), the sides are protected by 10 inches of compound armor for a depth of 8 feet; the deck over this is 1½ inches thick; bulkheads of plating 8 inches thick run athwartships at the forward and after extremities of the side armor, thus forming a citadel inclosing the machinery and boilers. Forward and abaft of the citadel, at the level of its lower edge, extends a protective deck 3 inches thick, sloping downward to the sides, as in the Boston and Atlanta. The barbettes are 17 feet in diameter, and are armored with 8 inches of steel, which protects the machinery for turning, elevating, and loading the gun, and an armored shute leading to below the armor deck makes the passage of ammunition safe and rapid. The pilot tower is protected by 10 inches of armor.

Contrasting the protection afforded by the armor above stated with the vulnerability of the Chicago, the advantage of the increased displacement of the Imperieuse becomes apparent.

Another type of vessel that would come up for consideration is the turreted ship Riachuelo, just completed for the Brazilian Government by an English firm on the Thames. Her dimensions are as follows: Length, 305 feet; beam, 53 feet; draught, 20 feet; displacement, 5,700 tons; indicated horse-power, 6,000; speed, 16 knots.

The armament consists of four 9-inch guns in two turrets and six 6-inch guns on the upper deck. There is an armor belt of eleven inches thickness covered by a two-inch deck, and the turrets have ten inches of armor.

The armor protection is by no means so complete as that of the Imperieuse, nor is the arrangement of the battery so effective, but, on the other hand, the speed is greater and the displacement is 1,700 tons less.

These instances are cited to show that a board can not, except after the most careful study and examination, decide upon even the size and general dimensions of an armored vessel best suited for our purposes. Therefore, in suggesting the form for an act of Congress which will best carry out the recommendation I make in this communication, and estimating the time required for completing the vessel as three years, I would propose that the authority should be given somewhat in the following form, namely:

For the construction of one armored vessel of not exceeding 7,500 tons displacement, $1,000,000; such vessel to be constructed under the same conditions as prescribed for the construction of the steel cruisers, and its armor and armament procured at a total cost not to exceed $2,500,000.

IMMENSE FOREIGN VESSELS.

Lieutenant Very gives in his volume a list of the vessels of various nations. From this I will mention a few of the larger ships and their characteristics.

The largest ironclads are the Italian ships Italia and Lepanto, 13,480 tons, 15 knots, 21 inches steel backed with 4 feet of oak; Dandalo and Duilio, 10,650, 14 knots, 24 inches steel backed with 4 feet of oak; all four armed with four 17½-inch 100-ton guns and with four 4¾-inch guns. In addition to these Italy has sixteen ironclads of smaller size, but each stronger than anything we have.

Of British ships the Inflexible is of 11,500 tons, has 24 inches of compound armor and a speed of fourteen knots, carrying 16-inch guns. The Ajax is of 8,492 tons, has 19½ inches of compound armor, speed thirteen knots, and carries four 12½-inch guns. The Devastation is of 9,157 tons, has 13½ inches of compound armor, speed fourteen knots, and carries 12-inch guns. The Dreadnaught is of 10,886 tons, has 15⅝ inches of armor, speed fourteen knots, and carries four 12½-inch guns. Great Britain has fifty other vessels of war clad with from 5 inches up to 19½ inches of armor.

Of French ships the Admiral Duperre is of 10,315 tons, has 23 inches of armor, and carries four 13½-inch guns and fourteen 5½-inch guns, with a speed of fifteen knots. The Dévastation is of 9,630 tons, has 16½ inches of armor, carries six 12½-inch guns and eight 5½-inch guns, with a speed of fourteen knots. France has fifty-three other war-ships clad with from 5 inches to 16½ inches of armor.

Of German vessels the Kaiser is of 7,440 tons, with 11½ inches of armor and a speed of fourteen and a half knots, carrying eight 10½-inch guns and one 8¼-inch gun. The Prussian is of 6,748 tons, has 10½ inches of armor, with a speed of fourteen knots, carrying four 10½-inch guns and two 6¾-inch guns. Germany has twenty other war ships clad with from 3 inches to 11½ inches of armor.

Of Japanese vessels there are the Foo-Soo-Kioan of 3,718 tons and 9 inches of armor, with a speed of thirteen knots, carrying four 9½-inch guns and two 6¾-inch guns, and four others with 5 inches of armor.

Chili has the Almirante Cochrane of 3,430 tons, 9 inches of armor, speed thirteen knots, carrying six 9-inch guns and two 4-inch guns; and two other ships with 5½ and 9 inches of armor.

The New York Times has given a description of the new British-built Brazilian man-of-war. I insert it here for our admonition:

The Brazilians have just added to their navy a British-built ironclad—one of the most formidable vessels afloat—which has a speed of seventeen and a quarter knots. The Chicago can carry eight hundred tons of coal, and burns it so fast that it will last only six and a half days. The Brazilian ironclad carries the same amount of coal, but burns so much less than the Chicago that she can steam continuously for twelve days. The Chicago will have no guns fit for a modern cruiser, for the reason that there is not a foundery in this country that can make an 80-ton rifle, much less a larger gun, while the Brazilian vessel is more heavily armed than any vessel afloat except the new Italian ironclads. She can fight, chase, or run away from an enemy; but the Chicago can escape only from a slow antagonist, and can fight nothing more formidable than a merchantman.

MILLIONS SQUANDERED UNDER PRETENSE OF BUILDING A NAVY.

We have been without a navy for almost twenty years. In all that time the party in power has not made one honest effort to build a navy. It has enriched some parties by squandering millions of money under the pretext of building a navy. And now when we refuse to adopt this dishonest policy are we to be cited as being opposed to the building of a navy? Oh, no, my friends! You can not charge us with opposition to a navy. Our opposition is not to a navy, but to a fraudulent navy, a sham navy, a navy that can not fight, that can not cruise, that can not cope even with a good merchant steamer of modern type. Our opposition is against jobs. We want to begin at the foundation; to build anew rather than to go on developing the obsolete. Our navy-yards are useless for legitimate purposes. They have degenerated into political machines. Our gun-founderies are yet to be built. Everything requisite for a navy or for effective coast defense has yet to be designed. We have to build from the bottom up when the designs are submitted. All plans submitted are immature. Everything is in embryo except the "surplus." That is ready; and so are the men who are anxious to go into it "up to the elbows." To get a "big grab."

PROTECTION OF HARBORS AND COAST.

But it is said, we must be prepared for war. Be it so. Let us now enter upon that preparation. Let us do whatever is necessary and proper to that end, the most necessary and the proper first. Is the protection of our commerce included in this necessity? No. What

then? The protection of our harbors and coast? Yes. This, then, is the first necessity.

I have not been averse to proper precautions and timely appropriations and appliances to build guns for the protection of our coast. Long since, in a speech on the 12th of December, 1879, on the fortification bill, I showed the exposed condition of New York and other large coast cities. I urged action in the making of defenses on the coast. What is recommended by one of the Senate amendments I proposed then. I favor the same wise forecast and provision now. I shall, with permission, append the remarks I then made.

Our defenses by "great guns" is the most necessary thing. In what shall this defense consist, if not in guns to meet those of other nations? Is it in forts, guns, floating batteries, torpedoes or rockets, gunpowder or dynamite? Does any gentleman know any better mode of defense now? Has military science yet determined? If not, let us pause. It is already known that no ship can float with steel armor thick enough to be impenetrable by shot fired from the best guns. In a contest between steel-clad ships armed with such guns, it is simply a question of gunnery, courage, and maneuvering as to which shall sink, disable, or capture the other. It is the same question as in the days of wooden ships and 32-pounders. To fight a naval battle to-day a nation must have steel-clad ships and modern guns. What will be the armor of to-morrow? To defend a harbor against ships as now equipped, we must rely on guns of equal range and force with those on the attacking ships. However large our navy might be, land defenses would still be necessary. The gun is the main thing to be considered. Therefore let us attend to the main thing and the necessary thing first. If we can defend our coast and harbors, and have no commerce but the enemy's to look after, can we not rely on American skill to provide the "destroyers" when the occasion comes for havoc upon the defenseless, white-winged messengers of commerce? We have seen how powerless ironclads and the best guns of the time were for the protection of merchant ships against swift wooden cruisers like the Alabama. Speed and not fighting qualities is the main requisite for commerce-destroyers; propelling power, not engines of war; flight from battle, not courage; dashes at the defenseless instead of at the defenders. It is a very easy matter to equip commerce-destroyers. The maritime powers of Europe, especially England, know how easy. Their commerce is far more vulnerable than any of our ports would be when defended by approved artillery.

DESTROY CRUISERS RATHER THAN COMMERCE.

I am not inclined to favor the destruction of commerce. If we must have "cruisers," let them be of a class that can overhaul and destroy the cruisers of the enemy. If the military policy must still be maintained in this late day of the Christian era, let us have ships that will be more eager to meet men-of-war than merchantmen. I would still maintain some of the spirit of chivalry to ameliorate the rigor of war. Let our naval commanders have ships in which they can emulate the achievements of the historic Porters, Hulls, Decaturs, and Perrys. They commanded fighting ships such as the Essex, the Constitution, the United States, the Wasp, the Hornet, and the Enterprise. These ships were equal to the best of the period. Each of these compelled, in single combat, the surrender of a British war-ship. Here is a list of a few of the conquests of our old fighting ships:

Date.	American vessel.	Guns.	British vessel.	Guns.
Aug. 13, 1812	Essex	32	Alert	20
Aug. 19, 1812	Constitution	44	Guerriere	49
Dec. 29, 1812	Constitution	44	Java	49
Oct. 25, 1812	United States	44	Macedonia	49
Oct. 18, 1812	Wasp	16	Frolic	22
Feb. 24, 1813	Hornet	18	Peacock	22
Sept. 5, 1813	Enterprise	14	Boxer	18

I want our naval officers to have ships in which they can emulate Perry, who, with a small squadron mounting only forty-four guns, captured a British fleet carrying seventy guns, not allowing a single ship or flag to escape. If we are to have a navy, let it be one that can achieve such victories as this, so that it may be said of us as was said in the war of 1812–'14:

Have we not accomplished more than did Spain with her "Invincible Armadas," than did Holland with her De Witts, Von Tromps, and De Ruyters; than France could achieve when she was in the zenith of her naval power; than did Great Britain with her Nelsons, Rodneys, Howes, and St. Vincents? The naval annals of England furnish no instance in which every vessel belonging to a hostile fleet was captured.—*Annals of Congress*, Thirteenth Congress, 1813-'14, volume 1, page 1240.

It takes time and money to build ships of the modern type that will accomplish such victories. We have both of these. But is there any pressing necessity for cruisers that can neither chase nor fight?

THE FLEETING FASHIONS OF NAVIES.

How long will steel-clad navies be the fashion? Does any gentleman know? Will they be popular if the dynamite air-gun or rocket should prove to be a success? Imagine a squadron of great ironclads like the English Warspite, Impérieuse, and others of from 7,000 to 10,000 tons displacement off New York Harbor, and a swift "mosquito fleet" in the harbor, armed with dynamite guns and rockets, with steam up and ready to dash out upon the enemy at night! Would not the big ironclads be as vulnerable before such a mosquito fleet as an unwary traveler who had provoked the occupants of a hornet's nest? Why this haste when the modes and munitions of warfare are in such marvelous evolution?

DYNAMITE AS A DIFFUSER OF THE GOSPEL OF PEACE.

It has been claimed for gunpowder that it has been not only a great civilizer but also that it has contributed in no small degree to the spread of the Gospel. We may, I think, confidently claim higher civilizing capacity for dynamite and credit it with considerable power for diffusing the gospel of peace among the nations. All that is necessary to the accomplishment of these grand objects is the invention of a proper destructive projectile-machine or engine. Can we doubt that American ingenuity, using the "elements of subtle flame," will not soon supply this want? If any incentive is necessary, let us, in the interest of civilization and peace, vote for the offer of a large reward to the inventor of a dynamite cannon, catapult, ballista, arrow, or rocket of sufficient range to engage an enemy armed with the best gunpowder artillery.

DYNAMITE EXPERIMENTS.

A week ago dynamite was the terror of the world. It may be still. But who can tell what a day may bring forth? Read what is here sent me from our dynamite experimental grounds. I have at home the photographs of this at present ineffectual experiment:

Much has been said lately about the distructiveness of dynamite, some people going so far as to assert that a few pounds exploded on the side of an ironclad would shatter the neighboring plates and crush in the side. Were this true, leaving out the difficulty of placing the charge in the right place, the great expense necessary to construct heavy ordnance might be saved, and the utility of heavy armor seriously doubted.

The unfounded assertions of persons interested in the dynamite gun have given a sense of security to many which the results obtained at Annapolis do not warrant.

The target was composed of ten iron plates, bolted against twenty inches of oak, a structure of much less strength than the side of the weakest of modern ironclads. The experiments commenced by firing a few pounds of dynamite several feet away, and as no effect was produced the distance was decreased and the charge of dynamite increased until twenty pounds were fired in direct contact with the target; the effect then was only a slight indentation of the plate.

The charges of dynamite were then increased until seventy-five pounds were exploded in contact with this effect: an indent of seven inches deep and three feet in diameter, the outer plate slightly cracked and the bolting considerably strained, but not so as to cause the target to fall apart. This was after two hundred and sixty-five pounds had been fired against it in all, no repairs having been made in the intervals.

The proposition has been made to fire the dynamite in shells, but the shell of the 100-ton gun only contains about eighty pounds.

The effect against the side of a modern ship armored with steel plates of from ten to twenty-four inches in solid thickness, backed with from fourteen to fifty inches of solid oak, can be estimated as nil. A single shot from the gun you fired the other day would have completely pierced such a target and probably shaken it to pieces.

NAVAL ARCHITECTURE AND EQUIPMENT.

Mr. Chairman, ship-building, especially the building of war ships, must always be experimental work. Naval architecture is not yet an exact science. Construction and stowage are still in theory. Experts differ with great acrimony on these matters. You may build on the most approved theory of construction, and for some unaccountable reason fail of success. If you succeed in your architecture, there still remains the problem of "stowage." The stowage of a ship has reference to stability, speed, easiness of motion, and economy of space. You must distribute your ballast and other disposable weights so as to increase the stability of the ship and maintain her upright position. You increase this stability by increasing the depth of the center of gravity below the center of buoyancy or displacement. You will understand the difficulty and importance of stowage when you call to mind the rule that any weight influences the position of the center of gravity of a ship in exact proportion to its distance from that point—a small weight at a certain distance producing the same effect as double that weight at half the distance. We must consider also the momentum of the weight in motion, as when the ship is pitching or sending.

The science of naval architecture and equipment is not yet laid down in the books. It involves undecided questions of physics and the developments of chemistry, more than progress in navigation. We can better afford to await these developments than any other maritime power on earth.

PLANS TO GET AT THE SURPLUS.

Objections are made to cutting down our surplus revenue. Plans for the most wasteful extravagance of public money are boldly introduced in Congress. Every excuse is made that can be invented to ward off an issue on financial economy and moderate revenue. This sudden demand for a useless cruiser navy is one of the excuses to do this, to keep up the taxes. There are men in this country who, if clothed with the power, would not hesitate to plunge the country into a foreign war, just to prove to the people how much we need a great navy. Does it not look very suspicious that this cry for a navy was not raised until we became incumbered with the "surplus," and reduction of taxation became the inevitable issue?

SHOW THE NATIONS HOW TO LIVE AT PEACE.

I do not care to spend our surplus without results. God save the

Republic from the machinations of men who are raiding it! It behooves the country to see that they are not clothed with power to accomplish their designs. I prefer to cultivate the arts of peace rather than to promote warfare. I adhere to the doctrine of the fathers that "the welfare of the people is the great source and foundation of the common defense." We need no great standing armies or navies or commissioned cruisers in time of peace. We have ample time to devise and execute plans for defense in the very remote contingency of a foreign war, if the affairs of state are intrusted to those whose endeavor it will be to cultivate amity with the nations and extend our commerce. No great nation desires aught but amity with us. God has blessed us in position and in the endowment of almost infinite resources of power. We sit under the vine and the fig-tree, none daring to make us afraid. Does He not say to us in Holy Writ, that a time will come when men shall beat their spears into plowshares and their swords into pruning-hooks, and when the nations will learn the arts of war no more? Is it not time at this closing nineteenth century of the Christian dispensation for some of the nations to move forward to the hastening of the promised day of peace? Are we to continue always in the unholy strife of nations, we who are blessed with all the power to inaugurate the glorious era of peace on earth and good-will toward men? Why should we not urge on the work of the Peace Congress? Why should we not urge upon the army-ridden masses of Europe the doctrine of international arbitration, rather than follow the barbarous methods of great armaments? Let us show to the nations how to live at peace with great and powerful neighbors. Let us show the nations by our example that when the people dethrone despots and make their own laws, and are just, industrious, and intelligent the day will have come to them, as it has come to us, when a standing army or a great navy is no longer a national necessity.

THE SCIENCE OF WAR.

It is not for me to say what is the true science of war, nor is it for me to instruct in the art of war. At best, it is said that war is human butchery. If our admirals and generals must have war as a profession, if they must deal in blood, let them go to the shambles and learn of the butcher a lesson of skill and humanity. He does not destroy his victim by piecemeal or mangle him in detail. He is more merciful; he understands his business better; with well-directed aim he seeks a vital part; having reached that his work is easy.

Therefore, to lessen human warfare let us cultivate the highest chemistry and make the most deadly armament. I but repeat the words of one of our early legislators when I say that although we may be weak in aggressive power, in capacity for defense we are invincible. If in self-defense cowards become brave and the weak are clothed with more than mortal strength, it needs no prophetic vision to perceive what our country could accomplish if invaded by a foreign foe.

Self-defense is original, native, indelible in the human heart. As was said by the Roman orator, "It is not formed by habit, nor induced by custom, nor written, like the variable laws of nations, on brass or marble, which are corrupted by time, but engraven by the finger of the Creator in the bottom of our souls, and immortal as our existence."

I am not visionary enough to suppose that we can at once inaugurate peace and civilization among the nations. But I do hold it to be our duty to move in that direction; to use all our own influence and expend our best efforts in that direction with at least as much energy as we display in warlike preparations. I hold that it would be a better, safer, and more honorable policy for us to urge a general international disarmament than to try to emulate the slaughtering policy of European tyranny. I challenge any man who professes Christianity, who believes in the Word of God, to question the soundness of these views. I do not say that we may not need to exercise our military power. I think it is possible that we may. But it is only a possibility.

Holding to this possibility I believe it to be my duty to vote for the execution of any plan of defense that will give promise of the proper results. But at the same time I believe it is equally our duty to set before the world the example of a nation that can maintain itself by the inherent power that pertains to freedom, intelligence, and a rule of the people, for the people, and by the people.

APPENDIX.

[Remarks in Congress December 12, 1879.]

Mr. COX. Mr. Chairman, this is an age of mechanical forces. The nation which is laggard in their application will lack in maintaining its interests and honor. The nation which is not provident by its legislation in the use of recent inventions is in constant peril. Even powers weaker, in many repects, with the improved armanent of our time become superior to those who are greater in other resources. It will not do to rely on Divine Providence altogether for our future defenses. Ericcsons, with their monitors, are not to be improvised every day against the surprises of Merrimacs. The engineer may contrive, mechanical processes take time; but the nation that has both is the victor. The needle-gun gave Germany its triumph over France; the American rifle, in Turkish hands, held Russia back at Plevna. Whitworth, Whitehead, Krupp, and Armstrong, with the great establishments for making ordnance on the Continent and in Great Britain under their auspices and direction, are the real heroes of the future. They are organizing victories at their desks. Even Peru and Chili fight with weapons forged in Europe.

How much, sir, depends on the evolving of certain gases in chambers of iron; how much of destiny to nations! The problem of the invulnerable, represented by "Thunderers" and "Inflexibles," and solved by the penetrable, under certain chemical, explosive forces, is the problem of national greatness. *Maximae minimis suspendens.*

If gentlemen would know the great controlling element in our own civil war, they will find it in General Meigs's quartermaster's report of the amounts expended in mechanical forces. The superior enginery and invention of the North gave victory on many a hard-fought field to the North, despite the most conspicuous chivalry and self-sacrificing personal bravery of the South.

I make these remarks *in limine*, so as to illustrate the necessity of providing for our defense against the day of trouble and against those nations who have already superior means of warfare.

From chance remarks about my seat, I fear that the defenselessness of our coasts is not appreciated. Here is a picture of a possible peril taken from the Army and Navy Journal:

"In New York Harbor stands a fort whose largest artillery has a range of four and a half miles and throws a missile weighing four hundred and fifty pounds; a few feet beyond the four and a half miles is a European ironclad, which, unreached by the missiles of the fort, throws from its forward guns, which have a range of nine miles, twenty-five-hundred-pound shells into the heart of New York, while with its after guns it sinks a few little American ironclads, penetrating their armor with ease."

Let this picture stand for every other exposed city on our coast. It shows at a glance what the situation may be in case of foreign complications and war. As a member from the city of New York, is it not my duty to call the attention of Congress to its peculiar exposed condition? The monster guns and gun machinery of other nations turned out on the Mersey, Clyde, and Tyne, and the heavy steel armor of the ships, even of such second-class powers as Brazil, Italy, and Spain, warn us to be provident, vigilant, and progressive, if we would protect our seaports and cities and vindicate our national position.

When it is considered that the city of New York for the past five years has paid over two-thirds of the Federal revenues; that three-fifths of the foreign exports leave the port of New York; that for the past quarter of a century she has received three-fifths of the merchandise imported into the United States, and that during that period one-half of our domestic exports have left that port; and when the immense aggregate of hundreds of millions of these interests are considered, a Representative of that city would be faithless if he did not present the startling facts connected with the unguarded condition of such immense interests thus concentrated in New York city.

I do not, Mr. Speaker, criticise the sum reported by the Appropriations Committee for the armament of seacoast fortifications. It might have been increased, especially in view of the need of improved rifled cannon, which other nations already have.

Gentlemen have asked for information as to the conversion of smooth-bore guns into rifles. Some doubts were thrown over the feasibility and utility of such "conversion." Allow me, if not for the present yet for a future occasion, to insert here a statement which will remove these doubts:

"The Ordnance Bureau has very judiciously applied the meager appropriations which have been annually made by Congress for the last few years for the construction of heavy ordnance ("cutting the coat according to the cloth") to "converting" a few of the cast-iron smooth-bore guns now useless and otherwise valueless except as old material, of which the Government has many hundreds on hand, into rifled cannon of somewhat reduced caliber by boring them out to receive an interior barrel constructed of wrought-iron bars coiled into a spire and then solidly welded together by a peculiar process into a compact mass, for the manufacture of which one of the existing gun-factories has, fortunately, the requisite machinery and experienced workmen.

"The barrels or tubes are inserted into the old cast-iron casings and secured in place by a ring or collar screwed on to the muzzle of the piece, on a system adopted by the Ordnance Department after a course of preliminary experiments made at the recommendation of a commission of its officers which was sent to Europe in 1873 to examine the different systems of rifled ordnance adopted by Great Britain, Prussia, France, and other countries, and select such as they should consider preferable, or at least most suitable, for use in our country in respect to efficiency, and, pre-eminently, economy.

"In the manner described have been converted, since 1874, some one hundred and fifty of the one thousand or more of the cast-iron guns (market value 1 cent per pound) of ten inches diameter of bore, belonging to the War Department, into rifled cannon of eight inches diameter of bore, and some fifty of the eleven inches bored guns of the Navy Department into similar 8-inch rifles.

"It may be mentioned in passing that these fifty guns are the only pieces possessed by the Navy Department of modern construction, except a dozen breech-loading rifles of about 6½-inch caliber, which have been made by 'converting' 100-pounder 'Parrott' muzzle-loading rifled guns, the most serviceable of their day in use anywhere, but not calculated to sustain the heavy battering charges now necessary for service against heavily armored vessels. Being reinforced by insertion of an interior steel barrel from the rear, and supplied with breech-loading mechanism, they become again very serviceable and effective pieces of their caliber, equal to the requirements of present service.

"The cost of conversion of the 10 or 11 inch guns into 8-inch rifles is about 13 cents per pound of the finished weight of the piece, and adding 1 cent per pound for value of the useless smooth-bore gun converted we have, at the cost of 14 cents per pound, a good serviceable rifle of about eight tons weight, throwing projectiles of from one hundred and fifty to two hundred pounds, fairly comparable as to range and effective force with the best guns of similar class of the systems of Krupp, Woolwich, or Armstrong, and far below any of them in cost. Their missiles are capable of perforating the armor of most of the iron-clad war ships of Europe at a distance of 2,000 yards, but of course they could not successfully contend against the mammoth cannon of thirty-five, fifty, seventy-five, and one hundred tons weight, mounted upon some of those great floating batteries."

I trust that this statement will remove any uncertainty or doubt as to the utility of this process of "conversions."

There are other facts and suggestions referring to the armament of our fortifications which concern New York city which should be understood by the House, if not for present action, then for future consideration.

The Chief of Ordnance of the United States has again called the attention of Congress to the defenseless condition of the country. He has for many years in his annual report furnished to the Secretary of War and through him to Congress important facts touching the coast defenses.

In 1873, President Grant in his annual message referred particularly to the needs of the Ordnance Department, and in January, 1875, he sent a special message to Congress urging that body to furnish the needed legislation. No notice was taken of this appeal.

Upon Congress now rests the responsibility, and it is one of no ordinary import, looking to possibilities near or remote.

The Chief of Ordnance this year asks for less than a million of dollars, to be used for the conversion of old and for making new guns of suitable force for coast and harbor defense. (See his report for 1877, 1878, 1879, and for previous years.) The bill before us gives less than one-fifth of this sum, and therewith out of economic reasons we must be content.

At present the country is at the mercy of even the most unimportant maritime nations in the world.

It takes nearly two years to complete and test a gun of large dimensions. The first and last and only large rifled cannon ever cast in this country was delivered to the Government in January, 1878. It took just eighteen months to finish this gun. Krupp requires two years or more to make a large gun. Up to 1866 most of the improvements in ordnance originated in this country. The same is true of projectiles, powder, and gun metals.

It appears from official reports that we have on hand three hundred 15-inch smooth-bore cannon. When these were made they were the largest in the world, and up to 1866 the most powerful. They are comparatively useless now, except for conversion into 11-inch rifles, which are very effective guns.

Every city, large and small, situated on our seacoast from Maine to California is directly interested in this question of coast defense. Under no conceivable circumstances could we arm our coast fortifications effectively in a less time than three or four years, even if all the available gun-machinery in this country and all the money in the Treasury were to be placed at the disposal of the ordnance officers.

England is already bountifully supplied with modern ships and guns. She appropriates every year nearly $10,000,000 for new guns and equipments for them.

Krupp, in Germany, employs in his works about 14,000 men, and Sir William Armstrong, in England, about half that number. Our works, General Benét says, are and have been practically idle for nearly ten years.

China is keeping up with the times, and is sending agents abroad to look up improvements. For some time she has been giving orders for war material of modern description.

All the gun-factories in France are at work, and some of the most skillful American workmen and successful inventors, having nothing to do at home, are employed by them.

The Italian Government has the largest and most powerful guns in the world to-day, and a few of the most formidable iron-clad ships afloat. Several guns, each of one hundred tons' weight, were made at the works of Sir William Armstrong. The guns of the iron-clad Italian ship Duilio will pierce twenty-two inches of solid iron at a distance of 2,000 yards. By this armament Italy becomes at one bound worthy of the rank, prowess, and renown of ancient Rome along the blue sea.

The British iron-clad Inflexible carries guns that will do the same work as the Duilio's. The Inflexible carries four of eighty tons' weight each, throwing a projectile weighing nearly a ton.

If complications, at any time possible, should arise between the United States and any foreign naval power, great or small, what could we do except to submit if we were unable to resist an attack on the seacoast or the sea?

Torpedoes are useful for defense, and I am glad to see that the committee have appropriated something for the possible conflicts under water; but torpedoes, to be useful, must be protected by guns. For assault they are useless. Whether or not they would, if operated on a large scale, prove a safe and reliable instrument of warfare within the limit claimed for them, is not yet a settled question. Who that is intelligent doubts that the method of destroying torpedoes is perfectly understood by naval and engineer officers of all nations? (See page 5, report of United States Engineers for 1879.)

River and harbor improvements are regarded as expedient and important, but if our coast and the entrance to our great rivers and harbors are not protected, internal improvements will not amount to much.

The maximum of iron plating for ships having been reached, and the guns that will pierce the heaviest armor that a ship will float having been made and proved to be sufficient, what is to be gained by waiting, at great risk, to see if other improvements are to be introduced, when we are sure that we are already very far behind all foreign naval powers in respect to both ships and guns? I am thinking only of defensive war now. Preparations for offensive war need not of necessity be hurriedly made.

The Spanish navy is much superior to ours in the number of vessels and their grade. It is made up of one hundred and forty-eight vessels of all classes, and eight hundred and nine guns, mostly rifles and heavy Rodman smooth-bores. Six of these ships are first-class iron-clad frigates, and seven others are of the second class of armored ships.

In our own Navy, according to the report of the Secretary, we have eighty-one ships of all classes; and to this number is to be added four monitors and eight tugs, which can be fitted for cruisers or torpedo-boats, making a total of ninety-three vessels that could in time be fitted for service.

We have not a sea-going iron-clad in our Navy. Monitors can not remain at sea, even if they could be kept afloat in all weather; they can not carry a supply of fuel for more than a few days and do not carry sail. Their turret ports are so near the water that in rough weather they could not be opened; and, more than all, an 8-inch rifle at sixty yards can riddle their turret plating in half an hour.

The piercing power of an 8-inch rifle is, theoretically, nine and eight-tenths inches at five hundred yards and nine and five-tenths at one thousand yards. A target of 11-inch laminated plates is equal in resistance to six inches of solid iron platings. Our monitors are covered with eleven inches of plates, each of one inch thickness, laid one over another, and at short range could not resist the 8-inch rifle of the Spanish navy, or any other, and would be destroyed by a gun of larger caliber at long range.

The cost of a steel gun is about double that of a cast-iron gun of equal dimensions, and, in the opinion of experts, the steel has not proved as good as the iron gun.

Krupp's steel guns have broken in several instances. Some years since a 10-inch cast-iron smooth-bore was tested to the utmost of its strength. It was loaded with an extra charge of powder and double shotted, and in various ways severely tried, and not until the tenth round, when the gun was filled nearly to the muzzle with powder, shot, and shell, was it broken. Of course such a test, in the legitimate use of any gun, would not be made.

Our one large rifle (12½-inch), now at Sandy Hook, cost about $28,000. This gun has proved the equal, if not the superior, of any gun of foreign manufacture of equal caliber. It throws a shot weighing from six hundred to seven hundred pounds. (See report of Chief of Ordnance for 1878, in which, for results, the American gun is pronounced "decidedly" superior to the Krupp and Italian guns, which use heavier charges than are required for ours to do the same work that they do.)

Herr Krupp, in response to a proposal from our officers to give a price for a 12-inch rifle, offered to manufacture and place on board ship for transportation a 12-inch rifle for the sum of $50,000 in gold, the conditions being that the gun should be tested under his own supervision. This is nearly double the cost of an American cast-iron gun of superior capacity and, as experience proves, equally safe and effective.

But it is doubtful if a steel gun can be made in this country. We lack the necessary machinery to do the work even if suitable metal were at hand. Nor is it in any respect important or desirable to substitute steel for iron in the fabrication of heavy ordnance even if the cost of material were the same in one case as in the other. Expert officers have demonstrated this fact over and over again, and no better authority than this can be found or is needed.

Whether guns should be made of steel or iron is a question for the responsible officers of the Government to determine and not one for interested parties outside to deal with. Upon such a subject one who is not an expert should defer to those who have given the best study of their lives to the technics belonging to this subject.

Because we have escaped the penalties of our indifference so many years, is no guarantee of such good fortune in the future. The property-owners of New York, Boston, Philadelphia, and Baltimore, and the coast cities generally, North and South, will hold somebody responsible for this perilous condition when the situation is thoroughly understood.

Economy, based upon the idea that we can afford to postpone the work of suitably equipping our fortifications until a crisis arises, may prove a delusion, and of course will, if we postpone action long enough.

If a foreign power desires to bring on a war with us, for any purpose whatever, the fact that we are helpless and unprepared will stimulate the motive to hunt for a pretext.

A government based upon the will of fifty millions of people, rich, prosperous, and abounding in resources, without the common means of defense of its honor and interests, presents a sorry spectacle to the world.

Of course, Mr. Speaker, a member of this House of my economic notions, yesterday expressed, both as to domestic frugality and foreign trade—loving and believing in the persuasive influences of free intercourse and reciprocal advantages—would naturally be disinclined to vote inordinate outlays for harbor defenses. He would prefer the cheap defense of fair customs duties and enlarged liberalities; but the millennium which ushers in his idealities has not yet begun to dawn, and he must consider contingencies of ominous aspect.

Am I told that there is no danger of a breaking out of hostilities with other countries, and therefore no need of making appropriations for the armament of our forts? The time has not yet come for the lion and the lamb to lie down together; the plowshare and pruning-hook are liable at any time to be converted into the bayonet and sword. The history of recent wars in Europe, Asia, and Africa is a lesson of warning to us. Our increasing trade and growing relations with other countries admonish us to be ready at least for defense, if not for aggression.

Think of our critical relations with Spain. How often in late years have we been on the verge of conflict with Spain! Her present commercial relations with us are a perpetual menace. Her tariff so discriminates against this country that it is almost robbery. When we consider our exports and imports to Cuba alone, the discrimination against us is so marked an evidence of selfishness and enmity that it is almost a *casus belli*. For five years, from 1872 to 1876, we bought of Cuba on an average each year goods to the value of $71,364,327, while we sold but $15,466,139. This leaves the enormous balance against us of $55,898,188. During these years we purchased of Cuba to the amount of $356,821,638, while Cuba only bought in all $77,330,690, leaving a trade balance against us of $279,490,940. During the past twenty years Cuban exports to the United States have increased at least 100 per cent. over our exports to Cuba, which have remained stationary. We have been Spain's best customer, especially in sugars. Yet how shabbily and meanly are we treated by her. The Spanish tariff favors her own vessels to such an extent as to deny to us advantages given other countries. Here is a statement of this rank injustice:

A barrel of flour of Spanish production imported in a Spanish vessel would pay a duty of $2.25.

The same flour imported in a foreign vessel would pay $4.50.

A barrel of flour of foreign production imported in a Spanish vessel from any country except the United States would pay $4.69½.

The same flour imported in a foreign vessel would pay $5.51.

The discrimination against the United States can be realized when it is understood that a barrel of flour imported thence direct, either in a Spanish or foreign vessel, would have to pay the last-named duty, while if it were sent to Canada and shipped from there it would be subject only to the third class, or $4.69½, if shipped under the Spanish flag. Or, in other words, flour shipped direct from the United States, even in a Spanish vessel, would pay 40 per cent. more than Canadian flour, or the same flour shipped by way of Canada, in a similar vessel.

Do you say that this kind of tariff will be ameliorated? Never while we are at the mercy of Spain's eight hundred rifled guns, her six first-class iron-clads, and her armored ships; never while the city of New York can be placed under these guns and exactions made by the hundred millions.

Is it not, therefore, wise and prudent to prepare, even by so small an appropriation, for the armament of our fortifications, that we may back our negotiations by proper force, and make our country respected for its position as a power on the earth?

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MORSE having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1881, and for other purposes.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House of Representatives was requested, the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violation of the internal-revenue laws.

The message also announced that the Senate had returned, in accordance with the request of the House, the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Also, that the Senate requested a conference on the disagreeing votes of the two Houses on the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, and had appointed Messrs. INGALLS, DAWES, and COKE managers at said conference on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. Does the Chair understand the gentleman from New York to reserve the remainder of his time?

Mr. COX, of New York. I yield the remainder of my time to the gentleman from Illinois [Mr. FINERTY].

The CHAIRMAN. The gentleman from Illinois has twenty minutes of the time of the gentleman from New York.

Mr. FINERTY. Mr. Chairman, I return thanks to my ever generous and courteous friend from New York [Mr. COX] for the time he has allowed me, and hope that I shall not trespass upon the attention of the House beyond the limit of its patience.

I have listened, sir, with a great deal of attention to the remarks of

my distinguished friend, and I must congratulate him and the House and the country on his partial conversion to the principles of national defense.

It would give me a great deal of pleasure to sustain the minority report as far as my humble capacity would allow me if I could do so conscientiously. But I believe the condition of our national defenses is at the present time in a state so depleted that it has become the duty of every patriot, irrespective of party consideration, to lift up his voice in favor of the majority recommendations that will give adequate defense to our exposed coasts and to our seaboard cities. I care not to what party the gentlemen may belong who favor this policy. It will always give me pleasure to sustain it. I believe that no gentleman in this House will say that at the present time our water and coast defenses are sufficient for the cruel emergency of a sudden war.

It is true, as has been said, that there is no enemy in sight. It is true that no enemy has positively declared against us; but we have no assurance as to how long it will be before an emergency shall arise in which we may be called upon to defend ourselves from the aggressions of some foreign power. Mr. Chairman, we have seen in our changeful climate the stars shine serenely at night, with no premonition of a storm; and yet before the morning came the tempest has been upon us, coming with the breath of desolation, leveling our homes, destroying valuable lives, and bringing poverty and ruin in its track.

But although it is true that when the storm passed away the stars were still in the heavens, even as they now shine upon our banner, still in that same uncertainty which governs political relations, as in the relations of nature, we are not assured that we are out of the pathway of martial tempests. And although our flag to-day is not confronted or threatened by a tangible enemy, we can not tell the time when, as in the past, the aggressive policy or the unmasked hatred of some foreign foe may menace its dignity and integrity. Then, sir, when the hour of peril comes can we apologize to the nation or apologize to posterity for the lack of defense of our seacoast, ay, the lack of defense of our very capital from the destruction of the foreign invader?

Mr. Chairman, we can not do so. Economy is a virtue all may practice; but the economy that proposes to leave this great country, free, independent, and prosperous as she now is, simply to the toleration of a foreign state ceases to be economy and becomes closely allied to treason. No matter what tempests may come, after they have consumed their fury the clouds will clear away and the stars in our banner will still blaze, the watchfires of the free, but with decent preparation we would not be called upon to lament the loss of many a gallant heart and the gloom of many a happy home.

The distinguished gentleman from Indiana, who is identified with economy in this House to an extent that has made his reputation national, said, in speaking of the naval appropriation bill, that a navy menaced the liberties of the people. I hope I do not misinterpret his remarks. I allude to the honorable gentleman, Judge HOLMAN. He said that a fleet menaced the liberties of the people; that it was always used for their suppression. I can not concur in that statement. History falsifies it. "From the blue waters of the Bay of Salamis" to the stormy waves of Lakes Erie and Champlain, from Themistocles down to Perry and McDonough and Farragut, the national fleet has ever been the guardian of the national honor, and has ever been the truest bulwark against the foreign foe. There is no evidence in history, and I challenge the gentleman to produce it if I say falsely, to show that the fleet of a nation has ever been the suppressor of its liberties. And even if that were so, the report of the minority of this committee is in conflict with the logic of events.

Although you may say the Navy is or may be used for the purpose of suppressing the people's liberties, I defy any gentleman present here or absent elsewhere to show me where the coast batteries erected to repel the foreign invader can be turned into a Prætorian guard to march into these Halls and enable some American Bonaparte to deluge these floors with the blood of the national representatives.

We are placed in a position where the eyes of the earth are upon us. We stand here a nation inferior to none in the resources that make a nation great. Yet we stand here saying in effect "we are at peace with everybody; we disclaim the use of arms; we are Quakers in spirit; we wear the petticoats of the Delawares, and concur in their base contentment as hewers of wood and drawers of water." Is this the warrior spirit of the nation that smote the crown and broke the mace of King George? Is this the spirit of the nation that refused the claim of search upon the seas, and fought for and maintained its dignity? Is this the spirit of the nation that, amidst overwhelming obstacles, carried that immortal flag (pointing to the Stars and Stripes over the Speaker's chair) through the defiles of Mexico to the Halls of Montezuma and planted it above those heroic halls in victory and in glory? [Applause.] Have we fallen on evil days that the land of Washington is no longer the arbiter of the western world?

Sir, I abhor this spirit of economy practiced to the extent of niggardliness. It not alone imperils, but it degrades the glory and the patriotism of the nation. It places us in the light of men who are afraid of our own chief officers. I hear it whispered that the money we may appropriate will be devoted to other objects than those for which it may be voted.

Sir, I have too high an opinion of the American Government to suppose that it would play a game of confidence. I have too high an opinion of the American Government to suppose it would ask from this House money under false pretenses. And I say that any party that is afraid of the expenditure of a few million dollars to maintain the security of the people, that is afraid to vote the money for fear it might go to a mercenary band that would be degraded by the acceptance of the bribe—I say here boldly as an American, independent of all parties, that if any party is so suspicious, so cowardly as that, it deserves to be beaten at the polls. The people will pass that sentence.

Mr. Chairman, I call up in evidence of the necessity of national defense, not desiring to intrude more copiously upon your patience, the testimony of one of the greatest soldiers of modern times, the Anglo-Irish conquerer of the modern Cæsar, the victor of Waterloo. Writing to General Burgoyne in 1847, when he was in the winter of his old age but still in the flower of his genius, speaking of the haughty power of England, then threatened by the jealousy of Louis Philippe, he wrote something that I could almost say was written for this day and for this country. I will give the extract. Said the Duke of Wellington:

> I am accustomed to the consideration of these questions [national defenses], and have examined and reconnoitered our whole coast from North Foreland, by Dover, Folkestone, Beachy Head, Brighton, Arundel to Selsea-bill, near Portsmouth, and I say that, excepting immediately under the fire of Dover Castle, there is not a point on the coast on which infantry might not be landed in any weather and with any state of the tide, and from which such body of infantry so thrown on shore would not find within five miles a road to the interior of the country through the cliffs practicable for the march of a body of troops; that in that space of coast there are no less than seven small harbors or mouths of rivers, each without defense, of which an enemy having landed his infantry on the coast might take possession and therein land his cavalry and artillery of all calibers and establish himself and his communications with France.
>
> * * * * * * *
>
> When [continues the Duke] did any man hear of the allies of a country unable to defend itself? Views of economy of some, and I admit the high views of national finance of others, induce them to postpone those measures absolutely necessary for mere defense and safety, under existing circumstances, forgetting altogether the common practice of successful armies in modern times imposing upon the conquered people enormous pecuniary contributions and other penalties.
>
> Look at the course pursued by France in Italy and in Prussia, at Vienna repeatedly, at Berlin, at Moscow, the contributions levied, besides the subsistence, maintenance, clothing and equipment of the army that made the conquest! Look, also, at the conduct of the allied army which invaded France and had possession of Paris in 1815!

Sir, had the Duke of Wellington lived until 1870 he might have added, "Look at the enormous contribution levied by Germany on France after Sedan and Metz." If we think no foreign enemy would deal with us in any such exacting mood, let us look at that grim picture and remember that by the testimony of the engineer officers of the United States, by the statements of some of those officers published in the Washington Post of last Saturday, from here to the Chesapeake, and from the Chesapeake to the ocean, this Capitol is without defense—is at the mercy of any enemy that may choose to attack these United States.

You may say the conditions of Europe are impossible to America. But these very streets we look upon have heard the cannon of Bladensburg. They have beheld the bayonets of General Ross. History repeats itself. It is bound to do so again. It may come upon us as a thunderclap. And, for one, I do not desire to be identified, within or without partisan boundaries, with any party that squarely sets its face against the defense of our country from the probable insult or the possible invasion of a foreign enemy. [Loud applause.]

I say, gentlemen of this House, that this business is as much yours, perhaps more, than it is mine. I did not have the honor of being born here, but, not having had that honor, I appreciate the liberties and the glories of America all the more.

I do not speak to gratify any foreign spite. I have quoted to you, not through love but through necessity, the warning words of the most eminent of Irish generals and of British mercenaries, the Duke of Wellington. I have quoted to you his warning words to England in 1847. There were those who then laughed at the prudence of his wisdom, but who in 1859 acknowledged its worth when Napoleon III, as history has proven, meditated the realization of the dream of his illustrious uncle, the recreation of the army of Boulogne and the landing on the cliffs of Dover of another grand army to carry the eagles of France to the heart of London.

Then the voiceless lips of Wellington from his tomb in St. Paul's appealed to the British nation, which God knows I do not love, but which I admire for its pluck and its patriotism. They appealed to the British nation to construct its coast defenses; and notwithstanding the supremacy of the English fleet, notwithstanding the overweening national vanity, notwithstanding the overwhelming nature of that armament which holds the world in awe on the point of invasion, to-day from John O'Groat's to Lizard Point, all around the coast of England and of Scotland, from the Orkneys to the Channel Islands, bristle the cannon of England to defend her soil from invasion.

To you, gentlemen of America, you the representatives of this great and gallant nation, which has turned its back upon no foe, and which has ever been victorious, you of the gallant South and you of the independent and sturdy North, this is not a party question; it is a question of the whole nation, not alone of the North or south of the Ohio, or of

the East or west of the Mississippi, but of all America. Let us close our ranks here in this Hall and give the people of this country the assurance that in this Chamber there sits a patriotic and not a partisan assembly.

Let us vote the appropriations recommended by the majority of the committee. Let us place our coast in a state of defense, so that with the free hearts of the country behind it we can say to the powers of Europe, "Come on, and you will find, as the Persians found in Greece, that every yard of our soil shall be the grave of a hero or an invader; that every spot of this soil shall be held sacred to liberty, and the American armies, with the chance to do battle such as freemen should have, will again prove their supremacy in the sunlight of liberty and place that flag in triumph and in glory above the wrecks of any empire that may dare to pollute our soil with the foul tread of its mercenary hosts." [Continued applause.]

Mr. HOLMAN. Gentlemen of the Committee of the Whole have listened no doubt with pleasure to the eloquent words of the gentleman from Illinois [Mr. FINERTY]. There may have been occasions in the earlier years of our history when such words so admirably delivered would have touched the heart not only of this House but of the American people, for, sir, they were eloquent and patriotic words.

But the gentleman from Illinois has chosen an unfavorable period in which to reach the public heart by even eloquent words touching the public safety. The condition of our affairs at this time and the condition of the world does not justify the extraordinary spectacle, extraordinary in view of our past experience and our relations to the other portions of the globe, that is presented this afternoon on this floor. I fear that it is not always that the American statesman is able to comprehend the greatness of his own country and its commanding relations to the rest of the world. Yet there have been times when every American citizen was aroused and anxious for the safeguards and strongholds on which rested the security of our shores. Then such eloquent appeals as we have listened to would have had force and meaning, but happily the occasion has gone by. The history of that period has already been written.

This discussion, I repeat, is the more unusual, Mr. Chairman, because of the time in which it has occurred. When we were comparatively a feeble people expressions drawn from a sense of danger and of national peril were becoming in a statesman, and to sound the note of alarm on the appearance of danger, ever so remote; well became a patriot, and the Republic would have paused to listen. Had speeches such as those delivered by the gentleman from Michigan [Mr. HORR] and the gentleman from Illinois [Mr. FINERTY] been delivered in this House forty years ago when the Republic was not fully conscious of its strength, when unsettled boundaries provoked disputes, when other nations towered above us in strength and resources, in number of men who could be marshaled in arms, and perhaps in the moral power of established institutions and national character, then it seems to me speeches like these might have been appropriate in the American Congress.

But when it is apparent that we stand to-day, not only in our own estimation—and the American people have not been unseemly forward in the assertion of the relative standing of their Government—but in the common judgment of the statesmen of the world, however slow to admit the greatness of a republic, the foremost among nations, not only in the triumphant success of our free institutions, but in commanding resources, and the numbers, intelligence, union, and manhood of our people—when such facts are considered, together with the fact of our remarkable geographical position, the great oceans our barriers against hostile intrusion, then it is, indeed, astonishing that appeals for national security based upon fancied apprehensions of danger should be indulged in on this floor. Does the manhood we represent indulge in this sentiment of unseemly caution?

What has been our experience in years past? It has not been the expenditure of vast sums of money for the purpose of protecting our shores from invasion. The feeblest government on the face of Europe, the feeblest of them all, has, during the hundred years of our national existence, expended more treasure—the toil of its people—for defense against hostile force than has been expended by this Government from the beginning.

Indeed, sir, my friend from Illinois, when following the example of the gentleman from Michigan, would unconsciously introduce into our politics the theories of European government, he forgets that when this Government of ours was organized it left behind it the traditions of the past and the institutions of the European government. If it had not done so the greatness of this nation would not have been achieved. Our fathers left behind them the institutions of the Middle Ages. They left behind them as things of the past the ideas of great armies and navies, the idea that the parade of vast physical power was indispensable to the security of a people against foreign aggression. They left behind them every such tradition, and on this new theater of human aspirations could do so with safety.

Our isolated position gave us ample security against foreign invasion. We derived still greater security from the nature of our institutions of government. We were entering upon a new career, then unknown to the governments of the world, in which the object of government should be not power or conquest or aggression, not wars of ambition to gratify the petty pride and ambition of a ruler, but the manhood and elevation of all men. To establish a nation of freemen was the purpose of the new era. In departing forever from the European policy of conquest, injustice, and ambition we were secure from the beginning. Our fathers felt at the outset that there were stronger barriers and fortresses of defense than fortifications upon the seaboard; stronger armament than armies or navies or fortified posts; stronger than ingenuity, skill, and labor of man could devise—a free and intelligent people, conscious of their manhood, a government with no motive for injustice or oppression.

Mr. ELLIS. The gentleman will allow me an inquiry. If that was the view of our fathers why did they proceed straightway to make fortifications?

Mr. HOLMAN. Here and there with that prudence which became a Government comparatively feeble, and with no considerable outlay, our fathers proceeded to fortify some important harbors at the beginning. They were conscious, however, that with our extended coast, reaching upon the Atlantic from Maine to the Gulf, and with our vast lake frontier, any such system of fortifications as would give us as security upon the European idea would be in the nature of things impossible.

But, sir, coming down to a recent period, the late war taught the American people some valuable lessons. We had learned them in part in the war of 1812; and we learned them freshly during the late war. In looking over our appropriation bills I find our appropriations for fortifications in the years immediately following the late war were embodied in just two lines——

For the preservation of fortifications $200,000 is hereby appropriated.

How did it happen that immediately after the war period, when even yet were smouldering the fires which England and France, backed by other European powers, had enkindled on our shores by the invasion of a neighboring republic, with all the events of the late war fresh in our minds, why was it deemed unnecessary to appropriate more than $200,000 for the purpose of perfecting our coast?

Mr. ELLIS. Does the gentleman wish an answer?

Mr. HOLMAN. Certainly; I yield to the gentleman.

Mr. ELLIS. It was because in 1860 the United States, so far as our coasts and cities were concerned, was regarded as the best fortified nation in the world, having larger guns and better forts; and because immediately after the war the science of long-range guns and heavy projectiles had not so completely revolutionized naval warfare as has happened since.

Mr. HOLMAN. Yes, sir; the American people have been taught by that war that expensive fortifications erected upon so comparatively narrow a channel as the Mississippi River where invading ships were, within range of an ordinary gun were absolutely without value. The earthwork and the sand bank thrown up on the spur of the hour was found the real fortress when the hour of action came.

The real fortifications or defensive agencies of the war were improvised upon the spur of the occasion, and the vast outlay which had occurred from year to year in the purchase of ordnance, together with the comparatively small sum expended upon forts, was absolutely a waste of money; for when the late war was upon us, after years of appropriations of treasure for ordnance, arms, and military supplies, they were thrown upon the market and sold as worthless and condemned material. The agencies for conducting the war were the outgrowth of the hour. Here in the Federal capital and in other cities of the Union the very munitions of war which we had gathered together in former years were exposed in the market and sold, and the new appliances requisite for a great army sprang up on the moment.

It was discovered that fortifications such as had been built with great care and skill at an early period on the Lower Mississippi did not even stop the headway of the ordinary wooden ship. It was very strange that we had not learned that lesson when the war of 1812 came upon us. Our fathers were fully admonished of its coming; for a government situated like ours, a country geographically placed like ours, can not in the very nature of things be precipitated into war. Our fathers foresaw the coming of that contest, yet with the courage and self-reliance of a people capable of their own government, incurring no extraordinary expenditures, they prepared to meet the event when it came with strong hearts and manly purpose. And how well they met it, how improvised navies and armies sprang up at the call of patriotism, is one of the proudest events of our history.

The history of the period preceding the war of 1812 shows no such speeches as have been delivered on this floor—no such apprehension of coming danger, although the clouds were gathering—no such trembling in the presence of fancied terrors. Why, sir, that famous navy which drove our great antagonist of that hour from the lakes of the North and achieved one of the most glorious victories of that or any other time was the outgrowth of an hour, an improvised navy—improvised as it were from the first, in a period so brief as less than three months.

Yet with this experience we are told that in a time of profound peace we shall ingraft upon American politics the theory of a commanding military establishment. The experience of Europe is appealed to, and the practices of European governments, which are prepared for war at any moment, are commended to us, forgetting our position on the face

of this globe—the origin, the theory, and purpose of our Government, forgetting that a beneficent Providence has placed our country in a position of unexampled security, undoubtedly to the end that the grand experiment of a government of the people might find its complete development, which great armies and navies and military establishments as institutions of Government would have rendered impossible.

What nation are the gentlemen fearful will seek a contest with the American Republic and measure swords with the American people? The gentleman from Illinois [Mr. FINERTY] refers to a great power from whence sprung the American colonies, twice driven from our shores by the Republic in its infancy. Does he not know that no people ever held such a hostage for the good conduct of a nation as the people of the United States hold against that power in that vast and valuable dominion extending from one ocean to the other north of the great lakes?

Mr. EATON. Another thing: their spinners could not live without our cotton and they could not live without our breadstuffs.

Mr. HOLMAN. Yes, sir; all these are pledges and guarantees of peace. Who, gentlemen, are your common carriers? Who are the common carriers of the commerce of the world? The American people are not inclined to underrate their commerce. The common carriers of the world are those who are able and willing to carry the cheapest, and the common carriers of the commerce of the world are not your capitalists, are not your people.

The commercial powers who control the carrying trade of the world are your common carriers, the carriers of your vast commerce. Whose ships and commerce are to be driven from the ocean by the privateers boldly, as of old, issuing from every American port in the event peace shall be broken by any of the nations of the earth having ships to cross the ocean—the peace which involves your security and safety? Not your commerce, not your ships, not your carrying trade, but those of those very nations of whom gentlemen profess to stand in such apprehension of their approaching with hostile purpose your shores! You hold the commerce of the world as a bond for the peace of the world. You hold in your hands an empire as a pledge and guarantee of peace, and as well as the vast commercial navy of the greatest of the maritime powers. No nation since governments were organized by mankind has held such guaranties for peace as we hold against the whole world.

See on the borders of the Caribbean Sea what hostages you hold for the good conduct of the European powers toward your nation. Yes, sir; God in his infinite mercy has placed the American people in a position where they could fully develop the idea upon which alone free institutions can rest—the just equality of man; the freedom, intelligence, and manhood of mankind. But gentlemen, in apparent paroxysm of fear, would ingraft upon your free institutions theories which your fathers dreamed had been left behind forever. Military establishments! The methods of government which have wrung from labor the cry of despair from the beginning. Is it certain for what purpose these fortifications are to be built? Are gentlemen certain that this attempt to enter upon this military establishment, on pretense of national safety, is not suggested by others with different motives from those which inspire them? What did the crafty and subtle ruler of the French build fortifications around the French capital for? The patriotic announcement was that they were to repel the public enemy. History tells you, however, it was to protect the imperial power from the indignation of the people.

No, sir; I think no American citizen can listen with composure when he hears this appeal for a great navy and an enlarged military establishment. The movement for a great army is more in the background—this appeal for great military appropriations, for the construction of forts and the forging of guns, and the perfection of ordnance in this time of profound peace. When we consider the peaceful condition of the world and the absolute security for peace we possess we may well apprehend that the true motive has not been spoken. The extraordinary display of anxiety for increased military resources seems to be more distinct in this Congress than at any former time. Do not gentlemen perceive that all these movements tend to investing our Government with power not of the people? Does it not mean a strong and brilliant Government to supplant the old-time simplicity of our institutions?

And when we shall have entered upon the career of so-called broad and liberal statesmanship which gentlemen long for, of splendid government, will it require a prophet to foretell when the days of republican government will be numbered?

These fortifications are to be built in the vicinity of your great cities; sir, against whom are they to be directed? When you consider the position of the United States, its peaceful relations with the whole world, its absolute freedom from any entangling alliance with foreign governments, the absence of any aggressive purpose, the relations of its commerce to the general interests of mankind, the absence of even unfriendly relations with any other government, the absolute absence of motive for injustice on our part to any nation—when these things are considered the American people certainly can not sympathize with the extraordinary efforts made in the present Congress to create a great navy, or make large appropriations for pretended national defense; for well may they apprehend a purpose far more sinister than appears on the face of these measures.

Mr. Chairman, the appropriations for the present fiscal year for the purpose of national defenses are over $400,000 in excess of what they were during the year 1878 and later years succeeding the war, when we were legislating with direct reference to events which had just occurred. We are proposing to appropriate by this bill within a small amount of the same sum that was appropriated for the present fiscal year. Five hundred and ninety-five thousand dollars is the sum which the minority of this committee, the majority of the Democratic members of the committee, recommend. They propose an appropriation of that sum this year. For the protection, preservation, and repair of forts, $175,000, the same sum as was appropriated for this year. I think it is but a part of reasonable prudence that these fortifications now held and owned by you, the ground upon which they stand having been generally improved, should be still subject to national care and protection, and I believe that no one will object to the appropriation of $175,000 for that purpose. That is all that is required.

Mr. ELLIS. If the gentleman from Indiana will permit me to interrupt him, I would like him to tell the committee right now and here and in this connection why he wants to preserve any single fort over which the United States flag floats. What possible object have you in view and why do you want to preserve them?

A MEMBER. For ornament.

Mr. HOLMAN. One gentleman suggests for mere ornament. I do not adopt that idea, however.

Mr. ELLIS. I think that is a better reason than any you have given.

Mr. HOLMAN. I would preserve them for any emergency that might by human possibility arise; and yet it is almost absolutely certain, in the light of the past and in the light that the past throws on the future, that in the event of a war with any nation these fortifications would never be brought into use.

Mr. GIBSON. They may be used for storehouses, I suppose?

Mr. HOLMAN. And I think I heard a gentleman suggest within the last few months that all of the material gathered together there in these fortifications, the antiquated arms—guns constructed five years ago are antiquated now—should be gathered together, and that this expense of $175,000 even should be avoided. I think the gentleman from Louisiana heard that speech made.

Mr. ELLIS. In another part of your bill you propose to sell them.

Mr. HOLMAN. I think the gentleman from Louisiana heard that speech as to the abandonment of these forts that were shown to be useless in virtue of the changed condition of military affairs; and from the improved appliances through which military operations are carried on it was suggested that all of these old implements of war should be gathered together and the expense even of keeping them and holding the forts need not be sustained. And I heard the gentleman make no objection to that suggestion at that time. I am not certain that my friend from Louisiana [Mr. ELLIS] did not make that speech himself. [Laughter.]

Mr. ELLIS. And he indorses it now.

Mr. HOLMAN. Then $175,000, according to the practice of recent years, is appropriated for the purpose of keeping up, as far as may be necessary, the present fortifications. You will never use them.

Mr. HORR. Then why keep them up?

Mr. HOLMAN. If used at all, it will be in all human probability only in connection with the torpedo system of coast defenses. Certainly I can not suppose, in view of the changes in modern arms, that they would be of any use for the purpose of harbor defenses, but, as in your experience in the late war, you will never in any event use these forts for national defense, but you will never use them, no occasion will occur—you would have to change the geography of the globe—the geography of the earth itself—to find any reason or any just pretense for these appeals to Congress to appropriate millions of money to erect barriers against a foreign foe.

In the event of a contest coming every gentleman who has considered the subject must understand that the torpedo system now being developed with unexampled ingenuity and skill will be the system to depend upon for the protection of our harbors in the future. But, sir, our harbors are in no danger or peril. No voice comes up from the masses of the people or from the populous cities asking Congress to expend large sums for the erection of fortifications. The people themselves are not indulging these apprehensions. But if the apprehensions shall come, if they shall ever have any foundation in fact, the safety of the ports of our country will depend upon other means than the fortified posts.

For the purchase of torpedoes in their various forms, including submarine mines, and for improvements and tests of motors for movable torpedoes, we propose $100,000—a larger sum, I believe, than it has ever been customary heretofore to place in the bill. That, as gentlemen will perceive, is simply for experiments——

Mr. ELLIS. Not at all.

Mr. HOLMAN. For what other purposes do you want it, then? Is it desirable to purchase and lay aside supplies of torpedoes which in all probability within six months or within a year hence may be superseded by other skillful inventions in that line? One hundred thousand dollars for experiments—and in view of the operations of the past and of the

possibilities of the future, the expenditure of $100,000 to encourage and multiply inventive skill which has brought the torpedo to its present high perfection—to perfect it further would seem to be a proper appropriation, and there would be no objection to a proposition of that kind; but no larger sum can be expended to any possible advantage.

The next item of the minority bill is for the armament of our seacoast defenses, including the manufacture and conversion of heavy guns, an amount of $320,000 is suggested, including an item of $20,000 for machine-guns. And yet we must see, sir, in the future as in the past, the expenditures incurred will be simply yielding to that sentiment of excessive caution which some gentlemen indulge in for national defenses; for the very ordnance you construct will be superseded and sold as worthless iron, even if a war should occur ten years hence.

Mr. ELLIS. With the permission of the gentleman from Indiana I would say we all want information, and I would like the gentleman to stop and tell the House what he proposes to do with that $300,000; what sort of guns he proposes to have, and how he expects to construct them?

Mr. HOLMAN. It has been supposed our engineers are thoroughly informed and well skilled in whatever pertains to guns and arms. We trust them entirely. I am not defending the item.

Mr. ELLIS. But the gentleman signs a report in which it is proposed to appropriate this sum. I want him to tell the House what he is going to do with it.

Mr. HOLMAN. I am willing to place it under the control of the engineers, to use it as they may think proper in the preparation of arms. I propose to do with that $300,000 just what we do with the $100,000 for torpedoes. These are experiments; nothing more, nothing less. You could not allow other nations of the globe to proceed alone in sending expeditions to the North Pole; for the sentiment here and elsewhere was that even in matters of enterprise like that you should keep abreast with the nations of the world. So in this matter of experimenting in munitions of war; nothing more.

Here, in the matter of arms and military establishments, we are but imitating the bad example which is given in Europe by the petty ambition and pride of men in power supporting kingly authority. It is but a feeble imitation. There is nothing to excite our pride in it. There is nothing to excite our pride in a single item of either of those bills. It is but a feeble imitation of the policy of nations against whose breaking the peace toward us we hold such guarantees as no nation, ancient or modern, ever held. For since the creation of this earth and the formation of human society no people have been so completely exempt from the peril of attack by any foreign power as ours have controlled by the principle which has come down to us by tradition from our fathers of justice to all men. There is no occasion for us to imitate feebly or otherwise what gentlemen call the effete monarchies of Europe. The moral power that springs from a nation of freemen too conscious of their greatness to be unjust is a better guaranty of safety than statesmanship had ever devised or ever will.

We appropriate, then, for all these purposes $595,000. Gentlemen, in the name of the people, would you in a feeble way imitate here upon the soil of America the practices which have grown up in Europe under institutions that have ground the masses to the earth during long centuries? You may look in vain through all the statute-books of a hundred years for the indication of any deliberate purpose upon the part of American statesmen to ingraft the institutions of Europe upon ours.

Why should we have a great Navy and preparations for war, accustoming our people to the force and idea of military power? Who will suffer by all this? Who suffered in Europe? Against whom and to keep whom in subjection are the great armaments of the Old World employed? It is mainly to keep their own people in subjection; more indirectly to defend themselves against the common grasping ambition by which the kingly governments of Europe are disturbed. England has for centuries oppressed her people with wretched poverty to keep up her military power.

No, sir; there is no excuse, there is no possible justification or excuse, for taking from the people of the United States their hard earnings, drawn through countless channels into your Treasury, for the purpose of imitating institutions which in all the past have produced the woe and agony of mankind.

The bill reported by the gentleman from Michigan [Mr. HORR] on behalf of the majority of the committee, proposes to appropriate a million of dollars for fortifications at Boston, New York, Philadelphia, Hampton Roads, New Orleans, and San Francisco. I know that no gentleman from California will thank you for putting the city last mentioned in your bill. In so far as concerns the beautiful city at the Golden Gate no one supposes either of the forts at either side of that famous gate is necessary for the protection of that beautiful bay from the encroachment of an enemy. Ten years ago, in the imperfect condition of your torpedo system, no ingenuity could have devised a mode of meeting that form of defensive war which could have rendered that port accessible to an enemy on any conceivable condition. You built a fort there, I admit, shortly after you acquired the Pacific coast. You have an unfinished fort on the north side of the gate. You know that neither of those forts can ever be brought into requisition, can ever be used for the purpose of protecting the bay of San Francisco from an advancing enemy. A million of dollars is appropriated for these forts. All the other important forts are left subject to the comparitively unimportant item of $300,000. Provision is only made for these populous cities where already millions of dollars have been expended; for most of the appropriations made in former years have been expended in special localities, with no general system of defense.

But then the torpedo system is not overlooked. For that an appropriation of $170,000 is made. Who is to expend that money? I would ask the gentleman from Louisiana [Mr. ELLIS]. He will answer me as I have answered him—the engineer.

Mr. ELLIS. Does the gentleman want me to reply to him now?

Mr. HOLMAN. The bill proposes for the armament of seacoast fortifications, $600,000, and for steel guns, $1,000,000. The bill covers for all these purposes for the coming year alone $3,070,000. Then it is provided that there shall be a million dollars appropriated each year for five years from the 1st day of next month—that is, from to-morrow—for the purpose of national defense in the way of steel guns.

Mr. Chairman, I trust I will have at least for a moment on this point the ear of this committee. For now eight years the Democratic party of this House when in the majority have been struggling to create some responsibility on the part of your Executive Departments to the action of Congress to limit the public expenditures to the sums which Congress from year to year might appropriate.

Your Constitution unhappily, as I think, has limited the appropriation of public money by only the one provision, that for the purpose of supporting an army you can not appropriate beyond two years. But you are proposing here for military purposes to appropriate a million of dollars a year for a period of five years. This very House within the last month took a long step toward compelling the appropriation of nearly the entire sums of money to carry on your Government by annual appropriations, except on account of your public debt. Yet with this radical democratic idea that the appropriation of money should be made only so that there should be a proper responsibility on the part of the Executive Departments, it is now proposed to adopt the proposition reported from the Committee on Appropriations to appropriate for military purposes $1,000,000 a year for the period of five years from to-morrow and leave it under the absolute control of the War Department.

For what purpose is this permanent appropriation to be made? Afraid of whom? It is that if this bill should pass with this continuing appropriation, and at the very next session of Congress this House, coming fresh from the people again, might seek to repeal that provision, it would be met by another branch of this Government with its unqualified negative. That, then, is the purpose of the appropriation of $1,000,000 annually for the period of five years from July 1, 1884. You would place $5,000,000 at least beyond the control of this House, which most directly represents the people.

The people have not been consulted on this measure. The courage and manhood of the American people have not been consulted. The timidity which has displayed itself, the apparent apprehension of danger in the future is not borne in the hearts of the people we represent. As in the past generations, so in the present, the American people rely upon themselves and their own resources and manhood to meet an emergency when it shall come. They see nothing to indicate a disturbance of the peace and repose of this nation. They see no indication that the food shall be taken from the mouth of labor to gratify the insatiate ambition of any man or any body of men. They see no cause of apprehension that this nation, standing now first in the rank of nations, will do any such act of injustice as will involve them in strife. They know with their consent it will not be done. They know that a Government which stands as ours in the light of all the nations of the earth, controlled by the sentiment of justice and honor, with no plans of conquest and no motive for injustices is not likely to be assailed, and when assailed millions of strong arms are ready for its defense. [Applause.]

Mr. FOLLETT. During the hundred years of the life of this nation we have had but one war with an enemy that has sought our shores, and that war was but the conclusion of the original struggle which resulted in our independence. At no time in the history of this country has any one been apprehensive of a foreign enemy, or of an attack from abroad, or that we as a nation would meet any insult.

It was not until recently, and so far as I know not until this Congress, that the alarm has been sounded that the nation is defenseless and that large sums of money should be expended for the purpose of providing against a contingency which no one sees in the future, which is simply a chimera, and which judging the future by the past would be a useless and unnecessary expenditure of money.

During the entire history of this country there have been men who have apprehended danger and have been constantly sounding the alarm and anxious for large standing armies and large expenditure for defensive purposes. But to-day we have a standing army of 25,000 men only, and nobody loses sleep on that account. Yet we are continually reminded that the nations of Europe have adopted a different policy, and, therefore, America should follow in their footsteps.

The nations of Europe have adopted a different policy. As against our army of 25,000 men Germany presents hers of 600,000, France her

army of half a million, and England her army of 400,000, and the people of those countries are taxed for their support. But not one of those standing armies are kept in the field for the purpose of attacking a Government whose strength rests in the hearts of the people as it does in the United States. They are sitting there watching each other, apprehensive of each other, lying contiguous to each other, and fearful each of an attack from the other. But who in this House, what member of Congress, believes that either one of those nations contemplates or dares to attack the United States.

If we are to arm our thousands of miles of seacoast, if we are to provide steel guns of the character which gentlemen speak of for all of our seaports, if we are to incur that expenditure in this time of profound peace for the purpose of being prepared for war, as they say, for an attack from foreign nations, then you will not stop after this year with an appropriation of $3,000,000, but on the contrary you will have to increase it tenfold from year to year. The appropriations in this bill are but the entering-wedge. The bill is drawn upon the idea that if you incur an expenditure of $3,000,000 this year you will be willing hereafter for the purpose of saving that amount to incur larger expenditures in future years.

We are advised that this is an age of invention, that implements of war, implements for the destruction of human life, have strangely and greatly changed ever since the closing of the war of the rebellion in 1865; and that is true. This inventive spirit is now not only bringing forth new implements of war, new cannon, new ordnance, new explosives, but everything that pertains to the destruction of human life or the defense of coasts and harbors is now simply undergoing a process of renovation and change. No nation has yet discovered a material that is safe, or entirely safe, at least, for the manufacture of large ordnance. Experiments, as shown in the report of the minority of the Committee on Appropriations, are still in embryo, and we are waiting for the inventive genius of our people and of other nations of the world to produce something that will stand the test. Until that is done, money can not be expended intelligently or properly for the purpose of supplying ordnance of this character.

Mr. ELLIS. Has the gentleman read the report of the gun-foundery board?

Mr. FOLLETT. I have not.

Mr. ELLIS. I thought so. That is all.

Mr. FOLLETT. I have not read that report; but I undertake to say that no gun of large caliber has yet been tested by what can be denominated properly a battle test that has been found to be entirely reliable for the discharge and propelling of the kind of shell or shot that gentlemen speak of as being so effective.

Mr. ELLIS. Did the gentleman read the story of the bombardment of Alexandria by the British fleet?

Mr. FOLLETT. I did.

Mr. ELLIS. Then the gentleman is answered.

Mr. FOLLETT. I did read the account of that bombardment, and I have read the story of tests made in England and this country since that time, of this kind of ordnance, and these tests have shown it was not what it was represented to be.

Mr. ELLIS. Will the gentleman refer me to that report.

Mr. FOLLETT. I was reading in a newspaper only a day or two ago of a test recently made where the gun supposed to be one of reliable pattern exploded. We have here in the minority report a reference to what is stated upon that subject by one of our own ordnance officers, a man who understands what he talks about.

Mr. ELLIS. Who is that?

Mr. FOLLETT. Mr. William P. Hunt.

Mr. ELLIS. Yes. He is a contractor.

Mr. RANDALL. He is president of the South Boston Iron Company, is a party interested in this matter, and a man of great experience.

Mr. FOLLETT. He is a man who probably has had as much experience on this subject as anybody.

Mr. ELLIS. What is the date of that report?

Mr. FOLLETT. Eighteen hundred and eighty-one.

Mr. ELLIS. Three years ago.

Mr. FOLLETT. It will be three years in November. But, sir, whether these experiments have been successfully made or not, the question arises what is the necessity that should compel us to expend money without waiting until these tests should be made, so as to be entirely satisfactory, before we invest money for the purpose of supplying this Government with that class of ordnance?

The most effective weapon for harbor defense, as already stated, is the torpedo; and the minority of the committee have reported in favor of an appropriation of $100,000 for the purpose of supplying at least one movable torpedo, and testing also the motive power by which it can be successfully managed.

Mr. ELLIS. With the gentleman's permission, I would like to read right here four lines and a half from Admiral Porter on this point.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. FOLLETT. The gentleman has before asked several questions. If he did not expect to make a speech on this subject I would not object to yielding to him.

Mr. ELLIS. But this comes in here so pertinently.

Mr. FOLLETT. I know; a great many things come in pertinently.

Mr. RANDALL. And some impertinently.

Mr. ELLIS. The gentleman would find this very pertinent. Admiral Porter says——

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. FOLLETT. I will yield this time, but hereafter I prefer the gentleman should speak in his own time.

Mr. ELLIS. Admiral Porter says:

An insane idea seems to prevail that we can do without guns and ships, and that our harbors can be protected by torpedoes. There might be something in such an argument if we had forts that could keep out an enemy's fleet; but the party that can command the best ironclads and the heavist ordnance will win.

Mr. FOLLETT. Mr. Speaker, if there were any reason whatever to apprehend an exigency in the near future—if there were any reason on earth to believe that the Government of the United States needs to provide for an immediate emergency—it might be well to go (even if we were obliged to go blindly) into the adoption of various devices and methods recommended by patentees, without subjecting them in the first instance to proper tests. But in a time of profound peace, when no exigency exists, and when we know the temper and resources and power which would be displayed by our people in case an exigency should arise, money spent for the purpose of making these experiments is money wasted.

The history of all wars in this and almost every other country has been, that in most instances the point specially prepared for defense against an enemy is not the point where a country will most likely be attacked. In other words, for the purpose of supplying our coast with complete defenses, you must not simply fortify Boston, New York, Hampton Roads, New Orleans, and San Francisco, but you will be obliged to fortify all the harbors and points where an enemy could be landed. Therefore, to start in upon the idea that the defenses of New York and Boston and Hampton Roads would protect our eastern coast, the defenses of San Francisco our western coast, and the defenses of New Orleans our southern coast, is to start in upon a mistaken notion.

Why, the gentleman from Michigan [Mr. HORR] said the powers of Europe know our defenseless condition and how helpless we lie. They are careful, however, to respect that which is our greatest and surest defense and always will be—they are careful not to arouse the American people and develop their resources that in one year, one month if need be, could be called into action for the purpose of repelling any invader who should be so rash as to attempt to attack us.

And again, Mr. Chairman, one of our strongest means of defense is that the masses of the people in all the first-class powers of the world are in sympathy with the American people, and we will be the last nation against which they would attempt to make an attack, lest there should be a reaction at home more effective against them than either dynamite, torpedo, or big gun. [Applause.]

I do not believe there is a man on the floor of this House who has lost one moment's sleep during the whole period of his life because of any apprehension of attack upon this country from foreign powers. Nor do I believe that the humblest citizen or the wealthiest apprehends any such danger to it.

And why is it that just upon the verge, just upon the eve of a Presidential election a policy that was discarded by the last Congress, a policy which they refused to adopt, has now suddenly grown into importance, and the emergency has become so startling as gentlemen tell us it is to-day? Why, Mr. Chairman, no man believes that in our isolated condition, with no powers bordering on us, we need apprehend danger from the government to which the territory lying to our north belongs. That power will be one of the last to disturb our repose, for she knows the moment an attack should be made upon us that territory would cease to belong to her. We have no apprehension of danger from the South, and upon the East and West we are bordered by the ocean. And right there is where these gentlemen have been so suddenly aroused to our danger—danger of ironclads, danger of large vessels, danger that our cities would be shelled, that they would be destroyed or laid under contribution. I have mistaken Yankee energy, Yankee skill, Yankee inventive genius, if some method would not be devised to prevent, I care not what power or strength the vessel might be, from ever coming within shelling distance of New York should the emergency arise.

Wars do not spring up in a moment. National controversies do not arise in a year. Time is given for preparation. Time is given to enable us to be prepared to meet the attack before the attack would come. In any event the country would be ready, and its wealth, its power, its skill would be placed at the command and disposal of the Government at any moment to repel a foreign attack.

And to-day, sir, we stand in a better position than ever heretofore. The last sad contest we had was brother against brother, one section against the other, and should the occasion arise for an attack against a foreign enemy these two sections would vie with each other in the exhibition of their patriotism, the display of their courage in friendly intercourse against a hostile foe, for the purpose of showing that the nation is cemented by the blood of brethren into a nation inseparable and forever perpetual. [Great applause.]

And in view of this condition of things, I have no fear of any nation

on the earth, even if we had not a gun or a ship upon the sea. When the proper time comes, when the proper plan of vessel is presented, I as a member of this Congress, when I know that the money we appropriate for that purpose is to be wisely expended, am ready to build up a navy and supply it with the means of asserting our power abroad. But at home I want no other power except the strong right arms and the brave hearts of the American people.

I ask for no standing army. The policy has been from the beginning of this Government we did not need it and we would not have it. We have never taxed our people for any such purpose beyond the mere skeleton around which the brave people of our country could rally in case of emergency.

I ask no forts. We can throw up if need be in one week earthworks that I believe would be as effective against guns of a large caliber as any fort that could be constructed, and I certainly would not by my vote make a permanent appropriation of $5,000,000 for the purpose of having the money expended by somebody in making guns that we know nothing about either as to their caliber and their efficiency. Subject them to test; test them under such commission as you may appoint, and who knows but that the next day or the next week some man of greater skill and of greater genius would produce a gun far its superior? If an emergency arises we have the markets of America at least if not the markets of the world to draw from for the supply of such arms as shall be most effective and efficient; and I am ready to trust to the skill and ingenuity and inventive genius of the American people against that of any or all other people combined.

There is now going on a test upon the powers of dynamite shells, and dynamite has been heard of not in this country merely but in other nations. Dynamite may possibly work out and solve problems that statesmanship has failed to solve heretofore. Dynamite is certainly in some parts of the world a terror to men who heretofore have known no terror. I am not saying whether it is right or wrong; but we do know as a means of destruction, as an explosive agency for the purpose of destroying human life, it is a mighty power and without a superior. If these tests shall work out satisfactorily and result practically, if the weapon used for the purpose of the propulsion of dynamite shells is satisfactory, we shall need, if an emergency arises, some of these guns. But the plant spoken of in the bill of the majority will never be necessary for any such purposes. The bill the minority have presented we believe to be ample. Gentlemen ask us, "What are you going to do with the money you appropriate?" They ask that with reference to an appropriation of $300,000, which is substantially the same as another appropriation for which the bill of the majority gives $600,000 for armament and the manufacture of heavy guns. Well if we can not use $300,000 I ask the gentleman from Louisiana what the majority of the committee are going to do with their appropriation of $600,000?

Mr. ELLIS. Let me answer now?

Mr. FOLLETT. In your own time.

I believe, sir, that the bill reported to the House by the minority is all the country wants, is all it requires, and all we ought to give at this time. And I believe still further that the people of this country with that amount would feel just as safe and secure as they would if the bill of the majority were passed. I do not believe there is any apprehension abroad that we are in danger of an attack; but while I subscribe fully to the sentiment "in time of peace prepare for war," I believe that can best be done by lightening the burdens of taxation upon the people, by developing our resources, by making the nation happy, and by attaching our people to the Government with sentiments of love; and then when the emergency does arise they will be ready to bring their resources and their lives if need be to lay them upon the altar of their country. [Applause.]

Mr. DORSHEIMER. Mr. Chairman, I have taken other occasion to express my opinion as to the danger which the country is incurring by reason of the present condition of our naval defenses. The United States have had a policy with reference to the maintenance of an army and navy and coast defenses which began with the first administration. The principle of that policy was stated by the first President to the first Congress in the following language:

To be prepared for war is one of the most effectual means of preserving peace.

This statement of policy by Washington is in my judgment as true to-day as it was a hundred years ago. That national policy has been a small army with a large body of officers, trained to their professions in the most perfect manner; a small navy of the best quality, and a complete system of seacoast defenses. That policy was rigidly pursued by the Government of this country without reference to party changes, so that when, after nearly sixty years of Democratic administration, the Republican party came into power the fact was as the gentleman from Louisiana [Mr. ELLIS] has stated it, and the coast of the United States had the best defense of any coast in the world. The fortifications were on the greatest scale, and the armament was of the most approved description, far surpassing in power the armament of any other fortifications anywhere in the world.

I had occasion, I well remember, in 1855 to make an examination as to the relative condition at that time of the defenses of the city of New York, the principal fortress upon our coast, if I may use such a phrase, and the city in the Crimea, Sevastopol, before which the British forces were then gathering; and at that time the city of New York had a greater number of guns mounted upon its fortifications than Sevastopol had, while the guns were of such caliber that the fire from the forts of New York weighed nearly double that from the forts at Sevastopol.

And yet the fortifications of the Crimean city were sufficiently strong to resist the attacks of the most powerful maritime power in the world. At that time such was the relation of ships to fortifications that forts as well built and as well armed as those of Sevastopol were sufficient to resist the attacks of England's fleets.

Therefore I say to this House that as the result of sixty years—or with but slight interruptions—of Democratic policy our cities were well defended and able to resist any fleets then known to maritime warfare. What I have described was the result of a national policy which favored a good army, a good navy, and a complete and perfect system of coast fortifications.

But what is our present situation? No one doubts at all that it is within the power of several European nations to bombard every city upon the Atlantic seacoast. And not only that, no person who chooses to inform himself can doubt that Buffalo and Cleveland and Detroit and Milwaukee and Chicago are as completely at the mercy of at least one European power as are New York and Philadelphia. And not only are the harbors upon the seacoast and the harbors upon the lakes defenseless, but even the Mississippi River lies open and is deep enough to float the heaviest battle-ship up to Natchez. Is it satisfactory to us that we should continue in this condition?

People say, Why is this question a pressing one now when it was not pressing a year ago? It was a pressing question a year ago. It is none the less a pressing question now. And I can not understand how any man with the heart of a patriot in his breast can help treating it as a pressing, nay, an imperative question always.

Mr. Chairman, last week I saw in the daily press a paragraph which must have arrested the eyes of many members of this House. It was a statement that a small force of French troops had been attacked by a force of Chinamen. The news came from Paris, and it was accompanied by the further statement that in retaliation for this outrage France would undoubtedly order the bombardment of all the cities on the coast of China. Doubtless France has the power to issue and execute such an order. But to me, an American, that paragraph brought a sensation of shame; for I could not but remember that an order might be issued by France and executed by her fleet to bombard all the large cities on our coast.

I have already stated upon the floor of the House that there is not a dwelling, that there is not a building in my district which is not within the reach of guns of vessels lying in the open sea, and there is not in the harbor and fortifications of New York one single gun which could be used offensively against a fleet stationed off Coney Island. China has pursued the policy of non-resistance, and when I listened to the humane gentleman from Indiana I wondered whether he had not drawn some lessons in political conduct from Chinese statesmen. Rely upon moral forces! Certainly we have always relied upon moral forces, and moral forces are the chief defense of our country. But men have found that those moral forces were the most powerful and most effective in action when they were in the strong hands of brave men willing to fight in their defense and advocacy. Providence goes with the moral forces, but has a singular partiality for the strongest battalions.

I suppose that China finds it more economical not to maintain armies and fleets and fortifications. Doubtless she can afford out of her dense population of 280,000,000 to lose a few thousand of her people now and then rather than go to the expense of building fleets and training armies. But what has been the result of this long policy of submission to every foreign invader? China found a better defense in the walls she built against the Tartar invaders than she did in the strong arms of her own soldiery. And during our lifetime we have seen every European power that chose to have a controversy with that country hold Chinese cities at their mercy. It is only a few years ago since the loot from the imperial palace filled the bric-a-brac shops of London and Paris. It is only a few years ago since the forts at the mouth of one of her great rivers were bombarded and her cities taken.

I suppose that a Chinese statesman addressing a Chinese house of representatives might say: "Certainly we have suffered these things, but then see what money we have saved; these Western barbarians expend hundreds of millions." He might then sum up the amounts: "Germany so many millions; France so many millions; England so many millions; and we, the children of the sun, we have saved all this money; true enough, we have lost some lives; true enough, we have received some cuffs; but we have saved the money; we have relied upon moral forces and moral suasion and saved our money; we have held ourselves up as an example to mankind." Yes, indeed, they have, but not an example which the American people want to follow. For the result of a thousand years of this civilization is that China is the only country that we single out whose people we by our laws exclude from our shores. The qualities which make nations great in war lie at the basis of all manly qualities, and from that strong soil all civilization and freedom grow. And God forbid that my country shall ever neglect them or ever cease to honor them. [Applause.]

We are told that we must not spend $3,000,000 to begin fortifying our coasts. Why not? Have we not the money? What is to be done with this vast tide of money which the monstrous and overgrown taxation of the country is turning into our Treasury? Every effort in this House to reduce taxation has failed. I do not recollect one single tax which has been reduced to the amount of one single penny.

When I go home to meet my constituents and they ask what has been accomplished, I shall be able to say to them that $600 was saved by cutting down the salaries of three secretaries of legation, and that $2,000 more was saved by cutting down the salary of our minister in Rome. But when the artisans of my district turn to me and say, "What tax did you throw off by reason of this enormous reduction of expenditure," what answer shall I make? I will have no answer to make at all. The remorseless machinery of taxation is still at work. Every day their proportion of $100,000,000 of unnecessary taxes will be ground out of the artisans of my district in the coming year as they have been in the past. Nor do I believe, and I say it to the leaders of my side of the House, that my constituents will be at all consoled by the circumstance that $600 was saved from the salaries of secretaries of legation and $2,000 cut off from the salary of the richest young man in America.

I will tell you one use you can put money to which will be received with satisfaction everywhere, not only in the seacoast cities most threatened, not alone in the cities upon the lakes and the great rivers which share the danger, because the feelings which I express, I believe, are to be found in the heart of every true American wherever you find him, even in the mines of Colorado. You can put a little of this money to a most beneficent and patriotic use. You can use it to put our harbors and rivers in a state of defense, so that they may not be at the mercy of every foreign power.

Gentlemen tell us that there are no questions now existing to disturb our relations with other countries. There are doubtless no such questions disturbing our relations with other countries; but our fathers did not see fit to let the question of peace or war rest solely upon the will of a foreign power. That was a matter about which they wanted to have something to say themselves. The difficulty with our present policy is that we leave the question whether there shall be peace or war to be decided by the foreigner.

How near we may be to such questions I may illustrate by referring to a historic circumstance within my knowledge, although not within general knowledge: I happen to know that when the American minister in 1865 carried to the French minister of foreign affairs a demand for the withdrawal of the French army from Mexico the French minister turned to him and said, "How many troops has your Government in Texas?" Said the American minister, "There are 200,000 men on the Rio Grande under the command of General Sheridan." Who can doubt that the moral suasion which our minister used in his argument, addressed to ancient relations and repeated treaties of friendship cemented by successful war, was greatly re-enforced by the fact that 200,000 tried soldiers under the command of a competent officer were ready to obey the command of our Government?

I do not wish to refer to what might possibly cause differences between our country and other countries. But I should suppose that this House might find some reason for caution in arriving at the conclusion that peace would be perpetual here by recalling how slight a circumstance at the beginning of this session has brought about the result that the American minister is withdrawn from Berlin and the German minister has been withdrawn from Washington. National relations always rest upon uncertain grounds. Friendships such as bind individuals to each other, the ties of family, the ties of relationship do not exist between nations. Interest, passion, nay, in many instances, even the ambition of a man or the caprice of a woman has been sufficient to bring about protracted wars.

Let me refer to one circumstance. A person must have been careless who has not observed the change which has been brought about in the relations of European powers by the construction of the Suez Canal. Does anybody who reads the papers to-day doubt not only that the fate of the British ministry depends upon the policy of its premier toward the country through which that canal has been constructed, but that the peace of Europe also depends upon the policy of England as to the same subject?

And what may not happen when we find that the only channel of water communication across this hemisphere is in the hands of a foreign power? I do not undertake in particular to predict what will happen, but this I venture to say: that no sooner shall such a water way be constructed than we will find that it is quite as important to us, to our commerce, to our prosperity, and to our greatness as the Mississippi itself; and that with reference to the government and control of this canal this country will have a great deal to say to all other countries.

I hope we shall always be able to find our relations with foreign governments those of friendship. But I propose that this House shall do what will be most effectual to keep those relations friendly by making not an extravagant but a proper and timely appropriation for warlike defense. [Applause.]

Mr. HORR. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message in wrjting from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 116) for the relief of the sureties of the late J. O. Rawlins;

An act (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location and name;

An act (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia;

An act (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal Church in the District of Columbia; and

An act (H. R. 2346) for the relief of Sarah A. Redmond.

ELECTION CONTEST—MASSEY VS. WISE.

Mr. ELLIOTT, from the Committee on Elections, submitted a report on the contested-election case of Massey *vs.* Wise, from the State of Virginia; which was ordered to be printed.

The resolution appended to the report was read, as follows:

Resolved, That JOHN S. WISE was duly elected as a representative in the Forty eighth Congress from the State of Virginia at large, and is entitled to retain the seat which he now holds.

Mr. TURNER, of Georgia, by unanimous consent, submitted the views of a minority of the committee upon the same case; which were ordered to be printed with the report of the majority.

ABANDONED MILITARY RESERVATIONS.

Mr. ROSECRANS submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 4, and agree to the same.

W. S. ROSECRANS,
CHAS. H. MORGAN,
GEORGE W. STEELE,
Managers on the part of the House.

JOHN A. LOGAN,
BENJAMIN HARRISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The report was agreed to.

Mr. ROSECRANS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. STEELE. I ask unanimous consent to withdraw from the files of the House papers in the cases of Melvin Seward and Capt. E. M. Ragar, there having been no adverse report.

There being no objection, leave was granted.

CLAIMS AGAINST VENEZUELA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed.

To the House of Representatives:

I transmit herewith, in compliance with resolutions of the House of Representatives, respectively dated March 22 and April 19, 1884, a report from the Secretary of State communicating information in regard to moneys received from Venezuela under the treaty of April 25, 1866, and their distribution to holders of awards by the Department of State.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, D. C., June 30, 1884.*

DISTRIBUTION OF REBELLION RECORDS.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting, in compliance with a provision of the sundry civil appropriation act of August 7, 1882, a report of the volumes of official records of the war of the rebellion published prior to that date which have not been furnished to libraries, organizations, and individuals indicated in that act; which was referred to the Committee on the Library.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 283) to provide temporarily for the expenditures of the Government.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that

the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2017) granting a pension to Walter Dickson;

A bill (H. R. 3613) granting a pension to Ira McNair;

A bill (H. R. 4440) for the relief of John Bostater;

A bill (H. R. 4717) for the relief of John Schwearer;

A bill (H. R. 4790) granting a pension to Alexander Saint Bernard;

A bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles P. Seymour, a deceased soldier;

A bill (H. R. 5457) granting a pension to Allicia Durant;

A bill (H. R. 5595) granting a pension to Eugene L. Townshend; and

A bill (H. R. 5686) granting a pension to Sarah J. Chipman.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 1299) for the relief of Alonzo Gesner;

A bill (H. R. 3950) for the relief of Mrs. Margaret Cassidy; and

Joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HARDEMAN, indefinitely after the 3d of July, on account of important business.

To Mr. CAMPBELL, of New York, indefinitely on account of important business.

WITHDRAWAL OF PAPERS.

Mr. HOBLITZELL, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Oliver Wood.

Mr. WELLER. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolutions of Post No. 111, Grand Army of the Republic, Department of Pennsylvania, relative to pensions—to the Committee on Invalid Pensions.

Also, petition of 220 members of the First German Methodist Episcopal church; also, of students of Western Theological Seminary, Allegheny, Pa., favoring education of the Indians—severally to the Committee on Indian Affairs.

By Mr. CURTIN: Memorial of Joseph C. G. Kennedy, relative to the repeal of section 22 of the law for taking the tenth census, &c.—to the Committee on the Revision of the Laws.

By Mr. ELLIS: Papers relating to the claim of Florence A. Brown—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of J. M. Wright, for exhibits by the United States Government at Southern Exposition at Louisville, Ky.—to the Committee on Appropriations.

By Mr. FOLLETT: Papers relating to the claim of Lieut. Joseph R. Cobb—to the Committee on War Claims.

Also, memorial of clerks in the post-office at Cincinnati, Ohio, relative to reclassification of clerks in the distributing department of post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDEMAN: Resolutions of the Augusta (Ga.) Exchange, asking for the passage of the McPherson bill—to the Committee on Banking and Currency.

By Mr. HUTCHINS: Remonstrance of citizens of Croton Falls, N. Y., against a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. MCMILLIN: Papers relating to the claim of John O. Cage—to the Committee on War Claims.

By Mr. OSSIAN RAY: Petitions and papers relating to the claims of Henry Wilkes and others, for prize-money for capture of Albemarle—to the Committee on Naval Affairs.

By Mr. J. H. ROGERS: Petition relating to the bill for the relief of John H. Walters—to the Committee on Invalid Pensions.

By Mr. STOCKSLAGER: Resolution of Baxter Springs Post, Grand Army of the Republic, Baxter Springs, Kans., relative to a national cemetery at said place—to the Committee on Military Affairs.

Also, resolutions of Garfield Post, Grand Army of the Republic, Department of Indiana, relative to pensions, &c.—to the Committee on Invalid Pensions.

Also, papers relating to the bill for the relief of John W. Manington—to the Committee on War Claims.

By Mr. VANCE: Petition of Emma S. Spats, guardian of Helen Ida Brookbank, for a continuance of her ward's pension—to the Committee on Invalid Pensions.

By Mr. WELLER: Petition of D. L. Brancher and 30 others, relative to the equalization of pay of soldiers of the late war, &c.—to the Committee on War Claims.

Also, petition of Mrs. Harriett Harper, in favor of H. R. 4009, to increase widows' pensions, &c.—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *July* 1, 1884.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

TRADE-DOLLARS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate for its second reading a Senate joint resolution offered yesterday by the Senator from Pennsylvania [Mr. CAMERON], the title of which will be reported.

The CHIEF CLERK. A joint resolution (S. R. 96) authorizing and directing the Secretary of the Treasury to purchase United States trade-dollars.

Mr. SHERMAN. How does that come up, Mr. President?

The PRESIDENT *pro tempore*. It is laid before the Senate by the Chair. The question is on the second reading of the joint resolution.

Mr. HOAR. What has become of the routine morning business, the presentation of petitions, &c.?

The PRESIDENT *pro tempore*. The Chair understands it to be the duty of the Chair, under the rules, first to lay before the Senate bills that are objected to on a preceding day on their first reading. The question now is, Will the Senate agree to the second reading of the joint resolution?

Mr. INGALLS. What is the title of the measure?

The PRESIDENT *pro tempore*. The title will be again reported.

The Chief Clerk read the title of the joint resolution.

Mr. CAMERON, of Pennsylvania. I move that the joint resolution be read the second time.

Mr. SHERMAN. That is a new way. I should be glad to understand that way, because whenever I want a bill to supersede everything else I shall now know how to do it. It is a new device.

The PRESIDENT *pro tempore*. The Chair studied the question on a former occasion in order to know what should be done with House bills objected to on their second reading, and other matters.

Mr. SHERMAN. Is this a House bill?

The PRESIDENT *pro tempore*. No; the Chair is only explaining the ground of his opinion, that his opinion was formed before this measure came up, and the practice as he understood it under the existing rule settled it. That is, when a House bill or a Senate bill is objected to on its second reading upon the day it is offered it goes over under the rule and lies on the table of the Chair, and is presented (as a resolution is when it is objected to on a previous day when the order of resolutions is reached) for its second reading, if the Senate choose to order it to be read a second time.

Mr. MORRILL. I suggest to the Senator from Pennsylvania that as there is evidently less than a quorum present he postpone this matter until after the presentation of petitions and the reports of committees.

Mr. HOAR. Will the Chair be good enough to have read the rule which makes an explanation to Rule VII, relating to the order of business, this not being a resolution from the House but a resolution introduced yesterday by the Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. It is a joint resolution.

Mr. SHERMAN. Yes, an ordinary joint resolution.

The PRESIDENT *pro tempore*. The Chair does not know of any specific phrase in the rules which makes the exception the Senator from Massachusetts suggests in respect of bills the second reading of which is objected to. The Chair is to lay before the Senate bills from the House of Representatives at any time. They must be read three times under the rules, precisely like Senate bills, the rule making no distinction. On consultation several weeks ago, or months ago the Chair may say, as to what would happen under the existing rules of the Senate in case of the second reading of a bill being objected to, whether it would go on the Calendar or would lie over under the rule for the question of its second reading to be determined on the next day, the Chair came to the conclusion, after consultation with some gentlemen and he thinks with the Committee on Rules, that the regular practice would be for an objected House bill or an objected Senate bill or an objected Senate resolution going over for its next stage on the next day, to lay it before the Senate at the appropriate time. The Chair supposes that as in the case of House bills it would be at this time. The opinion of the Chair therefore is formed upon previous consideration and consultation that it is in order to lay the bill before the Senate at this time.

Mr. HOAR. If the Chair will pardon me, it seems to me that the Chair has not adverted to the distinction between a House bill and a Senate bill in that particular. Rule VII is explicit. It provides that—

> After the Journal is read, the presiding officer shall lay before the Senate, messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate; and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of.

That of course does not mean Senate bills. The language is "bills, joint resolutions, and other messages from the House of Representatives" which have not yet been taken up and disposed of in any way. So the conclusion to which the Chair came some time ago in regard to

bills from the House, to which he refers, is unquestionably correct and clearly supported by the very letter of the rule itself. Rule VII proceeds:

> The presiding officer shall then call for, in the following order:
> The presentation of petitions and memorials;
> Reports of standing and select committees;
> The introduction of bills and joint resolutions; &c.

My question is, upon what can the Chair support, in the face of that express rule, a direction that a Senate bill read a first time yesterday, to which its reading on a subsequent stage was objected to, should displace the ordinary morning business?

The PRESIDENT *pro tempore*. It is possible the Chair is mistaken in supposing that this present moment of time, when ordinarily petitions would be called for, is the one at which he should have laid the bill before the Senate.

Mr. HOAR. That is the point I made.

The PRESIDENT *pro tempore*. It is very possible that in analogy with a practice that the Senate has acquiesced in, the Chair believes unanimously, of laying an objected resolution before the Senate when Senate resolutions are called for, it will be more appropriate for the Chair to lay this joint resolution before the Senate when the order of the introduction of bills and joint resolutions is reached. The Chair is inclined to think he was in that respect in error; and he will therefore withhold the bill until the call for bills and joint resolutions is reached, when the Chair will again lay it before the Senate and the Senate will decide what the order shall be.

Mr. CAMERON, of Pennsylvania. I will wait till then.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petitions of Augustus Francis Luving, late a private in Company B, Ninety-fifth Regiment New York Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin. I present the petition of A. Miller, a delegate from the Stockbridge Nation of Indians in Wisconsin, praying for certain relief. As the matter referred to in the petition is now pending before the Committee on Indian Affairs, I move that the petition be printed as a document and referred to that committee.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 2344) for the relief of Melissa G. Polar, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2623) granting a pension to Arthur I. McConnell;
A bill (H. R. 5795) increasing the pension of Charles A. Fuller; and
A bill (H. R. 1073) granting a pension to William J. Lee.

He also, from the same committee, to whom was referred the bill (S. 2023) granting a pension to William J. Lee, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1226) granting an increase of pension to Dr. Samuel Davis, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa., reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4439) granting a pension to John B. Wallace;
A bill (H. R. 4970) for the relief of Mrs. Nancy Biser;
A bill (H. R. 5976) for the relief of Catherine Meis; and
A bill (H. R. 3909) granting a pension to George W. Wickwire.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1436) granting a pension to William T. McCoy;
A bill (S. 1823) granting a pension to Ebenezer K. Marden;
A bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney;
A bill (H. R. 4526) granting a pension to Mrs. Ann Corbin;
A bill (H. R. 1056) granting a pension to Honora Kelley;
A bill (H. R. 3606) granting a pension to Irene Baker;
A bill (H. R. 5781) granting a pension to Solon L. Simonds; and
A bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson.

BRANCH SOLDIERS' HOME.

Mr. HARRISON. I am directed by the Committee on Military Affairs to report the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, with an amendment. The amendment is simply the substitution of a Senate bill which has already passed this body with the exception of the words in reference to the site, "unless the same be donated." I ask for its present consideration, as it is a matter upon which the Senate has acted, in view of moving the Senate bill as an amendment to the House bill so that a committee of conference may act upon it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read and then the substitute reported by the committee.

Mr. HAWLEY. I suggest that the Secretary read merely the substitute, which is very near like the House bill. That would answer the purpose, if the Senator from Indiana has no objection.

Mr. HARRISON. If it would be in order I ask that the reading of the bill proposed to be stricken out be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Indiana and the Senator from Connecticut ask unanimous consent that the reading of the bill proposed to be stricken out be dispensed with. Is there objection? The Chair hears none. The amendment recommended by the committee will be read.

The CHIEF CLERK. The committee report to strike out all after the enacting clause and to insert:

> That the Board of Managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the home at some suitable point in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska. The same shall not be located on a tract of land less than three hundred and twenty acres in extent.
>
> SEC. 2. That said branch home shall be located and the ground purchased unless the same be donated by said board of managers within three months, or as soon thereafter as practicable, from the approval of this act: *Provided*, That said board of managers may select any Government property suitable for such home, by and with the consent of the Secretary of War.
>
> SEC. 3. That within six months, or as soon thereafter as practicable, from the approval of this act, the said board of managers shall commence the erection of a suitable building or buildings on the ground so purchased for the use of said branch home. That said building or buildings shall be completed at as early a day as possible.
>
> SEC. 4. That the sum of $250,000 is hereby appropriated for the purpose hereinbefore mentioned and the improvement of the grounds of said branch home.
>
> SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the home for disabled volunteer soldiers.
>
> SEC. 6. That the Board of Managers of the Home for Disabled Volunteer Soldiers is hereby authorized to inquire into the expediency of establishing a branch of the home in the State of California for the Pacific coast; and to that end the said board is authorized to receive propositions from the managers of the "Veterans' Home," located in Napa County, California, for the transfer of the buildings, grounds, and property of said "Veterans' Home" to the United States, for use as a branch of the National Home for Disabled Volunteer Soldiers, and to report to Congress in respect to the propriety and expediency of accepting said "Veterans' Home" for such branch; but this section shall not interfere with the establishing of the home provided for in this act. And also that the Board of Managers of the Soldiers' Home be instructed to inquire into the expediency of establishing a branch soldiers' home in the State of Michigan, and also as to the use of the Fort Dearborn military reservation, and the building thereon, for that purpose, and to report to Congress thereon at an early day; but this provision shall not interfere with the establishment of the home provided for in this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the location of a branch home for disabled volunteer soldiers in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes."

MRS. MARY ROSS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

> *Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Mrs. Mary Ross, widow of James Ross, deceased, late an employé of the Senate, the sum of $161.50 for funeral expenses, out of the contingent fund.

MISSISSIPPI RIVER BRIDGES AT SAINT PAUL.

Mr. MCMILLAN. I ask that the House bill which came over yesterday in regard to the Saint Paul bridge be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota. The message from the House accompanying the bill will be read.

The Chief Clerk read as follows:

> IN THE HOUSE OF REPRESENTATIVES, *June* 30, 1884.
>
> *Resolved*, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments numbered 1, 2, 4, 5, 6, 7, and 8.

That the Senate recede from its disagreement to amendment numbered 3, with amendments as follows:

In the first line strike out "rafts."

In the second and fifth lines strike out "water crafts" and insert "water craft."

Also, strike out the words "costs and damages of the common council of the city of Saint Paul, in the State of Minnesota," and insert in lieu thereof "expense of the city of Saint Paul, or of the persons or corporations constructing, owning, or operating said bridge;" and that the House agree to the same.

S. J. R. McMILLAN,
G. G. VEST,
O. D. CONGER,
Managers on the part of the Senate.

W. D. WASHBURN,
L. H. WELLER,
S. R. PETERS,
Managers on the part of the House.

The report was concurred in.

ABANDONED MILITARY RESERVATIONS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations.

Mr. COCKRELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 4, and agree to the same.

JOHN A. LOGAN,
BENJAMIN HARRISON,
F. M. COCKRELL,
Managers on the part of the Senate.

W. S. ROSECRANS,
CHAS. H. MORGAN,
GEORGE W. STEELE,
Managers on the part of the House.

The report was concurred in.

REMOVAL OF CHARGE OF DESERTION.

Mr. COCKRELL. There is on the Calendar a bill (H. R. 4383) to relieve certain soldiers from the charge of desertion. It is a very important measure; probably there are constituents of every Senator interested in it; and in order that it may become a law at the present session it ought to receive immediate consideration. I therefore ask unanimous consent that the Senate proceed to the consideration of that bill. The Committee on Military Affairs have given it full consideration and have reported certain amendments, and with these amendments recommend the passage of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, line 11, after the words "eighteen hundred and sixty-five," to insert "having previously served six months or more;" so as to make the section read:

That the charge of desertion now standing on the rolls and records in the Office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, having previously served six months or more, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge.

Mr. SEWELL. I desire to ask the Senator from Missouri what he means by serving in the Army. Does he mean actual service with the command or in hospital? I think the section ought to be amended so as to make it "actual service with his command."

Mr. COCKRELL. He could not serve anywhere else.

Mr. SEWELL. He might have served in hospital.

Mr. COCKRELL. That would not be service.

Mr. SEWELL. That is exactly what I wish to know, what construction the Senator puts on the language?

Mr. COCKRELL. I think it is liable to but one interpretation, and that is that he served with his command, the only place where he could have properly served.

Mr. SHERMAN. Suppose he was detailed?

Mr. LOGAN. I was just going to suggest, suppose he was on what is called detached service?

Mr. SEWELL. That would be with his command practically because under the order of his command, but suppose he dropped out as a straggler and got to a hospital, he would be still on the rolls of the company and still in service.

Mr. LOGAN. That is a different proposition.

Mr. SEWELL. Those are the men we do not want to get the benefit of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was to strike out section 2, in the following words:

SEC. 2. That the charge of desertion standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall also be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier charged with desertion or with absence without leave, and after such charge of desertion or absence without leave, voluntarily returned to his command, and served in the line of his duty until he was mustered out of the service, and received a certificate of honorable discharge.

And in lieu thereof to insert:

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the records of any soldier in the late war upon proper application therefor and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to the service and served faithfully to the end of his term of service.

Second. That such soldier absented himself without proper authority from hospital, or from furlough given from hospital, while suffering from wounds, injuries, or disease received or contracted in the service in the line of duty, and on recovery voluntarily returned to the service, and served faithfully until discharged, or died from such wounds, injury, or disease while so absent and before the date of the muster out of his command.

Third. That such soldier absented himself without proper authority from furlough given by proper authority, and while so absent died from wounds, injury, or disease received or contracted in the service in the line of duty before the muster out of his command.

Mr. LAPHAM. I desire to suggest to the Senator from Missouri whether it would not be wise to add to the first class of cases the case of a person who, after a charge of desertion, re-enlisted in another branch of the service. You only make it apply to those cases where he returned and served out his term of service. I submit if he re-enlisted and went into the service it should work the same effect as though he returned to the particular regiment to which he was formerly attached.

Mr. COCKRELL. That would depend upon whether he re-enlisted for bounty and received it. We considered all these questions in the commiteee carefully and thoroughly. It is impossible in one bill to provide for each individual case. You can not make a general law that will be applicable and relieve every isolated case; there will be exceptions. We have in this bill included all the classes that we think ought to be relieved by a general law. It may be necessary hereafter, after cases have been developed, to pass another general law relieving other classes, but this is as far as the committee thought it was prudent or right to go now.

Mr. LAPHAM. I shall not press an amendment after that suggestion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, in section 4, line 4, before the word "pay," to strike out "all" and insert "the;" and in line 5, after "bounty," to strike out "which may have been withheld on account of such charge of desertion or absence without leave" and insert "due to such soldiers;" so as to read:

That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, or, in case of his death, the heirs or legal representatives of such soldier shall receive the pay and bounty due to such soldier.

The amendment was agreed to.

The next amendment was, in section 4, line 8, after "soldier," to strike out "as may be entitled to relief under the provisions of this act;" in line 10, after "soldier," to strike out "the right to receive," and insert "any;" in line 11, before "bounty," to strike out "and," and after "bounty" to insert "or allowance;" in line 13, after "without," to strike out "leave of absence: *And provided further*, That no," and insert "proper authority; nor shall it be so construed as to give any pay, bounty, or allowance to any;" in line 15, after "soldier," to strike out "nor the" and insert "is;" in line 16, after "representatives," to strike out "of any soldier," and to strike out all the section after the word "months," in line 17, in the following words:

Shall be entitled to the benefit of the provisions of this act. That the provisions of this act shall apply also to the soldiers of the war of 1812, Black Hawk war, and the war with Mexico.

So as to make the proviso read:

That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any period of time during which such soldier was absent from his command without proper authority; nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives who served in the Army a period of less than six months.

The amendment was agreed to.

The next amendment was, to insert, as section 5, the following:

SEC. 5. That all applications for relief under this act shall be made to and

filed with the Secretary of War within the period of three years from and after its passage, and all applications not so made and filed within said term of three years shall be forever barred and shall not be received or considered.

Mr. PLUMB. I should like to ask the Senator from Missouri, who has charge of the bill, why we should make a limitation of three years?

Mr. COCKRELL. Because it has been usual in all these cases to make limitations so as to cause the claims to come in and have them settled and not leave them indefinitely. If they are filed within the time fixed they can be considered at any time afterward if they are not concluded.

Mr. PLUMB. I suggest, if a limitation is necessary (and I do not question that; such is not my purpose in what I have to say), that it be made longer. This body of people are scattered all over the country, some of them are out of the country, and there ought to be ample time for them, so that we shall not hereafter be obliged to refuse to extend the time for those who have been a little bit tardy. I suggest to my friend from Missouri, and I know he is as liberal as anybody, that the limitation be made five years.

Mr. COCKRELL. I have no objection to three, four, or five years so far as that is concerned, but there ought to be a limitation as there is in all such cases.

Mr. PLUMB. I move to amend the amendment in section 5, line 3, by striking out "three" and inserting "five" before "years;" so as to read:

That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of five years from and after its passage.

The amendment to the amendment was agreed to.

Mr. COCKRELL. To make the section correspond, I move in line 4, before the word "years," to strike out "three" and insert "five;" so as to read:

And all applications not so made and filed within said term of five years shall be forever barred and shall not be received or considered.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. MILLER, of California. I see in the first section, in regard to the date fixed for the service of the soldier, the language is that any soldier who "served faithfully until the expiration of his term of enlistment, or until the 1st day of May, 1865." It seems to me that that date is too early. There were troops in the field after the 1st day of May, 1865. The grand review in Washington took place on the 22d and 23d of May. I suggest that the date should be fixed on the 1st of June, if not later.

Mr. COCKRELL. I will state to the Senator from California that the question of date has been fully discussed. We already have a valid existing law in the same language of the bill except that it fixes the 22d day of May. That was the date fixed in the bill which passed a year ago last August, which by reason of some amendment failed to be operative. The committee thought it better to fix the 1st day of May instead of the 22d, as it is in the existing law. It will not reach what the committee desire to reach if you defer it to the 1st of June. It would cut out hundreds of meritorious cases that occurred prior to that time. Therefore I do not think it would be right to put it off so late as the 1st of June.

Mr. MILLER, of California. Is it not possible in fixing the date at the 1st of May that soldiers will have this relief who actually deserted in presence of the enemy, because the war was not then over?

Mr. COCKRELL. No soldier who actually deserted can be relieved under the bill. It is not to relieve deserters; it is only to relieve soldiers charged with desertion and not guilty of it. There is no authority here to relieve any actual deserter from the crime of desertion; it is only to relieve soldiers who are improperly charged with the crime of desertion from that charge, not from the truth of it. We have made a distinction between deserters and those who may be improperly charged with desertion. There is now no tribunal before which these soldiers can have the charge of desertion tried. We make a tribunal, and that is the Secretary of War, and it is for the purpose of enabling him to remove the charges but not to avoid the heinous crime of desertion that the bill is pressed.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time and passed.

Mr. COCKRELL. I move that the bill as passed and as it will be sent to the House be printed so that the House can have it in the form in which it has passed.

The motion was agreed to.

CATHARINE H. GLICK.

Mr. VOORHEES. I ask leave to offer, now out of order, the following resolution in regard to a bill that has passed the House and the return of which I desire.

Resolved, That the House of Representatives be requested to return the bill (S. 1971) granting a pension to Catharine H. Glick, widow of Elias B. Glick, deceased, the bill having passed the Senate June 27, 1884.

I have conferred with the Senator from Pennsylvania [Mr. MITCHELL], chairman of the Committee on Pensions, in relation to it. The purpose is to pass the House bill, which is here. We passed the Senate bill, which will not be acted on by the House. I desire the Senate bill to be returned, and then that we pass the House bill so that it may become a law.

The resolution was considered by unanimous consent, and agreed to.

GENERAL COURTS-MARTIAL.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 5709) to amend article 72 of the rules and articles of war, to report it with amendments. I ask unanimous consent, as it is a very important bill and very short, that the Senate take it up now. It will occupy but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments reported by the Committee on Military Affairs were in line 5, after the word "army," to insert "a territorial division or a department;" and in line 7 to change the word "court-martial" to "courts-martial."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. MCPHERSON. I should like now to have the bill read, just as it stands.

The PRESIDENT *pro tempore*. The bill will be read the third time as amended.

The Chief Clerk read the bill as amended, as follows:

That article 72 of the Articles of War be, and the same is hereby, amended to read as follows:

"ART. 72. Any general officer commanding an army, a territorial division, or a department, or colonel commanding a separate department, may appoint general courts-martial whenever necessary. But when any such commander is the accuser or prosecutor of any officer under his command the court shall be appointed by the President; and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President for his approval or orders in the case."

The bill was passed.

TRADE-DOLLARS.

The PRESIDENT *pro tempore*. If there be no further reports from committees that order of business is closed. The Chair lays before the Senate a joint resolution introduced yesterday and read the first time, its second reading having been objected to.

The Chief Clerk read by its title the joint resolution (S. R. 96) authorizing and directing the Secretary of the Treasury to purchase United States trade-dollars.

The PRESIDENT *pro tempore*. The question is, Shall this joint resolution be read the second time?

Mr. CAMERON, of Pennsylvania. I move the second reading of it.

WIDOW OF GENERAL STEEDMAN.

Mr. VOORHEES. Will not the Senator from Pennsylvania allow me to call up and have passed a pension bill in behalf of the widow of General James B. Steedman? It is a House bill, and I understand a single day of pay under the bill is a matter of vital importance to her and three small children. I promised some friends in Ohio and I promised myself, as I knew General Steedman well, and he was a hero, to secure the early passage of the bill. I want the Senate to consent to allow me to pass the bill to-day. If I have the Senator's consent I will ask the Senate to take it up and consider it. It is House bill 1246.

Mr. CAMERON, of Pennsylvania. All I desire is that the joint resolution which I offered yesterday shall be before the Senate. If that is before the Senate I have no objection to yielding temporarily.

Mr. VOORHEES. It shall be only temporarily, so far as I am concerned.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent, pending the joint resolution laid before the Senate, that it be laid aside informally, and that the Senate proceed to the consideration of the bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for placing the name of Mrs. Margaret Steedman, widow of the late Maj. Gen. James B. Steedman, upon the pension-list at $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. HAWLEY. I am not inclined to object to the bill, but I call attention to the fact that the Committee on Pensions has a number of bills that in my opinion are equally deserving, and one in which I feel a warm personal interest in behalf of the widow of a man whose name was honorably borne on the roll of the United States Army for fifty-six years, and the Committee on Pensions holds those bills resolutely in its fist and will not report them, or else reports adversely. Now, what is fish for one should be fish for the other. Let us have fair play in this matter.

Mr. BLAIR. I want the bill to pass, and it will pass, I have not the

slightest doubt. The Senate is ready to pass all the bills on which the committee has been divided. Three have already passed and the Steedman case makes four. General Moore's is one equally meritorious, and I do not doubt the Senate will make what is fish for one fish for the others.

Mr. WILSON. This bill comes within the rule upon which the committee, since I have been a member of it, has uniformly acted; that is, refusing to increase the rate of pension allowed in cases of this kind under the general law, where they come within it, from $30 to $50 a month. I do not recall now a single case which we have reported otherwise than adversely where this question was involved.

Mr. BLAIR. The committee, I think, owing to a misunderstanding, during the present session has acted somewhat inconsistently with itself, but it declined formerly to increase the pensions of the widows of officers of high rank in the Army, and never allowed it unless it appeared that there was some requirement for an increase in order that they might live in comfortable circumstances. As one member of the committee I have uniformly refused to vote for the increase unless in the most exceptional cases, and I have insisted that it should be shown as an additional factor in the case that there is a necessity of further aid from the Government. The case of the widow of General Steedman and also of the widow of General Moore are both cases in which the widows are in actual need of further assistance from the Government.

Mr. PLATT. I understand the committee have reported favorably in this case. Am I right?

Mr. BLAIR. They have reported favorably in this case.

Mr. MAXEY. Mr. President, the passage of this bill in favor of the widow of General Steedman I think is right, and I only want to say here that as gallant a man as ever drew a sword on a battlefield on earth as a major-general in the Federal Army died leaving a widow who is in need. Maj. Gen. E. O. C. Ord I refer to. The House passed a bill giving his widow a pension of $50 a month. The Senate committee cut it down to $30. I believe with the Senator from Connecticut in making no distinction between fish and flesh in this matter, and whenever the proper time comes I shall propose to give Mrs. Ord $50 a month; and she ought to have it.

Mr. BLAIR. There is a favorable report in the case of the widow of General Ord, if I recollect correctly. At all events it is one of those cases where I have not the slightest doubt the bill will be passed by the Senate, and Senators are simply obstructing their own desires by these objections to cases as they come up.

Mr. FRYE. Oh, let us pass this bill.

The bill was passed.

TRADE-DOLLARS.

The PRESIDENT *pro tempore*. The question recurs, Shall the joint resolution (S. R. 96) introduced by the Senator from Pennsylvania [Mr. CAMERON] authorizing and directing the Secretary of the Treasury to purchase United States trade-dollars be read a second time?

Mr. MORRILL. After it is read a second time I shall move to refer it to the Committee on Finance.

The PRESIDENT *pro tempore*. That motion will not be in order until the joint resolution is read the second time.

The joint resolution was ordered to a second reading, and was read the second time.

Mr. MORRILL. I move that the joint resolution be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

Mr. CAMERON, of Pennsylvania. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. MITCHELL. Is that question debatable?

The PRESIDENT *pro tempore*. The question of reference is debatable.

Mr. MITCHELL. I desire to say a word or two in regard to this matter. I will not detain the Senate any length of time, but I wish to show from figures which were collected after the very careful investigation of this matter by Dr. Evans, of my State, a member of the House of Representatives, the number of trade-dollars held in our State. He collected this information by correspondence with banks and bankers holding these dollars, and it appears as follows:

An inventory of the number of trade-dollars taken and now held by banks, bankers, trust companies, and private individuals at their face value and at a discount in the State of Pennsylvania:

Banks, bankers, and trust companies at par	796,749
Private individuals and societies	1,641,134
At a discount from 10 to 15 per cent	123,044
Total	2,560,927

Of that number it will be seen that only 123,044 trade-dollars were obtained at any discount whatever. All the rest of that vast sum of money is now in the hands of bankers and private individuals in Pennsylvania, the coin being received by them in due course of business at par as a dollar of the United States, as a coin of the United States, and so declared by the existing law of the United States to-day, for those very words are still found in the act of 1873, which declare the trade-dollar one of the coins of the United States. And, sir, I could produce letters here by the score from people in Pennsylvania, in one instance a letter from a school director stating that he had some of this coin which he had received as an official, and in another case from the treasurer of a Sunday-school who received it in the same way, and from individuals all over the State.

I know as a matter of fact that there is the same condition of things in my own town. Until last year when the hue and cry was raised against the trade-dollars, those dollars circulated in my community precisely as any other dollars. I have taken them myself, I presume hundreds of them. They were paid out in the same manner precisely as the Bland dollars were and as greenbacks were, and were as much a part of the current money of the United States in that community as any other dollar. I have here letters from bankers, and I have received within the last week three or four from bankers, one of which I remember stated that he had $18,000 in his bank which he received at par in due course of business. Another said that he had over $20,000; and a gentleman of Philadelphia connected with one of the largest banks in that city called on me, introduced by Hon. Mr. RANDALL, and stated to me that they had in their bank over $40,000 of these trade-dollars on their private account which they had received in due course of business, and he stated that they had a very much larger amount of them received on special deposit.

I know that it has been stated that large numbers of this coin have been received by merchants of Philadelphia and other sections of Eastern Pennsylvania after advertisement when it was stated in the advertisement that they would receive them in their trade as other dollars. I have made inquiry as to that, and I have a letter from a gentleman who is employed in the subtreasury in Philadelphia in which he states in relation to John Wanamaker whose case has been instanced as one of speculation in this matter, that he did in fact receive these dollars precisely as he received the greenback dollars. He says he had seen them paid over the counter in the same way, and that the prices of the goods were the same as if paid for in greenbacks. I think it is the fact that Mr. Wanamaker has something like 100,000 of these dollars, and he states himself that he received them in due course of business. Other gentlemen have made similar statements. Every single newspaper of the city of Philadelphia has declared that it is the bounden duty of this Government in honesty and decency and fair treatment, and not desiring to repudiate any of its coin, to take up these dollars and make them good in the hands of the holders. I can not for myself see how any person can hesitate in that view of the case.

I do not desire to detain the Senate with regard to this subject. I feel very earnest in reference to it, because it is a matter of very great importance in Pennsylvania. I know that in 1877 these trade-dollars were paid out in very large quantities to the laboring men of that State. In the county of Schuylkill hundreds of thousands of dollars were paid out to the laboring men, to the men who worked in the mines and the manufactories and on the railroads, by railroad and other corporations of that State, and they were received by those people as the coin of the United States. They bear the impress of the coin of the United States. It is true they are called trade-dollars, but they were a legal tender by an act of Congress until that act was repealed, and as I stated before they are still denominated coin of the United States. In my judgment this Government might as well repudiate its promise to pay the legal-tender dollars of the United States as decline to make these dollars good in the hands of the people.

Mr. MCPHERSON. I shall vote against the reference of this resolution to the Committee on Finance because that means necessarily that no action will be taken upon the subject at this session. I am in favor of paying the trade-dollars without distinction, whether held in this country or in China, by the standard silver dollar. I am not in favor of an invidious distinction in behalf of the man who happens to live near the city of Washington or the subtreasury in New York or Philadelphia.

The resolution of the Senator from Pennsylvania proposes to pay ten millions of trade-dollars. He proposes to extend the time until the 1st of September, in which they may be paid. That length of time will enable every trade-dollar held all over this Union to find its way to the Treasury. When these coins have found their way to the Treasury we are estopped by this law which allows the Treasury to pay off only ten millions. I object to paying any part of the trade-dollars until we pass a resolution or bill to pay them all. They are as much an obligation of this Government as the standard silver dollar of the country. They were made by the Government a legal tender for debts. They are mentioned in the laws of the United States as one of the coins of this Government. This Government is obligated by every consideration of honor and justice, in my opinion, to redeem the trade-dollars which it has by its own act accredited. But I will not vote to pay one of them without including all, and unless the resolution of the Senator from Pennsylvania can be amended.

Mr. CAMERON, of Pennsylvania. Will the Senator from New Jersey permit me to say a word?

Mr. MCPHERSON. Certainly.

Mr. CAMERON, of Pennsylvania. If the Senator will permit the vote to be taken on the question of reference to the committee so as to

get the subject before the Senate, then I am perfectly willing that there shall be some amendments made to the resolution. I do not think it perfect. I want the vote of the Senate taken on it, and would like to get the subject before the Senate for discussion. If the Senator will permit the vote to be taken now on the motion of the Senator from Vermont that it be referred to the Committee on Finance, if that motion be defeated the resolution will be before the Senate, and we can then proceed with it.

Mr. McPHERSON. The question is now before the Senate on a motion to commit to the Committee on Finance.

Mr. CAMERON, of Pennsylvania. The resolution is not now open to amendment, but probably it can be amended so as to meet the views of the Senator from New Jersey after it is taken up.

Mr. McPHERSON. I have some amendments to offer in case the motion to refer to the Committee on Finance is not agreed to.

Mr. MORRILL. Mr. President, I am glad the Senator from Pennsylvania has got back with renewed health and strength, so as to push up the committees of the Senate to their proper work; but I presume the Senator from Pennsylvania is not aware that this question has been before the Committee on Finance, and received its laborious attention for the last six weeks at almost every regular meeting of the committee; and I assure the Senator, so far as I am concerned, that I have never been disposed to keep the House bill from the Senate. I was willing to have it somehow reported, either adversely or with amendments. I wish also now to say that the bill has bones and meat enough in it to consume the whole time of the Senate for the remainder of the week, judging by the discussion that took place in the committee.

In the first place, the Senator from New Jersey is wrong in supposing that we have any law or ever had any law to redeem the ordinary standard silver dollar. Anything that is issued in the shape of a dollar is not redeemed. There is no provision and never has been any provision in relation to the gold and silver coins of the country by which they were to be redeemed; but I do not wish to discuss now the merits of the measure.

Mr. McPHERSON. Will the Senator permit me——

Mr. MORRILL. The Senator will excuse me. After I get through he can say what he chooses. This proposition goes on the idea that we are to take the first ten million that may be offered—that is to say, Philadelphia being near the Mint, the people there will probably present all their trade-dollars at once; but this resolution does not make provision for any more than $10,000,000, while there have been $36,000,000 outstanding. It would cause the Government a loss of over $5,000,000 if it were to redeem them all to-day as proposed by this joint resolution in relation to the $10,000,000.

There are various amendments to a bill of this kind that arose in the committee and such as will be obvious to all. In the first place, if these coins are to be redeemed shall they count as a part of the monthly purchase of silver bullion of the country? We already have given authority and direction to the mints to coin not less than $2,000,000 of silver and not more than $4,000,000 every month. Shall this be taken as bullion and coined into those dollars or not?

In the next place, shall these dollars be taken where they have been subject to unusual abrasion and weigh less than when they were issued? Instead of 420 grains, suppose they do not weigh as much as the ordinary silver dollar, shall they then be redeemed? Again, shall we go on by setting this example of redeeming $10,000,000 and say that we shall be bound to redeem all that may be returned to us? I understand that these coins are now circulating in China as Chinese coins with a simple stamp of a Chinese letter on them. Therefore, in thirty days they might be brought back from China here to the extent of many, many millions; and the whole amount that has been issued is over $36,000,000.

But, Mr. President, I only mean to indicate some of the many troublesome points that are likely to come up in discussion, and to say, if this bill shall be brought before us, I am very certain it will take not only to-day, but it will take to-morrow, and all idea of adjourning at the end of this week would have to be abandoned.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on the motion of the Senator from Vermont [Mr. MORRILL] to refer the joint resolution to the Committee on Finance, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 36, nays 20; as follows:

YEAS—36.

Aldrich,	Dawes,	Hill,	Miller of N. Y.,
Allison,	Dolph,	Hoar,	Morrill,
Bayard,	Farley,	Ingalls,	Palmer,
Beck,	Frye,	Jones of Nevada,	Pike,
Blair,	Garland,	Lamar,	Plumb,
Bowen,	George,	Lapham,	Riddleberger,
Call,	Hale,	Manderson,	Sherman,
Cameron of Wis.,	Harris,	Maxey,	Vance,
Coke,	Harrison,	Miller of Cal.,	Williams.

NAYS—20.

Brown,	Hampton,	Mitchell,	Saulsbury,
Butler,	Hawley,	Morgan,	Sawyer,
Cameron of Pa.,	Jonas,	Pendleton,	Sewell,
Cockrell,	Jones of Florida,	Platt,	Slater,
Conger,	McPherson,	Pugh,	Van Wyck.

ABSENT—20.

Anthony,	Fair.	Kenna,	Sabin,
Camden,	Gibson,	Logan,	Vest,
Colquitt,	Gorman,	McMillan,	Voorhees,
Cullom,	Groome,	Mahone,	Walker,
Edmunds,	Jackson,	Ransom,	Wilson.

So the motion was agreed to.

ORDER OF BUSINESS.

Mr. BUTLER. I now call up the resolution to which I referred yesterday in relation to national banks, and ask that the matter be acted upon by the Senate. The Senator from Rhode Island [Mr. ALDRICH] stated to me that he desired to submit some observations on it, but I should like to have a vote.

Mr. McMILLAN. I hope the Senate will take up the river and harbor bill now.

Mr. BUTLER. This matter can be disposed of in a few minutes, and I have been postponing it from day to day in deference to the wishes of Senators.

Mr. McMILLAN. Is it proposed to take a vote on the resolution or to have it discussed?

Mr. BUTLER. I understand the motion of the Senator from Vermont [Mr. MORRILL] is to refer the resolution to the Committee on Finance, and upon that motion I should like to have the yeas and nays.

Mr. McMILLAN. I shall not interpose if there will be no debate.

The PRESIDING OFFICER. The Senator from South Carolina moves to take up for consideration the resolution submitted by him June 11, 1884, directing the Committee on Finance to examine into the condition of the national banks of the city of New York.

Mr. BUTLER. I submit an amendment. I suppose I have a right to amend my own resolution.

The PRESIDING OFFICER. The Chair is of the impression that the question is whether the Senate will now take up the resolution.

Mr. HARRIS. What point has been reached in the morning business?

The PRESIDING OFFICER. The introduction of bills and joint resolutions is now in order.

Mr. BUTLER. I now ask to amend the resolution by inserting after the word "law," in the first paragraph, "and shall have leave to sit during the recess."

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent of the Senate that his resolution be now considered. Is there objection?

Mr. MORRILL. I trust the Senator will allow it without debate to be referred to the Committee on Finance.

Mr. BUTLER. No, sir; I can not permit it to be referred to the committee without debate. I shall have the yeas and nays on that motion if I can get them. I do not want to debate it myself, but I should like to have the yeas and nays on the proposed reference.

Mr. MORRILL. I object to its consideration this morning.

The PRESIDING OFFICER. Objection being made, the Chair understands that under the rule the resolution can not be now considered.

Mr. BUTLER. I do not understand that an objection prevents its consideration.

The PRESIDING OFFICER. The Chair is of that impression, pending the morning business.

Mr. BUTLER. I understand the morning business is through.

The PRESIDING OFFICER. Not yet. The order of the introduction of bills and joint resolutions has not yet been concluded.

Mr. BUTLER. I will wait until the proper time.

The PRESIDING OFFICER. The introduction of bills and joint resolutions is yet in order.

BILLS INTRODUCED.

Mr. MILLER, of New York (by request), introduced a bill (S. 2357) for the relief of Jeremiah Simonson; which was read twice by its title, and referred to the Committee on Claims.

Mr. RIDDLEBERGER introduced a bill (S. 2358) making appropriation for a small light and fog-signal on Killick Shoal, Chincoteague Bay, State of Virginia; which was read twice by its title and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 2359) granting a pension to M. Louise Butler; which was read twice by its title, and referred to the Committee on Pensions.

THE SENATE MANUAL.

Mr. FRYE. Is there not a Senate resolution from the Committee on Rules on the table, called up yesterday morning and laid over?

The PRESIDING OFFICER. That will be for action at the close of the morning business, the Chair understands. Concurrent and other resolutions are now in order.

Mr. McMILLAN. If there be no resolution to be offered——

Mr. FRYE. I have one I want passed.

Mr. McMILLAN. I desire to submit a motion to proceed to the consideration of the river and harbor bill.

The PRESIDING OFFICER. Concurrent and other resolutions are

now in order, and under the order the Chair lays before the Senate a resolution, which will be read.

The Chief Clerk read the resolution submitted by Mr. FRYE June 27, 1884, as follows:

Resolved, That there be printed, under the direction of the Committee on Rules, a new edition of the Senate Manual in accordance with the suggestions made in their report.

The PRESIDING OFFICER. The suggestion is on agreeing to the resolution.

Mr. GARLAND. I suppose the reference is to the recommendation of the Committee on Rules made early in the session.

Mr. FRYE. Yes, sir.

Mr. GARLAND. It seems to me that we ought to have what is called a manual; such as the Senate has been working under for a long time, long before I became a member of it, a book including many matters sought to be stricken out by the committee. I really think some of them should be retained, but I do not care to put myself in opposition to the recommendation of the committee if they have recently reviewed the matter and are of the same opinion they were early in the session.

Mr. FRYE. The committee has been changed somewhat since that recommendation was made. It was made at the first of the session. As soon as the resolution passes I propose to call a meeting of the new committee and submit those recommendations to them, and I know that certain of the matters proposed to be stricken out will be retained.

Mr. GARLAND. I have nothing to say then.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was agreed to.

NEW YORK BANKS.

The PRESIDING OFFICER. If there be no concurrent and other resolutions, that order is closed.

Mr. BUTLER. Now I move that the Senate proceed to the consideration of the resolution to which I have referred.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate do now consider the resolution directing the Committee on Finance to examine into the condition of the national banks of the city of New York.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. I withdraw the call for the yeas and nays, and will take the question on the reference to the committee.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn, if there be no objection.

Mr. BUTLER. Then I understand the resolution is before the Senate for consideration, and I propose to modify it by inserting after the word "law" the words "and shall have leave to sit during the recess."

The PRESIDING OFFICER. The Senator from South Carolina modifies his resolution.

Mr. MORRILL. I have moved to refer the resolution to the Committee on Finance.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to refer the resolution to the Committee on Finance.

Mr. MORRILL. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here, I should vote "nay."

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Illinois [Mr. CULLOM]. My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 39, nays 16; as follows:

YEAS—39.

Aldrich,	Dolph,	Jonas,	Mitchell,
Allison,	Frye,	Jones of Florida,	Morrill,
Bayard,	Gorman,	Jones of Nevada,	Palmer,
Beck,	Hale,	Lapham,	Pike,
Blair,	Harris,	McMillan,	Platt,
Bowen,	Harrison,	McPherson,	Sawyer,
Brown,	Hawley,	Manderson,	Sewell,
Cameron of Wis.,	Hill,	Maxey,	Sherman,
Conger,	Hoar,	Miller of Cal.,	Williams.
Dawes,	Ingalls,	Miller of N. Y.,	

NAYS—16.

Butler,	Farley,	Morgan,	Vance,
Call,	George,	Pendleton,	Van Wyck,
Cameron of Pa.,	Gibson,	Pugh,	Voorhees,
Cockrell,	Hampton,	Slater,	Walker.

ABSENT—21.

Anthony,	Fair,	Logan,	Saulsbury,
Camden,	Garland,	Mahone,	Vest,
Coke,	Groome,	Plumb,	Wilson.
Colquitt,	Jackson,	Ransom,	
Cullom,	Kenna,	Riddleberger,	
Edmunds,	Lamar,	Sabin,	

So the motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, asked for a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. WILLIAM H. CALKINS of Indiana managers at the conference on the part of the House.

ORDER OF BUSINESS.

Mr. VAN WYCK. On my objection a few days ago to a bill introduced by the Senator from Oregon [Mr. DOLPH] it was laid over, and therefore it is that I desire to place him in the same position he was before I interposed the objection. The only object I had in interposing the objection was to prepare two or three amendments to the bill. I trust the Senate will take it up this morning. It is Senate bill 1642.

The PRESIDING OFFICER. The Senator from Nebraska moves that the Senate proceed to the consideration of Order of Business 631, being the bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company.

Mr. MCMILLAN. I hope the Senate will take up the river and harbor bill and proceed with it. That is the regular business pending, and any interruption at this time will lead to others and occupy the greater part of the day.

The PRESIDING OFFICER. The motion is not debatable. The question is on the motion of the Senator from Nebraska to proceed to the consideration of Senate bill 1642.

The motion was not agreed to.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of House bill 7012, being the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from West Virginia [Mr. KENNA].

WILLIAM HULL.

Mr. HAWLEY. The Senator from Minnesota [Mr. MCMILLAN] yields to allow me to make a favorable report from the Committee on Military Affairs on the bill (S. 183) to remove the charge of desertion from the military record of William Hull. This man is, I may say, dying. I believe him entirely innocent. It is not possible to get relief under the technicalities of existing law, and I beg the Senate to pass the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 183) to remove the charge of desertion from the military record of William Hull. It proposes to authorize the Secretary of War to remove the charge of desertion now standing upon the records of the War Department against the name of William Hull, late of Company C, Eighteenth Regiment of Massachusetts Infantry Volunteers, and to grant to him an honorable discharge, with the same pay, bounties, and benefits he would have been entitled to if the charge of desertion had not been entered against his name.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. AVERELL.

Mr. MILLER, of New York. I desire to ask the Senator in charge of the river and harbor bill to yield a few moments until I call up the bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army. I am sure it will take but a few moments.

Mr. MCMILLAN. There are so many requests preferred in my immediate vicinity that I hope the Senator will not press me. I hope we shall go on with and get through with the river and harbor bill.

AMENDMENTS TO THE SUNDRY CIVIL BILL.

Mr. JONES, of Nevada, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. RANSOM, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment proposed by Mr. KENNA, after line 430, section 1, to insert:

For continuing the improvement of Little Kanawha River, West Virginia, the sum of $31,000 appropriated by the act of August 2, 1882, is made available.

Mr. KENNA. According to the suggestion of the Senator from Michigan [Mr. CONGER], and for the additional reason that on examination last night I found that a substantially similar provision was in the original appropriation, I desire to modify the amendment, so as to make it read:

For continuing the improvement of Little Kanawha River, West Virginia, the sum of $31,000 appropriated by the act of August 2, 1882, is made available: but no toll shall be collected by any person or corporation for this improved navigation, and such right, if any exists, shall be relinquished in a manner satisfactory to the Secretary of War before the expenditure of said sum.

Mr. MCMILLAN. I do not understand the amendment fully. Does it make a new appropriation or make the appropriation heretofore provided for available?

Mr. KENNA. It only makes that available and I have embodied in the amendment a provision which I found on examination of the RECORD was contained in the original appropriation as it passed the Senate two years ago.

Mr. CONGER. That no toll shall be charged?

Mr. KENNA. For the improved navigation.

Mr. MCMILLAN. I see no objection to it.

The amendment was agreed to.

Mr. DOLPH. I offer the following amendment: On page 32, line 771 of section 1, strike out "one" and insert "two;" so as to read:

Improving Columbia River, at Cascades, Oregon: Continuing improvement, $250,000.

Mr. President, in offering this amendment I do not wish to complain of the Committee on Commerce. On the contrary, I duly appreciate and freely acknowledge on behalf of the people of the Northwest their liberality. I appreciate the arguments which are made against the increase of this and other appropriations, namely, that the appropriation bill of 1882 was for something over $19,000,000, and that this bill appropriates only about two-thirds in the aggregate of the amount of that bill, and that there will probably be before the 4th of next March another appropriation bill. It is not certain, however, that there will be an appropriation bill at the next session of Congress.

This is a very important work. On the 7th of March last I addressed the Senate at some length in regard to the improvement of the Columbia River, the importance of its present and prospective commerce, and the importance of this particular improvement. In my remarks at that time I said:

The annual rise of the Columbia occurs in May and June, and compels a suspension of the work. The work has been prosecuted at a disadvantage on account of the inadequacy of the appropriations. True economy in carrying on the work and its great commercial importance demand that it should be prosecuted as rapidly and completed as soon as the work can be done.

I also then quoted from the report of the engineer in charge, as follows:

The uncertainty as well as inadequacy of funds is an element in the increase of cost.

During the discussion of this bill Oregon has been frequently mentioned, and all the appropriations for the Pacific Northwest are sought to be charged to that State. The estimates and the appropriations are made for Oregon, Washington Territory, and Idaho.

The territory to which they are properly chargeable is as follows:

	Square miles.
Oregon	96,030
Washington	69,180
Idaho	84,800
One-half of Montana	73,039
Total	323,049

About forty times the size of the State of Massachusetts, thirteen times the area of West Virginia, over seven times as large as Kentucky, and containing Puget Sound with its 2,000 miles of shore and tributary streams, and the second river in magnitude in the United States, and which forms a part of two transcontinental lines of transportation; the estimates of the engineer for all these works is $1,728,000.

The PRESIDING OFFICER. The Senator will suspend. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. MCMILLAN. Let that be laid aside.

The PRESIDING OFFICER. The Senator from Minnesota asks that the unfinished business be laid aside informally and that the Senate continue the consideration of the river and harbor bill. The Chair hears no objection, and that order is made.

Mr. DOLPH. The total estimate for all these works by the engineer in charge was $1,728,000. One-third of the estimates would be $576,000. The bill as it came from the House appropriated $325,000; as amended by the committee, $500,000; Senate amendment, $5,000; total, $530,000; still nearly $50,000 less than one-third of the estimates.

The works are all of great importance for which appropriations have been made.

I can not be expected to make much of a showing in regard to this improvement in the five minutes allowed. Several of the members of this body have visited that country and know the importance of improving the Columbia River. In 1880 the President of the United States visited the North Pacific coast and deemed the improvement of the rivers and harbors of the Northwest of so much importance that he did call the attention of Congress to the importance of those improvements in connection with the improvement of the Mississippi River, and, without reading it, I will ask that an extract from the message of President Hayes, in 1880, be printed in the RECORD as part of my remarks.

The PRESIDING OFFICER. It will be so ordered unless objection be made.

The extract is as follows:

The two great rivers of the North American continent, the Mississippi and the Columbia, have their navigable waters wholly within the limits of the United States, and are of vast importance to our internal and foreign commerce. The permanency of the important work on the South Pass of the Mississippi River seems now to be assured. There has been no failure whatever in the maintenance of the maximum channel during the six months ended August 9, last. This experiment has opened a broad, deep highway to the ocean, and is an improvement upon the permanent success of which congratulations may be exchanged among people abroad and at home, and especially among the communities of the Mississippi Valley, whose commercial exchanges float in an unobstructed channel safely to and from the sea.

A comprehensive improvement of the Mississippi and its tributaries is a matter of transcendent importance. These great water ways comprise a system of inland transportation spread like network over a large portion of the United States and navigable to the extent of many thousands of miles. Producers and consumers alike have a common interest in such unequaled facilities for cheap transportation. Geographically, commercially, and politically they are the strongest tie between the various sections of the country. These channels of communication and interchange are the property of the nation. Its jurisdiction is paramount over their waters, and the plainest principles of public interest require their intelligent and careful supervision, with a view to their protection, improvement, and the enhancement of their usefulness.

The channel of the Columbia River, for a distance of about one hundred miles from its mouth, is obstructed by a succession of bars, which occasion serious delays in navigation and heavy expense for lighterage and towage. A depth of at least twenty feet at low tide should be secured and maintained to meet the requirements of the extensive and growing inland and ocean commerce it subserves. The most urgent need, however, for this great water way is a permanent improvement of the channel at the mouth of the river.

From Columbia River to San Francisco, a distance of over six hundred miles, there is no harbor on our Pacific coast which can be approached during stormy weather. An appropriation of $150,000 was made by the Forty-fifth Congress for the commencement of a breakwater and harbor of refuge, to be located at some point between the Straits of Fuca and San Francisco, at which the necessities of commerce, local and general, will be best accommodated. The amount appropriated is thought to be quite inadequate for the purpose intended. The cost of the work when finished will be very great, owing to the want of natural advantages for a site at any point on the coast between the designated limits, and it has not been thought to be advisable to undertake the work without a larger appropriation. I commend the matter to the attention of Congress.

Mr. SLATER. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be again read.

The CHIEF CLERK. On page 32, line 771 of section 1, it is proposed to strike out "one" and insert "two;" so as to read:

Improving Columbia River at Cascades, Oregon: Continuing the improvement, $250,000.

Mr. SLATER. I desire to say a word in support of the amendment. The last appropriation bill of two years ago gave to this work $265,000. I can say now that in the last report printed very cogent reasons are given why at this session there should be a large appropriation. The work is nearing that condition in which large appropriations are necessary in order that a certain lock or gate may be done in one season. There is a great loss at this work, and it is so I presume at all works of this character, by the limited appropriations Congress makes. Each succeeding year the plant must be renewed, some of it stored, and a great deal of work must be done to prevent the loss of the work already completed. It would be economy for Congress to give all the money that could be properly consumed or used in one season in order that the work might progress as rapidly as men and money could push it. In view of the condition of this work, in view of the demands of the country in that section of the United States, in view of the fact that it is not a local work but a national work in the highest sense, I trust the Senate will allow this amendment to be put on the bill.

Mr. FRYE. Just a word, because I said a word the other day of objection to the motion of the Senator from Oregon [Mr. SLATER] to increase another appropriation.

The junior Senator from Oregon [Mr. DOLPH] was a member of the committee. The committee tried its very best to do justice in this bill to all sections of the country where it believed improvements were required by the necessities of commerce. There is no greater increase in any State than the committee gave to Oregon. I wish to call the attention of the Senate once more to the fact that on page 13 they increased Oregon $25,000 on a new item, that on page 14 they increased it $10,000 on another item, that on page 32 they increased it by an item of $150,000, that on the same page they increased it in another item $10,000, that on the same page they increased it in another item $5,000, that on page 33 they put in a new item of $10,000 more. It does seem to me that the two Senators from Oregon are pressing the Senate inordinately I am reminded that the Senate itself also put in $5,000 more.

Mr. FARLEY. Where?

Mr. FRYE. The day before yesterday for Coos Bay, on Page 13. Now, I hope the Senate will not do anything more for Oregon considering all the advantages she has now had in committee and in the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. DOLPH].

Mr. MCMILLAN. I hope the Senate will not adopt this amendment. I think I can scarcely add anything to the remarks which have been submitted by the Senator from Maine. The Committee on Commerce have increased the appropriations for Oregon above the House bill $205,000, and have appropriated for that State $516,000, more than half a million. The improvements are all great and important improvements. That is conceded. The Columbia River is an important stream and this improvement at the Cascades is a very important one; still it can not be finished in a year, and it is not creating any obstruction that is not a natural obstruction already. I hope the Senate will vote down the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. DOLPH].

The amendment was rejected.

Mr. MCPHERSON. I offer an amendment to come in at the end of line 104 of section 1:

For continuing improvement of South River, New Jersey, $10,000.

This has been recommended by the engineer in charge, and the condition of South River is peculiar. It seems that last year when the appropriation was used in the South River it became necessary under a decision of the engineers to undertake to straighten a portion of the channel. The appropriation was almost entirely exhausted in doing that work. Now, the improvement has got to that point that to stop it is to give away everything that has been done and virtually abandon the work. An appropriation of $10,000 is sadly needed to carry out the original intention with respect to the river, and the sum of $10,000, now appropriated, I understand will about complete the work. Some $[illegible],000 has already been appropriated to that river in years past, and to-day not a single steamer can go up or down the stream owing to the incompleteness of the improvement. I ask that the appropriation may be made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

Mr. MCMILLAN. There is a statement in the engineer's report in regard to this improvement, but there is no appropriation for it in the House bill; and if this had been an important improvement, one requiring any immediate attention, in framing this bill the proper authorities would certainly have considered it, because they have given very general attention to these improvements, and the improvement, as I understand it, is not a very important one in any event. It refers, I think, to an improvement near the mouth of the canal, or an artificial channel at one of the mouths of this river, where it enters into Raritan Bay. If I understand the description aright that is it.

Mr. MCPHERSON. It is a branch of the Raritan River, emptying into Raritan Bay.

Will the Senator permit me to ask him a question? The State of New Jersey in the House, if I am permitted to speak of the House of Representatives, has no representative upon the Committee on Rivers and Harbors, which framed this bill, but every member of Congress from that State called on the committee and showed the importance of the improvement recommended by the engineer in charge. And why does the Senator say it is not an important matter?

I hold in my hand a letter from a gentleman who lives on that stream, engaged in commercial enterprises there, that shows the importance of the improvement to the manufacturing enterprises located along that stream, and I understand from this letter that there are some four or five hundred thousand tons annually of materials going in and out of that stream. It would really seem to me that it was of sufficient importance to give it $10,000 in order that the stream might not be obstructed as it now is by the system of improvement which the General Government saw fit to carry on. This recommendation is only a part of what is carried on. I take it that merely because the House has not seen fit to put in so important an improvement as this in the river and harbor bill the honorable Senator from Minnesota, with all these facts before him, will not dispute the propriety of the appropriation.

Mr. MCMILLAN. This improvement is referred to in the report of the engineers.

Mr. FRYE. Will not $5,000 do?

Mr. MCPHERSON. I only ask the amount General Newton asks for as necessary to complete the improvement.

Mr. MCMILLAN. The engineer's report says:

South River is a tributary of the Raritan, which it enters by two courses, the one natural and the other artificial, 1½ miles below the former.

The original condition of the navigable channel is, first, a false direction of the canal mouth, a depth there at mean low water of 3½ feet; thence up to Little Washington, depth varying from 3.1 to 11.6 feet at mean low water; thence to Bissett's brick-yard, depths varying from 2.8 to 10.1 feet at mean low water, and thence to Old Bridge, depth varying from 2.1 to 12.5 feet at mean low water.

There are also several sharp bends above Little Washington where it will be expedient to straighten the course occasionally by cuts.

The committee in considering the appropriations for New Jersey increased the appropriation for Maurice River on an amendment submitted by the Senator from New Jersey. This improvement appeared to the committee of no very great importance, there being so many of greater importance demanding improvement and appropriation; and the committee in considering this subject thought we should not add it to the bill. It is impossible to tell what amendments may be offered here, but the amount of the bill may be made much larger than is anticipated. I shall be compelled to insist on the objection.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey [Mr. MCPHERSON].

The amendment was rejected.

Mr. MCPHERSON. I have one other amendment to offer, and then I shall retire. This amendment is on page 16 of the bill, line 366 of section 1, to strike out "twenty-five" and insert "eighty-five."

I think that the honorable chairman of the Committee on Commerce will not say that this is not an important improvement. It is the improvement of Newark Bay, a great channel of communication between the city of New York and the city of Newark, and also up the Passaic and Hackensack Rivers. I have before me a resolution passed by the Chamber of Commerce of Newark, also the recommendations of the Newark Board of Trade, asking for a larger amount of money than that already given. I will read them:

NEWARK, N. J., *March* 14, 1884.

DEAR SIR: The undersigned, representing the Passaic River Protective Association, respectfully call your attention to the importance, not only to the members of this association but to all of your constituents, of the improvements now being made to the Passaic River by the General Government, and solicit your aid in obtaining the necessary appropriations to carry forward the work to completion.

There are about 1,000,000 tons of freight, consisting largely of building materials, coal, ice, and general merchandise, carried to and from our city by the vessels navigating our river, and you are too familiar with the benefits of river transportation as a means of competing with the railroads, and thus reducing the cost of transportation on all the articles carried by the railroads as well as by river, to make it necessary for us to enlarge on this point.

The project adopted by the Government in 1880 provides for the formation and maintenance of a channel two hundred feet wide and ten feet deep at mean low water from the mouth of the river to the Centre street railroad bridge at Newark, with an entrance to the channel at the mouth of the river four hundred feet wide.

At the close of the season of navigation of 1883 there had been constructed a dike 2,000 feet long at the mouth of the river, and a channel two hundred feet wide from that point through the N. & N. Y. R. R. bridge, and one hundred and thirty feet wide for 1,000 feet from the bridge, and one hundred feet wide thence to Market street bridge, and seventy feet wide between Market street and Centre street bridges.

The funds now in hand will suffice to make the channel one hundred and twenty-five feet wide between the last-mentioned points. An appropriation of $85,000 is required, according to the report of the engineer in charge, to complete the project according to the plan adopted, and $35,000 of that amount is asked for this spring to enable the contracts for work to be done during the summer to be made in time to avoid delay.

For further information in regard to expenditures already made, &c., we refer you to the report of the United States engineer in charge of the work, a copy of which accompanies this letter.

We trust that you will kindly accede to our request to give this important matter your early attention, and oblige,

Respectfully, yours,

JAMES R. SAYRE, JR., *President.*
L. L. CARLISLE, *Secretary.*

Hon. W. H. F. FIEDLER, *M. C.*

BOARD OF TRADE, *Newark, March* 15, 1884.

DEAR SIR: At the regular meeting of the board of trade, held on Wednesday evening, the 12th instant, the following preamble and resolution was presented by George B. Swain, and unanimously adopted by the board:

"Whereas the United States Government has recognized the commercial importance of the city of Newark and shown its appreciation of the value of proper water communication in having had prepared by Chief Engineer John Newton a plan for permanently improving the channel of the Passaic River and Newark Bay, and for the prosecution of such plan there has been appropriated by Congress and expended since 1880 some $80,000, and according to the report of Col. George L. Gillespie, United States engineer, now in charge of the work, a further sum of $85,000 is needed to complete the same, $35,000 of which is needed at an early day in order that the work now in progress should not be interrupted, and is considered by the engineer in charge a proper sum to be made as an advanced appropriation: Therefore,

"*Be it resolved*, That the Board of Trade of the city of Newark, appreciating the importance of the work above referred to, hereby request our Representative in Congress, Hon. WILLIAM H. F. FIEDLER, to use his earnest efforts to secure the appropriation as named."

JAMES W. MILLER, *President.*
P. T. QUINN, *Secretary.*

Hon. WILLIAM H. F. FIEDLER.

I modify my amendment, and move to strike out "twenty-five" and insert "fifty," in line 366. I will be moderate and ask only for a reasonable increase to $50,000, and I hope the Senator from Minnesota will not object to it. It is for improving the Passaic River.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In line 366 of section 1 it is proposed to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Improving Passaic River below Newark, and removing shoals in Newark Bay, New Jersey: Continuing improvement, $50,000.

Mr. MCMILLAN. I am compelled to resist the amendment. The Senator, I believe, proposes to amend this item by changing the appropriation from $25,000 to $85,000.

The PRESIDING OFFICER. Fifty thousand dollars it reads as modified.

Mr. McPHERSON. I withdrew the original amendment and offered one for a less amount.

Mr. McMILLAN. The whole amount of the estimate for this improvement, as made by the engineer, according to the report before me, is $85,000, and the amount in the bill is not quite one-third of the estimate. That has been the fair proportion of the estimates allowed. I think the Senator should be satisfied with the appropriation made in the bill. The item just before it has been increased $10,000 by the Committee on Commerce of the Senate.

Mr. McPHERSON. The Senator will bear with me a moment. The character of this improvement in Newark Bay is a little different from many others. There is a shifting, sandy bottom, in some places a mud bottom. The improvement was to open a channel some two hundred and fifty feet wide in order that vessels of suitable size might pass through the channel. The Senate very well knows that to continue an improvement every year by using one-third of the amount estimated, before the second and third year's appropriations can be used the money appropriated for digging out a certain part is entirely wasted, as the place is filled up again. Such improvements should be made rapidly in order that the water itself may keep the channel clear, and it would be wisdom at the present time to appropriate the entire sum and expend it in one year and then trust the water afterward to keep the channel clear rather than by digging it out by sections to simply permit it again to fill up. I know that $50,000 can be used there during the next fiscal year with great profit and at a very great saving also with respect to future appropriations. I hope the amendment will be agreed to.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey [Mr. McPHERSON].

The amendment was rejected.

Mr. SEWELL. I desire to make an amendment to this bill, after line 268 of section 1, on page 16. The amendment is relative to the improvement of the Raritan River and also Raritan Bay. I will state for the information of the Senate that the Raritan River is used in connection with the transportation route which runs on the interior water line from New England to North Carolina, the commerce of which is about the largest in this country. It passes between Staten Island and New Jersey, and the connection is with the Raritan River and the Delaware and Raritan Canal, the Delaware River, the Chesapeake and Delaware Canal, the Chesapeake Bay to the south, and northward and eastward with Long Island Sound, the North River, the Erie Canal, and the great lakes. So practically this is the most important point in the whole system of inland navigation.

As an instance of it I would state that at one point in this line of water communication in one year were passed 98,000 vessels with a tonnage of 13,500,000 tons, while during the same period there passed through Sandy Hook to the great port of New York 9,974 vessels with a tonnage of 5,864,531 tons. The tonnage that I refer to is the largest commercial tonnage in this country, larger than that of the Mississippi River, larger than that of the North River.

General Newton has had charge of the district referred to, with his headquarters at New York, but he was changed and Colonel Gillespie took his place; but General Newton reserved the improvements in the Raritan River to himself; $2,399,000 was the estimate. He reserved that work for himself. Consequently Colonel Gillespie's did not include the Raritan River, but the report of General Newton does include that improvement. The committee of the House, evidently supposing that the change turned over this work to Colonel Gillespie, left out the recommendation of General Newton for the improvement of the Raritan River. They took up Colonel Gillespie's report, and for the Raritan Bay, which the engineers recommended $60,000 for this year, they did allow $20,000, but that has nothing to do with the Raritan River.

The amendment offered by me was submitted to the Committee on Commerce, and as I understand it was practically adopted by that committee, but was inadvertently left out. I ask the chairman if that is not so?

Mr. McMILLAN. The amendment was considered in committee, and I think it was at one stage of the consideration of the bill considered favorably to a certain extent. What is the amount?

Mr. SEWELL. The amount for Raritan River that I desire is $60,000, and I desire $25,000 for Raritan Bay.

Mr. McMILLAN. Raritan Bay is in the bill.

Mr. SEWELL. For $20,000.

Mr. McMILLAN. We did not consent to increase it.

Mr. SEWELL. But did agree to insert the river.

Mr. McMILLAN. I think we agreed to $20,000 for Raritan River.

Mr. SEWELL. That would not be enough to keep up the work that is going on. I present this case where the tonnage is greatest. I ask for $60,000, and it is a very small amount.

Mr. McMILLAN. I think $60,000 is the amount of the estimate.

Mr. SEWELL. That is the estimate, and the work is of great magnitude, costing in all $2,000,000. In consequence of the passage of this great tonnage the work must go on. If you stop the tonnage, you stop the work. I move to add after line 368 of section 1:

For continuing the improvement of the Raritan River, $60,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. McMILLAN. The Senator had better say $25,000.

Mr. SEWELL. I prefer not. I will modify the amount to $40,000. I think that is a considerable reduction.

The PRESIDING OFFICER. The amendment will be read as modified.

The CHIEF CLERK. After line 368 of section 1 it is proposed to insert:

For continuing the improvement of the Raritan River, $40,000.

Mr. McMILLAN. The amount that can be expended profitably during the year on this improvement is estimated in the engineer's report at $60,000. Twenty-five thousand dollars, the amount the committee thought a reasonable sum, would be more than one-third of the estimate. That we considered a reasonable amount. In view of the importance of the improvement at this great channel of commerce, the committee will not make any opposition to an amendment for $25,000, but beyond that we do not feel at liberty to consent. I hope the Senate will retain the amount at $25,000 if they insert the amendment at all.

Mr. CONGER. The Senator from New Jersey came to me, and I did favor the proposition before the committee.

Mr. SEWELL. I went before the committee myself.

Mr. CONGER. I know the Senator did, but he was called away at the time we reached this.

Mr. SEWELL. The committee gave me a hearing afterward.

Mr. CONGER. The opinion of the committee was that this ought to bear the same proportion generally given to places where there is no special reason for an increase, but I find in my memorandum $35,000 is what I understood the committee would assent to. The very fact that this whole river is covered and has been for years, and it will be whether there is any appropriation or not, with boats, shows that the navigation is going on. These improvements will make it better all the while, as they will anywhere; but now that we know what the committee proposed to do I move to amend the amendment by making the amount $35,000 instead of $40,000.

Mr. SEWELL. The action of the committee seems to be to make a reduction on what anybody asks and on what the engineers recommend, regardless of whether there is a report in the case or not. Here I present a case that has more tonnage than the Mississippi River. I asked for $60,000; I am willing to reduce it to $40,000, but the committee will only give me $35,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan to the amendment of the Senator from New Jersey, to strike out "forty" and insert "thirty-five."

Mr. McPHERSON. I think in this case is found a most excellent illustration of the method upon which the river and harbor bill is constructed. My colleague presents a case of a river over which or through the waters of which there is more commerce usually than the entire foreign commerce of the port of New York. It is the connecting link between the North and the South by the interior water line. The amount of money my colleague asks for is absolutely needed in order to keep commerce moving upon these waters, and the Committee on Commerce will take up a trout stream somewhere in the interior of the country and devote to its improvement all the money needed to move its extensive commerce and deny to this stream the amount absolutely needed to keep boats from being obstructed in the channel.

Mr. FRYE. I should like to know the name of that trout stream, because I am in favor of striking it out if it is there.

Mr. McPHERSON. I think the river and harbor bill is full of them.

Mr. FRYE. It is not. I went into the Committee on Commerce with the idea that the river and harbor bill was full of trout streams, and for about a week I thought every river almost that came up in the South because the engineers removed snags and cut down overhanging trees and wanted to get three feet of water was a trout stream. I came out of committee convinced that there are no trout streams in the river and harbor bill; that there is no stream that a United States engineer under his oath as an officer to do his duty and under the law has not been compelled to say whether the necessities of commerce require the improvement, and in every single case he has said it. I am no marvelous friend of river and harbor bills and ordinarily have voted against them, and have voted against them with that same idea, but I should like to have the Senator from New Jersey point out a trout stream in this bill.

Mr. McPHERSON. I am not disposed to point out any trout streams in the bill. I do know this, and the Senator from Maine knows it very well, that there is more commerce passing hourly over this river for which my colleague asks an additional appropriation than there is yearly over many streams found in the river and harbor bill or than will be over them in the next forty years.

Mr. McMILLAN. Will the Senator allow me to ask him a question?

Mr. McPHERSON. Certainly.

Mr. McMILLAN. Commerce is passing there without any serious obstruction and this is a great enlargement of facilities which already exist. This amount can be expended profitably, and no more.

Mr. MCPHERSON. Additional facilities are needed, and I have always supposed that the true province of appropriations of money out of the Federal Treasury for rivers and harbors was to improve great rivers and harbors, the great national water ways of the country. I have ever voted for appropriations of money to improve the Mississippi River; I will vote for any needed appropriation of money to improve any harbor along the Atlantic or Pacific seacoast; I will vote any needed appropriation for the Columbia River, for the Ohio River, but when it comes to appropriating large sums of money for the purpose of improving little streams that never can be commercial streams, in the proper acceptation of that term, then I am opposed to it. And I do submit that when a proposition is made here for the purpose of removing obstructions from one of the avenues through which it is shown that there is more commerce going to-day than the entire foreign commerce of the port of New York, there is sufficient reason for supporting it.

Mr. CONGER. It does not appear in the discussion that the reason navigation can go on upon this river is because some State—I will not say what one—owns the canal and charges heavy tolls on property going from the waters of one great bay into the waters of another, and that there is no diminution of tolls because the Government undertakes to improve a portion of that communication which the canal company undertook to improve. There are numerous canal-boats, barges, small craft going through from one great bay into another under great tolls charged upon the canal; and in order to make that canal profitable it was necessary for the company or the State which owned the canal to improve the Raritan, and they did do it until it was put on the river and harbor bill. It vastly increased the tolls of the canal, it vastly increased the transportation of produce and merchandise along that line of communication, and it is very well it should; but I do not know that Congress has as a general rule been eager to make improvements that would make profitable a canal merely, or throw additional tolls into the treasury of a canal company.

These things should be taken into consideration. If there have been appropriations made for rivers as there have many in the South, long rivers having three, four, and five feet of water, where snags had to be removed, where in order to make them passable appropriations must be made, we should remember that for hundreds of miles within two or three States through which those rivers run there was not, and is not up to the present time, any other possible mode of communication by which the people of the interior through which these streams run can reach the seaboard or can reach the navigation of the bays and of the ocean.

There are an immense number of canal-boats and barges passing from the Delaware Bay into New York Harbor by this route, a canal that the Government does not own, a canal that charges heavy tolls, tolls enough not only to improve the canal, but to improve the Raritan River which is a part of the transportation route. Now, I think $35,000 to aid in that line of improvement, as compared with the other appropriations in the bill, is a fair allowance. It is to make little improvements to make easier the navigation. The river is deep enough during all seasons of the year, but it needs the removal here and there of some shoals, it needs enlarging in some places that rafts of boats may pass with ease and with rapidity. It is a work which must be continued for two or three years. It is better not to do it all at once because there are increasing, and continually increasing, obstructions to the river. This appropriation will remove them this year, another appropriation will remove them another year, and a third the third year when we might hope the objects of the appropriations will have been accomplished.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan to the amendment of the Senator from New Jersey.

Mr. SEWELL. I desire to correct an impression created by the Senator from Michigan.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from New Jersey to the fact that the Senate is proceeding under the eighth rule in considering this bill.

Mr. SEWELL. Which does not allow a Senator to speak more than once on the same amendment.

The PRESIDING OFFICER. The Senator can proceed by unanimous consent.

Mr. SEWELL. I ask unanimous consent to say a word. ["Go on."]

The river is not a deep one. The project as set forth by the engineers requires the deepening of several points along the line of the river. From the facts I have brought to the attention of the Senate, it is seen that it is proposed to have a continuous improvement there every year to the extent I named, about $60,000, although I am willing to take the chances on $40,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan to the amendment of the Senator from New Jersey.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from New Jersey as amended.

The amendment as amended was agreed to.

Mr. SEWELL. I ask the chairman of the committee what is allowed for the Raritan Bay?

Mr. MCMILLAN. Nothing but what is contained in the bill as it came from the House.

Mr. SEWELL. No additional amount?

Mr. MCMILLAN. No, sir.

Mr. LAPHAM. I offer the following amendment to come in on page 5, at the end of line 89 of section 1:

Improving harbor at Wilson, N. Y.: Continuing improvement, $10,000.

The report of the engineer recommends the sum of $30,000. The engineer says:

That sum can be profitably expended for the fiscal year ending June 30, 1885, upon this work.

It is a harbor upon Lake Erie. I ask for one-third only of the sum recommended by the engineer, and I hope it will be adopted.

I will state that the amendment was sent to the Committee on Commerce, but I understood they had virtually concluded the consideration of the bill before it reached them, and therefore it was not formally acted upon by the committee, but it was introduced and referred to them before the bill was reported back to the Senate.

Mr. MCMILLAN. This item is not contained in the bill as it came from the House, and the committee did not insert it. It is sufficient I think to say that the appropriations made for the different harbors in the State of New York are already of such an amount as to preclude the Senate from increasing that amount. We have already made large additions to the appropriations as they came from the House. This harbor is referred to in the report of the engineers, and I will read what is said about it:

Wilson Harbor, New York.—The project for the improvement of this harbor was adopted in 1873 and modified in 1877, the object being to afford a channel of navigable width and twelve feet in depth by the extension of two parallel piers from the mouth of Twelve-Mile Creek to the twelve-foot curve in the lake, with the formation of a protected channel between the piers. The mouth of the creek was originally obstructed by a bar, upon which there was a depth of about one foot.

Before the commencement of operations by the United States the piers had been carried about four hundred feet into the lake by private enterprise.

The amount expended to June 30, 1883, is $42,054.94, and has resulted in the extension of the piers to the eight-foot curve in the lake and the formation of a protected channel between the piers of navigable width and a depth of eight feet at low water.

The engineer placed the estimate for this year at $30,000, but the amount available on the 1st of July, 1883, was $7,945.06. While of course the improvement is one that would be beneficial to the locality, yet it is not such a one as should be now inserted in this bill to increase the amount of the appropriations, particularly in view of the amounts already appropriated to the different harbors in the State of New York.

Mr. LAPHAM. I only desire to add one word, if I may be permitted.

The PRESIDING OFFICER. The Senator may proceed by unanimous consent.

Mr. LAPHAM. While it is true that a large amount of money is appropriated in this bill for the whole State of New York, there is but a very small portion of the appropriation for that end of the State where this harbor is found, the western end of the State. Of course what is done for the great harbor of the city of New York, which collects seven-eighths of the revenue of the Government, transacts almost all the commercial business of the country, ought not to be taken into consideration in determining this question. This is an important harbor, and individual enterprise had gone four hundred feet into the lake before the Government took hold of it. It is necessary in order to complete it that some more money should be furnished. I only ask one-third of the estimate of the engineer.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. LAPHAM].

The amendment was rejected.

Mr. LAPHAM. I will offer one other amendment. At the end of line 89 of section 1 I move to insert:

Improving harbor at Olcott, N. Y.: Continuing improvement, $10,000.

The facts in this case are almost precisely the same as in the previous one. The estimate of the engineer is that $30,000 can be profitably expended during the next fiscal year, and I only ask for one-third of that sum.

Mr. MCMILLAN. The Senator from New York has correctly said that the facts in this case are very similar to those in the one just disposed of. The engineer says:

The project for the improvement of this harbor was adopted in 1866, at the date of the first appropriation, and proposed to connect the deep water in the lake with deep water in Eighteen-Mile Creek, by the extension of two parallel piers from the mouth of the creek to the 11-foot curve in the lake, with the formation of a dredged channel between the piers. The project was modified in 1874 and 1880 to provide for the removal of rock found to exist in the channel between the piers. The natural channel between the mouth of the Eighteen-Mile Creek and the lake was covered by a bar upon which there was a depth of about 1½ feet of water.

The amount expended to June 30, 1883, is $118,000, and has resulted in the extension of the piers to about the 9-foot curve in the lake and the formation of a

protected channel between the piers of navigable width, with a depth of about 7½ feet at low water.

The same arguments used in the last case are applicable here, and there is no reason why the Senate should change its action. I hope the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was rejected.

Mr. CALL. After line 134 of section 1 I move to insert:

Improving harbor at Manatee, Fla., $10,000.

The report of the engineer contains the following statement in regard to it:

There is at present a least depth of eight feet at mean low water, not sufficient for the class of vessels engaged in the commerce between the river and outside ports.

The improvement can be accomplished by dredging, at an estimated cost of $70,000.

The engineer says:

I have heard it asserted by sea-faring men and others that this is about the best harbor on the Gulf coast of Florida. It is certainly a very excellent one and very capacious. It would seem to be good policy to promise a safe refuge for vessels caught out in the heavy storms for which this coast is noted, and there is certainly no other place which can compare with it as a harbor.

The immediate commerce of the country adjacent to the harbor of Manatee amounted in the year 1881 to $138,000, fruits and vegetables, and to from seven to eight thousand head of cattle shipped abroad. There had been appropriations made for the improvement of that harbor for several years, but this year it is omitted entirely from the bill. There is no place which is more important to the Gulf commerce for an improvement as stated by the engineer, and none where it can be done at so small a cost.

I hope there will be no objection to inserting the amount of $10,000 as proposed by the amendment.

Mr. McMILLAN. I must resist the adoption of the amendment, and will refer to the report of the engineers in regard to this improvement. Under the title of Manatee River the Chief of Engineers says in his report:

The present project for the improvement of this river was adopted in 1882, the object being to afford a channel of entrance from Tampa Bay to Manatee River, so as to give a depth of thirteen feet at mean low water from Tampa Bay up the river to Shaw's and McNeil's Points.

The least depth on the bar at the mouth of the river before the improvement was eight feet at mean low water, not sufficient for the class of vessels engaged in the commerce between the river and outside ports.

The amount expended to June 30, 1883, is $3,038.99, but no results of consequence have been gained.

And in the appendix, on page 1028 of the report, the engineer says:

The benefit to commerce to be derived from the completion of this improvement is the increased facilities for shipments of the products of the county, mostly fruits and other perishable products, and it is reasonable to infer that this would cause a large influx of population and a corresponding increase of productions.

The bill is not framed upon the principle of inducing the settlement of the country. When that is incident to an appropriation, it is no objection of course to appropriating for an improvement, but unless the demands of commerce are such as to require an improvement we do not feel at liberty to insert an appropriation in the bill. I hope the Senator will not press the amendment. The committee considered it very fully, and did not regard it as one of the items which should be in the bill.

Mr. CALL. I ask unanimous consent to say a single word further.

The PRESIDING OFFICER. The Senator can proceed by unanimous consent. Is there objection? The Chair hears none.

Mr. CALL. I am surprised at the Senator from Minnesota quoting the report in that way. Certainly that is only one of the advantages recommended. The report of the Coast Survey shows the value of that harbor as a port of refuge, and the report of the engineer distinctly states that fact. There are over fourteen hundred miles of coast in the State of Florida. I will read from the last report of the engineer. The one I have read states the harbor to be, in his opinion, one of the most excellent on the coast. I can only urge that the Government of the United States with this long line of coast in the State of Florida has entirely neglected it. The entire commerce of the Gulf of Mexico passes along and around it. And yet it is left without a safe place of refuge, with a coast commerce of not less than $1,000,000 from sponges, fish, coral, cattle shipped to Havana, and tropical fruits and timber to the other States, it is left with absolutely no means of ingress and egress to and from the ocean; and I ask for a small appropriation to enable the vessels to get out and in from the harbors and tide-water rivers of the long line of coast.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was rejected.

Mr. CALL. After line 134 of section 1 I move to insert:

For improving Charlotte Harbor, Florida, including Caloosahatchee River and Peace Creek, $5,000.

I will state that Charlotte Harbor is shown by the Coast Survey to have a depth of from nineteen to twenty and twenty-one and twenty-two feet, is connected by the Caloosahatchee and Kissimmee rivers and lakes with the upper portions of the State, running to within forty miles of the Saint John's River, with which it is now connected by rail, and affords a transit across the peninsula of Florida to Key West, and Havana and other foreign ports. These rivers are shown by these surveys to have in places in or near their mouths only two, three, and four feet of water over some of the bars. The bill has an appropriation of $5,000 for the Caloosahatchee River. Former appropriations in the two last years contained I think about $7,000 for Peace Creek, which has been partially improved. I ask for this $5,000 for the continuation of that improvement and for the improvement of the bay at its mouth.

Mr. McMILLAN. I am unable to find in the reports of the engineer any examination or report of the survey of Charlotte Harbor, in Florida. No estimate has been made for any such improvement. With reference to the river mentioned, there is, I believe, an item in the bill, but in the present report of the engineer there is no estimate or recommendation of an appropriation for Charlotte Harbor, Florida.

Mr. CALL. My friend the chairman of the committee has not looked over these reports as carefully as he should have done. On page 1219 of the report of 1882 I find the following——

Mr. McMILLAN. I refer to the present report of 1883; the present report.

Mr. CALL. In the report of 1882, part 2, volume 2, the Senator will find a survey made for the opening of steamboat communication from Saint John's River, Florida, by way of the Caloosahatchee River to Charlotte Harbor, with Peace Creek; and he will find in addition to that the appropriation made for two years for Peace Creek. I can turn to it in a moment.

Mr. McMILLAN. I spoke of the harbor.

Mr. CALL. Caloosahatchee River empties into Charlotte Harbor. There is an appropriation in this bill for Caloosahatchee River, and this appropriation is asked for Peace Creek and the entrance into Charlotte Harbor. On page 1276, part 2, volume 2, of the report of 1882, I find the following:

An appropriation for this improvement of $7,000 was made by act of Congress approved March 3, 1881. This appropriation not being sufficient to admit of both building and equipping a suitable log-boat, and leave enough of the appropriation to work to advantage, authority was asked and obtained to build one in conjunction with the improvement of the Withlacoochee River, which was done, and the boat put to work on the Withlacoochee.

* * * * * * *

The amount, exclusive of former appropriations, required for the completion of this work is $5,700, which will not be permanent, but will require a small annual appropriation.

No statistics are obtainable. The principal trade is in cattle and oranges.

The work is in the collection district of Key West, Fla., and Key West is the nearest port of entry.

MONEY STATEMENT.

July 1, 1881, amount available	$7,000 00
July 1, 1882, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1881	2,423 33
July 1, 1882, amount available	4,576 67
Amount appropriated by act passed August 2, 1882	4,000 00
Amount available for fiscal year ending June 30, 1883	8,576 67
Amount (estimated) required for completion of existing project	5,700 00
Amount that can be profitably expended in fiscal year ending June 30, 1884	5,700 00

The report of the survey across the peninsula and into Charlotte Harbor contains a statement of the bars necessary to be improved in order to make this appropriation heretofore made of $7,000 available.

Mr. McMILLAN. As I stated when I replied to the Senator from Florida, there is no estimate for an appropriation for Charlotte Harbor contained in the report of the engineers. There is a report in regard to Caloosahatchee River and Peace Creek. These streams enter into Charlotte Harbor, as the Senator has informed us. There is an appropriation in the bill for the Caloosahatchee River, continuing improvement, $5,000, which is one-third the estimate made by the engineer as contained in the report. In the absence of any report for the improvement of Charlotte Harbor, except perhaps what the Senator has referred to, the Coast Survey report, which is not the basis for making an appropriation in the river and harbor bill, I trust the amendment will not be agreed to.

Mr. CALL. If the Senator will allow me to interrupt him, I am perfectly willing he shall call it Peace Creek, if he chooses, instead of Charlotte River.

Mr. McMILLAN. No; Peace Creek, I understand, empties into Charlotte River.

Mr. CALL. Put it all into Peace Creek then.

Mr. McMILLAN. The improvement for that is not in the bill, and should not be inserted in it. There was available on the 1st of July out of the former appropriation for Peace Creek $4,063.

Mr. JONES, of Florida. If the Senator from Minnesota will permit me, I should like to ask him a question with respect to the proportionate allowance made by Congress on the engineer's report. Will the Senator state what is the average sum allowed by the Committee on Com-

merce for an improvement according to the engineer's report? Has there ever been any estimate made on that subject?

Mr. MCMILLAN. No, sir, there has not been. The general rule of action in framing the bill, as I understand, is to allow about one-third of the estimate, more or less, with exceptions to that rule of course at some places where the improvement requires a greater expenditure. Circumstances may require the completion of an improvement, and in that case a greater amount will be appropriated.

Mr. JONES, of Florida. That is about the average?

Mr. MCMILLAN. Yes, sir, that is intended to be the average, the rule upon which the bill is framed, as I understand it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. Inasmuch as the Senate committee have not given the State of Florida, with its 1,400 miles of seacoast, anything, notwithstanding the large increase which they have made in the appropriations for other States, I wish to do justice to my State at least in intention and effort on my part. In line 145 I move to strike out "twenty," before "thousand," and insert "fifty;" so as to read:

Improving harbor at Tampa Bay, Florida: Continuing improvement, $50,000.

The estimate of the engineer for the improvement of Tampa Bay, Florida, completing the improvement, for this year is $55,000. The Coast Survey reports exhibit the fact that the harbor of Tampa Bay is one of the most important, if not the first in importance, after Pensacola on the Gulf coast. The depth of water at anchorage under the northern shore of Anna Maria or Palm Key is 10, 11½, and 12½ feet, and up the bay to Point Pinelos 21, 22½, and 23½ feet. It is the terminal point on the Gulf of Mexico now of a railroad from the headwaters of the Saint John's River, and of another one soon to be finished from the eastern and middle portion of the State connecting with Fernandina, the city of Savannah, and the northern railroads. There are six or eight seacoast steamers constantly plying there. It is in receipt of a large foreign commerce, and the place of shipment for cattle to Havana, and has become a port of very great importance. I ask that the appropriation of $20,000 be increased to very nearly the amount of the estimate made by the engineers for this year.

Mr. MCMILLAN. The appropriation contained in the bill now is more than one-third of the estimate of the engineer for this year. The improvement of Tampa Bay is found in the report of the engineers, and the amount estimated for the improvement is $57,000. The amount inserted in the bill is $20,000, which is more than one-third of the estimate. From the character of the improvement it is very evident that the appropriation made will be sufficient for this year.

The report of the engineer states:

The object of this work is to facilitate navigation to the town of Tampa, the approach to which is a narrow and shallow channel through the upper bay, 5.5 feet being the depth at mean low water.

In 1881, under an appropriation of $10,000, 18,530 cubic yards of material were excavated, deepening and partially straightening it for 2,900 feet in length, 9 feet deep, and 60 feet wide.

The improvement for which the appropriation is desired is for this excavation, for enlarging the channel up to the docks at the town. Of course they could spend more than $20,000, but $20,000 will be ample for the work during the present year, and it has received its full and fair consideration in proportion to the amount of the estimate.

I hope the Senate will not adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. In line 143 of section 1 I move to amend by striking out "five" before "thousand," and inserting in lieu thereof the word "ten;" and after the word "dollars" to add "including the channel from Suwannee River to Cedar Keys;" so as to read:

Improving harbor at Cedar Keys, Fla.: Commencing improvement, $10,000, including the channel from Suwannee River to Cedar Keys.

I desire to say in regard to this as all the other ports upon this long and unprotected coast around which the entire commerce of the Valley of the Mississippi, of Mexico, and of the Central American countries passes, they are all ports of foreign commerce. They all produce considerable quantities of sponge along the coast, and they are the depot and places for the sale of it. They are places of shipment of cattle; they are places which are beginning to supply the place of a large foreign importing fruit trade of this country, amounting to several million dollars, and paying nearly $800,000 of customs duties; and they are rapidly supplying the local demand of this country in the fruit trade and in the other respects which I have mentioned have a right to favorable consideration.

Mr. MCMILLAN. So far as I am advised, no survey or report upon this improvement is contained in the regular report of the Chief of Engineers transmitted through the Secretary of War to Congress in 1883, the last report we have on this subject. There was an examination made and a special report submitted since the report of the engineer, to which I have referred, was transmitted to Congress. I think the amount contained in the bill will be quite sufficient for this year. For the purpose of establishing that point I shall read briefly from the report of the engineer who made this examination and survey, A. N. Damrell, major of engineers, contained in Senate Executive Document 128 of this Congress:

The object—

Referring to the object of the appropriation—

The object would be to obtain a channel with a least depth of 10½ feet from the Gulf of Mexico to Cedar Keys. There is now a least depth of 9½ feet.

The depth of 10½ feet for the projected channel is proposed, because it is believed to be sufficient for the present commerce of the port, and because to obtain any greater depth would be expensive, as it would require considerable rock excavation, the limestone formation underlying the entire channel at a depth of from 9½ to 12½ feet.

There has been some expenditure of money upon this improvement, and it is very evident from the reports we have in regard to other improvements in that vicinity that the amount appropriated in the bill, the sum of $5,000, will accomplish a very considerable proportion of all that is desired and intended. I hope the Senator will not insist on the increase.

Mr. CALL. I will only add to what I have said, by permission of the Senate, that Cedar Keys is the terminal point on the Gulf of Mexico of a railroad running from Fernandina on the Atlantic Ocean. It is a place of extensive transit. The interstate commerce from the Gulf ports passes over that road and finds a place of shipment at Cedar Keys to foreign countries and to New Orleans, Mobile, and elsewhere around the coast. It is a very important port, and the sum of $5,000 is entirely inadequate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CALL. After line 143 I move to add:

Improving harbor at Crystal River, Fla., $5,000.

There is a report and estimate for that made, I think, in 1881 or 1882. The bill as it came from the House contains an appropriation of $5,000 for the Withlacoochee. The harbor at Crystal River, Fla., on the Gulf of Mexico, is important as an entrance for the rivers which discharge into it. It is the place of entrance and exit for the commerce of the adjacent country. It is connected with a large extent of country which is beginning to produce a vast quantity of tropical fruits, being one of the richest portions of Florida. The bill contains an appropriation for the improvement of the rivers on the coast, but according to the theory of the bill it is right to improve the rivers but not their mouths or the exit and the entrance to them. I have asked for a small amount in order that the improvement which is put upon the rivers may be made useful in furnishing harbors for the vessels which must carry away the freights which they bring.

Mr. MCMILLAN. We were compelled to confine our attention to some report and examination of the improvements which indicated a present necessity for additional appropriations at this time. The report of 1881 is too far back to consider in an appropriation for this improvement in view of the appropriations already made to the State of Florida. Of course there are very many rivers and harbors in the State of Florida which could be beneficially improved, but we are compelled to confine ourselves to the important improvements contained in that State and to give them a reasonable appropriation. If there is no report or recommendation by an engineer within three or four years, it is very good evidence indeed that the improvement is not one which is pressing in its character, and it can wait at least for another year in order to have a survey and examination made upon which we can act.

I hope the Senator will see the propriety of not pressing this amendment.

Mr. FRYE. The chairman of the Committee on Commerce might have added that the committee examined with a great deal of care and fidelity every item in Florida and listened to arguments in favor of all these amendments.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

The amendment was rejected.

Mr. CALL. In line 512 of section 1, before the word "hundred," I move to strike out "one" and insert "two;" so as to read:

Improving the channel over the bar at the mouth of Saint John's River, Florida: Continuing improvement, $250,000.

I hold in my hand a report made by a committee of the Board of Trade of the City of Jacksonville, Fla., one of them a gentleman of distinction in the profession of law, and the others in the commerce of the country, and one of them Governor Drew, lately the governor of the State; Mr. Durkee, marshal of the United States, and Mr. Charles H. Jones, editor of a leading journal in the State, signed by J. J. Daniel, chairman committee on improvement of Saint John's Bar; George F. Drew, Joseph H. Durkee, Charles H. Jones, subcommittee. This paper states:

The values of vessels and cargoes arriving at and departing from the port of Jacksonville in 1882 amounted to $38,270,000. Upon this amount the increased insurance over that of neighboring ports caused by the risks of commerce crossing the bar was ¾ per cent., or $287,025.

This paper has been before the Committee on Commerce and the Senate, and has already been presented and urged on both for favorable consideration in every possible form. It is a clear, a valuable, and a convincing statement for those who are willing to be advised. It shows the great value of the Saint John's River to commerce and its future great capabilities, and the wastefulness and entire inadequacy of the small appropriations that have been made. If there were any means in my power by which I could enforce these statements, and change this system of small and inadequate appropriations and substitute large and sufficient amounts for a smaller number of objects, I would most certainly make use of them.

The tributaries to the Saint John's River commerce are very extensive, and run throughout the eastern and southern parts of the State of Florida and the lower portion of the State of Georgia. The harbor is a necessary place of refuge for the commerce of the entire coast. This is true of all the harbors on the coast of Florida, for the vast commerce of the United States and all foreign countries passes along the Atlantic coast. A distressing instance of the neglect of the Government in providing suitable harbors of refuge is exhibited in the recent death by shipwreck off the coast of Florida of an officer of the United States well known in this country, which has been reported to the Senate, and this is the third time since I have been in the Senate when this neglect on the part of our own committees and of Congress has caused the destruction of large ships and large numbers of human beings and great amounts of property, all of which might have been saved by a liberal appropriation for the improvement of the harbors along the coast of Florida. The importation of tropical fruits to the United States amounts annually to about $5,000,000, and these pay a revenue of about $700,000; so Florida can furnish all this if you will aid her.

I ask that this appropriation be increased not only on the ground of humanity, not only on the ground of the interest of commerce itself, not only because of the great resources of the Saint John's, but because the money already expended by the Government, amounting to several hundred thousand dollars, is being thrown away and entirely lost by the washing away and the destruction of the work which has been done each year under these small appropriations. By the time the work is done tremendous storms come, and the work not being sufficiently high above the water to prevent the waves from washing over, currents are created on the inside, and the work is seriously damaged if not entirely destroyed. There is no consideration of propriety, or of economy, or of good sense which does not demand that, while this bill has increased in various instances the appropriations for the interior and some other portions of the coast, this appropriation for the Saint John's Bar should not be in like manner increased. I have urged before the committee with all the influence I could bring the appropriation of $500,000 this year for the continuance of this work, and I am greatly disappointed that the committee have not granted it. The necessity for at least this amount for the ensuing year is indispensable.

I shall not detain the Senate by stating the facts which have been exhibited by the engineers so repeatedly further than to say that $500,000 is the smallest amount which has been estimated as being useful or being really advantageous in a very high degree for the continuance of the work at Saint John's Bar for this year. I only desire to add that the cost of insurance yearly is more than the appropriation that I now ask for. This single fact is argument enough to demand that twice the amount proposed in this amendment should be voted without hesitation.

Mr. McMILLAN. There are two principal improvements going forward in the State of Florida to which the special attention of Congress has been given. One is the work under consideration, improving the channel over the bar at the mouth of the Saint John's River, Florida; another is improving the entrance to Cumberland Sound, which is a very important improvement. The expenditure which will be required to complete these projects is very large, but the improvements are not of such a character as that they can be completed at once.

The improvement in the Saint John's River which is now under consideration is to increase the depth of the channel across the bar at the mouth of that river. The principal part of the commerce passes through that locality. The other improvement is a very old one and was considered very favorably years ago by the Government of the United States; but since the war, since appropriations have been made for these improvements, the improvement adopted for accomplishment by the Government has been the improvement at the Saint John's River. The principal business of that State is transacted over the Saint John's River. The estimate of the engineer for this improvement is $600,000, and the House of Representatives appropriated $150,000. In addition to this the appropriation for the improvement upon Cumberland Sound is $75,000. If the Government could carry forward one of these improvements to its completion the annual appropriation of course could be increased; but as it is insisted that the Government must give attention to both of them the appropriations must be divided. Under those circumstances it is impossible for the Government to appropriate all that perhaps might be done upon one of them.

I hope the Senator will not insist upon this amendment. Besides this appropriation for the mouth of the river, there is a small appropriation for another portion of the river.

Mr. CALL. If I may be allowed to say one word——

The PRESIDING OFFICER. The Senator can proceed by unanimous consent. Is there objection? The Chair hears none.

Mr. CALL. Both of these improvements are necessary improvements, not to Florida but to the commerce of the country at large. The improvements have both been progressing only within the last five or six years, and the principal amounts have been expended upon them within that period of time. It is absolutely necessary, as the report of the engineer shows, for the preservation of this work and what has already been expended upon it, that not less than $500,000 should be appropriated this year. It is one of those works that requires a large expenditure in the beginning. If the Government had spent the $500,000 when it commenced the work it would be worth a million dollars now in place of being greatly injured if not nearly destroyed. These facts are shown by the statements of the engineer.

The Saint John's Bar is an exposed place. It is a river with three hundred miles of navigation, from eight to ten miles wide in a great many instances, running from the south to the north, and at its mouth the storms accumulate shifting bars, so that if we are to pay any attention to the economical expenditure of money this should be made an exception. While other appropriations have been increased largely where the improvement does not come within the rule it ought to be applied here and a large amount should be appropriated, at least $260,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was rejected.

Mr. CALL. In line 136 of section 1 I move to strike out "seventy-five" before "thousand" and insert in lieu thereof "one hundred and fifty;" so as to read:

Improving entrance to Cumberland Sound, Georgia and Florida: Continuing improvement, $150,000.

I wish to say in regard to this improvement that here are two States interested. The port of Fernandina is connected by railroad with the entire country north, with the State of Georgia, and with the peninsula of Florida by two diverging lines of road. It is easily susceptible of being made an entrance for the largest and deepest ships that navigate the ocean. It is a place where the Navy of the United States, if we should ever have one, could easily rendezvous in the time of war. It is a natural harbor capable of being made one of the finest and cheapest and safest of entrance upon the Atlantic coast.

A considerable amount of money has been heretofore expended, and this fine harbor is being delayed in its improvement and perhaps injured, as is the harbor of Saint John's, by the small amounts annually appropriated, so that the committee instead of benefiting these arteries of commerce may be injuring them by the small appropriations made. It is true they have a right to the appropriations which the engineers have recommended, or to a reasonable proportion of them, and the engineers have stated that they are easily susceptible of being made valuable arteries of commerce, safe places of entrance for ships, places of refuge, and places where the existing amount of commerce is large, and where the annual saving would be equal to the appropriation. I insist with earnestness that the Senate shall see that justice is done to this important place, and that no unfair and unequal discrimiation shall be allowed in this bill. It is true these two harbors are near each other, but they are both necessary for the country. Nature has placed them where they are, and given to each its separate and peculiar commercial relations.

I therefore ask that in this case, one of the few harbors that may be easily and cheaply made accessible for the largest ships, and a harbor connected by rail with all parts of the country, and having now an important coastwise and some foreign commerce, the amount shall be increased from $75,000 to $150,000, that being but a small part of the amount estimated for. I should ask a larger amount, the full amount of the estimates for both of these important ports, if the committee had not already refused it, and I now ask for this small increase of the House appropriation.

Mr. JONES, of Florida. A while ago I asked the Senator from Minnesota who has the bill in charge a question, which was not without an object. We have fallen into the habit of regarding appropriations in a river and harbor bill as being made for States. I take it that when an appropriation is made in a bill like this it is made for the country without regard to States. When the Federal Government acts in its constitutional character it treats the country as a whole. When the States act within their limited jurisdiction they act with respect to their own territory. The Senator from Minnesota said that the average sum allowed for improvements was about one-third of the estimates contained in the engineers' reports. The Engineer Department has estimated for Fernandina not because it is in Florida but because it is a great national harbor worthy of national support and improvement.

I should like to know why an exception to the rule suggested by the chairman of the Committee on Commerce should have been made in this case. Not one-sixth of the amount recommended has been allowed. The officer of engineers to whom we have confided the power to say what improvements ought to be made has said that $600,000 ought to

be expended on this harbor as a point of national consequence and the insignificant sum of $75,000 was allowed. That does not come up to anything near the standard that has been established by the committee, according to the admission of the chairman himself.

I have introduced an amendment following the line of my colleague appropriating $100,000 for Fernandina, and I think it is a reasonable request. Florida owns no ships of any consequence. The commerce that goes to those ports comes from the great centers of the North, a great deal of it from the State of my distinguished friend from Maine [Mr. FRYE] who takes a great interest in matters of this kind. The ship-masters from his State and from all over the North are interested in these matters because they are national. It is not a local affair, and it does seem to me that in reason and in justice the amendment of my colleague ought to prevail. I could show that under this bill such a State receives so much and another State receives so much; but that is not the way to put this question.

Mr. FRYE. Will the Senator yield to me for a moment? We may make a compromise. So far as I am concerned, if Florida will stop I will vote for an increase of $25,000. I will make a compromise if Florida will stop.

Mr. MILLER, of New York. I shall object to any such bargain as that. We should know what the committees recommend, and I propose to stand by the committees.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. JONES, of Florida. I am done.

Mr. MCMILLAN. This is the improvement to which I referred in my remarks upon the appropriation for the improvement at the mouth of Saint John's River. I then stated that there was a second improvement in the State of Florida which in its character was an important one. But the demands of commerce are that the improvement shall be carried forward as rapidly as possible at the mouth of the Saint John's River; and if justice were done, in view of the requirements of commerce as they exist at present, the appropriation for Cumberland Sound would be omitted in the bill, and that amount would be transferred to the improvement at the mouth of Saint John's River. However, in order to keep the improvements which have been commenced at Cumberland Sound progressing in some degree, so that when the demands of commerce shall require it the improvement can be carried forward more rapidly, this appropriation of $75,000 is made.

The improvement consists of extending jetties in Cumberland Sound. The engineer in the last report says that the jetties are in a very satisfactory condition. Of course they could expend more. They estimate in favor of this improvement $600,000. They could expend any amount of money in carrying forward the jetties, but commerce does not require that the improvement should be finished at once. It does not require that it should be finished faster than we are at present carrying it forward. An increase of the appropriation, as proposed by the amendment, would render necessary a decrease of the appropriation at the mouth of the Saint John's River, not at this time but in future appropriations. It seems to me that both the interests of Florida and the interests of commerce require that the improvement at the mouth of the Saint John's River should go foward as rapidly as it can, and that this improvement having been commenced should receive sufficient attention to keep it from being injured until the other improvement is finished, or substantially so. Then this one can be taken up and carried forward with greater rapidity to its completion.

The improvements in Florida in the bill have received $286,000. There are a great many places that could be improved there. We could expend the whole amount embraced in the river and harbor bill on improvements in the State of Florida, but that is not the way to carry on these improvements, and we must exercise judgment in distributing the amount. I should be glad to appropriate greater amounts for these improvements. I should be glad to carry on both these improvements rapidly if it could be done in harmony with the interests of commerce, not only in that State but in other places. That is the only reason why I am opposed to an increase in the appropriation.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. In line 139, before the word "thousand," I move to strike out "ten" and insert "twenty;" so as to read:

Improving Apalachicola Bay, Florida: Continuing improvement, $20,000.

I shall not detain the Senate by referring to the reports, which are full, as to the necessity of this appropriation. Apalachicola Bay is the mouth of the Apalachicola River, which is made by the junction of the Chattahoochee and Flint Rivers. The Chattahoochee runs on the boundary line of the States of Georgia and Alabama, running far up into the north of Georgia and the northern portion of Alabama, and the Flint River runs through a large portion of Southwestern and Middle Georgia. Apalachicola was formerly one of the chief ports of the Gulf of Mexico for the shipment of cotton. It is becoming again a valuable port for foreign commerce. Large ships find entrance there and take from there square timber, sawn timber, and hewn timber, and it is becoming again a place of very great importance as a commercial port. I ask that the appropriation be increased to $20,000 in view of these considerations.

Mr. MCMILLAN. I must oppose the increase of this appropriation. For many reasons which I have already stated, the Senate should vote down the amendment. The statement of the improvement as it is contained in the reports of the engineers shows:

The amount expended to June 30, 1883, is $44,342.06, and has resulted in securing a channel seventy-five feet wide from the 11-foot curve inside the bar to the 9½-foot curve on the outside, thereby increasing the depth available for commerce from four feet to nine and one-half feet at mean low-water.

For the commerce which the Senator from Florida states exists there, this gives an ample channel at the bay for present purposes. The improvement going forward will be carried on rapidly enough with the appropriation of $10,000 for the coming year. Congress meets again in December; but a few months intervene before another appropriation bill will be presented to Congress for the improvement of rivers and harbors, and this amount will suffice for the interval.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. After line 139 of section 1 I move to insert:

Improving channel and harbor at Key West, Fla., $100,000.

I suppose this amendment will be refused as all the others have been. I will only say what everybody knows, that Key West is a terminal point of the territory of the United States; that it is the key to the Gulf of Mexico; that it is the place of refuge for all the vast commerce, amounting to several thousand million dollars, that passes between the Island of Cuba and the coast of Florida; and that any other government in the world would bestow upon it great consideration. In point of fact it has received little or none; but I shall do all in my power as long as I am here to obtain for it a just share of the benefits of the Government. It is a little island, from seventy-five to one hundred miles from the main-land, away out into the sea. It has a most industrious population—a population that contributes to the revenues of the country several hundred thousand dollars a year; and every consideration of national pride and of national interest and of the commerce of the whole country requires that this appropriation should be made.

Mr. MCMILLAN. From the amount expended here there is already a channel of eleven feet at mean low water, and there was available on the 1st of July, 1883, $23,573.12. That was estimated as sufficient to carry on this improvement. Of course Key West is an important place, but whether we should make an appropriation is the question presented to us. This amount will enable the engineers to carry forward the improvement sufficient for the present. The House committee considered this matter very fully and omitted it from the bill, and the Senate committee, after having given the matter full consideration, did not change the bill in that respect as it came from the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. After line 139 of section 1 I move to insert:

For improvement of the entrance to the Aucilla and Wacissa Rivers, Florida, $5,000.

I will only state that the estimate and the survey for this work will be found as far back I think as 1881 or 1882. It is sought to make this a place of shipment and water transportation to the county of Jefferson and a portion of Madison, in Middle Florida. These are large and valuable counties, the land in which is fertile and productive. As is stated by the report of the engineer, there is a large amount of Government land immediately adjacent to these streams.

Mr. MCMILLAN. May I ask the Senator where that report of the engineer is to be found?

Mr. CALL. It is to be found in the report for 1881 or 1882. I have the report here, but it would take some time to look it up. I shall not detain the Senate by examining the report. Perhaps it is as far back as 1879 or 1880. I could find it, but I do not care to detain the Senate. I wish to bring these tide-water streams on the coast of Florida to the attention of Congress, and to demand for them the consideration they have a right to as avenues to commerce on the high seas.

Mr. MCMILLAN. I ask that the amendment be voted down. I shall not detain the Senate with any further remarks.

The PRESIDING OFFICER. The question is on agreeing to the amendment by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. In line 514 of section 1, before the word "thousand," I move to strike out "five" and insert "twenty;" so as to read:

Improving the upper Saint John's River, Florida, $20,000.

I will only say that there has been a special report made by the Chief of Engineers, which was before the Committee on Commerce, as well as all the other reports relating to the amendments which I have offered, showing the necessity of these appropriations. There are not less than 100,000 people who every winter and year go from the different States of the Union to travel upon the Saint John's River. There is growing up a great commerce in tropical fruits in the counties of South Florida,

which is already beginning to supply the market in the United States. I have here the statistics of fruit entered for consumption at the port of New York for 1883:

Articles.	Value.	Rate of duty.	Amount of duty.
Cocoa-nuts	$200,637	Free	
Pine-apples	109,903	20 per cent	$21,987 60
Limes	575	10 per cent	57 20
Bananas	514,583	10 per cent	51,408 30
Grapes	8,741	20 per cent	1,748 80
Plantains	6,153	10 per cent	615 80
Green fruit	95	10 per cent	9 50
Lemons	677,999	20 per cent	135,599 80
Oranges	1,382,986	20 per cent	276,097 20
Total for six months ending June 30, 1883	2,910,715		488,075 00
Cocoa-nuts (count)	$194,249	Free	
Pine-apples	30,205	Free	
Limes	645	20 per cent	$129 00
Bananas	318,451	Free	
Grapes	291,161	20 per cent	58,232 20
Plantains	63	Free	
Green fruit	20,382	Free	
Lemons (count)	90,642	20 per cent	18,706 40
Lemons (boxes)	73,407	30 cents per box	115,958 00
Lemons (boxes)	1,907	16 cents per box	452 64
Oranges (count)	75,034	10 per cent	15,186 80
Oranges (boxes)	97,290	25 cents per box	21,530 25
Oranges (boxes)	596	13 cents per box	186 65
Oranges (barrels)	109,461	55 cents per barrel	26,843 30
Oranges (count)	210	$1.60 per thousand	74 90
Total for six months ending December 31, 1883	1,830,646		257,289 70

Total amount of value for the year 1883, $4,745,357, and of duty $745,364.74.

All of which will in time be supplied by Florida, and a large part find shipment on the Saint John's River.

This river requires some improvement. It is one of the finest streams in the world. It widens from three to seven miles, being a series of lakes running far south in the peninsula of Florida. It requires an appropriation to straighten it in order that steamers of large size, even those that come from the coast, from Savannah, from Charleston, may find access to the headwaters of the river as far south as Lake Monroe. I ask that the appropriation for this great river with its tributaries, having more than three hundred miles of navigable waters with the waters connected with it, be increased from the pitiful sum of $5,000 to $20,000.

Mr. McMILLAN. There is no very detailed report in regard to the improvement of this portion of the river. Any appropriation made under this description would be expended on the Saint John's River, the upper portion of it above Palatka where a smaller class of boats now navigate the river. In addition to this general amount of $5,000 which is appropriated for this improvement of the upper Saint John's there is another item contained in the bill under a different title: "Improving Caloosa Bar," which is also, I think, on the upper river, a particular locality at the foot or mouth of Lake Saint George; so that there are $7,000 appropriated in the bill to that portion of the river, and I think it is ample.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the amendment of the Senator from Florida.

The amendment was rejected.

Mr. CALL. In line 141, before the word "thousand," I move to strike out "fifty" and insert "one hundred;" so as to read:

Improving harbor at Pensacola, Fla.: Continuing improvement, $100,000.

I shall not detain the Senate more than a moment in regard to this amendment. The reports for many years, the reports of the Coast Survey, and the engineers' reports, the history of the country, all exhibit the importance and value of the port of Pensacola. Its foreign commerce amounts to several million dollars, and is all returned in money to this country. As has been well said, it is at all times a port capable of holding the navies of the world. It is being injured, according to the statement of members of the board of commerce and the committee appointed to investigate it, who are gentlemen of intelligence and high character, by the formation of an outer bar lessening the depth of water which can be carried into the port. At some times over two hundred foreign vessels are to be found in the harbor of Pensacola. All the large ships of the coast when they have occasion to seek a Gulf port go to Pensacola.

The future of the place, connected as it is by rail with the great iron and coal fields of Alabama, is one of magnificent promise.

While the estimate for the inner bar and the work contemplated by this estimate is $55,000 or about that sum, only a little more than the appropriations, yet it has been so carefully examined and the facts are so well attested both by the engineer and others in regard to the necessity of an additional appropriation for removing and widening the channel, that there can be no good reason why the additional appropriation should not be made and that immediately.

The necessity for liberal appropriation for this great harbor has been so often and so earnestly urged by both my colleague and myself on the committee and in the Senate and is so well known to Senators that I refrain from further observations in regard to it at this time.

Mr. McMILLAN. The item contained in this bill appropriates $50,000 for the improvement of this harbor at Pensacola. The estimate of the engineer is $55,000; so that the appropriation is within $5,000 of the entire estimate of the engineer. This is the only report we have in regard to this harbor. If there is any other new improvement to be undertaken it should be upon an examination and survey by the Engineer Corps.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida [Mr. CALL].

Mr. JONES, of Florida. Mr. President, as this amendment relates to a port with which I am somewhat familiar because it is at my own home, I desire to say a few words in regard to it.

It is true, as stated by the chairman of the Committee on Commerce, that the recommendation of the engineer is for $55,000 to complete the existing system of improvement with regard to that important harbor, and I think we ought to give that at least.

While I am on my feet I wish to say that in the country there is a misconception with regard to the manner in which appropriations under the river and harbor bill are made. Some people seem to think that we ought to be able to appropriate in Congress sums of money exceeding those recommended by the board of engineers. Well, under the rules of both Houses, I know enough of the workings of Congress to know that that can not be done. This is a very important harbor. I say it is the most important harbor south of the Chesapeake, and I do not exaggerate the importance of its commerce when I say that in point of tonnage it is almost equal to any in the Gulf of Mexico. Last year they had clearances from the port of Pensacola of five hundred and sixty-five vessels, three hundred and fifty-one of which went abroad. Think of it, Mr. President, in one year five hundred and sixty-five ships entered and cleared from the port of Pensacola. There is nothing local in that. While it is naturally a fine harbor, the board of engineers concede that some improvement is necessary to be made. They entered upon a system, an imperfect one as I think it is, but that system contemplated the expenditure of a given sum of money, and they said that to complete that system $55,000 would be necessary and could be expended during the present year.

If we are legislating on a broad national platform, so to speak, not with a view of doing things in a local way or merely distributing money from the Treasury to localities without regard to the advantage of commerce, let us give them what they ask. Nothing illustrates better than this the narrowness of the idea that prevails in reference to this bill that when it comes to a great harbor like this, with over five hundred ships entering and clearing from it in the course of a year, three hundred and fifty-one to foreign ports, no little trout stream, the Engineer Department say they have adopted a system of improvements for this harbor that requires the expenditure of $55,000 to complete it, and you give them $50,000 and leave off the $5,000. I say that I think we ought at least to give in this case the amount recommended by the Engineer Department. I ask my friend from Minnesota in all seriousness and candor if it is not reasonable under the circumstances to give the amount recommended to complete this existing project.

The PRESIDING OFFICER. The time of the Senator from Florida [Mr. JONES] has expired. The question is on the amendment offered by the junior Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. I move to insert on the same page, after line 141 of section 1:

For improving the harbor at Saint Augustine, Fla., $10,000.

Mr. HARRISON. Is that a new appropriation or is it simply an increase of one provided for in the bill?

Mr. CALL. It is a new appropriation.

Mr. HARRISON. Upon that I make the point of order that it is new legislation. I withdraw the point of order if it embarrasses anybody.

The PRESIDING OFFICER. The point of order is withdrawn.

Mr. CALL. I am obliged to the Senator. I merely want a vote of the Senate. I do not think there is anything in the point of order.

Mr. McMILLAN. I hope the Senate will vote down the amendment. It is a new item and there is no necessity for it.

Mr. CALL. Do I understand the Senator from Minnesota to renew the point?

Mr. McMILLAN. No; I do not renew the point. I simply ask the Senate to vote down the amendment.

Mr. CALL. This is a very important harbor. Like these others on the coast it may be made a place of refuge. It has a fine depth of water and is capable of being made a very safe and valuable entrance. It is a place where a very large number of people from all the States are congregating every year.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. Now, Mr. President, as the Senate will not consider

Florida in the Union, apparently, at least not in the river and harbor bill for any increase of appropriation, I move to insert in the list of surveys in section 8—hoping that there will be a time when we shall be able to obtain some consideration—on page 54, after line 36:

Charlotte Harbor, Florida.

Mr. MCMILLAN. There is no survey of that improvement, and I see no objection to the amendment.

The amendment was agreed to.

Mr. CALL. In line 3 of section 8, on page 54, I move a verbal correction. The name "Wekeira" should be "Wekiva."

The PRESIDING OFFICER. The orthography will be corrected.

Mr. CALL. On line 35 of section 8, on the same page, I desire to make another verbal correction. The name "Hermosassa" should be "Homosassa."

The PRESIDING OFFICER. That correction will be made.

Mr. CALL. I move to strike out line 36 of section 8, as follows:

Jupiter Inlet, on the Atlantic coast.

And in lieu thereof to insert:

For canal and inland communication from Saint John's River, through Musquito Lagoon and Indian River, to Jupiter Inlet and Lake Worth, Florida.

Mr. MCMILLAN. Will the Senator reduce the amendment to writing and let the Secretary have it? I presume there is no objection to the survey.

Mr. CALL. I will state that there has been a survey of the upper portion of Indian River and Musquito Lagoon, and the report is here. There is occasion, however, to have an estimate of the cost of the communication as far as Jupiter Inlet and to Lake Worth in the south.

The PRESIDING OFFICER. The Secretary has not yet got the amendment.

Mr. CALL. I will hand it up.

Mr. MCMILLAN. I do not understand the Senator to insert any appropriation for this survey.

Mr. CALL. No, sir; it is to go in with the other surveys.

Mr. MCMILLAN. I see no objection to it.

The amendment was agreed to.

Mr. JONES, of Florida. I said that it was not creditable to a great body like this to stand upon $5,000 in respect to an improvement like that alluded to a while ago at the harbor of Pensacola. The engineer in his report uses this language:

The sum of $55,000 can be profitably expended during the fiscal year ending June 30, 1885, in augmenting width of channel-way across the "inner bar," affording additional safety and facility to navigation, and in constructing the proposed works for restoring and preserving the west shore-lines.

The estimated amount, exclusive of appropriations already made for the entire completion of the existing project, is $55,000.

On page 70, line 140, we find—

Improving harbor at Pensacola, Fla.: Continuing improvement, $50,000.

I move to insert $55,000 instead of $50,000, to enable the Engineer Department to complete this project at a harbor where they have, as I said, annually five hundred and sixty-five ships clearing.

Mr. MCMILLAN. If that is the statement of the engineer it will be necessary for the Senator also to embrace in his motion to strike out "continuing" and insert "completing." This appropriation is for continuing the improvement. It will be necessary to strike out "continuing" and insert "completing."

Mr. JONES, of Florida. The engineer's report says:

The estimated amount, exclusive of appropriations already made for the entire completion of the existing project, is $55,000.

Mr. MCMILLAN. It will be necessary for the Senator, to make his amendment complete, to strike out the word "continuing," in the bill, and insert "completing."

Mr. JONES, of Florida. Say "for improving the harbor of Pensacola, $55,000."

Mr. MCMILLAN. The word "continuing" is in the bill. To accomplish the Senator's purpose he will have to strike out "continuing" and insert "completing."

Mr. JONES, of Florida. That is a mere verbal matter.

Mr. MCMILLAN. Still a very important change.

Mr. JONES, of Florida. This is a particular project.

Mr. MCMILLAN. It will be necessary in order to conform the amendment to the facts.

Mr. JONES, of Florida. This is a special improvement for that harbor.

Mr. MCMILLAN. The Senate are fully advised of what this improvement is, and of the report of the engineer. If it is the desire of the Senate to increase it to the full amount of the appropriation for completing the project, I submit that to the Senate themselves.

The amendment was agreed to.

Mr. VANCE. In view of the action of the committee and the indisposition of the Senate to make any change in the bill as reported, a Senator has very little encouragement to offer any amendment. Nevertheless, I feel it my duty to offer the following amendment: On page 20, line 464 of section 1, after the word "improvement," to insert "up to the mouth of the Uwharie River, in North Carolina," and in the same line to strike out "eight" and insert "thirteen," so as to make an increase of $5,000 for the Great Pee Dee River.

One word in explanation and I will not detain the Senate. The Pee Dee River is one of the longest in the South, having its source in North Carolina and flowing eastwardly and southwardly a distance of seven hundred miles, emptying into the Atlantic. Some years ago Congress undertook to improve this river from its mouth up, and the sums which have been appropriated for that improvement have been very small and the work of course proceeds very slowly. It has not yet reached to the line between North and South Carolina.

The dwellers on the banks of the Pee Dee in my State are anxious that some recognition should be made on the part of Congress of that portion of the river within North Carolina, and of the intention of Congress eventually to improve it, and therefore I ask that these words be inserted, continuing the improvement up to the mouth of the Uwharie, in North Carolina, and increasing the appropriation only $5,000, making it $13,000 for the whole improvement. That portion of the river in North Carolina flows through a magnificently timbered country, and even a very small improvement which the $5,000 would be capable of making would afford facilities for transporting timber from a region whose chief wealth is in timber.

I trust that the chairman of the committee will yield to such a modest and reasonable request; but if he should continue to harden his heart and disregard the "signs and wonders" which point to the importance of that stream, I hope the Senate itself will take it in hand and will vote this small appropriation for the purpose which I have indicated.

Mr. MILLER, of New York. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 464 of section 1, after the word "improvement," it is proposed to insert "up to the mouth of the Uwharie River, North Carolina," and to strike out "eight" and insert "thirteen;" so as to read:

Improving the Great Pee Dee River, South Carolina: Continuing improvement up to the mouth of the Uwharie River, North Carolina, $13,000.

Mr. MILLER, of New York. If my memory serves me aright, this is a proposition in effect to declare the river up to that point navigable which is not now navigable, and I believe there have been some persons here and some petitions presented for this purpose, stating as the reason for improving the river up to this point that there has been a great cyclone, a great deal of timber has been blown down on the banks of this stream, and it is necessary it should be somewhat improved in order that the timber may be cut up and floated down. That is, I believe, the representation made to some members of the committee. I do not know as to the truth of this; but it is a proposition to go further up this river to a point where it is not now navigable by expending money upon it to make it a public highway.

I submit that it is proper for the Legislature of the State of North Carolina to do that. If it is desired to make this stream a public highway and use it for the purposes of lumbering the State ought to expend the extra money and ought to make it a public highway by an act of the Legislature and not ask Congress to do it.

The present expenditure upon the river is made about in the proportion that the other appropriations have been made, and it was thought to be entirely sufficient. But certainly the Senate does not desire to go any higher up this stream, for if we go much higher up I fear we shall get into the region of the trout about which the Senator from New Jersey [Mr. MCPHERSON] has spoken so feelingly this morning. In improving this river we had better hold our improvement to the lower part of the river where it is really navigable, where it is of value, and where the object of expenditure is not simply to float logs down stream.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina [Mr. VANCE].

The question being put, the amendment was declared to be rejected.

Mr. VANCE. I ask for a division. I did not know the vote was being taken.

The PRESIDING OFFICER. The Senator from North Carolina asks for a division.

Mr. HOAR. Had not the Senator better renew the amendment in the Senate? Having a division requires the summoning of absent Senators. There was but one "ay" on the vote taken.

The PRESIDING OFFICER. It is suggested that the Senator from North Carolina can take the question as well in the Senate, and taking it now will involve the necessity of summoning Senators.

Mr. VANCE. Very well, sir.

The PRESIDING OFFICER. The amendment is rejected.

Mr. HOAR. I move to amend the bill on the fifty-ninth page, after line 113 of section 8, by inserting:

Harbor at Hyannis, with a view of deepening the harbor.

This is a proposition for a survey, and I have received by mail this morning a petition signed by a considerable number of shipmasters and other principal citizens there asking that this survey be made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. RANSOM. I beg leave to offer the following amendment—it is not for North Carolina. At the bottom of page 20 I move to insert:

Improving Saint Jones's River, Delaware: Continuing improvement, $10,000.

Mr. SAULSBURY. I desire to say that the amendment was offered by the Senator from North Carolina at my request. There is no appropriation made for my State south of New Castle, which is twelve miles from the northern line of the State. Below that point we have some ten different navigable streams emptying into Delaware Bay and one emptying in the Atlantic Ocean.

The report of the engineers shows that there is nearly a million dollars of commerce on the Saint Jones's River. There has been already an appropriation made in 1881 of $5,000 which the engineer has not used for the purpose appropriated. Two years ago the committee very kindly and the Senate put on an appropriation of $10,000, but it was dropped out in committee of conference. I have introduced the same amendment and the Senator from North Carolina by my request has offered it for $10,000. I have not gone before the committee to ask for an appropriation for my State, and I never shall do so. Wherever the engineers' reports are favorable I will call the committee's attention to the reports.

The report of the engineers in this case shows that this river floats a commerce of a million dollars, and if there were certain improvements made and the bar removed at the mouth of the river, there would be a very considerable increase of this commerce. The engineer's report will show the estimate as to the commerce of the river for which I have been trying to secure an appropriation for four years.

Perhaps if I had gone before the committee, as some persons have, clamoring for these appropriations, I should have had them, but I have not seen proper to do that. The Senate should act upon the merits of the proposition, as I hope it will.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina [Mr. RANSOM].

The amendment was agreed to.

Mr. CONGER. In line 240 of section 1, on page 11, after the word "improvement," I move to insert "including dredging in the harbor;" so as to read:

Improving harbor of refuge, Sand Beach, Lake Huron, Michigan: Continuing improvement, including dredging in the harbor, $75,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan [Mr. CONGER].

The amendment was agreed to.

Mr. GEORGE. I want to make a small amendment to this bill. I move to strike out the word "one" and insert the word "two" in line 938 of section 1, on page 39; so as to read:

Continuing improvement, $2,250,000.

Mr. McMILLAN. This is increasing the Mississippi River appropriation $1,000,000 in addition to the $1,000,000 already appropriated.

Mr. GEORGE. Four million six hundred and seventy-five thousand dollars was estimated for, and $250,000 appropriated by this committee is for damage that has occurred since the estimate was made, so that it is about $2,000,000 short.

Mr. McPHERSON. May I inquire of the Senator from Mississippi how much has been appropriated for the Mississippi River?

Mr. GEORGE. The appropriation stands, if this bill passes as now drawn up, $2,250,000 for the Mississippi River, of which sum $250,000 by an amendment made by the committee is specifically appropriated to Memphis Harbor and to repairs and damage occurring since the estimates were made by the Mississippi River Commission, so that in fact $2,000,000 is appropriated.

Mr. McPHERSON. The Mississippi River drains almost an entire continent. It is capable of floating the products of twelve or fifteen of the great States to tide water, and this is about the first appropriation Congress has made looking to an improvement of that river in a mode likely to be beneficial. Complaint is made——

Mr. MILLER, of New York. Let me ask the Senator a question. The Senator asked for the amount appropriated in this bill for the Mississippi River. The Senator from Mississippi replied $1,000,000. He should have stated that early in the session we passed a special bill appropriating $1,000,000.

Mr. McPHERSON. That has already been stated. I should like to compare the appropriations made for a single State in this bill, which I suppose has been very carefully considered by a very enlightened committee, one disposed to do exact justice in every case, with what is asked for here to improve the Mississippi River, running through several great States and carrying the products of many more over its bosom to tide water. Let me take the single State of Michigan, an interior State, bordered in no respect by any water, except the lakes, having but few rivers, and certainly not any of them that I think would be very much benefited by such improvements as it is proposed to make. I find the little State of Michigan this year has in this bill appropriations of $744,500 which I have footed up. I do not know how much more. I have counted that much of appropriations in the bill. What is it for? Look on page 10 of the bill:

Improving ice-harbor at Belle River, Mich.: Continuing improvement, $2,000.
Improving harbor at Black Lake, Mich.: Continuing improvement, $15,000.
Improving harbor at Charlevoix and entrance to Pine Lake, Mich.: Continuing improvement, $10,000.
Improving Pent Water Harbor, Michigan: Continuing improvement, $15,000.

This last item the honorable committee saw fit to put in the bill as an addition to that already proposed by the House.

Improving harbor at Cheboygan, Mich.: Continuing improvement, $5,000.
Improving harbor at Frankfort, Mich.: Continuing improvement, $5,000.
Improving harbor at Grand Haven, Mich.: Continuing improvement, $50,000.
Improving harbor of refuge, Sand Beach, Lake Huron, Michigan: Continuing improvement, $75,000.
Improving harbor at Ludington, Mich.: Continuing improvement, $10,000.
Improving harbor at Manistee, Mich.: Continuing improvement, $10,000.
Improving harbor at Muskegon, Mich.: Continuing improvement, $20,000.
Improving Grand Marais Harbor, Michigan: Continuing improvement, $35,000.

The last is also a new item which the Senate committee has seen fit to put in.

Improving harbor at Ontonagon, Mich.: Continuing improvement, $15,000.
Improving harbor at Saint Joseph, Mich.: Continuing improvement, $15,000.
Improving Marquette Harbor, Michigan: Continuing improvement, $5,000.
Improving harbor at Saugatuck, Mich.: Continuing improvement, $4,000.
Improving harbor at South Haven, Mich.: Continuing improvement, $7,500.
Improving harbor at White River, Mich.: Continuing improvement $10,000.

I should like to ask if there are any more harbors in that State or if it is possible to locate any more along its borders? Still further I find:

Improving harbor of refuge at Portage Lake, Michigan, $12.500.

Two entire pages of the bill are covered with improvements for a State lying way in the interior, and for no purpose in the world except to improve little harbors along the shores of the lakes. Now, go further. I call your attention to the twenty-ninth page of the bill.

Improving Detroit River, Michigan: Continuing improvement, $200,000.

The House had appropriated $100,000, which it considered sufficient I suppose, but the Senate committee very generously have doubled it and made it $200,000.

Improving Hay Lake Channel, Saint Mary's River, Michigan: Continuing improvement, $125,000.
Improving Saginaw River, Michigan: Continuing improvement, $50,000.
Improving Grand River below Grand Rapids, Mich.: Continuing improvement, $25,000.

Then here comes again another item inserted by the Senate committee:

Improving mouth and harbor of Cedar River, Michigan: Continuing improvement, $15,000.

I know not how much more this bill contains for the State of Michigan, but certainly I have figured up here appropriations amounting to $744,000. I do not like to draw comparisons. I suppose that the State of Michigan is represented on the Committee on Rivers and Harbors. I know that the State of New Jersey is not, either in the House or in the Senate. We have more harbors, we have more water courses leading to the ocean, we have more need of improvements, and every dollar of money expended in that State is worth more to the general interests of commerce and navigation than it possibly can be in the State of Michigan. I think no Senator will dispute this.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired. Is there objection to his continuing? The Chair hears none, and the Senator will proceed.

Mr. McPHERSON. Now, Mr. President, I have thought at some time during my service in the Senate a river and harbor bill might possibly be constructed upon ideas of justice sufficient to encourage me in voting for it. I have never yet been able to vote for one; and seemingly, if this is a sample of river and harbor bills that we are asked to support, I never shall be able to give the bill my support, certainly not this bill. A bill which undertakes to take from the public Treasury $744,000 to improve harbors on the coast of Michigan is wrong, and every Senator must see it.

Mr. HOAR. I should like to ask the Senator a question. I am not very familiar with these things, but I have been told that there passes up and down Detroit River alone a tonnage greater than enters Liverpool annually. Is not that true?

Mr. McPHERSON. I know nothing about the tonnage of the Detroit River. I have criticised no appropriation for the Detroit River. I never would criticise an appropriation to make the Detroit River what it ought to be for the commerce of that part of the country. I have never criticised an appropriation for the Mississipppi River, for the Hudson River, or for any of the great national water ways of the country, or appropriations to improve the national harbors. I have never criticised an appropriation for Boston Harbor, New York, Baltimore, Philadelphia, or any other harbor in the country, where I think it is just and proper to appropriate money for the purpose of increasing the commerce of the country. But when you undertake to surround a State with harbors and then take from the public Treasury six or seven hundred thousand dollars to improve them to the loss of other parts of the country, I am opposed to it.

The Committee on Commerce to-day have diligently and studiously avoided allowing any appropriation to enter into this bill that has been moved by gentlemen on this side of the Chamber, and also upon the other side. My own colleague asked for an appropriation of money, not $200,000, nor $2,000,000, but forty or fifty thousand dollars to improve a water way, as he stated, over which more commerce passes

than the whole foreign commerce of the port of New York, and it was not allowed.

Mr. McMILLAN. The Senator will remember that the amendment was allowed to the amount of $35,000.

Mr. McPHERSON. You did give him $35,000.

Mr. McMILLAN. The amendment was carried for that amount.

Mr. McPHERSON. Very generous! I thank you for it.

Mr. McMILLAN. The Senator undertook to state a fact. I merely corrected him.

Mr. McPHERSON. Now, Mr. President, if this is to be our mode of legislation, if river and harbor bills are to be constructed by a Committee of Commerce, if the State of Michigan can obtain an appropriation of $744,000, taking into consideration, as I want every Senator to do, her right to ask for it, and if other States are to be left entirely unprovided for in the bill, if when the bill reaches the Senate and the Committee on Commerce have the power, as they seemingly have in this body, to resist any just appropriation of money for any other portion of the country not named in their bill, then it is about time that the country understood it. I say, and I say it without meaning to be offensive to anybody, if there ever was such a thing as a swindle upon the country, it is the river and harbor bills that have been passed by Congress in the last five or six years. I do not criticise this one as any worse than the others, but I can not credit it with being any better.

Mr. President, I simply wish to call attention to this fact as the Senator from Mississippi was calling for an appropriation of money entirely out of proportion to the amount given to one single State, the appropriations for which I have read from the bill, and it was immediately objected to by the honorable chairman of the committee. We are informed that upon the Mississippi River a certain sum of money may be judiciously expended and can be during the present year; but every dollar asked for by the friends of the measure, by all the great States whose rivers drain into the Mississippi River and whose commerce and products are carried by its waters to the Gulf are opposed at every step by the Committee on Commerce. The answer is, "It will make the bill too large." But when we examine the bill we find that $744,000 to the State of Michigan is not too large.

Mr. CONGER. Mr. President, for a gentleman who never votes for an appropriation of a cent for rivers and harbors but condemns the whole system, even in his own State, where his people are beseeching the Committee on Commerce to make appropriations for them, and who repudiates their wishes, and by his action and by his votes tells his constituents that they have mistaken their business, the speech of the Senator from New Jersey is very characteristic and very amusing. When I took occasion to speak a while ago about the actual necessity of the Raritan River improvement to show what the committee thought in regard to it, the flash of lightning came clear across here to my seat from the Senator's eye because I opposed a little appropriation that would improve the tolls of a company in his State. I may say here that the whole State is threaded with monopolies that charge commerce and navigation and passengers and freights more tolls than any other State in the United States. That is the system on which they keep up their improvements there.

I am willing any Senator should attack an appropriation for the State of Michigan if he has read one line in regard to it, or can make one objection, or can show any impropriety in it in the least. I do not ask for a decent reason. I do not ask for a sufficient reason. I ask for a little shadow of a reason; and yet a grave Senator, without knowing what an appropriation is for in the whole list that he reads, attacks the amounts. Why, sir, on the Detroit River which he attacks in the first instance because it has $200,000 appropriated to it, there are 45,000 passages of vessels in the season of navigation of eight months —45,000, of an average tonnage exceeding five hundred to the vessel.

The daily passages over the lime-kiln obstructions in the Detroit River for which the appropriation is made are between two hundred and seventy-five and three hundred every day of the summer months. The great ships and propellers and barges bearing the whole commerce of the Northwest, Minnesota, Iowa, Wisconsin, Illinois, Northern Indiana, Northern Missouri pass down the great chain of lakes, and they all pass through this Detroit River.

The Senator thinks there is no water up there. He says more boats pass on the Raritan River than go into the harbor of New York. Sir, the entries and clearances in the harbor of New York are between thirteen and fourteen thousand in a year; and yet at the point where this obstruction of navigation exists in the Detroit River there are 45,000 passages of vessels in a year—in a year of eight months of navigation.

Mr. McPHERSON. Will the Senator yield to me right there for a question?

Mr. CONGER. Yes; I guess so.

Mr. McPHERSON. Not having criticised, as I distinctly disavowed my intention to do, the appropriation to the Detroit River, perhaps he will pass from that subject.

Mr. CONGER. The Senator commenced with that with a flashing in his eyes that first induced me to retire from the Chamber, and then my natural pluck called on me to remain and hear the attack which he had to make upon my Western State.

Mr. McPHERSON. I think I said, if the Senator will bear with me again, in answer to the Senator from Massachusetts, that I did not object to any suitable appropriation for the Detroit River, but one thing I did notice, that it was doubled over the amount as it came from the House.

Mr. CONGER. I ask leave to continue beyond the five minutes. I can not in five minutes say what I want to say and have the time occupied by the Senator whose time was extended.

The PRESIDING OFFICER. Is there objection to extending the time of the Senator from Michigan? The Chair hears none and the Senator will proceed.

Mr. CONGER. I accept the apology of the Senator from New Jersey in regard to the Detroit River, and in behalf of the Senate I hope it may be accepted, and with all the humility, characteristic of him, with which the Senator made it.

I go to another thing, the item for Hay Lake Channel, the great channel which this Government has had surveyed and examined to make a straight and feasible channel from Lake Huron to the great canal at the Sault Falls, of $125,000. Sir, there is carried from Lake Superior in copper and iron alone every year more value than ever was seen on the Raritan River. Talk about the Raritan River and its little lot of skiffs and canal-boats! We know about that. Numbers swell up very large, but it is a kind of pony navigation; it pays toll. Our rivers of the West for many hundreds of miles of navigation, for great ships drawing sixteen feet of water, whenever the limestone across the Detroit River is removed, are free, free to the world, free to the East, free to the West, free to the North, and free to the South. Sir, we have lakes and harbors in the little inland State of Michigan into which we could bury New Jersey with its Raritan River far from human sight and knowledge. But we do not want to bury it there.

I read this morning in a paper that the whole coast of New Jersey was settling at the rate of four inches in a hundred years. With the settling of that coast the harbors will be deepened; with the settling of the coast the tide will run in on the Raritan and allow boats that draw six and five and four feet of water to get every hundred years four inches more.

Sir, on the theory of the Senator from New Jersey, voting forever and perpetually against any improvement of the interior navigation of the United States, the people of this country, if they adopted his views, would wait for this providential subsidence of the eastern coast, not that we might dig out and dredge and improve the navigation of the rivers, but that as the earth settled the water would come in and make deeper channels of communication; and that same spirit would wait for the subsidence of the coast of New Jersey to improve its harbors, for the Senator says he never has voted and never will vote for one of these river and harbor bills.

Sir, I thank God that he does not represent the intelligence, he does not represent the spirit of progress, he does not represent the demands of the people of the United States in this year or any other year of its existence. With his spirit there would have been no increase in the United States; with that spirit the great rivers and harbors of the West would have been without sails and without commerce and without settlement along their borders—a Sleepy Hollow sentiment that waits and waits and lets others vote appropriations to improve even one's own State. But I have stated all I desire upon that subject.

The Senator objects to the sum of $40,000 for the Saginaw River, $20,000 above Bay City and $20,000 below. There pass out of that harbor at the mouth of the Saginaw River 627,000,000 feet of lumber every year. Think of 627,000,000 feet of lumber! I could shingle New Jersey with it. [Laughter.] I could lay the rafts that go out of that river on all the waters of New Jersey upon which you could drive coaches without the water spattering up through the cracks. [Laughter.] The lumbermen of my State, in the forests cutting down the trees along the rivers and making the logs into lumber at the mills, every year manufacture 4,000,270,000 feet of lumber, and it all has to go out of these different harbors.

These harbors, to each of which is given five or ten or fifteen or twenty or forty thousand dollars, are of great importance. The money is used to remove bars between the lakes and the little interior mouths of the rivers, so that there may go these millions of feet of lumber out to supply the wants of the West and the South and the East. I need not dwell on the statistics of its wheat, the largest winter-wheat-growing State in the Union. Michigan is a little inland State! It is the seventh State in the Union in its wool production, but it is a little inland State! It is the eighth State in the Union in its production of cattle, and the eleventh in its production of horses, but it is a little inland State, that little Michigan of ours! Why, sir, New Jersey is a good deal of a State, but its whole production could not only be quadrupled but could be multiplied by twenty-five, old as it is and great as it is, and it does not begin to reach the magnitude of the productions of that little inland State of Michigan.

Now, sir, I invoke the Senator from New Jersey to look at his geography a little. The exhibition of to-day reminds me, as it does many of my fellows around me, that that branch of study has been sadly neglected. Sir, the coast line, following the large bays around the coast of Michigan where vessels drawing twelve feet of water can go around and

approach the shore, is longer than that of any other State in this Union. We have bays there, that we do not call very large bays either, that have more coast line than all New Jersey. We have bays in Michigan in which, as I said before about our lakes, we can hide New Jersey from the eyes of man. Michigan is bounded by Lake Erie, Lake Saint Clair, Lake Huron, Lake Michigan, and Lake Superior. All but one of that magnificent chain of lakes that is the admiration of the world border on the State of Michigan. That it is productive, that it is fertile, that its mines exceed those of any other land, that its fisheries are the most productive of those of any State of this Union, that the amount of pine cut in that State exceeds that of any other two States in the Union, that it has for itself a great commerce can not be disputed by any one who has at all read its history.

But, sir, it happens that the Detroit River and the Saint Clair River and the Saint Mary River connecting those three great lakes, Superior and Huron and Erie, and the Straits of Mackinaw, connecting with Lake Michigan, all lie within the State of Michigan. Of the amount appropriated in this bill $573,000 are for works in which the State of Michigan is no more interested than New York or Pennsylvania or Ohio or Illinois or Wisconsin or Minnesota. These great expenditures are to improve the great natural highways, national highways, and unfortunately for the Senator from New Jersey he has attacked appropriations which are more purely national in their character and grand in their character than can be found in any other State in this Union. He has chosen that perhaps from a little pique because I made some remarks about the Raritan and the canal and the tolls imposed by the State of New Jersey, not only on canals but on everything else, and the Senator was offended. Sir, I do not blame him. I do not regret the exhibition of feeling he has shown here. I do not regret his announcement in attacking this bill that he opposes all river and harbor bills. I desire that the country shall know who opposes the progress unto destiny of this nation of ours. I desire the country to know who stands by railroad monopolies and refuses to improve the great highways of the people which are free to all. That question is crowding upon the consideration of the American people day by day. The people know well that the improvement of their water courses upon which the boat, the vessel, large or small, of any one of our citizens may float, carrying off to market the produce of others of our citizens, is the great restraint to-day and in all time will be upon such monopolies as can grind down the farmer and compel the disapproval of the agriculturist all over the land.

If I had time and could briefly review the history of our internal-improvement system in improving rivers and harbors, I could show you the waste places which have become settled and alive with industry and with immigration and with growth. If I had time I could show that just in proportion as these improvements have spread out through the States and up our rivers and along our lakes and along our coast the country has prospered—prospered beyond all example, infinitely beyond the meager appropriations which we have been compelled to dole out from year to year because we did not desire to make an appropriation bill for this purpose too great in any one year. Had I the time to explain even briefly these things I should give the whole history of the growth and the expansion and spreading out of our country from the East to the West, its harbors, its cities, its villages, its waste places made fruitful. I assert here—and I have studied that subject—without any fear of contradiction that just in proportion as the General Government has opened these larger and smaller highways of travel and the course of the natural channels of communication with which Providence has blessed our great country, in that same proportion the country has grown and prospered and become settled.

Sir, I have said that whatever sum—and I have not footed it up—the Senator from New Jersey charges as being appropriated to the State of Michigan, $570,000 of it by my list is for great national highways, for the straits in the rivers, for the channels through which the vessels of all the States pass freely. Why, sir, the lime-kiln obstruction in the Detroit River does not even lie in the State of Michigan. Half of that obstruction to be removed lies in the waters of Canada. The middle of the channel is the dividing line, and we had to make a treaty with Canada to get a right to deepen that part of the channel to make a great highway between the upper and the lower lakes, between the great West and the great East.

Ah, sir, considering the amount of cost, considering the great number and great amount of these appropriations which are for great national highways with which the State of Michigan has only to do because they pass along its borders on the boundary line between us and the Canadas, and considering that this appropriation is less than 6 per cent. of the whole appropriation in this bill, less than one-sixteenth of the whole, with all its great boundary of water and with all the States that are interested in it, I submit to the gentleman that he had better continue making his apologies for attacking the State of Michigan, and for myself it may be proper to say I will accept them most cheerfully and not renew again this discussion.

Mr. HOAR. Mr. President, I had desired at some time——

Mr. McPHERSON. Will the Senator yield to me a moment? I think perhaps I ought to say a word in reply to the Senator from Michigan.

Mr. HOAR. I will yield to the Senator.

The PRESIDING OFFICER. The question pending is on the amendment offered by the Senator from Mississippi [Mr. GEORGE] upon which the Senator from New Jersey has already addressed the Senate.

Mr. McPHERSON. I wish to say only one word in reply to the Senator from Michigan, but if the Senator from Massachusetts wishes to hold the floor——

Mr. HOAR. I will hold the floor but yield to the Senator.

Mr. McPHERSON. I will not take more than a moment. I do not suppose the Senate expects me to reply to the Senator from Michigan in terms such as he has employed.

If any Senator will take up like appropriation bills in former years and will study carefully the CONGRESSIONAL RECORD when such bills have been under consideration, he will find the speech of the Senator to-day. I have heard it and read it often. Perhaps the only misfortune about the matter, if there be any at all, is the fact that the Senator from New Jersey to-day has seen fit to attack the provisions of this bill in the case of the State of Michigan, which I think have been placed there, perhaps I may justly say, very largely through the influence of the distinguished gentleman himself upon the committee from that State.

But there is one thing I find the Senator is an adept in doing. Whenever he gets himself in a difficult position like the one he seems to be in to-day his only way out of it is by violent denunciation and extravagant gesticulation. He comes down to the front row in the Senate, and there he spreads the American eagle and denounces anybody and everybody who will not vote for river and harbor bills.

The Senator must not undertake to say that I am disappointed with the meager appropriation given to the State of New Jersey. I am entirely satisfied. I should be better satisfied, however, if the appropriations made for that State were in any measure proportioned to the appropriations given to the State of Michigan. I should be better satisfied if the appropriations made for other States were in some measure proportioned to the appropriations made for his State.

I will not undertake to reply to the Senator's so-called argument or speech. To do so would be to lose my own self-respect in a measure, and certainly the respect of the Senate.

Mr. HOAR. Mr. President, I have desired at some time during the progress of this bill to express some views upon the general policy in regard to the improvement of the internal water ways of this country, and I am informed by the gentlemen who have the bill in charge that it would perhaps be more agreeable to them and more convenient to the Senate that I should take this opportunity.

I do not expect to address the Senate on the pending amendment to which alone the five-minute rule applies under the order, and I should like, therefore, to extend my remarks beyond five minutes.

Mr. McMILLAN. Let the time be extended by unanimous consent.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOAR. Mr. President, I wish to express my views of the relation of the National Government to domestic commerce.

I am one of those persons who believe the powers conferred by the people on the National Government were created to be exercised. There is no economy in wasting strength. Nothing is so extravagant as suffering great public properties to remain unused. Great as have been the achievements of the American people in developing the resources of this continent for the use of man, there are far greater resources still unused, which the power of the nation alone is adequate to unfold. Nothing stands in the way of our contesting again with Great Britain her supremacy on the sea, of taking our rightful and leading place in supplying the markets of the world as well as bringing together the distant parts of our own territory, and multiplying many fold our agricultural and mineral wealth, but the want of a discreet and liberal exercise of the powers vested in Congress for this very purpose.

There are two difficulties which we encounter. The first is from that school of statesmanship which dreads and resists every exercise of the functions of government not absolutely necessary for the preservation of the state and the security of life and property. The other is from a widespread popular belief that this class of expenditures is dishonestly made. But the theory of the strict constructionist, however it may be vindicated by experience, in regard to many of the relations of government to the people is surely out of place here. Government has its police powers; it exercises its authority for restraint or for exaction over the individual human will. The use of such powers should be confined to the limits of absolute necessity. They become odious to those who are subjected to them. They are the instruments of tyranny and the temptation of ambition. Let these powers be limited by a construction as strict as may be compatible with the absolute safety of the state. The maxim "the world is governed too much" is the witness of the experience of mankind of their abuse.

But to the power to regulate commerce no such objection applies. It is wholly beneficent. It is a senseless and unreasoning fear which dreads putting forth the national strength in these great public works through which every artery and vein of commerce throbs with a new

life. Surely if we can call the great inanimate forces of nature into the service of man we may rightfully avail ourselves of the united strength of the 50,000,000 who make up the Republic to build great public ways, to aid the railroad, to open the harbor on lake or ocean, to clear the channel of the great river for the commerce of the world. Under this generous and wise policy taxation itself, everywhere else a burden, becomes only a source of wealth. The agencies of destruction are turned to the protection of works enduring as the continent itself. The great engineers of the Army, relieved from the employments of war, turn their genius in a new direction—

> Bid the broad arch the dangerous flood contain
> The mole, projected, break the roaring main;
> Back to his bounds their subject sea command,
> And roll obedient rivers through the land—
> These honors peace to happy nations brings;
> These are imperial arts, and worthy kings.

If any construction of the Constitution can be considered as settled by legislative precedent, by general consent, and by the opinions of the great leaders and authorities of all parties, it is this: That the power to regulate commerce among the States has been vested by the Constitution in Congress as completely as it before existed in the States; that it includes the power to facilitate commerce by all appropriate public works; and that it is a power granted not for purposes of limitation or restraint, but as a beneficial power to be freely exercised. Mr. Calhoun, of all our statesmen the most jealous of national authority, declares in his report of June 26, 1846:

> It was not to limit or prohibit it as a power of a dangerous character. On the contrary, it was regarded as one of the utmost utility, and on the proper control of which the prosperity of the States essentially depended.

Mr. President, it is not from constitutional scruple that we hesitate to employ for the public advantage the beneficent forces which the Constitution places in our hands. It is the fear of a wild and unreasoning public outcry. I state the result of careful observation and of large experience in legislation here when I affirm my belief that Congress has not dared to deal with the question of restoring our carrying trade by sea, with the question of creating and maintaining a navy, or with this matter of developing our great internal public ways in the spirit of a true wisdom or a true economy. We have not only not dealt with them as other great nations deal with them, but we have not dealt with them on sound principles, as a private man with like interests and resources would deal with them.

Mr. Webster declared in 1824:

> High rank among the nations results more than from anything else from that military power which we can cause to be water-borne, and from that extent of commerce which we are able to maintain throughout the world. (See Webster, volume 3, page 134.)

The United States, with its 18,000 miles of seacoast, is no longer a naval power. Your flag carries with it no terror at sea, for you have neither guns nor ships of war to support it. You are not only without the means of making yourselves formidable by attack, but you could not without a long period of preparation defend your own coasts. It is not England or France, Italy or Spain only with whom you are bound over by your own weakness to keep the peace. You could not if you would have supported the policy of the last Secretary of State in regard to the American continent. It is doubtful if you had the naval force to prevent Chili from laying San Francisco under contribution in case she had resented our interference.

An eminent naval officer was called on to respond to the toast to the Navy at the meeting of the Army of the Potomac in this city last summer. I do not envy him if the report I have seen of his speech be true, as I have no reason to doubt, when he was compelled to answer the suggestion that we must depend on torpedoes and not on sailors for the safety of our chief cities:

> Rear-Admiral Rodgers, responding to the third toast, "The Navy," alluded to the co-operation of the naval with the land forces during the war. Speaking of the Navy of to-day, he said:
> "So far as I know, we have not even one good gun of modern caliber ashore or afloat, in the Army or the Navy. What is more, I fear we have no trained artisans nor any forges to make guns. Our old cannon are as obsolete as the flint-lock muskets of 1812, and we have not one efficient ship of war. England is at this moment building twelve great ironclads, France sixteen, and the Italians two of the largest ironclads in the world, and we, in this rich country, with its enormous seacoasts, have been standing idle."
> General ROSECRANS, who sat near the speaker, suggested that this country depended on torpedoes. Admiral Rodgers immediately took issue with him, and said that while torpedoes were not implements of warfare to be disregarded, they were an utterly unreliable power, and their greatest value is in their moral effect.

Mr. Webster declared at Charleston in June, 1825:

> We have a commerce that leaves no sea unexplored; navies which take no law from superior force.

Is this true of our 50,000,000 to-day?

The delusion that the absence of American shipping from the ocean is due to the rebel cruisers and the encouragement of rebel cruisers by Great Britain is refuted by statistics. In 1868, four years after the Alabama went down in the British Channel, the American registered tonnage was 1,565,732; in 1882 it had fallen to 1,292,294; a loss of 273,438. In 1858 the registered steam tonnage was (American) 221,939; in 1882, 154,570; a loss of 67,369.

The percentage of American, British, and total foreign tonnage entered at seaports of the United States from foreign countries was:

	1868.	1882.	Difference.
	Per cent.	*Per cent.*	*Per cent.*
American	44.26	20.25	24.01
British	42.15	52.40	.....
Foreign	55.74	79.75	.....

In 1856 the American percentage was 71.56; in 1861, 66.35; in 1882, 20.25.

The secretary of the National Board of Trade, from whom these statistics are taken, well says:

> A few years hence, unless adequate measures of relief shall be promptly applied, we shall have no carrying trade whatever upon any ocean; on the Atlantic we can hardly be said to have any now.

Great Britain owes the establishment and maintenance of her ocean steamship lines to a liberal system of subsidies. Even now when her great steamship lines are established in their command of the world's carrying trade she pays out for ocean mail service a considerable sum annually more than she receives in postage.

I do not fail to appreciate the gravity of other objections to a system of subsidies, nor do I deem it for the interest of the United States to maintain a large navy. Still less would I put myself in opposition to that wise and healthy public sentiment which demands a rigid economy in expenditure. No dollar of the public money should be taken from the Treasury unless for a purpose which would command the assent of the people when the facts and reasons were known. But the American people are entitled to have their great business interests dealt with by statesmen who are not constantly flinching and cringing; who are not afraid that their public and personal character can not stand against senseless imputations of dishonesty. If the Congress be a den of thieves let us abandon our Constitution. Certainly the Republic is a failure if it can not wield those national forces which are solely peaceful and beneficial because of the iniquity and corruption which must attend their exercise.

Who can doubt that a sovereign like the half-savage Peter the Great or like the accomplished Emperor of Brazil would largely increase the value of our product to the producer and reduce its cost to the consumer by moderate and judicious expenditure in removing the obstructions to transportation? What I complain of is not that we do not adopt the methods of other nations. Our own may be better. I do not now complain that we do not imitate Great Britain in the policy by which she has gained and preserved the sovereignty of the seas. I do not now complain that we do not create a navy. I am not at this moment complaining that we have neglected the lessons of our own experience and the conclusions of our wisest and most thorough investigators. But I demand that we shall consider all these things on their merits; that we shall treat them and discuss them and vote upon them as things that may be honestly done or honestly let alone. I would insert in the river and harbor bill no single item the public usefulness of which can not be made so clear in the report of the committee that it will command with substantial unanimity the support of those persons who will fairly and consistently give it their attention. If the American Congress shall be driven from its duty by fear of imputations upon its integrity it will go far toward a confession that such imputations are not undeserved.

We are a great producing and a great consuming country. We are not only great producers of raw material, but are and ought to be great manufacturers. While we aspire to our full share of the occupation of carrying for other nations this share will always be of far less importance than the carrying we do for ourselves. It is manifestly for our interest that our product should be of the greatest possible value to the producer and of the lowest possible cost to the consumer. In so far as we are ourselves consumers this is plainly true. It is equally true so far as we provide for the consumption of other nations. It is essential to our successful competition with other nations either as manufacturers or as producers of food that we should reduce very largely the cost of our product. There are two policies proposed for the accomplishment of this result. One is the reduction of wages. The other the reduction of the cost of transportation.

The reduction of wages whether on farm or in factory is wholly inadmissible. Upon their maintenance and increase depend not only the comfort of unnumbered American homes but, as I firmly believe, the destiny of the Republic itself. I will not accept the teachings of that political economy which would persuade me that the fate of the workingman everywhere is to toil for bare life. I shall despair of my country when I am compelled to believe in such a necessity. Comfortable homes, abundant food, education, leisure must be earned by the workingmen in whom Providence has vested the government of this country or it will perish.

The cost of transportation adds nothing to intrinsic value. It is pure tax. It is burden, and nothing but burden. Any course of legislation, any reasonable expenditure which tends to reduce or to annihi-

late it is wholly beneficial. So far as we can institute a policy which shall annihilate the great spaces of the country we inhabit we take from our chief rival, Great Britain, the advantage of her station on the sea. Surpassing her in everything else, compelling her to depend on us for food and for cotton, if we can make as nearly as possible our whole territory a seaboard by the improvement of our great and wonderful opportunities for internal water transportation, we can reduce her both in commerce and business future to a second rank.

The removal of the burden of the cost of transportation of food and material, important as it is to the rest of the country, is vital to New England, and especially to the State which I represent. She has to transport over vast spaces her food, her material, and her product. Bringing across the continent her food, her coal, her iron, her leather, her wool, and her cotton, she sends her product back across the continent to be sold in competition with the established industries and cheap labor of Europe on the one hand, and the rising home manufacture of the West and South on the other. Boston, of all the five great ports of export, is the farthest in distance from the producer. New England is the farthest in distance from the market of all the great manufacturing centers. The interest of New England is to make the percentage of the cost of transport on food and material and product as small as possible. That alone can give her equality.

The doctrine of internal improvement is a Massachusetts doctrine. She originated it. She has furnished its ablest and most zealous defenders. In a letter dated February 2, 1837, John Quincy Adams says:

> The great effort of my administration was to mature into a permanent and regular system the application of all the superfluous revenue of the Union to internal improvement; improvement which at this day would have afforded high wages and constant employment to hundreds of thousands of laborers and in which every dollar expended would have repaid itself fourfold in the enhanced value of the public lands. With this system in ten years from this day the surface of the whole Union would have been checkered over with railroads and canals. It may still be done, half a century later, and with the limping gait of State legislation and private adventure. I would have done it in the administration of the affairs of the nation; I had laid the foundation of it all by a resolution offered to the Senate in 1806, and adopted by that body under another's name. The Journals of the Senate are my vouchers. It called forth the first report of Albert Gallatin, then Secretary of the Treasury, upon internal improvement.

This report of Albert Gallatin was made to the Senate on the 4th of April, 1808. Few of our state papers equal it in interest and importance. It embodies the opinions of John Quincy Adams, as he repeatedly declared. Gallatin's own authority is hardly inferior to that of Adams.

I give a brief abstract of Mr. Gallatin's report, which shows its far-reaching character:

> Whenever the annual expense of transportation on a certain route in its natural state exceeds the interest on the capital employed in improving the communication and the annual expense of transportation (exclusively of the tolls) by the improved route, the difference is an annual additional income to the nation.

It makes no difference whether the tolls pay the interest on the cost or not.

> The general gain is not confined to the difference between the expenses of the transportation of those articles which had formerly been conveyed by that route, but many which were brought to market by other channels will then find a new and more advantageous direction; and those which on account of their distance or weight could not be transported in any manner whatever, will acquire a value and become a clear addition to the national wealth.

Private capital will not answer.

First. Capital is so in demand that it is not readily subscribed to objects whose profit is remote. Less sums than needed being subscribed at first, work proceeds slowly and interest lost.

Second. One canal comparatively useless until others beyond completed too extensive or distant to be embraced by the same individuals.

The General Government alone can remove these obstacles, and thereby reduce expense to the lowest rate.

Good roads and canals chief strengtheners of the Union.

RECOMMENDATIONS.

First. A series of great canals along the Atlantic coast completing a tide-water inland navigation from Boston to Saint Mary's, Ga., then the southeastern extremity of the territory of the United States.

Second. Communication between Atlantic and Western rivers.

Four artificial roads.

Improvement of navigation of Atlantic rivers by canals, &c.

Louisville Canal.

Also, in future canal from Mississippi River to Atlantic, cost, $10,000,000.

Third. Communications between Atlantic rivers and Saint Lawrence and lakes.

Fourth. Interior canals.

Fifth. Turnpike and artificial roads.

Mr. Gallatin estimates the cost of all these works, which he deems "of national and first-rate importance" and which he says "seem in the first instance to claim the support of the General Government," at $20,000,000. This does not include the cost of a canal from the Mississippi River to the Atlantic to be accomplished later at an estimated cost of $10,000,000.

In view of the ferocity of some modern criticisms, it is interesting to read the following suggestions from Mr. Jefferson's great financial secretary:

> The great geographical features of the country have been solely adhered to in pointing out those lines of communication; and these appear to embrace all the great interests of the Union and to be calculated to diffuse and increase the national wealth in a very general way by opening an intercourse between the remotest extremes of the United States. Yet it must necessarily result from an adherence to that principle that those parts of the Atlantic States through which the great Western and Northwestern communications will be carried must, in addition to the general advantages in which they will participate, receive from those communications greater local and immediate benefits than the Eastern, and perhaps Southern States. As the expense must be defrayed from the general funds of the Union, justice, and perhaps policy not less than justice, seem to require that a number of local improvements, sufficient to equalize the advantages, should also be undertaken in those States, parts of States, or districts which are less immediately interested in those inland communications. Arithmetical precision can not, indeed, be obtained in objects of that kind; nor would an apportionment of the moneys applied according to the population of each State be either just or practicable, since roads, and particularly canals, are often of greater utility to the States which they unite than to those through which they pass. But a sufficient number of local improvements, consisting either of roads or canals, may, without any material difficulty, be selected so as to do substantial justice and give general satisfaction. Without pretending to suggest what would be the additional sum necessary for that object, it will, for the sake of round numbers, be estimated at $3,400,000.

These expenditures which, not including ten millions for the canal from the Mississippi to the Atlantic, amount in all to $20,000,000, Mr. Gallatin proposes to defray by an annual appropriation of $2,000,000, extending over a period of ten years.

Mr. Gallatin estimates the annual permanent revenue of the United States from 1809 to 1815 at fourteen millions, and the necessary annual expenditure on the peace establishment at eight millions and a half, including forty-six hundred thousand for principal and interest of the public debt.

It will be seen, therefore, that he proposes an expenditure for internal improvements alone, not reckoning any sum devoted to harbors either on the ocean or the lakes, equal to 14 per cent. of the entire national income, and equal to about 25 per cent. of the sum expended by the nation for all other purposes, and to more than 50 per cent. of the expenditure for all other purposes, exclusive of the public debt. The actual expenditure fell far short of Mr. Gallatin's estimate, being but fifty-three hundred and eleven thousand in 1810 for all purposes other than the debt.

If we were to expend the same proportion of our revenue on this object to-day, as was proposed by Gallatin in 1808, we should have devoted fifty-six and a half millions in 1882 to internal improvements alone.

Mr. Adams repeatedly records in his diary his unchanged opinion upon this question.

June 25, 1830, he says:

> I have cherished the principle and the system of internal improvement under a conviction that it was for this nation the only path to increasing comfort and well-being, to honor, to glory, and finally to the general improvement of the condition of mankind. This system has had its fluctuations from the time of the establishment of the present Constitution of the United States. During the administration of Mr. Monroe it was constantly acquiring strength in Congress and in the public opinion. It was then favored by Calhoun and Lowndes, both of whom had hopes of rising upon it, and with them the State of South Carolina was devoted to it. The combination in Congress became by this means so strong that it overpowered the resistance of Mr. Monroe and produced the act of Congress of April, 1824. The slaveholders of the South have since discovered that it will operate against their interests. The cause will no doubt survive me, and if the Union is destined to continue it will no doubt ultimately triumph.

December 20, 1831:

> On my way home from the House I stopped at the Treasury and had an hour of conversation with the Secretary. I told him I should propose to reserve as much as five millions a year to purposes of internal improvement.

January 6, 1832, conversation with General Adair:

> He spoke with contempt of the mania for internal improvements, which, he said, was a raging disease throughout the country. I said I was much affected with the disease myself.

December 22, 1824, conversation with James Barbour:

> As to internal improvements my opinions had been published in most of the newspapers in extracts of letters from me, and had no doubt been seen by him. Since the act of Congress establishing the Cumberland road there had been no constitutional question worth disputing about involved in the discussion. It was certainly a great power to be exercised by Congress, and perhaps liable to great abuses. So were all the other great powers of Congress; and the control over it was in the organization of the Government, the elective franchise, the State authorities, and the good sense and firmness of the people.

December 27, 1831:

> I said I was no worshiper of the tariff, but of internal improvement, for the pursuit of which by Congress as a system I claimed to be the first mover. It was by a resolution which I offered to the Senate of the United States on the 23d of February, 1807.

July 30, 1834:

> My own system of administration was to make the national domain the inexhaustible fund for progressing and increasing internal improvement.

Mr. Adams charges that the slaveholders thought the policy of internal improvement adverse to their interest, and that their opposition caused its failure. But, however this may be, the greatest of our early statesmen fully coincided with his opinions.

Mr. Clay thought if Congress did not exercise the power there would be a division of the Union by the line of the Alleghany Mountains.

Mr. Madison did not find in the Constitution powers as extensive as

he thought desirable for the purpose, but eagerly urged an amendment of the Constitution to supply the needed authority.

In his message of December 23, 1811, communicating to Congress the act of the State of New York in reference to the Erie Canal, he says:

> The utility of canal navigation is universally admitted. It is no less certain that scarcely any country offers more extensive opportunities for that branch of improvements than the United States, and none perhaps inducements equally persuasive to make the most of them. The particular undertaking contemplated by the State of New York, which marks an honorable spirit of enterprise and comprises objects of national as well as more limited importance, will secure the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance, and suggest to their consideration whatever steps may be proper on their part toward its introduction and accomplishment. As some of these advantages have an intimate connection with the arrangements and exertions for the general security, it is at a period calling for these that the merits of such a system will be seen in their strongest lights.
>
> In his seventh and eighth annual messages Mr. Madison reiterates his urgent desire that Congress shall establish the roads and canals "which can best be executed under the national authority." "No objects," he declares, "within the circle of political economy so richly repay the expense bestowed upon them; there are none the utility of which is more universally ascertained and acknowledged; none that more do honor to the Government whose wise and enlarged patriotism duly appreciates them. While the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so excellent a work. And it is a happy reflection that any defect of constitutional authority which may be encountered can be supplied in a mode which the Constitution itself has providently pointed out.

Mr. Monroe in his first inaugural advocates with great earnestness the completion by national authority of the system of communication for which nature, in the great rivers, bays, and lakes, had done so much. He expresses no doubt of the constitutional authority, unless it be conveyed by the phrase "proceeding always with a constitutional sanction." He returns to the subject in his last annual message. But in his veto of the Cumberland road bill, on the 4th of May, 1822, he announced his reluctant conclusion that the existing powers of Congress are not sufficient, and recommends an amendment to the Constitution to confer the needed power.

Mr. Jefferson held like opinions. He thought the defect might be cured by special legislation by each State confirming the acts of Congress for works within its limits, and prepared a form for such enactment. In his last annual message he indicates a probable surplus revenue of more than $8,000,000, which he proposes shall, instead of being reduced—

> Be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States.

When Mr. Gallatin's report was made there was no State in the Union west of the Mississippi. There were but two States, Tennessee and Kentucky, which touched that river on the east. Florida was in the possession of Spain. The entire population of the United States at the last preceding census was but fifty-three hundred thousand, and at the next following but seventy-two hundred thousand. Manufacture was in its infancy. The production of cotton was less than one-seventieth its present amount. That of grain, compared with its present product of twelve hundred and fifty million in value, of iron with its present product of five thousand five hundred millions of pounds, of coal with its present product of fifty-nine millions of tons, would probably bear even smaller proportions. As has been already said, Mr. Gallatin expected a revenue of fourteen millions of dollars, affording a surplus of five and a half millions, a trifling sum when compared with our present receipts of $400,000,000.

Let it be remembered that the expenditure thus proposed by these early statesmen was for internal improvement alone—for rivers, canals, and roads—an expenditure for the service only of domestic commerce, including nothing for light-houses or harbors on the coast. John Quincy Adams would have had a nation of six or seven million people give five million annually from its revenue of fourteen million. Jefferson would have it give annually eight million from its revenue of eighteen million to the territory east of the Mississippi for purposes for which the much-abused bill of 1882 expended exclusive of the Mississippi River but five and a half million from our income of four hundred million for the entire continent.

I suppose we may fairly claim that any doctrine upon which, from 1806 to 1848, when Adams died, Daniel Webster and John Quincy Adams were agreed was a Massachusetts doctrine.

To exhibit Mr. Webster's views on the policy of liberal expenditure for internal communications by the General Government would be almost to set forth his whole theory as a constitutional statesman. He was born in the last year of the Revolutionary war. His public life began at the beginning of the war of 1812, when the infant Republic, with its population scarcely exceeding 7,000,000, was an object of undisguised contempt to every leading power on earth. Yet the present greatness of the country is not seen by our own vision to-day more clearly than it appeared then to that of Daniel Webster. With the eye of a prophet and the comprehension of a statesman he saw from the beginning the vast and beneficent power of these unused national forces. He never separated from the blessings of constitutional liberty itself the benefits to be derived from commerce as developed by these great national works of internal improvement. He never omits to urge this theme when the occasion makes it proper.

In his Plymouth Rock address he dwells on this as following the establishment of national government.

Again, in his speech before the Massachusetts election, in 1825, he calls on his fellow-citizens, "speaking," as he says, "perhaps at some hazard of misinterpretation," by united counsels and united efforts to aid the West in clearing the navigation of its mighty streams, and the South to push the production and augment the prices of its great staples.

At the public dinner given him in Faneuil Hall, in 1828, at the outset of his service in the Senate, he again calls the attention of his constituents to this subject as one of great and growing importance. He showed them that with the close of the war in Europe the great harvest which they had reaped as neutrals was over, other nations were now to raise their own bread, and as far as possible transport their own commodities. It was fit to consider how far home productions could properly be made to furnish activity to home supply and of the highest importance to inquire what means existed of establishing free and cheap intercourse between distant ports, thereby bringing the raw material abounding in one under the action of the productive labor which was found in another. He points out that from the very first assembling of Congress the power to regulate commerce has been construed to comprehend such measures as were necessary for its support, its improvement, its advancement, and justified the expenditure of money for the construction of piers, beacons, and light-houses and the clearing out of harbors. It was not easy to see why like expenditures might not be justified when made on internal objects.

> The vast regions of the West are penetrated by rivers to which those of Europe are but as rills and brooks. The navigation of those noble streams, washing as they do the margins of one-third of the States of the Union, is obstructed by obstacles capable of being removed, and yet not likely to be removed but by the power of the General Government. Was this a justifiable object of expenditure from the National Government? Without hesitation I have thought it was.

He goes on to urge that these objects are much less local than they seem:

> If the mouths of the Southern rivers be deepened and improved, the neighboring cities are benefited, but so also are the ships which visit them; and if the Mississippi and Ohio be rendered more safe for navigation, the great markets of consumption along their shores are the more readily and cheaply approached by the products of the factories and fisheries of New England.

He renews the subject at New York, and again at Worcester, and again at Pittsburgh, and again at Albany, and again at Bangor, and again at Madison, Ind. He meets the objection that the advantages received from this policy are local. "In such cases it always appeared to me that the point to be examined was, whether the principle was general. If the principle were general, although the application might be partial, I cheerfully and zealously gave it my support." Mr. Webster's speech at the Philadelphia banquet December 2, 1845, in reply to President Polk's message vetoing the river and harbor bill of that year, hardly needs the change of a sentence to adapt it to the question as it has come up at the present day.

President Polk had vetoed a bill which appropriated $1,300,000 for river and harbor improvement. Of this but $280,000 was for works on the Atlantic, leaving more than a million for lake and river. Considering that we were then at war, considering the vast increase in the population, the vast accession of territory, the gigantic development of our internal commerce which has taken place in the last forty years, that sum was a greater sum in proportion to the need or the ability of the country than the expenditure for like objects proposed by any recent bill. The arguments that Mr. Webster then combated and overthrew were the same which in infinitely feebler forms have been reproduced at the present day. The charge that the objects provided for were local, the imputation upon members of Congress as an offense that they desired to divide the benefits of this bill among different sections of the country with some regard to equality, even the silly jeers at uncouth and unfamiliar names of rivers and creeks, were rife then as now. Little Sodus Bay and Great Sodus Bay and Conneaut Creek and Ocracoke Inlet were as unfamiliar to the people in general then as Chehalis and Cohansey are to-day. This speech at the Philadelphia dinner is one of the very greatest of Mr. Webster's political speeches. It never should be and never will be forgotten. Its weighty and compact argument can not with justice be abridged.

I have elsewhere quoted the magnificent passage in the reply to Hayne, where Mr. Webster demands for himself and for New England the praise of having uniformly supported the most liberal grants from the public Treasury for the improvement of Western rivers. He there claims, as he had claimed in the first speech on Foot's resolution, that everything of this kind that had been accomplished had depended on New England for its success. It is true of that great speech as it is true of Mr. Webster's entire public efforts taken as a whole from the beginning of his career that with the exception of his vindication of the supreme authority of the Union, there is no single public object upon which he lays so much stress or for which he manifests such zeal as this of internal improvement. He declares that he had proposed to himself this object of effort at the outset of his Congressional service.

He re-enforces his argument from the Constitution by the consideration that the Government is a great untaxed landed proprietor. It was with Webster's authority that Sumner silenced the storm of opposition which his first great speech in Congress encountered for which he was threatened with legislative censure for advocating the support of internal improvements in the West by liberal grants of public land.

Mr. Webster dealt with this subject many times in speeches not found in his collected works. His speech on the purchase of stock in the Louisville Canal is published in the volumes compiled by Mr. Everett under his direction. That is one of the most Websterian of Webster's speeches. There is not a sentence of it that does not seem to bring its great author before our eyes:

> There are no Alleghanies in my politics. I have taken a part in this great struggle for internal improvement from the beginning and I shall hold out to the end. Whoever may follow, or whoever may fly, I shall go straight forward for all those constitutional powers, and for all that liberal policy which I have hitherto supported. These Western gentlemen who are so much interested in this measure have stood by us and now I tell them that I shall stand by them. I shall be found where they look for me. I have asked their votes once and again for objects important to the Atlantic States. They have liberally given those votes. And now having an object interesting to them and their constituents, a first object and a great object, they have a right to find me at their side, acting with them, acting according to my own principles and proving my own consistency. And so they shall find me. And so they do find me. On this occasion I am with them; I am one of them. I am as Western a man on this bill as he among them who is most Western. This chair must change its occupant, another voice will address the Senate from this seat, before an object of this nature, so important, so constitutional, so expedient, so highly desirable to a great portion of the country, and so useful to the whole, shall fail here for the want, either of a decisive vote in its support, or of an earnest recommendation of it to the support of others.

Adams and Gallatin and Webster were not accustomed to expend their strength on what was temporary or transitory. Constitutional principles have not changed since their day. The policy which each of them in turn urged upon his countrymen, and reckoned as among his most important titles to their favor, was not for a single year or a single generation. It was never more expedient than to-day. I wish to urge upon Congress the wisdom of expending upon the internal water ways of the country a sum at least equal to that which Adams and Gallatin proposed. I think no river and harbor bill should contain a smaller appropriation for the rivers and lakes of our present dominion, extending from the Atlantic to the Pacific, than that which Gallatin and Adams proposed for a people of seven millions, whose revenue was but fourteen millions, whose territory was not inhabited half-way from the Atlantic to the Mississippi, who had but two States touching that river, who navigated but two of the five great lakes, to whom steam as a motive power was scarcely known.

The sum which the river and harbor bill of 1882, the object of so much senseless and unreasoning clamor, appropriated for our entire river improvements, exclusive of the Mississippi and Missouri, slightly exceeded $5,000,000. I propose to state the reasons why this expenditure should be maintained and made permanent. It costs the American people 10 cents apiece. It is but a grain of mustard-seed compared with the vast advantage to our foreign commerce and the advantage, much more vast, to our domestic commerce. Judiciously applied it will increase the value of every grain-field in the West and every cotton-field in the South. Every householder in New England will feel the diminution it will cause in the price of his food—will save more than his share of the cost in the price of his meat and his flour.

If there be anything to which the Republicans of the country and of my own State are pledged it is this. They have repeatedly and emphatically reiterated their allegiance to a liberal policy of internal improvement from their earliest organization.

Since Gallatin made his famous report and since Adams left the Senate more than 120,000 miles of railroads have been erected for the service of American commerce. To aid them large public grants of land and credit have been made. These have removed the necessity for many of the works contemplated by our early statesmen. But the reasons for liberal appropriation for internal water communication have been strengthened and not weakened. Another necessity, new and more imperious, has been created. Great as has been the increase of the means of transportation, the demand for that increase has grown in far greater proportion. To maintain our rivalry with foreign nations abroad, to secure the independence of our own manufactures, to develop a productive capacity undreamed of by our predecessors, to keep up the rate of wages on which republicanism itself is dependent, all require the reduction to the lowest possible point of the cost of transportation. But to hold in check the great railroad power itself, to prevent it from fixing both rates of carriage and prices of production from becoming independent of competition and of the ordinary laws of trade, we must improve and develop to the fullest extent our great natural water ways.

The census, the reports of the boards of trade of our chief cities, of the great railroads and canals, and especially Mr. Windom's masterly state paper on transportation routes to the seaboard, and the admirable reports on internal commerce by Mr. Nimmo are all full of instruction. There are some conclusions upon which all the leading authorities are agreed from which we may derive much light.

First, all the authorities and the experience of this country and Europe unite in teaching us that competition or the law of supply and demand do not operate to protect the public against excessive freight charges by railroads as in the case of free highways. The whole railroad system of a country becomes, sooner or later, a unit for the purpose of fixing the price of transport of merchandise. Mr. Nimmo in his report on internal commerce for July, 1881, page 17, states the conclusion as follows:

> Competition between common carriers on free highways and the law of supply and demand have from time immemorial been regarded as the natural and adequate regulative principles with respect to freight charges. An agreement as to the establishment and maintenance of rates among any number of carriers on a free highway of commerce does not of course preclude the possibility of competition upon such highway; but the case is different with respect to the establishment and maintenance of competing railroads. In the latter case the agreements are not made by individual carriers, but by the owners of the highways of commerce themselves together with all their organized agencies for transportation.

This is established by most abundant proof. Mr. Randolph, Secretary of the Chicago Board of Trade (Nimmo's report, 1880, appendix, pages 3–5) gives an instructive history of the establishment of rates by the joint executive committee of the East and West lines of railroad in 1879.

Their first rate, established June 23, 1879, was on the basis of 20 cents per one hundred pounds from Chicago to New York. This was a large advance on previous summer rates, which rates had proved amply remunerative and had enabled the roads to pay good dividends and improve their roads and equipment. When the arrangement was found to operate in forty days, on August 4 the rate was advanced 25 per cent. By August 25 it was advanced 50 per cent., by October 13, 75 per cent.; and by November 10, 100 per cent., or to 40 cents per 100 pounds. This was without any essential modification of local rates. This was maintained till the opening of lake navigation in the spring of 1880, when it was reduced to 35 cents, and April 14, 1880, to 30 cents. Thirty cents per 100 pounds is an average of 6¼ mills per ton per mile. The average cost of moving all freight, local and through, of all classes, grain being but fourth class, was, in 1879, 4.86 mills per ton per mile and for the following year even less.

Mr. Windom's committee establish this conclusion beyond controversy by their history of railroad transportation in Great Britain, France, Belgium, Prussia, and in this country. (Windom's report, pages 111–118.)

Second. All the authorities are in substance agreed that it is impossible to control the railroads in the matter of rates by the direct exercise of the authority of Government. Mr. Windom declares, as the result of the attempts to prevent combinations and consolidations in England, that for more than a third of a century the failure has been complete. (Report, page 126.) The railroad commissioners of Massachusetts declare "that the English legislation has neither accomplished anything which it sought to bring about nor prevented anything it sought to hinder."

Third. Competition, which is to secure and maintain cheap transportation, must embrace two essential conditions: First, it must be controlled by a power with which combination will be impossible; second, it must operate through cheaper and more ample channels of commerce than are now provided. (Windom, page 242.)

Two methods of accomplishing this desired result have been suggested. One is the construction and operation by the Government of one or more railroad lines which will regulate all others. The other is the improvement of our great natural channels of water communication, their connection by canals and short railway portages where needed, with such suitable and reasonable expenditure upon harbors, rivers, and creeks as shall be necessary to render them accessible.

The first of these methods was once recommended to the people of Massachusetts, who were advised to buy and operate the Fitchburg Railroad. The Windom committee speak respectfully of the plan of constructing by the United States one or more double-track freight railroads to be controlled by the Government and operated at a low speed. They do not recommend this plan. But they say that such roads—

> Would be able to carry at much less cost than can be done under the present system of operating fast and slow trains on the same road; and, being incapable of entering into combinations, would no doubt serve as a very valuable regulator of all existing railroads within their influence.

But the practical objections to this scheme are of such a nature that I think it highly improbable that the American people will ever be brought to approve it. It will require a large original outlay. It demands a very large force of employés to be controlled by each successive administration. This force will be, or will at least be believed to be, a great political instrumentality. It makes the Government a rival and competitor of large business associations. Government railroads not being managed with a view to profit, there will be no stimulant in the desire of gain to develop the resources of the country by the construction of branch lines and feeders. It may be doubted whether the Government railroad will always be able to defend itself against its powerful rivals who themselves, so far as they can wield political power, can get a share in its management. The final executive control of a Government railroad is by no means certain to be in the hands that are fitted for its management. The location and the management of a great railroad must necessarily have great but varying and unequal effect on the prosperity of different communities. This would cause constant jealousies and complaints. It would not long be tolerated that the resources of

the Government, to which all equally contribute, should be expended unequally. This complaint could never be removed until the Government undertook to supply transportation for every part of the country.

The second of these methods is recommended by the concurrent authority of the ablest men, whether statesmen or experts, who have investigated the subject, and by the marvelous results it has already accomplished.

Government, in the promotion of commerce with foreign nations or among the States by providing safe and convenient routes of transport, has two classes of objects which demand its attention. First, are the great arteries of traffic such as the Mississippi River, the lakes, the great routes which connect centers of trade like Chicago, Cincinnati, Saint Louis, Milwaukee, Louisville, with New York, Boston, Philadelphia, Baltimore, New Orleans. The Atlantic Ocean also, the great highway of nations, is a great carrier also for local commerce, and its competition is felt in lowering freights on many of our important railroads.

Second, are special but important localities which need the national resources to make them a part of the great system. Such are in my own State, Lynn, Taunton, the towns and cities on Charles River. The principle on which these are to be aided should be carefully limited. But the commerce of each of them with other States and with other countries is a national concern. It can be developed only by the national authority. As I shall hereafter show, the aggregate of such expenditure will produce a thousand-fold return in national wealth and benefit.

The river or lake or ocean is free to all mankind. There can be no monopoly in its use. No combination can control it or secure any advantage in its benefits. When it is once prepared for the service of commerce it is permanent and does not perish with the using. Even in its competition with the railroad it takes but a small portion of the entire freight; it is the perpetual, sure, and inevitable regulator of rates. There is no practical limit to the carrying capacity of national navigable waters, while the railroad is limited by the frequency with which trains can be run and by the terminal facilities. Another fact is well settled by modern experience:

The cost of water transportation diminishes in proportion as the size of vessels increases. The value of any water route is measured by the capacity and efficiency of its most defective part. If from lack of proper improvements a single harbor on any given line can afford facilities for only the smaller class of vessels the value of the entire line is graded down to correspond with the inadequate harbor.—*Secretary Windom's letter to lake improvement convention at Saint Paul, December*, 1878.

Let us see for a moment how the public expenditure in the improvement of our great water ways and their increased competition with the railroads has already diminished the cost of transportation in the single article of wheat. This diminution of the cost of transportation diminishes the price to the consumer, while it increases it to the producer. The diminution of freights causes the increase of our supply of breadstuffs to Europe. That not only enables our farmers to dispose of a larger quantity of their product abroad, but diminishes the price there. The price abroad determines the price here. So that by diminishing freight we diminish the cost of the food of the American workman of the Eastern States, while the American farmer is enabled to supply Europe. Formerly the farm was an isolated and independent homestead. The farmer raised the larger part of what he consumed, and consumed nearly everything he raised. To-day the American farmer is a merchant, whose competitor is on the Ganges or the Bosporus.

Among the chief objects of internal improvements in the bill which Mr. Webster defended against the veto of President Polk was the Mississippi River, whose perilous navigation the great orator so impressively describes. The wise liberality of the National Government has already much improved the channel of this stream from Saint Louis to New Orleans, and has enabled the river itself, compelled by the genius of a great engineer, to cut a passage through the obstruction at its mouth.

Steamers of 6,000 tons, drawing thirty feet of water, now pass freely in and out of New Orleans, where but a few years ago vessels of twenty feet draught were unable to pass, except at uncertain intervals and after long detentions. I feel no little personal gratification that I have been able to contribute something to this result. From a time before the adoption of the Constitution the charge has been made against the people of the Northeast that they desired to compel all the commerce of the Northwest to seek an eastern outlet, and were hostile to the acquisition of the right to navigate the Mississippi, and to the improvement of that navigation after the river itself became ours. Washington, in his Farewell Address, assured the people of the West how unfounded was this suspicion. But it has been kept alive down to our own day. It played its evil part in hurling John Quincy Adams from power. I hope the jetties which opened the mouth of the Mississippi, constructed by the aid of New England votes, may forever perform their beneficent office.

The jetties were completed in 1879. In that year the wheat and wheat-flour and corn and corn-meal shipped to foreign countries from New Orleans was 5,920,487 bushels as against 5,170,406 bushels in 1856. In 1882 it had gone up to 16,859,343 bushels. This consisted entirely of grain received at New Orleans from Saint Louis, and is declared by Mr. Nimmo in his report for 1882 to be largely the result of the jetties. Vessels drawing thirty feet and carrying 6,000 tons now pass in and out of New Orleans as freely and punctually as they can traverse the open Gulf.

The vice-president of the Baltimore and Ohio Railroad, Mr. King, in his report to the joint executive committee of the East and West trunk lines, dated April 27, 1881, states the total charges for transporting grain from Saint Louis to Liverpool, via New Orleans, to be 28 cents per bushel, while at the same time the charge via New York was 36¼ cents per bushel. These rates include all charges. At the time Mr. King refers to the river rate from Saint Louis to New Orleans was 8½ cents per bushel. Here, then, is a saving of 8¼ cents per bushel on the transportation of grain from Saint Louis to Liverpool caused by the improvement in the Mississippi navigation. But the instrumentalities for transporting grain by the Mississippi were not completely organized at the date of these statistics. Mr. Nimmo says that well-informed persons believe that grain can thus be transported at a profit from Saint Louis to New Orleans at 4 cents a bushel. This would make a total diminution of 12¾ cents per bushel. But, keeping within the possibility of doubt, let us ascribe a saving of 10 cents per bushel only to this one improvement in water communication and see its important consequences.

We exported in 1881 150,565,467 bushels of wheat alone. An annual saving of 10 cents per bushel is a saving of $15,000,000 annually of export tax on the one article of wheat.

We exported in 1872, the year when the transportation of grain to the Atlantic from points as far west as Chicago fairly began—

	1872.	1880.
Wheat.....bushels...	26,423,080	153,252,795
Wheat-flour.....barrels...	2,514,535	6,011,419
Indian corn.....bushels...	34,491,650	98,169,877

The total export of wheat and corn increased from 63,429,165 bushels in 1872 to 279,707,808 bushels in 1880. On this is an annual saving of $27,000,000.

This increase in exportation—

Says Mr. Nimmo—

of the cereal products of the country constitutes one of the most striking developments of commerce ever recorded.

He further says:

The reduction which has taken place during the past four years in the cost of transportation between the West and the seaboard has had a marked effect in reducing the export price of corn and of certain other agricultural products of the West, and has been one of the principal causes of the rapid increase in the exportation of the products of agriculture to foreign countries.

In 1872 there was imported from the United States into Great Britain and Ireland of wheat and wheat-flour 17,984,118 bushels, being 20.2 per cent. of their whole importation. In 1880 there was imported from the United States, of the same, 83,487,243 bushels, being 65.4 per cent of the whole importation. The whole importation increased from 58,877,406 bushels in 1872 to 127,746,325 bushels in 1880. So that Great Britain got from abroad 40,000,000 bushels more in '80 than in '72, and the United States supplied 65.4 per cent. of the large importation against 20.2 per cent. of the smaller. We are therefore not only driving Russia and other food-producing countries from the British market, but driving the British farmer from his own. Russia, which in 1872 imported into the United Kingdom 33,486,091 bushels of wheat, in 1879 imported but 15,162,639, and in 1880, 5,376,202.

This large increase in the total quantity of wheat imported into the United Kingdom—

Says Mr. Nimmo—

is due not so much to the increase of population in that country as to the decreased production of wheat in England. Cheaper transportation from points of production has enabled American producers to compete with English producers more successfully than formerly.

Mr. Windom estimates the saving which will be made on the corn and wheat crops of Iowa and Minnesota alone at $36,000,000. (Report, pages 212, 214, 215.)

Wheat is by no means the only article which exhibits these marvelous results of the reduction of the export tax. The consumption of corn increased in Great Britain from 16,000,000 bushels in 1860 to over 74,000,000 in 1879, the price diminishing from 97 cents in 1860 to 66 in 1879.

The reduction—

Says Mr. Nimmo—

in the cost of transportation in the United States from the Western and Northwestern States to the seaboard during the last six years has tended greatly to increase the exportation of both wheat and corn to Europe, and especially to the United Kingdom.

The cost of transporting wheat from Chicago to New York city by lake and canal fell from an average of 24.25 cents per bushel, not including canal tolls of 3.1 cents per bushel, in 1872 to an average of 12.22 cents per bushel, including canal tolls of 1.03 cents per bushel, in 1880.

New York within the past twelve months has made to the commerce of the country the magnificent contribution of her canal property of a hundred millions in value, that these canal tolls may be saved.

Such, Mr. President, are the marvelous results of the liberal policy commended to us by the great statesmen of the last generation, as shown

in the export of the article of breadstuffs alone. We are but beginning to reap this precious harvest. The amount of this export is and will be fluctuating from a variety of well-known causes. But the law of its increase is fairly seen in the facts which I have stated. It is not merely the saving in the burden of freights that is the result of our improved means of communication, ample as that is to justify a far greater expenditure than we have ever made or even proposed. It is the possibility of selling this vast product at all which our improved communication has created. It is not the annual saving of fifteen millions of freights, but it is the production and sale to Great Britain of one hundred and twenty-five million dollars' worth of food that in the article of wheat alone our cheap lines of transport has made possible.

Our chief articles of export are breadstuffs, cotton, provisions, including live animals, and illuminating-oils. Of these we exported in 1883 nearly $700,000,000 in value. Our export must be expected to be constantly on the increase. It amounted to $219,932,650 in the first three months of 1883, against $179,829,859 in the corresponding period of 1882. We are not subjected to the same close rivalry in the articles of cotton and illuminating-oils as in breadstuffs and provisions. But the saving in freight is as important as is the large if not equal saving on the domestic freights of the imports from abroad in the process of their distribution to the homes and places of labor where they are consumed. I do not know that political economy has settled the question what proportion of a tax like that of transportation or a duty on imports falls on the producer and what on the consumer. But it is surely far within bounds to say that a general reduction in freights equal to that which saves ten cents a bushel on wheat for its transport from the centre of its production to the seaboard would work a total saving to the American people in the articles which are the subjects of our foreign commerce of at least ninety millions annually.

It is impossible within the limits of a single speech to state one in a hundred of the striking instances of the reduction of railroad freights by the improvement of the means of water transportation. This influence is, of course, chiefly confined to bulky articles such as breadstuffs, coal, lime, clay, stone, minerals, lumber, cotton, where the necessities of commerce do not demand high rates of speed, and where the freight is a large proportion of the value.

Mr. Nimmo declares that the regulating influence of the two great water lines—the lakes and the Mississippi—is felt throughout the entire Western and Northwestern States and Territories. The growth of Chicago is due to the fact that it is the most important center in this country of a railroad system, subject to the regulating influence of cheap water lines to the seaboard.

Mr. Nimmo sums up the result with reference to the Erie Canal as follows: The rates per ton per mile on the railroads and the canal show a great reduction from 1857 to 1880. In 1857 the rates per ton per mile were—

	1857.	1880.
New York Central Railroad	3.12	.88
Canals	.799	.49

The Erie Canal—

He says—

continues to exert an exceedingly important influence as a regulator of rail rates, and although with respect to through traffic the Erie Canal successfully competes with the New York Central Railroad chiefly for the transportation of grain, minerals, lumber, and other coarse freights; yet if the rail rates on the higher classes of freights are much advanced, a large deflection of traffic at once takes place to the slower and cheaper mode of transportation by the canal. Rail rates are adjusted with reference to this fact.

Henry G. Herte, esq., secretary of the National Cotton Exchange, gives a statement of the effect of the opening of the mouth of the Mississippi on the commerce of that river and the region lying west of it, in which statistics rise to eloquence.

Mr. Windom gives the following result of the investigations of his committee (report, pages 52 and 53):

During the year 1872 the "all-rail" rates were 24.5 per cent. higher than the "all-water" rates, the "lake and rail" rates were 7 per cent. higher than the "all-water" rates, and the "all-rail" rates were 16.3 per cent. higher than the "lake and rail" rates.

The average summer rail rate for 1872 (May, June, July, August, September, October, and November) was 31⅞ cents, and the average winter rail rates in 1872 (December, January, February, March, and April) was 36¾ cents, the average winter rate being 16 per cent. higher than the average summer rate. By comparing the all-rail rates for the months of June, July, and August with the all-rail rates for December, January, and February we obtain a more accurate expression of the effect of ample water facilities in competition with equally ample rail facilities. The average all-rail rate during the three summer months just named was 27 cents, and the average of the winter months was 39, the winter average being 44.4 per cent. higher than the summer average, when the competition of water transport was in full force. It may be supposed that the increase in the rail rates during the winter months is caused by the increased cost of transport during that season of the year, but this is true only to a very limited extent. The chief cause is the absence of competition by lake and canal. This is evident from the fact that although the cost of transportation by rail is not greater in October and November than in June and July, yet the average of the rates during the former months is 44.4 per cent. higher than the average of the rates during the latter months.

The pressure of traffic during the months of October and November, when the facilities for transport by water are limited, in connection with the fact that the Erie Canal is at that time taxed to its utmost capacity, causes an advance in the rates on the lake and on the canal, and the rail rates at once go up to about the average for the winter months. It appears that in this case the increased charges by rail are due solely to the increase in the rates on the lake and on the canal. This fact was clearly stated before the committee by Mr. J. M. Walker, president of the Chicago, Burlington and Quincy Railway (evidence, page 266), a road which does not compete with any water line. Mr. Walker states that the winter and summer rates are the same on his road, and he thinks that "this is the rule with the Western roads generally." He states, also, that he believes that those roads which run in competition with transport on the Mississippi River makes such changes in their freight tariffs.

It is generally true that the roads which increase their rates during the winter months are those which run in competition with the water lines during the summer months, and it is quite probable, therefore, that but for such water competition the winter rates would be maintained throughout the year.

Mr. Franklin Edson, the president of the New York Produce Exchange, declares in a letter to Mr. Windom:

The water lines may be so improved that during seven and one-half months of the year the time of transit from Chicago and Milwaukee to New York need not be more than ten to eleven days, at a cost of about $3 to $3.50 per ton, including all charges, and quantity always guaranteed. The said charge in summer from Chicago to New York can not be less than $8 per ton to pay actual expenses and no dividends, and in order to pay dividends there has to be an advance of about $4 per ton in the railway freight charges, which advance is uniformly made every year on the close of the water lines by frost. (Windom, App., 176.)

A striking exhibition of the effect of water competition in reducing rail freight charges is given to the Senate committee by Mr. Utley, president of the Illinois and Michigan Canal:

The freight charges on the Chicago, Rock Island and Pacific Railroad is only 8 cents per hundred pounds from Henry to Chicago, between which points there is water competition, while the route from Tiskilwa, only twelve miles farther west than Henry and beyond the effect of canal competition, is 15 cents per hundred pounds, or nearly as much for twelve miles as for one hundred miles.

This is but one of hundreds, probably thousands, of instances no less remarkable. The cost of the freight of a bale of cotton from New York to Cold Brook, in the county where I dwell, one hundred and eighty-four miles, was, at a recent date, .28 per hundred pounds. The charge for the same bale of cotton transported by all rail from Savannah to New York, a thousand miles, was at the same period a trifle less.

This is because of the competing water line. Every dollar expended in the improvement of the harbor at Savannah cheapens the cotton to the manufacturer in the interior of Massachusetts.

I annex some tables (pages 5852, 5853) showing the constant reduction of freights and the comparative cost of freights by water and by rail.

Thus the competition by water operates in reduction of railroad tariffs, and no understanding among railroad managers can prevent it.

Foreign commerce is represented by an export in the twelve months ending April 30, 1884, of $860,194,901, and an import of $761,405,450. Vast as these sums appear, our exports of food and cotton are yet small compared with the productive capacity of our domain. The center of production of each is still rapidly traveling westward. We hope in a not distant future to rival them with our export of manufactures. How narrow and timid the parsimony which grudges the outlay of a few millions when imperatively demanded by this immense interest! Every dollar expended in removing the obstructions in the pathway of this commerce to the sea has borne fruit and will hereafter bear fruit a hundred-fold in national wealth and power. All expenditures we have ever made or ever proposed on lakes, rivers, and harbors together are trifling compared with what our rivals are putting forth to maintain themselves against our competition. We have 23,000 miles of stormy and dangerous coast line on the oceans alone. England has but 1,300; yet she expended fifteen millions on her harbors in 1874.

The breakwater at Plymouth cost her $7,214,325. That at Portland cost her $5,043,870. Holyhead cost her $6,499,895. The total expenditure of the Clyde Trust to June 30, 1875, was £6,774,315 or, about $33,000,000, a sum greater than we had expended on all our rivers and harbors together from the foundation of the Government to 1873, and three times as much as we had expended on our 20,000 miles of Western rivers. This outlay has converted the Clyde from a shallow stream, fordable at many points between Glasgow and the sea, into a river capable of bearing on its waters the commerce and ships of all nations. Yet we are accused of extravagance when we would devote a fifth part of this sum to the thousand miles of the Mississippi. I can not give the expenditure upon the Mersey. But the debt of the Mersey Docks and Harbor Board outstanding in 1882 was $81,424,405.

It is difficult to find a full and satisfactory statement of the expenditure of Great Britain for this class of works, as they are largely committed to special boards, whose returns are not accessible; but some facts we know. To stimulate the cotton culture of India as a rival to ours she guaranteed the interest on an outlay for Indian improvements of $400,000,000. She is now contemplating a much larger outlay for India. She pays annual interest on the Suez exchequer bonds of £199,874, and now proposes a second canal across that isthmus.

Canada enlists in the competition with an expenditure on her government railroads since 1868 of $30,406,481. She subsidizes a line of steamships to Brazil. In 1880–'81 she paid on capital account $8,176,316, of which $4,968,503 represents outlay on the Pacific Railroad, $608,702 on the Intercolonial Railway, $1,242,903 on the Welland Canal, $411,608 on the Ottawa canals, $334,681 on Dominion lands, and the remainder on the other canals. In the same year she spent $2,900,000 on public works. In the year after the union of her two provinces, Canada, with

a population of little more than a million and a total revenue of $1,488,000, expended two millions for her canals.

England is not for herself or her colonies contented to foster her commerce by this class of expenditures alone. Her navy charge, which for 1882 was $53,782,265, the cost of her army, which for the same year was $92,222,925, the subsidies she grants her lines of steamships, her costly diplomatic service, are but the seed which this great husbandman sows broadcast, whose return is reaped in the abundant harvest of the commerce of barbarous and semi-barbarous states.

The statistics of France which pertain to this subject are more exact. General Wright, the Chief of Engineers, has caused a table to be prepared showing her expenditures from 1878 to 1882.

[From the Almanach de Gotha.]

Almanac of 1879—expenditures of 1878.

MINISTÈRE DES TRAVAUX PUBLICS.

(*a*) *Service ordinaire.*

Routes et ponts	32,150,000	
Navigation intérieure	10,200,000	
Ports	6,100,000	
Total (in francs)	48,450,000=	$9,690,000 00

(*b*) *Travaux extraordinaires.*

Routes et ponts	5,792,100	
Navigation intérieure	10,490,000	
Ports	12,935,000	
Total (in francs)	29,217,100=	5,843,420 00
Total		15,533,420 00

Almanac of 1880—expenditures of 1879.

MINISTÈRE DES TRAVAUX PUBLICS.

(*a*) *Service ordinaire.*

Routes et ponts	33,150,000	
Navigation intérieure	9,500,000	
Ports	6,000,000	
Total (in francs)	48,650,000=	$9,730,000 00

(*b*) *Travaux extraordinaires.*

Routes et ponts	6,215,000	
Navigation intérieure	3,410,000	
Ports	6,690,000	
Total (in francs)	16,315,000=	3,263,000 00
Total		12,993,000 00

Almanac of 1881—expenditures of 1880.

MINISTÈRE DES TRAVAUX PUBLICS.

(*a*) *Service ordinaire.*

Routes et ponts	36,150,000	
Navigation intérieure	9,500,000	
Ports	6,000,000	
Total (in francs)	51,650,000=	$10,330,000 00

(*b*) *Travaux extraordinaires.*

Routes et ponts	6,354,000	
Navigation intérieure	3,720,000	
Ports	9,085,000	
Total (in francs)	19,159,000=	3,831,800 00
Total		14,161,800 00

Almanac of 1882—expenditures of 1881.

MINISTÈRE DES TRAVAUX PUBLICS.

(*a*) *Service ordinaire.*

Routes et ponts	33,700,000	
Navigation intérieure	9,900,000	
Ports	6,350,000	
Total (in francs)	49,950,000=	$9,990,000 00

(*b*) *Travaux extraordinaires.*

Routes et ponts (in francs)	4,070,167=	814,033 40
Total		10,804,033 40

Almanac of 1883—expenditures of 1882.

MINISTÈRE DES TRAVAUX PUBLICS.

(*a*) *Service ordinaire.*

Routes et ponts	33,177,000	
Navigation intérieure	10,900,000	
Ports	7,200,000	
Total (in francs)	51,277,000=	$10,255,400 00

(*b*) *Travaux extraordinaire.*

Routes et ponts	12,943,167	
Navigation intérieure	2,800,000	
Ports	2,300,000	
Total (in francs)	18,043,167=	3,608,633 40
Total		13,864,033 40

NOTE.—Under the head of "Ordinary service of ports," the repairs of lighthouses and maintenance of lights are believed to be included.

To the above should also be added such grants as may have been made for general or local improvement by special acts of appropriation. These can only be obtained by searching the official publications of the laws.

[From Journal Officiel, December 30, 1882—budget of 1883.]

Department of public works:	*Francs.*
Current appropriation	89,725,681
Extra appropriation	49,462,660
	139,188,341

This total includes salaries, works in Algeria and Corsica, streets of Paris, light-houses and lights, railroads built by the state or in which the state is interested, and other items that would not be included in our river and harbor acts. The current appropriation under the head of "harbors, light-houses and lights, maintenance and current repairs," is 7,200,000 francs. How much of this is for harbors does not appear.

ITEMS OF APPROPRIATION FOR 1883.

Ordinary service:	*Francs.*
Bridges and roads, maintenance and current repairs	29,377,000
Rivers, maintenance and current repairs	5,250,000
Canals, maintenance and current repairs	5,650,000
Harbors, including light-houses and lights	7,200,000
	47,477,000
Extraordinary service—*i. e.*, additional work:	
Extension and rectification and filling up gaps in the system of national roads	11,000,000
Construction of bridges	1,800,000
Improvement of rivers	1,750,000
Protection from overflow	1,100,000
Improvement of canals	1,050,000
Improvement of harbors	2,300,000
	19,000,000
Total (in francs)	66,477,000
Equivalent in United States money	$13,295,400

I take the following from the Edinburgh Review for October, 1882:

In brief, the actual water ways of France amount to an aggregate length of 7,069 miles, not including any maritime navigation, such as that of the Seine below Rouen. The cost of this fine system has been £43,608,516, or £6,239 per mile. One thousand eight hundred and thirteen additional miles have been authorized and are in course of execution by the state, the cost of which, together with that of the improvements required on the existing lines, will at least be an equal sum. France will shortly be possessed of 8,880 miles of inland water way, provided at a cost of from £80,000,000 to £100,000,000.

* * * * * * *

On the 7,069 miles of French canals, according to the report of M. Krantz, the transports amounted in 1874 to 2,132,957,000 units of traffic, or kilometric tons. This is equal to 126,000 tons per mile. In 1868, according to the *Etude historique et statique sur les Voies de communication de la France, par M. Felix Lucas*, published in 1873, the navigation dues produced 3,503,000 francs for 1,690,000,000 kilometric tons. This charge, which may be taken to cover cost of maintenance and interest of money on the canals, is equivalent to 0.0325*d.* per ton per mile. In 1847, under the régime of the old tariff, the dues amounted to 9,931,000 francs for 1,198,000,000 tons kilometric.

Since 1847, therefore, by comparing the two reports, it would seem that the French canal dues have been reduced by three-fourths, and that the canal traffic has nearly doubled. The chief disadvantage of the minute statistics of which the French are justly proud is the long time that generally elapses before their outcome is thoroughly known. The date to which the figures of M. Krantz apply is not stated in his report. But there can be no doubt that the actual movement on the French canals is very much greater than the average above cited. * * *

Without wearying our readers with any further arithmetical detail, we may say that the closest calculation of the cost price of conveyance on the railways of the United Kingdom which has been found hitherto practicable gives for the year 1878 the cost of a little more than one-fifth of a penny (.2076*d.*) per mile for every ton of loaded train. This price compares favorably with the corresponding item, where it has elsewhere been definitively ascertained. It is almost exactly that of the working of the *ancien réseau* of the Orleans Railway in 1872, and, as a rule, is intermediate between the cost of continental lines and those of the East Indian and Pennsylvania railways.

At this price, supposing all the wagons to be full and the traffic to be conducted on the most favorable conditions, the cost of conveying a ton of coal amounts to an average of 0.472*d.* per mile, allowing for the return of the empty wagons. This, however, is for the tabulated working expenses alone. If we take them as equal to 52 per cent. of revenue, as was the case in 1879, it will require the price of 0.908*d.* per ton per mile to pay 4½ per cent. interest on capital. In other words, the work which is done for a third of a penny by canal will cost nine-tenths of a penny on a railway; the former price covering 5 per cent. interest on capital, and sinking fund, the latter covering only 4½ per cent. interest and no sinking fund.

These statistics become doubly impressive when we reflect that we have a single American State, one only among our thirty-eight States and eight Territories, which is as large as France in territory, and far greater in its rich and various productive capacity.

Mr. GROOME. If it is agreeable to the Senator from Massachusetts I will move an adjournment, as he has been a long time on the floor.

Mr. HOAR. It is very hot, and if it makes no delay to the business of the Senate I shall conclude what I have to say to-morrow.

Mr. GROOME. I will change the motion and move an executive session.

Mr. PLUMB. I should like to ask what the condition of the bill is in reference to its passage?

Mr. MCMILLAN. There are some few amendments to be offered.

Mr. PLUMB. If this bill is not to pass to-night I shall feel constrained to-morrow to antagonize it with another bill. I am satisfied besides that if that antagonism should not be made it will be antagonized by the sundry civil appropriation bill. If the Senate is to adjourn this week, as there has been some hint it might, it would become Senators now to forego questions of personal convenience and comfort, and address themselves to the question of closing up the legislation necessary to be done in order that the session may be brought to an end.

The PRESIDING OFFICER. Before putting the motion the Chair will lay before the Senate a message from the House of Representatives.

Mr. PLUMB. I think the Senator in charge of the bill will find it altogether better for the bill to pass it to-night if it is to be passed at all.

Mr. McMILLAN. I wish to say to the Senator from Kansas that so far as the sundry civil appropriation is concerned it has no precedence over the bill appropriating money for the improvement of rivers and harbors.

Mr. PLUMB. I hope we shall not get into a controversy between these two bills. The sundry civil bill will take precedence to-morrow.

Mr. McMILLAN. The controversy was inaugurated by the Senator from Kansas, and I only wish to say that there shall be no antagonism between them.

Mr. PLUMB. It has not been the fault of the Senator from Kansas at all that this bill has been so dilatorily handled.

Mr. McMILLAN. If the Senator will attend to——

Mr. PLUMB. The responsibility for carrying the session beyond this week will be on those in charge of this bill.

Mr. McMILLAN. If the Senator from Kansas will attend to managing the bills of which he has charge, that will be sufficient for him to do.

Mr. PLUMB. I will give some attention to the river and harbor bill, too.

Mr. McMILLAN. The Senator is at liberty to do that at any time he wants to when he can get the floor.

Mr. PLUMB. The Senator had better not have the Senate adjourn now if he wants the bill passed.

Mr. McMILLAN. At the present time the Senator from Massachusetts [Mr. HOAR] has the floor, I believe.

Mr. BLAIR. I move that the Senate adjourn.

Mr. ALLISON. Before that motion is put I ask the Senator to yield to me for a moment.

Mr. HOAR. I have no desire——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the motion of the Senator from Maryland [Mr. GROOME] for an executive session?

Mr. HOAR. I have no desire myself to have the Senate adjourn. It is quite agreeable to me to finish what I have to say to-night as far as that is concerned.

Mr. GROOME. Then with the permission of the Senator I withdraw the motion I made.

The PRESIDING OFFICER. The Senator from Massachusetts will proceed.

Mr. ALLISON. The Committee on Appropriations ask permission to make a report.

Mr. BLAIR. The motion last made was a motion to adjourn.

The PRESIDING OFFICER. That motion was modified to a motion for an executive session and then withdrawn.

Mr. BLAIR. If the Senator from Massachusetts desires to go on to-night, of course I will withdraw the motion to adjourn.

Mr. DAWES. If my colleague is not fatigued, I hope he will feel like going on.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House receded from its disagreement to the tenth, eleventh, and seventeenth amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and agreed to the same.

The PRESIDING OFFICER. The message from the House of Representatives will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 1, 1883.

Resolved, That the House recede from its disagreement to the tenth, eleventh, and seventeenth amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and agree to the same.

REPORTS OF COMMITTEES.

Mr. ALLISON. I ask leave to report at this time from the Committee on Appropriations the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, with amendments. I give notice that I will call the bill up at the earliest practicable moment consistent with other matters pending before the Senate.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (S. 1111) granting an increase of pension to Sally Rodman, widow of General Isaac P. Rodman; and

A bill (S. 1112) granting a pension to John Sweeney.

He also, from the same committee, to whom was referred the bill (H. R. 5636) for the relief of Otto Leissring, reported it without amendment and submitted a report thereon.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the bill (S. 2105) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark a chief engineer on the retired-list, reported it without amendment and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to return to that body the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others.

ROSA VERTNER JEFFREY AND OTHERS.

Mr. HOAR. I move that the order be made according to the request of the House of Representatives for the return of the bill.

The PRESIDING OFFICER. The Chair will lay before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 1, 1884.

Ordered, That the Clerk request the Senate to return to the House the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others.

The PRESIDING OFFICER. If there be no objection, the order will be made for the return of the bill. The Chair hears none.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HORR. The Constitution commits to Congress the care of commerce with foreign nations and among the States. The title of these two objects to the national care is equal, if we look only to the words ofthe constitutional mandate. But important as is foreign commerce in its relation either to national wealth or national dignity, domestic commerce is infinitely more important. I wish to repeation this connection a few sentences from what I have said elsewhere.

We have a dominion, excluding Alaska, greater than the Roman Empire at its largest. It is only a sixth less in extent than all Europe with her sixty empires, kingdoms, and republics. But by our marvelous lake and river system this extent of country is severed for all purposes of internal and external commerce into twenty islands of the size of Great Britain. It is 2,750 miles from Boston to Queenstown. This pathway is over a barren and desolate sea, beset with mist and iceberg, bearing no living thing upon its bosom except the vessels which brave its dangers. At the end of the voyage is a foreign, rival nation to share, and perhaps to monopolize, the profit of the adventure. Not so with the pathways of domestic commerce. It is a thousand miles by river from Pittsburg to Cairo. It is a thousand miles from Cairo to the mouth of the Mississippi. There are 2,500 navigable miles from Saint Louis to the headwaters of the Missouri. And yet these are but a small fraction of the internal water courses of America adapted or easily to be adapted to the purposes of national commerce. Europe possesses no such dominion. She has no considerable towns, except those in her eastern plain, more than four hundred miles distant from the sea. Her Danube, her Rhine, her Rhone, her Thames are petty streamlets compared with those which, with their approaches and affluents, demand the care of American statesmanship.

Our domestic commerce does not travel the pathless and desolate wastes of the sea. Its river pathways are bounded by farms and factories and homes and populous towns. The river is the creator of the city. Domestic commerce is all American. England spends fifty millions a year on her navy, in time of peace, that she may command the markets of semi-barbarous nations. Our domestic commerce does not find India or Egypt or Turkey at the end of its journey. It finds there Iowa and Wisconsin and Missouri and California and Oregon. It is perpetually creating new and free States, like those which are coming into life between the Mississippi and the Pacific; like that bearing the name of Washington, which our own sons are building on Puget Sound, to be in the near future another and a larger Massachusetts. Domestic commerce divides its profits with no foreigner. It is American at both ends.

The statistics of this American commerce are as yet but imperfectly gathered. But we know enough to conceive dimly its immense and rapidly growing proportions. The whole exports of this country for the year ending April 3, 1884, were: Domestic products, $784,302,373; foreign products, $32,200,157; in all, $816,502,530.

The total value of American manufactures by the census of 1880 was $5,369,579,191, of which only about one hundred millions, or 2 per cent., was exported. Ninety-eight per cent., therefore, becomes the subject of internal commerce.

It would be easy to demonstrate that our domestic commerce exceeds our foreign in its real value to the nation more than a hundred-fold. We are groping still blindly after new policies which shall increase our exports and bring back to us our foreign carrying trade. But every ten years of our life adds 30 per cent. to our population, brings to us a new nation of 15,000,000 of persons to be our customers and producers at home. What foreign commerce is like that? The commerce of the cities of the Ohio River is undoubtedly more than two thousand millions a year. We annually pay for transportation more than double the entire revenues of the Government. Our seven Ohio States have 100,000 square miles of bituminous coal field, more than six times that of Great Britain, France, and Belgium combined. The production of their workshops exceeds by more than 50 per cent. the whole imports and exports of Great Britain to and from all countries. Even in the cities where our foreign commerce is greatest it is insignificant in comparison with their domestic commerce and their manufacture. The trade of New York

city in the products of the labor of New England alone is greater than the whole foreign commerce carried on at that city, while the product of her manufactures was in 1880 $814,000,000.

I must not abuse the patience of the Senate by relating the wonderful and fascinating story of the growth of our commerce as shown in certain localities, such as Chicago, Cincinnati, Saint Louis, the upper Missouri, and our great empire on the Pacific. The Senator from Oregon told us something the other day of the marvelous developments and still more marvelous promise of his own State.

It is estimated that Washington Territory will send abroad this year 350,000,000 feet of lumber, 200,000 tons of coal, 200,000 pounds of hops, 200,000 cases of salmon, 5,000,000 bushels of wheat, 3,000,000 bushels of oats, 1,000,000 bushels of potatoes, and 2,500,000 pounds of wool. In cargoes of 1,500 tons this produce will load nine hundred large ships.

Mr. Poor, in his railroad manual, estimates the value of the tonnage moved in this country by rail alone in 1881, deducting one-third for duplication, at $12,000,000,000. Taking the movements of merchandise by water ways and land ways other than by rail into account, the domestic produce moved and exchanged in this country must be at least between thirty and forty thousand millions of dollars in value, or more than forty times the value of our exports. The river commerce of the single city of Cincinnati was last year more than $45,000,000. There passes each year up and down Detroit River a tonnage greater than enters Liverpool. The number of vessels that go in and out of Chicago annually exceeds by 7,000 those of New York; and although these vessels are, of course, smaller in size, the actual tonnage of Chicago is much more than half that of New York. These water ways are not only of vast importance in themselves, but they are important also as a check upon the prices charged by the railroad. They are free. When the water way is once fitted for transport it is the property of all mankind.

The legislators of the States and of the nation have exhausted their ingenuity to impose shackles upon the railroad. Sometimes the attempt has been to fix rates by law; sometimes a rate according to distance; sometimes relief is sought by endowing competing routes; and in one memorable instance the State has been urged to take the business of railroad management into its own hands. But the strength of these giants frequently, I am bound to say, with reason, and with the laws of trade on their side, bursts in sunder these puny legislative fetters. Railroad competition terminates in railroad combination. The only check on the power of the great railroad lines, when in concert, over the commerce of the nation is the competition of the water way. When the Erie Canal and the harbors of the lakes freeze in the winter up go the freights. When canal, lake, and river open in the spring down go the freights.

I do not and can not overstate the importance of this consideration to the American people, and more especially to Massachusetts. The diminution of the price of freight on the railroads of this country one mill a ton a mile makes an annual saving to the people of $70,000,000. Great as is the interest of the South and West in domestic commerce and transportation, it is not so great as that of Massachusetts. She manufactures nearly one thousand million in value every year. Of this I am justified, by the opinion of a business man of large experience, in saying not one-fiftieth is sent beyond sea. The rest goes all over the land, by river and rail and lake, to be distributed in the West and South, whence come her food and her iron and coal, and wool and hides and cotton.

Every obstruction removed from the channel in a Western river, every sunken rock blown out from a lake harbor, every creek or inlet by which a navigable stream reaches its arms into the midst of wheat fields or cotton plantations, is an obstacle the less in the way of the food to the mouths of her workmen, in the way of the material which their cunning fingers are to change into products of use and beauty, in the way of the sale of her manufactures to the customers on whom her wealth is to depend.

To four principal objects must the statesmanship of Massachusetts look in the future. Four things are needed for her prosperity.

First. Education and skill in her people.

Second. The maintenance and increase of her rate of wages.

Third. The annihilation of time and distance in the conveyance of her material and her products.

Fourth. A rich and prosperous South and West with whom to deal.

Mr. Windom estimates and demonstrates that the annual saving to New England on the transportation of grain alone by the completion of a single water line costing about eleven million of dollars, would have amounted in 1872 to $6,169,834, and a saving of $6.70 per ton on all the tonnage between the Mississippi and the East. So that this single improvement would have paid for itself in a single year in its saving in the cost of food and material to New England alone.

The average haul on the New York Central and Hudson River Railroad Company for the year ending September 30, 1881, was 228.34 miles. If we call the average for the United States of the tonnage hauled two hundred miles, a saving of one mill per ton per mile is an annual saving of $70,000,000, if Mr. Poor's estimate of the whole tonnage for that year, 350,000,000 tons, be taken as correct.

Of the saving to New England in the diminution of freights of course the larger share inures to Massachusetts. Her share in foreign commerce can be retained and extended only as she can diminish the burden of transportation between the interior and the seaboard. To cheapen her supply of food she must place the granaries of the West at the door of her workshops. Every diminution in the cost of bringing material and coal to her workshops and carrying her product to market aids her skilled labor in its competition with foreign rivals and the new manufactories of the South and West.

Massachusetts is the third manufacturing State in the Union, and Boston is the sixth manufacturing city. In 1880 Massachusetts converted a material of three hundred and eighty-six millions into a product of six hundred and thirty-one millions, not including the manufacture of gas or of the products of fisheries or that done by railroads. In this she employed a capital of more than three hundred millions, and paid in wages $128,315,362. She employed 352,255 persons, who undoubtedly support by their labor 1,500,000 persons. Boston alone converts in her workshops a material of eighty-one millions six hundred thousand into a product of one hundred and thirty millions five hundred thousand, employing a capital of near fifty millions, and giving occupation to more than 60,000 persons, and support to more than 300,000 persons. I suppose Massachusetts does not sell one-fiftieth of this product beyond sea, and does not produce one-fiftieth of this material within her own borders. She is the farthest from her supplies and her market of all the States of the Union, save two. The freight both ways handicaps her just so much in her competition with her vigorous Western rivals. I hope and believe that she would support this policy of internal improvements on national grounds alone. But she certainly can claim no credit for disinterestedness.

The cost of transportation is sheer burden or tax, benefiting nobody. The bushel of wheat has the same instrinsic value in Minnesota as in London. The yard of cloth has the same intrinsic value in Lowell and in Galveston. To annihilate distance, to put every portion of the country on an equality with every other so far as relates to its market of purchase and its market of sale should be the object of our statesmanship.

There is another object not sufficiently considered which can only be accomplished by that national care which it imperatively demands. That is the annexing to the general system localities of large productive capacity whose development is prevented and who are now unable to take their fair share in its commercial advantages by physical obstacles which a moderate and economic expenditure would overcome. There are many towns along our seacoast or the shores of our lakes or near the mouths of rivers or creeks where a large manufacturing business is springing up, which are wholly dependent on railroads for all their freights or which are without railroads, where ample water communication might be secured at slight cost. There are many Western communities whose wheat or bacon or beef can be taken to a foreign market at a profit by the removal, for a few thousand dollars, of a sand bank or rock in some river. There are many rich Southern cotton districts into which commerce can thrust its arms by clearing from mud some creek which runs up from the neighboring harbor. These are not situated directly upon the great routes across the continent, but their trade is with foreign nations or with other States. Each of them is placed by the Constitution under the care of Congress. In the aggregate they contribute an enormous share to the production of the country, and to their development we must look chiefly for its increase. Such cases are Cambridge, Lynn, and Taunton, in my own State. Each of those has been made the subject of criticism. There has been about $60,000 made available for the improvement of Charles River above the bridges, of which only about ten thousand has been expended. When this improvement is completed a population in Cambridge, Brookline, Belmont, Watertown, Newton, Brighton, and the Back Bay district will make a saving of from 15 to 20 cents a ton upon heavy and bulky articles imported from other States, such as coal, lumber, iron, lime, wood, stone, and sand. This would make a saving to that community of the cost of the entire improvement in a single year. Now, there are but two or three hours a day in which vessels of any size can be safely moved. The result of the proposed work would be to enable vessels drawing seventeen feet to be safely moved to their destination in a single tide. Now vessels of ten or twelve feet often require two or three tides. Along the bank of this river, as I am told, at a depth of two to six feet, is subsoil of coarse, hard gravel, where the heaviest warehouses or factories can be sustained without piles, so that several miles of water front, with wharves, warehouses, and factories can here be added to the water front of Boston Harbor. Here then is an expenditure which is each year to save its whole cost in lifting a burden from a population double that of the whole city of Boston within my own lifetime and many times double measuring it by its products and its commercial wants. Lynn is a city of 40,000, and yet only seventh in size of the twenty-two fair cities which Massachusetts wears as the gems on her coronet. She has six hundred manufacturing establishments. She employs nearly 10,000 workmen. She gives activity to a capital of thirteen millions, and does a yearly business of thirty-five millions.

She asks that her harbor through which comes to her her coal, which is the motive power of her industries, her lumber, iron, stone, brick, lime, cement, and clay, may at a reasonable cost be fitted for the larger

vessels which modern commerce finds most economical, and that she shall not be at the mercy of railroads or compelled to land her supplies ten miles off in Boston. Are not these things to be done? The commerce of Lynn and Cambridge is with foreign nations and with other States. It is borne upon navigable waters solely within the national jurisdiction. These communities could not do if they would, and you would not permit them if they would, to do what Great Britain does in like cases—empower a local board to do the work and defray the cost by tolls upon commerce. If these objects are not national, the post-office and the light-house and the courts of the United States are not national.

This can be and should be done by the General Government, and not by States or private persons. The Constitution not only imposes this duty on the National Government, but that it might be discharged was the principal reason for which the National Government was established. Individuals and States have no jurisdiction over interstate or international commerce, can not impose tolls, and have no power to create even temporary obstacles in navigable waters for the purpose of their improvement. All the high exercises of power which regulate these two great classes of commercial transactions belong to Congress alone. The General Government takes all the receipts and revenues of commerce. For the general good it prohibits all export duties and forbids the States from laying duties on tonnage without the consent of Congress. It takes all the receipts of commerce; therefore where expenditures are needed for it they should be made by the General Government. The limitations within which this power should be exercised seem to me not difficult to state.

First. The public advantages must be clearly worth the expenditure. The popular jealousy of all large outlays of public money is natural and reasonable, and should be respected. No item should get a place among appropriations of this class which can not stand by itself and vindicate its claim beyond all reasonable doubt by its sure promise of a return many times exceeding the original cost.

Second. The commerce to be promoted must be a commerce with foreign nations or between different States.

Third. The sum appropriated in any one year must fall within the limits prescribed by a wise economy, having regard to the condition of the Treasury and to other public needs.

The earnest public discussion which followed the passage of the river and harbor bill in the summer of 1882 calls upon Congress for a careful re-examination of the policy upon which these appropriations rest, and of every item in detail. Nothing is healthier than public jealousy as to the spending of public money. But it is remarkable when we get out of the region of mere clamor to find how little anybody, speaking under a sense of responsibility, has been able to bring against that much-abused measure.

April 17, 1882, the President sent a special message to Congress urging an appropriation of $1,100,000 to close gaps in the Mississippi levees, as recommended by the Mississippi River Commission, in addition to a like sum for which an estimate had already been submitted. The President expresses his own approval of the plans of the commission. He adds:

> The immense losses and widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps in the levees occasioned by the recent floods, as recommended by the commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley. It may be that such a system of improvement would as it progressed require the appropriation of twenty or thirty millions of dollars; even such an expenditure, extending as it must over several years, can not be regarded as extravagant in view of the immense interest involved. The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country; but to the Northwest, with its immense harvests needing cheap transportation to the sea, and to the inhabitants of the river valley whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well-matured and comprehensive plan for improvement should be put into operation with as little delay as possible. The cotton product of the region subject to the devastating floods is a source of wealth to the nation and of great importance in keeping the balance of trade in our favor.
>
> It may not be inopportune to mention that this Government has imposed and collected some $70,000,000 by a tax on cotton, in the production of which the population of the lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

Congress differed with the Executive. A majority doubted the constitutional power to appropriate money to save lands in the States bordering on the lower Mississippi from overflow by that river. They found it difficult to point out a reason for undertaking to relieve at the national charge the land overflowed by the Mississippi, which would not require the performance of a like duty between high and low water mark along the entire Atlantic and Pacific coasts and on every stream within our borders. They therefore carefully eliminated from the bill all appropriations for levees and inserted an express provision that "no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming land or preventing injury to lands by overflow." I do not think there can be any reasonable doubt that the levee system alone, not including any work designed for improvement in navigation, surely would have cost thirty million—the larger limit named by the President. Some cautious judges estimate it at fifty million.

Congress reduced by a million the sum recommended by the commission for the river below Cairo. But they introduced $1,100,000 for the upper Mississippi. The policy adopted by Congress saved to the country more than twenty-nine millions, not improbably more than fifty million as compared with that of the President.

The President, however, was of the opinion that the bill contained items which were not of national importance. He sent to Congress a veto message in which he specified no objectionable instance and reaffirmed his approval of the Mississippi appropriation. But he declared that some of the objects provided for were local only, and suggested without directly asserting that some claims were inserted in the bill to win favor for others. But he gave Congress none of the information on which he had relied. At the next session the House of Representatives directed the Secretary of War, from whose Department the President was naturally supposed to have derived the knowledge upon which he acted, to inform them "whether any moneys appropriated by the act of August 2, 1882, making appropriations, &c., were appropriated for works or objects that are not in the interest of or do not benefit commerce or navigation; and, if so, to name such works or objects and the respective amounts so appropriated."

The Secretary replies that he understands the direction of the House as if the words "foreign or interstate" preceded the word "commerce," and that he is "relieved by the President from hesitation as to the scope of the response," and that he has made a new and very extended examination of the subjects covered.

This answer, made many months after the passage of the bill, doubtless was based on all the information in the possession of the President as well as upon the new and very extended examination he had himself made. He specifies $1,032,000, about 5 per cent. of the whole bill, as not in the interest of commerce and navigation. Considering the likelihood of difference of opinion upon a subject of this kind this is a very strong and interesting concession, not only to the merits of the general policy but of the particular measure. There are very few appropriation bills, or bills made up of items, in which the majority who pass them, the committee who frame them, and even the member who reports them, would not find a larger percentage of objection. The difference between the President and Congress was this: he would add twenty or thirty millions for Mississippi levees and strike off a million which he thinks for local objects only; Congress would keep off the twenty or thirty millions, but would retain the one million to be expended, however, only if the President's objections are removed.

Not only are the objections of the Executive, so far as we can learn, limited to about 5 per cent. only of the entire appropriation, but a large portion of the items which make that up are such as I think would meet the public approbation. I believe the President would himself change his mind on fuller information. I will not go over them all, but I will take those in my own State. Three, and three only, are specified within the limits of Massachusetts as not being for the interest or benefit of foreign or interstate commerce and navigation. These are: Plymouth Harbor, $14,000; Wareham River, $5,000; and Wood's Holl, $50,000. The appropriation of 1882 for Plymouth Harbor was made as the result of a special and urgent communication of the Secretary of War, dated April 7, 1882, inclosing a special report of the engineer. This was not inserted by any representative of Massachusetts in either House, and first became known to me and my colleague when our attention was called to it by the chairman of the Committee on Commerce. This famous historic harbor depends for its existence on the protection and preservation of Long Beach, a spit of sand projecting two and three-quarters miles out to sea. The Secretary informed us that the equinoctial storm of 1882 had made a break over this, and that another of equal severity would very probably destroy the harbor by filling the channel with the sands of the beach. It was recommended that the sum of $14,000, which it would cost to complete the breakwater nearly finished, be made available at once, instead of being extended over two years, as had been designed. This breakwater is so extended as to be an ample shelter for the beach and save the entire harbor.

The commercial reasons which render Plymouth a proper object of national care are well stated in the engineer's report for 1870, page 458.

The State of Massachusetts contributed $2,000 to this purpose in 1867.

Now, sir, this case of Plymouth presents and illustrates the precise issue which I make with the opponents of this policy. It has a commerce with foreign nations and among the States. The public good far exceeds the outlay. It is placed by the Constitution under the care of Congress. No other authority is competent to do the work, and no other authority should do the work, if it were competent. It is not for the public advantage that the commerce of New York and Boston should be the sole objects of care, and that of Plymouth and Wareham should die out. The large appropriations to remove the rocks of Hell Gate from the approach to New York harbor or to construct the jetties which have opened the mouth of the Mississippi do not bring us a more valuable return than the aggregate of small appropriations on which the commercial prosperity of hundreds of Plymouths and Warehams depend. The life of the centers is to be perserved, but the extremities should not die.

Wareham is an equally strong case. The reports of the engineers (1874, page 218; 1879, page 303) give some of the reasons which justify the small outlay provided for in the statute of 1882. These reasons have strengthened with the increase of business since 1879:

Tabulated statement of the annual commerce of Wareham, Mass., in certain enumerated articles.

Articles.	Received and shipped by water.			Received and shipped by rail.			Total valuation by water and rail.
	Imports.	Exports.	Valuation.	Imports.	Exports.	Valuation.	
Barrels.....number...	250	.....	$75	6,100	.....	$2,745	$2,820
Castings, brass.....	.....	.....	.....	.....	.....	50,000	50,000
Castings, iron.....tons...	.....	.....	.....	.....	650	48,000	48,000
Cranberries.....barrels...	.....	400	4,000	20	5,850	58,700	62,700
Coal:							
Bituminous.....tons...	25,450	.....	117,070	.....	.....	.....	117,070
Anthracite.....tons...	5,575	300	34,050	.....	1,400	8,400	42,450
Flour.....barrels...	548	50	4,900	4,452	1,000	43,488	48,388
Grain.....bushels...	200,000	.....	180,000	9,000	150,000	143,400	323,100
Hoops.....number...	.....	.....	.....	1,500,000	.....	6,750	6,750
Iron:							
Pig.....tons...	8,325	.....	185,990	.....	.....	.....	185,990
Plate.....tons...	.....	100	8,800	4,000	2,200	389,800	398,600
Merchant.....tons...	.....	.....	.....	.....	5,622	298,000	298,000
Scrap.....tons...	3,250	.....	97,500	6,675	102	203,750	301,250
Swedish bars.....tons...	.....	.....	.....	1,200	.....	102,000	102,000
Iron ore.....tons...	2,775	.....	21,200	.....	.....	.....	21,200
Kegs.....number...	.....	100,000	15,000	.....	113,740	17,061	32,061
Lumber:							
Eastern.....feet...	625,000	.....	12,000	327,500	60,000	7,139	19,139
Box boards.....feet...	.....	1,900,000	20,700	.....	500,000	5,500	26,200
Nails.....kegs...	.....	102,000	382,500	.....	109 040	408,900	791,400
Oysters, seed, and shell-fish.....barrels...	.....	2,900	4,000	.....	1,883	9,400	13,400
Sand, furnace and foundery.....tons...	420	12,040	8,020	.....	.....	.....	8,020
Staves.....number...	.....	2,000,000	5,500	.....	2,000,000	5,500	11,000
Total.....	.....	.....	1,101,305	.....	.....	1,808,233	2,909,538

There is a smaller commerce in brick, lime, hay, clay, shells, wood, boats, cement, and similar coastwise traffic.

Wareham is the nearest port to Sandwich and to the inland towns of Middleborough, Bridgewater, and Brockton, the commerce and manufactures of each of which equal those of Wareham. The railroad wharves of Wareham have direct railway connection with these and other tributary towns, but inadequate navigation facilities in Wareham Harbor oblige these towns to receive their water-borne supplies via Fairhaven and Somerset.

The total tonnage of vessels hailing from Wareham is 6,002 tons, so far as known. The commerce of the port is not, however, carried in these, but more generally is transported by water in other vessels of the United States.

The yearly arrivals and departures at this port comprise, together, about three hundred and fifty sailing vessels and also occasional steamers, and numerous small craft. The supplies for the iron mills are brought in schooners of 350 to 600 tons burden, manufacturers considering it profitable to employ larger vessels than formerly in freighting cargoes of coal and iron. The wharves in Wareham Harbor are rendered difficult of approach for such vessels by reason of bars in the tortuous channel. The nature of the above-mentioned industries of this town is such that its railway traffic is dependent upon the facilities for navigation.

It is hard to see by what process of reasoning the propriety of the appropriation for Wood's Holl can be seriously called in question. The small expenditure would be abundantly warranted by the demand for a harbor of refuge and a port for the revenue cutters which are constantly needed for aid to the vessels which pass in our harbors over the foggy and dangerous navigation of the neighboring Nantucket Shoals. But it is demanded also to construct a basin and harbor for the United States Fish Commission, whose interesting work seems destined to create an abundant food supply for uncounted millions in the near future.

Mr. President, there are few objects of expenditure which do not perish with the using. There are fewer still which survive the generation which has created them. A few works of art; a few temples and public buildings; a few dwellings, kept for curiosity rather than occupation; a few great libraries are all of the possessions of our day which will survive a hundred years. The money you have appropriated for the Army, the Navy, the Post-Office, the courts, for the cost of legislation, for the diplomatic service, for pensions, will leave no trace behind when the year in which it has been expended shall have passed. But the works which this bill authorizes will remain, making their annual and perpetual returns, instruments of commerce, of union, and of peace, so long as the rivers run to the sea and the sea beats upon the shore.

APPENDIX.

Table showing rate of earnings per ton per mile on four of the principal railroads; also, expenses and net earnings.

[Extract from Poor's Manual of the Railroads of the United States, 1883, sixteenth annual number.]

Year.	New York Central and Hudson River Railroad Company.			Pennsylvania Railroad Company.			New York, Lake Erie and Western Railroad Company.			Pittsburgh, Fort Wayne and Chicago Railway Company.		
	Earnings.	Expenses.	Net earnings.	Earnings.	Expenses.	Net earnings.	Earnings.	Expenses.	Net earnings.	Earnings.	Expenses.	Net earnings.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1855	3.270	1.341	1.929	2.746	1.662	1.084	2.424	1.155	1.269	.....	.....	.....
1856	3.046	1.542	1.504	2.707	1.662	1.045	2.477	1.169	1.308	.....	.....	.....
1857	3.187	1.698	1.489	2.411	1.536	0.875	2.457	0.897	1.560	2.27	1.57	0.70
1858	2.635	1.374	1.261	2.181	1.289	0.892	2.316	0.649	1.667	1.90	1.32	0.58
1859	2.162	1.281	0.881	2.027	1.176	0.851	1.621	1.344	0.277	1.65	1.18	0.47
1860	2.065	1.343	0.722	1.957	1.176	0.781	1.814	1.001	0.813	1.67	1.18	0.49
1861	1.984	1.345	0.639	1.926	0.912	1.014	1.771	0.929	0.843	1.71	0.98	0.73
1862	2.227	1.355	0.872	2.038	1.077	0.961	1.892	0.956	0.936	1.90	0.98	0.92
1863	2.439	1.512	0.927	2.185	1.147	1.038	2.088	0.964	1.124	2.01	1.20	0.81
1864	2.763	1.965	0.798	2.463	1.871	0.592	2.335	1.456	0.879	2.38	1.50	0.88
1865	3.451	2.538	0.913	2.665	2.281	0.384	2.761	1.984	0.777	2.44	1.79	0.65
1866	3.092	2.163	0.929	2.282	1.821	0.461	2.427	1.654	0.773	2.02	1.50	0.52
1867	2.754	1.948	0.806	2.092	1.544	0.548	2.038	1.472	0.566	1.95	1.44	0.51
1868	2.742	1.803	0.939	1.906	1.249	0.657	1.809	1.339	0.470	1.70	1.15	0.55
1869	2.387	1.397	0.990	1.718	1.200	0.518	1.539	1.171	0.368	1.62	1.11	0.51
1870	1.853	1.163	0.710	1.549	0.998	0.551	1.333	0.975	0.358	1.45	0.86	0.59
1871	1.649	1.014	0.635	1.389	0.874	0.515	1.442	1.013	0.390	1.43	0.78	0.65
1872	1.592	1.129	0.463	1.416	0.886	0.530	1.527	0.979	0.548	1.40	0.81	0.59
1873	1.573	1.026	0.547	1.416	0.857	0.559	1.115	0.964	0.504	1.40	0.95	0.45
1874	1.462	0.984	0.478	1.255	0.748	0.507	1.311	0.913	0.398	1.26	0.74	0.52
1875	1.275	0.901	0.374	1.058	0.616	0.442	1.260	0.958	0.259	1.11	0.69	0.42
1876	1.051	0.711	0.340	0.892	0.582	0.310	1.098	0.885	0.213	0.93	0.63	0.30
1877	1.014	0.699	0.315	0.980	0.552	0.428	0.955	0.752	0.203	1.01	0.67	0.34
1878	0.930	0.536	0.294	0.918	0.483	0.435	0.973	0.674	0.299	0.88	0.50	0.38
1879	0.796	0.551	0.245	0.796	0.427	0.369	0.780	0.561	0.219	0.76	0.44	0.32
1880	0.879	0.541	0.337	0.880	0.474	0.406	0.836	0.534	0.302	0.91	0.51	0.40
1881	0.783	0.563	0.220	0.799	0.437	0.362	0.805	0.529	0.276	0.75	0.43	0.32
1882	0.738	0.601	0.137	0.817	0.473	0.344	0.749	0.526	0.223	0.75	0.47	0.28

NOTE.—The tables from which the above table is made up will be found on pages 162, 300, 171, and 604 of Poor's Manual.

[From New York Produce Exchange annual report for 1882, page 508.]

Average lake rates between Chicago and Buffalo:
1868 to 1872, both inclusive, 7.78 cents per bushel.
1873 to 1877, both inclusive, 4.34 cents per bushel.
1878 to 1882, both inclusive, 3.90 cents per bushel.

[From report on commerce and navigation, 1883, Treasury Department, page lxvii.]

Average lake and canal rates, including Buffalo transfer charges and tolls:
1868 to 1872, both inclusive, 23 cents per bushel for wheat.
1873 to 1877, both inclusive, 12.4 cents per bushel for wheat.
1878 to 1883, both inclusive, 10.7 cents per bushel for wheat.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MCMILLAN. I wish to submit in connection with this bill a statement of the aggregates.

The aggregate of the House bill as it came to the Senate was $12,086,200. The increase which the Senate Committee on Commerce added was $1,268,000. The aggregate of the bill as reported by the Senate committee was $13,354,200. The aggregate of the bill as it is about to be passed by the Senate as it now stands, unless some inaccuracy has been made in stating the amendments, is $13,584,700.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLIN WELLBORN of Texas, Mr. RICE A. PIERCE of Tennessee, and Mr. BISHOP W. PERKINS of Kansas managers at the conference on the part of the House.

ANTWERP INTERNATIONAL EXHIBITION.

Mr. MILLER, of California. It is desirable to have an order at this time. I ask unanimous consent that the vote of the Senate discharging the Committee on Foreign Relations from the consideration of certain papers in relation to the participation of the United States at the international exhibition to be held at Antwerp in 1885 be reconsidered, and that the papers may be referred back to the committee for further action.

The PRESIDING OFFICER. The Senator from California asks unanimous consent for the consideration of the motion suggested by him. Is there objection? The Chair hears no objection, and the order is made.

ENROLLED BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman; and

A bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I desire to give notice that to-morrow morning, immediately after the reading of the Journal and the presentation of petitions and reports, I shall ask to take up the sundry civil bill, and I wish to say to Senators that if we are to adjourn, as we hope to do, within the time generally understood to be implied by the bill passed yesterday it will be necessary for that bill to be completed to-morrow. The bill will be distributed early in the morning to Senators so that they can have an opportunity of examining it.

I will say that after that bill passes there will be but one more appropriation bill to pass, the fortification bill, which will take but a few moments, so that Senators who have intervening business I trust will wait until this bill has passed the Senate and in the course of its final passage through a committee of conference.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of executive business.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

The PRESIDING OFFICER. Before putting the motion the Chair will lay before the Senate the unfinished business, which is the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes. The question is on the motion of the Senator from Minnesota [Mr. MCMILLAN].

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 1, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

Mr. LORE. Mr. Speaker, I move by unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction of bills and joint resolutions.

There was no objection, and it was ordered accordingly.

The Journal of yesterday's proceedings was read and approved.

NAVAL APPROPRIATION BILL.

Mr. DUNN. I demand the regular order of business.

Mr. RANDALL. I rise to make a privileged report.

The SPEAKER. The gentleman will send it up.

Mr. RANDALL. I hope the House will be in order and attention given to the report of the conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4716) "making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes," having met, after full and free conference have been unable to agree.

WALDO HUTCHINS,
SAM. J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

EUGENE HALE,
JOHN A. LOGAN,
JAS. B. BECK,
Managers on the part of the Senate.

The SPEAKER. The Clerk will now read the statement accompanying the report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for the naval service for the fiscal year 1885 submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

The committee of conference found itself confronted with a disagreement between the two Houses of Congress upon the amendments of the Senate to the House bill numbered 44 and 48. These amendments cover the following subjects: No. 44 is the amendment appropriating $2,500,000 for the construction of one cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch-vessel of 1,500 tons, two heavily-armed gunboats of 1,500 tons each, one light gunboat of seven hundred and fifty tons [and one gunboat not to exceed nine hundred tons, to be built on plans and specifications to be furnished by the Admiral of the Navy]; one cruising torpedo-boat, two harbor torpedo-boats, and one steel ram, under limitations and provisions making a part of said amendment.

Amendment 48 provides for continuing work upon the double-turreted monitors, $2,000,000, the same to be applied toward procuring the side and turret armor and armament and finishing the vessels; and the Secretary of the Navy, acting under the advice of the naval advisory board, in the same manner in all respects as in the construction of the steel cruisers, shall not, in procuring such armor and armament and finishing the monitors, exceed as the total cost of such completion the amounts estimated in the report of the board of October 25, 1883, and the report of the Secretary of December 1, 1883; and in all purchases of armor or contracts for construction there shall be free and open public competition.

There were other Senate amendments to the appropriation bill where no agreement was reached by the conferees, but it is thought if an agreement should be reached by the two Houses upon the two amendments before referred to, numbered 44 and 48, the remainder of the bill could probably be adjusted satisfactorily to the committee of conference.

WALDO HUTCHINS,
SAM. J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

Mr. RANDALL. Mr. Speaker, it is proper for me to say in the discharge of the duties of the conference we proceeded to consider the bill from the beginning with varying results as to agreements and disagreements until we came to the amendments of the Senate numbered 44 and 48. Those amendments involve the insertion in this appropriation bill of a measure passed by the Senate authorizing the construction of certain vessels which have been enumerated in the report of the House conferees.

The other point of material disagreement related to further appropriations to complete what are known as the iron-clad monitors. I do not think I step beyond the range of propriety when I say that the Senate seemed to have a lurking hope, which either ought to be affirmed or destroyed by positive action on our part, that ultimately the House would recede from its disagreement to those amendments. Understanding my duty as I do, and I think I speak for my associates on this side of the House, I say deliberately nothing but instruction from the House will induce the House conferees to yield on these two points. [Applause.] And why? Because we have not that confidence in the manner of construction of these cruisers that warrants any further expenditure of public money to duplicate them. And that judgment is not made up from our own knowledge on the subject. The naval constructor affirms his judgment as to the construction of the vessels, and the highest scientific mind in the Navy of the United States, whose character in reference to engineering and the construction of machinery is known the world over—I allude to Mr. Isherwood—both declare that the engines of these vessels are not such as they should be. I ask the Clerk to read what the naval constructor has said in reference to the Boston and the Atlanta.

The Clerk read as follows:

The ACTING CHAIRMAN. You refer now to the Boston and Atlanta?

Chief Constructor WILSON. Yes, sir; I would not for one moment be considered as indorsing either one of those ships.

The ACTING CHAIRMAN. What do you think will be the trouble with them?

Chief Constructor WILSON. In the first place, those ships have not sail power enough to go anywhere. They can not work under sail. If they get on a lee-shore they would go ashore despite all they could do. In a heavy sea their speed will be knocked down by forcing their bow into the sea, and the sea will be likely to roll on board aft as they ascend into it. An ironclad might be designed in that way, but I do not believe in designing a light unarmored cruiser in any such manner.

The ACTING CHAIRMAN. You think they will be failures practically?

Chief Constructor WILSON. I think these vessels will practically be failures as sea-going vessels. In smooth water there is no question but they will have speed and that they will go along very nicely, but in a sea I believe they will be a failure.

Mr. RANDALL. I ask now that an extract be read from a published letter addressed by Mr. Isherwood to Mr. HALE, of the Senate conferees, in relation to the boilers of the Chicago, and the material of the hull.

The Clerk read as follows:

The boilers of the Chicago have no superiority of any kind over those in use in the best foreign war vessels, and in our own; and in the best and most recent transatlantic steamships, namely, the cylindrical boiler with internal cylindrical furnaces; but they are a cheaper boiler to build. The space occupied, and the weight, including the contained water, is the same in both. Both are equally accessible, but the Chicago's boilers need, for a high rate of combustion, the large exposed steam-drums referred to, and they may fail even with their use and with a moderate rate of combustion. The objection to them is not their brick furnaces, but their liability to excessive priming. There are no advantages derivable from such furnaces except cheapness of construction, and that is an advantage for the contractor only, and no disadvantages except the always possible dislodgment of the bricks by the violent rolling and pitching of the vessel, or by careless use of the firing-tools; but even such possibilities should be avoided unless a great gain is to be obtained by incurring them.

The experiment of adopting these boilers was most injudicious; it was pure error of judgment and hazarded the success of the vessel for nothing; no gain was possible, and much loss was probable. Most certainly they should not be repeated in any other vessel.

The hull of the Chicago is constructed of what is conventionally called steel, but which is really iron—ingot iron, in contradistinction to puddled iron. This so-called steel has none of the properties of that metal, and is merely a particular make of iron. The definition of steel is an alloy of iron with carbon or chromium, that will take a temper and cut iron. Now, the metal of which the Chicago is built will do neither, and the name of steel applied to it is both a misnomer and misleading, for the non-expert will naturally suppose the material of the vessel to really have the qualities of true steel.

Mr. CALKINS. Who is the author of that?

Mr. RANDALL. Mr. Isherwood, formerly Engineer-in-Chief of the Navy. I might rest the action which we recommend to adhere and not yield to the incorporation of these amounts in the appropriation bill upon the opinion of these two accepted authorities, one now in office and the other formerly at the head of the Engineer Corps of the United States Navy. But I am willing to go further and say if it were necessary that there are not thrown around these propositions those safeguards for the expenditure of the money which circumstances known to the country demand in reference to a Department which is now being investigated.

The next question is as to the monitors. That is a subject which was duly considered in the last Congress, and the Committee on Appropriations of that body did not recommend to the House of Representatives any further appropriation of money in that connection, nor did the House in the passage of the original bill incorporate a dollar for that purpose. The bill went to the Senate, and there the amount was incorporated, and in a sort of coercive way, if I may be allowed in a parliamentary sense to use such a term, the House was compelled to yield. I want to have read in that connection, that it may be still further impressed upon the minds of the House, the language uttered upon this floor by a gentleman here in debate, whose experience as a business man and as a manufacturer in all the forms of iron and steel which enter into the construction of such vessels is large, and whose capacity to judge of such subjects is unquestioned. I ask the Clerk to read from the RECORD what was said on the floor a few weeks ago upon this point. This is a part of the language of the gentleman from New York [Mr. HEWITT].

The Clerk read as follows:

There are other questions behind this on which I am in full accord with the Appropriations Committee. I believe the monitors are a total failure. I believe every dollar spent on them is wasted, and I shall never vote, as I never have voted, a single dollar in behalf of the monitors.

I also believe we ought not to build any new cruisers until we know whether those now under way are good for something or not. But we can not tell whether they are good or not until we put guns on them and float them and try what they can do in the open ocean.

Mr. RANDALL. Now, in view of all these matters, in view of the general consideration of the subject in all of its bearings, I do not altogether object to these appropriations on the score of economy. I place my objection upon a judgment which I would call into action were it with reference to a matter relating to my own private affairs. No man possessed of ordinary judgment who was interested in the construction of a number of vessels but would first have one constructed and tested in every particular, both as to its speed, its sea-faring qualities, and its strength, and also as to the question of boilers and machinery, before proceeding with others. When, therefore, we are invited by the Senate or by any portion of the gentlemen on the other side of the House to expend further amounts of money in these directions, I say that we and the people of the United States have a right first to know whether these vessels are to be failures or are to be successful in construction.

And following this I want to add in conclusion that I do not wish any man in this House to give a wavering vote upon this question. I want him, as he will have an opportunity when his name is called, to render as far as he is able his final and conclusive purpose in relation to the matters in controversy, because, as I said before, there is nothing that will induce the present conferees or a majority of them to yield these two points of disagreement, except a direct vote of this House, and when that vote is given I trust they will select some other conferee than myself. [Applause.]

I now yield to the gentleman from Indiana [Mr. CALKINS].

The SPEAKER. The gentleman has forty-five minutes remaining.

Mr. CALKINS. Mr. Speaker, the question presented to the House in these two amendments of the Senate as they now stand is simply this: first, is it the judgment of this House that we should stop the construction of any new cruisers and delay the work for a year or more, or shall this House take another advance step in the direction of building a navy. That is the first proposition. The next is, shall this House, after having expended very large sums of money, many millions of dollars, in building the four monitors, stop the work upon them altogether, leave them where they are, and expend no more money upon them for another year? These, sir, are the two questions which are presented; for I take it that no gentleman upon the floor, even though it be the Gladstone of the House, my honored chairman of the Committee on Appropriations, will say that the monitors, being now in a forward state of completion, must be broken up and sold for old metal. I say that no gentleman upon the floor, as I take it, is ready to make that assertion or plant himself upon that position, and therefore it is not necessary to discuss the question in that light. Then it follows as a natural sequence that the monitors at some time, near or distant, will be finished; and the question we are confronted with is what?

Shall we go on and build ships now, or shall we put it off to some other time?

It is known to the House and has been iterated and reiterated on the floor many times during the last session of Congress that an appropriation of money was made to purchase certain armament and equipments for the four ironclads, the Puritan, the Terror, the Amphitrite, and the Monadnock. Contracts were made for the completion of three of them, and the work is now in an advanced state of progress. As to the Monadnock, it is upon the Pacific Slope, and out of deference to the wishes of the committee the Secretary of the Navy deferred making any contract for the completion of that monitor, and it remains now just as it was several years ago, upon the stocks in the ship-yard at that point. So that, Mr. Speaker, the question is: Shall this House stop now and proceed no further either in finishing the monitors or trying to build up a navy by the construction of these additional cruisers recommended in the amendment of the Senate?

Now, the objection assigned by the gentleman from Pennsylvania is, first, that these four vessels, the new cruisers already in a forward state of completion, namely, the Chicago, the Boston, the Atlanta, and the Dolphin, will be failures when they are finished, and his remarks are predicated upon what was said by Mr. Isherwood and Naval Constructor Wilson.

I admit, Mr. Speaker, that these two gentlemen from the beginning have done nothing but criticise these four vessels. I admit that in the British journals some of the engineers of the English navy have criticised these steel cruisers, but I affirm that 90 per cent. of the brains of the American Navy have said that these vessels, in their judgment, will be the best of their class in the world when finished. There have been investigations made.

Mr. DINGLEY. At this point, that I may understand the question at issue, will the gentleman from Indiana inform me whether the criticism extends to the construction of the hull or simply to the construction of the engines?

Mr. CALKINS. There are three criticisms made upon these steel cruisers. The first is with reference to the way in which the engines are put into the vessels, some of the engineers declaring that the vertical position of the engines as has been recommended in these vessels will decrease their speed, will have a tendency to make them slow; they will not get the speed that was supposed would be gotten out of them when first adopted. The second is with reference to the furnace; the old way being a water furnace and these have substituted in place of a water furnace a brick furnace. Those are the two principal criticisms made upon the construction of these steel cruisers. The other criticism is upon the hull, and may be expressed by saying that the depression on either end of the cruisers (if you will allow me the expression) has been objected to by some of these engineers.

Mr. ADAMS, of Illinois. That is as to the Boston and Atlanta.

Mr. CALKINS. The Boston and Atlanta—those two.

Mr. DINGLEY. But those models have been spoken of as experiments which have never been tested. Is that true?

Mr. CALKINS. They are largely experimental. That is to say, the advisory board after having examined carefully the construction of like vessels throughout the world have added certain improvements as they

claim to these vessels, among which is the change adverted to. They have changed the design in the particular I have spoken of.

Mr. DINGLEY. But that is simply a depression in the decks and not in the model of the hulls.

Mr. CALKINS. The models of the hulls are not substantially changed. It is in reference to the depression of the decks that the criticism has been indulged in by these persons.

Then there is a further criticism in reference to the material which has been referred to by my chairman, the honorable gentleman from Pennsylvania, in which it is alleged that the steel is improperly so called; that it is a poor quality; that it will not answer the purpose for which it is used. But that is all imaginary. It is simply the judgment and opinion of certain men with reference to the texture and durability of the steel used.

Now, Mr. Speaker, to come back again to the point, because I shall not this morning detain the House except to get before it the exact points of controversy. For one, and I speak alone for myself, I do not care whether we get further with the monitors at this time or not. As I have already indicated, the time will come when they must be finished or must be broken up and sold as old iron; and I think no one has intimated that that step will be taken. But shall we stop in making further vessels for our Navy?

I was sorry this morning to hear the gentleman from Pennsylvania refer to the fact that in the Navy Department there was an investigation in progress, which in some way, as I understood the gentleman, militated against the further expenditure of money by that Department. I am sure the gentleman will not say that the investigation proceeding in the Navy Department to-day has anything to do with new cruisers or with any department connected with them.

Mr. RANDALL. Just there I want to say we have given every dollar that was estimated for to complete these cruisers so that the test may be made. I do not want to enter upon the discussion pro and con of the conduct of the Navy Department in relation to the contracts made; for it is not pertinent, perhaps, to the subject. Moreover, it may protract debate and delay action on the bill.

Mr. CALKINS. I was referring, Mr. Speaker, not to the contracts that had been made for these cruisers, or for the monitors, but to the reference which the gentleman made to the investigation which was proceeding in the Navy Department; and I said that the gentleman would not allege that there was any investigation now proceeding.

Mr. RANDALL. That has no relation, perhaps, to these cruisers or to the monitors. But it has relation to the action of every member of this House when we appropriate money to Departments wherein maladministration has been found, that we may see that proper restrictions are thrown around this expenditure.

Mr. CALKINS. The point I was making was that the reference of the gentleman to the investigation now going on in the Navy Department was foreign to the discussion here for the reason that that had no reference to these steel cruisers. But I want to say one other word while I am upon that. I will be in possession to-day of the recommendations which put Wales in the position where he was. If it is necessary the distinguished names of many members of this House and of the other body will be shown to have been appended to his recommendation for reappointment to that place. It will appear further that the present Secretary of the Navy was never in favor of his reappointment to that place. It will appear further that when he was placed in charge of that bureau he was not placed there by reason of the voluntary action of the present Secretary of the Navy.

And if there has been, as the gentleman alleges, maladministration in that bureau, the responsibility will not rest upon the present head of the Navy Department, but it will rest, if anywhere, upon those who were instrumental in putting him at the head of that bureau.

Mr. RANDALL. It will certainly rest on the bureau.

Mr. CALKINS. It will rest on those who were instrumental in putting him there. I will soon have the papers, and in due time, if necessary, will have them read for the information of the House.

Mr. COX, of North Carolina. Was he put in there by this administration?

Mr. CALKINS. Yes; upon the recommendation of his friends who were behind him and asked to have him put there. I criticise no gentleman for recommending him. It is not the first time that men have been mistaken in their estimate of another. The world now seems to be pretty full of men who are not always reliable and do not always come up to the highest standard of morals.

What I want to say with reference to these vessels, leaving aside this matter of investigation, is that I have no doubt that this House, under the leadership of the gentleman from Pennsylvania [Mr. RANDALL], will refuse to build a navy. But I do not believe that the reason for that refusal is the one which the gentleman has given to the House. My judgment is that the refusal now rests largely upon a question of pride.

A MEMBER. Or temper.

Mr. CALKINS. Yes; as a friend near me says, "Or temper;" let it be either way. The people of the country, without distinction of party, desire that this House shall take no backward step in building up a navy for this country. It was the pride and glory of the Democratic party when it was first on earth——

Mr. HORR. A great while ago.

Mr. CALKINS. Yes; a great while ago—to have, as the gentleman from New York [Mr. DORSHEIMER] said, a magnificent navy and splendid coast fortifications and defenses. The Democratic party under its present leadership, however, has not only forgotten the traditions of the party, but have come to be simply a party of criticism. The gentleman from Pennsylvania [Mr. RANDALL] illustrates that this morning when he comes in here and bases his argument on a criticism made by two officers of the Navy and an English engineer as opposed to the judgment of almost every other officer in the Navy of the United States.

Of course these vessels are largely experimental. I said some months ago to this House that naval architecture is not now a certain quantity. Ever since the combat between the Merrimac and the little Monitor, down in Hampton Roads, which revolutionized the navies of the world, naval architecture has been going forward in other countries, but we have stopped. This nation, having at the close of the war the best navy in the world, disposed of these vessels, and, except constructing these few monitors, which have been the subject of so much controversy, did nothing while all the other nations of the world went on with their experiments. I am not going to stop this morning to refer to the splendid navies of Italy, Spain, France, Germany, and England. It is enough to know and enough to say that the little nation of Chili, as the gentleman from Pennsylvania well knows, deliberately insulted this nation during the first part of the present administration, and we being without vessels or guns were compelled to pocket the insult and become then, as we have remained ever since, the laughing-stock of the world.

But I do not care so much about that as I do about another matter. If one of the subjects of the British Government, no matter in what country he may be traveling, is molested, an instant demand is made by England upon that other government for redress on account of any injustice done one of her subjects. And the first occasion has yet to come when that other nation did not make instant reparation and apology.

But how is it with this nation? In the room of the Committee on Foreign Affairs of this House there lie to-day petitions and memorials from citizens of the United States showing that the meanest and smallest of the countries upon the face of the globe have maltreated and misused, abused, and imprisoned our citizens, and when reparation and apology have been demanded they have not been given.

And not only that, but as Admiral Schufeldt said in his testimony before the committee, whenever the commerce of this country undertakes to penetrate the semi-civilized countries of the world, where commerce can reap its greatest gains and profits, a gunboat is first required to enforce respect to our flag and regard for our sailors and merchant marine. Before we can ever build up a merchant marine in this country, before we can again place our ships on the ocean and spread our flag in the light of heaven, we must build a navy.

But I need not stop to discuss this subject. I understand perfectly well, at least I think I do, the temper of the other side of the House. I understand perfectly well that under the leadership of the gentleman who is a prominent candidate for President of the United States, and who has his great State behind him urging his claims, the fiat has gone forth that a navy shall not be built up until after the next Presidential election. If that is the position which the gentlemen on the other side choose to assume, we are ready to meet it now and at all times in the future.

But if an appeal would do any good I would like to appeal to the good sense of members, not as partisans but as Americans. I would like to ask them now not to take a step backward in the building of a navy for this country.

Two years ago we ordered the building of these four cruisers, and before winter comes they will all be launched. There will be time before a dollar of this proposed appropriation can be expended to thoroughly test each one of these cruisers, and not a dollar need be spent until they have been tested. The gentleman knows that, and if he has any fears on that subject he may put into this bill a clause that no more vessels shall be built like those we have ordered until they have been tested, which can be done before cold weather comes. But that will not suit his purpose. He knows if a clause of that kind be inserted in the bill these vessels, when a successful trial has been made, will be built under the present administration. He knows that contracts will be let immediately. He knows the work will be pushed forward; and what is desirable on his part it seems to me is delay—nothing else.

He has also intimated that he did not like to have the money expended under the present administration. My reply to that is that it is too narrow an edge to plant a great party upon. With the power in your hands to find where every dollar of this money goes, to watch and guard its expenditure as you have done and may do with a majority in this House, you know that the money will not be misapplied; that it can not be misapplied without the delinquent being brought to justice at once. That is not your purpose.

Now, Mr. Speaker, if this amendment of the Senate be defeated and no appropriation be made for building more cruisers, of course it means delay for a year in building up our Navy. It means, in other words, a step backward. I say to this House, I say to the country deliberately, that I believe if the gentleman from Pennsylvania was anxious to build a navy, to advance the interest of the country, and not to retrogade, he could in twenty minutes draft an amendment with reference to these new cruisers so as to meet the judgment of both sides of the House—without reference to the monitors, for I am not very particular about them. But that is not his purpose. It seems to me that his purpose simply is to say to the country that no navy shall be built till the Democratic party has another chance to come into power.

Now, Mr. Speaker, I know what will be the final result of a vote on these two propositions. At the proper time I desire to test the sense of the House upon the propositions separately, one for the monitors and the other for these new cruisers. I shall ask the House (as the gentleman has already indicated he will do) to say decisively what it proposes to do. Of course I can not speak for the other branch of Congress; it would not be proper for me to undertake to do so, but I know what I would do if I were the controlling spirit in that body—I would stand by the provisions for these new steel cruisers, no matter what might be the determination of this House.

Mr. RANDALL. Mr. Speaker——

Mr. REED. Will the gentleman from Pennsylvania permit me a moment? I understand him to say that the principal objection to the appropriation which is at present the subject of contention is, first, the fear lest the present set of cruisers may prove to be a failure, and therefore the gentleman desires no others built upon those models; and, secondly, that more safeguards need to be thrown about the expenditure of the money. I hope the gentleman will be kind enough to state to the House why he does not cure those objections by proposing amendments to the bill.

Mr. RANDALL. Mr. Speaker, I have expressed myself very fully upon those points. In conclusion, I want to say in reply to the gentleman from Indiana [Mr. CALKINS] that I do not believe, as he believes, that the dignity of the American citizen has in any part of the civilized world been seriously encroached upon by any nation.

Mr. CALKINS. Will the gentleman allow me——

Mr. RANDALL. The gentleman can perhaps indicate the instances to which he refers, and when he has done so I would say in reply that it was not the happy fortune of the people represented on this side of the House to be able to deal with any nation that may have shown a disposition to transgress in that way. As an instance of the moral attitude of the American people, I want to say that it was an American minister who was selected by the two great powers, Germany and France, to regulate around Paris the matters of surrender and accommodation between those two countries.

I wish to say further that my experience in traveling in foreign lands has shown me that where an American citizen behaves himself he receives unbounded respect; when he utters the words, "I am an American citizen," they are a passport to respect and honor everywhere. [Applause].

Mr. CALKINS. If the gentleman from Pennsylvania [Mr. RANDALL] will allow me, I think his honored colleague [Mr. CURTIN] who sits near him will say that the petition of Mr. Wheelock is now in the hands of the Committee on Foreign Affairs, representing that he was arrested in Venezuela——

Mr. RANDALL. And, sir, what was your administration about? [Applause on the Democratic side.]

Mr. CALKINS. No administration can enforce the dignity of this Government unless its Legislature will put into the hands of the administration the gun-boats, the naval power, to enforce the rights of American citizens. [Applause on the Republican side.]

Mr. RANDALL. Did your administration ever appeal to this House for force to vindicate the honor and dignity of the nation?

Mr. CALKINS. Repeatedly.

Mr. RANDALL. If I know the American heart; if I know the sentiment of members of this House, whether from the North or from the South, I say, whenever an appeal of that kind comes from any administration, no matter what may be our personal feeling toward it, there will be but one voice and one vote here in defense of our country. [Applause.]

Mr. REED. You have that opportunity now, and your vote is in the negative.

Mr. RANDALL. Why? Because you want to construct vessels which we believe the experience of twelve months will indicate are not equal to the second-class armament of other nations.

Mr. REED. Then why did you not make the necessary amendments to build vessels that are good? [Applause on the Republican side.]

Mr. RANDALL. Your party had possession of the last Congress; and yet it deliberately and with intent, with light and knowledge, under the leadership of the gentleman who sits near the gentleman from Maine, and within my sight, refused to vote for the completion of any of these monitors. [Applause on the Democratic side.]

Mr. COX, of New York. I ask the gentleman from Pennsylvania to yield to me for a few minutes.

Mr. RANDALL. How much time have I left?

The SPEAKER. Fifteen minutes.

Mr. RANDALL. I will yield to the gentleman from New York for ten minutes.

Mr. COX, of New York. I am sorry, Mr. Speaker, this matter has taken somewhat of a partisan tinge. I regret that our Republican brethren at Chicago the other day made the increase in the growth of a navy a part of its partisan platform. For I am sure, sir, no man of American mind, mold, and spirit would in any way prevent a proper navy from being built.

The Secretary recommended to Congress at least seven modern vessels should be built in each year for ten years, until the Government had acquired a new steel navy. The annual expenditure would be $4,000,000. That amount of $4,000,000 a year requires an expenditure for such a navy, "so-called," of $40,000,000.

But we find on examination that there are four vessels already in progress. They are alleged to be faulty. This is sustained by the judgment of the experts themselves; and therefore we desire to call a halt until we ascertain from skillful men just what the naval and moneyed results of this vast expenditure may be.

I said very feebly yesterday what I say to-day more vigorously, that I would rather have one good large iron-clad steamer at a cost of $4,000,000 than your whole fleet of forty-million-dollar cruisers. These cruisers can not fight the present iron-clad vessels of the world. To make these vessels, according to Admiral Porter, able to compete with the vessels of the world—this is the crucial test of a navy worth having—the Admiral says:

> I am nevertheless well satisfied that it would be most unwise to vote $4,000,000 for the construction of seven steel cruisers next year until we have some evidence that the Chicago, the Boston, the Atlanta, and the Dolphin are of the proper type or types to enable our naval officers "to keep alive the knowledge of war."

And he asks:

> Are these the types of ships that are "capable on brief notice of being expanded into invincible squadrons?"

I perceive the emphasis of the recommendation of your great Admiral. I would not go back on that recommendation, nor on the testimony of your skilled and ingenious builders and engineers. I would not in a time when this armament is growing——

Mr. REED. Let me interrupt the gentleman for one moment.

Mr. COX, of New York. Certainly.

Mr. REED. Is it not proposed in this amendment we are discussing to have vessels according to the plan of the Admiral whose testimony you are quoting?

Mr. COX, of New York. No, sir; I am talking about the four cruisers.

Mr. REED. But permit me; is not that one of the propositions we are discussing and deciding by the very Admiral whose testimony you quote?

Mr. COX, of New York. That came in here one Monday and was defeated—perhaps unwisely.

Mr. REED. Is it not in this particular bill?

Mr. COX, of New York. That is not the proposition I am now debating.

Mr. REED. Is it not in the bill?

Mr. COX, of New York. It may be in the bill.

Mr. REED. Is it not in the bill we are debating?

Mr. COX, of New York. It may be.

Mr. REED. Thanks for that concession.

Mr. COX, of New York. I was following what was said by the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. CALKINS], namely, the points of difference between the Senate and the House. They have reference to two subjects: first, the monitors, and second, these cruisers. I think I may say that we are justified in refusing to concede the expenditure of these large sums when the monitors on the one side are regarded as useless in the opinion of many, and when the cruisers have not been sufficiently tested, or if tested, do not fill the idea of a navy revival. If the Chicago platform means this, some one has been wofully deficient in navigating the tempestuous politics.

Regarding our ability to command our position in the world I know we were stronger in the world's esteem, we were greater in national character in that old time when Democrats had a naval force respected abroad and commanded abroad. I refer to the time of Koszta in Smyrna Harbor. I refer to the ever heroic Ingraham, who in those Democratic days vindicated the American rights of a semi-naturalized man, when pursued by Austrian tyranny, and challenged the admiration of the world in behalf of this signal defense of our citizenship and flag when molested in a Mediterranean port. But the way, sir, to vindicate our supremacy is not by building mere commerce destroyers. The way to do it is, according to the best judgment and experience of the best men of our age of invention, let us build ironclads, sir, one or more, for the present if you please, of sufficient strength and caliber in

their guns to protect our commerce and screen our harbors and coasts. Then we can command the respect of mankind.

This voting of money for the construction of these fightless and flighty cruisers may give to our officers many a holiday under foreign skies, but the work will be like pouring water in a sieve. It will have no possible good effect.

My distinguished friend on the other side, the candidate for governor of Indiana [Mr. CALKINS], speaks well for his party. He allowed truth to creep unaware upon his party caution when he carelessly said that our side of the House was opposed to building a navy, and then immediately, almost in a breath, he corrected himself by saying, "I mean building these cruisers." For is it not clearly understood that there is in the judgment of this House, as well as of others, a vast difference between building a navy of the kind that should be built for our credit, honor, and character, and these cruisers, that are only chasing vessels, trade annihilators, and not in any sense fighting vessels.

So far as building up a navy for proper defenses and strengthening our harbors and coasts by fortifications, I am with my distinguished friend from Indiana; I will vote for proper fortifications and for iron-clad ships; so I indicated yesterday. I may go further than some other members on this side; but I am unwilling to vote away the public moneys for useless vessels, which will be utterly powerless to defend the nation in case of peril, and useless upon the sea, so far as defending our honor and protecting our citizenship and commerce abroad.

Mr. CALKINS. Let me ask my distinguished friend from New York: Suppose that I should propose an amendment to build one such vessel as the gentleman himself suggests, could I depend upon him to follow me in that direction?

Mr. COX, of New York. I will vote for such an amendment, for the reasons I gave abundantly yesterday. I said so yesterday; I have said so time and again. If my friend will do me the honor to read my speech, which is printed carefully in this morning's RECORD, he will see that I stand identically on that position now.

What does Admiral Porter say? And I have quoted him very liberally in that speech. He says that vessels like the Alaska and the Oregon, which are capable of a speed of eighteen or nineteen knots an hour, can be turned into armed cruisers in a twinkling. They can not be affected by the cruisers we are building. He intimates that these cruisers would be mere popguns against the machine-guns and new ships of other nations. What we want to meet that kind of a ship in conflict are such ironclad ships of war with such equipment as the recent Brazilian vessel. What we want to compete in fight with new vessels and armor is such a ship as Admiral Simpson has recommended, and whose recommendation upon the advanced engineering plans of the present day might in a short time amply protect the honor of our flag, and be useful, if not indispensable, in case of any emergency.

[Here the hammer fell.]

Mr. RANDALL. I yield three minutes to the gentleman from Connecticut [Mr. EATON].

Mr. EATON. Mr. Speaker, three minutes will be all I desire simply to correct the position taken by my friend from Indiana. I wish to state to him and to the House that there is no case pending before the Committee on Foreign Affairs of this House but what could be settled in our own way. Not only that, but there is no necessity of ironclads of any character to protect the great interests of American citizens, so far as the Committee on Foreign Affairs are aware.

Mr. CALKINS. If my friend from Connecticut will pardon me that is not my position. The point was that if we had a navy and demanded satisfaction for outrages upon our citizens, these countries would not have dared to deny us.

Mr. EATON. It is not a case of navies or ironclads; it is a case of the administration of the Department. The Department of State is dilatory; that is all. The little trouble some time ago with the Argentine Republic and a citizen of the United States who had not been properly treated in that republic did not require the presence of gunboats or ironclads. The State Department could manage it all. A canoe is all you want to determine differences between this country and those little republics. I repeat, the trouble is in the State Department; it is not any difficulty with regard to our Navy, so far as the American character is concerned, in any of these South American republics. Let us not unnecessarily belittle ourselves here. I tried for two months to get the truth from the State Department with regard to an American citizen maltreated in one of these republics of the South, and did not succeed in getting it until I said I would bring the matter before the House unless I could get that information.

[Here the hammer fell.]

Mr. RANDALL. I now demand the previous question upon the adoption of the report.

The previous question was ordered.

The report of the committee of conference was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now move, in order to test the sense of the House, that the House further insist upon its disagreement to the Senate amendment numbered 44; and upon that I demand the previous question.

Mr. CALKINS. I move that the House recede from its disagreement.

Mr. RANDALL. That motion, of course, has precedence. Let us have the yeas and nays.

It is suggested to me to embrace the two amendments, 44 and 48. The question can be divided.

Several MEMBERS. No.

Mr. RANDALL. A separate vote will be taken on each.

The SPEAKER. Pending the motion of the gentleman from Pennsylvania, the gentleman from Indiana moves that the House recede from its disagreement and agree to the amendment of the Senate.

Mr. RANDALL. That motion has priority.

Mr. CALKINS. I desire to be heard a moment on my motion.

Mr. RANDALL. I have control of the subject and have demanded the previous question.

The SPEAKER. The gentleman from Pennsylvania demanded the previous question. That precludes any debate according to the practice of the House.

Mr. CALKINS. But my motion has priority, and is open to debate.

The SPEAKER. The gentleman's motion has priority according to the practice of the House, but the previous question has been demanded.

Mr. CALKINS. Does the Chair hold that the previous question is operating on my motion?

Mr. REED. Has not the previous question been executed?

Mr. RANDALL. I insist on the previous question on the motion that the House further insist on its disagreement. I concede that the motion of the gentleman from Indiana [Mr. CALKINS] is a prior motion, but it does not take from me the control of the subject nor the authority under the rule to call the previous question on both motions.

The SPEAKER. The Chair will cause the practice of the House to be read as it has been settled in more than one Congress. The Clerk will read from page 271 of the Digest.

The Clerk read as follows:

Though the previous question may be pending on a motion to insist or to adhere, a motion to recede, which removes the disagreement between the Houses and passes the bill, may be made, but is not debatable.

The SPEAKER. That is the practice of the House.

Mr. REED. Has there been any motion for the previous question?

The SPEAKER. When the gentleman from Pennsylvania moved that the House further insist on its disagreement to the Senate amendment he demanded the previous question, and pending that the gentleman from Indiana moved to recede.

Mr. RANDALL. I have conceded that the motion of the gentleman from Indiana has priority; but that does not take from me the control of the subject.

The SPEAKER. The question is not debatable.

Mr. CALKINS. I ask that the amendment be read.

The amendment of the Senate (No. 44) was read, as follows:

(44) To enable the President to strengthen the naval establishment of the United States the sum of $2,500,000 is hereby appropriated, to be expended as follows and under the following limitations: For the construction of one cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch vessel of 1,500 tons, two heavily-armed gunboats of 1,500 tons each, and one light gunboat of seven hundred and fifty tons, and one gunboat, not to exceed nine hundred tons; this boat to be built on plans and specifications to be furnished by the Admiral of the Navy, and under his supervision and directions, subject to the approval of the Secretary of the Navy; one steel ram, as recommended by the first naval advisory board, November 7, 1881; one cruising torpedo-boat, advocated by the same board and by the present advisory board in its memorandum of November 21, 1882; and two of the harbor torpedo-boats recommended by said first board and in the report from the Bureau of Ordnance of November 1, 1883, all of which are recommended in the annual report of the Secretary of the Navy. And, under existing law, it shall be the duty of the advisory board appointed in conformity with an act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882, to advise and assist the Secretary of the Navy, in his office or elsewhere, in all matters referred to them by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein, and to the construction thereof, and especially relative to the harmonious adjustment, respectively, of their hulls, machinery, and armament; and they shall examine all materials to be used in said vessels, and inspect the work on the same as it progresses, and have general supervision thereof, under the direction of said Secretary. But said board shall have no power to make or enter into any contract, nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor. Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced, or a contract made for it, they shall not be changed in any respect, when the cost of such change shall in the construction exceed $500, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy; and if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by said board; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of the increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes. And for the construction of all which vessels the Secretary of the Navy shall invite proposals from all American ship-builders and builders of machinery who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract their ship-yards will be equipped for building and

repairing iron and steel steamships, and constructors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board; and in the event that such vessels, or any of them, shall be built by contract such building shall be under contract with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the naval advisory board, and in all respects in accordance with the provisions of the act of August 5, 1882, except as they are hereby modified; and the authority to construct the same shall take effect at once: *Provided*, That the Secretary of the Navy shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use, in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

Mr. CALKINS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. I will ask the Chair whether under the third clause of Rule XXVIII thirty minutes are not allowed for debate on this subject, no debate having taken place upon it?

Mr. RANDALL. Debate has taken place.

Mr. CALKINS. The debate took place on the conference report.

The SPEAKER. The Chair supposes that rule applies. While it is true there has been some debate on these propositions there has been no debate on the pending motion of the gentleman from Pennsylvania.

Mr. RANDALL. Let the rule be read.

The Clerk read clause 3 of Rule XXVIII, as follows:

When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

Mr. RANDALL. There has been debate.

The SPEAKER. There has been debate on these propositions but not on the gentleman's motion.

Mr. RANDALL. I suggest that the previous question has not yet been ordered.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The previous question having been ordered, under the rule thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. CALKINS. I yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED. Everybody here recognizes the hopelessness of the main question; but at the same time it may be very desirable that the reasons which have been given by the gentleman from Pennsylvania should be investigated. It is not to be supposed for a moment that he gave those reasons for the purpose of influencing his side of the House. It is to be supposed rather that he gave them for the purpose of concealing from the country the true issue presented.

Among the grounds on which the gentleman from Pennsylvania in his speech bases his action are: First, that this bill is not surrounded by the proper safeguards as to the expenditure of money; second, the fear lest ships shall be built upon a model that shall prove to be a disastrous model for ships of the Navy.

Now, let us look at these grounds and see what they amount to. The gentleman from Pennsylvania is not only at the head of the conference committee, he is not only at the head of the Committee on Appropriations, but he is the true controlling leader of the House of Representatives, and if his desire was to build a navy it is in his power to make the necessary modifications to remove his own objections. In other words, the only grounds on which he bases his opposition to these amendments are grounds which he could cut out from under it at any moment.

The country will judge of the sincerity of the pretext which has been presented here. I call the attention of this House to one other occurrence which has taken place in its presence. I demanded of the gentleman, in the midst of his declamation about the willingness of his side to vote everything that was demanded by the Administration as necessary for the preservation and honor of the country, why he did not do it now when they were demanding it upon this very bill; and what was his answer? His answer was that the gentleman from New York [Mr. HISCOCK] did not in the last Congress put in an appropriation to finish the monitors. Those are the arguments with which the gentleman treats the House and the country; and I submit that it is legitimate and proper to expose them.

I do not make any declarations that are injurious to the gentleman from Pennsylvania. I mean to make no reflections upon him, but only upon the arguments as he presents them here to the House. And I say that they lead legitimately to the conjoined result of the conclusions of the gentleman from Connecticut and the gentleman from Tennessee, who some time ago addressed this House—and I congratulate the Democratic party upon the advance they have made. The last declaration made by the gentleman from Tennessee was that the proper navy for the United States was a couple of logs with the Ameriaan flag fastened to them. And the gentleman from Connecticut [Mr. EATON] has to-day advanced as far as a canoe. [Laughter.]

Mr. RANDALL. I am quite willing that the country should judge.

Mr. CALKINS. I will now yield to the gentleman from Pennsylvania [Mr. RANDALL], if he desires to go on. Of course I wish to reserve, say, five minutes of my time to myself.

Mr. RANDALL. I do not want to go on now.

Mr. CALKINS. Then I will yield three minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS, of Illinois. I would inquire how much time the gentleman from Indiana [Mr. CALKINS] has left?

The SPEAKER. The gentleman has eleven minutes remaining.

Mr. ADAMS, of Illinois. I simply desire to emphasize what has just been said by the gentleman from Maine [Mr. REED] by specifying and enumerating three or four of the objections which have been made to these cruisers, and it will not take more than three minutes to do that.

First, it is said that the Chicago should have full sail power. I say that it is only fair, before this appropriation is refused, to propose an amendment to the bill by which any new vessel of that type shall be constructed on that plan. I declare that I will myself vote for such an amendment.

Secondly, it is said that the Boston and Atlanta are cut down on the deck fore and aft in order to give a fore-and-aft range to their guns, and therefore they could not live in a heavy sea. If that be the case, then it is your duty to provide that all new vessels of that size and type should be constructed in the other way, exactly as Mr. Isherwood says they ought to be, with a high forecastle and a high poop-deck. It is not fair to put this disagreement on that ground unless you put in an amendment providing that new vessels shall be made so as to obviate that particular criticism.

The third criticism that has been made is one by an English periodical in regard to the engines and boilers on the Chicago, and perhaps on one of the other vessels. That criticism can be obviated by an amendment which can easily be made, and it should be made before an appropriation is passed or any attempt made to continue the building of vessels like them. Beyond these three objections I do not know of any which has been made that is entitled to serious consideration.

Mr. CALKINS. I will now reserve the balance of my time until the other side has been heard.

Mr. RANDALL. I would like the Chair to rule on that point.

The SPEAKER. The Chair will take the vote, unless some gentleman seeks to address the House.

Mr. RANDALL. I see nothing to answer.

Mr. REED. The gentleman from Pennsylvania [Mr. RANDALL] means that he sees nothing that he can answer.

Mr. RANDALL. I prefer to take the vote.

Mr. REED. I am glad the gentleman from Pennsylvania——

Mr. RANDALL. I have great respect for the gentleman from Maine [Mr. REED], for his ingenuity, wit, and general good character; but I do not think he has said anything that was serious enough to require an answer.

Mr. REED. I think the gentleman has great respect, and he shows it.

The SPEAKER. The gentleman from Indiana has nine minutes of his time remaining.

Mr. CALKINS. If it is not the purpose of the gentlemen on the other side to debate the matter further, I do not desire to take up further time of the House in the discussion.

The SPEAKER. No further debate being desired, the question is upon the motion of the gentleman from Indiana [Mr. CALKINS] that the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same.

Mr. RANDALL. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, nays 147, not voting 87; as follows:

YEAS—90.

Adams, G. E.	Finerty,	Long,	Ryan,
Anderson,	Funston,	Lyman,	Skinner, C. R.
Atkinson,	George,	McCoid,	Smalls,
Bayne,	Goff,	McComas,	Smith,
Belmont,	Guenther,	Millard,	Spooner,
Brainerd,	Hanback,	Miller, S. H.	Steele,
Brewer, F. B.	Harmer,	Milliken,	Stephenson,
Browne, T. M.	Hart,	Morrill,	Stewart, J. W.
Brown, W. W.	Hatch, H. H.	Morse,	Stone,
Calkins,	Henderson, D. B.	Nelson,	Strait,
Campbell, J. M.	Henderson, T. J.	Nutting,	Struble,
Cannon,	Hiscock,	O'Hara,	Sumner, C. A.
Chalmers,	Hitt,	O'Neill, J. J.	Thomas,
Culbertson, W. W.	Holton,	Parker,	Valentine,
Cullen,	Horr,	Payne,	Wadsworth,
Cutcheon,	Houk,	Payson,	Wait,
Davis, G. R.	Howey,	Price,	Washburn,
Davis, R. T.	James,	Ranney,	Weaver,
Dingley,	Jeffords,	Ray, G. W.	White, Milo
Dorsheimer,	Kasson,	Ray, Ossian	Whiting,
Dunham,	Keifer,	Reed,	Wilson, James.
Ellwood,	Laird,	Rockwell,	
Everhart,	Libbey,	Rowell,	

NAYS—147.

Adams, J. J.	Eaton,	Le Fevre,	Stevens,
Alexander,	Eldredge,	Lowry,	Stewart, Charles
Arnot,	Elliott,	McAdoo,	Stockslager,
Bagley,	English,	McMillin,	Storm,
Ballentine,	Ermentrout,	Matson,	Talbott,
Barksdale,	Ferrell,	Maybury,	Taylor, J. M.
Beach,	Findlay,	Miller, J. F.	Thompson,
Bennett,	Follett,	Mills,	Throckmorton,
Blanchard,	Foran,	Mitchell,	Tillman,
Blount,	Forney,	Money,	Townshend,
Breckinridge,	Geddes,	Morgan,	Tucker,
Broadhead,	Gibson,	Muldrow,	Tully,
Buchanan,	Glascock,	Murphy,	Turner, H. G.
Burnes,	Graves,	Mutchler,	Turner, Oscar
Cabell,	Greenleaf,	Neece,	Van Alstyne
Caldwell,	Halsell,	Oates,	Vance,
Campbell, J. E.	Hammond,	O'Ferrall,	Van Eaton,
Candler,	Hardeman,	Patton,	Wallace,
Carleton,	Hardy,	Peel,	Ward,
Cassidy,	Hatch, W. H.	Pierce,	Warner, A. J.
Clay,	Hemphill,	Post,	Warner, Richard
Clements,	Henley,	Potter,	Wellborn,
Cobb,	Herbert,	Pryor,	Weller,
Collins,	Hewitt, A. S.	Pusey,	Wemple,
Connolly,	Hewitt, G. W.	Randall,	Wilkins,
Cook,	Hoblitzell,	Reese,	Williams,
Cox, S. S.	Holman,	Robinson, W. E.	Willis,
Cox, W. R.	Hopkins,	Rogers, J. H.	Wilson, W. L.
Crisp,	Houseman,	Rogers, W. F.	Winans, E. B.
Curtin,	Hunt,	Rosecrans,	Winans, John
Dargan,	Jones, B. W.	Scales,	Wise, G. D.
Davis, L. H.	Jones, J. H.	Seney,	Wolford,
Deuster,	Jones, J. K.	Seymour,	Wood,
Dibble,	Jordan,	Shelley,	Woodward,
Dibrell,	King,	Singleton,	Yaple,
Dowd,	Lamb,	Skinner, T. G.	York.
Dunn,	Lanham,	Springer,	

NOT VOTING—87.

Aiken,	Covington,	Kean,	Phelps,
Barbour,	Culberson, D. B.	Kelley,	Poland,
Barr,	Davidson,	Kellogg,	Rankin,
Belford,	Dockery,	Ketcham,	Reagan,
Bingham,	Duncan,	Kleiner,	Rice,
Bisbee,	Ellis,	Lacey,	Riggs,
Blackburn,	Evans, I. N.	Lawrence,	Robertson,
Bland,	Evins, J. H.	Lewis,	Robinson, J. S.
Boutelle,	Fiedler,	Lore,	Russell,
Bowen,	Fyan,	Lovering,	Shaw,
Boyle,	Garrison,	McCormick,	Slocum,
Breitung,	Green,	Morrison,	Snyder,
Brewer, J. H.	Hancock,	Moulton,	Spriggs,
Brumm,	Haynes,	Muller,	Sumner, D. H.
Buckner,	Hepburn,	Murray,	Taylor, E. B.
Budd,	Hill,	Nicholls,	Taylor, J. D.
Burleigh,	Holmes,	Ochiltree,	Wakefield,
Campbell, Felix,	Hooper,	O'Neill, Charles	White, J. D.
Chace,	Hurd,	Paige,	Wise, J. S.
Clardy,	Hutchins,	Perkins,	Worthington,
Converse,	Johnson,	Peters,	Young.
Cosgrove,	Jones, J. T.	Pettibone,	

So the motion of Mr. CALKINS was not agreed to.

Mr. LACEY. I voted ay, and withdraw my vote on account of being paired with Mr. EVINS, of South Carolina.

Mr. BURNES. I desire to state that my colleague, Mr. COSGROVE, is quite ill at his hotel.

The following pairs were announced:

Mr. HUTCHINS with Mr. KETCHAM, on the fortification and naval appropriation bills.

Mr. O'NEILL, of Pennsylvania, with Mr. ELLIS, on this question.

The following were announced as paired on all political questions for this day:

Mr. FIEDLER with Mr. HOLMES.

Mr. AIKEN with Mr. OCHILTREE.

Mr. COSGROVE with Mr. BELFORD.

Mr. PAIGE with Mr. HEPBURN.

Mr. RANKIN with Mr. ROBINSON, of Ohio.

Mr. MURRAY with Mr. EVANS, of Pennsylvania.

Mr. HURD with Mr. RICE.

The following were announced as paired on all political questions until further notice:

Mr. MOULTON with Mr. EZRA B. TAYLOR.

Mr. BOYLE with Mr. LAWRENCE.

Mr. BLACKBURN with Mr. RUSSELL.

Mr. HILL with Mr. HOLTON.

Mr. EVINS, of South Carolina, with Mr. LACEY.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. KELLOGG.

Mr. GREEN with Mr. KEAN.

Mr. ROGERS, of New York, with Mr. HOOPER.

Mr. DUNCAN with Mr. SMITH.

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. CLARDY with Mr. JOHN S. WISE.

Mr. NICHOLLS with Mr. CHACE.

Mr. HUTCHINS with Mr. CALKINS.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. SUMNER, of Wisconsin, with Mr. WAKEFIELD.

Mr. ROBERTSON with Mr. BARR.

Mr. MORRISON with Mr. KELLEY.

Mr. BISBEE with Mr. CULBERSON, of Texas.

Mr. BLAND with Mr. JOSEPH D. TAYLOR.

Mr. SHAW with Mr. BRUMM.

Mr. WORTHINGTON with Mr. BOWEN.

Mr. YOUNG with Mr. BOUTELLE.

Mr. CAMPBELL, of New York, with Mr. BREITUNG.

Mr. SNYDER with Mr. PETERS.

Mr. REAGAN with Mr. PETTIBONE.

The result of the vote was announced as above stated.

Mr. RANDALL moved to reconsider the vote by which the motion of Mr. CALKINS was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House further insist on its disagreement to Senate amendment numbered 44. Does the gentleman include in his motion a request for a further conference?

Mr. RANDALL. Yes, sir. I desire to expedite matters as much as possible.

The motion of Mr. RANDALL was agreed to.

Mr. RANDALL. I now call for a vote on the forty-eighth amendment; and I demand the previous question.

Mr. CALKINS. I move to recede with an amendment.

Mr. RANDALL. I ask the previous question.

The SPEAKER. The gentleman from Pennsylvania moves that the House further insist on its disagreement to Senate amendment numbered 48, and upon that motion demands the previous question.

Mr. CALKINS. And I move to recede.

The SPEAKER. The Chair will first put the question on ordering the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] moves that the House recede from its disagreement to Senate amendment numbered 48, and agree to the same with an amendment which the Clerk will read.

The Clerk read as follows:

Strike out amendment numbered 48, and insert in lieu thereof the following: "That the four monitors, known as the Puritan, Terror, Amphitrite, and Monadnock, be, and they are hereby, ordered to be sold, after proper advertisement, at the best price obtainable at public auction, under such regulations as the Secretary of the Navy may prescribe, and after paying the expenses of advertisement and sale the residue of the money realized therefrom shall be immediately covered into the Treasury."

Mr. RANDALL. I raise a point of order on the amendment, that the previous question was called before the motion of the gentleman from Indiana was submitted.

Mr. CALKINS. That question was ruled on a few moments ago.

The SPEAKER. But the point of order is not that the gentleman may not make a motion to recede from the disagreement to the amendment and agree to the same, but that the previous question having been demanded, and ordered, it is not in order for him to move to recede and agree to the Senate amendment with an amendment. The point of order is against the amendment, not against the motion to recede.

Mr. RANDALL. The only course for the gentleman to accomplish his object is to get the House to vote down the previous question.

Mr. CALKINS. Then the Chair holds that at this stage the amendment can not be offered?

The SPEAKER. The Chair thinks not, after the previous question has been ordered.

Mr. CALKINS. Then the fact that a motion to recede takes precedence over a motion to insist does not carry with it the right to make a motion to recede with an amendment?

The SPEAKER. The Chair thinks not, when the previous question has been ordered.

Mr. RANDALL. If the House concurs in the purpose of the gentleman it can vote down the previous question.

The SPEAKER. The previous question has been ordered by a vote of the House.

Mr. CALKINS. Will the Chair hear me a moment?

The SPEAKER. Certainly, the Chair will hear the gentleman. The Chair is simply stating its present impression, not deciding the point.

Mr. CALKINS. I submit to the Chair that this amendment is a mere incident to the motion to recede; and if the motion to recede (which the Chair has ruled takes precedence) is in order, it carries with it the right to amend as an incident.

The SPEAKER. The Chair will state that the motion to recede is in order, and has precedence simply because it tends to bring the two Houses to an agreement and secure the passage of the bill. For that reason, and for that reason alone, it is a privileged motion, having precedence of the motion to insist on the disagreement.

Now, the gentleman's motion just submitted would not bring the two Houses to an agreement, but would still leave further action to be taken by them before they could be brought to an agreement.

Mr. CALKINS. The point I make is this, that the motion to recede is not destroyed by reason of the previous question, and therefore any motion which can be made as a part of the motion to recede is in order, notwithstanding the previous question has been ordered, and for the reason that this motion does not become imperfect in any way by

reason of the amendment. The reason stated by the chairman is not the only one which makes the motion to recede a proper one.

The SPEAKER. It is not the only reason which makes the motion to recede a proper motion in the first instance, but it is the only reason which makes the motion to recede a proper motion after the other motion has been made and gives it preference over it.

Mr. SPRINGER. Is the motion to recede in order after the previous question has been ordered?

Mr. CALKINS. The Chair has ruled that it is.

The SPEAKER. After the previous question has been ordered a motion to recede from a disagreement to an amendment and agree to the same has always been held to be in order, and has priority over the motion to insist; but the Chair does not think that a motion to recede with an amendment, which is a motion that does not bring the two Houses to an agreement, can be entertained after the motion has been made to insist and after the previous question has been demanded or ordered.

Mr. RANDALL. The object of the previous question is to enable the House to come to a direct vote.

Mr. CALKINS. Of course I do not care anything about the ruling of the Chair except as it may relate to a proper exposition of the rules; but I say, in all deference to the Chair, so far as my remembrance goes it has been the universal practice in this House that you may not only move to recede, but recede with an amendment for the purpose of lessening whatever disagreement may exist between the two Houses.

The SPEAKER. A motion to recede from a disagreement in an amendment and agree to the same is allowed to have precedence over a motion to recede on the disagreement simply, because the effect of that motion is to bring the two Houses to an agreement and disposition of the matter. But the motion which the gentleman makes does not bring the two Houses to an agreement, but simply proposes that the House shall recede from its disagreement on a certain amendment with an amendment to which the Senate has not heretofore agreed.

Mr. RANDALL. Regular order!

The SPEAKER. The Chair will entertain the motion of the gentleman to recede and to agree to the amendment.

Mr. RANDALL. There is no objection to that.

Mr. CALKINS. Does the gentleman sustain the point of order?

The SPEAKER. The Chair does.

Mr. CALKINS. Protesting against it, Mr. Speaker, I yield to it.

The SPEAKER. Does the gentleman move to recede?

Mr. CALKINS. Yes; I move to recede from the disagreement to the Senate amendment numbered 48 and agree to the same.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 85, nays 139, not voting 100; as follows:

YEAS—85.

Adams, G. E.	George,	McComas,	Skinner, C. R.
Anderson,	Goff,	Millard,	Smalls,
Bayne,	Guenther,	Miller, S. H.	Spooner,
Belmont,	Hanback,	Milliken,	Steele,
Brainerd,	Harmer,	Morrill,	Stephenson,
Brewer, F. B.	Hart,	Nelson,	Stewart, J. W.
Browne, T. M.	Hatch, H. H.	Nutting,	Stone,
Brown, W. W.	Henderson, D. B.	O'Hara,	Strait,
Calkins,	Henderson, T. J.	O'Neill, Charles	Struble,
Campbell, J. M.	Hitt,	O'Neill, J. J.	Thomas,
Chalmers,	Horr,	Parker,	Valentine,
Culbertson, W. W.	Houk,	Payne,	Wadsworth,
Cullen,	Howey,	Payson,	Wait,
Cutcheon,	James,	Perkins,	Washburn,
Davis, G. R.	Jeffords,	Poland,	Weaver,
Davis, R. T.	Johnson,	Price,	White, Milo
Dingley,	Kasson,	Ranney,	Whiting,
Dunham,	Keifer,	Ray, G. W.	Wilson, James
Ellwood,	Laird,	Ray, Ossian	Woodward.
Everhart,	Libbey,	Rockwell,	
Finerty,	Lyman,	Rowell,	
Funston,	McCoid,	Ryan,	

NAYS—139.

Adams, J. J.	Curtin,	Hardy,	Miller, J. F.
Alexander,	Dargan,	Hatch, W. H.	Mills,
Bagley,	Davis, L. H.	Hemphill,	Morgan,
Ballentine,	Deuster,	Henley,	Morse,
Beach,	Dibble,	Herbert,	Muldrow,
Bennett,	Dibrell,	Hewitt, A. S.	Murphy,
Blanchard,	Dowd,	Hewitt, G. W.	Mutchler,
Blount,	Dunn,	Hoblitzell,	Neece,
Breckinridge,	Eaton,	Holman,	Oates,
Broadhead,	Eldredge,	Hopkins,	O'Ferrall,
Buchanan,	Elliott,	Houseman,	Patton,
Burnes,	English,	Hunt,	Pierce,
Cabell,	Ermentrout,	Jones, B. W.	Peel,
Caldwell,	Ferrell,	Jones, J. H.	Post,
Campbell, J. E.	Follett,	Jones, J. K.	Potter,
Candler,	Foran,	Jordan,	Pryor,
Carleton,	Forney,	King,	Pusey,
Clay,	Garrison,	Lamb,	Randall,
Clements,	Geddes,	Lanham,	Reese,
Cobb,	Gibson,	Le Fevre,	Robinson, W. E.
Collins,	Glascock,	Lore,	Rogers, J. H.
Connolly,	Graves,	Lowry,	Rosecrans,
Cook,	Greenleaf,	McAdoo,	Scales,
Cox, S. S.	Halsell,	McMillin,	Seney,
Cox, W. R.	Hammond,	Matson,	Seymour,
Crisp,	Hardeman,	Maybury,	Shelley,
Singleton,	Throckmorton,	Van Eaton,	Williams,
Skinner, T. G.	Tillman,	Wallace,	Willis,
Springer,	Townshend,	Ward,	Wilson, W. L.
Stevens,	Tucker,	Warner, A. J.	Winans, E. B.
Stewart, Charles	Tully,	Warner, Richard	Winans, John
Stockslager,	Turner, H. G.	Wellborn,	Wolford,
Storm,	Turner, Oscar	Weller,	Yaple,
Taylor, J. M.	Van Alstyne,	Wemple,	York.
Thompson,	Vance,	Wilkins,	

NOT VOTING—100.

Aiken,	Converse,	Jones, J. T.	Reagan,
Arnot,	Cosgrove,	Kean,	Reed,
Atkinson,	Covington,	Kelley,	Rice,
Barbour,	Culberson, D. B.	Kellogg,	Riggs,
Barksdale,	Davidson,	Ketcham,	Robertson,
Barr,	Dockery,	Kleiner,	Robinson, J. S.
Belford,	Dorsheimer,	Lacey,	Rogers, W. F.
Bingham,	Duncan,	Lawrence,	Russell,
Bisbee,	Ellis,	Lewis,	Shaw,
Blackburn,	Evans, I. N.	Long,	Slocum,
Bland,	Evins, J. H.	Lovering,	Smith,
Boutelle,	Fiedler,	McCormick,	Snyder,
Bowen,	Findlay,	Mitchell,	Spriggs,
Boyle,	Fyan,	Money,	Sumner, C. A.
Breitung,	Green,	Morrison,	Sumner, D. H.
Brewer, J. H.	Hancock,	Moulton,	Talbott,
Brumm,	Haynes,	Muller,	Taylor, E. B.
Buckner,	Hepburn,	Murray,	Taylor, J. D.
Budd,	Hill,	Nicholls,	Wakefield,
Burleigh,	Hiscock,	Ochiltree,	White, J. D.
Campbell, Felix	Holmes,	Paige,	Wise, G. D.
Cannon,	Holton,	Peters,	Wise, J. S.
Cassidy,	Hooper,	Pettibone,	Wood,
Chace,	Hurd,	Phelps,	Worthington,
Clardy,	Hutchins,	Rankin,	Young.

So the motion to recede was not agreed to.

On motion of Mr. CALKINS, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. TALBOTT with Mr. HOLTON, on this vote.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the motion to recede was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House insist upon its disagreement to the Senate amendment and ask a further conference thereon.

The motion was agreed to.

Mr. RANDALL. In order to save time, I ask that the conference be now appointed.

The SPEAKER. The Chair will appoint as managers on the part of the House the gentleman from Pennsylvania, Mr. RANDALL, and, in the absence of the gentleman from New York, Mr. HUTCHINS, who has heretofore been the manager on the part of the House, the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Indiana, Mr. CALKINS.

QUESTION OF PRIVILEGE.

Mr. COX, of New York. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. I find in an article printed in the New York Tribune of this morning, with relation to the improvement of New York Harbor, it has a heading alleging that that harbor is to be excluded from all participation in the improvements on account of Southern resentment because the Mississippi River does not get all it wants. This article is dated Washington, D. C., June 30, and I send it to the desk, asking the Clerk to read the last paragraph only. It is brief.

The Clerk read as follows:

A BLOW AT NEW YORK CITY.

This course embittered the Southern statesmen, and they showed their resentment in a characteristic manner. Scarcely had the Senate amendment been reached, providing for the protection of New York Harbor and for the appointment of a "board of superintendence," than Senator MORGAN objected to its consideration on the ground that it was new legislation, and as such was out of order. The point of order was sustained by Mr. HARRIS, who was in the chair. This important amendment, therefore, goes by the board, and it seems doubtful whether anything will be done or can be accomplished for the preservation of New York Harbor at this session of Congress. For this failure to do anything New York will have to thank, among others, S. S. COX, who is said to have requested Senator MORGAN to make the point of order which defeated the Senate amendment, for no other reason than that his feelings were hurt at seeing his loosely drawn and ridiculously worded provision in the bill corrected and put in shape by the Senate. The business interests of the country at large, which are more or less interested in the preservation of the harbor of New York, through which enter three-fourths of the imports from abroad, and from which a still larger proportion, perhaps, of exports is shipped yearly to foreign ports, will also know that it was a Southern Democrat, who, on a mere point of order, and probably to satisfy personal resentment, defeated legislation which is of paramount importance, it may justly be said, to the entire country.

Mr. COX, of New York. Mr. Speaker, my attention was called to this matter a few moments since by my friend from Kentucky [Mr. WILLIS]. He is chairman of the River and Harbor Committee and was not less astonished at the flagrant and false statements than I was.

Mr. KEIFER. Is that a privileged matter?

Mr. COX, of New York. If the gentleman will hear me I think he

will see that it is. I never made a point against that member when he was in trouble. [Laughter.]

The SPEAKER. The Chair thinks what has been read scarcely comes within the rule as a question of personal privilege.

Mr. COX, of New York. Allow me to give my reason for presenting this as a question of personal privilege. It contains a personal objurgation.

Mr. KEIFER. If the gentleman is very anxious to deny the statement, I withdraw the point of order.

The SPEAKER. Then, without objection, the gentleman from New York will proceed.

Mr. COX, of New York. Mr. Speaker, it appears from this statement that from some alleged resentment Senator MORGAN made a point of order on the New York Harbor amendment to the river and harbor bill. The point made was that it was new legislation. The amendment was accordingly ruled out by the presiding officer on that ground. I understand the point was properly sustained. I understand this from the honorable Senator MCMILLAN, with whom I conferred about it. It was ruled under a strict and exacting rule recently adopted in the Senate. I saw Senator MCMILLAN this morning. He informed me that the point of order was made by Senator MORGAN, but it does not follow as a necessary consequence that nothing will be done or accomplished in the direction of the improvement of the New York Harbor during this session. It is still open for conference, and it will be I trust so considered under the ruling of the presiding officer of the Senate.

For this failure—

Says this libeler in the Tribune—

New York city may have to thank among others S. S. COX, who is said to have requested Senator MORGAN to make the point of order which defeated the Senate amendment.

And consequently, as it would appear, against my own city and its interests. This, sir, if it were true, charges or implies base hypocrisy, dereliction of duty, and most deceitful malevolence. These qualities could only be found in the person who utters the base and baseless statement.

The man who made this libel about myself and Senator MORGAN must have been informed of it by the Senators named or by outsiders, who could not know except from them. The Senators who could know will give the lie to it. They are honorable men, too honorable to fabricate such a statement about any one. I have not seen Senator MILLER at all about this action of the Senate. I tried to see him last night and failed.

I saw his colleague on the committee, Senator MCMILLAN, who explained what had been done and that it might yet come into conference and pass. Senator MILLER has my notes and papers on this subject—those sent me by officers and the mayor of New York. I wrote to him, inclosing them, with the request to add to the House bill the appropriation of $30,000, which I did not offer in the House because of the peril of a point of order. Senator MILLER will say that I requested him in writing before this base fabrication reached this city to insist, if possible, upon the amendment, so as to protect New York Harbor, and by all means to insist upon the appropriation.

The Senator dropped me a note informing me that the appropriation was already made. He wrote this:

SENATE UNITED STATES.

MY DEAR MR. COX: Thirty thousand has been added for the protection of the harbor and for a survey.

Yours,

WARNER MILLER.

The Tribune falsifier intimates that I killed the matter, and the editor himself more than intimates the slander, because, forsooth, my feelings were hurt at seeing my "loosely drawn" and "ridiculously worded" provision in the bill corrected and put into shape by the Senate! Why, sir, neither Mr. MORGAN, I presume, nor any one else, certainly not myself, displayed any personal resentment. I might have felt a little *amour propre* about my amendment, but it was substantially adopted by the Senate committee. It was not confessed by me to be incomplete. It was very nearly right, lacking only the appropriation. I promised to have it perfected in the Senate if I could. At once I sent all the papers, including the amendment inserted by the Senate, to Senator MILLER. He displayed his usual alacrity and vigilance in the affair.

The gentleman from Kentucky who had charge of the bill has told me that he knows that amendment would not have been on the river and harbor bill but for my urgency, and I may add the aid of my gallant friend from Arkansas [Mr. BRECKINRIDGE].

It is not a pleasant task to remain here in all weathers, to lose all the delectations of national conventions and the comforts of home to aid your constituents and their interests, and then to be slandered without a shadow of foundation or truth or a single pretext of decency. Very likely I may trace this, as I have some other statements, to some who do nothing here but play a base part as to the members and repeat falsehoods to aggrandize their own importance by derogating from the services of others.

It is rather vexatious when I have done what I could here and in the Senate for my city and its interests to have this malignant libel uttered. It is, I presume, a man who looks down on us here from the galleries. He ought to look up from below. If this man be found to be a slanderer, under our courtesy or that of the Senate, he ought to be removed in disgrace from the gallery. That is all I have to say.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I desire to make a privileged report. I send to the Clerk's desk the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 10, 11, and 17 to House bill 5459 making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference, have been unable to agree.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HORR,
Managers on the part of the House.

P. B. PLUMB,
W. B. ALLISON,
JAMES B. BECK,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying the report will be read.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5459) making appropriations for the Post-Office Department for the fiscal year 1885, submit the following written statement in explanation of the accompanying conference report:

The conference committee having been unable to agree, the bill, if the report is adopted, will be before the House for action on the amendments of the Senate, and in the same condition as when last considered by the House.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HORR,
Managers on the part of the House.

Mr. TOWNSHEND addressed the Chair.

Mr. CANNON. If my colleague will allow me a moment I will say I do not see the gentleman from Michigan [Mr. HORR] on the floor. I suggest to my colleague to allow this to be passed over till the gentleman comes in.

Mr. TOWNSHEND. I gave the gentleman from Michigan notice that I would bring it up, but if it is the desire of my colleague I am willing to let the report be passed over for the present.

The SPEAKER. Does the gentleman withdraw the report for the present?

Mr. TOWNSHEND. I have brought it up partly at the solicitation of the gentleman from Michigan.

Mr. RANDALL. It is the duty of members to be present. There are two bills involving the same matter of disagreement, the Army and Post-Office appropriation bills.

Mr. TOWNSHEND. I intimated to the gentleman from Michigan that I would present this report as soon as we were through with the naval appropriation bill. I do not know why he is not in his seat.

Mr. RANDALL. We must go on.

Mr. HAMMOND. I saw the gentleman from Michigan a few moments ago. He was desirous of having this report taken up.

Mr. HORR here entered the Hall.

Mr. TOWNSHEND. The points of disagreement are amendments 10, 11, and 17, being the same amendments which were voted upon by this House when the former conference report was presented. They embrace all the grounds of disagreement on this bill between the two Houses. The appropriation by the House for the transportation of mail over the railroads was $11,700,000; the amount provided by amendment 10 of the Senate is $12,750,000, making a difference of about $1,000,000. Amendment 11 is to strike out the provision in the House bill reducing the rate of compensation for carrying the mail on all the railroads generally 5 per cent. Another amendment strikes out the provision agreed to by the House that the rate for transportation of mails on the land-grant and bonded railroads shall be reduced 50 per cent.

Mr. HORR. That is all in the same amendment.

Mr. TOWNSHEND. You may call it the same amendment. There are two different provisions in the same amendment. The third point of difference is on the compensation of railway mail clerks. The amount provided by the House bill was $4,000,000. The Senate has raised that amount $300,000. These were the three points of difference submitted to the conference by the last vote of the House.

The SPEAKER. The Chair would inquire of the gentleman from Illinois for his own information if these are the only amendments now pending?

Mr. TOWNSHEND. They are the only amendments now pending between the two Houses. All the other amendments were disposed of in conference and a report made upon them, which was agreed to by both Houses. The only points of difference now are those I have mentioned. They are the three points on which the House acted and by yea-and-nay vote decided to disagree when the former report from the conference committee was made.

Mr. BLOUNT. I desire to make an inquiry of the gentleman from Illinois. The first amendment makes a difference in the amount to be paid for carrying the mails on railroads. Does not that difference grow

out of the difference in the rates of compensation upon which there is a disagreement between the Houses, the House insisting on a reduction of the rate of compensation?

Mr. HORR. The gentleman is correct. That covers every dollar of the difference.

Mr. BLOUNT. Then practically there are only two questions of difference pending?

Mr. TOWNSHEND. I was about to state that the first amendment grows out of the reduction of the rate of compensation for carrying the mails. If the rate of percentage for carrying the mails should be reduced it is admitted even by our friends on the other side that it will be only necessary to appropriate the sum named in the original bill, $11,700,000. Therefore if we sustain these two provisions in regard to the rates of compensation, the Senate will recede also from its amendment increasing the compensation from $11,700,000 to $12,750,000.

I do not wish to occupy the attention of the House at any length. These provisions have heretofore been discussed, both when the bill was first reported from the Committee on Appropriations as well as on the last report from the committee of conference. I will simply say it is utterly impossible for the conference committee to agree upon these provisions as at present constituted. No disposition whatever is manifested by the conferees on the part of the Senate to make any reduction or any change whatever in the rate of compensation to the railroads; and so long as I am a member of this conference committee I will say frankly and candidly I can not, according to my judgment of the matter, yield the full amount of the increase demanded by the Senate. I have been willing and still am willing to meet the Senate conferees in a spirit of compromise, with a view to coming to some basis of agreement; but as they simply demand complete and absolute surrender on the part of the House I could not, as one of the conferees, agree with them on that basis, because I believe their demand unjust.

I do not wish to go over the argument again. I will say, however, that further study of this question has only the more firmly fixed me in the opinion that we are simply demanding what is reasonable, what the railroads can well afford to bear, and what justice to the people demands of us.

The report of the railway commission, which I have in my hand here, a commission appointed by the Postmaster-General to investigate this very question, declares that the amount of compensation to railroads can and ought to be reduced at least $1,000,000. That commission further reports that even if we fix the amount of compensation for mail transportation at about the same rates as paid for passenger traffic Congress can reduce the appropriation $1,000,000 without any injustice to the railroads.

I will not discuss this matter further now, but will wait until we can hear from my friends on the other side of the House. I will reserve the remainder of my time.

The SPEAKER. The gentleman has fifty minutes of his time remaining.

Mr. KASSON. Before the gentleman takes his seat I desire to inquire whether he is not satisfied that the increased mileage of railroads, particularly in the West, and of the minor roads, requires an increase of appropriation for clerical railway service.

Mr. TOWNSHEND. The gentleman is separating that from the other railroad provision. I forgot to mention in regard to the compensation of railway mail clerks that the conferees on the part of the House are willing, I may say—I think I can speak for the majority of them—to meet the Senate on more than half-way ground. I would be willing, and I think my colleague on the conference committee, the gentleman from Indiana [Mr. HOLMAN], will agree to do that. The Senate are asking for $300,000 more than we appropriated. I know he is willing to agree with me to increase the appropriation $150,000, and if that is done I feel that we will be making ample provision for the increased mileage and the increased demands of the service.

Mr. KASSON. I would like to say to the gentleman from Illinois [Mr. TOWNSHEND] that this question is of special interest to many of us in the West, including my own district, where route agents have been refused upon new routes. Complaints have come to me that post-offices have been established along those routes, but that they can not get any service. If there be an estimate, as I understand there is, from the Post-Office Department of the number required to serve on these new and extended routes, then I submit that justice to the people in that portion of the country requires that the whole amount so estimated for should be granted.

That is all I desire to say, because I do not believe that gentlemen from the West would insist on depriving the people of this service where routes have been extended and post-offices have been established.

Mr. TOWNSHEND. The gentleman is correct in saying that we who come from the West have no desire to appropriate an insufficient amount for that service in the West or elsewhere in the United States. I will simply say, however, that the conferees on the part of the House, from their investigation of this question, believe that by yielding the sum of $150,000, in addition to the amount appropriated by the House, they will be giving enough to cover the entire increase of service demanded by the increased mileage of railroads. And we feel satisfied that if the suggestion I have just made, to increase the amount for this service $150,000, shall be adopted, then all the clerks will be provided that are needed for the efficient performance of this service.

Mr. KASSON. All that I ask is that the estimates of the Department showing what is needed should be followed. I think that is but justice to the country, and especially to the West.

Mr. TOWNSHEND. That has heretofore been done on several occasions. There is a difference of opinion between some of the officers of the Post-Office Department and the commission appointed to investigate this matter. I will say that it is not customary to yield the full estimates of the Departments, for they are often made with a view of finally accepting less than is demanded. In the original bill as it passed the House we appropriated nearly $25,000 more than was appropriated for this service last year, and we believe that there is no evidence of a deficiency in that service. Yet in order to reach a harmonious conclusion the House conferees are willing to increase the appropriation $150,000, making in all an increase over the appropriation made last year of $175,000. But we have met with no favoring response from the Senate, and therefore we had only to report to the House the result of our action and to ask its judgment on our course.

Mr. HORR. Does the gentleman make any motion?

Mr. TOWNSHEND. I shall before I relinquish the floor, but I supposed that the gentleman from Michigan desired to be heard.

Mr. HORR. I wish to say to the House that I do not propose to go through the lengthy argument which was made on the other report from the conference committee. The gentleman from Illinois [Mr. TOWNSHEND] has stated exactly the condition of things in the conference. On this matter of railway clerks the Senate are immovable, and I violate no rule of the House by saying that they are unanimously immovable upon that question.

Why? When we consult the Post-Office Department (as I have done since the appointment of this conference committee) the officials who have this service in charge state that the amount carried by the bill as passed by the House will not pay the clerks now employed, saying nothing about the new service. Now, the officers of the Post-Office Department say that if you leave this matter as it is in the House bill they will execute the law; but how? They will keep the clerks as they now are on all the main lines of the country, but will refuse to put any additional clerks on any of the new roads that have been built during the last year. There are in the State of Mississippi alone about four hundred and fifty miles of railroad that will not get a single clerk if you persist in keeping the amount of this appropriation down to where the House has placed it. In the State of Georgia there are several new routes that will not be able to get any of this service. Now, the simple question is, whether we shall withhold this service from these new routes reaching out into the new portions of our country, or whether we shall appropriate a sum sufficient to carry this service all over the United States. One hundred and forty-three new clerks are needed on these new roads alone. Will my friend from Illinois tell me how we are going to get them under this proposition?

Mr. TOWNSHEND. I do not think they are necessary.

Mr. HORR. It is true. The Department says so.

Mr. TOWNSHEND. That is the question.

Mr. HORR. The men who run this service say that either they must have this money or the service must do without these clerks. These officers know more about this business than the gentleman from Illinois or myself can know. Not only that, but the increase of the mails on several routes requires a large number of new clerks for the business of distribution.

Now, is the American Congress going to sit down and refuse to deliver the mails to the people of this country? I submit to you gentlemen on the other side of the House, can you afford to do that? If you can, then ride your wagon right along. [Laughter.] I am tired of this higgling over a matter which is for the benefit of the people who pay the postage. This money does not come out of the general Treasury. The people who write the letters and read the newspapers pay for this service; and all they ask is that you men on the other side of the House (for we are a unit on our side) shall deliver to them the mails that they pay for carrying. That is all there is of this question. If you propose to tie up the mails of this country just for the sake of political capital, do so. The Senate say they will not yield. You ought not to ask them to yield.

I know my friend from Indiana [Mr. HOLMAN] undertook to help us out of the trouble the other day by the suggestion in his speech that the only way to remedy this difficulty was for the Postmaster-General to commence to cut down the salaries of those now in the service, and with the amount thus saved hire additional men. I do not misstate your position, do I [addressing Mr. HOLMAN]? Now, the Postmaster-General says that these men are getting less than they earn. If you want to cut down anybody, why not cut down you and me, Brother HOLMAN?

Mr. WELLER. I would like to do that.

Mr. HORR. You would like to do it, because your services are not worth anything; but mine are. [Laughter.] I do not blame you for feeling cheap about the money you are taking; but I have a feeling that I earn my salary and am entitled to it.

Mr. WELLER. You evidently are speaking from the standpoint

of a latter-day Republican and in error, as might be expected. I would cut all high official salaries down to the level of the working classes.

Mr. NEECE. Will the gentleman allow me a question?

Mr. HORR. Yes, sir.

Mr. NEECE. I want to be correctly informed on this question, for I want to vote conscientiously.

Mr. HORR. All right.

Mr. NEECE. Will you tell me whether you have investigated the expenditures of the Post-Office Department to see whether the money is economically expended?

Mr. HORR. I have.

Mr. NEECE. Has the gentleman examined the accounts of the disbursing clerk of the Post-Office Department since 1881, and can he tell us in what manner those accounts have been kept?

Mr. HORR. I have not. So far as I can learn, there has been a man in that Department who has stolen a lot of money; and we are after him and intend to punish him. You want us to do that, do you not?

Mr. NEECE. Not only that, but I want to have the accounts properly kept and looked after.

Mr. HORR. Well, we are trying to do that.

Now, in regard to this postal service, think a moment! For what amount do we carry a letter anywhere over the United States? For 2 cents. And for any newspaper not exceeding a certain weight we charge 1 cent, wherever in the United States it may be carried. Some of these letters cost $5 to carry them to their destination, but the sender pays only 2 cents. This is what led me to investigate the matter of railroad transportation of the mails. I knew that any Department that could do its work as cheaply as our post-office work is being done to-day must be run economically. No private individual could take charge of the post-offices of the United States and run them as cheaply as they are being run to-day. Our postal service is the cheapest known to the world.

My friend from Illinois says that Great Britain makes money out of her post-offices. That is true. But Great Britain has but 121,000 square miles over which to carry the mails, while the United States has 3,000,000 square miles. Our Post-Office Department has about twenty times as much territory over which to extend its operations. Yet a letter started from any point in the United States can be sent over the Sierras and the Rocky Mountains to the most distant point in the country for 2 cents—take it everywhere; and now the Democratic party in this House stand up before the world and say, in the interest of economy, "We will not let you have your letters, we will not give you any clerks to distribute them. Oh, yes, we will pay enough to give to the big roads so Philadelphia and my friend's district shall get their mail."

Mr. RANDALL. I did not vote for that.

Mr. HORR. Why?

Mr. RANDALL. I did not vote for my own city, because I thought they asked what it was not right they should have.

Mr. HORR. Probably they were right and you were wrong. Probably they did not ask for more than they should have. You gentlemen say you will give these letters to you men, but you do not say you will give them to the poor part of Mississippi. You men who live way off on the waste places and wilds of New Mexico, you shall not have your mails; we will cut down this appropriation until we will cripple the service and prevent the carriage and delivery of these mails.

I have said, Mr. Speaker, all I want to about that. It does not seem to me there could be any more question about it. There are only two points involved, and the other point of difference is the cutting down of railroads. I made a statement to the House the other day showing why 1,300 out of 1,500 railroads in the United States are getting barely nothing for the work they are now doing in carrying the mails. One member from Mississippi tells me the mails on the roads in his district do not pay as much for being carried on passenger roads as they pay for carrying lumber. I have no doubt that is true.

It is a simple question. The Senate refused to yield. Why? They say we have reduced these roads beyond a living point. They are doing this work for nothing, and the simple question is whether we on the part of the House shall stand here and hold this Congress in session for what? Why, to punish the railroad companies. And my friend here sought the floor and made a speech, and after weeks of study he has not been able to answer a single position I took. He did not show you a single road that got a dollar more than I said it got. Why did he not do so? Because he can not. That is a good reason. I have been in that fix myself before now where I could not make an answer; and the only cause was there was not any to make. It will happen to all men every once in a while in this country; and my friend from Illinois [Mr. TOWNSHEND] knows the reason he did not show to this House the statements I made in reference to the pay now received by these railroad companies were wrong. The reason he did not answer that was because he knows very well they are getting to-day almost nothing comparatively for the service they are performing. He knows they are getting barely nothing for the work they are doing. I mean the poorer roads. There are eight hundred of them.

The gentleman says, why do they do it? That is a fair question. Simply because they can not help themselves. The land-grant roads are compelled to do it, and the other roads are forced by public opinion to do it. It is their custom. Railroads live by the aid of the people along their lines. They can not refuse to carry the mails even if they carry them for nothing, because public opinion would not permit it. But is that any reason why we should play the extortioner with them? Should we not at least treat them decently? Ought they not to get for their work what it is worth? Are they not entitled to pay for what they do? Come, now; is not that so? The gentleman says they are. If that is the case, then this question is ended and I leave the House to do with the matter what it pleases. I move to recede. [Cries of "Vote!" "Vote!"]

Mr. TOWNSHEND. I will take the floor and yield for five minutes to my colleague [Mr. NEECE].

Mr. NEECE. Mr. Speaker, I desire to vote for every dollar that is necessary to secure every railway mail clerk that the service demands, but just how we are to determine that fact I am at a loss to know. I fear that the House bill does not give money enough for that purpose, and yet I am afraid to indorse the Senate amendment. My friend from Michigan is an enthusiast; he favors the increase of every appropriation and he seems to be more interested in getting large appropriations than he is in looking after the expenditure of the money after it is appropriated. The appropriations heretofore made for the postal service have been recklessly managed, and those whose duty it was to see to the expenditure of the money for that service have failed to discharge that duty.

I do not mean the present Postmaster-General, for I believe he is a gentleman who desires to and will discharge his duty; but the point I make is if the appropriations heretofore made were recklessly managed and wasted, now that we will have this appropriation properly expended we probably can get along without any great increase of the amount; that the reckless management of the appropriations heretofore made for the postal service is pretty conclusively proven by looking into the management of Colonel Burnside's account, who was the disbursing officer for the Post-Office Department, who is required to give bond. Allow me to say his bond has not been renewed since 1875. His first bond bears date February 2, 1875, for $40,000. His second and last bond for $40,000 bears date October, 1875. Two of the sureties upon these bonds have for years been dead and their estates wound up, and no new bond has ever been required. This disbursing officer's account has not been settled and balanced for years. Here is a list of the requisitions made by this officer to pay the employés of the Department. The following are the amounts drawn from the Treasury and the amounts of the pay-roll for each month commencing July 1, 1881:

Date.	Amount of requisition.	Amount necessary to pay employés.
1881.		
July	$60,000 00	$46,578 86
August	50,000 00	46,844 85
September	50,000 00	45,571 49
October	50,000 00	47,390 31
November	50,000 00	46,064 33
December	50,000 00	47,756 36
1882.		
January	50,000 00	49,087 62
February	50,000 00	44,039 57
March	50,000 00	49,072 07
April	40,000 00	47,495 90
May	40,000 00	49,659 06
June	28,741 00 31,163 83	48,304 74
July	17,140 10	47,921 56
August	60,000 00	54,507 90
September	50,000 00	55,132 79
October	60,000 00	56,665 96
November	60,000 00	54,881 02
December	50,000 00	56,842 92
1883.		
January	60,000 00	57,835 01
February	55,000 00	52,342 45
March	60,000 00	57,877 12
April	60,975 00	55,564 14
	1,133,018 93	1,117,436 03
	1,117,436 03	
	15,582 90	

The overdrafts did not stop here, but these amounts show how loosely the money heretofore appropriated has been handled, and if you will look into this disbursing officer's account you will find the same reckless management in all of his accounts. The account to pay rent was overdrawn; his accounts for carpets and furniture was overdrawn; the sales of waste paper were not accounted for. Now, all this has nothing to do with the question now under consideration, except that we see that if the appropriation was in excess of the amounts necessary to defray the expenditures of that Department, had the Postmaster-General done his duty and squared the accounts of this officer every month it would have been discovered that the appropriations were in

excess of the amounts required. Now, as we see such neglect upon the part of the disbursing officer in one instance, it may be that neglect has crept into other branches of the service. And as I think the present Postmaster-General is going to do his duty I do not think that it is necessary to increase every appropriation unless we have clear proof that it is necessary.

Mr. HORR. What has that got to do with the question as to whether we shall have clerks in the railway mail service?

Mr. NEECE. It is not a question whether we shall have clerks in the railway mail service, but it is a question of the proper execution of the law. It is a question of what we should do after a proper examination of the subject. I believe the gentleman from Michigan to be honest; I believe we have an honest Postmaster-General to-day, a man who will look after the money that is intrusted to him. But the question is, has it been done in the past? The question is, whether we have not already given more money than is necessary for the service?

Mr. HORR. For the clerical service?

Mr. NEECE. Just let me give a few figures, and the gentleman can determine for himself. I have a statement here showing the payments by the disbursing clerk of the Post-Office and his requisitions on the Treasury. About July 1, 1881, he made a requisition on the Treasury for $60,000 to pay the employés of the Post-Office Department. The pay-rolls show a disbursement of only $46,578.46. In August, 1881, he made a requisition for $50,000. The pay-roll only amounted to $46,848.85. In September, 1881, he made a requisition for $50,000, and the pay-roll only amounted to forty-five thousand and some odd hundred dollars. In October of that year he made a requisition for $50,000 and the pay-roll was only $47,000. In November the requisition was for $50,000, and the pay-roll was only $46,000.

In December he made a requisition for $50,000, and the pay-roll was only $47,000. Now, the point I want to make is, that these appropriations that we have been making from year to year have been unnecessarily large, and if they had been proper and correct and a strict account had been required, there would have been a great deal of money saved. I charge then that you have appropriated more money for every department of the postal service than is necessary. I have a list here, a part of which I will publish, running down to 1883, in which in this one branch of the service alone, to which I have called attention, there have been overdrafts amounting to $15,582.90. The Postmaster-General, who ought to have looked after the money, neglected that part of his duty, and it never was seen to by anybody.

This officer never made a full settlement of his accounts. His accounts have not been settled once since 1875. It has continued in that line down to the present time, not only on the pay-rolls of the employés, but wherever he paid rent or other accounts his very drafts were more than the money required to meet them. Wherever he paid for coal or carpets, wherever the money was used for any other purpose, a large surplus was drawn from the Treasury and the remainder stuck to his hands, and those having the matter in charge never looked to it until the present Postmaster-General took the matter in hand and made the investigations.

Mr. HORR. Does the gentleman suppose that this amount had anything to do with reference to the employment or the payment of the railway postal employés?

Mr. NEECE. I propose to show that the money appropriated here and used under the same disbursing officer, that is the Postmaster-General, was not properly looked after.

Mr. HORR. How does that affect the fact that you must provide the necessary force of employés for the railway mail service? That is what I want to get at.

Mr. NEECE. It is the business of the Postmaster-General to see to it that the appropriations are properly disbursed and the accounts properly settled; but in this instance he failed to do it until recently.

Mr. HORR. But there is no money robbed by the postal clerks, is there?

Mr. NEECE. I have not any information upon that point.

Mr. HORR. Have you heard of any being robbed?

Mr. NEECE. Yes, sir; many instances.

Mr. HORR. By the postal clerks?

Mr. NEECE. Not by the postal clerks.

Mr. HORR. But did this clerk to whom you are now referring have anything to do with the postal clerks or the payment of the railway employés?

Mr. NEECE. I am not making any reckless statement, as the gentleman will see if he will listen. I am referring to the fact that the appropriations for a particular branch of the office which I have examined have not been properly applied.

Mr. HORR. Does the gentleman think that because some one clerk in a disbursing office stole some money that the whole service is therefore wrong, and that no money ought to be appropriated?

Mr. NEECE. No, sir; but if the superintendent of the Department has neglected the accounts of one clerk the probability is that he has neglected those of others.

Mr. HORR. Not necessarily.

Mr. NEECE. I believe if he had thoroughly investigated the workings of the Department he would have found that more money was appropriated than was necessary for an honest administration of the Department.

Mr. HORR. Will you permit me to say that position is not true unless you can count one man as having stolen all that the rest had appropriated to them?

Mr. NEECE. I am not saying a word about stealing. I say the disbursement of the money has not been properly looked after. For three years it has been neglected. And if in one office it has been neglected for three years the probability is that it has been neglected in others.

Mr. HORR. Look them up. If there are a number we want you to show us one of them.

Mr. NEECE. I am wanting you to assist us in doing that.

Mr. HORR. For my part I am quite willing to do so.

Mr. HOLMAN. My friend from Illinois [Mr. NEECE] would hardly find it necessary to inquire into the actual state of any of your bureaus to ascertain whether or no the public service was being honestly administered, if he considered the necessary and natural effect of a lavish appropriation of the public money. Let my friend from Illinois examine impartially any branch of the administration of your Government, any bureau of it, and he will find from the necessity of the case the natural and legitimate outgrowth of lavish and profligate appropriations of the public money. If the principle on which the gentleman from Michigan [Mr. HORR] proposes to administer this Government should become the law of Congress, integrity in any Department of your Government would be the exception and not the rule. The history of this Government has established that beyond any possible question, and Congress can no more pretend not to know that dishonesty in the Government service is the outgrowth of its legislation, where it goes beyond the absolute needs of the public service, than it can pretend not to know the legitimate effect of any other measure of legislation.

The gentleman from Michigan [Mr. HORR] comes over to this side of the House and thinks it proper to lecture gentlemen here. He takes my friend from Illinois to task. He speaks to this side of the House as though his utterances were final and conclusive. Now, my friend should bear in mind that it is because of one of those extraordinary events which do not occur once in half a century, no matter what party is administering this Government or one of its great Departments, he has obtained control of one of the great appropriation bills. Why, sir, he should remember that that does not necessarily give him the right to dictate to gentlemen upon this floor. I admit it was an unexampled achievement. Go back over the whole period since that committee was organized and nothing like it has occurred before. I concede that.

But still I do not think it entitles the gentleman to put on airs and come over and dictate to gentlemen here what line of policy they should pursue. I conceive it was a bright achievement; but the gentleman from Michigan should bear in mind that he that putteth on his armor should not boast like him that putteth it off. He has not carried his scheme through yet. He has not had his measure ratified by the action of the majority of this House; and it may be possible, notwithstanding he obtained control of the Committee on Appropriations on that question, that that assumption of power, that leadership, may not be ratified when the vote shall be finally taken. So that my friend should not plume himself so valorously on results until the final consummation is reached.

Now, Mr. Speaker, a word on the question now before the House. You appropriated by the original bill as it passed this House $4,000,000 for the clerks of the postal-car service. The Senate has increased that sum $300,000. Now I have said already to the House, and I trust I may be able to say it again in such a manner that at least the idea I want to convey shall reach gentlemen who have not examined the subject, that the number of persons employed by that amount of $4,000,000 depends entirely upon the action of your Postmaster-General. The salaries are not fixed except the maximum. There are different classes—not to exceed $800, not to exceed $1,000, not to exceed $1,200, and not to exceed $1,400. Inside of those limitations the Postmaster-General is invested with absolute power to employ just as many postal clerks as he pleases.

Mr. HORR. Now will the gentleman permit me——

Mr. HOLMAN. I will answer a question; nothing more.

Mr. HORR. Under that regulation the Departments have made regulations whereby they have promoted and fixed the salaries of these men according to their service. That is true, is it not?

Mr. HOLMAN. Their salaries are fixed by law.

Mr. HORR. According to the time of service and the value of the men.

Mr. HOLMAN. The Department has fixed the compensation inside the limits I have named.

Mr. HORR. Do you not think they ought to do that?

Mr. HOLMAN. Certainly I do. That is what I am talking about.

Mr. HORR. Having fixed them, do you think they ought to cut them down?

Mr. HOLMAN. I say unhesitatingly the compensations are too high. That is the idea I am trying to convey all the time.

Mr. HORR. You think the Department ought to cut them all down?

Mr. HOLMAN. With $4,000,000, the largest sum ever appropriated by Congress for the Post-Office service, there is not a service connected with your employment of clerks in postal cars that can not be efficiently executed. And what I complain of is this: Gentlemen call attention to the fact—and the public press calls attention to the fact—every now and then it is discovered by mere accident—that corruption is rampant and rioting in some bureau of your Government. Gentlemen affect to be astonished at it; and what is strange, the public press affects to be astonished at it; Congress affects to be astonished at it. And yet there has never been an hour in your history that the fact has not been demonstrated that the appropriation of a dollar over the absolute requirements of the public service, frugally administered, was but the appropriation of a dollar for the corruption of your public service.

I grow impatient when I hear an expression of astonishment that corruption riots in any Department of your Government. How could it be otherwise, in view of the corrupting power of appropriations beyond the needs of the Government? In the public service of the Government, from its beginning down to the present hour, I do not care what party is in power, no matter what party is in power, the result is inevitable. There is no half-way ground in our Government between frugal expenditures and corrupt administration. If your Government is frugally administered, it will be honest; if your appropriations are lavish and beyond the needs of the Government, corruption will riot in your bureaus—in every department of your public service. From the hour your Government was established down to the present time that simple fact has been demonstrated.

Permit me to say that no committee of conference, no managers on the part of the House, can create any material delay over an item like this. This is but a question of how much money shall be appropriated. Of course the House understands that this item is not materially in the way of a recommendation to come to an agreement between the two Houses. If the conferees on the part of the Senate and those on the part of the House can not agree upon one sum, they can agree upon another. The conferees of the one body as well as of the other are amenable to reason. Of course on this point, standing by itself, there will be no delay in reaching an agreement by your conferees.

I wish to say this much for the purpose of showing that this item is not to be considered an important one; it is not at all in the way of your final action on the matter. The real trouble, the one upon which the chairman of your conferees desires to obtain an expression of opinion from the House, is as to a much more important measure—one not simply involving a question of dollars and cents, but involving the question whether or not Congress possesses sufficient power to control in any manner the great corporations which you have organized. It is an issue between your great corporations and your Government.

The fact has been brought to the attention of the House, and gentlemen have had occasion to examine the report made, that a commission was organized by law and was appointed by the Postmaster-General to inquire into a fact which was asserted eight years ago, that you were paying even then, and on a basis of the reduction of the current expenses of the railroads you have been paying ever since, over 20 per cent. more than was reasonable for the transportation of your mails by the railroads of the country. The reduction has been 15 per cent. only, while the rate of transportation was fixed on the 3d day of March, 1873, in the most extravagant period of the country and in a time of peace.

Gentlemen will remember the extraordinary bills which passed this House and became laws on the 3d day of March, 1873, and they will remember with what indignation that legislation was received by the people of this country, and how the majority of this House was promptly transferred from that side of the House to this side. Gentlemen are familiar with this history, and the measure which fixed the rate of railroad transportation higher than it was during the war period was a part of that general system of wild and reckless legislation.

The moment the party on this side of the House obtained the control of this branch of Congress an effort was made upon that measure as well as upon the others to compel a retracing of the steps in legislation which had been taken, but we only partially succeeded. It is now proposed to accomplish what was asserted to be necessary then, and what is sustained by infinitely stronger arguments now, a reduction of the cost of the transportation of mails by railroads to the extent of 20 per cent. A reduction to the extent of 15 per cent. has already been accomplished. This amendment embraces a reduction of 5 per cent. further, which will cover only about six or seven hundred thousand dollars. Yet the commission to which I have referred has reported to the Post-Office Department, and that report has come to you, that you can pay the railroads all that can be justly claimed for the transportation of your mails and reduce the amount now appropriated for that purpose by $1,000,000.

Mr. HORR. Right here let me ask the gentleman what proportion of that amount would be taken from the Union and Central Pacific Railroads, which are not included in this bill?

Mr. HOLMAN. I will have occasion to come down to details in a moment.

Mr. HORR. It would be about $600,000, would it not?

Mr. HOLMAN. I say the effect of the 5 per cent. reduction would be to reduce the expenditures between $600,000 and $700,000 on roads other than land-grant roads.

Mr. HORR. Yes; but the million dollars reduction to which the gentleman refers does not come out of the roads affected by this bill.

Mr. HOLMAN. The general statement of the railroad commission shows simply that the railroad system is now receiving too much. It is unhappily but one system. Some gentlemen do not seem to bear in mind, the gentleman from Michigan [Mr. HORR] forgets, that the railroads in this country are not made up of separate and independent systems, but unfortunately your railroads are embraced in one great system; a few great railroad monopolists control your entire railroad system.

Mr. HORR. I think that is not so.

Mr. HOLMAN. And your Post-Office Department assures Congress that the railroad system of this country can well bear a reduction of $1,000,000 in what is paid to it for the transportation of the mails; and $600,000 or $700,000 of that amount would be the result of this 5 per cent. reduction.

Now that is all I shall have occasion to say in regard to the 5 per cent. reduction. There are gentlemen who certainly can not possibly lean against railroad corporations, who do not lean too much in behalf of your Government, who say that a 5 per cent. reduction on other than land-grant and bond roads will yield a saving of $600,000 or $700,000.

Then we come to apply the measure to the land-grant roads, to the roads which have received Government bonds, to the roads, in other words, which this Government has constructed and equipped and, as it were, presented almost bodily to an association of gentlemen who are now commanding and controlling the larger portion of the wealth of this country.

We propose that these roads shall transport the mails for 50 per cent. of the compensation allowed to corporations to which the Government has granted no subsidies.

As to the 5 per cent. reduction, gentlemen must see very readily that there is no ground for a compromise. This House must either say directly and squarely that it will stand by that 5 per cent. reduction, or it must back down squarely at the demand of gentlemen who believe that the railroads ought to be fostered and encouraged. As to the land-grant roads, it will be seen there are grounds for a fair and reasonable compromise. If 50 per cent. can not be agreed upon as a proper rate, some other amount can no doubt be adopted. If every one of the railroad corporations which have received public grants ought not to be compelled to bear the burden of transporting the mails at 50 per cent. of the amount paid to roads which have received no subsidies, then apply the principle to those corporations that have received grants large enough to make it absolutely certain that the principle can not operate with any injustice upon them.

Gentlemen will see that in all this controversy the main point is whether or not it is safe for Congress to act upon the recommendation of the Post-Office Department, or rather upon the recommendation of the post-office commission, and reduce the compensation for carrying the mails 5 per cent. as to the general railroad system of the country. I repeat, as to the other question, some compromise can undoubtedly be reached by further conference between the two Houses.

I hope, therefore, that this House will insist on its disagreement to all three of the amendments—the first embracing $300,000, the next $1,000,000, and the next, including the two propositions with reference to the pay for mail transportation, one for a reduction of 5 per cent. upon the general railroad system, the other that the land-grant roads shall receive 50 per cent. of the amount allowed for similar service to roads which have received no subsidies. I hope the House will insist on its disagreement with the Senate on this subject. If so, I have no doubt an agreement can be reached which will be entirely satisfactory to both branches of Congress.

Mr. TOWNSHEND. Mr. Speaker, as has been stated by the gentleman from Indiana [Mr. HOLMAN], the real point upon which the two Houses have failed to agree is the provision with regard to the compensation of railroads. As to the appropriation for railway mail clerks, I am inclined to think we could have reached an agreement on the other amendment if we could have reached an agreement on the provisions reducing the compensation to railroads.

The difference between the gentlemen from Michigan and myself is this: He has an opinion that Congress should yield the full amount of every estimate demanded by the Departments. He goes upon the theory that the officers of the Department are wiser than Congress; that the officials of this Department would not ask any more than what they need; and we should without investigation yield all that these estimates of the Department call for.

Mr. HORR. If you say that we should grant every just and proper estimate you state my position correctly.

Mr. TOWNSHEND. How shall we ascertain whether the estimate is just and proper unless we investigate the grounds upon which the estimate is made?

Mr. HORR. That is what I have done.

Mr. TOWNSHEND. The Committee on Appropriations say that they have investigated this question, and that the amount demanded by the Department for clerks in the railway mail service is more than the efficiency of that service requires. We have shown, as I have said,

a willingness to increase this appropriation $175,000 beyond the appropriation of last year. But the Senate demand that we shall yield $325,000. They say, "You must yield every dollar the Department asks; we allow you no judgment on this matter; you shall be governed by our dictation." Indeed, the Senate has increased the appropriation for this service beyond the full amount recommended or asked by the Department.

The question of difference is only as to the amount. I insist from the investigation we have made that when we yield the amount which the House conferees have shown a willingness to yield, we furnish every dollar that will be needed (if the money be honestly expended) to provide clerical force for the railway mail service. Without discussing that question further, I leave it entirely to the House to determine.

Now, I come to what is really the essential point of difference between the two Houses. It is as to the compensation to railroads. Upon that question, as the gentleman from Indiana has said, we confront the railroad power. It is the railroads that stand behind the Senate. It is the railway corporations we are struggling with to-day. Now, the first question is, what is fair and just compensation for the railroads for carrying the mail? I maintain we ought to pay these companies every dollar that justice and fair dealing require. If this bill did not carry an amount which would compensate the railroad companies fairly for this service, I would not stand here contesting with the Senate upon this proposition.

But I think we have the evidence here which fair-minded men will accept, because it is official, which does fully and completely answer the argument of the gentleman the other day when he asserted that these provisions do not provide as fair compensation for carrying the mail as the railroads are receiving for carrying freight and express matter.

A word or two on that point and I will leave it with you. All men will admit, the most lucrative rate of compensation received by railroads is that for passenger traffic; the gentleman from Michigan admitted that the other day. Now, the commission appointed by the Post-Office Department to investigate this matter declared that the railroads are receiving 26 cents per car per mile for passenger travel, and that commission said, in reference to mail compensation to railroads, if 25 cents per car per mile is allowed, which is only 1 cent lower than the amount received for passenger travel, the rate would be fair and just to the roads and we would thereby save $1,000,000 annually on the cost of this service. Our bill makes that reduction of $1,000,000, and we give to the railroads in the aggregate the full sum which the report of the commission says they ought to have for this service.

This commission states when we allow that sum we are allowing the railroads nearly as much for carrying mails as is paid for passenger traffic.

Now, compare the accommodations furnished for the mail service and the accommodations furnished for passenger travel. On the mail cars there are no brakesmen, no conductors, no expense of that kind to be incurred. On the mail cars there are one or two postal mail clerks and an amount of dead weight of mail matter to be carried. The mail cars are carried on the same trains passengers are carried on. They will run those passenger trains anyway, whether mail cars are attached or not. Besides, Mr. Speaker, the pay for the mail service is always certain. There is freedom from the danger of liability for loss or injury to the mails as there is for damage in the case of carrying passengers, express, or freight. There is complete immunity from damage on that account.

Then, considering the cheapness of the accommodations furnished the mail-car service, the freedom from liability, and certainty of pay, taking all these things into consideration, I say the railroads can well afford to carry the mails for a smaller sum even than we allow in this bill and at a far less rate than they now receive for passenger traffic.

The gentleman from Michigan [Mr. HORR] said in his remarks this morning that he had been informed by a member from Mississippi that they were receiving less rate for carrying the mails in his district than was paid as freight for carrying lumber. That is not shown by the statistics of the Post-Office Department. They show that the rates per mile per ton for carrying freight are less than 1½ cents, and they also show there is paid for a mail service from about 7 to 35 cents per ton per mile. There is the report of your officials of the Post-Office Department certifying in no instance do we pay less than about 7 cents per ton per mile for carrying the mails, and it goes further and shows that in no instance can it be found to cost more than 1½ cents for carrying freight throughout the country.

Mr. HORR. Now, is that fair?

Mr. TOWNSHEND. Yes, it is fair.

Mr. HORR. Why is it fair?

Mr. TOWNSHEND. Why, it is fair because it is true. These Government officials have so reported after investigation. It is said in answer to the statement of the gentleman in his speech this morning that in Mississippi more is paid for carrying lumber than is paid for carrying the mails.

Mr. HORR. Is it fair to charge for one-third of a car——

Mr. TOWNSHEND. I have not time to go into that now.

Mr. HORR. You should answer, for that is the whole of it.

Mr. TOWNSHEND. I really have not time to yield. Now, the compensation of the mail service is growing immensely every year. It has already reached a figure larger than the whole annual income under the administration of John Q. Adams. The railroad mail service costs the Government nearly $19,000,000 a year. It is growing amazingly. I have a table here, which I should like to read if I had time, showing that it is increasing at the rate of hundreds of thousands of dollars annually. It has reached, as I have said, nearly $19,000,000 and the time will soon come, unless some check is put on the compensation paid railroads, when it will reach twice the amount of the present pay.

Now, sir, when we remember that the railways have reduced the cost of carrying freights, express matter, and passengers they ought to stand a reduction upon the compensation for carrying the mails. The expenses of the railroads themselves have decreased enormously in the last few years. The statistics all show that. The cost of the service to them is far less than it was a few years ago when the rate of compensation for carrying the mails was fixed. The wages of the employés have decreased. The cost of steel rails is less, and iron and all other materials that enter into the construction of their roads and their working have decreased. I therefore feel that we ought in justice to the people demand a reduction upon the compensation for carrying the mails.

I now yield five minutes to my colleague from Illinois [Mr. CANNON], who wishes to be heard.

Mr. CANNON. Only a word or two in reference to this matter, and I shall detain the House but a very few moments. We are approaching the end of the session and an adjournment is anxiously looked for by both sides of the House. I observed in the course of the remarks of the gentleman from Indiana that he intimated there might be no disagreement upon the question of the postal clerks. I am glad to hear that. That means, of course, $4,300,000 for this branch of the service. I believe that appropriation should be made, because we made an appropriation the other day for letter-carriers of $4,000,000 by a decided majority. That appropriation furnishes about one hundred and forty cities, providing the means for delivering the letters to the citizens four or five times a day in each of these cities.

Now, this appropriation distributes the mails on 120,000 miles of railroad throughout all parts of the country. The service is already upon many of these roads, and needs to be extended to others. I refer specially to the roads that do a pouch service. They convey the mails to the people living along in the section they traverse once, sometimes twice, in a day; whereas in the city where they have free delivery and four or five deliveries a day it costs $4,000,000. If this extra $300,000 is given we can give mail facilities along the lines of these roads to the great body of the people who are anxious for it.

I do not believe the salary of the people performing this service on the railroads is adequate. Their duties are very onerous. They are away from their homes most of the time, and have to pay their own expenses. The most of them get only from $800 to $1,000 a year, and in my judgment they are the most poorly paid employés in the postal service.

Now, as to the matter of the compensation of the railways themselves, and I ask the attention of the House upon this point. It may be, and I am inclined to think it is, true that the railroads are getting more compensation in the aggregate than they ought to have for carrying the mails. But gentlemen must recollect that this legislation under which that service is performed has been on our statute-books since 1873. In 1876 they took 10 per cent. from that compensation through the efforts of my friend from Indiana [Mr. HOLMAN], and this was done during the time when everything was cheap. Two years later, under the lead of my friend from Georgia, they took 5 per cent. more off during the hard times. Now times are not so hard, money is more easy, prices are higher, and yet now you propose to take 5 per cent. more off. There was more reason for taking 10 per cent. off in 1876 than there is for taking off 5 per cent. now. But my friend from Indiana has got used to this kind of thing, and is not happy unless he is doing it all the time. [Laughter.]

One word more. There is this principle, and I will not say anything more about the matter than this—there is this principle that operates between the House and the Senate when they have conferences on bills. Appropriations are made according to existing law, and if either the House or the Senate proposes to change the law upon an appropriation bill and the co-ordinate branch does not agree to that change, then the body that proposes that change under the existing law must back down. That is the practice in dealing with these matters. Now what is the question here? The House proposes to change the law in this respect. It proposes to cut down the compensation of the railroads, being a question of legislation upon an appropriation bill. The Senate comes and says "no." It says unanimously, Republicans and Democrats uniting, that it will not agree to this change. It says we will join you in appropriating for the service as it is, but we will not legislate upon this bill.

Now, I put it to gentlemen on both sides of the House, when you get to that point of a deadlock is it not the unvarying practice that the party that proposes legislation on an appropriation bill has to give way? I would not have said this were it not that we all want to get away from here. You Democrats want to get away to this funeral to come off at

Chicago. We Republicans want to go home to our wives and children. With these facts staring us in the face I do not think there is any propriety in the House standing out longer upon these points. The most sensible thing the House can do is to recede and let the bill go to the President for his signature before sundown this evening.

Mr. TOWNSHEND. I demand the previous question on the report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the report of the committee of conference and discharging the committee.

The question being taken, it was decided in the affirmative.

Mr. TOWNSHEND. I now move that the House further insist on its disagreement to the amendments of the Senate numbered 10, 11, and 17, and upon that motion call the previous question.

The SPEAKER. If the gentleman demands the previous question and it is ordered it will prevent any motion to agree with an amendment. If the gentleman desires that the sense of the House shall be tested on those propositions it may be better not to demand the previous question.

Mr. HORR. I move that the House recede from its disagreement to the two amendments of the Senate numbered 10 and 11 and agree with the Senate.

Mr. TOWNSHEND. I desire to understand the status of my motion, which is that the House further insist on its disagreement to the amendments of the Senate.

The SPEAKER. The Chair has not yet stated the gentleman's motion. The gentleman from Michigan [Mr. HORR] moves that the House recede from its disagreement to the amendments of the Senate numbered 10 and 11 and agree to the same.

Mr. TOWNSHEND. Does that take precedence of my motion?

The SPEAKER. It does.

Mr. TOWNSHEND. I hope my motion will be considered as pending.

Mr. HORR. I desire to state that my motion does not include the amendment relating to the appropriation for railway post-office clerks.

The SPEAKER. If there be no objection the previous question will be considered as ordered; and the first question is on the motion made by the gentleman from Michigan that the House recede from its disagreement to the Senate amendments numbered 10 and 11 and agree to the same.

Mr. TOWNSHEND. Upon that I demand the yeas and nays.

Mr. HOLMAN. Amendments 10 and 11 include the appropriation of an additional million of dollars for transportation on railroad routes and the striking out of the House provision in reference to the rate of compensation to railroads.

Mr. HORR. They include all the questions which pertain to the railroad service.

The SPEAKER. The amendments will be read.

Amendment numbered 10 of the Senate was read, as follows:

On page 4, line 65, strike out "$11,700,000" and insert "$12,750,000;" so that it will read:

"For transportation on railroad routes, $12,750,000."

Amendment numbered 11 of the Senate was read, as follows:

On pages 4, 5, and 6 strike out the following:

"(11) The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1884, for transportation of mails on railroad routes, by reducing the compensation to all railroad companies for the transportation of mails 5 per cent. per annum from the rates for the transportation of mails, on the basis of the average weight, fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes," approved June 17, 1878: *Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, or whose railroads were constructed in whole or in part by subsidies in bonds and lands granted and issued by the United States under the provisions of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River and the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and act amendatory thereof, shall receive only 50 per cent. of the compensation authorized by this act to be paid to the other railroad companies for corresponding postal service; and the above-entitled act approved July 1, 1862, and the sixth section thereof, and the act amendatory of said act, approved July 2, 1864, are hereby amended to conform to the foregoing provision fixing the rate of compensation to be paid to railroad companies whose railroads were so constructed, in whole or in part, by subsidies in bonds and lands, under the provisions of said acts, for the transportion of the mails, and said acts and each of them shall be held to be altered and amended accordingly; and the foregoing provisions, and each of them, shall be subject to amendment as in the opinion of Congress shall be just and required by the public welfare; but no right now existing in favor of the United States in relation to said railroads, or either of them, or in relation to said grants, or either of them, shall be deemed impaired or waived by this act or any provision thereof."

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. Would it be in order to call for a division of the question so as to have separate votes on the 5 per cent. reduction and the reduction of the compensation to land-grant and bonded railroads?

The SPEAKER. There are two amendments of the Senate included in the motion of the gentleman from Michigan. The gentleman has a right to a separate vote on each.

Mr. HORR. That is not the point made by the gentleman from Ohio.

Mr. WARNER, of Ohio. The provision proposed to be stricken out by the eleventh amendment of the Senate embraces two parts.

The SPEAKER. The Chair does not think a Senate amendment can be divided. Does the gentleman desire separate votes on the two amendments?

Mr. WARNER, of Ohio. The two amendments relate to the same subject, the compensation to railroads. I do not call for separate votes on the two amendments.

The SPEAKER. The yeas and nays have been demanded on the motion of the gentleman from Michigan.

The yeas and nays were ordered.

Mr. HORR. I find there is some uncertainty as to what we are to vote upon. I wish to say that this question does not affect the clerk service at all. It is the question simply of the compensation to railroads.

The question was taken; and there were—yeas 116, nays 103, not voting 105; as follows:

YEAS—116.

Adams, G. E.	Graves,	Miller, S. H.	Rockwell,
Atkinson,	Guenther,	Milliken,	Rogers, W. F.
Bayne,	Hancock,	Mitchell,	Ryan,
Bingham,	Harmer,	Money,	Seymour,
Brainerd,	Hart,	Morrill,	Skinner, C. R.
Brewer, F. B.	Hatch, H. H.	Morse,	Smalls,
Browne, T. M.	Hemphill,	Muldrow,	Smith,
Brown, W. W.	Hepburn,	Mutchler,	Spooner,
Campbell, J. E.	Hewitt, A. S.	Nelson,	Steele,
Campbell, J. M.	Hewitt, G. W.	Ochiltree,	Stephenson,
Candler,	Hiscock,	O'Hara,	Stewart, Charles
Cannon,	Hitt,	O'Neill, Charles	Stone,
Chalmers,	Holton,	O'Neill, J. J.	Strait,
Culbertson, W. W.	Hooper,	Parker,	Struble,
Cullen,	Horr,	Payne,	Sumner, C. A.
Cutcheon,	Houseman,	Perkins,	Thomas,
Dargan,	Howey,	Peters,	Throckmorton,
Davis, G. R.	James,	Phelps,	Tillman,
Deuster,	Jeffords,	Poland,	Van Eaton,
Elliott,	Jordan,	Post,	Wait,
Ellwood,	Kasson,	Potter,	Warner, A. J.
Everhart,	Ketcham,	Price,	Washburn,
Ferrell,	King,	Rankin,	Weaver,
Finerty,	Laird,	Ranney,	White, J. D.
Follett,	Long,	Ray, G. W.	White, Milo
Foran,	Lyman,	Ray, Ossian	Whiting,
Funston,	McCoid,	Reed,	Wilson, James
George,	McComas,	Reese,	Woodward,
Goff,	Millard,	Robinson, J. S.	York.

NAYS—103.

Adams, J. J.	Dibrell,	Lewis,	Storm,
Alexander,	Dowd,	Lore,	Talbott,
Anderson,	Dunn,	Lowry,	Taylor, J. M.
Bagley,	Eaton,	McAdoo,	Thompson,
Ballentine,	Eldredge,	McMillin,	Townshend,
Barksdale,	English,	Matson,	Tucker,
Beach,	Ermentrout,	Maybury,	Tully,
Belmont,	Findlay,	Miller, J. F.	Turner, H. G.
Bennett,	Forney,	Mills,	Turner, Oscar
Blount,	Geddes,	Morgan,	Vance,
Breckinridge,	Gibson,	Murphy,	Wallace,
Buchanan,	Glascock,	Neece,	Ward,
Burnes,	Greenleaf,	Oates,	Warner, Richard
Cabell,	Halsell,	O'Ferrall,	Wellborn,
Caldwell,	Hammond,	Patton,	Weller,
Clay,	Hardy,	Peel,	Wemple,
Clements,	Hatch, W. H.	Pierce,	Wilkins,
Cobb,	Henley,	Pryor,	Willis,
Converse,	Herbert,	Randall,	Wilson, W. L.
Cook,	Hoblitzell,	Riggs,	Winans, E. B.
Cox, S. S.	Holman,	Rogers, J. H.	Winans, John
Cox, W. R.,	Hunt,	Scales,	Wise, G. D.
Crisp,	Jones, B. W.	Seney,	Wolford,
Culberson, D. B.	Jones, J. H.	Shelley,	Wood,
Davis, L. H.	Lanham,	Springer,	Yaple.
Dibble,	Le Fevre,	Stockslager,	

NOT VOTING—105.

Aiken,	Cosgrove,	Hutchins,	Robertson,
Arnot,	Covington,	Johnson,	Robinson, W. E.
Barbour,	Curtin,	Jones, J. K.	Rosecrans,
Barr,	Davidson,	Jones, J. T.	Rowell,
Belford,	Davis, R. T.	Kean,	Russell,
Bisbee,	Dingley,	Keifer	Shaw,
Blackburn,	Dockery,	Kelley,	Singleton,
Blanchard,	Dorsheimer,	Kellogg,	Skinner, T. G.
Bland,	Duncan,	Kleiner,	Slocum,
Boutelle,	Dunham,	Lacey,	Snyder,
Bowen,	Ellis,	Lamb,	Spriggs,
Boyle,	Evans, I. N.	Lawrence,	Stevens,
Breitung,	Evins, J. H.	Libbey,	Stewart, J. W.
Brewer, J. H.	Fiedler,	Lovering,	Sumner, D. H.
Broadhead,	Fyan,	McCormick,	Taylor, E. B.
Brumm,	Garrison,	Morrison,	Taylor, J. D.
Buckner,	Green,	Moulton,	Valentine,
Budd,	Hanback,	Muller,	Van Alstyne,
Burleigh,	Hardeman,	Murray,	Wadsworth,
Calkins,	Haynes,	Nicholls,	Wakefield,
Campbell, Felix	Henderson, D. B.	Nutting,	Williams,
Carleton,	Henderson, T. J.	Paige,	Wise, J. S.
Cassidy,	Hill,	Payson,	Worthington,
Chace,	Holmes,	Pettibone,	Young.
Clardy,	Hopkins,	Pusey,	
Collins,	Houk,	Reagan,	
Connolly,	Hurd,	Rice,	

So the motion of Mr. HORR was agreed to, and the Senate amendments were concurred in.

Mr. RYAN and Mr. TILLMAN asked unanimous consent that the reading of the names of those voting be dispensed with.

Mr. TOWNSHEND. I object.

The names were then read.

The following additional pairs were announced:

Mr. SKINNER, of North Carolina, with Mr. NUTTING, on all political questions, until July 8.

Mr. HARDEMAN with Mr. ARNOT, on this vote.

Mr. JOHNSON with Mr. GARRISON, for the remainder of the day.

Mr. DUNHAM with Mr. LAMB, on this vote.

Mr. COLLINS with Mr. STEWART, of Vermont, for the remainder of the day.

Mr. PUSEY with Mr. HENDERSON, of Iowa, for the remainder of the day.

Mr. CONNOLLY with Mr. VALENTINE, on all political questions, for the remainder of the day.

Mr. BISBEE with Mr. WILLIAMS, for the remainder of the day.

Mr. SNYDER with Mr. HANBACK, on all political questions, for the remainder of the day.

Mr. JONES, of Arkansas, with Mr. PAYSON, for this day.

Mr. AIKEN with Mr. HOUK, on all political questions, for the remainder of the day.

Mr. LAMB. I desire to state that I am paired with Mr. DUNHAM. If he were present, I would vote "no" and he would vote "ay" on this proposition.

Mr. HARDEMAN (having voted in the negative). I desire to withdraw my vote. I am paired on this question with Mr. ARNOT, of New York. If here, he would vote "ay" and I would vote "no."

The result of the vote was then announced as above stated.

Mr. HORR moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HORR. I now move that the House recede from its disagreement to the Senate amendment numbered 17, and agree to the same. And I trust that we will not need a yea-and-nay vote to decide it.

Mr. HOLMAN. I think we had better have the yeas and nays on that.

The question was taken upon ordering the yeas and nays, and there were 45 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. HOLMAN. I think that the amendment had better be read.

The Clerk read the Senate amendment numbered 17, as follows:

Page 5, line 8, after the word "million," insert "three hundred thousand;" so that it will read:

"For railway post-office clerks, $4,300,000."

The question was taken; and there were—yeas 123, nays 101, not voting 100; as follows:

YEAS—123.

Adams, G. E.	Findlay,	McCoid,	Rockwell,
Anderson,	Finerty,	McComas,	Rogers, W. F.
Arnot,	Funston,	Maybury,	Rowell,
Atkinson,	Goff,	Millard,	Ryan,
Barksdale,	Graves,	Miller, S. H.	Skinner, C. R.
Bayne,	Greenleaf,	Mitchell,	Smalls,
Beach,	Guenther,	Money,	Spooner,
Bingham,	Hancock,	Morrill,	Steele,
Blanchard,	Hardeman,	Morse,	Stephenson,
Brainerd,	Harmer,	Muldrow,	Stevens,
Brewer, F. B.	Hart,	Mutchler,	Stewart, Charles
Browne, T. M.	Hatch, H. H.	Nelson,	Stone,
Brown, W. W.	Henderson, T. J.	Ochiltree,	Strait,
Burleigh,	Hepburn,	O'Hara,	Struble,
Campbell, J. M.	Hewitt, G. W.	O'Neill, Charles	Thomas,
Campbell, J. E.	Hill,	O'Neill, J. J.	Tillman,
Candler,	Hiscock,	Parker,	Vance,
Cannon,	Hitt,	Payne,	Van Eaton,
Carleton,	Holton,	Perkins,	Wait,
Chalmers,	Hooper,	Peters,	Wallace,
Culbertson, W. W.	Horr,	Phelps,	Washburn,
Cullen,	Howey,	Poland,	Weaver,
Cutcheon,	James,	Potter,	Wemple,
Dargan,	Jeffords,	Price,	White, J. D.
Davis, G. R.	Jones, J. K.	Rankin,	White, Milo
Davis, R. T.	Kasson,	Ranney,	Whiting,
Deuster,	Ketcham,	Ray, G. W.	Wilson, James
Elliott,	Laird,	Ray, Ossian	Winans, John
Ellis,	Lewis,	Reed,	Woodward,
Ellwood,	Long,	Reese,	York.
Everhart,	Lyman,	Robinson, J. S.	

NAYS—101.

Adams, J. J.	Cox, W. R.	Glascock,	Lore,
Alexander,	Crisp,	Halsell,	Lowry,
Bagley,	Culberson, D. B.	Hammond,	McAdoo,
Ballentine,	Davis, L. H.	Hardy,	McMillin,
Belmont,	Dibble,	Hatch, W. H.	Matson,
Bennett,	Dibrell,	Hemphill,	Miller, J. F.
Blount,	Dowd,	Herbert,	Mills,
Breckinridge,	Dunn,	Hewitt, A. S.	Morgan,
Broadhead,	Eaton,	Hoblitzell,	Murphy,
Buchanan,	Eldredge,	Holman,	Neece,
Caldwell,	English,	Hunt,	O'Ferrall,
Clay,	Ermentrout,	Jones, B. W.	Patton,
Clements,	Follett,	Jones, J. H.	Pierce,
Cobb,	Foran,	Jordan,	Peel,
Converse,	Forney,	Kleiner,	Post,
Cook,	Geddes,	Lanham,	Pryor,
Cox, S. S.	Gibson,	Le Fevre,	Randall,
Riggs,	Sumner, C. A.	Turner, Oscar	Wilson, W. L.
Rogers, J. H.	Talbott,	Van Alstyne,	Winans, E. B.
Rosecrans,	Taylor, J. M.	Ward,	Wise, G. D.
Scales,	Thompson,	Warner, A. J.	Wolford,
Seney,	Throckmorton,	Warner, Richard	Wood,
Shelley,	Townshend,	Wellborn,	Yaple.
Springer,	Tucker,	Weller,	
Stockslager,	Tully,	Wilkins,	
Storm,	Turner, H. G.	Willis,	

NOT VOTING—100.

Aiken,	Covington,	Hutchins,	Pusey,
Barbour,	Curtin,	Johnson,	Reagan,
Barr,	Davidson,	Jones, J. T.	Rice,
Belford,	Dingley,	Kean,	Robertson,
Bisbee,	Dockery,	Keifer,	Robinson, W. E.
Blackburn,	Dorsheimer,	Kelley,	Russell,
Bland,	Duncan,	Kellogg,	Seymour,
Boutelle,	Dunham,	King,	Shaw,
Bowen,	Evans, I. N.	Lacey,	Singleton,
Boyle,	Evins, J. H.	Lamb,	Skinner, T. G.
Breitung,	Ferrell,	Lawrence,	Slocum,
Brewer, J. H.	Fiedler,	Libbey,	Smith,
Brumm,	Fyan,	Lovering,	Snyder,
Buckner,	Garrison,	McCormick,	Spriggs,
Budd,	George,	Milliken,	Stewart, J. W.
Burnes,	Green,	Morrison,	Sumner, D. H.
Cabell,	Hanback,	Moulton,	Taylor, E. B.
Calkins,	Haynes,	Muller,	Taylor, J. D.
Campbell, Felix	Henderson, D. B.	Murray,	Valentine,
Cassidy,	Henley,	Nicholls,	Wadsworth,
Chace,	Holmes,	Nutting,	Wakefield,
Clardy,	Hopkins,	Oates,	Williams,
Collins,	Houk,	Paige,	Wise, J. S.
Connolly,	Houseman,	Payson,	Worthington,
Cosgrove,	Hurd,	Pettibone,	Young.

So the motion of Mr. HORR was agreed to, and the Senate amendment was concurred in.

The following additional pair was announced:

Mr. DUNHAM with Mr. LAMB, on this vote. If present, Mr. DUNHAM would vote "ay" and Mr. LAMB would vote "no."

The result of the vote was then announced as above stated.

Mr. RYAN moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to reports of committees of conference on the disagreeing votes of the two Houses on amendments of the House to bills of the Senate of the following titles:

A bill (S. 838) to consolidate the bureau of military justice and the corps of judge-advocates of the Army, and for other purposes;

A bill (S. 1581) to provide for the disposition of abandoned and useless military reservations; and,

A bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul in the State of Minnesota.

The message also announced that the Senate had passed without amendment a bill of the House of the following title;

A bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Stedman.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion;

A bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers in either the States of Arkansas, Iowa, Minnesota, Missouri, or Nebraska; and

A bill (H. R. 5709) to amend article 72 of the rules and articles of war.

The message further announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. 183) to remove the charge of desertion from the military record of William Hull.

The message also announced that the Senate requested the House to return the bill (S. 1971) granting a pension to Catharine H. Glick, widow of Elias B. Glick.

SOUTHERN KANSAS RAILWAY COMPANY.

Mr. RYAN. I desire to call up from the Speaker's table the request of the Senate for a conference on House bill 4680 to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

The SPEAKER. The Clerk will report the message from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 30, 1884.

Resolved, That the Senate asks a conference with the House of Representatives on the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, and the amendments of the Senate thereto.

Ordered, That Mr. INGALLS, Mr. DAWES, and Mr. COKE be the conferees on the part of the Senate.

Mr. RYAN. I move that the House non-concur in the amendments of the Senate and agree to the conference requested.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. WELLBORN, Mr. PIERCE, and Mr. PERKINS as the conferees on the part of the House.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent to make a report from the Committee on Expenditures in the Department of Justice.

Mr. DUNN. I call for the regular order.

Mr. ELLIS. I move that the House resolve itself into Committee of the Whole——

The SPEAKER. The regular order is the morning hour.

Mr. ELLIS. I move to dispense with the morning hour.

The SPEAKER. That will require a two-thirds vote.

The motion was agreed to; there being—ayes 114, noes 8.

LEAVE OF ABSENCE.

Mr. MOULTON, by unanimous consent, obtained leave of absence indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Mr. HOBLITZELL, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of N. H. Plunkett.

ROSA VERTNER JEFFREY AND OTHERS.

The SPEAKER. If there be no objection, the order which the Clerk will read will be agreed to.

The Clerk read as follows:

Ordered, That the Clerk request the Senate to return to the House the bill of the House (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others.

The SPEAKER. Is there objection to the entry of this order? The Chair hears none; and the order is adopted.

FORTIFICATION APPROPRIATION BILL.

Mr. ELLIS. I move that the House resolve itself into Committee of the Whole for the further consideration of the unfinished business—the fortification appropriation bill.

Mr. RANDALL. Does the gentleman desire to limit debate? [Cries of "Yes!" "Yes!"]

Mr. ELLIS. I have understood—not from the gentleman from Pennsylvania [Mr. RANDALL] himself—that he and one or two other gentlemen desire to speak against the bill reported by the majority.

Mr. RANDALL. I am willing to waive my right to occupy an hour if we can finish the debate to-night.

Mr. HEWITT, of Alabama. I move that all general debate in Committee of the Whole on the fortification appropriation bill be closed in an hour and a half.

Mr. ANDERSON. Say one hour.

Mr. ELLIS. I hope the House will vote down this motion. The chairman of the Committee on Appropriations desires to be heard; so do I.

Mr. HERBERT. Say two hours.

Mr. COBB. I move to amend the motion of the gentleman from Alabama [Mr. HEWITT] so as to limit debate to one hour.

Mr. HEWITT, of Alabama. I call for the previous question.

Mr. ELLIS. I want only two hours more of general debate.

Mr. HOLMAN. If the motion to allow one hour be adopted, will the time be equally divided?

The SPEAKER. That is a matter for understanding between members on the floor. Under the rules the gentleman first obtaining the floor would be entitled to an hour.

Mr. RANDALL. I believe I have the floor; but I will not take advantage of the rule giving me an hour, if the House should limit debate to an hour and a half.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered; and under the operation thereof the amendment of Mr. COBB to limit debate to one hour was agreed to.

The motion of Mr. HEWITT, of Alabama, as amended was adopted.

Mr. HEWITT, of Alabama, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurring on the motion of Mr. ELLIS, that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the fortification appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. BLOUNT in the chair), and resumed the consideration of the bill (H. R. 7440) making appropriations for fortifications and other works of defense and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes.

The CHAIRMAN. On this bill general debate has been limited by order of the House to one hour.

Mr. RANDALL. I yield five minutes to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT, of New York. Mr. Chairman, no subject of greater practical moment than the one under consideration has come before this Congress. Yet it has been withheld—for what cause I know not—until the closing hours of the session.

Mr. ELLIS. I can state. The bill has been ready for report six weeks.

Mr. HEWITT, of New York. However long it may have been ready, the fact is it comes here in the closing hours of the session.

I sympathize fully with those gentlemen who would put this country in a condition of defense. I sympathize more largely with those gentlemen who think that this country needs but little defense other than its moral force, and the fact that it has no entangling alliances; that it has no quarrels and seeks no quarrels with the rest of the world; that we are a nation of freemen engaged in developing a continent; that for a hundred years to come the energies of this people will be wanted for peace and not for war.

Yet there are times in the history of nations when war becomes inevitable. I sympathize with my colleague [Mr. DORSHEIMER] in the view he took yesterday as to the exposed condition of the ports of this country in case we should be thrown into conflict with any of the great powers of the world. We would indeed be at their mercy; and great indeed would be the humiliation if to have saved a few thousand or a few hundred thousand dollars expended at the right moment we were put under such tribute as France was placed under at the close of the Franco-German war. It is wise, therefore, to make provision for the future, but it is wiser to see that provision is made prudently, judiciously, and effectively.

It has been said, sir, we need earthworks; that we need guns; that we need torpedoes. Earthworks are the one phase of this question which need give us no concern here. They can be extemporized, as they often have been when necessary, sufficient for the protection of any harbor. But guns are quite a different affair. For them time is wanted.

When the gentleman from Pennsylvania [Mr. RANDALL] was good enough to yield me the floor I held in my hand and was looking over the report of the gun foundery board (Executive Document 97) sent to the House, in which this whole question is discussed. On reading that report two things become apparent. The first is that if this money were appropriated there is not knowledge enough in this country or in its officers to expend it. It could not be wisely expended. The very conclusion of this report is that the question is not solved but is being solved as to whether steel forged under heavy hammers or whether liquid steel compressed in a compressor is the better material for guns. Expend the money, which the majority propose to appropriate during the coming year, and so far as human judgment can go it would be expended for a hammer; and yet, so far as the judgment of this gun foundery board is concerned, it ought to be expended for a compressor. And if expended for a hammer and the compressor is the thing that is wanted, the money spent for a hammer is literally thrown away.

A year ago if I had been asked on this floor what was the first step to put the country in a condition of defense, I would have said it was a steam-hammer that would cost a million of dollars. And I did say it in the course of the debate on the naval bill. And now, with the light which is derived from this report made by the most intelligent and able officers we have in this country, I may add I crossed the Atlantic with them last year, and took such part as I could in aiding them in the way of getting the information they desired——

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. I will yield to the gentleman five minutes longer.

Mr. HEWITT, of New York. I followed it up as far as possible by visits to the great arsenals abroad, and I found that the most intelligent foreign officers were as much at sea as it was possible for men to be as to the methods of manufacture to be adopted in order to provide proper weapons of defense. The question is not one of material, but as to the proper mode of using it in the construction of the weapons.

There are three kinds of guns, in the construction of which the authorities differ; and these are the gun made of forged steel, the gun made of liquid steel compressed, and the wire gun. The probability is that the wire gun is the gun which is going to supersede the other two. It will require one year to complete the tests which are now being made, and made here in this country as well as abroad, of the wire gun before it can be definitely settled whether that gun is to be the gun of the future.

Now, the majority come in here and they report in favor of a large immediate expenditure. I admit their patriotism. I admit the fact that they are governed only by the best and wisest views of what our policy should be, yet I see its report is not based upon knowledge. The committee on the whole subject I think is at sea literally. When I heard yesterday the gentleman from Michigan [Mr. HORR] talking about spending some hundreds of thousands of dollars a year for Gatling guns, I recalled the fact on that great steamer of war, the Alexandria, as I was talking with the captain on the deck, coming to the front of the vessel he showed me the Nordenfeldt gun, and he said, "You make a great mistake in building Gatling guns; this is a far better weapon. We had them at Alexandria, and the experience there demonstrated the fact that one Nordenfeldt gun was worth two Gatling guns." And yet, as I understood the speech of the gentleman on yesterday, he proposed to spend a part of this money for the purchase of Gatling guns. It shows how perfectly absurd it is for gentlemen here to undertake to direct the expenditure of this vast amount of money.

Mr. ELLIS. Does not the gentleman from New York know that these guns are entirely different, and for different purposes?

Mr. HEWITT, of New York. The Nordenfeldt and Gatling guns are applicable to the same purposes.

Mr. ELLIS. The gentleman is entirely mistaken.

Mr. HEWITT, of New York. I saw them with my own eyes on the same ship on which they had been employed in the bombardment of Alexandria.

The gentleman may refer to some Gatling gun with which I am not familiar. But I repeat, I saw these guns on the ship that bombarded Alexandria, and was told by the able and efficient officers that the Gatling gun had been found to be inferior. I merely take the case put by the gentleman from Michigan.

Now, I am not opposed and never shall be opposed to providing adequate defenses for this country against its possible enemies, though I trust we shall never have to use these weapons of defense. But all the money that we have refrained from spending up to this time has been money saved to this Government. If we had spent in the last ten years any money for such purposes it would have been absolutely thrown away; and that part even of the minority bill which proposes to convert the old cast-iron guns is a mistake.

Every dollar spent upon the conversion of these guns is money thrown away. What we want to do is to hold our own as we stand to-day for another year, and then, after that year, I believe, from what I have seen in progress and what I know in regard to discoveries of new and better forms of material, that we shall be able to make an intelligent expenditure of the public money at the expiration of that time; and therefore, as between the two bills submitted, I prefer the minority bill. I shall therefore vote for the substitute at this time, and hereafter, when experiments now in progress have taught us how to spend the money effectively, I shall be glad to vote for such liberal appropriations as the best interests of the country, and, as I believe, the voice of the people, will require.

[Here the hammer fell.]

Mr. RANDALL. I now yield ten minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. Mr. Chairman, the question involved in the discussion now before the Committee of the Whole is one of vast importance to the people of this country. The main question is what kind of defenses are necessary to secure our country from insult, menace, and invasion from other nations? I propose to notice in the brief period of ten minutes three modes of defense that are open to us. There are numerous defenses that can be cited, but I propose to notice, as I have said, but three which I think are of paramount importance and all sufficient for the needs of our people.

The first is the great and highest defense of our country, the surest defense it could have in time of war; it is that defense which has been found effective in all the ages of the world; a defense which we will have for all time to come; and that is in the heart and the mind and in the strong muscles of the people of this great country. With a strong heart and powerful mind and frame to defend our nation, our country needs to fear no nation on the face of the earth. Call upon our citizens, for we want no standing army. Standing armies have always been dangerous and menacing and insulting to the republican system of government. I say we need no standing army. We need the citizen soldier with a strong arm to form a nucleus around which to rally to keep away danger and peril if any nation should see fit to invade us. We want the men here who are the soul of a great liberty-loving people—our own citizens.

We want the people who have rallied upon every occasion when the emergency has arisen and offered their lives, their fortunes, and every thing they possessed in defense of this country. They will not be found wanting in the day of peril. We have the grandest country in existence—great in morals, great in intelligence, great in its power and in the devoted love of liberty; and that is a sufficient defense against all the nations of the earth. I will not enlarge more upon this idea; time will not permit me; but with the heart and the soul of the American people, liberty-loving as they are, there is no power on earth that can alarm or make them afraid. It is the best defense that we can have.

Now, there is another defense that comes next in consequence, and it is in my humble judgment the highest defense the American people have, and that is the character of the people of the United States. The history of the United States, in all of our struggles and complications and wars at home and abroad, is so well established, so well known, that I am satisfied no nation will ever be tempted to invade us. Not many nations will be tempted to insult us, for we will avenge that insult, we will defend ourselves.

We are not an aggressive nation. We are a nation that loves justice and peace and honor. We do not propose to conquer or subjugate the world. But with the great heart of the American people united, as it now is North and South and East and West, with millions of citizens ready to spring to the conflict whenever it shall be invited, the other nations of the world knowing this and knowing our history, will be slow to insult or to invade us.

Reference has been made in the course of this discussion to insults from abroad. It is no fault of yours if we have been insulted. It is the fault of a weak and puny administration that has not been ready to assert the rights of the American people on every occasion. There is where the fault lies. There never was a time and never will be a time when the great people of the United States of America will not vindicate their officers in protecting the humblest citizen of the United States anywhere and everywhere. You talk about an invasion. What power is likely to invade us, knowing our disposition to maintain our rights in a peaceable, quiet way if we can and if not to maintain them with the blood of the nation, to maintain them with every dollar in the Treasury?

[Here the hammer fell.]

Mr. RANDALL. On all sides it is conceded that this is a new departure, and we are urged to make it immediately. I maintain that there is no immediate necessity and that there is no prospective necessity for the armament ultimately intended by this first step as recommended to be taken by the majority of the Committee on Appropriations. The bill in fact involves an expenditure of $7,000,000. And if it is to be taken as indicative in any degree of compliance with past recommendations and purposes of the Ordnance Department, it ultimately means an expenditure of more than one hundred millions. I remember that just after the close of the war, with twenty-two millions of money left to the credit of the Ordnance Bureau, the Congress of the United States stood here and were informed that that amount of money was to be expended. The then Secretary of War, I think Mr. Stanton, stepped in and prevented it. And at a later period Congress came to the protection of the money of the Government and covered into the Treasury in 1870 the amount of money then to the credit of the Ordnance Department. But within a few days between the consideration of that bill and its becoming law the department really did expend in one way or another more than three millions of money, after in fact the opinion of both branches of the Congress was known.

Now, we are invited again to make such an appropriation. Is there any estimate? Why, sir, the estimates of the Departments of Ordnance and Engineers for fortifications and armament embraced originally as they went to the Secretary of War $4,250,000, or thereabout. The Secretary of War cut down that recommendation, and we find here in the estimates from the Secretary only one million recommended to be appropriated. And yet in the face of that we are invited to involve the Government for this year in an expenditure of $3,000,000 for these purposes, and subsequently in an expenditure of $1,000,000 a year more for the steel rifled guns.

I deny the right of this committee to make an appropriation in that way. I say that it is new legislation; that it is changing existing law and changing the policy of the Government, when Congress enacted that after two years these balances should be covered into the Treasury. And I say more on the subject of fortifications; I say that there is not any gun now agreed upon that will fit the casemates of the fort, and that there are no casemates of the fortifications to which the guns that are proposed to be constructed under this bill will be adapted. In this connection I ask leave to have read the first part of the views of the minority on that particular subject.

The Clerk read as follows:

VIEWS OF THE MINORITY.

[To accompany bill H. R. 7440.]

The undersigned, members of the Committee on Appropriations, consider that $175,000 is enough to expend in one year for the protection, preservation, and repair of fortifications, if it be not too much, in contemplation of the possibility from the rapid changes in the character of armament that the forts may soon have to be rebuilt altogether. We think it would be a useless waste of public money to enter upon the construction of or alteration of fortifications in advance of the determination of the exact character of the armament to be provided for them. Our present forts have casemates of dimensions fitting them for the reception of 10-inch Rodman smooth-bores, which the Chief of Ordnance has said are of no earthly use against ironclads, and he has also said that no larger guns than these can find room in the casemates.

All the conditions of dimensions of the guns and the carriages on which they are to be mounted must be known to the engineer before he can make the design, even on paper, of the foundation of a single casemate, and the Chief of Engineers has informed us in his last report that we have no guns of the required kind, nor has any type for such guns yet been adopted by the United States. Common prudence and sagacity demand of us the determination as to the general character and dimensions of the guns to be accepted before we enter upon the almost useless building of forts and fortifications, which are likely to prove unsuitable for the necessities of war, if such a calamity shall come upon us. Of course this is independent of the waste of public money to which we are invited by the bill reported by a bare majority of the Committee on Appropriations.

Mr. RANDALL. Now, Mr. Chairman, in relation to what are known as movable torpedoes the minority recommend an appropriation of $50,000, which I presume would construct or experiment in the construction of one, including the motor. The motor to these torpedoes is the difficult problem as I understand it; and for the purpose of experimenting so as to find a proper motor we have added $25,000.

As to stationary torpedoes we have not given a very large sum of money, for the reason given in this report that there is a constant change and improvement of guns from year to year, and I may say from month to month. If we invest largely in these planted torpedoes we should find ourselves with a stock on hand, if not worthless, at least inferior in destructiveness to what will no doubt by further experiment prove more efficient.

But the policy of the report of the minority of the committee commends itself, in my judgment, to the mind of this House in this: That it throws open to the skill and the genius of the American mechanic the whole field, provided that these gentlemen who are engaged in this character of manufacture shall in the first instance make their own

tests; but if they shall succeed in a test of one gun of any particular caliber or of any material, that then the United States will consider the propriety of purchasing a large number of those guns

Now, in reference to the material to be used in the manufacture of guns of the heavy kind, that is an open question; it has not been determined. The great difficulty, as I comprehend it from little reading, I confess, but a good deal of thought and listening to a great many who are well versed in this subject, the great difficulty in the manufacture of a gun to prevent its bursting is as to the material, the object being to reach a metal which will warm and chill with some degree of equality throughout.

It is a very remarkable fact that there have been perhaps as many lives lost by the bursting of guns in battle as there have been lives lost or persons wounded by the projectiles thrown by the enemy. It is a recorded fact that at Fort Fisher there were more people destroyed by the bursting of guns than by the projectiles thrown by the enemy.

I had hoped that we should have an opportunity to have completed the reading of the minority report, but as the House has restricted the time for general debate I must submit.

MESSAGE FROM THE SENATE.

The committee rose informally, and the Speaker resumed the chair.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that in compliance with the request of the House the Senate returned the following bill:

A bill (H. R. 2185) for the relief of Rosa Vertnor Jeffrey and others.

FORTIFICATION APPROPRIATON BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes.

Mr. ELLIS. I believe that under the rules of the House, the debate having come over to a day different from that on which it began, I am entitled to one hour to close the debate upon this bill, being now in charge of it? What I desire to ask is that I may be permitted to take that hour now.

Mr. RANDALL. I ask the Chair to rule upon that point.

The CHAIRMAN. The rule governing the matter is as follows:

The member reporting the measure under consideration from a committee may open and close where general debate has been had thereon; and if it shall extend beyond one day he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

The gentleman having charge of the bill would be entitled to an additional hour under the rule.

Mr. RANDALL. And, as I understand, he begins the hour now.

Mr. ELLIS. I ask consent of the House that I may take the hour in Committee of the Whole instead of in the House.

Mr. RANDALL. And the gentleman will not have an hour again in the House, after the previous question has been called.

Mr. ELLIS. Certainly not.

There was no objection.

The CHAIRMAN. The gentleman from Louisiana [Mr. ELLIS] is entitled to the floor for an hour.

Mr. RANDALL. Gentlemen about me are asking whether the gentleman now in charge of the bill [Mr. ELLIS], the gentleman from Michigan [Mr. HORR] being absent, proposes to have a vote on the bill to-night.

Mr. ELLIS. I do not think the House can possibly vote on the bill to-night.

Mr. CALKINS. Oh, yes; we can vote on it to-night.

Mr. SPRINGER. Let us have the vote right now.

Mr. ELLIS. Very well; if it is the desire of the House we will have a vote to-night.

The CHAIRMAN. The gentleman from Louisiana [Mr. ELLIS] is entitled to an hour to close general debate on this bill.

Mr. ELLIS. I ask the attention of members of this Committee of the Whole, and their calm deliberate consideration, while I attempt to correct more errors of statement than I have ever before in all my experience here heard uttered in the course of one debate. Why, sir, I was astonished, and the astonishment grew on me, when I heard the distinguished gentleman, for whose intelligence and purity of character I have the highest respect and admiration, with the report in his hand make the statements which he did. In the brief time allowed me I can not follow and correct all the errors of statement which have been made in this discussion; but before I conclude I will endeavor to show that men have spoken on this question here who are utterly and absolutely ignorant of it.

Mr. RANDALL. It is not quite understood, Mr. Chairman, whether we will have a vote on this bill to-night or not. The gentleman from Louisiana [Mr. ELLIS] said he thought it was impossible to do so, and some members have gone or are about going away. I would like to have a distinct understanding whether we are to have a vote to-night.

Mr. ELLIS. I am willing to have a vote to-night, if gentlemen desire it.

Many MEMBERS. Vote to-morrow!

Mr. RANDALL. There is some disposition to have the vote taken in the morning; I have no feeling about it.

Mr. BROWNE, of Indiana. Allow me to inquire how much longer the general debate is to run?

Mr. RANDALL. There is one hour more of general debate, under the control of the gentleman from Louisiana.

Mr. BROWNE, of Indiana. And then we enter upon the five-minute debate?

Mr. RANDALL. We do.

Mr. BROWNE, of Indiana. If that is the case, it is useless to talk about taking a vote on this bill to-night; it can not be done.

Mr. RANDALL. General debate can be closed to-night.

Mr. ELLIS. If no vote is to be taken on the bill to-night, I shall insist upon making my speech to-morrow, for I want members of the House to hear me. I therefore move that the committee now rise.

The motion was not agreed to, there being—ayes 48, noes 69.

Mr. ELLIS. I give the House notice that I shall demand a vote to-night.

Several MEMBERS. All right.

Mr. ELLIS. Mr. Chairman, it is but the reiteration of a mournful truth that has been often told to say that our coast and seaport cities are utterly and absolutely defenseless. Everybody in this country and elsewhere knows the fact—even the gentleman from Pennsylvania [Mr. RANDALL] concedes it.

Mr. RANDALL. There is only one thing more defenseless, and that is the Treasury of the United States.

Mr. ELLIS. Ah, Mr. Chairman, the Treasury is assuredly in no danger, except it might be the danger of bursting, while the policy insisted upon by the gentleman [Mr. RANDALL] prevails. He insists that taxation shall not be reduced, that the surplus shall not be diminished at one end, and at the other that nothing shall be expended. [Laughter.]

Mr. RANDALL. I will discuss that subject when it is before the House.

Mr. ELLIS. You had full and free opportunity some time ago to meet the question of tax reduction and you declined——

Mr. RANDALL. And I discussed it then.

Mr. ELLIS. And you voted that you would not even consider the question. But, Mr. Chairman, when I declare our common country to be in a defenseless condition it is not my unsupported utterance. It is the solemn and official declaration made to you again and again from your honest and purest soldiers, your tried and true officers charged with the operations and work necessary to the defense of the country. Can you for a moment question the intelligence, the patriotism, the purity of purpose of that great soldier and good man, who recently filled the high place of Chief of Engineers. Hear for a moment his official declaration. I read from the last annual report of Maj. Gen. H. G. Wright:

With old casemated works (than which there were none better in their day) designed long before the introduction of the 800 to 2,000 pounder rifled guns into modern warfare; their walls pierced for guns long since out of date; without iron armor or shields, and but partially armed even with the old ordnance; with old earthworks, some of them built in the last century; with new ones for modern guns and mortars but partially built and rapidly being destroyed by the elements by reason of their incompletion; with gun-batteries without guns, and mortar-batteries without mortars; with no carriages whatever for barbette guns of large size, except such as require the cannoniers to load from the tops of parapets, from which they can be picked off in detail by the enemy's sharpshooters; with an excellent defensive torpedo system developed at our torpedo school at Willet's Point, but only partially carried into effect; with but a very small number of our works prepared with the torpedo casemates and galleries necessary for securing the electrical apparatus from the enemy's fire, and for conducting the electric wires to the torpedo lines which must be laid when the day of trial comes; and with less than two hundred engineer soldiers educated for torpedo and other engineer service instead of the seven hundred and fifty-two men now authorized by law, and of whom not less than five hundred and twenty ought to be ready to supply the detachments required for torpedo service in our fortified harbors, we can make but a feeble defense against the powerful fleets now prepared and rapidly increasing, which will sooner or later be brought against us by some of the most powerful maritime nations on the earth, or by others nearer at hand, whose offensive naval means exceed our own, and whose powers are not to be despised.

* * * * * *

During the year operations have been restricted to those necessary for the preservation and repair of existing works. No appropriations for new works, nor for the modification of existing ones, have been made during the past eight years, and to-day the permanent fortifications of the country are in the incomplete condition in which they were left when operations were suspended in 1876, and are rapidly deteriorating for lack of funds to complete them.

Do you want corroborative proof of this sad and shameful and dangerous condition of affairs? Listen then to the testimony of General Q. A. Gillmore, whose reputation as a military engineer, sustained alike in war and peace, is hardly second to that of any living soldier. He says:

The published records of our War Department for the last dozen years show with great force and clearness that we not only possess no guns capable of making a good defense against a modern fleet, but that if we did have the guns we have no places in readiness to receive them where they could be effectively used against armored vessels firing small missiles and case-shot at suitable ranges.

In other words, before we can hope to repel the attacks of war vessels of recent type, not only will the artillery for our forts have to be procured, but the forts themselves will need to be built, or the existing forts greatly modified.

This statement is so entirely true with respect to the most valuable of our positions on the seaboard that they may very properly be regarded as wholly destitute of protection, that which has been provided for them by the stringent economies of Congress being of little, if any, account.

Referring to the accessibility of our harbors to the iron-clad ships of European navies, General Gillmore says:

There are more than a dozen fine harbors on our Atlantic coast—Portland, Portsmouth, Boston, Newport, and Hampton Roads being among the number—that are easily accessible to the largest war vessels hitherto constructed or contemplated. There are more than half a dozen other harbors—among which may be specified New Bedford, New London, New York, and Key West—into which a few of the deepest men-of-war can not enter. But there is not one of them that does not possess ample depth to pass half the armored cruisers of Great Britain, including vessels armed with the 38-ton and 81-ton guns; all the German armored vessels except one; more than two-thirds of those of the Italian navy; all belonging to the Russian navy except two; all belonging to the Austrian navy except three; all belonging to Holland and Turkey without exception; and a large proportion of those belonging to the French and Spanish navies.

The aggregate population clustered about these twenty harbors for armored vessels is nearly 3,000,000, while the value of public and private property within easy and destructive range of a hostile fleet can not be far short of $2,000,000,000. The losses that might be inflicted in a few hours, in their present unprotected condition, would exceed more than tenfold the entire cost of suitable permanent defenses for the whole country. * * * It appears, therefore, that our entire Atlantic and Gulf seacoast, from Maine to Texas, is peculiarly at the mercy of a hostile naval power, and that our largest centers of population, commerce, and manufactures, where the greatest values are accumulated, and hence where the greatest temptations are offered and the greatest injury could be inflicted in the briefest interval of time, are within easy reach of the most destructive engines of war born of modern invention and science. The condition of the Pacific coast is equally defenseless.

Need I add another word or cite another authority to show that all of our 15,000 miles of seacoast, with its thirty cities, its 8,000,000 of people, and its wealth amounting to one-quarter of the entire wealth of the Union, is at the mercy not alone of first-class powers like Great Britain, France, Germany, but even of smaller nations and petty states like Chili and Japan, Mexico or Brazil—of any power, in fact, that can boast a war vessel of twelve inches of armor, bearing rifle guns of twelve inches caliber? This, sir, is a condition of affairs both disgraceful and dangerous. It is well calculated to excite the gravest apprehensions on the part of those whom we represent, and to arouse us to such a line of action, immediate and effective, as shall render our people who dwell by the sea safe and secure in their homes, no matter how the breast of that may be tortured and vexed by the keels of hostile armadas. This is the mandate of the Constitution of our country, and this is the example that the fathers of the Republic and their immediate successors taught us from 1797 to 1860, when we were the best fortified nation on the face of the earth.

But those who oppose defensive measures without a single exception say, "There will be no war." Who are these Wiggins's that thus prophesy? "Have they entered the councils of kings?" Are they able to forecast the future? Can they, as Maury to the physical deep, go to the shores of the political ocean and tell of its tides and winds, of its slumbering wrath, and when it shall be aroused? No man can predict the future or what it may bring forth; but we do know the past, and that in the century of our national life we have had five foreign wars, or one war to every twenty years of that life. Has human nature changed so suddenly? Are kings less ambitious? Have nations less of thirst for power or less of commercial greed than formerly? I pray for peace and that never again the Sabbath of our skies shall be jarred with the conflict of armed men; but looking abroad I see no spears being fashioned into pruning-hooks, no swords being beaten into plowshares. No; rather while I speak the tremendous thud of Krupp's hundred-ton hammer, and the hiss and growl of Whitworth's hydraulic compress, and the sturdy arms of 160,000 strong men are forging steel and fashioning it into guns of fabulous size and power and placing them on board of ships whose iron walls are almost invulnerable.

France defies the Monroe doctrine right in our own waters; England wants to possess and control the coming water way across the isthmus; $60,000,000 of American capital in Mexico may demand protection any day; Ireland may soon be once again upon the dissecting board of English policy, and Irish-American citizens who vote and send representatives here and sway parties still love the land of their birth and would bend our policy toward remonstrance if not interference; Spain's feeble grasp upon her West India possessions and her intense jealousy of our power and influence may embroil us with her at any moment; say what we will destiny marches on, and this Government, the representative of free thought and free speech, can not sulk in her tent while those ideas are in conflict, nor can we avoid that destiny which is to dominate the thought and the civilization and the commerce of this Western World. Are we not liable then to war? Every nation is. The history of nations is written rather with the sword than with the pen. And if so shall we not be prepared for defense? I would never advocate a policy that looked to aggression, but every dictate of prudence and every voice of reason bids us prepare for defense that we may be equal to any emergency that may arise from the mists of the future.

But, sir, not only does the prophet from Indiana [Mr. HOLMAN] say we will never have war, but he goes on to base his prophecy on facts. He takes the broad ground that nations can not go to war with us because of our cotton and breadstuffs. The gentleman knows or ought to know that England is already finding a bread market elsewhere, and that the farmers who send him here are now suffering from the lowest prices that wheat has commanded for years, because Russia, South America, India, and Servia are supplying the bread demand. And as for cotton, during our civil war England showed full well that she could do without it. The South was deluded by the insane idea of the gentleman from Indiana, and dreamed that a cotton famine would compel English interference. The history is written. The verdict is made up, and in the light of that verdict how silly and nonsensical are the vaporings of the gentleman from Indiana.

But again he declares that the total ruin of the American carrying trade is another reason why nations will not go to war with us. I blushed to hear an American statesman founding his hope of peace in the ruin of the American merchant marine. But aside from that, I beg the gentleman to remember that nations do not draw the sword from economical motives, and when angry they do not stop to see who may or may not be engaged in the carrying trade.

But, Mr. Chairman, the gentleman from Pennsylvania [Mr. RANDALL] says that the bill providing the sum of $3,270,000 for defensive measures is a new departure. I admit that it is a new departure from the policy of latter-day statesmen, "a new departure" from that absurb and insane policy that has slumbered and slept, that has doled out the royal tribute of a rich and generous people with a niggardly hand, until we would not dare to accept the gage of battle with the most insignificant power, no matter how grievous the occasion, for fear of bombarded cities and ravaged coasts and a despoiled people.

But, sir, it is not a "new departure" from that wise and just policy pursued so successfully and so steadily from the administration of Washington down to that of Lincoln. During the fifty-eight years of Democratic power, from 1802 to 1860, the Government constructed and armed five forts on the northern frontier, sixty forts on the Atlantic and Gulf seaboards, and two on the Pacific coast, at a cost of over $30,000,000. The armament of these sixty-nine forts cost $15,000,000, or a total of $45,000,000, expended in fifty years of Democratic power for coast defense, and this too at a time when the total revenues of the Government ranged from $8,000,000 to $80,000,000, and without a surplus in the Treasury, and within that period we carried on four costly foreign wars. The result of this policy made us so secure at home that in 1860 it would have been impossible for a foreign ship to land a hostile foot upon our soil. I call the attention of those intensely Democratic gentlemen who cry out "new departure," that all these defensive works were created by Democratic administrations in obedience to declared Democratic policy. It was that policy which carried the hearts of the people.

During its sixty years of power it made every foreign war; resented every insult to or oppression of American citizens; it felt for the honor and cared for the glory of the country; it made it respected and honored abroad and secure at home; it carried the "ark of the covenant" of our national glory; it was militant, progressive, liberal; it bore the flag on sea and on land; it became the legitimist party of the country; it drew to it all that was young-hearted and young-thoughted and enthusiastic in the young republic, and the people loved and sustained it for sixty years and gave it power in the country and control over the country's destinies. Alas! it has under modern leadership become a niggard and a dotard, that mumbles over an obsolete creed and fumbles over the money-bags of the Treasury, that seems to care nothing for national honor or national safety, and recklessly imperils these by a pseudo economy as false as it is contemptible. No, Mr. Chairman, it is not a "new departure" that I advocate, but a resumption of that old Democratic policy commended by the wisdom and sanctioned by the steady practice of Jefferson and Monroe, of Madison and Jackson, of Van Buren and Polk.

But, sir, I must forbear for lack of time to further pursue and expose the fallacies of those who have inveighed against this bill.

Mr. Chairman, the highest and best authorities are agreed that three essentials enter into complete harbor and coast defense, and these are modern fortifications, modern guns of great power and long range, and a complete torpedo system. Right here let me expose another fallacy uttered by the gentlemen from Indiana [Mr. HOLMAN] and from Ohio [Mr. FOLLETT]. These gentlemen declared that torpedoes alone were requisite to the defense of our harbors. What stuff and nonsense! Let Admiral Porter answer. He declared:

An insane idea seems to prevail that we can do without guns and ships, and that our harbors can be protected by torpedoes. There might be something in such an argument if we had forts that could keep out an enemy's fleet; but the party that can command the best ironclads and the heaviest ordnance will win.

Is not this declaration from our very best naval authority sufficient to demonstrate that gentlemen who speak of the all-sufficiency of the torpedo simply demonstrate their ignorance of the whole subject? Take not a professional but a common-sense view of this question. Torpedoes are of two kinds. The one is the stationary submerged mine—these are placed in the channel and so arranged as to explode when struck by a vessel. Their design is to prevent vessels from running batteries. Aware of the presence of torpedoes, but uncertain as to their location, the attacking fleet dare not attempt to run swiftly by shore batteries lest they strike the mine. Then there is the movable torpedo operated from shore, controlled and exploded by electricity. They can only be operated now one mile and a half from shore. Modern artillery casts a projectile weighing 2,000 pounds and has a range of from seven to ten miles.

A modern ship with modern guns may lie out at sea eight miles away and destroy a torpedo station at leisure and drive the operators

from their galleries. Then she may move up and with her torpedo-boat find the planted torpedo and explode it harmlessly or remove it from the channel. At two miles range the movable torpedo is harmless. The mission of the torpedo is simply to delay the vessel while the shore batteries destroy her. Without guns to protect them they are useless and harmless; but with guns and forts they become a most useful and indispensable adjunct for defense, and prevent the swift passage of vessels by shore batteries as was done during our civil war by Admiral Farragut at Forts Saint Philip and Jackson, and by Admiral Porter at Vicksburg and Port Hudson. With the river at that time planted with torpedoes, the feat accomplished by those officers would have been attended with the utmost danger, if not rendered impossible. Such, then, is the design of torpedoes; most formidable when protected by forts and guns, and not at all formidable if not so protected.

In the next place, you must have modern forts. Your old forts of brick and mortar are no longer of avail. They are as obsolete in the art of war as the battle-ax of Richard or the spear of the crusader. Your strongest of these old forts is Fortress Monroe. Not long ago I was there. I asked the gallant and experienced soldier who commands there (General Tidball) how he would defend the fort if it were attacked by a modern fleet by modern guns. His reply, in substance, was: "We could do nothing, sir. It would be wise to take the garrison outside of the fort, and protect them from the flying brick and mortar which, under the pounding of modern missiles, would be more dangerous than the missiles themselves. Our largest guns would be of little or no use. The old fort would soon go to pieces and be untenable." And as this is the case with our strongest fort, so it is with all of them. They are obsolete, useless; and every dollar expended on them is a dollar thrown away.

As to what kind of forts we need it is useless to discuss here and now. The whole matter is a question for the engineers. They, together with the able and capable board provided for in this bill, must determine that question. They will solve it successfully and in favor of the security of the country if we furnish them with the necessary means to carry on the work.

And last, and most important of all, we must have modern guns of the largest caliber. Mr. Chairman, these guns can not be made in a week, or a month, or a year. I emphasize this statement, and I call the attention of the gentleman from Indiana [Mr. HOLMAN] that, according to the best and latest authority, with the most liberal appropriations and with the utmost haste that can be made it will require three years before the first gun can be delivered. The plant is costly and elaborate; the capacity to produce steel of quality good enough for modern guns has not been developed yet in this country, for the reason that no inducements have been held out to our American manufacturers to embark in the requisite costly plant and experiments.

Mr. HOLMAN. But will the gentleman allow me to suggest that war does not come upon a nation situated like ourselves in a day? In the very nature of things it is a question which would necessitate time before this country would engage in it. All of the time that such negotiations are pending could well be applied to the purpose the gentleman contemplates, if it should ever become necessary.

Mr. ELLIS. If I understand the gentleman from Indiana, he says that wars do not break out all of a sudden.

Mr. HOLMAN. Especially in a country whose geographical situation is such as ours.

Mr. ELLIS. Why, does the gentleman remember the teachings of history? Does he remember that it was but a few weeks that brought about the whole trouble between France and Germany; that it was an insulted French minister down at a watering place by an offended German monarch, and the sky that is all peaceful and beautiful and bright one day may be flaming the next with the anger and discordant with the thunders of the war god?

Mr. HOLMAN. And does not the gentleman know that the moment France laid her hands on Alsace and Lorraine that very moment war was inevitable, and that it was only a question of time as to when it would break out?

Mr. ELLIS. I know the old cause and the hereditary hatred that had existed for ages. But the immediate cause was but a few weeks before the first gun was fired.

Mr. EATON. The causes of the war between France and Germany were of long standing.

Mr. ELLIS. True enough. But the pretext for war was the work only of a day.

Mr. EATON. The ill-feeling between Germany and France has existed ever since the days of Napoleon. It was a hereditary hatred between the two nations.

Mr. ELLIS. I have already stated that the hatred was hereditary, extending back beyond the wars of Napoleon, but I again assert that the immediate pretext was the work only of a few days, and history will bear out my assertion. And history will also bear me out in the general assertion that nations, like individuals, quarrel swiftly and suddenly. And as to the isolation of our position alluded to by the gentleman from Indiana [Mr. HOLMAN], I can say that that argument is more respectable from its age than for its truth. In the days when the argument was new and entitled to respect it required the slow-sailing ship from thirty to fifty days to cross the ocean. Now the swift modern vessel crosses in eight days, and modern naval architects say it will be crossed in five days before another half decade shall have passed by.

But does the gentleman from Indiana seriously believe that we should wait until the quarrel begins before we proceed to the work of providing modern guns? It will require three years to produce the first gun. Would we quarrel three years before the fighting began? Would any nation calmly wait three or five years while we proceeded to get ready? Would not advantage be taken at once of our unarmed and unprepared condition? The gun-foundery board tell us that three years will be required before we can learn to make guns. Is it not the work of prudence to begin now? When would the gentleman begin? Shall we wait till war threatens us, as the gentleman advises, or until it is upon us? Shall we wait until we can read our duty to our defenseless country in the light of our burning cities? Shall we wait to be told our duty from the steel lips of modern guns, and in the deep, eloquent, but dreadful baying of the dogs of war from the iron sides of foreign men of war? Shall we wait until the white lips of our citizens, fleeing from their homes in the seaboard cities to escape the shot and the shell or the exactions of the ransom remind us of our duty to them? Is this the position of the gentlemen from Pennsylvania [Mr. RANDALL] and from Indiana [Mr. HOLMAN]?

Mr. Chairman, I appeal to the representatives of these people to begin the work of preparation now while peace smiles on us, while we have time to work and to experiment and calmly and with judgment place our country in a position for defense. I know of no better peace measure than a careful preparation for war.

But, sir, we are told by the gentleman from New York [Mr. HEWITT] that the gun-foundery board have not agreed yet whether they will use the hammer or the hydraulic compresser in the manufacture of guns. Why, the gentleman did not read the very book he held in his hands. This board says on page 48:

> The board is unanimous in approving the use of the press for all forging purposes, and recommends it to all who may embark in the manufacture of gun material for the Government.

So that the gentleman from New York, who based his entire speech upon the report of the gun-foundery board, which report he held in his hand, has not read that report. He deprecates any expenditure of the public moneys for the purposes of making guns until we know what kind of guns we want. That is a proposition upon which the gentleman and I are agreed.

But who proposes an expenditure of money ignorantly? In strict accordance with the recommendations of the board the majority of the Committee on Appropriations have agreed merely to make such appropriations as shall encourage the manufacturers of this country to undertake the production of adequate gun material for the purpose of making guns. Not a gun is to be bargained for, not a gun is to be bought, not a gun is to be paid for until the guns or the material shall have been made and fully tested to the satisfaction of the country, and this before any contract even shall be made. In order to secure contracts the manufacturers must go to an expense, according to the lowest estimate which has been fixed by this gun board, of $560,000 for a plant. They must go to that expense for machinery before they can begin the manufacture of the necessary material for the gun, let alone the gun itself. And then when this expense is incurred and he has experimented and produced approved material and an approved gun equal to the best guns in the world, then and not until then can he secure a contract under the appropriation provided for in this bill. Knowing that we must have guns and that Americans should make them and that they will not make them unless they are paid, the committee drew this bill in perfect accordance with the recommendation of the gun-foundery board. I quote from the report of that board at page 48:

> A state with any pretensions to military power should provide itself with factory facilities on a sufficient scale to perform the work of establishing standards, making experimental guns, and fabricating cannon on a moderate scale; but it is not considered judicious to concentrate in the Government establishments all the work of fabrication or to include within their operations the preparation of such material as can be provided by the private industries of the country. In the case under consideration the purchase of the steel required for cannon will stimulate our own manufacturers and interest them in the operations of the Government.
>
> The board is thus led to the conclusion that it is not advisable to embark in the establishment of a gun foundery, properly so called, but that it is more judicious to establish gun factories, and to purchase the material from our manufacturers.
>
> At present the steel manufacturers of our country are not prepared to produce the material required for the larger calibers, and the important question arises, what means shall be adopted to induce them to study the subject and embark in the manufacture on a large scale. They can not be expected to do this at a sacrifice of their own interests. This object can only be achieved by holding out a fair prospect of ultimate remuneration for the expenditures necessary to undertake the work, and this can only be done by the action of Congress.
>
> If, then, Congress shall conclude to arm the country, it will be necessary that a sum of money shall be fixed as a permanent yearly appropriation to be expended for this purpose, the amount to be assigned proportionally between the War and Navy Departments. With such a guarantee against loss the board is satisfied that the required material for cannon will be forthcoming from our own steel works.
>
> It would not be necessary for the Government to be associated with a large number of firms for the supply of its material, for it is probable that the private establishments that would take up the subject would only be those with large available funds which they would be willing to put into a special plant, and for

remuneration on which they would be willing to wait a reasonable time. The permanent appropriation would give them surety of ultimate profit, the only condition being success in providing the material that would be indicated in their contracts. From personal intercourse with some of the leading manufacturers the board is led to believe that the plan will have the effect of guiding the private industries of the country to the aid of the Government in developing this work of national importance.

It may be added that although the manufacture of armor plates for ships and fortifications was not referred to this board for investigation, the erection of plant for providing modern cannon would go far toward reducing the outlay requisite to enable our great steel manufacturers to meet another pressing want of the Government.

The chief expense to be considered by private parties is that of the forge, but by the substitution of the hydraulic press for the hammer economy will be consulted and better results obtained. The board is unanimous in approving the use of the press for all forging purposes, and recommends it to all who may embark in the manufacture of gun metal for the Government.

The provisions of the bill presented by the majority for the encouragement of private manufacturers to produce gun material is in the direct line of this recommendation. In only a single regard have we differed with the board, and that difference I shall note before I shall have done. But the gentleman from Pennsylvania [Mr. RANDALL] congratulates himself that in the substitute offered by him for the bill he encourages the private manufacturers to embark in the manufacture of guns and gun material. Sir, it is a funny mode of encouragement. Let us look at it. He wants to encourage the producers of steel in this country in the manufacture of material for guns. How does he propose to do it? Let his substitute answer. The gentleman can correct me if I misstate it. He proposes to sell them our old iron obsolete guns at "reasonable prices," to allow them to go into the purchase of the enormous plants required for this purpose, and then, after they have paid out a great price for our old Rodman guns, for our old Dahlgren guns, and all this old, decaying, and obsolete material with which our forts are encumbered and which are not fit even for old metal, and after they have purchased it and paid us a good price for it, they may go on and experiment and test, at an expense of hundreds of thousands of dollars at least, without a guarantee that this Government will ever appropriate any money for the purchase of the guns when manufactured. This is beautiful encouragement—lovely encouragement. I can already see the smiles of joy on the faces of the steel manufacturers and hear their voices of gratitude at the magnificent encouragement held out to them by their special friend and champion.

But the majority of the committee, acting under the line of the advice given by this gun board, holds out to them this inducement: "We will make a permanent annual appropriation of $1,000,000 for five years; and if you will go to work and increase your plant and produce material for guns that will bear the test and prove equal to the best guns anywhere, then with the man who successfully solves this problem we will contract to the full extent."

But again, sir, we are told we have not agreed upon a material for guns. The opponents of this bill who say this did not read this last authority—the report of the gun-foundery board. They will find that they have abandoned the wire gun, the cast-iron gun with steel jacket; they have abandoned every other material; and France, and England, and Germany, and Russia, and Italy, and Spain, and all other civilized nations have agreed that steel is the only material and the steel gun the only gun that is fit for the public service.

But the gentleman from Ohio [Mr. FOLLETT] says modern guns have not been tested. Why, sir, here is the report of the bombardment of Alexandria, where seven English vessels were engaged; where over 3,000 shots were fired; where 131,000 pounds of powder were burned. Modern guns were tested, and they did their work with a precision that was unparalleled. And yet after the action was all over and the Egyptian defenses had been battered down and their defenders put to rout, this report says, and it is an official report of the engagement:

Not a gun was disabled nor the fighting qualities of a single ship affected.

So it seems, then, that this modern artillery has been tested by battering charges, tested by actual engagements, tested by the emergencies of a bombardment that required the guns to be fired as fast as the charges could be placed in them for the purpose of breaching the walls of the fort before them, and not one single gun was injured or disabled throughout the bombardment; and thus that argument of the gentleman from Ohio that modern guns have not been tested falls to the ground.

In his extreme opposition to this bill the gentleman from Pennsylvania [Mr. RANDALL] warns us of the waste of money in fruitless experiments by our ordnance officers. The Ordnance Office of the War Department needs no defense at my hands. If it has failed to supply guns and material the fault rests not with that department, but with the niggardly action of Congress. It has never had money enough within my term of service, now nearly ten years, to do anything with. It has done for the best, and if some of its experiments in trying to make something out of nothing have failed who can wonder?

But the gentleman from Pennsylvania [Mr. RANDALL] in his assaults upon that department makes a blunder, the only excuse for which is that it was unintentional. Not content with going back before the flood and citing Rodman's evidence given in 1868, he makes this declaration and signs it, and six other gentlemen who should know better sign it with him. He declares in his minority report, pages 4 and 5:

And ever since that time the result of every trial of guns which have burst, and of which steel formed a component and principal part, it has been noted that it was the steel part of the construction which most disastrously ruptured. The last venture of the Army Ordnance Department was "the four improved breech-loading 12-inch rifle guns" provided for in the act of June 13, 1881, known as the Crispin patent guns, in which the principal part relied upon to give strength was a heavy steel breech-block "receiver and reinforcer." These strong guns, as to the success of which the Chief of Ordnance had "not the suggestion of a doubt," and upon the success of which he was "willing to stake his reputation," and the same guns, which it appears it was the intention of the department to introduce into service without any trial, and go on and produce more of the same kind before the first lot, costing $61,000 each, had been tested, failed most disastrously. The contractor said of the result:

"492. We made a 12-inch breech-loading cannon and an 8-inch one. They were made after what is known as the Crispin design. * * * We used the best imported steel for the work that was obtainable. The rifled tube made of wrought iron. And yet, when the 12-inch gun was taken to the proving-grounds at Sandy Hook, after the firing of only a few rounds, the steel breech broke off at its thickest part and blew out. The 8-inch gun, made in the same way, also broke, and its breech blew out after firing a few rounds. This method of gun-making is a very expensive one, the steel breech costing enormously." * * *

And in continuation he said:

"496. A series of ominous incidents have occurred in the gun tests: The more or less free opening of welds in every gun tested, and the demoralization of the material at the seat of the charge; the cracking from breech to muzzle of the steel tube and jacket in one of the early converted guns; * * * the blowing out of the tube of the 10-inch heavy muzzle-loading rifle at the fourth or fifth fire through the opening of a defective weld, * * * to say nothing of the friction and the enormous power required to tear off the muzzle of the gun, the body of the gun sustaining no apparent injury; the discontinued proof of the new 12.25-inch rifle after thirty rounds through fear of a similar accident; the complete cracking through necessitating early repair of the tube of the 11-inch breech-loading rifle near the seat of the gas-check (this gun has since burst, after a few additional rounds, rupturing the steel by blowing out the breech, but without injury to the cast-iron); * * * the destruction, a few days since, of the new 8-inch converted breech-loader by rupturing at the third fire the heavy steel jacket in its thickest part, the gun body, as usual, being unimpaired. Such a series of accidents or failures can not certainly by any ingenuity of reasoning be interpreted as complimentary to either the steel or the wrought iron, separately or in combination."—*Boston Herald interview with Mr. William P. Hunt, president South Boston Iron Company*, November 20, 1881.

The gentleman from Pennsylvania was and is utterly incorrect in this whole statement, unintentionally no doubt, but nevertheless incorrect.

Mr. RANDALL. Did not three out of the four guns burst?

Mr. ELLIS. The four guns not only did not burst, but in fact they were never made.

Mr. RANDALL. There were four guns that Mr. Benét staked his reputation on, and three of them burst.

Mr. ELLIS. I beg the gentleman's pardon; the guns were never constructed. They were ordered; they were to have been of cast-iron tubes with jackets of steel and steel breech, but General Benét condemned the steel that was imported for them and the guns were never made; and the guns which the gentleman says burst were, one of them, a 12-inch gun converted from a 15-inch smooth-bore by inserting a steel tube, and the other was an 8-inch rifle converted from a 10-inch Rodman. These old iron guns converted did burst, and the four which the minority report declared to have burst never were made. The gentleman should certainly correct his statement.

Mr. RANDALL. I will either correct it or give my authority.

Mr. ELLIS. The gentleman will have to correct it, then.

Mr. RANDALL. I do not know about that.

Mr. ELLIS. I do know about it.

Mr. HEWITT, of New York. Will the gentleman from Louisiana allow me right here a moment? I understood him to say that the wire gun had failed.

Mr. ELLIS. I said that it and all other kinds of guns had been abandoned except guns of steel, and that these had been adopted by the civilized world.

Mr. HEWITT, of New York. Perhaps the gentleman misunderstands my question in that particular. Wire guns are steel-wire guns.

Mr. ELLIS. I understand that; but the gun I refer to is a built-up gun, a steel tube with a steel jacket, entirely of steel throughout.

Mr. HEWITT, of New York. I understood the gentleman to say that the wire gun was a failure.

Mr. ELLIS. I did not say it was a failure; I said that it had been abandoned, together with other guns, and the steel gun had been adopted.

Mr. HEWITT, of New York. Allow me to refer the gentleman to page 31 of the report of the gun-foundery board, where it says:

Recently, however, the matter has been taken up by Sir William Armstrong, who has manfactured several wire guns.

And the report goes on to state:

The royal gun factory has taken up the subject and has matured designs for experiment on a large scale. In its designs the longitudinal strength is obtained by means of steel segmental hoops placed between layers of wire.

The following is the present state of the wire-gun question in England:

Manufacture of Sir William Armstrong:

Under trial, 10.2-inch breech-loading gun.

To be tried, 6-inch breech-loading gun, 6.3-inch muzzle-loading howitzer.

Manufacture of royal gun factories:

Under manufacture, 10-inch breech-loading howitzer.

Recommended for manufacture, 15-inch breech-loading gun of sixty-three tons.

So that the wire gun is now the gun with which the Woolwich arsenal is making its great experiment.

Mr. ELLIS. I will state again, and I will be borne out by the assertion of the report of this board which I hold in my hand and which can not be gainsaid or denied—

Mr. HEWITT, of New York. And I hold it in my hand.

Mr. ELLIS. That steel has been adopted by every nation in Europe as the material of which guns are made; and that to-day in France and in Germany, in England and in Russia, 160,000 men in private establishments and government establishments are engaged in making steel guns.

Mr. HEWITT, of New York. There is no difference between the gentleman and myself.

Mr. ELLIS. Then why does the gentleman consume my time uselessly?

Mr. HEWITT, of New York. The gentleman said that the wire gun had been abandoned or given up. I call the attention of the House to the fact that it is the gun now under experiment in the Woolwich arsenal.

Mr. ELLIS. In one shop.

Mr. HEWITT, of New York. In a government shop in England.

Mr. ELLIS. In one government shop.

Mr. HEWITT, of New York. England has only one government shop, the Woolwich arsenal.

Mr. ELLIS. And the only shop in England in which it is under experiment. In fact England, after expending millions upon its shop at the Woolwich arsenal, is getting its guns to-day from Armstrong and Whitworth.

Mr. HEWITT, of New York. She has given her first order within the year to those two.

Mr. ELLIS. Now as to the waste of money, as to embarking in reckless speculation, I desire to ask the cool, calm, considerate attention of this House to the provisions of this bill:

For the protection, preservation, and repair, and for the construction of work on fortifications already begun, and for the construction of new works for the defense of the following-named ports:

Giving the six deep-water ports of the United States—

Boston, New York, Philadelphia, Hampton Roads, New Orleans, and San Francisco, $1,000,000.

The gentleman from Pennsylvania says there was no estimate for that. The estimate as prepared by the engineers was $4,000,000; but Secretary Lincoln, hopeless of obtaining that appropriation, hopeless of getting it all, as long as the policy which had prevailed for six or eight years continued, cut down the estimate, but sent in a supplemental estimate asking for $1,000,000 for fortifications, and that is allowed in this bill. Then we have in the bill—

For the care, preservation, and improvement of fortifications, and for the commencement of the erection of such new works as may be deemed necessary by the Secretary of War at other ports of the United States, $300,000.

The gentleman from Indiana [Mr. HOLMAN], probably with a view of exciting sectional jealousy and making members who represent Mobile and Galveston and other shallow-water harbors of the United States a little bit jealous, endeavored to make them believe that we had only sought to take care of our home harbors, and asked why we did not appropriate for other harbors of the United States. Sir, it was for this reason, because nearly every shallow-water harbor of the United States has already a fort of some kind. It is true they are obsolete. But by the conversion of 10-inch smooth-bore Rodman guns into 8-inch rifled guns we have produced a gun which has been thoroughly tested, and has been found capable of penetrating ten inches of armor at 1,000 yards.

Now, the majority of the light-draught armored vessels of the world have less than ten inches of armor. We have, therefore, in these 8-inch rifled guns, already converted from the 10-inch smooth-bore Rodman guns, a weapon which will enable us to defend these shallow-water harbors or to make some adequate defense of them. Only the light-armed cruisers, with light armor and light draught, can get into these harbors, while vessels bearing eighteen, twenty, twenty-four, and thirty inches of armor, like the Lepanto and other heavy vessels, can not ride into the shallow harbors. We have enough of these 8-inch guns to provide a few for each shallow harbor, and with hastily constructed earthworks a tolerable defense could be made. Not so with those harbors whose depth of water allows the heaviest armored vessels to pass in and ride in safety. It was deemed necessary that the deep-water ports should be fortified, because in case of war they would be the harbors of refuge for the pent-up commerce of the country. It was deemed necessary that attention should be paid at once to the armament of these great ports, especially New York city and the other rich and powerful cities, because of their great wealth, their vast population, and their necessity to the business of the whole country.

Mr. Chairman, what would be the financial condition of this country if New York were under bombardment or in the hands of a foreign foe? Even as the human body, when fierce congestion grasps and binds the heart and paralyzes the flow of the warm blood to brain and muscle and nerve, sinks and faints to death, so would this great country feel the pang and the distress of financial ruin if its great financial heart were grasped and wrung by hostile hands.

And as with New York so in less degree with the other great cities that are built upon deep water. Their wealth amounting to more than one-fifth of the entire wealth of the Union; their population, aggregating nearly 5,000,000 of souls; the commerce with which they would be choked in case of war would make these cities the first and chief objects of attack, and hence the necessity of providing for their defense as swiftly and effectively as possible.

In providing for the purchase of torpedoes preference was given to the movable torpedo, propelled and operated from shore. We believed that it was far superior to the submarine mine, that waits to be struck by the enemy before it explodes. The movable torpedo is guided to its mark by electricity and then exploded against the bottom of the hostile vessel. The one is operated intelligently and the other by chance, and hence the preference of the committee for the movable mine.

The next paragraph provides for "the armament of seacoast fortifications." This is the bugaboo provision; and I desire to call the attention of the House especially to its language. It will be seen that not one dollar is to be expended, not one dollar of expenditure is to be contracted for, not a single voucher upon the Treasury is to be drawn until the manufacturers have increased their plant, have made the material, have produced the guns, the best in the world—not till then will any manufacturer receive a contract. I invite the attention of the committee to the language in which this provision is drawn; for if human ingenuity has ever been taxed, it was taxed in this instance to throw around the Government every safeguard which could be provided in the way of legislation:

For the armament of seacoast fortifications, including the manufacture and conversion of heavy guns and carriages, projectiles, fuses, powder, and implements, high explosives, their trial and proof, and to test the maximum velocity of projectiles, and purchase of material, and all necessary expenses incident thereto, including the purchase of machine-guns, &c., $600,000.

In the expenditure of this appropriation discretion is to be left to the wisdom and experience of men who are in charge of this branch of the service. The machine-guns to be purchased will be the Gatling, the Hotchkiss, or the Nordenfeldt, as the Department and the board may think best.

Mr. HEWITT, of New York. I concur in the propriety of the provision leaving that question to them.

Mr. ELLIS. Certainly. We can pursue no other safe course.

Mr. HEWITT, of New York. But I was referring to the argument of the gentleman from Michigan [Mr. HOUSE], who in his remarks spoke of the provision as if it were confined to the Gatling guns.

Mr. ELLIS. That is not the provision of the bill. I believe, however, the gentleman from Michigan is right in the belief that there is no gun like the Gatling gun. I know no arm in the world to be compared with it as an infantry arm. Now, listen:

For the procurement of heavy steel rifle guns and carriages for the armament of the deep-water ports of the United States a permanent annual appropriation of $1,000,000 is hereby made, out of any moneys in the Treasury not otherwise appropriated, for and during the term of five years from the 30th of June, 1884—

Remember, gentlemen of the committee, that before a manufacturer can prepare himself for the purpose of entering upon this work he must expend between $500,000 and $700,000 for his plant—

Provided, That in so far as practicable said sum shall be so expended as to induce some private manufacturer or manufacturers of the United States, who may be best prepared and who will agree to increase their plant to meet the requirements of the Government and to undertake the work, to furnish steel tubes, jackets, plugs, and other necessary material, or sample blank guns of cast or wrought steel, which material or blank guns shall be taken and thoroughly tested by the United States.

In other words, the manufacturer must increase his plant, and must make material and guns which, when subjected to adequate tests, shall be found to be equal to the best material and the best guns in the world, and not until then shall the Government contract with him; and if he does all this, then he should have the contract and reap the reward of his outlay of capital and energy.

Then away with the idea which has been so assiduously circulated that it is proposed to squander this money of the people upon useless and senseless experiments. The bill is most carefully guarded. Not the ingenuity of the gentleman from Indiana nor yet the artful assertions of the gentleman from Pennsylvania can unmake or mar one word which I say in regard to the safeguards thrown around the expenditure of the appropriation.

But I read again from the bill: "Said guns to be rifled steel guns." That is the united opinion of the last and best authority in the world of our own and foreign authorities. It then goes on, and I am glad to see in all the balance of the amendment the minority and the majority agree. It is provided that these tests shall be at the expense of the manufacturer. No test is to be paid for by the Government of the United States; but the manufacturer himself is to go to work, increase his plant, make material, make his guns, bring them to the officer at his own expense, and then when tested and found equal to the best in the world we propose to contract with him under the restrictions that the price of the guns shall not exceed by more than 10 per cent. the cost of similar guns in Europe. I defy any member of this committee then to say that this is an extravagant bill or that the interests of the Government have not been perfectly guarded by its provisions, or that this

Congress should not here and now under this bill or one like it begin the too long-neglected work of providing for the perfect armament of our coasts and harbors.

The committee has differed, Mr. Chairman, with this gun-foundery board in one particular. The board was composed of the following officers: E. Simpson, rear-admiral, United States Navy, president of the board; E. O. Matthews, captain, United States Navy; T. G. Baylor, colonel of ordnance, United States Army; Henry L. Abbot, lieutenant-colonel of engineers, brevet brigadier-general, United States Army; Samuel S. Elder, major, Second Artillery, United States Army; W. H. Jaques, lieutenant, United States Navy, member and secretary of the board. They recommend that the United States in providing its armament should adopt the principle which the Government of France has adopted; that is, to encourage private manufacturers to produce steel and other material necessary for gun construction, and then to provide two gun-factories—one for the Army and one for the Navy—where the material might be taken and fabricated into guns. And the reason they urged was this, that in case a private manufacturer in the United States solved this problem of gun construction and the Government contracted with him it would be at his mercy, as Germany is to-day at the mercy of Krupp. They themselves point out instances of attempted imposition by contractors upon France in which I find our safety. I do not want to see the Government embark in the expense of a great Government plant. I do not care to see that. I believe in the encouragement of our own manufacturers. I believe in the encouragement of our own laborers. I believe in the encouragement of our own steel producers. I believe everything pertaining to the defense of the country should come from American soil and be fabricated by American hands.

The board says that a manufacturer like Krupp may force a monopoly upon the Government, and hence they would have us procure our steel from private manufacturers, and then in Government gun factories make the guns. They recite one instance where the French Government brought a contractor to terms by sending an order abroad to be filled. Our Government could under similar circumstances do the same thing. Hence I see no necessity whatever for the Government to embark in the work and expense of gun factories. Let the manufacturer do the whole work. Before the war we made the best guns in the world. Provide the money, let our American manufacturers see work and emoluments ahead, and they will give you guns equal, yes, I believe superior, to any in the world.

But, Mr. Chairman, as an additional safeguard for the Government, the committee has in this bill provided for an advisory board to advise with the Secretary of War in regard to the expenditure of the moneys herein appropriated. As I have asserted before, harbor-defense must embrace forts, guns, and torpedoes, and these must be constructed and devised with reference to each other in order to insure harmonious and homogeneous action. And so this board is to consist of the General of the Division of the Atlantic, an officer of all arms; of the Chief of Ordnance, and the president of the ordnance board, who will supervise the construction of the great guns; of the Chief of Engineers, who will build the forts; and of the commandant of the Willet's Point torpedo school, who is authority on torpedoes. The hands, then, into which the money herein appropriated is to go are those of Secretary Lincoln, aided and advised by General Winfield S. Hancock, General S. V. Benét, Colonel Baylor, General John Newton, and General Abbot.

Mr. Chairman, the opponents of this bill have whispered it about on this side of the House that if the large sum of money were appropriated now a portion of it would be devoted to partisan purposes in the ensuing Presidential election. To the honor of this House I will say no such charge has been publicly made. But it has been privately whispered about. If said at all, it was meet that it should be whispered, and then not in the honest day, but in the sinister night. Sir, if any impression was made by statements so inexcusably groundless, it must be removed at once upon hearing the names of those into whose hands this appropriation is to go—hands as pure, as devoted, and as stainless as any that were ever uplifted here toward yonder honored desk or rested in service upon the altar of country.

Sir, in the study I have given to this subject, in the labors that I have performed in seeking to guard the Government from useless expenditure and at the same time to begin the work of arming our defenseless seaboard, I have sought only security at home, the restoration of our lost prestige, and the ability to preserve the peace by that moral force which is the child of the consciousness of power abroad and security at home. I desire to see once more the title of American citizen honored abroad, a shield and a guarantee against wrong or insult, and our ability to maintain peace no longer measured by our capacity to apologize or to submit to disgraceful treaties.

Mr. Chairman, in my brief service in this House how many times has the blush of shame come to our cheeks because of unavenged insults upon land and sea? Why, not many years ago an American ship was run down upon the high seas by a Spanish cruiser and her crew captured and taken to Santiago de Cuba and shot to death with musketry, while the flag of the Republic was trampled under the Spaniard's foot in the mire and dust on the deck of the outraged ship; and we submitted to this burning disgrace and humiliation, admitted an apology and the acceptance of $500 a life for the lives of each of our American citizens sacrificed! I was ashamed some time ago when there came an interruption in our relations with Germany. When the matter came before this House, and a member, whose temper was regarded as swift, and whose tongue contained none of the oiliness of diplomatic deceit, rose to speak, there was a commotion, a tremor, an effort to suppress his utterances, a cry of "Regular order," the hiss of "Hush" and "Whist," as if a boding fear dwelt in each heart that something might be uttered to offend the German Emperor or his stern chancellor. It seemed to me that the trepidation could not have been greater had we known that the chancellor at the head of one of his iron regiments was charging along the corridor to arrest and incarcerate the members of this House.

Again I declare if we would preserve peace we must prepare for war; if we would emulate the works and carry out the policy of our fathers we must make every city by the sea and every flag where floats our commerce safe and secure. In our later provisions for a navy nothing has been done looking to the creation of strong battle-ships capable of meeting a modern naval power in conflict upon the seas. Our cruisers now in course of construction and those contemplated by the Senate amendments are mere commerce-destroyers, to prey upon the peaceful trading-ship. It is not pretended that they can ever meet and withstand the battering of modern guns that are now borne by armed ships of war. Our defenses must then be on shore. Economy! Why, not four days ago the gentleman from Pennsylvania [Mr. RANDALL] and all his associates of the minority gave their sanction to an appropriation of $24,500,000 for the support of the Army.

Back of the Army is a possible American militia force of 5,000,000 of men. No one dreams of invading us. There is no prospect of war; no, not even of an Indian war. We will never be attacked in the interior by any nation. Why, then, this vast appropriation of nearly $25,000,000 for a mere pay-roll, a mere parade? Again, these seven economical gentlemen approve an appropriation of $14,300,000 for a Navy without battle-ships, for a mere show and a pay-roll, that can not attack and can not defend. Economy! You gentlemen had better rise up and tell this country why you approve of an expenditure of $39,000,000 for defense and attack when you never will be called upon to defend and never can attack, and then refuse, under the false pretense of economy, to expend $3,250,000 for defense of your only weak points, the points at which you will assuredly be attacked sooner or later; in fact, the only points that can ever be assailed by a foreign foe. Such pretended economy is as farcical as it is false.

But the gentleman from Ohio [Mr. FOLLETT] declares that we need no other defense than that which is afforded by American manhood. Mr. Chairman, no one shall go before me in lofty appreciation of American manhood. With me it is not a mere sentiment evolved from national pride, but a living realization from my own experience. In our civil war I fought with the one section against the other, and I saw such feats of valor performed by the soldiers of the one section beneath the flag that floats above you, sir, that in the fierce glow of the battle-fires its silver stars seemed to burn with an inspired splendor, and its stripes seemed baptized with a new and holier light [applause], while those with whom I fought under their storm-born banner did so cover its meteoric life over and over with martial glory until it did sometimes seem the bravest battle-flag that ever floated over heroic hosts or waved along the fire-fringed front of battle. [Applause.]

But grand and heroic as it is, tell me, ye wise men of the minority, of what avail would American manhood be to meet and resist walls of iron and guns of steel of one hundred tons hurling projectiles of two tons' weight a distance of ten miles, unless the manhood had guns and walls of equal power? Could American manhood, without the appliances of modern warfare, defend New York, or your own city, sir, with its hundred thousand homes, or imperial San Francisco, that sits by the beautiful Golden Gate on the Western sea? Can flesh withstand iron? Is muscle harder than steel? One single Italian vessel (the Lepanto) could destroy all of American manhood in one day if pent up within one city, and yet her iron sides would not be scarred and not one drop of blood would stain her decks. Give to American manhood the guns and the forts and it is invincible. Without them, and against modern implements of destruction, they would be but as lambs led to the slaughter.

Away, then, with this silly prattle about American manhood. It is as silly as it is to expend $39,000,000 for defense when we will never be attacked, and for attack when we can never assume the offensive, and then refuse to give $3,000,000 to defend the only points at which we ever can be attacked, and which sooner or later we will be called upon to defend. How long will this House tolerate such statesmanship as this? How long shall our patience be abused by such pretenses of economy?

Representatives of the American people, I beg you to awake to a true realization of the defenseless condition of your great cities, of your entire seaboard, and to pass, if not this bill, then some other that will be adequate to the beginning of the great work of rendering impregnable and invulnerable our common country, for whose honor and glory and security alone I have spoken. [Great applause.]

APPENDIX.

A bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That out of any money in the Treasury not otherwise appropriated the following sums are hereby appropriated for the fiscal year ending June 30, 1885, the same to be expended under the direction of the Secretary of War, as hereinafter provided, for the following purposes, namely:

For the protection, preservation, repair, and for the construction of work on fortifications already begun, and for the construction of new works for the defense of the following-named ports: Boston, New York, Philadelphia, Hampton Roads, New Orleans, and San Francisco, $1,000,000.

For the care, preservation, and improvement of fortifications, and for the commencement of the erection of such new works as may be deemed necessary by the Secretary of War at other ports of the United States, $300,000.

For the purchase of such submarine movable torpedoes, propelled and controlled by power operated from shore stations, as may be recommended by the board of engineers of the Army of the United States and approved by the Secretary of War, $100,000; for purchase of adopted pattern of submarine mines for harbor defense, $50,000; for continuation of torpedo experiments and for practical instruction of engineer troops in the details of the service, $20,000; in all, $170,000.

For the armament of seacoast fortifications, including the manufacture and conversion of heavy guns and carriages, projectiles, fuses, powder, and implements, high explosives, their trial and proof, and to test the maximum velocity of projectiles and purchase of material, and all necessary expenses incident thereto, including the purchase of machine-guns, and compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, $600,000.

For the procurement of heavy steel rifle guns and carriages for the armament of the deep-water ports of the United States a permanent annual appropriation of $1,000,000 is hereby made, out of any moneys in the Treasury not otherwise appropriated, for and during the term of five years from the 30th of June, 1884: *Provided*, That in so far as practicable said sum shall be so expended as to induce some private manufacturer or manufacturers of the United States, who may be best prepared and who will agree to increase their plant to meet the requirements of the Government and to undertake the work, to furnish steel tubes, jackets, plugs, and other necessary material, or sample blank guns of cast or wrought steel, which material or blank guns shall be taken and thoroughly tested by the United States; and if found in all respects satisfactory, then the Secretary of War shall contract with the manufacturer who is best prepared to execute the work, and who has furnished the most satisfactory material for guns or the best sample blank guns, for the necessary material or unfinished guns to the full amount of the appropriation herein made. Said guns to be rifled steel guns of not less than ten inches caliber, or in lieu thereof the materials to be suitable for making such guns: *Provided*, That enough money shall be reserved of this appropriation to provide the necessary carriages for said guns and for their thorough test: *And provided further*, That the Secretary of War may, out of the first annual appropriation of $1,000,000, expend not more than $500,000 for such 12-inch rifle mortars or guns as immediate exigencies may seem to require: *And provided further*, That the cost of the steel guns or material herein provided for shall not exceed by more than 10 per cent. the cost of similar guns and material in England or Europe.

It shall be unlawful, from and after the approval of this act, to construct more than one rifle cannon, of any particular material, caliber, or kind, at the cost of the United States, until one or more of such cannon of the required caliber has been publicly subjected to crucial test for the determination of its endurance, and shall have stood such test to the satisfaction of the board provided for hereinafter, and demonstrated to be equal to the best guns known to any military service.

And it shall be the duty of the Secretary of War to cause the various calibers, lengths of bore, greatest and least admissible weights of guns, together with the weights of projectiles for each caliber of all of the various calibers required for the service, together with the number of each caliber required, to be determined, and to make the same known to the public without unnecessary delay, by public advertisement, so as to encourage private manufacturers of cannon and material to produce, test, and offer cannon and material of established endurance and power for sale to the Government.

And it shall be the further duty of the Secretary of War to devise liberal and fair regulations regarding the proof and purchase of guns, and upon receiving due notice that any projector or maker has a gun ready for proof, to promptly appoint officers to be present to witness the firing and report the facts with regard to all trial guns so offered for proof by private manufacturers who desire to produce armament by conversion of obsolete guns on hand or according to special designs, and to secure for service only the best and most effective kinds, and at the lowest prices of those kinds which best meet the requirements of service, of whatever material they may be made, whether such cannon shall be produced by private manufacturers or otherwise.

But in all cases, except where the trial guns are projected by officials and completed in Government establishments, the guns and all the expenses of the test must be provided and borne at the cost of the manufacturer of the guns, and are not to become chargeable against the United State unless it shall be established by the proof that the cannon of each kind and caliber, of whatever material they may be made, shall fully meet all the requirements of the service.

SEC. 2. That for the purpose of aiding the Secretary of War in the expenditure and application of the sums hereby appropriated, an advisory board of five military officers is hereby created, consisting of the general commanding the division of the Atlantic, the Chief of Ordnance, the Chief of Engineers, the president of the ordnance board, and the commandant of the Willet's Point torpedo school; and should any vacancy at any time occur in said board, the same shall be filled by the Secretary of War, who shall detail the officer succeeding to the vacancy for service upon the board. Said board shall examine and report to the Secretary of War the different ports where fortifications are most needed, the kind and character of fortifications best adapted at each point, and the amount of said appropriation to be expended at each place; also the kind and character of guns, torpedoes, and torpedo approaches, and other means and appliances necessary for the defense of the country; and shall examine and report to the Secretary of War upon any subject pertaining to the expenditure of any money appropriated by this act which said Secretary may at any time require of them in writing. The Secretary of War is authorized to detail to act as secretary to said advisory board a commissioned officer of the Army; and all expenses of said board incurred in the line of duty imposed by this act may be paid out of moneys herein appropriated.

SEC. 3. That section 3709 of the Revised Statutes is hereby amended so that its provisions which require that purchases shall be made from the lowest bidder after advertisement shall not apply to ordnance and their carriages, projectiles, gunpowder, and other war explosives, nor to the materials entering into the manufacture thereof, and whatever is requisite in military experiments with them.

The Clerk proceeded to read the bill by paragraphs for amendment, and read as follows:

That out of any money in the Treasury not otherwise appropriated the following sums are hereby appropriated for the fiscal year ending June 30, 1885, the same to be expended under the direction of the Secretary of War, as hereinafter provided, for the following purposes, namely:

For the protection, preservation, repair, and for the construction of work on fortifications already begun, and for the construction of new works for the defense of the following-named ports: Boston, New York, Philadelphia, Hampton Roads, New Orleans, and San Francisco, $1,000,000,

Mr. RANDALL. I raise the point of order against the language—

And for the construction of new works for the defense of the following-named ports: Boston, New York, Philadelphia, Hampton Roads, New Orleans, and San Francisco.

But before entering upon that I want to know from the gentleman from Louisiana [Mr. ELLIS] whether he wishes to perfect his bill in any way and then allow a vote to be taken between the bill reported by the majority and the substitute proposed by the minority. I would like also to have the sense of the committee whether they desire to sit now till the bill is completed. For my part I am willing to obey the wish of the committee.

Mr. ELLIS. I am entirely willing to accommodate myself to the wishes of the House. It is now half past 5 o'clock, and I do not think there will be anything to-morrow that will prevent us from considering this bill. [Cries of "Vote!" "Vote!"]

Mr. RANDALL. The gentleman gave notice he meant to insist on a vote to-night.

The CHAIRMAN. The only question pending is the point of order made by the gentleman from Pennsylvania.

Mr. ELLIS. I propose to the gentleman from Pennsylvania that to-morrow, immediately after the reading of the Journal, these bills shall be read and that a vote be taken on the substitute. If it is carried, there is an end of it. If it is not carried——

Mr. RANDALL. That is a fair proposition. But I want to reserve the right to make the point of order on that portion of the bill which relates to a permanent appropriation for five years.

Mr. TOWNSHEND. I think the better course would be to take a vote on the substitute as a whole. [Cries of "Vote!" "Vote!"]

Mr. RANDALL. It is apparent that the House desires to go on with the bills now, and I am ready to do so. I make the point of order against the language I have read.

The CHAIRMAN. What is the point of order?

Mr. RANDALL. I am quite willing not to take any advantage on that point of order, but to proceed to vote on the substitute.

Mr. ELLIS. I think that will be best. It is a difference between two ideas, two systems.

Mr. RANDALL. It is the new departure on which we seek to test the sense of the House. I am willing to have a vote taken on the substitute.

Mr. MCMILLIN. Is it understood that when the vote is taken we will have the right to go on and perfect whichever bill may be adopted as a whole, and that there will be the same right to make points of order?

Mr. RANDALL. I do not waive the right to make the point of order against the permanent appropriation for five years. It is only the first point of order that I propose to waive.

Mr. ELLIS. The gentleman agreed a moment ago it was a conflict between two systems.

Mr. RANDALL. On the appropriation for five years I do not waive the right as to the point of order; on the other I do. I now submit, with the concurrence of the gentleman from Louisiana, the substitute.

The CHAIRMAN. The Chair desires to say the proper course under the rule would be, in the first place, to perfect the original bill.

Mr. RANDALL. I think I did not hear objection to a test-vote on the substitute.

Mr. ELLIS. I agree to that.

The CHAIRMAN. If the committee gives unanimous consent, it may come directly to a vote upon the substitute; but if there is objection, it can not be done.

Mr. HOLMAN. I desire to occupy the attention of the House just for a moment. I desire to strike out in the substitute, on page 2, lines 23 and 24, "for the purchase of machine-guns of the latest improvement, $20,000," and to insert that same matter in the following paragraph, of course increasing the appropriation there from $300,000 to $320,000. I presume there is no objection to that. The words stricken out would be inserted in the paragraph beginning in line 25 just as they appear in the preceding paragraph.

Mr. ELLIS. Is the gentleman from Indiana proposing to amend the substitute?

Mr. HOLMAN. Yes, sir.

Mr. ELLIS. All right.

Mr. HOLMAN. My amendment merely throws the two paragraphs into one.

Mr. RANDALL. Of course I desire to secure a vote in the House by yeas and nays, so that there may be a record of the vote.

The CHAIRMAN. Is there objection to taking a vote on the substitute as a whole?

Mr. CALKINS. I wish to make an inquiry as to how the vote is to be taken, whether in the Committee of the Whole by tellers, or in the House by a yea-and-nay vote.

Mr. RANDALL. I will consent to take it by a yea-and-nay vote in the House.

The CHAIRMAN. There must be some agreement by which the bill is to be reported to the House.

Mr. RANDALL. I do not want to be cut off from my right to move to recommit.

Mr. CALKINS. There is no way of getting the bill into the House except by unanimous consent.

Mr. RANDALL. I have no objection to the modification of the substitute suggested by the gentleman from Indiana [Mr. HOLMAN].

There being no objection, the modification was agreed to.

Mr. RANDALL. I now move the substitute as modified.

The CHAIRMAN. Is there objection to the proposition that a vote be taken upon the substitute as modified? [After a pause.] The Chair hears none.

Mr. RANDALL. I desire to make a verbal change in the substitute. On page 4, in line 11 of section 2, strike out the word "if" and insert the word "unless;" and at the end of the section add the words "the guns shall not be purchased for the United States;" so that it will read:

And unless it shall be demonstrated that such cannon is equal as in power and endurance to the best guns known to any military service, the guns shall not be purchased for the United States.

Mr. ELLIS. I move that the committee now rise.

The motion was not agreed to, upon a division—ayes 80, noes 70.

Mr. HISCOCK. I suggest to the gentleman from Pennsylvania [Mr. RANDALL] that we had better adjourn now. It is nearly 6 o'clock, and we have made an arrangement which is perfectly satisfactory and will facilitate action.

Many MEMBERS. Vote! Vote!

The CHAIRMAN. The question is upon the amendment of the gentleman from Pennsylvania [Mr. RANDALL] to the substitute.

The question was taken upon the amendment; and upon a division there were—ayes 80, noes 8.

Mr. DUNHAM and others. No quorum!

Tellers were ordered; and Mr. RANDALL and Mr. ELLIS were appointed.

The committee again divided; and the tellers reported that there were—ayes 104, noes 22.

Several MEMBERS. No quorum.

Mr. STEELE. I make the point that a gentleman must rise in his place when he raises the point of no quorum.

Mr. CALKINS. We will come to a vote where a quorum will be required. If there is a quorum here, then let us go on; if not, then there is no use in our staying here and punishing ourselves.

Mr. HOLMAN. When there is no quorum it is the duty of the Chair to direct the roll to be called.

The CHAIRMAN. From the announcement of the tellers it appears that there is no quorum, and the Clerk will call the roll.

The Clerk began the calling of the roll, but was interrupted by

Mr. THOMPSON, who said: I have consulted with the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Louisiana [Mr. ELLIS], and I ask consent to make a proposition which I think will obviate all difficulty.

The CHAIRMAN. The call of the roll must be completed.

The Clerk resumed and concluded the call of the roll, and the following members failed to answer to their names.

Adams, J. J.	Dingley,	Ketcham,	Rowell,
Aiken,	Dockery,	Lacey,	Russell,
Anderson,	Duncan,	Lawrence,	Ryan,
Atkinson,	Eldredge,	Le Fevre,	Scales,
Barksdale,	Evins, J. H.	Lore,	Seney,
Barr,	Ferrell,	Lovering,	Shaw,
Bayne.	Fiedler,	McComas,	Shelley,
Beach,	Findlay,	McCormick,	Skinner, T. G.
Belford,	Fyan,	Miller, S. H.	Slocum,
Belmont,	Garrison,	Milliken,	Smith,
Bingham,	Geddes,	Mills,	Snyder,
Bisbee,	George,	Mitchell,	Spriggs,
Blackburn,	Green,	Money,	Springer,
Blanchard,	Guenther,	Morrill,	Stewart, J. W.
Bland,	Hammond,	Morrison,	Stockslager,
Boutelle,	Hanback,	Morse,	Stone,
Bowen,	Hancock,	Moulton,	Strait,
Boyle,	Hardeman,	Muldrow,	Sumner, C. A.
Brainerd,	Harmer,	Muller,	Sumner, D. H.
Breitung,	Hart,	Murray,	Talbott,
Brewer, F. B.	Haynes,	Nicholls,	Taylor, E. B.
Brewer, J. H.	Henderson, D. B.	Nutting,	Taylor, J. D.
Broadhead,	Henderson, T. J.	Oates,	Thomas,
Browne, T. M.	Hepburn,	Ochiltree,	Throckmorton,
Brumm,	Hill,	O'Ferrall,	Tucker,
Buckner,	Hitt,	O'Neill, Charles	Tully,
Budd,	Hoblitzell,	Paige,	Valentine,
Burleigh,	Holmes,	Parker,	Vance,
Cabell,	Holton,	Payson,	Van Eaton,
Campbell, Felix	Hopkins,	Pettibone,	Wadsworth,
Campbell, Jas. E.	Horr,	Phelps,	Wait,
Cannon,	Houk,	Poland,	Wakefield,
Chace,	Hunt,	Price,	White, Milo
Clardy,	Hurd,	Pusey,	Williams,
Collins,	Hutchins,	Rankin,	Winans, John
Connolly,	Jeffords,	Ranney,	Wise, J. S.
Cook,	Johnson,	Reagan,	Wood,
Cosgrove,	Jones, J. K.	Reese,	Worthington,
Covington,	Jones, J. T.	Rice,	York,
Cox, S. S.	Kean,	Robertson,	Young.
Davidson,	Keifer,	Robinson, J. S.	
Davis, L. H.	Kelley,	Robinson, W. E.	
Deuster,	Kellogg,	Rockwell,	

The CHAIRMAN. On the call of the roll one hundred and fifty-five members have answered.

Mr. ELLIS. I ask consent that the substitute as modified at the suggestion of the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN] be reported to the House, and that to-morrow, upon resuming the consideration of this bill, a yea-and-nay vote be taken on the substitute. If it be adopted, that will end the matter; if it be not adopted, then the House shall in Committee of the Whole resume the consideration of the majority bill.

Mr. RANDALL. The vote to be taken at what hour?

Mr. ELLIS. When we resume the consideration of this bill to-morrow. I would not want to interrupt the consideration of conference reports.

Mr. RANDALL. I do not want to yield any point of order there may be against the majority bill.

Mr. ELLIS. Certainly not.

Mr. RANDALL. I have no objection to that arrangement.

The CHAIRMAN. The Chair will submit the proposition to the committee, as it requires unanimous consent.

Mr. TURNER, of Kentucky. Is it in order, when it has been ascertained that there is no quorum present?

The CHAIRMAN. It requires unanimous consent. Does the gentleman from Kentucky make the point that there is no quorum present?

Mr. TURNER, of Kentucky. I simply called the attention of the Chair to that fact.

The CHAIRMAN. The Chair will submit the proposition of the gentleman from Louisiana [Mr. ELLIS] to the committee. It is that the substitute as modified and offered by the gentleman from Pennsylvania [Mr. RANDALL] be reported to the House, and that a yea-and-nay vote be taken thereon; if the substitute shall not be agreed to, then the House shall again go into Committee of the Whole for the purpose of considering the bill reported by the majority of the Committee on Appropriations. Is there objection?

Mr. O'HARA. I desire to ask whether that arrangement includes the amendment offered by the gentleman from Indiana [Mr. HOLMAN]?

Several MEMBERS. Certainly.

Mr. RANDALL. It does.

Mr. CALKINS. That is included.

The CHAIRMAN. Is there objection to the proposed arrangement? The Chair hears none, and it is so ordered.

Mr. ELLIS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes; and had directed him to report the same back with an amendment in the form of a substitute.

Mr. McCOMAS. I move that the House adjourn.

Pending the motion to adjourn, the following business was transacted by unanimous consent:

ENROLLED BILLS SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1885, and for other purposes.

CATHARINE H. GLICK.

The SPEAKER laid before the House the following message from the Senate:

IN THE SENATE OF THE UNITED STATES, *July* 1, 1884.

Resolved, That the House of Representatives be requested to return Senate bill 1971, granting a pension to Catharine H. Glick, widow of Elias P. Glick, deceased, said bill having passed the Senate June 27, 1884.

The SPEAKER. If there be no objection, the request of the Senate will be complied with and this bill returned.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WARD, for to-morrow.

To Mr. NUTTING, for six days, on account of important business.

The motion to adjourn was then agreed to; and accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolutions of Post No. 59, Grand Army of the Republic, McKeesport, Pa., relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Memorial relating to the claim of Rebecca Wilber—to the Committee on War Claims.

By Mr. S. S. COX: Memorial relative to the claim of Augustus P. Green—to the same committee.

Also, the memorial of the national convention of the chiefs and commissioners of State bureaus of statistics of labor—to the Committee on the Census.

By Mr. ERMENTROUT: Memorial of the trustees of the College of Christian Brothers, Saint Louis, Mo., for relief—to the Committee on War Claims.

By Mr. FOLLETT: Petition of Samuel E. Smith, administrator, for relief—to the same committee.

By Mr. HARDEMAN: Petitions of merchants, manufacturers, planters, and citizens of Columbus, Ga., favoring the passage of the McPherson Senate bill—to the Committee on Banking and Currency.

By Mr. JAMES: Petition of Rev. S. D. Burchard, D. D., and 13 others; of Rev. J. C. K. Millington, pastor, and the membership of the Reformed Presbyterian church; of Rev. L. W. Sampson, D. D., and 7 others of the Fifty-third Street People's church; of Rev. Norman Fox, pastor of Seaman's Baptist church, and the congregation, and of Rev. John Hall, D. D., pastor, and 1,500 members of the Presbyterian Church, New York city, relative to common schools, &c., for Indians—severally to the Committee on Indian Affairs.

By Mr. LOVERING: Petitions of 703 posts, Grand Army of the Republic, asking for the passage of an act granting a pension of $8 per month to all officers, soldiers, and sailors who served sixty days or more during the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of 30,000 citizens and ex-soldiers not members of the Grand Army of the Republic, asking for the passage of House bill No. 6463 on the same subject—to the same committee.

By Mr. TALBOTT: Petition of John B. Fay, asking Congress to grant him one month's extra pay—to the Committee on Accounts.

By Mr. WELLER: Petition of John H. Murtha and 43 others, for the reduction of the salaries of the President and other public officers, and to place lumber, salt, &c., on the free-list—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *July* 2, 1884.

Prayer by Rev. W. I. MCKENNEY, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature of the following enrolled bills which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman; and

A bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. HALE. I present the conference report on the naval appropriation bill.

The PRESIDENT *pro tempore*. The action of the House of Representatives will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 1, 1884.

Resolved, That the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes; and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. HOLMAN, and Mr. CALKINS be the managers of the said further conference on the part of the House.

The PRESIDENT *pro tempore*. The report of the conferees will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have been unable to agree.

EUGENE HALE,
JOHN A. LOGAN,
JAS. B. BECK,
Managers on the part of the Senate.
WALDO HUTCHINS,
SAM J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

Mr. HALE. I move that the Senate further insist on its amendments and agree to the further conference asked by the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. LOGAN, and Mr. BECK were appointed.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. RANSOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. Petitions and memorials are now in order.

Mr. MILLER, of California. I present a petition of citizens of California, praying for the passage of House bill No. 100 for the relief of certain pre-emption and homestead settlers in California on what is called the Moquelamos grant. I move that the petition be referred to the Committee on Public Lands, and I call the especial attention of that committee to it.

The motion was agreed to.

Mr. LAPHAM presented the petition of E. S. Justh, of Washington, D. C., praying for the amendment of a bill entitled "An act relating to police regulations in the District of Columbia, and for other purposes;" which was ordered to lie on the table.

Mr. MITCHELL presented a petition of citizens and soldiers of Elizabeth, Pa., praying for the enactment of legislation by Congress in accordance with the recommendations of the Grand Army of the Republic in relation to pensions; which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Grocers and Importers' Exchange of Philadelphia, Pa., favoring the passage of House bill No. 2414, making bills of lading conclusive in certain cases; which was referred to the Committee on Commerce.

Mr. VOORHEES. I present the petition of Joseph C. G. Kennedy, of Washington, D. C., praying Congress to repeal the twenty-second section of the law for taking the tenth and subsequent censuses, which section provides for intermediate State enumerations, and for other purposes. While I have not carefully examined the petition, I think it is one of importance and perhaps contains useful information. I move, therefore, that it be printed and referred to the Committee on the Revision of the Laws.

The motion was agreed to.

DISTRICT WATER SUPPLY.

Mr. VANCE. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," to report it without amendment, and I ask for its immediate consideration.

Mr. MCMILLAN. Let the bill be read for information.

Mr. VANCE. A word of explanation, I think, will remove any objection that could possibly be made to the bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks that the bill be read for information.

Mr. VANCE. Will the Senator allow me to explain it?

The PRESIDENT *pro tempore*. The bill will first be read for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar.

Mr. VANCE. I think if I could be permitted to explain it, the Senator would withdraw his objection.

Mr. ALLISON. If there is no explanation made about it, and the bill goes right through, I shall not object.

Mr. VANCE. It is a House bill——

Mr. SHERMAN. I would not make any explanation. It is not necessary.

Mr. VANCE. Very well.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was

referred the bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, reported it with an amendment.

Mr. BUTLER. I am instructed by the Committee on Territories to make a favorable report on the bill (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, and I ask that the bill be immediately considered.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent——

Mr. ALLISON. I object.

Mr. HARRISON. I hope the Senator from Iowa will withdraw his objection.

Mr. BUTLER. I trust the Senator from Iowa will not object.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BUTLER. I am not debating the bill; I am simply appealing to the Senator from Iowa to withdraw his objection.

The PRESIDENT *pro tempore*. The Chair thinks that is in the nature of debate.

Mr. ALLISON. If we are to pass the appropriation bills——

The PRESIDENT *pro tempore* Debate is not in order. Objection is made, and the bill will be placed on the Calendar.

Mr. HOAR. I wish to state that the Committee on the Judiciary reported adversely the bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims, and the bill is now on the Calendar. I am authorized by the committee to say that they now recommend the passage of that bill with an amendment, and I had proposed to ask to take it up at the present time.

Mr. BUTLER. I object.

Mr. HOAR. If the Senator from Iowa does not wish to have any interference with the appropriation bills——

Mr. BUTLER. I object.

Mr. HOAR. I have not made the request; I am merely stating why I should not make the request at present.

Mr. BUTLER. I want to anticipate a request of that sort, if necessary.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HOAR. I hope my friend from South Carolina will vent his wrath on the right man and not on me.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2297) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., reported it with amendments.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 257) for the relief of John P. Gregson and Francis H. Ellison, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 387) for the relief of David Waldo & Co., submitted an adverse report thereon.

Mr. COCKRELL. Let the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 506) for the relief of Claude H. Mastin, surviving partner of the firm of Le Vert & Mastin, of Mobile, Ala., and the children of Octavia Le Vert, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 768) for the relief of the National Bank of Western Arkansas, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 1607) for the relief of the administrators of the estate of Isaac P. Tice, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 630) for the relief of Cora A. Slocumb, Ida A. Richardson, and Caroline A. Urquhart, reported it without amendment, and submitted a report thereon.

Mr. CONGER. From the Committee on Commerce I report back the bill (S. 1661) for the relief of George C. Tanner, United States consul at Liege, Belgium. The bill provides an appropriation of $200 to pay for the rent of a house, paid out by the consul, when the amount should have been paid by the United States. With the bill I report a letter from the Secretary of State recommending the payment by the Government. The committee recommend that the bill be placed as an amendment upon the sundry civil bill. I ask that the bill be referred to the Committee on Appropriations.

Mr. ALLISON. Let it lie on the table.

Mr. CONGER. The chairman of the committee suggests that the bill and papers lie on the desk.

The PRESIDENT *pro tempore*. The bill and accompanying papers will lie on the table, if there be no objection.

Mr. CONGER. And given to the chairman at the proper time.

Mr. LAMAR, from the Committee on the Judiciary, to whom was referred the bill (S. 629) to attach the parishes of Saint Mary's and Iberia, in the State of Louisiana, to the western judicial district of Louisiana, reported it with an amendment.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 91) prohibiting the Secretary of the Interior from certifying or patenting any lands to railroad corporations until Congress shall have acted upon any bill or report from committee declaring forfeiture of same, reported it with amendments.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LAPHAM, it was

Ordered, That the papers in the pension claim of Isabella J. Ramsdell, now on file in the Secretary's office, be returned to the Committee on Pensions, there having been no adverse report.

NORTHERN CHEYENNE INDIANS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to report to the Senate the facts relative to the condition of the Northern Cheyenne Indians on the Tongue and Rosebud Rivers who are alleged to be without rations and committing depredations upon settlers for subsistence.

TARIFF REPORT.

Mr. HAWLEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of Joseph Nimmo, jr., Chief of the Bureau of Statistics in the Treasury Department, on the operations of the tariff act of March 3, 1883, be printed; and that there be printed 6,500 additional copies, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House, and 500 for the use of the Treasury Department.

MARIA G. UNDERWOOD.

Mr. LAPHAM. Monday I gave notice that at this hour I should ask to take up Order of Business 787, being a resolution to pay Maria G. Underwood $5,000 in full compensation for the time and expenses of her husband in prosecuting his claim to a seat in the Senate, with a view of submitting some remarks upon the resolution. I stated at the same time that I would not ask to antagonize an appropriation bill. I state now that when the sundry civil appropriation bill is concluded, if there be time to-day, I shall ask that privilege, and if not I shall ask it to-morrow.

BRANCH SOLDIERS' HOME.

Mr. PLUMB. I move that the House of Representatives be requested to return to the custody of the Senate the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska. The bill was passed by the Senate yesterday with amendments.

The motion was agreed to.

CATHARINE H. GLICK.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (S. 1971) granting a pension to Catharine H. Glick, widow of Elias B. Glick, deceased.

Mr. VOORHEES. I appeal to the Senator from Iowa to allow me to have the pension bill which has just been returned from the House of Representatives postponed and the House bill pensioning the widow of Dr. Elias B. Glick taken up and passed. It will not take two minutes.

Mr. ALLISON. I regret to be compelled to object, for the reason that the sundry civil bill must be finished to-day, and then there will be ample time, I will say to the Senator from Indiana, to pass all these other matters.

Mr. VOORHEES. All right.

The PRESIDENT *pro tempore*. Objection is made.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the bill be read for amendment at this time, and that the amendments of the Committee on Appropriations be first considered, and that they be considered as the reading proceeds.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the bill be read as in Committee of the Whole by paragraphs for amendment, and that the amendments of the Commit-

tee on Appropriations as reported and others that they may propose as the bill goes on be considered in connection with the reading of the bill. Is there objection?

Mr. VOORHEES. Let me inquire of the Senator from Iowa whether that will permit amendments other than those offered by the committee before the reading of the bill is through?

Mr. ALLISON. It will not permit amendments unless they are offered as amendments to the committee amendments until after the reading of the bill is through. Then, of course, the whole bill will be open to amendment.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Iowa with reference to the reading of the bill and action on the amendments of the Committee on Appropriations? The Chair hears none. The reading will be proceeded with.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was, in the appropriations "under the State Department," in line 11, after the word "State," to strike out "two" and insert "eight;" and after the words "eighteen hundred and," in line 15, to strike out "eighty-three" and insert "eighty-two;" so as to make the clause read:

For expenses of the international conference for fixing a common zero of longitude and standard of time reckoning, including cost of printing and translations, to be expended under the direction of the Secretary of State, $8,000; and the President is hereby authorized to appoint two delegates to represent the United States at said international conference, in addition to the number authorized by the act approved August 3, 1882, and who shall serve without compensation.

The amendment was agreed to.

The next amendment was to strike out lines 25 to 30, in the following words:

The commission may also conduct such special investigations, both at and subsequent to the international electrical exhibition, as may conduce to the progress of electrical science in this country, and may prepare and submit reports of the results of the conference and investigations.

So as to make the clause read:

That said commission may invite scientific men, native and foreign, to participate in the conference, and may, in general, determine the scope and character of its work.

The amendment was agreed to.

The next amendment was, in line 31, before the word "thousand," to strike out "five" and insert "ten," and in line 36, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

That the sum of $10,000 be appropriated to meet the expenses of the commission in conducting the conference and investigations and to meet the expenses of preparing reports of the same: *Provided*, That the whole amount of the expense incurred by said commission shall not exceed the said sum of $10,000; and the members of said commission shall not receive any compensation for services.

The amendment was agreed to.

The next amendment was, after line 38, to insert:

To enable the Secretary of State to pay expenses already incurred for the Siamese embassy, $2,500.

The amendment was agreed to.

The next amendment was, after line 41, to insert:

For payment, under the final award made by the late French and American Claims Commission against the United States, of the claims of French citizens against this Government, under the treaty of January 15, 1880, between this country and France, $625,566.35.

The amendment was agreed to.

The next amendment was, after line 48, to insert:

To enable the Secretary of State to obtain dies of the obverse and reverse of the seal of the United States, and the appliances necessary for making impressions from and for the preservation of the same, $1,000.

The amendment was agreed to.

The next amendment was, after line 52, to insert:

To enable the Secretary of State to appoint from time to time, for such period as is absolutely necessary, medical inspectors to be attached to the United States consulates in countries where yellow fever, cholera, or plague exists in epidemic form, $10,000.

The amendment was agreed to.

The next amendment was, after line 57, to insert:

That the sum of $559.11 of the unexpended balance of the appropriation for contingent expenses for foreign missions, 1882, be, and the same is hereby, reappropriated and made available to pay the widow of General Judson Kilpatrick, late United States minister to Chili, the amount found due him on the settlement of his accounts for contingent expenses of the legation of the United States in Chili in 1882.

The amendment was agreed to.

The next amendment was, to strike out lines 67 to 70, inclusive, as follows:

That the work of the commission shall be completed within three years after the passage of this act; and any balance remaining unexpended at the expiration of that time shall be covered into the United States Treasury.

The amendment was agreed to.

The next amendment was, in the appropriations "under the Treasury Department," "public buildings," in line 74, to increase the appropriation "for post-office and court-house at Baltimore, Md.: For continuation of building," from $100,000 to $150,000.

The amendment was agreed to.

The next amendment was, in line 80, after the word "for," to strike out "continuation" and insert "completion of building," and before the word "hundred" to strike out "one" and insert "three;" so as to make the clause read:

For custom-house and post-office at Cincinnati, Ohio: For completion of building, $300,000.

The amendment was agreed to.

The next amendment was, in line 92, to increase the appropriation "for court-house and post-office at Columbus, Ohio: For continuation of building," from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, in line 102, to increase the appropriation "for court-house and post-office at Denver, Colo.: For continuation," from $50,000 to $75,000.

The amendment was agreed to.

The next amendment was, after line 105, to insert:

For custom-house and post-office at Dubuque, Iowa: For purchasing lot immediately north of the custom-house lot, Dubuque, Iowa, $5,000: *Provided*, That no part of the purchase money shall be paid until the Attorney-General of the United States shall be satisfied that there is a good title to said premises in the United States, free from all incumbrance.

The amendment was agreed to.

The next amendment was, after line 112, to insert:

For court-house and post-office at Fort Wayne, Ind.: For continuation of building, $40,000.

The amendment was agreed to.

The next amendment was, in line 116, to increase the appropriation "for court-house and post-office at Galveston, Tex.: For continuation of building," from $25,000 to $30,000.

The amendment was agreed to.

The next amendment was, after line 117, to insert:

For court-house and post-office at Harrisonburgh, Va.: For completion of building, $25,000.

The amendment was agreed to.

The next amendment was, after line 131, to insert:

For court-house and post-office at Lynchburg, Va.: For continuation of building, $25,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 141, to strike out the following proviso:

Provided, That the Attorney-General is hereby authorized and directed to bring suit for damages against said railway companies, if in his judgment a recovery can be had against them.

So as to make the clause read:

For custom-house, court-house, and post-office at Memphis, Tenn.: For completion of building and approaches, $50,000; and for the construction of a supporting wall for the custom-house lot at the city of Memphis, Tenn., where the same has been cut away along the river front thereof by certain railway companies, $50,000; in all, $100,000.

The amendment was agreed to.

The next amendment was, in line 146, after the word "for," to insert "extension of site and;" so as to make the clause read:

For post-office at Minneapolis, Minn.: For extension of site and continuation, $70,000.

Mr. CAMERON, of Wisconsin. I wish to ask the chairman of the Committee on Appropriations a question. I observe that the bill appropriates $70,000 for the post-office at Minneapolis, Minn., "for extension of site and continuation." The act providing for the erection of a public building at Minneapolis was approved on the 11th day of April, 1882. The amount which the site and building should cost is limited by the act to $175,000. What I wish to ask the chairman is whether in making these appropriations the committee limits itself to the amount limited in the act authorizing the construction of the building.

Mr. ALLISON. As I understand this particular appropriation, the limit fixed for the cost of the building is $175,000. I think $100,000 has already been appropriated, certainly not more; so that the $70,000 appropriation is within the limits. But the Supervising Architect says that it is necessary to add about thirty feet of ground to the building, and we therefore inserted the words which are found in line 147.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 147, to insert:

For court-house and post-office at Montgomery, Ala.: For completion of building and approaches and inclosing grounds with an iron fence, $5,000.

The amendment was agreed to.

The next amendment was, in line 152, after the word "plumbing," to insert "including sewerage;" and in line 153, before the word "thousand," to strike out "twenty-five" and insert "forty-seven;" so as to make the clause read:

For custom house at New Orleans, La.: For plumbing, including sewerage, and for completion of repairs, $47,000.

The amendment was agreed to.

The next amendment was, after line 153, to insert:

Court-house and post-office at New York city: That the sum of $16,104.4[illegible] being unexpended balances of appropriations made from time to time for a[illegible] ations and repairs, including approaches, to the court-house and pos[illegible] building at New York city, and for remedying defective ventilation, s[illegible] new elevators, and repairing old elevators, is hereby made availa[illegible] [illegible]pplying [illegible]e for such

work of alterations and repairs as may be needed for the building proper and for the heating apparatus and elevators therein.

The amendment was agreed to.

The next amendment was, after line 163, to insert:

For court-house and post-office at New Haven, Conn.: For extension and repairs of building, $50,000.

The amendment was agreed to.

The next amendment was, after line 166, to insert:

For public building at Norfolk, Va.: For introducing heating apparatus and improving grounds, $15,000.

The amendment was agreed to.

The next amendment was, after line 185, to insert:

For the new custom-house at Saint Louis: For paving streets adjacent to the building, $9,900.

The amendment was agreed to.

The next amendment was, in line 190, before the word "thousand," to strike out "fifty" and insert "seventy-five;" and in line 192, after "New York," to strike out:

Provided, That the stone can there be procured as cheaply as elsewhere, all things being equal.

So as to make the clause read:

For post-office and court-house at Syracuse, N. Y.: For continuation of building, $75,000; stone used in the construction of said building to be procured from quarries in the State of New York.

So the amendment was agreed to.

The next amendment was, in line 210, after the word "buildings," to strike out "including marine hospitals;" and in line 212, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, and other public buildings under control of Treasury Department, $175,000.

The amendment was agreed to.

The next amendment was, after line 212, to insert:

For repairs and preservation of marine hospitals, $25,000.

The amendment was agreed to.

The next amendment was, after line 220, to insert:

For the repair of the United States mint building at Denver, Colo., $20,000.

The amendment was agreed to.

The next amendment was, after line 222, to insert:

For hydraulic passenger-elevator for building at corner of Seventeenth and F streets, known as Winder's building, $6,500.

The amendment was agreed to.

The next amendment was, after line 225, to insert:

To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, including fuel, lights, and other current expenses, $3,000; and for necessary expenses, not exceeding $3,000; in all, $6,000.

The amendment was agreed to.

The next amendment was, under the head of "Light-houses, beacons, and fog-signals," after line 255, to insert:

For the purpose of erecting a light-house on the north end of Conanicut Island, Narragansett Bay, Rhode Island, $18,000.

The amendment was agreed to.

The next amendment was, after line 262, to insert:

For lease of ground for electric light at Hell Gate, $400; and the Light-House Board is hereby authorized, with the approval of the Secretary of the Treasury, to lease such parcel of land as is required for the establishment of said electric light at Hell Gate.

The amendment was agreed to.

The next amendment was, after line 267, to insert:

For the establishment of lights on Hudson River, $5,000.

The amendment was agreed to.

The next amendment was, after line 269, to insert:

For the establishment of lights on Cape Fear River, $5,000.

The amendment was agreed to.

The next amendment was, after line 271, to insert:

For the establishment of lights on Saint John's River, Florida, $10,000.

The amendment was agreed to.

The next amendment was, after line 280, to insert:

Croatan light station, North Carolina: For removing the Croatan light-house to a point where it will be of more value to navigators, $15,000.

The amendment was agreed to.

The next amendment was, in line 294, to increase the appropriation for "Mosquito Inlet light station, Florida: For continuing the light-house at Mosquito Inlet, Florida" from $15,000 to $70,000.

The amendment was agreed to.

The next amendment was, in line 298, to increase the appropriation for "Rebecca Shoal light station, Florida: For completing the erection of a light-house on Rebecca Shoal, Florida Reefs, Florida" from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, in line 304, to increase the appropriation for "Northwest Seal Rock light station, California: For continuing the construction of a light-house on the Northwest Seal Rock, off Point St. George, California," from $30,000 to $75,000.

The amendment was agreed to.

The next amendment was, after line 305, to insert:

Gray's Harbor, Washington Territory: For the establishment of a light at the entrance of Gray's Harbor, Washington Territory, $15,500.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 313.

Mr. CONGER. In line 310, I move to strike out "commencing" and insert "completing," and in line 311, to strike out "ten" before "thousand" and insert "twenty;" so as to read:

For completing the construction of a light-house at or near Port Sanilac, Lake Huron, Michigan, $20,000.

The PRESIDENT *pro tempore*. That amendment is not now in order. Under the order of the Senate, on the first reading through of the bill only the amendments proposed by the Committee on Appropriations will be considered, after which the amendment will be in order.

Mr. CONGER. Very well; I shall move the amendment subsequently.

The reading of the bill was resumed and continued to the end of line 343, in the appropriations for "life-saving stations."

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Iowa that after the word "one," in line 343, to make sense, the word "on" should be inserted and the word "on" before "one" changed to "of;" so as to read:

And of one on the coasts of Lakes Ontario and Erie, $1,800.

Mr. ALLISON. That should be done.

The PRESIDENT *pro tempore*. The amendment will be made if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Life-saving stations," in line 371, before "thousand," to strike out "eighty" and insert "eighty-seven;" so as to make the clause read:

For pay of crews of surfmen employed at the life-saving and life-boat stations, during the period of actual employment; compensation of volunteers at life-saving and life-boat stations, for actual and deserving service rendered upon any occasion of disaster, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882, and contingent expenses, including freight, storage, repairs to apparatus, medals, labor, stationery, advertising, and miscellaneous expenses that can not be included under any other head of life-saving stations on the coasts of the United States, $687,000.

The amendment was agreed to.

The next amendment was, under the head of "Revenue-cutter service," in line 399, after "Richard Rush," to strike out "(and for the construction of the steam light-house tender herein provided for);" so as to read:

For rebuilding the revenue steamer Richard Rush, including a new hull, boiler, and outfits, but retaining the present engines, $80,000; and a sum not exceeding $10,000 to be obtained from sale of the old hull and materials: *Provided*, That the same shall be sold only after due appraisement and advertisement, and at a price not less than the appraised value. The Secretary of the Treasury is hereby authorized and required to advertise for bids for the rebuilding of the Richard Rush, according to the plans and specifications, which shall be open for inspection by persons proposing to contract.

The amendment was agreed to.

The next amendment was, under the head of "Engraving and printing," in line 426, after the word "destroyed," to strike out "four hundred and seventy-five" and insert "five hundred and fifteen;" so as to make the clause read:

For salaries of all necessary clerks and employés, and for labor (by the day, piece, or contract), including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States and national-bank notes, the pay for such labor to be fixed by the Secretary of the Treasury, at rates not exceeding the rates usually paid for such work; and for other expenses of engraving and printing notes, bonds, and other securities of the United States and national-bank notes; for materials other than distinctive paper required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of same; and for expenses of operating macerating machines for the destruction of the United States notes, bonds, and other obligations of the United States authorized to be destroyed, $515,700; and from said sum work may be executed by the Bureau of Engraving and Printing for the following purposes, namely.

The amendment was agreed to.

The next amendment was, in line 436, to increase the appropriation "for engraving (except face-plates), printing, and finishing circulating notes for national banking associations" from $110,000 to $150,000.

The amendment was agreed to.

The next amendment was, under the head of "Light-House Establishment," in line 450, to increase the appropriation "for supplies of light-houses" from $350,000 to $375,000.

The amendment was agreed to.

The next amendment was, in line 470, to increase the appropriation "for expenses of light-vessels: For seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of thirty light-ships" from $230,000 to $240,000.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 477, to strike out "twenty-five" and insert "forty-five;" so as to read:

For expenses of buoyage: For expenses of raising, cleaning, painting, repairing, removing, and supplying losses of buoys, spindles, and day-beacons, and

for the maintenance of whistling buoys and bell-buoys, and for chains, sinkers, and similar necessaries, $345,000.

The amendment was agreed to.

The next amendment was, in line 481, before the word "thousand," to strike out "thirty-five" and insert "sixty;" so as to make the clause read:

For expenses of fog-signals: For establishing, renewing, duplicating, and improving fog-signals and buildings connected therewith, and for repairs and incidental expenses of the same, $60,000.

The amendment was agreed to.

The next amendment was, in line 487, after "Ohio," to insert "and;" in line 488, before the word "rivers," to strike out "Hudson and Cape Fear;" and in line 493, before the word "thousand," to strike out "ninety-eight" and insert "seventy-five;" so as to make the clause read:

For lighting and buoyage of rivers: For maintenance of post lights and buoys on the Mississippi, Ohio, and Missouri, and at the mouth of Red River, Louisiana, the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence can not be made permanent, $175,000.

The amendment was agreed to.

The next amendment was, in line 496, to increase the appropriation "for survey of light-house sites: For examination and survey of sites for proposed light-houses, and preparing plans for proposed structures" from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," in line 503, after "Gulf Stream," to insert "and Japan Stream;" and in line 506, after "North America," to insert "and the compilation of data for a general map of the United States;" so as to make the clause read:

For every expenditure requisite for and incident to the survey of the Atlantic Gulf, and Pacific coasts of the United States, including the survey of rivers to the head of tide water or ship navigation; deep-sea soundings, temperature and current observations along the coasts and throughout the Gulf Stream and Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; a magnetic map of North America, and the compilation of data for a general map of the United States; and including compensation not otherwise appropriated for of persons employed on the field-work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury, and including allowance for subsistence to officers of the Navy attached to the survey, not exceeding $1 per day, as allowed by act of Congress approved June 12, 1858, and also including the repairs, outfit, and equipment of vessels used in the survey, to be expended under the following heads.

The amendment was agreed to.

The next amendment was, in line 521, to increase the appropriation "for continuing the survey of the unsurveyed portions of the coast of Maine eastward from Chandler's River toward Quoddy Head" from $6,500 to $9,000.

The amendment was agreed to.

The next amendment was, in line 524, to increase the appropriation "for examination of reported dangers and changes on the eastern coast and Vineyard Sound" from $1,500 to $2,500.

The amendment was agreed to.

The next amendment was, in line 526, to increase the appropriation "for continuing resurvey of Long Island Sound" from $10,500 to $15,000.

The amendment was agreed to.

The next amendment was, in line 529, to increase the appropriation "for completing resurvey of Delaware Bay, including current observations" from $6,000 to $9,000.

The amendment was agreed to.

The next amendment was, in line 531, to increase the appropriation "for continuing examination of changes and resurveys on the seacoast of New Jersey" from $1,800 to $2,100.

The amendment was agreed to.

The next amendment was, in line 536, to increase the appropriation "for survey of estuaries of Chesapeake Bay, including Chincoteague Bay, Maryland, and of sounds and tide-water passages in North and South Carolina not heretofore surveyed" from $1,200 to $2,000.

The amendment was agreed to.

The next amendment was, in line 538, to increase the appropriation "for continuing the survey of the sounds on the eastern coast of Florida, including the Saint John's River" from $2,500 to $4,000.

The amendment was agreed to.

The next amendment was, in line 542, to increase the appropriation "for continuing the survey of the western coast of Florida from San Carlos entrance southward, and from Bayport southward, and hydrography of same" from $4,000 to $6,000.

The amendment was agreed to.

The next amendment was, in line 546, to increase the appropriation "for examining the changes in Mobile Bay, and surveying around the Chandeleur Islands and the waters on the east coast of Louisiana" from $1,400 to $2,500.

The amendment was agreed to.

The next amendment was, in line 552, to increase the appropriation "for continuing the survey of the coast of Louisiana from Bayou La Fourche westward and between Vermillion Bay and Mermenteau Pass, including hydrography on the coasts of Texas and Louisiana west of the Mississippi River" from $5,500 to $6,500.

The amendment was agreed to.

The next amendment was, in line 555, to increase the appropriation "for making the requisite verification of the work and for re-examinations of entrances on the coast of Texas" from $1,800 to $2,500.

The amendment was agreed to.

The next amendment was, in line 558, to increase the appropriation "to make off-shore soundings along the Atlantic coast and current and temperature observations in the Gulf Stream" from $6,000 to $7,000.

The amendment was agreed to.

The next amendment was, in line 560, to increase the appropriation "for continuing the researches in physical hydrography relating to harbors and bars" from $3,000 to $3,600.

The amendment was agreed to.

The next amendment was, in line 563, to increase the appropriation "for determinations of geographical positions (longitude party)" from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, in line 565, to increase the appropriation "to continue the primary triangulation from Atlanta toward Mobile" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, in line 568, to increase the appropriation "for continuing an exact line of levels from the Gulf to the transcontinental line of levels between the Atlantic and Pacific Oceans" from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, in line 570, to increase the appropriation "to continue tide observations on the Atlantic and Gulf coasts, and researches relating thereto" from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, in line 574, to increase the appropriation "to continue gravity experiments" from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, in line 578, to increase the appropriation "to continue the compilation of the Coast Pilot, and to make special hydrographic examinations for the same" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, after line 578, to insert:

For continuing the compilation of data for a general map of the United States, $2,000.

The amendment was agreed to.

The next amendment was, in line 585, to increase the appropriation "for topography from San Luis Capistrano toward San Diego, from Point Piedras Blancas to Cape San Martin, and supplementary surveys near San Francisco" from $5,500 to $8,000.

The amendment was agreed to.

The next amendment was, in line 590, to increase the appropriation "for primary triangulation from San Luis Obispo northward, from Santa Clara southward, and from Trinidad northward, including a line of precise levels from Saucelito to the transcontinental line of levels" from $11,000 to $16,000.

The amendment was agreed to.

The next amendment was, in line 592, to increase the appropriation "for hydrography of the same coast" from $5,000 to $7,000.

The amendment was agreed to.

The next amendment was, in line 599, to increase from $7,000 to $10,000 the appropriation "for continuing the survey of the coast of Oregon, namely: Survey from Umpqua River southward, and including such river mouths as may be specially called for, and off-shore hydrography, and the survey of Columbia River and Willamette River to the head of navigation."

The amendment was agreed to.

The next amendment was, in line 603, to increase the appropriation "for continuing the survey of the coast of Washington Territory, namely: For continuing the triangulation, topography, and hydrography of Fuca Strait, of the estuaries of Puget Sound, and of Possession Sound, from $9,000 to $14,000.

The amendment was agreed to.

The next amendment was, in line 610, to increase the appropriation "for continuing explorations in the waters of Alaska; the preparation for and making hydrographic surveys in the same" from $3,550 to $4,850.

The amendment was agreed to.

The next amendment was, in line 616, to increase from $1,400 to $2,000 the appropriation "for miscellaneous work and contingencies of all kinds, including traveling expenses of officers and men of the Navy on duty, not specified in the above, and for any special surveys that may be required by the Light-House Board or other proper authority."

The amendment was agreed to.

The next amendment was, in line 623, to increase the appropriation "for traveling expenses of the Superintendent and his party on duty of inspection" from $800 to $1,200.

The amendment was agreed to.

The next amendment was, in line 626, to increase the appropriation

"for objects not hereinbefore named that may be deemed urgent" from $1,000 to $1,500.

The amendment was agreed to.

The next amendment was, in line 630, before the word "dollars," to strike out "eighteen thousand" and insert "sixty-four thousand eight hundred;" so as to make the clause read:

And 10 per cent. of the foregoing amounts shall be available interchangeably for expenditure on the objects named; in all, for party expenses, $164,800.

The amendment was agreed to.

The next amendment was, after line 630, to insert:

For furnishing points for State surveys, $16,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "pay of office force" of the Coast and Geodetic Survey, in line 663, after the word "thousand," to insert "two hundred;" so as to make the clause read:

In office of disbursing agent, three persons, from $1,400 to $3,000 per annum, $6,200.

The amendment was agreed to.

The next amendment was, in line 670, before the word "hundred," to strike out "four" and insert "two;" so as to make the clause read:

In office of the Coast Pilot, three persons, from $720 to $1,500 per annum, $3,220.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects under the Treasury Department," in line 746, after the word "stamps," to insert "for the Bureau of Internal Revenue;" in line 747, before the word "thousand," to strike out "ten" and insert "fifty," and in line 751, after the word "Treasury," to strike out—

Provided, That the cost of doing it there shall not hereafter exceed what it shall be found after an advertisement for proposals it would cost to have it done elsewhere.

So as to make the clause read:

For paper and stamps for the Bureau of Internal Revenue, $450,000; the engraving and printing of said stamps to be done in the Bureau of Engraving and Printing of the Treasury Department, under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in line 762, after the words "in the," to strike out "division" and insert "Bureau;" so as to make the clause read:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, $50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

The amendment was agreed to.

The next amendment was, in line 769, after the word "dollars," to strike out:

And hereafter contracts for the transportation of all moneys, bullion, coin, notes, bonds, and other securities of the United States, and paper, shall be let to the lowest responsible bidder therefor, after due legal advertisement.

So as to make the clause read:

For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, $55,000.

The amendment was agreed to.

The next amendment was, in line 775, to increase the appropriation "for freight on bullion and coin: For freight on bullion and coin between the mints and assay offices" from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 788 and 789, in the following words:

For repair of the United States mint building at Denver, Colo., $10,000.

The amendment was agreed to.

The next amendment was, after line 789, to insert:

That the proper accounting officers of the Treasury Department be, and are hereby, authorized and directed to examine the claim of the State of Massachusetts for expenses incurred and paid, at the request of the President and Secretary of State, during the war, in protecting the harbors and strengthening the fortifications on the coast, now on file with the Third Auditor, and to audit the same, under the act of July 27, 1861 (12 Statutes at Large, page 276), and report the amount found due to Congress.

Mr. ALLISON. I move to amend the amendment by striking out the word "audit," in line 796, and inserting "adjust;" so as to read:

And to adjust the same.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "under the Commissioner of Fish and Fisheries," in line 809, after the word "dollars," to insert:

And 10 per cent. of the amounts appropriated for the service of the United States Fish Commission shall be available interchangeably for expenditure on the objects named.

So as to make the clause read:

For the propagation of food-fishes: For the introduction by the United States Fish Commission into, and to increase in, the waters of the United States of useful food-fishes, including lobsters, oysters, and other shell-fish, and for continuing the inquiry into the causes of the decrease of the food-fishes of the United States, including salaries or compensation of all necessary employés, $125,000; and 10 per cent. of the amounts appropriated for the service of the United States Fish Commission shall be available interchangeably for expenditure on the objects named.

The amendment was agreed to.

The next amendment was, in line 814, after the word "rooms," to strike out "and other necessary office expenses" and insert "in the city of Washington;" and in line 815, after the word "thousand," to strike out "five hundred" and insert "three hundred and eighty;" so as to make the clause read:

For expenses of the office of the United States Fish Commission: For rent of rooms in the city of Washington, $1,380.

The amendment was agreed to.

The next amendment was, in line 831, after the word "equipment," to strike out "three thousand" and insert "four thousand five hundred;" so as to make the clause read:

For the completion of the car for the distribution of carp and other useful food-fishes to distant portions of the United States, authorized by act approved March 3, 1883, and its equipment, $4,500.

The amendment was agreed to.

The next amendment was, in line 843, to increase the appropriation "for completion of the necessary constructions at Wood's Holl Harbor, Massachusetts, and their equipment, for the propagation of and investigation in regard to useful sea-fishes and other marine animals" from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, under the head of "current expenses, public buildings," in line 860, to increase the appppropriation "for pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia" from $300,000 to $360,000.

The amendment was agreed to.

The next amendment was, in line 865, to increase the appropriations "for heating apparatus for public buildings, including new buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals, under control of the Treasury Department" from $125,000 to $150,000.

The amendment was agreed to.

ARMY APPROPRIATION BILL.

Mr. PLUMB. I ask the Senator from Iowa having charge of the bill to yield to me while I make a report from a conference committee.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Will the Senator from Iowa yield to the Senator from Kansas?

Mr. ALLISON. I yield for the purpose of receiving the report of the committee of conference.

The PRESIDING OFFICER. The report will be received and read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 35 to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the said amendment numbered 35.

P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

WILLIAM H. FORNEY,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. PLUMB. I move the adoption of the report.

The PRESIDING OFFICER. The Senator from Kansas moves the adoption of the report.

Mr. PLUMB. I will state for the information of the Senate that the House recedes from its disagreement to the Senate amendment. The Senate amended the Army bill by striking out so much of the bill as related to the prices paid for Army transportation. The conferees of the House have now agreed to recede from their disagreement to the Senate amendment, leaving the bill as it passed the Senate in that particular.

The report was concurred in.

REMOVAL OF CHARGE OF DESERTION.

Mr. COCKRELL. I move that the House of Representatives be requested to return to the Senate the bill (H. R. 4383) to relieve certain soldiers from the charge of desertion, which was passed yesterday morning. I desire it returned in order that I may ask the Senate to appoint a committee of conference.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri, to request the return of the bill from the House.

The motion was agreed to.

COMMITTEE SERVICE.

Mr. MORGAN. I desire to be relieved from further service upon the Committee on Fisheries.

The PRESIDING OFFICER. The Senator from Alabama asks to be

excused from further service upon the Committee on Fisheries. Is there objection? The Chair hears none, and it is so ordered.

Mr. SLATER. I ask to be relieved from further service upon the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the order will be made excusing him from further service upon that committee.

Mr. MORGAN. I move that the Chair fill the vacancies upon the Committees on Fisheries and on Indian Affairs occasioned by the resignation of the Senator from Oregon [Mr. SLATER] and myself this morning.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the Chair be authorized to fill the vacancies occasioned by the resignation of the gentlemen named on the Committees on Fisheries and Indian Affairs. Is there objection? The Chair hears no objection. The Chair appoints to be a member of the Committee on Fisheries the Senator from Oregon [Mr. SLATER], and upon the Committee on Indian Affairs the Senator from Alabama [Mr. MORGAN].

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Alaskan seal-fisheries," after line 921, to insert:

For the protection of sea-otter hunting-grounds and seal-fisheries in Alaska: To enable the Secretary of the Treasury to use revenue steamers for the protection of the interests of the Government on the seal-islands and the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, $25,000.

The amendment was agreed to.

The next amendment was to strike out lines 941 to 943, inclusive, as follows:

That all laws or parts of laws authorizing the appointment of a National Board of Health be, and the same are hereby, repealed.

And in lieu thereof to insert:

For pay and expenses of the members of the National Board of Health, $10,000.

For the investigation of questions affecting the public health, $8,000.

Mr. HARRIS I would suggest to the Senator from Iowa in charge of the bill to strike out in the first paragraph "ten," in line 945, and insert "eight;" so as to read:

For pay and expenses of the members of the National Board of Health, $8,000.

And in line 947, to strike out "eight" and insert "ten;" so as to read:

For the investigation of questions affecting the public health, $10,000.

Mr. ALLISON. I have no objection to that.

Mr. HARRIS. It does not change the amount of the appropriation, but changes the items.

The PRESIDENT *pro tempore*. That change will be made if there be no objection. The question is on the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 947, to insert:

For rent, fuel, postage, telegraphing, printing, and all other miscellaneous expenses, $2,500.

For clerks and messenger, $4,500; amounting, in all, to $25,000.

The President of the United States is hereby authorized, in case of threatened or actual epidemic, to use the unexpended balance of appropriation made by act approved August 7, 1882, and act approved March 3, 1883, not to exceed $100,000, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same and maintaining quarantine at points of danger.

The amendment was agreed to.

The next amendment was to strike out lines 963 to 965, inclusive, as follows:

United States quarantine buildings, Marine Hospital Service: Gulf quarantine: For building wharf, $10,000.

The amendment was agreed to.

The next amendment was, in line 979, to increase from $10,000 to $50,000 the appropriation "to enable the Secretary of the Treasury to establish and maintain quarantine stations, and to provide proper shelter for and care of neat-cattle imported, at such ports as he may deem necessary."

The amendment was agreed to.

The next amendment was, after line 970, to insert:

For amount necessary to pay direct-tax purchasers the amount paid by said purchasers for real estate sold under the direct-tax laws, and from which they have been evicted by judgment of a United States court, $2,414.

The amendment was agreed to.

The next amendment was, under the head of "United States Executive Departments at the World's Industrial and Cotton Centennial Exposition at New Orleans, La.," in line 986, after "State Department," to strike out "ten" and insert "twenty;" in line 987, after "Treasury Department," to strike out "ten" and insert "fifteen;" in line 988, after "Interior Department," to strike out "(not including the Bureau of Education);" in line 989, before the word "thousand," to strike out "twenty-five" and insert "fifty;" after the word "dollars," in the same line, to strike out "for the Bureau of Education, Interior Department, $40,000;" and in line 1000, after the word "dollars," to insert:

To be disbursed under the direction of the board on United States Executive Departments appointed under executive order of May 13, 1884; and no expenses of any kind beyond the amounts herein provided for shall be incurred by any of the said Departments, or any officer thereof, on account of said exposition.

So as to make the clause read:

To enable the several Executive Departments, the Department of Agriculture, and the Smithsonian Institution to participate in the World's Industrial and Cotton Centennial Exposition to be held at New Orleans, La., under act of Congress of February 10, 1883, as follows: For the War Department, $80,000; for the Navy Department, $60,000; for the State Department, $20,000; for the Treasury Department, $15,000; for the Interior Department, $150,000; for the Post-Office Department, $10,000; for the Department of Agriculture, $40,000; for the Department of Justice, $3,000; for the Smithsonian Institution (including the National Museum and Commission of Fish and Fisheries), $100,000; for necessary incidental expenses of administration by the board, including office-rent, fuel, gas, stationery, telegrams, and expressage, $22,000; in all, $500,000; to be disbursed under the direction of the board on United States Executive Departments appointed under executive order of May 13, 1884; and no expenses of any kind beyond the amounts herein provided for shall be incurred by any of the said Departments, or any officer thereof, on account of said exposition.

Mr. ALLISON. I desire to give notice that the Committee on Appropriations instruct me—that is their last instruction—to move to strike out, from line 979 to 1005, all that provision and insert what I send to the Secretary's desk. I think the whole situation may as well be understood now. The proposition is to strike out the whole paragraph relating to this World's Industrial and Cotton Centennial Exposition and insert what I send to the desk.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendments proposed by the committee to the paragraph from line 979 to 1005 inclusive by inserting in lieu of the whole paragraph an amendment which will be read.

The Chief Clerk read as follows:

To enable the several Executive Departments of the Government, including the Department of Agriculture and the Smithsonian Institution, to participate in the World's Industrial and Cotton Centennial Exposition to be held at New Orleans, La., under act of Congress of February 10, 1883, to be expended under the direction of the President, $250,000.

Mr. BECK. I ask the chairman of the committee if he has any objection to allowing this amendment to be passed over until the other amendments of the committee are disposed of, to be considered as one of the committee amendments, but after the other amendments have been acted on? I will state my reason for the request. A great many gentlemen were induced to believe by the printed bill—the chairman of the Committee on Education and Labor is one of them, who is now absent—that the amendment as printed in the bill would be the one the committee would adhere to. If the proposed amendment is read and the attention of the Senate called to it, I think there will be less trouble, and it will be fairer to allow it to be passed over until gentlemen objecting to the amendment have time to look at it.

Mr. ALLISON. I have no objection to that if the Senator thinks gentlemen have been misled by this printed bill.

Mr. BECK. I think so. I believe it.

Mr. ALLISON. I have no objection to passing it over for the time being, but I give notice now of the amendment as proposed by the committee and ask Senators to give their attention to it.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the question on the amendments from lines 979 and 1005 be passed over informally to be resumed at a later stage. Is there objection? The Chair hears none, and it is so ordered. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items "under the Navy Department," after line 1008, to insert:

For repairing the dry-dock at the Brooklyn, N. Y., navy-yard, $140,954.

The amendment was agreed to.

The next amendment was, after line 1011, to insert:

To enable the Secretary of the Navy to continue the improvement of the cob-dock at the navy-yard, Brooklyn, N. Y., the unexpended balance of the appropriation made by act of March 3, 1883, (22 Statutes, page 620), amounting to $47,362, is hereby reappropriated and made available for expenditures during the fiscal year ending June 30, 1885.

The amendment was agreed to.

The next amendment was, after line 1022, to insert:

For the erection of a new derrick at the Mare Island navy-yard, $40,000.

The amendment was agreed to.

The next amendment was, after line 1024, to insert:

For Coasters' Harbor Island, Rhode Island: For completion of wharf, dredging, heating apparatus, water supply for drill-hall and training-ships, repairs to old building and main causeway, and for lighting thoroughfares, houses, and vessels at Coasters' Harbor Island, $41,000.

The amendment was agreed to.

The next amendment was, after line 1030, to insert:

For incidental expenses of conducting a post-graduate school for naval officers, $5,000.

Mr. ALLISON. The committee instructs me to ask the Senate to disagree to that amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1032, to insert:

For the publication of information from abroad, Bureau of Navigation, $5,000

The amendment was agreed to.

The next amendment was, after line 1034, to insert:

For altering and refitting one of the Government buildings at the Norfolk navy-yard as a barrack for marines stationed there, $12,350.

The amendment was agreed to.

The next amendmendment was, after line 1038, to insert:

For completing the repairs to the Superintendent's house at the Naval Academy, Annapolis, $5,000.

Mr. ALLISON. The committee instruct me to ask the Senate to disagree to that amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1041, to insert:

To pay the owners of the schooner Druid in full satisfaction of their claim for loss and damage to said vessel and cargo resulting from collision with the United States steamer Powhatan, on the 15th day of October, 1883, off the coast of Halifax, $11,201.43.

Mr. MORGAN. I ask the chairman of the committee whether the claim has been ascertained in any way for the schooner Druid? Has the amount of this claim been in any way lawfully ascertained and the indebtedness of the Government for it established?

Mr. ALLISON. It has been ascertained by the usual method in similar cases—that is, a board of naval officers was designated to examine the schooner Druid and ascertain the damages and report upon them, and they have reported this amount.

Mr. MORGAN. Has it been audited and allowed by any Department?

Mr. INGALLS. Is not this a private claim? If so, I object to it.

The PRESIDENT *pro tempore*. The Senator from Kansas makes the point of order that this is a private claim. The Chair sustains the point of order.

Mr. ALLISON. I am glad the Chair does; but I should like to have put on record the reasons for the proposition.

Mr. BECK. I should like to have the letter that the Senator from Iowa refers to read before the Chair decides the question. I do not think the Chair will hold that it is a private claim when he hears the communication.

The PRESIDENT *pro tempore*. The Chair will reserve his decision until the letter is read.

The Secretary read as follows:

NAVY DEPARTMENT, *Washington, June 25, 1884.*

SIR: I have the honor to present for the consideration of the Committee on Appropriations the following facts:

On the 15th of October, 1883, a collision occurred at sea, off the coast of Halifax, between the schooner Druid, of and from Lunenburg, N. S., bound for a port in the West Indies, and the United States steamship Powhatan, bound for the port of Boston, Mass.

On the 23d of October a court of inquiry was ordered to investigate and report the circumstances attending the collision and where the blame, if any, should rest. On the 30th of November the court reported that the officer of the deck of the Powhatan, Lieut. Charles A. Stone, United States Navy, was responsible for the collision. On the 23d of November a general court-martial was ordered for the trial of Lieutenant Stone, and also of Capt. A. W. Johnson, the commanding officer of the Powhatan, upon a charge of culpable negligence and inefficiency in the performance of duty while navigating the Powhatan at the time of the collision.

Lieutenant Stone was tried first, found guilty of the charge, and sentenced to suspension from rank and duty for two years, on waiting-orders pay, and to be reprimanded in general orders by the Secretary of the Navy. Captain Johnson was next tried and acquitted, but the finding of "not guilty" in his case was disapproved.

On the 19th of December the owners of the Druid filed their claim for $11,519.88 as the aggregate amount of loss and damage to vessel and cargo resulting from the collision. On the 11th of January, 1884, a board of officers was duly appointed to examine the claim in detail, together with the proofs and vouchers connected therewith, which board, after such examination, reported a total allowance of $11,201.43 in favor of the claimants. Being satisfied that such allowance is just and proper, I have the honor to request that the amount in question be inserted in the sundry civil bill now pending in your committee.

Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

Hon. WM. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

The PRESIDENT *pro tempore*. The Chair is still of opinion that this is a private claim, and that on the principle of its not being such every claim sent to the Committee on Claims might be inserted in this bill. The Chair sustains the point of order.

Mr. BECK. I am not able to lay my hand on the papers, and I do not propose to dispute the decision; but this was a foreign ship and there was some arrangement between the Government of this country and the colonial government of Canada whereby this commission was had under the authority of the two countries; but that perhaps would not alter the case on the point of order.

The PRESIDENT *pro tempore*. The Senator from Kentucky will understand that there is nothing for the Chair to decide but that under the rules this is a private claim. The justice of it is quite a different question. The Chair thinks this is clearly a private claim in the form in which the proposition stands.

Mr. BECK. I only desire to add that we were so careful about inserting private claims that we looked into this and found that there were some negotiations between this Government and Canada relative to the action of the Secretary of the Navy and his officers; and we did not regard it on the papers as being a private claim.

The PRESIDENT *pro tempore*. The Chair thinks in the form in which it stands it is clearly a private claim.

Mr. HALE. It raises a question that ordinary claims do not, something of international comity, it being an outside matter entirely from a claim of one of our own citizens. That is, as the Senator from Kentucky says, the reason why the committee gave it a place on the bill.

Mr. CAMERON, of Wisconsin. The Senate has refused to agree to the amendment contained in lines 1039, 1040, and 1041, at the request of the chairman of the Committee on Appropriations. I was recently at Annapolis and I saw the house mentioned in this proposed amendment. It is partially completed; the walls are up and it is inclosed, and it would not require a great deal of money to complete it. I should like if the chairman of the committee would state why he recommended to the Senate to not agree to that proposed amendment.

Mr. ALLISON. I stated that I was instructed by the committee to so recommend.

Mr. CAMERON, of Wisconsin. Why did the committee so instruct the Senator?

Mr. ALLISON. I suppose the idea of the committee was that the expenditure, so far as made on this building, has been in violation of law, and they thought it hardly worth while now to authorize the completion of the building when the expenditure thus far made had been in violation of law. That is the reason the committee gave for its instruction to me.

Mr. CAMERON, of Wisconsin. Will the chairman state what statute has been violated in the erection?

Mr. ALLISON. The Senator from Massachusetts [Mr. DAWES] is more familiar with the sublect.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

Mr. ALLISON. I will state to the Senator from Wisconsin that there was a statute forbidding any of the appropriations made for the naval service being used for the repairs of the superintendent's house. The superintendent, as I understand it, instead of making repairs there, tore down the old building and constructed a new one without any authority of law. That is my understanding and reeollection. I have not the statute before me, or I should point the Senator to it.

Mr. HALE. I have looked into matters connected with the Navy Department. A general statute forbids the use of any appropriations for a distinctive purpose, for any other purpose. Under the statute and against its spirit and terms, the superintendent went on and under the head of "repairs," which was not intended to comprehend anything but repairs of old buildings and other buildings, took funds enough to practically build a new structure. The committee thought that it was done in defiance of law and admonished him by special clauses put upon the appropriation bills that it should not be done; but, all the same, the building went on and was almost completed. The committee was not willing, that having been done, that any further money should be appropriated, but preferred that it should stand as it is, I suppose, as a monument of the attitude of Congress on that position.

I will say that so far as I am concerned I am entirely willing the building should now be finished. I think it has stood there long enough and we had better finish it up and have it done with, but the committee has thought otherwise, and so I do not make any point.

Mr. DAWES. I do not think the Senator from Maine does complete justice in this case. The superintendent of the academy submitted an estimate to rebuild his headquarters. When that estimate came before the committee the committee, instead of making an appropriation to rebuild his headquarters, made an appropriation to repair the old headquarters. In the face of that appropriation and enactment he went on and tore down his old headquarters and took that money as far as it would go to tear them down and make the underpinning of new quarters. Then the next year he came for an appropriation to complete the erection of his new quarters, and Congress put in this provision:

For necessary repairs of public buildings, pavements, wharves, and walls inclosing the grounds of the Naval Academy, and for improvements, repairs, and furniture and fixtures, $21,000: *Provided*, That no appropriations provided for in this act shall be construed to authorize or be applied to a new building for the use of the superintendent or other officers of the academy.

Nevertheless he went on till he has the building erected and covered, in the face of this provision. Then there came in this bill this item for money to complete it, and the committee thought that on the whole it would be well enough to have it remain in its present position at least for a while *in testimoniam rei*.

Mr. CAMERON, of Wisconsin. It has remained in its present condition for nearly one year, and it seems to me it would be for the interest of the Government to go on and complete it now. A certain amount of money appropriated by Congress has gone into the erection of the building. It is of no use as it now is and all the money invested in it is a dead investment. Five thousand dollars, as I understand, will complete it. Then if the Committee on Appropriations are of the opinion that the superintendent ought not to be allowed to occupy it they can put cadets in it or they can put some inferior officer in it.

The investment already made, whether made strictly in accordance with law or not, can only be utilized by completing the building.

Mr. DAWES. Congress was of opinion that the old headquarters should not be taken down and new ones put in their place. It seemed to Congress to be a very valuable old building. It was built before the Revolutionary war, and was a relic which seemed to Congress of great value. It seemed to the superintendent, however, not to be of much value. He differed from Congress, and he tore it down in violation of an express enactment, and he has resolved that he will have his quarters new instead of this venerable old edifice.

There is one more such edifice left there which was occupied by the governor of the province before the Revolution. Those who saw this building, who were outside of the Naval Academy, seemed to think and enacted that it should not go down.

Now, I do not care anything about it. If Congress does not care about having its enactments regarded by the officers, I am but one member of Congress and I shall try and reconcile myself to it. So far as I am concerned, for one, whenever Congress declares that a thing shall be done and an official says it shall not be done, I am not one of those who will say, "Well, it is done and we will accept it and make the best of it;" I am not one of that kind.

Mr. MORRILL. May I inquire of the Senator if this was done in defiance of law how was it possible that the accounts came to be audited by the Treasury?

Mr. DAWES. I do not know anything about that. I did not audit the accounts; I read the law.

Mr. MILLER, of California. Mr. President, there is no doubt that the law has been violated in this case; but there is a question now of how far we are going to punish this superintendent. The method adopted in this bill is the punishment of the United States instead of the punishment of the superintendent. He has a good house to live in, which he is now occupying; and it does not matter to him whether this building is completed or not; but it stands there partially completed; it is covered, but without windows, and subject to deterioration from the elements. The question is whether we shall go on and complete it and have it ready for the occupancy of somebody.

I do not think it is wise to let the building go to decay. What has been done has been done; you can not undo it at this time; and you are only punishing the people of the United States by such enactments as this refusing to appropriate the requisite money to go on and finish the building. If any officer of the Navy Department, whether the superintendent or any other officer, has violated an act of Congress, there is some way to get at him besides refusing to do a thing which ought to be done for the best interests of the United States in respect to this building. That is my view of it; and I hope the amendment of the committee striking out the clause will not be agreed to.

Mr. CAMERON, of Wisconsin. The committee proposed the amendment, and I think the question has been already taken; but I have no doubt the chairman will consent that it be taken again.

Mr. MILLER, of California. Whatever is necessary to be done to have the building completed should be done.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

Mr. CAMERON, of Wisconsin. I move to reconsider the vote by which the Senate refused to adopt the amendment proposed by the Committee on Appropriations.

Mr. HOAR. I hope there will be unanimous consent to put the question over again. A discussion grew up and the matter was merely put formally by the Chair, nobody attending to what was going on, and the debate happened after the vote. I hope by unanimous consent the question will be put again.

The PRESIDENT *pro tempore*. Is there objection to the question being again taken on agreeing to the amendment on lines 1039, 1040, and 1041? The Chair hears no objection. The question is on agreeing to the amendment inserting those lines.

Mr. PLUMB. It is not very often we get as plain a case as this where we can assert what little is left of the legislative authority of this Government. We have the least possible control over the money we vote here. We vote sums of money to our Executive Departments, and say by positive laws that they shall not spend any more than we vote, and they go right on and spend in such a way that we have to make appropriations of seven, ten, or even twenty-five millions a year to make up the deficiencies they themselves create in violation of law. It may be, perhaps, that this is not the most wholesome point at which we can assert our authority, but it is a very good one, I think, because there can be no more flagrant violation of the law, no more flagrant contempt of Congress, no more flagrant assertion of the power of a naval officer to have things his own way, irrespective of written statutes, than is presented here.

I submit that if we are to have any legislative independence whatever, if we are to assert the power of the law over the creatures of the law and over the control of the expenditure of the public money, we can afford at least to pause long enough to make an example of this kind, however trivial it may be, because after all to a certain extent it is going to be conspicuous, because the violation of the law has been of the most conspicuous possible character; and we can afford to do that in this case because it does not involve anything of importance to any Department of the Government. It is simply a question as to whether there shall be so many rooms more or less at the Annapolis Academy during the next fiscal year. If it were going to arrest any of the great functions of the Government, if it were going to stop some bureau of the Treasury Department or some other Department of the Government in the discharge of its duties in such a way as to cause difficulty, I would say we had better pocket this as we have pocketed all the other things of which I have spoken and with which we are constantly confronted in our relations with the Executive Departments.

But here is a case where an officer came before the Appropriations Committee and sought to have an appropriation made for the purpose of erecting a building, and he was told then and there, in the first place, that it was not the purpose of Congress to have a new building but to repair the old building and keep it; and in the next place that it was deemed proper to keep that particular building, as it was an old building and the only one practically there was about the academy that it was thought well to retain, a building connected with the present and the far past. Thereupon an appropriation was made to repair that old building; and in direct defiance of the terms of the law and of the admonition of the committee in response to his importunities for appropriations, he tore down the old building which it was designed to have remain there, and constructed the foundation of a new one, and then came in and asked for an appropriation to complete that building. Congress then, after debate in the Senate, enacted that there should be no reconstruction of that old building, but that its bricks and foundation should stay there as a monument of the displeasure of Congress with this violent and wholly inexcusable act on the part of this executive officer. But he simply laughed at the enactment, as he had done before, I have no doubt, but as officers do every day of the year, and took the money we said he should not use for that purpose and proceeded to use it for that purpose.

Now, the Senator from Vermont asks how did these accounts escape the scrutiny of the Treasury Department. I answer by saying that the Treasury Department does not scrutinize these accounts. The Treasury Department practically does not scrutinize the accounts of either the Army or the Navy. These accounts are paid by the Pay Department of the Navy, and the only scrutiny which practically the Treasury exercises over accounts of the Pay Department is to see that the sums total are correct. Scrutiny is applied to the statements of the accounts of the Indian Bureau and the Land Office and things of that kind, but practically the Army and Navy get the sums of money we give them and they spend them in their own way. An illustration of that has been furnished by some peculations which have turned up in the Navy Department, showing with what utter lack of scrutiny accounts are passed in that Department. I do not speak of it particularly as characterizing that Department as against other Departments, but as simply a naked fact.

Mr. JONES, of Florida. Will the Senator yield to me.

Mr. PLUMB. I will.

Mr. JONES, of Florida. For information I wish to know if the officer in this case exceeded in expenditure the amount of the appropriation for this work?

Mr. PLUMB. There was no appropriation made for the work. It was expressly stated that it should not be expended for this work; but notwithstanding that provision the money was taken and was expended. The total amount expended did not exceed the total amount appropriated by the bill; but there was just as plain a provision of the statute as could be put into language that no part of the money should be taken to complete that building, and yet it was taken and the money used as far as it would go toward the completion of the building which Congress said should not be built out of that money. That is the way the thing stands to-day. The Senator from Wisconsin says, and the Senator from California says, that while the law has been violated by this particular man, who is there now seeking the comforts and conveniences of this building, we might as well let it go and complete the building. I do not look at it in that way. If we do that thing now we might as well advertise at once that notwithstanding the limitations we put in the statute the money may be spent according to the sweet will of the executive officer who happens to get his hand upon it. If I had it to do, I would never complete that building. I would let it stay there as long as Annapolis remains, as a monument of the displeasure of Congress at the action of the executive officer in violating the law in two open cases in regard to one subject-matter.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on the amendment of the Committee on Appropriations to insert what will be read.

The Chief Clerk read as follows:

For completing the repairs to the superintendent's house at the Naval Academy, Annapolis, $5,000.

Mr. PLUMB. I hope that will be voted down.

Mr. CAMERON, of Wisconsin. I hope it will not be.

Mr. PLUMB. In the first place the committee do not report it. It went to the committee, but the committee itself in full session struck it out, and therefore it is not a committee amendment.

Mr. BECK. It is not a committee amendment.

Mr. CAMERON, of Wisconsin. Here is the bill reported by the committee, and it is in that.

Mr. BECK. But the committee does like every other committee—meets and revises its action.

Mr. CAMERON, of Wisconsin. It did not meet and revise its action in this case, so far as I know, until after this bill was reported to the Senate.

Mr. BECK. It met this morning and struck out this clause.

Mr. CAMERON, of Wisconsin. The bill was reported last evening, printed, and placed on our desks.

Mr. BECK. There need not be any dispute about the fact. That is so, but the committee met this morning and reversed the former action.

The PRESIDING OFFICER. The Chair desires to know, then, who moves this amendment?

Mr. EDMUNDS. It is an amendment of the committee that was reported, but on reconsideration they think it ought not to be adopted.

Mr. ALLISON. I stated that the committee instructed me this morning to ask the Senate to reject the amendment, and I so asked the Senate to do.

The PRESIDING OFFICER. The question before the Senate is on adopting this amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1048, to insert:

For mileage of officers of the Navy, being for payment of accounts audited and allowed by the accounting officers of the Treasury, $29,357.75.

The amendment was agreed to.

The next amendment was, in line 1054, to increase the appropriation "for navy-yards and stations" from $125,000 to $150,000.

The amendment was agreed to.

The next amendment was to strike out lines 1055 to 1062, inclusive, as follows:

Naval Observatory:

To enable the President to appoint a scientific commission, composed of scientific men, to inquire into the organization, work, expenses, and reconstruction of the Naval Observatory, and to report to Congress the best system for its future management, $700, to be expended under the direction of the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, in the appropriations "under the Interior Department," to strike out from line 1064 to 1066, inclusive, as follows:

To complete the improvement of the Hot Springs Creek, in the town of Hot Springs, Ark., $75,000.

Mr. ALLISON. I will say that when the committee first examined this question they could find no papers relating to this matter, but since that we have fully examined the case and find from the report made to the House and also from a letter of the Secretary of the Interior that this sum is necessary. Therefore I hope the amendment of the committee will be rejected.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1066, to insert:

Bureau of Labor:

For salary of Commissioner of Labor, $3,000; salary of chief clerk, $2,000; rent of rooms for use of bureau, and for fuel, light, and stationery, $3,000; and for other necessary expenses of said bureau, to be expended under the direction of the Secretary of the Interior, and as provided by law, $17,000; in all, $25,000.

The amendment was agreed to.

The next amendment was, after line 1099, to insert:

For constructing terraces north and south of the Capitol, sections marked A and M, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), $115,000, including wages of mechanics and laborers: *Provided*, That the work under this appropriation shall be confined to the north and south fronts of the Capitol building, and shall not extend westward beyond the line of the west fronts of the Senate and House wings of the Capitol.

The amendment was agreed to.

The next amendment was, in line 1112, after the word "gas," to insert "electric lighting;" so as to make the clause read:

For lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the Botanic Garden and Senate and House stables: For gas, electric lighting, pay of superintendent of meters, lamp-lighters, gas-fitters, and for materials for gas or electric lighting, and for general repairs, $20,000.

The amendment was agreed to.

The next amendment was, after line 1121, to insert:

New Pension building: For completion of the new Pension building, as per estimate contained in Senate Executive Document No. 188, present session, $266,559.62.

The amendment was agreed to.

The reading of the bill was continued to the end of line 1147.

Mr. ALLISON. I move, in line 1145, to strike out "Minnesota and," before "Dakota," and in line 1147, after the word "thousand," I move to strike out "five hundred;" so as to read:

For contingent expenses of the office of the surveyor-general of Dakota: For rent of office for the surveyor-general, fuel, books, stationery, and other incidental expenses, $2,000.

The amendment was agreed to.

Mr. ALLISON. After line 1147, I move to insert:

Office of surveyor-general of Minnesota: For contingent expenses of the office of the surveyor-general of Minnesota, for fuel, books, stationery, pay of messenger, and other incidental expenses, $1,000.

These are all amendments of the Committee on Appropriations.

Mr. MCMILLAN. Ought that not to be $2,000?

Mr. ALLISON. One thousand dollars was the appropriation last year.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Expenses of the collection of revenue from sales of public lands," in line 1210, to increase the appropriation "for incidental expenses of the several land offices" from $140,000 to $200,000.

The amendment was agreed to.

The next amendment was, in line 1212, to increase the appropriation "for expenses of depositing money received from the sale of public lands" from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, in line 1219, after the word "lands," to strike out "fifteen" and insert "twenty-five;" and, in line 1220, after the word "dollars," to insert:

Provided, That agents and others employed under the three preceding paragraphs, while traveling on duty shall be allowed per diem in lieu of subsistence at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses for transportation.

So as to make the clause read:

For expenses of agents employed in adjusting for swamp lands and for indemnity for swamp lands, $25,000: *Provided*, That agents and others employed under the three preceding paragraphs while traveling on duty shall be allowed per diem in lieu of subsistence at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses for transportation.

The amendment was agreed to.

The next amendment was, after line 1230, to insert:

To enable the Commissioner of the General Land Office to prepare and publish a new map of the United States, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Surveying the public lands," in line 1235, after the word "lands," to strike out "three hundred" and insert "four hundred and fifty thousand;" so as to read:

For surveying the public lands, $450,000, at rates not exceeding $9 per linear mile for standard and meander miles, $7 for township, and $5 for section lines, &c.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1884.

The message also returned to the Senate, in compliance with its request, the following bills:

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion; and

A bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska.

BRANCH SOLDIERS' HOME.

Mr. HARRISON. I ask the Chair to lay before the Senate House bill 4696.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a bill from the House of Representatives which has been returned at the request of the Senate. The title of the bill will be reported.

The SECRETARY. A bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska.

Mr. HARRISON. I move that the Senate request a conference with the House on the amendments of the the Senate to the bill.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate request a conference with the House of Representatives upon the amendments of the Senate to the bill.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRISON, Mr. MILLER of California, and Mr. COCKRELL were appointed.

REMOVAL OF CHARGE OF DESERTION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the other House bill which has been returned at the request of the Senate.

The Secretary read the title of the bill (H. R. 4383) to relieve certain soldiers from the charge of desertion.

Mr. COCKRELL. I move that the Senate ask a conference with the House of Representatives on the amendments of the Senate to the bill.

The PRESIDENT *pro tempore*. The Senator from Missouri moves

that the Senate request a conference with the House of Representatives on the amendments of the Senate to the bill last reported.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. COCKRELL, Mr. HARRISON, and Mr. SEWELL were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed and continued to line 1284.

Mr. ALLISON. At the end of line 1284 I move to add:

Provided, That all appropriations herein under public lands shall be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "therein," in line 1295, to strike out "the balance of the sum appropriated to" and insert "*Provided*, That of the foregoing sum $27,000 shall;" so as to make the clause read:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $40,000, $2,000 of said amount to be paid annually to a superintendent of said park, and not exceeding $900 annually to each ten assistants, all of whom shall be appointed by the Secretary of the Interior, and reside continuously in the park, and whose duty it shall be to protect the game, timber, and objects of interest therein: *Provided*, That of the foregoing sum $27,000 shall be expended in the construction and improvement of suitable roads and bridges within said park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose.

The amendment was agreed to.

The next amendment was, after line 1301, to insert:

INDIAN AFFAIRS.

For this amount, to pay the Creek Nation of Indians for 151,870.48 acres of land, being the amount taken by the United States in excess of the estimate made in the third article of the treaty with said Indians proclaimed August 11, 1866, at 30 cents per acre, with interest thereon at 5 per cent. per annum from the date of the proclamation of said treaty, $86,313.04.

The amendment was agreed to.

The next amendment was, after line 1312, to insert.

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to appoint and pay the expenses of a commission of three persons to examine and report what changes should be made in the boundary lines of Indian reservations and the location of Indian agencies in Northern Montana, and to confer with the Crows in reference to a reduction of their reservation, and also to report, upon examination, what changes are necessary in the location of the Rosebud, Lower Brulé, and Cheyenne River agencies, in Dakota Territory, $10,000.

The amendment was agreed to.

The next amendment was, after line 1323, to insert:

To pay amount found due N. C. Smith, as per certificate of Second Comptroller numbered 1848, dated June 9, 1884, under appropriation made by the act of August 15, 1876, for "payment of indebtedness incurred by Silas H. Sweetland," $100.

Mr. ALLISON. In line 1324, I move to strike out "C" and insert "J;" so as to read:

To pay amount found due N. J. Smith, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "United States Geological Survey," after the word "States," in line 1336, to strike out "for furnishing points for State surveys; and to continue the collection of statistics of mines and mining;" in line 1341, after "Interior," to strike out "four hundred" and insert "three hundred and eighty-four;" and in line 1343, after the words "by the," to strike out "Director" and insert "Secretary of the Interior;" so as to make the clause read:

For the United States Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the United States; including the pay of temporary employés in the field and office, to be expended under the direction of the Secretary of the Interior, $384,000. And the scientific employés of the Geological Survey shall be selected by the Secretary of the Interior exclusively for their qualifications as professional experts.

The amendment was agreed to.

The next amendment was to strike out lines 1365 and 1366, as follows:

For salary of one general assistant, $3,000.

The amendment was agreed to.

The next amendment was, in line 1368, to reduce the total amount of the appropriations for the "United States Geological Survey" from $67,700 to $64,700.

The amendment was agreed to.

The next amendment was, under the head of "Tenth Census," in line 1372, after the word "on," to strike out "November 1, 1884," and insert "June 30, 1885;" and in line 1374, after the word "employés," to strike out "ten" and insert "seventy-five;" so as to make the clause read:

For the work of taking the Tenth Census and closing the bureau on June 30, 1885, including the salary of the superintendent and of all clerks and other employés, $75,000.

The amendment was agreed to.

The next amendment was, after line 1375, to insert:

And in addition to the number of printed copies of the reports of the tenth census authorized by the act entitled "An act to provide for the publication of the tenth census," approved August 7, 1882, there shall be printed 25,000 copies of the Compendium of the Tenth Census, of which 8,000 copies shall be for the use of the Senate, 16,000 copies for the use of the House, and 1,000 copies for the use of the Department of the Interior; and there shall also be printed and separately bound in paper covers an edition of each of the following-named monograph reports, the number of copies of each edition to be as follows, namely: Of the reports on the seal islands of Alaska, on ship-building, on the cereals, on the manufacture of glass, on the resources of Alaska, on tobacco culture, on the factory system, on wages paid in manufacturing industries, 3,000 copies each; of the reports on the newspapers and publishing interests, on silk manufacture, on chemical products and salt, on flour-milling, on meat production, on the production of petroleum, on the manufacture of coke, on the manufacture of tobacco, on the manufacture of shop-tools, 2,500 copies each; of the report on cotton culture in the United States, including reports on cotton fiber and cotton-seed oil, 3,000 copies; of the report on cotton culture in Louisiana, in Mississippi, in Tennessee, and Kentucky, in Missouri, in Arkansas, in Texas, in Alabama, in Georgia, in North Carolina, in South Carolina, in Virginia, in California, and in the Indian Territory, 2,000 copies each: *Provided*, That of the above-named separate editions one-fourth shall be for the use of the Senate, one-half for the use of the House, and one-fourth for the use of the Census Office: *Provided also*, That the copies of the compendium and monograph reports herein provided for shall be distributed through the Interior Department according to the provisions of existing law: *Provided further*, That the changes or corrections necessitated by errata in former editions of the reports herein referred to shall first be made by the Superintendent of Census; and the sum of $60,000, or so much thereof as may be necessary to defray the expenses of printing and binding the publications herein provided for, shall be paid out of the appropriation made by the act of August 7, 1882, entitled "An act to provide for the publication of the tenth census."

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects," in the appropriations for the "Government Hospital for the Insane," after line 1436, to insert:

And in addition to the persons now entitled to admission to the Government Hospital for the Insane, any inmate of the Soldiers' Home who is now or may hereafter become insane shall, upon an order of the president of the Board of Commissioners of the Soldiers' Home, be admitted to said hospital and treated therein; and if any inmate so admitted from said home is or thereafter becomes a pensioner, and has neither wife, minor child, nor parent dependent on him, in whole or in part, for support, his arrears of pension and his pension-money accruing during the period he shall remain in said hospital shall be applied to his support in said hospital, and be paid over to the proper officer of said institution for the general uses thereof; and the expenses of maintaining any such person shall be paid from the Soldiers' Home fund.

Mr. HARRISON. I move to strike out from the word "therein," in line 1442, down to and including "thereof," in line 1450, in the following words:

And if any inmate so admitted from said home is or thereafter becomes a pensioner, and has neither wife, minor child, nor parent dependent on him, in whole or in part, for support, his arrears of pension and his pension-money accruing during the period he shall remain in said hospital shall be applied to his support in said hospital, and be paid over to the proper officer of said institution for the general uses thereof.

This provision undertakes to take from the soldier, while he is being treated for a mental malady, not only his pension during that time but any arrears of pension. The law regulating the Soldier's Home passed at the last Congress provides that his pension shall be paid to him while in the home, in such amounts as the managers of the home think consistent with good order and discipline, and the remainder is paid over to him when he leaves, or to his heirs in case of death. I can see no reason why, if he is sent to a Government hospital, his pension should then be taken from him. It seems to me that including the provision that the expenses of his maintenance shall be paid from the Soldier's Home fund is all that is needed, especially in view of the fact that they have a very large fund, and these old soldiers who are there have contributed to the fund themselves by a tax assessed upon their pay during their whole term of service.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Indiana to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1456, to insert:

For building one wooden cottage at the cemetery, $800.

The amendment was agreed to.

The next amendment was, after line 1450, to insert:

To continue the work of protection from fire, $5,000.

The amendment was agreed to.

The next amendment was, in line 1462, to increase the appropriation "for building and to complete a barn for stock and the storage of farm products" from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Howard University," in line 1478, before the word "thousand" to strike out "fifteen" and insert "eighteen," and after the word "dollars," at the end of the

same line, to strike out "$1,000 of which shall be paid to the instructor of logic, history, and English literature;" so as to make the clause read:

For maintenance of the Howard University: To be used in payment of part of the salaries of the officers, professors, and teachers, and other regular employés of the university, a portion of which will be paid from donations and other sources, $18,500.

The amendment was agreed to.

The next amendment was, after line 1480, to insert:

For general repairs, $5,000.

The amendment was agreed to.

The next amendment was, after line 1481, to insert:

For increase of library and of philosophical and chemical apparatus, $3,500.

The amendment was agreed to.

The next amendment was, under the head of "Freedmen's Hospital and Asylum," in line 1487, after the word "subsistence," to strike out "twenty-four" and insert "twenty-two;" in line 1491, before the word "thousand," to strike out "thirteen" and insert "fourteen;" in the same line, after the word "dollars," to insert "of which sum $3,500 shall be paid as salary to the surgeon-in-chief;" in line 1497, after the word "expenses," to strike out "nine" and insert "eleven;" and in the same line, after the word "all," to strike out "fifty" and insert "fifty-one;" so as to make the clause read:

For subsistence, $22,000; for salaries and compensation of the surgeon-in-chief, two assistant surgeons, engineer, clerk, matron, nurses, laundresses and cooks, teamsters, watchmen, and laborers, $14,000, of which sum $3,500 shall be paid as salary to the surgeon-in-chief; for rent of hospital buildings and grounds, $4,000; for fuel and light, clothing, bedding, forage, transportation, medicines and medical supplies, repairs and furniture, and other absolutely necessary expenses, $11,000; in all, $51,000.

The amendment was agreed to.

The next amendment was, after line 1498, to insert:

For building four bath-rooms and water-closets, relaying floors, and repairing porches, $1,500; the same to be paid from any unexpended balances of appropriations for the said hospital for the fiscal year 1884.

The amendment was agreed to.

The next amendment was, under the head of "National Museum," in line 1510, before the word "thousand" to strike out "ninety-one" and insert "ninety-five;" so as to make the clause read:

For the preservation of collections of the National Museum: For the preservation and exhibition and increase of the collections received from the surveying and exploring expeditions of the Government, and other sources, including salaries or compensation of all necessary employés, $95,000. And the director of the National Museum is hereby directed to report annually to Congress the progress of the museum during the year and its present condition.

The amendment was agreed to.

The next amendment was, in line 1529, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

For furniture and fixtures of the National Museum: For cases, furniture, and fixtures required for the exhibition of the collections of the United States National Museum, and for salaries or compensation of all necessary employés, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Smithsonian Institution," after the word "stories," at the end of line 1537, to insert "including liabilities already incurred;" so as to make the clause read:

For finishing, heating, gas-fitting, plumbing, and completely furnishing the eastern portion of the Smithsonian Institution, and for finishing the fourth and fifth stories, including liabilities already incurred, $15,000.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 35 to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; and it was thereupon signed by the President *pro tempore* of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "armories and arsenals" under the War Department, in line 1562, before the word "thousand" to strike out "ten" and insert "twenty-six;" so as to make the clause read:

For general care, preservation, and improvement; for building new roads; for care and preservation of the water-power; for painting and care and preservation of permanent buildings, bridges, and shores of the island; for building fences, grading grounds, and repairs and extension of railroad, $26,000.

The amendment was agreed to.

The next amendment was, after line 1564, to insert:

To further deepen the water-power canal at Rock Island arsenal, $28,800: *Provided*, That before said sum shall be expended the Moline Water-Power Company shall bind itself, upon the expenditure thereof for the purpose aforesaid, to release and discharge the United States from all further liability or obligation under the contract between said company and the Secretary of War of August 28, 1882.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1585.

The PRESIDENT *pro tempore*. The Chair suggests to the Senator from Iowa that after the word "vicinity," in line 1584, the word "of" should be inserted, so as to read "in vicinity of officers' quarters."

Mr. ALLISON. Yes; that correction should be made.

The PRESIDENT *pro tempore*. That amendment will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 1617 to 1625, inclusive, as follows:

That the Secretary of War is authorized and directed to sell at public auction, after due advertisement, and at prices not less than those fixed by a board of appraisers in each case, the following arsenals, to wit: Allegheny arsenal, Pennsylvania; Augusta arsenal, Georgia; Indianapolis arsenal, Indiana; Kennebec arsenal, Maine, and Watertown arsenal, Massachusetts; and the money so received, after paying necessary expenses, to be covered into the Treasury.

The amendment was agreed to.

The next amendment was, under the head of "Buildings and grounds in and around Washington," after the word "dollars," in line 1629, to insert:

Said site to be selected by and said pedestal to be erected under the supervision of the Secretary of War, the chairman of the Joint Committee on the Library, and the chairman of the Garfield monumental committee of the Society of the Army of the Cumberland.

So as to make the clause read:

For the preparation of a site and the erection of a pedestal for a statue of the late President James A. Garfield, $30,000; said site to be selected by and said pedestal to be erected under the supervision of the Secretary of War, the chairman of the Joint Committee on the Library, and the chairman of the Garfield monumental committee of the Society of the Army of the Cumberland.

The amendment was agreed to.

The next amendment was, after line 1634, to insert:

To defray the expenses attending the unveiling of the statue of the late Rear-Admiral Du Pont, to be erected in Du Pont Circle, in the city of Washington, District of Columbia, $500, or so much thereof as may be required, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 1644, to increase the appropriation "for improving, care, and maintenance of grounds south of the Executive Mansion" from $3,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 1678, to increase the appropriation "for improving, care, and maintenance of various reservations" from $5,000 to $15,000.

The amendment was agreed to.

The next amendment was, in line 1684, after the words "repair of," to insert "and refurnishing;" and in line 1685, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For care and repair of and refurnishing the Executive Mansion, $15,000.

The amendment was agreed to.

The next amendment was, under the head of "military posts," in line 1722, after the words "enlargement of," to strike out "military posts at San Antonio, Fort D. A. Russell, Fort Niobrara, Atlanta (Ga.), Fort Snelling, and at;" in line 1724, after the word "such," to strike out "other;" and in line 1725, after the word "hundred," to strike out "and fifty;" so as to make the clause read:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $200,000.

Mr. MAXEY. I ask the careful attention of the chairman of the Committee on Appropriations to what I shall say in regard to this amendment. I have no objection whatever to striking out the military posts at San Antonio, Fort D. A. Russell, Fort Niobrara, Atlanta, Fort Snelling, and so on, but in line 1929 the sum allowed by the House, $250,000, is reduced to $200,000. At the request of General Sheridan I visited his office, and went with him through some of the proposed improvements of those posts. I know personally that the policy which General Sheridan proposes to pursue in enlarging the posts at railroad centers and drawing in the smaller posts is economical. To do that the amount appropriated by the House is required. Indeed I know that a larger amount than $250,000 was thought to be proper. But I make no point on that. All I ask is that $250,000 shall be appropriated. About the post at Atlanta, Ga., I know nothing, but I am willing to let the General of the Army take the amount of $250,000 and put that amount down wherever he thinks it is to the best interest of the country to expend it. My opinion is that every dollar of it could be successfully put down, without saying a word against Atlanta, upon the frontier posts.

In view of the recommendations of the General of the Army and the investigation which I made carefully with him—and I think I know something about these things—I ask that the amount given by the House,

$250,000, shall remain in the bill, and that the Senate non-concur with the recommendation of the committee in reducing the amount.

Mr. BROWN. I wish to ask the chairman of the committee why it was that the names of the different posts were stricken out of the bill by the committee?

Mr. ALLISON. Last year we appropriated, in the discretion of the Secretary of War, for the posts most needing the expenditure. We found that the policy worked very well, and we concluded to adopt it in this particular appropriation bill.

Mr. BROWN. Why is the amount reduced $50,000? Does the Secretary of War say to the committee that he can get along properly with $200,000?

Mr. ALLISON. We appropriated last year $200,000, and we heard of no complaint with reference to it. There are very large appropriations relating to these posts for barracks and quarters in the Army bill, amounting to nearly a million dollars, and we thought that for the class of permanent improvements that is usually included in this appropriation $200,000 would be ample. Indeed, some of the members of the committee thought $150,000 would be ample.

Mr. MAXEY. If the Senator will permit me, I know that since last year the architect of the War Department has brought in his plans for the improvement of various posts. It was only a short time ago that General Sheridan called upon me to come up and examine them. Those plans were not before the committee the last time. I think the $250,000 appropriated by the House is right.

Mr. BROWN. I wish to ask the chairman whether the committee conferred with the General of the Army or the Secretary of War on the subject of reducing the amount.

Mr. ALLISON. We did not confer in the sense that the Senator from Georgia would expect us to do so. We examined every paper connected with the matter of these posts, the letters of the Secretary of War and the letter of the General of the Army. Of course, if we followed out the recommendations of the General of the Army and the Secretary of War we should appropriate a very large sum for the Army. They submit every year very large estimates for appropriations for this purpose. The Committee on Appropriations of the Senate and House of Representatives hitherto have endeavored to keep down this class of appropriations to the absolute needs of the service. I think there will be no trouble about it.

I think I see the trouble in the mind of the Senator from Georgia. He dislikes of course to have Atlanta, Ga., stricken out of the bill; but the committee thought there was no special necessity at this time for enlarging upon the present requirements of the service in that direction. That was our idea.

Mr. MAXEY. I make no point on the first amendment striking out the names, but I should like to have the vote so divided that a separate vote shall be taken upon the two propositions.

The PRESIDENT *pro tempore*. The question will be taken upon each amendment separately.

Mr. BROWN. The only reason why I was unwilling to see Atlanta, Ga., stricken out is that the late General of the Army, General Sherman, after having gone through this whole matter very carefully, recommended at the last Congress—and he was very open in his statements—that there be an appropriation made to locate barracks at Atlanta, Ga., because, he said, it was the strategic point of the whole South, and was a very healthy location for troops in summer; that, everything considered, they could be thrown from that point to any point in the Southern States or along the coast more rapidly and with better railroad facilities than any other point. On account of the railroad connections of that city with all the Southern coast and on account of the great healthfulness of the climate he very strongly advocated that course.

However, if the appropriation is large enough to cover the actual necessities of the service, I think we can very well risk that matter on the position Atlanta occupies, and I believe she will get what is right from the present General of the Army and Secretary of War; but I should oppose the reduction of the amount. In other words, I shall vote with the Senator from Texas against reducing the appropriation from $250,000 to $200,000

Mr. PLUMB. There is an item in the regular Army appropriation bill for this same general purpose of about $900,000; I think exactly $900,000. That, added to the amount which the committee propose, makes $1,100,000 for the purpose of barracks and quarters and the enlargement of military posts, &c., which is a very large appropriation for a single year, and the committee thought it was enough.

A somewhat extended illustration of the vice of dividing up appropriations is furnished by this very item. We appropriate what seems to be a small sum for a purpose of this kind, $200,000, oblivious to the fact that a very much larger sum has been appropriated in another place.

By striking out the names of the posts the Secretary of War is invested with the full discretion to put the money which is to be appropriated, whatever the sum may be, where he thinks it will best answer the needs of the public service. That seemed to be wiser than naming the number of posts, and thereby seem to discriminate perhaps against other posts, and thus compel him to make allotments for these various posts notwithstanding they might be of greatly differing need. Possibly at the moment when the money came to be spent there would be no need at all, because, as it happens very often, posts are abandoned, or by reason of some shifting of Indian tribes or something of that kind the necessity for keeping a large garrison at a post entirely disappears. It is the vice of our appropriations for this purpose that we have spent large sums of money in places where there was no reasonable presumption that the posts would be continued, or at all events that they would continue to be of pressing importance. Take Atlanta or take San Antonio, those two places will remain undoubtedly depots of supplies by reason of their central location, and no doubt the Secretary of War will have that in mind in making allotments of funds for those particular posts.

Mr. MAXEY. If the Senator from Kansas will permit me, I have made no point on that. I am perfectly willing to risk the General of the Army putting the money at those posts which are best.

Mr. PLUMB. I was not making my speech for the benefit of the Senator from Texas; I was speaking for the benefit of other people who had not got that far along. I think that $200,000 for the next year with an economical expenditure would be far better than $250,000 in the terms in which the bill came from the House; and I believe that there will be a fuller recognition for all purposes of San Antonio and of Atlanta, Ga., if the appropriation shall remain as recommended by the committee.

Mr. BROWN. I know how hard it is to fight the committee or to prevent an amendment recommended by the committee in any bill where the committee reduces the amount of the appropriation. I trust, however, that this amendment will not be agreed to. I do not care to argue the question further.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Secretary will report the pending question.

The SECRETARY. In line 1722, after the word "of," the committee report to strike out "military posts at San Antonio, Fort D. A. Russell, Fort Niobrara, Atlanta (Ga.), Fort Snelling, and at."

The PRESIDING OFFICER. Will the Senate agree to the amendment?

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be reported.

The SECRETARY. In line 1724, after the word "such," the committee report to strike out "other;" so as to read:

Such military posts as, in the judgment of the Secretary of War, may be necessary.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment in the paragraph will be reported.

The SECRETARY. In line 1725, before the word "thousand," the committee report to strike out "and fifty;" so as to read "$200,000."

The amendment was agreed to—ayes 22, noes not counted.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1726, to insert:

For the addition of two stories to the public building for a quartermaster and commissary depot in process of construction at Saint Paul, Minn., to be used as offices for officers of the Department of Dakota, $30,000.

The amendment was agreed to.

The next amendment was, under the head of "Signal Service," in line 1748, after the words "general service," to insert "connected therewith;" in line 1749, before the word "thousand," to strike out "five" and insert "fifteen;" in the same line, after the word "dollars," to insert "*Provided*, That such connections, in the opinion of the Superintendent of the Life-Saving Service and the Light-House Board, shall be deemed necessary;" and in line 1761, before the word "thousand," to strike out "forty-one" and insert "fifty-one;" so as to make the clause read:

For the observation and report of storms: For expenses of the meteorological observation and report of storms by telegraph and signal or otherwise announcing the probable approach and force of storms, for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, and repair of instruments, $5,500; for telegraphing reports, $136,000; for expenses of storm, cautionary, off-shore, and other signals on the sea and lake coasts of the United States, announcing the probable approach and force of storms, $10,000; for cotton-belt reports, $7,000; for continuing the connections of stations at life-saving stations and light-houses, including services of operators, repairmen, materials, and general service connected therewith, $15,500: *Provided*, That such connections, in the opinion of the Superintendent of the Life-Saving Service and the Light-House Board, shall be deemed necessary; for manufacture, purchase, and repair of instrument-shelters, $2,000; for rent, hire of civilian employés, furniture, and other expenses of offices maintained for public use in cities and ports receiving reports outside of Washington, D. C., $40,000; for river and flood reports, $10,000; maps and bulletins to be displayed in chambers of commerce and boards of trade rooms, and for distribution, $25,000; in all $251,000: *Provided*, That the work of no other Department, bureau, or commission authorized by law shall be duplicated by this bureau.

The amendment was agreed to.

The next amendment was, in line 1765, to reduce the appropriation "for maintenance and repair of military telegraph lines" from $34,000 to $24,000.

The amendment was agreed to.

The next amendment was, after line 1765, to insert:

For the establishment of signal stations upon the island of Nantucket, and of submarine telegraphic communication from such stations to the mainland, $40,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 1777, after the word "dollars," to insert "one commissary sergeant, $408, and one hospital steward, $360, to be detailed from the Army;" in line 1786, after the word "thousand," to strike out "one hundred and fifty-eight" and insert "nine hundred and twenty-six;" in line 1790, after the word "exceed," to strike out "six" and insert "eight;" and after the word "law," at the end of line 1791, to insert "and of the three officers serving in the Arctic seas;" so as to make the clause read:

Pay: For pay of one brigadier-general and fourteen second lieutenants, $26,500; for longevity pay to officers, to be paid with current monthly pay, $4,000; for pay of one hundred and fifty sergeants, thirty corporals and three hundred and twenty privates, including payment due on discharge, $200,000; one commissary sergeant, $408, and one hospital steward $360, to be detailed from the Army; for mileage to officers when traveling on duty under orders, $5,000; cost of telegrams in regard to discharged men, $250; for pay of contract surgeon, $1,200; for commutation of quarters to commissioned officers at places where there are no public quarters, $8,208; in all $245,926. And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed eight commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law and of the three officers serving in the Arctic seas.

The amendment was agreed to.

The next amendment was, in line 1812, before the word "horses," to strike out "six" and insert "eight;" in the same line, after the word "thousand," to strike out "one" and insert "three;" in line 1813, before the word "animals," to strike out "thirty-one" and insert "thirty-three;" in line 1817, before the word "dollars," to strike out "seventeen" and insert "thirty-one;" and in line 1824, after the word "thousand," to strike out "six hundred and fifty-one" and insert "eight hundred and sixty-five;" so as to make the clause read:

Subsistence: For the subsistence of Signal Service enlisted men, and for commutation of rations of Signal Service enlisted men, including $9,090.90 for subsistence stores, authorized articles for sales to officers and enlisted men and company messes, as allowed by paragraph 2199, Army Regulations, 1881, $155,000.

Regular supplies: Fuel, authorized allowance for officers and enlisted men at Fort Myer, Virginia, and for various offices at Fort Myer, Virginia, and on the United States military telegraph lines, $6,200; commutation of fuel for two hundred and twenty enlisted men of the Signal Corps, at $9 each per month, $23,760; commutation of fuel for two hundred and forty-three enlisted men of the Signal Corps, at $8 each per month, $23,328; forage for twenty-five mules and eight horses, $3,300; straw for thirty-three animals, at $7 each per annum, as allowed by paragraph 1898, Army Regulations, 1881, $231; straw for forty enlisted men at post of Fort Myer, Virginia, and for hospital at that post, as allowed by paragraph 1896, Army Regulations, 1881, $46.08; stationery, $100; stoves and repairs to heating apparatus, $600; lights, $300; in all, $57,865.08.

The amendment was agreed to.

The next amendment was, after line 1832, to insert:

For interment of officers and men, $200.

The amendment was agreed to.

The next amendment was, after line 1833, to insert:

For apprehension of deserters, $120.

The amendment was agreed to.

The next amendment was, in line 1839, after the word "namely," to insert "four horses and;" in line 1841, after the word "thousand," to insert "eight hundred;" and in line 1845, after the word "all," to strike out "thirty-five thousand five" and insert "thirty-six thousand three;" so as to make the clause read:

Transportation: For transportation of material and funds, $25,000; for transportation of men, $8,875; means of transportation, namely, four horses and five mules, at not exceeding $200 each, $1,800; one set six-mule harness, $85; one set four-mule ambulance harness, $45; for leather, iron, and timbers for repairs to means of transportation, $500; in all, $36,305.

The amendment was agreed to.

The next amendment was, in line 1878, after the word "pay," to insert "and allowances;" so as to make the clause read:

And there shall not be expended from any moneys appropriated by the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes," any money for the support of the Signal Service or Corps, except the pay and allowances of such commissioned officers as the Secretary of War may detail for service in that corps, and except the appropriation of $5,000 therein contained for expenses of the Signal Service of the Army, and excepting also the pay and allowances of fourteen enlisted men detailed from the line of the Army serving with Lieutenant Greely in the Arctic regions.

The amendment was agreed to.

The next amendment was, in line 1894, after the words "Houses on," to strike out "the first" and insert "or before the third;" so as to make the clause read:

That a joint commission, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House, to be appointed by the Speaker of the House of Representatives, shall consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, with the view to secure greater efficiency and economy of administration of the public service in said bureaus; and said joint commission shall report to their respective Houses on or before the third Monday in December, 1884, their conclusions, by bill or report.

The amendment was agreed to.

The next amendment was, under the head of "National cemeteries," after line 1916, to insert:

For purchase of additional landfor the Cypress Hills National Cemetery, near Brooklyn, New York, $15,600.

The amendment was agreed to.

The next amendment was to strike out lines 1920 to 1925, inclusive, as follows:

For the completion of the road from Chattanooga to the national cemetery near that city, $2,500: *Provided*, That said work shall be first advertised and let to the lowest bidder; and no part of this sum shall be expended for anything except for labor and material on said road.

Mr. HARRIS. I ask the Senator from Iowa, the chairman of the Committee on Appropriations, to allow this amendment recommended by the committee to be disagreed to. I hold in my hand a statement from my colleague in the House, the immediate Representative of that district, in which he says, among other things, that the road leading from the city of Chattanooga to the national cemetery is almost impassable.

Mr. ALLISON. Will the Senator repeat that language?

Mr. HARRIS. The language he uses is that the road is almost impassable; and this sum of $2,500 will finish it. The Government has expended large sums to beautify the grounds and has nearly finished the road. It should now finish it. The Quartermaster-General's estimate was $3,500, but the Representative says the sum of $2,500 will complete the road. I think about $12,000 have already been expended upon the making of the road from the city to the cemetery, yet the road is not completed. Two thousand five hundred dollars more will complete it; and the Government has expended already $12,000 on the roads, with certain other amounts expended in beautifying the cemetery. I hope the chairman of the committee will consent that this amendment may be disagreed to, and the appropriation of $2,500, absolutely necessary to complete it, may be made.

Mr. ALLISON. The Committee on Appropriations struck this out for the reason that we had already appropriated $12,500 for this macadamized road and we have twice appropriated for its completion. Last year we were told that it would not require $2,500, and therefore we inserted in the appropriation of last year a provision "that the sum of $2,500, or so much thereof as may be necessary, be appropriated." We were determined that for once this road should be completed, because we supposed it would be completed with the appropriation made two years ago, and last year we provided that only so much as was necessary to complete it should be expended. Now the Senator reads a letter saying that this road is almost impassable. If $12,500 expended have made it impassable, I should like to know how much money it would take to complete the road so as to make it a proper macadamized road. That is the trouble with this Chattanooga affair, and that is the reason we struck it out. We have twice before appropriated for the completion of this road.

Mr. HARRIS. Twelve thousand five hundred dollars have been heretofore appropriated, and as the Senator from Iowa states the last year's appropriation contemplated completion, but it is not completed. The $12,500 have made a good road for the greater part of the distance, seven miles I believe it is from the city of Chattanooga to the cemetery; but there is yet a gap wholly unimproved, that is, according to the statement of my colleague in the House, which is perfectly reliable, almost if not quite impassable. It remains for the Senator from Iowa and the Senate to determine whether we shall appropriate the additional $2,500 to complete that part of the road that is wholly incomplete and almost impassable, or leave it impassable with the $12,500 already expended upon it without the accomplishment of the object. The error has been in the estimates of the officers of the Government, not the fault of that locality or that people. If they have underestimated it, if they have found the appropriations heretofore made inadequate to the work, the question for the Senate to determine is whether we shall make the necessary appropriation or turn our backs upon the $12,500 already expended and leave the road impassable, as I am assured it is, or nearly so, in its present condition.

Mr. ALLISON. I do not think the fault can be entirely with the officers who make these estimates, as I find the House has put in a provision here, "and no part of this sum shall be expended for anything except for labor and material on said road," from which I infer that a portion of the appropriations hitherto made has gone to some superintendent or some officer there who was supposed to be expending the appropriation upon himself rather than upon the labor necessary to complete the road. But inasmuch as I now have the assurance of the Senator from Tennessee that this road will be completed with this $2,500, and being now impassable will be very good after the money is expended, I shall make no further objection to his suggestions.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1926, after the word "construction," to insert "and completion;" in line 1928, before the word "thousand," to strike out "ten" and insert "twenty;" and after the word "dollars," at the end of the same line, to insert "and none of said money shall be expended until contracts shall be made for the completion of said road for the sum hereby appropriated;" so as to make the clause read:

For the construction and completion of a macadamized road from Springfield, Mo., to the national cemetery near that city, $20,000; and none of said money shall be expended until contracts shall be made for the completion of said road for the sum hereby appropriated.

Mr. ALLISON. I am instructed by the Committee on Appropria-

tions, so that we may not have a repetition of this trouble, to move to insert $22,500 instead of $20,000, in line 1928.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "miscellaneous objects," in line 1952, after the word "with" to strike out "the Providence Hospital by" and insert "such institution as;" and in line 1953, after the word "Army," to insert "may select;" so as to make the clause read:

For the support and medical treatment of transient paupers: For the care, support, and medical treatment of seventy-five transient paupers, medical and surgical patients, in the city of Washington, under a contract to be made with such institution as the Surgeon-General of the Army may select, $15,000.

The amendment was agreed to.

The reading of the bill was continued to line 1972.

Mr. ALLISON. I am instructed by the committee to offer a proviso to come in at this point, and it being in the nature of legislation, I ask unanimous consent. It is a proviso to the item as to the publication of the Official Records of the War of the Rebellion.

The SECRETARY. After line 1972 it is proposed to insert:

Provided, That the time fixed in said act be, and the same is hereby, extended from July 1, 1884, until July 1, 1885, and any act or joint resolution to the contrary be, and the same is hereby, repealed.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 1986.

Mr. ALLISON. I move to strike out the word "legislation" and insert "Legislature" in line 1986; so as to read:

In accordance with the action of the Legislature of Kansas.

The PRESIDING OFFICER. That correction will be made if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1988, to insert:

For payment of the expenses of a board of three officers of the Army to be detailed to assist the Secretary of War in examining and reporting upon the claims of the States and Territories named in the act of June 27, 1882, while on said duty, including clerk-hire and hotel, traveling, and such other necessary expenses as may be approved by the Secretary of War, $25,000, or so much thereof as may be necessary: *Provided*, That said officers shall, before proceeding to the discharge of said duties, be sworn that they will carefully examine said claims, and that they will, to the best of their ability, make a just, true, and impartial statement thereof, as required by said act.

The amendment was agreed to.

The next amendment was, after line 2001, to insert:

Bounty to volunteers and their widows and legal heirs: For payment of amounts of bounty to volunteer soldiers who served in the war of the rebellion, and their widows and their legal heirs, which may be certified to be due by the accounting officers of the Treasury Department, $150,000.

The amendment was agreed to.

The next amendment was, after line 2007, to insert:

Bounty under act of July 28, 1866: For payment of amounts of additional bounty under the act of July 28, 1866, which may be certified to be due by the accounting officers of the Treasury Department, $100,000.

The amendment was agreed to.

The next amendment was, after line 2013, to insert:

Pay of two and three year volunteers: For payment of amounts to two and three year volunteers who served in the war of the rebellion which may be certified to be due by the accounting officers of the Treasury Department, $100,000.

The amendment was agreed to.

The next amendment was, after line 2018, to insert:

Army and Navy hospital at Hot Springs, Ark.: For supplying bath-house, main building, and annex with hot and cold mineral waters, $8,000.

Mr. ALLISON. I hope that amendment will be disagreed to. It was inserted under a misapprehension.

Mr. GARLAND. What is the reason of the opposition to the amendment?

Mr. ALLISON. The amendment is:

For supplying the bath-house, main building, and annex with hot and cold mineral waters, $8,000.

The building is not yet completed and probably will not be completed until we meet again next winter, and there is no appropriation for the furnishing of the building. It is hardly worth while to appropriate for supplying the building until after we have completed it in such a way as to get it ready for occupancy.

Mr. GARLAND. It is a mere matter of conjecture whether the building will be completed in the time the Senator from Iowa indicates. There is no proof that it will not be; and before the committee yesterday I understood it was unanimously agreed that this amount should be appropriated. The truth is an appropriation of $25,000 is needed, but the committee reduced the amount to $8,000 and I certainly see no reason why it should be rejected.

Mr. HAWLEY. I had intended to invite the attention of the Senator from Iowa to this case. The hospital building, I am authoritatively informed, will be finished in October; and if it is desired to occupy the building as a hospital, a further appropriation ought to be made. There ought to be at least the further appropriations estimated by the Surgeon-General and approved by the Secretary of War; and if they be made, the building can be ready for general use and occupation next March; but if nothing further is done than is proposed by the Committee on Appropriations the work can not be resumed until after the 1st of July, 1885, and the building will be ready for occupation perhaps in October, November, or December of that year. It is just a question of whether we wish to go straight along and finish the building. Furnishing a bath-house and furnishing hot and cold water will be of no use unless you proceed with the other estimates sent in by the Secretary of War for grading and improving the grounds. The gentlemen familiar with that place tell me it is exceedingly rough and that considerable grading is absolutely necessary. In the next place, you will need hospital appliances, necessary office and other furniture for a hospital, $15,258.10 by the estimates.

Mr. ALLISON. How much for the grading?

Mr. HAWLEY. For grading and improving grounds—this is the Surgeon-General's estimate—$27,673; for hospital appliances, furniture, and bedding, &c., $15,258; for means of transportation required for the use of the hospital, including ambulances, wagons, horses, mules, stable equipments, forage, and pay of teamsters, $5,438.26. Then, for expenses of maintenance for one year—for you must have some doctors and employés to support it—including subsistence of patients, pay of employés, fuel, gas, stationery, ice, tools, farming implements, $3,400.70.

Mr. ALLISON. If the Senator will allow me, I will withdraw my suggestion and let this amendment go in. I would rather allow this to remain than to carry out the suggestions of the Senator from Connecticut.

Mr. HAWLEY. Did the Senator propose to strike out the $8,000?

Mr. ALLISON. I did; but after hearing the Senator as far as I have, I am quite willing to allow it to go in.

Mr. HAWLEY. I desire to give the inexperienced and youthful Senator from Iowa notice that if he is about to allow this to be a Government hospital, something more is necessary than a building and a bath-house. He must have an ambulance and a doctor at least.

Mr. ALLISON. I was rather of that impression myself; but it will take a considerable sum of money to carry out the suggestions made by the Surgeon-General, and inasmuch as the committee believed that it was not necessary to do that at this time, they only inserted this one provision, which we supposed was for the erection of a bath-house, and not for the supplying of water to it. Therefore I am quite willing to leave this out or in, just as the Senate prefers.

Mr. HAWLEY. It is $8,000 toward the completion of the building, and the Senate must give the other $80,000 now, or next winter, or let the building stand idle.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes;" and it was thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

The bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment recommended by the Committee on Appropriations to insert lines 2019 to 2022, inclusive.

Mr. GARLAND. The Senator from Iowa withdrew his objection to it.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2084, to insert:

For the construction of a fire-proof building for headquarters and library at the Artillery School, Fortress Monroe, Va., as per plans submitted to Congress December 6, 1880, and printed in Senate Executive Document No. 2, Forty-sixth Congress, third session, $30,000.

The amendment was agreed to.

The next amendment was, under the head of "National Home for Disabled Volunteer Soldiers," after line 2096, to insert:

For addition to hospital at the Central Branch, at Dayton, Ohio, $63,350.

The amendment was agreed to.

The next amendment was, in line 2116, to increase the appropriation

"for Southern Branch, to build and complete new hospital," from $87,000 to $125,000.

The amendment was agreed to.

The next amendment was, in line 2120, to increase the total amount of the appropriation for "National Homes for Disabled Volunteer Soldiers" from $1,299,134 to $1,400,484.

The amendment was agreed to.

The next amendment was, after line 2127, to insert:

UNDER THE POST-OFFICE DEPARTMENT.

For rent of an additional building or additional rooms for the use of the money-order office of the Post-Office Department, and of the money-order division of the auditor of the Treasury for the Post-Office Department, $1,800, or so much thereof as may be necessary.

For gas, $400; stoves, $400; and for furniture for money-order office, $500; in all, $1,300.

To enable the Postmaster-General to carry out the provisions of the law passed at the present session allowing fifteen days' leave of absence with pay to letter-carriers, $50,000.

Mr. ALLISON. I move to strike out, in line 2140, after the word "law," the words "passed at the present session." That is not necessary.

The amendment to the amendment was agreed to.

Mr. BECK. I do not rise to oppose the amendment, but to call attention to a fact. We have allowed the letter-carriers fifteen days leave of absence, and that means to allow everybody from fifteen to twenty days. The Bureau of Engraving and Printing is now urging it. We are doing it everywhere else, and we are advised that it will require from $100,000 to $150,000 to employ temporarily persons to do this work and to do it satisfactorily, during the fifteen days that we are allowing the letter-carriers to leave their work. One hundred thousand dollars was asked, $50,000 is allowed, to bridge it over until December, when we can make a further allowance.

I only rose to say that while we appear to be doing very fine things in a small way we are required to pay immense sums of money to do them, and injuring the public service by temporarily employing people who know nothing about the business during the days the regular persons are not employed. So it will be in every department of the Government; the moment you give it to one you must give it to all, because all insist that they have the same rights.

There are several other hundred thousand dollars that will have to go very soon if this is done now. It might as well be understood that the small things we are appearing to do as mere matters that amount to nothing really involve hundreds of thousands of dollars, and sometimes millions.

The amendment as amended was agreed to.

Mr. ALLISON. In line 2143 I think the "i" had better come out; so as to read "electoral."

The PRESIDENT *pro tempore*. The letter "i" will be taken from the word "electorial" if there be no objection. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "District of Columbia," to strike out from line 2154 to 2157, as follows:

For the construction of an addition to the building known as the Home of the Little Sisters of the Poor in the city of Washington, D. C., $25,000.

Mr. ALLISON. I am instructed by the committee not to insist upon that amendment.

Mr. BECK. I believe the chairman of the committee said he was instructed this morning by the whole committee not to insist on striking that out. The subcommittee struck it out. The whole committee have inserted it, not I think because they want it, but because the Garfield Hospital and a number of other items of the same class are sought to be added. I believe I am correct in that.

Mr. ALLISON. I am instructed to offer an amendment for the Garfield Memorial Hospital.

Mr. BECK. It is just as well to begin here to state the situation. We sought to divorce, if I may use the word, the District of Columbia matters from the sundry civil bill, and in the District of Columbia bill we have made provision for a great many of these charities. I hold it in my hand. It provides for eight or ten of them; but not content with that and with what has been inserted here, a pressure is made by very clever people and very generous people and Christian people for all sorts of amendments to be added to the sundry civil bill. We are not getting clear apparently of the difficulties of mixing up the charity system of the District of Columbia as it was before by having a separate bill for the District of Columbia. I hold in my hand a number of other amendments which the committee have not agreed to, quite as meritorious as the Garfield Hospital item and those now being inserted, all of which, if we are going into that business, I shall endeavor to have inserted, because there is no use of giving aid to one unless you aid all these institutions. I think the Senate had better stop now for the time being, and let them be content with the aid which has been given in the District of Columbia appropriation bill, and not open the door to all the amendments which will be suggested to this bill by the various charities in the District of Columbia.

That is all I care to say. This is just as good as any of the others, and I am not sure but a little more meritorious than many others which will be offered. I am not yet prepared to say that a point of order can be sustained when the other amendments are offered. I think they are private matters. At least I shall ask the Chair to rule upon that point when the occasion arises.

The PRESIDENT *pro tempore*. The question is upon the amendment.

Mr. ALLISON. In view of what the Senator from Kentucky has said I hope this amendment will be passed over until we see what we do with the other items to which he has referred.

Mr. BECK. If the amendment fails to prevail, the item having been inserted by the House will still be in the bill; and we are going through this anomaly all the time under the rules of the Senate, that matters which are ruled out of order because they are legislation can not be considered here because they are new legislation; but once being inserted in the House bill they are open to a committee of conference, and that committee of conference, composed of three men from each House, can put on what they like, irrespective of the rules of either House, and the Senate and the House have to pass upon the conference report as a whole. No point of order can be made upon that, I suppose.

The Chair smiles as though I was wrong there. I am so apt to be wrong on points of order that perhaps I am; but that will be the practical result; that is the way it always works, law or no law. I have referred to the tariff conference of last year before; we know something about that. The result is going to be that when a thing is once in the bill and the conferees get together they will do pretty much as they please. The Little Sisters of the Poor are in the bill by the action of the House. I admit that; and refusing to agree to the motion to strike out does not take out the item. I think we had better begin with it now and strike out all the items of this class.

The PRESIDENT *pro tempore*. The Chair thinks it proper to say for the information of the Senate, although the question is not at this moment presented for his decision, that he has examined the question as to the power of conferees that has arisen on the District of Columbia appropriation bill, and is of opinion that it is not within the power of the Senate conferees to report in favor of the Senate agreeing to an amendment to a House bill that would not be in order if recommended by any other committee of the Senate.

Mr. BECK. But allow me to ask for information—suppose they do it, their report has to be acted on as a whole, and I suppose the Chair could not strike out that part of it.

The PRESIDENT *pro tempore*. The Chair could not strike it out; but the Chair, if the point were made, would be obliged to hold, after having investigated the subject, that such a report was irregular. That would leave the Senate to do what it chose with the other amendments or to overrule the Chair. The question is on agreeing to this amendment.

Mr. HALE. Some of the Senators did not hear precisely what was the ruling of the Chair with reference to the power of conference committees upon amendments. I did not myself.

The PRESIDENT *pro tempore*. The Chair has made no ruling, but he thought it right for the information of the Senate to state his opinion, formed upon investigation in respect to the power of conferees. The Chair is of opinion that it is not within the power of the conferees of the Senate to put into a bill anything that any committee of the Senate could not put in or that members could not put in.

Mr. HALE. As an amendment to a House proposition coming to the Senate from the House?

The PRESIDENT *pro tempore*. Precisely the same point of order can be made, the Chair thinks, against the report of a committee of conference in respect to putting legislation on a bill that could be made against a report from any committee of the Senate.

Mr. HALE. But supposing that in conference of the two Houses the conferees on the part of the House of Representatives propose an amendment to a provision that the House has inserted in an appropriation bill, an amendment entirely germane under the rules of the House, and modifying a proposition that has passed the House, and the conferees on the part of the Senate agree to that amendment and report as a conference committee the original proposition that came from the House with an amendment in order under the rules of the House, would the Chair, I will not say rule, but intimate that the ruling would be that there was no power on the part of the conferees to do that?

The PRESIDENT *pro tempore*. The Chair will say that in his opinion, formed after study and investigation, the conferees on the part of the Senate are merely its agents, that they are not governed or affected or instructed by any rule of the other body but by our rules, and therefore if anything that the conferees of the Senate recommend to the Senate to be concurred in in the House bill is a proposition which if proposed in this Chamber from a committee would not be in order, it would not be in order if recommended by a committee of conference.

Mr. HALE. That would revolutionize all the practice as to conference reports.

The PRESIDENT *pro tempore*. That may be. The Chair only states what he thinks the law of the Senate is.

Mr. HALE. Then when a proposition comes from the House originally, under their rules, objectionable, offensive as it may be to the Senate, the Senate can not say or do anything, because the House,

under its rules, has sent a proposition here To hold that in a joint conference of the two bodies, represented by conference committees, there can not be an amendment to that original proposition of the House that is according to their rules adopted and sent to this body, I think, as I have said, introduces an entirely new practice.

I am not prepared to argue that question, but I think that the Senate should take notice that it is an absolute change of what has been the practice with reference to conference reports. I may say here that I do not believe in extending the power of conference committees. That power is enormous at present. It is a power that *ex necessitate rei* is not much questioned; but whenever any question does arise, I believe it is the duty of conferees, largely on the appropriation bills made up from members of the Appropriations Committee, where there is any doubt about it to give the decision in favor of not extending their power. I do not think anything ought to be done by the conferees appointed from the Committee on Appropriations that under any circumstances should raise a question in the Senate.

Mr. HARRIS. Will the Senator from Maine allow me to make a suggestion to him?

Mr. HALE. Certainly.

Mr. HARRIS. This question, however grave and important, is not now before the Senate. The Chair has notified the Senate as to the opinion that the Chair entertains, which I think is precisely correct; but I beg that we do not undertake to debate the question now, because it is not pending. When it becomes practical, we can then talk about it.

Mr. HALE. I do not propose to do so, but the days and hours are waning, and I wish to call attention to the matter now, as some guidance for the conference reports that may come in for the rest of the session. Let the intimation made by the Chair be regarded and considered with reference to conference reports.

Mr. ALDRICH. I agree with the Senator from Tennessee that it may not be profitable to discuss this question from the purely hypothetical standpoint. There is a matter pending now before the Senate, or liable to be called before the Senate at any time, the conference report upon the District of Columbia appropriation bill, which will raise the practical point whenever that conference report is under consideration, and I should like to have it called up as soon as this bill is disposed of so that the question may be practically settled by the Senate.

The PRESIDENT *pro tempore*. The Chair thought it right to mention in reply to the Senator from Kentucky what the views of the Chair are upon the subject. The Chair will take the liberty of saying, in addition, to the Senator from Maine, that the Chair thinks the Senator from Maine is under a misapprehension as respects the nature of a conference. The conferees of each House, the Chair thinks, are entirely independent of the other, and merely represent the views of their own House. They, in their conduct, are governed by the rules of their own House, and not by the rules of the other. A conference report may be properly made, the Chair thinks, by the Senate conferees upon any bill, whether the gentlemen of the other House should sign the report or not. The only object, the Chair supposes, of the report being signed by the conferees on both sides is to identify with absolute certainty what they have agreed to recommend to their respective Houses as of their own right.

The Chair begs to apologize for having suggested the question now, although he thought it right to do so in view of what the Senator from Kentucky had said. The question is on agreeing to the amendment striking out the words which have been reported.

The amendment was agreed to.

RIVER AND HARBOR BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. A. S. WILLIS of Kentucky, Mr. N. C. BLANCHARD of Louisiana, and Mr. T. J. HENDERSON of Illinois managers at the conference on its part.

Mr. ALLISON. I ask that the message from the House be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. The bill passed the Senate with sundry amendments, and is returned from the House with a message, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 2, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Ordered, That Mr. WILLIS, Mr. BLANCHARD, and Mr. T. J. HENDERSON be the managers of the said conference on the part of the House.

Mr. MCMILLAN. I move that the Senate insist on its amendments disagreed to by the House and agree to the conference thereon asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM were appointed.

FOURTH OF JULY.

Mr. SHERMAN. I beg leave to submit a resolution which I will ask to lie over until to-morrow morning, unless the Senate by unanimous consent see proper to adopt it now.

The PRESIDENT *pro tempore*. The resolution will be read for information, if there be no objection.

The resolution was read, as follows:

Resolved, That the Senate will meet at the usual hour on Friday, the 4th day of July, instant, and after the reading of the Journal, and before other business is done, the Secretary of the Senate shall read the Declaration of American Independence and Washington's Farewell Address.

The PRESIDENT *pro tempore*. The Chair understands the gentleman from Ohio to ask for the present consideration of the resolution.

Mr. HARRIS. Let it lie over.

Mr. SHERMAN. If there is any objection, let it go over.

The PRESIDENT *pro tempore*. The resolution will be printed, and go over.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 2157, to insert:

For repairs to the police-court building, District of Columbia, $1,500.

The amendment was agreed to.

The next amendment was, after line 2161, to insert:

To pay to the Church Orphanage Association of Saint John's church for the erection of a building for the use of said orphanage, of Washington, D. C., $6,000.

Mr. ALLISON. I move to insert at this point the amendment which I send to the desk.

The PRESIDENT *pro tempore*. Is it an amendment to the paragraph just read?

Mr. ALLISON. It is an independent amendment.

Mr. BECK. I rise for the purpose of asking the Senate to strike out the clause just read in order to prevent so many others from coming in. I do not believe there is any serious objection to this item. The building in which those people now keep, and have done so for fourteen years, some fifty-odd children and have taken care of them, is in such a dilapidated condition that it has been condemned by the commissioners as unsafe and dangerous; but I really feel that in doing it we are opening the door to too many applications and we ought not to aid those people in building an additional building or one that shall be safe, as they have been ordered to do by the commissioners. In other words, the house is condemned and we ought to aid them to get one in which they can safely take care of the children; but if it is going to open the door to all the others, I think the paragraph had better go out.

Mr. HARRISON. I notice that the committee has recommended us to strike out, and the Senate has agreed to strike out, a special appropriation for the Little Sisters of the Poor. It seems to me we ought to observe some uniformity with reference to this sort of appropriations. For one, I can see how the burdens of taxation in the District and the obligation of the District government to take care of the unfortunate classes here may be relieved by these private charities. I have no doubt the institution of the Little Sisters of the Poor and this Church Orphanage Association both do a great deal toward relieving taxation, and in that view it may be proper to make some annual appropriation for the maintenance of the dependent ones who would otherwise fall upon the District for support. But if we once go into the business of putting up orphanages and homes under the supervision of the different churches in the District, it seems to me we are entering upon a pretty wide field of operation. I would not make a distinction between the churches. No doubt in each of these instances they are doing a good work, but I think if we start into the business of building houses for the different churches we shall run through the whole list and we can not stop. I think we had better stop now and not agree to this amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Iowa will now be reported.

Mr. ALLISON. In view of the vote just taken with reference to these charities in the District of Columbia, I feel instructed by the committee to withdraw the amendment I was about to offer a few moments ago.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2165, to insert:

That the proper accounting officers of the Treasury Department are hereby directed to allow and pay, out of any money in the Treasury not otherwise ap-

propriated, to each of such persons, or their legal representatives, who were officers, clerks, and employés of the metropolitan police force of the District of Columbia on the 28th of February, 1867, a sum equal to 20 per cent. on the salary of such persons as fixed by law, for the time stated in said resolution of the 28th of February, 1867.

The amendment was agreed to.

The next amendment was, in line 2175, to insert:

That the sum of $85,000 appropriated for the Boundary street intercepting sewer by the act approved July 1, 1882, is hereby reappropriated and made immediately available for work done and to be done under the contracts heretofore made for its expenditure, or such future contracts as shall be made therefor.

Mr. PLUMB. I should like to call the attention of the Senator from Iowa to the fact that the last two appropriations inserted are appropriations out of the Treasury entirely, and there is no clause attached to them which requires one-half to be taken out of the treasury of the District of Columbia. I therefore move to add——

Mr. ALLISON. I understand the last item is simply reappropriating the interest paid, one-half by the District and one-half by the United States, under a previous law passed some years ago.

Mr. PLUMB. That may be, but that would not be the case with reference to the preceding paragraph, at all events.

Mr. ALLISON. I see now what the Senator alludes to specially, to the paragraph from line 2166 to line 2175. For myself, I do not father that amendment in any sense, and I leave it to others to promote it. The Senate passed at this session a separate bill requiring the payment of this money.

Mr. PLUMB. Has it passed both Houses?

Mr. ALLISON. No, sir.

Mr. PLUMB. Then I move a reconsideration of the vote by which that amendment was adopted. I had not observed its terms.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the vote agreeing to the amendment reported from the committee inserting the paragraph from lines 2166 to 2175 be reconsidered. It will be reconsidered if there be no objection. It is reconsidered. The question is on agreeing to the amendment.

Mr. PLUMB. I hope the amendment will not be adopted. The Senate has acted upon the measure, but not the House, and it is proper to leave it until the other branch of Congress shall have acted upon the subject-matter.

Mr. VANCE. I understand a vote is to be taken on the proposition to reconsider.

The PRESIDENT *pro tempore*. The vote was reconsidered, and the question is on agreeing to the amendment.

Mr. VANCE. On that I wish to say a word. This is a claim founded upon a joint resolution of the two Houses passed seventeen years ago, paying 20 per cent.——

Mr. PLUMB. I feel under the circumstances, after the statement of the Senator from North Carolina, constrained to make the point of order on the amendment that it is a private claim.

Mr. VANCE. The Chair will see that it is in pursuance of an existing law.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Kansas to make a point of order.

Mr. PLUMB. I raise the point of order on the paragraph.

The PRESIDENT *pro tempore*. The Chair would be glad to be informed whether there is any existing law which requires the payment of this sum of money.

Mr. HARRIS. In 1867 there was an act passed allowing certain extra pay to certain officers. The accounting officers of the Treasury held that the act did not apply to the class of persons provided for in this amendment and declined to pay them. Some one of that class made a test case. It went to the Supreme Court of the United States and the court decided that it did cover this class of persons. A private bill for the relief of this class has been introduced from session to session for many sessions and referred to the Committee on the District of Columbia, at the present session as well as at former sessions. The committee reported at this session of Congress in favor of the passage of that private bill.

Mr. BECK. It was passed.

Mr. BUTLER. It passed the Senate.

Mr. HARRIS. It has passed the Senate, but it has not yet passed the other House. That is the exact history of the case.

Mr. BECK. The act of February 28, 1867, Statutes at Large, volume 14, page 569, contains the language referred to by the Senator from Tennessee, which is in these words:

An additional compensation of 20 per cent. on their respective salaries as fixed by law, or, where no salary is fixed by law, upon their pay respectively, for one year from and after the 30th day of June, 1866.

That has been construed by the Senate by the passage of the bill reported by the Senator from North Carolina [Mr. VANCE], and which had been reported two years ago by the Senator from Alabama [Mr. MORGAN] and had a unanimous report of the Committee on the Judiciary of the House by the Representative from Vermont [Mr. POLAND]. I suppose there is no doubt under all the constructions given that there is an existing law for the payment. It was upon that theory that we proceeded yesterday in considering the amendment.

Mr. HARRIS. The Supreme Court decided the case.

Mr. BECK. The Supreme Court has decided that these policemen were embraced in the law. I had all those reports, but I can not lay my hand on them now. I thought the clerk of the committee had them with him. They were lying on my table this morning, and gave all the facts. The report of the Senator from North Carolina contains the decision of the Supreme Court in 28 Wallace, 588, and the authorities are referred to where they sustain the claims and say they come within the provisions of the act.

The PRESIDENT *pro tempore*. The Chair remembers the case. The Chair understands that this is a provision for the payment of overdue salaries to a class of officers who according to this decision are entitled under a former law to a salary that has not been paid them. The Chair therefore overrules the point of order, thinking that if Congress has failed to appropriate for general salaries to a class of officers that in point of law they were entitled to, the amendment does not fall within the provision in relation to private claims. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PLUMB. I now move to add at the end of line 2182 these words:

One-half of said sum appropriated by the two preceding paragraphs to be paid out of any money in the Treasury of the United States and the other half to be paid out of the revenues of the District of Columbia.

Mr. SHERMAN. I hope that amendment will not be adopted. The system of intercepting-sewers is very expensive. Work was undertaken by the Government of the United States in the first instance without respect to the District authorities. It is really a system of conveying water from the outlying regions off into Rock Creek and into the Eastern Branch, and originally was not designed to be charged upon the District of Columbia. It seems to me it is not right that it should be charged to the District of Columbia. At the last session of Congress, if I remember aright, or perhaps at this session, there was a provision made that the District government should pay interest at the rate of 3 per cent. upon one-half of the cost of these intercepting sewers. If the Senator would confine his amendment to that provision it would be all right, but to load the District government with this $40,000, to come out of their current revenue, would probably prevent them from availing themselves for general city purposes of the District revenues.

I should have no objection if the Senator would make his amendment requiring that one-half of this should be paid in the same mode and manner directed by existing law for the other appropriations for intercepting-sewers, and I think that requires them to pay at the rate of 3 per cent. interest.

Mr. PLUMB. The Senator is I think mistaken. This originally was appropriated to be paid in just the way I propose now to pay it; but by reason of the construction of the First Comptroller of the Treasury in regard to the contract under which the money was to be expended, it could not be expended. The commissioners came down and asked us to put it in the District of Columbia bill. It was put in that bill; but when the matter came into conference the House conferees objected to the last part of the amendment on account of its reference to a former contract, and after some conference it was left out in order to ascertain exactly how the law was. The commissioners asked that it be put in this bill in the same way. It only went out of the former bill for the reason I stated a moment ago. It will not impair their funds at all. It is entirely proper that one-half of this expense should be paid by the District.

Mr. SHERMAN. I am informed by a member of the District Committee that the provision I spoke of applied only to the aqueduct. If the ordinary disposition of this money is that one-half of it is charged to the District, I have no objection to the amendment.

Mr. HARRIS. I think it is. I know there was a 3 per cent. proposition such as is referred to by the Senator from Ohio applied to the appropriation for extending the aqueduct, but I do not remember any such proposition in respect to any other matter.

Mr. ALLISON. I think so far as the last item is concerned, under the District act of 1882, without any such amendment as is proposed by the Senator from Kansas, one-half of this item would be paid by the District of Columbia, because this is simply a reappropriation of money appropriated in 1882 when the District was obliged to pay one-half. I do not think they ought to pay out of the current revenues of the District one-half of the other appropriation. That appropriation is for the Metropolitan police of 1867. At that time the entire Metropolitan police was paid by the Government of the United States. It seems to me it would be wrong to put upon the expenditures of the District for 1885 an expense that was incurred by the Government of the United States itself in 1867.

Mr. SHERMAN. That was before the District government was formed.

Mr. ALLISON. Long before the District government was formed. I think it is not a wise thing to do.

Mr. PLUMB. Very well; I have no objection to making the amendment apply simply to the latter section.

Mr. ALLISON. That is, the last paragraph, the one contained in line 2176 to line 2182?

Mr. PLUMB. Yes; the last paragraph.

Mr. HARRIS. So far as it applies to sewers I think it is entirely right; but I think it ought not to be applied to the other item.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the "miscellaneous" appropriations "under the Department of Justice," after line 2193, to insert:

For the expenses of Territorial courts in Utah Territory: For defraying the contingent expenses of the courts, including fees of the United States district attorney and his assistants; the fees and per diems of the United States commissioners and clerks of the court; and the fees, per diems, and traveling expenses of the United States marshal for the Territory of Utah, with the expenses of summoning jurors, subpœnaing witnesses; of arresting, guarding, and transporting prisoners; of hiring and feeding guards; and of supplying and caring for the penitentiary, to be paid under the direction and approval of the Attorney-General, upon accounts duly verified and certified, $26,000.

The amendment was agreed to.

The next amendment was, in line 2213, after "Court of Claims," to insert "including the pay of one assistant, at a salary of $3,000;" and, in line 2215, before the word "thousand," to strike out "ten" and insert "sixteen;" so as to make the clause read:

For defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and the District of Columbia pending in any Department, and for necessary expenses incurred in defending suits in the Court of Claims, including the pay of one assistant, at a salary of $3,000, to be expended under the direction of the Attorney-General, $16,000.

The amendment was agreed to.

The next amendment was, in line 2237, after the word "agents," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

For the prosecution of crimes: For the detection and prosecution of crimes against the United States, preliminary to indictment, and for the investigation of official acts, records, and accounts of officers of the courts, including the investigation of the accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, under the direction of the Attorney-General, and for this purpose all the records and dockets of these officers, without exception, shall be open to the examination of his duly authorized agents, $50,000.

The amendment was agreed to.

The next amendment was, after line 2238, to insert:

For compiling and printing two hundred copies of the compilation of laws applicable to the duties of the governor, attorney, judges, clerk, marshals, and commissioners for the district of Alaska, provided for by section 11 of the act approved May 17, 1884, $500.

The amendment was agreed to.

The next amendment was, after line 2244, to insert:

To defray the actual and necessary traveling expenses of the officers to be appointed for the civil district of Alaska from their homes to their stations in Alaska, at $300 each, $1,500.

Mr. CONGER. I wish to ask the chairman of the committee if that is the title of "the provisional government for Alaska?" Are these the judicial officers? I did not understand that it was called the "civil district."

Mr. HARRISON. If the Senator will allow me to answer, I will state that it includes all the officers to be appointed, and the description is correct here. It is called in the Alaska act "the civil district of Alaska."

Mr. ALLISON. We supposed we had it right, but I am not certain.

Mr. CONGER. I supposed it referred to the judicial district, and not the Territorial government.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2249, to insert:

To pay the amount of final judgment rendered in the suit of Hallet Kilbourne against John G. Thompson, former Sergeant-at-Arms of the House of Representatives, $20,000.

The amendment was agreed to.

The next amendment was, after line 2253, to insert:

To pay the costs of court in said case, $143.17.

The amendment was agreed to.

The next amendment was, after line 2255, to insert:

To pay Shellabarger and Wilson counsel fees in said case, $2,000.

Mr. ALLISON. I move to strike out the words, "Shellabarger and Wilson." I do not know of any other counsel, but it is intended to pay the counsel fees on the part of the Government.

Mr. HARRISON. I wish to ask the Senator from Ohio who will have the distribution of the fund then; the Attorney-General?

Mr. ALLISON. The Department of Justice.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had approved and signed the following acts:

An act (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa; and

An act (S. 534) for the relief of J. T. Pickett.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

The message further announced that the House had passed a concurrent resolution for the printing of 9,000 copies of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1883.

ROSA VERTNER JEFFREY AND OTHERS.

Mr. CAMERON, of Wisconsin. Yesterday the House requested the Senate to return a certain bill to the House for consideration. That bill was in the hands of the Committee on Claims. I now report back the bill, being the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others, and ask that the committee be discharged from its further consideration.

The PRESIDENT *pro tempore*. What disposition does the Senator desire to be made of the bill?

Mr. CAMERON, of Wisconsin. The bill is not on the Calendar. The House yesterday requested the Senate to return the bill to the House for further consideration.

The PRESIDENT *pro tempore*. The order to discharge the committee will be entered. The Chair understands that the order to return the bill has already been made.

Mr. CAMERON, of Wisconsin. I do not know whether the order was made yesterday or not.

Mr. SHERMAN. It had better be made anyway.

Mr. CAMERON, of Wisconsin. If it has been made, it is not necessary to make it again.

The PRESIDENT *pro tempore*. The Chair understands that the order was made yesterday on motion of the Senator from Massachusetts [Mr. HOAR].

The PRESIDENT *pro tempore* subsequently said: The Chair begs to call the attention of the Senate to House bill No. 2185. A message was received from the House of Representatives yesterday asking that the bill be returned. The RECORD shows that it was ordered on motion of the Senator from Massachusetts [Mr. HOAR] that the bill be returned to the House of Representatives. The Chair finds that the Journal does not contain an entry of the order that was made. The Chair asks unanimous consent, therefore, that the Journal of yesterday's proceedings be corrected so as to show the fact that the Secretary was directed to return the bill to the House of Representatives. Is there objection? The Chair hears none, and it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed and continued to line 2270.

Mr. ALLISON. In view of the fact that the committee recommend the striking out of the legislative sections of the bill, I move to amend by striking out from line 2271 to 2280, in the following words:

For salaries of United States marshals, $219,000.

For salaries of marshals' clerks and chief deputies, $110,000.

For expenses of marshals, namely, for transportation to attend courts, postage on process, and for fees and expenses of deputies, and of sheriffs and constables acting as deputies as provided by law, and for pay of special deputy marshals under title 26 of the Revised Statutes, $300,000.

And to insert:

For payment of the fees and expenses of United States marshals and deputies, $629,000.

Mr. COKE. I suppose that this amendment of the Senator from Iowa——

Mr. ALLISON. If the Senator from Texas will allow me, I will ask that the amendment I suggest be passed over for the present until we settle the question of legislation.

Mr. COKE. I was going to suggest that we pass it over and settle the succeeding clauses.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the question on this amendment——

Mr. ALLISON. On all the matter down to line 2287.

The PRESIDENT *pro tempore*. That the paragraphs on page 93

from the top of the page to the end of line 2287 be passed over informally to be resumed later. Is there objection? The Chair hears none, and it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Judicial," in the appropriations for the "United States courts," in line 2289, after the words "for fees of clerks, $160,000," to insert:

Provided, That the clerk of the Supreme Court of the United States shall, on the 1st day of January next, or within thirty days thereafter, and annually thereafter, make to the Secretary of the Treasury a return of all costs collected by him in cases disposed of at the preceding term or terms of said Supreme Court; and, after deducting his compensation as provided by law, and the incidental expenses of his office, including clerk-hire, said expenses to be certified by the Chief Justice or a justice of said court, shall pay any surplus that may remain into the Treasury of the United States at the time of making said return.

The amendment was agreed to.

Mr. INGALLS. If section 2 is to be stricken out the provision in lines 2327 to 2329 would be superfluous. I call the attention of the chairman of the committee to that fact.

Mr. ALLISON. I know there is no requirement for such an appropriation now; but still the committee thought there would be no special harm in having a uniform system of accounts among all the marshals and clerks. If the Senator objects to it——

Mr. INGALLS. No, I do not object to it, except that it is not a provision of existing law. The Senator will observe that it depends upon that clause of the provision proposed to be stricken out on page 98, between lines 2402 and 2412.

Mr. ALLISON. So it does, but still in itself it is not a bad provision to have a uniform system of bookkeeping for United States marshals and clerks. However, I have no objection to striking it out.

Mr. INGALLS. I have no objection to it.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The next amendment was to strike out lines 2330 to 2733, inclusive, as follows:

SEC. 2. That United States marshals shall hereafter receive annually for their services the following salaries, payable monthly: Southern district of New York, $6,000; Northern New York, Massachusetts, Eastern Pennsylvania, District of Columbia, Southern Ohio, and California, $5,000 each; Maryland, Western Pennsylvania, Eastern Missouri, Kentucky, Northern Ohio, Northern and Southern Illinois, Eastern Louisiana, Kansas, and Western Texas, $4,000 each; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; and all other marshals shall be paid a salary of $3,000 a year.

All money collected by marshals on process in behalf of the United States, and all costs for fees and expenses of marshals taxed against parties other than the United States, shall be collected by the marshals and be paid into court; and at the end of each quarter the marshal shall render a return of the moneys so collected to the Attorney-General, with receipts from the clerks of the courts for the sums paid as herein required, which returns shall be verified by the oath of the marshal; and if this statement is not received by the Attorney-General within thirty days from the close of the quarter, no further payments shall be made the marshal on account of salary until such statement is received. Upon application to him for service, the marshal, before service is made, shall exact a deposit for the costs thereof in all cases not brought by the United States, except in suits brought under chapter 3 of the Revised Statutes, for wages of seamen, wherein the costs, if not collectible from the parties to the suit, shall be charged by the marshal, clerk, and district attorney in their accounts against the United States, and shall be adjusted and paid by accounting officers in the same manner as costs in cases brought by the United States. If he shall fail to exact such deposit he shall be responsible for the amount to the United States.

It shall be the duty of the marshal to scrutinize the bills of the deputies, sheriffs, or constables, or whoever may be employed to serve process, and when he finds the same to be correct and in accordance with law he shall pay the same; but in cases where he deems it advisable for his own protection he may withhold 25 per cent. of the amount until the said bills have been audited and allowed at the Treasury; and when so allowed he shall pay the amount found due each in full. At the close of each term of court the marshal shall make up his account for all fees and disbursements and submit the same to a circuit or district court, in accordance with the provisions of the act regulating fees and costs, approved February 22, 1875, which shall be examined and passed upon by the court at each term before its adjournment.

SEC. 3. That there may be allowed each United States marshal one clerk and one chief deputy, whose salaries shall be paid as provided in section 2 for the payment of marshals. The salaries shall be $1,800 a year in each of the following districts: Northern New York, Southern New York, Massachusetts, Eastern Pennsylvania, District of Columbia, Southern Ohio, Kentucky, Northern Illinois, and California.

In other districts the salary shall be determined by the Attorney-General, but shall not exceed $1,200 per annum in any case. No clerk or chief deputy shall be appointed in any district unless the Attorney-General shall deem such appointment necessary for the efficient performance of the public business.

In all districts where courts are held at more than one place at which grand jurors are impaneled, the Attorney-General may, in his discretion, allow the marshal a clerk or chief deputy (but not both) at such place, in addition to the one hereinbefore authorized, if the business of the office requires it, at a salary not to exceed $1,000 a year.

The Attorney-General shall provide a uniform system of bookkeeping and returns, and furnish books and blanks for this purpose to the United States marshals. It shall be their duty to keep all the accounts, books, and papers of their respective offices in such manner as may be required by regulations prescribed by the Attorney-General, and to perform such other duties as such regulations may require. All books, papers, and accounts relating in any way to official business shall remain in the office of the marshal and be transferred by him to his successor in office, and shall be open at all times to the inspection of parties interested.

Any person who steals, takes away, falsifies, mutilates, or otherwise alters, destroys, or conceals any book, record, or paper by law required to be in the custody of the marshal, or who counsels, aids, or abets such stealing, taking away, altering, falsfying, mutilating, destroying, or concealing of any such book, record, or paper, shall be guilty of a felony, and, on conviction thereof, shall be fined not exceeding $1,000, or imprisonment at labor not exceeding three years, or both, in the discretion of the court.

It shall be the duty of the chief deputy marshal to assist the marshal in attending upon the sessions of the court, and to perform all other duties required of him by the marshal of the court.

No officer of the court shall require payment from any juror or witness for stating his account for expenses of transportation or for administering oath to the same; and it shall be the duty of the marshal to examine said bills before paying the same, and to strike out improper charges if any are made therein.

The marshals' clerks, the chief deputies, and other deputies shall be appointed by the Attorney-General, upon the recommendation of the marshals of the respective districts; and their oaths of office shall be filed in the Department of Justice; and they shall be of good character and be able to read and write in the English language, and be subject to removal for cause by the Attorney-General, by the court, or marshal: *Provided*, That nothing in this act shall be construed as in any way repealing or modifying sections 2021, 2022, 2023, 2024, and 3689 of the Revised Statutes, nor of any other of the provisions of title 26 of the Revised Statutes, nor of any acts amendatory thereof or supplementary thereto.

SEC. 4. That deputy marshals shall be appointed in the manner provided in the foregoing section for such localities in the district as the judge of the district or circuit courts may authorize and require for the efficient transaction of of the business of the United States courts of such districts in each locality, but their powers shall not be limited by the locality for which they are appointed. No person shall perform the duties of a deputy marshal unless appointed and qualified in the manner herein provided, but district or circuit courts may appoint, upon the recommendation of the marshals, any sheriff or constable, holding commission as such under State authority, to serve the writs or execute the processes issuing out of the courts in such district, after having been duly commissioned a deputy by order of the court. In all cases where practicable it shall be the duty of the marshal to send writs and processes of court by mail directed to the deputy marshal residing in the locality where writs are to be served or processes to be executed, or to the sheriff or constable appointed to serve the same in such locality, whose duty it shall be, after service, to return such writ or process by mail to the marshal; and in no case shall fees be charged or allowed for traveling between points where writs or processes were sent by mail, or where it was practicable to send them by mail. The fees now allowed by law for marshals for serving writs and processes shall hereafter be allowed to the officers serving the same, except for committing and discharging prisoners; and the clause in section 829 of the Revised Statutes prescribing 50 cents for the same is hereby repealed. No fee for serving process shall be paid to a chief deputy. Guards, when actually necessary, may be employed to assist deputy marshals, sheriffs, or constables in charge of prisoners and witnesses before commissioners or justices of the peace, but not more than two before the same officer shall be employed on any one day.

SEC. 5. That deputy marshals, sheriffs, and constables, while serving court processes, shall be allowed for transportation by public conveyances the amount actually paid therefor, which shall be stated in an itemized account, and shall not exceed the usual amount charged for such transportation. For traveling where there is no public conveyance they shall be allowed 10 cents per mile each way, and for serving writs and processes the fees provided by law. The costs shall in each case be indorsed in items on the back of the writ when the return is made.

SEC. 6. That the circuit or district courts of the United States may, in cases of emergency where the necessary processes of the courts can not be promptly executed by the marshal or his regular deputies so as to secure the ends of justice, enter an order of record requiring the marshal or one of his deputies, or a person appointed as special deputy marshal by the court for that purpose, to perform a particular service or execute a particular writ; and for such service there shall be allowed such compensation as may be just and reasonable, but not exceeding $2.50 a day, and actual and necessary traveling expenses, in lieu of fees and mileage. All accounts for such service shall be stated in items and verified by the person performing the service, and approved as a separate account by the judge who may make the order requiring the same.

SEC. 7. That district attorneys of the United States shall hereafter be paid monthly for their services the following annual salaries, in lieu of all fees, allowances, and salary now authorized by law: Southern New York, $8,000; Northern New York, Massachusetts, Eastern and Western Pennsylvania, District of Columbia, Northern and Southern Ohio, Eastern Missouri, Northern and Southern Illinois, and California, $5,000 each; Maryland, Kentucky, Kansas, Eastern Louisiana, Northern Georgia, Western Arkansas, and Western Texas, $4,000 each; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; and all other United States district attorneys shall be paid each a salary of $3,000 a year.

In all proceedings, civil or criminal, including prizes and revenue cases, where fees or compensation of any kind are now by law authorized to be taxed against and paid by the United States for services of district attorneys or their assistants, no fees or percentages or commissions shall be charged or allowed on that account. In all cases, civil or criminal, including prize and revenue cases, where services are performed by district attorneys or their assistants, and the costs are taxed against other parties than the United States, the amount of such costs or fees for such service shall be collected and paid into court. United States district attorneys shall, under the direction of the Attorney-General, attend to the interests of the United States in every suit or proceeding in which the United States is concerned, in any of the courts of the United States or in the courts of any State, or attend to any other interest of the United States in their respective districts.

SEC. 8. That the district attorneys, marshals, and clerks shall be allowed, once for each term of court, the actual amount paid by them for transportation in going to and returning from the place where the court may be held in the district, the itemized accounts for such transportation to be made out and verified as hereinafter provided in other cases where transportation is allowed. District attorneys shall also be allowed the actual amount paid by them for necessary transportation to and from their places of abode to places where criminal examinations are held, or from one such place to another.

SEC. 9. That the fees earned by the clerks of United States courts, the supreme and district courts of the Territories, and the courts of the District of Columbia for services in civil and criminal cases and in naturalization cases, and for making out, certifying, or authenticating all papers, and in bankruptcy proceedings, and for duties of masters in chancery, or as special commissioners or referees by order of the court, or taking or authenticating depositions, issuing certificates admitting attorneys to practice, and in all matters of any name and character incident to their office or by virtue or authority of the court, and as United States commissioners, if holding said office, shall be included in their semi-annual returns to the Attorney-General; and it shall be the duty of the Attorney-General to decide what expenses may be paid by such clerks out of the surplus emoluments of their offices. At the end of each quarter they shall make out an itemized statement of all costs paid into court in United States cases, showing what disposition has been made of the same and in what cases they accrued, and submit the same to the district court, who shall examine the same, and cause such clerks to subscribe an oath to the correctness of each and every item in such statement. If the judge approves such statement as correct, he shall indorse his approval thereon in writing, and the clerk shall thereupon transmit said statement to the Attorney-General. The clerks of the circuit and district courts, of the supreme and district courts of the Territories, and of the supreme court of the District of Columbia shall not receive annually exceeding $2,500 each for their services; and where one person is clerk of both the circuit and district courts, such clerk shall not receive for services in both capacities a sum exceeding $3,000 per annum, except the clerks of the district and circuit courts for the

southern district of New York, who may each receive $3,500 annually for their services. From the fees and emoluments earned and so reported by such clerks no one of them shall be allowed an amount exceeding the maximum herein provided; and after deducting the payment of deputy clerks, of office expenses, and any other allowances authorized by the Attorney-General, the balance of such fees and emoluments, if any, over and above the said maximum amount, shall be paid into the Treasury of the United States according to the provisions of section 844 of the Revised Statutes; which payments shall be ascertained at the Treasury Department upon quarterly returns to the First Auditor of all fees earned during each quarter, to be made under oath and approved by the court; and upon failure to make said quarterly and semi-annual reports within thirty days thereafter, the clerk shall be summarily removed by the judge upon the request of the Attorney-General.

SEC. 10. That the judges of the circuit and district courts of the United States and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district, as may be required for the efficient and economical execution of the laws. Such commissioner shall have jurisdiction only of such offenses as are committed in their respective districts, except in cases of change of venue or where no qualified commissioner resides in the commissioner's district where the offense was committed, who is in the district and physically able to perform his duties, and except also in cases of offenses against the postal laws of the United States, in which the jurisdiction shall remain as now provided by law.

United States commissioners shall receive for their services such fees as are now allowed by law, except that in all criminal cases heard by them they shall only be allowed $1 for issuing process to arrest and $1 for a recognizance or bond for court, including affidavits of justification of sureties and acknowledgments and for all other writs and processes issued, for all oaths administered, for docketing, hearing, and trying the same, and for all services performed the sum of $5, and no more, for each case; but where two or more charges not requiring separate trials are preferred against any person at the same time, the commissioner shall be allowed only for a fee in one case. In preliminary examinations, where there is probably cause of guilt, the commissioner shall bind over the accused, if he shall give the bail required, to appear for trial before the court in his district which may be held nearest the place where the offense was committed having jurisdiction thereof; and if he can not give the required bail, the commissioner shall commit him for trial to the nearest jail where such prisoners can be safely and economically kept, and shall in both cases transmit all the papers in the case to the clerk of the United States court having jurisdiction thereof, to be held in said district nearest the place where the offense was committed, at which court grand juries are impaneled; and the clerk shall notify the district attorney thereof; but any accused person who may be committed in default of bail may, upon the order of the judge, on the application of the accused, be removed to and tried at that place in the judicial district where the court will be held next after his commitment: *Provided*, That all such preliminary examinations shall be held and conducted by the officer authorized to hold and conduct such examinations who resides nearest the place where the offense is alleged to have been committed.

Justices of the peace shall receive the same fees as United States commissioners for services in criminal cases. Their accounts shall be verified by oath and forwarded to the United States attorney of the district, to be submitted to the court for approval; but no commissioner or justice of the peace, acting as such, shall demand or receive from any accused party any cost or fee in any criminal procedure until after the final conviction of the accused, when such fees may be taxed as costs.

It shall be the duty of commissioners and justices of the peace to examine and certify to the marshal for payment bills of witnesses for transportation and attendance.

The judges of the Territorial courts, United States district attorneys, and United States marshals and their deputies, when required to use any public conveyance in the discharge of their respective duties, shall be allowed the actual amount paid for transportation, not exceeding the usual fares on such public conveyance, and no more. All accounts rendered for such transportation shall be verified by oath of the person making the same; and he shall state in such oath that he did not use for any part of such transportation a pass or pay a less fare than that stated in the account.

Accounts for the transportation of prisoners and guards by public conveyances shall be rendered for such sum as was actually paid for such transportation, not exceeding the usual fare, and vouchers verified by oath shall in all cases accompany such accounts.

SEC. 11. That United States marshals shall hereafter be allowed their actual expenses in the following cases, namely:

For transporting prisoners in any State or Territory, or from one State or Territory to another, on any public conveyance, the amount actually paid for the transportation of themselves and for each prisoner and necessary guard, but not exceeding the usual fare. Where free transportation is used no charge whatever shall be made or allowed. If reduced transportation is secured this fact shall be stated and the actual amount paid shall be charged in the account and no more.

The amount actually and necessarily paid for meals of themselves, prisoners, and necessary guards while *in transitu*, not exceeding 50 cents per meal.

The amount actually paid deputy marshals and guards for their services, not exceeding $2 per day.

For travel in going to serve or returning from serving any process, warrant, attachment, or other writ, including writs of subpœna in civil or criminal cases, the actual amount paid for transportation on all public conveyances, and no more, the account to be stated as in case of transporting criminals; and for each mile actually traveled to serve any such process as aforesaid where there is no public conveyance, 10 cents per mile going and returning.

For all travel required of them by law on any public conveyance they shall be allowed in all States and Territories the actual amount paid, as herein provided, and no more; and for every mile actually traveled where there is no public conveyance, 10 cents per mile each way.

All allowances for travel by public conveyance and meals are not to be construed as compensation, but as reimbursement for actual and necessary expenditures in the discharge of official duties; and all transportation provided for in this act shall be computed by the nearest practicable route.

All allowances for mileage and transportation on public conveyances in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payments or allowances in violation of the provisions of this act. An affidavit that the account is just and true in all respects, and that the expenses charged therein were actually and necessarily incurred, must accompany each bill. In all cases the account must contain the items of expenditure. The Attorney-General shall prescribe forms, rules, and regulations for presenting all accounts of court officials, to all of which forms shall be attached the oaths taken and subscribed.

SEC. 12. That hereafter jurors and witnesses in all of the States and Territories shall receive their actual and necessary expenditures for transportation when using any public conveyance, in lieu of mileage, but not exceeding the usual fares; and when there are no public conveyances they shall receive the mileage now allowed by law for travel to and from court; and witnesses shall receive $1.50 a day, and jurors shall receive $2 a day during actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same.

The Secretary having begun the reading of the matter proposed to be stricken out,

Mr. ALLISON. The sections from line 2330, on page 95, to line 3733, on page 111, are all legislative sections relating to one topic, and as I presume Senators are familiar with them as relating to a change in the system of payment of marshals and clerks of courts, it is hardly worth while to spend the time of the Senate in reading them.

Mr. COKE. Mr. President——

Mr. ALLISON. While I am up, if the Senator from Texas will allow me one moment, I think the debate on these sections will not occupy a great deal of time, and I move that the five-minute rule be applied to debate on all amendments now till the bill shall be concluded. I do not know of any seriously controverted questions that will arise. Does the Senator rise to speak to this amendment?

Mr. COKE. For a few minutes.

Mr. ALLISON. If it will not interfere with the Senator, I will move now to apply the five-minute rule.

Mr. MORGAN. I suggest to the Senator from Iowa to postpone the motion until the Senator from Texas has had an opportunity to express himself.

Mr. ALLISON. I do it only with the consent of the Senator from Texas. Will it be agreeable to the Senator from Texas if I now move to apply the five-minute rule?

Mr. COKE. I have yielded for that purpose.

Mr. ALLISON. The Senator from Texas, I understand, consents to it. I move that the five-minute rule be applied to the remainder of the bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that debate on amendments to the bill be limited to five minutes, in pursuance of a standing order of the Senate applying to that subject.

Mr. HOAR. Can that be done by a majority, or does it require unanimous consent?

The PRESIDENT *pro tempore*. It may be done by a majority vote. There was a standing order adopted the other day which provides that it shall be in order at any time to move to limit debate on appropriation bills to five minutes by each Senator. The question is on agreeing to the motion of the Senator from Iowa.

The motion was agreed to.

Mr. CAMERON, of Wisconsin. I wish to inquire if the amendment from section 2 to section 12, inclusive, is regarded as one amendment?

Mr. ALLISON. It is so reported as one amendment.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the reading of these sections, section 2 to section 12, inclusive, be dispensed with on the motion to strike out. Is there objection? The Chair hears none. The question is on agreeing to the recommendation of the committee to strike out these sections.

Mr. COKE. Mr. President, the sections stricken out by the Senate committee contain a change of the laws with reference to the payment of the fees of marshals and district attorneys and other Federal judicial officers in the different States. I hope the Senate will not concur in the amendment of the committee, which proposes to strike these provisions out for the reason that the change made by the bill in existing laws, as the bill came from the House, is exactly one that is demanded by the public sentiment of the State in which I live and which I have the honor in part to represent here, and so far as I know in all the States of the South. I can not speak for States not in that section.

I have introduced twice in the Senate and had them referred to the Committee on the Judiciary bills looking to the payment of salaries to district attorneys and marshals instead of fees, and that was the last ever heard of them. Bills to the same effect have been introduced repeatedly in the House and referred to the Judiciary Committee there, and it has been the last ever heard of them.

The reform provided for by the proposed law as it stands in the sections sought to be stricken out is universally demanded. Every other effort to procure it which has been made has proved absolutely futile and fruitless, and if we can not get it as it is in this bill past experience shows that we will never get it at all.

I will read from the report of the Attorney-General. For seven years, the length of time I have been a member of this body, annually the Attorney-General of the United States has recommended the change made in the sections of this bill which the Senate committee seeks to strike out. Every gentleman who has occupied the position of Attorney-General of the United States during that period has recommended it. I hold in my hand the latest report from the Attorney-General's Office, and will read from it on this subject. He says:

> The practice of compensating the United States marshal by fees is an expensive one. Examiners of the Department of Justice who have been detailed to examine their accounts report that, in order to make the maximum fees of the office $6,000 per annum, unscrupulous marshals in some instances through their deputies have encouraged frivolous prosecutions, outraging the rights of citizens, and involving the United States in unnecessary and excessive expenses.

Now, I ask the attention of the Senate to this sentence:

> It is estimated that it costs the Government $10 expenses for every dollar's emoluments of the marshal. Thus it will appear that it would be to the interest of the Government to give the marshal a fixed compensation, so as to remove all inducements to practice frauds upon the Government on the one hand or wrongs upon the citizens on the other. If the deputy were to be paid fees for executing process, it would insure the same efficiency as the present fee sys-

tem, and at the same time relieve the Department of the extraordinary expense complained of, as the marshal would have no interest in encouraging such practices.

The same reasons, in favor of salaried officers, apply with even more force to the United States attorney. By law he is required to examine the accounts of marshals, clerks, and commissioners. It is, therefore, clear that the emoluments of his office ought not to be contingent upon the amount of business done by officers upon the correctness of whose accounts he must pass.

The interests of the Government would be protected in fixing the compensation of marshal and attorneys by taking as a basis an estimate of the business transacted during the past ten years. To protect the Government against paying excessive salaries in districts where the business has heretofore been worked up by the institution of frivolous cases, for the sole purpose of increasing fees, I respectfully recommend that Congress give the Attorney-General the authority, at his discretion, to adjust salaries of marshals at the close of each fiscal year, increasing or diminishing the snme for the next fiscal year, upon some basis to be fixed by law. In this manner justice could be done both to the United States and its officers.

Here is a recommendation by the law officer of the Government, not made this year only but for seven years past, that the very thing be done which is proposed to be done in the clauses sought to be stricken out by the Senate committee.

It is said that these matters should be in an independent bill and it should come from the Committee on the Judiciary. Such bills have been repeatedly sent to that committee, and have been ignored. I know that such bills have been repeatedly proposed in the other House and nothing has come of them.

Shall we never have a remedy for the admitted evils of the present fee system? The Government through its proper officer cries aloud for a remedy, and the people clamor for it, yet the Judiciary Committee turns a deaf ear to their appeals; and when the popular branch of Congress propose a remedy the Senate is asked on a technicality to destroy it—not amend it, but simply strike it out.

In addition to what the Attorney-General says in this report every man in my section of country knows that the unpopularity of the Federal judicial tribunals is to be attributed solely to the reasons given by the Attorney-General in his report for making the change proposed, and that is that for the purpose of making fees the marshals and the district-attorneys foment and instigate and bring about frivolous and vexatious prosecutions for the sole purpose and no other of making money for themselves.

The PRESIDENT *pro tempore*. The time of the Senator from Texas has expired.

Mr. MORGAN. I hope the Senator will be allowed to proceed.

Mr. COKE. I only desire a minute or two more.

Mr. ALLISON. I hope the presiding officer will allow the Senator from Texas a minute or two more. I did not intend to cut him off by the motion to limit debate.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the Senator from Texas be allowed to proceed. Is there objection? The Chair hears none.

Mr. COKE. While instigating these frivolous and vexatious prosecutions against the citizen they are at the same time piling up costs against the Government, for the Attorney-General in the report just read declares that every dollar of the marshal's emoluments costs the Government $10. They are rendering the courts unpopular throughout the country. I have no hesitation in saying that while the salaries fixed for all the officers in the bill are ample, there could not be a measure passed through this Congress which would to a greater degree popularize the Federal judiciary than would this. I do not know of one that could be passed that would meet with so much popular favor as this would. Take away from marshals, from district attorneys, from deputy marshals, the only motive they have for instituting any other than a just prosecution, that is the fees, and you will have no other than just ones, and the public sentiment of the whole country will sustain the courts whenever a prosecution is instituted. But, as the Attorney-General says, as long as you offer a premium through the fee system to the district attorneys and to the marshals you will have oppressive and vexatious litigation, which will be outrageous upon the rights of the citizen while inflicting heavy damage in the way of expense on the Government.

Why should not the bill as it came from the House be passed with these sections in it? Why should they be stricken out? It is said it is new legislation on a general appropriation bill, which is forbidden by our rules. I can turn to fifty places in the bill and point out new legislation. If gentlemen want to know where they are I have just selected a few samples. On page 56, under the head of "Tenth Census," two-thirds of it is new legislation. On page 59, from line 1437 to line 1452, is new legislation. On page 72, from line 1766 to line 1770, inclusive, is new legislation. On page 79, from line 1926 to line 1931, inclusive, is new legislation. The bill, although a general appropriation bill, is full of new legislation, some of it put on by the Senate committee and a great deal more of it in the bill as it came from the House. If the Senate committee make no objection to new legislation as it stands in the bill as already adopted, why stickle over these sections which simply give what the Attorney-General has seven times recommended, what the public sentiment of the country demands, and what common justice ought to concede?

I see nothing in the objection that it is new legislation. If the Senate can take the new legislation which has already been adopted in this bill, it surely ought not to object to a little more that is so much demanded.

I have nothing more to say.

Mr. ALLISON. The Committee on Appropriations struck out this legislation because it is wholly new legislation, and for the reason that it was not within its province or duty to examine into the details of twelve sections of a new measure reported not from the regular committees of either House, upturning and oversetting legislation from the foundation of the Government to this time. We did not feel that in the few waning days and hours of this session we could do justice to a great question like that, especially when such subjects are committed to the Judiciary Committee of this body, because we are not disposed to draw into the meshes of the Appropriations Committee room all the legislation of the Senate. Yet here are questions involved which propose to repeal and change laws passed from the foundation of the Government to this moment of time.

In the next place, I do not believe there are three Senators, certainly not fifteen Senators, on this floor who did not in one form or other suggest amendments to these sections, saying that injustice had been done to this district and that district, that anomalies exist here with reference to compensation and with reference to other questions involved in these sections. So the Committee on Appropriations, knowing that the bill must be reported within a few days and having this large mass of business to look after, concluded that, however wise a general revision of the fees and compensation of marshals and clerks and district attorneys may be, a system which had existed from the foundation of the Government could not be so wrong as to require us to remain here during the month of July to correct it. That is the explanation of the action of the Committee on Appropriations.

Mr. BECK. I only desire to add to what has been said by the chairman of the committee, that while I looked with great care over these provisions and believed that there were many of them that ought to be adopted, I endeavored to see whether we could not take the legislation just as it came from the House. I took pains to consult leading members of the Committee on the Judiciary. They pointed out difficulty after difficulty and amendment after amendment that ought to be added. Members of the Senate and members of the House protested against some of the items in these sections, until it became painfully apparent in the Committee on Appropriations that if we undertook to correct all that they said was wrong the bill could not be reported for two weeks to come. Indeed, if we had done nothing else but work on these legislative sections from the day the bill was submitted to us till the present time we should not have been through considering the propositions submitted to us by Members and Senators. It was a question whether we would let the bill go, or whether we would report it to the Senate, and confess in moving to strike out these clauses that we had not time to consider them and that the Senate must deal with the subject.

We were advised and we knew the rule to be that we could not amend the legislation of the House; that any amendment suggested would be legislation, and therefore could be stricken out. We were told there were many things here that were wrong, and when we found we could not amend them we could not afford to report them back. We were told to-day from the chair that even in conference we can not amend House legislation by putting new legislation upon it to correct errors or rectify what was admitted by the House to be defective.

Mr. COKE. If the Senator will allow me, is it not competent for these House provisions to be adopted by the Senate without amendment?

Mr. BECK. That is just the trouble. On an appropriation bill the decision of the Chair is, and the Senate has sustained the Chair in all its decisions, that we can not amend legislation that comes to us from the House. If we could do that it would present a very different question. We can adopt but can not amend. That is the decision of the Chair, and I believe all parliamentarians are agreed upon it. I know I consulted with the Senator from Tennessee [Mr. HARRIS], the Senator from Arkansas [Mr. GARLAND], and others, who I believe are good parliamentarians, and I consulted the President of the Senate himself, I was so anxious to consider this question, believing with the Senator from Texas that there were very many good things in these sections, and the advice I got from all of them was that we could not amend them; and so what could we do?

We can not consider the proposition; we can not amend it. We were told by the Chair to-day that even in conference we can not amend it. However important it may be, however desirable it may be, there was nothing left for the Committee on Appropriations in view of all the difficulties except to report to the Senate that they could not consider the proposition, and move to strike it out.

Having done my duty, as I think, as a member of the Committee on Appropriations, finding we could not amend it, I do not know whether I may not vote for the House proposition, right or wrong, hoping that if there is anything wrong in it it may be corrected hereafter; but as a member of the committee I could not do otherwise than to confess that we could not agree to it.

Mr. GARLAND. Mr. President, I sympathize with what the Senator from Texas has said and agree with him in the main; but the Committee on the Judiciary, who have had this matter under consideration

since an early day of the session, have not been neglectful of it. A subcommittee has had the subject in charge and it has heard many of the officers of the United States who are affected by the measure, and they are collecting information on the subject in order to frame a bill to remodel and reshape a system that has been in vogue ever since the foundation of the Government; and the Senator from Texas will find that the more he considers it the more difficult it is to frame a bill on the subject.

I think I assert a fact when I state that a majority of the Committee on the Judiciary concur in the idea of fixing salaries for these officers; but when it comes to graduating the salaries and comparing them and adjusting them properly, it is one of the most serious jobs any committee of this body has ever had.

When a bill of the character embodying general legislation has been passed in one House under a suspension of the rules, if such be the fact, and then goes to another House where it can not be corrected, I think it is asking too much of the Senate to adopt it. Rule XVI of this body prohibits amendments of this kind, because they are general legislation. No gentleman can examine this proposition without seeing at once, when he compares it with existing laws, that amendments should be made to it. I have heard from two officers affected by this measure in Arkansas, a marshal and a district attorney, each one writing a letter of eight or ten pages, complaining of the distinction in this measure as against him.

My hands are tied. I can not offer amendments and have these letters read here, because to do so would be out of order; and yet in good faith to these gentlemen I can not see this measure pass through without attempting to improve it so far as it affects them. One of these gentlemen, the marshal, was once a member of the other House of Congress, a gentleman who stood high there and stands high in the State of Arkansas; and the tone of his letter is very proper. He does not make a ground of complaint, but he submits facts deserving of consideration.

That is the attitude we are in. However just is the complaint of the Senator from Texas, with much of which I sympathize and agree, I can not now offer amendments to this measure, neither can any other Senator; and it is impossible I think for the Senate to agree that this shall go forward on a sundry civil appropriation bill, being general legislation, and that character of legislation which affects very materially the interest of the country.

The Committee on the Judiciary have done all they could and are still investigating the subject, and a subcommittee still has the matter in charge. I do think under the circumstances that these clauses should be stricken out of this bill.

Mr. PUGH. Mr. President, I fully concur in what has been so forcibly stated by the Senator from Texas with reference to the evils of the existing law. The personal knowledge of Senators, the report of the Attorney-General, and the testimony taken by what is known as the Springer committee in the other House have demonstrated that under the existing law the offices of district attorney and marshal are prostituted to personal gain. These evils are universally admitted to exist, and they have been known to be in existence for many years. These evils ought to be remedied, and it can only be done by legislation.

Now I undertake to say that a large majority of the Senate concur in the statement of the Senator from Arkansas, that the salary system is preferable to the fee system for rewarding these officers. If that be so, then I think I can safely say that the essential feature of the provisions of this measure as it came from the House we all sanction. I do not suppose that we can make any improvement in the general provisions of the measure making a change in the existing law. Now why not adopt this change that the House has sent us to remedy the evils, universally recognized evils, that have been spread all over the country throughout every State of the Union? Why not adopt these provisions as they come to us from the House and, in respect to the mere amount of salary to be apportioned according to the labor of each of these officers in the different States, remedy hereafter any inaccuracy that there may be?

There is a pressing wrong and evil under the existing law. Great good will result from a change of the existing law in regard to the reward of these officers by fees, by fixing for them salaries. That is the essential proposition and purpose of the House measure sent to us in this bill.

Now, let us take the House bill as it is. It is only four months or a little longer before we meet again, and after having gone home and thought about this matter and hearing the complaints that may be made in reference to the operation of the measure, we shall come here next session prepared to make proper changes in reference to these non-essentials. Knowing as I do personally the oppressive character of the practices of these officers under the existing law and the great public demand and public necessity for this change, I do hope that, although it may be irregular and hasty according to the opinion of some Senators, we shall take this bill in its substance and remedy these immaterial matters at the next session.

Mr. EDMUNDS. Mr. President, I think it right for me, as the chairman of the Committee on the Judiciary, to ask the indulgence of the Senate to say a word upon this subject.

The matter has been under consideration, as my friend from Arkansas has said, in the Committee on the Judiciary carefully, almost in season and out of season, for the whole session. We studied the reports of the Attorney-General, although the subject was not new to us in his reports; we got information from all parts of the country; and while it is true, as the Senator from Arkansas and the Senator from Texas say, that in some districts of the United States there have been abuses for the sake of making fees and unjust profits, I think it is safe to say that in three-quarters of the States of the Union any such charge or imputation would be unjust.

But more than that, even this House provision, or any that could be named, only provides for a salary for the marshal. He, in his district, be it great or small, does and must do nine-tenths of his business by deputies who are still to be paid by fees, and those deputies receive process not directly from him, but from the courts, the clerks, and the commissioners; and therefore the abuse of heaping up unjust prosecutions in order to get fees will only be scratched by putting the marshal on a salary and leaving the deputies on fees. There is no help for it.

The more the committee investigated it the more difficult it appeared to us it would be to make a change which would cut out all temptation to make fees in the way that is proposed; and if you put them all on a salary you must have an enormously graduated civil list with appropriations for it, and find it almost impossible to graduate the salaries according to the necessities of the case, and then hold out to the officer the contrariwise temptation of pocketing his money and not exercising any duty as a conservator of the peace and as an executor of the law. Those are the considerations. The committee could not come to a conclusion about it, because we found the subject one of such great difficulty to deal with in the broad aspect of the question as affecting all the United States and all its interests.

Mr. PUGH. The Senator will allow me to say that the Judiciary Committee can continue their investigation and make the needed improvements hereafter.

Mr. EDMUNDS. It is a very extraordinary way to me from the far up north part of the country where I live to legislate first and consider afterward. We have been taught in our region of country, and I think it is so in most of the rest of the United States, to consider first and legislate afterward, and not to plunge into an unknown sea of difficulties and dangers until we know where our footsteps are to lead. So it has appeared to us that it was far better to consider the subject until we could mature a plan, if it were possible to mature one, which would correct whatever evil exists without creating a greater one; and so it appears to me, with great respect to everybody else, that it would be enormous, if I may say so, to put on an appropriation bill a provision which as my friend from Arkansas says can not be amended and modified. I have probably fifty letters before the committee now from various parts of the Union asking changes in this provision. It seems to be safer to let the Committee on the Judiciary continue to consider until the next session what system can be devised.

Mr. PUGH. I would suggest to the chairman of the committee that any bill or report hereafter will meet with just as many objections in its details as the one now proposed.

Mr. HOAR. Mr. President, I do not believe that the Senate on full consideration would adopt on the merits the proposition that has been made or the principles which lie at the bottom of that proposition. Whatever difficulties or evils or abuses may exist in having officers stimulated by fees to make criminal prosecutions, it has been found in nearly all the States of this country, and I do not know but in all of them, and in England, that the only practicable way is to allow fees, at least in part; and in no case is the officer paid simply by a salary. There are cases where the fees beyond a certain sum are paid over. They are now in the case of United States marshals and district attorneys. But having a system of fees, by which the particular service is paid by an appropriate fee for that particular service instead of hiring the officer by the year, has been found in the experience of England and of this country to be on the whole the best scheme, and I suspect very few of the gentlemen who have complained of the present arrangement as to United States marshals represent States where such is not the practice.

Mr. MORGAN. Mr. President, in private litigation between individuals the fee system is entirely proper, because that enables the court to apportion the costs for the service in each particular case according to the actual service rendered; but where the State is the prosecutor, where the State employs counsel to represent it either in civil or criminal actions, but particularly in criminal procedure, the salary system is very preferable. The distinction lies in the difference in the character of the employment and the nature of the service to be rendered. The salary system will be found to be, I think, the only one under which we can control the officers of the Government of the United States so as to prevent them from abusing the powers of their offices in order to make money for private gain.

The Senator from Vermont, who of course is a great parliamentarian and is our honored presiding officer, and for whom we have the highest possible respect in every regard, takes the ground, as I understand him, that if we should vote this part of the bill which the committee recommend shall be stricken out into the text of the bill, after that we can not amend the text. I must take issue with the Senator under our rules upon that proposition. If we refuse to strike out the subject-

matter which the House has sent us as section 2 to section 11, inclusive, then that becomes a part of the text of this bill, and in committee or in Senate is open to amendment as any other part of the text of the bill, and under the same rules which control any other part of the text of the bill. It is very true that if the committee had suggested amendments as a substitute for this part of the text of the bill which involved new legislation, those amendments would be open to a point of order and could not be received or considered. But now we are considering this notwithstanding our rules. This is received, although it is general legislation. We are considering it, because we are compelled to do it in order to legislate. Therefore the House, it appears, can send us original matter which is general legislation upon an appropriation bill and force us to the consideration of it. The question now is before the Senate, shall we consider or shall we not consider this, shall we strike it out or shall we consider it? If we decline to strike it out and agree to consider it, then it is a part of the text of this measure and is open to amendment.

It may take too much time to get this bill into a shape to suit everybody during these latter hours of the session, but the subject is one of such great importance that I concur entirely with my colleague that it were better that we should have some crudities or imperfections in the measure than not to have any measure at all. What the country requires at our hands, and I believe the country almost universally, is to change the system from fees to salaries in respect of several of these officers, particularly the attorneys and the marshals. Why, sir, the country, I know, must be pained and shocked at the reports made here by the Attorney-General in respect to the frauds that have been committed upon justice and upon the United States Government under this system of fees. The officers of the Government have been going about making investigations, and they have made reports which are very painful in their nature, showing the abuses of the fee system by the different marshals, and sometimes by the district attorneys of the United States, and, as was remarked by the Senator from Texas, Attorney-General after Attorney-General has been asking and beseeching Congress that we should make this change.

Now, inasmuch as we have not introduced this subject into the bill, can there be any harm in our allowing it to remain in the text of the bill and amending it according to the suggestions made by the Senator from Arkansas and the Senator from Vermont, or whoever else may desire to amend it?

Sir, we are under no necessity for the adjournment of this body which is half as important to ourselves and the country as we are under to give to this country a good system of law and to prevent abuses. I do not wish to protract the session, but it does seem that we shall never get to this question. I do not wish to make any complaint of the Committee on the Judiciary, for I admire the conservatism with which they proceed in the consideration of measures like this. At the same time we have got to take some steps forward very soon or else——

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The time of the Senator from Alabama has expired.

Mr. WILSON. Mr. President, I do not care to participate in the discussion of this subject at this time, but I have received within the last day or two a letter from a United States marshal that is somewhat peculiar, and inasmuch as officers of that class have been not a little denounced in connection with this subject, I ask that this letter may be read as part of my remarks, giving the opinion of at least one United States marshal concerning the proposition now pending before this body.

The PRESIDING OFFICER. The paper will be read if there be no objection.

The Chief Clerk read as follows:

OFFICE OF UNITED STATES MARSHAL,
Keokuk, Iowa, June 26, 1884.

MY DEAR SENATOR: I see that Congress has passed a bill to pay a fixed salary to the United States marshals and district attorneys. This bill as passed the House cuts down the marshal's salary one-half at least, for under the fee system the marshal was allowed $6,000, provided he made it in fees, after all expenses were out.

Now, Senator, I believe the bill ought to pass the Senate for the reason that by salarying the marskals and district attorneys it will do away with a large number of prosecutions that are brought under the old system. There is no disguising the fact that marshals, deputy marshals, and district attorneys bring all the cases of violations of the revenue laws that they can find to be brought, as it is the only way they can make their maximum, $6,000. Of course the deputy works up the cases and they are submitted to the law officer of the Government, which is the district attorney, and he of course orders or permits the prosecution of them all, as he knows that it depends on the amount of cases and convictions he can get in the courts by the deputies to make this salary. You can plainly see that the gate is wide open for deputy marshals to bring a large number of frivolous cases and harass good citizens where they unintentionally violate the laws, for nearly all these cases of violation of the revenue laws by the class of men such as doctors and druggists, they do it in ignorance of the law. But nevertheless they are guilty, and as a general thing plead guilty, and it makes a bitter feeling against the Government.

Now, you may think it strange for a United States marshal that can make at least five thousand dollars out of his office to advocate the passage of a bill cutting down his salary to three thousand; but knowing, as I do, that the Government can save thousands of dollars by the salary system and that it will stop a large number of frivolous prosecutions, and believing it is for the best interest of the Government and the people, is the reason why I do so.

I am, sir, your obedient servant,

R. ROOT,
United States Marshal Southern District Iowa.

Hon. JAMES F. WILSON,
United States Senate Chamber, Washington, D. C.

Mr. LAPHAM. Mr. President, on looking at the provision which is proposed to be stricken out I ascertained that in the crudeness with which it has been framed the eastern district of New York is entirely unprovided for. The southern district is provided for, but the eastern district is not named. Both the marshal and district attorney of the eastern district have been here in person to inquire what it meant that no provision had been made for that important portion of our judicial system. They bring me the figures, which show that in the eastern district of New York there are a larger number of causes, civil and criminal and in admiralty, than in any other district in the United States. The facts in relation to this were all spread out and submitted to the Committee on Appropriations with an amendment which I offered and had referred to the committee correcting this error. I learned from the Committee on Appropriations that in their opinion they had no power to propose amendments to this provision of the bill and therefore no remedy could be furnished which would help out the eastern district of New York by way of amendment. If this be so, certainly I must rejoice at its having been stricken out by the committee and I must sustain the action of the committee in doing so.

Mr. MAXEY. Mr. President, I have no doubt that if the measure proposed by the House and now pending should become a law defects would be found in it. I have equally no doubt that if the Judiciary Committee, intelligent as that body is, were to present a bill on the subject we should find defects in that. I remember very well a bill in respect to the Pacific railroads concerning a vast sum of money, amounting at that time to about $97,000,000, was reported by the very able and distinguished jurist and statesman Mr. Thurman from the Judiciary Committee, and that bill has had to be amended. I remember another bill reported by the distinguished chairman of the Judiciary Committee to correct the evils in Utah, and that bill has been found by experience to be so defective that we have spent days and weeks during the present session in an effort to amend that bill. So it would be with any great matter like this revolutionizing a system. Whatever bill we may adopt we shall find, as time rolls on, that we can amend its defects; but in this case the point is to start on the right road, and the right road beyond all question is the road by salaries and not by fees.

As was stated by my colleague, in my own State the unpopularity of the Federal judiciary system there has resulted alone from the petty prosecutions brought about for the purpose and with the design and intent of making fees. In the northern district alone in one case blank warrants were signed by a United States commissioner and sent hundreds of miles up into the Panhandle of Texas; men were arrested and brought to Dallas, and the very able and firm and upright judge who presides there upon the discovery of that wrong dismissed the deputies who had executed those writs. I speak of that only as one instance. There are many others I could speak of.

Not only has the Attorney-General recommended this, not only has the Attorney-General stated that every dollar of fees that the marshals get costs $10 in the way of emolument, but the President of the United States has recommended that the fee system should be changed and the salary system adopted. In sending to Congress the report of the Attorney-General the President says in his message:

> They (district attorneys and marshals) should be paid wholly by salaries instead of in part by fees, as is now the case. The change would prove to be a measure of economy, and would discourage the institution of needless and oppressive legal proceedings, which, it is to be feared, have, in some instances, been conducted for the mere sake of personal gain.

When I make a statement as to the arbitrary, dictatorial, illegal, fraudulent persecution of the people, I am indorsed by what was said in perhaps better language by the Attorney-General and the President of the United States.

Let us start in this system. We have been in session for more than seven months, and during those whole seven months no bill on this subject has been formulated or presented by the Judiciary Committee. The time has come, in my judgment, when we should do something; and if we adopt this system, then whatever amendments may be needed to it can be made hereafter. I admit that amendments are necessary; I have examined it enough myself to see that amendments will be necessary. Whatever amendments may be necessary time will develop, and we can go on and amend it hereafter. But let us start in the right direction, and the right direction is to abolish the opportunity for this oppression of which the people now complain. Let us start on a line in which there can be no oppression.

Now, in respect to fees which the chairman of the Judiciary Committee says must be paid in the way of taxed costs in the case of deputy marshals, that is a matter which can be hereafter looked into. Perhaps a marshal can not look into all these matters; he has deputies all over the district whose accounts are brought up. The records of the courts in Alabama and in Texas and elsewhere show the wonderful amount of fraud which is practiced on the United States Government by the present system, and it costs not less than ten times as much as a good and righteous system ought to cost. For that reason I am in favor of adopting the plan proposed by the House.

If the Senate could amend it I should propose amendments, for the examination of the measure shows that they are necessary; but we are

told by the President of the Senate, who is perfectly competent and infinitely better qualified than I am about the rules, for I know nothing about them, that we can not amend this provision. If we can not amend it now we can amend it at the next session of Congress. Let that be done, and let it be now adopted.

Mr. BAYARD. Mr. President, the great difficulty about this measure is the manner in which it is presented to the Senate. It comes to us upon an appropriation bill. It proposes in the closing hours of the session to change entirely whole sections of the law relating to the duties, the powers, and compensation of the clerks, commissioners, and marshals of the United States courts.

Mr. President, not once but many times during my service here I have sought to impress upon others the danger, the inconvenience, of attempting in this way to deal with general laws by ingrafting them upon appropriation bills. It must be perfectly obvious to Senators that if the system is to continue there will be no use whatever in the creation of the various committees of the Senate, and that that committee which was intended to deal only arithmetically with the estimates for the expenses of executing existing law will become one grand committee, absorbing every function and every authority in the exercise of legislative powers.

Now, sir, it so happens that I am a member of one of the committees of this body, the Judiciary, that have been considering this subject, but have not yet been able to mature a proper substitute for existing laws. I do not propose here to recite the difficulties of dealing with this question of affixing stated salaries for various officials in different parts of the country when their labors and their duties are so unequal. I can only say that the attempt has been made, and it has not resulted in a bill placed before either House of Congress.

The measure itself as it comes to the Senate is not the result of the action and of the consultation of what may be called the appropriate committee of the House of Representatives. It is ingrafted in the last hours of the session upon a bill intended merely to find money to execute existing laws. To whom is it committed? To the appropriate committee of the Senate? Not so at all. The Committee on the Judiciary never saw this provision until it was brought back here by the Committee on Appropriations. It is a very multifarious provision, and it proposes large and sweeping changes. I believe many of those changes would be reforms. Both the Senator from Texas and the Senator from Alabama have not in the least overstated the gross oppression, the extortion, and the outrage executed under existing law by the commissioners and marshals in many of the States.

I do not quite agree with my friend from Alabama that the only remedy is legislation. It seems to me that a judge under whose supervision these accounts are to be allowed has it in his power and it is manifestly his duty to put his hand upon these gross abuses, and I believe in many of the States of this Union and those which lie farther north the judges would not permit for one moment the abuses which are reported and testified to by the Department of Justice and by every one here in this Chamber and elsewhere who has knowledge of the facts. There should be and there could be a judicial disallowance of these excessive fees. There should be and there could be a removal from office of commissioners who have abused their powers under existing laws and a removal from office of marshals and of their deputies.

I could myself contribute some facts to show the great abuses under existing law that marshals of the United States have perpetrated in other States than those that lie far south of us. The publication of yesterday by a committee now sitting of the other House shows that the pruning hand of reform is badly needed in this Department. But, Mr. President, how can we wisely move in this reform upon an appropriation bill? Our rules forbid amendments, and can it be that we should adopt that which is palpably faulty trusting for some future Congress to reconsider our action?

Mr. INGALLS. Mr. President, while the evils of the fee system have undoubtedly been extremely exaggerated, it can not be denied that it offers temptation to irregularity and extravagance not easily resisted. When an officer is salaried at a minimum and is permitted to have a maximum to be realized out of fees, there is unquestionably in the ordinary mind an inducement which may result in frivolous and harassing prosecutions and in the attempt to secure emoluments that perhaps under other circumstances would not exist. But on the other hand the fee system has been approved by the experience of a great many generations as being the most effective method of securing honest zeal in the prosecution of offenders. If we are to assume that the administration of justice is to be confided to men who are qualified to exercise those functions, I think it can not be denied that human nature must change before we can make a radical transfer upon this subject with regard to the method of paying our officials.

There undoubtedly have been in some of the Southern States excesses that require to be remedied; but obviously the suggestion of the Senator from Delaware is the correct one. These difficulties can not be cured by legislation. The method would be to remove an officer who was detected in improper and excessive charges. The difficulty that is complained of will not be cured by simply transferring this account from one side of the ledger to the other, by saying that instead of fees there shall be a fixed and stated salary. That does not change the nature of men. That will not affect the administration of justice if the fountain-head is impure and corrupt.

Therefore it appears to me that the argument upon which this change is demanded is fallacious. It is based upon something that is sporadic and temporary and transient, and is in violation of the convictions and of the experience that have resulted from generations in which the other system has prevailed.

One point further, Mr. President, on this general subject. I doubt very much if there are five Senators who know what this vast measure contains. The bill itself, if I am correctly informed, passed the House of Representatives without debate under a suspension of the rules. The subjects in it received no consideration there whatever. I do not believe that one Senator who has spoken is competent to say what this part of the bill contains, or that it will be effective if we adopt it. But we are called upon under an application of our rules that forbids amendment and compels us either to accept this provision as it came from the House with all its defects upon its head absolutely as presented or else to reject it, to pass upon a subject that has been before one of the committees of this body for months with patient consideration, and a subject in which the difficulties were found to be so enormous under the proofs presented from different portions of the country that they have been unable to formulate a bill in regard to it.

It appears to me that a mere statement of the situation in which this case presents itself, no matter how great may be the difficulties that are to be corrected, is sufficient to justify us in agreeing with the amendment of the Committee on Appropriations to strike out these provisions.

I should like, if my time has not expired, to say one single word further upon the rule of the Senate to which reference has been made to-day.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLISON. Let us have the vote.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations striking out from line 2330 to line 2733 inclusive.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2755, to insert:

SENATE.

To enable the Secretary of the Senate to pay to Mrs. Mary Ross, widow of James Ross, deceased, late an employé of the Senate, the sum of $51, due him for services rendered in the folding-room of the Senate.

The amendment was agreed to.

The next amendment was, after line 2761, to insert:

To reimburse Benjamin Durfee for money advanced by him and to compensate him for labor bestowed in the compilation of the tariff statistics of the United States (Senate Report No. 12, Forty-eighth Congress, first session), in pursuance of Senate resolution of March 3, 1883, $2,500.

The amendment was agreed to.

The next amendment was, after line 2768, to insert:

To enable the Joint Committee on Public Printing to complete the preparation, proof-reading, and indexing of the classified, analytical, and descriptive Catalogue of Government Publications, and of publications of public interest purchased by the United States for use or distribution, $4,500, or so much thereof as may be necessary for the final completion of the work, which may be expended as additional pay or compensation to any officer or employé of the United States.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," in line 2792, after the word "the," to insert "Secretary of the Senate and the;" in line 2794, before the word "House," to insert "Senate and;" and in line 2796, after "1884," to insert "including the Official Reporters of the two Houses and the Capitol police;" so as to make the clause read:

To enable the Secretary of the Senate and the Clerk of the House to pay to the officers and employés of the Senate and House of Representatives borne on the annual and session rolls on the 30th day of June, 1884, including the Official Reporters of the two Houses and the Capitol police, one month's extra pay, at the compensation then paid them by law, which sum shall be immediately available.

The amendment was agreed to.

REPORT OF DIRECTOR OF THE MINT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That 9,000 copies of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1883 be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Mr. HAWLEY. That is here by reason of a misunderstanding. The report of the Director of the Mint has already been ordered to be printed by both Houses. I suggest that the resolution be laid on the table.

The PRESIDENT *pro tempore*. It will be laid on the table.

Mr. HAWLEY. I suppose that course will be perfectly respectful.

RAILROAD IN INDIAN TERRITORY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the action of the House of Representatives on the conference report upon

the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 2, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

Mr. INGALLS. I present the report of the conferees on the part of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 10, 11, and 13, and agree to the same.

That the Senate recede from its amendments numbered 5, 8, and 9, and consent that the same may be stricken out.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with the following amendment, namely: Amend the said Senate amendment by adding after the word "Interior" the words "in accordance with said intercourse laws;" and the Senate agree to the same.

JOHN J. INGALLS,
H. L. DAWES,
RICHARD COKE,
Managers on the part of the Senate.
OLIN WELLBORN,
RICE A. PIERCE,
B. D. PERKINS,
Managers on the part of the House.

Mr. HARRISON. I should like to know what the amendments are of the Senate from which it is recommended that we recede. There seem to be two or three amendments from which we are advised to recede.

The PRESIDENT *pro tempore*. The amendments of the Senate from which the conferees recommend that the Senate recede will be read.

The CHIEF CLERK. Amendments numbered 5, 8, and 9 are receded from.

Amendment No. 5 was on page 5, line 18, to strike out "four" and insert "twelve;" so as to read:

Provided further, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within twelve months after the filing of maps of definite location, as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, &c.

Mr. HARRISON. I withdraw the request for the reading of the other amendments.

The PRESIDENT *pro tempore*. The question is on the report of the committee of conference.

The report was concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2800, after the words "of the," to insert "Senate and;" in line 2801, after the word "House," to insert "including the Capitol police;" in line 2803, after the word "who," to insert "have ceased, or who shall;" so as to read:

That all officers and employés of the Senate and House, including the Capitol police, who were employed on the 3d day of December, 1883, and who prior to, &c.

The amendment was agreed to.

The next amendment was, in line 2804, before "day," to strike out "fifteenth" and insert "first;" and in the same line, after the words "day of," to strike out "February" and insert "May;" so as to read:

The 1st day of May, 1884.

Mr. ALLISON. I desire to leave the word "fifteenth" and strike out the amendment to insert "first;" so as to read:

The 15th day of February.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment of the committee in line 2804.

Mr. ALLISON. I want the line to read "after the 15th day of May," striking out "first" and "February."

The PRESIDENT *pro tempore*. Is there objection to the amendment proposed by the Senator from Iowa to make line 2804 read "after the 15th day of May, 1884"?

The Chair hears no objection, and it is agreed to.

Mr. ALLISON. Now I move to insert after the word "1883," in line 2803, the words:

Or subsequently by resolution of either House.

The amendment was agreed to.

Mr. PLUMB. I should like to inquire of the Senator from Iowa if that includes the temporary employés in the folding-room.

Mr. ALLISON. It does not.

Mr. PLUMB. All the other employés?

Mr. ALLISON. I have another amendment to propose.

Mr. PLUMB. I am opposed to this whole proposition. I do not care to make any dissent here; but if it is applied at all I want it to be applied to everybody who was employed by the Senate or by the House at the time named, and especially those persons who were in temporary employment. We pay our annual employés a great deal more than is paid anywhere else in the wide world for similar service; and if we are to do something to raise the wages of the people we have about us by giving to the temporary employés something more, I shall not specially object.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2085, to strike out the word "cease" and insert "ceased."

The amendment was agreed to.

Mr. PLATT. I wish to call the attention of the chairman of the committee to line 2808, and ask him whether in view of the amendment which has been adopted in line 2803 there should not be an amendment in line 2808. In line 2803 an amendment was adopted saying "who have been subsequently employed," and then line 2808 speaks of the 3d day of December, 1883, as the time when they were receiving pay.

Mr. ALLISON. I think we shall have to insert "or subsequently" there. I will say in reference to this clause that the Committee on Appropriations heretofore and two or three times have reported against these extra allowances and have always been overruled in both Houses; and this time the committee desired once for all to make these allowances apply to everybody in the employment of either House in this Capitol.

Mr. INGALLS. Why not apply it to Senators and Representatives?

Mr. ALLISON. If the Senator makes that motion we shall consider it. I moved to insert the words "or subsequently by resolution of either House," in line 2803, and I think the words "or subsequently as above provided" should be inserted in line 2809.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to insert after "1883," in line 2809, the words "or subsequently as above provided."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "available," in line 2812, to insert:

Provided, That but one month's allowance shall be paid in any case, and the same shall not be paid to any person who shall receive one month's extra pay under the preceding paragraph.

The amendment was agreed to.

Mr. ALLISON. Now, I ask unanimous consent to go back to line 2797, after the word "police," to insert:

And the temporary employés in the folding-rooms of the Senate and House of Representatives.

Mr. PLUMB. Now, I should like to ask the Senator from Iowa a question about what occurs in lines 2796 and 2797:

Including the official reporters of the two Houses.

Will the Senator from Iowa explain to me what that means and to whom it means to apply?

Mr. ALLISON. I will do so with great pleasure. Under this provision of the bill as it came to us from the House of Representatives the official reporters of the House would be paid this extra month's pay, because they are borne upon the annual rolls of the House of Representatives, but the reporters of the Senate would not be, because they are not borne upon the annual roll; and we supposed that whatever applied to the reporters of the House should be applied to our reporters, and the committee inserted those words.

Mr. PLUMB. Now, I understand that the reporting of the two Houses is done upon an entirely different basis. The Senate makes a contract with one person to do its reporting at $25,000 a year, which gives to that person a very large annual compensation, perhaps three times as large, taking it altogether, as any Senator receives on this floor. The House, on the contrary, pays to five different persons $5,000 each. It is a totally different proposition. I am opposed to the whole thing myself in regard to any of these persons, because, in the first place it is giving to them, already sufficiently paid, what we practically have no right to give. We can only give a gratuity on the assumption that there is some foundation for it which is in the nature of an emergency or an exceptional condition of things prevailing at the moment.

I am opposed to that, and I am opposed to it for this reason: I have observed for some years a competition existing between the two Houses of Congress as to which shall pay the more to their employés. If the House raises a messenger the Senate goes to work pell-mell to raise a messenger also and have it understood it can spend as much money as the House can; and there has been no branch of the public service of which this has been more true than the reporting of Congress. Whenever the House gives a sum of money to Mr. McElhone or somebody

else as extra compensation the Senate rushes in at once and gives something to its Reporter for the reason that it wants to get its elbows into the Treasury just as deep as we allow the House to get theirs in.

So far as I am concerned I do not want to enter into any compensation of that kind. It is wrong. We are paying now a large sum for this service. I have not the slightest doubt in the world we could have this service rendered as well as it is rendered now—I speak with no disrespect of the style in which it is done now—for a less sum of money; and if those who are doing this service in either House of Congress will submit themselves to competition, and be willing to go before Congress and say, "We will throw up our contract and submit this to stenographers who are competent to do this business," I have no doubt it can be done for a great deal less than is now paid.

I do not want to disturb the extraordinary condition of things, but I am opposed to this constant crowding for a month's extra wages. What is a month's wages to a man who is getting $25,000 a year, as our Reporter is to-day? Is it one-twelfth of $25,000 a year? It is one-twelfth of $25,000 a year in gross to the reporters of the House undoubtedly, but is it one-twelfth of $25,000 to one man to whom we are now paying $25,000? Then it is about $2,500 to be paid him as a gratuity for what? Upon some theory that he is not getting enough?

As I said, I am opposed to it. We are doing these things. They are pleasant, of course, to do every year, but we are doing that which we can not justify ourselves in doing. The employés of the Senate and of the House, and especially of the Senate, are paid more than any salaried people in the world, I believe. There are more of them than there ought to be, and yet we constantly increase them; and they are paid larger salaries than they ought to have, more than we in decency and fairness to those we represent ought to consent they should receive. Now, we attempt to piece the thing out at the end of the session by a liberality that is begotten of that demoralization which comes at the close of a long and weary session. I do not think we can justify ourselves in doing it.

Mr. President, I move to reconsider the vote by which the amendment in lines 2796 and 2797 was inserted.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Iowa to amend as has been reported, the Senator from Kansas moves to reconsider the vote by which the amendment in lines 2796 and 2797 was adopted.

Mr. VOORHEES. I do not agree with the Senator from Kansas that there are too many employés of the Senate. I do not think we have a service here even equal to the public wants. I think those who are here do their duty faithfully and well, and I believe that they are insufficiently paid. I shall not only not vote to reduce any man's pay connected with the Senate, but I will vote for the most liberal construction for paying men here who are doing their duty. I will vote with the committee on this question with great pleasure. Usually it gives me pleasure to concur with the Senator from Kansas, but in this instance I will not, and I shall vote with the Senator from Iowa.

Mr. INGALLS. It would be interesting to know how this venerable abuse grew up. We are doing with the public money what no man would do with his own. I think it is a very safe rule in dealing with funds that belong to other people to do with them as we would if they belonged to us individually, and I do not hesitate to say that no employer would give a servant, no matter how faithful he might be, thirteen months' salary for twelve months' compensation.

Several SENATORS. Service, you mean.

Mr. INGALLS. I do not mean service, because I should say that one half the time they are employed but three months out of the year and the other half of the time not over six or seven; and yet we present here year after year the astounding and inexplicable anomaly, when the service one year is three months and the next year six or seven, of paying men who have annual compensation thirteen months' wages. If they are not paid enough by the month or by the year, they ought to have more; but there is no sense, there is no reason, and there is no justification for this method that we adopt of increasing the salaries of our servants and agents here when we refuse to increase our own. If this is "sauce for the goose" it ought to be "sauce for the gander." If our servants and agents and clerks and messengers and pages are entitled to thirteen months' pay for twelve months' engagement, then we are entitled to it. We do as much work as they do, and if they do not receive what they are entitled to, we ought to increase their annual compensation.

Mr. VOORHEES. Let me ask the Senator a question at that point. Does the Senator from Kansas believe that we do pay the employés of the Senate enough, a sufficient amount for their labor?

Mr. INGALLS. I believe that we pay more than the private employers of this country in any of the business affairs of life pay those who serve them. That is my honest conviction about it.

Mr. VOORHEES. Is that an answer, when you consider the character of the service rendered?

Mr. INGALLS. The Senator from Indiana will not misunderstand me. I am not speaking in disparagement of our service. I think our service is of a very high grade. I think that our officers, our clerks, our messengers, all those who render service to us are entitled to consideration. I do not in any way whatever speak in derogation of them or their service, but I do denounce this false and vicious and pernicious system that is growing here year by year of paying for service that is not rendered and that can not be rendered until the number of months in the year is increased. We give, for instance, to an employé here who receives $1,200 per annum $1,300 by the fiction of saying that he shall have an extra month's pay. An extra month's pay for what? He does not render an extra month's service. If we do not give him money enough for twelve months' service, then we ought to increase his salary.

But that is not the worst of it. It does not apply to men who have an annual compensation alone, but under the amendments which have been adopted here a man who works for thirty days, a man who works for a fraction of a month, receives an additional month's compensation, exactly the same as he who has borne the heat and burden of the day and works for twelve months in the year, if that amount of labor is required of him.

It is unjust, Mr. President; it is inequitable; it is dealing with the funds of the people as no man who votes for it would do with his own money.

The PRESIDENT *pro tempore*. The time of the Senator has expired. The question is on agreeing to the motion of the Senator from Kansas [Mr. PLUMB] to reconsider the vote by which the amendment in line 2796 and 2797 was agreed to.

Mr. ALLISON. I only desire to say one word in response to the Senator from Kansas. The Senator must remember that this is not a thing that originated with the Committee on Appropriations, nor did it originate in this Chamber. It is an affair that comes to us from the House of Representatives on this bill, as it has come to us many times from the House of Representatives, and we are obliged to deal with it.

So far as our Official Reporter is concerned, it is true that instead of paying five official reporters we have one, but he has four assistants, and whatever sum is paid to our chief Official Reporter of course is divided among his regular assistants as the sum is divided in the House of Representatives among five chief reporters.

Mr. INGALLS. But I understand the Official Reporter pays his own assistants, and they are not paid by the Government or by the Senate.

Mr. ALLISON. Certainly.

Mr. INGALLS. He hires his own assistants and pays what he sees fit.

Mr. ALLISON. And they will be paid out of this fund, of course, in proportion.

Mr. INGALLS. Does this give his assistants an extra month's pay?

Mr. ALLISON. His four regular assistants will be included in what we allow to him for an extra month's pay.

Mr. PLUMB. Not necessarily.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to reconsider. [Having put the question.] The noes appear to to have it.

Mr. PLUMB. I believe I shall call for a yea-and-nay vote on that question.

The PRESIDENT *pro tempore*. The yeas and nays are demanded. Is there a second? [Putting the question.] Not a sufficient number of Senators second the call, and the yeas and nays are not ordered. The motion to reconsider is not agreed to.

Mr. PLUMB. I give notice that I shall reserve that particular amendment for a separate vote in the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Iowa to the same paragraph.

Mr. PLUMB. I wish to say that it so happens that the Sergeant-at-Arms of the Senate has employed men for a week and discharged them; that he has employed men for two weeks and discharged them; that he has employed men for a month and discharged them, and has accommodated himself to the varying circumstances and situations, the contingent fund included, until we shall be giving by this vote an extra month's pay to men who served a single week. Of course when we come to give it away, and when it is money that does not belong to us but to somebody else, it is a very easy thing to do, but it only illustrates the utter viciousness of this entire system, and the Senate ought to understand what it is doing.

Mr. ALLISON. I withdraw the amendment I offered. I offered it chiefly on account of the Senator from Kansas, to meet his idea that these employés were not included on the regular roll.

The PRESIDENT *pro tempore*. The Senator from Iowa withdraws his amendment.

Mr. PLUMB. It was brought here by a member of the House, and I presented it to the Senator from Iowa. It only illustrates the viciousness of the system.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2837, to insert:

For the assistant to the person preparing the general index to the Journals of Congress, authorized under the resolution of May 22, 1882, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "Public printing and

binding," in line 2853, after the word "million," to insert "five hundred;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, maping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all necessary materials which may be needed in the prosecution of the work $2,000,500; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely:

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Iowa to line 2846, a typographical error, probably, in misspelling the word "mapping." It will be spelled correctly if there be no objection.

Mr. ALLISON. I move to insert a "p" there, so as to read "mapping" instead of "maping."

The motion was agreed to.

Mr. PLATT. Although we have passed over it, it seems to me there is a mistake in line 2821. I do not suppose it is intended to pay a clerk for services as "clerk to the subcommittee on accounts" $180 for ten days' service.

Mr. ALLISON. That is a typographical error. It should be January 1, 1884.

The PRESIDENT *pro tempore*. Is there objection to correcting the paragraph by striking out after the word "January," in line 2821, the word "twenty-first" and inserting "first"? The Chair hears none, and it is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2858, after the word "million," to strike out "one hundred and twenty-one thousand six" and insert "two hundred and eighty-one thousand three;" in line 2862, before the word "hundred," to strike out "two" and insert "three;" in line 2863, before the word "thousand," to strike out thirty-six" and insert "seventy-five;" in line 2866, after "Navy Department," to strike out "forty" and insert "seventy;" in line 2868, before the word "thousand," to strike out "four" and insert "eighty;" in line 2871, after "Department of Justice," to strike out "eight" and insert "ten;" in line 2872, after "Post-Office Department," to strike out "one hundred and twenty" and insert "two hundred;" in line 2873, after "Agricultural Department," to strike out "sixteen" and insert "twenty-five;" in line 2876, after "District of Columbia," to strike out "eight" and insert "one thousand and five;" in line 2878, after "Court of Claims," to strike out "six thousand four hundred" and insert "ten thousand;" so as to make the clause read:

For printing and binding for Congress, including the proceedings and debates, $1,281,300; for the State Department, $12,000; for the Treasury Department, $300,000; for the War Department, $175,000 (of which sum $12,000 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, $70,000; for the Interior Department, $380,000 (of which sum $10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, $10,000; for the Post-Office Department, $200,000; for the Agricultural Department, $25,000; for the Supreme Court of the United States, $20,000; for the supreme court of the District of Columbia, $1,500; for the Court of Claims, $10,000; and for the Library of Congress, $15,200. And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended.

The amendment was agreed to.

The next amendment was, in line 2892, before the word "necessary," to strike out "absolutely;" and in line 2896, after the word "law," to strike out "or that is contained in any other report made by an officer of the Government;" so as to make the clause read:

That it shall not be lawful for the head of any Executive Department or of any bureau, branch, or office of the Government to cause to be printed, nor shall the Public Printer print, any document or matter of any character whatever except that which is authorized by law and necessary to administer the public business, nor shall any bureau officer embrace in his annual report to be printed any matter not directly pertaining to the duties of his office as prescribed by law.

The amendment was agreed to.

Mr. PLUMB. I ask the Senator from Iowa if he would object to amending this clause by inserting in line 2894, after the word "annual," the words "or other." There are plenty of cases where the reports other than the annual report embrace matters that are required to be printed, and are printed by other bureaus. I move to insert the words "or other" after the word "annual," in line 2894.

The PRESIDENT *pro tempore*. The Senator from Kansas moves, in line 2894, after the word "annual," to insert "or other." Is there objection? The Chair hears none, and the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 2898 to 2903, inclusive, as follows:

That hereafter the Public Printer is required to print not more than one volume each year of the decisions and opinions of the First Comptroller of the Treasury Department, with such explanatory matter as he may furnish, and to furnish to him not more than 100 copies of each volume.

Mr. HOAR. I see the whole bill is to be stricken out down to page 129. I ask if that can not be all treated as one amendment, instead of having the question put twenty times?

Mr. ALLISON. It is one amendment, as it relates to one subject, to wit, the redistribution of all the public documents.

Mr. HOAR. Can not the reading be omitted?

Mr. ALLISON. I hope by unanimous consent that may be done.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the reading of sections 2 to 13, at the top of page 129, be omitted on the recommendation of the committee to strike them all out.

Mr. PLUMB. I should like to make an inquiry before that question is put, in regard to what occurs in lines 2898 to 2903, inclusive. That evidently was inserted on the idea that it would work some restriction on the printing done for the First Comptroller. I ask the Senator from Iowa if he knows how many volumes of decisions of the First Comptroller are printed now annually as the law stands?

Mr. ALLISON. I do not know the number of volumes now printed annually. I think the number varies from time to time, depending upon the industry and energy of the Comptroller.

Mr. PLUMB. I think that is a proper provision.

Mr. ALLISON. I do not object to the provision to which the Senator calls attention; nor do I think the committee would object to it, omitting the last clause, which is:

And to furnish to him not more than one hundred copies of each volume.

Mr. PLUMB. This is either a public document or it is not. If it is a public document, of course the Comptroller is supplied with it liberally, I think, being given one hundred copies more than is given to any other officer. I am informed from a very good source that the Comptroller now gets for his personal use 2,000 copies, and if that is so, there is certainly an abuse that ought to be corrected.

Mr. ALLISON. There is here a letter among the papers which shows exactly how the Comptroller distributes the 2,000 copies. In form he does receive 2,000 copies, but they are distributed under the ordinary methods of distributing public documents. If the Senator thinks there is an abuse, it is a matter which I care nothing about, but on examination of the letter of the Comptroller, which I can not lay my hands on at this moment, I am satisfied so far as the latter clause is concerned that it ought to be stricken out. I am perfectly willing that the first part of the provision should stand. One volume is enough in a year.

Mr. INGALLS. Is the printing of one volume now authorized by law?

Mr. ALLISON. I believe it is directly authorized by law.

Mr. INGALLS. If the printing of the decisions is authorized by law he can very readily circumvent the intent of this section by enlarging the volume, and the result of this may be that you will have a volume larger than the Revised Statutes of 1878.

Mr. PLUMB. That would be obviated by striking out the words in line 2901, "with such explanatory matter as he may furnish." The observation I have given to these volumes is that there is a grain of wheat to a stack of chaff. I would suggest to the Senator from Iowa that so much of the amendment as goes down to the word "Department," in line 2901, should remain, and the words "with such explanatory matter as he may furnish, and to furnish to him not more than one hundred copies of each volume," should be stricken out.

Mr. INGALLS. Unless more definitely advised, I should very much doubt whether these decisions were printed by any authority of law. I question that very much indeed, and I should regret to see any custom grow up here by which the decisions of all our Comptrollers, and all our Auditors, and all our heads of bureaus, and all our chiefs of divisions are to be printed as public documents and distributed. Therefore, unless the printing of these decisions has the sanction of statute, I hope the Senator from Iowa will insist upon his amendment striking out this provision.

Mr. HALE. It is recommended as a restriction, not as an extension.

The PRESIDENT *pro tempore*. The question is on the recommendation of the committee to strike out lines 2898 to 2903, inclusive.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the reading of what follows line 2903, on page 118, to and including the word "repealed," at the end of section 13, on page 129, be omitted, the committee recommending that it all be stricken out. Is there objection?

Mr. PLUMB. Does that include the first paragraph?

Mr. HALE. That has just been voted on.

The PRESIDENT *pro tempore*. It includes what follows line 2903 to and including section 13, on page 129. Is there objection that the reading be dispensed with? The Chair hears none. The question is on agreeing to the amendment of the committee to strike out all the matter referred to.

The amendment was agreed to.

The matter stricken out is as follows:

SEC. 2. That whenever the printing of a document is ordered by Congress, or by either House thereof, the regular and authorized number of copies of the same shall be 1,440, except as hereinafter provided, nor shall a larger number be printed except upon the special order of Congress.

SEC. 3. That of the regular and authorized number of documents nine hun-

dred and sixty-nine shall be bound in sheep, as soon as practicable after the close of each session of Congress, and when bound shall be distributed by the Public Printer as follows:

To the Secretary of the Senate, seventy-eight copies, of which he shall deliver to the Vice-President one copy, to each Senator one copy, and to the office of the Secretary of the Senate one copy;

To the library of the Senate, twelve copies;

To the Clerk of the House of Representatives, three hundred and thirty-four copies, of which he shall deliver to each Representative and Delegate one copy and to the office of the Clerk of the House of Representatives one copy;

To the House library, sixteen copies;

And the Public Printer shall deliver to the Secretary of the Senate or to the Clerk of the House an additional copy for each Senator, Representative, or Delegate added to the present membership of Congress;

To the Library of Congress forty-five copies, of which two shall be for the Library, and shall not be taken therefrom, and forty-three copies shall be for exchange with foreign governments, under the direction of the Joint Committee on the Library, as provided in the joint resolution of March 2, 1867;

To the President of the United States, one copy;

To each of the Executive Departments, one copy;

To the Department of the Interior, for depositories of public documents, four hundred and seventy-five copies; and one additional copy for each Senator, Representative, or Delegate added to the present membership of Congress;

The remainder of the regular and authorized number shall be delivered as follows:

To the document-room of the Senate, of Senate documents and reports, one hundred copies, and of House documents and reports, eighty-five copies;

To the document-room of the House, of Senate documents and reports, three hundred and thirty-five copies, and of House documents and reports three hundred and fifty copies;

To the Department of State, for transmission to the legations in the capitals of foreign governments, and to the legations and consulates of the United States abroad, twenty-five copies;

To the President of the United States, one copy;

To each of the Executive Departments, one copy;

To the Library of Congress, one copy;

To the Smithsonian Institution, one copy;

To the Public Printing Office, one copy;

And, in addition, there shall be printed four hundred copies of reports of committees, which shall be delivered as follows:

To the Senate document-room, of Senate documents and reports, one hundred copies, and of House documents and reports seventy-five copies each;

And to the document-room of the House of Representatives, of Senate documents and reports, three hundred copies, and of House documents and reports three hundred and twenty-five copies each.

SEC. 4. That of the papers and testimony in contested-election cases there shall be printed only as many copies as will suffice to supply the members of the House in which the contest may lie with one copy each, and one additional copy for each member of the Committee on Elections, and two copies each for contestant and contestee; and, in addition thereto, fifteen copies, which shall be bound in sheep and delivered as follows: To the Library of Congress, three copies; to the library of the Senate, six copies; and to the library of the House of Representatives, six copies.

SEC. 5. That reports of committees of a private nature, relating to pensions, patents, claims, reliefs, and desertions, shall be termed private reports; and there shall be printed of each and delivered as follows:

To the Senate document-room, for the use of the Senate, one hundred copies;

To the House document-room, for the use of the House of Representatives, three hundred and fifty copies;

To the President of the United States, one copy;

And, in addition, there shall be printed twenty-six copies of each, which, at the close of each session of Congress, shall be bound in sheep, and shall be delivered as follows:

To the President of the United States, one copy;

To the Library of Congress, three copies:

To the Library of the Senate, six copies;

To the Library of the House of Representatives, six copies;

To each of the Executive Departments, one copy;

To the Public Printing Office, one copy;

To the Smithsonian Institution, one copy.

SEC. 6. That of the public journals of the Senate and of the House of Representatives the regular number shall be printed and distributed.

SEC. 7. That there shall be printed of the following documents, namely, the documents accompanying the annual reports of the Executive Departments, papers relating to foreign affairs accompanying the annual message of the President, the Report on Commercial Relations, and the Report on Commerce and Navigation, 2,000 copies, in addition to the usual number; 600 of which shall be for the use of the Senate and 1,400 for the use of the House of Representatives.

SEC. 8. That of the abridgment of messages and documents there shall be printed and bound 5,000 copies, 2,000 for the use of the Senate and 3,000 for the use of the House of Representatives.

SEC. 9. That the Public Printer shall print and deliver of the daily edition of the CONGRESSIONAL RECORD:

To the President of the United States, three copies;

To the Vice-President, two copies;

To or upon the order of each Senator, forty copies;

To or upon the order of each Representative and Delegate, twenty-four copies; said copies to be of the daily or bound edition, as each Senator, Representative, or Delegate receiving the same may elect;

To the Secretary of the Senate, for the use of his office, five copies;

To the Sergeant-at-Arms of the Senate, for the use of his office, one copy, and one copy for delivery to each committee-room of the Senate;

To the Official Reporter of the Senate, seven copies;

To the Clerk of the House, for the use of his office, five copies;

To the Postmaster of the House, one copy;

To the Sergeant-at-Arms, one copy;

To the Doorkeeper, for his own use, one copy, and one copy for delivery to each committee-room of the House;

To the Official Reporters of the House, seven copies;

To the Library of Congress, two copies;

To the Chief-Justice and to each of the associate justices of the Supreme Court of the United States, the clerk and marshal of the court, one copy each;

To the National Home for Disabled Soldiers at Dayton, in Ohio, and to the branches at Augusta, in Maine, Milwaukee, in Wisconsin, Hampton, in Virginia, the Soldiers' Home at Knightstown Springs, near Knightstown, in Indiana, the Soldiers and Sailors' Home at Bath, Steuben County, New York, one copy each.

He shall also print and bind so many copies of the CONGRESSIONAL RECORD as will enable him to deliver—

To the President of the United States, one set;

To the Vice-President of the United States, one set;

To the library of the Senate, for the use of the Senate and the officers thereof, thirty sets;

To the library of the House, for the use of the House and the officers thereof, fifty sets;

To the Library of Congress, forty-five sets, of which forty-three sets shall be for foreign exchange;

To the Official Reporter of the Senate, five sets;

To the Official Reporters of the House, five sets;

To the Chief-Justice and to each of the associate justices of the Supreme Court of the United States, and the clerk and marshal of the court, one set each.

SEC. 10. That the Public Printer shall, as soon as practicable after the close of each session of Congress, deliver of the laws of such session, published in pamphlet form, as follows:

To the folding-rooms of the Senate, twenty-five copies for each Senator, and five copies for the Official Reporter of debates;

To the folding-rooms of the House of Representatives, eighteen copies for each Representative and Delegate, and five copies for the Official Reporters of debates;

To the President of the United States, two copies;

To the Vice-President of the United States, two copies;

To the Librarian of the Senate, for the use of the Senate, fifty copies;

To the Librarian of the House, for the use of the House, fifty copies;

To the Library of Congress, fourteen copies;

To the Department of State, including those for the use of legations and consulates, three hundred and eighty-five copies;

To the Treasury Department, including those for the use of the officers of customs, three hundred copies;

To the War Department, two hundred copies;

To the Navy Department, one hundred copies;

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public lands, two hundred and fifty copies;

To the Post-Office Department, fifty copies;

To the Department of Justice, including those for the use of the chief and associate justices, and judges, and the officers of the United States and Territorial courts, four hundred and twenty-five copies;

To the Department of Agriculture, two copies;

To the Smithsonian Institution, one copy;

To the Public Printing Office, one copy;

To each State and Territorial library, one copy;

And ten thousand copies shall be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled.

SEC. 11. That as soon as practicable after the close of each Congress, the Public Printer shall deliver to the Secretary of State two thousand two hundred and twenty-one copies of the Statutes at Large of the United States for such Congress, bound in sheep, which shall be distributed by the Secretary of State, as follows:

To the President of the United States, two copies;

To the Vice-President of the United States, one copy;

To each Senator, Representative, and Delegate in Congress, one copy;

To the librarian of the Senate, for the use of the Senate, seventy-five copies,

To the librarian of the House, for the use of the House, two hundred copies;

To the Library of Congress, ten copies;

To the Department of State, including those for the use of legations and consulates, three hundred and eighty copies;

To the Treasury Department, including those for the use of the officers of customs, three hundred copies;

To the War Department, fifty copies;

To the Navy Department, sixty copies, one of which shall be sent to each of the following libraries: The library of each navy-yard in the United States, the library of the Brooklyn naval lyceum, and the library of the naval institute at Charlestown, Mass;

To the Department of the Interior, including those for the use of surveyors-general and registers and receivers of public land offices, two hundred and fifty copies;

To the Post-Office Department, fifty copies;

To the Department of Justice, including those for the use of the chief and associate justices, the judges, and the officers of the United States and Territorial courts, four hundred and twenty-five copies;

To the Department of Agriculture, two copies;

To the Smithsonian Institution, one copy;

To the Public Printing Office, one copy.

SEC. 12. That the Public Printer shall deliver, of all bills and joint resolutions printed by order of Congress, or of either House thereof:

To the President of the United States, two copies;

To the Secretary of the Senate, for the use of his office, five copies;

To the document-room of the Senate, for the use of the Senate, two hundred and thirty copies of all Senate bills and resolutions, and one hundred copies of those of the House;

To the Clerk of the House, for the use of his office, five copies;

To the document-room of the House of Representatives, for the use of the House, six hundred and eighty copies of all House bills and resolutions, and three hundred and fifty copies of those of the Senate;

And at the close of each session the Public Printer shall deliver to the Congressional Library and to the libraries of the Senate and House of Representatives, each, two complete sets;

And to the document-rooms of the Senate and House of Representatives, each, one complete set of all bills and resolutions of such sessions, bound in sheep, for permanent preservation:

Provided, however, That hereafter no bills or resolutions of a private nature, relating to pensions, reliefs, disabilities, patents, claims, and desertions, shall be printed except upon a favorable report of a committee of Congress:

And provided further, That when a bill passes one House as reported, the same shall not be reprinted in the other House except by its order.

SEC. 13. That all acts, joint resolutions, and concurrent resolutions in conflict with the provisions of this act are hereby repealed.

The next amendment of the Committee on Appropriations was to insert, as section 2, the following:

SEC. 2. That the Joint Committee on Public Printing is hereby instructed to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and to report a bill, in December next, making such reductions in the numbers and cost of printing, and such changes and reductions in the distribution of said publications, as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also instructed to investigate the printing and binding for the Executive Departments, executed at the Government Printing Office and at the branch printing offices and binderies in the various Departments, and report a bill, in December next, making such reductions in expense and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further instructed to make any other investigations calculated in their opinion to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to summon and to examine experts and witnesses, and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire; and any expenses necessarily incurred in making the investigations aforesaid shall be defrayed equally from the contingent funds of the two Houses of Congress.

Mr. INGALLS. Is not that section liable to a point of order on the ground of being general legislation on an appropriation bill?

The PRESIDENT *pro tempore*. Does the Senator make the point of order?

Mr. INGALLS. I make the point of order.

The PRESIDENT *pro tempore*. The Chair sustains the point of order. He thinks the section is not in order under the rule. The Senate will now return to the consideration of the amendment passed over informally on page 40. The portion of the bill on pages 40 and 41, from line 979 to line 1005, was passed over informally.

Mr. SHERMAN (at 5 o'clock and 45 minutes p. m.). I move that the Senate now take a recess until 8 o'clock. I will say that there are a great multitude of amendments to be offered to this bill, and, unless we intend to weary ourselves out, we had better take a recess.

Mr. VOORHEES. Why not adjourn?

Mr. SHERMAN. I move that the Senate take a recess.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate take a recess until 8 o'clock this evening.

Mr. VOORHEES. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. It is moved that the Senate adjourn.

Mr. ALLISON. I ask unanimous consent to appeal to the Senator from Indiana to withdraw the motion. It is absolutely essential that this bill be finished to-night if we are to adjourn this week.

Mr. VOORHEES. I withdraw the motion on the request of the Senator from Iowa.

The PRESIDENT *pro tempore*. The motion to adjourn being withdrawn, the question recurs on the motion of the Senator from Ohio [Mr. SHERMAN] that the Senate take a recess until 8 o'clock this evening.

The motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 1015) entitled "An act for the relief of Fitz-John Porter," with his objections thereto, the House of Representatives proceeded in pursuance of the Constitution to reconsider the same, and had

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota; and it was thereupon signed by the President *pro tempore*.

ORDNANCE AND GUNNERY.

Mr. HAWLEY submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That a select committee of five Senators be appointed by the Chair to inquire as to the capacity of steel-producing works in the United States to make steel of suitable quality and sufficient in quantity to furnish metal for guns of high power and metal plates and other material for the construction of vessels of war and for the armor or sheathing for such vessels.

2. That said committee shall also inquire as to the character and sufficiency of machinery and machine-tools in the navy-yards, and also in private foundries and machine-shops in the United States, for the construction of engines suitable for vessels of war and for manufacturing guns for the proper armament of such vessels, and of the seacoast defenses, and for the purpose of constructing iron and steel ships of war.

3. Said committee shall also inquire into the best locations in the United States for manufacturing guns, engines, and armor for vessels, and for building iron and steel ships of war, and the best method of manufacturing and building the same, whether by the Government or by contract with private persons.

4. Said committee shall have power to sit in the vacation of the Senate at any place in the United States, to send for persons and papers, and to appoint a clerk and messenger, and may report by bill or otherwise.

5. The expenses of said committee and of witnesses summoned before it shall be paid out of the contingent fund of the Senate, to be certified by the chairman of the committee, and auditedand allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDENT *pro tempore*. The first question is on agreeing to the amendment recommended by the Committee on Appropriations, in line 986, to strike out "ten" and insert "twenty;" so as to read:

For the State Department, $20,000.

Mr. ALLISON. I move, on behalf of the committee, now to strike out lines 979 to 1005, inclusive, and insert what I have sent to the desk.

The PRESIDENT *pro tempore*. The amendment proposed to be inserted will be again reported.

The Chief Clerk read the words proposed to be inserted, as follows:

To enable the several Executive Departments of the Government, including the Department of Agriculture and the Smithsonian Institution, to participate in the World's Industrial and Cotton Centennial Exposition to be held at New Orleans, La., under act of Congress of February 10, 1883, to be expended under the direction of the President, $250,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. BECK. I propose to amend the amendment of the Senator from Iowa by inserting after "in," in line 3, the words:

The Cincinnati Industrial Exposition to be held at Cincinnati, Ohio, during the months of September and October, 1884, the Southern Exposition to be held at Louisville, Ky., from August 16 to October 25, 1884, and in.

Mr. ALLISON. Does the Senator from Kentucky increase the sum?

Mr. BECK. Not at all.

The PRESIDENT *pro tempore*. The Chair will state that strictly the amendment of the Senator from Kentucky is not now in order, it being an amendment to what is an amendment to an amendment; but if there be no objection, it will be received for consideration. It will be read as proposed to be amended.

The CHIEF CLERK. As proposed to be amended the amendment would read:

To enable the several Executive Departments of the Government, including the Department of Agriculture and the Smithsonian Institution, to participate in the Cincinnati Industrial Exposition to be held at Cincinnati, Ohio, during the months of September and October, 1884, the Southern Exposition, to be held at Louisville, Ky., from August 16 to October 25, 1884, and in the World's Industrial and Cotton Centennial Exposition, to be held at New Orleans, La., under act of Congress of February 10, 1883, to be expended under the direction of the President, $250,000.

Mr. JONAS. I have no objection to the amendment offered by the Senator from Kentucky, but I trust the Senate will not concur in the amendment of the Senator from Iowa to reduce the amount of the appropriation from $500,000, as contained in the House bill, to $250,000. The amount appropriated, I submit, is not more than sufficient in order to enable the different Departments of the Government to make such an exhibition as is desirable at this great exposition to be held in New Orleans in December.

The President sent in a special message to Congress recommending an appropriation of $588,000, if my memory serves me aright, for the purpose, to which the House responded by appropriating $500,000, and distributing it among the different Departments of the Government as they adjudged best, after hearing the needs of the various Departments and bureaus in relation to the matter.

The President has issued an executive order constituting a board from the different Departments of the Government for the purpose of preparing for this exposition. They are now making preparations of the most extensive character, and it would be, I believe, impossible for them to carry out the intentions of the President or to carry out the proposed preparations on the appropriation recommended by the committee. I think it would be but very poor and niggardly policy to reduce this appropriation now.

The exposition which is to be held at New Orleans promises to be greatly more extensive and more successful than the one held in the centennial year in Philadelphia, for which the Government made a large appropriation, I think $700,000; and Congress made a large appropriation for the purpose of enabling the various Departments of the Government to make an exhibition there and made an additional appropriation for the purpose of restoring the various articles exhibited after the exhibition was over.

I sincerely trust that after the great preparation which has been made for this exhibition, after Congress has come generously to its aid by loaning to its managers a million of money to enable them to carry out their programme, and has invited the world to this great exposition in New Orleans, we shall not now cut down the appropriation which has been asked for by the President on the advice of the heads of the different Departments and bureaus of the Government, the amount asked for being that which is actually necessary in order to enable them to make a proper exhibition at the New Orleans exposition as compared with that which they made at the Philadelphia exposition.

Mr. GIBSON. Mr. President, if this were an original question, I think it might be doubtful whether it would be proper for the Government to appear at all through its various Departments at the exposition at New Orleans, but inasmuch as the executive and legislative departments of the Government have concurred in the policy, not only of countenancing this exhibition at New Orleans but have actually contributed a million of dollars to its success, and also have determined to make an exhibition of the various Departments of the Government itself, it appears to me that we ought to make that exhibition in some handsome manner, in a manner appropriate to the dignity and the character of the Government.

The small amount of $250,000 will hardly be sufficient if we attach an exhibition elsewhere in addition to that at New Orleans, because a very large portion of that sum will be consumed in transportation and in the packing up of the articles which are to be exhibited and unpacking them.

In view of these facts and that two other places have been added, I trust the Senate will agree to the original amount as it came from the House of Representatives. It ought to be $500,000 certainly.

Mr. HALE. Will the Senator allow me to ask him a question? I see in the bill as it comes from the House of Representatives that for the World's Industrial and Cotton Exposition to be held in New Orleans the War Department is given $80,000 and the Navy Department $60,000. Now what possible relation or association can these two military departments of the Government, that have nothing to do with the

industries of the country, bear to the industries of the world or to cotton culture? I have been unable to see what these military departments of the Government, which have nothing whatever under our system to do with the world's industries or with cotton culture, can have to exhibit that is of any value in this exposition. I can understand that the Agricultural Department has something, that the Bureau of Education and the Bureau of Labor may have something, that the State Department may furnish valuable information from abroad, but what it is that the War Department and the Navy Department can have that shall justify the expenditure of $140,000 is a thing past my comprehension.

I think for anything that is legitimate the Government has embarked in this enterprise not as a spectacular thing, but as an encouragement to industry and a representation of the world in industry, especially in regard to the cotton culture. I would not limit that; but merely to represent what has existed in the past in the War Department and Navy Department as a spectacular show, I do not believe in.

Mr. GIBSON. I quite concur with the Senator.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. ALLISON. I hope that amendment will not be adopted.

Mr. BECK. It adds nothing to the cost.

The amendment was agreed to; there being on a division—ayes 25, noes 23.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

Mr. JONAS. My colleague [Mr. GIBSON] offered an amendment to strike out.

The PRESIDENT *pro tempore*. That is not yet in order. The question is on the amendment proposed by the Senator from Iowa [Mr. ALLISON]. The amendment intended to be proposed by the Senator from Louisiana [Mr. GIBSON] would be an amendment in the third degree.

Mr. BLAIR. As I understand it, the amendment offered by the Senator from Iowa as amended by the one offered by the Senator from Kentucky will distribute, if it become a law, $250,000 between these three expositions, which will be, in my opinion, simply a waste of the whole of it. The estimate of the Executive Departments, after careful examination of this whole matter, was that in order to do the thing decently and in order at all would require $588,000 to be applied to purposes of the Louisiana exposition alone. On reflection the action of the House reduced that amount to $500,000. I think it might very well be still further reduced by striking out the proposed show of the War and Navy Departments, which have filled the ear of the whole country with their clamor, for the reason that whatsoever they had in their several Departments was obsolete, and that they are in no condition whatever to keep the peace within our own borders. I do not think there is any common sense whatever in exhibiting this old navy of ours in the waters of the Mississippi or exhibiting on an occasion of peace any implement of warfare whatever. We should simply become the laughing-stock of the nations by so doing. That $140,000 ought to be stricken out of the bill as it went to the committee.

But when you have passed beyond those ridiculous and objectionable provisions and come to the appropriations for this great and peaceful exposition, it does seem to me that we ought to adhere to the bill as it came from the House, or to increase it, or to abandon it *in toto*. It is utterly impossible to carry this out in a way that will not make us the laughing-stock of mankind without at least the appropriations that are contained in the original bill.

Now comes the amendment of the Senator from Kentucky, which I think must come from an enemy of the whole appropriation, to divide this already ridiculously small sum of $250,000 into three equal parts, it may be, and the whole would thereby be reduced. It seems to me to be an absurdity. To adopt this amendment now as amended on the motion of the Senator from Kentucky would be equivalent, as it seems to me, to the practical defeat of the whole thing. I hope that the amendment of the committee will not be adopted, or, if it is adopted, that the whole will be stricken out.

The PRESIDENT *pro tempore*. The Chair received by consent of the Senate an amendment in the third degree from the Senator from Kentucky [Mr. BECK], and, if there be no objection, the Chair will receive the amendment the Senator from Louisiana [Mr. GIBSON] desires to offer, increasing the sum, inasmuch as, if the amendment as it now stands be agreed to, it would not be in order until the bill was reported from the Committee of the Whole to move to increase it, and the choice, therefore, if the Senate wishes to increase it, would be to reject this amendment on that ground and agree to it again with the sum increased. So, if there be no objection, the Chair will entertain the amendment of the Senator from Louisiana to increase the sum. Is there objection? The Chair hears none. The Chair understands the Senator from Louisiana to move to increase the sum from $250,000 to $500,000.

Mr. GIBSON. Yes, sir; that is my motion.

The PRESIDENT *pro tempore*. The question is on that motion.

Mr. PLUMB. I voted with a great deal of cheerfulness for the loan by the Government of a million dollars to aid this New Orleans Exposition. I am fully satisfied with the vote I gave for that appropriation. I want that to be as great an exposition as its promoters want it to be. I am tolerably safe in saying that I want it to be as great an exposition as the Senators from Louisiana want it to be. I feel a very deep interest in it, and because I do I am opposed to appropriating anything of any particular consequence for the Government to exhibit itself down there at New Orleans. I do not want a wilderness of waxwork, of things that are of no consequence to anybody, that illustrate only the red tape of the minutiæ that pertains around the Government Departments. I want that exposition to represent the live, active, business interests of the people. I want it to represent the men who raise the corn, who raise the cotton, who raise the cattle, who work the loom, and generally carry on the great business of this country in all its ingenious and other forms. To put into the inclosure of the New Orleans Cotton Exposition such an exposition as the Government Departments would make with an expenditure of $500,000 would be to put a blemish upon what may otherwise, and I hope will be, a presentable, live substance; and to send the Government down there with these different Departments authorized to expend the large sum of money provided for in the bill as it came from the House would add to that absurdity, in my judgment.

If the Government is to go there, the President of the United States as the responsible head of the Government ought to have a sum of money in gross, and he should apportion it out among the several Departments in order that they may go down there as a whole, and not each Department go down there for itself and by itself and with an ambition on the part of each to excel all the rest and crowd all the rest out. There ought to be a uniform governmental exposition, and that, if it is for any purpose whatever, ought to be simply and alone to illustrate the workings of the various Departments. Anything else than that would simply be out of keeping, I think.

I do not think the people who go there from the South American states or the people who go there for instruction or for pleasure from the Central or from the Southern States, or from any other place, will be deprived of anything if the Government does not appear there at all. I believe that the use of a great space by the Government would be an actual blemish upon the exposition itself, and therefore I would, as an original proposition, be opposed to the whole thing; but, at all events, if it is done it ought to be done under some responsible head, in order that the exhibition by the Government may be uniform, may be connected, and may be harmonious, in place of being as it will be under the scheme and plan as it came from the House—each Department for itself and the devil for the hindmost.

Mr. ALLISON. Mr. President, is the amendment proposed by the Senator from Louisiana now before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. ALLISON. As I understand it, the proposition is to appropriate $500,000 for the purpose of the exhibitions at New Orleans, Cincinnati, and Louisville. If that shall stand, it seems to me that there will be no end to the amount of money that we shall be required to appropriate for these purposes.

For one I never would have consented to appropriate one dollar for this Louisiana exposition except for the fact that in the most solemn manner two years ago we committed this Government to that exposition by passing a law directing the President of the United States to invite foreign governments to be there at an international exposition of cotton and the other products of this country. When we passed that law the Senator from Louisiana [Mr. JONAS] stated that it was not the intent and purpose of the promoters of that bill to ask the Government of the United States for one dollar, and a proviso was inserted in the bill that not one dollar of expenditure should be made by the Government.

At the beginning of this session they came here from Louisiana and said that foreign governments had been invited, and that in the nature of things, owing to the misfortunes of the people of the South, this exhibition could not go on unless the Government of the United States would loan $1,000,000. When I asked a promoter of the exhibition, who appeared before the committee, what had been expected of the Government of the United States itself in reference to the exhibition, he said it was expected that the United States would not expend a very great sum of money, and he named $50,000.

Now, after this $1,000,000 has been safely put in the pockets of the international exposition company at New Orleans, they come back to us with a proposition of $588,000 for the Government to expend there in addition to the $1,000,000. Of course the committee have in detail what it is proposed to do there, and the committee were of the opinion—and so far as I know there was no division in the committee in regard to that—that these proposed expositions of the Government of the United States there were upon too elaborate a scale, and that they ought to be reduced or scaled down at least one-half. But with a small amount of money we can not, of course, in an appropriation bill say what shall be the exact proportion of the different Departments of the Government at the exposition in order to make it a practicable and presentable and respectable exposition, and therefore we said we would give one-half of this gross sum and put it in the hands of the Executive of ohe United States, and let him take the responsibility of making a presentable exposition of this Government at this international exhibition.

Now the Senator from Kentucky [Mr. BECK] puts on this measure a proposition to allow this Government to turn itself into a traveling menagerie. It is to stop first at Cincinnati and then at Louisville and go on down to New Orleans, when with respect to Cincinnati and Louisville there has never been an intimation heretofore that the Government of the United States was expected to be represented at those expositions. They are local expositions; they are expositions that the Government of the United States has never in any way or in the most remote manner committed itself to. If we are to appropriate for exhibitions everywhere in this general way, then, for one, I am opposed to the whole proposition. I would not agree to the proposition for the New Orleans exposition except upon the ground that the Government of the United States has committed itself to it and invited foreign governments there.

The motion of the Senator from Louisiana [Mr. GIBSON] is to appropriate half a million dollars, and if that amount is to be appropriated, I am for, in a modified form, the original bill as presented to us by the House of Representatives rather than allowing this Government exposition to stop at Louisville and Cincinnati on its way to New Orleans.

Mr. BECK. I desire to have read by the Secretary a statement of the Louisville exposition before I reply to what the Senator from Iowa has said.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The Chief Clerk read as follows:

THE SOUTHERN EXPOSITION AT LOUISVILLE, KY.

LOUISVILLE, KY., *May* 26, 1884.

Memorial to Congress in regard to exhibits from the Executive Departments.

To the Congress of the United States:

The Southern Exposition does not seek from Congress an appropriation for its establishment and maintenance. The people of Louisville have contributed more than half a million dollars to that purpose, and they ask no assistance.

The Southern Exposition only asks that the Government of the United States will make exhibits illustrative of its several Departments in a manner becoming the dignity and liberality of a great and prosperous nation disposed to encourage the enlightenment of its members and the education of its people.

The greatest manufacturing establishments in the country have exhibited their products at their own cost; many educational institutions have exhibited their systems without asking any assistance; owners of some of the finest paintings and statuary not only freely exhibited their treasures, but made an outlay of their own money for the purpose. In the vast display of the Southern exposition of 1883, the only exhibitor who demanded payment of all expenses was the Government of the United States.

Nearly a million citizens of our country, who never had opportunity to see the National Museum, the life-saving arrangement, the Signal-Service equipment, the result of our national surveys, and the other machinery of the Departments, were interested and instructed by the Government collection at the Southern exposition of 1883. It was a course of instruction, however, the expenses of which had to be paid by the exposition company.

The Southern Exposition of 1884 is projected on even a larger scale than that of 1883. It will be within a half-day's journey of 11,000,000 of the people of the United States. As it was last year, so it will be this year, the largest exposition—save the centennial of 1876—ever held in America. A vast majority of this surrounding population can not afford more than a day's excursion, and to them the Southern Exposition is the great event of their generation, notwithstanding the greater proportions of the centennial exhibition at Philadelphia.

The munificent appropriation made for the benefit of the New Orleans Exposition induces the hope that in re-enacting the act of 1883 relative to the Southern Exposition, and authorizing the Departments to make an exhibit in the Southern Exposition of 1884 for the benefit of the millions of people in the central part of the country who can not afford long journeys, Congress will make an appropriation of at least $25,000 to pay its own expenses, as other exhibitors do.

In presenting this memorial the Southern Exposition desires to guard against jeopardizing in any way the simple bill now pending authorizing the Departments to make exhibits as they did last year. The appropriation is asked only as a matter of fairness, and it will not be urged beyond the presentation of this memorial. If Congress is not disposed to appropriate money for such a purpose, it is respectfully requested that the pending bill be enacted, and the Southern Exposition, through the liberality and enterprise of the people of Louisville, will pay the expenses of the United States exhibit.

Under instructions from the board of directors the foregoing memorial is respectfully submitted.

J. M. WRIGHT, *General Manager.*

Mr. BECK. I have had that read to correct the Senator from Iowa as to this being a matter that the United States has never encouraged before. The United States made a very creditable exhibit last year at Louisville, and the people paid for it. We are willing to pay for it again. We desire to have it there; we do not think we ought to pay for it; but on its way to New Orleans, the nearest and cheapest route to get there is to go in that direction. That is all there is in my amendment, that the Government exhibits shall stop in Cincinnati and stop at Louisville; at Cincinnati in October, and Louisville in November, and get to New Orleans by December, and there make the exhibit proposed. That is all there is in my proposition.

The Government had a large and creditable exhibit at Louisville last year which was paid for by the people there, and they are willing to pay for it again if it is demanded; but we see no reason, and there is none, why the Government exhibit should not be displayed at Cincinnati and Louisville on its way to New Orleans, as was done before. Bills are pending which have been favorably considered, and I have no doubt the Senator from Iowa will vote for them, to allow the exhibit to be made. There was not a dissenting voice to allowing it to be done.

Again, the Senator from Iowa is mistaken in saying that there was no division in the committee on cutting down the appropriation from $500,000 to $250,000. The bill as printed, and as reported by the Senator from Iowa yesterday, was for $500,000, and that was the vote of the subcommittee, if I may be allowed to say so. That was reversed this morning by a majority of the full committee, the Senator from Iowa himself being one of the subcommittee who reported the bill yesterday with $500,000 in it. The change made to-day was not made unanimously, nor with anything like unanimity. I was in favor of $500,000 yesterday when the bill was reported, and voted to report that sum. I am in favor of the $500,000 now, and have been all the time, and so have others.

What I intended to suggest was the same objection the Senator from Maine [Mr. HALE] made, that in the distribution heretofore made the Army, the Navy, and other Departments which have nothing to show which will educate the people had received more than I thought they ought, and I shall vote to place the aggregate sum in the hands of the President of the United States, so that he may get all the information possible and so adjust the matter that with $500,000 he can do the most good, and not show off Jarley's wax works, or General Washington in his old Continental clothes, or guns of the time of Henry VIII.

We are living in the present, and not in the past. I insist now that the State Department ought to have a larger sum, and I believe it will be quadrupled when the President has control of the whole affair. We are requiring our consuls abroad to report every month on the products of other countries, the fabrics of other countries, the raw materials that can be found there, and we were advised that our consuls were sending to the State Department and they would send for exhibition samples of the raw materials to be found in all the places where they are located. They could be put upon our ships and our men would see what use they could be put to. All that would be of great importance for future use, things that could be multiplied for the benefit of every manufacturer in this country and all the producers of this country. This is such information as everybody wants, and it is worth a great deal more than to know what sort of guns were shot three hundred years ago.

I want the State Department to do as it is doing through its consular reports now. Exhibits are being sent to the State Department and furnished to us in its reports, on which we are spending larger sums of money than is now asked in the way of printing and disseminating knowledge, which show the raw materials of all portions of the earth and of all the ports where our consuls are situated. Let those be brought as exhibits before our people, let them know where they can get them, what they cost, and this will furnish information that will be of practical value. I should be willing to vote the $500,000 for that purpose, if for nothing else, instead of going back to show old-fashioned guns.

The Senator from Iowa, in the great multiplicity of things in his charge (for he has had his head full not only of this bill but of forty others), was a little forgetful about the opposition made in committee to reducing the amount of the appropriation.

Mr. ALLISON. I of course stand corrected in reference to the division of the committee.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Iowa being again heard.

Mr. ALLISON. Oh, no; I do not ask that.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Louisiana [Mr. GIBSON].

Mr. GIBSON. I regretted very much to hear the severe criticism which the Senator from Iowa indulged in against the promoters of this exposition in New Orleans. Considering the reputation of that Senator for fairness it was surprising, nor was it just to the citizens of New Orleans who had given their time and services without compensation to this great public exposition.

Mr. President, what have they done that they should have given offense to the Senator from Iowa or to any Senator upon this floor? They have come forward as citizens of the city of New Orleans to organize a great exposition for the purpose of bringing the citizens of the United States together, and especially for the purpose of inducing the citizens of the neighboring republic of Mexico and the South American States to come to this country to see the progress that we have made in the various industrial pursuits which have engaged our people. This purpose has commended itself to all the States of the Union, and it has especially commended itself to the Federal Government, because the Federal Government has loaned to the exposition board upon certain conditions a million dollars and taken guarantees for its repayment.

Now, what is there improper in the Government of the United States making an exhibition in New Orleans? The Senator says that it has invited foreign nations to attend at this exposition, that it has taken this exposition under its own charge and keeping in a large measure, not at the solicitation of any citizens of New Orleans particularly, but on the motion of the representatives of the people in the Congress of the United States and of the Senators who are assembled here in this body. If the Government has committed itself to the undertaking, it appears to me that it would be in keeping with the dignity of the Government, and the precedents we have pursued in regard to other expositions, to make a moderate allowance of $500,000 for the purposes of the governmental display.

Mr. President, I hope that the amendment which I have offered will be adopted, especially as a certain part of it will be subtracted for

the exposition at Cincinnati and another part of it taken for the exposition at Louisville. I would like that the whole sum should be placed in the hands of the Executive to be expended by him in the manner that he may deem best.

Mr. HALE. Mr. President, the trouble will be that if you adopt the amendment of the Senator from Louisiana you are traveling around in a peck measure and you will come back to just where you started, and what I understood the Senator from Louisiana to say in agreement with what I said, that he did not wish to have money expended for useless exhibitions and spectacular performances and scenes, will not be answered. If you put this appropriation at $500,000 you will get the same thing that the House provision has given, and the only way that the Senator can get this exhibition of the Government down to something legitimate, to something practical, to something that shall illustrate the industries of the country, that shall bear upon the cotton-culture which is the great object of this exposition, is to cut down the amount appropriated. But if after this debate you come back to the $500,000 to be distributed among the different departments of the Government, they will force themselves into this exposition and send down there and use up the money intended for the exposition, for things that in no degree will help the real spirit and purpose of the exposition.

But if we limit the sum, and give $250,000 or $300,000, then notice will be taken I believe that Congress does not want to spend any money uselessly, and I declare I do not see how the Government as a government can spend over $250,000 profitably and advantageously in this exposition. Most of the things that are done will be done by correspondence. You take out the bulky nature of the things that must be transported by the Army and the Navy, and $250,000 will go a great way, and it will furnish this exposition, I believe, everything that those who have brought it about could desire. So I hope that we shall cut out the useless that is hanging around this exhibition by keeping the sum down. We shall get a better exposition by that course.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the amendment of the Senator from Louisiana [Mr. GIBSON].

The amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] as amended.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

Mr. MORRILL. I believe the amendments of the Committee on Appropriations have been gone through with.

Mr. ALLISON. I have one or two other amendments to propose.

The PRESIDENT *pro tempore*. There is one part of the bill not yet disposed of, page 93, which was passed over. The Senate will now consider the reserved amendment on page 93, being lines 2271 to 2287. The paragraph will be read, beginning at line 2271.

The CHIEF CLERK. On page 93, beginning in line 2271, it is proposed to strike out:

For salaries of United States marshals, $219,000.
For salaries of marshals' clerks and chief deputies, $110,000.
For expenses of marshals, namely, for transportation to attend courts, postage on process, and for fees and expenses of deputies, and of sheriffs and constables acting as deputies, as provided by law, and for pay of special deputy marshals, under title 26 of the Revised Statutes, $300,000.

And insert:

For the payment of the fees and expenses of the United States marshals and deputies, $629,000.

Mr. BECK. The sum is $600,000 in the bill for this year for fees and expenses of marshals and deputies. Why the other $29,000?

Mr. ALLISON. The estimate for the current year is a little larger than for last year, and I have inserted just the House provision. I assume that they have been careful as to the amount.

Mr. BECK. It was not before us particularly, and I was not aware of the necessity for an increase over last year.

The amendment was agreed to.

Mr. ALLISON. We passed over the clause from line 2281 to 2287. In line 2281, I move to strike out the words "salaries of;" and in line 2282 I move to strike out the words "and for transportation of the district attorneys to attend courts."

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa will be reported.

The CHIEF CLERK. The proposed amendment is in line 2281, before the words "United States," to strike out "salaries of;" and in line 2282, after the word "assistants," to strike out "and for transportation of the district attorneys to attend courts;" so as to read:

For payment of United States district attorneys and their assistants, $350,000.

The amendment was agreed to.

Mr. ALLISON. Now, after the word "payment," in line 2281, I move to insert the letter "s;" so as to read:

For payments of United States district attorneys and their assistants, $350,000.

The amendment was agreed to.

Mr. ALLISON. Now I move in line 2283 to strike out "$350,000" and insert "$375,000;" so as to read:

For payments of salaries of United States district attorneys and their assistants, and for transportation of the district attorneys to attend courts, $375,000.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. Now I move to strike out the subsequent paragraph.

The PRESIDENT *pro tempore*. The Senator from Iowa proposes to strike out what will be read.

The CHIEF CLERK. It is proposed to strike out lines 2285 to 2287 inclusive, as follows:

For compensation of special assistant attorneys or counsel employed under authority of law, $25,000.

The amendment was agreed to.

Mr. ALLISON. I desire to go back to page 27, line 635, and I there move to strike out "twenty" and insert "thirty."

The PRESIDENT *pro tempore*. The Senator from Iowa moves an amendment which will be reported.

The CHIEF CLERK. In line 635, after the word "oceans," it is moved to strike out "twenty" and insert "thirty;" so as to read:

For transcontinental geodetic work, including line of leveling between the Atlantic and Pacific Oceans, $30,000.

The amendment was agreed to.

Mr. ALLISON. These are amendments which were agreed to after the bill was printed. In line 427, in the appropriations for "engraving and printing," after the word "dollars," I move to insert:

To be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

Mr. ALLISON. After line 66 I move to insert:

To enable the President to continue negotiations with foreign governments respecting the establishment of a common ratio between gold and silver, $10,000.

The amendment was agreed to.

Mr. BECK. If the chairman is through with his amendments I desire to offer an amendment of which I gave notice.

Mr. ALLISON. I think I have offered all.

Mr. BECK. After line 374, under "Life-Saving Stations," I move to insert:

For mules for use at life-saving stations, providing harness, subsistence, and stables for the same, $12,972.

Mr. ALLISON. I make the point of order on that amendment. It is not estimated for and is not reported by any committee.

Mr. BECK. I do not know who has to estimate for it. In the fifth and sixth districts, running from Cape Henlopen to Hatteras, the beach is of such a character, as I have every reason to know (and I know a good part of it), that they can not manage the life-boats by the aid of men alone. The Senator from North Carolina [Mr. VANCE], the Senator from Tennessee [Mr. JACKSON], and myself were there last Christmas and spent a day in inspection along that coast. We saw the operations of the life-saving service and reported to Mr. Kimball the condition of it, and he wrote to the superintendent, Lieutenant Chaytor, who sent him an estimate of what was necessary. I hold the letter in my hand, and the General Superintendent of the Life-Saving Service makes this indorsement upon it:

JUNE 30, 1884.

I approve this and earnestly recommend an appropriation.

S. I. KIMBALL,
General Superintendent Life-Saving Service.

I offered this amendment in the Senate five or six days ago and had it referred to the Committee on Appropriations. I failed to obtain a majority of the committee in favor of it. I was so thoroughly impressed with the necessity of it that it seemed to me those considerations ought to make it in order. I am not sure that they do not. I know the necessity exists because I saw the life-boats there, and two mules at each of the stations twelve miles apart would enable them to get the life-boats and apparatus there so as to save many lives which they now can not do. There were two wrecks in sight of us when we were there.

In one a number of lives were lost because the men alone could not haul the boats. At a cost of $12,000, from the southern coast of New Jersey to Hatteras, in North Carolina, the value of the service would be doubled. The men can not haul the boats they have. We saw them attempt to do it. We were there and stood by them and watched it ourselves carefully.

This is a very small expenditure and would add very greatly to the efficiency of the service. The report shows that along the New Jersey coast where there are residences they can hire horses and mules when they want them; but the coast to which the amendment applies is a great sand-pit, divided from the mainland by sounds, and there are no horses or mules to be hired, and they are dependent altogether upon what they have themselves. It is one of the most dangerous coasts in the United States. With this assistance the service will be doubly as efficient as it is now. It is impossible to perform the service now, and this expenditure of $12,000 will furnish them in these two districts,

which are twelve miles apart, all the sheds for mules and the mules to haul the boats, which would be the best service which could be rendered. That is all there is of it. The amendment may be out of order.

The PRESIDENT *pro tempore*. The Chair feels obliged to sustain the point of order. It is obvious that the paper read by the Senator from Kentucky is not the estimate of a head of Department.

Mr. BECK. No; I do not claim that it is. The Life-Saving Service, I believe, is not an independent bureau. I do not think it is.

The PRESIDENT *pro tempore*. The Chair thinks the point of order is well taken.

Mr. BECK. I am sorry for it.

Mr. MORRILL. By direction of the Committee on Public Buildings and Grounds I move, after line 1115, to insert:

For the increase of the openings in the floor of the Senate Chamber, the lower openings in the roof, and the arrangement for the exhaust-fans to draw air from the corridors and stairways, as recommended by the chief engineer of the United States Senate and Architect of the United States Capitol, $6,000.

I shall not take time to discuss the amendment, but I refer Senators to Miscellaneous Document 103, in which will be found an interesting report. This is for the purpose of getting a larger amount of air in, and also having an opening on the top, after the late improvement of the House, which is found to be a very great one. I trust there will be no objection to the amendment.

The amendment was agreed to.

Mr. PLATT. By direction of the Committee on Contingent Expenses, after line 2756, I move to insert:

To enable the Secretary of the Senate to pay J. P. Voorhees, H. G. Williams, and C. B. Lapham, clerks during the second session of the Forty-seventh Congress to the Select Committees of the Senate on Additional Accommodations for the Library, on the River Front of Washington, and Woman's Suffrage, respectively, an amount sufficient to make the compensation of each equal to that paid to per diem clerks of other committees during the said session, the sum being the difference between the sum paid to said clerks by way of compensation during said session and the allowance under the legislative bill of August 5, 1882, construing the words "during the session" to mean four months; and a sufficient sum is hereby appropriated and made immediately available.

Mr. ALLISON. I will state that that amendment was offered I believe by the Committee on Contingent Expenses and referred to the Committee on Appropriations.

Mr. PLATT. It was.

Mr. ALLISON. Therefore it is in order, I suppose, to offer it now. The Committee on Appropriations of course knew nothing about it, and it being in order for the Committee on Contingent Expenses to offer it, I do not raise the point of order on it.

Mr. PLATT. We have examined it and we think it is right.

The amendment was agreed to.

Mr. CONGER. In line 310 I move to strike out "commencing" and insert "completing;" and in line 311 to strike out "ten" before "thousand" and insert "twenty;" so as to read:

For completing the construction of a light-house at or near Port Sanilac, Lake Huron, Michigan, $20,000.

Mr. ALLISON. I raise the point of order on that amendment.

The PRESIDENT *pro tempore*. The Senator from Iowa makes the point of order.

Mr. CONGER. This is a provision in the bill, and my motion is to change the amount.

The PRESIDENT *pro tempore*. The rule provides that no amendment increasing an item of appropriation is in order, unless in pursuance of the estimate of a head of Department, or reported from a standing or select committee of the Senate.

Mr. CONGER. This has been estimated by the Department for five or six years. It has been in the Book of Estimates. The only reason why it has not been provided for before was because it was supposed a permanent appropriation, or an appropriation standing for small light-houses on the shore of Lake Huron would be applicable to the purpose. The Light-House Board, finding that it could not be so applied, after advisement recommended the appropriation of $20,000 for a light-house at Port Sanilac on Lake Huron, and $10,000 is appropriated by the bill. It is a small light-house, and when the appropriation is made it should be enough to complete it, which is $20,000.

The PRESIDENT *pro tempore*. Will the Senator from Michigan please send to the Chair the estimate on which he relies?

Mr. CONGER. I can not. I was not prepared for any such objection as this.

Mr. ALLISON. I think it is not in the Book of Estimates this year.

Mr. CONGER. It has been in the Book of Estimates.

Mr. ALLISON. Very likely.

Mr. CONGER. It has been recommended by the Committee on Commerce in former years.

Mr. ALLISON. I will state to the Senator from Michigan that the committee sent to the Light-House Board for information respecting these light-houses and the Light-House Board returned three classes of lights, one indispensable, another necessary, and another desirable, and the light-house of the Senator from Michigan is not in either of them.

The PRESIDENT *pro tempore*. If the Senator from Iowa insists on the point of order the Chair will rule that the estimate of the Light-House Board, as he did in the case of the Senator from Kentucky, is not the estimate of a head of a Department.

Mr. CONGER. I admit it is not; but I know the Light-House Board has recommended it. It is in my own county, in my own neighborhood, and I have on former occasions attempted to have an appropriation made.

The PRESIDENT *pro tempore*. The Senator from Michigan will perceive that the estimate of the Light-House Board is not the estimate of a head of a Department within the meaning of the rule of the Senate.

Mr. CONGER. I had not said that it was.

The PRESIDENT *pro tempore*. The amendment is not in order unless the Senator can show a recommendation of the Secretary of the Treasury.

Mr. CONGER. I could keep the Senate here until next month demanding that there should be sent here the estimates of the Department for every one of these items, if I chose.

The PRESIDENT *pro tempore*. That does not affect the duty of the Chair to sustain the point of order.

Mr. CONGER. But it affects somewhat the position which the chairman of the committee takes with regard to it in demanding that the Book of Estimates shall be searched and the propositions made.

Mr. ALLISON. I have the Book of Estimates here and I find nothing.

Mr. CONGER. I do not say it is in this year's Book of Estimates; I say it has been in the report. I laid this matter before the chairman of the committee and explained to him, as I tried to explain to the Senate, that there is no use in dividing a little appropriation for a very important light on the coast into parts of $10,000 each. If the Senate has any desire to make a light-house that is necessary there, let it give the amount so that it can be constructed at once.

Mr. MILLER, of California. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Michigan still has the floor.

Mr. CONGER. I hold the floor long enough to ask the Senator from Iowa to withdraw his objection.

Mr. ALLISON. I am very sorry to say I can not do so, because to do it would involve me in inextricable difficulty with other Senators.

Mr. CONGER. Well, I have simply to say that I do not think the Senator from Iowa could bear to be placed in a position of inextricable difficulty, and I shall not press the matter to his discredit.

Mr. BLAIR. At the end of line 2851 I move an amendment, which is recommended by the Committee on Education and Labor, and by their instruction I offer it. After the word "contract," at the end of the line, I move to add:

Provided, That the employés of the Government Printing Office shall be allowed leave of absence with pay to the extent of fifteen days in each year.

The original amendment as printed is thirty days. I desire to modify it to fifteen days.

Mr. ALLISON. I raise the point of order on the amendment.

The PRESIDENT *pro tempore*. The Senator from Iowa makes the point of order that the amendment proposes legislation. The Chair sustains the point of order.

Mr. BLAIR. I hope that I may be permitted to appeal in the most touching manner to the Senator from Iowa to withdraw the point of order long enough for me to state the reason for asking that the amendment be made.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is entitled to debate the amendment.

Mr. BLAIR. Certainly; I thought there must be justice somewhere. It is seldom in the course of human events that a point of order has been raised against an amendment so comparatively unobjectionable as this is, and really possessing so much real merit. There is no reason whatever, it seems to me, why the point of order should be interjected here. The amendment simply proposes to give to the employés in the Government Printing Office one-half the vacation which we annually give to the employés in all the other Departments of the Government. The printers in the Printing Office give us our RECORD, they give us our public documents of every description, and we all know very well that on the face of the earth there is not to be found an exhibition of such great skill in the art of printing as is furnished by those same employés of the United States Government in the Printing Office in this city.

Mr. PLUMB. Will the Senator from New Hampshire allow me to ask him a question?

Mr. BLAIR. I do not like to be interrupted. These employés work by the day, it is very true, but they work continuously, so that they perform as many days' labor in the year as the clerks in the Departments who are paid annual salaries. They possess as high intellectual qualifications and a much higher degree of manual skill than is necessary in order to discharge the average duties of the clerks in the Departments. As I said before, they work as many days in the year and more. They work not only the hours which are exacted of the ordinary salaried employés of the Government, but they work outside of regular hours, oftentimes a whole night, in order to give us the necessary printing to enable us to transact the public business.

It is only just that those men should have some vacation. Many of

them are obliged to visit their homes. They do so at their own expense. Annually most of them are obliged to go home. We know how it is, and I may as well state that nearly every one of these men is expected to perform the annual journey to the ballot-box. They do that in common with the other employés in the Departments, and they do it at their own expense.

It does seem to me that in order to treat these men with anything like average justice, in order to give them anything like the consideration which we have to-day on the floor of the Senate shown to the employés of the Senate as well as to the average salaried officer of the Government and clerk of the Government, we ought to be willing to give them this fifteen days' vacation. I appeal to the Senator from Iowa, for nobody else in the Senate will raise that point if he does not.

Mr. PLUMB. I shall.

Mr. BLAIR. I appeal also to the Senator from Kansas, and if he will be quiet I will agree with him on his pleuro-pneumonia bill the next time. I appeal to the Senator from Iowa to withdraw his point of order and let this little amendment that has so much good in it be adopted by the Senate.

Mr. RIDDLEBERGER. I offer the following amendment——

Mr. BLAIR. I do not know but that I still have the floor.

Mr. RIDDLEBERGER. Certainly, sir; I was only governing myself by the ruling of the Chair.

The PRESIDENT *pro tempore*. The Senator from Virginia will suspend if the Senator from New Hampshire has not completed his remarks.

Mr. BLAIR. [After a pause.] I see the Senator from Iowa is incorrigible and inexorable.

Mr. RIDDLEBERGER. After line 280, I move to insert:

For establishing a small light and fog signal on Killick Shoal, in Chincoteague Bay, Virginia, $10,000.

Mr. ALLISON. I raise the point of order on that amendment.

Mr. RIDDLEBERGER. I understood the Chair to say a while ago that an amendment was in order which had been reported from a standing or select committee of the Senate.

The PRESIDENT *pro tempore*. Reported from a committee and referred one day before its offering in the Senate to the Committee on Appropriations.

Mr. RIDDLEBERGER. Yes, sir; that is the case with this amendment exactly. It was reported from the Committee on Commerce. Besides that it is recommended by the Secretary of the Treasury in a paper I have here, and accompanying which are the recommendations of the Light-House Board as a board, and then it is signed by each member of it. I think the amendment perhaps did not get to the Committee on Appropriations in time for them to consider it, though they had a day's notice of it.

Mr. ALLISON. I suppose the point of order I made does not lie against this amendment. The committee did have it before them. It was regularly referred to the committee. I had forgotten for the moment that it was reported from the Committee on Commerce.

Mr. HALE. I think it came within the rule of the committee generally.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Iowa to withdraw the point of order.

Mr. ALLISON. I suppose the point of order does not lie. I do not wish to withdraw it if I can make it good.

The PRESIDENT *pro tempore*. The Chair understands the chairman of the Committee on Appropriations to state that this amendment has been reported from the Committee on Commerce and referred one day previous to this to the Committee on Appropriations, in which case it is in order under the rules.

Mr. ALLISON. It came to the Committee on Appropriations a day or two ago from the Committee on Commerce.

The PRESIDENT *pro tempore*. The amendment is in order.

Mr. RIDDLEBERGER. I wish to say in support of the amendment that I have a recommendation here from the Secretary of the Treasury, one from Admiral Rowan, and a recommendation from all the members of the Light-House Board. This is simply an amendment providing for the construction of a fog-signal on a bay in which there is a channel which is dangerous at all seasons of the year and through which the Old Dominion Steamship Company run a daily line of steamers. It has been recommended, I repeat, by the Light-House Board, each member of it, and then by the board, as reported.

Mr. HALE. If the Senator will allow me, I think this comes under the rule the Committee on Appropriations adopted, that where a regular estimate was sent by the Secretary of the Treasury and the Committee on Commerce had reported the amendment favorably and it was sent in due time to the Committee on Appropriations, it should go on the bill. I hope no objection will be made to its going on the bill, as it comes within the rule.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. MAHONE. In line 119, before the word "thousand," I move to strike out "twenty-five" and insert "fifty-two;" so as to read:

For court-house and post-office at Harrisonburgh, Va.: For completion of building, $52,000.

The PRESIDENT *pro tempore*. That amendment is not now in order, it being an amendment to an amendment already agreed to.

Mr. ALLISON. I raise the point of order on it.

Mr. MAHONE. Where is the amendment already agreed to?

The PRESIDENT *pro tempore*. Line 119, if the Chair understands the Senator correctly, is an amendment reported from the Committee on Appropriations which has been agreed to inserting $25,000 for this court-house. It is not in order therefore, if it were otherwise within the rule, to move to increase the amount until the bill gets into the Senate.

Mr. MAHONE. Then I shall withhold the amendment.

Mr. VOORHEES. I am instructed by the Joint Committee of the two Houses of Congress on the Library, after line 2257, to move to insert:

To pay Theophilus Fisk Mills for preparing a plaster cast of the face of, and for all work done by him upon, an equestrian statue of the late Secretary of War, General John A. Rawlins, $2,500.

Mr. ALLISON. I make the point of order upon that amendment. It is a claim.

The PRESIDENT *pro tempore*. The Senator from Iowa makes the point of order.

Mr. VOORHEES. I do not know whether the amendment is open to an objection of that kind or not.

The PRESIDENT *pro tempore*. Was the amendment reported from a committee?

Mr. VOORHEES. It has been reported and referred to the Committee on Appropriations, and as I understood from the committee it was to be allowed to be offered as I am offering it now. I had no direct communication with the chairman, but the objection surprises me.

The PRESIDENT *pro tempore*. What day was the amendment reported from the Committee on the Library?

Mr. VOORHEES. Two or three days ago. I will state frankly—and the best way to deal with these matters is to state frankly—this was referred some years ago to the Committee on the Library, and I confess that I never obtained all the facts myself until the present session, possibly because the gentleman to whom this appropriation goes is a better artist than he is a man of worldly affairs. This matter, however, has been investigated in the last two or three months, and if the Chair will pardon me for speaking of it, it went to the hands of Judge NUTTING, a member of the House from New York, and a most careful man——

The PRESIDENT *pro tempore*. The Chair must interrupt the Senator. No reference to a member of the House is in order.

Mr. VOORHEES. I thought this afternoon some things were said on the floor that the present occupant, if he had been in the chair, would have suspended, but I am perfectly willing to be suspended upon that point. I would say, however, that this matter has been carefully investigated by a subcommittee of the Joint Committee on the Library of the two Houses. It was brought into a full meeting not more than two or three days ago. I can not quite recall the time, possibly it was Monday afternoon. There were present the Senator from Ohio [Mr. SHERMAN], who is the chairman of the Library Commitee, of this body, and consequently the chairman of the joint committee of the two Houses when meeting in session, the Senator from Massachusetts [Mr. HOAR], and myself, and the members of the House—may I name them?

The PRESIDENT *pro tempore*. The Chair thinks not under the rule.

Mr. VOORHEES. Then I shall not, of course. It was unanimously agreed under the circumstances that this man ought to be paid $2,500 for work which he had done by employment, first by Quartermaster-General Meigs, substantiated by General Grant, then President of the United States, and incidentally and more than incidentally afterward by a joint resolution of both branches of Congress, work done in good faith, of which there can be no question. The only question is that this is not enough. Under these circumstances the joint committee of both branches of Congress unanimously instructed me to offer this amendment and have it referred to the Committee on Appropriations as an amendment to the sundry civil bill. I did so. I understood from the committee that while they did not put it in the bill, there would be no point of order made upon its being presented now.

I wish to say but a single word further. General Rawlins died in September, 1869. When he died General Meigs employed this man, who is the son of Clark Mills, an artist of merit, and who is as incompetent a man to take care of his worldly affairs as I ever knew, to take a cast of the dead man's face. He did so, carefully and well. These things are all testified to; they are all in the record. In July following the Congress of the United States passed a resolution which looked to the construction of an equestrian statue by virtue of the cast then made. This man went on and for two years worked in this Capitol in good faith to carry out what he thought was a valid and binding contract.

The PRESIDENT *pro tempore*. The time of the Senator from Indiana has expired in support of his amendment.

Mr. VOORHEES. Allow me but one moment more. I am frank enough to say that technically his claim might be defeated, but equitably and upon merit it ought to be paid.

Mr. ALLISON. I think this clearly comes within the provision of the rule regarding claims, but it seems to me on the merits of the case that $2,500 for the mere taking of the likeness or face of General Rawlins is a pretty liberal appropriation.

Mr. VOORHEES. Now, the Senator from Iowa does not——

The PRESIDENT *pro tempore*. The time of the Senator from Indiana has expired.

Mr. ALLISON. I make the point of order upon the amendment.

The PRESIDENT *pro tempore*. Does the Senator from Iowa say the amendment was not referred one day previous to the Committee on Appropriations?

Mr. ALLISON. I make the point of order that it is a claim.

The PRESIDENT *pro tempore*. A private claim?

Mr. ALLISON. A private claim.

The PRESIDENT *pro tempore*. The Chair sustains the point of order on the ground that it is a private claim.

Mr. PLUMB. After line 2022, I move to insert:

To enable the Secretary of the Treasury to pay claim 22580, of Charles Wagner, allowed by the Third Auditor of the Treasury Department, $380.

Mr. ALLISON. I raise the point of order on that amendment.

The PRESIDENT *pro tempore*. The Chair sustains the point of order. It is a private claim.

Mr. MILLER, of California. After line 66, I move to add:

To pay the expenses of representatives of the United States to the conference of the Red Cross Association to be held at Geneva on the 1st of September next, said representatives to be appointed by the President, $2,000.

This amendment was reported from the Committee on Foreign Relations. I suppose there will be no objection to it.

The amendment was agreed to.

Mr. JONES, of Nevada. After line 2761, I move to insert:

To pay W. C. Frye, assistant conductor of the elevator, $198.33, being the difference between the pay of laborer and that of skilled laborer from October 15, 1883, to June 30, 1884.

Mr. MORGAN. That claim is a just one. Mr. Frye is one of the employés of the Senate. When I first came here he was a page in the Senate, and after he got too old for his station he became a laborer down in the engineer' sroom and worked very faithfully indeed. Afterward he got a little promotion by being put in service as a skilled laborer, as an assistant to the elevator-man. He has a small account, $185, or something of that sort, which the Senate really owes him for this service. The claim is not only meritorious, but it is needed by the young man in assisting and supporting his widowed mother. I hope the Senate will not object to giving him this little allowance. He has earned it fairly.

The amendment was agreed to.

Mr. MAHONE. After line 1115, I move to insert:

For cleaning the outside marble walls of the House and Senate wings of the Capitol, and the approaches thereto, $3,000. And hereafter it shall be the duty of the Architect to clean and keep in proper order the exterior of the Capitol.

The amendment was agreed to.

Mr. DOLPH. In line 1196, before the word "dollar," in the appropriation for contingent expenses of the office of the Surgeon-General of Washington Territory, I move to strike out "one thousand five hundred" and insert "two thousand."

Mr. ALLISON. I raise the point of order on that amendment.

Mr. DOLPH. What is the point of order?

Mr. ALLISON. It increases the appropriation.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. DOLPH. I should like to hear what the point of order is.

The PRESIDENT *pro tempore*. The point of order is that it increases an item of appropriation.

Mr. DOLPH. It is estimated for.

The PRESIDENT *pro tempore*. The Senator will report the estimate.

Mr. DOLPH. The estimate is found on page 195 under the head of "contingent expenses, office of surveyor-general of Washington," $2,500. The amount appropriated by the bill is $1,500. I also have a letter from the Commissioner of the General Land Office addressed to the surveyor-general of Washington.

The PRESIDENT *pro tempore*. The Senator will please send to the Chair the estimate. [After examining the Book of Estimates.] The Chair overrules the point of order. The amendment appears to be in conformity with the estimate.

Mr. DOLPH. I dislike very much to be compelled to do so, but I feel compelled to offer an amendment or two to the bill at this late hour.

Last September the office of the surveyor-general of Washington Territory was burned with all its contents. The bill appropriates $21,000 to replace the records, and it is estimated that it will cost $60,000 to replace the records, maps, and other property of the United States burned at that time. Besides the loss to the United States it was a great inconvenience to the community. There are numerous suits pending which have to be delayed until copies of the field-notes of the official surveys can be obtained. The surveyor-general reports that the present office is still more exposed to fire and more liable to destruction than the former office. The town is a wood-built town. There are very few if any brick buildings in it. It is the city of Olympia, in Washington Territory. He now has an offer from a party who is to put up a brick building to provide a set of offices for the General Land Office in it.

The appropriation of $1,500 made by this bill will not enable him to accept the offer. It allows less than $500 for rent, after paying for printing, fuel, postage, and other incidental expenses. This $500 additional will enable him to secure offices in which the Government property will be safe. If any Senator had his own property of like value exposed in such an office as is now occupied by the surveyor-general and had the opportunity at this additional cost to provide this additional security he would do it. All I ask is that the Senate will exercise the same good judgment in regard to protecting the property of the United States that each Senator would exercise in regard to his own property under like circumstances.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOLPH. After the word "dollars," in line 1726, I move to insert:

To rebuild at Vancouver, the headquarters of the Military Department of the Columbia, barracks and quarters, old and rotten, and that have been inspected and condemned, in order to accommodate a garrison of one regiment of infantry and a battery of light artillery, $50,000.

Mr. ALLISON. If that was estimated for I suppose it is in order, but we have appropriated $200,000 in the bill, a portion of which the Secretary of War can use at that place if he thinks it would be wise to apply the money to it, and we have also appropriated largely in a former appropriation bill for barracks and quarters. I hope the Senator from Oregon will withdraw the amendment.

Mr. DOLPH. I must insist on submitting the amendment to the Senate.

Mr. ALLISON. Then I hope it will be voted down.

Mr. DOLPH. But I shall be very brief in what I have to say about it. The appropriation of $200,000 for the erection of buildings at military posts contained in this bill as it came from the House was designated to be expended for building barracks at certain posts named. I have not the remotest idea that unless an especial appropriation is made for the construction of barracks at Vancouver any portion of the appropriation will be expended there. I submit herewith a statement of the appropriations made in the last ten years for the construction of barracks east of the Rocky Mountains:

Posts.	Date.	Amount.	Character of Congressional bill.
On the Yellowstone and Musselshell Rivers, Montana	June 22, 1876	$200,000	Special.
At El Paso, Tex	Feb. 12, 1879	40,000	Special.
Milk River, Montana	June 19, 1878	100,000	Regular.
Fort Snelling, Minn	May 14, 1879	100,000	Sundry civil service.
Madison Barracks, New York	May 14, 1879	25,000	Sundry civil service.
Pagosa Springs, Colo	May 14, 1879	40,000	Sundry civil service.
Niobrara, Nebr	June 30, 1879	50,000	Regular.
Musselshell, Dak	May 17, 1880	50,000	Regular.
At the foot-hills near the Black Hills, Wyoming	June 19, 1878	100,000	Regular.

In appropriations amounting to something over $600,000, not one dollar has been expended on the Pacific coast. The barracks at Vancouver were constructed thirty-five years ago, and they were log houses. General Miles reports that they have become rotten inside and out, and are really untenable and dangerous to the health of the soldiers who are compelled to occupy them. We are appropriating millions of dollars for pensions to soldiers who became disabled during the war, and I think we can afford to expend a few thousand dollars for the purpose of giving them tenable quarters, at least quarters which will not be dangerous to their health. I ask the Secretary to read what is stated in an official letter of General Miles, dated January 29, 1884, to the assistant adjutant-general of the division of the Pacific in regard to the Vancouver Barracks. It is very brief.

The PRESIDENT *pro tempore*. If there be no objection the paragraph will be read.

The Chief Clerk read as follows:

Vancouver Barracks, Wash., is in many respects the most important of all posts named for permanent maintenance. It is situated near Portland, Oreg., the center of the transportation system of the Pacific Northwest. It is now and must long remain the most economical point in the department at which troops can be sheltered, fed, and clothed; in short, it is the natural depot, so far as this department is concerned, for troops of all arms of the service except cavalry.

Its garrison, fully equipped for field service, can be moved to all points in the department quicker than from any other post. A command stationed there is required as a reserve for the department, and it should be strongly garrisoned, substantially and comfortably built, and, so long as the service of troops may be required in this part of the country, maintained in the highest practicable state of efficiency.

The post was established in 1849. During that and the subsequent few years many log buildings now in use were constructed. In this humid climate the decay of exposed wooden structures is exceptionally rapid. In the lapse of thirty-odd years the log buildings referred to have rotted inside and out, and have settled out of shape; the pernicious odor of decayed wood permeates them, rendering them obnoxious in every way, but especially dangerous to health. It would be a waste of public money to attempt their repair. They should be torn down and the rotten lumber burned or destroyed. Fifty-five thousand dollars is required to rebuild this post for the accommodation of one regiment of infantry and one battery of light artillery. By the judicious expenditure of this sum the post can be placed in desirably habitable condition for the next thirty years, and it should be done at once.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. VOORHEES. I offer, by authority from the Committee on the Library, an amendment which was submitted in due time and referred to the Committee on Appropriations as an amendment to the sundry civil bill. After line 2257 I move to insert:

For the purchase of 1,000 copies of the work entitled Original Portraits of Washington, by Elizabeth Bryant Johnston, to be distributed to public libraries under the orders of the Senate, $12,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. VOORHEES. Mr. President, a single word. I should be glad if I was prepared to say for this work what ought to be said. It is a great work, and I have intended during the entire session when the matter came before the Senate to speak what ought to be spoken for it. It embraces not only the correct portraits but the history of them from the earliest portrait taken of General Washington to his death. I know but one other work in the history of public men like it. It has enlisted the warmest approbation of the men of the highest literary note in this country. It comes before the Senate with the full approbation of the Committee on the Library, who have had it before them for weeks and months. It embraces only the purchase of a thousand copies, to be distributed under the order of the Senate.

I state to the Senate, after some service here and possibly some claim upon the Senate for candor, that there is no work that has emanated from the press for years past of so much value as this work which we propose to purchase. It ought to go to the public libraries, it ought to go to the various libraries of the country, where it would be hailed as one of the great instructors and teachers of the public mind. I only regret that I had not prepared something more worthy to say of this great and magnificent work than I say now.

This amendment emanated from the Committee on the Library and was offered in due time, and I hope no exception will be taken to it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The question being put, there were on a division—ayes 18, noes 20—no quorum voting.

Mr. VOORHEES. Let us have the yeas and nays. That is equal to a call of the Senate.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PENDLETON (when his name was called). I am paired with the Senator from Kansas [Mr. INGALLS]. Otherwise I should vote "nay."

The roll-call was concluded.

Mr. SEWELL. I am paired with my colleague [Mr. MCPHERSON].

Mr. PENDLETON. I understand that the Senator from Vermont [Mr. MORRILL] is paired with the Senator from Kansas [Mr. INGALLS], and therefore I shall vote. I vote "nay."

The result was announced—yeas 23, nays 18; as follows:

YEAS—23.

Beck,	Dawes,	Jones of Nevada,	Palmer,
Blair,	Garland,	Lamar,	Riddleberger,
Bowen,	Gorman,	Manderson,	Voorhees,
Brown,	Harris,	Maxey,	Walker,
Call,	Hawley,	Miller of Cal.,	Wilson.
Conger,	Hill,	Morgan,	

NAYS—18.

Allison,	Edmunds,	Mahone,	Ransom,
Bayard,	Groome,	Pendleton,	Sawyer,
Cameron of Wis.,	Harrison,	Platt,	Vance.
Coke,	Jonas,	Plumb,	
Dolph,	McMillan,	Pugh,	

ABSENT—35.

Aldrich,	Farley,	Jones of Florida,	Sabin,
Anthony,	Frye,	Kenna,	Saulsbury,
Butler,	George,	Lapham,	Sewell,
Camden,	Gibson,	Logan,	Sherman,
Cameron of Pa.,	Hale,	McPherson,	Slater,
Cockrell,	Hampton,	Miller of N. Y.,	Van Wyck,
Colquitt,	Hoar,	Mitchell,	Vest,
Cullom,	Ingalls,	Morrill,	Williams.
Fair,	Jackson,	Pike,	

So the amendment was agreed to.

Mr. ALLISON. Now I hope that we shall close up the bill. There are no other amendments to be offered, I think.

Mr. VOORHEES. I assure the chairman that I have none other.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. If there be no objection the question on concurring in the amendments made as in Committee of the Whole will be taken together.

The amendments were concurred in.

Mr. DOLPH. I now renew my amendment which was voted down as in Committee of the Whole. After line 1726 I move to insert:

To rebuild at Vancouver, the headquarters of the Military Department of the Columbia, barracks and quarters, old and rotten, and that have been inspected and condemned, in order to accommodate a garrison of one regiment of infantry and a battery of light artillery, $50,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 22; as follows:

YEAS—21.

Blair,	Hawley,	Mitchell,	Sawyer,
Bowen,	Lapham,	Morgan,	Voorhees,
Cameron of Wis.,	McMillan,	Palmer,	Wilson.
Conger,	Mahone,	Pendleton,	
Dolph,	Manderson,	Plumb,	
Harrison,	Miller of Cal.,	Riddleberger,	

NAYS—22.

Allison,	Colquitt,	Groome,	Pugh,
Bayard,	Dawes,	Harris,	Ransom,
Beck,	Edmunds,	Jonas,	Vance,
Brown,	Farley,	Maxey,	Walker.
Call,	Garland,	Morrill,	
Coke,	Gorman,	Platt,	

ABSENT—33.

Aldrich,	George,	Jones of Nevada,	Sewell,
Anthony,	Gibson,	Kenna,	Sherman,
Butler,	Hale,	Lamar,	Slater,
Camden,	Hampton,	Logan,	Van Wyck,
Cameron of Pa.,	Hill,	McPherson,	Vest,
Cockrell,	Hoar,	Miller of N. Y.,	Williams.
Cullom,	Ingalls,	Pike,	
Fair,	Jackson,	Sabin,	
Frye,	Jones of Florida,	Saulsbury,	

So the amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1017) relative to the Inspector-General's Department of the Army, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 837) granting a pension to Reuben J. Chewning;

A bill (H. R. 2312) granting a pension to Almira B. Kaler;

A bill (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young; and

A bill (H. R. 1965) granting a pension to John A. Crozier.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3625) granting an increase of pension to Levi Anderson;

A bill (H. R. 4767) granting a pension to Mary A. Henry;

A bill (S. 1446) granting an increase of pension to Mrs. Lou Gobright McFalls; and

A bill (H. R. 943) granting a pension to Samuel Barnard.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 2221) granting a pension to Mary A. Henry, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 4700) granting a pension to Simon E. Lewis, reported it without amendment, and submitted a report thereon.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of and providing for the payment of Outerbridge Horsey, assignee, reported it without amendment.

He also, from the Committee on Commerce, to whom was referred the bill (S. 2184) to authorize the construction and maintenance of a bridge across the Niagara River, reported it without amendment.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 2360) for the relief of Agnes and Maria de Leon, heirs at law of Rebecca L. de Leon, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a joint resolution (S. R. 97) for the relief of Theophilus Fisk Mills; which was read twice by its title.

Mr. VOORHEES. I move that the joint resolution lie over until to-morrow, subject to call.

The motion was agreed to.

PUBLIC PRINTING.

Mr. HAWLEY submitted the following concurrent resolution; which was ordered to lie on the table and be printed:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Public Printing is hereby instructed to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and to report a bill, in December next, making such reductions in the numbers and cost of printing, and such changes and reductions in the distribution of said publications as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also instructed to investigate the printing and binding for the Executive Departments, executed at the Government Printing Office and at the branch printing offices and binderies in the various Departments, and report a bill, in December next, making such reductions in expense and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further instructed to

make any other investigations calculated in their opinion to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to summon and to examine experts and witnesses, and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire; and any expenses necessarily incurred in making the investigations aforesaid shall be defrayed equally from the contingent funds of the two Houses of Congress.

2. Said joint committee is hereby authorized to sit during the recess for the purposes of the first section hereof and in the discharge of its usual duties.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. BLAIR. I wish to say that in the morning the Pension Committee will expect to call up the pension cases on the Calendar immediately after the transaction of the necessary routine morning business.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 45 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 2, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. DUNN. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. DUNN. I offer the resolution which I send to the desk; and, unless objection be made, I shall ask its immediate consideration. It is a resolution proposing a new rule of the House.

The Clerk read as follows:

Resolved, That it shall be in order each day, during the hour next after the morning hour, to ask unanimous consent for the consideration or passage of any measure; and for that purpose the Speaker shall call the names of the Members of the House and Delegates from the Territories in the alphabetical order in which they appear upon the roll of the House, commencing, however, on alternate days at the head and at the foot of the roll, going downward from the head and upward from the foot; but no member shall move the consideration of more than one measure when his name is called.

Mr. O'NEILL, of Pennsylvania. I want to move an amendment to this resolution.

The SPEAKER. Is there objection to the present consideration of the resolution? The rules require that one day's notice shall be given of any proposed change in the rules.

Mr. WELLER. I would like to inquire whether the one day's notice has been given?

The SPEAKER. It has not been; but it can be dispensed with by consent of the House.

Mr. HOLMAN. Is this resolution offered subject to objection?

The SPEAKER. Unanimous consent is asked for the present consideration of the resolution.

Mr. HOLMAN. The resolution itself is in order, as I understand?

Mr. O'NEILL, of Pennsylvania. I move to amend the resolution so as to commence the call of members every third day at the middle of the roll.

Mr. WELLER. I think I must object to the present consideration of the resolution.

Mr. DUNN. I ask to make one single statement. I give notice to the House that unless this or some such just rule be adopted no measure shall ever pass this House by unanimous consent so long as I am a member of Congress.

Mr. O'NEILL, of Pennsylvania. Well, the gentleman's threat does not affect me in the slightest degree.

Mr. DUNN. I make no threat; I think such a proceeding is necessary, and I intend to enforce its adoption. I am not brought to this resolution by reason of personal pique or disappointment, but by long and careful observation and study of the unjust operation of the existing custom of the House. There is no rule of the House regulating the order of recognition of members for the purpose of asking unanimous consent to consider and pass unobjectionable legislation. There is always a large mass of such business that ought to be disposed of in this way. It is now entirely within the discretion of the Speaker to recognize whom he will and to refuse recognition to whom he will. For the purposes of this class of business many Congressional constituencies can be, and generally are, practically deprived of representation, not by the intentional fault of the Speaker, but in spite of his best efforts to be just to all alike.

In taking this step, in which I shall be very firm, I am influenced as much by a desire to relieve and protect the Speaker from what all know to be his greatest source of annoyance and embarrassment, as by a desire to secure equal and exact justice to all members of the House. I especially disclaim any feeling of disappointment on my own part, by reason of the action of our present Speaker. I cheerfully add my own testimony to that of others, that no fairer, more impartial, or just man ever occupied that chair than he. And if he can not mete out equal justice to all, we can all agree that we find in that fact the highest possible proof of the injustice of the existing custom and the best reason for the adoption of some just rule. I agree with General Grant, that "there is no better way to secure the repeal of a bad law than to rigidly enforce it." I shall simply enforce the rules of the House.

Mr. MILLS. I wish to inquire of the gentleman from Arkansas what is the object of beginning at each end of the roll alternately but never beginning in the middle. The arrangement proposed simply means that the middle shall always be at the end.

Mr. REED. Let us draw lots.

Mr. O'NEILL, of Pennsylvania. If the resolution can not be amended I object to its consideration.

Mr. DUNN. I ask that it be referred to the Committee on Rules.

The SPEAKER. The Chair hears no objection, and it will be so referred.

Mr. O'NEILL, of Pennsylvania. Will my amendment be considered as pending?

The SPEAKER. It can not be pending to a proposition not before the House. The gentleman objects to the proposition.

Mr. DUNN. I demand the regular order of business, and will yield only to measures to advance investigations ordered by the House and to reports of committees, but to nothing else. [Cries of "Regular order!"]

The SPEAKER. The regular order is better order on the floor of the House.

Mr. HOLMAN. I ask the gentleman from Arkansas also to except matters affecting the proper control of this Hall during the vacation of Congress.

Mr. DUNN. Certainly I will make that exception.

CARE OF HOUSE CLOAK-ROOMS.

Mr. HOLMAN. I ask unanimous consent to submit a resolution retaining the two colored men, one on this and one on the other side, during the recess.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, directed to retain upon the laborers' roll during the recess of Congress the names of Alex. B. Thomas and Wilson Grice, now in charge of the cloak-rooms of the House, and pay said parties out of the contingent fund of the House at the rate of $60 per month.

There was no objection, and the resolution was received and adopted.

Mr. HOLMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATHARINE H. GLICK.

The SPEAKER, by unanimous consent, laid before the House the following message from the Senate:

Resolved, That the House of Representatives be requested to return the bill (S. 1971) granting a pension to Catharine H. Glick, widow of Elias B. Glick, deceased, the bill having passed the Senate June 27, 1884.

There was no objection, and the request of the Senate was complied with.

PUBLIC LANDS INVESTIGATION.

Mr. COBB. I ask to submit a report from the Committee on the Public Lands, which I believe to be privileged.

The Clerk read as follows:

The Committee on Public Lands, to whom was referred the resolution of the House providing for the raising of a committee to visit the State of Colorado and the Territories of New Mexico and Arizona and determine what legislation, if any, is necessary in order to settle and quiet titles to the conflicting claims to certain lands situate therein, have had the same under consideration, and have directed me to report the same to the House with the following amendments, to wit:

In line 7, after the word "of," strike out the word "five" and insert instead thereof the word "three."

Also, in line 13, after the word "clerk," insert the words "which shall be," and after the word "stenographic," in same line, strike out the words "and a messenger."

Also, in line 17, after the word "exceeding," strike out the word "ten" and insert in lieu thereof the word "five."

And when said amendments are adopted your committee recommend the passage of said resolution.

Your committee believe that important legislation is required in order to settle conflicting claims to certain lands in said State and Territories, and we believe, in order to enable Congress to do so advisedly, it is necessary for a committee of the House to visit the sections where the lands in controversy are situate and ascertain the facts and report them to the House.

The resolution is as follows:

Whereas under and in pursuance of the eighth and ninth articles of the treaty of Guadalupe-Hidalgo, with the Republic of Mexico, concluded February 2, 1848, it was stipulated and provided that the residents of the ceded territory should be secured and protected in the enjoyment of their rights to the property which they held as citizens of the Republic of Mexico; and

Whereas under and by virtue of the eighth section of an act of Congress entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," approved July 22, 1854, which section makes it the duty of the surveyor-general of New Mexico, under instructions from the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and to make a report

on all such claims, with his decision as to the validity or invalidity of the same, which report shall be laid before Congress with a view to confirm *bona fide* grants; and from this, together with the instructions of the Secretary of the Interior issued in pursuance of said eighth section, under date of August 21, 1854, to the surveyor-general of New Mexico, a method of settling and adjudicating said private land claims was adopted and prescribed; and

Whereas, in pursuance of said law of Congress and instructions referred to, the surveyor-general of New Mexico has examined one hundred and fifty of said grants or private land claims, and reported the same to Congress for confirmation, of which number sixty-six have been confirmed by act of Congress, and in many cases patents have been issued to the original grantees, their heirs or legal representatives, leaving eighty-four that have been reported for confirmation and upon which no action has been taken by Congress; and

Whereas the owners of said private land claims have been put to great expense in complying with the act of Congress and the instructions to the surveyor-general as aforesaid, and their titles still remain unadjudicated by no act of negligence on their part; and

Whereas the Territories of New Mexico and Arizona and the State of Colorado are fast settling up, and it is of the highest importance both to the Government and the owners of said grants that the same shall be speedily adjudicated and settled; and

Whereas it is alleged and charged that some of the private land claims or grants in said Territories and States are invalid and fraudulent, and that the surveys thereof have not been in conformity with the original grants: Therefore,

Be it resolved by the House of Representatives, That in order to ascertain all the facts in relation to Spanish and Mexican grants, and other private land claims, in the State of Colorado and the Territories of New Mexico and Arizona, and to determine what legislation, if any, is necessary in order to settle all conflicting claims and to quiet titles, a special committee, consisting of five members of the House, shall be appointed, whose duty it shall be to visit said State and Territories, for the purpose of thoroughly investigating the titles, surveys, and present condition of such grants and other private land claims. Said committee shall have power to send for persons and papers, to employ a clerk, a stenographer, and a messenger, and may sit during the recess of Congress. The evidence taken before said committee and their report thereon shall be submitted to the House at its next December session; and that a sum not exceeding $10,000 is hereby appropriated, to be paid out of the contingent fund of the House, to defray the expenses incurred by said committee, to be paid on the order of the chairman of the committee.

Mr. MILLS. Is that a priviledged report?

The SPEAKER. That is what the Chair is endeavoring to ascertain. So far the Chair does not discover anything in the resolution referred to the committee to make it privileged.

Mr. COBB. I think it comes under the resolution offered by my colleague [Mr. HOLMAN]. I am not sure of it, and I trust there will be no objection to it, and for this reason: there is a great deal of fraud and villainy going on in the States and Territories referred to in reference to the public lands, and the matter should be inquired into.

Mr. BLOUNT. The gentleman is not showing the resolution is privileged but arguing the merits.

Mr. COBB. It is known to many members of Congress that in the sections indicated enormous frauds are being perpetrated in reference to the public lands, and it is believed necessary a committee should go there and investigate the facts and make report to Congress. The committee reduce the expenses from $10,000 to $5,000.

Mr. REED. I object, and demand the regular order.

FORFEITURE OF A LAND GRANT.

Mr. HENLEY, from the Committee on the Public Lands, reported a bill (H. R. 7495) to declare forfeited certain lands granted in aid of the construction of a railroad from Portland, in Oregon, to the Central Pacific Railroad, in California; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the House Calendar.

VENTILATION OF THE HALL.

Mr. JEFFORDS. Mr. Speaker, I rise for the purpose of submitting a privileged resolution with reference to the ventilation of the Hall. I am directed by the committee to report a resolution favoring a proposition submitted by the Exhaust Ventilation Company of Chicago, and ask that the accompanying resolution be read and the report printed.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Committee on Ventilation and Acoustics of the House of Representatives be, and they are hereby, authorized, empowered, and directed to accept the proposition by them reported and attached to their report, and to at once proceed with the introduction and trial of the new system in accordance with the terms of said proposition.

The resolution, report, and proposition were ordered to be printed and laid over for future action.

Mr. HARDY, on behalf of the minority of the committee, by unanimous consent, submitted the views of the minority; which were ordered to be printed with the report of the committee.

ADDITIONAL LABORERS DOORKEEPER'S DEPARTMENT.

Mr. ERMENTROUT. I present a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution—"*Resolved*, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to employ four additional laborers during the recess, namely, from the adjournment of this session to the 1st of December, to be paid out of the contingent fund of the House at the rate of $720 per annum while employed"—

report that they have carefully considered the same, and ask its adoption.

Mr. HOLMAN. That, I believe, is subject to the point of order?

The SPEAKER. It is a privileged report from the Committee on Accounts relating to the expenditure of a portion of the contingent fund.

Mr. HOLMAN. But it involves an appropriation of money.

The SPEAKER. Only the disposition of money appropriated by a general appropriation bill for the contingent expenses of the House.

Mr. HOLMAN. But at all events it involves the appropriation of money or the expenditure of money.

Mr. ERMENTROUT. I think the rules of the House provide for the control of this fund under the direction of the Committee on Accounts.

Mr. HOLMAN. But I waive the point of order and simply desire to call the attention of the gentleman from Pennsylvania to the fact that the House has just adopted a resolution providing for the employment of two additional laborers under the Doorkeeper.

Mr. ERMENTROUT. And I wish to call the attention of the gentleman from Indiana that four more are necessary, as the gentleman will perceive if he will be patient and listen for a few moments.

Mr. HOLMAN. Does the gentleman mean four in addition to the two already employed, making six in all?

Mr. ERMENTROUT. I will state to the gentleman the condition of the force of laborers now employed. We have ten session laborers, eight cloak-room laborers, and ten annual laborers. The session and cloak-room laborers go off when the session ends, which leaves ten laborers. Out of this ten one is the Speaker's messenger, one is in members' closet, and, owing to the need of help in the document-room, two are assigned there. This building has to be swept, washed, and cleaned from top to bottom every day. The committee-rooms, carpets, and furniture, and the Hall of the House have to be cleaned during recess. Owing to shortness of recess these four additional laborers are needed by the janitor to do this work. It is the duty of the eight cloak-room laborers to keep the Hall of the House clean. These eight go off when we adjourn, and the janitor's force must do all the work.

The Architect says that the present janitor under our Doorkeeper has kept the House side of this building cleaner than it has ever been kept. The Senate has twelve annual laborers during the recess to keep that side in order, and they have fewer committee-rooms and less work to do than the eight laborers on the House side. During the long recess the men have several more months to get everything in order, and the present force is ample then; but in this short time between this session and the next, for the welfare of the building, the carpets, and furniture, this additional force is really necessary.

Mr. HOLMAN. But we have just employed two additional laborers.

Mr. ERMENTROUT. But as I have said the building must be cleaned up during the short recess every day, and the committee-rooms and the carpets must be carefully attended to; and in fact the whole house has to be cleaned up during the short recess. The officers in charge of the House inform the committee that it will be impossible to get along without this force and perform the duties imposed upon them.

Mr. HOLMAN. I ask the gentleman again whether he took into account the fact that a few moments ago the House provided for the employment of two additional laborers.

Mr. ERMENTROUT. I took that into account, but this force will be required in addition to that.

Mr. HOLMAN. Has that been considered by the committee? Has the committee considered that increase in recommending this additional force of laborers? And I ask also if my friend does not know that the custom has been in this respect to employ only the two already provided for?

Mr. ERMENTROUT. My friend from Indiana knows that this recess will be a short one, and it is impossible for the present force to do the work. That is the information the committee have from what they believe to be reliable authority.

Mr. HOLMAN. Has this been done heretofore?

Mr. ERMENTROUT. It has been the custom, and in view of the necessities of the Doorkeeper's department, and upon that ground alone, the committee have now recommended the employment of these additional laborers, to be employed from the adjournment of this session until next December.

I move the previous question upon the adoption of the report.

Mr. WARNER, of Ohio. Let me ask the gentleman from Pennsylvania whether we are to understand that this is an addition of six to the present force?

Mr. ERMENTROUT. No; an addition of four only.

Mr. WARNER, of Ohio. But two have been employed this morning, and this proposes four more. I do not see the necessity of six additional laborers.

The SPEAKER. The gentleman from Pennsylvania demands the previous question.

The previous question was ordered.

The SPEAKER. The question is upon agreeing to the resolution reported by the committee.

The question was taken; the House divided, and there were—ayes 63, noes 44.

Mr. HOLMAN. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HOLMAN and Mr. ERMENTROUT were appointed tellers.

The House again divided; and the tellers reported—ayes 82, noes 53.

Mr. HOLMAN. I will not consume the time of the House, since a considerable majority of the House insists upon increasing this force.

So (no further count being demanded) the resolution was agreed to.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

Several members called for the regular order.

The SPEAKER. The regular order is the report of the Committee of the Whole House on the state of the Union made to the House yesterday afternoon, on which a vote was ordered to be taken immediately after the reading of the Journal to-day. The question is upon the adoption of the substitute reported by the Committee of the Whole House on the state of the Union. Is the reading of the substitute demanded?

Mr. RANDALL. It is not.

Mr. HOLMAN. I call for the yeas and nays.

Mr. RANDALL. I think consent was given that there should be a vote by yeas and nays.

The SPEAKER. That was only in committee. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the adoption of the substitute.

Mr. BLOUNT. I would like to ask what bill it is a substitute for.

The SPEAKER. The question is on adopting the substitute reported by the Committee of the Whole for the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes.

The question was taken; and there were—yeas 151, nays 91, not voting 82; as follows:

YEAS—151.

Adams, J. J.	Dunn,	Lewis,	Springer,
Aiken,	Eaton,	Lore,	Stevens,
Alexander,	Eldredge,	Lovering,	Stewart, Charles
Bagley,	Elliott,	Lowry,	Stockslager,
Ballentine,	English,	McAdoo,	Storm,
Barbour,	Ermentrout,	McMillin,	Sumner, C. A.
Barksdale,	Ferrell,	Matson,	Talbott,
Beach,	Follett,	Maybury,	Taylor, J. M.
Belmont,	Foran,	Miller, J. F.	Thompson,
Bennett,	Forney,	Mills,	Throckmorton,
Blanchard,	Garrison,	Mitchell,	Tillman,
Blount,	Geddes,	Money,	Townshend,
Breckinridge,	Gibson,	Morgan,	Tucker,
Broadhead,	Glascock,	Muldrow,	Tully,
Buchanan,	Greenleaf,	Murphy,	Turner, H. G.
Budd,	Halsell,	Murray,	Turner, Oscar
Burnes,	Hammond,	Mutchler,	Van Alstyne,
Caldwell,	Hardeman,	Neece,	Vance,
Campbell, J. E.	Hardy,	Oates,	Van Eaton,
Candler,	Hatch, W. H.	O'Ferrall,	Wallace,
Carleton,	Henderson, D. B.	Paige,	Ward,
Cassidy,	Henley,	Patton,	Warner, A. J.
Clay,	Herbert,	Peel,	Warner, Richard
Clements,	Hewitt, A. S.	Pierce,	Wellborn,
Cobb,	Hewitt, G. W.	Post,	Weller,
Collins,	Hoblitzell,	Pryor,	Wemple,
Connolly,	Holman,	Pusey,	Williams,
Converse,	Houseman,	Randall,	Willis,
Cook,	Howey,	Rankin,	Wilson, W. L.
Cosgrove,	Hunt,	Reese,	Winans, E. B.
Covington,	Jones, B. W.	Riggs,	Winans, John
Cox, W. R.	Jones, J. H.	Robertson,	Wise, G. D.
Crisp,	Jordan,	Robinson, W. E.	Wolford,
Culberson, D. B.	King,	Rogers, J. H.	Wood,
Curtin,	Kleiner,	Scales,	Yaple,
Davis, L. H.	Lamb,	Seymour,	York,
Dibble,	Lanham,	Singleton,	Young.
Dibrell,	Le Fevre,	Slocum,	

NAYS—91.

Adams, G. E.	Ellwood,	McCoid,	Rockwell,
Anderson,	Evans, I. N.	McComas,	Rowell,
Bayne,	Everhart,	McCormick,	Ryan,
Belford,	Findlay,	Millard,	Skinner, C. R.
Brainerd,	Finerty,	Miller, S. H.	Smalls,
Brewer, F. B.	Funston,	Morrill,	Smith,
Browne, T. M.	George,	Nelson,	Spooner,
Brown, W. W.	Goff,	Ochiltree,	Steele,
Brumm,	Guenther,	O'Hara,	Stephenson,
Burleigh,	Hancock,	O'Neill, Charles	Stewart, J. W.
Calkins,	Hart,	O'Neill, J. J.	Stone,
Campbell, J. M.	Hatch, H. H.	Parker,	Strait,
Cannon,	Henderson, T. J.	Payne,	Struble,
Chalmers,	Hepburn,	Payson,	Thomas,
Culbertson, W. W.	Hitt,	Perkins,	Valentine,
Cullen,	Holmes,	Peters,	Wait,
Cutcheon,	Horr,	Poland,	Washburn,
Dargan,	James,	Potter,	Weaver,
Davis, G. R.	Johnson,	Price,	White, Milo
Davis, R. T.	Kasson,	Ranney,	Whiting,
Dingley,	Lacey,	Ray, Ossian	Wilson, James
Dunham,	Laird,	Reed,	Woodward.
Ellis,	Long,	Rice,	

NOT VOTING—82.

Arnot,	Blackburn,	Breitung,	Chace,
Atkinson,	Bland,	Brewer, J. H.	Clardy,
Barr,	Boutelle,	Buckner,	Cox, S. S.
Bingham,	Bowen,	Cabell,	Davidson,
Bisbee,	Boyle,	Campbell, Felix	Deuster,
Dockery,	Hooper,	Milliken,	Shaw,
Dorsheimer,	Hopkins	Morrison,	Shelley,
Dowd,	Houk,	Morse,	Skinner, T. G.
Duncan,	Hurd,	Moulton,	Snyder,
Evins, J. H.	Hutchins,	Muller,	Spriggs,
Fiedler,	Jeffords,	Nicholls,	Sumner, D. H.
Fyan,	Jones, J. K.	Nutting,	Taylor, E. B.
Graves,	Jones, J. T.	Pettibone,	Taylor, J. D.
Green,	Kean,	Phelps,	Wadsworth,
Hanback,	Keifer,	Ray, G. W.	Wakefield,
Harmer,	Kelley,	Reagan,	White, J. D.
Haynes,	Kellogg,	Robinson, J. S.	Wilkins,
Hemphill,	Ketcham,	Rogers, W. F.	Wise, J. S.
Hill,	Lawrence,	Rosecrans,	Worthington.
Hiscock,	Libbey,	Russell,	
Holton,	Lyman,	Seney,	

So the substitute was adopted.

Mr. ELLIS. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following members were announced as paired on all questions until further notice:

Mr. BLACKBURN with Mr. RUSSELL.

Mr. MORRISON with Mr. KELLEY.

The following members were announced as paired on all political questions until further notice:

Mr. MOULTON with Mr. EZRA B. TAYLOR.

Mr. BOYLE with Mr. LAWRENCE.

Mr. HILL with Mr. HOLTON.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. KELLOGG.

Mr. GREEN with Mr. KEAN.

Mr. ROGERS, of New York, with Mr. HOOPER.

Mr. DUNCAN with Mr. SMITH.

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. CLARDY with Mr. JOHN S. WISE.

Mr. NICHOLLS with Mr. CHACE.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. SUMNER, of Wisconsin, with Mr. WAKEFIELD.

Mr. BISBEE with Mr. SHELLEY.

Mr. BLAND with Mr. JOSEPH D. TAYLOR.

Mr. SHAW with Mr. BRUMM.

Mr. WORTHINGTON with Mr. BOWEN.

Mr. YOUNG with Mr. BOUTELLE.

Mr. CAMPBELL, of New York, with Mr. BREITUNG.

Mr. SNYDER with Mr. HANBACK.

Mr. REAGAN with Mr. PETTIBONE.

Mr. FIEDLER with Mr. PHELPS.

The following members were also announced as paired:

Mr. SKINNER, of North Carolina, with Mr. NUTTING, until July 8.

Mr. DOWD with Mr. RAY, of New York, until July 8.

Mr. HUTCHINS with Mr. KETCHAM, on the fortification and naval appropriation bills.

Mr. JONES, of Arkansas, with Mr. BARR, on this vote.

Mr. HOPKINS with Mr. BINGHAM, on the fortification bill. Mr. HOPKINS would vote for the substitute and Mr. BINGHAM against it.

Mr. HURD with Mr. ATKINSON, for this day.

Mr. HISCOCK with Mr. GRAVES, on this vote.

Mr. EVINS, of South Carolina, with Mr. DORSHEIMER, on this vote.

Mr. CABELL with Mr. HOUK, on this vote.

The result of the vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now is on ordering the bill as amended to be engrossed and read a third time.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass? On this question the rules require the yeas and nays be taken.

The question was taken; and there were—yeas 193, nays 46, not voting 85; as follows:

YEAS—193.

Adams, G. E.	Caldwell,	Dibble,	Goff,
Adams, J. J.	Campbell, J. E.	Dibrell,	Graves,
Aiken,	Candler,	Dingley,	Greenleaf,
Alexander,	Cannon,	Dorsheimer,	Guenther,
Anderson,	Cassidy,	Dowd,	Halsell,
Arnot,	Clay,	Dunham,	Hammond,
Bagley,	Clements,	Dunn,	Hardeman,
Ballentine,	Cobb,	Eaton,	Hardy,
Barbour,	Collins,	Eldredge,	Hatch, W. H.
Barksdale,	Connolly,	Elliott,	Henderson, D. B.
Bayne,	Converse,	Ellwood,	Henley.
Beach,	Cook,	English,	Herbert,
Belmont,	Cosgrove,	Ermentrout,	Hewitt, A. S.
Bennett,	Covington,	Ferrell,	Hewitt, G. W.
Blanchard,	Cox, W. R.	Findlay,	Hitt,
Blount,	Crisp,	Follett,	Hoblitzell,
Breckinridge,	Culberson, D. B.	Foran,	Holman,
Brown, W. W.	Curtin,	Forney,	Holmes,
Buchanan,	Cutcheon,	Funston,	Houseman,
Budd,	Dargan,	Geddes,	Howey,
Burnes,	Davis, G. R.	Gibson,	Hunt,
Cabell,	Davis, L. H.	Glascock,	Jeffords,

Jones, B. W.	Morse,	Robinson, W. E.	Vance,
Jones, J. H.	Muldrow,	Rockwell,	Van Eaton,
Jordan,	Murphy,	Rogers, J. H.	Wadsworth,
Keifer,	Murray,	Ryan,	Wallace,
King,	Mutchler,	Scales,	Ward,
Kleiner,	Neece,	Seney,	Warner, A. J.
Lacey,	Nelson,	Seymour,	Warner, Richard
Lamb,	Oates,	Singleton,	Weaver,
Lanham,	Ochiltree,	Smalls,	Wellborn,
Le Fevre,	O'Ferrall,	Smith,	Weller,
Lewis,	O'Neill, J. J.	Springer,	Wemple,
Long,	Paige,	Steele,	White, Milo
Lovering,	Patton,	Stevens,	Wilkins,
Lowry,	Payne,	Stewart, Charles	Williams,
Lyman,	Peel,	Stockslager,	Willis,
McAdoo,	Pierce,	Storm,	Wilson, James
McCoid,	Perkins,	Sumner, C. A.	Wilson, W. L.
McMillin,	Peters,	Talbott,	Winans, E. B.
Matson,	Post,	Taylor, J. M.	Wise, G. D.
Maybury,	Potter,	Thompson,	Wolford,
Millard,	Pryor,	Throckmorton,	Wood,
Miller, J. F.	Pusey,	Tillman,	Yaple,
Mills,	Randall,	Townshend,	York,
Mitchell,	Ray, Ossian	Tucker,	Young.
Money,	Reed,	Tully,	
Morgan,	Reese,	Turner, H. G.	
Morrill,	Riggs,	Turner, Oscar	

NAYS—46.

Belford,	Hart,	O'Hara,	Stephenson,
Brewer, F. B.	Hatch, H. H.	O'Neill, Charles	Stewart, J. W.
Browne, T. M.	Henderson, T. J.	Parker,	Stone,
Brumm,	Holton,	Payson,	Strait,
Campbell, J. M.	Horr,	Poland,	Struble,
Chalmers,	James,	Price,	Thomas,
Culbertson, W. W.	Johnson,	Ranney,	Wait,
Davis, R. T.	Kasson,	Ray, G. W.	Washburn,
Ellis,	Libbey,	Rice,	Whiting,
Everhart,	McComas,	Rowell,	Woodward.
Finerty,	McCormick,	Skinner, C. R.	
Harmer,	Miller, S. H.	Spooner,	

NOT VOTING—85.

Atkinson,	Davidson,	Hutchins,	Rogers, W. F.
Barr,	Deuster,	Jones, J. K.	Rosecrans,
Bingham,	Dockery,	Jones, J. T.	Russell,
Bisbee,	Duncan,	Kean,	Shaw,
Blackburn,	Evans, I. N.	Kelley,	Shelley,
Bland,	Evins, J. H.	Kellogg,	Skinner, T. G.
Boutelle,	Fiedler,	Ketcham,	Slocum,
Bowen,	Fyan,	Laird,	Snyder,
Boyle,	Garrison,	Lawrence,	Spriggs,
Brainerd,	George,	Lore,	Sumner, D. H.
Breitung,	Green,	Milliken,	Taylor, E. B.
Brewer, J. H.	Hanback,	Morrison,	Taylor, J. D.
Broadhead,	Hancock,	Moulton,	Valentine,
Buckner,	Haynes,	Muller,	Van Alstyne,
Burleigh,	Hemphill,	Nicholls,	Wakefield,
Calkins,	Hepburn,	Nutting,	White, J. D.
Campbell, Felix	Hill,	Pettibone,	Winans, John
Carleton,	Hiscock,	Phelps,	Wise, J. S.
Chace,	Hooper,	Rankin,	Worthington.
Clardy,	Hopkins,	Reagan,	
Cox, S. S.	Houk,	Robertson,	
Cullen,	Hurd,	Robinson, J. S.	

So the bill was passed.

The following additional pair was announced:

Mr. HOUK with Mr. EVINS, of South Carolina, on all political questions for to-day.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The message also announced that the Senate further insisted upon its amendments disagreed to by the House to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. HALE, Mr. LOGAN, and Mr. BECK.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the following title:

A bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate requested the House to return the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Iowa, Minnesota, Missouri, or Nebraska.

FISH COMMISSIONER'S REPORT.

Mr. SCALES, from the Committee on Printing, reported back the following concurrent resolution of the Senate; which was read, considered, and adopted:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1884 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

Mr. SCALES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRANCH HOME FOR DISABLED VOLUNTEER SOLDIERS, ETC.

The SPEAKER laid before the House a message from the Senate requesting the return by the House of the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers in either the State of Arkansas, Iowa, Minnesota, Missouri, or Nebraska.

Mr. RANDALL. I move that the request of the Senate be granted; it is usual to do so.

Mr. KASSON. Is any reason given for the request?

The SPEAKER. No reason is given in the message; it is not usual to give a reason.

The request of the Senate was granted.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of Senate bill No. 475, granting arrears of pension to Emily Agnel, and the same was referred to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I ask unanimous consent to take from the Speaker's table at this time the Senate amendments to the bill known as the river and harbor appropriation bill.

The SPEAKER. For what purpose?

Mr. WILLIS. I am directed by the Committee on Rivers and Harbors to ask that the Senate amendments be non-concurred in, and that the bill with the Senate amendments numbered be printed.

Mr. WARNER, of Ohio. Is it necessary to reserve points of order at this stage?

The SPEAKER. The gentleman from Ohio [Mr. WARNER] reserves all points of order.

Mr. WILLIS. The request I made has been by the unanimous direction of the Committee on Rivers and Harbors.

There being no objection, the Senate amendments to the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, were taken from the Speaker's table and non-concurred in, and the bill, with the Senate amendments numbered, was ordered to be printed.

ORDER OF BUSINESS.

Mr. COBB. I call for the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

Mr. COBB. I move that the morning hour be dispensed with.

The SPEAKER. That will require a two-thirds vote.

Mr. HERBERT. I hope that will not be done.

The question was taken on the motion to dispense with the morning hour, and it was not agreed to (two-thirds not voting in favor thereof).

Mr. STOCKSLAGER. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on Public Buildings and Grounds. [Cries of "Regular order!"]

The SPEAKER. That motion can not be entertained until the morning hour has been dispensed with or occupied.

Mr. STOCKSLAGER. I beg the Speaker's pardon. This motion takes precedence of the morning hour, as the Chair will find upon examination of the order on the subject.

The SPEAKER. The gentleman is correct. The Chair was thinking of the resolution adopted on motion of the gentleman from Indiana [Mr. HOLMAN] in regard to business from the Committee on Public Lands.

Mr. COBB. I rise to a point of order. I wish to know whether the Committee on Public Buildings and Grounds can displace the Committee on Public Lands. I desire that we may go to the House Calendar for the purpose of——

The SPEAKER. No motion has been made on behalf of the Committee on Public Lands.

Mr. COBB. I tried to get the floor for that purpose, but could not. I move to go to the House Calendar for the purpose of taking up the bill forfeiting the Northern Pacific Railroad land grant.

The SPEAKER. That motion is not in order until after the morning hour has been dispensed with or occupied. The gentleman's object can be reached by defeating the motion of his colleague [Mr. STOCKSLAGER]. The question is on the motion that the House resolve itself into Com-

mittee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on Public Buildings and Grounds.

Mr. TUCKER. I wish to antagonize that with a motion——

The SPEAKER. This question is not debatable. The way to antagonize the proposition is to vote against it.

The question being taken on the motion of Mr. STOCKSLAGER, it was not agreed to, there being—ayes 65, noes 98.

Mr. STOCKSLAGER. I ask unanimous consent to print in the RECORD some remarks on the subject of public buildings.

Mr. MORSE. If we can get rid of this matter so cheaply as that, I think we had better grant the privilege.

The SPEAKER. If there be no objection, leave to print will be granted.

There was no objection.

The SPEAKER proceeded to call the committees for reports.

ALASKA COMMERCIAL COMPANY.

Mr. HERBERT, from the Committee on Ways and Means, reported back, with an amendment in the form of a substitute, the resolution proposing the appointment of a committee to make investigation relating to affairs of the Alaska Commercial Company; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WEHRLE, WERK & SON.

Mr. HERBERT, from the Committee on Ways and Means, also reported a bill (H. R. 7496) for the relief of Wehrle, Werk & Son; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CIRCUIT COURT, MINNEAPOLIS, MINN.

Mr. McCOID, from the Committee on the Judiciary, reported back favorably the bill (H. R. 7324) providing for holding a term of the circuit court in Minneapolis, Minn.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

UNORGANIZED TERRITORY SOUTH OF KANSAS.

Mr. McCOID, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; which was referred to the House Calendar, and the accompanying report ordered to be printed.

FIRST NATIONAL BANK OF OMAHA, NEBR.

Mr. ADAMS, of Illinois, from the Committee on Banking and Currency, reported back favorably the bill (H. R. 7488) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

HILLSBOROUGH NATIONAL BANK.

Mr. ADAMS, of Illinois, from the Committee on Banking and Currency, also reported back favorably the bill (H. R. 7428) to authorize the Hillsborough National Bank to change its name to that of the First National Bank of Hillsborough, Ohio; which was referred to the House Calendar, and the accompanying report ordered to be printed.

RAILROAD BRIDGE ACROSS CUMBERLAND RIVER.

Mr. SEYMOUR, from the Committee on Commerce, reported back, as a substitute for H. R. 7420, a bill (H. R. 7497) to give the assent of Congress to the construction of a railroad bridge by the Cincinnati, Green River and Nashville Railroad Company over the Cumberland River; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill was laid on the table.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. CULLEN, from the Committee on Agriculture, reported, as a substitute for H. R. 447, a bill (H. R. 7498) to establish experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill was laid on the table.

HARRISON DEWEY.

Mr. LYMAN, from the Committee on Military Affairs, reported back favorably a bill (H. R. 4307) directing the Secretary of War to amend the record of Harrison Dewey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HOLLINS M'BLAIR.

Mr. MURRAY, from the Committee on Military Affairs, reported, as a substitute for H. R. 7465, a bill (H. R. 7499) for the relief of Lieut. John Hollins McBlair; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill was laid on the table.

CADET-ENGINEER JOHN U. CRYGIER.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 7068) authorizing the President of the United States to appoint Cadet-Engineer John U. Crygier an assistant engineer in the United States Navy, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISIANA SWAMP LANDS.

Mr. OATES, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 2201) to extend the provisions of the act of March 2, 1855, to lands selected as swamp lands by the State of Louisiana under the act of March 2, 1849; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNEARNED LAND GRANTS.

Mr. LEWIS, from the Committee on the Public Lands, reported back with additional amendments the joint resolution (H. Res. 253) prohibiting the confirmation, certification, and patenting of unearned land grants; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CAPE COD SHIP-CANAL.

Mr. HOBLITZELL, from the Committee on Railways and Canals, reported back with an amendment the bill (H. R. 6320) making an appropriation for the construction of breakwaters, entrances, and approaches for the Cape Cod Ship-Canal; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ARMY MUSEUM BUILDING.

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LAND IN PROVIDENCE FOR HIGHWAY PURPOSES.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 2703) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

AMENDMENT OF THE CONSTITUTION.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back favorably the joint resolution (H. Res. 34) proposing an amendment to the Constitution of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. O'NEILL, of Missouri, from the Committee on Labor, also reported back the joint resolution (H. Res. 74) proposing an amendment to the Constitution of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LABOR ON PUBLIC WORKS.

Mr. O'NEILL, of Missouri, from the Committee on Labor, also reported back the joint resolution (H. Res. 246) providing that in the employment of labor on the public works of the Government preference shall be given to residents and citizens of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEWIS J. BLAIR.

Mr. MATSON, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 372, a bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original House bill was laid upon the table.

DAVID FRIED.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7308) for the relief of David Fried; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET A. BERRY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5925) granting a pension to Margaret A. Berry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES MILK.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5309) for the relief of Charles Milk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRISON MITCHELL.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK HUTTON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7170) for the relief of Frederick Hutton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CREET H. DOUGHERTY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 383) granting a pension to Creet H. Dougherty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS SIMPSON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1924) granting a pension to Thomas Simpson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY J. SEWARD.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (S. 284) granting a pension to Henry J. Seward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA BASTIN.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (S. 1566) granting a pension to Martha Bastin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISRAEL STOUGH.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (S. 1227) granting a pension to Captain Israel Stough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 2990) for the relief of George W. Loomis;

A bill (H. R. 422) granting a pension to Franklin B. Burget, William Burget, and Lydia A. Burget;

A bill (H. R. 6273) increasing the pension of David A. Ranger;

A bill (H. R. 7018) for the relief of William G. Baldwin; and

A bill (H. R. 6274) increasing the pension of John Lindsey.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

MARY HOPPERTON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back the bill (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES BROWN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (S. 2244) granting a pension to James Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB SNOVELY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 7316) for the relief of Jacob Snovely; which was ordered to be laid on the table, and the accompanying report printed.

FREDERIC S. RICH.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 5969) increasing the pension of Frederic S. Rich; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. OLIVE W. PARKER.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES P. F. TOBY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back the bill (S. 464) granting a pension to James P. F. Toby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHLOE A. WHIPPLE.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back the bill (H. R. 7338) granting a pension to Chloe A. Whipple; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMY A. LEWIS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7337) for the relief of Amy A. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JUDSON BOSTWICK.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7333) granting a pension to Judson Bostwick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WARREN CROAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 461) granting a pension to Warren Croan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY A. ARMSTRONG.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 912) granting a pension to Henry A. Armstrong; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH C. HALL.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1430) granting a pension to Sarah C. Hall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RACHEL SMITH.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5813) granting a pension to Rachel Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRISCILLA J. SMALL.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2540) granting a pension to Priscilla J. Small; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

HECTOR W. SUMMERS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported a bill (H. R. 7501) granting a pension to Hector W. Summers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6280) for the relief of George H. Prettyman;

A bill (H. R. 6857) for the relief of James Montgomery;

A bill (H. R. 7221) for the relief of Levi Dodge; and

A bill (H. R. 7224) for the relief of Alexander M. Proctor.

MRS. JENNIE E. JOHNSON.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JAMES O. M'KENNA.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7175) granting a pension to James O. McKenna; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. W. BALDWIN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7313) granting a pension to C. W. Baldwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MARGARET S. CAMPBELL.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7294) granting a pension to Margaret S. Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD W. BARNES.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 4443, a bill (H. R. 7502) for the relief of Richard W. Barnes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. HESS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1444) granting a pension to William J. Hess; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASAHEL D. WHITCOMB.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1645) granting a pension to Asahel D. Whitcomb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. BOLAR.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1398) granting an increase of pension to Andrew J. Bolar; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. 7345) granting a pension to Edward Bartholomew;
The bill (H. R. 4892) granting a pension to Thomas J. Walker; and
The bill (H. R. 4278) granting a pension to Robert Johnson.

HEIRS OF MICHAEL O'BRIEN.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back the bill (S. 1220) for the relief of the heirs of Michael O'Brien, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Pensions.

The motion was agreed to.

N. J. INGERSOLL.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 670) granting an increase of Pension to N. J. Ingersoll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT A. CRITES.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 3009) granting a pension to Robert A. Crites; which was laid on the table, and the accompanying report ordered to be printed.

AUGUSTUS JONES.

Mr. JONES, of Texas, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 5191) granting an increase of pension to Augustus Jones; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JACOB FUNKHOUSER.

Mr. JONES, of Texas, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 2872) granting a pension to Jacob Funkhouser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH M. BISSELL.

Mr. HEWITT, of Alabama, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 6940) granting a pension to Sarah M. Bissell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZA SLUSS.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 3605) granting a pension to Eliza Sluss; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM STRICKLAND.

Mr. STOCKSLAGER, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 3994) granting a pension to William Strickland; which was referred to the Committee of the Whole House on the Private Calendar, and the accommpanying report ordered to be printed.

EMILY AGNEL.

Mr. STOCKSLAGER, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 765) for the relief of Emily Agnel; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEMUEL J. BENNETT.

Mr. STOCKSLAGER, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 552) granting a pension to Lemuel J. Bennett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate requested the return of the following bill:

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion.

Mr. HOLMAN. I believe such a request has never been refused.

The SPEAKER. If there is no objection the request of the Senate will be granted and the bill returned.

There was no objection, and it was ordered accordingly.

MRS. LYDIA S. HUGGINS.

Mr. STRUBLE (by Mr. LAIRD), from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN E. DENHAM.

Mr. LAIRD, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 5798) granting a pension to John E. Denham; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NATHANIEL POND, JR.

Mr. LAIRD, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 4668) for the relief of Nathaniel Pond, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

VALENCIA S. HUTCHINSON.

Mr. LAIRD, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 3581) for the relief of Valencia S. Hutchinson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DELIA G. WEBBER.

Mr. LAIRD, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 88) for the relief of Delia G. Webber; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL M'ALPINE.

Mr. LAIRD, from the Committee on Pensions, also reported, as a substitute for H. R. 6950, a bill (H. R. 7503) for the relief of Daniel McAlpine.

The original bill (H. R. 6950) was laid on the table.

The substitute bill (H. R. 7503) was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DELIA G. WEBBER.

Mr. LAIRD, from the Committee on Pensions, also reported, as a substitute for H. R. 88, a bill (H. R. 7504) granting a pension to Delia G. Webber; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

H. P. CARTWRIGHT AND OTHERS.

Mr. LAIRD, from the Committee on Pensions, also reported adversely the petition of H. P. Cartwright, M. D., and others; which was laid on the table, and the accompanying report ordered to be printed.

HENRY AYRES.

Mr. McMILLIN, from the Committee on Claims, reported back with amendments the bill (H. R. 425) for the relief of Henry Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN D. MANNERLYN.

Mr. McMILLIN, from the Committee on Claims, also reported back favorably the bill (H. R. 1827) for the relief of John D. Mannerlyn, of the State of Georgia; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN P. PETERSON.

Mr. WOOD, from the Committee on Claims, reported back favorably the bill (H. R. 6270) for the relief of John P. Peterson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. CROOK.

Mr. RAY, of New York, from the Committee on Claims, reported back with amendments the bill (H. R. 956) for the relief of William H. Crook; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH FLEMING AND OTHERS.

Mr. ELLWOOD, from the Committee on Claims, reported back with amendments the bill (H. R. 1140) for the relief of Elizabeth Fleming, Francis E. Robinson, and Mary and Margaret Johnston; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

A. A. THOMAS.

Mr. ELLWOOD, from the Committee on Claims, also reported back with amendments the bill (S. 643) for the relief of A. A. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM PIKE.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (H. R. 4434) for the relief of William Pike; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SILAS QUACKENBUSH.

Mr. GEDDES, from the Committee on War Claims, also reported back favorably the bill (H. R. 4433) for the relief of Silas Quackenbush; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. BALDWIN AND OTHERS.

Mr. GEDDES, from the Committee on War Claims, also reported back favorably the bill (H. R. 4677) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARTHA VAUGHN AND MRS. LOUISA JACKMAN.

Mr. FERRELL, from the Committee on War Claims, reported back favorably the bill (H. R. 3874) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MILINDA GRIMES.

Mr. FERRELL, from the Committee on War Claims, also reported back adversely the bill (H. R. 2903) for the relief of Milinda Grimes; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM FLETCHER.

Mr. FERRELL, from the Committee on War Claims, also reported back adversely the bill (H. R. 2106) for the relief of William Fletcher; which was laid on the table, and the accompanying report ordered to be printed.

PATIENCE BEATTY.

Mr. EVERHART, from the Committee on War Claims, reported back with amendments the bill (H. R. 622) for the benefit of Patience Beatty; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PATRICK FLYNN.

Mr. ROWELL (by Mr. EVERHART), from the Committee on War Claims, reported back favorably the bill (H. R. 1869) for the relief of Patrick Flynn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MONUMENTS ON REVOLUTIONARY BATTLE-FIELDS.

Mr. WOODWARD, from the Committee on the Library, reported back with amendments the bill (H. R. 2435) to encourage societies of the vicinage to erect monuments on the few important battle-fields of the Revolution; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

KLAMATH INDIAN RESERVATION.

Mr. PEEL, from the Committee on Indian Affairs, reported, as a substitute for H. R. 112, a bill (H. R. 7505) for the restoration of the Klamath Indian reservation, in the State of California, to the public domain; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill was laid on the table.

J. M. WAIDE, DENTON COUNTY, TEXAS.

Mr. PEEL, from the Committee on Indian Affairs, also reported back favorably the bill (H. R. 2819) for the relief of J. M. Waide, of Denton County, Texas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASSAY OFFICE AT SOCORRO.

Mr. MANZANARES, from the Committee on Coinage, Weights, and Measures, reported back favorably the bill (H. R. 6230) to establish an assay office at Socorro, in the Territory of New Mexico; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BELVA A. LOCKWOOD.

Mr. GRAVES, from the Committee on Indian Affairs, reported back adversely the bill (H. R. 3781) for the relief of Belva A. Lockwood; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM H. HOUGHTON.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back favorably the bill (H. R. 4026) for the relief of William H. Houghton; which was referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

SPANISH AND MEXICAN LAND CLAIMS.

Mr. COSGROVE. I rise for the purpose of submitting the views of the minority, of the Committee on Private Land Claims on the bill (S. 19) concerning Spanish and Mexican land claims.

The SPEAKER. Has the gentleman had permission to present the views of the minority?

Mr. COSGROVE. I ask unanimous consent to present the views of the minority, in order that they may be printed and referred with the report of the majority of the committee.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

MRS. REBECCA ADAMS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 7025) for the relief of Rebecca Adams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CRIMINAL CODE FOR THE DISTRICT OF COLUMBIA.

Mr. McCOMAS, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 5249) to provide a criminal code for the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EXECUTED CONTRACTS.

Mr. JEFFORDS, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 7489) to define the duties and liabilities of the District of Columbia under certain executed contracts; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM MIDKIFF.

Mr. NELSON, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 3804) for the relief of William Midkiff; which was referred to the Committee of the Whole House on the

Private Calendar, and, with the accompanying report, ordered to be printed.

STATUTE OF LIMITATIONS.

Mr. CALDWELL. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table Senate amendments to House bill 6370, to limit the time within which prosecutions may be instituted against persons charged with violating the internal-revenue laws, and to move non-concurrence and the appointment of a committee of conference.

Mr. DUNN. Is it a public or private measure?

Mr. CALDWELL. It is in reference to limiting the time in which the statute of limitations may run in these cases.

Mr. CANNON. I object.

PURCHASERS OF LAND IN NEBRASKA AND KANSAS.

Mr. PAYSON, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 1737) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RELOCATION OF SITES OF PUBLIC BUILDINGS.

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, reported back with amendments joint resolution (H. Res. 281) directing the Secretary of the Treasury to suspend action in the matter of erecting public buildings in all cases where bills have been reported favorably to this House authorizing the relocation of sites for such buildings; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. TALBOTT. Mr. Speaker, I am instructed by the Committee on Naval Affairs to report back the petition of John A. Nowell, J. C. Warren, and other citizens of Boston, with an accompanying resolution, and ask unanimous consent for the immediate consideration of the same.

Mr. CANNON. I demand the regular order.

Mr. TALBOTT. This is a resolution for an investigation of an officer connected with the navy-yard near Boston, and it ought to be passed. I ask that it may be read for the information of the House, and then if the gentleman chooses to demand the regular order, of course I am perfectly willing to abide by it.

The SPEAKER. The gentleman from Illinois has already demanded the regular order.

Mr. TOWNSHEND. I was in hopes that the gentleman would withhold it for a little while to permit this report to be made.

Mr. TUCKER. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of taking up and considering revenue bills.

Mr. STOCKSLAGER. I desire to give notice that I shall antagonize that motion, my object being to proceed with the regular order for the consideration of bills reported from the Committee on Public Buildings and Grounds.

The SPEAKER. The only way to antagonize the motion of the gentleman from Virginia is to vote it down.

Mr. CANNON. I understand the regular order is the unfinished business.

The SPEAKER. What unfinished business?

Mr. CANNON. If there is no unfinished business, then it is in order, as I understand the rule, to entertain a motion that the House proceed to business on the Speaker's table.

The SPEAKER. The regular order is the motion of the gentleman from Virginia that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills raising revenue, or a motion would also have been in order to go into Committee of the Whole for the purpose of considering general appropriation bills. The gentleman from Virginia makes the motion to go into Committee of the Whole for the former purpose.

Mr. CANNON. On page 203 of the Digest, as I understand it, the regular order of business after the unfinished business has been disposed of is the motion to proceed to business on the Speaker's table.

I find this language:

Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table.

The SPEAKER. If the gentleman will now read clause 9 of Rule XVI he will see that at any time after the expiration of the morning hour it shall be in order to entertain a motion that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

Mr. CANNON. The only way then to get to the Speaker's table is to vote down the motion of the gentleman from Virginia?

The SPEAKER. That is the only way.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON. Would it be in order to move to go into Committee of the Whole to take up the educational bill?

The SPEAKER. Not pending the motion of the gentleman from Virginia.

Mr. HEWITT, of Alabama. The bill of the gentleman from Virginia would have to be antagonized in Committee of the Whole if the House went into committee at all.

Mr. THOMPSON. Can we not antagonize and vote down his motion——

The SPEAKER. Undoubtedly.

Mr. THOMPSON. In this way: when we go into committee, if this House shall so decide, by refusing to take up that particular bill and then proceed with the consideration of the educational bill?

The SPEAKER. The Committee of the Whole, of course, can take up the educational bill, provided it is the desire of the committee to do so; but it would first have to refuse to consider the bills referred to by the gentleman from Virginia and all other bills upon the Calendar preceding the bill to which the gentleman refers.

Mr. HENLEY. Would it be parliamentary for me to state to the House that I desire to antagonize the motion of the gentleman from Virginia by a land-grant bill?

The SPEAKER. That is debate. The question is not debatable. The gentleman will, of course, antagonize the motion of the gentleman from Virginia by voting against it.

The question is on agreeing to the motion of the gentleman from Virginia that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue.

The question was taken, and the House divided; and there were—ayes 59, noes 68.

Mr. TUCKER, Mr. McMILLIN, and others demanded the yeas and yeas.

The yeas and nays were ordered—40 members voting in favor thereof.

ENROLLED BILL SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Virginia, on which the yeas and nays have been ordered.

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry. I desire to know what is the question before the House?

The SPEAKER. The Chair has twice stated the question, but will do so again if there be no objection. The gentleman from Virginia moves that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills raising revenue.

Mr. WHITE, of Kentucky. May I ask what bill?

The SPEAKER. Bills raising revenue, such bills as are on the Calendar in Committee of the Whole, in their regular order.

Mr. WHITE, of Kentucky. May I ask when it would be in order to go to the Speaker's table to take up the Mexican pension bill?

The SPEAKER. If the House does not go into Committee of the Whole House on the state of the Union the motion to go to the Speaker's table would be in order unless interfered with by some other motion.

Mr. WHITE, of Kentucky. Then I give notice that we will endeavor to take up the Mexican pension bill.

Mr. KEIFER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEIFER. Notwithstanding that the yeas and nays have been ordered on the pending motion to go into Committee of the Whole would it not now be in order for a conference report to be presented?

The SPEAKER. It would be.

Mr. KEIFER. The gentleman from Alabama [Mr. FORNEY] desires to present a conference report.

ARMY APPROPRIATION BILL.

Mr. FORNEY. I present the report of a committee of conference on the Army appropriation bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 35 to the bill of the House No. 6861, making appropriations for the support of the Army for the year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the said amendment numbered 35.

WM. H. FORNEY,
J. WARREN KEIFER,
Managers on the part of the House.

P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. FORNEY. I ask that the statement be read.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendment of the Senate numbered 35 to the bill H. R. 6861, making appropriations for the support of the Army for the fiscal year 1885, submit the following written statement in explanation of the conference report:

The effect of the action recommended on the amendment numbered 35 strikes from the bill as it passed the House the following:

"That for the better accomplishment of the object of the acts authorizing the construction of the railroads hereinafter referred to, and the better to secure to the Government the use and benefit of the same, all acts authorizing the building and construction of those railroads which have received, in addition to land grants, Government aid by loan or guarantee of bonds by the United States, and all other acts, parts of acts, and provisions having relation thereto, are hereby so altered, amended, and modified that hereafter the compensation paid or allowed for the carrying and transportation of the property or troops of the United States by such railroad companies or their assigns or successors shall not exceed 50 per cent. of the amount paid by private parties for the same kind of service; but nothing herein shall be construed to waive the right of the United States to further amend said acts, or any or either of them, hereafter, as in the judgment of Congress justice or public policy may require, or waive any right now existing in favor of the United States."

WM. H. FORNEY,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. FORNEY. I move the adoption of the report.

Mr. TOWNSHEND. Having been appointed by the Chair as one of the conference committee on the part of the House on the disagreeing votes of the two Houses on this bill, I desire to say that I have declined to sign the report of the committee of conference for this reason: When the conference committee made their report on the Post-Office appropriation bill I joined with the majority of the conferees on the part of the House in that report, which insisted on the provision adopted by the House that there should be a reduction of the compensation to railroads for the carrying of mails. The same reasons I urged there apply to the provision in the Army appropriation bill with reference to the transportation of military stores and troops.

I believed then and believe now, Mr. Speaker, that we are paying the railroad companies far more than is just and reasonable. I have not changed my convictions upon that question. When the Post-Office appropriation bill was first brought before this House and this question was acted upon by a yea-and-nay vote the House sustained the conclusion reached by the Committee on Appropriations. Subsequently, when the first committee of conference had failed to agree on that provision of the bill, the House, likewise by a yea-and-nay vote, declared the Committee on Appropriations was right in demanding a reduction of the rate of compensation to railroads. But on yesterday it appeared that some gentlemen had changed their views on the subject, and a majority declared that the House should abandon this position, and not struggle any further with the Senate on that question. My colleagues on the conference committee on the Army appropriation bill have regarded that vote as an indication of the will of the House on that question, and have consented that the House shall recede from its disagreement to the amendment. So far as I am individually concerned I will say the action of the majority of the House on yesterday does not meet with my convictions of duty, and therefore I have declined to sign the conference report.

Mr. FORNEY. I will state that the reason I have signed the conference report is based on the fact that the House on yesterday decided it should recede from the similar provision in the Post-Office appropriation bill. I have therefore signed the report, believing that that vote amounted to an instruction from the House to do so.

Mr. KEIFER. As one of the conferees on the part of the House on this bill I desire to say a word or two. It may be very doubtful policy on the part of the Government to cripple these railroad corporations that are indebted to the Government and to insist at the same time that everything should be done on the part of the railroad companies. It is very doubtful whether the Government can require them to carry the army freights and do transportation work for the Government at much less rates than they can afford to do for private individuals. That is doubtful from several points of view.

But I do not rise for the purpose of discussing that question. I leave the vote of yesterday to answer all that has been suggested by the gentleman from Illinois [Mr. TOWNSHEND]. We are probably in the last hours of the session, at least we all hope we are to get away from here in a very short time, and I think it important we should hasten along. I believe there are other matters much more important to the country than this question of the rates of compensation to be paid for Government transportation. I think it important we should hasten through this matter of disagreement for the purpose of taking up a few bills that are of great general interest.

I refer especially to the bill known as the McPherson bill, to amend the national banking act. That bill promises substantial relief from an impending financial crisis now threatened all over the country on account of the scarcity of currency within the reach of the public. I refer, also, to the Mexican pension bill, which grants relief to a great many worthy persons, and in addition contains many important and desirable changes in our general pension laws not likely to be enacted into laws through separate bills. I might mention other things also. I hope, and now express earnestly the hope, that this Congress may adjourn soon, but not without having these measures brought up and passed. And I appeal to the House, and especially to the committees having these matters in charge, to see to it that they are brought up and passed before we adjourn.

Mr. FORNEY. I move the adoption of the report of the committee of conference.

The report was agreed to.

Mr. FORNEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. TUCKER].

Mr. DINGLEY. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. If the motion which is now before the House to go into Committee of the Whole House on the state of Union for the purpose of considering revenue bills should prevail, would it not be in order for the House to lay aside the first bill that might be reached on the Calendar and take up the bill to carry into effect the convention between the United States and Mexico?

The SPEAKER. That is scarcely a parliamentary question for the Chair to answer. The rule provides that when objection is made to the consideration of any bill in Committee of the Whole the committee shall rise and the House shall vote whether that bill shall be passed over or considered. The question is on the motion of the gentleman from Virginia [Mr. TUCKER] that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 80, nays 133, not voting 111; as follows:

YEAS—80.

Aiken,	Dibrell,	Hunt,	Reese,
Barbour,	Dowd,	Jones, J. H.	Scales,
Bayne,	Eaton,	Kasson,	Seney,
Bennett,	Elliott,	Kean,	Smalls,
Blanchard,	Ermentrout,	Lacey,	Stewart, Charles
Blount,	Findlay,	Lanham,	Storm,
Brown, W. W.	Forney,	Long,	Sumner, C. A.
Brumm,	Garrison,	Lyman,	Taylor, J. M.
Budd,	Gibson,	McMillin,	Throckmorton,
Cabell,	Greenleaf,	Mutchler,	Tillman,
Caldwell,	Hammond,	Oates,	Tucker,
Campbell, J. E.	Hancock,	Ochiltree,	Vance,
Candler,	Hardeman,	O'Ferrall,	Wallace,
Chalmers,	Hardy,	Paige,	Warner, Richard
Clements,	Hart,	Patton,	Wemple,
Converse,	Herbert,	Peel,	Whiting,
Cox, W. R.	Hewitt, G. W.	Pierce,	Wilson, James
Culberson, D. B.	Hiscock,	Poland,	Wilson, W. L.
Culbertson, W. W.	Hoblitzell,	Pryor,	Wise, G. D.
Dargan,	Hopkins,	Randall.	York.

NAYS—133.

Adams, G. E.	Follett,	Millard,	Springer,
Adams, J. J.	Funston,	Miller, J. F.	Steele,
Alexander,	Glascock,	Milliken,	Stockslager,
Anderson,	Goff,	Mills,	Stone,
Arnot,	Graves,	Money,	Strait,
Bagley,	Halsell,	Morgan,	Talbott,
Belmont,	Harmer,	Morrill,	Thomas,
Boutelle,	Hatch, H. H.	Morse,	Thompson,
Breckinridge,	Hatch, W. H.	Muldrow,	Townshend,
Brewer, J. H.	Henderson, D. B.	Murray,	Tully,
Brewer, F. B.	Henderson, T. J.	Neece,	Turner, H. G.
Broadhead,	Henley,	Nelson,	Turner, Oscar
Browne, T. M.	Hewitt, A. S.	Parker,	Valentine,
Buchanan,	Holman,	Payne,	Van Eaton,
Burleigh,	Holton,	Payson,	Wadsworth,
Campbell, J. M.	Horr,	Peters,	Wait,
Cannon,	Houseman,	Potter,	Wakefield,
Carleton,	Howey,	Price,	Ward,
Cobb,	James,	Rankin,	Warner, A. J.
Cook,	Jeffords,	Ranney,	Washburn,
Cosgrove,	Jones, B. W.	Ray, G. W.	Weaver,
Crisp,	Jordan,	Ray, Ossian	Wellborn,
Cullen,	Keifer,	Reed,	White, J. D.
Davis, G. R.	Ketcham,	Rice,	Wilkins,
Davis, L. H.	Laird,	Riggs,	Williams,
Davis, R. T.	Lamb,	Robertson,	Willis,
Deuster,	Lawrence,	Robinson, J. S.	Winans, E. B.
Dorsheimer,	Le Fevre,	Rockwell,	Wolford,
Dunn,	Lovering,	Rogers, J. H.	Wood,
Eldredge,	Lowry,	Rosecrans,	Yaple,
English,	McCold,	Ryan,	Young.
Evans, I. N.	McCormick,	Slocum,	
Everhart,	Matson,	Smith,	
Finerty,	Maybury,	Spooner,	

NOT VOTING—111.

Atkinson,	Breitung,	Curtin,	Foran,
Ballentine,	Buckner,	Cutcheon,	Fyan,
Barksdale,	Burnes,	Davidson,	Geddes,
Barr,	Calkins,	Dibble,	George,
Beach,	Campbell, Felix	Dingley,	Green,
Belford,	Cassidy,	Dockery,	Guenther,
Bingham,	Chace,	Duncan,	Hanback,
Bisbee,	Clardy,	Dunham,	Haynes,
Blackburn,	Clay,	Ellis,	Hemphill,
Bland,	Collins,	Ellwood,	Hepburn,
Bowen,	Connolly,	Evins, J. H.	Hill,
Boyle,	Covington,	Ferrell,	Hitt,
Brainerd,	Cox, S. S.	Fiedler,	Holmes,

Hooper,	McComas,	Post,	Stephenson,
Houk,	Miller, S. H.	Pusey,	Stevens,
Hurd,	Mitchell,	Reagan,	Stewart, J. W.
Hutchins,	Morrison,	Robinson, W. E.	Struble,
Johnson,	Moulton,	Rogers, W. F.	Sumner, D. H.
Jones, J. K.	Muller,	Rowell,	Taylor, E. B.
Jones, J. T.	Murphy,	Russell,	Taylor, J. D.
Kelley,	Nicholls,	Seymour,	Van Alstyne,
Kellogg,	Nutting,	Shaw,	Weller,
King,	O'Hara,	Shelley,	White, Milo
Kleiner,	O'Neill, Charles	Singleton,	Winans, John
Lewis,	O'Neill, J. J.	Skinner, C. R.	Wise, J. S.
Libbey,	Perkins,	Skinner, T. G.	Woodward,
Lore,	Pettibone,	Snyder,	Worthington.
McAdoo,	Phelps,	Spriggs,	

So the motion was not agreed to.

The following additional pairs were announced:

Mr. BRAINERD with Mr. DIBBLE, on all political questions, until further notice.

Mr. GEDDES with Mr. ROWELL, on this vote.

Mr. CLAY with Mr. STRUBLE, for this day.

Mr. GREEN with Mr. SINGLETON, on this vote. If present, Mr. GREEN would vote "ay" and Mr. SINGLETON "no."

Mr. STEVENS with Mr. BELFORD, for this day.

Mr. LIBBEY with Mr. CABELL, for this day.

Mr. BALLENTINE with Mr. BARR, for this day.

Mr. POST, of Pennsylvania, with Mr. MILLER, of Pennsylvania, for the remainder of the day.

Mr. COLLINS with Mr. STEWART, of Vermont, for this day.

Mr. SKINNER, of New York, with Mr. BEACH, for to-day.

Mr. BRECKINRIDGE. I desire to state that my colleague, Mr. JONES, of Arkansas, is absent on account of sickness.

The result of the vote was then announced, as above stated.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I ask consent that an order be made that the House request a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. I ask unanimous consent to submit a resolution for consideration at this time.

Mr. BROWNE, of Indiana. I desire to make what I regard as a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. It is that the House now proceed to the consideration of business on the Speaker's table.

The SPEAKER. Does the gentleman object to the consideration of the resolution of the gentleman from New York [Mr. HEWITT]?

Mr. BROWNE, of Indiana. I will waive my motion for the present, if I can be recognized to make it afterward.

The SPEAKER. The gentleman from New York [Mr. HEWITT] requests unanimous consent to submit for present consideration a resolution, which will be read.

Mr. HISCOCK. Read subject to objection?

The SPEAKER. Certainly.

The Clerk read as follows:

Whereas numerous fraudulent transactions have recently been disclosed in several of the Executive Departments of the Government: Therefore,

Resolved, That a committee of thirteen members of this House be appointed by the Speaker, to inquire into any errors, abuses, or frauds in the administration and execution of existing laws affecting the public service, with a view to ascertain what changes and reformation can be made so as to promote integrity, economy, and efficiency therein; and the said committee is hereby instructed to examine into the accounts and expenses of the several Executive Departments of the Government, whether any fraudulent transactions have occurred therein; whether the claims from time to time satisfied and discharged by the respective Departments are supported by genuine vouchers sufficient to establish the justness of the same; whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with law; whether any and what provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys and to secure the Government from demands unjust in their character or extravagant in their amounts; whether any retrenchment can be made in the expenditures of the several Departments of the Government without detriment to the public service; whether there is or has been any neglect to enforce the payment of moneys which may be due to the United States from public defaulters or others——

Mr. HISCOCK (interrupting the reading). I object and call for the regular order.

Mr. STOCKSLAGER. I do not object, but I think the law is good enough now; all that is necessary is to turn the rascals out and put honest men in.

Mr. TOWNSHEND. I move to go to business on the Speaker's table, for the purpose of reaching the Mexican pension bill.

Mr. HOLMAN. I rise to a question of order. The reading of the paper was commenced by unanimous consent, and no one has a right to object until the reading is completed.

The SPEAKER. Still the Chair supposes that the gentleman had heard enough to show that he objected.

Mr. TOWNSHEND. Then I move to go to the Speaker's table for the purpose of taking up the Mexican pension bill.

Mr. WHITE, of Kentucky. I make the point of order that this resolution seems to be a reflection on the committees of this House, and I think it ought to be read through. This is a Democratic House.

The SPEAKER. The Chair can not permit it to be read through when the regular order is demanded.

Mr. WHITE, of Kentucky. It is a reflection on the committees of the House. [Cries of "Regular order!"]

Mr. TOWNSHEND. I move to go to business on the Speaker's table to take up the Mexican pension bill.

Mr. HEWITT, of New York. Does my colleague [Mr. HISCOCK] take the responsibility of refusing to allow investigation to be made?

Mr. HISCOCK. I do. The resolution is too much of a reflection upon the committees of this House. It implies that they have neglected their duties.

Mr. HEWITT, of New York. It is a reflection on a Republican administration, which needs investigation. [Cries of "Regular order!"]

Mr. HISCOCK. Your standing committees have had jurisdiction to investigate the administration during the entire session. I do not propose to create roving committees for electioneering purposes.

Mr. REED. I wish to protest against the remark that this resolution implies any "reflection." The gentleman always makes his charges without reflection. [Cries of "Regular order!" and confusion.]

Mr. WELLER. I move that the House do now adjourn.

The SPEAKER. The House will be in order. The Chair will suspend business until order has been restored.

Mr. TOWNSHEND. I move to go to the Speaker's table to take up the Mexican pension bill.

Mr. BROWNE, of Indiana. I thought I had the floor.

The SPEAKER. It is always the practice of the Chair to recognize a gentleman who has been in charge of a bill when he rises to make a motion in connection with the bill. The Chair recognizes the gentleman from Illinois [Mr. TOWNSHEND] who reported this bill to the House.

Mr. BROWNE, of Indiana. I was afraid the gentleman from Illinois would forget about it.

Mr. TOWNSHEND. The gentleman need not have any such apprehension. It is very strange that at this late day he has become converted to this measure.

The SPEAKER. The question is not debatable. The gentleman from Illinois moves to go to business on the Speaker's table.

Several members called for the yeas and nays.

The yeas and nays were ordered.

Mr. KASSON. Is this a motion to go generally to business on the Speaker's table?

The SPEAKER. That is the only motion that can be made—to take up business upon the Speaker's table in its regular order.

The question was taken on the motion to go to business on the Speaker's table; and there were—yeas 153, nays 73, not voting 98; as follows:

YEAS—153.

Adams, G. E.	Goff,	McAdoo,	Smith,
Aiken,	Graves,	McComas,	Spooner,
Anderson,	Greenleaf,	McCormick,	Springer,
Bagley,	Guenther,	Matson,	Steele,
Bayne,	Hardy,	Maybury,	Stephenson,
Belford,	Harmer,	Millard,	Stockslager,
Boutelle,	Hart,	Miller, S. H.	Storm,
Brainerd,	Hatch, H. H.	Milliken,	Strait,
Brewer, F. B.	Hatch, W. H.	Morgan,	Sumner, C. A.
Brewer, J. H.	Hemphill,	Morrill,	Sumner, D. H.
Browne, T. M.	Henderson, D. B.	Murray,	Thomas,
Brown, W. W.	Henderson, T. J.	Neece,	Tillman,
Brumm,	Henley,	Nelson,	Townshend,
Budd,	Hepburn,	Ochiltree,	Valentine,
Burleigh,	Hewitt, A. S.	O'Hara,	Vance,
Burnes,	Hiscock,	O'Neill, J. J.	Wadsworth,
Calkins,	Hitt,	Paige,	Wait,
Campbell, J. E.	Hoblitzell,	Parker,	Wakefield,
Campbell, J. M.	Holman,	Payne,	Wallace,
Cannon,	Holmes,	Payson,	Ward,
Carleton,	Holton,	Perkins,	Warner, A. J.
Chalmers,	Hooper,	Peters,	Washburn,
Cobb,	Hopkins,	Poland,	Weaver,
Converse,	Horr,	Post,	Weller,
Culbertson, W. W.	Howey,	Potter,	Wemple,
Cullen,	James,	Price,	White, J. D.
Cutcheon,	Jeffords,	Pusey,	White, Milo
Davis, G. R.	Johnson,	Ranney,	Wilkins,
Dingley,	Jones, B. W.	Ray, G. W.	Winans, E. B.
Eldredge,	Kasson,	Ray, Ossian	Winans, John
Elliott,	Keifer,	Reed,	Wolford,
Ellwood,	Ketcham,	Rice,	Wood,
English,	Lacey,	Riggs,	Woodward.
Ermentrout,	Laird,	Robinson, J. S.	Yaple,
Everhart,	Lamb,	Rockwell,	York,
Finerty,	Lawrence,	Rosecrans,	Young.
Follett,	Lovering,	Ryan,	
Funston,	Lowry,	Seney,	
Glascock,	Lyman,	Smalls,	

NAYS—73.

Adams, J. J.	Buchanan,	Culberson, D. B.	Dowd,
Alexander,	Caldwell,	Dargan,	Dunn,
Barbour,	Candler,	Davis, L. H.	Findlay,
Belmont,	Clements,	Deuster,	Forney,
Bennett,	Cosgrove,	Dibble,	Garrison,
Blount,	Cox, W. R.	Dibrell,	Gibson,
Broadhead,	Crisp,	Dorsheimer,	Halsell,

Hammond,	Miller, J. F.	Rogers, J. H.	Turner, H. G.
Hancock,	Mills,	Scales,	Turner, Oscar
Hardeman,	Money,	Seymour,	Van Eaton,
Herbert,	Morse,	Singleton,	Warner, Richard
Hewitt, G. W.	Muldrow,	Slocum,	Wellborn,
Hunt,	Oates,	Stewart, Charles	Williams,
Jones, J. H.	O'Ferrall,	Talbott,	Willis,
Jordan,	Peel,	Taylor, J. M.	Wilson, W. L.
Lanham,	Pierce,	Thompson,	Wise, G. D.
Lewis,	Pryor,	Throckmorton,	
McCoid,	Rankin,	Tucker,	
McMillin,	Reese,	Tully,	

NOT VOTING—98.

Arnot,	Covington,	Hutchins,	Reagan,
Atkinson,	Cox, S. S.	Jones, J. K.	Robertson,
Ballentine,	Curtin,	Jones, J. T.	Robinson, W. E.
Barksdale,	Davidson,	Kean,	Rogers, W. F.
Barr,	Davis, R. T.	Kelley,	Rowell,
Beach,	Dockery,	Kellogg,	Russell,
Bingham,	Duncan,	King,	Shaw,
Bisbee,	Dunham,	Kleiner,	Shelley,
Blackburn,	Eaton,	Le Fevre,	Skinner, C. R.
Blanchard,	Ellis,	Libbey,	Skinner, T. G.
Bland,	Evans, I. N.	Long,	Snyder,
Bowen,	Evins, J. H.	Lore,	Spriggs,
Boyle,	Ferrell,	Mitchell,	Stevens,
Breckinridge,	Fiedler,	Morrison,	Stewart, J. W.
Breitung,	Foran,	Moulton,	Stone,
Buckner,	Fyan,	Muller,	Struble,
Cabell,	Geddes,	Murphy,	Taylor, E. B.
Campbell, Felix	George,	Mutchler,	Taylor, J. D.
Cassidy,	Green,	Nicholls,	Van Alstyne,
Chace,	Hanback,	Nutting,	Whiting,
Clardy,	Haynes,	O'Neill, Charles	Wilson, James
Clay,	Hill,	Patton,	Wise, J. S.
Collins,	Houk,	Pettibone,	Worthington.
Connolly,	Houseman,	Phelps,	
Cook,	Hurd,	Randall,	

So the motion to go to business on the Speaker's table was agreed to.

Mr. GEDDES (after the roll-call was concluded). Mr. Speaker, I was necessarily absent on a conference committee while this vote was being taken. I would like to record my vote.

The SPEAKER. The Chair under the rules can not entertain the request.

Mr. GEDDES. I was not advised that the roll-call was proceeding, or I would have been present. If present, I would have voted "ay."

Mr. ROWELL. During the roll-call just concluded I was out of the House upon a conference committee. I would like to record my vote in the affirmative.

The SPEAKER. The Chair can not entertain that request under the rule.

The following additional pair was announced:

Mr. WILSON, of Iowa, with Mr. STORM, on this vote.

The result of the vote was announced as above stated.

Mr. ROGERS, of Arkansas. Do I understand that the first bill in order——

The SPEAKER. The business upon the Speaker's table will be taken up in regular order under the rule of the House.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

SOUTHERN KANSAS RAILWAY COMPANY.

Mr. PERKINS submitted the following privileged report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House (H. R. 4680) granting right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 10, 11, and 13, and agree to the same.

That the Senate recede from its amendments numbered 5, 8, and 9, and consent that the same may be stricken out.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with the following amendment: Amend the said Senate amendment by adding after the word "Interior" the words "and in accordance with said intercourse laws;" and the Senate agree to the same.

OLIN WELLBORN,
RICE A. PIERCE,
B. W. PERKINS,
Managers on the part of the House.
J. J. INGALLS,
H. L. DAWES,
RICHARD COKE,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement accompanying the report under the rules.

The Clerk read as follows:

STATEMENT.

The House recedes from its disagreement to the amendments of the Senate numbered respectively 1, 2, 3, 4, 6, 7, 10, 11, and 13.

The Senate recedes from its amendments numbered respectively 5, 8, and 9.

The House recedes from its disagreement to the amendment of the Senate numbered 12, and agrees to the same with the following amendment, namely: Amend the said Senate amendment by adding after the word "Interior" the words "in accordance with said intercourse laws." This amendment to the Senate amendment simply makes specific what the Senate amendment was doubtless designed to effect by providing that all officers, servants, and employés of the railroad shall be permitted to reside on the right of way, but subject to the limitations and regulations of the Indian intercourse laws, and such regulations as may be prescribed by the Secretary of the Interior thereunder.

The thirteenth amendment of the Senate from which the House is asked to recede from its disagreement provides that the railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway, wherever said roads and highways do now or hereafter may cross said railway's right of way, or may be by the proper authorities laid out across the same.

The Senate amendments numbered 1, 2, 3, 4, 6, 7, 10, and 11 are substantially the same as those incorporated in the House bill 3961, granting the right of way through the Indian Territory to the Gulf, Colorado and Santa Fé Railway Company, and heretofore accepted by the House.

Senate amendment numbered 5, from which the Senate now recedes, gave to the general council of either of the nations or to the tribes through whose lands said railway may be located twelve months after the filing of maps of definite location to dissent from the allowances provided for, instead of four months, as expressed in the bill.

Senate amendment 8, from which the Senate now recedes, struck out the provision in section 6 which provided that claims for damages for a settlement upon the right of way subsequent to the filing of maps by the company showing the same should not be valid as against said company.

Senate amendment 9, from which the Senate now recedes, made it obligatory upon the company to complete its entire road through the Indian Territory within two years from the filing of its map showing its located line.

OLIN WELLBORN,
RICE A. PIERCE,
B. W. PERKINS,
Managers on the part of the House.

Mr. PERKINS. I move the adoption of the report.

The report was adopted.

Mr. PERKINS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER appointed as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the river and harbor appropriation bill Mr. WILLIS, Mr. BLANCHARD, and Mr. HENDERSON of Illinois.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

Mr. STOCKSLAGER. I rise to a parliamentary inquiry. The House has decided to go to the business upon the Speaker's table, and I desire to raise the question of consideration against the other business on the Speaker's table. Under the special order adopted on the 8th of April it is provided that the House shall consider such bills for the erection of public buildings as are reported from the House Committee on Public Buildings and Grounds, and also such Senate bills as are on the Speaker's table. I now call up those bills under that order.

I wish to make a parliamentary inquiry as to how I can get at the execution of that special order; whether I shall have to raise the question of consideration against each bill as it comes up.

The SPEAKER. Under the rules of the House the bills on the Speaker's table will be taken up in their regular order, precedence, of course, being given to House bills with Senate amendments.

Mr. STOCKSLAGER. But does not the special order take precedence?

The SPEAKER. The gentleman can move to proceed with the consideration of those bills under the special order.

Mr. TOWNSHEND. The House has already decided not to proceed to the consideration of the special order.

The SPEAKER. The House decided not to go into the Committee of the Whole House on the state of the Union for the purpose of considering those bills.

Mr. TOWNSHEND. The House having determined to go to the table, does not that take precedence?

The SPEAKER. That is the business in order, unless the House by another vote shall determine to proceed to the consideration of the special order referred to. The Chair will cause the special order to be read, so that members may see its effect.

The Clerk read as follows:

Resolved, That Wednesday, April 9, 1884, be set apart for the consideration of such bills reported from the Committee on Public Buildings and Grounds and Senate bills upon the Speaker's table relating to the erection of public buildings as the committee shall designate, and that this special order continue from day to day until all such bills on the House Calendars and the Speaker's table shall have been considered and acted upon by the House, not to interfere with appropriation and revenue bills and special orders heretofore made; and that in the consideration of each bill and its amendments not more than thirty minutes shall be consumed in debate, fifteen minutes on each side.

The SPEAKER. The gentleman from Indiana under that order of the House moves that the House take up for consideration bills on the Speaker's table relating to the construction of public buildings. Of course it requires a vote.

Mr. KEIFER. Would they not come up when we are in the Committee of the Whole House on the state of the Union?

The SPEAKER. The bills are on the Speaker's table.

Mr. CALKINS. It would have been in order to make that point before going to the Speaker's table.

The SPEAKER. The order of the House to proceed to the consideration of business on the Speaker's table may be interrupted by any privileged matter, as was done a few moments ago by the report of a committee of conference. The gentleman from Indiana under the special order moves to proceed to the consideration of Senate bills for the erection of public buildings.

Mr. CALKINS. Let us vote it down.

The SPEAKER. The House can vote it down, of course.

The question recurred on Mr. STOCKSLAGER's motion.

The House divided; and there were—ayes 47, noes 82.

Mr. STOCKSLAGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 72, nays 132, not voting 120; as follows:

YEAS—72.

Aiken,	Dibble,	Lanham,	Rogers, J. H.
Bayne,	Dibrell,	Lewis,	Smith,
Belford,	Ermentrout,	Lovering,	Stewart, Charles
Bennett,	Ferrell,	McCormick,	Stockslager,
Blount,	Funston,	Maybury,	Sumner, C. A.
Boutelle,	Gibson,	Miller, J. F.	Throckmorton,
Brewer, J. H.	Glascock,	Milliken,	Tillman,
Budd,	Guenther,	Mills,	Vance,
Burleigh,	Hammond,	Mitchell,	Van Eaton,
Caldwell,	Hancock,	Ochiltree,	Ward,
Candler,	Hardeman,	Paige,	Washburn,
Carleton,	Hemphill,	Pierce,	Wellborn,
Cassidy,	Hewitt, G. W.	Poland,	Wemple,
Cosgrove,	Jeffords,	Price,	White, Milo
Culberson, D. B.	Johnson,	Rankin,	Wise, G. D.
Cutcheon,	Jones, J. H.	Ray, Ossian	Yaple,
Dargan,	Kean,	Reese,	York,
Davis, R. T.	Ketcham,	Rockwell,	Young.

NAYS—132.

Adams, G. E.	Forney,	McMillin,	Smalls,
Alexander,	Garrison,	Matson,	Spooner,
Anderson,	Geddes,	Millard,	Springer,
Barbour,	Graves,	Miller, S. H.	Steele,
Barksdale,	Greenleaf,	Morgan,	Stephenson,
Belmont,	Halsell,	Morrill,	Storm,
Broadhead,	Hardy,	Morse,	Strait,
Browne, T. M.	Harmer,	Muldrow,	Sumner, D. H.
Brown, W. W.	Hart,	Neece,	Talbott,
Brumm,	Hatch, H. H.	Oates,	Taylor, J. M.
Buchanan,	Hatch, W. H.	O'Ferrall,	Thompson,
Calkins,	Henderson, D. B.	O'Neill, Charles	Townshend,
Campbell, J. M.	Henderson, T. J.	Parker,	Tucker,
Campbell, J. E.	Hiscock,	Patton,	Tully,
Cannon,	Hitt,	Payson,	Turner, H. G.
Chalmers,	Hoblitzell,	Peel,	Turner, Oscar
Clements,	Holman,	Perkins,	Valentine,
Cobb,	Holmes,	Peters,	Wadsworth,
Covington,	Hopkins,	Post,	Wait,
Cox, W. R.	Horr,	Pryor,	Wakefield,
Crisp,	Howey,	Pusey,	Wallace,
Culbertson, W. W.	Hunt,	Randall,	Warner, A. J.
Cullen,	James,	Ranney,	Warner, Richard
Davis, L. H.	Jones, B. W.	Ray, G. W.	White, J. D.
Deuster,	Jordan,	Reed,	Whiting,
Eldredge,	Lacey,	Rice,	Wilkins,
Elliott,	Laird,	Riggs,	Williams,
English,	Lawrence,	Robertson,	Wilson, W. L.
Evans, I. N.	Long,	Rowell,	Winans, E. B.
Everhart,	Lowry,	Ryan,	Winans, John
Findlay,	Lyman,	Seney,	Wolford,
Finerty,	McAdoo,	Seymour,	Wood,
Follett,	McComas,	Singleton,	Woodward.

NOT VOTING—120.

Adams, J. J.	Curtin,	Houseman,	Phelps,
Arnot,	Davidson,	Hurd,	Potter,
Atkinson,	Davis, G. R.	Hutchins,	Reagan,
Bagley,	Dingley,	Jones, J. K.	Robinson, J. S.
Ballentine,	Dockery,	Jones, J. T.	Robinson, W. E.
Barr,	Dorsheimer,	Kasson,	Rogers, W. F.
Beach,	Dowd,	Keifer,	Rosecrans,
Bingham,	Duncan,	Kelley,	Russell,
Bisbee,	Dunham,	Kellogg,	Scales,
Blackburn,	Dunn,	King,	Shaw,
Blanchard,	Eaton,	Kleiner,	Shelley,
Bland,	Ellis,	Lamb,	Skinner, C. R.
Bowen,	Ellwood,	Le Fevre,	Skinner, T. G.
Boyle,	Evins, J. H.	Libbey,	Slocum,
Brainerd,	Fiedler,	Lore,	Snyder,
Breckinridge,	Foran,	McCoid,	Spriggs,
Breitung,	Fyan,	Money,	Stevens,
Brewer, F. B.	George,	Morrison,	Stewart, J. W.
Buckner,	Goff,	Moulton,	Stone,
Burnes,	Green,	Muller,	Struble,
Cabell,	Hanback,	Murphy,	Taylor, E. B.
Campbell, Felix	Haynes,	Murray,	Taylor, J. D.
Chace,	Henley,	Mutchler,	Thomas,
Clardy,	Hepburn,	Nelson,	Van Alstyne,
Clay,	Herbert,	Nicholls,	Weaver,
Collins,	Hewitt, A. S.	Nutting,	Weller,
Connolly,	Hill,	O'Hara,	Willis,
Converse,	Holton,	O'Neill, J. J.	Wilson, James
Cook,	Hooper,	Payne,	Wise, J. S.
Cox, S. S.	Houk,	Pettibone,	Worthington.

So the motion of Mr. STOCKSLAGER was not agreed to.

The following additional pairs were announced:

Mr. SCALES with Mr. BARR, on all political questions, for this day.

Mr. CONVERSE with Mr. ELLWOOD, for this day.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had directed the return to the House of Representatives of the bill (H. R. 4383) to relieve certain soldiers from the charge of desertion, and asked a conference with the House on said bill, and had appointed Messrs. COCKRELL, HARRISON, and SEWELL managers at said conference on the part of the Senate.

The message further announced that the Senate had directed the return of the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, or Nebraska, and asked a conference with the House of Representatives on said bill, and had appointed Mr. HARRISON, Mr. MILLER of California, and Mr. COCKRELL as the managers at said conference on the part of the Senate.

ASSOCIATE JUSTICES, DAKOTA.

The first business on the Speaker's table was the bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota.

The SPEAKER. The Clerk will report the amendments of the Senate.

The Clerk read as follows:

The Senate propose the following amendments:

In section 8, line 3, after the word "determine," to strike out "any matter or cause in which the United States is a party, and all causes or matters in admiralty," and insert in lieu thereof:

"All matters and causes that the court of any district in said Territory now possesses."

The next amendment is to add, as a new section, to be numbered 14:

"SEC. 14. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not been passed."

Also, after section 8, add the following sections:

"SEC. 9. That hereafter the supreme court of the Territory of Washington shall consist of a chief-justice and three associate justices, any three of whom shall constitute a quorum, but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as judge of a district court.

"SEC. 10. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

"SEC. 11. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court thereof at such time and place as may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

"SEC. 12. That until changed by the Legislative Assembly of said Territory, the first district of said Territory shall consist of the counties of Walla Walla, Columbia, Garfield, Assotin, Franklin, Adams, Whitman, and Spokane; the second, of the counties of Pierce, Thurston, Mason, Chehalis, Lewis, Pacific, Wahkiakum, Cowlitz, and Clarke; the third, of the counties of King, Kitsap, Jefferson, Clallam, Island, San Juan, Whatcom, Skagit, and Snohomish; and the fourth, of the counties of Skamania, Klikitat, Yakima, Kittitass, Douglas, Lincoln, and Stevens.

"SEC. 13. That temporarily, and until otherwise ordered by law, the additional associate justice to be appointed under this act is hereby assigned to said fourth district thereof, and the time and place as now fixed by the statutes of said Territory for holding court therein shall remain until changed by law."

Also amend the title so as to read: "A bill providing for two associate justices of the supreme court of the Territory of Dakota, one additional justice of the supreme court of the Territory of Washington, and for other purposes."

Mr. TOWNSHEND. I move the reference of that bill, with the Senate amendments, to the Committee on the Territories.

Mr. VALENTINE. I move that the Senate amendments be concurred in. I understand that this bill has been thoroughly considered in the Senate committee.

Mr. TOWNSHEND. On that I demand the previous question.

The SPEAKER. The first question is upon the motion to refer to the committee.

Mr. BROADHEAD. One word in regard to that bill. It came originally from the Committee on the Judiciary of this House, and in the judgment of that committee it is absolutely necessary that this additional judicial force should be granted for this Territory.

Mr. TOWNSHEND. If this leads to no debate I will withdraw my motion and let the Senate amendments be considered. But if there is likely to be debate upon it I must insist upon the motion to refer.

Mr. BROADHEAD. I move to concur in the Senate amendments.

The SPEAKER. The first question is upon ordering the previous question.

The previous question was ordered.

The amendments of the Senate were concurred in.

Mr. VALENTINE moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I rise to make a privileged motion.

I desire to call up the special order of February 21, and I wish to say to the members of the House that it relates to a bill providing pensions for the soldiers and sailors of the Mexican war; and if gentlemen desire to take a step in the interest of Mexican pensioners, now is the time to effect that purpose by the immediate consideration and passage of that bill.

Mr. REED and others demanded the regular order.

The SPEAKER. The Chair will state to the gentleman from Alabama that this is not debatable.

Mr. TOWNSHEND. The committee have determined to proceed to business on the Speaker's table, and I make the point of order that the motion of the gentleman from Alabama is not in order.

The SPEAKER. The Chair will state to the gentleman from Illinois that that order of the House is of no higher character than any other order; and when any gentleman calls up a matter of special privilege the House must consider it; otherwise the House would be placed in a position where it might never leave the business on the Speaker's table.

Mr. TOWNSHEND. Has not the privilege expired with reference to the consideration of that bill. It was in February last I understand that the order was made.

The SPEAKER. But it was a continuing order from day to day until considered or otherwise disposed of. The House of course has it in its power to vote down the demand for the special order.

Mr. KEIFER. I think the Clerk had better read that special order, so that we can understand just exactly what it is.

The SPEAKER. The Chair will cause the order to be read for the information of the House.

Mr. HEWITT, of Alabama. If gentlemen will allow me a moment's explanation——

The SPEAKER. It is not debatable.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON. I wish to know whether, if we proceed to the consideration of the order which the gentleman from Alabama calls up, it will then be in order upon a motion to substitute the Senate bill in place of it?

Mr. HEWITT, of Alabama. Then it becomes merely an amendment to the House bill, and is not the Senate bill.

The SPEAKER. It will in that case be merely a House amendment.

Mr. TOWNSHEND. Let us have the special order read.

The SPEAKER. The Chair has directed it to be read.

The Clerk read as follows:

That bill (H. R. 3962) granting pensions to certain soldiers and sailors of the Mexican war and other wars therein named, and for other purposes, be made the special order in the House, as in Committee of the Whole, on Thursday, the 21st day of February, 1884, after the morning hour, and from day to day thereafter until disposed of, not to interfere with general appropriation or revenue bills or reports from the Committee on the Public Lands.

Mr. STEELE. That bill has already been taken up and passed under a suspension of the rules, has it not?

The SPEAKER. No; a different bill was offered by the gentleman from Illinois [Mr. TOWNSHEND] and passed under a suspension of the rules.

Mr. BROWNE, of Indiana. I wish to make an inquiry. Is the bill referred to in this special order the bill that provides pensions for the soldiers of the Indian wars and other disturbances?

The SPEAKER. The Chair is not informed as to the contents of the bill.

Mr. HEWITT, of Alabama. I will inform the gentleman from Indiana that it seeks to pension the Mexican soldiers. And now is an opportunity to do so if the gentleman and his friends really desire to accomplish that purpose.

Mr. BROWNE, of Indiana. That is not an answer to my question.

The SPEAKER. The Chair understands it to be a question of consideration merely.

The question is on the motion of the gentleman from Alabama to proceed with the consideration of the special order.

The question was taken.

Mr. HEWITT, of Alabama. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 84, nays 126, not voting 114; as follows:

YEAS—84.

Aiken,	Davis, L. H.	Lewis,	Stewart, Charles
Alexander,	Dibble,	McMillin,	Stockslager,
Barbour,	Dibrell,	Maybury,	Talbott,
Barksdale,	Dowd,	Miller, J. F.	Taylor, J. M.
Bennett,	Findlay,	Mitchell,	Throckmorton,
Blount,	Forney,	Money,	Tillman,
Broadhead,	Gibson,	Morgan,	Tucker,
Buchanan,	Graves,	Muldrow,	Tully,
Burnes,	Greenleaf,	Mutchler,	Turner, H. G.
Caldwell,	Halsell,	Oates,	Turner, Oscar
Candler,	Hammond,	Ochiltree,	Vance,
Cassidy,	Hancock,	O'Ferrall,	Van Eaton,
Chalmers,	Hardeman,	Peel,	Wallace,
Clements,	Hatch, W. H.	Pierce,	Warner, Richard
Cobb,	Hemphill,	Potter,	Wellborn,
Cosgrove,	Herbert,	Pryor,	Williams,
Covington,	Hewitt, G. W.	Pusey,	Willis,
Cox, W. R.	Hoblitzell,	Reese,	Wilson, W. L.
Crisp,	Hunt,	Rogers, J. H.	Wolford,
Culberson, D. B.	Jones, J. H.	Seney,	Wood,
Dargan,	Lanham,	Seymour,	York.

NAYS—126.

Adams, G. E.	Follett,	Le Fevre,	Spooner,
Adams, J. J.	Funston,	Long,	Steele,
Anderson,	Geddes,	Lowry,	Stephenson,
Belford,	Glascock,	Lyman,	Stone,
Belmont,	Goff,	McComas,	Storm,
Boutelle,	Guenther,	McCormick,	Strait,
Brainerd,	Hardy,	Matson,	Struble,
Brewer, F. B.	Harmer,	Millard,	Sumner, C. A.
Browne, T. M.	Hart,	Miller, S. H.	Sumner, D. H.
Brown, W. W.	Hatch, H. H.	Murray,	Taylor, J. D.
Brumm,	Henderson, D. B.	Neece,	Thomas,
Budd,	Henley,	Nelson,	Townshend,
Burleigh,	Hepburn,	O'Neill, Charles	Valentine,
Calkins,	Hitt,	Paige,	Wadsworth,
Campbell, J. E.	Holman,	Parker,	Wait,
Campbell, J. M.	Holmes,	Payne,	Wakefield,
Cannon,	Hooper,	Payson,	Ward,
Culbertson, W. W.	Horr,	Perkins,	Warner, A. J.
Cullen,	Howey,	Peters,	Washburn,
Cutcheon,	James,	Poland,	Weaver,
Davis, G. R.	Jeffords,	Post,	Weller,
Davis, R. T.	Johnson,	Price,	Wemple,
Dingley,	Jones, B. W.	Ranney,	White, J. D.
Dorsheimer,	Jordan,	Ray, G. W.	White, Milo
Dunham,	Kasson,	Reed,	Whiting,
Eldredge,	Kean,	Rice,	Wilkins,
Elliott,	Keifer,	Riggs,	Winans, E. B.
English,	Ketcham,	Robinson, J. S.	Winans, John
Ermentrout,	Lacey,	Rockwell,	Woodward,
Evans, I. N.	Laird,	Rowell,	Yaple.
Everhart,	Lamb,	Ryan,	
Ferrell,	Lawrence,	Smalls,	

NOT VOTING—114.

Arnot,	Curtin,	Jones, J. K.	Reagan,
Atkinson,	Davidson,	Jones, J. T.	Robertson,
Bagley,	Deuster,	Kelley,	Robinson, W. E.
Ballentine,	Dockery,	Kellogg,	Rogers, W. F.
Barr,	Duncan,	King,	Rosecrans,
Bayne,	Dunn,	Kleiner,	Russell,
Beach,	Eaton,	Libbey,	Scales,
Bingham,	Ellis,	Lore,	Shaw,
Bisbee,	Ellwood,	Lovering,	Shelley,
Blackburn,	Evins, J. H.	McAdoo,	Singleton,
Blanchard,	Fiedler,	McCoid,	Skinner, C. R.
Bland,	Finerty,	Milliken,	Skinner, T. G.
Bowen,	Foran,	Mills,	Slocum,
Boyle,	Fyan,	Morrill,	Smith,
Breckinridge,	Garrison,	Morrison,	Snyder,
Breitung,	George,	Morse,	Spriggs,
Brewer, J. H.	Green,	Moulton,	Springer,
Buckner,	Hanback,	Muller,	Stevens,
Cabell,	Haynes,	Murphy,	Stewart, J. W.
Campbell, Felix	Henderson, T. J.	Nicholls,	Taylor, E. B.
Carleton,	Hewitt, A. S.	Nutting,	Thompson,
Chace,	Hill,	O'Hara,	Van Alstyne,
Clardy,	Hiscock,	O'Neill, J. J.	Wilson, James
Clay,	Holton,	Patton,	Wise, G. D.
Collins,	Hopkins,	Pettibone,	Wise, J. S.
Connolly,	Houk,	Phelps,	Worthington,
Converse,	Houseman,	Randall,	Young.
Cook,	Hurd,	Rankin,	
Cox, S. S.	Hutchins,	Ray, Ossian	

So the House refused to proceed to the consideration of the special order, the bill H. R. 3962.

Mr. MILLER, of Pennsylvania. I ask unanimous consent to dispense with the reading of the names of members voting.

There was no objection.

The following additional pairs were announced:

Mr. HENDERSON, of Illinois, with Mr. MURPHY, on this vote.

Mr. SCALES with Mr. COOK, on all questions, for to-day.

Mr. DEUSTER with Mr. PATTON, on this vote.

Mr. GEORGE D. WISE with Mr. MILLIKEN, on this vote.

Mr. MONEY with Mr. BINGHAM, for the remainder of the day.

Mr. FINERTY with Mr. BAYNE, on this vote. Mr. BAYNE would vote "no."

The result of the vote was then announced as above stated.

MEXICAN WAR PENSIONS.

The SPEAKER. The Clerk will report the title of the next bill on the Speaker's table.

The Clerk read as follows:

A bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican War, and for other purposes, with amendments by the Senate.

Mr. BLOUNT. I desire to reserve all points of order on the Senate amendments.

The SPEAKER. The point of order can not be made until the amendments are read.

The Clerk read the first amendment, as follows:

In lines 7 to 11 strike out the following:

"Who served sixty days in the war of 1846 and 1847-'48 with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war."

And in lieu thereof insert as follows:

"Who, being duly enlisted, actually served fourteen days with the Army and Navy of the United States in Mexico, or on the coasts or frontier thereof, or *en route* thereto, in the war with that nation."

Mr. CALKINS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. Would it be in order to move to concur in each of these amendments as they are read?

The SPEAKER. It would. The gentleman can move to concur or non-concur in each of the Senate amendments.

Mr. TOWNSHEND. I move to concur in the amendment which has been read.

Mr. HEWITT, of Alabama. I make the point of order that that amendment of the Senate under the rules should have its first consideration in Committee of the Whole House on the state of the Union.

The SPEAKER. Does the gentleman from Alabama make the point of order against the amendment now read?

Mr. HEWITT, of Alabama. I am not sure that the point of order lies against that amendment.

The SPEAKER. The Chair thinks it does not.

Mr. TOWNSHEND. I move to concur, and ask for the previous question on that motion.

Mr. HEWITT, of Alabama. I ask for the rereading of the amendment.

Mr. TOWNSHEND. This does not in any way change the status of the Mexican soldier.

The SPEAKER. If there be no objection the Clerk will report the amendment again.

The amendment was again read.

Mr. HEWITT, of Alabama. Now I make the point of order on the amendment.

The SPEAKER. The gentleman from Alabama makes the point of order that this amendment should have its first consideration in Committee of the Whole. The gentleman will state the grounds on which he bases his point of order.

Mr. HEWITT, of Alabama. Mr. Speaker, you will notice that that amendment——

Mr. CALKINS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. I do not desire to interrupt the gentleman from Alabama, but I thought the Speaker had already ruled upon that point of order.

The SPEAKER. The Chair thought on hearing the amendment read it was not subject to the point of order, and is still of that impression. But as the gentleman from Alabama has insisted upon the point of order the Chair desires to hear him.

Mr. HAMMOND. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. After the question shall have been disposed of as to the point of order now made by the gentleman from Alabama on this particular amendment, will it be too late to raise the point of order on the bill and amendments?

The SPEAKER. The disposition of this point of order does not deprive any gentleman of any right he otherwise has under the rules. The Chair will hear the gentleman from Alabama on the point of order.

Mr. HEWITT, of Alabama. The bill as it passed the House granted pensions to soldiers and sailors who actually served in the war with Mexico for sixty days or were actually engaged in a battle. Now, you will notice this amendment of the Senate gives a pension to every soldier that actually served for fourteen days in Mexico or on the coasts or frontier of Mexico or *en route* thereto or was engaged in a battle. Now, sir, that shortens the number of days required for the service of a soldier and will necessarily increase the number of beneficiaries under the bill. The amendment also, Mr. Speaker, puts a new class on the bill. It puts on it sailors who were on the coasts of Mexico, while the bill as originally passed was confined to soldiers and sailors who had served for sixty days. On these grounds I think the amendment is subject to the point of order I have made.

Mr. TOWNSHEND. I do not desire to be heard on the point of order, and ask the Chair to rule on it.

The SPEAKER. It may be that the Senate amendment will increase the number of persons who will be entitled to pensions under this act should it become a law; or, on the other hand, it may be that the Senate amendment by reason of its limitations may diminish the number of those who will receive pensions under this bill if it shall become a law. There is nothing upon the face of the amendment which will enable the Chair to say whether it will increase or diminish the number of pensioners. Therefore the Chair thinks the point of order is not well taken.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick;

An act (H. R. 2400) for the relief of Judith Lauter;

An act (H. R. 1076) granting a pension to Miles B. Farlin;

An act (H. R. 4981) granting a pension to Isabella J. Ramsdell;

An act (H. R. 2677) granting a pension to Miss Mary P. MacBlair;

An act (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens;

An act (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

An act (H. R. 6542) granting a pension to Harriet S. Brisbine;

Joint resolution (H. Res. 283) to provide temporarily for the expenditures of the Government; and

Joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884.

PENSIONS FOR MEXICAN WAR.

The House resumed the consideration of the amendments of the Senate to the bill of the House (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The question was upon the demand for the previous question upon concurring in the first amendment of the Senate.

The previous question was ordered.

Mr. HEWITT, of Alabama. I think that we had better have the yeas and nays on concurring in this amendment.

The yeas and nays were ordered.

Mr. WARNER, of Ohio. Is debate in order?

The SPEAKER. Under the rules thirty minutes is allowed for debate, fifteen minutes to be controlled by those in favor of the motion to concur and fifteen minutes by those against it.

Mr. TOWNSHEND. I would inquire upon which side the gentleman from Ohio [Mr. WARNER] is recognized to speak?

Mr. WARNER, of Ohio. I am opposed to this amendment. I opposed this bill originally because I am opposed to the principle of service pensions; that is, I am not in favor of a life pension for mere enlistment or enrollment in the military service or for service regardless of length of the service or the character of the service, as this amendment of the Senate contemplates in regard to service or enlistment in the Mexican war.

I believe in the right of every soldier who has served in any war in which the United States has been engaged to receive a pension, if in that service he has suffered disability, whether from wounds received in battle or otherwise, the pension to be proportionate to the degree of disability which he has sustained. But pensions for service or as in this amendment for the mere enlistment of fourteen days, if *en route* to Mexico, I am opposed to. I am opposed to any such principle as gives the same pension for fourteen days as for service for one or two years, or service in campaigns and battles or for actual disability.

This Senate amendment makes no distinction between actual service in Mexico, service in battles, and an enlistment after the last battle was fought and the last shot was fired in that war. The records of the War Department show that nearly 40 per cent. of all the names borne upon the muster-rolls of the Mexican war are names of those who enlisted after the last battle in that war was fought. This bill gives the same rate of pension to these men that it gives to men who served all through the war and fought in every battle, if there were any who participated in all the battles.

Where is the equity of such a principle?

I say the principle is wrong; it makes no distinction as to the value, the character, or the length of the service; it grants the same pension for fourteen days as for a year, and the same for one year as for two or three years. The principle, I say, is unjust and vicious, and one which no other country in the world has ever recognized or acted upon. It is a principle which if adopted as a fixed one in this country will result in a pension-roll that in the end will bankrupt the Government.

It is a principle that encourages war. If by a few days or a few months' service at the end of a war a life pension can be claimed, then war becomes an object and not merely an end; and the motive for enlistment, instead of being patriotic devotion to country, becomes mere mercenary gain. I know we have a precedent in the war of 1812; and this I claim to be the only precedent, for I deny that the pensions granted by the acts of 1828 and 1832 to the soldiers of the Revolutionary war were intended as service pensions or were really service pensions. In the debates on that question it was stated over and over again that in granting pensions they were in reality only paying a debt that had never been paid. This was stated by Webster, Choate, Ellsworth, Burgess, and others, and it was declared repeatedly that the act pensioning Revolutionary soldiers could not be regarded as a precedent, and the authors of that act scouted the idea that the soldiers of the war of 1812 or any other war could claim pensions as a right, or for any such reasons as led to granting pensions to the soldiers of the Revolutionary war. And it was for this reason, that the soldiers of the Revolutionary war in the first place took all the chances of establishing a government; and secondly, they served without pay, or were paid in continental money, which at last fell to one cent on the dollar.

In the debates I refer to statements were made to show that if the Revolutionary soldiers were allowed a pension of $8 a month, they would not receive more than was at that time actually due them for their services during the Revolutionary war. In other words, pensions to Revolutionary soldiers were given them in lieu of pay which they had never received.

The act pensioning the soldiers of the war of 1812 was passed long after the war and went through almost without debate. I believe it to be a bad precedent, one that I am not willing to follow. I am not

willing myself to vote pensions on any other theory than for disabilities arising out of actual service. Pensions for disabilities thus incurred I hold to be but just compensation for loss sustained in the service of a common country, but where there is no loss no compensation is due.

My theory of a pension is this: In the first place all good citizens, if their country calls them into service, are bound to take up arms and fight for its defense. Patriotism bids us all do that. If in the common service one man is wounded and another is not the wounded man has a claim for compensation which the other man does not have.

Laborers in the United States earn on the average about $300 a year. Now, that I believe ought to be taken as the standard for a total-disability pension; and any soldier who has incurred total disability by reason of wounds in battle or disease contracted in the service in line of duty ought, I think, to have a pension equal to the average earnings of a laboring man. In other words, a man who has been totally disabled in the military service in the common defense should have help equal to the labor of another man. This seems to me a sound principle and a just rule. If a man has incurred in service in the common defense, by wounds or otherwise, half-disability, he should receive half the average earnings of a laboring man, and so on downward, and no pensions ought to go higher unless the disability is so great or of such a kind as to require the constant care of another.

But if a man has suffered no disability, on what ground can he lay claim to the services of another man to support him? If in the service a man has incurred no disability either by wounds or disease, on what ground, I say, can he urge a claim for a pension—that is, for the service of another man in his support—when he is in no wise disabled from taking care of himself? He has had pay for his services. What other just claim can there be except compensation for some disability?

Mr. HEWITT, of Alabama. I would like to ask the gentleman a question.

Mr. WARNER, of Ohio. I will yield for a question.

Mr. HEWITT, of Alabama. Did not the pension acts of 1818, 1828, 1832, and 1871 grant what the gentleman terms "service pensions?" The pensions given by those acts were not granted for disability incurred in the service.

Mr. WARNER, of Ohio. If the gentleman wishes to ask me a question I will answer it. I say that the acts of 1828 and 1832 granted pensions on the theory that the Revolutionary soldiers had never been paid. It was pay and not pension that was granted. The act of 1871——

Mr. HEWITT, of Alabama. Mr. Speaker——

Mr. WARNER, of Ohio. I can not yield further. The act of 1871 gave a service pension; but it was a bad precedent. Again, with reference to this amendment——

Mr. HEWITT, of Alabama. Just one moment.

Mr. WARNER, of Ohio. If it is for a question I will yield.

Mr. HEWITT, of Alabama. The gentleman from Ohio is altogether mistaken——

Mr. WARNER, of Ohio. Well, I can not yield for debate. If I had anticipated this discussion I should have had the documents here before me; but I object to further interruption.

This amendment of the Senate provides that a soldier who was enrolled for fourteen days, and was *en route* for Mexico, that is, if he had started for Mexico, and has become from any cause disabled, no matter in what way, a private broil, for that matter, or who has reached the age of 62 years, becomes entitled to a pension. But the amendment makes no such provision for Union soldiers who have reached the age of 62. It gives a pension to the soldier of the Mexican war if he has served fourteen days and become disabled from any cause or reached the age of 62 years.

Mr. HEWITT, of Alabama. Mr. Speaker——

Mr. WARNER, of Ohio. I decline to yield.

The SPEAKER. The gentleman from Ohio is entitled to occupy the floor without interruption.

Mr. WARNER, of Ohio. I say this amendment proposes to grant a pension to a man who enlisted in the service during the war with Mexico and served only fourteen days, if he was only *en route* for Mexico and is from any cause disabled or is 62 years of age. But the amendment makes no such provision for the Union soldier.

A Union soldier may have served three years or during the whole war, and may have participated in a dozen battles, and may now be 62 years of age; but he gets no pension under this provision. It discriminates, therefore, against soldiers of the late war and in favor of soldiers of the Mexican war. Why this discrimination against the Union soldier? I believe that soldiers of all the wars should stand upon an absolute equality as to the right to a pension. A man who enlisted in the Mexican war when 22 years of age is now, if living, about 60. A man who enlisted in the late war at the age of 36—and there were thousands such—is now, if living, 60 years of age also. I ask upon what principle shall one man who is now 60 and who served but fourteen days receive a pension, while another who served three or four years and went through a dozen battles and is 60 years of age is denied a pension? If the principle is right, let it be applied equally to the soldiers of both wars. I do not believe in the principle; but if I did I would not vote for a bill that enacted such glaring injustice.

I am opposed to the amendment, therefore, not only on the ground that it grants pensions for mere services without taking into account at all the character of the service, the value of the service, or the length of the service, but because it discriminates unjustly in favor of the soldiers of the Mexican war and against the soldiers of the late war. I have said that patriotism is a duty and service in the defense of our common country an obligation resting upon us all, and I deny that any other motive inspired the soldiers of the Union Army to rally to the defense of the flag and country they loved. Nor are they asking as a body for pensions except for disabilities incurred in the service, and that I hold they are entitled to as a right. The representatives of the Grand Army of the Republic, when before the committees of the House, advised against service pensions. If the principle of pensions for service is logically carried out, as it would have to be if adopted, it would add well-nigh $100,000,000 a year to our present large pension-roll. Have gentlemen considered what must necessarily be the final result of the adoption of this principle?

The principle is wrong and we always err when we depart from sound principles; but so long as we adhere to the sound principle of granting pensions only for disability, and disability arising out of the service, we will keep on safe ground.

This and other amendments grant pensions for disability not arising out of the service or having any connection with the service. On what principle is one entitled to a pension for a disability not incurred in the common service of the country?

When you adopt such a principle and pension for disability in no way connected with the service you are setting out upon an unknown sea and no one can tell where you will land. But so long as we adhere to the sound doctrine of pensioning for disability and for disability arising from the military service we are on safe ground and consistent with safe public policy, and I do not believe any other policy to be safe. To follow the principle adopted in the Senate amendments, as the gentleman from Indiana says, is a pure gratuity. I will go farther, and say that it is taking from one to give to another.

The other amendments I am in favor of, as they embrace substantially what I have indorsed and what this House has already in part passed upon.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the conference requested by the House on the disagreeing votes of the two Houses on the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had appointed as managers of said conference on its part Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM.

ENROLLED BILL SIGNED.

Mr. HOOPER, from the Committee on Enrolled Bills, reported that he had examined and found truly enrolled the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River, at Saint Paul, in the State of Minnesota; when the Speaker signed the same.

MEXICAN PENSION BILL.

Mr. TOWNSHEND. I will take the floor and yield five minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. I wish to say a word, Mr. Speaker, in reply to the gentleman from Ohio [Mr. WARNER] who has just taken his seat, in reference to the principles he has announced as those which should govern this House in the action which it is about to take on the amendments sent to us from the Senate. I hold that a pension for service has been recognized ever since we had a Government. I am not talking about precedents. I care nothing for precedents. It is the law we want, and we are here trying to pass a law which will give a pension, a small pension of $8 a month, to the men who fought seventy-odd battles for their country and carried the flag of the nation into a foreign land, to the very capital of Mexico. It is a pension which has been long delayed.

The objection of the gentleman I say is not well taken, and the distinction is not made against the Union soldier and in favor of the Mexican soldier, but on the contrary, if there be a distinction at all, it is made in favor of the Union soldier and against the Mexican soldier. Why, sir, the Congress of the United States voted to pension for merit—to give for service a pension to every Revolutionary soldier who had fought under the flag during the days of the Revolution. They first voted when they were poor that the soldier must swear he was not worth more than $100 before he could receive a pension; but the country soon got ashamed of that and it was given up, and the nation then, rising in its power and majesty and anxious to do justice to our Revolutionary heroes, said, We will pay every one of them a pension for service. So, too, the United States passed a law to pension the soldiers of the war of 1812. It was wise and just to do it, and the soldiers who had served in the war of 1812 received a pension.

So, too, should these soldiers who fought the battles of the country in the Mexican war receive pensions. I care not about a little distinction of the number of days they fought. I say I will not measure their services, but will give it to every one who served in that war.

Here, now, comes this objection from the gentleman from Ohio, who says that you must not pension these Mexican soldiers. In my judgment the gentleman is drawing it too fine. I believe that we ought to take a broader view of the subject than that. I am willing not only to pension the Mexican soldiers, but every Union soldier who served in the war for the life of this country; and the time will come, I think, when the people of this great nation will see the justice of it and demand that that gratuity shall be given them by this Government.

I believe the time will come when the people of this country will combine together and that spirit of justice will dawn upon the nation that will pension not only the Mexican soldiers, but, as I have said, every soldier of our wars, and that we will not be bankrupted, either, by it. This great nation with all of its vast resources will be able to pay the pensions. You ask me how. Lay an income tax upon large fortunes and pay it in that way. That is one plan. But whether you do or not there will be a thousand ways discovered to pay it. This pension bill will be passed. You may vote it down to-day, I hope you will not, but it will be passed and every Union soldier will be pensioned in time; and then the Government instead of being broken and bankrupt will prosper and grow under the blessings of Almighty God, and in the consciousness of a good action and an honest and just performance on our part of the duties of legislators.

Under these conditions this land in place of becoming poor will grow richer and richer. There is no use to talk to me about the doing of an act of justice to the gallant soldiery of this country making paupers of you. Does the distinguished gentleman from Ohio believe that this nation will be thereby pauperized? Look at its vast resources; look at this magnificent country with its 50,000,000 of people, and tell me it will be impoverished and broken because of this pitiful sum that you allow to the gallant defenders of our country. Mr. Speaker, I never can be brought to believe anything of that kind.

[Here the hammer fell.]

Mr. TOWNSHEND. I have no desire to consume any further time of the House, and therefore, if there be no desire to discuss this question, I ask for a vote.

The SPEAKER. Upon this question the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 177, nays 55, not voting 92; as follows:

YEAS—177.

Adams, G. E.	Glascock,	McCoid,	Springer,
Anderson,	Goff,	McComas,	Steele,
Bagley,	Graves,	McCormick,	Stephenson,
Barksdale,	Guenther,	Matson,	Stockslager,
Bayne,	Hammond,	Millard,	Strait,
Bennett,	Hardy,	Miller, S. H.	Struble,
Blount,	Harmer,	Milliken,	Sumner, C. A.
Boutelle,	Hart,	Morgan,	Sumner, D. H.
Brainerd,	Hatch, H. H.	Morrill,	Taylor, J. D.
Breckinridge,	Hatch, W. H.	Muldrow,	Thomas,
Brewer, F. B.	Hemphill,	Murphy,	Townshend,
Browne, T. M.	Henderson, D. B.	Murray,	Tully,
Brown, W. W.	Henderson, T. J.	Neece,	Turner, H. G.
Brumm,	Henley,	Nelson,	Turner, Oscar
Budd,	Hepburn,	O'Ferrall,	Valentine,
Burleigh,	Herbert,	O'Neill, Charles	Van Alstyne,
Burnes,	Hiscock,	O'Neill, J. J.	Vance,
Calkins,	Hitt,	Paige,	Van Eaton,
Campbell, J. E	Hoblitzell,	Parker,	Wadsworth,
Campbell, J. M.	Holman,	Payne,	Wait,
Cannon,	Holmes,	Payson,	Wakefield,
Carleton,	Hooper,	Peel,	Wallace,
Cobb,	Hopkins,	Perkins,	Ward,
Cox, W. R.	Horr,	Peters,	Warner, Richard
Crisp,	Houseman,	Poland,	Washburn,
Culbertson, W. W.	Howey,	Post,	Weaver,
Cullen,	Hunt,	Price,	Weller,
Curtin,	Jeffords,	Pusey,	Wemple,
Cutcheon,	Johnson,	Rankin,	White, J. D.
Davis, G. R.	Jones, B. W.	Ranney,	White, Milo
Davis, R. T.	Jones, J. H.	Ray, G. W.	Whiting,
Dibble,	Jordan,	Ray, Ossian	Wilkins,
Dingley,	Kasson,	Reed,	Williams,
Dunham,	Keifer,	Rice,	Wilson, James
Dunn,	Ketcham,	Riggs,	Wilson, W. L.
Eldredge,	Kleiner,	Robinson, J. S.	Winans, E. B.
Elliott,	Lacey,	Rockwell,	Winans, John
Ellis,	Lamb,	Rogers, J. H.	Wolford,
English,	Lawrence,	Rosecrans,	Wood,
Evans, I. N.	Le Fevre,	Rowell,	Yaple,
Everhart,	Long,	Ryan,	York,
Follett,	Lore,	Seney,	Young.
Forney,	Lovering,	Smalls,	
Funston,	Lowry,	Smith,	
Geddes,	McAdoo,	Spooner,	

NAYS—55.

Adams, J. J.	Culberson, D. B.	Hewitt, G. W.	Reese,
Aiken,	Dargan,	Lanham,	Seymour,
Alexander,	Davis, L. H.	Lewis,	Stewart, Charles
Arnot,	Dibrell,	Lyman,	Storm,
Barbour,	Dowd,	McMillin,	Talbott,
Blanchard,	Ermentrout,	Miller, J. F.	Taylor, J. M.
Broadhead,	Findlay,	Mills,	Thompson,
Buchanan,	Garrison,	Morse,	Throckmorton,
Caldwell,	Gibson,	Mutchler,	Tillman,
Candler,	Greenleaf,	Oates,	Tucker,
Chalmers,	Halsell,	Ochiltree,	Warner, A. J.
Clay,	Hancock,	Pierce,	Wellborn,
Clements,	Hardeman,	Potter,	Wise, G. D.
Covington,	Hewitt, A. S.	Pryor,	

NOT VOTING—92.

Atkinson,	Cook,	Hurd,	Randall,
Ballentine,	Cosgrove,	Hutchins,	Reagan,
Barr,	Cox, S. S.	James,	Robertson,
Beach,	Davidson,	Jones, J. K.	Robinson, W. E.
Belford,	Deuster,	Jones, J. T.	Rogers, W. F.
Belmont,	Dockery,	Kean,	Russell,
Bingham,	Dorsheimer,	Kelley,	Scales,
Bisbee,	Duncan,	Kellogg,	Shaw,
Blackburn,	Eaton,	King,	Shelley,
Bland,	Ellwood,	Laird,	Singleton,
Bowen,	Evins, J. H.	Libbey,	Skinner, C. R.
Boyle,	Ferrell,	Maybury,	Skinner, T. G.
Breitung,	Fiedler,	Mitchell,	Slocum,
Brewer, J. H.	Finerty,	Money,	Snyder,
Buckner,	Foran,	Morrison,	Spriggs,
Cabell,	Fyan,	Moulton,	Stevens,
Campbell, Felix	George,	Muller,	Stewart, J. W.
Cassidy,	Green,	Nicholls,	Stone,
Chace,	Hanback,	Nutting,	Taylor, E. B.
Clardy,	Haynes,	O'Hara,	Willis,
Collins,	Hill,	Patton,	Wise, J. S.
Connolly,	Holton,	Pettibone,	Woodward,
Converse,	Houk,	Phelps,	Worthington.

So the motion to concur in the Senate amendment was agreed to.

On motion of Mr. VALENTINE, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FITZ-JOHN PORTER.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

After careful consideration of the bill entitled "An act for the relief of Fitz-John Porter," I herewith return it with my objections to that House of Congress in which it originated. Its enacting clause is in terms following: "That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers, and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial, promulgated January 27, 1863," &c.

It is apparent that should this bill become a law it will create a new office, which can be filled by the appointment of the particular individual whom it specifies, and can not be filled otherwise; or it may be said with perhaps greater precision of statement that it will create a new office upon condition that the particular person designated shall be chosen to fill it. Such an act, as it seems to me, is either unnecessary and ineffective, or it involves an encroachment by the legislative branch of the Government upon the authority of the Executive. As the Congress has no power under the Constitution to nominate or appoint an officer, and can not lawfully impose upon the President the duty of nominating or appointing to office any particular individual of its own selection, this bill, if it can fairly be construed as requiring the President to make the nomination and, by and with the advice and consent of the Senate, the appointment which it authorizes, is in manifest violation of the Constitution. If such be not its just interpretation, it must be regarded as a mere enactment of advice and counsel, which lacks in the very nature of things the force of positive law, and can serve no useful purpose upon the statute-books.

There are other causes that deter me from giving this bill the sanction of my approval. The judgment of the court-martial by which more than twenty years since General Fitz-John Porter was tried and convicted was pronounced by a tribunal composed of nine general officers of distinguished character and ability. Its investigation of the charges of which it found the accused guilty was thorough and conscientious, and its findings and sentence were in due course of law approved by Abraham Lincoln, then President of the United States. Its legal competency, its jurisdiction of the accused and of the subject of the accusation, and the substantial regularity of all of its proceedings, are matters which have never been brought in question. Its judgment, therefore, is final and conclusive in its character.

The Supreme Court of the United States has recently declared that a court-martial such as this was is the organism provided by law and clothed with the duty of administering justice in this class of cases. Its judgments, when approved, rest on the same basis and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest. It follows, accordingly, that when a lawfully constituted court-martial has duly declared its findings and its sentence, and the same have been duly approved, neither the President nor the Congress has any power to set them aside. The existence of such power is not openly asserted, nor perhaps is it necessarily implied, in the provisions of the bill which is before me, but when its enacting clauses are read in the light of the recitations of its preamble it will be seen that it seeks in effect the practical annulment of the findings and the sentence of a competent court-martial.

A conclusion at variance with these findings has been reached after investigation by a board consisting of three officers of the Army. This board was not created in pursuance of any statutory authority, and was powerless to compel the attendance of witnesses or to pronounce a judgment which could have been lawfully enforced. The officers who constituted it in their report to the Secretary of War, dated March 19, 1879, state that in their opinion "justice requires * * * such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and to restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service."

The provisions of the bill now under consideration are avowedly based on the assumption that the findings of the court-martial have been discovered to be erroneous. But it will be borne in mind that the investigation which is claimed to have resulted in this discovery was made many years after the events to which that evidence related, and under circumstances that made it impossible to reproduce the evidence on which they were based.

It seems to me that the proposed legislation would establish a dangerous precedent, calculated to imperil in no small measure the binding force and effect of the judgments of the various tribunals established under our Constitution and laws.

I have already in the exercise of the pardoning power with which the President is vested by the Constitution remitted the continuing penalty which had made it impossible for Fitz-John Porter to hold any office of trust or profit under the Government of the United States. But I am unwilling to give my

sanction to any legislation which shall practically annul and set at naught the solemn and deliberate conclusions of the tribunal by which he was convicted and of the President by whom its findings were examined and approved.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *July* 2, 1884.

[The reading of the veto message was received with loud applause on the Republican side.]

The SPEAKER. In accordance with the requirement of the Constitution the objections of the President will be entered at length upon the Journal.

Mr. SLOCUM. Is a motion in order that the bill be now put upon its passage?

The SPEAKER. It is the duty of the Chair to submit the bill for the action of the House, unless some other motion be made with reference to it.

Mr. SLOCUM. I move that the bill be passed, the objections of the President to the contrary notwithstanding, and upon that motion I demand the previous question.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill? upon which, according to the Constitution, the vote of the House shall be determined by the yeas and nays.

Is it desired to have the bill read?

Mr. WHITE, of Kentucky. I think we had better have it read.

The SPEAKER. It is the right of the gentleman to have the bill read. The Clerk will report the bill to the House.

The bill was read. It is as follows:

Whereas the board of Army officers convened by the President of the United States by special orders numbered 78, headquarters of the Army, April 12, 1878, to examine into and report upon the case of Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, having by their report of March 19, 1879, stated that, in their opinion, "justice required at his (the President's) hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and restore him to the positions of which the sentence deprived him, such restoration to take effect from the date of dismissal from the service;" and

Whereas the President, on the 4th day of May, 1882, remitted so much of the sentence of said court-martial remaining unexecuted as "forever disqualified the said Fitz-John Porter from holding any office of trust or profit under the Government of the United States:" Therefore, that justice may be done the said Fitz-John Porter, and to carry into effect the recommendation of said board,

Be it enacted, &c., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act.

The SPEAKER. Will the House on reconsideration agree to pass the bill?

The question was taken; and it was decided in the affirmative—yeas 168, nays 78, not voting 78; as follows:

YEAS—168.

Adams, J. J.	English,	Lyman,	Shelley,
Aiken,	Ermentrout,	McAdoo,	Slocum,
Alexander,	Ferrell,	McMillin,	Smith,
Arnot,	Follett,	Matson,	Spriggs,
Bagley,	Forney,	Maybury,	Springer,
Barbour,	Garrison,	Miller, J. F.	Stewart, Charles
Bayne,	Gibson,	Mills,	Stockslager,
Belford,	Glascock,	Mitchell,	Storm,
Belmont,	Graves,	Morgan,	Sumner, C. A.
Blanchard,	Greenleaf,	Morse,	Sumner, D. H.
Blount,	Halsell,	Muldrow,	Talbott,
Breckinridge,	Hammond,	Murphy,	Taylor, J. M.
Broadhead,	Hancock,	Murray,	Thompson,
Buchanan,	Hardeman,	Mutchler,	Throckmorton,
Budd,	Hardy,	Neece,	Tillman,
Burleigh,	Hatch, W. H.	Oates,	Townshend,
Burnes,	Hemphill,	O'Ferrall,	Tucker,
Caldwell,	Henley,	O'Neill, J. J.	Tully,
Campbell, J. E.	Herbert,	Paige,	Turner, H. G.
Candler,	Hewitt, A. S.	Patton,	Turner, Oscar
Carleton,	Hewitt, G. W.	Pierce,	Van Alstyne,
Cassidy,	Hill,	Peel,	Vance,
Clay,	Hoblitzell,	Phelps,	Van Eaton,
Clements,	Holman,	Poland,	Wallace,
Cobb,	Hopkins,	Post,	Ward,
Cosgrove,	Houseman,	Potter,	Warner, Richard
Covington,	Hunt,	Pryor,	Wellborn,
Cox, W. R.	Jeffords,	Pusey,	Weller,
Crisp,	Jones, B. W.	Randall,	Wemple,
Culberson, D. B.	Jones, J. H.	Rankin,	Wilkins,
Curtin,	Jordan,	Ranney,	Williams,
Dargan,	Kean,	Ray, G. W.	Willis,
Deuster,	Kleiner,	Ray, Ossian	Wilson, W. L.
Dibble,	Laird,	Reese,	Winans, E. B.
Dibrell,	Lamb,	Riggs,	Winans, John
Dorsheimer,	Lanham,	Robertson,	Wise, G. D.
Dowd,	Le Fevre,	Rockwell,	Wolford,
Dunn,	Lewis,	Rogers, J. H.	Wood,
Eaton,	Long,	Rosecrans,	Woodward,
Eldredge,	Lore,	Scales,	Yaple,
Elliott,	Lovering,	Seney,	York,
Ellis,	Lowry,	Seymour,	Young.

NAYS—78.

Adams, G. E.	Brewer, F. B.	Calkins,	Culbertson, W. W.
Anderson,	Browne, T. M.	Campbell, J. M.	Cullen,
Boutelle,	Brown, W. W.	Cannon,	Cutcheon,
Brainerd,	Brumm,	Chalmers,	Davis, G. R.
Davis, R. T.	Horr,	Payne,	Strait,
Dingley,	Howey,	Payson,	Struble,
Dunham,	Johnson,	Perkins,	Taylor, J. D.
Evans, I. N.	Kasson,	Peters,	Thomas,
Everhart,	Keifer,	Price,	Valentine,
Funston,	Lacey,	Reed,	Wadsworth,
Goff,	McCoid,	Rice,	Wait,
Guenther,	McComas,	Robinson, J. S.	Wakefield,
Hatch, H. H.	McCormick,	Rowell,	Washburn,
Henderson, D. B.	Millard,	Ryan,	Weaver,
Henderson, T. J.	Miller, S. H.	Skinner, C. R.	White, J. D.
Hiscock,	Milliken,	Smalls,	White, Milo
Hitt,	Morrill,	Spooner,	Whiting,
Holmes,	Nelson,	Steele,	Wilson, James.
Holton,	O'Neill, Charles	Stephenson,	
Hooper,	Parker,	Stone,	

NOT VOTING—78.

Atkinson,	Connolly,	Hart,	Nutting,
Ballentine,	Converse,	Haynes,	Ochiltree,
Barksdale,	Cook,	Hepburn,	O'Hara,
Barr,	Cox, S. S.	Houk,	Pettibone,
Beach,	Davidson,	Hurd,	Reagan,
Bennett,	Davis, L. H.	Hutchins,	Robinson, W. E.
Bingham,	Dockery,	James,	Rogers, W. F.
Bisbee,	Duncan,	Jones, J. K.	Russell,
Blackburn,	Ellwood,	Jones, J. T.	Shaw,
Bland,	Evins, J. H.	Kelley,	Singleton,
Bowen,	Fiedler,	Kellogg,	Skinner, T. G.
Boyle,	Findlay,	Ketcham,	Snyder,
Breitung,	Finerty,	King,	Stevens,
Brewer, J. H.	Foran,	Lawrence,	Stewart, J. W.
Buckner,	Fyan,	Libbey,	Taylor, E. B.
Cabell,	Geddes,	Money,	Warner, A. J.
Campbell, Felix	George,	Morrison,	Wise, J. S.
Chace,	Green,	Moulton,	Worthington.
Clardy,	Hanback,	Muller,	
Collins,	Harmer,	Nicholls,	

So the House, on reconsideration, agreed to pass the bill.

Mr. TALBOTT. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. KASSON and others objected.

Mr. BREWER, of New Jersey. I withdraw my vote in the negative, as I am paired with Mr. DOCKERY.

Mr. LAWRENCE. Being paired with my colleague [Mr. BOYLE] I withdraw my vote. He would vote "ay," and I would vote "no."

Mr. BENNETT. I was in attendance on a conference committee by order of the House. I ask leave to vote.

The SPEAKER. The Chair can not entertain the request of the gentleman to be permitted to vote on that ground.

Mr. HART. The gentleman from North Carolina and I were paired. We came in together. I, supposing he would be permitted to vote, voted.

The SPEAKER. The Chair will submit the request under those circumstances.

Mr. HAMMOND. I object. The pair will protect the gentleman.

The SPEAKER. But the gentleman from Ohio [Mr. HART] says he voted.

Mr. HAMMOND. He can withdraw his vote.

Mr. HART. I withdraw my vote.

The following additional pairs were announced:

Mr. HANBACK with Mr. COOK, on this vote.

Mr. BISBEE with Mr. BEACH, on this vote.

Mr. HUTCHINS with Mr. OCHILTREE, on this vote.

Mr. WARNER, of Ohio, with Mr. KETCHAM, on this vote.

Mr. BENNETT with Mr. HART, on all questions, until further notice.

Mr. RUSSELL with Mr. BLACKBURN, on this vote. Mr. RUSSELL would vote "no," Mr. BLACKBURN would vote "ay."

Mr. GEORGE with Mr. JONES, of Arkansas, on this vote. Mr. GEORGE would vote "no," Mr. JONES would vote "ay."

Mr. HARMER with Mr. HEPBURN, on this vote.

The SPEAKER. On this question the "yeas" are 168; the "nays" are 78. Two-thirds having voted in the affirmative, the bill is passed. [Loud applause on the Democratic side.]

Mr. HARDEMAN. I move that the House do now adjourn.

Mr. TOWNSHEND. Pending that I move that the House take a recess until 10 o'clock to-morrow.

The SPEAKER. The question on the motion to adjourn takes precedence.

The question was taken on the motion to adjourn; and there were—ayes 110, noes 43.

Mr. BRUMM and others called for the yeas and nays.

Mr. CANNON. I ask unanimous consent to make a statement. [Cries of "Regular order!"]

The SPEAKER. The House will be in order.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The Chair is endeavoring to secure order.

Mr. RANDALL. The motion to adjourn is not debatable.

Mr. CANNON. I have the right to rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. If the House shall take a recess until to-morrow we can then resume the consideration of the Mexican pension bill and dispose of it early in the day. If we adjourn we will spend all day to-morrow trying to get it up. [Cries of "Regular order!"]

The question being taken on ordering the yeas and nays, there were ayes 40—more than a sufficient number.

Mr. BBOWNE, of Indiana, addressed the Chair. [Cries of "Regular order!"]

Mr. BROWNE, of Indiana. I simply rise to a question of order.

The SPEAKER. The gentleman has that right.

Mr. BROWNE, of Indiana. I will put it in the form of a parliamentary inquiry, and I make that inquiry with the very best of motives in the world. I want to know if the House should adjourn what will become of the bill we have been considering in regard to Mexican war pensions?

The SPEAKER. It remains on the Speaker's table.

Mr. RANDALL. A majority can reach it. It was reached by a majority vote this afternoon, and the same majority can reach it again.

Mr. CANNON. If you take a recess you will reach it to-morrow with the same rights it has now; but if you adjourn it will take all day to get to the Speaker's table against the filibustering tactics on the other side.

The question was taken on the motion to adjourn; and it was decided in the affirmative—yeas 129, nays 97, not voting 98; as follows:

YEAS—129.

Adams, J. J.	Eldredge,	Lore,	Singleton,
Aiken,	Elliott,	Lowry,	Springer,
Alexander,	Ellis,	Lyman,	Stewart, Charles
Arnot,	English,	McAdoo,	Stockslager,
Bagley,	Ermentrout,	McCormick,	Storm,
Barbour,	Follett,	McMillin,	Sumner, C. A.
Barksdale,	Forney,	Matson,	Taylor, J. M.
Belmont,	Garrison,	Maybury,	Thompson,
Blanchard,	Gibson,	Miller, J. F.	Throckmorton,
Blount,	Glascock,	Mills,	Tillman,
Breckinridge,	Graves,	Mitchell,	Tucker,
Buchanan,	Greenleaf,	Morse,	Turner, H. G.
Burnes,	Halsell,	Muldrow,	Turner, Oscar
Caldwell,	Hammond,	Murphy,	Van Alstyne,
Campbell, J. E.	Hancock,	Murray,	Van Eaton,
Candler,	Hardeman,	Mutchler,	Wallace,
Carleton,	Hardy,	Oates,	Ward,
Cassidy,	Hatch, W. H.	O'Ferrall,	Warner, A. J.
Clay,	Hemphill,	Paige,	Warner, Richard
Clements,	Henley,	Peel,	Wellborn,
Cosgrove,	Herbert,	Pierce,	Weller,
Cox, W. R.	Hewitt, A. S.	Potter,	Wemple,
Crisp,	Hewitt, G. W.	Price,	Wilkins,
Culberson, D. B.	Hill,	Pryor,	Williams,
Dargan,	Hopkins,	Randall,	Willis,
Davis, L. H.	Houseman,	Rankin,	Wilson, W. L.
Deuster,	Hunt,	Reese,	Winans, E. B.
Dibble,	Jones, J. H.	Riggs,	Wise, G. D.
Dibrell,	Jordan,	Rogers, J. H.	Yaple,
Dorsheimer,	Kleiner,	Scales,	Young.
Dowd,	Lanham,	Seney,	
Dunn,	Le Fevre,	Seymour,	
Eaton,	Lewis,	Shelley,	

NAYS—97.

Adams, G. E.	Hatch, H. H.	Milliken,	Stone,
Anderson,	Henderson, D. B.	Morgan,	Strait,
Bayne,	Henderson, T. J.	Neece,	Struble,
Boutelle,	Hepburn,	Nelson,	Taylor, J. D.
Brewer, J. H.	Hiscock,	O'Neill, Charles	Thomas,
Browne, T. M.	Hitt,	O'Neill, J. J.	Townshend,
Brown, W. W.	Holman,	Parker,	Tully,
Brumm,	Holmes,	Payne,	Valentine,
Budd,	Holton,	Perkins,	Vance,
Calkins,	Horr,	Peters,	Wadsworth,
Cannon,	Howey,	Phelps,	Wait,
Chalmers,	James,	Post,	Washburn,
Culbertson, W. W.	Jeffords,	Ray, G. W.	Weaver,
Cullen,	Johnson,	Ray, Ossian	White, J. D.
Cutcheon,	Jones, B. W.	Reed,	White, Milo
Davis, G. R.	Kasson,	Rice,	Whiting,
Davis, R. T.	Kean,	Robinson, J. S.	Wilson, James
Dingley,	Keifer,	Rockwell,	Winans, John
Dunham,	Ketcham,	Rosecrans,	Wolford,
Everhart,	Lacey,	Ryan,	Wood,
Ferrell,	Lawrence,	Skinner, C. R.	Woodward,
Funston,	Long,	Smalls,	York.
George,	McCoid,	Spooner,	
Goff,	McComas,	Steele,	
Guenther,	Miller, S. H.	Stephenson,	

NOT VOTING—98.

Atkinson,	Connolly,	Houk,	Poland,
Ballentine,	Converse,	Hurd,	Pusey,
Barr,	Cook,	Hutchins,	Ranney,
Beach,	Covington,	Jones, J. K.	Reagan,
Belford,	Cox, S. S.	Jones, J. T.	Robertson,
Bennett,	Curtin,	Kelley,	Robinson, W. E.
Bingham,	Davidson,	Kellogg,	Rogers, W. F.
Bisbee,	Dockery,	King,	Rowell,
Blackburn,	Duncan,	Laird,	Russell,
Bland,	Ellwood,	Lamb,	Shaw,
Bowen,	Evans, I. N.	Libbey,	Skinner, T. G.
Boyle,	Evins, J. H.	Lovering,	Slocum,
Brainerd,	Fiedler,	Millard,	Smith,
Breitung,	Findlay,	Money,	Snyder,
Brewer, F. B.	Finerty,	Morrill,	Spriggs,
Broadhead,	Foran,	Morrison,	Stevens,
Buckner,	Fyan,	Moulton,	Stewart, J. W.
Burleigh,	Geddes,	Muller,	Sumner, D. H.
Cabell,	Green,	Nicholls,	Talbott,
Campbell, Felix	Hanback,	Nutting,	Taylor, E. B.
Campbell, J. M.	Harmer,	Ochiltree,	Wakefield,
Chace,	Hart,	O'Hara,	Wise, J. S.
Clardy,	Haynes,	Patton,	Worthington.
Cobb,	Hoblitzell,	Payson,	
Collins,	Hooper,	Pettibone,	

So the motion of Mr. HARDEMAN was agreed to.

MESSAGE FROM THE SENATE.

During the call of the roll,

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

The result of the vote was then announced as above stated; and accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. CONNOLLY: Petition of J. C. Coon and S. P. Coleman against the passage of the news-copyright bill—to the Committee on the Judiciary.

By Mr. DOCKERY: Petitions of soldiers and sailors of Daviess County, Missouri, in support of certain House bills prepared by their comrades of Union City, Ind.—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of Hon. Joseph S. Miller and others, citizens of Wheeling, W. Va., remonstrating against the Government engaging in the telegraph business, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. HANCOCK: Papers relating to the claim of Martin Radich—to the Committee on Foreign Affairs.

By Mr. HILL: Petition of D. K. Bowker, and 500 other soldiers of Ohio, praying for the passage of a law pensioning all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition of Charles E. Nowlen—to the Committee on Military Affairs.

By Mr. MCCOID: Petition of J. C. McKell and others, of Burlington, Iowa, against passage of bill to carry into operation the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. MORRILL: Petition of Noah C. Brandon and 200 others, of Blackford County, Indiana, soldiers of the war of the rebellion, asking for pension legislation—to the Committee on Invalid Pensions.

By Mr. OSSIAN RAY: Petition of James Butler for a pension—to the same committee.

By Mr. J. D. TAYLOR: Petition of citizens of Steubenville, Ohio, against passage of bill to carry into operation the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. J. D. WHITE: Petition for an Indian commission, by John Beesom, of Talent, Oreg.—to the Committee on Indian Affairs.

By Mr. WILKINS: Resolutions of ex-soldiers of Gratiot, Licking County, Ohio, relative to pensions—to the Committee on Invalid Pensions.

Also, the memorial of Axline Post, No. 290, Grand Army of the Republic, Zanesville, Ohio, relative to pensions—to the same committee.

SENATE.

THURSDAY, *July* 3, 1884.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

FITZ-JOHN PORTER VETO MESSAGE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives accompanying a House bill. The title of the bill and the action of the House of Representatives will be read.

The Chief Clerk read as follows:

A bill (H. R. 1015) for the relief of Fitz-John Porter.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
July 2, 1884.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act for the relief of Fitz-John Porter," with his objection thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDENT *pro tempore*. The message from the President of the United States accompanying the bill will be read.

The Chief Clerk read as follows:

To the House of Representatives:

After careful consideration of the bill entitled "An act for the relief of Fitz-John Porter," I herewith return it with my objections to that House of Congress in which it originated. Its enacting clause is in terms following: "That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers, and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial, promulgated January 27, 1863," &c.

It is apparent that should this bill become a law it will create a new office, which can be filled by the appointment of the particular individual whom it specifies, and can not be filled otherwise; or it may be said with perhaps greater precision of statement that it will create a new office upon condition that the particular person designated shall be chosen to fill it. Such an act, as it seems to me, is either unnecessary and ineffective, or it involves an encroachment by the legislative branch of the Government upon the authority of the executive. As the Congress has no power under the Constitution to nominate or appoint an officer, and can not lawfully impose upon the President the duty of nominating or appointing to office any particular individual of its own selection, this bill, if it can fairly be construed as requiring the President to make the nomination and, by and with the advice and consent of the Senate, the appointment which it authorizes, is in manifest violation of the Constitution. If such be not its just interpretation, it must be regarded as a mere enactment of advice and counsel, which lacks in the very nature of things the force of positive law, and can serve no useful purpose upon the statute-books.

There are other causes that deter me from giving this bill the sanction of my approval. The judgment of the court-martial by which more than twenty years since General Fitz-John Porter was tried and convicted was pronounced by a tribunal composed of nine general officers of distinguished character and ability. Its investigation of the charges of which it found the accused guilty was thorough and conscientious, and its findings and sentence were in due course of law approved by Abraham Lincoln, then President of the United States. Its legal competency, its jurisdiction of the accused and of the subject of the accusation, and the substantial regularity of all of its proceedings are matters which have never been brought in question. Its judgment, therefore, is final and conclusive in its character.

The Supreme Court of the United States has recently declared that a court-martial such as this was is the organism provided by law and clothed with the duty of administering justice in this class of cases. Its judgments, when approved, rest on the same basis and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest. It follows, accordingly, that when a lawfully constituted court-martial has duly declared its findings and its sentence, and the same have been duly approved, neither the President nor the Congress has any power to set them aside. The existence of such power is not openly asserted, nor perhaps is it necessarily implied, in the provisions of the bill which is before me, but when its enacting clauses are read in the light of the recitations of its preamble it will be seen that it seeks in effect the practical annulment of the findings and the sentence of a competent court-martial.

A conclusion at variance with these findings has been reached after investigation by a board consisting of three officers of the Army. This board was not created in pursuance of any statutory authority, and was powerless to compel the attendance of witnesses or to pronounce a judgment which could have been lawfully enforced. The officers who constituted it in their report to the Secretary of War, dated March 19, 1879, state that in their opinion "justice requires * * * such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and to restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service."

The provisions of the bill now under consideration are avowedly based on the assumption that the findings of the court-martial have been discovered to be erroneous. But it will be borne in mind that the investigation which is claimed to have resulted in this discovery was made many years after the events to which that evidence related and under circumstances that made it impossible to reproduce the evidence on which they were based.

It seems to me that the proposed legislation would establish a dangerous precedent, calculated to imperil in no small measure the binding force and effect of the judgments of the various tribunals established under our Constitution and laws.

I have already in the exercise of the pardoning power with which the President is vested by the Constitution remitted the continuing penalty which had made it impossible for Fitz-John Porter to hold any office of trust or profit under the Government of the United States. But I am unwilling to give my sanction to any legislation which shall practically annul and set at naught the solemn and deliberate conclusions of the tribunal by which he was convicted and of the President by whom its findings were examined and approved.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *July* 2, 1884.

The PRESIDENT *pro tempore*. This bill is now under reconsideration. The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? Is the Senate ready for the question? As two-thirds are required to pass the bill against the objections of the President, the yeas and nays will be called on the passage of the bill. Senators, as many as will agree that this bill pass, the objections of the President to the contrary notwithstanding, will as your names are called answer "yea;" the contrary, "nay."

The Secretary proceeded to call the roll.

Mr. PALMER (when Mr. CULLOM'S name was called). I was instructed to state for the Senator from Illinois [Mr. CULLOM] who is sick, and who is paired with the Senator from West Virginia [Mr. KENNA], that if he were here, while acknowledging his pair, he desires to go on record as voting "nay."

Mr. LOGAN. I suggest to the Senator from Michigan that a pair with one person is not the character of pair that should be recognized in this case. My colleague ought to be paired with two. I suppose some other Senator will agree to pair with him.

Mr. PALMER. I see the reason for the statement of the Senator from Illinois, but I did not know the rule of the Senate in regard to double pairs, or two for one.

Mr. LOGAN. I suppose another Senator will be willing to pair with my colleague.

The PRESIDENT *pro tempore*. The roll-call will proceed.

Mr. FRYE (when his name was called). I am paired on this question with the junior Senator from Delaware [Mr. SAULSBURY] and with the junior Senator from Virginia [Mr. RIDDLEBERGER]. If I were at liberty to vote I should vote "nay."

Mr. MILLER, of California, (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON] and with the Senator from Georgia [Mr. COLQUITT]. If they were present, I should vote "nay."

Mr. RIDDLEBERGER (when his name was called). To make one pair equal to two on this question I made a pair with the Senator from Maine [Mr. FRYE]. But for that pair I should vote "yea."

Mr. BECK (when Mr. WILLIAMS'S name was called). My colleague [Mr. WILLIAMS] is absent, but he is paired upon this question with the Senator from New Hampshire [Mr. BLAIR]. My colleague would vote "yea" if he were here.

The roll-call was concluded.

Mr. BLAIR. Upon political questions I am paired with the junior Senator from Kentucky [Mr. WILLIAMS], who is absent, but it has been arranged that my pair shall be transferred to the junior Senator from Nebraska [Mr. MANDERSON]. I therefore vote.

Mr. ALDRICH. My colleague [Mr. ANTHONY] is absent from the city on account of illness and is paired with the Senator from Tennessee [Mr. JACKSON]. My colleague, if present, would vote "nay."

The result was announced—yeas 27, nays 27; as follows:

YEAS—27.

Bayard,	Coke,	Harris,	Pugh,
Beck,	Fair,	Hoar,	Ransom,
Brown,	Farley,	Jonas,	Sewell,
Butler,	Garland,	Jones of Florida,	Vance,
Call,	George,	Maxey,	Vest,
Cameron of Pa.,	Groome,	Morgan,	Voorhees.
Cockrell,	Hampton,	Pike,	

NAYS—27.

Aldrich,	Dolph,	Lapham,	Platt,
Allison,	Edmunds,	Logan,	Plumb,
Blair,	Hale,	McMillan,	Sawyer,
Bowen,	Harrison,	Miller of N. Y.,	Sherman,
Cameron of Wis.,	Hawley,	Mitchell,	Van Wyck,
Conger,	Hill,	Morrill,	Wilson.
Dawes,	Ingalls,	Palmer,	

ABSENT—22.

Anthony,	Gorman,	Mahone,	Saulsbury,
Camden,	Jackson,	Manderson,	Slater,
Colquitt,	Jones of Nevada,	Miller of Cal.,	Walker,
Cullom,	Kenna,	Pendleton,	Williams.
Frye,	Lamar,	Riddleberger,	
Gibson,	McPherson,	Sabin,	

The PRESIDENT *pro tempore*. Two-thirds of the Senators present not having voted in the affirmative, the bill fails to become a law.

Mr. JONES, of Nevada, subsequently said: Mr. President, I should like to be indulged for a moment while I say a word personal to myself. I was detained for half an hour this morning in business at the Departments, and upon my arrival at the Senate Chamber half an hour after the Senate convened I found that the vote had been taken on the veto of the President of the Fitz-John Porter bill. Not wishing to seem to have avoided a vote on a bill which has attracted so much attention in the country, and having had no reasons presented to me why I should change the opinion I entertained in voting upon the proposition formerly, I wish to say that had I been here I should have voted to have the bill become a law, notwithstanding the objections of the President.

GENERAL COURTS-MARTIAL.

Mr. LOGAN. I ask leave to move at this time that the House be requested to return the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War, which passed the Senate with an amendment. My object is to get a committee of conference, inasmuch as the bill can not be reached in the House as it now stands.

The PRESIDENT *pro tempore*. If there be no objection that order will be entered.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented resolutions adopted by Memorial Post, No. 216, Grand Army of the Republic, of Cresco, Iowa, in favor of the recommendations made by the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

He also presented a memorial of citizens of Cedar Rapids, Iowa, remonstrating against the passage of any measure which will establish a governmental monopoly of the telegraph business; which was ordered to lie on the table.

Mr. LOGAN presented memorials of citizens of Danville and La Salle, Ill., remonstrating against Government control of the telegraph; which was ordered to lie on the table.

He also presented memorials of ex-Union soldiers, residents of Taylorville, Ill., San Francisco, Cal., Pontoosuc, Ill., Noble, Ill., Terre Haute, Ind., Arcola, Ill., and Scott County, Indiana, favoring general legislation in behalf of ex-Union soldiers; which were referred to the Committee on Pensions.

He also presented a memorial of citizens of Salt Lake City, Utah, praying a donation of land for cemetery purposes from the Fort Douglas military reservation; which was referred to the Committee on Military Affairs.

MISSISSIPPI RIVER DAM AT SAINT CLOUD.

Mr. MCMILLAN. I am instructed by the Committee on Commerce to make a favorable report upon the bill (H. R. 6657) granting the consent of Congress to the Saint Cloud Water-Power and Mill Com-

pany to construct a dam across the Mississippi River at Saint Cloud, Minn., and I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. Let it be read for information.

The Chief Clerk read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (1529) authorizing the Saint Cloud Water-Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn., reported adversely thereon; and the bill was postponed indefinitely.

LEGISLATIVE ACTS OF WASHINGTON TERRITORY.

Mr. BUTLER. I ask unanimous consent to proceed to the consideration of the bill (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, reported from the Committee on Territories yesterday morning.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEES ON DOMESTIC COMMERCE.

Mr. CONGER. By instructions from the Committee on Commerce I report back the bill (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels in domestic commerce, and I ask unanimous consent that it may be considered at this time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. Let it be read for information.

The Chief Clerk read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend paragraphs numbered 6 and 7, respectively, of section numbered 4381, so as to read as follows:

Sixth. For certifying manifests and granting a permit for a licensed vessel to proceed from district to district, 10 cents.

Seventh. For receiving a certified manifest and granting a permit on the arrival of such licensed vessel, 10 cents.

Paragraphs numbered 6 and 8, respectively, of section numbered 4382, are severally amended so as to read:

Sixth. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, 10 cents.

Eighth. For receiving manifest, including master's oath, on arrival of a vessel from one collection district to another, whether touching at foreign intermediate ports or not, 10 cents.

Paragraphs numbered 7 and 9, respectively, of section 4382 of the Revised Statutes are repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Appropriations, to whom was referred the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, reported it with amendments.

Mr. JONES, of Nevada. I am instructed by the Committee on Commerce to report favorably, with amendments, the bill (S. 1036) to provide for the construction of the Michigan and Mississippi River Canal and to cheapen transportation, and to accompany the report with a resolution of the committee, which I ask may be read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Senator from Nevada be instructed to report to the Senate Senate bill 1036, with amendments, favorably, for the consideration of the Senate at its next session, to be accompanied by a written report, to be filed at the next session.

The PRESIDENT *pro tempore*. What disposition does the Senator from Nevada desire to have made of the resolution?

Mr. JONES, of Nevada. Let it be printed and lie on the table.

Mr. HOAR. Let the resolution be read again.

The Chief Clerk again read the resolution.

The PRESIDENT *pro tempore*. This, the Chair understands, is a resolution of the committee.

Mr. MCMILLAN. Yes, sir; accompanying the report merely.

Mr. ALLISON. I suppose there should be an order authorizing the Senator from Nevada to make a written report at the next session as the bill is reported now.

Mr. INGALLS. No bill has been referred by the Senate to the Senator from Nevada. Bills are referred to committees, and as such they are dealt with. The resolution, I understand, was agreed to by the committee. It has no place on the files of the Senate.

Mr. ALLISON. I was not speaking of the resolution.

Mr. INGALLS. I was speaking of it.

Mr. HOAR. If the Senator will pardon me, I understood the resolution first as he does, but on the second reading I understood it to be an authority to report the bill now, to be considered by the Senate hereafter.

Mr. ALLISON. And also authority to make a written report at the next session, which I suppose could not be done unless the Senate gave the authority.

Mr. HOAR. It is done by the unanimous consent of the Senate.

The PRESIDENT *pro tempore*. The bill reported by the Senator from Nevada will be placed on the Calendar. The resolution appears to be merely an order of the committee directing him to report the bill, but it also embraces leave to be obtained to file a written report at the next session. That order will be entered, if there be no objection.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 1457) to legalize the incorporation of national trades unions, reported it without amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 2344) for the relief of Melissa G. Polar, reported it with amendments, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 254) for the relief of Arthur L. Fish, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 254) granting a pension to John Robbins;

A bill (H. R. 1894) granting a pension to Clark Roberts; and

A bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll.

He also, from the same committee, to whom was referred the bill (S. 1634) granting a pension to Clark Roberts, reported adversely thereon; and the bill was postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4568) granting a pension to Andrew J. Konkle;

A bill (H. R. 836) granting a pension to John C. Fenscke;

A bill (H. R. 6786) granting a pension to Rivers Banks;

A bill (H. R. 555) granting a pension to John Galloup;

A bill (H. R. 4457) granting a pension to J. G. Crawford;

A bill (H. R. 2105) granting a pension to John A. Shackers;

A bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall;

A bill (H. R. 2089) granting a pension to Margaret Wiggins; and

A bill (H. R. 1077) granting a pension to Sarah Miner.

MISSION INDIANS, IN CALIFORNIA.

Mr. DAWES. I ask unanimous consent to take up the bill (S. 1250) for the relief of the Mission Indians, in the State of California, for action at present. If it causes any debate, I shall withdraw it.

Mr. HARRIS. I do not want to object, but I hope the Senator from Massachusetts and other Senators will allow the call for morning business to go through.

Mr. DAWES. Of course I yield to morning business if the Senator has any morning business to present.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate consider at this time the bill indicated by him.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHERMAN. I give notice now, having the floor and not having to crowd off any one, that I shall object to the passage of any more bills until the morning business is disposed of.

BILL INTRODUCED.

Mr. MCMILLAN introduced a bill (S. 2361) granting a pension to Mrs. E. S. Simpson, widow of Col. James H. Simpson, brevet brigadier-general, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 2362) for the relief of Thomas C. Killie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

FOURTH OF JULY.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no further bills to be introduced, the Chair lays before the Senate a resolution coming over from yesterday.

The Chief Clerk read the following resolution, submitted yesterday by Mr. SHERMAN:

Resolved, That the Senate will meet at the usual hour on Friday, the 4th day of July instant, and after the reading of the Journal, and before other business is done, the Secretary of the Senate shall read the Declaration of American Independence and Washington's Farewell Address.

Mr. SHERMAN. At the suggestion of several Senators who think the reading of Washington's Farewell Address would be more appropriate on his birthday, the 22d of February, and as it has been read on that day in two or three instances in the history of our country, and it would

occupy time now, I will modify the resolution so as to call only for the reading of the Declaration.

Never till during our civil war, so far as the records show or as is known or is recollected, did Congress meet on the 4th of July. During the civil war we did meet habitually on the 4th of July, but it was only on the ground that those who had control then believed that the business then requiring attention was proper to be done on the 4th of July. We have only met once since on the 4th of July, and that was in 1870, at a time of great political excitement. An effort was made to adjourn when the Senate met that day, but the session was continued—a long, exciting, and unpleasant session—on the 4th of July, 1870.

I do not doubt that to-morrow it will be well to sit, because the committees of conference are carrying on their business and I have no objection to sitting; but I think we ought to recognize by common consent the importance of the day and the fact that it is a national anniversary celebrated all over the United States, by reading that immortal paper which is the foundation of American independence. That is all I desire.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Ohio will be read.

Mr. SHERMAN. I have a right to modify the resolution I believe. I modify it by striking out the words "Washington's Farewell Address."

The PRESIDENT *pro tempore*. The Senator has a right to modify his resolution, and it is so modified. The question is on the resolution as modified, which will be read.

The Chief Clerk read as follows:

Resolved, That the Senate will meet at the usual hour on Friday, the 4th day of July instant, and, after the reading of the Journal and before other business is done, the Secretary of the Senate shall read the Declaration of American Independence.

The resolution was agreed to.

ORDNANCE AND GUNNERY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution submitted yesterday, but laid over under the rule; which will be read.

The Chief Clerk read the following resolution, submitted yesterday by Mr. HAWLEY:

Resolved, That a select committee of five Senators be appointed by the Chair to inquire as to the capacity of steel-producing works in the United States to make steel of suitable quality and sufficient in quantity to furnish metal for guns of high power, and metal plates and other material for the construction of vessels of war and for the armor or sheathing for such vessels.

2. That said committee shall also inquire as to the character and sufficiency of machinery and machine-tools in the navy-yards, and also in private foundries and machine-shops in the United States, for the construction of engines suitable for vessels of war, and for manufacturing guns for the proper armament of such vessels and of the seacoast defenses, and for the purpose of constructing iron and steel ships of war.

3. Said committee shall also inquire into the best locations in the United States for manufacturing guns, engines, and armor for vessels, and for building iron and steel ships of war, and the best method of manufacturing and building the same, whether by the Government or by contract with private persons.

4. Said committee shall have power to sit in the vacation of the Senate at any place in the United States, to send for persons and papers, and to appoint a clerk and messenger, and may report by bill or otherwise.

5. The expenses of said committee, and of witnesses summoned before it, shall be paid out of the contingent fund of the Senate, to be certified by the chairman of the committee, and audited and allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. COCKRELL. Does that come from any committee?

The PRESIDENT *pro tempore*. The resolution was presented by the Senator from Connecticut.

Mr. HAWLEY. I suggest to insert:

Clerk, stenographer, and messenger.

It may not be necessary to employ a stenographer or it may, to report some testimony. I move to insert after the word "clerk," in the third line of the fourth paragraph, the word "stenographer."

The PRESIDENT *pro tempore*. The Senator from Connecticut modifies his resolution by inserting therein "stenographer," in the fourth subdivision, after the word "clerk," in the third line; so as to read:

Appoint a clerk, stenographer, and messenger.

The question is on the resolution as modified.

The resolution as modified was agreed to.

PUBLIC PRINTING.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered yesterday by the Senator from Connecticut [Mr. HAWLEY], which will be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), 1. That the Joint Committee on Public Printing is hereby instructed to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and to report a bill in December next making such reductions in the numbers and cost of printing, and such changes and reductions in the distribution of said publications, as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also instructed to investigate the printing and binding for the Executive Departments, executed at the Government Printing Office and at the branch printing offices and binderies in the various Departments, and report a bill, in December next, making such reductions in expense and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further instructed to make any other investigations calculated in their opinion to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to summon and to examine experts and witnesses, and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire; and any expenses necessarily incurred in making the investigations aforesaid shall be defrayed equally from the contingent funds of the two Houses of Congress.

2. Said joint committee is hereby authorized to sit during the recess for the purposes of the first section hereof and in the discharge of its usual duties.

Mr. HAWLEY. This resolution, though not formally reported from the Committee on Printing, is virtually from the committee, as the Senator from Maryland [Mr. GORMAN] and myself, now constituting all the committee here, have agreed on it.

The Senator from Iowa [Mr. ALLISON] will remember, as the Senate perhaps will, that this is the concluding section of the sundry civil bill as reported by the Committee on Appropriations, which was stricken out on a point of order. This provides for the same work that was ordered in that section.

The second section of this resolution is substantially the usual resolution passed at the close of every session, giving the Printing Committee authority to sit during the recess, which is always necessary as to certain matters of business.

The resolution was agreed to.

COMMITTEE ON LIBRARY ACCOMMODATIONS.

Mr. VOORHEES, from the Select Committee on Additional Accommodations for the Library of Congress, submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Select Committee on Additional Accommodations for the Library of Congress is hereby continued, and authorized to sit, if found necessary, during the coming recess of Congress, and that the expenses, if any, shall be paid from the appropriation for special and select committees.

COMMITTEE ON RULES.

Mr. HARRIS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Rules be, and it is hereby, authorized to sit during the recess of Congress, and that the necessary expense thereof be paid out of the miscellaneous items of the contingent funds of the Senate.

Mr. MILLER, of California. I move to take up House bill 1798.

The PRESIDENT *pro tempore*. That motion will not be in order until the call for resolutions is concluded. Are there further concurrent or other resolutions?

Mr. HOAR. I desire to put a parliamentary inquiry to the Chair in regard to the resolution just passed. Does that resolution authorize the Committee on Rules to sit anywhere but in Washington?

The PRESIDENT *pro tempore*. The Chair does not think that is a parliamentary question.

Mr. HOAR. I notice the last authority of that kind authorized the committee in terms to sit elsewhere. I suppose, of course, the Committee on Rules will regard themselves as compelled to sit in Washington.

The PRESIDENT *pro tempore*. Are there further concurrent or other resolutions? If there be none, that order is closed.

CHINESE IMMIGRATION.

Mr. MILLER, of California. I move that the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, be taken from the table and now considered.

The PRESIDENT *pro tempore*. The Senator from California moves that the Senate now proceed to the consideration of House bill 1798.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The motion is not open to debate.

Mr. BLAIR. I desire to remind the Senate that last night notice was given that this morning on the conclusion of the morning business the Pension Committee desired the consideration of pension cases.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I desired to state that, while I should be very glad to help the Senator to get up his bill, and will as soon as the pension bills are out of the way, I think we ought to proceed with them.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

The question being put, there were on a division—ayes 40, noes 7.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882.

Mr. PLATT. I propose to strike out from the fifteenth section the words which precede the word "and," in line 244.

Mr. HOAR. Including the word "and?"

Mr. PLATT. Yes, including the word "and," striking out these words:

That the provisions of this act shall apply to all subjects of China, and Chinese, whether subjects of China or any other foreign power; and.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut [Mr. PLATT]. The Chair would suggest that the word "That," at the beginning of the section, should stand.

Mr. PLATT. Yes; I modify the amendment by leaving in that word.

Mr. MILLER, of California. The amendment proposed is not in harmony with the decision of the circuit court of the United States for California, which was that a Chinese laborer from a jurisdiction other than that of China is a Chinese laborer within the meaning of the act. The circuit court in California decided that such a case came within the act. Other courts have made contrary decisions. If the law does not contain a provision of this sort, and is not so settled, Chinese laborers will come into the United States without restriction by merely taking up their residence in another country than China and then proceeding to the United States. I hope the amendment will not be adopted, and that the bill will be passed precisely as it came from the House.

Mr. PLATT. The words "subject of a foreign power" I apprehend do not mean merely residence in a country other than China, but do mean a naturalized subject of a foreign power.

Mr. FARLEY. Will the Senator from Connecticut yield to me for a moment?

Mr. PLATT. I will hear a suggestion.

Mr. FARLEY. One of the judges of the Supreme Court, Judge Field, has decided that Chinese from any other country than the Empire of China when coming to this country may be subject to the provisions of an act like this. I know there has been a conflict of opinion in the courts in reference to that matter. One of the judges of the Supreme Court passed upon that question in California, I understand that opinion has been concurred in by the entire court, but there has been no action taken on it. That is one of the difficulties we have had in California in reference to this very question. Chinese shipped from other ports than ports within the Empire of China come to California, and therefore it is important that this clause should be inserted.

Mr. PLATT. I am not familiar, as perhaps I ought to be, with the decision to which the Senator from California refers. I doubt very much, however, whether Judge Field or any other judge has decided that the act as it now stands prevents a naturalized subject of Great Britain or other foreign power from landing in this country simply because he happened to have been born in China. I do not know but that there is a decision to that effect, but I doubt it.

Mr. JONES, of Nevada. Will the Senator permit me to say a word?

Mr. PLATT. Certainly.

Mr. JONES, of Nevada. The decision of Judge Field is that the act applied to the Chinese as a race, without regard to the country in which they might be domiciled or the country of which they might be subjects; that the act applied to this people as a race; and it strikes me that that answers the proposition of the Senator from Connecticut.

Mr. PLATT. If the decision has gone that far it is certainly unnecessary to incorporate it in this bill; but Judge Field, I apprehend, whatever he may have decided, did not decide that it was right to ingraft in any law a provision of this character.

Mr. HOAR. I should like to say that the circuit court in Massachusetts, on full argument, Judges Lowell and Nelson concurring, have decided that the act, which is based in terms upon the treaty with China, being entitled an act to carry out the treaty with China and nothing else, does not include anybody but Chinese subjects.

Mr. PLATT. But here we propose to go still further. Having enacted a law upon the theory that we had a treaty with China which permitted us to enact such a law, we propose to go still further now, and to add to that law a provision which will prevent the landing here of naturalized subjects of Great Britain and of any other country with whom we have no such treaty which would prevent there being landed in the United States. I think we have gone quite far enough in this matter; and we had better not go so far as to say that the subjects of Great Britain protected by her can not land in the United States because they happen to have been born in China.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. PLATT].

The amendment was rejected.

Mr. HOAR. I do not propose in the last day or two of the session to enter anew into a debate of this general policy. This is a bill to execute certain treaty stipulations relating to Chinese and citizens of other countries. It rests in my judgment upon sheer barbarism; and the order which has just passed to read the Declaration of Independence to-morrow I infer was passed because in the opinion of its mover the majority of the Senate had not read it.

I wish only to reaffirm my disapprobation of this legislation and the principle on which it depends, and to state that in my judgment the American people will repent in sackcloth and ashes one day the policy they are inaugurating.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. PLATT. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Delaware [Mr. SAULSBURY]. If he were present, I should vote "nay."

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON]. On this question I am not advised how he would vote, and I withhold my vote.

The roll-call was concluded.

Mr. CULLOM. I understand I have been paired with the Senator from West Virginia [Mr. KENNA], but I am informed that he would vote "yea" if present, and so I cast my vote.

The result was announced—yeas 43, nays 12; as follows:

YEAS—43.

Allison,	Cullom,	Jones of Florida,	Plumb,
Bayard,	Dolph,	Jones of Nevada,	Pugh,
Beck,	Fair,	Logan,	Ransom,
Blair,	Farley,	Manderson,	Sawyer,
Butler,	Garland,	Maxey,	Sherman,
Call,	Groome,	Miller of Cal.,	Slater,
Cameron of Pa.,	Hale,	Miller of N. Y.,	Vance,
Cameron of Wis.,	Hampton,	Morgan,	Van Wyck,
Cockrell,	Harris,	Palmer,	Vest,
Coke,	Hill,	Pendleton,	Voorhees.
Conger,	Ingalls,	Pike,	

NAYS—12.

Aldrich,	Edmunds,	Lapham,	Morrill,
Brown,	Hawley,	McMillan,	Platt,
Dawes,	Hoar,	Mitchell,	Wilson.

ABSENT—21.

Anthony,	Gibson,	Lamar,	Sewell,
Bowen,	Gorman,	McPherson,	Walker,
Camden,	Harrison,	Mahone,	Williams.
Colquitt,	Jackson,	Riddleberger,	
Frye,	Jonas,	Sabin,	
George,	Kenna,	Saulsbury,	

So the bill was passed.

CATHARINE H. GLICK.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 1971) granting a pension to Catharine H. Glick, widow of Elias B. Glick, deceased, returned from the House of Representatives at the request of the Senate. On the motion of the Senator from Indiana [Mr. VOORHEES] it will be laid on the table for the time being, if there be no objection.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Calendar, under the eighth rule, is in order.

Mr. FRYE. I move that the Senate proceed to the consideration of House bill 3056, being Order of Business 523.

Mr. BLAIR. I desire to move that the Senate proceed to the consideration of pension cases.

Mr. FRYE. This bill will not take a minute.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department.

Mr. VOORHEES. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

The question being put, there were on a division—yeas 12, noes 24; no quorum voting.

Mr. FRYE. I withdraw my motion.

The PRESIDENT *pro tempore*. No quorum has voted. If there be no objection the Chair will count the Senate.

Mr. FRYE. I ask unanimous consent to withdraw my motion.

The PRESIDENT *pro tempore*. The Chair can not allow unanimous consent to be given unless there is a quorum.

Mr. SHERMAN. There is a quorum present.

The PRESIDENT *pro tempore*. The Chair will ascertain that by unanimous consent without a call of the Senate. [Counting.] A quorum is present.

Mr. BLAIR. I move that the Senate proceed to consider unobjected pension cases, and also the following cases, which all stand upon substantially the same ground, Order of Business 604, 605, 764, 769, 770, 771, 772, 773, 774, 826, and 891, which are all pension cases.

Mr. PLUMB. Are those adverse reports?

Mr. BLAIR. Those cases all stand upon substantially the same ground, whether or not the needy widows of officers of high rank like admirals of the Navy and generals of the Army who rendered long and distinguished service shall receive an increase of their pension to $50 per month, and the decision of a very few will suffice for the whole.

Some of these cases standing upon substantially the same ground are reported favorably by the committee; other exactly similar cases are reported adversely, just according to the constitution of the committee, which was almost equally divided, at the meeting when the case happened to be reported. The committee felt that these cases had better be submitted to the consideration of the Senate and uniform action taken with reference to them all. We have already passed some five or six like cases during this session, and this list which I have made comprises all that remain upon the Calendar; and by incorporating them with the unobjected cases substantially all the pension business will be disposed of.

Mr. PLUMB. If there is to be any preference given to special cases

I hope it will not be given to those already getting pensions and already getting much larger pensions than the average pensions, but that we shall address ourselves to pensioning people who have no pensions.

Mr. BLAIR. That is precisely what has been done all session.

Mr. PLUMB. Let us relieve those who are willing to take a minimum pension, and who are not so socially intrenched that they can besiege us to do that, which we know to be unjust to the great body of the tax-payers, raising the pensions of those who are getting $30 to $50 when others are getting only $8 or $10.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the Senate now proceed to the consideration of pension cases on the Calendar reported favorably, and also——

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. The Chair will state what the Senator from New Hampshire desires, after which he will ask if there be objection. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of pension bills on the Calendar reported favorably, and, if the Chair correctly understands, also the list of other cases which the Senator from New Hampshire has read. Is there objection?

Mr. PLUMB. I object.

Mr. SHERMAN. I object to the last clause; I have no objection to the other.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. Then I move to proceed to the consideration of unobjected pension cases and also the list which I have sent to the Chair.

The PRESIDENT *pro tempore*. That requires unanimous consent, as it changes the rule in respect of the order of business. Except by unanimous consent the Senator from New Hampshire can only move to proceed to one case at a time.

Mr. BLAIR. Then I move to proceed to the cases favorably reported.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that private pension bills favorably reported be now considered.

Mr. INGALLS. Is this to displace the regular order of business at 1 o'clock?

The PRESIDENT *pro tempore*. Subject to a call for the regular order.

Mr. COCKRELL. Let the Senator ask for the consideration of unobjected cases.

Mr. BLAIR. I prefer to ask for the consideration of cases favorably reported.

Mr. COCKRELL. I object.

Mr. BLAIR. Is a motion to that effect in order?

The PRESIDENT *pro tempore*. A motion is not in order except to proceed to the consideration of one bill at a time.

Mr. FRYE. The shipping bill that I tried to get up would have been through before this time.

Mr. BLAIR. That may be, but some of these cases need to go through as well as the shipping bill. I move that the Senate now proceed to the consideration of the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

Mr. WILSON. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order on a motion to take up a bill.

Mr. COCKRELL. Can we have the bill read for information?

Mr. WILSON. I ask unanimous consent that we may proceed to the consideration of unobjected pension cases.

Mr. COCKRELL. I have no objection to that in the world.

Mr. GROOME. Nor has any one else.

Mr. COCKRELL. No one else has.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from New Hampshire, the Senator from Iowa asks unanimous consent that the Senate proceed to consider in their order on the Calendar the pension bills reported favorably. Is there objection to the request of the Senator from Iowa?

Mr. BLAIR. I make no objection.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The Chair believes that the case moved by the Senator from New Hampshire is the first.

NEWPORT SEWER.

Mr. MILLER, of New York. I ask leave at this time to make a report from the Committee on Commerce.

The PRESIDENT *pro tempore*. The report will be received, if there be no objection.

Mr. MILLER, of New York. I am directed to report back favorably, with amendments, the bill (S. 2041) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island.

Mr. ALDRICH. It is very important that the bill should be acted on at this session, and I ask unanimous consent that it be considered now. It is only four or five lines, and there can be no objection to it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. ALDRICH. It is only four or five lines. There can be no objection to it.

Mr. PLUMB. I withdraw the objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill,

The bill was reported from the Committee on Commerce with amendments, in line 6 to strike out "regulations" and insert "conditions;" and at the end of the bill to add the following proviso:

Provided, That such conditions shall be accepted by the city of Newport before the work herein authorized shall be commenced.

So as to make the bill read:

That the city of Newport, R. I., is hereby granted the right to construct and maintain a sewer for drainage purposes through or across the breakwater at Goat Island, subject to such conditions as the Secretary of War may prescribe: *Provided*, That such conditions shall be accepted by the city of Newport before the work herein authorized shall be commenced.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM H. FORNEY of Alabama, and Mr. THOMAS RYAN of Kansas managers at the conference on its part.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM C. OATES of Alabama, Mr. BENTON MCMILLIN of Tennessee, and Mr. SERENO E. PAYNE of New York managers at the conference on its part.

INTERNAL-REVENUE PROSECUTIONS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the action of the House of Representatives on House bill 6370. The message from the House will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 3, 1884.

Resolved, That the House non-concur in the amendment of the Senate to the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. OATES, Mr. MCMILLIN, and Mr. PAYNE be the managers of said conference on the part of the House.

Mr. GARLAND. In the absence of the Senator from Illinois [Mr. LOGAN] who reported the bill to the Senate, I move that the Senate insist on its amendment and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. LOGAN, Mr. SHERMAN, and Mr. HARRIS were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chairs lays before the Senate the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, returned from the House of Representatives. The action of the House on the Senate amendments will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 3, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. FORNEY, and Mr. RYAN be the managers of said conference on the part of the House.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

THERESA CROSBY WATSON.

The PRESIDENT *pro tempore*. The first pension bill on the Calendar favorably reported is Order of Business 764, being House bill 103.

The bill (H. R. 103) granting a pension to Theresa Crosby Watson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll of the United States the name of Theresa Crosby Watson, widow of James M. Watson, late a commodore in

the United States Navy, and pay her a pension at the rate of $30 a month from and after the passage of this act, subject to all the other provisions and limitations of the pension laws.

Mr. BLAIR. I wish to explain to the Senate the attitude of this case. This is a House bill, passed by the House, giving to the widow of Commodore Watson a pension at the rate of $50 per month. The Senate Committee on Pensions reported the bill favorably with an amendment reducing the amount to $30 per month. It is, as I said before, one of a series of cases. Some are reported one way and some are reported the other way by the committee. It was the understanding with the committee that the question whether cases of this kind such as we have here should pass at the rate of $50 per month should be submitted to the Senate.

This widow is now between 50 and 60 years of age. She is poor. She is dependent upon her own manual labor for a living. In addition to the ordinary infirmities of age she is disabled by a broken hand, which occasions great difficulty and pain in the process of writing, to which she is obliged to resort as the only means by which she can earn money for her own maintenanee.

The almost universal practice of the Government has hitherto been to give in cases of this kind to the widows of officers of long and eminent service $50 per month, when in addition to the ordinary elements in such cases is to be found that of poverty, absolute need, which is the case here.

During the present session some six cases involving precisely the same principle have been reported to the Senate by the committee, all of which have been passed. Some were reported favorably; some were reported adversely. For my own part, I am entirely unable to see upon what principle we can discriminate against the few remaining cases which are before the Senate.

I do not know that I care to say anything more. The long and eminent service of the husband of this woman and her dependence upon her own personal labor are conceded facts. There is no controversy in the committee upon that subject. The question really is, shall we use these widows as we have used the widows of other officers under like circumstances? If so, the amendment of the committee, which in this case is one of reduction, should be disagreed to. Other cases, so far as I know no more meritorious, are before the Senate where the committee report in favor of granting a pension of $50 per month. I see no reason for a discrimination here.

Mr. VAN WYCK. I desire to offer an amendment to the bill or to the amendment, as may be deemed best.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment proposed by the Senator from Nebraska will be read.

The Secretary read as follows:

That pensions heretofore or hereafter granted to widows of soldiers of any war in which the United States is engaged, from and after the passage of this act, shall be at the rate of $12 per month, instead of $8 per month, as now provided.

Mr. VAN WYCK. The subject-matter embraced in the amendment is one that will probably have the unanimous concurrence of this body and of the other House, that the widows of all the soldiers who served in any war in which the United States was engaged shall be pensioned at the rate of $12 per month instead of $8. An attempt has been made to incorporate that and make it the law this session. It was placed on the Mexican pension bill, it is true, but the uncertainty attending the fate of that bill in the other House renders it necessary that this clause should be placed upon some bill which may probably pass. It is a plain, simple proposition that the widows shall receive $12 per month, and there is no better place to put it than on a bill which proposes a pension at a large amount according to rank.

The PRESIDING OFFICER. Does the Senator from Nebraska desire to offer this as an amendment to the amendment of the committee, or does the Senator desire it to come in elsewhere in the bill?

Mr. CAMERON, of Wisconsin. I suggest to the Senator to withhold his amendment until the pending amendment is disposed of.

Mr. VAN WYCK. Probably that would be as well. I desire to move it as an amendment to the bill instead of to the amendment now pending.

Mr. BLAIR. I understand that the Senator temporarily withdraws his amendment, but I may as well say what little I wish to say in regard to it now as at any time.

The Senator is aware, for we have wrought together in that field in the committee and elsewhere, that I am as strongly in favor of pensioning the widows of the soldiers of the country at $12 a month as he is. He has also alluded to a fact, which it seems to me is a sufficient reply to his motion to amend the bill in the way proposed, that the Senate has already discussed and passed a bill to that effect which has gone to the House for its concurrence, and I observe by yesterday's proceedings that the House is likely to pass the bill which gives this relief to the widows of all the soldiers of the country.

It is therefore superfluous and quite inimical to this private bill to attach an amendment of this description to it. It is a House bill, coming like the others that I have mentioned here, almost every one of them, from the House. Unless we act finally upon it, it undoubtedly must fail for the session. The amendment can do no good to anybody and will hardly be likely to reach a conclusion so early as the Mexican pension bill itself, for that will be decided at this session probably, while if this bill goes back with an amendment to the House it must be delayed until the next session.

For this reason, it being utterly useless in every point of view either to this widow or to the widows of the common soldiers, I hope that the amendment will be rejected whenever the question is taken upon it.

Mr. WILSON. There are a number of cases on the Calendar reported from the Committee on Pensions without division providing for soldiers and widows who are not now receiving any pension, and in order that we may proceed to cases that will not excite discussion I am disposed, if it is in order, to object to the further consideration of this bill, so that we can proceed with those cases which will not excite discussion, and afterward take up bills for the relief of those who are now provided with pensions and yet whose cases will excite discussion.

The PRESIDING OFFICER. The Chair was informed by the President *pro tempore* when the present occupant took the chair that we were proceeding to the consideration of unobjected pension bills favorably reported. That being so, the objection of the Senator from Iowa will carry the bill over at present.

Mr. BLAIR. Unanimous consent was given to consider this bill.

Mr. WILSON. I do not wish to throw this out of its place on the Calendar. I am willing that it should be passed over informally, retaining its place, but I do desire to have those cases against which there is no objection, and which will not excite debate, disposed of. Then we can take up the other cases.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses, and had appointed Mr. WILLIAM S. ROSECRANS of California, Mr. CHARLES H. MORGAN of Missouri, and Mr. JAMES LAIRD of Nebraska managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 4383) to relieve certain soldiers from the charge of desertion, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM S. ROSECRANS of California, Mr. CHARLES H. MORGAN of Missouri, and Mr. GEORGE W. STEELE of Indiana managers at the conference on the part of the House.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. WILSON. I ask unanimous consent that the pending bill be laid aside informally, so that we may proceed with the unobjected pension cases.

Mr. PLUMB. There will be time enough hereafter to consider pension cases. That is a class of legislation which will go through any way. I feel under constraint, having charge of this bill, to insist upon proceeding with it.

Mr. WILSON. I withdraw the suggestion.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. PLUMB. I yield to the Senator from New Hampshire.

Mr. BLAIR. I wish to ascertain the precise condition of the case which was being discussed when the Senator from Iowa rose. It was laid before the Senate by unanimous consent, and it had proceeded considerably in consideration when he rose to interpose an objection, if it was in order. I inquire of the Chair if under these circumstances the objection can be in order?

The PRESIDING OFFICER. The present occupant of the chair was informed by the President *pro tempore* of the Senate that the Senate was proceeding to consider unobjected pension bills favorably reported. If the Senate was proceeding to consider unobjected pension bills, the Chair thinks that the rule of objection applies here as under Rule VIII. That being so, the objection can come at any time, and the bill goes over under objection.

Mr. BLAIR. Then, if the ruling of the Chair is correct, I suppose there is nothing to do but to allow the bill to be passed over.

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that the unfinished business is now before the Senate, and the bill to which he refers has been passed from. The Senate is not now considering it; it is not before the Senate.

Mr. BLAIR. But I supposed that it might proceed to consider the bill at the present time.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire is occupying the floor.

Mr. BLAIR. I make a parliamentary inquiry of the Chair, whether it is in order now to move to proceed with the consideration of House bill 103?

The PRESIDING OFFICER. The Chair thinks it would be in order for the Senator from New Hampshire to move to postpone the pending order until to-morrow; and if that order is made, it will be in order for the Senator to move the consideration of any measure pending upon the Calendar.

Mr. PLATT. May I be permitted to say a word just at this juncture, by unanimous consent?

The PRESIDING OFFICER. The bill before the Senate is debatable.

Mr. PLATT. I think it is very much better to have it understood that the bill which is regularly before the Senate is to go on. There will be plenty of time for all these pension cases before we get through, I think.

Mr. PLUMB. I call for the regular order.

MARIA G. UNDERWOOD.

Mr. LAPHAM. I gave notice on Monday that at this time I should ask leave to submit some remarks on Order of Business 787, being a resolution to pay Maria G. Underwood $5,000 in full compensation for the time and expenses of her husband in prosecuting his claim to a seat in the Senate.

Mr. PLUMB. What is the Senator's request?

Mr. LAPHAM. I wish about half an hour.

Mr. PLUMB. I do not feel as though I could yield for that purpose now in view of the responsibility that attaches to me in connection with the pending measure.

Mr. LAPHAM. Of course the Senator from Kansas is entitled to the floor, and I shall reserve my remarks until a later hour if the Senator desires.

Mr. PLUMB. I do not feel as though I could take the responsibility of yielding at this time.

FOURTH OF JULY CLAIMS.

Mr. CAMERON, of Wisconsin, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the Treasury Department, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment numbered 1, and agree to the same with the following amendment, namely: In lieu of the Senate amendment insert the following:

"MISSISSIPPI.

"To Julia A. Nutt, widow and executrix of Haller Nutt, deceased, of Adams County, the sum of $35,556.17."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

ANGUS CAMERON,
CHARLES F. MANDERSON,
J. Z. GEORGE,
Managers on the part of the Senate.

JOHN B. STORM,
J. H. ROWELL,
Managers on the part of the House.

The report was concurred in.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

Mr. PLUMB. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, the pending question being on the amendment submitted by Mr. MORGAN, in section 1, line 17, to strike out all after the word "forfeited," as follows:

And the title thereto resumed by the United States, and said lands restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made; but nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory, or claim thereto, on condition or otherwise, except the right of way and land for stations.

And in lieu thereof to insert:

SEC. 2. Jurisdiction is hereby conferred on the circuit court of the United States for the western district of Missouri to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any laws of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

SEC. 3. It shall be the duty of the district attorney of the United States for the western district of Missouri, under the direction of the Department of Justice, to proceed in the circuit court of the United States for the said district, by bill in equity in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. 4. Any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands or any part thereof which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath, and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim is necessary to do complete justice in such cause the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. 5. The court shall, if it see fit, tax all the costs of the suit under the third section of this act against the United States, and shall apportion the cost of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree therein to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases. And the Supreme Court shall cause said appeal to be advanced on the docket, so that the same shall be speedily determined. But no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

Mr. MORGAN. Mr. President, in the remarks that I submitted on this bill when it was before the Senate several days ago I was attempting to enforce two propositions. The first was that there is a duty resting upon Congress under the existing circumstances to declare a forfeiture of what are termed the unearned lands of the Atlantic and Pacific Railway Company. The second proposition is that after that declaration is made it is our duty to send the case to the courts without undertaking to shape the rights of any person by the force or weight of our legislation.

I predicate my opinion in regard to the right to declare a forfeiture of the land grants upon the fact that beyond the Needles, up the Pacific coast, the Needles being the place where the Southern Pacific and the Atlantic and Pacific unite, there is really no evidence of an intention on the part of this railway company to complete its road.

If I could be convinced that this company intended to build a competitive line from San Francisco down to the Needles, so as to give the people of California the advantage of the two lines, one the Southern Pacific and the other the Atlantic and Pacific, I should be willing to defer the forfeiture of this land grant at least to some future period of time. I should be willing to extend the time in order to enable this company to complete the building of that road. I would do this because I am a supporter of the doctrine that when the Government of the United States has made a dedication of property, public lands, for a great public benefit to great communities, such a dedication ought not to be lightly withdrawn, and as long as there is a reasonable prospect of carrying into effect the purpose of the original dedication it ought to be sustained. But in the absence of any expectation justified by the facts that this dedication of public lands will be availed of by this railway company for the benefit of those communities it was intended to benefit, I am willing to go with the committee for the forfeiture.

Against this view of the case very strong argument has been made and quite an array of persuasive facts has been presented. This company was represented before the committee by persons who made a number of important statements which it seems to me bear strongly against the equity of our conduct in the forfeiture of this land grant. The only question that the United States Government can make against this railroad corporation in respect of its non-compliance with the obligation imposed upon it under the grant is simply that it has not completed the railroad within the time prescribed in the charter. As far as it has built its road it is a good road, a very valuable road to commerce; it opens up a country of great importance, and without this railway that country would have remained a wilderness for years to come; and there are political advantages that the Government of the United States gains from the building of this railroad, as far as the company has built it, which are of a very important character.

One of the provisions of the grant was that the Government of the United States undertook to extinguish the Indian title and survey the land where the reservations of the Indians crossed the line of the road, which is practically the thirty-fifth parallel. Perhaps, in order to get that point distinctly before the Senate, I had better read the engagement of the United States in the act making the grant. In section 2 it was provided in the last clause:

The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the Indians, and only by their voluntary cession, the Indian title to all lands falling under the operation of this act and acquired in the donation to the road named in the act.

That is a positive engagement on the part of the Government, one that we can not set aside at will; and if we had this duty resting upon us, is it not really a condition precedent to our right to demand a forfeiture for non-compliance by the railroad company in the building of the road within the time prescribed in the charter?

We can not lightly set aside that provision. If it were an obligation between private individuals and I was arguing it before a court, I think I should be justified in holding that until the grantor of the land had complied on his part with the condition precedent of clearing this road of an incumbrance which he alone had the power to clear it of, he should not be permitted to insist on this question of time resting upon the fact that the railroad company had not completed its road within

the time prescribed in the charter as a ground for the forfeiture of the grant. Whether that position is well taken or not, it is very strenuously urged in behalf of this railroad company. Counsel representing the railroad company before the committee brought up this question and we were obliged to consider it.

There is another provision in the charter touching the same subject. I will read it:

SEC. 17. *And be it further enacted*, That the said company is authorized to accept to its own use any grant, donation, loan, power, franchise, aid, or assistance which may be granted to or conferred on said company by the Congress of the United States, by the Legislature of any State, or by any corporation, person, or persons, or by any Indian tribe or nation through whose reservation the road herein provided for may pass; and said corporation is authorized to hold and enjoy any such grant, donation, loan, power, franchise, aid, or assistance, to its own use, for the purpose aforesaid: *Provided*, That any such grant or donation, power, aid, or assistance from any Indian tribe or nation shall be subject to the approval of the President of the United States.

This company asserts that the United States Government not only have not removed the Indian reservations which cross their line of railway as projected and laid down on the map, but that they have actually put other wild and savage tribes of Indians across their line, and have given them what are called executive reservations, or reservations by executive order, which have prevented the company from even making surveys of their line of road. That is the claim.

In view of these statutes, and in view of this assertion on the part of this company, the question that I present, and the only one that I desire to present, is this: Shall we so legislate here as to deprive this company of the right to make these questions against the United States? I can state it more strongly than that: Can we so legislate as to prevent and estop the company from making these questions against the United States? When we demand a forfeiture of this land grant upon the ground that the company have not complied with part of the requirement of the charter to build their road within the time prescribed in the act, can we insist, have we the power to so frame our enactment as to preclude the company from raising that question and having it settled by a court? I do not think we can.

Here is what the company asserts in reply to this proposition:

The United States has not even attempted to fulfill its promise to extinguish the Indian titles. It has never commenced to put the land grant in condition to be sold, pledged, or to be otherwise utilized as a means of raising money for construction purposes. So far from doing so, it has still further encumbered these titles. In 1868-'69 it located the Cheyennes and Arapahoes directly across the prescribed route of the road in the Indian Territory, and guaranteed their exclusive right of occupancy. The warlike Navajoes were located over us in New Mexico and Arizona in 1868 with similar guarantees. Small reservations for other tribes and for Pueblo Indians have been created in our pathway and military reservations have been put across our route. These not only deprive us of the enjoyment of the land grant, but they also in the large areas covered thereby block our right of way and destroy our ability to take materials for construction. The War Department has ordered our tie-camps from the limits of military reservations created by executive orders long subsequent to our act of Congress, and only after long delay, extended argument, and consequent loss of time and money were such orders rescinded. The Interior Department has ordered our surveyors out of the Indian Territory, wherein our right to construct was guaranteed by charter and by treaty. The direct money loss consequent on this action exceeded $100,000, and long delays were incurred before such orders were rescinded.

Since the road was constructed in Arizona and the granted lands thereby earned the Government has established new Indian reservations upon same, and without apparent regard to the existence of our vested property rights therein. These are the Moqui, Suppai, and Hualpi reserves, which lie directly upon our grant, and the latter reserve reaching almost to our track.

The United States has equally failed to survey the lands. As will be presently shown, the company has pushed construction at such points and times as was possible to a business enterprise; and as the road progressed the company has pressed the United States to identify the granted sections by surveys and patents. This reasonable request has not been complied with. Failing to secure such action from the Government, the company has asked the Interior Department to either permit it to deposit the requisite moneys under the special deposit law, or to advance same as a credit upon the charges required to be paid upon issue of patents. Both requests have been denied. So that the Government has both failed to do what it agreed to do in the matter of surveys, and it has refused to allow the company to do same at its own cost.

As a body, the land grant is still largely unsurveyed along the line of constructed road. While the land grant, in that undefined condition, may be subjected to a general mortgage, there is no segregation of the particular sections inuring to the grant from the adjacent mass of public lands. An absence of identification exists. Hence the company is hampered in its location of stations, depots, and other permanent improvements; it can make no titles to purchasers; it can not invite settlements. A railroad and a wilderness are incompatible things and can not long co-exist. Either the wilderness must be subdued or the railroad must die of starvation. If land titles can not be perfected nor the ownership of lands be identified, the process of subduing the wilderness will be slow and perhaps impracticable.

That is what is asserted in behalf of this railroad company in resistance to our right to insist upon any forfeiture because of the lapse of time. I do not assume to decide this question between the railroad company and the United States; neither do I think that Congress ought to assume to decide it. It is a question of fact affecting the equities between these parties, equities that reach down to the bottom of the subject and present the legal question; also, whether we have now the right to declare this land forfeited by judicial sentence. But certainly I will not consent by the legislative declaration that is proposed in the House bill to so far affect the rights of this railroad company as to deny what they claim. I want the political declaration, or the declaration of public policy, to be made by the Congress of the United States of the forfeiture of the lands, so as to give the United States Government a standing in court, and then that the Attorney-General or the proper district attorney under his direction shall present his bill in equity in the nature of a bill of interpleader, and he shall take these different parties into court with their rights entirely unaffected by legislation so far as the value of them as it respects the title is concerned. Let them stand for what they are worth under the laws of the United States and upon the facts as they shall be established at the time of the trial in that court. As a member of the committee I have not assumed the duty or the authority to make a final decision of these facts or of what their effect would be upon the title and upon the equities of these parties. I prefer to leave that to the adjudication of the courts.

Mr. President, there are other reasons which operate against the policy I am advocating here of declaring a forfeiture of this land grant, which were presented for the consideration of the committee, and which I deem it to be my duty very briefly to present to the consideration of the Senate. The first is that the financial panic of 1873, which paralyzed trade and largely weakened the confidence of capitalists in venturing further investments in railroad building through undeveloped sections, retarded the company in its progress, a cause that might be assimilated without irreverence to the act of God, a financial condition which deterred men of large capital from investing their money in a wilderness country. The second point that they urge in this direction is this:

The continued failure of the United States to put the company's grants in condition for use by extinguishment of Indian titles as a basis for raising sufficient money for construction purposes naturally deterred capitalists from advancing necessary funds on the faith of a grant of lands which, because of existing Indian titles, the company could not then dispose of by sales to settlers, &c., and the period of actual enjoyment of which rested in the indefinite future. These causes combined forced the failure of the company, a result sought to be averted by earnest, repeated, but ineffectual appeals to Congress.

After having made their arguments they sum up certain conclusions which I will not read *in extenso*, but the substance of which I will state as being the ground which this company occupy in respect to the United States as they claim the facts and the law to be. First they say that—

The legislation of Congress applicable to this road should be construed as a whole. Undue effect should not be given to one provision of the law so as to make same inharmonious with other provisions. It should also be construed with reference to the history of the times when the law was enacted, in order to ascertain the reason as well as the meaning of particular provisions.

That is certainly a very sensible and very reasonable request. We have found it necessary in order to build all the great lines of railway to connect the Atlantic and Pacific that we should give them additional powers, power to mortgage all their franchises after they had failed with the stock subscription system to get money enough to build their lines. The Government of the United States not only knew that these companies had failed to comply with the conditions subsequent in their contracts up to the time the power of mortgaging their estates was given, but the Government understood perfectly well the reasons for the failure, and that these companies were excusable in the eyes of the people of the United States for not having been able to comply strictly with the terms of the grant. So it was that the Government, finding that these roads could not be built simply by private contributions to the capital stock, as was at first hopefully expected, gave the Northern Pacific and the Texas Pacific and the Atlantic and Pacific the power to mortgage all that they had derived from the Government of the United States even down to the right of way and their franchises, for the purpose of inducing capitalists to come in and invest their money in the mortgage bonds.

We had stood by until we saw that these roads were a failure; we had stood by until various events had occurred which would have technically entitled us to insist on a forfeiture of the grants; and finding that failure was inevitable, that the forfeiture would result in the disappointment of that grand expectation of the building of these highways to connect these great oceans, the Government of the United States came in by this act of Congress, condoned and waived really and truly, not in terms but in effect, all previous causes and grounds of forfeiture, enlarged the powers of the corporations, and started them upon a new system, the old one having failed to supply the means to build the roads. The new system placed these railroad companies directly upon the confidence of the capitalists of the country, and gave to them what was considered a sufficient security for the payment of the bonds which they issued.

Now, I recall the attention of the Senate to the fact that when we gave them power in 1871 to mortgage their franchises and their property of every description for the security of bonds to be issued under the mortgage to realize money to build the road, we did not fix a period of maturity for those bonds. We allowed that to be fixed by an agreement between the railroad company and the bondholders, the men who loaned the money. If the Government of the United States, when it was making this offer to the capitalists of the world that they should have the security of this railroad company—all that it had built and all that it could build and all its property of every description, including its franchise—did not impose as one of the conditions of the mortgage a period of time within which the road should be completed, then it can not be stated that there is not strong ground at least for argumentation on behalf of this railroad company that we had waived the right to for-

feit the lands if the road was not built within the time previously prescribed in the original charter.

I do not say that that is so. I do not take that view of the question. I will vote against that view of the question. I will vote that we have a right to forfeit these lands because they did not build the road within the period fixed in the original charter, in order to bring the question before the courts. Nevertheless by our votes we can not extinguish the argument that is made against this exercise of power, and I can not say to the American public that these people who are arguing in this way and in good faith are clearly in the wrong, and that I am still disposed to cut their claims up by the roots and not to hear them in a court of justice. If the Supreme Court of the United States or any of the other constitutional tribunals of this country shall decree that upon that state of facts it was the implied intention on the part of the United States to waive the ground of forfeiture mentioned in the original charter as to the question of time within which the road should be completed, then I want them to have the benefit of it, the right to it.

Here I will mention again the fact that this committee have not been empowered by the Senate of the United States to ascertain the facts affecting these grants in a judicial way. We have to take the representations made pro and con upon this question by gentlemen all of whom are interested, and in no sense of the word have we engaged in any judicial investigation of the rights of these parties. We have to gather the facts as I state them here to-day from the briefs made by the counsel, and from oral arguments made and statements made by interested parties before the committee.

As I understand the facts of this case, the time for completing the road was the 4th of July, 1878, twelve years from the date of the act. That was a rather short time, and I have a good deal of doubt as to the sincerity of the expectation of either party, Congress or the railroad company, that so long a line of road—nearly 2,000 miles long—should be built within twelve years. On the 20th of April, 1871, Congress authorized the company to mortgage everything, waiving previous causes of forfeiture, not expressly but by implication, and extended the period of control over the lands indefinitely so far as the mortgages were concerned.

The map of the general route was filed December 2, 1871, after this act authorizing the mortgaging of the lands had been passed. On January 30, 1880, a tripartite agreement was made and was followed by a mortgage. That was an agreement between two other railroad companies and the Atlantic and Pacific Company that, for the purpose of getting an outlet to the West over this road, the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco roads agreed that they would come in and guarantee the interest upon their bonds, and would actually mortgage their own income from their own roads in support of those bonds so as to give them currency in the market. That agreement was entered into January 30, 1880, and it was in pursuance of that agreement that the money was raised to build the road from Albuquerque out to the Needles. This was not an unlawful act, neither was it without hazard. It was exactly in line with a policy that the United States eagerly sought to carry into effect, of completing this great transcontinental highway.

A question was made before the committee, and I notice a question was made in a report made to the House of Representatives, that this railroad company, instead of commencing at one of its termini and building clear through in either direction, commenced in the middle of its route. Why, Mr. President, between Springfield, Mo., and Albuquerque there intervened the Indian Territory, through which they could not go. They were not permitted to go through there and the Government of the United States did not comply with the agreement to provide the means by which they should go through with their railroad, and this road would not have been built to-day, it would have been a physical impossibility to build it, had it not been for the fact that the two roads to which I have referred as having taken the bonds of this company found it convenient and necessary for their own business that the road should be commenced at Albuquerque and built west, they supplying the necessary transportation and carrying the materials, ties, rails, and things of that kind to the point at which the road could really be commenced to be built.

Twenty-five miles of road were completed by this company by the 27th of September, 1870—mark the date—only twenty-five miles. From the date of the charter down to the year 1870, on the 27th of September, this company had only actually built twenty-five miles of its own line. It had, however, bought a road leading from a point near Saint Louis to Springfield, which is now the Saint Louis and San Francisco road. They bought that road or got the control of it, and were afterward compelled to surrender it. That road included, they had built one hundred and twenty-five miles of continuous line by July 4, 1878, the period at which the charter was forfeitable.

There were only seven years, from 1871 to 1878, within which Congress expected a line of more than 2,000 miles to be built, if Congress really did not intend, when it gave the company this mortgaging power, to make a waiver of the condition in the original grant that the road should be completed by the 4th of July, 1878. Up to this date, since the 4th of July, 1878, a road has been constructed and equipped in first-class style, and has become a very important factor in the commercial intercourse of that part of the country, and of this part, too, with its nine hundred and sixty-four miles of railroad. It has got to be an immense trunk line. So, adding this to the road from Saint Louis to Springfield, there are now completed at least a thousand miles of railway.

When we come to average this through the period of thirteen years you will find that this company has built considerably more than fifty miles a year. It did not build fifty miles in each year, but when it got into a condition that it could work at all, could get materials from the Atchison, Topeka and Santa Fé road and from other roads, then it went immediately to work and built the road with very great rapidity.

Now, taking this brief summary of facts together, is there not strong ground for the argument made by this company that the Congress of the United States *in foro conscientiæ* is bound to admit that it was a part of the intent and purpose of this Government in its dealings with this road not to insist upon the technical forfeiture running back to or commencing the 4th of July, 1878. If we had the right of forfeiture of the lands on the 4th of July, 1878, why have we not enforced it? Why has no bill been brought in here for the purpose of determining this land grant, cutting it off on the legal technicality which arises upon the recent construction of this act? I am not answering that question. Indeed, I have not undertaken to answer any question in this case except the single one that the Government of the United States, in obedience to the public demand I will say, ought to declare a forfeiture of this land grant for the purpose of giving to the company and to the United States Government a standing in court and a tribunal, so that they may go before it with their rights unimpaired by any influence of Congress upon them to change or give color to them in favor of the Government or in favor of the other party, and there have them settled according to law.

Now, Mr. President, we are to have a great deal of this work to do, it appears. I look with very great apprehension upon the view of this case and of the many similar cases which would involve the Senate of the United States day after day, and session after session, and year after year in sitting in judgment upon facts to be ascertained before committees and upon the great mass of intricate and involved and difficult law questions that must arise upon the numerous grants which it is now sought to set aside and to annul. We shall have enough to occupy this body for the next five years, if we do nothing else, in the consideration of all the intricate claims which must naturally arise in the disposal of these vast land grants. As I stated to the Senate the other day, the number of these conditional grants exceeds one hundred, not all forfeitable and not all being pursued, but a number of them are forfeitable; a number of them are severely attacked.

Now, what course are we to pursue in this matter? Are we to usurp to ourselves judicial functions for the decision of the facts and the law touching all of this great mass of grants, or shall we appeal to that tribunal which is provided in the Constitution for the consideration, determination, and execution of the rights of every person, whether a corporation or a private citizen—the judicial department of the Government? What have we got judges for if we intend to usurp their functions? Why do we have courts, if we, in obedience to popular clamor or demand, shall organize ourselves into a high court of first instance, a *nisi prius* tribunal, for the purpose of hearing facts and deciding law and coming to grave conclusions upon these important matters?

Mr. President, we are scarcely impartial; for after all the Congress of the United States stands closer to the Government and closer to the people than any other department of this Government, and we act in the name of the people and for their benefit continuously. Their impressions and their desires and their convictions are very largely ours, and it is proper that it should be so, for we are the representative branch of the Government of the United States. It is one of our noblest as well as one of our most useful functions that we are here to represent the demands of the country in respect of its policy upon all questions. But, sir, the representatives of the people who claim to own this land are not the men from whom we shall expect the most impartial judgment upon questions of this sort. We have a tribunal which is set apart under the laws of the United States, apart from the people. The judges hold their offices under a life-tenure. They are carefully and cautiously removed from all influences of a popular character. They are not expected to yield to popular impressions, and though there might be 50,000,000 people clamoring for the destruction of a man or his rights these courts are so organized as that we confidently expect that a single judge shall stand in the breach and give a man his rights under the Constitution and under the laws against the whole power of the people.

I do not wish, in an attempt to gratify any eagerness on my part to satisfy a popular demand, to put myself in the shoes of the judges of this land, and to take away from any corporation or from any human being the guarantees which we provided under our constitutional system for the protection of private rights. Let every man and every corporation, no matter how popular or how unpopular he or it may be, no matter what accusations can or may or have been brought against these people or against these corporations as being monopolists or land-

grabbers or grasping tyrants, let them all have an opportunity to be heard in the courts of the country, in an impartial forum, and after full pleading and after testimony delivered upon oath, let their rights be decided upon. If need be, let the chancellor call a jury to decide issues of fact, so that the body of the country, as it is termed, may pass upon questions of this kind, and then no one can complain of injustice.

Now, as this is the first question that has been before the Senate, the first land-grant forfeiture, I believe, that has ever been considered in the light in which we are now considering this question, I appeal to the Senate of the United States that they will take pause upon this case, and that they will in this case set a precedent which we will hereafter follow, of providing a reasonable, expeditious, just, fair, and satisfactory method of trying every right that is claimed, it makes no difference how absurd it may appear to our minds, arising under the laws of the United States touching these grants. We have no right to seize upon the powers of the judges to decide questions because we think we may have the right to assume in our own opinion that these judges, when they come to consider the questions, would decide them in the way we think they ought to be decided by Congress. We have no right, as is attempted in the House bill before us, to proceed to dispose of the title to these lands after we have declared their lawful forfeiture. We have no right to say that the Government of the United States shall resume the title to these lands; for it may turn out even in collateral proceedings between other parties interested in these lands that the courts will say, "You have no power over the title." We have no right to say that we will seize upon the title of these lands, and that they shall be restored to the public domain by act of Congress. That may be one of the results of the judgment of the court whenever it is rendered. At the same time, when we give legislative expression to that result in advance of a trial we so far hamper and obstruct the judicial authority in passing upon questions of this kind that it can scarcely afterward be said to be freely and fairly exercised.

Mr. President, another thing we do in this bill which admits away an important feature of the whole case presented in the bill as the House sent it to us. We apportion this forfeiture, and we say that it shall apply only to those lands which are adjacent to and conterminous with the uncompleted portions of the main line of the said road. There is no such language as that in this grant. The power of Congress to declare a forfeiture of these lands for non-compliance with the condition subsequent was not in the act granting these lands limited to those that might be conterminous with the uncompleted or the completed portions of the road.

We take the grant and cut it in two; we reaffirm it in part by act of Congress before we undertake to claim under its terms a forfeiture of another part. That is not legal consistency. It is equity, it is justice in our view of the case and in my view, as in that of everybody else. At the same time it is not a judgment pronounced as a court would pronounce a judgment upon that grant. It can not be. We have undoubtedly the right, if we have got the power of forfeiture, to limit the forfeiture to a certain portion of the land, which means simply that the Government of the United States, having a broader right of forfeiture than we choose to assert, will assert a forfeiture to a certain extent only. We have got the power to waive it, the power to relinquish, the power to abandon this right of forfeiture in this way; but still, what does it prove in respect of the legal consistency of our action? Why, sir, it proves that the grant itself may be apportioned as well as the right of forfeiture.

Now, the railroad company insists that there is an equitable apportionment of this grant, as when the company has equitably earned a portion of it it would be entitled to it under the decree of a court. Congress, when it cuts the grant in two and makes an apportionment of it in directing the forfeiture, necessarily admits that it is apportionable as to the cause or ground of forfeiture, and so we proceed to act. It is in this view that the claim arises in favor of the company that there is such a thing as an equitable compliance with the conditions of the grant in the absence of a technical compliance.

There is another thing that we do. Under the terms of this act we have the right to alter, amend, or repeal the charter, and we have also the right to declare the forfeiture of the lands because they were not earned by the 4th of July, 1878. But what do we do here? Instead of forfeiting all the property of this company and getting it into the possession of the Government so that it may execute another very important feature of this grant, we confirm the right of this delinquent company to the right of way and to land for stations, without saying how much land, through its entire length. Here we split the subject up; we confirm a part and we forfeit a part; we leave the right of way according as it has been established upon the map which was filed in the Department and approved there, and that right of way extends from Springfield, in Missouri, to San Francisco. That is a valuable right; and after we have granted it in the original act and confirmed it in this act we never can take it away. So, then, in the very act which we are considering we cut this grant to pieces, and we confirm to the company one of the most important features of it; we perpetuate this as a railroad company without the power of forfeiture hereafter, with the right of way extending from Springfield, in Missouri, to San Francisco, in California.

After having done that, perhaps it is very well for us to listen to some reasons that are urged and to give a little weight to the argument made on behalf of this company to the effect that there is an equitable apportionment of the right of forfeiture as well as of the property itself, and that when we have slept upon our rights and have not insisted upon the right of forfeiture we have waived it, and when we have conferred new powers upon this company of a most important character in the very face of the fact that we had the right then to demand a forfeiture, we have condoned it. And so I conclude that it is well for us to listen to what they say, and let them have a chance to prove it if they can in a court of justice that the right of forfeiture may be waived and possibly has been waived.

Justice requires that we shall answer to the demand on their part that they shall have a fair trial in court, and that you shall not take the legislative ax and lay it at the root of the whole subject and cut it up beyond remedy. Sir, I must say that I abhor the idea of any legislative forfeiture merely because Congress has got the power, or because it may be sustained by popular clamor or pressure of any kind. I revolt at seizing upon powers that do not legitimately belong to us and using them for the destruction of any man's rights. Whether we acknowledge them or not, if he honestly makes claim to them it is our duty to relegate the subject to the judicial tribunals in order that they may be there considered.

This company make another very important point. They say that under the express provisions of this charter the Government of the United States never reserved the right of forfeiting these lands so as to recall the title back to itself; that it made a permanent dedication of these lands to a public use, and that after that dedication was thus permanently made the title was irrevocable by act of Congress. I do not assert here, it is none of my business to assert pro or con, that that point is well taken in law and upon the facts of this case, but I should be a little surprised if a court did not consider it a long time before it ruled against the company.

We remember those two leading and important cases in 9 Cranch which I had on my desk this morning but unfortunately sent away, in which the doctrine is laid down in the broadest possible form that where a government has made a dedication of property even to religious uses, and where afterward by an amendment of the constitution of the country it was forbidden that such dedications should afterward be made, still the prior dedications stand; and, under the doctrine of *cy pres*, if we could not find the particular person who is the donee of the benevolence we must find some person as near as possible in his shoes to execute the benefaction in behalf of religion. I refer to the cases of Terrett and others *vs.* Taylor and others, and The Town of Paulet *vs.* Daniel Clark, both in 9 Cranch.

It is not worth our while to belittle a question of this kind or to assume in the arrogance of our own power that there is nothing in it. We shall be confronted with it whether we wish or not; and in collateral suits that will spring up under the legislation proposed by the House of Representatives, costing millions of money and involving thousands of people in private litigation, these same questions will come back to us and find their way into the Supreme Court of the United States in spite of all we may do.

This question that I have just barely stated as one that is made by the corporation, of the irrevocability of the grant, the dedication of the lands, is one that we have got to meet. It may be true, and is true, that when the Congress of the United States has declared a great public use or benefit in this land grant, namely, the building of a railroad to connect the great oceans, and for distant communities, and has dedicated the lands to this important purpose—it is true that if this railroad company which is the beneficiary of the grant does not, can not, or will not build the road, Congress has reserved to itself and could exercise the power of having the road constructed by some other agency. Mr. President, it is also probably true that Congress can not recall that dedication so as to deprive the communities that were intended to be benefited of the advantages of the grant.

When Congress gave alternate sections of land along this immense and magnificent grant to the company and then put the other alternate sections at the double minimum, at $2.50 an acre, the policy was simply this, that the Government would lose nothing, because it would get double price for the land enhanced in value by the building of the railway; but further than that, above that, far beyond the interests of the individuals who might get a profit out of building the road or the interests of the present generation and reaching out to the interests of coming generations down the tide of time unmentionable, a great use and advantage were to accrue to these people from the building of this great railway.

Can Congress recall that grant and deprive these people of its advantages so long as there is power to execute it? I should not be at all surprised if the Supreme Court of the United States, after all, did not say that the Congress of the United States can not recall this grant and reclaim the land for other purposes, for the reason that words are not to be found in the grant to indicate that these lands are to revert to the United States. Such words are not in the grant. But the conditions operating in favor of the power of Congress to control the lands after the condition subsequent has been broken are only that Congress shall

take this land for the purpose of completing this same railroad. That is an important question—one that I do not intend to debate, much less to attempt to decide it; but I am merely stating it as I am stating these other questions which arise under the act of Congress. I read section 9 of the act, and I desire the attention of Senators to this section, because this is an important point that the corporation makes in this case, and it ought to have fair consideration:

That the United States make the several conditional grants herein, and that the said Atlantic and Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

If any man can find in that language or in any other language in this act a reservation, expressed or implied, that these lands were to return to the public domain I shall give him credit for great ingenuity. It may turn out that way after a judicial investigation, but I am not willing to assume in advance that Congress has reserved to the United States the reversion of these lands to the public domain when there is not one word in the grant that indicates there is to be a reversion.

On the contrary, the whole structure of the act, and every expression in it indicates that it was not the intention of Congress that the lands should revert to the Government upon the breach of the condition subsequent, but that they should remain dedicated to the great public use of building this railway. Congress pledged itself that it would take the land in case the road was not built and all the property and all the franchises which it had granted to the company and employ them for the purpose of insuring a speedy completion of the road. There is the continuing purpose distinctly announced, and the continuing obligation on the part of Congress acknowledged to accomplish that great result, and it is totally inconsistent with the idea that the lands are to revert to the Government of the United States in the sense of their becoming public lands and subject to public disposal instead of remaining lands dedicated to the purpose of building this great road.

I have gone as far as I desire to do in this matter. I know that the bill can be discussed as it ought to be. There has not been a more important bill in the United States Senate in twenty-five years, unless it was something connected with the civil war, than this is. We can not now properly argue it. The Senate is not disposed to listen to argument about it. Numbers of the members of the Senate are now concerned in conference committees in the different committee-rooms for the purpose of trying to bring together and close up the business of this long and laborious session, and it is really impossible for the Senate now to give to this, this first case of the kind we have had before us, the sort of consideration that it ought to have.

The best that I have been able to do with this great subject, in my own humble judgment, has been to offer the amendment which I had the honor to present, which, I will again state, is simply to stop the proceeding of legislation at the declaration of the forfeiture of the land grant, and then require the district attorney, under the direction of the Attorney-General, to take these parties into court and there to have the whole of their respective rights settled and adjusted.

The machinery which is provided in the amendment has been subjected to the scrutiny of the Committee on Public Lands, and I believe that there is no objection to it. I believe it is thought to be simple enough and convenient enough to secure the rights of every person in a rather inexpensive way and to accomplish one great desideratum, that is, in a single suit to be tried in the name of the United States and in the United States tribunals, to settle up the controversies which, if we leave this matter in the shape that the House has sent it to us, will spread out into innumerable litigations involving private citizens in extravagant and expensive lawsuits throughout the length and breadth of this great land grant. If we should accomplish nothing else by the amendment than to have one suit in which all these questions can be settled, that would be worthy the attention of the Senate of the United States, and I hope that sufficient attention will be given to the details of this measure to enable the Senate to understand the importance of it and the necessity of adopting the amendment I have had the honor to propose.

The Senate Committee on Public Lands, a majority of them, have reported a bill substantially as this amendment is. The committee are satisfied that there should be a general law upon this subject, and I should myself have moved a general law as an amendment to this bill but for the fact that I find it difficult to provide in a general law for the particular court which shall have jurisdiction. For instance, here is a court in California which might take jurisdiction of this matter; perhaps one of the Territorial courts might do it; a court in Arkansas could take jurisdiction because one branch of the road runs into that State; a court in Missouri could take jurisdiction. In the bill that is pending I propose that the court in the State of Missouri shall take jurisdiction, because I suppose that to be the nearest court to the completed portion of the line eastward, and perhaps nearest to the witnesses and all the evidence that may be required in the trial of the cause.

If I had proposed a general bill, in lieu of the amendment containing all the stipulations and provisions, I should have found difficulty in designating the court in which these various land grants are to be hereafter tried. So I thought it was best, and I thought it was my duty, too, to bring forward this amendment upon this particular bill, so that if Congress shall vote that this land is forfeited then a provision is put in the bill itself designating the court into which the case may be carried, and where these rights may all be settled. I only wish to secure a speedy and fair hearing of every claim and interest in these forfeited lands that anybody, claiming under the United States, may choose to assert in good faith; and I believe that all this can be accomplished under this amendment.

Mr. DAWES. I ask the Senator from Kansas to permit me to call up the fortification bill.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Massachusetts asks that the bill under consideration be laid aside informally that he may call up the fortification appropriation bill.

Mr. PLUMB. I consent to that.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Massachusetts moves to proceed to the consideration of the appropriation bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes; and it was thereupon signed by the President *pro tempore*.

FORTIFICATION APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER (Mr. PLATT). Does the Senator from Massachusetts wish to have the bill read by paragraphs for amendment?

Mr. DAWES. Yes; let the amendments of the Committee on Appropriations be acted upon as they are reached in the reading of the bill.

The PRESIDING OFFICER. There being no objection, such will be the order of the Senate.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in line 26 of section 1, after the word "projectiles," to insert "and for the expenses of experiments in the use of dynamite or other high explosive projectiles, and for;" in line 30, before the word "on," to strike out "draughtsman" and insert "draughtsmen;" and in line 31, after the word "bureau," to strike out "three" and insert "five;" so as to make the clause read:

For the armament of seacoast fortifications, including the purchase of machine-guns of the latest improvement, the manufacture and conversion of heavy guns and carriages, projectiles, and for the expenses of experiments in the use of dynamite or other high explosive projectiles, and for fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, $520,000.

The amendment was agreed to.

The next amendment was, after line 32 of section 1, to insert:

For the preservation of Fort Marion, at Saint Augustine, Fla., and for the inclosure and improvement of the grounds attached to the same, said grounds to be in charge of the commanding officer of said fort, $5,000, said sum to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, after the word "determined," in line 44 of section 1, to strike out:

And to make the same known to the public without unnecessary delay, by public advertisement, so as to open the enterprise of producing cannon for the Government to public competition and encourage private manufacturers of cannon to produce, publicly test, and offer cannon of established endurance and power for sale to the Government.

And in lieu thereof to insert:

And to report the same to Congress at its next session.

So as to make the clause read:

It shall be the duty of the Secretary of War to cause the various calibers, lengths of bore, greatest and least admissible weights of guns for each caliber, together with the greatest and least weights of projectiles for each caliber, of all of the various calibers required for the service, together with the number of each caliber of gun required, to be determined, and to report the same to Congress at its next session.

The amendment was agreed to.

The next amendment was, to strike out lines 52 to 78, inclusive, of section 1, in the following words:

And it shall be the further duty of the Secretary of War to devise and make

known to the public liberal and fair regulations regarding the proof and purchase of guns, and upon receiving due notice that any projector or maker has a gun ready for proof, to promptly appoint officers to be present to witness the firing and report the facts not only as to the firing, but as to the materials of which the guns have been made, the plan and mode of construction, the powder, the projectiles, and the carriages, all to be particularly described with regard to all trial guns so offered for proof by private manufacturers who desire to produce armament by a conversion of obsolete guns on hand or according to special designs, and to secure for service only the best and most effective kinds, especially as to power and endurance under rapid firing, and at the lowest prices of those kinds which best meet all the requirements of service, as specified, of whatever material they may be made, whether such cannon shall be produced by private manufacturers or otherwise.

But in all cases, except where the trial guns are projected by officials and completed in Government establishments, the guns and all the expenses of the test must be provided and borne at the cost of the manufacturer of the guns, and are not to become chargeable against the United States unless it shall be established by the proof that the cannon of each kind and caliber, of whatever material they may be made, shall fully meet all the requirements of the service.

The amendment was agreed to.

The next amendment was, to strike out section 2, in the following words:

SEC. 2. That it shall be unlawful, from and after approval of this act, to construct more than one rifled cannon of any particular material, caliber, or kind at the cost of the United States until one or more of such cannon of the required caliber has been publicly subjected to crucial test, including such rapid firing as a like gun might be subjected to in actual battle, for the determination of its endurance, and shall have stood such test to the satisfaction of the President of the United States, or such persons as he may select; and he is hereby authorized to select not to exceed five persons who shall be skilled in such matters, and unless it shall be demonstrated that such cannon is equal as to power and endurance to the best guns known to any military service, the guns shall not be purchased for the United States.

The amendment was agreed to.

The PRESIDING OFFICER. The numbers of the remaining sections of the bill will be changed to correspond.

The reading of the bill was resumed and concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the Treasury Department.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; and it was thereupon signed by the President *pro tempore*.

RENT OF ROOMS FOR COMMITTEES.

Mr. BOWEN. I ask that the regular order may be further laid aside that I may call up a resolution.

Mr. PLUMB. I understand the Senator from Colorado simply desires to offer a resolution for reference, and I have no objection.

Mr. BOWEN. It is Order of Business 321, being a resolution reported from the Committee on Contingent Expenses authorizing the Sergeant-at-Arms and Architect of the Capitol to rent suitable rooms for the use of Senate committees.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the regular order may be further laid aside in order to consider the resolution indicated by him.

Mr. PLUMB. I thought that the Senator simply wished to introduce a resolution for reference.

Mr. BOWEN. I simply wish to have the resolution passed now. I withdraw the suggestion if there is any objection to it.

Mr. PLUMB. I do not care to yield for that just now. There will be some debate on the resolution.

The PRESIDING OFFICER. The Senator from Kansas objects.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. DOLPH. Mr. President, the bill under discussion is one of a number of similar character which are upon the Calendar, and will come before the Senate for its consideration. As this is the first discussion in the Senate of the question of land-grant forfeitures, I shall not confine myself to the facts relating to this particular bill, or to the propriety of a forfeiture in this case, but shall submit some observations in regard to the history of Congressional legislation concerning the public domain, the origin of the land-grant policy, the question of land-grant forfeitures, and the power and duty of Congress in dealing with the question of forfeiture. I shall, however, endeavor to keep in mind the value of time at this late day in the session, and be as brief as possible.

On the 17th of April last my colleague, Mr. SLATER, delivered a speech upon the subject of land grants, in which he sought to contrast the management of the public domain by the General Government from the Revolution to the time when the Republican party came into power, with management under Republican administration, and in which by implication at least the supposed evils arising from the land-grant policy were charged upon the Republican party. I quote from that speech as follows:

It is only too apparent that within the past decade the area of public lands available for settlement is rapidly diminishing, and just in proportion as the public lands suitable for settlement diminish the improvident and wasteful prodigality of the bestowal of so many millions of acres of public lands upon great and grasping corporations is made apparent. * * *

Any policy that places needless restrictions or obstacles in the way of the people acquiring land for homes from the public domain strikes the best interests of the country in a most vital part. It was a most unfortunate mistake for the best interests of the people whose circumstances and lot in life made them seekers of homes upon the public domain when the Government was lured into the policy of making extensive grants of lands to corporations to aid in the construction of railroads. * * *

And after referring to the grants made during the first four years of a Republican administration, he continues:

For seventy-eight years, counting from the close of the Revolution, the public lands of the United States were regarded as a sacred trust, and were administered by the General Government, no matter what party for the time being held the reins of administration, as a trust, with a jealous care for the interest of the people who will ultimately make homes thereon.

It is true, sir, they were not given as homesteads to settlers, but they were placed within the easy reach of all on such terms as all could readily comply with, and by complying acquire land and homes.

And while admitting that the homestead law was the crowning act, the wisest and most beneficent of all the acts of Congress relating to the public domain, and after asserting that it was the only redeeming spot that he knew of in all the acts and doings of the Republican party in the administration of the public lands, he apparently sought to deprive the Republican party of the credit of that act by asserting that the "idea" was of Democratic parentage.

I have been curious enough to trace to some extent the origin and history of the land-grant policy and the history of legislation concerning the public lands to see what grounds exist for the claim that up to 1861 the public lands were "regarded as a sacred trust and were administered in the interest of the people," and I assert without fear of successful contradiction that an examination of the history of Congressional legislation concerning the public lands will show that the administration of the public domain by the Republican party, as compared with any previous administration, has been wise and judicious, in the interest of the settlers and of the public, and has been free from most of the mistakes and abuses which are to be found in the administration of the public lands during almost every previous administration.

The first act of Congress providing for the disposition of the public lands was an act of the Continental Congress, passed August 14, 1776, offering to receive and make citizens of deserters from the British army, and tendering each deserter fifty acres of unappropriated land in some one of the States. And from that date for a period of three-quarters of a century, running through the statutes of the United States is a series of laws, probably a thousand in number, authorizing the disposition of the public domain other than for cash, or by pre-emption or homestead methods, including donations to States and to associations and persons for a great variety of objects.

I find in what is known as the report of the public land commission the following table, showing the disposition of the public domain prior to June 30, 1880:

The disposition of the public domain from its origin to June 30, 1880, is estimated at 547,754,483 acres, partially accounted for under the following items:

	Acres.
Cash sales, which include pre-emptions, &c., and probably 30,000,000 or more acres accounted for under other acts, and commutation of homesteads, from establishment of land system to June 30, 1880	169,832,564.61
Donation acts, Florida, Oregon, Washington, and New Mexico	3,084,797.36
Land bounties, military and naval service	61,028,430.00
State selections (act of 1841) for internal improvements	7,806,554.67
Salines (salt springs and lands adjacent) granted to States	559,965.00
Town sites and county seats	148,916.91
Railroad land grants patented	45,650,026.33
Canal grants	4,424,073.06
Military wagon-road grants	1,301,040.47
Mineral lands sold since 1866	148,621.14
Homesteads, 3,000,000 (estimated) acres of which have been commuted and carried into cash sales above	55,667,044.95
Scrips enumerated	2,893,034.44
Coal lands	10,750.24
Stone and timber acts of 1878	20,782.77
Swamp and overflowed lands to States, selected or patented	69,206,522.06
Graduation act of 1854	25,696,419.73
Schools, seminaries, and agricultural colleges:	
Sixteenth and thirty-sixth sections, for schools 67,893,919	
Seminaries and universities 1,165,520	
Agricultural colleges, land in place 7,830,000	
Withdrawn or patented	78,659,439.00
Area held under timber-culture act	9,346,660.93
Desert-land act	897,160.57

And various amounts disposed of under special acts, to be found in the Statutes at Large.

It was many years before the experience of the Government in attempting to dispose of the public lands led to the adoption of an effi-

cient system. Instead of the laws being administered in the interest of the settler the policy of the Government for many years was to prevent entries upon the public lands until after their sale by the Government.

I quote the following from an article upon the public lands of the United States in a work recently published:

Meanwhile a new difficulty was to be met, and force was necessary. Gallatin recalls in his correspondence with Jefferson that from 1783 to 1786 immigration into the territory north of the Ohio was encouraged by the peacefulness of the Indians, and that a company was kept going up and down the Ohio from the Pennsylvania line to Cincinnati burning every cabin and in some instances laying down or burning the fences. This operation had to be repeated, and he knew of persons whose cabins were burned and settlements destroyed three times.

In 1785 an unsuccessful attempt was made to dispose of public lands through the States. In 1787 power was given to the board of treasury to move about the United States and sell surveyed lands at pleasure. By the act of May, 1800, an attempt was made to systematize the method of disposing of public lands. Land districts were created and the appointment of registers and receivers was provided for. Provision was made for the sale of surveyed lands at public vendue at not less than $2 per acre, one-fourth of the purchase-money to be paid down and one-fourth annually thereafter for three years. Under this system excessive purchases were made. The purchasers, or at least a large proportion of them, failed to meet the deferred payments. The lands reverted to the Government incumbered by tenants. Then Congress was flooded with applications for relief, and from 1809 to 1824 hardly a year passed without a relief act, suspending or mitigating the general provisions of the law affecting such lands.

In 1828, under the relief laws, 4,168,941 acres had been relinquished, discharging $13,778,347.37 of debt, and in 1830 the debt was wholly discharged. In 1835 the public lands became an object of wild speculation. In 1834 the sales amounted to $4,800,000; in 1835, to $14,700,000; and in 1836 to $24,800,000. The receipts for the lands consisted largely of notes of irresponsible banks. Land speculators organized a "bank," got it appointed a deposit bank if they could, issued notes, borrowed them, and bought land; the notes were deposited, they borrowed them again, and so on.

In due time the crash came, and nearly all the best lands in the market were controlled by companies or single proprietors who had purchased them for purposes of speculation. Under this state of things it became impossible to restrain settlers within the limits of surveyed lands. The population pressed beyond the surveyed limits to find lands suitable for homes not monopolized by speculators, and some measure became necessary to recognize these settlements and to give them priority of right. This was the origin of the pre-emption law. Up to the year 1840 the privilege of pre-emption was generally conferred by special laws of a temporary nature—relief bills, in fact—applying to a certain class of settlers. The pre-emption act of 1841 and supplementary act of 1843 conferred the right of pre-emption upon all qualified settlers under the act, but the right of pre-emption was confined to surveyed lands, and it was not until 1853 that the right of pre-emption was extended to unsurveyed lands.

From a very early period the public lands after they were surveyed were sold at public sale at dates fixed by law or by the proclamation of the President. By the act of March 3, 1803, providing for the disposition of lands belonging to the United States south of the State of Tennessee the President was authorized to make public proclamation of the sales, fixing therein a day or days for the same to take place, and such sales were to be made under the direction of the governor of Mississippi Territory, the surveyor of the lands and the register of the land office, the sales to take place where the land offices were "kept." By the act of April 24, 1820, it was provided that the public sales authorized thereby should be kept open for two weeks and no longer. No lands could be entered at private sale unless they had first been offered at public sale. This method of disposing of the public lands was kept up until the Republican party came into power.

It will be seen at once that under this system the choice lands were sure to be purchased by speculators. At the first session of the Thirty-fifth Congress Mr. Grow, of Pennsylvania, then a member of the House, introduced into that body a bill for the protection of settlers on the public domain, intended to give the settler ten years' preference over the speculator. The bill was as follows:

Be it enacted, &c., That from and after the 1st day of September, A. D. 1858, no public lands shall be exposed to sale by proclamation of the President until the same have been surveyed and the return thereof in the land office for at least ten years.

The bill was defeated by 78 votes against it to 73 in favor of it, only nine Democrats voting for the bill. Again, on the 20th of January, 1859, to the House bill reported from the Committee on Public Lands relating to pre-emptions, Mr. Grow, of Pennsylvania, moved to add the following section:

Be it further enacted, That from and after the passage of this act no public lands shall be exposed to sale by proclamation of the President unless the same shall have been surveyed and the return of such survey duly filed in the land office for ten years or more before the sale.

The amendment was opposed by the Democratic party and especially by Democrats residing in the Southern States, and a motion was made to refer the bill to the Committee of the Whole, a reference that would have been its certain defeat. The motion was defeated by a vote of 92 to 90, and the amendment carried by yeas 97, nays 81, all the members except one voting against it being Democrats. But the bill as amended was defeated by a vote of 96 nays to 91 yeas, the Republicans voting unanimously for the amendment as they did for the bill as amended. Every Southern member except two, Mr. Blair, of Missouri, and Mr. Henry Winter Davis, of Maryland, voted against the bill as amended. Only eight Democrats, all of whom were of the Douglas school, voted for the bill.

On the 1st of February, 1859, House bill 72, to secure homesteads to actual settlers, which had been referred by the House to the Committee on Agriculture and reported from that committee January 26, 1859, came up for action. A motion to lay on the table was lost by a vote of 113 nays to 71 yeas, and the House was forced to a direct vote. The bill was then passed—yeas 120, nays 76; the Republicans, without exception, voted solidly for the bill; of the Democrats, 60 out of 98 voted against it. The bill was defeated in the Senate by Democratic opposition without a vote upon its merits.

The next session, on the 5th of March, 1860, Mr. Lovejoy, from the House Committee on Public Lands, reported the Grow bill, to secure homesteads to actual settlers on the public domain, and on the 12th of March, the same year, it was passed—yeas 119, nays 66, the Republicans voting unanimously for the bill, while all voting against it were Democrats.

On the 17th of April, 1860, in the Senate, Andrew Johnson, of Tennessee, reported from the Committee on Public Lands, as a substitute for the Grow homestead bill, which had passed the House, a bill granting homesteads to actual settlers at 25 cents an acre. When the bill came up for consideration Mr. Wade moved to substitute the Grow bill for it, which motion was lost—yeas 26, nays 31; yeas all Republicans but 3.

The Johnson bill passed the Senate on the 10th of May. The House refused to concur, and on the 19th of June the conference committees came to an agreement by which the House accepted the Senate bill with some amendments, the provision of the bill requiring payment for homesteads at the price of 25 cents per acre being retained. This bill was vetoed by President Buchanan June 22, 1860, as unconstitutional and unjust and unequal in its operations and pretended benefits, and as a measure which "will go far to demoralize the people." In the Senate the veto was sustained, 19 to 9, all the Republicans present not paired with Democrats on the question voting for the bill.

On the 4th of March, 1861, Abraham Lincoln was inaugurated President of the United States, and the Republicans, now in control of both Houses of Congress, hastened to redeem the pledge contained in their platform adopted at Chicago in 1860 by enacting the homestead law.

The homestead act is now the approved and preferred method of acquiring title to public lands. It has stood the test of over twenty-two years, and was the outgrowth of a system extending through nearly eighty years, and stands as the concentrated wisdom of legislation for the settlement of the public lands. It protects the Government, it fills the States with improvements, it builds up communities, and lessens the chances of social and civil disorder by giving ownership to the soil in small tracts to the occupants thereof. It was copied from no other nation's system. It was originally and distinctly American, and remains a monument to its originators.

ORIGIN OF THE LAND-GRANT POLICY.

To properly indicate the origin and growth of the land-grant policy a brief glance at the history of Federal aid for the improvement of rivers and harbors is necessary, as the policy of granting Federal aid to internal improvements grew out of the practice of appropriating money from the Federal Treasury for the improvement of rivers and harbors.

Under the Articles of Confederation the only limitations upon the States to control commerce were, that duties should not be levied on the property of the United States, or either of them; that such control should not conflict with treaties of the United States already concluded or provided for, and should not prevent the transfer to other States of goods imported. By the Constitution the control of commerce was given to the Federal Government, and it was provided (article 1, section 10, paragraph 3) as follows:

No State shall, without the consent of Congress, lay any duty of tonnage, &c.

In the constitutional convention, September 15, 1787, after the control of commerce had been given to the Federal Government, the following amendment was offered:

No State shall be restrained from laying duties of tonnage for the purpose of clearing harbors and erecting light-houses.

And it being suggested that there were other purposes for which tonnage duties might be conveniently levied by the States, the provision was modified as it appears in the Constitution.

The intention of the framers of the Constitution appears to have been that each State should control entirely the improvements of its own seaports, levying tonnage duties for that purpose upon the commerce which should enter them, first obtaining the consent of Congress; and the practice for years was in accordance with that intention. During the first half-century after the adoption of the Constitution a great

number of acts were passed by Congress authorizing States to levy tonnage duties.

The last act of that character I believe to have been the act of January 19, 1861, which revived and continued in force until the 3d day of March, 1871, so far as the State of Maryland was concerned, an act of Congress passed the 17th day of March, 1800, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," and which, it was recited, had by subsequent acts been continuously in force until the 3d of March, 1861.

Congress by an act passed April 2, 1802, made an appropriation for the erection of public piers in the Delaware River, and by an act passed February 15, 1819, made an appropriation for the survey of water courses tributary to and west of the Mississippi River, also those tributary to the same river, and northwest of the Ohio.

By an act passed March 3, 1821, Congress made an appropriation for certain harbor improvements on the coast of New Hampshire and Maine, and, in the naval appropriation bill passed the same day, made an appropriation for the removal of obstructions from the river Thames, in Connecticut. These isolated appropriations were the beginning of the system of river and harbor improvements by the General Government. Appropriations for the improvement of rivers and harbors were annually made by Congress with the exception of one year, 1848, from 1821 to 1862, and in some instances grants of land were made for like purposes. In the year 1826 the river and harbor bill assumed considerable proportions and included appropriations for the improvement of rivers and harbors, or both, in Maine, Massachusetts, New York, Delaware, Ohio, Connecticut, Pennsylvania, North Carolina, Alabama, and Michigan.

Annually, from 1826 to and including 1838, river and harbor appropriation bills, embracing the principal rivers and harbors in the United States then used for commercial purposes, were passed. By the act of March 2, 1819, admitting Alabama into the Union, the policy of giving the States a portion of the net proceeds of the sales of the public lands within their borders was inaugurated, and by an act passed March 2, 1827, granting lands to the State of Indiana to aid in the construction of the Wabash and Erie Canal, the land-grant policy was inaugurated.

All the States at the time of the adoption of the Constitution had seacoast and were engaged to some extent in ocean commerce. In 1791 Vermont was admitted, and subsequently other States having no seacoast, and the original conception of the powers and duties of the General Government as to improvements of rivers and harbors and as to internal improvements necessarily changed. As the burden of the tonnage duties levied by the States having seaports was indirectly borne in part by the citizens of inland States, the unfairness of appropriating them exclusively to river and harbor improvements, while the inland States received no aid from the General Government for internal improvements became apparent and the inland States began to demand appropriations for the construction of roads and canals. This was the origin of the internal-improvement system of the United States.

The first act of Congress granting aid to a work of this kind was passed in 1806, and was an act providing for the construction of a turnpike road, known as the Cumberland Road, at national expense, and, from that time forward, numerous bills for the construction of roads in the States and Territories were passed. The constitutionality of these acts was variously defended upon the ground of the powers of Congress "to provide for the common defense," "to establish post-roads," and "to pass laws for carrying into execution the foregoing powers," and on the other hand the constitutionality of such appropriations was warmly denied by leading statesmen, among others by Jefferson, Madison, and Monroe. But appropriations for internal improvements in great numbers were every year included in the general appropriation bills, and in this manner received the approval of the Executive.

The following table shows the amounts of appropriations for internal improvements under the different administrations mentioned:

Jefferson	$48,400
Madison	250,800
Monroe	707,621
Adams	2,310,478
Jackson	10,582,088
Van Buren	2,222,544
Taylor	1,076,500

I submit a statement showing land grants to the several States for railroad and canal purposes from 1827 to 1857; also a statement showing land grants to the several States for railroad purposes from 1853 to 1857, with additional grants for the same roads from 1864 to 1866.

Statement showing land grants to the several States for railroad and canal purposes from 1827 *to* 1857.

RAILROADS.

State.	Date of act.	Name.	Estimated number of acres granted.
Illinois	Sept. 20, 1850	Illinois Central	*2,595,053.00
Mississippi	Sept. 20, 1850	Mobile Central and Ohio River	1,004,640.00
Do	Aug. 11, 1856	Vicksburg and Meridian	404,800.00
Do.	Aug. 11, 1856	Gulf and Ship Island	652,800.00
Alabama	Sept. 20, 1850	Mobile and Ohio River	230,400.00
Do.	May 17, 1856	Alabama and Florida	419,520.00
Do.	June 3, 1856	Selma, Rome and Dalton	481,920.00
Do	June 3, 1856	Coosa and Tennessee	132,480.00
Do.	June 3, 1856	Mobile and Girard	840,880.00
Do.	June 3, 1856	Alabama and Chattanooga	897,920.00
Do.	June 3, 1856	Coosa and Chattanooga	144,000.00
Do.	June 3, 1856	South and North Alabama	576,000.00
Florida	May 17, 1856	Florida and Alabama	165,688.00
Do.	May 17, 1856	Florida, Atlantic and Gulf Central	183,153.99
Do.	May 17, 1856	Pensacola and Georgia	1,568,729.87
Do.	May 17, 1856	Atlantic, Gulf and West India Transit	1,171,200.00
Louisiana	June 3, 1856	Vicksburg, Shreveport and Pacific	610,880.00
Do.	June 3, 1856	New Orleans, Opelousas and Great Western	†*967,840.00
Arkansas	Feb. 9, 1853	Cairo and Fulton	1,160,667.00
Do.	Feb. 9, 1853	Memphis and Little Rock	438,646.80
Do.	Feb. 9, 1853	Little Rock and Fort Smith	550,584.09
Missouri	June 10, 1852	Hannibal and Saint Joseph	781,944.83
Do.	June 10, 1852	Pacific and Southwest Branch	1,161,235.07
Do	Feb. 9, 1853	Cairo and Fulton	219,262.31
Iowa	May 17, 1856	Burlington and Missouri River	948,643.66
Do.	May 17, 1856	Chicago, Rock Island and Pacific	1,261,181.60
Do.	May 17, 1856	Cedar Rapids and Missouri River	1,298,739.00
Do.	May 17, 1856	Dubuque and Pacific	1,226,163.05
Michigan	June 3, 1856	Detroit and Milwaukee	355,420.00
Do.	June 3, 1856	Port Huron and Milwaukee	312,484.00
Do.	June 3, 1856	Jackson, Lansing and Saginaw	1,052,469.00
Do.	June 3, 1856	Flint and Pere Marquette	586,428.00
Do.	June 3, 1856	Grand Rapids and Indiana	629,182.00
Do.	June 3, 1856	Marquette, Houghton and Ontonagon	331,500.00
Do.	June 3, 1856	Bay de Noquet and Marquette	76,880.00
Do.	June 3, 1856	Chicago and Northwestern	339,000.00
Do.	June 3, 1856	Ontonagon and Brule River	288,000.00
Wisconsin	June 3, 1856	Chicago and Northwestern	600,000.00
Do.	June 3, 1856	La Crosse and Milwaukee	600,000.00
Do.	June 3, 1856	Saint Croix and Lake Superior	843,552.00
Minnesota	Mar. 3, 1857	Saint Paul and Pacific	748,800.00
Do.	Mar. 3, 1857	Saint Paul and Pacific, branch line	885,000.00
Do.	Mar. 3, 1857	Saint Paul and Pacific, Saint Vincent extension	1,200,000.00
Do.	Mar. 3, 1857	Saint Paul and Sioux City	765,000.00
Do.	Mar. 3, 1857	Winona and Saint Peter	1,200,000.00
Do.	Mar. 3, 1857	Minnesota Central	386,040.00
Do.	Mar. 3, 1857	Southern Minnesota	53,619.45
Total			33,348,266 72

*State received full amount. †By act of July 14, 1870, the lands not lawfully disposed of by the State were declared forfeited to the United States.

Statement showing land grants to the several States for railroad and canal purposes—Continued.

CANALS.

State	Date of act.	Name.	Estimated number of acres granted.
Indiana	Mar. 2, 1827	Wabash and Erie	1,439,279.00
Do	Feb. 27, 1841		
Do	Mar. 3, 1845		
Ohio	Mar. 2, 1827	Wabash and Erie	266,535.00
Do	June 30, 1834		
Do	May 24, 1828	Miami and Dayton	333,826.00
Do	May 24, 1828	General canal purposes	500,000.00
Illinois	Mar. 2, 1827	Illinois and Michigan	290,915.00
Wisconsin	June 18, 1838	Milwaukee and Rock River	125,431.00
Michigan	Aug. 25, 1852	Saint Mary's Ship-canal	750,000.00
Total			3,705,986.00

RECAPITULATION.

	Acres.
Granted for railroads	33,348,266.72
Granted for canals	3,705,986.00
Granted to State of Iowa by act of August 8, 1846, for the improvement of the Des Moines River (not in table.)	569,001.58
Total	37,623,254.30

Statement showing land grants to the several States for railroad purposes, from 1853 *to* 1857, *with the additional grants for the same roads, from* 1864 *to* 1866.

State.	Name of road.	Date of act making original grant.	Estimated number of acres embraced in original grant.	Date of act making additional grant.	Estimated number of acres embraced in additional grant.
Arkansas	Cairo and Fulton	Feb. 9, 1853	1,160,667.00	July 28, 1866	778,240
Do	Memphis and Little Rock	Feb. 9, 1853	438,646.80	July 28, 1866	340,480
Do	Little Rock and Fort Smith	Feb. 9, 1853	550,584.09	July 28, 1866	458,771
Missouri	Cairo and Fulton	Feb. 9, 1853	219,262.31	July 28, 1866	182,718
Iowa	Burlington and Missouri River	May 15, 1856	948,643.66	June 2, 1864	(*)
Do	Chicago, Rock Island and Pacific	May 15, 1856	1,261,181.60	June 2, 1864	(*)
Do	Cedar Rapids and Missouri River	May 15, 1856	1,298,739.00	June 2, 1864	(*)
Michigan	Grand Rapids and Indiana	June 3, 1856	629,182.00	June 7, 1864	531,200
Do	Bay de Noquet and Marquette	June 3, 1856	76,800.00	Mar. 3, 1865	51,200
Do	Chicago and Northwestern	June 3, 1856	339,000.00	Mar. 3, 1865	225,480
Wisconsin	West Wisconsin, formerly La Crosse and Milwaukee	June 3, 1856	600,000.00	May 5, 1864	400,000
Do	Saint Croix and Lake Superior	June 3, 1856	843,552.00	May 5, 1864	565,000
Minnesota	Saint Paul and Pacific, branch line	Mar. 3, 1857	885,000.00	Mar. 3, 1865	590,000
Do	Saint Paul and Pacific, Saint Vincent Extension	Mar. 3, 1857	1,200,000.00	Mar. 3, 1865	800,000
Total			10,451,258.46		4,923,089

* The act of June 2, 1864, enlarged the area within which the company might complete the quantity granted by the act of May 15, 1856.

These figures conclusively show when the land-grant policy was inaugurated and who was responsible for it. I have examined the debates upon some of the earlier bills making grants of lands to aid in the construction of railroads, and quote briefly from the remarks of some of the leading statesmen in both Houses of Congress upon the same to show what they thought of the land-grant policy and the reasons which then induced Congress to aid the construction of canals and railroads by grants of public lands.

On the 3d of May, 1848, the Senate having under consideration the bill granting to the State of Illinois the right of way and a donation of public lands to aid in the construction of a railroad connecting the Upper and Lower Mississippi with the chain of northern lakes at Chicago, Senator Crittenden said:

Sir, I rejoice to see a portion of the public domain applied to such a purpose as this; for I do not know a more natural or more wise purpose to which it could be applied than to improve and settle the lands themselves. * * * And in regard to the constitutional question, it is a certain and undeniable fact that there has not been a President of the United States, there has not been an administration since the formation of the Government by whom an appropriation similar to this has not been sanctioned; not one administration from Washington down to this day that has not given its sanction to such a grant. Old Colonel Zane had a grant made to him for marking out the first foot-path in Ohio, and preparing the way for settlement. If anything can be settled by precedent this has been. * * * If anything can be settled by precedent, if anything can be fixed as fundamental law by the unanimous approval of the wisest men, such men as Washington himself and such Congresses as have existed since the formation of the Constitution, this is such a question. I have no doubt myself either as to the constitutional right of Congress to make the grant or the wisdom and sound policy of such a measure.

In the same debate, Mr. Benton said:

I have been long enough here to have voted for the original grant to the State of Illinois for the purpose of connecting Lake Michigan with the Illinois River by means of a canal. When I gave that vote I did not expect to remain in these councils until the object intended to be accomplished should be attained; I did not expect the good fortune of seeing the United States made into an island by a canal connecting the waters of Lake Michigan with those of the Mississippi in my lifetime. But it has been done by the aid of a grant of land to the State of Illinois, and I presume without that aid the work would hardly have been undertaken, much less been accomplished; now, however, the work has been completed, and the United States is to-day—an island.

Leaving the Gulf of Mexico at New Orleans, or the Atlantic at New York, you may go as you choose around the United States without touching land. The result then of a grant of land to the State of Illinois by Congress has been prodigious; and even if there were no other advantageous result than the vast facilities afforded to our internal navigation, it well compensates us for parting with some acres of land over which this Government then wielded a barren scepter. I have no reason to regret that vote. I rejoice in it. * * * I do not, therefore, consider any of those grants as unprofitable; but, on the contrary, I fully concur in the opinion that a great public object is gained in the transfer of these lands from those by whom they are not cultivated to those by whom they are made productive. I shall with great pleasure vote for the bill before the Senate; and hope that the construction of the contemplated railroad will produce similar beneficial results to those effected by the canal.

Mr. Calhoun said:

The question in this case is a very simple one. We are authorized by the Constitution to dispose of the public lands. Here is a public improvement, projected either by the State or individuals in the State through which it will pass, and by which the value of the public lands will be enhanced. If, then, it will add to the value of our lands, ought we not to contribute to it? Would we not, as individuals, thus act? This is not a novel principle. It has been acted upon for more than twenty years. The case of the canal connecting the Illinois River with Lake Michigan is a striking one. There alternate sections were given to make a canal, and I suppose I can with confidence ask the Senators from that State whether the lands reserved to the United States were not disposed of readily.

Mr. Breese (in his seat). Thousands of acres were disposed of which would otherwise have never been sold.

Mr. Calhoun. I have seldom given a vote the result of which gratified me more than the vote which I gave on that occasion. I then presided in that chair which you now occupy and gave the casting vote. I take to myself, therefore, some share in the credit of that magnificent improvement. Indeed I do not think there is a principle more perfectly clear from doubt than this one is. It does not belong to the category of internal improvements at all. It is not a power claimed by the Government as a government. It belongs to the Government as a landed proprietor. And I will add that it is not only a right but a duty, an important duty.

Now, what has been considered an equitable arrangement between the Government and the State which may undertake an improvement passing through the public lands? Long since it was agreed that the grant of alternate sections was a fair contribution on the part of the United States, considered as a proprietor, and from which the United States would be a very great gainer. It appears to me to be an equitable arrangement; and I doubt whether in any case, either of a canal or a railroad passing through the public lands, the United States will not be a gainer. To that extent I am prepared to go, be the road long or short; if it be long, you gain the more; if it be short, you gain the less; and you contribute in proportion to your gain.

Mr. Cass said:

The Federal Government is a great land-holder. It possesses an extensive public domain; and we have the power under the Constitution to dispose of that domain, and a very unlimited power it is. The simple question is what disposition we may make of the public lands. No one will contend for the doctrine that we can not give them away to a State. As the Senator from Kentucky has said, every President has signed bills asserting the principle that these lands may be disposed of by the General Government without restriction as to the purpose of such disposition. We may bestow them for school purposes, or we may bestow a portion for the purpose of improving the value of the rest. What right have you to sit still and see your lands growing in value through the instrumentality of individuals without rendering any aid in furtherance of that object? It is the settlement of the lands that makes them valuable. It is the settler who converts the howling wilderness into fruitful fields. It is the labor and enterprise of the settler that has given you in the West a magnificent empire, and one which has arisen within so brief a period that it is almost incomprehensible.

When I told the story in Europe that I had crossed the Ohio when there were scarcely 20,000 people in that country and that it now contained 5,000,000, they did not laugh in my face, to be sure, but they did not believe what I said. There is no parallel in the history of man, no such splendid tribute to human industry and enterprise, since the first man went out of the garden of Eden. It is not twenty-five years ago that I sat all night in a canoe at the head of the pond at Chicago, there being no human habitation in which we could obtain shelter from the mouth of the Illinois to the mouth of the Chicago River; and now it is one of the great highways of travel between the northern lakes and the ocean. Sir, I hope the gentlemen will put this upon its true ground, leaving out the constitutional question and taking alone into consideration what is your duty as land-holders in a new country—a country, too, which must derive its improvement from the industry and enterprise of your own population where every stroke of the woodman's ax redounds to your advantage.

The man who sits down with his family in the wilderness to make for himself a home evinces more moral courage than the man who goes into battle. No man who has not experienced the difficulties and dangers he has to encounter can estimate them.

On the 29th of April, 1850, the Senate having under consideration Senate bill No. 22, granting the right of way and making donation of land in the State of Illinois in aid of the construction of a railroad, Mr. Douglas said:

The bill proposes to grant the land in alternate sections, increasing the price of the other sections to double the minimum price. It is following the same system that was adopted in reference to improvements of a similar character in Ohio, Indiana, Alabama, Iowa, Wisconsin, and Illinois in reference to her canal. It is simply carrying out a principle which has been acted upon for thirty years, by which we cede each alternate section of land and double the price of the alternate sections not ceded, so that the same price is received for the whole. These lands have been in the market from fifteen to thirty years; the average time is about twenty-three years; but they will not sell at the usual price of $1.25 per acre, because they are distant from any navigable stream or a market for produce. A railroad will make the lands salable at double the usual price, because the improvement made by the State will make them valuable. It is an old practice long sanctioned by the Government.

Mr. Clay, in the same debate, said:

I have no doubt, I can entertain no doubt, of the right of the General Government as one of the greatest—the very greatest—of land-holding proprietors, to appropriate a portion of that land for the purpose of making the remainder more valuable and available.

A great deal has been said about the trusteeship of the Government. It is true that all government is a matter of trust. Individual men are trustees created by Providence, bound to administer their faculties to the best advantage, not merely for themselves, but for their fellow-men. But if by the use of the term trustees it is proposed to qualify, limit, or restrain the trust so as to resemble the ordinary trusts that are created in the course of human transactions, I do not concur at all in that idea.

The Government is a trustee for the purpose of administering the affairs of the nation according to its best judgment for the good of the whole and all the parts of the whole. With respect to the State of Illinois—and I believe the same is true to a considerable extent with reference to Mississippi and Alabama, but I happen to know something personally of the interior of the State of Illinois—that portion of the State through which the road will run is a succession of prairies, the principal of which is denominated the Grand Prairie. I do not recollect its extent exactly, but it is, I believe, about three hundred miles in length and about one hundred in breadth. Now, this road will pass directly through that Grand Prairie, lengthwise, and there is nobody who knows anything of that Grand Prairie who does not know that the land in it is utterly worthless for any present purposes; not because it is not fertile, but for the want of wood and water, and from the fact that it is inaccessible, wanting all facilities for reaching a market or for transporting timber, so that nobody will go there and settle while it is so destitute of all the advantages of society and the conveniences which arise from a social state. And now, by constructing this road through the prairie, through the center of the State of Illinois, you will bring millions of acres of land immediately into market which will otherwise remain for years and years entirely unsalable.

Mr. Seward said:

What, then, is the best and highest interests of the people of the United States in regard to this domain? It is not to derive from it the highest amount of current revenue; it is not to accumulate in our coffers the highest and greatest amount of avails in the sales of the public lands which is attainable. But it is to bring them into cultivation and settlement in the shortest space of time and under the most favorable auspices. And why is this the best interest of the Government? It is because the power of the Government is increased just in proportion as population is extended over what now constitutes the public domain, and that the wealth of the Government increases in the same ratio as the increase of population, and that the taxable ability of the people for purposes of peace and war is increased by the extension of the population, and by the increase of wealth.

I can conceive it possible that it is more profitable, more conducive to the interests of the people of the United States, even in a fiscal or purely financial point of view, to make large appropriations from this domain for the purpose of enhancing their more speedy settlement than it would be to retain them in a miserly grasp for the mere purpose of revenue. It is therefore upon the ground that the most expedient and beneficial disposition of this portion of the public lands is to devote it to the construction of public roads beneficial to all the people of the United States, as well as to the States which are immediately traversed by it, that I am in favor of the principle of this bill and of all similar bills which are properly guarded in their provisions, and shall give them my most cordial and effective support. I hope that the bill will be passed.

On the 27th of June, 1864, discussing the Northern Pacific Railroad bill, Mr. Hendricks said:

The bill before the Senate proposes to encourage the construction of a very important railroad to connect the waters of Lake Superior with the waters of the Pacific Ocean. Everybody can see at a glance that it is a work of national importance. It proposes to grant lands in a northern latitude where, without the construction of a work like that, the lands are comparatively without value to the Government. No person acquainted with the condition of that section of the country supposes that there can be very extensive settlements until the Government shall encourage those settlements by the construction of some work like this. I do not think that a work of such national importance ought to be embarrassed in its passage through this body and through the House of Representatives by amendments proposing works that are comparatively local.

The bill granting lands to the Oregon Central Railroad Company was passed May 4, 1870. At that time Hon. J. S. Smith was Representative in Congress from Oregon. He was then and is now one of the ablest and most influential men in his party in the State of Oregon. While that bill was under consideration in the House, Mr. Smith said:

I want to pass this bill to-day and I do not care to make a speech. But I trust I shall have the attention of the House while I make a very brief statement. I wish, however, to say just this in reference to the matter: That this bill is in the interest of settlers or prospective settlers on the public lands through which this road is designed to pass. The road will be about one hundred and thirty miles long. Fifty miles of that distance the country is settled; for the remainder of the distance it is not settled, and is not susceptible of settlement unless means of communication through it such as are proposed by this bill shall be provided. The road ought to extend further up the Willamette Valley.

The bill introduced by me provided for one the whole length of the valley, and I had hoped to have it passed in that form. The committee failed to report in favor of an extension of the branch southerly, and I accept of what they have reported. A short road is better than none. The Willamette Valley, which contains two-thirds of the population of the State of Oregon, has no outlet to the sea but by the Columbia River. That river flows across the north end of this Willamette Valley. On the west, between that valley and the sea, a mountain range extends along its whole length. Through this range of mountains to the mouth of the river we have no road of any kind.

* * * * * * *

We want this road to give us an outlet to the sea at all seasons; and we want to open up the pass we have found through these mountains to the settlement. It is not a question whether by the passage of this bill this land shall be withdrawn from settlement, but the question is whether by the passage of this bill you will open up to settlement a region of country which otherwise never would be settled. It is a question whether it shall be occupied by settlers under the provisions of this bill or whether it shall remain a wilderness in the future as in the past, whether it shall be the home of a busy, thriving population, or continue to be the home of the elk and the bear.

For twenty-five years, Mr. Speaker, this land has been open to settlement, first, under a donation law, and now under the homestead law; and yet no man has gone there to settle. No white men ever went there until they went to find this pass for a railroad to the sea. The red man never lived there. It is a forest, an Oregon forest, such as is found nowhere else, perhaps, in the world. And no settler will ever go there unless there is a railroad through the pass connecting this Willamette Valley with the sea. In that event some of the smaller valleys will be opened to settlement. The lands are rich; the timber is abundant; it is valuable. But the land and the timber would remain in the condition they now are for a hundred years to come if this road is not built.

I have a letter in my hand from one of my constituents who settled in one of the valleys in the same mountain range further south, who has lived on this land for eleven years and has had a family grow up around him on it. His land it still unsurveyed; he can not have schools; he can not perfect his title; he is living there under the homestead law; is unwilling to remain and does not dare to go away for fear of losing his land. No man with a knowledge of the condition of the country and its future prospects would ever settle there in the absence of this railroad. Now, this grant is a limited one. It is barely sufficient to secure the objects in view; and I will state this, that every man in Oregon of both parties, whether along the line of this road or elsewhere, is in favor of this particular bill, and the man who votes against it here will do that people an injustice and a wrong.

Again—

Mr. SMITH, of Oregon. * * * Mr. Speaker, the gentleman from Indiana has remarked in his very remarkable speech that there was no Democrat on the floor of this House who would dare to support land grants. I claim to be as good a Democrat as the gentleman from Indiana, and I am happy to be able to say that distinguished Democrats from that State who are as well acquainted with the public sentiments of the people of Indiana as that gentleman himself will vote in favor of this bill and they will receive the approbation of their constituents for so doing. This is not a party question and it can not be made such. This policy really originated with the Democratic party. The first land grant of any magnitude ever made in aid of internal improvements was made for the benefit of the State of Indiana, represented in part by the gentleman who moves to refer this bill. The Wabash and Erie Canal was constructed under just such a grant as is asked for this railroad in the State of Oregon. The first railway grant was to the State of Illinois, and the bill was introduced by Stephen A. Douglas, and supported by a majority of both parties in the House and in the Senate.

Mr. VOORHEES. Will the gentleman allow me to make a statement?

Mr. SMITH, of Oregon. Yes, sir.

Mr. VOORHEES. Two or three years ago when the Northern Pacific Railroad Company had forfeited its charter by the lapse of time, and consequently the entire grant of lands that the Government had made to it, the charter was revived and the land grant insured to them by an act that passed the House with but six Democrats voting against it.

Mr. BECK. On the 1st day of July, 1868.

Mr. SMITH, of Oregon. I am very glad to hear that. I wish to say one other thing in this regard. At least one, and I think more than one Democratic national convention incorporated in its platform a plank in favor of such grants. And yet the gentleman says that no Democrat can vote for a land grant.

Mr. President, I have referred to these earlier grants of lands to aid in the construction of canals and railroads, not for the purpose of condemning the Democratic party for inaugurating, or of excusing the Republican party for continuing the land-grant policy, but for the purpose only of showing that if, as some contend, that policy was wrong, the Republican party is not responsible for its origin. I do not condemn the policy. Looking at the great results which have flowed from it, I am ready to defend it. I believe that the most sanguine hopes of the authors of the policy and of its eminent supporters in Congress, among whom were Douglas, Benton, Calhoun, and Cass, have been more than justified. Sir, even now, with the light of experience, if I could claim for the Republican party the inauguration of the policy by which our vast territory has been made accessible and opened up to the landless

for homes, and has been transformed from a wilderness to prosperous States and Territories, I should not hesitate to make the claim.

I believe that Congress has the constitutional power to aid works of internal improvement in the interest of interstate commerce, and that it is its duty to do so. And while it may be that in some of the acts granting lands to aid in the construction of canals and railroads the interests of the people have not been sufficiently guarded, I am not willing to condemn as wrong in principle, even indirectly, legislation which has been productive of so much good. There are no doubt grants which ought to be immediately forfeited because the works intended to be aided by Congress by the grants have not been commenced or have not been prosecuted in good faith, and by reason of delay the country has been settled up and circumstances have so changed that the inconvenience and loss to the public which would result from longer withholding the granted lands from the operation of the land laws would be greater than the public benefit to be derived from the construction of the road.

On the other hand, I believe that there are cases in which the construction of the works intended to be aided is being carried on in good faith, and the interests of the communities along the lines of the uncompleted portions of the roads as well as the public interests, would be greatly subserved by allowing the companies to complete their roads and earn the grants. Where settlers have gone into possession of unearned railroad lands and have improved the same under a well founded expectation that the road would be speedily constructed and that they would thus be enabled to secure the title to such lands from the railroad company, I am satisfied that the rights of all parties can be better secured by permitting the lands to be earned by the company where that will be done within a reasonable time. Forfeiting the grants and subjecting the lands to the operation of the land laws will not preserve the rights of such settlers. Many of them are not qualified to take lands under existing land laws; many of them have improved more land than they would be entitled to take under those laws if qualified, and no general provision for their relief can be made which will meet all cases, but in every act of forfeiture some provision should be made by which the title of such settlers to limited quantities of land improved by them is secured to them.

So far as questions of vested rights are concerned, the railroad companies stand before the courts and before Congress upon an equality with the Government, protected by law. The grant to a railroad company or other corporation is a contract between the Government and the company, and the right to modify, alter, or repeal it so as to affect property and rights of property does not exist unless reserved in the charter. These grants were not intended as gifts to the companies, and ought not to be continued for their benefit alone. The grants were made for the benefit of the public, in consideration of public benefits to be derived therefrom; and if proper to be made at the time, and the public interests demand their continuance, they should be continued. So far as rights of property have become vested by compliance with the conditions of the grants such rights are beyond the power of Congress. So far as equities have arisen by reason of circumstances that may have caused or may excuse the delay, such equities are proper matters for consideration.

As between the Government and the corporations, unless the public interest requires the continuance of the grants, I am prepared to vote for the forfeiture of every unearned land grant, and for the forfeiture of the unearned portion of every grant. But, until I am ready to condemn the policy inaugurated under the administration of Washington, and which received the sanction of nearly every subsequent administration until the Republican party came into power and the ardent support of the leading statesmen of every administration, I am not ready to admit that all unearned land grants should be forfeited upon the principle that grants of land in aid of internal improvements are wrong *per se*. The interest of the railroad company ought not to be a controlling question in determining the question of forfeiture. The test in my opinion ought to be, will the public interest be better subserved by the forfeiture of an unearned grant and the restoration of the land to the public domain than by permitting the grantee to comply with the conditions of the grant by the construction of the road and earn the grant? And as in the first instance the grant was made for the benefit of the public, the question whether it ought to be forfeited should be determined with a view of protecting the public interest.

Since March 4, 1861, a period of twenty-three years and over, forty-four acts have been passed by Congress granting lands to aid in the construction of railroads. During the period from September 29, 1850, to March 4, 1861, a period of less than eleven years, Congress passed forty-seven acts granting lands to aid in the construction of railroads. The grants made prior to 1861 were all made to aid in the construction of comparatively short lines of railroad located in Illinois, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Iowa, Michigan, Wisconsin, and Minnesota. Nearly all these States had facilities for transportation by water. They had large populations. The public lands were accessible compared with the vast unpeopled regions west of the Rocky Mountains. The cost of railroad construction then was comparatively small, and the population and resources of the regions where the roads were to be constructed assured a remunerative business when the roads should be completed and open for traffic. The lands granted were valuable both on account of their quality and accessibility.

When the Republican party came into power the people of this country were demanding a transcontinental railroad. The party was pledged to Congressional aid for such a road. The policy of granting land to aid in the construction of railroads was, as we have seen, the settled policy of the Government, advocated by leading statesmen of all parties. The Pacific coast and the intervening territory west of the Mississippi was beginning to attract attention, and Congress wisely, as I think time has demonstrated, undertook by aiding the construction of railroads to open up this portion of our territory to settlement.

The circumstances were different from those under which previous grants had been made. The roads were of great length and extended through unsettled regions of the country. A large portion of the lands along the lines of the projected roads was worthless; and, owing to the distance from market and the total absence of the means of transportation, the whole territory was comparatively valueless.

The roads, it was well known, would be expensive to build, and when built would not for a considerable period have a remunerative traffic. Under these circumstances a grant of the same quantity of land that was made in some of the earlier grants would have been insufficient to insure the building of a road, and the grants were therefore necessarily increased in quantity, the Government reserved every alternate section, and the lands retained by the United States within the land grants became increased tenfold in value by the construction of the roads.

Out of the forty-four grants of land to aid in the construction of railroads made subsequently to March 4, 1861, twenty-nine were made to States as additional aid to companies which had received previous grants or to aid in the construction of new roads in the States of Arkansas, Missouri, Iowa, Michigan, Wisconsin, Minnesota, and Kansas, the aggregate number of acres granted by these twety-nine acts being comparatively inconsiderable. The other fifteen grants were made to the following corporations: The Union Pacific, Kansas Division, Denver Division, Central Branch Union Pacific, Central Pacific, Western Pacific, Oregon Branch, Sioux City and Pacific, Northern Pacific, Southern Pacific, Atlantic and Pacific, Oregon Central, Texas and Pacific, New Orleans and Pacific, and the great bulk of land granted after March 4, 1861, was to aid these great transcontinental roads and their branches.

With the exception of some of the branches or divisions of the Union Pacific I presume the grant to the Northern Pacific Railroad Company was the most valuable of all these grants, and yet I venture the assertion without fear of successful contradiction that the first grant ever made in aid of the construction of a railroad, namely, the grant to the State of Illinois, to aid in the construction of the Illinois Central Railroad, of six alternate sections per mile on each side of the located line of its road, was of much greater, I think I can safely say several times greater, value than the magnificent grant, in quantity, made to the Northern Pacific Railroad for any number of miles of its road wherever selected upon its line equal to the length of the Illinois Central. In other words, the best part of the Northern Pacific grant, for a distance equal to the length of the Illinois Central road, although it is in the Territories, twenty alternate sections upon each side of the located line of its road, was not when made, and is not to-day, equal in value to the grant made to the Illinois Central.

I have seen it stated upon good authority that the land grant to the Illinois Central Railroad was so valuable that the road was entirely constructed out of the proceeds of the sales of its lands. The Northern Pacific Railroad within the limits of Montana Territory is about eight hundred miles in length, and the number of acres that it will receive under its grant in that Territory, if it secures the entire amount, approximates 20,000,000 acres.

I have what I consider good authority for saying that the amount of agricultural railroad lands within the limits of the grant of that company in the Territory of Montana does not exceed 2,000,000 acres, and that not exceeding one-third of the lands are valuable for any purpose whatever.

The attempted distinction between grants made to the State to aid particular improvements and grants made directly to corporations to aid in like improvements, does not affect the question of the propriety of the land-grant policy. It was the constant practice of the States to transfer such grants to corporations, and the practice was well known to Congress. The grants to corporations were in effect like those that have been subsequently made to such corporations as should be designated by the Legislature of a State.

In proposing to forfeit a railroad grant, the first inquiry naturally is, how far should the act of forfeiture, by its terms, extend? It seems to be supposed by some persons that a legislative declaration of forfeiture of a land grant will be conclusive as to the fact of the existence of a breach of the condition upon which the grant was made and as to the extent of its effect upon the granted lands. I do not believe any such doctrine. In my judgment an act of Congress declaring a grant forfeited is, in effect, a mere declaration of the intention of the Government to resume the grant for a breach of the condition, an act upon the part of the grantor which prevents the grantee from further complying with the condition of the grant, so as to make its title to that portion of the grant as to which the condition was unperformed at the date of the declaration absolute, but settling no questions of law or fact.

If Congress shall attempt to do more it will attempt to do an idle thing. Judicial powers have not been conferred upon the legislative department of the Government, and no act of Congress can deprive the grantees and their assigns of the right to resort to the courts of the country in some form to obtain a judicial construction of an act of forfeiture.

Whenever a claim is made to any portion of a land grant by any person claiming under the Government subsequent to the declaration of forfeiture, the original grantee, or parties claiming under the grantee, can resort to the courts for adjudication of the question of title. It is true that under existing laws the grantees upon a declaration of forfeiture can not sue the United States to obtain a construction of the act of forfeiture, and I agree with the Senator from Alabama [Mr. MORGAN] that this is a practical denial of justice in all cases as to where there is an unsettled controversy as to the right of forfeiture or as to the extent to which it can be made, and that some amendment like the one proposed by him should be made to this bill and to all similar bills; but a much stronger reason and the controlling reason with me why some such amendment should be adopted is that if it is not done litigation will ensue which will involve thousands of settlers, and, in all probability, deluge Congress with applications for relief.

A charter granted to a corporation by act of Congress is a valid contract between the United States and the company. Out of a large number of cases in which this proposition is decided I quote from two. In the Binghamton Bridge Company (3 Wallace) the Supreme Court said:

> The Legislature therefore says to public-spirited citizens: "If you will embark with your money, time, and skill in an enterprise which will accommodate the public necessities, we will grant to you, for a limited period, or in perpetuity, privileges that will justify the expenditure of your money and the employment of your time and skill." Such a grant is a contract with mutual consideration; and justice and good policy alike require that the protection of the law should be assured to it.
>
> * * * * * * *
>
> We have supposed if anything was settled by an unbroken course of decisions in the Federal and State courts, it was that an act of incorporation was a contract between the State and stockholders. All courts at this day are estopped from questioning the doctrine. The security of property rests upon it, and every successful enterprise is undertaken in the unshaken belief that it will never be forsaken.
>
> A departure from it now would involve dangers to society that can not be foreseen; would shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the Government.

Chief-Justice Shaw said in the case of Boston and Lowell Railroad Corporation *vs.* Salem and Lowell Railroad Company (2 Gray, 32):

> In addition to the law-making power, the Legislature is the representative of the whole people, with authority to control and regulate public property and public rights, to grant lands and franchises, to stipulate for, purchase, and obtain all such property, privileges, easements, and improvements as may be necessary or useful to the public, to bind the community by their contracts therefor, and generally to regulate all public rights and interests.
>
> It is under this authority that lands are granted, either in fee or upon any other tenure, that the uses of navigable streams and waters are regulated, the right to build over navigable waters, to erect bridges, turnpikes, and railroads, and other similar rights and privileges are granted and justified. * * * Were all such grants and stipulations repealable by subsequent Legislatures, because they are in the form of laws, then the unlimited power of the Legislature to alter and change laws—sometimes called, rather extravagantly, the omnipotence of parliament—would be a source of weakness and not of strength. * * * When such a contract has been made by the Legislature upon considerations of an equivalent public benefit, and where the grantees have advanced their money to the public upon the faith of it, the State is bound by the plain principles of justice faithfully to respect all grants and rights thus created and vested by contract.

The grant of lands made by Congress to aid in the construction of this road, and most of the Congressional grants to aid in the construction of canals and railroads, were grants *in præsenti* and conveyed all the right and interest of the United States therein, subject to the conditions named in the grant. When such grants were made of alternate sections of the public lands along the line of a proposed railroad, not located, the grant was in the nature of a float. Whenever the line of the road was definitely fixed the grant attached to specific tracts and became definite. Although a grant was *in præsenti* and vested the title in the grantee in fee—a qualified or base fee—at the date of the grant it may have been a grant upon condition subsequent and be liable to be determined by the entry of the grantor for non-performance of condition.

In the cases of the grants to the Northern Pacific, the Atlantic and Pacific, and the Texas Pacific Railroad Companies, in addition to the claim mentioned by the Senator from Alabama that the United States has failed to perform the conditions of the grant to be performed, it is strongly contended that under the terms and conditions of the grant Congress has not reserved to itself the right of forfeiture, but has provided in each of said grants what the penalty should be for a breach of the condition and that that penalty is not forfeiture, but is only in case of such breach the right to do what may be necessary to insure the speedy completion of the road.

Some eminent lawyers hold to this opinion, and at least one Federal court has taken the same view of the question.

The case of Hughes *vs.* The Northern Pacific Railroad Company and others, heard and decided by the circuit court of the United States for the district of Oregon, in October, 1883, was a suit in equity brought to restrain the company from proceeding further with the erection of a bridge over the Willamette River, and one ground alleged was that the company had lost the right to build the bridge or further construct the road by failure to comply with the condition upon which the grant was made. In the decision the court (Deady, J.) says:

> But the condition imposed upon the defendant by section 8 of the act is even modified by the provisions of section 9, from which it plainly appears that so far from Congress intending that the powers of a corporation should cease or become forfeit in any particular by reason of its failure or inability to keep any of the conditions imposed by said section 8, it expressly reserved to itself the right, in case of such failure for the period of one year, to "do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."
>
> In this way Congress undertook to secure the completion of this great national work in any event, and so plainly declare in advance what otherwise might have been left to inference and argument from analogous cases, that it reserved to itself the right to deal with the defendant for any failure to comply with the conditions of the grant, and to excuse or enforce the same as it might under all circumstances deem just to the defendant and best for the public good. Indeed, in view of the magnitude and hazard of the undertaking it was expressly provided that even Congress should not take advantage of a failure to perform any of the conditions for any period less than a year. And even the land set apart by Congress to aid in the construction of the road was not left liable to revert to the public domain or be otherwise disposed of by Congress for the failure of the company to construct or complete the work as required by the act, but, as was said in United States *vs.* Childers (8 Sawyer, 174), it was devoted to the construction of the road in any event, and it is the duty of Congress to see that it is so applied. (See, also, on this point Southern Pacific Railroad Company *vs.* Orton, 6 Saw., 178.)
>
> And this position is fortified by the fact that when Congress intended that the corporate existence of the defendant should be forfeited or affected by its failure to keep a condition imposed upon it, it has expressly said so, as in section 19, where it is provided that unless two millions of the stock is subscribed and 10 per cent. paid thereon within two years from the passage of the act, "it shall be null and void." (18 Federal Reporter, 106, 108.)

I also quote from an opinion of Hon. J. S. Black upon the legal rights of the same company:

> Hon. ROBERT M. MCLANE,
> *Chairman of the Committee on Pacific Railroads,*
> *House of Representatives:*
>
> * * * * * * *
>
> Now, let us look and see if there is anything in this act of incorporation which declares that the land grant may be forfeited, or declared void, or resumed in any event.
>
> In the first place it will be observed that the grant is *in verba de præsenti*—the title is vested in the company at the moment when the charter is accepted. Unlike some other grants, it does not provide that the title is to be vested as the work goes on.
>
> It gives it all at once; and when the road is made patents may issue, not to create the title, but to confirm it. If, therefore, the right of the company is now to be taken away, the thing must be done by forfeiting a title already vested, not by refusing to make a title where none existed.
>
> The eighth section declares that the grant shall be held upon conditions, &c., one condition being the completion of the road within a certain time, afterward extended. This I admit would, if there were nothing more, make the estate conditional, and the grantor might exact a forfeiture for condition broken.
>
> But there is something more.
>
> The ninth section prescribes what the penalty shall be for a breach of the condition, and that penalty is not forfeiture. In case of such breach the right is reserved to do what may be necessary to insure the speedy completion of the road. By the terms of the contract this is the only thing that the United States can do.
>
> It excludes the conclusion which might have been drawn from the naked statement of the conditions of the eighth section.
>
> It has been argued (I do not know by whom) that the right to "do any and all acts and things which may be needful to insure a speedy completion of the said road" includes the power to resume the land grant by legislative act. I hope this has never been asserted by any respectable lawyer, for I must say that it is absurd. I am not afraid that any gentleman on this committee will believe it.
>
> The power to deprive a man of his property without process of law is a very different thing from the power to hurry him up in his work. This privilege to speed the making of the road, in case it did not go fast enough, was put in on purpose to negative the right of resumption and furnish another—a specific and exclusive—remedy for the public injury which might be caused by delay or negligence. Besides, the resumption of the land grant is very far from being needful as a means of hastening the work. It is just exactly the contrary. Here is a company moving rapidly along toward the completion of the greatest railroad in the world, and you propose to disable it utterly by taking away its means of going on. Call you that insuring the speedy completion of the work? You might as well cut the hamstrings of a race-horse to insure his fleetness.
>
> * * * * * * *
>
> J. S. BLACK.
>
> YORK, PA., *April* 19, 1881.

Without expressing an opinion as to the correctness of this view of the law, I do not think that it is a matter to be overlooked or ignored. Some provision ought to be made for judicially determining the question in case of the forfeiture of any grant containing like provisions. Conceding a grant to be a grant upon condition subsequent, for a breach of which the lands may be forfeited and diverted from the object for which the grant was made and restored to the public domain, and made subject to the general land laws of the United States, which, as I have said, in the case of the Northern Pacific, Atlantic and Pacific, and Texas Pacific is denied, let us inquire what the rules of law applicable to such grants are, which, if not governing the action of Congress, limit its power to legislate so as to affect the title of the granted lands and the rights of the grantees.

In case of a grant upon a condition subsequent it is well settled that the grantor alone can take advantage of a failure to perform the condition, and until he asserts such right the legal estate remains vested in the grantee.

This is no new doctrine, and in its application to grants of lands in aid of internal improvements by the Departments and the courts they have only followed the long-settled rule of law upon the subject.

In an opinion dated November 29, 1879 (16 Opinions Attorneys-Gen-

eral, 398), Attorney-General Devens, giving construction to the Minnesota land grant of July 4, 1866, states the law on this subject fully as relates to land grants. I quote the following from that statement:

"While the part of the road to which your inquiries relate was not completed within the time limited by law, no attempt has been made to enforce any forfeiture of the lands granted to the State of Minnesota, or by any means, legislative or other, to revest the title in the United States.

The question whether the State of Minnesota may still claim under the act of Congress lands which have been earned by the construction of the road since the expiration of the period, is determined by the case of Schulenburg *vs.* Harriman (21 Wall., 44). This was the case of a grant of lands to the State of Wisconsin to aid in the construction of a certain railroad within that State, by an act of June 3, 1856; the language there used in reference to the condition upon which the grant might be defeated by non-completion of the road within ten years was as follows:

"No further sales shall be made, and the lands unsold shall revert to the United States. The road had not been completed within the time required for its construction, which had not been extended, and Congress had passed no act nor taken any judicial proceeding to enforce any forfeiture of the grant for failure to construct the road within the period prescribed. Upon this state of facts it was held that a present interest was passed by the grant to the State of Wisconsin; that the proviso was in the nature of a condition-subsequent; that the prohibition against further sales if the road were not completed added nothing to the force of the proviso, because a cessation of sales was necessarily implied in the condition that the lands should revert, but that if the condition were not enforced the power to sell continued as before its breach, limited only by the objects of the grant and the manner of sale prescribed by the act; and that as no action had been taken, either by legislation or judicial proceedings, to enfore a forfeiture or revest the title in the United States, that title remained in the State as completely as it existed on the day that the title by location of the railroad acquired precision, and became attached to the adjoining alternate sections. In direct answer to your inquiry upon this point I therefore reply that the Department is authorized by law to issue patents to the State of Minnesota for lands opposite that portion of the road constructed in sections of ten consecutive miles since February 26, 1877, the date at which, according to the fourth section of the act of July 4, 1866, it was provided in the event that the road was not completed that the lands not patented should revert to the United States; and this for the reason above stated, that no act, legislative or judicial, has been taken to revest the title in the United States."

Attorney-General Brewster, in an opinion of date June 13, 1882, in the case (Backbone case) of the application of the New Orleans Pacific Railway Company for certain lands claimed under the grant of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad Company, says:

The act of March 3, 1871, passed to the New Orleans, Baton Rouge and Vicksburg Railroad Company a present interest in a certain number of alternate sections of public lands per mile within the limits there prescribed. Its language is, "There is hereby granted to said company" the number of alternate sections mentioned, words which import a grant *in præsenti* and not one *in futuro*. But the grant thus made is in the nature of a float. It is of sections to be afterward located, their location depending upon the establishment of the line of the road. Until this is definitely fixed the grant does not attach to any specific tracts of land. * * * The proviso in the grant that the company shall complete the whole of its road within five years from the date of the act is a condition-subsequent, the failure to perform which does not *ipso facto* work a forfeiture of the grant, but only gives rise to a right in the Government to enforce a forfeiture thereof. Yet in order to enforce a forfeiture such right must be asserted by a judicial proceeding authorized by law, or by some legislative action amounting to a resumption of the grant. (Schulenberg *vs.* Harriman, 21 Wall., 44.) Hence until advantage is taken of the non-performance of the condition, under legislative authority, the interest of the grantee in the grant remains unimpaired thereby.

In Van Wyck *vs.* Knevals (16 Otto, 365) Mr. Justice Field, in delivering the opinion of the court, said:

The defendant having failed to establish the validity of his own title, attacks the right of the company to the lands covered by the grant, alleging that the company never completed the construction of the entire road for which the grant was made; that after filing its map with the Secretary of the Interior it changed for part of the distance the route of the road, and that it never complied with the conditions of the law of Nebraska for the extension of its road within the limits of that State. We do not deem these objections, when considered with the facts on which they are based, as having any force. There is to them a ready and conclusive answer. Assuming that the Burlington and Missouri River Railroad, with which the company's road connected, was not, as averred by the complainant, a branch of the Union Pacific Railroad, and that therefore the company's proposed road was not entirely completed, the fact remains that the company constructed a portion of the proposed road, and that portion was accepted as completed in the manner required by the act of Congress. Patents for some of the adjoining sections were accordingly issued to the company, and a right to all of them not specially reserved by the condition of the grant vested in it. So far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed, and as to the lands patented, the transaction on the part of the Government was closed and the title of the company perfected. The right of the company to the remainiug odd-numbered sections adjoining the road completed and accepted—not reserved—is equally clear. If the whole road has not been completed, any forfeiture consequent thereon can be asserted only by the grantor (the United States) through judicial proceedings or through the action of Congress. (Schulenberg *vs.* Harriman, 21 Wall., 44.) A third party can not take upon himself to enforce conditions attached to the grant when the Government does not complain of their breach.

In most, if not all, the Congressional grants to States and to corporations to aid in the construction of railroads, the grant is what may be called a divisible grant. By the acts making the grants it is provided that as the construction of the road progresses and sections of a given length, usually from ten to twenty-five miles, are completed, the same shall be inspected and if found to be constructed in accordance with the requirements of the act and the evidence thereof filed, patents for the granted lands conterminous with the completed section shall be issued. In my judgment such a grant is divisible, and the grant as to each section of the road should be so far considered as a separate grant as that when the condition of the grant as to any section of road is performed the title of the grantee to the lands coterminous with such completed sections becomes absolute and not liable to be divested for a failure to perform the condition as to any other section of the road. In other words, it was not the intention of Congress, in case of the failure of a grantee to complete its road, to make the entire grant subject to forfeiture.

It is a well-settled principle of law, that in cases of estates upon condition subsequent time is not of the essence of the contract, and that a forfeiture may be waived by the party who has the right to avail himself of the breach of the condition, and that if entry is not made by the grantor or some act equivalent to entry done by him before the condition is performed, the title of the grantee becomes absolute. In other words, that the performance of the condition by the grantee, though after the time limited in the grant, before the grantor has signified his intention to take advantage of the non-performance of the condition, is as effectual to transform the conditional fee into an absolute title as if the condition had been performed within the time limited in the grant.

It is said that laches may not be imputed to the Government, but the maxim does not apply to a contract between the Government and its citizens. As I have before said, in construing a contract between the Government and individuals, both stand upon an equality before the law. The doctrine that a condition subsequent attached to a grant of the fee to real estate may be performed after the time limited in the grant and before entry by the grantor for a breach is a rule of property, and forms a part of the general law of contracts, and enters into and becomes a part of a contract between the Government and individuals in the same manner that it applies to a contract between individuals. But if this were not so it would hardly be consistent with the honor and dignity of a great government to undertake to apply a different rule to the construction of its contracts with its citizens from that which is applied to the construction of contracts between individuals.

Something has been said as to the rights of mortgagees and grantees of Congressional land grants. As the fee in such grants passes to the grantee there appears to be no reason why the grantee may not sell the granted lands or mortgage them, if in case the grantee is a corporation it has power under its charter to mortgage its property even before the condition is performed and the lands are earned. But it seems evident to me that the vendee or mortgagee of such lands takes no greater estate in them than the original grantee had at the date of the conveyance, namely, a conditional fee only, subject to be forfeited for non-performance of the condition upon which the grant is made.

Several bills for the forfeiture of railroad grants have been reported from the Senate Committee on Public Lands. Among them is the bill under consideration, to forfeit the grant of the Atlantic and Pacific Railroad Company, a bill to forfeit the grant of the Texas Pacific Railroad Company, a bill to forfeit the grant of the Oregon Central Railroad Company, and a bill to forfeit the grant of the Northern Pacific Railroad Company.

The facts in relation to the bill under consideration have already been fully stated. The company appears to lack the present ability to complete its road, and circumstances have so changed since the grant was made that it is believed the public interests will be better protected by a present forfeiture of the grant than by longer withholding the lands from settlement.

The Texas Pacific bill involves questions of law only, the grant being now claimed by virtue of an assignment by a company which constructed its road before it took the assignment. The committee was unanimously of the opinion that even admitting the right of the grantee to assign the grant, the construction of the road by the assignee company before the assignment was made was not a performance of the condition of the grant, and that the grant should be forfeited. The facts concerning the Oregon Central land grant were as follows:

By an act of Congress entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, there was granted to the Oregon Central Railroad Company, its successors and assigns, for the purpose of aiding in the construction of a railroad and telegraph line from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yam Hill River, near McMinnville, in the State of Oregon, besides the usual right of way, materials for construction, and necessary land for stations, each alternate section of the public lands (not mineral, excepting coal and iron) designated by odd numbers nearest the said road, to the amount of ten such alternate sections per mile upon each side thereof not otherwise disposed of or reserved, or held by valid homestead or pre-emption right at the time of the passage of said act.

Immediately after the passage of said act the said Oregon Central Railroad Company constructed its railroad from Portland to Saint Joseph, about one and a half miles from McMinnville, and about forty-eight miles from Portland. The line as constructed passes in the vicinity of the town of Forest Grove. The road so constructed, and the lands, earned and unearned, have been transferred to and are now owned by the Oregon and California Railroad Company, another Oregon corporation incorporated for the purpose of constructing a railroad from Portland to the southern boundary of the State. The latter company is engaged in the construction of the southern extension of its

road to connect with the California and Oregon Railroad, now owned by the Central Pacific Railroad Company, and which is being extended northward to meet the Oregon and California Railroad, and thus form railroad connection between the cities of San Francisco, Cal., and Portland, Oreg.

The Oregon and California Railroad Company also owns an extension of the Oregon Central road, built by still another company, the Western Oregon Railroad Company, from Saint Joseph to Corvallis, in Benton County, Oregon, a distance of about fifty miles, and is engaged in constructing an extension of the said road from Corvallis to a junction with the Oregon and California road at Junction City, in Lane County. Preliminary surveys of the line from Forest Grove to Astoria have been made by the Oregon Central and Oregon and California Railroad Companies, but nothing has been done toward the construction of that part of the line. Petitions have been presented to Congress at the present and at previous sessions, praying the forfeiture of the unearned portion of the grant. The petitioners mostly reside at Astoria and along the western end of the proposed line from Forest Grove to Astoria. The Committee on Public Lands early in the session reported favorably a bill to forfeit the unearned portion of this grant; that is, the grant for that portion of the road from Forest Grove to Astoria.

I expect to support that bill. I shall do so not for the reason that the citizens of any locality or localities have petitioned for the forfeiture of the grant, for I think that the citizens of the entire State of Oregon have an interest in the construction of the road, and consequently in the forfeiture of the grant, but I shall support the bill for the reason that the construction of this part of the road, which may properly be termed a branch, has never been commenced, and, so far as I can see, is not likely to be undertaken within a reasonable time by the company. Applying the rule which I think should govern in determining the question of forfeiture to this grant, I think the lands ought not further to be withheld from the market without some satisfactory assurance of the speedy construction of the road.

The report of the committee upon the bill to forfeit the unearned portion of the Northern Pacific land grant is not a unanimous report. A minority of the committee are unwilling that the portion of the grant for what is known as the Cascade branch, which is the projected road from a point where the main line from Lake Superior first reaches the Columbia River across the Cascade Mountains to Puget Sound, and which is a part of the direct line from Lake Superior to Puget Sound, should be now forfeited. The bill introduced by me on the 19th of May last, and which I will ask the Secretary to read as a part of my remarks, is the bill which I think should be passed concerning this grant.

The Secretary read as follows:

A bill (S. 2229) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which are adjacent or appertain to and are conterminous with that part of its main line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, except such of said lands as are adjacent or appertain to and are conterminous with the branch line across the Cascade Mountains, be, and the same are hereby, resumed by the United States and restored to the public domain and made subject to disposition and settlement under the general laws relating to the public lands.

SEC. 2. That in all cases where persons have settled upon any of the lands affected by said grant, and hereby resumed by and restored to the United States, or have made improvements thereon with a bona fide intention of purchasing the same of the Northern Pacific Railroad Company, and such person is not entitled to enter the same under the pre-emption or homestead laws of the United States, such person, upon proving the same to the satisfaction of the Commissioner of the General Land Office, shall be entitled to enter not more than three hundred and twenty acres of said lands, including such person's settlement or improvement, at the rate of $1.25 per acre: *Provided*, That in all cases where parties, persons, or corporations, with the permission of said Northern Pacific Railroad Company, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands.

SEC. 3. That the said Northern Pacific Railroad Company shall complete its said branch across the Cascade Mountains within five years after the passage of this act, subject to the provisions, duties, and obligations, and with the grants and privileges provided in said act approved July 2, 1864, and the joint resolution relating thereto approved May 31, 1870; and also its main line in the State of Wisconsin to its eastern terminus at or near the mouth of Montreal River, within two years after the passage of this act, subject to and with the provisions, duties, obligations, grants, and privileges aforesaid: *Provided*, That in case of its failure to complete said branch, or said part of the main line in the State of Wisconsin, within the times herein respectively limited therefor, then and in such case the granted lands appertaining to and conterminous with the then uncompleted parts of said branch and main lines, or either, as the case may be, shall revert to the United States and become part of the public domain, and be subject to disposition and settlement under the general laws relating to the public lands.

SEC. 4. That the said Northern Pacific Railroad Company shall accept the provisions of this act by a resolution of its board of directors, and file in the office of the Secretary of the Interior, within sixty days after the passage of this act, a copy of such resolution authenticated by its corporate seal and the signatures of its president and secretary.

Mr. DOLPH. I need not to this body detail the history of this company. Nor need I state with what energy, since the company recovered from its financial embarrassments caused by the financial crisis of 1873, the construction of its road has been pushed across the continent. The rapidity with which this road was constructed attracted the attention of the whole country, but the interest in the progress of the work in other portions of the Union was slight compared with the interest with which the people of the Pacific Northwest watched its progress. All eyes were turned with expectation toward it. We waited and hoped and at last rejoiced greatly when the last spike was driven and the main line from Lake Superior to Wallula was completed, and Oregon was connected by rail with her sister States.

Wallula is about two hundred and fourteen miles from Portland. The Northern Pacific there connects with the Oregon Railway and Navigation Company's road, which forms a part of the through line from Lake Superior to Portland. From Portland along the south side of the Columbia to a point just below Kalama, which is upon the north or Washington side of the river, and thence to New Tacoma, on Puget Sound, the road is completed. There is also railroad connection between New Tacoma and Seattle, partly by the constructed portion of the Cascade branch of the Northern Pacific Railroad and partly by a railroad constructed by another company. There is also completed and in operation over twenty-five miles of the Cascade branch from New Tacoma eastward, and the construction of that branch is being carried on from the Columbia River westward. It will cost a large amount of money and require considerable time to construct the Cascade branch. If the land grant of the company should now be forfeited I have no doubt that the effect of the forfeiture will be the necessary suspension of the work of construction upon this branch as well as upon the main line.

As to that portion of the grant between Wallula and Portland, applying the rule by which, as I have before stated, I think the question should be determined whether a grant should be forfeited, I think the time has come when the people will be benefited more by an immediate restoration of the granted lands to the public domain and to the operation of the land laws of the United States than by longer holding them from market in order to secure the construction of the road. I am informed that the company during last year did some work along the north side of the Columbia River upon this line, but the work has not been pushed with an energy which indicates an intention and ability of speedily completing that section of the road.

Another company has constructed a road from Portland to Wallula which gives the public the benefit of a through line, and to that extent lessens the public benefits to be derived from the construction of the Northern Pacific road, and by causing the rapid settlement of the country along the line of the road, has increased the inconvenience and injury to the community which will be caused by the further withholding of the lands from market. Many persons have settled upon these railroad lands and are anxious to secure title. As I have before said, if it appeared certain that the road would be built at once, the most satisfactory way to secure the rights of these persons, in my judgment, would be to permit the lands to be earned and the settlers to secure their title from the company.

In considering what should be done for the relief of these persons there is a question worthy of consideration as to the power of Congress to divert the lands granted to the Northern Pacific Railroad Company from the object of the grant, namely, the construction of the road, which I have already discussed. The bill offered by myself for the forfeiture of this portion of the grant avoids this question, and if it should become a law would at once, no doubt, settle the question of title to all the forfeited lands. It requires the company to assent to the provisions of the bill. The company agreeing for itself, its stockholders, and bondholders, and the United States agreeing for the public, to the forfeiture, the title to the lands and the power of Congress to dispose of them would be finally settled, whatever may be the power of Congress without such assent to declare a forfeiture of the grant.

As a condition upon which an extension of time is granted for the completion of the Cascade branch, I have no doubt that the company would assent to the provisions of a bill for that purpose by which the grant for a portion of its main line from Portland to Wallula would be forfeited. Should the bill reported from the Committee on Public Lands become a law the courts would be called upon to determine whether Congress had the power to divert the grant from the objects to which it was made. But in the mean time, and until some final adjudication of the question could be had, the title of the settlers to the lands would be under a cloud, and their value would be greatly impaired.

Looking at this question from my standpoint, unless the act to forfeit this grant should be passed in such a shape as to secure the assent of the company, I should be in favor of providing for the institution of a suit at once by the United States against the company, and all parties claiming under it whose rights are not provided for in the act, to settle finally and within the shortest practicable time the question of title at the expense of the United States, instead of leaving it to be settled at the expense of settlers under the land laws, and providing for an early final decision of the case by giving it precedence on the calendars of

all courts, requiring the courts to hear it, and shortening the time for appeal.

The circumstances are quite different in regard to that portion of the grant for the Cascade branch. That part of Washington Territory lying west of the Cascade Mountains is entirely cut off and separated from Eastern Washington by the Cascade Mountains. Without the construction of the Cascade branch, which is in fact the direct line, the only communication between the two portions of the Territory is by way of the Columbia River Valley. The lines of transportation and travel pass through or connect at Portland. Western Washington contains about 30,000 square miles, and is about three and a half times as large as the State of New Hampshire. It contains the great Puget Sound, with its fertile islands, capacious harbors, and its 2,000 miles of shore indented by bays and inlets. It probably now contains the most extensive and valuable forests of timber in the United States.

Underlying these vast forests of fir, pine, and cedar are inexhaustible mines of iron and coal. It has considerable tracts of the finest agricultural land. Its waters teem with fish. In short, it is a valuable portion of the great Northwest, destined to be the future home of millions of people. It was, until the establishment of the civil government for Alaska, the extreme northwestern portion of the organized territority of the United States. The citizens of Washington Territory were among the earliest and most intelligent friends of the Northern Pacific Railroad. They believe that they are entitled to direct railroad communication with the eastern portion of the Territory and with the main line of the Northern Pacific Railroad by way of the Cascade branch.

I believe they are so entitled. I am frank to say that in my opinion the construction of the Cascade branch would not be immediately advantageous to Oregon, or to Portland, its chief city, and I even doubt whether its present construction would be profitable for the company itself. I base my action in this matter upon broader grounds than the interest alone of the people of my State. I believe I should be false to my duty if I permitted myself to be governed by such a consideration, and by my silence, my voice, or my vote helped to place an obstacle in the way of the completion of this branch. I shall be governed in this matter by what I conceive to be the interest of the whole Northwest and of the whole country, and will not without a protest see so large and promising a section of the country cut off from direct communication with the railroad system of the Union at a time when the long-deferred hopes of its people seem about to be realized.

Illinois, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Iowa, Michigan, Wisconsin, Minnesota, and Kansas have all received from the Federal Government valuable lands for the purpose of aiding the construction of railroads, and many other States and Territories have received the benefits of valuable grants made to corporations to aid the construction of railroads within their limits. By the liberality of the Government they have been given the facilities of railroads and telegraphs, daily mails and schools; their resources have been developed, their unoccupied lands settled and cultivated, and they have grown strong and independent of further national aid. Are the representatives in this body of these States which have been heretofore so highly favored by the General Government, and whose Senators and Representatives were once suppliants for aid from the Federal Government for railroads for their States, willing to deprive far-off Washington Territory of the aid heretofore granted to secure to her a single direct railroad connection with the railroad system of the country?

It is said that the time is past when it is necessary for the Government to aid in the construction of railroads. That may be true in most of the States and Territories, but it is not true as to Washington Territory. The condition of that Territory to-day is practically the same as was the condition of the Territories of the West when they received liberal Government aid for the construction of their railroads, and which now, by reason of the settlement of their territory and the development of their resources, no longer require assistance. The sparse population of the great Northwest, the difficulties of constructing railroads, the great cost of the transportation of railroad material, the high prices of labor, render the cost of railroad construction very great.

To the Government itself the question as to whether the land grant of the Northern Pacific shall be forfeited and restored to the operation of the land laws, or earned by the railroad company and sold to settlers, is of no great importance. I am not concerned about the sum that would find its way into the public Treasury if the lands were restored to the operation of the land laws. My concern is to know what is for the best interest of the people of Oregon and Washington Territory and of the whole country. If any people deserve liberal treatment at the hands of Congress it is the people who braved the dangers and endured the toils and hardships incident to pioneer life in that country, and who have waited so long for the tide of immigration just now setting toward it.

I am asking of Congress in behalf of Oregon, in view of our great extent of territory, our great and rapidly increasing internal, interstate, and foreign commerce, our great rivers, our extended seacoast, our rapidly increasing population and development, liberal appropriations for the improvement of our rivers and harbors. I should feel in a measure estopped from asking such liberal treatment in this regard as our people deserve if the reasons for doing so were not strong enough to prevent me from assisting in depriving the people of Washington Territory of the aid heretofore granted by Congress for the construction of the great highway across the continent which for the last quarter of a century has been the object of their hopes by day and the subject of their dreams by night.

I briefly call attention to another matter which I deem worthy of careful consideration in connection with the proposition to forfeit the land grant for the Cascade branch of the Northern Pacific Railroad Company. The Canadian Government has expended large sums of money in the improvement of the St. Lawrence River, and is making a great effort to secure the trade of the Northwest. The Canadian Government has also already expended and is expending fabulous sums in pushing the construction of the Canadian Pacific Railroad. It seems certain that in a comparatively brief period we may look for the completion of that road, and when that time arrives there is scarcely a doubt but that Great Britain will subsidize a line of steamships between the city of Victoria and Hong-Kong and other ports of China and Japan, and Victoria will become a competitor for the trade of the East, not only with Portland and the cities of Puget Sound, but with San Francisco, which has hitherto enjoyed a monopoly of that trade upon the Pacific coast. In view of this fact it is not alone Western Washington or the people of the Northwest or the stockholders and bondholders of the Northern Pacific that are interested in securing a through line of railroad for the Northern Pacific from Lake Superior to Puget Sound, but such a through line is a national necessity to enable us to fairly compete with Great Britain for the commerce of China and Japan.

The PRESIDING OFFICER (Mr. CAMERON, of Winconsin, in the chair). The question is on the amendment of the committee, which will be read.

Mr. BLAIR. Is this the amendment of the Senator from Alabama [Mr. MORGAN]?

The PRESIDING OFFICER. The Chair understands there is an amendment proposed by the Committee on Public Lands on which the question has not yet been taken. The amendment will be read.

The SECRETARY. In line 22, after the word "stations," the Committee on Public Lands propose to insert:

Provided, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

Mr. BLAIR. Mr. President, the elaborate speeches which have been made upon this subject and the impossibility which I have found to make anything like proper preparation to discuss a question of this magnitude will justify me (as I am sure my course will please the Senate) in making my remarks very brief; and yet, as a member of the committee, having given some thought to the general subject that is involved, not alone in this bill but in the various bills that are before the Senate and the other House of Congress and before the country, proposing the forfeiture of the unearned and in many cases of the earned land grants to railroads which have been constructed by their aid and which it was expected would be constructed by their aid, and not having the good fortune to agree with a majority of the committee but being obliged to vote like the rest of the Senate, I feel that it is proper that I should give some expression to my views.

All the land grants proposed to be forfeited were originally made between the years 1860 and 1870. They all had the same general purpose. From the Mississippi Valley to the Pacific coast our country was comparatively a wilderness, to be sure inhabited here and there. Even large States had been developed and political communities had been established in portions of that great territory, and yet when the actual population of that territory is compared with the teeming millions that it may well support, I am justified in saying that at least in that period that portion of our country westerly of the Mississippi Valley and the Missouri Valley was a wilderness.

For the purpose of opening communication with the Pacific coast it seemed desirable that at least four great natural lines of communication should be established connecting the Atlantic and the Pacific seas. They were chartered; they were all endowed with liberal land grants. They were separated from each other from three to four hundred miles, parallel lines, the Northern Pacific, the Central and Union Pacific, the Atlantic and Pacific, and the Texas and Pacific. Upon the Pacific coast lines connecting these great thoroughfares were also chartered and were endowed with a land grant as in other cases.

In round numbers something like 200,000,000 acres of land were granted to promote these great objects; substantially 50,000,000 acres, a little less I think, to the Northern Pacific; considerably less than that to the Union and Central; some 47,000,000 acres to the Atlantic and Pacific, to which road the bill under consideration has special reference; and a smaller amount to the Texas and Pacific, which appertained only to the Territories lying westerly of the State of Texas. Including the lines extending along the Pacific coast which connected these great proposed thoroughfares, the sum total of the land grant was in round numbers about 200,000,000 acres.

All these enterprises have been entered upon; one of them prosecuted to completion; the Northern Pacific substantially completed to-day; the

Atlantic and Pacific more than half completed; the Texas and Pacific, now the Southern Pacific, wholly completed, while the lines connecting the Pacific extremities of these great roads are also practically completed; so that from the Northern Pacific to the Texas and Pacific, now the Southern Pacific, there will be in a very short time a continuous line of communication.

It must be admitted, I think, that substantially the great end sought to be accomplished in the chartering of these lines and in the granting of these immense tracts of land has been accomplished, or if not entirely accomplished it is now so near completion that in the eye of a nation looking to its development and to its destiny we may as the American people say that these roads are finished. Yet they are not complete. Certain almost indispensable things remain to be accomplished, and that is the establishment of the termini on the Pacific coast and some of the connections on the East in order that these great competing transcontinental routes may be established for all time.

I do not know that the Senate makes any proposition to deprive any of these roads of any portion of the grant which has, in the parlance of the time, been earned in any of these cases. That would be such flagrant and abominable injustice that at least the sentiment of this end of the Capitol has rebelled against it. I do not know that any member of the Committee on Public Lands or any member of the Senate entertains the idea of forfeiting the earned portion of any one of these great land grants. By the earned portion I understand that portion of the land grant which lies contiguous and opposite to the completed portions of the road.

In this way there has come to be finally disposed of, vested in these various corporations, their successors, their assigns, their legal representatives (I speak in round mumbers now that the memory may be more likely to carry the figures), about 150,000,000 acres of the 200,000,000 acres granted. Of the remaining portion of these land grants, the 50,000,000 acres, more or less, lying along the uncompleted portions of these roads, no part of which, however, in any of these cases has failed to be surveyed, the line located, and more or less actual and important expenditure made upon them—I say along these remaining uncompleted portions where lie the unearned portions of the grants the lands as a rule are relatively of very little value. I shall not undertake to speak with accuracy. Nobody can speak with accuracy. The data do not exist.

Neither the Senate nor the other branch of Congress nor the committee has been from the beginning to the end of this investigation in the possession of the definite data whereon any jury would be expected to base a verdict, and no judicial decision affecting rights of property to the value of $5 or $5,000,000 would be rendered anywhere in this broad land, I venture to say, before the most incompetent justice of the peace or the highest tribunal in the country, upon such sort of investigation of fact as has been made in any of these cases in either branch of Congress. Basing my statement upon such information as I possess, and such inferences as I think may be fairly made, considering that the uncompleted portions of these various roads pass, many of them, through mountain gorges, that they go through wilderness and desert lands, that very large portions where the land is valuable are already located upon and will be held by private individuals or companies, homesteaders, pre-emptors, individual settlers—taking all these circumstances and others that might, if time would permit, be dwelt upon, I do not believe that to-day there is a really intrinsically valuable portion of the unearned land grants which will be recovered if all these bills of forfeiture are enacted into law, and all of them are successful, investing in the United States what they undertake to do, 10,000,000 acres of good land to-day that will be recovered by the United States by this effort to forfeit land grants amounting to 200,000,000 acres.

We see in the newspapers and hear something in the discussions in both branches of Congress of the practical result that will come from this great movement to destroy vested rights and to humbug the American people. The proposition that they are to recover immense portions of the public domain in my belief will simmer down to a recovery of not exceeding one-twentieth part of the land originally granted, and which the people are led generally in the discussions to expect that they will recover. So the real, practical, sensible proposition before us in the aggregation of these bills (I am not speaking now of the single one that is before the Senate) is to make an effort by this public demonstration or declaration of forfeiture of all these grants to recover to the United States not exceeding 10,000,000 acres of really valuable lands.

It is very true we might recover perhaps mountain tops, we might recover desert lands, lands that the companies themselves would be glad to part with for 5 cents an acre in cash, or 10, 15, 20, or 25 cents an acre in cash, and a much larger amount, nominally an amount in my belief not exceeding forty or fifty million acres and an actual amount not exceeding 10,000,000 acres of really valuable, homesteadable, if I may use the expression, land fit for occupation and for purposes of getting a livelihood on 160 acres. Most of this land may be valuable in the way of pasturage, and it may be important to individuals in this country that the lands should be forfeited in order that vast projects in the direction of the accumulation of great ranches and the development of pasturage for cattle with a view to the accumulation of fortunes in that way may be facilitated; but I am talking about the actual value of what we are undertaking to do to the ordinary American citizen, the homesteader, the man who understands that from the proceeding which we are initiating here in these concluding moments of the session he is to have the opportunity, and his children after him, to establish a homestead on 160 acres as a consequence of our action to-day.

Whether this is a project which it is worth while to undertake without due consideration, without ample investigation, without the settlement of all questions of fact in a substantially judicial procedure, although the action itself might be taken by Congress, is a very serious question. I think it is understood from decisions of the courts and the general position of legal minds in this country that lands may be forfeited in either of two ways—by a judicial procedure or by an act of Congress. Whether an act of Congress is equivalent to forfeiture or not seems to be to some extent a controverted question. I think the best authority is to the effect that a declaration of forfeiture is simply equivalent to what is known in the common law as "office found." It is a declaration of an intention to recover the possession of whatever lands the United States may be entitled to in law. It is not an actual recovery. It certainly is no recovery as against any individual or corporation who has a vested right. It is simply a declaration of an intention to get what belongs to the United States, to take possession of it and dispose of it as its own property. That it is not an actual recovery I think will be universally conceded as against an individual who had an already vested right, and although the declaration may be made, wherever there is a controversy, or an opportunity for controversy, the courts are still open, or if there is no legal procedure available it is the duty of Congress to make courts and to open courts which may adjudicate that controversy.

But, Mr. President, in whichever way this is done, the thing to be done is substantially the same. It is necessary to ascertain the fact. It must be conceded that the fact should be ascertained upon no less reliable testimony when we are to legislate upon that fact than should be required for its establishment when that same fact is to be made the basis of legal decision. If that is a sound position—and assuming that it is on the whole the duty of Congress to exercise the power of forfeiture whatever it may be—I say, in the first place, there has been by Congress no such procedure to ascertain the facts in this case or in any of these cases as would be required by the universal sense of justice on the part of mankind in the most trivial matter concerning property or any human right.

The Committee on Public Lands of this body which has reported all these bills has had no sources of information excepting the public records of the country and the statements of counsel for the interested corporations. In not a single instance do the public records of the country shed the necessary light as a basis of action. They are the charters; they are the records of the survey and location of the various routes. They show something of the completion of these roads so far as they have been completed; the acceptance of certain portions of the projected lines, and the conveyance of the lands conterminous therewith; but so far as the uncompleted portions of the lines are concerned along which lie the lands which it is proposed to forfeit, there has been nothing like that sort of investigation as a basis of action on the part of the committee of the Senate, and in so far as I know of any committee, that would be required in the most ordinary judicial procedure. We have the statement of counsel representing these corporations, and that is all that we have on the other side.

I believe that before we undertake to enact laws which will result unquestionably in a vast mass of litigation, in the violation of a great deal of private right, or at all events in inciting a vast amount of controversy that will have to be adjudicated somewhere, we should first for ourselves ascertain the facts and in such a way that the evidence would be satisfactory in any judicial proceeding. We certainly can not justify ourselves in dealing with these great questions, nor in dealing with minor questions that concern the rights of property and the great public questions which are involved in the completion of these roads unless we have the facts, and the facts, I assert, we have not.

Therefore, I say it is my belief that the proposition to forfeit, as is proposed in these various bills, any portion of these land grants is at the present time immature; and the first thing that should be done by Congress, if it proposes to pass these bills, is to refer them to appropriate committees with instructions to investigate and report the facts to the Senate, and thereupon legislation may be safely based. I am opposed to the enactment of any one of these land-grant-forfeiture bills at the present time. I believe they are radically wrong. I believe that they are simply the entering wedge to disturbance and distress; that they are against sound public policy; that the land-grant-forfeiture bills which it is proposed now to enact are simply humbugs, and are, if not designed to be, substantially misleading the American people.

Now, sir, let us look a little more closely to the condition of these various roads. Take the Northern Pacific for instance. It is a route substantially of 2,500 miles in length. It has its eastern terminus, not yet constructed, to be sure, the one that it is proposed finally to rely upon. I think it has located at Ashland, on Lake Superior a little north of Duluth, and a short distance remains to be constructed to establish the eastern terminus of that great road. It has been built westerly, it

has passed through the Territories, it has crossed the Rocky Mountains, it has come to Snake River, in has arrived within two hundred miles of Puget Sound by the Cascade branch; it has arrived within two hundred and fifteen miles of Portland city, the other terminus on the Pacific Ocean of this great route.

By the universal concession in the Senate, the whole length of the Northern Pacific is completed, with the exception of the two prongs which open upon the Pacific coast and which are its termini in that direction. With the exception of less than five hundred miles lying directly on the Pacific, the road is completed; but those five hundred miles are not completed. To be sure, the Northern Pacific has an outlet to Portland over a rival line which it has hired or leased or obtained the use of for a limited period of time. It does not own that corporation; it does not own that road.

Suppose, now, that the Cascade branch is never constructed; suppose that the main line down the Columbia River is never constructed, who owns the Northern Pacific Railroad? Do the people of the United States? Has the Government control over the Northern Pacific according to the conditions of the charter? Of what avail is it as a great transcontinental road if we are to abandon—and the object of the proposed forfeiture is the abandonment practically of what is called the Cascade branch that goes to Puget Sound and opens to us the prospect of control, by way of the Northern Pacific, of the great Asiatic trade of the future? That is to be removed from the possibility of construction. At all events if built hereafter there is no reason to suppose that it will remain in the ownership of the Northern Pacific Company. The forfeiture of the land grant down the Columbia River is instigated in my belief by parties, not homesteaders, not settlers, but great corporations who know that if they own the western terminus of this road they own the road the whole length of it. Whoever owns the two ends owns the road. I say in the interest of another great corporation it is proposed to forfeit the lands along the Columbia, the main line of the Northern Pacific, and thus to disappoint the people of the United States in regard to the purpose which was designed to be obtained by the construction of the great northern route.

To the people of Oregon, to the local interests of Oregon, it may be very well that her Senators, one or both of them, should appear on this floor and say "forfeit both these branches" as one of them does say, and the other "forfeit one of them; forfeit the land along the main branch leading to Portland, but save the Cascade branch," which can not be constructed without great expense and requiring some three or four years' time to do it. I say it may be very well for local interests, for corporate interests (for I believe those are the interests concerned here) to say forfeit the land grant along these two branches which open upon the Pacific and which practically control the Northern Pacific transcontinental line, but for the people of the United States who have furnished the money that has built this great road, for the capitalists, for the small farmers, for the depositors in savings' banks, for the widows and children and those who are the controllers of trust funds in my portion of the country to sympathize with a movement of this kind is not in the nature of things. Nor do I believe it to be otherwise than utterly subversive of the great ends for which the Northern Pacific Railroad was originally incorporated.

It is matter of common knowledge that the British Government is constructing a transcontinental Canadian railroad with its outlet practically upon Puget Sound, substantially and practically the same terminus as our own line with reference to the great commerce in the future of the Asiatic continent and of our own possessions in that direction.

As I said before, while it may be well enough for large pecuniary interests on the Pacific coast to come here and howl about this little bit of a land grant that is essential to the completion of the four or five hundred miles that remain uncompleted upon the Pacific coast, it is utterly subversive of the great ends for which the United States Government and the people of the United States first chartered this great line and devoted 50,000,000 acres of land to it. To say to the common American people, those in pursuit of homesteads, that a measure of this kind is in their interest is almost an infamous lie.

I am very well aware that the position which I take upon this matter is not the popular position, and I had much rather take the opposite. I should very much prefer to vote for all these bills. I understand how it is easier to drift with the current, but I appeal from the now to the hereafter, and I assert here in my place in the Senate that these bills, in my belief, are utterly subversive of sound public policy and destructive of private personal rights.

Now take the Atlantic and Pacific, which is the bill pending before us. That is a line connecting that portion of our country centering at Saint Louis and further south with the Pacific coast, or was designed so to do, by a line practically along the thirty-fifth parallel of latitude.

I will not here—because the story has already been recited—undertake to speak of the efforts, of the struggles in good faith, and of the things accomplished already by this greatly crippled corporation. It has by itself or by its assigns actually constructed, if I am not mistaken, about 1,400 miles of road. In that I include the four hundred miles that have been constructed through the State of Missouri westerly and into the Indian Territory, including along with the rest that which was acquired by purchase. More recently and within the last four years, about 1,000 miles have been completed in what is practically the central portion of the Atlantic and Pacific line, commencing substantially in the center of the line as originally chartered and building both ways about five hundred miles. There you have the link which cost some $16,000,000, which was constructed, as I said, between 1880 and the present time and so as to form a junction with the Southern Pacific, which extends from San Francisco southerly to Fort Yuma and then easterly to New Orleans.

This junction has been accomplished with the Southern Pacific, a rival ownership, and this 1,000 miles of road is to-day a feeder of the Southern Pacific on the one hand and of the Atchison, Topeka and Santa Fé route, another rival ownership, on the other hand. Before the purpose for which this road was chartered can be accomplished it must have an outlet upon the Pacific, and there is a point, the name of which has at this moment escaped me, almost directly westerly of the point of junction with the Southern Pacific, which is the outlet upon the Pacific coast originally contemplated and still contemplated as one of its outlets, and then farther off its line is to extend from that point northwardly along the coast to San Francisco.

If the land grant is forfeited along this uncompleted line on the westerly end of this railroad, of course it is with the expectation that it will never be built, and it is not likely to be, at least for a great many years. That land grant, as such information as we get has shown, is not of much value. A great portion of it, I think, was described properly by the Senator who opened the debate, the Senator from Kansas [Mr. PLUMB], as wilderness, waste land, sand, utterly useless, until by some expensive system of irrigation it shall be made valuable in the future, if it can be in fact made valuable at all. Other portions of it may be cultivable land; but the great mass of that land grant which is of value, I believe, is in what has been for a long time a populated country, and is already taken up, and is not available to the corporation. So that the land grant, which, if this bill passes, we shall recover west of the junction of the Atlantic and Pacific with the Southwestern Pacific, is very trifling in extent and still more trifling in value.

It may be said that if it is of so trifling value it is of very little consequence even to the corporation whether it is forfeited or not; but omitting all reference to the matter of legal rights already vested in those who have contributed their money for the construction of those portions of the road already built, and who had taken security for their bonds along this same land grant, we all know that if you deprive this road of the credit, such as it is, based upon the possession of these lands, the fact will be taken advantage of by the road itself as an excuse for failing to carry out its stipulations with the Government, and it would be right that it should do so. On the other hand, if these comparatively unimportant lands, not valuable lands, are allowed to remain as they are in the possession of the corporation, and it could understand that it was not to be interfered with for a reasonable length of time, there is very little doubt that the necessity of finding an outlet upon the Pacific coast in order that the remaining portions of their expenditures invested in the constructed railroad should be of value to them would induce them, if left undisturbed, very soon to construct the remaining portions of their road, and thus give to us a terminus on the thirty-fifth line of latitude on the Pacific coast, and also have the extension northerly and another terminus of the same road in San Francisco.

With reference to the other end of the Atlantic and Pacific connecting the portion constructed in the Territories with that already built westerly to Vinita, in the Indian Territory, and now in progress of construction still farther west, if we forfeit this land grant it is not likely to be built, and thus at both ends the original idea of a transcontinental line along the thirty-fifth parallel of latitude is utterly subverted and destroyed. The representatives, the officers of this company, and its attorneys came before the committee. They stated to the committee the efforts which they had put forth, the amounts of money which they had raised, and the amount of road which they had constructed, and the great portion of it in a very recent period of time, and they stated what they had done as an omen, as a pledge of the good faith with which they would proceed, if permitted to do so, to the completion of their great enterprise. I believe that if this road is not interfered with, the capital already invested will be made a profitable investment by the completion of both extremities of this transcontinental line. I believe if we do not pass this bill but pass other legislation such as I shall presently suggest to the Senate, we shall not only protect these private interests, but we shall very soon see the accomplishment of the great enterprise itself and the promotion of the interests of the American people in a very large degree.

With reference to the other grants which extend northerly and southerly which are designed to connect the Northern Pacific with San Francisco, I have but little to say. Two such lines are nearly completed. The Oregon and California and the California and Oregon roads, the one running southerly and the other northerly, extend toward each other, and when they meet are designed to be practically the same line of road, though owned by different corporations. With reference to these corporations, the land grant is of very slight importance. It probably is not worth 10 cents an acre on the average.

The roads are nearly completed. If I recollect aright, the officers

testified that if they were left undisturbed, the road extending southerly from Portland in the direction of the California line, that is, the Oregon and California road, would be completed by next January, and they have come now to the most expensive portion of their whole road, a very expensive piece of tunneling to be done, so that the road itself, longitudinally speaking, is already almost completed, but very few miles remaining, the expenditure remaining being upon this exceedingly difficult pass or tunnel of which I speak.

The other road pushing northwardly is likely to be completed, if I remember the statement of those representing the company, within one year. The great mass of the land grant is already vested; the land to be recovered is exceedingly trifling, and the whole proceeding in my deliberate judgment, speaking with all respect to the views of others, is a mere farce, unsatisfactory to the people if it is done, no reward from it, nothing realized, and so far as anything is done we simply enter upon a course which subjects the people of the United States to a great mass of litigation in the future—simply that and nothing more.

Mr. President, with these general, emphatic views in regard to the policy of this sort of legislation at the present time and until we have ascertained particularly the facts in all these cases, and then with very strong views that it would be entirely unwise to proceed to forfeit these lands, even if the facts alleged to be true were found to be so, I have thought it worth while to prepare an amendment in the nature of a substitute to this bill, which I should be very glad to see adopted instead of the bill itself. I will read it; but before proceeding to do so I wish to say that while these roads, in my belief, should have further time, those that are proceeding and have been proceeding in good faith to the completion of their ways to finish them, I do recognize the justice of the complaint that in many instances settlers, homesteaders, private individuals are exceedingly embarrassed in the establishment of homes by reason of the delays that have in most cases, unavoidably I think, occurred in the construction of the roads.

I think in any action that we take, while we give these roads a fair opportunity to construct their lines, particularly on account of the fact that the remaining portion of them involves the termini to the lines, if we give any further remedial legislation in the substantial nature of amendments to their charters, we have a right to impose such conditions as will protect the settlers and the common people of the country who desire to obtain possession of the lands. There is no reason, it seems to me, why we may not in such legislation, while giving the roads the substantial benefit to be derived from the sale of their lands, at the same time take back into the possession of the United States, the land authorities of the country, the practical management of this domain. If we could do that and secure the completion of the roads, and while we protected vested rights on the one hand gave on the other full opportunity to those in the pursuit of homes to obtain unencumbered, unquestioned, uncontroverted titles to the unearned lands, we should meet all the requirements of the public at large, at the same time that we do no injustice to those corporations.

Mr. VAN WYCK. Before the Senator reaches the other branch of the case, will he allow me to ask a question?

Mr. BLAIR. Certainly.

Mr. VAN WYCK. I think he was characterizing the desire to forfeit unearned lands as being in the nature of humbug or something of that kind. I do not object to the language. I merely wish to know whether the Senator would mean to apply those criticisms to the resolutions of the State of New Hampshire that were approved on the 7th day of September, 1883, and submitted by himself in this body on the 5th day of December last? Would he desire it to be understood that his remarks apply to the resolutions adopted by the State of New Hampshire?

Mr. BLAIR. The Senator has several times called my attention to those resolutions of the State of New Hampshire in our little controversies in our committee and elsewhere on this subject, and I have no disposition that in this public manner he shall undertake to fasten upon me the imputation of an affront to the Legislature that did me the honor at an earlier period to give me a seat upon this floor. I say to the Senator that he entirely misrepresents what I said to the Senate. I did not stigmatize the desire to forfeit these lands as a humbug. I made no intimation of that description; and the Senator would do well before he arraigns me in this manner to note what I did say. I said that I looked upon the impression that was given to the public as to the results of these proceedings for forfeiture as a humbug to the American people, and I assert it again, and I have endeavored to show to the Senate why I consider it a humbug. Unless I am misinformed, I aver that it is my deliberate belief that the representation made by many that ought to be responsible sources of information to the American people that there are about 200,000,000 acres of land to be recovered by these proceeedings and returned to the public domain and opened for settlement to homesteaders and the people at large is a humbug to the extent of at least nineteen-twentieths of the mathematical assertion.

If every one of these bills is successful, if everything is forfeited that it is undertaken to forfeit by any bill before the Senate, for all of them combined cover nothing but unearned lands, not more than 50,000,000 acres in the aggregate will be covered, and those 50,000,000 acres comprise the mountain tops and desert lands, so that not more than 10,000,000 acres in my belief are of any substantial value. I say that in view of these facts, and I believe that they are facts, this assurance to the American people that we are recovering for the homesteaders of the country 200,000,000 acres of land is an arrant and disgraceful humbug.

Now a word in reference to the resolutions of the Legislature of my State. I am an American citizen. I do not live in Nebraska or in New Hampshire alone; I live in America, and I will read to my friend a more recent utterance of the national organization of the Republican party, in which they proceed to say:

> We demand of Congress the speedy forfeiture of all land grants which have lapsed by reason of non-compliance with acts of incorporation in all cases where there has been no attempt in good faith to perform the conditions of such grants.

I ask the Senator if in a single instance wherein these bills have been reported to the Senate, which he has sustained, he can say that any one of these corporations has made no attempt in good faith to construct its road? The Northern Pacific has built 2,000 miles of road under the most enormous difficulties, and the Senator now proposes to abolish the termini on the Pacific coast which alone make it of consequence to the American people whether it is completed or not. The Oregon and California and the California and Oregon roads are nearly completed under enormous difficulties. And has there been no attempt on their part in good faith, as well as on the part of the Northern Pacific, to complete their roads? The Atlantic and Pacific have constructed 1,400 miles of road under difficulties for the existence of which the United States is very largely responsible, as the Senator well knows and as the records of the country show.

Will the Senator undertake to say that with only four or five hundred miles remaining to be constructed on the Pacific coast, and those the miles that are essential to make the road valuable to the public at large, he does his duty to his own people or the American people, or shows allegiance to the Legislature of his own State, or true allegiance to the great party of which he is so high and worthy a representative, by forfeiting those lands which are essential to the completion of those four or five hundred miles on the Pacific coast? Does he undertake to say that there has been no attempt in good faith on the part of the Atlantic and Pacific Company to complete its line of road?

Take the Southern Pacific. We know it was completed within the time, and that the questions involved in reference to that grant are not those which are involved with reference to the others, because the facts were already settled, the road is completed, the grant is assigned, the assignment is valid as they believe. It is a question of law who owns it, and it is a question that the courts must decide. No legislation we can have will have effect upon it.

Now, I ask the Senator, in return for his question to me, if he thinks it is quite the thing, if it is quite the part of a gentleman to rise and interrogate me as though I had accused my own Legislature of an utterance in the nature of a humbug? My State does not want to forfeit lands properly vested and which belong to corporations that have been chartered and that are endeavoring to construct their roads. My Legislature is not made up of the kind of men who desire to perpetrate highway robbery simply because they have the power to do it. They would like perhaps to take the unearned lands; they would be glad where the corporations have abandoned the effort to build their roads to get back the lands, and so would I; so I hope would the Senator from Nebraska. I am very sorry to be obliged to believe, if I draw my inferences from his conduct rather than from what I know of his motives and his heart, that he himself would, if he could, be willing to take some of the land that did not belong to him, speaking of him in his representative capacity.

Mr. VAN WYCK. The Senator has in a measure answered the question. I very much regret that he should have felt that it was meant in an offensive sense.

Mr. BLAIR. I presume the Senator had an idea that I would take it in an offensive sense.

Mr. VAN WYCK. I do not know why the Senator should undertake to take it in an offensive sense whether I desired him to do so or not. I can not understand that.

Mr. BLAIR. Very well.

Mr. VAN WYCK. I thought I understood the Senator, and his answer to the question shows that I did. I stated that he spoke of certain operations in regard to the matter of forfeited land grants as being humbug, and the Senator concedes that he did use that language.

Mr. BLAIR. No; I concede nothing about my language. If I am to be quoted and quoted as assenting, I prefer to appeal to the record rather than the Senator's statement.

Mr. VAN WYCK. I appeal to the record, too; but the Senator distinctly repeated what he had characterized as being a humbug in this matter as the pretext that there were millions of acres more than there were, that the land was more valuable than it really was, that that part of it was a humbug; and then I merely propounded the question and supposed the Senator would consider that as rather a favor than otherwise, because——

Mr. BLAIR. So I did.

Mr. VAN WYCK. Because the question might be propounded to him hereafter where he could not meet it so readily in his speech.

Mr. BLAIR. Probably; but I am accustomed to take care of my own hereafters. If I need assistance in Nebraska I know I can call on the honorable Senator from Nebraska, and I shall get it.

Mr. VAN WYCK. Not at all; I supposed it was a matter of friendly courtesy.

Mr. BLAIR. Certainly; I take it that way; but it was quite unnecessary.

The PRESIDING OFFICER. The Chair understands that the Senator from New Hampshire yielded to the Senator from Nebraska; therefore the Senator from Nebraska is entitled to the floor.

Mr. BLAIR. I yielded for a question. I did not yield for a catechism; I did not propose to do that.

Mr. VAN WYCK. No; I do not propose to come in any collision with the Senator.

The PRESIDING OFFICER. Senators will address the Chair.

Mr. VAN WYCK. The Senator propounded a question to me also in his concluding remarks, which I, of course, presume he intended I should answer right here. Certainly the Senator will not refuse me the privilege to deny that there was any idea to intrude anything on his time which might be considered at all offensive; but in the innocency of my nature I asked whether that portion of his remarks was designed to apply to the resolutions of the State of New Hampshire upon the matter of forfeited land grants, and the Senator in answer to that reads a resolution of the Republican national convention at Chicago. I would only refer him to some very pertinent remarks made by the Senator from Ohio.

Mr. BLAIR. I would prefer, if the Senator is to enter upon a lengthy discussion, that he should do so when I have completed what little I have to say. I am perfectly willing that the Senator shall read the resolutions of the State of New Hampshire if he chooses, and I will incorporate them in my speech. The Legislature of New Hampshire ordinarily produces something worthy of the attention of any body.

Mr. VAN WYCK. That is what I supposed and that is the reason my attention was called to it. I knew it was worthy of notice when it came from New Hampshire.

Mr. BLAIR. But when the Senator has read it, I desire to give him notice I propose to claim the floor.

Mr. VAN WYCK. I supposed the Senator did not want anything more. I will read the New Hampshire resolutions:

STATE OF NEW HAMPSHIRE,
Office of Secretary of State, Concord.

Joint resolution against land subsidies to railroads.

Resolved by the senate and house of representatives in general court convened, That whereas the Government of the United States has given to the railroads 178,952,688 acres of land, an area equal to thirty times the State of New Hampshire, and comprising the best lands of our national domain, the land grants in many cases being over 25,000 acres to every mile of railroad constructed; and

Whereas if such grants were ever proper that necessity has passed away, and many of the roads recently built are uncalled for, far in advance of any public need, and projected and constructed mainly to gain possession of immense tracts of land to enrich a few men, who monopolize the best sections, holding them for a rise, or to exact unreasonable prices from settlers, against the public welfare; and

Whereas the public lands are the property of the whole people, held in trust for the benefit of the whole people, and when sold they should be sold in such quantities and on such terms as to encourage settlement and improvement, and not be given to large corporations nor in any other way squandered: Therefore,

Resolved, That our Senators in Congress be instructed and our Representatives be requested to oppose any further land subsidies to railroads except the right of way, and any land grants for any purpose except for objects of national importance; and, especially, to oppose any renewal of forfeited land grants.

Resolved further, That his excellency the governor be requested to send copies of this joint resolution to each of our Senators and Representatives, and to the President of the Senate and Speaker of the House of Representatives, at the opening of the next session of our national Congress.

Approved September 7, 1883.

Now, if the Senator desires to resume the floor, I presume I must yield.

Mr. BLAIR. "Any renewal of forfeited land grants" is what the New Hampshire Legislature objects to, and that is entirely consistent with everything I have said. I have not advocated the renewal of forfeited land grants at all. When a corporation comes here asking for a renewal of a forfeited grant it will be time enough to discuss that question. The Senator knows, I suppose, that the question when a land grant is forfeited is a question of law depending upon the facts that may be established in each particular case. It is getting to be conceded now, what was not earlier in the session, that it is impracticable and wrong to take from a corporation that portion of its land grant lying along the completed part of its road. A different doctrine was once held. That much has been conceded. That is not forfeited, and is not forfeited because it is earned, as they say.

Now, suppose that the same corporation has partially constructed the remainder of its road, that it has expended large sums of money in so doing, that it has surveyed the entire length of its line, that it has done all these things in the nature of preparation essential to the construction of its line, and expended very considerable amounts of money on the whole length of the remainder of that line—you will say is a partially earned land grant perhaps, because that same process continued a little longer and the road is completed and then the whole of the grant would be earned. But in every one of these cases the time originally limited for the completion of the road has expired. What do the courts say as to that? I know the Senator does not believe in the courts so much where their decisions touch land grants, notwithstanding the courts make the law that all of us are bound by.

I do not know why the decision of an honest court is not entitled to obedience, at all events, if not to respect, as much in one case as in another. The courts have settled that where the time limited for the construction of a road has expired so that the right to make the declaration of forfeiture has accrued or to undertake the forfeiture itself and the recovery of the land through a judicial proceeding, if, nevertheless, the United States stands by and sees that corporation go on and expend its money in the further prosecution of its enterprise, it thereby gives to the corporation a license to continue its work, and it is under the operation of such a license that the greater proportion of the Northern Pacific Railroad has been constructed and the lands vested and transferred to the corporation. It is in consequence of a like license and the acquiescence of the Government in the exercise of its rights and the expenditure of its money by the corporation, that 1,400 miles of the Atlantic and Pacific have been constructed.

Here I raise a question to which I ask the consideration not alone of the Senator from Nebraska, but of the Senate. If the country gives this corporation a license to proceed with its enterprise after the Government have the right to exercise a forfeiture legislatively or judicially, if they extend its time at all, I ask for what period do they extend it? Originally the period was fixed in the statute, a reasonable period for the construction of the road as it was then supposed. It failed to be a period within which the road was constructed. At all events the time is extended by the license, and for how long is it extended? How long in law, how long in reason is it extended? There can be but one answer to a question like that. It is extended to such time as gives reasonable opportunity to the corporation to complete the road, not to build an additional section of fifty miles or one hundred miles or five hundred miles; but if the company subsequent to that limitation fixed proceeds to expend its money and undertakes to complete its entire enterprise, and the country lies quietly, acquiescingly, by and sees the expenditure going on, that license I say is a license for such reasonable time as is necessary to complete the whole enterprise; and the land grant of the Northern Pacific can not in law be forfeited, certainly it can not be forfeited in equity or in justice, until the Northern Pacific has had the utmost limit fixed by law for the completion of its road, the Government having allowed it to go on beyond that time, until the Northern Pacific has had a reasonable time to complete its road to Puget Sound and to Portland.

You may say that is not law; it is equity, and in my judgment it is law and equity both. And just so in regard to these other roads. I speak only of this as an illustration, for the principle is the same and should be applied to all of them. I assert that there is no legal right and still less a moral right on the part of the United States to exercise this act of forfeiture in a single instance that has been brought to the attention of the committee or the Senate, excepting in the case of one unimportant road where there had been an actual and perpetual abandonment of the enterprise. I say the legal status is such that you can not properly apply the term "unearned land" to a single portion of the line on the Northern Pacific or on the Atlantic and Pacific or on the Oregon and California or on the California and Oregon road, and as to the Southern Pacific whatever questions may arise in the case of that corporation are simply questions of law because all the facts are already in the past.

And now, Mr. President, I wish to proceed with the few further remarks I was about to offer when I was interrupted. I should be glad to see adopted instead of this bill and instead of all these bills the measure I hold in my hand; or if this is not as perfect in the matter of legal expression as it ought to be I should be glad to see it adopted with such modifications as the legal acumen of the Senate may suggest:

That whenever any portion of the public lands shall have been granted to any State, or to any corporation, its successors or assigns, not including the right of way and land for stations, to aid in the construction of a railroad westerly of the Mississippi River, and there has been failure to perform such conditions on the part of the grantee, its successors or assigns, and the cause of forfeiture, if such there be, has not been enforced by the United States, and since such failure to perform and the accruing of such cause of forfeiture there shall have been any further prosecution of the work of building such railroad in good faith, and with intent of completing the same on the part of such State or corporation, its successors or assigns, and such intention and purpose still exist, there shall be such further extension of time as may be necessary, not exceeding four years from and after the passage of this act, for the construction and completion of the road, and for the performance of the conditions contained in the acts granting such lands, which may be done either by the grantees, their successors or assigns, or such parties in interest, whether creditors or otherwise, as shall find the completion of the road necessary for the protection of capital invested in the construction of such railroad, and who therefore in equity and good conscience should be allowed to perform such conditions and complete such road or roads.

SEC. 2. That this act shall be construed strictly as a notification to every such State and corporation, its successors or assigns, and to all persons and parties whatsoever, that the United States will declare, and hereby does declare, all lands granted hitherto and embraced in the first section, and all rights and franchises therein, which shall not, at the end of the extension of time provided in the first section, be fully earned in accordance with the provisions of the grant, absolutely forfeited, and to be forfeited to the United States, saving only such vested rights as can not be forfeited according to law.

SEC. 4. That nothing in this act shall be construed as permitting the withdrawal or withholding of any portion of the granted lands—

And I call attention to this section particularly, as it is the section that I should be glad to see adopted to practically vest the control of the lands along the uncompleted portions of these roads in the United States, saving only the consideration to the companies provided they complete the road:

That nothing in this act shall be construed as permitting the withdrawal or withholding of any portion of the granted lands not earned before the passage of this act from occupation or settlement or acquirement by actual settlers in good faith under the public-land laws, or to enlarge or change in any way the rights of the grantees, their successors or assigns, so as to prevent the acquirement of such lands by actual settlers under the land laws in the same way that would be permitted in consequence of the expiration of the limitation of time or breach of other condition in the original grants of such lands, and the acts amendatory thereof; but all such lands not already earned shall be open to occupation and settlement and acquirement upon the terms and conditions which would exist if this act had not been passed; the consideration paid for such granted lands as may be sold and disposed of after the passage of this act being paid by the United States to the grantee, its successors or assigns, so long as the conditions imposed by law upon such grantee, its successors or assigns, shall be complied with, and not afterward.

SEC. 5. That from and after the passage of this act patents for such lands shall issue directly from the United States to the settler thereon who shall be entitled to the same.

Legislation of that kind, it seems to me, would protect the public, and the individual, and the corporation—all those interested in the construction of the road. It is a very serious matter to this particular corporation to pass this bill. Within the last two or three years some $16,000,000 have been invested in the construction of the 1,000 miles in the central portion of the line. I am informed by a party who cannot be mistaken that that portion of the road, owing to the want of its eastern and its Pacific connections, is a dead loss. It is run at a loss of one or more hundreds of thousands of dollars annually, and is likely to be for the future. The investment is drawn very largely from my portion of the country; and the question is whether this infinitesimal amount of the land grant shall be forfeited, and this great enterprise be crippled, dwarfed, defeated, and this amount of property drawn from capitalists and from all classes of people, those hoarding their little savings as well as those having larger amounts, is to be entirely lost. That is the question with which the Senate is dealing today, and I have felt constrained to give utterance to these views and to insist upon it that the Senate is dealing with a great subject involving many, many millions of dollars, and the failure of great enterprises having very much to do with the questions of transportation which so largely concern our present and our future. I trust that some heed may be given to these considerations, that at least we pause before we enact this bill without important modifications.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Public Lands, which will be read.

The SECRETARY. In line 24, section 1, after the word "stations," it is proposed to insert:

Provided, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. PLUMB. I do not desire to detain the Senate. I hope we shall be able now to vote upon the several amendments without any further debate. There are many things that might be said, but the main facts of the case are too plain to be a matter of dispute, and I think the Senate is fully advised in the premises.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. PLUMB. I think we had better have the yeas and nays on that.

The yeas and nays were ordered.

Mr. BLAIR. Let the question be stated.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be reported.

The CHIEF CLERK. In line 17, after the word "forfeited," it is proposed to strike out all down to and including the word "grant," in line 26, and to insert——

Mr. PLUMB. The Senator from Alabama, as I understand, desires simply to attach his amendment at the proper place to the amendment of the committee which has just been adopted.

Mr. MORGAN. It will come in more properly and regularly after the proviso. I move to strike out all after the word "forfeited," in line 17, down to and including the word "stations," in line 24. That will bring the proviso which has just been adopted at the end of the section; and then the additional sections will follow the proviso.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be reported.

The CHIEF CLERK. It is proposed to strike out after the word "forfeited," in line 17, all of section 1 down to and including the word "stations," in line 24, and after the proviso at the end of section 1 to insert the following new sections:

SEC. 2. Jurisdiction is hereby conferred on the circuit court of the United States for the western district of Missouri to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any laws of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

SEC. 3. It shall be the duty of the district attorney of the United States for the western district of Missouri, under the direction of the Department of Justice, to proceed in the circuit court of the United States for the said district, by bill in equity in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. 4. Any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands or any part thereof which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath, and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim is necessary to do complete justice in such cause the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. 5. The court shall, if it see fit, tax all the costs of the suit under the third section of this act against the United States, and shall apportion the cost of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree therein to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases. And the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined. But no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

The PRESIDING OFFICER. Upon this amendment the yeas and nays have been ordered.

Mr. HARRISON. I should like to inquire of the Senator from Kansas who has the bill in charge whether the provision for restoring this land immediately to the public domain and making it open to settlement and entry at once does not leave settlers who may thus purchase of the Government just in that unsettled condition as to their titles in which the people on the Des Moines River grant and the Ontonagon people and others are?

Mr. PLUMB. I do not think it does at all. My own belief is that the railroad company have no right that is not forfeitable absolutely at the pleasure of the legislative authority of the Government. I think it would be much wiser to declare this forfeiture now and make it final than to submit the matter to the slow process of adjudication in the courts with all the uncertainty which would undoubtedly ensue. I am perfectly certain that no portion of the railroad in the State of California, at least, will be built under this land grant. If it should be, the question would at once arise as to whether under the charter it could be built on the line from which the lands are now withdrawn. I am as clear as I ever was of anything in my life that the railroad can not be built upon the line after the withdrawal is made. All these questions will remain to be determined hereafter, and I think the process of settling them in the courts will only add to the difficulties rather than eliminate them.

Mr. HARRISON. I believe the committee have good reason why we should declare and why we may declare effectively a forfeiture of this land grant. I thoroughly agree with the Senator from Kansas in saying that the case is one where the declaration of the forfeiture ought to be made; it is one where probably a declaration will be efficient; but it can not be denied that there are legal difficulties connected with the title to the lands which we thus seek to restore to the public domain. The question in my mind is this: Pending those legal difficulties, before they are settled and before the title has been established in the United States by some judgment that will bind the railroad company and bind the mortgagees, is it wise for us to throw these lands open to settlement and make them part of the public domain, and set the Commissioner of the General Land Office to work selling them? It seems to me that if we do that we shall have in many of these cases for years clouds over the titles of the settlers to whom the United States has conveyed the property, so serious as to affect the value of the property and their ability to realize upon the sale of it, and perhaps ultimately throw the burden of litigation upon the people who buy of the United States as against the railroad company instead of having the Government take the initiative and get a decree which shall be binding upon the railroad company, and then put the lands upon the market.

While we have the right as the owners of these lands, having sold them on a condition subsequent to make a re-entry for condition broken, or to do what is equivalent to that in law, to pass this bill declaring the lands forfeited, after all, this legislative declaration is not binding on the railroad company. That is the trouble. A judgment of a court in a proceeding in which the railroad company was a party would be binding; it would be conclusive upon all parties before the court and upon their privies in interest. I feel if the bill passes in the shape in which it is reported that we shall multiply all over this country just the difficulties which the settlers on the Des Moines land grant in Iowa are now having.

It seems to me, therefore, that it would be wiser to establish this forfeiture which we declare here, and which I think we ought to declare by some competent judicial proceeding, and when it has been established by a judgment that will bind the railroad company and bind the mortgagees and bind everybody having an adverse claim, then put the

lands on the market and sell them when we can give a clear title to the people who get them.

I am decidedly in favor, in all cases where it can equitably be done, of proceeding to declare the forfeiture; I think in some of these instances it was a mistake that it was not done long ago; but I have great difficulty, and I am inclined to support the amendment of the Senator from Alabama, for the reason that it settles the question as to our being the owner of the lands before we put them on the market to sell them; and I do not see how the question can be settled in any other way.

Mr. MAXEY. I call the attention of the Senator from Indiana to a trouble in my mind. If these people have a right, inchoate or complete, legal or equitable, under that clause of the Constitution which says that no person shall be deprived of life, liberty, or property without due process of law, I do not see how we can deprive them of the right to go into court, whether we say so in the bill or not.

Mr. HARRISON. I agree with the Senator from Texas. I think if we pass this measure we have simply done that which declares the forfeiture.

Mr. MAXEY. Precisely.

Mr. HARRISON. Then whether there has been a breach of condition subsequent, as we have declared in the bill, is a matter to be settled by the courts. I suppose nobody else can settle it.

Mr. MAXEY. It is a matter for the courts, and whether we put that provision in or not, we can not deprive them of the right to go to the courts.

Mr. INGALLS. The question is as broad as it is long, in my judgment. The Constitution declares that no person shall be deprived of life, liberty, or property without due process of law. It has been held by the Supreme Court of the United States that an act of Congress is not due process of law. That has passed into the settled determinations of the judicial power of this country as the interpretation of that clause of the Constitution. Therefore, if the Atlantic and Pacific Railroad Company, by virtue of the original act, acquired title or obtained a vested interest in and to a portion of this land grant, the act of Congress, in my judgment, that we may pass declaring a forfeiture will be ineffective so far as the divesting of their right or title is concerned.

I do not believe it is within the power of Congress, I am very confident it is beyond the power of Congress, if the Atlantic and Pacific or any of the other land-grant railroads have acquired by virtue of a previous act of Congress right or title, legal or equitable, to one acre or to a hundred million acres of the public domain, to deprive them of that right by an act of Congress. If we pass an act of Congress declaring the forfeiture of their title and attempting to deprive them of rights they may have previously acquired, I assume that they will proceed at once to test the constitutionality of that act and of our power to pass it. If the grant that they have received or that they claim they have received is valuable, they will contend for it. So I do not see the difficulty that the Senator from Indiana apprehends.

Mr. HARRISON. If the Senator will allow me, the difficulty is just this: Suppose the Senator's idea as to what course the railroad company will pursue be true, and that very soon after the passage of this bill they bring some suit and test it in some way.

Mr. INGALLS. It can be just as well tested on one acre as on the entire grant.

Mr. HARRISON. That suit may drag on and will drag on probably for years. In the mean time the Commissioner of the General Land Office is to go on and sell to settlers; settlers will be moving in and taking their patents and locating all along on these lands. If the decision should be untimately against the United States, we shall have put in under a statute of the United States these settlers, and the question in adjusting their rights as to what the Government shall do or what the railroad company ought to do is involved exactly as in the case in Iowa and the case in Wisconsin.

Mr. INGALLS. No.

Mr. HARRISON. So it seems to me. If the Senator himself had sold land upon a condition subsequent, and believed the condition to be broken and made the declaration or the entry which should declare the condition to be broken so far as he could, if his title was involved in doubt, until he or his adversary had procured a settlement of it he would not want to go on and divide the land into town lots and sell it.

Mr. INGALLS. The law's delay, which has been the reproach of jurisprudence for many centuries, would apply in the one case as well as the other. While it is true that there might be dilatory proceedings in the effort of the corporation to test the validity of the act of Congress, it is equally true that there would be delay and dilatory proceedings in any effort that might be made to secure the decree of forfeiture by judicial proceeding. There is nothing gained and nothing lost one way or the other.

I assume that in case this measure should pass, which there is no question we have a right to pass, if it has no other effect it will be a declaration of an intention on the part of the grantor to resume; and then if the corporation see fit to contend and proceed in the courts to test the validity of the act of Congress, as I said before the suit may be brought as well upon one acre as upon the entire grant as it may be defined upon the map; there will be the notice of *lis pendens*, and whoever goes on the land will do so at his peril.

I do not regard the case as parallel to that of the Des Moines River grant or the Ontonagon grant, because, as I understand, in those cases the judicial proceedings for determination have not been had, neither has any effort to determine the right been had by any act on the part of the Government.

I have very grave doubts about the wisdom or propriety of the legislation here invoked. There are cases where this power of Congress has been invited to which I should not, under any circumstances, give my assent. But it appears from the investigation of the committee that there was no effort at compliance on the part of the railroad corporation with the terms of the grant until long after the period when it expired by the terms of the original act of Congress. So far as I can see there is a very strong *prima facie* case made up in favor of the Government and against the corporation. Relying upon the report of the committee, therefore, I shall with something of reluctance give my support to the bill.

Mr. BLAIR. The Senator will allow me to say with reference to the matter of fact that he is under a misapprehension. From three to four hundred miles, either by construction or by purchase, came into the possession of the company before the expiration of the original limit.

Mr. PLUMB. But not on the line of the road as shown by the charter.

Mr. BLAIR. It was from Springfield, Mo., westward, and so far as Vinita, some thirty-four miles, into the Indian Territory. That is my recollection in regard to it. Then the line acquired by purchase was practically the same line, for the reason that the corporation which was expected to connect at the easterly terminus failed to build its road, and the company was obliged to do that in order to have the line available.

Mr. MORGAN obtained the floor.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 11th of February last, a report of the Secretary of State relative to the papers on file in the Department of State touching the unsettled claims of citizens of the United States against France for spoliations prior to July 31, 1801.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, July* 3, 1884.

GENERAL COURTS-MARTIAL.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War, returned to the Senate according to its request.

Mr. LOGAN. I move that the Senate request a conference with the House of Representatives on the amendments of the Senate to the bill.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. LOGAN, Mr. HAWLEY, and Mr. MAXEY were appointed.

GOVERNMENT TELEGRAPH AND TELEPHONE SERVICE.

Mr. MAHONE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Superintendent of Public Buildings and Grounds report to the Senate on Tuesday after the first Monday in December next a comprehensive system of telegraph and telephone for the Government service in Washington on the Waring or other system of underground cable, presenting in detail the same and an itemized estimate of the cost. Also the cost per annum for rentals and maintenance at which the existing service stands the Government.

ORDNANCE AND GUNNERY.

The PRESIDENT *pro tempore*. The Chair appoints under the resolution offered by the Senator from Connecticut [Mr. HAWLEY] yesterday and adopted to-day, to inquire into the steel-producing question, &c., the Senator from Connecticut [Mr. HAWLEY], the Senator from California [Mr. MILLER], the Senator from Rhode Island [Mr. ALDRICH], the Senator from Alabama [Mr. MORGAN], and the Senator from South Carolina [Mr. BUTLER].

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels in domestic commerce; and

A bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

FORTIFICATION APPROPRIATION BILL.

The message also announced that the House had non-concurred in

the amendments of the Senate to the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM H. FORNEY of Alabama, and Mr. J. WARREN KEIFER of Ohio managers of the conference on the part of the House.

Mr. DAWES. I move that the Senate insist upon its amendments disagreed to by the House and accede to their request for a committee of conference.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the action of the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 3, 1884.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. FORNEY, and Mr. KEIFER be the managers of said conference on the part of the House.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. LOGAN, and Mr. COCKRELL were appointed.

CALIFORNIA INDIANS.

Mr. MILLER, of California. I ask leave to offer a resolution to lie over under the rule and to be considered to-morrow.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to offer at this time a resolution.

Mr. HOAR. Let it be read for information.

The PRESIDENT *pro tempore*. The resolution will be read for information, if there be no objection.

The Secretary read the resolution, as follows:

Resolved, That the provisions of the resolution of the Senate adopted June 11, 1884, instructing the Committee on Indian Affairs to inquire into the condition of the several tribes and bands of Indians in the Indian Territory, &c., be extended to and embrace therein the Indians upon the several reservations in California; and that the said inquiry be directed particulary to the Round Valley Indian reservation in said State; and that full investigation be made into the present and past management of said reservation and all abuses of the rights and interests of the Indians thereon.

The PRESIDENT *pro tempore*. Is there objection to the resolution being offered at this time? The Chair hears none. The resolution will be printed and go over until to-morrow.

CATHARINE H. GLICK.

Mr. VOORHEES. The Senator from Alabama [Mr. MORGAN] has kindly agreed to yield to me for a moment. Some days ago the Senate passed a bill (S. 1971) granting a pension to Catharine H. Glick, widow of Elias B. Glick, late surgeon of the Fortieth Regiment of Indiana Volunteers. The chairman of the Committee on Pensions informs me that the purpose of the committee was to have reported the House bill so that when it was passed by the Senate it would become a law. I thereupon asked for the return of the bill which the Senate passed. It has been returned and is upon the table. I ask unanimous consent at this time to put the House bill upon its passage.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to report at this time from the Committee on Pensions the bill (H. R. 6514) for the relief of Catharine H. Glick. [A pause.] The Chair was mistaken in stating that the Senator from Indiana reported the bill from the Committee on Pensions. He states that he is authorized by the Committee on Pensions to bring the bill to the attention of the Senate.

Mr. VOORHEES. The chairman of the Committee on Pensions, the Senator from Pennsylvania [Mr. MITCHELL], is just coming in. I was stating, if the Senator will give me his attention, that in conference with the chairman I was informed that it was the purpose of the committee to report the House bill in the case of Mrs. Glick, and on that account I asked the return of the Senate bill. It has been returned, and I am asking for the consideration of the House bill at this time, and I ventured to state that it met with the approval of the Senator from Pennsylvania, the chairman of the committee.

Mr. MITCHELL. As I understand the case, the Senate passed a bill precisely like the House bill and I think we might as well take up the House bill now and pass it.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Committee on Pensions be discharged from the further consideration of House bill 6514. Is there objection? The Chair hears no objection. The Senator from Indiana asks unanimous consent that the House bill be now considered.

By unanimous consent the bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine H. Glick, widow of Dr. Elias B. Glick, late a surgeon in the Fortieth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VOORHEES. If necessary I shall move to postpone indefinitely the Senate bill.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 1971) granting a pension to Catharine H. Glick, widow of Elias B. Glick, late surgeon of the Fortieth Regiment of Indiana Volunteers.

Mr. VOORHEES. I move that the bill be postponed indefinitely.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, the pending question being on the amendment of Mr. MORGAN.

Mr. MORGAN. It is very difficult to consider this bill in the order in which it ought to be considered with the great number of interruptions that are necessary at this time. The Senator from Kansas [Mr. INGALLS] has suggested that this subject is as broad as it is long, by which I understand him to mean that the remedies in favor of persons whose rights may be affected by this legislation are quite as good under the existing law as they would be under the amendment if it should be adopted. The trouble about that suggestion is this: The Government of the United States can not be sued by one of its citizens except in virtue of a special act of Congress authorizing a suit to be brought. The rights which are involved in this litigation are private rights, whether they are rights of corporate bodies or of citizens. If we allow this matter to go on after we have declared the forfeiture, and allow citizens in collateral proceedings, as they would be certain to do, to test the validity of our action and the extent to which it is valid, we shall encumber the people of this country with a vast amount of litigation really resulting in no good.

I will give an illustration of that. This land grant is forfeited under the provisions of the bill as it passed the House. That bill goes on to relegate the lands to the public domain, and brings in the rights of all persons who might be upon the public domain in accordance with their respective claims, and they are very variant and almost innumerable. One of those persons, whether it be a bondholder, a pre-emptor, a homestead settler, or whoever he may be, brings his action not against the Government of the United States, for he can not sue the United States, but against some person in possession. That party sets up the title of the United States. The suit may be brought in one of the Territorial courts; it may be brought in one of the State courts of California or Missouri, or wherever the land may be. If the land lies in the Indian Territory, of course suit could not be brought anywhere. The courts go on in that case and in a great many other cases of like character that would spring up throughout the length and breadth of the entire land grant after we had declared that the lands were forfeited and had become the property of the United States. The cases are settled, one court deciding in one direction and another in another, conflicting decisions, which have been heretofore a source of unmeasured trouble and difficulty in our legislation and in our dealing with the public domain. The courts of the Northwestern States are absolutely filled up with litigations of an inconsequential character brought by A against B, in which it is attempted to settle all these great questions which we are now trying to deal with in Congress.

It was the intention of the committee to supply to the people who might be concerned in these land grants, whether corporations or private citizens, a remedy for the purpose of contesting in a suit with the Government of the United States these grave questions and settling them once and forever, settling in one suit those controversies which have spread over the country and involve a great number of suits. Consequently the Committee on Public Lands in another bill identical in principle with my amendment, which was reported by the majority of the committee to this body, have provided a remedy precisely like the one I offer to put into the bill by my amendment, requiring the Government of the United States to file a bill in equity in the nature of a bill of interpleader so as to settle all the material controversies between the Government and persons claiming under any law of the United States. That reaches every person in absolute or material interest connected with these affairs.

Another section of the bill proceeds, however, to admit those parties who are not necessary parties, but may be proper parties, to file their petitions and bring their controversies before the court if they see proper to do so in preference to going to the local courts, the State courts; and thereupon the court examines the petition, and if it finds that the settlement of the question presented in the petition is necessary for the doing of complete and full justice in the cause, the court will take jurisdiction of that matter and settle that also, discriminating in the bill between those who are necessary parties in order to determine the full measure of the right of the case and those who may become proper parties upon petition to settle rights as between them-

selves. These rights are not mere private quarrels or controversies between citizens, but they must be rights that arise under the laws of the United States, and only in consequence thereof.

I regret, I do not hesitate to express the regret, that this bill could not have been referred to the Committee on the Judiciary, so that this whole subject could have undergone a very thorough investigation. Nevertheless, in offering the amendment which I now offer and in reporting the general bill which is on the Calendar, substantially the same with this amendment from the Committee on Public Lands, I have consulted the action taken by the Committee on the Judiciary hitherto. They have made various reports, particularly in the Des Moines case, in which precisely the doctrine of this amendment is incorporated by the Judiciary Committee. I have also since that time taken the liberty privately to present the language of this amendment to various members of that committee, and they all concur that the amendment is properly and sufficiently guarded.

I have no ambition to be considered the author of a bill for the purpose of settling these great rights that have come forward in this way and have been carried to the Committee on Public Lands by necessity; and finding the committee in that attitude I have consulted the authorities of the Senate as far as I have been able to do, and I find that they concur with the amendment which I have had the honor to offer both in its principles and in its language. I have heard as yet no criticism upon the language of the amendment. I have heard no one suggest that there was an inadequacy of its provisions for the purpose of getting a proper judicial determination of all the rights thus presented.

Now, let me call the attention of the Senate for a moment to the state of the British law on this subject as contrasted with the state of the American law. I will read an extract from Blackstone's Commentaries. Speaking of inquests in reference to the forfeiture of land titles, he says:

> These inquests of office were devised by law as an authentic means to give the king his right by solemn matter of record, without which he, in general, can neither take nor part from anything. For it is a part of the liberties of England and greatly for the safety of the subject that the king may not enter upon and seize any man's possession upon bare surmises without the intervention of a jury.

That is the power the Crown of England has over citizens. Further on the author says:

> With regard to real property, if an office be found for the king it puts him in immediate possession, without the trouble of a formal entry, provided a subject in the like case would have had the right to enter. * * * If the king's escheator or sheriff seize lands into the king's hand without cause, upon taking them out of the king's hand again the party shall have the mesne profits restored to him.

Again, speaking of the procedure and of the rights of the subject in England under such proceedings as we are having now, "office found" in England, a declaration of forfeiture here, he says:

> In order to avoid the possession of the crown, acquired by the finding of such office, the subject may not only have his petition of right, which discloses new facts not found in the office, and his *monstrans de droit*, which relies on the facts as found; but, also, he may (for the most part) traverse or deny the matter of fact itself, and put it in trial by the common-law process of the court of chancery; yet still, in some special cases, he hath no remedy left but a mere petition of right, * * * the party traversing is considered as the plaintiff, and must, therefore, make out his own title as well as impeach that of the crown, and then shall have judgment *quod manus domini regis amoveantur*, &c.

The proceeding in this amendment brings in the Government of the United States as the plaintiff and all the persons in interest as defendants by a bill in equity, as is suggested in the Commentaries from which I have just read, making it in the nature of a bill of interpleader, the Government asserting its right, in virtue of the declaration that we make here now, to all the lands, the corporation asserting its right by way of answer and defense, the bondholders suggesting their right by way of answer and defense, whoever else may claim under the corporation suggesting their right by way of answer and defense; and if there still may be any person whose rights are necessary or proper to be determined in order to clear the field for the resumption of title if the Government of the United States has the right to resume it, these persons come in by petition; the court considers the petition, and determines *in limine* whether it is proper that these persons should be admitted into the litigation. If the court shall so decide, then they become parties defendant to the cause as if they had been originally made parties defendant. That is the procedure which, as I remark again, I have not heard criticised.

It is absolutely indispensable after we have declared a forfeiture of these lands that the citizen of the United States, whether a corporation or an individual, should have the right to sue the Government to test the validity of our action and its constitutional extent and limitation, or else the Government of the United States ought to bring the suit itself in order that these parties may be made parties defendant and come in and test the right. Let me observe just one more thing, and that is that this corporation is the creature of Congress. It is not a corporation created by a State or Territorial Legislature. We created the corporation and gave it all its rights of every kind and character, and in dealing with it it is a proper thing for the Government of the United States to bring its action in the courts, so that that corporation and every person concerned in interest in any direction may have the opportunity of litigation. That is all I desire.

I do not wish that Congress shall lay its hand in the balance to weigh for or against the rights of any person upon the facts in this case. Let us leave them to the justice and judgment of the judicial tribunals of the country, so that after we have gotten through this thing we can say to the country we have done our duty as a political body in declaring that it is the right and duty of the Government of the United States to make assertion of its claim, and we have further done our complete and full duty by relegating the whole decision of the question into the hands of the judiciary, so that they can hear the witnesses, hear demurrers, hear pleas, try the cause, and make a final decree and dispose of it.

After these lands have been relieved of this difficulty which has grown out of Congressional action, I am quite willing that the Senator from Kansas shall have the amendment which he proposes still further to add, which is a part really of the text of the original bill coming from the House, that these lands after the final decision shall pass into the public domain and shall there become lands subject of course to all the rights of citizens which may have accrued and have the determination, I do not care which, either of the courts of justice or the Department of the Interior. But let us first get rid of the trouble which our own legislation and our own laches, if you can call it such, our delay to say the least of it, has caused in the nature of a cloud upon the title of every person concerned here. Let us remove that by the judicial authority, and then we can have a clear field for the decision of whatever other questions may come.

I should never have offered the amendment if I had not known that there was no adequate remedy provided by the laws of the United States, we having continually denied to our people the right to sue the Government except in cases where we have expressly so provided by statute.

Mr. INGALLS obtained the floor.

Mr. PLUMB. I wish to ask unanimous consent that we shall take a vote on the bill some time to-morrow. I do this because I am advised that it is important to have an executive session this evening, and there are some other matters which ought to be disposed of in order to promote the convenience of both Houses.

Mr. MORGAN. I suppose we could agree to take the vote at any time to-morrow.

Mr. INGALLS. Let us take it now.

Mr. PLUMB. All right; if the vote can be taken without any further debate, I withdraw the suggestion.

Mr. INGALLS. I do not wish to pursue the discussion if a vote can be had on the bill now.

Mr. HAWLEY. I hope the Senator in charge of the bill will carry it through.

Mr. PLUMB. I desire very much to do so.

Mr. HAWLEY. Quite a number of us have bills on the Calendar upon which we would very much like to have action, and this bill is going to drawl on into next winter apparently. ["Question!" "Question!"]

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN], on which the yeas and nays have been ordered.

Mr. HARRISON. I wish to ask the Senator from Alabama whether he thinks it is best to strike out all after the word "forfeited," or whether he had not better let the words stand "and the title thereto resumed by the United States."

Mr. MORGAN. That would be one of the effects of forfeiture. In the event of the forfeiture being successfully declared the title would be resumed by the United States, but I felt and I think that those gentlemen who concurred with me on the committee felt that that would be rather a rash procedure. It throws the weight of the legislation of the Government against the claimant of the property, and he does not have a fair trial after that when we declare that the title is resumed by the Government. I will say to the Senator from Indiana that the Senator from Kansas [Mr. PLUMB] proposes that after the final decree has been passed then to have the lands revert to the Government and to be subject to disposal after the decree of the court. I do not care about its being done beforehand; I do not think it would be right.

Mr. HARRISON. It seems to me that we ought to make this declaration of forfeiture ample. We ought to say all we can say as a legislative body in the direction of the resumption of these lands by the Government. If we were simply to say that they are declared forfeited, I think there would be some question whether that would be sufficient.

Mr. MORGAN. If the Senator will allow me, I will say to him that is precisely the effect of office found after a prerogative writ and jury of inquest in Great Britain. That is precisely the effect; it goes no further, as I have read from the text of Blackstone on that question. I wanted to limit our action here precisely to the effect of office found under the common law.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the junior Senator from Kentucky [Mr. WILLIAMS]. I do not know how he would vote.

The roll-call was concluded.

Mr. BLAIR. I am paired with the junior Senator from Kentucky [Mr. WILLIAMS] upon political questions. I observe that this is not treated as such and I therefore vote. I vote "yea."

Mr. MITCHELL. The Senator from Illinois [Mr. CULLOM] who is absent, sick, desired me to state that he is paired with the Senator from West Virginia [Mr. KENNA]. If the Senator from Illinois were present, he said he would vote for the bill. I do not know how he would vote on the pending amendment.

The result was announced—yeas 31, nays 11; as follows:

YEAS—31.

Bayard,	Garland,	Jones of Nevada,	Pendleton,
Blair,	Hampton,	Lamar,	Pike,
Bowen,	Harris,	Lapham,	Platt,
Brown,	Harrison,	Mahone,	Saulsbury,
Call,	Hawley,	Maxey,	Sewell,
Colquitt,	Hoar,	Mitchell,	Vance,
Dolph,	Jonas,	Morgan,	Wilson.
Frye,	Jones of Florida,	Morrill,	

NAYS—11.

Aldrich,	Dawes,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Hill,	Plumb,	Van Wyck.
Coke,	Ingalls,	Sawyer,	

ABSENT—34.

Allison,	Edmunds,	Kenna,	Riddleberger,
Anthony,	Fair,	Logan,	Sabin,
Beck,	Farley,	McMillan,	Slater,
Butler,	George,	McPherson,	Vest,
Camden,	Gibson,	Manderson,	Voorhees,
Cameron of Pa.,	Gorman,	Miller of N. Y.,	Walker,
Cockrell,	Groome,	Palmer,	Williams.
Conger,	Hale,	Pugh,	
Cullom,	Jackson,	Ransom,	

So the amendment was agreed to.

Mr. SHERMAN. It does seem to me that while the provisions of the amendment of the Senator from Alabama are right enough to provide for the mode of trial and to determine the effect of this legislation, yet if we are to give any vigor or force to the law at all we must go beyond a mere naked declaration of forfeiture. A mere naked declaration of forfeiture contained in the bill I do not think is worth the paper on which it is written, and I suppose as a matter of course the friends of the bill would regard it as practically its defeat. It is not worth anything at all. A mere declaration of forfeiture, leaving everything open, leaving the land in possession of the company, it seems to me is a defeat of the bill, and it had better at once be laid on the table rather than consume the few precious moments of the remainder of the session in its further consideration.

Following the forfeiture with an actual possession and recoupment of the land, I have no objection at all to the provision made for trying the rights of persons which may be involved hereafter, and I think the provisions are wisely framed by the Senator from Alabama to try the rights of the company. I do not wish, by any act or vote of mine, to interfere with or impair the rights of any corporation or any individual. I wish to keep open the doors of the courts for the protection of their rights; yet it seems to me that if the Government is to forfeit this land it ought to follow that forfeiture with actual possession.

After consultation with the Senator from Indiana [Mr. HARRISON], who has looked at this more than I have, perhaps, though he does not go quite so far as I do, I move to insert after the word "forfeiture" the words "and the title thereto resumed by the United States."

Mr. PLUMB. I understand that is already in the bill.

Mr. SHERMAN. That was stricken out by the amendment of the Senator from Alabama.

Mr. PLUMB. I did not so understand it. I understand the amendment of the Senator from Alabama came in after the words "United States," in line 18.

Mr. MORGAN. No; after the word "forfeited," in line 17.

Mr. SHERMAN. That is not sufficient. I wish further to add:

And the title thereto resumed by the United States, and said lands declared to be a part of the public domain, but not subject to disposal under the general laws of the United States until after the termination of the legal proceedings prescribed by this act.

Mr. PLUMB. I have an amendment in regard to that part of the section which I think will better accomplish the idea which the Senator from Ohio has in view.

Mr. SHERMAN. Let it be read, and perhaps I shall accept it.

Mr. PLUMB. I propose to add at the close of the amendment of the Senator from Alabama:

And such lands as may be declared by the final judgment herein provided for to be the property of the United States shall upon the rendition of such judgment become a part of the public domain, and be subject to disposal under the general land laws of the United States as if no such grant had ever been made.

Mr. SHERMAN. The Government of the United States now has waited for years for the completion of the railroad, and the company have done nothing except to earn a portion of the grant. Having failed to earn the grant, the Government of the United States ought to take possession of it, holding it, however, subject in its possession to the suit to be brought under the amendment. I think it would be restored to the public domain by the judgment of the court, or at least by the subsequent action of Congress, and we may at least leave that matter for the future action of Congress.

Mr. PLUMB. There ought to be something, so that whenever it is decided these lands may be immediately open to settlement.

Mr. SHERMAN. I have no objection to that, but I think that might properly be left to future legislation. This will protect the rights of the United States. I submit my amendment.

Mr. PLUMB. I understood the Senator from Alabama to insert his amendment after the words "United States," in line 18 of section 1.

Mr. MORGAN. After the word "forfeited."

The PRESIDENT *pro tempore*. The question was put on striking out all after the word "forfeited," in line 17, to and including the word "stations," in line 24, and inserting the words of the amendment proposed by the Senator from Alabama. If the Chair correctly understands the recital made by the Senator from Ohio, the words he now proposes as an amendment are a part of the very words the Senate has already voted to strike out.

Mr. SHERMAN. Entirely changed, however, in very important particulars because they are reversed in some respects.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Ohio will be read, after which the Chair will determine the question.

The CHIEF CLERK. After the word "forfeiture," in line 17, it is proposed to insert:

And the title thereto resumed by the United States, and said lands declared to be part of the public domain, but not subject to disposal under the general laws of the United States, until after the termination of the legal proceedings prescribed by this act.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is in order. It changes the import of the words stricken out. The question is on the amendment proposed by the Senator from Ohio.

Mr. HARRISON. I am very anxious, for one, that this declaration of forfeiture should be ample; in other words, that we should do by this legislation all that is necessary to reinvest the Government with this title so as to enable it to proceed in the court to which this matter is to be referred for determination, having done all that it is possible for the legislative branch of the Government to do to reinvest the Government with the title to these lands. I therefore asked the Senator from Alabama, before voting on his amendment, his opinion whether the simple word "forfeiture" accomplished that purpose. I felt that there was some doubt about it, and I am in favor of the amendment of the Senator from Ohio because I think it puts it beyond doubt. In other words, my objection to the bill as it came from the committee was that the Government was going into the business of selling lawsuits. That is what we were doing, not providing for any action by the Government to settle this as one question. We were proceeding to let pre-emptors and homesteaders and purchasers of the public domain take up land in small tracts and then turn them over to an endless litigation, separate lawsuits with this railroad company, to settle the question of their title. This title is involved; the railroad company will contest this forfeiture.

I think, therefore, before we sell this land we ought to settle the question of our own title to it, and that the United States Government ought to bear the burden of that litigation and settle it in one suit. I want this bill to go far enough to make the declaration of forfeiture full and complete so far as we can do it; then referring the question as to the effect of our act and the facts of the case to the courts for settlement, and when we have once got a title that we can pass to a pre-emptor or to a homesteader unclouded, then I want to see it put upon sale.

Mr. INGALLS. Does the Senator think we should acquire a title by saying that we resume it?

Mr. HARRISON. I do not know that we should. I think it would be subject, of course, still to the determination of the courts. Nothing that we can do can reinvest the title, but we are to do something by legislation that will be equivalent to re-entry for condition broken.

Mr. INGALLS. If we resume the title by declaring that it is vested again in the United States, what is the use of having the judicial proceeding?

Mr. HARRISON. It is this, that before we undertake to sell the land we have ourselves instituted a proceeding in the nature of a bill *quia timet*, to settle the question whether we have actually been possessed and obtained title by this legislation.

Mr. INGALLS. The Senator is not quite clear that a declaration of resumption would be really equivalent to the reinvestment of title in the United States.

Mr. HARRISON. I am not, but it is all we can do.

Mr. INGALLS. I should think that under those circumstances it would be a very idle and nugatory declaration if we are to proceed by judicial investigation to determine where the title is, and to avoid that result the legislative declaration that the title is in the United States is very simple.

Mr. HARRISON. Not at all. While I have not examined——

Mr. INGALLS. Suppose the court decide the other way?

Mr. HARRISON. While I have not examined this case critically, yet I understand that the Supreme Court in a case before them have said that it rested with Congress to make by law some declaration that would declare the forfeiture of land grants.

Mr. INGALLS. Let us assume for one moment that the court in this determination, that the land belongs to the railroad company, what effect then would a declaration in the bill that it belonged to the United States have?

Mr. HARRISON. None whatever, of course. The question as to whether there has been a breach of condition subsequent is one that the courts must settle, no matter what we say. If we go on and provide for selling this land and put settlers in possession under their warrants from the Government of the United States, it still remains a question which the courts will settle as between our grantee and the railroad company as to which has the superior title. But I think the words proposed by the Senator from Ohio go somewhat further and make the purpose of Congress to resume possession of this land or to make it a part of the public domain clear and explicit, and then postpone the selling of this land to individual buyers until we have, by the judicial proceedings prescribed in this bill, established our title to it.

Mr. PLUMB. I think the words are very material, because they are equivalent to a re-entry, so far as the Government needs to do that for the purpose of asserting its intention to oust the possession of the railroad company and to dispose of its claim of title. The words of the bill, as I supposed they had been left in lines 17 and 18, I think would accomplish that purpose; and if, as my colleague says, the court should decide the title in the railroad company beyond the power of Congress to reach it, then of course it would not amount to anything any more than a re-entry of a private person would on an estate which he had granted away on a condition which subsequently proved not to have been fulfilled.

Mr. MORGAN. Mr. President, in preparing my amendment I had the full intent and purpose of putting the Government of the United States in the possession of all its rights under this grant. What are those rights? Assuming, or admitting rather for the sake of the argument, not according to the way the Atlantic and Pacific Railroad Company looks at it, but for the sake of the argument, that upon the failure of that company to complete its line within the period prescribed in the act the lands absolutely revert to the United States, putting it upon that hypothesis, the words which are in this amendment are all that are necessary to cause the reversion. I will illustrate it, if the Senate will bear with me for a moment. A private man makes a grant of lands upon condition subsequent. That condition is not complied with, or it is broken. That man has a right of entry upon his lands in consequence of the breach of that condition. His entry made in that way is exactly in conformity with the law; he is not a trespasser, in other words, because he has reserved the right of entry in possession in the deed making the grant. So the very moment he enters into the possession the title unites with the possession and he is in, as the books say, as of his former right.

Now the Government of the United States, or any other government, having made a grant of land and not being capable of taking *pedis possessio*, being itself an incorporeal establishment, through its legislative authority makes a declaration of its right of entry; and in Schulenberg *vs.* Harriman the Supreme Court has held that that declaration is equivalent to an entry by a private owner, it is equivalent under the English law to office found. The entry by the private owner, or office found under the English law, unites the possession with the title. The party is in as of his former right.

Here we make a declaration that these lands are forfeited. The very moment that that declaration becomes a law, the Government of the United States is in possession of these lands, and if the title unites with the possession because of the fact that the forfeiture has occurred, then the Government's title is full and complete. If, however, it turns out that the cause of forfeiture did not actually exist, the Government loses its title, and the courts under this power, as the court of equity in England would have done, restore the possession to the original grantee. That is the condition of the thing.

Now, suppose we go further, and not merely declare a forfeiture of the land, but also make a legislative declaration that the title is resumed to the United States or reconferred on the United States, then we do that or attempt to do that by legislation which is the part only of the judicial authority. The Government of the United States—there can be no mistake about it—gains every right under a declaration of forfeiture that it could gain by the most positive declaration of the result of that.

Mr. HARRISON. Will the Senator from Alabama allow me to ask him why, if we declare this to be a part of the public domain and the United States should direct the Secretary of the Interior to enter, we are not settling legal questions, we are not taking it out of the domain of the courts any more than in the case of a private grant on condition subsequent where the grantor enters as of his original right? Then I want to say to the Senator, as some of us have agreed with his views in the main, that this can not do any harm if he be right in saying that if it is a declaration of something that should be reserved for the courts the courts will say so, and it is simply a concession to some of us who think that the language as it stands does not go far enough to do that which we ought to do in this case. I hope, therefore, he will let the amendment come in.

Mr. MORGAN. The Senator from Indiana is an excellent lawyer. I have had good opportunity to observe that since I have been on this floor with him; and he will not say that it is necessary for the Congress of the United States to direct or to authorize the Secretary of the Interior to enter into possession. He has got no possession of the public lands. The Government of the United States as a government takes possession in virtue of its legislation, and the moment that we declare a forfeiture of lands granted by the Government, that instant of time we are in possession, the Government is in possession as a government.

I have no objection to those words coming in here except that I think they will mar the sense of the statute and might induce some judge to suppose that Congress after all in granting this relief to its own citizens had loaded it down with a declaration that it makes no difference, as the Senator from Kansas suggested, what you have got to present to the court; the question is already decided against you, if the title has been resumed.

I want to leave the title to be disposed of by the courts after the possession, after the right of entry, and all that belongs to these facts by virtue of the operation of law is secured as I think in the form of the amendment I presented. I have no pride of opinion about it. I want to do precisely what the Senator from Ohio and the Senator from Indiana are trying to accomplish, and I believe I have secured it in the amendment. But still if the Senate wants to put in other words there which I think will rob the court perhaps of its jurisdiction to try the title, they may put them in, but I think they are dangerous words to those persons who claim rights against the United States for us here to say that we not only resume possession as upon office found, and not only resume possession as a private owner would who had made a grant upon condition subsequent that was forfeited, but we go further and by legislative declaration we resume the title, it makes no difference how the judge may decide.

The Senator from Kansas put a question very pertinently I thought to the Senator from Indiana—what will be the attitude of the case if after we make the declaration the judge still decides that the title is in the claimant? How are we to get along with that? I really think that the apprehensions of Senators on that subject are not well founded. They are not founded in the state of the law. This is a new question, and I venture my opinion very gingerly about it. At the same time we have got no analogies that we can appeal to except those derived from the English common law, and under that system I think it is very clear that as far as we ought to go, as far as we need to go, is to declare the forfeiture of the land, which puts us in as of our former right.

Mr. HAWLEY. I was about to move an executive session, in the hope that we might return to legislative session in a few minutes and finish this bill. There is important business to be attended to in executive session.

Several SENATORS. Let us vote now.

Mr. HAWLEY. Very well; I shall not make the motion.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio [Mr. SHERMAN].

The amendment was agreed to.

Mr. PLUMB. I now move to add the words which will be found in line 20, commencing with the word "but" down to and including the word "stations," in line 24 of the original bill, as follows:

But nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory, or claim thereto, on condition or otherwise, except the right of way and land for stations.

The PRESIDENT *pro tempore*. Those are the very words which the Senate has stricken out.

Mr. PLUMB. But in connection with other words.

Mr. INGALLS. Much more was stricken out.

Mr. PLUMB. This is only a portion of what was stricken out.

The PRESIDENT *pro tempore*. The amendment will be read, after which the Chair will decide.

Mr. PLUMB. I will move it as a separate section according to a suggestion of the Senator from Alabama, commencing with the word "nothing:"

Nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory, or claim thereto, on condition or otherwise, except the right of way and land for stations.

The PRESIDENT *pro tempore*. The Chair thinks that this is the identical language which has been stricken from the bill by a vote of the Senate.

Mr. PLUMB. I ask unanimous consent to insert those words.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the question be taken on restoring these words to the bill as an addition to the amendment agreed to.

Mr. PLUMB. As a separate section.

The PRESIDENT *pro tempore*. As a separate section. Is there objection? The Chair hears none, and the amendment is received. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. JONAS. I ask that the bill be read at the desk as amended.

The PRESIDENT *pro tempore*. The bill as amended in Committee of the Whole will be read.

The Chief Clerk read as follows:

Be it enacted, &c., That all the lands, excepting the right of way and lands for stations, heretofore granted to the Atlantic and Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, and subsequent acts and joint resolutions of Congress, which are adjacent to and conterminous with the uncompleted portions of the main line of said road, embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of July 27, 1866, and acts and joint resolutions subsequent thereto and relating to the construction of said road and telegraph, be, and the same are hereby, declared forfeited, and the title thereto resumed by the United States, and said lands declared to be part of the public domain, but not subject to disposal under the general laws of the United States until after the termination of the legal proceedings prescribed by this act: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

SEC. 2. That jurisdiction is hereby conferred on the circuit court of the United States for the western district of Missouri to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest thereon.

SEC. 3. That it shall be the duty of the district attorney of the United States for the western district of Missouri, under the direction of the Department of Justice, to proceed in the circuit court of the United States for the said district, by bill in equity, in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. 4. That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim is necessary to do complete justice in said cause, the court shall direct that such further proceeding be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. 5. That the court, if it shall see fit, may tax all the costs of the suit under the third section of this act against the United States, and shall apportion the costs of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree therein to the Supreme Court of the United States in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases; and the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined; but no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

SEC. 6. Nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory, or claim thereto, on condition or otherwise, except the right of way and land for stations.

SEC. 7. That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

Mr. PLUMB. I move in the first line of section 3 of the amendment——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair will state that the question is on concurring in the amendments made as in Committee of the Whole, unless the Senator proposes to amend one of the amendments.

Mr. PLUMB. I propose to amend one of the amendments by inserting the word "immediately," in line 3 of section 3 of the amendment of the Senator from Alabama, so that it shall be made the duty of the Department of Justice to immediately proceed.

The PRESIDING OFFICER. The amendment of the Senator from Kansas will be read.

The CHIEF CLERK. In section 3, line 3, after the word "Justice," it is proposed to insert the word "immediately;" so as to read:

SEC. 3. That it shall be the duty of the district attorney of the United States for the western district of Missouri, under the direction of the Department of Justice, immediately to proceed in the circuit court of the United States for the said district, &c.

The amendment to the amendment was agreed to.

The amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

POSTAL TELEGRAPH.

Mr. HILL. I move to take up for consideration Senate bill No. 2022, Order of Business 474.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate proceed at this time to the consideration of a bill the title of which will be read.

Mr. INGALLS. Pending that motion, I move that the Senate proceed——

The PRESIDING OFFICER. The title of the bill will be reported.

The CHIEF CLERK. Order of Business 474, Senate bill No. 2022, to establish a postal-telegraph system.

Mr. INGALLS. Pending that motion, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

Mr. HILL. I call for the yeas and nays.

The yeas and nays being ordered and taken, resulted—yeas 12, nays 31; as follows:

YEAS—12.

Aldrich,	Coke,	Jonas,	Pugh,
Bayard,	Garland,	Jones of Florida,	Vance,
Butler,	Ingalls,	Pendleton,	Vest.

NAYS—31.

Blair,	Groome,	Mahone,	Pike,
Bowen,	Harris,	Manderson,	Platt,
Brown,	Harrison,	Maxey,	Plumb,
Call,	Hawley,	Miller of Cal.,	Saulsbury,
Cameron of Pa.,	Hill,	Mitchell,	Sawyer,
Cameron of Wis.,	Jones of Nevada,	Morgan,	Sewell,
Colquitt,	Logan,	Morrill,	Van Wyck.
Dolph,	McMillan,	Palmer,	

ABSENT—33.

Allison,	Fair,	Jackson,	Sherman,
Anthony,	Farley,	Kenna,	Slater,
Beck,	Frye,	Lamar,	Voorhees.
Camden,	George,	Lapham,	Walker,
Cockrell,	Gibson,	McPherson,	Williams,
Conger,	Gorman,	Miller of N. Y.,	Wilson.
Cullom,	Hale,	Ransom,	
Dawes,	Hampton,	Riddleberger	
Edmunds,	Hoar,	Sabin,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Colorado that the Senate now proceed to the consideration of the bill the title of which has been read.

The motion was agreed to.

Mr. HAWLEY. Now, the bill being up——

Mr. CAMERON, of Wisconsin. Let it be laid before the Senate.

The PRESIDING OFFICER. The bill will be read by title.

The CHIEF CLERK. "A bill (S. 2022) to establish a postal-telegraph system."

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

Mr. PLUMB. I ask the Senator to allow me to call the attention of the Senate to the conference report on the District of Columbia appropriation bill.

Mr. HAWLEY. Is it desired to have action on that report now?

Mr. PLUMB. Yes, sir.

Mr. HAWLEY. I have no objection.

Mr. PLUMB. The conference report has been submitted and is on the table of the Presiding Officer now. It ought to be disposed of.

The PRESIDING OFFICER. A conference report is in order if the Senator desires to present one.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I have the conference report on the Post-Office appropriation bill. I am advised on very good authority that in view of the action of the House receding from the disagreement to the amendments made by the Senate, it is not necessary so far as the bill itself is concerned that this report should be presented. At the same time it is proper that the record of the Senate should disclose the fact of the report having been made in order to have a continuous narrative of the proceedings. I therefore present the report of the conference committee on the Post-Office appropriation bill.

The PRESIDING OFFICER. The report will be read.

Mr. PLUMB. I ask that instead of being read it may appear in the RECORD. I do not make any motion in regard to it.

The PRESIDING OFFICER. The question will be, Will the Senate agree to the conference report? And by unanimous consent the Senate may act upon it without its being read, but it can only be done by unanimous consent.

Mr. PLUMB. That is a question I desire to have settled: if it is necessary to take action on this report. I simply present the report in order that the RECORD may show what has actually taken place.

The PRESIDING OFFICER. The Chair rules that the Senate must act upon the conference report by agreeing or disagreeing to it. By unanimous consent the Senate can act upon it without its being read or after the reading. ["No objection."]

Mr. HAWLEY. The bill has passed, I understand.

Mr. PLUMB. Yes, sir.

Mr. HAWLEY. And the bill has gone to the President.

Mr. PLUMB. I understand it has.

Mr. HAWLEY. The House has concurred with the Senate in the passage of the bill, and this paper is dead paper.

Mr. PLUMB. That is true, but at the same time the records of the Senate should show exactly what was done and how the result was arrived at.

Mr. HAWLEY. I was addressing myself more particularly to the proposition that it was necessary to take a vote. It seems to me it would be absurd to take a vote when the vote has no effect upon anything.

Mr. MILLER, of California. There is nothing to vote upon.

Mr. HAWLEY. General consent might spread this on the record for the satisfaction of the Senator from Kansas.

Mr. PLUMB. I ask unanimous consent that the report be placed on record without any further action of the Senate.

The PRESIDING OFFICER. The Chair did not hear the request of the Senator from Kansas.

Mr. PLUMB. I ask unanimous consent that the report of the conference committee on the Post-Office appropriation bill be spread on the record without further action by the Senate. It seems to me the report should be out of the custody of the conference committee and in the possession of the Senate.

The PRESIDING OFFICER. The Chair has already ruled that the Senate must act on the conference report by agreeing or disagreeing to it, or postponing its consideration. The Senate could, by unanimous consent, act upon it without its being read, but the record must show that the Senate agreed to it or disagreed to it.

Mr. BUTLER. It seems to me we can get around the trouble by simply receiving it as information. That is what the Senator from Kansas is driving at.

Mr. PLUMB. That is what I suggest.

Mr. HARRISON. What objection is there to having it read? It is brief.

Mr. PLUMB. It simply records a disagreement between the two Houses, and that would necessitate the necessity of taking up the question whether the Senate would adhere to its position. I only want it on record in such a way that our Journal shall show exactly what was done.

Mr. HAWLEY. Our record does show by a message from the House that the House receded on the identical bill, and concurred in the passage of it. The record on the bill is complete.

Mr. PLUMB. But it does not show that the committee had met and that a disagreement had occurred which preceded the action of the House in receding from its disagreement to our amendments.

Mr. HAWLEY. The bill has passed.

Mr. PLUMB. There is no doubt about that. I ask leave to withdraw the report.

The PRESIDING OFFICER. The Senator from Kansas can withdraw the report if there be no objection. The Chair hears none.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. Now I desire to have action of the Senate upon the report of the conferees on the disagreeing votes of the two Houses on the District of Columbia appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that there be laid before the Senate a House bill pending on a report from a conference committee. The Chair will lay before the Senate the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

Mr. PLUMB. Now, purely as a formal matter I move the adoption of the report of the conference committee, and that will bring up the subject which has been heretofore in controversy. I wish to say now in regard to the question that I should be glad to have the Senate in some authentic way settle so far as it can what shall be made the subject of action by conference committees of the two Houses; and for the purpose of illustrating to some extent what has been done, not a long time ago, but recently, I call the attention of the Senate to the report of the conference committee upon the pension appropriation bill, which is found on page 5679 of the RECORD of June 27. It will there be seen that the conferees reported to the two Houses, and the two Houses by adopting the report have accepted a provision changing the law in regard to certain very important matters of administration in the Pension Office; and not only that, but inserting provisions which had never been in print or never been considered by either House of Congress prior to the time when they were presented in the conference report.

That is not singular, because I presume I may state what is within the knowledge of every person here, that a little over a year ago we got a tariff bill in the same way. I remember hearing a member of the committee that brought forth that bill describe in somewhat terse and lurid language the manner in which certain conclusions had been arrived at. But the fact remains that a tariff bill was prepared substantially in a committee conference a year ago last March by the conferees, or at least a considerable number of items were inserted which were not the subject of controversy between the two Houses.

I speak of this not for the purpose of justifying anything that has been done by anybody else, but for the purpose of illustrating the rule that has obtained heretofore, and also the necessity that there should be some rule of action which shall govern beyond any possible controversy. I do not care so far as I am concerned for the present or for the future within what narrow limits the action of conferees is brought. It is much easier to get along here as it is elsewhere without assuming too much responsibility, and certainly I suppose no one who may have charge of bills of any description cares to have a responsibility which is not especially committed to him by a vote of the Senate.

I could go a great deal further than I have gone in regard to what has heretofore been done in the way of legislation by conference committees; but I do not care to plead anything as a precedent for what appears in this report. I will only say that the amendment objected to was tendered to the Senate conferees by the House conferees and was accepted by the Senate conferees at the hands of the House conferees and agreed to by them as a matter proposed substantially by the House.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the conferees report read and then printed for the use of the Senate on a former occasion be concurred in. On that occasion the Senator from Ohio [Mr. SHERMAN] and the Senator from Rhode Island [Mr. ALDRICH], as the Chair recollects, raised a question of order in regard to the last amendment of the Senate, that the subject agreed to by the conferees had not been committed to the conference and was not in dispute between the two Houses, and also that it introduced legislation contrary to the rules of the Senate. If those points of order are insisted upon, the Chair will express his opinion about them. If they are not, the Chair will put the question on the motion of the Senator from Kansas. [A pause.] If there be no objection the Chair will put the question on the motion of the Senator from Kansas that the conference report be adopted.

The report was concurred in.

THERESA CROSBY WATSON.

Mr. CALL. I ask unanimous consent that the pending order be laid aside informally, and that the Senate proceed to the consideration of Order of Business 764, being the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

Mr. HAWLEY. I feel obliged to object, because I know many Senators desire an executive session. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that a bill, the nature of which he has stated, be now considered, pending which the Senator from Connecticut moves that the Senate proceed to the consideration of executive business. The question is on the motion of the Senator from Connecticut.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened; and (at 6 o'clock and 31 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 3, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

EXPLANATION.

Mr. FINERTY. I desire to state that I left the House yesterday before the vote was taken upon the Fitz-John Porter bill, and with the understanding that I was paired if that question came up. I find this morning that no pair was announced for me, and I desire to state that had I been present, I should have voted for the passage of the bill notwithstanding the veto of the President.

Mr. ROBINSON, of New York. A single word of personal explanation. Not having been very well for some time past, I left the Hall yesterday about 3 o'clock, not expecting that anything of importance would come up. I wish to say that had I been here I should have voted for the passage of the Fitz-John Porter bill over the President's veto.

VIOLATIONS OF INTERNAL-REVENUE LAWS.

Mr. OATES. By direction of the Committee on Revision of the Laws, I ask that the Senate amendments to the House bill 6370, to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws, be taken from the Speaker's table and non-concurred in.

Mr. REED. Let the Senate amendments be read.

The amendments were read, as follows:

In line 2, strike out the word "crime" and insert the words "of the various offenses."

In line 5, strike out "two" before the word "years" and insert "three."

In lines 7 and 8, strike out the words "beyond the reach of legal process" and insert in lieu thereof the words "absent from the district wherein the same is committed."

In line 9, strike out the word "action" and insert the word "proceedings."

In line 11, strike out the words "pending cases" and insert in lieu thereof the words "offenses committed prior to its passage."

Also at the end of line 11 add the following:

"*And provided further*, That when a complaint shall be instituted before a commissioner of the United States within the period above limited the period shall be extended until the discharge of the grand jury at its next session within the district."

So that the section will read as follows:

"*Be it enacted, &c.*, That no person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal-revenue laws of the United States unless the indictment is found or the information instituted within three years next after the commission of the offense: *Provided*, That the time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law for the commencement of such proceedings: *Provided further*, That the provisions of this act shall not apply to offenses committed prior to its passage: *And provided further*, That when complaint shall be instituted before a commissioner of the United States within the period above limited the period shall be extended until the discharge of the grand jury at its next session in the district."

Mr. OATES. I move that the Senate amendments be non-concurred in, and that a conference be asked.

The motion was agreed to.

The SPEAKER announced as the conferees on the part of the House Mr. OATES, Mr. MCMILLIN, and Mr. PAYNE.

RELIEF FROM CHARGE OF DESERTION.

Mr. ROSECRANS. I rise to a matter of privilege, and call up the request of the Senate for a conference upon the bill (H. R. 4383) to relieve certain soldiers from the charge of desertion. I move that the House non-concur in the amendments of the Senate and agree to the request for a conference.

Mr. DUNN. Is this a public measure?

The SPEAKER. This is a privileged matter. A request from the other branch of Congress for a conference has always been treated as a matter of privilege.

The motion of Mr. ROSECRANS was agreed to.

The SPEAKER announced the appointment of Mr. ROSECRANS, Mr. MORGAN, and Mr. STEELE as conferees on the part of the House.

BRANCH HOME FOR DISABLED SOLDIERS.

Mr. BAIRD. I call up as a question of privilege the request of the Senate for a conference upon the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska. I move that the House non-concur in the amendments of the Senate and agree to the request for a conference.

The motion of Mr. LAIRD was agreed to.

The SPEAKER announced the appointment of Mr. ROSECRANS, Mr. MORGAN, and Mr. LAIRD as conferees on the part of the House.

INVESTIGATION OF CHARLESTOWN NAVY-YARD.

Mr. TALBOTT. I am authorized by the Committee on Naval Affairs to ask the adoption of the report and resolution which I send to the desk.

The SPEAKER. The gentleman from Maryland asks unanimous consent to report from the Committee on Naval Affairs for immediate consideration a resolution, which will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Naval Affairs be, and he is hereby, authorized to appoint a subcommittee of the Committee on Naval Affairs, of not less than three members of said committee, to investigate the charges aforesaid of official misconduct on the part of Moses H. Webber in appropriating to his own use Government property in and from the United States navy-yard at Charlestown, Mass., and of requiring the hands under his control and supervision to devote their time as Government employés to the manufacture of furniture and articles of adornment for his household use; and such other charges as may come to their notice respecting the management of said navy-yard; with power to sit during the recess of Congress, to visit said navy-yard, to send for persons and papers, and to employ a stenographer; and the sum of $2,500, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House of Representatives for the purpose of defraying the expenses of said investigation.

The SPEAKER. Is there objection?

Mr. HISCOCK. I object.

Mr. TALBOTT. I ask that the report and resolution be printed in the RECORD.

Mr. DUNN. I call for the regular order.

Mr. ADAMS, of Illinois. I have a privileged report.

SUNDRY CIVIL APPROPRIATION BILL.

A message from the Senate by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. RANDALL. I ask to have taken up for the action of the House the amendments of the Senate to the sundry civil apppropriation bill which has just been returned.

I have not had the opportunity to call together the Committee on Appropriations for the consideration of this matter; but I think I express their wish, if I do not express the wish of any individual member of that committee I hope he will now make known his dissent, when I ask that the amendments of the Senate be non-concurred in.

The Senate has added to this bill appropriations amounting to more than $4,000,000. It may be right to have made those additions or it may not; the propriety of the judgment of the respective Houses on this matter may be shown by subsequent events. I have prepared, and ask the liberty of incorporating in my remarks, a brief statement of figures relating to the appropriations in the several sundry civil appropriation bills of 1883, 1884, and 1885. I do not wish to detain the House with a recital of these figures.

The SPEAKER. If there be no objection the statement will be published.

There was no objection. The statement is as follows:

Sundry civil bills—1883, 1884, *and* 1885.

	1883.	1884.	1885.
Bill as passed House	$23,976,783 66	$23,119,232 50	$20,919,400 35
Bill as passed Senate	26,547,508 38	24,565,347 47	24,937,491 28
Amount added by Senate	2,570,724 72	1,446,114 97	4,018,090 93
Amount yielded in conference	958,150 32	885,772 03	.....
Amount as a law	25,589,358 06	23,679,575 44	.....

Mr. RANDALL. I now move, and I call the previous question upon the motion, that the amendments of the Senate be non-concurred in; and in order to expedite action on the matter, I will add to my motion a request for a conference with the Senate.

The previous question was ordered.

The motion of Mr. RANDALL to non-concur in the Senate amendments and ask a conference was agreed to.

Mr. RANDALL moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. RANDALL, Mr. FORNEY, and Mr. RYAN as conferees on the part of the House.

Mr. RANDALL. I ask that the bill with the Senate amendments numbered be reprinted so as to facilitate the consideration of this subject by the Committee on Appropriations and by the House.

The SPEAKER. If there be no objection that order will be made.

There was no objection, and it was ordered accordingly.

CLAIM OF NORTH CAROLINA.

On motion of Mr. SCALES, by unanimous consent, leave was granted for the withdrawal from the files of the House of the bill (H. R. 3037) to refund to the State of North Carolina certain moneys therein named.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COOK, indefinitely, on account of important business.

To Mr. ROGERS, of New York, for ten days, on business of importance.

To Mr. SKINNER, of North Carolina, for four days, on important business.

To Mr. PATTON, for one week.

To Mr. STEVENS, for ten days, on account of important business.

To Mr. BINGHAM, indefinitely.

To Mr. HATCH, of Michigan, from and after July 5, on account of important business.

J. W. THOMPSON.

On motion of Mr. MCCOID, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. W. Thompson without leaving certified copies with the Clerk of the House.

ASA FAULKNER AND OTHERS.

On motion of Mr. DIBRELL, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of Asa Faulkner, Lewis L. Faulkner, and others, no adverse report having been made thereon.

MARY E. HILL.

On motion of Mr. SKINNER, of New York, by unanimous consent, leave was granted for the withdrawal from the files of the House of the bill (H. R. 3712) granting a pension to Mary E. Hill, and all papers in the case, there being no adverse report.

CONSOLIDATED CLAIMS INDEX.

Mr. ADAMS, of Illinois. I rise for the purpose of submitting a privileged report from the Committee on Accounts, and as it states more fully than I can do the reasons for passing the accompanying resolution, I ask the House to pay particular attention to its reading.

The Clerk read as follows:

The Committee on Accounts, to which was referred the following resolution, namely—

"*Resolved*, That the Clerk be, and he is hereby, authorized to employ a clerk during the recess for the purpose of preparing a consolidated index of the 22,298 claims reported to Congress by the commissioners of claims, under the act of March 3, 1871, and subsequent acts; also for the purpose of recording the cases referred to the Court of Claims under the Bowman act; said clerk to be paid out of the contingent fund of the House the same compensation paid committee clerks"—

having had the same under consideration, submit the following report:

That under the act of March 3, 1871, establishing what is known as the Southern Claims Commission, and subsequent acts, 22,298 claims were presented, involving the sum of $60,258,150.44.

Under said acts the commissioners of claims made ten reports to Congress, of which number 17,048 were reported to Congress either favorably or unfavorably, 5,250 were forever barred under the act of June 15, 1878, and 57 were withdrawn.

The total amount allowed in the favorable reports made to Congress by the commissioners was $4,636,920.69, the amount disallowed being $55,621,229.75.

The cases reported upon favorably have been transmitted to the Treasury Department, and remain, with the evidence, upon its files as evidence of settlement.

The cases reported to Congress as disallowed remain upon the files of the House of Representatives, with but few exceptions; the original act of March 3, 1871, prohibiting the withdrawal of any claim or evidence therein without authority of Congress.

These ten reports are scattered through the files of the Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and it is of the first importance that there should be a consolidated record of these cases, giving the number of the claim as presented to the commission, its nature, the amount of the claim, the amount allowed, and such other particulars as may be necessary to fully and completely identify the claim.

This is rendered more important by the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," known as the Bowman act, under which any claim pending before a committee of either House may be transmitted to the Court of Claims and there proceeded with under such rules as the court may adopt.

Under this act numerous claims have been transferred to the Court of Claims by the committees of the House, of which no record has been made upon the Journal except in one instance.

It is desirable that there should be a complete record of cases so transferred, in order that they may be properly located or traced.

The committee believe that the importance of this work can not be overestimated.

The expense of preparing such a history or consolidated index will be but trifling, and it is believed it can be accomplished during the coming recess.

The committee therefore report back the said resolution without amendment, and recommend its adoption.

Mr. HOLMAN. I must insist, Mr. Speaker, as that work, in view of the statute of limitations, will be of no possible value, as these claims are all barred by express statute, that this resolution be not adopted. As they are all barred by express statute, an index of thousands and tens of thousands of claims can be of no possible value. Even if it should be of value, let me call attention to the fact that the Committee on War Claims in charge of this whole subject has two clerks, for I notice by amendment an assistant clerk has been secured—this Committee on War Claims has these two clerks; and if this work be necessary they can do it, and they will do it efficiently.

But why should we encumber our records with an index of thousands of claims which are barred by the statute of limitations and which can be of no value whatever. They are barred by the act of 1881, which has been referred to; they are excluded especially by the provisions of the Bowman bill, and I hope, as it will only unnecessarily encumber the records of the House, the gentleman will not press the adoption of the resolution.

Mr. ADAMS, of Illinois. Mr. Speaker, of course I shall press what I am ordered by the committee to press. But I will say in answer to the gentleman from Indiana, that if everything he suggests was true with reference to these cases and there was not a single claim here that could be subject to legislation in this Congress or any other, it would still be well and most desirable to have a complete history and index of all such claims, so that they might be referred to and identified without difficulty at any time. I have, of course, no personal knowledge of the matter; but I am informed by those who have, and I believe it to be true, that it often happens when members of Congress from the South come here and want to find from the files the history of cases relating to their constituents, that in order to obtain such a history the clerk must go over ten voluminous annual reports to find it. Not only the files of these claims, but the records in connection with them, are in such a condition that it is a matter of economy and convenience to have this itemized list prepared.

Mr. HOLMAN. But the gentleman should remember that these cases are already disposed of.

Mr. ADAMS, of Illinois. Let me continue by saying that so far as barred cases are concerned I think if the gentleman from Indiana had listened to the reading of the report he would have found that only a small proportion of the cases referred to are actually barred. He would have discovered also that this resolution covers many claims which were not before the Southern Claims Commission at all, namely, claims referred to the Court of Claims under the Bowman act. But as the report states the facts in the case so clearly and conclusively I do not think I ought to take up the time of the House by any explanation. If the gentleman wants a few minutes longer I will yield to him, and will then move the previous question.

Mr. HOLMAN. I am very much obliged to the gentleman.

Mr. YOUNG. Will my friend from Indiana permit me to make a suggestion? It occurs to me that the fact of these claims being barred by the statute of limitation would hardly prevent their being brought before Congress at some time, and hence that there would be convenience in having such an index. But I see no reason why the two clerks of the Committee on War Claims could not prepare the index.

Mr. HOLMAN. By the act of 1871, my friend will remember, creating that commission, a bar is fixed to every claim presented after a specified time; and consequently an index of that class of claims would be manifestly unnecessary, as they could readily be found by looking over, it is true, perhaps with some little trouble, several volumes of books which contain the list. But it is only a matter of a little trouble. Nothing is gained by this proposition. And I desire to call his attention again and mainly to the fact that there are already two clerks of the Committee on War Claims who can do the work.

Mr. SHELLEY. Let me interrupt the gentleman to say that these claims are not before the Committee on War Claims but are on the files of the House.

Mr. HOLMAN. That is true, but they all go through the War Claims Committee. Under the law they went to the Committee on War Claims in the first instance, and were there examined. Then the reports were made to the House under the act of 1871. So that these claims have been already, and all of them, subject to review by the Committee on War Claims.

But the point I was making is that this committee has already two annual clerks; one provided for by the legislative bill passed by the House, and a provision for another has been inserted in the bill as an amendment by the Senate. If that is adopted there will be two clerks to that committee able to perform this work. One of them I know to be an exceedingly competent clerk, who has been connected with the committee for a number of years. They can perform this duty, and I trust that there will be no unnecessary increase of the number of the employés of the House. I think the employés have been already increased beyond the necessities of the service.

Mr. ADAMS, of Illinois. I now yield to the gentleman from South Carolina [Mr. TILLMAN] three minutes.

Mr. TILLMAN. Mr. Speaker, I understand that this report has been unanimously indorsed by the Committee on Accounts, and I must say I think the House should also unanimously indorse it.

I for one can bear witness to the fact that for several years my constituents who had presented war claims here and claims before the Court of Claims have written me making inquiries as to what had become of them, and I have had a deal of trouble because of having no guide in my search for the action taken upon them. On applying to the clerk, I found I could get but little information from him in several cases, and only that after much search and trouble on his part. We have had all general claims against the Government indexed, and as a member of the Committee on Claims I know how exceedingly valuable it is to every member of that committee and indeed to every member of the House. Besides, sir, over 1,000 claims are pending against the Government. These claims range all the way from a million of dollars down, and the Committee on Claims have not been able to discharge their duties as expeditiously and efficiently as could be desired because of the difficulties connected with the matter of investigation and decision. Consequently they have been seeking relief not only as to the mode of lifting the heavy burden from their own shoulders, but from the Government by dumping them upon the Court of Claims under the Bowman act. I submit, therefore, that the Congress could not spend any portion of the public money in a better way than that proposed by the resolution of the committee on accounts now before us.

Mr. WARNER, of Ohio. I would like to ask the gentleman in charge of this resolution if it has had the consideration of the Committees on Claims of this House; whether it is recommended by either the War Claims Committee or the Committee on Claims?

Mr. ADAMS, of Illinois. I am not able to answer that question. But as it has been asked I will say it was recommended one year ago unanimously by the committee as a desirable thing and only failed for lack of time at the close of the session.

Mr. WARNER, of Ohio. It will no doubt be very convenient for claim agents, but I do not know that either of the Committees on Claims desires it.

Mr. ADAMS, of Illinois. It will be very convenient for many Congressmen who have to be claim agents in a proper sense of the term. I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on adopting the resolution.

The House divided; and there were—ayes 73, noes 29.

Mr. LE FEVRE. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Ohio, Mr. WARNER, and the gentleman from Illinois, Mr. ADAMS.

The House again divided; and the tellers reported—ayes 134, noes 35.

So the resolution was adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENSUS FOR 1885.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication from the acting Superintendent of the Census, with accompanying papers, relative to a proposed census of the States and Territories of the United States for 1885; which was referred to the Select Committee to Ascertain the Results of the Tenth Census, and ordered to be printed.

PUBLIC BUILDING AT INDIANAPOLIS, IND.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a bill for grading and bowldering street adjacent to the United States court-house and post-office at Indianapolis, Ind., and recommending its payment; which was referred to the Committee on Appropriations.

CHARGES AGAINST HON. W. H. ENGLISH AND OTHERS.

Mr. HAMMOND. I rise to make a privileged report.

The SPEAKER. The Clerk will read the report sent up by the gentleman from Georgia.

The Clerk read as follows:

Mr. HAMMOND, from the select committee investigating charges against Hon. William H. English and others, ex-members of Congress, submits the following report:

The resolution of the House, under and by virtue of which your committee have been acting, instructed the committee "to inquire and report to the House whether or not Hon. William H. English, an ex-member of this House, has violated the privileges thereof in the contested-election case of English *vs.* Peelle" * * * and "whether any ex-member of the House, employed as agent or attorney in any contested-election case here pending, or for any railroad or other corporation, or of persons having any claim pending here, has during this session abused the privileges allowed him under the thirty-fourth

rule of the House, and report, if any, who they are and how they have abused said privilege."

The thirty-fourth rule of the House is:

"OF ADMISSION TO THE FLOOR.

"The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: * * * ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress."

In the light of the debate which led to the adoption of the resolution and immediately preceded it we might well consider that its only purpose was to learn whether Mr. English and other ex-members of Congress had violated said rule. We think that the words "claim" and "bill" in the rule should be construed liberally, but that the word "interest" therein has been uniformly held to cover only a pecuniary interest. The House has not made relationship to a contestant or contestee or to one interested in a bill or claim a reason for excluding an ex-member from the floor of the House. Therefore we report that the Hon. William H. English did not violate said Rule XXXIV by coming upon the floor of the House pending the contested-election case of his son against Mr. Peelle.

We do report that Jeremiah Wilson, J. H. McGowan, S. S. Burdett, Eppa Hunton, and Green B. Raum were ex-members employed as attorneys for corporations and persons having pecuniary interests in claims or bills pending here during this session of Congress and did come upon the floor of the House. Technically they had no right to come upon the floor while the House was in session. But your committee reports that nothing contained in the testimony taken, and which is submitted as part of this report, shows any conduct by them while on the floor calling for animadversion.

It will be observed, however, that the first clause of the resolution, in words, does not confine the inquiry as to Mr. English to his conduct as ex-member, nor suggest anything about Rule XXXIV of the House. He is there spoken of as an ex-member, in describing him; but the inquiry is by those words to be not whether he abused the privileges of the floor under Rule XXXIV, but whether he had violated the privileges of the House in the contested-election case of his son against Mr. Peelle.

All that the committee have been able to learn touching his conduct in that regard is fully set forth in the evidence herewith submitted.

That Mr. English did go to see members of the House at their rooms and in the House in session and seek to induce them to vote for his son is true. But in no case was that done otherwise than quietly and in such ways as were not calculated to disturb the business of the House. There is no shadow of evidence of any effort by Mr. English to use any corrupt means or to suggest any corrupt motive for the consideration of any member in the case of English *vs.* Peelle.

By the Constitution the "House may determine the rules of its proceedings." It must have authority to maintain its privileges and be the judge of their infringement. But it must proceed according to law. Many causes are cited in our manual in which the House has asserted and acted upon that right. They were, as to parties, attempting to participate in the debates without being members of the House (Journal 1, 4, p. 407); of persons refusing to testify before committees of the House (Journal 1, 12, p. 280, and 2, 33, p. 315); of persons offering money to influence the conduct of members (Journal 1, 15, pp. 119–154); of a stenographer of the House who committed an assault in the session of the House (Journal 1, 24, p. 1021), or for assaults upon members of the House, as in the case of Houston and Woods (Journal 1, 22, pp. 736, 750, and 2, 41, pp. 1199–1200).

May, on Law of Parliament (page 82), divides breaches of privilege into, first, disobedience to general orders or rules of either house; second, disobedience to particular orders; third, indignities offered to the character or proceedings of Parliament; and, fourth, assaults upon its members or reflections upon their character and conduct in Parliament, or interferences with officers of the house in discharge of their duty.

Cushing, in his work on the Laws and Practice of Parliamentary Assemblies, quotes the extreme views of a member of Parliament, who, in 1771, said that one charged with a breach of privilege should not be heard by counsel, because he thought parliamentary privileges were and should be undefined. The comments of Mr. Cushing are that privilege was then "what each house chose to make so upon the particular occasion." But he added this: "Since the period above mentioned a different doctrine has been established as to the nature of parliamentary privilege, which is now regarded as a part of the law of the land evidenced by the customs and usages of Parliament when not specifically defined by statute and incapable of enlargement by the resolutions or proceedings of either house."

Your committee have found no custom or usage of Parliament which would justify them in concluding that the conduct of Hon. William H. English, as disclosed by the evidence, was a breach of the privileges of the House in said election case, and therefore recommend that the whole matter be laid upon the table.

Mr. MILLARD. I desire to present a minority report and ask that it may be read.

The SPEAKER. The gentleman from New York asks leave to present the views of the minority. If there be no objection they will be presented and read.

There was no objection.

The Clerk read as follows:

CHARGES AGAINST HON. WILLIAM H. ENGLISH.

Mr. MILLARD, from the committee, submitted the following views of the minority:

The undersigned, a minority of the select committee appointed to investigate whether or not Hon. William H. English violated the privileges of the House during the consideration of the election case of English *vs.* Peelle, begs leave to make the following report:

While the contested-election case of English *vs.* Peelle was under consideration in the House Mr. HORR, of Michigan, rose in his seat and made the following statement:

"Mr. Speaker, no ex-member of Congress has the right to the floor if he takes it and then abuses its privileges by attempting to influence legislation here. I now rise to say that it has been brought to my notice by a Democratic member of this House that an ex-member of Congress, who is the father of one of the litigants in this case, has been on the floor of the House soliciting members, sending for them, taking them into consultation, and attempting to influence their votes in this case. If that be true, it is such a violation of the dignity and integrity of this House that it ought not to go unnoticed."

The charge of the distinguished gentleman from Michigan was met with an emphatic denial from various gentlemen upon the Democratic side of the House. Mr. RANDALL, of Pennsylvania, obtaining the floor, replied as follows: "The father of the contestant would be unnatural if he did not take the deepest interest in his son's contest," and that he was a witness to the fact that that gentleman had exercised the most careful propriety in connection therewith. After some considerable discussion the following resolution was passed:

"*Resolved*, That a select committee of seven members be appointed by the Speaker, and it is hereby instructed to inquire and report to the House whether or not Hon. William H. English, an ex-member of the House, has violated the privileges thereof in the contested-election case of English *vs.* Peelle; and said committee shall inquire and report whether any ex-member of the House employed as agent or as attorney in any contested-election case here pending, or for any railroad or other corporation of persons, has during this session abused the privileges allowed him under the thirty-fourth rule of the House, and report, if any, who they are and how they abused said privileges."

It will be observed that the resolution directs the committee to inquire and report to the House not whether Hon. William H. English had violated any of the provisions of Rule XXXIV, but whether or not, after coming upon the floor under and by virtue of this rule, he did not by his subsequent conduct violate the privileges of the House. Rule XXXIV only goes to the point of admitting ex-members of Congress to the floor, and they are entitled to this privilege only when they are not interested in any claim or directly in any bill pending before Congress. The charge of the distinguished member from Michigan was that Mr. English had been engaged in lobbying in the interest of his son, the contestant, while upon the floor of the House, and while the case was actually under consideration. This charge, we submit, has been sustained by the evidence taken by the subcommittee.

The evidence shows that he came to Washington on the 1st day of May last; that from the day of his coming down to the final vote, which was taken on the 22d day of May, he was constantly engaged in attempting to influence the votes of the members of this House; that before the Committee of Elections had made their report, and while they had the case under consideration, he visited members of the committee at their respective abodes in Washington and tried to induce them to report in favor of the contestant.

Mr. English, before the committee, admitted that in the absence of Mr. COOK, who was one of the subcommittee of elections having the case in charge, he called upon COOK's wife and induced her to use her influence with her husband to get him to report in favor of the contestant. He also testified that at his request Mr. SPRINGER, of Illinois, called upon Mr. COOK at his rooms and tried to induce him to stand by the contestant. Mr. English also admitted before the subcommittee that he told COOK upon the floor of the House that it was for the interest of the Greenback party in Indiana that his son should be seated. Knowing COOK to be a Greenbacker, he said he "thought he might reach him by this kind of argument." Mr. S. W. PEEL, of Arkansas, testified that while the case was under consideration, and after he had voted, the distinguished ex-member came to his seat and asked him "if he was going to stand by and see a Democrat slaughtered in this way." That he replied "that if it were at the polls he would vote for his son, but the evidence did not show that his son was elected," whereupon English replied: "All right; time will bring us all even." (See evidence of Mr. PEEL at pages 48 and 49 of the printed testimony before the committee.)

At page 58, of the printed evidence the Hon. William H. English testified as follows:

Q. Did you discuss the effect it would have if Mr. Peelle were allowed to take his seat?

A. I think it was spoken of with a view to its political effect.

Q. Did you talk to anybody else, state to anybody else the effect it would have in Indiana if your son were ousted?

A. I did.

Q. To whom?

A. To every member with whom I talked. We made no concealment about it.

Q. What did you represent the effect would be?

A. I said to my friends—political friends—those who asked me about it, that I thought it was highly desirable for the party to stand together upon the question; that that was the policy in Congress when I was there, and that they ought not to divide upon this election case. I said the effect would be injurious to the party in the country.

The Hon S. W. MOULTON, of Illinois, testified that before he voted English came to his seat upon the floor of the House and stated to him that if he could not vote for his son not to make a record; that he could step out. That English also stated to him that they had had a good deal of trouble in Indiana, and that it was everything to them that his son should be seated.

Mr. ORLANDO B. POTTER, of New York, testified before the subcommittee "that while in his seat and while the case was actually under consideration he received a note from Hon. William H. English to come to the cloak-room in the area of the Hall upon the Democratic side of the House. That he complied with the request; that when he reached the cloak room he found that English had with him Senator VOORHEES, of Indiana. Up to this time Mr. POTTER says that he had intended to speak in favor of Mr. Peelle, and he so stated to Mr. English. He also told English that he had carefully examined the case and that in his opinion Mr. Peelle was elected. That Mr. English importuned him not to speak against his son. That Senator VOORHEES made the same request; and out of deference to their joint request he did not speak. He testifies further that on his way back to his seat from the interview he did tell Mr. HORR that he thought it was an outrage that an ex-member of Congress should be upon the floor attempting to influence members in a case of this kind; that in his judgment whether English or Peelle was entitled to the seat was a judicial and not a political question.

In view of the foregoing evidence we submit that the charge of the gentleman from Michigan has been fully sustained and more than sustained. The conduct of the Hon. William H. English, as established by his own admissions and the evidence of ORLANDO B. POTTER, of New York, S. W. MOULTON, of Illinois, and S. W. PEEL, of Arkansas, while upon the floor of the House and while the case was actually under consideration, was characterized by Mr. POTTER an outrage, a gross violation of the courtesy extended to him by the House, and an insult to the honor and integrity of every member upon this floor.

Mr. English claimed before this subcommittee that before coming upon the floor he sought the advice of the Hon. WILLIAM S. HOLMAN, of Indiana, but Judge HOLMAN says that the question of the election case was not discussed or referred to. Mr. HOLMAN was asked whether or not he intimated to Mr. English directly or indirectly that after being upon the floor he could importune members. His answer was, "Oh, no, sir."

Other questions were put to him, including the following:

Q. Did you advise him that way?

A. No, sir.

Q. What do you understand by the term lobbying while on the floor of the House? You have spoken of the rule and its force.

A. Yes, sir. I suppose in its general sense it would have reference to any action to influence the action of the House on any subject.

Q. Any interference or request made?

A. Any intercession or otherwise for lobbying is carried on; that is, attempts to influence the action of Congress by persons in the lobby is in progress, I take it for granted, as well when the House is in session as when it is not in session.

In the judgment of the undersigned the conduct of Hon. William H. English, after being allowed to come upon the floor through the courtesy of the House, was improper and a flagrant violation of its privileges. That this House owes it to itself, its honor, and integrity that such conduct should not go unnoticed.

Whether English or Peelle was entitled to a seat in this House was not a political but a judicial question, to be determined solely from the evidence. What had the success of the Democratic party of Indiana to do with such a question?

What are the privileges of the House? One of the most important privileges of the House undoubtedly is the immunity of its members from all influences that would warp their deliberations. The members of the House discuss the matters that come before it, not only publicly as in open debate, but also in con-

versation among themselves. Exemptions from external influence is intended to be secured by excluding others than members from the floor of the House. Is it not clear that the entrance of a stranger, admitted not of right but by courtesy, who for days and weeks is actively engaged in lobbying, is a clear violation of this privilege?

It is also the duty of the House to protect itself from scandal. Its integrity, honor, and good fame should be held to be sacred. Can it be so regarded and esteemed when that universal servitor and censor, the press of the country, publishes broadcast the news that lobbying is carried on openly on its floor and during its deliberations?

In view of the foregoing the undersigned submit the following resolution and recommend its passage:

Resolved, That the conduct of Hon. William H. English upon the floor of the House while the contested-election case of English *vs.* Peelle was under consideration, as shown by the evidence taken before the select committee appointed to investigate the same, was improper and a violation of the privileges thereof, and that he be excluded therefrom during the present Congress.

STEPHEN C. MILLARD.
THOS. M. BAYNE.
J. B. WAKEFIELD.

Mr. HAMMOND. I would like to know from the gentlemen of the minority whether they consider it desirable to debate the issues between the members of the committee; and, if so, for what length of time?

Mr. MILLARD. I would suggest that thirty or forty minutes be allowed to each side.

Mr. BAYNE. Thirty minutes are enough.

Mr. HAMMOND. I will then retain the floor and yield half of the hour to the other side, reserving the other half, that gentlemen on our side who desire to speak may occupy such portion of that time as they may desire. At the end of that time I will make my motion to lay the whole matter on the table. Do gentlemen on the other side desire to speak now in favor of their resolution?

Mr. MILLARD. I do not care which side shall be heard first.

Mr. HAMMOND. Then proceed, if you please.

Mr. MILLARD. Mr. Speaker, that we may understand at the outset of this discussion the precise question under consideration, I desire to call the attention of the House to the facts and circumstances out of which this whole matter arose. While the contested-election case of English *vs.* Peelle was under consideration the gentleman from Michigan [Mr. HORR] rose in his seat and made the following statement:

Mr. Speaker, under the rules of this House no ex-member of Congress has the right to the floor of the House if he abuses the privileges by attempting to influence legislation while here on the floor. I now desire to say that it has been brought to my notice, and that by a Democratic member of this House, that an ex-member of Congress, who is the father of one of the contestants in this case, has been on the floor of the House for days soliciting members, sending for them, taking them into consultation, and attempting to influence their votes upon this case. If that be true, it is such a violation of the dignity and integrity of this House that it ought not to go unnoticed. I assert such to be the fact.

The charge of the distinguished member was specific both as to the person accused and the character of the offense charged. The person referred to was the Hon. William H. English, of Indiana, and the offense charged was lobbying in the interest of the contestant while the case was under actual consideration by this House.

The statement of the gentleman from Michigan occasioned not a little excitement upon this floor and was met by an emphatic denial from many members upon the other side of the House.

Mr. RANDALL, of Pennsylvania, obtaining the floor, replied to Mr. HORR in the following manner, and I desire to use his precise words:

I desire to say, Mr. Speaker, the father of the contestant would be unnatural if he did not take the deepest interest in his son's contest. I stand here a witness to the fact that that gentleman has exercised the most careful propriety in connection with this case.

It is very evident that the distinguished member and ex-Speaker from Pennsylvania had not been a witness to the extraordinary conduct of the ex-member from Indiana or he would not have made the statement he did on that occasion, for I do not believe he would intentionally and deliberately countenance so flagrant an infraction of the privileges of this House, even though the guilty person be none other than the late candidate for the Vice-Presidency of the great Democratic party.

After some considerable discussion pro and con the following resolution was passed:

Resolved, That a select committee of seven members be appointed by the Speaker, and it is hereby instructed to inquire and report to the House whether or not the Hon. William H. English, an ex-member of this House, has violated the privileges thereof in the contested-election case of English *vs.* Peelle. The said committee shall inquire and report whether any ex-member of the House, employed as agent or attorney in any contested-election case here pending, or for any railroad or other corporation, or of persons having any claim pending here, has during this session abused the privileges allowed him under the thirty-fourth rule of the House, and report, if any, who they are, and how they have abused said privileges of the House.

In pursuance of this resolution a committee was appointed, consisting of seven members—four Democratic and three Republican members of the House.

The committee at once entered upon the investigation, several witnesses have been called and sworn, including Hon. William H. English himself, and the evidence has been printed and is before the House. As a member of that committee and familiar with the evidence, I want to say that in my humble judgment the charge of the distinguished member from Michigan has been sustained; that Hon. William H. English, out of his own mouth and by his own admissions, stands convicted of the grossest improprieties and violations of the privileges of this House, and I challenge any fair-minded person, I care not to what political party he belongs, to read the evidence taken before the investigating committee and arrive at any other conclusion.

This, as I have stated, is not a question whether he violated Rule XXXIV, but whether or not he has not violated the privileges of the House. Rule XXXIV only permitted him to come upon the floor of the House, but after once upon the floor it did not permit him to engage in lobbying members to vote for his son. What I complain of is not his being upon the floor at such a time, though in my judgment it was an exhibition of very bad taste in the distinguished gentleman, but his conduct after once upon the floor. Sir, the evidence of Judge MOULTON, of Illinois, Mr. PEEL, of Arkansas, Hon. ORLANDO B. POTTER, of New York—all these gentlemen of the same political faith as himself—shows that his conduct was not only improper and indecent in any light you may view it, a flagrant violation of the rights and privileges of this legislative body, but an insult to the honor and integrity of every member he approached.

It is uncontroverted that he came to this city on the 1st day of May last, and from the time he landed in Washington down to the eve of his departure, which was within three hours after his son had been seated, there was scarcely an hour that he was not engaged in lobbying in the interest of the contestant on and off the floor of the House. Before the Committee on Elections had reported, and while the subcommittee had the case under consideration, we find him at their rooms importuning them to report in favor of the contestant, and he comes upon the floor and procures members of the House to labor with the subcommittee that they may make a favorable report.

There is not a Democratic member of this committee of elections with whom he says he did not talk concerning the case either at their respective places of abode in Washington or upon the floor of the House, and yet this man says he saw no impropriety in it. Did he ask and demand that his son be seated upon the ground that he had been honestly and fairly elected? Oh, no! He claimed that while he was in Congress the party always stood together upon such questions, and that by putting his son in Mr. Peelle's seat the great Democratic party of Indiana would be benefited. May the good Lord deal tenderly with the Democratic party in Indiana if it can only achieve success through such foul means!

Mr. COOK of Iowa, one of the subcommittee of elections, and one of the subcommittee having the case under consideration and advisement (COOK was a Greenbacker, elected on that issue), was told before the report was made that it was for the interest of the Greenback party in Indiana that his (English's) son should be seated. Sir, permit me to call the attention of this House to a small portion of the evidence of Hon. William H. English before the investigating committee:

Q. Did you discuss the effect it would have if Mr. Peelle were allowed his seat?
A. I think it was spoken of with a view to its political effect.
Q. Did you talk to anybody else, state to anybody else, the effect it would have in Indiana if your son were ousted?
A. I did.
Q. To whom?
A. To every member with whom I talked; we made no concealment of what we thought about it.
Q. What did you represent the effect would be?
A. I said to my political friends, those who asked me about it, that I thought it highly desirable for the party to stand together upon the question; that that was the policy in Congress when I was there, and that they ought not to divide upon this election case. I said the effect would be injurious to the party in the country.

Sir, what had the Democratic party of Indiana or the whole country to do with this question, a judicial question to be decided upon its merits. I know of no claim or right more sacred or inviolate than the right to a seat upon this floor. It was a question that not only concerned Stanton J. Peelle, but 150,000 citizens of his district. The logic of the argument of the distinguished ex-member was that to benefit the party to which he belonged he was justified in robbing Mr. Peelle of his seat upon this floor.

Some one during the discussion, and about the time the vote was to be taken, told him that Judge MOULTON, of Illinois, was going to vote for Mr. Peelle. He at once went to the seat of the judge and requested him not to vote at all if he could not vote for his son. The judge replied, "I have examined the evidence, and in my judgment your son was not elected and is not entitled to the seat." Whereupon English replied that since he had not made any record on the case he could step out while the vote was being taken; that they had had a good deal of trouble in Indiana, and it was everything to them that his son should be seated; and yet this distinguished gentleman and ex-member saw no impropriety in all this.

It will be remembered that one of the distinct charges of the member from Michigan was that while the case was actually under consideration by this House he had sent for members and taken them into consultation in reference to this case and with the view of influencing their action in respect thereto. Hon. ORLANDO B. POTTER, of New York, and a Democrat, testified before the subcommittee that while he was in his seat, and while the case was under consideration, he received a note from Mr. English to come to the cloak-room on the Democratic side of the House; that he complied with the request; that in the

cloak-room he found English and Senator VOORHEES, of Indiana, another distinguished Democrat; that English there told him that he had heard that his [POTTER'S] opinion was against the right of his son to the seat. POTTER told him that what he had heard was true; that he had carefully examined the case and he did not think his son was elected, but that Mr. Peelle was. He also told him that he [POTTER] intended to speak for Mr. Peelle. Mr. English requested him not to fight them on the floor; that he should not speak; that the Senator joined in this request, and out of deference to their joint request he did refrain from speaking.

Yet this distinguished ex-member, for eight years a member of this House, familiar with its rules and privileges, told the investigating committee that he saw no impropriety in it. Sir, I am not surprised that Mr. Potter upon his return from that interview should say to Mr. HORR that this sort of business was an outrage. Knowing him to be a high-minded gentleman, honorable and strictly conscientious in all his transactions, I would not have been surprised if he had ordered this man from the floor of the House.

But the evidence of Mr. PEEL, of Arkansas, is not less damaging than that of Mr. POTTER. Mr. PEEL, of Arkansas, and he is a Democrat, testified that after he had voted upon the first proposition, English came down to his seat and asked him if he was going to stand by and see a Democrat slaughtered. He replied to him that if it were at the polls he would vote for his son, but he had examined the case, and he was satisfied that his son was not entitled to the seat. Whereupon English replied, "All right; time will make us all even." Such, sir, is the character of the evidence against this man and his conduct during the consideration of this case.

With all due respect to the gentlemen who have joined in the majority report, I protest against it. It is a violation of the evidence, and the evidence does not justify its conclusions. I care not whether the accused be a Democrat or Republican, such extraordinary conduct during the consideration of a measure affecting the right to a seat in this House ought not to be tolerated. By the adoption of such a report we say to the country that this sort of thing is right and proper.

Sir, I protest against it. Whether English or Peelle was entitled to the seat was not a political but a judicial question, to be determined from the evidence, and no man knew this better than Hon. William H. English himself. If it was right or proper for him to come upon this floor at such a time and seek to influence the votes of any of the members of this House, it is right and proper for him or any person to enter the jury-room after the cause has been tried, the evidence closed, and the jury sent out under the charge of the court to find according to the law and the evidence. Sir, there is not a lawyer upon this floor who does not know that such an interference with the deliberations of a jury would invalidate any verdict they might render.

If it is proper or decent for this man to appear here at such a time and seek directly or indirectly to swerve any of the members of this House from a faithful performance of their duty, it is right and proper for any litigant or his father to approach the highest judicial tribunal in the land after the cause has been fully heard and submitted. What court or judicial tribunal in this or any other civilized country would tolerate such an interference?

Sir, had Hon. William H. English remained at home during the consideration of this case Stanton J. Peelle would not have been deprived of his seat upon this floor. Mr. Peelle had been honestly and fairly elected. So thought the distinguished chairman of the Committee on Elections, and he is also a Democrat. Such was the deliberate judgment of thirty-one Democrats upon the other side of this House as expressed by their votes. But I will not longer weary the patience of the House. The question, sir, is an important one; it affects the honor and integrity of every member upon this floor. We can not by any action we may take here to-day undo the wrong and injustice done Mr. Peelle in taking from him a seat to which he was clearly entitled. That remains for the people of his district. They will see to that. The people of Indiana believe in equal rights and fair play.

I had the honor to occupy a seat in the immediate vicinity of that of Mr. Peelle, and I want to say that a truer gentleman or a more conscientious Representative I have never known; but though we may not have it in our power to place him back in his seat, we can by promptly passing the resolution submitted by the minority of the committee place the seal of our condemnation upon the fraudulent means by which he was deprived of his rights and the people of his district wholly disfranchised.

Mr. BAYNE. I suppose this debate should be alternated somewhat. Before I proceed I should like to hear one of the gentlemen on the other side. [Cries of "Go ahead!" and "Vote!" "Vote!"]

Mr. HAMMOND. I thought the gentleman from Arkansas [Mr. ROGERS] desired to speak.

Mr. BAYNE. He is now in his seat.

Mr. HAMMOND (after a pause). I believe he does not desire to speak now.

Mr. BAYNE. I would like to have the Chair inform me when I have consumed ten minutes.

Mr. Speaker, it would have been a fairer way of disposing of this case if some of the arguments upon the other side had been first presented. But gentlemen on that side seem disposed to withhold any remarks until we shall have concluded ours. They reserve the closing speech, which all lawyers know to be a very decided advantage. If it were not for the supreme strength of our case I should insist that something be first said on the other side. But when the House of Representatives is confronted with the state of facts presented by this evidence argument either one way or the other can not swerve the House from a correct conclusion, if conscience is to be the guide in the casting of the vote.

What have we here? We have the House of Representatives organized under strict rules, which exclude from the floor everybody except the necessary officers of the House and a few privileged persons. The latter are admitted by courtesy. Why? Because they are presumed to be above reproach. It is supposed that in coming upon the floor they will do nothing unbecoming a gentleman and a man of honor in the presence to which they are admitted by this courtesy.

What was the conduct of Mr. William H. English? The contested-election case of Peelle *vs.* English was pending before the Committee on Elections. Before that committee had reported Mr. English came to Washington. He went to every Democratic member of the committee and importuned him to vote in favor of seating his son. He came upon the floor of the House and importuned on the floor every Democratic member whose attitude was in the least doubtful to vote in favor of seating his son. He learned that the distinguished chairman of the Committee on Elections [Mr. CONVERSE], my honored friend from Missouri [Mr. BURNES], the gentleman from Louisiana [Mr. ELLIS], the gentleman from New York [Mr. POTTER], the gentleman from Illinois [Mr. MOULTON], and various other gentlemen on this floor had consciences which they proposed to assert. He approached them; he did everything that lay in his power to persuade them either not to vote at all or to vote for his son. What arguments did he use? Why, sir, he said that to refuse the seat to his son would ruin the Democratic party all over the country; that the party had a hard fight out in Indiana. "Are you," he said in substance, "going to slaughter a Democrat in this way?" He made the strongest partisan appeals to Democratic members of this House to seat his son and unseat Mr. Peelle. He went to the gentleman from New York [Mr. POTTER], who was to deliver a speech in favor of Mr. Peelle, and having failed to prevail on him not to vote in behalf of Mr. Peelle, he did prevail on him not to make the speech he had intended to deliver.

He secured pairs in the Committee on Elections. He even went so far as to draw into this case the wives of gentlemen of high standing, resorting to every device that could be known to a politician to secure the end he had in view. Time after time he visited the members of the Committee on Elections at their homes. Time after time he came to them on the floor of the House. Time after time he went to members on the Democratic side of the House and importuned them in every way that lay in his power. He did his best to persuade the Democratic members of this House to vote for his son on the ground that to vote otherwise would ruin the Democratic party, on the ground that the Democratic party had no right to slaughter one of its sons. And he wound up all this action with the menace, addressed to a Democratic member, that "time would make all things even," or something to that effect.

Mr. ROGERS, of Arkansas. Will the gentleman allow me——

Mr. BAYNE. No, sir; you refused to speak and let me hear what you had to say. He said that "time would make all things even," thus intimating that his great purse should be used to visit punishment upon those Democrats who failed to come up to the mark and do their partisan duty in this matter.

Mr. WELLER. Will the gentleman permit me a question?

Mr. BAYNE. I have not the time.

Mr. WELLER. My name is involved in this matter; and do you deny me the privilege of a question at this time?

Mr. BAYNE. Mr. Speaker, I claim the floor.

Now, sir, this House is confronted by the state of facts I have recited; and the vote on this question will indicate the political ethics that regulate the conduct of members.

What rule was violated? No express rule, I believe, according to the construction which has been put upon the rule by Mr. Speaker CARLISLE, by the gentleman from Indiana [Mr. HOLMAN], by Mr. Garfield, I am told, and by others. These gentlemen, it is understood, have held that Rule XXXIV applies only to cases where the person admitted to the floor advocates a matter in which he has a pecuniary interest. I leave Rule XXXIV entirely out of this case. But there is a rule of parliamentary law which applies to this case, and which is as well known as Rule XXXIV can be. What is that rule? That the House of Representatives, while deliberating, while acting, should be free from all external influences, and that no man should come upon the floor of the House of Representatives and undertake to participate in the deliberations of that body unless he is a member of it. Let me read the definition of this power; this rule which rises in magnitude and in dignity way above Rule XXXIV, and includes it and a multitude of great principles not involved in Rule XXXIV.

That these privileges must be continually progressive, seems to result from their rejecting all definition of them; the doctrine being that "their dignity and independence are preserved by keeping their privileges indefinite, and that

'the maxims upon which they proceed, together with the method of proceeding, rest entirely in their own breast, and are not defined and ascertained by any particular stated laws.'" (1 Blackst., 163, 164; Jefferson's Manual.)

That is the principle under which this man has violated the courtesy of this House. It is the idea of self-preservation, of the dignity, of the honor, of the uprightness of the proceedings of this body; and so jealous is the principle of a possible infringement of that dignity——

The SPEAKER *pro tempore* (Mr. YOUNG in the chair.) The gentleman's time has expired.

Mr. BAYNE. But a moment longer to finish the sentence. But so jealous is the principle of a possible infringement of that dignity that it says the manner of conducting these proceedings is lodged in the breast of its members, and whether it may be written law, there is an unwritten law which finds every member here to regard any such conduct as that of William H. English as a clear, palpable, and manifest violation of the privileges of this House.

The SPEAKER. The gentleman's time has expired.

Mr. BAYNE. I now yield what remains of the time to the gentleman from Michigan [Mr. HORR].

Mr. HORR. I will go on now if the other side does not wish to be heard; otherwise I shall prefer to hear them first.

Mr. HAMMOND. Does the gentleman from Arkansas wish to speak now?

Mr. ROGERS, of Arkansas. I have no objection if it be considered desirable by the other side.

Mr. HORR. Very well, then; I will reserve my time.

The SPEAKER. The gentleman from Michigan has eight minutes remaining.

Mr. ROGERS, of Arkansas. Mr. Speaker, I did not care to follow the gentleman from New York [Mr. MILLARD], because he had stated but one thing, and that was a question of fact, that seemed to require a response of any sort. He states that when this charge was made by the gentleman from Michigan [Mr. HORR] that it was denied and positively denied by this side of the House. I challenge the record for the truth of that statement.

Mr. MILLARD. Repeat what Mr. RANDALL said.

Mr. ROGERS, of Arkansas. Mr. RANDALL never denied the statement of Mr. HORR, but what he did say was that he stood "as a witness to the fact that that gentleman [Mr. English] has exercised the most careful propriety in connection with this case." Sir, it is a most serious mistake, and it is a mistake which the gentleman who was on the subcommittee on this investigation ought not to make, after having read this record over and over and over again before the subcommittee. I state on the contrary with truth that there is not a single solitary denial on this side of the House of the charge made by the gentleman from Michigan [Mr. HORR] so far as to the fact that Mr. English interested himself in behalf of his son by talking to members on this side. Not only was that admitted in debate, but it was admitted in committee and was admitted by Mr. English himself, as was stated by the gentleman from Michigan.

Now, Mr. Speaker, I might stop at this point to discuss the question as to whether or not, if you admit every statement made by Mr. HORR to be true, it is a violation of any rule of parliamentary law on this subject. I say it is not, and if gentlemen have authority to the contrary let them produce it. But there is one thing I desire to speak about in connection with Mr. HORR'S testimony. Sir, if we are to enter in this discussion upon the wide domain of ethics or good taste or propriety on this floor, there are many things to investigate in the course of this proceeding which ought to merit the attention of this House. In the course of that debate Mr. HORR made use of this language:

Q. Mr. BAYNE said that he got the information from you in the first instance and Mr. KASSON in the second.

A. He could not have gotten it from me in the first instance, because I did not know anything except what those gentlemen told me right there. I did not incorporate it in my remarks, because I did not think it was definite enough. I purposely left it out.

Q. In addition to what you have stated in the record and to which I have called your attention heretofore, you said, "Now, if you do not believe what I tell you"—you were then addressing the House—"then investigate the matter, and I promise to prove more than I have stated, and prove it to your satisfaction," Now, in support of that allegation, have you anything further to submit to the committee?

A. Nothing more than to say that at least six or seven members on your side of the House——

By the CHAIRMAN:

Q. The Democratic side of the House?

A. On the Democratic side of the House. They stated to me that the thing was notorious, and that it ought to be stopped.

By Mr. HENLEY:

Q. You have given us the name of Mr. ELLIS.

A. I can not tell who it was; it was in a casual talk. I have given the names of three members who spoke to me about the case; but I do not think I stated before that I could give the name of any one who gave me specific information upon that point.

Q. What did those three members accuse Mr. English of; state it specifically; boil it down as nearly as you can to the exact language?

A. That he was on the floor log-rolling the case for his son.

Q. That is what you referred to in the first portion of your remarks, to which I have called your attention?

A. It is.

Q. What is there in addition to what you stated on the floor that you can furnish us information about?

Mr. MILLARD. That is an intimation that he meant something more than his individual statement.

The WITNESS. Oh, no; what I meant by that was that there would be more men to corroborate me, so that the House would be perfectly satisfied. I know that for a day or two it was quite common talk around the House.

Nothing more to prove, Mr. Speaker; no more facts to bring before the House, but simply more witnesses to prove what he had said; that after this dark hint that there was something back of all of this proceeding that could be brought forward to indicate corruption with reference to this gentleman that he had alleged on the floor of the House.

Now, sir, with these remarks in reference to the gentleman from New York [Mr. MILLARD], who submits the report of the minority, I have nothing more to say about what he has stated in this connection, and turn my attention to the gentleman from Pennsylvania [Mr. BAYNE], who has just addressed the House, but whom I do not now see in his seat. I have shown by the record of the testimony to which I have referred, and nobody will have the hardihood to deny it who takes the trouble to read the record, that the gentleman from New York was mistaken in the statement he made on the floor of this House as well as in his report, and I sought the floor during the progress of the remarks of the gentleman from Pennsylvania to correct him in a misstatement to which I desired to call his attention with reference to a member of this House. It will be remembered that the gentleman denied me that privilege. He had stated, as the RECORD will show, in substance that Mr. English, the father of the contestant, had made a threat against Mr. PEEL, of Arkansas, holding a threat and a menace over him in a conversation they had together upon the floor. Sir, I appealed to the gentleman from Arkansas, my colleague here who sits on my left, whether that statement of the gentleman from Pennsylvania was true or false. He informs me that it is not true; and so the first two parties upon that side who have rushed into the lists to break a lance find themselves falsified by the records.

But, sir, that is not the first offense committed by the gentleman from Pennsylvania in this direction. Mr. Speaker, there is a gentleman representing a district in the great State of Iowa, who sits upon this floor, and the testimony taken in this case develops the fact that he is a man of integrity and high character at his own home. It develops this further fact that he is the father of a family; and the gentleman from Pennsylvania in the presence of this body rose in his seat and stigmatized the gentleman from Iowa with reference to his alleged connection with facts that have turned out to be utterly groundless and without foundation when attempted to be supported by testimony. But the gentleman consumes his time in attacking Mr. English instead of making an honest, fair, and manly disclaimer of this offensive charge against the gentleman from Iowa.

Sir, I state here plainly, boldly, and openly on this floor that this declination on the part of the gentleman from Pennsylvania involves a greater degree of moral turpitude than anything and everything disclosed by the testimony in this case against the father of the contestant from Indiana or anybody else. And yet, sir, he consumed the time of the House allotted to him in this debate by attacking Mr. English for his connection with the contest of his son without attempting to make a proper disclamer or withdrawal of the offensive insinuation or charge used toward the gentleman from Iowa [Mr. WELLER] or Mr. English.

In vindication of the gentleman from Iowa, I wish to state here now as the sense of the subcommittee which investigated this matter, and as shown by the evidence submitted to the House, that he is wholly exonerated from anything improper in connection with the whole transaction.

Mr. WELLER. And the gentleman from Pennsylvania refused me opportunity to bring this matter to the attention of the House when he made his remarks, and I sought the floor for that purpose. He would not yield me a moment.

Mr. ROGERS, of Arkansas. The gentleman from Pennsylvania is perfectly satisfied, it seems, to make an attack upon gentlemen—an attack unwarranted by the testimony and not established by the proof against Mr. English and Mr. WELLER, and yet is perfectly willing and satisfied to leave these gentlemen under the cloud of condemnation and obloquy he sought to cast upon them, and seems content himself to remain under the cloud with them by his declination and refusal to withdraw the offensive assertions made by him against them.

Now, sir, I have but brief time to occupy in this debate. I want to occupy the attention of the House for a few moments as to the animus of this transaction.

Sir, these gentlemen could find it in their hearts to come here and make an attack and direct their assaults against a man in this case whom the law and the facts show to be guilty of nothing whatever. If there is anything at all in the character of the transaction it is a mere question of propriety or of ethics. It is no infringement upon the privileges of the House; and yet they come here with a garbled report, so badly garbled in the light of the testimony taken by the committee as to make it practically indeed a false report upon its face, false in part, and false as a whole, because it is a garbled report, not justified by a fair construction of the evidence.

Sir, what is the animus of these parties? If they desired to reach somebody for a violation of the rules of the House why did they not

take up Green B. Raum. He stands here an ex-member of Congress, a Republican ex-member of Congress; and he admits broadly he was employed in cases pending before Congress and that he was on the floor of this House repeatedly during this session.

Mr. JOSEPH D. TAYLOR rose.

Mr. ROGERS, of Arkansas. The gentleman will excuse me.

Mr. JOSEPH D. TAYLOR. I merely desire to ask the gentleman a question.

Mr. ROGERS, of Arkansas. The gentleman will excuse me. I say Green B. Raum admits himself that not only was he on the floor, but that he talked to members of this body on the whisky bill during the time it was pending before Congress. Another witness—and he is a Republican witness, Mr. WHITE, of Kentucky—says Raum was here when the debate was going on in consultation with another member on the floor of the House; and he was likewise here, as I recollect the evidence now, when the vote was being taken.

Why do not these gentlemen, if they desire to find somebody to condemn, somebody to asperse—why do they not condemn a man who is a self-confessed violator not only of the general parliamentary law but of the thirty-fourth rule of this House. He says he was employed by the whisky association, received money from them, appeared before the Ways and Means Committee, and the proof shows he was on this floor pending the consideration of the bill.

The SPEAKER *pro tempore* (Mr. YOUNG). The time of the gentleman has expired.

Mr. ROGERS, of Arkansas. I should like one moment more.

Mr. HAMMOND. I yield the gentleman another minute.

Mr. ROGERS, of Arkansas. The distinction between Mr. English and Mr. Raum was this: Mr. English was here in the relation of a father to a son, not employed as a counsel or agent, nor pecuniarily interested in his son's contest; and it is not contended he had any other relation than that of a friendly interest. But Green B. Raum was the hired counsel of the whisky association, and fell directly under the provisions of this rule.

Sir, I state in conclusion that in the Forty-second Congress—and I will cite gentlemen to the RECORD, if they desire it—Mr. Garfield, of Ohio, said in discussing this rule the meaning of the word "interest" was that it was a pecuniary interest. Raum fell within the provisions of the rule directly. English was neither an agent nor a hired counsel, and testified he had no interest direct or indirect, pecuniarily, in the results of this contest, and hence he did not fall under the rule. If the whole animus had not been to make political capital out of a man whose shoe-latchets they are unworthy to loose, why did they not select Raum?

Mr. BROWN, of Pennsylvania. Do the majority say anything in their report about Green B. Raum?

Mr. ROGERS, of Arkansas. The majority state in plain language that he violated the rules of the House, and the testimony shows it. And I go one step further, and say he is the only man who appears here and flagrantly violates the rules of the House by being on the floor pending the consideration of the bill and during the period when the vote was being taken. When we asked the gentleman from Kentucky [Mr. WHITE] for his information, when he spoke of parties who were lobbying for the whisky association, he said that Green B. Raum went out at one door and another gentleman at the same time went out at another, and remarked in passing, "The wicked flee when no man pursueth." My time is up and I yield the floor, with thanks to my friend from Georgia for the extension of time.

[Here the hammer fell.]

Mr. HAMMOND. I yield seven minutes to the gentleman from California [Mr. HENLEY].

Mr. HENLEY. It is altogether expedient for this House, in the first place, to make a brief inquiry and ascertain with accuracy the specific charge that inspired this investigation; and I suppose I may safely refer to the gentleman who offered the resolution as an interpreter of the purposes for which he offered it. And I want to see whether or not the resonant and vaunting declaration which was made on the other side of this House, that they would not only prove everything which had been intimated on this floor but a great deal more—I want to see how that has been fulfilled by the testimony that has been taken by this committee.

What, sir, was the specific charge upon which the resolution was predicated? The gentleman from Pennsylvania [Mr. BAYNE] himself says that it was because information had been conveyed to him or because he himself knew that Mr. English, sr., had taken the gentleman from Iowa [Mr. WELLER] to the cloak-room, or to some secret place, and had there subjected him to improper influences, and had changed the course of the gentleman from Iowa from that which he had been previously following in this case. That, sir, was the charge which the gentleman from Pennsylvania made on this floor. When he was interrogated before the committee as to who it was he referred to, in order that there might be no mistake in this matter, he said he meant Mr. WELLER, of Iowa. How has that charge been made good? I ask Representatives upon this floor to note how that has been sustained. There was no pretense of any question of propriety or moral ethics or mere decorum on the part of Mr. English or as to the cut of his coat or the color of his cravat. The charge was that he had taken a member on this floor off to some place and there subjected him to some sinister influence which had operated on that member's conduct in voting on this case.

Now, sir, what is the result of it? We called General BAYNE—and I speak of him now by name, because I am dealing with him as a witnesss and not as a member of this House. We called him before the committee and said: "General, you said so and so; that Mr. English did so and so with Mr. WELLER. Where is your proof? How do you know it?" "Oh," he said, holding up his hands, "I have no personal knowledge of it." "Who told you so?" "Mr. HORR, of Michigan, told me so." Then the committee called Mr. HORR. "Mr. HORR, did you say so and so to Mr. BAYNE?" "Oh, no," says the gentleman from Michigan, "I know nothing personally at all about it; I got my information from Mr. KASSON and Mr. BAYNE." We then called Mr. KASSON. "Mr. KASSON, what do you know about it?" Mr. KASSON said, "I do not know anything about it; I got my information from Mr. BAYNE and Mr. HORR."

And so they go on round and round in a circle. We would call one, and he would put it off on another; and we would call that other, and he would put it off on the one just called. And so when you come to sift this thing down to the bottom it appears that the gentleman from Pennsylvania, in a spirit—I can attribute it to nothing else—of the blindest and most vindictive partisanship, without making any inquiry at all as to the verity of the information which he had received, and without apparently thinking it worth while to make any inquiry, rises in his place on the floor of this House and with due solemnity offers a resolution the effect of which will be, as I fear, notwithstanding this resolution of exoneration, to fix an everlasting stigma upon the reputation and fame of Mr. WELLER, although the proof in this case shows and gentlemen of the other side on the committee have admitted that so far as this charge is concerned he stands here as pure and as innocent as the child unborn.

Yet we have here the extraordinary spectacle of the gentleman from Pennsylvania [Mr. BAYNE] when he has an opportunity to exonerate and vindicate and acquit the gentleman from Iowa [Mr. WELLER] sitting here with sealed lips, knowing as he does that there is not a scintilla of proof in this case in support of the allegation which he so solemnly made on this floor.

It is admitted that Mr. English did not subject the gentleman from Iowa to that interview. It is admitted that Mr. English did not violate Rule XXXIV. And now we come down to the question of ethics and of propriety. Why, it is urged that was indelicate in Mr. English to do this and that and to urge his son's cause on this floor. Probably it might be. But I am reminded of a speech of the great Irish orator, Mr. Curran, before a jury, when upon a certain occasion, speaking of the conduct of his client which had been criticised, he said: "Why, you expect my client, when all the fiends of hell are tugging at his heart-strings, to stand before a mirror and bid the streams of agony to flow decorously down his cheeks."

The senior English, knowing his son to have been villainously—I was going to say euchred out of his election in Indiana [laughter], came here to Washington and came upon the floor of this House. What does he see? He sees a Republican Senator of the United States coming upon the floor of the House soliciting, importuning—he sees all that kind of thing going on.

Mr. MILLARD. Will the gentleman allow me?

Mr. HENLEY. Of course I will allow you.

Mr. MILLARD. Is there a particle of evidence in this case——

Mr. HENLEY. I am not talking about the evidence in this case. I am talking about what the gentleman himself and every observant gentleman upon this floor saw; that is what I am speaking about.

Mr. MILLARD. The gentleman as a lawyer——

[Here the hammer fell.]

Mr. HENLEY. My time is up. I say in conclusion that the senior English, seeing what was going on upon the Republican side, is not to be criticised in probably overstepping the limits of strict decorum and delicacy of demeanor. I now yield the floor to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. I understand the gentleman from Michigan [Mr. HORR] will now occupy the time to which he is entitled.

Mr. HORR. The charge which I made on a former occasion is explicit:

> I now rise and say that it has been brought to my notice by a Democratic member of this House that an ex-member of Congress, who is the father of one of the litigants in this case, has been on the floor of the House soliciting members, sending for them, taking them into consultation, and attempting to influence them in their votes on this case.

If that be true, then it was such a violation of the dignity and integrity of this House that it ought not to go unnoticed. The question now before us is, has that charge been sustained?

If you will look at the testimony of Mr. POTTER, of New York—and nobody denies that he is a Democrat—you will see that he swears that he told me that Mr. English was doing exactly that thing, and that it was an outrage and ought to be stopped. Now that is proof enough on that point, is it not? He is corroborated by Mr. MOULTON, of Illinois,

by Mr. PEEL, of Arkansas, by Mr. ELLIS, of Louisiana, and by Mr. English himself; for Mr. English, if you will read his testimony, testifies that day in and day out he went about the House importuning members, begging of them to vote for his son, and warning them that they were injuring the Democratic party if they did not stick together without regard to their convictions and vote to oust Mr. Peelle.

Mr. HENLEY. Mr. English never said anything of that sort.

Mr. HORR. Read the testimony.

Mr. HENLEY. He never said anything of the sort.

Mr. HORR. Now the gentleman from Kentucky [Mr. ROGERS] says——

Mr. ROGERS, of Arkansas. From Arkansas.

Mr. HORR. I beg the gentleman's pardon. I apologize also to Kentucky. [Laughter.] The gentleman stated that they on that side of the House did not deny my charge at the time. You stated just now, my friend from Arkansas, did you not, that nobody denied on your side of the House the charge that I made?

Mr. ROGERS, of Arkansas. I challenged the record. I gave my reading of it. Now show the contrary if you can.

Mr. HORR. I thought at the time nobody had denied it; and I stated in these words that you had not one of you denied it:

I was about to say, Mr. Speaker, to my surprise, that since I have called the attention of the House to this matter, among all the speakers on that side of the House not a single one has risen in his seat and denied a single charge that has been made in this case.

Whereupon Mr. COSGROVE, of Missouri, who is a Democrat, is he not? Where is Brother COSGROVE?

Several MEMBERS. He is a Democrat.

Mr. HORR. Mr. COSGROVE said:

It is all denied.

So much for that.

The gentleman from Pennsylvania [Mr. RANDALL] soon after said:

There is no admission on this side of the House of that sort.

Is Brother RANDALL a Democrat? I know you read him out of the party not long ago, but he is back now, is he not? [Laughter.] Now, you did deny it. The proof is overwhelming that exactly what I stated was true, and the question is whether that is a violation of the dignity of this House. An election case goes to the very existence of this body——

Mr. ROGERS, of Arkansas. Mr. Speaker, one moment——

Mr. HORR. My time is so limited——

Mr. ROGERS, of Arkansas. Just one moment. I desire to say, in justice to myself and to the gentleman from New York [Mr. MILLARD], that I had not noticed the expression of Mr. COSGROVE.

Mr. HORR. You did not notice it?

Mr. ROGERS, of Arkansas. No, sir; I did not observe it.

Mr. HORR. Very well; that is satisfactory to me; I accept your correction—of yourself, I mean.

Now, Mr. Speaker, the real question here is whether that kind of conduct is proper. Is there a Democrat here who thinks it right when we are trying the question whether a man is entitled to a seat on this floor, and the proof becomes so convincing as it did to the able chairman of this committee that he can not vote to seat a Democratic contestant—is it right because the contestant has a father who was once a member of the House, more than that, a father who has once held before the American people a still more distinguished political position—is it proper for that man to come upon the floor of this House, to go from member to member and tell them—what? That his son was elected? No. That his son under the law ought to be seated? No; because my friend from Illinois [Mr. MOULTON], a better lawyer than Mr. English, told him, "I have examined this case, and I am satisfied that your son was not elected." Then Mr. English replies, "Well, you have not voted yet. Now, just leave the Hall and don't make any record at all." What for? For the benefit of the Democratic party? Then he struck Brother COOK; and his solicitude then was for the benefit of the Greenback party. [Laughter.] Then he struck Brother PEEL, of Arkansas, and his concern was for the interest of Mr. PEEL, because, as he said, "Time will make all things even." That was a way of saying, "You vote against my boy, and I, the ex-candidate for Vice-President on the Democratic ticket, will hunt you out before you get much older. That is what it meant. Come now, my Democratic friends, is that what you call sustaining the dignity of the American Congress? Is such conduct proper? Now, I say, Mr. Speaker, in all candor—I can not go into the testimony, but any man reading it will come to this conclusion—that this man did what no sensitive man having a true sense of the honor and dignity of the American Congress could do.

[Here the hammer fell.]

Mr. HAMMOND. I yield two minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, it seems to me a great deal more time and attention have been bestowed on this subject than its real and intrinsic merits warrant. In my view the propriety of the conduct of Mr. English as an ex-member of this House in coming upon this floor and his action while here is to be judged of entirely by reference to the rules of the House. I am willing to admit for myself that I have always indulged the belief that the present rule, as well as the rule which preceded it, and indeed any rule admitting upon this floor other persons than members themselves—the men responsible for legislation—together with the necessary officers or employés of the House, and perhaps heads of Departments, is not dictated by wisdom.

I have always entertained that view, and I do still; but the rule of the House is otherwise, and that rule of the House must be appealed to in determining the propriety of the conduct of any gentleman coming upon the floor. And that rule is very brief. A gentleman having been a member of the House is entitled to the privileges of the floor if he has no interest in any claim pending in Congress and is not directly interested in any pending bill. It has not been pretended by any member that Mr. English had any interest in any claim pending within the meaning of the rule, or that he had any direct or indirect interest in any bill pending before Congress. That is clear beyond all question; and being admitted to the floor of the House under the rule, in the absence of any such interest the only question that remains, therefore, is whether or not conversing with members of the House touching a measure affecting his son was an abuse of the privilege of the House extended to an ex-member. I think a sense of justice in every member of the House must force him to the conclusion that if Mr. English was rightfully admitted to the floor, his conversing with members on a subject not included in the rule was not a breach of the privileges of the House. There was no violation of the rule, and the rule is the law of the House.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HOLMAN. I wish merely to say in addition that the very important fact which was established before the committee, that Mr. English consulted with the Speaker of this House, a gentleman honored by both sides of this House for his moderation, impartiality, and fairness, as to the propriety of his presence on this floor during the pendency of the election contest, and was informed by the Speaker that it was not improper, ought to be conclusive of this controversy.

Mr. REED. I suggest the gentleman from Indiana should be amenable to the rules of the House he admires so much.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HOLMAN. I ask the gentleman from Georgia to yield me one minute longer.

Mr. HAMMOND. I have only six minutes remaining.

Mr. Speaker, I do not know exactly what to say. The gentleman from New York [Mr. MILLARD] has said that no man of sense could differ with him in this matter, and I am not willing to admit that I am a fool. The gentleman from Pennsylvania [Mr. BAYNE] has said that no honest man can differ from him, and I never was charged with dishonesty until I drew a seat on the Republican side of the House. [Laughter.]

I desire to look at this thing plainly. I do not know Mr. English or care anything about the case personally. I know nothing in this case but the law. A resolution is offered that the conduct of Mr. English on the floor of the House was "improper and a breach of the privileges of the House." The committee was not raised to pass upon a question of propriety. The question is whether his conduct was a breach of privilege. Gentlemen were asked before this report was written to cite in all the history of all the parliaments of the earth any precedent that quiet efforts at persuasion to vote on a particular case, without corruption, had ever been held to be a breach of parliament, and they were silent.

The resolution we are asked to adopt is that his conduct on the floor was a breach of privilege, and gentlemen tell you what his conduct was. They have descended—and I say it as respectfully as an honest man ought to—they have descended to invade the privacy of a family. And because Mr. English admitted that he had called upon a member of the House at his home, and, finding him away, had spoken to his wife and asked her to aid him in getting his son seated, therefore they urge that we shall, because of his conduct "on the floor," say that he committed a breach of the privileges of this House. That is the argument they make and that is all they can make.

The gentleman from Michigan [Mr. HORR] also alluded to the fact Mr. English is a man of distinguished political position. He was elected——

Mr. REED. Oh, no; you mean the other man.

Mr. HAMMOND. But never got it. That is the real secret of the whole trouble.

Several MEMBERS. You mean Hendricks?

Mr. HAMMOND. Yes; the truth is, I am so full of that great political wrong I blundered.

Mr. REED. You are not only full, but boiling over.

Mr. HAMMOND. The truth is simply this: There was an effort made (and that is all there is in the case) to blacken the reputation of a man because he was a distinguished Democrat. These gentlemen come here and with lofty words talk about the dignity of the House, the unbounded dignity, and the gross outrage, and say let us punish this grand culprit. How? By voting that he shall not come upon this floor next winter. The very limit of their proposed punishment shows how little they thought of law and logic. If it be true that this distinguished man has violated the privileges of this House as charged,

an honest man would take away from him the right ever again to put his foot within its sacred precincts.

Mr. MILLARD. Will you allow me a question?

Mr. HAMMOND. I can not.

I characterize it, therefore, as a terrible strain to bring out a conclusion; as a struggle of the Republican mountain, and not even the birth of a mouse. The testimony in this case shows that Mr. English used the ordinary means, as he swears, of persuasion, like a man electioneering for office. He says he used personal influence with this man and that man and the other.

The charge as originally brought, and by innuendo insisted upon, was that there had been direct corruption of a member of this House. That is all. Nobody now pretends that it is true. Nobody pretends that there is anything like truth in it; but they come now and simply say as a matter of taste he ought not to have been here electioneering for his son.

I now move to lay the whole matter upon the table.

Mr. WELLER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WELLER. I read from my remarks on this floor the day after the resolution was presented to the consideration of the House by the gentleman from Pennsylvania [Mr. BAYNE]. I then said:

Mr. Speaker, this is not the first time I have had occasion to discredit the judgment of the gentleman [Mr. BROWNE, of Indiana] in the matter of his views and opinions. [Laughter and applause.] I stated to the member who particularly importuned me and assured me of the glory I could win that his appeal came too late, for I had already voted. [Laughter.]

I would most certainly myself, Mr. Speaker, when this matter came up for consideration on yesterday have spoken and voted for an investigation by a committee of all improper acts on the part of any one on this floor in the premises of a question of the high importance of a rightful seat as a member of this House.

I am informed by reading the record of yesterday's proceedings that a committee for the investigation of this whole matter has been appointed. I am glad that this has been done, and I trust that it will do its work immediately and perform its duty in this matter most thoroughly. I am not slow to perceive that there may be a deep underlying purpose in the bringing of my name into this business. My continuous presence here on this floor during the hours of session of this House, and my persistent objections to measures that were repeatedly presented for consideration, has doubtless rendered me very objectionable and obnoxious to certain members, and to others who are not members.

I now read from the evidence of the gentleman from Pennsylvania [Mr. BAYNE] who presented the resolution to investigate.

Mr. KEIFER. So far I think no question of privilege has been stated.

Mr. WELLER. I am laying the basis for my question of privilege, and will amply disclose it in a moment if the gentleman from Ohio [Mr. KEIFER] will listen.

The SPEAKER. The Chair will state that so far the gentleman has certainly not disclosed anything in the way of a matter of personal privilege. The gentleman will proceed and state his matter of privilege.

Mr. WELLER. I trust that no one will object or endeavor otherwise to hinder me, as I am one of the principal parties attacked by this resolution, and I propose to show it, and to show why the Republican members of the committee fail to state here openly that naught has been found against me.

I read from page 30 of the testimony taken before the investigating committee; first, the answer given by the gentleman from Pennsylvania [Mr. BAYNE] to a question by a member of the committee.

Mr. BAYNE answered—

A. What I know about it is purely a matter of information. I was told that Mr. WELLER, of Iowa, had been called from his seat, and had gone away from the House, and refused to take part any further in the deliberations and proceedings of the House on the morning referred to.

Q. Who was it gave you the information?

A. It was Mr. HORR, of Michigan; and if I do not mistake somebody else told me that, but who it was I am not sure.

Q. You do not remember who the other person was?

A. No, sir; I do not remember who the other person was.

Q. Did Mr. HORR profess to have personal knowledge of it, or did he derive his knowledge from information?

A. I do not know that Mr. HORR professed or did not profess to have personal knowledge. His statement to me was that Mr. WELLER had been approached, had been taken away from his seat, had a consultation with Mr. English, sr., and that Mr. WELLER had then disappeared from the House. It was on the strength of that information that I offered my resolution.

Mr. HART. Mr. Speaker, I raise the question of order that the gentleman has not stated a matter of personal privilege.

The SPEAKER. The Chair thinks the gentleman has so far not presented a question of privilege.

Mr. MILLER, of Pennsylvania. I think the gentleman from Ohio ought to withdraw the point of order. There is no question but that "the gentleman from Iowa" is indirectly affected in this investigation of Mr. English and the House owes it to him and itself to hear him. The majority report exonerates him entirely, and I understand that the minority concurred in this, although it does not appear in the minority views. In the interest of fair-play, I ask that no point of order be interposed. I understand that the committee unanimously agreed that no blame whatever attached to the gentleman from Iowa [Mr. WELLER].

The SPEAKER. Without objection the gentleman will proceed.

Mr. REED. I should think we ought to have a right to make objection after we find out what it is about, if we can find that out.

Mr. WELLER. The gentleman will be able to find it out if he bears with me patiently for a moment longer. I desire to make it clear beyond question that not even the shadow of stain is left to rest against me, my integrity or conduct in any particular involved in this investigation.

Mr. REED. There is too much patience in this matter.

Mr. WELLER. No doubt from your standpoint of observation there is.

Mr. KEIFER. The custom has been in such matters for a gentleman rising to a matter of personal privilege to disclose the fact at first that what he refers to does present a matter of privilege.

The SPEAKER. That is the custom of the House, and the gentleman from Iowa should present his question of privilege so that the House may determine for itself.

Mr. WELLER. The question of privilege is this: as I stated in my remarks on the floor of this House on the day subsequent to the introduction of the resolution for investigation by the gentleman from Pennsylvania [Mr. BAYNE], and which remarks I have just read, I supposed, from my reading of the record of proceedings then had, and also from the reading of this resolution in question that the committee appointed to investigate under the resolution were not only authorized but directed to make specific report as to my connection with the charges of improper conduct, but I find that the resolution was not so drawn as to direct a specific finding as to myself personally; but the majority report of the committee entirely and completely exonerates me; the minority report fails to make the least mention of my acts at that time, fails to allude to me at all. I want the minority to state unmistakably either that I am or am not guilty of improper conduct in the English-Peelle contest.

Mr. RANDALL. I understand there is not a man on the committee that does not exonerate the gentleman from Iowa.

Mr. HENLEY. That is so. That is true of gentlemen on both sides.

Mr. RANDALL. I am glad of it, and I want to put that in the RECORD.

Mr. WELLER. I want to go a step further. An examination of the minority report appears to show that it does not specifically involve me or my reputation one way or the other. It is true that the members of the committee on the Democratic side have made a report that completely exonerates me; that I am as free from anything dishonorable as a new-born babe, and the gentleman from New York [Mr. MILLARD], member of the committee representing the other side, stated to me in the committee-room that there was nothing found against me, yet other gentlemen on the Republican side who were of the committee or implicated in making the charges or giving them currency, have here uttered no word exonerating me, but have made their remarks, or remained in their seats with closed lips, allowing the minority report to go to the country as a sort of a whitewash.

I say it seems to me this does involve my right to rise to a question of privilege. If I am not to be blamed, if there is no moral turpitude whatever that can be attached to me or to the course that I have heretofore pursued, it is but right, it seems to me, that I should in some way be permitted to so raise the question that the minority would be put to the necessity of a disclaimer or hereafter hold their peace.

The SPEAKER. The Chair does not understand there was any charge against the gentleman from Iowa [Mr. WELLER], directly or indirectly, in the resolution directing the investigation. The Chair does not understand there is anything in the report of the majority or the report of the minority implicating the gentleman from Iowa in any manner whatever in any improper conduct. That being the case, unless the gentleman has something to state outside of the report, the Chair does not see that any matter of privilege is involved.

Mr. WELLER. Just a moment. I think I can bring it to the attention of the Speaker.

Mr. KEIFER. I insist on the point that there is no question of privilege involved.

The SPEAKER. The gentleman from Ohio insists on the point that there is no matter of privilege.

Mr. WELLER. I yield to the decision of the Chair, making, however, this statement that the gentleman from New York [Mr. MILLARD] said before the committee there was nothing in the testimony to implicate me; and I want him now to deny my present statement if my statement is not true.

Mr. HAMMOND. Before the question is put I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. It has been said that without a special motion therefor the report of the committee and the minority report would not be printed. I supposed they would be.

The SPEAKER. They will be printed as documents.

Mr. HAMMOND. So I supposed.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] moves to lay the whole subject on the table.

Mr. BAYNE. Upon that motion I demand the yeas and nays.

Mr. WHITE, of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Is not the vote to be taken first on the substitute offered by the gentleman from New York [Mr. MILLARD]?

The SPEAKER. The motion is to lay the whole subject, including the majority and minority reports, on the table.

Mr. WHITE, of Kentucky. But the gentleman from New York [Mr. MILLARD] offers a substitute.

The SPEAKER. But the motion is to lay the whole subject on the table, which has precedence. Of course if the House refuses to lay the subject on the table——

Mr. WHITE, of Kentucky. Then the resolution of the gentleman from New York would be in order?

The SPEAKER. Yes; the substitute is pending, but the gentleman from Georgia moves to lay the whole subject on the table.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. The gentleman from Georgia, as I understand, has reported a resolution for the action of the House?

Mr. HAMMOND. No, sir. On behalf of the committee I made a report recommending that the whole matter be laid on the table. I withheld that motion for an hour in order to permit discussion.

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted upon its amendment to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending Juue 30, 1885, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. BECK as conferees on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating the internal-revenue laws, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOGAN, Mr. SHERMAN, and Mr. HARRIS as the conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States, relative to fees levied and collected from owners and masters of vessels in domestic commerce;

A bill (H. R. 6677) granting the consent of Congress to the Saint Cloud Water Power and Mill Company to erect a dam across the Mississippi River at Saint Cloud, Minn.;

A bill (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory; and

A bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2041) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island.

The message further requested the return to the Senate of the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

The message further announced that the Senate had proceeded in conformity with the Constitution to reconsider the bill entitled "An act for the relief of Fitz-John Porter," returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and passed by the House notwithstanding the objections, and had resolved that the said bill do not pass, two-thirds of the Senators present not voting in the affirmative.

RULES AND ARTICLES OF WAR.

The SPEAKER. The Chair will lay before the House the request of the Senate for the return of a bill.

The Clerk read as follows:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

The SPEAKER. If there be no objection, the request of the Senate will be complied with.

There was no objection.

CHARGES AGAINST HON. WILLIAM H. ENGLISH AND OTHERS.

The question recurred upon the motion of Mr. HAMMOND to lay on the table the subject of the charges against William H. English and others, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 137, nays 72, not voting 115; as follows:

YEAS—137.

Aiken,	Duncan,	Jordan,	Singleton,
Alexander,	Dunn,	Kleiner,	Springer,
Bagley,	Eldredge,	Lanham,	Storm,
Ballentine,	Elliott,	Le Fevre,	Sumner, D. H.
Barbour,	Ellis,	Lovering,	Talbott,
Barksdale,	Ferrell,	Lowry,	Taylor, J. M.
Beach,	Findlay,	Matson,	Thompson,
Bennett,	Finerty,	Miller, J. F.	Throckmorton,
Blount,	Follett,	Mills,	Tillman,
Boyle,	Foran,	Mitchell,	Townshend,
Breckinridge,	Forney,	Muldrow,	Tucker,
Buchanan,	Garrison,	Murray,	Tully,
Burnes,	Geddes,	Murphy,	Turner, H. G.
Cabell,	Gibson,	Mutchler,	Turner, Oscar
Caldwell,	Glascock,	Neece,	Van Alstyne,
Campell, J. E.	Green,	Oates,	Vance,
Candler,	Greenleaf,	Ochiltree,	Van Eaton,
Cassidy,	Halsell,	O'Ferrall,	Wallace,
Chalmers,	Hammond,	O'Neill, J. J.	Ward,
Clay,	Hancock,	Paige,	Warner, Richard
Clements,	Hardeman,	Patton,	Wellborn,
Cobb,	Hardy,	Pierce,	Wemple,
Connolly,	Hatch, W. H.	Peel,	Wilkins,
Converse,	Hemphill,	Post,	Williams,
Cosgrove,	Henley,	Pryor,	Wilson, W. L.
Covington,	Herbert,	Pusey,	Winans, E. B.
Cox, W. R.	Hewitt, A. S.	Randall,	Winans, John
Crisp,	Hewitt, G. W.	Rankin,	Wise, G. D.
Culberson, D. B.	Hoblitzell,	Reese,	Wolford,
Curtin,	Holman,	Riggs,	Wood,
Dargan,	Hopkins,	Robinson, W. E.	Yaple,
Davis, L. H.	Houseman,	Rogers, J. H.	Young.
Dibble,	Hunt,	Scales,	
Dibrell,	Jones, B. W.	Seney,	
Dorsheimer,	Jones, J. H.	Seymour,	

NAYS—72.

Adams, G. E.	Goff,	McMillin,	Skinner, C. R.
Atkinson,	Guenther,	Millard,	Smalls,
Bayne,	Hart,	Nelson,	Smith,
Boutelle,	Hatch, H. H.	O'Neill, Charles	Spooner,
Brewer, F. B.	Hitt,	Parker,	Steele,
Browne, T. M.	Holmes,	Payne,	Stephenson,
Brown, W. W.	Howey,	Payson,	Stewart, J. W.
Campbell, J. M.	James,	Peters,	Strait,
Cannon,	Johnson,	Phelps,	Taylor, J. D.
Culbertson, W. W.	Kasson,	Poland,	Thomas,
Cullen,	Kean,	Price,	Valentine,
Cutcheon,	Lacey,	Ranney,	Wadsworth,
Davis, G. R.	Lawrence,	Ray, Ossian	Wait,
Davis, R. T.	Long,	Reed,	Wakefield,
Ellwood,	Lyman,	Rice,	Washburn,
Evans, I. N.	McCoid,	Robinson, J. S.	Weaver,
Everhart,	McComas,	Rowell,	White, J. D.
Funston,	McCormick,	Ryan,	Whiting.

NOT VOTING—115.

Adams, J. J.	Deuster,	Jones, J. T.	Reagan,
Anderson,	Dingley,	Keifer,	Robertson,
Arnot,	Dockery,	Kelley,	Rockwell,
Barr,	Dowd,	Kellogg,	Rogers, W. F.
Belford,	Dunham,	Ketcham,	Rosecrans,
Belmont,	Eaton,	King,	Russell,
Bingham,	English,	Laird,	Shaw,
Bisbee,	Ermentrout,	Lamb,	Shelley,
Blackburn,	Evins, J. H.	Lewis,	Skinner, T. G.
Blanchard,	Fiedler,	Libbey,	Slocum,
Bland,	Fyan,	Lore,	Snyder,
Bowen,	George,	McAdoo,	Spriggs,
Brainerd,	Graves,	Maybury,	Stevens,
Breitung,	Hanback,	Miller, S. H.	Stewart, Charles
Brewer, J. H.	Harmer,	Milliken,	Stockslager,
Broadhead,	Haynes,	Money,	Stone,
Brumm,	Henderson, D. B.	Morgan,	Struble,
Buckner,	Henderson, T. J.	Morrill,	Sumner, C. A.
Budd,	Hepburn,	Morrison,	Taylor, E. B.
Burleigh,	Hill,	Morse,	Warner, A. J.
Calkins,	Hiscock,	Moulton,	Weller,
Campbell, Felix	Holton,	Muller,	White, Milo
Carleton,	Hooper,	Nicholls,	Willis,
Chase,	Horr,	Nutting,	Wilson, James
Clardy,	Houk,	O'Hara,	Wise, J. S.
Collins,	Hurd,	Perkins,	Woodward,
Cook,	Hutchins,	Pettibone,	Worthington,
Cox, S. S.	Jeffords,	Potter,	York.
Davidson,	Jones, J. K.	Ray, G. W.	

So the motion to lay on the table was agreed to.

The following were announced as paired until further notice:

Mr. MOULTON with Mr. EZRA B. TAYLOR.

Mr. BLACKBURN with Mr. RUSSELL.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. KELLOGG.

Mr. ROGERS, of New York, with Mr. HOOPER.

Mr. DUNCAN with Mr. SMITH.

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. CLARDY with Mr. JOHN S. WISE.

Mr. NICHOLLS with Mr. CHACE.

Mr. HUTCHINS with Mr. CALKINS.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. SUMNER, of California, with Mr. WAKEFIELD.

Mr. ROBERTSON with Mr. BARR.

Mr. MORRISON with Mr. KELLEY.

Mr. SHELLEY with Mr. BISBEE.

Mr. WORTHINGTON with Mr. BOWEN.

Mr. CAMPBELL with Mr. BREITUNG.
Mr. REAGAN with Mr. PETTIBONE.
Mr. BLAND with Mr. HOUK.
Mr. FIEDLER with Mr. HEPBURN.
Mr. SNYDER with Mr. HANBACK.
Mr. SHAW with Mr. ANDERSON.
Mr. COLLINS with Mr. DUNHAM.
Mr. ADAMS, of New York, with Mr. BELFORD.
The following were announced as paired for this day:
Mr. BLANCHARD with Mr. STONE.
Mr. STEVENS with Mr. BRUMM.
Mr. MONEY with Mr. BINGHAM.
Mr. HISCOCK with Mr. JONES, of Arkansas.
Mr. LAMB with Mr. HORR.
Mr. WILLIS with Mr. HENDERSON, of Illinois.
Mr. MORSE with Mr. MILLER, of Pennsylvania.
Mr. HILL with Mr. JEFFORDS.
The following were also announced as paired:
Mr. SKINNER, of North Carolina, with Mr. NUTTING, until July 8.
Mr. DOWD with Mr. RAY, of New York, until July 8.
Mr. STRUBLE with Mr. STOCKSLAGER, on this vote. If present, Mr. STRUBLE would vote for the minority report, and Mr. STOCKSLAGER for the majority report.
Mr. ARNOT with Mr. HENDERSON, of Iowa, on this vote.
Mr. LIBBEY with Mr. WOODWARD, on this vote.
Mr. ERMENTROUT with Mr. ROCKWELL, on this vote.
Mr. WELLER. I desire to say that, my name having been connected with this matter, I have refrained from voting.
The result of the vote was then announced as above stated.
Mr. HAMMOND moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:
A bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes.

ADJOURNMENT OVER FOURTH OF JULY.

Mr. HOLMAN. I move that when the House adjourns to-day it be to meet on Saturday next. I think it will facilitate the final adjournment by giving committees of conference an opportunity to complete their labors.
Mr. HAMMOND. Do I understand the gentleman from Indiana [Mr. HOLMAN] to say that he makes this motion for the purpose of facilitating the final adjournment?
Mr. HOLMAN. That is my opinion.
Mr. BROWNE, of Indiana. I suppose it will facilitate the final adjournment by passing over the Mexican-war pension bill.
Mr. RANDALL. No; we can take that up to-day and dispose of it.
Mr. REED. We all know that under the rules of the House one member can stop any business being done, and we know that the rules of the House will be thoroughly availed of. We know it has been done in the past and we know it will be in the present, and we may as well understand it.
Mr. RANDALL. I hope the gentleman will get into a good humor before we part.
Mr. HOLMAN. As my colleague [Mr. BROWNE] seems to think that the adjournment over to-morrow should not take place on account of the Mexican pension bill not having been disposed of, I do not think that I will press that motion.
Several MEMBERS (to Mr. HOLMAN). Withdraw the motion.
The SPEAKER. Does the gentleman withdraw the motion?
Mr. KEIFER. I wish to suggest that something might arise in the way of conferences between the two Houses which would make it very important that the House should be in session to-morrow.
Mr. TOWNSHEND. I call for the regular order.
Mr. RANDALL. If we are to adjourn over we ought to know it immediately.
Mr. KEIFER. We ought not to adopt the motion now.
Mr. RANDALL. We ought to do it now or not at all.
Mr. TOWNSHEND. I understand the motion is withdrawn.
Mr. RANDALL. Then I renew it. We can go on with the Mexican pension bill at once, and can sit to-night if it should be necessary.
Mr. HOLMAN. I withdraw the motion.
The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL], that when the House adjourns to-day it adjourn to meet on Saturday next.
The question being taken; there were—ayes 101, noes 51.
Mr. BURNES. No quorum.
Mr. PETERS. I call for the yeas and nays.
Mr. BROWNE, of Indiana. I hope that those who desire to pass the Mexican pension bill will not ask for the yeas and nays now. If it should become apparent later that the bill can not be passed without a session to-morrow, I will ask the House to revoke the order for adjourning over.
Several MEMBERS. All right.
Mr. PETERS. I withdraw the call for the yeas and nays.
The SPEAKER. The gentleman from Missouri [Mr. BURNES] makes the point that no quorum has voted. The Chair appoints as tellers the gentleman from Missouri and the gentleman from Pennsylvania [Mr. RANDALL].
The House again divided; and the tellers reported—ayes 120, noes 54.
So the motion of Mr. RANDALL was agreed to.
Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.
The SPEAKER. The regular order is the call of committees for reports.
Mr. TOWNSHEND. I move to dispense with the morning hour.
Mr. JEFFORDS. I rise to a matter of privilege.
Mr. TOWNSHEND. I raise the question of consideration upon it.
The SPEAKER. The gentleman from Mississippi [Mr. JEFFORDS] will state his question of privilege.
Mr. JEFFORDS. I desire to call up for immediate action the report, with accompanying resolution, from the Committee on Ventilation and Acoustics.
Mr. TOWNSHEND. I insist on my motion.
The SPEAKER. The Chair so understands; but if this be a matter of privilege that motion can not be entertained now.
Mr. RANDALL. I reserve points of order upon the report of the gentleman from Mississippi.
The SPEAKER. The gentleman from Mississippi calls up as a matter of privilege the report of the Committee on Ventilation and Acoustics.
Mr. TOWNSHEND. I rise to a parliamentary question. Is it not competent to raise the question of consideration against the report?
The SPEAKER. It is; but the resolution must first be read, so that the House may know what it is.
Mr. TOWNSHEND. My purpose is to go to business on the Speaker's table, so as to get at the Mexican pension bill.
Mr. HOLMAN. The report of the gentleman from Mississippi is subject to a point of order, at any rate.
The SPEAKER. It is not necessary to reserve points of order. They can be made when the matter is before the House.
Mr. TOWNSHEND. I call for the regular order.
The SPEAKER. The Clerk will read the resolution called up by the gentleman from Mississippi.
Mr. JEFFORDS. I ask for the reading also of the report.
The Clerk read as follows:

Resolved, That the Committee on Ventilation and Acoustics of the House of Representatives be, and they are hereby, authorized, empowered, and directed to accept the proposition by them reported and attached to their report, and to at once proceed with the introduction and trial of the new system in accordance with the terms of said proposition.

The SPEAKER. On this resolution the gentleman from Illinois [Mr. TOWNSHEND] raises the question of consideration.
Mr. TALBOTT. I make the point of order——
The SPEAKER. The matter is not yet before the House for consideration. The point of order can be made if the House should determine to consider it.
Mr. JEFFORDS. I asked for the reading of the report as well as the resolution.
The SPEAKER. The reading of the report would be in the nature of debate, and debate is not in order on a question as to the order of business.
The question being taken, will the House proceed to consider the resolution reported by the Committee on Ventilation and Acoustics, it was decided in the negative—ayes 49, noes 60.
Mr. TOWNSHEND. I now move to dispense with the morning hour.
Mr. SCALES. I desire to present a report.
The SPEAKER. There is a matter before the House.
Mr. SCALES. I understood the gentleman from Illinois [Mr. TOWNSHEND] yielded to me for this purpose.
Mr. TOWNSHEND. My friend misunderstood me. I must insist on my motion.
The SPEAKER. The question is on the motion of the gentleman from Illinois to dispense with the morning hour, which requires a two-thirds vote.
The question being taken, there were—ayes 99, noes 37.
Mr. HEWITT, of Alabama. No quorum.
The SPEAKER. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Alabama, Mr. HEWITT, and the gentleman from Illinois, Mr. TOWNSHEND.
The House again divided; and the tellers reported—ayes 130, noes 22.
Mr. HEWITT, of Alabama. No quorum has voted.
The SPEAKER. The tellers will resume their places, and members who have not voted are requested to pass between the tellers.

The House again divided; and the tellers reported—ayes 140, noes 23.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

HOUR OF MEETING.

Mr. RANDALL. I rise to make a privileged motion.

The Clerk read as follows:

Resolved, That the hour of meeting of the House on Saturday next, July 5, be 9 o'clock a. m.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOURTH OF JULY WAR CLAIMS.

Mr. ROWELL submitted the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 5377 for the allowance of certain claims reported by the accounting officer's of the United States Treasury Department having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with the following amendment:

In lieu of the Senate amendment insert the following:

"Mississippi:

"To Julia A. Nutt, widow and executrix of Haller Nutt, deceased, of Adams County, the sum of $35,556.17."

And the Senate agreee to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

JNO. B. STORM,
J. H. ROWELL,
Managers on the part of the House.
ANGUS CAMERON,
C. F. MANDERSON,
JAMES Z. GEORGE,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying the report under the rules will now be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

The Senate amended the bill by inserting a clause to pay Julia A. Nutt, widow and executrix of Haller Nutt, deceased, of Adams County, Mississippi, the sum of $85,556.17 for supplies alleged to have been taken from him by the Army of the United States during the late war.

The amendment to the Senate amendment as agreed upon diminishes the amount by $50,000 by striking out certain items included in the amount allowed to Mrs. Nutt in the Senate amendment.

The second amendment only goes to a change in the title to the bill.

JNO. B. STORM,
J. H. ROWELL,
Managers on the part of the House.

Mr. ROWELL. I move the adoption of the report.

The motion was agreed to.

Mr. ROWELL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. TOWNSHEND. I now move to proceed to the consideration of the business on the Speaker's table.

Mr. SCALES. I have a privileged motion to submit from the Committee on Printing for the printing necessary for the two Houses of Congress. I am directed by the Committee on Printing to report back favorably joint resolution (H. Res. 276) providing for the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry.

The Clerk read as follows:

Resolved, &c., That there be printed 50,000 copies of the first annual report of the Bureau of Animal Industry of the Department of Agriculture, of which 10,000 shall be for the use of members of the Senate, 35,000 for the use of members of the House of Representatives, and 5,000 for the use of the Commissioner of Agriculture; the illustrations to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing; the work to be subject to the approval of the Commissioner of Agriculture.

Mr. SCALES. The estimated cost is $16,521. I move the joint resolution be put on its passage.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

Mr. SCALES, from the Committee on Printing, reported, as a substitute for H. Res. 106, joint resolution (H. Res. 284) providing for printing additional copies of the Medical and Surgical History of the War of the Rebellion; which was read a first and second time.

The Clerk read as follows:

Resolved, &c., That the Public Printer is hereby authorized to print and bind in the usual style 5,000 additional copies of the Medical and Surgical History of the War of the Rebellion, all of which are to be sold to applicants at cost with 10 per cent. added: *Provided*, That not more than one copy of each volume shall be sold to any one person.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. I now move to proceed to the consideration of the business on the Speaker's table, and on that I demand the previous question.

Mr. HEWITT, of Alabama. I call up for consideration, Mr. Speaker, the special order, that bill H. R. 3962, granting pensions to certain soldiers and sailors of the Mexican war and other wars therein named, and for other purposes, be made the special order in the House, as in Committee of the Whole, on Thursday, the 21st day of February, 1884, after the morning hour, and from day to day thereafter until disposed of, not to interfere with general appropriation or revenue bills or reports from the Committee on Public Lands.

Mr. TOWNSHEND. But I have moved to go to the business on the Speaker's table.

The SPEAKER. The gentleman from Alabama has called up the special order.

Mr. TOWNSHEND. What is it?

The SPEAKER. The pension bill fixed by order of the House some time ago.

Mr. TOWNSHEND. It was disposed of yesterday.

The SPEAKER. It was decided not to consider it yesterday.

Mr. TOWNSHEND. I make the point of order against it.

The SPEAKER. There is no point of order, but the gentleman can raise the question of consideration.

Mr. TOWNSHEND. I raise the question of consideration.

Mr. HEWITT, of Alabama. I call for the reading of the bill so the House may know what they are voting on.

Mr. TOWNSHEND. I rise to a parliamentry inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. Having made a motion to proceed to the consideration of the business on the Speaker's table, I ask whether the gentleman can take me off the floor by any motion he can make?

The SPEAKER. The gentleman could not take the gentleman off the floor; the gentleman did not have the floor.

Mr. TOWNSHEND. I demanded the previous question.

The SPEAKER. You did.

Mr. TOWNSHEND. Then how can the gentleman take me off the floor?

The SPEAKER. The gentleman could not hold the floor against everybody in the House.

Mr. TOWNSHEND. I demanded the previous question.

The SPEAKER. The gentleman did, but pending that the gentleman from Alabama called for the special order, which is a privileged matter.

Mr. TOWNSHEND. Is it not necessary to raise the question of consideration?

The SPEAKER. Not at all. He could not raise the question of consideration against the gentleman's motion to go to the business on the Speaker's table.

Mr. TOWNSHEND. Then I raise the question of consideration.

The SPEAKER. The Chair understands that the gentleman from Illinois [Mr. TOWNSHEND] raises the question of consideration against the special order called up by the gentleman from Alabama.

Mr. HEWITT, of Alabama, rose.

The SPEAKER. The question is not debatable.

Mr. LYMAN. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HEWITT, of Alabama. I ask to make a statement.

Objection was made.

The question was taken; and it was decided in the negative—yeas 79, nays 142, not voting 103; as follows:

YEAS—79.

Aiken,	Clay,	Forney,	Jones, J. H.
Alexander,	Clements,	Garrison,	Kleiner,
Ballentine,	Cosgrove,	Graves,	Lanham,
Barksdale,	Cox, W. R.	Green,	Lore,
Belmont,	Crisp,	Halsell,	McMillin,
Bennett,	Culberson, D. B.	Hancock,	Miller, J. F.
Blount,	Dargan,	Hardeman,	Mills,
Broadhead,	Davis, L. H.	Hatch, W. H.	Muldrow,
Buchanan,	Dibble,	Hemphill,	Oates,
Cabell,	Dibrell,	Herbert,	Ochiltree,
Caldwell,	Duncan,	Hewitt, A. S.	O'Ferrall,
Candler,	Dunn,	Hewitt, G. W.	Paige,
Cassidy,	Findlay,	Hopkins,	Peel,
Chalmers,	Foran,	Hunt,	Pierce,

Potter,	Taylor, J. M.	Turner, Oscar	Wilson, W. L.
Pryor,	Thompson,	Vance,	Wise, G. D.
Reese,	Throckmorton,	Van Eaton,	Wolford,
Rogers, J. H.	Tillman,	Warner, Richard	York,
Seney,	Tucker,	Wellborn,	Young.
Singleton,	Turner, H. G.	Williams,	

NAYS—142.

Adams, G. E.	Geddes,	McCoid,	Smith,
Atkinson,	George,	McComas,	Spooner,
Bagley,	Glascock,	McCormick,	Springer,
Barbour,	Goff,	Matson,	Steele,
Bayne,	Greenleaf,	Maybury,	Stephenson,
Beach,	Guenther,	Millard,	Stewart, J. W.
Boutelle,	Hardy,	Miller, S. H.	Stockslager,
Brainerd,	Harmer,	Mitchell,	Storm,
Brewer, F. B.	Hart,	Morgan,	Strait,
Browne, T. M.	Hatch, H. H.	Morrill,	Sumner, C. A.
Brown, W. W.	Henderson, D. B.	Murray,	Sumner, D. H.
Budd,	Henley,	Neece,	Talbott,
Burleigh,	Hitt,	Nelson,	Taylor, J. D.
Calkins,	Hoblitzell,	O'Hara,	Thomas,
Campbell, J. E.	Holman,	O'Neill, Charles	Townshend,
Campbell, J. M.	Holmes,	O'Neill, J. J.	Valentine,
Cannon,	Howey,	Payne,	Wadsworth,
Carleton,	James,	Payson,	Wait,
Cobb,	Jeffords,	Perkins,	Wakefield,
Connolly,	Johnson,	Peters,	Wallace,
Culbertson, W. W.	Jones, B. W.	Phelps,	Ward,
Cullen,	Jordan,	Poland,	Warner, A. J.
Cutcheon,	Kasson,	Post,	Washburn,
Davis, G. R.	Kean,	Pusey,	Weaver,
Dingley,	Ketcham,	Randall,	Weller,
Eaton,	Lacey,	Ranney,	White, J. D.
Eldredge,	Laird,	Ray, Ossian	White, Milo
Elliott,	Lamb,	Rice,	Wilkins,
Ellwood,	Lawrence,	Riggs,	Wilson, James
English,	Le Fevre,	Robinson, J. S.	Winans, E. B.
Evans, I. N.	Libbey,	Rosecrans,	Winans, John
Everhart,	Long,	Rowell,	Wood,
Ferrell,	Lovering,	Ryan,	Woodward,
Finerty,	Lowry,	Seymour,	Yaple.
Follett,	Lyman,	Skinner, C. R.	
Funston,	McAdoo,	Smalls,	

NOT VOTING—103.

Adams, J. J.	Curtin,	Hurd,	Reed,
Anderson,	Davidson,	Hutchins,	Robertson,
Arnot,	Davis, R. T.	Jones, J. K.	Robinson, W. E.
Barr,	Deuster,	Jones, J. T.	Rockwell,
Belford,	Dockery,	Keifer,	Rogers, W. F.
Bingham,	Dorsheimer,	Kelley,	Russell,
Bisbee,	Dowd,	Kellogg,	Scales,
Blackburn,	Dunham,	King,	Shaw,
Blanchard,	Ellis,	Lewis,	Shelley,
Bland,	Ermentrout,	Milliken,	Skinner, T. G.
Bowen,	Evins, J. H.	Money,	Slocum,
Boyle,	Fiedler,	Morrison,	Snyder,
Breckinridge,	Fyan,	Morse,	Spriggs,
Breitung,	Gibson,	Moulton,	Stevens,
Brewer, J. H.	Hammond,	Muller,	Stewart, Charles
Brumm,	Hanback,	Murphy,	Stone,
Buckner,	Haynes,	Mutchler,	Struble,
Burnes,	Henderson, T. J.	Nicholls,	Taylor, E. B.
Campbell, Felix	Hepburn,	Nutting,	Tully,
Chace,	Hill,	Parker,	Van Alstyne,
Clardy,	Hiscock,	Patton,	Wemple,
Collins,	Holton,	Pettibone,	Whiting,
Converse,	Hooper,	Price,	Willis,
Cook,	Horr,	Rankin,	Wise, J. S.
Covington,	Houk,	Ray, G. W.	Worthington.
Cox, S. S.	Houseman,	Reagan,	

So the motion to proceed with the special order was not agreed to.

Mr. YORK. I ask unanimous consent to dispense with the reading of the names.

Mr. CLAY. I object.

The Clerk then recapitulated the names of those recorded as having voted.

The following additional pairs were announced:

Mr. REED with Mr. HAMMOND, on all questions, until further notice.

Mr. COOK with Mr. STRUBLE, on all political questions for this day.

The result of the vote was then announced as above recorded.

Mr. HARDEMAN. It is evident we can not get any justice for the Mexican soldiers, and I now move that the House adjourn.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House do now proceed to consider business on the Speaker's table, pending which the gentleman from Georgia moves that the House do now adjourn.

The question was taken.

The House divided; and there were—ayes 25, noes 95.

So the House refused to adjourn.

Mr. TOWNSHEND. I demand the regular order.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely, a bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company and for other purposes.

ADDITIONAL ENROLLING CLERKS.

Mr. RANDALL. I ask unanimous consent to submit a resolution to which I think nobody will object, in relation to the business of the House.

Mr. TOWNSHEND. If it refers to the business of the House I will yield for a moment for its introduction.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Clerk be authorized to employ for the remainder of the present session two additional enrolling clerks, who shall be paid for their services out of the contingent fund of the House such sums as may be fixed by the Committee on Accounts.

Mr. RANDALL. This has been done before and is necessary for the prompt enrollment of bills.

The resolution was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. Regular order.

COMMITTEE ON ENROLLED BILLS.

Mr. RANDALL. I wish to suggest that it would be desirable to have the Committee on Enrolled Bills enlarged for the purpose of more readily comparing the bills.

The SPEAKER. The Chair was about to ask unanimous consent to appoint two additional members of the Committee on Enrolled Bills; and if there be no objection the Chair will make the appointments now.

There was no objection.

Mr. GLASCOCK and Mr. PETERS were appointed as additional members of the committee.

PAY OF STENOGRAPHERS FOR COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. SPRINGER. I have a resolution in relation to the business of the House to which I am satisfied there will be no objection when it is heard. It relates to the expenses of the Committee on Expenditures in the Department of Justice, and provides for the payment of the expense of employing stenographers, which expense can not be met unless this resolution is passed. The fund set apart for the committee was used for this purpose.

Mr. TOWNSHEND. If it relates to the business of the House I shall not object, unless it leads to debate.

Mr. WHITE, of Kentucky. Let it be read subject to objection.

The resolution was read. It is as follows:

Resolved, That there is hereby appropriated out of the contingent fund of the House a sum sufficient to pay for the service of stenographers to the Committee on Expenditures in the Department of Justice, in addition to the amount heretofore allowed said committee, for the payment of the expenses of investigations; the accounts to be approved by the Committee on Accounts, as provided by the resolution of the House authorizing the appointment of stenographers to committees.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SPRINGER. Let me say that the clerk of the committee charged the expenses incurred for reporting testimony to the fund which had been appropriated by the House for the payment of the expenses of the committee.

Mr. WHITE, of Kentucky. If I understand correctly, when the gentleman from Illinois was about to enter upon this investigation he asked the House for the appropriation of a certain sum, and stated then that that sum would cover all of the expenses of the investigation. Now, I think, sir, we had better let that sum cover it, as he then suggested, and for that reason I object to the resolution, and call for the regular order.

Mr. SPRINGER. I hope the gentleman will yield to me for one moment, before insisting upon the demand, to hear a brief statement.

Mr. WHITE, of Kentucky. I have no objection to that.

Mr. SPRINGER. At that time the law provided for the reporters of the committees and they were paid regular salaries like the other employés or officers of the House. But a week after the inauguration of this investigation the office of committee reporters was abolished, and the committees were authorized, as the gentleman will remember, to employ stenographers, to be approved by the Speaker of the House. This the committee have done; but the clerk charged the reporting of the committee to the fund set apart for its other incidental expenses, which more than exhaused the fund and left no provision for the payment of the expenses necessarily incurred by the committee in taking testimony. Now, unless this resolution is passed the expenses incurred can not be paid.

Mr. CALKINS. I hope my friend from Kentucky will withdraw his objection.

The SPEAKER. Does the gentleman from Kentucky insist upon his objection?

Mr. WHITE, of Kentucky. I have no desire to take up the time of the House by debating the question or objecting. If the House is satisfied that the Committee on Expenditures in the Department of Justice is doing the proper thing I am satisfied.

Mr. SPRINGER. It is trying to do the proper thing.

Mr. ADAMS, of Illinois. I wish to ask a question of my colleague, whether the services to be paid for in this matter are services to be hereafter rendered?

Mr. SPRINGER. No, sir; services already rendered.

Mr. ADAMS, of Illinois. Then, even if the resolution passes, the accounts can not be paid in this way.

Mr. SPRINGER. The amount has been already paid, as I have said, but it is charged to the fund of the committee.

Mr. WHITE, of Kentucky. But it was paid under the provisions of the law?

Mr. SPRINGER. No, the resolution required that it should be paid out of the contingent fund of the House; but it was charged to the fund of the committee.

There being no objection, the resolution was considered and agreed to.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question now is, Will the House proceed to the consideration of business on the Speaker's table?

Mr. CLAY. I move that the House do now adjourn.

The House divided; and there were—ayes 27, noes 89.

So the House refused to adjourn.

The question being taken on Mr. TOWNSHEND'S motion that the House proceed to the consideration of business on the Speaker's table, there were—ayes 96, noes 12.

Mr. BUCHANAN. No quorum.

Mr. WASHBURN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 39, not voting 123; as follows:

YEAS—162.

Adams, G. E.	Follett,	McCoid,	Springer,
Arnot,	Foran,	McComas,	Steele,
Atkinson,	Funston,	McCormick,	Stephenson,
Bagley,	Geddes,	Matson,	Stewart, J. W.
Barksdale,	Glascock,	Maybury,	Stockslager,
Bayne,	Goff,	Millard,	Storm,
Beach,	Graves,	Miller, S. H.	Strait,
Boutelle,	Greenleaf,	Mitchell,	Sumner, C. A.
Brainerd,	Guenther,	Morrill,	Sumner, D. H.
Breckinridge,	Hardy,	Murray,	Talbott,
Brewer, F. B.	Harmer,	Neece,	Taylor, J. D.
Browne, T. M.	Hart,	Nelson,	Thomas,
Brown, W. W.	Hatch, H. H.	O'Hara,	Townshend,
Budd,	Hatch, W. H.	O'Neill, Charles	Tully,
Burleigh,	Henderson, D. B.	O'Neill, J. J.	Valentine,
Burnes,	Henley,	Paige,	Van Alstyne,
Calkins,	Hewitt, A. S.	Parker,	Wadsworth,
Campbell, J. E.	Hitt,	Payne,	Wait,
Campbell, J. M.	Hoblitzell,	Payson,	Wakefield,
Cannon,	Holman,	Peel,	Wallace,
Carleton,	Holmes,	Perkins,	Ward,
Chalmers,	Hopkins,	Phelps,	Warner, A. J.
Cobb,	Houseman,	Poland,	Warner, Richard
Connolly,	James,	Post,	Washburn,
Culbertson, W. W.	Jeffords,	Price,	Weaver,
Cullen,	Johnson,	Pryor,	Weller,
Curtin,	Jones, B. W.	Pusey,	Wemple,
Cutcheon,	Jordan,	Randall,	White, J. D.
Davis, G. R.	Kasson,	Ranney,	White, Milo
Davis, R. T.	Kean,	Ray, Ossian	Wilkins,
Dingley,	Keifer,	Riggs,	Wilson, James
Duncan,	Ketcham,	Robinson, J. S.	Wilson, W. L.
Eaton,	Kleiner,	Robinson, W. E.	Winans, E. B.
Eldredge,	Lacey,	Rowell,	Winans, John
Elliott,	Lamb,	Ryan,	Wolford,
Ellwood,	Lawrence,	Seney,	Wood,
English,	Le Fevre,	Seymour,	Woodward,
Evans, I. N.	Libbey,	Skinner, C. R.	Yaple,
Everhart,	Long,	Smalls,	York,
Ferrell,	Lovering,	Smith,	Young.
Finerty,	Lowry,	Spooner,	

NAYS—39.

Alexander,	Dargan,	Hewitt, G. W.	Rogers, J. H.
Belmont,	Davis, L. H.	Hunt,	Scales,
Bennett,	Dibrell,	Jones, J. H.	Taylor, J. M.
Broadhead,	Dunn,	Lanham,	Thompson,
Buchanan,	Forney,	Lyman,	Throckmorton,
Cabell,	Garrison,	Mills,	Tillman,
Clay,	Halsell,	Mutchler,	Turner, Oscar
Cosgrove,	Hancock,	Oates,	Williams,
Cox, W. R.	Hemphill,	O'Ferrall,	Wise, G. D.
Culberson, D. B.	Herbert,	Pierce,	

NOT VOTING—123.

Adams, J. J.	Caldwell,	Dunham,	Hooper,
Aiken,	Campbell, Felix	Ellis,	Horr,
Anderson,	Candler,	Ermentrout,	Houk,
Ballentine,	Cassidy,	Evins, J. H.	Howey,
Barbour,	Chace,	Fiedler,	Hurd,
Barr,	Clardy,	Findlay,	Hutchins,
Belford,	Clements,	Fyan,	Jones, J. K.
Bingham,	Collins,	George,	Jones, J. T.
Bisbee,	Converse,	Gibson,	Kelley,
Blackburn,	Cook,	Green,	Kellogg,
Blanchard,	Covington,	Hammond,	King,
Bland,	Cox, S. S.	Hanback,	Laird,
Blount,	Crisp,	Hardeman,	Lewis,
Bowen,	Davidson,	Haynes,	Lore,
Boyle,	Deuster,	Henderson, T. J.	McAdoo,
Breitung,	Dibble,	Hepburn,	McMillin,
Brewer, J. H.	Dockery,	Hill,	Miller, J. F.
Brumm,	Dorsheimer,	Hiscock,	Milliken,
Buckner,	Dowd,	Holton,	Money,
Morgan,	Pettibone,	Russell,	Taylor, E. B.
Morrison,	Potter,	Shaw,	Tucker,
Morse,	Rankin,	Shelley,	Turner, H. G.
Moulton,	Ray, G. W.	Singleton,	Vance,
Muldrow,	Reagan,	Skinner, T. G.	Van Eaton,
Muller,	Reed,	Slocum,	Wellborn,
Murphy,	Reese,	Snyder,	Whiting,
Nicholls,	Rice,	Spriggs,	Willis,
Nutting,	Robertson,	Stevens,	Wise, J. S.
Ochiltree,	Rockwell,	Stewart, Charles	Worthington.
Patton,	Rogers, W. F.	Stone,	
Peters,	Rosecrans,	Struble,	

So the motion was agreed to.

Mr. BROWNE, of Indiana. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. CLAY. I object.

The names of members voting were read.

The result of the vote was then announced as above stated.

Mr. HARDEMAN. I move that the House do now adjourn.

The question being taken, there were—ayes 25, noes 78.

So the House refused to adjourn.

MEXICAN WAR PENSIONS.

The SPEAKER. The House resumes the consideration of business on the Speaker's table, the pending business being the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The Clerk will report the next amendment.

The Clerk read the second amendment of the Senate, as follows:

In line 18, strike out the word "wars" and insert the word "war."

Mr. TOWNSHEND. I move to concur in the Senate amendment, and on that motion I demand the previous question.

Mr. HEWITT, of Alabama. I move to concur in the Senate amendment with an amendment.

Mr. TOWNSHEND. Does not my motion to concur take precedence of a motion to concur with an amendment?

Mr. HEWITT, of Alabama. I ask for the reading of my amendment.

The SPEAKER. Both motions are before the House. The gentleman from Alabama [Mr. HEWITT] moves to concur with an amendment. The amendment will be read.

Mr. TOWNSHEND. Does not the motion I make have precedence?

The SPEAKER. It has not under the rules of the House. When the gentleman from Illinois moves to concur the gentleman from Alabama is entitled to move to amend by concurring with an amendment.

The Clerk will report the amendment.

The Clerk read the amendment proposed by Mr. HEWITT, of Alabama, as follows:

And the surviving officers and enlisted men, including militia and volunteers in the military service of the United States, who, being duly enlisted, actually served fourteen days with the Army of the United States in Illinois in the Black Hawk war of 1832, or *en route* thereto, or in Alabama, Georgia, or Florida in the Creek war of 1835 and 1836, or in the Florida war of 1835, 1836, 1837, 1838, 1839, 1840, 1841, and 1842, or *en route* thereto, and who were honorably discharged: *Provided*, That the act of March 3, 1883, entitled "An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes," be, and the same is hereby, amended so as to read as follows, to wit: "That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $30 per month; that all persons now on the pension-roll, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of $40 per month: *Provided*, That nothing contained in this act shall be construed to repeal section 4699 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 4695 makes no provision: *And provided*, That in order to provide the funds to pay the pensions provided for by this act, there shall be laid, assessed, and collected on all incomes of over $5,000 and under $10,000 a tax of 2 per cent. per annum; on all incomes of $10,000 and under $15,000 a tax of 3 per cent. per annum; on all incomes of $15,000 and under $20,000 a tax of 4 per cent. per annum; and on all incomes of $20,000 and over a tax of 5 per cent. per annum. The tax hereby laid shall be assessed and collected by the collectors of the internal revenue under such rules and regulations as may be prescribed by the Secretary of the Treasury, and all moneys collected under the provisions of this act shall be held as a sacred pension fund, and shall only be expended in the payment of pensions provided for in this act.

Mr. BROWNE, of Indiana. I make the point of order against that amendment.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. It is not germane to the bill.

Mr. HOLMAN. And besides, it is a part of a bill already pending in the House.

Mr. BROWNE, of Indiana. The amendment contains a proposition to create an income tax, which certainly has no place in a pension bill.

Mr. HEWITT, of Alabama. I desire to be heard on the point of order.

Mr. BROWNE, of Indiana. Perhaps I have not made myself sufficiently explicit. If I am correctly advised the amendment to be in order must be germane to the Senate amendment which it seeks to

amend. It must be not simply germane to the bill but germane to the amendment.

Mr. HEWITT, of Alabama. The amendment which I have offered contains three points. First, it provides for a pension for the soldiers of certain Indian wars. That is certainly in order. Secondly, it provides an increase of pension for a certain class of soldiers who were disabled in the late war. It increases the pension of all the soldiers of the late war who have lost one hand or one foot or been totally or permanently disabled in the same or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot—it increases the pension of such soldiers from $24 to $30 per month. And as regards all soldiers who have lost an arm at or above the elbow or a leg at or above the knee, and who are incapacitated for manual labor it increases their pension from $30 to $40 per month.

Now I have offered this amendment at the earnest request of representatives of the Grand Army of the Republic.

Mr. BROWNE, of Indiana. And with no intention to vote for the bill even should the amendment be adopted.

Mr. HEWITT, of Alabama. And the gentleman from Indiana [Mr. BROWNE], "a friend of the pensioners," gets up here and makes a point of order against my amendment. Oh, yes! he is a friend of the soldier!

Mr. BROWNE, of Indiana. Is this in order upon the point of order? If so, then I would like to respond to it.

Mr. HEWITT, of Alabama. I must state what my amendment is in order to speak to the point of order against it. The first two portions of the amendment are certainly in order. The third portion is intended to provide the means to pay for the pensions provided for by this act. That is all there is in the amendment. It seems to me that when you pass an act that requires money to carry it out any provision for supplying the means to carry it out is germane to the bill. If this bill shall pass in the shape in which it came from the Senate it will require $56,000,000 annually in excess of the amount now required for pensions.

Mr. TOWNSHEND. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. The gentleman is not discussing the point of order, and, besides, I will say that the gentleman is in error any way; he is mistaken as to the amount this bill will call for.

Mr. HEWITT, of Alabama. Not at all.

Mr. TOWNSHEND. I insist that the gentleman shall confine himself to the point of order.

Mr. HEWITT, of Alabama. I am discussing the point of order.

Mr. TOWNSHEND. The Commissioner of Pensions says that this bill will not increase the amount required for pensions over $12,500,000.

Mr. HEWITT, of Alabama. I want the people to know that, in passing this bill, instead of reducing taxes you will have to increase taxes.

Mr. TOWNSHEND. I insist upon my point of order.

The SPEAKER. The gentleman from Alabama [Mr. HEWITT] must confine himself to the point of order. The point of order is made that the amendment proposed by him is not germane to the amendment of the Senate now under consideration.

Mr. HEWITT, of Alabama. And I am replying to the point of order by showing that if this bill passes it will require $56,000,000 to discharge the pensions under this act, and my amendment provides the means of meeting those pensions.

The SPEAKER. The Chair does not think that has any bearing whatever on the point of order. The point of order is made that the amendment proposed by the gentleman from Alabama [Mr. HEWITT] is not germane to the amendment which comes to the House from the Senate.

Mr. HEWITT, of Alabama. I think it is, because this is a bill granting pensions to the soldiers and sailors——

The SPEAKER. But the Chair will state to the gentleman that when the Senate amends a bill of the House each amendment of the Senate stands by itself, a separate and independent proposition, a new proposition for the consideration of the House. The text of the bill, except so far as it may be affected by the amendments proposed by the Senate, is not now before the House for consideration, but has been agreed upon, and nothing this House can do will change it.

Mr. HEWITT, of Alabama. But suppose the Senate had stricken out the soldiers of a certain war, would I not have the right to move to insert——

The SPEAKER. If the Senate had stricken out any provision of the bill and had inserted something else in its place, then the amendment of the Senate could be defeated by simply refusing to agree to it. If the Senate had moved to strike out and insert, it is competent to amend the matter which the Senate proposes to insert, provided the amendment is germane to the subject to which the amendment of the Senate relates. But the point of order made here is that the amendment proposed by the gentleman from Alabama [Mr. HEWITT] is not germane to the subject to which the amendment of the Senate relates.

Mr. TOWNSHEND and others. Regular order.

Mr. HEWITT, of Alabama. If the Speaker rules that this amendment is not in order in this place, I will withdraw it and move to insert it when some subsequent amendment of the Senate shall have been reached.

The SPEAKER. The Chair thinks that the amendment is not germane to the amendment of the Senate now under consideration.

Mr. HEWITT, of Alabama. I would like to have the gentleman from Indiana [Mr. BROWNE] withdraw his point of order against my amendment. He certainly is not afraid of a vote upon it.

Mr. BROWNE, of Indiana. Whatever I might be inclined to do for a gentleman who is in favor of the bill, I can not withdraw my point of order for a gentleman who desires to defeat the bill.

Mr. HEWITT, of Alabama. I have been a better friend of the Mexican soldiers than the gentleman from Indiana.

Mr. TOWNSHEND. I insist upon the regular order.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] to concur in the Senate amendment.

The question was taken by a *viva voce* vote, but before the Speaker announced the result,

Mr. HARDEMAN moved that the House adjourn.

The SPEAKER. A motion to adjourn is not in order while the House is engaged in voting.

The question was taken upon concurring in the amendment of the Senate; and upon a division there were—ayes 96, noes 18.

Mr. HARDEMAN, Mr. ROBERTSON, and others. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. STEELE. I call for the yeas and nays.

Mr. BROWNE, of Indiana. Yes; let us have the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 46 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

PENSIONS FOR MEXICAN WAR, ETC.

The House resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The question was upon concurring in the second amendment of the Senate, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 177, nays 20, not voting 127; as follows:

YEAS—177.

Adams, G. E.	Foran,	McCormick,	Springer,
Atkinson,	Funston,	Matson,	Steele,
Bagley,	Geddes,	Maybury,	Stephenson,
Barr,	George,	Miller, S. H.	Stewart, J. W.
Bayne,	Glascock,	Mitchell,	Stockslager,
Beach,	Goff,	Morgan,	Storm,
Blount,	Greenleaf,	Morrill,	Strait,
Boutelle,	Guenther,	Muldrow,	Sumner, D. H.
Brainerd,	Halsell,	Murray,	Taylor, J. D.
Breckinridge,	Hardy,	Mutchler,	Thomas,
Brewer, F. B.	Harmer,	Neece,	Thompson,
Browne, T. M.	Hart,	Nelson,	Townshend,
Brown, W. W.	Hatch, H. H.	Ochiltree,	Tully,
Burleigh,	Hatch, W. H.	O'Hara,	Turner, Oscar
Burnes,	Henderson, D. B.	O'Neill, Charles	Valentine,
Campbell, J. E.	Henley,	O'Neill, J. J.	Van Alstyne,
Campbell, J. M.	Hewitt, A. S.	Paige,	Vance,
Cannon,	Hitt,	Parker,	Wait,
Carleton,	Hoblitzell,	Payne,	Wakefield,
Cassidy,	Holman,	Payson,	Wallace,
Chalmers,	Holmes,	Peel,	Ward,
Cobb,	Hooper,	Perkins,	Warner, A. J.
Connolly,	Hopkins,	Peters,	Warner, Richard
Cosgrove,	Houseman,	Poland,	Washburn,
Cox, W. R.	Howey,	Post,	Weaver,
Culbertson, W. W.	Hunt,	Price,	Weller,
Cullen,	James,	Pusey,	Wemple,
Curtin,	Jeffords,	Randall,	White, J. D.
Cutcheon,	Jones, B. W.	Ranney,	White, Milo
Davis, G. R.	Jordan,	Ray, Ossian	Whiting,
Davis, R. T.	Kasson,	Rice,	Wilkins,
Dibble,	Kean,	Riggs,	Wilson, James
Dingley,	Keifer,	Robinson, J. S.	Wilson, W. L.
Duncan,	Kleiner,	Robinson, W. E.	Winans, E. B.
Dunn,	Lacey,	Rockwell,	Winans, John,
Eldredge,	Laird,	Rogers, J. H.	Wise, G. D.
Elliott,	Lamb,	Rosecrans,	Wolford,
Ellwood,	Lawrence,	Rowell,	Wood,
English,	Le Fevre,	Ryan,	Woodward,
Ermentrout,	Libbey,	Seney,	Yaple,
Evans, I. N.	Long,	Seymour,	York,
Everhart,	Lovering,	Skinner, C. R.	Young.
Ferrell,	Lyman,	Smalls,	
Finerty,	McCoid,	Smith,	
Follett,	McComas,	Spooner,	

NAYS—20.

Arnot,	Davis, L. H.	Lore,	Pierce,
Ballentine,	Eaton,	McMillin,	Pryor,
Bennett,	Garrison,	Mills,	Taylor, J. M.
Cabell,	Hancock,	Oates,	Tillman,
Dargan,	Lanham,	O'Ferrall,	Turner, H. G.

NOT VOTING—127.

Adams, J. J.	Cook,	Holton,	Ray, G. W.,
Aiken,	Covington,	Horr,	Reagan,
Alexander,	Cox, S. S.	Houk,	Reed,
Anderson,	Crisp,	Hurd,	Reese,
Barbour,	Culberson, D. B.	Hutchins,	Robertson,
Barksdale,	Davidson,	Johnson,	Rogers, W. F.
Belford,	Deuster,	Jones, J. H.	Russell,
Belmont,	Dibrell,	Jones, J. K.	Scales,
Bingham,	Dockery,	Jones, J. T.	Shaw,
Bisbee,	Dorsheimer,	Keiley,	Shelley,
Blackburn,	Dowd,	Kellogg,	Singleton,
Blanchard,	Dunham,	Ketcham,	Skinner, T. G.
Bland,	Ellis,	King,	Slocum,
Bowen,	Evins, J. H.	Lewis,	Snyder,
Boyle,	Fiedler,	Lowry,	Spriggs,
Breitung,	Findlay,	McAdoo,	Stevens,
Brewer, J. H.	Forney,	Millard,	Stewart, Charles
Broadhead,	Fyan,	Miller, J. F.	Stone,
Brumm,	Gibson,	Milliken,	Struble,
Buchanan,	Graves,	Money,	Sumner, C. A.
Buckner,	Green,	Morrison,	Talbott,
Budd,	Hammond,	Morse,	Taylor, E. B.
Caldwell,	Hanback,	Moulton,	Throckmorton,
Calkins,	Hardeman,	Muller,	Tucker,
Campbell, Felix	Haynes,	Murphy,	Van Eaton,
Candler,	Hemphill,	Nicholls,	Wadsworth,
Chace,	Henderson, T. J.	Nutting,	Wellborn,
Clardy,	Hepburn,	Patton,	Williams,
Clay,	Herbert,	Pettibone,	Willis,
Clements,	Hewitt, G. W.	Phelps,	Wise, J. S.
Collins,	Hill,	Potter,	Worthington.
Converse,	Hiscock,	Rankin,	

So the amendment of the Senate was concurred in.

Mr. LAMB. I am paired with the gentleman from Michigan [Mr. HORR], but understanding that on this question he would vote as I would, I have voted.

The following additional pairs were announced:

Mr. LOWRY with Mr. DINGLEY, on this vote.

The following were announced as paired for this day:

Mr. COVINGTON with Mr. HOLTON.

Mr. THROCKMORTON with Mr. MILLARD.

Mr. WILSON, of Iowa, with Mr. TALBOTT.

Mr. COOK with Mr. STRUBLE.

The result of the vote was announced as above stated.

Mr. HARDEMAN. I move that the House do now adjourn.

Mr. RANDALL. I would like to have the House remain in session until we receive from the Senate the fortification appropriation bill.

Mr. TOWNSHEND. Oh, the House will remain in session.

Mr. MILLER, of Pennsylvania. We are going to stay here until we pass this bill.

The question being taken on the motion of Mr. HARDEMAN that the House adjourn, it was not agreed to, there being—ayes 35, noes 113.

Mr. TOWNSHEND. I now demand the regular order.

PRINTING REPORTS OF NATIONAL BOARD OF HEALTH.

Mr. SMITH. I rise to make a privileged report. I am instructed by the Committee on Printing to report back for immediate consideration the joint resolution (H. R. 260) authorizing the printing and binding of additional copies of the reports of the National Board of Health.

The report of the committee was read, as follows:

Report from the Committee on Printing on joint resolution (H. Res. 260,) authorizing the printing and binding of additional copies of the reports of the National Board of Health:

The reports for the years 1880, 1881, and 1882 of the National Board of Health contain many valuable papers, covering the results of long-continued and careful investigation in matters affecting the public health. These investigations have been made by men the most eminent in their several lines of study, and it is gratifying to be able to state that the leading sanitarians, both of this country and of Europe, agree in their estimate of the extraordinary value of the service thus rendered by the board. The reports embrace the results of investigations into yellow fever, cholera, diphtheria, the sanitary condition of our summer resorts, the effect produced upon water by its filtration through soils, the sewerage systems of Europe, the flow of sewers, and the analysis of water, together with reports on many other subjects relating to the public health.

The report on water analysis is regarded by all competent judges to be the most complete and valuable inquiry into the sanitary relations of potable water which has yet been made.

The report on the filtering capacity of soils made under the direction of Professor Raphael Pumpelly, of the Geological Survey, has awakened the liveliest interest among sanitarians all over the world, and has been pronounced to be one of the most important contributions ever made, to our knowledge, of the propagation of epidemic diseases.

The report on the sewerage systems of Europe gives in detail the general systems and their application, together with their cost of construction and maintenance, in the principal cities of Europe.

The subject of city and town sanitation is now attracting attention throughout the country, and all reports bearing upon sewerage, water supply, &c., are eagerly sought for.

It is unnecessary to refer in detail to all of the investigations made by the board. The constant demand for them from engineers, health authorities, students in colleges, and sanitarians both in this and foreign countries fully attest their value.

Of the reports published since that for 1879, only the usual number has been printed, and the supply of those for 1880 and 1881 has been exhausted, while the report for 1882 has but recently been delivered.

In view of the importance of the subjects treated, and of the great value of the contributions thus made to the general knowledge of sanitary subjects, the board has had its reports stereotyped, in order that the cost of reproduction might be reduced to the lowest possible point. The Public Printer estimates that it will cost $3,426 to print the number of copies of the reports for the years 1880, 1881, and 1882, called for in the resolution.

Your committee is of the opinion that every effort to improve the sanitary condition of the people should be fostered.

In view, therefore, of the importance of these reports in the addition which they make to our knowledge of sanitary subjects, we recommend the adoption of the resolution.

A. HERR SMITH.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Public Printer be, and he is hereby, authorized to print and bind for use of the National Board of Health 2,000 copies of each of its annual reports, beginning with the year 1880.

Mr. SMITH. I am instructed by the committee to move an amendment, to strike out "two" and insert "one;" so as to provide for the printing of 1,000 copies instead of 2,000.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMITH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

Mr. SMITH. I have two further reports which are not privileged, but I ask that they may be received and placed upon the Calendar.

The SPEAKER. The gentleman from Pennsylvania [Mr. SMITH] asks unanimous consent to make two reports from the Committee on Printing.

Mr. STEELE. I object.

Mr. SMITH. They will create no discussion.

Several members called for the regular order.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels in domestic commerce.

RELIEF FROM CHARGE OF DESERTION.

Mr. ROSECRANS. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4383), an act to relieve certain soldiers from the charge of desertion, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from Senate amendments numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

And the House recedes from Senate amendment numbered 1, with an amendment as follows:

At end of section 1 insert:

"*Provided*, That no soldier shall be relieved under this section who, not being sick or wounded, left his command without proper authority while the same was in the presence of the enemy."

And also recedes from Senate amendment numbered 2, with an amendment as follows:

In first paragraph strike out the words "the service," and insert the words "his command," and in second paragraph strike out the words "the service" and insert the words "his command."

And the Senate agree to the same.

W. S. ROSECRANS,
CHARLES H. MORGAN,
GEO. W. STEELE,
Managers on the part of the House.
F. M. COCKRELL,
BENJ. HARRISON,
W. J. SEWELL,
Managers on the part of the Senate.

The report was adopted.

Mr. ROSECRANS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRANCH SOLDIERS' HOME.

Mr. LAIRD. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendments: In section 5, after the word "rebellion," insert the words "and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war;" also by adding the following proviso to section 5:

"*Provided*, Such disability was not incurred in service against the United States."

W. S. ROSECRANS,
CHARLES H. MORGAN,
J. LAIRD,
Managers on the part of the House.
BENJ. HARRISON,
JNO. F. MILLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The report was adopted.

Mr. LAIRD moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEXICAN PENSION BILL.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Third amendment: Page 1, line 12, strike out the words "although the term of service may have been less than sixty days."

The SPEAKER. What motion does the gentleman make?

Mr. TOWNSHEND. I move to concur.

The amendment was concurred in.

Fourth amendment: Page 1, lines 14 and 15, strike out "as were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men."

Mr. TOWNSHEND. I move to concur, and demand the previous question.

Mr. HEWITT, of Alabama. I rise to a point of order that this amendment, under Rule XX, must have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. What is that?

The SPEAKER. The gentleman from Alabama makes the point of order that this amendment, under Rule XX, must have its first consideration in the Committee of the Whole House on the state of the Union. The Chair will hear the gentleman's statement.

Mr. HEWITT, of Alabama. The bill as it passed the House is to pension such widows as were married to soldiers prior to their discharge from the service. The Senate strikes out that limitation and confers the pension on the widow regardless of the time when she may have been married.

The SPEAKER. That is not the amendment under consideration.

Mr. HEWITT, of Alabama. Yes; it is the fourth amendment. Rule XX requires an amendment of the Senate to go to the Committee of the Whole House on the state of the Union, when the point of order is made, provided if that amendment had been an original bill in the House it would be subject to the point of order. If the law stood as the bill passed the House, giving a pension to the widows of soldiers of the Mexican war who were married prior to the discharge of the soldier, and if a bill should be introduced to amend that law by striking out that provision, it would clearly be subject to the point of order and would have to go to the Committee of the Whole House on the state of the Union for its first consideration, because it pensions persons not entitled to pensions under the law as it stood.

Mr. TOWNSHEND. I will not discuss the point of order.

The SPEAKER. The Chair will suggest to the gentleman from Illinois the question whether or not this amendment of the Senate does not increase the number of persons to whom pensions will be allowed under this act, and if so whether it does not come within the terms of Rule XX. The Chair will state the original bill seems to have confined pensions to the widows married previous to the soldiers' discharge.

Mr. TOWNSHEND. That is true.

The SPEAKER. The Senate amendment strikes that out and gives pensions to surviving widows of soldiers, no matter when they were married, not only those married before the expiration of the term but those married afterward.

Mr. TOWNSHEND. Then upon that statement I submit to the Chair whether the point of order is good under the third clause of Rule XXIII, and I presume that is the clause to which the gentleman from Alabama refers.

Mr. KEIFER. The gentleman from Alabama makes the point of order under the provisions of Rule XX.

Mr. TOWNSHEND. Well, that can not be sustained. I presume it is made under the third clause of Rule XXIII, that all motions or propositions involving a tax or charge upon the people, &c., shall be first considered in a Committee of the Whole.

I can not see how the gentleman can sustain his point of order upon the provisions of Rule XX. It must be upon the rule that I have read, if any; and where this amendment is subject to the point of order, I am not able to see.

The SPEAKER. The point made by the gentleman from Alabama is under the provisions of Rule XX, that any amendment of the Senate which if it had originated in the House would have been subject to the point of order, is still subject to the same rule if the point of order is made against it.

Mr. TOWNSHEND. But the gentleman does not point out wherein it is subject to the point of order; he simply makes an assertion that it is. He says that under certain circumstances the point might be made. The provisions of Rule XX are:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Now, under that rule is this amendment subject to the point of order? I repeat, I presume that he bases it upon the third clause of Rule XXIII.

The SPEAKER. The gentleman has stated that he bases his point of order on Rule XX.

Mr. HEWITT, of Alabama. I have made the point of order to the Speaker. I have been addressing the Chair on the point of order, and he understands it if the gentleman from Illinois does not.

The SPEAKER. The Chair desires to say to the gentleman from Illinois that the gentleman from Alabama claims the effect of the Senate amendment is to increase the number of persons who will receive pensions under the operations of this bill if it shall become a law over the number who would have been pensioned according to the provisions of the original bill.

That is to say, if the bill provided that hereafter the widows of soldiers who had served in the war of 1812 should be pensioned, provided they were married to such soldiers before the service began, and it was proposed to amend the bill by inserting a provision so as to make it include the widows of all such soldiers no matter whether they were married before or after the service began, the question is, would not that provision, if the point of order was made, have to be considered in a Committee of the Whole House on the state of the Union?

Mr. TOWNSHEND. In answer to that suggestion I make this point: The amendment upon its face does not directly involve the expenditure of an additional dollar of money.

Now, in the first place, to sustain the point of order it will be necessary to assume that there were soldiers who married subsequent to their discharge from that service. It does not so appear from the face of the amendment. It does not appear upon the face of the amendment that any of these soldiers married after the service.

It is only by argument that it can be claimed to involve an expenditure. It must, according to the rule, upon its face show an additional expenditure of money in order to make it subject to the point of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill (H. R. 7440) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1885, and for other purposes.

The message further announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested, namely:

A bill (S. 1250) for the relief of the Mission Indians in the State of California.

FORTIFICATION APPROPRIATION BILL.

Mr. RANDALL. I ask to take up the message from the Senate for the purpose of moving non-concurrence in the amendments of the Senate to the fortification appropriation bill and asking the appointment of a committee of conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

Mr. RANDALL. I move to non-concur in the amendments of the Senate.

Mr. KEIFER. Perhaps we had better have the amendments read. We may avoid a disagreement.

Mr. RANDALL. I think it is better that it should take this course.

The motion to non-concur was agreed to.

Mr. ELLIS. Before the appointment of the conferees is made I desire to state that it is usual as I understand to appoint those gentlemen as conferees who have prepared the bill. We prepared the bill which was defeated by the House, and the substitute of the minority adopted. I believe the conferees should represent the will of the House. Believing so I must therefore ask to be excused from service on the conference committee, and beg the Chair will appoint some other gentleman.

The SPEAKER. The Chair will state to the gentleman that the practice of the House has always been to appoint as managers on the part of the House at a conference gentlemen who represent the prevailing sentiment of the House on the passage of the bill.

Mr. RANDALL. That is the practice; but the statement of the gentleman from Louisiana is very considerate.

The SPEAKER. The Chair will not appoint any gentleman who represented the original bill, but those who represent the views of the House as expressed by the vote upon the substitute.

Mr. ELLIS. I desired to make this statement in order to avoid any mistake; and I wish to suggest further, that it is shared in by my coassociates upon the committee.

The SPEAKER. The Chair will appoint as conferees on the part of the House the gentleman from Pennsylvania, Mr. RANDALL; the gentleman from Alabama, Mr. FORNEY; and the gentleman from Ohio, Mr. KEIFER.

MEXICAN WAR PENSIONS.

The SPEAKER. The House will resume the consideration of the pension bill.

The point of order made by the gentleman from Alabama is pending.

Mr. KEIFER. I think the difficulty about the point of order made here arises in the fact that it is in the nature of an amendment to strike out a portion of the House bill, and does not come here as an affirmative action on the part of the Senate in the form of an amendment,

which amendment might be of a character, if originated in the House, to require its consideration in Committee of the Whole on the state of the Union. I think the difficulty is in giving application to the mere fact that this strikes out a part of the House bill and changes the number of persons perhaps who would become pensioners under the bill if it becomes a law. That can hardly be a sufficient reason for making the point of order.

I think it is not very important whether the point of order be sustained now or on the next proposition we reach that may be subject to the point of order. But I consider it would be a doubtful policy to hold that an amendment of the Senate which simply struck out a part of the House bill when it came here would be subject to the point of order that we must consider that in Committee of the Whole House on the state of the Union.

The SPEAKER. Must not the Chair look to the effect of a proposed amendment to see whether it does or does not increase the expenditures?

Mr. KEIFER. If it is an amendment of the Senate in the nature of an addition to the bill I have no doubt the Chair would have to look to the effect of it. But when we are dealing with the substance of the House bill itself it is hard to see how such an amendment as that could have originated in the House at all under any circumstances.

The SPEAKER. Suppose the House bill had been a law; for that is the way in which the Chair must look at it for the purpose of deciding this question. Suppose there was a law which provided for the giving of pensions only to those widows who were married before the discharge of the soldiers or the sailors; and suppose a proposition is made by a bill or amendment to add another clause which comes in the form of a proposition to strike out that limitation of the existing law, and the effect of which is to add another class of persons to the pension-roll, would not that be subject to the point of order?

Mr. KEIFER. There is force in what the Chair suggests. But a literal construction of Rule XX I think would not bring this within the rule, because it is not an amendment that could have originated in the House.

The SPEAKER. But a bill might have originated in the House to do this thing. And if the proposition is one which if it originated in the House would have been subject to the point of order then it is subject to the point of order under Rule XX, when it comes in the form of an amendment of the Senate. The Chair is inclined to think the point of order is well taken, but at the same time is not entirely clear about it.

Mr. BROWNE, of Indiana. It strikes me the Chair is correct in assuming that this amendment on its face increases the number of beneficiaries, and that it must therefore go to the Committee of the Whole House on the state of the Union if the point is made. If the gentlemen who are opposed to the bill in its present shape are determined to send it there, it may as well go now. It may have to go under some of the subsequent amendments, and it is likely we can reach it in Committee of the Whole sooner by getting it there now than by allowing the gentlemen on the other side to filibuster two hours longer and then send it.

The SPEAKER. The Chair decides the point of order is well taken. The amendment will be referred to the Committee of the Whole House on the state of the Union. The Clerk will report the next amendment.

Mr. TOWNSHEND. Does the Chair decide that the bill now goes to the Committee of the Whole?

The SPEAKER. The Chair thinks the House can proceed to dispose of other amendments of the Senate not subject to the point of order.

Mr. HOLMAN. What is the decision of the Chair?

The SPEAKER. The Chair decides the point of order is well taken, and that the amendment must be considered in Committee of the Whole. But the Chair holds the House can proceed with the other amendments, and dispose in the House of those that are not subject to the point of order.

The Clerk read the fifth amendment of the Senate, as follows:

In lines 23, 24, and 25, strike out these words:
"*And provided further*, That this act shall not apply to any person not a citizen of the United States."

Mr. TOWNSHEND. I move to concur.

Mr. HEWITT, of Alabama. I make the point of order on that amendment.

Mr. KEIFER. Does not this limit the number of beneficiaries?

Mr. TOWNSHEND. To strike out these words increases the number, because it lets in those who are not citizens of the United States.

The SPEAKER. The effect of the amendment would seem to be to allow pensions to be given to persons who are not citizens. The point of order is well taken. The next amendment will be read.

The Clerk read the next amendment, as follows:

In line 25 insert: "(6) *Provided*, That every such officer, enlisted man, or widow who is or may become 62 years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the rebellion against the authority of the United States."

Mr. TOWNSHEND. I move to concur in that amendment, and upon that I demand the previous question.

Mr. STOCKSLAGER. I hope the House will not concur in that amendment.

Mr. HEWITT, of Alabama. Will the gentleman from Illinois permit me to ask him to state the effect of that amendment?

Mr. TOWNSHEND. I insist on my call for the previous question.

The House divided; and there were—ayes 81, noes 27.

Mr. BUCHANAN. No quorum.

Mr. STEELE. I call for the yeas and nays. We may as well have the yeas and nays at once.

The yeas and nays were ordered, 48 members voting therefor.

Mr. LAMB. I ask that the amendment be again reported.

The SPEAKER. This vote is upon ordering the previous question, as demanded by the gentleman from Illinois.

The question was taken; and there were—yeas 134, nays 26, not voting 164; as follows:

YEAS—134.

Adams, G. E.	Goff,	McComas,	Steele,
Alexander,	Graves,	McCormick,	Stephenson,
Atkinson,	Greenleaf,	Matson,	Stewart, J. W.
Bagley,	Hardy,	Morgan,	Stockslager,
Bayne,	Hart,	Morrill,	Strait,
Boutelle,	Hatch, H. H.	Murray,	Sumner, D. H.
Brainerd,	Henderson, D. B.	Neece,	Taylor, J. D.
Brewer, F. B.	Henley,	O'Hara,	Thomas,
Browne, T. M.	Hewitt, A. S.	O'Neill, J. J.	Thompson,
Brown, W. W.	Hitt,	Paige,	Townshend,
Campbell, J. E.	Holman,	Parker,	Tully,
Cannon,	Holmes,	Payne,	Valentine,
Cassidy,	Hooper,	Perkins,	Van Alstyne,
Cobb,	Hopkins,	Phelps,	Wait,
Cosgrove,	Howey,	Poland,	Wakefield,
Culbertson, W. W.	James,	Potter,	Wallace,
Cullen,	Jeffords,	Price,	Ward,
Cutcheon,	Jones, B. W.	Pusey,	Warner, A. J.
Davis, G. R.	Jordan,	Randall,	Washburn,
Dorsheimer,	Kasson,	Ranney,	Weaver,
Ellwood,	Kean,	Ray, Ossian	Weller,
English,	Keifer,	Rice,	Wemple,
Ermentrout,	Ketcham,	Riggs,	White, J. D.
Evans, I. N.	Kleiner,	Robinson, J. S.	White, Milo
Everhart,	Lacey,	Rockwell,	Whiting,
Ferrell,	Laird,	Rowell,	Wilkins,
Finerty,	Lamb,	Ryan,	Wilson, W. L.
Follett,	Lawrence,	Seney,	Winans, E. B.
Foran,	Le Fevre,	Seymour,	Winans, John
Funston,	Libbey,	Skinner, C. R.	Wood,
Garrison,	Long,	Smalls,	Yaple,
Geddes,	Lovering,	Smith,	York.
George,	Lowry,	Spooner,	
Glascock,	McCoid,	Springer,	

NAYS—26.

Aiken,	Connolly,	Muldrow,	Vance,
Arnot,	Covington,	Mutchler,	Van Eaton,
Ballentine,	Dargan,	Peel,	Warner, Richard
Barksdale,	Halsell,	Pierce,	Wise, G. D.
Buchanan,	Hoblitzell,	Pryor,	Wolford.
Cabell,	Lyman,	Tillman,	
Caldwell,	McMillin,	Turner, Oscar	

NOT VOTING—164.

Adams, J. J.	Culberson, D. B.	Horr,	Post,
Anderson,	Curtin,	Houk,	Rankin,
Barbour,	Davidson,	Houseman,	Ray, G. W.
Barr,	Davis, L. H.	Hunt,	Reagan,
Beach,	Davis, R. T.	Hurd,	Reed,
Belford,	Deuster,	Hutchins,	Reese,
Belmont,	Dibble,	Johnson,	Robertson,
Bennett,	Dibrell,	Jones, J. H.	Robinson, W. E.
Bingham,	Dingley,	Jones, J. K.	Rogers, J. H.
Bisbee,	Dockery,	Jones, J. T.	Rogers, W. F.
Blackburn,	Dowd,	Kelley,	Rosecrans,
Blanchard,	Duncan,	Kellogg,	Russell,
Bland,	Dunham,	King,	Scales,
Blount,	Dunn,	Lanham,	Shaw,
Bowen,	Eaton,	Lewis,	Shelley,
Boyle,	Eldredge,	Lore,	Singleton,
Breckinridge,	Elliott,	McAdoo,	Skinner, T. G.
Breitung,	Ellis,	Maybury,	Slocum,
Brewer, J. H.	Evins, J. H.	Millard,	Snyder,
Broadhead,	Fiedler,	Miller, J. F.	Spriggs,
Brumm,	Findlay,	Miller, S. H.	Stevens,
Buckner,	Forney,	Milliken,	Stewart, Charles
Budd,	Fyan,	Mills,	Stone,
Burleigh,	Gibson,	Mitchell,	Storm,
Burnes,	Green,	Money,	Struble,
Calkins,	Guenther,	Morrison,	Sumner, C. A.
Campbell, Felix	Hammond,	Morse,	Talbott,
Campbell, J. M.	Hanback,	Moulton,	Taylor, E. B.
Candler,	Hancock,	Muller,	Taylor, J. M.
Carleton,	Hardeman,	Murphy,	Throckmorton,
Chace,	Harmer,	Nelson,	Tucker,
Chalmers,	Hatch, W. H.	Nicholls,	Turner, H. G.
Clardy,	Haynes,	Nutting,	Wadsworth,
Clay,	Hemphill,	Oates,	Wellborn,
Clements,	Henderson, T. J.	Ochiltree,	Williams,
Collins,	Hepburn,	O'Ferrall,	Willis,
Converse,	Herbert,	O'Neill, Charles	Wilson, James
Cook,	Hewitt, G. W.	Patton,	Wise, J. S.
Cox, S. S.	Hill,	Payson,	Woodward,
Cox, W. R.	Hiscock,	Peters,	Worthington,
Crisp,	Holton,	Pettibone,	Young.

The following additional pairs were announced:

Mr. DEUSTER with Mr. GUENTHER, on all questions for this day.

Mr. OCHILTREE with Mr. TUCKER, for the remainder of the day.

Mr. TULLY with Mr. DIBRELL, for this day.

Mr. CLAY with Mr. WHITE, of Kentucky, for the remainder of the day.

Mr. REESE with Mr. ELLIOTT, on this bill. Mr. REESE would vote "no," and Mr. ELLIOTT would vote "ay."

Mr. HERBERT with Mr. BEACH, on this bill.

Mr. MILLER, of Pennsylvania, with Mr. TURNER, of Georgia, for the remainder of the day. Mr. MILLER would vote to concur in the Senate amendments to the pending bill and Mr. TURNER would vote against concurring.

Mr. TAYLOR, of Tennessee, with Mr. POST, of Pennsylvania, on the pending bill. Mr. TAYLOR would vote "no" and Mr. POST would vote "ay."

Mr. YOUNG with Mr. STORM, on this bill. Mr. YOUNG would vote "ay" and Mr. STORM would vote "no."

Mr. PAYSON with Mr. OATES, on the pending bill, for this day. Mr. PAYSON would vote for the bill and Mr. OATES against it.

Mr. WARNER, of Ohio, with Mr. O'NEILL, of Pennsylvania, until further notice.

Mr. KETCHAM with Mr. COBB, for the remainder of to-day's session.

Mr. WARNER, of Ohio. I am announced as paired with Mr. O'NEILL, of Pennsylvania. I did not suppose that the pair would take effect until to-morrow, and therefore I have voted. But assuming that Mr. O'NEILL, if present, would have also voted "ay," I will allow my vote to stand.

The SPEAKER. Upon ordering the previous question the yeas are 134, the noes 26.

Mr. VAN EATON. No quorum has voted.

Mr. BARKSDALE. I request the gentleman from Illinois [Mr. TOWNSHEND] to permit me to ask unanimous consent to have a division of the question on this amendment of the Senate, so as to strike out all after the word "act," in line 31.

Mr. TOWNSHEND. In order to avoid the question of a quorum I would have no objection to allowing a separate vote, as requested by the gentleman from Mississippi [Mr. BARKSDALE]. In reality, I myself do not like the amendment of the Senate, but to secure the passage of the bill I feel that I must insist upon concurring in every amendment of the Senate. However, to avoid delay, I hope consent will be given to have the amendment divided.

The SPEAKER. But the record shows that no quorum is present.

Mr. BARKSDALE. In order to explain my meaning, I will say that I ask a separate vote on this portion of the Senate amendment:

But it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the rebellion against the authority of the United States.

Mr. GARRISON. I move that the House now adjourn.

The motion was not agreed to, upon a division—ayes 56, noes 72.

Mr. BROWNE, of Indiana. I understand that the last vote by yeas and nays disclosed the absence of a quorum.

The SPEAKER. It did.

Mr. BROWNE, of Indiana. It is perfectly clear that we can do nothing in the absence of a quorum of the House, and I therefore move a call of the House.

A call of the House was ordered; there being upon a division—ayes 64, noes 56.

Mr. HEWITT, of Alabama. I move that the House now adjourn.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 57, noes 74.

Before the result of the vote was announced,

Mr. HEWITT, of Alabama, said: I think we had better have the yeas and nays on the motion to adjourn.

The question was taken upon ordering the yeas and nays, and there were 32 in the affirmative.

The SPEAKER. That is more than one-fifth of the last vote.

Mr. BROWNE, of Indiana. Count the other side.

The negative vote was counted, there being 96.

The SPEAKER. Upon ordering the yeas and nays, the ayes are 32, noes 96. More than one-fifth voting in favor thereof, the yeas and nays are ordered.

The question was taken; and there were—yeas 49, nays 111, not voting 164; as follows:

YEAS—49.

Adams, J. J.	Cassidy,	Hewitt, A. S.	Thompson,
Aiken,	Clements,	Hewitt, G. W.	Tillman,
Alexander,	Cosgrove,	Lore,	Turner, H. G.
Arnot,	Cox, W. R.	Miller, J. F.	Turner, Oscar
Ballentine,	Dibble,	Mutchler,	Van Alstyne,
Barbour,	Dowd,	O'Ferrall,	Wallace,
Barksdale,	Dunn,	Peel,	Warner, Richard
Bennett,	Forney,	Pierce,	Williams,
Buchanan,	Garrison,	Potter,	Wilson, W. L.
Cabell,	Green,	Pryor,	Wise, G. D.
Caldwell,	Greenleaf,	Ranney,	
Candler,	Halsell,	Rogers, J. H.	
Carleton,	Hemphill,	Singleton,	

NAYS—111.

Adams, G. E.	Goff,	Miller, S. H.	Steele,
Atkinson,	Graves,	Morgan,	Stephenson,
Bayne,	Hardy,	Morrill,	Stewart, J. W.
Boutelle,	Hart,	Murray,	Stockslager,
Brainerd,	Henderson, D. B.	O'Hara,	Strait,
Brewer, F. B.	Henley,	O'Neill, Charles	Sumner, D. H.
Brewer, J. H.	Hitt,	O'Neill, J. J.	Taylor, J. D.
Browne, T. M.	Holman,	Paige,	Thomas,
Budd,	Holmes,	Parker,	Townshend,
Campbell, J. E.	Howey,	Payne,	Valentine,
Cannon,	James,	Perkins,	Vance,
Culbertson, W. W.	Jeffords,	Phelps,	Wait,
Cullen,	Johnson,	Poland,	Wakefield,
Curtin,	Jordan,	Price,	Ward,
Cutcheon,	Kean,	Randall,	Washburn,
Davis, G. R.	Kleiner,	Ray, Ossian	Weaver,
Ellwood,	Lacey,	Rice,	Weller,
English,	Laird,	Robinson, J. S.	Wemple,
Ermentrout,	Lamb,	Rockwell,	White, Milo
Evans, I. N.	Lawrence,	Rosecrans,	Whiting,
Everhart,	Le Fevre,	Ryan,	Wilkins,
Ferrell,	Libbey,	Seney,	Wilson, James
Follett,	Long,	Seymour,	Winans, John
Foran,	Lovering,	Skinner, C. R.	Wolford,
Funston,	Lowry,	Smalls,	Wood,
Geddes,	McCoid,	Smith,	Yaple,
George,	McComas,	Spooner,	York.
Glascock,	McCormick,	Springer,	

NOT VOTING—164.

Anderson,	Davis, R. T.	Hutchins,	Rankin,
Bagley,	Deuster,	Jones, B. W.	Ray, G. W.
Barr,	Dibrell,	Jones, J. H.	Reagan,
Beach,	Dingley,	Jones, J. K.	Reed,
Belford,	Dockery,	Jones, J. T.	Reese,
Belmont,	Dorsheimer,	Kasson,	Riggs,
Bingham,	Duncan,	Keifer,	Robertson,
Bisbee,	Dunham,	Kelley,	Robinson, W. E.
Blackburn,	Eaton,	Kellogg,	Rogers, W. F.
Blanchard,	Eldredge,	Ketcham,	Rowell,
Bland,	Elliott,	King,	Russell,
Blount,	Ellis,	Lanham,	Scales,
Bowen,	Evins, J. H.	Lewis,	Shaw,
Boyle,	Fiedler,	Lyman,	Shelley,
Breckinridge,	Findlay,	McAdoo,	Skinner, T. G.
Breitung,	Finerty,	McMillin,	Slocum,
Broadhead,	Fyan,	Matson,	Snyder,
Brown, W. W.	Gibson,	Maybury,	Spriggs,
Brumm,	Guenther,	Millard,	Stevens,
Buckner,	Hammond,	Milliken,	Stewart, Charles
Burleigh,	Hanback,	Mills,	Stone,
Burnes,	Hancock,	Mitchell,	Storm,
Calkins,	Hardeman,	Money,	Struble,
Campbell, Felix	Harmer,	Morrison,	Sumner, C. A.
Campbell, J. M.	Hatch, H. H.	Morse,	Talbott,
Chace,	Hatch, W. H.	Moulton,	Taylor, E. B.
Chalmers,	Haynes,	Muldrow,	Taylor, J. M.
Clardy,	Henderson, T. J.	Muller,	Throckmorton,
Clay,	Hepburn,	Murphy,	Tucker,
Cobb,	Herbert,	Neece,	Tully,
Collins,	Hill,	Nelson,	Van Eaton,
Connolly,	Hiscock,	Nicholls,	Wadsworth,
Converse,	Hoblitzell,	Nutting,	Warner, A. J.
Cook,	Holton,	Oates,	Wellborn,
Covington,	Hooper,	Ochiltree,	White, J. D.
Cox, S. S.	Hopkins,	Patton,	Willis,
Crisp,	Horr,	Payson,	Winans, E. B.
Culberson, D. B.	Houk,	Peters,	Wise, J. S.
Dargan,	Houseman,	Pettibone,	Woodward,
Davidson,	Hunt,	Post,	Worthington,
Davis, L. H.	Hurd,	Pusey,	Young.

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. BENNETT with Mr. HART, on all questions, for the remainder of the day.

Mr. DARGAN with Mr. BROWN, of Pennsylvania, on the Mexican pension bill.

Mr. RIGGS with Mr. VAN EATON, for the remainder of the day, on the Mexican pension bill. Mr. RIGGS would vote for the bill at all its stages and Mr. VAN EATON against it.

Mr. GOFF with Mr. MULDROW, on all political questions, for the remainder of the day.

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. 6514) for the relief of Catharine H. Glick.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War, and requested a conference on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. LOGAN, Mr. HAWLEY, and Mr. MAXEY.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as

the conferees on the part of the Senate Mr. DAWES, Mr. LOGAN, and Mr. COCKRELL.

The message also announced that the Senate had passed and requested the concurrence of the House in the following resolution:

Resolved by the Senate (the House of Representatives concurring), 1. That the Joint Committee on Public Printing is hereby instructed to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and to report a bill in December next, making such restrictions in the numbers and cost of printing, and such changes and reductions in the distribution of said publications as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also instructed to investigate the printing and binding for the Executive Departments, executed at the Government Printing Office, and at the branch printing offices and binderies in the various Departments, and report a bill in December next making such reductions in expenses and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further instructed to make any other investigations calculated in their opinion to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to summon and to examine experts and witnesses, and to call upon the heads of the Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire; and any expenses necessarily incurred in making the investigations aforesaid shall be defrayed equally from the contingent funds of the two Houses of Congress.

2. Said committee is hereby authorized to sit during the recess for the purposes of the first section hereof and in the discharge of its usual duties.

ORDER OF BUSINESS.

The SPEAKER. A call of the House having been ordered, the Clerk will now proceed to call the roll.

The roll was called; and the following members failed to answer to their names:

Aiken,	Deuster,	Jones, J. T.	Reagan,
Anderson,	Dingley,	Kasson,	Reese,
Bagley,	Dockery,	Kelley,	Riggs,
Barr,	Duncan,	Kellogg,	Robinson, W. E.
Beach,	Dunham,	King,	Rogers, W. F.
Belford,	Eaton,	Lewis,	Rowell,
Belmont,	Elliott,	Lyman,	Russell,
Bennett,	Evins, J. H.	McAdoo,	Scales,
Bingham,	Fiedler,	McComas,	Shaw,
Bisbee,	Findlay,	Millard,	Shelley,
Blanchard,	Finerty,	Milliken,	Skinner, T. G.
Bland,	Fyan,	Mills,	Slocum,
Bowen,	Gibson,	Mitchell,	Smith,
Boyle,	Guenther,	Money,	Snyder,
Breitung,	Hammond,	Morrison,	Spriggs,
Brewer, F. B.	Hanback,	Morse,	Stevens,
Brewer, J. H.	Hardeman,	Moulton,	Stewart, Charles
Broadhead,	Harmer,	Muldrow,	Stone,
Brown, W. W.	Hart,	Muller,	Sumner, C. A.
Buckner,	Hatch, H. H.	Murphy,	Talbott,
Burleigh,	Hatch, W. H.	Neece,	Taylor, E. B.
Campbell, Felix	Haynes,	Nelson,	Throckmorton,
Campbell, J. M.	Henderson, T. J.	Nicholls,	Van Alstyne,
Chace,	Hepburn,	Nutting,	Van Eaton,
Clardy,	Herbert,	Oates,	Wadsworth,
Clements,	Hill,	Ochiltree,	Wemple,
Collins	Hoblitzell,	O'Neill, Charles	White, J. D.
Connolly,	Holton,	Patton,	Wilkins,
Converse,	Hopkins,	Payson,	Willis,
Cook,	Horr,	Peters,	Wise, J. S.
Covington,	Houk,	Pettibone,	Worthington,
Cox, S. S.	Hurd,	Post,	Young.
Dargan,	Hutchins,	Pusey,	
Davidson,	Jones, B. W.	Rankin,	
Davis, L. H.	Jones, J. K.	Ray, G. W.	

The SPEAKER. The doors of the House will now be closed. On this call one hundred and eighty-seven members have responded to their names.

Mr. GEORGE D. WISE. I move that the House now adjourn.

Mr. RANDALL. I hope the House will not adjourn. I think it important, when the House shall cease work to-day, that it shall take a recess until 10 o'clock to-morrow morning. The conference committee on the deficiency bill have concluded their deliberations so far as they can as conferees. The controversy betweeen the conferees must now be settled by their respective Houses. It is therefore important that a recess be taken until to-morrow at 10 o'clock, and by that time the committee on conference will be ready to report. I do not desire to make any motion now, but I suggest that when the House ceases its labors to-day it shall take a recess until 10 o'clock to-morrow.

The SPEAKER. Before a motion can be made for a recess, the House must dispense with further proceedings under the call.

Mr. TOWNSHEND. I think I can make a proposition which will meet the approval of the House.

Mr. THOMPSON. I move to dispense with all further proceedings under the call.

The motion of Mr. THOMPSON was agreed to.

The SPEAKER. The Doorkeeper will reopen the doors.

Mr. BLOUNT. I wish to make an inquiry in reference to the deficiency bill, whether or not it is likely that the conferees will be able to make any report to-night.

Mr. RANDALL. There is a possibility that the clerks may have the report ready so that the signatures can be attached some time to-night, I can not say at what hour—perhaps 9 or 10 o'clock.

Mr. TOWNSHEND. I would like to submit this proposition, that for the purpose of ending the struggle on the Mexican war pension bill, the House agree to non-concur in the Senate amendments and send the bill to a committee of conference at once.

Mr. DUNN. Ah!

Mr. TOWNSHEND. Is there any objection to that?

Mr. BLOUNT and others. There is.

Mr. THOMPSON. I move that the House take a recess till to-morrow morning at 10 o'clock.

Mr. TOWNSHEND. I hope that motion will be voted down.

The motion of Mr. THOMPSON was agreed to; and accordingly (at 6 o'clock and 20 minutes p. m.) the House took a recess till to-morrow at 10 o'clock a. m.

AFTER RECESS.

At 10 o'clock a. m., Friday, July 4, the House resumed its session.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted in the following cases:

To Mr. HEWITT, of New York, indefinitely after to-day.

To Mr. THROCKMORTON, for the remainder of the day on account of indisposition.

To Mr. ANDERSON, for the remainder of the session on account of sickness.

To Mr. RAY, of New York, indefinitely on account of important business.

To Mr. CANDLER, after to-day on account of important business.

To Mr. CURTIN, for ten days.

To Mr. BRAINERD, for one week after to-day on account of important business.

To Mr. HATCH, of Missouri, for the remainder of this legislative day on account of sickness.

To Mr. MATSON, for ten days on account of important business.

To Mr. BEACH, for the balance of the day, on account of sickness in his family.

To Mr. O'FERRALL, indefinitely, on account of important business.

To Mr. BROWN, of Pennsylvania, for the balance of the day's session.

To Mr. ARNOT, for ten days, on account of important business.

To Mr. WARD, for the remainder of the session, on account of important business.

To Mr. LAMB, indefinitely, on account of important business.

To Mr. COBB, for to-day.

To Mr. SPRIGGS, for ten days, on account of important business.

To Mr. KING, for four days.

To Mr. CONNOLLY, for one week, on account of important business.

ESTATE OF WILLIAM FOWLE, DECEASED.

On motion of Mr. BARBOUR, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of the estate of William Fowle, deceased.

LEAVE TO PRINT.

Mr. PARKER, by unanimous consent, was granted leave to print in the RECORD some remarks on the subject of the public lands.

Mr. WILLIAMS was also granted leave to print some remarks on the educational bill.

DEPARTMENT OF JUSTICE.

On motion of Mr. SPRINGER, by unanimous consent, in behalf of the Committee on Expenditures in the Department of Justice, leave was granted for that committee to file its report and the views of the minority with the Clerk of the House within sixty days after the adjournment, and that the report and views of the minority be printed.

ROSA VERTNER JEFFREY AND OTHERS.

The SPEAKER. At the request of the House the Senate has returned a bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others for the purpose of correcting an alleged mistake in its engrossment. When this bill was before the House the other morning it was taken up by unanimous consent and certain words recommended to be inserted by the Committee on War Claims were stricken out of the bill as sent from the Clerk's desk, a line being drawn through them, but the clerk in engrossing the bill has included those words. The Clerk will read the words:

The Clerk read as follows:

And the proceeds thereof received by the authorized agents of the United States.

Mr. POWELL. The engrossment was wrong.

The SPEAKER. If there be no objection, the engrossment of the bill will be corrected.

There was no objection, and it was ordered accordingly.

HALL.

Mr. HARDY, by unanimous consent, from the Committee on Acoustics and Ventilation, submitted the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Ventilation of the Hall of the House of Representatives, or any subcommittee thereof, be authorized to sit during the recess with like power and authority as when Congress is in session.

Resolved, That said committee shall have control of the lighting, heating, and ventilating of the Hall of the House of Representatives at all times when the House is not in session: *Provided*, That nothing herein shall be so construed as to authorize said committee to interfere with any alteration or improvement heretofore directed by law.

Mr. YOUNG. I did not gather the terms of the resolution, as it was read.

The SPEAKER. It is a resolution authorizing the committee to sit during the recess.

Mr. HARDY. It is in the same terms precisely as one submitted by the present Speaker of the House in the Forty-sixth Congress.

Mr. YOUNG. I wish to instruct the committee to examine certain methods of ventilating the Hall and report to the next session of Congress. I am satisfied improvement can be made on the present system, and the committee ought to be instructed to make thorough investigation to that end. I had prepared a resolution, and without knowing exactly how it will come in as an amendment to the present resolution, I will nevertheless offer it.

The Clerk read as follows:

Resolved, That the Architect of the Capitol, the Secretary of the Smithsonian Institution, and the Commissioner of Public Buildings and Grounds be, and they are hereby, authorized and directed to accept the proposition for testing the new system of the Exhaust Ventilator Company, of Chicago, and also the plans and system of any other company or persons for ventilating the Capitol, and report to the next session of this House the result of the experiments made by them.

Mr. HARDY. I object to that as an amendment to the resolution I have offered. It is not germane at all events.

Mr. YOUNG. At the time I prepared this resolution I did not know that a similar proposition was to be offered giving authority to the committee. I therefore move to strike out the names of the persons mentioned in that amendment or to modify it in that way, and give this authority to the committee as proposed by the resolution of the gentleman from New York.

Mr. HARDY. The resolution originally offered provides that this shall be under the charge of the Committee on Ventilation and Acoustics, that committee properly having control of the subject.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I wish to ask if under that resolution this committee would have the power to rearrange the desks and seats of members on this floor?

The SPEAKER. The Chair thinks not.

Mr. YOUNG. They ought to have that power.

Mr. TOWNSHEND. I hope such authority will be given to the committee so that these desks may be removed and the seats rearranged for the convenience of members.

Mr. YOUNG. It will be a very proper thing to authorize the committee to look into and consider the subject at all events.

Mr. TOWNSHEND. If that power is not already conferred upon the committee I hope they will ask for it.

Mr. DAVIS, of Illinois. I would not be willing to authorize any committee to take away the desks.

Mr. HARDY. Such authority is not embodied in the original resolution, and if it is deemed necessary by the House to assign that duty to the committee I should much prefer it being done under another and separate resolution.

It is necessary that the resolution offered by the committee should be adopted so that such matters as relate to the acoustics and ventilation of the Hall may be referred to them for action and report to the House. There is no objection to the consideration of the subject suggested by the gentleman from Illinois, if the House shall see fit to direct the committee to consider it; but I hope the authority to do so will not be incorporated as an amendment upon this resolution. I trust this resolution will be adopted as it is, and then if the House deem it necessary to confer further authority upon the committee let that be done under a separate proposition.

The SPEAKER. The Chair thinks the amendment proposed by the gentleman from Tennessee is not in order as an amendment to the pending proposition.

Mr. YOUNG. I withdraw the resolution.

The SPEAKER. The question is upon the adoption of the resolution proposed by the gentleman from New York.

Mr. HARDY. On that I demand the previous question.

The previous question was ordered, and under the operation thereof the resolution was agreed to.

Mr. HARDY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DUNN. I demand the regular order.

Mr. TUCKER. I appeal to my friend from Arkansas to withdraw the call for the regular order in order that I may be permitted to call up a Senate bill for the relief of a man from political disabilities. He is a soldier in the Army, a private in the ranks, and is disabled from even being promoted to the position of corporal in the Army of the United States, by reason of the twelve hundred and eighteenth section of the Revised Statutes. I ask, therefore, to have his disabilities removed.

Mr. DUNN. I regret very much that the distinguished gentleman from Virginia can not reach the measure he desires under the rules of this House. I am anxious to have a rule adopted which will enable him and other members of the House to do so. But, sir, I desire to say that while I will make no objection to the necessary orders to correct clerical errors and mistakes in the enrollment and transmission of bills between the two Houses, or their preparation for final disposal, nor object to the necessary orders to further facilitate the reports of conference committees, nor make objection to necessary orders to facilitate, perfect, and continue investigations ordered by the House, I shall, as to everything else, feel compelled to make objection until we can have a rule adopted that will secure an opportunity for everybody to have such measures properly attended to before the House.

Mr. REED. We can not crowd everybody into two days.

Mr. HENDERSON, of Iowa. I hope the gentleman will not insist upon the demand for the regular order for a moment. I have a matter here which will not occupy much time. [Cries of "Regular order!"]

BUREAU OF MILITARY JUSTICE.

Mr. ROSECRANS. I arise to submit a privileged report.

I am directed by the committee of conference on the disagreeing votes of the two Houses on the Senate bill No. 838 to submit the report which I send to the desk.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments and that the conferees of the Senate and House agree to the Senate bill with the following amendments: In line 6 strike out the word "two" and insert the word "three;" and in line 8 strike out the word "four" and insert the word "three."

W. S. ROSECRANS,
CHAS. H. MORGAN,
B. M. CUTCHEON,
Managers on the part of the House.

JOHN A. LOGAN,
W. J. SEWELL,
S. B. MAXEY,
Managers on the part of the Senate.

Mr. ROSECRANS. I move the adoption of the report.

The conference report was agreed to.

Mr. ROSECRANS moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TUCKER. I ask unanimous consent——

The SPEAKER. A request for unanimous consent can not be entertained when the regular order is insisted on by the gentleman from Arkansas [Mr. DUNN] and other gentlemen on the floor as well. There is another matter of privilege called up by the gentleman from California [Mr. ROSECRANS].

RULES AND ARTICLES OF WAR.

Mr. ROSECRANS. I ask for the reading of the message of the Senate in relation to the bill H. R. 5709.

The Clerk read the message of the Senate, as follows:

IN THE SENATE OF THE UNITED STATES, *July* 3, 1884.

Resolved, That the Senate ask a conference with the House on the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

Ordered, That Mr. LOGAN, Mr. HAWLEY, and Mr. MAXEY be the conferees on the part of the Senate.

The SPEAKER. If there be no objection, the House will non-concur in the amendments of the Senate and agree to the conference asked for.

There was no objection.

The SPEAKER. The Chair appoints as conferees on the part of the House the gentleman from California, Mr. ROSECRANS, the gentleman from Ohio, Mr. MURRAY, and the gentleman from Massachusetts, Mr. LYMAN.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory; and

A bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes.

Mr. PETERS, from the Committee on Enrolled Bills, reported that

the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1581) to provide for the disposal of abandoned and useless military reservations.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

ORDER OF BUSINESS.

Mr. DUNHAM. I would like to call up a matter which will fall within the rule stated by the gentleman from Arkansas [Mr. DUNN].

The SPEAKER. The regular order is called for by several members.

MEXICAN WAR PENSIONS.

The House resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The question is on ordering the previous question on the motion of the gentleman from Illinois [Mr. TOWNSHEND] to concur in the sixth amendment of the Senate.

Mr. BARKSDALE. I rise to renew my request for unanimous consent to have a separate vote on this portion of the Senate amendment:

But it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the rebellion against the authority of the United States.

Mr. TOWNSHEND. I am willing for my part to agree to that request.

Several members objected and called for the regular order.

The SPEAKER. The regular order is the demand for the previous question.

Mr. TOWNSHEND. Was not the demand for the previous question sustained?

The SPEAKER. It was not. The vote was taken yesterday afternoon by yeas and nays, and no quorum appeared.

Mr. TOWNSHEND. Can the order for yeas and nays be vacated by unanimous consent?

The SPEAKER. It can.

Several members objected.

The question was taken; and there were—yeas 123, nays 13, not voting 188; as follows:

YEAS—123.

Adams, G. E.	Greenleaf,	Matson,	Skinner, C. R.
Alexander,	Hanback,	Maybury,	Smalls,
Bagley,	Hardy,	Millard,	Spooner,
Bayne,	Harmer,	Mitchell,	Springer,
Brainerd,	Hatch, H. H.	Morgan,	Steele,
Browne, T. M.	Hatch, W. H.	Morrill,	Storm,
Budd,	Henderson, D. B.	Murphy,	Strait,
Burnes,	Henley,	Murray,	Sumner, C. A.
Calkins,	Hitt,	Neece,	Taylor, J. D.
Campbell, J. E.	Hopkins,	O'Hara,	Thomas,
Carleton,	Houseman,	O'Neill, Charles	Townshend,
Chalmers,	Hunt,	Payne,	Tully,
Cosgrove,	Hutchins,	Payson,	Valentine,
Cox, W. R.	James,	Peel,	Van Alstyne,
Cullen,	Jeffords,	Perkins,	Wait,
Curtin,	Johnson,	Peters,	Wakefield,
Cutcheon,	Jones, B. W.	Poland,	Wallace,
Davis, G. R.	Jordan,	Post,	Ward,
Davis, L. H.	Kean,	Price,	Warner, A. J.
Eldredge,	Kleiner,	Pusey,	Washburn,
English,	Lacey,	Randall,	Weller,
Ermentrout,	Lamb,	Rankin,	Wemple,
Evans, I. N.	Lawrence,	Ranney,	White, Milo
Everhart,	Le Fevre,	Ray, Ossian	Wilson, James
Ferrell,	Libbey,	Riggs,	Wilson, W. L.
Follett,	Lore,	Robinson, J. S.	Winans, E. B.
Funston,	Lovering,	Robinson, W. E.	Winans, John
Geddes,	Lowry,	Rockwell,	Wolford,
Glascock,	McCoid,	Rosecrans,	Wood,
Goff,	McCormick,	Rowell,	Yaple.
Graves,	McMillin,	Ryan,	

NAYS—13.

Barksdale,	Halsell,	Taylor, J. M.	Wise, G. D.
Clay,	Hoblitzell,	Turner, Oscar	
Dibble,	Pierce,	Vance,	
Dowd,	Pryor,	Warner, Richard	

NOT VOTING—188.

Adams, J. J.	Bisbee,	Brown, W. W.	Clardy,
Aiken,	Blackburn,	Brumm,	Clements,
Anderson,	Blanchard,	Buchanan,	Cobb,
Arnot,	Bland,	Buckner,	Collins,
Atkinson,	Blount,	Burleigh,	Connolly,
Ballentine,	Boutelle,	Cabell,	Converse,
Barbour,	Bowen,	Caldwell,	Cook,
Barr,	Boyle,	Campbell, Felix	Covington,
Beach,	Breckinridge,	Campbell, J. M.	Cox, S. S.
Belford,	Breitung,	Candler,	Crisp,
Belmont,	Brewer, F. B.	Cannon,	Culbertson, W. W.
Bennett,	Brewer, J. H.	Cassidy,	Culberson, D. B.
Bingham,	Broadhead,	Chace,	Dargan,
Davidson,	Herbert,	Morrison,	Skinner, T. G.
Davis, R. T.	Hewitt, A. S.	Morse,	Slocum,
Deuster,	Hewitt, G. W.	Moulton,	Smith,
Dibrell,	Hill,	Muldrow,	Snyder,
Dingley,	Hiscock,	Muller,	Spriggs,
Dockery,	Holman,	Mutchler,	Stephenson,
Dorsheimer,	Holmes,	Nelson,	Stevens,
Duncan,	Holton,	Nicholls,	Stewart, Charles
Dunham,	Hooper,	Nutting,	Stewart, J. W.
Dunn,	Horr,	Oates,	Stockslager,
Eaton,	Houk,	Ochiltree,	Stone,
Elliott,	Howey,	O'Ferrall,	Struble,
Ellis,	Hurd,	O'Neill, J. J.	Sumner, D. H.
Ellwood,	Jones, J. H.	Paige,	Talbott,
Evins, J. H.	Jones, J. K.	Parker,	Taylor, E. B.
Fiedler,	Jones, J. T.	Patton,	Thompson,
Findlay,	Kasson,	Pettibone,	Throckmorton,
Finerty,	Keifer,	Phelps,	Tillman,
Foran,	Kelley,	Potter,	Tucker,
Forney,	Kellogg,	Ray, G. W.	Turner, H. G.
Fyan,	Ketcham,	Reagan,	Van Eaton,
Garrison,	King,	Reed,	Wadsworth,
George,	Laird,	Reese,	Weaver,
Gibson,	Lanham,	Rice,	Wellborn,
Green,	Lewis,	Robertson,	White, J. D.
Guenther,	Long,	Rogers, J. H.	Whiting,
Hammond,	Lyman,	Rogers, W. F.	Wilkins,
Hancock,	McAdoo,	Russell,	Williams,
Hardeman,	McComas,	Scales,	Willis,
Hart,	Miller, J. F.	Seney,	Wise, J. S.
Haynes,	Miller, S. H.	Seymour,	Woodward,
Hemphill,	Milliken,	Shaw,	Worthington,
Henderson, T. J.	Mills,	Shelley,	York,
Hepburn,	Money,	Singleton,	Young.

Mr. TOWNSHEND. I move to dispense with the reading of the names of members voting.

Mr. HEWITT, of Alabama. Let them be read.

The names of members voting were read.

The following additional pairs were announced:

Mr. HILL with Mr. HOLMES, until further notice.

Mr. AIKEN with Mr. BROWN, of Pennsylvania, until Saturday.

Mr. CONVERSE with Mr. STRUBLE, on this vote.

Mr. MCADOO with Mr. HOWEY, for to-day.

Mr. HANCOCK with Mr. CANNON, for this day.

Mr. SINGLETON with Mr. STEWART, of Vermont, on the Mexican pension bill and amendments thereto.

Mr. DAVIS, of Illinois. I desire to state in behalf of the parties interested that Mr. HANCOCK and Mr. CANNON are absent by order of the House, in conference upon the legislative, executive, and judicial appropriation bill. They are paired pending such absence. If present, Mr. HANCOCK would vote against and Mr. CANNON for the Senate amendments to the Mexican pension bill.

The SPEAKER. Upon this vote the yeas are 121, the nays are 12. No quorum has voted.

Mr. TOWNSHEND. I move a call of the House.

Mr. HEWITT, of Alabama. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered—33 members voting therefor.

The question was taken; and there were—yeas 151, nays 45, not voting 128; as follows:

YEAS—151.

Adams, G. E.	Glascock,	McCormick,	Spooner,
Alexander,	Goff,	McMillin,	Springer,
Atkinson,	Graves,	Matson,	Steele,
Bagley,	Greenleaf,	Millard,	Stockslager,
Ballentine,	Hanback,	Milliken,	Storm,
Bayne,	Hardy,	Mitchell,	Strait,
Beach,	Harmer,	Morgan,	Struble,
Boutelle,	Hart,	Morrill,	Sumner, C. A.
Brainerd,	Hatch, H. H.	Murray,	Sumner, D. H.
Brewer, F. B.	Hatch, W. H.	Nelson,	Taylor, J. D.
Brewer, J. H.	Henderson, D. B.	Nutting,	Thomas,
Browne, T. M.	Henley,	O'Hara,	Townshend,
Budd,	Hewitt, A. S.	O'Neill, Charles	Tully,
Calkins,	Hiscock,	Parker,	Turner, H. G.
Campbell, J. E.	Hitt,	Payne,	Valentine,
Carleton,	Hoblitzell,	Payson,	Van Alstyne,
Chalmers,	Holmes,	Perkins,	Wadsworth,
Clay,	Hopkins	Peters,	Wait,
Connolly,	James,	Phelps,	Wakefield,
Cosgrove,	Jeffords,	Poland,	Wallace,
Cox, W. R.	Johnson,	Post,	Ward,
Culbertson, W. W.	Jones, B. W.	Price,	Warner, A. J.
Cullen,	Jordan,	Randall,	Washburn,
Curtin,	Kean,	Ranney,	Weaver,
Cutcheon,	Keifer,	Rankin,	Weller,
Davis, G. R.	Ketcham,	Ray, Ossian	Wemple,
Davis, L. H.	Kleiner,	Riggs,	White, J. D.
Dingley,	Lacey,	Robinson, J. S.	White, Milo
Eldredge,	Laird,	Robinson, W. E.	Whiting,
English,	Lamb,	Rockwell,	Wilson, W. L.
Ermentrout,	Lawrence,	Rosecrans,	Winans, E. B.
Evans, I. N.	Le Fevre,	Rowell,	Winans, John
Everhart,	Libbey,	Ryan,	Wolford,
Ferrell,	Lore,	Scales,	Wood,
Follett,	Lovering,	Seney,	Woodward,
Foran,	Lowry,	Seymour,	Yaple,
Funston,	McCoid,	Skinner, C. R.	Young.
Geddes,	McComas,	Smalls,	

NAYS—45.

Barksdale,	Burnes,	Culberson, D. B.	Dowd,
Bennett,	Cabell,	Dargan,	Eaton,
Blount,	Caldwell,	Dibble,	Forney,
Buchanan,	Crisp,	Dorsheimer,	Garrison,

Halsell,	Maybury,	Potter,	Warner, Richard
Hemphill,	Miller, J. F.	Pryor,	Wellborn,
Herbert,	Mills,	Reese,	Williams,
Hewitt, G. W.	Muldrow,	Stewart, Charles	Wilson, James
Hunt,	Murphy,	Taylor, J. M.	Wise, G. D.
Jones, J. H.	Mutchler,	Thompson,	
Lanham,	Oates,	Turner, Oscar	
Lewis,	Pierce,	Vance,	

NOT VOTING—128.

Adams, J. J.	Converse,	Holton,	Pusey,
Aiken,	Cook,	Hooper,	Ray, G. W.
Anderson,	Covington,	Horr,	Reagan,
Arnot,	Cox, S. S.	Houk,	Reed,
Barbour,	Davidson,	Houseman,	Rice,
Barr,	Davis, R. T.	Howey,	Robertson,
Belford,	Deuster,	Hurd,	Rogers, J. H.
Belmont,	Dibrell,	Hutchins,	Rogers, W. F.
Bingham,	Dockery,	Jones, J. K.	Russell,
Bisbee,	Duncan,	Jones, J. T.	Shaw,
Blackburn,	Dunham,	Kasson,	Shelley,
Blanchard,	Dunn,	Kelley,	Singleton,
Bland,	Elliott,	Kellogg,	Skinner, T. G.
Bowen,	Ellis,	King,	Slocum,
Boyle,	Ellwood,	Long,	Smith,
Breckinridge,	Evins, J. H.	Lyman,	Snyder,
Breitung,	Fiedler,	McAdoo,	Spriggs,
Broadhead,	Findlay,	Miller, S. H.	Stephenson,
Brown, W. W.	Finerty,	Money,	Stevens,
Brumm,	Fyan,	Morrison,	Stewart, J. W.
Buckner,	George,	Morse,	Stone,
Burleigh,	Gibson,	Moulton,	Talbott,
Campbell, Felix	Green,	Muller,	Taylor, E. B.
Campbell, J. M.	Guenther,	Neece,	Throckmorton,
Candler,	Hammond,	Nicholls,	Tillman,
Cannon,	Hancock,	Ochiltree,	Tucker,
Cassidy,	Hardeman,	O'Ferrall,	Van Eaton,
Chace,	Haynes,	O'Neill, J. J.	Wilkins,
Clardy,	Henderson, T. J.	Paige,	Willis,
Clements,	Hepburn,	Patton,	Wise, J. S.
Cobb,	Hill,	Peel,	Worthington,
Collins,	Holman,	Pettibone,	York.

So a call of the House was ordered.

Mr. PARKER. I ask unanimous consent that the reading of the names be dispensed with.

Mr. HEWITT, of Alabama. I object.

The following additional pair was announced:

Mr. COVINGTON with Mr. HOLTON, on all political questions, for this day.

Mr. CRISP. My colleague, Mr. CLEMENTS, is confined to his room by sickness.

The result of the vote was announced as above stated.

Mr. BROWN, of Pennsylvania, by unanimous consent, obtained leave of absence for to-day.

Mr. BRECKINRIDGE. My colleague from Arkansas, Mr. JONES, desires, on account of sickness, to be excused indefinitely from attendance at the House.

There being no objection, indefinite leave of absence was granted.

Mr. REESE. I desire to ask indefinite leave of absence for my colleague, Mr. CLEMENTS, on account of sickness.

There being no objection, leave was granted.

Mr. RYAN. My colleague, Mr. ANDERSON, left the House yesterday, complaining of illness.

Mr. DAVIS, of Illinois. He was granted leave of absence this morning.

The SPEAKER. A call of the House has been ordered. The roll will be called.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams, J. J.	Collins,	Henderson, T. J.	Paige,
Aiken,	Converse,	Hill,	Patton,
Anderson,	Cook,	Holman,	Pettibone,
Arnot,	Covington,	Holton,	Ranney,
Barr,	Cox, S. S.	Hooper,	Ray, G. W.
Belford,	Davidson,	Horr,	Reagan,
Belmont,	Davis, L. H.	Houk,	Rice,
Bingham,	Deuster,	Hurd,	Rogers, J. H.
Bisbee,	Dockery,	Jones, J. K.	Rogers, W. F.
Blackburn,	Duncan,	Jones, J. T.	Russell,
Blanchard,	Dunham,	Kasson,	Shaw,
Bland,	Elliott,	Kelley,	Shelley,
Bowen,	Ellis,	Kellogg,	Singleton,
Breitung,	Evins, J. H.	King,	Skinner, T. G.
Brown, W. W.	Fiedler,	Long,	Slocum,
Brumm,	Findlay,	McAdoo,	Snyder,
Buckner,	Finerty,	Miller, S. H.	Stevens,
Burleigh,	Fyan,	Morrison,	Talbott,
Campbell, Felix	George,	Morse,	Taylor, E. B.
Campbell, J. M.	Gibson,	Moulton,	Throckmorton,
Cannon,	Guenther,	Muller,	Wilkins,
Cassidy,	Hammond,	Nelson,	Willis,
Clardy,	Hancock,	Nicholls,	Wise, J. S.
Clements,	Hardeman,	Nutting,	Worthington.
Cobb,	Haynes,	O'Ferrall,	

The SPEAKER *pro tempore* (Mr. BAGLEY). The Clerk will now call the names of the absentees, for whom excuses may now be made. The Sergeant-at-Arms will see that the doors are closed.

Mr. LORE. I move that all further proceedings under the call be dispensed with.

Mr. DUNN. I have a written communication from my colleague, Mr. ROGERS, of Arkansas, who is at home sick in bed. I ask leave of absence for him.

There being no objection, leave of absence was granted.

The SPEAKER. Two hundred and twenty-five members have answered to their names. The gentleman from Delaware [Mr. LORE] moves that all further proceedings under the call be dispensed with.

Mr. HEWITT, of Alabama. On that motion I call for the yeas and nays.

The yeas and nays were ordered; there being—ayes 33, noes 101—more than one-fifth in the affirmative.

The question was taken; and there were—yeas 166, nays 24, not voting 134; as follows:

YEAS—166.

Adams, G. E.	George,	McCormick,	Spooner,
Alexander,	Glascock,	McMillin,	Springer,
Atkinson,	Graves,	Matson,	Steele,
Bagley,	Green,	Maybury,	Stephenson,
Bayne,	Greenleaf,	Millard,	Storm,
Blanchard,	Halsell,	Milliken,	Strait,
Boutelle,	Hardy,	Mills,	Struble,
Brainerd,	Harmer,	Mitchell,	Sumner, C. A.
Brewer, F. B.	Hatch, H. H.	Money,	Sumner, D. H
Brewer, J. H.	Hatch, W. H.	Morgan,	Taylor, J. D.
Broadhead,	Hemphill,	Morrill,	Taylor, J. M.
Browne, T. M.	Henderson, D. B.	Muldrow,	Thomas,
Cabell,	Henderson, T. J.	Murray,	Thompson,
Caldwell,	Henley,	Mutchler,	Townshend,
Calkins,	Hepburn,	Nelson,	Tully,
Campbell, J. E.	Hewitt, A. S.	Ochiltree,	Turner, H. G.
Carleton,	Hiscock,	O'Hara,	Van Alstyne,
Chalmers,	Hitt,	O'Neill, Charles	Vance,
Clay,	Hoblitzell,	O'Neill, J. J.	Wait,
Collins,	Holman,	Payne,	Wakefield,
Connolly,	Holmes,	Payson,	Wallace,
Cosgrove,	Houseman,	Pierce,	Ward,
Cox, W. R.	Hunt,	Peel,	Warner, A. J.
Crisp,	James,	Perkins,	Warner, Richard
Culbertson, W. W.	Jeffords,	Poland,	Washburn,
Cutcheon,	Johnson,	Post,	Weaver,
Davis, G. R.	Jones, B. W.	Potter,	Wemple,
Davis, R. T.	Jordan,	Price,	White, J. D.
Dibble,	Kean,	Randall,	White, Milo
Dibrell,	Keifer,	Rankin,	Whiting,
Dingley,	Ketcham,	Ray, Ossian	Wilson, James
Dowd,	Kleiner,	Riggs,	Wilson, W. L.
Eldredge,	Lacey,	Robinson, J. S.	Winans, E. B.
Elwood,	Lamb,	Robinson, W. E.	Winans, John
English,	Lawrence,	Rockwell,	Wise, G. D.
Ermentrout,	Le Fevre,	Rosecrans,	Wolford,
Evans, I. N.	Libbey,	Rowell,	Wood,
Everhart,	Long,	Ryan,	Woodward,
Ferrell,	Lore,	Scales,	Yaple,
Finerty,	Lovering,	Seney,	York.
Foran,	Lowry,	Seymour,	
Funston,	McComas,	Smalls,	

NAYS—24.

Barksdale,	Geddes,	Neece,	Skinner, C. R.
Beach,	Goff,	Oates,	Turner, Oscar
Bennett,	Hewitt, G. W.	Parker,	Wadsworth,
Budd,	Hopkins,	Pryor,	Wellborn,
Follett,	Lyman,	Pusey,	Weller,
Forney,	McCoid,	Ranney,	Williams.

NOT VOTING—134.

Adams, J. J.	Cook,	Hooper,	Reed,
Aiken,	Covington,	Horr,	Reese,
Anderson,	Cox, S. S.	Houk,	Rice,
Arnot,	Culberson, D. B.	Howey,	Robertson,
Ballentine,	Cullen,	Hurd,	Rogers, J. H.
Barbour,	Curtin,	Hutchins,	Rogers, W. F.
Barr,	Dargan,	Jones, J. H.	Russell,
Belford,	Davidson,	Jones, J. K.	Shaw,
Belmont,	Davis, L. H.	Jones, J. T.	Shelley,
Bingham,	Deuster,	Kasson,	Singleton,
Bisbee,	Dockery,	Kelley,	Skinner, T. G.
Blackburn,	Dorsheimer,	Kellogg,	Slocum,
Bland,	Duncan,	King,	Smith,
Blount,	Dunham,	Laird,	Snyder,
Bowen,	Dunn,	Lanham,	Spriggs,
Boyle,	Eaton,	Lewis,	Stevens,
Breckinridge,	Elliott,	McAdoo,	Stewart, Charles
Breitung,	Ellis,	Miller, J. F.	Stewart, J. W.
Brown, W. W.	Evins, J. H.	Miller, S. H.	Stockslager,
Brumm,	Fiedler,	Morrison,	Stone,
Buchanan,	Findlay,	Morse,	Talbott,
Buckner,	Fyan,	Moulton,	Taylor, E. B.
Burleigh,	Garrison,	Muller,	Throckmorton,
Burnes,	Gibson,	Murphy,	Tillman,
Campbell, Felix	Guenther,	Nicholls,	Tucker,
Campbell, J. M.	Hammond,	Nutting,	Valentine,
Candler,	Hanback,	O'Ferrall,	Van Eaton,
Cannon,	Hancock,	Paige,	Wilkins,
Cassidy,	Hardeman,	Patton,	Willis,
Chace,	Hart,	Peters,	Wise, J. S.
Clardy,	Haynes,	Pettibone,	Worthington,
Clements,	Herbert,	Phelps,	Young.
Cobb,	Hill,	Ray, G. W.	
Converse,	Holton,	Reagan,	

So the motion to dispense with further proceedings under the call was agreed to.

Mr. REED. I am paired with the gentleman from Georgia [Mr. HAMMOND]. I voted on this question for the purpose merely of making a quorum. As I find my vote is not necessary for that purpose I withdraw it.

The following additional pair was announced:

Mr. JONES, of Arkansas, with Mr. HISCOCK, on all political questions, for this day.

The result of the vote was announced as above stated.

Mr. HOLMAN. I desire to say that during the vote preceding the last the gentleman from Illinois, Mr. CANNON, the gentleman from Texas, Mr. HANCOCK, and myself were absent by order of the House on a conference committee.

INVESTIGATION OF INDIAN AFFAIRS.

Mr. PEEL. I am directed by the Committee on Indian Affairs to submit a resolution and ask its immediate consideration.

Mr. TOWNSHEND. If this will not occupy any length of time I do not object.

The SPEAKER. The gentleman from Arkansas [Mr. PEEL] asks unanimous consent to report from the Committee on Indian Affairs for present consideration the resolution which will be read.

The Clerk read as follows:

Resolved, That the resolution adopted by this House on the 31st day of May, 1884, authorizing the Committee on Indian Affairs or any subcommittee thereof, in order more thoroughly to investigate all matters touching the leasing, subleasing, fencing, and inclosing of lands in the Indian Territory and reservations by citizens of the United States, and for other purposes, be amended by adding thereto as follows:

And that said committee or subcommittee is further instructed to inquire into the condition of the several tribes and bands of Indians in the Indian Territory; the tenure by which the lands in the Indian Territory are now held, and the character of their actual occupation and use; the condition and rights of the freedmen and other residents in said Territory; the relation of said tribes to the United States and to each other, and the need, if any, of legislation in respect to the same; and for the purpose aforesaid shall have power to sit during the recess of the House at such times and places as the committee may determine, and shall report their proceedings to the House at its next session. And in order to defray the expenses of said investigation the Clerk of the House is directed to pay to the Sergeant-at-Arms of the House, out of the contingent fund of the House, the sum of $2,000, whose receipt shall be a good and sufficient voucher to the Clerk in the settlement of his account. The aforesaid sum of money, or so much thereof as may be necessary, shall be disbursed on vouchers approved by the chairman of the committee; and the Sergeant-at-Arms shall make report to this House in detail of the manner in which said sum has been expended, accompanied by vouchers, which report when examined and approved by the Committee on Accounts shall be deemed a sufficient settlement of his accountability therefor; and any unexpended balance in his hands shall be paid by him into the Treasury to the credit of the fund from which it is paid.

The SPEAKER. Is there objection to the consideration of this resolution.

Mr. VALENTINE, Mr. BLOUNT, and others objected.

Mr. WELLBORN. I think the gentleman from Georgia [Mr. BLOUNT] who objected will be willing to withhold his objection until an explanation has been made.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] also objected.

Mr. VALENTINE. I object to all junketing trips.

Mr. WELLBORN. Will not the gentleman withhold his objection for a statement?

Several members renewed the objection.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes; when the Speaker signed the same.

CORRECTION.

Mr. STORM. Mr. YOUNG and myself are announced as paired on the sixth amendment of the Senate to the Mexican pension bill, and that Mr. YOUNG would vote "ay" and I would vote "no." It is just the reverse; I would vote "ay" and Mr. YOUNG would vote "no."

The SPEAKER. The correction will be made.

EXPLANATION.

Mr. HUNT. I have been requested to announce that Mr. BLANCHARD, Mr. WILLIS, and Mr. HENDERSON, of Illinois, are absent by order of the House on a conference committee.

The SPEAKER. The Chair will state that all gentlemen who are absent from the House attending conferences are regarded as being absent by leave of the House. It is therefore unnecessary to obtain leave or make request for it.

LEAVE OF ABSENCE.

Mr. CABELL, by unanimous consent, was granted leave of absence for one week on account of important business.

CHARLES F. HAYES.

On motion of Mr. HOLMAN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Charles F. Hayes and House bill 324 "for the relief of Charles F. Hayes," there having been no adverse report on said bill.

LEAVE TO PRINT.

Mr. JORDAN, by unanimous consent, was granted leave to print remarks on educational bill and House bill 5694.

APPLETON OAKSMITH.

On motion of Mr. SCALES, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in connection with House bill 3183, Forty-fifth Congress, for the relief of Appleton Oaksmith without leaving certified copies.

DECLARATION OF INDEPENDENCE.

Mr. BREWER, of New York. I submit the following privileged resolution.

The Clerk read as follows:

Resolved, That the House now go into the Committee of the Whole on the state of the Union for the purpose of considering that great state paper, the Declaration of Independence, and that important document be now read for the information of the members who are not absent from their post of duty.

MEXICAN PENSION BILL.

The SPEAKER. The Chair does not think this is a matter of privilege, the House being engaged in taking a vote, which has failed simply because a quorum did not vote on it.

The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] for the previous question on concurring in the amendment of the Senate, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 149, nays 9, not voting 166; as follows:

YEAS—149.

Alexander,	Graves,	Maybury,	Stockslager,
Atkinson,	Greenleaf,	Millard,	Storm,
Bagley,	Halsell,	Milliken,	Strait,
Beach,	Hardy,	Mitchell,	Struble,
Blanchard,	Harmer,	Morgan,	Sumner, C. A.
Boutelle,	Hart,	Neece,	Sumner, D. H.
Brainerd,	Hatch, W. H.	Ochiltree,	Taylor, J. D.
Brewer, F. B.	Henderson, D. B.	O'Hara,	Thomas,
Browne, T. M.	Henley,	O'Neill, Charles	Townshend,
Budd,	Hepburn,	O'Neill, J. J.	Tully,
Calkins,	Hiscock,	Parker,	Valentine,
Campbell, J. E.	Hitt,	Payne,	Van Alstyne,
Carleton,	Hoblitzell,	Perkins,	Vance,
Chalmers,	Holmes,	Peters,	Wait,
Connolly,	Hopkins,	Poland,	Wakefield,
Cox, W. R.	Houseman,	Post,	Wallace,
Culbertson, W. W.	Hunt,	Potter,	Ward,
Cullen,	James,	Price,	Warner, A. J.
Curtin,	Jeffords,	Randall,	Washburn,
Cutcheon,	Johnson,	Rankin,	Weaver,
Davis, G. R.	Jones, B. W.	Ranney,	Weller,
Davis, R. T.	Jordan,	Ray, Ossian	Wemple,
Dingley,	Kasson,	Reed,	White, J. D.
Eldredge,	Kean,	Riggs,	White, Milo
Ellwood,	Keifer,	Robinson, J. S.	Whiting,
English,	Kleiner,	Robinson, W. E.	Wilson, James
Ermentrout,	Lacey,	Rockwell,	Wilson, W. L.
Evans, I. N.	Lamb,	Rowell,	Winans, E. B.
Everhart,	Lawrence,	Ryan,	Winans, John
Ferrell,	Le Fevre,	Seney,	Wolford,
Finerty,	Libbey,	Seymour,	Wood,
Follett,	Long,	Skinner, C. R.	Woodward,
Foran,	Lovering,	Smalls,	Yaple,
Funston,	Lowry,	Smith,	York,
Geddes,	McCold,	Spooner,	Young.
George,	McComas,	Springer,	
Glascock,	McCormick,	Steele,	
Goff,	Matson,	Stephenson,	

NAYS—9.

Barksdale,	Davis, L. H.	Thompson,	Turner, Oscar
Clay,	Pryor,	Turner, H. G.	Warner, Richard.
Cosgrove,			

NOT VOTING—166.

Adams, G. E.	Cook,	Hooper,	Peel,
Adams, J. J.	Covington,	Horr,	Pettibone,
Aiken,	Cox, S. S.	Houk,	Phelps,
Anderson,	Crisp,	Howey,	Pusey,
Arnot,	Culberson, D. B.	Hurd,	Ray, G. W.
Ballentine,	Dargan,	Hutchins,	Reagan,
Barbour,	Davidson,	Jones, J. H.	Reese,
Barr,	Deuster,	Jones, J. K.	Rice,
Bayne,	Dibble,	Jones, J. T.	Robertson,
Belford,	Dibrell,	Kelley,	Rogers, J. H.
Belmont,	Dockery,	Kellogg,	Rogers, W. F.
Bennett,	Dorsheimer,	Ketcham,	Rosecrans,
Bingham,	Dowd,	King,	Russell,
Bisbee,	Duncan,	Laird,	Scales,
Blackburn,	Dunham,	Lanham,	Shaw,
Bland,	Dunn,	Lewis,	Shelley,
Blount,	Eaton,	Lore,	Singleton,
Bowen,	Elliott,	Lyman,	Skinner, T. G.
Boyle,	Ellis,	McAdoo,	Slocum,
Breckinridge,	Evins, J. H.	McMillin,	Snyder,
Breitung,	Fiedler,	Miller, J. F.	Spriggs,
Brewer, J. H.	Findlay,	Miller, S. H.	Stevens,
Broadhead,	Forney,	Mills,	Stewart, Charles
Brown, W. W.	Fyan,	Money,	Stewart, J. W.
Brumm,	Garrison,	Morrill,	Stone,
Buchanan,	Gibson,	Morrison,	Talbott,
Buckner,	Green,	Morse,	Taylor, E. B.
Burleigh,	Guenther,	Moulton,	Taylor, J. M.
Burnes,	Hammond,	Muldrow,	Throckmorton,
Cabell,	Hanback,	Muller,	Tillman,
Caldwell,	Hancock,	Murphy,	Tucker,
Campbell, Felix	Hardeman,	Murray,	Van Eaton,
Campbell, J. M.	Hatch, H. H.	Mutchler,	Wadsworth,
Candler,	Haynes,	Nelson,	Wellborn,
Cannon,	Hemphill,	Nicholls,	Wilkins,
Cassidy,	Henderson, T. J.	Nutting,	Williams,
Chace,	Herbert,	Oates,	Willis,
Clardy,	Hewitt, A. S.	O'Ferrall,	Wise, G. D.
Clements,	Hewitt, G. W.	Paige,	Wise, J. S.
Cobb,	Hill,	Patton,	Worthington.
Collins,	Holman,	Payson,	
Converse,	Holton,	Pierce,	

So (no quorum having voted) the previous question was not ordered.

The following additional pairs were announced:

Mr. DOWD with Mr. ELLWOOD, on all questions to-day and until July 5.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum has voted.

Mr. REED. I have voted on this call to make a quorum, although I am paired.

Mr. TOWNSHEND. I move a call of the House.

Mr. HEWITT, of Alabama. On that I demand the yeas and nays.

The yeas and nays were ordered, 30 members voting in favor thereof.

The question was taken; and there were—yeas 146, nays 19, not voting 159; as follows:

YEAS—146.

Adams, G. E.	Goff,	Matson,	Smalls,
Alexander,	Graves,	Maybury,	Smith,
Bagley,	Greenleaf,	Millard,	Spooner,
Bayne,	Halsell,	Milliken,	Steele,
Beach,	Hanback,	Mills,	Stephenson,
Boutelle,	Hardy,	Mitchell,	Storm,
Brainerd,	Harmer,	Morgan,	Strait,
Browne, T. M.	Hatch, H. H.	Morrill,	Struble,
Budd,	Hatch, W. H.	Muldrow,	Sumner, C. A.
Campbell, J. E.	Henderson, D. B.	Murphy,	Sumner, D. H.
Carleton,	Hitt,	Mutchler,	Taylor, J. D.
Cassidy,	Hoblitzell,	Neece,	Thomas,
Clay,	Holmes,	Oates,	Townshend,
Converse,	Hopkins,	Ochiltree,	Tully,
Cosgrove,	Houseman,	O'Hara,	Turner, H. G.
Culbertson, W. W.	Hunt,	O'Neill, Charles	Valentine,
Cullen,	Hutchins,	O'Neill, J. J.	Van Alstyne,
Cutcheon,	Jeffords,	Payne,	Vance,
Davis, G. R.	Johnson,	Payson,	Wait,
Davis, R. T.	Jones, B. W.	Perkins,	Wakefield,
Dibrell,	Jordan,	Poland,	Wallace,
Dingley,	Kasson,	Post,	Warner, A. J.
Dorsheimer,	Kean,	Potter,	Washburn,
Duncan,	Keifer,	Pusey,	Weaver,
Eldredge,	Ketcham,	Randall,	Weller,
English,	Kleiner,	Rankin,	White, J. D.
Ermentrout,	Lacey,	Ranney,	White, Milo
Evans, I. N.	Lamb,	Ray, Ossian	Whiting,
Everhart,	Lawrence,	Riggs,	Wilson, W. L.
Ferrell,	Le Fevre,	Robinson, J. S.	Winans, E. B.
Finerty,	Libbey,	Robinson, W. E.	Winans, John
Follett,	Long,	Rockwell,	Wolford,
Foran,	Lore,	Rowell,	Wood,
Funston,	Lowry	Ryan,	Yaple,
Geddes,	McCold,	Seney,	York.
George,	McComas,	Seymour,	
Glascock,	McCormick,	Skinner, C. R.	

NAYS—19.

Atkinson,	Cabell,	Hewitt, G. W.	Van Eaton,
Barksdale,	Caldwell,	Price,	Warner, Richard
Bennett,	Dibble,	Pryor,	Wemple,
Blanchard,	Eaton,	Taylor, J. M.	Williams.
Brewer, F. B.	Garrison,	Turner, Oscar	

NOT VOTING—159.

Adams, J. J.	Cox, S. S.	Horr,	Reed,
Aiken,	Cox, W. R.	Houk,	Reese,
Anderson,	Crisp,	Howey,	Rice,
Arnot,	Culberson, D. B.	Hurd,	Robertson,
Ballentine,	Curtin,	James,	Rogers, J. H.
Barbour,	Dargan,	Jones, J. H.	Rogers, W. F.
Barr,	Davidson,	Jones, J. K.	Rosecrans,
Belford,	Davis, L. H.	Jones, J. T.	Russell,
Belmont,	Deuster,	Kelley,	Scales,
Bingham,	Dockery,	Kellogg,	Shaw,
Bisbee,	Dowd,	King,	Shelley,
Blackburn,	Dunham,	Laird,	Singleton,
Bland,	Dunn,	Lanham,	Skinner, T. G.
Blount,	Elliott,	Lewis,	Slocum,
Bowen,	Ellis,	Lovering,	Snyder,
Boyle,	Ellwood,	Lyman,	Spriggs,
Breckinridge,	Evins, J. H.	McAdoo,	Springer,
Breitung,	Fiedler,	McMillin,	Stevens,
Brewer, J. H.	Findlay,	Miller, J. F.	Stewart, Charles
Broadhead,	Forney,	Miller, S. H.	Stewart, J. W.
Brown, W. W.	Fyan,	Money,	Stockslager,
Brumm,	Gibson,	Morrison,	Stone,
Buchanan,	Green,	Morse,	Talbott,
Buckner,	Guenther,	Moulton,	Taylor, E. B.
Burleigh,	Hammond,	Muller,	Thompson,
Burnes,	Hancock,	Murray,	Throckmorton,
Calkins,	Hardeman,	Nelson,	Tillman,
Campbell, Felix	Hart,	Nicholls,	Tucker,
Campbell, J. M.	Haynes,	Nutting,	Wadsworth,
Candler,	Hemphill,	O'Ferrall,	Ward,
Cannon,	Henderson, T. J.	Paige,	Wellborn,
Chace,	Henley,	Parker,	Wilkins,
Chalmers,	Hepburn,	Patton,	Willis,
Clardy,	Herbert,	Pierce,	Wilson, James.
Clements,	Hewitt, A. S.	Peel,	Wise, G. D.
Cobb,	Hill,	Peters,	Wise, J. S.
Collins,	Hiscock,	Pettibone,	Woodward,
Connolly,	Holman,	Phelps,	Worthington,
Cook,	Holton,	Ray, G. W.	Young.
Covington,	Hooper,	Reagan,	

So a call of the House was ordered.

The following additional pair was announced:

Mr. PAIGE and Mr. WILSON, of Iowa, for this day.

The result of the vote was then announced as above recorded.

Mr. WHITE, of Kentucky. I believe the announcement of the vote shows that there is a quorum present. [Cries of "Regular order!"] It is evident that we can not proceed with this business. There are yet fourteen amendments to be considered. We are now upon the sixth, having occupied all of yesterday afternoon and this morning since ten o'clock. I think, sir, that we had better drop this subject and proceed to the consideration of some other on which the House can agree. [Loud cries of "Regular order!"] I therefore ask unanimous consent to take up the educational bill, which appropriates money to aid the cause of education in this country, believing that our Democratic friends ought to be educated at least to enable them to read the Constitution.

The SPEAKER. The regular order has been demanded; and the first thing in order before entertaining a request for unanimous consent would be to dispense with further proceedings under the call.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which amendments the concurrence of the House of Representatives was requested, the following bill:

A bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Also, that the Senate agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on House bills of the following titles, namely:

A bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska; and

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion.

The message further announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Also, that the Senate further insisted on its amendments numbered 5, 6, 7, 8, 9, 10, 11, 19, 21, 22, 39, 47, 48, 49, 85, 86, 87, 92, 101, 110, 117, 122, and 138 to said bill, and asked a further conference with the House thereon; and had appointed Messrs. HALE, ALLISON, and COCKRELL as managers at said conference on the part of the Senate.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of the House, which has been ordered, and the Clerk will call the roll.

The roll was called, and the following members failed to answer to their names:

Aiken,	Cobb,	Holton,	Pettibone,
Anderson,	Converse,	Horr,	Ray, G. W.
Arnot,	Cook,	Houk,	Reagan,
Barr,	Covington,	Hurd,	Rice,
Belford,	Cox, S. S.	Jones, B. W.	Rogers, J. H.
Belmont,	Curtin,	Jones, J. K.	Rogers, W. F.
Bingham,	Davidson,	Jones, J. T.	Russell,
Bisbee,	Deuster,	Kelley,	Shaw,
Blackburn,	Dockery,	Kellogg,	Shelley,
Bland,	Dunham,	King,	Singleton,
Bowen,	Elliott,	Laird,	Skinner, T. G.
Brainerd,	Ellwood,	Lewis,	Slocum,
Breitung,	Evins, J. H.	McAdoo,	Snyder,
Brown, W. W.	Fiedler,	Miller, S. H.	Spriggs,
Brumm,	Findlay,	Morrison,	Stevens,
Buckner,	Fyan,	Morse,	Stewart, J. W.
Burleigh,	Gibson,	Moulton,	Talbott,
Campbell, Felix	Guenther,	Muller,	Taylor, E. B.
Campbell, J. M.	Hammond,	Mutchler,	Valentine,
Cannon,	Hancock,	Nicholls,	Wilkins,
Cassidy,	Hardeman,	Nutting,	Wise, J. S.
Chalmers,	Haynes,	O'Ferrall,	Woodward,
Clardy,	Hill,	Paige,	Worthington,
Clements,	Holman,	Patton,	Young.

The SPEAKER. Upon this call 229 members have answered to their names. The Doorkeeper will close the doors.

Mr. RANDALL. I move that the House dispense with further proceedings under the call, so that I may call up a conference report on the deficiency appropriation bill for consideration at this time.

The motion to dispense with further proceedings under the call was agreed to.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6514) for the relief of Catherine H. Glick; and

A bill (H. R. 6657) granting the consent of Congress to the Saint Cloud Water-Power and Mill Company to construct a dam across the Mississippi River, at Saint Cloud, Minn.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The gentleman from Pennsylvania calls up the report of the committee of conference on the deficiency appropriation bill.

The Clerk proceeded to read the report.

Mr. WHITE, of Kentucky (interrupting the reading). I ask that the reading of the mere numbers of the amendments recommended to be agreed to or disagreed to be dispensed with.

The SPEAKER. That can not be done. But the rules of the House require that a detailed statement shall accompany the report explaining the recommendations of the committee. That statement will be read after the reading of the conference report.

Mr. RANDALL. I desire to ask as a favor of the House that members will give diligent attention to the reading of the report and the statement, so that they may understand the effect of the recommendations of the committee without the necessity of lengthy explanations, as I desire to save all the time possible as well as to save my strength as far as I am able.

The SPEAKER. The Clerk will finish reading the conference report.

The Clerk resumed and concluded the reading of the conference report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 14, 17, 20, 23, 40, 52, 54, 55, 58, 59, 60, 69, 70, 72, 73, 74, 77, 78, 80, 88, 89, 90, 91, 93, 94, 114, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 143, 144, 145, 146, 147, 148, 152, 153, 154, 155, 156, 157, 158, 161, 162, 163, 164, 165, 166, 167, 168, 170, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, and 223.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 15, 16, 18, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 37, 38, 41, 42, 44, 50, 51, 53, 56, 57, 61, 62, 63, 64, 65, 66, 68, 71, 75, 76, 79, 81, 82, 83, 84, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 115, 116, 119, 120, 121, 123, 124, 125, 142, 150, 151, 159, 160, 169, and 176, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And hereafter it shall not be lawful for any consular officer to appropriate to his own use, or expend from the amount received from the fees of his office, any sum in excess of the allowance of salary and fees directly authorized by law, and consular officers paid exclusively by fees, and consuls paid in part by salary and in part by fees, shall only appropriate to their own use or expend such portion of the fees as is authorized by law;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,333.29;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with amendments as follows: In line 2 of said amendment strike out the name "Albert Grant," and in lieu thereof insert the names "Frank A. Behan, Francis A. Gibbons;" and after the word "provided," where it first occurs in said amendment, insert the following words "is hereby appropriated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$822.96;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with amendments as follows: After the word "for," where it first occurs in said amendment, strike out the words "ordnance, twenty thousand dollars; for," and in lieu of the total sum stated in said amendment insert "$2,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 45 and 46, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For payment in full of expenses, and for compensation of civil commissioner appointed under provisions of act of August 5, 1882, $3,788.81;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "payment," insert the words "to the estate of A. D. Fisher;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: Strike out the name "Vaugneder," and in lieu of the name stricken out insert "Vangender;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: At the end of the Senate amendment insert the following: "And the Attorney-General of the United States is hereby directed to proceed against the warrantors upon the covenants in the conveyance and recover back said sum in the name of the United States;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with amendments as follows: On page 55 of the bill, in line 17, after the word "may," insert the words "after due notice and opportunity for hearing;" and after the word "sustain," in the same line, strike out the words "debar, dismiss;" and after the word "to," in line 20, strike out the words "abide by" and insert the words "comply with;" and after the word "shall," in line 21, insert the words "and with intent to defraud;" and the Senate agree to the same.

The committee of conference has been unable to agree on the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 19, 21, 22, 39, 47, 48, 49, 85, 86, 87, 92, 101, 110, 117, 122, and 138.

SAM. J. RANDALL,
JAMES N. BURNES,
W. H. CALKINS,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The Clerk will now read the statement accompanying the report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7235) making appropriations to supply deficiencies for the fiscal year 1884, and for other purposes, submit the following written statement in explanation of the conference report submitted:

The bill as it passed the Senate appropriated $7,846,336.69, being $1,124,570.04 in excess of the bill as it passed the House.

The Senate by amendments added to the bill $1,263,514.56 and reduced therefrom $138,944.52, making, as above given, a net increase of $1,124,570.04.

The conference committee has agreed upon all but twenty-three of the two hundred and twenty-three amendments of the Senate to the bill. In arriving at this agreement it is recommended that the Senate recede from amendments which appropriate $327,932.88, and that the House agree to amendments appropriating $176,359.14.

The amendments upon which the conference committee reports that it is unable to agree involve the appropriation of $759,222.54, and are as follows:

Amendments 5, 6, 7, 8, and 9 provide for paving streets and alleys around public buildings in Des Moines, Hartford, Jersey City, Saint Louis, and Grand Rapids.

Amendments 10 and 11 appropriate $6,758.31 for expenses of collecting internal revenue in 1883 and $150,000 for the same purpose in 1884.

Amendment 19 appropriates $43,151.17 to pay to the States of California, Oregon, and Nevada the 15 per cent. of the amount of their quota for the direct tax of 1861, on account of the proper costs for assuming the collection of the same.

Amendment 21 appropriates $5,000 to pay a judgment in favor of J. D. Culp & Co. against a collector of internal revenue in California.

Amendment 22 appropriates $3,950.73 to reimburse the amount paid for expenses of the commission to go in Louisiana in April, 1877.

Amendment 39 appropriates $33,771.69 to pay awards made by the commissioners under the act of 1875 to aid in the improvement of the Fox and Wisconsin Rivers.

Amendments 47, 48, and 49 provide for payment to the Harlan & Hollingsworth Company, $67,987; to William Cramp & Sons, $75,790, and to John Roach, $69,201, respectively, for the use and occupation of their ship-yards by the ironclads Amphitrite, Terror, and Puritan.

Amendments 85, 86, and 87 appropriate $90,000 for United States attorneys, and $75,000 for United States marshals.

Amendment 92 strikes out the provision that no part of the appropriation for United States attorneys shall be used to pay special counsel fees.

Amendment 101 appropriates $33,482 for miscellaneous expenses of the Senate.

Amendment 110 strikes out provision to repeal an appropriation in the agricultural bill of $25,000 for the investigation of infectious and contagious diseases of domestic animals.

Amendment 117 appropriates $175,000 for the payment for land taken for a reservoir for the water-works in the District of Columbia.

Amendment 122 strikes out that portion of section 2 of the bill which provides a statute of limitations against claims against the Government.

Amendment 138 strikes out the provision that before any of the claims for difference between amount paid and legal compensation claimed by certain customs officers under sections 2733 and 2738 of the Revised Statutes, a test-case shall first be tried in the Court of Claims.

SAM. J. RANDALL,
JAMES N. BURNES,
W. H. CALKINS,
Managers on the part of the House.

Mr. RANDALL. The report of the committee of conference shows as the result of the action of the conferees on the part of the Senate that they have insisted in every instance upon twenty-three of the amendments disagreed to by the House. My colleague the gentleman from Indiana [Mr. CALKINS] and I have conferred, but we were not able to see the third conferee on the part of the House. However a majority of the conferees on the part of the House have not felt disposed to disagree to the amendments in bulk and insist upon a disagreement to all the amendments in controversy, but have selected some of them to be advised upon by a vote of the House. The gentleman from Indiana [Mr. CALKINS], in pursuance of that understanding, will indicate the few amendments which we thought the House should express its opinion upon; and it is possible that the House may be willing, in order to save time, to remit the balance, as it is likely they can be arranged in conference.

The SPEAKER. The gentleman alludes to the amendments of the Senate not disposed of?

Mr. RANDALL. I allude to a part of those that were disagreed to.

The SPEAKER. The report of the committee of conference must be first disposed of.

Mr. RANDALL. I ask that the report be agreed to.

Mr. TOWNSHEND. Will the gentleman from Pennsylvania [Mr. RANDALL] inform the House whether any amendment still in controversy involves the payment of the clerks of Senators?

The SPEAKER. That matter will come up after the report has been agreed to.

Mr. RANDALL. I will answer that question when I have an opportunity.

The report of the committee of conference was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. In answer to the question of the gentleman from Illinois [Mr. TOWNSHEND] I will say that Senate amendment numbered 101, which gentlemen can refer to in the bill printed with the Senate amendments, is as follows:

For miscellaneous items, $33,482.

That is for miscellaneous items of the Senate contingent fund. The conferees were unable to agree on that item, for it was frankly stated that the appropriation was intended to pay the clerks of Senators.

Mr. CALKINS. They were to be paid from that appropriation.

Mr. RANDALL. Yes; they were to be paid from that appropriation. The subject was discussed; I am not at liberty to say what occurred in the conference. But I am at liberty to say that I suggested that the Senate should put in language distinct and clear the object for which this appropriation was designed, so as not to have it simply classified as miscellaneous. Notwithstanding my suggestions, the amendment comes back with a disagreement. That is all I am at liberty to say.

Mr. CALKINS. With the permission of my chairman I will indicate the amendment in regard to which I shall ask the House to recede from its disagreement.

Mr. RANDALL. Does the gentleman desire much time for debate?

Mr. CALKINS. Very few minutes will be sufficient on my part.

Mr. RANDALL. I hope the debate will be confined as much as possible to the matters directly involved, as there are other bills to follow this.

Mr. CALKINS. I move that the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, and 8, and also from the amendment numbered 9, and agree to the same with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will read the amendments of the Senate indicated, and also the amendment proposed by the gentleman from Indiana to the amendment numbered 9.

The Clerk read amendments numbered 5, 6, 7, 8, and 9, as follows:

5. For court-house and post-office, Des Moines, Iowa: One-half cost of paving alley around building, $514.42.

6. For custom-house and post-office, Hartford, Conn.: One-half cost of paving between city hall and custom-house, $892.46.

7. For court-house and post-office, Jersey City, N. J.: Paving Washington street adjacent to building, $244.

8. For old custom-house, Saint Louis, Mo.: Paving Third street front, $1,041.74; paving Olive street front, $946.49.

9. For court-house and post-office, Grand Rapids, Mich.: Regrading, repaving, and sewering on Lyon and North Division streets, $1,491.53.

The amendment of Mr. CALKINS to Senate amendment numbered 9 was read, as follows:

Add to amendment numbered 9 the following:

For court-house and post-office at Springfield, Ill., paving Monroe street, $870.85.

Mr. CALKINS. I shall be very brief in making my explanations to the House in reference to these amendments. There are two antagonistic views held by myself and the chairman of my committee. I maintain that while the Government of the United States holds this ground by deed or conveyance as any other proprietor holds land, there is a condition annexed which we require of the States, that no tax or burden shall be laid by the State upon the ground which is owned by the United States for this purpose.

There is no disagreement between the gentleman from Pennsylvania [Mr. RANDALL] and myself with reference to the power of States or municipalities to tax or burden this property of the United States. I hold, and so does he, as I understand, that it is not within the power of the States or municipalities to tax or burden this property in such a way that it may be sold as the property of private individuals may be for the non-payment of taxes. But I hold, that as the Government of the United States has accepted this property as an owner and as all citizens whose property abuts upon the streets adjacent to these public buildings can be compelled by the State or municipality to pay for improving the streets to the center, subject to the penalty of having their property sold for the tax if they refuse to pay it, the Government of the United States ought not as a proprietor to insist that because of the stipulation that the property of the Government shall not be subjected to any tax or burden by State authority therefore the Government will not pay for paving to the center of the streets in front of its property. In other words, having forced the citizens who owned private property to submit to an assessment to pay the cost of paving to the center of the street, the great Government of this country should not set itself up and say, "We refuse to bear any part of the expense of paving the streets upon which our property abuts."

I admit that under the law the Government can not be compelled to bear any part of this expense; but I say the Government should pay its fair share as a matter of right and justice. The private owner whose property abuts upon the streets can be compelled to pay for paving to the center; and the Government, although it can not be compelled to pay in the same way, should step in and say, "We require nothing of the private citizen that we are not ready and willing to do ourselves."

That is my proposition; there is where I stand. I say that in justice, in fair dealing and honesty, in common decency we should do this. If the Government stands out and says, "We will pay no part of the expense of making pavements or building sewers," then you may have one-half the streets upon which the Government property abuts unpaved; you may have no sewerage; you may have your buildings isolated entirely from the improvements of the cities where they are located.

I wish to add that in many cases —I have not a statement of them in detail, but I believe the gentlemen from Missouri [Mr. O'NEILL] has a statement in regard to a number of cases—the Government has borne its share of these expenses. The Forty-fifth Congress appropriated $9,000 to pay for paving in front of the arsenal in the city of Indianapolis in my own State.

Mr. TOWNSHEND. To what extent?

Mr. CALKINS. It paid the expense to the center of the street.

Mr. TOWNSHEND. Was it beyond the sidewalk?

Mr. CALKINS. Yes, sir; beyond the sidewalk. In Chicago also this expense has been paid by the Government in eight or ten cases, the particulars of which the gentleman from Missouri has before him. That is all I want to say on the legal proposition.

Now, Mr. Speaker, I want to answer in advance one of the objections which has been urged against this proposition. The objection is that these cities where our public buildings are located, having the benefit of these establishments, ought to do this paving themselves. Now, if we had not purchased the land and erected these buildings, in order that the business of the Government might be transacted there, the objection might have some force. But the reasonable presumption is that the Government purchased the ground and erected the buildings for its own interests, and I think it is begging the question to say that because the erection of these buildings has added to the value of other property in the vicinity, therefore the citizens should pay all the expenses of street improvements.

Mr. TOWNSHEND. Was it not the purpose of the Government in erecting these buildings to accommodate the citizens of the town or city where the buildings are located; and ought not that to be inducement enough for the citizens to pay for the pavement of the streets?

Mr. CALKINS. Before answering my friend from Illinois I want to make a statement of fact which I think ought to have great weight in the determination of this question.

Take a case (which is certainly a supposable case, and which I understand from my friend from Missouri is actually the fact in the city of Saint Louis) where by constitutional provision a municipality is prohibited from making any expenditure of money beyond a certain limit; and where an expenditure up to the constitutional limit is demanded in order to meet the expenses of the city. There is no general fund which can be appropriated for the paving of streets if the property owners fail to meet the assessment. The municipality is obliged in this respect to depend entirely upon the assessments made upon the owners of abutting property. But if the Government of the United States, whose property thus abuts upon the streets requiring to be paved, refuses to bear any part of this expense no assessment of course can be enforced against it. The city can not make an appropriation from its own treasury to meet this expenditure, because there is a constitutional inhibition. Hence if payment be not made by the Government of the United States the amount must go unpaid.

Mr. TOWNSHEND. Is not my friend aware that when the Government locates a post-office or other public building in Saint Louis, or any other city, the value of adjacent property is thereby largely enhanced?

Mr. CALKINS. My answer is that every building erected in the city of Saint Louis or elsewhere, whether built by the Government or by private individuals, enhances the value of adjacent property. I say that is not a consideration which this Congress should entertain for a moment. In regard to these street improvements, we should not compel private citizens to bear a burden which the Government refuses to bear. We ought not to set ourselves up and, because we have the power, say, "We refuse to make the appropriation."

Mr. WARNER, of Ohio. Will the gentleman from Indiana allow me to ask him a question?

Mr. CALKINS. Certainly.

Mr. WARNER, of Ohio. As far as the streets are concerned, if not the sidewalks, is not this virtually admitting the power to tax the property of the United States in all cities where public buildings have been located?

Mr. CALKINS. I will not stop to discuss a point of law.

Mr. WARNER, of Ohio. Is it not enforcing the right to tax property of the United States by a State or municipality which at the time of the location of the public building was specially waived?

Mr. CALKINS. I have admitted no State or municipality can lay this burden.

Mr. WARNER, of Ohio. Then why shall the tax be paid on United States property?

Mr. CALKINS. It is our duty to do that which we require of every private citizen.

Mr. WARNER, of Ohio. That is not my point. When these public buildings were located in these cities was it not expressly provided the Government was not to pay any such tax?

Mr. CALKINS. No; I do not agree they would not ask the Government to do what it ought to do. If the Government ought to build a sidewalk for the purpose of getting to its custom-house and post-office it ought to do so, so men can go there on wheels as well as on foot, for the Government owns to the middle of the street. I now yield to my friend, the chairman of the committee, whatever time he requires.

Mr. RANDALL. Mr. Speaker, we sit in this House as representatives of the several Congressional districts, and we naturally look after their interests rather than to the amount of money to be paid out of the Federal Treasury. That is especially the case, and perhaps natu-

urally so, in those districts having representatives on this floor where public buildings are located. For myself, I was unwilling either directly or indirectly to admit the right of any State or municipal government to levy a tax upon the property of the United States; when that property had been purchased for and dedicated to public uses upon express terms it should not be subject to taxes or other burdens. I am a layman, but I believe it to be good law that a statute must be construed in its entirety, and not each word as if it stood alone. Now you can not put the same construction upon the word "tax" and the word "burden." They are two words, and they are to be construed together, and in their most comprehensive sense.

Let me add, Mr. Speaker, that if we are to admit this right of taxation against Federal property beyond former appropriations—that is, outside of the immediate approaches—then you are going to plunge the Government into a new expenditure of money, which ultimately will be very large. To admit we are bound to pay for one-half of the paving of this street around this public building, it follows of necessity we will be compelled to pay for its repair and maintenance to the extent of their cost.

I have no feeling about this beyond the principle which is involved; and to the adoption of any such new principle I was unwilling the conference committee should agree. If it is to be done, I wanted the Senate and the House in their representative relations to say that the Government of the United States should be taxed in this way. The gentleman from Indiana himself admits there is no power to collect such a tax, and I am quite willing, without another word, to submit the matter to the decision of the House. I shall be bound, of course, by the action the House shall take.

Mr. CALKINS, Mr. O'NEILL, of Missouri, and Mr. EATON rose.

The SPEAKER. Does the gentleman from Pennsylvania yield the floor?

Mr. RANDALL. The gentleman from Missouri wishes to make a correction, and I will yield to him for that purpose.

Mr. O'NEILL, of Missouri. In Saint Louis the expense of repairing and maintaining streets is borne out of the general revenue, and it is only as to the original construction of a street where the expense is levied against the adjacent property.

Mr. RANDALL. But the principle is clear, that if they can tax the property of the United States to the middle of the street it follows of necessity, logically and legally, they can also tax it for one-half of the repair and maintenance of the street. I do not think my friend from Indiana, who is a good lawyer, will controvert that proposition.

Mr. CALKINS. If the gentleman will yield me the floor I will move now to take the vote.

Mr. RANDALL. I should like to yield to my friend from Connecticut for a moment.

Mr. EATON. I agree, Mr. Speaker, with the general principle advanced by the gentleman from Pennsylvania, the chairman of the Committee on Appropriations. I do not believe that the streets adjacent to Government property should be paved to the center by the Federal Government.

But there is one item in this bill to which I desire the chairman of the committee to give his attention. I refer to the building of an approach between the city hall and the public building belonging to the United States in my own city of Hartford. No wheels go there. It is simply an approach between what used to be the State-house in Connecticut and the new public building belonging to the Government.

Mr. RANDALL. Does this alley belong to the Government? Is it public property—property of the United States?

Mr. EATON. It is, to the extent of one-half.

Mr. RANDALL. That, of course, presents a different case.

Mr. EATON. That is just the case presented here, and to that I desire to attract the attention of the gentleman from Pennsylvania.

But another thing: the city of Hartford does not ask this Congress, nor do the Representatives from the State of Connecticut ask Congress to pave the streets adjacent to our public buildings in that State. We take care of them ourselves, and if my recollection serves me right we gave—we did not sell—one-half of that magnificent public park for this purpose to the United States, a park that was worth $300,000.

Mr. RANDALL. I will call the gentleman's attention to the fact that it does not matter so far as the principle is concerned whether the property was given to the United States or purchased by it. The principle involved is the same in either case.

Mr. EATON. But it may be a question of reciprocal generosity on the part of the House. The House may see it in a different light.

[Here the hammer fell.]

Mr. RANDALL. I desired to yield a moment to the gentleman from New York [Mr. POTTER], but I do not now see him in his seat. I therefore yield the floor to the gentleman from Indiana [Mr. CALKINS].

Mr. CALKINS. I yield three minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, the amendment of the gentleman from Indiana to the Senate amendment contemplates the paving of one-half of the streets opposite the public building in the city of Springfield, and which has already cost the city $870. The city of Springfield has adopted a general system of paving its streets, and has levied an assessment upon the adjacent property to pay for that paving to the center of the street. That system is now in operation in that city, and I am painfully aware of the existence of such a law from the fact of having just received notice that my own homestead has been assessed over $2,000 to pay the cost of building pavements in front of it for the benefit of other people, for I am not there.

This is not an ordinary tax for the support of the Government of the State or the municipal government, but it is a tax for the repair, preservation, and building of the approaches to the Government property, and is not levied against the property at all, as the gentleman from Pennsylvania assumes. But the city has come to the Government and asked the Government, which is rich and able to pay its portion of the burden of keeping up the building and its approaches, as well as private individuals, to do just exactly what the owners of other property are doing in the city. It asks the Government to do in Springfield just what it has already done in Indianapolis, Chicago, and even in Springfield on the other side of this very same building. All has been paid for by the Government in those cases.

When this pavement was being put down I was in Springfield, and the Senators of the United States from that State were also present, and we gave assurances, under the precedents established heretofore on the other side of the court-house in Springfield, and also in Chicago and elsewhere, that this money expended by the citizens should be refunded by the Government of the United States.

Now, as to the general principles involved in making this payment. I insist, while the Government should not be assessed by State and municipal authorities for the support of State or municipal governments, yet that this is entirely a different system of taxation and only obliges the Government as the owner of property to do what other owners of property are required to do in reference to these repairs.

[Here the hammer fell.]

Mr. CALKINS. I now yield two minutes to the gentleman from Ohio [Mr. WARNER], if he desires it.

Mr. WARNER, of Ohio. Mr. Speaker, it seems to me that this question involves a principle to which the Government ought not to be committed. It certainly is a tax and nothing but a tax. Property is taxed to make sidewalks and streets.

The Government owns this property. This is a proposition to subject that property to taxation for the purpose of constructing sidewalks and also paving the streets. As the gentleman from Pennsylvania [Mr. RANDALL] has said, if the Government is to be taxed to make them it must submit, of course, to a tax to repair and forever maintain them. That is the policy we are committing ourselves to.

Now, who is to be benefited by the construction of these sidewalks? The people of the respective towns and cities. They own them. It is for their benefit, their use; and for this reason the appropriation bills providing for the construction of these buildings—all of them, I think, or all of them I have known anything about—contained the provision exempting the Government from this tax and from all burdens.

Why, sir, if this principle is adopted we must go on and apply it to all the public buildings constructed now or hereafter to be constructed. And one thing you may be sure of: on that principle there will always be good sidewalks in front of the Government buildings if nowhere else in these towns and cities.

Mr. CALKINS. I yield two minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. In my judgment this proposition involves a question of serious import. In different cities of this Union different modes of procedure prevail. In the city of Boston, where I have paid taxes for a score of years, the streets are paved by taxation upon the general public and not by assessment. In the city of New York, where I also pay taxes, it is done by a system of assessment upon the abutting proprietors. In other cities throughout the land a different practice will be found prevailing. But in either case and in every case it is understood to be a tax and a burden upon the property.

Why, sir, setting aside technicalities and looking at this not as a mere question of law, but as a question as to the proper relations of the States and cities to the General Government, it is perfectly clear, as it seems to me, that this practice, if it has ever obtained at all, ought to be at once stopped and forever. Why, sir, the use of these streets in front of these public buildings is more important to the people and the business of these cities than almost any other portion of the streets in those cities. They are used and used exclusively by the population, by the owners, and by the business of those cities; and they are getting the best and most important use of them. And when they use them they should pave them. This idea of commencing to lay burdens upon the General Government and our different cities competing in that direction should not for a moment be thought of.

[Here the hammer fell.]

Mr. CALKINS. I yield two minutes to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. There is a small item in this bill for the paving of a street around the Federal court-house and post-office at Des Moines, Iowa. Over this street come all the mails from some twenty-eight mail trains a day, in addition to the other Government business carried on. Heretofore this Congress has appropriated just what the cost

of paving was for that portion lying next to the building. There remains this to complete the street paving.

Now, sir, I differ with gentlemen who hold it to be a tax against the United States. They pay so much per yard for the paving to the contractor. To him is issued a certificate for the number of yards; one-half is assessed against the private proprietors abutting on one side of the street. For the half of the paving next to the United States public building he gets no pay unless the United States voluntarily pays the amount, as it did one or two years ago upon another street. It has never been treated by us as a lawful tax against the United States, but as a just claim upon the equity of the United States to do just what the private citizen does and at the same terms that the private citizen pays. And that is just and equitable whatever may be said, and commits the United States to nothing except to do what is reasonable, just, and equitable.

[Here the hammer fell.]

Mr. CALKINS. I now move the previous question.

Mr. TOWNSHEND. Will the gentleman allow me to ask him one question?

Mr. CALKINS. I insist on the motion for the previous question.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] demands the previous question on his motion that the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, and 9, with an amendment to the ninth amendment.

Mr. RANDALL. I have no objection to the previous question being ordered.

The previous question was ordered.

The SPEAKER. Is a separate vote desired on the amendments?

Mr. RANDALL. On the statement of the gentleman from Connecticut [Mr. EATON] there would be no difficulty about the amendment he referred to when that is proved to relate to public property. What I want is to have the principle established.

The House divided on the motion of Mr. CALKINS; and there were—ayes 56, noes 61.

Mr. CALKINS. The division is so close that I must ask for tellers.

Mr. RANDALL. I ask for the yeas and nays, that the vote of the House may be of record. This involves millions of the public money.

Mr. SPRINGER. I also ask for the yeas and nays, because I want those members who think the United States is a pauper and can not afford to keep its own property in repair to put themselves on record.

Mr. TOWNSHEND. I wish to know whether it is constitutional to tax the farmers of Illinois to improve the streets in Des Moines, Iowa?

Mr. O'NEILL, of Missouri. And I want to know if it is constitutional to make false statements on this floor.

The SPEAKER (rapping). Debate is not in order.

The yeas and nays were ordered, 51 members voting therefor.

The question was taken; and there were—yeas 66, nays 115, not voting 143; as follows:

YEAS—66.

Adams, G. E.	Evans, I. N.	Libbey,	Smalls,
Atkinson,	Finerty,	Lore,	Springer,
Bayne,	Funston,	McCormick,	Steele,
Boutelle,	Garrison,	Maybury,	Stephenson,
Brainerd,	George,	Milliken,	Strait,
Brewer, F. B.	Harmer,	Morrill,	Struble,
Broadhead,	Hart,	Neece,	Thomas,
Burnes,	Hatch, W. H.	Nelson,	Wait,
Calkins,	Henderson, D. B.	O'Hara,	Wakefield,
Carleton,	Hitt,	O'Neill, Charles	Washburn,
Chalmers,	Holmes,	O'Neill, J. J.	Weller,
Culbertson, W. W.	Hooper,	Payne,	White, Milo
Cullen,	Houseman,	Price,	Whiting,
Cutcheon,	James,	Rankin,	Wilson, James
Davis, G. R.	Kasson,	Ray, Ossian	Woodward.
Dingley,	Lacey,	Rowell,	
Eldredge,	Lawrence,	Skinner, C. R.	

NAYS—115.

Adams, J. J.	Everhart,	McComas,	Storm,
Alexander,	Ferrell,	McMillin,	Sumner, D. H.
Bagley,	Forney,	Millard,	Taylor, J. D.
Ballentine,	Geddes,	Miller, J. F.	Taylor, J. M.
Barksdale,	Glascock,	Mitchell,	Thompson,
Beach,	Goff,	Morgan,	Tillman,
Bennett,	Green,	Muldrow,	Townshend,
Blount,	Greenleaf,	Murphy,	Tucker,
Browne, T. M.	Halsell,	Murray,	Tully,
Budd,	Hardy,	Mutchler,	Turner, H. G.
Cabell,	Hatch, H. H.	Oates,	Turner, Oscar
Caldwell,	Hemphill,	Ochiltree,	Van Alstyne,
Campbell, J. E.	Henley,	Parker,	Van Eaton,
Cassidy,	Hewitt, G. W.	Perkins,	Wadsworth,
Clay,	Hiscock,	Peters,	Ward,
Cox, W. R.	Hoblitzell,	Pierce,	Warner, A. J.
Crisp,	Hunt,	Post,	Warner, Richard
Culberson, D. B.	Jeffords,	Potter,	Weaver,
Curtin,	Johnson,	Pryor,	White, J. D.
Dargan,	Jones, B. W.	Randall,	Wilkins,
Davis, L. H.	Jones, J. H.	Reese,	Williams,
Dibble,	Jordan,	Riggs,	Winans, E. B.
Dibrell,	Kleiner,	Robinson, W. E.	Winans, John
Dorsheimer,	Lamb,	Rockwell,	Wise, G. D.
Duncan,	Lanham,	Rosecrans,	Wolford,
Dunn,	Le Fevre,	Seney,	Yaple,
Eaton,	Long,	Seymour,	York,
English,	Lowry,	Spooner,	Young.
Ermentrout,	Lyman,	Stewart, Charles	

NOT VOTING—143.

Aiken,	Cox, S. S.	Hutchins,	Reed,
Anderson,	Davidson,	Jones, J. K.	Rice,
Arnot,	Davis, R. T.	Jones, J. T.	Robertson,
Barbour,	Deuster,	Kean,	Robinson, J. S.
Barr,	Dockery,	Keifer,	Rogers, J. H.
Belford,	Dowd,	Kelley,	Rogers, W. F.
Belmont,	Dunham,	Kellogg,	Russell,
Bingham,	Elliott,	Ketcham,	Ryan,
Bisbee,	Ellis,	King,	Scales,
Blackburn,	Ellwood,	Laird,	Shaw,
Blanchard,	Evins, J. H.	Lewis,	Shelley,
Bland,	Fiedler,	Lovering,	Singleton,
Bowen,	Findlay,	McAdoo,	Skinner, T. G.
Boyle,	Follett,	McCoid,	Slocum,
Breckinridge,	Foran,	Matson,	Smith,
Breitung,	Fyan,	Miller, S. H.	Snyder,
Brewer, J. H.	Gibson,	Mills,	Spriggs,
Brown, W. W.	Graves,	Money,	Stevens,
Brumm,	Guenther,	Morrison,	Stewart, J. W.
Buchanan,	Hammond,	Morse,	Stockslager,
Buckner,	Hanback,	Moulton,	Stone.
Burleigh,	Hancock,	Muller,	Sumner, C. A.
Campbell, Felix	Hardeman,	Nicholls,	Talbott,
Campbell, J. M.	Haynes,	Nutting,	Taylor, E. B.
Candler,	Henderson, T. J.	O'Ferrall,	Throckmorton,
Cannon,	Hepburn,	Paige,	Valentine,
Chace,	Herbert,	Patton,	Vance,
Clardy,	Hewitt, A. S.	Payson,	Wallace,
Clements,	Hill,	Peel,	Wellborn,
Cobb,	Holman,	Pettibone,	Wemple,
Collins,	Holton,	Phelps,	Willis,
Connolly,	Hopkins,	Poland,	Wilson, W. L.
Converse,	Horr,	Pusey,	Wise, J. S.
Cook,	Houk,	Ranney,	Wood,
Cosgrove,	Howey,	Ray, G. W.	Worthington.
Covington,	Hurd,	Reagan,	

So the motion of Mr. CALKINS was not agreed to.

The following additional pairs were announced:

Mr. CRISP with Mr. STEWART, of Vermont, for this day, except on Mexican pension bill and Senate amendments thereto.

Mr. RYAN with Mr. WELLBORN, for to-day.

Mr. GRAVES with Mr. COSGROVE, on this vote.

Mr. WARNER, of Ohio. I am paired with a gentleman from Pennsylvania, but on the advice of one of his colleagues I have voted.

The result of the vote was then announced as above stated.

Mr. RANDALL. I move that the House further insist upon its disagreement to the Senate amendments numbered 5, 6, 7, 8, and 9.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion; and

A bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments, not disposed of by the report of the committee on conference, to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Mr. CALKINS. I now move that the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same.

Mr. TOWNSHEND. Let the amendment be read.

The SPEAKER. Except by consent, the amendments not disposed of by the report of the committee of conference must be considered in their regular order.

Mr. RANDALL. After two or three of those amendments have been voted upon, if there be no call for a separate vote on any of the other amendments, I can expedite matters by moving that the House further insist upon its disagreement to all of the amendments in gross.

Mr. CALKINS. That is the understanding.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Insert the following:

"(22) To enable the Secretary of the Treasury to reimburse the amount paid for expenses of the commission appointed to go to Louisiana, April, 1877, $3,950.73."

The SPEAKER. The question is on the motion of the gentleman

from Indiana [Mr. CALKINS] that the House recede from its disagreement to the amendment of the Senate just read, and agree to the same.

Mr. CALKINS. I will detain the House but a moment with an explanation of this amendment. I know that I am treading upon very dangerous ground in calling the attention of the House to it.

The purpose of this amendment is to reimburse President Hayes for the amount of money expended by him in the payment of the expenses of General HAWLEY of Connecticut, Governor Brown of Tennessee, Mr. MacVeagh of Pennsylvania, Mr. Lawrence of Illinois, and Justice Harlan, then of Kentucky, as a committee to proceed to Louisiana at a time when there were dual State governments in that State for the purpose of ascertaining the facts and reporting thereon to him. The Constitution of the United States requires that the President shall take care that the laws shall be executed. In cases where he can not himself go I know of no other way in which he can obtain information except by selecting and sending persons to inquire and advise him. Predicated upon that portion of the Constitution, these men were selected and did perform a service which resulted in the turning of the government of Louisiana over to the Nicholls régime. Those gentlemen were paid by President Hayes, and ever since that time Congress has been asked to appropriate money to reimburse him.

I will say that if it had been in reference to any other subject, upon which the minds of the people were less excited, or upon which there was less partisan prejudice, I take it there would be no difficulty in securing this appropriation. I think that to-day, being near the end of this session, the minds of members will be in such a frame that they will be willing to do justice by the appropriation of this money to pay for that which resulted so beneficially to some of my friends on the other side of the House.

I now yield to the gentleman from Pennsylvania [Mr. RANDALL], and ask him when he gets through to call the previous question.

Mr. RANDALL. I admit that the commission referred to resulted in great good, giving that portion of the people of Louisiana who had carried the election in the State control of the State government. Yet I must recognize the fact that this is a debt which was contracted without authority of law. While, if not acting in an official relation, I would be glad to say that Mr. Rutherford B. Hayes should be remunerated, still, acting as a legislator and as a conferee on this bill, I felt bound to report, as I have done, in favor of a disagreement to this amendment, subject of course to the will of the House.

Mr. TOWNSHEND. Let us take up a collection for Hayes.

Mr. CALKINS. I call the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. CALKINS that the House recede from its disagreement to the twenty-second amendment of the Senate and agree to the same, the motion was not agreed to, there being—ayes 37, noes 75.

Mr. RANDALL. I move that the House further insist on its disagreement to the amendment.

The motion was agreed to.

Mr. CALKINS. There are three other amendments which we have decided to submit to a vote of the House—the forty-seventh, forty-eighth, and forty-ninth amendments.

The amendments were to insert the following new paragraphs:

To pay the Harlan and Hollinsworth Company for the use and occupation of their ship-yard by the ironclad Amphitrite, and the care of said vessel, and expenses to which they were subject for watching and storage of turrets, pilot-houses, guns, &c., from July 8, 1876, to December 29, 1882, $67,987.

To pay William Cramp & Sons for the use and occupation of their ship-yard by the ironclad Terror, and for care and storage of the turrets, guns, &c., from July 8, 1876, to December 30, 1882, $75,790.

To pay John Roach for the use and occupation of his ship-yard by the ironclad Puritan, and for the care of said vessel, and storage of her turrets, guns, &c., from July 8, 1876, to December 29, 1882, $69,201: *Provided*, That no moneys hereby appropriated for the above three mentioned ships shall be paid except upon full receipt and discharge of all claims of the parties to whom the same may be paid for care and storage of said vessels, turrets, guns, &c., for use and occupation of these several yards.

Mr. CALKINS. I move that the House recede from its disagreement to these amendments and agree to the same with an amendment which I ask the Clerk to read.

The Clerk read as follows:

Insert after the paragraph providing for the payment of William Cramp & Sons the following: To pay Phineas Burgess for the use and occupation of his ship-yard by the ironclad Monadnock, and for the care of said vessel and storage of her turrets, guns, &c., from July 8, 1876, to November 15, 1883, $65,650.

Mr. CALKINS. Mr. Speaker, there are in this bill four items providing payment to four different persons for storage and care of the four monitors for several years past. I will state the manner in which this question is presented. At the last session of Congress it was provided by law in the naval appropriation act:

And the Secretary of the Navy shall take possession of the double-turreted ironclads, and if he thinks best, remove the same to the Government navy-yards; and he shall ascertain the amounts which ought to be paid to the contractors severally for the use and occupation of their yards with said ships and for the care thereof, and report the same, with all the facts connected therewith, to Congress.

The Secretary of the Navy under this law appointed a board, consisting of three naval officers, whose inquiry on this subject has not been in any way disputed, nor has any reflection been cast upon them. This board reported to the Secretary of the Navy the compensation which each of these parties ought to receive for occupancy of parts of their yards by these vessels and for the care of them, including the hiring of watchmen whom they were obliged to hire, and also the repairs necessary to be made upon each of these vessels during the time they were in these yards. The report made by this board to the Secretary of the Navy was sent to Congress with his recommendation that an appropriation be made in accordance with the law and with the report which had been made for the payment of these amounts.

I think, Mr. Speaker, I need say nothing further on that subject. The amounts are due. The sums to which these parties are entitled have been ascertained. They ought to receive their money. The only question is when we shall pay them. I think these amounts should be paid now.

I want to make one further suggestion. It is said that this is a mere claim. I reply that it is not a claim in the ordinary acceptation of the term, because under the law the Secretary of the Navy was required to ascertain the amounts due to these parties. He has ascertained the sum due and it has become a settled matter under the law. We ought to appropriate the money.

Mr. RANDALL. Does the gentleman say that this board had authority to determine finally the extent of the liability of the Government in this matter?

Mr. CALKINS. No, sir. But in the absence of any dispute as to the amounts properly due, I say that we ought to pay them.

I now yield five minutes to the gentleman from Delaware [Mr. LORE].

Mr. LORE. Mr. Speaker, in 1874 the contracts were made for these double-turreted monitors. As the circumstances of the several cases are substantially the same, I will refer to but one vessel, the Amphitrite. This vessel was begun in 1874. It was put upon the ways. In July, 1876, the Government stopped all work upon the vessel, which then remained upon the slip of the Harlan and Hollingsworth Company at Wilmington, Del., for more than six years—from July, 1876, to December, 1882. The use of this slip thus occupied during that time by this vessel was worth to this company, and they could have easily made from its use, $20,000 a year, which would have been for six and a half years $130,000. By the fact that the vessel remained there they were prevented from taking other contracts In addition to the space which it occupied, they had to take care of the vessel, to see that it was kept in proper condition. I state upon the authority of Mr. J. Taylor Gause, one of the purest and best men I think in the entire country, that by the use of that slip during these six and a half years the company could have made $130,000. Then, as I have said, there was the expense of watchmen, and, more than that, the company was prevented from taking other contracts. The vessel was an obstruction in their yard.

In December, 1882, a new contract was made by the Government, under which the vessel was launched, and since that time the Government has been paying for wharfage for these vessels at the rate of $8 a day, which would be about $3,000 a year.

I desire to emphasize the statement that the amount proposed to be paid by this bill to these people is not one-half of what they could have made if these vessels had not remained in their yards, and which they were prevented from making by reason of the obstruction which the vessels caused. The amount of the claim is what has been fixed by the Government. These people had no voice in it. At the suggestion of the last Congress three commissioners were appointed by the Secretary of the Navy. They fixed the price. They discounted that price 25 per cent. The Secretary of the Navy now says it is a low and reasonable price.

The Government has fixed a low price for what has been done by these ship-yards. They all stand on the same basis. It is an amount ascertained by the Government. It is a low amount. It is only just it should be paid by the Government, and in this bill. I do not think I need add one word more. I believe this Congress is actuated by proper motives and that they will do that which is right or at least within 25 per cent. of it.

Mr. RANDALL. The amount involved in the matter immediately under consideration is a quarter of a million of money. I do not know that I dissent from the statement made by the two gentlemen who have spoken in relation to it. But these are claims. They grow out of certain contracts made in relation to the monitors, and there is no reason why these claims should be taken out of the current course of legislation in this House and attached to the deficiency appropriation bill.

Mr. BLOUNT. Will the gentleman yield to me for a question?

Mr. RANDALL. Certainly.

Mr. BLOUNT. Is it not true that these vessels went into these ship-yards under contract by the Secretary of the Navy to repair and reconstruct those vessels when there was no appropriation of money and when there was an inhibition in the law to make any such contract? Is it not further true they remained year after year when Congress with its attention specially called to it refused to make appropriation therefor?

Mr. RANDALL. The very question which the gentleman asks shows the propriety of these claims being considered in a full and deliberate way instead of being inserted in the deficiency appropriation bill at the other end of the Capitol. I am not fully able to answer the ques-

tion of the gentleman from Georgia. As I understand it these claims for wharfage and rent arose between the period when the Government stopped the contract on these monitors and subsequently when Congress authorized the placing of engines in them, a period of six years and a half. If the gentleman from Indiana, who advocates this mode of disposing of these claims, can answer the question of the gentleman from Georgia I should be glad to have him do so. With many others I have not had full opportunity to examine into every particular of these claims. Not having the matter immediately under consideration I have not given it that attention, perhaps, it ought to have had from me. As I have not been in favor of the allowance, I am free to say I should be glad to hear it discussed.

Mr. CALKINS. What was the question of the gentleman from Georgia?

Mr. BLOUNT. It is not true when these vessels were taken to these ship-yards they were carried there under contract for work to be done on them when no money was appropriated by law for the purpose, and when the law declared there could be no contract unless appropriation had been previously made? Did not the Forty-fourth, Forty-Fifth, and Forty-sixth Congresses, when this matter was brought before them, refuse to make any appropriation for work to be done under these contracts because they were illegal? Did not the minority of the last House stand in the way of anything being done in that matter?

Mr. CALKINS. The matters we are now considering have nothing to do with the damages these parties claim they suffered by violation of the contracts they made for completing the monitors, and which are due and unadjusted. The point of difference between these parties and the discussion which arose in previous Congresses was as to the amount of damages they sustained by Congress refusing to make appropriation of money to carry out the contracts they claim covered the completion of these monitors. They laid claim for damages against the Government, not only for the rent and occupation of their yards and all that as a part of the damages, but they laid claim against the Government for damages for a breach of contract. Now, that claim is not included here at all.

The last Congress took this view of the case: As the Government of the United States had these four monitors upon the stocks, occupying a part of the yards of these ship-builders who had gone on and made repairs upon them, covering them in to protect them from the weather, painted them when necessary, appointed watchmen to take care of them so as to prevent them from deteriorating, and performed such service and such duty as they thought it proper to do to prevent them from rotting on the stocks, that therefore it was proper to look into the question of the occupancy of these yards by the vessels; and these items to which I have referred, that is to say the rent of the yards, the care of the vessels and their storage, were the items that the board was ordered to investigate and make a report to the Secretary of the Navy, leaving the question of damages and of the violation of the contracts entirely out of the question. This was the view the last Congress took of the matter.

These questions of damages are questions of claims to be considered and investigated by that committee, but the question now presented for the rent and occupation of the yards and the payment of the men who took care of the vessels and kept them from deteriorating and being destroyed presents an entirely different question, which was referred to the Secretary of the Navy by the law of last year to investigate and report upon it. Pursuant to that law and authority he appointed a board composed of three officers of the Navy, consisting of Captain Johnson, Commander Schley, and Naval Constructor Hichborn to go to these yards and ascertain the amounts which ought to be paid to the contractors for the use and occupation of the same. These officers performed that duty and on the 8th of January last made their report. I am informed that in some cases these men owning the ship-yards had to borrow money to bear the expenses which these monitors and their care imposed upon them. So that the question the gentleman from Georgia asks is not applicable at all to this subject.

The questions of damages are all outside. The great question we have to consider here is as to whether we shall pay the amount which is due to these men for the purposes I have indicated.

If the gentleman from Georgia now desires any time, I will yield to him for a few minutes. I will then ask a vote.

Mr. BLOUNT. I would like to have two or three minutes.

Mr. CALKINS. I will yield to the gentleman three minutes.

Mr. BLOUNT. I do not see the distinction that the gentleman from Indiana has presented. The position taken by the Forty-fourth, Forty-fifth, and Forty-sixth Congresses and the minority of the last House was that everything done in connection with these vessels grew out of an unlawful contract; that they were taken into the yards of these ship-builders when there was no provision of law authorizing it. Congress refused all the time to do anything with them. They were kept there; and there was no effort on the part of these people to relieve themselves of the burden of keeping them; but they were hoping evidently to keep them until some favorable opportunity would arise to make a contract for their completion. That was the view that was taken by these Congresses.

Mr. CALKINS. The view that I tried to impress upon the gentleman from Georgia does not embrace the question of the completion of the vessels at all. Just let me read him a sentence from this report which will make it clear:

> The board appointed by your order of the 20th of November, a copy of which is herewith appended marked A, to ascertain and report to the Department the amounts which ought to be paid to the contractors for the use and occupation of their yards by the double-turreted ironclads Puritan, Amphitrite, and Terror, and for the care thereof, has the honor to report, &c.

That is the subject I have just been discussing. So that the only thing included was for the rent, occupation, and space the monitors occupied in these yards and the care that was necessary to be taken of them; that is, the actual outlay that these men were required to make to keep them from being destroyed or from deteriorating.

Mr. BLOUNT. That is just the one point I have been making, that the occupation by these vessels of these yards grew out of an illegal contract, that they should never have gone into the yards in the first instance, and that it was an attempt to force upon Congress an appropriation of money under these contracts for their care or completion which it had refused.

Mr. CALKINS. Will the gentleman allow me a moment?

Mr. BLOUNT. Certainly.

Mr. CALKINS. With reference to whether the contracts were illegal or not is a question not involved here. The only question is that these vessels occupied the space in the yards without reference to any contract. They were there and were cared for by these people. They were our property; and I wish to ask the gentleman whether he would consent to the occupation by the Government of private premises without remuneration? Does the gentleman think it right to do that?

Mr. BLOUNT. I wish to say that the presence of these vessels, whatever damages grew out of it to those ship-yard owners, arose out of the contracts, and these parties themselves knew it to be illegal when they carried the vessels into their yards. And the gentleman from Pennsylvania suggests that it was made within a few days before the term of office of the then Secretary expired. There was no money in the Treasury to pay for it.

Mr. LORE. Let me ask the gentleman a question. Does he not think that the Government is estopped from denying this claim for the care and preservation of these vessels from the fact that they were put there by the then officers of the Government, that they remained there as Government property without question, and that the Congress of the United States authorized these vessels to be finished so far as to launch them? That being the case, is it not true that the Government is estopped now from making this objection that the gentleman now sets up?

Mr. BLOUNT. I wish to say if the last Congress saw fit to make a contract, whatever contract they made at any time we are bound by. But when an unlawful contract was made by the Department we refuse to regard it; and if those vessels were continued there under the unlawful contract we are not bound by it.

The SPEAKER. The time of the gentleman has expired.

Mr. BLOUNT. The gentleman from Indiana occupied part of my time.

Mr. CALKINS. I yield the gentleman two minutes more.

Mr. BLOUNT. Now the gentleman from Indiana says that Congress authorized the Secretary of the Navy to appoint a board for the purpose of ascertaining what the damage to these parties was——

Mr. CALKINS. Not the damage.

Mr. BLOUNT. Well, the facts as to the occupation of the yards.

Mr. CALKINS. And the money the parties had paid out themselves.

Mr. BLOUNT. Now, Mr. Speaker, I am not complaining of the present Secretary of the Navy for appointing that board. He did exactly what the law required him to do. The board made an investigation and reported. But I go beyond that. I believe that this whole matter is a pure claim; and I believe there is scarcely anything in it. Some of the items I might be willing to allow. But I think we owe it to ourselves to let this take its course as a claim as all other claims do. Let it go to a committee; let it be reported to this House; and let it be debated and acted upon by itself. A claim for damages that have occurred in this way is entitled to no high privilege of riding through this House on an appropriation bill.

Mr. RANDALL. The gentleman from Georgia seems quite familiar with the facts. My memory is not altogether exact in regard to them; but it seems to me those contracts were made conditioned upon appropriations.

Mr. BLOUNT. They were.

Mr. RANDALL. And conditioned upon approval of the Secretary.

Mr. BLOUNT. I do not desire to recur to private conversations. But if the gentleman from Indiana will allow me another moment, I wish to say that at the time that contract was made, within two or three days or a week, or at least a very short period, before the then Secretary of the Navy went out of office, I happened to have charge of the naval appropriation bill, and he called my attention to the fact that the contract had been made; and it was distinctly understood they had no power; it all depended on whether an appropriation was made or not as to all of them. Mr. Roach was, I think, the only person contracted with.

Mr. CALKINS. Oh, no.

Mr. BLOUNT. There may have been one or two others. Congress did not make the appropriation, and refused to do so year after year. And yet the work on the vessels was continued in those yards. And here is this claim.

Mr. CALKINS. I desire to say one word in reply. The original contracts made with these parties, as has been stated by the gentleman from Pennsylvania and the gentleman from Georgia, were conditional contracts. But the hulls of the vessels were constructed; they were there. There was our property. That is the fact about it. Then Congress came in and undertook to annul those contracts and refused to make further appropriations. How did that leave them? It left the hulls of those vessels in these yards, and there they remained occupying that space; and in such a condition they needed care. And Congress did not make sufficient appropriations to afford proper care.

Mr. BLOUNT. Congress was never asked for that. It was constantly asked for appropriations under those contracts.

Mr. CALKINS. It was asked for appropriations to finish the vessels, and Congress would not give it. But these parties expended their money in taking care of the vessels. We passed a law by which we took three of these vessels under new contracts, recognizing the validity of the old contracts, and put armor on them, and they are now taken away from these yards. But there they were for several years in the possession of these men, occupying this space, and they paying their money out for their proper care.

There is not a man who will rise on this floor and say that this should not be paid. It is only said that it ought to go to the Committee on Claims. We all know what that means. That is a mausoleum, a tomb, where this matter would be buried, and from which it would never be resurrected. But here the board has reported the amount that ought to be paid. Nobody disputes that we owe it. Let us now have a vote.

Mr. HOBLITZELL. Will the gentleman from Indiana allow——

Mr. CALKINS. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. CALKINS] that the House recede from its disagreement to the amendments of the Senate numbered 47, 48, and 49, and agree to the same, with an amendment to number 49.

The House divided; and there were—ayes 55, noes 71.

So (further count not being called for) the motion was not agreed to.

Mr. RANDALL. If there be no other separate vote asked for, I move that the House insist on its disagreement to the amendments of the Senate not heretofore disposed of.

Mr. DIBRELL. I wish to ask the gentleman from Pennsylvania if the Senate committee insist on amendment numbered 110 to strike out the provision repealing the appropriation of $25,000 to the Agricultural Department?

Mr. RANDALL. They do. This was an amendment inserted in the bill in the House, if I remember rightly, at the instance of the gentleman from Tennessee [Mr. DIBRELL].

Mr. DIBRELL. It was unanimously agreed by the Agricultural Committee in framing the appropriation bill that if the pleuro-pneumonia bill passed this provision should be stricken out of the appropriation bill. The appropriation bill passed before the pleuro-pneumonia bill. In the committee of conference a motion was made to strike this provision out. But it was suggested by Mr. HALE and Mr. CALL, two of the conferees on the part of the Senate, that it was better to strike it out by an amendment on this bill.

Mr. RANDALL. In obedience to the recommendation of the Committee on Agriculture that was inserted, and after full advisement of the propriety of the action recommended by that committee the House conferees insisted upon it. I think it can be adjusted in conference.

Mr. WILSON, of Iowa. I agree with the gentleman from Pennsylvania [Mr. RANDALL] with regard to the item of $25,000, that we do not need it now. That feature, taking care of the quarantine, is in some other bill, is it not?

Mr. RANDALL. It is in the pleuro-pneumonia bill, I think.

Mr. WILSON, of Iowa. At least we do not need it here.

Mr. RANDALL. I move now that the House further insist upon its disagreement to the amendments of the Senate not disposed of and ask a further conference.

The motion was agreed to.

The SPEAKER appointed as the managers of the conference on the part of the House Mr. RANDALL, Mr. BURNES, and Mr. CALKINS.

CLAIM OF CHEROKEE INDIANS, ETC.

Mr. ELLIS, by unanimous consent, submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the claim of the Cherokee Indians residing east of the Mississippi River at the date of the treaty of 1835, as set forth in the report to Congress of the Secretary of the Interior, February 3, 1883, and made under act of August 7, 1882, and contained in Senate Executive Document No. 60, of the second session of the Forty-seventh Congress, or such sum or sums as may be found due to them, either legally or equitably, be, and the same is hereby, referred to the Court of Claims for adjudication, disposition, and report, as provided by the Cherokee treaties of 1835, 1836, and 1846, and jurisdiction is hereby conferred upon said court to hear and determine the rights of all parties interested therein; and that in the hearing and determination of this suit, and also in the hearing and determining of a certain other suit now pending before said Court of Claims, and known as cause No. 13828 on the docket of said court, the judges thereof are hereby authorized and directed to hear and consider the claim of Belva A. Lockwood for professional and other services rendered and expenses incurred by her in both cases, in aiding the said band of Cherokee Indians and other Indians east of the Mississippi River in prosecuting their rights involved in the said suits, and to determine what amount is justly due to her on account of such services and expenditures, and to make and enter of record in both causes an order that the amount so proved to be due to her shall be paid to her out of such sum or sums as shall be found to be due to said Cherokees from any funds held in trust by the United States for said Cherokee Nation of Indians.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

Mr. WILLIS. I rise to a privileged report.

The SPEAKER. The gentleman will submit it.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I submit now the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 7012, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. The report of the committee of conference will be read.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7012) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 49, 50, 57, 59, 60, 62, 71, 72, 79, 82, 84, 88, 107.

Amendment numbered 19: That the Senate recede from its amendment numbered 19, with an amendment as follows: Omit the part struck through and insert the following: "*Provided*, That no part of said money shall be so expended until the Secretary of War shall be satisfied that the Buffalo Bayou Ship-Channel Company has relinquished or abandoned to the United States, forever, all their franchises and any and all right to collect or impose tolls or charges for any part of said ship-channel or Buffalo Bayou;" and the House agree to the same.

Amendment numbered 80: That the Senate recede from its amendment numbered 80, with an amendment as follows: Insert after the word "improvement," before the word "thirty-five," the words "and survey;" and the House agree to the same.

Amendment numbered 83: That the Senate recede from its amendment numbered 83, with an amendment as follows: Strike out "dredge" and in lieu thereof insert "snag;" and the House agree to the same.

Amendment numbered 85: That the Senate recede from its amendment numbered 85, and agree to the same with an amendment, as follows: Strike out "preventing erosion" and insert in lieu thereof "the protection;" and the House agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 51, 52, 53, 54, 55, 56, 58, 61, 63, 64, 65, 66, 67, 68, 69, 70, 73, 74, 75, 76, 77, 78, 81, 86, 87, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107½, 108, 109, 110, 111, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Insert after "Wisconsin" the words "continuing improvement;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out the words "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: "Strike out "and fifty;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Strike out the word "two," after "million," and insert "three;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Strike out all the last proviso and insert in lieu thereof as follows: "*Provided further*, That in view of the threatened injury to the harbor of Memphis and the Government property at that place, and the necessity of immediate protection thereof, the sum of $200,000, or so much thereof as may be necessary, shall be immediately applied to protect said harbor and property, out of the foregoing appropriation;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: Insert in lieu of part stricken out: "That out of the money herein appropriated for the Kentucky River the sum of $2,000, or so much thereof as may be necessary, may be expended for the purchase of land for the construction of lock and dam at Beattyville; and so much thereof as may be necessary may also be expended for the same purpose at lock No. 6;" and the Senate agree to the same.

And provided further, That the sum of $6,000 authorized by the act approved June 14, 1880, to be expended for the removal of dams in Yadkin River, North Carolina, may be used by the Secretary of War for acquiring the right of way by removal or otherwise of such dams as may be necessary for the contemplated improvement, the said right of way or removal to be obtained by agreement with the parties interested, or in event of failure to make a reasonable agreement by condemnation as provided for by the laws of the State of North Carolina.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: Insert in lieu of part stricken out: "That it shall be the duty of the Secretary of War to prescribe such rules and regulations in respect to the use and administration of the Des Moines Rapids Canal, the Saint Mary's Falls Canal, and the Louisville and Portland Canal as in his judgment the public interest may require, which rules and regulations shall be posted in some conspicuous place for the information of the public. Any person knowingly and willfully violating such rules and regulations shall be liable to fine not ex-

ceeding $500, or imprisonment not exceeding six months, to be enforced in any district court of the United States within whose territorial jurisdiction such offense may have been committed;" and the Senate agree to the same.

ALBERT S. WILLIS,
N. C. BLANCHARD,
THOS. J. HENDERSON,
Managers of conference on the part of the House.

S. J. R. McMILLAN,
O. D. CONGER,
M. W. RANSOM,
Managers of conference on the part of the Senate.

The SPEAKER. The statement in writing accompanying the report will now be read:

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, submit the following written statement in explanation of the action recommended in the accompanying conference report:

The bill as it passed the House appropriated $12,086,200; as amended and reported back from the Senate it amounts to $13,584,700.

The net amount added in the conference is $315,000.

The bill as agreed upon in conference and now reported to the House for its action amounts to $13,899,700, an increase over the bill as it passed the House of $1,813,500.

The Senate had incorporated a clause with reference to Memphis, which appropriated one-fifth of the whole amount set apart for the lower Mississippi. The Senate receded from this amendment by reducing the amount from $250,000 to $100,000 and adding an additional $100,000, making the total for Memphis $200,000. It was stated that the custom-house was in danger, and this fact was considered in arriving at a conclusion.

The Senate increased the appropriation for the Potomac River $250,000. The House conferees finally agreed to this. The remaining important amendments of the Senate were for Gedney's channel, at New York, $200,000; mouth of the Columbia River, $100,000; Hell Gate, $60,000; Black Warrior River, Alabama, $50,000; Brazos Santiago, Tex., $25,000; Savannah, $50,000; Norfolk Harbor, $50,000; Buffalo, N. Y., $25,000; Baltimore, $50,000; Cape Fear River, North Carolina, $125,000; Santee River, South Carolina, $15,000; Detroit River, $100,000. The House had appropriated for most of the above-named localities, and the sums here named are in addition.

The House appropriations stricken out by the Senate were all restored, amounting in the aggregate to $365,500.

The general legislation contained in the bill was changed in a few particulars.

The Missouri River Commission was increased from three to five members.

The plan for obtaining twenty-two feet at mean low tide on the James River was adopted as the House had agreed upon.

The amendment of the Senate in regard to protection of navigation by booms, dikes, and other guarding structures was accepted by the House conferees.

ALBERT S. WILLIS,
N. C. BLANCHARD,
THOS. J. HENDERSON,
Managers on the part of the House.

The SPEAKER. The question is upon agreeing to the report of the committee of conference.

Mr. WILLIS. On that I demand the previous question.

The previous question was ordered; and under the operation thereof the report was agreed to.

Mr. WILLIS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 103) granting a pension to Theresa Crosby Watson;
A bill (H. R. 137) for the relief of Becky A. Mower;
A bill (H. R. 254) granting a pension to John Robbins;
A bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll;
A bill (H. R. 284) for the relief of Mary G. Hawk;
A bill (H. R. 555) granting a pension to John Galloup;
A bill (H. R. 819) granting an increase of pension to Merritt Lewis;
A bill (H. R. 836) granting a pension to John C. Fenscke;
A bill (H. R. 837) granting a pension to Reuben J. Chewning;
A bill (H. R. 943) granting a pension to Samuel Barnard;
A bill (H. R. 1056) granting a pension to Honora Kelley;
A bill (H. R. 1073) granting a pension to William J. Lee;
A bill (H. R. 1077) granting a pension to Sarah Miner;
A bill (H. R. 1406) granting a pension to Mrs. Mary T. Barnes;
A bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa.;
A bill (H. R. 1436) granting a pension to William T. McCoy;
A bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord;
A bill (H. R. 1894) granting a pension to Clark Roberts;
A bill (H. R. 1965) granting a pension to John A. Crozier;
A bill (H. R. 2089) granting a pension to Margaret Wiggins;
A bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall;
A bill (H. R. 2105) granting a pension to John A. Shuckers;
A bill (H. R. 2312) granting a pension to Almira B. Kaler;
A bill (H. R. 2358) granting a pension to James Hawkins;
A bill (H. R. 2623) granting a pension to Arthur J. McConnell;
A bill (H. R. 2702) granting a pension to Mrs. Ellida J. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy;
A bill (H. R. 3171) granting a pension to Ella Stolz;
A bill (H. R. 3591) for the relief of Sarah A. Becktel;
A bill (H. R. 3606) granting a pension to Irene Baker;
A bill (H. R. 3625) granting an increase of pension to Levi Anderson;
A bill (H. R. 3737) granting a pension to Ann McLaughlin;
A bill (H. R. 3909) granting a pension to George W. Wickwire;
A bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis;
A bill (H. R. 4439) granting a pension to John R. Wallace;
A bill (H. R. 4457) granting a pension to J. G. Crawford;
A bill (H. R. 4526) granting a pension to Mrs. Ann Corbin;
A bill (H. R. 4530) granting an increase of pension to Patrick Foley;
A bill (H. R. 4568) granting a pension to Andrew J. Konkle;
A bill (H. R. 4700) granting a pension to Simon E. Lewis;
A bill (H. R. 4767) granting a pension to Mary A. Henry;
A bill (H. R. 4970) for the relief of Mrs. Nancy Biser;
A bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson;
A bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman;
A bill (H. R. 5636) for the relief of Otto Leissring;
A bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney;
A bill (H. R. 5723) granting a pension to Isabella Bertha Weaver;
A bill (H. R. 5781) granting a pension to Solon L. Simonds;
A bill (H. R. 5795) increasing the pension of Charles A. Fuller;
A bill (H. R. 5821) granting a pension to Mrs. Susannah Barr;
A bill (H. R. 5976) for the relief of Catherine Meis;
A bill (H. R. 6085) granting a pension to John A. Hassell;
A bill (H. R. 6168) granting an increase of pension to Captain H. D. F. Young.
A bill (H. R. 6184) granting a pension to Julia M. Reynolds; and
A bill (H. R. 6786) granting a pension to Rivers Banks.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested.

A bill (S. 1111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman;
A bill (S. 1112) granting a pension to John Sweeney;
A bill (S. 1287) for the relief of Juliet H. Palmer;
A bill (S. 1446) granting an increase of pension to Mrs. Lou Gobright McFalls;
A bill (S. 1823) granting a pension to Ebenezer K. Marden; and
A bill (S. 2350) granting a pension to Anna Ginn.

PENSIONS FOR MEXICAN WAR, ETC.

Mr. TOWNSHEND. I now call for the regular order.

The SPEAKER. The regular order is the demand of the gentleman from Illinois [Mr. TOWNSHEND] for the previous question upon his motion to concur in the amendment of the Senate numbered 6, to the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes. Upon this question the yeas and nays have been ordered. When the question was last taken no quorum voted. The Clerk will again call the roll.

The question was taken; and there were—yeas 135, nays 9, not voting 180; as follows:

YEAS—135.

Adams, G. E.	Geddes,	Lowry,	Stone,
Alexander,	George,	McCoid,	Storm,
Atkinson,	Glascock,	McComas,	Strait,
Beach,	Goff,	Matson,	Struble,
Blanchard,	Greenleaf,	Morgan,	Sumner, C. A.
Boyle,	Halsell,	Morrill,	Sumner, D. H.
Brainerd,	Harmer,	Murray,	Taylor, J. D.
Browne, T. M.	Hart,	Neece,	Thomas,
Budd,	Hatch, H. H.	Nelson,	Townshend,
Burnes,	Hatch, W. H.	O'Hara,	Valentine,
Calkins,	Henderson, D. B.	O'Neill, Charles	Van Alstyne,
Campbell, J. E.	Hitt,	O'Neill, J. J.	Vance,
Carleton,	Hoblitzell,	Parker,	Wait,
Cassidy,	Holmes,	Payne,	Wakefield,
Chalmers,	Houseman,	Payson,	Wallace,
Clay,	Hunt,	Perkins,	Ward,
Cosgrove,	James,	Peters,	Warner, A. J.
Cox, W. R.	Jeffords,	Price,	Washburn,
Culbertson, W. W.	Johnson,	Pusey,	Weaver,
Cullen,	Jones, B. W.	Randall,	Weller,
Curtin,	Jordan,	Rankin,	White, J. D.
Cutcheon,	Kasson,	Ranney,	White, Milo
Davis, G. R.	Kean,	Riggs,	Whiting,
Davis, R. T.	Keifer,	Robinson, J. S.	Wilkins,
Dingley,	Ketcham,	Rockwell,	Wilson, James
Eldredge,	Kleiner,	Rowell,	Wilson, W. L.
English,	Lacey,	Seney,	Winans, E. B.
Ermentrout,	Laird,	Seymour,	Winans, John
Evans, I. N.	Lamb,	Skinner, C. R.	Wolford,
Everhart,	Lawrence,	Smalls,	Wood,
Finerty,	Le Fevre,	Smith,	Yaple,
Follett,	Libbey,	Spooner,	York,
Foran,	Long,	Springer,	Young.
Funston,	Lovering,	Steele,	

NAYS—9.

Brewer, F. B.	Lyman,	Thompson,	Turner, Oscar
Garrison,	Pryor,	Turner, H. G.	Warner, Richard.
Hardy,			

NOT VOTING—180.

Adams, J. J.	Crisp,	Hopkins,	Post,
Aiken,	Culberson, D. B.	Horr,	Potter,
Anderson,	Dargan,	Houk,	Ray, G. W.
Arnot,	Davidson,	Howey,	Ray, Ossian
Bagley,	Davis, L. H.	Hurd,	Reagan,
Ballentine,	Deuster,	Hutchins,	Reed,
Barbour,	Dibble,	Jones, J. H.	Reese,
Barksdale,	Dibrell,	Jones, J. K.	Rice,
Barr,	Dockery,	Jones, J. T.	Robertson,
Bayne,	Dorsheimer,	Kelley,	Robinson, W. E.
Belford,	Dowd,	Kellogg,	Rogers, J. H.
Belmont,	Duncan,	King,	Rogers, W. F.
Bennett,	Dunham,	Lanham,	Rosecrans,
Bingham,	Dunn,	Lewis,	Russell,
Bisbee,	Eaton,	Lore,	Ryan,
Blackburn,	Elliott,	McAdoo,	Scales,
Bland,	Ellis,	McCormick,	Shaw,
Blount,	Ellwood,	McMillin,	Shelley,
Boutelle,	Evins, J. H.	Maybury,	Singleton,
Bowen,	Ferrell,	Millard,	Skinner, T. G.
Breckinridge,	Fiedler,	Miller, J. F.	Slocum,
Breitung,	Findlay,	Miller, S. H.	Snyder,
Brewer, J. H.	Forney,	Milliken,	Spriggs,
Broadhead,	Fyan,	Mills,	Stephenson,
Brown, W. W.	Gibson,	Mitchell,	Stevens,
Brumm,	Graves,	Money,	Stewart, Charles
Buchanan,	Green,	Morrison,	Stewart, J. W.
Buckner,	Guenther,	Morse,	Stockslager,
Burleigh,	Hammond,	Moulton,	Talbott,
Cabell,	Hanback,	Muldrow,	Taylor, E. B.
Caldwell,	Hancock,	Muller,	Taylor, J. M.
Campbell, Felix	Hardeman,	Murphy,	Throckmorton,
Campbell, J. M.	Haynes,	Mutchler,	Tillman,
Candler,	Hemphill,	Nicholls,	Tucker,
Cannon,	Henderson, T. J.	Nutting,	Tully,
Chace,	Henley,	Oates,	Van Eaton,
Clardy,	Hepburn,	Ochiltree,	Wadsworth,
Clements,	Herbert,	O'Ferrall,	Wellborn,
Cobb,	Hewitt, A. S.	Paige,	Wemple,
Collins,	Hewitt, G. W.	Patton,	Williams,
Connolly,	Hill,	Peel,	Willis,
Converse,	Hiscock,	Pettibone,	Wise, G. D.
Cook,	Holman,	Phelps,	Wise, J. S.
Covington,	Holton,	Pierce,	Woodward,
Cox, S. S.	Hooper,	Poland,	Worthington.

Mr. MATSON. My colleague, Judge HOLMAN, requested me to state that he is detained in a conference committee, as are also the gentleman from Texas, Mr. HANCOCK, and the gentleman from Illinois, Mr. CANNON.

The SPEAKER. That has been already stated.

Mr. HANBACK. I am paired with the gentleman from West Virginia [Mr. SNYDER], but voted to make a quorum. I withdraw my vote.

The following additional pairs were announced:

Mr. LAWRENCE with Mr. ERMENTROUT, on all political questions, until further notice.

Mr. OCHILTREE with Mr. GREEN, on all political questions, for to-day.

Mr. POLAND with Mr. TUCKER, on this vote.

Mr. DORSHEIMER with Mr. MILLARD, on all political questions, for the remainder of this session.

Mr. HARDEMAN with Mr. MCCORMICK, on all political questions, until further notice.

The SPEAKER. On this question the yeas are 135, the nays 89. No quorum has voted.

Mr. TOWNSHEND. I move a call of the House.

Mr. HEWITT, of Alabama. I move that the House adjourn.

Mr. KASSON. May I ask the gentleman from Alabama to withdraw his motion for a moment?

Mr. TOWNSHEND. We will vote it down.

Mr. KASSON. I wish to make a proposition, which I think may be agreed to on both sides. There are three points touching the pension laws, which, with the exception of one, have been agreed to by the committees of this House and by the House, and two have been agreed to by the Senate——

Mr. TOWNSHEND. I call for the regular order. Let us vote down the motion of the gentleman from Alabama and go on with the bill.

Mr. KASSON. I hope the gentleman will hear my proposition. It is made in good faith, and I think will be accepted.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is insisted upon. The question is on the motion of the gentleman from Alabama that the House adjourn. [The question having been put.] The noes seem to have it.

Mr. HEWITT, of Alabama. I call for the yeas and nays.

The yeas and nays were ordered; there being 31 in the affirmative—more than one-fifth of the last vote.

The question was taken; and there were—yeas 36, nays 138, not voting 150; as follows:

YEAS—36.

Adams, J. J.	Dibrell,	Lore,	Robinson, W. E.
Alexander,	Forney,	McMillin,	Scales,
Barksdale,	Halsell,	Miller, J. F.	Stewart, Charles
Bennett,	Hatch, H. H.	Mitchell,	Taylor, J. M.
Breckinridge,	Hewitt, G. W.	Murphy,	Thompson,
Brewer, F. B.	Hoblitzell,	Oates,	Turner, H. G.
Cabell,	Jones, J. H.	Pierce,	Turner, Oscar
Clay,	Jones, J. K.	Pryor,	Warner, Richard
Cox, W. R.	Lanham,	Rankin,	Williams.

NAYS—138.

Adams, G. E.	Funston,	McComas,	Stephenson,
Atkinson,	Geddes,	Matson,	Stone,
Bagley,	George,	Maybury,	Storm,
Bayne,	Glascock,	Milliken,	Strait,
Beach,	Goff,	Morgan,	Struble,
Blanchard,	Greenleaf,	Morrill,	Sumner, C. A.
Boyle,	Hardy,	Murray,	Sumner, D. H.
Brainerd,	Hart,	Neece,	Taylor, J. D.
Browne, T. M.	Hatch, W. H.	Nelson,	Thomas,
Budd,	Henderson, D. B.	O'Neill, Charles	Townshend,
Burnes,	Henley,	O'Neill, J. J.	Valentine,
Calkins,	Hitt,	Parker,	Van Alstyne,
Campbell, J. E.	Holmes,	Payne,	Vance,
Carleton,	Hopkins,	Perkins,	Wait,
Chalmers,	Houseman,	Peters,	Wakefield,
Connolly,	James,	Phelps,	Wallace,
Cosgrove,	Jeffords,	Poland,	Ward,
Culbertson, W. W.	Johnson,	Post,	Warner, A. J.
Cullen,	Jones, B. W.	Potter,	Washburn,
Cutcheon,	Jordan,	Price,	Weaver,
Davis, G. R.	Kasson,	Randall,	Weller,
Davis, R. T.	Kean,	Ranney,	White, J. D.
Dingley,	Keifer,	Ray, Ossian	White, Milo
Dowd,	Kleiner,	Riggs,	Whiting,
Duncan,	Lacey,	Robinson, J. S.	Wilkins,
Eaton,	Laird,	Rockwell,	Wilson, James
Eldredge,	Lamb,	Rosecrans,	Wilson, W. L.
English,	Lawrence,	Rowell,	Winans, E. B.
Ermentrout,	Le Fevre,	Seney,	Winans, John
Evans, I. N.	Libbey,	Seymour,	Wolford,
Everhart,	Long,	Skinner, C. R.	Wood,
Ferrell,	Lovering,	Smalls,	Yaple,
Finerty,	Lowry,	Smith,	York.
Follett,	Lyman,	Spooner,	
Foran,	McCoid,	Steele,	

NOT VOTING—150.

Aiken,	Crisp,	Holton,	Reagan,
Anderson,	Culberson, D. B.	Hooper,	Reed,
Arnot,	Curtin,	Horr,	Reese,
Ballentine,	Dargan,	Houk,	Rice,
Barbour,	Davidson,	Howey,	Robertson,
Barr,	Davis, L. H.	Hunt,	Rogers, J. H.
Belford,	Deuster,	Hurd,	Rogers, W. F.
Belmont,	Dibble,	Hutchins,	Russell,
Bingham,	Dockery,	Jones, J. T.	Ryan,
Bisbee,	Dorsheimer,	Kelley,	Shaw,
Blackburn,	Dunham,	Kellogg,	Shelley,
Bland,	Dunn,	Ketcham,	Singleton,
Blount,	Elliott,	King,	Skinner, T. G.
Boutelle,	Ellis,	Lewis,	Slocum,
Bowen,	Ellwood,	McAdoo,	Snyder,
Breitung,	Evins, J. H.	McCormick,	Spriggs,
Brewer, J. H.	Fiedler,	Millard,	Springer,
Broadhead,	Findlay,	Miller, S. H.	Stevens,
Brown, W. W.	Fyan,	Mills,	Stewart, J. W.
Brumm,	Garrison,	Money,	Stockslager,
Buchanan,	Gibson,	Morrison,	Talbott,
Buckner,	Graves,	Morse,	Taylor, E. B.
Burleigh,	Green,	Moulton,	Throckmorton,
Caldwell,	Guenther,	Muldrow,	Tillman,
Campbell, Felix	Hammond,	Muller,	Tucker,
Campbell, J. M.	Hanback,	Mutchler,	Tully,
Candler,	Hancock,	Nicholls,	Van Eaton,
Cannon,	Hardeman,	Nutting,	Wadsworth,
Cassidy,	Harmer,	Ochiltree,	Wellborn,
Chace,	Haynes,	O'Ferrall,	Wemple,
Clardy,	Hemphill,	O'Hara,	Willis,
Clements,	Henderson, T. J.	Paige,	Wise, G. D.
Cobb,	Hepburn,	Patton,	Wise, J. S.
Collins,	Herbert,	Payson,	Woodward,
Converse,	Hewitt, A. S.	Peel,	Worthington,
Cook,	Hill,	Pettibone,	Young.
Covington,	Hiscock,	Pusey,	
Cox, S. S.	Holman,	Ray, G. W.	

So the House refused to adjourn.

During the roll-call Mr. TULLY was announced as paired with Mr. HART.

Mr. BEACH moved that the reading of the names be dispensed with.

Mr. HEWITT, of Alabama, objected.

The vote was then announced as above recorded.

INTERNAL-REVENUE PROSECUTIONS.

Mr. MCMILLIN submitted the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same amended to read as follows: In line 5, strike out "two" and insert "three," and at the end of said line 5 add "in all cases where the penalty prescribed may be imprisonment in the penitentiary, and within two years in all other cases."

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an addifional proviso at the end of said amendment as follows: "*And provided further*, That this act shall not apply to offenses committed by officers of the United States;" and the Senate agree to the same.

BENTON MCMILLIN,
WM. C. OATES,
SERENO E. PAYNE,
Managers on the part of the House.
JOHN A. LOGAN,
JOHN SHERMAN,
ISHAM G. HARRIS,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

Statement to accompany the report of conferees on H. R. 6370.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendments of the Senate to H. R. 6370 "to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws," submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

Amendments 1, 3, 4, and 5 are merely verbal, and do not change the nature of the bill.

Amendment No. 2, as agreed upon in conference, changes the bill as passed by the House so that the statute is not changed as against officers of the Government. If the bill passes as agreed upon by the conferees it will reduce the time within which offenders may be prosecuted for violating internal-revenue laws from five years to three years where the penalty is imprisonment in the penitentiary, and two years in all other cases instead of five, as is now law.

The effect of the sixth amendment will be to compute the time of the running of the statute of limitations from the commission of the offense to the institution of proceedings before a commissioner or grand jury.

WM. C. OATES.
BENTON McMILLIN.
SERENO E. PAYNE.

Mr. McMILLIN. I move the adoption of the report.

The motion was agreed to.

Mr. McMILLIN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF ARTICLES OF WAR.

Mr. ROSECRANS submitted the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 5709, an act to amend article 72 of the Rules and Articles of War, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, as follows:

In line 3, after the word "army," insert the words "a territorial division or a department."

Also, in No. 2, in line 5, strike out "court-martial" and insert the words "courts-martial," and agree to the same.

W. S. ROSECRANS,
R. M. MURRAY,
T. LYMAN,
Managers on the part of the House.
JOHN A. LOGAN,
JOS. R. HAWLEY,
S. B. MAXEY,
Managers on the part of the Senate.

The report was adopted.

Mr. ROSECRANS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Regular order.

Mr. McMILLIN. Mr. Speaker, I have a report to make from the Committee on Claims, which I think ought to be printed for the information of the House, and I hope the gentleman from Illinois will withdraw the demand for a few moments.

Mr. TOWNSHEND. If it leads to no debate, I have no objection. [Cries of "Regular order!"]

Mr. McMILLIN. It is a report to which I think there will be no objection. It is simply a statement of the claims that have been referred under the Bowman act by the Committee on Claims to the Court of Claims, and all are interested in knowing what they are. If there be no objection I will make the report now.

Several MEMBERS. Regular order!

The SPEAKER. Objection is made.

OREGON AND CALIFORNIA RAILROAD COMPANY.

Mr. OATES. Mr. Speaker, I ask leave at this time to submit the views of the minority of the Committee on the Public Lands with reference to the bill (H. R. 7495) to declare forfeited certain lands granted to aid in the construction of a railroad from Portland, in Oregon, to the Central Pacific Railroad in California.

Several MEMBERS. Regular order!

The SPEAKER. This is a privileged report.

Mr. OATES. I ask leave now to file the views of the minority of the committee.

The SPEAKER. The Chair thought leave had already been given and therefore stated that it was a privileged report. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. OATES. I ask that the views be printed to accompany the report of the committee.

The SPEAKER. The report of the committee has been already printed.

Mr. OATES. Yes, sir; but I ask that this be printed with the preceding report and to accompany it.

There being no objection it was ordered accordingly.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I wish to submit a proposition: I propose, Mr. Speaker, that we go into Committee of the Whole on the Private Calendar for the purpose of considering Senate pension bills.

Mr. TOWNSHEND. I can not consent to set aside this pending bill for that purpose. [Cries of "Regular order!"] It is a bill that ought to be passed.

Mr. HEWITT, of Alabama. There are about twelve or fifteen of these bills.

The SPEAKER. The regular order is demanded, and the gentleman from Alabama is not in order.

Mr. HEWITT, of Alabama. I am sorry the gentleman from Illinois has objected.

The SPEAKER. Various gentlemen on the other side have objected.

Mr. HEWITT, of Alabama. I am sorry the other side have objected. This is a——

The SPEAKER. Debate is not in order.

Mr. STORM. Mr. Speaker, I move that the House do now take a recess until 9 o'clock. I am informed that the conferees on the legislative appropriation bill desire the House to meet at that time for the purpose of agreeing upon their report. [Cries of "Regular order!"]

The SPEAKER. This is a privileged motion.

The House divided; and there were—ayes 95, noes 40.

Mr. MORRILL. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. TOWNSHEND and Mr. STORM were appointed tellers.

Mr. PERKINS. Would a parliamentary inquiry be now in order?

The SPEAKER. The Chair will hear the gentleman.

Mr. PERKINS. Would it be competent to move to take a recess until 8 o'clock to consider private pension bills?

The SPEAKER. It would not while the House is dividing. Of course if the motion to take a recess until 9 o'clock is not agreed to any other motion to take a recess to another hour would be in order.

The House again divided; and the tellers reported—ayes 125, noes 41.

So the motion was agreed to; and accordingly (at 4 o'clock and 42 minutes p. m.) the House took a recess until 9 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 9 o'clock p. m.) resumed its session.

Mr. CALKINS. I desire unanimous consent to pass a little bill—a pension bill—for an old comrade of mine.

Mr. TOWNSHEND. Regular order!

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment bills and joint resolutions of the following titles, namely:

A bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army;

A bill (H. R. 562) granting a pension to H. C. Van Frees;

A bill (H. R. 569) granting a pension to Reuben Marshall;

A bill (H. R. 570) granting a pension to M. H. Clements;

A bill (H. R. 709) granting a pension to Robert L. Willey;

A bill (H. R. 747) granting increase of pension to Fannie S. Beaumont;

A bill (H. R. 1930) granting a pension to Sarah Nicoll Crane;

A bill (H. R. 2869) for increase of pension of Martha T. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy;

A bill (H. R. 2984) granting pension to Apolline A. Blair, widow of the late General Francis P. Blair, and for other purposes;

A bill (H. R. 6766) granting a pension to Mrs. Anna J. Foster; and

A bill (H. R. 6767) granting increase of pension to Mrs. Virginia Zeilin.

Joint resolution (H. Res. 260) authorizing the printing and binding of additional copies of the reports of the National Board of Health; and

Joint resolution (H. Res. 276) providing for the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton;

A bill (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in the naval service;

A bill (S. 750) granting a pension to Catharine Schools;

A bill (S. 964) granting an increase of pension to Abby P. Arnold;

A bill (S. 929) granting a pension to Caroline Treckell;

A bill (S. 986) granting a pension to Laura Prine;

A bill (S. 1144) granting a pension to John W. Wright;

A bill (S. 1228) granting an increase of pension to Mrs. Maria Louisa Griffin;

A bill (S. 1286) for the relief of Henrietta N. Sands;

A bill (S. 1337) granting an increase of pension to Louisa Le G. Jeffers; and

A bill (S. 1885) to increase the pension of Henrietta A. Lewis, widow of Capt. Robert F. R. Lewis, United States Navy.

The message also announced that the Senate had passed a resolution, in which the concurrence of the House of Representatives was requested, providing for the printing of 2,000 copies of Executive Document 290, first session Forty-third Congress, relative to the irrigation of the San Joaquin and other valleys in California; and also a resolution providing for the printing of the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying testimony.

MEXICAN WAR PENSIONS.

The SPEAKER. The House as the regular order resumes the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, with amendments by the Senate. The pending question is the demand for the previous question on the motion of the gentleman from Illinois [Mr. TOWNSHEND] to concur in Senate amendment numbered 6.

Mr. HEWITT, of Alabama. I desire to make a proposition. I propose that we go into Committee of the Whole House on the Private Calendar so that we may take up Senate pension bills that have been reported by the House committee and are now on the Calendar with a favorable report from the House committee. There are twelve or fifteen of those bills to pension soldiers who were disabled in the service. It seems to me as they have passed the Senate we ought to dispose of them to-night, especially as this evening has been heretofore set apart for pension bills on the Private Calendar.

Mr. TOWNSHEND. In answer to the gentleman from Alabama, I will say it has been my earnest desire to pension the Mexican soldiers. I introduced a bill for that purpose, which passed the House and went to the Senate. That bill has been amended in a way, in some respects, that does not meet my approbation, especially as regards those amendments which relate to the Mexican soldiers. But I am satisfied there is no other way by which we can secure the passage of a bill that will benefit those veterans. Therefore I have insisted on proceeding with that bill.

I have made heretofore a reasonable proposition to the gentleman from Alabama, that all the amendments to the bill be non-concurred in and that they be sent to a conference committee, where the bill may meet with final action. That proposition has been declined, and the gentleman has persisted in opposing the passage of the bill by obstructive measures. There remains for me, therefore, only one thing to do, and that is to insist that there shall be action on this bill. I simply desire the majority of this House shall pass its judgment on the bill and its amendments. Certainly that is reasonable and fair.

Mr. HEWITT, of Alabama. I submit to every reasonable thinking man on this floor——

Mr. BLOUNT. I call for the regular order.

Mr. CALKINS. I desire to say just a word. The gentleman from Illinois [Mr. TOWNSHEND] has made a gallant fight to pass this bill. I suggest that we now proceed to pass the bills that have come from the Senate, and not allow this bill to stand in the way of our doing justice to a large number of soldiers and their widows.

Mr. TOWNSHEND. If this bill is displaced by the bill the gentleman from Indiana speaks of we all know it will be the end of it.

Mr. CALKINS. Oh, no; let us pass these bills to-night, and we will take that bill up again to-morrow.

Mr. HEWITT, of Alabama. I desire to make one remark in reply to what the gentleman from Illinois [Mr. TOWNSHEND] has said.

Several members called for the regular order.

The SPEAKER. The regular order is demanded. The question is on ordering the previous question on the motion to concur in the Senate amendment numbered 6. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 119, nays 12, not voting 193; as follows:

YEAS—119.

Adams, G. E.	Evans, I. N.	Jones, B. W.	Payne,
Alexander,	Everhart,	Jordan,	Payson,
Bagley,	Ferrell,	Kean,	Peters,
Bayne,	Follett,	Keifer,	Poland,
Boyle,	Foran,	Kleiner,	Post,
Browne, T. M.	Funston,	Lacey,	Price,
Budd,	Geddes,	Lawrence,	Pusey,
Burnes,	Glascock,	Le Fevre,	Randall,
Calkins,	Goff,	Libbey,	Ray, Ossian
Campbell, J. E.	Graves,	Long,	Riggs,
Carleton,	Hardy,	Lovering,	Robinson, J. S.
Chalmers,	Harmer,	Lowry,	Rockwell,
Clay,	Hart,	McCoid,	Rosecrans,
Connolly,	Hatch, H. H.	McComas,	Rowell,
Cosgrove,	Hatch, W. H.	Maybury,	Seney,
Cullen,	Henley,	Mitchell,	Seymour,
Cutcheon,	Hitt,	Morgan,	Skinner, C. R.
Davis, G. R.	Holman,	Morrill,	Smalls,
Dingley,	Hopkins,	Murray,	Spooner,
Eldredge,	Houseman,	Mutchler,	Springer,
Ellwood,	James,	Nelson,	Steele,
English,	Jeffords,	O'Neill, Charles	Stephenson,
Ermentrout,	Johnson,	O'Neill, J. J.	Stewart, J. W.
Storm,	Townshend,	Weller,	Winans, John
Strait,	Tucker,	White, J. D.	Wolford,
Struble,	Valentine,	White, Milo	Wood,
Sumner, C. A.	Van Alstyne,	Whiting,	Woodward,
Sumner, D. H.	Wallace,	Wilson, James	Yaple,
Taylor, J. D.	Ward,	Wilson, W. L.	York.
Thomas,	Warner, A. J.	Winans, E. B.	

NAYS—12.

Cox, W. R.	Garrison,	Mills,	Turner, Oscar
Dibble,	Greenleaf,	Pryor,	Vance,
Dowd,	Lyman,	Turner, H. G.	Warner, Richard.

NOT VOTING—193.

Adams, J. J.	Culberson, D. B.	Hunt,	Ray, G. W.
Aiken,	Culbertson, W. W.	Hurd,	Reagan,
Anderson,	Curtin,	Hutchins,	Reed,
Arnot,	Dargan,	Jones, J. H.	Reese,
Atkinson,	Davidson,	Jones, J. K.	Rice,
Ballentine,	Davis, L. H.	Jones, J. T.	Robertson,
Barbour,	Davis, R. T.	Kasson,	Robinson, W. E.
Barksdale,	Deuster,	Kelley,	Rogers, J. H.
Barr,	Dibrell,	Kellogg,	Rogers, W. F.
Beach,	Dockery,	Ketcham,	Russell,
Belford,	Dorsheimer,	King,	Ryan,
Belmont,	Duncan,	Laird,	Scales,
Bennett,	Dunham,	Lamb,	Shaw,
Bingham,	Dunn,	Lanham,	Shelley,
Bisbee,	Eaton,	Lewis,	Singleton,
Blackburn,	Elliott,	Lore,	Skinner, T. G.
Blanchard,	Ellis,	McAdoo,	Slocum,
Bland,	Evins, J. H.	McCormick,	Smith,
Blount,	Fiedler,	McMillin,	Snyder,
Boutelle,	Findlay,	Matson,	Spriggs,
Bowen,	Finerty,	Millard,	Stevens,
Brainerd,	Forney,	Miller, J. F.	Stewart, Charles
Breckinridge,	Fyan,	Miller, S. H.	Stockslager,
Breitung,	George,	Milliken,	Stone,
Brewer, F. B.	Gibson,	Money,	Talbott,
Brewer, J. H.	Green,	Morrison,	Taylor, E. B.
Broadhead,	Guenther,	Morse,	Taylor, J. M.
Brown, W. W.	Halsell,	Moulton,	Thompson,
Brumm,	Hammond,	Muldrow,	Throckmorton,
Buchanan,	Hanback,	Muller,	Tillman,
Buckner,	Hancock,	Murphy,	Tully,
Burleigh,	Hardeman,	Neece,	Van Eaton,
Cabell,	Haynes,	Nicholls,	Wadsworth,
Caldwell,	Hemphill,	Nutting,	Wait,
Campbell, Felix	Henderson, D. B.	Oates,	Wakefield,
Campbell, J. M.	Henderson, T. J.	Ochiltree,	Washburn,
Candler,	Hepburn,	O'Ferrall,	Weaver,
Cannon,	Herbert,	O'Hara,	Wellborn,
Cassidy,	Hewitt, A. S.	Paige,	Wemple,
Chace,	Hewitt, G. W.	Parker,	Wilkins,
Clardy,	Hill,	Patton,	Williams,
Clements,	Hiscock,	Pierce,	Willis,
Cobb,	Hoblitzell,	Peel,	Wise, G. D.
Collins,	Holmes,	Perkins,	Wise, J. S.
Converse,	Holton,	Pettibone,	Worthington,
Cook,	Hooper,	Phelps,	Young.
Covington,	Horr,	Potter,	
Cox, S. S.	Houk,	Rankin,	
Crisp,	Howey,	Ranney,	

Mr. GEORGE D. WISE. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. HEWITT, of Alabama. I object.

The names of members voting were read.

The following additional pairs were announced:

Mr. HEWITT, of New York, with Mr. RICE, on all political questions, from July 4 until further notice.

Mr. TULLY with Mr. BELFORD, until further notice.

Mr. HILL with Mr. HOLMES, until further notice.

Mr. COVINGTON with Mr. HOLTON, on all political questions, until July 4.

Mr. BLANCHARD with Mr. GEORGE, for the remainder of this day.

Mr. THROCKMORTON with Mr. BISBEE, until further notice.

Mr. CABELL with Mr. CURTIN, on the Mexican-war pension bill.

The SPEAKER. Upon this vote the yeas are 119, and the nays are 12. No quorum has voted.

Mr. WHITE, of Kentucky. I move that there be a call of the House.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] moves that there be a call of the House.

Mr. WILSON, of West Virginia. I ask unanimous consent that the Speaker count the members of the House present, in order to ascertain whether there is a quorum or not.

Mr. BROWNE, of Indiana. All right.

The SPEAKER. The Chair will state that a conference report is ready to be submitted, if there is a quorum present. The gentleman from West Virginia [Mr. WILSON] asks consent that there be a count of members present by the Chair in order to ascertain if there is a quorum.

Mr. WHITE, of Kentucky. I think it is unnecessary to resort to these additional filibustering tactics. The question before the House is whether we shall now pass this pension bill or not.

Many MEMBERS. Regular order.

The SPEAKER. The regular order is the motion for a call of the House.

The question was taken, and the motion was not agreed to.

Mr. TOWNSHEND. I call for the regular order.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. The Speaker announced the vote by yeas and nays a few moments ago as being less than a quorum; whereupon I moved that there be a call of the House. As I understood, the Speaker put that question, and it was decided in the affirmative.

The SPEAKER. The Chair was about to put the question when the gentleman from West Virginia [Mr. WILSON] rose and asked consent that there be a count of the members present by the Chair, to which the gentleman from Kentucky [Mr. WHITE] objected. Then the Chair put the question on the motion for a call of the House, and it was not agreed to by the House.

Mr. WHITE, of Kentucky. Very well. Then I make this point, that no quorum being developed by the last call, nothing is now in order but a motion to adjourn.

Mr. WILSON, of Iowa. But the House has voted since that.

Mr. WHITE, of Kentucky. As I understand it a vote was taken upon ordering the previous question, and the Speaker announced that no quorum had voted.

Mr. WILSON, of Iowa. And since then we have had a vote.

Mr. WHITE, of Kentucky. Not at all.

Mr. WILSON, of Iowa. We voted down the motion for a call of the House.

Mr. WHITE, of Kentucky. We have not had another vote by yeas and nays. I make the point that only one motion is in order now, and that is the motion that the House adjourn.

The SPEAKER. The gentleman can make a motion to adjourn, and the House can vote upon it by tellers or otherwise, and that will disclose whether there is or is not now a quorum present.

Mr. WHITE, of Kentucky. I do not wish to adjourn; I wish to pass this pension bill. I wish to get enough members here to vote upon it and to defeat these filibustering tactics.

The SPEAKER. It makes no difference whether the gentleman desires to adjourn or not; the vote upon the motion to adjourn will disclose whether there is a quorum here or not.

Mr. BROWNE, of Indiana. For that purpose I move that the House adjourn.

Mr. WHITE, of Kentucky. And pending that motion I wish to finish my point of order. The gentleman from Illinois [Mr. TOWNSHEND] called for the regular order, and I want to proceed in order.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] is proceeding in order, and moves that the House adjourn, which the gentleman from Kentucky [Mr. WHITE] is contending is the only motion now in order.

Mr. POLAND. On the motion to adjourn I call for tellers.

The question was taken upon ordering tellers, and there were 43 in the affirmative.

So (the affirmative being more than one-fifth of a quorum) tellers were ordered, and Mr. POLAND and Mr. BROWNE, of Indiana, were appointed.

The House divided; and the tellers reported that there were ayes 1, noes 164.

So the motion to adjourn was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement in reports of conferences on a bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and a bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating the internal-revenue laws.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I now call for the regular order.

The SPEAKER. The regular order is the demand for the previous question on the motion of the gentleman from Illinois [Mr. TOWNSHEND] to concur in Senate amendment numbered 6 to the Mexican pension bill, and upon that question the yeas and nays have been ordered.

Mr. WHITE, of Kentucky. I insist on a vote while there is a quorum present, or we may lose it in a few minutes. I want to vote while the Democratic members are here.

Mr. HOLMAN. I rise to a privileged report.

The SPEAKER. The gentleman will submit it.

Mr. HOLMAN. The committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill——

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to inquire if the gentleman from Indiana [Mr. HOLMAN] can interrupt the regular order at this stage with a privileged report.

The SPEAKER. He can. Under the rules of the House even a motion to adjourn can be interrupted with a conference report.

LEGISLATIVE, EXECUTIVE AND JUDICIAL APPROPRIATION BILL.

Mr. HOLMAN. Although the committee of conference has not been able to agree upon a portion of the matters in dispute between the two Houses, they have agreed upon most of them, and I submit the report which I send to the Clerk's desk.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House 7069, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 13, 26, 32, 33, 36, 37, 39, 40, 46, 47, 48, 49, 67, 74, 75, 76, 110, 111, 119, 120, 121, 142, 143, 157, 158, 159, 160, 161, 167, 168, 175, 178, 179, 191, 192, 193, 203, 204, 231, 234, 235, 236, 237, 238, 239, 246, 247, 256, 257, 273, 274, 275, 278, 282, and 283.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 29, 30, 31, 34, 35, 38, 41, 42, 43, 44, 45, 50, 51, 53, 58, 59, 60, 61, 69, 70, 71, 77, 78, 79, 89, 90, 97, 98, 99, 100, 101, 102, 104, 105, 106, 108, 109, 112, 113, 114, 115, 116, 117, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 141, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 162, 163, 164, 165, 169, 170, 171, 173, 176, 187, 188, 189, 190, 194, 195, 200, 202, 203, 214, 215, 216, 217, 218, 219, 225, 226, 233, 240, 241, 242, 243, 244, 245, 248, 251, 254, 255, 258, 259, 260, 263, 264, 265, 266, 267, 269, 270, 271, 272, 276, and 279, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$266,596.60;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$338,655.10;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$493,981.25;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "9;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "4;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the number proposed by said amendment insert "14;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$104,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "40;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "55;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "48;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$246,490;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "who may be designated to sign such letters and papers as the Auditor may direct;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "66;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: After the word "each," in line 16, page 22 of the bill, insert "four assorters of money-orders, at $720 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$452,790;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,180;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert "for postage, $500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,620;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For the following additional clerks in the office of the Adjutant-General for the sole purpose of completing, with the necessary detail from the existing force, the regimental registers of the volunteer forces of the several States during the late war, namely, one clerk of class 4; two clerks of class 2; six clerks of class 1; in all, $11,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the number proposed insert "58;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,620;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,410;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 166, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert, "for the compilation of the naval records of the war of the rebellion; for collecting, compiling, and arranging the naval records of the war of the rebellion, including confederate naval records, one clerk of class 1, two copyists at $720 each; in all $2,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: Strike out from said amendment the word "$500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$151,430;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: "To strike out from the matter proposed to be inserted by said amendment the following: 'Two examiners of office decisions, at $2,000 each;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the number proposed insert "40;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the number proposed insert "56;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the number proposed insert "67;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the number proposed insert "73;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the number proposed insert "51;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the number proposed insert "58;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$496,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same same with an amendment as follows: In lieu of the number proposed insert "10;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the number proposed insert "16;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the number proposed insert "9;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the number proposed insert "13;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$97,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the number proposed insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the number proposed insert "28;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the number proposed insert "28;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "30;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the number proposed insert "35;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the number proposed insert "5;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the number proposed insert "18;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the number proposed insert "50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the number proposed insert "62;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$597,170;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 252, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 261, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "one clerk at $1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 262, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "31,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Two additional clerks of class 2;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 277, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$112,110;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600;" and the Senate agree to the same.

The committee of conference is unable to agree on the amendments of the Senate numbered 21, 24, 25, 27, 80, 81, 82, 83, 84, 85, 86, 87, 88, 91, 92, 93, 94, 95, 205, 206, 207, 208, 209, 210, 211, and 212.

JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, submit the following written statement in explanation of the conference report submitted:

The conference committee have agreed upon all of the two hundred and eighty-three amendments of the Senate except twenty-six, which amendments are as follows:

Amendment 21 increases the appropriation for miscellaneous expenses of the Senate from $10,000 to $34,000, and strikes out provision that no part of the money appropropriated by the bill shall be used for clerical services for any Senator, Representative, or Delegate in Congress.

Amendment 27 prohibits the printing in the CONGRESSIONAL RECORD of any speech not spoken in the Senate or House of Representatives.

Amendments 80, 81, 82, 83, 84, 85, 86, 87, 88, 91, 92, 93, 94, and 95 increase the sum for collectors and deputy collectors of internal revenue from $1,750,000 to $1,850,000, and for salaries and expenses of agents and surveyors $136,000, strike out provisions to reduce the internal-revenue districts to forty-three, the customs collection districts to sixty-nine, that the Secretary of the Treasury shall exempt certain distilleries which mash ten bushels of grain or less per day from the operations of the provisions of title 35 of the Revised Statutes except as to the payment of the tax, and propose to fix the number of special agents at twenty-five instead of five.

Amendments 205, 206, 207, 208, 209, 210, 211, and 212, relate to an increase of the clerical force in the Pension Office, amounting to $266,900.

The amendments of the Senate added to the bill as it passed the House the sum of $1,087,424.90, of which amount it is agreed by the conference committee that the Senate yield $269,940.

The amendments upon which disagreement is reported involve the sum of $540,900.

The amount yielded by the House by the action of the conference is $276,584.90.

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

Mr. HOLMAN. Mr. Speaker, I will occupy but a moment in explaining the effect of this report. As will be seen by an examination of the report and the accompanying statement, the Senate made two hundred and eighty-three amendments to the bill as it passed the House. Those amendments may be classified, not in the order, however, in which they are presented, as follows:

On account of internal-revenue districts and customs districts there was an addition of $136,000, being the result of striking out all the provisions of the House bill for the consolidation of internal-revenue and customs districts, and the reduction of the number of special agents; provisions in regard to pensions in anticipation of the passage of the bill now pending in the House, $266,900, the *personnel* of the Pension Office being increased to that extent, as was estimated, by the operations of the bill if it should become a law; the addition to the contingent fund of the Senate, $24,000; new offices, increased salaries and contingencies over and above the $24,000, $560,000, making the entire addition to the bill by the two hundred and eighty-three amendments of the Senate, $1,086,900.

The agreement of the conferees covers the entire amendments with the exception of four subjects, which, in the order in which they are in the bill, are:

First. The increase of the contingent fund of the Senate, $24,000, the amendments covering this subject being numbered 21, 24, and 25, and including the striking out of that portion of the House bill which prohibits the use of the contingent fund for the payment of clerical services for Senators, Representatives, and Delegates.

Second. The amendment numbered 27, which provides that no speech shall be published in the CONGRESSIONAL RECORD unless actually delivered in one or the other House of Congress.

Third. The reduction of the number of internal-revenue districts and customs districts and the decrease in the number of special internal-revenue agents to five, the Senate having restored the number to twenty-five. The amendments embracing this subject are numbered from 80 to 95.

The fourth subject which this agreement does not cover is that of pensions, to which I have referred, being embraced in amendments numbered 205 to 212, inclusive.

Those four subjects are left undisposed of by this conference report. All the other matters of disagreement are embraced in the conclusions reached by the conferees and reported to the House. I have not been able to concur in the conclusions reached by the managers on the part of the two Houses; but I do not suppose it would be profitable at this late hour to enter into any statement of my reasons.

The concessions made by the Senate on the $1,086,900 amount to $269,940, which in a material degree is to be deducted from the amounts added to the bill by the Senate for new offices, increased salaries, and contingencies.

If the bill to pension soldiers of the Mexican war (which bill, as amended by the Senate, is now pending before the House) should not

be passed, then of course the Senate recedes from the amendments in relation to the subject of pensions, which add to the bill $266,900. As to this particular item touching pensions, covered, as I have remarked, by amendments 205 to 212, the action of the House on this bill is, of course, quite unimportant; for if the bill to which I have just referred should not be passed, then of course the Senate recedes.

Thus, there will be left for further consideration by the House, if this report should be adopted, only three subjects-matter; one, whether the contingent fund of the Senate shall be increased and the proposed limitation stricken out; second, whether the amendment numbered 27, which prohibits the publication of speeches not actually delivered in either House, shall be retained; and third, whether the provision adopted by the House touching the number of internal-revenue districts and customs districts and special agents shall be adhered to.

Mr. Speaker, I have no further statement to make on this subject unless some gentleman desires to propound some inquiry. My colleagues on the conference committee, the gentleman from Texas [Mr. HANCOCK] and the gentleman from Illinois [Mr. CANNON], are both upon the floor. If no gentleman desires to address the House upon the report I will call the previous question.

Mr. STORM. I wish to ask what was done with the fortieth amendment in regard to the painting of the Electoral Commission?

Mr. HOLMAN. That was stricken out by consent.

Mr. CANNON. Mr. Speaker, I do not know if it is necessary for me to speak in detail as to this conference report. It is true, as stated by the gentleman from Indiana [Mr. HOLMAN], that the Senate amendments increased this bill $1,087,000 in round numbers. The Senate has receded to the extent of $269,940, while the House has yielded on those Senate amendments to the extent in the aggregate of $276,584.90.

It is further true the $540,900, as to which there is disagreement, the greater part of it is for force in the Pension Office. There will be no disagreement between the two Houses, as I understand it, but it was not closed up as the conferees were in doubt as to the passage of the present legislation, which has passed the Senate and is now being considered by the House, known as the Mexican pension bill.

The gentleman from Indiana said of this $276,000 the large majority of it comes from the increase of salaries and increase of new offices. The large majority of it, nearly all of it in fact, comes from additional force in the different bureaus of the Executive Departments, and, as I recollect, not to exceed $3,000 of it is for increase of salaries. The increase of clerks is in part in the Second Auditor's Office, which gentlemen will understand the importance of in the settlement of claims of soldiers principally in the late war. There is a slight increase in the First Auditor's Office, which was believed by the Senate to be important, and was concurred in by a majority of the conferees. There is a considerable increase in the Land Office, one-half of the Senate amendments substantially, an increase of forty clerks, believed by the Senate conferees to be important, and also agreed to by the House conferees. There is a considerable increase of, substantially one-half of the Senate amendments, in the Patent Office. The Senate believed the whole increase should be given, but yielded to the House; the House substantially agreeing to one-half of the increase in that office.

I must say I believe the agreements arrived at by the conference committee touching the creation of new offices which the gentleman from Indiana speaks of is an increase, every particle of which is demanded by the exigencies of the service, arising out of the rapid growth of the population and business of the country.

That is all I desire to say in a general way. As we reach the amendments as to which there is still disagreement, I would suggest to my friend from Indiana perhaps that it would be well enough on some, if not on all, to test the sense of the House on a motion to recede on the part of the House. The previous question may cut off explanation.

Mr. HOLMAN. I only propose to call the previous question on the adoption of the conference report. And my friend will see, even if I should call the previous question on the motion to further insist on the disagreement of the House to the Senate amendments, still the motion to recede from that disagreement would be in order.

Mr. CANNON. The previous question will be called then only on the adoption of the report.

Mr. HOLMAN. While I do not agree to the views expressed by my friend touching the necessity of the increase of offices and touching the enlargement of salaries as provided for in this bill, I have not thought at this late hour, under the pressure of public business, I would be justified in consuming the time of the House in presenting reasons. My friend from Illinois and I have had occasion to express our opinions heretofore on the general subject. I will therefore call for the previous question on the adoption of the report of the conference committee.

Mr. WHITE, of Kentucky. I ask the attention of the gentleman for a moment before he demands the previous question. If I understood him correctly there is an item of $200,000 affecting the pension law, being an item of expenditure necessarily involved in the passage of a pension law which is now under consideration. That amount, as I understand, will be appropriated if this bill passes to pension the Mexican soldiers.

Mr. HOLMAN. There is no controversy on that.

Mr. WHITE, of Kentucky. I understood the gentleman to say that that sum or some such sum will be needed if the bill now under consideration in the House should pass, and that the Senate amendment will not be incorporated if that bill does not become a law.

Mr. HEWITT, of Alabama. If the present pension bill becomes a law it will require $50,000,000 instead of $200,000.

Mr. WHITE, of Kentucky. If that bill is not passed the Senate is willing to strike out that sum?

Mr. HOLMAN. That is to be left still open and under the control of any conferees that may hereafter be appointed.

Mr. WHITE, of Kentucky. With the permission of the gentleman from Indiana, it strikes me that there is no necessity for any special hurry about this matter. We had better allow the conference report to wait until after that pension law is enacted or it is otherwise disposed of by the House, and not leave this $200,000 floating around, like Mohammed in his coffin, in mid-air, waiting to see what is to be done with reference to the Mexican pension bill. I repeat, we had better let the conference report wait until we have settled the pension question. That report proposes to settle every thing but that one point, I believe.

Mr. HOLMAN. No; there are four points of difference still open unless the House should otherwise order. I think my friend will find that there will be no trouble about the suggestion he makes.

I call the previous question.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. HOLMAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. What action will the gentleman take on the remaining amendments?

Mr. HOLMAN. For the purpose of testing the sense of the House on the remaining disagreements I now move, in order that the measures may be determined by the action of the House itself if possible, that the House further insist upon its disagreement to the amendments of the Senate numbered 21, 24, and 25. It will be found that they cover the same subject-matter. I ask that these amendments may be reported for the information of the House. Permit me to say first that amendment numbered 25 strikes out the limitation placed by the House upon the expenditure of the contingent fund of the Senate. I ought to say before proceeding further that it will be seen in the Senate amendment numbered 21 that the House appropriated for a certain specific purpose in connection with the contingent fund of the Senate the sum of $10,000. That is increased from $10,000 by the Senate to $34,000. The $24,000 added by the Senate, I suppose it is entirely proper to say, renders it necessary, if that should be allowed by the action of the House, that the clause which the House attached providing for the expenditure of that fund shall be stricken out, because the prohibition of the House on the expenditure of that fund prohibited the use of it for the payment of the clerical force to be employed by Senators, Members of the House, or by any Delegate in Congress. That sum of $24,000, I think I may state with propriety, is, as is generally understood on the floor of the House, to be expended for the purpose which the House sought to prohibit by the clause proposed to be stricken out, that is to say, for the payment of clerks employed by the Senators.

Mr. COSGROVE. Let me ask the gentleman a question. Suppose that a clerk of a committee should be employed for any purpose by a member of the committee, would it not come within the provision of this act?

Mr. HOLMAN. Not at all. That is quite a different subject. This is the money appropriated for the contingent fund of the Senate, and the provision was incorporated by the House that it should not be used for the purpose of paying the salaries of clerks or secretaries employed by Senators or members of the House or Delegates.

Inasmuch as it does not prevent my friend from Illinois from making the motion if he desires to make it to recede from this disagreement, I will call the previous question upon the motion.

Mr. HANCOCK. If it be in order, I move that the House recede from its disagreement to these amendments of the Senate and agree to the same.

Mr. HOLMAN. I do not wish to call the previous question if the gentleman desires to be heard.

Mr. HANCOCK. I wish to be heard for a few moments before that is done.

I presume, Mr. Speaker, that most persons understand just what this $24,000 appropriated in the Senate is intended for. It is for the payment of the clerks employed by some twenty Senators, under a resolution of the Senate, as their private secretaries. I do not myself see that it is particularly objectionable. In fact I think it is entirely proper, if in the judgment and discretion of the Senate they shall deem it necessary that the Senators should have this assistance. The sum, it is true, is a paltry one, but because it is such it does not fail to elicit the principle as fully as if it were greater.

The Senators themselves conceive that they need this character of assistance, and it occurs to me that we might well leave them to judge for themselves upon that point as to what is right and proper in the

premises. They are as much responsible to their constituencies as we are, and for one I do not feel called upon to interpose my veto or objection to what they may conceive is necessary to facilitate the public interests confided to their hands. I presume the Senate would hardly interfere if this House in its wisdom should make some provision for certain members who, by reason of their positions in committee, frequently have onerous duties imposed upon them.

It is a fact known to most of the members of this honorable body that many of the members here are under the necessity of employing private clerks and paying for them, it is true, out of their own pockets. It is of course left to them to determine whether they are willing to do that and be satisfied with what remains to them of their salaries, if anything. The Senate might do the same thing, but they elected to do differently; and I am strongly inclined to believe that they elected to do just what is right. It is not their service that is performed in this way so much as it is the service of the whole country; and if the service is such as is expected at their hands, I think it right they should have that assistance to enable them to give that service in the most efficient way. I trust the House will recede from its disagreement to those amendments of the Senate.

Mr. COX, of North Carolina. I will ask the gentleman from Texas, with his permission, a question before he resumes his seat. Is not the effect of this to increase the salaries of the Senators and to discriminate between the salaries of the members of the House and those of the members of the Senate?

Mr. HANCOCK. Yes, sir; it might have that effect indirectly; but not more so than with reference to the $125 allowed to members for postage-stamps, stationery, and things of that kind.

Mr. HOLMAN. But that is allowed to the Senate also.

Mr. CANNON. I would like to say a word. Of the seventy-eight Senators, Mr. Speaker, thirty, under the resolution of the Senate, employ clerks during the session, each one of them having a clerk at $6 a day, payable out of the contingent fund. Most of the Senators have chairmanships of committees—all of them except those thirty, I believe.

This is the first time that these payments have been made from the contingent fund; this is the commencement of it. The minority of the Senate, whatever party may be in power, shall have this clerical help at the expense of the contingent fund. The Senate, it would be perhaps proper for me to state, is, as I understand it, unanimous upon this proposition; stating at the same time that it is a matter for their own convenience in transacting the public business of the co-ordinate branch of the Legislature, which they think ought not to be interfered with by this branch of the Legislature.

Mr. HISCOCK. Will the gentleman yield to me for a question?

Mr. CANNON. Let me complete this sentence. They state at the same time, as I understand, that there is no disposition on their part to interfere in any way with any action the House may take touching this class of expenditure, or any other matter affecting the business of the House. I will now yield for the gentleman's question.

Mr. HISCOCK. Is there any precedent for the House putting a limitation upon the expenditure of the contingent fund of the Senate? Have we ever before assumed to do it?

Mr. CANNON. Oh, yes.

Mr. HISCOCK. When?

Mr. CANNON. Time and again as I remember. In the contests some years ago.

Mr. HISCOCK. The question has been upon the creation of offices. But has the question as to the manner in which the Senate shall expend its contingent fund ever been acted upon by the House?

Mr. CANNON. The questions are on all fours so far as that is concerned. I do understand, however, when questions involving the *personnel* of the Senate have arisen between the House and the Senate the House has yielded.

Mr. PAYSON. Will my colleague yield to me for a moment?

Mr. CANNON. Yes, sir.

Mr. PAYSON. Does the gentleman from Illinois remember that in the Forty-seventh Congress when it was proposed to pay mileage to the Senate the House yielded? My recollection is the other way, and that there never has been a yielding on the part of the House whenever the Senate has proposed to expend its contingent fund in a manner not authorized by law.

Mr. CANNON. I will state to the gentleman I was not speaking of mileage.

Mr. PAYSON. But the gentleman's statement was that the House had always yielded on these questions.

Mr. CANNON. That was my recollection, that the House had always yielded on these questions touching the expenditure of the contingent fund and the conduct of the business of the co-ordinate branch of the Legislature. But my colleague's recollection of what took place on the particular matters he has referred to I believe is correct.

Mr. PAYSON. I understood my colleague to say the Senate had never assumed to interfere with the appointment of any of the employés of this body. Is it not true with reference to this very bill that the Senate has made an amendment increasing the pay of the Doorkeeper of the House $500 and has provided for the appointment of two additional clerks to this body?

Mr. CANNON. As my colleague asks these questions out of the line in my remarks——

Mr. PAYSON. I think they are in the precise line of the gentleman's remarks.

Mr. CANNON. I will say then, as he asks these questions before I have completed my remarks I will answer them. I will say to the gentleman in justice to the Senate in this matter that the Senate has heretofore and in this bill provided by amendment for the increase of certain salaries of House employés, generally, however, as they state, and as I have no doubt is true, at the suggestion of many members of the House; for the reason that the House rules would not admit of those increases. The gentleman spoke of the increase of the salary of the Doorkeeper. It is true that when this legislative appropriation bill was reported to the House from the Committee on Appropriations it did contain an increase of $500 to the salary of the Doorkeeper and that went out on a point of order. It is just, however, to the Senate I should state that the Senate has in no sense insisted in conference, or so far as I know anywhere else, on increasing the salary of any of the House employés except as the House might request and might desire.

Mr. STORM. Did not they attempt to reduce the salary of one of the reporters of this House by $500?

Mr. CANNON. Oh, yes; the Senate put on an amendment to that effect, to take off $500 from the compensation voted by the House to one of its reporters, which, by the bye, was an increase of salary. We had voted to give him an increase of $1,000 and the Senate struck down the increase to $500. But the Senate very promptly receded from its amendment when it was told that the House desired to make that increase.

Mr. STORM. But the Senate undertook to reduce the amendment.

Mr. CANNON. Yes; but I want to say to the gentleman from Pennsylvania [Mr. STORM] and to my friend from Illinois [Mr. PAYSON] that I am not standing here as the champion of this proposition so far as I am individually concerned. I believe that the co-ordinate branches of the Legislature are in every respect as to matters of this kind equal; and so far as I am individually concerned I would do no act upon my own motion or by my vote that would discriminate in the pay, the perquisites, or the privileges of the members of the two bodies. But I was simply seeking to convey to the House what is and what has been the temper of the Senate concerning this matter. That body, I believe, unanimously insists upon this provision, representatives of that body in the conference stating at the same time that whatever the House may desire to do touching the conduct of its own business they do not propose to interfere with.

We are now brought to this pass: if the Senate insists we will have to recede or lose the bill.

I say further in my opinion if the Senators have clerks to assist them in the public business, Representatives have just as much need of and right to them as Senators.

I have made this statement to the House and it is for members to do what seems wise to them in this matter. I will say that unless the House recedes as to this amendment, as one member of the conference, if I should be continued upon it, I shall not feel called upon to agree to the amendment.

Mr. MILLS. Allow me to ask the gentleman what has become of the old controversy between the Senate and the House about the difference in the rate of compensation of their respective employés?

Mr. CANNON. That matter is not in conference in this bill, as the House did not place any legislation on this bill which would present the question.

Mr. MILLS. But the House employés are still receiving smaller pay than the employés of the Senate.

Mr. CANNON. That is apparently so, but not so in fact, for the reason that some of the employés of the House receive smaller pay than some of the employés of theSenate, others receive more. Besides, the practice has been heretofore for the House to provide a month's extra pay for its employés upon the sundry civil bill or the deficiency bill, and I apprehend that it will do it now before Congress adjourns. Therefore it substantially makes the salaries of the employés of the two Houses the same.

Mr. MILLS. Does not the Senate insist upon the same provision for its employés?

Mr. CANNON. I believe it has done so in one instance. I now yield to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. This is not a new question of difference touching the power of one House to regulate the internal affairs of the other or to control the contingent fund of the other House. I recollect one serious dispute in former years on that subject, and it was found then, as I think it must be found now on a careful examination, that the interest and dignity of the House as well as of the Senate require us to respect the independence of a co-ordinate body.

We frequently charge upon our contingent fund more than it can bear. We make investigations and make appropriations out of that fund by resolution for the compensation of particular employés. If the Senate should interfere in all these details the two Houses would come into a perpetual wrangle touching the disposition of their contingent funds. If it was a matter involving an expenditure of a mill-

ion of dollars or so it would be another thing. But when the Senate asks a sum for their contingent fund, for us to say that they shall dispose of that sum according to our will and not theirs, is to say that the Senate in return may control us in the disposition of our contingent fund at their will and not at ours.

Now I claim for this House the right to institute even an expensive investigation if they find it necessary, and to provide that it shall be paid out of the contingent fund of the House, and to demand of the Senate a sufficient enlargement of that fund to enable that to be done. I also claim that for incidental purposes, such as temporary employés, we have the right as a House to say how much is necessary for that purpose, and how much temporary additional force shall be employed. The experience of members will bear me out in saying that we must have the control of our contingent fund without submitting it to the discretion of the Senate. And as I demand that for the House, I am willing to yield it within reasonable limits to the Senate.

Mr. HOLMAN. I desire to submit a single word before the vote is taken on this proposition. I am not able to perceive, certainly not at the first blush, that this proposition is subject to the charge of interfering with the internal administration of the affairs of the Senate.

It seems to me that as to all matters of general and public concern, apart from the ordinary acts of the Senate as a separate body, the voice of the two Houses should be expressed in all legislation. I have never been able to understand why in regard to questions of public employment in the House or Senate, questions relating to the agencies incidentally connected with legislation, the voice of both bodies should not be heard in exactly the same degree as upon all other subjects. I think this was the earlier practice. In matters of this kind it appears to me each House should listen respectfully to the views or wishes of the other. If as to the entire field of employment in connection with either of these two bodies the other is to remain absolutely passive and silent, this other as to all those matters abandons its just share of the legislative power, and the other in respect to such matters is invested with complete and supreme legislative control. Such a view to my mind is not in harmony with the theory of our Government.

I am aware that any gentleman discussing a subject of difference like this between the two Houses should be prudent in his expressions; but I can not forget the fact, nor can my friend from Illinois, that for the deliberate purpose apparently—no, I will not say that, but with the inevitable result of evading the rules of proceeding deemed necessary by this House for prudent and wise legislation, amendments are frequently made in the other branch with respect to matters affecting this House and its internal administration. It is no answer to say that some gentlemen desire it to be done. Should not the will of the whole House, as deliberately expressed in its rules, be higher than that of any one member? Should not the wish of the majority be more potent than that of the minority? Yet, as my friend is aware, we frequently find upon appropriation bills coming from the Senate amendments which could not be incorporated under our rules—propositions which in some cases have been presented here and excluded under our rules. Provisions of this kind we find embodied in amendments in such a way as to evade the rules of the House. Now, if my friend from Illinois can mention any more direct interference with the internal procedure of either body than that method of accomplishing legislation I should be very glad to hear him do so.

It does not do for my friend to say—I think he forgot himself when he made that statement, for he is generally cautious in his language—it does not do for my friend to say that the managers on the part of the House if they persist must be triumphant. While those members represent the House, they are not the House. If those three gentlemen yield, the inevitable result is not only that the rules of the House are evaded, but inasmuch as a conference report must be voted upon as an entirety without any vote upon its individual parts, the will of the House is constantly and necessarily defeated. So long as this is the fact, I do not think any gentleman on this floor should be any more than courteous and prudent in talking about matters that affect the relations of the two great branches of the legislative department.

But I submit to my friend from Illinois we have here a proposition virtually to discriminate between the two Houses of Congress by a measure of legislation not affecting the members of the two bodies equally, but affecting alone the members of a single body. Have we had any other instance of the same kind? Does not the question here presented rise in importance in view of the fact that this is the first time we have had occasion to meet a question like this? When, in former years, newspapers were provided for members of Congress the same rule was applied to Senators as to Representatives. When, in more recent years, there was made a virtual addition of $125 to the salary of each member in the form of an allowance for stationery or an allowance in cash if the stationery should not be used, the same rule precisely was applied to the Senate. Every rule or act of legislation affecting members personally has been, up to the present time, made to operate equally with respect to members of the two branches.

The question, therefore, which this House is compelled to consider at this time is whether a proposition the advantages of which may promote the convenience of members of one body, but which must be enjoyed at the expense of an appropriation from the public Treasury, can be conceded by us without conceding at the same time that the body claiming the benefits of such legislation has the exclusive right, through the mere passive action of the House, to appropriate money for the advantage of its particular members, without reference to the wishes of the other branch.

My friend from Illinois puts the matter in this form: that we must either concede this matter now insisted upon by the Senate or we must go one step further, and for the purpose of putting these two bodies upon exactly the same footing give the members of this House precisely the same facilities as are claimed by Senators, precisely the same opportunities for rendering service to their constituencies; that, in other words, we must make a corresponding provision for members of the House. The conclusion is not at all an extraordinary one; it is very natural.

Mr. CANNON. My friend will allow me a moment. I know he does not desire to misrepresent me. I stated frankly to the House what I understood to be the temper of the Senate—what they were willing to do touching their contingent fund and touching ours. I tried to place the House in possession of the actual status of affairs, as my friend, I think, will acknowledge. I stated also that so far as I was concerned I was opposed to this proposition, and would in no event agree to it. If it be agreed to, this House of Representatives, so far as I am concerned, must take that burden upon its own shoulders.

Mr. HOLMAN. I am glad my friend from Illinois is definite.

Mr. CANNON. I thought I was definite before.

Mr. HOLMAN. The gentleman is more definite now, and I am glad he has expressed the opinion he has. [Cries of "Vote!"] You do not place both bodies on the same footing by receding from disagreement.

Mr. STORM. Has the Senate refused to insert the purpose of the appropriation?

Mr. HOLMAN. That would disclose what has taken place in conference, and I have no right to do that. It would be only just to the House to have the amendment read. I demand the previous question.

The previous question was ordered.

The amendments were read, as follows:

Twenty-first amendment: Strike out "ten" and insert "thirty-four;"

Twenty-fourth amendment: Strike out "sixty-two" and insert "seventy-six;" and

Twenty-fifth amendment: Strike out "*Provided*, That no part of the money appropriated by this act shall be expended for clerical services for any Senator, Representative, or Delegate in Congress;"

So it will read:

"For fuel and oil and cotton-waste for the heating apparatus, $7,000; for furniture and repairs of furniture, $10,000; for packing-boxes, $770; for miscellaneous items, exclusive of labor, $34,000; and for expenses of inquiries and investigations ordered by the Senate, $35,000; in all, $76,770.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. HANCOCK] to recede from disagreement to the Senate amendments and agree to the same.

Mr. WHITE, of Kentucky. Let us have the yeas and nays and see how many are in favor of this second edition of the salary-grab.

Mr. SPRINGER and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 57, nays 121, not voting 147; as follows:

YEAS—57.

Adams, G. E.	Garrison,	Lacey,	Ranney,
Atkinson,	Goff,	Libbey,	Robinson, J. S.
Bayne,	Graves,	Lore,	Rosecrans,
Boutelle,	Greenleaf,	Lyman,	Rowell,
Brumm,	Hancock,	McCoid,	Smalls,
Chalmers,	Harmer,	McComas,	Spooner,
Cutcheon,	Hatch, H. H.	Ochiltree,	Stephenson,
Davis, G. R.	Hewitt, G. W.	O'Neill, Charles	Stewart, J. W.
Davis, R. T.	Hunt,	O'Neill, J. J.	Thomas,
Dibble,	James,	Parker,	Valentine,
Dunn,	Johnson,	Perkins,	Wadsworth,
Ellis,	Kasson,	Peters,	Woodward.
Ellwood,	Kean,	Phelps,	
Evans, I. N.	Keifer,	Poland,	
Funston,	Kellogg,	Potter,	

NAYS—121.

Adams, J. J.	Cullen,	Kleiner,	Randall,
Alexander,	Dargan,	Laird,	Reed,
Bagley,	Dirbell,	Lanham,	Reese,
Ballentine,	Dingley,	Lawrence,	Riggs,
Barksdale,	Eaton,	Le Fevre,	Rockwell,
Bennett,	Eldredge,	Long,	Rogers, J. H.
Blount,	English,	Lovering,	Scales,
Boyle,	Ermentrout,	Lowry,	Seney,
Breckinridge,	Everhart,	McMillin,	Seymour,
Brewer, F. B.	Ferrell,	Maybury,	Shelley,
Browne, T. M.	Finerty,	Miller, J. F.	Skinner, C. R.
Buchanan,	Follett,	Mills,	Smith,
Budd,	Foran,	Mitchell,	Springer,
Burnes,	Geddes,	Morgan,	Steele,
Caldwell,	Halsell,	Morse,	Storm,
Campbell, J. E.	Hardy,	Murray,	Strait,
Candler,	Hemphill,	Mutchler,	Struble,
Cannon,	Henley,	Neece,	Sumner, D. H.
Carleton,	Herbert,	Oates,	Taylor, J. D.
Cassidy,	Hitt,	Payson,	Taylor, J. M.
Clay,	Holman,	Pierce,	Thompson,
Connolly,	Houseman,	Post,	Tillman,
Cox, W. R.	Jones, B. W.	Price,	Townshend,
Crisp,	Jones, J. H.	Pryor,	Tucker,
Culberson, D. B.	Jordan,	Pusey,	Turner, H. G.

Turner, Oscar	Washburn,	Williams,	Wood,
Van Alstyne,	Weaver,	Wilson, James	Yaple,
Vance,	Weller,	Wilson, W. L.	York.
Wakefield,	White, J. D.	Winans, E. B.	
Wallace,	White, Milo	Wise, G. D.	
Warner, Richard	Whiting,	Wolford,	

NOT VOTING—147.

Aiken,	Davidson,	Houk,	Ray, Ossian
Anderson,	Davis, L. H.	Howey,	Reagan,
Arnot,	Deuster,	Hurd,	Rice,
Barbour,	Dockery,	Hutchins,	Robertson,
Barr,	Dorsheimer,	Jeffords,	Robinson, W. E.
Beach,	Dowd,	Jones, J. K.	Rogers, W. F.
Belford,	Duncan,	Jones, J. T.	Russell,
Belmont,	Dunham,	Kelley,	Ryan,
Bingham,	Elliott,	Ketcham,	Shaw,
Bisbee,	Evins, J. H.	King,	Singleton,
Blackburn,	Fiedler,	Lamb,	Skinner, T. G.
Blanchard,	Findlay,	Lewis,	Slocum,
Bland,	Forney,	McAdoo,	Snyder,
Bowen,	Fyan,	McCormick,	Spriggs,
Brainerd,	George,	Matson,	Stevens,
Breitung,	Gibson,	Millard,	Stewart, Charles
Brewer, J. H.	Glascock,	Miller, S. H.	Stockslager,
Broadhead,	Green,	Milliken,	Stone,
Brown, W. W.	Guenther,	Money,	Sumner, C. A.
Buckner,	Hammond,	Morrill,	Talbott,
Burleigh,	Hanback,	Morrison,	Taylor, E. B.
Cabell,	Hardeman,	Moulton,	Throckmorton,
Calkins,	Hart,	Muldrow,	Tully,
Campbell, Felix	Hatch, W. H.	Muller,	Van Eaton,
Campbell, J. M.	Haynes,	Murphy,	Wait,
Chace,	Henderson, D. B.	Nelson,	Ward,
Clardy,	Henderson, T. J.	Nicholls,	Warner, A. J.
Clements,	Hepburn,	Nutting,	Wellborn,
Cobb,	Hewitt, A. S.	O'Ferrall,	Wemple,
Collins,	Hill,	O'Hara,	Wilkins,
Converse,	Hiscock,	Paige,	Willis,
Cook,	Hoblitzell,	Patton,	Winans, John
Cosgrove,	Holmes,	Payne,	Wise, J. S.
Covington,	Holton,	Peel,	Worthington.
Cox, S. S.	Hooper,	Pettibone,	Young.
Culbertson, W. W.	Hopkins,	Rankin,	
Curtin,	Horr,	Ray, G. W.	

So the House refused to recede from its disagreement.

Mr. SCALES stated that his colleague [Mr. DOWD] was absent, excused by order of the House.

Mr. ROBERTSON. I am paired with Mr. BARR, and therefore withdraw my vote, as it is not necessary to make a quorum.

Mr. STEELE. I withdraw my vote if not necessary to make a quorum.

(Subsequently he said he and Mr. LAMB, with whom he was paired, would vote the same way, and therefore he would let his vote stand.)

On motion of Mr. WELLER, by unanimous consent, the reading of the names was dispensed with.

Mr. DOWD was announced as paired with Mr. MILLER, of Pennsylvania, on all political questions, until further notice.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of a bill (S. 2233) for the relief of Lieut. John Hollins McBlair, in which concurrence was requested.

The message also announced the passage without amendment of a bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN'S motion that the House further insist on its disagreement to the Senate amendments numbered 21, 24, and 25 was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I move that the House further insist on its disagreement as to Senate amendment numbered 27, and on that I demand the previous question.

The previous question was ordered.

The amendment was read, as follows:

That the reports in the CONGRESSIONAL RECORD shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress, and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives; and such speeches shall be printed as they were actually delivered, except verbal corrections made by the author of the speech, and by no other person; and that when speeches are reserved by their author for correction they shall be returned to the Reporter of the House in which they were delivered within one week, and if not so returned they shall then be printed in the CONGRESSIONAL RECORD from the original notes of the Reporter.

Mr. HOLMAN. I have moved to insist on disagreement to test the sense of the House.

The SPEAKER. It does not cut off the motion to recede.

Mr. ADAMS, of Illinois. I desire at the proper time to move to recede from the disagreement.

The SPEAKER. Now is the proper time to make the motion.

Mr. ADAMS, of Illinois. Then I submit that motion, that the House recede from its disagreement to this amendment of the Senate and agree to the same.

Mr. WHITE, of Kentucky. Would it be in order to offer an amendment to this?

The SPEAKER. Not with the demand for the previous question pending. If the previous question is voted down, then it would be in order to offer an amendment.

Mr. WHITE, of Kentucky. Then I ask unanimous consent to make this suggestion, that if the previous question be not ordered I would offer this amendment: "Provided, that this proposition shall not apply to speeches two pages long." [Laughter.]

Mr. DAVIS, of Illinois. That is just what we want it to apply to.

Mr. HOLMAN. I demand the previous question.

The previous question was ordered.

The question was taken; and there were—ayes 60, noes 72.

Mr. BAYNE. I demand the yeas and nays.

The yeas and nays were not ordered—nineteen members only voting in favor thereof.

So the motion to recede was not agreed to.

Mr. HOLMAN. I now renew the motion that the House further insist upon its disagreement.

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the House further insisted upon its disagreement; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I now move that the House further insist upon its disagreement to the amendments of the Senate numbered 80 to 95 inclusive, and upon that I call for the previous question.

I am not certain but that perhaps it would be fair to divide that proposition, inasmuch as the amendment relating to the internal revenue, as well as the customs districts, is involved.

I ask leave, therefore, to modify my proposition, and move that the House insist upon its disagreement to the amendments of the Senate numbered 80 and 81, which cover the internal-revenue clause of the bill, and I ask that these amendments may be read for the information of the House.

The Clerk read as follows:

Amendment numbered 80: Strike out in line 910 of the printed bill the word "seven" and insert "eight;" so that it will read: "For salaries and expenses of collectors and deputy collectors, $1,850,000."

Amendment numbered 81 proposes to strike out the proviso, as follows: "*Provided*, That from and after the 30th day of June, 1884, there shall be no more than forty-three collection districts; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid, in the manner heretofore provided by law."

Mr. CANNON. I move that the House recede from its disagreement to these two amendments of the Senate and agree to the same; and on that I would like to be heard for a few moments.

Mr. HOLMAN. I withdraw the demand for the previous question, and yield five minutes to the gentleman from Illinois.

Mr. CANNON. That will be sufficient time. I only want to call the attention of the House to the fact that these amendments of the Senate strike out the proposed legislation of the House reducing the internal-revenue districts from eighty-four to forty-three.

Now, I do not want to talk about the merits of this proposition. I have fully discussed it, and it was fully discussed by other gentlemen when the bill was being considered by the House. As I recollect, the House, by a very considerable majority, however, proposed this legislation. The Senate struck it out; and I think it is proper I should state to the House, as I understand the fact to be, that the Senate is firm upon their amendment to strike out this proposed legislation.

Without, therefore, going into the merits of the proposition or consuming the time of the House in that respect, I may be permitted to say that I believe the Senate is right and the House is wrong with reference to this matter. We are now, Mr. Speaker, in the last closing hours of this session of Congress, and the Senate took the position that the body which proposes legislation upon an appropriation bill should give way when the other body does not assent and will not assent to it.

I have taken occasion before on a previous bill to state that I believe this to be a sound proposition. We have acted upon it heretofore in this Congress, and former Congresses have acted upon it. It is a wise rule for the settlement of these differences. Now, when legislation is proposed not upon an appropriation bill there is no coercion between the two Houses; but when it is proposed by either the House or the Senate upon an appropriation bill it presents a very different question; for if they can not agree, of course somebody must yield or else the bill will fail; and the practice, I state again, is that the body proposing it, when that state of facts arises, should yield. I believe it is absolutely necessary in order that an agreement may be reached upon this bill that the House should yield this point; and in doing this it will only be in pursuance of the practice which has prevailed between the two Houses.

Mr. HOLMAN. A single word in response to the gentleman from Illinois.

The number of districts fixed by this bill when first reported to the House was sixty-three. The House reduced the number to forty-three, twenty less than the number fixed by the committee. Of course it may be if the subject were further considered, and if forty-three should not be deemed a proper number, that a number less than the present number, and yet greater than forty-three, might be satisfactory to both Houses.

I now demand the previous question.

The previous question was ordered.

The SPEAKER. The first question is upon the motion of the gen-

tleman from Illinois, that the House recede from its disagreement to the amendments of the Senate and agree to the same.

The House divided; and there were—ayes 63, noes 62.

Mr. HOLMAN. No quorum has voted. I call for tellers.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HOLMAN and Mr. CANNON were appointed tellers.

The House again divided; and the tellers reported—ayes 71, noes 82.

So (further count not being called for) the motion was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Indiana [Mr. HOLMAN] that the House further insist on its disagreement to this amendment.

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll;

A bill (H. R. 555) granting a pension to John Galloup;

A bill (H. R. 819) granting an increase of pension to Merritt Lewis;

A bill (H. R. 836) granting a pension to John C. Fenscke;

A bill (H. R. 837) granting a pension to Reuben J. Chewning;

A bill (H. R. 943) granting a pension to Samuel Barnard;

A bill (H. R. 1056) granting a pension to Honora Kelley;

A bill (H. R. 1073) granting a pension to William J. Lee;

A bill (H. R. 1077) granting a pension to Sarah Miner;

A bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa.;

A bill (H. R. 1436) granting a pension to William T. McCoy;

A bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord;

A bill (H. R. 1894) granting a pension to Clark Roberts;

A bill (H. R. 1930) granting a pension to Sarah Nicoll Crane;

A bill (H. R. 1965) granting a pension to John A. Crozier;

A bill (H. R. 2312) granting a pension to Almira B. Kaler;

A bill (H. R. 2358) granting a pension to James Hawkins;

A bill (H. R. 2623) granting a pension to Arthur J. McConnell;

A bill (H. R. 2984) granting additional pension to Apolline A. Blair, widow of the late General Francis P. Blair;

A bill (H. R. 3171) granting a pension to Ella Stolz;

A bill (H. R. 3606) granting a pension to Irene Baker;

A bill (H. R. 3625) granting an increase of pension to Levi Anderson;

A bill (H. R. 3909) granting a pension to George W. Wickmire;

A bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis;

A bill (H. R. 4439) granting a pension to John R. Wallace;

A bill (H. R. 4526) granting a pension to Mrs. Ann Corbin;

A bill (H. R. 4700) granting a pension to Simon E. Lewis:

A bill (H. R. 4970) for the relief of Mrs. Nancy Biser;

A bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson;

A bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman;

A bill (H. R. 5636) for the relief of Otto Leissring;

A bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney;

A bill (H. R. 5723) granting a pension to Isabella Bertha Weaver;

A bill (H. R. 5781) granting a pension to Solon L. Simonds;

A bill (H. R. 5795) increasing the pension of Charles A. Fuller;

A bill (H. R. 5821) granting a pension to Mrs. Susannah Barr;

A bill (H. R. 5976) for the relief of Catherine Meis;

A bill (H. R. 6085) granting a pension to John A. Hassell;

A bill (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young;

A bill (H. R. 6184) granting a pension to Julia M. Reynolds;

A bill (H. R. 6786) granting a pension to Rivers Banks.

LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. Amendments numbered 82, 83, 84, 85, and 86 are the amendments of the Senate striking out the provisions which apply to the customs-collections districts. The conference on the part of the House have deemed it proper to report those amendments back to the House so that the subject might be further considered, as the House might deem proper. And for the purpose of bringing the subject before the House for action, with a view to an expression of its judgment, I move that the House further insist on its disagreement to those amendments from 82 to 86 touching customs districts.

Mr. CANNON. I move that the House recede from its disagreement to those amendments.

These provisions that the Senate strikes out propose to consolidate and reduce the number of customs districts with certain other legislation. This matter was discussed to some extent in the House and quite fully in the Senate. It is useless for me at this late hour to go fully into the merits of the question. I must say, however, since the House acted upon it, I have upon some of those amendments changed my views. I was inclined to be for the amendments when the House placed them on the bill; but on further investigation I very seriously doubt their wisdom. I may say that in some respects, without taking the time of the House to state them, I am satisfied the proposed legislation would lead to very great abuses that none of us would be in favor of. But the same remark that I made in reference to the internal-revenue districts applies to these amendments. We propose to legislate, to change existing law upon this bill. The Senate proposes not to assent to that proposition. And I think it is the part of wisdom for us to recede; because I am satisfied that we will have to do it in the end under the practice between this House and the Senate and the temper of the Senate touching these amendments.

Mr. THOMPSON. For more than ten years the Secretary of the Treasury has annually recommended Congress to take action similar to what has been taken by the House on this appropriation bill; at last the House has agreed to his recommendation. He has told us exactly how much we can save, and we know his statements are true. The amount is about a million and a half less than the appropriations that were made last year.

Mr. LONG. The gentleman surely does not mean that.

Mr. THOMPSON. I mean exactly that.

Mr. LONG. The Secretary says it will save an amount less than $400,000.

Mr. THOMPSON. He says it is a million and a half of dollars less than was appropriated for these expenses last year.

Mr. CANNON. There was nothing appropriated last year.

Mr. THOMPSON. I say exactly what the Secretary says.

Mr. CANNON. If the Secretary says that, he is mistaken, because this is a permanent appropriation. I think the gentleman is mistaken.

Mr. THOMPSON. It is made up of two classes. There is an appropriation of $2,750,000 semi-annually made, and there are also the fees which arise out of these very acts which are repealed and which are turned into the Treasury, amounting to over $7,900,000. And this is a million and a half of dollars less expense than the amount of these fees and these two semi-annual appropriations.

For ten years the Secretary has recommended that this change should be made, and now the House has agreed to his recommendation. He has gone over this subject carefully. He has considered it time and again. He has had his expert accountants go and inspect every customs district in this country with the salary and pay of every employé. He has gone to the expense in the last two years of having every line in these districts mapped out, and has furnished us a map to correspond to the sixty-nine districts provided in this bill.

We only comply with his demands, time and again repeated to us. This is a non-partisan view to take of this subject. The customs collection districts as laid down by him do not affect any party. It is a pure question of business economy. The President in his last message, accompanying the recommendation of the Secretary of the Treasury, tells us that the present number of districts is not needed except for local pride, except as members of Congress want to aggrandize themselves and aggrandize their districts by having useless ports of entry established in them, and large public buildings erected and maintained at an enormous expense with all the coterie of useless officeholders about them, and unless we intend to carry out that policy and to maintain these districts from this time on we should agree to the legislation which has been made to us. In twenty-two of these districts we are told that not one dollar has been collected for the last ten years; that we have not only custom-house offices provided for them, but expensive buildings maintained at great cost to the Government, and unless we intend to keep up these useless districts which for ten years have not paid a dollar into the Treasury we must take this or some similar action.

The President tells us furthermore that there are thirty-odd districts, besides the twenty-two in which nothing has been collected for ten years, which pay less money into the Treasury than is annually expended in collecting the revenue there. Take the district of Evansville, Ind., for instance. We have there erected a custom-house at a cost of over $360,000, and we keep there a janitor to take care of the building. Yet for the last ten years, since the custom-house was erected, not a dollar has been collected in that district and paid into the Treasury.

Mr. SPRINGER. And never will be.

Mr. THOMPSON. And there never will be a dollar collected there. Yet that is one of the class of custom-house districts that we are called upon to maintain. I say that the House is right in this thing. We know we are right. We have done this upon the recommendation of the Secretary of the Treasury, who has given it ten years of thought—not only the present occupant of that office but his predecessors—and after the most thorough and exhaustive investigation which he has made by means of experts——

Mr. MORSE. And a special commissioner appointed to investigate the subject.

Mr. THOMPSON. And he has appointed special commissioners to investigate the matter. Yet with this recommendation staring us in

the face, we are now asked to maintain these useless districts at an enormous expense to the people.

Mr. KASSON. Will the gentleman allow me a word right there?

Mr. THOMPSON. Certainly.

Mr. KASSON. This question was before the Committee of Ways and Means, but without any formal action taken upon it. I for one regard the error of this amendment to be in the imperative character of it. Instead of authorizing and directing the Secretary of the Treasury to reduce the number of these districts so far as compatible with the public interest, which will enable the interests specially affected to have a hearing before him, and which will also enable members of Congress to have a hearing before him and to state all the facts within their knowledge, and not leave him to depend entirely upon the reports of agents, you have imperatively demanded a reduction of the districts to this particular number.

If the proposition was to give the Secretary of the Treasury authority to reduce the collection districts to a number not less than that named here, I think myself that the Senate ought to agree to give him a certain amount of discretion. But in the Committee on Ways and Means we have always found that there were questions of safety of revenue which were quite as important as the amount of revenue collected. Therefore I was opposed to this matter being taken up by the Committee on Appropriations, and trusted that they would wait until the Committee on Ways and Means had made some recommendation on the subject.

Mr. THOMPSON. In reply to what has been said by the gentleman from Iowa [Mr. KASSON] I will state that the Secretary of the Treasury is in charge of the revenue, and so far as we know he would not surrender any of his power or any of his ability to collect the revenue authorized to be collected by law, and would not in any way endanger the collection of the revenue. He is charged with the responsibility of collecting the revenue; he is clothed with the power to collect it and we furnish him with the force for that purpose. Yet he tells us that we are cramming down his throat an unnecessary force to accomplish the objects which he wants to accomplish. He tells us that he will have power enough, after this consolidation, to collect every cent of the revenue.

What good does the district at Evansville, Ind., do? What good do the eight districts in Maine do? What good do the five districts in Massachusetts do? Why should we continue them when the Secretary of the Treasury says that he can collect the revenue without those districts? He has investigated the subject fully, and certainly ought to know what he is talking about. I refer not only to the present Secretary of the Treasury, for we do not rely upon him alone, but to every previous Secretary for ten years. They have all insisted upon this reduction.

I have carefully looked over the debates in the Senate upon this subject, and I fail to find any good reason assigned by any Senator for retaining the present number of districts. I fail to find any reason assigned except one which was assigned by a Senator, and that was that it would abolish some of the districts in his State, the continuance of which would possibly be a benefit to him, and therefore he did not desire to have them abolished.

Mr. KASSON. I think the gentleman will agree with me that prior Secretaries of the Treasury have not named any precise number, though they have recommended consolidation of districts. I believe that some districts ought to be consolidated; but I doubt the propriety of intrusting to any one man a practical repeal of the legislation of Congress.

Mr. THOMPSON. This is not a repeal.

Mr. KASSON. Certainly it is. Where a district is established by law you propose that this officer of the Government shall abolish it; where a building has been erected you propose that he shall abandon its use.

Mr. THOMPSON. So far as that matter is concerned, I wish to say this is no new step. This measure does not invest the Secretary of the Treasury or the President with any extraordinary power. Are the customs collection districts more sacred in the estimation of the House and the country than the internal-revenue districts? Yet the President has had the power ever since the formation of the internal-revenue districts to abolish them, to reduce them, to consolidate them, or to rearrange them at any time according to his discretion. More than that, he has exercised this power; he has exercised it judiciously within the last twelve months.

I know it is contended—it has been contended elsewhere—that we invest him with extraordinary power—the right to name the ports of entry. It has even been urged that such a measure is unconstitutional; that ports of entry can only be established by acts of Congress. I concede it has been the rule heretofore that every port of entry should be specially established by act of Congress; and that is the reason there have been so many useless ports of entry.

If now you should leave it to the discretion of the President to reduce the number of these ports of entry as he might see fit, he would be overwhelmed by Representatives and Senators demanding that the reduction should be made in somebody else's district; that their particular ports of entry should be spared.

But before this pressure is brought to bear to swerve him from what he knows to be right, to prevent him from looking at this matter from a purely business standpoint and not from a political point of view, he has framed a plan with the districts marked out, with their respective ports of entry; and no reason has been given to us, no reason has been given elsewhere in the debate upon this subject, why we should not conform to this reasonable recommendation.

He has gone further than his predecessors in this matter. They recommended reduction; but he has shown us where the reduction can be made. Through his commissioners he has examined into the accounts of every one of these districts; he has given us the name of every officer and employé; he has shown every dollar collected, and he has pointed out where consolidation and reduction can take place; he has shown how this can be done, and at the same time every dollar of revenue be collected and the service maintained with the same efficiency as at present, affording equal facility for importation and for exportation.

Mr. SPRINGER. How many office-holders will be legislated out of office if this proposed change be made?

Mr. THOMPSON. No great number under this bill. The saving of money will arise largely in other ways—not so much from dispensing with office-holders as from the saving in rents and from the reduction of expenses in connection with the warehousing system. If I recollect aright only two hundred to three hundred officers and employés will be eliminated from the service by this legislation. There is no great reduction in the number of officers. Yet the demand is made that we shall retain them all.

This is purely a business transaction. It is in this light that the Secretary of the Treasury calls your attention to it. There is little or no politics in this question.

Mr. BRECKINRIDGE. Does the Secretary of the Treasury specify this exact number—sixty-nine?

Mr. THOMPSON. Sixty-nine is the exact number fixed by the Secretary of the Treasury. If you will turn to the last annual message of the President of the United States, in which the recommendation of the Secretary of the Treasury is incorporated, you will find that the number there mentioned is sixty-seven. But since that recommendation it has been found necessary, on account of the completion of two railroads in Oregon, that two ports of entry should be established there; and for this reason the recommendation has been modified and those two additional districts recommended. [Cries of "Vote!" "Vote!"] I am willing that the House shall vote upon this question at once; but I hope that the provision now under discussion will be insisted upon, because, as I believe, it is wise legislation and in the interest of economy.

Mr. HOLMAN. I rise for the purpose of calling the previous question, but before doing so I wish to call the attention of the gentleman from Kentucky [Mr. THOMPSON] to the fact that this is not so much a question of districts as it is a question of ports of entry. The provision is that the President shall fix the boundaries of each reorganized district and designate the ports of entry therein.

My friend will see that coupled with the provision which requires the Secretary of the Treasury to report in his regular estimates the estimates necessary for appropriations to carry on the customs system involves the whole matter. It is that provision numbered 86. That is the important one. It has been shown to us that is a law which was enacted last Congress, and regular estimates will come down in December for it.

I wish to say further that, inasmuch as there will be a further conference between the two Houses, it would seem proper these amendments should go to that conference, and therefore I hope, without objection, the motion made that the House further insist will be adopted on these several propositions. I demand the previous question.

The previous question was ordered.

Mr. CANNON'S motion to recede was disagreed to.

Mr. HOLMAN'S motion to insist was agreed to.

Mr. HOLMAN moved to reconsider the vote last taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. The next amendment is the eighty-seventh amendment, and I move that the House further insist on its disagreement. The Senate strike out the entire provision touching the small distillers. Inasmuch as the other amendments have to go to a conference if one shall be appointed, I think I would ask the House to let this proposition go also. I will make the motion on this one, the eighty-seventh, and demand the previous question.

Mr. WHITE, of Kentucky. Let it be read.

The eighty-seventh amendment was read, as follows:

Strike out "one hundred and sixty-four" and insert "three hundred;" so it will read:

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers and for miscellaneous expenses, $2,300,000.

[Cries of "Vote!"]

Mr. HOLMAN. I find the important amendment is numbered the eighty-eighth. I hope by unanimous consent the vote will be taken on both.

Mr. CANNON. I ask for a separate vote.

Mr. HOLMAN. Then as to the first I move the House insist on its disagreement.

Mr. CANNON. Very well; I agree the vote shall be taken on both amendments.

Mr. HOLMAN. They constitute but one amendment.

Mr. WHITE, of Kentucky. Let it be read, reserving the right to object.

The eighty-eighth amendment was read, as follows:

Strike out the following:

"(88) That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to payment of the tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery or all distilleries which mash twenty-five bushels of grain per day from the operation of the provision of said title relating to the manufacture of spirits, except as to the payment of the tax; and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by the Secretary of the Treasury, in which he may cause to be deposited the product of any number of said distilleries, to be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses."

Mr. WHITE, of Kentucky. Before the vote is taken I should like to be heard.

Mr. HOLMAN. I move to insist on the disagreement to both amendments. How much time does the gentleman from Kentucky want?

Mr. WHITE, of Kentucky. Five minutes. [Cries of "Vote!"]

Mr. HOLMAN. I will yield for three minutes.

Mr. WHITE, of Kentucky. The gentleman from Indiana alluded to this proposition when he first addressed the House. It is to this latter motion I desire to call the attention of the House. They may go both together, but it is the last part of the proviso which is the most objectionable, in that amendment. The whole amendment may be objectionable but I desire the attention of the House to the last part of it, the proviso there which requires the Secretary of the Treasury to designate a specially appointed warehouse to which the small distillers, for whom the first part of the amendment seems specially intended as a gratuity, shall bring their whisky.

And it will lead to more moonshine distilling than all the laws that have ever been made upon the statute-books with reference to this subject, for it practically prohibits the man from carrying on his business at all according to law unless he can mash ten bushels of grain per day and upward. The result will be to induce illicit distilling all over the country.

I can not, of course, state what was the object of the mover of this proposition, but whether it was the intention or otherwise that will be the effect of it. Besides nothing could have been enacted more for the benefit of the large distillers, those who make fifty or five hundred barrels a day, than this last proviso which the Senate has stricken out. It is but another link in the long chain which the large distillers have been throwing around the law-making powers of the Government to enable them to pile up whisky in bond on which they now have three years' time, seven and a half gallons allowed to them for leakage on every barrel of forty gallons, without payment of interest, without any payment of stamp tax, and no payment at all of tax in fact, because they are privileged to take it out of bond and export it and put new whisky in its place as soon as it is made. They are thus entitled to all of the benefits and the Government is the loser.

Now, if you want to encourage the piling up of this product in bonded warehouses and increase the power of this gigantic monopoly and give it greater weight and force upon the legislative bodies of this country, a monopoly that has raised over $700,000 at one time to be used in carrying elections in Indiana, Iowa, Ohio, and other States, all you need to do is simply to incorporate that proviso in the bill. I have fully discussed this matter at another time, and I ask a division of the question here now. I hope the House will recede.

Mr. THOMPSON rose.

Mr. HOLMAN. If the gentleman from Kentucky desires to be heard I will yield to him for three minutes.

Mr. THOMPSON. I would not occupy a moment of the time of the House at this late hour and in opposition to the manifest inclination of the House to come to a vote at once upon this matter if it were not for the fact that I was the author of the amendment and think it due to the House that an explanation of it should be given, which I will endeavor briefly to do. It is not by any means subject to the interpretation given to it by the gentleman from Kentucky who has just taken his seat.

I desire the House to understand this whole question before the vote is taken. Up to 1868 we had nothing but these special bonded warehouses. The whisky was manufactured and put into the bonded warehouses by the Government, and storekeepers were appointed for each in accordance with the then existing law.

In 1868 this law was modified, and a storekeeper was appointed and put into every distillery, whether it was great or small; and this law also compelled the distiller to pay the salary of the storekeeper out of his own pocket, which payment was at the rate of $4 a day and was a heavy tax upon the small distillers. It was so harsh and unnatural, so unjust and exacting upon the smaller distillers, those who were running on small capacity, mashing less than ten bushels per day, that subsequently Congress interfered and made provision for the payment of the storekeepers out of the general fund of the Government; but it increased at the same time the tax upon whisky from 50 cents to 70 cents by a consolidation of the barrel-tax and various other small taxes upon the distillers, raising the whole amount to 70 cents, and as I have said made the salaries of the storekeepers payable out of the public Treasury instead of by the distilleries.

That relieved the little distilleries from their responsibility and there grew up all over the country innumerable small distilleries at each of which the Government paid from $1,200 to $1,500 a year salary to the storekeepers. Out of this an abuse grew in the nature of things, because this amount of salary was frequently divided between the distiller and the storekeeper, while the Government got no part of the tax; and in fact many of the larger distilleries throughout the country divided themselves up into smaller distilleries, mashing from three to five bushels a day, so as to have the advantage of the storekeeper and the salary; and therefore instead of consolidation you simply multiplied the offices and the expenses to the Government.

Now, the object of this amendment is to put the small grain distillers exactly on the same footing as the fruit distillers are without storekeepers. The fruit distiller is compelled to pay his tax at the end of sixty days after the manufacture of the product. This would compel the small grain distiller, if that provision was not incorporated in the bill, to pay cash at once on the manufacture of his whisky, whereas by that provision he can put it in the warehouse.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. THOMPSON. I would like to finish my sentence.

Mr. WHITE, of Kentucky. Will my colleague yield to me for a question?

The SPEAKER. The gentleman's time has expired.

Mr. WHITE, of Kentucky. I desire to ask if it is not true that there is this difference between the fruit and grain distillers——

The SPEAKER (rapping with his gavel). The gentleman from Kentucky is not in order. [Cries of "Vote!" "Vote!"]

Mr. CANNON. I ask the gentleman from Indiana to yield to me for a moment.

Mr. HOLMAN. I hope my friend will not object to non-concurrence on this amendment.

Mr. CANNON. I do not desire to argue the merits, but I wish to call the attention of the House to one or two facts in connection with the matter. [Cries of "Vote!" "Vote!"] Gentlemen say "let us vote." It would hasten legislation, I think, if the House would take three or four minutes to consider this matter.

Mr. HOLMAN. How much time does the gentleman desire?

Mr. CANNON. Two minutes at the outside.

Mr. HOLMAN. I yield the gentleman two minutes.

Mr. CANNON. I want to state that the House has concurred in a later amendment——

Mr. THOMPSON. I rise to a question of order. I want to finish the statement I was making.

The SPEAKER. The time of the gentleman from Kentucky [Mr. THOMPSON] had expired.

Mr. WHITE, of Kentucky. I ask unanimous consent that my colleague be allowed two minutes more. [Cries of "Regular order!"] It would facilitate matters very much to allow the gentleman to speak on this subject. He understands it. If my colleague does not understand his side of this subject, nobody does.

The SPEAKER. The gentleman from Indiana has yielded two minutes to the gentleman from Illinois [Mr. CANNON] who is now on the floor.

Mr. CANNON. Later on in this bill the House has consented to an amendment, and the Senate also, fixing the pay of storekeepers at distilleries of twenty bushels or less registered capacity at $2 per day. That cuts down their compensation one-half or more. Now I want to say to the House that the pending proposition in the bill is one on which in my judgment the House ought to recede. It will increase these small distilleries by the thousands. I do not think any of us want to do that, and I believe we ought to agree with the Senate on this matter.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves that the House recede from its disagreement to these amendments and agree to the same; and the gentleman from Indiana [Mr. HOLMAN] demands the previous question on the pending motion.

The previous question was ordered.

The SPEAKER. The question is on the motion to recede.

The House divided; and there were—ayes 48, noes 56.

So (further count not being called for) the motion was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Indiana [Mr. HOLMAN] that the House further insist on its disagreement to the Senate amendments, numbered 87 and 88.

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. Amendments 89, 90, 91, 92, 93, 94, and 95 are the remaining amendments connected with the internal revenue. Amendment 93 is the one which increases the number of special agents from

five, as fixed by the House, to twenty-five. That is perhaps the most important of these amendments.

While conceding that on a portion of those propositions the House might well yield, there are one or two at least which ought to be insisted on. But they have all to be considered together, to make the action of any body of conferees effective. I, therefore, move that the House further insist on its disagreement to amendments from 89 to 95, inclusive, and hope the House will, without objection, let the subject go to the same conferees to which the other provisions shall go. I hope my friend from Illinois will not object to that.

Mr. CANNON. I want to say a word. If I had known the House was to formally insist upon its disagreement I should not have detained the House. I was verdant enough, however, to suppose when we commenced to consider these disagreements they would be considered with a view to getting at the right action to be taken by the House with regard to each. But as the gentleman insists that each and all of them as they are shall go to the conferees, and as his side of the House is disposed to sustain him in that action, I will withdraw all further opposition.

Mr. HOLMAN. The gentleman from Illinois will find that this action is not so entirely formal. I have not detained the House for the purpose of going into the details and pointing out what I think the House should insist upon. But I feel that all these amendments standing together as they do the disagreement between the two Houses as to them should be insisted on, and they should go to a conference, not as a matter of form, but as a matter of substance as to most of them; not all of them, but most of them. They all stand together. I call for the previous question.

The previous question was ordered.

The SPEAKER. Is it desired to have the amendments reported?

Several MEMBERS. Oh, no!

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House further insist on its disagreement to the amendments of the Senate numbered 89 to 95, inclusive.

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. Now, as to the amendments from 205 to 212, the motion I make is merely a formal one. If before this report comes in the Senate shall finally ascertain that the Mexican pension bill can not pass, then of course the Senate will recede and that is the end of it.

Mr. HEWITT, of Alabama. Is that the provision in reference to the Mexican war pensions?

Mr. HOLMAN. It is.

Mr. HEWITT, of Alabama. What is the amount?

Mr. HOLMAN. It amounts in all to about $206,000.

Mr. HEWITT, of Alabama. If that bill passes, I will state to the gentleman that it will require at least $50,000,000 more to be appropriated.

Mr. HOLMAN. The gentleman from Alabama is talking about quite a different thing. This is only for the *personnel* of the Pension Bureau; nothing more. I therefore call the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House further insist on its disagreement to the amendments indicated.

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. With a view of reaching an agreement by the two Houses, and in anticipation of the action of the Senate, if it is proper I move that the House request a further conference on the disagreeing votes of the two Houses on the amendments of the Senate to this bill.

The motion was agreed to.

The SPEAKER announced as the conferees on the part of the House Mr. HOLMAN, Mr. HANCOCK, and Mr. CANNON.

Mr. HERBERT. I move that the House now adjourn.

ENROLLED BILLS SIGNED.

Pending the motion to adjourn,

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 254) granting a pension to John Robbins;

A bill (H. R. 1406) granting a pension to Mrs. Mary T. Barnes;

A bill (H. R. 2105) granting a pension to John A. Shuckers;

A bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy;

A bill (H. R. 3591) for the relief of Sarah A. Becktel;

A bill (H. R. 3737) granting a pension to Ann McLaughlin;

A bill (H. R. 4767) granting a pension to Mary A. Henry; and

A bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws.

LEAVE TO PRINT.

Mr. HENLEY asked leave to print in the CONGRESSIONAL RECORD, as a part of the debates of the House, some remarks prepared by him on the subject of Government land grants.

Mr. VALENTINE objected.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WARNER, of Ohio, to attend the Chicago convention.

To Mr. THROCKMORTON, for ten days, commencing with July 5.

To Mr. STOCKSLAGER, for the remainder of the session, on account of important business.

To Mr. ERMENTROUT, for one week.

To Mr. POST, of Pennsylvania, for one week.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. HERBERT] that the House now adjourn.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. What is the order of the House about the hour of meeting to-morrow? Do we meet at 9 o'clock?

The SPEAKER. That is not a question of order.

Mr. WHITE, of Kentucky. I make that parliamentary inquiry.

The SPEAKER. The House has ordered that the session of to-morrow shall begin at 9 o'clock a. m.

Mr. WHITE, of Kentucky. If the House shall adjourn now, will it not virtually put us back to where we were yesterday when we began on the Mexican pension bill?

The SPEAKER. It will.

Mr. WHITE, of Kentucky. Then I ask the gentleman from Alabama [Mr. HERBERT] to withdraw his motion to adjourn, and yield to me to make a motion that the House now take a recess until five minutes before 9 o'clock to-morrow, so as to leave the Mexican pension bill in *statu quo*.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the motion to adjourn.

Mr. WHITE, of Kentucky. I move that the House now take a recess.

The SPEAKER. The motion to adjourn takes precedence.

Mr. RANDALL. And it requires a quorum to take a recess.

The SPEAKER. Certainly.

The question was taken on the motion to adjourn; and upon a division there were—ayes 40, noes 25.

Before the result of the vote was announced,

Mr. WHITE, of Kentucky, called for tellers.

A MEMBER. Do you want us to stay here all night?

Mr. WHITE, of Kentucky. I am willing to stay all night to pass that bill.

The question was taken upon ordering tellers, and there were 17 in the affirmative.

The SPEAKER. Not a sufficient number.

Mr. WHITE, of Kentucky. Count the other side.

The SPEAKER. There is no "other side" upon ordering tellers. The rule of the House requires one-fifth of a quorum to order tellers, which is a fixed number, 33.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

The motion of Mr. HERBERT was agreed to; and accordingly (at 12 o'clock and 35 minutes a. m., Saturday, July 5) the House adjourned until 9 o'clock a. m. Saturday.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of soldiers of Allegheny, Pa., relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: Petition of Douty Post, No. 23, Grand Army of the Republic, Department of Maine, in regard to pensions—to the same committee.

By Mr. BRENTS: The papers relating to the bill H. R. 4365, to authorize the Sellingham Bay Railway and Navigation Company to build certain bridges, wharves, and docks in Washington Territory—to the Committee on Commerce.

By Mr. CLAY: Petition relating to the claim of Benjamin Lynch for a pension—to the Committee on Invalid Pensions.

By Mr. CALKINS: Petition of Jeffersonville Post, No. 86, Grand Army of the Republic, to make section 1754 Revised Statutes effective, &c.—to the Committee on the Revision of the Laws.

By Mr. CONVERSE: Resolutions of the Board of Trade of Columbus, Ohio; also the petition of John Beatty and 723 others, business men and business firms, praying that an additional story be built on the Gov-

ernment building at Columbus, Ohio, and that the limit of costs be extended $150,000—to the Committee on Public Buildings and Grounds.

By Mr. I. N. EVANS: Petition relating to the pension claim of Christian B. Schively—to the Committee on Invalid Pensions.

By Mr. FORNEY: Petition of Christian F. Beyer, for an increase of pension—to the same committee.

By Mr. GEDDES: Petition of A. B. Smith and 75 others, citizens of Bellevue, Huron County, Ohio, for the passage of the Lovering bill—to the same committee.

By Mr. GEORGE: Petition of citizens of Douglas County, Oregon, asking for the passage of the Blair educational bill—to the Committee on Education.

By Mr. HART: Petition of Capt. Charles F. King—to the Committee on Military Affairs.

By Mr. T. J. HENDERSON: Petition of John E. Keyes and 51 others, soldiers of Henry County, Indiana, as to certain pension laws, &c.—to the same committee.

By Mr. HOLMES: Petition of J. G. Miller Post, No. 67, Grand Army of the Republic, Boonesborough, Iowa, for the passage of H. R. 6463 pensioning all soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. LAIRD: Petition of C. R. Ballard and others, of Grafton, Nebr., praying for the passage of the Lovering bill (H. R. 6463) granting a pension to all honorably discharged soldiers, sailors, and marines of the late war—to the same committee.

By Mr. MAYBURY: Petition of Lawrence Dalton, postmaster of the House of Representatives, for further provisions for the pay of clerk employed in his office, &c.—to the Committee on Accounts.

By Mr. MORRILL: Petition of Hon. Sol Miller, of Troy, Kans., and 60 others, asking for the passage of the Lovering bill—to the same committee.

By Mr. CHARLES O'NEILL: Petition of Post No. 2, Grand Army of the Republic, asking an appropriation for a national cemetery near Philadelphia—to the Committee on Military Affairs.

By Mr. PERKINS: Papers relating to the pension claim of James Smith Peters—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: Petition of sundry citizens of Grayson County, Kentucky, praying that a pension be granted to William Webster; also, of E. Hubbard and others, of Ohio County, Kentucky, praying for an increase of pension to Samuel K. J. Jones—severally to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of Ellis First, Hiram Brown, and 120 others, citizens of Warren, Ind., asking that all soldiers of the late war above the age of forty-nine be placed on the pension-roll—to the same committee.

By Mr. A. J. WARNER: Petition of John F. Camp and others asking that a pension be granted to Fernando Connor—to the same committee.

By Mr. WILLIAMS: Petition of H. L. Bullard, W. A. Downs, J. A. Bolley, and others, citizens of Elmore County, Alabama, praying for the passage of the educational bill—to the Committee on Education.

By Mr. YAPLE: Petition of Benjamin Heckert, R. W. Noyes, and others, members of Brodhead Post, No. 31, Grand Army of the Republic, Department of Michigan, relative to pensions, &c.—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *July* 4, 1884.

The Senate met at 11 o'clock a. m.

Prayer by Rev. E. G. ANDREWS, D. D., of Washington, D. C.

The Secretary proceeded to read the Journal of yesterday's proceeding's, when, on motion of Mr. MORRILL and by unanimous consent, the further reading was dispensed with.

READING OF DECLARATION OF INDEPENDENCE.

The PRESIDENT *pro tempore*. The special order adopted by the Senate yesterday will be read.

The Chief Clerk read as follows:

Resolved, That the Senate will meet at the usual hour on Friday, the 4th day of July instant, and, after the reading of the Journal and before other business is done, the Secretary of the Senate shall read the Declaration of American Independence.

The PRESIDENT *pro tempore*. Pursuant to this special order the Secretary will now read the Declaration of American Independence.

The Secretary (ANSON G. MCCOOK) thereupon read the Declaration of American Independence.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion; and

A bill (H. R. 4996) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. ROSECRANS of California, Mr. ROBERT M. MURRAY of Ohio, and Mr. THEODORE LYMAN of Massachusetts managers at the conference on the part of the House.

The message further announced that the House had directed the return to the Senate of the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1581) to provide for the disposal of abandoned and useless military reservations;

A bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes; and

A bill (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7235) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 14, 17, 20, 23, 40, 52, 54, 55, 58, 59, 60, 69, 70, 72, 73, 74, 77, 78, 80, 88, 89, 90, 91, 93, 94, 114, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 143, 144, 145, 146, 147, 148, 152, 153, 154, 155, 156, 157, 158, 161, 162, 163, 164, 165, 166, 167, 168, 170, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, and 223.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 15, 16, 18, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 37, 38, 41, 42, 44, 50, 51, 53, 56, 57, 61, 62, 63, 64, 65, 66, 68, 71, 75, 76, 79, 81, 82, 83, 84, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 115, 116, 119, 120, 121, 123, 124, 125, 142, 150, 151, 159, 160, 169, and 176, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And hereafter it shall not be lawful for any consular officer to appropriate to his own use or expend from the amount received from the fees of his office any sum in excess of the allowance of salary and fees directly authorized by law; and consular officers paid exclusively by fees and consuls paid in part by salary and in part by fees shall only appropriate to their own use or expend such portion of the fees as is authorized by law;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,333.29;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with amendments as follows: In line 2 of said amendment strike out the name "Albert Grant," and in lieu thereof insert the names "Frank A. Behan, Francis A. Gibbons;" and after the word "provided," where it first occurs in said amendment, insert the following words: "Is hereby appropriated;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$822.96;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with amendments as follows: After the word "for," where it first occurs in said amendment, strike out the words "ordnance, twenty thousand dollars; for," and in lieu of the total sum stated in said amendment insert "$2,900;" and the Senate agree to the same.

Amendments numbered 45 and 46: That the House recede from its disagreement to the amendments of the Senate numbered 45 and 46, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For payment in full of expenses and for compensation of civil commissioner appointed under provisions of act of August 5, 1882, $3,788.81;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "payment," insert the words "to the estate of A. D. Fisher;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: Strike out the name "Vaugneder," and in lieu thereof insert the name "Vangender;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "And the Attorney-General of the United States is hereby directed to proceed against the warrantors upon the covenants in the conveyance to recover back said sum in the name of the United States;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with amendments as follows: On page 55 of the bill, in line 17, after the word "may," insert the words "after due notice and opportunity for hearing;" and after the word "suspend," in same line, strike out the words "debar, dismiss," and after the word "to," in line 20, strike out the words "abide by" and insert the words

"comply with;" and after the word "shall," in line 21, insert the words "with intent to defraud;" and the Senate agree to the same.

The committee of conference has been unable to agree on the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 19, 21, 22, 39, 47, 48, 49, 85, 86, 87, 92, 101, 110, 117, 122, and 138.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
SAM. J. RANDALL,
JAMES N. BURNES,
W. H. CALKINS,
Managers on the part of the House.

Mr. HALE. Upon this bill, which is the main deficiency bill of the session, the conferees of the two Houses after prolonged and laborious sessions, both by night and day, were able to reach an agreement on the larger number of items in dispute. The amount of difference between the two Houses in money was $1,263,514.56. Of this, in that part of the report which embraces the agreement of the conferees of the two Houses, the Senate conferees recede from amendments amounting to $327,932.88 and the House conferees recede from its disagreement to amendments to the amount of $176,359.14. The larger part of the items on which the Senate conferees yielded were embraced in a long list of old claims in the different Departments. We found the House conferees absolutely declining to make appropriations for them, and therefore the Senate conferees yielded.

After going through the bill and its many items the conferees found themselves entirely unable to agree upon twenty-three different amendments, and I wish to refer briefly to what these are so that the Senate may know and then to take the instruction of the Senate upon them. At the close of what I may say with reference to them I shall move that the Senate insist upon its amendments which are comprehended in this list and ask for a further conference.

The first five items are small items relating to the paving of streets and roadways around public buildings owned by the Government in various cities in different States. The Senate conferees saw no reason why the Government should not pay its proportion of these bills under the municipal laws of the different cities. The bills are not large, but the House conferees took the ground that the Government should pay nothing with reference to the streets about its property, and there the two Houses were unable to agree.

Items 10 and 11 bear reference to the Internal Revenue Bureau of the Treasury Department. The larger item is $150,000, which the Commissioner of Internal Revenue and the Secretary of the Treasury estimated some months ago would be necessary to complete the service of the Internal Revenue Bureau for the last fiscal year. The House conferees declined to put it on. When the Senate Committee on Appropriations reached that item it sent for the Commissioner and asked him whether in view of his knowledge at the present time the $150,000 was needed to complete the service. The reply of the Commissioner was that every dollar would be needed, and he also stated the purposes for which it would be spent. The attitude of the House conferees upon this item was that a regular appropriation was made last year, and that there is no necessity for appropriating more now, and that we can wait until December in order that all the bills may be fully in.

The position taken by the Senate conferees is that at the end of the year the Secretary and the Commissioner declare that this sum is needed in general terms, they state how it is to be paid, and that it would be an injustice to force employés of that Department who have rendered service to the Government for the last fiscal year to wait until next December. The committee has found that in that great bureau it is almost absolutely beyond human wisdom to estimate beforehand just what amount will be needed for the succeeding year. No Commissioner and no Secretary of the Treasury can tell the precise force that will be needed. Therefore the Senate conferees upon this item maintained their ground, and the Houses are opposed to each other.

There is an item next of the payment of 15 per cent. of direct tax to the States of California, Oregon, and Nevada, which stands upon the basis that Congress adopted last year in allowing it to the State of Kansas. Senators are familiar with the provisions of that act. In order to insure promptitude of collection or assumption of the tax by the States Congress authorized an abatement of 15 per cent. to the State paying at a certain date. Last year Congress allowed the 15 per cent. to the State of Kansas, although technically that State was not entitled to it, not having paid within the time, but assumed and paid it afterward. Congress determined then and there not to insist rigidly upon the statute which required payment at a given time, but to give Kansas the benefit of her equities and allow the 15 per cent. The committee on the part of the Senate and the Senate adopted the provision put upon this appropriation bill to pay the like claim for the three States that have been considered and the amount fixed in the Treasury.

Mr. PLUMB. Will the Senator from Maine permit me to interrupt him for a moment? I wish to have him make the statement complete, and to call his attention to the fact that the State of Kansas was not the first State to which that rule had been applied. It was the only one to which it was applied last year, but prior to that time an allowance had been made for the claims of other States which had also made their payment after the time prescribed.

Mr. HALE. I referred to that State particularly because the Committee on Claims to whom the matter had been referred reported the bill to the Senate for passage and it was passed last year.

Mr. PLUMB. That is all right. I only wanted to make the statement stronger.

Mr. HALE. The next item is $5,000 in payment of a judgment in favor of J. D. Culp & Co., duly certified to us, and the Senate conferees saw no reason why it should not be paid like other judgments.

The next item is one put on in the Senate for the expenses of the Louisiana Commission.

Mr. INGALLS. How much was the Louisiana Commission expense?

Mr. HALE. Three thousand nine hundred and fifty dollars and seventy-three cents. The next item is for the payment of awards for the Fox and Wisconsin River improvements. In this case the Government assumed the control of the rivers and the improvements, and suits were brought against the Government for damages by flowing and otherwise from the operations of the War Department under the Government. Judgment was rendered in an agreed case, and these appropriations are to pay the sums that are covered by the judgment.

The next three items are items for the payment for rent and use of the yards of Harlan & Hollingsworth, William Cramp & Sons, and John Roach for the three monitors, the Terror, the Amphitrite, and the Puritan. Congress in 1881 directed the Secretary of the Navy to have these claims investigated by a board and reported to Congress as to the amounts due to these parties. When the old alleged contracts were abrogated and abandoned the vessels were left in the yards of the contractors and continued there until work was resumed on them less than two years ago. For that, for the use of their yards, for the inconvenience resulting from it the owners of the yards have received nothing. They presented bills very much larger than those allowed by the board; the Committee on Appropriations of the Senate recommended that the awards be adopted and paid, and put the items on this appropriation bill and the Senate passed them.

There is still another question arising with reference to this item. The Monadnock lies in the yard of Burgess in San Francisco, or in California near that city. Mr. Burgess declined to accept the award of the board, claiming a much larger sum, and his item was not put on the bill. After the conference met Mr. Burgess expressed his willingness to take the amount of the award as the others had done, but the conference committee hesitated about putting it on and because neither of the Houses had considered the item. We have the items of the others in relation to the same subject-matter and it might be claimed that the conference had power to put the Burgess item on, but the conferees were sensitive on the point of doing nothing that should by possibility raise the question whether they had exceeded their power; and unless the Senate and the House instruct the committee to consider this item, the conferees will not consider it.

Mr. INGALLS. What is the amount involved in that item?

Mr. HALE. Seventy-one thousand dollars.

Mr. INGALLS. What is the entire amount?

Mr. HALE. The first item is $67,987; the second item, $75,790; and the third item, $69,201, taking the award of the board exactly.

The next item that we could not agree upon relates to the Department of Justice. The Attorney-General and his subordinates having charge of this business were requested by the Committee on Appropriations to look carefully into their expenditures and report the least sums possible to finish the service for the year. The Committee on Appropriations reported that sum, and the Senate adopted their report. The House conferees refused to yield.

The next item is for miscellaneous items for the Senate contingent fund. That is the item which contains the appropriation for Senators' clerks under the action of the Senate taken during the last winter. The House conferees refused to assent to this item, and it is embodied in the report.

There is another item with reference to repealing the provision in regard to the Agricultural Bureau having charge of the investigation of the diseases of cattle—an appropriation of $25,000. There is also an item for the payment of land taken for the reservoir lying to the north of this city, $175,000. Legal proceedings have been taken, the land of the different owners appraised, and it has all been submitted to Congress. The item amounts to $170,000, with an item of $5,000 for maps and surveys. The conferees on the part of the Senate could not yield or give this item up, because the land has been taken, the owners have been dispossessed, the work is going on, and sooner or later the Government will have to pay for it. It ought not to be delayed. Some of the owners are poor, were small property-holders, and the Senate conferees could see no reason why the appropriation should be further delayed.

Mr. HAWLEY. The Senator may also state that the land has been taken in the usual process of condemnation.

Mr. HALE. I had stated that legal proceedings have been gone through with, appraisements made under the law, and that this amount is the result of the appraisal.

There were two items of legislation, one amendment No. 122, as to a very rigid limitation on the presentation of claims in the Treasury Department. While the Senate conferees felt that this provision had

many merits and that the Treasury Department should be protected so far as possible from the undue pressure of old claims, yet it had not time fully to investigate the full force of the House enactment, and a consideration also presented itself to the minds of the Senate conferees that we ought to be cautious about any legislation that would tend to send more and more claims to Congress. Therefore the Senate conferees did not feel willing to give their assent to that provision.

There is an amendment, number 138, in regard to certain claims that had been presented to the Treasury Department, duly considered and heard by all the auditing and comptrolling officers and reported to Congress, where the Department has declined to send them to the Court of Claims. The House put in a provision that they shall now be sent to the Court of Claims. The Senate conferees did not think that this class should be submitted to that further delay, and that is included in the disagreement.

The position of the House upon certain matters of appropriation may as well be stated, and that is, where in the course of the service of the Government in its different Departments the head of a Department or a subordinate under the head of a Department expends money in excess of the appropriation which has been given the year before it will not consider it to be a deficiency, taking the technical ground that a deficiency is something that has not been paid because the appropriation made for it has lapsed or has been covered into the Treasury.

On page 9, amendment 14, is the following item:

For additional amount required for fuel, light, and water for public buildings for fiscal year 1881, to pay for the services of six persons employed during April, May, and June, 1881, as watchmen and cleaners in the custom-house, Chicago, by the collector of customs, and remaining unpaid for want of an appropriation, $648.90.

The collector of customs at Chicago, on an undoubted and undisputed emergency, the service being required, and it being undisputed that it was required, employed these people to do service as watchmen and cleaners; but when the bills were sent in they were in excess of the appropriation for that building. They were duly audited and allowed in the Treasury Department and sent to Congress. The House conferees refuse to pay these people for the service because the appropriation was not large enough to cover it. The Senate conferees believe that these poor people should be paid. They knew nothing about the extent of the appropriations; they were employed by an officer of the Government at the head of the custom-house, and it is due and fitting that the items should be paid. It is a small matter, but the House insisted so rigidly that the Senate yielded, simply notifying the House that it would come up again, and that in the end both branches would pay such a bill as that. I mention it as showing the attitude of the House with reference to these appropriations.

The committee has done the best it could, and I seek now the instruction of the Senate on these different amendments, and I suppose the proper motion would be that the report be accepted, and then I will move that the Senate further insist on its disagreement.

Mr. SEWELL. What is the statement in relation to monitors on the stocks? I did not hear it exactly.

Mr. HALE. That is included in the disagreements. I ask the instruction of the Senate on those items.

Mr. SEWELL. How is it in regard to the California award. That has come in since the amendment as to the others.

Mr. HALE. It did not go into the bill.

Mr. SEWELL. That is a similar case to those already in. It is an award made by the board of the Navy Department. If the others are paid that ought to be. I move that the conferees on the part of the House be instructed to insert that item.

Mr. HALE. Let the report be accepted first.

Mr. BAYARD. Mr. President, there is an item in this bill, concerning which there is a disagreement reported by the conferees, of which I have some knowledge. I introduced the amendment providing for the payment to the ship-builders of three of the turreted monitors for the loss to them caused by the use and occupation of their ship-yards by three of the monitors from the time when the contract they had entered into with the Government was arrested and discontinued at the option of the Government until such time as it pleased the Government to renew the contract sufficiently to enable them to get these vessels out of their ship-yards. It so happens that one of these vessels has been built in the town where I live, and I have frequently seen it.

In 1873 the Government made a contract with the firm of Harlan & Hollingsworth to build one of these vessels, and I believe when I state the terms of this contract I state them as to the other three monitors, one on the Pacific coast, one in Philadelphia, and one at the town of Chester. They proceeded under the contract, constructed the hull, and were about to finish the turrets and armament when the incoming Secretary under the administration of Mr. Hayes stopped the contract at once, and nothing more was done until 1883. For six years and a half the Government occupied with one of its unfinished vessels the best site and the most valuable portion of an active ship-building yard's property.

More than once in the Senate I have applied to the Committee on Naval Affairs in the course of discussion to introduce some measure that either would finish this vessel or destroy it, but at any rate get it out of the way, and not occupy the private property of these ship-builders; but for one reason or another the Government postponed it. Commission after commission was raised by the Navy Department, and they returned variously that these vessels had better be finished in one way or another. Finally the Government made up its mind and did expend enough money to have them launched. They were taken from the slips; they lie now in the water, to be dealt with as the Government may see fit in regard to their armament.

But in the mean time here are citizens of the United States who have supplied their money, given the use of their property, performed every contract which they made with the Government fully so far as they were allowed to do it, have settled their claims with the Government, and now ask that they may be remunerated for the use and occupation of their ship-yards by Government vessels for six and a half years, during which time it pleased the Government to keep them there and not permit them to be removed.

These ship-building companies rendered their bills to the Government for the use and occupation of these building-slips, for the construction of houses over these vessels, over the turrets, storing, painting, watching, labor, and other things necessary for the purpose of protecting this property, shoring up these vessels so that the hulls might not fall out of line and be injured when they came thereafter to be used. They rendered an itemized account to the Navy Department for this work and Congress did not pay it, but they did order a year ago that a commission should be appointed to examine into this claim, composed of officers of the Navy, honorable gentlemen, I take it for granted, as all officers in the Navy are, or certainly ought to be. They went into these yards and they returned a full detailed statement based upon the value of the plant, the time it was occupied, and all the other items connected with the expenditure, and I may say that that was about two-thirds of what the ship-builders believed they were fairly entitled to.

A communication was sent to the chairman of the Committee on Appropriations in the other House stating the facts, and asking for compensation upon the basis of the Government's own ascertainment, and I believe no reply was made. A copy of that letter was sent to me, and I carried it before the Committtee on Appropriations of the Senate, and I introduced an amendment to pay these three ship-builders the amount which the officers of the Navy detailed for the purpose of ascertaining had declared to be justly and fairly due.

I do not pretend to give reasons why this claim was not recommended by the House committee. I can only say that no reasons were given why it should not be, but that ample reasons are given in the report of the commission of officers detailed to examine into this subject, and it lies before the Senate in the shape of an executive document. My statement here is but a skeleton of what that document contains, and I desire to say in the Senate that it may be known here as well as elsewhere that I can see nothing admissible in the Government refusing to pay a well-ascertained debt when its own officials have stated that it was justly and fairly due. I hold that the obligations of the Government are not confined to its sealed instruments or to its contracts express, but equally so to those implied; and there is no better example that the Government can set to its people than by honestly paying its own just debts. I believe that the claims made by these parties and affirmed by the board of naval officers are just as honest, just as fully due, as any one item that this bill contains; and so believing I trust the Senate will insist on its amendment and bring the matter before the House, that a perfectly just claim may be admitted and may be promptly paid.

Mr. HALE. I move that the report of the committee of conference be accepted.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate agree to the recommendation of the report of the conferees.

Mr. INGALLS. Mr. President, the report of a conference committee, I suppose, is always a compromise. It is "give and take." While I have no knowledge or information about many of the items to which the Senator from Maine has referred upon which a disagreement exists, there is one upon which it appears to me the action of the Senate conferees should be decided and positive, and that is in connection with the land condemned for the reservoir in the region adjacent to the Howard University. This condemnation was provided for in the bill for the increased water supply of the District. Those Senators who have recently had occasion to go out of the southwest gate of the Soldiers' Home in consequence of the closing of the main western entrance may have noticed very extensive operations going on in the property adjacent to the territory of the Soldiers' Home. We have obtained possession of this property by the legal process of condemnation. The Government is at work upon it, the owners have been dispossessed, the compensation has been agreed upon, and it would be a scandal and a reproach for Congress to refuse to pay it at the earliest opportunity.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine, that the recommendations of the conferees on the items in respect to which the conferees of the two Houses have come to an agreement be concurred in.

The report was concurred in.

Mr. HALE. Now I move that the Senate insist upon the amendments on which disagreements between the two Houses are reported and ask for a further conference on the disagreeing votes.

The PRESIDENT *pro tempore*. The Senator from Maine moves that

the Senate further insist on its amendments numbered 5, 6, 8, 9, 11, 19, 21, 22, 39, 47, 48, 49, 85, 86, 87, 92, 101, 110, 117, 122, and 138, and ask for a further conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

Mr. SEWELL. I ask unanimous consent that the conferees on the part of the Senate may be authorized to take into consideration the claim for storing the Monadnock in connection with the claims for the other monitors.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that it be ordered that the Senate conferees on the bill just disposed of be authorized to ask the Representatives of the House of Representatives to take into consideration and insert in the bill the claim in reference to the storage of the Monadnock.

Mr. SEWELL. On the basis of the award.

The PRESIDENT *pro tempore*. On the basis of the award in the case of the Monadnock. Is there objection?

Mr. HALE. I would not put in "on the basis of the award."

Mr. SEWELL. Well, on the basis of the amount allowed in the other cases.

Mr. HALE. Very well; that is right.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORGAN. I ask leave to make a report from the Committee on Public Lands.

The PRESIDENT *pro tempore*. Reports are not yet in order.

Mr. MORGAN. I shall wait till the proper time.

BRANCH SOLDIERS' HOME.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the conference report on House bill No. 4696. The title of the House bill and the action of the House of Representatives will be read.

The Secretary read the title of the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska.

The action of the House was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 3, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska.

Mr. HARRISON. I desire at this time to submit the report of the conferees on the part of the Senate on the bill which has just been laid before the Senate, and I will say in connection with it that the Senate amendment was in the nature of a substitute, striking out all after the enacting clause and inserting the Senate bill which the Senate had passed and sent to the House. The conferees have agreed upon two amendments to it. The first is:

Mr. INGALLS. Two amendments to the Senate bill?

Mr. HARRISON. Two amendments to the Senate amendment. The first is extending the provisions of this bill to the soldiers of the Mexican war and the war of 1812. As the bill was passed by the Senate, the enlarged relief which was given was limited to soldiers of the late war. The fundamental law of the home, the original law of the home, provided for the admission of soldiers of the Mexican war and the war of 1812 both. We have made this bill conform to the fundamental law of these homes.

The other amendment is in the nature of a proviso, made necessary by the extension of this legislation to soldiers of the Mexican war, which is simply to the effect that the disability which shall be the basis of admission to these homes shall not have arisen in service against the Government.

I move that the Senate agree to the report of the conference committee.

The PRESIDENT *pro tempore*. The report of the Senate conferees will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendments: In section 5, after the word "rebellion," insert the words "and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war;" also by adding the following proviso to section 5: "*Provided*, Such disability was not incurred in service against the United States;" and the Senate agree to the same

BENJ. HARRISON,
JNO. F. MILLER,
F. M. COCKRELL,
Managers on the part of the Senate.

W. S. ROSECRANS,
CHARLES H. MORGAN,
J. LAIRD,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Indiana that the Senate concur in the recommendations of the conference committee on this bill.

The report was concurred in.

ROSA VERTNER JEFFREY AND OTHERS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate House bill No. 2185, stating that the bill has once been in the Senate before, but was returned to the House of Representatives, and has been changed there, as the Chair sees by looking at the engrossed bill. The Chair thinks, therefore, that the bill should be treated now as an original House bill, and have its first and second reading.

The bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others was read twice by its title, and referred to the Committee on Claims.

REMOVAL OF CHARGE OF DESERTION.

Mr. COCKRELL. There is a conference report that I desire to have acted upon.

The PRESIDENT *pro tempore*. The Chair withheld it until the Senator came in. The Chair lays before the Senate the action of the conferees and of the House of Representatives on House bill No. 4383.

The Chief Clerk read the title of the bill (H. R. 4383) to relieve certain soldiers from the charge of desertion, and also the following:

IN THE HOUSE OF REPRESENTATIVES, *July* 3, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4383) to relieve certain soldiers from the charge of desertion.

The PRESIDENT *pro tempore*. The Senator from Missouri submits the report of the Senate conferees, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 4383, an act to relieve certain soldiers from the charge of desertion, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from Senate amendments numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

And the House recede from Senate amendment numbered 1 with an amendment, as follows: At the end of section 1 insert:

"*Provided*, That no soldier shall be relieved under this section who, not being sick or wounded, left his command without proper authority whilst the same was in the presence of the enemy."

And also recede from Senate amendment numbered 2, with an amendment as follows: In first paragraph strike out the words "the service" and insert the words "his command;" and in second paragraph strike out the words "the service" and insert the words "his command."

And the Senate agree to the same.

F. M. COCKRELL,
BENJ. HARRISON,
W. J. SEWELL,
Managers on the part of the Senate.

W. S. ROSECRANS,
CHARLES H. MORGAN,
GEO. W. STEELE,
Managers on the part of the House.

Mr. COCKRELL. The House has receded from its disagreement. There is a clerical error in the report in not stating the fact in that form. I move that the Senate agree to the conference report.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate agree to the report of the conferees on this bill.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting six illustrations needed for the completion of the report on the Suez Canal by Professor J. E. Nourse, United States Navy, presented to the Senate on the 27th ultimo; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Attorney-General, transmitting the petition of Thomas Boles, United States marshal at Fort Smith, Ark., praying that his salary be fixed at $5,000 per annum, and the salary of his chief deputy at $1,800 per annum; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CULLOM presented a memorial of citizens of Tallula, Ill., remonstrating against governmental control of the telegraph business; which was ordered to lie on the table.

Mr. PLUMB presented a petition of citizens and soldiers not members of the Grand Army of the Republic, residents of the State of Kansas, praying for the passage of the so-called Lovering bill, granting pensions for service in the Army and Navy of the United States during the war of the rebellion; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 2869) for increase of pension of Martha T. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy, reported it without recommendation, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill

(S. 1046) increasing the pension of Martha P. Stribling, reported adversely thereon; and the bill was postponed idefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 3591) for the relief of Sarah A. Becktel, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4530) granting an increase of pension to Patrick Foley, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Public Lands, to whom the subject was referred, reported a bill (S. 2363) to declare a forfeiture of a land grant to the State of Michigan to aid in the construction of a railroad; which was read twice by its title.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Claims, to whom was referred the bill (S. 2181) for the benefit of D. R. Haggard, to report it back and to ask that the committee be discharged from its further consideration, and in connection with the bill I offer the following order:

Ordered, That D. R. Haggard have leave to withdraw the papers relating to his claim from the files of the Senate, no adverse report having been made.

There being no objection, leave was granted.

The PRESIDING OFFICER (Mr. GARLAND in the chair). What disposition does the Senator propose to make of the bill?

Mr. CAMERON, of Wisconsin. I move that the Committee on Claims be discharged from the further consideration of the bill.

The PRESIDING OFFICER. That order will be granted, but what disposition is to be made of the bill?

Mr. CAMERON, of Wisconsin. It will remain on the table, I suppose.

The PRESIDING OFFICER. It will be ordered to lie on the table, if there be no objection.

BILL INTRODUCED.

Mr. PLUMB introduced a bill (S. 2364) granting an increase of pension to Stephen R. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

CALIFORNIA INDIANS.

The PRESIDENT *pro tempore*. If there be no further bills or joint resolutions that order is closed. Concurrent and other resolutions are in order, and under the rule the Chair lays before the Senate the resolution offered yesterday by the Senator from California [Mr. MILLER], which will be read.

The Chief Clerk read as follows:

Resolved, That the provisions of the resolution of the Senate adopted June 11, 1884, instructing the Committee on Indian Affairs to inquire into the condition of the several tribes and bands of Indians in the Indian Territory, &c., be extended to and embrace therein the Indians upon the several reservations in California, and that the said inquiry be directed particularly to the Round Valley Indian reservation in said State; and that full investigation be made into the present and past management of said reservation, and of all abuses of the rights and interests of the Indians thereon.

The resolution was agreed to.

FISHERIES OF ATLANTIC COAST.

Mr. SEWELL. The Senate at the last session ordered an investigation into the fisheries on the Atlantic coast by a subcommittee of the Committee on Foreign Relations. The result of that investigation was the formation of a standing committee of the Senate, the importance of the subject being fully recognized. It is desirable to continue this investigation during the recess, and I therefore offer a resolution authorizing a subcommittee of that committee to sit during the recess.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Fisheries be authorized to sit during the recess of Congress at such places as they may deem necessary for the purpose of continuing the investigation relative to the proposed legislation regulating the fisheries of the Atlantic coast in the bays and arms of the sea, and in the lakes and mouths of rivers.

Resolved, That said committee have leave to appoint a subcommittee if necessary.

Resolved, That said committee or subcommittee have power to send for persons and papers, to employ a stenographer, and that the expenses incurred be paid out of the contingent fund of the Senate on vouchers approved by the chairman of said committee or subcommittee.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that these resolutions be now considered. Is there objection? The Chair hears none. The question is on agreeing to the resolutions.

The resolutions were agreed to.

CLAIMS FOR FRENCH SPOLIATIONS.

Mr. FRYE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 3,000 copies of the message of the President of the United States transmitting the report of the Secretary of State relative to the papers on file in the Department of State touching the unsettled claims of citizens of the United States against France prior to July 31, 1801, together with the papers accompanying the same.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes; and it was thereupon signed by the President *pro tempore*.

THERESA CROSBY WATSON.

The PRESIDENT *pro tempore*. The Calendar, under the eighth rule, is now in order.

Mr. BLAIR. I move that the Senate proceed to consider Order of Business 764, being the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. HARRISON. I want to make a suggestion.

The PRESIDENT *pro tempore*. The Senator from Indiana is recognized and may proceed unless objection be made.

Mr. HARRISON. I simply wanted to make a suggestion to the Senator from New Hampshire that we should go through with the pension cases reported favorably. If we go into this class that is subject to discussion and delay we shall probably not get the others through, and we can put out of the way those cases that are reported favorably in a very little while and then go back to these.

Mr. BLAIR. These are cases which have been called up many times, and the unopposed and uncontested cases will go through as a matter of course as fast as they can be called.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire debating this motion? The Chair hears none.

Mr. BLAIR. I only wish to observe that several cases of which this is one have been lingering all winter, and since I endeavored to call up this case yesterday morning one of the members of the committee——

Mr. FRYE. Did the Chair ask if there was objection to this debate? I did not hear the question asked or I should have objected very promptly.

The PRESIDENT *pro tempore*. The Chair called for objection and paused.

Mr. BLAIR. I shall only observe that these cases are substantially reported favorably by the assent of one member of the committee affirmatively, he constituting a majority. I wish the question put to the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire.

The question being put, there were on a division—ayes 9, noes 12; no quorum voting.

Mr. BLAIR. The yeas and nays might as well be taken.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PENDLETON (when his name was called). I am paired with my colleague [Mr. SHERMAN] who left the Chamber a few moments ago. I do not know how he would vote if present, and I withhold my vote.

The roll-call having been concluded, the result was announced—yeas 36, nays 13; as follows:

YEAS—36.

Bayard,	Coke,	Jonas,	Platt,
Aldrich,	Conger,	Jones of Florida,	Pugh,
Beck,	Edmunds,	Kenna,	Ransom,
Blair,	Farley,	Lamar,	Sawyer,
Brown,	Garland,	McMillan,	Sewell,
Butler,	Groome,	Maxey,	Slater,
Call,	Hampton,	Miller of Cal.,	Vance,
Cameron of Pa.,	Harris,	Morgan,	Vest,
Cameron of Wis.,	Ingalls,	Palmer,	Voorhees.

NAYS—13.

Bowen,	Jones of Nevada,	Mitchell,	Wilson.
Dolph,	Lapham,	Morrill,	
Frye,	Manderson,	Plumb,	
Harrison,	Miller of N. Y.,	Van Wyck,	

ABSENT—27.

Allison,	Fair,	Hoar,	Riddleberger,
Anthony,	George,	Jackson,	Sabin,
Camden,	Gibson,	Logan,	Saulsbury,
Cockrell,	Gorman,	McPherson,	Sherman,
Colquitt,	Hale,	Mahone,	Walker,
Cullom,	Hawley,	Pendleton,	Williams.
Dawes,	Hill,	Pike,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

The bill was reported from the Committee on Pensions with an amendment in line 7, after the words "rate of," to strike out "fifty" and insert "thirty;" so as to read:

And to pay her a pension at the rate of $30 a month.

Mr. BLAIR. I stated that there is a majority report now in favor of the bill as it came from the House, by the assent of one member who has changed his former position.

Mr. VAN WYCK. I did not understand the statement of the Senator from New Hampshire. There is so much noise in the Hall that it is impossible to hear.

Mr. BLAIR. Let the statement be understood as applying to this and all cases of this class that by conference among the members of the Pension Committee who are now in the city it is ascertained that a majority of the members would, if the bill is recommitted and formal action taken, report it favorably as it came from the House. We would report the bill without amendment.

Mr. VAN WYCK. May I ask the Senator how this bill was reported by a majority of the committee at the time it was reported?

Mr. BLAIR. That is matter of record. I said that by a vote so close that a change of one vote changes it from a minority to a majority; this bill now, if recommitted, would be reported by a majority of the committee in the city with a favorable report.

Mr. VAN WYCK. In order to ascertain what the majority of the committee reported I ask that the report be read.

The PRESIDENT *pro tempore*. The Chair can state to the Senator from Nebraska, if that is all he desires, that the report of the committee was in favor of amending the amount of the pension standing in the House bill at $50 to reduce it to $30 a month. That was the report of the committee, and the question now is on that amendment.

Mr. VAN WYCK. Now, with a view to ascertaining the facts in this case and its merits, in order that the Senate may fully understand the matter, I ask that the report of the committee be read, setting forth the facts.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report submitted by Mr. BLAIR, June 18, 1884:

The Committee on Pensions, to whom was referred the bill (H. R. 103) granting a pension to Theresa Crosby Watson, widow of James M. Watson, late a commodore in the United States Navy, having considered the same, report it favorably, and recommend its passage with the following amendment:

Strike out the word "fifty," in the seventh line of the bill, and insert instead thereof the word "thirty."

The claimant is the widow of James H. Watson, late a commodore in the United States Navy. The officer died of heart disease April 17, 1873, at which time he was on the retired-list. The widow applied to the Pension Office, but the claim was rejected on the ground that there was no evidence of disability prior to July 27, 1868, while the officer was in actual service.

This bill, granting a pension of $50 a month, has passed the House of Representatives, and the report of the House committee is as follows:

"Commodore James M. Watson entered the United States naval service in 1823, and remained in said service until 1873, when he died in Vallejo, Cal. His health was seriously impaired in 1854, when, in command of a man-of-war, the Fulton, he was exposed to a severe storm, producing an attack of pneumonia, which, there is reason to believe, ultimately caused his death. His service was long and faithful and meritorious. His widow is now in the decline of life, and solely dependent on her exertions for support. We can see no reason why she should not receive the same pension that has been allowed in many other similar cases by special act of Congress to the widows of officers of the Navy of similar rank. The committee therefore recommend the passage of the bill."

To this report may be added the fact that Mrs. Watson has suffered for five years from fracture of the right hand, which has never healed, so that she is permanently disabled and suffers severely with nervous prostration. She is entirely without property, and without relatives or friends who can contribute to her support. Commodore Watson was a native of Virginia, of the family of Richard Henry Lee, who signed the Declaration of Independence, and many of his ancestors fought in the Revolutionary war. The father of Mrs. Watson was a naval officer, and was killed in the Mexican war.

There are many precedents for favorable action on this bill. Where the officer held the rank of commodore we find the names of James H. Frailey, Charles S. McCauley, Isaac McKeever, and others, comprising ten or twelve instances where pensions are being paid to their widows. This case is stronger than in most instances where pensions have been granted by special act to the widows of naval officers of high rank, and we recommend the passage of the bill.

The majority of the committee is, however, opposed to granting the pension in this case at higher rate than that allowed under the general laws, it being their opinion that there should be no increase in this and like cases unless by virtue of a general act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Pensions.

Mr. PLUMB. There are one or two facts in this case that ought to be stated which are not contained in the report as I understand. A portion of this report reads:

To this report may be added the fact that Mrs. Watson has suffered for five years from fracture of the right hand, which has never healed, so that she is permanently disabled and suffers severely with nervous prostration.

If that is pertinent to be stated (which I doubt very materially, because the pension to widows as a rule does not relate to their condition at all but to the services of their husbands) I think it also ought to be stated that this lady is in the employ of the Government as a clerk in one of the Departments. That ought to be stated not only because it is a fact to be considered in connection with the other facts stated, but because it qualifies what is here stated as to her disability.

I have opposed the passage of bills of this kind heretofore, and may as well say once for all what I have to say about cases of this kind. This is a person who is not within the general rule in regard to the allowance of pensions to widows. In other words, the Pension Office was unable to find, and it is not here stated, that Commodore Watson died by reason of disability incurred in the line of duty. Therefore any pension to his widow is purely a gratuity in the broadest and most emphatic sense of that term.

The simple fact that this lady's husband was a commodore in the Navy and receiving a large salary as such commodore is not of itself, I take it, a ground for any benefaction on the part of the Government to any of his survivors, but the House has passed a bill fixing the pension at $50, and the Senate committee propose to reduce it to $30, and I understand the Senator from New Hampshire who proposes the bill for consideration now desires that the Senate shall fail to adopt the amendment. Of course $50 a month is not going to bankrupt the Treasury; but if you were to apply this rule to all meritorious widows—that is, to women who are widows of persons who have died in the service or who have died since the service—it would take a very large sum of money; but the objection I have is not to that, but it is to the fact that we single out the least meritorious of all this class of people and give them pensions, while we practically, and not only practically but persistently, deny pensions to others who are more meritorious. Every Senator from the West especially, and I think every Senator, gets letters from widows who are poor, whose poverty is the result of the service of their husbands in the Army. There is not a week that I do not get such letters from widows on the borders of Kansas, and the tales they relate of their poverty and the distressing circumstances by which they are surrounded, and for which there is no relief, would be enough to move me, as I think they would ordinarily move the Senate to grant them pensions; but cases of that kind get no consideration from Congress. But the women who are related to Richard Henry Lee or to men of that kind, and so are presumably patricians, blue-blooded people, people who belong to the class that have heretofore had everything, and therefore ought to continue to have everything, find a sentiment here in the committee and in Congress which enables them to get four or five times what anybody else can get and sometimes even to the exclusion of others.

Mr. SEWELL. Will the Senator allow me to interrupt him at that point? I simply want to correct a wrong impression that may be made by the remarks of the Senator. The Senate has done its part to increase the pensions of all widows within a few days.

Mr. PLUMB. It has increased them to $12 a month.

Mr. SEWELL. That is 50 per cent. over what is now allowed.

Mr. PLUMB. The question of percentage is very important in a banking-house, but to a person with an empty stomach it is of very small account. This means that the widows of the men who carried the flag of this country on the battle-fields of the last war, and who saved the country, and who incurred the disability in the line of their duty which carried them to an early grave, get no consideration at the hands of the Senate, or of Congress, comparatively; and yet we are yielding to personal solicitation in passing bills of this kind, giving large amounts to women whose husbands lost nothing by service in the Army or the Navy, who were fed and clothed at the expense of the Government, and at great expense, receiving high salaries, and who have no claim of any kind or description whatever upon the country by reason of any rule which we have adopted as applicable to the survivors of the last war.

Mr. President, this is as I think an offense. It is a direct slap in the face, if I may so say, to all the meritorious class of people who are not in proximity to Congress and who do not possess the social qualifications and the blue-blooded connections which enable them to reach the too susceptible heart of the average legislator.

There is nothing in this case of suffering, there is nothing in this case that appeals to any one's special sympathy. Here is a person who is already earning in the employ of the Government a living, and it is proposed without any warrant to constitute her a class by herself, in violation of all the laws, of all the rules that apply to all the other widows except the widows of rear-admirals and of major-generals, who receive so much consideration here, for the purpose of giving her $50 a month, when the widow of a private soldier who lost his life in the war or as a result of the war can get but $12 at the very outside.

For one, I would not be willing to go back to the people whom I in part represent on this floor, so large a portion of whom are ex-soldiers and their widows, if I ever gave countenance in the slightest degree to this kind of reflection upon them and upon their deservings. It has the tendency—too much marked now—to build up a class. It is in direct violation of the entire spirit of the Government. The theory of this Government is that equal opportunity belongs to every one, and that with equal opportunity must come equal burdens, and that every one must stand the chances in the strife of life in which he has equal opportunities, and that legislation shall not be invoked to build up one man or one set of men or one class of persons against all the rest. That is just what we are doing. The accident that the woman was the wife of a rear-admiral, himself in receipt of a salary sufficient to keep him in comfort and in style, constitutes in itself an appeal to Congress, as it seems, an effective appeal, to give more, although that husband might with a decent degree of economy have left something for his family.

But when we come to apply that rule to the widow of a man who was poor when he went into the Army, whose poverty was aggravated by his service, and who incurred a disability in the line of his duty which carried him to his grave, because forsooth she does not come from this governing class she is refused any relief whatever, or else we give a pittance which does not even enable her to eke out a miserable subsistence. Against this and all similar bills I protest, and I do it in the name and in the behalf of the worthy people who are slighted

by such legislation and who are not receiving the attention at the hands of Congress that they should.

Mr. VAN WYCK. This question assumes importance at this time from the fact that there are very many cases before the committee, most of which I think have been acted upon, the result in regard to which must necessarily be determined by the result in this case. I think there are forty or fifty such cases.

Mr. BLAIR. Oh, no.

Mr. VAN WYCK. The clerk of the committee informs me not less than forty.

Mr. BLAIR. That is an entire mistake. There may be that number of applications for increase, but there are not that many of this class.

Mr. VAN WYCK. I do not object to the Senator interposing. I want to be correct.

Mr. BLAIR. I have marked all that are upon the Calendar. There are the cases of Lucy Lee G. Jeffers; of Mrs. Mary T. Barnes; the case now pending; that of the widow of Rear-Admiral Edward Middleton, a descendant of a signer of the Declaration; that of Fannie S. Beaumont, the widow of Rear-Admiral Beaumont; that of the widow of Major-General Foster; that of the widow of Capt. Robert F. R. Lewis; that of Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in the active service; the case of Mary M. Ord, widow of Maj. Gen. E. O. C. Ord; that of the widow of General Mower, Betsy A. Mower; also that of the widow of General Isaac P. Rodman; and one was reported this morning, the widow of Commodore Stribling. Counting that there will be fourteen cases in all. One of these has been passed by the Senate; that is, it was understood to have passed until this question touching the popular feeling was raised. Nearly all of them are cases of the widows of eminent naval officers who were in the service for life, and whose pensions, if paid at all, come out of the accumulations resulting from their own services, to wit, the 40 per cent. from the prize-money which is the property of the United States by virtue of the gallantry of these men.

Mr. SHERMAN. I ask the Senator from New Hampshire if he proposes that we shall withhold action on the great multitude of private pensions due to soldiers and their widows, pensions for $8 or $12 a month, in order to pass upon the controverted cases of these ladies, many of whom I know, and I believe I shall vote for all of them? But I think we ought to give the unobjected cases the floor, the advantage, and clear the Calendar of them; and then take up these cases, and I will vote for probably all of them.

Mr. BLAIR. This case will settle them all. There is no occasion for any debate, because there are no other facts that will be pertinent in any other case which are not involved in this case. The other cases will pass as a matter of course as they come along in their order, and the Senator from New Hampshire originally undertook to have them all taken up and all disposed of at the same time. I do not imagine that there will be any occasion to complain for they will all get through if we only consider them.

Mr. WILSON. I move that this bill be informally laid aside, and that the Senate proceed to the consideration of unobjected pension cases on the Calendar.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Iowa asks unanimous consent of the Senate that the bill under consideration be informally laid aside, and that the Senate proceed to the consideration of unobjected pension cases favorably reported. Is there objection?

Mr. HILL. During the morning hour, I suppose.

Mr. VOORHEES. I object. This case has been taken up. Let it be disposed of.

Mr. VAN WYCK. If the Senator from Indiana has a suggestion to make I will hear him, but I thought I was entitled to the floor.

The statement of the Senator from New Hampshire and the reading of the titles of a number of bills on the Calendar do not contradict the statement I made. I stated that there were before the committee forty or more cases precisely similar to this, where it is asked that there shall be an increase from $30 to $50 per month. The Senator read from the Calendar showing that some such bills have been reported, as they have been. The other cases are lying in committee and have not as yet received the action of the committee; but the importance of this case depends upon the fact that there are upward of forty other similar cases. If the Senator from New Hampshire desires to read them, here they are; I will give him the list. There are over forty widows asking that their pensions be increased from $30 to $50. It is true this has been done in the past, started probably wrong in the first place; but the theory was, as the Senator from New Hampshire understands, that where there was exceptionally brilliant service the larger rate should be allowed. That was the expression; brilliant service was the justification in the first place for transgressing the law of Congress. Congress enacted a law in its liberality recognizing differences in rank.

Our pension laws, unjustly in some instances, at the outset fixed the pension of officers of high rank at $30 a month. So they remained until permission was given to break that down where the husband's services had been specially brilliant. That was the ground for raising the pension to $50. Where the service startled us by its brilliancy, as a tribute to or recognition or acknowledgment of the great service of the person, his widow was allowed to receive $50 per month. That was the theory, and so it continued for a little while until the door kept opening wider and wider, and at last we not only got it wide open, but fastened back and all invited to enter, so that there should be no unjust discrimination. When these cases arose at this session, without saying what was the action of the committee, I can say that some Senators thought it about time that there should be some fixed law upon the subject. If it is well that the pensions of all persons in that rank should be increased to $50 a month, let us say so by a general law. Therefore it was that your committee thought that special legislation should be put a stop to, and that the subject should come up in the shape of a general law, for it amounts to that.

Now, every person who dies with high rank in the Navy has rendered meritorious service; and necessarily so, because there is no position or occupation in life so healthy as the Navy, and the services of its officers are meritorious because they live long enough to go through all ranks until they reach the highest. So there come to be octogenarians in the Navy, and very many grow to be commodores necessarily, and the result is that there is a record of which the widow certainly has a right to be proud. Then that record of long service is presented to Congress and appealed to to show that there was meritorious service. The starting-point has been departed from in opening this wide door, so that to-day we have, I suppose, the widow of every deceased commodore and rear-admiral in the Navy on the pension-list, because, most remarkable of all things, in the case of every commodore and rear-admiral, though he reaches the age of 80 years and dies peacefully in his bed from old age, there is not the least difficulty in the proper Department in Washington finding proof, and the Navy can furnish it, that the disease of which he died was contracted in or incident to the service. And if a commodore or rear-admiral dies in November, his widow can get a pension about a month after, some time in December.

I do not speak of this complainingly. It may be all right; possibly it is. A man dies from disease, but the law does not contemplate that his widow is pensionable merely because her husband dies of disease; otherwise there would be no necessity of making a discrimination in the law and asking the Department to ascertain the fact that the husband died from a disease incident to or contracted in the service. The record shows that no matter how a man may die there is no trouble in finding proof that he died of disease incident to the service if he was a commodore or rear-admiral.

Mr. BLAIR. I would inquire of the Chair whether this debate is under the five-minute rule?

The PRESIDING OFFICER. This bill was taken up by vote of the Senate, which relieves it from the five-minute rule in the opinion of the Chair. If it had come up under Rule VIII the debate would have been limited to five minutes.

Mr. VAN WYCK. I wish the Senator from New Hampshire had thought of that before he finished his remarks.

Mr. BLAIR. The suggestion was made by a Senator near me, and I desired to limit the Senator from Nebraska, if I could, to the five-minute rule.

Mr. VAN WYCK. I probably could have said as much as was necessary in five minutes, but I thought it necessary to answer all the suggestions of the Senator from New Hampshire. That was the difficulty.

Mr. BLAIR. I have not spoken five minutes this morning.

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the floor.

Mr. VAN WYCK. These special cases are for the benefit of widows of officers of high rank, principally in the Navy, which I say is a very healthy occupation in life ordinarily; and yet, strange as it may appear, whenever a commodore or a rear-admiral dies, no matter how old, the Department is easily satisfied about proof on that point, and the fact can always be established that the disease causing death was incident to the service, and so his widow is placed on the pension-roll at $30 a month. Then the next thing is for the widow to come knocking at the door of Congress for an extension from $30 to $50. Now, the question which we are to meet and determine is, Shall that be made applicable to the thirty-dollar cases? If so, let us pass a general law to that effect and settle it, because our calendars are now encumbered with bill after bill in special cases of this kind. We have no time to consider them.

I do not desire or expect to be able to make a suggestion which will change the judgment of any Senator. I only desire that we shall understand the extent and force of this case which we now have under consideration, because there are at least——

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 2022) to establish a postal telegraph system.

ORDER OF BUSINESS.

Mr. WILSON. I ask unanimous consent that the present order of business may be informally laid aside and that the Senate proceed to the consideration of the pension cases reported favorably and unobjected to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. BLAIR. I desire that the regular order shall be laid aside informally in order that all the pension cases may be disposed of at this time. It is very evident to me that these particular cases are receiving exceedingly unfair treatment at the hands of the Senate. I have stated in regard to them that they have been kicked and buffeted about here either in committee or in the Senate for nearly the entire session; and I have a feeling that many of these widows are being wronged, and will be still more wronged and almost abused, if we fail to act upon these bills at the present session. This talk about laying them aside for the purpose of acting upon the unobjected cases, if it means anything, is simply that by these being laid aside and the other cases acted upon they shall not be touched at all.

The PRESIDING OFFICER. Debate proceeds by unanimous consent.

Mr. BLAIR. It will take no more time to go through with the whole than it will to take first one part and then the other, and I desire that we may complete the whole, which we may do very readily in a short time by going on regularly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. FRYE. I should like to say just one word.

The PRESIDING OFFICER. If there be no objection, the Senator from Maine will proceed.

Mr. FRYE. I imagine there is no Senator on this floor who does not know the difference between a $30 pension and a $50 pension to the widow of a rear-admiral or a commodore or a major-general, and there would be little or no objection if we could pass upon these bills without an eternal discussion the last day that we have to do any business; and the objection arises from an attempt to discuss all these questions without limit.

GENERAL COURTS-MARTIAL.

Mr. LOGAN. I ask leave at this time to present a conference report.

The PRESIDING OFFICER. The Senator from Illinois presents at this time a report from a committee of conference. The Secretary will read the title of the bill and then the report of the committee.

The Chief Clerk read the title of the bill (H. R. 5709) to amend article 72 of the Rules and Articles of War.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R 5709) to amend article 72 of the Rules and Articles of War, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, as follows: In line 3, after the word "Army," insert the words "a territorial division or a department;" also number 2, in line 5, strike out "court-martial," and insert the words "courts-martial;" and agree to the same.

JOHN A. LOGAN,
JOS. R. HAWLEY,
S. B. MAXEY,
Managers on the part of the Senate.
W. S. ROSECRANS,
R. M. MURRAY,
T. LYMAN,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The Senator from Iowa [Mr. WILSON] asks unanimous consent that the unfinished business be informally laid aside, in order that the Senate may proceed to the consideration of unobjected pension bills upon the Calendar. Is there objection?

Mr. VOORHEES. I object until we finish the case we have been considering.

Mr. HARRISON. I hope my colleague will withdraw his objection. This case is one that invokes discussion and delay.

Mr. VOORHEES. I do not see why it should.

Mr. HARRISON. But it does. I am not speaking of the reason of it. It has for two successive times that it has been called up caused discussion. Why not get the other cases out of the way? They are quite as meritorious as this. They are unobjected to. In the time we are spending on this case we can relieve fifty cases just as meritorious as this. I am sure my colleague would not let his objection stand in the way of considering some of those cases if he knew the facts that I do about them.

Mr. CAMERON, of Wisconsin. I think a vote can be had on this case at this time without further discussion. I think the friends of the bill are anxious for a vote. Let us try it.

Mr. BLAIR. I ask that the pending order be laid aside informally, and that the Senate proceed with the consideration of the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent of the Senate that the unfinished business be informally laid aside in order that the Senate may proceed with the consideration of the bill which was under consideration when the unfinished business was laid before the Senate.

Mr. WILSON. I shall object to that unless we can proceed to have a vote on the case. If it is to be further discussed I must object. In the time that this bill has occupied we could have disposed of every unobjected case on the Calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. WILSON. I object, unless a vote can be taken now on the bill.

The PRESIDING OFFICER. The request is objected to.

Mr. BLAIR. I do not propose to debate it at all.

Mr. SHERMAN. Regular order.

Mr. BLAIR. I understand that the Senator from Iowa does not object, if we proceed to a vote.

Mr. BUTLER. I move that all debate upon this proposition and all other propositions to come before the Senate at this session be limited to five minutes by each Senator.

Mr. SHERMAN. That can not be done.

Mr. INGALLS. Except on an appropriation bill.

Mr. BUTLER. We have wasted an hour and a half this morning in idle and useless discussion.

Mr. BLAIR. I ask for a vote on the bill without any further discussion, so far as the friends of the bill at least are concerned.

The PRESIDING OFFICER. The motion of the Senator from South Carolina is not in order. The resolution of the Senate as to a limitation of debate applies only to appropriation bills.

Mr. BUTLER. I should like to make it in order if I had the power. The majority of the Senate could make it in order very quickly.

Mr. FRYE. By unanimous consent.

Mr. BUTLER. Unanimous consent can make it in order, Mr. President.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. INGALLS. What became of the regular order?

The PRESIDING OFFICER. The regular order is the bill the Chair is referring to as before the Senate. The bill, the Chair is informed by the Secretary, has not yet been read. The bill will be read.

Mr. BLAIR. May I renew my request for unanimous consent to proceed with the consideration of the pension bill? I will say in behalf of the friends of the bill that I desire there shall be no further discussion, but simply a vote. I understood the Senator from Iowa to withdraw his objection if there could be a vote taken.

Mr. VAN WYCK. The facts have not been all stated, for within a few moments the Senator from Ohio asked for a pertinent fact in this case of which he had no knowledge, which was that this person is not upon the pension-roll. The Department have determined that she is not pensionable. The Senator from Ohio was not aware of that fact. I desire that the facts shall all be stated, and then let the Senate express their opinion as to what should be done.

Mr. WILSON. That simply opens the door to further discussion. I hope the Senator from New Hampshire and the Senator from Indiana will allow us to proceed to the consideration of unobjected pension cases. I renew my request for unanimous consent that the present order be laid aside and that we proceed to the consideration of cases reported favorably and unobjected to.

Mr. BLAIR. That request has been objected to. If the request which I made is objected to, as I understand it to be, I desire at this time to move that the regular order be informally laid aside, and then I shall move that the Senate proceed with the consideration of House bill 103, granting a pension to Theresa Crosby Watson.

The PRESIDING OFFICER. Does the Chair understand the Senator to submit a motion?

Mr. BLAIR. I do.

The PRESIDING OFFICER. Will the Senator please restate his motion?

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

The PRESIDING OFFICER. The Chair holds that that motion is not in order. It is in order for the Senator to move to postpone the consideration of the pending measure until to-morrow, or indefinitely, or until any specific time.

Mr. BLAIR. That has been laid aside informally.

The PRESIDING OFFICER. It has not been laid aside informally, but is before the Senate.

Mr. BLAIR. I wish to make a parliamentary inquiry. Is it proper to include in the motion the proposition to lay aside the regular order until the pension cases are disposed of or until some definite thing shall be done, and to proceed with this particular case?

The PRESIDING OFFICER. The motion in that form would not be in order. It is in order to move to postpone the consideration of the pending order, and when that is done it will be in order to move to proceed to the consideration of the bill indicated by the Senator.

Mr. BLAIR. Then I move that the regular order be laid aside.

The PRESIDING OFFICER. That motion is not in order; but it is in order to postpone the pending bill.

Mr. BLAIR. I move that it be postponed.

The PRESIDING OFFICER. Until what time?

Mr. BLAIR. I do not wish to postpone it until to-morrow, but simply until this case and other pension cases on the Calendar shall be considered.

Mr. INGALLS. That is not in order. Say until 3 o'clock.

The PRESIDING OFFICER. If the Senator will indicate a specific

time to which he moves to pospone his motion will be in order; but it is not in order unless he does.

Mr. MORRILL. I hope the Senator from New Hampshire will agree to the proposition of the Senator from Iowa, as it is obviously the sense of the Senate that we should proceed to consider the unobjected cases on the Calendar in relation to pensions. This one case has taken up all the day thus far. I hope the Senator from New Hampshire will yield to what appears to be the sense of the Senate.

Mr. BLAIR. I do not think that that is the sense of the Senate.

Mr. HAWLEY. Take a vote on it and see.

Mr. BLAIR. I move that the regular order be postponed until 3 o'clock, and I give notice that if it is postponed I shall then move to take up House bill 103.

Mr. MORRILL. And I give notice that if that motion is voted down I shall then move to take up the unobjected pension cases on the Calendar.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the further consideration of the pending bill be postponed until 3 o'clock to-day.

The question being put, there were on a division—ayes 28, noes 19.

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 18; as follows:

YEAS—35.

Aldrich,	Coke,	Groome,	Miller of Cal.,
Bayard,	Colquitt,	Hampton,	Miller of N. Y.,
Beck,	Conger,	Jonas,	Mitchell,
Blair,	Cullom,	Jones of Florida,	Morgan,
Brown,	Dolph,	Kenna,	Pugh,
Butler,	Farley,	Lamar,	Vance,
Call,	Garland,	Logan,	Vest,
Cameron of Pa.,	Gibson,	Manderson,	Voorhees.
Cameron of Wis.,	Gorman,	Maxey,	

NAYS—18.

Bowen,	Hill,	Palmer,	Slater,
Frye,	Ingalls,	Plumb,	Van Wyck,
Harris,	Jones of Nevada,	Saulsbury,	Wilson.
Harrison,	Lapham,	Sawyer,	
Hawley,	Morrill,	Sherman,	

ABSENT—23.

Allison,	Fair,	McPherson,	Riddleberger,
Anthony,	George,	Mahone,	Sabin,
Camden,	Hale,	Pendleton,	Sewell,
Cockrell,	Hoar,	Pike,	Walker,
Dawes,	Jackson,	Platt,	Williams.
Edmunds,	McMillan,	Ransom,	

So the motion to postpone was agreed to.

THERESA CROSBY WATSON.

Mr. BLAIR. I now move that the Senate proceed to the consideration of the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

The PRESIDING OFFICER put the question and declared that the noes appeared to prevail.

Mr. BLAIR. I ask for a division.

Mr. WILSON. Is the motion susceptible of amendment?

The PRESIDING OFFICER. The motion is not amendable.

Mr. WILSON. Pending the motion, I renew my request for unanimous consent that we proceed to the consideration of the unobjected pension cases on the Calendar.

The PRESIDING OFFICER. While the Senate is dividing the Chair thinks he can not even entertain the request of the Senator from Iowa for unanimous consent. The Senator from New Hampshire demands a division.

On a division the ayes were 31 and the noes 20.

So the motion of Mr. BLAIR was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

Mr. INGALLS. I ask that the bill may be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment recommended by the Committee on Pensions, in line 7 to strike out "fifty" and insert "thirty;" so as to read:

And to pay her a pension at the rate of $30 a month.

Mr. SHERMAN. I know nothing about this case except what has been stated in the report and what has been stated on the floor of the Senate. From these statements it appears that this lady is not entitled under the general pension laws to a pension of any amount whatever; that her husband did not die in the service; that he was not wounded in the service; that he was not disabled in the service. He died at a mature old age, leaving a widow; and under those circumstances the widow is not entitled to a pension. The committee propose to grant her a pension of $30 a month, about four times the amount of pension given to the widow of a dead soldier who died on the field of duty. Besides that it appears that she is in the employment of the Government. The case is put on special grounds, as she is now receiving a salary from the Government. To put ahead of all the rest the case of a lady who by the law is not entitled to a pension at all, and to grant her a pension of $30 or $50 a month, as is proposed, is a marked injustice.

I am not disposed to vote for the bill, although I do not care about consuming the valuable time of the Senate at this period of the session. There are some other cases that I am very anxious to vote for, but it does seem to me that this case should not be thrust forward ahead of all the cases on the Calendar, consuming so much time as it has. She is a lady now in the employ of the Government, the widow of an officer who died full of years, without wounds or disability, and it is proposed, as a single isolated case thrust forward, to give her a pension of $50 a month, when we have only given to the widows of our dead soldiers who died on the field of duty $12 a month and when those disabled in the service receive only $8 a month. I am opposed to the passage of the bill.

Mr. VOORHEES. Mr. President, I am not at all responsible for the order in which these cases are brought here, nor have I any desire to thrust one case in advance of another. There are perhaps a dozen cases somewhat similar to the one we are now considering.

Let us look for a moment at this case and see whether it is open to the criticism made by the Senator from Ohio [Mr. SHERMAN] and, at an earlier stage of this debate, by the Senator from Kansas [Mr. PLUMB].

I believe it is not generally understood or called to mind that there is a separate naval pension-fund in the Government which has been accumulated by the valor, exposure, and hardships of just such men as Commodore Watson was. This man, whose aged widow is asking for a pension, entered the service of the country in 1823. Before one-half the Senators on this floor were born he was serving the country, and for more than fifty years he honored that service.

It is said that this old lady has a desk in some one of the Departments where she is earning her living. It is a miserable fact, if it is a fact, for the report which lies before me shows that in addition to age and the infirmities of age she has a broken arm to contend with as she struggles from hour to hour and from day to day for her subsistence in one of the Departments of the Government that her husband served so long and so well.

Let us look at the record a little while instead of talking outside of it as much as has been done:

Commodore James M. Watson entered the United States naval service in 1823, and remained in said service till 1873, when he died in Valejo, Cal. His health was seriously impaired in 1854, when, in command of a man-of-war, the Fulton, he was exposed to a severe storm, producing an attack of pneumonia, which, there is reason to believe, ultimately caused his death. His service was long and faithful and meritorious. His widow is now in the decline of life, and solely dependent on her exertions for support.

If other Senators can look composedly upon an aged widow of such a man exerting herself day after day for the bread of life I can not, and I thank God that I can not.

We can see—

Continues the committee—

no reason why she should not receive the same pension that has been allowed in many other similar cases by special act of Congress to the widows of officers of the Navy of similar rank. The committee therefore recommend the passage of the bill.

To this report—

Continues the Senate committee—

may be added the fact that Mrs. Watson has suffered for five years from fracture of the right hand, which has never healed, so that she is permanently disabled and suffers severely with nervous prostration. She is entirely without property, and without relatives or friends who can contribute to her support.

This report says that the committee can see no reason why she should not receive the same pension that has been allowed in many other cases by special act of Congress to the widows of officers of the Navy of similar rank. If it were necessary I could read (which it is not, for it is in the knowledge of Senators) a list by the score of aged widows who are pensioned on the naval fund which has been created by the valor and daring of these old naval officers. There is the case of the widow of Admiral Goldsborough. Early when I came into this body I was a member of the Committee on Pensions, and I was largely instrumental in having the bill passed granting her a pension of $50 a month, and from that time to this I have understood something of these cases. There is the case of the widow of Admiral Paulding, and the widow of Admiral McDougal, who was pensioned at the present session. Widows of officers of the Army likewise have been pensioned at the same rate, but this principle applies more strongly to the widows of naval officers, because they have created a naval pension fund for themselves.

Let me call the attention of the Senate to the law upon this subject. Turning to the Revised Statutes of the United States you will find that by section 4750 it is declared that the Secretary of the Navy shall be trustee of the naval pension fund. What is that fund? By section 4751 certain penalties and forfeitures growing out of proceedings under the title of public lands are turned into a naval pension fund. That is one source. Section 4752 declares that—

All money accruing or which has already accrued to the United States from sale of prizes shall be and remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and if such fund be insufficient for the purpose, the public faith is pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines.

Section 4753 provides that—

The Secretary of the Navy, as trustee of the naval pension fund, is directed to cause to be invested in the registered securities of the United States, on the 1st day of January and the 1st day of July of each year, so much of such fund then in the Treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year.

The rest of this section is devoted to the manner in which the interest shall be collected and paid out. I went to the Navy Department the other day, finding that there was a wrong construction, as I thought, upon the part of many, to see how much money had been acquired by these men whose aged widows it is our care and my pleasure to provide for. How much have they there? I hold in my hand a dispatch from William B. Remey, the Judge-Advocate-General of the Navy, in which he says that the naval pension-fund amounts to $14,032,000, and 3 per cent. interest is carried to the credit of the fund every six months. This is their money, and I think we can afford to be liberal with those whom they have left behind helpless and in want.

Mr. President, I have said more, perhaps, on this case than I otherwise should have done from the fact that there are two or three such cases. There is the case of the widow of Admiral Beaumont, who, I understand, is in need. The bill has been reported adversly. The reason why I objected to taking up merely unobjected cases is that there are cases which are objected to which ought to be considered. I am as ready to consider a case that is objected to as an unobjected case; and if there are merits in the case let it be passed upon. There is the case of the widow of Admiral Scott, from my own State. Admiral Scott for fifty-four years was an officer of the United States Navy, and for forty-six years he was in active service.

Am I to be deterred by this cry of economy, the cheapest and poorest on such subjects as this that could salute my ears, from dealing fairly and liberally with those who have really provided their own pension fund? I know of no better service on this great day than to take up the pension Calendar, and take up the objected and unobjected cases both, and let us see what is right and just and then do it. The Declaration of Independence has been read here, and I am for reading some bills and passing them in behalf of the widows and orphans of those who have made the principles of the Declaration of Independence known and honored on the high seas and throughout the whole earth.

Mr. VAN WYCK. I desire to say a word or two about the theory of the Senator from Indiana in regard to this matter. In very much that the Senator has said I sympathize. It is not that I desire to refuse a pension of $50 a month, if the Senate wishes to grant it, to the widow of every rear-admiral or every commodore in the Navy. The facts in this case should be stated, and their importance should be made known to the Senate, so that a vote may be taken intelligently. This is a question which has clogged and disturbed the Committee on Pensions during the whole session. Very much time has been spent in the consideration of this question, and finally the determination was that the matter should be presented to the Senate, and then a vote should be taken upon it, which should determine it. There are some forty or fifty applications of a similar nature, and the result of them must depend upon this vote. The House has sent some bills also wherein the pensions of captains have been increased from $20 to $50, and they of course should follow if this policy is thought to be correct.

If the Senator desires in this case that the pension shall be $50, or that in all cases it shall be $50, it would be much better that there should be some general law. I have an amendment which I may call to the attention of the Senate thus early which I propose to annex to the bill so as to reach all widows. As I said, I sympathize with the Senator in what he has stated in regard to the payment of sufficient pension. I agree with him in that; but we find time to stop and take out of the vortex of legislation cases increasing the pensions to widows of this class while the others go by apparently neglected. Therefore I propose an amendment, and I desire now to call the attention of the Senate to it in advance, which I shall press at the proper time, increasing the pensions of all widows.

The Senator says that this is not a tax upon the Treasury, and in order to establish that he says that there is a pension fund made up from certain sources, and among them prize-money. All the resources which make the pension fund are taken from the public, from property belonging to the United States. The Navy makes a capture upon the high seas. The result of that victory belongs to the United States, except as it has been dedicated in another way by the Government. Prize-money is given, and then a portion is taken to make the naval pension fund. While we increase the pensions of the widows of commodores and rear-admirals and those of high rank, my friend will remember that the widows of the sailors who man the gun and who fall at the muzzle are as much entitled to consideration and to an increase of pension as the widow of the commodore or the rear-admiral. I presume he will recognize that doctrine. When I make an assertion of that kind, there is no theory in it. Principally the cases which find their entrance here and into the committee-room, and in regard to which Senators are importuned day after day, are those only of the widows of officers of high rank, whose social position may be called into requisition to aid and assist them; and we forget the widows of the soldier and the marine, who are entitled to share in this bounty.

The very rear-admirals of whom my friend speaks have also received their reward in the shape of prize-money. In the case of Mrs. McDougal the last Congress appropriated, I think, $250,000 as prize-money to the officers of two vessels, one of which he commanded, and gave the Admiral's widow about $22,000 in prize-money. Early in the present session a bill was passed increasing her pension from $30 to $50. I do not particularly object to that, except I wish all the facts to be stated and presented for the consideration of the Senate, and if the Senate deem it to be the policy that the pension shall be increased from $30 to $50 I desire, as a member of the committee and as a Senator, that all these cases shall be presented to the consideration of the Senate, those reported and those not reported, and that they shall receive the same treatment, and also that in other cases where even the pensions of widows of captains have been increased from $20 to $50 all shall receive the same consideration.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment recommended by the Committee on Pensions reducing the amount proposed by the House from $50 to $30.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I only wish to say that it seems to me the Committee on Pensions should make some uniform rule in cases of this kind, and if possible they should provide by a general law for well-defined classes of cases. I do not suppose the Committee on Pensions of the Senate would be ready to report that the widow of every rear-admiral who had died in the service, and who was unable to maintain herself otherwise, should have a pension of $50 a month. If they are not willing to do that, then we ought not to do it in special cases.

There is nothing to distinguish this case. There is no reason why a general rule could not be formulated that would cover it. If my colleague and other Senators think that $50 a month is the right rate for the widow of a rear-admiral, let us formulate it in a general law and make it applicable to all such widows, instead of selecting now and then a case where the person to be benefited happens to come upon terms of intimate acquaintance with many Senators or to have some social influence or some other advantage by which her pension is advanced beyond the rate fixed by law.

I think our Pension Committee should give consideration to this question as a general question, and if, without reference to wounds or disability incurred in the line of duty, but solely on the ground of rank and on the ground of dependence, they believe in granting a pension of $50 a month to the widows of officers of a certain grade who are dependent, let them say so to us, and then we shall have the whole question before us and not be influenced by the individual considerations that come about particular cases.

Whenever they do that and we know their reasons for it I shall be prepared to vote upon it as a general proposition; but I do not think it is wise to be advancing individual cases that have some particular advantage in the presentation of the claim to the sum of $50. The Senate Committee on Pensions have said the pension in this case ought to be $30, and I think we ought to stand by the report of the committee.

Mr. SLATER. As a member of the Committee on Pensions, I desire to say only a word or two in regard to this case. It has been the steady policy of the Committee on Pensions since I have been a member of it not to encourage bills of this kind. Now and then one has been reported. I think in some instances the committee have been outvoted in the Senate, and where they have reported cases of this kind adversely the Senate has reversed the report. The Senate should understand that if in this case and others that are likely to follow it $50 is given to rear-admirals' widows and commodores' widows the committee will very likely feel themselves instructed to so report upon all cases of this kind.

I wish to say one other word. When you have brought these cases up to $50 a month you will very soon be pressed to put them to $100 a month. Some perhaps unusually meritorious case may be found in which the sympathy of Senators can be appealed to and an exception will be made, a precedent will be set, and each case in turn will come again as they have come now after they were raised to $20 a month, asking for $75 or $100.

There must be a point where a stand can be taken. An attempt has been made to stand at $20 a month. The committee has been endeavoring to maintain that. In this case it was thought by the committee that while this lady could not go upon the pension-roll on account of the reasons which have been stated, it was just and proper that she should go upon the pension-roll of the country as an exceptional case at $30 a month. This was the compromise in committee, and now it is proposed to override the judgment of the committee and put her upon the pension-roll at $50 a month. I have no objection if that is the voice of the Senate; but I do not believe it is good policy; I do not believe it is sound policy.

I have nothing to say against this lady. She is certainly a meritorious woman. The services of her husband were certainly meritorious, but no more so than dozens, probably hundreds, of others. If we begin to make exceptions we shall find that we shall have no place to stop in the exceptions until we have put the entire list up to $50 a month.

As has been stated, there are thirty or forty other cases which are in

the background waiting to see what the Senate will do on this case, and which are then to be brought forward, just as meritorious as this, just as much entitled to go up to $50 as this is. I have one case in my desk which I have withheld where I was instructed to make an adverse report. I am simply awaiting the action of the Senate in regard to this case. If this pension is increased I shall feel disposed to go back to the committee and ask the committee to put that lady on the pension-roll at the same rate as others. The Senate, being advised of this, will understand what we shall do after we have had the vote of the Senate upon this case.

Mr. MITCHELL. I wish to submit a very few remarks upon this case, because it appears to be the first one which we have to meet here, and it is important I think that the Senate should understand what will be the probable effect of favorable action upon the bill.

We have before us in Miscellaneous Document No. 42 a letter from the Commissioner of Pensions which gives the present status of all similar cases in the Pension Office. It appears by that document that there are now twenty-nine army cases in all provided for by special act in which a pension of $50 a month is granted, and in the Navy there are twenty-one such cases in which $50 is granted. Of the Army not provided for, pensioned now at $30 a month or less, we find forty-three cases in all; so that it would appear that as far as the Army is concerned there are forty-three other cases of persons now upon the pension-roll whose cases ought in justice to be considered in this connection. It is a singular thing, I think, that among them are the widows of some of the most distinguished soldiers in the country.

I find in this list not provided for the widows of General Keim, General Reno, General Rodman, General Lander, General Terrill, General Thomas Williams, General C. T. Jackson, General Bohlen, General Copper, General Mansfield, General Welch, General Champlain, General Buford, General Jameson, General Kirk, General James S. Jackson, General Taylor, General Rice, General Strong, General Corcoran, General Woodbury, General Schimmelfennig, General Birney, General Crocker, General Bayard, General Thomas A. Smyth, General David A. Russell, General Bleuker, General Smith, General Ward, General Daniel McCook, General Lowell, General Kearney, General McKean, General Baker, General Arnold, General Barnes, General John A. Rawlins, General Blair, General Bartlett, General Croxton, General George H. Thomas, General O. M. Mitchell, General Amos B. Eaton, and General Maltby. Among these names are found the names of some of the most distinguished soldiers of the Republic, and either from modesty or from some other feminine trait of character I have no doubt many of these ladies have not seen fit to ask Congress to increase their pensions.

As was suggested by the Senator from Indiana [Mr. HARRISON] I have thought that we ought to provide for all these cases by general law if we are to act favorably upon them. But individual cases have been presented to us and they appeal to our sympathies very strongly. It is true they have taken up very much of the time of the Committee on Pensions. I venture to say that at least one-fourth of the time of the Committee on Pensions given to the consideration of personal applications has been given to this class in this Congress, and it has interfered very largely with the working of that committee. But when a case came before the committee I have myself felt disposed to stand in the line of these precedents and provide a rate of $50 in all the cases of widows where distinguished services were rendered or where there was dependence on the part of the person applying for relief to Congress. I have thought that that was consistent with the action of Congress in the twenty-nine cases of the Army and the twenty-one cases of the Navy in which such favorable action has been taken by former Congresses.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Committee on Pensions.

The Secretary called the roll.

Mr. WILSON. I wish to state that my colleague [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL].

The result was announced—yeas 15, nays 31; as follows:

YEAS—15.

Coke,	Harris,	Pike,	Slater,
Dolph,	Harrison,	Plumb,	Van Wyck,
Frye,	Manderson,	Sewell,	Wilson.
Groome,	Morrill,	Sherman.	

NAYS—31.

Aldrich,	Cameron of Wis.,	Jones of Nevada,	Platt,
Beck,	Conger,	Kenna,	Pugh,
Blair,	Cullom,	Lapham,	Riddleberger,
Bowen,	Farley,	Miller of Cal.,	Sawyer,
Brown,	Gorman,	Miller of N. Y.,	Vance,
Butler,	Hampton,	Mitchell,	Vest,
Call,	Jonas,	Morgan,	Voorhees.
Cameron of Pa.,	Jones of Florida,	Palmer,	

ABSENT—30.

Allison,	Fair,	Ingalls,	Pendleton,
Anthony,	Garland,	Jackson,	Ransom,
Bayard,	George,	Lamar,	Sabin,
Camden,	Gibson,	Logan,	Saulsbury,
Cockrell,	Hale,	McMillan,	Walker,
Colquitt,	Hawley,	McPherson,	Williams.
Dawes,	Hill,	Mahone,	
Edmunds,	Hoar,	Maxey,	

So the amendment was rejected.

Mr. VAN WYCK. I move to add to the bill:

That pensions heretofore or hereafter granted to widows of soldiers of any war in which the United States shall have been engaged shall be at the rate of $12 per month from and after the passage of this act, instead of $8 per month as now provided.

Mr. BLAIR. I move to lay the amendment on the table.

Mr. VAN WYCK. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. VAN WYCK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILSON. I wish to state that my colleague [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL].

The result was announced—yeas 38, nays 5; as follows:

YEAS—38.

Aldrich,	Conger,	Kenna,	Pike,
Beck,	Farley,	Lapham,	Pugh,
Blair,	Frye,	Logan,	Ransom,
Bowen,	Gorman,	Miller of Cal.,	Saulsbury,
Brown,	Groome,	Miller of N. Y.,	Sawyer,
Butler,	Hampton,	Mitchell,	Vest,
Call,	Harris,	Morgan,	Voorhees,
Cameron of Pa.,	Jonas,	Morrill,	Wilson.
Cameron of Wis.,	Jones of Florida,	Palmer,	
Coke,	Jones of Nevada,	Pendleton,	

NAYS—5.

Harrison,	Plumb,	Sewell,	Van Wyck.
Manderson,			

ABSENT—33.

Allison,	Edmunds,	Ingalls,	Sabin,
Anthony,	Fair,	Jackson,	Sherman,
Bayard,	Garland,	Lamar,	Slater,
Camden,	George,	McMillan,	Vance,
Cockrell,	Gibson,	McPherson,	Walker,
Colquitt,	Hale,	Mahone,	Williams.
Cullom,	Hawley,	Maxey,	
Dawes,	Hill,	Platt,	
Dolph,	Hoar,	Riddleberger,	

So the amendment was laid on the table.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 284) providing for the printing and binding of additional copies of the Medical and Surgical History of the War of the Rebellion; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882;

A bill (H. R. 6514) for the relief of Catherine H. Glick; and

A bill (H. R. 6657) granting the consent of Congress to the Saint Cloud Water Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn.

ANNA GINN.

Mr. WILSON. I now ask unanimous consent that the Senate proceed to the consideration of pension bills on the Calendar reported favorably and which may be unobjected to.

Mr. BLAIR. I object.

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from New Hampshire objects.

Mr. BLAIR. I object with the idea that we may go on with these cases such as we have been discussing, and in regard to which we have decided a test case, and take the unobjected cases also, and complete the whole pension business of the session. We can do it very shortly.

Mr. WILSON. If it be in order, I move that the Senate proceed to the consideration of unobjected cases on the Calendar reported favorably.

Mr. BLAIR. That motion is not in order.

Mr. MORRILL. Take them separately.

Mr. WILSON. Then I move to proceed to the consideration of the first bill on the Calendar reported favorably from the Committee on Pensions.

The PRESIDING OFFICER. The first motion of the Senator from Iowa was not in order. The present motion is.

Mr. WILSON. I move to proceed to the consideration of the first pension bill on the Calendar.

Mr. HARRISON. Senate bill 2350 I think is the first.

Mr. WILSON. Then I move to proceed to the consideration of Senate bill 2350.

Mr. BLAIR. The first case reported favorably is that of Mrs. Mary M. Ord, the widow of General E. O. C. Ord. I have no objection to the consideration of that case.

Mr. WILSON. I will put the motion, if the Senator from New Hampshire will allow me, in my own form. I move to proceed to the consideration of the bill the number of which I have given.

The PRESIDING OFFICER. The Senator from Iowa moves to proceed to the consideration of the bill (S. 2350) granting a pension to Anna Ginn.

Mr. RIDDLEBERGER. I should like to understand the motion. Does it apply to unobjected cases?

Mr. WILSON. It does not. I move to take up a case by number.

Mr. RIDDLEBERGER. I beg pardon.

Mr. WILSON. I propose to follow that, if I may be permitted, by taking up in their order cases that ordinarily would be unobjected cases.

Mr. BLAIR. We have had a long controversy upon the case just decided, a test case. There are——

Mr. FRYE. I make the point of order that no discussion is in order.

The PRESIDING OFFICER. The question is not debatable. The Chair is at fault in permitting debate. The Chair thanks the Senator for reminding him.

Mr. BLAIR. If debate is not permitted on the part of those opposed to my proposition I do not care, but I am opposed to the motion.

The PRESIDING OFFICER. The Chair must enforce the rule. The question is on the motion of the Senator from Iowa. [Having put the question.] The ayes appear to have it. The ayes have it.

Mr. BLAIR. I ask for the yeas and nays. ["No!" "No!"] I withdraw the call, but I give notice that immediately upon the conclusion of the consideration of the unobjected cases I shall ask the Senate to proceed with the cases of the class to which I have alluded.

Mr. MORRILL. To that there will be no objection.

The bill (S. 2350) granting a pension to Anna Ginn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna Ginn, widow of Benjamin Ginn, late a private in Company F, Fiftieth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. HASSELL.

Mr. WILSON. I move to proceed with Order of Business 853, the next pension bill; but instead of that I renew my request that we proceed with the consideration of the unobjected pension cases reported favorably.

The PRESIDING OFFICER. The Senator from Iowa now asks unanimous consent for the consideration of pension cases reported favorably and unobjected to. Is there objection? The Chair hears none. Unanimous consent is granted. The first is Order of Business 853, being the bill (H. R. 6085) granting a pension to John A. Hassell, as the Chair understands.

Mr. MAXEY. I did not understand the proposition of the Senator from Iowa, or I certainly should not have agreed to it. The case which was called as in order was the case of Mrs. Ord, widow of General Ord, and is reported favorably.

Mr. BLAIR. If the Senator will excuse me, I withdrew my objection to the request of the Senator from Iowa, giving notice that immediately upon the conclusion of the call of the unobjected cases I would renew the request that the Senate proceed with the consideration of the Ord and like cases.

Mr. MAXEY. I simply desire to say that if there is a more meritorious case than this I do not know it, and I see no reason why it should be passed over.

Mr. BLAIR. There is a disposition to pass them all now.

Mr. MAXEY. Why, after the case was regularly reached and called, should this motion be interposed? The case was called regularly when the Senator from Iowa made his motion.

Mr. WILSON. I beg the Senator's pardon. The case has not been called. It was not within my motion.

Mr. MITCHELL. I suggest that the case the Senator from Texas alludes to comes within the unanimous-consent rule just adopted; it is favorably reported.

Mr. MAXEY. Then why should that be skipped?

Mr. MITCHELL. It ought not to be skipped; it ought to be taken up.

Mr. MAXEY. I say it ought to be taken up.

Mr. MITCHELL. Take up the first case.

The PRESIDING OFFICER. The Senate is proceeding by unanimous consent.

Mr. BLAIR. I have been trying to do that myself for two or three hours, but we shall get on harmoniously if the Senator from Iowa has his way.

Mr MAXEY. You skip from Order of Business 826 to 853, and still say this case falls under the rule. If it does, let us have it.

The PRESIDING OFFICER. The Senate is proceeding by unanimous consent to consider pension bills favorably reported to which no objection is offered.

Mr. RIDDLEBERGER. I want to ask again before I give consent to that——

The PRESIDING OFFICER. Will the Senator please wait?

Mr. FRYE. The Senate has given unanimous consent.

The PRESIDING OFFICER. The Chair understands that the Senator from Iowa moved to take up a special case and then obtained unanimous consent to proceed to the consideration of cases favorably reported and not objected to, and the Chief Clerk proceeded to call the one next after the one which had been considered by special motion. The Chair does not see that the Chief Clerk was in fault at all.

Mr. MAXEY. I desire to state now that I shall object to every case whatever unless fair dealing is had in the case, which has been regularly reached, of Mrs. Ord.

Mr. WILSON. There is no disposition to interfere, so far as I am concerned, with any of these cases, but here is a list of cases of the lower grade of pensions, nearly all of them $8 a month, and they are not getting any pension now. I hope we shall dispose of these. I shall put no obstacle in the way of considering the other cases hereafter.

The PRESIDING OFFICER. The Chair will say that unless the list is very large the case referred to by the Senator from Texas will probably soon be reached.

Mr. RIDDLEBERGER. What I want to know before I consent to this—I did not hear the Chair put the question to the Senate—is whether unobjected cases include those reported without any recommendation at all? Where the committee reports a case without recommendation is that considered as an unobjected case?

The PRESIDING OFFICER. The Chair certainly would not consider a case reported without recommendation as reported favorably and would not call it——

Mr. RIDDLEBERGER. Then I object to the motion.

Mr. FRYE. Too late.

The PRESIDING OFFICER. Unanimous consent of the Senate has been given and the Chair feels bound to proceed in accordance with that concession, which is virtually an order to the Chair.

Mr. RIDDLEBERGER. I did not hear it put and did not have an opportunity to object.

Mr. BLAIR. The unanimous consent to the request of the Senator from Iowa was given to consider unobjected cases, but prior to the one which is now being called an unobjected case reported favorably by the committee is Order of Business 826, which the Senator from Texas desires to have considered, and under the order of the Senate that bill should be taken up, and I appeal to the Senator from Iowa to allow his own order to be complied with.

Mr. MAXEY. I would not have said a word if it had not been that Mrs. Ord's is the case which is entitled in its turn to be tried.

The PRESIDING OFFICER. The Chair wishes to inquire—will the Chief Clerk inform the Chair—whether that next succeeds the case which was taken up on special motion? It does not, the Chief Clerk informs the Chair.

Mr. BLAIR. But it is an unobjected case, reported favorably, and unanimous consent of the Senate was given to take up those cases and to proceed with the consideration of them throughout the Calendar. This comes on the preceding page, and was overlooked, I suppose, by the Senator from Iowa when he started off. He got a little ahead of one of the cases included in the order which he himself solicited.

The PRESIDING OFFICER. The Chair feels bound to proceed with the case next after the one specially considered, unless unanimous consent be given to return to the beginning of the Calendar and there take up cases in order.

Mr. WILSON. I am anxious to get these cases disposed of, as at 3 o'clock, less than an hour from now, the regular order of business that was postponed will be laid before the Senate again. If we can go back to that case under this unanimous consent, although it does not include it, and it can be voted on without delay, and let us go on with these unobjected cases, I shall not object.

Mr. BLAIR. There will be no debate on it.

Mr. VAN WYCK. There will be no debate on it.

Mr. MAXEY. I have no disposition, I will say to the Senator from Iowa, to say one solitary word. The case stands on its merits.

Mr. WILSON. I have already given my consent.

Mr. FRYE. There is a clear misunderstanding as to what "unobjected" means. It means every pension case on the Calendar in its regular order favorably reported and not objected to when it is called. That is what it means.

Mr. MAXEY. That is what I understand.

The PRESIDING OFFICER. The Chair so understands. There is a bill before the Senate.

Mr. BLAIR. Let that be considered, and then begin with Order of Business 826.

Mr. MAXEY. I shall object to any bill being considered until we take them up regularly.

Mr. PLUMB. I shall object to the Senator's case then. If the Senator can not give way for a single moment to let us have an orderly proceeding, of course we shall object to all the bills. I shall object to his case undoubtedly.

The PRESIDING OFFICER. The Senate has before it, as in Committee of the Whole, the bill (H. R. 6085) granting a pension to John A. Hassell.

The bill was read. It provides for placing on the pension-roll the name of John A. Hassell, late a saddler in Company M, Third Iowa Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WIDOW OF GENERAL ORD.

The PRESIDING OFFICER. If it is so understood the Chair will direct the Secretary to call the case referred to by the Senator from Texas. There is no objection.

The bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord, was considered as in Committee of the Whole.

Mr. PLATT. I want to object to this bill unless I can have an understanding that a bill which just precedes it, which has been passed over, is also to have consideration. I do not propose by any act of mine to have a pension granted to the widow of Major-General Ord, and the act for the relief of Betsy A. Mower, widow of Major-General Mower, passed over, because it happens to be adversely reported. It is one of the same kind of cases, and the committee when they got together and considered that case happened to have a bare majority against it, while these others they have reported favorably by a bare majority. I want the same consideration for this case that General Ord's case has.

Mr. HARRIS. I should like to ask the Senator from Connecticut if he is willing to consume the last few expiring hours of this session in discussing a bill adversely reported, the effect of which is to defeat the passage perhaps of twenty or thirty other bills so meritorious that not a single suggestion of objection is heard? I ask the Senator to allow his bill to remain until those bills about which there are no questions to be raised may be acted upon.

Mr. PLATT. I think the Senator will see that the bill for the relief of Mrs. Mower has not had fair treatment here. It was passed by the Senate at the last session. It has been passed by the House at this session. Then it comes over here, and by reason of the fact that there is not a full committee it gets an adverse report, when the cases of Mrs. Ord and Mrs. General Ringgold get favorably reported. Now I undertake to say that there was no more meritorious officer in the service than Major-General Mower. I undertake to say that there is no lady who ever petitioned for a pension who needs it more or deserves it more, and I do not want to have the consideration of this case block the consideration of the case of Mrs. Mower. I do not think it is right.

Mr. HARRIS. Conceding all that the Senator claims, it is a case adversely reported, and must lead to debate and the consumption of time.

Mr. PLATT. It will not lead to any debate.

Mr. HARRIS. Whereas the cases that are unobjected to and favorably reported will not consume three minutes to the bill. Why not let them be considered and disposed of, and then the Senator will have ample opportunity to state the merits of his bill?

Mr. PLATT. If I can have an opportunity to move the consideration of this bill, I have no objection; but I do not want to be deprived of the opportunity to ask for the consideration of this bill. I can appeal to a distinguished soldier in this Senate Chamber for the record of General Mower, and I know myself that his widow is in very necessitous circumstances.

Mr. FRYE. The case referred to by the Senator from Connecticut is not within the terms of this call.

Mr. PLATT. I can object.

Mr. FRYE. The Senator from Connecticut can object to every case that is presented here and take the responsibility of doing so. His bill is not in this call, and can not be called by the Secretary under the present order.

Mr. VAN WYCK. Allow me to make one suggestion that will relieve the difficulty perhaps. The case referred to by the Senator from Connecticut is reported adversely, but I think it was the general understanding of the committee that all such cases should stand on the same basis, and that whatever might be the sense of the Senate upon one of them should be understood as the sense of the Senate upon them all. Now I desire to say that I presume there will be no objection, although there is an adverse report formally, to the consideration of the case the Senator from Connecticut refers to. I consider that the expression of the Senate is so emphatic upon the matter that it ought to be sufficient to carry all these cases, and I trust they will be considered.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER. The Chair must endeavor to hasten action. Does the Senator from Connecticut object?

Mr. PLATT. I will withdraw my objection and rely upon the generosity and fairness of the Senate that at some future time I shall have an opportunity to call up the bill.

The PRESIDING OFFICER. The pending bill will be read.

The Chief Clerk read the bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord.

The bill was reported from the Committee on Pensions with an amendment in line 6, after the words "pension of," to strike out "fifty" and insert "thirty;" so as to make the bill read:

That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll the name of Mary M. Ord, widow of Maj. Gen. E. O. C. Ord, late of the United States Army, and pay her a pension of $30 per month from and after the passage of this act.

Mr. MAXEY. I ask that the friends of Mrs. Ord disagree to that amendment.

Mr. BLAIR. We will vote down the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA STOLZ.

The bill (H. R. 3171) granting a pension to Ella Stolz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ella Stolz, widow of William Stolz, deceased, late a private in Company I, One hundred and thirty-first Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SUSANNAH BARR.

The bill (H. R. 5821) granting a pension to Mrs. Susannah Barr was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Susannah Barr, mother of Jacob Barr, late a private in Company A, One hundred and third Regiment Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ISABELLA BERTHA WEAVER.

The bill (H. R. 5723) granting a pension to Isabella Bertha Weaver was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isabella Bertha Weaver, the only surviving child of Ordnance-Sergeant Jeremiah Weaver, late of the United States Army, and to pay to her lawful guardian, for her use, a pension at the rate of $15 a month, until she arrives at the age of 16 years.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JULIA M. REYNOLDS.

The bill (H. R. 6184) granting a pension to Julia M. Reynolds was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Julia M. Reynolds, widow of James S. Reynolds, deceased, late second lieutenant of Company H, Tenth Regiment New York Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES HAWKINS.

The bill (H. R. 2358) granting a pension to James Hawkins was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANN M'LAUGHLIN.

The bill (H. R. 3737) granting a pension to Ann McLaughlin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann McLaughlin, mother of Byron McLaughlin, late of the gunboat Southfield.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SAMANTHA HARRIMAN.

The bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Samantha Harriman, widow of Maj. Isaac M. May, late of the Nineteenth Regiment of Indiana Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MERRITT LEWIS.

The bill (H. R. 819) granting an increase of pension to Merritt Lewis was considered as in Committee of the Whole. It proposes to increase to the first grade, or $50 per month, the pension now granted to Merritt Lewis by certificate numbered 33631.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM J. LEE.

The bill (H. R. 1073) granting a pension to William J. Lee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William J. Lee, late confidential scout and guide, headquarters of the Army of the Potomac, as though he had been regularly mustered into the United States Army.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES A. FULLER.

The bill (H. R. 5795) increasing the pension of Charles A. Fuller was considered as in Committee of the Whole. It provides that the pension heretofore granted to said Charles A. Fuller be increased to the sum of $45 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ARTHUR I. M'CONNELL.

The bill (H. R. 2623) granting a pension to Arthur I. McConnell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Arthur I. McConnell, late of Company M, One hundred and second Regiment Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRY SCHNETBERG.

The bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa., was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Henry Schnetberg, late a private in Company B, of the Second Regiment of Pennsylvania Volunteers, in the Mexican war, at the rate of $8 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE W. WICKWIRE.

The bill (H. R. 3909) granting a pension to George W. Wickwire was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Wickwire, who enlisted as a messenger-boy on the United States receiving-ship Allegheny, at Baltimore Harbor, November, 1862, and was discharged September 16, 1863, for disability occasioned by injury received while in the line of his duty on the United States gunboat General Putnam.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CATHERINE MEIS.

The bill (H. R. 5976) for the relief of Catherine Meis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine Meis, widow of William Meis, late a private in Company E, Ninth New Jersey Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NANCY BISER.

The bill (H. R. 4970) for the relief of Mrs. Nancy Biser was considered as in Committee of the Whole. It directs that the name of Mrs. Nancy Biser be placed on the pension-roll at $20 per month, in lieu of all other compensation from the Government as widow or otherwise.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN R. WALLACE.

The bill (H. R. 4439) granting a pension to John R. Wallace was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John R. Wallace, late a member of the Union Guards, of Davis County, Iowa.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM T. M'COY.

The bill (H. R. 1436) granting a pension to William T. McCoy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William T. McCoy, late of Company B, One hundred and tenth Regiment of Pennsylvania Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SUSAN J. M'KENNEY.

The bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney was considered as in Committee of the Whole. It proposes to place the name of Mrs. Susan J. McKenney, of Belfast, Waldo County, Maine, on the pension-roll at the rate of $8 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EBENEZER K. MARDEN.

The bill (S. 1823) granting a pension to Ebenezer K. Marden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ebenezer K. Marden, late a private in Company C, Sixth Regiment New Hampshire Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HONORA KELLEY.

The bill (H. R. 1056) granting a pension to Honora Kelley was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Honora Kelley, widow of James Kelley, late a sergeant of Company K, Fifth United States Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

IRENE BAKER.

The bill (H. R. 3606) granting a pension to Irene Baker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Irene Baker, an imbecile daughter of James Baker, late of Company H, Ninety-seventh Indiana Volunteers, and provides for paying to her legally-constituted guardian a pension of $18 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANN CORBIN.

The bill (H. R. 4526) granting a pension to Mrs. Ann Corbin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Corbin, widow of Ebenezer Corbin, formerly of Company B, Tenth Regiment New Hampshire Heavy Artillery.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SOLON L. SIMONDS.

The bill (H. R. 5781) granting a pension to Solon L. Simonds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Solon L. Simonds, of Littleton, N. H., lately a private in Company A, Eighth Regiment of Vermont Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH E. E. SEELYE.

The bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah E. E. Seelye, alias Franklin Thompson, who was late a private in Company F, Second Regiment of Michigan Infantry Volunteers, at the rate of $12 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DR. SAMUEL DAVIS.

The bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis was considered as in Committee of the Whole. Its object is to increase the pension of Dr. Samuel Davis, late surgeon of the Eighty-third Regiment Indiana Volunteer Infantry, to $40 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN SWEENEY.

The bill (S. 1112) granting a pension to John Sweeney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Sweeney, late a private in Company C, Second Regiment New York Heavy Artillery.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SALLY RODMAN.

The bill (S. 1111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sally Rodman, widow of Isaac P. Rodman, late a brigadier-general of United States volunteers, at the rate of $50 a month, in lieu of the pension which she now receives.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

OTTO LEISSRING.

The bill (H. R. 5636) for the relief of Otto Leissring was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Otto Leissring, late first lieutenant Company G, Eighteenth Regiment United States Colored Troops, at $30 per month, in lieu of all pensions now paid him.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

REUBEN J. CHEWNING.

The bill (H. R. 837) granting a pension to Reuben J. Chewning was considered as in Committee of the Whole. It grants a pension to Reuben J. Chewning, late a private in the Fourth Regiment Minnesota Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ALMIRA B. KALER.

The bill (H. R. 2312) granting a pension to Almira B. Kaler was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Almira B. Kaler, mother of John Dexter Kaler, deceased, late a private in Company B, Eighth Regiment Maine Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

H. D. F. YOUNG.

The bill (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young was considered as in Committee of the Whole. It proposes to increase the pension heretofore granted Harrison D. T. Young, late captain of Company F, Second Regiment of New Hampshire Volunteers, from $10 to $20 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEVI ANDERSON.

The bill (H. R. 3625) granting an increase of pension to Levi Anderson was considered as in Committee of the Whole. In lieu of the pension of $30 per month which Levi Anderson is now receiving under act of Congress approved March 3, 1883, for a gunshot wound in the left hip-joint, the bill grants to him $40 per month on account of the gunshot wound in the left hip-joint, and also on account of a gunshot wound in the right shoulder, both wounds having been received by him in an engagement with rebel troops at White Oak, Jackson County, Missouri, and both injuries resulting now in total disability of Anderson.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY A. HENRY.

The bill (H. R. 4767) granting a pension to Mary A. Henry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Henry, widow of William Henry, late a private in Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LOU GOBRIGHT M'FALLS.

The bill (S. 1446) granting an increase of pension to Mrs. Lou Gobright McFalls was considered as in Committee of the Whole. It provides that the pension of $20 per month heretofore granted to Mrs. Lou Gobright McFalls, widow of Capt. Thaddeus B. McFalls, shall be increased to $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL BARNARD.

The bill (H. R. 943) granting a pension to Samuel Barnard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Barnard, late a corporal of Company I, Ninety-fourth Regiment Illinois Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN A CROZIER.

The bill (H. R. 1965) granting a pension to John A. Crozier was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John A. Crozier, of Madison, Ind., late second lieutenant of Captain Fowler's company of artillery, attached to Ninth Regiment of the Indiana Legion.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SIMON E. LEWIS.

The bill (H. R. 4700) granting a pension to Simon E. Lewis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Simon E. Lewis, late a private in Company H, Sixteenth United States Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN ROBBINS.

The bill (H. R. 254) granting a pension to John Robbins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Robbins, late a private in Company A, Second Illinois Volunteers (Mexican war), at the rate of $24 per month, in lieu of any pension now received.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CLARK ROBERTS.

The bill (H. R. 1894) granting a pension to Clark Roberts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clark Roberts, who was lately the surgeon of the One hundred and first Regiment of Illinois Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CORNELIUS FITZGERALD.

The bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to reinstate the name of Cornelius Fitzgerald, late a private in Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and holding certificate numbered 127269, on the pension-roll, and to pay him his pension, as provided by law, from the date of the suspension.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANDREW J. KONKLE.

The bill (H. R. 4568) granting a pension to Andrew J. Konkle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew J. Konkle, late major of the First Regiment of Ohio Light Artillery.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RIVERS BANKS.

The bill (H. R. 6786) granting a pension to Rivers Banks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rivers Banks, late a private in Company C, North Cumberland Battalion Kentucky State Troops.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN GALLOUP.

The bill (H. R. 555) granting a pension to John Galloup was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Galloup, late a corporal of Company F, Sixty-ninth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

J. G. CRAWFORD.

The bill (H. R. 4457) granting a pension to J. G. Crawford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. G. Crawford, late of Company G, Eightieth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN A. SHUCKERS.

The bill (H. R. 2105) granting a pension to John A. Shuckers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John A. Shuckers, late a private in Company B, First Ohio Volunteer Light Artillery.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 260) authorizing the printing and binding of additional copies of the reports of the National Board of Health; and

Joint resolution (H. Res. 276) providing for the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion; and

A bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska.

POSTAL TELEGRAPH.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, the Chair lays before the Senate the order for this hour, being the bill (S. 2022) to establish a postal-telegraph system.

Mr. BLAIR. I move that the regular order be postponed until half past 4 o'clock.

Mr. PLATT. Will it not do to lay it aside informally and proceed with the pension cases? I think there will be no objection to that.

The PRESIDING OFFICER. Unanimous consent is asked that the pending order be laid aside informally till half past 4 o'clock to proceed with the pension cases.

Mr. PLATT. Let no hour be fixed, but go on until the Senator from Colorado calls for the regular order.

Mr. BLAIR. I agree to that.

The PRESIDING OFFICER. The proposition of the Senator from New Hampshire is that the pending order be laid aside informally, to be called up at the pleasure of the Senator having it in charge, and that the Senate proceed for the present with pension cases. Is there objection? The Chair hears none, and it is so ordered.

MRS. REBECCA HALL.

The bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Hall, widow of George R. Hall, late a private in Company C, Forty-eighth Regiment Missouri Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET WIGGINS.

The bill (H. R. 2089) granting a pension to Margaret Wiggins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Wiggins, mother of Henry Wiggins, late a private in the Ninth Regiment Kansas Volunteer Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH MINER.

The bill (H. R. 1077) granting a pension to Sarah Miner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Miner, widow of Stephen B. Miner, formerly a master's mate on the United States Coast Survey steamer Vixen.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN C. FENSCKE.

The bill (H. R. 836) granting a pension to John C. Fenscke was considered as in Committee of the Whole. It proposes to grant to John C. Fenscke, late an employé of the United States Government, on account of wounds received while in the discharge of his duties as such employé, a pension at the rate of a private soldier.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY G. HAWK.

Mr. CULLOM. I ask the consent of the Senate, as I have not been able to be in my seat all the time, to report a bill about which there is no controversy, and ask that it be put upon its passage, granting a pension to the widow of Major Hawk, who was formerly a member of the other House. It only gives the ordinary pension. It is a bill (H. R. 284) for the relief of Mary G. Hawk. I now report it back from the Committee on Pensions.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mary G. Hawk, widow of Robert M. A. Hawk, deceased, late a captain and brevet major in the Ninety-second Regiment Illinois Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH A. BECKTEL.

The bill (H. R. 3591) for the relief of Sarah A. Becktel was announced as next in order.

Mr. PLATT. I ask now to turn back.

The PRESIDING OFFICER. Will the Senator permit the Chair to call attention to the fact that three cases have been reported to-day and come under the order? They are not upon the printed Calendar, but they come within the order under which the Senate has been acting.

Mr. PLATT. I hope I shall be recognized after they are through.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3591) for the relief of Sarah A. Becktel. It proposes to place on the pension-roll the name of Sarah A. Becktel, widow of Isaac Becktel, late of Company B, Twenty-sixth Ohio Regiment, and Company E, Third Ohio Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PATRICK FOLEY.

The bill (H. R. 4530) granting an increase of pension to Patrick Foley, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Foley, late of the crew of the United States steamer Ticonderoga, at the rate of $15 per month in lieu of the pension now received by him.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BETSY A. MOWER.

Mr. PLATT. I ask that the Senate will now consider Order of Business 808, being the bill (H. R. 137) for the relief of Betsy A. Mower, of which I spoke a while ago. I think there will be no objection to it whatever.

Mr. CONGER. I hope the pension cases that we passed over this morning will be now taken up in their order.

Mr. PLATT. It was understood a while ago when the Senator was out that this was to be taken up.

Mr. CONGER. We can reach them all.

Mr. PLATT. This is regularly in order.

Mr. CONGER. Very well.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Betsy A. Mower at $50 per month in lieu of the pension she now receives.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY T. BARNES.

Mr. RIDDLEBERGER. I move to take up Order of Business 605, being the bill (H. R. 1406) granting a pension to Mrs. Mary T. Barnes.

Mr. MITCHELL. I am in favor of that, but the bill immediately preceding it is the third one of the class.

Mr. RIDDLEBERGER. I have no objection to taking them up in regular order.

Several SENATORS. Go ahead! Regular order!

The PRESIDING OFFICER. What is the understanding?

Mr. CONGER. Take them in their order.

Mr. RIDDLEBERGER. I submit my motion; the Senator from Pennsylvania withdraws his objection.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to take up the bill indicated by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mary T. Barnes, widow of Brig. Gen. Joseph K. Barnes, late Surgeon-General of the United States Army, at the rate of $50 a month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WIDOW OF REAR-ADMIRAL MIDDLETON.

Mr. CONGER. I hope we shall go through with this class of cases. I have been waiting several days to have it done.

Mr. BLAIR. That is what we are doing.

The PRESIDING OFFICER. There is no order of business before the Senate concerning pension cases.

Mr. CONGER. I move we go on with this class of cases in their order.

The PRESIDING OFFICER. The motion is somewhat indefinite, because the class of cases is not defined.

Mr. BLAIR. If the Senator will intrust me with this matter, I will take a good deal of pains and see that they all go through.

Mr. CONGER. I have waited with a great deal of impatience for the Senate to let me reach a case that is more important than a good many which have been passed.

The PRESIDING OFFICER. Does the Senator from Michigan desire to begin with the first pension case on the Calendar?

Mr. CONGER. I desire to proceed with the pension cases on the Calendar.

The PRESIDING OFFICER. Is there objection to that understanding? The Chair hears none. The Secretary will begin with the first case on the Calendar.

Mr. VEST. Does the motion go to the extent of taking up cases whether reported adversely or not? ["Yes."]

The PRESIDING OFFICER. The Senator from Michigan made no definition.

Mr. CONGER. I am not asking for the consideration of bills reported adversely.

The PRESIDING OFFICER. The Chair now understands the proposition of the Senator from Michigan to be to begin with the first pension case on the Calendar reported favorably, and to proceed to consider such as are reported favorably.

Mr. HARRISON. No; all whether reported adversely or otherwise.

Mr. CONGER. I name Order of Business 592, being the bill (H. R. 4682) granting a pension to Ward B. Burnett.

Mr. VEST. I move that the Senate proceed to the consideration of House bill 2984, Order of Business 709.

The PRESIDING OFFICER. The proposition of the Senator from Michigan is before the Senate asking unanimous consent. Is there objection?

Mr. BLAIR. That applicant is dead. I reported the bill and would do anything possible to get it through, but General Burnett is dead. The next bill, Order of Business 604, is a Senate bill and it can not possibly be considered, but I think there is a House bill somewhere and I am going to hunt for it, and if the Senate will be willing to go on with these cases they will all come out right. The next one to the one we began with this morning is that of Mrs. Middleton, widow of the late Rear-Admiral Edward Middleton, of the United States Navy, No. 769 in the Order of Business. I move that we now proceed to the consideration of House bill 2702, Order of Business 769.

The PRESIDING OFFICER. It is the impression of the Chair——

Mr. CONGER. I withdraw my application in favor of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate proceed to the consideration of House bill 2702. Is there objection? The Chair hears none.

Mr. VEST. Is that reported adversely?

Mr. BLAIR. It is one of these same cases.

Mr. VEST. An adverse report?

The PRESIDING OFFICER. The Chair is unable to state how the bill was reported. It will be ascertained by the Secretary.

Mr. BLAIR. There is no objection to the consideration of the case.

The PRESIDING OFFICER. The Chair hears no objection to the motion of the Senator from New Hampshire.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy. It proposes to place on the pension-roll the name of Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy, at $50 per month.

The bill was reported to the Senate without amendment.

Mr. VEST. I am perfectly willing to agree to anything in a good-natured way, but I see marked here "views of the minority" as to this claim, and so with a number of other cases. I do not know who the minority is or what the question at issue is. I can not take the private assurance of Senators that it is all right.

The PRESIDING OFFICER. In this case the Senator from New Hampshire did not propose to proceed with the consideration of unobjected cases. The Senator from New Hampshire moved to proceed to the consideration of this bill without stating whether it was reported favorably or not, and unanimous consent was given. The bill is before the Senate.

The bill was ordered to a third reading, read the third time, and passed.

JULIET H. PALMER.

Mr. GORMAN. I ask the consideration of Order of Business 727, Senate bill 1287.

Mr. BLAIR. That is one of the same class of cases.

By unanimous consent the bill (S. 1287) for the relief of Juliet H. Palmer was considered as in Committee of the Whole. It provides for the payment, out of the Navy pension fund, to Juliet H. Palmer, widow of the late Surgeon-General James C. Palmer, United States Navy, of $50 per month, during her widowhood, in lieu of her present pension.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE S. BEAUMONT.

Mr. BLAIR. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 770, being the bill (H. R. 747) granting an increase of pension to Fannie S. Beaumont.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Fannie S. Beaumont, widow of John C. Beaumont, late an admiral in the Navy of the United States, at the rate of $50 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANNA J. FOSTER.

Mr. BLAIR. I ask unanimous consent to consider Order of Business 771, being House bill 6766.

There being no objection, the bill (H. R. 6766) granting a pension to Mrs. Anna J. Foster was considered as in Committee of the Whole. It proposes to place the name of Mrs. Anna J. Foster, widow of Maj. Gen. John G. Foster, on the pension-roll at $50 a month in lieu of the pension now paid her.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRIETTA A. LEWIS.

Mr. BLAIR. I ask for the next in order, Order of Business 772.

There being no objection the bill (S. 1858) to increase the pension of Henrietta A. Lewis, widow of Capt. Robert F. R. Lewis, United States Navy, was considered as in Committee of the Whole. It proposes to increase the pension of Henrietta A. Lewis, widow of Robert F. R. Lewis, lately a captain in the United States Navy, from $30 to $50 per month, to continue during her widowhood.

Mr. PLUMB. I should like to ask the Senator from New Hampshire if it is proposed now to give a pension of $50 in every case notwithstanding an adverse report to widows of captains as well as of rear-admirals and commodores?

Mr. BLAIR. This was a very peculiar case where this lady's husband, by the peculiarities of the locality of service, failed of a promotion that the present Admiral of the Navy said he ought to have had years ago. The widow is very poor, and there are several helpless children. The committee thought the equities of the case placed her on a par with many others.

Mr. PLUMB. There are about a million and a half of men who, by peculiarities of service and their own peculiarities, failed to be promoted. I have no doubt many persons would certify that they ought all to have been promoted; but they were not promoted, and they are under the ban of non-promotion. The Senator from New Hampshire, in the kindness of his heart, proposes to take up a very limited number of people and put them up in this conspicuous way. I hope the bill will not pass.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HENRIETTA M. SANDS.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 441, being the bill (S. 929) granting a pension to Caroline Treckell.

Mr. HARRISON. I wish the Senator from Kansas would let these cases go on in order. We can reach that in a minute or two. There are only two or three of them.

Mr. PLUMB. Have we not taken up bills after that?

Mr. HARRISON. No; there is Order of Business 821 of the same kind. The Senator from New Hampshire will call them all right through.

Mr. BLAIR. If there is no objection, I ask unanimous consent to take up Order of Business 773, being Senate bill 1286.

Mr. PLUMB. I withdraw my motion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

By unanimous consent the bill (S. 1286) for the relief of Henrietta M. Sands was considered as in Committee of the Whole. It provides for the payment, out of the Navy pension fund, to Mrs. Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy, of $50 per month, during her widowhood, in lieu of her present pension.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA T. SCOTT.

Mr. BLAIR. I move to take up the next order of business, 774.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in the active service.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. VIRGINIA ZEILIN.

Mr. BLAIR. I ask now for the consideration of Order of Business 821, being House bill 6767.

There being no objection, the bill (H. R. 6767) granting an increase of pension to Mrs. Virginia Zeilin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Virginia Zeilin, widow of Brig. Gen. Jacob Zeilin, late of the United States Marine Corps, at $50 per month, in lieu of the pension she is now receiving.

Mr. PLUMB. I should like to ask the Senator from New Hampshire what was the reason of the adverse report.

Mr. BLAIR. As in all the rest of these cases, sometimes the committee voted the bills down and sometimes reported favorably.

Mr. PLUMB. I understand there is an adverse recommendation by the committee in this case.

Mr. BLAIR. Yes; but the same question we have fought out in the other cases.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

APOLLINE A. BLAIR.

Mr. VEST. I ask unanimous consent now to take up Order of Business 709, being House bill 2984.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2984) granting additional pension to Apolline A. Blair, widow of the late General Francis P. Blair, and for other purposes. It provides for the payment to Apolline A. Blair, widow of Francis P. Blair, late a major-general in the United States Army, of $5,000 in full compensation and payment for money and time expended by General Blair in enlisting men and organizing troops for United States armies, and that hereafter Apolline A. Blair shall receive, in lieu of other pension, the sum of $50 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LUCY LE G. JEFFERS.

Mr. BLAIR. I ask unanimous consent to take up Order of Business 604, being Senate bill 1337.

There being no objection, the bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers, was considered as in Committee of the Whole. It proposes to increase the pension of Lucy Le G. Jeffers, widow of the late Commodore William N. Jeffers, United States Navy, from $25 to $50 per month.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE TRECKELL.

Mr. PLUMB. I move to take up Order of Business 441, being Senate bill 929, a pension case.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 929) granting a pension to Caroline Treckell. It proposes to place on the pension-roll the name of Caroline Treckell, widow of Lieut. Greenbury Treckell, deceased, late of the Aubrey Cavalry Company, Kansas Militia.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROBERT L. WILLEY.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 709) granting a pension to Robert L. Willey.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pen-

sion-roll the name of Robert L. Willey, late a corporal of Company H, First Regiment Maine Heavy Artillery Volunteers.

Mr. PENDLETON. Is there a report in that case?

Mr. HALE. There is a report.

Mr. PENDLETON. Will the Senator make a brief statement?

Mr. HALE. This is a case that does not come within the letter of the law. There is no doubt about that. The man had a long service. All his record is of the best kind. He was at home upon a furlough, and was wounded by the explosion of a cannon fired on the Fourth of July.

Mr. PENDLETON. I have no objection to the bill after the statement of the Senator from Maine.

Mr. HALE. There will be no objection to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE SCHOOLS.

Mr. GROOME. I move that the Senate proceed to the consideration of the bill (S. 750) granting a pension to Catharine Schools.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Catharine Schools, widow of Thomas Schools, deceased, late a private in Company C, First Regiment of Delaware Infantry Volunteers.

Mr. BECK. I am told that there are adverse reports in these cases. Is there an adverse report in the case now up?

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Secretary informs the Chair that there is an adverse report in the case.

Mr. BECK. I did not suppose there would be any bill passed with an adverse report without the report being read. I am told that in a number of cases bills have already been passed where the adverse reports have not been read. I should like to hear the report read.

The PRESIDING OFFICER. Does the Senator call for the reading of the report?

Mr. BECK. I do; and I shall call for the reading of all adverse reports while I am in the Chamber.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report submitted by Mr. JACKSON February 19, 1884:

The Committee on Pensions, to whom was referred the bill (S. 750) granting a pension to Catharine Schools, have considered the same and respectfully report:

That Thomas Schools, in September, 1861, enlisted as a private in Company C, First Regiment Delaware Volunteers; that he was discharged September 8, 1862, on surgeon's certificate of disability; that on the 9th October, 1862, he filed his application for pension, alleging as the basis of his claim that while at Camp Hamilton, Virginia, on picket duty, early in summer of 1862, he caught a severe cold from the exposure at that time, and from the effects of said cold he became unfit for duty and was discharged; that the disease brought on hemorrhage of the lungs, from which he still suffers.

The case lingered along in the Pension Office awaiting proof, and while so pending the claimant died, February 26, 1879. The evidence shows that his death was probably due to drowning, as his body was found in the water at Wilmington, Del., on that day, and no other cause of death is established. His widow, Catharine Schools, was allowed to perfect and complete the husband's claim, which she did by proving that he suffered with lung disease from date of discharge to date of death, and the claim was admitted January 19, 1883, at $6 per month (the rate of disability established), from September 9, 1862, to February 26, 1879, the date of his death; and this accrued pension was paid to the widow in accordance with section 4718 Revised Statutes.

While perfecting the husband's claim, to secure the benefit of the accrued pension thereunder, the said Catharine Schools filed her own application, September 27, 1879, claiming pension as widow, and stating that the immediate cause of her husband's death was unknown and was supposed to be accidental. Two witnesses made substantially the same statement, "that his death was a supposed accident, as his body was found in the water at Wilmington, Del., but the immediate cause was unknown." Under date of December 29, 1881, the attorney of claimant informed the Pension Bureau that no further proof could be furnished. The widow's claim was accordingly rejected on the ground that the immediate cause of soldier's death was not connected with the military service. She now applies to Congress for relief upon the same state of facts. There is nothing so exceptional in the case as to justify special legislative relief, and your committee therefore recommend that the bill be indefinitely postponed by the Senate.

Mr. BLAIR. I hope the bill will pass. The soldier died from disabilities contracted in the service. He was prosecuting his claim for a pension. An accident cut off his life, but shortened it very little. If he had not met with the accident he would very soon have died from disease contracted in the service, and the widow under the strict letter of the law would have been entitled to what is claimed under the bill. I hope she will be relieved by the action of the Senate.

Mr. GROOME. I wish to add to what was stated by the Senator from New Hampshire that the soldier whose widow it is proposed to pension entered the Army a sound man. Before the war was half over he was discharged for disability, and returned home apparently suffering with consumption. He lingered for years without securing the pension for which he early applied. One day he was missing, and a few days later his body was found floating in a river of Delaware. This raised a presumption which could not be rebutted that the immediate cause of his death was drowning, and not his pulmonary trouble. Assuming this presumption to be correct, he certainly would have died at an early day from disease contracted in the service if his life had not been shortened by the accident. His widow was allowed to complete his pension claim and secure a pension for the period up to the date of his death, but it was not allowed to continue after that event, as the Department was of opinion that his death was not traceable to disease contracted in the service.

Mr. CAMERON, of Wisconsin. It is a clear case.

Mr. GROOME. Under the circumstances, I think it is a clear case for a pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. WRIGHT.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (S. 1144) granting a pension to John W. Wright.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of John W. Wright, late a private in Company D, Seventy-seventh Regiment Enrolled Militia of Missouri.

Mr. BECK. I ask for the reading of the report.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. JACKSON April 1, 1884:

The Committee on Pensions, to whom was referred the bill (S. 1144) granting a pension to John W. Wright, having carefully examined the same, report as follows:

John W. Wright, late a member of Company D, Seventy-seventh Enrolled Missouri Militia, on May 21, 1877, filed his application for a pension, alleging that on January 9, 1863, near the line of Jackson County, Missouri, he received a wound through his left breast and left arm, the First Missouri Cavalry by mistake firing upon the camps. The Commissioner of Pensions rejected the claim on the grounds that "the soldier was a member of the State militia and not in the military service of the United States, as shown by the official records, and as he failed to prosecute his claim to a successful issue prior to July 4, 1874, as provided by section 4693 of the Revised Statutes."

It appears from the papers that the wound received by the claimant was a slight one, causing little or no permanent injury or disability. The ball cut slightly the left breast and passed through the fleshy part of left arm below the elbow. The claimant was disabled for only about six weeks. The papers fail to show any existing disability.

The committee accordingly recommend that the bill be indefinitely postponed by the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABBY P. ARNOLD.

Mr. ALDRICH. I move that the Senate proceed to the consideration of the bill (S. 764) granting an increase of pension to Abby P. Arnold.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of Abby P. Arnold, widow of the late General Richard Arnold, United States Army, from $20 to $50 per month.

Mr. BECK. I ask for the reading of the report. It is an adverse report, I understand, proposing to give a pension of $50 a month. For one, I want to hear the report.

Mr. ALDRICH. It is of the same class which has been acted upon all afternoon by the Senate.

Mr. BECK. So I understand; but I think there ought to be a record of the adverse report, to show how little use it is to make adverse reports and let the RECORD show that these bills are passed in spite of an adverse report.

Mr. ALDRICH. She is the widow of a very gallant general officer, and the only question involved is whether she is entitled to the increase.

Mr. BECK. I understand that a number of members of the Committee on Pensions are now absent. Gentlemen who made the adverse report are not here to tell why they did it. If the bills are to be passed in their absence, the report at least ought to be made a part of the record, to show that they had some reason for reporting adversely.

The PRESIDING OFFICER. The Chair is informed that there is no written report in this case.

Mr. BECK. Then upon what ground was the bill reported adversely?

Mr. ALDRICH. Because she is the widow of a general officer, and the committee at that time were reporting this class of cases adversely. They reported eight or ten cases of the same nature adversely and the Senate has passed them all to-day. I only ask that this lady may have the same consideration which the other widows have had.

Mr. BECK. I supposed when it was started that they would all come in. I am not a member of the Pension Committee and I do not know anything about the case. I have no reason to give against it. I desired to have the report read. The members of the committee who made the report I suppose are not now here, as a number of them are absent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY K. S. EATON.

Mr. LAPHAM. I move that the Senate proceed to the consideration of the bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pen-

sion now allowed to Mrs. Mary K. S. Eaton, widow of General Amos B. Eaton, late Commissary-General of the Army of the United States, from $30 to $50 per month.

Mr. BECK. Is there a report in that case?

The PRESIDING OFFICER. There is. The Senator from Kentucky calls for the reading of the report.

The Chief Clerk read the following report submitted by Mr. WILSON, June 2, 1884:

The Committee on Pensions, to whom was referred the bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton, report as follows:

Mrs. Eaton, for whose benefit this bill was introduced into the Senate, is now a pensioner at the rate of $30 per month. She has been receiving this pension since June 18, 1878, the date of the approval of the special act of Congress granting the same to her.

No new facts are presented in support of this bill, and the committee are of the opinion that the judgment of Congress upon such facts as existed at the time said special act was under consideration should be taken as conclusive relative to the rate of pension justified by them when said act was passed. The committee fully concur in the judgment so expressed, for the case was one of great merit. But as no new or additional facts have been brought to the attention of the committee, the present bill is reported adversely.

Mr. LAPHAM. I only desire to state that since the passage of the act giving Mrs. Eaton $30 a month the whole policy of the Government in regard to this class of cases has been changed and $50 a month is the rate now allowed. Mrs. Eaton is eight years older than she was when the pension was granted her. She is old and in needy circumstances. She has the advantage of most applicants in the fact that she is the widow of two major-generals. She has lost two of that rank in the course of her life, and so has a double claim for the pension which is asked for in this case.

Mr. BECK. I understand that this is a case where a pension was given her of $30 a month by special act, and now, against the report of the committee, with no cause for it, it is proposed to increase it to $50. Her husband was Commissary-General, I understand. Such officers do not generally do much fighting. There is no evidence that there is any necessity for increasing the pension. I shall only call for the yeas and nays on the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is, Shall the bill pass?

Mr. BECK. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken resulted—yeas 27, nays 14; as follows:

YEAS—27.

Aldrich,	Dolph,	McMillan,	Palmer.
Blair,	Frye,	Mahone,	Pike,
Bowen,	Harrison,	Miller of Cal.,	Riddleberger,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Hill,	Mitchell,	Sewell,
Conger,	Ingalls,	Morgan,	Voorhees.
Cullom,	Lapham,	Morrill,	

NAYS—14.

Beck,	Farley,	Jonas,	Vest,
Brown,	Gorman,	Maxey,	Wilson.
Coke,	Groome,	Pendleton,	
Colquitt,	Hampton,	Pugh,	

ABSENT—35.

Allison,	Fair,	Jones of Nevada,	Sabin,
Anthony,	Garland,	Kenna,	Saulsbury,
Bayard,	George,	Lamar,	Sherman,
Butler,	Gibson,	Logan,	Slater,
Call,	Hale,	McPherson,	Vance,
Camden,	Harris,	Manderson,	Van Wyck,
Cockrell,	Hoar,	Platt,	Walker,
Dawes,	Jackson,	Plumb,	Williams.
Edmunds,	Jones of Florida,	Ransom,	

So the bill was passed.

REUBEN MARSHALL.

Mr. INGALLS. The House of Representatives passed a bill (H. R. 569) granting a pension to Reuben Marshall, a bill (H. R. 570) granting a pension to M. H. Clements, and a bill (H. R. 562) granting a pension to H. E. Van Trees. These bills were all reported adversely by the Committee on Pensions of the Senate upon the ground that the persons were members of a militia company who were called out to repel an Indian invasion. One of these claimants lost both his legs above the knee and also a part of his hand; another lost both his legs near the knee, and the third lost both his feet. I ask that these bills may be passed by the Senate.

Mr. BLAIR. I wish to say that this very day we passed a bill giving a pension to an officer of the militia service in Indiana who lost his arm (I think that was the disability he received) when acting under orders of his superior officer, and by the direction of a general order from the governor of the State, firing a salute in honor of the capture of Vicksburg. This must be a very much stronger case as stated by the Senator from Kansas.

Mr. MAXEY. I ask the Senator from Kansas under what authority the militia were called out?

Mr. INGALLS. By the authority of the governor of the State. I move that the Senate proceed to consider the bill (H. R. 569) granting a pension to Reuben Marshall.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Reuben Marshall, late a private in the Kansas volunteer militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. H. CLEMENTS.

Mr. INGALLS. I move that the Senate proceed to the consideration of the bill (H. R. 570) granting a pension to M. H. Clements.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of M. H. Clements, late a private in the Kansas volunteer militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. E. VAN TREES.

Mr. INGALLS. I move that the Senate proceed to the consideration of the bill (H. R. 562) granting a pension to H. E. Van Trees.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of H. E. Van Trees, late a first lieutenant in the Kansas volunteer militia.

Mr. SHERMAN. That is reported adversely. I should like to know upon what ground.

Mr. FARLEY. About fifty bills have been passed to-day which were adversely reported.

Mr. INGALLS. The bill passed the House of Representatives, and was reported adversely by the committee here upon the ground that the person was a member of the State militia called out to repel an Indian invasion. In the discharge of his duty his legs were frozen and both amputated at the ankle-joint, in which position he now remains.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 19, 21, 22, 39, 47, 48, 49, 85, 86, 87, 92, 101, 110, 117, 122, and 138, insisted upon by the Senate; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. J. N. BURNES of Missouri, and Mr. WILLIAM H. CALKINS of Indiana managers at the further conference on the part of the House.

LAURA PRINE.

Mr. CALL. I move that the Senate proceed to the consideration of the bill (S. 986) granting a pension to Laura Prine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Laura Prine, only surviving daughter and heir of Robert F. Prine, who served as a private in Capt. F. M. Durrance's company of cavalry in the Indian war of 1856 and 1857, and was killed by the Indians, while so serving, on the 16th day of June, 1856, at a battle on or near Peace Creek, in Florida.

Mr. SHERMAN. I should like to have the adverse report read.

The PRESIDING OFFICER. The report of the committee will be read.

The Chief Clerk read the following report submitted by Mr. JACKSON, February 26, 1884:

The Committee on Pensions, to whom was referred the bill (S. 986) granting a pension to Laura Prine, having examined the same, submit the following report:

Laura Prine is the daughter of private Robert F. Prine. Said Robert F. Prine was enlisted in Captain Durrance's company in the Florida war, and was killed while in the line of his duty at Peace Creek, Florida, on June 14, 1856. Laura Prine filed her application for pension as minor child on April 5, 1880, and it was rejected by the Commissioner of Pensions, under section 4713 of the Revised Statutes.

"The claim was not filed within three years of the time the right accrued (which was the date of the widow's remarriage, about 1857), and therefore as pension would commence from date of filing the last paper necessary to establish the claim, and the claimant has been 16 years of age for several years, there is no period of time for which pension could be paid if granted."

In this action of the Commissioner no error is discovered, and no special reason appears from the papers before your committee for making this case an exception to the general rule. The case was before your committee at the first session of the Forty-seventh Congress, was then carefully considered and reported upon adversely. It is again before us upon the same state of facts, and the committee again recommend that the bill be indefinitely postponed by the Senate.

Mr. CALL. It will be seen by any one who will examine the law that section 4713 of the Revised Statutes has no reference to this case

and that the limitation which is supposed to be contained therein has no application whatever to it. That section provides that—

In all cases in which the cause of disability or death originated in the service prior to the 4th day of March, 1861, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing by the party prosecuting the claim the last paper requisite to establish the same. But no claim allowed prior to the 6th day of June, 1866, shall be affected by anything herein contained.

That section, which is alleged as the reason for rejecting this claim, has no reference whatever to it. The papers show that this man was killed in the service of the United States in actual battle, an enlisted soldier; that his child was then an infant of two years, and that she has been an imbecile as well as a pauper ever since. She was wholly unadvised of her rights under the law, and was prevented if she had been advised during the period of the war from making any application, and was without a guardian. Being still a dependent and still a pauper, the bill proposes to give the amount which the law would give her to the period when she was 16 years of age.

There is no objection to the bill in law, because an imbecile is not responsible for any limitation of time. There is no objection on account of service, because the man gave his life and came within the conditions of the law. There can be no ground of reason and no ground of humanity, when this man gave his life in conformity with the law, why his child, a pauper and an imbecile, should not have the stipend allowed by the law up to the time when she was 16 years of age. I appeal to the justice as well as the compassion of the Senate that she may be allowed this pension.

Mr. BLAIR. I have not been able to give attention to the bill. I should like to ask the Senator what is the effect of its passage. Does it give this imbecile girl simply a pension from the date of its passage?

Mr. CALL. The bill simply places her on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. BLAIR. The bill ought to be passed if it provides for that; but if it provides for arrears of course that is another question.

Mr. CALL. I am perfectly willing that the bill shall be amended so as to give her the pension from this time. I do not seek to give her a pension in the sense of arrears. I will accept any amendment the Senator from New Hampshire may propose.

Mr. BLAIR. After the word "roll," in line 4, I move to insert:

The pension to be paid, at the rate of $8 per month, from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE LOUISE CRAVEN.

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven. This is the widow of Captain Craven, who went down with his monitor at the head of the fleet of Farragut steaming into Mobile Bay.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mrs. Marie Louise Craven, widow of T. A. M. Craven, late a commander in the United States Navy, at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH NICOLL CRANE.

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (H. R. 1930) granting a pension to Sarah Nicoll Crane.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Sarah Nicoll Crane, widow of Brig. Gen. Charles H. Crane, deceased, late Surgeon-General of the United States Army, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA T. STRIBLING.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

Mr. MILLER, of New York. I hope we shall finish these cases now.

Mr. BLAIR. There is one case, that of Mrs. Stribling, widow of Rear-Admiral Stribling, which was reported favorably by the committee to-day. The Senator from Illinois [Mr. CULLOM] is interested in the case.

Mr. CULLOM. That is one of the most meritorious cases that has been before the Senate, and I hope it will be taken up and passed.

Mr. HARRISON. I will yield for that purpose only, if I may do so.

The PRESIDING OFFICER. The Senator can not do that.

Mr. HARRISON. Very good; I withdraw the motion.

Mr. CULLOM. I hope that by unanimous consent the bill increasing the pension of Mrs. Stribling may be considered. It is a very meritorious case.

The bill (H. R. 2869) for increase of pension of Martha T. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy, was considered as in Committee of the Whole. It proposes to increase the pension of Martha T. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy, and to pay her a pension at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. AVERELL.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of the bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MILLER, of New York. It will be noticed that the Committee on Military Affairs have reported an amendment. I trust that the amendment will not prevail. This is a House bill, and it is desired to pass it in precisely the shape in which it came to us from the House. The only difference between the bill as it passed the House and the bill as amended by the Senate committee is in the grade in which it is proposed to retire General Averell. The principle is precisely the same. The House proposes to retire him as a colonel, while the amendment of the committee proposes to retire him as captain.

I do not desire to discuss the question. I do not think it is necessary. If anything is to come of it the bill should pass the Senate as it came from the House, and certainly it is proper that he should be retired in that grade.

Mr. HARRISON. This bill is one of a very numerous lot of bills which have been under consideration by the Military Committee. We are constantly beset at every session of Congress to place on the retired-list, on three-quarter pay, officers who for one reason or other left the regular Army and sought civil life and followed its pursuits for a number of years, and who by reason of failing health or misfortune in business or some reason find themselves disabled from obtaining a living. It is simply pension; that is all it is. It is not a pension in form, but a pension in fact. The Military Committee of the Senate in reporting this amendment determined that in every case where that was done, where they consented at all to do it, they would report that the officer should go upon the retired-list as of the rank he actually held in the regular Army at the time he left it, not the rank he held in the volunteer service but the rank he held in the regular Army at the time he left it; in other words, to give him precisely the same advantage he would have had if he had gone upon the retired-list at the time he left the Army. That is the reason for reporting this amendment. If General Averell, instead of seeking private pursuits, had gone upon the retired-list at the time he left the Army, he would have gone upon the list with the rank of captain, nothing higher.

I want to call attention also to the fact that the Senate voted yesterday to sustain a veto in the case of Fitz-John Porter where the objection of the President to the bill was put upon grounds that would be fatal to this and every other like bill. The President placed his objection to that bill upon the ground that it was practically creating an office on the condition that it should be filled by a particular person, which is true of all these bills that seek to place persons who have gone out of the Army upon the retired-list.

I have myself felt that, meritorious as many of these cases are, strongly as they appeal to our sympathy by reason of the gallant services which these officers rendered during the war, the only just way was, the only just way to the volunteer officers of the Army who can not go on the retired-list at all, the only just way to disabled men who rendered similar services and suffered similar disabilities, is to take care of all these meritorious cases by appropriate pensions, and I would be liberal in fixing the amount, but I do not think we ought to yield to the request of the Senator from New York to place an officer upon the retired-list with a grade he never held in the Army of the United States, giving him the benefit of his volunteer rank upon a retired-list to which no volunteer officers had any access at all. The Senator can not say more than I will say about the distinguished character of the services of General Averell and his merits; but it was with the view I have stated that the committee reported this amendment.

Mr. CONGER. Mr. President, when Congress have prepared a general bill either for retiring or for pensioning, then it will be very well to object to the passage of a special bill. Until they have acted upon that, the merits of this case being admitted, I am very sorry to see the opposition to the bill. If there is any one among the officers who have rendered gallant services to their country and are well deserving of their country, it is General Averell. There is no objection to this bill on account of his service.

It has been the custom of Congress to retire officers who have been wounded or slightly wounded with the rank which they held at the time of receiving the wounds. That was the case with General Heint-

zelman, General Casey, and a score of men that I could mention, for no other reason than that they held that rank in the volunteer army at the time they received their wounds. I hope this bill may pass. When a general bill is prepared let the other cases come under the bill.

Mr. HARRISON. There was such a law as the Senator from Michigan has spoken of, giving the benefit of their volunteer rank to regular officers on retirement, but that was repealed a long time ago.

Mr. CONGER. But Congress by a special act——

Mr. HARRISON. It may be that we have passed some special acts. I am prepared to be told that we have done almost anything in these cases; but the Committee on Military Affairs thought there should be some uniform rule, and it is making a most favorable exception of an officer to put him back on the retired-list after he has voluntarily left the service, and to put him back with the rank he held then is all that ought to be asked in any case.

Mr. MILLER, of New York. I will not detain; but at the breaking out of the war General Averell was a captain in the regular Army. He took service in the volunteer forces of the country in command of a regiment, was promoted through all the ranks up to that of major-general, and served for a year or two as major-general. If he had continued his service in the regular Army during the war, instead of taking service with the volunteers, he undoubtedly would have been promoted several times during the war.

Mr. HARRISON. Not necessarily, the Senator will allow me. This service as a volunteer officer did not interfere with promotion in the regular Army.

Mr. MILLER, of New York. There is no question between us except the question of rank. The House has passed the bill with the rank of colonel, and as the Senate committee have suggested it amounts to a pension bill. Of course the question is what the pension shall be. It depends upon the grade. The House have given him the grade of colonel, and I hope the Senate will pass the bill just as it came from the House.

Mr. HAWLEY. I had the honor of reporting this bill favorably, and did it with great satisfaction. It is true the committee directed me to report it with an amendment placing him on the retired-list with the rank of captain only, but I am perfectly willing to be overruled, and having reserved the liberty that every committeeman has, I shall vote to overrule myself in order to concur with the House and place him on the list with the rank of colonel. He was wounded by a shot in the head from which he has never entirely recovered; some of his ribs are broken, his leg is shot through with a rifle ball and one is permanently shorter than the other. He left the Army, it is true, about the close of the war, despondent about military service, and thinking he could get a living in civil life. Had he stayed a little longer in the Army he would have been retired as a major-general. His health has broken down since that time. The details I need not go into. I know them from long acquaintance with him. I know them from the surgeon who attended him. He has been in the grave virtually several times; he is out of it now, I am happy to say, and I hope will live many years longer.

He was a captain in the regular Army, and failed of promotion undoubtedly because of his going into the volunteer service, where he rose to the rank of major-general. He has an extraordinary record of service as a cavalry officer during the war as well as against the Indians before the war. We are here to make exceptions in some cases; we are obliged to sit as a sort of court of equity, and to remedy those things in which the law by reason of its universality is deficient. This is exactly one of those cases. We are not setting an extraordinary precedent, for we shall have no such great war again. There are numberless cases where I hold that men have not had the honor or the reward that a great country might very well give them. I wish to give the rank on the retired-list of captain or colonel—I hope it will be colonel to this brilliant soldier.

Mr. HAMPTON. I concur very fully with what the Senator from Connecticut has just said, and being on the committee, I desire to see this officer retired with the rank of colonel. The Senator was instructed by the committee to propose to put him with the grade of captain, and of course that report was made. I feel that I am not doing anything against the committee when I express my opinion and bear a very cheerful and willing testimony to all that the Senator from Connecticut has said about General Averell, whom I had the honor of fighting very often during the war.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Military Affairs.

Mr. COCKRELL. Has the report in this case been read?

The PRESIDING OFFICER. It has not.

Mr. COCKRELL. Let it be read.

The PRESIDING OFFICER. The report will be read.

Mr. HAWLEY. I hope the Senator will consent to the shortening of some portion of it. Read the report without the exhibits.

The PRESIDING OFFICER. Will the Senator from Missouri consent that the report shall be read without the exhibits?

Mr. COCKRELL. I should like to hear the exhibits and the whole case.

The Secretary read the following report, submitted by Mr. HAWLEY April 8, 1884:

The Committee on Military Affairs, to which was referred the bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, respectfully report:

That this bill has been considered by the committee, and it recommends the passage of the bill with the following amendment:

Strike out all after the word "volunteers," in the tenth line, and insert the following: "a captain in the United States Army; and the President is further authorized to place said Averell, when so appointed, on the retired-list, with the pay and emoluments of a retired officer of the rank of captain; and the retired-list is hereby enlarged for this purpose, and no further, so as to place said Averell on said list."

The committee adopts as a statement of facts substantially the reports made in the House in the Forty-seventh and Forty-eighth Congresses, as follows, but incorporating therein its own conclusions and recommendations:

In recommending, as we do, the passage of the present bill, we do not deem it necessary to enter into any full account of the military services of that officer during the time he was connected with the regular Army. These services and their results were so great and conspicuous as to have passed into the history of the country, and to have become familiar knowledge with all the members of the House. We shall do no more in this regard, therefore, than to attach to this paper an abstract of his military history as derived from the official records of the Government, which we make Exhibit A, together with a list of the battles in which General Averell was engaged, which has been furnished to the committee by the Adjutant-General of the United States Army, and which we make Exhibit B. For the purpose of indicating the relations sustained to these engagements by General Averell, we have added to the report of the Adjutant-General those parts of Exhibit B which are embraced in brackets.

Since, however, the principal grounds upon which this application to be placed upon the retired-list is based are disability and incapacity, which are "the result and incident" of the said service, and because this fact is, in its nature, one which can not be fully disclosed by the public records, we have thought it best to obtain, and attach to this paper, such a statement of the nature of General Averell's services, the circumstances under which they were rendered, the injuries and wounds he received, and of the effect of the service upon his health, as would be the most reliable, as based on actual personal knowledge, and would show the nature of such disability, and that it is "the result of an incident of the service."

Such a statement we hereto attach, marked Exhibit C, dated 25th January, 1879, addressed to Hon. HORACE B. STRAIT, of the Military Committee of the House of Representatives by W. D. Stewart, brevet lieutenant-colonel and late surgeon of United States Volunteers. It will be seen that this officer was a member of General Averell's staff, was his constant companion throughout the late war, and is, of all others, perhaps the most competent person living to give true and full information as to the arduousness of the general's services, the nature and effect of his wounds and disabilities, and the causes thereof, and of the danger to his life to be apprehended from his continuing in the service after the period at which his growing disabilities compelled him to resign, as explained by Dr. Stewart in his said letter.

This resignation occurred on the 18th of May, 1865, and not until he had passed through all the perils, exposures, and hardships of the entire war, had seen the complete restoration of peace, had written in his country's history one of its most brilliant chapters. We can not be mistaken in saying that in the innumerable examples of patriotic service furnished by the late war no one combines in it more of constant and protracted exposure, danger, and exhausting toil, greater demand for vigilance, sagacity, energy, and self-reliant command, more masterly ability, both in plan and execution, or more uniform success in campaign or battle, than is shown in the services of General Averell.

When at last he was prompted to resignation by the effect of his honorable wounds, there was no law in existence which suffered him to be retired with the rank and pay which he had long held in the volunteer army, and in which he had led as commander portions of our armies to some of their most important victories.

To this fact we call special attention in connection with the other fact, that in precisely one year, two months, and thirteen days after his said resignation the Congress did, for every citizen of the United States who sustained to the country the identical relation which General Averell sustained as a disabled officer of the regular Army on the day of his resignation, precisely what the present bill proposes to do for him now. The Congress, on the 28th of July, 1866, passed a general act authorizing every "officer of the regular Army, entitled to be retired on account of disability occasioned by wounds received in battle, to be retired upon the full rank of the command held by them, whether in the regular Army or volunteer service at the time such wounds were received." These are the words of the act as found in 14 Statutes at Large, page 337, section 32.

All that the present bill, with the amendment proposed by this committee, if enacted into law, will do for this distinguished officer is to put him on the retired-list with the rank of captain, being the rank he held in the line of the regular Army at the time of his resignation, though he was then a brigadier-general of volunteers, holding the command of a major-general, and had been brevetted major-general in the regular Army. Had he remained in the service a little more than a year longer, he could have retired with at least the rank of brigadier-general.

Sad experience having shown that he is incapacitated by wounds received and disease contracted in the service from earning a living in civil life, the committee, in view of his splendid record, desire to grant him at least the rank upon the retired-list to which he was entitled nineteen years ago.

No extension of this statement can add anything to the force of the facts which we embody in the exhibits which we annex to the paper, and we therefore here conclude it.

EXHIBIT A.

Regular Army record.

Graduated from United States Military Academy and appointed brevet second lieutenant Mounted Riflemen July 1, 1855; second lieutenant Mounted Riflemen May 1, 1856; first lieutenant Mounted Riflmen May 14, 1861; captain Third Cavalry July 17, 1862; brevetted major March 17, 1863, for gallant and meritorious services at the battle of Kelly's Ford, Virginia; lieutenant-colonel November 6, 1863, for gallant and meritorious services in the action at Droop Mountain, Virginia; colonel December 15, 1862, for gallant and meritorious services during the Salem expedition; brigadier-general March 13, 1865, for gallant and meritorious services in the field during the rebellion; and major-general March 13, 1865, for gallant and meritorious services at the battle of Moorefield, Va. Service: On duty at Carlisle Barracks, Pennsylvania, from December 15, 1855, to August 27, 1857, when he left with recruits to join his regiment; joined regiment November 27, 1857, and served with it in New Mexico to (wounded in action with Navajoe Indians on night of October 8, 9, 1858, and absent, sick on account of wounds, to February 22, 1859) March 30, 1859; on sick leave and S. C. D. to June 7, 1861; on mustering duty at Elmira, N. Y., to July 2, 1861; acting assistant adjutant-general to Brig. Gen. A. Porter from July 5 to October 7, 1861. (See volunteer record below.) Resigned as captain Third Cavalry May 18, 1865.

Volunteer record.

Mustered in as colonel Third Pennsylvania Cavalry October 7, 1861, to rank from August 23, 1861, and served with his regiment in the Army of the Potomac to October —, 1862. Appointed brigadier-general of volunteers September 6, 1862.

Service: Commanding cavalry brigade Army of the Potomac from October, 1862, except when on sick leave from September 5 to 24, 1862, to February 22, 1863; Second Cavalry Division, Army of the Potomac, to May 4, 1863, when ordered to report to the Adjutant-General of the Army, and, on May the 13th, 1863, was ordered to Philadelphia, Pa., to await further orders.

Assumed command of the fourth separate brigade of the Middle Department May 23, 1863, which became the first separate brigade, Department of West Virginia, in June, 1863, and commanded it to January 20, 1864; on leave of absence to February 9, 1864; commanding Fourth Division, Department West Virginia, to April 26, 1864, and Second Cavalry Division, Department of West Virginia, to September 23, 1864, when relieved by General Sheridan and ordered to Wheeling, W. Va., to await further orders; awaiting orders until he resigned, May 18, 1865. The list of battles in which General Averell participated has not been fully made up; this report is not held for that, as it would involve a considerable delay; the list will be sent in as soon as completed if required.

E. D. TOWNSEND,
Adjutant-General.

EXHIBIT B.

List of battles and other actions in which W. W. Averell, late colonel Third Pennsylvania Cavalry and brigader-general of volunteers, participated during the war of the rebellion, as shown by the record of the Adjutant-General's Office.

Bull Run, July 21, 1861 [acting assistant adjutant-general, regular brigade].
Siege of Yorktown, April 5, May 4, 1862 [colonel Third Pennsylvania Cavalry].
Williamsburg, May 4 and 5, 1862 [colonel Third Pennsylvania Cavalry].
Malvern Hill, July 1, 1862 [commanding rear guard].
Sycamore Church, August 2, 1862 [in command, commanding brigade cavalry].
White Oak Swamp, August 5, 1862 [commanding brigade cavalry].
Upperville, Markham, Corbin's Cross-Roads, Gaines' Cross-Roads, Amissville, } November 2-10 [commanding brigade cavalry].
Hartwood, February 25, 1863 [commanding Second Cavalry Division].
Kelly's Ford, March 17, 1863 [in command, commanding Second Cavalry Division].
Stoneman's raid, including skirmishes of Rapidan Station and Ely's Ford, &c., April 29, May 8, 1863 [in command, commanding Second Cavalry Division].
Beverly, July 3, 1863 [in command, commanding Fourth Separate Brigade].
Hedgesville, July 19, 1863 [in command, commanding Fourth Separate Brigade].
Rocky Gap, August 26, 1863 [in command].
Droop Mountain, November 6, 1863 [in command; drove enemy for first time out of West Virginia; captured three guns and trains after severe engagement].
Cove Gap, May 10, 1864 [in command; severe and successful engagement with General John Morgan's forces, preventing his junction with Jenkins against General Crook, at Dublin; was severely wounded].
Lynchburg, June 17 and 18, 1864 [commanding two divisions of cavalry].
Liberty, June 19, 1864 [commanding two divisions of cavalry].
Buford's Gap, June 20, 1864 [commanding two divisions of cavalry].
Carter's Farm, July 20, 1864 [in command; defeated Ramseur's division of Early's army and Vaughn's division of cavalry; captured four guns].
Winchester, July 24, 1864 [commanding division of cavalry].
Moorfield, August 7, 1864 [in command; defeated McCausland's division; captured four guns and one-quarter of the enemy's forces and horses].
Martinsburg, August 31, 1864 [in command].
Bunker Hill, September 2, 1864 [in command].
Opequon, September 19, 1864 [commanding division cavalry; captured one gun and three field-works].
Fisher's Hill, September 23, 1864 [commanding division cavalry; captured several guns and over four hundred prisoners].
Mount Jackson, September 23, 1864 [commanding division cavalry].

E. D. TOWNSEND,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 25, 1879.

EXHIBIT C.

WASHINGTON, D. C., *January* 25, 1879.

MY DEAR SIR: As one of the numerous friends of Bvt. Maj. Gen. W. W. Averell, I have the honor to submit for your consideration the following statement of facts embracing my personal, official, and professional knowledge of his extensive and arduous military service during the late war of the rebellion, and the results upon his health as manifested at the time and subsequently developed, and which still continue:

Early in 1861 I was commissioned a "surgeon of the United States Volunteers," and immediately assigned to duty as medical director on the staff of General Andrew Porter, U. S. A., at that time in command of the provost guard of the military district of Washington, including the District of Columbia and of Alexandria County, Virginia. General Averell, at the time indicated, was acting assistant adjutant-general (with rank of captain) to General Porter, and was at that time suffering from manifest physical disability caused by a wound received in battle with the Indians two years previous, in New Mexico, resulting in an oblique fracture at the upper third of the left femur or thigh bone, and causing permanent shortening of the left leg by one and a half inches. This resulting disability had been much intensified by the great fatigue and exposure incurred by him as bearer of dispatches to Colonel Emery, at Fort Arbuckle, Indian Territory, in February, 1861. From this time to May 18, 1865, the date of General Averell's resignation from the United States Army, my professional and official relations to General Averell were intimate and almost continuous.

I was his medical director during the important and exhaustive marches, campaigns, and battle in which he commanded in the Military Department of West Virginia, particularly the unparalleled and continuous march of twenty-three days and nights from New Creek, West Virginia, to Salem, on the Tennessee Railroad, destroying said railroad for many miles, and the extensive depots of supplies assembled there for General Longstreet's army in December, 1863, and during the most terribly cold weather known for years. In this march of indescribable hardships, difficuities, and dangers, cutting entirely loose from the Federal lines and depending upon subsistence obtained in the enemy's country, and almost surrounded by an enemy greatly superior in numbers, in mid-winter, General Averell's health sustained serious permanent injury, from which he has never and never will recover, and under circumstances the most favorable to be hoped for will always remain disabled for life.

On the return march from Salem, W. Va., after accomplishing the destruction of the railroad and extensive depots of rebel supplies at that important point, General Averell was, in consequence of the failure of promised and expected co-operation, compelled to literally cut his way through an enemy many times outnumbering his command, over a mountainous and almost roadless country, by unfrequented and indirect roads leading through narrow mountain gorges, the streams largely swollen by continuous rains and hail into apparently impassable rivers, forbidding, in their rushing torrents, the idea of attempting to cross, and yet crossing by swimming his command, artillery, and ambulance train at frequent intervals, in all of which, without cessation or intermission, day or night, General Averell, at the head of his command, led every movement—the weather so cold, the air so piercing, that after swimming the streams our clothes would be frozen stiff on our persons as ice itself.

Thus, through swimming torrents of freezing water, and over mountainous by-roads or paths glazed with ice, almost entirely without food or fire for three days and nights, General Averell led his command, not once seeking or favoring his own personal comfort, until he had successfully eluded the enemy; and reaching Martinsburg, W. Va., himself and his command almost exhausted from fatigue, hunger, and exposure. The effect of this long and terrible exposure was immediately perceptible on the health of General Averell, soon resulting in an attack of malarial remittent fever, complicated with the most serious hemorrhage from the bowels I ever witnessed or have ever known to recover. This was still further complicated by a fall General Averell received while visiting pickets at night, some two days previous to his being confined to his bed, by which accident he sustained the fracture of a rib.

The cessation of hostilities and close of the war left General Averell such serious physical disability—the result of such long-continued and exhaustive service—as to make it very doubtful if it were prudent for him to remain in the Army, with the liability, almost a certainty, of being ordered to the frontier, where he would not have either the rest or comforts essential to the repair and recovery of his health to that extent which he even might hope for by remaining here in immediate reach of all those appliances which his shattered and exhausted health required. His resignation I deemed at the time called or, and justified by reason of the facts which I have indicated. The muscular atrophy of the fractured limb (left thigh), with permanent shortening of one anda half inches; frequent painful neuralgic attacks, resulting from the lacerated gunshot wound of the scalp, received at the battle of Wytheville, W. Va.; the fractured rib, and the permanent impress upon his organization; his long, arduous, and exhaustive services, make his claim to the favorable consideration of Congress and the gratitude of the country one of peculiar and quite exceptional merit.

In what I have said in the foregoing brief history of the facts of which I was personally cognizant and familiar, I have but attempted to discharge a pleasant duty I feel incumbent upon me to a meritorious and faithful officer, who has lost his health and spent his best manhood in his country's service, and of whom it will ever be the pleasantest memory of my life to recur to the subordinate official relation I had the honor to sustain to him, or to serve him in the future in any way possible.

I have the honor to be, your obedient servant,

W. D. STEWART, M. D.,
Brevet Lieutenant-Colonel and late Surgeon United States Volunteers.

Hon. HORACE B. STRAIT, M. C.,
Committee on Military Affairs.

Mr. COCKRELL. Mr. President, I hope the Senate will concur in the amendment of the Committee on Military Affairs, and for the information of the distinguished Senator who reported this bill I desire to read a little article which was read here in the Senate the other day, but I fear it was not attentively listened to by the distinguished Senator or that it fell upon deaf ears, judging by his action in this case:

To the House of Representatives:

After careful consideration of the bill entitled "An act for the relief of Fitz-John Porter," I herewith return it with my objections to that House of Congress in which it originated. Its enacting clause is in terms following: "That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers, and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial, promulgated January 27, 1863," &c.

It is apparent that should this bill become a law it will create a new office, which can be filled by the appointment of the particular individual whom it specifies, and can not be filled otherwise; or it may be said with perhaps greater precision of statement that it will create a new office upon condition that the particular person designated shall be chosen to fill it. Such an act, as it seems to me, is either unnecessary and ineffective, or it involves an encroachment by the legislative branch of the Government upon the authority of the Executive. As the Congress has no power under the Constitution to nominate or appoint an officer, and can not lawfully impose upon the President the duty of nominating or appointing to office any particular individual of its own selection, this bill, if it can fairly be construed as requiring the President to make the nomination and, by and with the advice and consent of the Senate, the appointment which it authorizes, is in manifest violation of the Constitution.

So the distinguished Senator said by his vote upon that message. Now he asks us the very next day to turn around and violate that view of the Constitution.

Mr. HAWLEY. May I make an inquiry of the Senator?

Mr. COCKRELL. As a matter of course.

Mr. HAWLEY. I believe the Senator, notwithstanding that message, did vote to pass the bill in question, so that there are no such scruples standing in his way. If he, notwithstanding that argument, is at liberty to vote for the bill, I will take care of myself. I had other reasons for voting as I did in the Fitz-John Porter case besides those stated in the message.

Mr. COCKRELL. I am not opposing this bill because I say that this argument is true. I voted against the message; the Senator voted for it. He admitted the validity and force of the constitutional argument. I did not.

Mr. President, the Committee on Military Affairs aimed to do equal and exact justice in this case, the exact and equal justice which it does in other cases. There are hundreds of applications to be restored to the retired-list of the Army by officers who were once connected with the Army. Every one who was ever an officer of the regular Army, almost without exception, who has become incapacitated or unable for the duty of struggling with the ills of life and overcoming them and making a support, is appealing to Congrsss to authorize his reappointment to the Army and to place his name on the retired-list.

Now I appeal to Senators to know why they will vote to put a man upon the retired-list of the Army because forsooth he was educated at West Point at the public expense and supported by the Government and when the war of the rebellion came on only performed his duty, remained in the Army and made no sacrifice—he had a little more fighting to do and took more risks and had better opportunities of promotion—when they refuse to put that volunteer officer upon the retired-list who starting out in the youth of his manhood in a profession, with a little family gathered around him and a start made in life, forsook all, made sacrifices, left his home, fought for his country for four long, weary years, and when the war closed returned with a broken constitution, with impaired health, and was mercilessly mustered out of the service to take care of himself and is allowed a little pittance of a pension. Why the distinction? Tell me that an officer of the regular Army made the sacrifices that the officers of the volunteer army made! There is no comparison; and every time you vote to place an officer of the regular Army upon the retired-list with his volunteer rank, you send an arrow, a feeling, a sense, a consciousness of gross injustice to every volunteer officer. I say that the volunteer officers are as much entitled to be placed on the retired-list as the officers of the regular Army. They are out the Army and so are the officers of the regular Army out of it. They are civilians. There is more justice, there is more equity in placing them upon the retired-list than in placing others.

I move an amendment to this bill. I want to see whether the Senate will do justice to those men who sacrificed all, and place them upon an equality with the gallant soldier who was educated and supported at the public expense. I move an amendment which the Secretary can take down.

The PRESIDING OFFICER. There is an amendment now pending.

Mr. COCKRELL. I move to amend the amendment. What is the amendment pending?

The PRESIDING OFFICER. The committee amendment.

Mr. COCKRELL. I move to amend it by adding:

And provided, That all officers of the volunteer Army during the war of the rebellion who by reason of wounds or disease received or contracted in the service are now incapacitated for manual labor shall also be placed upon the retired-list of the Army with the rank they held at the time they were discharged, and shall hereafter receive the retired pay of such rank.

The PRESIDING OFFICER. The Senator from Missouri moves to amend the amendment.

Mr. HARRISON. I suggest to the Senator from Missouri he had better say "volunteers in the United States service."

Mr. COCKRELL. As a matter of course there is no other service recognized by the Government. There is only one Government army and can be only one Government soldier. But let it read "volunteer army of the United States."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. MILLER, of New York. I move to lay the amendment of the Senator from Missouri on the table.

Mr. COCKRELL. On that motion I call for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York [Mr. MILLER], upon which the Senator from Missouri [Mr. COCKRELL] asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR] and have been paired with him for the day, but forgetful of the pair I have been voting right along. Still I think there is nothing material, and no reason perhaps why I should not vote now. So I will vote "yea" now.

Mr. HARRIS (when his name was called). I was paired for the day with the Senator from Massachusetts [Mr. HOAR], but as the Senator from Maine [Mr. FRYE] seems to think there is nothing material in this, I take the same view of it and vote "nay."

The roll-call having been concluded, the result was announced—yeas 49, nays 4; as follows:

YEAS—49.

Aldrich,	Dawes,	Lapham,	Plumb,
Bayard,	Dolph,	McMillan,	Pugh,
Blair,	Frye,	Mahone,	Ransom,
Bowen,	Garland,	Maxey,	Riddleberger,
Brown,	Gibson,	Miller of Cal.,	Saulsbury,
Butler,	Gorman,	Miller of N. Y.,	Sawyer,
Call,	Hampton,	Mitchell,	Sewell,
Cameron of Pa.,	Harrison,	Morgan,	Sherman,
Cameron of Wis.,	Hawley,	Morrill,	Voorhees,
Coke,	Hill,	Palmer,	Wilson.
Colquitt,	Ingalls,	Pendleton,	
Conger,	Jonas,	Pike,	
Cullom,	Kenna,	Platt,	

NAYS—4.

Cockrell,	Groome,	Harris,	Vest.

ABSENT—23.

Allison,	Farley,	Jones of Nevada,	Slater,
Anthony,	George,	Lamar,	Vance,
Beck,	Hale,	Logan,	Van Wyck,
Camden,	Hoar,	McPherson,	Walker,
Edmunds,	Jackson,	Manderson,	Williams.
Fair,	Jones of Florida,	Sabin,	

So the motion was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on Military Affairs.

Mr. COCKRELL. Let us have the yeas and nays on that.

Mr. BROWN. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 10, after the word "volunteers," it is proposed to strike out all down to and including the word "only," in line 15, as follows:

To the position of colonel in the Army of the United States, and to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws or parts of laws in conflict herewith are suspended for this purpose only.

And insert in lieu thereof the following:

A captain in the United States Army; and the President is further authorized to place said Averell, when so appointed, on the retired-list, with the pay and emoluments of a retired officer of the rank of captain; and the retired-list is hereby enlarged for this purpose, and no further, so as to place said Averell on said list.

So as to make the bill read:

Be it enacted, &c., That in view of the long and faithful services of Bvt. Maj. Gen. William W. Averell, United States Army, before and during the late war, and of severe wounds received by him in battle, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William W. Averell, brevet major-general United States Army, and late a brigadier-general of the United States volunteers, a captain in the United States Army; and the President is further authorized to place said Averell, when so appointed, on the retired-list, with the pay and emoluments of a retired officer of the rank of captain; and the retired-list is hereby enlarged for this purpose, and no further, so as to place said Averell on said list.

The PRESIDING OFFICER. The Senator from Missouri asks for the yeas and nays on this amendment. Is the call seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The roll-call having been concluded the result was announced—yeas 11, nays 38; as follows:

YEAS—11.

Brown,	Groome,	Platt,	Vest,
Cockrell,	Harrison,	Sewell,	Wilson.
Coke,	Maxey,	Sherman,	

NAYS—38.

Aldrich,	Dolph,	Kenna,	Palmer,
Bayard,	Frye,	Lapham,	Pendleton,
Bowen,	Garland,	McMillan,	Pike,
Butler,	Gibson,	Mahone,	Plumb,
Call,	Gorman,	Manderson,	Pugh,
Cameron of Pa.,	Hampton,	Miller of Cal.,	Riddleberger,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Sawyer,
Conger,	Hill,	Mitchell,	Voorhees.
Cullom,	Ingalls,	Morgan,	
Dawes,	Jonas,	Morrill,	

ABSENT—27.

Allison,	Fair,	Jones of Florida,	Saulsbury,
Anthony,	Farley,	Jones of Nevada,	Slater,
Beck,	George,	Lamar,	Vance,
Blair,	Hale,	Logan,	Van Wyck,
Camden,	Harris,	McPherson,	Walker,
Colquitt,	Hoar,	Ransom,	Williams.
Edmunds,	Jackson,	Sabin,	

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the act (S. 675) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865.

CINNABAR AND CLARK'S FORK RAILROAD.

Mr. SAWYER. I move to take up the bill (S. 1373) granting the right of way to the Cinnabar and Clark's Fork Railroad Company.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate do now proceed to the consideration of Senate bill No. 1373. Is there objection?

Mr. VEST. I object.

Mr. SAWYER. I move to take it up.

The PRESIDING OFFICER. The Senator from Wisconsin moves to——

Mr. SAWYER. I will take no time. The report is very short, and I shall ask that the report be read, and will then submit to a vote. If voted down I shall have nothing to say. I think the Senate will oblige me that long. I have consumed very little time.

Mr. VEST. It is not subject to debate now.

The PRESIDING OFFICER. The motion is not debatable.

Mr. VEST. I want to state to the Senator that the bill will be debated.

Mr. HARRISON. I think we have executive business that we ought to get at, and get some nominations referred, and if the Senator from Wisconsin will wait until to-morrow he can probably get an opportunity to get up his bill. I do not want to take him off the floor by a motion for an executive session, but the bill will provoke a good deal of opposition.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill indicated by him.

The question being put, a division was called for.

Mr. SHERMAN. I ask whether that displaces the postal-telegraph bill?

Mr. EDMUNDS. It does if taken up on motion.

Mr. SHERMAN. Then it deranges the order of business, and I move that the Senate proceed to the consideration of executive business.

Mr. McMILLAN. The result of this vote has not been announced.

Mr. SHERMAN. A vote has not been taken. I submit a motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

Mr. CONGER. There has been no announcement of the vote on the motion of the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair stated that he was unable to decide, and a division was called for.

Mr. VEST. I call for the yeas and nays.

Mr. SHERMAN. Pending that, I have a right to make my motion.

The PRESIDING OFFICER. Pending the call for a division, the Senator from Ohio moves that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. There is some printing business that if not done to-night will not be done at all.

Mr. SHERMAN. It can be done after the doors are opened.

Mr. INGALLS. It will be necessary, I think, to have a recess probably until 9 o'clock. I am advised that the House have taken that course, and it will be necessary that we shall be in session to-night to receive reports of conference committees, if we are to adjourn in a day or two. I would suggest that an agreement be made previous to or during the executive session that we take a recess till 8 or 9 o'clock.

Mr. SHERMAN. We can do it in executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-three minutes spent in executive session the doors were reopened.

SENATE MANUAL.

Mr. FRYE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 copies of the Senate Manual, as prepared under the direction of the Committee on Rules, be printed for the use of the Senate.

FISHERIES ON PACIFIC COAST.

Mr. DOLPH submitted the following resolution; which was ordered to lie on the table, and be printed:

Resolved, That the provisions of the resolution of the Senate adopted July 4, 1884, authorizing the Committee on Fisheries to sit during the recess of Congress, &c., be extended to and embrace therein the Pacific coast; and said committee be, and it is hereby, authorized to investigate concerning Congressional legislation required for the regulation of fisheries in the bays and arms of the sea and lakes and rivers upon said coast.

BACKBONE RAILROAD GRANT.

Mr. MORGAN submitted the following resolution; which was ordered to lie on the table, and be printed:

Resolved, That the Committee on Public Lands is instructed to investigate the entire subject of the transfer of the land grant from the railroad company known as the Backbone railroad company to the New Orleans Pacific Railroad Company, and shall have power to send for persons and papers and leave to sit in the recess of the Senate at the most convenient place for such investigation.

2. That said committee have leave to act by a subcommittee, and to appoint a stenographer, clerk, and messenger.

3. The expenses of such committee shall be paid out of the contingent fund of the Senate, to be audited and allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORT OF BOARD OF HEALTH.

The joint resolution (H. Res. 260) authorizing the printing and binding of additional copies of the reports of the National Board of Health was read twice by its title.

Mr. HAWLEY. I am instructed by the Committee on Printing to ask that the Senate act on that immediately. It has been considered by the committee, and we recommend concurrence with the House.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). Is there objection to the present consideration of the joint resolution? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the printing and binding of 1,000 copies for the use of the National Board of Health of each of its annual reports beginning with the year 1880.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

BUREAU OF ANIMAL INDUSTRY.

The joint resolution (H. Res. 276) providing for the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry was read twice by its title.

Mr. HAWLEY. The Committee on Printing have considered that matter and report favorably on that also. I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 284) providing for the printing of the Medical and Surgical History of the War of the Rebellion was read twice by its title, and referred to the Committee on Printing.

IRRIGATION IN CALIFORNIA.

Mr. HAWLEY. I am instructed by the Committee on Printing, to whom was referred a resolution proposed by the Committee on Public Lands to print extra copies of Executive Document 290, first session Forty-third Congress, to report it with amendments. The amendments are simply making it a concurrent resolution instead of a Senate resolution, the sum involved being too large to be passed by the Senate alone.

The Chief Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Senate 1,000 copies of Executive Document No. 290, first session Forty-third Congress, relating to irrigation of the San Joaquin, Tulare, and Sacramento Valleys, California.

By unanimous consent the Senate proceeded to consider the resolution.

The CHIEF CLERK. The amendments reported by the committee are, in line 1, after the word "resolved," to insert "by the Senate (the House of Representatives concurring);" in the same line, after the word "printed," to strike out "for the use of the Senate one" and insert "two;" and to add to the resolution:

Of which 1,000 copies shall be for the use of the Senate and 1,000 copies for the use of the House.

So as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 copies of Executive Document No. 290, first session Forty-third Congress, relating to irrigation of the San Joaquin, Tulare, and Sacramento Valleys, California, of which 1,000 copies shall be for the use of the Senate and 1,000 copies for the use of the House.

The amendments were agreed to.

The resolution as amended was agreed to.

REPORT ON LABOR AND CAPITAL.

Mr. HAWLEY. I have one more report to make. The Senate will remember that there was reported from the Committee on Printing a resolution offered by the Senator from New Hampshire [Mr. BLAIR] for printing 100,000 copies of the report and testimony taken by the Committee on Education and Labor and it was recommitted. The committee reported in favor of printing 50,000 and that was recommitted. The committee now report a substitute resolution virtually, providing for 25,000; 8,000 for the use of the Senate, 16,000 for the use of the House, and 1,000 for the use of the committee.

The original number asked for was thought to be very large and the expense very considerable, $160,000. The Senator from Maryland [Mr. GORMAN] and myself finally agreed, with the consent of some of the principal parties interested in it, to report 25,000 copies. If there were time and the proper person were ready to do it we should recommend a condensation of the report; but rather than do that we report a smaller number and to print all the report and testimony in full.

By unanimous consent, the Senate proceeded to consider the resolution.

The first amendment was, in line 3, to strike out "be printed, and."

Mr. HAWLEY. It is shorter to report a substitute. It is mangled with little amendments which it will take ten minutes to read. I ask that the whole resolution as amended be read as a substitute and adopted in that form.

The PRESIDING OFFICER. The question will be put in that form. The proposed substitute will be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying testimony, be printed; and that 25,000 additional copies be printed, of which 8,000 shall be for the use of the Senate, 16,000 for the use of the House of Representatives, and 1,000 copies for the use of the Senate Committee on Education and Labor.

The PRESIDING OFFICER. The question is on the amendment which has been read.

The amendment was agreed to.

The resolution as amended was agreed to.

RECESS.

Mr. INGALLS. I move that the Senate take a recess until 9 o'clock.

Mr. MITCHELL. I hope the Senator will not make that motion just now. There is a bill on the Calendar that I am very anxious to have passed.

Mr. INGALLS. It can be passed at 9 o'clock.

Mr. MITCHELL. I think we can pass it easier now. It will take only about five minutes. It is a public building bill, and unless it be

passed now it can not pass the House of Representatives and the work will stop. It is for the public building at Erie, Pa. The bill is reported by the Committee of the Senate and also by the Committee of the House.

Mr. INGALLS. I ask for a vote on my motion.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate do now take a recess until 9 o'clock this evening.

Mr. HILL. I ask before that motion is put that the unfinished business be laid before the Senate.

Mr. INGALLS. A recess does not displace it.

The PRESIDING OFFICER. It remains the unfinished business and will not be displaced by the recess.

Mr. MITCHELL. I hope the Senator from Kansas will withdraw his motion. ["No!" "No!"] The work has been stopped on account of a lack of money and can not go on.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas, that the Senate now take a recess until 9 o'clock this evening.

The question being put, it was declared the noes appeared to prevail.

Mr. INGALLS. The bill will not be passed now. There is not any question on that subject.

Mr. MITCHELL. Then I am not disposed to insist on opposing this motion. I know I am in the power of the Senator. I appeal to his grace.

The PRESIDING OFFICER. The Chair will put the question again on the motion that the Senate take a recess until 9 o'clock.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate took a recess until 9 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 9 o'clock p. m.

The PRESIDENT *pro tempore*. The hour for the recess having expired, the Senate will please come to order.

Mr. SEWELL. I ask to take up——

The PRESIDENT *pro tempore*. The pending question is on the postal-telegraph bill.

Mr. SEWELL. Pending that I move to take up House bill 1017.

The PRESIDENT *pro tempore*. The postal-telegraph bill being under consideration, the Senator from New Jersey moves——

Mr. SEWELL. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that Order of Business 904, being the bill (H. R. 1017) relative to the Inspector-General's Department of the Army, be now considered.

Mr. COCKRELL. Let the bill be read.

The PRESIDENT *pro tempore* The bill will be read for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection that the pending order be laid aside informally and that this bill be now considered?

Mr. SHERMAN. I object for the want of a quorum.

The PRESIDENT *pro tempore*. Objection is made. Does the Chair understand the Senator from Ohio to raise the question of the presence of a quorum?

Mr. SHERMAN. I do not care to state the reasons why I object, but I think it is better not to consider the bill at present.

The PRESIDENT *pro tempore*. Objection is made, and the reading of the bill under consideration will proceed.

Mr. SEWELL. I hope the Senator from Ohio will withdraw his objection.

Mr. SHERMAN. I may at a later stage, but not now.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. 5709) to amend article 72 of the Rules and Articles of War;

A bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws; and

A bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 3, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7012) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 49, 50, 57, 59, 60, 62, 71, 72, 79, 82, 84, 88, 107.

Amendment numbered 19: That the Senate recede from its amendment numbered 19, with an amendment as follows: Omit the part struck through and insert the following: "*Provided*, That no part of said money shall be so expended until the Secretary of War shall be satisfied that the Buffalo Bayou Ship-Channel Company has relinquished or abandoned to the United States, forever, all their franchises and any and all right to collect or impose tolls or charges for any part of said ship-channel or Buffalo Bayou;" and the House agree to the same.

Amendment numbered 80: That the Senate recede from its amendment numbered 80, with an amendment as follows: Insert after the word "improvement," before the word "thirty-five," the words "and survey;" and the House agree to the same.

Amendment numbered 83: That the Senate recede from its amendment numbered 83, with an amendment as follows: Strike out "dredge" and in lieu thereof insert "snag;" and the House agree to the same.

Amendment numbered 85: That the Senate recede from its amendment numbered 85, and agree to the same with an amendment, as follows: Strike out "preventing erosion" and insert in lieu thereof "the protection;" and the House agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 51, 52, 53, 54, 55, 56, 58, 61, 63, 64, 65, 66, 67, 68, 69, 70, 73, 74, 75, 76, 77, 78, 81, 86, 87, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107½, 108, 109, 110, 111, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Insert after "Wisconsin" the words "continuing improvement;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out the words "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out "and fifty;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Strike out the word "two," after "million," and insert "three;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Strike out all the last proviso and insert in lieu thereof as follows: "*Provided further*, That in view of the threatened injury to the harbor of Memphis and the Government property at that place, and the necessity of immediate protection thereof, the sum of $200,000, or so much thereof as may be necessary, shall be immediately applied to protect said harbor and property, out of the foregoing appropriation;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: Insert in lieu of part stricken out: "That out of the money herein appropriated for the Kentucky River the sum of $2,000, or so much thereof as may be necessary, may be expended for the purchase of land for the construction of lock and dam at Beattyville; and so much thereof as may be necessary may also be expended for the same purpose at lock No. 6;" and the Senate agree to the same.

And provided further, That the sum of $6,000 authorized, by the act approved June 14, 1880, to be expended for the removal of dams in Yadkin River, North Carolina, may be used by the Secretary of War for acquiring the right of way by removal or otherwise of such dams as may be necessary for the contemplated improvement, the said right of way or removal to be obtained by agreement with the parties interested, or in event of failure to make a reasonable agreement by condemnation as provided for by the laws of the State of North Carolina.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: Insert in lieu of part stricken out: "That it shall be the duty of the Secretary of War to prescribe such rules and regulations in respect to the use and administration of the Des Moines Rapids Canal, the Saint Mary's Falls Canal, and the Louisville and Portland Canal as in his judgment the public interest may require, which rules and regulations shall be posted in some conspicuous place for the information of the public. Any person knowingly and willfully violating such rules and regulations shall be liable to fine not exceeding $500, or imprisonment not exceeding six months, to be enforced in any district court of the United States within whose territorial jurisdiction such offense may have been committed;" and the Senate agree to the same.

S. J. R. MCMILLAN,
O. D. CONGER,
M. W. RANSOM,
Managers of conference on the part of the Senate.

ALBERT S. WILLIS,
N. C. BLANCHARD,
THOS. J. HENDERSON,
Managers of conference on the part of the House.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on concurring in the report.

Mr. HAWLEY. Will the Senator from Minnesota please tell us whether it increases or decreases the amount appropriated by the Senate, and what the general effect is? If there are any important changes I hope he will let us know what they are.

Mr. MCMILLAN. The bill as it came from the House amounted to $12,086,200. The bill as it passed the Senate amounted to $13,594,700. The bill as reported by the committee of conference amounts to $13,909,200. The principal amendments relate to the Mississippi River, to the mouth of the Columbia River, and to Gedney's Channel. The committee of conference increased the appropriation for the Mississippi River $100,000, making it $1,300,000 instead of $1,200,000.

Mr. HAWLEY. Increased it above the Senate vote?

Mr. MCMILLAN. Increased it above the bill. I will finish the statement. The bill as it came to the conference committee appropriated $1,250,000 for the improvement of the Mississippi River, and of that sum $250,000 for the protection of the Memphis Harbor, in view of an emergency which has arisen by the floods of the Mississippi River. The committee of conference in the report increased the amount of the appropriation for the river $100,000, making it $1,300,000, and decreased the amount applicable to Memphis Harbor $50,000, making $200,000 applicable to the protection of that harbor. They decreased the appropriation for the improvement of the mouth of the Columbia River $50,000, leaving the amount appropriated for that river $100,000. For Gedney's Channel, Sandy Hook, the appropriation contained in the bill as it left the Senate was $250,000. The conference report reduces that sum $50,000, leaving $200,000 applicable to that improvement. In the other changes the House concede to the Senate a large number of the Senate amendments and the Senate recede unconditionally from about a dozen amendments, and our amendments are adopted with amendments in perhaps half a dozen others.

Mr. FRYE. What was done with the falls at Louisville?

Mr. MCMILLAN. The amount appropriated by the Senate for the falls at Louisville was $250,000 instead of $50,000, as in the bill as it came from the House.

Mr. HAWLEY. It was restored to the amount appropriated by the House, not increased above that appropriation?

Mr. MCMILLAN. Not increased above that amount. It was restored to $250,000, which was an increase of $200,000, the House having appropriated but $50,000 for that improvement.

Mr. FRYE. So that Kentucky's heart is made glad.

Mr. HAWLEY. Are there any paragraphs in which the sum is increased above the appropriation made by either House?

Mr. MCMILLAN. None except the qualified increase in the Mississippi River.

Mr. MILLER, of California. How about California?

Mr. MCMILLAN. The California appropriations are not changed.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

The report was concurred in.

INTERNAL-REVENUE PROSECUTIONS.

Mr. SHERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same, amended to read as follows: In line 5 strike out "two" and insert "three," and at the end of said line 5 add "in all cases where the penalty prescribed may be imprisonment in the penitentiary, and within two years in all other cases."

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an additional proviso at the end of said amendment, as follows: "*And provided further*, That this act shall not apply to offenses committed by officers of the United States;" and the Senate agree to the same.

JOHN A. LOGAN,
JOHN SHERMAN,
ISHAM G. HARRIS,
Managers on the part of the Senate.

BENTON MCMILLIN,
WM. C. OATES,
SERENO E. PAYNE,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes.

POSTAL TELEGRAPH.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business, being the bill (S. 2022) to establish a postal-telegraph system. It is before the Senate as in Committee of the Whole, and will be read.

The Chief Clerk read the bill.

Mr. HILL. Mr. President——

Mr. MAXEY. Before my colleague on the committee proceeds with his remarks I desire to give notice that I shall move to strike out from section 11 to section 22, inclusive, so that he may address himself to the subject in view of that motion.

Mr. ALLISON. What are those sections, may I ask the Senator from Texas?

Mr. MAXEY. The sections to which I refer are those which relate to the building of telegraph lines or the purchase of telegraph lines. I shall move to strike them out, leaving the bill to apply alone to making contracts for sending messages over the wires, the same as by railroad, steamboat, &c.

Mr. ALLISON. I hope these sections will be striken out.

Mr. FRYE. Make the motion now.

Mr. MAXEY. I move now to strike out from section 11 to section 22 of the bill.

The PRESIDING OFFICER. The Senator from Colorado has the floor. Does he yield for that purpose?

Mr. HILL. I hope the Senator from Texas will withhold the motion until I submit my remarks on the bill.

Mr. MAXEY. I shall withhold my motion, but I give my colleague on the committee notice that in obedience to what I believe to be the will of the committee I shall move to strike out those sections, but withhold the motion until the Senator addresses himself to the entire bill.

Mr. HILL. I shall occupy the attention of the Senate but a very few minutes.

As the reasons which induced the Committee on Post-Offices and Post-Roads to propose the pending bill are stated with considerable fullness in the accompanying report, it will not be necessary for me now to enlarge much upon them. It is also particularly inexpedient to do so at this period of the session, when so many important measures are competing for the consideration and decision of the Senate.

The questions of the expediency of establishing a postal-telegraph system and of the proper methods for conducting it if its establishment should be decided to be feasible and desirable have no direct or necessary connection, and very little connection of any kind, with the past history of any of the telegraph companies or with their profits, whether exorbitant or otherwise. If no other duty had been imposed upon the Committee on Post-Offices and Post-Roads than that of reporting upon the several postal-telegraph bills which were referred to it, the committee would not have undertaken the investigation, which proved to be protracted and laborious, into the affairs of the Western Union, including the enormous capitalization which has resulted from its multiplied consolidations and stock dividends.

But the Senate saw fit to adopt a resolution imposing upon the committee the duty of making that investigation, with the view, declared in the resolution itself, of ascertaining whether the action of the Western Union in leasing and consolidating with competing and connecting telegraphic companies had tended to make the actual telegraphic charges higher in this country than they would otherwise have been. It was therefore not a matter of choice with the committee, but a task imposed by the Senate to enter upon that investigation. It has endeavored to acquit itself of the duty with care and fairness, but it does not rest its recommendation of the pending bill upon any of the conclusions in respect to the Western Union to which the evidence has compelled it to come.

The pending bill appears to the committee to be abundantly supported by the great and dominating considerations that it will give the country a telegraphic service much cheaper than it now obtains, with uniform rates, in place of the gross and oppressive inequality in that particular which at present exists, and with a much improved security against the dangers of an espionage and censorship of the political, financial, and market news furnished to the public through the press and in other ways. These important benefits can be obtained by the exercise of a power clearly belonging to Congress, without any tax upon the public Treasury and without doing injustice to any private interests now embarked in the business of telegraphy, although it may, and probably will, involve a reduction of the excessive gains which those interests have heretofore enjoyed.

Those who have read the evidence appended to the report will see that nearly all of it comes from persons who are connected with telegraph companies, and who are, therefore, interested to create the belief that a telegraphic service can not be self-sustaining and efficient at lower and uniform rates. It would take too much time to dissect the testimony of those persons in detail, but there are certain broad and general facts in themselves clearly established which seem to fully justify the opinion that the average rate of about 39 cents per telegram (including day and night telegrams together), now exacted by the Western Union, can be reduced as proposed by the pending bill for night telegrams to 15 cents and for day telegrams to 25 cents immediately, and to 20 cents at the end of five years; and that if contracting companies will not undertake the service at those lowered rates it can be performed by the Government itself without any supplementary aid from the public Treasury.

Upon a fair consideration of all the known facts and all the obtainable evidence the maximum rates offered in this bill to companies which may contract to do the work of transmitting telegrams seem to be exceedingly liberal. Indeed, if they are to be objected to at all, it is because they are too high and not because they are too low. With the present number of telegrams they will yield a large profit upon all the capital which the contracting companies need to employ or will employ in the business. What I fear is that with the vast increase in the number of telegrams which will result from reduced rates their profits will very soon become exorbitant, and that they will continue to be exorbitant even after the further reduction in the rates at the end of five years.

Without some action by Congress there is no reasonable ground for expecting any reduction in the telegraphic rates in this country. The

case shows that during the five years from 1878 to 1883 there was no reduction whatever in the average rate exacted by the principal company, the Western Union. The president of that company testified that it was 38½ cents in 1878, while the evidence fixes the rate in 1883 at between 38 and 40 cents. Since 1878 there has been, simultaneously with a doubling of the capitalization of the Western Union, an absolute stoppage of the reduction of rates which had been previously in progress.

I owe it to frankness to say that the testimony and arguments submitted to the committee have confirmed rather than weakened my conviction that the Government should at once assume the charge of transmitting as well as receiving and delivering telegrams. While admitting that the objection that it would dangerously enlarge the patronage of the Government is held by considerable numbers of intelligent persons, and is on many other accounts entitled to the most respectful attention, I believe that the extent to which it would increase patronage is much exaggerated. In the largest proportion of telegraphic post-offices the work of telegraphing would be done by the postmaster, or by some member of his family, as it is in England and in France.

In the cases where telegraph operators would be specially employed, they would be selected under the civil-service rules and examinations, and from the nature of the employment, which requires trained skill, they would be very little subject to changes for political causes. Undoubtedly a Government postal telegraph would increase patronage somewhat; but so does every enlargement of the Post-Office Department, whether arising from the growth of population, from the increase of old business, or from the introduction of new facilities, such as the parcel-post and the money-order system. The annual disbursements of the Department have expanded within fifty years from three million dollars to forty, and nobody regrets it or complains of it or is alarmed by it. It does not seem to me that we really need to be alarmed by a proposed expansion, in itself perfectly legitimate, of the postal arrangements so as to include telegrams, and especially as it would be to some considerable extent rather a substitution of telegrams for letters than a wholly new and additional business.

There are now about 65,000 postmasters and clerks in post-offices who are paid by the Government, and not including such clerks, of whom there are a good many, as are employed and paid by postmasters in offices for which the law does not provide for the hire of clerks. To this large patronage already existing the employment of telegraphic operators would add only a small percentage. The president of the Western Union testifies that at the close of the year 1882 the number of the offices at which that company received and delivered telegrams was, as near as he could compute it, 12,068, and that the company itself employed operators at only 3,156 of these offices. The other 8,912 offices were at railroad stations and operated by persons employed by the railroad companies. Under a postal-telegraph system there would be just about the same proportion between the number of telegraph offices at which the Government would employ special telegraph operators and the number at which the postmaster or some member of his family would be the operator.

Under a postal-telegraph system the Government could reduce the rates for telegrams whenever public considerations required that to be done, and without embarrassment from contracts with private companies. It could and would apply to telegraphic rates the same principle it has with such eminent advantage applied to letter-postage, which has been that of a reduction to the actual cost and even to rates below the actual cost when there was reason to believe that the increased business would soon make the reduced rates self-sustaining. European governments derive a revenue from the postal service, but this Government has never done so. Private companies, from the nature of the case, look to profit as the sole end and aim of their existence and operations. It is only under a postal-telegraph system that the telegraphic services required by the people can be obtained at the actual cost and without being taxed for the purpose of affording either a revenue to the Government or profits and dividends to private companies.

But while personally entertaining the views in respect to a Government telegraph which I have just expressed, I concur cordially with my colleagues of the Committee on Post-Offices and Post-Roads in reporting the pending bill.

Inasmuch as it does not seem possible at this stage of the session to enact into law a bill which provides for the acquisition of telegraph property by the construction or purchase of lines, I shall interpose no objection to the striking out of the last thirteen sections of the bill; and remembering always that legislation is never possible without concessions and compromises of individual opinions I shall vote for the passage of the bill, however it may be modified by the Senate in other particulars, if it shall still retain the features of a plan looking in the direction of a substantial exercise by the Government of that control over the telegraphic communications of the country which properly belongs to it.

Contracting with private companies for the transmission of telegrams will be very likely to lead ultimately to acceptable offers from such companies for the sale of their lines to the Government, and if it is shown by experience that the Post-Office Department can manage the business of receiving and delivering telegrams with efficiency and economy, the public will be educated into a greater and more general confidence than perhaps now exists, that the same Department can be advantageously intrusted with the business of transmitting telegrams. The bill is therefore in the direction of a complete postal telegraph system, although it defers the final step until the time arrives, as I believe it will surely and before long, when there will be a full concurrence of opinion in and out of Congress in favor of it. The bill does not in any sense commit the Government to a policy of owning and operating lines for the purpose of affording the people of this country the advantages of a perfected postal system which are enjoyed by all other civilized nations, but it prepares the way for it, if it shall hereafter be judged to be advisable.

Mr. SHERMAN. It is manifest that this bill can not be acted on at this session. I think it much wiser to leave it here in the Senate where it may be perfected after deliberation at the next session. I therefore suggest that the bill be postponed until the second Monday of December next.

Mr. MAXEY. Before the Senator from Ohio makes his motion, I desire to place the bill in such a situation that it may go before the country with the unanimous view of the committee to separate it from what has been said in regard to one feature by the chairman.

Mr. SHERMAN. If the Senator desires to speak or offer an amendment I will withdraw my motion for the present.

Mr. MAXEY. I desire to speak five minutes.

The PRESIDING OFFICER. The motion of the Senator from Ohio is withdrawn.

Mr. SHERMAN. For the moment. I will renew it when the Senator from Texas is through.

Mr. MAXEY. I move to strike out from section 11 to section 22, inclusive.

The PRESIDING OFFICER. The Senator from Texas moves that the bill be amended by striking out as the Secretary will report.

Mr. MAXEY. The whole bill has been read. The part I propose to strike out relates to the purchase and building of telegraph lines.

The PRESIDING OFFICER. The Secretary will report the numbers of the sections without reading them in full.

The CHIEF CLERK. It is proposed to strike out sections 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

Mr. MAXEY. I will state in five minutes all I care to say.

The sections proposed to be stricken out have reference to the building by the Government of a postal telegraph system or the purchase of lines already built. With those sections stricken out the bill simply gives to the Government the right to make a contract for the transmission and delivery of telegraphic dispatches, the same as for the transmission and delivery of letters, postal cards, newspapers, &c. The bill with these sections proposed to be stricken out gives the Government the right to make a contract with any company submitting the lowest and best bid for the transmission and delivery of telegraphic dispatches not in excess of the schedule of rates fixed in the bill. On that part of it the committee was unanimous. A majority of the committee were opposed to the Government engaging in the building or in the purchase of telegraph lines, and the remaining sections, now proposed to be stricken out, were sent along at the request of the minority, in order that the various propositions might be placed before the Senate. But the sections left (should the motion to strike out prevail) are those about which there was no disagreement in committee.

The first section of the bill establishes the telegraph system as a part of the postal service. The second section creates the office of Fourth Assistant Postmaster-General and places the control of the telegraph system under him. The third section relates to the rates of transmission and delivery, and as that is the most important section I ask the Secretary to read it.

The Chief Clerk read section 3, as follows:

SEC. 3. That the charges for the transmission of telegrams, excepting service and Government telegrams, shall be prepaid by telegram-stamps, stamped paper, or by postal-telegraph cards; and the maximum rates for telegrams of twenty words or less, exclusive of date, shall be as follows: When the distance of transmission is 1,000 miles or under, 20 cents; for every 250 miles or fraction thereof in excess of 1,000 miles an additional rate of 5 cents shall be charged: *Provided*, That no rate shall exceed 50 cents; for telegrams directed to be transmitted by night, under 2,000 miles, 15 cents; for greater distances, 25 cents. All words shall be counted, except the date, and for every five additional words or less one-fifth additional rate shall be charged. These rates shall cover the cost of immediate and special delivery within a mile of the telegraph office or within the letter-carrier delivery, and of transmission by mail when received at or destined for any place where there is no postal-telegraph office. For special delivery beyond the above limits the charges, at reasonable rates, shall be fixed by the Postmaster-General, to be collected from the addressee. All telegrams between the several Departments of the Government and their officers, agents, and employés, and all such telegrams authorized or required by any officer or employé of the United States in execution of any duty devolved on him by law, shall, when required by him, have priority in transmission without prepayment, and at rates to be annually fixed by the Postmaster-General. All other telegrams shall be transmitted in the order in which they are received, excepting telegrams directed to be transmitted at night, namely, between the hours of 7 o'clock in the afternoon and 7 o'clock in the forenoon. That upon the prepayment of one rate additional, to insure accuracy of transmission and delivery, any message may be repeated back from the place of address to the place of its origin and a copy thereof delivered to the sender, together with a notice of the time of delivery or of the causes for non-delivery, as the case may

be. Prepayment of answer may also be made by the sender of any message under such regulations as the Postmaster-General may prescribe.

Mr. MAXEY. Now I ask the Secretary to read the fourth section, relating to telegrams sent by newspapers.

The Chief Clerk read section 4, as follows:

SEC. 4. That the charges for the transmission of telegrams to newspapers and commercial news associations, for each one hundred words or less, shall not exceed 35 cents if sent at night and 75 cents during the day, and at the same pro rata rate for each word in excess of one hundred; but when copies of the same telegram are dropped off at one or more offices, the rate for each drop shall not exceed 25 cents at night and 50 cents during the day, and at the same pro rata rate for each word in excess. When such telegrams are delivered at the same office for two or more newspapers, 5 cents additional shall be charged for each one hundred words, for manifolding, for each newspaper receiving the same. The charges provided for in this section shall be collected in such manner as the Postmaster-General shall from time to time prescribe.

Mr. MAXEY. Mr. President, the clause of the Constitution giving Congress power to establish post-offices and post-roads was in my judgment, and I have always acted upon that idea, placed there for the purpose of securing the transmission and delivery of intelligence. At the time the Constitution was adopted there were no railroads, no telegraphs, and no steamships or steamboats. Its framers placed no restriction upon the mode and manner of transmission of intelligence. We now send intelligence by railroad, steamboats, and steamships, and an act is on the statute-book making every railroad in the United States a post-road. We send on the lakes, on the rivers, and on the high seas by steamboats and by steamships. We send by stage, buckboard, horseback, and in every other way in regions of country not blessed with railroads and steamboats.

This is simply a move forward in the same direction that Congress has moved from the foundation of the Government; that is to say, as additional and better means for the transmission of intelligence present themselves they are utilized. The Government has availed itself of this additional means of delivery by telegraph. The Government has for years past availed itself of the telegraph system for the purpose of conveying information by telegram in which the Government is interested. This extends, upon what is regarded as the lowest rate of transmission ever known, the benefit of the telegraph system to the people generally. There is, in my judgment, no constitutional objection whatever to Congress conferring upon the Post-Office Department the power to make a contract for the transmission of intelligence by a telegraph any more than by a steamboat or railroad or other mode of transmission, and so the committee regarded it. We see no reason why this wonderful system of speedy and safe transmission should not be availed of, as we did by the use of railroads, steamboats, and steamships as better and more rapid modes than those in use prior to the application of steam as a motive power.

That was as far as the committee saw proper to go. That was considered safe and beneficial, and we went no further. The bill designs simply to furnish the power to the Department to make a contract for the transmission of intelligence by telegraph in like manner as it now has the power by other means of transmission. It was not the opinion of the committee that we should engage in the building system or in the purchasing of lines already built. The committee did not favor that idea. The chairman of the committee favored it, as he has told you to-night, but the committee did not agree with him. The committee unanimously agreed on conferring the power to make a contract for the transmission of intelligence by telegraph upon a specific rate of message, which is in the bill, and which the committee believe the fairest rate ever offered to the American people; and, to prevent monopoly, to let the contract to the lowest and best bidders, but not to exceed the schedule rates fixed in the bill.

It does not make this a monopoly in the hands of any company, but it puts it out to the lowest and best bidder; and in order to avoid the possibility of any one company monopolizing the whole system, the bill makes provision that if a company takes the contract without having all the lines necessary to convey intelligence in every part of the country at the time of closing the contract it shall have a specified time to build telegraph lines so as to comply with the contract. I think I may say with entire assurance that from the number of companies which presented themselves before the committee there will be no sort of doubt that we can get a contract upon the rate set forth in this bill, and if we can do it it will prove a blessing to the people.

The interest manifested in every part of the country in respect to the adoption of some safe and constitutional system that would reduce telegraph rates satisfied the committee that their duty was to present a system for the consideration of the Senate. The one presented is prudent, looks to a large reduction of rates, and is strictly in line with the contract system in force from the earliest days of the Republic.

I have no set speech, and only rose to show the view the committee had, and that it might not be considered that the committee indorsed the views of their chairman in respect to the building by the Government of telegraph lines or the purchase of lines already built. The committee does not believe in that. The committee does believe in the Government making a contract for the transmission and delivery of telegrams, the same as the transmission and delivery of any other intelligence by any of the means now in use.

I have thought it my duty as one member of the committee to say what I have said, and I would add that it was perfectly well known before the bill was presented by the committee to the Senate that the motion which I have made would be made. That was understood, and the first ten sections of the bill, which are simply the contract system, received the unanimous vote of the committee. I have left, out of abundance of caution, the twenty-third section, which is short:

SEC. 23. That nothing in this act shall be construed to prohibit individuals or corporations from carrying on the business of operating telegraph lines.

It was not the intention of the committee to prevent anybody, if he preferred it, paying the rates which a company may charge if those rates are larger than those fixed by this bill. If persons prefer that as a matter of safety, it was not the design of the committee to prevent anybody from making such an arrangement with any company. Let these companies go on and compete with each other, and whoever wants to send through them may do so. That much we all wanted done; but when they enter into a contract with the Government they have to send their dispatches according to the schedule rates as fixed in the bill, and we believe that when the system is once in operation the advantages will become so manifest that the postal-telegraphic system recommended by the committee will become in general use and will be hailed by the people as wise, economical, beneficent. Here I leave the question for the present, as I have no expectation that this bill should be or ought to be pressed further at this late hour of the session. The general views presented in this condensed form are those which govern the committee in recommending this bill.

Mr. SHERMAN. I move to postpone the further consideration of the bill and pending amendments to the second Monday of December next.

Mr. HILL. Being aware of the difficulties of considering an important measure of this kind in the closing hours of the session, and with the view of interposing no obstacle to an early adjournment, I shall consent to the proposition of the Senator from Ohio, if unanimous consent can be obtained, to postpone the consideration of this bill to the second Monday in December.

Mr. SHERMAN. It does not need unanimous consent.

Mr. HILL. I hope it will be had.

Mr. MAXEY I am very glad the Senator from Ohio made his motion. I think it is perfectly right. My only object in speaking to-night was that the ideas of the committee might go out to the country along with the views of the chairman; and when the proper time comes, other members of the committee more acquainted with the details of the bill than myself will be heard and the Senate will be very greatly profited by hearing the views of other members of the committee.

The committee was probably three months at work almost continuously on this bill; and the light they have gained by that investigation will be of very great service to the Senate, I think, in arriving at a correct conclusion; but that can not be done now, and therefore I think the motion of the Senator from Ohio is perfectly right.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to postpone the further consideration of the bill until the second Monday in December next. Will the Senator name the hour?

Mr. SHERMAN. The hour would be 2 o'clock necessarily if no other time was fixed.

The motion to postpone was agreed to.

JOHN HOLLINS M'BLAIR.

Mr. HAWLEY. I ask consent to call up Senate bill 2233. After I shall have made a brief statement of the essence of the report, if anybody objects I shall withdraw the request.

The PRESIDING OFFICER. The Senator from Connecticut asks consent for the consideration of the bill (S. 2233) for the relief of Lieut. John Hollins McBlair.

Mr. HARRISON. That is a Senate bill.

Mr. HAWLEY. It is a bill unanimously reported from the Committee on Military Affairs.

Mr. HARRISON. What is the use of passing Senate bills now?

Mr. HAWLEY. I have reason to know that it is not impossible that it may pass the House now, and if not now it may pass early in December, and the quicker the better for this officer. I will state the case in a word. The Senator from Missouri [Mr. COCKRELL] would have made the presentation but that he is occupied otherwise on conference committees.

Mr. McBlair was a young officer of the Army. After a time he broke down in his health, served for a while in various staff departments, and finally on the report of a board was retired and wholly retired from service. Upon a further presentation of his case President Lincoln six months after revoked that order and placed him upon the retired-list, giving him the benefit of the question his friends raised as to whether he was obliged to retire by reason of active service in the Army. At any rate Mr. Lincoln revoked the order and placed him on the retired-list. There he has been peacefully since 1863 or 1864.

A late decision is to the effect, as many Senators are aware, that he, having been once out of the Army by a regular order, can not be brought back into it except by nomination and confirmation. This bill gives to the President the right to nominate him as of that date,

but provides against his receiving any pay by reason of this renomination and reappointment. He has been twenty-one years in the enjoyment of what was believed to be a lawful right under what was unquestionably the intention of the War Department and of President Lincoln.

The PRESIDENT *pro tempore*. The question is, Will the Senate now consider the bill?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint John Hollins McBlair a first lieutenant in the Army of the United States in the infantry service, and to place him upon the retired-list as of the date of April 8, 1864: *Provided*, That said McBlair shall not by virtue of this act receive any pay or allowance in addition to what he has already received prior to this date.

Mr. HAWLEY. There is an amendment to the amendment agreed upon by the Senator from Missouri and myself striking out all after the word "provided" and inserting:

That the pay already received by the said McBlair shall be in full of all pay under this act up to the date of the last payment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF NAVIGATION.

Mr. FRYE. I move to take up for present consideration Order of Business 523, being the bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'GARRAHAN.

Mr. BAYARD. I desire to call up, for the purpose of moving its indefinite postponement, Order of Business 848, being the bill (S. 603) for the relief William McGarrahan.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate now proceed to the consideration of the bill named by him.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. BAYARD. It is not necessary, I believe, to have the bill read. It is reported adversely.

The PRESIDENT *pro tempore*. A motion to indefinitely postpone can not be put until the bill is read, without unanimous consent.

Mr. SHERMAN. There is no objection.

The PRESIDENT *pro tempore*. Is there objection to taking the question on the indefinite postponement of this bill without its being read? The Chair hears none. The question is on the motion of the Senator from Delaware that the bill be indefinitely postponed.

The motion was agreed to.

LONGEVITY PAY OF NAVAL OFFICERS.

Mr. BUTLER. I ask to take up Order of Business 766, being the bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity pay to certain officers of the Navy.

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. The motion is not open to debate. The question is on agreeing to the motion of the Senator from South Carolina.

A division was called for.

Mr. MORRILL. Let the bill be read before a division is had.

The Secretary read the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from South Carolina that this bill be now considered.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I trust——

The PRESIDENT *pro tempore*. Debate is not in order. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 11, noes 15; no quorum voting.

Mr. BUTLER called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 21, as follows:

YEAS—24.

Aldrich,	Frye,	Lapham,	Pendleton,
Cameron of Wis.,	Harrison,	McMillan,	Plumb,
Cockrell,	Hill,	Mitchell,	Pugh,
Dolph,	Ingalls,	Morgan,	Sherman,
Edmunds,	Jonas,	Morrill,	Vest,
Fair,	Jones of Florida,	Palmer,	Wilson.

NAYS—21.

Bayard,	Coke,	Manderson,	Sawyer,
Beck,	Colquitt,	Maxey,	Sewell,
Blair,	Conger,	Miller of Cal.,	Van Wyck.
Brown,	Gorman,	Platt,	
Butler,	Groome,	Ransom,	
Call,	Hawley,	Riddleberger,	

ABSENT—31.

Allison,	Garland,	Jones of Nevada,	Sabin,
Anthony,	George,	Kenna,	Saulsbury,
Bowen,	Gibson,	Lamar,	Slater,
Camden,	Hale,	Logan,	Vance,
Cameron of Pa.,	Hampton,	McPherson,	Voorhees,
Cullom,	Harris,	Mahone,	Walker,
Dawes,	Hoar,	Miller of N. Y.,	Williams.
Farley,	Jackson,	Pike,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After 17 minutes spent in executive session the doors were reopened.

RECESS.

Mr. SHERMAN. I move that the Senate take a recess until 10 o'clock a. m. to-morrow.

The motion was agreed to; and (at 10 o'clock and 50 minutes p. m.) the Senate took a recess until 10 o'clock a. m. of Saturday, July 5.

AFTER RECESS.

The Senate reassembled at 10 o'clock a. m., Saturday, July 5, 1884.

LONGEVITY PAY OF NAVAL OFFICERS.

The PRESIDENT *pro tempore*. The hour for the recess having expired, the Senate resumes its session. The pending question is on the motion of the Senator from South Carolina [Mr. BUTLER] that the Senate proceed to the consideration of the bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity pay to certain officers of the Navy.

Mr. BLAIR. I move to lay the motion on the table.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. BLAIR. I thought the bill might be called up later. The Senator from South Carolina is not here.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from South Carolina [Mr. BUTLER] to proceed to the consideration of the bill.

The motion was not agreed to.

FOREIGN-LABOR CONTRACTS.

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

Mr. MORRILL. I suggest to the Senator from New Hampshire that he had better wait until the Senate is fuller.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. The bill, if taken up, may be laid aside informally.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on the motion of the Senator from New Hampshire that the bill indicated by him be now considered.

The motion was not agreed to.

PERSONAL EXPLANATION.

Mr. LOGAN. Mr. President, I desire this morning to do that which I seldom do. It is to call the attention of the Senate to a matter personal to myself. I have prepared a statement which I desire to have the privilege of making now.

Mr. President, I deem it due to my friends that I call attention to certain statements which I find copied in the public press, as well as in the CONGRESSIONAL RECORD of the 28th of June.

First. I am set down in a list of what are termed "land grabbers," as having in some mysterious way accumulated the vast amount of 80,000 acres of land. This statement is utterly without foundation in fact. The New York Herald of the 29th of June adds 30,000 head of cattle. I wish this were true, but there is no foundation for the statement. I would take no notice of this, however, were it not for the charge that follows.

Second. The person who made the statement, after finding that it was untrue, instead of doing justice to one against whom he might, by his erroneous statements, have done an injury, proceeded to put another false statement on record, as follows:

I might have said to the deluded soldiers of this land, "What do you think of a great Senator who, in his greed to absorb the territory which belongs to the actual settler, in a land that was made for independent freeholders and small farmers—what do you think of a man who poses as a statesman and a patriot, as the friend *par excellence* of the soldier, and who, under the cover of his brother-in-law, went to New Mexico and tried to pre-empt the most valuable land lying along her streams, and was only estopped by the public officer finding out that it belonged to another class which he professes the utmost friendship for, and who from his manner and appearance rumor says has their blood in his veins, tried to steal from his own kith and kin hundreds of thousands of acres of land [great laughter and applause on the Democratic side], taking from

the unfortunate savage who was unable to protect himself until an honest Secretary of the Interior went there with the surveyor and took back the land for the Zunis." [Renewed laughter and applause.]

Mr. President, this statement is, so far as I am concerned, or any one else of whom I have any knowledge, maliciously false. Sir, what are the facts out of which this attack has been made? Captain Lawton, Major Tucker, and Mr. Stout located claims at Nutria Springs, in New Mexico, not however until after ascertaining from the General Land Office that the land was subject to location, being outside of the Indian reservation, and being some five miles from the Indian line, and some twenty-five or thirty miles from the town of Zuni. So it will be seen that the "hundreds of thousands of acres of land" that this man says I was "stealing from the Indians" resolves itself into three homesteads or "desert-act" claims located by two Army officers and one citizen on public land open to such entry, with which location, however, I had nothing to do.

Mr. President, in order to prove every statement that I have made to be true, I will first read the letter of the Commissioner of the General Land Office, of date December 7, 1882, which shows that this land was subject to location and entry as public land at the time it was so located, and if not, that the location would have been subject to cancellation. Any one who will examine the numbers will find that those mentioned as subject to entry are entirely outside of the reservation and cover the ones taken by the persons mentioned.

I ask the Secretary to read the letter of the Commissioner of the General Land Office, which was sent to the land office at Santa Fé prior to these locations.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 7, 1882.

GENTLEMEN: I am in receipt of your letter of November 23, 1882, asking whether townships 12 north of ranges 16 and 17 west are within the reservation for the Zuni Indians, as the same are unsurveyed and you have several applications for desert-land entries in said townships.

In reply you are informed that as near as can be ascertained from our records township 12 north of range 16 west is outside, while of township 12 north of range 17 west probably only sections 25, 26, 33, and 36 are within the reservation.

When said townships are surveyed the reservation may be found to embrace more of the land than that mentioned, and if any desert-land entries are found to have been located within the reservation they will be held for cancellation.

Very respectfully,

N. C. MCFARLAND, *Commissioner.*

REGISTER AND RECEIVER,
Santa Fé, N. Mex.

Mr. LOGAN. I will now call attention to a letter of Major Tucker, giving the facts in connection with the location of the lands mentioned by him and his associates:

PAY DEPARTMENT, UNITED STATES ARMY,
Santa Fé, N. Mex., May 3, 1883.

DEAR SIR: The inclosed copy of an order from the Commissioner of General Land Office to the surveyor-general of New Mexico indicates that there is some disposition to interfere and change the location of the Zuni reservation, surveyed under an executive order of President Hayes.

I desire to call your attention to the fact that lands in townships 12 north, range 16 west, and 12 north, range 17 west, from headwaters of the Nutria in section 8, township 12 north, range 16 west, following the course of the Nutria to the Zuni reservation line to the southwest, in township 12 north, range 17 west, were located by myself and associates, and the laws complied with, the money paid with the usual certificates of location in our possession, the land at the time being Government land, as shown by the Land Department maps, and subject to such locations and entry. This land was entered in good faith, known not to be on the Zuni reservation by all the officers of the Land Department, and also known to the agent for the Pueblo Indians. In the name and for those having made said locations and entries I respectfully protest against any action that would be calculated to interfere with our said rights acquired under the law. Soon after these entries were made an officious person, who thinks he has the Indian interests at heart, commenced making a disturbance in reference to these entries, and procured an attack to be made upon Senator LOGAN, charging him with having in violation of law entered this property, when in fact he had not done so, but had stated to myself and others that the land was subject to location and entry.

I desire to call your attention to the following proposition:

1. The Zuni Indians, as well as all the other Pueblo Indians of New Mexico, were citizens of Mexico capable of holding land in their own right, the Zunis having a grant of land from the Mexican Government, which was confirmed to them by the United States Government under the treaty with Mexico; they are citizens of the United States, and have so been held by the courts. This being the case, the right of President Hayes to give to them the land of the Government by an executive order is a question that might well be considered.

2. The grant, as well as the land claimed to be set apart for them by President Hayes, is well watered, the Nutria River, formed by different springs, running entirely through the land given to them by President Hayes's order; also, the Rio Piscado running entirely through the Zuni Valley and through their grant. To now extend by an executive order the reservation set aside by the Hayes "order" so as to compel a survey on a straight line or any other line to include the Nutria Spring within their reservation would take every drop of water in the two valleys totally depriving every other section of Government land in that locality from any water whatever, rendering a large body of land entirely useless and depriving the Government of any disposition of the same.

These entries in no wise affect the interests of the Indians, and we can not see why the rights of other people should be disturbed merely to satisfy the wailings of some disappointed persons who did not get the land themselves and now wish to put the Indians forward to do an injury to others merely to gratify their own vindictive feelings.

I am, sir, very respectfully, your obedient servant,

W. F. TUCKER, JR.,
United States Army.

Hon. H. M. TELLER,
Secretary of the Interior Department, Washington, D. C.

I will next call the attention of the Senate to a letter of Captain Lawton, giving a full statement of the facts in connection with his location:

SANTA FÉ, *May* 19, 1883.

SIR: In view of an article recently published in the Chicago Inter-Ocean, attacking you personally, and charging you with complicity in a combination to defraud the Zuni Indians of certain lands, &c., and repeated in different forms by other papers throughout the country, I desire to submit for such use as you may wish to make of it the facts concerning the subject to the charges above mentioned. With reference to the location of the land, in the first instance, I have only to say that all the facts can be ascertained at the office of the register of the land office in this city. As there is no allegation that you have made any entry little need be said on that point. I was the first to see the land and to suggest its location, and took active steps toward completing the entries. I will simply say that in making the location every precaution was taken to prevent injustice being done the Zunis or other parties. The land was not on the reservation, is not shown on the reservation by any map ever issued by the Land or Indian Department. The land had been surveyed regularly by the United States surveyor, platted, and the plats were on file in the office of the register, and the land was subject to entry by any citizen under the laws. At the time of making the application for the land the existence of the executive order of President Hayes was unknown to me. Afterward I procured a copy of said order, went with it to the land office, and suspended my application until a decision from the Land Department at Washington could be made. In due time the decision was returned, and it was to the effect that the land in question was subject to entry. I was informed by the register that there were other applicants for the land, that he had held my application as long as he could, and I must then decide whether I would locate or not; if I did not, he would accept the next applicant. As to the question of stock range or ranch I have to say, being aware of the profitableness of stock-raising, properly conducted, I conceived the idea that if we (Major Tucker, Mr. Stout, and myself, who had located on the Nutria) could agree we might induce parties with capital to take an interest in our place and stock a ranch for us.

The matter was first broached by me and discussed with Major Tucker, who, while he was not sanguine, was not averse to the proposition. The first knowledge, I think, you had that such an idea was contemplated was a letter I wrote you this spring, representing the case to you and asking your interest and influence to procure capital, &c. To this letter I received no reply, but believing the idea feasible, I arranged to employ Mr. Sam. Collins, a stockman, an old ranch manager, then in charge of a ranch in Lincoln County, to visit our location, examine it with a view to its capacity for stock, and to make a report.

After consulting Major Tucker he agreed to share the expenses with me, and Mr. Collins was employed for one month for this purpose. After completing his examination he returned to Santa Fé, was taken sick, and as a result was still here when you arrived, up to which time I am sure you knew nothing whatever of the existence of such a person; certainly not from me.

There is not nor has there been any company or organization for the purpose of buying or owning land, raising stock, or starting a ranch on the Nutria in which you or any other person is or was interested.

My entry of land on the Nutria was made in good faith for myself, and no other person has any interest in my locations. No money has been spent, work done, or other steps taken toward locating a ranch on the property in question other than I have stated. And any and all statements to the contrary, or that there is or has been a combination either to secure land or start a ranch for your benefit or for the benefit of any person other than those appearing on the record of the land office, is untrue.

Very respectfully, your obedient servant,

H. W. LAWTON,
Captain, Fourth Cavalry.

General JOHN A. LOGAN.

I will now call attention to the letter of Col. James Stevenson, of the United States Geological Survey, who knows more about the Indians mentioned and their lands than any person of my acquaintance. He has investigated this question at the request of the Secretary of the Interior:

WASHINGTON, D. C., *June* 30, 1884.

DEAR SIR: Having had my attention called to statements in the CONGRESSIONAL RECORD of a recent date indirectly charging you with fraudulently attempting to deprive the Zuni Indians of New Mexico of their lands, I beg to say that I am familiar with the facts and circumstances, from a thorough investigation of the subject made at the request of the honorable Secretary of the Interior, and take pleasure in stating that the allegations thus made are grossly unjust to you, as well as Major Tucker and his associates, and wholly without foundation.

Very respectfully, yours,

JAMES STEVENSON.

Hon. JOHN A. LOGAN,
United States Senate.

I now call attention to letter of July 2, 1884, written by the Secretary of the Interior to myself, which gives all the facts and shows that not only these locations were legal and proper, but that the executive order extending the "Zuni" reservation over these locations was made under a misunderstanding of the facts in the premises, and that the whole statement or accusation against any one having committed any wrong is utterly false:

DEPARTMENT OF THE INTERIOR, *Washington, July* 2, 1884.

DEAR SIR: In reply to your verbal inquiries concerning the executive order of May 1, 1883, extending the Zuni reservation, allow me to say that the reservation of the Zuni Indians was established by executive order dated March 16, 1877. An order of this character does not of course give the Indians title to the lands; it only withdraws the lands included within the reservation from the operation of the settlement laws.

On April 28, 1883, it was reported from the Indian Office that in draughting the executive order establishing the said reservation there had been an error leaving out of the reservation a large spring that was not only desirable but necessary for the use of the Indians. I therefore requested the President to modify the order so as to include within the lands of the reservation said spring. I was verbally informed that certain Army officers had made locations under the desert-land act of lands in the vicinity of the spring that would be included in the reservation by the term of the new order, but that they had expressed a willingness to surrender their claims if the Government desired to have the lands for the Indians. I subsequently understood that Major Tucker was one of the officers who had made filing under said act. Major Tucker soon after informed me that the Indians did not use the waters of the spring, and did not need either the water or the land.

On the 1st of February, 1884, I requested Mr. James Stevenson, of the Geological Bureau, who is very familiar with the reservation and the surrounding coun-

try, to make an examination of the said spring and the amount of water on the reservation and to report to me. In April last he made his report, by which it appears that the Indians on the reservation have made no use of the water of the spring mentioned, and have not occupied, either before or since, the lands included in the new lines of the reservation.

There is not the slightest evidence that any wrong was intended or done by the parties to the entries above referred to or any law violated. The land was public land at the time these entries were made, and as such was open to entry by the public. The gentlemen who made the entries were qualified to enter such lands and had a perfect right to do so, and they neither violated law nor the rights of any parties whatever in so doing. I asked the executive order extending this reservation without understanding all the facts at the time. It gives me pleasure to make this statement in view of the allegations to the contrary which have been made.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. JOHN A. LOGAN,
United States Senate Chamber.

When Major Tucker and his associates, as well as myself, were attacked through the newspapers, and charged with interfering with the rights of the Indians and doing a great wrong, I defended them in a letter through the public press and otherwise as having violated no law, and as having committed no fraud on the Indians or any one else. In that defense I asked the question: "If a soldier like Captain Lawton could not locate a homestead (or pre-emption, or whatever the location was) within the distance he had to an Indian reservation, to tell me how many miles a soldier would have to go away from a reservation in order to comply with the law?" This I did in their behalf. I now stand by what I did then. If this be a crime or a fraud, my enemies may make the most of it.

These men are all three honorable men. Captain Lawton was a gallant soldier from Indiana; he served all through the war with great credit to himself and honor to his country. Major Tucker is my son-in-law. He is a gentleman and a man who would not wrong any one. I presume the wrong in me is that Major Tucker is a part of my family; and although he is innocent of any wrong in the premises, a baseless excuse was made to assail me through him. If the object was to draw me into his defense, it has succeeded; and when any one thinks I have not manhood enough to defend openly any of my family or friends when wrongfully assailed, he mistakes me.

This, sir, is a full answer to this false, unprovoked, and malicious slander, which I place on record where all may have access to it.

INTERSTATE COMMERCE.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Chief Clerk read the bill.

Mr. MILLER, of California. I should like to have an executive session before 11 o'clock.

Mr. CULLOM. I hope the Senator from California will not move an executive session now. I shall only occupy the time of the Senate for a few minutes, and then the Senate can take what course it chooses in reference to the bill.

Mr. CULLOM proceeded to address the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 21, 24, 25, 27, 80, 81, 82, 83, 84, 85, 86, 87, 88, 91, 92, 93, 94, 95, 205, 206, 207, 208, 209, 210, 211, and 212, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. HOLMAN of Indiana, Mr. J. HANCOCK of Texas, and Mr. J. G. CANNON of Illinois managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 254) granting a pension to John Robbins;
A bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll;
A bill (H. R. 555) granting a pension to John Galloup;
A bill (H. R. 819) granting an increase of pension to Merritt Lewis;
A bill (H. R. 836) granting a pension to John C. Fenscke;
A bill (H. R. 837) granting a pension to Reuben J. Chewning;
A bill (H. R. 943) granting a pension to Samuel Barnard;
A bill (H. R. 1056) granting a pension to Honora Kelley;
A bill (H. R. 1073) granting a pension to William J. Lee;
A bill (H. R. 1077) granting a pension to Sarah Miner;
A bill (H. R. 1406) granting a pension to Mrs. Mary T. Barnes;
A bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa.;
A bill (H. R. 1436) granting a pension to William T. McCoy;
A bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord;
A bill (H. R. 1894) granting a pension to Clark Roberts;
A bill (H. R. 1930) granting a pension to Sarah Nicoll Crane;
A bill (H. R. 1965) granting a pension to John A. Crozier;
A bill (H. R. 2105) granting a pension to John A. Shuckers;
A bill (H. R. 2312) granting a pension to Almira B. Kaler;
A bill (H. R. 2358) granting a pension to James Hawkins;
A bill (H. R. 2623) granting a pension to Arthur I. McConnell;
A bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy;
A bill (H. R. 2984) granting additional pension to Apolline A. Blair, widow of the late General Francis P. Blair;
A bill (H. R. 3171) granting a pension to Ella Stolz;
A bill (H. R. 3591) for the relief of Sarah A. Becktel;
A bill (H. R. 3606) granting a pension to Irene Baker;
A bill (H. R. 3625) granting an increase of pension to Levi Anderson;
A bill (H. R. 3737) granting a pension to Ann McLaughlin;
A bill (H. R. 3909) granting a pension to George W. Wickwire;
A bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis;
A bill (H. R. 4439) granting a pension to John R. Wallace;
A bill (H. R. 4526) granting a pension to Mrs. Ann Corbin;
A bill (H. R. 4700) granting a pension to Simon E. Lewis;
A bill (H. R. 4767) granting a pension to Mary A. Henry;
A bill (H. R. 4970) for the relief of Mrs. Nancy Biser;
A bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson;
A bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman;
A bill (H. R. 5636) for the relief of Otto Leissring;
A bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney;
A bill (H. R. 5723) granting a pension to Isabella Bertha Weaver;
A bill (H. R. 5781) granting a pension to Solon L. Simonds;
A bill (H. R. 5795) increasing the pension of Charles A. Fuller;
A bill (H. R. 5821) granting a pension to Mrs. Susannah Barr;
A bill (H. R. 5976) for the relief of Catherine Weis;
A bill (H. R. 6085) granting a pension to John A. Hassell;
A bill (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young;
A bill (H. R. 6184) granting a pension to Julia M. Reynolds;
A bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws; and
A bill (H. R. 6786) granting a pension to Rivers Banks.

INTERSTATE COMMERCE.

The PRESIDING OFFICER (Mr. HOAR in the chair). The Senator from Illinois [Mr. CULLOM] is entitled to the floor on Senate bill No. 2112.

Mr. CULLOM. I am informed by the Senator from California [Mr. MILLER] that it is especially important that there should be a short executive session before 11 o'clock. That being the case, if it is the pleasure of the Senate I will yield for that purpose if I shall be entitled to the floor for a few minutes immediately after.

The PRESIDING OFFICER. The Chair supposes that at 11 o'clock the business of a new day will begin in its usual order, but undoubtedly under the circumstances the Senator will receive unanimous consent to conclude his remarks.

Mr. CULLOM. Will it be necessary to have unanimous consent to proceed at that time?

The PRESIDING OFFICER. Yes, sir.

Mr. CULLOM. I now ask unanimous consent that I may be allowed to proceed then.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that to-morrow morning, after the routine business, he shall have leave to conclude his remarks.

Mr. CULLOM. I now ask leave that I may proceed immediately after the session begins.

The PRESIDING OFFICER. After the session begins. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULLOM, after speaking for some time, gave way.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 10 o'clock and 58 minutes a. m., Saturday, July 5, 1884) the Senate adjourned.

SENATE.

SATURDAY, *July* 5, 1884.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

On motion of Mr. SHERMAN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

INTERSTATE COMMERCE.

Mr. CULLOM. I believe the understanding was that I should have the floor immediately after the convening of the session to-day for the purpose of completing the remarks which I was making a while ago.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the Senate now resume the consideration of the unfinished business of the last sitting, being the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes. Is there objection? The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. CULLOM resumed the floor and concluded the remarks begun by him at yesterday's sitting. His entire speech is as follows:

Mr. CULLOM. Mr. President, I realize the fact that bringing before the Senate a bill of this character at this late day in the session is not perhaps exactly what should be done; in other words, the bill ought to have been considered by the Senate long ago. I fully intended a month ago to insist upon bringing the bill before the Senate for consideration, but, as Senators know, my health gave way for a little while, and I have been detained from the Senate, so that I could not give the bill any attention. I only seek now, so far as I am personally concerned, to detain the Senate for a very few minutes in talking about the bill, and then will submit the question to the Senate as to whether we shall take a vote on the bill now or hereafter.

Mr. President, the question of the supervision or control in some way of the railroads of the country by the National Government is one with which the American people are becoming somewhat familiar. It has been raised in some shape at every session of Congress for several years past. It has been discussed by the public press, by merchants and shippers and farmers and stockholders and officers of the great corporations. It is now claiming a more prominent place than in the past, and demands of us our best judgment in determining what is best for the public interest. In approaching the discussion of this subject permit me to say that I have no desire to deal unjustly or to oppress in any way the railroad corporations whose interests are involved, but rather to preserve them, consistent with the rights of the people from whom their rights are derived. The growth of this great interest is unparalleled—commensurate only with the stupendous advancement of our people as a nation. In 1830 there were but twenty-three miles of railroad in operation in this country. In 1840 the number had increased to 2,818, in 1850 to 9,021, in 1860 to 30,635, in 1870 to 52,914. To-day in round numbers we have 120,000 miles of road, a larger number indeed than all Europe, with a population seven times larger than the United States. The amount received for the transportation of freight and passengers by these corporations in this country is not far from $800,000,000 per annum; and the amount paid out for expenses must be about $550,000,000 yearly, not including the interest paid on their bonds. To operate these roads a million of employés are required. These roads thus from year to year extended run through every State, and I believe through every Territory of the Union, the State I have the honor in part to represent having a greater number of miles than any other State. To construct and operate them the best minds of the country have been employed—men whose services command a much larger compensation than any officers or employés of the Government, excepting alone perhaps the President. Their business extends to all departments of trade and commerce. The manufacturer, the farmer, the merchant, the laboring man, the professional man are each and all directly interested in their operations. There is no interest or business not affected by their operations and management. Commerce is the pulse of a nation, and indicates with unerring throb its vital condition. Agriculture, the foundation of our prosperity, can not prosper if it costs more to market the farmer's products than they are worth. The success of the manufacturer depends upon the facility at his command and the cost of transporting his commodities. The cost of carriage is a direct tax upon the value of the article exchanged, and the wealth of the producer and of the country is diminished or increased in proportion to that cost. We have our lakes, rivers, and canals, and the influence which they exert upon the cost of transportation of our products is all-important, but the carrying trade of the country is very largely in the hands of the railroads. The water ways to some extent dictate the rate, but the railway does the business. The through tonnage over the great Erie Canal in 1852 was five times greater than that on the New York Central and Erie Railroads. In 1854 the tonnage of the railroads had increased 302,000 tons, while that of the canals fell off 142,845 tons; and so the increase and decrease went on relatively until, in 1880, the tonnage of the two railroads had swelled to 19,250,000 tons, while that of the canal was 6,457,665 tons. (See Poor's Manual for 1881.)

The water ways were the first great channels of commerce. On the water the Creator gives free right of way, maintains the road-bed, and furnishes, in part at least, the motive power. It has, therefore, been our policy to improve our rivers and lakes and keep these great natural highways open for public use.

I intend between this and the coming session of Congress to prepare myself to show that it is as important to the business and commercial interests of this country that every water way should be improved where it is necessary to improve it, and that canals should be built where the interests of commerce require them, as it is that we should regulate or have anything to do in connection with the transportation of the commerce of the country upon the railroads. I may say here that I have not been entirely satisfied with the action of the Senate in reference to what is commonly known as the Hennepin Canal. I have felt and still feel that that great proposed national enterprise should have been incorporated in the river and harbor bill, and the work begun at the earliest moment; but the Senate thought otherwise, and it was not done. The Committee on Commerce, however, has reported a bill in favor of the measure, which I hope at the session of Congress in December next to press to its final passage.

I hope to have occasion, Mr. President, to give my views at length in favor of such appropriations as may be necessary to improve our important rivers and to construct canals where trade and commerce demand it as well. I shall not discuss that subject at this time. The demands and exigencies of trade have so grown with our growth as a people that commerce can not be confined to water ways. The railroads of the country are doing by far the most of our carrying trade. The locomotive with its train is adapted to all seasons and countries, and speeds over or through mountains, across rivers, along the plains, wherever there is a passenger to go or a pound of freight to carry. The train stops at our corn-cribs, our barns, our warehouses, our villages, towns, and cities, and takes whatever there is of surplus, and carries it to the markets of the world.

The locomotive is indeed a power in the land, the most willing, able, yet autocratic, subject of our trade and commerce. While the people generally are willing to acknowledge their indebtedness to railroads for what they have done in the development of the country and in aid of commerce, it can not be denied that complaints have arisen against their management; complaints of oppressive charges and of unjust discriminations against persons and places are heard from all parts of the country; rates are given to some persons which are denied others under the same circumstances; that a greater sum is frequently charged for carrying the same quantity of freight a less than a greater distance. They have it in their power, if unrestrained, to enhance the prosperity of one portion of the country at the expense of another. They may so discriminate in their rates against a particular town or locality as to drive trade away from it to a more favored locality. They may by giving low rates encourage manufacturers at any given point, and by raising the rates break up the business and transfer the trade to some other point. Corporations have no souls and very short memories. A change of officers works a change of favorites. The mill that has been favored by one management, when the change comes must look elsewhere for its grist. The town that has been built up by the establishment of shops and factories suddenly finds the men employed in the shops transferred to some other town; the new railroad management turn their backs upon it, and it is left to languish and die.

These, Mr. President, and others that might be mentioned are serious evils which call loudly for a remedy. Many of the States have provided against these evils by legislative enactments—and twenty-two of the States have passed laws for the appointment of railroad commissioners—and in providing in some way for the supervision and control of railroads, in some instances fixing rates, and in all cases, I believe, providing against unjust discrimination and extortion. In my own State the commissioners are authorized by law to establish maximum rates for every railroad within its borders. There have of course been some friction and disputes between the corporations and the commissioners. The law under which the commission acts has been contested in all the courts, until its final favorable adjudication in the Supreme Court of the United States. The roads in Illinois to-day are generally working in harmony with the commission, and the people are, I think, generally satisfied with the result attained. The practice of extortion and unjust discrimination has been in a large measure corrected, and the corporations have in no way been injured by complying with the law and the tariffs of rates given them by the commissioners.

I doubt not that the experience of the people in other States where supervision by commissions has been authorized has been equally satisfactory. But, Mr. President, State commissions have no control over interstate commerce. The commerce of this country which is carried on between the States can not under the Constitution be controlled by States or State boards. The transportation companies, whether railroad companies or otherwise, which may carry the products of the country from State to State, or from State to Territory, or from one side of this continent to the other, may only be controlled in their operation in such work by the national Government. Our imports, amounting to many millions of dollars in value, do not remain in the ports of New York and Boston and of other seaport cities; they are carried to the West and South; and so of manufactures. They reach out across

the States, wherever a market may be found. The question therefore comes to us: "Shall we afford relief to the people and provide laws for their protection against oppression and unjust discrimination by these powerful transportation companies, or shall we ignore the people's demands?" These are times in which competition is in a large degree destroyed by combinations. The danger to the people to-day is from these combinations, which become great monopolies. The enormous power which combined capital gives to those who control it makes it aggressive, impudent, and dangerous.

The Constitution says that "Congress has the power to regulate commerce with foreign nations and among the several States." Under this provision of the fundamental law the right is claimed, and I think not disputed, to pass laws for the supervision of interstate commerce.

Mr. Madison, in the convention which framed the Constitution, said "that he was more and more convinced that the regulation of commerce was in its nature indivisible and ought to be wholly under one authority." Mr. Sherman said, "The power of the United States to regulate trade being supreme can control interferences of the State regulations when such interferences happen; so that there is no danger to be apprehended from a concurrent jurisdiction."

In the case of Gibbon *vs.* Ogden, 9 Wheaton, the court says that the power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations and among the several States. It does not stop at the external boundary of a State, but it does not extend to a commerce which is completely external. It is the power to regulate that is to prescribe the rule by which commerce is to be governed. This power like all others vested in Congress is complete in itself and may be exercised to its utmost extent and acknowledges no limitations other than are prescribed by the Constitution.

In the case of Groves *vs.* Slaughter, 15 Peters, 449, the court says that the power of Congress to regulate commerce among the several States is exclusive of any interference by the States.

Mr. President, I shall not detain the Senate by a general discussion of the subject any further, but shall defer it until the coming session if this bill shall not be disposed of at the present one. I shall hope, however, that the Senate will feel disposed to pass the bill, and I desire to say that the bill which is now before the Senate, which I had the honor to report from the Committee on Railroads, had very careful consideration. There have been, perhaps, twenty or thirty bills on the subject introduced into the two branches of the Congress of the United States during this session, and some at previous sessions. All these bills have been very carefully considered, and I think the bill which I had the honor to report and which is now under consideration contains the best portions of the several bills that have been produced and introduced in the Congress of the United States. My judgment is that it is a bill which will protect the interests of the people and will at the same time not oppress the railroad corporations of the country.

With these few remarks, and then with a statement of what the provisions of the bill are specifically, I shall relieve the Senate.

Section 1 creates the interstate commerce commission, to be composed of five commissioners appointed by the President for terms of five years, the term of one commissioner to expire each year, so as to prevent sudden or radical changes in the composition or policy of the commission, and to secure the services of a majority of experienced men on the board at all times after it has fairly got in operation. Provision is made for the removal of any commissioner by the President for incompetency or malfeasance in office, and for filling vacancies. It is also provided that in appointing the commissioners the different interests affected shall have, as nearly as possible, proper representation, and that not more than three of them shall belong to the same political party.

Section 2 gives the commission supervision over all matters pertaining to the regulation of commerce among the several States and Territories, and the methods of operation of all transportation companies engaged in interstate commerce; and makes it the duty of the commission to enforce the provisions of the act by all lawful means within its power.

Section 3 defines extortion, and section 4 defines unjust discrimination very fully and clearly.

Section 5 provides that when complaint is made to the commission, charging extortion or unjust discrimination, a statement of such charges shall be forwarded to the transportation company thus accused, which shall be required to satisfy the complaint or answer the same in writing within a reasonable given time. This arrangement is fair to both sides. If the complaint is well-founded, it will be to the interest of the company to promptly settle the difficulty to the satisfaction of the complainant, and thus save the latter the delay and annoyance attending an investigation and the litigation necessary to enforce a settlement. It is believed that, after this act was once fairly in operation, this would be the course pursued in a majority of the complaints filed.

I desire here to say that, speaking from my personal experience in the position I occupied for six years in my own State, having a railroad commission existing at that time, my observation has been that it is in the interest of the people as well as in the interest of corporations that a very considerable power should be given to a commission, if that commission is composed of honorable and honest and capable men, to settle difficulties between corporations and the people, so as to keep out of the courts very much litigation that would take place in the absence of such a commission. This bill has been framed upon the idea that such a commission should have a sort of preliminary power to settle disputes between the people dealing with transportation companies and the companies themselves; but at the end, if they should be unable to settle, then the parties should have the right to go into court and litigate the questions in dispute.

This section provides also that when complaint is made and the corporation is notified of the complaint and has answered the complaint, if the matter is not settled at once between the parties, the corporation and the complainant, then the commission shall proceed to take testimony, examine into the case, make an award, determine, in other words, the amount of damages, if any, that the shipper has sustained, notify the corporation of the fact and the amount, and specify a time within which the damages shall be paid; and if the shipper shall fail to pay them, then the commission is authorized to turn the papers in the case over to the district attorney of the United States for the district in which the accusation shall have been made.

My judgment is that with a national law with that sort of provision in it which shall give an honorable commission that power there would in the end be very few cases which would ever find their way into the courts of the United States, and everybody knows that it is a substantial denial of justice to a complainant to send him there if he happens to be a poor man.

The inducement held out to the companies to adjust their differences with complainants promptly in the manner indicated is found in the next clause of this section, which provides that if the company shall within the time specified by the commission make reparation for the injury done and the complaint shall be withdrawn, the case shall be dismissed and the company shall be relieved of liability for any other penalty for the particular violation of the act complained of. This provides for a prompt adjustment of the difficulty, if both parties are disposed to be reasonable.

If, however, the complaint can not be settled in this way no time is lost, and the next steps to be taken are plainly set forth. It is provided that if the company shall fail to satisfy the complaint within the time allowed, or if it shall neglect or refuse to answer the same as required, or if either party shall demand a hearing and there shall appear to be any reasonable ground for investigating the complaint, it shall be the duty of the commission to investigate the matters complained of, to determine all questions of fact at issue, to record its finding, and to furnish a report thereof to both parties.

The bill does not propose to confer upon the commission the powers properly exercised by the courts, but simply authorizes it to act as a court of arbitration, and makes it to the interest of the companies to abide by the findings of the commission.

When a complaint has been investigated and passed upon in the manner indicated a decision against the complainant would of course end the proceedings. But if it shall appear that the company complained of has been guilty of extortion or unjust discrimination as charged, it is made the duty of the commission to give notice to the company to discontinue forthwith its unlawful practices, and to pay the complainant within a reasonable given time the damages, if any, to which the commission may find the complainant justly entitled in consequence of the company's violation of the law. And if such damages shall be paid as required, and the commission shall be satisfied that the transportation company has ceased to practice the extortion or unjust discrimination complained of, an order to that effect shall be entered of record by the commission, and the company shall be relieved of liability for any other penalty for the particular act complained of.

From the statement given it will be seen that section 5 of the bill provides for the prompt adjustment of all differences between transportation companies and the public in all classes of cases in which an amicable adjustment by arbitration is possible, and that settlements can only be made in this way when they are satisfactory to the complainant.

When further proceedings become necessary the steps to be taken are pointed out in section 6. It is therein provided that if any company shall neglect or refuse to pay the damages assessed against it by the commission, and to desist from the further violation of the act, the commission shall certify the facts to the United States district attorney of the judicial district in which the act complained of occurred, and it shall be his duty, at the complainant's request, to forthwith commence such proceedings, in the name of the complainant, as may be necessary to recover any damages sustained by him, the complainant to pay the costs of suit, except attorneys' fees, in case of failure to recover.

The same section fixes the penalty for conviction for extortion or unjust discrimination at a fine of not exceeding $1,000 for each offense. The same penalty is fixed for refusal to make the annual reports required by the commission, and for refusal to answer any question or to produce any book, paper, contract, or other document called for by the commission in making any investigation. The same penalty is also fixed for violating any other provisions of the act or for attempting in any manner to obstruct the enforcement of its provisions.

The remaining sections are devoted principally to providing for the other duties of the commission.

Section 7 fixes the salary of the commissioners at $7,500 and of their secretary at $3,500. It authorizes them to employ and fix the compensation of such other employés as may be found necessary, subject to the approval of the Secretary of the Interior, and provides for the payment of all necessary expenses incurred in making investigations outside of Washington. Witnesses before the commission are to be paid the same fees and mileage that are paid to witnesses in the United States courts.

Section 8 authorizes the commission to prescribe the forms to be used in its business, and makes a majority a quorum for the transaction of business.

Section 9 gives the commission in making investigations power to require the attendance of witnesses, to administer oaths, and to require the production of all books, papers, contracts, and documents relating to the matter under investigation and necessary for the information of the commission. Such investigations may be conducted in any part of the United States, and the powers conferred for this purpose may be delegated to any member or members of the commission.

Section 10 provides for annual reports from all the companies coming within the provisions of the act, and specifies in detail the more important subjects upon which information shall be required, so that the reports shall contain all the information that the public and the commission may desire.

Section 11 provides for the publication of the annual report of the commission, which is to contain such information and data as may be considered of value in the determination of questions connected with the regulation of interstate commerce, together with such recommendations as to additional legislation on the subject as the commission may deem necessary.

Section 12 makes the route of a company engaged in interstate commerce include all the railroad and water routes used by said company under any sort of an arrangement, and makes it unlawful to enter into any agreement to prevent the carriage of interstate-commerce freights from being continuous, whether carried partly by rail and partly by vessel, or carried on one or several railroads.

Section 13 defines the meaning of the term "transportation company engaged in interstate commerce," showing that it applies to both railroads and vessels, and to all persons, firms, and companies, to all associations of persons or companies, incorporated or not, and to all associations of corporations engaged in the transportation of interstate freights or property.

Section 14 appropriates $60,000 for the purposes of the act for the coming fiscal year.

I shall not detain the Senate any longer in discussing the subject, but shall leave it to the judgment of the Senate as to whether we shall proceed with the discussion of the bill and put it upon its passage. As far as I am concerned I shall be very glad to have the bill pass before we adjourn.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask that the regular business before the Senate may be laid aside informally, in order that I may present the conference report on the legislative, executive, and judicial appropriation bill, which I understand is on the President's table.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a bill from the House of Representatives, returned with a report of the committee of conference. The title of the bill will be read.

The CHIEF CLERK. A bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDENT *pro tempore*. The action of the House of Representatives on the bill, with the last action, will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 3, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Resolved, That the House further insist upon its disagreement to the twenty-first, twenty-fourth, twenty-fifth, twenty-seventh, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, ninety-first, ninety-second, ninety-third, ninety-fourth, ninety-fifth, two hundred and fifth, two hundred and sixth, two hundred and seventh, two hundred and eighth, two hundred and ninth, two hundred and tenth, two hundred and eleventh, and two hundred and twelfth amendments of the Senate to the bill (H.R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HOLMAN, Mr. HANCOCK, and Mr. CANNON be the managers of the said further conference on the part of the House.

The PRESIDENT *pro tempore*. The report of the Senate conferees will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House 7069, making appropriations for the legislative, executive and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 13, 26, 32, 33, 36, 37, 39, 40, 46, 47, 48, 49, 67, 74, 75, 76, 110, 111, 119, 120, 121, 142, 143, 157, 158, 159, 160, 161, 167, 168, 175, 178, 179, 191, 192, 193, 203, 204, 231, 234, 235, 236, 237, 238, 239, 246, 247, 256, 257, 273, 274, 275, 278, 282, and 283.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 29, 30, 31, 34, 35, 38, 41, 42, 43, 44, 45, 50, 51, 53, 58, 59, 60, 61, 69, 70, 71, 77, 79, 89, 90, 97, 98, 99, 100, 101, 102, 104, 105, 106, 108, 109, 112, 113, 114, 115, 116, 117, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 141, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 162, 163, 164, 165, 169, 170, 171, 173, 176, 187, 188, 189, 190, 194, 195, 200, 202, 213, 214, 215, 216, 217, 218, 219, 225, 226, 233, 240, 241, 242, 243, 244, 245, 248, 251, 254, 255, 258, 259, 260, 263, 264, 265, 266, 267, 269, 270, 271, 272, 276, and 279, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$266,596.60;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$338,655.10;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$493,981.25;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "9;" and the Senate agree to the same

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "14;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "14;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$104,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "40;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "55;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "48;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$246,490;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "who may be designated to sign such letters and papers as the auditor may direct;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "66;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: After the word "each," in line 16, page 22 of the bill, insert "four assorters of money-orders, at $720 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$452,790;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,180;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert "for postage, $500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,620;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For the following additional clerks in the office of the Adjutant-General for the sole purpose of completing, with the necessary detail from the existing force, the regimental registers of the volunteer forces of the several States during the late war, namely, one clerk of class 4; two clerks of class 2; six clerks of class 1; in all, $11,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the number proposed insert "48;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,620;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,410;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For the compilation of the naval records of the war of the rebellion: For collecting, compiling, and arranging the naval records of the war of the rebellion, including confederate naval records, one clerk of class 1, and two copyists at $720 each; in all, $2,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: Strike out from said amendment the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$151,430;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 177, and agree to the same with an amendment as follows: To strike out from the matter proposed to be inserted by said amendment the following: "Two examiners of office decisions, at $2,000 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the number proposed insert "40;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the number proposed insert "56;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the number proposed insert "67;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the number proposed insert "73;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the number proposed insert "51;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the number proposed insert "58;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$496,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the number proposed insert "10;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the number proposed insert "16;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the number proposed insert "9;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the number proposed insert "13;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$97,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the number proposed insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the number proposed insert "28;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the number proposed insert "28;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "30;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the number proposed insert "35;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the number proposed insert "5;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the number proposed insert "18;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the number proposed insert "50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the number proposed insert "62;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$597,170;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 252, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 261, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "One clerk at $1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 262, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Two additional clerks of class 2;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 277, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$112,110;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600;" and the Senate agree to the same.

The committee of conference is unable to agree on the amendments of the Senate numbered 21, 24, 25, 27, 80, 81, 82, 83, 84, 85, 86, 87, 88, 91, 92, 93, 94, 95, 205, 206, 207, 208, 209, 210, 211, and 212.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the report of the Senate conferees?

Mr. ALLISON. I think it is due to the Senate that I should make a brief general statement of the amendments agreed to and of those disagreed to. The Senate provided for an increase of force in several of the bureaus of the different Departments, and in nearly every instance the House has acceded to a portion of that increased force but not the whole of it, which accounts for the numerous amendments agreed to with amendments. It is so, I believe, in every instance, and the division of force was about equal, the House conceding one-half the increase allowed by the Senate.

The amendments disagreed to are, first, relating to the contingent fund of the Senate; second, the amendment respecting the printing in the RECORD of speeches not delivered; and, third, all the amendments relating to the reduction of internal-revenue collectors and the reduction of customs collectors and the legislation relating to those two subjects.

The amendments increasing the force of the Pension Office were all disagreed to, it being stated by the House conferees that unless the bill pending now in the House should pass the Commissioner of Pensions was satisfied with his present force. So in a formal way these amendments were disagreed to in order that we might ascertain definitely and fully what force will be necessary under the existing laws to conduct efficiently the business of the Pension Office.

Mr. BLAIR. May I ask a question, and that is, whether if these amendments are not agreed to there is any proposition anywhere to reduce the existing force in the Pension Office?

Mr. ALLISON. The House considerably reduced the present force in the Pension Office, and I believe they did it upon an estimate made by the Commissioner of Pensions as long ago as November. I understand the Commissioner of Pensions and the Secretary of the Interior are of the opinion that under existing law it is necessary to retain the present force in the Pension Office in order to dispose of the business now pending in that office, without reference to what may be done during the present session.

Mr. BLAIR. If the amendments proposing an increase are disagreed to it does not involve the adoption of any proposition for decrease, as I understand. There is no counter-proposition; there will be no reduction of the force.

Mr. ALLISON. The bill as it passed the House makes a reduction, and the Senate amendments make a slight increase in the present force, exclusive of the one hundred and fifty traveling agents, which both Houses have now agreed to; but the House insists upon its proposition to reduce the present force in the Pension Office by I think about one hundred and fifty, based upon an estimate made by the Commissioner of Pensions as long ago as November last.

Mr. BLAIR. But that has all been re-estimated, and it is not likely to be done, I suppose.

Mr. ALLISON. I do not know whether the House will insist upon it. I have no doubt that the matter can be adjusted.

I believe these constitute the differences between the two Houses. I should be glad if the Senate in some form could instruct the conferees upon these various propositions. I think there are but three of them of any moment.

Mr. SHERMAN. Please repeat those three again.

Mr. INGALLS. Will not the Senator from Iowa repeat the three that he thinks are essential?

Mr. ALLISON. The first proposition is as to the contingent fund of the Senate.

Mr. INGALLS. That involves the payment of Senators' clerks.

Mr. ALLISON. In that item is included the compensation of clerks to Senators who are without committee chairmanships. The second item is that relating to the publication in the CONGRESSIONAL RECORD of speeches not uttered. The next, which may be embraced in a single proposition, is all the new legislation found upon the bill respecting the reduction of internal-revenue collectors, the reduction of customs collectors, and the legislation with respect to distilled spirits.

Mr. SHERMAN. You agree as to the remainder?

Mr. ALLISON. We have agreed substantially as to the remainder of the amendments.

Mr. MAXEY. I should like to ask the Senator from Iowa a question. If I heard him correctly there are two items, one in respect to clerks of Senators, the other in respect to the printing of speeches in the RECORD which were never delivered. I ask the Senator if a calculation has been made of the relative cost of the clerks as compared with the enormous expense of printing speeches never delivered?

Mr. ALLISON. I do not know that any comparison has been made between the relative cost of clerks to Senators and the cost of printing speeches which have never been uttered from time to time. I should think the latter would be largely in excess of the former.

Mr. MAXEY. I think it would be a great many times larger if the calculation could be made, and I suppose the Public Printer could give an exact statement.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 137) for the relief of Betsy A. Mower;

A bill (H. R. 284) for the relief of Mary G. Hawk;
A bill (H. R. 569) granting a pension to Reuben Marshall;
A bill (H. R. 709) granting a pension to Robert L. Willey;
A bill (H. R. 747) granting increase of pension to Fannie S. Beaumont;
A bill (H. R. 2089) granting a pension to Margaret Wiggins;
A bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall;
A bill (H. R. 2869) for increase of pension to Martha T. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy;
A bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department;
A bill (H. R. 4457) granting a pension to J. G. Crawford;
A bill (H. R. 4530) granting an increase of pension to Patrick Foley;
A bill (H. R. 4568) granting a pension to Andrew J. Konkle;
A bill (H. R. 6766) granting a pension to Mrs. Anna J. Foster; and
A bill (H. R. 6767) granting increase of pension to Mrs. Virginia Zeilin.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee on conference on the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. SHERMAN. In order to unravel one matter at least, I move that the Senate recede from its amendment in regard to the provision about speeches not delivered. If the Senate choose to legislate upon that subject let them confine their action to their own business. I think myself the House ought to be allowed to dispose of its part of the RECORD and its part of the proceedings as it sees proper.

Mr. LOGAN. Why can not the Senate attend to their own business?

Mr. SHERMAN. I think so, too; and if the Senate want to say that nothing shall be printed except what is delivered here I am willing to vote for it, and there would be no objection, I suppose, on the part of the House to have that provision inserted.

Mr. JONES, of Nevada. Is it not the first business in order to agree to the report of the committee?

The PRESIDING OFFICER (Mr. PLATT in the chair). The Chair thinks the first business in order is on concurring in the report of the conference committee. The question is on concurring in the report, which the Chair thinks is first in order.

Mr. ALLISON. Very well. Let that vote be taken.

The report was concurred in.

The PRESIDING OFFICER. Now the question recurs on what action the Senate will take on the items on which the conference committee did not agree.

Mr. ALLISON. I move that the Senate insist upon all the amendments embraced within the disagreement, and agree to the further conference asked for by the House of Representatives.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate insist upon its disagreement to the further items not agreed to in the conference report, and accede to the request for a further conference made by the House of Representatives.

Mr. ALLISON. Now I suppose the motion of the Senator from Ohio is first in order, it having a tendency to bring the Houses together.

Mr. SHERMAN. A motion to recede is first in order, but I do not propose to insist on that motion if the Senator from Iowa who has charge of the bill does not think it wise to do so. I think myself that the question involves the courtesy which ought to exist between the two Houses not to interfere with each other's business. It is perfectly proper that we should leave it to the other House to say what shall be inserted in the record of its own proceedings. By the Constitution they make their own rules of procedure, and it would be but right that they should make their own rule as to what they will allow to be printed in their own proceedings. So far as we are concerned we can regulate that by our rules. No law is required. No law is required so far as the House is concerned, and they can simply pass a rule or regulation to regulate what shall be printed for them or what shall be considered a part of their proceedings.

I think it is rather straining a point for us to insist upon our own disposition of the amount of increase in our clerks, insisting that they shall not have anything to say about that, and then to turn around and say that they shall not authorize anything to be printed in the RECORD except what is actually delivered. It seems to me that the position is not consistent. At the same time I do not want to interfere with the conference. My own impression is that our conferees would be stronger by our saying that we yield the point, that as a rule on all matters of proceeding of contingent expenses of the number of officers each House must necessarily regulate them as part of their constitutional duty, as an execution of their constitutional right, and we will therefore put ourselves on that ground by withdrawing all propositions which restrain you in what you shall order to be printed as part of your proceedings.

It seems to me it would clear the way and make the basis of an agreement on some of these controverted points if we should recede from an amendment which does to some extent restrain the other House in their liberty of directing what shall be printed of their own proceedings or of what character those proceedings shall be. I shall therefore make the motion to recede, if the Senator from Iowa is willing.

Mr. ALLISON. I am perfectly willing to test the sense of the Senate on that subject.

The PRESIDING OFFICER. Does the Senator from Ohio make a motion?

Mr. SHERMAN. I make the motion that the Senate recede from its amendment numbered 27. It may be read, so that the Senate can see what it is.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate recede from the amendment which will be reported by the Secretary.

The SECRETARY. On page 6, after line 3, the Senate inserted the following:

> That the reports in the CONGRESSIONAL RECORD shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress, and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives; and such speeches shall be printed as they were actually delivered, except verbal corrections made by the author of the speech, and by no other person; and that when speeches are reserved by their author for correction they shall be returned to the Reporter of the House in which they were delivered within one week, and if not so returned they shall then be printed in the CONGRESSIONAL RECORD from the original notes of the Reporter.

Mr. VEST. Mr. President, the record of the proceedings of Congress is as much the property of the American people and the American public as the Treasury of the United States. The record of the proceedings of either House is not the property of that House. It is not paid for out of the contingent fund of that House. In a representative government like ours, where the representative is immediately responsible to his constituency, they have a right to know the history of pending legislation; they have a right to know the history of the conduct of public affairs.

I can not appreciate the position of the Senator from Ohio when he says that this is a question within the purview alone of the House of Representatives, and that we are infringing on their rights in determining what shall go into the CONGRESSIONAL RECORD, which goes to the people of the entire country and is paid for out of their Treasury. In regard to the payment of our secretaries, that is a question concerning the expenditure of the contingent fund of the Senate; but the CONGRESSIONAL RECORD is not paid for out of the contingent fund. It is paid for out of the common Treasury; it is a portion of the history of the country, paid for at the public expense; and if we concede that the House can put exactly what it pleases into the RECORD, then we concede that the House has entire control of this expenditure of money.

I hope that the motion of the Senator from Ohio to recede will not be agreed to.

Mr. INGALLS. While it is true that the expenses of the CONGRESSIONAL RECORD are paid by general appropriations, yet it is also true that there is nothing in any existing statute which defines what the RECORD shall contain. It is, of course, understood that it is to be a record—what the name implies—of the daily proceedings and transactions of both Houses of Congress; but in 1873, when the printing of the RECORD was transferred from the contractors to the Government Printer, the whole matter was left under the control of the joint committees on printing of the two Houses. Therefore it is not just to say that the House of Representatives in permitting speeches to be printed that have not been delivered in any way infringe either upon any statutory provision or upon any rule or regulation which has been made by competent authority.

I agree fully with the Senator from Missouri in stating that the practice which has assumed such enormous proportions of printing undelivered matter in the RECORD is one that has given rise to great abuses and ought to be curtailed. An illustration has been given this morning where calumnious matter, matter directly involving the reputation, the honor, and the good name of a member of this body, matter that was absolutely false, was inserted in the proceedings of the House of Representatives under the guise of an undelivered speech by a member of that body.

Mr. DAWES. Under the guise of a delivered speech.

Mr. INGALLS. I refer to a speech that was not delivered. Perhaps the Senator from Massachusetts knows more about it than I do.

Mr. DAWES. What I mean to say is that it goes forth to the country as a delivered speech.

Mr. INGALLS. That is very true, but the original assertion was made in a speech that was not delivered.

Mr. DAWES. But it appears as having been delivered.

Mr. INGALLS. No; it does not, because it appears in another part of the RECORD; it does not appear in the regular daily proceedings. The Senator from Massachusetts will pardon me. Of course I did not intend to be abrupt; but the original statement was a newspaper publication from a hostile sheet politically to the Senator whose name was involved, which was incorporated in the remarks of a member as a portion of his speech and printed under the general leave to insert.

Mr. DAWES. The Senator understands, I presume, that I meant to merely say that it went forth to the country as if some member of the other branch had delivered the speech containing this matter. Therefore I thought it was under the guise of a delivered speech.

Mr. INGALLS. It is also true, as the Senator from Massachusetts says, that publicity was given on the following day to this calumnious and unfounded statement by its repetition in a delivered speech. It was repeated with additions and with decorations and various ornaments of discourse so as to give it still wider publicity and promulgation.

But I do not think, with all the feeling I have on this subject, that it is a proper place to deal with this question by an amendment to an appropriation bill. Therefore, much as I sympathize with the Senator from Missouri, and sternly as I should stand upon Senatorial prerogative, I should be willing that the Senate conferees should, if they think best, in the general adjustment of these differences, abandon this amendment.

With regard to the Senatorial clerks, while I considered that arrangement in the first place unwise and injudicious, while it appeared to me to be unjust to those Senators who had clerks of committees, while there can be no doubt that it is a great deal better and more advantageous personally to a Senator to have a clerk than it is to have a clerk to a committee, because the clerk of the committee is very largely engrossed in the duties of the committee and is not at the service of the chairman of the committee in many instances, yet that having been agreed to is now a part of the law of this body, and any interference by the House of Representatives with the distribution of our contingent fund, with the number and qualifications of our clerical force, ought to be resented as an invasion of our constitutional prerogative.

I should therefore hope that the Senators on the conference committee would consider themselves instructed to adhere with resoluteness and vigor to the amendment of the Senate on that point.

Mr. MORGAN. Mr. President, I believe I am about as cautious and as strict in the expenditure of public money as almost anybody, and I have no desire in the world to profit personally out of the honorable position which I hold upon this floor. Neither have my colleagues on either side of this Chamber any such desire. We are here for the purpose of discharging our duties to the communities which we represent; and every man in this body understands the burden of that labor. It is absolutely exhausting to the last degree. It monopolizes every moment of a man's time that he is awake and able to work, not merely in the days of the week but on the Sabbath day. There is not a Senator in this body who I suppose does not devote a considerable portion, if not the entire time, of every Sunday while Congress is in session to working diligently upon some matter that he feels in duty bound to study or to think about.

We have a great Government to take care of, where we spend nearly $300,000,000 a year, and it costs us an immense labor to provide the clerks and various officers for the different heads of bureaus and Departments for the purpose of transacting the public business. Even the labor of providing them with the necessary men to execute their duties is one that is very great and very exhausting.

There is not a bureau officer in the United States Government, I suppose, who has not the assistance of some clerk in the transaction of his business; and yet when we come to compare the labors of a bureau officer with those of a Senator of the United States they sink into insignificance. I state that while I am a strong man physically and of good constitution and I think a reasonably industrious disposition, it taxes my energies to the very last extent, with the assistance of a clerk, to go through all the duties which I undertake to perform in this body, and they are not by any means so important as those of many other Senators whom I could name.

I feel that I represent a constituency which would be ashamed of me if I should be afraid to take from the public Treasury enough money to get assistance in these important duties. Here I work for nobody but for the people whom I represent, whether in my own State or elsewhere. I work for nothing but the public good. I can give no time to my private business. I am absorbed, with all the physical and mental energy I possess, simply in the public service; and in this particular I am not an exception; I am not singular at all. I am exactly related to these subjects as every other Senator in this body is; and my constituency, I repeat, would be ashamed of me if I were so cowardly as not to be willing to vote into their service the assistance of a clerk, so necessary for the discharge of the duties which I have to perform. They expect information from Congress upon a great number of topics. Our printing-list in the document-room is an enormous one, and one of infinite, almost inexpressible value, to the people of this country as an educator. These papers have to be distributed in a discriminating way into the hands of those people who will make the best use of them, and that duty, which our constituents require shall be performed punctually and immediately, would of itself require perhaps one-half if not more of the actual time of every Senator on this floor.

Under these circumstances I claim that it is an act of pure meanness and parsimony, when we have taken the responsibility of voting to ourselves the necessary public assistants, to deny them to us. Whatever the motive of it may be, however, it is an act of injustice. The House of Representatives, with the consent of this body, has always had the assistance of every clerk and of every messenger it required. Since I have been here this body has uniformly said to the House in all the different controversies we have had upon subjects of this kind, "Provide for yourselves what you think is an equivalent force for the discharge of your public duties, and we will vote the money to pay it." We have made no captious inquiries, and certainly we have not made insulting flings at anybody because in the opinion of some of us they may have exceeded what was necessary in the equipment of the different offices of the House of Representatives.

The Senate after due consideration (it has been two years or more looking at this question) took a vote after debate upon the resolution that Senators, where they were not chairmen of committees and therefore had not the assistance of committee clerks and of committee messengers, should have the privilege of employing or appointing clerks to assist them in their public duties. We passed upon that subject on a yea-and-nay vote. I believe if I remember the record correctly we passed upon it twice. This body has expressed a sincere and deliberate judgment upon this question, and has assumed the whole length and breadth and weight of the responsibility of it. I voted "yea" upon that resolution, and some of my Democratic confrères voted "nay." A large majority of the Republicans voted "yea," and some of them voted "nay." There was no party division between us upon that point. We did what we believed it was our conscientious duty to do, not a mere privilege, not the mere exercise of a power, but a conscientious duty which devolved upon us in order that we might be the better able to exercise our public duties in the Senate.

I hope, sir, that the Senate will abide by its decision and that the Senate will "fight it out on this line if it takes all the summer." I shall be prepared for one to stay here for the purpose of vindicating the right of this body to determine a matter of this kind.

Our action upon this has been characterized as "another salary grab," and other very indecent allusions have been made to it elsewhere. Sir, I scarcely expect to be deterred from performing a duty of this kind, though it might be of personal advantage to myself to relieve me of a little of the labor that I have to perform, by such allusions as these. They are only calculated to cause men who have any spirit at all to stand by their colors, to stand upon the ground they occupy. They are not calculated to produce any good results whatever, and I regret that any such expressions should have found their way into the debates of either House.

I therefore hope, Mr. President, that this committee will consider itself firmly instructed by this body to adhere to that amendment.

Mr. DAWES. Mr. President, I did not have an opportunity to vote upon the resolution which has caused this difference between the two Houses, but I wish the people of the United States could realize, as we realize here, the difference between service in these two Houses now from what it was when the compensation of Senators and Representatives was fixed at what it is. I have been here a number of years, and although, with the exception of two Congresses, I have had the honor of being chairman of a committee that employed a clerk, yet the amount of service required of me here to-day, compared with that which I was called upon to do when I first came to Washington, can be realized only by those who keep watch day by day of the growth of this country. There is no such measure of it as is to be found here at this center. There has never been a year in my service which has not brought at least 25 per cent. more labor upon me than the year that preceded it; and although I have been for the most of the time upon a committee whose clerk had a great amount of other labor to perform beside that which he rendered for me, I have found myself worn down by duties imposed upon me as well officially and pertaining to the Government of this country not known when I first came here as by duties which my constituents feel justified in exacting from me that no one man can perform and discharge his official duties as they ought to be discharged. There should be, there must be some change.

If the members of the other branch who discharge the laborious duties of that branch could each of them have the time they are called upon to devote to duties outside of what must be considered legitimate official duties, by having them performed by some one else, I believe the public service would be so promoted that as a question of economy there could be no provision more essential than the one embraced within this amendment. But, sir, beyond all that, the Senate has by a resolution authorized the Senators to employ these clerks and has pledged itself to pay for their employment. I should like to know whether there is a Senator here who would not feel ashamed of himself if he should decline now to meet that expenditure?

Mr. BAYARD. Mr. President, I think it is eminently proper that there should be a general expression of opinion by the Senate in relation to this subject. The Senate have not been called upon now for the first time to do this, but many times over there have been from one reason or another suggestions upon the part of the House of Representatives of controlling what I may call the details of the business of the Senate and the judgment of the Senate as to what is necessary for the public interest in providing the necessary clerical force to perform it. I may say that heretofore, although the House has from time to time made some demur as to the salaries given to officers of the Senate, their numbers, or the like, yet it has never gravely insisted upon its right to control the discretion of the Senate in that respect and the responsibility that each House has to the country for its conduct in respect of its own government.

It is perfectly obvious that there is a very serious principle attached to this. One of the main methods by which the freedom of the American people was sought to be preserved is in the separation of powers, and part of the separation of powers is in the independence of the two Houses of Congress of each other. We therefore find in the fundamental law, in the Constitution of the United States, the provision that each House shall determine the rules for its own government, and that each House shall choose its own officers. Under that they organize; and the power and oftentimes the duty of the two Houses is very different. We know that in the House of Representatives the Speaker of the House organizes every committee. We know that in the Senate the presiding officer organizes none, whether he be the President *pro tempore* or the Vice-President. The power is wholly different. The duties of our officers are not the same as the duties of corresponding officers of the House of Representatives, and each House is the proper judge of what the public interest is in the creation of minor and clerical offices for the performance of those duties.

Where do we obtain our knowledge of the necessity for the employment of clerks in the Departments? Obviously from the executive branch. We learn it from the Secretaries of the various Departments and from the chiefs of bureaus, and I have been here too long and always in a minority, always in what is called opposition to the existing administration, not to have seen time and time again the unquestioned response of both Houses of Congress to the reasonable demand of an executive officer for an increase of his clerical force.

There is not only an obvious propriety but there is an especial comity in this. It is quite impossible for the various branches of this great Government to be carried on without the constant spirit of comity between them. There are responsibilities that each branch must take for itself, and for the abuse of that power it is responsible to public opinion; and that, after all, is to be the great cure for these things.

I am a member and have been ever since I came to the Senate of the Committee on Finance. That committee never employed but a single clerk; yet it is the corresponding committee to the Committee of Ways and Means of the House, and the Committee of Ways and Means of the House have long had two clerks; but they needed them, and if they told us they required a third or a fourth I should let the gentlemen of the other House on that committee instruct me on that subject and vote accordingly. I cite this as an illustration.

There may be a very penny-wise and pound-foolish economy. I take it that a man who is fit to be intrusted with the conduct of important public business by the American people simply wastes his time when an ordinary clerk, a man possessing no judicial power but acting simply ministerially in his office, can perform the work as well or better than the legislator himself. Therefore it is a false economy to the interests of the people whom we represent to be spending time in copying letters that must be copied, in procuring documents that must be procured, in consulting records that must be consulted, in carrying messages that must be borne; there is an obvious propriety in having the proper assistance for these ends, and it is simply a waste of time for men who are considering grave questions of legislation, involving important interests, to be spending their time in such things. No sensible man would do it in his private affairs; and I think no just-minded public man would do it.

The day does not contain hours enough for the performance of such duties, alone and unaided, by a man actively engaged in legislation. I speak that which I know from my own experience, from my own knowledge of the labors of those who are my associates in this body. Therefore it is that I think when this question is presented, as it no doubt will be by the committee of conference on the part of the Senate to the House, they will see that it is necessary, it is proper, it is constitutional that the House should take the judgment of the Senate on all matters connected with the detail of the performance of their public duty and that we on the other hand should be ready, as I believe we always have been ready and willing, to accept the deliberate judgment of the House as to what is essential for them in the performance of their share of the public business.

I have only said this, speaking from this side of the Chamber, that there may go to the co-ordinate branch of Congress one united voice and opinion of the Senate on this question. It is not a petty clamor for small advantage, for individual convenience, but it is an exercise of high and proper and responsible discretion by this body in the execution of its public duties and powers. We know best what our officials do; we recognize best their skill or their want of it, their ability or their want of it, their labor or the absence of it, and I am sure that when judgment is to be passed upon that and compensation to await that judgment, the Senate is the proper and it is the only body whose opinion can be heard and should prevail on such a subject.

I hope, therefore, that I may be right in supposing that this is the unanimous view of this body, not expressed in any temper because it would be unbecoming the matter and unbecoming ourselves, but simply to assert what has been asserted over and over again and never denied, always admitted, always agreed to, that in matters like this the Senate is to judge of its own duties and its own powers.

Mr. MAXEY. Mr. President, being the chairman of a committee, I am not a beneficiary of the matter in dispute between the Senate and House, and therefore I shall speak with perfect disinterestedness.

I know the fact to be, of my own personal knowledge, that the whole of my time is taken up in the discharge of my Senatorial duties. For more than eight years I have been compelled absolutely to abandon the practice of my profession. My income from that source, which was considerable before I came here, is entirely cut off. I do nothing whatever in the way of making money save and except receiving the salary which I get for attending to the business of the people. Now I say I know as a business man that it is worse than folly to require a Senator to discharge mere clerical duties which can be equally well discharged by a clerk, because it takes up that much time which should be devoted to the consideration of important business pending on the Calendar; and I ask every Senator here if it is possible for him to be intelligently advised as to the bill upon which he is called on to act when he is required to take up a very large portion of his time in correspondence and fn attention to the business of his constituents in the various Departments of the Government? You might as well say to a first-class lawyer that he should go out and collect the little accounts, the mere trifling business and drudgery of an office, as to require a Senator to discharge this duty which can be equally well done by a clerk. A client would complain of that, because he would say, "I employed that man and paid him to attend to my business, yet he is wasting his time with mere drudgery work to the detriment of my case." Equally the people can say that where we spend our time upon mere trifling details, which could be just as well attended to by a clerk as by a Senator, we lose that time which ought to be devoted to the public interests.

So I say that, in my judgment, the Senate has a perfect right to determine that question for itself, and I for one believe that the Senate should insist upon the action which it has taken, and I do that wholly disinterestedly.

Now, a word on the other point which I suggested to the Senator from Iowa in the course of his explanation. If it is to be a mere matter of raising a hue and cry about expenditure, if that is the point made, I say that there is five times as much expended in the publication of speeches never delivered and which the people have to pay for as is wisely and economically expended in the employment of clerks to aid Senators in the discharge of their duties. I differ from the Senator from Ohio in this, that I think the matter should be left entirely to the control of the committee of conference and let the conferees determine these items. I have perfect confidence in them, and believing they will carry out the will of the Senate, and not doubting what that will is, I, for one, think the Senate should insist upon the work which has been done.

Mr. SHERMAN. I am willing entirely to follow the advice of the Senator from Iowa in respect to the motion I made; but I wish to say that while I concur heartily in what is said about the propriety of the Senate regulating its own expenses, governing the number of its own clerks, saying what officers or aids are necessary to carry on its business, yet when we stand upon that rule and insist that the House shall not interfere with us in our judgment as to what we think is necessary to enable us to carry on our public duties, we ought not to put ourselves in the inconsistent position of demanding of them a surrender of their right to control what is contained in their record and to forbid them from allowing certain things to be published in the record of their own proceedings. If we were to recede from our amendment on that matter I think it would strengthen our position. I should be perfectly willing after another conference that the Senate should recede from the amendment it made to this bill in regard to the records of the House, and having done that, that we not only insist upon our amendment as to our contingent expenses and also on our opposition to the legislative provisions the House has inserted in the bill, but I would be willing to move to adhere, and stand by that adherence.

But, Mr. President, we can not come here and complain about the House while we do the same thing that they do about which we complain. These two propositions are on all fours with each other. We say to the House we make a law which changes existing law—a new law. There is no law now on the statute-book which says what shall be put in the RECORD. Each House must judge of that for itself. Now we put upon this bill a law which changes existing law and which violates one of the principles that we have been talking about, and that is to put legislation on this appropriation bill. We object to the legislative amendments the House has put on this appropriation bill. Why? Because an appropriation bill is not the proper place to consider great changes of the law. It ought to be a mere means of carrying out the existing law. But we violate that principle ourselves squarely by proposing to change the law in the legislative appropriation bill, a bill that provides for the salaries of the President, of all the officers of the executive branch of the Government, and of the judiciary branch of the Government, and of the legislative department. We put on it an amendment, a condition precedent, which the House must concur in or we must back out of, that there shall be no appropriation for any of the officers of the Government until the House will consent to a change of the law which will restrain them in their power to relieve themselves from the tedium of having speeches read instead of being printed in the RECORD. That is our position. If we want to make a contest with the House or want to have this matter determined, I say we ought to be ourselves just, we ought to conform to the rules we apply to them; and we ought not to insist upon any amendment that violates those rules.

Now, sir, it is just as bad for us to say to the House what shall be published in the RECORD as for them to say to us whether we shall have secretaries or not. If we want to go before the House with strength and speak to our brethern who are our equals and our co-ordinate branch of the legislative authority, we ought ourselves to conform to the rules that we talk about for them.

The proposition I made was intended to relieve the committee of conference from the embarrassment of their position by ourselves withdrawing from an amendment which interferes with what has been done time out of mind, ever since the Globe and the RECORD were published. If we relieve the conferees in that respect, we shall then be in a position to say that we will stand by our right to regulate our family here, our pages, our clerks, their number, their pay, &c. But I say again that I will do just as the Senator from Iowa who has charge of this bill desires and will withdraw my motion or insist upon it as he deems proper.

Mr. ALLISON. I hope the Senator from Ohio will withdraw his suggestion that the Senate recede from this provision, and I think from indications now given to the conferees that they will be able to handle this question as it ought to be handled.

I want to say a word or two with reference to the matter of legislation, because after all there is where the serious differences exist between the two Houses. The other branch insist that they shall bring into their appropriation bills important subjects of legislation entirely separate and distinct from appropriations. The Senate, so far as I know, have never undertaken to do such a thing; and I think the Senator from Ohio is mistaken when he states that the amendment as to the publication of undelivered speeches is legislation in the sense of the term as applied to the House legislation.

Mr. SHERMAN. It is a new law.

Mr. ALLISON. There is no law on the subject now. I merely refer to this to show that the Senate has not violated its rule in this amendment, which was intended to be a limitation upon the appropriation which precedes the provision with reference to the very question of reporting the debates. It is in the nature of a regulation as to what shall go into the RECORD for which we make an appropriation of $25,000 in the clause to which we attached the proviso.

I wish to call the attention of Senators to the fact that the House insist in these bills that they shall present to us legislation upon them; and although we have had no time to consider that legislation, whether it is proper or improper, whether it is wise or otherwise, they say we must take it. The conferees on the part of the Senate have insisted that where the House propose to change the existing law they have no right to insist upon that change as a condition of appropriations of money for the purpose of carrying on the ordinary operations of the Government; and there is where our difficulty lies to-day. We could settle these little questions with reference to the amounts of appropriation. The real difference between the two Houses to-day is whether we shall put upon these bills important legislation, some of it not examined at all by the committees of the Senate having charge of the question, some of it vicious and absolutely wrong in principle; and when we get rid of that great question, when we say once for all that we intend that no legislation changing existing law in important matters shall go upon the appropriation bills, we shall have eliminated from the differences between the two Houses the great question which now divides them.

Mr. BAYARD. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. BAYARD. I agree with the Senator from Iowa in respect of the vice of ingrafting general legislation on appropriation bills. I do not propose to repeat again what I have so often said on that subject; but I may ask the Senator if it is not a poor rule that does not work both ways, and whether the Senate must not respect the doctrine in its own action, as it calls on the House to do so?

Mr. ALLISON. So I understand.

Mr. BAYARD. In the present case there is a conference which has reported disagreement as to the naval appropriation bill, where there has been general legislation put on by the Senate increasing the Navy, in a very proper manner as I consider, because when the measure was brought before the Senate as a separate proposition I gave it my voice and my vote; but when it was ingrafted upon an appropriation bill under the idea that our rules permitted it, I considered even if the rules permitted it it would not be a proper method of reaching the end, and I think to-day that there is a conference now pending between the two Houses, in which the difference is that the Senate insists upon general legislation respecting the Navy and the House objects to it.

Mr. ALLISON. The Senator will remember that when that bill came before the Senate the very question was raised here under our rules whether the provision to which the Senator alludes was legislation. As a matter of course if it was legislation it would have gone out of the bill, but the presiding officer ruled that it was a mere appropriation of money for the purpose of carrying on one of the ordinary operations of the Government, and therefore not legislation.

Mr. BAYARD. I think, with all due respect, that it was argued here by the gentleman having charge of the bill that the phrase in the rules which permitted a bill to be ingrafted upon an appropriation bill by way of amendment if it had passed the Senate at the same session made the proposition in order. There was a bill creating this number of cruisers which had passed the Senate, and because it had passed the Senate in that form it was said to be appropriate as an amendment to an appropriation bill under the Senate rule. But I do not care whether it was in order under the Senate rule or not, the same principle that my friend has denounced here, and in which I concur with him, is involved. The question is whether under the guise of providing money to execute existing laws you are to include matters of general legislation and make the essential appropriations depend upon consent to those measures.

Mr. ALLISON. I will state in response to the Senator my own view in reference to that question, which is that if we have ingrafted legislation upon that bill or any other bill it is our duty, upon the request of the House, to abandon it.

Mr. BAYARD. I agree with the Senator.

Mr. ALLISON. I think I would go further, and in some of the conferences we have had we have gone further, as, for example, upon the deficiency bill that we reported yesterday. There the House insisted that it was not the duty of either branch of Congress to respect the settlements made by the accounting officers of the Treasury; that we had the right in the two Houses to go behind the settlements made by accounting officers of the Treasury, and to appropriate or refuse to appropriate money, notwithstanding accounts had been settled.

We said to the conferees on the part of the House, "If you refuse to appropriate the money, so be it; we can not compel you to appropriate money in excess of what you believe is necessary to carry on the Government; if you do not appropriate enough money it will be the duty of the President of the United States to convene Congress again and seek further appropriations." Therefore we have surrendered many appropriations on these bills which we believed were not only necessary and proper to carry on the Government, but which we believed the Government was bound in honor and good faith to make in order to pay accounts found due by the accounting officers of the Treasury. If there is on any appropriation bill legislation proposed by the Senate, for one I am ready to abandon that legislation. I do not think we ought to insist upon it. If we can not agree as to the amount that shall be appropriated for the maintenance of the Navy, it is our duty to make concessions to the House with reference to the maintenance of the Navy, in order that the ordinary operations of the Government may go on in reference to the different Departments.

I believe the Senator from Ohio has withdrawn his motion to recede.

Mr. SHERMAN. I do so now, if the Senator thinks it wiser.

The PRESIDING OFFICER (Mr. PLATT in the chair). The motion to recede from the action of the Senate upon the amendment No. 27 is withdrawn.

Mr. ALLISON. I ask that the Senate further insist on its amendments.

The PRESIDING OFFICER. The question is on the motion that the Senate further insist upon its amendments not settled by the conference report and agree to the further conference asked by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. DAWES, and Mr. HALE were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes;

A bill (H. R. 5709) to amend article 72 of the Rules and Articles of War;

A bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

Joint resolution (H. Res. 260) authorizing the printing and binding of additional copies of the reports of the National Board of Health; and

Joint resolution (H. Res. 276) providing for the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes.

Mr. MILLER, of New York. It must be evident to the Senate that it is impossible at this time to dispose of this bill in an intelligent manner. It is a very important bill. The principle of the bill I am in entire sympathy with. I believe in the appointment of a Federal commission to investigate the question of interstate commerce and to have some control over the railroads; but this bill, as it has been reported here and as we are to judge from the digest which we have heard of it this morning, is certainly one of the most important bills that have come before us, and the Senate should take full time to consider it and perfect it. As it is impossible for the bill to become a law at this ses-

sion even if it should pass the Senate to-day, I think it must be evident to all that it would be wise to postpone its further consideration until the beginning of the next session.

I move that the further consideration of the bill be postponed until the second Monday in December next at 2 o'clock.

Mr. CULLOM. I hope an earlier day will be named. The day suggested has already been fixed for another measure.

Mr. MILLER, of New York. I will modify my motion at the request of the Senator from Illinois by moving that the bill be postponed until 2 o'clock on the first Thursday after the first Monday of December next.

The PRESIDING OFFICER (Mr. PLATT). The Senator from New York moves that the further consideration of the bill be postponed until 2 o'clock on Thursday after the first Monday of December next.

Mr. CULLOM. I have been and still am very anxious that this bill should pass during this session of Congress, but it seems to be the judgment of many Senators that it is impossible for it to become a law at any rate during the present session of Congress; and while I do not consent to a postponement of it, yet I am willing to yield to the judgment of the Senate on the question, provided it is made the special order for Thursday after the first Monday of December next.

The PRESIDING OFFICER. That is the motion.

The motion was agreed to.

IOWA RAILROAD LAND GRANT.

Mr. PLUMB. I ask unanimous consent to be allowed at this time to make a report from the Committee on Public Lands. It is in regard to forfeiting certain lands in the State of Iowa.

The PRESIDING OFFICER. The Senator from Kansas asks consent to make a report. Is there objection? The Chair hears none, and the report will be received.

Mr. PLUMB. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes, to report it back favorably with an amendment.

I ask unanimous consent of the Senate to consider the bill now. The Senators from Iowa are familiar with the facts. There are in the neighborhood of 80,000 acres of land in that State granted to the State of Iowa for the purpose of building the Sioux City and Saint Paul Railroad. Such portion of the road as was built at all or as is ever expected to be built was built within the proper time, but a portion of it was not built by reason of the fact that connection was made with another road, which obviated the necessity of doing it. That left about 80,000 acres of land which the railroad company did not earn and which have been settled upon, but no title can be acquired, for the reason that the burden of the grant has not been removed by legislation.

The bill as it came from the House proposed certain expensive and somewhat involved legal proceedings. The Senate committee in considering the matter have stricken those out and adopted what they believe to be a fair and at the same time simple method of determining the amount of land to be forfeited in such a way as to do justice both to the settlers and the railroad company, giving the company all it is entitled to by reason of what it has built; and while I am not prepared to say that it meets with the concurrence of the Senators from Iowa, they are at all events very desirous that it shall be settled. As the bill is amended, it must go back to the House of course and probably be submitted to a conference, and whatever defect there may be in details that is not met by the amendment of the committee can be arranged by the conference committee so as to be entirely satisfactory to the parties in interest.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the Senate now proceed to the consideration of the bill just reported by him. Is there objection?

Mr. MCMILLAN. Yes, sir. There are large and important interests involved in that matter.

Mr. PLUMB. I ask leave to withdraw the report.

The PRESIDING OFFICER. The Senator from Kansas asks leave to withdraw the report. Is there objection to that?

Mr. MCMILLAN. If it is to be withdrawn for the session——

Mr. PLUMB. I will settle that when I get it. I ask permission to withdraw the report.

The PRESIDING OFFICER. If there be no objection the Senator from Kansas will have leave to withdraw the report.

ELIZA A. SHEALEY.

Mr. BLAIR. I ask leave at this time to make several reports from the Committee on Pensions. I report first the bill (H. R. 2245) granting a pension to Eliza A. Shealey, and request that the bill be put on its passage.

The Secretary read the title of the bill (H. R. 2245) granting a pension to Eliza A. Shealey.

Mr. MITCHELL. I suggest to the Senator that it would be much more expeditious to have all these bills reported and then take them all up by unanimous consent.

Mr. BLAIR. I have no objection to that, only I thought we could get through quicker in this way.

The PRESIDING OFFICER. The Senator from New Hampshire withdraws his request, and the bill goes to the Calendar.

Mr. BLAIR. I do not wish to do that. I ask unanimous consent that pension bills ready for report at the hands of members of the committee or others may be now reported and considered. ["No objection!"]

The PRESIDING OFFICER. The Senator from New Hampshire asks that pension bills which are now ready for report may, as they are reported favorably, be considered. Is there objection?

Mr. SHERMAN. Subject to objection.

Mr. BLAIR. Very well; subject to objection.

The PRESIDING OFFICER. Subject to objection. Is there objection to the suggestion? The Chair hears none, and that will be considered to be the order of the Senate. The bill reported by the Senator from New Hampshire will be read.

The Chief Clerk read the bill (H. R. 2245) granting a pension to Eliza A. Shealey, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to place on the pension-roll during widowhood the name of Eliza A. Shealey, widow of Daniel Shealey, late second lieutenant of Company E, Second Maryland Regiment of Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ALICE T. SHERWOOD.

Mr. BLAIR. I report favorably from the Committee on Pensions the bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Alice T. Sherwood, widow of Joel T. Sherwood, late captain Company A, Twenty-eighth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH DENNY RIPLEY.

Mr. BLAIR. I report favorably from the Committee on Pensions the bill (S. 150) granting a pension to Sarah Denny Ripley.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Denny Ripley, widow of Brig. Gen. James W. Ripley, deceased, late Chief of Ordnance, United States Army, at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABBY S. SLOCUM.

Mr. VAN WYCK. I report favorably from the Committee on Pensions the bill (S. 1427) granting an increase of pension to Abby S. Slocum.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Abby S. Slocum, widow of John T. Slocum, late colonel of the Second Rhode Island Volunteer Infantry, on the pension-roll at the rate of $50 per month, in lieu of the pension she now receives.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before "Slocum," to strike out "T." and insert "S.;" so as to read "John S. Slocum."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM C. HENDERSON.

Mr. VAN WYCK. I report favorably from the Committee on Pensions the bill (H. R. 503) granting a pension to Hiram C. Henderson.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hiram C. Henderson, late a private in Company F, Fifty-first Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN HUNTER.

Mr. VAN WYCK. I report favorably from the Committee on Pensions the bill (H. R. 3493) granting a pension to Ann Hunter.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Hunter, foster-mother of Mitchell Hunter, late a private in the Sixth Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL SHIELDS.

Mr. VAN WYCK. I report favorably from the Committee on Pensions the bill (H. R. 3321) granting a pension to Michael Shields.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Shields, late a private in Company G, Fifty-seventh Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES CLARK.

Mr. VAN WYCK. I report favorably from the Committee on Pensions the bill (H. R. 4694) granting a pension to James Clark.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Clark, late of Company A, Seventh Kansas Regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM IRVING.

Mr. VAN WYCK. I report favorably from the Committee on Pensions the bill (H. R. 6677) to increase the pension of William Irving.

The bill was considered as in Committee of the Whole. It proposes to increase the pension of William Irving, late lieutenant-colonel of the Thirty-eighth Ohio Veteran Volunteer Infantry, to $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DECATUR HAMLIN.

Mr. VAN WYCK. I report favorably from the Committee on Pensions the bill (H. R. 2070) granting a pension to Decatur Hamlin.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Decatur Hamlin, employed as scout for the Tenth Regiment Indiana Volunteers, and who, while in action, received wounds that compelled the amputation of a leg.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VAN WYCK. I report adversely from the Committee on Pensions the bill (S. 1632) granting a pension to Decatur Hamlin, and I move that it be indefinitely postponed.

The motion was agreed to.

LAURA J. GODDARD.

Mr. VAN WYCK. I report from the Committee on Pensions favorably the bill (H. R. 5544) for the relief of Laura J. Goddard.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laura J. Goddard, widow of Elisha M. Goddard, formerly a private in Company C, Sixth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO COOPER.

Mr. VAN WYCK. From the Committee on Pensions I report favorably the bill (H. R. 5889) granting a pension to Alonzo Cooper.

The bill was considered as in Committee of the Whole. It proposes to place the name of Alonzo Cooper, late first lieutenant of Company F, Twelfth New York Cavalry, war of the rebellion, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASA DYE.

Mr. VAN WYCK. I report from the Committee on Pensions favorably the bill (H. R. 6589) for the relief of Asa Dye.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Asa Dye, formerly of Company I, Tenth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANNA EGAN.

Mr. VAN WYCK. I report from the Committee on Pensions favorably the bill (H. R. 3979) granting an increase of pension to Mary Anna Egan.

The bill was considered as in Committee of the Whole. It proposes to grant Mary Anna Egan, widow of the late James Egan, a captain in the United States Army, a pension at the rate of $40 per month, in lieu of the pension now paid her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAULINE E. MILLIKEN.

Mr. MITCHELL. I am directed by the Committee on Pensions to report back favorably the bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Pauline E. Milliken, widow of George A. Milliken, late a corporal in Company I of the First Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES AARON.

Mr. MITCHELL. From the Committee on Pensions I report favorably the bill (H. R. 4254) granting a pension to James Aaron.

The bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Aaron, late of Company F, Ninety-first Regiment of Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OF PENSION DOCUMENTS.

Mr. MITCHELL. In this connection I ask that an order be made for a reprint of the Mexican pension bill and the letter of the Commissioner of Pensions relating to the estimate. The print is exhausted in both cases, and there is great demand for the documents.

The PRESIDENT *pro tempore*. The resolution proposed by the Senator from Pennsylvania will be read.

The Chief Clerk read as follows:

Resolved, That there be printed 3,000 copies of House bill 5667, the Mexican pension bill, as it passed the Senate, and 3,000 copies of Senate Miscellaneous Document No. 107 of this session, 1,000 of each for the use of the Senate, and 2,000 of each for the use of the House of Representatives.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

Mr. MITCHELL. I should be glad to have it acted upon now.

Mr. HAWLEY. The Senator from Pennsylvania submitted the resolution to me, but I am unable to find my colleague on the committee. I think there can be no possible objection to the resolution. The cost is small.

The PRESIDENT *pro tempore*. The rule requires a reference to the Committee on Printing, but by unanimous consent the reference may be dispensed with. The Senator from Pennsylvania asks unanimous consent that the resolution be now considered without reference. Is there objection?

Mr. MORGAN. I should like to know from the Senator why it is that so large a number of the bill is required to be printed?

Mr. MITCHELL. Because there is so much demand for it. The man who has charge of the document-room informs me that there is a great demand for the bill and report.

Mr. MORGAN. If it is to serve as a political document I do not think it is the right thing to do.

The PRESIDENT *pro tempore*. Is there objection?

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. Objection is made, and the resolution will be referred to the Committee on Printing. Reports of committees are now in order.

AWARDS UNDER SPANISH TREATY.

Mr. MORGAN. The Committee on Foreign Relations have instructed me to report back adversely the following resolution, contained in Miscellaneous Document No. 70:

Resolved, That the President of the United States be, and he is hereby, requested to institute negotiations with the government of the King of Spain for a reference to an umpire for decision of the question whether the treaty of 1819 has been fully carried into effect by the United States, and whether the Government of the United States is bound in good faith to pay the full amounts awarded by the judicial tribunals to whom the same was referred for the payment of the losses sustained from the forces acting under the orders of the United States in 1818-'19, including interest and damages thereon. Also all other questions arising under said treaty in which it is claimed by the government of Spain that the United States of America have failed to perform and carry out the same, and to settle and finally decide what amounts, if any, remain to be paid by the United States.

The Senator from Vermont [Mr. EDMUNDS] dissents from the report, and I ask that the resolution be placed on the Calendar.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

Mr. EDMUNDS subsequently said: I ask unanimous consent to say that when the Senator from Alabama [Mr. MORGAN] this morning reported a resolution touching certain claims under the treaty with Spain of 1819, at my suggestion he stated that I was opposed to the report. I asked him to say that, but I misunderstood the nature of the report as I was not present at the meeting of the committee that discussed it. I wish to say now that I concur in the conclusion that I find the committee reached.

WILLIAM M'GARRAHAN.

Mr. MORGAN. At the request of the Senator from Kentucky [Mr. BECK] I move to reconsider the vote by which the bill (S. 603) for the relief of William McGarrahan was indefinitely postponed yesterday. I know nothing about the merits of the bill, but the Senator from Kentucky was going away and asked me to enter the motion.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered. If there be no further reports of committees bills and joint resolutions are now in order.

FOREIGN LABOR CONTRACTS.

Mr. BLAIR. If it is in order, or as soon as the morning business is disposed of, I move to proceed to the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDENT *pro tempore*. Pending the call for bills and joint resolutions the Senator from New Hampshire asks unanimous consent that the Senate now proceed to the consideration of the bill he has indicated.

Mr. DOLPH. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, introduced a bill (S. 2365) for the relief of First Lieut. A. R. Egbert, Second Regiment United States Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 2366) for the relief of Joseph W. Parish; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 2367) granting a pension to Sarah A. White; which was read twice by its title, and referred to the Committee on Pensions.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. The Chair begs to call the attention of the Senate to an appointment which was made a few days ago on the Committee on Commerce, the Senator from California [Mr. FARLEY] in the place of Mr. SLATER, resigned. It was not stated in the request that the Chair should appoint what order this gentlemen should take in the list of the committee, and the rules provide that the appointment shall not be made without the consent of the Senate for any particular place. The Chair understands that it is agreeable to the gentlemen concerned that Mr. FARLEY should resume his old place on the committee, standing next below Mr. COKE. If there be no objection that arrangement will be made.

FISHERIES ON PACIFIC COAST.

Mr. BLAIR. I now move——

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are in order. The Chair lays before the Senate a resolution that came over from a previous day, offered by the Senator from Oregon [Mr. DOLPH]. The resolution will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. DOLPH, as follows:

Resolved, That the provisions of the resolution of the Senate adopted July 4, 1884, authorizing the Committee on Fisheries to sit during the recess of Congress, &c., be extended to and embrace therein the Pacific coast; and said committee be, and it is hereby, authorized to investigate concerning Congressional legislation required for the regulation of fisheries in the bays and arms of the sea and lakes and rivers upon said coast.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. BLAIR. Is that subject to objection?

The PRESIDENT *pro tempore*. It is not. It comes over, having been objected to, from yesterday's sitting. The question is on agreeing to the resolution.

The resolution was agreed to.

BACKBONE RAILROAD GRANT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered by the Senator from Alabama [Mr. MORGAN] which comes over to this day under objection from a previous day. The resolution will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the Committee on Public Lands is instructed to investigate the entire subject of the transfer of the land grant from the railroad company known as the Backbone railroad company to the New Orleans Pacific Railroad Company, and shall have power to send for persons and papers and leave to sit in the recess of the Senate in the most convenient place for such investigation.

2. That said committee have leave to act by a subcommittee and to appoint a stenographer, clerk, and messenger.

3. The expenses of such committee shall be paid out of the contingent fund of the Senate, to be audited and allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. BLAIR. Mr. President——

Mr. PLUMB. I hope the Senator from Alabama——

Mr. BLAIR. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. BLAIR. The morning hour having expired, I desire to know under what rule or for what reason the resolution is now in order, or if in order for what length of time it may remain so.

The PRESIDENT *pro tempore*. Unanimous consent having been given this morning to proceed with a bill that came over from yesterday in charge of the Senator from Illinois [Mr. CULLOM] and to take up pension bills previous to the call for the regular order, the Chair has construed, as he believes correctly, that the time thus consumed was not to be taken out of the time of ordinary morning business. The Chair has therefore proceeded to call for petitions, reports, and bills, without objection. The Chair holds that the resolution is regularly before the Senate.

Mr. BLAIR. But for how long a time? The morning hour would have expired under the ordinary rule at 1 o'clock at all events. A resolution of this kind may consume a very great length of time in discussion. Certainly there must be some limit by some rule in equity. If the morning hour still exists it must have a limitation. Before proceeding without objection, at least to the discussion of this resolution, if it should involve discussion, I should like to have it understood for how long a time it can be protracted.

The PRESIDENT *pro tempore*. That is a matter for the Senate to determine. Unanimous consent having been given in the way it was, and the subsequent proceedings having taken place as they did, the Chair is unable to say how much time will be taken up under the call for "concurrent or other resolutions."

Mr. BLAIR. I am quite sure that during much of the time of the morning hour proper the present occupant of the chair was not in it. The time was largely consumed by conference reports, which are privileged. I did not suppose that the morning hour could by any just rule be considered as extended in consequence of the fact that the morning hour was victimized by conference reports. I should suppose that the time embraced in the morning hour was subject to the same vicissitudes that the remaining time following the morning hour, to be sacrificed by the dominance of conference reports.

The PRESIDENT *pro tempore*. As the Chair has stated, the Chair thinks that the point of order made by the Senator from New Hampshire is not well taken, and the question is on agreeing to the resolution.

Mr. BLAIR. I should be glad to know the opinion of the Chair as to how long under this morning-hour construction the resolution may consume the time of the Senate.

The PRESIDENT *pro tempore*. The Chair can not undertake to decide that at the present time. The Chair thinks that the resolution is now properly before the Senate.

Mr. BLAIR. And may remain so properly until it is disposed of?

The PRESIDENT *pro tempore*. That is a speculative question, which the Chair will not undertake to decide.

Mr. BLAIR. It really seems to me that this question may involve the consumption of the entire remaining time of the session, and there ought to be some way of arriving at a limitation in advance.

The PRESIDENT *pro tempore*. There is nothing for the Chair to decide, as he thinks, at this moment; but the Chair will suggest that the resolution can be terminated by a motion to lay on the table if a majority of the Senate does not wish to consider it.

Mr. BLAIR. But some other matter might come in in the same way in the morning hour, and the difficulty would return.

Mr. INGALLS. What is the pending question?

Mr. BLAIR. I move to lay the resolution on the table.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the resolution be laid on the table. The question is on agreeing to the motion.

Mr. MORGAN. I hope the Senator from New Hampshire will not take that course with it.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on agreeing to the motion of the Senator from New Hampshire.

Mr. PLUMB. I hope that the Senator from Alabama will not press the resolution.

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from New Hampshire moves that the resolution lie on the table.

The motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. LOGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 6 and 7, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For the purchase of machine-guns of the latest improvement, $20,000.

"For the armament of seacoast fortifications, including the manufacture and conversion of heavy guns and carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, $400,000, and not exceeding $15,000 thereof may be used for the expenses of experiments in the use of dynamite or other high explosive projectiles."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out from said amendment the following words: "Said sum to be expended under the direction of the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and the matter proposed to be inserted by said amendment insert the following: "And to make the same known to manufacturers of ordnance on their application and to report the same to Congress at its next session for its approval;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "SEC. 2. That hereafter all rifled cannon of any particular material, caliber, or kind, made at the cost of the United States, shall be publicly subjected to the proper test, including such rapid firing as a like gun would be likely to be sub-

jected to in actual battle, for the determination of the endurance of the same, to the satisfaction of the President of the United States or such persons as he may select; and he is hereby authorized to select not to exceed five persons, who shall be skilled in such matters; and if such guns shall not prove satisfactory, they shall not be put to use in the Government service."

And the Senate agree to the same.

JOHN A. LOGAN,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.
SAM. J. RANDALL,
WILLIAM H. FORNEY,
J. WARREN KEIFER,
Managers on the part of the House.

The report was concurred in.

COMMITTEE ON TRANSPORTATION ROUTES.

The PRESIDENT *pro tempore*. Resolutions are still in order.

Mr. MANDERSON. I offer the following resolution, and ask unanimous consent that it may be considered at this time:

Resolved, That the Committee on Transportation Routes to the Seaboard be, and they are hereby, authorized to sit at any place within the United States during the recess of Congress, by subcommittee or otherwise, to take testimony for the purpose of preparing statistical data relative to freights, commodities, and prices, for the period from 1873 to the present time; the committee to report by bill or otherwise; and that the necessary expense thereof, including the services of a clerk, be paid out of the expenses for special and select committees, &c., of the contingent fund of the Senate.

BACKBONE RAILROAD GRANT.

Mr. MORGAN. I move to reconsider the vote by which the Senate laid on the table the resolution that I offered.

The PRESIDENT *pro tempore*. The Senator from Alabama moves to reconsider the vote by which the Senate laid on the table the resolution offered by him.

Mr. MORGAN. Is that question debatable?

The PRESIDENT *pro tempore*. It is not debatable. The question is on the motion to reconsider.

The motion was agreed to.

The PRESIDENT *pro tempore*. The motion is reconsidered. The question recurs on agreeing to the motion to lay the resolution on the table.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. MORGAN. I merely desire to explain why I introduce the resolution.

The Senator from Colorado [Mr. HILL] made a very impressive speech here some time ago, in which he brought to the attention of the Senate important facts, and I understood him to quote from authentic papers tending to show that in the transfer of the Backbone railroad land grant to the New Orleans and Pacific road there was fraud. A bill to forfeit that grant is pending before the Committee on Public Lands. The committee have not had time to mature their deliberations upon it and make a report to the Senate. For the purpose of getting this subject before the country in such a way as that there shall be no doubt about the ground on which we shall act, whether we vote that bill into a law or not, I desire that the Committee on Public Lands should be directed to make an inquiry into the allegations which have been brought forward by the Senator from Colorado and other statements upon that subject.

I introduced the resolution without consultation with any person, it being in my opinion a duty that I owed to myself as a member of the committee and also to the committee. After having introduced it, however, I conferred with some members of the committee. Some are in favor of its consideration and others are not. Some of the committee think that perhaps there is an implied censure upon the conduct of members of both Houses who recommended to the administration that the transfer of this land grant should be confirmed by the Secretary of the Interior and that patents should issue. I have been informed that a patent has been made out. I gather that from the observation of some Senator in debate on this floor, I believe the Senator from Nebraska [Mr. VAN WYCK]. I desire here, in the form of this resolution if I can do so in no other way, to interpose my protest against the signing of that patent, the official recognition of the transfer of that land grant, until Congress can look into it. It may be entirely a just and honorable transaction or it may not; I can not tell. I have no statement to make on that point, for I am not sufficiently informed of the facts that relate to this subject to pronounce an opinion. In fact, the Committee on Public Lands have not had the opportunity consistent with their other very heavy labors to investigate this question as it ought to be investigated. So I thought I would bring in the resolution and ask that the committee be instructed to make the investigation and report. The Senate can dispose of it as it sees proper.

The PRESIDING OFFICER (Mr. INGALLS in the chair). Will the Senate agree to the resolution?

Mr. PLUMB. I rose a moment ago to ask the Senator from Alabama to let the matter go over for the present. There are some considerations in respect to it which I think he will regard with some favor that will be presented to him for a brief delay. But I must say that on the whole I think the adoption of the resolution will not result in any increase of authority to the committee or any good. The bill has been referred to the committee, and the committee can investigate it if it decides that it is necessary to consider the questions involved. The only question that would properly come in, I think, is the question of the legality of the transfer. That of course will be followed by the question whether there has been an informal transfer or an illegal transfer, and Congress shall, notwithstanding it might find the road has been built in expectation of receiving the land grant by reason of whatever transfer has been made, forfeit it. But it is a subject in its present form of view of certain things to which the Senator from Alabama alluded that would be considered undoubtedly as a reflection upon certain persons in public life, and who I think ought not to be subjected to that reflection by the action of the Senate.

It is not that I think there is anything which they are connected with which they have withheld or prevented the investigation of; but at the same time it is well in these matters to observe that courtesy which ought to exist between persons who are in the legislature of the country associated together in different branches of the legislature. I thought perhaps the Senator from Alabama would consent that the resolution might go over for the present at least, with the view that it might be further considered before bringing it to the attention of the Senate. I hope now he will not desire to have a debate upon this question, at this moment at all events, and that the matter will be considered privately in reference to some of the terms of the resolution.

Mr. MORGAN. The resolution contains no terms except to direct the committee to make the investigation and ascertain all the facts relating to the transfer, without intimating that any of those facts disparage the reputation of any person whatever. I make no charge against anybody. No charges have been submitted to me of any impropriety of conduct on the part of any person connected with this affair; but the facts attending the transaction as they were presented in the speech of the Senator from Colorado, and as I understand from authentic papers in his possession, show a case which requires investigation; and, without intending to reflect upon any person, without meaning to make any impeachment of any person or imputation or insinuation against any person, I think the Senate, before it can fairly act on the question of the land grant, ought to invest its committee with the power to send for persons and papers and to bring out the facts in an authentic form under oath. That is my view of it. And whoever may be in public station upon whom these facts might reflect under any state of circumstances ought to be the very first of all other people to require this investigation.

We have to act on the bill sooner or later. I do not know whether it will be to the undoing of a patent to be issued in vacation or whether it will be under circumstances that now exist. I think that when the Senate comes to act upon it it ought to be disembarrassed of everything except the mere merits of the transaction.

The PRESIDING OFFICER. The question recurs on the resolution offered by the Senator from Alabama [Mr. MORGAN].

The resolution was rejected.

PROVINCETOWN PORT OF DELIVERY.

Mr. HOAR. One of the towns in Massachusetts, Provincetown, quite a large shipping town, is a port of delivery, and the division of the town makes great inconvenience to the shipmasters and vessels belonging to the town newly set off, because that is not a port of delivery now according to the statute. A bill has passed the House to remedy that in three lines, and is recommended by the Department. I ask unanimous consent to have the bill passed at this time.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent for the consideration of a bill which will be read.

The CHIEF CLERK. "A bill (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes." It proposes to amend paragraph 7 of section 2527 of the Revised Statutes by adding, after the word "Provincetown," the words "Dennis Bourne."

The PRESIDING OFFICER. The Chair requests the Senator from Massachusetts to state if this bill has been reported from a committee.

Mr. HOAR. It has been referred to the Committee on the Revision of the Laws of the United States, and I am authorized by the chairman of that committee to express his approbation of it.

The PRESIDING OFFICER. If the bill is before the committee the Chair will state that it can only come before the Senate by discharging the committee. It is not on the Calendar and can not be reached.

Mr. HOAR. I ask unanimous consent that the committee be discharged and the bill considered.

The PRESIDING OFFICER. Is there objection to discharging the committee from the further consideration of this bill? The Chair hears none. The bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

STEAMSHIP KENT.

Mr. MILLER, of New York. I desire to make a report from the Committee on Commerce. I report the bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that the Congress of the United States did pass chapter 80 of the laws of 1878, approved May 2, 1878, nationalizing the Canadian-built propeller East, and did change her name to that of Kent; and that a doubt has arisen as to whether that act entitled the steam-boiler, steam-pipes, and appurtenances then in the Canadian-built propeller to inspection pursuant to the laws of the United States regulating the construction and use of steam-boilers for marine purposes. Hence the bill directs the Secretary of the Treasury to authorize and direct the inspection of the steam-boiler, steam-pipes, and appurtenances of the boiler, and cause to be granted the proper and usual certificate issued to tug-boats or marine vessels not used for carrying passengers, without reference to the fact that the steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to the laws of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL it was

Ordered, That Alexander Shields have leave to withdraw papers from the files of the Senate heretofore filed in his case.

SENATE MANUAL.

Mr. HAWLEY. The Committee on Printing, to whom was referred a resolution reported by the Committee on Rules in relation to the Senate Manual, instruct me to report it favorably with an amendment.

By unanimous consent the Senate proceeded to consider the resolution, as follows:

Resolved, That 1,000 copies of the Senate Manual, as prepared under the direction of the Committee on Rules, be printed for the use of the Senate.

The amendment reported by the Committee on Printing was, in line 1, before the word "copies," to strike out "one thousand" and insert "eight hundred and fifty;" and in the third line, after the word "printed," to insert "and bound;" so as to make the resolution read:

Resolved, That 850 copies of the Senate Manual, as prepared under the direction of the Committee on Rules, be printed and bound for the use of the Senate.

Mr. HAWLEY. The amendment is because a thousand copies would cost more than $500, and to print that number would require a concurrent resolution. I state that for the satisfaction of the Senator from Maine.

The amendment was agreed to.

The resolution as amended was agreed to.

ROOMS FOR COMMITTEES.

Mr. BOWEN. I ask unanimous consent to call up Order of Business 321, which is a resolution on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent that the Senate now consider Order of Business 321, being a resolution authorizing the Sergeant-at-Arms and Architect of the Capitol to rent suitable rooms for use of Senate committees.

There being no objection the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read as follows:

Resolved, That the Sergeant-at-Arms and the Architect of the Capitol be, and they are hereby, authorized and directed to rent and prepare suitable rooms outside of the Capitol for the use of such Senate committees as have no rooms, and that all expenses hereunder be paid out of the fund for the contingent expenses of the Senate, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. INGALLS. I suppose it can hardly be necessary at this stage of the session to procure accommodations outside.

Mr. BOWEN. I will state that the purpose of calling the resolution up at this time is to enable the Architect and Sergeant-at-Arms to prepare rooms for the next session.

Mr. INGALLS. Then the resolution should so provide; otherwise we might incur the expense of apartments during the recess of Congress. I would suggest that the resolution be amended so as to read "for use at the next session of Congress."

Mr. BOWEN. I will accept that.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to amend the resolution. The amendment will be read.

The SECRETARY. In line 6 of the resolution, after the word "use," it is proposed to insert:

At the next session of Congress.

So as to read:

For the use at the next session of Congress of such Senate committees as have no rooms, &c.

The amendment was agreed to.

The resolution as amended was agreed to.

FOREIGN CONTRACT LABOR.

Mr. BLAIR. I now move that the Senate proceed to consider Order of Business 863, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

Mr. MORGAN. I ask that the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information if there be no objection. The Chair hears none, and it will be read.

The Secretary read the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire that this bill be now taken up for consideration. [Putting the question.] The noes appear to have it.

Mr. BLAIR. My attention was diverted by three or four Senators upon five or six different things, and I should like to understand what was the question just taken.

The PRESIDENT *pro tempore*. The question was on agreeing to the motion of the Senator from New Hampshire that this bill be now considered, on which the Chair announced that the noes appeared to prevail.

Mr. BLAIR. Before the vote is taken I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to speak on this question. Is there objection? The Chair hears none.

Mr. BLAIR. This is a bill which comes to us from the House of Representatives after considerable discussion and with practically a unanimous vote. I think I may be justified in stating that as bearing upon the question whether it is likely to consume a great length of time in its discussion at this late hour of the session. I am exceedingly anxious, as is the Committee on Education and Labor, who reported it unanimously, that it be considered and disposed of at this session. It is aimed at a practice that no individual as far as I know, certainly no party, in this country pretends to justify. Its object is to remove a great and rapidly growing public evil, an evil striking at the interests of millions of our countrymen, and those of our countrymen who can least bear the existence, much less any increase, of the evil of which they complain.

Of course it is well understood. I hardly need take the time of the Senate in stating the fact that the practice has grown up on the part of many of the employers of the country of sending their agents abroad to England, France, Italy, Hungary, Germany, Austria, and in fact to all European countries with hardly an exception, for the purpose of contracting with bodies of working people, paying their expenses of transportation to this country, in order that their cheap labor may be brought in competition with that of our own citizens. We claim to believe in protective tariffs, some of us, and we loudly proclaim to the people of this country, especially to the laboring people, that the protection of their labor is the primary object for which we institute those tariffs. That is the great general consideration which we who believe in a protective tariff allege as the one that justifies and demands of a patriotic American citizen that he maintain a tariff upon imported goods. The protection of American labor is the object, and to us the revenue which results from a tariff is a secondary consideration; while another great party in this country claims that revenue is the primary consideration, and I believe also alleges that in its adjustment the American laborer should be protected as far as possible from competition with foreign goods in our own markets. But it is obvious to any one, it has become now a great national fact, a national evil, too, that the higher wages we pay to our American laborers are more endangered by the practice which has been initiated and which is increasing, of bringing the foreign laborer directly in contact within our own borders with the American laborer under a contract to receive the compensation which he might have received in his own country in the manufacture of the same goods. Thus it is that by the importation of the living laborer a vastly greater evil is likely to be done than by the importation of the production of that same labor expended in its own country.

The object of this bill is to extinguish that evil. It has been a subject of great complaint for many years. The House of Representatives have sent us what I conceive to be a very well-matured bill, which if adopted and enforced will eradicate the evil. I do not think that it is susceptible of any reasonable or rational objection. It is very true that in slight particulars in the forms of expression employed it might be somewhat limited. I would not object to verbal amendments in several of the sections. In fact, if the bill is considered I shall ask that such amendments be made as will I think absolutely remove any of the objections which have been raised by an adverse, hostile criticism to the bill.

I trust the Senate under these circumstances will not dispose of this bill in quite so abrupt a fashion as to refuse it any consideration whatever. Nothing is immediately pressing upon the Senate. No conference reports are now here. The work of the Senate is now being transacted by conference committees. The fact that I have unanimous consent to make these remarks shows that there is nothing pressing upon the Senate at this time. Therefore I respectfully and earnestly appeal to the Senate to give this bill consideration. Of course it can be interrupted if more important business shall be placed before the Senate.

The conference committees always have the floor. But I do ask the Senate that this bill may receive such consideration as under its rules it may properly claim.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire that this bill be now considered.

Mr. HAWLEY. Is that motion debatable?

The PRESIDENT *pro tempore*. It is not debatable. The Senator from New Hampshire was speaking by unanimous consent.

Mr. BLAIR. If the Senator wishes to say anything I hope he may have consent.

The question being put, it was declared that the noes appeared to prevail.

Mr. BLAIR. I ask for a division.

The question being put; there were on a division—ayes 4, noes 8; no quorum voting.

Mr. BLAIR. There is a quorum in the Capitol. I do not like to yield this point, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. I am informed by Senators that to insist upon this call will probably disclose the absence of a quorum and interrupt the further transaction of business.

The PRESIDENT *pro tempore*. The absence of a quorum is already disclosed. No further business can be done until a quorum appears.

Mr. BLAIR. Very well.

The PRESIDENT *pro tempore*. The roll will be called.

The Secretary proceeded to call the roll.

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS].

The roll-call was concluded.

Mr. KENNA. I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. FRYE. I am paired with the Senator from California [Mr. FARLEY], but as this is not a political question, I vote "yea."

Mr. CAMERON, of Wisconsin. I am paired with the Senator from Mississippi [Mr. GEORGE] on party questions, but on this question I vote "yea."

Mr. SEWELL. I am paired with my colleague [Mr. MCPHERSON], but if my vote is necessary to make a quorum I can vote.

Mr. BUTLER. My colleague [Mr. HAMPTON] is paired with the Senator from Wisconsin [Mr. SAWYER] generally.

The result was announced—yeas 26, nays 14; as follows:

YEAS—26.

Aldrich,	Dolph,	Logan,	Pike,
Blair,	Frye,	Mahone,	Pugh,
Bowen,	Harrison,	Manderson,	Sewell,
Cameron of Pa.,	Hoar,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Ingalls,	Mitchell,	Wilson.
Conger,	Jones of Nevada,	Morrill,	
Dawes,	Lapham,	Palmer,	

NAYS—14.

Bayard,	Colquitt,	Groome,	Morgan,
Brown,	Edmunds,	Hawley,	Vest.
Butler,	Fair,	McMillan,	
Coke,	Garland,	Maxey,	

ABSENT—36.

Allison,	Gibson,	Kenna,	Sabin,
Anthony,	Gorman,	Lamar,	Saulsbury,
Beck,	Hale,	McPherson,	Sawyer,
Call,	Hampton,	Miller of N. Y.,	Slater,
Camden,	Harris,	Pendleton,	Vance,
Cockrell,	Hill,	Platt,	Van Wyck,
Cullom,	Jackson,	Plumb,	Voorhees,
Farley,	Jonas,	Ransom,	Walker,
George,	Jones of Florida,	Riddleberger,	Williams.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The Chair will call attention to line 8, section 3, where is either an error in the engrossed House bill or a misprint. The word at the beginning of that line is evidently intended to be "parol;" but it is "poral."

Mr. BLAIR. I suppose that is a clerical error.

The PRESIDENT *pro tempore*. The amendment will be regarded as agreed to.

Mr. INGALLS. If there is a report in the case I should like to hear it read.

Mr. MILLER, of California. I ask the Senator from New Hampshire to yield to me to pass a House joint resolution. I ask that this be temporarily laid aside.

Mr. BLAIR. I am satisfied that if I yield to one I shall have to yield to many others.

Mr. MILLER, of California. This will take but a moment. I understood the Senator said he would yield to other business.

Mr. BLAIR. I did say so. What is the resolution?

Mr. MILLER, of California. A joint resolution in regard to the appointment and retirement of a chaplain in the Navy.

Mr. BLAIR. Will it lead to discussion?

Mr. MILLER, of California. There will be no discussion.

Mr. BLAIR. I agree then.

The PRESIDENT *pro tempore*. Pending this bill the Senator from California asks unanimous consent that the Senate now consider Order of Business 766, being House joint resolution 17.

Mr. BLAIR. Will the Senator withdraw it if it leads to discussion?

Mr. MILLER, of California. Yes, sir.

SAMUEL KRAMER.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States.

Mr. SHERMAN. I call for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MILLER, of California, June 19, 1884:

The Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as chaplain in the Navy of the United States, beg leave to report that they have examined the same, and recommend its passage.

The following extract from a letter of the Secretary of the Navy, dated July 18, 1882, together with the accompanying memoranda, fully explains the case:

NAVY DEPARTMENT, *Washington, July* 18, 1882.

SIR: * * * I inclose a large number of testimonials in Mr. Kramer's behalf, from which, and a memorandum summarizing the same, it appears that he has been most faithfully serving at the Washington navy-yard for several years, and that he has a record of much merit.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. JOHN F. MILLER,
Member of the Committee on Naval Affairs, United States Senate.

Memoranda in the case of Rev. Samuel Kramer, an applicant for appointment and retirement as a chaplain in the United States Navy.

Rev. Samuel Kramer (an ordained minister of the Methodist Episcopal Church) performed the duties of chaplain at the navy-yard, Washington, without pay, for many years. On the 3d of July, 1880 (after the death of the chaplain in the Navy on duty in the yard), the Secretary of the Navy (Hon. R. W. Thompson) informed the commandant of the yard that Mr. Kramer should receive compensation for his services at the rate of $75 per month. He continued on duty, and to be so paid (out of the appropriation "contingent Navy") until May 15, 1882, when, on account of want of funds, he was, with others, notified that his services would not be required after June 30, 1882. During this time there was no regular chaplain on duty at the yard.

Mr. Kramer is strongly recommended by the commandant of the yard (Commodore Pattison), who states, May 23, 1882, that "he has been a faithful chaplain, and is highly spoken of by everybody who knows him. As he has served as a seaman in the Navy, he is invaluable as a chaplain. Seamen will listen to him when they will not to the general run of preachers. He is located in the seamen's library in this yard, attends the sick in the hospital, and officiates at funerals of deceased seamen and marines, and distributes Bibles and tracts." This letter is accompanied with a testimonial letter signed by all the officers of the yard.

February 1, 1881, Commodore A. A. Semmes; Commander R. D. Evans (then in command of the training-ship Saratoga); Commander J. D. Graham, commanding the receiving-ship at the yard; and Lieut. D. G. McRitchie (then in command of the Tallapoosa) joined with Commodore Pattison in asking the appointment of Mr. Kramer as a chaplain in the Navy, and that he be assigned to duty at the Washington navy-yard. These officers state that Mr. Kramer "has in our opinion obtained the love and respect of officers and men who have listened to his exhortations. For many years he has performed the duties of chaplain at this yard, without pay, to the entire satisfaction of the officers and men on board the vessels of the United States Navy, on which he has held divine service, and we are of the opinion that there is more good derived from the preaching of a converted sailor to sailors than from any one who has never been to sea." (Mr. Kramer was too old for appointment, the law fixing the age between 21 and 35 years, and Mr. Kramer was over 60 years old.)

From letters and statements on file in the Navy Department it appears that Mr. Kramer followed the sea for many years; was in the United States Navy, serving on the Dolphin and Brandywine in 1829. After leaving the service he entered the Church, and has given more than twenty years' service, without pay, to the cause of seamen, building the Sailors' Bethel church in Baltimore, Md. He served as chaplain of the Third Regiment of Maryland (Union) Volunteers. At the battle of Antietam he acted as major of the regiment (in place of the major, who had been killed in a previous battle), and after that battle was, at the request of the colonel, commissioned as major. He was honorably discharged in August, 1863, on account of disability incurred in the line of duty. He is indorsed and recommended by Bishop E. G. Andrews, Rev. H. R. Naylor, Rev. John Lanahan, Rev. B. Peyton Brown, and Rev. W. W. Hicks, all of the Methodist Episcopal Church; Rev. W. A. Leonard, of Saint John's (Episcopal) church, Washington; Thomas L. Tullock, and Matthew G. Emery (ex-mayor), of Washington; and Chaplain M. J. Gonzales U. S. A.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate, copies of certain correspondence of the present superintendent of the Yellowstone National Park relative to that park and his action in connection with its management, and other papers relative thereto not heretofore transmitted to the Senate; which was referred to the Committee on Territories, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1985) granting a pension to Malvin Pierce.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 103) granting a pension to Theresa Crosby Watson;

A bill (H. R. 562) granting a pension to H. C. Van Trees; and

A bill (H. R. 570) granting a pension to M. H. Clements.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 1581) to provide for the disposal of abandoned and useless military reservations; and

An act (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota.

FOREIGN-LABOR CONTRACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDENT *pro tempore.* The reading of the report was asked for. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR June 28, 1884:

The Committee on Education and Labor, to whom was referred the bill (H. R. 2550) entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," have considered the same, and hereby report the bill back to the Senate favorably, and recommend its passage. The general facts and considerations which induce the committee to recommend the passage of this bill are set forth in the report of the committee of the House.

The committee report the bill back without amendment, although there are certain features thereof which might well be changed or modified, in the hope that the bill may not fail of passage during the present session. Especially would the committee have otherwise recommended amendments, substituting for the expression "labor and service," wherever it occurs in the body of the bill, the words "manual labor" or "manual service" as sufficiently broad to accomplish the purposes of the bill, and that such amendments would remove objections which a sharp and perhaps unfriendly criticism may urge to the proposed legislation. The committee, however, believing that the bill in its present form will be construed as including only those whose labor or service is manual in character, and being very desirous that the bill become a law before the adjournment, have reported the bill without change.

The following is the report of the House committee. To the facts collected in the appendix may be added many more, which can be found in the testimony taken during the recent investigation of your committee, by order of the Senate, upon the relations between labor and capital:

Mr. BLAIR. I would inquire of the Senator who called for the reading of the report whether he desires the reading of the House report, which follows that of the Senate committee which has now been read? It is quite voluminous.

Mr. INGALLS. The House report is the only one upon which we have to rely, as the Senate committee frankly say that the bill does not meet with their approbation. Their language is that they—

Report the bill back without amendment, although there are certain features thereof which might well be changed or modified, in the hope that the bill may not fail of passage during the present session.

And they then go on to state the reasons why the bill should be changed in important particulars. I think it therefore essential that we should have the information upon which the House acted, in order that we may vote intelligently upon the bill.

Mr. BLAIR. I will say in reply to the suggestion of the Senator from Kansas that the report of the Senate committee I think does not—it was not intended to—give the impression that the modifications which might have been made are deemed of very great importance, because the Senate report says that the opinion of the committee is that the bill will be construed the same without amendment as with the modifications suggested as reasonable.

I will add to what I have now said, if I can have the attention of the Senator from Kansas, that I design to move the modifications alluded to in the Senate report, which are to change the expression, wherever it occurs, "service or labor," which is very general, to "manual service or manual labor," so that the provisions of the bill would then be restricted to the evil that exists, and it would be available for the protection of that class of our people who are suffering most from the evil. With that modification, which I am assured by the friends of the bill will be at once assented to in the House so that the bill will reach its passage at this session, there can be, as I think, no objection on the part of any one in either branch of Congress. It would apply only to those engaged in manual labor or service.

Mr. MORRILL. May I ask if the Senator from New Hampshire proposes on page 4, lines 13 and 14, to strike out the words which provide "That skilled labor for that purpose can not be otherwise obtained?" How is that to be determined?

Mr. BLAIR. That is a question of fact that arises in the administration of all laws.

Mr. DAWES. A person employing such labor would have to show before a prosecution could be maintained that there was nobody else in the United States to do this work.

Mr. HAWLEY. I thought the pending question was on the reading of the report.

Mr. MORRILL. Let us have the report.

Mr. BLAIR. I was simply replying to inquiries made of me. I ask the Senator from Kansas if he desires the reading of the House report.

Mr. INGALLS. I prefer to have it read inasmuch as the Senate committee have adopted it as theirs. We ought to have the information on which to rest our action.

The PRESIDENT *pro tempore.* The reading of the report will proceed.

The Chief Clerk proceeded to read the report made by the House committee appended to the Senate committee's report, as follows:

[House Report No. 444, Forty-eighth Congress, first session.]

The Committee on Labor, to whom were referred the bills (H. R. 2550 and H. R. 3813) to prohibit the importation and migration of foreigners and aliens under contract to perform labor in the United States, have had the same under consideration, and beg leave to report back bill H. R. 2550, and recommend its passage, with the following amendment, as substitute for both of said bills:

Add to section 5 the following: "Nor shall anything in this act be so construed as to prevent any person or persons, partnership, or corporation from engaging under contract or agreement skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present existing or established in the United States, provided skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers."

This recommendation is founded upon the investigations of the committee; and the conclusion to which the committee have come, based upon such investigation, is that the evils complained of and sought to be remedied by the bill actually and to an alarming extent exist. The bill in no measure seeks to restrict free immigration. Such a proposition would be, and justly so, odious to the American people. The foreigner who voluntarily and from choice leaves his native land and settles in this country, with the intention of becoming an American citizen, a part of the American body politic, has always been welcome to our shores. As a recent writer well said—

"Such an immigrant by his coming to this country gives us a certain assurance as to his ability to take care of himself and to hold up the standard of social well-being which he finds already existing among our working classes."

Such an immigrant comes here because the institutions of the country are in consonance with his social and political ideas, and because of the advantages and opportunities afforded by the extent of our domain and its material resources. He comes to better his social and financial condition, to take advantage of the facilities which he finds here; and as he comes of his own volition, by his own means, and from choice, he always exacts for his labor the highest rates which the market affords. No one is injured by his coming, and as he generally makes a good citizen, the State is benefited by the acquisition. These immigrants are generally of a higher class, socially, morally, and intellectually, and have aided largely in the development of our industries and the material progress of our people. With this class of immigrants this bill has no concern. Its object is to restrict and prohibit the immigration or rather the importation of an entirely different class of persons, the immigrant who does not come by "his own initiative, but by that of the capitalist." It seeks to restrain and prohibit the immigration or importation of laborers who would have never seen our shores but for the inducements and allurements of men whose only object is to obtain labor at the lowest possible rate, regardless of the social and material well-being of our own citizens and regardless of the evil consequences which result to American laborers from such immigration.

This class of immigrants care nothing about our institutions, and in many instances never even heard of them; they are men whose passage is paid by the importers; they come here under contract to labor for a certain number of years; they are ignorant of our social conditions, and that they may remain so they are isolated and prevented from coming into contact with Americans. They are generally from the lowest social stratum, and live upon the coarsest food and in hovels of a character before unknown to American workmen. Being bound by contract they are unable, even were they so disposed, to take advantage of the facilities afforded by the country to which they have been imported. They, as a rule, do not become citizens, and are certainly not a desirable acquisition to the body-politic. When their term of contract servitude expires their place is supplied by fresh importations. The inevitable tendency of their presence among us is to degrade American labor and reduce it to the level of the imported pauper labor.

The demand for the enactment of some restrictive measure of this character comes not alone from American workmen, but also from employers of labor in America. The employers of labor who, from inability or from patriotic motives, employ only American workingmen, are unable to compete in the markets with the corporations who employ the cheap imported labor.

As an evidence of the truth of this proposition, the glass manufacturers of Pittsburgh, including all the large employers of labor in that industry, in January, 1880, denounced the action of the manufacturers west of Pittsburgh in importing European workmen in place of discharged American workmen.

This evil has become so extensive, alarming, and great that the attention of our foreign consuls has been directed to it.

Henry Sterne, esq., United States consul at Buda-Pesth, Hungary, says:

"There seems to be an agency at work which by misrepresentations induces people to leave their homes who will not better their condition thereby, nor benefit the country which receives them. People inquire by letter and in person at this consulate about this agency of which they have heard or read. Some even claim that this consulate has instructions from its Government to assist people in immigrating. I am under the impression that the United States Government does not approve of immigration brought about by such irregular means and of the character described, and therefore beg leave to suggest whether steps could or should not be taken to correct the evil, if I may be permitted to term it such. I have information that agents are managing the business a good deal in the manner of the cooly trade, and that these immigrants are shipped to the United States about like so many cattle." (See State Department report, 1881–'82.)

Count Esterhazy, an intelligent, cultivated Hungarian, at present Austrian consul to this country, who has established a bureau for the protection of Hungarian immigrants, says:

"There is no doubt that a contract system is being carried on, and I believe it has reached larger proportions than any one believes. Certain it is that great numbers of immigrants are landed on these shores who are owned by capitalists. As far as I know, persons who have been so imported are satisfied; but this fact does not apologize for the system. I have long endeavored to discover who the parties are who obtain the immigrants on the other side, but have thus far been unsuccessful. I certainly hope that Congress will pass some law to put a stop to such immigration."

Superintendent Jackson, of Castle Garden, says, speaking on this subject:

"I have no doubt that this system is carried on to a great extent by corporations in this country who have their agents abroad. Every now and then large

gangs of laborers arrive, all bound for the same town. They are generally taken in charge by some person or persons who come here to meet them. Some few weeks ago a party composed of about sixty Irish and German girls arrived, all of whom were going to one of the large silk-manufacturing establishments in New Jersey. I do not know whether they had contracted with any persons, but presume they had done so. No one will undertake to send people to this country free of charge without some guarantee that certain services will be performed in lieu of the price of such passage. We have never received any complaints from the persons who have been imported here, but nevertheless I have no doubt that such a slavery system is being carried on."

Mr. John Swinton, of New York city, in a recent issue of his paper, states that in the lower quarters of New York city there are quite a number of firms engaged in trafficking in human flesh; they are, as a rule, engaged in the "banking business." but their ventures in the slave traffic are quite extensive. Going into one of these establishments for the ostensible purpose of securing Italian laborers for an iron company, the agent stated in answer to an inquiry that during the time they had been in business 14,000 Italians had been brought to this country under contract, 6,000 of whom had returned to Italy. It was further stated that they had agents at Naples; that the American companies paid the passage of the men from Italy, and their fare from New York to destination, which amount the imported Italian agrees to pay back with 6 per cent. interest. The men are shipped from New York to destination by the car-load, cars being chartered for that purpose. The men receive from the American companies from $1 to $1.25 per day. Mr. Swinton also states that the Hudson River Iron and Ore Company in Linlithgo, Columbia County, New York, had, in June, 1883, a large number of Hungarian laborers employed at $1 per day; that they were paid monthly, fifteen days being invariably retained by the company. The men were huddled together in shanties, and live mainly upon rye bread and potatoes. They had been brought there under contract to fill the places of American workingmen, to glut the market, and thus depress wages.

Mr. Tuke, of the Tuke immigration committee of Great Britain, a short time ago wrote a letter to the London Times, and after referring to the immigrants whose passage had been paid to America from the Tuke fund, said: "Many instances are cited in which immigrants are returning their passage-money." Whether they had done so because they had been transported under agreement or contract to perform labor here, and were to a certain extent compelled to return their passage-money, does not appear, but it is more than probable that such was the case. In one year (1883) this Tuke immigration committee "assisted," or rather transported, 3,600 persons to the United States. It is more than questionable whether these assisted immigrants, even if they do not come under contract, are a desirable acquisition to our population. This Government is certainly under no moral obligations to care for and maintain the pauperized victims of the misrule and tyranny of foreign powers, whether brought here by contract or by the monopolies of America, or assisted here by the governments whose policy reduced them to pauperism.

The Pittsburgh Commercial Gazette, in its issue of December 11, 1883, publishes a "special" from Erie, Pa., to the effect that H. W. Heichhold, son of the United States inspector of customs of that name, had that day (December 10) returned from Lake Superior and reported a distressing condition of affairs at Jack Fish Bay and other points on the northern shores of Lake Superior. He stated that at these points 3,000 Italian laborers were left in a terrible state of destitution. They were brought from Italy by agents with the understanding that they were to have employment on the Canada Pacific Railway. As they perhaps reached there late in the season, when work had partially suspended, their agents deserted them in many instances and left them without money, food, or shelter. Some of them made their way to the United States or southern shores as stowaways. They complained bitterly of the treatment to which they were subjected by the agents, who held out great inducements to get them here and then sold their labor at so low a rate that it was impossible for them to procure more than the actual necessaries of life while they worked, after which they were turned adrift. Thousands of them were on the northern shores, cut off from civilization, in the middle of winter, many of whom no doubt have ere this died of exposure and starvation. Those who reached our shores are in all probability, for the present, at least, a charge upon the communities where they found shelter. During the coming spring and summer those who survive will seek our shores and contribute their share toward the depression and degradation of American labor.

Your committee believe and state, and the statement is based upon what it believes to be reliable information, that there are at present over 2,000 imported Hungarians employed in the coke regions of Pennsylvania. According to the statement of Captain Schoonmaker, brother of the largest individual coke manufacturers in the region, these people are from the very lowest stratum of the population of Southern Europe, probably the offspring of serfs and slaves. They look upon every well-dressed American as a lord or prince. One of the paymasters at Uniontown, Pa., says that a number of them tried to kiss his hand the first time he paid them. All of them save the money they make, and many of them send it to Hungary to bring over their friends and kindred. They are, as a matter of course, favorites with operators, as they never grumble about wages, and take what is given them by the company stores without murmuring, and besides, they never strike. In respect to economy and frugality they greatly resemble the Chinese. One of them will walk miles, if necessary, to a butcher's shop and carry off thankfully the offal and refuse given him. The women assist the men, and do fully as much work. Children of both sexes not more than 5 years of age assist their mothers in loading the coke cars. Nearly everything they eat is boiled in a pot brought from Hungary. As many as forty are known to live in a single hut of two small rooms.

Free American workingmen, with American ideas, culture, and intelligence, can not possibly compete with these people. The situation is essentially parallel to that which induced Congress to prohibit the importation of the Chinese. Italians and Hungarians are now brought to this country in precisely the same manner that the importation of Chinese was begun seventeen years ago. The Chinese were brought to California under contract and then hired out to the Union Pacific, Central Pacific, and other railway companies. Italians have been brought here in the same way to work for the Nickel Plate, Ohio River, and other railway companies in the Eastern, Southern, and Middle States. If it became necessary to protect the American workingmen of the Pacific Slope from the disastrous and debasing competition of cooly labor, the same argument now applies with equal force and pertinency to the importation of pauper labor from Southern Europe.

In this connection the following statistics of immigration may be interesting. They cover four years, beginning July 1, 1879, and ending June 30, 1883.

Mr. BLAIR. I ask unanimous consent that the tabulations coming in at this point, about one page of figures, may be omitted. If there is objection from any source I will withdraw the request.

The PRESIDING OFFICER (Mr. INGALLS in the chair). Is there objection to the omission of the reading?

Mr. VEST. I object.

Mr. BLAIR. I did not observe who was the occupant of the chair until I began my question.

The PRESIDING OFFICER. No apology is necessary.

The reading of the report was resumed as follows:

ENGLAND.

Years.	Males.	Females.
1880	37,661	21,793
1881	40,401	24,776
1882	51,575	30,819
1883	38,174	24,966
	167,811	102,354

IRELAND.

1880	38,151	33,452
1881	37,387	34,955
1882	40,980	35,452
1883	41,495	39,991
	158,013	143,850

GERMANY.

1880	52,743	31,895
1881	128,399	82,086
1882	148,466	102,164
1883	111,778	83,008
	441,386	299,153

HUNGARY.

1880	2,964	1,399
1881	4,554	2,272
1882	6,753	2,176
1883	8,907	2,333
	23,178	8,180

ITALY.

1880	8,677	3,650
1881	11,571	3,816
1882	27,422	4,655
1883	28,217	3,567
	75,887	15,688

CHINA.

1880	5,732	70
1881	11,815	75
1882	39,463	116
1883	7,987	44
	64,997	305

During these four years the number of female immigrants was 37.8 per cent. of the total immigration from England, 47.6 per cent. of the total immigration from Ireland, 40.4 per cent. of the total immigration from Germany, 26 per cent. of the total immigration from Hungary, 17.1 per cent. of the total immigration from Italy, and less than half of 1 per cent. of the total immigration from China. During the year ending June 30, 1883, the total number of male immigrants above fifteen years of age from Italy was 26,691, while the total number of female immigrants above that age was but 2,566, or less than 8.8 per cent. of the total immigration. During the same year the number of male immigrants from Hungary above fifteen years of age was 7,953; female immigrants above that age, 1,627, or less than 17 per cent. of the total immigration.

These figures demonstrate most conclusively that during each of the last four years thousands of male Italians and Hungarians who are not the heads of families reach our shores.

The immigrant who comes here with his family gives assurance of his intention to remain here, become a citizen and a permanent factor in our population. It can not be claimed that these are mainly young men, for during the same year ending June 30, 1883, the number of male immigrants from Italy above 39 years of age was 4,428, while the number of females above that age was only 394. From Hungary, during the same period, the number of male immigrants above 39 years of age was 1,187, as against 185 females above that age. There can be no doubt but these people come together in large numbers, and when their abject poverty is considered the conclusion that they are imported becomes irresistible. In 1880, according to the Tenth Census reports, Chinese males in the United States and Territories exceeded Chinese females in number 96,000. In commenting upon this fact, the Hon. John Eaton, Commissioner of the Bureau of Education, in the report for 1881, says that this circumstance proves "that their stay in the country is only provisional and temporary, and that they can give no 'hostages to fortune.'"

Again, Mr. Eaton says, in the same report, speaking about the Chinese: "Industrious, frugal, law-abiding families are the best foundations of a state." Contrasting the importation of coolies in the direction of the excess of males above females with the "assisted" immigration and importation from Southern Europe, we find that during the last four years the excess of male Italians above females who landed upon our shores to be 60,199, while the number of male Hungarians in excess of females, in an almost comparative smaller immigration, was during the same period, 15,000. In 1880 the number of Italians of foreign birth in the United States was 44,230. At the same ratio of disproportion between the sexes, Italian males exceed Italian females in the United States to-day over 92,000 in a total population of little over 135,000, and Hungarian males exceed females nearly 23,000 in a total population of 42,884, there being but 11,526 of these people of both sexes in the United States in 1880. The total Chinese population of both sexes in 1880 was 104,427, the excess of males being 96,000. The parallelism between the Chinese and Italians in this direction is certainly striking. As bearing upon the character of these immigrants as desirable material for citizenship, the following data, compiled from a statement on comparative statistics on education, issued by the Bureau of Education for and during the

year 1882, may be of interest. England, Ireland, and Germany are included for the purpose of contrast.

Countries.	Population.	Attending schools.	Percentage of population attending schools.	Amount paid for school purposes.	Per capita paid for school purposes.
			Per cent.		
United States	50,155,783	10,035,546	20.0	$81,795,929	$1 63
England and Wales	25,968,286	3,898,936	15.4	13,749,315	53
Ireland	5,159,839	1,031,995	20.0	2,677,080	50
Germany	45,149,172	7,744,176	17.2		
Hungary	15,666,000	1,602,787	10.2	2,300,000	14.6
Italy	28,209,620	2,086,044	7.4	6,000,000	21

The German Empire publishes no educational budget, hence the amount expended for education during 1882 is not given. From these figures it will be seen that 20 per cent. of the entire population of the United States attend schools of some grade, while but 10.2 per cent. of the population of Hungary and 7.4 per cent. of the population of Italy attend any grade of schools. It will be also observed that while we paid for educational purposes, in 1882, $1.63 per capita, Italy, during the same year, paid but 21 cents, and Hungary but 14 cents and 6 mills per capita for educational purposes. In view of these conditions, even voluntary immigration from these sources can hardly be regarded as an unmixed blessing. But when it is stimulated, encouraged, and "assisted" by great monopolies and capitalists, purely for selfish ends, regardless of the misery they entail upon others, and the permanent injury they inflict upon the country, the General Government should interpose timely and vigorous measures to check the evil. This becomes more apparent and urgent when an investigation of the statistics of the immigration discloses the fact that immigration from England, Ireland, Germany, and other European countries from which the better class of immigrants come, is steadily decreasing, while immigration from southern Europe is steadily increasing.

When the pressure of population upon subsistence becomes sharp and severe, the immigration from the country where such pressure exists invariably increases. This is noticeable in the case of Ireland. From 1873 to 1880 immigration from that country steadily and rapidly decreased; but from 1880 to 1883, owing to the failure of crops, more, perhaps, than to political disturbances, immigration rapidly increased, the increase in 1880 over 1879 being over 50,000. Should like circumstances arise in Italy or Hungary, or other countries of Southern Europe, in the future, powerful corporations could easily displace millions of American workmen by this pauper labor by simply prepaying the passage of people who would gladly flee from want and starvation, if enabled so to do.

It may be well to bear in mind that the figures given above do not represent the actual number of these people now in the United States. The number is probably greater than the statistics show. A large number of this class of immigrants land in Canada, who subsequently find their way to the United States, but are classed in our statistics as Canadians. The 3,000 Italians imported to work on the Canada Pacific Railway is an instance demonstrative of this proposition.

Canadian statistics show that the foreign-born population of the four old and leading provinces of the Dominion in 1871 was 582,624, while in 1881 it is stated at 561,872, a decrease of 20,752 in ten years. Yet the same statistics claim an immigration during these ten years of 319,321. If this be true, it is evident that the greater portion of this foreign accession subsequently migrated to the United States. As evidence tending to show the efforts employers of labor are making to supplant American workmen with foreigners, and still further demonstrating the necessity for passage of this bill, attention is called to the following resolution of the Window-Glass Manufacturers' Association, held at West End Hotel, Long Branch, July 11, 1883, which is submitted without comment:

"On motion of Mr. Gorsuch it was resolved, by a vote of 13 to 8, that the treasurer be authorized to pay a sum not exceeding $30 per man for each blower or gatherer brought over from Europe after August 1, 1883, provided the same be employed by some member of this association, and provided they are not workmen who have been in this country within the twelve months last past."

The committee had before it and took the testimony of some of the leading and most intelligent men in the labor organizations of Massachusetts, New York, New Jersey, Pennsylvania, Indiana, and Ohio. A summary of their testimony is appended hereto, as are also copies of contracts signed in Europe by the imported workmen. The importance of this subject, its bearing upon the social, political, and economic condition of our people, together with the magnitude of the interests involved, will, it is hoped, furnish an apology for the length of this report.

Mr. BLAIR. There follows the report testimony, some six pages of it in fine print. It is sworn evidence as to facts. I do not ask to have the reading dispensed with as part of the report if any one thinks it important that it should be read and spread upon the RECORD.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the further reading of the appendices to the report may be dispensed with.

Mr. BLAIR. And that the same may be printed.

Mr. HAWLEY. I object.

The PRESIDING OFFICER. The Senator from Connecticut desires that the reading proceed.

Mr. HAWLEY. I have not heard enough of it yet.

The PRESIDING OFFICER. The reading will proceed.

Mr. HAWLEY. I will withdraw my objection if the Chair will entertain a motion that the Senator from Pennsylvania [Mr. CAMERON] desires to make.

Mr. CAMERON, of Pennsylvania. I want to make a motion that the Senate proceed to the consideration of executive business.

Mr. BLAIR. It is impossible to hear what is being transacted.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate now proceed to the consideration of executive business.

Mr. BLAIR. Has he the floor for that purpose?

Mr. CAMERON, of Pennsylvania. There are a number of matters that require attention in executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After an hour and a half spent in executive session the Senate (at 5 o'clock p. m.) took a recess, reassembling in executive session at 8 o'clock p. m.; and at half past 8 o'clock took another recess till 9 o'clock, reassembling at that time in executive session. The doors were opened at 9 o'clock and 50 minutes p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 158, 166, and 167, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. N. BURNES of Missouri, Mr. RICHARD W. TOWNSHEND of Illinois, and Mr. W. D. WASHBURN of Minnesota managers at the further conference on the part of the House.

The message further announced that the House had passed the bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army; and

A bill (H. R. 1985) granting a pension to Malvin Pierce.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had this day approved and signed the following act:

An act (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The PRESIDENT *pro tempore.* The Chair lays before the Senate the consular and diplomatic appropriation bill. The message of the House of Representatives and the report of the conferees will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved, That the House further insist on its disagreement to the one hundred and fifty-eighth, one hundred and sixty-sixth, and one hundred and sixty-seventh amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDENT *pro tempore.* The action of the House of Representatives on the conference report will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDENT *pro tempore.* The first question is on agreeing to the report of the Senate conferees, which will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 26, 27, 30, 33, 43, 46, 55, 58, 75, 135, 139, 141, 142, 145, 146, 147, 148, 151, 152, 153, 154, 155, 160, 162, and 165.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 10, 13, 19, 20, 21, 22, 23, 28, 29, 31, 32, 34, 35, 36, 40, 45, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 129, 130, 132, 133, 134, 136, 137, 144, 156, 157, and 161, and agree to the same.

Amendments numbered 7, 8, and 9: That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, and 9, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For salaries of ministers resident in Belgium, Netherlands, Hawaiian Islands, and Sweden and Norway, at $7,500 each, $30,000.

"For salaries of ministers resident and consuls-general in Venezuela and Argentine Republic, at $7,500 each, $15,000."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$45,000;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$12,000;" and the Senate agree to the same.

Amendments numbered 15 and 16: That the House recede from its disagreement to the amendments of the Senate numbered 15 and 16, and agree to the

same with amendments as follows: In lieu of the sums stated in each of said amendments insert "$2,625;" and the Senate agree to the same.

Amendments numbered 17 and 18: That the House recede from its disagreement to the amendments of the Senate numbered 17 and 18, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For salaries of the secretaries of the legations in Spain, Turkey, Austria, Italy, Brazil, and Mexico, at $1,800 each, $5,400; for salary of a clerk to the legation in Spain, $1,200."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And no secretary or second secretary of any legation shall be entitled to or receive any compensation over and above his salary as such secretary for acting as chargé d'affaires during the temporary or other absence without leave of the minister to whose duties he may succeed;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For the salaries of interpreters to the legations in China at $3,000, and in Japan and Turkey at $2,500 each, $8,000. But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer."

And the Senate agree to the same.

Amendments numbered 37, 38, and 39: That the House recede from its disagreement to the amendments of the Senate numbered 37, 38, and 39, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For salaries of the consuls-general at Frankfort, Vienna, Bucharest, St. Petersburg, and Halifax, at $3,000 each, $15,000."

And the Senate agree to the same.

Amendments numbered 41 and 42: That the House recede from its disagreement to the amendments of the Senate numbered 41 and 42, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out, and the matter proposed to be inserted by said amendments, insert the following: "For salaries of the consuls-general at Constantinople and Rome, at $2,000 each, $4,000; for salary of the consul-general at Mexico, $2,500;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$335,600;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Insert after said amendment the following: "Greece, Athens;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: At the end of said amendment insert "Matamoras;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: After said amendment insert the following: "Friendly and Navigator's Island, Apia;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And after June 30, 1884, no consul or consul-general shall be entitled to or allowed any part of any salary appropriated for payment of a secretary or second secretary of legation or an interpreter;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For allowance for clerks at consulates, $47,920, as follows: For the consul at Liverpool, a sum not exceeding the rate of $2,000 for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of $1,600 for any one year; for the consuls-general at Berlin, Frankfort, Vienna, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, each a sum not exceeding the rate of $1,200 for any one year; for the consul-general at Montreal, and for the consuls at Bradford and Birmingham, each a sum not exceeding the rate of $960 for any one year; for the consuls-general at Calcutta, Port au Prince, Hayti, and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon (Aspinwall), Glasgow, and Singapore, each a sum not exceeding the rate of $800 for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, and Matamoras, and for the consul-general at Halifax, each a sum not exceeding the rate of $640 for any one year; for the consul-general at Mexico, and for the consuls at Naples, Genoa, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demerara, each a sum not exceeding the rate of $480 for any one year;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$6,000;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For salaries of eight marshals for the consular courts in Japan, China, and Turkey, $8,000;" and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For hiring of steam-launch for use of the legation at Constantinople, $500;" and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "For the expense of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, including $6,000 for other miscellaneous expenses as the President of the United States may think necessary, for the several consulates and commercial agencies in the transaction of their business, $110,000;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with amendments as follows: Restore the paragraph proposed to be stricken out by said amendment and in lieu of the sum of $5,000 therein stated insert the sum of $7,500; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For rent of prisons for American convicts in Turkey and for wages of keepers of same, $1,000;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "For the purpose of enabling the President to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, and traveling expenses including for miscellaneous expenses, $15,000; in all, $75,000;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For an agent to the States of the Congo Association, $5,000, said agent to be charged with introducing and extending the commerce of the United States in the Congo Valley, and for such purpose the further sum of $10,000, or so much thereof as may be necessary. And the President is hereby authorized to appoint in the recess of the Senate such agent, whose commission shall expire at the end of the next session of the Senate;" and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

On amendments numbered 158, 166, and 167 the committee of conference is unable to agree.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.

JAMES N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,
Managers on the part of the House.

The report was concurred in.

Mr. ALLISON. I move that the Senate further insist on its amendments not disposed of, and agree to the conference asked by the House.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate further insist on its amendments numbered 158, 166, and 167, and agree to the conference asked by the House of Representatives thereon.

Mr. VEST. I should like to hear those amendments read, and should like to have the vote taken separately.

The PRESIDENT *pro tempore*. The amendments will be reported. No. 158 will be first read.

The CHIEF CLERK. On page 11, after line 615, the Senate inserted the following words:

To meet the necessary expenses attendant upon foreign intercourse, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $250,000, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The Senator from Missouri demands a separate vote on the motion of the Senator from Iowa upon this amendment. Senators in favor of the motion of the Senator from Iowa that the Senate further insist on this amendment will say "ay," contrary opinion "no." [Putting the question.]

The motion was agreed to.

The PRESIDENT *pro tempore*. The next amendment will be read, No. 166.

Mr. VEST. I want to vote against them, but I withdraw the request for the reading of the remaining amendments.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa in respect to these two amendments, that the Senate further insist and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

Mr. ALLISON. I will state that probably in twenty minutes from this time I shall be able to make a report from the committee of conference on the sundry civil bill.

COUNT OF ELECTORAL VOTES.

Mr. HOAR. Mr. President, the Senate appointed some days since conferees to meet conferees appointed by the House in regard to the bill providing for the electoral count. Those conferees have had several meetings; and while it is not my purpose to make a formal report, as no report has been authorized to be signed by the conferees, yet I think it proper, as the subject is an important one, to say to the Senate that the conferees have had several meetings and have made no progress toward an agreement. I suppose it is proper to say that I see no possible hope of an agreement between the two branches upon that subject unless the Senate should agree to put the whole matter of counting the electoral vote in the power of the House, either by legislation which should put the subject fairly within the control of the House as a separate body, or (what seems to the conferees on the part of the Senate, all of them, equally inadmissible) to clothe with the power of counting the vote a body made up of the members of the Senate and the House voting as one body per capita.

The House have communicated to the Senate an amendment to that bill which is based upon that theory; and it seems to me, as I believe

it does to every member of the Senate, without distinction of party, without exception, a proposition entirely unknown to the Constitution and totally inadmissible in principle and totally inexpedient and impracticable.

FOREIGN-LABOR CONTRACTS.

Mr. BLAIR. I call for the regular order, which is the reading of the report of the committee on the contract-labor bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire calls for the regular order.

Mr. CULLOM. I ask the Senator to yield to me that I may report a little pension bill.

The PRESIDENT *pro tempore*. The regular order will be laid before the Senate.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. CULLOM. I now ask leave to make a report.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to make a report.

Mr. CULLOM. On a pension bill, and ask that it be put on its passage.

Mr. BLAIR. Not to displace the regular order.

The PRESIDENT *pro tempore*. Is there objection to receiving the report? The Chair hears none.

SUSAN Y. ATTWATER.

Mr. CULLOM. The Committee on Pensions instruct me to report favorably the bill (H. R. 204) granting a pension to Susan Y. Attwater. This is the widow of a private soldier. I ask that the bill be put on its passage at once.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Susan Y. Attwater, widow of Thomas Attwater, deceased, who was a private in Company C of the One hundred and twelfth Regiment Illinois Volunteer Infantry in the late war for the suppression of the Southern rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA PALMER.

Mr. MITCHELL. I am instructed by the Committee on Pensions to report without amendment the bill (H. R. 5553) granting a pension to Isabella Palmer. I ask for its present consideration.

Mr. BLAIR. Let it be subject to the same understanding.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to make a report from the Committee on Pensions at this time. Is there objection? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5553) granting a pension to Isabella Palmer. It provides for placing on the pension-roll the name of Isabella Palmer, blind daughter of John A. Palmer, deceased, late a private in Company L, First West Virginia Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSELLA PEGG.

Mr. MORGAN. move that the Senate proceed to the consideration of executive business.

Mr. MITCHELL. I wish to report two pension bills, to be now considered.

Mr. MORGAN. I yield, then.

Mr. MITCHELL. I am instructed by the same committee to report another bill favorably.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to make a report from the Committee on Pensions at this time. Is there objection?

Mr. BLAIR. Subject to a call for the regular order.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. MITCHELL. I am instructed to report without amendment the bill (H. R. 2574) granting a pension to Rosella Pegg, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Rosella Pegg, idiot daughter of James Pegg, deceased, late a private in Company G, Fifty-second Regiment Ohio Volunteers, and to pay her legal constituted guardian, for her use, the sum of $18 per month during her life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAGDALENA COOK.

Mr. MITCHELL. I am also instructed by the same committee, to whom was referred the bill (H. R. 5088) for the relief of Magdalena Cook, to report it without amendment and with a favorable recommendation. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Magdalena Cook, widow of Jacob Cook, late a private in Company B, Thirty-third Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROWLAND WARD.

Mr. VAN WYCK. I report favorably from the Committee on Pensions the bill (H. R. 4180) granting an increase of pension to Rowland Ward.

Mr. BLAIR. I suppose there should be consent asked. Of course there is no objection to it.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent to make a report from the Committee on Pensions at this time. Is there objection? The Chair hears none.

Mr. VAN WYCK. I ask for the present consideration of the bill.

By unanimous consent, the bill was considered as in Committee of the Whole. It proposes to increase the pension of Rowland Ward, late a private in Company I, Fourth Regiment New York Heavy Artillery, to $40 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA L. LEE.

Mr. VAN WYCK. I report from the Committee on Pensions favorably the bill (H. R. 1752) for the relief of Maria L. Lee, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria L. Lee, widow of Abel H. Lee, who was a scout in the Army of the Potomac during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. W. BRADBURY.

Mr. BLAIR. I ask unanimous consent, subject to a call for the regular order, that the Senate proceed to the consideration of the bill (H. R. 875) granting a pension to P. W. Bradbury. I do this at the request of the senior Senator from Missouri [Mr. COCKRELL], who is engaged upon a conference committee, and desired, in case the pension cases were reached, that I should call the attention of the Senate to this one.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent, subject to a call for the regular order, that the Senate consider the bill indicated by him. Is there objection? The Chair hears no objection, and the bill is before the Senate, as in Committee of the Whole, on the adverse report of the Committee on Pensions. It will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be authorized to place the name of P. W. Bradbury, of Saint Louis, Mo., and formerly connected with the command of General John C. Frémont as a scout, on the pension-list at the rate of $20 a month.

Mr. BLAIR. This bill passed the House and came to the Senate and was reported adversely, upon the ground that the applicant was a scout. The injury was received in the performance of military duty, the duty of a scout. It was very severe, as I am informed by the Senator from Missouri [Mr. COCKRELL], who has personal knowledge of the circumstances. The injury has continued ever since, and the man is very thoroughly used up.

The Senator who reports it places the rejection of the claim allowed by the House upon the ground that the man was a scout, and not having been mustered into the service regularly, is not entitled to compensation in the nature of a pension for his disability. He is not embraced, of course, under the provisions of the general law. If he were so embraced, there would be no occasion for application for a special act. I suppose these special acts are passed in order to reach exceptional and meritorious cases which are not covered by the general law, for if the general law covered them there would be no occasion for the special acts which we are passing by the dozen every day.

Mr. MITCHELL. Such a bill as this has just been passed.

Mr. BLAIR. One case like this has just been passed, I am told. I did not ascertain the fact myself, but I learn that at former sessions we have passed bills like this for the relief of scouts.

Mr. MITCHELL. Scouts are included in the general bill.

Mr. BLAIR. The general bill now pending includes all such scouts. Their service was perhaps as a rule even more dangerous than that of the soldier himself.

Mr. MILLER, of California. I should like to ask the Senator if there is any record of his service as a scout, where he served, how long he served, and what was the nature of his duties?

Mr. BLAIR. I am not able to give those particulars myself. They were in the evidence before the House committee, and I suppose they were before the Senate committee. The case was established in every regard save only that the man was a scout and was not mustered into the service.

I am informed that the adverse report is placed wholly and only upon that ground. His service was in actual war and was dangerous, and there is visible injury. The Senator from Missouri informed me that he knew the man personally, knew of his injury, knew of his present condition, and assured me that it is a very meritorious case, and we know the Senator well enough to understand that his allegation in regard to such matters of fact is unquestionable and that he is very cautious in his statements.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, requested the Senate to return to the House the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 503) granting a pension to Hiram C. Henderson;
A bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood;
A bill (H. R. 2070) granting a pension to Decatur Hamlin;
A bill (H. R. 2245) granting a pension to Eliza A. Shealey;
A bill (H. R. 3321) granting a pension to Michael Shields;
A bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent;
A bill (H. R. 3493) granting a pension to Ann Hunter;
A bill (H. R. 3979) granting an increase of pension to Mary Anna Egan;
A bill (H. R. 4254) granting a pension to James Aaron;
A bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken;
A bill (H. R. 4694) granting a pension to James Clark;
A bill (H. R. 5544) for the relief of Laura J. Goddard;
A bill (H. R. 5889) granting a pension to Alonzo Cooper;
A bill (H. R. 6589) for the relief of Asa Dye;
A bill (H. R. 6677) to increase the pension of William Irving;
A bill (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes; and
Joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The PRESIDENT *pro tempore.* The Chair will lay before the Senate a message from the House of Representatives. It will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved, That the Clerk request the Senate to return to the House the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HOAR. I move the bill named in the resolution be returned to the House of Representatives, in accordance with its request.

The motion was agreed to.

FOREIGN-LABOR CONTRACTS.

Mr. BLAIR. I call for the regular order.

The PRESIDENT *pro tempore.* The Senator from New Hampshire calls for the regular order, which will be again laid before the Senate.

Mr. MORGAN. Pending that I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore.* After the title of the bill is reported the Chair will recognize the Senator from Alabama.

The CHIEF CLERK "A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia."

The PRESIDENT *pro tempore.* Pending the consideration of this bill the Senator from Alabama moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and the Senate took a recess until 11 o'clock p. m., reassembling at that hour in executive session. At 11 o'clock and 5 minutes p. m. the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House receded from its disagreement to amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, numbered 166 and 167, insisted on its disagreement to the amendment of the Senate numbered 158, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. N. BURNES of Missouri, Mr. R. W. TOWNSHEND of Illinois, and Mr. W. D. WASHBURN of Minnesota managers at the further conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

On motion of Mr. ALLISON, Mr. DAWES was excused from further service as a manager on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

By unanimous consent, the President *pro tempore* was authorized to fill the vacancy, and Mr. PLUMB was appointed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. INGALLS in the chair) laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, numbered 166 and 167, and insisting on its disagreement to the amendment of the Senate numbered 158, and asking a further conference thereon.

Mr. ALLISON. I move that the Senate further insist on its amendment numbered 158, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

CLAIMS FOR FRENCH SPOLIATIONS.

Mr. HAWLEY, from the Committee on Printing, to whom was referred a resolution submitted by Mr. FRYE, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 3,000 copies of the message of the President of the United States transmitting the report of the Secretary of State relative to the papers on file in the Department of State touching the unsettled claims of citizens of the United States against France prior to July 31, 1801, together with the papers accompanying the same.

PRINTING OF PENSION DOCUMENTS.

Mr. HAWLEY. I am directed by the Committee on Printing, to whom was referred a resolution submitted by the Senator from Pennsylvania [Mr. MITCHELL] to reprint House bill 5667, the Mexican pension bill, and Senate Miscellaneous Document No. 107, to report it with an amendment; and I ask for its present consideration.

Mr. BUTLER. I object.

The PRESIDENT *pro tempore.* The resolution will be placed on the Calendar.

SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. ALLISON, Mr. BECK was excused from further service on the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

By unanimous consent, the President *pro tempore* was authorized to fill the vacancy, and Mr. COCKRELL was appointed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate, numbered as hereinafter stated, to the bill (H. R. 7069) making appropriations for the legislative, executive and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27 and 205.

That the House recede from its disagreement to the amendments of the Senate numbered 80, 81, 82, 83, 84, 85, 86, 87, 88, 91, 92, 94, 95, 207, 208, 209, 210, and 211, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the number proposed insert "20;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the number proposed insert "75;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,955,150;" and the Senate agree to the same.

The committee of conference is unable to agree on the amendments of the Senate numbered 21, 24, and 25.

WILLIAM B. ALLISON,
PRESTON B. PLUMB,
FRANCIS M. COCKRELL,
Managers on the part of the Senate.
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

Mr. ALLISON. This report closes up the differences between the two Houses on every question except one, that relating to the miscellaneous items of the contingent expenses of the Senate. Although there are three amendments, they all involve the same question.

The Senate recedes from amendment numbered 27, which is the amendment relating to the publishing of the debates. The House recedes from its disagreement to the amendment relating to the number of collectors of internal revenue, and also from its disagreement to the amendment relating to internal-revenue districts and customs districts

and the legislation with reference to distilled spirits. It also agrees to the amendments relating to the force in the Pension Office, with a slight modification reducing one class from $2,000 to $1,800.

Mr. CONGER. What is the point the conferees do not agree upon?

Mr. ALLISON. The contingent expenses of the Senate. I ask that the report may be agreed to.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon amendments numbered 21, 24, and 25, and ask a further conference with the House of Representatives thereon.

Mr. SHERMAN. I should like to have the amendments read.

The PRESIDENT *pro tempore*. Amendments numbered 21, 24, and 25 will be read.

The SECRETARY. Amendment numbered 21 is, on line 23, page 5, to strike out "ten," after the word "labor," and insert "thirty-four;" so as to read:

For miscellaneous items, exclusive of labor, $34,000.

The PRESIDENT *pro tempore*. The next amendment will be read.

The SECRETARY. Amendment numbered 24, page 5, line 25, was to strike out "sixty-two" and insert "seventy-six;" so as to read:

In all, $76,770.

The PRESIDENT *pro tempore*. The next amendment will be read.

The SECRETARY. Amendment numbered 25 was to strike out all after "dollars," in line 26, page 5, down to and including line 1, on page 6, as follows:

Provided, That no part of the money appropriated by this act shall be expended for clerical services for any Senator, Representative, or Delegate in Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa that the Senate still further insist upon these three amendments and ask a further conference with the House of Representatives thereon.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Messrs. ALLISON, PLUMB, and COCKRELL were appointed.

FOREIGN-LABOR CONTRACTS.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The pending order will be laid before the Senate.

The CHIEF CLERK. "A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia."

Mr. BLAIR. I ask that the reading of the report be continued.

The PRESIDENT *pro tempore*. The reading of the report will be continued.

Mr. BROWN. As this is a very important measure, and as it is very difficult to keep a quorum, and as we can not discuss a great question of this character at the close of the session as we would have to do and as we ought to do if we mean to consider it properly, I move that the further consideration of the bill be postponed until the third Thursday in December next.

Mr. BLAIR. I hope the Senator, if the question is to be taken, will change the time to the first Monday of December, at 2 o'clock.

Mr. BROWN. I think there have been other bills put down for that day.

Mr. BLAIR. No; later than that Thursday.

Mr. BROWN. I only want to avoid having the same time fixed for other measures.

Mr. BLAIR. I do not think that time is fixed for any measure, but I can not say in regard to that. The Secretary will be able to inform us whether other measures have been postponed to an earlier part of the month. I think as this is caught between heaven and earth and about half discussed and half not discussed, half passed and half not passed, it ought to receive attention earlier than any other if it is postponed, and therefore I wish that it be taken up substantially as the unfinished business at the commencement of the next session.

Mr. BROWN. My motion now is for the second Thursday in December.

The PRESIDENT *pro tempore*. The Senator from Georgia moves that the further consideration of this bill be postponed until the second Thursday of December next.

Mr. BLAIR. I gather the impression that a majority of the Senate is in favor of postponing this bill; but I would ask unanimous consent that the remainder of the report, which was about half or two-thirds read, may be printed in connection with what is already spread upon the record. ["No objection!"]

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Georgia, the Senator from New Hampshire asks unanimous consent that the residue of the report not yet read be printed in the RECORD. Is there objection? The Chair hears none.

The matter ordered to be printed in the RECORD is as follows:

APPENDIX.

SUMMARY OF TESTIMONY TAKEN BY THE COMMITTEE.

Mr T. V. Powderly, of Scranton, Pa., master workman of the Knights of Labor of the United States, representing 500,000 workingmen who are interested in several bills which are before Congress, testified as follows:

"I am interested in the eight-hour law, the land bill, and bill on imported labor under contract introduced by Mr. FORAN. These imported men show no disposition to become citizens of this country, but, on the contrary, seek to obtain a certain sum of money, which they consider a competence, and with it return to Italy or Hungary. I have seen eight of these people and one woman living in a small house, without beds or furniture, sleeping on the floor, and have been informed by reliable authority that these nine persons' expenses for one month was only $27. I have seen them in the Frostburg region of Maryland, where they had been brought by agents, who engaged them at Castle Garden, living in a wooden building, sleeping on bunks, this building being fenced in to prevent them being communicated with by the people whose places they had taken. The diet of these men was water and mush, with a small quantity of meat on Sunday. These men are brought into competition with skilled as well as unskilled labor, and it is fast becoming as bad as the competition of the Chinese in the West. A demand is now going up for an amendment of the Chinese bill in such particulars as it has been shown deficient."

William Leech, of Malaga, N. J., of the W. G. W. A., said:

"I was at Malaga last year when certain Belgians were brought to that place. It was our duty to find out from them if the situation of affairs at Malaga had been made known to them before they came, or whether it had not been misrepresented to them. When we attempted to obtain this information the company had thirty-five of us enjoined by the courts from interfering with them. The window-glass workers were ordered out of their homes in midwinter and compelled to move. Last spring we went to work, the Belgians in one factory and the citizens in another. They have since left Malaga, the firm having changed managers."

Emile Bouillet, of Zanesville, Ohio, W. G. W. A., said:

"I was hired at Antwerp by an agent of Dean F. Williams, of Zanesville, Ohio, who came for a set of men (sixty). When I went to see him I asked him why he came to Europe for men. He replied 'that men were scarce and work plenty in the United States.' I told him we would expect the same wages paid in the United States. He said 'they would pay the New York tariff.' When we arrived at Zanesville we discovered that the New York tariff was 25 per cent. less than the regular price. I complained to the company of this misrepresentation, and they answered that 'they did not authorize the payment of more than what they were then paying.' At Kent the company did not pay the price agreed upon. They brought them to Kent on a contract for three years. The men were not permitted to associate with American workingmen lest they might find out the true state of affairs. Two of these men were arrested and put in jail for some days for violating this contract. When we arrived, a friend of one of us was met by a man whom he knew in Europe. As soon as they commenced to talk the manager ordered the arrest of the party. When we arrived at Mansfield, Ohio, a member of the firm came into the car and inquired if any of us could speak English: I answered that 'my father and I could.' He then warned us not to talk to the men."

Question by member of committee. What is the difference between the wages paid these foreigners and Americans?

Answer by John Schlicker. Between 28 and 50 per cent.

Q. Did any of these people show a disposition to become citizens?

A. I think not.

William F. Barclay, representing the miners of the coke region of Pennsylvania, said:

"We have a great many of these so-called Hungarians. They are not Hungarians, but Sclavonians. They are not brought to our region on a written contract. There is an agency in Pittsburgh and in New York for the employment of these people, and to send them where they are called for. We are against the importation of these people because their influence is degrading. Firms employ these people in preference to Americans or other emigrants. They are easily imposed upon, not 5 per cent. of them being able to read. They perform this soft-coal mining very well, as it requires little skill. They have usually about one woman to every ten men. Their habits are disgusting in the extreme. I saw and counted one day thirty-five women and children, employed forking coke and working about the ovens; the children poorly clad, of every age ranging from 5 years upward. They do not work on Sunday. To illustrate how they live: A yard boss, who went to get men to work, got thirty-seven men out of a house containing four small rooms. They had no beds, but laid on the floor, heads and tails, I suppose.

"I never knew one of these men to stay in the country. They spend comparatively nothing, saving their money to return home; even when sick they go to the poor-house, until at last the authorities refused to longer entertain them while they had money. They will eat anything. They hang their meat out in the sun that it may become soft and tainted. The business men of the region are opposed to them. They get the same wages as the Americans, except when they work by the day; then they are paid 33 per cent. less, which is all they are worth. This importation has reduced the price of mining, and makes it impossible for the men to do other than submit to whatever the operators demand or require of them, regardless of its justness. The condition of the miners and coke-makers generally is aggravated by the company stores which abound in this district. I priced potatoes before I left, and could have bought them of an outside dealer for 50 cents per bushel, while the price in the company stores is 80 cents per bushel. If the men do not deal in the store they are discharged.

"I never met one of these Sclavonians who could speak English. We tried to organize the men to enforce the statutes of Pennsylvania, but it was a failure. The companies discharged the men who were active in the matter. They were black-listed and refused work throughout the region. I was urged at another time to get up a strike by one of the operators so that the price of coke might be raised.

"The Hungarians are paid 60 cents per ton, but they are so ignorant that they do not know what a ton is. The mines are wet, and these people work from 1 o'clock a. m. to 7 p. m. for a day. Americans and more skilled workmen could do the same amount of work in eight hours, but all have to wait on the wagons the filling of which is delayed by these men, thereby putting the skilled and the unskilled on an equality. We dare not lay our grievance before the coke manufacturers, for whoever does so will be immediately discharged. We are opposed to strikes as they are of no use, and could not succeed with us while these people are in this state of ignorance. Our citizens and merchants are leaving the region. The conditions are becoming insufferable. The works run from two to five days per week, and the wages paid about $1.25 per day, or generally eight tons at 13 cents per ton. The coke manufacturers are now trying to form a syndicate, that they may monopolize the coke business. There are some manufacturers who will not employ these foreigners, one of whom lives in the region."

Mr. Barklay also furnished the committee with the following written statement:

"We have the following evidence that the importation of laborers under contract does exist. The captain of the vessel on which Joseph Welsh, brother of Hon. John Welsh, ex-member of the Pennsylvania Legislature, came to the United States, informed him that the large number of Sclavonians on board the vessel were imported laborers shipped to America under contract; that the importers had made a special contract with the steamship company at a very low rate for their delivery in the United States, and that their accommodation would be in accordance with the rates, and that should he (Mr. Welsh) not receive the proper care he should complain to him (the captain). I have this from Mr.

Welsh himself. We have much other evidence of their being imported by special agreement to work for certain firms. We have discovered an agency at work engaged in the business of importing laborers, agents in Europe gathering the men, an agent in New York receiving them and forwarding them to destinations. I have in my possession evidence that a firm having a branch in the city of Pittsburgh is engaged in this business. E. Dorner & Co. is the name of the firm who have received a certain amount per head for such imported laborers.

"Paul O. De Esterhazy, Austro-Hungarian consul in New York, has acknowledged the existence of such an agency, but says he is unable to do anything in the matter. The class imported by the coke manufacturers are the lowest beings that have ever been in the State of Pennsylvania, subsisting upon what an American laborer could not eat—such as mules, hogs, &c., which have been killed or died with cholera and other diseases. Not one has ever been known to become an American citizen, but all return to Hungary within a limited time (about four years), with what money they can save by living in this miserable condition of filth and squalor. Women and children work, too, drawing coke and forking coke into cars, commencing work about 1 or 2 o'clock a. m. and returning to their shanties as late as 7 p. m., working through all kinds of weather from two to five days per week. They seldom sleep in beds, but lie on the floor, with a board or a stick of wood under their heads, as large a number probably as forty in one house intended for a miner with an average family, one female serving about ten men in all relations between male and female, housewife and laborer in the coke yards. They are not known to purchase any of the luxuries which tend to elevate and enlighten the people, living in filth and wretchedness; but hoard up their small earnings which they promptly forward to Hungary, thereby draining our district of the circulating medium. Being low in the scale of intelligence they are the willing slaves of the coke manufacturers, willing to submit to almost any conditions.

"One of the tricks of the manufacturers is to import these people for the purpose of evading the laws enacted for the protection of the laboring classes.

"The 'Check-weighman law' is an example. The people being unable to read and write, they promise them 30 cents per wagon of one-half ton each, but when they arrive here they are compelled to sign an agreement, making only about 18 cents per ton for mining.

"I have known these beings during the time of the strike to have been dragged from their homes and driven down into the mines by the managers and coal and iron police. I have also known them to have been knocked down and kicked under cars for refusing to do more contract work. In all, they are mere tools by which the manufacturers gain almost any point they desire, to the degradation of our native workingmen and the detriment of our business men, making tramps of the former and bankrupts of the latter."

William Ashton, of Philadelphia, Pa., W. G. W. A., said:

"My information is in regard to importation of foreigners to Baltimore, Md. These men were brought under a contract; they were window-glass blowers. The first importation took place in 1879; forty-eight were then brought over by Swindell Brothers. The following year Baker Brothers imported seventeen, King Brothers twenty-two, and Swindell Brothers twenty-three. The first importation occurred during a strike; there was no strike when the second importation occurred. Some of the foreigners refused to work and were arrested, but discharged before a hearing was had; their clothing was retained by the firm, and it was weeks before they could secure it. They were kept locked in houses, when not working, and could not be seen by the Americans. Most of them have since returned home, some being sent by the glass-blowers' association, and some by the Belgian consul, who complained bitterly of the treatment they received. The effect of their importation was the reduction of wages about 12 per cent. An injunction was issued against the American workmen from interfering with them and made perpetual by Judge Brown, of Baltimore. Before these men were imported we had as good a set of American workmen as could be found anywhere. The system in vogue in Europe and America differs materially. The Europeans work according to old methods and processes; in fact, they bring their tools and molds with them. The European workman can not turn out within 35 per cent. as much ware as the American workman, and as a result do not or are not able to fulfill their contract, hence the employers are at liberty to pay them what they please."

Val Haas, Baltimore, Md., W. G. W. A., said:

"The situation was misrepresented to them; some of them, when the exact situation was explained to them, quit. Two Germans who quit work were refused their clothes, and were arrested. I have been called up at night by these men to explain to them the trouble, as we could not get near them or they near us, so that an understanding might be had. They were under constant police surveillance, and we were enjoined from interfering with them. These foreigners were natives of France, Belgium, and Germany; they were brought in three different parties. In 1879, Baker Brothers brought forty-eight and King & Brothers twenty-five. Baker Brothers brought a second lot of twenty-five, and King & Brothers and Swindell & Brothers twenty-three. Previous to this last importation there was no strike; some of these men are here yet; others have gone away. The effect has been a 12 per cent. reduction of wages."

Charles Leffler, Baltimore, Md., W. G. W. A., said:

"My statement is substantially the same as Messrs. Ashton and Haas. Mr. Swindell says he does not want the foreigners any more; they accomplised the object intended—the reduction of wages."

J. Campbell, of Pittsburgh, Pa., said:

"We have no objection to these men coming here voluntarily, but we object to them coming under contract, and to reduce American wages."

John Schlicker, of Pittsburgh, Pa., W. G. W. A., said:

"The labor of window-glass blowers is very hard; but few men are able to work at it after the age of 45 years; the average is but 35 years. In consequence of the exhaustiveness of the labor, we decided to not make more than forty-eight boxes of glass per week, which amount is more than 200 per cent. more than what was a week's work some years back. This limit of forty-eight boxes is a good week's work. To break this limit was the purpose of the importation. These foreigners could not make this amount, and consequently could not fulfill their contract, and were therefore subjected to its penalties for failure. One lot of men that were brought to Kent, Portage County, Ohio, were not employed, as the glass-house was not started, and these poor men and their families were left destitute in a foreign land, and in a hostile community, a charge on the public."

Q. Did you examine Mr. FORAN's bill?

A. I did, and I favor its passage. I would not object to men being brought to start a new industry.

Mr. James Campbell here said that Mr. James Chambers, of Pittsburgh, had said that Mr. Day, of Kent, Ohio, could send to Belgium and get men at any time, he having an agency there.

John Costello, of Pittsburgh, Pa., president of Miners' Association, said:

"To mine bituminous coal, it required but little skill. In our district we adopted arbitration, which is legalized under the laws of Pennsylvania. Some of the operators are now trying to break the price agreed upon or decided by the board of arbitration. They sometimes go to Castle Garden and engage men to work in the mines that are idle because the operators will not give the price. Recently we paraded with drums beating and the United States flag flying on the road which passed near the mines that are refusing to pay the arbitration price, and sixteen of those who were in the procession were arrested for conspiracy. After the arrest and bail of the accused we paraded again, and twenty-two were arrested on a *capias*."

John Schlicker, of Pittsburg, Pa., W. G. W. A., said:

"The difference in working in the glass industry in this country and Europe consists in the fact that there they have two factories and work eleven months a year. I have worked in glass-works for thirty years and have not averaged eight months per year in that time. The difference in wages is not material, when all things are considered, between this country and Europe. At Kent, Ohio, these imported men are working on Sunday."

T. B. Barry, East Saginaw, Mich., ax-maker, said:

"I am an ax-maker of good reputation for skill and industry. The ax-makers struck in Cleveland. We were practically denied the right of free speech. We were not allowed to communicate with the 'rats' who were brought there. Two men, during the time of the strike, who stopped to light their pipes, were arrested and fined $10 each by Judge Solders. I wrote to different parties for work, but could not get any. I received a letter from R. Man & Son, Clinton County, Pennsylvania, in which they informed me that they would not employ any person who belonged to a labor union. I have been forced to take a rest.

"In the lumber region of Michigan there are 1,000 men working for their board. Agents go to Canada and bring men under false pretenses, telling them that they will receive $35 per month, and advertise for men in large numbers in the Canada papers, to be paid the ruling rates, about $35 per month. When the lumber camps are filled they offer them $16 per month.

"At Muskingum an attempt was made to reduce the boom-men by importing men from Canada. This luring men under false pretenses should be remedied. The hours of workmen who work at salt manufacturing are from 4 o'clock a. m. to 7 p. m. The wages are $1.50 per day of seventeen hours. These people, to get an existence, cultivate in the evenings, with the aid of lamps, small patches of ground. The men who come from Canada do not intend to remain here, but return to Canada."

John Murray, of Shawnee (Ohio) Miners' Association, said:

"Our men are deeply interested in the bill against the importation of labor, and we expect Congress to do something to remedy the evil. There were seven hundred foreigners and seven hundred colored men brought to my district during a recent strike."

Fred. Turner, of Philadelphia, Pa., secretary of Knights of Labor, said:

"It is the universal sentiment that the bill of Mr. FORAN should be passed. The importation of foreign workmen is getting as bad as that of the Chinese. We have not the slightest objection to their voluntary coming. The African slave was better off than are these people under some of these contracts. The slave had some one to look after his welfare; these people have not. We present a petition to the committee containing 35,000 names of persons who pray for relief by the passage of a bill to remedy this matter."

Frank Porter, of Cambridge (Mass.) cotton-mill, said:

"I voice the sentiment of New England and ask that Mr. FORAN's bill be passed. The manufacturers of New England have imported men, time after time, during strikes, from England, Ireland, Scotland, and Canada, whether under contract or not we are not able to prove, but we believe they were imported under contract. The Canadians, as a rule, do not become citizens, but return to Canada."

John S. McClelland, Hoboken, N. J., telegraph operator, said:

"I was one of the men who participated in the late strike of telegraph operators. The telegraph companies would have imported foreign telegraphers if they could have gotten them. They could not get them from England, as there they are in government service, and if they once leave, when they return they are forced to begin at the bottom."

F. C. Morgan, of Washington, D. C., said:

"I saw an agent, when I was in Brazil, in 1879, trying to engage the natives of Brazil to come to the cotton-fields of the United States. I do not know that he engaged any who went."

John Costello again said that these imported workmen signed contracts waiving the benefits of the statutes of Pennsylvania which were passed for the protection of workmen, and thereby in their ignorance injuring the workingmen and nullifying the salutary laws of Pennsylvania which were enacted to protect the workmen from the avarice of greedy manufacturers.

Mr. A. C. Robertson, of Pittsburgh, Pa., said:

"The number of foreign glass-bottle blowers brought to the Western States under contract is about eighty in all, distributed in five factories, namely: La Salle, Ill., thirty-six; Covington, Ky., thirteen; Louisville, Ky., fourteen; the balance in Streator, Ill., and New Albany, Ind. They receive about 40 per cent. less wages than American blowers, or, in other words, they get 8 cents per dozen for quart beers, while the American gets 13 cents per dozen. The effect of this competition will be to bring the native workmen down to the level of pauper labor. The hollow-glass workmen west of the Alleghany Mountains have not worked since last June. They have been, during all this time, enjoying the luxury of a lockout. Last year's revision of the tariff virtually increased the duty on green glassware nearly 100 per cent., but notwithstanding this increase the manufacturers are endeavoring to force a reduction of 20 per cent. in wages. Previous to the revision there was an importation of about 200,000 gross of bottles. Since the new tariff went into effect there has been scarcely any importation of this ware. Two American blowers will turn out eighty dozen bottles per day, while two of the foreign blowers turn out but fifty dozen per day. The manufacturers seem to favor free trade in labor and a high protective tariff upon their manufactured goods or wares."

Copies of agreements with foreign workmen, executed in Belgium.

No. 1.

(Original in English.)

Agreement made by and between the firm of Day, Williams & Co., of Kent, Ohio, of the first part, and each of the signers hereto, of the second part, exactly as if a separate agreement were made between said firm and each of said signers.

Each of the signers of the second part agrees and promises to work for the said first party at the business of window-glass making for the term of three consecutive years, beginning January 1, 1880, and to faithfully perform his duties; shall be paid the wages currently paid by the New York State manufacturers. Said first party agrees that the wages of each flattener shall be not less than at the rate of $60 per calendar month, and that the wages of each cutter shall be not less than at the rate of $50 per calendar month for work actually performed, or during the fire. It is agreed that said first party shall retain 10 per cent. of the wages of each and every workman until the expiration of this contract, as a guarantee of its faithful performance, said 10 per cent. to be forfeited by each and every workman who shall fail to perform the conditions of this contract

It is also agreed that said first party shall advance the passage-money of the party of the second part to Kent, Ohio, and that in case any workman shall fail to perform the conditions of this contract he shall repay to said first party the amount of said passage-money. It is also agreed that said first party shall have the right to discharge any workman who shall neglect his work through drunkenness or idleness or who shall attempt to create dissatisfaction among the workmen. The said Day, Williams & Co., its successors and assigns, however constituted, shall always be taken as the party of the first part.

Signed by said first party by its first name, and by each of the signers of the

second party by his own name, as of this 2d December, 1879. It is agreed that the flatteners shall receive $30 per month for all work done other than flattening.

DAY, WILLIAMS & CO.
HENRY PIERRE.
ADOLPH BRESSON.
AUGUST COENEN.

No. 2.

(Original in German.)

Agreement between the firm of Swindell Bros., of the first part, and John Schmidt, gatherer, and Carl Wagner, blower, of the second part.

The undersigned, of the second part, covenants and agrees with the party of the first part that they will for two consecutive years, beginning January 1, 1882, work and duly perform such duties as instructed by the party of the first part or his superintendents. The party of the first part covenants and agrees to pay the undersigned, who may duly perform their duties, the price generally paid by Baltimore manufacturers for the size of 16 by 24 inches, and all sheets shall be estimated at 8 sheets of 36 by 54 inches for 100 square feet. The party of the first part covenants and agrees that the wages of each glass-blower shall be an average of $80 per calendar month, on condition that he makes 180 boxes of 100 square feet per calendar month.

The gatherer shall receive 65 per cent. of the sum paid the blower for wages per calendar month for actual work performed during the fire. It is agreed that the party of the first part shall retain 10 per cent. of the wages of each and every workman until the expiration of this contract, as a guarantee of the faithful performance of the provisions of this contract. The aforesaid 10 per cent. shall be forfeited by each and every workman who shall fail to comply with the provisions of this contract.

It is further agreed that the party of the first part shall advance the passage-money of the parties of the second part.

It is further agreed that the party of the first part have the right to discharge any of the workmen for drunkenness, or neglect of duty, or for disturbing the peace, or creating dissatisfaction among them, or for joining any association of American workmen.

The said Swindell Bros., their heirs and assigns, shall be considered the parties of the first part, and they agree to pay each blower $12 per week and the gatherer $9 per week, on the condition that each perform his work faithfully at every blowing. The parties of the first part agree to make monthly settlements with the parties of the second part, after the advances for passage, &c., shall have been repaid. Provided you faithfully perform your work for the term of contract (two years), we will pay back the passage-money from Europe to America.

Antwerp, Dec. 15, 1882.

SWINDELL BROS.,
YOHONN SCHMIDT,
Gatherer.
CARL WAGENER,
Blower.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Georgia, that the further consideration of the bill be postponed until the second Thursday of December next.

The question being put, it was declared that the ayes appeared to prevail.

Mr. BLAIR. I ask for the yeas and nays. ["No!" "No!"] I withdraw the call on the suggestion that it may disable us from doing business.

The PRESIDENT *pro tempore*. The yeas have it, and the motion to postpone is agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The next business in order is the Calendar of General Orders. Order of Business No. 3 will now be reported.

Mr. SHERMAN. Would it be in order to take a recess, to reassemble at the call of the Chair?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of Senator from New York.

Mr. LAPHAM. Mr. President——

Mr. MILLER, of New York. I withdraw the motion if there is any other business to be done.

MARIA G. UNDERWOOD.

Mr. LAPHAM. I ask to take up for consideration Order of Business 787.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of Order of Business 787, being a Senate resolution, which will be read.

The Chief Clerk read as follows:

Resolved, That there be allowed and paid, out of the contingent fund of the Senate, to Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New York [Mr. LAPHAM].

Mr. BAYARD. Does a report accompany that resolution?

The PRESIDENT *pro tempore*. There is a report accompanying it. The question now is on taking up the resolution.

The motion was not agreed to.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 683.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate now proceed to the consideration of Order of Business 683, being the bill (S. 2203) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas.

Mr. RANSOM. I desire to say a word.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. RANSOM. By unanimous consent.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks unanimous consent to be heard upon this question. Is there objection? The Chair hears none, and he will proceed.

Mr. RANSOM. The statement of the Senator from New York [Mr. LAPHAM] in reference to his proposition to take up a certain resolution was not heard over the Chamber. I understand now that he desires to submit some remarks upon the proposition, and I know it will be the pleasure of the Senate to hear him. Therefore I hope that the proposition to take up that proposition will be received, and that the Senator may deliver his remarks.

Mr. DOLPH. The Senator will not insist on the consideration of the resolution, I understand.

Mr. LAPHAM. I will not ask for the consideration of the resolution except there be consent when I get through that it shall be acted on. It is very important to be disposed of, but I will not press its consideration if objected to. I gave notice last Monday that I desired to offer some remarks in support of the resolution, and I have tried several times to obtain the floor for that purpose but have been unsuccessful so far.

Mr. RANSOM. I ask that unanimous consent be given to the Senator from New York to go on with his remarks on the resolution.

Mr. PLUMB. Let the bill be taken up, and then I will set it aside in order to suit the convenience of the Senator from New York.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to take up the bill the title of which has been read.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2203) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas.

Mr. PLUMB. I now consent that the bill be laid aside informally in order to suit the convenience of the Senator from New York, who wishes to submit remarks.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the pending order be informally laid aside and that the Senate take up for consideration Order of Business 787, being the resolution reported by the Senator from New York [Mr. LAPHAM], from the Committee on Privileges and Elections, on the 20th of June, relating to payment from the contingent fund to the representatives of John C. Underwood. Is there objection? The Chair hears none, and the resolution is before the Senate.

Mr. LAPHAM. Mr. President, I ask the indulgence of the Senate while I call attention somewhat in detail to the facts upon which the claim of the petitioner, as the widow and administratrix of her deceased husband, is based. I believe that an accurate knowledge of those facts will lead every candid mind to the conclusion that the claim is founded in justice and most amply supported by a long list of precedents in both Houses of Congress, as well as by the particular precedent established by the Senate as applicable to the present case in the allowance made to Mr. Segar. A majority of the people of Virginia were never in favor of secession and union with the confederate government.

After a long struggle, ending in the determination of the convention by a bare majority that the State should withdraw from the Union and join the confederacy, the inhabitants of the northwestern counties at once instituted measures for keeping on foot the State government in harmony with the Government of the United States. Attorney-General Bates gave it as his opinion that an organization by the loyal counties, about fifty-five in number, as near as practicable on the basis of the existing government of the State at the time of the secession would and should be recognized as the government of Virginia. President Lincoln promised to give it his support. United States troops from Ohio and Indiana were sent to aid the loyal forces in expelling the confederate armies from that portion of the State. A State convention of delegates from those counties was called to meet on the 11th of June, 1861, at the city of Wheeling. The convention met on that day. Before transacting any business each delegate took an oath in the following form:

I solemnly swear that I will support the Constitution of the United States and the laws made in pursuance thereof as the supreme law of the land, anything in the ordinance of the convention that assembled at Richmond on the 13th of February last to the contrary notwithstanding: so help me God.

It may not be improper here to state that a majority of the delegates chosen to the last-named convention were opposed to secession, and that, under threats that they would be punished for treason if they refused, eleven members were compelled to absent themselves from the sessions of the convention so as to give the secessionists a majority and subsequently and before adopting the ordinance of secession the convention expelled twelve delegates, mostly from the western counties.

The convention thus assembled at Wheeling adopted an ordinance vacating all State offices held by persons acting in hostility to the Federal Government; requiring all State officers to take the oath of allegiance; and it adopted a declaration of independence signed by all its members. Frank Pierpont was chosen governor and a lieutenant-governor and council were selected to fill the places of the officers deposed. John S. Carlile and Waitman T. Willey were appointed United States

Senators to occupy the seats vacated by Messrs. Mason and Hunter. These Senators were admitted to their seats, as Senators from Virginia, at the extra session on the 4th of July, 1861, and thus this body recognized the validity of the State government so organized.

At the same time five Representatives were admitted to their seats in the House of Representatives, and thus that House recognized the validity of the State government. In the mean time efforts were set on foot to organize the western counties into a new State to be called Kanawha. The Attorney-General of the United States disapproved of this. He said:

It is plain that you can not take such a course without weakening, if not destroying, your claims upon the sympathy and support of the General Government, and without disconcerting the plan already adopted both by Virginia and the General Government for the reorganization of the revolted States and the restoration of the integrity of the Union.

That plan I understand to be this: When a State by its perverted functionaries has declared itself out of the Union, we avail ourselves of all the sound and loyal elements of the State, all who owe allegiance to and claim protection of the Constitution to form a State government as nearly as may be upon the former model, and claiming to be the very State which has been in part overthrown by the successful rebellion. In this way we establish a constitutional nucleus around which all the shattered elements of the Commonwealth may meet and combine, and thus restore the old State in its original integrity.

This, I verily thought, was the plan adopted at Wheeling and recognized and acted upon by the General Government here. Your convention annulled the revolutionary proceedings at Richmond, both in the convention and the General Assembly, and your new governor formally demanded of the President the fulfillment of the constitutional guarantee in favor of Virginia—Virginia as known to our fathers and to us. The President admitted the obligation and promised his best efforts to fulfill it. And the Senate admitted your Senators, not as representing a new and nameless State, now for the first time heard of in our history, but as representing the good old Commonwealth. Must all this be undone and a new and hazardous experiment be ventured upon at the moment when dangers and difficulties are thickening around us? I hope not; for the sake of the nation and the State I hope not. I had rejoiced in the movement in Western Virginia as a legal, constitutional, and safe refuge from revolution and anarchy, as at once an example and fit instrument for the restoration of all the revolted States.

Before the convention adjourned the question of the division of the State was raised, but the decision was adverse as being a premature agitation of that question. The General Government at once concentrated a force in Western Virginia, which, with the aid of loyal State troops under General McClellan, before the 14th July, 1861, drove the confederates from Western Virginia. On assuming command General McClellan issued to the people of Western Virginia a proclamation, closing in these words:

Now that we are in your midst, I call upon you to fly to arms and support the General Government; sever the connection that binds you to traitors; proclaim to the world that the faith and loyalty so long boasted by the Old Dominion are still preserved in Western Virginia, and that you remain true to the Stars and Stripes.

The State thus organized furnished the full quota to the army called for by the Government, about 12,000 men, while the former governor of Virginia defiantly said:

The militia of Virginia will not be furnished to the powers at Washington for any such purpose as they have in view. You have chosen to inaugurate civil war, and having done so we will meet it in a spirit as determined as the Administration has exhibited toward the South.

The convention called in the western counties of Virginia did not profess to act for those counties only, but for the whole of Virginia. Governor Pierpont in his inaugural said: "It was not the object of the Wheeling convention to set up any new government in the State, or separate or other government than the one under which they had always lived." On the 20th of August, 1861, and after the confederate forces had been driven out of the loyal counties and the offices of the State filled by loyal men, the convention passed an ordinance to provide for the formation of a new State out of a portion of the territory of Virginia. In pursuance of its provisions, delegates to a constitutional convention were chosen. The convention met at Wheeling on the 26th of November, 1861, and adopted a constitution, which was submitted to the people in April, 1862, and was ratified by a vote of 18,862 to 514. Governor Pierpont then convened the Legislature in extra session on the 6th day of May, 1862.

The Legislature thus assembled passed an act giving its consent to the formation of the new State. Its consent, with a copy of the proposed constitution, was sent to Congress with a request for the admission of a new State. The Congress passed an act providing for its admission, which was approved by the President and became a law on the 3d day of December, 1862. The act recites the holding of the Wheeling convention, the adoption by it of a constitution, its ratification by the people, that the Legislature of Virginia had given its consent to the formation of such new State, and requested the admission of the same into the Union, and enacts "that the State be declared to be one of the United States of America, and be admitted into the Union on an equal footing with the original States, and that until the next census it should have three members of the House of Representatives."

Thus the legality and validity of the government of the State of Virginia were recognized by both Houses of Congress and the President, as no new State can be formed within the jurisdiction of any other State without the consent of the Legislature of the State concerned as well as of Congress. At the time of the passage of this act Virginia had two Senators on this floor and five members in the House of Representatives. The President by his proclamation declared West Virginia to have become a new State in the Union, and thus again admitted the validity of the Legislature of Virginia.

After the admission of the new State and the inauguration of its governor, which took place on the 20th of June, 1863, an election for officers of the State of Virginia was held in the loyal counties not included in the new State, and Governor Pierpont was elected. The seat of government was established at Alexandria, in pursuance of an act of the Legislature authorizing the transfer. Governor Pierpont in his message recommended the call of a convention to amend the constitution of the State. The Legislature in December, 1863, passed an act calling such convention to meet on the 13th of February, 1864. The convention was held and several amendments to the constitution of Virginia were adopted. The first was as follows:

Slavery and involuntary servitude, except for crime, is hereby abolished and prohibited in the State for ever.

Senator Willey was chosen a Senator from West Virginia, and Lemuel J. Bowden was chosen in his place, and, with Mr. Carlile, took his seat as a Senator from Virginia at the meeting of Congress in December, 1863. Messrs. Blair, Brown, and Whaley, who had represented Virginia in the other House, were chosen as members from West Virginia, and Joseph E. Segar, Lucius H. Chandler, and Benjamin M. Kitchen were chosen as members of the House of Representatives from Virginia, and took their seats at the same session.

At the opening of the session of Congress in December, 1864, the same Senators and Representatives from Virginia appeared and were admitted to their seats without objection. During the session Senator Bowden died, and Joseph E. Segar was chosen to fill his unexpired term. The credentials of Mr. Segar were not presented until the 17th February, 1865. A very interesting debate arose on that occasion. Senator Wilson, of Massachusetts, said:

I understand the question to stand in this way: the Congress of the United States recognized a political government in Virginia, or a portion of it, as the State of Virginia proper. On the strength of that recognition men were admitted into the Senate and into the other House; on the strength of it we made West Virginia a State and brought her into the Union, and she is in the Union to-day. It seems to me, therefore, we are bound by all our votes during the last three years to consider the governor and Legislature of Virginia as existing.

Senator Willey, of West Virginia, said:

Sir, it is a fact not only that the Senate of the United States has recognized the existence of Virginia as a State and her right to be represented on this floor, but the executive branch of the Government has done so. I saw it stated that the Secretary of State had transmitted the constitutional amendment for the abolition of slavery to the executive of Virginia, and through him it was sent to the Legislature to be acted upon, and that Legislature had acted upon it and ratified the amendment. We shall place ourselves in a singular position if we reject a gentleman who comes here accredited with a certificate in due form, and repulse him from our doors, and refuse to allow him a seat on the floor, when we have another representing the same State upon the floor, and when the executive branch of the Government recognizes the Virginia Legislature at Alexandria as the true Legislature and Governor Pierpont as the true and legitimate governor of Virginia.

Senator SHERMAN suggested it was so near the end of the session that it would be better to leave the question for disposition at the next session of Congress, and on his motion that course was adopted.

At the special or executive session of the Senate on the 4th of March, 1865, which only lasted a few days, the credentials of Judge Underwood were presented by Senator Doolittle, of Wisconsin. Senator Sumner moved that they be referred to the Committee on the Judiciary. Senator Trumbull suggested that as the Judiciary Committee had reported in favor of postponing the cases of the Senators from Louisiana and Arkansas to the regular session in December, 1865, for the reason the inhabitants of those States had been declared to be in a state of insurrection, the credentials of Judge Underwood had better be so postponed, and that was agreed to. Senator Doolittle said:

In relation to Virginia I think every Senator can easily see it stands on a very different ground from that of Louisiana and Arkansas. The State has been recognized by the Government in every form, by the executive department, and by Congress. When West Virginia was represented by two Senators we had two from the old State of Virginia. The proclamation declaring in what States the inhabitants were in a state of insurrection excepted counties with a population of over 175,000 from its operation.

He concluded by saying:

That as the Senate was disinclined to take action at this executive session he would not press action now.

Senator Willey, of West Virginia, said:

It is evident the Senate does not propose to entertain the question at this time. When the question comes up I shall show the case stands upon a different footing from that of Arkansas and Louisiana.

And on his motion the credentials of Mr. Segar were also postponed to the regular session.

I may as well state here as elsewhere that not only was the State of Virginia asked to pass upon the constitutional amendment aforesaid, but that the vote is stated in the certificate of the Secretary of State as having been in favor of the amendment, and was necessary to secure the requisite number of States to make the adoption valid under the Constitution.

After the close of the war, and on the 9th of May, 1865, President Johnson issued an executive order to re-establish the authority of the

United States and execute the laws within the limits of the State of Virginia, in which, among other things, he directed that—

In order to the full execution of the laws and the complete restoration of peace within said limits, Francis H. Pierpont, governor of the State of Virginia, will be aided so far as may be necessary in the lawful measures he may take for the restoration of the State government throughout the limits of the State.

Thus the validity of the State government was again recognized by the executive department. When Congress reassembled in December, 1865, as I have stated, the war had closed, and the whole State of Virginia, as well the loyal portion as the disloyal portion during the war, was on some terms to be restored to its relations to the Federal Government, together with the other States which were in rebellion. On the first day of the session Mr. Stevens, of Pennsylvania, offered in the House of Representatives a joint resolution for the appointment of a committee of fifteen, nine from the House and six from the Senate, to consider the subject and report by bill or otherwise, and until such report that no Senator or member should be admitted to his seat from any of said States, and that the credentials of all such should be referred to said committee without debate. The resolution was adopted and came to the Senate for consideration. On the 12th December the resolution was taken up for action, and on motion of Senator ANTHONY, of Rhode Island, the enacting clause was amended so as to make it a concurrent instead of a joint resolution.

Senator ANTHONY also moved to further amend by striking out the following words:

And until such report shall have been made and finally acted on by Congress no member shall be received into either House from any of the said so-called Confederate States; and all papers relating to the representation of said States shall be referred to said committee without debate.

He supported this amendment by a statement that the words proposed to be stricken out were a violation of the provision of the Constitution which made the Senate the exclusive judge of the election of its own members, and also violative of the practice of the Senate by cutting off debate.

The amendment was adopted, and the House concurred.

Now, in what situation did this action leave Messrs. Segar and Underwood, who had been chosen as Senators from the State of Virginia to serve for six years from the 4th of March, 1865? The State had never been without representation in the Senate since the loyal counties reorganized the State government in June, 1861. The refusal of the Senate to adopt the resolution of the House to which I have just referred left the whole question open for action in the Senate. It was, as the honorable Senator from Massachusetts [Mr. HOAR] said at the last session, "their solemn duty to their State to endeavor by all fair means to secure the seats to which they had been chosen and to which they believed themselves legally and constitutionally entitled. They would have been remiss to the obligations of honor if they had failed to do so. So far as they did so in good faith they should be protected."

In the House of Representatives, when the question of calling the Representatives from Virginia arose, Mr. James Brooks said:

And, then, there is the State of Virginia which the Clerk has not read; I mean the old State of Virginia and not Western Virginia—the State over which Governor Pierpont presides, over which he has presided, and to which position he was elected during the war, whose loyalty no man doubts, and who is as much the governor of that State as the governor of Pennsylvania is governor of the State of Pennsylvania. By what right has the Virginia delegation been excluded by the Clerk?

From every quarter where the question was considered the claim was the same. The Senators and Representatives from Tennessee were denied their seats at the opening of the session, but were admitted near its close, in the month of July, 1866. Why had not the Senators from Virginia a right to expect the same results? That portion of the State of Virginia by which they were elected was expressly excepted in the proclamation of President Lincoln declaring the inhabitants of certain States to be in rebellion against the Government. The same exception is found in the proclamation of emancipation and in his amnesty proclamation. In that he expressly stated:

To avoid misunderstanding it may be proper to say that this proclamation, so far as it relates to State governments, has no reference to States wherein loyal State governments have all the while been maintained.

In the proclamation of emancipation Virginia is included:

Except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth.

These counties formed the State of Virginia after the cession of Western Virginia, and had a population entitling them to three Representatives in Congress. They had abolished slavery, and as to them the proclamation was needless. So that really the proceeding under the concurrent resolution of the two Houses had no application to the government of Virginia, which had so long been represented in both Houses and which had all the time preserved its relations of loyalty to the Government of the United States. That resolution only applied to the so-called Confederate States, and the subsequent resolution expressly applied only to the States which had been declared to be in insurrection. The State of Virginia, as known in all these proceedings, had, as I have shown, been always loyal to the Union and was excepted in all the Presidential proclamations in respect to the insurrectionary States.

The committee of the two Houses did not make its report until the 8th of June, 1866. So that from the opening of Congress in December, 1865, until that time a period of over six months, the door was open for the admission of Messrs. Segar and Underwood to their seats in the Senate. The majority report is entirely silent as to the condition of that portion of Virginia which maintained not only its loyalty but kept up its official relations with the Government in both branches or Congress. It treats of the States which prosecuted the war and furnished armies to destroy the Government. It makes no mention of the fact that the Virginia which I am trying to vindicate not only helped to put down the rebellion, but furnished more than 20,000 men to add to the ranks of the Union Army.

Notwithstanding the reconstruction acts and the sending of General Schofield to the military department embracing Virginia, the State government so organized in 1861 continued to exercise its functions, and Governor Pierpont remained in office to the end of the term in April, 1868. In 1865 the State again amended its constitution, prohibiting any person from holding office (except county officers) who had accepted office under any rebellious State government.

More than this. The convention to frame a new constitution under the reconstruction acts validated and recognized all the proceedings of the Pierpont government, civil and criminal, and thus again recognized the validity of the State government.

This is not all. The State of Virginia instituted an action against West Virginia to determine the status of three counties which Virginia had consented might be annexed to West Virginia, and which were not embraced in the original cession. The Supreme Court on appeal held the consent was valid and binding, and thus the legality and constitutionality of the State government were recognized by our highest judicial tribunal.

Thus the State of Virginia kept up its relations with the Government of the United States notwithstanding the ordinance of secession, chose Senators and Representatives in Congress, twice amended its constitution, legislated for the common good, appointed judicial officers, administered justice, and was continually represented in both Houses of Congress, from the extra session in July, 1861, to the opening of the session in December, 1865.

All those things fell to the lot of Virginia, and as I have said, and can not too often repeat, neither the proclamation of the President nor the action of Congress in 1865 had any reference to her, for her government and people were never in rebellion against the authority of the Government of the United States. She was never declared to be in a state of insurrection, nor was she a "so-called Confederate State." I might rest this case therefore on the absolute right of Messrs. Segar and Underwood to the seats to which they were chosen. But it is not necessary to establish that. It is enough that there was ground for making a claim in good faith to such seats. That alone would entitle them to a fair remuneration for the expense of the effort. To establish clearly the right would entitle them to the full salaries provided by law, according to all the precedents, and the claim of Judge Underwood would be over $30,000.

And who were the men thus asking to be seated in this body as the Senators from the State of Virginia?

Mr. Segar, as I have already said, was several years a member of the other House. Judge Underwood was appointed by President Lincoln a district judge for Virginia in the spring of 1864, before the close of the war. Here we have another proof that there was at that time a State of Virginia in which the Federal courts could be held and in which they were held, and also proof that, in the estimation of the President, Judge Underwood was a proper man in trying times to whom he could safely confide the judicial power.

In the summer of 1866 a petition, largely signed by leading men in Virginia, headed by honorable John M. Botts, was addressed to Congress asking the appointment of a provisional governor and closing in these words:

They further request that Hon. John C. Underwood, the faithful patriot and distinguished jurist, who has always adhered to the Government with a fidelity which no flattery could seduce, no bribery corrupt, nor fears intimidate, be selected as said provisional governor.

Judge Underwood was afterward chosen president of the convention which framed the constitution of Virginia under the reconstruction laws. He came to the Senate to ask that he should be seated as a Senator from the State whose loyalty he had helped to maintain. He came with clean hands and a high character. He was not charged with obtaining his election by fraud or bribery. There was no question about his election or the sufficiency of the certificate. His qualifications were never disputed. These are the questions of which the Senate under the Constitution is made the sole judge.

Mr. President, these are the questions which Senator ANTHONY insisted by the amendment to the House resolution of which I have spoken the Senate should not abdicate or delegate to any one else. Why then was he not admitted to his seat? I have shown the reason. I do not find it necessary to impugn the action of the Senate or rather its omission to act, but it was no fault of Judge Underwood that he failed to obtain his seat. As I have said, it was his highest duty to seek it. He would have dishonored himself and the State he was to represent if he had

failed to do so. Nor was he denied his seat because he held the office of judge. That was a qualification instead of the opposite for the honor of a seat here.

If the war had continued he and Mr. Segar would undoubtedly have taken their seats as their predecessors had done. But the war was over. The period for the reconstruction of the States in rebellion had arrived. That portion of Virginia which seceded and set up a government in hostility to the Union was to come back and form a part of the future State comprising the whole of the "Ancient Dominion," except what had been carved off to make the State of West Virginia. Even that should have been brought back shorn of its statehood if the Virginia I am defending was not a State and could not constitutionally consent to the dismemberment. It was a work of weary months and anxious care before anything was decided. During all this period Messrs. Segar and Underwood were knocking at the doors of the Senate for admission. They were never formally denied admission. The Senate, under the circumstances, and for the reason I have stated, omitted to act. Their claims were held in abeyance until Congress should settle the vexed question what to do with the rebellious States.

Mr. President, I might here, perhaps, with propriety rest this case for the action of the Senate. Yet the review would be incomplete without briefly referring to what occurred in the last Congress in reference to the claim of the petitioner. The petition was referred to the Committee on Privileges and Elections, of which I have the honor to be a member, and a resolution was reported favorably by me giving the petitioner the same sum by way of reimbursement for the expenses incurred by her husband in the efforts he made to obtain a seat as was allowed by a former resolution of the Senate and paid to Mr. Segar for his expenses in a like effort.

I availed myself of an early opportunity to call the resolution up for consideration, when I was met by the objection of the Senator from Missouri [Mr. COCKRELL] that as Mr. Underwood held the office of United States district judge the allowance would be in the nature of double pay, and was forbidden by the Constitution. The fact that he held the office of judge was new to me, and I asked to have the matter postponed for further consideration. The Senate was so engrossed with the bill for the revision of the tariff, the repeal of portions of the internal-revenue taxes, and the appropriation bills that I was unable to secure further consideration until the last Saturday of the session. On calling for action at that time the Senator from Missouri suggested that as many Senators were absent at the time, the question should be deferred to the next (Sunday) morning, to which I assented, giving notice I should then call it up. On that morning I availed myself of the first opportunity to move to take up the resolution so reported by me.

The Senator from Missouri again renewed his objection that its adoption would be double pay, in violation of the Constitution. As he looked ominously at the hands of the clock I at once saw that the fate of the measure was sealed for that session. He wanted all the papers read, and urged the Senator from Wisconsin [Mr. CAMERON] to make a speech on the subject, which that Senator declined, saying what he wanted was a vote.

At this juncture the Senator from Kansas [Mr. INGALLS] entered the list of opponents of the measure. The crowded and expectant galleries were all before him. With that apparently anxious desire to be scrupulously accurate in his statements of fact which should always govern the utterances of a Senator he opened his speech in these words:

> Mr. President, there may have been a more fragile and insubstantial and nebulous claim than this presented for the consideration of the Senate at some time in its history, but I do not now recall it. The original vice of the proposition of the Senator from New York appears to me to be in the assumption that there ever was a State from which this claimant could have been accredited as a member of the Senate of the United States. Three or four hundred people in a time of war, when the entire territory of the State of Virginia, with the exception of a small fringe along the coast of the Potomac River, was in the control of the rebel government, assembled at Alexandria, and under the guns of the Federal fleet and forts assumed to exercise the functions of a State government.

Mr. President, I have shown what a draft upon the imagination is contained in the paragraph I have quoted and how absolutely it is controverted by the facts I have stated. I have shown that the population of this "nebulous" State, instead of "being three or four hundred people" under the protection of the "guns of the Federal fleet and forts" was 175,000 loyal people, entitling the State to three Representatives in the House of Representatives, while the State of Kansas had only one. To preserve the loyalty of the "ancient dominion" to the Government of the United States—to supply its armies with 20,000 men—to be represented for four years in both Houses of Congress, to administer civil and criminal jurisprudence, to assent to the formation of a new State from within her borders as the Constitution requires, to amend the State constitution by an article forever prohibiting slavery, to ratify an amendment to the Federal Constitution making the prohibition universal in all the States and Territories, to be repeatedly recognized by both branches of Congress and the executive department as an existing constitutional and loyal government, and to be adjudged by the Supreme Court as being in fact such a government.

"These constitute a State."

The dashing and hyperbolical declamation of the Senator from Kansas will not rob Virginia of her Statehood or impair the validity of the acts of her governor and Legislature. "The original vice" of my proposition is declared to be "in the assumption that there ever was a State from which this claimant could have been accredited as a member of the Senate."

Mr. President, I have shown that for four years, from 1861 to 1865, two Senators represented Virginia on this floor. They were in that memorable session convened by President Lincoln on the 4th of July, 1861. They took part in all the unprecedentedly important legislation of Congress to the close of the session on the 4th of March, 1865. They voted upon the question of the admission of West Virginia as a new State in 1862. They helped to formulate the thirteenth amendment to the Constitution of the United States. The Representatives in the other House did the same. I said to the Senator that it was the consent of this State that gave us one of the constitutional amendments. This he was kind enough to say was "absolutely without foundation." And yet it is a historical fact. It was the thirteenth and not the fourteenth amendment, as mistakenly supposed by the Senator, which was ratified by Virginia.

Again, the Senator from Kansas asserted that "after a very brief consideration they (the credentials of Judge Underwood) were ignominiously and contumeliously rejected by the Senate as unworthy of consideration." This is a reflection upon the conduct of those who composed the Senate in 1865-'66, and in direct conflict with the facts as they appear on the record. So the extraordinary statement of the Senator from Kansas that "at every session of Congress since I have been here" this claim has been presented was a pure draft upon his fertile imagination, for I learn on inquiry, as I then stated, that it was the first time the subject had been presented to the Senate for its action.

One more reference, Mr. President, to the speech of the Senator from Kansas. He said:

> I congratulate the Senator from New York upon his vigorous presentation of this antiquated claim, which I venture to say will never be urged by any member of this body who has been here longer than a single Congress.

Mr. President, as the report in behalf of Mrs. Underwood was concurred in by Senators who have been long in service here, some of them longer than the Senator from Kansas, one of whom (Senator HOAR) had just made an earnest and convincing speech in favor of the claim, I am at a loss to know why the Senator made this reference to service in a single Congress. I am charitable enough to believe it was an inadvertence on his part. If it was not, and he designed what his words clearly imply, all I have to say in answer is to remind the Senator that I hold my seat on this floor by at least as good a title as his; that I come from a State which, though an empire of itself, while scorning to assert a claim of superiority here, yet demands that she shall be treated as an equal in our deliberations, and that when I took the oath of office at the bar of the Senate it became my immediate duty and obligation to do what I could to aid in the passage of good laws and to prevent the success of bad or doubtful measures. Especially was it my duty to do what I fairly could to secure the passage of a resolution recommended by the committee of which I was a member and which by that committee had been placed in my charge without being open to criticism for the brevity of my service here.

Mr. President, I plead the necessity of this review of the honorable Senator's remarks from the fact they were made when the sands of the Forty-seventh Congress were nearly out, and when he knew there would be no opportunity for reply at that time. He was as absolutely exempt from refutation or criticism then as he would have been by "speeding his Parthian arrows from the safe ambush of the Printing House" after the Senate had adjourned. "Fragile, insubstantial, and nebulous" are singular epithets to apply to a State government represented for four years on this floor by two Senators and by Representatives in the other branch of Congress. A State government pronounced by Attorney-General Bates to be valid and constitutional; a State government recognized as valid by both Houses of Congress in admitting West Virginia as a new State; a State government which was recognized in the proclamations of President Lincoln; a State government which Secretary Seward recognized in declaring the thirteenth amendment to the Constitution ratified by the requisite number of States, and which, without the vote of Virginia, could not have received the constitutional sanction; a State government which continued its functions till April, 1868, when the term of Governor Pierpont expired by lapse of time; a State government whose judicial proceedings in the administration of the civil and criminal law were expressly sanctioned and ratified by the convention which framed the present constitution of the State of Virginia, and a State government upheld and validated by the solemn judgment of the Supreme Court of the United States.

Mr. President, I will only briefly refer to some of the precedents which bear upon the question under consideration. It will be remembered that the Senator from Missouri [Mr. COCKRELL] made the sole objection that this allowance would be in the nature of double pay, and therefore ought not to be granted. The Senator from Kansas did not allude to this objection. On an examination of the precedents I find good reason for this. In March, 1882, the Senator from Kansas was allowed $8,195; the Senator from Louisiana [Mr. KELLOGG] $9,550, and the Senator from South Carolina [Mr. BUTLER] $3,500 for the expenses incurred by them respectively in obtaining their seats in this body in

addition to the salaries allowed them by law. Mr. Corbin, who claimed the seat so honorably filled by the Senator from South Carolina, was also allowed $10,000, and the contestant for Mr. Kellogg's seat a still larger sum. I find from the colloquy as reported in the RECORD that when these allowances were under consideration the Senator from Massachusetts [Mr. HOAR] stated that both Houses of Congress had repeatedly sanctioned similar allowances, and I remember in the appropriation bill of the Forty-sixth Congress such allowances, covering a period of several years, were incorporated, and received the sanction of both Houses and the President.

The Senator from Arkansas [Mr. GARLAND] stated that he voted for the allowance to Mr. Segar, from Virginia, and he thought that allowance was a precedent for the proposed payments under consideration. I did not discover that the honorable Senator from Missouri [Mr. COCKRELL] "opened his mouth" by way of objection. When these measures now claimed by him to have been of doubtful propriety, were on their passage through the Senate—

"Where, where, was Roderick then?"

His silence then pleads for silence now. Mr. President, I voted for those allowances, believing them just and sanctioned by precedents, and I should therefore be unable to justify my refusal to support the claim under consideration. On looking at the record of the particular precedent which applies to this case I find the resolution to pay Mr. Segar $5,000 for his expenses, as stated in the report of the committee, was adopted on the 18th of February, 1879. The ayes and noes were called, and in the affirmative supporting the claim I notice the name of the honorable Senator from Kansas [Mr. INGALLS]. I do him the justice to say that his "fragile and insubstantial and nebulous" ideas were not entertained when that vote was cast, and I shall hope he will stand by the record he has made and yet support the resolution under consideration. Consistency demands this of him.

In conclusion, Mr. President, I desire to state I am informed the petitioner is now languishing on a bed of sickness, that her necessities require prompt action on this resolution, and I therefore turn from the further consideration of the facts of this case and make my appeal to the Senate to adhere to the precedents it has so often established, and in behalf of this claimant I invoke the exercise of that sense of justice which "ought here to sit enthroned and to be personified" in our deliberations.

The PRESIDING OFFICER (Mr. WILSON in the chair). The question is upon the adoption of the resolution.

Mr. VEST. It was not to be considered. That was the understanding.

Mr. LAPHAM. I have stated the reasons why it ought to be considered, and I make an appeal to the Senate to dispose of it.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. LAPHAM. I shall not press it, of course, after what I said, if any one seriously objects.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. VEST. I object.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

Mr. LAPHAM. I give notice that I shall call it up before the session closes and ask for its consideration.

PRESIDENTIAL APPROVAL.

A message from the President of the United States announced that he had this day approved and signed the act (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes.

BILL INTRODUCED.

Mr. MITCHELL introduced a bill (S. 2368) requiring the use of domestic material in the construction and repair of Government vessels, steam-boilers, and ordnance; which was read twice by its title, and referred to the Committee on Naval Affairs.

KIRWIN CEMETERY.

The PRESIDING OFFICER. The Senate resumes consideration of the bill (S. 2203) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas. The bill is before the Senate as in Committee of the Whole.

Mr. HARRISON. I should like to inquire of the Senator from Kansas whether there is any special cause for the donation of a cemetery in that town? Are there any malarious influences in that region, or what is the object?

Mr. PLUMB. I will state the reason. This site adjoins the town site of Kirwin. It was originally a portion of a timber claim. Under the supposition that they could acquire title in that way, the town people bought from a man who entered it for timber purposes forty acres of his one hundred and sixty acres; and such transfer as he could make was given to them. Thereupon they entered upon its possession and commenced to bury their dead there. It transpired afterward, as they ought perhaps to have known at the time, that they could not acquire a valid title in that way. The bill is simply to satisfy what was practically the transfer of the right of the original locator to the town company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. BAYARD (at 12 o'clock and 25 minutes a. m., Sunday, July 6). I move that the Senate take a recess until 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock a. m.) the Senate reassembled.

COMMITTEE ON TRANSPORTATION ROUTES.

Mr. MANDERSON. I ask unanimous consent of the Senate to consider a resolution introduced during the morning hour granting permission to the Committee on Transportation Routes to the Seaboard to sit during the recess

The PRESIDENT *pro tempore*. The Senator from Nebraska asks that the resolution offered previously by him be now considered. It will be read for information.

The Chief Clerk read as follows:

Resolved, That the Committee on Transportation Routes to the Seaboard be, and they are hereby, authorized to sit at any place within the United States during the recess of Congress, by a subcommittee or otherwise, to take testimony for the purpose of preparing statistical data relative to freights, commodities, and prices for the period from 1873 to the present time, the committee to report by bill or otherwise; and that the necessary expenses thereof, including the services of a clerk, be paid out of the item for expenses of special and select committees, &c., of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

The resolution was considered by unanimous consent and agreed to.

Mr. MANDERSON. At the request of the Senator from Rhode Island [Mr. ALDRICH], chairman of the Committee on Transportation Routes to the Seaboard, I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Committee on Transportation Routes to the Seaboard shall hereafter consist of nine members.

The resolution was considered by unanimous consent and agreed to.

RECESS.

The PRESIDENT *pro tempore*. The Calendar of General Orders will be resumed. The first bill in order, Order of Business No. 3, will be read.

The SECRETARY. "A bill (S. 228) to appropriate and expend $50,000,000 derived from the internal-revenue taxes and sale of public lands for the education of all the children living in the United States."

The PRESIDENT *pro tempore*. This bill is before the Senate, as in Committee of the Whole, and will be read.

Mr. BAYARD (at 1 o'clock and 5 minutes a. m. Sunday, July 6). Pending the consideration of that bill I move that the Senate take a recess until half past 1 o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

The PRESIDENT *pro tempore*. The pending business is the bill (S. 228) to appropriate and expend $50,000,000 derived from the internal-revenue taxes and sale of public lands for the education of all the children living in the United States. The bill will be read.

Mr. BAYARD. I move that the Senate take a further recess until 2 o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7380) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, 18, 21, 24, 27, 28, 29, 31, 32, 50, 53, 54, 55, 57, 58, 59, 60, 61, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 88, 89, 90, 91, 92, 93, 95, 96, 99, 100, 101, 103, 107, 108, 110, 115, 116, 119, 125, 127, 129, 130, 131, 132, 143, 144, 145, 151, 154, 159, 160, 166, 168, 171, 172, 174, 175, 179, 180, 182, 183, 189, 197, 199, 202, 203, 204, 206, 207, 208, 209, 210, 213, 214, 215, 216, 226, 231, 232, 233, 234, 236, 237, 241, 242, 244, 245, 248, 249, 250, 251, and 252.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 8, 10, 11, 12, 13, 15, 16, 17, 19, 20, 22, 23, 25, 26, 30, 33, 34, 35, 39, 41, 42, 43, 44, 45, 46, 47, 49, 51, 52, 56, 62, 63, 66, 67, 87, 94, 102, 104, 105, 111, 112, 113, 118, 121, 123, 133, 134, 136, 138, 139, 140, 141, 142, 147, 148, 150, 152, 155, 156, 162, 164, 165, 167, 169, 170, 173, 178, 181, 184, 185, 186, 187, 190, 192, 193, 194, 196, 198, 200, 205, 211, 212, 217, 218, 219, 221, 222, 523, 225, 230, 235, 238, 239, 247, 259, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 302, 303, and 304; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

Amendments numbered 4 and 5: That the House recede from its disagreement to the amendments of the Senate numbered 4 and 5, and agree to the same with amendments as follows: In lieu of the sums proposed in each of said amendments insert "$7,500;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amend

ment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "*Provided*, That a report in detail of all such inspection shall be made to the Secretary of the Treasury, who shall annually transmit the same to Congress;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out the amended paragraph;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$170,000;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,600;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$14,000;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And hereafter whenever it is practicable contracts for the transportation of moneys, bullion, coin, notes, bonds, and other securities of the United States, and papers shall be let to the lowest responsible bidder therefor, after notice to all parties having means of transportation;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In line 8 of said amendment strike out the words "and to adjust the same," and in line 12 strike out the words "found due;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$15,000;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lines 7 and 8 of said amendment strike out the words "not to exceed $100,000;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"To establish and maintain quarantine stations, and to provide proper shelter for and care of neat cattle imported at such ports as may be deemed necessary, $25,000, to be expended by the Commissioner of Agriculture under the general supervision of the Secretary of the Treasury."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "To enable the several Executive Departments, the Department of Agriculture, and the Smithsonian Institution to participate in the World's Industrial and Cotton Centennial Exposition, to be held at New Orleans, La., under act of Congress of February 10, 1883, as follows: For the War Department, $15,000; for the Navy Department, $10,000; for the State Department, $10,000; for the Treasury Department, $12,000; for the Interior Department, $125,000; for the Post-Office Department, $10,000; for the Department of Agriculture, $25,000; for the Department of Justice, $3,000; for the Smithsonian Institution (including the National Museum and Commission of Fish and Fisheries), $75,000; for necessary incidental expenses of administration by the board, including office-rent, fuel, gas, stationery, telegrams, and expressage, $15,000; in all, $300,000, to be disbursed under the direction of the board on United States Executive Departments, appointed under executive order of May 13, 1884; and no expenses of any kind beyond the amounts herein provided for shall be incurred by any of the said Departments, or any officer thereof, on account of said exposition.

"To enable the several Executive Departments of the Government, including the Department of Agriculture and the Smithsonian Institution, to participate in the Cincinnati Industrial Exposition, to be held at Cincinnati, Ohio, during the months of September and October, 1884, $10,000; and to participate in the Southern Exposition, to be held at Louisville, Ky., from August 16 to October 25, 1884, $10,000; in all, $20,000: *Provided*, That in case more than the said sums is required for the execution of this provision the same shall be paid by said expositions."

And the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows: In lines 7 and 8 of the amendment strike out the words "amounting to forty-seven thousand three hundred and sixty-two dollars;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$21,000;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For constructing terraces north of the Capitol, section marked A, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forth-eighth Congress), $60,000, including wages of mechanics and laborers: *Provided*, That the work under this appropriation shall be confined to the north front of the Capitol building, and shall not extend westward beyond the line of the west front of the Senate wing of the Capitol;" and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In line 2 of the said amendment strike out the word "lower;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "acre," in line 6, and insert in lieu thereof "$45,561, in full payment for said land;" and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$386,000;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the word stricken out by said amendment insert the following words: "Director subject to the approval of the," and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: Strike out "June 30" and insert "January 1;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,000;" and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with amendments as follows: In line 1 of said amendment strike out the words "two stories" and in lieu thereof insert the words "one story," and in lieu of the sum proposed in the amendments insert "$15,000;" and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$20,000;" and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "act," strike out the words "be, and the same is hereby" and in lieu thereof insert the words "during which said publication shall be subject to the order of Senators, Representatives, and Delegates, and shall be;" and the Senate agree to the same.

Amendment numbered 227: That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

Amendment numbered 229: That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

Amendment numbered 240: That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by said amendment, and strike out, in line 21, page 75 of the bill, the word "sum" and insert in lieu thereof the word "sums;" and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 291: That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 292, 293, 294, 295, 296, 297, 298, 299, 300, and 301, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For printing and binding for Congress, including the proceedings and debates, $1,153,170; for the State Department, $10,800; for the Treasury Department, $270,000; for the War Department, $157,500 (of which sum $12,000 shall be for the Catalogue of the Library of the Surgeon-General's Office); for the Navy Department, $63,000; for the Interior Department, $352,000 (of which sum $10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, $9,000; for the Post-Office Department, $180,000; for the Agricultural Department, $22,500; for the Supreme Court of the United States, $18,000; for the supreme court of the District of Columbia, $1,350; for the Court of Claims, $9,000; and for the Library of Congress, $13,680. And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 317, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendments insert the following: "That the Joint Committee on Public Printing is hereby instructed to examine into the numbers

printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and to report a bill, in December next, making such reductions in the numbers and cost of printing, and such changes and reductions in the distribution of said publications, as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also instructed to investigate the printing and binding for the Executive Departments, executed at the Government Printing Office and at the branch printing offices and binderies in the various Departments, and report a bill, in December next, making such reductions in expense and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further instructed to make any other investigations calculated in their opinion to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to summon and to examine experts and witnesses, and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire; and any expenses necessarily incurred in making the investigations aforesaid shall be defrayed equally from the contingent funds of the two Houses of Congress;" and the Senate agree to the same.

The committee of conference is unable to agree on the amendments of the Senate numbered 243, 253, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, and 270.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the managers on the part of the Senate.

The report was concurred in.

Mr. ALLISON. I move that the Senate further insist upon its amendments to the bill in every case where a disagreement has taken place. The amendments are numbered in the report. I will say in explanation that all these amendments relate to the question of the new legislation on the bill with reference to marshals and district attorneys. Every other matter in the bill has been agreed upon.

Mr. BAYARD. Will the Senator explain the amendments last read by the Secretary?

Mr. ALLISON. The amendments last read are all amendments relating to the appropriation and the legislation respecting the reorganization of the laws with reference to marshals and district attorneys.

Mr. BAYARD. Do I understand that there has been a partial agreement?

Mr. ALLISON. There has been no agreement whatever upon any matter relating to that subject. The whole matter is still in dispute.

Mr. BAYARD. But I take it that the whole of that is embraced within a single amendment.

Mr. ALLISON. No; there are quite a number of amendments, all relating to the same subject.

Mr. BAYARD. I knew it was quite an extensive amendment, but I had the impression that the whole subject of the change of existing laws respecting the pay of clerks, commissioners, marshals, &c., was a single amendment.

Mr. ALLISON. There are a number of amendments. For instance, we inserted on page 90 of the bill an amendment numbered 243, which provides for an appropriation to the territorial courts of Utah. The legislative amendments include matter relating to those courts. Then, the first amendment in the series, numbered 253, is an appropriation. Of course if this legislation is not agreed to the appropriation must be in a different form.

Mr. BAYARD. I understand.

Mr. ALLISON. So with amendments numbered 254, 255, 256, 257, and 258. Amendment numbered 259 was agreed to, it being the amendment relating to the clerk of the Supreme Court. Then the remaining amendments are all relative to legislative provisions, each section being numbered separately. I move that the Senate insist on its amendments disagreed to by the House.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate further insist upon the amendments in respect of which a disagreement is reported.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator to move that a further conference be had?

Mr. ALLISON. I do not ask a further conference.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The pending business, being the bill (S. 228) to appropriate and expend $50,000,000 derived from the internal-revenue taxes and sale of public lands for the education of all the children living in the United States, is now before the Senate.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, insisted on its disagreement to the amendments of the Senate numbered 21, 24, and 25, agreed to the further conference asked by the Senate thereon, and had appointed Mr. WILLIAM S. HOLMAN of Indiana, Mr. JOHN HANCOCK of Texas, and Mr. J. G. CANNON of Illinois managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2574) granting a pension to Rosella Pegg;

A bill (H. R. 4180) granting an increase of pension to Rowland Ward;

A bill (H. R. 875) granting a pension to P. W. Bradbury;

A bill (H. R. 5088) for the relief of Magdalena Cook;

A bill (H. R. 204) granting a pension to Susan Y. Attwater;

A bill (H. R. 5553) granting a pension to Isabella Palmer;

A bill (H. R. 1752) for the relief of Maria L. Lee; and

A bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. INGALLS. Is it necessary, I ask the chairman of the Committee on Appropriations, to sit longer to-night?

Mr. ALLISON. I should like to sit a few moments longer until I can make a conference report.

The PRESIDING OFFICER. The report will be received.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 158 to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have been unable to agree on the amendment of the Senate numbered 158.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

JAMES N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,
Managers on the part of the House.

Mr. INGALLS. What is amendment numbered 158?

Mr. ALLISON. The amendment relating to the secret fund.

Mr. VEST. Nicaragua.

PUBLIC BUILDING AT ERIE.

Mr. MITCHELL. I should like to inquire whether there is anything now before the Senate for consideration.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The Chair will lay before the Senate the regular order. ["No!" "No!"]

Mr. MITCHELL. I was about to ask the indulgence of the Senate in regard to a little bill I wanted to have passed last evening, which the Senator from Kansas [Mr. INGALLS] at that time was not willing should be considered. I presume he will have no objection now.

Mr. INGALLS. I withdraw my objection.

Mr. MITCHELL. If the Senate will be kind enough to have it considered, I shall be glad to have it passed.

Several SENATORS. What is it?

Mr. MITCHELL. It is a public building bill, which has been reported by the committee of the Senate, and also the committee of the House. It is Order of Business 738.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to take up Order of Business 738, being Senate bill 1751. Is there objection? The Chair hears none.

Mr. HARRISON. What is the use of passing a Senate bill now?

Mr. MITCHELL. There is every reason in the world for passing all the Senate bills that we can at this session to expedite the work of the next session. In this case the member of Congress who represents the district tells me the House will be gracious enough to pass the bill if the Senate will send it over; and if the House is in the mood I understand it is this evening, in good temper, and having a desire to respect the wishes of the Senate, as I understand it to be at this time, I believe it will pass the bill. I trust the Senate will pass the bill at any rate.

The PRESIDING OFFICER. Is there objection to taking up the bill named by the Senator from Pennsylvania?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices, at Erie, Pa.," and making an additional appropriation therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CINNABAR AND CLARK'S FORK RAILROAD.

Mr. SAWYER. There does not appear to be much before the Sen-

ate now, and no doubt my friend from Missouri will be willing to take up the Cinnabar and Clark's Fork Railroad bill. If he has any objection, of course I shall not make the report. I would not do anything against his objection.

Mr. VEST. It is too early in the morning.

MUTUAL FIRE INSURANCE COMPANY.

Mr. INGALLS. Mr. President, the Committee on the District of Columbia reported without amendment House bill 4985, Order of Business 789, a local bill, that I think it is safe to say will excite no debate, and in the customary vernacular "it is a little bill," and will only take a minute to pass. If there be no objection, I should like to have it considered now.

Mr. RIDDLEBERGER. What is the title of the bill?

The PRESIDING OFFICER. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that whenever the holder or holders of a policy or policies of insurance hereafter issued in the Mutual Fire Insurance Company of the District of Columbia shall have failed for the full period of three years to pay the interest or any lawful assessment due upon his or their premium note or notes, such policy or policies of insurance shall be deemed to be lapsed, and the board of managers may proceed to settle and cancel the same, after a previous advertisement of their intention to do so, to be inserted in two newspapers printed and published in the city of Washington once in each week for the period of three consecutive months, and after serving, besides, whenever practicable, a personal notice in writing for a like period of time upon the holder or holders of such policy or policies, or in the event of his or their death, upon the legal representatives of such holder or holders. The cost of such advertisement and notice is to be deducted from the sum or sums of money which may be found to be due on the settlement of the policy or policies to the holder or holders thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELON A. MARSH AND MINARD LAFEVER.

Mr. CONGER. I ask the indulgence of the Senate to call up Senate bill 671, Order of Business 327.

Mr. BUTLER. Pending that motion I move that the Senate take a recess until half past 3 o'clock.

Mr. CONGER. I ask the Senator to wait about five minutes until this bill is passed.

The PRESIDING OFFICER. Is there objection to taking up the bill indicated by the Senator from Michigan?

Mr. CONGER. I will make a statement of the character of the bill if the Senator will withdraw the motion.

Mr. BUTLER. I withdraw my motion.

Mr. CONGER. This is a bill to authorize the Secretary of the Interior to sign his name to a patent for an invention of little value, which was issued and supposed to be all right, with the signature signed. All the other formalities were gone through and the patent was issued and delivered to these young men, who are engineers, in Michigan. These young men, who own the patent together, did not know for a year but what the Secretary of the Interior had signed the papers, as every one had a right to suppose he had; and then it was discovered that they were not signed. In the mean time a new Secretary of the Interior had been appointed. It seems to require the authority of Congress to authorize the signature.

I think this is a fair statement of the case. The bill is reported by the Senator from Connecticut [Mr. PLATT] from the Committee on Patents.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 671) for the relief of Elon A. Marsh and Minard Lafever.

The preamble recites that on the 28th of December, 1880, in due form of procedure and in all legal respects, letters patent numbered 236052 of the United States of America were duly granted and issued to Elon A. Marsh and his assignee, Minard Lafever, of Battle Creek, in the County of Calhoun, and State of Michigan, for a new and useful improvement in steam-engine valve-gear, save that the letters patent were not, by accident or mistake, at the time of issuing, signed, as by law required, by the Secretary of the Interior, and that the letters patent were afterward, on the 24th of February, 1882, but not before, duly signed by the then acting Secretary of the Interior.

The bill therefore makes the letters patent legal, valid, operative, and complete, in law or in equity, for all and every purpose, legal or equitable, in all and every manner, without any or the least exception whatsoever, in form, or force, or effect, or intendment, or purpose, or protection and ownership, in the exclusive right to make, use, and vend the invention from the date of its original issue, to wit, the 28th of December, 1880, precisely and just in all respects and for all purposes the same as would have been the case and consequent operativeness of the letters patent, in law or equity, for the full term by law provided, had the signature of the Secretary of the Interior been placed thereon on and at the day of the issue of the letters patent, as prescribed by law, and had the omission or failure of the signature thereon not occurred.

Mr. CAMERON, of Wisconsin. Is there a report? If so, let it be read.

Mr. PLATT. There is a House report in the case, which the Senate committee adopted. The Senate committee did not submit a written report.

Mr. INGALLS. Will the Senator state the facts?

Mr. CAMERON, of Wisconsin. Let the chairman of the Committee on Patents state the basis of the report. That will answer every purpose.

Mr. PLATT. There is a patent for a valve-gear, something about an engine; I do not remember the character of it. The Secretary of the Interior in signing the patents ran off two at a time, so that he did not affix his signature to that patent. Some parties infringed it. The owner of the patent did not know it, brought suit in court, and it was defended, and the party at last discovering that he had no defense on the merits discovered this omission of the Secretary of the Interior to sign the patent, and set that up and defeated the suit.

The committee could see no earthly reason why the patent should not be validated as of the time when it ought to have been signed and would have been signed by the Secretary except for this pure mistake.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. COCKRELL (at 3 o'clock and 15 minutes a. m., Sunday, July 6). I move that the Senate take a recess for fifteen minutes.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. Recurring again to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, I move that the Senate further insist upon its amendment numbered 158 and ask the House to consent to another conference.

The PRESIDENT *pro tempore*. The report of the Senate conferees having been read previously on this bill, the Senator from Iowa moves that the Senate further insist upon its amendment to the bill numbered 158 and ask a further conference thereon with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the regular order, being the bill (S. 228) to appropriate and expend $50,000,000 derived from the internal-revenue taxes and sale of public lands for the education of all the children living in the United States.

Mr. BUTLER. I move that the bill be postponed until next December.

The PRESIDENT *pro tempore*. The bill has not yet been read. It will be read.

Mr. BUTLER. Before it is read I move that it be postponed.

Mr. INGALLS. Pending that motion I ask unanimous consent to take up the bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee, reported from the Committee on the District of Columbia by the Senator from Maryland [Mr. GORMAN]. Mr. Horsey is a citizen of Maryland, and his claim I think amounts to less than $100. The Senator from Maryland is very anxious that the bill should be acted on.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

RECESS.

Mr. COCKRELL. Pending that, I move that the Senate take a recess for thirty minutes.

The PRESIDENT *pro tempore*. Pending this request, the Senator from Missouri moves that the Senate take a recess for thirty minutes. [Having put the question.] The motion is agreed to, and the Senate takes a recess until five minutes past 4 o'clock.

At 4 o'clock and 5 minutes a. m. the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had

signed the enrolled bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes; and it was thereupon signed by the President *pro tempore*.

RECESS.

Mr. COCKRELL. I move that the Senate take a recess for fifteen minutes.

The motion was agreed to; and at the expiration of the recess (at 4 o'clock and 22 minutes a. m) the Senate reassembled.

The PRESIDENT *pro tempore*. The recess has expired and the Senate resumes its session. The pending business is the consent asked by the Senator from Kansas [Mr. INGALLS] that Order of Business 915, being the bill (H. R. 4089) to empower the Commissioners of the District of Columbia to examine the claim of, and providing for the payment of Outerbridge Horsey, assignee, be now considered.

Mr. VEST. I move that the Senate take a recess of fifteen minutes.

The motion was agreed to; and the Senate took a recess until 4 o'clock and 37 minutes a. m., at which time it resumed its session.

The PRESIDENT *pro tempore*. The pending question is on the application of the Senator from Kansas [Mr. INGALLS] for unanimous consent that the Senate now consider Order of Business 915, being the bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of Outerbridge Horsey, assignee. Is there objection?

Mr. DOLPH. I object, Mr. President.

The PRESIDENT *pro tempore*. Objection is made. The Senate resumes the consideration of the regular order, being Order of Business 3. The title of the bill will be reported.

The CHIEF CLERK. A bill (S. 228) to appropriate and expend $50,000,000 derived from the internal-revenue taxes and sale of public lands for the education of all the children living in the United States.

Mr. VEST. I move that the Senate take a recess until 5 o'clock.

The motion was agreed to; and (at 4 o'clock and 44 minutes a. m.) the Senate took a recess till 5 o'clock a. m., at which hour it reassembled.

Mr. CONGER. I move that the Senate take a recess for fifteen minutes.

The motion was agreed to; and (at 5 o'clock) the Senate took a recess till 5 o'clock and 15 minutes a. m., at the expiration of which time the Senate reassembled.

Mr. ALLISON. I move that the Senate take a further recess of twenty minutes.

The motion was agreed to; and at 5 o'clock and 35 minutes a. m. the Senate reassembled.

The PRESIDENT *pro tempore*. The recess has expired and the Senate resumes its session.

Mr. COKE. I move that the Senate take a recess until 6 o'clock.

Mr. SAWYER. I think there will be a message here before that time. I suggest to the Senator to say quarter to 6.

Mr. COKE. Very well; quarter to 6.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the Senate take a recess until 5 o'clock and 45 minutes.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

The PRESIDENT *pro tempore*. The time of recess has expired, and the Senate resumes its session.

COMMITTEE ON TRANSPORTATION ROUTES.

Mr. MANDERSON. Mr. President, in the matter of the appointment of additional members of the Committee on Transportation Routes to the Seaboard, called for by the resolution passed to-day, I move that the President *pro tempore* appoint the additional members of the committee.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the Chair appoint the additional members provided for by the resolution of the Senate adopted to-day on the Committee on Transportation Routes to the Seaboard. Is there objection? The Chair hears none and it is so ordered. The Chair appoints as additional members of the Committee on Transportation Routes to the Seaboard the Senator from Illinois [Mr. CULLOM] and the Senator from Missouri [Mr. VEST].

SUNDRY CIVIL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

And that the House receded from its disagreement to the amendments of the Senate numbered 243, 258, 260, 261, 262, 263, 264, 265, 266, 268, 269, and 270 to the said bill, and agreed to the same.

Also, that the House receded from its disagreement to the two hundred and fifty-third amendment of the Senate, and agreed to the same with amendments as follows: In lieu of the sum proposed in that amendment insert "$600,000," and after the amendment insert as a new paragraph:

For compensation of the district marshals of the United States, $12,700.

Also, that the House receded from its disagreement to the amendments of the Senate numbered 254, 255, 256, and 257 to the said bill, and agreed to the same with amendments as follows: In lieu of the sum proposed in the amended paragraph insert "$325,000," and insert as a new paragraph:

For compensation to the district attorneys of the United States, $20,100

Mr. ALLISON. I ask the Senate to proceed to the consideration of the House amendments to the Senate amendments to the sundry civil bill.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives on the sundry civil bill, so called. The message from the House of Representatives will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 243, 258, 260, 261, 262, 263, 264, 265, 266, 268, 269, and 270, to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

That the House recede from its disagreement to the two hundred and fifty-third amendment of the Senate to said bill, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert "$600,000;" and after said amendment insert as a new paragraph:

"For compensation of the district marshals of the United States $12,700."

That the House recede from its disagreement to the amendments of the Senate numbered 254, 255, 256, and 257 to the said bill, and agree to the same with amendments as follows: In lieu of the sum proposed in the amended paragraph insert "$325,000;" and insert as a new paragraph:

"For compensation of the district attorneys of the United States, $20,100."

The PRESIDENT *pro tempore*. The action of the House of Representatives on the conference report will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. ALLISON. I do not see that the House has receded from its disagreement to amendment No. 267.

The PRESIDENT *pro tempore*. No. 267 does not appear in the conference report or in the action of the House independent of the conference report.

Mr. ALLISON. How about 269 and 270?

The PRESIDENT *pro tempore*. The House has receded from its disagreement to amendments No. 269 and 270.

Mr. ALLISON. How about 268?

The PRESIDENT *pro tempore*. They recede from their disagreement to 268 also.

Mr. ALLISON. But 267 is not included.

The PRESIDENT *pro tempore*. Two hundred and sixty-seven not included. "The House recedes from its disagreement to the amendments of the Senate numbered 243, 258, 260, 261, 262, 263, 264, 265, 266, 268, 269, and 270," and "agree to the same." That is a recession without any amendment. No. 267 does not appear. The Senate amendment 267 proposed to strike out section 9 of the bill.

Mr. ALLISON. Section 9 relates to clerks of courts of the United States.

The PRESIDENT *pro tempore*. The sections in the House bill as engrossed appear to be duplicated. The first section 9 is that "fees earned by the clerks of United States courts, &c., for services in civil and criminal cases shall be accounted for," and making regulations about the courts; and the latter section 9 refers to the printing and distribution of documents.

Mr. ALLISON. That relates to another subject. I ask the Secretary to again read the message from the House. I should like to verify it.

The PRESIDENT *pro tempore*. The action of the House independent of the conference report?

Mr. ALLISON. Yes, sir. I should like to verify it.

The PRESIDENT *pro tempore*. The action of the House besides agreeing to the conference report will be again read.

The Secretary read the message from the House.

Mr. ALLISON. That is as it should be with the exception of amendment 267. I ask that action be suspended until I ascertain that this is a correct report of what was done in the House. I think probably amendment 267 has been omitted by mistake. The clerks will verify the action of the House.

The PRESIDENT *pro tempore*. The report of the conference shows that amendment No. 267 was not agreed upon between the conferees, and it appears from the message from the House not to have been acted upon at all by the House of Representatives. The Chair will defer action upon the matter for the present.

Mr. ALLISON. I move that the Senate concur in the amendments of the House to the Senate amendments, and that the Senate further insist upon its amendment numbered 267.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate concur in the amendments made by the House to the Senate amendments numbered as has been reported.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate further insist upon its amendment numbered 267.

Mr. CONGER. What is that amendment?

Mr. ALLISON. It is an amendment relating to the clerks of courts, &c., and the fees earned in United States courts. It is one of the legislative sections, which of course is dependent upon the sections already stricken out. I hope the Senate will insist upon its amendment. I do not think it is necessary to ask a conference.

The PRESIDENT *pro tempore*. The Chair understands that amendment numbered 267 relates to the first section 9 as it appears in the engrossed House bill, there being two sections 9 in the engrossment of the bill as it came from the House. The first section 9 relates to the fees of clerks, marshals, &c., and the second section 9 relates to the public printing. The Chair understands that the motion in respect of amendment numbered 267 applies to the first section 9.

Mr. ALLISON. Yes, sir; it applies to the first section 9.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate insist upon its amendment numbered 267.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House receded from its disagreement to the amendment of the Senate numbered 267 to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and agreed to the same.

RECESS.

Mr. HAWLEY. From information that I have received I think we might as well take another short recess. I move that the Senate take a recess until half past 7 o'clock a. m.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House still further insisted on its disagreement to the amendment of the Senate numbered 158 to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES N. BURNES of Missouri, Mr. RICHARD W. TOWNSHEND of Illinois, and Mr. WILLIAM D. WASHBURN of Minnesota managers at the further conference on the part of the House.

Mr. ALLISON. I move that the Senate take a recess until 3 o'clock.

The motion was agreed to; and (at 7 o'clock and 37 minutes a. m., Sunday, July 6) the Senate took a recess until 3 o'clock p. m., at which hour the Senate reassembled.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The recess having expired, the Senate resumes its session.

NAMING OF PRESIDING OFFICER.

Mr. BAYARD. Mr. President, I rise to emphasize the fact that upon several occasions during the last two or three months there has been a substitution by the President *pro tempore* of the Senate of a Senator to occupy the chair in his absence for a period which has extended beyond an adjournment of the Senate. Rule No. 1, section 3, provides that—

> The President *pro tempore* shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except by unanimous consent.

I merely desire to have the fact noted and here emphasized that it has been by unanimous consent, and that there is therefore no precedent to be drawn from the action of the Senate in the last two or three months that there is power in the President *pro tempore* to substitute beyond an adjournment, beyond the term of the legislative day, any one to act for him and perform the powers and duties of the President *pro tempore* of this body.

I have not withheld my consent from such substitution because in the position of the Senate, in the almost evenly balanced condition of party numbers in this Chamber, it would have been inconvenient and probably disconcerting to the business of the body to have had an election on every day when our honored friend, the Senator from Vermont, elected President *pro tempore* over the Senate, was necessarily absent for the time; but it was with a desire to note that fact and emphasize it that I have made the statement that nothing but unanimous consent could have allowed this to be done.

The PRESIDENT *pro tempore*. The Chair begs to state that for the eighteen years that he has occupied a place in the Senate, whenever the Senate has taken a recess and it has been convenient for the Presiding Officer, the gentleman who occupied the chair at the time of the recess, resumed it when the Senate reassembled.

Mr. BAYARD. In the absence of the President *pro tempore* I stated that which I had intended to do before the close of the session, that the power of substitution under the rule did not extend beyond an adjournment; that unanimous consent had been given at various times to such a substitution by the President *pro tempore* beyond an adjournment, but that I wished to note the fact that it was in every case by unanimous consent.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from South Carolina will allow the Chair to state——

Mr. BUTLER. I simply wish to correct a misapprehension under which the Chair seems to be laboring. The Senator from Delaware was making no complaint of the Chair designating the recent occupant of the chair.

Mr. BAYARD. I did not refer to that.

Mr. BUTLER. He was simply desiring to emphasize what was determined by the rules of the Senate. As I understand he made no complaint whatever of the designation.

Mr. BAYARD. I did not hear the President *pro tempore* suggest that there had been complaint on my part at all.

Mr. BUTLER. I thought he had.

Mr. BAYARD. If so, he was speaking under an entire misapprehension. I was merely drawing attention to the rule and stating the fact and the reasons why it had been done.

The PRESIDENT *pro tempore*. The Chair was only drawing attention also to the rule and to the practice of the Senate, that there is a marked distinction between an adjournment and a recess. This is precisely the same sitting which began yesterday, and a recess of ten hours does not differ from a recess of five minutes. The Chair has stated that for eighteen years to his personal knowledge, under all administrations, the gentleman who occupied the chair at the time a recess was taken resumed it as of course at the expiration of the recess unless the regular presiding officer happened to come in.

Mr. BAYARD. I do not know that a prolongation of this matter is at all valuable, but my reason for stating what I did and emphasizing the fact that this was only by unanimous consent, was that the Committee on Rules proposed at the commencement of the present session that the power of substitution should last for the period of three days. I and some others who thought with me upon that subject stated our objections to such a rule to be that if the power for three days could be granted, it might be extended for thirty days or three months. That objection was made, and subsequently the Senate fixed the rule as it now is. I merely desired to emphasize the fact that we have been acting under unanimous consent in accepting the substitutions made by the President *pro tempore*.

The PRESIDENT *pro tempore*. The Chair begs to repeat that on the present occasion the Chair did not ask unanimous consent any more than he did during the night on two or three occasions when recesses of ten or fifteen minutes were taken that the gentleman who occupied the chair at the time of the recess be allowed to resume it when the five minutes or ten minutes expired, the Chair thinking, right or wrong, that there is a very visible distinction between an adjournment of the Senate and a suspension of the sitting of the same.

Mr. MORRILL. I do not know that I clearly understood the Senator from Delaware. I believe, so far as my observation goes, there has been no appointment by the President *pro tempore* of any person to preside in his absence for more than one day. Did I understand the Senator from Delaware to say or intimate that there had been?

Mr. BAYARD. I said that on more than one occasion there had been a recognition by the Senate, by unanimous consent, of the substitution by the Chair of a Senator beyond the time of an adjournment.

Mr. MORRILL. I do not understand that there has been.

Mr. BAYARD. And such has been the fact.

Mr. MORRILL. I do not understand that there has been any substitution for more than one day.

Mr. BAYARD. I did not say that. I do not state the time. I said beyond an adjournment.

Mr. HOAR. I understand that the Chair once asked unanimous consent in advance, and I am not sure but more than once, to designate a person for more than one day. That assent was granted. I do not understand that to be a recognition by unanimous consent, but an express authority on unanimous consent, given in advance. That was done when the Chair was understood to have left the seat of Government for two or three days at this session. With that exception I understand the President *pro tempore* has kept absolutely within the rule, and has never undertaken to designate a Senator for more than one day. When that has been done, whether a recess occurred in that day or whether the legislative day extended for more than twenty-four hours, the Chair was strictly within the rule of the Senate; and the authority for his act did not depend upon unanimous consent or upon recognition by the Senate or by any Senator, but upon the absolute authority conferred by the rule.

Mr. BAYARD. I do not care to take issue at all with the fact stated by the Senator from Massachusetts. It is not worth while. I had not the slightest design to criticise the action of the Chair unfavorably or the action of the Senate unfavorably, but I was merely stating the fact, which I think appears by the Journals of the Senate, that there had been upon several occasions during the session about to close a substitution beyond the period of an adjournment. That fact appearing, I

wished it to be stated in connection with it that it was by unanimous consent, so that that power should not be recognized beyond the extent of the rule. That was my object, and I think I stated it exactly.

Mr. HOAR. I think the honorable Senator will find by looking at the Journal that in such a case there has been express authority given by the Senate in advance of the substitution.

Mr. BUTLER. That is what the Senator from Delaware said distinctly. The Senator did not hear what he said.

Mr. HOAR. I beg pardon of the Senator from South Carolina. I think he is in error, notwithstanding what he says.

Mr. BUTLER. I think there is an error all around myself.

The PRESIDENT *pro tempore*. The Senator from Delaware has the floor.

Mr. BAYARD. The Senator from South Carolina happened to be in the Chamber when I made my first statement and the Senator from Massachusetts was not, but it is not so particularly important, as I have explained again precisely my object, that I did not wish the fact of a substitution of a Senator to preside made by the President *pro tempore* for a period beyond an adjournment to go unnoticed, the fact being that in every case it was done only by unanimous consent.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Chair thinks it due the present incumbent of the chair to say that at the expiration of the recess which was taken at about twenty minutes to 8 o'clock this morning until 3 o'clock the present incumbent resumed the chair at the request of the President *pro tempore* of the Senate when the recess was taken, and in accordance with the usual custom.

Mr. BAYARD. If the Chair pleases, I had not the slightest reference to our present meeting to-day.

The PRESIDING OFFICER. The Chair so understands.

Mr. BAYARD. But simply as to the history of the session for the purpose of preventing any misunderstanding in regard to the admission of powers and duties by the President *pro tempore*.

EXECUTIVE SESSION.

Mr. CAMERON, of Wisconsin. There is some executive business to be done, and as there is no legislative business before the Senate at present, I move that the Senate now proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty minutes spent in executive session the doors were reopened.

RECESS.

Mr. CAMERON, of Wisconsin (at 4 o'clock and 35 minutes p. m.). As there is no legislative business to come before the Senate at present, I move that the Senate take a recess until 5 o'clock.

The motion was agreed to; and at 5 o'clock the Senate reassembled.

Mr. CAMERON, of Wisconsin. I understand from one of the conferees that it is not at all likely the conferees will be ready to report before 6 o'clock. I therefore move that the Senate take a further recess until 6 o'clock p. m.

The motion was agreed to; and at 6 o'clock the Senate reassembled.

ELLEN O'BRIAN.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The recess having expired, the Senate resumes its session.

Mr. BLAIR. There was a report from the Committee on Pensions which was accidentally omitted. It was in the hands of the Senator from Nebraska [Mr. VAN WYCK]. I ask unanimous consent to present it at this time.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent at this time to submit a report from the Committee on Pensions. The report will be received, there being no objection.

Mr. BLAIR. I report favorably from the Committee on Pensions the bill (H. R. 5888) granting a pension to Ellen O'Brian. I ask that the bill be put on its passage.

The PRESIDING OFFICER. Unanimous consent is asked for the consideration of the bill at this time.

Mr. BUTLER. I object.

Mr. HOAR. I should like to inquire if it be the unanimous report of the committee? Will the Senator state that to the Senate?

Mr. BLAIR. I have no doubt that it is. It is a bill which I have been informed the Senator from Nebraska was desirous of presenting. The Senator from New York [Mr. LAPHAM] and two members of the House who knew personally about the case came to me a short time ago and expressed great anxiety that it should be put on its passage.

Mr. ALLISON. Is it a House bill?

Mr. BLAIR. It is a House bill. It passed the House. Mrs. O'Brian is the widow of a captain who died from exposure in the service of his country. They thought it would be a legitimate and proper thing to pass the bill to-day, and I consented to report it for the Senator from Nebraska, who is absent.

Mr. BUTLER. I object to its present consideration.

The PRESIDING OFFICER. Objection being made, the bill can not at this time be considered. It will be placed on the Calendar.

Mr. BLAIR. If in the providence of God there should be another opportunity to ask unanimous consent to pass the bill, I shall do so.

[After a pause.]

Mr. BUTLER. The Senator from New York [Mr. LAPHAM] appeals to me to withdraw my objection to the consideration of House bill 5888, saying that it is a very meritorious case. I therefore withdraw my objection to the bill.

The PRESIDING OFFICER. The Senator from South Carolina withdraws his objection. Is there a further objection to the present consideration of the bill? The Chair hears none.

The bill was considered as in Committee of the Whole. It proposes to place the name of Ellen O'Brian, widow of Captain John D. O'Brian, late of Company A, Twenty-fourth New York Volunteers, on the pension-roll, at the rate now allowed by law to a widow and children of a captain of volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANGLEY B. CULLEY.

Mr. HALE. I ask unanimous consent to call up a little bill on the Calendar, which is Order of Business 939. It is a bill reported from the Committee on Naval Affairs.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent to take up Order of Business 939, being the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley.

Mr. COCKRELL. I do insist that we shall not go to the transaction of any except regular, unavoidable, and necessary business. I do that with all deference and the kindest feeling to the Senator from Maine. I do not know anything about the case; but I do not think this is a proper time to consider it, and I must object. I hope the Senator will not insist on his request. At another time we can give consideration to it, but we can not do it now and I must raise the question. In the first place I do not believe we have a quorum to transact business; and in the next place I do not think we have any right to transact such business as this now.

The PRESIDING OFFICER. The Senator from Missouri objects to the consideration of the bill.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Mr. President, I present the report of the conference committee upon the deficiency appropriation bill.

The PRESIDING OFFICER. The Senator from Maine presents a report from the committee of conference on the deficiency appropriation bill, which will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 8, 9, 10, 22, 39, 47, 48, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 19, 21, 92, and 122, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$301,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$5,816," and insert after said amendment as a new paragraph the following:

"For clerks to Senators, $27,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and in line 8 thereof, after the word "subject," insert the words "excepting $5,000 thereof;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$87,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and in line 7 thereof, after the word "case," insert the words "which case shall be preferred in the order of the docket of said court;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

SAMUEL J. RANDALL,
JAMES M. BURNES,
W. H. CALKINS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

RECESS.

Mr. ALLISON (at 6 o'clock and 45 minutes p. m.). I move that the Senate take a recess until half past 8 o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 6530) to increase the pension of Richard Jobes;

A bill (H. R. 4417) granting an increase of pension to Jacob Miller;

A bill (H. R. 1897) granting an increase of pension to Catherine Hunter;

A bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield; and

A bill (H. R. 2979) granting a pension to Nancy Ellis.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia; and it was thereupon signed by the President *pro tempore*.

RICHARD HAWLEY & SONS.

Mr. CONGER. I ask unanimous consent to call up Senate bill 1170.

The PRESIDING OFFICER (Mr. MANDERSON in the chair.) The Senator from Michigan asks unanimous consent to take up Order of Business 320, being the bill (S. 1170) for the relief of Richard Hawley & Sons.

Mr. CONGER. I will state that this is a claim for a refund——

The PRESIDING OFFICER. The Chair will state to the Senator from Michigan that he can proceed only by unanimous consent.

Mr. CONGER. That is what I supposed. I only want to state what this is.

Mr. CONGER. This is a claim for a refund of $473.42, an excess of duties paid on the importation of malt by Richard Hawley & Sons, of Detroit. It has a favorable report from the Committee on Claims. I have the report here, and there is no doubt about the firm having paid the excess of duties on that importation; and the recommendation of the Secretary of the Treasury is that it should be paid to them, which requires the action of Congress. It is a very small amount, $473.42. I think if the report is read there will be no question about the propriety of the passage of the bill.

The PRESIDING OFFICER. Is there objection to reading the report called for by the Senator from Michigan?

Mr. COCKRELL. Mr. President——

Mr. CONGER. If it does not interfere with any other business, I ask the Senator from Missouri to let this come in.

The PRESIDING OFFICER. The Senator from Michigan calls for the reading of the report. It will be read, if there be no objection.

The Chief Clerk read the following report, submitted by Mr. FAIR March 5, 1884:

The Committee on Claims, to whom was referred the bill (S. 1170) for the relief of Richard Hawley & Sons, respectfully report as follows:

The evidence before the committee shows that Richard Hawley & Sons, of Detroit, imported from Canada in July, 1870, three lots of malt, amounting in all to 6,415 bushels, or 230,940 pounds. In Canada an excise tax of 1 cent per pound was imposed on all malt consumed in that country; and malt out of bond, or in the market for consumption or use, was worth 1 cent per pound more than malt in bond. The petitioners bought this malt in bond, and therefore the excise tax of 1 cent per pound was never paid or demanded in that country. The entry was duly made in this case at the Detroit custom-house at the price actually paid for the malt in Canada.

But it was claimed by the collector of the port of Detroit, in accordance with a decision previously made by the Secretary of the Treasury, that duty must be paid upon this malt according to its value in Canada out of bond at the time of its purchase, and that this value must be ascertained by adding to the price actually paid the excise tax of 1 cent per pound. This valuation of the collector increased the value of the malt, commission included, $2,367.13, and upon this increased valuation duty was exacted at the rate of 20 per cent., or to the amount of $473.42.

Hawley & Sons paid the duties so imposed, verbally protesting against the exaction and declaring their intention to appeal to the Department. They were told by the collector that they had the right to do so, but that the Department would undoubtedly reaffirm its decision, and then read to them the decision which had been made by the Secretary.

The United States court in Chicago, in November of that year, rendered a decision on the identical question, in a cause then pending in said court, annulling the ruling of the Secretary of the Treasury and in favor of the importer. The court held that the price paid gave the dutiable value. This decision of the court was thereafter recognized by the Secretary of the Treasury, and he thereafter refunded all duties so illegally collected where protest was made and appeal taken by the importer, but refused to refund the excessive duties collected in this case because no appeal was taken, he having no authority to refund except in cases in which protest and appeal had been duly taken or failure to appeal was shown to be owing to causes beyond the control of the importer.

There has never been any controversy between the petitioners and the officers of the Government in relation to the facts in this case.

The officers of the United States have illegally collected from the petitioners the sum of $473.42, and aside from the fact that they had no right to collect, and the United States have no right to retain, this sum, the committee are of opinion that the facts of this case bring the petitioners within the spirit of the remedial statute, and equitably entitle them to relief. They agree perfectly with the court as to the true rule for the valuation of property so imported into this country, and are of opinion that the money so paid into the Treasury in excess of the requirements of the law should be refunded. The petitioners made a mistake of 22 cents in making up the amount improperly collected of them. The committee recommend that the bill do pass.

The PRESIDING OFFICER. Is there objection to the present consideration of this bill?

Mr. SHERMAN. I object. It would open a new rule, in violation of existing law and multiply cases without number for the courts. According to the facts as I understand them, the decision of the collector was made, no formal protest was made, and no suit was commenced.

The PRESIDING OFFICER. Debate upon the bill at this time is not in order.

Mr. SHERMAN. I object to its consideration.

Mr. CONGER. Mr. President——

Mr. SHERMAN. Let me be correct in the facts.

Mr. CONGER. My recollection is that among the papers——

The PRESIDING OFFICER. Debate is not in order. Is there objection to the Senator from Michigan proceeding? The Chair hears none.

Mr. CONGER. My recollection is that the matter was before the Secretary of the Treasury, who was at that time the distinguished Senator who opposes this bill. His report was that the amount was improperly collected and should be refunded, but the Department had no power to do it, and it would be necessary to come to Congress. In pursuance of that recommendation the parties came to Congress, and now are met with the statement that Congress can not give this relief.

Mr. SHERMAN. Congress can no doubt pass the bill, and the Committee on Finance have cases of this kind every year by the score, and I do not know any case where they have ever departed from the rule of requiring a formal protest in writing and the commencement of a suit under the law. I will state to the Senator from Michigan that although the case may be a hard one and error may have been committed, yet the opening of the door would cause a great deal of injury and a great deal of danger to the Government. Certainly I can not allow a bill of that kind to pass at this present stage. The Senate is not in a condition to act upon it. It is legislation of importance.

The PRESIDING OFFICER. Objection being made by the Senator from Ohio, the bill can not be at this time considered.

Mr. CONGER. That might be a very good reason for not passing the bill now, but this is a claim against the Government reported from the Committee on Claims, and not a question for the Finance Committee to settle as a tax that they should have charge of.

CLERK OF COURT OF ALABAMA CLAIMS.

Mr. HOAR. I ask unanimous consent to take up Order of Business 799.

Mr. COCKRELL. There are less than sixteen Senators in the Senate Chamber. There is no quorum here. We are simply in session on the holy Sabbath day to transact unavoidable and necessary business, and I shall object to the transaction of any other business at this session.

The PRESIDING OFFICER. The Chair will state the proposition. If objection is made, of course the consideration of the bill must go over. The Senator from Massachusetts asks unanimous consent at this time to consider a bill——

Mr. HOAR. I withdraw the request.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws the request.

Mr. HOAR. I think there is a good deal of reason in the position of the Senator from Missouri myself. This request is one which I should have made yesterday if I had had an opportunity, but for the absence of one or two Senators who know especially about the case and who were employed on the Appropriations Committee all day and all night; but still I can make the request at another time.

BUSINESS OF THE SESSION.

Mr. COCKRELL. Only two bills remain for final action, the bill in lieu of the naval appropriation bill, which has already received the approbation of the House and will soon be before us, and the legislative bill, which is now under consideration in conference and a report will doubtless be agreed to. It will be impossible for us to get all these bills compared, enrolled, and ready for the signature of the President before probably 2 or 3 o'clock or even later in the morning. In view of that, I shall at the proper time move that the Senate take a recess until 10 o'clock to-morrow. I do not make the motion now, but I give notice that I shall make it as soon as the naval bill and the legislative bill are acted upon. It will be the understanding then that there will be nothing transacted but the necessary announcements, signatures, &c., in the morning, so that there will be no necessity for any Senator to remain who desires to go away before that hour.

NAVAL APPROPRIATIONS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7509) making

temporary provision for the naval service; in which it requested the concurrence of the Senate.

The PRESIDING OFFICER. The bill just received from the House of Representatives will be laid before the Senate.

Mr. EDMUNDS. Let it be read the first time at length.

The PRESIDING OFFICER. The bill will be read.

The bill was read the first time at length, as follows:

Be it enacted, &c., That for the purpose of providing for the expenses of the naval service for the six months ending December 31, 1884, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, one-half or 50 per cent. of the sums of money (and for the like purposes and continuing the same provisions relating thereto) as were appropriated for the service of the fiscal year ending June 30, 1884, by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes," approved March 3, 1883 (except as hereinafter declared), subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act and the other laws of the United States upon or in respect to the appropriations made by said act: *Provided*, That nothing is appropriated by this act "for special ocean surveys and the publication thereof," or "for the purchase and manufacture, after full investigation and test, in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same."

That the clause under the heading "Bureau of Yards and Docks," commencing "For general maintenance of yards and docks," is amended so as to appropriate, for the six months herein provided for, the sum of $110,000.

That under the heading "Increase of Navy" in said act, in lieu of all the paragraphs thereunder, and preceding the heading of "Naval Academy," there is hereby substituted the following:

For continuing the work upon the three new steel cruisers and one dispatch-boat, authorized by act of Congress, approved March 3, 1883, as follows: Chicago, $349,133.45; Boston, $231,853.28; Atlanta, $231,853.27; Dolphin, $108,660; in all, $921,500. The four pivot-guns of the Chicago to be mounted on Clark's deflective single-gun turrets on V shields of the same weight as is now allowed for the mounting and armor protection of the guns: *Provided*, That it shall not change the contract entered into by the Government for the construction of said vessels.

For completion of steam machinery and boilers, with necessary fittings for sea service, of steel cruisers and dispatch boat, under contract with John Roach, as per act approved March 3, 1883: United States steel cruiser Chicago, $220,000; United States steel cruiser Boston, $155,000; United States steel cruiser Atlanta, $155,000; United States dispatch-boat Dolphin, $90,000; in all, $620,000.

For completing equipment outfits of three new cruisers and one dispatch-boat, now in course of construction, $78,000.

For navigation outfit of the four new steel cruisers, $30,000.

For ordnance outfit of the three new steel cruisers and one dispatch-boat, $500,000.

Nothing herein contained shall be construed as appropriating money for or authorizing the continuation of work upon the double-turreted monitors Monadnock, Terror, Amphitrite, and the Puritan, and any unexpended balance now remaining of the appropriation contained in said act approved March 3, 1883, for engines and machinery for the said double-turreted monitors shall be covered into the Treasury, except such part thereof as may be required under existing contracts made for the engines and machinery of the three last-named monitors.

The PRESIDING OFFICER. If there be no objection the bill will be read the second time by its title.

Mr. CONGER. Before it is read the second time I should like to know whether this is the gradual winding up of the Navy of the United States, and whether it has got to such a pass that we can have no naval bill at the regular session of Congress, but must have some little measure appropriating enough to keep it alive from day to day and from month to month. This seems to be the last effort of the opponents of the Navy to destroy it, and for myself I am unwilling to consent to the passage of any bill, or to the second reading of any bill to-night, which shall wipe out the American Navy at a stroke.

I should like to know from some one why it is that this branch of the service is to be continued on by a measure of this kind and not have its place among the regular appropriation bills, and who oppose the passage of a regular naval bill. The country has a right to know that, and I have a right to know it.

I make these remarks before the second reading of the bill. I shall not object until I hear what may be said on the subject.

Mr. HALE. The Senator from Michigan and the Senate are entitled to know just the attitude in which this bill places the subject of naval appropriations. Of course the Senator from Michigan can, if he chooses, object and stay this proceeding, and perhaps stay appropriations for the Navy for the coming six months.

The House and the Senate are at a deadlock on the naval appropriation bill. Each body has taken a formal vote and stands recorded diametrically opposed to the other. The attitude of the Senate is the attitude of the body which puts upon an appropriation bill certain new clauses which it seeks to enforce upon the other House. The House of Representatives upon a yea-and-nay vote and by a large majority have determined that they will not appropriate for the building of the new cruisers which were put upon the appropriation bill by the Senate. There is no power on the part of the Senate to force the House to put those measures providing for the new crusiers and the gunboats upon the naval appropriation bill.

Everybody with any experience in the two Houses realizes that. No matter how weak may be the attitude assumed by the other branch, no matter how unpatriotic it may be deemed either by the Senator from Michigan or by me, no matter how short-sighted it may be viewed by the country, there is no power existing in the Senate to force upon the appropriation bill the clauses it has put on, and the two Houses stand in direct antagonism on these. This antagonism has continued up to to-day, and the session is waning; it must soon end.

As a result of the conferences between the two Houses, this bill has been brought forth. I will explain briefly the effect of the measure.

It gives, to begin with, all of the appropriations of last year in proportion as to time for the next six months; that is, 50 per cent. of all the regular appropriations of the last year for the running of the Navy Department are given between the 1st of July and the 1st of January next. That provides for the running of the Department. So far from its "winding up" the Navy Department, it gives exactly what the Senate agreed to last year as necessary for running the Navy Department.

Then it takes the cruisers that are now being built, and it gives to them not 50 per cent. of the appropriations that Congress gave last year, but every dollar necessary to complete them. Under the bill before the Senate the cruisers now building will be completed under the contracts which have been made for them. They will be finished, and it will be seen what they are and what can be done with them and what new works can go on of their kind or model, or in varied models, next winter.

That is not all that I hope for. It is not all that I believe in. It is not all that I think it wise to do. In the present condition of the American Navy I believe that no wiser thing, no more patriotic thing, no more far-sighted thing could have been done than not only to finish the cruisers and the ships now under construction, but to go on and provide, as the Senate did in its bill and in the clauses that it put upon the naval appropriation bill for additional ships, and that the sooner the United States is put into the attitude where it has a reasonable naval power the better for us now and in the future. But everybody realizes, or should realize, that we are dealing with a co-ordinate branch of the Government, and the House of Representatives put itself squarely upon the attitude that it would not vote one dollar for the building of any new ships this year or for the completion of the ironclads, the monitors, the Puritan, the Terror, the Amphitrite, and the Monadnock.

Mr. MILLER, of California. I should like to ask the Senator if the bill does not repeal an appropriation made for the monitors?

Mr. HALE. The provisions of the bill are that the appropriations made for the four monitors I have named are all repealed so far as regards the balances being turned into the Treasury, with the exception of such cases where contracts have been made for the completion of those monitors. That applies to three of them, the Puritan, the Terror, and the Amphitrite. No contract has been made for the Monadnock, and the share of the appropriation of last year under the bill is turned into the Treasury.

Mr. BUTLER. As to that one alone?

Mr. HALE. For that one, I say.

Mr. MILLER, of California. If the Senator will allow me, I should like to have him explain the reason for that action. The fact that contracts have not yet been made does not furnish to my mind any reason why the law making appropriations for completing the Monadnock should be repealed or the money turned back into the Treasury.

Mr. HALE. It simply leaves it in this way: that where from one reason or another a contract has not been made in reference to a certain monitor the money appropriated is still at the disposal of Congress. It has not been already controlled or sent to a specific purpose by a contract, and Congress has the right, as it has exercised it many a time, to turn that money into the Treasury. That was a provision which the House insisted upon.

Mr. MILLER, of California. But while nobody will dispute the power of Congress, it is the expediency of the thing that we want to know about. I can not understand why the Monadnock, which is designed for harbor defense upon the Pacific coast, should not be completed, and why the act appropriating money for its completion should be repealed and the money turned back into the Treasury simply because the ministerial officer of the Government has not made contracts for the completion of it.

Mr. HALE. Neither can I as a matter of expediency; and that was a subject argued by the Senate conferees against the House conferees with all the ingenuity and all the power that they had.

Mr. BAYARD. Will the Senator permit me to interrupt him?

Mr. HALE. Certainly.

Mr. BAYARD. I believe I am right in supposing that this is not a new law but a law that has been on the statute-book for many years, that where yearly appropriations are made which have not been made the subject of contract they shall be covered into the Treasury at the end of the year, provided the money has not been expended. It was not made to suit this particular case, but a general law, under which contracts on the Pacific coast fall.

Mr. HALE. That is undoubtedly true, but all the same the Senate conferees believed that it was good policy, that it was good husbandry as applied to the naval branch of our military establishment, to go on and complete the Monadnock as well as the others; but the House conferees and the House itself took square ground against this and thereby assumed the responsibility, and the Senate ought to see and the country ought to see precisely where the responsibility is. There is no power, I repeat, on the part of the Senate to coerce the co-ordinate branch of the Legislature upon new provisions put on an appropriation bill. I have heard that ever since I came not long ago into this body. I have heard it repeatedly from the veterans of this Chamber that the body

which seeks to put upon an appropriation bill a new provision has no power to coerce the other branch; that it must faithfully seek through conference to impress its views, and if the other branch which is resisting persists in that resistance, then the body that seeks to enforce that must yield. I have never heard that more often than from the distinguished Senator who presides over this session of this body [Mr. EDMUNDS]. I presume that is the rule which obtains; and the result of it is that a narrow and a short-sighted and an unwise policy is being pursued as to our naval establishment. I do not believe in it; I do not defend it; I have no word to say in its favor. Everything that I have uttered in the course of the debate during this session has been the other way. But the two Houses were found in deadlock, and this was the only emergence that we could gain.

The cruisers now building are to be finished. That is yielded by the House. The regular establishment of the Navy as it has existed goes on. That is all that we could secure. I hope and believe that at the next session we shall gain more. Another result that is of importance in this is that the bill which the Senate has passed and the amendments which it has put upon the appropriation bill all remain *in statu quo*, and can be taken up on the first day of next winter's session and passed if a majority can be got therefor in both Houses. The conferees believe that this is the best we can do, contending as we are against the reactionary policy adopted by the other branch.

Mr. MILLER, of California. Mr. President, the objection which the Senator from Maine states as being, in his opinion, the valid objection which the House might with propriety make against the provision for the building of the new cruisers does not apply to the matter of finishing the Monadnock. That is not new matter; it is not a new provision; and if the reason of the House for refusing to agree to the amendments of the Senate is based upon the fact that those amendments introduce new legislation or that they are new provisions of appropriation, for that I suppose is what is contended, then I say the House conferees were acting without reason when they ingrafted this provision repealing the act which made appropriations for finishing the Monadnock and turning the money into the Treasury; and I do not think the Senate ought to agree to that.

I think the Senate has a duty to perform and a responsibility which it must regard in this matter. It is perfectly evident here that the conferees on the part of the House have no reason for this action, and therefore if the Senate agrees to this proposition, which is without reason and is inexpedient and as I believe unpatriotic, then the Senate takes the responsibility when it agrees to that provision.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 6530) to increase the pension of Richard Jobes;

A bill (H. R. 4417) granting an increase of pension to Jacob Miller;

A bill (H. R. 1897) granting an increase of pension to Catherine Hunter;

A bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield;

A bill (H. R. 2979) granting a pension to Mary Ellis; and

A bill (H. R. 5888) granting a pension to Ellen O'Brian.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from California to yield to me that I may call up the legislative appropriation bill.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes. The action of the House of Representatives upon the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to this bill will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDENT *pro tempore*. The report of the managers of the conference on the part of the Senate will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 21, 24, and 25 to the bill (H. R. 7069) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate numbered 24 and 25, and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: In lieu of "thirty-four" insert "ten;" and after the word "dollars," in the amended clause, insert "for clerks to Senators, $24,000;" and the Senate agree to the same.

W. B. ALLISON,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.
WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House

The report was concurred in.

APPROPRIATIONS FOR THE NAVY.

Mr. MILLER, of California. Mr. President——

The PRESIDENT *pro tempore*. The Senator from California is entitled to the floor. This debate is proceeding by unanimous consent, it requiring unanimous consent for the second reading of the bill.

Mr. MILLER, of California. I do not desire to take up the time of the Senate in discussing this matter very much further. Of course all of us who believe that this country now exists under such conditions as render it necessary that we should provide for the common defense, and therefore believe that the increase and the building up of the Navy, the building of a new navy, is a duty which their representatives owe to the people of this country—those of us who thus believe are not satisfied with the action of the House upon the amendments which the Senate put on the naval appropriation bill. We believe that the new cruisers which we provided for ought to be built. We believe that the monitors which are intended for harbor defense should be completed. In fact, we believe that the Government should go forward and construct a new navy, because at this time it really has no navy, and we can not understand the motive of the conferees on the part of the House. It is difficult to understand how any American citizen can view this matter otherwise than we view it.

I recognize the fact that it is not within the power of the Senate to coerce the House, it being a co-ordinate branch of the legislative department of this Government; but I do believe that the Senate has a right to insist that the country be put in a condition for its defense, that the Senate has a right to try to secure for the United States a navy that will give it some standing among the powers of the world.

I do not know how heartily and how actively the conferees on the part of the Senate have contended for these propositions. I suppose they have done their whole duty. But in the matter of the Monadnock, which is the only hope we have upon the Pacific coast for naval defense, if they have consented to the provision which appears in this new bill I do not believe they have considered the subject as fully and as carefully as they should have done. It is not satisfactory to me and I am sure it will not be satisfactory to my people. I am ready to stand here and contend with the House upon that proposition alone, and I do not care how long we stand here and how long we contend; I am ready and willing to stay here until it is rendered certain that we can not convince the House that they should agree to our proposition.

Mr. CONGER. Mr. President, it seems that in this bill there is a provision made for keeping up the naval organization, to pay officers, pay clerks, and run the machine, but everything that looks toward building up a navy or making it efficient, everything outside of the simple organization of the corps with its assistants and its clerks, seems to be struck out of this bill except the few items read.

Mr. HALE. The Senator does not of course wish to misrepresent. Does the Senator bear in mind that this bill carries with it $2,100,000 for finishing the new ships that are now being built? That is in addition to the regular naval establishment; that we can not get without the consent of the House, and that is in this bill.

Mr. CONGER. That is mentioned by items in this bill; but aside from what is presented here there is a prohibition upon doing anything that is useful. It has been the cry upon the Democratic side of the House so long that I can not tell when it first began to ring in my ears that no navy was necessary, that we could protect our coast, we could protect our harbors, with torpedoes, and the Senator from South Carolina [Mr. BUTLER] has made eloquent speeches here on the subject of torpedoes and the protection and the defense of our rivers by means of torpedoes.

Mr. BUTLER. Never in my life, Mr. President; the Senator is mistaken.

Mr. CONGER. Well he ought to have done it then. [Laughter.] I must say that I find unexpectedly he has been negligent of his duty even in that respect. [Laughter.] Here is a provision in this bill that prevents the use of the money which has been generally annually appropriated for special ocean surveys and their publication, for the benefit not only of the naval service, but for the benefit of our merchant marine and for the benefit of commerce and of navigation. Is it possible that the two bodies disagree upon such a measure as that, and strike it out of the bill by a special clause: "Provided, That nothing is appropriated by this act for special ocean surveys and the publication thereof?"

That is going back very rapidly, receding from all we have been doing

for years; and, as if there was a special effort to destroy the efficiency of the naval service, almost everything useful in that direction is stricken out by this bill. And the next clause is: "Or for the purchase or manufacture, after full investigation and test in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same."

Sir, the Democracy have lingered on torpedoes for years. Whether it is because they did not dare attack them, whether it is because they did not dare attempt remove this scheme of harbor defense from our system by attacking torpedoes for fear they would blow them up, I can not tell. The representatives of that theory, those who have defended the torpedo system, blazoned it forth as the only means and the proper means for safe, peculiar, home defense. If the Senator is right, even they have turned and repudiated the torpedo-defense system and refused to make any more torpedoes.

We have no ships upon the ocean; we have no ships in our harbors. It has been said here repeatedly that we have no means of aggression abroad and we have no means of defense at home; and the excuse that has been given by Senators now in this presence for refusing to appropriate for building naval vessels has been that in the present condition of the country, while naval machinery and naval vessels were being substituted by new kinds, it was enough for us to sit upon the banks of our harbors and our rivers with the wires of electric machinery and touch off torpedoes to scare the world with Chinese fireworks, and gongs, and torpedoes. That has been the great foundation which the Democracy has proposed for the defense of the United States against the aggressions of the world. And now, unless our own committee have failed in their duty, a Democratic House has refused even to continue to us that quiet, peaceful, Sunday kind of defense, manipulating the wires on shore to blow up approaching vessels on the water. That is taken away in this bill.

No more vessels, no more guns, no more warfare; even the frightening noise of the exploding torpedo is to be taken away from our adversaries, and they are to be allowed to come up peaceably to our harbors and to our cities. Sir, one would think from reading this bill that the day had come when the lion is lying down with the lamb, and from the greenness of this proposition one would almost think that they were eating grass together. [Laughter.] That is a part of this substitute for a bill carefully prepared.

Mr. HALE. Not a substitute.

Mr. CONGER. It is a substitute for the bill which we have been considering for weeks and months here. It is a little, paltry, diminutive substitute for a bill that had some meaning, had some object, was somewhat worthy of the Congress of the United States, gave some hope for the future strength and position of our country on the ocean and at home; and this is the result! Something has labored, and a mouse is brought forth in this bill.

Now, I do not accept the proposition that because the House of Representatives, whatever may be the political character of that body, shall be able to control the destinies of this country by refusing to make appriations, the Senate, a co-ordinate body, a coequal body, authorized by the Constitution of the United States to make amendments to any bills for revenue or for appropriations, although it may not originate them under the constitutional power given to it, is to be deprived if the other House neglect all the duties which patriotism and propriety dictate and require, is to be prevented from attempting to do what the honor and the interest of the Republic may demand.

But suppose we are reduced to that condition that a mere rule adopted is to be invoked to prevent legislation for the good of the country, not a constitutional provision, but a mere technical rule that can be adopted to-day and changed to-morrow, is to be invoked and to be insisted upon to prevent all the legislation which a great and glorious country demands for its progress, for its honor, for its defense—if we are to be reduced to that by having adopted some rule, where are we? We do not stop with the humiliation, we do not stop with the infinite degradation which comes upon the Senate and upon the country by the enforcement of that rule in regard to appropriations for the Navy.

The House has sent us a bill striking out, as I have read and said, the usual appropriations even for defense under the torpedo system; it has made meager, limited appropriations for continuing the work which we have already begun; but the infinite humiliation of this bill before the country, the infinite humiliation of every man who supports this bill, consists in the fact that it goes beyond what any rule requires, goes beyond what any constitutional or legislative provision imposes, and it declares that appropriations which a more patriotic Congress has made, that appropriations which a more enlightened Congress has made, to build up the Navy and to prepare the vessels which we have already builded for actual service, that the money heretofore appropriated for that purpose shall be returned into the Treasury and that the work shall cease. The last clause of this bill, the winding up part of this splendid preparation, is as follows:

Nothing herein contained shall be construed as appropriating money for or authorizing the continuance of work upon the double-turreted monitors Monadnock, Terror, Amphitrite, and Puritan; and any unexpended balance now remaining of the appropriation contained in said act approved March 3, 1883, for engines and machinery for the said double-turreted monitors shall be covered into the Treasury, except such part thereof as may be required under existing contracts made for the engines and machinery of the three last-named monitors.

It does not even except contracts made for the Monadnock.

Mr. HALE. There are none.

Mr. CONGER. If that is not a complete surrender on the part of the Senate if it adopts the bill, not only of any right to make amendments to the bill, but a surrender of its right to maintain that appropriations heretofore made, that appropriations which are now daily being expended, shall be used, I do not now what is. I characterize that last proposition as a disgrace to the American people. I characterize it as a shameful abandonment of the policy which by the voice of both Houses had been inaugurated and commenced in regard to finishing those four vessels, which have lain on the docks or in the water for the last fifteen or twenty years for lack of appropriations to complete them and prepare them for service in the defense of the country.

Now, sir, with such a view of this bill I can not see how it can be my duty or the duty of any other member of the Senate who desires well for his country, who desires the building of a navy, who desires to promote the honor of the nation, who desires to prepare for its defense, or, if the case must be, for its aggression, to consent if by a parliamentary power he can prevent the progress of this bill by objecting to its second reading, or how he can excuse himself for permitting it to go on.

It was with that view that I desired to have some explanation before I did make that objection. I thought probably there might be some excuse offered, some reason given, not the reason of passion, not the reason of prejudice, not the reason of difference between the two Houses, but some reason that should appeal to the judgment, to the patriotism, to the common sense of both branches of Congress as well as of the whole country, why this little paltry substitute was brought in at this last hour of the last days of the session to put the final seal of destruction upon the American Navy, once glorious, world-renowned, grand, now sunk so low by the neglect of Congress that it has scarcely a voice to defend it here against the attacks of such bills as this.

Mr. President, I think this bill should stop here. I think the bill which was prepared in this Congress should be further considered. There can not be any more yielding in that bill than has been yielded in this, that I can see. If it is to be yielded at all, let it be yielded in the regular appropriation bill. Let us confess in our regular bill that we can not get up a naval appropriation bill, one of the annual regular appropriation bills, which can be passed by the two Houses.

Let the differences come. Sir, if we adopt this bill, then I and every Senator on this floor assume and take the responsibility in common with those of our Democratic friends who oppose building up a navy at all, of crushing out a navy; and I am not willing to take that position. Let us stay here. The weather is not uncomfortable. The wanderers will return. The excitements of the coming week will have exhausted the elements of hostility, and reason will again resume its power. Let us stay here, sir, for the honor of the country, for the defense of our native land. Let us stay and endeavor to see if there is not wisdom and sagacity and patriotism enough in the members of the two Houses of Congress to still preserve for our country a navy, growing, increasing, becoming from year to year more what the nation demands.

I consider it to be my duty in view of the provisions, and especially of the last provision of the bill, to object to its further consideration.

The PRESIDENT *pro tempore*. The Senator from Michigan objects to the seoond reading of the bill at this time, and it goes over until to-morrow.

Mr. HALE. Will the Senator withdraw his objection for a moment?

The PRESIDENT *pro tempore*. The whole debate proceeds by unanimous consent.

Mr. CONGER. I will withdraw the objection.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Maine will proceed. The Chair hears no objection.

Mr. HALE. I do not mean now at this late hour to be tempted into any long speech. I only wish to address a few sober words to Senators.

My own action in this case is subject to the action of any committee or of any person who has tried to give long and faithful labor to one subject. I may say, I hope without any imputation of vanity or egotism, that to some degree I dedicated myself at the beginning of the winter to the work of building up the American Navy. I have fought for that early and late; as some Senators believe, in season and out of season.

The Committee on Naval Affairs reported the bill for the additional new cruisers, gunboats, and torpedo-boats, and fought it through the Senate and sent it to the House, and the House of Representatives consigned it to the grave of obscurity and silence and refused to consider it.

The PRESIDENT *pro tempore*. The Senator from Maine will refrain from any allusion to the proceedings of the House of Representatives except as reported from a committee of conference.

Mr. HALE. I shall endeavor to keep myself within the rules.

The PRESIDENT *pro tempore*. The Chair feels it to be his duty to enforce the rules.

Mr. HALE. I am very glad to be admonished by the Chair, and I shall endeavor to keep within the rules.

The Committee on Appropriations afterward authorized and deputed

me to report the same provisions upon the naval appropriation bill for the additional cruisers, gunboats, torpedo-boats, and the ram provided for in the bill to which I have alluded. The conference reports already made show that the bill went to the House; that those provisions were rejected; that it came back and a new conference was appointed; that a second report has been made in the House of Representatives and is ready to be made here showing a total disagreement, the utter impossibility of forcing upon the House these provisions. Under these conditions, little as it is, paltry as it is compared with what I had hoped to gain, I believe the best thing that can be done for the interests of the American Navy, considering the attitude that the House of Representatives has deliberately taken as shown here, is to accept this bill.

It is meager, it is inadequate, it is paltry; and the responsibility is not here, but is there. However the bill is not without its consolations; it is not without its remunerations. Any Senator may rise here at this late hour and by a single objection consign the bill to the table of the Secretary, where it may know the sleep that has no waking, and nothing will be done. I can offer nothing that will dissuade a Senator, if he see fit to do that; but let him bear in mind that the result of the bill presented here gives every dollar needed for the running expenditures of the Navy; that it gives every dollar needed for the completion of the ships now being built; that the 50 per cent. clause does not apply to that; and in addition to that it leaves all the work that the Senate has done upon the bill which it has matured lying in disagreement between the two Houses, so that on the first day of the next session it may be taken up and a conference committee appointed anew, and perhaps our proposition passed at once.

What will happen if we go again into conference, if we take up, as the Senator from Michigan urges, and as he can compel us to do by his single objection, the naval appropriation bill? We can not get a dollar for the new cruisers, we can not get a dollar for the monitors, because the House has taken its attitude upon both. What are we obliged to do? Strike them off and consign them to the tomb, and pass a naval appropriation bill with not a thing in it that is not in this bill; and all the work that has been done in reference to the new ships which we put on the regular naval appropriation bill goes for naught, and we shall have to begin *de novo*. That has been saved by this bill. All that will be before the Senate and the House of Representatives the moment they meet in December, and I estimate that as no light thing. I estimate the difference between taking the bill already prepared through the two Houses and in conference for the additional new ships, cruisers, gunboats, torpedo boats, and ram, ready for another conference committee, and, on the other hand, having to begin again and go through the slow and toilsome process of a report to be brought in here, as being very great indeed.

I say again that this bill does not suit me. It is to me a very inadequate response for the labor and work which some of us have put into this great and important subject; but I can not ignore the fact that we are dealing with a co-ordinate branch of the Government that has the power of restricting everything that we do where we seek to put it upon an appropriation bill. We have done the best that we could do, little as it is; and now I have only to say that if any Senator chooses by his single objection to stop the bill and consign it to the table of the Secretary, the responsibility must rest there. Nothing out of this (as I believe from having been a participant in the conferences) will come that will gain to us one thing not gained in this bill, and we shall lose immeasurably. That is all I can say, and I leave it there.

Mr. BAYARD. Mr. President——

Mr. HOAR. I desired to address a question to the Senator from Maine before he sat down.

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield?

Mr. BAYARD. Certainly.

Mr. HOAR. I suppose it is the law of our popular form of government that we can have no such thing as public secrets either from our own people or other nations. Therefore I suppose there is no objection to answering the question that I am about to put by the reason of the fact that it will disclose our weakness to anybody. I should like to ask the Senator from Maine, so long during this session the acting chairman of the Committee on Naval Affairs, if it be true, as I have been assured by a naval officer of high distinction, that there is nothing in the force at the command of this Government to-day which would prevent any fourth or fifth rate power on earth, either of the smaller South American states, as Chili, from laying San Francisco under contribution?

Mr. HALE. I confess with a sense of shame and mortification not to be denied that the condition of the American Republic to-day, whether menaced by a first or a second or a third or a fourth rate power, is such that no patriotic citizen can reflect upon it or acknowledge it without the deepest humiliation. There is nothing whatever to prevent Chili or any South American power which has in its possession and at its control a second or third rate ironclad from steaming along the Pacific coast and laying our towns under contribution, and burning and destroying, if so it seems proper and right in their will, the metropolis of the Pacific coast.

As to the completion of the contract for the Monadnock, it ought to have been done, but a year ago the Senate put an amendment upon the appropriation bill to complete the four ironclads. The House conceded it. The Secretary of the Navy went on and was able to make contracts for the completion of three of them upon this coast, but he could not make what he deemed a wise and judicious contract for the finishing of the Monadnock in California. The persons there who are able to make contracts to complete the Monadnock were not ready to come in and make the same provisions and the same contract that parties upon this coast were willing to enter into. The Secretary of the Navy found himself confronted with a different condition there from here, and that left the appropriation open to Congress. The House of Representatives, seeing that condition, exercised what was its right and insisted and "took advantage of it," to use the phrase of the Senator from New Hampshire, and turned that money by this provision into the Treasury.

Mr. MILLER, of California. They turned it into the Treasury by what provision?

Mr. HALE. By the provision that they insisted in putting on this bill.

Mr. MILLER, of California. The bill here?

Mr. HALE. The bill here, and all through. Let me answer the Senator further right here. I say the House of Representatives in the original appropriation bill, when they initiated this subject, showing that it was done with forethought and deliberation, and I may say with malice prepense in the bill——

The PRESIDENT *pro tempore*. The Senator is not in order.

Mr. HALE. I ask the pardon of the Chair. I shall refer simply to what is shown on the record.

The PRESIDENT *pro tempore*. The Senator can not proceed without permission. The Chair thinks it is his public duty to preserve decorum between the two Houses.

Mr. HALE. I am not here to abuse the House.

The PRESIDENT *pro tempore*. The observations of the Senator in respect of the House of Representatives are entirely out of order in the opinion of the Chair.

Mr. HALE. I am not here to abuse the House of Representatives.

The PRESIDENT *pro tempore*. The Senator can not proceed without consent.

Mr. SHERMAN. I move that the Senator from Maine be allowed to proceed.

Mr. HALE. I shall await the decision of the Chair and the action of the Senate.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senator from Maine be allowed to proceed in order. The question is on that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Maine will proceed.

Mr. HALE. The House of Representatives in the bill that is before the Senate put in the provision that is in this bill devoting the surplus of that appropriation to the Treasury generally, by turning it in or reappropriating it in another form.

Mr. MILLER, of California. Now I wish to ask the Senator, if he will allow me, if it is not the law that appropriations for the Navy stand for two years, and whether this is not an existing appropriation available now if we do not pass this act?

Mr. HALE. I doubt it very much. The law in reference to turning appropriations into the Treasury, as the Chair understands, varies upon different subjects-matter, but where an appropriation is made for a specific purpose and no contract is made in certain cases, it expires at the end of one year; and I am not certain—I have not looked at this particular thing on that point, for that has not been called to my attention until now—I am by no means certain, but it is my impression that it expires at the end of one year and goes into the Treasury, where no contract is made. That point I do not discuss.

The House of Representatives in the original bill took ground in favor of turning this money into the Treasury because no contract had been made; and steadily, persistently, it has ever since maintained that attitude, as shown in the different votes. I wish it were otherwise. It ought to be otherwise. The appropriation ought to be left another year. I do not know whether the Secretary of the Navy could make a contract. He has tried for a year. If he had met with the same response that he did in the East, he would have made a contract and this money would have been put out of danger. I do not know that he can do it in another year. He has tried his best and wanted to do it and he could not, and the fund was left there, and the House of Representatives has seized it. That is all I can say. I leave it entirely to the Senate.

Mr. MILLER, of California. I want to ask the Senator whether the courtesy between the two Houses is such that we are in such a condition that it would be proper for the Senate to amend this bill which the House have sent here. Suppose we were to strike out this clause in relation to the monitors or the Monadnock?

Mr. HALE. Undoubtedly if the bill is before the Senate it is open to amendment, and the Senate can do what it pleases with it; and if

it can be improved, if it can be sent back to the House and the House can take any position there that by its concession will help the bill, I bid that movement Godspeed. I have not as much hope from my experience already in the conferences and in the attitude of the House as some Senators have; but if anything can be done that shall help forward this work of rehabilitating the American Navy, it has of course my hearty sympathy and support.

Mr. PLUMB. The Senator spoke with considerable feeling about the humiliation with which he viewed the fact that the Republic was defenseless against even a third-class power. I ask him if it is any more defenseless to-day than it has been during all the other days of the last fifteen years.

Mr. HALE. No, it is not; but to me it is as plain as the light of the sun in daytime that the American people are approaching a different epoch in their history as a nation. The man who supposes that for the next twenty-five years America can go on in the careless and reckless and undefended condition that she has for twenty-five years, that she can go on without any relations that involve her with foreign powers, and that she will not need the strong arm of a respectable navy, is to me blind, is to me strangely and deplorably blind.

If there is any one duty that now presses upon us as a people it is to put ourselves in a condition with a respectable navy where by the means and the influence of that navy we may prevent war and not invite it. We are open and defenseless and liable to war because we have no means of defense; and every year in the future the questions that are arising will add to that danger. That is my answer to the Senator from Kansas.

Mr. HOAR. May I ask the Senator, before he leaves that point, if it be not true that the other powers have been increasing their means of attack all this time, and fifteen years ago while we had our present means of defense was not the state of the naval powers abroad very different from what it is now?

Mr. HALE. Undoubtedly; and all that admonishes us still more that we ought to be up and doing something in this direction. We have gained undoubtedly by the experiments which have been made by other powers, by the lavish expenditures they have made upon experiments that have many of them proved useless, and we stand to-day at the parting of the waves, where we must either decide to remain defenseless, open to the attacks of everybody, or to put ourselves in an attitude where we can maintain a dignified position with all the great powers of the globe.

Mr. PLUMB. I agree with the Senator from Maine entirely in regard to the propriety of having a navy; I have voted with him on all the occasions when that question has been before the Senate; but there has been during all the time the Senator has been struggling to have this construction of a navy undertaken an apparently irreconcilable difference of opinion between the Senate and the House, both as to methods and upon the general question as to whether anything should be done at all. The Senate is no more responsible than the House for the present condition of things, and it is not so much responsible, because it has endeavored to do something which the House of Representatives has not been willing to consent to. That has not been alone the characteristic of the existing House of Representatives, but it was the characteristic also of the last House of Representatives. The naval bill as it came to the Senate from the hands of the last House of Representatives, which was a Republican House, contained no provision whatever for any new ships of the Navy or for the continuation of the construction of the monitors. Both the provisions which were put upon the bill last year were put upon it by the Senate and were stoutly resisted by the House, and only yielded after a long controversy.

I only speak of that to show that the popular body has for some reason or other felt itself instructed to oppose anything which would look to building up the American Navy, and that has been no more conspicuous, I think, in this Congress than in previous Congresses, whatever their politics may have been. That does not, in my judgment, qualify the duty of the Senate at least to make the attempt, and when the attempt has been made and has been met as it has been met heretofore, as the Senate has done what it decently and considerately ought to do to enforce its opinion upon the co-ordinate branch of Congress, I think the duty of the Senate is at an end.

I do not believe that we can assume for the purpose of maintaining this session during the summer months or for any considerable period of time, that we know better what the country wants than the House does, that we are more considerate of the national honor or the national defense than the House is, or that we have any more responsibility in regard to what shall be done in a legislative way with relation to this very important question than the House. Therefore, it seems to me that we ought to be considerate of the wishes of the House and of their determination, and having insisted up to the point of a disagreement which is seen to be absolutely irrevocable and final, our duty in the premises is done. We are not the only guardians of the American Republic or of its honor or its well-being; we alone are not concerned in regard to matters relating to its defense, but we share that with the Executive and with the other branch of Congress. We have done our duty, not all of it, but we have at least made an effort in the right direction.

We have tendered to the House a bill which would effect a substantial improvement of the Navy, provide some means for the defense of our coast, and the general advancement of the commercial and other interests of the Government and of the people. That has been rejected, after a long and serious controversy in which the differences have developed as irreconcilable, and the protracting of this session to-day and to-morrow and next week and the week after and the month after will not, in my judgment, bring the two Houses any nearer together. I do not believe that any public business is to be advanced by the continuance of the session. I do not believe that it will be expected of us that we should do it—that we should engage in a hopeless controversy about one single feature of all that has been presented in reference to the annual appropriations for carrying on the Government. Believing that, I agree that this bill, amended if it can be so as to make it less objectionable, but in some shape, this bill should be passed.

Mr. BAYARD. Mr. President, I apprehend the function of an appropriation bill is to supply money for the branch of the public service to which it relates, and the naval appropriation bill by its title fully explains the object for which it was introduced. It is to find sufficient money to maintain the naval establishment of the United States, to pay the officers and seamen, to protect the Navy and keep it in proper condition as it exists. I understand from the honorable Senator who has the bill in charge, who not only is an efficient member of the Naval Committee, but is the member of the Appropriation Committee to whom this bill has fallen, that the full expenses and all the needs of the American Navy, and all the contracts which have been entered into for its construction and maintenance, are fully provided for by this bill. Is that or is that not so?

Mr. HALE. My attention was diverted; I did not quite hear the Senator's question.

Mr. BAYARD. I will repeat my statement. I understand that this appropriation bill provides for the full maintenance of the American Navy upon its present footing and establishment, and provides also money for the fulfillment of all contracts which have been entered into in regard to vessels.

Mr. HALE. It does in all essential particulars. There are some little matters left out, but in all essential particulars it does.

Mr. BAYARD. Very well. Then we have the answer from the most authoritative source that this bill fulfills its functions and the Navy is provided for. Now, I hold this to be the truth, a very fundamental truth in legislation in our country, that the two Houses of Congress as a primary duty must provide for the maintenance of the American Government and that they are not to allow their differences of opinion as to policies, as to new features of law, to stand in the way of the prompt and full performance of their first and primary obligation, and that is the maintenance of the Government and finding money for that purpose.

But, Mr. President, the Senator from Maine is, as we know, an able, industrious, and faithful member of many committees of this body and especially of that on Naval Affairs. I bear willing testimony to his intelligence and to his devotion to the service; but by no means do I yield the palm to him of any superior zeal or any stronger desire to make that branch of the service efficient to many of his coadjutors on this floor. The Senator from Maine introduced early in the session a bill to recommence the construction of a navy that had passed out of sight. If $379,000,000 of the public money have been spent from 1865 to this day and we have no navy, let those who spent the money account to the people who owned it. But whether they shall account or not, whether their acccount shall be satisfactory or not, is not the question for us to-day alone. It is by our votes and by our action to supply deficiencies, if there have been, in ability or character or fidelity or honesty or anything else that goes to make up proper and efficient public service.

Therefore it was when the Senator from Maine presented his plan for building six new cruisers he found in the Senate no readier assistance than he found upon this side of the Chamber, and he will readily admit that. He nods assent, and it is but a very simple statement of the truth. I was one of those, with many of my associates around me, who believed the time had come when all the experimental departures in naval architecture and armament which had been tested at the expense of other countries should be availed of by our own, and that no longer should we delay a work that had been made necessary; I say not now from what cause made necessary. This is neither the time nor the hour nor the day for recrimination or otherwise of a partisan character.

I say that the time had come when the recommencement and restoration of the American flag, both commercially and armed, upon the high seas should have begun. Therefore it was that I gave an early and a willing vote for the six cruisers. I voted for the money to finish the four for which contracts had already been made. I voted for granting the money to finish the four double-turreted monitors which by the action, not of Congress, but of Mr. Thompson, the Secretary of the Navy, and of Mr. Hayes's administration, were arrested in the course of their construction and stopped from that day until two years ago. It was no act of Congress that arrested the completion and armament of those four double-turreted monitors. It was the act of an incom-

ing Secretary of the Navy, who declared that he did so because of gross maladministration that had preceded him.

Now, Mr. President, this bill stands, as I understand, upon two points of difference, from both of which the Senate have receded: The one ingrafted upon the appropriation bill the project for the construction of the six cruisers which was the subject of a separate bill passed by the Senate by an overwhelming majority and sent to the House. The other was complained of by the Senator from California [Mr. MILLER], that the contract for completing the Monadnock, one of the four double-turreted monitors, had not been provided for.

Before me lies the public law of the United States which has been in force for some thirteen years—it was passed in 1871—which provides that where the expenditure of money has not been contracted for for the object for which it was intended, for the fulfillment of contracts properly made within the year, the balance shall be carried to the surplus fund in the Treasury. Why is it that contracts have been made for the completion, the armament, and the fitting out for sea and for service of three of these monitors and not of the other? Why that has been I know not, but so it seems. It has certainly been the omission or the commission of the Department in charge, but with that Congress has nothing whatever to do. Here stands the general law, passed for a general and wise policy, not to allow appropriations made from year to year to be left over and to be held undistinguished in the hands of the Department for which they were made. It seems to me, with all due respect to the other branch of Congress, that unless they have repealed the act of 1871 they scarcely could provide money for a contract that was not yet made. But I believe the fact still stands, that there are three of these vessels under contract for which the full money and the full amount necessary for their completion has been provided by this bill.

But the other point is whether it is wise and proper for the Senate to insist upon a feature of general legislation attached to an appropriation bill, and which every man who hears me knows can not be referred to the appropriate committee of the House, to which it should be sent. In other words, proposing to build a navy, the Senate has so legislated that the appropriate committee of the other branch of Congress can not examine the proposition submitted to it.

Mr. HALE. Will the Senator allow me there?

Mr. BAYARD. Certainly.

Mr. HALE. The precise provision that the Senate incorporated on the naval appropriation bill for the construction of the additional ships was sent to the House of Representatives in a separate bill months before the appropriation bill, was there referred to the House Committee on Naval Affairs, and has slept there ever since. So that the House committee has had months to mature the measure.

Mr. BAYARD. That is precisely the case. I endeavored to state that fact as distinctly as I could. I said that I had assisted in the passage of the bill which had been sent to the House, and there, I take it, the function and the power of the Senate ends. But it pleased the Senate to proceed to legislate in the way I have described, and I do here reiterate that an appropriation bill containing this separate, distinct feature, which is of a general nature in legislation, has been incorporated upon a bill that can not under the rules of the Senate and House be referred to the Naval Committee.

I will agree that a separate bill containing the same matters had been referred to them; and it was a question simply of judgment, a question of responsibility, for which each House must stand before the country to answer in its own way; but there is no power and there will never be a power in this country, I trust in God, to enable one man to coerce the judgment and the conscience and the responsibility of the other. The American people did not deposit their power in a single House. It stands in two independent Houses, and they again subject to the check of the Executive.

Now, I mean to say that this amendment ought never to have gone on this appropriation bill. I have heard the Senate Chamber ring with denunciation of the proposition to ingraft general legislation on Army and Navy appropriation bills. At this very session the Senate has resisted, and properly resisted, the ingrafting of general legislation upon a bill for the payment of the sundry civil expenses of the Government, a most meritorious amendment, an amendment intended to abate extortions and oppressions by the commissioners and clerks and officials of the judicial branch in many of the Southern States. That amendment contained seeds and suggestions of genuine reform, but I and others joining with the majority in the Chamber voted that it was improper to have associated an amendment containing reforms, however wholesome, on a mere bill of appropriations, and the Senate has refused to assent to that provision, and the House has withdrawn and conceded that the Senate was justified in that act.

What is now the case? The Senate is asked now precisely to adopt the same rule of legislation in regard to this appropriation that it insisted upon in regard to an amendment incorporated by the House upon one of its bills. I do not say an amendment, but a change in existing law sent here under the forms of an appropriation bill was rejected by the Senate, and the same ground and the same reasons that would urge me to vote to reject the House action urge me to-day to vote to reject the Senate action; and I for one desire to say that the Senate has done well in receding from its amendment, and I will say further the amendment, in my judgment, ought never to have gone upon the bill.

The Senator from Maine has accomplished, I think, all that was his duty to do when he presented the separate proposition of an increase of the American Navy under the form of a bill properly passed in this body for the consideration of the House of Representatives. After it passed from us we had no control of it. The merits or demerits of the bill were no longer for us to consider.

Mr. HALE. The Senator will bear in mind that the Senate has not receded from its proposition to the naval appropriation bill. That bill is left precisely as it stood. It stands between the two Houses with the Senate amendment upon it, and this bill does not put the Senate in the attitude of receding, but this bill is introduced independent and lets all that subject go over to the next session with the Senate amendment upon the appropriation bill.

Mr. BAYARD. I do not understand the precise position of it and I do not care much how the same end may be reached.

Mr. HALE. It leaves the bill between the two Houses.

Mr. BAYARD. Two things equal to the same thing are equal to each other. I shall no more vote to compel the House to subject themselves to the will of the Senate, because that will has been ingrafted upon an appropriation bill, than I would submit to like coercion by the other branch in case they endeavored to ingraft a provision of general legislation upon an appropriation bill sent to us. I was not aware of the form in which this question was presented to the Senate, but I believe it substantially is that the Senate are asked to give their assent to a bill appropriating the full amount needed to maintain the American Navy and execute the contracts which have been duly and legally made. For that bill I am prepared to vote, and I shall neither vote to put on a new amendment which shall compel the House to assent at the cost of losing the appropriation, nor shall I vote to stay here longer for the purpose of accomplishing that which I believe is unjust to the House.

The PRESIDENT *pro tempore*. The Calendar of General Orders is before the Senate. Order of Business No. 3 is the first case on the Calendar. The title of the bill will be read.

Mr. COCKRELL. I do not see the Senator from Iowa, the chairman of the Committee on Appropriations. I think he has a conference report to submit. I have sent for him, and I hope nothing will be done until he comes in.

Mr. CONGER. I have heard no reasons given why the objection to the second reading of the bill should be withdrawn. I have noticed with regret that while the gentlemen who have charge of this bill repeat their very great desire to have a bill that shall increase the Navy, give it growth and strength, yet both of the gentlemen who have spoken who are on that committee, the Senator from Kansas [Mr. PLUMB] and the Senator from Maine [Mr. HALE], have unfortunately stated here distinctly that the other branch of Congress will not yield, and that there is no hope of securing any such result. By another day it will be seen that the leaders here have given up the struggle, submitting to the inevitable, which I very much regretted to hear; but I have at least had the pleasure of calling the attention of the Senate and of the country to the condition in which this legislation and proposed legislation leaves the Navy, and of showing who is responsible for that condition and for Congress acting with helplessness and ease and indifference in regard to our national defense.

But now, sir, with the hope that this bill may be amended, that the clause in regard to torpedoes may be stricken out, and that the last clause of the bill, which covers back into the Treasury money which Congress has already appropriated for completing one of the vessels, may be stricken out, I withdraw my objection to the second reading, retaining, as I have the right to, I suppose, the right to make objection to the third reading when that stage is reached.

The PRESIDENT *pro tempore*. The Senator from Michigan withdraws his objection to the second reading of the bill. Is there objection to its second reading?

Mr. RIDDLEBERGER. I am sorry the Senator from Michigan withdrew his objection. I feel like interposing one of my own, I will not, but I do not give my consent. I do not object.

The PRESIDENT *pro tempore*. Is there objection to the second reading of the bill the title of which will be now reported?

The SECRETARY. "A bill (H. R. 7509) making temporary provision for the naval service."

The PRESIDENT *pro tempore*. Is there objection to the second reading of this bill at this time? The Chair hears none, and the bill will be read the second time.

The bill was read the second time by its title.

The PRESIDENT *pro tempore*. The bill has been read the second time, and will be referred to the Committee on Appropriations.

Mr. HALE. The Committee on Appropriations has had jurisdiction of the subject, and it has already passed through all the phases of consideration that would apply to the bill, and I should be very glad now if it could be considered for final action. I ask unanimous consent that the bill may be put upon its passage. The Senator from California has an amendment which he desires to offer that will bring up the question of the Monadnock before the two Houses. I ask

unanimous consent, in order to expedite the matter, that the bill be put on its passage.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the bill be put upon its passage.

Mr. RIDDLEBERGER. I object. I understand that a majority takes up the bill, does it not? I am satisfied to let it go through if the majority want to carry it through, but I am not going to consent to it for one.

The PRESIDENT *pro tempore*. There is no rule of the Senate that requires a bill to be referred.

The Chair, waiting for a suggestion and hearing none, took the usual course with the bill.

Mr. HALE. The Senator from Virginia withdraws his objection. Is not the bill open to amendment?

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent, as the Chair understands, that the bill be put upon its passage.

Mr. CONGER. Does the Senator from Maine ask that?

Mr. HALE. The bill at present is open to amendment, I take it.

Mr. CONGER. Then let the Senator withdraw his request.

Mr. HALE. I do not object to any amendment being moved if any Senator has any to offer.

The PRESIDENT *pro tempore*. If there be no objection the Chair will withdraw the reference of the bill, and the bill is now before the Senate as in Committee of the Whole and open to amendment.

Mr. CONGER. I move to strike out the clause relating to torpedoes.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to amend the bill by striking out the words which will be read.

The Chief Clerk read the words proposed to be stricken out, as follows:

Or for the purchase and manufacture, after full investigation and test in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment of the Senator from Michigan.

The question being put, a division was called for, and the ayes were 8, and the noes many more——

Mr. HOAR. I hope the demand for a division may be withdrawn before the numbers are announced. I voted with the Senator from Michigan and thoroughly sympathize with him; but I ask him under the circumstances if he had not better withdraw the call for a division?

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HOAR. I know it is not in order, but I make a request.

Mr. CONGER. I withdraw my call for a division. I regret that circumstances forbid that there should not be a record of the votes of Senators on this proposition.

The PRESIDENT *pro tempore*. The demand for a division is withdrawn. The noes have it, and the amendment is disagreed to.

Mr. MILLER, of California. I move to strike out the last clause, beginning with the word "nothing," at the bottom of the page, to the end of the bill, and to insert in lieu of it what I send to the Chair.

The PRESIDENT *pro tempore*. The Senator from California proposes an amendment, which will be read.

The CHIEF CLERK. It is proposed to strike out the last paragraph, being—

Nothing herein contained shall be construed as appropriating money for or authorizing the continuation of work upon the double-turreted monitors Monadnock, Terror, Amphitrite, and Puritan; and any unexpended balance now remaining of the appropriation contained in said act approved March 3, 1883, for engines and machinery for the said double-turreted monitors shall be covered into the Treasury, except such parts thereof as may be required under existing contracts made for the engines and machinery of the three last-named monitors.

And to insert in lieu thereof:

The appropriation for the engines, machinery, &c., of the double-turreted monitors Monadnock, Terror, Amphitrite, and Puritan contained in said act approved March 3, 1883, shall be, and is hereby, continued, and the same is made available for the purpose declared in said act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from California.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. I ask that the Senate now take up the consular and diplomatic bill in order that I may move that the Senate recede from its amendment numbered 158.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that there be laid before the Senate the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes. The last action of the House of Representatives on the bill will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved, That the House still further insist upon its disagreement to the one hundred and fifty-eighth amendment of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. BURNES, Mr. TOWNSHEND, and Mr. WASHBURN be the managers of the further conference on the part of the House.

Mr. ALLISON. I make this motion, believing that the House of Representatives will not agree to this amendment, it having been twice tested in that body. I regret exceedingly that I am obliged to make the motion in order that we may secure the passage of the bill. This amendment was put on the bill in this body after mature deliberation and consideration and in order to accomplish a great public purpose. The details with reference to the amendment are well known to the Senate. They are well known to those in the House who have the responsibility of the passage of these bills. Therefore I assume that the House, thus knowing their responsibility, have deliberately refused to agree to the amendment which we proposed. Under these circumstances I make the motion that the Senate recede.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate recede from the only amendment open in the bill, proposed by the Senate to the bill, being amendment numbered 158.

Mr. MILLER, of California. I understand the Senator from Iowa to say that he is convinced the House will never agree to this amendment. Did I understand him correctly?

Mr. ALLISON nodded assent.

Mr. MILLER, of California. This matter has been discussed in the Senate at considerable length, but with closed doors. It has been discussed elsewhere.

The PRESIDENT *pro tempore*. The Senator from California can not allude to anything that took place with closed doors on this or any other measure.

Mr. MILLER, of California. I beg pardon of the Senate for having transgressed the rule. It has been discussed a great deal in the public prints, and it has been discussed in this body. As has been stated by the Senator from Iowa, the reasons for such an appropriation were made sufficiently manifest to convince a majority of this body that the appropriation ought to be made. It is for the purpose, as I understand, of securing to the United States certain advantages in reference to the isthmus transit; and every one who has given the subject consideration can not have failed to appreciate the importance of the attempt which the Government is now making.

I presume from the statement made by the Senator from Iowa that it will be impossible to convince—it has been impossible thus far—to convince the conferees on the part of the House that this appropriation is a necessary and proper one to be made. I do not propose to discuss the matter at this late hour, but I desire to have it distinctly understood that the responsibility for whatever may happen, for whatever losses may be entailed on this nation, for whatever advantages other nations may obtain over this, the dominant power in this hemisphere, by the failure to make this appropriation, will not rest upon the Senate nor upon that committee of the Senate which has recommended this appropriation.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa that the Senate recede from this amendment.

The motion was agreed to.

DISTRICT CLERICAL SERVICES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 286) for the payment of certain persons therein named for clerical services rendered the District of Columbia in making numerical and assess books; in which it requested the concurrence of the Senate.

Mr. LOGAN. I ask to take up the resolution just received from the House and have it considered now.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. Res. 286) for the payment of certain persons therein named for clerical services rendered the District of Columbia in making numerical and assess books was read the first time by its title.

Mr. GARLAND. Let it be read in full.

The PRESIDENT *pro tempore*. The joint resolution will be read for information subject to objection.

The Secretary read as follows:

Resolved, &c., That the Secretary of the Treasury be authorized to pay the following-named persons for clerical services in making numerical and "assess" books, namely: To F. G. Cowie, $138; to G. A. Hall, $435; to W. E. Morgan, $505; to George S. Bell, $180; to Thomas B. Shoemaker, $45; to William Griffin, $900; to E. W. W. Griffin, $900; to R. A. Fish, $900; to Frank Wilson, $900; to J. F. Thompson, $171; to Charles D. Merwin, $30; in all, $5,104, out of moneys appropriated for the District of Columbia not specifically set apart for special purposes.

Mr. LOGAN. I will state that this resolution is only an extract from a bill that passed the Senate, and the House conferees struck it out from the deficiency appropriation bill. After the conference report had been agreed to I went to see about it, and found it was stricken out without a full understanding of it, and they would have agreed to it had they had the statements before they agreed on the conference report. One of the conferees said he would endeavor to have a resolution of this character passed through the House, so that the Senate might agree to it.

Mr. COCKRELL. The appropriation provided for in the joint resolution was an amendment, I believe, to the deficiency bill agreed to by the Senate. That amendment in that bill was submitted to the House conferees. It was disagreed to with a full knowledge and with all the information we now have upon it. The Senate necessarily had to recede. What has changed the views of the House in regard to the matter I do not know. It is a remarkable proceeding. Believing that we were doing justice and were right in placing the amendment on the bill and insisting upon holding it there as long as we could, and that the conferees were wrong then and the House is right now in passing the measure, I shall not object to its consideration, but simply ask that a provision be put in to make the District liable to one-half of it.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Is there objection to the second reading of the joint resolution? The Chair hears none.

The joint resolution was read the second time, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. I find in looking at the resolution that the provision is sufficient.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HOAR. I rise to move an adjournment until 9 o'clock to-morrow, if there be no objection on the part of the Senator from Iowa.

Several SENATORS. Ten.

Mr. ALLISON. I see no objection to the motion unless it should turn out that the House should disagree to our amendment to the naval bill just passed, and in that case it might be necessary to have another conference.

Mr. HOAR. This will give three hours before 12 for that purpose.

Mr. ALLISON. Very well.

Mr. HOAR. I move that the Senate adjourn until 9 o'clock to-morrow.

Mr. SHERMAN. Before that motion is put I ask whether any hour has been fixed for final adjournment?

Mr. ALLISON. No hour has been fixed for final adjournment, and I think none should be fixed to-night.

Mr. COCKRELL. I hope the Senator from Massachusetts will say 10 o'clock.

Mr. HOAR. It ought to be 9.

Mr. MORGAN. We ought to have a brief executive session. I hope the Senator from Massachusetts will allow us to have a brief executive session.

Mr. HOAR. I will modify my motion and move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened; when, on motion of Mr. HOAR (at 11 o'clock and 20 minutes p. m., Sunday, July 6), the Senate adjourned to meet at 10 o'clock a. m. on Monday, July 7.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 5, 1884.

The House met at 9 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

SENATE REPORT ON LABOR AND CAPITAL.

The SPEAKER laid before the House the following resolution of the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying testimony, be printed; and that 25,000 additional copies be printed, of which 8,000 shall be for the use of the Senate, 16,000 for the use of the House of Representatives, and 1,000 copies for the use of the Senate Committee on Education and Labor.

IRRIGATION IN CALIFORIA.

The SPEAKER also laid before the House the following resolution of the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 copies of Executive Document No. 290, first session Forty-third Congress, relating to irrigation of the San Joaquin, Tulare, and Sacramento Valleys, California, of which 1,000 copies shall be for the use of the Senate and 1,000 copies for the use of the House.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER also laid before the House a communication from the president of the Washington and Georgetown Railroad Company, transmitting the treasurer's annual report of the company's receipts and disbursements for the year ending December 31, 1883; which was referred to the Committee on the District of Columbia.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House take a recess until 11 o'clock this morning.

Mr. STRUBLE. I ask unanimous consent to make a report from the Committee on Pensions.

The SPEAKER. A motion for a recess is pending.

Mr. TOWNSHEND. I move that the morning hour be dispensed with.

The SPEAKER. That motion is not in order pending a motion for a recess.

The question being taken on the motion of Mr. RANDALL, there were—ayes 26, noes 11.

Mr. TOWNSHEND. No quorum.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] makes the point that no quorum has voted.

Mr. SPRINGER. Can we not dispense with the morning hour by unanimous consent and then take a recess?

Mr. TOWNSHEND. I am willing that shall be done.

The SPEAKER. The House can do almost anything by unanimous consent.

Mr. SPRINGER. I ask unanimous consent that the morning hour be dispensed with.

Several members objected. [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion for the recess.

Mr. MCMILLIN. I understand that the point of no quorum is withdrawn.

The SPEAKER. The Chair will put the motion again.

The question being again put on the motion of Mr. RANDALL that the House take a recess until 11 o'clock a. m., it was agreed to; and a recess was accordingly taken.

The recess having expired, the House at 11 o'clock a. m. resumed its session.

WITHDRAWAL OF PAPERS.

Mr. WILSON, of Iowa, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Barbara A. Cheney.

INVESTIGATION OF PACIFIC RAILROADS.

Mr. THOMPSON. I ask unanimous consent for the consideration and adoption of a resolution proposing an investigation to obtain information needed by the Pacific Railroads Committee and which can not be obtained without an investigation of this kind. This information is important in its connection with bills which have been before us for some time to regulate freight and fares on these roads; and it is also desirable to obtain information whether the late report made by Government experts was in any way modified, suppressed, or changed. I send the resolution to the desk and ask unanimous consent for its immediate consideration and adoption.

Mr. DUNN. I do not object to any resolution proposing a necessary investigation.

The SPEAKER. The gentleman from Kentucky [Mr. THOMPSON] asks unanimous consent for the immediate consideration of a resolution which will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That the Speaker of this House appoint a committee of five members from the Committee on Pacific Railroads to investigate the affairs of the Union Pacific Railway Company, the Central Pacific Railroad Company, and Northern Pacific Railroad Company, and report what was the cost of building the same, whether at any time the net earnings of said roads have in either case been greater than 10 per cent. of its cost after deducting all expenditures, &c., as provided in the act of 1862, and whether the right to reduce and fix by law the rates of fare on said roads, or either of them, has accrued and should be exercised by the United States; also, whether the recent report of the Government accountants was suppressed, withheld, altered, or modified by any one; if so, by whom and at whose instance and for what purpose; and whether any contract or combination was entered into between any of the officials of said railroads and any officer of the Government, or arrangements made to delay or influence action upon the part of Congress in regard to said roads, and whether any of the funds or securities of either of said roads have been in any way misappropriated or misapplied; and for this purpose they may send for persons and papers, swear witnesses, employ clerks, accountants, and other necessary labor, may visit and hold meetings on any portion of said roads in cities in which their papers are kept during the recess of Congress; and the expenses of said investigation, not to exceed $10,000, shall be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. BELFORD. I wish to make an inquiry in regard to this resolution.

Mr. THOMPSON. Let the resolution first come before the House, and if the gentleman wishes to move an amendment I will yield to him for that purpose.

Mr. BELFORD. I will take my chance now. I do not wish to put an amendment in. I wish to inquire whether there is not in the Treasury Department a railroad commissioner who makes every year a report to the Government.

Mr. THOMPSON. Yes, sir.

Mr. BELFORD. As to the condition of all these railroads?

Mr. THOMPSON. But, sir, it is so insufficient on the very points which we desire to investigate that we have been induced to make this

request for additional information. There is no information in the Railroad Commissioner's report relating to the rates of fare; none at all, sir; and therefore we have asked to make this investigation. We have had these bills before us and we have not had any data upon which we can report to the House any legislation. We have to make this investigation before we will be able to submit any report to the House for action which will be at all satisfactory.

Mr. BELFORD. I understand this Government made appropriation to aid in the construction of the Union Pacific Railroad——

Mr. McCOID. I object.

Mr. BELFORD. And the Central Pacific Railroad.

Mr. THOMPSON. I hope the gentleman from Iowa will let the resolution pass.

Mr. BELFORD. I hope the gentleman will be willing to let the resolution be considered.

Mr. McCOID. It is unnecessary. It is too late a day in the session to provide for a junketing expedition.

Mr. THOMPSON. I wish to say to the gentleman from Iowa [cries of "Regular order!"] that there is no junketing expedition about it. [Cries of "Regular order!"] This investigation is absolutely demanded. [Cries of "Regular order!"]

The SPEAKER. The regular order has been demanded and there is nothing before the House.

EXPLANATION.

Mr. STEELE. Last night during the call of the roll I stated that I was paired with my colleague, Mr. LAMB, and for that reason I wished to withdraw my vote unless necessary to make a quorum. Afterward I stated that as Mr. LAMB and myself would vote the same way I would let my vote stand.

ORDER OF BUSINESS.

Mr. WILSON, of Iowa. I hope, Mr. Speaker, that every gentleman present to-day will vote to make a quorum, as that is understood in every pair which has been made between members.

Mr. REED demanded the regular order of business.

Mr. TOWNSHEND. I move to dispense with the morning hour.

The House divided; and there were—ayes 49, noes 36.

So (two-thirds not having voted in the affirmative) the morning hour was not dispensed with.

Mr. TOWNSHEND. Let us have the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

LEAVE OF ABSENCE.

Mr. TULLY, by unanimous consent, was granted indefinite leave of absence on account of important business.

LEAVE TO PRINT.

Mr. YOUNG, by unanimous consent, was granted leave to print in the RECORD some remarks on the Mexican pension bill.

CRAIG VS. SHELLEY.

Mr. TURNER, of Georgia. In behalf of my colleague on the Committee on Elections [Mr. DAVIS, of Missouri] I desire to submit a report from that committee in the case of Craig against Shelley, of Alabama.

The SPEAKER. The Clerk will read the resolution accompanying the report.

The Clerk read as follows:

Resolved, That Charles M. Shelley was not elected a Representative in the Forty-eighth Congress from the fourth district of Alabama, and is not entitled to a seat in said Congress.

Resolved, That George A. Craig was elected a Representative in the Forty-eighth Congress from the fourth district of Alabama, and is entitled to a seat in said Congress.

The report was ordered to be printed.

Mr. BENNETT, by unanimous consent, presented the views of the minority, which were also ordered to be printed with the report of the committee.

DELEGATE FROM MONTANA.

Mr. RANNEY, by unanimous consent, from the Committee on Elections, submitted a report, accompanied by the following resolution:

Resolved, That Martin Maginnis was duly elected as a Delegate from the Territory of Montana in the Forty-eighth Congress, and is entitled to a seat as said Delegate.

Mr. RANNEY. The committee was unanimous in that report, and I presume there will be no objection to its adoption at this time.

The SPEAKER. It would be irregular to do so during the call of committees for reports, but it can be called up again.

PRAIRIE BAND OF POTTAWATOMIE INDIANS.

Mr. PERKINS (by Mr. FUNSTON), from the Committee on Indian Affairs, reported back with an amendment the bill (H. R. 3622) to provide for the sale of the lands belonging to the Prairie Band of Pottawatomie Indians in Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GEORGE K. OTIS.

Mr. LEWIS (by Mr. SCALES), from the Committee on the Public Lands, reported back favorably the bill (H. R. 442) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LYNN, MASS.

Mr. WEMPLE (by Mr. REESE), from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 4781) for the erection of a post-office building at Lynn, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, WILKES BARRE, PA.

Mr. PUSEY, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 5138) for the purchase of a site and the erection of a public building at the city of Wilkes Barre, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WASHINGTON'S HEADQUARTERS, MORRISTOWN, N. J.

Mr. KEAN, from the Committee on Public Buildings and Grounds, reported back the joint resolution (H. Res. 197) authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's Headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried, and in erecting a monument over the same; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, PLYMOUTH, MASS.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 4095, a bill (H. R. 7506) for a public building at Plymouth, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LA FAYETTE, IND.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, also reported back with amendments the bill (H. R. 5486) for the purchase of a site and the erection of a public building thereon in the city of La Fayette, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MATERIAL FOR PUBLIC BUILDINGS.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, also reported back, with the recommendation that it be adopted, a resolution referred to said committee directing an inquiry into all matters pertaining to workmanship, the furnishing of material and quality of the same, for the construction of public buildings, and also with reference to expenses pertaining to the same; which was ordered to be printed, and referred to the House Calendar.

PETER M. HAGLER.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back the bill (H. R. 252) granting a pension to Peter M. Hagler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE HIGGERSON.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1856) granting a pension to Caroline Higgerson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CANADIAN RECIPROCITY TREATY.

Mr. HITT (in behalf of Mr. BELMONT), from the Committee on Foreign Affairs, reported back the joint resolution (H. Res. 32) requesting the President to negotiate with Great Britain for a renewal of the Canadian reciprocity treaty of 1884; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WILSON W. BROWN AND OTHERS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 337) granting a pension to Wilson W. Brown and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES KING.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2049) granting a pension to James King; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JEREMIAH M'CARTY.

Mr. STRUBLE, from the Committee on Pensions reported back with

amendments the bill (H. R. 6029) for the relief of Jeremiah McCarty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS REFERRED UNDER THE BOWMAN ACT.

Mr. McMILLIN. Mr. Speaker, on behalf of the Committee on Claims, I desire to submit a report with reference to the claims referred by that committee to the Court of Claims, under the act of March 3, 1883, with an accompanying statement. While there is no rule that requires this report to be made, I think it is one that ought to be made for the information of the House, and I understand the Committee on Rules have prepared and are ready to report a rule to cover the case.

The SPEAKER. The report will be printed in the Journal if there be no objection.

There was no objection, and it was ordered accordingly.

THEODORE TEED.

Mr. VAN ALSTYNE, from the Committee on Claims, reported a bill (H. R. 7507) for the relief of Theodore Teed; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. J. T. MOSS.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported back the bill (H. R. 6661) for the relief of H. J. T. Moss; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

G. ALEXANDER RAMSEY.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported back with amendments the bill (H. R. 2200) providing for the relief of G. Alexander Ramsey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISSUE OF DUPLICATE CHECKS.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 1705) to provide for the issue of duplicate checks; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PRESENTATION OF COMMITTEE REPORTS.

Mr. SMITH, from the Committee on Printing, reported back with amendments the joint resolution (H. Res. 263) providing for the preservation of reports of committees; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COLLECTION AND INDEXING OF COMMITTEE REPORTS.

Mr. SMITH, from the Committee on Printing, also reported a joint resolution (H. Res. 285) providing for the collection and indexing of the reports of committees; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN DAILY.

Mr. HENLEY, from the Committee on the Public Lands, reported back the bill (H. R. 2916) for the relief of John Daily; which was referred to the Committee of the Whole House on the Private Calendar, and, with theaccompanying report, ordered to be printed.

FLAVIA A. HASKELL.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1627) granting a pension to Flavia A. Haskell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. DENSON.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4316) for the relief of John F. Denson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. STORM, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 137) for the relief of Betsy A. Mower;

A bill (H. R. 284) for the relief of Mary G. Hawk;

A bill (H. R. 569) granting a pension to Reuben Marshall;

A bill (H. R. 709) granting a pension to Robert L. Willey;

A bill (H. R. 747) granting an increase of pension to Fannie S. Beaumont;

A bill (H. R. 2089) granting a pension to Margaret Wiggins;

A bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall;

A bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department;

A bill (H. R. 2869) for increase of pension of Martha Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy;

A bill (H. R. 4457) granting a pension to J. G. Crawford;

A bill (H. R. 4530) granting an increase of pension to Patrick Foley;

A bill (H. R. 4568) granting a pension to Andrew J. Konkle;

A bill (H. R. 6766) granting a pension to Mrs. Anna J. Foster; and

A bill (H. R. 6767) granting an increase of pension to Mrs. Virginia Zeilin.

PRINTING OF DIGEST.

Mr. REED. I ask unanimous consent to report from the Committee on Rules for present consideration the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That 2,500 copies of the Digest of the second session of the Forty-eighth Congress be printed and bound for the use of the House at said session.

Mr. REED. This is simply to print the usual number of copies of the Digest for the next session.

Mr. COX, of New York. That is all right.

The resolution was adopted.

Mr. REED moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. VANCE. I ask unanimous consent to call up a bill from the Calendar to relieve a gentleman of his disabilities. It will not take a moment.

Mr. DUNN. I call for the regular order.

Mr. PETERS. I desire to present a bill for reference. I understand the gentleman from Arkansas [Mr. DUNN] does not object to the introduction of bills for reference.

There was no objection.

UNITED STATES COURTS IN WASHINGTON TERRITORY.

Mr. PETERS, by unanimous consent, introduced a bill (H. R. 7508) in relation to the appointment of clerks to the United States district courts in Washington Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ANNIE HOLBORN.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 4774) for the relief of Annie Holborn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONTESTED ELECTION—BOTKIN VS. MAGINNIS.

The SPEAKER. The regular order is demanded. The regular order is the consideration of the contested-election case reported by the gentleman from Massachusetts [Mr. RANNEY].

The report is as follows:

Mr. RANNEY, from the Committee on Elections, submitted the following report:

Martin Maginnis and A. C. Botkin, respectively the candidates of the Democratic and Republican parties for member of the Forty-eighth Congress in Montana Territory.

In a total vote of 23,318, Mr. Maginnis was declared by the proper authorities to have been elected by a majority of 1,484 votes.

Mr. Botkin, contesting, in his notice of grounds of contest says:

NOTICE OF CONTEST.

HELENA, MONT., *December* 30, 1882.

SIR: You will please take notice that I will contest your election and return as Delegate to the Forty-eighth Congress for the Territory of Montana. The grounds upon which I rely in said contest are as follows:

1. That a large number of illegal and fraudulent votes, to wit, three thousand (3,000), were cast, counted, and canvassed for you in the counties of Custer, Dawson, and Missoula, in said Territory.

2. That polling places were established in the counties of Custer, Dawson, and Missoula aforesaid without authority of law, and in violation of the statutes of Montana Territory, at which polling places a large number of votes, to wit, two thousand (2,000), were cast, counted, and canvassed for you.

3. That the precinct or polling place designated as Cross River, and alleged in the return to be in Gallatin County, in said Territory, was situate upon an Indian reservation, to wit, upon the reserve for the Crow Indians, at which said precinct or polling place 295 votes were cast, counted, and canvassed for you, and 79 for this contestant.

4. That in the counties of Custer, Gallatin, and Missoula men employed in the construction and operation of the Northern Pacific Railroad were coerced to vote for you by intimidation and threats of discharge from contractors, subcontractors, and other employers.

5. That the votes cast in the several counties of the said Territory were not counted, returned, and canvassed in accordance with law.

Very respectfully,

ALEXANDER C. BOTKIN.

Hon. MARTIN MAGINNIS.

The committee are of the opinion that there is such a want of particularity in all of the assignments save the third that they might well be disregarded. But, waiving the question of particularity, the committee conclude that the polling places established in the counties of Custer, Dawson, and Missoula were not without authority of law. We regard the statute prescribing that precincts shall be established at the regular meeting immediately preceding the general election to be directory rather than mandatory in its character. And, following the familiar rule in such cases, we do not hesitate to say that their designation at another time, in the interests of a free and convenient ballot, was such an exer-

cise of power as the commissioners might well indulge in. However this may be, the committee do not find that there was any wrong or injury done, or that there was any fraud in the matter.

The statute referred to is as follows:

"SEC. 5. It shall be the duty of the commissioners of the several counties, at their regular session immediately preceding said general election, to appoint three discreet and capable persons, possessing the qualifications of electors, to act as judges of election in each township or precinct; and said board shall designate one or more of said judges, whose duty it shall be to post up, or cause to be posted up, in each precinct or township, notices of election in the manner hereinafter provided. Said board of commissioners shall also set off and establish at said meeting townships or precincts when the same may be necessary. And the clerk of said board shall make out and forward by mail, immediately after the appointment of said judges, a notice thereof in writing directed to each of said judges so appointed. In case there shall be no post-office in any one or more of the townships or precincts in any county, then in that event the clerk shall forward notices of such appointment by mail to the post-office nearest to such precinct or township, directed to the judges as aforesaid. If in any of the townships or precincts any of said judges refuse or neglect to serve, the voters of such township or precinct may elect a judge or judges to fill vacancies on the morning of the election to serve at such elections.

* * * * * * *

"SEC. 14. It shall be lawful for any elector to vote for Delegate to Congress at any place of holding elections in this Territory, and for members of the Legislative Assembly, and all other officers at any place for holding elections within the particular limits for which such member of the Legislative Assembly and such other officers are to be elected: *Provided*, That an elector qualified to vote for part and not all of the officers to be chosen at any election shall vote an open ballot, and the judges may determine the legality of such vote."

There is some proof tending to show that "soldiers" voted at this election. In the opinion of witnesses these "soldiers" were from forty to one hundred and fifty in number. We do not feel that we are justified in presuming that because the contestant and his witnesses have seen fit to designate these persons as soldiers that they are therefore necessarily incompetent as electors.

In his description of them, and of their qualifications as electors, contestant has contented himself with saying they were soldiers. There is no evidence that they were not residents of the Territory; that they had not been residents of the Territory long prior to any enlistment in the United States service, if it is claimed that they were in the United States service—a proposition by no means clear in the light of the proofs. But if it is admitted that they were enlisted men of the United States Army, and are therefore incompetent as electors, the committee are still left in doubt as to how and for whom these incompetent electors cast their ballots.

Your committee are not willing to say, in the light of the proofs, that the apparently large vote at Miles City and at other new towns along the line of the railway indicate illegal voting. Under the law of the Territory the voters did not need to be residents where they voted. In all new countries the voting population is large compared with the entire population. The rule that one in five of the total population is a voter, that holds good in the older and more densely populated portions of the United States, is not a true rule in the new and sparsely settled regions. In the latter the male adults are much more numerous, and the argument that contestant attempts to make by showing the total population and the total vote we regard as an unfair one, and refuse to give it the weight he desires we should.

Your committee do not find that illegal and fraudulent votes were cast for the contestee in Custer, Dawson, and Missoula Counties. In our judgment, the proofs are entirely wanting to show that in Custer, Gallatin, and Missoula Counties men employed in the construction and operation of the Northern Pacific Railroad were coerced to vote for contestee by intimidation and threats of discharge by contractors, subcontractors, or other employers. In our judgment, no proofs are adduced establishing this ground of contest.

So far as we may judge from the evidence introduced and the argument of counsel, the fifth assignment, namely, that the votes cast in the several counties of the said Territory were not counted, returned, and canvassed in accordance with law, has been abandoned by contestant. We do not find anything in the record tending to sustain this allegation.

The committee are therefore unanimous in the opinion that the following resolution should be reported to and be adopted by the House:

"*Resolved*, That Martin Maginnis was duly elected as a Delegate from the Territory of Montana in the Forty-eighth Congress, and is entitled to his seat as such Delegate."

The resolution was read, as follows:

Resolved, That Martin Maginnis was duly elected a Delegate from the Territory of Montana in the Forty-eighth Congress, and is entitled to his seat as such Delegate.

Mr. RANNEY. In this case the Committee on Elections have unanimously reported in favor of the sitting Delegate. I know of no reason why the resolution should not be adopted.

The resolution was unanimously adopted.

Mr. RANNEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to have printed in the RECORD a petition in favor of the educational bill signed by 5,000 citizens of the city of New York and elsewhere.

Several members called for the regular order.

CONTESTED ELECTION—POOL VS. SKINNER.

The SPEAKER. The regular order is the consideration of the contested-election case of Charles C. Pool *vs.* Thomas G. Skinner, first Congressional district of North Carolina.

Mr. TURNER, of Georgia. It is entirely agreeable to me to take that case up at any time when it will suit the convenience of the House. But some appeal was made to me on account of the absence of the gentleman interested in the result of the case, that it should be postponed. If it is to be gone into, we ought to proceed at once to a decision. But if there is any reason why it should not now be tried, I suggest that reason should be given to the House at this time. I will inquire of the gentleman from North Carolina [Mr. BENNETT] if there is any reason why that case should not now be disposed of?

Mr. BENNETT. The House will recall the fact that a few days ago the case of Pool *vs.* Skinner was called up, and the House by a very decided majority refused to proceed with the consideration of it. The action of the House at that time was taken by Mr. SKINNER and his friends as evidence that the temper of the House was against the consideration of the case at this session. Mr. SKINNER went away under that impression, and I think it would be obviously an injustice to him to proceed with the case in his absence in view of all that has transpired.

The SPEAKER. Is there objection to passing the case over?

Mr. JOSEPH D. TAYLOR. I object.

Mr. BENNETT. I move to postpone the further consideration of the report in this case until the second Monday in December, 1884.

The motion to postpone was agreed to.

CONTESTED ELECTION—CRAIG VS. SHELLEY.

The SPEAKER. The next matter in regular order is the contested-election case of Craig *vs.* Shelley, fourth Congressional district of Alabama, reported this morning by the gentleman from Georgia [Mr. TURNER] for his colleague, the gentleman from Missouri [Mr. DAVIS].

Mr. TURNER, of Georgia. With regard to this case it is due to the gentleman from Missouri, in whose behalf I presented that report, to say there was an understanding arrived at in the committee with the gentleman from North Carolina [Mr. BENNETT], who is in charge of the views of the minority, that that matter should not be called up for one week after the case was decided by the Committee on Elections. In view of that understanding, I ask that the case may go over.

The SPEAKER. The gentleman from Georgia asks that the case may be passed over for the present. Is there objection? The Chair hears none.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I ask unanimous consent that the House now resolve itself into Committee of the Whole on the Private Calendar for the purpose of considering pension bills.

Many MEMBERS. Regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection. The regular order would be a motion, if made, to go into Committee of the Whole on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

Mr. HENLEY. I desire to submit a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. HENLEY. I move to take from the Speaker's table Senate amendments to House bill 7162——

The SPEAKER. That is not a privileged motion.

Mr. TOWNSHEND. What is the regular order?

The SPEAKER. Any motion that may be made in order.

Mr. HENLEY. I have the floor, I believe. I move to take from the Speaker's table the Senate amendments to House bill 7162 to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes. I desire to ask the House to non-concur in those amendments, and I will state that they are so radical and change so entirely the purport and scope of the bill as it originally passed the House that they can not be consistently concurred in by the House. I therefore ask the House to non-concur in those amendments.

Mr. BELFORD. I desire to know what the amendments are.

The SPEAKER. They will be read before the question is taken upon non-concurrence. Is there objection to considering the Senate amendments to the bill indicated by the gentleman from California [Mr. HENLEY]?

Mr. BELFORD. I object, unless we can have an opportunity to consider the amendments.

The SPEAKER. The gentleman from California [Mr. HENLEY] states that he desires to move to non-concur in the amendments, and that motion is debatable unless the previous question shall be ordered.

Mr. HENLEY. On that motion I demand the previous question.

Mr. STRAIT. I object to the consideration of the bill and the Senate amendments.

The SPEAKER. Objection being made, the bill with the Senate amendments is not before the House.

Mr. TOWNSHEND. I move to go to the business on the Speaker's table, and will state that my purpose is to reach the Mexican pension bill with Senate amendments.

Mr. HEWITT, of Alabama. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I move that the House now proceed to consider the special order fixed by resolution of the House on the 18th of February last, being House bill 3962 granting pensions to certain soldiers and sailors of the Mexican war and other wars therein named, and for other purposes.

The SPEAKER. Under the rules of the House the question will be first taken upon the motion of the gentleman from Alabama [Mr. HEWITT].

Mr. DUNN. Is it in order, pending these motions, to move that the House now take a recess?

The SPEAKER. It is.

Mr. DUNN. Then I make the motion that the House take a recess until 1 o'clock. I am informed that the conference committees will have work ready for us by that hour.

Mr. MILLS. And we can not do anything between now and then.

The SPEAKER. A motion for a recess is a privileged motion under the rules, and takes precedence of the other motions now pending.

The question was taken; and on a division there were—ayes 78, noes 33.

Mr. JOSEPH D. TAYLOR. No quorum has voted.

Tellers were ordered; and Mr. DUNN and Mr. JOSEPH D. TAYLOR were appointed.

The House again divided; and the tellers reported that there were—ayes 88, noes 22.

Mr. JOSEPH D. TAYLOR (one of the tellers). No quorum has voted.

The SPEAKER. The tellers will continue the count, and gentlemen who have not voted are requested to vote in order to make a quorum.

Mr. HENDERSON, of Iowa. I would like to make a proposition to the House, if in order. There are lying upon the Speaker's table a number of House pension bills returned from the Senate with amendments. I ask unanimous consent that the Mexican pension bill be temporarily laid aside, and that those individual pension bills be taken up and the amendments considered.

The SPEAKER. The Mexican pension bill has not yet been reached. A motion is pending to go to the Speaker's table, and the gentleman from Illinois [Mr. TOWNSHEND] states that he makes that motion for the purpose of reaching that bill.

Mr. TOWNSHEND. I am willing to adopt the proposition of the gentleman from Iowa [Mr. HENDERSON].

Mr. HEWITT, of Alabama. I have no objection to that.

Many MEMBERS. Regular order!

The SPEAKER. The demand for the regular order is equivalent to an objection. The Chair, however, will state the request and then gentlemen can object in a formal way if they desire to do so. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent that all the pending motions be withdrawn, and that the House proceed to the consideration of House pension bills with Senate amendments now upon the Speaker's table.

Mr. TOWNSHEND. The motion is not to withdraw the Mexican pension bill.

The SPEAKER. The Mexican pension bill is not up.

Mr. DUNN (one of the tellers). I object.

The SPEAKER. Objection is made.

Mr. TOWNSHEND. Then I call for the yeas and nays at once, as I think that would be an economy of time.

The SPEAKER. The tellers will make their report.

The tellers reported that there were ayes 112, noes 34.

Mr. HENDERSON, of Iowa. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were—ayes 21, noes 79.

The SPEAKER. More than one-fifth voting in the affirmative, the yeas and nays are ordered.

Mr. HEWITT, of Alabama. I call for tellers on ordering the yeas and nays.

Tellers were ordered, there being 35 in the affirmative (more than one-fifth of a quorum); and Mr. JOSEPH D. TAYLOR and Mr. DUNN were appointed.

Mr. PERKINS. Before the vote is taken on ordering the yeas and nays I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. If the motion for a recess should be voted down, will a motion to go to the Speaker's table for the purpose of considering House pension bills with Senate amendments be in order?

The SPEAKER. It would not, except by unanimous consent.

The House again divided; and the tellers reported—ayes 7, noes 74.

So the yeas and nays were not ordered.

The SPEAKER. On the motion that the House take a recess there were ayes 78, noes 33.

Mr. KEIFER. I make the point there is no quorum voting.

Mr. HENDERSON, of Iowa. Will it be in order to go to the business on the Speaker's table?

Mr. TOWNSHEND. That is the motion I have made.

Mr. HENDERSON, of Iowa. But the gentleman from Illinois made it coupled with the motion to take up the Mexican pension bill.

Mr. TOWNSHEND. No; I did not.

The SPEAKER. It would not be in order to move to go to the business on the Speaker's table for the purpose of taking up any particular measure, unless by unanimous consent; and the motion of the gentleman from Illinois was a general one, to go to the business upon the Speaker's table.

Mr. HENDERSON, of Iowa. Then let the motion be to go to the business on the Speaker's table for the purpose of taking up House bills returned with Senate amendments, and let us dispose of them.

Mr. TOWNSHEND. That is exactly what I am willing to do when we go to the Speaker's table.

Mr. GUENTHER. In that case it will be well to withdraw the point that no quorum has voted.

Mr. SPRINGER. If the point of no quorum be withdrawn, then, the vote being 78 to 33, the House takes a recess.

Mr. TOWNSHEND. I hope the point of no quorum will be withdrawn so that we may go to the business upon the Speaker's table, and then we can take up bills of the House returned with Senate amendments.

The SPEAKER. The gentleman from Illinois moved to proceed to the consideration of business on the Speaker's table, and pending that the gentleman from Alabama moved to proceed to the consideration of the special order heretofore made by the House; which is a motion having precedence over the motion of the gentleman from Illinois. If the motion to take a recess be now withdrawn the question first recurs on the motion of the gentleman from Alabama.

Mr. HEWITT, of Alabama. If the motion be agreed to, and it be also agreed that we shall pass over the Mexican pension bill, I will withdraw my motion.

The SPEAKER. Then the only question remaining is the motion of the gentleman from Arkansas to take a recess; which is still pending.

Mr. TOWNSHEND. If the gentleman from Arkansas will withdraw his motion we can adjust this matter, I think.

Mr. DUNN. I will withdraw it, as that seems to be the wish of the House.

The SPEAKER. The pending motions are all withdrawn except the motion to proceed to the consideration of business on the Speaker's table.

The motion was agreed to.

Mr. TOWNSHEND. I am willing now, Mr. Speaker, that the Mexican pension bill may temporarily be laid aside until the bills referred to by the gentleman from Iowa, House bills returned with Senate amendments, shall be taken up and considered.

Mr. HEWITT, of Alabama. No, no; the question was that the Mexican pension bill should be passed over altogether, and it was only on that condition I consented to go to the Speaker's table.

Mr. TOWNSHEND. That is what I am trying to do; and for that purpose I move that the Mexican pension bill be laid aside temporarily until those House bills with Senate amendments can be disposed of.

Mr. HEWITT, of Alabama. I agreed to go to the business upon the Speaker's table on condition that the Mexican pension bill should be passed over.

Mr. TOWNSHEND. The House having gone to the business on the Speaker's table, and the first business on the Speaker's table being the Mexican pension bill, I move that it be temporarily laid aside.

The SPEAKER. But that is exactly what the gentleman from Alabama objects to. His understanding was that it should be laid aside; not temporarily, but laid aside.

Mr. TOWNSHEND. Until these bills have been disposed of.

Mr. HEWITT, of Alabama. No; that was not the understanding.

Mr. HENDERSON, of Iowa. I rise to a parliamentary inquiry. Will it be in order to ask unanimous consent to take up and pass a House bill with Senate amendment?

The SPEAKER. Only by unanimous consent.

Mr. HENDERSON, of Iowa. I ask unanimous consent. It is House bill 1985, where there was a clerical error, and the amendment from the Senate merely corrects that clerical error.

The SPEAKER. Is there objection?

Mr. SPRINGER. Let us take up all House bills granting pensions to private individuals with Senate amendments, without saying anything else.

Mr. CALKINS. How many bills are on the Speaker's table with Senate amendments?

The SPEAKER. There were eight.

Mr. HENDERSON, of Iowa. I did not understand there was any objection to my bill.

The SPEAKER. The Chair understands now there are only three of them, some having been disposed of.

Mr. CALKINS. What we want to do, Mr. Speaker, is to go to the Committee of the Whole House on the Private Calendar to consider and pass Senate bills which have come over.

Mr. TOWNSHEND. That can be done afterward.

Mr. DUNN. I think we had better have the regular order.

The SPEAKER. The House has agreed to go to the consideration of the business on the Speaker's table.

Mr. TOWNSHEND. Then I demand the regular order.

The SPEAKER. The regular order of business is the Mexican pension bill.

Mr. SPRINGER. I move that be laid aside temporarily.

Mr. HEWITT, of Alabama. I am not going to be trapped by any snap judgment of that kind. I demand that the understanding be carried out.

Mr. TOWNSHEND. What is the gentleman's understanding?

Mr. HEWITT, of Alabama. That we should go to the Speaker's table for the purpose of taking up private pension bills passed by the House and returned with amendments by the Senate, and now upon the Speaker's table.

Mr. TOWNSHEND. Does anybody object to that?

Mr. HEWITT, of Alabama. To that I have no objection.

Mr. TOWNSHEND. There is no objection whatever to taking up the bills mentioned by the gentleman from Alabama, but I wish it to be distinctly understood that when they are disposed of I shall renew my motion to take up the Mexican pension bill. That is all I ever have agreed to.

Mr. HEWITT, of Alabama. That was not the understanding. That bill was to be passed over.

Mr. TOWNSHEND. Until the others were disposed of, only.

Mr. PERKINS. Let us go on, then, with the business.

Mr. HEWITT, of Alabama. I will not agree to that arrangement. That was not the understanding at all.

Mr. DUNN. I renew my motion that the House take a recess until 1 o'clock.

The House divided; and there were—ayes 55, noes 57.

Mr. BURNES. Mr. Speaker, I desire to make one appeal to the common sense of this House. I move that this Mexican pension bill and amendments be postponed and made the special order for the second Tuesday in December next.

The SPEAKER. That is not in order pending the motion for the recess.

Mr. SPRINGER. That has been voted down.

The SPEAKER. The Chair had not announced the result of the vote, under the impression that the point of order was made in the Hall that no quorum had voted. If the Chair was mistaken in that respect the motion for a recess has not been agreed to.

Mr. TOWNSHEND. I demand the regular order, which is the motion I have made.

Mr. SPRINGER. The regular order is the motion of the gentleman from Missouri.

The SPEAKER. It is.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I submitted a motion that the House proceed to business on the Speaker's table, which was agreed to. Pending that the gentleman from Missouri comes in and submits his motion to postpone the consideration of the pension bill now upon the table to a fixed time. Is that in order?

The SPEAKER. The motion of the gentleman from Illinois was agreed to. The Mexican pension bill is now before the House for consideration. Pending the consideration of that bill the gentleman from Missouri moves its postponement, which motion is in order.

Mr. HEWITT, of Alabama. I rise to a privileged motion. I move to proceed with the special order of February 18, which makes the Mexican pension bill a special order on that day and from day to day thereafter until disposed of.

Mr. TOWNSHEND. That is not in order, for we have the Mexican pension bill now under consideration.

The SPEAKER. The gentleman from Alabama calls up the special order. The House has determined to proceed with the consideration of business on the Speaker's table. The Mexican pension bill is the first business on the Speaker's table. It has not been taken up and no motion made with reference to it except the motion of the gentleman from Missouri to postpone its consideration to a time fixed.

Mr. CALKINS. That motion is in order?

The SPEAKER. It is.

Mr. SPRINGER. Then upon that I demand the previous question.

Mr. CALKINS. I ask if it is not the intention of the gentleman to make this a continuing order?

Mr. TOWNSHEND. It ought to be.

Mr. HEWITT, of Alabama. I insist that my motion takes precedence of that. I call up the special order and ask if that has not priority?

The SPEAKER. When this bill is actually under consideration, and a motion is pending in regard to it, the Chair thinks that no other motion to call up a new subject is in order until this is disposed of in some manner. If the gentleman from Alabama desires to make his motion to call up the special order, he must make it when some other matter is not actually pending before the House.

Mr. SPRINGER. I demand the previous question on the motion of the gentleman from Missouri.

Mr. BROWNE, of Indiana. To postpone the consideration to the second Tuesday in December?

Mr. SPRINGER. That is the motion.

The SPEAKER. The gentleman from Missouri moves that the further consideration of this bill and the Senate amendments be postponed until the second Tuesday in December next.

Mr. TOWNSHEND. Does the gentleman from Missouri propose a continuing order?

Mr. BURNES. I have no objection——

Mr. TOWNSHEND. The gentleman from Missouri, as I understand, amends his motion further that it shall be considered from day to day until disposed of.

The SPEAKER. The Chair stated the motion of the gentleman from Missouri as he himself put it.

The question is on agreeing to the demand for the previous question.

The previous question was ordered.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri that the further consideration of this bill and the Senate amendments thereto be postponed until the second Tuesday in December next.

Mr. TOWNSHEND. The consideration to continue from day to day.

Mr. WASHBURN, Mr. ROBINSON of Ohio, and others demanded the yeas and nays.

Mr. WHITE, of Kentucky. Is it in order to move an amendment to the motion?

The SPEAKER. It is not. The previous question is pending.

Mr. WILLIS. I rise to a parliamentary inquiry. I desire to know if this vote should be taken by yeas and nays, and the fact disclosed that no quorum is present, whether any other business can be taken up at present?

Mr. BROWNE, of Indiana. There is a quorum.

Mr. WHITE, of Kentucky. There is clearly a quorum present unless they mean to filibuster against this bill on the other side.

The SPEAKER. The question is upon ordering the yeas and nays.

The yeas and nays were ordered.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 103) granting a pension to Theresa Crosby Watson;

A bill (H. R. 562) granting a pension to H. E. Van Trees; and

A bill (H. R. 570) granting a pension to M. H. Clements.

MEXICAN WAR PENSION BILL.

The question was taken on the motion of Mr. BURNES to postpone until the second Tuesday in December the further consideration of the Mexican war pension bill; and there were—yeas 55, nays 135, not voting 134; as follows:

YEAS—55.

Adams, J. J.	Crisp,	Herbert,	Pryor,
Alexander,	Culberson, D. B.	Hewitt, G. W.	Reese,
Barksdale,	Dargan,	Hunt,	Rogers, J. H.
Bennett,	Dibble,	Jones, J. H.	Seymour,
Blanchard,	Dibrell,	Lanham,	Stewart, Charles
Blount,	Dunn,	Lyman,	Taylor, J. M.
Breckinridge,	Eaton,	Miller, J. F.	Tillman,
Broadhead,	Findlay,	Mills,	Tucker,
Buchanan,	Garrison,	Mitchell,	Turner, H. G.
Burnes,	Gibson,	Murphy,	Turner, Oscar
Caldwell,	Graves,	Oates,	Van Eaton,
Cassidy,	Halsell,	Peel,	Wellborn,
Clay,	Hancock,	Pierce,	Williams.
Cosgrove,	Hemphill,	Potter,	

NAYS—135.

Atkinson,	George,	Libbey,	Stephenson,
Bagley,	Glascock,	Lore,	Stewart, J. W.
Bayne,	Green,	Lovering,	Stone,
Boutelle,	Greenleaf,	Lowry,	Strait,
Brewer, F. B.	Guenther,	McCoid,	Struble,
Browne, T. M.	Hardy,	Maybury,	Sumner, C. A.
Brown, W. W.	Hart,	Miller, S. H.	Sumner, D. H.
Budd,	Hatch, H. H.	Milliken,	Taylor, J. D.
Calkins,	Hatch, W. H.	Morrill,	Thomas,
Campbell, J. E.	Henderson, D. B.	Murray,	Townshend,
Campbell, J. M.	Hepburn,	Neece,	Valentine,
Cannon,	Hiscock,	O'Hara,	Van Alstyne,
Carleton,	Hitt,	O'Neill, J. J.	Vance,
Chalmers,	Hoblitzell,	Parker,	Wadsworth,
Connolly,	Holman,	Payne,	Wakefield,
Cox, W. R.	Holmes,	Payson,	Wallace,
Culbertson, W. W.	Holton,	Perkins,	Warner, Richard
Cullen,	Horr,	Peters,	Washburn,
Cutcheon,	Houseman,	Phelps,	Weaver,
Davis, G. R.	Howey,	Poland,	Weller,
Davis, R. T.	James,	Pusey,	White, J. D.
Deuster,	Jeffords,	Ranney,	White, Milo
Dingley,	Johnson,	Riggs,	Whiting,
Dowd,	Jones, B. W.	Robertson,	Wilkins,
Dunham,	Kasson,	Robinson, J. S.	Wilson, James
Eldredge,	Kean,	Robinson, W. E.	Wilson, W. L.
Ellwood,	Keifer,	Rockwell,	Winans, E. B.
English,	Kellogg,	Rowell,	Winans, John
Evans, I. N.	Ketcham,	Seney,	Wolford,
Everhart,	Kleiner,	Singleton,	Wood,
Ferrell,	Lacey,	Skinner, C. R.	Woodward,
Follett,	Laird,	Smith,	Yaple,
Foran,	Lawrence,	Spooner,	York.
Geddes,	Le Fevre,	Springer,	

NOT VOTING—134.

Adams, G. E.	Brainerd,	Covington,	Fyan,
Aiken,	Breitung,	Cox, S. S.	Goff,
Anderson,	Brewer, J. H.	Curtin,	Hammond,
Arnot,	Brumm,	Davidson,	Hanback,
Ballentine,	Buckner,	Davis, L. H.	Hardeman,
Barbour,	Burleigh,	Dockery,	Harmer,
Barr,	Cabell,	Dorsheimer,	Haynes,
Beach,	Campbell, Felix	Duncan,	Henderson, T. J.
Belford,	Candler,	Elliott,	Henley,
Belmont,	Chace,	Ellis,	Hewitt, A. S.
Bingham,	Clardy,	Ermentrout,	Hill,
Bisbee,	Clements,	Evins, J. H.	Hooper,
Blackburn,	Cobb,	Fiedler,	Hopkins,
Bland,	Collins,	Finerty,	Houk,
Bowen,	Converse,	Forney,	Hurd,
Boyle,	Cook,	Funston,	Hutchins,

Jones, J. K.	Moulton,	Ray, Ossian	Stockslager,
Jones, J. T.	Muldrow,	Reagan,	Storm,
Jordan,	Muller,	Reed,	Talbott,
Kelley,	Mutchler,	Rice,	Taylor, E. B.
King,	Nelson,	Rogers, W. F.	Thompson,
Lamb,	Nicholls,	Rosecrans,	Throckmorton,
Lewis,	Nutting,	Russell,	Tully,
Long,	Ochiltree,	Ryan,	Wait,
McAdoo,	O'Ferrall,	Scales,	Ward,
McComas,	O'Neill, Charles	Shaw,	Warner, A. J.
McCormick,	Paige,	Shelley,	Wemple,
McMillin,	Patton,	Skinner, T. G.	Willis,
Matson,	Pettibone,	Slocum,	Wise, G. D.
Millard,	Post,	Smalls,	Wise, J. S.
Money,	Price,	Snyder,	Worthington,
Morgan,	Randall,	Spriggs,	Young.
Morrison,	Rankin,	Steele,	
Morse,	Ray, G. W.	Stevens,	

So the motion was not agreed to.

After the second roll-call,

Mr. PERKINS asked unanimous consent that the reading of the names of members voting be dispensed with.

Mr. HEWITT, of Alabama. Has a quorum voted?

The SPEAKER. A quorum has voted.

Mr. HEWITT, of Alabama. I object to dispensing with the reading of the names.

The names of members voting were then read.

The following members were announced as paired on all political questions until further notice:

Mr. MOULTON with Mr. EZRA B. TAYLOR.

Mr. BLACKBURN with Mr. RUSSELL.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. KELLOGG.

Mr. ROGERS, of New York, with Mr. HOOPER.

Mr. DUNCAN with Mr. SMITH.

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. CLARDY with Mr. JOHN S. WISE.

Mr. NICHOLLS with Mr. CHACE.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. ROBERTSON with Mr. BARR.

Mr. MORRISON with Mr. KELLEY.

Mr. THROCKMORTON with Mr. BISBEE.

Mr. WORTHINGTON with Mr. BOWEN.

Mr. CAMPBELL, of New York, with Mr. BREITUNG.

Mr. REAGAN with Mr. PETTIBONE.

Mr. BLAND with Mr. HOUK.

Mr. FIEDLER with Mr. HEPBURN.

Mr. SNYDER with Mr. HANBACK.

Mr. SHAW with Mr. ANDERSON.

Mr. COLLINS with Mr. DUNHAM.

Mr. COOK with Mr. MULLER.

Mr. MATSON with Mr. BROWNE, of Indiana.

Mr. COBB with Mr. KETCHAM.

Mr. HAMMOND with Mr. REED.

Mr. WARNER, of Ohio, with Mr. BINGHAM.

Mr. HARDEMAN with Mr. MCCORMICK.

Mr. DORSHEIMER with Mr. MILLARD.

Mr. HILL with Mr. HOLMES.

Mr. TULLY with Mr. BELFORD.

Mr. HEWITT, of New York, with Mr. RICE.

Mr. POST, of Pennsylvania, with Mr. LONG.

Mr. ERMENTROUT with Mr. ADAMS, of Illinois.

Mr. BARBOUR with Mr. WAIT.

Mr. BEACH with Mr. HARMER.

Mr. HOPKINS with Mr. BRAINERD.

Mr. BOYLE with Mr. LAWRENCE.

Mr. DAVIS, of Missouri, with Mr. JOHNSON.

Mr. AIKEN with Mr. BRUMM.

Mr. CONVERSE with Mr. WILSON, of Iowa.

Mr. LEWIS with Mr. LAIRD.

Mr. WARD with Mr. HENDERSON, of Illinois.

Mr. PATTON with Mr. MCCOMAS.

Mr. BALLENTINE with Mr. GOFF.

The following pairs were also announced:

Mr. SKINNER, of North Carolina, with Mr. NUTTING, until July 8.

Mr. DOWD with Mr. RAY, of New York, until July 8.

Mr. CABELL with Mr. RAY, of New Hampshire, on all questions except Mexican pension bill.

Mr. CABELL with Mr. CURTIN, on the Mexican bill.

Mr. JORDAN with Mr. JEFFORDS, for to-day.

Mr. LAMB with Mr. MCMILLIN, on the Mexican pension bill as amended by the Senate. Mr. LAMB would vote against and Mr. MCMILLIN in favor of postponement.

Mr. JONES, of Arkansas, with Mr. HISCOCK, for this day.

Mr. THOMPSON with Mr. NELSON, on this vote.

Mr. PAIGE with Mr. RYAN, for this day.

Mr. MONEY with Mr. O'NEILL, of Pennsylvania, on this vote.

Mr. HEWITT, of Alabama. I desire to state that my colleague, Mr. FORNEY, is absent on a conference committee.

The result of the vote was then announced as above stated.

Mr. SPRINGER. I ask unanimous consent of the House——

Mr. REED. Let us have the regular order.

Mr. BROWNE, of Indiana. I rise to a personal explanation.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. The Clerk announced a pair between my colleague, Mr. MATSON, and myself. Such a pair was made, but it was expressly stipulated between my colleague and myself that the pair was in no case to extend to any vote in connection with the Mexican war pension bill, as my colleague and myself agree upon all questions in connection with that bill.

Mr. HEWITT, of Alabama. I now call up the special order made in February last.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER. That is the regular order, unless the question of consideration is raised against it.

Mr. TOWNSHEND. It is not debatable?

The SPEAKER. It is not.

Many MEMBERS. Regular order!

The SPEAKER. The Chair will endeavor to enforce the regular order. The gentleman from Alabama [Mr. HEWITT] calls up for consideration at this time the special order made in February last, being the bill granting pensions to certain soldiers and sailors of the Mexican war, &c. The Chair does not understand whether the gentleman from Illinois [Mr. TOWNSHEND] raises the question of consideration against it or not.

Mr. TOWNSHEND. I do, in the interest of the Mexican pension bill now on the Speaker's table with Senate amendments.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes; and

A bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 5709) to amend article 72 of the Rules and Articles of War;

A joint resolution (H. Res. 260) authorizing the printing and binding of additional copies of the reports of the National Board of Health; and

A joint resolution (H. Res. 276) providing for the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry.

ORDER OF BUSINESS.

The SPEAKER. The question is, Will the House now proceed to the consideration of the special order?

Mr. SPRINGER. Pending that I ask unanimous consent——

Mr. REED. Why can we not proceed with the regular order?

The SPEAKER. The House will proceed with the regular order, and pending the demand for the regular order it is not in order to ask unanimous consent for any other purpose.

The question was taken; and upon a division there were—ayes 33, noes 73.

Mr. HEWITT, of Alabama. No quorum has voted.

The SPEAKER. The point is made that no quorum has voted.

Mr. WASHBURN. I call for the yeas and nays.

Mr. TOWNSHEND. That is right; let us have the yeas and nays.

The question was taken on ordering the yeas and nays; and there were 51 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 46, nays 109, not voting 169; as follows:

YEAS—46.

Alexander,	Eaton,	McMillin,	Taylor, J. M.
Barksdale,	Garrison,	Miller, J. F.	Tillman,
Blanchard,	Gibson,	Mills,	Turner, H. G.
Buchanan,	Green,	Murphy,	Turner, Oscar
Caldwell,	Halsell,	Pierce,	Vance,
Clay,	Hatch, W. H.	Peel,	Warner, Richard
Cox, S. S.	Hemphill,	Pryor,	Wilson, W. L.
Cox, W. R.	Hunt,	Reed,	Wise, G. D.
Culberson, D. B.	Jones, J. H.	Robinson, W. E.	Wolford,
Dargan,	Lanham,	Rogers, J. H.	York.
Dibble,	Lore,	Seney,	
Dowd,	Lyman,	Stewart, Charles	

NAYS—109.

Adams, G. E.	Burnes,	Ellwood,	Guenther,
Atkinson,	Campbell, J. E.	English,	Hardy,
Bagley,	Campbell, J. M.	Evans, I. N.	Hart,
Bayne,	Cannon,	Everhart,	Hatch, H. H.
Boutelle,	Carleton,	Ferrell,	Henderson, D. B.
Brewer, F. B.	Cutcheon,	Follett,	Hepburn,
Browne, T. M.	Davis, G. R.	Foran,	Hiscock,
Brown, W. W.	Davis, R. T.	Funston,	Hitt,
Brumm,	Dingley,	Geddes,	Hoblitzell,
Budd,	Eldredge,	Greenleaf,	Holman,

Holmes,	Lowry,	Rankin,	Van Alstyne,
Hooper,	McComas,	Riggs,	Wakefield,
Horr,	Miller, S. H.	Robinson, J. S.	Wallace,
Howey,	Milliken,	Rockwell,	Washburn,
James,	Mitchell,	Rowell,	Weaver,
Johnson,	Morrill,	Skinner, C. R.	Weller,
Jones, B. W.	Murray,	Smalls,	White, J. D.
Jordan,	Neece,	Smith,	White, Milo
Kasson,	Nelson,	Spooner,	Whiting,
Kean,	Ochiltree,	Stephenson,	Wilkins,
Kellogg,	O'Hara,	Stewart, J. W.	Willis,
Kleiner,	O'Neill, J. J.	Stone,	Wilson, James
Lacey,	Parker,	Strait,	Winans, E. B.
Laird,	Payne,	Sumner, C. A.	Winans, John
Lawrence,	Perkins,	Taylor, J. D.	Yaple.
Le Fevre,	Peters,	Thomas,	
Libbey,	Poland,	Townshend,	
Lovering,	Pusey,	Valentine,	

NOT VOTING—169.

Adams, J. J.	Cullen,	Jones, J. K.	Robertson,
Aiken,	Curtin,	Jones, J. T.	Rogers, W. F.
Anderson,	Davidson,	Keifer,	Rosecrans,
Arnot,	Davis, L. H.	Kelley,	Russell,
Ballentine,	Deuster,	Ketcham,	Ryan,
Barbour,	Dibrell,	King,	Scales,
Barr,	Dockery,	Lamb,	Seymour,
Beach,	Dorsheimer,	Lewis,	Shaw,
Belford,	Duncan,	Long,	Shelley,
Belmont,	Dunham,	McAdoo,	Singleton,
Bennett,	Dunn,	McCoid,	Skinner, T. G.
Bingham,	Elliott,	McCormick,	Slocum,
Bisbee,	Ellis,	Matson,	Snyder,
Blackburn,	Ermentrout,	Maybury,	Spriggs,
Bland,	Evins, J. H.	Millard,	Springer,
Blount,	Fiedler,	Money,	Steele,
Bowen,	Findlay,	Morgan,	Stevens,
Boyle,	Finerty,	Morrison,	Stockslager,
Brainerd,	Forney,	Morse,	Storm,
Breckinridge,	Fyan,	Moulton,	Struble,
Breitung,	George,	Muldrow,	Sumner, D. H.
Brewer, J. H.	Glascock,	Muller,	Talbott,
Broadhead,	Goff,	Mutchler,	Taylor, E. B.
Buckner,	Graves,	Nicholls,	Thompson,
Burleigh,	Hammond,	Nutting,	Throckmorton,
Cabell,	Hanback,	Oates,	Tucker,
Calkins,	Hancock,	O'Ferrall,	Tully,
Campbell, Felix	Hardeman,	O'Neill, Charles	Van Eaton,
Candler,	Harmer,	Paige,	Wadsworth,
Cassidy,	Haynes,	Patton,	Wait,
Chace,	Henderson, T. J.	Payson,	Ward,
Chalmers	Henley,	Pettibone,	Warner, A. J.
Clardy,	Herbert,	Phelps,	Wellborn,
Clements,	Hewitt, A. S.	Post,	Wemple,
Cobb,	Hewitt, G. W.	Potter,	Williams,
Collins,	Hill,	Price,	Wise, J. S.
Connolly,	Holton,	Randall,	Wood,
Converse,	Hopkins,	Ranney,	Woodward,
Cook,	Houk,	Ray, G. W.	Worthington,
Cosgrove,	Houseman,	Ray, Ossian	Young.
Covington,	Hurd,	Reagan,	
Crisp,	Hutchins,	Reese,	
Culbertson, W. W.	Jeffords,	Rice,	

The following additional pair was announced:

Mr. MONEY with Mr. O'NEILL, of Pennsylvania, on this vote.

Mr. ADAMS, of Illinois. On the occasion of former roll-calls I have been announced as paired. That pair was on political questions, and this one was not included; I have therefore voted.

The SPEAKER. On this question the yeas are 46, the nays are 108. No quorum has voted, and the motion is not agreed to.

Mr. HOLMAN. Does the Mexican war pension bill come up now in regular order?

The SPEAKER. It would if there were a quorum present, but the Journal now shows that there is no quorum present.

Mr. HOLMAN. Then I move a call of the House.

The question was taken on the motion of Mr. HOLMAN; and upon a division there were—ayes 33, noes 20.

Before the result of the vote was announced,

Mr. HEWITT, of Alabama, called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 17 in the affirmative.

Mr. HEWITT, of Alabama. I would inquire of the gentleman from Indiana [Mr. HOLMAN] if any conference report is ready?

Mr. HOLMAN. I think not at this moment.

The SPEAKER. Upon ordering the yeas and nays there were 17 in the affirmative, which is not one-fifth of the last recorded vote.

Mr. HEWITT, of Alabama. I ask that the other side be counted.

The negative was counted, there being 62.

The SPEAKER. Upon ordering the yeas and nays the ayes are 17, the noes are 62; more than one-fifth have voted in the affirmative.

Mr. BUDD. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 47, not voting 172; as follows:

YEAS—105.

Adams, G. E.	Budd,	Davis, R. T.	Funston,
Alexander,	Cannon,	Dingley,	Geddes,
Atkinson,	Cox, S. S.	Dowd,	Gibson,
Boutelle,	Culbertson, W. W.	English,	Glascock,
Browne, T. M.	Cullen,	Evans, I. N.	Goff,
Brown, W. W.	Cutcheon,	Finerty,	Greenleaf,
Brumm,	Davis, G. R.	Follett,	Guenther,
Halsell,	Lacey,	Peters,	Thomas,
Hancock,	Lawrence,	Poland,	Townshend,
Hardy,	Le Fevre,	Pusey,	Turner, H. G.
Hart,	Libbey,	Rankin,	Valentine,
Hatch, W. H.	Lowry,	Ranney,	Wait,
Henderson, D. B.	Lyman,	Riggs,	Wallace,
Henley,	McComas,	Rockwell,	Washburn,
Hepburn,	McMillin,	Rowell,	Weaver,
Hiscock,	Miller, S. H.	Seney,	White, J. D.
Hitt,	Milliken,	Seymour,	White, Milo,
Hoblitzell,	Morrill,	Skinner, C. R.	Wilson, W. L.
Holman,	Neece,	Smalls,	Winans, E. B.
Houseman,	Ochiltree,	Smith,	Winans, John
Jeffords,	O'Hara,	Spooner,	Wolford,
Johnson,	O'Neill, J. J.	Springer,	Woodward,
Jones, B. W.	Parker,	Stephenson,	Yaple,
Jordan,	Payne,	Stewart, Charles	York.
Kean,	Payson,	Stewart, J. W.	
Keifer,	Peel,	Struble,	
Kleiner,	Perkins,	Taylor, J. D.	

NAYS—47.

Adams, J. J.	Dargan,	Laird,	Strait,
Bagley,	Dibrell,	Lanham,	Taylor, J. M.
Bennett,	Eaton,	McCoid,	Tillman,
Breckinridge,	Ellwood,	Maybury,	Turner, Oscar
Broadhead,	Everhart,	Miller, J. F.	Van Alstyne,
Caldwell,	Hatch, H. H.	Mills,	Vance,
Calkins,	Hemphill,	Mitchell,	Van Eaton,
Campbell, J. M.	Hewitt, G. W.	Muldrow,	Wakefield,
Carleton,	Holmes,	Pierce,	Warner, Richard
Clay,	Horr,	Pryor,	Willis,
Cosgrove,	Jones, J. H.	Robinson, W. E.	Wood.
Cox, W. R.	Kasson,	Scales,	

NOT VOTING—172.

Aiken,	Culberson, D. B.	James,	Reese,
Anderson,	Curtin,	Jones, J. K.	Rice,
Arnot,	Davidson,	Jones, J. T.	Robertson,
Ballentine,	Davis, L. H.	Kelley,	Robinson, J. S.
Barbour,	Deuster,	Kellogg,	Rogers, J. H.
Barksdale,	Dibble,	Ketcham,	Rogers, W. F.
Barr,	Dockery,	King,	Rosecrans,
Bayne,	Dorsheimer,	Lamb,	Russell,
Beach,	Duncan,	Lewis,	Ryan,
Belford,	Dunham,	Long,	Shaw,
Belmont,	Dunn,	Lore,	Shelley,
Bingham,	Eldredge,	Lovering,	Singleton,
Bisbee,	Elliott,	McAdoo,	Skinner, T. G.
Blackburn,	Ellis,	McCormick,	Slocum,
Blanchard,	Ermentrout,	Matson,	Snyder,
Bland,	Evins, J. H.	Millard,	Spriggs,
Blount,	Ferrell,	Money,	Steele,
Bowen,	Fiedler,	Morgan,	Stevens,
Boyle,	Findlay,	Morrison,	Stockslager,
Brainerd,	Foran,	Morse,	Stone,
Breitung,	Forney,	Moulton,	Storm,
Brewer, F. B.	Fyan,	Muller,	Sumner, C. A.
Brewer, J. H.	Garrison,	Murphy,	Sumner, D. H.
Buchanan,	George,	Murray,	Talbott,
Buckner,	Graves,	Mutchler,	Taylor, E. B.
Burleigh,	Green,	Nelson,	Thompson,
Burnes,	Hammond,	Nicholls,	Throckmorton,
Cabell,	Hanback,	Nutting,	Tucker,
Campbell, Felix	Hardeman,	Oates,	Tully,
Campbell, J. E.	Harmer,	O'Ferrall,	Wadsworth,
Candler,	Haynes,	O'Neill, Charles	Ward,
Cassidy,	Henderson, T. J.	Paige,	Warner, A. J.
Chace,	Herbert,	Patton,	Wellborn,
Chalmers,	Hewitt, A. S.	Pettibone,	Weller,
Clardy,	Hill,	Phelps,	Wemple,
Clements,	Holton,	Post,	Whiting,
Cobb,	Hooper,	Potter,	Wilkins,
Collins,	Hopkins,	Price,	Williams,
Connolly,	Houk,	Randall,	Wilson, James
Converse,	Howey,	Ray, G. W.	Wise, G. D.
Cook,	Hunt,	Ray, Ossian	Wise, J. S.
Covington,	Hurd,	Reagan,	Worthington,
Crisp,	Hutchins,	Reed,	Young.

So the motion for a call of the House was agreed to.

Mr. GIBSON. I ask unanimous consent that the reading of the names be dispensed with.

Mr. HEWITT, of Alabama, rose.

Mr. BROWNE, of Indiana. I hope the gentleman from Alabama will not object to dispensing with the reading of the names. When the result is announced, I will ask unanimous consent for a recess till half past 2 o'clock, so that we may see if we can make some arrangement about this matter.

The SPEAKER. The Chair hears no objection; and the reading of the names is dispensed with.

The result of the vote was announced as above stated.

Mr. BROWNE, of Indiana. I now ask unanimous consent that the House take a recess until half past 2 o'clock. I hope that in the mean time we may reach some agreement by which we can get out of the present difficulty.

Mr. MILLS. I suggest to the gentleman from Indiana that we might utilize this day in attending to business at the Departments. I understand the conference committees will not be ready to report till 6 o'clock this evening.

Mr. BROWNE, of Indiana. But we may get out of this dilemma in a very short time after half past 2, and then, if necessary, we can take a recess till the conference committees may be ready to report.

Mr. HENDERSON, of Iowa. I ask unanimous consent to take up from the Speaker's table——

The SPEAKER. The House can transact no business until the call

which has been ordered has been dispensed with and a quorum exhibited. The gentleman from Indiana has asked unanimous consent to dispense with further proceedings under the call and take a recess till half past 2 o'clock.

Mr. HENDERSON, of Iowa. Let the gentleman ask unanimous consent simply to dispense with the call.

Mr. BROWNE, of Indiana. I will name 3 o'clock for the recess if it will suit the gentleman better.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] objects to the request for a recess, but does not object to dispensing with further proceedings under the call.

Mr. HEWITT, of Alabama. I understand the gentleman from Iowa wants to reach a bill on the Speaker's table which has been returned from the Senate with a merely verbal amendment.

Mr. HENDERSON, of Iowa. That is my purpose. The amendment is merely clerical. I have been trying for ten days to have the bill taken up and the amendment concurred in.

Mr. BROWNE, of Indiana. I am willing that should be done.

The SPEAKER. If there be no objection further proceedings under the call will be dispensed with and the Chair will recognize the gentleman from Iowa [Mr. HENDERSON] for the purpose of calling up the bill he has indicated.

There was no objection.

So further proceedings under the call were dispensed with.

MALVIN PIERCE.

Mr. HENDERSON, of Iowa. I ask unanimous consent to have taken from the Speaker's table the bill (H. R. 1985) granting a pension to Malvin Pierce. I desire that a verbal amendment of the Senate be concurred in.

There being no objection the bill was taken from the Speaker's table and the amendment of the Senate was read, as follows:

In line 4 of the bill, and also in the title, strike out "Malvin" and insert "Melvin."

The amendment was concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House 7069, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; had further insisted upon its amendments on which the committee of conference had been unable to agree; had agreed to the further conference asked by the House, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

RECESS.

Mr. BROWNE, of Indiana. I now ask unanimous consent that the House take a recess until 3 o'clock.

There being no objection it was so ordered; and accordingly (at 1 o'clock and 50 minutes p. m.) the House took a recess until 3 o'clock p. m.

AFTER RECESS.

At 3 o'clock p. m. the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 150) granting a pension to Sarah Denny Ripley; and

A bill (S. 1422) granting an increase of pension to Abey S. Slocum.

It further announced the passage of the following bills and joint resolution of the House without amendment:

A bill (H. R. 503) granting a pension to Hiram C. Henderson;

A bill (H. R. 1970) for relief of Mrs. Alice T. Sherwood;

A bill (H. R. 2070) granting a pension to Decatur Hamlin;

A bill (H. R. 2245) granting a pension to Eliza A. Shealey;

A bill (H. R. 3231) granting a pension to Michael Shields;

A bill (H. R. 3493) granting a pension to Ann Hunter;

A bill (H. R. 3979) granting an increase of pension to Mary Ann Egan;

A bill (H. R. 4254) granting a pension to James Aaron;

A bill (H. R. 4694) granting a pension to James Clark;

A bill (H. R. 5889) granting a pension to Alonzo Hooper;

A bill (H. R. 6677) to increase pension of William Irving;

A bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent;

A bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken;

A bill (H. R. 5544) for the relief of Laura J. Goddard;

A bill (H. R. 6589) for the relief of Asa Dye;

A bill (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes; and

Joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. PRYOR, indefinitely.

To Mr. FIEDLER, for ten days, on account of sickness in his family.

To Mr. ELLWOOD, for ten days.

To Mr. DUNCAN, for one week.

EDUCATIONAL BILL.

Mr. JOSEPH D. TAYLOR. I ask by unanimous consent to put in the RECORD a petition, without names, signed by 5,000 persons, praying for the passage of the educational bill, with an explanation as to the procurement of the names, &c.

Several MEMBERS. How long is it?

Mr. WILLIS. It is only about eight or ten lines.

Mr. COSGROVE. I object.

MESSENGERS IN HOUSE POST-OFFICE.

Mr. SPOONER. Mr. Speaker, I am directed by the Committee on Accounts to submit a report, which report I ask the Clerk to read.

The Clerk read as follows:

Your committee, to whom was referred the accompanying petition of the Postmaster of the House, respectfully report that in order to provide for the proper transaction of the business of the House post-office and the seasonable forwarding of the very large amount of mail matter accumulating at and about the end of Congress, it seems necessary to retain the services of the four session messengers employed in the post-office for the period of one month after the adjournment of Congress at the present session.

Also, that to facilitate the dispatch of the heavy mail of the House it is desirable to continue in the same service the messenger in the heavy-mail wagon of the House post-office during the recess of Congress.

Your committee therefore report the two accompanying resolutions and recommend their passage.

Resolved, That the four session messengers of the House post-office be continued in employment one month after the adjournment of Congress at its present session, to be paid, at the same rate heretofore paid them, out of the contingent fund of the House.

Resolved, That the Postmaster of the House be, and he is hereby, authorized to continue the messenger in charge of the heavy-mail wagon during the recess of Congress, and that such messenger be paid by the Clerk of the House, out of the contingent fund of the House, at the same rate of compensation he now receives.

The resolutions were adopted.

Mr. SPOONER moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. The gentleman from Arkansas withdraws his objection to the resolution I asked leave to offer some time ago. I now ask——

Mr. REED. I demand the regular order.

The SPEAKER. That is in the nature of an objection.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. Mr. Speaker, in behalf of the committee of conference on the disagreeing votes of the two Houses on the consular and diplomatic appropriation bill, I am instructed to submit the report which I send to the desk.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 26, 27, 30, 33, 43, 46, 55, 58, 75, 135, 139, 141, 142, 145, 146, 147, 148, 151, 152, 153, 154, 155, 160, 162, and 165.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 10, 13, 19, 20, 21, 22, 23, 28, 29, 31, 32, 34, 35, 36, 40, 45, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 129, 130, 132, 133, 134, 136, 137, 144, 156, 157, and 161, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, and 9, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For salaries of ministers resident in Belgium, the Netherlands, Hawaiian Islands, and Sweden and Norway, at $7,500 each, $30,000; for salaries of ministers resident and consuls-general in Venezuela and the Argentine Republic, at $7,500, $15,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$45,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 15 and 16, and agree to the same with an amendment as follows: In

lieu of the sum proposed in each of said amendments insert "$2,625;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 17 and 18, and agree to the same with an amendment as follows: In lieu of the amended paragraphs insert the following:

"For salaries of secretaries of legation in Spain, Turkey, Austria, Italy, Brazil, and Mexico, at $1,800 each, $10,400; for salary of the clerk to the legation in Spain, $1,200."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And no secretary or second secretary of any legation shall be entitled to or receive any compensation over the above as salary as such secretary for acting as chargé d'affaires during the temporary or other absence without leave of the minister to whose duties he may succeed;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For the salaries of interpreters to the legations in China at $3,000, and in Japan and Turkey at $2,500 each, $8,000; but no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officers."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 37, 38, 39, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For salaries of consuls-general at Frankfort, Vienna, Bucharest, St. Petersburg, and Halifax, at $3,000 each, $15,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 41 and 42, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and the matter proposed to be inserted by said amendments insert the following: "For salaries of the consuls-general at Constantinople and Rome, at $2,000 each, $4,000; for salary of the consul-general at Mexico, $2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$335,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Insert after said amendment the following: "Greece, Athens;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: At the end of said amendment insert "Matamoras;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: After said amendment insert the following: "Friendly and Navigator's Islands, Apia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And after June 30, 1884, no consul or consul-general shall be entitled to or allowed any part of any salary appropriated for payment of a secretary or second secretary of legation or an interpreter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For allowance for clerks at consulates, $47,920, as follows: For the consul at Liverpool, a sum not exceeding the rate of $2,000 for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of $1,600 for any one year; for the consuls-general at Berlin, Frankfort, Vienna, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, each a sum not exceeding the rate of $1,200 for any one year; for the consul-general at Montreal, and for the consuls at Bradford and Birmingham, each a sum not exceeding the rate of $960 for any one year; for the consuls-general at Calcutta, Port au Prince, Hayti, and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon (Aspinwall), Glasgow, and Singapore, each a sum not exceeding the rate of $800 for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, and Matamoras, and for the consul-general at Halifax, each a sum not exceeding the rate of $640 for any one year; for the consul-general at Mexico, and for the consuls at Naples, Genoa, Stuttgart, Florence, Mannheim, Prague, Zürich, Panama, and Demerara, each a sum not exceeding the rate of $480 for any one year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "For salaries of eight marshals for the consular courts in Japan, China, and Turkey, $8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "For hiring of steam-launch for use of the legation at Constantinople, $500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "For the expense of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rents, postage, furniture, statistics, newspapers, freight, foreign and domestic, telegrams, advertising, messenger service, including $6,000 for other miscellaneous expenses as the President of the United States may think necessary for the several consulates and commercial agencies in the transaction of their business, $110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with amendments as follows: Restore the paragraph proposed to be stricken out by said amendment, and in lieu of the sum of $5,000 therein stated insert the sum of $7,500; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For rent of prisons for American convicts in Turkey and for wages of keepers of the same, $1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "For the purpose of enabling the President to provide at the public expense all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, and traveling expenses, including for miscellaneous expenses, $15,000; in all, $75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For an agent to the State of the Congo Association, $5,000; said agent to be charged with introducing and extending the commerce of the United States in the Congo Valley. And for such purposes the further sum of $10,000 or so much thereof as may be necessary; and the President is hereby authorized to appoint in the recess of the Senate such agent, whose commission shall expire at the end of the next session of the Senate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

On amendments numbered 158, 166, and 167 the committee of conference is unable to agree.

JAMES N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

The SPEAKER. The Clerk will now read the written statement accompanying the report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service for the fiscal year 1885, and for other purposes, submit the following written statement in explanation of the conference report:

The bill as it passed the Senate appropriated $1,782,576.75, being an increase of $798,806.75 over the bill as it passed the House.

The conference committee has agreed upon all of the one hundred and sixty-seven amendments of the Senate, except the ones numbered 158, 166, and 167, which appropriate $250,000 to meet the necessary expenses attendant upon foreign intercourse, to be expended under the direction of the President, and provide for three commissioners, at $7,500 each, to be appointed by the President, to ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America, and for a secretary to said commission at a salary of $3,000. Upon which amendments it has been unable to agree, and so reports to the House.

A large number of the amendments were merely clerical, being a rearrangement of the form of the bill, to all of which it is recommended that the House agree.

The bill as agreed upon, not including the amendments 158, 166, and 167 referred to, appropriates $1,188,890, being $594,686.75 less than as it passed the Senate, $235,120 greater than as it passed the House, $107,865 less than the appropriations for the year 1884, and $380,711.75 less than the estimates for 1885.

JAMES N. BURNES,
R. W. TOWNSHEND,
W. D. DORSHEIMER,
Managers on the part of the House.

Mr. BURNES. It is unnecessary I presume that I should make any further statement than that which has been submitted in writing and read by the Clerk. It may not be amiss, however, to observe that while the Senate placed one hundred and sixty-seven amendments upon the House bill, more than one-half of them were purely technical and related to the arrangement of the bill rather than to any substantial questions affected thereby. I know of no reason why I should hesitate now to move that the report be adopted, after which we can take the three items on which we have disagreed and have them considered by the House.

In that connection I will say that I had strong hopes that the conferees on the part of the Senate would agree to recede from the amendments which we have reported a disagreement upon. I believe I may say that on the part of Senators other than the conferees it is purely from a desire to test the judgment of the House that this disagreement has occurred. At all events, it becomes necessary that the judgment of the House be taken upon the three remaining amendments.

The first upon which there is a failure to agree is an amendment appropriating $250,000 under a certain section of the Revised Statutes which authorizes the appropriation of money for, we may say, the secret service of the Government. The other two amendments are practically but one, and relate to the establishment of a commission with a secretary to visit the Central and South American States with a view of developing a spirit of commercial friendliness on the part of those States. I believe that is all I will say at present.

The report of the committee of conference was adopted.

Mr. BURNES moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BURNES. I now move that the amendment of the Senate numbered 158 be taken up and that the House further insist upon its disagreement to that amendment.

The amendment was to insert the following:

(158) To meet the necessary expenses attendant upon foreign intercourse, to be expended under the direction of the President, pursuant to requirement of section 291 of the Revised Statutes, $250,000, or so much thereof as may be necessary.

Mr. WASHBURN. Pending the motion of the gentleman from Missouri [Mr. BURNES], I move that the House recede from its disagreement to that amendment and agree to the same.

Mr. BURNES. Wait one moment; I will give you an opportunity to make that motion.

This amendment of the Senate proposes to appropriate $250,000 for the secret service of the Government. Before the gentleman on the other side proceeds, or takes any steps in the direction of proceeding, I think I had better make a statement. We are hedged about by obligations so that it is almost impossible for me to discriminate between what ought to be said and what can not be said. My impression is, accepting the personal assurances of the Secretary of State, that the public interest requires that there should be no discussion of this question. I say this, not because I seek to avoid discussion, but in deference to the opinion of the Secretary as to the public interest.

So far as I am concerned, believing that this House is sufficiently informed of the restrictions attempted to be placed upon us, I shall not proceed with the discussion of this question unless it is the desire upon the part of gentlemen who represent the State Department, and I have simply to say that whatever may be the obligations seemingly placed upon us, if we enter into the discussion it must necessarily be a full and complete discussion of the whole subject and of all the facts and all the circumstances bearing upon the proposed appropriation.

This I do, yielding clear convictions on the subject in deference to an alleged public interest. And with this statement, having moved that the House insist upon its disagreement to the amendment, I will leave it to gentlemen on the other side to indicate the course they desire to adopt. And upon my motion I demand the previous question.

Mr. SPRINGER. Will the gentleman permit me to ask him a question?

Mr. BURNES. Certainly.

Mr. SPRINGER. How far can the gentleman go in stating the object of this appropriation without violating the secrecy of the committee?

Mr. BURNES. I trust my friend from Illinois [Mr. SPRINGER] will not insist upon an answer to his question. I believe it would be well for the other side to indicate their preference upon this subject; they may be better informed of the limit of the obligation that may be claimed is upon us. I will not attempt to define that obligation, nor at present admit or deny that there is any whatever.

Mr. SPRINGER. I desire to know something about this appropriation before I can vote upon it.

The SPEAKER. The gentleman declines to answer, and demands the previous question.

Mr. WASHBURN. I understood my colleague on the committee would allow me to make the motion I have indicated.

Mr. BURNES. Certainly; I will do so.

Mr. WASHBURN. I move that the House recede from its disagreement to this amendment of the Senate and agree to the same. I will simply state in the same line indicated by my colleague [Mr. BURNES] that there are many embarrassments in the discussion of the matters involved in this amendment, and I will not at the present time undertake that discussion. I will state, however, that the Senate, after listening to a very full debate, by an almost unanimous vote placed this amendment on the bill. I think the House will make a great mistake unless it recedes from its disagreement to the amendment. I therefore move that the House recede from its disagreement to the amendment, and agree to the same, and upon that I call the previous question.

Mr. BURNES. I beg simply to say, and this will end the debate on the subject, that against the judgment or opinion of the distinguished gentleman from Minnesota [Mr. WASHBURN] I interpose that of the majority of the Committee on Appropriations, that majority of the committee having calmly and impartially considered the whole subject and reached a contrary conclusion from that of the gentleman from Minnesota.

Mr. HOLMAN. And think that the appropriation ought not to be made.

Mr. BURNES. Yes; that the appropriation ought not to be made.

Mr. HERBERT. I understand the gentleman from Minnesota [Mr. WASHBURN] to state that it would embarrass him very much to state what this appropriation is for. I think it would embarrass us on this side very much to vote for the amendment unless we know what it is for.

Mr. WASHBURN. I think the amendment shows for itself what it is for.

The previous question was ordered.

The SPEAKER. The first question is on the motion of the gentleman from Minnesota [Mr. WASHBURN] that the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same.

The question was taken by a *viva voce* vote, and the Speaker announced that the noes appeared to have it.

Mr. WASHBURN. I think we may as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 94, not voting 150; as follows:

YEAS—80.

Adams, G. E.	Greenleaf,	McCormick,	Rosecrans,
Atkinson,	Guenther,	Millard,	Rowell,
Boutelle,	Hancock,	Miller, S. H.	Ryan,
Brewer, F. B.	Hart,	Morrill,	Skinner, C. R.
Brown, W. W.	Hatch, H. H.	Nelson,	Smalls,
Brumm,	Hepburn,	Ochiltree,	Smith,
Calkins,	Hitt,	O'Neill, Charles	Spooner,
Campbell, J. M.	Horr,	O'Neill, J. J.	Stephenson,
Cannon,	Howey,	Parker,	Stewart, J. W.
Chalmers,	Hunt,	Payne,	Strait,
Cullen,	James,	Payson,	Struble,
Cutcheon,	Jeffords,	Perkins,	Taylor, J. D.
Davis, G. R.	Kasson,	Peters,	Thomas,
Davis, R. T.	Kean,	Phelps,	Valentine,
Dingley,	Keifer,	Poland,	Washburn,
Evans, I. N.	Keilogg,	Potter,	White, J. D.
Everhart,	Laird,	Ranney,	White, Milo
Findlay,	Libbey,	Ray, G. W.	Whiting,
Finerty,	Lyman,	Ray, Ossian	Wilson, James
George,	McComas,	Rockwell,	Winans, John.

NAYS—94.

Adams, J. J.	Dowd,	Lore,	Taylor, J. M.
Alexander,	Eldredge,	Lowry,	Tillman,
Bagley,	Follett,	Maybury,	Townshend,
Barksdale,	Foran,	Miller, J. F.	Turner, H. G.
Bayne,	Forney,	Mills,	Turner, Oscar
Bennett,	Garrison,	Muldrow,	Van Alstyne,
Blount,	Geddes,	Murray,	Vance,
Breckinridge,	Gibson,	Neece,	Van Eaton,
Broadhead,	Glascock,	Oates,	Wallace,
Buchanan,	Graves,	O'Hara,	Warner, Richard
Burnes,	Green,	Pierce,	Wellborn,
Campbell, J. E.	Halsell,	Peel,	Weller,
Carleton,	Hatch, W. H.	Pryor,	Williams,
Cassidy,	Hemphill,	Pusey,	Willis,
Clay,	Henley,	Randall,	Wilson, W. L.
Cosgrove,	Herbert,	Reese,	Winans, E. B.
Cox, S. S.	Hewitt, G. W.	Riggs,	Wise, G. D.
Cox, W. R.	Hoblitzell,	Robinson, W. E.	Wolford,
Crisp,	Holman,	Rogers, J. H.	Wood,
Culberson, D. B.	Houseman,	Seney,	Woodward,
Dargan,	Jones, J. H.	Singleton,	Yaple,
Deuster,	Jordan,	Springer,	York.
Dibble,	Kleiner,	Stewart, Charles	
Dibrell,	Lanham,	Sumner, C. A.	

NOT VOTING—150.

Aiken,	Davidson,	Jones, B. W.	Rice,
Anderson,	Davis, L. H.	Jones, J. K.	Robertson,
Arnot,	Dockery,	Jones, J. T.	Robinson, J. S.
Ballentine,	Dorsheimer,	Kelley,	Rogers, W. F.
Barbour,	Duncan,	Ketcham,	Russell,
Barr,	Dunham,	King,	Scales,
Beach,	Dunn,	Lacey,	Seymour,
Belford,	Eaton,	Lamb,	Shaw,
Belmont,	Elliott,	Lawrence,	Shelley,
Bingham,	Ellis,	Le Fevre,	Skinner, T. G.
Bisbee,	Ellwood,	Lewis,	Slocum,
Blackburn,	English,	Long,	Snyder,
Blanchard,	Ermentrout,	Lovering,	Spriggs,
Bland,	Evins, J. H.	McAdoo,	Steele,
Bowen,	Ferrell,	McCoid,	Stevens,
Boyle,	Fiedler,	McMillin,	Stockslager,
Brainerd,	Funston,	Matson,	Stone,
Breitung,	Fyan,	Milliken,	Storm,
Brewer, J. H.	Goff,	Mitchell,	Sumner, D. H.
Browne, T. M.	Hammond,	Money,	Talbott,
Buckner,	Hanback,	Morgan,	Taylor, E. B.
Budd,	Hardeman,	Morrison,	Thompson,
Burleigh,	Hardy,	Morse,	Throckmorton,
Cabell,	Harmer,	Moulton,	Tucker,
Caldwell,	Haynes,	Muller,	Tully,
Campbell, Felix	Henderson, D. B.	Murphy,	Wadsworth,
Candler,	Henderson, T. J.	Mutchler,	Wait,
Chace,	Hewitt, A. S.	Nicholls,	Wakefield,
Clardy,	Hill,	Nutting,	Ward,
Clements,	Hiscock,	O'Ferrall,	Warner, A. J.
Cobb,	Holmes,	Paige,	Weaver,
Collins,	Holton,	Patton,	Wemple,
Connolly,	Hooper,	Pettibone,	Wilkins,
Converse,	Hopkins,	Post,	Wise, J. S.
Cook,	Houk,	Price,	Worthington,
Covington,	Hurd,	Rankin,	Young.
Culbertson, W. W.	Hutchins,	Reagan,	
Curtin,	Johnson,	Reed,	

So the motion of Mr. WASHBURN was not agreed to.

Mr. ALEXANDER. My colleague Mr. MORGAN is sick and unable to be in the House to-day.

The SPEAKER. The Clerk will announce the additional pairs.

The following were announced as paired for this day:

Mr. WILKINS with Mr. HENDERSON, of Iowa.

Mr. LE FEVRE with Mr. WADSWORTH.

Mr. LACEY with Mr. MONEY.

Mr. JONES, of Wisconsin, with Mr. TAYLOR, of Tennessee.

Mr. BLANCHARD and Mr. HOLTON were announced as paired until further notice.

Mr. WILLIS. I was paired the other day with the gentleman from Illinois [Mr. HENDERSON]. I do not know whether that pair has expired. Fearing that the gentleman from Illinois may regard the pair as continuing, I withdraw my vote.

The result of the vote was announced as above stated.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1985) granting a pension to Melvin Pierce.

DIPLOMATIC APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate, not disposed of by the conference report, to the consular and diplomatic appropriation bill.

The SPEAKER. The question now recurs upon the motion of the gentleman from Missouri [Mr. BURNES] that the House further insist upon its disagreement to the Senate amendment 158.

The motion was agreed to.

Mr. BURNES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BURNES. I now move that the House insist on its disagreement to the amendments numbered 166 and 167; and upon that motion I demand the previous question.

The amendments of the Senate were to insert the following paragraphs:

For three commissioners to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of $7,500 each. Said commissioners shall ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central America, and for that purpose they shall visit such countries in Central and South America as the President may direct.

For one secretary to said commission, to be appointed by the President, by and with the advice and consent of the Senate, $3,000; and in addition to the foregoing amounts such further sum as may be required for the reasonable expenses of said commission, such expenses to be paid upon the certificate of the chairman thereof and approved by the Secretary of State; and said commission shall report their action to the President, for transmission to Congress, with such recommendation as he may deem fitting.

Mr. WASHBURN. I hope my colleague on the committee [Mr. BURNES] will withdraw the demand for the previous question so that I may make a motion that the House recede.

The SPEAKER. The gentleman can make that motion at any rate.

Mr. WASHBURN. I move that the House recede from its disagreement to these two amendments and agree to the same. I desire to state briefly that I do not suppose that there is any gentleman on this floor——

The SPEAKER. Does the gentleman from Missouri withdraw the demand for the previous question?

Mr. BURNES. I will inquire whether my colleague on the committee desires to debate this proposition?

Mr. WASHBURN. I wish to make a brief statement.

Mr. BURNES. Mr. Speaker, is there any limitation upon the debate?

The SPEAKER. There is not, unless the previous question be ordered; in which case there will be thirty minutes for debate.

Mr. BURNES. Then I insist on the call for the previous question. When the previous question is ordered, we can discuss this matter.

Mr. KASSON. I suggest that the gentleman from Minnesota [Mr. WASHBURN], on his own motion to recede, is entitled to the floor.

The SPEAKER. But the previous question was called.

Mr. WASHBURN. I understood the call for the previous question was withdrawn in order to allow me to make the motion to recede.

The SPEAKER. That was not necessary in order to admit the motion, but pending the call for the previous question the motion is not debatable. If the previous question be ordered there will be thirty minutes for debate.

The previous question was ordered.

The SPEAKER. There are now thirty minutes for debate, fifteen minutes in favor of the motion and fifteen minutes in opposition.

Mr. WASHBURN. Mr. Speaker, I presume there is not a member of either House of Congress, nor an intelligent citizen of this country, who has given any attention to the subject, who does not feel deeply humiliated at the condition of our commercial relations with the States referred to in this amendment—the Southern and Central American States. The position which we occupy to-day as a nation with respect to them is absolutely humiliating. With these republics lying right at our doors we are to-day, from the want of proper reciprocal relations, absolutely robbed of all the benefits to which we are properly entitled.

The President of the United States and the Secretary of State, recognizing this condition of things, desire to take the first step to see whether something can not be done to inaugurate such commercial relations with those countries as will give to the United States the advantages we should enjoy. The great difficulty under which we labor to-day is the want of a market for our products. Under the existing condition of things we are absolutely shut out from these countries, which should naturally be our markets.

I hope this House will recede from its disagreement and allow a commission of intelligent gentlemen to take up and investigate fully this whole question, ultimately leading to treaties and arrangements which will give to this country and its citizens in the way of commercial intercourse what they are naturally entitled to. I reserve what remains of my time.

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. BURNES. Mr. Speaker, I beg in a few words to call the attention of the House to what I consider is involved in this amendment. We have the expense of Government representatives in every state in South and Central America. We have ministers, consuls, consuls-general, and secretaries of legation in all of the South and Central American states under the most liberal appropriations ever granted by Congress, many of these in excess of the demands of the State Department. The Appropriations Committee, without the recommendation of the Secretary of State, have added secretaries of legation and created consulates, so that in every one of these South American states we have representatives, ministers, consuls, and secretaries of legations largely beyond any former service. They are there, sir, everywhere.

We presume they are intelligent gentlemen. We have to presume that they are qualified for the discharge of the duties imposed on them by law. We are not here to say they are incompetent or unfaithful, but we are here as representatives of the people and say that they shall discharge the duties which have devolved upon them under the law. While these officers are there at every government, while the Secretary of State has the great advantage of diplomatic and consular service at every capital and every commercial city, why should he ask for more ministers, consuls, and secretaries of legation under the name of commissioners to look out for matters made the duty of our ministers and consuls by law? And why can not he in Washington, where he is in daily intercourse with our representatives abroad, and with numerous citizens of South and Central America, confer with them and ordering the officers to their posts instruct them to do the work required of them by law, rather than give it to new commissioners, extra or special officers of the Government, unknown and unnamed in the Constitution.

What necessity can there be for a roving commission at $7,500 a year to each one of its three members, with a secretary and with contingent and traveling expenses, to go wandering and junketing from state to state and I might say from speculation to speculation and from private interest to private interest? Are not those who have resided at these several governments for long periods of time better able to tell the movements of trade and commerce in their respective localities than this itinerant commission? Shall we discharge or supersede these officials who are now acting as ministers and consuls? Shall we ignore and dishonor them? Shall we send others there to perform the duties which have been confided to them? Is it not a confession that they have not been of any service to the Government when it is proposed to send out a commission to do the very work which they ought to have done if they are capable of doing anything at all?

I submit to gentlemen of the House on both sides that this being a purely business question the officials now in South and Central American states are incompetent and unfaithful in the discharge of the public duties imposed upon them. If so, is it not better that the President in the exercise of his executive functions should remove them from the offices for which they are incompetent and appoint in their places some of the commercial men of the country whose business has well prepared them for the labor of ministers and consuls and secretaries of legation? Let this be done and I will guarantee they will not require an extra commission to do their work for them. Let the President prepare the commercial treaty which he desires submitted to each one of these states. Let him order immediate or simultaneous negotiations to be opened and pressed by our representatives and regular reports to be made to him, so that operations in every state will be focused here in the State Department.

Let him and them work up to a general conclusion, and each minister and each consul so working definitely and reporting regularly will be a permanent aid and adjunct in the accomplishment of useful results. Thus the end desired will be accomplished without commissioners and without extra cost to the public Treasury.

Now, Mr. Speaker, other gentlemen may do as they please, but for myself I will not consent to the unnecessary duplication of officers of this Government. We have representatives now. I will not agree to appoint a new set to do their work. My constituents require me to do the work of the position they have confidingly given me here, and I can not consent that others shall have substitutes unauthorized by law or any public necessity, thereby doubling expenses and encouraging and rewarding the faithless and incompetent. The sacred Scriptures warn us against supplanting another in his work, and the Constitution of our country and the common honesty of our people abhor the proposition to appoint and pay two men for doing the work of one. Commissions like this proposed were no part of the diplomatic or commercial machinery authorized by the Constitution, and they are not in much favor with me. Whenever we have tried them we have been deceived or betrayed. They are inventions of modern growth, and are usually organized for private ends and aims. Places are in demand. Borrowing from the great-hearted President, there are more "pegs than holes." Sinecures are easily found. Partisan service is too often paid for out of the Treasury rather than from the pocket of the beneficiary of such service. Political favorites, not active, able business men, such as travel for the great business houses of this country, will be your commissioners. If we agree to this amendment $50,000 per

year will be the cost of these four new officials. But the worst evil is that you recognize the principle of duplication of public officers in order to accommodate the throng of office-mongers.

I will yield for five minutes to my colleague on the Committee on Appropriations, the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. I will reserve the time until I have heard from the other side.

Mr. WASHBURN. I will yield for five minutes to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. I hardly know and hardly believe there is much advantage in prolonging a discussion where the opposition to it rests largely upon a conviction that the object of government is to prevent it from doing anything on the ordinary principles of business. This proposition does not originate with the Government as an absolute initiative. It came from the Mississippi Valley, it came from the business men of that valley. They believe, they say, that a commission of business men sent for the express purpose of uniting the opinion and judgment of different small countries and bringing about an exchange of views directly between them independent of political relations and political obligations, would secure good results to the commercial interests of the United States. They have asked such a provision should be made. The Senate have introduced an amendment upon this bill, and the question is whether there are not prospects of business advantage sufficient to induce us to grant it. How can you get a crop unless you plant? How can you plant without some expense? I did greatly desire to speak to this House for a few moments on the entire programme for enlarging the commerce and influence of the United States on the Western continent.

I did desire to ask gentlemen to observe the line of a ship sailing from Liverpool to the west coast of South America and contrast it with the line pursued by an American ship sailing from the port of New York for the same destination. She starts now from New York and goes southeast sailing on a course away from her destination until she turns the point of Brazil, and then runs like the European ship toward her destination.

But when you have done what the United States will be treasonably guilty if it shall not do; when it is done, when you have opened the way across that lake and isthmus of Nicaragua, then your ship from New York sails directly to her destination upon a great circle, and by a route shorter than that now pursued by nearly the distance from Liverpool to New York.

Then if you look upon the globe, and I trust that some of you to whom I have spoken personally since the last Congress upon this question have done so, you will be surprised to see the advantage the United States gains over England in trading to that coast of South America. While now from England they have a straight line to the South Cape, we go two sides of a triangle, and the advantage is all with Liverpool.

Mr. Speaker, that is but a part of the scheme, of which this is another part, to extend the influence and the commercial relations of the United States to establish treaties of reciprocity with small countries as well as great countries where we have one minister now for five of these Central American states, and where, if he were to go from one to the other it would require the entire period of the year's service for traveling. It is proposed that your business commission shall go there to talk commerce to them, to talk railroads to them, to talk routes of communication by water to them, to tell them what we produce in this country, what their merchants can trade on, and what there is that can be disposed of in this country, what we will take of their products, and to talk over all other business projects with all of these countries, presenting the advantages of ours to them, and I thank the executive government for having adopted the business propositions of business men in this country; and I think this House will neglect its duty if it does not approve of this recommendation of the Executive——

The SPEAKER. The time of the gentleman has expired.

Mr. TOWNSHEND. Mr. Speaker, I look to the southern countries, to Mexico, South America, and to Central America, as the future market for the surplus products of this country; and I feel that the most important problem which will be likely to engage the attention of our statesmen for a long time in the future is that course which will pave the way to close commercial alliances with all the nations on the American continent—the establishment of the same commercial freedom among them as that which exists among the States of this Union. I will go as far as he who goes furthest to advance the interests of the United States in that direction. I would be the last person to hamper or delay such a consummation. There is but small foundation for the hope that any considerable extension of the market for our surplus manufactured products can be made in Europe, and our present command of the wheat market there is threatened by the development of India. Our pork is being discriminated against by several European countries.

I fear that the manufacturers of Europe will ever be able to exclude the products of our workshops from the East. Therefore necessity and wisdom demand that we should look to the south and to the west for our most lucrative trade. We must look to Mexico, Central America, South America, China, Japan, Australia, and the islands of the seas for our future commercial prosperity. If we will knock, they will open their doors to our commerce. Indeed, they invite us to come. Mexico has led the way by her recent reciprocity treaty with us, which others will follow if we desire them to do so. It is for this reason I am ready to join hands with all who are willing to move in the direction which will advance our commercial interests with the other nationalities on this continent. But, sir, I do not believe such a result can be achieved by the proposed amendment of the Senate. What does this amendment do?

It seeks to appoint a roving commission, to gather just such statistics and information as we have already furnished to us by the official documents emanating from these various countries or our official agents there. We have accredited agents to these countries, diplomatic and consular agents, who will accomplish everything that can possibly be accomplished by this expensive commission. We can by the use of a few postage-stamps instruct these agents to gather up the desired information, and accomplish all that you seek to accomplish by the expenditure of some $25,000, as will be required if this provision of the Senate shall prevail.

Now, in order to evidence the sincerity of my desire and to promote closer commercial relations with those countries, I wish to send to the desk a joint resolution which was introduced by myself at the beginning of this session, authorizing the President, who can act through our diplomatic agents, to invite the co-operation of the governments on this ontinent in securing the establishment of a commercial league or a commercial union similar to that which has so long existed among the states of Germany and known as the German Zollverein.

The Clerk will please read:

Joint resolution requesting the President to invite the co-operation of the governments of American nations in securing the establishment of free commercial intercourse among those nations and an American customs union.

Whereas the establishment of free commercial intercourse among the nations now existing upon the continent of America will promote the friendly political relations, internal commerce and industry, and secure a more extensive market for the surplus products of each of said nations: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to invite the co-operation of the governments of the American nations in securing the establishment of a commercial league by and between the said nations, to be known as the customs union of America, the arrangement of a common basis of import duties from other countries than those which may compose said league, and that the commercial intercourse among the people of all the American states may be freed from the payment of any customs or other dues whatever; and that a common system of weights and measures may be also established for the purpose of facilitating such intercourse.

The establishment of this union in Germany led not only to the great commercial prosperity of the German states, but has finally led to their political unification. I believe that wise and enlightened action on the part of this Government will bring together representatives of all the governments on this continent in an international convention or congress, where investigation, discussion, and deliberation may be had and this grand object may be accomplished; and we shall thereby secure a free market for the products of our farms and our workshops, protected against competition from other lands.

In such a convention or assemblage of intelligent representatives of the American nations the mutual advantages which will ensue to all concerned can be shown and appreciated. The other countries in the commercial union being without manufactures to any considerable extent, and their raw materials and products being in the main different from those of our own country, show that no serious conflict of interest can arise. They have need for our manufactured articles and farm products, and we can with profit take in return their products. Similarity of political institutions and mutuality of interest will promote the peace, the friendly relations, the enlightenment, and prosperity of the people, as surely as such circumstances will develop the resources of all the nations concerned. Such a commercial union would be the beginning of an era of prosperity far beyond the hopes or dreams of any who have studied the future of the American continent.

The scheme that I advocate is purely commercial—in no wise political. I do not believe a political union of these countries is desirable or beneficial. Their welfare and happiness can be promoted best by a continuance of their separate and independent sovereignty. The territory subject to our political power is large enough. As a lover of the welfare of my country, proud of its extent, its greatness and glory, as one ardently desirous of its future peace, prosperity, and grandeur, I would rather see our flag supplant the dominion of Great Britain over the world's commerce than behold it the symbol of sovereignty over the territory of the whole American continent.

I believe the establishment of such a commercial league would silence in a large degree the divisions existing among our people on the tariff. With a free market for their surplus products in those countries, protected by a common basis of customs duties against the remainder of the world, the manufacturers would be content to see free trade established among the American nations; and by the time that such a policy would demonstrate the advantage of free trade in America, the national debt and the pensions to soldiers would no doubt be so far diminished as to enable us to dispense with tariff taxation altogether, and then would rise a universal demand in this country for free trade with all the world.

Such a commercial league should therefore be favored by protectionists as well as free-traders; for while it does establish the same freedom of trade among the American nations as exists among the States of this Union, it at the same time opens a free market for our surplus products, while it continues the barrier against European competition.

It should be favored by Mexicans and Spanish-Americans as well as by North Americans, because it would develop the internal commerce and stimulate the trade of all the countries concerned.

The trade of those countries ought to be controlled by us. Their nearness to us, the facilities of communication by water or rail, all give us the advantage over any other country. What share of this trade do we get now? The statistics will show that England, France, and Germany come to our door and take away the bulk of this trade. Look at the figures. Our trade with some of those countries is so insignificant in comparison with England and France as to be humiliating to the pride of our country. Take Chili and Peru, so remote from Europe and yet, comparatively speaking, easy of access to us across the Isthmus of Panama or from California, and see the disparity:

Exports from—	Chili.	Peru.	Total.
Great Britain	$32,064,347	$18,751,466	$50,815,813
France	13,059,210	8,713,372	21,772,582
United States	3,585,132	3,574,495	7,159,627

I have not yet had access to the statistics of the trade of these countries with other European countries. Their trade in 1880 with all foreign countries amounted to $653,701,000, of which $373,994,000 were imports and consisted mainly of manufactured articles. Of those imports England furnished $88,520,000; France, $62,771,000; and the United States only $36,044,000. If this commercial union is established these figures would be more than reversed.

If such a union is formed, of course a common basis for customs duties should be provided on imports from other countries outside of the league. The German Zollverein or Customs Union, to which I have referred, demonstrates the immense advantages accruing from such a league to people of contiguous nations with common interests. It has contributed more than all else to the prosperity of the German states, and was instrumental in bringing about their final political unity.

Our effort to establish this union may at first meet with the difficulties encountered in the establishment of the German Zollverein. At first only two states entered into the league; but as the advantages became known others joined, and by January, 1854, all the German states were included except Holstein, Mecklenberg, Limburg, Hamburg, and Bremen. Its subsequent accessions and success are well known. Therefore, if we should only commence with a Mexican commercial alliance, in time all the other countries would join.

At any rate, we have everything to gain and nothing to lose by the attempt. The greatest danger which threatens the prosperity of our country is that which may result from production of more than we can market. If the time comes when the manufacturer can not sell his wares or the farmer can not find a market for his grain and provisions, then stagnation will follow. This teaches us we should without delay seek an extended and permanent market. I have already said, as we can not look for it eastward we must look for it southward and westward. A vigorous, wise foreign policy will secure it for us.

This proposition, I repeat, has no political purposes. The countries concerned are independent nations, and would resent our advance with such motives, but would welcome us if we should convince them our object is purely commercial. By this proposition we should turn away from old-fashioned political diplomacy and utilize our foreign agencies to extend our commerce and open new markets.

In the remaining hours of this session I only have time to briefly call attention to this great question, but I will avail myself of this opportunity to say that I shall at the next session press the consideration of the joint resolution I have offered, and trust if it should fail that some measure having in view the same object may be adopted.

Mr. WASHBURN. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes of his time remaining.

Mr. WASHBURN. I only desire to remark that what the gentleman from Illinois has stated very much reminds me of a friend of mine who said he was in favor of the Maine liquor law, but he was against its execution. I yield four minntes to the gentleman from Connecticut [Mr. EATON].

Mr. EATON. I have investigated this matter somewhat for several years past, and I have no doubt I agree with my friend from Illinois [Mr. TOWNSHEND] in one respect, that we must look to the states south of us for a market for our manufactures and the products of the farm also to a great extent. But I differ with him in this: I do not believe that the diplomatic and consular agents that are there are the men to commence this business treaty. What does this call for? It calls for commercial and manufacturing men.

Mr. TOWNSHEND. Will my friend from Connecticut allow me to say he is mistaken as to my position? I do not propose to authorize our diplomates or consular agents to inaugurate this treaty, but to invite those countries to send commissioners to us for that purpose.

Mr. EATON. You want to get that information through these gentlemen, and I want to get it through men who know what they are doing. Therefore I will take commercial men and manufacturing men and send them there. We are building our railroads into Mexico and in a comparatively short time will have railroads extending five hundred miles south of Mexico.

Now let commercial and manufacturing men be intrusted with this business. Let them go to all these people. Let them talk with the commercial and manufacturing men of those countries. Let us build up a trade between this country and the southern republics.

I have no doubt about this subject at all. I believe a true patriotism would dictate to us to go to the largest extent that was prudent and cautious in this matter. I have no fears that the President of the United States will not appoint proper men to carry out this great measure; and I ask this House to put into the hands of the administration a small sum of money that will in my opinion prove of inestimable value to us within the ensuing year or within the near future. An expenditure is proposed of $25,000 for what my friend is pleased to call a roving commission. A roving commission! Gentlemen sent for a particular and specific purpose to meet with the people south of us; not to negotiate, but to show to the people in power in Nicaragua, in the Argentine Republic, and everywhere else they may go, the great advantage it would be to them if there could be an exchange of commodities between those people and this people.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. WASHBURN. I yield two minutes to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. My duties upon the shipping committee have required that I should look somewhat into this subject. I find that England and France, through their capital invested in steamships and communicating lines of commerce to the countries south of us, have caused the traffic which belongs to the United States to be drawn in an unnatural direction. The course taken recently in Congress by way of repealing the compulsory postal laws, which oblige American vessels in the foreign carrying trade to transport the mails virtually without compensation, looks to an enlightened change of public policy. The Government, by reason of its recent liberal course toward the World's Exposition to be held at New Orleans has perhaps done more than anything else could have done to pave the way for freer and more liberal intercourse with the people of the countries to which I have referred.

I ask, Mr. Speaker, how can this be accomplished well unless you send experts, informed commercial men, to visit these countries? And what is the expense in the way of salary compared to the valuable knowledge that will be obtained and to the large commercial advantages that must necessarily result?

Mr. WASHBURN. I yield one minute to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I can state, with the concurrence of Mr. BROADHEAD, the other member from Saint Louis, that the merchants and manufacturers of that city give this proposition their unqualified hearty support under the belief that it will give to this country a trade that rightfully belongs to us and that is now diverted to other countries through the absence of proper commercial relations.

The people of Central and South America are strongly in sympathy with our people and institutions, and through the agency of a competent commission can be readily induced to enter into strong commercial relations with us. The introduction of the American system of railways in Mexico and its rapid extension southward gives strong assurance that we will soon be united to those people with ties of close commercial communication, provided they can be induced to co-operate in this grand work, which I imagine will be one of the principal efforts of the commission. It is fraught with bright promise to our commercial interests, and I earnestly hope the amendment will be adopted.

Mr. BURNES. I beg just to call the attention of the House for a moment to the language of the amendment:

> For three commissioners to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of $7,500 each. Said commissioners shall ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America, and for that purpose they shall visit such countries in Central and South America as the President may direct.

If gentlemen will point to any law or regulation of the State Department that does not make it the duty of ministers and consuls to do this particular work, then I shall acknowledge myself in error. But they can not.

I desire to say a word to my friend, the distinguished gentleman from Iowa [Mr. KASSON]. In the language of those from the Mississippi Valley who have urged this scheme upon him, he has been unable to read between the lines the bitter irony in regard to the inefficiency of the present service in South and Central America. That is all. We all, everywhere, want all the trade we can get. Some of us object to a scheme that, under the name of seeking it, takes from all our ministers and consuls in South and Central America the work they

are paid for performing and intrusts it to duplicate ministers or consuls under the name of commissioners, &c.

I regret, however, that my friend from Iowa [Mr. KASSON] has given us the intelligence that this was not a movement on the part of the Secretary of State; that it was not conceived by the Administration, whatever the indorsement given to it by sending it here. I say that the judgment of the State Department seems to have been against it until attention was called to it, as the gentleman says, by business men of the Mississippi Valley.

In reply to the remarks of the gentleman from New Orleans [Mr. HUNT] I have a word. We have done pretty well for New Orleans at this session. Will he never give us a rest? I love New Orleans very much indeed, and hope she may not tarnish her glory and glut her spirit of enterprise by the cry of the horse-leech so long as our Treasury has a dollar of surplus.

Mr. BROADHEAD. I would ask my colleague if the business men of the Mississippi Valley are not just as capable of judging of the importance of this matter as the Secretary of State?

Mr. BURNES. I answer my colleague by saying that the Secretary of State has great duties enjoined upon him by the Constitution and the laws. It is his business to study all these questions. I presume he does. He ought to. The business men of Saint Louis are equal to any in the world, but they study their ledgers and stock-books more closely than they do the avenues of trade and commerce or the proper diplomatic and consular service of this Government. They attend to their own business well and intelligently; they are great and successful in that respect, but if I had their ear I would say that they sometimes make a great fuss about very small matters, and sometimes make none at all when they might well cry aloud from the house-tops.

Mr. ADAMS, of New York. I would ask the gentleman what are the average salaries paid to our consuls in these different countries.

Mr. BURNES. In South America?

Mr. ADAMS, of New York. Yes; about how much?

Mr. BURNES. Our ministers there are paid from $7,500 to $12,000 a year each.

Mr. ADAMS, of New York. I believe there is only one minister there.

Mr. BURNES. There are some ten or twelve ministers and envoys extraordinary, and double as many consuls and consuls-general.

Mr. ADAMS, of New York. What are our consuls paid?

Mr. BURNES. From two to three and four thousand dollars a year. I can not answer the gentleman more fully; the time is short.

I say here that it is true, as my honored friend from Connecticut [Mr. EATON] says, we want this trade. It is a question as to the agency to be adopted in order to obtain it. I ask him whether we shall have a double agency or a single agency for this purpose? What zeal induces the gentleman to stand forth here against the judgment of the people of this country as represented on this floor? What induces him to do that?

Mr. EATON rose.

Mr. BURNES. The gentleman can answer it at his leisure and through the RECORD, if he wishes; but not now.

Mr. EATON. I never write for the RECORD; I speak what I have to say.

Mr. BURNES. Very well; speak it in your own time. I say that we have reduced the tariff duties on coffee and various other articles produced in those countries without any sort of compensation. So long as we maintain war taxes here at home we can not hope to compete for this trade. The seeds of the disease lie in our laws on the tariff question, which the gentleman is unwilling to change. Trade—general trade with the states of the south—will come when revenue is made the primary object of all tariff legislation, and commerce flies once more in American ships and under our own flag.

I now yield the remainder of my time to my distinguished friend from Georgia [Mr. BLOUNT].

The SPEAKER. The gentleman has two minutes of his time remaining.

Mr. BLOUNT. I do not believe I will use that.

Mr. SPRINGER (to Mr. BLOUNT). Give it to me.

Mr. BLOUNT. What side are you on?

Mr. SPRINGER. On your side.

Mr. BLOUNT. All right.

Mr. SPRINGER. The gentleman gives me his two minutes' time. I am quite as anxious as gentlemen on the other side and a few gentlemen on this side to have the trade of South Carolina [laughter]—of the South American republics. And I will tell those gentlemen when they will get it. The same hour in which it will come to us will be that hour and that day when we can sell the manufactured articles of this country to them at the same or at less prices than can England and the other countries of Europe. Whenever we can do that we will have their trade.

But you can send commissioners to South America from now until the day of judgment, and you may drink barrels and barrels of champagne with the people there, and you can never sell a wool hat to a single citizen of those countries until you can sell it as cheap or cheaper than such articles are sold by the countries of Europe.

[Here the hammer fell.]

Mr. WASHBURN. I will now yield my half-minute of time remaining to the gentleman from Connecticut [Mr. EATON].

The SPEAKER. The time of the gentleman has expired.

Mr. WASHBURN. I think I have a half-minute remaining.

The SPEAKER. The gentleman had seven minutes remaining, and yielded four minutes to the gentleman from Connecticut [Mr. EATON], two minutes to the gentleman from Louisiana [Mr. HUNT], and one minute to the gentleman from Missouri [Mr. O'NEILL].

Mr. WASHBURN. And the gentleman from Missouri [Mr. O'NEILL] used only half a minute; and the half-minute remaining I yielded to the gentleman from Connecticut [Mr. EATON].

Mr. O'NEILL, of Missouri. I used only half a minute.

Mr. TOWNSHEND. Has the gentleman from Minnesota [Mr. WASHBURN] any time remaining?

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] states that he used only half a minute of the time yielded to him. The Chair therefore recognizes the gentleman from Connecticut [Mr. EATON] for half a minute.

Mr. EATON. One-half minute! I will take just a quarter of a minute to tell my friend from Illinois [Mr. SPRINGER] that the champagne which he drinks, which comes out of barrels [laughter], is not the kind consumed by the people in the countries now under discussion.

Now let me say one word to my good friend from Missouri [Mr. BURNES], and let him ponder upon it. There has never been any great public measure carried out between our country and other peoples except through the instrumentality of legations expressly authorized. Such matters are never intrusted to the regular minister abroad. I will ask my good friend who is going to Austria [Mr. KASSON] whether if any great measure is to be consummated a special embassy or commission is not always deemed necessary?

[Here the hammer fell.]

Mr. BARKSDALE. I shall vote to retain in the consular and diplomatic bill the clause to appropriate a sum for the employment of commissioners to ascertain the best mode of securing more intimate and commercial relations between the United States and the Central and South American countries. We should liberalize our intercourse with those countries to promote the sale of American farm products and manufactures. Ordinarily I have voted to sustain the action of the conferees on the part of the House. I will not do so in this instance. I will vote for the motion from their position.

The South American countries produce many articles for which the climate of the United States is not suited, and the United States produce many articles for which those countries are not adapted. The interests of both countries dictate that there should be a more liberal interchange of these commodities. Enlightened public policy would strike off the shackles that have prevented the development of this trade and the mutual enjoyment of its benefits. It is not a local question. The manufacturers of the East and of the South as well as the agriculturists of the West and the South are alike interested in the measure. I do not speak with an eye to Southern interests exclusively, though a Representative of a Southern constituency. I speak for the whole country. The sum proposed is insignificant compared to the benefits which it is believed will follow. The suggestion that a communication which a postage-stamp will carry would be sufficient to attain the end desired is preposterous. It is an economical but an exceedingly narrow view of the question.

Scarcely less absurd is the suggestion that it can be accomplished by the consular agents of the Government already employed in those countries by our Government. It is a great work, and to achieve it the services of experts and practical, broad-minded statesmen and competent diplomatists should be brought into requisition. I will cheerfully vote for the bill as it came from the Senate in this particular.

The question being taken on the motion of Mr. WASHBURN that the House recede from its disagreement to the Senate amendments numbered 166 and 167, there were—ayes 82, noes 53.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 76, not voting 137; as follows:

YEAS—111.

Adams, G. E.	Cannon,	Funston,	James,
Adams, J. J.	Chalmers,	George,	Jeffords,
Atkinson,	Cullen,	Glascock,	Johnson,
Barksdale,	Cutcheon,	Greenleaf,	Kasson,
Bayne,	Dargan,	Guenther,	Kean,
Belford,	Davis, G. R.	Hancock,	Keifer,
Boutelle,	Davis, R. T.	Hart,	Kellogg,
Brewer, F. B.	Deuster,	Hatch, H. H.	Laird,
Brewer, J. H.	Dingley,	Hepburn,	Libbey,
Broadhead,	Eaton,	Hewitt, G. W.	Lyman,
Brown, W. W.	Ellis,	Hitt,	McCoid,
Brumm,	Evans, I. N.	Horr,	McComas,
Budd,	Everhart,	Houseman,	McCormick,
Calkins,	Ferrell,	Howey,	Miller, S. H.
Campbell, J. M.	Findlay,	Hunt,	Milliken,

Mitchell,	Perkins,	Singleton,	Thomas,
Morrill,	Phelps,	Skinner, C. R.	Tillman,
Muldrow,	Poland,	Smalls,	Valentine,
Nelson,	Potter,	Smith,	Wakefield,
Nutting,	Price,	Spooner,	Washburn,
Oates,	Ranney,	Stephenson,	Weaver,
Ochiltree,	Ray, G. W.	Stewart, Charles	White, J. D.
O'Hara,	Robinson, J. S.	Stewart, J. W.	White, Milo
O'Neill, Charles	Rockwell,	Stone,	Whiting,
O'Neill, J. J.	Rosecrans,	Strait,	Winans, E. B.
Parker,	Rowell,	Struble,	Winans, John
Payne,	Ryan,	Sumner, C. A.	Yaple.
Payson,	Seymour,	Taylor, J. D.	

NAYS—76.

Alexander,	Dunn,	Lanham,	Taylor, J. M.
Bagley,	Follett,	Lore,	Thompson,
Bennett,	Forney,	Lowry,	Townshend,
Blount,	Garrison,	McMillin,	Turner, H. G.
Breckinridge,	Geddes,	Miller, J. F.	Turner, Oscar
Buchanan,	Gibson,	Mills,	Van Alstyne,
Burnes,	Graves,	Murray,	Vance,
Caldwell,	Green,	Neece,	Van Eaton,
Campbell, J. E.	Halsell,	Pierce,	Wallace,
Carleton,	Hatch, W. H.	Peel,	Warner, Richard
Cassidy,	Hemphill,	Pryor,	Wellborn,
Clay,	Henley,	Randall,	Weller,
Clements,	Herbert,	Riggs,	Williams,
Cox, W. R.	Hoblitzell,	Rogers, J. H.	Wilson, W. L.
Crisp,	Holman,	Scales,	Wise, G. D.
Culberson, D. B.	Jones, B. W.	Seney,	Wolford,
Dibble,	Jones, J. H.	Shelley,	Wood,
Dibrell,	Jordan,	Springer,	Woodward,
Dowd,	Kleiner,	Sumner, D. H.	York.

NOT VOTING—137.

Aiken,	Davidson,	Jones, J. K.	Reed,
Anderson,	Davis, L. H.	Jones, J. T.	Reese,
Arnot,	Dockery,	Kelley,	Rice,
Ballentine,	Dorsheimer,	Ketcham,	Robertson,
Barbour,	Duncan,	King,	Robinson, W. E.
Barr,	Dunham,	Lacey,	Rogers, W. F.
Beach,	Eldredge,	Lamb,	Russell,
Belmont,	Elliott,	Lawrence,	Shaw,
Bingham,	Ellwood,	Le Fevre,	Skinner, T. G.
Bisbee,	English,	Lewis,	Slocum,
Blackburn,	Ermentrout,	Long,	Snyder,
Blanchard,	Evins, J. H.	Lovering,	Spriggs,
Bland,	Fiedler,	McAdoo,	Steele,
Bowen,	Finerty,	Matson,	Stevens,
Boyle,	Foran,	Maybury,	Stockslager,
Brainerd,	Fyan,	Millard,	Storm,
Breitung,	Goff,	Money,	Talbott,
Browne, T. M.	Hammond,	Morgan,	Taylor, E. B.
Buckner,	Hanback,	Morrison,	Throckmorton,
Burleigh,	Hardeman,	Morse,	Tucker,
Cabell,	Hardy,	Moulton,	Tully,
Campbell, Felix	Harmer,	Muller,	Wadsworth,
Candler,	Haynes,	Murphy,	Wait,
Chace,	Henderson, D. B.	Mutchler,	Ward,
Clardy,	Henderson, T. J.	Nicholls,	Warner, A. J.
Cobb,	Hewitt, A. S.	O'Ferrall,	Wemple,
Collins,	Hill,	Paige,	Wilkins,
Connolly,	Hiscock,	Patton,	Willis,
Converse,	Holmes,	Peters,	Wilson, James
Cook,	Holton,	Pettibone,	Wise, J. S.
Cosgrove,	Hooper,	Post,	Worthington,
Covington,	Hopkins,	Pusey,	Young.
Cox, S. S.	Houk,	Rankin,	
Culbertson, W. W.	Hurd,	Ray, Ossian	
Curtin,	Hutchins,	Reagan,	

So the motion of Mr. WASHBURN, that the House recede from its disagreement and agree to Senate amendments numbered 166 and 167, was agreed to.

The following additional pairs were announced:

Mr. WEMPLE with Mr. PETERS, until further notice.

Mr. MURPHY with Mr. HEPBURN, on all political questions, indefinitely, reserving the right to vote to make a quorum; Mr. HEPBURN to determine what are political questions.

Mr. PAYNE with Mr. ELDREDGE, until further notice.

The result of the vote was announced as above stated.

Mr. WASHBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. OCHILTREE asked and obtained leave to print remarks in the RECORD upon the pending bill.

Mr. TOWNSHEND. I ask that all other members, if they desire it, may have the same privilege.

Mr. VALENTINE. I object to that.

Mr. TOWNSHEND. Then I ask leave to extend in print the remarks I have made on this question.

Mr. VALENTINE. It is understood that the remarks must be confined to this subject.

The SPEAKER. That is the understanding.

There being no objection, the leave requested by Mr. TOWNSHEND was granted.

Mr. BURNES. In order to save time I move that the House ask a further conference with the Senate on amendment numbered 158.

Mr. VALENTINE. How many amendment are there undisposed of?

The SPEAKER. Only this one.

The motion of Mr. BURNES was agreed to; and the Speaker announced as conferees on the part of the House Mr. BURNES, Mr. TOWNSHEND, and Mr. WASHBURN.

MANAGEMENT OF SOLDIERS' HOMES.

Mr. ROSECRANS. I ask unanimous consent to report from the Committee on Military Affairs for immediate consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the resolution of this House directing the Military Committee to examine into the plan, practical workings, and management of the national homes for disabled volunteers, and to examine such homes as it may deem necessary by subcommittee, and providing that all necessary expenses be paid out of the contingent fund of the House, passed on the 26th of May, 1884, be, and the same is hereby, amended by adding the following, to wit: "The Clerk of the House, upon the order of the chairman of the Military Committee, shall advance to the Sergeant-at-Arms, in amounts not exceeding $1,000 at a time, such sums as may be required to meet the current expenses of clerk-hire, travel, &c.; said amount to be promptly accounted for by proper vouchers duly certified by said chairman."

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. VALENTINE. As I understand, this refers to a resolution heretofore adopted.

The SPEAKER. The House adopted heretofore a resolution providing for this investigation, but failed to authorize the Clerk of the House to furnish money in advance to the Sergeant-at-Arms to defray the expenses. The present resolution is designed to remedy that defect.

There being no objection, the resolution was considered and adopted.

Mr. ROSECRANS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. I move to proceed to business on the Speaker's table. [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from Indiana to take a recess until 9 o'clock this evening.

Mr. HOLMAN. The conference report on the fortification bill embraces but a single item, and it can be delayed until this evening without inconvenience.

Mr. WHITE, of Kentucky. Let us adjourn. I demand a division.

The House divided; and there were—ayes 100, noes 17.

Mr. WHITE, of Kentucky. No quorum. [Cries of "Oh!"] I withdraw the point of no quorum, but I believe we will not do anything this evening.

The SPEAKER. The point of no quorum having been withdrawn, the motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House took a recess until 9 o'clock p. m.

AFTER RECESS.

At 9 o'clock p. m. the House resumed its session.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. ELDREDGE, on account of sickness in his family.

To Mr. RANKIN, for the remainder of the session, on account of important business.

CICERO H. DRAKE.

On motion of Mr. GEDDES, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of Cicero H. Drake, no adverse report having been made thereon.

RICHARD D. BREWER.

On motion of Mr. GEDDES, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of Richard D. Brewer for reference to the Secretary of State.

JOHN N. QUACKENBUSH.

Mr. JORDAN. I move by unanimous consent to take from the Speaker's table the bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy for present consideration.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to nominate and, with the advice and consent of the Senate, appoint the said John N. Quackenbush a commander in the Navy of the United States, vice George U. Morris retired, to take rank and position on the list of such commanders from and after the date of the retirement of Morris, namely, October 21, 1874, and next after the name of Commander William T. Sampson, the appointment to be to fill the vacancy, still unfilled, caused by the retirement of Morris, the right to fill which is unquestioned under the decision in the case of Charles M. Blake *vs.* The United States (13 Otto, 227), and the right to reissue the original commission of Commander Quackenbush might be questionable: *Provided*, That such appointment shall not entitle the said John N. Quackenbush to compensation during the time that intervened between the appointment of W. S. Schley and the subsequent retirement of Morris: *Provided further*, That after such reappointment the said John N. Quackenbush shall be entitled (with the exception provided for above, namely, that no compensation be received for the few months that intervened between the issuing of the commission to Schley and the retirement of Morris) to compensation from the date of his original commission to the present time, as by him duly received up to the time of the raising of a question as to his status in consequence of the Supreme Court decision in the case of Blake above referred to; and he having been borne on the rolls of the Navy until August 1,1883, and on waiting orders until said date, he shall receive whatever arrears of salary have accrued since the 1st day of April, A. D. 1881, that being the date on which further payment of his salary was deferred until his status should be finally decided.

Mr. JORDAN. Mr. Speaker, I ask unanimous consent to take Senate bill No. 28 from the Speaker's table for its immediate consideration and passage, and I am sure the House will agree to my request and pass the bill if I can get them to give me their attention for a few minutes. The bill seeks to correct a serious but clerical mistake. The bill has been reported favorably in the Senate and in the House by the Naval Committees without a dissenting vote. The relief sought by the bill has been recommended by a President of the United States, a Secretary of the Navy, and the opinion of the Attorney-General has been given in its favor. And there is no person or official in any department of the Government who has a right to object to it so far as I know.

The facts are simply that John N. Quackenbush was appointed a commander in the Navy of the United States in regular course of promotion on May 25, 1871. He was tried by a court-martial in February, 1874, and sentenced to dismissal. The President approved the sentence on June 5, 1874. On June 9 Commander Quackenbush was notified by the Secretary of the Navy by letter of these facts, and that from that date he would cease to be an officer in the Navy. The sentence was a very harsh one, not satisfactory to the President, although he had approved it; and on June 12, 1874, the Secretary of the Navy wrote to Commander Quackenbush notifying him that the sentence of the court-martial was on the 9th day of June, 1874, mitigated to suspension from rank and duty on furlough-pay for six years, the suspension to date from date.

On the 10th day of June, 1874, the President nominated W. S. Schley to be commander, "vice Quackenbush, dismissed." This nomination was confirmed. The mistake, purely clerical, in using the words "vice Quackenbush, dismissed," when the dismissal had been set aside and annulled, caused the whole difficulty. This appointment of Schley made an excess of the number of commanders allowed by law. The attention of the Secretary of the Treasury was called to the matter, and in order to protect the Government and Commander Quackenbush he decided that no nomination should be made to the next succeeding vacancy, and none has been made, and the place remains now vacant, as it has been ever since the retirement of George W. Morse, commander. It is considered important that this mistake should be corrected. This bill accomplishes the purpose desired and fills the place, which has been held vacant in order that this act of justice might be done.

I submit with this statement the report of the House Committee, made by Hon. GEORGE D. WISE from the Naval Committee. It makes the record complete and justifies and requires the passage of this bill:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 5758) to confirm the status of John N. Quackenbush, a commander in the United States Navy, having had the same under consideration, report as follows:

John N. Quackenbush was, upon the 25th day of May, 1871, duly appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate, a commander in the Navy of the United States, in regular course of promotion from the rank of lieutenant-commander. He was tried by a naval court-martial in February, 1874, and sentenced to dismissal. The record shows that this sentence was approved by the President on the 5th day of June, 1874.

On the 9th day of June, 1874, the Secretary of the Navy addressed a letter to Commander Quackenbush, at Boston, informing him of the sentence of the court-martial and of its approval by the President, and stating that from that date (9th June) he would "cease to be an officer in the Navy."

On 12th June, 1874, the Secretary of the Navy again addressed a letter to Commander Quackenbush, at Boston, asking him to return the order dismissing him from the Navy; and the latter returned the order to the Secretary of the Navy, under cover of a letter of the 15th of June, 1874.

On the 8th day of December, 1874, the Secretary of the Navy again addressed a letter to Commander Quackenbush, at Boston, stating that the sentence of the court-martial was, on the 9th day of June, 1874, mitigated to suspension from rank and duty, on furlough pay, for six years, the suspension to date from that day. And the Fourth Auditor was so notified the same day.

On the 10th day of June, 1874, the President nominated to the Senate W. S. Schley to be commander in the Navy, "vice Quackenbush, dismissed," which nomination was confirmed by the Senate on the 12th day of June, 1874.

It appears that this nomination was inadvertently made "vice Quackenbush, dismissed," as there had been no intention on the part of the President to dismiss Quackenbush. A retention of both Schley and Quackenbush upon the list made an excess of one over the legal number of commanders. The Secretary of the Navy, as soon as this fact was called to his attention, directed that no nomination should be made to the next succeeding vacancy, which recommendation was complied with, no appointment being then made, or having subsequently been made, to the position made vacant by the retirement of George W. Morris, the only result of the error having been that Schley received his promotion a few weeks earlier than would otherwise have been the case.

The President referred the matter to the Attorney-General for an opinion. The Attorney-General rendered his opinion on the 16th day of March, 1878 (15 Op., 466), in which he says:

"Presuming that the first branch of your inquiry—that part of it relating to the admissibility of 'parol proof' that the President assented to the mitigation of the sentence on the 9th of June—is propounded with reference solely to the admissibility of the letter of the Secretary of the Navy of the 8th of December as evidence of the fact just mentioned, I submit that this letter can not be properly viewed in the light of mere parol evidence of such fact. It is an official document, pertaining to a matter which necessarily came within the official observation of the Secretary, and regarded simply as such, is entitled to be received as at least *prima facie* proof of what is therein stated touching that matter; but being, moreover, an act which, in contemplation of law, proceeds from the President himself, it must be deemed to be evidence of the very highest order of the particular fact above referred to. The directions of the President respecting the mitigation of a court-martial sentence may be, and frequently are, given *ore tenus*, and left to be formally made known and carried out through the head of the appropriate Department. When this is the case the orders or instructions of the latter, issued in discharge of that duty, constitute primary and perhaps conclusive evidence of what the directions of the President were.

"Agreeably to these views, the letter of the Secretary of the Navy of the 8th of December must be considered satisfactory proof, not only of the mitigation of the sentence by the President, but that it was mitigated by him on the 9th day of June, the time stated in the letter—supposing, of course, that the power to mitigate might then have been exerted by the President.

"This nomination, following so closely on the letter of dismissal written by the Secretary of the Navy, is apparently inconsistent with the subsequent statement by him that the sentence was mitigated by him at the time mentioned. It assumes, indeed, the complete execution of the sentence—that the officer was thereby dismissed, and is an official act based on this assumption. But it did not of itself affect or change the previous or then existing status of such officer. Thus, had the nomination been made after the approval of the sentence of dismissal, but before anything was done in execution thereof, it could hardly be considered as constituting a sufficient execution of that sentence.

"So the confirmation of the nomination, and the issue of a commission thereupon, did not necessarily produce any alteration of the status of the officer under sentence. * * * It may be that the "vice" in the nomination was made by inadvertence, and, in view of the statement just adverted to, it can not be regarded otherwise than as thus originated."

Following this advice of the Attorney-General, Commander Quackenbush has served out his probation under order of the President, the duration of which expired on the 9th day of June, 1880, at which time he was restored to waiting-orders pay, under which he now is. The recent decision and judgment of the Supreme Court of the United States in the case of Charles M. Blake *vs.* The United States (13 Otto, 227) makes questionable the right of said Quackenbush to hold said office, not by reason of the order of dismissal, first erroneously promulgated and immediately afterward withdrawn, because, according to the opinion of the Attorney-General, the letter of the Secretary of the Navy, on the 8th of December, in which it is stated that the President had assented to the mitigation of the sentence on the 9th day of June, is accepted as evidence of the highest order of the fact referred to therein, but by reason of the fact that the nomination of W. S. Schley to be commander was made "vice Quackenbush, dismissed," which, if given its full force as a *bona fide* act of the President, taken in connection with the subsequent confirmation of the same by the Senate, according to the decision of the Supreme Court, operates to supersede Quackenbush, who thereupon ceased to be an officer in the Navy.

With respect to the making of the nomination of W. S. Schley in the manner it was, Hon. George M. Robeson, in a letter to the President dated February 16, 1882, says:

"The nomination of Schley 'vice Quackenbush' went through in some incomprehensible manner, and when brought to my attention, as it made an excess of numbers, I ordered no nomination to be made for the position shortly after vacated by the retirement of Morris, which reduced the number of commanders to the legal limits."

It will be remembered that Mr. Robeson was Secretary of the Navy at the time the matters mentioned in his letter took place.

General Grant, in a letter to the President, dated February 10, 1882, says:

"The case of Commander J. N. Quackenbush, United States Navy, sentenced to be dismissed in 1874, has just been called to my attention, with the hardship attending his case, by reason of inadvertency in sending in the nomination of his successor after his sentence had been commuted. The matter of nominations or promotions in the Army and Navy is regulated by law, so that the Executive scarcely thinks to look at the nominations when put before him, supposing of course they are all to fill vacancies. In this way it seems Commander Quackenbush was suspended, and now finds himself in danger of being out of the Navy by reason of the recent decision in another case. I remember the case of Commander Quackenbush, but not the details of my action. I have no doubt, however, that Hon. George M. Robeson, then Secretary of the Navy, knows and remembers all about it. I do know, however, the intention was not to put him out of the service, and I now recommend his nomination to the vacancy which was kept open for him from the time of the first vacancy after the promotion of Schley.

"The fact that executive action was delayed so long in the case of Commander Quackenbush at the request of Samuel Howe shows quite conclusively that the approval of the sentence and mitigation was done at one and the same time. My decision was probably given verbally to the Secretary, and a mistake in the record has been made by a clerk."

With respect to the latter question Mr. Robeson, in the letter already quoted from, says:

"The action of approval and of mitigation was at one and the same time, whatever the records in the Department may appear to show. The direction to me being verbal, and a letter being sent at once by me to Commander Quackenbush, and afterward, in December, the letter promulgating the finding and mitigation, I may have rested content with my action, and neglected to order or to make full indorsement of the records."

It is highly probable that the draught of the formal approval of the sentence of dismissal, which appears upon the record of the court-martial in the handwriting of some one else other than the President, was made on the 5th day of June, but was not actually signed by the President till on the 9th day of June.

The bill under consideration authorizes the President to nominate, and, with the advice and consent of the Senate, to appoint, the said John N. Quackenbush commander in the United States Navy, vice George U. Morris, retired, to take rank and position on the list of such commanders from and after the date of the retirement of Morris, namely, October 21, 1874, and next after the name of Commander W. P. Sampson; the appointment to be to fill the vacancy still unfilled, caused by the retirement of Morris, the right to fill which is unquestioned under the above decision, and the right to reissue the original commission of Commander Quackenbush might be questionable, with the provision that such appointment shall not entitle the said John N. Quackenbush to compensation during the time that intervened between the appointment of Schley and the subsequent retirement of Morris; and with the further provision that after such reappointment the said John N. Quackenbush shall be entitled (with the exception provided above, namely, that no compensation shall be received for the few months that intervened between the issuing of the commission to Schley and the retirement of Morris) to compensation from the date of his original commission to the present time, as by him duly received up to the time of the raising of the question as to his status, in consequence of the Supreme Court decision in the case of Blake above referred to; and he having been all this time borne on the rolls of the Navy and on waiting orders, he shall receive whatever arrears of salary have accrued since the 1st day of April, 1881, that being the date on which further payment of his salary was deferred until his status should be finally decided.

There appears to be no doubt of the fact that it was not the intention of the President to dismiss Commander Quackenbush from the Navy, either by the approval of the sentence of the court-martial or the nomination of Schley to be commander. Quackenbush has, as before stated, served out his probation under the order of the President, and it would be a hardship for him now not to be retained in the Navy. The committee therefore report the bill back with a favorable recommendation.

There was no objection, and the bill was taken up, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. JORDAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 503) granting a pension to Hiram C. Henderson;

A bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood;

A bill (H. R. 2245) granting a pension to Eliza A. Shealy; and

A bill (H. R. 2070) granting a pension to Decatur Hamlin.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3321) granting a pension to Michael Shields;

A bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent;

A bill (H. R. 4694) granting a pension to James Clark;

A bill (H. R. 3979) granting an increase of pension to Mary Anna Egan;

A bill (H. R. 4254) granting a pension to James Aaron;

A bill (H. R. 5889) granting a pension to Alonzo Cooper;

A bill (H. R. 6589) for the relief of Asa Dye;

A bill (H. R. 3493) granting a pension to Ann Hunter;

A bill (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes;

A bill (H. R. 5544) for the relief of Laura J. Goddard;

A bill (H. R. 6677) to increase the pension of William Irving;

A bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken; and

Joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States.

ORDER OF BUSINESS.

Mr. HEWITT of Alabama, Mr. PRICE, and Mr. COLLINS rose to ask unanimous consent.

Mr. DUNN demanded the regular order of business.

Mr. SPRINGER. I now ask unanimous consent to submit a report from the Committee on Expenditures in the Department of Justice with reference to the investigation before that committee, and to ask——

The SPEAKER. The Chair can not entertain the request for unanimous consent when the demand for the regular order is pending.

Mr. SPRINGER. I understand that it is not insisted upon as against this proposition.

The SPEAKER. The Chair asked the gentleman the question a moment since, and was informed by him that he declined to withdraw the demand.

Mr. SPRINGER. Who has demanded the regular order?

The SPEAKER. The gentleman from Arkansas.

Mr. SPRINGER. He said he would not demand it as against this.

Mr. BROWNE, of Indiana. It would be renewed, if withdrawn, by two or three or twenty-five or thirty others.

Mr. TOWNSHEND. I call up the Mexican pension bill.

Mr. SPRINGER. That has been called up so often I thought perhaps the House might like to have something else called up. [Laughter.]

The SPEAKER. The question is on the demand for the previous question made by the gentleman from Illinois on his motion to concur in the Senate amendment.

Mr. HEWITT, of Alabama. I make the point of order that the question is on my motion to take up the special order. A yea-and-nay vote was taken on that motion, which developed the fact that no quorum was present.

Mr. TOWNSHEND. That was disposed of by the House.

The SPEAKER. The gentleman from Alabama is correct; no quorum voted upon the motion submitted by him.

Mr. HEWITT, of Alabama. There was a yea-and-nay vote, but no quorum was present.

The SPEAKER. The question is now, Will the House proceed to the consideration of the special order called up by the gentleman from Alabama? upon which the yeas and nays were ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 38, nays 101, not voting 185; as follows:

YEAS—38.

Alexander,	Cox, W. R.	Kleiner,	Turner, H. G.
Barksdale,	Dargan,	Lyman,	Turner, Oscar
Blanchard,	Dibble,	Maybury,	Vance,
Broadhead,	Garrison,	Mitchell,	Warner, Richard
Buchanan,	Gibson,	Ochiltree,	Willis,
Caldwell,	Graves,	O'Neill, J. J.	Wolford,
Cassidy,	Halsell,	Pierce,	Wood,
Clay,	Hatch, W. H.	Taylor, J. M.	York.
Clements,	Houseman,	Tillman,	
Cosgrove,	Hunt,	Tucker,	

NAYS—101.

Adams, G. E.	Burnes,	Davis, R. T.	Greenleaf,
Adams, J. J.	Carleton,	Deuster,	Guenther,
Atkinson,	Chalmers,	Evans, I. N.	Hart,
Bagley,	Collins,	Everhart,	Hatch, H. H.
Bayne,	Connolly,	Ferrell,	Hemphill,
Brewer, F. B.	Culbertson, W. W.	Follett,	Henderson, T. J.
Browne, T. M.	Cullen,	Foran,	Henley,
Brown, W. W.	Cutcheon,	Glascock,	Hepburn,
Budd,	Davis, G. R.	Goff,	Hoblitzell,
Howey,	Millard,	Seymour,	Wadsworth,
James,	Miller, S. H.	Skinner, C. R.	Wait,
Jeffords,	Morrill,	Smalls,	Wallace,
Johnson,	Neece,	Spooner,	Washburn,
Jones, B. W.	Nelson,	Springer,	Weaver,
Kasson,	O'Hara,	Steele,	Weller,
Kean,	Payne,	Stephenson,	White, Milo
Keifer,	Payson,	Stewart, J. W.	Whiting,
Lacey,	Peters,	Strait,	Wilson, James
Lawrence,	Price,	Struble,	Wilson, W. L.
Le Fevre,	Ranney,	Sumner, C. A.	Winans, E. B.
Libbey,	Ray, G. W.	Sumner, D. H.	Winans, John
Lore,	Ray, Ossian	Taylor, J. D.	Woodward,
Lovering,	Rockwell,	Thomas,	Yaple.
Lowry,	Rosecrans,	Townshend,	
McComas,	Rowell,	Valentine,	
McCormick,	Seney,	Van Alstyne,	

NOT VOTING—185.

Aiken,	Dorsheimer,	Jones, J. T.	Reagan,
Anderson,	Dowd,	Jordan,	Reed,
Arnot,	Duncan,	Kelley,	Reese,
Ballentine,	Dunham,	Kellogg,	Rice,
Barbour,	Dunn,	Ketcham,	Riggs,
Barr,	Eaton,	King,	Robertson,
Beach,	Eldredge,	Laird,	Robinson, J. S.
Belford,	Elliott,	Lamb,	Robinson, W. E.
Belmont,	Ellis,	Lanham,	Rogers, J. H.
Bennett,	Ellwood,	Lewis,	Rogers, W. F.
Bingham,	English,	Long,	Russell,
Bisbee,	Ermentrout,	McAdoo,	Ryan,
Blackburn,	Evins, J. H.	McCoid,	Scales,
Bland,	Fiedler,	McMillin,	Shaw,
Blount,	Findlay,	Matson,	Shelley,
Boutelle,	Finerty,	Miller, J. F.	Singleton,
Bowen,	Forney,	Milliken,	Skinner, T. G.
Boyle,	Funston,	Mills,	Slocum,
Brainerd,	Fyan,	Money,	Smith,
Breckinridge,	Geddes,	Morgan,	Snyder,
Breitung,	George,	Morrison,	Spriggs,
Brewer, J. H.	Green,	Morse,	Stevens,
Brumm,	Hammond,	Moulton,	Stewart, Charles
Buckner,	Hanback,	Muldrow,	Stockslager,
Burleigh,	Hancock,	Muller,	Stone,
Cabell,	Hardeman,	Murphy,	Storm,
Calkins,	Hardy,	Murray,	Talbott,
Campbell, Felix	Harmer,	Mutchler,	Taylor, E. B.
Campbell, J. E.	Haynes,	Nicholls,	Thompson,
Campbell, J. M.	Henderson, D. B.	Nutting,	Throckmorton,
Candler,	Herbert,	Oates,	Tully,
Cannon,	Hewitt, A. S.	O'Ferrall,	Van Eaton,
Chace,	Hewitt, G. W.	O'Neill, Charles	Wakefield,
Clardy,	Hill,	Paige,	Ward,
Cobb,	Hiscock,	Parker,	Warner, A. J.
Converse,	Hitt,	Patton,	Wellborn,
Cook,	Holman,	Peel,	Wemple,
Covington,	Holmes,	Perkins,	White, J. D.
Cox, S. S.	Holton,	Pettibone,	Wilkins,
Crisp,	Hooper,	Phelps,	Williams,
Culberson, D. B.	Hopkins,	Poland,	Wise, G. D.
Curtin,	Horr,	Post,	Wise, J. S.
Davidson,	Houk,	Potter,	Worthington,
Davis, L. H.	Hurd,	Pryor,	Young.
Dibrell,	Hutchins,	Pusey,	
Dingley,	Jones, J. H.	Randall,	
Dockery,	Jones, J. K.	Rankin,	

So (no quorum having voted) the motion was not agreed to.

Mr. DAVIS, of Illinois. I move to dispense with the reading of the names.

Mr. VAN EATON. I object.

The Clerk recapitulated the names of those voting.

The following additional pairs were announced:

Mr. PARKER with Mr. COSGROVE, on all questions, from 5 o'clock July 5, 1884, until the close of the present session.

Mr. MORRILL with Mr. GRAVES, on all questions, except the Mexican pension bill, until further notice.

Mr. HANCOCK with Mr. CANNON, on all questions for the present.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum has voted, and the motion is not disposed of.

Mr. WOLFORD. I ask unanimous consent to go into Committee of the Whole to take up pension bills of the House amended by the Senate with a view to putting them upon their passage.

Mr. TOWNSHEND. I have no objection to that.

The SPEAKER. That can not be done in the absence of a quorum.

Mr. TOWNSHEND. Then I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Aiken,	Buckner,	Davidson,	Geddes,
Anderson,	Burleigh,	Davis, L. H.	George,
Arnot,	Cabell,	Dingley,	Hammond,
Barbour,	Calkins,	Dockery,	Hanback,
Barr,	Campbell, Felix	Dorsheimer,	Hancock,
Beach,	Campbell, J. E.	Dowd,	Hardeman,
Belford,	Candler,	Duncan,	Hardy,
Belmont	Cannon,	Dunham,	Harmer,
Bingham,	Chace,	Eldredge,	Haynes,
Bisbee,	Clardy,	Elliott,	Henderson, D. B.
Bland,	Cobb,	Ellwood,	Hewitt, A. S.
Bowen,	Converse,	Ermentrout,	Hill,
Boyle,	Cook,	Evins, J. H.	Holman,
Brainerd,	Covington,	Fiedler,	Holton,
Breitung,	Cox, S. S.	Findlay,	Hooper,
Brewer, J. H.	Cox, W. R.	Finerty,	Hopkins,
Brumm,	Curtin,	Fyan,	Horr,

Houk,	Morgan,	Rankin,	Stockslager,
Hunt,	Morrison,	Reagan,	Stone,
Hurd,	Morse,	Reed,	Storm,
Hutchins,	Moulton,	Rice,	Talbott,
Jones, J. K.	Muller,	Riggs,	Taylor, E. B.
Jones, J. T.	Murphy,	Robertson,	Throckmorton,
Kelley,	Murray,	Robinson, J. S.	Tully,
Kellogg,	Mutchler,	Rogers, W. F.	Wakefield,
King,	Nicholls,	Russell,	Ward,
Laird,	O'Ferrall,	Ryan,	Warner, A. J.
Lamb,	Paige,	Scales,	Wemple,
Lewis,	Parker,	Shaw,	Wilkins,
McAdoo,	Patton,	Skinner, T. G.	Wise, J. S.
McCoid,	Peel,	Slocum,	Worthington,
McMillin,	Pettibone,	Smith,	Young.
Matson,	Poland,	Snyder,	
Milliken,	Post,	Spriggs,	
Money,	Pryor,	Stevens,	

The SPEAKER. On this call 187 members have answered to their names.

Mr. TOWNSHEND. I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. WHITE, of Kentucky. I call for the regular order.

Mr. WOLFORD. I ask the gentleman to withhold that call for a moment that I may ask unanimous consent to take up some pension bills that have been passed by this House and amended by the Senate and sent back here. I make that request with a view of putting them on their passage at this time.

Several members called for the regular order.

Mr. TOWNSHEND. I think if the proposition of the gentleman from Kentucky is understood there will be no objection to it.

The SPEAKER. The regular order is demanded.

Mr. STEELE. We did not hear the request of the gentleman from Kentucky.

The SPEAKER. The Chair will state it.

Mr. WHITE, of Kentucky. I have no desire to demand the regular order in opposition to the request of my colleague.

The SPEAKER. The Chair will state the request of the gentleman from Kentucky. He asks that by unanimous consent the House take up from the Speaker's table for present consideration House pension bills with Senate amendments.

Mr. WHITE, of Kentucky. That is all right.

The SPEAKER. Is there objection?

Mr. MILLS. I desire to ask——

The SPEAKER. The Chair hears no objection.

Mr. MILLS. I was addressing the Chair, but it seemed impossible for me to get the ear of the Chair.

The SPEAKER. The Chair did not hear the gentleman on account of the noise on the floor.

Mr. MILLS. I wanted to know, reserving the right to object, if the special privilege granted to these pension bills was intended to be granted to any other reports; or if it is understood when they are disposed of we are going back again to the Mexican pension bill? Or do we leave this Mexican pension bill altogether?

Mr. WHITE, of Kentucky. Not at all. We only leave the Mexican pension bill to take up special pension cases.

Mr. MILLS. Then I object.

The SPEAKER. The gentleman from Texas states he was on his feet intending to object, if his question was not answered satisfactorily. The Chair entertains his objection,

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER. The Chair will submit to the House an order in regard to the return of a bill.

The Clerk read as follows:

Resolved, That the Clerk request the Senate to return to the House the bill of the House (No. 6770) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1885, and for other purposes; and the message of agreement to the report of the committee of conference thereon.

The SPEAKER. If there be no objection this resolution will be considered as adopted, and the Clerk will ask for the return of the bill.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded. The regular order is the motion of the gentleman from Alabama [Mr. HEWITT] that the House do now proceed to the consideration of the special order, the bill H. R. 3962.

Mr. BROWNE, of Indiana. Will the House indulge me in making a brief statement of the situation in which we find ourselves, with a view of reaching some adjustment of the controversy between the gentlemen who oppose and those who favor the Mexican war pension bill?

The SPEAKER. The gentleman will proceed if there be no objection.

Mr. HEWITT, of Alabama. How much time does the gentleman from Indiana desire to occupy?

Mr. BROWNE, of Indiana. Not more than five minutes.

The SPEAKER. Is there objection to the gentleman from Indiana making a brief statement?

Mr. BLOUNT (in his seat). I object.

Mr. BROWNE, of Indiana. What I desired to say was not intended to be partisan or irritating in any way.

Mr. STEELE. I make the point of order that the gentleman who objected did not rise in his seat.

Mr. BLOUNT (rising). I conform to the gentleman's request by now rising; but on the suggestion of the gentleman from Alabama [Mr. HEWITT] I do not insist on the objection.

Mr. HEWITT, of Alabama. I do not think the gentleman from Indiana will abuse the privilege granted him by the House.

Mr. BROWNE, of Indiana. We have been struggling for now three days and have not as yet reached the consideration of a single amendment on this House bill.

Mr. TOWNSHEND. Oh, yes; we have concurred in several amendments.

Mr. BROWNE, of Indiana. I mean, if the gentleman will understand me, that for three days we have been attempting to consider one amendment to this bill, but have not yet succeeded in coming to a conclusion on it or even reaching the consideration of a single amendment.

Mr. TOWNSHEND. Oh, yes; we have concurred in several amendments.

Mr. BROWNE, of Indiana. The gentleman will understand me. We reached the sixth amendment three days ago and have been struggling to consider that sixth amendment for three days, and have not yet succeeded in doing it. Now, when we have passed this, there are still fifteen other amendments to be considered. If it were possible to consider these the bill then, under the very proper ruling of the Chair, goes to the Calendar of the Committee of the Whole House on the state of the Union and goes to the foot of that Calendar, and there are four hundred and eleven bills before it. The Clerk and myself counted them this afternoon.

Now, under the rule, before we can reach the bill when it has passed to that Calendar, we must succeed upon a motion to go into the Committee of the Whole House on the state of the Union. We may be antagonized by those who oppose the bill, as they have antagonized the consideration of the amendments by breaking a quorum and the other methods to which parliamentarians resort, and it will be impossible for us to go into Committee of the Whole House. But suppose we reach it, then under the rules the bills on the Calendar are to be taken up in their order. When a bill is taken up we may object to its consideration. Then the committee must rise and we go back into the House; and then the question before the House is: shall the House consider the particular bill? And again resort may be had to these parliamentary tactics to defeat or delay the consideration of the question; and I know the gentlemen intend to resort to them. I do not say that to complain of their action. I say they may resort to these tactics; and if they do, we can not reach the consideration of this bill till next December; if we should continue in session from now till then we can not reach it at all.

These rules, which were arranged apparently in some kind of circumlocution office, absolutely prevent legislation when men are in earnest to prevent it by making use of the rules. The question, then, is this: we find ourselves in this situation; the record is made up; gentlemen who oppose this legislation are ready to stand by what they have done; and on the other hand we who favor it are ready to stand by the record we have made. We are ready to go to the country upon that record.

Now the question presents itself, why continue this utterly useless struggle longer? There are other measures here which ought to be considered and passed if Congress is to adjourn within the next twenty-four or thirty-six hours, as many hope. If this Mexican war pension bill could be considered and passed within reasonable time I would stay here and insist upon its passage. But it can not be; it is impossible to pass it. There is not a gentleman on the floor who does not know that this struggle on the part of those who favor the passage of this bill with the Senate amendments is utterly useless. We are powerless in the hands of the few gentlemen who seek to defeat that measure.

I therefore propose that we leave it where it is, and by unanimous consent pass to the consideration of House private pension bills that have come back from the Senate with amendments, and Senate private pension bills which have been passed by that body and sent to us and are now on the Speaker's table. [Applause and cries of "That is right!"]

Mr. TOWNSHEND. I differ with my friend from Indiana [Mr. BROWNE] as to what would be the fate of this bill if it should go to the Committee of the Whole. In the first place, I do not understand that it would go to the foot of the Calendar. That is a question which I propose to raise whenever the bill goes to the Committee of the Whole, and good parliamentarians will bear me out in the belief that it is not yet settled that the bill would go to the foot of the Calendar if it should be referred to the Committee of the Whole.

Again, I will say to my friend that he is mistaken in regard to the number of bills now in Committee of the Whole on the state of the Union. I made a computation of them last night myself, and I found that there were not more than one hundred and fifty on that Calendar. [Laughter.] But even if there were one hundred and fifty or four hundred bills on that Calendar, with a majority determined to reach the Mexican war pension bill, I am satisfied that it can be reached. Therefore I do not consider the bill killed by sending it to the Committee of the Whole.

Mr. BROWNE, of Indiana. I want to say——

Mr. TOWNSHEND. Do not interrupt me; I did not interrupt you.

Mr. BROWNE, of Indiana. Very well.

Mr. TOWNSHEND. I am willing, however, to acquiesce in the suggestion made by the gentleman from Indiana [Mr. BROWNE] to let the bill go over for the present. But I give notice that if the bill shall go over until the next session of Congress, I shall then insist, as I have heretofore done, upon the motion to proceed to the consideration of business upon the Speaker's table, and seek to bring this bill up for action. And I trust that the time may come when the majority of this House will favor the consideration of this bill, with such modifications of the Senate amendments as will satisfy a majority of the House.

Mr. BROWNE, of Indiana. A single word. I made this statement on the supposition that my distinguished friend from Illinois [Mr. TOWNSHEND] who has made this gallant fight for this measure agrees with me——

Mr. TOWNSHEND. I do agree with you.

Mr. BROWNE, of Indiana. But if he proposes to go before the country with the assertion that there is even a possibility of passing this bill between now and the time when this House may be called upon to finally adjourn, then I withdraw my suggestion. [Applause, and cries of "That is right!"]

Mr. TOWNSHEND. I wish to say this——

Mr. REED. Try the experiment.

Mr. TOWNSHEND. The gentleman has misunderstood me. [Cries of "Regular order!"] That is hardly fair.

Mr. WHITE, of Kentucky. The trouble comes from your side.

Mr. TOWNSHEND. I know there is fair dealing enough on that side of the House to allow me a moment to reply to the gentleman from Indiana [Mr. BROWNE]. That gentleman has misunderstood me. I did not say that we could reach this bill within the next few days of this session if it goes to the Committee of the Whole House. But I say that if it goes to the Committee of the Whole, then at the next session of this House I believe the bill can be reached and disposed of, if a majority of the House are determined to reach it. Therefore I am willing that for the present the bill shall be set aside, and that we take up the private pension bills which the gentleman suggests.

The SPEAKER. It is important that the House shall understand distinctly what the gentleman from Illinois [Mr. TOWNSHEND] means when he says he is willing "that this bill shall be set aside for the present." Does the gentleman mean set aside for this session, or set aside until the other measures to which reference has been made shall have been disposed of? The Chair takes the liberty of making this suggestion because the other day there was some misunderstanding about the agreement that was then entered into.

Mr. TOWNSHEND. I will state again that if it is likely that this House will adjourn within the next few days, I am willing that the bill shall be laid aside for this session. But if the session is to be protracted during this month, or during the summer, I would not like to bind myself to an agreement that the bill shall be laid aside for this session.

Mr. MILLS. I propose that we lay this bill aside by unanimous consent—lay it aside for a week, as a gentleman suggests—and then proceed to take up the pension bills which have come from the Senate, and also the bills reported from the Committee of the Whole (of which there are some half a dozen) for the erection of public buildings. The bills to which I refer have been acted upon favorably in the Committee of the Whole, and are now on the Speaker's table as unfinished business.

Mr. TOWNSHEND. Now, I think we can arrive at an agreement. If this House is not to remain in session longer than next week, I would be willing to lay this bill aside for the session——

Mr. MILLS. I fear the gentleman did not understand all my proposition.

The SPEAKER. There are three or four propositions now before the House.

Mr. SPRINGER. I will make a motion which is in order, and I think meets all these objections—that the further consideration of this bill be postponed until the 14th of July, that is Monday week. If we should be in session on that day, we can take it up; and for the present we get it out of the way. The motion which I submit is in order and does not require unanimous consent.

The SPEAKER. The motion indicated by the gentleman from Illinois [Mr. SPRINGER] is in order whenever the gentleman from Alabama [Mr. HEWITT] withdraws the motion he has made that the House proceed to the consideration of the special order. It requires unanimous consent or some agreement among members on the floor to reach a conclusion.

Mr. SPRINGER. I ask the gentleman to withdraw that motion, and I will move to postpone the consideration of this bill until the 14th of this month.

Mr. HEWITT, of Alabama. I think the House will bear me witness that I have used every effort to get up the private pension bills which are now pending in the House—bills to pension persons who have been wounded or who have contracted disease in the military service of the Government. I am willing now to accept the proposition made by the gentleman from Indiana that this bill shall be postponed or laid aside until the next session, and that we proceed now to the consideration of those private pension bills.

A MEMBER. House bills with Senate amendments.

Mr. HEWITT, of Alabama. House bills with Senate amendments and also Senate bills reported favorably by the Pension Committee of this House and now on the Calendar.

Now, Mr. Speaker, one further word and I am through. Gentlemen will remember that this bill, which now comes back from the Senate with amendments, passed this House early in the session. Going to the Senate, it remained there until the closing weeks of the session, when it came back here with fifteen or sixteen amendments, radical amendments, which many of us believe will involve an expenditure of fifty or sixty million dollars annually. Whether that is the fact or not, we honestly believe it. We believe that it will saddle upon the Government a debt of $2,000,000,000.

Mr. SPRINGER (to Mr. HEWITT, of Alabama). Do not discuss the merits of the question.

Mr. HEWITT, of Alabama. I am not discussing the merits of the question; I am only stating what we honestly believe.

Mr. TOWNSHEND. Now, upon that point will the gentleman allow me to correct him?

Mr. HEWITT, of Alabama. Wait a moment. I did not interrupt the gentleman at all.

Gentlemen will bear me witness that I have been willing to discuss this bill, but have been prevented from doing so. An attempt has been made to pass this bill without discussion and without consideration. It seems to me that there is not a reasonable man in all this country who can object to what I have done here, believing as I believe. Now, I may be wrong——

Mr. STEELE. I think you are.

Mr. HEWITT, of Alabama. I may be wrong, but still I believe——

Mr. TOWNSHEND. It is on that point I wanted the gentleman in fairness to allow me to correct him.

A MEMBER (to Mr. HEWITT, of Alabama). Now withdraw your motion.

Mr. HEWITT, of Alabama. No; I will not withdraw my motion; but I will consent that we go to the Speaker's table to take up private pension bills with Senate amendments and dispose of them, and when they are disposed of that we go to the Private Calendar in Committee of the Whole and take up private pensions bills which have passed the Senate and which the House committees have recommended, this bill meanwhile going over till next session.

Mr. TOWNSHEND. One word in reply.

Mr. HERBERT. I object to further discussion. [Cries of "Regular order!"]

Mr. TOWNSHEND. Mr. Speaker, I refrained from a discussion——

Mr. HERBERT. I object to further discussion.

Mr. TOWNSHEND. I merely want to correct the statement of the gentleman from Alabama [Mr. HEWITT].

Mr. HEWITT, of Alabama. I have not gone into any discussion. I simply stated—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded on both sides.

Mr. TOWNSHEND. I think in fairness I ought to be allowed to correct the statement of the gentleman from Alabama. [Renewed cries of "Regular order!"]

The SPEAKER. Unanimous consent is asked that the bill known as the Mexican pension bill with Senate amendments be passed over——

Mr. TOWNSHEND. A misrepresentation has been made in regard to that bill, and I want to correct it. I have a right to do so.

The SPEAKER. The bill is not under discussion.

Mr. TOWNSHEND. I know that; but the gentleman from Alabama took advantage—— [Cries of "Regular order!"] The bill does not involve anything like the amount of money which the gentleman stated. [Renewed cries of "Regular order!"]

The SPEAKER. The Chair is endeavoring to submit a request to the House——

Mr. MILLS. I desire to submit an amendment.

The SPEAKER. It is not subject to amendment; it is a request for unanimous consent.

Mr. TOWNSHEND. If I can not correct the statement which has been made, I object.

The SPEAKER. The gentleman from Illinois objects. The Chair will state in the interest of the transaction of public business——

Mr. TOWNSHEND. I object, Mr. Speaker.

The SPEAKER. The Chair had recognized the gentleman's objection, but desires to make the statement that whenever it appears on a call of the roll——

Mr. TOWNSHEND. I say that the statement made by the gentleman from Alabama is not correct.

The SPEAKER. The gentleman from Illinois is not in order. Whenever it appears from a call of the roll that is entered upon the Journal that no quorum has voted the Chair can not entertain any motion or transact any further business until a quorum appears. The Constitution itself forbids the transaction of business by less than a quorum of the House. The Chair states this so that gentlemen who demand the yeas and nays may know the possible effect of it.

Mr. BELFORD rose.

The SPEAKER. There is no question before the House. [Cries of "Regular order!"]

Mr. BELFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I want to know how much of a majority the Democrats have. [Laughter.]

The SPEAKER. That is not a parliamentary inquiry.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate returned to the House, in compliance with its request, a bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

It further announced the passage of the following bills without amendment:

A bill (H. R. 204) granting a pension to Susan Y. Atwater;

A bill (H. R. 1752) for the relief of Mary L. Lee; and

A bill (H. R. 5553) granting a pension to Isabella Palmer.

CONSULAR AND DIPLOMATIC BILL.

The SPEAKER. If there be no objection, the bill will be corrected in accordance with the action of the House and returned to the Senate.

There was no objection; and it was ordered accordingly.

MEXICAN PENSION BILL.

The SPEAKER. The question recurs on the motion of the gentleman from Alabama [Mr. HEWITT] to call up the special order, being the original Mexican pension bill, introduced by the gentleman himself, on which the yeas and nays have been ordered.

Mr. WAIT. Can not the gentleman from Alabama withdraw that motion if he sees fit?

The SPEAKER. He can, but he does not do so. [Cries of "Regular order!"]

The question was taken; and there were—yeas 41, nays 111, not voting 172; as follows:

YEAS—41.

Adams, J. J.	Eaton,	Lore,	Turner, H. G.
Alexander,	Garrison,	Lyman,	Turner, Oscar
Barksdale,	Gibson,	Maybury,	Vance,
Blanchard,	Graves,	Mills,	Warner, Richard
Caldwell,	Halsell,	Ochiltree,	Willis,
Carleton,	Hatch, W. H.	O'Neill, J. J.	Wilson, W. L.
Cassidy,	Henley,	Ranney,	Wolford,
Clay,	Houseman,	Seney,	Wood.
Cox, W. R.	Hunt,	Taylor, J. M.	
Dargan,	Jordan,	Thompson,	
Dibble,	Kleiner,	Tillman,	

NAYS—111.

Adams, G. E.	Funston,	McCoid,	Springer,
Atkinson,	Glascock,	McComas,	Steele,
Bagley,	Greenleaf,	McCormick,	Stewart, J. W.
Bayne,	Hart,	Miller, S. H.	Strait,
Belford,	Hatch, H. H.	Mitchell,	Struble,
Boutelle,	Hemphill,	Morrill,	Sumner, C. A.
Brewer, F. B.	Hepburn,	Murray,	Sumner, D. H.
Brewer, J. H.	Hiscock,	Neece,	Taylor, J. D.
Broadhead,	Hitt,	Nelson,	Thomas,
Brown, W. W.	Hoblitzell,	O'Hara,	Townshend,
Budd,	Holman,	O'Neill, Charles	Valentine,
Campbell, J. M.	Holmes,	Payne,	Van Alstyne,
Chalmers,	Horr,	Payson,	Wadsworth,
Collins,	Howey,	Perkins,	Wait,
Cosgrove,	James,	Peters,	Wallace,
Culbertson, W. W.	Jeffords,	Phelps,	Washburn,
Cullen,	Johnson,	Price,	Weaver,
Cutcheon,	Jones, B. W.	Pusey,	Weller,
Davis, G. R.	Kasson,	Randall,	White, J. D.
Davis, R. T.	Kean,	Ray, G. W.	White, Milo
Deuster,	Kellogg,	Ray, Ossian	Whiting,
Dingley,	Lacey,	Reed,	Wilson, James
English,	Laird,	Rockwell,	Winans, E. B.
Evans, I. N.	Lawrence,	Rosecrans,	Winans, John
Everhart,	Le Fevre,	Seymour,	Woodward,
Ferrell,	Libbey,	Skinner, C. R.	Yaple,
Follett,	Lovering,	Smalls,	York.
Foran,	Lowry,	Spooner,	

NOT VOTING—172.

Aiken,	Burnes,	Dowd,	Hardy,
Anderson,	Cabell,	Duncan,	Harmer,
Arnot,	Calkins,	Dunham,	Haynes,
Ballentine,	Campbell, Felix	Dunn,	Henderson, D. B.
Barbour,	Campbell, J. E.	Eldredge,	Henderson, T. J.
Barr,	Candler,	Elliott,	Herbert,
Beach,	Cannon,	Ellis,	Hewitt, A. S.
Belmont,	Chace,	Ellwood,	Hewitt, G. W.
Bennett,	Clardy,	Ermentrout,	Hill,
Bingham,	Clements,	Evins, J. H.	Holton,
Bisbee,	Cobb,	Fiedler,	Hooper,
Blackburn,	Connolly,	Findlay,	Hopkins,
Bland,	Converse,	Finerty,	Houk,
Blount,	Cook,	Forney,	Hurd,
Bowen,	Covington,	Fyan,	Hutchins,
Boyle,	Cox, S. S.	Geddes,	Jones, J. H.
Brainerd,	Crisp,	George,	Jones, J. K.
Breckinridge,	Culberson, D. B.	Goff,	Jones, J. T.
Breitung,	Curtin,	Green,	Keifer,
Browne, T. M.	Davidson,	Guenther,	Kelley,
Brumm,	Davis, L. H.	Hammond,	Ketcham,
Buchanan,	Dibrell,	Hanback,	King,
Buckner,	Dockery,	Hancock,	Lamb,
Burleigh,	Dorsheimer,	Hardeman,	Lanham,
Lewis,	Oates,	Robinson, W. E.	Stone,
Long,	O'Ferrall,	Rogers, J. H.	Storm,
McAdoo,	Paige,	Rogers, W. F.	Talbott,
McMillin,	Parker,	Rowell,	Taylor, E. B.
Matson,	Patton,	Russell,	Throckmorton,
Millard,	Peel,	Ryan,	Tucker,
Miller, J. F.	Pierce,	Scales,	Tully,
Milliken,	Pettibone,	Shaw,	Van Eaton,
Money,	Poland,	Shelley,	Wakefield,
Morgan,	Post,	Singleton,	Ward,
Morrison,	Potter,	Skinner, T. G.	Warner, A. J.
Morse,	Pryor,	Slocum,	Wellborn,
Moulton,	Rankin,	Smith,	Wemple,
Muldrow,	Reagan,	Snyder,	Wilkins,
Muller,	Reese,	Spriggs,	Williams,
Murphy,	Rice,	Stephenson,	Wise, G. D.
Mutchler,	Riggs,	Stevens,	Wise, J. S.
Nicholls,	Robertson,	Stewart, Charles	Worthington,
Nutting,	Robinson, J. S.	Stockslager,	Young.

So (no quorum having voted) the motion was not agreed to.

Mr. HEWITT, of Alabama. I ask unanimous consent to withdraw my motion.

The SPEAKER. The record shows there is no quorum present, and only two motions are in order—to adjourn, or that there be a call of the House. If the gentleman moves to adjourn it can be taken by tellers, and the Chair has no doubt a quorum is present.

Mr. CUTCHEON. I move that there be a call of the House.

Mr. PERKINS. I move that the House do now adjourn. [Cries of "No!" "No!"]

The SPEAKER. The Chair understands the desire to be simply to ascertain the presence of a quorum.

The question was taken.

Before the announcement of the result,

Mr. PERKINS, Mr. MORRILL, and others demanded tellers.

Tellers were ordered.

Mr. PERKINS and Mr. TOWNSHEND were appointed tellers.

The House divided; and the tellers reported—ayes 44, noes 157.

So the motion was not agreed to.

The SPEAKER. A quorum is present, as shown by the report of the tellers.

Mr. KASSON. In view of the examination that several gentlemen on the other side have given to the proposition I suggested yesterday, I venture once more to ask if there will be objection to acting upon the three points to which I alluded, two of which have already passed both Houses of Congress and one has been favorably reported by a committee of this House? If there be consent to hear a brief statement, I should be glad to name the three items to which I referred, since both the chairmen of the Pension Committees of the House—the gentleman from Alabama who is now on his feet before me and the gentleman from Illinois—as well as other gentlemen have signified their acquiescence in these amendments.

If I could have leave to state them I would be glad to call attention to them, as it seems to be conceded this is all we are likely to do with the bill at this time.

Mr. HEWITT, of Alabama. In response to the gentleman from Iowa, I wish to state that if the Senate choose to pass them they have nothing to do but to pass a bill which the House has already passed, and they will become a law.

Mr. KASSON. Only two of them; and the Senate have not acted upon them, except upon the bill that they have sent back to the House with other amendments.

Mr. HEWITT, of Alabama. Only two, and they are now before the Senate and can be passed by the Senate at any time.

Mr. BLOUNT. I demand the regular order.

Mr. HEWITT, of Alabama. I now withdraw my motion to take up the special order.

Mr. FOLLETT. I move to postpone the further consideration of this bill now under consideration until the second Tuesday in December next.

Mr. BOUTELLE. Let the responsibility of that rest upon those who propose to kill this pension legislation.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio to postpone the further consideration of this bill until the second Tuesday in December next.

The question was taken. The House divided.

Before the result was announced,

Mr. WHITE, of Kentucky. I ask the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. I desire to ask the Chair if it would be in order to offer an amendment to the motion of the gentleman from Ohio [Mr. FOLLETT].

The SPEAKER. It is a motion to postpone.

Mr. CUTCHEON. I understand; and I desire to move to amend the motion by making the postponement for one week from Tuesday next, so that if Congress shall remain in session we will have an opportunity with a full House to act upon this pension bill; but, on the contrary, if Congress should adjourn in the mean while, of course the measure would necessarily have to be postponed.

Mr. FOLLETT. I accept that amendment.

The SPEAKER. The Chair will state that in order to allow the amendment of the gentleman from Michigan to come before the House to be voted on the order directing the yeas and nays to be taken must first be reconsidered, for that order relates to a particular motion.

Mr. SPRINGER. I move to reconsider the vote by which the yeas and nays were ordered.

The question was taken. The House divided; and there were—ayes 60, noes 21.

Mr. WHITE, of Kentucky, Mr. BROWN, of Pennsylvania, and others. No quorum.

Mr. HISCOCK. I desire to inquire of the gentleman from Ohio if he will be willing to modify his motion to this effect: that the Senate amendments to the Mexican pension bill shall be considered on the day fixed.

Mr. DUNN. No; I object to that.

Mr. HISCOCK. Why?

Mr. TOWNSHEND. That can not be prevented if the majority of the House desires it to be done.

Mr. FOLLETT. I am perfectly willing that the House shall take such action in that respect as it may deem advisable.

Mr. BROWNE, of Indiana. We had assurance from the gentleman from Illinois in charge of this bill that there is a possibility at the last moment of being able to pass it before the adjournment of Congress. While that possibility exists I do not feel inclined, nor do the friends of the bill on this side of the House, to postpone it.

Mr. TOWNSHEND. Now the gentleman from Indiana misrepresents, or rather misunderstands me. The gentleman did not understand me to agree——

Mr. HISCOCK. There seems to be an understanding here that the bill can not be reached or any definite action taken. I do not believe it can be reached before the House adjourns.

Mr. WHITE, of Kentucky. Let us try it.

Mr. HISCOCK. Now, if you will fix by unanimous consent on the other side——

Mr. BLOUNT. I demand the regular order.

The SPEAKER. The regular order is the motion to reconsider the vote by which the yeas and nays were ordered. Upon that no quorum voted, and the Chair will appoint tellers.

Mr. WHITE, of Kentucky, and Mr. FOLLETT were appointed tellers.

Mr. STEELE. Did any gentleman raise the question of a quorum?

Mr. WHITE, of Kentucky. Yes; we want a square vote on that motion. Let gentlemen put themselves on record on the proposition of the gentleman from Ohio.

The SPEAKER. The tellers will take their places.

The House divided; and the tellers reported—ayes 58, noes 54.

The SPEAKER. No quorum has voted.

Mr. SPRINGER. I withdraw the motion to reconsider the vote ordering the yeas and nays.

Mr. WHITE, of Kentucky. Then I insist on the regular order.

The SPEAKER. The question now is on the motion of the gentleman from Ohio [Mr. FOLLETT] to postpone the further consideration of the Senate amendments to the pending bill until the second Tuesday in December next; and on this motion the yeas and nays have been ordered.

Mr. SPRINGER. Would it be in order to withdraw the motion?

The SPEAKER. It would.

Mr. FOLLETT. I withdraw it.

Mr. WHITE, of Kentucky. I object to the gentleman withdrawing his motion.

The SPEAKER. The gentleman from Ohio has the right to withdraw his motion under the rules of the House.

Mr. WHITE, of Kentucky. I would like to see that side fairly on the record. I do not want to see them retreat under fire.

Mr. SPRINGER. I move that the House go to the Speaker's table to consider pension bills.

The SPEAKER. That motion requires unanimous consent.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DIBRELL, for the remainder of this session, on account of sickness in his family.

To Mr. CAMPBELL, of Ohio, for one week, on account of important business.

To Mr. CHALMERS, for the remainder of this day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1885, and for other purposes; further insisted upon its amendment numbered 158 disagreed to by the House, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL managers of the conference on the part of the Senate.

The message further announced that the Senate had appointed Mr. PLUMB in place of Mr. DAWES, excused, as one of the managers of the conference on the part of the Senate on the amendments of the Senate (not disposed of in conference) disagreed to by the House to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 875) granting a pension to P. W. Bradbury;

A bill (H. R. 5088) for the relief of Magdalena Cook;

A bill (H. R. 4180) granting an increase of pension to Rowland Ward; and

A bill (H. R. 2574) granting a pension to Rosella Pegg.

MEXICAN WAR PENSIONS.

The SPEAKER. The regular order is demanded. The regular order is the motion of the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. I have no motion pending.

The SPEAKER. The regular order is the demand of the gentleman from Illinois [Mr. TOWNSHEND] for the previous question on the motion to concur in the sixth amendment of the Senate to the Mexican pension bill.

Mr. TOWNSHEND. I withdraw the motion for the time being.

The SPEAKER. What motion, then, does the gentleman make? The bill is before the House. It is the first business on the Speaker's table, and the House has resolved to go to the consideration of bills on the Speaker's table.

Mr. TOWNSHEND. I am willing the House should proceed to other business.

Mr. CALKINS. I move to concur in the pending amendment; or I move to concur in all the Senate amendments, if that is in order.

Mr. HEWITT, of Alabama. I make the point of order that that can not be done.

The SPEAKER. The gentleman from Alabama makes the point of order that the amendments must be considered separately.

Mr. SPRINGER. I move to postpone the further consideration of the bill and make it the special order for Tuesday week in the House.

Mr. HORR. Say Monday morning.

Mr. SPRINGER. If gentlemen prefer it, I will say Tuesday next.

The SPEAKER. The latter part of the motion of the gentleman from Illinois [Mr. SPRINGER] is one which requires unanimous consent, because it changes the rules of the House. A motion to postpone is in order, but to make the bill a special order gives it preference over others and changes the rules.

Mr. SPRINGER. Then I move to postpone the further consideration of the Senate amendments until Tuesday next.

Mr. DAVIS, of Missouri. On that motion I demand the yeas and nays.

Mr. WHITE, of Kentucky. That motion is equivalent, as I understand, to defeating the bill.

The yeas and nays were ordered, 47 members voting therefor—more than one-fifth of the last vote.

The SPEAKER. The question is on the motion to postpone the further consideration of the Senate amendments to this bill until next Tuesday.

Mr. WHITE, of Kentucky. The effect of which is to kill the bill.

The question was taken; and there were—yeas 24, nays 127, not voting 173; as follows:

YEAS—24.

Adams, J. J.	Collins,	Lyman,	Tucker,
Alexander,	Cosgrove,	McCoid,	Turner, H. G.
Blanchard,	Dunn,	Ochiltree,	Wilson, W. L.
Brewer, F. B.	English,	Potter,	Wise, G. D.
Cannon,	Follett,	Rogers, J. H.	Wolford,
Cassidy,	Garrison,	Springer,	York.

NAYS—127.

Adams, G. E.	Funston,	Libbey,	Skinner, C. R.
Atkinson,	George,	Lovering,	Smalls,
Bagley,	Glascock,	Lowry,	Spooner,
Ballentine,	Goff,	McComas,	Steele,
Bayne,	Graves,	McCormick,	Stephenson,
Belford,	Greenleaf,	Maybury,	Stewart, J. W.
Boutelle,	Guenther,	Millard,	Strait,
Brewer, J. H.	Halsell,	Miller, S. H.	Struble,
Broadhead,	Hart,	Mitchell,	Sumner, D. H.
Browne, T. M.	Hatch, W. H.	Morrill,	Taylor, J. D.
Brown, W. W.	Hemphill,	Murray,	Thomas,
Budd,	Henley,	Neece,	Townshend,
Calkins,	Hepburn,	O'Hara,	Turner, Oscar
Campbell, J. M.	Hiscock,	O'Neill, Charles	Valentine,
Carleton,	Hitt,	O'Neill, J. J.	Van Alstyne,
Clay,	Hoblitzell,	Payne,	Vance,
Connolly,	Holman,	Perkins,	Wadsworth,
Cox, W. R.	Holmes,	Peters,	Wallace,
Cullen,	Horr,	Phelps,	Warner, Richard
Cutcheon,	Houseman,	Price,	Washburn,
Dargan,	Howey,	Randall,	Weaver,
Davis, G. R.	James,	Ranney,	Weller,
Davis, R. T.	Johnson,	Ray, G. W.	White, J. D.
Deuster,	Jones, B. W.	Ray, Ossian	White, Milo
Dibble,	Jordan,	Reed,	Willis,
Dingley,	Kasson,	Robinson, J. S.	Wilson, James
Dowd,	Kean,	Rockwell,	Winans, E. B.
Eaton,	Kellogg,	Rosecrans,	Winans, John
Evans, I. N.	Kleiner,	Rowell,	Wood,
Everhart,	Lacey,	Seney,	Woodward,
Ferrell,	Lawrence,	Seymour,	Yaple.
Foran,	Le Fevre,	Singleton,	

NOT VOTING—173.

Aiken,	Dibrell,	Keifer,	Rice,
Anderson,	Dockery,	Kelley,	Riggs,
Arnot,	Dorsheimer,	Ketcham,	Robertson,
Barbour,	Duncan,	King,	Robinson, W. E.
Barksdale,	Dunham,	Laird,	Rogers, W. F.
Barr,	Eldredge,	Lamb,	Russell,
Beach,	Elliott,	Lanham,	Ryan,
Belmont,	Ellis,	Lewis,	Scales,
Bennett,	Ellwood,	Long,	Shaw,
Bingham,	Ermentrout,	Lore,	Shelley,
Bisbee,	Evins, J. H.	McAdoo,	Skinner, T. G.
Blackburn,	Fiedler,	McMillin,	Slocum,
Bland,	Findlay,	Matson,	Smith,
Blount,	Finerty,	Miller, J. F.	Snyder,
Bowen,	Forney,	Milliken,	Spriggs,
Boyle,	Fyan,	Mills,	Stevens,
Brainerd,	Geddes,	Money,	Stewart, Charles
Breckinridge,	Gibson,	Morgan,	Stockslager,
Breitung,	Green,	Morrison,	Stone,
Brumm,	Hammond,	Morse,	Storm,
Buchanan,	Hanback,	Moulton,	Sumner, C. A.
Buckner,	Hancock,	Muldrow,	Talbott,
Burleigh,	Hardeman,	Muller,	Taylor, E. B.
Burnes,	Hardy,	Murphy,	Taylor, J. M.
Cabell,	Harmer,	Mutchler,	Thompson,
Caldwell,	Hatch, H. H.	Nelson,	Throckmorton,
Campbell, Felix	Haynes,	Nicholls,	Tillman,
Campbell, J. E.	Henderson, D. B.	Nutting,	Tully,
Candler,	Henderson, T. J.	Oates,	Van Eaton,
Chace,	Herbert,	O'Ferrall,	Wait,
Chalmers,	Hewitt, A. S.	Paige,	Wakefield,
Clardy,	Hewitt, G. W.	Parker,	Ward,
Clements,	Hill,	Patton,	Warner, A. J.
Cobb,	Holton,	Payson,	Wellborn,
Converse,	Hooper,	Peel,	Wemple,
Cook,	Hopkins,	Pettibone,	Whiting,
Covington,	Houk,	Pierce,	Wilkins,
Cox, S. S.	Hunt,	Poland,	Williams,
Crisp,	Hurd,	Post,	Wise, J. S.
Culberson, D. B.	Hutchins,	Pryor,	Worthington,
Culbertson, W. W.	Jeffords,	Pusey,	Young.
Curtin,	Jones, J. H.	Rankin,	
Davidson,	Jones, J. K.	Reagan,	
Davis, L. H.	Jones, J. T.	Reese,	

Mr. ADAMS, of New York. I ask unanimous consent that the reading of the names of those voting be dispensed with.

Mr. WELLER. I object.

The SPEAKER. Objection is made, and the Clerk will recapitulate the names of those voting.

The Clerk read the names, as above given.

The following additional pairs were announced:

Mr. STORM with Mr. HART, until further notice.

Mr. OATES with Mr. PAYNE, for this day.

Mr. MULDROW with Mr. JEFFORDS, for this day.

The SPEAKER. On the motion to postpone there are—yeas 24, nays 127. No quorum has voted.

Mr. SPRINGER. Would it be in order for me to withdraw the motion to postpone?

The SPEAKER. It would be.

Mr. SPRINGER. Then I withdraw that motion.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] withdraws the motion to postpone.

Mr. BROWNE, of Indiana. Then I suppose the question recurs upon concurring in the amendment of the Senate numbered 6 to this bill?

The SPEAKER. It does.

Mr. HEWITT, of Alabama. I object to the gentleman withdrawing the motion to postpone.

The SPEAKER. The gentleman has that right under the rule, for this is no vote, no quorum having appeared.

Mr. HEWITT, of Alabama. Then I desire to discuss the question of concurring in the amendment of the Senate.

The SPEAKER. The gentleman will proceed.

Mr. HEWITT, of Alabama. On the 3d day of March last this bill was passed by the House under a suspension of the rules, in which I did not concur, because I did not believe that it was right to pass a bill involving as much money as even this bill then involved without discussion and without deliberation. But the bill was passed granting pensions to certain surviving soldiers of the Mexican war and to the widows of such as were married prior to the discharge of the soldiers from the service. That bill went to the Senate the next day, and it remained there until a little over a week ago, probably two weeks.

Mr. PETERS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. PETERS. What is the subject before the House?

The SPEAKER. The question is upon concurring in the Senate amendment numbered 6, and the gentleman from Alabama [Mr. HEWITT] is addressing the House on that question.

Mr. PETERS. I call for the regular order.

The SPEAKER. That is the regular order. The previous question has not been demanded or ordered, and under the rules of the House the subject is debatable.

Mr. WHITE, of Kentucky. I would inquire how much time the gentleman has?

The SPEAKER. The gentleman is entitled to one hour under the rules of the House.

Mr. HEWITT, of Alabama. I beg gentlemen not to become excited. I shall not be excited. It was urged here by the friends of the Mexican pension bill, and by the gentleman from Illinois [Mr. TOWNSHEND] in particular, that the Mexican pension bill should stand upon its own merit.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; also that the Senate further insisted upon its amendments to said bill numbered 21, 24, and 25, disagreed to by the House of Representatives, and asked a further conference on the disagreeing votes of the two Houses thereon and had appointed as the managers of the conference on the part of the Senate Mr. ALLISON, Mr. PLUMB, and Mr. COCKRELL.

The message also announced that the Senate had appointed Mr. COCKRELL, in place of Mr. DAWES, excused, as one of the managers of the conference on the part of the Senate on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

MEXICAN WAR PENSIONS.

The House resumed the consideration of the Senate amendments to the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, the question being upon the motion to concur in the sixth amendment of the Senate.

Mr. HEWITT, of Alabama. I was saying that the friends of the Mexican pension bill objected to attaching to it pensions for Indian wars which had preceded the Mexican war, upon the ground that the soldiers of each of those wars should stand upon their own merits. Under the influence of that argument this bill was passed, giving pensions simply and purely to the surviving soldiers of the Mexican war and the widows of such as were married to their husbands prior to their discharge from the service.

We were then told by the gentleman from Indiana [Mr. BROWNE] and by other gentlemen on that side of the House that that bill, limited as it was to the soldiers of the Mexican war and their widows, would cost this country from twenty to twenty-five millions of dollars per annum. And some of the great newspapers of the country contended that it would cost $100,000,000. It was opposed upon the ground that it was taking too much money out of the Treasury.

Mr. BROWNE, of Indiana. Allow me to say that I never said that the pension bill would ever cost more than $7,000,000, instead of $25,000,000; a difference of $18,000,000 only.

Mr. HEWITT, of Alabama. If members of the House will take the trouble to go back and read the debates in the Forty-fifth Congress upon this subject, and also the debates in the present Congress, and if they will read the great newspapers of the country—if they will even take the estimates coming from the Pension Bureau—they will find that the Commissioner of Pensions estimated that there were from 25,000 to 30,000 of these Mexican war soldiers still surviving who would be entitled to pensions under that bill. And because of the large amount of money which that bill would cover it was bitterly opposed by gentlemen on the other side.

Mr. WHITE, of Kentucky. Will the gentleman allow me a question? At $100 a year for 25,000 persons the amount would be two and a half million of dollars instead of $20,000,000.

Mr. HEWITT, of Alabama. Now, there comes here from the Senate a bill which is broader and more extensive even in regard to the soldiers of the Mexican war—a bill which will require more money in its execution than the bill which passed the House. The bill which was reported by the Committee on Pensions, and which passed the House, gave a pension to widows, but only in cases where the woman was married to the soldier before his discharge. This bill, which the gentleman from Indiana [Mr. BROWNE] and other gentlemen on that side of the House are advocating and trying to put through here without discussion or the privilege of amendment upon this side, proposes to grant pensions to widows regardless of the time when they were married.

It is almost impossible to make any calculation as to the difference in the amount which these two measures would cost the Government. The war of 1812 was fought many years ago; and there are not now on the pension-roll more than a dozen surviving soldiers of that war. Yet there are on the pension-roll on account of that war 20,000 widows. The old men marry young wives. My friend from Kentucky who sits beside me [Mr. WOLFORD] says that is what they ought to do. I hardly think they ought. My friend had better not take a very young wife. [Laughter.]

Now, what claim upon the country has a widow who married a man after his service as a soldier was performed? The claim of such a widow is not at all parallel to that of a widow whose husband left her in charge of the home and the children while he went off to fight the battles of his country? There is no similarity between the two cases. In the one case it may almost be said the wife was a participant in the

hardships of her husband. She bore the burden of the family while the husband was fighting for his country. She suffered the loss of his society. Such a widow ought to have a pension. But when a soldier after his return from the service marries the case of his widow is very different.

There is another consideration connected with this granting of pensions to widows without limitation as to the time of their marriage. It is an inducement, an absolute inducement for young girls to marry these old soldiers just before they die in order that they may receive pensions.

Now, Mr. Speaker, I say it comes with poor grace from gentlemen on the other side who have heretofore opposed the Mexican pension bill upon the ground of the amount of money which it would take to meet these pensions to become all at once the advocates of this bill.

Mr. Speaker, I have never advocated or supported and I never will favor a pension fund for widows of soldiers of the Mexican war or the widows of any other soldiers where the woman married the soldier after his discharge from the service.

Mr. BROWN, of Pennsylvania. Did you vote for the Cushing bill?

Mr. HEWITT, of Alabama. I did not.

Now, there are certain pensions which are very different from service pensions and to which the rule I have just mentioned does not apply, because the law under which the right to a pension accrues is different and the pension is different. When you come to the case of an invalid pension, there the law of the contract which the Government made with the soldier when he entered the service was that if by wound or disease contracted in the service he should be disabled for the performance of manual labor he should have a pension, or if he died from such wound or disease his widow should have a pension regardless of the time of the marriage. I am for carrying out that law. I will stand by it as firmly as any man on the other side of the House. Since I have been in Congress I have always stood by that law. The soldiers of the late war who received wounds or contracted disease in the service, and who under the law are entitled to pensions, will always find me an advocate of their claims. I shall always vote in favor of liberal pensions to such persons.

So far as regards these invalid pensions, the claim of the widow to a pension regardless of the time of the marriage is a part of the contract which the Government made with these soldiers at the time they entered the service; and the Government can not refuse to meet the obligation it has thus assumed without a repudiation of a sacred debt.

Although I have stood here opposing this measure, the position I have taken has not resulted from any animosity toward the Union soldiers. I do not believe they have a warmer friend on the other side of the House than myself. I have always stood here ready to do them full justice. So long as I may have a vote in this House it shall always be cast to do justice to those who stood by the Union during the late war.

But, Mr. Speaker, this bill comes back here with amendments which I can not support. It proposes not to carry out the law of the contract, but to give a pension to every soldier of the late war who is now suffering from disability, whether that disability originated in the service or not. It gives these soldiers pensions ranging as high as $24 a month. But, Mr. Speaker, when it comes to deal with the pensions of soldiers of the Mexican war, how different are its provisions! While I do honor to the Union soldiers, while I say they deserve as much as any soldiers of this country have ever had, yet I do not believe the country ought to make a distinction between the soldiers of the Mexican war and the soldiers of the Union Army.

Mr. STEELE. It puts the Mexican soldiers without regard to disability.

Mr. HEWITT, of Alabama. You do, do you? No, sir; you do not do any such thing. You pension Mexican soldiers over a certain age, and for disability; you give him $8 a month. But when you come to the Union soldier, who is just as good and just as patriotic and deserves as much credit as those who fought in the Mexican war, you give him $24 a month for the same kind of disability, making a clear, unequivocal distinction between the two.

Mr. STEELE. Why did you not offer an amendment?

Mr. HEWITT, of Alabama. I have not had any opportunity to do so.

Mr. STEELE. You did not give us any opportunity.

Mr. HEWITT, of Alabama. How?

Mr. STEELE. You filibustered and prevented.

Mr. HEWITT, of Alabama. Why?

Mr. STEELE. I can not say.

Mr. HEWITT, of Alabama. Because you tried to gag me, and you would do it if you could now, but I accidentally got in.

Mr. BROWN, of Pennsylvania. You do not seem to be gagged now. You had the same privilege all the way through to debate this bill.

Mr. HEWITT, of Alabama. Why, sir, the very first thing they did was to move to concur, and they called the previous question and denied me the right to offer amendments. And when I tried to put your Union soldiers in here who had lost an arm or a leg to do them justice, you made the point of order on the bill and would not permit it to come in. How can you justify the clear distinction between the two classes of soldiers, the one having stood gallantly by that flag which floats over your head, Mr. Speaker, in a foreign war, and the other in a domestic war, who fought just as gallantly, just as heroically and deserves just as much credit and just as much honor. I believe we ought not to make a distinction between our soldiers in any age of our country or in any of our wars. Yet this bill does it.

Again, sir, this bill is an innovation upon all the precedents heretofore established in reference to pensions. These amendments are most of them service pensions. Some of them I had no objection to. The main one is a service pension. Heretofore service pensions have been granted after the lapse of so many years from the close of the war. That has been the unbroken precedent in granting service pensions heretofore.

Mr. WEAVER. Do you not think you are breaking the Sabbath?

Mr. HEWITT, of Alabama. I have read somewhere that there is no harm to do good on the Sabbath. I am not the only one who has been charged with breaking the Sabbath. I remember there were some self-righteous gentlemen who lived way back in the past who charged a certain person with breaking the Sabbath because he plucked a roasting-ear.

A MEMBER. When was that?

Mr. HEWITT, of Alabama. A good many years ago. It is related in a history which you gentlemen do not seem to read much. [Laughter.]

I was saying, Mr. Speaker, that the service pensions which have been heretofore granted have been on the ground that after the lapse of so many years from the war the presumption was the soldiers were getting old and they were entitled to pensions as a recognition of their services to the country.

Mr. STEELE. The bill cuts off those who are not very old, and you object.

Mr. HEWITT, of Alabama. They never did make any distinction between soldiers of the same war.

I will now yield for a conference report.

ENROLLED BILLS SIGNED.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5553) granting a pension to Isabella Palmer;

A bill (H. R. 1752) for the relief of Maria L. Lee; and

A bill (H. R. 204) granting a pension to Susan Y. Atwater.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HOLMAN. I submit the following report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered as hereinafter stated to the bill of the House 7069, making appropriations for the legislative, executive, and judicial expenses of the Government, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27 and 205.

That the House recede from its disagreement to the amendments of the Senate numbered 80, 81, 82, 83, 84, 85, 86, 87, 88, 91, 92, 94, 95, 207, 208, 209, 210, and 211, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the number proposed insert "20;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the number proposed insert "75;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,955,150;" and the Senate agree to the same.

The committee of conference is unable to agree on the amendments of the Senate numbered 21, 24, and 25.

JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.
WILLIAM B. ALLISON,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1885 submit the following written statement in explanation of the conference report:

The bill as it passed the Senate appropriated $21,697,261.85, being $1,087,424.90 increase over the amount as it passed the House. As agreed upon, including the amount involved in amendments 21, 24, and 25, which are not agreed to, it appropriates $21,426,321.85, being $816,484.97 greater than as it passed the House, and $270,940 less than as it passed the Senate.

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

Mr. HOLMAN. I desire to submit a very brief statement of the effects of this report. I am equally unfortunate in the result of this conference, as in the former conference between the two Houses, in not being able to reach the conclusion that has been satisfactory to my associates as managers on the part of the House. I have not been able, sir, to sign this report of the conference for reasons which would be hardly necessary for me to enter into at so late an hour as this.

But I wish to state the results of the action of the conferees as pre-

sented, for I desire to correct certain impressions under which the conferees reported last evening touching one of the subjects of disagreement, that in regard to the Pension Bureau. There were four subjects-matter referred to the committee as matters of disagreement between the two Houses by the last reference made. The one numbered in the Senate amendments 21, 24, and 25, covers the item of the contingent fund of the Senate, which it is understood involves the employment of clerks for the Senators. This is an item of $24,000, as it appears by the increase made in the Senate upon the House provision, but in fact involves an appropriation of $34,000.

The conferees have not been able to agree upon that, and it is the only subject, it will be observed, that remains as a matter of final disagreement. The other three subjects are embodied in the report as having been agreed upon.

The first is as to the salaries of collectors, and deputy collectors, and others under the internal-revenue system, which is Senate amendment No. 80.

The conference yielded their disagreement, which increases the amount of appropriation for collectors, and deputies, and other officers connected with the service, $100,000. The House, it will be remembered, reduced the number from eighty-six, the number now existing, to forty-three; and it reduced the amount to be appropriated for the payment of the same $100,000. That sum the Senate amendment restores, and strikes out the provision, which would be amendment No. 81, reducing the number of collection districts to forty-three.

So that subject of the internal-revenue districts as affected by these amendments of the Senate 80 and 81, by restoring the law as it is now and increasing the appropriation $100,000, has been agreed upon, the House receding.

The next amendment, also involved in the internal-revenue system, is No. 87, and is the provision in the aggregate for the agents, gaugers, storekeepers, and others employed in connection with the internal-revenue system. The Senate amendment appropriated $136,000 as an increase over the amount appropriated by the House. That item embraces the salaries for the special agents, and is virtually, with the exception of one matter to which I will ask attention in a moment, the restoration of the estimates as they came to the House last December. In that connection I will say the only concession made by the Senate was as to the number of special internal-revenue agents.

The number now provided by law is thirty-five. The number provided in the bill as reported by the House committee was twenty-five. The House reduced the number to five. The Senate amendment 87 increases the number to twenty-five, ten less than the present number. The Senate yields the increase to the extent of five special agents; and this report fixes the number at twenty, being fifteen more than the House bill provided for and fifteen less than the present law. That is the concession as to the interval-revenue system made by the Senate.

All the other provisions, as will be seen, touching the internal-revenue collection districts and customs districts are yielded by the House, the amendments of the Senate being accepted.

As to the fourth subject-matter covered by amendments numbered 207 and 212, in relation to the Pension Bureau, I stated last evening that the adherence by the House to its disagreement was a matter of form, and that the increase of the appropriation for that bureau was designed to cover the increased expense of the pensions anticipated by the passage of the Mexican pension bill. If that measure shall fail, then $266,400 covered by the amendments numbered 207 and 212 would properly be omitted from the bill, and the Senate would then recede from them.

Upon the other hand, if the Mexican pension bill passed, then the House would have to recede, leaving the $266,400 proposed by the Senate appropriated by the bill. I expressed last evening not only what was the understanding on the part of the House, but what was the understanding on the part of the Senate. But since then, in a communication from the Commissioner of Pensions, he insists that without any reference whatever to whether the Mexican pension bill should pass or not, the increased clerical force provided by the Senate amendments is absolutely necessary to the efficiency of his bureau, and asks that the sums included in these amendments should be appropriated; that the clerical force should be provided; that the number of additional officers contemplated should be provided in the bill. And the committee of conference have agreed to that item, which amounts to something more than I stated last evening. It amounts altogether to $273,400.

A MEMBER. What is the number of additional clerks?

Mr. HOLMAN. The number of additional clerks is something over two hundred.

Mr. CANNON. The number, I will say to my friend, is two hundred and forty-two over what the House bill provided for.

Mr. HOLMAN. I have a statement showing the exact number, but left it in the committee-room of the Committee on Appropriations.

Mr. MCMILLIN. I desire to ask the gentleman from Indiana a question. Are there two hundred and forty-two clerks in addition to the two hundred and fifty increase provided for in the House bill?

Mr. HOLMAN. Yes, sir.

Mr. MCMILLIN. So it is contemplated to give nearly five hundred additional clerks by the bill as amended by the Senate and proposed to be passed now?

Mr. HOLMAN. Yes, sir. The gentleman will remember when the increase of special agents was provided in the House bill there was a reduction I think of two hundred and thirty-six of the clerical force of the bureau.

Mr. HEWITT, of Alabama. Did not the Commissioner of Pensions ask for that?

Mr. HOLMAN. I will state that the bill as it came to the House and as it passed the House was exactly according to the then views of the Commissioner of Pensions. His estimates were carried out according to my present recollection—and I think I am accurate—exactly in the House bill in accordance with his recommendations both as to the reduction of the clerical force, in the main embracing the lower grades of clerks, and also as to the number of special agents, increasing them from two hundred and fifty to four hundred, and as to the appropriations required. The Committee on Appropriations reported and the House passed that portion of the bill exactly according to the estimates, without any deviation.

Mr. MCMILLIN. Was not the statement then made that the employment of the one hundred and fifty additional special agents would enable the Department to dispense with these lower-grade clerks who were dispensed with by the House bill?

Mr. HOLMAN. The view then expressed, if I remember it correctly, was that in the then condition of the business of the Pension Office the higher grade of clerks should be made more efficient than the lower grade and that the employment of the one hundred and fifty special agents whose salaries would be much higher than the average would greatly facilitate the business of the office. And both in the appropriation of every dollar asked for by the Commissioner of Pensions and in the action now as reported to the House by the conference the exact sum asked by the Commissioner has been provided for. There has been no attempt I believe to make any retrenchment whatever upon the sum required by the Commissioner of Pensions.

I am aware that I am occupying considerable time in this statement, but I wish to state the general result of this report. The effect of these concessions made in the report now before the House is to increase the appropriations over the House bill $509,400; that is to say, $236,000 in connnection with the internal-revenue system and $273,400 in connection with the Pension Bureau; making, in the whole, $509,400. This bill, as gentlemen will observe from the statement which was read, was increased by the Senate—including the $509,400—increased by the Senate $1,087,424.90. The House has yielded $816,484 of that amount and the Senate $270,940.

I only wish to add, Mr. Speaker, that the reason I was not able to sign the conference report made last evening, and the reason I am not able to sign the one made this evening, is on account of the large increase in the public employment in my judgment not required, and especially on account of the increase of salary in various bureaus and Departments of the Government—the House and Senate and all the Departments. I do not believe, in the present condition of the employment and salaries of this Government, that these increases either in the number of employés or in the salaries can be justified upon any ground of public necessity. I will only further add that as to the Pension Bureau and the increase of the clerical force there, I acquiesced in the action of my colleagues on the conference.

Mr. SPRINGER. Will the gentleman allow me one question?

Mr. HOLMAN. Yes, sir.

Mr. SPRINGER. Did I understand the gentleman correctly as saying that the Senate amendments increased the number of persons employed in the collection of internal revenue over the present law?

Mr. HOLMAN. No, sir; not over the present law. They correspond with the provision of the present law. That is to say, all the existing provisions remain in force, except that the number of internal-revenue special agents is reduced from thirty-five to twenty. That is the only concession that has been made on the part of the Senate in connection with the internal-revenue system. And no concession has been made in connection with the system for the collection of customs revenue. The only change made is the reduction I have mentioned in the number of special agents.

Mr. MCMILLIN. Do I understand the gentleman to say that the report as agreed upon makes no reduction in the number of customs collection districts?

Mr. HOLMAN. It makes no change whatever in the law as to that.

Mr. MCMILLIN. Then the recommendation of the Secretary of the Treasury stating that there can be and should be a reduction and consolidation of districts goes for naught?

Mr. HOLMAN. There is no change made in the law by the report of the committee of conference.

Mr. MCMILLIN. I wish that some advocate for disregarding these recommendations of the Secretary of the Treasury would give to the House some reason why the House should recede from the stand it has taken on that subject.

Mr. HOLMAN. I wish to say on that subject, that the reduction of the number of districts under the customs system would not necessarily reduce the number of ports of entry and delivery. We did not

provide for the reduction of the number of ports of entry and delivery, but we simply reduce the number of districts down to sixty-nine, and conferred upon the President the power to designate the ports of entry and delivery. Gentlemen will see that the only method by which retrenchment could have been accomplished in any event was through the appropriations of money hereafter to be made.

The law now provides that the Secretary of the Treasury shall report to Congress each year estimates of the sums of money required to carry on the system for the collection of customs revenue. Therefore the whole subject necessarily comes before Congress when it proceeds to make the next annual appropriation for the expenses of that system of revenue.

I attach a great deal more importance to the action of the conferees in regard to the internal-revenue districts. I think the number could have been reduced with absolute safety from eighty-six to sixty-three, according to the proposition of the Committee on Appropriations of this House. That could have been done with absolute safety, and that would have resulted in a saving to the Government of somewhere between $100,000 and $125,000; and the question comes home to us now, I think, whether or not the House can yield that point.

I desire to say one word more. According to the theory of the Constitution of the United States that branch of the Congress most immediately responsible to the people and more directly connected with them has been invested with the control of the expenditures of the public revenue. Revenue bills are to originate in the House of Representatives. But according to the practice of more recent years gentlemen will perceive that we merely formulate a bill and send it to the Senate. That bill is simply the foundation upon which to build the superstructure.

Mr. McMILLIN. And you do not know it when it comes back, do you?

Mr. HOLMAN. This bill comes back to us from the Senate with two hundred and eighty-three amendments, every one of which, I believe—there may have been one exception, which affected the question of the increase or decrease of expenditures directly or indirectly—provided for an increase of the appropriations from the public Treasury. I think that in one instance there was a transposition of some employment which would effect the reduction of the compensation of a single person in the public service.

Mr. SPRINGER. That must have been a mistake.

Mr. HOLMAN. And the question is how much the House of Representatives shall be held responsible for the appropriation of money from the public Treasury. While the House is conceding $876,484, the Senate, less responsible for the protection of the public Treasury than the House according to the theory of the Constitution, concedes but $270,940. It seems to be generally understood that as a matter of course the House will recede.

By the action of the Senate there have been increases of the salaries of employés of the House, of the salaries of the employés of the Senate, of the salaries of employés in every Department of your Government, with increases of the number of employés everywhere. It was thought that the liberal increase of officers during the last two years, and especially during the first session of the last Congress, would have rendered a further increase entirely unnecessary, for the time being at least. Yet I can call to mind at this moment scarcely a bureau in the Government in which there is not an increased number of employés, or increased salaries, or both.

I see nothing in the condition of the public business, with the exception of one single Department, the Post-Office Department, that justifies either an increase of the number of officers or an increase of the salaries. In a few instances the House endeavored to reduce salaries and to equalize them, as in the case of the subtreasurer at Boston, who was receiving a larger salary than other subtreasurers; and in other instances where the House thought it was entirely proper that there should be a moderate equalization of salaries, of course the House made a concession.

Mr. HENLEY. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. HENLEY. The question is this: Notwithstanding this multiplication of officers and officials, is it not a matter of fact that all of the Departments of the Government are greatly behind in their business; and if so, why? That is the fact.

Mr. HOLMAN. I am not aware that that is generally the fact; there may be instances where such is the case. I think it will be frequently found in this Government that the multiplication of offices does not advance the public business. On the contrary, the employés of the Government embarrass and jostle each other in the attempt to perform their public duties. The efficiency of the various Departments of the Government, according to my experience, is not found to be increased by an increase of salaries, and seldom by an increase of the number of employés. I now call the previous question.

Mr. HANCOCK. I hope the gentleman will not call the previous question——

Mr. HOLMAN. Of course I yield to the gentleman from Texas all the time he wishes.

Mr. HANCOCK. Mr. Speaker, I desire to occupy the time and attention of the House a very few minutes. I do so because I think the statement of my colleague on the committee is unfair and his deductions are not warranted by the facts. There is an increase to the amount that he states, but very little of that is in consequence of salaries. In the House there is an increase of $500 to the Doorkeeper. In the Senate the total increase on the subject of salaries, as I now recollect, does not amount to as much as a thousand dollars. I believe my statement on this point will be borne out by the facts.

The gentleman has alluded to the great hardship of not having been able to equalize, as he terms it, the salaries paid to the different subtreasurers. The facts about that matter are just these: The subtreasurer at Boston, under the law as it now stands, receives a salary of $5,000. The committee which prepared this bill in the House reduced that salary to $4,500. The Senate insisted upon maintaining the old law on this point, and adopted an amendment appropriating $5,000. How much there is censurable or wrong about that I am not prepared to determine. I do not think it a very grievous matter. One side or the other may be right or may be wrong. At any rate, the Senate was very persistent and determined, and their conferees stated a good many reasons which seemed to be with them controlling why the salary should not be reduced.

The increase, then, in this bill results mainly from two causes: first from the amendment of the Senate restoring the law as it has existed with reference to the collection of internal revenue. In the bill as it now stands there is no change in this respect except in regard to agents, who are reduced from thirty-five to twenty. The Senate refused to reduce the number of collectors from eighty-four or eighty-six—I think eighty-four is the present number—to sixty-three. The increased sum in this particular is the difference between the payment of eighty-four men and the payment of sixty-three. Whether or not very nearly as much money would not be required to pay deputies to take the places of the principals whom it was proposed to dispense with is a matter I am not prepared to determine. It was insisted and urged that the economy, if any, would be very small.

Upon that point we certainly have not a great deal to complain of; and I see no cause whatever to justify the position of the gentleman from Indiana in seeking to call upon the country to look upon this action of the House as something that is wonderfully wrong and should bring down censure and condemnation upon everybody who does not happen to agree with him.

Upon this matter a question has been asked which I want to answer. The gentleman from Tennessee has asked, with at least an *ex cathedra* air, for some one to show a reason why the provision put upon the bill in the House consolidating the customs districts was not adhered to. My answer to him is, simply because it was a mere *brutum fulmen*, not reputable to the House that passed it. It amounted to nothing, unless it might be the will and pleasure of the President to make the reduction contemplated. The only reduction made by the bill was a reduction of the number of collection districts, leaving the President at liberty to appoint as many officers as he might deem proper in the respective districts—a very vicious system of legislation, I think, and extremely anti-democratic; a species of legislation that should never be tolerated by any body of men claiming to be Democrats.

Legislation on this subject should be had. I think it a very proper subject for legislation; but I want to put on record my dissent—more than that I want to enter my earnest objection—to this system of legislation as being wrong, vicious in the extreme. It is a species of legislation that has been too long tolerated and should never be attempted upon an appropriation bill. Such bills are not the proper place for legislation of this character. The Constitution does not contemplate that laws for the general government of the country should be passed in this way. By such a system of legislation the committees having charge in conference of matters of this character are in a position which they are not entitled to occupy with reference to the influence they may exert upon the legislation of the country.

By this system it is placed within the power of one branch of the Government to insist that certain legislation shall be adopted and to take advantage of an appropriation bill in order to compel the other branch to agree to it, without fair, open, free, untrammeled discussion. Such a system of legislation is in my judgment vicious in the extreme.

The amendments of the Senate in connection with internal-revenue collection no doubt go a great way to swell these appropriations. The gentleman estimates the amount as $150,000, and probably he is right. But he has omitted to state several causes which have increased, and necessarily I think increased, this appropriation—matters in regard to which probably the Senate had more light than we had in considering them.

There is a large increase in the Sixth Auditor's Office. I believe all agree that this is necessary.

Mr. HOLMAN. But my friend must remember we largely increased the force in that office in the bill as it passed the House.

Mr. HANCOCK. We made an increase of thirty-seven clerks—exactly that number and no more.

Mr. HOLMAN. That is true.

Mr. HANCOCK. The Sixth Auditor came before the committee time

and again and proposed that we should examine his office and convince ourselves of the impossibility of keeping up the business of the office properly without the additional assistance that he asked. Should not the business of that office be kept up? Is it not the interest of the country that it should be? I leave gentlemen to answer that question for themselves.

Then there is the Patent Office, in which there is a large increase. I am not much more favorably disposed toward that office than is my colleague on the committee. I think it probable a great deal of wrong is perpetrated there upon the great masses of the people. Nor is that sufficiently answered by the reply that it brings in a large revenue. It has grown to immense proportions, far in advance of the anticipation of any one. But it is there and the popular will seems to desire to continue it, and we should make adequate provision for the discharge of the duties devolved on that bureau.

There is the Indian Bureau, where there has been a considerable increase, which is urged as a necessity, and a good portion of it growing out of a change of policy in reference to the education of the Indians. I do not approve of that. I can not have my way about these things or I would change them. I have had some little experience, and of course some little knowledge of the policy pursued by the Government toward the Indians.

I believe you will agree with me that from the landing of the Pilgrims at Plymouth Rock and the landing of the first settlers of Virginia at the mouth of the James River up to the present time it has been an unrelieved failure. There has never yet been a savage race civilized except through one channel, and that is the one of labor. It is the policy which has been pursued by the Spaniards who have settled south of us on this continent, and they have succeeded in making useful citizens out of a good many of them. There are now those enjoying the highest positions in their society who have not a drop of European blood in their veins. President Juarez himself was a full-blooded Indian, the chief-justice is another, and the president elected in August is deeply tinctured with Indian blood.

But you have adopted a policy. You say you must get the Indians together and educate and Christianize them. It is squandering a great deal of money, but at the same time it is furnishing remunerative positions to a number of meritorious persons I suppose. [Laughter.] These appropriations come in this way.

Then there is the Pension Office. The gentleman is much more in favor of pensions than I am; but that, too, has become the subject of sensational legislation, and no one can say whether Republican or Democrat has the ascendancy. They are as nearly alike on that subject as I have ever seen men in my life. All that is necessary is to say "pension" and pension it is, and so on indiscriminately.

I may not have another opportunity, and I wish to speak out my feelings on this subject. I say there has been the grossest injustice to the people of the United States. I have no objection to vote a pension to an invalid soldier, but will vote for it as cheerfully as another. But this profuse and profligate waste of public money by pensioning on every flimsy pretense is an act of injustice which can not fail to be appreciated by any one who will dispassionately look at it.

We have appropriated nearly $86,000,000 of money for this purpose; more than double the entire annual expense of the Government from 1840 to 1850. Another cycle will increase that to $100,000,000, and may perchance to $150,000,000 of public property in order to gratify aspirations of deserving statesmen. [Laughter.] I do not believe the gentleman from Indiana will get up and say, so far as we have provided the necessary force to issue pensions and pensions and pensions to go into his district, that it has been squandering so much money for that purpose.

I think, Mr. Speaker, that the report of the committee should be accepted. It is the best we could do; and I do not think we have done anything more than respond to the exigencies of different branches of the Government that demanded this change. There is where the money has gone, except the difference between collecting internal revenue by the mode proposed by the Senate and that by the House.

Mr. HOLMAN. I yield five minutes to the member for Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, my distinguished friend from Texas is in error as to the "airs" with which I made the inquiries I addressed to him; at least I did not intend to assume any "*ex cathedra* airs."

The gentleman complains—and let us examine into his consistency—that the method of legislating upon appropriation bills was not contemplated by the Constitution and is vicious.

Following his argument to its legitimate conclusion and comparing his action with it, what do you find? It is highly constitutional, altogether commendable, and entirely proper to increase the number of officers by an appropriation bill and to increase their salaries, but it is quite the contrary to decrease the number or their salaries. He justifies the increase of officers, he justifies the increase of their salaries on an appropriation bill, but his virtuous and patriotic soul is wrought up when you come to diminish either the number or reduce the salaries. I have a high regard for the gentleman. He is my friend, and I take pride in the friendship.

Mr. HANCOCK. Let me interrupt the gentleman by saying that I did not justify or condemn.

Mr. MCMILLIN. Well, the gentleman makes that explanation. I understood him as holding to the position that the Constitution never contemplated anything of the kind; and I undertake to say now that he is the first lawyer of his reputation who ever asserted the opinion that it was not constitutional to legislate upon an appropriation bill.

But what did the House bill propose? It proposed to do simply what the Secretaries of the Treasury for ten long years, at least, had said ought to be done, that is, to diminish the number of these customs collection districts. We come forward to do the work; and yet when we undertake to do it the House, of which he is a member, is slapped in the face by him and told it is unconstitutional to proceed in that way. It is constitutional, according to the gentleman, to raise a salary, but not constitutional to get rid of a thousand useless officers whose services may be dispensed with—four hundred in connection with the collection of customs duties—and between six hundred and a thousand in the internal-revenue service.

Mr. HEWITT, of Alabama. Will the gentleman pardon me for interrupting him? Suppose a bill had been introduced here in reference to these custom collectors, what committee would it have gone to? Would it not have been the Committee on Ways and Means?

Mr. MCMILLIN. It would probably have gone to the Committee on Ways and Means.

Mr. HEWITT, of Alabama. That committee then would have had jurisdiction, would it not?

Mr. MCMILLIN. Yes, sir; I admit your case in the broadest sense, but there is also a rule which the gentleman should remember that makes it legitimate to act on an appropriation bill where you diminish the amount of the appropriation or decrease the salaries, and where that action is in the direction of economy there is no man who will deny that it is proper and legitimate.

Mr. Speaker, the amendments of the Senate involved here present a reduction of expenditures in the collection and internal revenue and customs duties by more than $1,000,000. The House, as I intimated before, by this action gets rid of more than 1,000 officers, probably as many as a thousand in the internal-revenue service alone. I think it is eminently proper to muster out of the service some of the large number of internal-revenue officers who have swarmed over the country for long years past, and I trust that this House will stand by its action and never agree to abandon it. The House has already held that it was eminently proper by several votes, and I hope it will not abandon the contest.

The SPEAKER. The time of the gentleman has expired.

Mr. HANCOCK. I would like to correct one expression of the gentleman. I said that it was not contemplated by the Constitution.

Mr. MCMILLIN. Very well; the gentleman can have the benefit of his statement.

Mr. HOLMAN. I yield five minutes to the gentleman from North Carolina [Mr. COX].

Mr. COX, of North Carolina. Mr. Speaker, there is a question involved in this controversy of the gravest importance, and I trust the House will not suffer the bill to pass without giving it the most careful consideration. It is the amendment of the Senate which proposes to give to certain Senators clerks, and which is tantamount to an increase of their own salaries to the extent of $1,000 each.

While I recognize the entire independence of the two Houses and the propriety of not too critically scanning the internal workings of each other, yet when measures are proposed which in their effect tend to impair that perfect equality which is contemplated by the Constitution, we can not too carefully scrutinize them. It is not the amount involved which gives this proposition its importance, but the danger that underlies the concession of a principle which establishes a troublesome precedent.

As is well known, there are three co-ordinate departments of the Government, the legislative, the executive, and judicial. Each department is supreme in its own sphere, and the preservation of our liberties in a great measure depends upon a due recognition of this fact. The legislative department consists of a Senate and House of Representatives, whose rights and duties are defined by the Constitution. All bills raising revenue shall originate in the House of Representatives, to whom the people have confided the purse-strings of the nation, it being the more popular branch and also more directly amenable to them. The question in regard to fixing the pay of the employés of the Senate is one which must be regulated by law, and as no law can be enacted except by the concurrence of both branches of Congress, it must follow such matters should be approved by each. It is true that great disparity exists between the pay of the employés of the Senate and of the House, but it is insisted such should not be the case.

This inequality is of comparatively recent origin, and has led to frequent efforts on the part of this House to secure an equitable readjustment, but no satisfactory arrangement has been arrived at. It is not insisted that the duties of the employés of the Senate are more exacting and difficult than those of the House, and as their compensation is about 20 per cent. higher, the effect is to create discontent. The only suggestion proposed by Senators for equalizing the salaries is that we should in-

crease the compensation of our employés inasmuch as this inequality was caused by the reductions at our end of the Capitol. The gentleman from Illinois [Mr. CANNON] stated in his remarks on this amendment that the payment of thirteen months' salary for twelve months' service—a species of liberality commendable for its disinterestedness—originated from a desire to equalize the salaries of the two Houses. But it is known that the Senate, still keeping in advance, has likewise given their employés an extra month's pay. In this race who pays for the sport? The exclusive right of the Senate to regulate the salaries of its employés was submitted to rather than prolong an unending controversy; but to show in what light this prerogative was viewed by the Senate even so recently as in the Forty-sixth Congress, I invite your attention to the remarks made by Senator Houston, from Alabama, and Senator BECK, from Kentucky, when the subject was then under discussion.

Mr. HOUSTON. Mr. President, I suppose the compensation of employés is a matter of controversy between the two Houses that ought in some way or other to be adjusted so as to relieve the Houses of that difficulty and of that trouble. The Senator from Kentucky speaks of the House of Representatives regulating the pay of its own employés and the number of its employés, and of the Senate doing the same as to its. Now, that really in legal parlance can not be done. If we can convince the House that we need a certain number of employés at a certain compensation, then the House will accede to it. If the House can so convince the Senate, then the Senate ought to agree with the House. But the idea that each House can regulate the number and pay of its own employés without the concurrence of the other House I think is utterly untenable. If we have a judgment upon that subject and the House agree with us, then our judgment ought to be carried out. The compensation allowed to the employés of the two Houses is according to law. A law to be passed must have the assent of both Houses of Congress; and when we have such a law it is exceedingly unfortunate that trouble should exist between the two Houses and that one should compensate its employés higher than the other.

Mr. BECK. All I desire to say is that the committee had not time to go into the matter of regulating the compensation of employés now. When the regular session meets it is to be hoped that the difficulty that exists between the Houses will be adjusted and arranged. For the time being we thought the course we pursued the only safe thing to do, with new officers at the head of the employés of the Senate, with no absolute information as to whether the rule we followed is right or whether it is wrong, and the subject being now carefully considered by a committee of this body, and for the present we did not deem that this was the proper time to go into the matter.

* * * * * * *

Mr. HOUSTON. Now, sir, in my judgment the Senate has no more right to establish the pay of its own officers than it has to establish the compensation of the officers of the House. The same claim of power that would enable the Senate to say what its employés should receive would result in giving to the Senate the power to say what the employés of the House should receive. We must act on such a subject by a law, and it being a law the two Houses ought to act together and ought to agree upon something just to the employés of both, and thereby these difficulties in the future will be obviated. There being simply one committee now looking into the matter, I do not think that meets the difficulty, and I therefore shall vote against the amendment.

From this Senatorial discussion it will be seen it was not contended that the Senate could alone regulate the compensation of its employés without the concurrence of the House. Senator Houston boldly maintains that "it can not be done;" while Senator BECK apologized for not adjusting the salaries on the plea that there was not sufficient time in a short session; and an examination of the discussion, which was quite protracted, fails to show that any Senator then denied the position of the Senator from Alabama. It is fair to state, however, some of the Senators then insisted that on the score of expediency it was better for each House to regulate these matters for itself. But when an easement is once enjoyed, I care not how acquired, plausible reasons will ever be found by strong men for its continuance; for, like the statute of limitations, when it once begins to run all creation can not stop it.

The proposition now before the House goes a bow-shot farther than the question of regulating the number and compensation of the employés of the two Houses independently of each other, and is far more objectionable. To employ a clerk at a salary of $1,000 is virtually to increase a Senator's salary to that amount, and when the precedent is once established that by their own volition Senators can increase their salaries, though called by another name, without the concurrence of this House, what becomes of the doctrine clearly set forth in the Constitution that the compensation of Congressmen shall be regulated by law? The members of this House can not avoid their responsibility by throwing it upon the Senators when through their non-action or complaisance they permit this encroachment to be made. The Constitution contemplates the perfect equality of the two bodies as to pay as well as to rank, but by this action the salary of a Senator is raised to $6,000, while that of a member of this body remains at $5,000.

Now, I yield to no one in respect for the distinguished body at the other end of the Capitol, many of whose members I am gratified to call my friends, and far be it from me to impugn their motives, even though called on to criticise their acts. I wish to emphasize the fact that all our relations should be characterized by the utmost harmony and even knightly courtesy, but in order to accomplish this end and preserve thorough amity it is indispensable that the rights and prerogatives of the members of each House should be jealously guarded and respected, that there should be no invasion on our part of the prerogatives of the Senate, and we should permit no encroachment on their part upon our rights, even when as, in this instance, they are believed to be unintentional. Upon the character of the labors and responsibilities of the members of each House we will not dwell, as any observations on so delicate a subject might be considered invidious.

It is not improper, however, to remark that a large amount of the business imposed upon all of us arises from a neglect to provide proper tribunals upon which much of the private business and Department work should devolve. Unless reforms begin at home and Senators discontinue having their private clerks paid out of the Treasury, we may reasonably expect that it will not be long before the contagion will spread to members of this House. I know that I represent a generous and liberal constituency, who are perfectly willing to grant every facility to members of both Houses in the discharge of their laborious public duties; but at the same time I apprehend they will agree with me that the tendency to multiply offices and increase needless expenses in the administration of public affairs is a growing evil. For the nation is being divided rapidly into two classes, consisting of office-holders and pensioners on one side, with tax-payers and toilers on the other.

In the early part of this session I took occasion to call attention to the advancing strides toward extravagance in the House, which in in 1876–'77, with two hundred and ninety-three members, had one hundred and ninety-one employés, with an expenditure of $203,344, while in 1883–'84, with the same number of members, the employés had increased to two hundred and fifty-four, with an expenditure of $310,631; and now, through no spirit of discourtesy or hypercriticism, I call attention to the fact that in 1873–'74, with seventy-four Senators, the expenses of the Senate were $153,744, while in 1883–'84, with seventy-six Senators, the expenses were $305,593. I have been unable to obtain the total number of employés prior to 1878–'79. In that year, with the same number of Senators as at present, the number of employés was one hundred and seventy-eight, while, if this amendment shall be accepted, their number will be two hundred and twenty-five, or about three employés to each Senator. Yet while neither good taste nor duty may warrant this House in an attempt to dictate what force should be employed by the Senate, still we should insist that it must be employed according to law, and we should never surrender a principle which affixes an inferiority even in salaries upon the members of this House. Experience has shown that the disposition of the Senate to propose amendments in the way of large appropriations to bills originating in this House is rapidly destroying the very spirit of the Constitution. So much I feel it my duty to say in explanation of my opposition to concurring in the report submitted by the committee.

The SPEAKER. The time of the gentleman from North Carolina has expired. The gentlemen from Indiana has five minutes remaining.

Mr. HOLMAN. I shall yield that time to the gentleman from North Carolina if he wishes it.

Mr. COX, of North Carolina. I do not desire to occupy more time.

Mr. CANNON. I desire to say a word.

Mr. HOLMAN. I yield the five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I desire to say a word as to the increase of force in the Pension Office referred to by the gentleman from Indiana. The House bill as it passed dropped two hundred and eighty-five clerks and copyists in the Pension Office. The Senate amendments as agreed to by this conference committee restored all of those two hundred and eighty-five people except forty-three; so that the force in the Pension Office proper by this bill as amended by the conference report is forty-three less than the force now employed.

The gentleman from Tennessee [Mr. MCMILLIN] spoke of the one hundred and fifty special agents that were provided for in this bill by the House provision which received the assent of the gentleman from Indiana [Mr. HOLMAN], as well as of the House. There is such an increase. But those agents are for duty not in the Pension Office proper, but all over the United States; being rendered absolutely necessary to bring up the investigation of the different pension claims which are now about one year behind, and we are all receiving great complaints as to that.

I did suppose before to-day that this force of two hundred and eighty-five clerks and copyists who have been receiving small pay need not be appropriated for. But the Commissioner of Pensions and the Secretary of the Interior said to the committee, and have made a statement in writing, which I hold in my hand, that owing to a recent decision of the Secretary of the Interior and the changed condition of the business of the office since the Commissioner of Pensions submitted his annual report to Congress in December last, it was necessary, if this work was to be promptly and properly done, that the Senate amendments should be agreed to.

Mr. WILLIS. What changed condition of the business does the gentleman refer to?

Mr. CANNON. There is a change in consequence of the rulings of the Secretary of the Interior touching the allowance of pensions in certain classes of claims. This caused a changed condition of business in the Pension Office.

Now, I understood my friend from Indiana to say—and I understand that to be the fact if he did not say it—that he agrees to the action of the House conferees touching the concurrence in the Senate amendments as to this force in the Pension Office.

Mr. HOLMAN. I so stated.

Mr. CANNON. Yes, sir; so I understood the gentleman. Now I want to call the attention of the House to the fact that if it had not been for the agreement as to this force in the Pension Office, then the

million of dollars of increase placed upon this bill by the Senate would have been substantially divided into two parts, the House yielding substantially half and the Senate half. But when you take $273,400 and add it to what the House had already conceded, of course it swelled the amount. I think it just and proper that should be stated.

[Here the hammer fell.]

Mr. CANNON. I will take the floor in my own right just to complete a statement or two, and will not weary the House.

As to the increases of salaries that my friend from Indiana spoke of, I have not much to say. They have been referred to by the gentleman from Texas [Mr. HANCOCK]. So far as the substance is concerned in regard to this bill, the allegation deals not in fact, but is based on imagination only. A few salaries have been slightly increased; a few salaries have been slightly decreased; it is about equal. There is one increase of salary in the report made yesterday of $500 to the medical referee, from $2,500 to $3,000, Dr. Hood being the officer.

A MEMBER. And well deserved.

Mr. CANNON. In my opinion also, well deserved. I do not desire to say anything about that.

Mr. HOLMAN. I do not think any salaries were decreased.

Mr. CANNON. Oh, yes; some salaries were decreased in one of the subtreasuries and also in one of the mints.

Now then—— [Cries of "Vote!" "Vote!"]

If my friends really feel we ought now to have a vote I will yield. I do not want to tire the House. But they had fifty-five minutes on the other side, and it occurred to me that eight minutes—and I will try not to occupy more than that altogether—was not an undue time for me to take.

Now, my friend from Indiana, whose knowledge and ability I fully appreciate, has a pretty thorough acquaintance with the civil service of this Government. He and I agree in many particulars. In some we do not agree. For instance, my friend would regulate many things under the law by withholding appropriations as a matter of policy. In the Second Auditor's Office, for instance, claims of soldiers for pay and various other claims are regulated. He thinks it would not be wise to hasten that business, because there is a large accumulation of claims that ought not to be granted. I agree that is true. But the deficiency of clerical force hinders the meritorious business as well.

In regard to the Land Office my friend concedes, and it may be true, that the land laws need regulation and amendment. Very well; if so, let us amend the land laws. But he would limit the operation of those land laws, and in my opinion to the detriment of the settler and pioneer who goes West, by limiting the force in the Land Office so as to throw their work behind. Now, I do not concur with him in that, and I do not believe that the majority of the members on either side of this House will agree with him. Yet I do not doubt his perfect sincerity.

I want to say that in perfect good faith since I have been upon the Committee on Appropriations, in the last Congress and in this, I have not willingly given my assent to any proposition unless I believed it was for the public weal. And I want to say here and now that the wonderful growth in population, in enterprise, and in prosperity of this great Anglo-American race, as it reaches out and spreads over the continent, demands at the hands of those who control the purse-strings of the Government that they make such ample and prompt appropriations as will secure the performance of the business of that Government which that race supports, and which in turn should guarantee to the people proper protection and support. [Applause.]

I believe that this conference report should be adopted. It is not all that I would have it. If I had had my way about it and had been free in the matter, I would have receded still further from the disagreement to the Senate amendments. But, after all, in conference the two branches of the Legislature must give and take. If we could have it all our own way, then there would be no need of a Senate. If the Senate could have it all their own way, then there would be no need of a House. Legislation is wisely lodged in the co-ordinate branches of Congress, the House and the Senate, and in the Executive. In the very nature of things legislation means compromise. And I believe that upon this bill and upon other bills, more especially upon this bill, the compromises have been wise.

The report of the committee of conference was then adopted.

Mr. HANCOCK moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 875) granting a pension to P. W. Bradbury;

A bill (H. R. 2574) granting a pension to Rosella Pegg;

A bill (H. R. 4180) granting an increase of pension to Rowland Ward; and

A bill (H. R. 5088) for the relief of Magdalena Cook.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I move that the House further insist upon its disagreement to the Senate amendments numbered 21, 24, and 25 to the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HANCOCK. And I now move that the House recede from its disagreement to the Senate amendments and agree to the same.

Mr. HOLMAN. I call the previous question on both motions.

Mr. KASSON. Let the amendments be read.

The SPEAKER. They will be read, of course.

The previous question was ordered.

The amendment of the Senate numbered 21 was read, as follows:

On page 5, after the words "for miscellaneous items exclusive of labor," strike out "$10,000" and insert "$34,000."

Mr. WHITE, of Kentucky. I understand that is the amendment which gives the Senate an increased contingent fund.

Mr. HOLMAN. Let the other amendments be also read.

The amendment of the Senate numbered 24 was read, as follows:

On page 5, in line 25, strike out "$62,770" and insert "$76,770."

Mr. HOLMAN. That is merely a change of the total.

The amendment of the Senate numbered 25 was read, as follows:

Strike out these words: "*Provided*, That no part of the money appropriated by this act shall be expended for clerical services for any Senator, Representative, or Delegate in Congress."

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifeeen minutes on each side. The gentleman from Texas [Mr. HANCOCK] on the one side and the gentleman from Indiana [Mr. HOLMAN] on the other will be recognized to control the time for debate.

Many MEMBERS. Vote! Vote!

Mr. WHITE, of Kentucky. I ask the gentleman from Texas [Mr. HANCOCK] to yield to me.

Mr. HANCOCK. I will yield five minutes to the gentleman.

Mr. WHITE, of Kentucky. I do not think I shall occupy the five minutes, but I desire to be heard on one amendment. In addition to what the gentleman from North Carolina [Mr. COX] has said in opposition to this increase of the salaries of Senators I desire to call the attention of members of this Forty-eighth Congress to the debates which will be found upon pages 2100 to 2103 of volume 108 of the Globe for March 3, 1873.

At that time the leading members on both sides of this House, in both branches of the Forty-third Congress, after the labor of the term for which they were elected was through, appropriated to each Senator and member back pay by an increase of their salaries from $5,000 to $7,500 a year. That action by the Forty-third Congress was condemned and the salary-grabbers repudiated by the people at the polls. I remember that in my own State of Kentucky the Legislature passed resolutions condemning every Kentucky member of Congress who voted for or who dodged the vote but took that increase of salary.

Mr. DAVIS, of Illinois. Did not Massachusetts elect Ben. Butler governor after that?

Mr. WHITE, of Kentucky. And did not a subsequent Kentucky Legislature, contrary to public opinion, re-elect one of those "salary-grabbers" to the United States Senate? And did not this House, when it became Democratic, in the Forty-fourth, the Forty-fifth, and the Forty-sixth Congress, elect as its Clerk one of those "salary-grabbers?" Such things only go to show, as has been shown on this floor in regard to land grabbing, which now demands the forfeiture of unearned land grants, that in reference to these matters no one party can stand up and say that it is less guilty than the other. It has so happened that the leaders on both sides in the two branches of Congress, when there was any plundering of the Treasury to be done, have agreed upon that matter. Both parties have unscrupulous adherents, and both parties are equally guilty.

Now, the amount in question in this case is small; but the proposition for this small increase of allowance to Senators is what is known in the backwoods as an "entering-wedge" that is driven into the rail-cut preparatory for the glut which is to split the log open. The proposition is that we shall vote to the Senate a contingent fund from which to hire private secretaries, not for all Senators, but for those who are so unfortunate, perchance, as not to have already a secretary—acting as a committee clerk, but possibly doing the personal business of the chairman also.

More than that. The Senate not only uses the power it has under the Constitution to advise and consent to nominations by the President, but it lays its hands upon the House of Representatives and appoints a Senator's son and Senator's brother to the subordinate positions of this House.

In the Forty-fourth Congress, as I remember very well, the most intelligent colored man in this Capitol was removed by the Democratic Clerk of the House from his position in the library of the House; but when it was ascertained that a Democrat competent to perform the duties could not be found, that colored man was, on motion of the gentleman from Indiana [Mr. HOLMAN], reappointed to his place. But this House has gone a step farther and put a kinsman, a brother, as I understand, of a Democratic Senator in the place of that colored man, the

latter being retained in a subordinate position possibly in order to "coach" the other. I am constrained to believe that the duties of the position were never better performed than in the Forty-fourth Congress when the place was held by this colored man, who by virtue of long service and faithful performance of duties for which he was so well fitted should never have been removed.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. WHITE, of Kentucky. This is a step in the direction of additional salaries. [Cries of "Regular order!"]

The SPEAKER. The first question is upon the motion of the gentleman from Texas [Mr. HANCOCK] that the House recede from its disagreement to the amendment of the Senate and agree to the same.

Mr. HOLMAN. I feel obliged to ask for the yeas and nays on this question.

Mr. WHITE, of Kentucky. Let us have the yeas and nays. We have plenty of time. We are obliged to wait for the conference reports to come in.

A MEMBER. It is now half past 1 o'clock.

Mr. WHITE, of Kentucky. There is no necessity for hurrying. There is a great principle involved in this case.

The question being taken on ordering the yeas and nays, there were—ayes 24, noes 90.

Mr. LONG. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. LONG and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 41; more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 72, nays 93, not voting 159; as follows:

YEAS—72.

Adams, G. E.	George,	Johnson,	Price,
Atkinson,	Goff,	Kean,	Ranney,
Bayne,	Graves,	Lacey,	Robinson, J. S.
Belford,	Greenleaf,	Libbey,	Rosecrans,
Boutelle,	Hancock,	Lore,	Rowell,
Breckinridge,	Hatch, H. H.	Lyman,	Shelley,
Brewer, J. H.	Hemphill,	McCoid,	Skinner, C. R.
Broadhead,	Henderson, T. J.	McCormick,	Spooner,
Calkins,	Henley,	Mitchell,	Steele,
Cutcheon,	Hepburn,	Morrill,	Stewart, J. W.
Davis, G. R.	Hewitt, G. W.	Muldrow,	Sumner, C. A.
Davis, R. T.	Hiscock,	Ochiltree,	Thomas,
Dibble,	Horr,	O'Neill, Charles	Valentine,
Ellis,	Houseman,	O'Neill, J. J.	Vance,
Evans, I. N.	Howey,	Parker,	Wadsworth,
Ferrell,	Hunt,	Perkins,	White, Milo
Funston,	James,	Peters,	Whiting,
Garrison,	Jeffords,	Potter,	Woodward.

NAYS—93.

Adams, J. J.	Follett,	Neece,	Turner, H. G.
Alexander,	Foran,	Nutting,	Turner, Oscar
Bagley,	Forney,	O'Hara,	Van Alstyne,
Bennett,	Gibson,	Pierce,	Van Eaton,
Blount,	Glascock,	Pusey,	Wallace,
Brewer, F. B.	Guenther,	Randall,	Warner, Richard
Browne, T. M.	Halsell,	Ray, G. W.	Washburn,
Brown, W. W.	Hatch, W. H.	Reed,	Weaver,
Buchanan,	Herbert,	Reese,	Wellborn,
Budd,	Hoblitzell,	Rockwell,	Weller,
Burnes,	Holman,	Rogers, J. H.	White, J. D.
Caldwell,	Jones, B. W.	Seney,	Williams,
Cannon,	Jones, J. H.	Seymour,	Willis,
Carleton,	Jordan,	Smalls,	Wilson, James
Cassidy,	Kleiner,	Springer,	Wilson, W. L.
Clay,	Laird,	Stephenson,	Winans, E. B.
Cosgrove,	Lanham,	Stewart, Charles	Winans, John
Cox, W. R.	Lawrence,	Strait,	Wolford,
Crisp,	Le Fevre,	Struble,	Wood,
Culberson, D. B.	Lovering,	Sumner, D. H.	Yaple,
Dargan,	Lowry,	Taylor, J. D.	York.
Dowd,	McMillin,	Taylor, J. M.	
Eaton,	Maybury,	Tillman,	
Finerty,	Miller, J. F.	Townshend,	

NOT VOTING—159.

Aiken,	Chace,	Ellwood,	Hurd,
Anderson,	Chalmers,	English,	Hutchins,
Arnot,	Clardy,	Ermentrout,	Jones, J. K.
Ballentine,	Clements,	Everhart,	Jones, J. T.
Barbour,	Cobb,	Evins, J. H.	Kasson,
Barksdale,	Collins,	Fiedler,	Keifer,
Barr,	Connolly,	Findlay,	Kelley,
Beach,	Converse,	Fyan,	Kellogg,
Belmont,	Cook,	Geddes,	Ketcham,
Bingham,	Covington,	Green,	King,
Bisbee,	Cox, S. S.	Hammond,	Lamb,
Blackburn,	Culbertson, W. W.	Hanback,	Lewis,
Blanchard,	Cullen,	Hardeman,	Long,
Bland,	Curtin,	Hardy,	McAdoo,
Bowen,	Davidson,	Harmer,	McComas,
Boyle,	Davis, L. H.	Hart,	Matson,
Brainerd,	Deuster,	Haynes,	Millard,
Breitung,	Dibrell,	Henderson, D. B.	Miller, S. H.
Brumm,	Dingley,	Hewitt, A. S.	Milliken,
Buckner,	Dockery,	Hill,	Mills,
Burleigh,	Dorsheimer,	Hitt,	Money,
Cabell,	Duncan,	Holmes,	Morgan,
Campbell, Felix	Dunham	Holton,	Morrison,
Campbell, J. M.	Dunn,	Hooper,	Morse,
Campbell, J. E.	Eldredge,	Hopkins,	Moulton,
Candler,	Elliott,	Houk,	Muller,
Murphy,	Poland,	Shaw,	Throckmorton,
Murray,	Post,	Singleton,	Tucker,
Mutchler,	Pryor,	Skinner, T. G.	Tully,
Nelson,	Rankin,	Slocum,	Wait,
Nicholls,	Ray, Ossian	Smith,	Wakefield,
Oates,	Reagan,	Snyder,	Ward,
O'Ferrall,	Rice,	Spriggs,	Warner, A. J.
Paige,	Riggs,	Stevens,	Wemple,
Patton,	Robertson,	Stockslager,	Wilkins,
Payne,	Robinson, W. E.	Stone,	Wise, G. D.
Payson,	Rogers, W. F.	Storm,	Wise, J. S.
Peel,	Russell,	Talbott,	Worthington
Pettibone,	Ryan,	Taylor, E. B.	Young.
Phelps,	Scales,	Thompson,	

So the House refused to recede from its disagreement.

The following additional pairs were announced:

Mr. PRYOR with Mr. KASSON, until further notice.

Mr. GEORGE D. WISE with Mr. SPOONER, for the rest of the day.

Mr. BARKSDALE with Mr. MCCOMAS, for the rest of the day.

The vote was then announced as above recorded.

Mr. CALKINS. I do not know whether when Mr. HUTCHINS went away he understood I was to vote in case there was not a quorum.

The SPEAKER. The gentleman had better let his vote stand, as there is barely a quorum.

Mr. HOLMAN. I am, as it were, in charge of the pair of the gentleman from New York [Mr. HUTCHINS], and I will relieve the gentleman from Indiana from any scruples about letting his vote stand.

Mr. CALKINS. Very well.

Mr. HOLMAN's motion that the House still further insist on its disagreement to the Senate amendments was agreed to.

Mr. HOLMAN. I move that the House further insist on its disagreement and ask for a further conference between the two Houses.

The motion was agreed to; and the Speaker appointed as managers of said conference on the part of the House Mr. HOLMAN, Mr. HANCOCK, and Mr. CANNON.

FORTIFICATION BILL.

Mr. RANDALL. I submit a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 6 and 7, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For the purchase of machine-guns of the latest improvement, $20,000.

"For the armament of seacoast fortifications, including the manufacture and conversion of heavy guns and carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, $400,000, and not exceeding $15,000 thereof may be used for the expenses of experiments in the use of dynamite or other high explosive projectiles."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out from said amendment the following words: "Said sum to be expended under the direction of the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and the matter proposed to be inserted by said amendment insert the following: "And to make the same known to manufacturers of ordnance on their application, and to report the same to Congress at its next session for its approval;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"SEC. 2. That hereafter all rifled cannon of any particular material, caliber, or kind, made at the cost of the United States, shall be publicly subjected to the proper test, including such rapid firing as a like gun would be likely to be subjected to in actual battle, for the determination of the endurance of the same, to the satisfaction of the President of the United States or such persons as he may select; and he is hereby authorized to select not to exceed five persons, who shall be skilled in such matters; and if such guns shall not prove satisfactory, they shall not be put to use in the Government service."

And the Senate agree to the same.

SAMUEL J. RANDALL,
WILLIAM H. FORNEY,
J. WARREN KEIFER,
Managers on the part of the House.

JOHN A. LOGAN,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The report was concurred in.

The SPEAKER. The Clerk will read the statement accompanying the report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill (H. R. 7440) making appropriations for fortifications, and for other purposes, for 1885, submit the following written statement in explanation of the conference report:

The bill as agreed upon appropriates $700,000; being $100,000 less than as it passed the Senate and $105,000 greater than as it passed the House. It appropriates $30,000 more than the law for 1884 and $300,000 less than the estimates for 1885.

SAM. J. RANDALL,
WM. H. FORNEY,
Managers on the part of the House.

Mr. RANDALL. Mr. Speaker, the report itself explains very fully the exact condition of the bill at this time; but I want to say a word in another direction, and I say it on the first appropriate opportunity that is presented to me. Since time has been allowed me to make an examination I find that I was in error, and I say it so that there may be no mistake hereafter. I allude to the bursting of three cannons to which I referred some time ago.

Gentlemen present may remember that there was a controversy on that point in the House. I was in error in the statement I then made, and it was not surprising that I was led into an error; for it appears that three cannon of the same kind, but not three of the four—these were two of 8-inch and one of 11-inch, the cannon as stated by the gentleman from Louisiana [Mr. ELLIS] ordered by act of Congress; those were never finished, being condemned before completion. The Government advanced some $58,000 upon them to the South Boston Iron Company and $48,000 to another firm. Subsequently there was legislation which checked the further progress of the manufacturing of these guns.

Mr. ELLIS. The steel was also condemned by General Benét.

Mr. RANDALL. But there was also legislation upon the subject, as I recollect. General Benét, however, condemned as well the steel, and in consequence of the misfortune of the firm manufacturing one or more of these guns the Government lost this loan of $58,000. The other part, the steel part, condemned by General Benét, cost $48,000; so that I think the Government lost by that matter alone about $106,000.

Mr. ELLIS. I think about that sum.

Mr. RANDALL. I make the statement now, as I always love to correct myself when I am in error.

The SPEAKER. The question is upon the adoption of the conference report.

The conference report was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. If there be no further reports of conference committees the gentleman from Alabama is entitled to the floor for thirty minutes.

Mr. WOLFORD. I move that the House do now adjourn.

Mr. RANDALL. I hope not, Mr. Speaker. I have the conference report on the sundry civil bill in my hand; and as soon as the Senate returns the bill to the House I shall be ready to present it.

Mr. HEWITT, of Alabama. Let us take a recess for ten or fifteen minutes.

Mr. RANDALL. I am afraid if that is done members will go away from the Hall.

Mr. HEWITT, of Alabama. I do not insist upon the motion.

Mr. WHITE, of Kentucky. Mr. Speaker, by the vote that has just been taken on the disagreement between the Senate and the House conferees on the legislative bill I think it must be pretty clear that we shall not conclude our labors to-night. It is now past 2 o'clock in the morning, and there is no quorum here.

Mr. LYMAN. Oh, yes; there was a quorum present on the last vote.

Mr. WHITE, of Kentucky. Evidently there is not a quorum within the Hall at the present time, no matter what may have been here on the last vote.

The SPEAKER. What motion does the gentleman make?

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The motion was not agreed to.

Mr. HEWITT, of Alabama. I yield to the gentleman from Illinois [Mr. SPRINGER] for a moment.

Mr. HOLMAN. Will the gentleman from Alabama allow me a moment?

Mr. HEWITT, of Alabama. Not out of my time. [Cries of "Regular order!"]

Mr. SPRINGER. I desire to ask unanimous consent—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded all over the House.

Mr. SPRINGER. If gentlemen will hear me a moment I want to ask unanimous consent to make a statement [cries of "Regular order!"], and I am doing this in the interest of the business pressed upon me by my committee. I desire to state it to the House and ask their consent—— [Cries of "Regular order!"]

The SPEAKER. The Chair would recognize the gentleman but can not, since the regular order is demanded. The gentleman from Alabama is entitled to the floor.

Mr. HEWITT, of Alabama. Mr. Speaker, I would like to ask unanimous consent to take from the Speaker's table one or two House bills with Senate amendments granting pensions.

Mr. HERBERT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HERBERT. Some ten or twelve days ago the House passed, as a substitute for the Senate bill, a bill to count the electoral vote. That was forwarded to the Senate and the Senate rejected the substitute. Thereupon conferees were appointed. These conferees have not reported to the House, as I understand.

I am informed that the Senate conferees have made a report to that body of disagreement. If there has been a disagreement, I desire to ask the Chair if it is not the duty of the conferees on the part of the House to report the subject back, in order that the House may be placed in possession of it.

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

Mr. RANDALL. Has the notice been given to the House of a disagreement?

Mr. EATON. I would like to say a word in reply to the lecture of the gentleman from Alabama.

Mr. HEWITT, of Alabama. This does not come out of my time.

Mr. EATON. In the first place, the gentleman is mistaken when he says that the report has been made in the Senate.

Mr. HERBERT. I was informed by one of the conferees it had been made.

Mr. EATON. The statement was made, I am informed by Mr. HOAR, one of the conferees on the part of the Senate, that the conferees had not yet been able to agree; that is all.

Mr. RANDALL. If the report was made to the Senate, it would have to come here before we could act upon it.

Mr. HERBERT. I think the House should have possession of that subject, so as to take such action as it sees proper. I wanted to call the attention of the House to it.

The SPEAKER. The gentleman from Alabama is entitled to the floor and has thirty minutes of his time remaining.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Speaker's table a couple of bills——

Mr. WHITE, of Kentucky. I call for the regular order. That is not part of the gentleman's speech.

The SPEAKER. The gentleman from Kentucky calls for the regular order, which is equivalent to an objection.

MEXICAN-WAR PENSIONS.

Mr. HEWITT, of Alabama. When I yielded to the gentleman from Indiana [Mr. HOLMAN] for a conference report I was stating that the precedents for service pensions had in view distance of time from the war, the lapse of time from the close of the war, and not the age or the disability of the soldier. In the case of the Revolutionary soldiers it was thirty-five years after the close of the war that the service pension was granted.

But, Mr. Speaker, in granting that pension it was granted not to persons that were disabled, but to such soldiers as had served such a length of time in the war of the Revolution, and to all that class without distinction of age or disability. In the war of 1812 some fifty-odd years had elapsed from the close of the war to the time when the pension was granted. About the year 1858, thirty-five or forty years after the close of that war, this House passed a bill granting pensions to all soldiers of that war, regardless of the disability or age of the soldiers. The pensions were conferred upon all of them that had served for sixty days. That bill was defeated in the Senate in consequence of an extravagant statement made by the then Commissioner of Pensions. The war then came and the granting of those pensions was postponed until 1871.

Thirty-seven years after the close of the Mexican war, following the precedents that have been made upon this subject, I have favored the pensioning of the soldiers of that war and of the Indian wars prior to the war with Mexico, making no distinction between them as to age, as to poverty, or as to disability, and following strictly the precedents. But, Mr. Speaker, if these precedents are to be laid aside and a departure is to be taken from them, then I shall never vote to pension any of the soldiers of the Indian wars or of the Mexican war either. If we are not to follow the precedents, then let us stand upon the invalid-pension system, and let us carry that out and do justice to the soldiers under that system.

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a question?

Mr. HEWITT, of Alabama. If it comes out of my time I can not.

Mr. WHITE, of Kentucky. I yield the time for it out of my time.

Mr. HEWITT, of Alabama. The gentleman has no time to yield. The gentleman has heretofore occupied all the time he has had in this House.

Mr. WHITE, of Kentucky, rose.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. HEWITT, of Alabama. There is another objection to this bill. I call the attention of my friend from Indiana [Mr. BROWNE] to the amendment to the second section of this bill. He will remember that when the rules were suspended and the Townshend bill passed he objected to that bill upon the ground that a soldier that served in the Mexican war and afterward joined the Union Army and was wounded and was drawing a pension on account of that wound in the Union service was excluded by that bill from a pension; and he objected to it upon that ground. The gentleman was mistaken in his objection. That bill which the gentleman from Illinois [Mr. TOWNSHEND] intro-

duced and which the Committee on Pensions reported gave the soldier in the Mexican war who afterward joined the Union Army and was wounded and was receiving a pension for that wound, it gave him in addition to that $8 a month.

Mr. STEELE. Will the chairman of our committee yield to me to say that we did not report the Townshend bill? Mr. TOWNSHEND took our bill.

Mr. HEWITT, of Alabama. That is true. Now a Republican Senate, professing to be the peculiar friend of the Union soldiers of this country, strikes that out and excludes the Mexican soldier who afterward volunteered and went into the Union Army. If he is receiving a pension, it denies him a pension for his services in the Mexican war.

I ask you gentlemen who have been struggling here day after day and hour after hour, are you willing to strike in this way at the Mexican soldier who did service in the Union Army—are you willing to deny him a pension for services in the Mexican war because you find he gets a pension for his wounds received in the service of the Union?

There is another objection, and it has been urged by my friend from Indiana [Mr. STEELE] and by my friend from Iowa [Mr. STRUBLE] against the passage of the Mexican bill. I do not believe I violate the secrecy of the committee-room and I do not think the gentleman will object to it when I say that one of the grounds of objection to the bill was that there were over 200,000 applications of soldiers who had been wounded or claimed to have been wounded for pensions in your Pension Bureau, lying there year after year, to be disposed of; and it was said that if we passed this Mexican pension bill it would come in the way and postpone these matters. The idea was to wait until these applications that have now accumulated there in the Pension Bureau had been disposed of, so as not to interfere with them. That was the objection urged then.

Mr. STEELE. Our objection was that you were willing to provide for pensioning soldiers who fought against us, but you would not provide the means for giving pensions to those who fought for us.

Mr. HEWITT, of Alabama. I know that was one of your objections. You not only want to put all these Mexican soldiers on the pension-rolls, but you put in another class of soldiers, soldiers that were not wounded in your service, soldiers who did not contract disease in your service that disabled them; a class that may now be disabled for some cause not at all connected with the service. You want to admit their claims and place them in the Pension Bureau, and so retard the progress of action upon the applications that are now there for invalid pensions, for men who ought to have been pensioned years ago.

Mr. STEELE. This bill will pension all disabled soldiers.

Mr. HEWITT, of Alabama. You put a new class of applications in the Pension Office; you extend your pension-list. Now, why should not this bill be resisted? Can any gentleman tell me what this bill is going to cost the country?

Mr. JOSEPH D. TAYLOR. I can.

Mr. HEWITT, of Alabama. No; you can not.

Mr. JOSEPH D. TAYLOR. I can tell you.

Mr. HEWITT, of Alabama. I do not want to hear it now.

Mr. JOSEPH D. TAYLOR. You asked a question and I want to answer it.

Mr. HEWITT, of Alabama. I will answer it for you.

Mr. JOSEPH D. TAYLOR. Then you ought to do that.

Mr. HEWITT, of Alabama. My dear sir, I want some official data.

Mr. JOSEPH D. TAYLOR. I will give you official data.

Mr. HEWITT, of Alabama. The gentleman is the representative of a good large number of soldiers in his district who would like to have pensions, and the gentleman would like to get that soldier vote. Therefor I would look with some degree of caution upon any estimate he would make.

Mr. JOSEPH D. TAYLOR. Will you allow me, then, to ask you just one question?

Mr. HEWITT, of Alabama. Certainly.

Mr. JOSEPH D. TAYLOR. Did you not, at the time we were considering the Mexican pension bill which you reported, when we had an all night session——

Mr. HEWITT, of Alabama. The time you were resisting it.

Mr. JOSEPH D. TAYLOR. Yes, sir. Did you not say that you would support measures which were substantially the same as the Senate amendments to this bill, provided they were brought in at another time and not annexed to this bill?

Mr. HEWITT, of Alabama. No; I did not say that.

Mr. JOSEPH D. TAYLOR. That you had no objection to them?

Mr. HEWITT, of Alabama. I told you then, and I tell you now, and I will tell the country now, that I am ready to support a bill that will give widows pensions of $12 a month.

Mr. BROWN, of Pennsylvania. Does not this bill do that?

Mr. HEWITT, of Alabama. It does a great deal more than that.

Mr. BROWN, of Pennsylvania. And so——

Mr. HEWITT, of Alabama. I would like to yield, but I have not time.

Mr. BROWN, of Pennsylvania. I only want to prompt you on this bill.

Mr. HEWITT, of Alabama. I do not need prompting; I understand it, I think. I also favored an amendment which makes the reception of a soldier by the Government in its service *prima facie* evidence that he was sound when he entered that service.

Mr. JOSEPH D. TAYLOR. That is in this bill.

Mr. HEWITT, of Alabama. That is in this bill, and I approve it. But I want to tell you gentlemen that we passed such a provision through this House a good long while ago. Now, if your Republican Senators over there were so much in favor of it, why did they put it on a bill which they knew could not be passed?

Mr. JOSEPH D. TAYLOR. How did they know you were going to oppose it here.

Mr. HEWITT, of Alabama. They knew it could not pass; they did not want it to pass, and a great many of you do not want it to pass.

Mr. WHITE, of Kentucky. You will probably hear from the soldiers this fall.

Mr. HEWITT, of Alabama. I have many a Union soldier in my district. I have in my district two counties that furnished two regiments of soldiers for your service. And I want to have the gentleman understand that those Union soldiers are my warm friends. I am not an enemy of the Union soldier, and all of you who have served with me on the Pensions Committee know that I am not.

Mr. CUTCHEON. Will the gentleman allow me to ask him a question?

Mr. HEWITT, of Alabama. Certainly.

Mr. CUTCHEON. Will the gentleman now withdraw his point of order against this bill, and allow it to be considered and passed upon section by section, without making any point of order?

Mr. HEWITT, of Alabama. I will tell the gentleman now that so far as I am concerned he may repass the bill if he wants to, and then I would advise him to go over to his Republican friends in the Senate and test them there, and ask them to pass the bill we have already sent there, and see whether they are for it or not. It is not necessary for them to pass another bill and send it over here.

Mr. PETERS. Allow me to ask the gentleman from Alabama——

Mr. HEWITT, of Alabama. If you will extend my time I will talk all night and answer all your questions.

Mr. CUTCHEON. The gentleman has not answered my question whether he will now withdraw his point of order.

Mr. HEWITT, of Alabama. There is too much that is wrong in this bill now; of course I can not do that. I say that if there was a desire upon the part of the friends of the Union soldiers to pass this bill, why was it delayed from the 3d of March until a few days ago before it was sent back to this House from the Senate?

Will you go before your Union soldiers and explain to them why those who profess to be their particular friends delayed this measure until an hour when they knew it would be impossible to pass the bill, if it was to be allowed any decent consideration?

Mr. JOSEPH D. TAYLOR. Will the gentleman allow me to answer a question which he asked?

Mr. HEWITT, of Alabama. No; I can not yield now.

Mr. Speaker, there is here presented to the country the extraordinary spectacle of an attempt to force through this House without debate and without consideration in the very last hours of the session a bill which in my opinion will involve an expenditure of from fifty to sixty million dollars per annum; which will saddle upon this country a debt of two thousand million dollars. Are you willing to go to the country in this Presidential race and tell the tax-paying people that you voted to pass without discussion or deliberation a bill which would saddle upon them a debt of two thousand millions?

Mr. WHITE, of Kentucky, rose.

Mr. HEWITT, of Alabama. Take your seat, my dear friend; you have occupied enough time already.

Now I repeat, Mr. Speaker, there is not a reasonable thinking man in the North who will not indorse the resistance to the passage of this measure under the gag. I do not believe that any of the noble soldiers who fought in the war from love of country will approve such a measure being forced through in this way.

Mr. STEELE. The other bill was forced through.

Mr. HEWITT, of Alabama. One wrong does not justify another. That is a sufficient answer on that point.

Mr. PETERS. Will the gentleman from Alabama allow me——

Mr. HEWITT, of Alabama. Mr. Speaker, how much more time have I? When that question is answered I can decide whether I will yield.

The SPEAKER. The gentleman has nine minutes.

Mr. HEWITT, of Alabama. Then I can not yield.

Mr. PETERS. We will extend your time.

Mr. HEWITT, of Alabama. If you will extend my time I will answer.

Mr. PETERS. Will not the gentleman allow this bill to be considered and passed with the provisions he approves, and let it go to the Senate, trusting to their good faith as to whether they will or will not concur?

A MEMBER. We want to get the bill into a conference.

Mr. HEWITT, of Alabama. My dear sir, do you not know that you

have a Presidential race just ahead of you? Do you not know that you have a Congressional race just ahead of you?

A MEMBER. We will take our chances upon that.

Mr. HEWITT, of Alabama. Do you suppose that we could trust you or my Democratic friends here from the North on that subject during a political excitement? I tell the gentleman that when the Presidential race and the Congressional race are over we will then consider this bill.

Mr. WHITE, of Kentucky. You are making a political question of the matter.

Mr. HEWITT, of Alabama. Gentlemen on the other side want to make it a political question; I do not. This question should not be carried into the Presidential race. I do not believe that any man can be justified in legislating for the promotion of party interests or party success.

Mr. PETERS. I simply propose that the bill be passed here with the provisions which the gentleman approves and sent to the Senate.

Mr. HEWITT, of Alabama. I do not believe in that kind of legislation.

Mr. PETERS. You have said you approved increasing the pensions of widows.

Mr. HEWITT, of Alabama. I do; and I will vote for that measure at any time. If you will detach it from this bill, I will give it my hearty support. But from what we have seen during this Congress, it is wholly unnecessary to send such a bill to your Republican friends in the Senate.

Mr. PETERS. Let us try them and place the responsibility on the Republican party.

Mr. HEWITT, of Alabama. We have already tried them. We sent them in this bill one or two provisions which they could have passed and ought to have passed in the interest of the Union soldiers of the country, but they refused to do so.

Mr. BROWNE, of Indiana. They have passed them.

Mr. HEWITT, of Alabama. How have they passed them? They have put the bill in a shape in which they knew it could not be passed; and one Senator declared it was done to defeat the bill; that the bill was loaded down for the purpose of defeating it.

I repeat, Mr. Speaker, that my opposition to this bill is not on account of any hostility to the Union soldiers of this country.

Mr. WHITE, of Kentucky. You have been fighting this bill for four days.

Mr. HEWITT, of Alabama. And that to your mind is evidence that I am an enemy of the Union soldier? It is a hard matter for you gentlemen on the other side to believe that a man who fought you in the late war can entertain a good opinion of your soldiers. You never committed a greater mistake in your lives than in entertaining the idea that we cherish any hostility toward those men. The Union soldiers have warm and firm friends among the soldiers in the Southern confederacy.

Mr. O'NEILL, of Missouri. This is Sunday, and let us stop politics and attend to business. [Laughter.]

Mr. HEWITT, of Alabama. My opposition, sir, has not been on any such ground. My opposition has been against forcing a bill through of so much importance to the people of this country in the last hours of the session.

I reserve the remaining portion of my time.

The SPEAKER. The gentleman has four minutes remaining.

Mr. BROWNE, of Indiana. I do not know whether the House is in a temper to hear a calm and candid discussion of this matter or not. I confess I am somewhat surprised the gentleman from Alabama should oppose the consideration of this bill upon the ground, as he alleges, that sufficient time for its examination has not been given by this side of the House. Does the gentleman remember when this original bill was introduced it was passed by this House over our protest under a suspension of the rules, cutting off all amendments, limiting the debate to but thirty minutes?

Mr. HEWITT, of Alabama. I was opposed to that at that time.

Mr. BROWNE, of Indiana. I protested this act should not be passed, taking, according to the estimate of the Commissioner of Pensions, not less than $54,000,000 from the Treasury, without giving the House an opportunity to discuss the measure and offer amendments. The gentleman supported the bill then.

What next? The gentleman opposes the second section of this bill because it does not give a pension to a soldier who may have served in the Mexican war and who subsequently in the Union service may have received a wound by reason of which he is entitled to a pension of $8 a month. I am surprised at that, because, if I remember correctly, the very bill the gentleman brought into this House excluded from pensions that very class of soldiers.

Mr. HEWITT, of Alabama. That is a mistake.

Mr. BROWNE, of Indiana. If I am mistaken in regard to the provision of the gentleman's bill I am not mistaken in regard to this, that every Mexican pension bill brought into this House by gentlemen on the other side, from the Forty-fifth Congress to the present time, contained the identical provision contained in this bill.

Mr. HEWITT, of Alabama. Will the gentleman yield to me for a moment?

Mr. BROWNE, of Indiana. Certainly.

Mr. HEWITT, of Alabama. On my own motion that provision of the bill which had been introduced by myself and others, which in operation would have excluded Union soldiers, was stricken out. If you will examine my report you will find the reason why it was done.

Mr. BROWNE, of Indiana. I am not mistaken in the historical fact that every Mexican pension bill which has been brought into this House from and including the Forty-fifth Congress up to the present time contained this provision. The gentleman stated it was stricken out on his own motion.

Mr. HEWITT, of Alabama. The bill brought in by the committee did not contain it.

Mr. BROWNE, of Indiana. In the first place Mexican soldiers were placed on an exact equality with those who served in the Union army in the war of the rebellion. The disabled Mexican soldier is entitled to the same rate of pension with the Union soldier. The general law puts them on terms of perfect equality in that regard. It makes no discrimination whatever between the two classes of soldiers.

What is the gentleman's bill, and what is this? He protests now, as I understand him, against purely service pensions. But the gentleman's bill provided for a service pension to every soldier in the Mexican war who simply appeared on some muster-roll of the army during the Mexican war.

He does not by this bill require any service whatever, and yet the fact has been developed in this debate that quite 40 per cent. of all the enlistments in the Mexican service were made after the last battle of that war had been fought.

But the gentleman was not willing to stop there. He put in his drag-net in the shape of his Mexican war pension bill and took into it all the Indian wars in which the United States had been engaged, and I was even surprised that he did not provide for the blood-hounds that Van Buren imported from Cuba to hunt down fugitive negroes in the Florida swamps. He ought to have provided for them, for they doubtless rendered very efficient service in that direction.

Mr. HEWITT, of Alabama. I would like to ask the gentleman where he read that history or got the information from?

Mr. BROWNE, of Indiana. And his bill, covering the Mexican war and all of the Indian wars and all of the disturbances in the Southern States in the shape or nature of wars, gave a pure service pension, and nothing else.

Now, how has this bill been improved in that regard? It still retains the service provision, but cuts out in the first place the Indian wars. That is the saving. Not only that, but it was proper to be done for reasons I could give if I had time to enter into the history of these wars, because it deprives of a pension, it excludes from a pension, a class of soldiers that did not know service and who attempted to perform no service. I have a letter from a citizen of my own State, who informs me that in a certain city in that State a company was made up for the Mexican war, but remained in camp in the city in which it was enlisted a sufficient length of time to entitle them to pension under the general bill; and that they never left the city of their enlistment. They never crossed the Ohio River. They were never *en route* to the scene of conflict; and this bill, therefore, is greatly improved in this, that it requires that the applicant for a pension shall have either participated in a battle in that war or shall have served at least fourteen days in Mexico or on the frontiers of Mexico, or shall have been *en route* for the field of action.

The gentleman objects that this bill as amended by the Senate extends the provisions of the pension laws to widows who were not at the time of the service the wives of the soldiers.

The SPEAKER. Will the gentleman from Indiana suspend to receive a message from the Senate and a conference report?

Mr. BROWNE, of Indiana. Certainly, reserving my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7380) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Also, that the Senate further insisted on certain amendments specified to said bill disagreed to by the House of Representatives.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 2203) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I now call up the message from the Senate and desire to submit a conference report on the sundry civil appropriation bill.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, 18, 21, 24, 27, 28, 29, 31, 32, 50, 53, 54, 55, 57, 58, 59, 60, 61, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 88, 89, 90, 91, 92, 93, 95, 96, 99, 100, 101, 103, 107, 108, 110, 115, 116, 119, 125, 127, 129, 130, 131, 132, 143, 144, 145, 151, 154, 159, 160, 166, 168, 171, 172, 174, 175, 179, 180, 182, 183, 189, 197, 199, 202, 203, 204, 206, 207, 208, 209, 210, 213, 214, 215, 216, 226, 231, 232, 233, 234, 236, 237, 241, 242, 244, 245, 248, 249, 250, 251, and 252.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 8, 10, 11, 12, 13, 15, 16, 17, 19, 20, 22, 23, 25, 26, 30, 33, 34, 35, 39, 41, 42, 43, 44, 45, 46, 47, 49, 51, 52, 56, 62, 63, 66, 67, 87, 94, 102, 104, 105, 111, 112, 113, 118, 121, 123, 133, 134, 136, 138, 139, 140, 141, 142, 147, 148, 150, 152, 155, 156, 162, 164, 165, 167, 169, 170, 173, 178, 181, 184, 185, 186, 187, 190, 192, 193, 194, 196, 198, 200, 205, 211, 212, 217, 218, 219, 221, 222, 223, 225, 230, 235, 238, 239, 247, 259, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 302, 303, and 304; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 4 and 5, and agree to the same with amendments as follows: In lieu of the sum proposed in each of said amendments insert "$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "*Provided*, That a report in detail of all such inspection shall be made to the Secretary of the Treasury, who shall annually transmit the same to Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out the amended paragraph; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And hereafter, whenever it is practicable, contracts for the transportation of moneys, bullion, coin, notes, bonds, and other securities of the United States, and paper, shall be let to the lowest responsible bidder therefor after notice to all parties having means of transportation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, with an amendment as follows: In lieu of the sum proposed in said amendment insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lines 7 and 8 of said amendment strike out the words "not to exceed one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "To establish and maintain quarantine stations, and to provide proper shelter for and care of neat cattle imported, at such ports as may be deemed necessary, $25,000, to be expended by the Commissioner of Agriculture under the supervision of the Secretary of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "To enable the several Executive Departments, the Department of Agriculture, and the Smithsonian Institution to participate in the World's Industrial and Cotton Centennial Exposition to be held at New Orleans, La., under act of Congress of February 10, 1883, as follows: For the War Department, $15,000; for the Navy Department, $10,000; for the State Department, $10,000; for the Treasury Department, $12,000; for the Interior Department, $125,000; for the Post-Office Department, $10,000; for the Department of Agriculture, $25,000; for the Department of Justice, $3,000; for the Smithsonian Institution (including the National Museum and Commission of Fish and Fisheries), $75,000; for necessary incidental expenses of administration by the board, including office rent, fuel, gas, stationery, telegrams, and expressage, $15,000; in all, $300,000; to be disbursed under the direction of the board of United States Executive Departments appointed under executive order of May 13, 1884; and no expense of any kind beyond the amounts herein provided for shall be incurred by any of the said Departments or any officer thereof on account of said exposition.

"To enable the several Executive Departments of the Government, including the Department of Agriculture and the Smithsonian Institution, to participate in the Cincinnati Industrial Exposition, to be held at Cincinnati, Ohio, during the months of September and October, 1884, $10,000; and to participate in the Southern Exposition, to be held at Louisville, Ky., from August 16, to October 25, 1884, $10,000; in all $20,000: *Provided*, That in case more than the said sums is required for the execution of this provision the same shall be paid by said expositions."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lines 7 and 8 of the amendment strike out the words "amounting to $47,362;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$21,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For constructing terraces north of the Capitol, section marked A, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), $60,000, including wages of mechanics and laborers: *Provided*, That the work under this appropriation shall be confined to the north front of the Capitol building, and shall not extend westward beyond the line of the west front of the Senate wing of the Capitol;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In line 2 of the said amendment strike out the word "lower;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "acre," in line 6, and insert in lieu thereof "$45,561, in full payment for said land;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$386,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment insert the following words: "Director, subject to the approval of the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: Strike out "June 30" and insert "January 1;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with amendments as follows: In line 1 of said amendment strike out the words "two stories" and in lieu thereof insert the words "one story;" and in lieu of the sum proposed in the amendment insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "act," strike out the words "be and the same is hereby" and in lieu thereof insert the words "during which said publications shall be subject to the order of Senators, Representatives, and Delegates, and shall be;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and strike out, in line 21, page 75 of the bill, the word "sum" and insert in lieu thereof the word "sums;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 292, 293, 294, 295, 296, 297, 298, 299, 300, and 301, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For printing and binding for Congress, including the proceedings and debates, $1,153,170; for the State Department, $10,800; for the Treasury Department, $270,000; for the War Department, $157,500 (of which sum $12,000 shall be for the Catalogue of the Library of the Surgeon-General's Office); for the Navy Department, $63,000; for the Interior Department, $340,000 (of which sum $10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, $9,000; for the Post-Office Department, $180,000; for the Agricultural Department, $22,000; for the Supreme Court of the United States, $18,000; for the supreme court of the District of Columbia, $1,350; for the Court of Claims, $9,000; and for the Library of Congress, $6,080. And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may

be expended in either of the two last quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 317, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendments insert the following: "That the Joint Committee on Public Printing is hereby instructed to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and to report a bill, in December next, making such reductions in the numbers and cost of printing, and such changes and reductions in the distribution of said publications, as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also instructed to investigate the printing and binding for the Executive Departments, executed at the Government Printing Office and at the branch printing offices and binderies in the various Departments, and report a bill, in December next, making such reductions in expense and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further instructed to make any other investigations calculated in their opinion to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to summon and to examine experts and witnesses, and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire; and any expenses necessarily incurred in making the investigations aforesaid shall be defrayed equally from the contingent funds of the two Houses of Congress;" and the Senate agree to the same.

The committee of conference is unable to agree on the amendments of the Senate numbered 243, 253, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Clerk will now read the written statement accompanying the report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, submit the following written statement in explanation of the conference report:

The committee of conference has agreed upon all of the amendments of the Senate except 18 of the whole number of 317.

The amendments of the Senate not agreed to relate to that portion of the bill making appropriations for expenses of United States courts and strike out all of the provisions of the House which fix a salary compensation for attorneys, marshals, and clerks, together with the legislation relating to the same and which was placed upon the bill in the House on the report of the Committee on Expenditures in the Department of Justice.

The Senate added to the bill $4,036,290.69, of which sum it is agreed by the conference that the Senate recede from $2,732,060.31 and that the House agree to $1,278,930.38. The amendments not agreed to increase the bill as it passed the House $26,000.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. RANDALL. I move that the report be adopted.

The report was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I am now ready to answer any question any gentleman may wish to ask me in reference to any item in this bill in which he may feel an interest.

Mr. WILLIS. I would like to ask the gentleman from Pennsylvania in regard to item 124. I wish to know whether we are to understand by that that the Cincinnati and Louisville exhibitions are to have the benefit of these exhibits and that the limit of cost at those places is to be $10,000?

Mr. RANDALL. That is the agreement. The amendments of the Senate about which the conferees were unable to agree relate, as stated, to expenditures in the Department of Justice. I do not think it inappropriate to say that the Senate were firm and fixed in their determination not to allow what they term in that body to be legislation on an appropriation bill. The two conferees representing the majority of the House were equally firm in asserting this was a beneficial provision, and consequently disagreement is reported to the House for such action as the House may see fit to take.

It is proper for me to say, however, that the Senate recognized the fact that the appropriation for the carrying on this Department of the Government, the Department of Justice, is not required to the same extent as during the preceding year; in fact, as the report states, that while the Senate and the House have been unable to agree as to legislation, yet the amount of money appropriated to carry on this service is actually $20,000 less than the amount fixed in the provision passed by the House.

The gentleman from Kansas [Mr. RYAN] has the figures, I think, on that point, and he will give them. He can answer now, if he will.

Mr. RYAN. I will follow the gentleman.

Mr. RANDALL. Very well.

Now, the Senate proposes, if the House will recede from the amendments in dispute, the following:

To reduce from marshals	$29,000	
To add for their salaries	12,700	
Net reduction		$16,300
To reduce from attorneys	50,000	
To add for their salaries	20,100	
Net reduction		29,900
Total net reduction		46,200
To add for courts in Utah		26,000
Reduction under House bill		20,200

I now yield to the gentleman from Kansas.

Mr. RYAN. Mr. Speaker, this amendment, known to the House as the Springer amendment, provides an entire new system for compensating Federal court officers, the marshals and their deputies, United States attorneys, and the United States commissioners. It is legislation important and elaborate. It covers some eighteen pages of closely printed matter. It overturns a system which has existed since the foundation of the Government. It passed this body under a suspension of the rules, so no member had an opportunity to criticise or amend it.

Mr. RANDALL. Excuse me. That amendment did not pass under a suspension of the rules. It was open to debate and amendment.

Mr. RYAN. I beg pardon. At all events it went to the Senate on this bill at a time when it could not be fully considered in the last hours of the session. The Senate had no opportunity to give the subject careful consideration, and the Senate conferees seemed to think it unjust and unfair that we should thrust upon the Senate legislation of this magnitude and importance in this manner and expect them to agree to it. They were firm, apparently, at least in their purpose not to agree to it.

So far as I am personally concerned I am friendly to the legislation. I believe it to be wise, and I think it would be well and for the best interests of the service if it were enacted into a law. I shall move that the House recede from its disagreement with the Senate in regard to these amendments, and if that prevails I shall submit other amendments, the effect of which will be to make provision for the marshals, the attorneys, the clerks, the commissioners, the jurors, and the witnesses, and for the support of prisoners, and the rent of court-houses, and miscellaneous items, covering this whole subject.

Mr. WHITE, of Kentucky. Allow me to ask the gentleman if he will submit amendments covering the salaries of marshals under a different system of making payments than at present?

Mr. RYAN. Under the existing law.

Mr. WHITE, of Kentucky. Recognizing the fee system as it stands?

Mr. RYAN. Yes, sir.

Mr. WHITE, of Kentucky. I hope it will not be agreed to.

Mr. RYAN. I have some hope that it will prevail.

I want to say to the House that if these motions are adopted that I propose to offer, the Springer amendment will be stricken out, but provision will be made for the courts in Utah, and $600,000 will be provided for the marshals, the same as the current year; $325,000 for the attorneys, the same as the current year; $160,000 for the clerks, the same as the current year; and $100,000 for the commissioners, whereas $130,000 is provided for the current year. It will also provide $460,000 for jurors, whereas $450,000 is provided for the current year; $500,000 for witnesses, whereas $600,000 is provided in the current year; $300,000 for the support of prisoners, the same as in the current year; $50,000 for the rent of court-houses, the same as for the current year; and $300,000 for miscellaneous expenses, whereas $310,000 is the current year's appropriation.

I understand the effect will be, so far as dollars and cents are concerned, that if these motions prevail the bill will carry $20,000 less than it would if the Springer amendment were adopted.

Mr. HISCOCK. I would like to inquire of the gentleman from Kansas whether these provisions that he refers to and to which he will offer an amendment are not the Senate amendments to the bill?

Mr. RYAN. They are the Senate amendments with amendments.

Mr. HISCOCK. And simply change the amounts?

Mr. RYAN. Yes, sir.

Mr. HISCOCK. Then would you change the amount here, or simply move to recede from the disagreements and agree to the Senate amendments with amendment—strike out the Springer amendment and send that to the conference?

Mr. RYAN. I would not, because in point of fact they are substantially agreed to by the conference on the part of the Senate and there would be no objection to them, I think.

Mr. RANDALL. I now yield twenty minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I shall be briefer than that and will not occupy any longer time than is absolutely necessary.

I desire the attention for a short time of the gentleman from Kansas, who has stated his intention to move to recede from our disagreements and agree to the amendments of the Senate. He has said that he will

then propose certain amendments also to the Senate propositions and which will reduce the amount carried by the bill as it stands $20,000. Mr. Speaker, this is the most delusive proposition I have ever heard in any deliberative body. The gentleman proposes to reduce the amount paid to jurors $100,000 and to witnesses $50,000. Now, is that below the appropriations for the current year, or does it include the appropriations and deficiencies?

Mr. RYAN. The appropriations for 1884 I have already stated to the House in comparison with those proposed.

Mr. SPRINGER. You propose less than the appropriations for the current year, including deficiencies?

Mr. RYAN. Yes, sir.

Mr. SPRINGER. That is the way I understood the gentleman. Now, I want to call attention of the House to this fact, that while it is not proposed to change the machinery under which the expenses of courts are incurred, the gentleman proposes to reduce the amounts appropriated for that purpose. During the last fiscal year there was expended for the fees of witnesses $660,000; that is the amount of the appropriations and deficiencies estimated and appropriated already. And now the gentleman proposes to appropriate $500,000. There is a clear deficiency, to come in next session, of $100,000 in the fees of witnesses. How can you restrain or reduce the fees that witnesses are to earn in the courts of the country? It is beyond your control. Unless you change the legislation the same laws are in force, and yet you propose to reduce the amounts paid to them. There is evidently a deficiency to begin with of $160,000 on the fees of witnesses.

Under the existing laws the witnesses get so much per day and they get 6 cents a mile for traveling between their residences and where the court sits. Under the proposed amendment they get the actual amount paid to the railroad company; which will not average over 3 cents per mile in all the States, while it is a little above that in the Territories, so that instead of paying 6 cents per mile for the travel of witnesses and jurors as the present law contemplates, under the amendment you pay in the State of New York 2 cents a mile. Therefore under the portion of the bill which the Senate has rejected you are reducing the expenses for witnesses by the difference between 6 cents and 2 cents a mile for the travel which they make in that State. And so it is with all the travel that is made by marshals, deputy marshals, attorneys, witnesses, and jurors in all of the courts of the country; and hence the substantial reduction of the mode of incurring expenses which this amendment produces.

Mr. BELFORD. Will my friend permit me to remind him of the fact that you can not travel over a railroad in Colorado unless you pay 10 cents a mile?

Mr. SPRINGER. I understand that the State of Colorado and the Territories are exceptions. But the whole expense of running the United States courts in the State of Colorado is small.

Mr. BELFORD. I will state to the gentleman that the court was compelled at one time to suspend its operations in consequence of the fact that the appropriations were not adequate.

Mr. SPRINGER. No doubt in the State of Colorado this is an injustice to witnesses, and therefore the gentleman from Colorado should support this amendment because this amendment will allow him all he pays for his railroad travel. But as it is he is compelled to go to court and get 6 cents a mile, when he pays the railroad company 10 cents a mile. Such inequality as this exists all over the Territories; while in the great State of New York you pay the witness, the juror, 6 cents, and he pays the railroad 2 cents a mile. It is such legislation as this that we are perpetuating by the existing law, and which we will perpetuate if we concur in the Senate amendment to this bill.

The committee of which I have the honor to be the chairman early began the investigation of this case. We were instructed to do so by the House. And we were requested to do so by the President of the United States. In his message to this House in December last he said:

District attorneys and marshals—

They should be paid wholly by salaries, instead of in part by fees, as is now the case. The change would prove to be a measure of economy, and would discourage the institution of needless and oppressive legal proceedings, which, it is to be feared, have in some instances been conducted for the mere sake of personal gain.

Mr. BROWN, of Pennsylvania. Now, is it not a mistake not to introduce a separate bill for the purpose of carrying out the recommendation of the President?

Mr. SPRINGER. I have introduced a bill, but the only place where it can be enacted is on an appropriation bill. You can not make these changes unless you accompany them with appropriations which are to pay the expenses. If this legislation should be injected into the middle of a current year you would have to stop at once and change the whole system; because we appropriate salaries in this amendment, and under the old law we appropriated fees.

Mr. BROWN, of Pennsylvania. You could make your appropriation to fit your new law.

Mr. SPRINGER. You could make it on an appropriation bill, and then you come down just exactly to where this brings you—to an appropriation bill. And this is the proper appropriation bill, and therefore we have placed the amendment upon this bill.

Not only did the President make this recommendation, but the Attorney-General in very eloquent and earnest language urged this House to do away with this corrupting fee system. He said in his report last fall:

The practice of compensating the United States marshals by fees is an expensive one. Examiners of the Department of Justice who have been detailed to examine their accounts report that in order to make the maximum fees of the office $6,000 per annum, unscrupulous marshals, in some instances through their deputies, have encouraged frivolous prosecutions, outraging the rights of citizens, and involving the United States in unnecessary and excessive expenses. It is estimated—

I call your attention to this language of the Attorney-General:

It is estimated that it costs the Government ten dollars' expenses for every dollar's emoluments of the marshal.

In order that our marshals may earn $6,000 each the Government must expend $60,000. That is the existing law, which it is now proposed to perpetuate by receding from our position. Under the bill as it now stands, as proposed by the committee of which I am chariman, instead of costing the Government $60,000, it will cost $6,000 only.

The Attorney-General goes on to say:

Thus it will appear that it would be to the interest of the Government to give the marshal a fixed compensation, so as to remove all inducements to practice frauds upon the Government on the one hand or wrongs upon the citizen on the other. If the deputy were to be paid fees for executing process it would insure the same efficiency as the present fee system, and at the same time relieve the Department of the extraordinary expenses complained of, as the marshal would have no interest in encouraging such practices.

That is what this bill does, precisely following the recommendations of the President and the Attorney-General, and doing so with a labor that in my judgment is unparalleled in the history of Congress since I have been a member, in the diligence with which we have pursued the subject for the purpose of arriving at the truth. And the members of the committee will bear me out in saying that there has been no partisanship displayed, and we have uniformly acted as a unit and not been divided on this important question. Now let us see what the Attorney-General says has been the practice under the present system:

Since my report to Congress, other investigations have been made by officers of the Department of Justice charged with the duty of examining the accounts of court officers in the several districts, which have confirmed my opinion as to the urgent necessity for the proposed legislation. Citizens have been repeatedly arrested on frivolous and trumped-up charges, and similar outrages have been practiced in some districts to such an extent as to render the Government odious to the people, making them hostile to the courts of the United States.

The results of these investigations in detail have been given to your committee in the testimony of the examiners of the Department of Justice and in their reports.

A strong argument in favor of a change in the law is that the most faithful and conscientious officers, attorneys, and marshals desire it, while any change is opposed by persons who are wrongfully using the process of the court at the expense of the citizen and the Government, harassing the one and plundering the other.

Experience has shown that few persons are able to resist the temptations to increase their fees, though they differ in their methods. Those wholly depraved render accounts for which no service whatever has been performed. Others, more fearful of detection and punishment, though equally dishonest, increase their compensation by charging for distances greater than they have traveled; and still others seek every opportunity to manufacture cases, arresting persons reported to have committed any trivial infraction of the law, no matter how irresponsible and worthless the accuser.

The effect of the fee system is demoralizing, and men naturally honest and disposed to do right at first yield in time to the temptation it offers to increase their compensation by questionable means, and there is a disposition among officers to create if possible a condition of circumstances that will enable them to secure their maximum.

Disinterested people generally agree that the fee system has been a failure. The remedy is to compensate court officers, as far as practicable, by fixed salaries.

I could read further from the views of the Attorney-General on this subject, but I will not worry the patience of the House.

Mr. WHITE, of Kentucky. Will the gentleman allow me——

Mr. SPRINGER. In one moment, please. Now, as to whether this is hasty legislation. Your committee has considered this subject all winter, and when the first draught of the bill was prepared it was sent to the several Departments of the Government which were required to execute it. The result of the investigation by the departmental officers is detailed in a letter from the Attorney-General to the chairman of the committee, from which I will read:

GENERAL: I have not the experience to say whether the bill submitted to me is so perfect in its details as to insure a just and efficient administration of the law, but it has been examined with care three times by the First Comptroller and the First Auditor of the Treasury and the chiefs of their respective divisions of the judiciary, and four times, by my direction, by officers of the Department of Justice who have a practical knowledge of such matters, and they all concur in the opinion that the bill as framed will protect the rights of the citizen and the interests of the Government, and prevent in the future a repetition of the proceedings which, in some instances, have made an action in the United States courts in effect a confiscation of property.

* * * * * * *

As the general provisions of this bill are commended by those who have a practical knowledge, and as a change in the law is demanded by every consideration of economy and expediency, I earnestly recommend the bill to Congress, with the changes mentioned above, for its favorable consideration.

I will say that so far as the changes suggested by the Attorney-General are concerned they are all embodied in the provisions now before us. That provision to which he took exception in regard to the compensation of special counsel was ruled out on a point of order made by my colleague [Mr. CANNON]. Therefore there has been eliminated from this measure before it passed the House every single item which

was objected to by any of the accounting officers of the Treasury Department.

It was examined three times in the Treasury Department on three different draughts of the bill, and their propositions were concurred in by the committee. It was examined four times in the Department of Justice by all the law officers there who had any experience in the courts. They have pronounced this measure one of economy and expediency, and not only that but one for the relief of the oppressed people of this country who are harassed by frivolous prosecutions.

Gentlemen on the other side may hardly believe me when I tell them that in one county in the State of Alabama every citizen was arrested on frivolous charges. And in one county in the State of Texas on one occasion every voter was summoned as a witness in the courts and carried to an adjoining county at great expense to the Government in order that the marshal might earn his fees, when it was testified that twenty witnesses in the suit would have been ample to cover every point at issue in it.

This unlimited power on the part of the deputy marshals enables them to raid the country and summon the citizens of a whole county and compel them to go from one part of the State to another, to drag them to where the court is, or before a commissioner where they can not give security for costs, where they will be away from their friends and those who know them and will vouch for them, and so multiply the costs in the suit.

Not only this; but it has encouraged and sanctioned the worst system of constructive mileage and constructive meals and constructive service that has ever been known in any country in the world. I will give an instance which has been established before the committee and which is an illustration of many others. In the State of Illinois, where I had supposed these things did not exist, the marshal, as was shown by the evidence, made a contract with three of his deputies by which they were to earn, first, his $6,000 and after that their maximum of $3,000 each, making the net earnings of that court, in order to realize the maximum of these officers in the conspiracy, $15,000. In order to do this, what was done? Writs were sent to Cairo by mail and mileage charged both ways, as if some one had traveled the whole distance. Persons were arrested in the court-house at Springfield, at the very door of the marshal's office. The costs upon the writ at the outside would have been properly only $2.50. But that marshal or some of his deputies deliberately sat down in the office and wrote up a fee-bill which went upon the hypothesis that the marshal had sent a guard for the person arrested and had brought him back under guard. There were charges for travel and meals both ways, and the fee-bill amounted in that single case to $55.

The machinery under which such outrages as these are perpetrated is still in existence. The proposition before the House to-night is that this machine shall be continued after you have been advised of the enormities which have been practiced under it. I hope this House will stand by the legislation which it has adopted. The President has recommended it; the Attorney-General has approved it; the Comptroller of the Treasury has commended it; all the law officers of the Department of Justice have examined it and pronounced it a vast improvement, a great reform.

Every honest marshal, I believe, in the country has commended this proposition, even though its effect may be to reduce his salary. I have letters here which I could read to the exhaustion of the patience of members—letters from all parts of the country, saying that this measure is imperatively demanded by every consideration of justice to the Government and justice to the citizen.

It has been shown, Mr. Speaker, that these oppressions on frivolous prosecutions have become so great in some localities that, as appears by one of the official departmental reports, the officers of the Government are regarded as public enemies. This system has in many localities made the Government odious in the enforcement of its criminal law, because the Government has perpetrated such outrages upon its citizens. The laws should be administered in a spirit of fairness and justice, so that even the citizen who has done wrong shall respect and revere the arm which punishes him. But under this system the officer of the law is regarded as a tyrant and the Government of the country as an engine of oppression.

I ask the House to stand by this proposition. If Senators would only take time to have some of their supernumerary secretaries read these provisions over to them they would understand the measure and would agree that it should be passed.

Mr. RANDALL. I yield five minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, the gentleman from Pennsylvania [Mr. BROWN] asks why bills on this subject have not been introduced and referred to appropriate committees. In the last Congress I introduced three bills covering fully all the propositions embraced in this amendment offered by Mr. SPRINGER to the appropriation bill in this Congress, and had them referred to the Judiciary Committee. In the present Congress I again introduced those bills and they went again before the Judiciary Committee. The committee of which the gentleman from Illinois is chairman took up this subject when it began the investigation of expenditures in the Department of Justice, and with the aid of the Attorney-General and the appropriate officers of the Treasury Department considered these questions fully. I had frequent conferences with the Attorney-General and these officials of the Treasury Department in relation to these bills. Not only the present Attorney-General favors these changes, but his predecessor, Mr. Devens, was in favor of them. I have made this matter a special study for years past, and have been during that time attempting in every possible way to give to my colleagues on this floor such information as would secure the passage of some measure of this kind through Congress. Perhaps no bill ever sent from this House to the other was more thoroughly and fairly considered before asking the action of the House upon it than the bill containing these three propositions as to marshals, district attorneys, and commissioners.

All the officers of the Treasury Department whose business it is to pass upon the accounts of marshals, district attorneys, and commissioners have considered every one of these propositions. The salaries of the different marshals and district attorneys throughout the United States have been adjusted with reference to the accounts which have been presented from year to year and passed upon by these officers, who aided in perfecting the measure.

How, then, can the Senate say that this question has not been fairly considered? The consideration, too, has been entirely non-partisan. I think I ought to say here that this country owes thanks to Attorney-General Brewster for the fairness and thoroughness with which he has investigated this whole subject. Under his direction and control the frauds with which we are now familiar have been unearthed. Not only in Texas, Alabama, South Carolina, and other States South, but even in the Attorney-General's own State of Pennsylvania the whole system has been shown to be rotten to the core. The people demand reform. The system is vicious. It must be cut up root and branch. We must no longer make sale of justice. Nothing was ever more palpably shown to be needed than the passage of this bill, and, as I have said before, no bill was ever more thoroughly and carefully considered.

It seems to me, Mr. Chairman, the Senate ought to take time under these circumstances to consider this question, to read over and consider this bill, and ought to pass it. For myself, I believe if this Congress should remain in session from now to the first Monday of next December simply for the purpose of passing this bill, the time would be well spent.

[Here the hammer fell.]

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes; when the Speaker signed the same.

SUNDRY CIVIL BILL.

Mr. RANDALL. I now yield to the gentleman from Colorado for five minutes.

Mr. BELFORD. Mr. Speaker, it was my fortune during the Territorial period of Colorado to occupy a position on the bench for six years. All the abuses described by the gentleman from Illinois [Mr. SPRINGER] were practiced at that time, until I personally interfered and declared they should go no further. Poor men, practically without a dollar, were carried over my district and because they could not pay their fees were put into jail under alleged violation of the Government law and by Government officers, by what was called the United States marshal and the district attorney.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. MCCOOK, its Secretary, announcing the passage without amendment of a bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia.

The message also announced that the Senate further insisted on its amendment 158 to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, and asked a conference on the disagreeing votes of the two Houses, and had appointed as managers of said conference on its part Mr. ALLISON, Mr. HALE, and Mr. COCKRELL.

SUNDRY CIVIL BILL.

Mr. BELFORD. I say these men were dragged all over that district—for what purpose? Because they had gone there and cut a stick of timber to cook their beefsteak, or because they had sawed out a board to build their houses, when the Government would not sell the land because it was mineral land. On account of these things these men became so offensive to our Western people that, although they were Government officers, we drove them out of the State; and thank God for it!

How could we get a log to build our cabins unless we went to the public domain? How could we cut a log to build our churches unless we went on the public domain that the Government would not sell us because it was mineral? Yet every poor devil in that State who had not money enough to cook his beefsteak or erect a church or construct his

house was brought into court by these snobby officials sent out by the Government, and their chief occupation was to rob the pioneers who had made a great and magnificent Commonwealth that contributes to this nation over $30,000,000 a year.

I believe in fixing the salaries of these men, limiting them absolutely and conclusively, affording them no opportunity whatever to oppress and outrage the people. What has been done in the past may be done in the future; and let us girdle the possibilities of the future by the magnificent mandates of public law, and stop these oppressions and robberies that to my personal knowledge went on there for years and years.

Just stop that gavel for a moment, Mr. Speaker. I stopped those abuses, and because I stopped them the Government of the United States removed me from my position as a judge of that Territory. I propose now to get even with the Government that was blindly enforcing the law covering abuses about which it knew nothing.

[Here the hammer fell.]

Mr. RANDALL. I yield to the gentleman from Maine.

Mr. REED. I wish to address the House a few moments on this subject, because it seems to me there has been one or two erroneous impressions given by gentlemen who have spoken. In the first place the gentleman from Alabama [Mr. HERBERT], and I am a little bit surprised a gentleman of his careful forethought should make such a suggestion, says to us there is no reason in the Senate objection; they have not had time to consider this bill because the Attorney-General and two Auditors have considered it. Well, it now so happens the Attorney-General and the two Auditors are precisely the individuals who have no right to pass legislation and the Senate of the United States are people who have that right. It seems to me that he has confounded the objection of Senators that they have not had time to consider it with the general idea that somebody else had the right to consider it.

Now, allow me to make a few suggestions, for I do not think it is an entirely one-sided subject, in opposition to the views expressed by some gentlemen upon this floor.

Mr. HERBERT. Will the gentleman allow me a moment?

Mr. REED. Assuredly.

Mr. HERBERT. I wish to state to the gentleman that I simply meant to suggest the idea that if the Senate should undertake to consider bills of this kind they would be compelled in the very nature of things to apply to the Departments for full and thorough information on the subject, and that full and thorough information is furnished by the results of this bill. They would have to look there to get the information they ought to have, and which this committee has furnished in the preparation of this bill.

Mr. REED. That is just exactly the time they have not had, and consequently the gentleman from Alabama admits the proposition.

But I wish to make a suggestion or two in regard to the general merits, not for the purpose of urging upon the House my views with reference to the subject, but merely for the purpose of showing that sensible or plausible views at least may be entertained upon the other side. It is one of the great evils and difficulties of legislation that men take up a case of occasional outrages and paint the whole subject that color. That is undoubtedly a very grave mistake. There are outrages and there are evils under any system of law, but if we undertook to repeal all laws that men twisted or made injurious use of we should not have any revised statutes of the United States.

Mr. Speaker, I have been enabled to give some slight examination to this subject myself. Originally it was presented to the Judiciary Committee, and at the first sight the plausibleness on the face of it took me as well as others. Why not? I said. The county attorneys in the various States of the Union have salaries paid to them, and they perform their duties faithfully; what reason, then, can there be why the same system shall not work equally well in the United States court? That was, I say, my first impression; but, sir, a careful consideration of the subject will satisfy any man that the cases are totally different. Now you want to set against human self-interest the self-interest of other people, and unless you do it, in a long run you are going to be beaten.

I remember some gentleman very anxiously and earnestly came here to repeal every inducement for the prosecution of frauds upon the tariff, and it was done with a great hurrah, with the applause of the newspapers and the general good-will of good men throughout the whole country. But when the subject is probed to the bottom it will be found that it has resulted in frauds upon the revenue which are a disgrace to the country and an injury to the legitimate business of the country. It has been such an injury that all the money the informers got in their dubious way would not pay one-tenth of 1 per cent. of the damage.

Now, the reason why salaries are not as good for district as for county attorney is because of the different nature of the crimes over which the courts have jurisdiction. The county attorney prosecutes mostly what are known as common-law crimes; and every lawyer knows how difficult when you come within the range of common-law crimes it is to procure convictions. The United States cases are not common-law crimes; and there is not that public feeling of assisting a prosecuting officer that is exhibited in the case of crimes against the States. On the contrary, the counties do not regard smuggling or moonshining as very serious crimes, and there is not a public sentiment to aid and assist the prosecutor.

You have every measure of self-interest arrayed against the Government, and the only self-interest arrayed upon the other side is that which is paid for by the public. I grant you that such a system sometimes leads to outrages on the part of bad men. There is no question but what it does. But as a general system it has been in existence here a hundred years, and in most parts of the United States it works well. And the discovery of a few scoundrels, the discovery of violations of the law, while that should arouse our just indignation it should not be made an excuse for wholly overturning the system which has been so long established in this country and has worked so well. I desire simply to say that I do not talk about this on the merits except so far as it may indicate that there is a reasonable ground for giving the Senate, the co-ordinate branch of the Government, a fair opportunity to examine into the matter.

Mr. RYAN. I offer the motion which I send to the desk, and upon that I call the previous question.

Mr. RANDALL. I desire to yield five minutes to the gentleman from Kentucky [Mr. WHITE].

Mr. RYAN. I withhold my motion until the gentleman from Kentucky shall have spoken.

Mr. WHITE, of Kentucky. For ten years past I have been calling attention to the abuses of the present system by which marshals and district attorneys receive the maximum of fees instead of fixed salaries; and the uniform answer is given that my motive must be because I wanted to screen moonshiners. The gentleman from Maine [Mr. REED] who has just taken his seat seems to think that that is the motive that must influence gentlemen who oppose this fee system. He does not exactly say that——

Mr. REED. I did not say so, nor did I insinuate so.

Mr. WHITE, of Kentucky. The gentleman is assisting indirectly, perhaps not wittingly—but it is a fact he is assisting that idea carefully promulgated all over the United States by the men who have during the last six or eight years secured such legislation as would enable the large whisky monopoly, which now has 100,000,000 gallons in bonded warehouses to ripen at the expense of the United States, to throw dust in the eyes of the legislative body.

Now, there is a line of duty to be performed by the marshal and the district attorney and the United States commissioner. But they frequently overstep that line. The record shows that they do not detect the great violations by which the Government loses thousands of dollars in big distilleries, but that they are continually hunting up tea-kettle, tea-cup, and coffee-pot cases, and dragging poor men hundreds of miles to be tried. The records of the Department of Justice and of the Revenue Department all confirm me in the assertion that that is done not to carry out the duties they are sworn to perform, but on account of the manner in which they are paid. They manage to run up costs in order to secure the maximum fees allowed. Now, if you change the system so as to pay these officers fixed salaries, my opinion is that these tea-kettle and coffee-pot cases, these trivial and often imaginary cases which for the most part have in them nothing but fees, would come to an end. You could find such cases here in this Capitol, on every street in this city. The men who keep the restaurants in this Capitol building, in either wing of it, by a joint resolution, have no right to sell intoxicating liquor. But does any gentleman who hears me doubt if he wanted to get a glass of wine, or a glass of beer, or a milk-punch, or a whisky-straight in a tea-cup he can get it in this Capitol? Yet you know that a joint resolution of the two Houses of Congress prohibit the sale of intoxicating liquors on the Capitol grounds, and no one has a Government license or city license to do so. Why, sir, what would you think if the United States marshals should raid on them?

Now apply that to North Carolina, Virginia, Tennessee, or Kentucky, and imagine a man, not a member of Congress but a poor man, living fifty or a hundred miles from a railroad, who had gone to one of the saloons or little distilleries operated according to law there and bought a gallon of whisky or apple brandy. If he should turn around and give a pint of it to a man passing on the road and that man the next day should give him a little tobacco, raised by his own labor on his little farm in that remote section, that act would be construed by the beneficiaries of the miserable fee system into a violation of the law, and both parties would be dragged to the nearest, or rather I should say to the most remote, Federal court simply to run up costs against the United States and to secure the largest fees possible. This is not an imaginary case. The records are full of such cases.

Then add to that the payment of constructive fees that not only in Illinois and Texas but in my own State have been going on for years. You may say these things should go unnoticed. It is true they are not noticed as to the officers who violate the law in that way. But see how the man who violates the simple letter of the law is punished. He is dragged to the most distant Federal court. He is not able to pay his fees for his witnesses to attend; he is dragged off to where he can not get anybody to go on his bond. And what is the result? He must confess judgment, because that is recommended by his attorney as the quickest way to get free; and then eke, yes, eat it out at the Govern-

ment's expense. Such outrages can only be obliterated by abolishing the fee system and paying fixed salaries to worthy officers.

[Here the hammer fell.]

Mr. SPRINGER. I desire to make a brief reply to the argument of the gentleman from Maine [Mr. REED]. In doing this I think I can produce a better authority than my own individual one. I will produce the authority of the Attorney-General. In his letter from which I have already quoted he says:

It has been suggested that district attorneys and marshals would be less attentive to their duties if paid by salary. I do not believe there is anything to fear from this source, and I do not think this objection will commend itself to Congress; for if a district attorney or marshal neglects his duty he will doubtless be complained of by the judge or he will be reported to the Attorney-General, either through examiners who will visit every judicial district semi-annually, or the officers of other Departments, or in some other way, and such unfaithful officer can then as now be removed from office.

Now, as to the conclusion, the Attorney-General further states, and that answers the other argument of the gentleman from Maine, and I am sorry he has ranged himself in the class the Attorney-General has described:

A strong argument in favor of a change in the law is that the most faithful and conscientious officers, attorneys, and marshals desire it, while any change is opposed by persons who are wrongfully using the process of the court at the expense of the citizen and the Government, harassing the one and plundering the other.

The Attorney-General gives as the expression of his Department, based upon information obtained from all of the officers with whom he has come in contact, that the honest class desires the change while the dishonest class does not.

Mr. REED. I do not see any particular reason for the gentleman from Illinois ranging me in either class.

Mr. SPRINGER. I did not arraign the gentleman.

Mr. REED. I would like a moment's time.

Mr. SPRINGER. I have all the time that is allowed, and I have the right to reply to the gentleman and have replied in a manner which it was proper for me to reply in. I have simply stated what the law officer of the Government has said. And it is the opinion of the committee of which I am chairman that those who advocate the fee system are those who are profiting by it for illegitimate and unlawful purposes, while the officers of the Government desire a change in the system.

Mr. REED. I would now like to say a word.

The SPEAKER. The time has expired for debate on the pending proposition. The Chair understands that the gentleman from Kansas [Mr. RYAN] desires to submit a motion.

Mr. RYAN. I submit the proposition which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas moves that the House recede from its disagreement to the amendments of the Senate and agree to the same.

Mr. RANDALL. I understood that the gentleman desired to move that the House recede from its disagreement and agree with an amendment.

Mr. RYAN. The other motion will follow.

The SPEAKER. The Clerk will read the proposition of the gentleman from Kansas.

The Clerk read as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 243, 258, 260, 261, 262, 263, 264, 265, 266, 268, 269, and 270, and agree to the same.

Mr. RYAN. I now yield five minutes of my time to the gentleman from Maine [Mr. REED].

Mr. REED. I have no reply to make——

Mr. SPRINGER. One word before the gentleman proceeds. My attention has been called by the gentleman from Texas [Mr. WELLBORN] to a remark of mine which would seem to indicate that I consider that the gentleman from Maine placed himself in the class described by the Attorney-General. I did not mean to say that, and if I did say it I withdraw those words.

Mr. REED. Then I will make no reply to them but will proceed to a point upon which I desire to speak. I am glad the gentleman has withdrawn that remark, for it was rather an unpleasant statement to me and would have called for a reply.

Mr. SPRINGER. I do not desire to reflect upon the gentleman in the slightest.

Mr. REED. I simply desire to say in reply to the suggestions which the gentleman has quoted from the Attorney-General that in my judgment—and the House will understand that I am only presenting some impressions which might possibly show that there were grounds for giving the Senate an opportunity to consider this matter—the Attorney-General has the impression that good persons desire to receive salaries, and that there will be no ill effect to follow from the giving of salaries, because there is such an opportunity to prosecute and to remove from office district attorneys.

My experience in life has been different from that of the Attorney-General. I have found that in all official positions laxity must proceed almost to the extent of crime before the removal of the officer from office takes place, especially when the officer is surrounded by a community desirous of violating the law.

I have pointed out that United States laws do not punish things which are evil in themselves, but evils which are only statute evils. The very community which the man is in will be the very last to complain of him for quietly drawing his salary and quietly neglecting the enforcement of the laws.

And this gives me an opportunity of saying more plainly than I said before that the danger I fear is that the self-interest of the community may prove too strong for the sense of public duty of the officer. I do not mean by that that he will neglect his duty to such an extent as to make himself liable to removal from office. But I do mean that there will be such a lax administration of law that in the end the expense of the Government will be much greater than any saving that can be made as to the matter of fees.

Mr. HISCOCK. I would like to ask the gentleman from Kansas a question.

Mr. RYAN. Very well.

Mr. HISCOCK. As these appropriation bills have come in here from time to time I have discovered, I think, that all of the legislation which those bills carried has been eliminated from them. I believe that in all instances legislation has been stricken out by the Senate.

Mr. RANDALL. Oh, no.

Mr. HISCOCK. Now, I suppose the gentleman from Kansas must know about what the sense of the Senate is on that subject. Is it a principle with the Senate that our appropriation bills should not carry legislation?

Mr. RANDALL. I would like to answer that question. I would ask the gentleman if it is not new legislation for Senators to provide clerks for themselves?

Mr. TUCKER. And they insist upon our receding from any legislation which we may have put upon these bills.

Mr. REED. We will stand by you in that matter of the clerks.

Mr. RYAN. So far as this bill is concerned the Senate conferees have agreed to surrender any legislation that was put on the bill that was objected to by the conferees on the part of the House.

Mr. SPRINGER. If the gentleman from New York will look at page 51 of the bill he will find page after page of legislation put on by the Senate.

Mr. RANDALL. Yes; and the case is the same on every bill where it suits them to put on legislation.

Mr. HISCOCK. If I may be allowed a single moment, I wish to say that in times past both the Senate and the House have been accustomed to put legislation upon appropriation bills; but as I remember—and I will appeal to the gentleman from Pennsylvania to say whether I am correct in the statement—the rule has been that whenever legislation has been proposed by one House upon a general appropriation bill and objected to by the other it has always gone out.

Mr. RANDALL. We have an instance to-night when it does not go out, because the Senate chooses to insist.

Mr. HISCOCK. In what instance?

Mr. RANDALL. Why, sir, in the matter of clerks to Senators. I will give another instance—the appropriation of $250,000 asked for the Nicaragua matter, upon which we are compelled to vote blindly. That was put in by the Senate.

Mr. CANNON. That is under a provision of the Revised Statutes.

Mr. HISCOCK. I presume the Senate will say in reference to that $250,000 that it is not legislation, that it is simply the appropriation of a sum of money under a statute. There is a statutory provision that a certain sum may be put at the disposal of the Administration or the President for use as a secret fund. Now, I do not understand that it is new legislation for the Senate to ask that a certain sum be appropriated for such use. Hence I must differ with the gentleman from Pennsylvania on that question.

Mr. RANDALL. Why, on the naval bill the Senate has undertaken to compel us to agree to new legislation.

Mr. HISCOCK. Mr. Speaker, I have supposed that if we are to reach any understanding whatever between the two House we are to reach it upon the basis that all which is in fact new legislation shall go out of all the bills.

Mr. RANDALL. In the discussion in the Senate in reference to the provision for the construction of the new cruisers one of the Senators from Maine stated distinctly, in reply to a question by a Senator from Delaware, that he wanted the House again to have an opportunity of expressing its objection in regard to the cruisers.

Mr. HISCOCK. I know nothing about that.

Mr. RANDALL. I do; here is the record.

Mr. HISCOCK. Well, take the case of the new cruisers if you please. It has been ruled in this House by one of the ablest parliamentarians of the House that the placing upon an appropriation bill of a sum of money for the construction of a new cruiser or ship is not new legislation. It was so held in the last Congress by the then chairman of the Committee of the Whole House on the state of the Union, the gentleman from Iowa [Mr. KASSON], who certainly is regarded as a very able

parliamentarian. I will admit, however, that it is a question upon which I myself have very serious doubts.

Mr. RANDALL. Then I do not need to answer you on that point.

Mr. HISCOCK. I repeat that in regard to any provision in a general appropriation bill which is confessedly new legislation, and is objected to by the House other than that in which it originated, the rule always has been that it should go out of the bill. We have had serious contests upon questions of that kind, and such has always been the result. Hence it seems to me that if this is the ground upon which the Senate places itself, we have nothing to do but to agree to that rule, if we expect the two Houses to come together upon these appropriation bills.

Mr. RYAN. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I rise not so much for the purpose of discussing this question as more particularly to enter my protest against this kind of legislation, and against the spirit and meaning of the proposition known as the "Springer amendment."

Mr. SPRINGER. You must admit that this measure would have saved a good deal of money in Western Pennsylvania if it had been enforced there.

Mr. BAYNE. I do not care whether it applies to Pennsylvania or elsewhere; I say that the adoption of this proposition will eliminate from the administration of justice in this country every element that should make it effective. There is nothing more certain than that the marshals, district attorneys, and other officers are stimulated to the efficient performance of their duties by the fees they receive. There is nothing more certain than that when officers of this class are paid stated salaries they neglect their duties.

Mr. SPRINGER. The gentleman will allow me to say that he misapprehends this proposition. Under the present law the deputies are obliged to divide their fees with the marshal, who performs no duty. Under the provision now proposed the deputy gets the whole amount of the fees, and will be better paid for honest work than under the existing law.

Mr. BAYNE. That does not meet the case.

Mr. SPRINGER. It does. You said he must have an incentive. He earns more for honest work under this than under the old one.

Mr. BAYNE. That is not the effect of it. We have tried this system in Pennsylvania.

Mr. SPRINGER. It has worked out and exposed the fact of a defalcation there to a vast amount.

Mr. BAYNE. It is working a serious disadvantage there. The sheriff's office paid, when fees were allowed, some $60,000 a year, and with six officials the office was well and efficiently carried on. Since they have adopted the system of paying salaries there are fourteen or fifteen men employed, and the surplus is a mere nothing that goes into the county treasury. In Allegheny we find the same thing. The district attorney received fees until a few years ago, when they paid him a salary, and the amount that goes into the treasury of the county is merely a nominal sum.

Neglect, sir, arises on every hand when you adopt a system of this kind. The only thing which will stimulate the active prosecution of duties by officers is they shall have fees. The principle of this proposition is essentially vicious. It is calculated to disarm the administration of justice of that energy and efficiency which should characterize it and go with it everywhere.

Mr. SPRINGER. Would the gentleman encourage officers in making frivolous prosecutions for the mere purpose of collecting fees?

Mr. BAYNE. No, I would not. I would impeach them. You say under your bill when a man lacks in duty he can be relieved. Why can not you under the present law impeach a man and remove him when he neglects his duty? If you can reach the one you can reach the other. The difficulty is no greater in the one case than in the other. If it is in the power of the Government to censure or hold amenable to the law an officer for violation of duty, it is equally within its power to make amenable to the law any officer for neglect of duty. You can reach the offending party in either instance; but the fact that the Government fails to bring these men to account who have been lax in the discharge of their duty indicates that it is much easier to make out a case against a man who affirmatively violates the law than against a man who merely neglects his duty. Therefore you see the fault you visit on the present system is visited with double force on the system you propose.

Mr. SPRINGER. The gentleman says it is easier to prosecute the actual offender than a man who neglects his duty.

Mr. BAYNE. Yes.

Mr. SPRINGER. Does he not know the marshal of the western district of Pennsylvania was a defaulter to a large amount, and has he moved his impeachment? Were you swift to come here and arraign him because he was defrauding the Government?

Mr. BAYNE. Have gentlemen been swift to do it on that side of the House?

Mr. SPRINGER. Did you do it?

Mr. BAYNE. I will answer the gentleman Lola Montez fashion. Has anybody been swift to bring to justice any man who has summoned witnesses from the whole country into the United States courts for the purpose of piling up the fees? Has anybody been swift to do that?

Mr. HERBERT. I have been doing it right along at the Department of Justice.

Mr. BAYNE. I did not know about the defalcation in that office.

[Here the hammer fell.]

Mr. RYAN. While I believe myself this legislation to have much merit, yet its merits are at least debatable. There is a difference of opinion among men who are well informed in regard to it and who are honest and conscientious in the judgment they have formed. But it is not now so much a question of the merits of this controversy as whether the House ought to in the last hours of the session insist on this legislation when they have given the Senate of the United States no fair opportunity to consider it.

What are the facts? Here is legislation that overturns a system that has lasted since the very foundation of the Government. Do you expect the co-ordinate branch of this Congress, a part of the lawmaking power, the Senate of the United States, to accept the action of the House in regard to this measure without mature consideration? If you do, it seems to me you are expecting from that body what they ought not to be required to yield. I think it a fair thing for this House to do if we desire an early adjournment, if we desire that in the next twenty-four hours this Congress shall be adjourned, that we recede from this legislation, and therefore I call the previous question on the motion I have sent to the Clerk's desk.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Kansas that the House recede from its disagreement to the amendments of the Senate indicated and agree to the same.

The question was taken.

The House divided; and there were—ayes 64, noes 30.

Mr. SPRINGER. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will apoint tellers.

Mr. SPRINGER and Mr. RYAN were appointed tellers.

Mr. CULBERSON, of Texas. I ask the yeas and nays.

The yeas and nays were not ordered.

The House again divided; and the tellers reported—ayes 78, noes 38.

Mr. SPRINGER. I have to insist upon a quorum on a measure of this kind.

The SPEAKER. The tellers will resume their places.

The House again divided; and the tellers reported—ayes 83, noes 45.

Mr. SPRINGER. I do not desire to prolong this struggle at this late hour after the House has been in session about twenty hours continuously. I withdraw the point of no quorum and let the vote stand. But I give notice to the House that I shall not withdraw this measure from the consideration of Congress. I shall be a member of the next Congress as I am a member of this, and I will agitate this subject until it becomes the law of the land. [Applause.]

Mr. RYAN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RYAN. I now offer a further motion, which I send to the desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$600,000;" and after said amendment insert as a new paragraph:

"For compensation of the district marshals of the United States, $12,700."

The motion was agreed to.

Mr. RYAN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RYAN. I now offer the following:

That the House recede from its disagreement to the amendments of the Senate numbered 254, 255, 256, 257, and agree to the same with amendments as follows: In lieu of the sum proposed in the amended paragraph insert "$325,000;" and insert as a new paragraph:

"For compensation of the district attorneys of the United States, $20,100."

The motion was agreed to.

Mr. RYAN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JOSEPH D. TAYLOR. I move that the House do now adjourn. [Cries of "No!" "No!"]

Mr. GIBSON. I move that the House take a recess until 9 o'clock.

Several MEMBERS. Say 10 o'clock.

Mr. GIBSON. Very well; I will modify it, and say 10 o'clock.

The SPEAKER. The motion to adjourn is pending. The question is first on that motion.

The motion was not agreed to.

Mr. GIBSON. I now insist on my motion for a recess.

Mr. HOLMAN. Mr. Speaker, it seems to me that it will facilitate the adjournment of Congress if the recess be postponed until a later hour—as late as 2 or 3 o'clock. The Chairman of the Committee on Appropriations is now on the floor, and I hope he will express his views upon that subject.

Mr. GIBSON. I am willing to name any hour that will suit the Committee on Appropriations.

Mr. HOLMAN. I think if a recess is taken until 2 o'clock the business will be in a better shape than if we remain in session during that time.

Mr. RANDALL. I see the gentleman from Missouri [Mr. BURNES] is on the floor, and I hope he will express his opinion.

Mr. BURNES. I beg to say, sir, that I would accept the proposition of my friend and colleague on the committee from Indiana if I thought it would facilitate the business of the House, but I am quite sure that there is one matter that can not be considered at 3 o'clock if the members of this House, or some of them at least, once retire. I will say I am conscious, in fact I am certain, that if this House takes a recess or adjourns it had better be until Monday morning, because we ought to go on now without a recess and conclude this matter, or else adjourn until Monday morning, for, as I have said, you can not consider a single matter until Monday if you do not consider it now. [Cries of "Go on!"]

The SPEAKER. The question is upon the motion of the gentleman from West Virginia [Mr. GIBSON] that the House now take a recess till 9 o'clock.

The motion was not agreed to.

CONSULAR AND DIPLOMATIC BILL.

Mr. BURNES. I submit a conference report on the consular and diplomatic appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 158 to the bill of the House No. 6770, making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have been unable to agree on the amendment of the Senate numbered 158.

J. N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The question is on the acceptance of the report.

Mr. BELFORD. I desire to have that amendment read.

The SPEAKER. That is not involved in the question as to the acceptance of the report. It will come up afterward.

The report was accepted.

Mr. BURNES. I move that the House further insist on its disagreement to the Senate amendment numbered 158.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

To meet the necessary expenses attendant upon foreign intercourse, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $250,000, or so much thereof as may be necessary.

Mr. BURNES addressed the House. [See Appendix.]

Mr. BLOUNT. Mr. Speaker, the scheme to build the Nicaragua Canal is not a new one to this country. During the last Congress a bill was reported at the instance of the gentleman who owned this concession providing for a guaranty of 3 per cent. on $75,000,000 for twenty years. Among the incorporators are U. S. Grant, E. D. Morgan, Daniel Ammen, S. L. Phelps, now the Peruvian minister, who according to the newspapers has strong confidential relations with these parties here, who is now in this capital, and has been stated a few days ago to hold confidential communications with the Committee on Foreign Affairs in connection with this important work. That scheme, sir, was argued for months before the Committee on Foreign Affairs, of which I had the honor at that time to be a member. Among the first arguments urged in favor of that measure was that it was exceedingly important that this Government should take hold of it; that they desired their own country should have control of that canal, the regulation of its freights, the regulation of transportation across it. It was alleged as an inducement that now the commerce of the country had to go by way of Cape Horn.

We were told, sir, by these gentlemen with an unqualified declaration that the Panama Canal could not possibly be built. We were told that at that very time every laborer had been withdrawn, and that they could not command the money for the purpose; and yet before the expiration of a very few weeks the evidence was before that committee that there were thousands of hands at work on the Panama Canal, and at the very hour this person, the Peruvian minister, who was agitating it before Congress, was alleging that there were no hands and no money, and the work could not be done. And a few weeks later Mr. De Lesseps, it was announced in the press of the country and before all men, had negotiated for all the money that was required for the work to carry out the project to its completion.

Then we were told that there was no difficulty about building it; that there were ample funds to be obtained in various directions and no difficulty at all upon the subject; and also that their desire was to interest the Government of the United States in it for the purpose of having control over it when completed. Months have elapsed and they have failed to accomplish anything, and now they are here attempting to terrify this House with the idea that France or England want to get control of it.

Mr. EATON. What evidence is there of that?

Mr. BLOUNT. What evidence is there of it?

Mr. EATON. If my friend will pardon me for a moment. He asserted that he had heard that S. L. Phelps had been before the Committee on Foreign Affairs.

Mr. BLOUNT. I did not, sir.

Mr. EATON. I so understood you.

Mr. BLOUNT. I stated that the newspapers of Washington announced that fact, and that I was not in confidential relations with the State Department, and could only speak from what I saw in the newspapers.

Mr. EATON. But I hope the gentleman will permit me a moment on this point.

Mr. BLOUNT. If the gentleman from Missouri will yield to me additional time I will submit to any interruption.

Mr. EATON. I supposed you would like to be set right.

Mr. BLOUNT. The gentleman from Connecticut will pardon me. I want to be perfectly courteous, but I have but a very few minutes and I must request not to be interrupted.

Mr. BURNES. It may be well for me to say in this connection that the gentleman to whom he alludes, who is the minister to a court of South America, was summoned to Washington via Nicaragua, and in all human probability in the interest of this appropriation. I do not know that he was paid to lobby on this floor for the enterprise.

Mr. BLOUNT. Mr. Speaker, I will proceed with my remarks. Now gentlemen are claiming that the Panama Canal can not be built. The country is full of such reports. But the distinguished engineer having control of that project, the man who built the Suez Canal with the solid voice of Europe crying out it was destined to be inevitably a failure; with all the governments of Europe throwing all the obstacles possible in his way, and yet conscious of his own power, conscious of the creations of his genius to enable him to overcome all obstacles that beset his way and to achieve a grand success—that distinguished engineer, with the confidence and capital of France at his back, is now pursuing the great work. So that as far as this allegation that we must go around by Cape Horn is concerned, there is nothing in it. There is nothing in it any longer. The commerce of the world is destined, in my judgment, to have this way across the Isthmus of Panama by the success of this canal.

Where, then, sir, is the necessity of our constructing this one? We are told that it is to keep France and England from getting control and violating the Monroe doctrine. What about Panama? Why not go there at once and look to that and see that no government is interfering at that point? My friend here on my right says you should have done it. Well, you did not do it, and you are not trying to do it to-day. There is something else in this, and I think my friend from Missouri [Mr. BURNES] in a confidential way has given some idea as to what it was.

Now, Mr. Speaker, the proposition, in the light of what we have known going on about this Capitol in connection with this scheme for months and years, does appear to my mind to create a ground for suspicion such as has been already suggested by the gentleman in charge of this report. What is it we are asked to do? To give $250,000 as a secret-service fund, while we in control of the revenues of the Government are not to be told what it is for! It will not do. The information is given recently that this secret-service fund is nothing less than an attempt to commit the Government finally to the building of this canal.

Mr. BRECKINRIDGE. Then we do not want it.

Mr. BLOUNT. No; as the gentleman from Arkansas says, we do not want it. We might have had it years ago if we desired it. I have heard of nobody seeking it from any authentic source. These gentlemen have gone and obtained a concession and they have had it for years; and if there is to be anything gathered from their conduct in attempting to influence legislation they got it for the purpose of making money out of it. But they failed to get the scheme through here in the light of debate.

The false statements in reference to the scheme were exposed as soon as made; and my judgment is, if we had the truth of this whole matter out to-day, if everything was uncovered and all the parties to this transaction were known and the scheme developed, this House would not dare to put its hand to this work.

Build the canal in Nicaragua? Is that the policy of the administration? Is that to be the policy of the party in power? Where do you get the authority to build a canal in a foreign country? If you build it in Nicaragua in the interest of commerce, what will you do down in South America? Why, sir, you will have a great deal of the same sort of work. British capital has gone there, and is building railroads all

over those countries. Shall we, apprehending something may occur, take up these railroad-building projects—and they are already proposed to us—in these South American republics? If we do this, we will not hesitate to go on with the other.

Mr. CULBERSON, of Texas. What do they propose to do with this money?

Mr. BLOUNT. My friend from Texas asks me how this $250,000 is to be used.

Mr. CULBERSON, of Texas. How do they propose to apply it?

Mr. BLOUNT. I will say to my friend I am not in the confidence of the administration, and can only guess about these matters and infer from what the gentlemen who are in its confidence have told us. I suppose, as it is a secret-service fund, that it is to be used for the purpose of corrupting some officials down in Nicaragua in the interest of this scheme. From what I can learn, and my information is semi-official, that is what it amounts to.

Mr. HENLEY. That is what I understand the friends of this proposition say.

Mr. BLOUNT. As I understand, it is simply to "set up" the Nicaraguan officials rightly; and when that is done then the concession is to be had. There are parties that have rights in Nicaragua and they have to be bought up. I suppose good faith on the part of those down there who have worked up the scheme requires that the parties to the scheme here should work up their part; and I am given to understand it will result in a clean sum of $100,000 to each one of the American gentlemen who are interested in the business. And then, when that is all done, we must start out on the scheme of building this canal. When you get the right of way, you get the right of way for a purpose. You must construct the work. Well, what is it to cost? We are told we must not ask anything about that; that is a confidential matter between the people in Nicaragua and the people who own the contract. And yet I can not help saying something about it, even although it should be considered an impertinence.

These gentlemen, when before the Committee on Foreign Affairs, claimed this canal would cost $40,000,000 to build it. But in making that estimate they took very good care not to say a word about the width of the canal at its bottom. I have before me this statement, which is correct:

> The canal is to be twenty-eight feet in depth and one hundred and fifty feet in width on the water surface. The true breadth of a canal is its breadth at the bottom.

And this estimate to which I have alluded is wholly defective as regards any statement of what that breadth is. If large enough for the largest vessels of commerce, the probability is the estimate would have gone very far, two or three times, beyond the amount of this estimate.

Mr. TOWNSHEND. If the gentleman will allow me, I can give the figures of Major McFarland, who was appointed by the Government to make an estimate. His estimate was that it would cost something about $140,000,000.

Mr. BLOUNT. That illustrates the way in which gentlemen get new ideas as new necessities arise. When before the Committee on Foreign Affairs they said it would cost forty and odd millions, and now the estimate has jumped up to $140,000,000 or $150,000,000.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. BURNES. I yield ten minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. BRECKINRIDGE. I understood the gentleman was to yield to me.

Mr. BURNES. I yield to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE. About two minutes are all I want. A few days ago I had the pleasure of meeting in this city a very eminent engineer, Captain Eads, who is also engaged in constructing a line of intercourse across that neck of the continent. We have assurance of the Panama Canal being in rapid process of completion, and Captain Eads told me that he did not want any money from this Government or from any other government to construct his ship-railway across that part of Central America. He told me that he had or could get all the money he wanted from private parties, and the only thing he wanted from our Government was simply a general sentiment of good-will.

Now, sir, we should not control this system or the half of this oceanic system if we controlled this project that is presented to us at this time. We should gain nothing exclusive by this negotiation. But our security does not lie in that. Our security, Mr. Speaker, consists in our enunciation of the Monroe doctrine and in the world's consciousness of our ability and determination to maintain that doctrine. That is our security.

[Here the hammer fell.]

Mr. BRECKINRIDGE. I desire just a moment more.

Mr. BURNES. I yield to the gentleman the time he wants.

Mr. BRECKINRIDGE. Does not England know our sentiment on that subject? Does not Nicaragua know our sentiment on that subject? They both know it, Mr. Speaker, and we have no need of intrigue. We have no need of finesse; what we need is plain, frank, manly negotiation, if indeed there be need of anything at this time.

This, sir, is all we can need or ought to assent to, with a fair, liberal sentiment and policy toward the governments of the world, giving them distinctly to understand, not only the great nations but also the little State of Nicaragua, that we have got, if need be, thousands of millions of dollars for the maintenance of that national and continental position and policy, but not one cent for tribute. There, sir, is our security. It was enough when we were weak; it is enough since we are strong; and I trust this House will recognize the grand national principle and policy that underlies this question, and not simply the pittance of $250,000 that carries with it an avalanche of national disgrace.

Mr. HERBERT. This question has been suddenly sprung upon us, and there are perhaps very few members who understand what it means and where this policy we are to enter on is to carry us. I confess that I have no such information on this subject as would authorize me to attempt to instruct the House. When we vote away the people's money we ought to know what we are doing, and in my opinion the country is indebted to the gentleman from Missouri for the information he has given. Let us consider for a moment what this first step we are invited to take may involve. The amendment on its face seems to be very innocent. It is an appropriation of $250,000 to carry on "our foreign intercourse." We are told that this $250,000 is to be used, as I understand it, in securing the assent of Nicaragua that this concession now owned by some dozen gentlemen may be transferred to the United States. At present, according to its terms, it is not transferable. Unless Nicaragua alters or amends it, neither the Government of the United States nor of Germany nor of Great Britain nor any other government can obtain possession of it. This $250,000, then, is simply to be used in order that that concession may be so modified that we may have the privilege to pay $1,200,000 for it to the enterprising gentlemen who own it.

If that be the situation, if the Government of the United States seriously desires to enter upon the great work of constructing, owning, and controlling a canal across the isthmus, then it seems to me the cheaper and better way would be simply to assert our right, under the Monroe doctrine, if such right we have, to say that no other government shall be allowed to purchase that concession, and then to wait until the 24th of next October shall come, and not pay $1,200,000 to these twelve gentlemen who are asking it at our hands, but simply get the concession then from the State of Nicaragua. [Here the hammer fell.] How much time did I have?

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman had five minutes. The gentleman from Missouri [Mr. BURNES] desired to reserve a portion of his time for himself.

Mr. HENLEY. The gentleman from Missouri intended to yield two or three minutes to me, and I will yield it to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. I thank the gentleman. I want simply to say that if we are to undertake the construction of a canal across that isthmus, then we ought to count the cost. There are I understand three routes, the one called the Tehuantepec route, the other the route by way of Lake Nicaragua, and the other the Panama route. De Lesseps contends that the Panama route is the cheapest route.

We saw recently a report from an engineer officer made to one of our Departments that $60,000,000 had already been expended upon the Panama Canal. According to my recollection this engineer states that only one-thirtieth portion of the work necessary to complete that canal has been accomplished by that $60,000,000. If that calculation be correct, then thirty times $60,000,000 would make $1,800,000,000 which that Panama Canal is to cost. If this House is to embark this Government upon the building of a canal in competition with that Panama Canal, and if it is to cost anything like $1,800,000,000, it is well that the people should know it and that we should vote understandingly.

[Here the hammer fell.]

Mr. BURNES. I now yield to the gentleman from North Carolina [Mr. COX] five minutes of my time.

Mr. COX, of North Carolina. I will reserve that time till later.

Mr. WASHBURN. I certainly will not weary the House at this unseasonable hour by anything but the very briefest remarks in relation to this proposition.

Mr. EATON. If my friend will permit me, I desire to say to my friend from Georgia [Mr. BLOUNT] that I think he made a mistake in supposing that I desired to cross him at all.

Mr. BLOUNT. Not at all.

Mr. EATON. I simply desired to say this: that as a humble member of the Committee on Foreign Affairs of this House I never saw Mr. Phelps, and he never appeared before the committee to my knowledge, and I never heard of his appearing there in the world.

Mr. BLOUNT. The gentleman did not understand me to say that he appeared there.

Mr. EATON. The gentleman said that some newspapers said so. I therefore put my assertion against that newspaper report.

Mr. BLOUNT. If the gentleman from Minnesota [Mr. WASHBURN] will allow me, I stated that I knew nothing about it.

Mr. EATON. I understand that.

Mr. BLOUNT. That it seemed to be a confidential matter, and that

I had read in the newspapers that Mr. Phelps was to be heard before the Committee on Foreign Affairs and the Committee on Appropriations.

Mr. EATON. He never was heard before the Committee on Foreign Affairs.

Mr. WASHBURN. Since the gentleman from Missouri [Mr. BURNES], my distinguished colleague on the Committee on Appropriations, has seen fit to refer to what took place in what I supposed was a confidential conference, I will say this: there was a conference which I supposed was confidential, for reasons that are obvious to any one.

In this conference it was made apparent that conditions were likely to arise in the next six months which would make it very important to have the fund provided for in this amendment, by which very desirable and advantageous negotiations could be carried on; and the representations made in the presence of the Committee on Foreign Affairs and the Committee on Appropriations were so strong that at the time there seemed to be no dissenting voice as to the propriety of having this appropriation made.

So far as regards the statement which has been made and repeated here, that this appropriation is to be expended to private parties, I will say that such an impression is entirely erroneous. On the contrary, it was stated and reiterated that under no circumstances was one single dollar of this appropriation to be paid to any individual or corporation or association; that this syndicate or company or whatever you may call it was not in any case to reap any benefit from this appropriation. This statement was made in answer to interrogatories, and it was reiterated in the most forcible terms.

Mr. BURNES. Will my colleague on the committee allow me at this point to call his attention to the fact that he was not present, I believe, at the first interview upon the subject.

Mr. WASHBURN. I was present at the interview to which I refer, which I suppose was a confidential interview.

Mr. BURNES. That was the interview of the two committees?

Mr. WASHBURN. And the only interview of which I have any knowledge.

Mr. BURNES. I would like the gentleman to answer me a question (I trust he will pardon the interruption), because he has made a statement that has not to me quite the look that I desire. He says that this meeting was a confidential meeting, not to be mentioned. I ask him to state now whether it was not distinctly agreed that if the matter had to come before the House we should take the liberty of dealing with this question free from all restraint?

Mr. WASHBURN. I never heard any such agreement or any such suggestion. Other gentlemen can speak for themselves.

Mr. BURNES. Then I ask was the gentleman present at the first interview upon this question?

Mr. WASHBURN. I was present at one interview only; and that was a conference made up of the Committee on Foreign Affairs and the Committee on Appropriations.

Mr. BURNES. Then I will not pursue the gentleman with my inquiries any further.

Mr. WASHBURN. And the reason this conference was confidential was not that the Department or the Government has any secrets from the American people, but because in conducting negotiations of this kind it will not do and it is not proper to herald everything to the world, as gentlemen here propose to do.

Several MEMBERS. Why not?

Mr. WELLER. "Let your light shine."

Mr. WASHBURN. I presume the Department has no secrets from the American people and wishes to have none, but it desires to act in the best interests of the country; and it is very strange and very pitiable if we have an administration which we can not trust with negotiations of this character to so limited an extent.

So far as concerns these vast appropriations which are talked of not a dollar can be appropriated except by act of Congress. When gentlemen talk about the $1,200,000 to be paid to buy up this syndicate, when they talk about the millions and millions of dollars that it would require to construct this canal, they must bear in mind that not one dollar can be paid to anybody until it has first been appropriated by Congress.

Mr. SPRINGER. Suppose we get this concession; suppose everything is honest and fair, and no undue influence is used; what are we going to do with it when we get it?

Mr. WASHBURN. We will settle when we get it what it is best to do. So far as I am concerned, I want to see ocean and ocean connected by a canal.

Mr. SPRINGER. With Government money?

Mr. WASHBURN. Whenever this is done, I want that canal under the control of this Government and no other.

Mr. SPRINGER. Our Government to pay for it?

Mr. WASHBURN. That is for Congress to decide when the time shall come.

Now, if by negotiations looking to the future there are any points to be saved, it seems to me it is proper to make an appropriation of this kind to take such steps as may be necessary to save any important points. The Government is not committed to anything. It simply places itself in a position to hold the vantage ground, if you please—nothing more. This is all that is asked in this appropriation.

I will not take further time, but will yield ten minutes to my friend from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, I know nothing about confidential communications or interviews or meetings of committees of conference alluded to. I know none of the parties who are supposed to be connected with this concession. I never knew until it was stated by the distinguished gentleman from Missouri that General Grant or that he who was my intimate friend, Hon. E. D. Morgan, had anything to do with it. I can only say if Mr. Morgan did have anything to do with it it was not with any unpatriotic purpose or any purpose unworthy of an American citizen of the highest order.

I did, some years ago, at the request of the Senator from California, investigate with him as well as I could by such surveys as he furnished the several routes for building canals to connect the Atlantic and Pacific Oceans. The result of that investigation was that in my judgment the Nicaragua route was by far the most feasible, far the most practicable for the construction of the canal.

It was in a perfectly healthy country with a river accomplishing a part of the distance that needs only deepening and widening to connect it with Lake Nicaragua, which, if I recollect aright, is about ninety miles in length, and on the average five or six in width, and of sufficient depth to float ships of considerable draught.

Mr. EATON. The largest draught.

Mr. POTTER. I am speaking simply of the results of the investigation made personally as an American without a particle of pecuniary interest, and with the sole purpose of ascertaining whether such a canal could be built to serve the beneficial purpose for which it is designed. I came to the conclusion as a somewhat practical man that the canal was perfectly practicable, and that it could be built for a sum inside of $100,000,000 and at the outside I believe for half that sum; and that it would be of immense and ever-increasing benefit to the commerce, the progress, and development of this continent, with the destiny of which, I agree as much as any other member on this floor, the American people are charged.

Now, sir, without going into the detail of this thing, for I know nothing about these negotiations, I understand this proposition to be simply to put at the disposal of the treaty-making power of this Government, at the disposal of that power upon which the Constitution has devolved the power of making treaties and to negotiate such as it shall find it clearly and undoubtedly the interest of this country to make. I do not understand that acquiring this passage across the Isthmus of Nicaragua would be any yielding of the Monroe doctrine. I do not understand we are required to go to war with England or France for the purpose of enunciating and maintaining the Monroe doctrine in regard to a canal, which I believe, and which I think most practical men believe, will turn out in the end to be a magnificent failure. I would not and do not believe the executive department of the Government would undertake to purchase this concession or to acquire it in any way until they shall ascertain with certainty not only that they will get a good title, but that it will be in every way practicable, and that it can be constructed within such cost as will be for the best interest of this country.

I am a Democrat, and I think as strict as any man on the doctrine of State rights and proper limitations of the powers of the National Government, and I find no difficulty in any way or anything in the Constitution to prevent this Government from constructing if need be a highway for its commerce, its armies, its fleets, for our merchant fleets, to enable it to take such a position as we ought to take based upon the trade and commerce of the Pacific and of South America.

I find no difficulty in the Constitution in accomplishing that object. We have a right to construct military highways. We have a right to provide for commerce. It will not be denied that this purpose is strictly and entirely national; and if it accomplishes the security and inures to the benefit of the vast interests of the commerce of this country upon this great continent which is ours, then it becomes a public policy to develop and care for it.

Now, sir, I am not afraid, in view of these vast possibilities, to trust to the Executive of this nation and to the treaty-making power of this Government the paltry sum of $250,000 upon his responsibility and upon the responsibility of his advisers, the Senate. I am not afraid to trust him to make these negotiations. I think it will be in very safe hands. He will not go beyond it. Charged with the interests of the American people, he dare not go beyond that sum. I believe, sir, that we ought to place this amount under his responsibility, subject to the treaty-making power of this Government; and I therefore voted for it and I shall vote for it again.

Mr. HENLEY. Let me interrupt the gentleman for a moment, as I would like an explanation of what he means when he speaks of giving this to "the treaty-making power." I understand this fund is to be taken into a sort of secret-service arrangement. The Senate has nothing to do with it.

Mr. POTTER. I understand the Senate helps to make appropriations in the first place. It is a part of the treaty-making power. No treaty will be accomplished for this or any other purpose if the Senate

does not agree to it; and I understand further that this has been considered by the Senate, considered at length, and that they are entirely or quite unanimous in their opinion that the interests of the country require this appropriation to be made.

Mr. BURNES. It would be unjust, sir, to the gallant Senators from my State to sit here and allow that statement, unparliamentary in the first place, to pass uncontradicted; and it is unjust to them in the second place. It was not unanimous, sir, I assure you.

Mr. WASHBURN. Very nearly.

Mr. POTTER. I do not know how that is, but such was my information.

Mr. BURNES. It was not unanimous by any means.

Mr. POTTER. It was very nearly so as I am informed.

Mr. HENLEY. But the Senate has nothing to do with it.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TUCKER. Will the gentleman from Minnesota allow me to ask a question?

Mr. WASHBURN. I will yield to the gentleman for that purpose.

Mr. TUCKER. I would like to ask the gentleman from Minnesota if there has been any communication from the executive department to either branch of Congress as to the purpose for which it desires this appropriation of $250,000?

Mr. WASHBURN. I think there has been no written communication so far as I know.

Mr. BURNES. Not a word.

Mr. TUCKER. Are we then to love darkness rather than light? [Laughter.]

Mr. McCOID. You did when you bought Louisiana; you would not have got it in any other way.

Mr. CANNON. Under section 291 of the Revised Statutes this appropriation is to be made if at all. A statute was passed by the fathers in 1793 and amended in 1810, under which many confidential appropriations have been made by the generation before the last, by the last generation, and by this generation.

Mr. WASHBURN. I now yield fifteen minutes to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. Mr. Speaker, I am reminded by the course of this debate of what took place when Mr. Adams was a member of Congress, and a young gentleman (and I presume he was a new member like myself) called during the discussion for the vouchers of the secret-service fund. Thereupon Mr. Adams said: "The gentleman can call and call and call until he is gray."

It is difficult for me to understand how diplomatic matters that are important in their character, and particularly in those negotiations that are preliminary, can be made the subject of public exploration and discussion. But if the complaint of the learned gentleman from Missouri [Mr. BURNES] is addressed to this condition of things, and that of the distinguished gentleman from Virginia [Mr. TUCKER] and that of the distinguished gentleman from Georgia [Mr. BLOUNT] as well, I have only to say to them that they complain of that secrecy which is the inevitable and natural and necessary condition precedent to such a state of affairs as is under consideration.

But, Mr. Speaker, the situation is so grave, that I consider the statement that has fallen from the gentleman from Missouri deserving to be corrected. He has risen here and given the House to understand that Congress should enter upon the future of the country in reference to its South American relations under the protection of what he calls the "Monroe doctrine;" and this, he went on to tell us, is the doctrine by which we are at liberty to do what will best consult our national happiness.

The gentleman had better go to the books. I commend him to the perusal of Mr. Calhoun. I commend him to the exercise of that caution with which he habitually speaks, and which he has lost sight of on the present occasion.

Mr. BURNES rose.

Mr. HUNT. I do not yield.

The Monroe doctrine was this: It was a declaration by President Monroe that this continent was not to be considered any longer in a condition *feræ naturæ;* that it was to be considered as under the dominion of existing public law. This was one branch of the Monroe doctrine; that the American continent was not to be considered as subject to colonization.

The second branch of the Monroe doctrine—I recollect it well, and there is but one other remaining point—was that the United States would not see with indifference the free republics which had wrested their liberty from the dominion of Spain reduced by the absolutists of Europe to slavery again.

Mr. BURNES rose.

Mr. HUNT. I do not yield. When Mr. Calhoun at a later period of his life was called upon to speak upon this subject, he in the lifetime of Mr. Adams declared the doctrine with that accuracy for which he was remarkable, in order that it might receive correction and no correction was given, and the doctrine as declared by these two great men is known by publicists and can be found in the horn-books.

No, sir. The United States never declared any such doctrine as this: that in order to promote their national happiness they could act as they pleased with the states of the civilized world or with the governments of South American countries. That would be preposterous; that would be impossible doctrine; that would be against the language of proud equality and of national freedom which governs the relations between states.

Now, sir, having spoken on the misty difficulty in which the gentleman who opened this debate found himself, and having shown what the Monroe doctrine was, it remains for me to say that it is well believed that the Clayton-Bulwer treaty has been violated. It has been violated in the departure of Great Britain from her obligations of neutrality and in the notorious settlement by her on the continent where she had obligated herself not to settle.

The gentleman from Missouri takes the ground that where one party to a treaty has violated the treaty it is manly and right for the other party to carry on diplomatic colloquy with regard to it. I say it is not. I say that is not law; I say that is not sense; I say that is not the doctrine of contracts; for where a contract between equals is violated by one party, that violation releases the other party to the contract from the obligations entered into. I say, if our Government has just ground to know that Great Britain has broken faith we are free from the obligations of the contract.

But, sir, one step further. The gentleman says if it comes to the worst under the Monroe doctrine we might go to war, and I suppose to possess ourselves of this Nicaragua canal. That has been the loose, uninformed, unintelligent opinion of the effect of the Monroe doctrine, which, however, does injustice to its authors, and is not in accordance with correct history; neither is war, on vague, general, declamatory views, the object and policy of civilized, Christian states.

What, then, are we brought to, Mr. Speaker? We are brought to determine a proposition to give the Department of State $250,000 with which to enter upon diplomatic relations. I have no confidential relations with the Department of State. I have no political ties which bind me to the President. I do not hesitate to say, however, Mr. Speaker, that whenever, in my judgment, it is patriotic to trust him I will do so. [Applause on the Republican side.] If the President of the United States has violated his oath of office, if the Secretary of State is unworthy of trust, there are the laws of the country to which we will hold the President and hold the Secretary. But there is one comforting reflection which I have in speaking my mind freely on this subject. It is this: That there has never been a President of the United States guilty of conduct which can truthfully be described as criminal or infamous.

Now, Mr. Speaker, is it a great thing to place at the President's disposal $250,000? The gentleman from Georgia [Mr. BLOUNT] sees in the proposition chimeras dire; he sees more devils than vast hell can hold. In what? In the prospect to give the Chief Magistrate of the United States $250,000. Why, sir, President Lincoln had, I think, as a secret-service fund as much as eight millions at his disposal. But the gentleman from Georgia sees in the pending proposition a disposition to do what? To contract a debt of $120,000,000 for constructing this Nicaragua canal. Now, can one dollar be appropriated without the leave of this House? Can a single dollar be drawn from the Treasury without that leave? And has it come to this, that we can hold no governmental relations unless the breath that goes out in our utterances is tainted with suspicions of the highest officers of the Government? I protest against the idea of the Monroe doctrine to which I have referred. When the absolutists of Europe had suppressed the spirit of revolution which broke out in the southern portion of the continent, Spain turned her eyes to her provinces which had succeeded in wresting their liberty; and the propositions of which I spoke a few minutes ago were put forth with careful accuracy; they were no filibustering pronunciamentos; they were no general bluster, no mere loose talk about national happiness. Mr. Monroe never talked that way; Mr. Calhoun never talked or thought that way. Mr. Adams, the Secretary of State, was incapable of it.

So it is, Mr. Speaker, that we find ourselves on familiar ground, I hope on American ground. I hope that we have a Chief Magistrate animated by an American spirit. I do not like this misty talk, these quasi-confidential reports, which according to one gentleman it seems are not confidential, and according to another gentleman are confidential. That is not, I submit, the way to speak of the public business; that is not right. This is not a place to appeal to prejudice. These are transactions between great public functionaries upon matters of high international moment.

I am not prepared to say whether or not this canal is going to be a great success. But this I will say, that by the route around Cape Horn the advantages of distance and time are exclusively with European nations. Sailing from European ports ships go with directness past the eastern point of South America to the Cape of Good Hope. On the contrary, vessels sailing from our American ports are obliged to sail far to the eastward, and then turn to the southward and westward to the point where their courses intersect those of European ships, thus losing greatly in the matter of distance. The construction of this water route

will reverse the conditions I have referred to. From gulf ports like New Orleans, for instance, the advantages would be enormously increased.

If, then, Mr. Speaker, I am right, the Monroe doctrine interferes with no rightful power of development in the way of international intercourse on the part of foreign nations with the South American governments; it interferes with no capacity on their part for treaty stipulations; it derogates from no right of sovereignty in any foreign nation in carrying on international relations with these South American republics; it interferes with no right on the part of the United States to acquire by purchase that which we may deem valuable as a great water way.

Who does not know that in the progress of negotiations, in the establishment of our frontier lines, in our treaties with Great Britain from the time of the Revolution and until the recent treaty of Washington, and through all the intricate mazes of the treaties with regard to the fisheries, Great Britain has always been arrogant, grasping, and the steady enemy of the peace, progress, and power of this country? Who does not know that she has interposed herself in the pathway of traffic between this country and the Pacific coast, and clutched that traffic which has been so eloquently spoken of here by my honorable colleague [Mr. ELLIS] and deprived the United States of it?

For my part, Mr. Speaker, nothing that an American Representative can do to support his country, to support its administration if need be for the national honor, to support his Government in directing wisely and strongly its foreign relations with Great Britain or any other power, will I leave undone, conscious as I am that I stand erect, untouched by any affiliations the propriety of which can be questioned, and look solely to the development of the peace, prosperity, happiness, and glory of the Republic. [Applause.]

Mr. WASHBURN. I now yield ten minutes to the gentleman from Connecticut [Mr. EATON].

Mr. EATON. Mr. Speaker, I do not desire to enter into this discussion at all, and for this reason: Whatever I may know in regard to the intentions of the Government of the United States or its officers has been obtained under such circumstances as to be strictly confidential. I can not talk about it; I will not talk about it. My friend from California [Mr. HENLEY] laughs. I have a right, I apprehend, to my own convictions of what is my duty.

With other members of the Committee on Foreign Affairs I have been in consultation with the State Department for four months, three months before the two committees met in "joint convention," if I may use that phrase; and I want to say—for this I have a right to say—that never, in any consultation with the Secretary of State, at any time during those four months, has he uttered one word which would imply that one dollar of the money which this Congress is asked to appropriate is to be used for private purposes—not one dollar. Never in my presence has the Secretary of State used any language that could be tortured into such an intention. That is as far as I choose to go in this matter.

One word on another point: I thank my friend from Louisiana [Mr. HUNT] for his correct statement of the Monroe doctrine. We have outgrown the old Monroe doctrine. We are every day, and we have been for years, going further than the old Monroe doctrine went.

Now, one word with regard to this treaty which has been spoken of, the Clayton-Bulwer treaty. I undertake to say that there is not in this country a well-informed international lawyer, not one, who will not say that this treaty is to-day simply null and void. It requires no abrogation. Great Britain herself has violated every principle of the Clayton-Bulwer treaty. I do not regard it in the light of law at all. I do not know any well-informed man who has examined the subject who does so regard it. In that treaty Great Britain pledged herself and we pledged this country that no settlement should be made anywhere within the territory designated. To Great Britain was conceded merely the right to cut logwood, &c., at some points. She has overstepped the provisions of her own treaty. She has made a large settlement in violation of its terms. Therefore, I say the treaty is null and void.

Mr. BURNES. I desire to ask my friend from Connecticut whether it is not a fact that no notice of any intention to abrogate this treaty has ever been given by our Government to England?

Mr. EATON. In reply to that I will say——

Mr. BURNES. Wait a moment.

Mr. EATON. That is one question. Let me answer that before you put another. No notice has been given, and none is required.

Mr. BURNES. Wait one moment. You are answering two questions—Yankee-like. [Laughter.]

Mr. EATON. I suppose I guessed what you would say next.

Mr. BURNES. Now, not as a constitutional lawyer, but as an ordinary Missouri lawyer, I ask you this question: If you enter into a contract with your colleague [Mr. SEYMOUR] that you will do a certain thing in a certain way, and he is to do a certain thing in a certain way, and you find he has not done exactly what you think he ought to have done under the contract, would you give him notice that you were going to regard the contract as annulled, or would you violate your side of the contract without any sort of notice? What would be your view of the duty of a party in such a case in the private relations of life, or the international duty as between great sovereignties who may be involved in international controversies?

Mr. EATON. I answered that question substantially at the beginning of my remarks when I said that no notice had been given of abrogation or desire to abrogate the treaty, and I said no notice was necessary because the other great contracting party has rendered the treaty null and void.

Mr. BURNES. Great Britain denies that, you know.

Mr. EATON. I do not know about that; I have not the time now to go into the correspondence between our State Department and Great Britain.

Mr. BURNES. It has been a subject of correspondence.

Mr. EATON. One word further. A contract between private individuals the interpretation of which may be determined by the supreme court of the District of Columbia, or the supreme court of the State of Connecticut, or the supreme court of Missouri, is one thing; a contract between two great powers is quite another thing. I do not care to go into an argument to show the difference between a contract to which private individuals are parties and a treaty between sovereign powers. When one of the parties to such a treaty has rendered the treaty null and void, it is null and void as to both.

There is no court to go before except that great court of last resort. Nobody can try it—nobody except an army.

Mr. BAYNE. Permit me to ask a question.

Mr. EATON. I will.

Mr. BAYNE. Suppose after the treaty had been nullified by Great Britain the United States had availed itself from time to time of the benefits of that treaty, let me ask the gentleman whether in the light of that circumstance he would regard the treaty as void?

Mr. EATON. I beg my friend's pardon; that is hardly a proper question. [Laughter.] The reason is the great point at issue between these two sovereign powers was the occupation or non-occupation of that territory.

Mr. BURNES. What territory? Do you allude to British Honduras?

Mr. EATON. All the territory in the vicinity of British Honduras or Lake Nicaragua; all that territory.

Mr. BURNES. Does the gentleman claim that England holds one inch of territory in Honduras or on the South American continent which it did not hold when the Clayton-Bulwer treaty was made?

Mr. EATON. Yes.

Mr. BURNES. I beg the gentleman's pardon.

Mr. EATON. Yes.

Mr. BURNES. On the contrary, our claim or that of our Government is that England has established what seems to be a government over British Honduras, and not that she has extended her territory. I defy the gentleman to show she has extended it one inch.

Mr. EATON. It is the first time in the history of England that I remember she has not extended her territory when she had the opportunity. [Laughter.]

Mr. BURNES. She has not.

Mr. EATON. But I am not talking about that. My belief is my friend is mistaken; but that is not the point. The point is, here was a treaty in regard to the manner in which certain countries or parts of territory, no matter who the owner was, should be occupied. Neither the United States nor Great Britain was at liberty to establish any great basis on any of that territory, whether British territory or American territory, whether belonging to Honduras, Nicaragua, or any other state. That was the essence, the gravamen of the treaty.

The SPEAKER. The gentleman's time has expired.

Mr. WASHBURN. I will yield more time to the gentleman from Connecticut.

Mr. EATON. I do not wish to say a word more. If this is not a proper time to do this thing, why gentlemen will refuse to do it. But I will undertake to say this: After examination of months into this great question, for it is a great question in my judgment, the United States will be false to herself, false to her honor, false to her glory, and false to that great future which we think is looming up for her, unless she does take some step to procure the right of way across that Lake Nicaragua to build a canal there.

Mr. BELFORD. Let me ask the gentleman a question.

Mr. EATON. Certainly.

Mr. BELFORD. Can not you do that better by a railroad than by a canal?

Mr. EATON. I know gentlemen think a railroad can take up an 8,000-ton ship and carry it with perfect ease.

Mr. BELFORD. Allow me another question. Does not the value of commerce practically consist in expedition of transportation?

Mr. EATON. Beyond all question; and therefore I say to my good and esteemed friend from California [Mr. HENLEY] that the building of this canal (it will certainly be built some time) will shorten the distance between New York and California, as compared with the Panama Canal, 2,600 miles.

Mr. BELFORD. Let me ask the gentleman another question. We have a railroad from the city of Denver to the old City of Mexico.

Mr. EATON. I am glad there is a road with two such good ends as Denver and Mexico.

Mr. BELFORD. We are going to build that road across the Isthmus of Panama and through the Argentine Republic and down into Brazil.

Mr. EATON. I hope so.

Mr. BELFORD. If we do that, can not we transport all the commerce of those territories in one-third of the time it could be done by vessels?

Mr. EATON. I can not go into computation about that matter now.

Mr. BELFORD. I know you can not.

Mr. BLOUNT. Since my friend from Connecticut has stated that he felt restrained to some extent in reference to making a statement about this matter by reason of the propriety of preserving secrecy, and I say it with great respect, I would like to ask if he regards it a proper question whether he believes that the purpose of this whole matter is not that the Government shall eventually build this canal across the isthmus?

Mr. EATON. Mr. Speaker, I will answer that question partly. I can not answer fully. I am not the Government; perhaps it it my misfortune that I am not. But this I would say, the object of the Government is to obtain the right to build; that is the object. I hope that the time will come when it will be built by this Government, owned by this Government; and I had as leave make that purchase and have such right to do it certain as our esteemed great Democratic leader had to buy Louisiana from a foreign government.

Mr. SPRINGER. But when he bought it it was ours.

Mr. EATON. And so will this canal be.

Mr. HENLEY. I hope the gentleman from Connecticut will be allowed time to answer a question that I would like to ask him.

It is proposed, although this matter is surrounded with so much mystery that it is difficult to say what is proposed and what is assumed to be the case, to make an appropriation of $250,000 for the purpose of initiating steps to acquire the right to the concession which had been previously granted to these twelve men.

Mr. EATON. No.

Mr. HENLEY. I so understood it.

Mr. EATON. Perhaps I ought not to say no. I do not want to say it. If you asked me if I believed that was the intention I should say no, I do not believe it.

Mr. HENLEY. I understand that to be the case, and it is disclosed by the friends of the measure here. Now, what specific data has the House, what information has the gentleman or any gentleman upon this floor which is authentic and upon which we could rely as to the present value of this concession? Information has reached me that Nicaragua will be only too glad to grant free to any one, not for $250,000 or for $1,000,000, but will give without charge to any one this same right of way and concession who will come with capital and give earnest of his intention to build the canal. Therefore, as I understand, we are offering a great deal of money for absolutely nothing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 253, 254, 255, and 257 to the sundry civil appropriation bill, and further insisted upon its amendment numbered 267, disagreed to by the House of Representatives on said bill.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The Chair will state that by reason of a clerical error in one of the amendments proposed by the gentleman from Kansas one of the amendments of the Senate was omitted. If there be no objection the House will now dispose of it.

Mr. RYAN. I move that the House recede from its disagreement to the amendment of the Senate numbered 267, and agree to the same.

Mr. GIBSON. What is that amendment?

Mr. RYAN. It is one of the sections of the Springer amendment, which was omitted by an error. Standing alone it has no connection with the bill.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kansas.

The motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The House resumed the consideration of the conference report on the consular and diplomatic appropriation bill.

Mr. HENLEY. I hope the distinguished gentleman from Connecticut will not imagine that I meant any disrespect in the question which I asked him a short time ago.

Mr. EATON. By no means. I could not imagine such a thing of the gentleman.

Mr. HENLEY. Of course the gentleman knows that nothing of the kind was intended.

Mr. EATON. Certainly. Now a word further. I want to say in the first place that my friend from California in his question assumes a thing that I know nothing about, something that has not come to my knowledge.

Mr. HENLEY. It has been stated here on the floor.

Mr. EATON. I do not know it. Now, another thing: Has my friend read the clause of the amendment itself? I will answer that long question of his by asking him to read this clause:

> Two hundred and fifty thousand dollars, or so much thereof as may be necessary.

Then, if there is no need for any of it, none of it is necessary, and it will not be used. I do not believe the Department of State will use it. For these *concessionnaires* will not get one dollar of this money if Nicaragua desires to give instead of sell the right of way. Not a dollar will be used.

Mr. HOLMAN. Will the gentleman from Connecticut allow me a question upon this alleged concession?

Mr. EATON. Let it be very short.

Mr. HOLMAN. I find that article 8 of this concession reads as follows:

> This concession is transferable to the construction company only.

Another corporation, also organized in Colorado, as the gentleman will remember, which is to be organized by the provisional society, the society to which this concession was made:

> And in no case can it be transferred to a foreign government or power; nor can the company cede to any foreign government any of the lands granted in this concession; but it may transfer them to private parties with the same restriction.

Now, is not the gentleman from Connecticut aware of the fact, or is he aware of the fact that up to this hour what has transpired on the part of the Government through its State Department in connection with this subject has been with the gentlemen who are members of this Interoceanic Canal Company and not at all with Nicaragua? Have not all the steps that have been taken up to this time been taken with and in relation to this canal company and their executive committee?

The SPEAKER. The additional three minutes allowed to the gentleman from Connecticut have expired.

Mr. EATON. I can answer the gentleman in one moment. I do not know any such thing. On the contrary I know differently.

Mr. HOLMAN. I think the gentleman is laboring under very great misapprehension as to the fact.

Mr. WASHBURN. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I did not desire to say one word about this amendment, and would not have done so were it not that I was stricken with absolute surprise by the remarks of the gentleman from Missouri [Mr. BURNES] who opened this discussion. I frankly say I do not know much about the merits of the proposed route for a canal across the isthmus to which he addressed himself. I am a member of the Committee on Appropriations; and on one occasion to which that gentleman and others have referred I did meet with certain gentlemen who composed the Committee on Foreign Affairs and certain matters were there discussed, and I was very much surprised by the remarks of the gentleman from Missouri, because if that was the only interview, either he or I totally misunderstood the substance of it; and I thought I paid very close attention to what took place at that interview.

So far as I know or believe from what information I have, I do not understand that one dollar of this money, in the event it is voted under section 291 of the Revised Statutes, as a confidential fund, to the President, is to go to any corporation or to any person, in any way, shape, or form, for the purchase of a concession. Now, then, Mr. Speaker, I do want to say this in reply to the suggestion that has been made by more than one gentleman.

Mr. GIBSON. Will the gentleman from Illinois yield to me for a question?

Mr. CANNON. I can not yield; I have only five minutes.

Why, gentlemen, is it possible that the United States is to play a horn and beat a drum whenever it desires to negotiate a treaty or perform any other governmental function in order to give everybody notice of our intentions?

Mr. BLOUNT. Will the gentleman allow me——

Mr. CANNON. I have said I can not yield when I have only five minutes and require that time to complete what I have to say; otherwise I would take pleasure in yielding to the gentleman.

I say again I have not exhausted the merits of this question, nor do I apprehend, with my limited knowledge, that I could exhaust it in one month, or perhaps in two or three months. But I do say this: We have an executive branch of the Government. The President is amenable to public opinion and is soon to go out of office. I have always understood him to be a reputable citizen, and I know he has the confidence of the whole country to a wonderful degree. And under the statute of 1793 authorizing this confidential fund to be expended by the President in our foreign intercourse, I believe appropriations have been made to every administration that has been in power since the formation of the Government to the present time. In view of this law and practice, having the interests of the country at heart, I am not ready to stand here and withhold the sum of $250,000 that that Executive would like to have possession of to use within his discretion, in whole or part, in the foreign intercourse of this Government, he all the time being responsible to Congress, responsible to public opinion, responsible to the whole people.

[Here the hammer fell.]

Mr. WASHBURN. I reserve the balance of my time.

Mr. TOWNSHEND rose.

Mr. COX, of North Carolina. I had understood I had five minutes remaining.

The SPEAKER. The gentleman from North Carolina is entitled to the floor for five minutes.

Mr. TOWNSHEND. If the gentleman from North Carolina desires to proceed now, I will take the floor after he has spoken.

Mr. COX, of North Carolina. Mr. Speaker, in considering the proposition now before the House, it is not proper to impugn the motives of any gentlemen connected with this transaction, for in the recommendations submitted we must see that their conduct has been honorable and patriotic.

The discussion has taken a very broad and somewhat eccentric range. My cool and unimpassioned friend from Louisiana [Mr. HUNT] has entertained us with a dissertation on the Monroe doctrine, the Clayton-Bulwer treaty, the law of contracts, &c.; my friend from New York [Mr. POTTER] has discussed the desirability and practicability of the Nicaragua Canal; while other gentlemen have been impatient at the seeming mystery with which the measure is surrounded. Now, what is the real matter upon which we are called to act? It is simply this, that we should place $250,000 as a secret fund at the service of the President, to be used in his discretion in negotiating some foreign treaty.

We are told that the specific purposes for which this fund is to be used can not be disclosed without imperiling the success of the contemplated negotiation, but our Democratic training causes us to be dissatisfied with this partial granting of confidence, and the imagination is excited with specters of deep design, and produces a general assault on the whole line of those who advocate the measure. I was present at the conference of the two committees when the purpose of this appropriation was fully presented and considered, and the reasons for withholding the information, which have been criticised, were fully explained. My friend from Minnesota [Mr. WASHBURN] is rather comprehensive in his statement when he says that all present seemed to favor this measure. He will doubtless recall the fact that there was no vote taken which would indicate the views of members before the committees separated.

A secret-service fund has always been employed by this Government, as it is by every other, but I venture to say in our whole history it has never exceeded at any one time $30,000, and usually much less. The weaker the Government and the more perilous its position the greater is the necessity for the employment of such a fund. The present proposition to appropriate $250,000 for this service when the Government is at perfect peace with all the world and the American name feared and respected abroad, is not calculated to impress us with that confidence which should command our support. The discussion has disclosed the fact that notwithstanding the information possessed by the Committees on Foreign Affairs and Appropriations, instead of their members being united in support of this measure, they entertain very different and widely diverging views in regard to the necessity and propriety of the appropriation. Therefore they do not present such a union of council as is calculated to impress this body with the necessity for this departure from our American policy of frankness and fearlessness in all our negotiations with foreign nations.

Another thing will strike us as singular, that while we are called on to make this secret-service appropriation for a secret purpose, the remarks which have fallen from different members of the House indicate that we are dealing with no secret at all, and if this be true it is proper we should discuss the proposition itself instead of involving it in a shroud of mystery. If secrecy is necessary, of which I have not been convinced, then only would this appropriation be justified without disclosing all the facts. We as representatives of the people are simply their trustees in regard to the money in the Treasury, and when appropriations of this kind requesting large sums for this secret-service fund are asked for we have a right to demand that good and cogent reasons should be given for our compliance, or else they should be so overwhelming in their nature as to compel the members of the committees to whom the facts have been disclosed to present greater harmony in their recommendations. As before remarked, I have not been convinced of the necessity for this amendment to our consular and diplomatic bill, and therefore can not recommend its adoption by this House.

Mr. BURNES. How much time remains?

The SPEAKER. The gentleman has one minute remaining.

Mr. BURNES. I will yield that one minute to my friend from Louisiana [Mr. ELLIS].

Mr. ELLIS. I thank the gentleman, but I do not want it.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] is recognized as entitled to the floor.

Mr. TOWNSHEND. I was about to remark, when I sought the floor a few moments ago, that the further discussion of this matter would be in the nature of inflicting punishment upon the members of this House. But as I am a member not only of the Committee on Appropriations but also of the conference committee which has brought in this report, I feel that it is due to myself to occupy at least a few minutes in stating the reasons why I have not concurred in the Senate amendment.

I will say that I really regret that any discussion has taken place upon this question. It is difficult to discuss the reasons that have prompted the request for this appropriation without divulging matters which I do not feel ought to be brought before this House. I will say that I have arrived at the conclusion I have reached in joining my friend from Missouri [Mr. BURNES] without finding it necessary to reflect upon anybody, either an official or a non-official.

I think the reasons are apparent and clear enough without indulging in any reflections upon the motives of any one, and without—and I will not say that any one has done so—invading the secrets of the committee of conference.

I have studied the questions as well as I could, in order that I might be enabled to arrive at a just and fair conclusion upon this important question. And in one or two words only I will state the grounds upon which I base my opposition to the amendment of the Senate.

We find there is a grant which was made to certain individuals for the construction of a canal across the Isthmus at Nicaragua. That grant contains a clear, distinct, unequivocal provision that it can not be assigned to the Government of the United States or to any other government.

The next difficulty I have found in this case is this: A treaty exists which England does not admit has yet been abrogated, either by any action of hers or by her non-action. That is a treaty that specifically and unequivocally declares that the Government of the United States will not acquire the exclusive right to the construction of a canal across the Central American isthmus without the co-operation or consent of Great Britain.

A word or two more. Suppose that we appropriate this $250,000, and suppose, as gentlemen seem to have taken it for granted, it is to be used for the purpose of acquiring the rights enjoyed by this private corporation who hold a grant from Nicaragua, what use can we make of them? We can not make any use of them, because, in the first place, the grant itself declares that we can not acquire the title to the grant. In the second place, we can not make any use of the grant without involving ourselves in complications with Great Britain, to say the least of it.

Then, as it appears to me, if this $250,000 is used for the purpose of enabling this private corporation to accomplish what is necessary to be accomplished by it in order to avoid a forfeiture of the grant in October next—if any of this money is expended to enable that corporation to preserve that franchise, that grant, then whatever use is made of it the benefits resulting from it will inure to the corporation, with no benefit whatever to this Government.

These are the reasons which have controlled my action in withholding my assent from the amendment of the Senate. I will not trespass further upon the patience of the House; but in accordance with promise will yield ten minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Speaker——

Mr. BURNES. I rise to a point of order. If I have been correctly informed, each side in this debate was limited to an hour.

The SPEAKER. No limitation has yet been put upon the debate. The previous question has not been demanded.

Mr. BELFORD. I do not know, Mr. Speaker, what the love-birds of Africa, who constitute these two committees, may have finally concluded upon; but one thing to my mind is certain—this scheme ought not to be adopted; this amendment ought to be repudiated.

We have running from Denver in my State to the old City of Mexico a line of railroad. We propose to run that road across the Isthmus of Panama through South and Central America, Argentine Republic, and the Empire of Brazil, so that the tourist may take a Pullman palace-car from the city of New York and travel without interruption till he sips his coffee under the shadow of the palace of the Emperor of Brazil.

For what reason should we build the canal here proposed? What will best promote commerce? The expedition of transportation. That is the great solvent of the future. We are entitled to control the entire commerce of this continent, and we can only do so by the influence of railroads, which reduce the time occupied in the transportation of goods. Who control the commerce of Mexico? Foreigners. Who control the entire commerce of the Argentine Republic? The Italians. Who control the commerce of these other states? The subjects of France and England and Germany. We have had no ability to compete with them, because we had no vessels that could carry goods with equal promptitude.

Now, suppose that instead of constructing a canal of this kind, evidently in the interest of private speculators, we go to work and construct that railroad from the City of Mexico across the isthmus, through South and Central America. Can we not transport all our commerce upon that route in seven days instead of four weeks; and can we not, by the great gain in point of time, overcome the competition of European powers? I think this scheme for a canal is an idle project, and I propose to vote against it. I shall do so on the principle that there is a better way; that instead of giving $250,000 for the construction of this canal, we ought to give $250,000 to construct the railroad as I have described. When we get it constructed we shall make England and France and Germany bow their heads in reverence to the commerce which

we shall control, the commerce of the continent, to all of which we are justly entitled. With these views I shall vote against the amendment.

Mr. TOWNSHEND. Now, if my friend from Colorado [Mr. BELFORD] will call the previous question——

The SPEAKER. The gentleman from Missouri [Mr. BURNES] has one minute remaining.

Mr. BURNES. I will occupy that minute in calling the attention of my genial, accomplished, and esteemed friend from Louisiana to a statement of the Monroe doctrine as given in the message of President Monroe in 1823:

The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power.

[Here the hammer fell.]

Mr. BURNES. I regret I have not time to read the second and third utterances of President Monroe on the same subject. In the third he says that the peace and quiet (which are synonymous with the happiness) of the people of this country will be involved in any attempt to interfere either with the existing institutions or the governments of these people.

I now move the previous question.

Mr. WASHBURN. I move that the House recede from its disagreement to the amendment of the Senate and agree to the same.

The previous question was ordered.

The question being taken on the motion of Mr. WASHBURN it was not agreed to, there being—ayes 41, noes 48.

Mr. BURNES. I move that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The SPEAKER. Does the gentleman from Missouri move that a further conference with the Senate be requested?

Mr. BURNES. Yes, sir.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection; and the Speaker announced the appointment of Mr. BURNES, Mr. TOWNSHEND, and Mr. WASHBURN as the conferees on the part of the House.

Mr. RANDALL. I would like to consult the wish of the House in relation to a recess to a later hour in the day. There are members of the conference committees who do not desire to be out of the House when important questions between the two Houses are being discussed and disposed of. I am quite willing myself to continue to sit here, but I am pressed on all sides to submit a proposition to the House. We have now been here nearly twenty-two hours, and if we could take a moderate length of time in recess perhaps we could get along better. I would suggest 3 o'clock p. m.

Mr. WHITE, of Kentucky. Oh, no; say 10 o'clock a. m.

Mr. BLOUNT. I suggest that we follow the lead of those having charge of conferences.

Mr. CALKINS. It is usual to follow the suggestion of the chairman of the Committee on Appropriations in such matters.

Mr. RANDALL'S motion was agreed to; and accordingly (at 7 o'clock and 20 minutes a. m., Sunday, July 6) the House took a recess until 3 o'clock p. m.

AFTER RECESS.

At 3 o'clock p. m. (July 6) the House resumed its session, and was called to order by the Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. ENGLISH, for ten days, on account of important business.

To Mr. HATCH, of Missouri, indefinitely.

To Mr. COSGROVE, for the remainder of the session.

To Mr. POTTER, for one week, on account of important business.

To Mr. JOHNSON, indefinitely.

MEXICAN PENSION BILL.

On motion of Mr. TOWNSHEND, by unanimous consent, the Mexican pension bill with Senate amendments was ordered to be printed.

EDUCATIONAL BILL.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I ask unanimous consent to present to the House the book I hold in my hand. This beautiful volume contains the names and post-office addresses of 5,000 men who petition this Congress to pass without delay a bill granting Federal aid on the basis of illiteracy to promote the cause of education. Judge Tourgée sent petitions like the one on the second page of this book to the subscribers of the Continent, a magazine of which he is the editor and publisher, and when the petitions were signed and returned to him he cut off the printed heading and caused the names, with one heading, to be bound in this volume, as he states in the first page. Other like volumes will be forwarded by him as the names are sent in. These petitioners specify certain provisions which they insist should enter into any bill which shall become a law. Judge Tourgée has probably given more attention to this subject than any other man in the United States, and hence his interest in this matter. I ask that the petition on the second page and the explanation on the first page of this volume be printed in the RECORD as a part of my remarks. This book will be placed in the Library, where it can be seen by any member desiring to examine it.

The Clerk will please read the statement of Judge Tourgée and the petition.

NEW YORK, *June* 4, 1884.

In presenting the following petition to the members of the House of Representatives for their consideration I desire to state that it was made up under my immediate personal supervision, the headings of the separate papers of which it is composed being simply cut off and the petitions pasted into the volume in the order in which they were received.

No attempt was made to reach specific individuals or classes. The petitions were sent only to the regular mail subscribers of the Continent magazine and such others as made special application for them. The volume contains some 5,000 signatures of men of all parties and of every shade of political thought.

This volume contains only the first installment of the signatures already received; others will be prepared and forwarded from time to time until the question is finally settled. It is believed that almost every name is that of an intelligent and substantial citizen. Every State and Territory is represented. The utmost care has been taken to make the petition worthy of the representatives of the people. In the hope that it may tend in some measure to guide in the correct application of a great and beneficent principle, I have the honor to subscribe the same.

ALBION W. TOURGÉE.

"Make the spelling-book the scepter of national power!"

A PETITION.

To the Senators and Members of the House of Representatives of the Congress of the United States:

Whereas the Government of the United States fostered and protected the institution of slavery for three-quarters of a century; and

Whereas the said institution of slavery was based upon ignorance and rendered necessary laws which prohibited, by the extremest penalties, the education of the slave; and

Whereas the said institution prevented the development of diversified industries, discouraged the establishment of public schools, and created throughout the South a very numerous ignorant class, known as "poor whites;" and

Whereas at the close of the war of rebellion 4,000,000 of ignorant slaves were made free, and, as an unavoidable and intended result of national legislation, were thereafter enfranchised and became equal political factors with the other citizens of the various States; and

Whereas the said 4,000,000 of freedmen have now increased to more than 6,000,000, and because of generations of degradation and repression the greater part thereof are still illiterate; and

Whereas in sixteen of the States of the Union 40 per cent. of the voters are confessedly unable to read the ballots which they cast, and a large portion of the rest of the population of said States are unable to do more than merely spell out a few words with difficulty, and are in no useful sense able to read and write; and

Whereas this population is increasing faster than was ever known before in the history of any people, and the number of illiterates is year by year increasing at a still more rapid rate; and

Whereas 83 per cent. of the power of a majority in the House of Representatives and the Senate of the United States, as well as in the electoral college, is exercised by these communities, two-fifths of whose voters are neither able to comprehend their political duties, to understand how to perform them, or to see to it that what they do produces the results they intend; and

Whereas the States of the South are not actually able, because of the impoverishment of slavery and the losses attendant upon war and emancipation, to provide schools for so great a multitude of the illiterate; and

Whereas "the only remedy for darkness is light; for ignorance, knowledge;" and

Whereas this mass of uninstructed power is perilous to the nation's life and a menace to the liberty of every citizen in the land: Therefore,

We whose names are hereto attached, resident as set forth herein, profoundly impressed with a sense of national peril, and fully satisfied that justice, good policy, and the highest statesmanship demand such action at our hands, do respectfully and earnestly petition you, our agents and attorneys, the Senators and Representatives from the various States of this Union, to take instant measures for the cure of this evil and for averting this impending peril, and do abjure you to make no delay in this business, which so nearly concerns your oaths to promote "the welfare of the United States;" and

Whereas many riots and murders and outrages of various kinds have disturbed the peace and disgraced the civilization of those States, and we believe that only the general enlightenment of all classes of the people can repress such evils, can prevent a conflict between the races at no distant day which must result in the most horrible of all forms of civil war, we implore you also, by your sworn obligation, to provide for the national defense and the general safety of the land, that you without delay make such appropriation and provision for the promotion of intelligence and education as, without extravagance or unnecessary expenditure, shall most speedily and certainly tend to the immediate reduction of the ratio of illiteracy, especially in the Southern States, and among all races and classes of citizens.

While submitting to your wisdom the details of the measure designed to secure the object in view, we would respectfully suggest that in our opinion it should contain the following elements:

1. The funds should be distributed according to illiteracy, and the schools devoted to each race should receive the amount to which the illiteracy of that race entitles them.

2. It should be devoted wholly to the promotion of primary education, or the eradication of illiteracy, and should be applied only to the payment of teachers.

3. It should be disbursed directly to each school district, according to the illiteracy therein, and only paid upon satisfactory proof that a primary school, or schools, under the charge of competent instructors, has been in operation in said district for a specified time during the year for which the appropriation is made.

4. That the appropriation should in no case exceed one-half the legitimate expenses of the school to which it is given, the remainder to be supplied either by State or local taxation, or by private contribution, and the payment thereof to be shown before disbursement of the national fund is made.

5. That the proportion of the fund assigned for the illiterates of one race shall in no case be disbursed to schools for the other race, nor the appropriation for one year be applied to the support of schools during another year.

With these provisions, and such others as your wisdom may dictate, we believe that an expenditure of ten or even twenty millions of dollars a year for a period of ten years might be economically and effectively disbursed, and would accomplish more in securing the prosperity, good government, and security of the United States than any other possible use to which the same could be applied.

And your petitioners will ever pray, &c.

On motion of Mr. HEWITT, of Alabama, by unanimous consent, the House (at 3 o'clock and 3 minutes p. m.) took a recess for fifteen minutes.

AFTER RECESS.

At 18 minutes after 3 o'clock p. m. the House resumed its session.

Mr. RANDALL. Mr. Speaker, I desire to make a motion to take a recess for an hour. In support of that motion it is proper for me to say I of course am reluctant to keep the House in session on this actual day, but in one hour it will be sufficiently developed by consultation of conferees whether an agreement is likely to be reached to-day.

I believe in all probability the consular and diplomatic bill will come from the Senate with such action as will secure its immediate presentation to the President.

The deficiency bill is still in conference.

The conferees on the naval bill are unable to agree. In obedience to a suggestion a bill has been prepared by each side looking to an appropriation for six months for the support of the Navy, which may be a solution of the difficulty between the two Houses. That would leave out of course for six months any appropriation for monitors or duplication of cruisers. Still it will contain an appropriation looking to the completion of the cruisers. It will embrace also for six months an appropriation of $500,000 for armament. It was inserted by vote of the House over the recommendation of the committee, and the conferees on the part of the House felt in duty bound to recognize that vote of the House in that particular. Otherwise they would not have done it.

Mr. BROWNE, of Indiana. Will the gentleman allow me to say that on last night in the middle of my speech he took me off the floor to present a report from the committee of conference on one of the appropriation bills, with the right reserved and accorded to me of resuming and concluding my remarks some time between now and next December. Now, instead of taking a recess, I would be glad, with the indulgence of the House, to entertain them for about three-quarters of an hour. [Laughter.] If it be the sense of the House that I may proceed and conclude my remarks now it will be more satisfactory to me.

Mr. RANDALL. The gentleman from Indiana will permit me to state that I did not take him off the floor except by his own consent.

Mr. BROWNE, of Indiana. By no means. I yielded the floor at the suggestion of the gentleman, and for that reason I appeal to him to allow me to proceed now.

Mr. RANDALL. I think the gentleman from Indiana had better take a later time in this session.

Mr. BROWNE, of Indiana. In this session?

Mr. RANDALL. There are not many members present yet, and I feel obliged to press the motion. I am satisfied that by the expiration of that time it will be demonstrated beyond all doubt whether there will be agreements between the two Houses in the matters now in controversy.

Mr. MILLS. Do you expect that we will be allowed to adjourn to-night?

Mr. RANDALL. Yes, sir; undoubtedly—at least that is my hope.

Mr. HOLMAN. Permit me to state that with reference to the fourth bill, to which the gentleman from Pennsylvania has not referred, there is but a single item of disagreement. I refer to the legislative bill.

Mr. RANDALL. I have not said anything about that bill because the gentleman from Indiana himself who had charge of the bill was present on the floor, and I preferred that he should make the statement himself.

The SPEAKER. Does the gentleman from Indiana desire to be heard?

Mr. HOLMAN. Only to say that with reference to this fourth bill, the gentleman from Pennsylvania having mentioned three others that are pending—that with reference to the legislative bill there is but a single item in controversy between the two Houses, and that question will be presented at an early date for the action of the House.

Mr. RANDALL. I now ask that the motion I have made be submitted to the House.

Mr. VALENTINE. I hope the gentleman from Pennsylvania will not urge the motion for a recess. A gentleman on the other side of the House occupied an hour last night in the discussion of this Mexican pension bill, and it is only proper that this side should have the opportunity of a reply.

Mr. RANDALL. This is Sunday, and I do not want to encourage or to do anything that will bring up a debate of an acrimonious or a political character on to-day.

Mr. VALENTINE. The debate on the other side partook of that character.

Mr. RANDALL. I only want to stay here on Sunday as a necessity to get clear of the appropriation bills.

Mr. BROWNE, of Indiana. The speech on the other side was made on Sunday.

Several MEMBERS. Oh, no.

Mr. MILLER, of Pennsylvania. It commenced after 12 o'clock last night.

Mr. RANDALL. I dislike to do anything that seems discourteous to the gentleman from Indiana, but I must insist upon the motion in the interest of the completion of the appropriation bills, and for the reason I have stated.

The question was taken. The House divided; and there were—ayes 52, noes 21.

Mr. SMALLS. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. RANDALL. I want to urge upon the gentleman who makes the point of a quorum as against the recess, that there are members of the conference committees that do not want to be absent from the House when it is in session if it is possible for them to be here, and as the only business in my judgment that should be transacted on this day is the necessary business relating to the conferences, I hope the point will not be insisted upon.

Mr. STEELE. That could readily be arranged if the members of the conference committee desired to be present.

Mr. HISCOCK. Who made the point of order?

The SPEAKER. The Chair understands the gentleman from Nebraska to have made it.

Mr. VALENTINE. I did not make the point of order.

Mr. SMALLS. I made it, but at the suggestion of gentlemen arouud me I will withdraw it although I would like to hear the speech of the gentleman from Alabama [Mr. HEWITT] answered.

Mr. BROWNE, of Indiana. May I be permitted to say a word?

I thought it was but right that I should have an opportunity of simply stating how this Mexican pension bill now stands with the Senate amendments, in order that the country may know precisely the issue that had been dividing the parties here during the last three days. I do not desire to make anything like a partisan or political speech; but after the gentleman on the other side [Mr. HEWITT] has consumed an hour, if the House shall think it best now that I say nothing at this stage of the session; that this side should say nothing; that we should stand mute; that we should submit this case, and that that is fair, I will submit to the judgment of the House.

Mr. RANDALL. There is no effort on my part to gag anybody.

Mr. HOLMAN. Allow me to say to my colleague from Indiana that it is scarcely fair to say that there has been a division between the parties on this question.

Mr. BROWNE, of Indiana. I referred in that statement to the two sides as divided upon this bill. I spoke in no political sense at all. I know that there are Democrats favoring it and Democrats opposing it.

The SPEAKER. The point of no quorum having been withdrawn, the motion for a recess is agreed to.

And accordingly (at 3 o'clock and 32 minutes p. m.) the House took a recess for one hour.

AFTER THE RECESS.

The recess having expired, the House (at 4 o'clock and 42 minutes p. m.) resumed its session.

ORDER OF BUSINESS.

Mr. THOMPSON. I ask unanimous consent—— [Cries of "Regular order!"]

Mr. SCALES. I ask unanimous consent to present a Senate resolution referred to the Committee on Printing for present action.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), 1. That the Joint Committee on Public Printing is hereby instructed to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and to report a bill in December next, making such restrictions in the numbers and cost of printing, and such changes and reductions in the distribution of said publications as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also instructed to investigate the printing and binding for the Executive Departments, executed at the Government Printing Office, and at the branch printing offices and binderies in the various Departments, and report a bill in December next making such reductions in expenses and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further instructed to make any other investigations calculated in their opinion to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to summon and to examine experts and witnesses, and to call upon the heads of the Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire; and any expenses necessarily incurred in making the investigations aforesaid shall be defrayed equally from the contingent funds of the two House of Congress.

2. Said committee is hereby authorized to sit during the recess for the purposes of the first section hereof and in the discharge of its usual duties.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. CHACE. I object.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. HOLMAN. I move that the House take a further recess of one hour. I wish to state that the report of the committee of conference on the sundry civil bill will be reported to the House to be presented to the two Houses at quite an early moment, to be followed by the report on the naval appropriation bill. By taking a recess for the period of one hour the business of Congress will be very much promoted.

Mr. TUCKER. I ask the gentleman from Indiana to withhold his

motion for a moment to allow me to present a report from the Committee on the Judiciary.

The SPEAKER. If there be no objection the gentleman from Virginia [Mr. TUCKER] will send up his report.

There was no objection.

PUEBLO OF SAN FRANCISCO.

Mr. TUCKER, by unanimous consent, from the Committee on the Judiciary, reported back a resolution relating to the grant to the pueblo of San Francisco, and moved that it be laid upon the table and that the accompanying report be printed.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] that the House take a recess for one hour.

Mr. O'NEILL, of Pennsylvania. I think it might be well to extend the recess until 7 o'clock.

The SPEAKER. The gentleman from Indiana states that the report on the sundry civil bill will be ready in a short time, to be followed by the report on the naval bill.

Mr. BROWNE, of Indiana. I find, after consultation with gentlemen who are in favor of the amendments of the Senate to the Mexican-war pension bill, that they believe it is but just to them, to the House, and to the country that I should correct some of the mistakes that were inadvertently committed in the argument of the gentleman from Alabama [Mr. HEWITT]. I hope, therefore, while the conference committees are absent and are engaged in other work, the House will not take a recess, but that I will be permitted to proceed to make that statement. I had the floor at the time the gentleman from Pennsylvania [Mr. RANDALL] entered the House with a conference report, and yielded it because I did not desire to obstruct that business, in which the whole House and the country are so deeply interested. Having been thus courteous to the House I do think I am not asking too much when I appeal to it to allow me to proceed.

Mr. HENLEY. My recollection is—I appeal to the House for its accuracy upon that point—that the gentleman from Indiana had approximately the same amount of time that the gentleman from Alabama has had.

Mr. BROWNE, of Indiana. The gentleman from California is very much mistaken. He is mistaken by over forty-five minutes; that is all.

Mr. HENLEY. I do not think so.

Mr. HEWITT, of Alabama. I hope the gentleman will be granted the privilege of addressing the House.

The SPEAKER. But the gentleman from Indiana has made a motion for a recess for one hour.

Mr. HISCOCK. Will not the gentleman from Indiana [Mr. HOLMAN] consent that we remain in session for debate only on this question, no other business to be transacted?

Mr. HOLMAN. I made the motion I did out of deference to the common sentiment of our country in regard to the employments proper for the Sabbath day. I think Congress should show a decent respect for the opinions of their constituents in regard to the Sabbath, and that no other business should be done to-day than that which is necessary to be done. That is my sentiment; but I will not insist on the motion. I withdraw the motion for the recess.

Mr. YOUNG. I renew it. I move that the House take a recess until 6 o'clock.

Mr. BROWNE, of Indiana. I regret my colleague [Mr. HOLMAN] did not make that suggestion when the gentleman from Alabama [Mr. HEWITT] was addressing the House.

Mr. COX, of New York. I hope my friend from Tennessee [Mr. YOUNG] will be generous to the opposition and not insist on his motion for a recess.

Mr. YOUNG. I should be very glad to hear the gentleman from Indiana on this important question. But if he addresses the House other gentlemen will want to be heard, and I should like to have an opportunity of discussing the question myself.

Mr. PETERS. I give notice that I shall insist on a quorum on the motion for a recess.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. YOUNG] that the House take a recess until 6 o'clock.

The House divided; and there were—ayes 38, noes 58.

So (further count not being called for) the motion was not agreed to.

MEXICAN-WAR PENSIONS.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] is entitled to the floor. He has forty-eight minutes of his time remaining.

Mr. BROWNE, of Indiana. Mr. Speaker, when I yielded the floor I was proceeding to say that the gentleman from Alabama [Mr. HEWITT] criticises the amendments to this bill—one of them, at least—because in the case of widows the pension is not confined to those who were wives of the soldiers at the time they performed the services or at the time of their discharge. The amendment as it stands is in accordance with the uniform rule pursued in pension cases. Our legislation has rarely limited pensions to widows who were wives when the deceased husbands were in the service. In every instance in which pensions have been granted to those who have subsequently died because of disabilities incurred in the service they have gone to the surviving widows, without regard to the time of marriage. Until now the propriety of this legislation has never been challenged. Whether or not this be a correct principle, it will add a very small sum to the pension account, and I shall not stop to discuss that question further. I doubt the sincerity of this objection, and fear it is used as a mere pretext by those who are unwilling to give the Union soldier any relief by this bill.

The gentleman from Alabama insists that the amendments enlarge the provisions of the original act so far as the soldiers of the Mexican war are concerned. In that he is evidently mistaken. For, as I said this morning, they not only cut off from a right to pension all those whose names appeared on the roll, but who actually performed no service in that war, but they restrict the service pension to two classes: First, to those who have attained or may hereafter attain the age of 62; and secondly, those who are subject to a disability or dependence of such character as is equivalent to some of the causes prescribed or recognized in the pension laws of the United States. And this as a service-pension is most generous.

The men who fought at Lexington and Monmouth, and Saratoga, Bunker Hill, and Yorktown were not allowed a service-pension until June 7, 1832, fifty years after the close of the Revolution, and when its survivors were of the average age of 75 years. And then no provision was made for the surviving widows. They were given a pension for the first time by the act of July 4, 1836. No Revolutionary soldier was entitled to a pension under the act of 1832 unless he had served at least six months. We did not give a soldier of 1812 a short-service pension until March, 1878, nor until the average age of the soldiers of that war was 86 years. By this most liberal bill we require of the Mexican war soldier a service of fourteen days only, and that he shall have but attained the age of 62. In the light of these undeniable facts, who will say this measure is illiberal to the Mexican war soldier? Who would put him above the heroic men of 1776 and 1812?

But, sir, I have shown that this bill as it is amended restricts rather than enlarges the class of claimants to whom pensions would have been given under the original act. My friend, therefore, is mistaken, very badly mistaken, when he objects to this bill because it increases the expenditures from the Treasury. It does exactly the reverse.

He next insists that the bill discriminates against the Mexican soldier and in favor of the soldier who performed service in the Union Army in the late war. Here he commits a still graver mistake. But before proceeding to discuss that point I hope he will allow me to call his attention to the fact that every one of the Mexican soldiers, those who were actually in the service and those who were not in it, has been given by the liberality of the American Congress a land-warrant for one hundred and sixty acres of the public domain. Every man of them has received his land-warrant or his land-scrip or its equivalent who was in the service of the Government in the Mexican war.

The legislation of Congress on that subject began by providing that those who had served a given length of time should receive a land-warrant for one hundred and sixty acres, another class serving less time should receive eighty acres, and still another class forty acres. But by subsequent legislation all of them, without regard to the time of service, were given each one hundred and sixty acres of the public domain. The record shows that these men got their land to the last acre. In this they have been favored above the Union soldier.

This land bounty has never been accorded to the Union soldier of the late war. No matter how long he may have served, how valuable or how distinguished his services may have been, he has never received and perhaps never will receive from the Government of the United States a single acre of the public domain. Those who oppose this bill will certainly never vote him a land-warrant.

Mr. HEWITT, of Alabama. I ask the gentleman to yield one moment. I would like to ask him if a large number of the Union soldiers did not receive a bounty in money.

Mr. BROWNE, of Indiana. Yes, a very large number of them received bounties in money; which were not given to the soldiers of the Mexican war. But a very large number (a fifth or sixth of the whole number, perhaps ten times as many as all who were engaged in the Mexican war) received no bounty at all, or, if any, a very insignificant one. But, sir, were these wars equal—equal in duration, in sacrifice, in suffering, in danger, in results, in anything?

Now let me call the attention of gentlemen of the House to the fact that by several acts of Congress there was given to the soldiers of the war of 1812, of the Mexican war, and of the various Indian wars which the gentleman from Alabama included in his bill, and for the passage of which he seems to be so anxious, an aggregate of over 62,000,000 acres of the public lands. What an empire was this! How munificent this gift!

Mr. HEWITT, of Alabama. I would like to state to the gentleman that if he will examine the records he will find that two-thirds of that land was stolen from the soldiers.

Mr. BROWNE, of Indiana. Stolen from them? How stolen? You surprise me.

Mr. HEWITT, of Alabama. I perhaps should not say two-thirds, that is a little extravagant. But at least one-fourth of the land granted to the soldiers of the Indian wars and of the Mexican war was absolutely stolen from them.

Mr. BROWNE, of Indiana. By whom? Certainly not by the Government.

Mr. HEWITT, of Alabama. You will find by an examination of the records in New York and other States that the land-warrants were obtained from the soldiers and sold to other parties.

Mr. BROWNE, of Indiana. Suppose that were true; I am talking about what the Government did. The fact the gentleman states, if historically correct, does not affect the generous disposition of the Government of the United States toward these men. That these soldiers were swindled is no fault of the Government.

Mr. HEWITT, of Alabama. I beg your pardon.

Mr. BROWNE, of Indiana. Allow me to proceed. Let me say that of this 62,000,000 acres of bounty lands given to these soldiers over 16,000,000 acres went to the soldiers of the Mexican war alone. Now, let us look at that for a moment. Sixty-two millions of acres makes 96,875 square miles, or the equal of a territory 311 miles square; a domain twice as large as the great State of Indiana. The Mexican war soldiers alone got a territory two-thirds as large as that State. Yet the gentleman talks about the legislation of Congress discriminating against the soldiers of the Mexican war. Sir, they have been favored by that legislation above all others, as I have shown, and as I will show as I proceed.

The next thing the gentleman has asserted is that this eighth section, taken I suppose in connection with the other provisions of the bill, will take from the Treasury of the United States the immense sum of $2,000,000,000. I would have been gratified had the gentleman favored the House with the figures by which he reached that startling conclusion. Pardon me for asserting that this estimate is absurd.

I have had something to do in figuring upon estimates for pensions upon this and other bills, and am safe in saying that the gentleman's statement is a fearful exaggeration. Now let us see. To be brief, according to the highest estimate made by any one who understands the question this bill in the aggregate, including every class of pensioners contemplated by it, will not put upon the pension-rolls more than 250,000 names. Remember that there are now pending in the Pension Bureau from two hundred and fifty to three hundred thousand applications for pensions, a large percentage of which will go upon the pension-roll under the law as it now stands.

If claimants for pensions under the eighth section of this bill are taken from those who have applications now pending, and many will be, the result as to these will not be to increase the pension expenditures at all, for if they are not paid under this act they will be paid under the general law. However this may be, I put the highest number of beneficiaries under these amendments at 250,000. The average pension will be about $100 a year, and the amount to be met therefore will be $25,000,000 for the first year. But we must remember that these pensions, under the eighth section, are granted only to a class of disabled or diseased or infirm persons, and that death from year to year will rapidly diminish the roll. And it is not within the possibility of things that it can reach $2,000,000,000 or $1,000,000,000 or $500,000,000.

I believe sincerely that the total cost of the Senate amendments to this bill will not be equal to the sum the Government has paid as interest on the national debt for a single year. The opposition to this measure set up its cost simply to frighten the timid.

But again, it is claimed that this bill by the eighth section discriminates against the soldier of the Mexican war and in favor of the Union soldier. Let us see. The first section gives, as I have already attempted to show, a service-pension to those who have attained the age of 62, and to those who are disabled or who are dependent, and pensions are provided for those who served from one to fourteen days. That is what is done for the soldier of the Mexican war. If he served from one to fourteen days, if he has attained or shall attain the age of 62 years, or if he suffers under a disability or is dependent, he receives a pension.

How is it as to the Union soldier, under the provisions of the eighth section? In the first place, he must have served three months—not merely one day or fourteen days. In the next place, the language is:

Who has or shall become disabled from any cause not the result of his own gross carelessness, &c.

In the first place, he must have served three months; in the second place, he must be suffering from a disability which is not the result of his own vicious habits or disreputable conduct. What further than that?

And shall also be dependent upon his own labor for support, or shall be chargeable upon the charity of others who are not by law required to give him support.

All these things must concur before the Union soldier can receive a pension under the eighth section of this bill. He must have served three months; he must be disabled in a pensionable degree, and he must be dependent upon his own labor or upon the charity of other people for support.

Now, let me stop here and appeal to gentlemen on both sides. As a matter of justice to the soldier who has faithfully and heroically served his country, ought not the Government, when that soldier becomes disabled and dependent, to put him upon the pension-roll and save him from becoming the object of private or public charity, whether he is to be supported by others who are under no obligations to support him, or whether he must be committed to one of the common poor-houses of the country? Can it be possible that any one denies this obligation of the country?

Mr. McMILLIN. Will the gentleman yield to me a moment?

Mr. BROWNE, of Indiana. Always to my friend from Tennessee.

Mr. McMILLIN. The gentleman has described two classes of cases provided for under this bill, the cases of soldiers of the Mexican war and the cases of soldiers of the late war. Now, does not the gentleman think it unjust to give to the widow of the soldier of the Mexican war only $8 a month, and to the widow of a soldier of the late war $12 a month? Does he not think it unjust to give to the totally disabled soldier of the Mexican war $8 a month, and to the totally disabled soldier of the late war $24 a month? There is what I conceive to be the great injustice of this bill, which I think no man can justify.

Mr. BROWNE, of Indiana. I have attempted to show that while the provisions of this bill are extended to soldiers of the Mexican war who performed from one to fourteen days' service—a class of soldiers every one of whom has received one hundred and sixty acres of the public lands; a benefit which has not been given to the Union soldier—this bill is not objectionable as creating a discrimination or an inequality between these two classes of soldiers.

Mr. McMILLIN. But that remark does not apply to all of either class. A portion of the Union soldiers received $300 bounty, and a portion of the soldiers of the Mexican war, who are to get but $8 a month for total disability, served not only three months but a year or more than a year.

Mr. BROWNE, of Indiana. But will the gentleman permit me to say that under this eighth section a disabled Union soldier may receive only $8 or $4 or $2 or $1 a month, while in every instance the soldier of the Mexican war is to have $8 a month? Under the eighth section of this bill the pension to be received by the Union soldier is to be fixed according to the degree of disability, while to the Mexican soldier, without regard to the degree of his disability, the bill grants a pension of $8 a month absolutely.

Mr. McMILLIN. But where the disability is total the soldier of one class gets $8 a month and the soldier of the other class $24 a month. There is the injustice of which I complain.

Mr. BROWNE, of Indiana. That may be true. I do not say that this measure, taken as a whole, does not contain some inequalities and defects. But the gentleman will permit me to say to those who have united with my friend from Alabama [Mr. HEWITT]—I do not say that this remark includes the gentleman, and it does not make any difference whether it does or not—do you not know that by your tactics you have prevented us as well as yourselves from suggesting any kind of amendment to these provisions put upon the bill by the Senate? You have absolutely tied the hands of this House so that we have not been able to amend this bill at all in order to meet the objections which you now make to it.

Mr. McMILLIN. But there is no man here deluded enough to believe that there can be at this stage of the session a single amendment accomplished to remedy the "inequalities" of which the gentleman speaks. The gentleman does not say that he believes such amendment practicable.

Mr. BROWNE, of Indiana. I do not know what might have been accomplished. I only know we had no opportunity to try. I attempted to reach this measure a week ago and was voted down.

Mr. McMILLIN rose.

Mr. BROWNE, of Indiana. If the gentleman will indulge me, I have a line of argument I desire to follow.

Mr. McMILLIN. I was going to call the gentleman's attention to the fact, in response to what he said, that his motion to adopt the amendment of the Senate is the very injustice we speak of.

Mr. BROWNE, of Indiana. It does not come with good grace for gentlemen to talk about the bad faith of denying motions to adopt amendments and all that when they put a bill through this House under a suspension of the rules which they now confess was extravagant and would take millions of dollars from the Treasury of the United States.

Mr. McMILLIN. The bill which came from the Senate is no more like the one which went from the House——

Mr. BROWNE, of Indiana. No; it is very much improved, I admit. It is juster if not cheaper.

Now, Mr. Speaker, I have attempted to show that when you take this whole measure together there is in it no injustice, extravagance, or inequality of which the gentleman or the country have a right to complain, and I have attempted to show in the second place that the eighth section, to which so much objection was made by the gentleman from Alabama, is absolutely just to both the Union and Mexican war

soldiers. I do not believe the gentleman from Alabama, with all his courage, would dare put himself upon record as voting against it. He may stand up and be counted against it, but when the roll is called this record "that doth make cowards of us all" would probably show his name in its favor.

Mr. HEWITT, of Alabama. I never vote standing up when I would not vote upon the record.

Mr. BROWNE, of Indiana. The gentleman may have that courage.

Mr. TOWNSHEND. I hope the gentleman from Indiana will let me make a suggestion as to the amount of cash which will be required to pay these pensions. The Commissioner has informed me twice that he had made a careful computation of the amount which would be required to pay these pensions, and that the provision relating to Union soldiers would amount to $12,000,000, and the provision relating to Mexican soldiers to $4,000,000, and that he is satisfied it will cost no more.

Mr. BROWNE, of Indiana. I am very thankful to the gentleman for giving the House that information. I said that the amended bill would cost twice that much, and am willing to stand by it if it should, to stand by it at all costs, for it is right. Let us see what this bill provides as it now stands.

Mr. COX, of New York. Will the gentleman from Indiana answer a question?

Mr. BROWNE, of Indiana. I do not know whether I can, as the gentleman from New York often asks questions that are very puzzling.

Mr. COX, of New York. Do you not think this bill has been handicapped and loaded down in order to reject it?

Mr. BROWNE, of Indiana. Do I so think? No.

Mr. COX, of New York. Yes; has not the Mexican pension bill been handicapped with amendments in order to destroy it?

Mr. BROWNE, of Indiana. The only objectionable part of the bill is the Mexican war part of it.

Mr. COX, of New York. You do not answer my question.

Mr. BROWNE, of Indiana. No, sir; not on our side. I have not heard such an intimation before.

Mr. COX, of New York. The Senate loaded it down to reject it.

Mr. BROWNE, of Indiana. I have heard rumors of certain gentlemen professing to support the bill who were not in earnest about it.

Mr. COX, of New York. I am rather simple about it, but did you not handicap the bill with these amendments?

Mr. BROWNE, of Indiana. I have no doubt you are simple about it. The opposition can not escape by this route, even by your help.

Mr. COX, of New York. Yes; it means the truth, and that is all there is about it.

Mr. BROWNE, of Indiana. What is the next amendment of the Senate? It is simply to increase the pension of the widows of private soldiers from $8 to $12 a month. This applies to widows of all soldiers in all our wars. The simple statement of the fact is all I need say in its defense. That is all; the statement makes its own argument that we propose to give these widows the pitiful sum of $12 a month. I take it for granted nobody but the gentleman from Alabama and those who have obstructed the passage of the bill are opposed to this amendment.

Mr. HEWITT, of Alabama. If the gentleman had listened to me last night he would have known that I said that I would vote for that part of the bill.

Mr. BROWNE, of Indiana. The next amendment is that where one drawing a pension from the United States because of disability dies leaving a widow and infant children, that a pension shall inure to the widow and the infant children without proof that the death was actually the result of the disability. In other words, when the pensioner who needs the pension in his own lifetime for the support of his wife and children dies, the widow and infant children shall be entitled to succeed to the pension without proof, as is now required by law, that the death actually occurred by reason of the disabilities for which he is put upon the pension-roll in the first instance; and the mere statement of that proposition is all I care to say in its defense. Its justice has not prevented gentlemen from filibustering for three whole days to defeat it.

What next? The law as it now is gives a pension to the infant children of deceased soldiers until they reach the age of 16 years. That is the existing law.

Now, this next provision extends the pension to the infant children of deceased soldiers after they have passed beyond the age of 16 years in the event they are of unsound mind, insane, or idiotic, or are in other respects helpless and unable to take care of themselves.

This section, therefore, simply declares that the helpless condition of infancy continues as to these children after they have attained the age of 16 years. In the case of children in perfect health and sound mind the pension terminates at 16 years; but when they are helpless because of unsoundness of mind or disease of body the pension continues to them, as it ought to do; and I challenge any gentleman to controvert the propriety of that provision in the Senate amendment. I want to see who has the courage to deny a pension to this helpless class of soldiers' orphans. And what next?

The next continues the pension to the dependent father and mother, where the soldier son has left no widow or minor children, under almost the same conditions that continues the husband's pension to the widow. Where the pensioned soldier died from his disability leaving no dependent children or widow it continues the pension to the father or mother when it is shown that the father or mother were dependent upon their own labor for support, or are dependent upon the charitable contributions of others who are under no legal obligation to afford them that support. Let me here quote this section. It is as follows:

SEC. 12. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

That, Mr. Speaker, is a humane provision which simply gives a pension to the old mother or father of a son who is dead, because of wounds or disabilities incurred in the service. This section confines the pension to cases where the proof of fact has been made that the death was the result of wound or disabilities incurred by the soldier in the service of the United States, and in that event the Government comes forward and says to the parents of the soldier who has given his life, who has laid himself down in the valley of death because of his patriotism and his heroism—the Government says it will provide for that father and mother if they are so poor as to be dependent upon their daily labor for their maintenance, or are dependent upon the charities of others. Is not this right? It will enlarge the pension-roll but little, and the few this section will add to it will not remain upon it long. These old men and women are rapidly passing away. Before they are all gone let the nation testify its regard for the sacrifices of their dead sons by giving them a little pension.

The last of the Senate amendments is one that I think every member of the House who has had any experience in the Pension Bureau recognizes as most eminently wise, just, and proper. It provides that where the Government of the United States has accepted the services of its citizen, has accepted him into the military service, that that acceptance shall be *prima facie* evidence of the fact that he was sound at the time of his enlistment. It simply applies, what ought to be the rule in such cases, the doctrine of estoppel as against the Government and forbids it to deny the soundness of its citizen soldier after it has voluntarily accepted his services. It must be remembered that it is only *prima facie*, and may be set aside by proof of the fact that the disability existed prior to or at the time of his enlistment, and in that event no pension will be given.

The present law, which requires from the pension claimant affirmative proof of soundness at enlistment, is not only a great hardship but it has defeated thousands of meritorious claims. We all know this. No one denies it or dares attack this amendment.

Now, gentlemen, I have gone over the amendments of the Senate to this pension bill. I admit that I was opposed to the Mexican war pension bill, and could not have voted for it as originally presented to the House. But after these amendments, after the adoption of these very judicious amendments on the part of the Senate, I am heartily in favor of it. With certain amendments, which I mentioned in the discussion at the time, I would have supported the original Mexican war pension bill. In regard to the Mexican war soldier I then said:

Now, what do I say in regard to these sixty-day men? Here is an amendment I propose to offer to the bill. I propose—and I speak for myself—to give every man who actually served in Mexico or participated in any battle in the Mexican war a pension, without regard to the time of his service. I propose, in the second place, to put on the pension-roll every man who was on the muster-roll of the Army of the United States for sixty days in that war who will show he was in such pecuniary condition as to need the assistance of the Government in his maintenance.

As to the Union soldiers and their interests, I said:

I insist that when this bill is considered it shall come into the House, so that we may have an opportunity of amending it and by our amendments seek to do justice to the soldiers of the war for the Union.

As the bill has at last been amended to meet in a large measure my views in these, I have given it my sincere support.

Mr. HEWITT, of Alabama. Will the gentleman pardon me a moment? The section that he has just referred to in regard to proof of soundness I would be willing to extend still further. I would go further than even the Senate goes, because when the Government accepts the services of the soldier, after it has made its examination and declared him sound and accepted him into the service, the Government ought to be estopped from denying his claim in that respect.

Mr. BROWNE, of Indiana. I submit to the gentleman from Alabama whether it is exactly fair for him, after speaking an hour, to repeat his speech in the body of mine. I desire to be kind and indulgent to all gentlemen upon the floor. I understand the gentleman to occupy the position that this is a just provision of the bill. I do not want to put him in a false light. I have undertaken to state the facts exactly as they appear, and I have not said anything else. I have attempted to show to the House that the amendments of the Senate are wise and judicious, and that they are such as patriotic men may assent to. It is such a bill as should pass the House without obstruc-

tion from any quarter. I have attempted to show that the expenditures involved in this measure have been exaggerated—I hope not intentionally exaggerated; but that they have been frightfully exaggerated is certain.

I have attempted to show that it is impossible in the nature of things that this measure can cost the Treasury of the United States one-fourth or more than one-fourth of the sum named by the gentleman from Alabama.

How much time have I remaining?

The SPEAKER *pro tempore* (Mr. THOMPSON). The gentleman has eighteen minutes of his time remaining.

Mr. TILLMAN. Will the gentleman from Indiana permit me to suggest one difficulty? The gentleman from Illinois [Mr. TOWNSHEND] stated a moment ago that the Commissioner of Pensions had stated the cost of this bill would be about $12,000,000 a year for Union soldiers. Now I wish to ask the gentleman from Indiana if the clause be retained in the bill granting pensions on the ground of dependence—dependence either on the labor of the soldier or upon private charity—whether that is not such an unknown quantity that no man can approximate an accurate estimate. In that connection will the gentleman please permit me a minute longer?

Mr. BROWNE, of Indiana. I have agreed to give some time to one or two gentlemen. But if the House will extend my time long enough I have no objection to the request of the gentleman from South Carolina.

Mr. TILLMAN. I think the House will be willing to extend the gentleman's time. Will not that provision offer a premium for pauperism; or, will it not offer an inducement to the soldier to be improvident or vicious and to look forward to the prospect expressed in the song of the English pauper:

> Hang sorrow, and drive away care,
> The parish is bound to find me?

Will it not also stimulate soldiers who have but little visible property to sell that property so as to have the evidence of their possessing no means of keeping them from being dependent put out of the way? That is the unknown quantity, in my judgment, that will make these pensions aggregate the sum suggested by the gentleman from Alabama. I would thank the gentleman from Indiana if he would address himself to that view of the subject; for I assert in all seriousness, not only speaking for myself but for my section, that we are willing to vote liberal pensions to the widows of the Union soldiers, to their orphans, and to every soldier who was disabled in the service; but we are not willing to vote for pensions to those men who have been disabled by their own immoral act, or who are dependent or may become so when the Government shall have offered this premium for improvidence and vice or, as I said a moment ago, pauperism.

Mr. BROWNE, of Indiana. The gentleman from South Carolina [Mr. TILLMAN] is always frank and always candid. As regards any estimate of the cost of a pension bill there is always an uncertainty about it, and accuracy is impossible.

Mr. TILLMAN. But to grant pensions on the ground of general dependence is a new principle, is it not?

Mr. BROWNE, of Indiana. It is not altogether a new principle.

Mr. JOSEPH D. TAYLOR. It is the law now.

Mr. TILLMAN. I suppose that there may be a few exceptional cases in which pensions have been given on the ground of special dependence.

Mr. BROWNE, of Indiana. I hope the gentleman from South Carolina will not interrupt me further, and I would like to have my time extended, as I have agreed to give away some portion of it.

I say briefly it is impossible to state accurately what the cost will be. The estimate of the cost I have made is this: Under the provisions of the bill as it now is, limiting the age of the Mexican soldier to 62 and of the widow to 62, and with the provision contemplated by the bill as to dependency, I believe it will cost the first year about $4,000,000. But after persons have arrived at that age and are in addition to that disabled they can not live long, and it will be in the very nature of things a very short time until that roll would entirely disappear. After we have reached 62 years it is but a step to the grave. I will not attempt to give an estimate as to the annual per cent. of decrease that would occur to the Mexican war soldier roll. It is clear, however, that it will soon pass away. Under the limitations of the bill, as amended, the Mexican war roll will be neither large nor expensive.

Now, in the next place, I have estimated the beneficiaries provided for by the bill, leaving out the Mexican soldiers, at 210,000—I think a very liberal estimate—and the average pension $100 a year; making for the first year $21,000,000, and a total of $25,000,000.

And I may make the same remark in regard to this list which I made a moment ago. This includes the class of old people, that is, the dependent fathers and mothers, who must necessarily be old because the Union veterans are now old men and their fathers and mothers are older than they; so that the class of those that are dependent must necessarily very rapidly disappear from the pension-roll. They can not stay there long.

Mr. TOWNSHEND. I think the gentleman from Indiana has made too large an estimate. The Commissioner of Pensions has told me twice he has made a careful computation in his office of the cost of this bill, and he asserts it can not exceed sixteen and a half millions all told.

Mr. BROWNE, of Indiana. Let it be so. How much time have I left?

The SPEAKER *pro tempore*. The gentleman has eleven minutes of his time remaining.

Mr. BROWNE, of Indiana. Now, I can not tell the number of those who are dependent; but allow me to say, under the liberal provisions of the pension laws and their administration by the Pension Office a large proportion of these are being taken up on the pension-roll under the general law, and I do not believe this class will be large or that it will add largely to the expenditure. About that, however, I may be mistaken.

In the next place, I do not believe that this will be an inducement to pauperism; I do not think it. Men generally shrink from pauperism or poverty. I know that human nature is depraved and will resort, in order to obtain money, very often to measures that are not reputable; but I am not willing to believe that this thing will be done to any considerable extent. I know that the true soldier is incapable of such a thing. My answer to all that is that this submits the conditions, the proofs, the practice in the Pension Office, the character of the evidence to be received to the Secretary of the Interior; he provides the rules under which the proofs are to be made, and it is very easy for him to require the applicant for the pension to show whether or not recently before his application he has disposed of any part of his means; and the Secretary may by rule provide against contingencies of this character and confine the benefits of this bill to those who are honest claimants.

No, no! He who was a true soldier is an honest man, and I do not fear that the generosity of the people will be imposed on. He who does so under the guise of a soldier or of a soldier's dependent relative will receive the contempt, the merited contempt, of every honest man and every faithful and patriotic soldier. It is no more possible to take advantage of these than of other provisions in the pension laws.

And in conclusion permit me to say that, regarding the provisions of these amendments as just, I believe they ought to be granted to the Union soldiers of the country. I believe they are entitled to receive these benefits. I believe a great and magnanimous people are willing to accord these benefits to them.

More than that, I think that when the nation is strong and vigorous, its commercial condition healthy, millions of dollars in its Treasury, with a taxing power without limit; when we are taking in from taxes upon tobacco and spirits $100,000,000 a year, and when we can add to that a tax upon the incomes of the rich if the exigencies of the case require it—while we can pay these just pensions, meet the demands of this beneficent measure without its being a burden upon our people, I do not think we ought to stop and count its cost. The soldier of the nation did not stop to count the peril or the sacrifice when the drumbeat and the bugle-blast called him to the battlefield.

Mr. BROWNE, of Indiana. I yield to the gentleman from Kentucky.

Mr. BLACKBURN. I thank the gentleman from Indiana [Mr. BROWNE] for his courtesy. In all this discussion I have not said one word. I simply desire now to send to the Clerk's desk and have read a letter from a constituent of mine upon the Senate amendments to this bill. His character will be vouched for by every one who knows him and his intelligence is illustrated by his letter. His politics are stated in the letter. He is a consistent Republican, having never voted the Democratic ticket in his life.

Mr. BROWNE, of Indiana. That is good.

Mr. BLACKBURN. This letter expresses my views so clearly and so fully, that I will ask the gentleman to give me the courtesy of having it printed in the RECORD.

Several MEMBERS. Let it be read.

Mr. BLACKBURN. Very well; I ask to have it read.

The Clerk read as follows:

CYNTHIANA, KY., *June* 25, 1884.

DEAR SIR: I am one of the surviving soldiers of the Mexican war and a Republican at that, but the action of the United States Senate yesterday in its amendments to the House bill granting pensions to the survivors of that war is exceedingly displeasing to me and my comrades, and it is to be hoped that the House of Representatives will never disgrace itself by concurring in them.

If we can not be placed on the pay-rolls upon an equal footing with the men who served in the war of 1812 we do not crave that distinction. We brought a world of wealth to our country, and now, after a lapse of more than thirty-seven years, if the Congress of the United States is still unwilling to recognize our trials and sufferings in that war, we beg of you and the rest of the members of your honorable body to see that we are not insulted and humiliated by restrictions.

Hoping that the House of Representatives will never suffer the bill to pass in its present form,

I am, dear sir, very truly and sincerely, yours,

A. WILLIAMSON.

Hon. J. C. S. BLACKBURN,
Washington, D. C.

Mr. BROWNE, of Indiana. It was unanimously understood that because of the interruptions while I was speaking I should have ten minutes' additional time.

Mr. BLACKBURN. That is right.

Mr. BROWNE, of Indiana. I have, I think, about eight minutes of my own time remaining.

The SPEAKER. The gentleman has five minutes of his original time.

Mr. JORDAN. Will the gentleman permit me to ask him a question?

Mr. BROWNE, of Indiana. If it is not to come out of the little time allowed me, and I take it for granted that it is not, I am entirely willing.

Mr. JORDAN. I understood the gentleman to say that in order to pay the large amount of pensions that might be required by passing this bill he was in favor of having an income tax imposed in this country. I would like to ask him first whether he is in favor of such a tax as that; and, secondly, whether in his judgment the increase of pensions provided by this bill would require an increase of taxation in this country?

Mr. BROWNE, of Indiana. I answer the first question by saying unhesitatingly—yes. If my record had been of sufficient consequence to have attracted the attention of the gentleman, he would have known that I have put myself on record as in favor of that kind of tax whenever the necessities of the Government required it.

To the second question, I answer that I do not believe it will be necessary to resort to any further taxation beyond that which now exists in order to pay this increased pension-roll.

Mr. JORDAN. Then you do not believe that there is any necessity for an income-tax now?

Mr. BROWNE, of Indiana. I have answered my friend's question. I now yield three minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER, of Pennsylvania. Very early in the first session of the Forty-seventh Congress I took occasion to state, when a bill was under discussion to grant a pension of $50 per month to the widow of the late General Alex. Hayes, of Pennsylvania, that while I would not vote against any reasonable bill which gave a higher rate of pension than $8 a month to the widows of officers of the Union Army, I thought that the rate of pensions to the widows of private soldiers should be largely increased, and that the widow of the private soldier should receive as large a pension as the widow of an officer. The Senate amendment to the Mexican pension bill, now under discussion, grants an increase from $8 to $12 per month. It is conceded that bill can not now pass this session. Gentlemen on both sides have stated to-day that they were willing to vote for a separate proposition increasing the rate to $12 per month. I therefore send to the Clerk's desk and ask to have read as part of my remarks such a bill, and I ask unanimous consent that it may be put on its passage.

The Clerk read as follows:

A bill to increase the rate of pension payable to widows of deceased soldiers from $8 to $12 per month.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all widows of soldiers and sailors who as such are now receiving under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States, and in line of duty, shall from and after this date be entitled to and receive the rate of $12 per month in lieu of said rate of $8, and all such widows who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

Mr. MILLER, of Pennsylvania. That is the provision of section 9 of the Mexican war pension bill as amended by the Senate, and I ask unanimous consent that it be now put upon its passage.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. MILLER] that the bill which has been read by the Clerk be now put upon its passage?

Mr. TURNER, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TURNER, of Kentucky. Is it in order to make a request for unanimous consent at this time?

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] yielded to the gentleman from Pennsylvania [Mr. MILLER].

Mr. TURNER, of Kentucky. But is it in order to submit a request for unanimous consent?

The SPEAKER. It is in order at any time to make a request for unanimous consent.

Mr. MILLS. I understand the Committee on Invalid Pensions have reported the same thing.

Mr. TOWNSHEND. That is all right.

Mr. TURNER, of Kentucky. I call for the regular order.

The SPEAKER. The regular order is called for, which is equivalent to an objection.

Mr. MILLER, of Pennsylvania. Do I understand the gentleman from Kentucky [Mr. TURNER] to object to passing this bill at this time?

The SPEAKER. The gentleman has objected.

Mr. MILLER, of Pennsylvania. I regret that any one should make objection to the passage of this proposed bill. The subject has been considered by a committee of this House, and a bill similar to this has been unanimously reported, but at this late day of the session it is impossible to reach that bill in regular order. All gentlemen upon both sides of this House admit that the rate of pension now paid to the widows of private soldiers ought to be increased. Without unanimous consent it is utterly impossible to pass the measure at this time. All admit it is just, right, and proper. All admit that unless such a measure passes by unanimous consent the widows of the private soldiers must take the pittance they now receive by law, while the widows of officers receive the increased rate. In behalf of the widows of the private soldiers who fell in the service, or who have since died of disabilities contracted in the line of duty, in behalf of those who have no voice in making our laws, and who must accept what we offer, in behalf of the widows of the gallant dead, I ask the gentleman from Kentucky [Mr. TURNER] to withdraw his objection.

[Here the hammer fell.]

Mr. TURNER, of Kentucky. Mr. Speaker, I demanded the regular order.

The SPEAKER. That is equivalent to an objection.

Mr. TURNER, of Kentucky. I did not say I objected to the bill.

The SPEAKER. But that is the effect of the demand for the regular order.

Mr. TURNER, of Kentucky. I know that; but I do not want to be placed in a false position. I expressed no opinion as to the merits of the bill. We passed a bill under the two-thirds rule pensioning Mexican veterans. The Senate loaded it down with amendments and virtually killed the bill. The gentleman from Alabama [Mr. HEWITT] has been trying for two days to get consideration of another bill pensioning Mexican veterans reported from the Committee on Pensions. I want to see that bill taken up and passed, and I do not want it obstructed by propositions of any character offered out of order. That is the reason I demand the regular order. I do not want to be misunderstood or placed in a false position. When the bill referred to by the gentleman from Pennsylvania [Mr. MILLER] comes up in regular order let it take its regular course under the rules. But I am opposed to these propositions offered out of order.

Mr. BROWNE, of Indiana. I yield two minutes to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. After the passage of the Mexican pension bill through the House I took some pains to investigate the amount necessary to pay pensions under that bill. I desire now merely to ask permission of the House to insert in the RECORD some statistics with reference to that subject, and to enlarge a little upon the effect of the Senate amendments.

The SPEAKER. If there be no objection the gentleman will have leave to print.

Mr. TOWNSHEND. If the gentleman will disclaim any intention to make any partisan remarks, I will not object.

Mr. BROWN, of Pennsylvania. I do that.

Mr. TOWNSHEND. Then I make no objection.

Mr. HENLEY. I call attention to the fact that the gentleman from Nebraska [Mr. VALENTINE] on the other side of the House has objected to any requests of this sort coming from this side. However, we take a Christian's revenge and do not make any objection in this case.

The SPEAKER. There is no objection, and the leave requested by the gentleman from Pennsylvania is granted.

Mr. BROWNE, of Indiana. I yield three minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, I confess to a little surprise that any gentleman in this House should refer to the incorporation of some amendments intended to ameliorate the condition of the pension laws in regard to the Union soldiers and their dependents as necessarily "handicapping" a bill in behalf of the veterans of the Mexican war. The bill originally passed by this House in regard to soldiers of the Mexican war provided for a service pension of $8 per month. The Senate of the United States in several directions enlarged the operations of the bill as affecting Mexican war pensioners, and then at a late stage in the session, after it had been demonstrated that the House of Representatives was likely to fail to act upon any of the important measures called for by thousands of the people of this country for the liberalization and simplification of the pension laws in regard to the soldiers of the late war, it ingrafted upon the enlarged Mexican pension bill the series of amendments which have come before the House, and Congress is asked to enact a measure which provides liberally for soldiers of the Mexican war and at the same time does some degree of justice to several classes of persons entitled to pensions in connection with the late civil war.

It is no part of my purpose in the three minutes at my command to undertake to discuss in detail the merits of these propositions, but I state what will be attested by nearly every gentleman on this floor, when I say that no class of legislation which has claimed the attention of Congress at this session has been urged upon this body with more earnestness, with more generality of interest on behalf of all classes of the people of this country, than these measures demanding that we shall liberalize our pension laws in such a way as will enable the Government to discharge some part of its duty to the soldiers who are now disabled, after having served their country in time of war, to the widows of such soldiers, to their orphan children, and to the aged and dependent mothers who gave their sons to perish in defense of the nation's life.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I yield the residue of my time to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Speaker, how much is there remaining of the gentleman's time?

The SPEAKER. Three minutes.

Mr. JOSEPH D. TAYLOR. I will ask an extension of three minutes, as I am not in the habit of talking very much.

The SPEAKER. If there be no objection, the gentleman will be allowed to occupy six minutes.

There was no objection.

Mr. JOSEPH D. TAYLOR addressed the House. [See Appendix.]

Mr. BROWNE, of Indiana. As both sides have had equal time, I move we take a recess until half-past 6 p. m.

Mr. HEWITT, of Alabama. The gentleman yields to me to submit a motion.

Mr. BROWNE, of Indiana. Certainly.

Mr. HEWITT, of Alabama. I move the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill I send to the Clerk's desk and that it be put on its passage.

The Clerk read as follows:

A bill (H. R. 4009) to increase the pension of widows and dependent relatives of deceased soldiers and sailors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the rate of pension for widows, minor children, and dependent relatives now on the pension-roll, or hereafter to be placed on the pension-roll, and entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of 16 years. And all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 2. That no claim agent or attorney shall be recognized in the adjudication of claims under this act, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making applications thereunder.

Amend the title so as to read: "A bill to increase the pensions of widows, minor children, and dependent relatives of deceased soldiers and sailors."

The SPEAKER. Is there objection?

Mr. BUCHANAN. Regular order.

Mr. BROWNE, of Indiana. I now renew my motion to take a recess until 6.30 o'clock.

Mr. WOLFORD. I hope the House will not take a recess now. Some of us want to be heard on this bill.

Mr. BROWNE, of Indiana. I promised to make this motion.

Many MEMBERS. Say 7 o'clock.

Mr. BROWNE, of Indiana. If the House desires it I will modify the motion for the recess until 7 o'clock.

The motion was agreed to; and accordingly (at 5 o'clock and 50 minutes p. m.) the House took a recess until 7 o'clock.

AFTER THE RECESS.

The recess having expired, the House (at 7 o'clock p. m.) resumed its session.

PENSION BILLS.

Mr. BAGLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House pension bills with Senate amendments thereto, and move concurrence in the amendments of the Senate thereon. This will perfect the legislation in reference to about a half dozen of these bills.

The SPEAKER. Is there objection?

There was no objection, and it was ordered accordingly.

Bills of the following titles were accordingly taken from the Speaker's table, the Senate amendments read, severally considered, and concurred in:

A bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield;

A bill (H. R. 1897) granting a pension to Catharine Hunter;

A bill (H. R. 2979) granting a pension to Nancy Ellis;

A bill (H. R. 4417) granting an increase of pension to Jacob Miller; and

A bill (H. R. 6530) to increase the pension to Richard Jobes.

Mr. BAGLEY moved to reconsider the several votes taken by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I move that the House now take a further recess for fifteen minutes.

The motion was agreed to; and accordingly (at 7 o'clock and 7 minutes p. m.) the House took a recess.

AFTER THE RECESS.

The recess having expired, the House (at 7 o'clock and 23 minutes p. m.) resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Also, that the Senate had passed without amendment the bill (H. R. 5888) granting a pension to Ellen O'Brian.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 671) for the relief of Elon A. Marsh and Minard Lafever; and

A bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts, the post-office, internal-revenue office, and other Government offices, at Erie, Pa., and making an additional appropriation therefor."

ENROLLED BILLS SIGNED.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia.

ORDER OF BUSINESS.

Mr. WELLER. I understand that there are some pension bills that have been passed by the Senate, which have come to the House and have been favorably reported by the House committee, and now on the Speaker's table. I move that these be taken up by unanimous consent and passed. I understand that it can be done in about twenty minutes.

The SPEAKER. The Chair will state to the gentleman that the bills to which he refers are in Committee of the Whole House on the Private Calendar.

Mr. WELLER. Then I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of Senate bills granting pensions. [Cries of "Regular order!"]

DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I desire to make a privileged report. I present the report of the conference committee on the general deficiency bill.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 8, 9, 10, 22, 39, 47, 48, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 17, 21, 92, and 122, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$301,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,816," and insert after said amendment, as a new paragraph, the following:

"For clerks to Senators, $27,666."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: Restore the matter to be stricken out by the said amendment, and in line 8 thereof, after the word "subject," insert the words "excepting $5,000 thereof;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$87,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and in line 7 thereof, after the word "case," insert the words "which case shall be preferred in the order of the docket of said court."

SAM. J. RANDALL,
JAMES N. BURNES,
W. H. CALKINS,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill (H. R. 7235) making appropriations to supply deficiencies for the fiscal year 1885, and for other purposes, submit the following written statement in explanation thereof:

The amendments of the Senate upon which the two Houses disagreed involved the appropriation of $759,222.54, of which sum it is agreed that the Senate yield $507,529.63, and that the House agree to $251,692.91.

The bill as finally agreed upon appropriates $9,996,616.61, being $274,849.96 in excess of the bill as passed in the House, and $835,461.63 less than as passed the Senate.

SAM. J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

Mr. RANDALL. It is proper I should state to the House *seriatim* the effect of the report of the conference committee. There were in all twenty-three points in dispute. The first five related to one subject; that is, the paving around the public buildings. From this the Senate recede.

The next relates to the payment of expenses incurred in the fiscal year 1883 in relation to the employment of certain internal-revenue officers who were selected to traverse different States with a view to prevent any unlawful distillation of spirits from fruit. The amount asked for was $6,758.31. The House did not appropriate for that purpose. The Senate inserted the appropriation. The Senate recede, and the money, therefore, is not appropriated.

The next is amendment numbered 11, which relates to the salaries and expenses of agents and subordinate officers of internal revenue. The House made no provision. The Senate inserted $150,000, based upon a communication from the Commissioner of Internal Revenue, that owing to certain changes of the internal-revenue law this amount of money was necessary. The Senate and the House have come to an agreement in relation to the amount by inserting $80,000, instead of $150,000 as in the Senate amendment.

The next amendment of the Senate as to which there was disagreement, numbered 19, related to certain claims on the part of the States of California, Oregon, and Nevada. These grew out of the act of 1861 levying twenty millions of direct taxes on the States. A repayment of 15 per cent. was provided for in case of prompt payment by the States. These three States did not pay quite on time. But there has been allowed to the State of Kansas under the circumstances this 15 per cent.; and after a good deal of argument pro and con the conferees on the part of the House receded and allowed the amount of money to these three States under that clause in the act of 1861, believing that, Kansas having received payment under like circumstances, it was unjust not to give to these three additional States the amount.

A MEMBER. How much is that?

Mr. RANDALL. The amount is $43,151.17.

The next amendment, numbered 21, was for the payment of a judgment obtained against William Higby in the State of California. The House recede from disagreement to that amendment. The Senate inserted the appropriation. There was no remedy, as the House conferees thought, in relation to that matter. Being a judgment, they had to accede, and the House recedes from its disagreement.

The next is amendment numbered 22, to enable the Secretary of the Treasury to reimburse the amount paid for expenses of commission appointed to go to Louisiana in April, 1877, $3,950.73. That was indebtedness, as the conferees on the part of the House thought, not authorized by law; and the Senate recede.

The next is amendment numbered 39, which relates to certain claims under the act to aid in the improvement of the Fox and Wisconsin Rivers. This subject is well understood in the House, and I need not enlarge particularly upon it. Part of this $10,000 was a claim against the company before the United States resumed control of the work. The United States originally granted lands in connection with this improvement to promote it. The United States subsequently resumed ownership and control and has appropriated a large sum of money to that improvement. These claims grew out of and are adjusted under the State law of Wisconsin. They are not judgments but claims. The House did not originally insert them. The Senate recede from their payment.

The next amendments are numbered 47, 48, and 49, and relate to the payment of certain claims in connection with contracts for the construction of the monitors, the first one being an amount alleged to be due to Harlan & Hollingsworth; the next to William Cramp & Sons, and the third to John Roach. The House did not insert these and the conferees on the part of the House did not think that they could come in here as claims. The Senate recede from the payment of them.

The next point of controversy relates to the fees of United States attorneys and United States marshals. The amount asked for by the Attorney-General was $90,000. The amount allowed by the House was $50,000. The Senate increased that to $90,000, and a compromise has been effected by making the amount $70,000.

The same has been done in relation to the fees of marshals. The House inserted $25,000 for that purpose, the Senate increased it to $75,000, and the amount agreed upon in conference is $40,000.

The next item of difference was amendment numbered 101, about which a great deal of feeling was exhibited in conference. The words inserted by the Senate were, "for miscellaneous items, $33,482." A part of that was intended, and so stated in conference, to pay the clerks of Senators who had been employed under the authority of a resolution of the Senate which provided for their payment out of the contingent fund of the Senate. I need not go over the record of the controversy between the two Houses on this subject; it is known to all whom I address here.

The House conferees did not feel disposed to accede to the payment of these clerks, at least in that way; yet they recognized the fact that the clerks had been appointed, had rendered service, and were without pay. The suggestion was made that that was not a desirable way of making provision for their payment, and the conferees determined to separate the amount which was to be paid to the Senators' clerks from the rest of the appropriation, and agreed to substitute these items for the one inserted by the Senate:

For miscellaneous items, $5,816.
For clerks to Senators, $27,666.

The House conferees thought it the more desirable way to have the amount of appropriation and the object for which it was intended appear plain and distinct upon the face of the law, so that the Senators themselves and that body should take all the responsibility in connection with it. The House conferees were brought to agree to this change because they thought the House had made its opposition to this mode of employing clerks sufficiently expressive, and because they also realized the fact that it was idle to continue the struggle any longer, for the Senate was as determined in this respect as the House possibly could be. We have to leave this to others.

The next point of difference was the Senate amendment numbered 110. The House inserted an appropriation of $25,000 for the Agricultural Department for the investigation of infectious and contagious diseases of domestic animals. By the passage of an act relating to the disease of pleuro-pneumonia that appropriation was made in part unnecessary. Therefore, the amount of $25,000 was reduced to $5,000, and that latter amount was given so that in case of necessity there might be a sum of money to provide for any danger that might hereafter arise in that regard.

The next point of difference was upon the amendment of the Senate numbered 117, which appropriated $175,000 to provide for the payment for land taken for a reservoir under the "act to increase the water supply of the city of Washington, and for other purposes." That amount was inserted by the Senate, the estimate having reached that body after the passage of the bill by the House, or at least having reached the Committee on Appropriations of the House after the bill had been reported. The conferees agreed upon the sum of $87,500, which was deemed sufficient for the present.

The next point of difference was Senate amendment numbered 122, which is known as the provision for a bar against claims presented to the auditing officers of the Treasury Department and a restriction as to the time of presentation. The original paragraph as inserted by the House upon the recommendation of the Committee on Appropriations was prepared with the approval and concurrence of the Secretary of the Treasury and the officers who have connection with these claims in their administration of the affairs of that Department. The Senate decided that it was new legislation and were unwilling to have it in this bill, because as they alleged they had not had time to sufficiently examine the subject so as to be able to pass an intelligent judgment upon it. I do not understand the Senate to be hostile to that provision, but they want it to come in, as they allege, in the regular order, outside of an appropriation bill.

The next point of disagreement involves certain claims of customs officers or inspectors, amounting in the aggregate to about $180,000. They are claims made by customs officers for the difference between what was allowed to them by the Secretary of the Treasury and what the auditing officers of the Treasury Department subsequently decided they were entitled to. The House inserted an appropriation for that purpose, but accompanied it with a proviso that before any of this money should be paid to the claimants there should be a test case in the Court of Claims, so that there should be a judicial determination of the subject whether the United States Government was under obligations to pay this amount. After a great deal of hesitation the Senate conferees agreed to yield this point, provided the decision of that test case by the Court of Claims could be expedited. To reach that this language is inserted: "Which case shall be preferred in the order of the docket in said court."

That, Mr. Speaker, is a full statement of the work of the committee of conference on this bill. And now, unless some one desires to speak upon it, I demand the previous question on agreeing to the report of the committee of conference.

Mr. CALKINS. Will the chairman of the committee give me a moment for a brief statement?

Mr. RANDALL. Certainly.

Mr. CALKINS. I desire to speak for a moment with reference to Senate amendments numbered 5, 6, 7, 8, and 9, making appropriations for paving the streets around public buildings. I want to make the statement for the purpose of setting the members of the conference committee right. While I believed, and still believe, that the Government of the United States ought to provide for this paving, while one of the other members of the conference committee, the gentleman from Missouri [Mr. BURNES], believes with me on that subject and could not and did not yield, I finally yielded my judgment to that of the chairman of the committee, who seemed to feel that the Government of the United States ought not to be charged with this expense; and he and I alone are responsible for the action of the conference committee in this regard.

I make this statement in justice to one of the conferees. I may say further that this was the last item of disagreement, and we had to yield it in order to reach an agreement upon the bill. I do not wish to speak with reference to any of the other questions.

Mr. HOLMAN. Mr. Speaker, as will be seen, the only item about which there is any difference on the part of the House conferees is amendment 101 of the Senate, appropriating $27,666 for the pay of clerks of Senators during the last fiscal year. To avoid the necessity of bringing that subject again to the attention of the House I wish to present the question now, inasmuch as the same question is involved in the remaining point of disagreement between the two Houses on the legislative, executive, and judicial appropriation bill. I take it for granted, Mr. Speaker, that if the House should concur in this report, including this item of $27,666, such action ought to be considered as instruction to the conferees on the legislative bill as to the character of the report that shall be made upon the same subject embraced in that bill.

In other words, I take it for granted, and I think I express the views of my associates on the conference committee upon the legislative, executive, and judicial appropriation bill, that the House would prefer this appropriation should be definite and specific rather than in the form of an appropriation for general contingencies of the Senate. The committee of conference on the legislative bill must report on one of two forms. Either they must report a disagreement (which would result in the House concurring in that amendment or insisting upon the disagreement and asking a further conference) or they must report in favor of concurrence in this amendment, which would simply be an appropriation of $44,000 for contingencies of the Senate.

Thus the House will see it is quite important that the question should be settled on this bill; for although this sum of $27,666 is for a deficiency for the service of the last year, yet if the House should accept this as a proper provision on this bill it would scarcely be consistent with the duty which one House owes to the other or with the courteous relations which should prevail between the two bodies that this House should at the same time refuse to make a corresponding appropriation for the current year.

I hope, therefore, in deciding whether this report shall be accepted it will be taken for granted, unless some gentleman objects to some other part of this bill, that the only matter about which there is any disagreement on the part of members is as to this item of $27,666. If this report should be adopted, the House would seem to instruct the committee on the legislative bill to make a report concurring on the appropriation of a definite sum for the payment of clerks of Senators.

Mr. MCMILLIN. In order to get the exact sense of the House and in order that the instruction if given may be the real sense of the House, can we not devise some means—I submit the question to the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN]—to vote upon this question separately?

Mr. HOLMAN. No, sir; that can not be done. But this is the point I was seeking to present: If no gentleman objects to any other portion of this report, then as a matter of course this one item, Senate amendment 181, is the only matter for consideration. I believe the House unanimously agrees that these other items are properly adjusted by the conferees, leaving that one subject only to be acted on if the report should not be adopted.

Mr. RANDALL. I demand the previous question on the adoption of the report.

Mr. PAYSON. Mr. Speaker, I desire to make a parliamentary inquiry. Is it permissible under the rules to demand a separate vote upon amendment 101?

The SPEAKER. The question is upon the adoption of the report as an entirety. The proposition is not divisible.

Mr. CANNON. I will say to the gentleman, however, that if the report be not adopted it will go back to conference.

The SPEAKER. All the amendments embraced in this report would go again to the conference committee.

Mr. HOLMAN. But with the understanding that there is but one item about which there is any disagreement.

Several MEMBERS. Oh, no!

Mr. RANDALL. The simple question is whether we shall continue in session or accede to the amendment of the Senate.

Mr. COX, of New York. I rise to a parliamentary inquiry.

Mr. BELFORD. I have risen to one, or tried to do so.

The SPEAKER. The gentleman from New York rose first.

Mr. COX, of New York. I simply wanted to ask the Speaker whether this report is amendable or debatable.

The SPEAKER. It is debatable unless the previous question, which has been demanded, be ordered. But it is not amendable.

Mr. BELFORD. I wish to know whether it is proper to offer an amendment to come in at the end of the bill. I send it to the Clerk's desk to be read.

Mr. RANDALL. I have demanded the previous question and this debate is not in order.

The SPEAKER. It is not subject to amendment even if the previous question had not been called.

The previous question was ordered; and under the operation thereof the report was adopted. [Applause.]

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I submit the following report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate, except the one numbered 41, to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have been unable to agree.

SAM. J. RANDALL,
W. S. HOLMAN,
W. H. CALKINS,
Managers on the part of the House.

EUGENE HALE,
JOHN A. LOGAN,
JAS. B. BECK,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying the report will be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year 1885 submit the following statement in explanation of the conference report:

The conference committee being unable to agree upon the amendments of the Senate leaves the bill in the same condition as when last considered by the House.

SAM. J. RANDALL,
WM. S. HOLMAN,
W. H. CALKINS,
Managers on the part of the House.

Mr. RANDALL. Mr. Speaker, the real and material points of controversy relate to whether additional money shall be appropriated to build what is known as iron-clad monitors, and whether there shall be any money appropriated to duplicate what is known as cruisers. The Senate conferees were unwilling to recede from the amendments of the Senate in these particulars. The House conferees, or a majority of them rather, were equally determined. There was but one way open and that was that the appropriations for the support of the Navy should be provided for temporarily.

After the report is disposed of I will then submit a bill providing for the temporary support of the Navy, which I will when it is before the House further explain.

Mr. CALKINS. I ask the gentleman to yield to me for ten minutes. [Cries of "Vote!"]

Mr. RANDALL. If general discussion is to be had——

Mr. CALKINS. I do not wish to enter into any general discussion [Cries of "Vote!"]; all I want is ten minutes.

Mr. RANDALL. I will yield ten minutes to the gentleman. Does the gentleman wish to speak to this report or to the Navy bill?

Mr. CALKINS. Yes, I would rather do that if the gentleman will permit me.

Mr. RANDALL. Certainly.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY NAVAL BILL.

Mr. RANDALL. I present the following bill and ask for its consideration.

The Clerk read as follows:

A bill (H. R. 7509) making temporary provision for the naval service.

Be it enacted, &c., That for the purpose of providing for the expenses of the naval service for the six months ending December 31, 1884, there is hereby appropriated out of any money in the Treasury not otherwise appropriated one-half, or 50 per cent., of the sums of money and for like purposes, and continuing the same provisions relating thereto, as were appropriated for the purposes of the fiscal year ending June 30, 1884, by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes," approved March 3, 1883, except as hereinafter declared, subject to the limitations and conditions in respect to the disbursements of the appropriations hereby made that were imposed by said act and the other laws of the United States upon or in respect to appropriations made by said act: *Provided*, That nothing is appropriated by this act "for special ocean surveys and the publication thereof," or "for the purchase and manufacture, after full investigation and test in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare or the right to manufacture the same," and for the fixtures and machinery necessary for operating the same.

That the clause under the heading of "Bureau of Yards and Docks" commencing "For general maintenance of yards and docks" is amended so as to appropriate for the six months herein provided the sum of $110,000.

That under the heading of "Increase of the Navy" in said act, in lieu of the paragraphs thereunder preceding the heading of "Naval Academy" there is substituted the following:

For continuing work upon the three new steel cruisers and one dispatch-boat authorized by act of Congress approved March 3, 1883, as follows: Chicago, $349,133.45; Boston, $231,853.28; Atlanta, $231,853.27; Dolphin, $108,660; in all $921,500; the four pivot guns of the Chicago to be mounted on Clark's deflective single-gun turrets or V shields of the same weight as is now allowed for the mounting and armor protection of the guns: *Provided*, That it shall not change the contract entered into by the Government for the construction of said vessels.

For completion of steam machinery and boilers, with necessary fittings for sea-service of steel cruisers and dispatch-boat, under contract with John Roach, as per act approved March 3, 1883: United States steel cruiser Chicago, $220,000; United States steel cruiser Boston, $155,000; United States steel cruiser Atlanta, $155,000: United States dispatch-boat Dolphin, $90,000; in all, $620,000. For completing equipment, outfit of three new cruisers, and one dispatch-boat, now in course of construction, $78,600. For navigation outfit of the four new steel cruisers, $30,000. For ordnance outfit of the three new steel cruisers and one dispatch-boat, $500,000.

Nothing herein contained shall be construed as appropriating money for or authorizing the continuation of work upon the double-turreted monitors Monadnock, Terror, Amphitrite, and Puritan; and any unexpended balance now remaining of the appropriations contained in said act, approved March 3, 1883, for engines and machinery for the said double-turreted monitors, shall be covered into the Treasury, except such part thereof as may be required under existing contracts made for the engines and machinery of the three last-named monitors.

The SPEAKER. If there be no objection this will be considered as the second reading of the bill.

There was no objection, and it was so ordered.

Mr. RANDALL. I ask that the bill may be considered in the House as in Committee of the Whole; and I now ask the previous question upon the bill.

Mr. REED. I understand the previous question will give fifteen minutes on each side.

The SPEAKER. There will be fifteen minutes on each side after the previous question is ordered.

Mr. RANDALL. I am willing to divide the time.

The SPEAKER. If there be no objection the request of the gentleman from Pennsylvania that the bill be considered in the House as in Committee of the Whole will be considered as agreed to.

There was no objection.

Mr. RANDALL. I now demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. Will the gentleman allow me to go on first?

Mr. CALKINS. I would rather that the gentleman should explain the provisions of the bill before I take the floor.

Mr. RANDALL. This bill provides for carrying on the Navy as to pay of officers, as to pay of retired officers, as to pay of the petty officers and men, and as to the miscellaneous pay the same as under the last clause of the present law, providing only 50 per cent., however, for the six months. The exceptions relate first to ocean surveys, $10,000; and then as to $100,000 which was appropriated in the last bill in relation to the purchase and testing of torpedoes, no part of which, or a small part perhaps of which only has been expended. Therefore there has not been inserted anything for that purpose for the coming six months.

Yards and docks have been made an exception, because there was $264,000 appropriated in last year's bill, $64,000 of which was made immediately available, and $200,000 remain of the appropriation for the past fiscal year. It will be seen that the amount of $110,000 given is in excess of the amount really asked for the past fiscal year.

The monitors are made an exception. There was $1,000,000 appropriated in the last bill and there is none in this.

For steel cruisers there was appropriated last year $1,300,000. The appropriation to the cruisers for their completion has been provided for in full in this bill, as originally provided in the bill reported from the Committee on Appropriations; and the reason why this bill does not restrict them to 50 per cent. as in other cases, aggregating in this case $2,150,000, is because the entire sum it was believed should be made available for any portion of these vessels which may be completed within the next six months, and therefore this bill embraces the appropriations in full to complete the cruisers. This bill also contains in full $500,000 to be used for their armament.

In the aggregate, if in the next six months the amounts shall bear the same relation to the support of the Navy as these appropriations bear toward the support of the Navy for the first six months of this year, the reduction under the appropriation for the now current year below the appropriations for the last year will be somewhere in excess of half a million of money. Necessarily the amount of money appropriated for the first six months by reason of these appropriations in full to complete and arm the cruisers will be a million over what is the average; while the amounts in the next six months will be a million under the average. So that there will naturally be a difference when we come to make the appropriations for the coming six months on this basis of two millions and more. That is all I have to say.

Mr. CALKINS. The exact situation of affairs at this juncture is this: The House and the Senate are unable to agree on the bill which was reported by the Committee on Appropriations of this House making appropriations for the current fiscal year for the Navy, and that bill remains in conference under this disagreement just as it was when the last report was made. But to supply the money necessary to run the Navy Department until the next session of Congress this bill has been introduced. Its provisions have been explained by the chairman of the committee. I am free to say myself that under no circumstances would I ever be willing to yield as a matter of principle the building of the Navy which is provided for in the Senate amendments that are now upon the bill. I never could yield them. I would rather sit here all summer and run into the next session than yield to it. But recognizing the fact that some concessions should be made in order that the House may adjourn at an early day, I see no better way than to pass the bill which has been introduced by the chairman of the Committee on Appropriations, leaving the original bill in conference to be taken up at the assembling of Congress at its next session.

This is about all I desire to say in reference to the merits of the bill. It is about as good a bill under the circumstances as could be introduced and passed, because it misses all points upon which the difference between the two Houses seem irreconcilable. Of course I may say the two points of difference are with reference to the completion of the four monitors and the building and construction of seven new steel cruisers.

I desire to say one thing further, and then I will yield to the gentleman from Maine [Mr. REED] to complete the discussion on our side. In closing my service in this House I am glad to say to the members of the House and to the country that my last effort here was for the building up of the American Navy; that my last words spoken here in discharge of public duty were in favor of making the Navy of the United States what every patriotic citizen from one end of the country to the other desires. [Applause.]

The time will come, and shortly, Mr. Speaker, when this House, no matter how it is composed or what shades of political differences divide it, will have a demand made upon it by the people which it can not resist for the building of a navy. This House must yield to their superiors. That time is fast coming. If there is a general sentiment upon any subject throughout the country among men of all shades of political opinion it is that this country must have a navy. I have taken occasion several times during this session to point out the specific needs of building up this branch of the service, this arm of the nation. I shall not repeat again what I have already said on former occasions, but I take pleasure in saying that before long, I have no doubt, the flag of our country, that has been prostrated for the last ten years, will again float in the breeze of heaven from the mast-head of our ships; that our Navy, that has fallen almost into decay, will again be restored, and that this nation in the future as in days past will be as proud of the Navy of the United States as it was when men bearing the most illustrious names that adorn our history were in command of it. [Applause.]

I append the following remarks in answer to the speech made by the gentleman from Pennsylvania [Mr. RANDALL] the other day in debate:

Opposition to the building of new cruisers rests ostensibly upon the objections raised in certain quarters to details in the plans of those already under construction. On the strength of these objections to special and minor points it is represented that the vessels now building will be total failures; and further, that any vessels hereafter built by the advisory board will be identical with the first, and therefore they, also, will be total failures. These two assumptions have been shown again and again to be wholly unwarrantable, but they are repeated and reiterated with as much confidence as if they were new propositions.

Whatever vessels you build, or wherever you build them, some technical person or persons, some professional man or men under the Navy Department must finally decide as to the details. That the decision will be attacked is to be expected. In so complex a matter as the construction of a ship there must needs be a diversity of professional opinion; and if the work of construction is to cease whenever an irresponsible individual raises objections to the details of designs, no ships could ever be built for the Navy. The attack on the cruisers is based chiefly on inferences drawn from the expressions of Mr. Wilson and Mr. Isherwood. The opinions given by these two officers are unofficial and irresponsible, as the advisory board under the law exercise a controlling authority over the designs. Possibly this fact may account in part for their present critical attitude.

Mr. Wilson, as Chief of the Bureau of Construction, and Mr. Isherwood, as a former Chief of the Bureau of Steam Engineering, are not perhaps desirous that this or any other advisory board should find its way smooth, since the existence of such a board serves to diminish the almost independent control formerly exercised by these bureaus over the designs of ships and engines. These officers were members of the first advisory board, a body composed of some of the most distinguished men in the service, and their action at that time in dissenting, with two others, from the report of the ten members who formed a majority of the board, went far to render its whole work abortive.

The views of Chief Constructor Wilson are fully discussed in a letter of the Navy Department printed with the documents which were laid before the Senate Committee on Appropriations, when considering this bill. The Secretary says:

NAVY DEPARTMENT, *Washington, March* 5, 1884.

* * * * * * *

The statement that Mr. Wilson says that all the cruisers will be a failure, is a misleading exaggeration. Mr. Wilson's objections to certain points in the steel cruisers were few and clearly defined. The one now in question was that the Boston and Atlanta ought not to have open forecastles and poop-decks. Because they have such, he stated before the Senate Committee on Naval Affairs that

he thought that while in smooth water they would have speed, yet in a heavy sea they would be practically failures as sea-going vessels, as their speed would be knocked down by forcing their bows into the sea, which would also be likely to roll on board aft as they ascended into it. He did not pretend that the seaworthiness of the ships would be affected nor their speed in smooth water lessened, but only that the high speed could not be maintained in rough weather.

No such incautious or reckless word as "failure" was used by Mr. Wilson on the 2d of April, 1883, when the design to adopt open forecastles and poop-decks was submitted to him. He only stated that the "alterations made necessary" in the plans could not be "recommended or indorsed" by his bureau, "as it believes that very many essential and necessery features and qualities which an efficient and useful naval vessel of this class should have will be sacrificed by it." The changes, then, thus mildly dissented from were made upon the recommendation of the Bureau of Ordnance and of the naval advisory board, in order to give a greater range of fire to the two heavy fore and aft guns, and are explained in my statement to the Senate committee, as follows:

"Complaint has been made from time to time that the line officers of the Navy desire to have ships comfortable for cruising, and not fighting ships, and I was very much gratified to receive a proposition to make these two ships distinctly fighting ships; and when I understood the question I adopted the recommendations without the slightest hesitation. The statement of Chief Constructor Wilson that these ships will be failures because this plan is adopted of an open forecastle and open poop is an erroneous statement, which he should not have made, in my judgment. He qualified his statements, when revising his testimony, by saying that they will be failures as sea-going vessels. Whether they can make as much speed when they are being driven against a heavy sea as if they were differently constructed, I do not undertake to say, but, as has been stated by the members of the board, such is not the object sought in constructing a fighting ship.

"Their capacity to ride out a gale, or make way against a head sea, is not the point to be considered, and all the disadvantages of having an occasional wave strike over the bows when they go into a head sea, and of having the water come down on the poop when they rise from the water, which Mr. Wilson thinks should have prevented this construction, notwithstanding all the sea-going members of the board think differently, are a mere inconvenience which it was, in my judgment, very wise in these ships to run the risk of, in order to get this effective range of fire. The safety and seaworthiness of the ships is not affected in the slightest degree, in my judgment, unless you are to assume that a cruising war vessel is to be built for the purpose of driving across the North Atlantic Ocean as do the great passenger and mail steamers.

"The ACTING CHAIRMAN. Has anything developed in the construction of these vessels that in your judgment impairs their efficiency as general cruising vessels in addition to fighting vessels?

"Secretary CHANDLER. Nothing whatever; subject to the remarks I have just made. They are not built for North Atlantic passenger steamers.

"The ACTING CHAIRMAN. Do you believe there is anything in their construction that makes them particularly dangerous in storms?

"Secretary CHANDLER. Nothing whatever."

It should be borne in mind that the naval advisory board, consisting of three line officers, with Admiral Shufeldt at the head, one naval constructor, one chief engineer, and two accomplished naval architects from civil life, were unanimous upon all the points of difference with Mr. Wilson; and that by law the ships could not be built without their consent, while they could be without his. With their judgment on every point went my own, so far as it was of any value.

Mr. Wilson proposed to bore the bottoms of these new steel cruisers full of holes, and cover them with four inches of wood and copper sheathing, which would increase the weight and displacement, subject the steel sides to destruction by electric action, and require frequent repairs at navy-yards. He desired to fit them with extensive sail-power, so that they could cruise by wind instead of steam. He preferred open gun-decks to covered gun-decks. He objected to so placing the batteries of the Boston and Atlanta as to make them effective war vessels, for fear a little water would come on board in a storm at sea. These four were all his objections. The Department, by the advice of the advisory board, wisely overruled him; and he designed the hulls of the ships contrary to his own views on these points.

CHIEF ENGINEER ISHERWOOD.

The weight that may be attached to the opinions of Mr. Isherwood, who is extolled by the opponents of this bill as being the most eminent engineer officer in the Navy, may be gathered from a slight examination of his career. Mr. Isherwood was appointed Engineer-in-Chief of the Navy in March, 1861, and he was Chief of the Bureau of Steam Engineering from July, 1862, to March, 1869. This bureau succeeded in expending from October, 1862, to March, 1869, in a period of six and a half years, the sum of $37,000,000. During this time some hundred pairs of engines of various sizes were constructed, at a cost of $20,000,000. Of these, only eleven are now in vessels in commission, the Lancaster, Pensacola, Hartford, Richmond, Omaha, Lackawanna, Shenandoah, Ossipee, Monocacy, Yantic, and Tallapoosa.

So far as the efficiency of the engines is concerned objectors might designate these vessels also as total failures, for none of them have any considerable speed. The same may be said of the five engines built during this period which are now in vessels laid up, namely, the Franklin, Benicia, Plymouth, Ticonderoga, and Florida, except in the case of the Florida, whose model would have made her a fast vessel with almost any engines. Two out of the one hundred engines built are now in navy-yards. The remaining eighty-two have been sold, with vessels or separately, as old material, fifteen of them never having been placed in any vessel.

In this vast accumulation of machinery made by the bureau in six years and a half were five pairs of "geared engines," constructed upon a favorite theory of Mr. Isherwood's, according to which the power was to be transmitted by means of cog-wheels. This more than doubtful experiment, which foreign engineers have never been induced to repeat, cost the Government three millions and a half. Of the five engines so built four have been broken up and sold as old material. Two of them were never put into any vessel. The only one still in the service, that of the Florida, cost $795,000, while the present appraised value of the vessel, engines and all, is only $52,700.

It is only fair that after such a statement of his record Mr. Isherwood's own opinion of his merits should be appended. It is expressed, with no excess of modesty, in a letter written by him in June, 1883, urging the President to appoint him Chief of the Bureau of Steam Engineering, although he had little more than a year to serve, in order that he might have the increased rank and pay which retirement during the term of chief of the bureau brings with it.

The letter is as follows:

111 EAST THIRTY-SIXTH STREET, NEW YORK, *June* 18, 1883.

SIR: The position of Chief of the Bureau of Steam Engineering in the Navy Department having become vacant on the 15th instant by the placing of its late incumbent, Chief Engineer William H. Shock, on the retired-list, I take the liberty to lay before you this my application to be Chief Engineer Shock's successor, with some reasons for your consideration why I should receive the appointment.

The position has no political importance, it is purely professional, and the selection for it is confined by law to a few chief engineers of the Navy. Now, I am by seniority at the head of that corps, being the oldest chief engineer in the Navy by commission, and in all military organizations this seniority is recognized as carrying precedence with it, and there is sound reason for such recognition. In the present case it gives me no legal claim to the appointment, but it certainly forms a moral one in the absence of better qualifications in my competitors.

That the longest service, other things equal, should be rewarded with promotion to the highest position, is in all similar corps and organizations considered to be right and proper, forming in fact a great part of the inducements to remain a life long in them with devotion to the attainment of professional excellence. The propriety of giving the highest position to the oldest member of such organizations as the Engineer Corps of the Navy is so well indorsed by the universal practice of all civilized governments that it is certainly unnecessary for me to do more than state it. With regard to my professional fitness for the position I am obliged to say the following facts for myself, and I hope they will be received with candor, considering they are necessary to the purpose of this communication. They are, however, well known throughout the Navy and admit of easy verification:

I have been an engineer during my whole life, was specially educated for it, practically and theoretically, and there is nothing connected with engineering in its broadest sense that I am not able to do, from the mining of the ore to the making of the metal; from the working of the ladder, including the construction of the special tools for doing it, to the designing and building any kind of machinery and any kind of iron vessels. In a word, I am master of all the processes from obtaining the metal to its final combination in the hull and machinery of any kind of iron steamships.

My professional writings, which are voluminous, both in special books and in the periodical literature of engineering, have the highest reputation, and are considered an authority in Europe as well as in the United States. As an engineer in the highest sense of the word, I believe it is conceded that I have no superior, and in my own corps most certainly no equal.

I was originally appointed Engineer in Chief of the Navy by President Lincoln, and the appointment was one of the first made at the commencement of his administration. At that time the Bureau of Steam Engineering did not exist. It was created later for me, and I held the position of its chief uninterruptedly to 1869. I have thus, under two titles, performed the duties of the office for about eight consecutive years, embracing the entire period of the war.

During that war I designed and built more marine steam-engines than most engineers ever saw, and every one of them perfectly fulfilled its object. In their design and construction I was pitted against the best engineers in the United States, both in the Navy and in private employment, who competed against me and invariably without success. I produced the best and fastest cruisers and ironclads of their tonnage (the Wamponoag may be taken as a specimen of the first and the original Miantonomoh of the last) that have ever steamed in ocean, and in all cases gave satisfaction to my superiors in the Navy Department, whose confidence in me as engineer and man remained unshaken to the last.

If it be said that my length of service as chief of bureau should be sufficient, I reply that being retired from the bureau, which, if appointed now, I shall be from age limitation in the latter months of your administration, carries with it increased rank and correspondingly increased pay, and I respectfully submit I am more entitled to these as compensation for my greater services than any engineer in my corps. On the other hand, if the question be viewed wholly in the light of the public interests, then only the professional qualifications of the person will be considered and other considerations will have no place in determining the selection, and on this ground alone I am willing to rest my candidacy.

Within the last few years I have had the advantage of a long professional tour over Europe, and have visited every workshop and examined every steamship, merchant or naval, of any importance there, as well as every public and private workshop and dock-yard in Western Europe.

I am a native of New York city, and am and always have been a citizen of it.

If appointed now I shall be placed on the retired-list of the Navy by law on the 6th day of October, 1884, which will give you the selection of my successor.

Believing that I have submitted all the material points of the case, I have the honor to be, sir,

Very respectfully, your obedient servant,

B. F. ISHERWOOD,
Chief Engineer United States Navy.

To His Excellency the PRESIDENT OF THE UNITED STATES.

ARE THE MONITORS FAILURES?

Those who oppose the reconstruction of the Navy are in the habit of stigmatizing as a total failure every vessel whose construction or completion is advocated by the naval administration. As the cruisers under construction and the cruisers not yet designed are total failures, so the five partly finished monitors come under the same designation. The phrase has become a catchword in the mouth of the opposition, and the repeated and detailed refutation of all specific objections has no effect in stopping the cry. Boards of officers have again and again examined the monitors and recommended their completion. The modifications made in the original designs have secured their efficiency in all points about which a doubt existed.

The following statement is found in the document laid before the Senate committee in reference to the naval appropriation bill:

There are only two courses of action now open. If the vessels are inefficient no more money should be expended upon them; they should be broken up at once and the material utilized in other ways; if, on the other hand, they will be efficient, they should immediately be carried to completion, because there is no question that the country needs and desires an increase of its means of coast defense.

Three main points are referred to as elements of weakness in monitors: 1. Lack of buoyancy; 2. Unseaworthiness; 3. Vulnerability.

1. LACK OF BUOYANCY.

As stated in the report of the advisory board for December 15, 1883, given above, a doubt which at one time existed in reference to the buoyancy of the Puritan has been extended in the public mind to the other vessels. Apart from the Puritan there has never been any ground for such a doubt; and in the case of the Puritan it has been ascertained that in the calculations embodied in the earlier reports tending to show that the weight exceeded the buoyancy excessive weights were adopted for the turrets. Although the error was subsequently corrected, and the fact that the vessel is perfectly buoyant has since been repeatedly confirmed and published through official channels, the assertion that the Puritan will not float is still made from time to time, keeping alive a popular though entirely groundless impression.

2. UNSEAWORTHINESS.

The monitors now building, while they have been modified in accordance with the discoveries of modern science and the demands of modern warfare, are similar in their general proportions and distribution of weight to the vessels of the same frame built during the war. Additional safety has been secured by the use of iron hulls, double bottoms, and water-tight subdivisions, while in all other particulars governing their behavior at sea they are essentially the same.

The testimony in regard to the seaworthiness of the earlier vessels is conclusive.

Commodore John Rodgers states:

"The Monadnock behaved so well at sea as to inspire her officers not only with confidence but with enthusiasm at her performance as a sea boat."

Lieut. Commander F. M. Bunce states, in reference to the same vessel, after a successful passage from Philadelphia to San Francisco:

"This vessel is a most excellent sea boat, and has received no damage from any weather we have encountered. At sea she has never needed or received assistance of any kind whatever from other vessels, and therefore I regard her or any vessel of her class as thoroughly competent independent cruisers."

Commander J. C. Beaumont says of the Miantonomoh:

"She is an excellent sea boat, as safe and more comfortable than any vessel I ever served in."

Commander A. Murray, after a passage across the Atlantic in the Miantonomoh, states:

"Heavy weather does not appear to materially affect the speed or rolling of the monitor, for while the other vessels were lurching about and their progress checked by heavy seas, she went along comparatively undisturbed or unchecked."

Assistant Secretary G. V. Fox, after describing the same voyage, states:

"From these facts and the experience we have derived from the use of such vessels during the war, we may safely conclude that the monitor type of ironclads is superior to the broadside, not only for fighting purposes at sea but also for cruising."

3. VULNERABILITY.

The thickness of the armor of the monitors in inches is as follows:

Name.	Turret.	Deck.	Side (amidships).
Miantonomoh	11½	1	7
Terror	11½	1	7
Amphitrite	11½	1	7
Monadnock	11½	1	7
Puritan	15	3 and 2	12

In the first four monitors the thickness of the turret armor is sufficient to protect the battery of the vessel effectually from the attack of the great majority of naval guns in present use.

The only question that can arise is as to the side armor.

It is true that at point-blank range a projectile from a modern 8-inch (9-ton) gun will penetrate seven inches of iron armor, but the steel or steel-faced armor of these vessels represents a capacity for resistance equal to 25 per cent. more, or 8¾ inches' thickness of iron armor. Only the larger guns can be successfully directed against such armor.

Moreover it is one of the peculiar advantages of the monitor type of vessel that the exposed side rises only 30 inches above water, and in coast and harbor operations the light draught of the monitors enables them to choose a position where a larger vessel could not easily approach them. Under the existing limitations upon accuracy of fire with rifled guns a target composed of a horizontal band 30 inches wide, at a distance of from half a mile to a mile, is well-nigh impossible to hit. It can not therefore be denied that the four lighter monitors, with their powerful 10-inch guns, will be of material service for the purpose for which they are intended, namely, the defense of our harbors.

The remaining monitor, the Puritan, with 12 inches of side armor and 15 inches on the turrets, is a vessel of unquestioned power, and would be a formidable antagonist to any of the large armored vessels of the same class in foreign navies.

It has ever been claimed for the monitors that they were invulnerable, or even that they would be a match for the enormous iron-clad battle-ships of Europe, such as the Inflexible and Duilio. It would doubtless be a more complete protection to have a vessel like the Inflexible stationed near each of the great commercial harbors, but the expenditure necessary for this object would be two and one-half times as great as the total cost of the monitors when completed, as will be seen from the following statement of the actual cost of the two types of vessels:

INFLEXIBLE.	
Hull	$3,153,221 46
Machinery	711,781 02
Equipment	83,674 62
Total	3,948,677 10
MONITOR.	
Total cost of four monitors	$7,385,711 03
Ordnance	866,725 00
Cost excluding ordnance	6,518,986 03
Average cost of one monitor	1,629,746 51

Even if the theory upon which much of the opposition to the monitors is based, that large ironclads and heavy armor are indispensable, were correct, the fact would still remain that a considerable amount has already been laid out upon the monitors, and the real question is whether it is worth while to throw away all the benefits of this outlay only because a much greater outlay would have given a better result. The highest professional opinion has pronounced officially in favor of their completion and has declared that their total cost will be in no way exorbitant when compared with the results obtained. Common prudence demands that we should take immediate steps to remedy the defenseless condition of our coasts and harbors, and the most rapid and economical measure that can be recommended at the present time is to push the partly constructed monitors to completion.

I yield the balance of my time to the gentleman from Maine [Mr. REED].

Mr. REED. I desire, Mr. Speaker (Mr. COX, of New York, in the chair), to call your particular and personal attention to the observations I am about to make. In the course of debate upon the subject of the naval bill the gentleman from New York now occupying the chair made some statements which were startling to us on the other side. In endeavoring to defend the Democratic party for their refusal to assist in building a navy he furnished the House not only with the criticisms of the naval constructor and of the late chief engineer, Mr. Isherwood, but also with some statements purporting to come from the Admiral of the Navy. I read from page 5856 of the CONGRESSIONAL RECORD, from the speech of the gentleman from New York, made July 1, which will be found there:

The Admiral says:

"I am nevertheless well satisfied that it would be most unwise to vote $4,000,000 for the construction of seven steel cruisers next year until we have some evidence that the Chicago, the Boston, the Atlanta, and the Dolphin are of the proper type or types to enable our naval officers "to keep alive the knowledge of war."

And he asks—

Meaning the said Admiral asks—

Are these the types of ships that are "capable on brief notice of being expanded into invincible squadrons?"

The gentleman from New York proceeded:

I perceive the emphasis of the recommendation of your great Admiral. I would not go back on that recommendation, nor on the testimony of your skilled and ingenious builders and engineers.

I will read a copy of a letter from the Admiral of the Navy, dated Washington, D. C., July 3, 1884:

WASHINGTON, D. C., *July* 3, 1884.

SIR: I beg leave to acknowledge the receipt of your letter of July 3, and have to say that the only opinion I recollect to have expressed with regard to the steel cruisers were in my last annual report to you and in my evidence before the Senate Naval Committee, which was published, and which I believe you have seen.

My opinion expressed in that evidence was that we should not only build the proposed steel cruisers, but as many more as we could get.

In looking over my report to you I can see nothing bearing on the quotation you make from the CONGRESSIONAL RECORD.

I made some criticisms on the Chicago, Atlanta, and Boston with regard to their want of sail-power and the advisability of building in the future a larger class of vessels.

I have not only been in favor of voting four millions for the construction of seven steel cruisers next year, but went rather farther in that direction perhaps than prudence would dictate.

I am quite satisfied that I have had no correspondence with any one on this subject. As I have no copies of letters bearing on this matter I am unable to furnish you with any.

I think you will find on examination that the quotation is not a literal one from my report or from my evidence, and I feel sure I have said nothing of the kind in conversation.

Possibly Mr. COX has been misquoted, or this may be a quotation from some other person's communication to him.

I have the honor to be, very respectfully, your obedient servant,

DAVID D. PORTER, *Admiral.*

Hon. WILLIAM E. CHANDLER,
Secretary of the Navy.

Of course I had a very natural curiosity to know what distinguished admiral had been confounded with the Admiral of the Navy, and set myself to search. And one of the first things that I met was a commendation with the usual modesty of the gentleman from New York directed to his own speech printed that identical day, July 1, which he says was "printed carefully;" and the House, knowing his habit, would have no doubt of that being the fact. And if my friend Governor LONG will kindly look at the passage there [indicating] in the speech of the gentleman from New York printed July 1, page 5809 of RECORD, and note the quotations and compare it with what I will read, he will see where this matter came from.

I am nevertheless well satisfied—

The "I" in that case was the gentleman from New York; the "I" in the other case was the Admiral of the Navy—

I am nevertheless well satisfied that it would be most unwise to vote $4,000,000 for the construction of seven steel cruisers next year, until we have some evidence that the Chicago, the Boston, the Atlanta, and the Dolphin are of the proper type or types to enable our naval officers "to keep alive the knowledge of war."

And then the gentleman asks:

Are these the types of ships that are "capable on brief notice of being expanded into invincible squadrons?"

Is it there? [To Mr. LONG.]

Mr. LONG. Yes.

Mr. REED. My friend informs me that it is an exact copy. Now, I do not remember but one historical parallel to this. George IV, an accomplished gentleman—and there the parallel is perfect with my friend from New York—a man who had been busy about great affairs—and the parallel continues [laughter]—had become so interested in those great affairs that he actually labored under the hallucination that he was present at the battle of Waterloo [laughter], and he insisted upon the Duke of Wellington indorsing his statement.

Now, the gentleman from New York [Mr. COX] has been at the head of the Committee on Naval Affairs. While he is sometimes subject to these hallucinations, as, for instance, when he was led to make a tariff speech at a time when the subject was not under consideration,

he has evidently so devoted his mind to the subject of the Navy, has evidently become so fired with enthusiasm upon the subject, has so absorbed himself in it, that he has forgotten his own personality—a great matter [laughter]—and for the moment has imagined himself to be the lord high admiral of the American Navy. [Great laughter.]

I do not know, Mr. Speaker, that I can add anything to this. [Renewed laughter.] I will reserve the remainder of my time.

The SPEAKER. The gentleman has three minutes of his time remaining.

Mr. CALKINS. I desire to ask leave to extend my remarks upon this subject. I will say that there will be nothing in them personal to any member of the House; they will be in reference to Mr. Isherwood.

There was no objection, and leave was granted accordingly.

The SPEAKER. The gentleman from Pennsylvania has six minutes of his time remaining.

Mr. RANDALL. I yield to the gentleman from New York [Mr. COX].

Mr. COX, of New York. I desire to say in the first place that if ignorance and impudence would make a statesman the gentleman from Maine [Mr. REED] would make a Bismarck. [Laughter.] I do not know what I have done to call forth this remarkable pasquinade upon me. I have said nothing except what I have quoted from the public records. If Admiral Porter has made any other statement than those which the public reports contain, I do not know it.

I am straightforward in my work here. I found that record and I made use of it. I was placed on the Committee on Naval Affairs without my knowledge and without being competent. And then this great big magnificent man from Maine twits me with my ignorance, while I am all the time trying to study more than he knows. [Laughter.]

I have made this statement about these cruisers, so and so, and I have proved it by Admiral Porter and by all who care to have any knowledge or experience on this matter of building ships. And now at the last moment of this session my mild friend from Indiana [Mr. CALKINS], the candidate for governor of that State, yields to this man from Maine, with his gall-bladder all reeking with meanness toward the Democratic party, to attack a small man in the House at this late hour of the session. [Great applause on the Democratic side.]

Now, I like to be good on Sunday, but who is there in all the United States of America or the everlasting universe that could be good on Sunday with the provocation of so mean a man as that? [Renewed laughter.]

Mr. REED. The gentleman from New York [Mr. COX] has made a characteristic speech, in which he has avoided the facts which I stated. The charge which I have made is that he has put into the mouth of the Admiral of the Navy what the Admiral of the Navy did not say. And I have proved it over the signature of the Admiral, and I have proved that the gentleman from New York made the statement *ipsissimis verbis*—if he can understand that much Latin applied to himself. [Laughter.] And he retorts with gross personal allusions. Well, what can you expect? The source warranted it; his course of life would lead us to expect it, and I purpose to pay no attention to that portion of it.

Mr. COX, of New York. I have lived an honest man; you are not as honest a man as I am.

Mr. REED. I admit——

Mr. COX, of New York. You ran the railroad business; I never did. [Applause on the Democratic side.]

Mr. REED. No; and the gentleman from New York never ran anything that required a head. [Laughter and applause on the Republican side.] The gentleman from New York pleads his size. I admit the insignificance of it. If he pleads littleness in every other respect I will admit it. [Laughter.]

Now, here is the plain charge—and it is repeated in Democratic newspapers—that the Admiral of the Navy has made certain statements, and his words purport to be given. I have proved that he never said it, and I have proved that the gentleman from New York himself said it. He quotes himself, causing his statement to be promulgated over this country as a statement of the Admiral of the Navy. And you have heard his reply.

Mr. COX, of New York. That is not true.

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. COX, of New York. His time ought to have expired long ago. This is a poor, pitiable apology.

Mr. RANDALL. Mr. Speaker, it is not my wish at this time to indulge in any sentimental politics. On the contrary, I prefer not to do so, not to do anything that may disturb the harmony of our relations just at this time, when we are about to separate to be judged of as to what we have here done by our own immediate constituencies. It is proper, however, that I should say this much: that the appropriations for the Navy proposed in this bill bear an average relation to the appropriations for these objects which have been made for the past ten years.

No matter how much men may seek to play the demagogue, there is not, I feel certain, within these walls any man who is unfriendly to the American Navy. That Navy is manned by officers and men equal in skill, courage, and endurance to any navy in the world. But I must say that for the past ten years the great enemy of the American Navy has not been foreign navies or their threatened purposes, but the real enemy of the American navy has been its civil administrators during that period. [Applause on the Democratic side.] And we stand here to-night with a purpose in the future, as we have tried to do in the past, to reform all the abuses of the civil administration to which I have referred. And I am not going to allow gentlemen on the other side to criticise our action in connection with the Navy of the United States without reminding them of the derelictions of duty of their own party officials in the past in these particulars.

It was my purpose to-night to present a summary of the appropriations, to give the facts and figures of our action here during the present session of Congress in connection with the amounts of money we have voted to carry on the Government. But I am not able to do so, for the bills are not yet passed. I shall, however, claim the indulgence of the House to insert in my remarks, when I have the power to do so, these figures, giving the assurance that I shall insert nothing but what is dirctly connected therewith. When that shall have been done, the House and the country will find that the majority in this House have exerciesd a wise and discriminating economy which can not fail to receive the commendation of every fair-minded man in the United States who has the intellect to understand the facts.

The SPEAKER. The time for debate on this question under the rules has expired.

Mr. HISCOCK. I ask consent to print in connection with this bill some remarks and statistics.

The SPEAKER. The gentleman from New York asks leave to print in the RECORD some remarks concerning general appropriations. The Chair hears no objection.

Mr. CANNON. I desire similar leave.

The SPEAKER. If there be no objection leave will be granted.

There was no objection.

Mr. COX, of New York. I desire, with the consent of my friend from Pennsylvania, to ask leave to print in the RECORD the statement of Admiral Porter on this matter, so as to confute the statement made by the man from Maine.

Mr. REED. I can not agree to that. I gave the gentleman notice that I intended to bring this question up, and I gave him an opportunity to be prepared to support his statement.

Mr. RANDALL. I thought I had settled all that.

The SPEAKER. Objection is made to the request of the gentleman from New York [Mr. COX].

Mr. COX, of New York. The gentleman never gave me notice. I shall print in the RECORD, unless there be objection, the document I have mentioned.

Mr. REED. If I can be allowed one minute.

Mr. COX, of New York. I can not be allowed a minute. [Cries of "Regular order!"]

The SPEAKER. Objection is made.

Mr. COX, of New York. Every word I have said can be printed.

Mr. REED. I withdraw my objection.

Mr. COX, of New York. I ask to print the report of Admiral Porter, so as to confute the gentleman and prove every word I said to be true.

Mr. REED. I give him leave.

Mr. COX, of New York. I do not ask you.

The SPEAKER. Is there objection by any gentleman?

Mr. COX, of New York. As the Chair asks any gentleman, of course I object.

The SPEAKER. Does the gentleman from New York ask leave to print the report?

Mr. COX, of New York. I did; but the gentleman from Maine objected.

The SPEAKER. The Chair hears no objection, and leave is granted accordingly.

Mr. COX, of New York. I will place in juxtaposition extracts from my speech, in which I quoted from Admiral Porter, and the corresponding passages in the Admiral's report to the Secretary of the Navy. These will show that I have followed the text of the report. The language referred to by the gentleman [Mr. REED] was my own—he must have known it was my own—and which I inadvertently credited to Admiral Porter.

The following is the language I attributed to Admiral Porter in my speech of June 30 last, as published in the RECORD on the pages indicated below:

The Admiral holds the opinion that an effective cruiser "should not only be fitted with a full area of square sails, but she should have all the usual jibs and try-sails, and have light stays between all the masts where the latter could be set," in addition to full steam-power. (Page, 389.)—*Record*, page 5809, second column.

The following is the language used by Admiral Porter in his report to the Secretary of the Navy, made part of the latter report. The pages referred to are those of the last annual report of the Secretary of the Navy:

A ship of war for cruising, then, should not only be fitted with a full area of square sails, but she should have all the usual jibs and try-sails, and have light stays between all the masts where the latter could be set.—*Report of Secretary of the Navy*, 389.

Under date of November 19, 1883, Admiral Porter made a report to the Secretary of the Navy, in which he calls the attention of the Secretary to the fact that "in case we should have a war with any foreign nation all ports will be closed against our cruisers so far as obtaining coal or munitions of war is concerned. Our vessels," he says, "after consuming their coal must either lie idly by until a supply is sent from home or make an effort to reach the United States under sail, with perhaps fuel enough on hand to run a blockade at the end of their cruise. Without full sail power," says the Admiral, "a ship of war"—cruiser—"would make but slow progress under these circumstances." (See last annual report of the Secretary of the Navy, volume 1, page 390.)—*Record*, page 5809, first column.

In case we should have a war with any foreign nation all ports will be closed against our cruisers so far as obtaining coal or munitions of war is concerned, and our vessels after consuming their coal must either lie idly by until a supply is sent from home or make an effort to reach the United States under sail, with perhaps fuel enough on hand to run a blockade at the end of their cruise. Without full sail power a ship of war would make but slow progress under these circumstances.—*Report of Secretary of the Navy*, 390.

He does not agree with the advisory board or the Secretary in respect to the speed of the Atlantic merchant steamers, or that proposed for our cruisers. He says that "a large portion of the ocean commerce is now carried on by swift steamships, many of which average fifteen knots across the Atlantic;" and that "in time of war the greater part of the enemy's commerce would be carried in such vessels." "Now and then," he says, "a comparatively slow steamer might fall a prey to our cruisers, but this would not often happen."—*Record*, page 5809, second column.

A large portion of the ocean commerce is now carried on by swift steamships, many of which average their fifteen knots across the Atlantic, and in time of war the greater part of an enemy's commerce would be carried in such vessels. Now and then a comparatively slow steamer might fall a prey to our cruisers, but this would not often happen.—*Report of Secretary of the Navy*, page 390.

Admiral Porter tells the Secretary that "nearly all the European steamship lines, Messageries, Peninsular, and Oriental, &c., are composed of large and fast vessels, capable of overcoming the resistance of the heaviest seas, which would swamp a vessel of small dimensions attempting to force her way in chase."—*Record*, page 5809, second column.

Nearly all the European steamship lines, Messageries, Peninsular, and Oriental, &c., are composed of large and fast vessels, capable of overcoming the resistance of the heaviest seas, which would swamp a vessel of small dimensions attempting to force her way in chase.—*Report of Secretary of the Navy.*

The Admiral regards it as absurd to apprehend a war between England and the United States, "since their interests are so mixed up in commercial enterprises." But in the event of such a war he says that "most of the fast steamships of Great Britain would be withdrawn from commerce and armed with heavy batteries." He says "the ocean would swarm with these converted merchant steamers, and they would effectually control it." Why does the Admiral make this statement? Because he does not regard the proposed steel cruisers—those being built and those proposed—as effective cruisers. "In case of such a war," he asks, "how long would it take for a steamship like the Oregon or the Alaska [English merchant steamers] to overhaul and capture small 'commerce destroyers?'"—*Record*, page 5809, second column.

It may seem absurd to apprehend a war between England and the United States[since their interests are so mixed up in commercial enterprises, but should such a calamity occur, most of the fast steamships of Great Britain would be withdrawn from commerce and armed with heavy batteries]. In such a case how long would it take for a steamship like the Oregon or the Alaska to overhaul and capture small "commerce-destroyers?" The ocean would swarm with these converted merchant steamers, and they would effectually control it.—*Report of Secretary of the Navy*, 390, 391.

The coal capacity of such steamers would be, as the Admiral says, "tremendous." "They would carry six months' provisions, and their commanders might laugh at Atlantic seas."—*Record*, page 5809, second column.

Their coal capacity would be tremendous; they could carry six months' provisions, and their commanders laugh at Atlantic seas.—*Report of Secretary of Navy*, 392.

"Take the Chicago, for example," says Admiral Porter. "It is said she will have only 14,000 square feet of canvas in her principal sails. Any seaman knows that so small an amount of canvas can only be considered 'auxiliary,' and would only propel the vessel through the water in a very fresh breeze." "With the very peculiar rig of the Chicago, without bowsprit and jibs projecting beyond the bow, no vessel would work under sail in smooth water, much less in a heavy sea."—*Record*, page 5809, second column.

Take the Chicago for example. It is said she will have only 14,000 square feet of canvas in her principal sails. Any seaman knows that so small an amount of canvas can only be considered "auxiliary," and would only propel the vessel through the water in a very fresh breeze. With the very peculiar rig of the Chicago, without bowsprit and jibs projecting beyond the bow, no vessel would work under sail in smooth water, much less in a heavy sea.—*Report Secretary Navy*, 388.

"I am not," says Admiral Porter, "an advocate for extremes, but am certain that no ship will be a first-class cruiser unless she has sail enough to send her thirteen knots through the water off the wind and ten knots by the wind. That is the speed of our old first-class frigates and ships of the line with their full bows. The finer lines of to-day ought to do better."—*Record*, page 6564, second column.

I am not an advocate for extremes, but am certain that no ship will be a first-class cruiser unless she has sail enough to send her thirteen knots through the water off the wind and ten knots by the wind. That is about the speed of our old first-class frigates and ships of the line with their full bows. The finer lines of to-day ought to do better.—*Report Secretary of Navy*, 389.

He considers that modern cruisers, "with the enormous weight of boilers and machinery carried low down," have "a stability not possessed by the old-fashioned sailing ships of war," and that "they could carry top-gallant sails when the latter would have to take a reef in the topsails."—*Record*, page 5810, first column.

It may be said that the comparatively narrow beam of modern ships is opposed to their carrying sail according to the ordinary rule, but the great length of these vessels, with the enormous weights of boilers and machinery carried low down, gives them a stability not possessed by the old-fashioned sailing ships of war, and they could carry top-gallant sails when the latter would have to take a reef in the topsails.—*Report of Secretary of the Navy*, page 389.

"I will," he says, "suppose a case of two ships of war meeting at sea, of equal size and weight of metal. The machinery of both vessels may be injured, and both may have to depend on their sails. The one that is the best rigged and with the position of the center of effort of the sails so fixed that the steamer will work as well as the old-fashioned sailing ships (which can be accomplished) will sail around the other vessel and compel her to surrender." We are told by the Admiral that the desired result "can be accomplished."—*Record*, page 5810, first column.

I will suppose a case of two ships of war meeting at sea, of equal size and weight of metal. The machinery of both vessels may be injured, and both may have to depend on their sails. The one that is the best rigged and with the position of the center of effort of the sails so fixed that the steamer will work as well as the old-fashioned sailing ships, which can be accomplished, will sail around the other vessel and compel her to surrender.—*Report Secretary Navy*, page 389.

"It may be argued," says Admiral Porter, "that the proposed ships will not be required to maneuver, and that they will always work in important cases under steam." This argument might apply to heavy ironclads, but certainly not to cruisers. In respect to the latter he well says that "it is necessary to guard against every contingency," and that "even in time of peace every effort should be made to economize coal, the careless expenditure of which eats up the public treasure." "What a steamship consumes in coal would in a few years buy a new vessel." The Brooklyn is a very much smaller ship than the Chicago, yet this old-fashioned vessel can spread 8,000 square feet of canvas more than is intended for the Chicago.—*Record*, page 5810, first column.

It may be argued that the proposed ships will not be required to maneuver, and that they will always work in important cases under steam; but in war it is necessary to guard against every contingency, and even in time of peace every effort should be made to economize coal, the careless expenditure of which eats up the public treasure. What a steamship consumes in coal would in a few years buy a new vessel.—*Report of Secretary of the Navy*, 388 and 389.

When England and France assumed a hostile attitude to the United States during the late civil war Congress appropriated money for 65,890 tons of fast steamers, "real commerce-destroyers"—(I still quote from Admiral Porter's report to the Secretary)—"all larger than the proposed Boston class, and eleven of them as large or larger than the proposed Chicago."—*Record*, page 5810, first column.

Now, here is a case where Congress appropriated money for 65,890 tons of fast steamers, real commerce destroyers, all larger than the proposed Boston class, and eleven of them as large or larger than the proposed Chicago. I hardly think the foreign governments referred to would have been impressed with such vessels as the proposed Dolphin class.—*Report Secretary Navy*, 391.

"Had these vessels been built of iron" (as they ought to have been), says the Admiral, "we might not at this day have been complaining of a decayed navy, since, if properly taken care of, they must still be serviceable." How many millions has Congress appropriated to maintain a navy since that time?—*Record*, page 5810, first column.

Had these vessels been built of iron we might not at this day be complaining of a decayed navy, since, if properly taken care of, they must still be serviceable.—*Report of Secretary of the Navy*, page 391.

On the 2d of July, I was reported (on page 5856 of the RECORD, which contains the proceedings of the 1st of July) as follows: "I said very feebly yesterday what I say to-day more vigorously, that I would rather have one good large iron-clad steamer at a cost of $4,000,000 than your whole fleet of forty-million-dollar cruisers. These cruisers can not fight the present iron-clad vessels of the world. To make these vessels, according to Admiral Porter, able to compete with the vessels of the world—this is the crucial test of a navy worth having—the Admiral says:

I am nevertheless well satisfied that it would be most unwise to vote $4,000,000 for the construction of seven steel cruisers next year until we have some evidence that the Chicago, the Boston, the Atlanta, and the Dolphin are of the proper type or types to enable our naval officers "to keep alive the knowledge of war."

And he asks:

Are these the types of ships that are "capable on brief notice of being expanded into invincible squadrons?"

I perceive the emphasis of the recommendation of your great Admiral. I would not go back on that recommendation, nor on the testimony of your skilled and ingenious builders and engineers. I would not in a time when this armament is growing.

The language here attributed to Admiral Porter I took in the hurry of debate from page 5809 of the RECORD. They were my own words, as any one might have seen from the RECORD by the following language then used:

NON-COMBATANT SQUADRONS.

Now, while I have not sufficient naval knowledge to say that we should not direct our attention mainly to providing a navy of steel cruisers for the pleasure and accommodation of our officers before we embark to any considerable extent in the building of fighting ships, I am nevertheless well satisfied that it would be most unwise to vote $4,000,000 for the construction of seven steel cruisers next year until we have some evidence that the Chicago, the Boston, the Atlanta, and the Dolphin are of the proper type or types to enable our naval officers "to keep alive the knowledge of war." Are these the types of ships that are "capable on brief notice of being expanded into invincible squadrons?"

This language had relation to my comments upon the report of the Secretary of the Navy and the action of the advisory board, as any one would see who will read the foregoing part of my speech. On the hasty glance I cast on it I did not observe that the quotation marks did not refer to Admiral Porter. They referred to the Secretary's language. The above extracts from the report of Admiral Porter to the Secretary of the Navy abundantly support the position I took against the addition of new cruisers to our fleet. No one can read Admiral Porter's report without seeing that he takes substantially the same grounds that I took against them.

Mr. REED. I desire leave to reply.

Mr. RANDALL. That will be lost on the House.

Mr. REED. What I have said has not been lost.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROPRIATIONS COMMITTEE.

Mr. RANDALL, by unanimous consent, submitted the following resolution:

Resolved, That the Committee on Appropriations, or such subcommittee as they may designate, are hereby authorized to sit during the vacation, for the purpose of considering and facilitating the business of the committee in advance of the next regular session, to be convened at such time as the chairman of said committee may order.

Mr. RANDALL. It is the usual resolution adopted at a long session, so as to enable the Committee on Appropriations to assemble and transact business prior to the meeting of the second session, in order to have the bills prepared in some degree in advance.

Mr. KASSON. Do not the rules provide for the meeting of the Committee on Appropriations?

The SPEAKER. Not that I know of.

Mr. KASSON. I thought there was such a provision for the meeting of the Committee on Appropriations in advance.

The SPEAKER. There is not.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXCUSED FROM COMMITTEE SERVICE.

Mr. CALKINS. I ask by unanimous consent that I be excused from further service on the Committee on Appropriations; and I do this now so that the Speaker may appoint my successor.

There was no objection, and it was ordered accordingly.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 21, 24, and 25 to the bill (H. R. 7069) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 24 and 25, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: In lieu of "thirty-four" insert "ten," and after the word "dollars," in the amended clause, insert "for clerks to Senators, $24,000;" and the Senate agree to the same.

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

W. B. ALLISON,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying the report will now be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1885 submit the following statement in explanation of the conference report:

It is recommended that the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment which inserts in the bill the following:

"For clerks to Senators, $24,000."

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

Mr. HOLMAN. Mr. Speaker, I hope I will have the ear of the House for a few moments.

Mr. WHITE, of Kentucky. I rise to a question of order. I ask how much time the gentleman is going to allow for debate on this?

Mr. HOLMAN. How much time does the gentleman want?

Mr. WHITE, of Kentucky. About ten minutes.

Mr. HOLMAN. The gentleman shall have that time. I hope the House will understand that this report in this form recommends the appropriation of this money, it is true, but it is purely a formal report under the parliamentary rules for the purpose of bringing the subject in this formal manner before the House.

It is not to be assumed on the part of the House that the majority of its managers at this conference favor the principle declared in the report. I have already explained the reason why the report in this form is presented, and I desire to present it again. If the committee of conference simply reported a failure to agree, then the question would be, shall the House recede? And if the House not only declined to recede, but on the contrary adopted the amendments of the Senate, then it would not show upon the face of the law that the $20,000 was being appropriated for clerks of Senators, but simply that a given sum of money was appropriated for the contingent expenses of the Senate, to be applied as the Senate might think proper. Therefore, for the purpose of presenting the subject in a tangible form, the conferees on the part of the House consented to this form of report, recommending as a matter of form to the House to agree in the proposition of the Senate embodied, not in terms, but in effect, in the original proposition of the Senate for $24,000, which sum they proposed to appropriate for the present fiscal year, beginning on the 1st of the present month, for the compensation of clerks of Senators.

As a matter of course, Mr. Speaker, if the House shall adopt this report that is the end of the controversy between the two Houses, and the legislative, executive, and judicial appropriation bill becomes a law. It appropriates $24,000 for the clerks of Senators in that event. If the House does not agree to this report, the subject goes as a matter of course to another conference. That is all.

I am exceedingly anxious to place this matter clearly before the House, for I do not wish that the majority of the House conferees should be placed in the attitude of in effect recommending the appropriation of this $24,000, as their judgment is against the appropriation for that purpose, and I trust we have been successful at least in presenting the reasons why the report has been presented in the form in which it stands.

I now yield ten minutes to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. Mr. Speaker, the amount of money involved in this demand of the Senate is very small. We have given that much money frequently to various objects. But, sir, that is not the question. There is a principle involved in this demand. It was a small tax that led to the war of the Revolution. It was not the amount of the tax, but the principle involved in the tax which led to the throwing of the tea overboard in the Boston harbor. So it is in this case. It is not the $24,000 that I object to, but the principle it involves. If the Senate can say that the House shall give this $24,000 to hire private secretaries for them, they arrogate to themselves the right also to demand that we shall give to them a carriage and a span of Kentucky trotters, a coachman, and a lackey. It is clearly intended as an increase of the salary of the Senators, and there is no dispute but that is what it amounts to.

Now, sir, we are brought to face this question fairly. In the Forty-third Congress the distinguished chairman of the Committee on Appropriations [Mr. RANDALL], now in this House, made this remark on a similar bill to increase the salary of Members and Senators from $5,000 to $7,500, known as the back-pay salary grab. In that discussion the gentleman from Pennsylvania [Mr. RANDALL] said:

When I went into this conference on this bill I found there were three overshadowing questions beyond all others which were in controversy between the two Houses. The first one that met us in committee was this question of salaries. Upon that question I have uttered no doubtful sound and have made no doubtful record in this House. I have declared to the country and to my constituents that I believe I have earned $7,500 a year since I have been in this Congress, and that I can not live here for less with my family in any sort of decency.

Now, sir, there is the whole issue in a nutshell. We knew and the Senators knew when they were elected that the salary was fixed at $5,000 for each year. Can a member of Congress live in Washington for $5,000 a year? We thought so when we were candidates. If Congressmen can not perform their duties and can not live in decency in Washington for $5,000 a year, then pass a new law to take effect at the beginning of next Congress. Representatives of the people are equal in rank if not superior to United States Senators, and it is not just nor proper that a Senator who is elected for six years and receives the same salary, the same allowances for stationery, the same allowance for mileage, nay, more, when there is an extra session of Congress shall be allowed more salary than is received by the Representatives of the people who under the Constitution hold the purse-strings.

The Senators are chosen, as I say, for six years, while a Member is elected for but two years. Are we prepared to say that $5,000 salary a year, which we knew we were to receive when we were elected to Congress, and $5,000 a year which the Senators knew they were to receive when they were elected to the United States Senate, is not sufficient? It is the high living indulged in, perhaps, after reaching Washington which leads to demands for increase of salaries. The gentleman from Pennsylvania [Mr. RANDALL] said in the closing hours of the Forty-third Congress, on the 3d day of March, 1873, that he could not live here for less than $7,500 a year with his family; and therefore he voted with the majority to increase the compensation $2,500 to each and every Representative and Senator. The Senate took the same view of the matter, and in order to assure the passage of that back-pay grab they proposed to give the President of the United States $50,000 a year.

The country spoke with no uncertain sound on that salary grab. It condemned the act, repudiated most of the members of Congress who voted for it. Not a single member from the State which I have the honor in part to represent who voted for that salary grab occupies a

place on the floor of this House to-day; not one. There are very few of them from other States. Some of the Democratic members who took the salary grab have been able to weather the storm more than the Republicans who took it; which shows again that the Republican party is more sensitive to questions of honor than the Democratic party. [Applause and laughter.]

Now, sir, I call the attention of the House to the Constitution, article 1, section 6, paragraph 2:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

Does not every member know, does not the whole country know that this increase of $24,000 for the Senate to hire private secretaries amounts to an increase of a thousand dollars a year of the salary allowed to each member of the Senate to give to some member of his family; and are we not in that respect violating the Constitution; for "inasmuch as ye do it unto the least of them" ye do it unto the Senators? [Laughter and cries of "Vote!" "Vote!"]

I need not discuss this further. I merely want to put myself squarely on the record; and for one, although the amount is only $24,000, before I will grant one dollar to the superiority of the foreign embassadors of the States who consent to appointments after they have advised the President to make them, whereby the Republican minority in the South is traded off for the support of Democratic Senators, which results in the success of one faction over another faction of the Republican party in the North, all of which tends to the disruption and destruction of the Republican party—before I consent to that I am willing for one to stand here, if a quorum will stand with me, until next December.

Mr. HOLMAN. I yield to the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. It appears to me that the question involved in the report just submitted is a very important one. I confess I do not distinctly understand what the recommendations of the committee of conference are. I understand this, however, so far as my personal convictions go, that we ought not to vote for such a measure as this. I have no disposition to protract this session of Congress. I have no disposition to reflect in any way on gentlemen on this floor who entertain different views.

But I feel I owe it to myself and to my constituents to express to the House my disapprobation of this measure. In itself it may be right. The salary of every Representative and of every Senator perhaps ought to be greater than it is. Perhaps they ought to have this clerical assistance. I know members of the House need it. But I know this in addition—that the people who sent us here do not expect us to pass this measure, and, therefore, I desire to record my vote against it.

Mr. HOLMAN. So far as the appropriation bills are concerned this is the last of them, with the exception of the diplomatic bill, which will undoubtedly be returned to the House in a few minutes; and this is the last item upon which this House will have occasion to act so far as the general appropriations are concerned. I trust, sir, that notwithstanding the lateness of the hour this question will be decided according to the judgment of each member on this floor. In my judgment this money ought not to be appropriated. It is virtually and necessarily simply an increase of the salaries of a part of the members of the National Legislature—that and nothing less. I do not think the appropriation should be made. I do not think that any haste to leave this Capitol should justify any variation from the dictates of reason and judgment in deciding upon this question. I do not think the appropriation should be made.

I yield to my colleague on the committee, the gentleman from Illinois [Mr. CANNON], such time as he may desire.

Mr. CANNON. I desire only to occupy a minute or two.

I did not intend to say a word about this, Mr. Speaker, and would not now were it not that a day or two ago, when this subject was discussed to a certain extent by the House, I announced my opposition to this appropriation. Being upon the conference committee and having united with the gentleman from Indiana and the gentleman from Texas in recommending the adoption of the conference report, it is due to myself that I should say that action was taken in view of the action of the House in adopting the conference report upon the deficiency bill.

I do not regard this matter as an open question now, for the reason that within the last hour, when the conference report upon the deficiency bill was adopted which appropriated $26,000 or $27,000 to pay for these clerks for the year just closed, the principle was established, and this appropriation is but to pay for the same clerks for the year which has just commenced.

I do not care about discussing this question further. I perhaps might say that I hope in the future this will be corrected, either by doing away with this pay for Senators' clerks, or by a well-considered and judicious law, if pay there must be to any clerks, that will make it exactly equal as between the House and the Senate. It is not so much the amount of money that is involved that gives me trouble in connection with this question, but it is the fact that we have already yielded and are proposing to yield further to a distinction between the two co-ordinate branches, when my conviction is that hereafter as heretofore they should stand exactly upon the same platform touching this and all other pay and perquisites.

The SPEAKER. What motion does the gentleman from Indiana [Mr. HOLMAN] submit?

Mr. HOLMAN. We make the report with the usual recommendation as a matter of form, with the view that if the vote taken on the deficiency bill is to be regarded as an instruction, and if the appropriation is made, it shall appear on its face what it is for; that it shall appear on the face of the law that the money is appropriated not for general contingencies but for clerks of Senators.

It is for that purpose and because of the implied instructions given by a former vote of the House that the conferees of the House have submitted this subject in its present form, with the understanding, however, that the majority of the House conferees, the gentleman from Illinois [Mr. CANNON] and myself do not concur in the appropriation of this money, but on the contrary believe that the salaries of members of the House and of Senators are high enough.

Mr. MILLER, of Pennsylvania. Allow me to ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. MILLER, of Pennsylvania. Do I understand from the gentleman from Indiana that he is going to vote against this conference report?

Mr. HOLMAN. If the gentleman will call the yeas and nays, perhaps I will.

Mr. MILLER, of Pennsylvania. I trust that if the gentleman does this side of the House will follow him.

The SPEAKER. The question is upon agreeing to the report of the committee of conference.

Mr. COX, of North Carolina. Upon that I call for the yeas and nays.

Mr. HOLMAN. For the purpose of bringing this subject before the House for action, I move *pro forma* the adoption of the report.

The question was taken upon ordering the yeas and nays, and there were 19 in the affirmative.

The SPEAKER. That is not one-fifth of the last vote.

Mr. MILLER, of Pennsylvania, and Mr. PAYSON called for a count of the other side.

The negative vote was counted, and there were 105.

The SPEAKER. Upon ordering the yeas and nays upon agreeing to the report of the committee of conference the ayes are 19, the noes 105. The ayes not being one-fifth of the whole vote, the yeas and nays are refused.

Mr. WHITE, of Kentucky. No quorum has voted.

The SPEAKER. It does not require a quorum to decide the call for the yeas and nays.

Mr. WHITE, of Kentucky. I call for tellers on ordering the yeas and nays.

Tellers were not ordered, there being but 10 in the affirmative—not one-fifth of a quorum.

The SPEAKER. The yeas and nays are refused. The question is upon agreeing to the conference report.

The question was taken; and upon a division there were—ayes 70, noes 48.

Mr. WHITE, of Kentucky. No quorum.

Mr. MILLS. Do not make that point and require us to stay here all night.

Mr. WHITE, of Kentucky. There is important legislation to be done besides this.

The SPEAKER. It can not be done without a quorum.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. Can any business whatever be done without a quorum?

The SPEAKER. Of course not; the Constitution prohibits it.

Mr. WHITE, of Kentucky. Members of Congress are paid by the year, and ought to be here.

The SPEAKER. The question is not debatable. The point of order is made that no quorum has voted. The Chair will appoint as tellers Mr. WHITE, of Kentucky, and Mr. MILLS.

The House again divided; and the tellers reported that there were—ayes 100, noes 69.

Before the result of the vote was announced,

Mr. WHITE, of Kentucky, said: Now that we have a quorum I ask for the yeas and nays.

The SPEAKER. The yeas and nays have been asked for and refused by the House.

Mr. WHITE, of Kentucky. Can not I ask for them again?

The SPEAKER. Only by unanimous consent, the House having already voted not to take the question by yeas and nays.

Mr. WHITE, of Kentucky. Then I ask unanimous consent for the yeas and nays.

Many members objected.

The SPEAKER. Objection is made. Upon this vote the tellers report ayes 100, noes 69. The ayes have it, and the report of the committee of conference is agreed to.

Mr. HOLMAN moved to reconsider the vote by which the report of

the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield;
A bill (H. R. 1897) granting a pension to Catherine Hunter;
A bill (H. R. 2979) granting a pension to Nancy Ellis;
A bill (H. R. 4417) granting an increase of pension to Jacob Miller;
A bill (H. R. 5888) granting a pension to Ellen O'Brian; and
A bill (H. R. 6530) to increase the pension of Richard Jobes.

ORDER OF BUSINESS.

Mr. WELLER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WELLER. On the convening of the House this evening I made a motion that we proceed to the consideration of certain pension bills.

The SPEAKER. That is not a point of order.

Mr. WELLER. I was about to state the point of order.

The SPEAKER. The gentleman will state it.

Mr. WELLER. I want to know whether it will be necessary for me to renew that motion, or whether the Speaker will submit it to the House.

The SPEAKER. The gentleman must decide for himself whether it is necessary for him to make the motion or not.

Mr. WELLER. I did not hear the Chair.

The SPEAKER. The gentleman did not make the motion. The gentleman arose and attempted to make it, but it was not made.

Mr. MILLS. I want to ask a kindness of the House in this our closing hours of the first session of the Forty-eighth Congress. I want the House to do me the favor to permit Senate bill No. 62, providing for the erection of a public building at Waco, Tex., to be taken from the Speaker's table and passed at this time. The judges of both the circuit and district courts certify that there is no place there for the court to be held. The bill has passed the Senate, has been recommended favorably by the committee of the House and is on the Speaker's table, and it will take but a moment to pass it.

Mr. BLACKBURN. That is right.

Mr. GUENTHER and others objected.

The SPEAKER. Objection is made.

Mr. WHITE, of Kentucky. I call for the regular order.

Mr. HOLMAN. I move that the House now take a recess for thirty minutes.

The SPEAKER. That is a privileged motion under the rules of the House.

The question was taken upon the motion of Mr. HOLMAN; and upon a division there were—ayes 111, noes 17.

So (no further count being called for) the motion was agreed to; and accordingly (at 9 o'clock and 25 minutes p. m.) the House took a recess until 9 o'clock and 55 minutes p. m.

The recess having expired, the House resumed its session.

DISTRICT OF COLUMBIA EXPENSES.

Mr. HOLMAN. There were certain items struck from the deficiency bill by the conferees proposing appropriations to be paid from the funds of the District of Columbia. After this was done the gentleman having charge of the subject became satisfied that those appropriations, amounting to about $5,000, should be made. I ask unanimous consent that a joint resolution covering these matters may now be introduced, and, if there be no objection, passed.

There being no objection,

Mr. HOLMAN introduced a joint resolution (H. Res. 286) for the payment of certain persons therein named for clerical services in making clerical and "assess" books; which was read a first and second time.

The SPEAKER. If there be no objection the House will proceed to the consideration of this resolution.

There being no objection, the joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay the following named persons for clerical services in making clerical and "assess" books, namely: To F. G. Cowie, $138; to G. A. Hall, $435; to W. E. Morgan, $505; to John S. Bell, $180; to Thomas B. Shoemaker, $45; to William Griffin, $700; to E. W. W. Griffin, $900; to R. E. Fish, $900; to Frank Wilson, $900; to J. F. Thompson, $171; to Charles D. Merwin, $30; in all, $5,704, out of any money appropriated for the District of Columbia not otherwise specifically set apart for other purposes.

Mr. CALKINS. I desire to say that the statement made by the gentleman from Indiana in regard to this matter is entirely correct.

Mr. RANDALL. While this proposition is right, I wish it understood that there was no error in the report upon the deficiency bill; these items were not omitted by mistake.

Mr. HOLMAN. I did not intend to have it understood that these appropriations were omitted by an error. They were intended to be stricken out of the deficiency bill.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the amendments of the Senate numbered 21, 24, and 25 to the legislative, executive, and judicial appropriation bill.

ORDNANCE AND GUNNERY.

Mr. HISCOCK. I send a resolution to the Clerk's desk to be read; and if there be no objection, I will ask for its immediate consideration.

The Clerk read as follows:

Resolved, That a select committee of seven Representatives be appointed by the Speaker to inquire as to the capacity of steel-producing works in the United States to make steel of suitable quality and sufficient in quantity to furnish metal for guns of high power, and metal plates and other material for the construction of vessels of war, and for the armor or sheathing for such vessels.

2. That said committee shall also inquire as to the character and sufficiency of machinery and machine-tools in the navy-yards, and also in private foundries and machine-shops in the United States, for the construction of engines suitable for vessels of war, and for manufacturing guns for the proper armament of such vessels, and of the seacoast defenses, and for the purpose of constructing iron and steel ships of war.

3. Said committee shall also inquire into the best locations in the United States for manufacturing guns, engines, and armor for vessels, and for building iron and steel ships of war, and the best method of manufacturing and building the same, whether by the Government or by contract with private persons.

4. Said committee shall have power to sit in the vacation of the House at any place in the United States, to send for persons and papers, and to appoint a clerk and messenger, and may report by bill or otherwise.

5. The expenses of said committee, and of witnesses summoned before it, shall be paid out of the contingent fund of the House, to be certified by the chairman of the committee, and audited and allowed by the Committee on Accounts.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. COX, of North Carolina. I object.

EXCUSED FROM COMMITTEE SERVICE.

Mr. KASSON. I ask to be excused from further service on the Committee on Ways and Means.

There being no objection, Mr. KASSON was excused.

GOVERNMENT WHARF AT WILMINGTON, N. C.

Mr. GREEN. I ask unanimous consent to take from the Speaker's table for immediate consideration Senate bill 1251, to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C. This bill is designed simply to authorize the purchase of property in Wilmington, N. C., for the benefit of the revenue-marine service, and for other purposes.

Mr. DUNN. I object.

COMMITTEE APPOINTMENTS.

The SPEAKER. The Chair announces necessary changes which have been made in the committees of the House by reason of vacancies which have occurred.

The changes announced by the Speaker are as follows:

Committee on Ways and Means (to fill vacancies)—THOMAS M. BROWNE, THOMAS B. REED.

Committee on the Judiciary—ABRAHAM X. PARKER, EDWARD K. VALENTINE (to fill vacancies occasioned by the resignations of THOMAS M. BROWNE and THOMAS B. REED).

Committee on Agriculture—E. H. FUNSTON (to fill vacancy occasioned by the resignation of THOMAS P. OCHILTREE).

Committee on Post-Offices and Post-Roads—THOMAS P. OCHILTREE (to fill vacancy).

Committee on Manufactures—ROBERT SMALLS (to fill vacancy).

Committee on Labor—E. H. FUNSTON (to fill vacancy).

Committee on Militia—ROBERT SMALLS (to fill vacancy).

Committee on Patents—J. R. CHALMERS (to fill vacancy).

Select Committee on the Law respecting the Election of President and Vice-President—J. R. CHALMERS (to fill vacancy occasioned by the resignation of ABRAHAM X. PARKER).

Committee on Appropriations—JOHN D. LONG (to fill vacancy).

Committee on Banking and Currency—JOHN KEAN, Jr., in place of BENJAMIN S. HOOPER.

Committee on Public Buildings and Grounds—HARRY LIBBEY, in place of JOHN KEAN, Jr.

Select Committee on Public Health—BENJAMIN S. HOOPER in place of HARRY LIBBEY.

Committee on Commerce—WILLIAM P. HEPBURN in place of JOHN D. LONG.

Select Committee on American Ship-building and Ship-owning Interests—LEWIS E. MCCOMAS in place of JOHN D. LONG.

ORDER OF BUSINESS.

Mr. HOLMAN. I move a recess for half an hour.

Mr. WEAVER. I ask the gentleman to withhold that motion for a moment. I desire to ask unanimous consent to take from the Speaker's table and put on its passage the bill (S. 2348) to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr. This is a matter to which no one will object when the bill has been read.

Mr. DUNN. I demand the regular order of business.

The SPEAKER. The question recurs on the motion to take a recess.

Mr. WHITE, of Kentucky. I move that the House do now adjourn, and on that motion I ask for a division.

The House divided; and there were—ayes 1, noes 94.

So the House refused to adjourn.

The SPEAKER. The question recurs on the motion to take a recess for thirty minutes.

The House divided; and there were—ayes 77, noes 9.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER appointed Mr. WHITE, of Kentucky, and Mr. HOLMAN as tellers.

The House again divided; and the tellers reported—ayes 99, noes 2.

Mr. WHITE, of Kentucky. I ask we proceed to the consideration of the Mexican pension bill.

The SPEAKER. That is not in order while the House is dividing.

Mr. WHITE, of Kentucky. No quorum has voted, and I move that there be a call of the House.

The motion that there be a call of the House was disagreed to.

Mr. WHITE, of Kentucky. It is now nearly midnight. We are waiting for the Senate. They are now engaged in an active debate, and we had as well go home as to stay here. Why should we waste time by taking recess after recess? I moved that the House adjourn, and it has refused to do so. As it will not adjourn let us proceed to business. Here is the Mexican pension bill returned with amendment, and let us take it up and send it back to the Senate. Here also is the educational bill.

The SPEAKER. The gentleman from Kentucky is out of order.

Mr. WHITE, of Kentucky (at 10 o'clock and 25 minutes p. m., July 6, 1884). I move the House do now adjourn.

The motion was disagreed to.

Mr. DAVIS, of Illinois. I ask unanimous consent to take up House bill 260.

Mr. HOLMAN. I withdraw the motion for a recess.

THANKS TO SPEAKER CARLISLE.

Mr. HISCOCK. I notice that Mr. Speaker CARLISLE is temporarily absent from the chair, and I offer a resolution to which there will not only be no objection, but which, in my judgment, will be unanimously adopted, as expressing the sentiments of every member of the House. I ask the Clerk to read it. [Applause.]

The Clerk read as follows:

Resolved, That the thanks of this House are due and are hereby tendered to Hon. JOHN G. CARLISLE, Speaker of the House of Representatives, for the ability, efficiency, and strict impartiality with which he has discharged the arduous and responsible duties of his office during the present session of Congress.

[Applause.]

The question was submitted to the House on the adoption of the resolution.

The SPEAKER *pro tempore* (Mr. SCALES in the chair). The resolution is unanimously adopted. [Applause.]

Mr. HOLMAN. I move to take a recess for half an hour.

Mr. DAVIS, of Illinois. I ask unanimous consent of the House that House bill 260 be put on its passage.

Mr. DUNN. Regular order.

Mr. DAVIS, of Illinois. I ask the gentleman to withdraw his demand until I can make a brief statement. The bill has been reported from the Committee on the Judiciary.

Mr. DUNN. I have no objection to the gentleman making a statement, but I will renew my demand after he has concluded.

Mr. WHITE, of Kentucky. Is a recess demanded for conference committees to meet or to go to the Senate to hear the discussion?

Mr. HOLMAN. The latter, I presume.

Mr. WHITE, of Kentucky. The Senate is enjoying a hilarious debate which will last till Monday morning, and as it is now near midnight I move the House adjourn.

The motion was disagreed to.

Mr. HOLMAN'S motion was agreed to; and accordingly (at 10 o'clock and 25 minutes p. m.) the House took a recess for thirty minutes.

AFTER THE RECESS.

The recess having expired, the House at 11 o'clock and 5 minutes p. m. resumed its session.

Mr. WELLER. I now move, and hope there will be no objection to the motion, to discharge the Committee of the Whole House on the Private Calendar from the further consideration of certain pension bills passed by the Senate and which only wait the action of the House to become laws.

Mr. DUNN. Regular order.

Mr. WELLER. I hope the gentleman will not insist upon that demand. These are bills that can be disposed of in twenty or twenty-five minutes, and I hope he will withdraw the objection.

Mr. DUNN. Regular order.

DIGEST OF POINTS OF ORDER.

Mr. BLACKBURN. Mr. Speaker, I ask consent to offer the resolution which I send to the desk, and I am sure it will commend itself to the House as a proper measure if they will hear the reading of it.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the resolutions of February 23 and August 7, 1882, directing the compilation and printing of questions of order decided in the Committee of the Whole House on the state of the Union on general appropriation and revenue bills be extended so as to include the Forty-sixth, Forty-seventh, and Forty-eighth Congresses.

Mr. BLACKBURN. I will state that this is simply in accordance with the resolution formerly adopted by the House, and is necessary to enable the chairman of the Committee of the Whole House on the state of the Union to know what has been the rulings of the committee in such cases.

Mr. DUNN. Let me ask if some such resolution was not introduced on yesterday?

Mr. BLACKBURN. No; not this resolution.

Mr. DUNN. There was a resolution in reference to the Digest introduced on yesterday.

Mr. BLACKBURN. That related to the printing of the Digest of the Rules, but this resolution refers to the compilation of points of order and decisions upon them.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. Reserving the right to object I would like to state that I do not remember the effect of that resolution.

Mr. BLACKBURN. I will read it for the gentleman. I have it here before me.

On the 23d of February, 1882, on motion of the gentleman from Maine [Mr. REED] the following resolution was adopted:

That the Journal Clerk be directed to compile for the use of the House all questions of order raised and decided in Committee of the Whole House on the state of the Union, upon the consideration of appropriation and revenue bills from the Fortieth to the Forty-sixth Congress inclusive, and the necessary expenses incurred in copying and indexing the same shall be paid out of the contingent fund of the House, subject to the approval of the Committee on Accounts.

That was the resolution reported by the gentleman from Maine [Mr. REED], then and now a member of the Committee on Rules of this body. This is simply to carry it on to embrace the Congresses specified in the resolution in order that the chairman of the committee may be guided by such decisions as have been made in the Committees of the Whole House by his predecessors.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was adopted.

Mr. BLACKBURN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDNANCE AND GUNNERY.

Mr. HISCOCK. Mr. Speaker, I understand the gentleman from North Carolina is willing to withdraw his objection to the resolution I offered before the recess, and I now ask that it be taken up for present consideration.

Mr. COX, of North Carolinia. That is correct. I withdraw the objection.

The SPEAKER. The resolution will be reported to the House.

The Clerk read as follows:

Resolved, That a select committee of seven Representatives be appointed by the Speaker to inquire as to the capacity of steel-producing works in the United States to make steel of suitable quality and sufficient in quantity to furnish metal for guns of high power, and metal plates and other material for the construction of vessels of war, and for the armor or sheathing for such vessels.

2. That said committee shall also inquire as to the character and sufficiency of machinery and machine-tools in the navy-yards, and also in private foundries and machine-shops in the United States, for the construction of engines suitable for vessels of war, and for manufacturing guns for the proper armament of such vessels, and of the seacoast defenses, and for the purposes of constructing iron and steel ships of war.

3. Said committee shall also inquire into the best locations in the United States for manufacturing guns, engines, and armor for vessels, and for building iron and steel ships of war, and the best method of manufacturing and building the same, whether by the Government or by contract with private persons.

4. Said committee shall have power to sit in the vacation of the House at any place in the United States, to send for persons and papers, and to appoint a clerk and messenger, and may report by bill or otherwise.

5. The expenses of said committee, and of witnesses summoned before it, shall be paid out of the contingent fund of the House, to be certified by the chairman of the committee, and audited and allowed by the Committee on Accounts.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WELLER. I do not quite like that resolution, but in hopes that the pension bills to which I have referred may be properly considered after this is disposed of, I will not make objection.

Mr. HOLMAN. I withhold the right to object to that paper for a moment. There may be, and undoubtedly are, subjects that ought to be inquired into; but I submit to the gentleman from New York that the inquiry sought to be made by a gentleman from his own State [Mr. HEWITT] is at least of as much practical moment and the information more difficult to obtain than this, and more in my judg-

ment justifying an investigation through the committee than even the matters involved in the resolution which has just been read, for those are matters that can be obtained in other ways than through the report of a committee of Congress. I submit, therefore, to the gentleman from New York that the duties to devolve upon that committee should also relate to the inquiry sought to be instituted by his colleague; and I ask that the resolution of Mr. HEWITT be read in connection with this subject.

Mr. COX, of New York. I think the best way is to consider both the resolutions together.

Mr. HISCOCK. If the resolution which the gentleman from Indiana asks me to consent to have passed is the one to which I objected the other day, I say very frankly I shall not withdraw my objection. That resolution had for its purpose, as I believe and as I understood at the time, the investigation of Departments to a certain extent by a political committee. This is nothing of the kind. This is simply and solely for the purpose of investigating a subject as to which the House ought to have information, and it has nothing political in its character. Everything of that kind has been excluded from it. And if I am asked to make a bargain that something of a political character or a resolution which authorizes investigation must be incorporated in it, it may be as well understood first as last that I can not consent to it.

Mr. HOLMAN. I think the gentleman from New York should acquiesce in that proposition.

Mr. HISCOCK. I can not do it.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] has asked unanimous consent to introduce a resolution for present consideration. Is there objection?

Mr. HOLMAN. Reserving the right to object, I have asked the gentleman to agree to the introduction of the other resolution which I have sent to the desk.

Mr. THOMAS. Of course the gentleman from Indiana has the right to reserve his objection; but I think the resolution introduced by the gentleman from New York [Mr. HISCOCK] ought to be passed. I remember when we were trying to secure the passage of the bill authorizing the building of the new cruisers the Committee on Naval Affairs found itself without any sufficient information as to the ability of the iron and steel manufacturers of this country to furnish necessary material out of which to build ships. In fact there seemed to be little or nothing generally known as to the capacity of this country to furnish the material to be ultimately adopted. An investigation was made by the Committee on Naval Affairs, running through some four months of time, and certain facts were disclosed before that committee and reported to the House which induced this House to adopt steel as the best material out of which to build ships. That point for that time was settled.

Now, another important point is to determine whether we have the ability to furnish the proper material for the construction of high-power guns. It is of importance that that matter should be dispassionately and thoroughly investigated, so that Congress at its next session may act wisely and intelligently upon a question which must of necessity come very soon before us for action.

Mr. WELLER. Will the gentleman yield to me for a question?

Mr. THOMAS. Yes, sir.

Mr. WELLER. I desire to inquire of the gentleman from Illinois if, in his opinion, it is wise to send out seven legislators to enter the field of science with reference to this matter?

Mr. THOMAS. That depends entirely on the selection of the legislators. If I were making the selection there are some members in my eye whom I would not send on such an expedition.

Mr. WELLER. I reciprocate the gentleman's sentiment.

Mr. THOMAS. For my part I have no expectation of being on the committee.

Mr. WELLER. I would inquire further of the gentleman from Illinois if it is not quite possible for this committee of seven to make a finding that will result in an advertisement of some particular firm or its work?

Mr. THOMAS. I hardly think the gentleman's estimate of the legislators of this country is justified by the character they bear here and at home. I am quite confident that the average legislator, the average member of Congress, has the good of his country at heart and his own reputation at stake sufficiently to prevent anything of the sort.

Mr. MCMILLIN. I will suggest to the gentleman from Illinois that going through the navy-yard a few days ago I saw they are already making very large and what are expected to be very fine guns out of American material.

Mr. HORR. The gentleman from Tennessee is entirely mistaken. The jackets for those guns were all shipped from abroad.

Mr. MCMILLIN. If I am in error, the officer in charge of the work, who went through the navy-yard with me, is in error also. He was my authority, and I supposed he was thoroughly informed on the subject.

Mr. HORR. Does the gentleman mean the rifled cannon they are now building there?

Mr. MCMILLIN. Yes, sir.

Mr. HORR. The jackets for that cannon were shipped from abroad. You can not make a piece of steel in the United States large enough for that purpose.

Mr. MCMILLIN. I am speaking of the guns. There are jackets as well. But the steel out of which the gun proper is made is produced here. It seems to me that if the steel that is put into the gun proper is not good it ought to be obtained elsewhere; and if it is fit for that it is fit for the jacket as well.

Mr. THOMAS. I want to say to the gentleman from Tennessee that the quality of American steel has been shown to be the best of any made in this age.

Mr. MCMILLIN. Then what is the need for a resolution to make an additional inquiry as to that question?

Mr. THOMAS. Because we think the capacity of our steel manufactories to furnish steel in large amounts has not yet been presented to Congress in such a shape as to be readily accessible.

Mr. MCMILLIN. Can it not be obtained by the Bureau of Statistics or by the Engineer Bureau?

Mr. THOMAS. I suppose it could.

Mr. MCMILLIN. Or by the Navy Department?

Mr. THOMAS. I suppose that if a resolution were introduced here directing either the Bureau of Statistics or the Navy Department to make an investigation and report it would be done. I think, however, that this House is quite as able to look up and prepare statistics for its own use as either of the bureaus or Departments; and it would be much more accessible when presented in the way in which committees of this House are accustomed to present matters of this kind, and it would be very much more satisfactory.

Mr. WELLER. Another question, if I may ask it?

Mr. THOMAS. Certainly.

Mr. WELLER. In your opinion would it not be better for this House to select five or seven scientific men, men who understand the business, rather than to take seven legislators, even such as the gentleman has not in his eye at present.

Mr. REED. I would like to say just a word in reply to that suggestion.

Mr. WELLER. I hope the gentleman from Illinois [Mr. THOMAS] will answer my question, unless he declines it.

Mr. THOMAS. No, I do not decline to answer it; I shall be very glad to do it. After some little experience here I have found that the intelligence of members of this House enables them to investigate such subjects as we are called upon to legislate about. It is proper for them to hear the opinions of experts and to report the facts to the House, and I think it would be done much more satisfactorily by the committee here proposed than by any body of scientific men that you might select.

Mr. MCMILLIN. I would like to ask the gentleman this question: does he consider it possible that we have a board of officers constructing large guns that are to cost from $100,000 to $200,000 each, or even $50,000 each, and those officers do not know good material when they see it, and do not know where it is produced?

Mr. THOMAS. I do not propose to answer for the intelligence of those officers, but I do assert that there are naval officers and men engaged in the construction of these guns who are able to determine that matter.

Mr. MCMILLIN. Do they not know more about it to-day than can be taught to any set of men, who do not understand it as scientists, between now and the next session of Congress?

Mr. THOMAS. I think that is a very safe proposition.

Mr. REED. It seems to me that the remark of the gentlemen from Iowa [Mr. WELLER] ought to be attended to.

Mr. WELLER. And I hope the gentleman from Maine will give it specific attention.

Mr. REED. Precisely. The proposition now before the House is not to create a scientific commission for the purpose of improving the manufacture of steel. It is to create a committee of this House to obtain information and transmit it to this House. One of the disadvantages that we lie under in our legislation here is that no one of the heads of the Departments charged with executive work has a position on the floor of the House which would enable him to explain the various measures which are before us. Therefore, while we have naval officers learned in their business and Army officers learned in their business, they can not come here on the floor and with the knowledge which they ought to have explain the facts which it is necessary for this House to understand.

It is very desirable that a committee should be appointed to obtain the necessary information in order that that information may be communicated to us in regard to questions as they may arise. It has been the custom for many years for Congress to do that. For instance, we had a Mississippi River committee, and I think the members of that committee gave this House a great deal of information. A great deal of information is to be obtained from the statements of individuals, and everybody knows that they are much more effective than statements which are found in books.

ENROLLED BILL SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that

the committee had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had receded from its amendment numbered 158, disagreed to by the House, to the bill of the House of the following title:

A bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

Joint resolution (H. Res. 286) for the payment of certain persons therein named for clerical services rendered the District of Columbia in making numerical and "assess" books.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. 7509) making temporary provision for the naval service.

ORDNANCE AND GUNNERY.

The SPEAKER. Is there objection to the present consideration of the resolution submitted by the gentleman from New York [Mr. HISCOCK] which has been read?

Mr. COX, of New York. Would it not be better to say something on it?

The SPEAKER. The resolution is not yet before the House.

Mr. RANDALL. Let us get it before the House and then talk about it.

Mr. HOLMAN. Let it remain in its present attitude until we can hear from gentlemen.

The SPEAKER. If there is no objection it will stand as it is.

Mr. WELLER. Might I be permitted to ask the gentleman from Maine [Mr. REED] a question touching this matter?

APPROPRIATION FOR THE NAVAL SERVICE.

Mr. RANDALL. I ask consent to call up the Senate amendment to the bill of the House 7509, making temporary provision for the naval service.

The SPEAKER. The amendment of the Senate will be read.

The amendment of the Senate was read, as follows:

Strike out, after line 25, on page 3, down to and including line 11, on page 4, the following: "Nothing herein contained shall be construed as appropriating money for or authorizing the continuation of work upon the double-turreted monitors Monadnock, Terror, Amphitrite, and Puritan; and any unexpended balance remaining of the appropriation contained in said act approved March 3, 1883, for engines and machinery for said double-turreted monitors shall be covered into the Treasury, except such part thereof as may be required under existing contracts made for the engines and machinery of the three last-named monitors," and insert: "The appropriation for engines, machinery, &c., of the double-turreted monitors Monadnock, Terror, Amphitrite, and Puritan contained in said act approved March 3, 1883, shall be, and is hereby, continued; and the same is made available for the purpose declared in said act."

Mr. RANDALL. Mr. Speaker, I think I do not violate the proprieties of legislative life and association when I say that this bill was introduced by me with the concurrence of all the members of the conference committee upon the naval appropriation bill proper. It was in fact the result of agreement; and at the request of the Senate conferees this bill was not brought in as a substitute for the original bill, as might have been done in the conference report, because it was desired that the original bill might rest upon the table to be in a position to be considered further when Congress shall reassemble in December next. I therefore ask——

Mr. CALKINS. If the gentleman will yield to me a moment, I desire to state in the presence of the House that this amendment affects only the Monadnock——

Mr. RANDALL. I know all that.

Mr. CALKINS. I hope the gentleman will allow me to make my statement. It affects only the Monadnock, which is now at the navy-yard in California.

Mr. RANDALL. I know that. But when I make an agreement I want to abide by it.

Mr. CALKINS. I ask the gentleman to allow me to complete my statement. This amendment affects only the Monadnock, which is now on the Pacific coast. Of the money appropriated by the last Congress for that vessel there is unexpended, if I remember rightly, $62,000 or $63,000.

Mr. RANDALL. No, sir; $174,000.

Mr. CALKINS. I accept the gentleman's correction. One hundred and seventy-four thousand dollars of the amount appropriated by the last Congress has not been expended because the Secretary of the Navy, out of deference to the opinion of the chairman of the Committee on Appropriations at this session, decided that he would not make the contract until Congress had had opportunity to act upon the question. This money was appropriated by the last Congress and under the existing law is subject to be expended for the side armor of the Monadnock. No appropriation is asked from this Congress, but simply that this money already appropriated and unexpended shall be used in putting the side-armor on this vessel, so that it may be in the same condition as the other three monitors, which are on the Atlantic coast. The Senators from the Pacific coast unquestionably believe that this vessel should be put in the same condition as these others.

Mr. RANDALL. That is all very well; but the gentleman, as one of the House conferees, knows that this bill as introduced and passed in this House was not only acceptable to the six members of the conference committee but it was read to the Secretary of the Navy himself and not dissented from by him.

Mr. CALKINS. I trust the gentleman will allow me to complete my statement. I do not dispute the proposition which he has submitted; his statement is true. But the Senate conferees have been voted down by the Senate.

Mr. RANDALL. I do not know anything about that.

Mr. CALKINS. Evidently they have been. Here is the bill amended. The Senate declines to agree with its conferees. The conferees are not to blame for that.

Mr. RANDALL. I do not blame them.

Mr. REED. These bills are not passed by the conferees but by the two Houses.

Mr. CALKINS. The Senate has a right at any time to decline to concur in the action of its conferees; and the House has a similar right. The statement of the gentleman from Pennsylvania is correct; but the Senate has disagreed to the action of the conferees.

The Senators from the Pacific coast evidently feel deeply on this subject. Now, in order to reach an agreement as early as possible, and inasmuch as this proposition does not involve any new appropriation, but simply allows the appropriation already made and unexpended to be used upon the Monadnock, now on the Pacific coast, I suggest to the House whether it would not be well to agree to this amendment proposed by the Senate.

Mr. RANDALL. I can not vary from what I consider I am bound by as a member of the conference committee. It never would have come in here outside of a conference report except that the conferees of the Senate asked for the change, and in this manner this agreement was made. I therefore move to non-concur, and call the previous question.

Mr. CALKINS. Will my colleague permit me a moment?

Mr. RANDALL. I have no doubt when this is explained to the Senate, as I am advised there was not a quorum present when it was agreed to, they will have to recede if they are bound by considerations of honor in reference to the agreement. I insist upon the previous question.

Mr. CALKINS. I move to concur.

The SPEAKER. A vote in the negative on the motion of the gentleman from Pennsylvania will be equivalent to the motion of the gentleman from Indiana to concur.

Mr. RANDALL. I think that motion, if the gentleman from Indiana will permit me to suggest, should be made by somebody else than a member of the conference committee.

Mr. CALKINS. At the suggestion of the Speaker that a vote in the negative on the motion of my colleague on the committee is equivalent to the motion to concur, I will not make the motion, and the gentleman from Illinois who wishes to be heard can make the motion if he desires.

The SPEAKER. If the motion of the gentleman from Pennsylvania is voted down, it will be equivalent to concurrence.

Mr. HISCOCK. Before that question is submitted to the House I would like to ask this question, whether all of the conference reports which have been accepted here to-night were not considered together?

Mr. RANDALL. Practically they were.

Mr. HISCOCK. And the conferees on these bills acted upon them under an agreement upon this bill as a part of the scheme, with a view to getting the two Houses together?

Mr. RANDALL. That is practically the case.

Mr. HISCOCK. If that is the case I propose to stand by that agreement.

Mr. BUDD. I move to concur in the amendment of the Senate for the purpose of getting a square vote of the House upon this question.

The SPEAKER. As the Chair has already stated, the gentleman from Pennsylvania has moved to non-concur. If that is voted down it is equivalent to concurrence.

Mr. BUDD. Is not a negative vote on the motion to concur equivalent to an affirmative vote on the motion of the gentleman from Pennsylvania?

The SPEAKER. It would be. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House non-concur in the Senate amendment.

The question was taken.

The House divided; and there were—ayes 52, noes 40.

Mr. MILLER, of Pennsylvania. I raise the question of no quorum in order that the gentleman from Illinois [Mr. CANNON] may be heard for a short time. He wishes to be heard on this subject, and I make this point simply for the purpose of allowing him that privilege.

Mr. RANDALL. If that point is made it will only succeed in stopping the naval bill from going through.

Mr. MILLER, of Pennsylvania. I make the point of order for the reason stated, that no quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. MILLER, of Pennsylvania, and Mr. RANDALL were appointed tellers.

Mr. CANNON. If I may be permitted to make a suggestion with reference to this matter before the tellers are appointed, not upon the merits, I will say to the gentleman from Pennsylvania that perhaps five or ten minutes spent in this way may possibly be time profitably spent.

Mr. RANDALL. No; I think we had better go on with the vote.

Mr. MILLER, of Pennsylvania. You will have to bring a quorum here if you expect to act upon this matter, unless that privilege is granted.

Mr. CANNON. Just let me make a single suggestion.

Mr. BLACKBURN. I think this side of the House is voting under the impression that they are voting in accordance with an agreement or an arrangement made on the part of the conference of the two Houses. If that is true, to make the point of no quorum will not answer any good purpose; because we will sustain that agreement if we have to stay here a week or a month.

Mr. MILLER, of Pennsylvania. I must make the point of order for the reason I have stated.

Mr. CALKINS. Let me state that if there was any such agreement or arrangement it was not communicated to me; for if such an agreement had been made I should certainly not be willing to depart from it.

Mr. BLACKBURN. I am sure that there is not a man in the world who will come nearer to submitting to and carrying out an agreement than the gentleman from Indiana. But this side of the House was informed that the motion of the gentleman from Pennsylvania was to carry out an agreement already made.

Mr. CALKINS. I repeat, however, that if such an agreement was made—and I certainly do not wish to be understood as disputing it—with the other two gentlemen on the committee, I had no information further than as I have stated.

Mr. BLACKBURN. And my friend knows that I would not impeach his purpose to carry out any agreement to which he was a party. But this side of the House has that information from the chairman of the committee.

Mr. RANDALL. It was expected that this bill should go as it passed the House; that is, as it were, in the nature of a conference report.

Mr. CALKINS. If the gentleman from Pennsylvania will pardon me for interrupting him, the only information he gave me, as I understand it, is that it had been submitted to the conference and the Senate conferees agreed to it.

Mr. RANDALL. Yes.

Mr. HORR. But that does not bind the Senate.

Mr. RANDALL. Then they asked as a matter of agreement in conference that they should be allowed to report a disagreement entire, and that I was to introduce the bill here in the House, which I did, and with the statement if necessary that it did meet the approval of the entire conference. That is what I consider an understanding on their part.

Mr. CANNON. Will the gentleman from Pennsylvania yield to me for a moment?

Mr. RANDALL. Yes, sir.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes; when the Speaker signed the same.

TEMPORARY NAVAL BILL.

Mr. CANNON. Mr. Speaker, I wish to say this in reference to this matter. If I understand the gentleman from Pennsylvania [Mr. RANDALL] it is that two of the conferees, the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL], met the Senate conferees, five in all.

Mr. HOLMAN. And the Secretary of the Navy.

Mr. CANNON. And the Secretary of the Navy. But I was not aware that he belonged to either of the bodies. He made six; then and there, they having the naval bill under consideration, and no other, agreed among themselves that certain things should be done. Now, that agreement I suppose binds those gentlemen and covers the matters about which they agreed so far as they are personally concerned. And I suppose they are in honor bound in accordance with that agreement.

But, sir, that does not bind me, and I say that I am justified in believing when this bill comes from the Senate with an amendment it shows so far as the Senate is concerned that body has reversed the action of the Senate conferees.

I wish to call attention to a remark that the gentleman from New York [Mr. COX] made a moment ago. I have respect for him as well as for the House conferees, and yet, sir, five gentlemen, two from the House and three from the Senate, with the Secretary of the Navy, can not bind me and can not bind the House or the Senate. If they undertake to make an agreement in a close corporation and then get the House and Senate by the ears, I object to it because I did not authorize them to make that kind of an agreement.

Now, one word, to see if I understand the facts about the Monadnock. As I understand it, at the last Congress there was appropriated in round numbers a million of dollars to do certain work on the four monitors, three on the Atlantic and one on the Pacific coast. The Secretary of the Navy made contracts and work was done on the three on the Atlantic coast. He had the power to make a contract to do the work on the monitor on the Pacific coast up to the 1st day of July to the extent of $174,000 that had not been expended. He has no power now to make any such contract because the fiscal year has expired. And this only authorizes the Secretary of the Navy to make now a contract which he could have made prior to the 1st of July. It seems to me if those are the facts there is some propriety in our considering whether we will agree to this amendment or not. If it is proper we should agree, I do not feel, as one member of the House, that I am estopped by any agreement those five members and the Secretary of the Navy may have made.

Mr. BUDD. Mr. Speaker, understanding as I do the facts stated by the last speaker, I feel in duty bound to insist on having the same amount of justice done in regard to these monitors in regard to the Pacific coast that was done in regard to the Atlantic coast. We have no ironclads on the Pacific coast. We do not ask this Congress to appropriate one dollar for the construction, repair, or finishing the Monadnock. We simply ask this Congress to let the matter alone, to let it stand as it did; that is, to allow the money appropriated by the last Congress to be expended in accordance with the law of the last Congress.

I dislike to antagonize anybody at this late hour of the session, but I think we should be granted the same amount of work under the appropriation already made that has been granted to the Eastern coast.

We have no coast defenses. We have no ironclads. The money is on hand to be covered into the Treasury of the United States. We do not know whether we will ever get it out again, and this ironclad will go to rack and ruin unless some further work be done on it. I therefore ask gentlemen to allow the money now on hand to be expended in finishing the monitor Monadnoc. I ask only that you shall mete out the same justice to us that has been received by the Atlantic coast, no more and no less.

Mr. BURNES. I think I can make a statement with regard to this matter that will be entirely satisfactory to both sides; at least I think it ought to be. This bill went to the Senate. There were one or two Senators hostile to it; and under their rules an objection would carry the bill over for another day. I think these conferees were acting in good faith. I feel confident of that; my association with them for a number of days past has given me confidence in them that they were doing the very best they could. In order to get this bill to its present stage they had to move along gently. They got it passed with this amendment. And now I feel confident that if this amendment is nonconcurred in the Senate will promptly recede. I was there when the debate took place and the proceedings were had. I consulted with some of the Senators and I feel confident that the agreement, the understanding, with all of us will be carried out by the Senate if the bill is sent back.

Mr. ROSECRANS. I desire to make a brief statement to the House on the subject before it. It will be remembered by members on the floor who were members of the Forty-seventh Congress that the discussion on the naval bill as to the appropriations for finishing those ironclads was a sharp one, and that there have been two opinions and are now two opinions entertained as regards their usefulness. It is maintained by some that they never will answer as sea-going vessels. And nobody pretends to deny that they will answer for harbor defense. We have a large amount of money in them. I stated on the floor of the House on that occasion that inasmuch as there was a difference of opinion as to whether they would ever be useful or not, and as we had a large investment in them, it was safe to say it would be a prudential arrangement to finish and try one of them, and if any one of them should be finished and tried that ought to be the one on the Pacific coast for the following reasons:

First, we have no ironclads on that coast; and, secondly, in case the worst should happen—and that is that this vessel should prove unseaworthy in heavy seas—it would answer as a harbor defense, needed and useful; and we should then have established the proposition that either they would answer for every purpose, as their friends and advocates believed, or, failing, that we should have nearly their value for harbor defense in the Bay of San Francisco. I went to the Secretary of the Navy after I had made that statement on the floor of the House and told him what I had said, and he seemed to concur with me. And yet the money that we appropriate, instead of being applied to finish one of them, has been divided among them all; and it so happens that the

work on the three on the Atlantic coast has been forwarded and the money spent, while we have of the appropriation which put them in their present condition an unexpended balance.

It will therefore follow from what I have said if we ever finish any one of them the one that ought to be finished, so as to test the whole of them, is the Monadnock. That is the first proposition. And the second is that since the Navy Department has not done that, but has divided the money to be spent and spent it upon all, that portion of it which belongs to the Monadnock ought certainly to be allowed to be spent.

Mr. GLASCOCK. Will my colleague allow me to make a suggestion?

Mr. ROSECRANS. Certainly.

Mr. GLASCOCK. We do not ask for the expenditure of money for the purpose of finishing the Monadnock, but simply for the completion of the amount which remains of the unexpended balance of the million of dollars given by the Forty-seventh Congress for the purpose of finishing the four double-turreted monitors, one of which is the Monadnock. The contracts have been let for putting the machinery in the monitors on the Atlantic coast, and the Monadnock now stands in a position of inequality with her sisters in that no provision has been made for supplying her with machinery. All we ask of this House is that the amount left from that unexpended balance shall be applied to put machinery in the Monadnock, in order that she may be placed on an equal footing with her three sisters.

Mr. RANDALL. I think there has been no illiberality to California or the Pacific coast. We have given them all they ask.

Mr. BUDD. We have no complaint to make on that score.

The SPEAKER. The previous question has been ordered on the motion of the gentleman from Pennsylvania [Mr. RANDALL]. A vote was taken, and the gentleman from Pennsylvania [Mr. MILLER] raised the point of no quorum.

Mr. RANDALL. He made the point, insisting that the gentleman from Illinois [Mr. CANNON] might be permitted to speak. The gentleman from Illinois has been allowed to speak.

Mr. MILLER, of Pennsylvania. The ground on which I made the point having been removed, I now withdraw it.

Mr. BUDD. I demand tellers.

Tellers were not ordered, only 27 members voting therefor—not one-fifth of a quorum.

The SPEAKER. Upon this question the ayes are 52 and the noes 40. The ayes have it, and the motion of the gentleman from Pennsylvania that the House non-concur in the amendment of the Senate is agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 286) for the payment of certain persons therein named for clerical services rendered the District of Columbia in making numerical and "assess" books.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

ORDNANCE AND GUNNERY.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] asks unanimous consent for the present consideration of the resolution which has been read. Is there objection?

Mr. HOLMAN. I think the gentleman from New York should have consented to the resolution I desired to have added. I think the facts sought to be obtained under that resolution would be valuable to enable us to ascertain what other safeguards were necessary for the protection of the public moneys.

I think it might have elicited information which would result in many legislative reforms touching the custody of the public funds. But the gentleman from New York is quite persistent in his opposition to it, and thinks it has some political purpose, and I do not feel justified in objecting to his resolution, which may result in obtaining much valuable information for us.

The SPEAKER. Is there objection to the present consideration of the motion?

Mr. WELLER. I object.

Mr. HOLMAN. Oh, I would not object.

Some time subsequently,

Mr. WELLER withdrew his objection.

There being no further objection, the resolution was received and adopted.

Mr. HISCOCK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the committee, as follows: Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. ABRAM S. HEWITT of New York, Mr. JAMES N. BURNES of Missouri, Mr. CHARLES F. CRISP of Georgia, Mr. FRANK HISCOCK of New York, Mr. THOMAS B. REED of Maine, and Mr. WILLIAM WALTER PHELPS of New Jersey.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I move that the House now adjourn.

Mr. MILLER, of Pennsylvania. I move that when the House adjourns to-day it be to meet at 10 o'clock a. m. on Monday next.

Mr. HOLMAN. I suggest that there be a recess until 10 o'clock a. m. Monday.

WITHDRAWAL OF PAPERS.

Mr. BLACKBURN asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of W. C. Humber.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] moves that the House adjourn, and the gentleman from Pennsylvania moves that when the House adjourns to-day it be to meet at 10 o'clock a. m. Monday.

Mr. RANDALL. I am advised by the Clerk that the legislative, executive, and judicial appropriation bill will probably be enrolled in fifteen minutes. I think we had better remain until that is reported from the Committee on Enrolled Bills.

Mr. KASSON. It can be brought in in the morning.

Mr. RANDALL. Very well; suit yourselves.

Mr. WHITE, of Kentucky. I modify my motion so that the House shall adjourn until 10 o'clock a. m. Monday.

The SPEAKER. That can not be done except by unanimous consent, for a resolution of the House fixes the time of daily meeting at 11 o'clock. The House could take a recess until 10 o'clock.

Mr. MILLER, of Pennsylvania. Then I will withdraw my motion that when the House adjourn it be to meet at 10 o'clock Monday, and move that the House take a recess until that time.

The motion was agreed to; and accordingly (at 12 o'clock and 5 minutes a. m. Monday, July 7) the House took a recess until 10 o'clock.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. Monday, July 7, and was called to order by the Clerk, Mr. JOHN B. CLARK, Jr.

The CLERK. In the temporary absence of the Speaker, the Clerk calls the House to order.

Mr. RANDALL. I move that the House take a recess for ten minutes.

The motion was agreed to.

The recess having expired, the House was again called to order by the Clerk.

ELECTION OF SPEAKER PRO TEMPORE.

Mr. RANDALL. I submit the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That Hon. J. C. S. BLACKBURN, a Representative from the State of Kentucky, be, and he is hereby, elected Speaker *pro tempore* during the present absence of the Speaker.

The resolution was adopted.

The CLERK. The resolution is adopted, and the gentleman from Kentucky [Mr. BLACKBURN] will take the chair.

Mr. BLACKBURN (on taking the chair as Speaker *pro tempore*). Thanking the House for this compliment of its confidence, I will endeavor to deserve it.

Mr. RANDALL. I submit the resolution I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Clerk of the House be instructed to inform the Senate and President of the United States that the House has elected Hon. J. C. S. BLACKBURN, a Representative from the State of Kentucky, Speaker *pro tempore* to serve during the present temporary absence of Hon. J. G. CARLISLE, Speaker.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. THOMPSON. I ask unanimous consent to offer a resolution.

The SPEAKER *pro tempore*. Is there objection?

Mr. STRAIT. I call for the regular order.

Mr. THOMPSON. Will the gentleman let the resolution be read?

Mr. STRAIT. No; I call for the regular order.

Mr. THOMPSON. I will say to the gentleman that it does not affect railroad interests at all. It is simply a resolution authorizing the Clerk of the House to pay the employés of the House their salary for this month immediately upon the adjournment of the session.

Mr. STRAIT. I think we had better have the regular order.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that

the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

ORDER OF BUSINESS.

Mr. GOFF. I move that the House go into Committee of the Whole for the purpose of considering Senate pension bills which have been favorably reported in this House.

Mr. DUNN. I move that the House take a recess till half-past 11 o'clock.

Mr. WELLER. I move an amendment so that there will be a recess for three minutes. I will say that I am as desirous as the gentleman from West Virginia [Mr. GOFF] can be to take up and pass pension bills; but I am satisfied the House will not permit it.

The SPEAKER *pro tempore*. The question is on the motion for a recess, which is not debatable.

Mr. GOFF. There are only about twenty of these Senate bills upon the Calendar.

PAY OF HOUSE EMPLOYÉS.

Mr. PERKINS. I hope the gentleman from Arkansas [Mr. DUNN] will withhold his motion for a few moments. I wish to submit a resolution. If the gentleman will listen to the reading I think he will have no objection.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to the officers and employés of the House borne upon the annual roll their respective compensations for the month of July, 1884, as soon as practicable after the adjournment of this session of Congress.

Mr. DUNN. I withdraw my motion in order that this resolution may be acted upon.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I presume there will be no objection, but I desire to offer an amendment, or, if necessary, a separate resolution, to place upon the roll two colored men who are employés of the House.

Mr. THOMPSON. I think the gentleman's proposition with reference to those two men is very proper and ought to be adopted.

Mr. PERKINS. I hope the resolution I have submitted will be acted upon at once. If anything further be necessary it can be adopted afterward.

The SPEAKER *pro tempore*. The Chair does not understand that the cases referred to by the gentleman from Indiana [Mr. HOLMAN] are embraced in the present resolution.

Mr. PERKINS. If there are other employés who should be provided for, of course I have no objection.

Mr. HOLMAN. I hope my resolution will be admitted at once.

Mr. PERKINS. I have no objection whatever. I supposed my resolution was broad enough to include all the employés of the House.

Mr. HOLMAN. I ask the Clerk to read the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Doorkeeper be directed to place the names of James Hall and Charles Carter on the roll as laborers at the House water-closet as provided for that place.

Mr. PERKINS. I am willing to accept that as an amendment.

The SPEAKER *pro tempore*. The gentleman can not accept it. It is in the nature of a separate resolution. If there be no objection this resolution of the gentleman from Indiana will be first entertained.

There being no objection, the resolution of Mr. HOLMAN was considered and adopted.

The question being then taken on the resolution of Mr. PERKINS, it was agreed to.

Mr. DUNN. I now renew my motion for a recess until half past 11 o'clock.

The motion was agreed to, there being—ayes 36, noes 19.

The House accordingly (at 10 o'clock and 20 minutes a. m.) took a recess until 11 o'clock and 30 minutes a. m.

The recess having expired, the House resumed its session.

ERROR IN ENROLLMENT.

The SPEAKER *pro tempore*. An amendment of the Senate to the consular and diplomatic appropriation bill having been omitted in the enrollment of the bill, the Chair desires to submit to the House——

Mr. RANDALL. Is there a message from the Senate in relation to this matter? If not, had we not better wait for such a message? I learn that the Senate has taken some action upon the question. I suggest that we delay action until the message from the Senate is received, so that the action on the part of the House may be in harmony with that of the Senate.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that as the bill originated in the House, and it does appear that this omission of an amendment has been discovered since the bill was sent to the President, the Chair simply desires to call the attention of the House to the fact.

Mr. RANDALL. The chairman of the subcommittee who had that bill in charge [Mr. BURNES] is not here now. I ask that this matter be allowed to rest until he comes in.

The SPEAKER *pro tempore*. That will be done.

PENSION BILLS.

The SPEAKER *pro tempore*. The House now resumes the consideration of the regular order, and the pending question is the motion of the gentleman from West Virginia [Mr. GOFF] that the House proceed to the consideration of Senate pension bills.

Mr. HOLMAN. Let me suggest, Mr. Speaker, that whatever is done in this matter must be done by unanimous consent, and I suggest that that unanimous consent be so modified as to include also the consideration of pension bills in the House.

The SPEAKER *pro tempore*. Is there objection that those bills shall also be included?

Mr. MCMILLIN. Is it to be considered that this unanimous consent embraces private or public bills?

The SPEAKER *pro tempore*. The motion of the gentleman from West Virginia is that unanimous consent shall be granted for the consideration of Senate bills in Committee of the Whole on the Private Calendar which have been favorably reported by the Committee on Invalid Pensions.

Mr. MCMILLIN. I think that is entirely proper, but in the same connection I ask that the unanimous consent shall also embrace three or four bills now on the Speaker's table which have come from the Committee of the Whole House on the Private Calendar with a favorable recommendation. They have been lying upon the Speaker's table for six or seven weeks because of a personal explanation, and have not been acted on during the time when the consideration of pension bills was in order. They have been acted on by the Committee of the Whole House on the Private Calendar, reported for favorable action, and they ought to be disposed of.

Mr. MILLS. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of those Senate bills referred to by the gentleman from West Virginia, and that they be considered in the House.

The SPEAKER *pro tempore*. That is substantially the motion of the gentleman from West Virginia [Mr. GOFF].

Mr. MCMILLIN. And as I understand, the motion is also to include the House bills reported from the Committee of the Whole House on the Private Calendar.

The SPEAKER *pro tempore*. Does the gentleman from West Virginia accept the suggestion of the gentleman from Tennessee?

Mr. GOFF. I do.

Mr. WELLER. Mr. Speaker, does the motion contemplate the consideration of the bills coming from the Senate, some twenty in number?

The SPEAKER *pro tempore*. The motion contemplates the consideration of the Senate pension bills which have been reported by the Committee on Invalid Pensions of this House and are now in Committee of the Whole House on the Private Calendar.

Mr. WELLER. I am satisfied the House shall consider those bills.

Mr. WILLIS. It is also the understanding that the bills reported from the Committee of the Whole House on the Private Calendar, and which are now on the Speaker's table, shall also be included in the arrangement.

The SPEAKER *pro tempore*. It is, as that suggestion of the gentleman from Tennessee [Mr. MCMILLIN] has been accepted by the gentleman from West Virginia.

Mr. GOFF's resolution as modified was then adopted.

PAYMENT OF HOUSE EMPLOYÉS.

Mr. PERKINS, by unanimous consent, introduced a joint resolution (H. Res. 287) providing for the immediate payment of officers and employés of the House of Representatives; which was read a first and second time.

The Clerk read as follows:

Resolved, &c., That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to the officers and employés of the House borne on the annual roll their respective compensation, including the Capitol police, for the month of July, 1884, as soon as practicable after the adjournment of this session of Congress.

Mr. MCMILLIN. I understand the object of this is to pay these employés who are entitled to it under the law at the adjournment instead of at the end of the month.

Mr. PERKINS. That is it, and it can only be done by joint resolution.

Mr. THOMPSON. I hope the gentleman will permit me to amend the resolution by including the pages, who will have some eight days' pay due them.

The SPEAKER. Does the gentleman accept that as a modification of his resolution?

Mr. PERKINS. Although I am of the opinion it is unnecessary, still if the gentleman insists upon it I will allow the amendment to come in.

Mr. THOMPSON. I will not embarrass the resolution, but will bring in another to cover the case after this has been adopted.

The joint resolution was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAGES.

Mr. THOMPSON. I submit the following resolution.

The Clerk read as follows:

Resolved, &c., That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to the pages of the House the balance of pay they would be entitled to for the month of July out of the contingent fund of the House, to be immediately available.

There was no objection, and the resolution was adopted.

Mr. THOMPSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WELLER. I rise to a question of order. Under the understanding reached pension bills are now in order; and, if so, I ask that their consideration be at once proceeded with.

The SPEAKER *pro tempore*. The Chair will state the clerks are now busily engaged in arranging the bills so that there may be no confusion or delay in reporting and acting upon them.

Mr. MCMILLIN. I suggest while the clerks are arranging the bills that under the order just adopted the House first proceed to the consideration of the bills coming from the Committee of the Whole House on the Private Calendar, and now lying upon the Speaker's table under the recommendation that they be passed.

The SPEAKER *pro tempore*. The Chair is informed the clerks are now ready to proceed to the consideration of the Senate bills from which the Committee of the Whole House on the Private Calendar were discharged, including only the Senate bills favorably reported by the Committee on Invalid Pensions.

PENSION BILLS PASSED.

The following Senate bills reported favorably by the Committee on Pensions and Invalid Pensions, and referred to the Committee of the Whole House on the Private Calendar, were severally considered, the Committee of the Whole House on the Private Calendar discharged from their further consideration, and the bills read a first and second time, ordered to a third reading, read the third time, and passed, namely:

A bill (S. 773) granting a pension to Mrs. Kady Brownell;

A bill (S. 547) granting a pension to John C. F. Beyland, of New York;

A bill (S. 1339) granting a pension to Frank Gray;

A bill (S. 1641) for the relief of the widow of Edward M. Wilkins; and

A bill (S. 1363) granting a pension to Frank S. Hillard.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 4297) for the relief of Henrietta M. Sands.

The message further announced that the Senate had appointed Messrs. SHERMAN and BAYARD to join such committee as may be appointed by the House to wait upon the President of the United States and inform him that Congress having concluded its business is ready to close its session by adjournment.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. Mr. Speaker, I desire now to call up a resolution in regard to the enrollment of the consular and diplomatic appropriation bill.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives, in which it originated, the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The SPEAKER *pro tempore*. The Chair will state that this is done in order to correct an omission made in the enrollment of the bill.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate receded from its amendment to the bill making temporary provision for the naval service of the Government. [Applause.]

PENSION BILLS PASSED.

Under the previous order of the House, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of Senate pension bills of the following titles; and the same were severally considered, read a first and second time, ordered to a third reading, read the third time, and passed, namely:

A bill (S. 280) granting a pension to Wesley Morford;

A bill (S. 1566) granting a pension to Martha Bastin;

A bill (S. 284) granting a pension to Henry J. Seward;

A bill (S. 1227) granting a pension to Capt. Israel Stough;

A bill (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton;

A bill (S. 2244) granting a pension to James Brown;

A bill (S. 464) granting a pension to James P. F. Toby;

A bill (S. 461) granting a pension to Warren Croan;

A bill (S. 912) granting a pension to Henry A. Armstrong;

A bill (S. 1430) granting a pension to Sarah C. Hall; and

A bill (S. 1444) granting a pension to William J. Hess.

Mr. GOFF moved to reconsider the votes by which the various Senate pension bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House do now adjourn.

Several MEMBERS. Why at this hour?

Mr. RANDALL. The reason is I find for the first time this morning that we are now in the legislative day of Saturday, July 5, and it is necessary that the House should adjourn so as to be actually in Monday's session, which will have to be done by consent at this hour. It is necessary to relieve our proceedings from confusion of dates.

The motion was agreed to by unanimous consent; and accordingly (at 11 o'clock and 58 minutes a. m., Monday, July 7) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Petition of Horatio I. Kurtz and others, members of the Grand Army of the Republic, of Philadelphia, Pa., for the establishment and maintenance of a national cemetery near Philadelphia for the remains of the Union soldiers of the late war—to the Committee on Appropriations.

By Mr. S. S. COX: Memorial of Nathaniel McKay, relative to monitor Miantonomoh—to the Committee on Naval Affairs.

By Mr. W. R. COX: Petition of W. H. Chambler and 43 others, of James W. Hilliard and others, of W. L. Crocker and 55 others, and of W. W. Rogers and 57 others, all of Wake County, North Carolina, urging national aid to education—severally to the Committee on Education.

By Mr. DINGLEY: Remonstrance of E. K. O'Brien and others, against Government postal-telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. KEIFER: Petition of E. Sherrett and 46 others, favoring the passage of certain bills in the interest of soldiers, sailors, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. KEIFER: Preamble and resolutions of Powell Post, No. 381, Grand Army of the Republic, of Tremont City, Ohio, in favor of additional and more liberal legislation in the interest of soldiers and sailors of the late war—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. LOVERING: Petitions of 4,000 citizens and soldiers not members of the Grand Army of the Republic, for the passage of H. R. 6463, granting a pension of $8 per month to all honorably discharged officers, soldiers, and sailors who served in the Union Army during the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. MCCOMAS: Petition relating to the claim of John D. Keedy, of Louisa McCollister, and of Ramsay Robb Lees—severally to the Committee on War Claims.

By Mr. PRICE: Petition of F. M. Smart and 70 others, of Merrillon, Wis., for the passage of the Lovering pension bill (H. R. 6463)—to the Committee on Invalid Pensions.

By Mr. POLAND: Resolutions of Dudley Post, Grand Army of the Republic, of Arlington, Vt., for legislation about pensions—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *July* 7, 1884.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. E. D. HUNTLEY, D. D., offered the following prayer:

O Thou, whose watchful care has kept us to this day, we come once more to worship in Thy presence. And as we attempt to voice our thanks for all Thy kindness, we pray Thee to accept the utterances which we are conscious fail to express the gratitude we feel.

Whichever way we look we are met by evidences of Thy favor. Surely "goodness and mercy have followed us all the days of our lives." We have been unworthy of Thy kindness, and confess to have made a lamentably poor use of many God-given opportunities. But "Thou hast not dealt with us after our sins, nor rewarded us according to our iniquities." Death has not been permitted to enter the Senatorial ranks during this lengthy session, and those of our number who came here with impaired vigor have been so blessed of Thee that feebleness

has given way to strength, and incipient recuperation has developed to a prophecy of permanent health. For this and all other benedictions of Thy love we give Thee thanks.

And now as we are about to separate we ask a Father's blessing. May we carry with us the assurance of Thy love. May our consciousness of imperfections and the sadness consequent upon so many failures find somewhat of mitigation in the fact that "Thou knowest our frame and rememberest that we are dust."

Bless the President of these United States. Preserve his life. Vouchsafe unto him health and happiness, and do Thou so dispose his mind that his exceptionally wise and judicious administration may be continued and may receive Thy blessing in the future as it has done in the past.

Command Thy special benediction upon him who by Thy providence has been called to preside over the deliberations of this body. Be pleased to continue him in health and strength and return in safety to the position he has occupied so acceptably to his brother Senators and with so much credit to himself and to his country.

And now we pray Thee to accompany Thy servants, the members of this Senate and the employés about this Chamber, to their homes. In the midst of their families, their friends, and neighbors may they be refreshed. If it please Thee, spare all their lives, that they may again engage in the labors to which they have here become accustomed; but if this may not be, prepare them by Thy Holy Spirit for honorable citizenship in the "undiscovered country from whose bourn no traveler returns."

We ask these mercies in the name of Him who is the resurrection and the life—our Saviour, Jesus Christ. Amen!

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. CAMERON, of Pennsylvania, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Lincoln Post No. 131, Grand Army of the Republic of Wisconsin, praying that a pension of $8 a month may be granted to every Union soldier and sailor who served sixty days or more in the late war of the rebellion, and who, under existing laws, is not entitled to that or a greater sum; which was referred to the Committee on Pensions.

PRINTING OF PENSION DOCUMENTS.

The PRESIDENT *pro tempore*. There being no reports of committees, bills or joint resolutions, "concurrent or other resolutions" are in order, and the Chair lays before the Senate the order offered by the Senator from Pennsylvania [Mr. MITCHELL] for the printing of House bill 5667, reported from the Committee on Printing with an amendment. The order will be read.

The Chief Clerk read as follows:

Ordered, That there be printed 3,000 copies of House bill 5667, the Mexican pension bill, as it passed the Senate, and 3,000 copies of Senate Miscellaneous Document No. 107 of this session, 1,000 of each for the use of the Senate, and 2,000 of each for the use of the House of Representatives.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Printing will be read.

The CHIEF CLERK. The committee propose to amend the order so as to read:

Ordered, That there be printed in pamphlet form 2,000 copies of House bill 5667 known as the Mexican pension bill, as it passed the Senate, and also 2,000 copies of Senate Miscellaneous Document 107 of this session, the same to be stitched together.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the order as amended.

The order as amended was agreed to.

RECESS.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions that order is closed. The Chair lays before the Senate the Calendar under Rule VIII, but will await the pleasure of the Senate before proceeding.

Mr. CONGER. If there is no business other than the Calendar, I move that the Senate take a recess for fifteen minutes.

The motion was agreed to; and (at 10 o'clock and 10 minutes a. m.) the Senate took a recess until 10 o'clock and 25 minutes a. m.

The PRESIDENT *pro tempore*. The hour for which the recess was taken has expired. The Senate resumes its sitting.

COMMITTEE ON PRINTING.

On motion of Mr. HAWLEY, it was

Ordered, That the Committee on Public Printing have leave to sit during the vacation of Congress.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7509) making temporary provision for the naval service.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes;

A bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes;

A bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; and

Joint resolution (H. Res. 286) for the payment of certain persons therein named for clerical services rendered the District of Columbia in making numerical and assess books.

APPROPRIATIONS FOR THE NAVY.

Mr. HALE. I ask that the House bill making temporary provision for the naval service, with the Senate amendment, be taken up.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 7509) making temporary provision for the naval service, returned from the House of Representatives with their action on the amendment proposed by the Senate. The action of the House of Representatives on the Senate amendment will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved, That the House non-concur in the amendment of the Senate to the bill (H. R. 7509) making temporary provision for the naval service.

Mr. HALE. I move that the Senate recede from its amendment.

Mr. MILLER, of California. The conferees on the part of the Senate on the general naval appropriation bill, I have no reason to doubt, did all they could to convince the conferees on the part of the House that the amendments put upon that bill by the Senate ought to be concurred in, but their action has resulted in an agreement by them to an arrangement by which we not only recede from those amendments and give them up, but our conferees have agreed to the repeal of the existing act of appropriation for the construction of the engines and machinery of the monitors, or at least those which are not under contract. The effect of this is to stop work upon the only vessel on the Pacific coast which can afford us any protection or means of defense against the vessels of any foreign power which might choose to make an attack upon us.

Our people have petitioned Congress, through boards of trade, chambers of commerce, and other organized bodies of commercial men, to to provide some means for the harbor defense of San Francisco.

I can not remain silent here when a proposition like this is brought before the Senate. As I said last night, the Pacific coast is utterly defenseless. I am one of those who have been in favor of rebuilding the Navy, and finishing the monitors, and I think that it is due to myself and to my State that I should place upon record the reasons why I oppose the action proposed this morning, and why I am in favor of rebuilding the Navy. There are some things which have not been said in respect to this matter that I think ought to be said, and I crave the indulgence of the Senate for a few moments while I put on record the views which I have on this subject.

INEFFICIENCY OF THE AMERICAN NAVY.

It is admitted on both sides of this Chamber that the United States is without a navy. That amazing fact has been stated and reiterated here in the Senate hundreds of times by Senators of every shade of political opinion until the disgrace has been burned into the consciousness of us all. It has been stated here also with equal persistency, and with equal truth, that the country is destitute of coast defenses; that this great nation of nearly 60,000,000 people, whose liberality, intelligence, and courage have been the admiration of the world, and whose magnificent cities upon her great water ways are the marvel of mankind, has not one gun of modern construction and adequate power in place upon her coasts to defend her great and rich commercial marts. Far famed and opulent as these wonderful cities of more than Theban or Carthagenian wealth and magnificence are, the story of their defenseless condition goes with the fame of their riches throughout the world. It is known everywhere that our forts are as paper boxes, our batteries are but innocent and feeble shams, and our whole enginery of defensive war but weak reminiscences of former power.

The modern ironclad of other nations can steam along in front of our forts and batteries without feeling even a jar as our weightiest projectiles are hurled against her ponderous sides. They strike her as feathers shot from a toy gun. She neither heeds, nor hears, nor feels the soft pattering of their caressing contact, but goes forward in the immensity of her power and upon her mission of destruction to the very center pier of our greatest commercial city. Or if she prefers to speak her wrath at a distance, beyond the sound of our guns, she stands eight or ten miles away and hurls her awful thunderbolts of more than a ton

in weight crashing through the very heart of our metropolis. This may be done, and in despite of torpedoes and all the guns and enginery which we as a nation possess, and the Democratic party says that this condition shall continue, because we propose to appropriate money to build a navy and great guns by an appropriation bill!

THE PREVALENCE OF WAR.

But it is said that there is no need of haste, that we, though defenseless and open to attack, are in no danger; that there will be no war. What Daniel has come to judgment here? Who may prophesy of perpetual peace for this country? Since history began there has never been one day of peace throughout the world. Burke's estimate is that there have perished by war upon this planet thirty-five thousand millions of human beings; that this bewildering, amazing number of human lives have gone out by the misfortune of war. The history of mankind is for the most part a panorama of battles. In our own country so frequent have been our wars that not a sound man has grown to middle age without the opportunity of showing his love of country and personal prowess upon the battlefield. We have all had our chance. From 1776 to 1876 we were engaged fifteen years in war, not counting Indian wars; or of the century we passed one year of every seven in destructive warfare. War is incessant on the earth, always in progress somewhere. There is no universal peace among men. The first link of the millennial chain by which that demon of destruction is to be bound has never yet been forged. How shall we escape war? Shall we do it by a pusillanimous, spiritless, nerveless, foreign policy? Shall we escape by cultivating a grinning, idiotic, sycophancy to aggressive power? Are we to turn into a nation of Uriah Heeps or Aminadab Sleeks? Is that the Democratic plan? Will that save us? I hope not.

Now, I do not say this because of any love of war. I hate it. I hate it because it hurts; because it destroys; because it is the art of injury and destruction; because it is cruel, heartless, relentless; it is force in delirium; it is humanity in wild, demoniac energy. Yet there is a majesty in the roar of battle; there is a grandeur in its awfulness; there is a fascination in its terror—it is one of God's mysteries. And there are worse national calamities than war. It is a cloud with a silver lining. Good often comes of it, and God permits it. So it comes to all nations, and will come so long as human nature lasts. We shall not escape it, and certainly not by inviting it by our defenseless condition.

EFFECT UPON OUR DIPLOMACY OF NON-PREPARATION.

The effect of the defenseless condition and non-combatant character of our Government is to repress the spirit and destroy the courage of American diplomacy. The power and influence of a nation in international councils is proportioned precisely to her capability to inflict injury upon her enemies. Her dignity is in the ratio of her power to fight. Intelligence counts for something, wealth for more, but the strongest is the greatest in the conflict of nations. No government destitute of military power can present an ultimatum. Such a government must be prepared to submit to the will of others who are stronger, not wiser, in international concerns. Applying these principles to our Government in our present condition, do we not see at this very moment what humiliation is in prospect for us as a nation in the near future?

THE MONROE DOCTRINE.

Sixty years ago this nation asserted a principle, or announced a policy, which was dignified by the name of the "Monroe doctrine." It has been the cherished doctrine of the people of the United States from the day of its promulgation. It has been popular because it formulated and emphasized a public sentiment which forbade European interference with the political affairs of this hemisphere. This doctrine has been sometimes asserted with great apparent frankness and force; sometimes in the form of a weak protest against the encroachments of European powers upon the territory or autonomy of American states, and sometimes it has been so feebly and doubtfully asserted that its total abandonment seemed to be meditated.

Our history shows that the vigor and manliness with which this doctrine has been asserted has been proportioned to the efficiency of our military power at the time, on both sea and land. While we as a nation have not been invited into the international councils of Europe, we have asserted our right to take a leading part in the councils of American nations, and we have, as we felt bound to do by reason of our geographical position, our superior strength, and the great interest which we have in the peace and prosperity of our neighbors, from time to time exercised a watchful and friendly care over the interests of the nations of this hemisphere. We have asserted the principle that the strong and aggressive powers of Europe should not by our consent disturb the autonomy of any American nation, nor by colonization or otherwise obtain practical control over any part of any one of these nations, nor interfere in the relations which they sustain toward each other. We have said that the American isthmus should not be severed by a ship-canal unless the United States should have at least some control over it. We have gone further than that. We have objected to the Colombian Government seeking guarantees of the freedom and neutrality of the canal at the Panama Isthmus from European governments, and we have insisted that all the guarantees in respect of the free use of such a canal should be from the United States alone. We have objected to alliances between American powers and European powers unless such alliances should be under the supervisory control of our Government. Our pretensions as the regulating force, the controlling and advisory power among American nations, have been put forth with great force and persistence, sometimes with an energy and vehemence which showed the earnestness of our intentions and the character of the active guardianship which we have assumed over the affairs of our American neighbors.

A NEW ERA—PANAMA CANAL.

Now a new era of development is opening in some of the countries south of us. Something like a crisis in the affairs of more than one of the nations whose relations with us are matters of concern is near at hand. Have Senators read and studied the diplomatic correspondence between our Government and that of the states of Colombia on the subject of the Panama Canal? If they have not, I commend it to their serious attention and careful perusal. Our Government has said more than once in language so plain that it could not and has not been misunderstood that we can not permit the isthmus transit to be used in any event offensively against our interests as a nation on land or sea. The United States by the thirty-fifth article of the treaty of 1846 with New Grenada, now the United States of Colombia, guaranteed "positively and efficaciously" the perfect neutrality of the isthmus and of any interoceanic communication that might be constructed over it for the maintenance of free transit from sea to sea, and also guaranteed the rights of sovereignty and property of the United States of Colombia over the territory of the isthmus included within the borders of the State of Panama.

In 1881, when it was ascertained that overtures had been made to the Colombian Government by European powers for supplementing our guarantees by the guarantees of European powers, by treaties of alliance, —such as the treaty of 1846—our Government gave notice to Colombia and the world that the guarantee given by the United States did not require re-enforcement or accession or assent from any other power, and that any movement by any European government in the sense of supplementing the guarantee of the United States would be regarded as an uncalled-for intrusion into a field where the interests of the United States must be considered before those of any other power except Colombia. We also construed our guarantee to mean the protection of the territoral rights of Colombia over the Panama transit from aggression or interference of any kind. Our Government said to the world that "an agreement between European states to jointly guarantee the neutrality and in effect control the political character of a highway of commerce remote from them and near to us, forming substantially a part of our coast line and promising to become the chief means of transportation between our Atlantic and Pacific States, would be viewed by this Government with grave concern, and that such action by European powers, which maintain vast armies and patrol the sea with immense fleets, would partake of the nature of an alliance against the United States of America." We said that during any war in which either the United States or the states of Colombia might be a party the passage of armed vessels of a hostile nation through the canal at Panama would be no more admissible than would be the passage of the armed forces of a hostile nation over the railway lines joining the Atlantic and Pacific shores of the United States or of Colombia. This is a mere outline of what our Government has announced as its policy and purposes in respect of the Panama Isthmus. It has said more, and manifested the great and paramount interest which it has always claimed in the Isthmus transit repeatedly, clearly, and with dignity and emphasis.

But the work of construction goes on; the canal is being built, and by whom? Has the United States an interest in it or control over it? It is being built by Frenchmen and French capital. Do we propose that this great work, which exposes our commerce with the Pacific to the absolute control of foreign nations, whose interests are hostile to ours, and our western coasts to the mercy of hostile fleets, shall be consummated and pass under the domination of European powers? Do we intend to make our words good? Suppose our treaties with Colombia are superseded by treaties of alliance and guarantee between Colombia and European powers? What is our Government to do? Protest against it? But how shall the protest be made effective without a navy? How strong will be the protest if our coast cities are left defenseless?

THE FRENCH IN PANAMA.

The state of Panama is practically to-day a French colony; it is in French possession. It is a fact well known that the French Government, through the influence of its agents, has controlled and carried the late elections in the state of Panama. It has thus gained political control in Panama on the pretext that it is necessary for the preservation of the public peace and for the protection of French capital. The disorders which prevail at this very moment in the state of Panama are likely to lead to hostilities between the natives and the alien races who are gathered there and engaged in the work of the construction of the canal. We may expect at any time within six months, perhaps within sixty days, that the French Government will consider it necessary for the preservation of French interests in Panama to establish military posts there and station troops along the line of the projected canal. Schemes for the colonization by the French of various parts of

the United States of Colombia are now in progress. They have gone so far as to change the names of the towns and places along the line of the Panama Canal, giving them French names, and that whole region is becoming Frenchified, and the Monroe doctrine (so called) is violated energetically, flagrantly, and persistently by the French every day and every hour in the day. It is a question which I here suggest, How long will this be permitted to continue? Do we intend to stand by and see the French Government in military control of Panama? Do we propose to permit these colonization schemes to go on without objection or interruption?

It is perfectly evident that the French Government, which has of late become the most aggressive power on the earth, intends to assume and maintain perfect and exclusive control over the Panama Canal whenever it shall be finished. It proposes to maintain the same relation with the Panama Canal that England has assumed in reference to the Suez Canal. The freedom and neutrality of the Panama Canal will be maintained just so long as the French desire it shall be maintained and no longer. The time has come for the practical assertion and maintenance of the Monroe doctrine with respect to the Panama Isthmus or for its total repudiation and abandonment. The question how far the United States may now go in defense of the Monroe doctrine with or without a navy is a question which must soon be answered.

NICARAGUA—THE LAKE.

We have said brave things in respect of the Nicaraguan transit. We have a treaty with Nicaragua in which our faith is plighted to protect that feeble nation against the encroachments of other powers which shall attempt to cut the Nicaraguan isthmus by a canal without the consent and co-operation of the United States and Nicaragua. The concession for a canal to the American company expires within four months. Suppose England, or France, or any European maritime power should gain a concession from Nicaragua and begin the construction of a canal there with a view of making the Lake of Nicaragua the naval entrepôt and harbor of its great war ships, which would give such nation complete supremacy over the commerce of both oceans and become a perpetual menace to not only the commercial interests of the United States in the Pacific seas but to our Western coasts and Pacific States and cities, what would our Government do? What should it do? Will our Democratic leaders who oppose the building of a navy say that we should stand supinely by and see this great nation environed and humbled and humiliated and threatened and defied?

WHO SHALL CONTROL THE ISTHMUS?

I say for one that the national honor, the national interests, the national pride, American spirit and American manhood forbid that the control of the isthmus transit at either Panama or Nicaragua shall ever be intrusted to any power to the exclusion of the United States. If you ask me whether I would resort to war for the protection of the interests of the United States in respect of these isthmus transits, I answer that I would at once begin preparation for war by building great guns, large iron-clad ships and cruisers. Our position is right, and the statesmanship which, either through cowardice or ignorance of the prodigious interests involved, halts or temporizes in the maintenance of that position is too spiritless and weak for the time and the national demand. That the time is coming, and that soon, when Congress shall be called upon to consider the question of peace or war in its relation to this isthmian problem I fully believe. We are drifting, and drifting into serious complications. The diplomatic negotiations now supposed to be in progress may extricate this nation from the difficulties which threaten it in the near future in respect to Nicaragua. They are being conducted, it is believed, with skill and good judgment, and when the correspondence which has already taken place is made public it will be seen with what energy, vigor, sagacity, and courage the present Administration has conducted the important negotiations which are intended to place it within the power of the United States to find a solution of the isthmian question. And if the negotiations shall be successful, do we not see that this Government must be prepared to act with firmness and determination; to move forward with steady and relentless energy to the accomplishment of its purposes, undeterred by foreign protests and without fear of European interference?

It is not the time now to even outline the purposes and plans which this nation should adopt and pursue in respect of the American Isthmus, nor to attempt to describe the advantages to American commerce or the American shipping interests by the control of a canal through Nicaragua. A few days ago a debate was concluded in the Senate upon the causes for the decline of the American merchant marine and the methods for its restoration. He must have thought but little upon the subject who can not see that the most potential agency for the restoration of our merchant marine is to be found in the possession and unlimited control of a water way for great ships through Nicaragua or Panama. English statesmen see it all and much more. French and German statesmen see it; and no movement in that direction, however slight or tentative, on the part of our Government escapes the vigilant eyes of European diplomats and statesmen.

I forbear to say more at this time upon this most interesting and important topic for reasons which must be apparent to all who take note of current history. But with the inexorable movement of events toward a speedy culmination of these isthmian questions, clearly open to our view, approaching as we are the supreme hour when the United States must act with firmness, courage, and force, or suffer irreparable loss, humiliation, and disgrace, why hesitate in placing the country in a position to maintain its oft-asserted rights and defend its interests and its honor?

WHO WILL EXCUSE THE HAZARD OF DELAY?

Not the American people. Not the masses of even the Democratic party. If the time comes when there is need that this nation be prepared for war, and it is found to be unprepared, the statesmen who are held responsible for the crime of the failure will shrink into nothingness before the offended majesty of the American people and call upon the hills and the mountains to fall down upon them. No such contemptible excuse as a pretended want of confidence in a Secretary of the Navy will avail. They will be asked for a better reason than a mere suspicion that the management of the construction of war ships may possibly be not wise or economical. That will not do. Certainly not when no single official act of the Secretary in the administration of his office can be shown to justify the flimsy excuse of these unworthy suspicions.

COMMERCE AND THE NAVY.

Whether it be in pursuance of any well-defined policy of our Government or not, the people of the United States are searching out foreign markets for American manufactures, and they are looking southward. Whether we will it or strive against it, intimate commercial relations will be established between our people and the peoples of Mexico, Central and South America. They will grow up through a natural process in the evolution of trade, and great interests which shall demand the care and protection of our Government will spring up on land and sea throughout this whole western region. The United States must assume its rightful place as the leading nation among western powers and assert its masterful position among them and be prepared to defend the interests of its people. The Government should lead in the movement for the extension of American commerce and in the creation of new markets, adopt, define, and announce a foreign policy in respect to our relations with neighboring states, devise, mature, and begin the execution of a plan of life in its relation to the nations of the earth.

No nation can long endure and successfully maintain an exalted station in the family of nations without commerce, and commerce must be sustained by the protecting force of an efficient navy. The interests of a commercial people are so intimately interwoven with the interests of the peoples with whom they trade that insensibly an alliance between them is formed. Commercial interest is often the motive for political alliance, and the idea of protection is inseparable from the fact of commercial interest and the alliance which is created by it.

THE CUBAN PROBLEM.

We can not escape if we would the most lively sensibility in respect to the internal affairs of a country so near to us and with commercial relations so intimate with us as Cuba, for example. Whatever may be the disposition of our people in regard to abstention from interference with the political status of Cuba, no radical change can take place in her relation to Spain or in her local government without awakening a very lively interest in the minds of our people. It must be apparent now to all who have watched the progress of Cuban affairs that important changes are likely to take place in the government of the island within a few years. It is not my purpose to enter the domain of prophecy, but the tendency of events plainly is toward the emancipation of Cuba from Spanish exactions and Spanish control.

The present conditions under which Cuba is a drained and impoverished dependency of Spain can not much longer endure, and a change of some sort is imminent. What that change may be, and what results shall flow from it, time will give answer. When it comes European powers will be found eagerly contending with each other for the advantage of some sort of control over the destiny of Cuba. Will the Government of the United States stand passively by and stupidly gaze upon the conflict, or will it see a duty to perform and have the courage and manhood to perform it? With the probable and possible complications growing out of our relations with and our interests in Cuba, with the indications of a speedy culmination of the disordered affairs of this rich and misgoverned neighbor plainly before us, and with the certainty that this Government will be called upon to assert its power as against the interference of great European governments in this business, is it not prudent to begin, at least to think of, preparation for meeting the crisis in such manner as shall become a just, liberal, courageous, and powerful nation? It seems to me so; and therefore I should begin the building of vessels of war and strengthen our coast defenses.

CAN THE UNITED STATES ENFORCE ITS DEMANDS?

A few days ago the House of Representatives passed and sent to the Senate a joint resolution which directs the President to make certain demands upon the Government of Venezuela, and which presents for Venezuela the alternative of war if these demands are not complied with. Venezuela is a weak nation, feeble in her armament, meager in her resources, and not powerful in numbers. She is far off, open to attack by us only from the sea. A declaration of war against Venezuela by the United States would not be regarded by mankind as a brave proceeding.

But is it a bold thing to do to threaten her with a war which we dare not attempt to wage? Will the Senate pass this resolution? How will the United States enforce its demand even though Venezuela stands alone without the aid of a single ally? Some three years ago our Government presented by its State Department a similar alternative to Mexico if she refused to settle the boundary dispute with Guatemala. Happily, Guatemala acknowledged herself in the wrong and settled upon Mexico's basis and all difficulty was averted. The Chilian affair is fresh in the mind of the Senate and the humiliation which every American felt when the Chilian ironclad steamed into San Francisco Bay, peacefully it is true, but with the ocular demonstration that Chili might have bombarded or laid San Francisco under contribution by means of that one vessel and this great nation had not the power to prevent it. These may be considered small affairs, but out of a number of small things great matters grow. From small affairs great wars sometimes come.

IRRITATION OF EUROPEAN MONARCHIES.

I will not mention the slight European complications which have recently attracted the attention at least of some thoughtful men in the United States, and which, though insignificant, almost puerile, gave evidence of an irritated state of feeling toward the United States in some of the most powerful European states. The marvelous growth of this nation—its wonderful success in the experiment of free government; its steady progress in education, in the arts, in science, and in all development which makes a people great and powerful—has awakened a spirit of jealousy in the minds of monarchical and imperial rulers of European states toward us as a government. The example of the United States is spreading the contagion of liberty and freedom throughout the world, and that example is regarded as a menace to aristocratic governments. Our diplomatic correspondence shows a disposition on the part of some European rulers at least to cavil and find fault with our Government upon but slight pretext, and to hold us responsible for some of the disorders which crop out in their local systems for the government of their own people. All careful observers have seen and noted the captious disposition shown of late toward the United States by more than one of the European powers in the treatment of international questions of slight importance. Should international questions of great moment arise between our Goverment and any European government, we may expect to find the rulers of most of the monarchies of the Old World in combination against us. Whenever the opportunity occurs to curb the power, interrupt the progress, and humiliate the pride of this nation, it is but reasonable to expect that those governments which view the rapidly advancing power of this wonderful nation of the West with concern will utilize the occasion. I would have this country prepared, always ready, and well-equipped, not only for her defense, but for offensive and aggressive war. I would not wait preparation, so as to be perpetually on the defensive.

THE GLORY OF THE NATION.

It would be glorious to see again her swift merchant ships moving upon the waters of every sea, great argosies laden with the riches of every clime, and carrying the commerce of half the world; her Navy strong, full-armed, proudly bearing the flag of the Union into every port, commanding the attention and conquering the respect of all mankind.

The Senate has sought to build a navy. The people demand it; the national interests require it; the national honor, the spirit of progress, the general welfare alike call for it. The only objection to the action of the Senate is that we did not go far enough. We should have added to the bill an appropriation for building two first-class iron-clad vessels of war! The Senate should now adhere to its amendments. It should not falter or hesitate. Its judgment is right. It should have the courage of its opinion and stand to the right. It has been said that adhering to the Senate amendments is coercion of the House. It is in no offensive sense coercion. If to do right, to do that which the national interest demands, to perform a patriotic duty is coercion, that sort of coercion will be not only pardoned but applauded by the American people.

Mr. President, I oppose the motion to recede from the amendment put upon the naval bill last night, and advocate, on the contrary, our insistence upon it. Let it go to a conference, and if the House still insists I would take the regular naval appropriation bill from the hooks upon which the conference have hung it, and attempt to come to a solution of the questions raised by the conference. For one I am prepared and ready to stay here and insist upon the performance of this patriotic duty until the winter snows come.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution instructing the Clerk of the House to inform the Senate and the President of the United States that the House had elected Hon. J. C. S. BLACKBURN, a Representative from the State of Kentucky, to serve as Speaker *pro tempore* during the present temporary absence of Hon. J. G. CARLISLE, Speaker.

ENROLLED BILL SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; and it was thereupon signed by the President *pro tempore*.

APPROPRIATIONS FOR THE NAVY.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the motion of the Senator from Maine [Mr. HALE] that the Senate recede from its amendment to the House bill as to appropriations for the naval service.

Mr. MORGAN. Mr. President, I did not expect that when the amendment which was put on the bill yesterday and which the House has failed to concur in came back to us it would present the occasion for a political debate. Not having such an expectation I am not prepared to enter fully into the subject and answer all the various political or party propositions which were advanced by the Senator from California. I regret that the Senator has taken this occasion to make what I conceive to be an unjust assault upon a political party, and I think I can show in a very brief time that the Senator's attitude upon this question as disclosed in his remarks is not justified by the facts or demanded by the occasion.

The arraignment which he makes of the ruling powers of this country in respect of its present unfortunate condition of defenselessness is perhaps not overdrawn; but when the Senator assumes that the Democratic party has become suddenly responsible for evils which have been growing up for the last twenty or twenty-five years I think that he departs from the record, and draws his indictment against a party that is not liable to be put upon its plea, or answer, or defense in respect of these matters. Instead of inserting the House of Representatives or the Democratic party as the party defendant in his indictment they ought to be stricken out and three Republican Presidents and three or four Secretaries of State and Secretaries of the Navy ought to be included in place of the Democrats who were not willing to concur with the Senator in completing at this time the Monadnock, which lies in the harbor of San Francisco. That ship was in process of construction under appropriations made by Congress when a Republican Secretary of the Navy arrested the construction and prevented the application of the money, because, I think, he believed that the arrangements which were in progress for its completion were not justified by honor and fidelity to public trusts, that money was being extravagantly expended in that direction which ought not to be so expended.

The question of the influence which the American Government ought to exercise upon any transcontinental line of ship communication between the Pacific and the Atlantic Oceans is one that has been strictly in the keeping of the Republican party at least for the last twenty-five years. I had not supposed, until I heard the remarks of the Senator from California this morning, that there was involved in the policy which we are to pursue in that part of the world an element of belligerency which would necessarily involve the United States in a war; but I take it that when the honorable Senator, the chairman of the Committee on Foreign Relations, who occupies a very important position in this body and in the Government, assumes that the solution of the questions in the Isthmus of Panama is to be controlled by our power to conduct war he takes a step very far in advance of anything that has been indicated or intimated by those who conduct the diplomatic relations of this country.

I had looked on with a good deal of respect and commendation at the course of the present Secretary of State in debating with success with Lord Granville and other diplomatic functionaries the right of the United States to be recognized as having a vital, moral, political, and material interest in the solution of those questions. I had seen the Clayton-Bulwer treaty, which has been an obstruction to proper American authority and American influence in that quarter, successfully argued out of the way of the present Secretary of State, and I had seen what I concluded was a final determination on the part of that Department of the Government to consider that the Clayton-Bulwer treaty had been abrogated in effect by the conduct of the Government of Great Britain; that although no formal notice had been issued of our withdrawal from the supposed obligations that it imposed upon us, yet that our Government had taken an attitude in respect of it which freed us from any obligation which it did impose upon us and left the field entirely free to be occupied by the United States Government in such manner as it might choose to do in the future.

I felt very much gratified to know that these great results were about to be accomplished without involving any question of belligerency between governments, any necessity for a resort to war, or any occasion for making any threat of that character to be connected with questions of this kind upon the floor of the Senate.

I must say that I consider the remarks of the chairman of the Committee on Foreign Relations as being very unfortunate in the existing state of affairs. While I have been all the time in favor of the Government putting itself in a condition where it was the equal of any other government in the world in respect of aggressive or defensive

powers, and have so indicated by every vote I have given in the Senate, it has not been done in the expectation that there was immediately pending any occasion for us to use powers like these in dealing with the great governments of the world.

I believe that we owe this duty of making defensive preparations to the dignity and honor of our own Government and to its permanent security, but I did not suppose when I was giving votes of such a character that I was preparing for an event which now seems to be threatened, or too freely assumed, a warlike collision between the United States and foreign powers. Has this been the effect of the nomination recently made at Chicago? Are we to understand that that nomination, followed up by this belligerent declaration on the part of the chairman of the Committee on Foreign Relations, is to be interpreted as a threat of war against the world, and that, too, when our diplomatic correspondence and movements are so very successful in their moral influence and power as to give an earnest hope to the country that we shall succeed in doing all that we ought to do for the protection of the honor and the interests of our people without ever firing a gun, or even preparing to fire one?

More than four years ago I had the honor to introduce a resolution into the Senate touching the rights and duties of the American Government in respect of the Isthmus of Panama and the water ways that were then about to be constructed to connect the two oceans. That declaration was brief and simple. In substance it was only this—it is not now before me and I can not quote the language of it—that no ship-canal connecting the Pacific and Atlantic Oceans across the Isthmus of Darien ought to be built except with the consent of the American Government; in other words, that we had, not in virtue of the Monroe doctrine merely, but in virtue of the physical construction of this continent, the right to say that whoever attempted to open a channel for ships between the oceans and thereby change the whole geography of the coast line of this hemisphere, owed it to the people of the United States, and to the influence which we exercise in government in this hemisphere and in commerce throughout the world, to come to us and to consult us as to whether we were willing that that change should be made. Could one assume that a foreign government would interfere and claim the right to dig a canal across the Peninsula of Florida to connect the oceans? The material question is of greater value and importance to us in respect of our rights across the Isthmus of Panama than it would be across the Peninsula of Florida. For that reason, if for no other or better or higher reason, I would demand that whoever undertakes to connect the oceans across that isthmus by water ways should come to the United States and understand from us distinctly in advance whether we consented to it or not.

That resolution went to the Committee on Foreign Relations. It was reported back favorably to this body, and the Senate took no further notice of it. The subject was not urged in the Senate for the reason that it was then understood that the ground was being surveyed and measured and considered very carefully by the diplomatic functionaries of this Government to ascertain precisely in what plight and condition our rights had been left in consequence of the treaties that we have with foreign powers. Thereafter, finding that we were making successful progress by diplomacy and by correspondence in the removal of the barriers which a false and an unfortunate diplomacy had heretofore erected about this question, I was content to allow the Government to move quietly along and successfully, as I believe it has been doing, to the solution of these troubles and the removal of these difficulties.

Now it appears that we are to have a change of policy; that while neither the Senate nor the House has been called upon for a declaration of policy upon this subject or an expression of national sentiment, desire, and demand upon this question, we are to have now, in a measure for the building and completion of ships of war, the preparation for the forcible solution of this matter, and from that the people of this country, and not this alone but other countries, will be apt to infer that the United States are preparing not for peace but for war.

I am for making all due and necessary preparations either for peace or for war, and I believe that to prepare our seacoast defenses, our torpedo system, our heavy-armored-ship system, our corsair fleet, are all material elements in the combined forces with which we ought to stand ready to protect ourselves, or make aggression in case of insult or outrage upon our flag or our commerce by other nations.

I have sustained with my vote all that is required now, and will go still further in order to secure all of these necessary arrangements for the security of the peace of the world as well as for the protection of the honor of the people and flag of the United States, but I must confess that I feel some astonishment when the attitude which I have occupied upon this floor in connection with Republican Senators is to be construed into one of preparation for belligerent events and for the results of war. If the House of Representatives had an apprehension of the actual existence of a state of feeling in the Senate which has been typified in the remarks of the Senator from California, they did right to stop until they knew the ground that we were occupying here. They did right not to commit themselves into the hands of a political party in this country who find it necessary, it appears, to make a threat of war against the world in order to animate the American people to sustain them in some new adventure in politics. The House did right to stand by the peace-loving people of the United States, by its commerce, by its quiet and peaceful homesteads and firesides, and by the still unshed blood of its people, and to say, "We are not going to commit ourselves rashly and unnecessarily upon an appropriation bill to acts which you interpret as being necessary to conduct a foreign war, contemplated if not impending.

I do not regret any vote that I have given on this question. I even voted to place a new statute for the construction of the new cruisers upon an appropriation bill, and in doing that I was supposed to have made some departure from the fixed principles of the party to which I have the honor to belong. I did it for two reasons. The first was that I thought, having a plethoric Treasury, we could well spend a portion of that money in the building of cruisers in order to keep it out of political jobs. Another reason was that I believed, and have always believed, that under the peculiar relations which the Army and the Navy bear to the other departments of the United States Government as indicated in the letter of the Constitution itself it is the right and privilege of either of the Houses to provide not merely for the maintenance and support of the Army and Navy, but to provide for their complete equipment upon an appropriation bill as well as upon a general legislative measure. I would not vote to introduce matters that affect the legislative department, the executive department, or the judicial department of the Government upon an army or a navy bill; but I would just as readily vote for building a ship of war when I find it necessary to do so as a part of the maintenance of the Navy as I would to supply cartridge-boxes to the soldiers after some conflagration had destroyed a part of that particular equipment.

I have always considered that a ship was a necessary part of the outfit and the equipment of the officers and marines and sailors of the Navy, that therefore it was not within the spirit, at least, of the rules of the two bodies, which I so highly value, that exclude legislation of a general character from appropriation bills. I have found it impossible in my own mind to draw the line of demarkation in the Army or Navy appropriation bill at the point where we must stop providing an equipment and providing supplies and providing support for these two arms of the military service, and not being able to define the line precisely, I do not consider that I transgress this proper rule of practice when I vote to build a ship as I would vote to buy a thousand cavalry horses for the purpose of carrying a brigade or a regiment of cavalry across the continent to some point where they might be usefully employed or where they might be needed.

For these reasons I have overcome what otherwise in my mind is a very strong objection to putting measures of a general nature upon appropriation bills, and I have sincerely voted with the committee and with the majority in this body on both occasions for the purpose of maintaining and rebuilding the Navy. But, sir, I never did this in view of the fact that it was a part of the policy of this Government to make threats of hostility against foreign powers in order to get what we suppose to be our rights. We have no need to go to that extent. The moral attitude of the Government of the United States is sufficiently good to give to its influence throughout the nations of this earth all the strength that I think that we need to claim for it. Time after time this has been evidenced in a most gratifying way. The nations of the world who have witnessed the terrible struggle of our civil war and have seen the Government rise triumphant from that struggle and have seen it within a period of twenty years assume such a political condition, a condition of such perfect quiet and repose as that it can consider the most minute rights of any human being in the United States with deliberation and composure—those who have witnessed these grand results are prepared to believe that there is something in the American character, something in American institutions, stronger than the enginery of war, stronger than ships, and stronger than armies.

We have no occasion to distrust our influence or our power. There is nothing in the recent history of the United States that makes it necessary that we should suppose that our moral or political influence is to be in any wise increased by the mere fact that we may have a great navy or a great army ready organized and equipped for service. I acknowledge, as I did in the outset of my remarks, that it is one of the necessary parts of the provisions for government that we should be armed to a suitable degree and that we should have the means of arming ourselves in the best possible style and on the shortest notice. We should have foundries where we could make our own guns, guns of great power, as rapidly and as perfectly as any other nation of the earth can do. We should have ship-yards where we can build steel and iron ships as rapidly and efficiently as any other nation. We should make our preparations in that direction, and it is very much more important that we should have a perfect state of preparation for the purpose of building ships and guns to arm them and to arm the seacoast defenses than it is that we should have a navy constructed immediately and sent afloat upon the sea.

Still I want an efficient navy; I vote for a navy; but I repeat that I do not want it as a hostile threat against mankind; I want it for the purpose of keeping the peace so far as we are concerned among the na-

tions; I want it for the purpose of showing the nations of the earth that we are in a state of preparation, not to aggress, but in a state of thorough preparation for defense.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine [Mr. HALE].

Mr. CONGER. I move that the Senate insist upon its amendment and ask for a committee of conference, and I desire to be heard on that proposition.

The PRESIDING OFFICER. The motion of the Senator from Maine will take precedence of the motion of the Senator from Michigan. The motion of the Senator from Maine is that the Senate recede from its amendment.

Mr. CONGER. Mr. President, without one single effort, without even having asked the House to consider the amendment of the Senate, it is proposed, without a committee of conference, to recede from an amendment adopted by the Senate, an amendment adopted and which it was necessary to adopt in order that the bill might go forward without objection yesterday. Now, sir, I shall be unwilling to have this motion made and carried without expressing in some manner the sentiment of the Senate on that question.

As I said yesterday, I think the country has a right to know why the Senate gives up a point of this kind which every Senator here thinks ought to be insisted upon, except that some Senators are tired of staying here and desire to leave as others have left, except that the mere fear of having it disclosed that there is not a quorum of Senators here is used as a means to prevent the expression of the sentiment of Senators by their votes on the yeas and nays and the record being made. It seems that condition is to deter those who desire an expression of sentiment, who desire to push this matter further, from using the ordinary parliamentary means to compel such a vote and to compel such a record.

Let a committee of conference be reported; let the committee of conference understand what the will of the Senate is and not say beforehand that it is no use to try further. No committee of conference of the House would yield to a demand of the Senate if it was announced to them beforehand that the Senate was careless about it, that the Senate was ready to recede almost without trial.

Sir, the good faith of this Government, the obligations of Senators here are involved in this proposition, and it is no slight matter. If it be so under the rules that the motion to recede takes precedence, there is no alternative left but to call the yeas and nays and see what the result will be. I think it is better to have a committee of conference; I think it is better without going to the extreme measure which I have suggested in the present condition of the Senate, that that point be yielded and that we make at least one more manly and honorable effort to secure the adoption of the amendment by the House.

HENRIETTA M. SANDS.

Mr. BLAIR. I ask unanimous consent at this time that an accident in our legislation may be rectified. House bill 4297, for the relief of Henrietta M. Sands, came to the Senate and was referred to the Committee on Pensions. Previous to that time a bill which was reported from the Senate Committee on Pensions for the same purpose had passed the Senate, but there is no prospect whatever of its becoming a law by receiving the sanction of the House. I designed to have substituted the House bill for the Senate bill, but I failed to do so accidentally. I ask now unanimous consent that the bill (H. R. 4297) for the relief of Henrietta M. Sands may be put upon its passage, and I will see that the other is indefinitely postponed.

The PRESIDING OFFICER. The Senator from New Hampshire from the Committee on Pensions asks to be discharged from the further consideration of a certain bill that he has indicated. Is there objection? The Chair hears none and it is so ordered. From the same committee the Senator from New Hampshire reports favorably a House bill which will now be read.

The bill (H. R. 4297) for the relief of Henrietta M. Sands was by unanimous consent considered as in Committee of the Whole. It provides for the payment out of the naval pension fund to Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, of $50 per month during her widowhood, in lieu of her present pension.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

APPROPRIATIONS FOR THE NAVY.

Mr. HALE. I hope we may have a vote now on my motion. This is the only matter that is delaying adjourment.

The PRESIDING OFFICER. The question is on the motion submitted by the Senator from Maine, that the Senate recede from its amendment to the bill (H. R. 7509) making temporary provision for the naval service.

Mr. HAWLEY. I make no apology for delaying the Senate a few moments, for I consider the question serious, and I am disposed to submit a few remarks in the nature of a protest against this proceeding.

There is no patriotic American who denies the necessity for a navy. When I say that I have no reference to any immediate probability or possibility of war, I say it upon the general principle that a nation can not afford to be without one. We must have the possibility of choosing between war and peace, and a nation that has no navy and no means of aggressive or defensive action is unable to make a choice. Its only alternative is peace.

I concur with the Senator from California in saying that I want no war. God forbid that we should ever see it again. But there are some things worse than any war, and one of them is a cowardly peace. If I did not think it a duty to say it I would be ashamed to say we have no resource left but a cowardly peace in case of a serious quarrel with any nation. The element of force should be behind the National Government in its external relations as it is behind the States and the counties in their domestic affairs. Wherever a sheriff goes with a warrant he has behind him the possibility of the colonel and the regiment of the county. A humpbacked and crippled sheriff lays his little finger on the strongest man of the county and says, "Come with me." If rioters assemble, the sheriff calls for the colonel and the regiment and they enforce his command. You may praise human nature as much as you please, but no law is worth anything in any government that has ever been organized yet unless it has behind the law the possibility of force.

In our external affairs we are absolutely without the sanction of force not only to compel the recognition of our rights but to defend ourselves. I did not understand the Senator from California to threaten war. Nobody who has had an experience of war, who has lived to maturity in this country in politics or in war, is ever in the habit of threatening war, and nobody will suspect the United States of a desire to threaten it under present circumstances.

I wish, I say, to be able to choose, and therefore I want a navy. The Senate has done well. It has largely disregarded any possible element of partisanship in these discussions. Practically unanimously the Senate has voted to add seven ships of war to our Navy, and when that bill went from us and to all appearance went down into a bottomless well, then the Senate put the seven-ships bill upon the naval appropriation bill. I hold that it had an entire right to do so, that it was legitimate and proper, and germane to the bill. An appropriation to continue the supply of shoes for the Army does not mean an appropriation to black and to mend the old shoes, but it means the possibility of buying new shoes. The appropriation bill is intended to maintain a navy of the United States, and the work of maintaining a navy is not alone the work of repairing the old ships but the necessity and duty of supplying new ships for those that are destroyed.

The Senator from Delaware repeated an ancient remark about the $379,000,000 that have been spent within some eighteen or twenty years for our Navy and asked who was to blame that we could not show a navy at the end of this time. That Senator has probably spent fifteen or twenty thousand dollars during his 50 years of life in clothing himself. Why, therefore, should he order a new suit of clothes? He has consumed many tons of food and drink in the course of his life. Why, therefore, should he order dinner to-day? Has he not had enough? The logic in one case is exactly as good as the logic in the other.

We put the seven-ships bill upon the appropriation bill, as I hold we had a right to do. The upshot of the controversy, notwithstanding the wisdom and patriotism with which the Senate has conducted itself, and with which the Appropriations Committee and the conference committee have conducted themselves, is that we have not only lost our seven-ships bill and failed to get any increase of the Navy, but we have absolutely laid before us here a proposition to take back $170,000 already given. Sir, there are some homely stories of this day as good as the fables of Æsop or Abraham Lincoln, and among them the one relating to the traveling clergyman who passed his hat in the congregation to pay his traveling expenses, and got back his hat and thanked the Lord for it. We have lost our hat.

I do not know what it is right to do under the circumstances. I would rather drop this pending bill, take up the regular appropriation bill (which it is proposed to send over to December), and recede from our amendment incorporating therein the seven-ships bill, and not be driven back here; and thus avoid being compelled to capitulate with the loss of $170,000 in a cause that we believe to be righteous and that we know the country will sustain. I wish that our leaders on the Appropriations Committee would consent to that course. The Senate has already put the responsibility where it belongs. We have passed and sent to the House an independent bill providing for seven new ships; we are not to blame if there be no increase to the Navy. No matter where the blame is, it is not with us, and we should stand in a much better condition in my opinion than we do now in the proposed attitude of having been driven away from an increase of the Navy and abandoning $170,000 already appropriated to complete the only ironclad upon the Pacific coast.

The PRESIDING OFFIGER. The question is upon the motion of the Senator from Maine.

Mr. HALE. Only one single word. Nothing with reference to this single item as to the money for the Monadnock, in California, would be gained by going to the naval appropriation bill. The House has put a clause into that bill appropriating it in other directions, and the Sen-

ate conferees would be confronted with the same difficulty that there is here.

I am sorry that I can not agree with Senators as to the effect of this bill. I believe a substantial gain is in it over and above anything we could do by going to the naval appropriation bill. That is my view upon some study and investigation of the whole subject-matter, and I think it wise now not to continue the question of controversy further with the House, but to recede.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Maine that the Senate recede from its amendment.

The motion was agreed to.

Mr. HALE. I now submit the conference report upon the naval appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate, except the one numbered 41, to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have been unable to agree.

EUGENE HALE,
JOHN A. LOGAN,
JAS. B. BECK,
Managers on the part of the Senate.

SAM. J. RANDALL,
W. S. HOLMAN,
W. H. CALKINS,
Managers on the part of the House.

FINAL ADJOURNMENT.

Mr. ALLISON. I report back from the Committee on Appropriations a concurrent resolution of the House of Representatives with an amendment.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 p. m. Monday, June 30, 1884.

The amendment of the Committee on Appropriations was, in line 3, to strike out "3" and insert "1;" and in line 10 to strike out "June 30" and insert "July 7;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 1 p. m. Monday, July 7, 1884.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations.

Mr. CONGER. Will the Senator inform us whether within that time all the bills will be prepared and an opportunity given to act on them?

Mr. ALLISON. I think so.

Mr. COCKRELL. I will suggest that there was an error in the enrollment of the consular and diplomatic bill, and it may take some little time to correct it. I do not know how long it will take, but it is in process of correction. I think we had better let the matter remain until we get through with that.

Mr. SHERMAN. I think it is important to fix the hour now, even if we fix it at 2 o'clock, because some other business has got to be done after the time is fixed.

Mr. ALLISON. Then I move to amend the amendment so as to make the time 2 o'clock.

Mr. SHERMAN. The Senate must take a little time to communicate with the President.

The PRESIDING OFFICER. Is there objection to substituting "2 o'clock" for "1" in the amendment? The Chair hears no objection, and that change will be made.

The amendment as modified was agreed to.

The resolution as amended was concurred in.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. BAYARD. Mr. President, I offer the following resolution and ask its present consideration:

Resolved, That the thanks of the Senate are due, and hereby are tendered, to Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, for the ability, courtesy, and impartiality with which he has fulfilled his duties as President *pro tempore* of the Senate during the present session.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Is the Senate ready for the question on this resolution?

The resolution was unanimously agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution requesting the President to return to the House of Representatives, in which it had originated, the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. COCKRELL. I ask that the House resolution be laid before the Senate and acted on. It is to correct a clerical error.

The PRESIDING OFFICER. The resolution will be laid before the Senate.

The Chief Clerk read the resolution as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1884.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives, in which it originated, the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. COCKRELL. I will simply state the fact that by mistake amendment No. 166, authorizing the President to appoint three commissioners to visit the South American States, in the enrollment of the bill was left out, and this is simply to recall the bill from the President that the error may be corrected. I ask that the resolution be adopted.

The resolution was concurred in.

PETITIONS AND MEMORIALS.

Mr. BROWN presented a memorial of residents of Americus, Sumter County, Georgia, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, &c.; which was ordered to lie on the table.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN. I offer for adoption the following resolution:

Resolved, That a committee of two members of the Senate be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment.

The resolution was agreed to.

Mr. SHERMAN. I move that the Chair appoint the committee on the part of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Chair appoints the Senator from Ohio [Mr. SHERMAN] and the Senator from Delaware [Mr. BAYARD].

SIGNAL SERVICE, GEOLOGICAL SURVEY, AND COAST SURVEY.

The PRESIDENT *pro tempore*. The Chair will announce an appointment in pursuance of the provisions of the "act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes." Provision is there made for a joint commission, to consist of three Senators, to be appointed by the President of the Senate, and three members of the House, to be appointed by the Speaker of the House of Representatives, to consider the question of the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, &c. The Chair appoints Senator ALLISON of Iowa, Senator HALE of Maine, and Senator PENDLETON of Ohio members of the commission on the part of the Senate.

APPROPRIATIONS FOR FISCAL YEAR 1885.

Mr. ALLISON. Mr. President, as the appropriation bills for the fiscal year ending June 30, 1885, have now passed both Houses, I desire to present to the Senate a statement of the amounts appropriated in the respective bills, which statement will also cover the bills as reported from the Committee on Appropriations of the House, as they passed the House, as they were reported from the Committee on Appropriations of the Senate, and also as they passed the Senate, and present the amounts appropriated as these bills have finally passed both Houses.

I call attention at this time, before making the general statement, to the fact that four of these appropriation bills came to the Senate during the months of June and July, two of them the most important bills of the session, namely, the legislative, executive, and judicial appropriation bill, which was submitted to the Senate on the 2d day of June, and the sundry civil bill, which came to the Senate on the 23d day of June. The deficiency bill also was presented to the Senate during that month, on the 17th, and the fortification bill never came to the Senate till the 2d day of July, and was then referred to the Committee on Appropriations.

I mention this as a justification in some sense of the apparent hurry of the Committee on Appropriations with regard to these bills. The time of adjournment having been fixed by a general understanding that we should close the session early in July, it was necessary for the Committee on Appropriations to make unusual exertions to bring in these bills.

The general statement I now submit is made up of the result of the various appropriation bills. The appropriations of this year are in excess of appropriations of last year $22,000,000. I should, however, explain that while the direct appropriation of last year for pensions was $86,575,000, the direct appropriation for pensions this year is only $20,810,000, but there is added to that specific appropriation a reappropriation of the balances for the fiscal years 1883 and 1884, amounting in the aggregate to $66,000,000. This added to the $20,810,000 makes in all $86,810,000 for 1885, which makes the excess this year, as I have stated, $22,000,000.

To be entirely accurate I should add that there was reappropriated also last year $39,000,000, none of which was used, as the direct appropriation of last year was $27,000,000 in excess of the requirements of the Pension Office.

The $39,000,000 and the unused $27,000,000 of last year constitute the $66,000,000 reappropriated this year; charging the $39,000,000 to

last year, and adding it to the direct appropriations of that year, would make the appropriations for pensions of 1884 $125,575,000. This sum added to the remainder of appropriations of last year would make the total $269,187,096.90 for 1884 as against $259,201,087.13, or an excess last year over this of $10,000,000. These pension appropriations, however, excluded wholly from the calculation, and also excluding the extraordinary or miscellaneous appropriations for both years, and taking into the fourteen regular appropriations for the two years and comparing them, it will be seen that the appropriations for this year, 1885, are in round numbers $22,000,000 more than the appropriations for 1884; and excluding rivers and harbors, for which no appropriation was made last year, the excess for 1885 over 1884 is $8,000,000 in round numbers.

In stating this aggregate I only include what is comprised in the fourteen regular appropriation bills and what are known as miscellaneous appropriations. I should say that the excess of appropriations this year over the appropriations of last year arises partly from the fact that last year we had no bill respecting rivers and harbors, while this year we have a bill for the improvement of rivers and harbors amounting in the aggregate to $14,000.000, or nearly that sum; I believe in exact numbers about $13,909,000. But in addition to these appropriations that appear in the regular appropriation bills, the miscellaneous appropriations of this year have been largely in excess of those made last year. Some of these I will specify. Some of them arise of course from legislation of last year and others arise from independent legislation had at this session.

The tobacco rebate amounts to $4,000,000 in round numbers; the improvement of the Mississippi River, which was a special appropriation made in the early stages of the session, to $1,000,000; the World's Cotton Centennial Exposition, $1,000,000; but in this of course I do not include the amount appropriated in the sundry civil bill for the representation of the Government Departments at the exposition. Then there is an item of half a million dollars for sewerage in the District of Columbia. The various specific sums for miscellaneous purposes amount in the aggregate to $9,163,544.

The Senator from Kansas [Mr. INGALLS] reminds me that we have appropriated also for the relief of sufferers by the overflows. Those amount in the aggregate to $500,000, although there are several specific appropriations.

As I stated before, the appropriation this year for pensions is nominally $20,810,000, while the appropriation last year for pensions was $86,575,000. But in addition to this specific appropriation for this year we have appropriated the unexpended balances of the last two years, amounting to $66,000,000; so that in reality the appropriation this year for pensions is about the same as the appropriation last year.

I desire to call attention to some of the specific matters contained in these bills, and I will name them in the order they are named in the general statement which I will hand to the Reporter for insertion in the RECORD. The Military Academy bill for this year is $4,000 less than it was last. This reduction arose from the fact that there were some repairs necessary to be made last year, which have been made, so that an expenditure for them is not needed now. The fortification bill this year is $30,000 more than it was last year. It was $670,000 last year; it is $700,000 now; so that there has been an increase of $30,000 in that appropriation.

The consular and diplomatic bill of last year appropriated $1,296,000, which included in it $75,000 for the winding up of the French Claims Commission, which was not in reality an appropriation for the regular consular and diplomatic service. The appropriation this year, 1885, is $1,214,000, or really $7,000 less than the appropriation of last year; and here I should say as I pass that the Committee on Appropriations of the Senate reported to the Senate an increase of nearly $500,000 beyond the amount actually found in the bill as it passed. This increase is found in two items, one relating to foreign intercourse, an item of $250,000, which the House have rejected with full knowledge of the great public importance of that appropriation; and the other an item of $224,000 which the House rejected, although we have an absolute treaty stipulation with Mexico which requires that we shall resurvey and remark the boundary line from the Rio Grande to the Pacific Ocean between the United States and Mexico. Notwithstanding this treaty stands there and we are bound to make that survey, and notwithstanding the fact that the estimate of the cost of it amounts to $224,000, the House of Representatives refuse to make the appropriation.

As to the naval bill, it is impossible for us to state with any accuracy what the appropriation will be for the next year; therefore I have assumed in the calculation I make that the appropriation for that purpose this year will not be in excess of last year.

The Post-Office bill, which is the sixth in the order, last year appropriated $44,489,000; this year, 1885, for the same purposes, there is appropriated $48,975,000, or an increase of over three and a half millions. I will say here with reference to this bill that the appropriation for the postal service, as originally reported to the House by its committee, was nearly two millions in excess of the appropriation of last year.

Mr. CONGER. The Senator stated that the appropriation for the naval service was about the same as last year. The Senator I suppose will recollect that the bill that was passed appropriated only for six months, and therefore it could have been only half the amount.

Mr. ALLISON. I ought to have stated, but I supposed it was familiar to the Senate, that owing to the fact that disagreement seemed to be necessary in reference to the general bill, the bill as finally passed both Houses only appropriated for six months, from July 1 to January 1; but I assume (though I may be wrong in this) that next winter our friends in the House will be quite as liberally disposed in regard to the Navy as they have been at this session.

Mr. CONGER. I did not know but that it might be assumed that the appropriation for six months was equal to the appropriation of last year for the whole year.

Mr. ALLISON. Oh, no; I certainly would not assume that. I take it for granted, Mr. President, that at the next session of Congress, whatever there is about our naval appropriation, there can be no question of the fact that a sufficient appropriation will be made to continue the operations of the Navy on a scale equal to last year.

The next bill in order is the Indian bill. The appropriations last year for the Indian service were $5,358,000; the appropriations for this year are $5,859,000, or an increase of $501,000. Here I may be pardoned for mentioning one fact in the presence of the Senate, as it has been said in many places that the Senate in dealing with these appropriation bills deals with them in a spirit of liberality, if not a spirit of prodigality, as compared with the House of Representatives. The Indian bill as it came to the Senate from the House of Representatives appropriated $5,456,000 for the fiscal year 1885 as against an appropriation of $5,358,000 for 1884, or an increase as the bill came to us from the House of about $100,000. It was increased somewhat in the Senate, and increased for a specific purpose, namely, the making of an effort to educate and civilize the Indian tribes by means of schools and other agencies of education.

The Army bill is this year about $200,000, in round numbers, less than the Army bill of last year. I will not enter into details except to state that the appropriations for the Army last year were $24,681,000, and this year $24,454,000.

The legislative, executive, and judicial bill of last year, 1884, appropriated $20,454,000; the legislative, executive, and judicial bill for the year 1885 appropriates $21,426,000, or an increase of $972,000. But this legislative bill as it was reported to the House from the Committee on Appropriations increased the appropriation of last year about $300,000, so that of the amount added to the appropriation of this year as compared with the appropriation of last year one-half was added in the House of Representatives before the bill came to this body; and the entire increase, I may say, arises from the fact that it was deemed wise and necessary not only by the Senate but by the House of Representatives to augment the traveling clerical force of the Pension Office.

The Senate added amendments to this bill looking to an increase of force in the Pension Office as compared with the House bill, and an increase of force in the Patent Office, and an increase of force in the Land Office, and an increase of force in the Second Auditor's Office, all these increases being absolutely necessary not to carry on the current business of the Government alone, but for the purpose of bringing up the arrears of business in these great bureaus in the several Departments. Take the Land Office for illustration, where the business is from one to five years in arrear. The Patent Office, the entire expense of which is paid by the patentees, is in arrear from two months to one year. It was deemed wise by the Senate Committee on Appropriations, and acceded to freely by the House, that these great bureaus of our Government should have a sufficient clerical force to carry on their operations with reference to the matters they have in charge. That accounts for the increase in the legislative bill.

The sundry civil bill, which is the *omnium gatherum* of all the Departments and of all the service of the Government not specifically appropriated for in the other bills, appropriated in 1884 $23,679,000. The sundry civil bill of 1885 appropriates $22,311,000, or a reduction of $1,368,000. I suppose it will be claimed in some quarters that there is a saving of money to the Government in this reduction of appropriations; that there is a disposition to be more economical than hitherto with reference to these subjects, not taking into account the fact that this whole reduction is from items that are essentially necessary to carry on the ordinary operations of the Government. It seems in some quarters that where we are bound to make an appropriation for the purpose of carrying on the ordinary operations of the Government, if we postpone that appropriation from this year to next we have made a saving. As well might a man who had a grocer's bill think he had paid it because he had postponed the payment of one month's bill to the next.

We were compelled to reduce the sundry civil bill in conference from the fact that we placed on it in the Senate items of appropriation essentially necessary for carrying on the ordinary operations of the Government which the House absolutely refused to accede to. Allow me only to allude to some of these items, as I do not wish to go into all the details of the bill. I wish to refer only to items essentially necessary to the operations of the Government, which more than cover the reduction that is claimed when the sundry civil bill is compared with last year's bill.

Some years ago we made a treaty with France whereby we stipulated that French claims and American claims should be considered by

a commission, and that when that commission had completed its labors and made awards the two Governments should make prompt payment of those awards. The French Claims Commission closed its labors early this year, and the awards payable by the United States amount to $625,566.35, an absolutely ascertained sum which can not be changed by any operation. It is the award of this commission which must remain unchanged. The House of Representatives say to us: "Admitting the force and power of this treaty with a foreign government, admitting that we owe the subjects of a foreign government this sum, we will not pay it this year, and compel you to strike it out." There is in a single item nearly one-half the entire saving in the sundry civil bill as compared with the bill of last year.

Take another item. The Secretary of the Treasury told us that from the fact that many national banks were to be converted this year under a law that passed last requiring each of those banks to take out new circulation, because the old circulation could not be used, and under the law they must take out a distinct circulation having a different colored paper, it would be necessary to appropriate $40,000 more on that account. The House said to us in terms: "The $110,000 which we have appropriated for this purpose will at any rate last until December, and then we can appropriate more if necessary." So then, as a matter of fact, where we have a Department of the Government making an accurate and detailed estimate of what is required for the purpose of carrying on one of its operations required by law the House reduces the appropriation below the amount required $40,000.

So take the Navy. There were items of appropriation in this bill for the Navy. I will not go over them in detail. Take the item of a dry-dock at Brooklyn, where it is perfectly well known that the water is running in over that dock. It is essential to the Government that we have a dock there if we are to have our naval vessels put in dock at all. Forty-nine thousand dollars was estimated for the purpose of repairing that dock, but it was struck out. "It will do next winter."

So take the survey of the public lands. The bill that came to us from the House of Representatives appropriated $300,000 for the survey of all the public lands of the United States. The Senate in its judgment believed that $450,000 was the smallest sum that could be profitably and economically used in the survey of our public lands in order to give the people who are going into the remote Territories of our Union an opportunity of taking homesteads under our laws and making homes there It is a notorious fact, well known to all the committees of this body having charge of that subject, that the settlements of the Territory of Dakota and Montana are far in advance of the public surveys; that men are going there upon the open prairies without having a knowledge of the lines which will finally be drawn by the United States with reference to their homes. The House of Representatives say to us: "We will not this year appropriate a sum which is even approximately necessary for the surveys, but we will reduce this item fixed by the Senate $100,000." "It will do next winter," as the Senator from Illinois [Mr. LOGAN] suggests.

So, Mr. President, of another item of appropriation which has been in every appropriation bill I believe since 1866 but two—an item for the settlement of accounts with reference to bounties due to volunteers of the war of the rebellion, and with reference to the pay of two and three years' men in the war of the rebellion. These accounts have been running along in the Second Auditor's Office and in the other Departments of the Government from that time to now. The proper officers said to us that a certain sum will be necessary in order to pay the accounts as they are allowed and adjusted under the law. The House reduced one of these items $90,000, another $60,000, another $60,000, with a knowledge apparent to all men that this was not an appropriation for the fiscal year ending in 1885, but it was only an appropriation for a portion of that year, and that next winter a deficiency bill with reference to these items will be absolutely essential and inevitable.

So I might go on in reference to various details of the sundry civil bill; but I have already enumerated items sufficient to cover the million and a half of dollars which have been rejected by the House of Representatives, all absolutely essential and necessary appropriations for the purpose of carrying on the ordinary operations of the Government, and appropriations which the law requires to be made and which are not really appropriations in the discretion of Congress. The District of Columbia appropriation this year is $14,000 less than last.

The river and harbor appropriation I have spoken of as amounting to $13,909,000.

The general deficiency bill of this year is much larger than the general deficiency bill of last year. It amounts to $6,996,616.61. The deficiencies of course are matters that ought to have been appropriated for before, but through mistake or otherwise the appropriations have not been made. Of course no deficiency can be made not authorized by law. The deficiency bill of this year is larger than that of last year as I have stated, and this may be counted as arising from the fact that sufficient appropriations were not made last year, but I venture the prediction that the deficiency of this year may fairly be set off against the deficiency of next year; that is to say, the deficiency of next year will certainly be larger than the very large deficiency of this.

In taking into account the deficiencies I ought to state that some of these deficiencies, and indeed many of them, arise from the fact that laws are passed during a session of Congress not known to the Appropriations Committee or to the Senate or House when the regular appropriation bills are passed, as, for example, last year after the appropriation for the Post-Office Department had gone through both Houses a law was passed increasing the expenses of that Department a considerable sum, paying postmasters back pay and increasing the compensation of third and fourth class postmasters. I only mention the deficiency item in order to make it clear that these deficiencies are made necessary from changes of laws as well as from want of full appropriations.

The agricultural bill this year is $75,000 more than last year; and the miscellaneous appropriations which I have already stated last year were $1,912,000 are this year $9,162,544.

I make these remarks, Mr. President, and present in detail an aggregated statement for the purpose of showing that these appropriations from year to year in the nature of things in many of the Departments of our Government must increase. It is not the fault of any party or of any House, but it follows from the rapid growth of our country and the appropriations inevitable and essentially necessary following that growth. No more marked illustration of that can be found than the expenses of the Post-Office Department, which this year are $3,000,000 in round numbers more than last; and these appropriations, if we are to have an efficient mail service, will naturally increase from year to year. So it is with reference to our pensions. Whatever pension laws may be passed from time to time, it is certain that our pension-roll and pension-list and our pension appropriations will increase from year to year for some time to come.

I make this statement for the purpose also of vindicating the Senate with reference to these appropriations where we have differed with the other House. I have shown, and I could go into details in all these bills to show you that the large concessions which have been made as matter of concession will require larger appropriations hereafter.

Now, there is one thing I think I ought to say in regard to the legislative bill, and that is that although the clerical force was largely increased there was no increase of what might be called salaries. There were, perhaps, three or four or possibly half a dozen exceptional instances wherein there was an increase of salary. The House of Representatives increased the salary of two or three of its employés; the Senate increased the salary of one of its employés. The House of Representatives in the bill increased the salaries of four or five or perhaps half a dozen people in the various Departments of the Government; the Senate in its amendments increased the salary of three or four others. These increases of compensation are exceptional in their character and have been made equally by both Houses, and not by the Senate alone.

I believe, Mr. President, that this is all I have to say with reference to the appropriations by way of explanation of the final result to the Senate, unless some Senator desires that I should make some more specific statement.

The general statement is as follows:

History of the fourteen regular appropriation bills, 1884–'85.

Title.	Estimates, 1884.	Estimates, 1885.	Reported to the House.		Passed the House.	
			Date.	Amount.	Date.	Amount.
Pension	$101,575,000 00	$40,000,000 00	March 22	*a* $20,684,400 00	April 22	*a* $20,750,800 00
Military Academy	420,644 93	382,359 53	Feb. 11	306,988 50	Feb. 21	308,863 50
Fortifications	1,000,000 00	1,000,000 90	June 28	3,070,000 00	July 2	595,000 00
Consular and diplomatic	1,390,905 00	1,569,601 75	April 26	978,170 00	May 19	983,770 00
Navy	23,481,078 54	22,747,751 38	Feb. 8	14,263,195 95	March 7	14,334,695 95
Post-Office	46,741,111 25	50,062,189 60	Feb. 29	46,261,900 00	March 18	46,225,900 00
Indian	6,725,731 54	8,466,809 91	March 19	5,367,653 10	April 4	5,456,389 31
Army	28,570,643 44	26,810,103 91	April 29	24,244,450 00	May 18	24,244,450 00
Legislative, &c	21,840,175 08	21,533,522 65	May 19	20,748,376 95	June 2	20,609,836 95
Sundry civil	34,186,376 35	30,346,994 11	June 21	20,988,986 05	June 23	20,919,400 35
District of Columbia	1,775,149 54	1,812,686 74	April 14	1,676,251 98	May 19	1,677,291 98
River and harbor	33,889,000 00	8,025,500 00	May 7	12,619,100 00	June 12	12,086,200 00
Deficiency	2,263,077 49	11,328,384 54	June 7	6,401,079 20	June 17	6,721,766 65
Agricultural	521,270 00	512,140 00	June 7	430,590 00	April 5	455,590 00
Total	304,380,163 16	224,598,044 12		178,041,141 73		175,369,954 69

History of the fourteen regular appropriation bills, 1884–'85—Continued.

Title.	Estimates, 1884.	Estimates, 1885.	Reported to the House.		Passed the House.	
			Date.	Amount.	Date.	Amount.
Miscellaneous	$2,000,000 00					
Deficiency, tobacco rebate		$3,791,965 00		$3,771,965 00		$3,771,965 00
Urgent deficiency		1,679,185 85		1,679,185 85		1,679,185 85
Ohio River overflow		500,000 00		500,000 00		500,000 00
Indian deficiency		138,000 00		50,000 00		50,000 00
Improvement of the Mississippi River		1,000,000 00		1,000,000 00		1,000,000 00
World's Cotton Centennial Exposition		1,000,000 00		1,000,000 00		1,000,000 00
Sewerage District of Columbia		500,000 00		500,000 00		500,000 00
Total	306,380,163 16	233,207,194 97		186,542,292 58		183,871,105 54
Reappropriations for pensions		66,000,000 00		66,000,000 00		66,000,000 00
Grand total	306,380,163 16	299,207,194 97		252,542,292 58		249,871,105 54

Title.	Reported to the Senate.		Passed the Senate.		Amount appropriated.	
	Date.	Amount.	Date.	Amount.	Law, 1885.	Law, 1884.
Pension	May 22	*a* $20,846,200 00	May 23	*a* $20,846,200 00	*a* $20,810,000 00	*b* $86,575,000 00
Military Academy	Feb. 29	315,683 50	March 4	315,683 50	314,563 50	318,657 50
Fortifications	July 3	800,000 00	July 3	800,000 00	700,000 00	670,000 00
Consular and diplomatic	June 9	1,785,576 75	June 12	1,782,576 75	1,214,390 00	1,296,755 00
Navy	April 1	20,786,675 95	April 14	20,863,675 95	*c* 15,894,434 23	15,894,434 23
Post-Office	April 14	49,725,400 00	April 18	49,750,400 00	48,975,400 00	44,489,520 00
Indian	April 30	6,213,802 91	May 13	6,279,627 91	5,859,402 91	5,358,655 91
Army	June 16	24,539,450 00	June 21	24,554,450 00	24,454,450 00	24,681,250 00
Legislative, &c	June 21	21,647,259 85	June 26	21,697,261 85	21,426,321 85	20,454,246 22
Sundry civil	July 1	25,088,192 71	July 2	24,956,391 04	22,311,830 73	23,679,575 44
District of Columbia	May 28	1,721,163 27	May 29	1,721,163 27	1,686,743 27	1,700,697 23
River and harbor	June 27	13,354,200 00	July 1	13,584,700 00	13,909,200 00	
Deficiency	June 27	7,815,864 20	June 28	7,832,078 24	6,996,616 61	2,749,941 49
Agricultural	May 5	524,990 00	May 20	525,390 00	485,190 00	405,640 00
Total		195,164,459 14		195,509,598 51	184,037,543 10	228,274,373 02
Miscellaneous					*d* 600,000 00	1,912,723 88
Deficiency tobacco rebate		3,791,965 00		3,791,965 00	3,791,965 00	
Urgent deficiency		1,676,579 03		1,676,579 03	1,671,579 03	
Ohio River overflow		500,000 00		500,000 00	500,000 00	
Indian deficiency		100,000 00		100,000 00	100,000 00	
Improvement of the Mississippi River		1,000,000 00		1,000,000 00	1,000,000 00	
World's Cotton Centennial Exposition		1,000,000 00		1,000,000 00	1,000,000 00	
Sewerage District of Columbia		500,000 00		500,000 00	500,000 00	
Total		203,733,003 17		204,078,142 54	193,201,087 13	230,187,096 90
Reappropriations for pensions		66,000,000 00		66,000,000 00	66,000,000 00	39,000,000 00
Grand total		269,733,003 17		270,078,142 54	259,201,087 13	269,187,096 90

a Also reappropriates and makes available for 1885 an unexpended balance estimated to be $66,000,000.
b Also reappropriates and makes available for 1884 an unexpended balance estimated at $39,000,000.
c Estimated.
d Estimated.

Mr. MORRILL. I desire to call the attention of the chairman of the Committee on Appropriations to another point. I wish to ask him whether there is not some way by which we can avoid the great inconvenience of having all the fourteen regular appropriation bills brought in during the last days of a session. It strikes me that there might be an amicable arrangement or agreement between the Appropriations Committees of the House and the Senate by which it should be understood that the Senate committee should have the authority to report a certain share of these large bills. Take a short session, when we have really a little less than three months; there is not time in which to properly consider these bills, and there is actually no prohibition in the Constitution which limits the origination of appropriation bills to the House. Their exclusive rights only pertain to revenue bills.

When Mr. Hunter, the Democratic chairman on the part of the Senate of the Finance Committee, was here, in order to facilitate an early adjournment of the two Houses he reported an appropriation bill. At that time my friend the Senator from Ohio [Mr. SHERMAN] was chairman of the Committee on Ways and Means, and the bill was immediately thrown out and refused to be acted upon, although the same bill was reported and sent to the Senate the next day, I think.

It seems to me that it would be a very great convenience if the Senate were allowed to prepare and report some of these large bills, and especially would it be a convenience in a short session of Congress.

Mr. ALLISON. That question has been considered for many years. The House of Representatives by custom only originates the appropriation bills. There is no sort of constitutional requirement that the appropriation bills should originate in the House. We have tried many times to have that question settled. We can originate an appropriation bill in the Senate and pass it, but if the House refuse to take up that bill our labor is lost.

The only way to settle the question would be by means of a joint rule. I have not much familiarity with the rules, but I understand we have now no joint rules between the two Houses. I should be very glad to see the Committee on Rules or some proper committee of this body confer with the House of Representatives relative to the question of a division of the appropriation bills. Of course the Senate could originate those bills and thus save great time of the two Houses, and I think could do so quite as well as the House of Representatives; but I do not care to go into that.

Mr. BROWN. I desire to ask the chairman of the committee whether he has the figures at command to show the aggregate of all the appropriations.

Mr. ALLISON. For this year?

Mr. BROWN. For this year.

Mr. ALLISON. I have.

Mr. BROWN. Will the Senator be kind enough to state them?

Mr. ALLISON. The aggregate of the appropriations of this year is $193,201,087.13. I will state, however, that in the nature of things in the case of many of the appropriations just made, particularly with reference to the Navy and some other matters, the computation is only an estimate; but the statement is approximately correct. It will not vary $200,000, in my judgment. This includes the river and harbor bill and all miscellaneous appropriations. In this, however, is included nothing for reappropriations. When we reappropriate money appropriated before there is no account of it taken in the aggregate. Therefore when I say $193,201,087.13 I should add to it $66,000,000 of reappropriations for pensions alone, which would make the total sum $259,201,087.13.

Mr. BROWN. Can the Senator in that connection state also what will be the aggregate of the demands on the Government during the fiscal year, including payment of the interest on the public debt and whatever the other demands are?

Mr. ALLISON. Of course that could only be stated approximately. On the basis of last year's appropriation, after paying the interest on the public debt, and after paying what the sinking fund requires, which I believe is about $49,000,000, the Secretary of the Treasury estimated that there would be a surplus this year of $45,000,000. I think that surplus will be reduced under these appropriations from $20,000,000 to $25,000,000, although my estimate may not be accurate. In making that estimate I assume that the entire amount of $86,000,000 appropri-

ated this year for pensions will be required for their payment, whereas last year we only expended $69,000,000 for pensions. That is, there is a surplus this year over the appropriations of last year, which surplus has been reappropriated.

Mr. BROWN. Probably the surplus at the end of the year will be about twenty-odd million dollars.

Mr. ALLISON. I should say that would be the probable surplus, assuming that our income from imports and internal revenue will be substantially as last year. Of course that is also an element to be taken into account.

I have stated I believe all I wished to state with reference to these appropriations. I shall hand the statement to the Reporter to be inserted in the RECORD.

Mr. GARLAND. I wish to make an inquiry of the Senator from Iowa. The statement he has just read I believe comes from the Committee on Appropriations. It is a very instructive and a very important one. I do not know what disposition, if any, the Senator from Iowa has moved that the Senate shall make of it, but I think it should be printed in the RECORD and be printed as a report in ordinary form coming from a committee for public use. I think it is a very valuable document. I do not know exactly in what shape it comes from the committee.

Mr. ALLISON. This is a consolidated statement.

Mr. GARLAND. I understand.

Mr. ALLISON. It was prepared by the clerks of the Committees on Appropriations of the two Houses. I suppose, with one or two exceptions, it is absolutely accurate now, but it can be made accurate within a day or two. I expect to insert it in the RECORD.

Mr. GARLAND. I move, then, that in addition it be printed for public use as a document ordinarily reported to the Senate.

The PRESIDING OFFICER (Mr. WILSON in the chair). Is there objection to the suggestion of the Senator from Arkansas? The Chair hears none.

Mr. COCKRELL. It does not come authoritatively from the Committee on Appropriations, as the Senator from Arkansas seems to think.

Mr. ALLISON. No; it does not.

Mr. COCKRELL. It was never laid before the Committee on Appropriations, and the committee is no more responsible for it than any Senator. It was prepared, as I understand, by the clerks of the Committees on Appropriations of both Houses.

Mr. ALLISON. That is the general statement. The detailed statement I made was prepared by myself; but I have made that up chiefly from the aggregate statement which was prepared by the clerk of our committee and the clerk of the Appropriations Committee of the House.

Mr. COCKRELL. So I understand.

Mr. GARLAND. It will be printed as I suggested, I understand.

The PRESIDING OFFICER. That order has been made.

Mr. COCKRELL. I am not reflecting upon the accuracy of the statement at all, but simply saying that the Committee on Appropriations as a committee have not considered or acted upon it. I have no doubt that in the main it is correct, and any inaccuracies that may be in it are simply unintentional and caused by calculations made in the hurry of the closing hours of the session, and can be corrected, as I hope they will be, before the statement is printed officially in the RECORD.

Now, simply one word in regard to the appropriations. It is impossible for any Senator or member of the House of Representatives, in my humble opinion, at this day in the session, to say what are the economies or the profligacies of the legislation of the session now about to close. Appropriations for this fiscal year may have been withheld; they may have been made in insufficient amounts to meet the requirements of the public service. No one can tell what the expenditures of the fiscal year 1885 will be until the books for that fiscal year have been closed and the accounts of receipts and expenditures adjusted.

So it is with the fiscal year just closed. A great many of the deficiency appropriations made by the present House and Senate will go into the balances which will be charged to the last Congress. Everything appropriated during the present session of Congress to meet liabilities and expenditures for the fiscal year ending June 30, 1884, is chargeable to the preceding Congress, the Forty-seventh Congress. I say frankly that I place very little reliance upon tabular statements which are made out at the close of the first session of a Congress and published for information or guidance. They are not the absolute expenditures of the Government for the fiscal year for which they are made. During the coming session we may appropriate millions upon millions of dollars to meet liabilities of the present fiscal year, or we may appropriate very little comparatively. We can not tell with any accuracy what the receipts and expenditures of the Government are until the fiscal year has been closed, the accounts of the Treasury Department adjusted, and that record made which will go down to all coming ages as the receipts and expenditures of a given fiscal year.

Mr. ALLISON. I quite agree with the Senator. We know of course how much we appropriate in the fourteen regular appropriation bills.

Mr. COCKRELL. It may not all be expended; and therefore we can not tell.

Mr. ALLISON. And more may be expended and show a deficiency. Of course the amounts I have presented to the Senate are amounts found in these bills, and they are accurate and absolute computations of the money appropriated. A portion of it may not be expended; but it is fair to presume that most of it will be expended. I shall regard myself as quite lucky as one member of this body if there is not a larger expenditure during the fiscal year than the aggregate of these appropriations.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair having been absent for a few moments, does not understand what is the pending question.

Mr. ALLISON. There is no question before the Senate.

ELIZABETH J. COLBERT.

Mr. CULLOM. I ask leave to submit a report from the Committee on Pensions. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 3160) granting a pension to Elizabeth J. Colbert, to report it without amendment, and I ask that it be put upon its passage.

By unanimous consent, the bill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth J. Colbert, widow of Joseph C. Colbert, late a private in Company K, One hundred and twenty-third Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the resolution of the House fixing the day for the final adjournment of both Houses of Congress.

The message also announced that the House had concurred in the resolution of the Senate for the appointment of a committee of two members of the Senate to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that Congress, having finished its business, is ready to close its session by adjournment, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. H. G. TURNER of Georgia, and Mr. FRANK HISCOCK of New York the committee on the part of the House.

The message further announced that the House had passed the bill (S. 2049) granting a pension to James King.

The message also announced that the House had passed a joint resolution (H. Res. 287) authorizing the immediate payment of officers and employés of the House for the month of July; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. 4297) for the relief of Henrietta M. Sands; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER [Mr. INGALLS] laid before the Senate a letter of the Secretary of the Interior, transmitting, in compliance with a resolution of the 2d instant, information relative to the condition of the Northern Cheyenne Indians on the Tongue and Rosebud Rivers, who are alleged to be without rations and committing depredations upon settlers for subsistence; which was ordered to lie on the table and be printed.

PAY OF EMPLOYÉS.

The joint resolution (H. Res. 287) authorizing the immediate payment of officers and employés of the House for the month of July was read twice by its title.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Appropriations.

Mr. RIDDLEBERGER. If in order, I move to suspend the rule requiring the reference of the joint resolution, and ask for its consideration now.

The PRESIDING OFFICER. It is not in order to move a suspension of the rule. It can be done by unanimous consent.

Mr. RIDDLEBERGER. I ask unanimous consent, which is the same thing. The joint resolution simply provides that the employés shall draw their pay for the month of July before leaving here, and obviates the necessity of their coming back or having the roll to sign hereafter. I ask unanimous consent that it be now considered.

Mr. ALLISON. That is a usual resolution, although I believe we have hardly ever considered it when we adjourned so early in the month, but it ought to apply to both Houses alike.

Mr. RIDDLEBERGER. Does it not apply to the employés of both Houses?

Mr. ALLISON. The resolution applies only to the employés of the House of Representatives. I think if the Senator will allow it to be referred to the committee informally, it will be reported back amended so as to make it apply to both Houses; if it is a wise resolution to pass.

Mr. RIDDLEBERGER. Does it not apply to both Houses?

The PRESIDING OFFICER. The Chair is informed that it applies only to the employés of the House of Representatives.

Mr. RIDDLEBERGER. Then I withdraw my request, and ask that it be referred.

The PRESIDING OFFICER. The request is withdrawn, and the joint resolution will be referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. LOGAN. Some nominations were sent into the Senate last night, and it will be necessary to have an executive session prior to adjournment. I do not know any better time than now. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 280) granting a pension to Wesley Morford;
A bill (S. 284) granting a pension to Henry J. Seward;
A bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock;
A bill (S. 298) for the relief of Margaret Cassidy;
A bill (S. 332) for the relief of Thomas B. Shannon;
A bill (S. 337) granting a pension to Wilson W. Brown and others;
A bill (S. 461) granting a pension to Warren Croan;
A bill (S. 464) granting a pension to James P. F. Toby;
A bill (S. 528) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.;
A bill (S. 547) granting a pension to John C. F. Beyland, of New York;
A bill (S. 670) granting an increase of pension to N. J. Ingersoll;
A bill (S. 773) granting a pension to Mrs. Kady Brownell;
A bill (S. 912) granting a pension to Henry A. Armstrong;
A bill (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton;
A bill (S. 1227) granting a pension to Captain Israel Stough;
A bill (S. 1339) granting a pension to Frank Gray;
A bill (S. 1363) granting a pension to Frank S. Hillard;
A bill (S. 1398) granting an increase of pension to Andrew J. Bolar;
A bill (S. 1430) granting a pension to Sarah C. Hall;
A bill (S. 1444) granting a pension to William J. Hess;
A bill (S. 1566) granting a pension to Martha Bastin;
A bill (S. 1627) granting a pension to Flavia A. Haskell;
A bill (S. 1641) for the relief of the widow of Edward M. Wilkins;
A bill (S. 1645) granting a pension to Asahel D. Whitcomb;
A bill (S. 2095) to remove certain disabilities of John L. Cowardin; and
A bill (S. 2244) granting a pension to James Brown.

The message also announced that the House had passed the concurrent resolution to correct an error in the enrollment of the bill (H. R. 6770) making appropriations for the consular and diplomatic services of the Government for the fiscal year ending June 30, 1885, and for other purposes; in which it requested the concurrence of the Senate.

ERROR IN ENROLLMENT.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives; which was considered by unanimous consent, and concurred in:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House in the enrollment of the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, insert the following paragraph in its proper place, the same having been omitted from the bill as finally agreed upon by the two Houses, namely:

"For three commissioners to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of $7,500 each. Said commissioners shall ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America, and for that purpose they shall visit such countries in Central and South America as the President may direct.

"For one secretary to said commission to be appointed by the President, by and with the advice and consent of the Senate, $3,000; and in addition to the foregoing amounts such further sum as may be required for the reasonable expenses of said commission, such expenses to be paid upon the certificate of the chairman thereof and approved by the Secretary of State; and said commission shall report their action to the President, for transmission to Congress, with such recommendation as he may deem fitting."

PAY OF EMPLOYÉS.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res 287) authorizing the immediate payment of officers and employés of the House for the month of July, to report it with amendments. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ALLISON. As will be seen from the reading of the resolution it proposes to pay the employés of the House for this month, previous to the end of the month. It has been usual to pass such a resolution just before Congress adjourned, but this resolution as it came from the House only applies to the House employés. The Committee on Appropriations propose that it be amended to include the officers of both Houses.

The PRESIDING OFFICER. The joint resolution will be read at length.

Mr. RIDDLEBERGER. I wish to ask the Senator from Iowa whether it applies to the annual employés as well as the session employés.

Mr. ALLISON. Let it be read.

Mr. RIDDLEBERGER. Is that the opinion of the Senator?

Mr. ALLISON. Yes, sir.

The Chief Clerk read the joint resolution, as follows:

Be it resolved, &c., That the Clerk of the House of Representatives be authorized and directed to pay to the officers and employés borne on the annual roll their respective compensation, including the Capitol police, for the month of July, 1884, as soon as practicable after the adjournment of this session of Congress.

Mr. PLUMB. Will that give more pay? Will that give them full pay for the month of July?

Mr. ALLISON. Those on the annual roll may draw their pay before the end of the month.

Mr. PLUMB. Oh, yes; I understand.

The amendments reported by the Committee on Appropriations were, in line 1, after the word "Clerk," to insert "Secretary of the Senate and;" in line 2 to strike out "he is" and insert "they are;" and in line 3, before the word "House," to insert the words "Senate and the;" so as to make the joint resolution read:

That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay to the officers and employés of the Senate and House borne upon the annual rolls their respective compensation, including the Capitol police, for the month of July, 1884, as soon as practicable after the adjournment of this session of Congress.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the immediate payment of officers and employés of the Senate and of the House for the month of July."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution authorizing the joint commission appointed to consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, to employ a clerk, and providing for the payment of the expenses of the investigation equally from the contingent funds of the two Houses.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3160) granting a pension to Elizabeth J. Colbert;
A bill (H. R. 7509) making temporary provision for the naval service;
A bill (S. 2049) granting a pension to James King; and
A bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

COMMISSION ON SIGNAL SERVICE, ETC.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives; which was considered by unanimous consent, and concurred in:

Resolved by the House of Representatives (the Senate of the United States concurring), That the joint commission appointed to consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, with the view to secure greater economy and efficiency of administration of the public service in said bureaus, is hereby authorized to employ a clerk at $6 per day while employed, and any expense incurred by said commission in making said investigations shall be defrayed equally from the contingent funds of the two Houses of Congress.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 191) for the relief of L. S. Ensel;
A bill (H. R. 411) granting a pension to Elizabeth Connor;
A bill (H. R. 652) for the relief of Brannin, Summers & Co.; and
A bill (H. R. 847) for the relief of Francis B. Van Hoesen.

The message also announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 287) authorizing the immediate payment of officers and employés of the House for the month of July.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 280) granting a pension to Wesley Morford;

A bill (S. 284) granting a pension to Henry J. Seward;
A bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock;
A bill (S. 298) for the relief of Margaret Cassidy;
A bill (S. 332) for the relief of Thomas B. Shannon;
A bill (S. 461) granting a pension to Warren Croan;
A bill (S. 464) granting a pension to James P. F. Toby;
A bill (S. 528) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.;
A bill (S. 547) granting a pension to John C. F. Beyland, of New York;
A bill (S. 670) granting an increase of pension to N. J. Ingersoll;
A bill (S. 773) granting a pension to Mrs. Kady Brownell;
A bill (S. 912) granting a pension to Henry A. Armstrong;
A bill (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton;
A bill (S. 1227) granting a pension to Capt. Israel Stough;
A bill (S. 1339) granting a pension to Frank Gray;
A bill (S. 1363) granting a pension to Frank S. Hillard;
A bill (S. 1398) granting an increase of pension to Andrew J. Bolar;
A bill (S. 1430) granting a pension to Sarah C. Hall;
A bill (S. 1444) granting a pension to William J. Hess;
A bill (S. 1566) granting a pension to Martha Bastin;
A bill (S. 1627) granting a pension to Flavia A. Haskell;
A bill (S. 1641) for the relief of the widow of Edward M. Wilkins;
A bill (S. 1645) granting a pension to Asahel D. Whitcomb;
A bill (S. 2095) to remove certain disabilities of John L. Cowardin;
A bill (S. 2244) granting a pension to James Brown; and
Joint resolution (H. Res. 287) authorizing the immediate payment of officers and employés of the Senate and of the House for the month of July.

EXECUTIVE SESSION.

On motion of Mr. LOGAN, the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened.

EXTENSION OF THE SESSION.

Mr. ALLISON submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the presiding officers of the two Houses shall adjourn their respective Houses at 3 p. m., July 7, 1884.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN, from the committee appointed to wait upon the President of the United States and inform him that unless he may have some further communication to make Congress is ready to adjourn, reported that they had performed the duty assigned them, and that the President had replied that he had nothing further to communicate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate extending the time for final adjournment.

The message also announced that the House had passed the bill (S. 716) for the relief of Eliza Howard Powers.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint; and

A bill (H. R. 6712) to remove the political disabilities of John Randolph Hamilton, of North Carolina.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 337) granting a pension to Wilson W. Brown and others; and

A bill (S. 716) for the relief of Eliza Howard Powers.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 773) granting a pension to Mrs. Kady Brownell;
An act (S. 1398) granting a pension to Andrew J. Bolar;
An act (S. 297) granting a pension to Mrs. C. Fahnestock;
An act (S. 461) granting a pension to Warren Croan;
An act (S. 1645) granting a pension to Asahel D. Whitcomb;
An act (S. 912) granting a pension to Henry A. Armstrong;
An act (S. 2049) granting a pension to James King;
An act (S. 670) granting a pension to N. J. Ingersoll;
An act (S. 1566) granting a pension to Martha Bastin;
An act (S. 547) granting a pension to John C. F. Beyland, of New York;
An act (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton;
An act (S. 1627) granting a pension to Flavia A. Haskell;
An act (S. 1227) granting a pension to Capt. Israel Stough;
An act (S. 464) granting a pension to James P. F. Toby;
An act (S. 1363) granting a pension to Frank S. Hillard;
An act (S. 280) granting a pension to Wesley Morford;
An act (S. 1339) granting a pension to Frank Gray;
An act (S. 2244) granting a pension to James Brown;
An act (S. 1444) granting a pension to William J. Hess;
An act (S. 1430) granting a pension to Sarah C. Hall;
An act (S. 284) granting a pension to Henry J. Seward;
An act (S. 716) for the relief of Eliza Howard Powers;
An act (S. 337) granting pensions to Wilson W. Brown and others;
An act (S. 298) for the relief of Margaret Cassidy;
An act (S. 332) for the relief of Thomas B. Shannon;
An act (S. 1641) for the relief of the widow of Edward M. Wilkins;
An act (S. 528) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.; and
An act (S. 2095) to remove certain disabilities of John L. Cowardin.

FINAL ADJOURNMENT.

Mr. ALLISON (at 2 o'clock and 45 minutes p. m.). Mr. President, all the business of the session has been disposed of, and I hope that by unanimous consent we shall treat the hour of adjournment as now having arrived.

The PRESIDENT *pro tempore*. The Senator from Iowa suggests that the business of the session is disposed of. The Chair understands that neither the President nor the House of Representatives have any further communication to make. If there be no objection, the time of adjournment will be treated as having arrived. The Chair hears no objection.

Senators, the hour that closes the first session of the Forty-eighth Congress has come. It fills up almost a century of the constitutional republican government of a people whose career has excited the wonder and admiration of mankind. Let us hope that our labors as the representatives of States and people may justify the placing of another white stone on the long and shining pathway of the Republic.

However arduous and perplexing may have been our labors, however exciting may have been the contests of opposing opinions and policies, no one of us, I think, can meet this, the hour of our separation, without emotions and I hope not unpleasant solicitudes that embrace the past, the present, and the future. The smallness of our numbers and the peculiar nature of our organization which embraces a potent participation in the action of the threefold organization of the Government, legislative, executive, and judicial, produce an intimacy of personal relations as pleasant as it is important, and make the moment when we separate one of peculiar interest and tenderness.

So parting, the Chair makes his sincere and most grateful acknowledgments for the very flattering resolution of the Senate touching his administration of the duties imposed upon him by his office. He is glad and proud to say that without exception he has been aided by the constant kindness, courtesy, and assistance of all the members of the Senate, and of its officers.

The Chair in now performing the last formal act of the session wishes for all of you every felicity, and he begs to express to each one of you his heartfelt personal friendship and good-will.

The present session, the first session of the Senate of the Forty-eighth Congress, stands adjourned without day.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 7, 1884.

At 12 o'clock m. the SPEAKER *pro tempore* (Mr. BLACKBURN) called the House to order.

The SPEAKER *pro tempore*. By unanimous consent the session of this day (Monday) will begin at 12 o'clock instead of 11. That is the rule of the House unless otherwise ordered, that the House shall meet at 12 m.

There was no objection, and it was ordered accordingly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the resolution of the House providing for the final adjournment of the session, with amendments, in which the concurrence of the House of Representatives was requested.

ORDER OF BUSINESS.

Mr. WELLER. I hope we will now have consent of the House to conclude the consideration of the pension bills on which we had already entered.

THE JOURNAL.

Mr. MILLS. I ask unanimous consent that the reading of the Journal be dispensed with this morning.

Mr. RANDALL. It is physically and mentally impossible to prepare the Journal in time to have it read this morning, and the reading of it I hope will be dispensed with to-day by unanimous consent.

There was no objection, and it was ordered accordingly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced

that the Senate had agreed to the resolution of the House asking a return to the House by the President of the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

JOHN L. COWARDIN.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take up and pass a Senate bill now on the Speaker's table for the relief of John L. Cowardin, a private soldier in the Army. The passage of this bill will enable him to be promoted to a sergeantcy, and his services in the Army are gallant and meritorious. I hope there will be no objection to the request.

The SPEAKER *pro tempore*. Is there objection?

Mr. TUCKER. I will say that the Committee on the Judiciary reported favorably a bill identical with this.

The bill is as follows:

Whereas John L. Cowardin has served faithfully and honorably as a private soldier and non-commissioned officer in the Army of the United States since Novembr, 1880; and

Whereas he is under disability by the provisions of section 1218 of the Revised Statutes of the United States, by reason of having served in the confederate army, in which he enlisted when quite young: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That his disabilities under said section be, and they are hereby, removed.

There being no objection the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. MILLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced the approval of the following bills and joint resolutions:

An act (H. R. 267) granting a pension to James King;
An act (H. R. 1237) granting a pension to Solomon K. Ruggles;
An act (H. R. 4234) granting a pension to Mary Ullery;
An act (H. R. 3623) granting a pension to Sarah E. Price;
An act (H. R. 3307) granting a pension to Harriet P. Dame;
An act (H. R. 3294) granting a pension to Emma A. Porch;
An act (H. R. 2660) granting a pension to William Printz;
An act (H. R. 2543) granting a pension to James Roden;
An act (H. R. 2447) for the relief of Catherine Terry;
An act (H. R. 2252) for the relief of Christopher P. Davidson;
An act (H. R. 1977) for the relief of Maria L. Hammer;
An act (H. R. 1751) for the relief of William R. Browne;
An act (H. R. 1998) for the relief of William J. Sawyer;
An act (H. R. 6529) for the relief of John Kane;
An act (H. R. 314) for the relief of John W. Cummins;
An act (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce;
An act (H. R. 3331) for the relief of Ann McCarney;
An act (H. R. 1411) granting a pension to Martha B. McCullach, of Freeport, Pa.;
An act (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson;
An act (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton;
An act (H. R. 2714) to increase the pension of Thomas E. Wilson;
An act (H. R. 1631) to increase the pension of Mathew O. Regan;
An act (H. R. 2378) restoring to the pension-roll the name of John Allee;
An act (H. R. 229) granting a pension to Elizabeth H. Lawler;
An act (H. R. 1299) for the relief of Alonzo Gesner;
An act (H. R. 3950) for the relief of Mrs. Margaret Cassidy;
An act (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va.

The following bills were approved by the President July 4, 1884:

An act (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes;
An act (H. R. 1682) providing for two additional associate justices of supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes;
An act (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes;
An act (H. R. 5258) granting a pension to Thomas Cheshire;
An act (H. R. 759) granting a pension to Patrick Droney;
An act (H. R. 3188) granting a pension to Amanda Cutter;
An act (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet;
An act (H. R. 2393) granting a pension to Mrs. Mary McLaughlin;
An act (H. R. 1986) granting a pension to Frank F. Fitkins;
An act (H. R. 4790) granting a pension to Alexander Saint Bernard;
An act (H. R. 2017) granting a pension to Walter Dickson;
An act (H. R. 5686) granting a pension to Sarah J. Chipman;
An act (H. R. 5457) granting a pension to Alicia Durrant;
An act (H. R. 394) granting a pension to Mrs. Mary C. Jones;
An act (H. R. 4188) granting a pension to William W. Day;
An act (H. R. 3613) granting a pension to Ira McNair;
An act (H. R. 432) to increase the pension of Joseph B. Sellers;
An act (H. R. 5595) granting a pension to Eugene L. Townsend;
An act (H. R. 5999) granting a pension to George H. Fluke;
An act (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier;
An act (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry;
An act (H. R. 4164) for the relief of Ellen Horgan;
An act (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes;
An act (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes;"
An act (H. R. 1628) authorizing and directing the sale of real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia;
An act (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1885, and for other purposes;
An act (H. R. 4717) for the relief of John Swearer;
An act (H. R. 4440) for the relief of John Bostater;
An act (H. R. 4818) for the relief of Rose Ann Galbraith;
An act (H. R. 4718) for the relief of Caroline Sheward;
An act (H. R. 2536) granting a pension to Michael Mack;
An act (H. R. 2425) granting a pension to Catherine Henry;
An act (H. R. 2419) granting a pension to Robert Nutt;
An act (H. R. 5070) granting a pension to Temple Golden;
An act (H. R. 554) granting a pension to Joseph T. Caldwell;
An act (H. R. 585) granting a pension to William Reinhardt;
An act (H. R. 6171) granting a pension to Noah E. Smith; and
An act (H. R. 5894) granting a pension to Mrs. Mary Morris Husband.

The following bills were approved by the President July 5, 1884:

An act (H. R. 6761) respecting a bridge at Tonawanda, in the State of New York;
An act (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman;
An act (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes;
An act (H. R. 4383) to relieve certain soldiers from the charge of desertion.
An act (H. R. 5709) to amend article 72 of the Rules and Articles of War;
An act (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes;
An act (H. R. 1798) to amend an act entitled "An act to execute certain stipulations relating to Chinese, approved May 6, 1882;"
An act (H. R. 254) granting a pension to John Robbins;
An act (H. R. 555) granting a pension to John Galloup;
An act (H. R. 836) granting a pension to John C. Fenscke;
An act (H. R. 943) granting a pension to Samuel Barnard;
An act (H. R. 1056) granting a pension to Honora Kelley;
An act (H. R. 1073) granting a pension to William J. Lee;
An act (H. R. 1077) granting a pension to Sarah Miner;
An act (H. R. 1406) granting a pension to Mary T. Barnes;
An act (H. R. 1436) granting a pension to William T. McCoy;
An act (H. R. 1894) granting a pension to Clark Roberts;
An act (H. R. 1930) granting a pension to Sarah Nicholl Crane;
An act (H. R. 837) granting a pension to Reuben J. Chewning;
An act (H. R. 1965) granting a pension to John A. Crozier;
An act (H. R. 2105) granting a pension to John A. Shuckers;
An act (H. R. 2312) granting a pension to Almira B. Kaler;
An act (H. R. 2358) granting a pension to James Hawkins;
An act (H. R. 2623) granting a pension to Arthur I. McConnell;
An act (H. R. 3171) granting a pension to Ella Stolz;
An act (H. R. 3606) granting a pension to Irene Baker;
An act (H. R. 3737) granting a pension to Ann McLaughlin;
An act (H. R. 3909) granting a pension to George W. Wickwire;
An act (H. R. 4439) granting a pension to John R. Wallace;
An act (H. R. 4526) granting a pension to Mrs. Ann Corbin;
An act (H. R. 4700) granting a pension to Simon E. Lewis;
An act (H. R. 4767) granting a pension to Mary A. Henry;
An act (H. R. 2091) granting a pension to Mrs. Rebecca Hall;
An act (H. R. 569) granting a pension to Reuben Marshall;
An act (H. R. 4457) granting a pension to J. G. Crawford;
An act (H. R. 709) granting a pension to Robert L. Willey;
An act (H. R. 6766) granting a pension to Mrs. Anna J. Foster;
An act (H. R. 2089) granting a pension to Margaret Wiggins;
An act (H. R. 4568) granting a pension to Andrew J. Konkle;

An act (H. R. 6786) granting a pension to Rivers Banks;
An act (H. R. 6184) granting a pension to Julia M. Reynolds;
An act (H. R. 6085) granting a pension to John A. Hassell;
An act (H. R. 5821) granting a pension to Susannah Barr;
An act (H. R. 5795) increasing pension of Charles A. Fuller;
An act (H. R. 5781) granting a pension to Solon L. Simonds;
An act (H. R. 5723) granting a pension to Isabella Bertha Weaver;
An act (H. R. 5485) granting a pension to Mrs. Samantha Harriman;
An act (H. R. 5675) granting a pension to Mrs. Susan J. McKenney;
An act (H. R. 819) granting an increase of pension to Merrit Lewis;
An act (H. R. 4368) granting an increase of pension to Dr. Samuel Davis;
An act (H. R. 3625) granting an increase of pension to Levi Anderson;
An act (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young;
An act (H. R. 6767) granting an increase of pension to Mrs. Virginia Zeilin;
An act (H. R. 747) granting an increase of pension to Fannie S. Beaumont;
An act (H. R. 4530) granting an increase of pension to Patrick Foley;
An act (H. R. 2869) for increase of pension of Martha T. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy;
An act (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord;
An act (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy;
An act (H. R. 2984) granting additional pension to Appoline A. Blair, widow of the late General Francis P. Blair, and for other purposes;
An act (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa.;
An act (H. R. 6335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson;
An act (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll;
An act (H. R 137) for the relief of Betsy A. Mower;
An act (H. R. 284) for the relief of Mary G. Hawk;
An act (H. R. 3591) for the relief of Sarah Becktel;
An act (H. R. 4970) for the relief of Mrs. Nancy Biser;
An act (H. R. 5636) for the relief of Otto Leissring;
An act (H. R. 5976) for the relief of Catherine Meis;
An act (H. R. 6514) for the relief of Catherine H. Glick;
An act (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws;
An act (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory;
Joint resolution (H. Res. 276) providing for the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry;
Joint resolution (H. Res. 260) authorizing the printing and binding of additional copies of the reports of the National Board of Health;
An act (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;
An act (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes;
An act (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes;
An act (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels in domestic commerce;
An act (H. R. 6657) granting the consent of Congress to the Saint Cloud Water-Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn.;
An act (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes;
An act (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent;
An act (H. R. 103) granting a pension to Theresa Crosby Watson;
An act (H. R. 570) granting a pension to M. H. Clements;
An act (H. R. 562) granting a pension to H. E. Van Trees;
An act (H. R. 3493) granting a pension to Ann Hunter;
An act (H. R. 5889) granting a pension to Alonzo Cooper;
An act (H. R. 3321) granting a pension to Michael Shields;
An act (H. R. 2245) granting a pension to Eliza A. Shealey;
An act (H. R. 2070) granting a pension to Decatur Hamlin;
An act (H. R. 503) granting a pension to Hiram C. Henderson;
An act (H. R. 4694) granting a pension to James Clark;
An act (H. R. 1985) granting a pension to Melvin Pierce;
An act (H. R. 4254) granting a pension to James Aaron;
An act (H. R. 5544) for the relief of Laura J. Goddard;
An act (H. R. 4492) granting a pension to Mrs. Pauline E. Milliken;
An act (H. R. 1970) granting a pension to Mrs. Alice T. Sherwood;
An act (H. R. 6589) granting a pension to Asa Dye;
An act (H. R. 3979) granting an increase of pension to Mary Anna Egan;
An act (H. R. 6677) to increase the pension of William Irving;
An act (H. R. 3056) to construct a Bureau of Navigation in the Treasury Department;
An act (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes;
An act (H. R. 7440) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes;
An act (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia;
An act (H. R. 1897) granting a pension to Catherine Hunter;
An act (H. R. 5553) granting a pension to Isabella Palmer;
An act (H. R. 204) granting a pension to Susan Y. Attwater;
An act (H. R. 2574) granting a pension to Rosella Pegg;
An act (H. R. 875) granting a pension to P. W. Bradbury;
An act (H. R. 2979) granting a pension to Nancy Ellis;
An act (H. R. 5888) granting a pension to Ellen O'Brian;
An act (H. R. 4417) granting a pension to Jacob Miller;
An act (H. R. 4180) granting a pension to Rowland Ward;
An act (H. R. 6530) to increase the pension of Richard Jobes;
An act (H. R. 1042) for the relief of Mrs. Sarah Sinfield;
An act (H. R. 5088) for the relief of Magdalena Cook;
An act (H. R. 1752) for the relief of Maria L. Lee; and
An act (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

[NOTE.—This bill was presented to the President for his approval on the 21st of June, 1884, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution it has become a law without his approval.]

FINAL ADJOURNMENT.

Mr. RANDALL. I now call up Senate resolution with amendments in relation to the final adjournment of the session.

The SPEAKER *pro tempore*. The Clerk will report the amendments of the Senate.

The Clerk read as follows:

Resolved, That the Senate agree to the resolution fixing the day for the final adjournment, with the following amendment:

"In line 9 strike out 'three' and insert 'two;' in line 16, strike out 'June 30' and insert 'July 7.'"

Mr. RANDALL. The effect of the amendments of the Senate I will state to the House is to fix the hour for final adjournment at 2 o'clock to-day.

I move that the House agree to the amendments of the Senate, and on that I call the previous question.

The previous question was ordered; and under the operation thereof the amendments of the Senate were agreed to.

Mr. RANDALL moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NOTIFICATION OF THE PRESIDENT.

Mr. RANDALL. I call up the resolution of the Senate in regard to the notification of the President.

The SPEAKER *pro tempore*. The Clerk will report the message received from the Senate.

The Clerk read as follows:

That a committee of two members of the Senate be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN and Mr. BAYARD the committee on the part of the Senate.

Mr. RANDALL. I offer the customary resolution.

The Clerk read as follows:

That a committee of three members be appointed on the part of the House to join the committee appointed by the Senate to wait upon the President of the United States and inform him that Congress having finished its business is now ready to close its session by adjournment.

The resolution was agreed to.

The SPEAKER *pro tempore* appointed Mr. RANDALL, Mr. TURNER of Georgia, and Mr. HISCOCK as the committee on the part of the House.

ORDER OF BUSINESS.

Mr. DAVIS, of Illinois. I move to suspend the rules and pass the bill which I send to the desk.

Mr. WILLIS. Is not the House now executing an order?

Mr. DAVIS, of Illinois. I believe I have the floor.

The SPEAKER *pro tempore*. The Chair will state the gentleman from Illinois was recognized, but the motion that he makes is in contravention of the order of the House now in process of execution, which is the consideration of pension bills.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. Is not the regular order, under the decision of the Chair, the further consideration of the Mexican pension bill?

The SPEAKER *pro tempore*. The Chair will state it is not.

Mr. DAVIS, of Illinois. The order to which the Chair refers I understand was for yesterday, not for to-day.

The SPEAKER *pro tempore*. Does the gentleman from Illinois object to the consideration of the Senate pension bills?

Mr. DAVIS, of Illinois. I can not object to that.

The SPEAKER *pro tempore*. There are but three or four remaining to be disposed of.

LEAVE TO PRINT.

Mr. RYAN. As a member of the Committee on Appropriations, I ask unanimous consent to have printed in the RECORD some remarks on the appropriation bills.

There was no objection.

Mr. COX, of North Carolina. I ask permission to print some additional remarks on the employment of clerks for Senators.

There was no objection.

SENATE PENSION BILLS PASSED.

Bills of the following titles, reported favorably by the Committee on Invalid Pensions, were severally read three times, and passed:

A bill (S. 1645) granting a pension to Asahel D. Whitcomb;

A bill (S. 1398) granting an increase of pension to Andrew J. Bolar;

A bill (S. 670) granting an increase of pension to N. J. Ingersoll;

A bill (S. 337) granting a pension to Wilson W. Brown and others;

A bill (S. 1627) granting a pension to Flavia A. Haskell; and

A bill (S. 2049) granting a pension to James King.

Mr. MORRILL moved to reconsider the several votes by which the Senate pension bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The order which the House is engaged in executing included also reports from the Committee of the Whole House not yet disposed of. The Clerk will report the first bill.

SAMUEL MAY.

The Clerk read as follows:

A bill (H. R. 625) for the relief of Samuel May.

The bill was reported with the recommendation that the enacting clause be stricken out.

The question being taken, the House agreed to the recommendation of the Committee of the Whole House; and the enacting clause was stricken out.

PRIVATE BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House with favorable recommendations, were severally ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 847) for the relief of Francis B. Van Hoesen; and

A bill (H. R. 652) for the relief of Brannin, Summers & Co.

The bill (H. R. 191) for the relief of L. S. Ensel was reported from the Committee of the Whole House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The bill (H. R. 329) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co., was reported from the Committee of the Whole House with a favorable recommendation.

Mr. HOLMAN. There is a bill of the Senate identical with this on the Speaker's table. I ask that it be taken up for consideration in place of the House bill.

Mr. WHITE, of Kentucky. I would like to have some explanation of this.

Mr. HOLMAN. The gentleman from Kentucky I have no doubt remembers this bill very well. My colleague from Indiana, General BROWNE, gave an explanation of it in the Committee of the Whole. This is the Senate bill.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

There was no objection; and the bill (S. 528) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co., was taken from the Speaker's table, read three times, and passed.

The bill (H. R. 329), having the same title, was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, returning, in compliance with the request of the House, the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

PRIVATE BILLS PASSED.

Bills of the Senate of the following titles, reported from the Committee of the Whole House on the Private Calendar, were severally read the third time, and passed:

A bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock;

A bill (S. 298) for the relief of Margaret Cassidy; and

A bill (S. 332) for the relief of Thomas B. Shannon.

The bill (H. R. 411) granting a pension to Elizabeth Connor, reported by the Committee of the Whole House on the Private Calendar with a favorable recommendation, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARCOS RADICH.

The next business under the order was the bill (H. R. 4381) for the relief of Marcos Radich, reported by the Committee of the Whole House with the recommendation that the bill be laid on the table.

The bill was laid on the table.

ORDER OF BUSINESS.

The next business was the bill (H. R. 2059) to increase the pension of Frances E. Hendricks, reported adversely from the Committee of the Whole.

Mr. HOLMAN. I move that this bill be passed over for the present.

Mr. MCMILLIN. I would inquire of the gentleman what is the object of that?

Mr. HOLMAN. There is no quorum present.

Mr. MCMILLIN. This bill was reported adversely from the Committee of the Whole, and I think action should be taken on it now, so as to dispose of it. It makes an innovation on the rule which has been adopted, by giving a degree of pension which has never been given heretofore for the same rank.

The SPEAKER *pro tempore*. The Chair is informed that this bill was reported from the Committee of the Whole with an amendment and a recommendation that it be laid on the table.

Mr. MCMILLIN. I hope that will be done.

Mr. HOLMAN. There are two sides to this controversy. The gentleman from Indiana, my colleague [Mr. MATSON], the chairman of the committee reporting this bill, is not present.

Mr. MCMILLIN. But when he was present, as the gentleman from Indiana well knows, he moved the very action in the Committee of the Whole on the Private Calendar which I ask shall now be perfected.

Mr. HOLMAN. In his absence I trust the gentleman from Tennessee [Mr. MCMILLIN] will consent to extend that courtesy to him.

Mr. MCMILLIN. If the gentleman desired to have the step taken which the gentleman from Indiana [Mr. HOLMAN] suggests I would not myself interpose any objection. But I know that it was upon his motion that this bill was placed in its present condition. He made a speech against the bill when it was under consideration in Committee of the Whole. I am satisfied that he would not desire to have it passed over if he were present.

Mr. YORK. I move that the bill be laid on the table.

The SPEAKER *pro tempore*. The question is upon the motion to lay the bill upon the table.

Mr. HOLMAN. I trust that will not be done, for two reasons. The first is that the chairman of the committee from which this bill came is not present. In the next place, the gentleman from Kansas [Mr. ANDERSON], who introduced the bill, is not present.

Mr. MCMILLIN. I do not wish to be discourteous to an absent member, and therefore I am willing that the bill be passed over until the next session, if that is preferred.

Many MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is called for, which is the motion to lay the bill on the table; which motion is not debatable.

The question was taken on the motion to lay the bill on the table; and upon a division, there were—ayes 61, noes 13.

Mr. HOLMAN. No quorum has voted. I trust that the gentleman who made the motion to lay on the table out of courtesy to the gentleman who introduced it and is not now present—I refer to the gentleman from Kansas [Mr. ANDERSON]—will withdraw the motion.

Mr. MCMILLIN. I have stated that I am willing to have this bill go over.

Mr. WHITE, of Kentucky. In view of the fact that the gentleman from Kansas [Mr. ANDERSON] who introduced the bill is not present——

Many MEMBERS. Regular order.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. WHITE, of Kentucky. Then I make the point that no quorum has voted upon the motion to lay the bill on the table out of courtesy to the absent member who introduced it.

The SPEAKER *pro tempore*. Upon the motion to lay on the table there were ayes 61, noes 13. The gentleman from Kentucky [Mr. WHITE] makes the point that no quorum voted. The Chair will appoint as tellers the gentleman from Kentucky, Mr. WHITE, and the gentleman from Tennessee, Mr. MCMILLIN.

Before the count by tellers was concluded,

Mr. WHITE, of Kentucky (one of the tellers), said: With the understanding that this bill will be passed over informally I will not insist upon a quorum.

Mr. MCMILLIN. I suggest that that be done, and also that the next bill, which is in the same condition, be passed over.

The SPEAKER *pro tempore*. Is there objection that the bill now under consideration be passed over for the present? [After a pause.] The Chair hears none.

Mr. O'NEILL, of Missouri. I also suggest that other bills of the same class be passed over.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that there is but one other bill reported adversely from the Committee of the Whole.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the concurrent resolution of the Senate and House of Representatives of the 5th instant, I return herewith House bill 6770 entitled "An act making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes."

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *July 7*, 1884.

The SPEAKER *pro tempore*. The Chair submits to the House a resolution which will be read by the Clerk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House in the enrollment of the bill of the House (6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, insert the following paragraphs in their proper place, the same having been omitted from the enrollment of the bill as finally agreed upon by the two Houses, to wit:

"For three commissioners, to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of $7,500 each. Said commissioners shall ascertain the best mode of securing more intimate international and commercial relations between the United States and the several countries of Central and South America, and for that purpose they shall visit such countries in Central and South America as the President may direct.

"For one secretary to said commission, to be appointed by the President, by and with the advice and consent of the Senate, $3,000; and in addition to the foregoing amounts such further sum as may be required for the reasonable expenses of said commission, such expenses to be paid upon the certificate of the chairman thereof and approved by the Secretary of State; and said commission shall report their action to the President, for transmission to Congress, with such recommendation as he may deem fitting."

The resolution was adopted.

LEAVE TO PRINT.

Mr. JOSEPH D. TAYLOR asked and obtained unanimous consent to extend in the RECORD the remarks made by him on the Mexican war pension bill.

ORDER OF BUSINESS.

Mr. DUNN. I move that the House now take a recess——

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the order of the House in the matter of pension bills has now been executed, and by unanimous consent the motion to reconsider the votes by which they were severally disposed of will be laid on the table.

There was no objection.

Mr. MCCOID. Mr. Speaker, I rise to a point of order.

Mr. DUNN. I move a recess.

The SPEAKER *pro tempore*. The gentleman from Arkansas moves a recess; to what hour?

Mr. MCCOID. I wish to submit a point of order.

The SPEAKER *pro tempore*. The Chair will entertain the gentleman's point of order before submitting the question on the motion of the gentleman from Arkansas.

ENROLLED BILL SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 7509) making temporary provision for the naval service.

JOINT COMMISSION ON SIGNAL AND SURVEYING SERVICE, ETC.

Mr. HOLMAN. The sundry civil bill as passed contains a provision for the appointment of a joint commission on the part of the two Houses to report at the next session upon the reorganization of the Signal Service, the Coast and Geodetic Survey, &c. In that bill no provision has been made for a clerk to this commission, and it is suggested that a clerk be appointed——

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. DUNN] has moved a recess.

Mr. DUNN. I withdraw the motion in order that the gentleman from Indiana [Mr. HOLMAN] may submit his proposition.

The SPEAKER *pro tempore*. At the request of the permanent Speaker of the House the Chair makes the announcement which the Clerk will read.

The Clerk read as follows:

Members on the part of the House of Representatives of the commission to consider the present organization of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department: ROBERT LOWRY of Indiana, HILARY A. HERBERT of Alabama, THEODORE LYMAN of Massachusetts.

Mr. HOLMAN. That is the commission to which I refer.

The SPEAKER *pro tempore*. The resolution sent to the desk by the gentleman from Indiana will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate of the United States concurring), That the joint commission appointed to consider the present organization of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, with a view to secure greater economy and efficiency of administration of the public service in said bureaus, is hereby authorized to employ a clerk at $6 per day while employed; and any expenses incurred by said commission in making said investigation shall be defrayed equally from the contingent funds of the two Houses of Congress.

Mr. HOLMAN. I trust this resolution will be adopted.

Mr. O'NEILL, of Missouri. I object.

Mr. HOLMAN. Mr. Speaker, is it not too late to object?

The SPEAKER *pro tempore*. The Chair hardly feels that he dealt fairly with the House in not asking whether there was objection to the consideration of the resolution.

Mr. HOLMAN. I move to suspend the rules for the purpose of adopting this resolution. This is a necessary thing to be done.

The SPEAKER *pro tempore*. The gentleman has the right to make the motion to suspend the rules for the purpose of adopting the resolution.

ORDER OF BUSINESS.

Mr. MCCOID. I call the attention of the Chair to the fact that the other order had not been executed.

The SPEAKER *pro tempore*. The Chair stated that the order had been executed.

Mr. MCCOID. That is the point of order to which I arose some time ago.

The SPEAKER *pro tempore*. The Chair will hear the gentleman. In making the announcement that the order had been executed the Chair simply spoke upon the information obtained from the Clerk's desk.

Mr. MCCOID. At the time the Chair made that announcement I rose to my point of order.

The SPEAKER *pro tempore*. The Chair did not intend to cut the gentleman off.

Mr. MCCOID. There are other bills reported from the Committee of the Whole and undisposed of. I claim that under the order they must be taken up and disposed of.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 3160) granting a pension to Elizabeth J. Colbert.

ORDER OF BUSINESS.

Mr. MCCOID. My point is that there are other bills on the Calendar which have been reported favorably from the Committee of the Whole and are now pending. I claim they come within the order and should be taken up.

Mr. MCMILLIN. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. MCMILLIN] will state the motion he made.

Mr. MCMILLIN. The motion which I made, or which I understood myself as making, was to proceed to the consideration of those bills which had been reported by the Committee of the Whole House on the Private Calendar. I stated that there were a number of private bills which had been reported, but which had been cut off on the last private-bill day, when they were under consideration, by a matter of privilege. I referred to the matter of privilege brought up by the gentleman from Nebraska [Mr. VALENTINE], but I did not then mention his name.

The SPEAKER *pro tempore*. The Clerk will report what the Journal shows as to the order made by the House.

Mr. MCCOID. The order was——

The SPEAKER *pro tempore*. The Chair will have read to the House, as furnished by the Journal Clerk, the order which was entered. The Chair will be glad to listen to the gentlemen if they will address the Chair one at a time.

Mr. MCCOID. I believe I have the floor.

Mr. DUNN. I rise to a point of order.

The SPEAKER *pro tempore*. There is one pending already, and only one point of order can be pending at the same time.

Mr. DUNN. The gentleman from Indiana moved the consideration of the resolution which has been sent to the Clerk's desk to be read. Objection was made. The gentleman from Indiana then moved to suspend the rules and pass the resolution. The chairman proceeded to state the question to the House. Now, I submit it is not in order at this point to interject a former order of the House.

The SPEAKER *pro tempore*. The gentleman from Iowa had a right to submit a parliamentary inquiry.

Mr. DUNN. That is true, but the House had executed its order.

Mr. MCCOID. But I made it before.

The SPEAKER *pro tempore*. The gentleman had the right to make it at any time.

Now, taking the record as shown by the Journal the order of the House heretofore made has been executed. That order included bills reported from the Committee of the Whole House on the Private Calendar, and that order the chairman is informed by the Clerk has been executed. There were other bills reported from the Committee of the Whole House on the state of the Union which were not included in the motion of the gentleman from Tennessee.

Mr. McCOID. Let the order as it was adopted be read.

The SPEAKER *pro tempore*. The Journal of this day's proceedings, as the gentleman well knows, is not ready.

Mr. McCOID. And I understood the Chair to order the reading of the order of the House as it was adopted to be read.

The SPEAKER *pro tempore*. The Chair stated that he was informed by the Clerk of the House that the motion of the gentleman from Tennessee included only the bills reported from the Committee of the Whole House on the Private Calendar, and which were upon the Speaker's table, and that also is the recollection of the Chair.

Mr. McCOID. I want the order of the House read.

The SPEAKER *pro tempore*. The Clerk will read the minutes of the Journal.

The Journal Clerk read as follows:

After recess, 11.30 a. m., the question recurred on the motion that the House resolve itself into the Committee of the Whole House on the Private Calendar for the consideration of Senate pension bills reported by committees of the House. By unanimous consent, on motion of Mr. McMILLIN, said resolution was modified so as to have the bills reported from the Committee of the Whole House on the Private Calendar remaining on the Calendar as unfinished business disposed of.

The SPEAKER *pro tempore*. The bills reported from the Committee of the Whole House on the Private Calendar and which remain upon the Speaker's table have all been disposed of. There are others reported from the Committee of the Whole House on the state of the Union which were not included, and which have not been disposed of.

Mr. BLACKBURN left the chair as Speaker *pro tempore*, and it was taken by Mr. BAGLEY.

THANKS TO SPEAKER PRO TEMPORE.

Mr. COX, of New York. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the thanks of this House be granted to Hon. J. C. S. BLACKBURN for his just, remarkable, and charming manner, displayed in the closing hours of this session as Speaker *pro tempore*.

[Great applause.]

The question was submitted to the House on the adoption of the resolution.

The SPEAKER *pro tempore* (Mr. BAGLEY in the chair). The resolution has been unanimously adopted. [Applause.]

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I move to suspend the rules and put the following bill on its passage.

Mr. DUNN. I object.

Mr. HOLMAN. There is a motion pending already to suspend the rules and pass the resolution introduced by myself.

COMMISSION ON GOVERNMENT SURVEYS.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] to suspend the rules and pass the joint resolution for the employment of a clerk by the joint commission to consider the present organization of the Signal Service, Geological Survey, Coast and Geodetic Survey, and Hydorgraphic Office of the Navy Department.

The House divided; and there were—ayes 51, noes 26.

Mr. ROBINSON, of Ohio. No quorum has voted.

Mr. O'NEILL, of Missouri. As I understand the object of the resolution it looked in the direction of transferring the duties of the Coast and Geodetic Survey to the Navy Department. I am informed that is a mistake, and I therefore withdraw my objection to the adoption of the resolution.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana.

The House divided; and there were—ayes 72, noes 18.

Mr. ROBINSON, of Ohio. No quorum. I wish to say that I am in favor of economy and reform, and give the gentleman from Indiana a little of his own medicine.

Mr. HOLMAN. This commission has been created by law, and has been already appointed by the Speaker.

Mr. ROBINSON, of Ohio. But I wish to give the gentleman from Indiana a little of his own prescription.

Mr. LYMAN. If the gentleman from Ohio will listen to me for a moment I think I can explain this matter to him so that perhaps he will see no cause to object to it.

The question came up in one of the committees of the House as to the consolidation of the Coast and Geodetic Survey with another bureau of the Government.

The question was of destroying the whole organization of the Coast Survey, to which I was very much opposed. I exerted myself with the assistance of other gentlemen to have the committee stop that action, and this commission is the result of a compromise between the two views then pending. There is no politics in it. It is simply a scientific commission, and I am appointed a member of it, I may be allowed to say, as the only member of the National Academy in the House. That, I presume, is the only reason why I was appointed upon it. Now we must have the assistance of a clerk.

I can assure gentlemen on my own responsibility that there is nothing political about it, and that this is to save the Coast and Geodetic Survey, which would have gone in the old form if it had not been for this compromise.

Mr. BOUTELLE. Let me ask the gentleman who are the other scientific members of the House appointed on that committee?

Mr. LYMAN. I do not know who the other members of the committee are excepting the other House members, Judge LOWRY, of Indiana, and the gentleman from Alabama, Mr. HERBERT.

Mr. HENDERSON, of Iowa. Wholly unpartisan, I suppose.

Mr. BOUTELLE. How many members are there?

Mr. LYMAN. Three members have been already appointed on the part of the House. I do not know who have been appointed in the Senate.

But I wish again to assure the gentleman from Ohio on my own responsibility that there is nothing concealed; it is a perfectly honest commission. It is a service in which I have taken a great deal of interest, and I should regret exceedingly to have any injury done to it. I repeat I am particularly anxious to save the Coast Survey.

Mr. CANNON. Is not the Coast Survey already saved?

Mr. LYMAN. This I say was a compromise. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. This discussion is proceeding by unanimous consent, and objection is made. The gentleman from Ohio makes the point of order that no quorum has voted, and the Chair will appoint tellers.

Mr. ROBINSON, of Ohio, and Mr. LYMAN were appointed tellers.

Mr. LYMAN. I hope the gentleman will withdraw the point of order after my explanation.

The SPEAKER *pro tempore*. The tellers will take their places.

The House divided; and the tellers reported ayes 70. Before the negative vote was announced,

Mr. ROBINSON, of Ohio. I withdraw the objection.

So (no further count being demanded) two-thirds having voted in the affirmative, the rules were suspended and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate agreed to the resolution of the House to amend the enrollment of the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 3160) granting additional pension to Elizabeth J. Colbert.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2049) granting a pension to James King; and

A bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

PUBLIC BUILDING, CARSON CITY, NEV.

Mr. CASSIDY. Mr. Speaker, I move to suspend the rules——

Mr. DUNN. I move that the House take a recess for one half hour.

Mr. CASSIDY. I move to suspend the rules and pass Senate bill No. 55.

Mr. WELLER. Regular order.

The SPEAKER *pro tempore*. The gentleman from Nevada moves to suspend the rules and pass the bill the number of which he has indicated, pending which the gentleman from Arkansas moves that the House take a recess for thirty minutes. The question is first upon the motion of the gentleman from Arkansas.

The House divided; and there were—ayes 48, noes 42.

Mr. O'NEILL, of Missouri, Mr. CASSIDY, and others. No quorum.

The SPEAKER *pro tempore*. The point of order having been made that no quorum has voted, the Chair will appoint tellers.

Mr. DUNN and Mr. O'NEILL, of Missouri, were appointed tellers.

The House again divided; and the tellers reported—ayes 21, noes 29.

Mr. WHITE, of Kentucky. I move a call of the House.

The SPEAKER *pro tempore*. The tellers are still in the discharge of their duty.

The tellers again reported—ayes 21, noes 39.

Mr. WHITE, of Kentucky. I insist upon the motion for a call of the House.

The motion was not agreed to.

Mr. O'NEILL, of Pennsylvania. I withdraw the point of no quorum.

Mr. WHITE, of Kentucky. Then I make the next motion that is in order under the rule, that is, to adjourn.

The SPEAKER *pro tempore*. The point of order is withdrawn that no quorum had voted.

So the House refused to take a recess.

The SPEAKER *pro tempore*. The question now recurs upon the motion of the gentleman from Nevada to suspend the rules for the present consideration of a bill the number of which has been indicated.

Mr. WELLER. Let the bill be read.

Mr. WHITE, of Kentucky. I rise to a question of order. I ask the Clerk to read the rule showing that no business can be transacted without a quorum except the motion for a call of the House or the motion to adjourn.

The SPEAKER *pro tempore*. The Chair will state that the point of order of no quorum has been withdrawn and the result of the vote has been announced.

Mr. WHITE, of Kentucky. I did not withdraw the point of order.

The SPEAKER *pro tempore*. The gentleman from Kentucky never made the point of order; the gentleman from Missouri made it.

The Clerk will report the bill called up by the gentleman from Nevada.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site for, and cause to be erected thereon, in the city of Carson City, in the State of Nevada, a suitable building, with a fire-proof vault, for the accommodation of the United States courts, the post-office, and other Government offices in said city, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; the site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $100,000: *Provided*, That no money to be appropriated for said building shall be available until a valid title to the site selected is vested in the United States, nor until the State of Nevada shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

SEC. 2. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes hereinbefore mentioned.

The SPEAKER *pro tempore*. The question is on the motion to suspend the rules and pass the bill.

Mr. COX, of New York. Would there be a chance to debate this matter? I wish to inquire if this is an appropriation for a river or harbor in Nevada.

Mr. MILLER. There is no water in that State.

Mr. CASSIDY. We have no public building in the State of Nevada. We need this building, and I have therefore made the motion to suspend the rules and put the bill on its passage.

Mr. GUENTHER. I ask for a division.

The House divided; and there were—ayes 68, noes 7.

Mr. GUENTHER. No quorum. Unless all the bills for public buildings passed by the Senate can now be passed, I must object to this bill being passed without a quorum.

Mr. BREWER, of New York. I insist on the point as to a quorum. It is time to call a halt.

The SPEAKER *pro tempore*. The point having been made that a quorum has not voted the Chair will order tellers, and appoints the gentleman from Nevada, Mr. CASSIDY, and the gentleman fron New York, Mr. BREWER.

Before the tellers had completed the count,

Mr. BREWER, of New York, said: In view of the statement of the gentleman from Nevada that that State has no public building of any kind, I withdraw the point as to a quorum.

Mr. FUNSTON. I insist on the point as to a quorum.

Mr. GUENTHER. I have not withdrawn the point I made.

Mr. BUDD. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUDD. If the point of no quorum is pressed, can we pass any other legislation between now and 2 o'clock?

The SPEAKER *pro tempore*. If the point is insisted on, and it is discovered a quorum of the House is not present, it will then be the pleasure of the House either to order a call, or to adjourn, or to sit without transacting legislative business.

Mr. WHITE, of Kentucky. There are but three States in the United States which have not a public building. Nevada is one of those States. I hope the gentleman will not make the point of order in view of the number of bills that have passed this body almost by unanimous consent.

Mr. MILLER, of Pennsylvania. And this is the only legislation which the gentleman from Nevada asks for the benefit of his State. I hope the bill will be passed.

Mr. BUDD. All of us from the Pacific coast agree in desiring that this bill shall be passed. We have no peculiar interest in it, but it is a matter of eminent justice.

Mr. GUENTHER. For years I have asked for a public building in my district. The bill for that purpose has passed the Senate twice. If that can not be considered, I object to any other bill of the same kind being passed.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. GUENTHER] insists on the point that a quorum has not voted. The tellers will resume their count.

Mr. DUNN. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNN. Is it in order now to move to take a recess?

The SPEAKER *pro tempore*. It is not. The House is engaged in taking a vote by tellers.

MESSENGER FOR OFFICIAL REPORTERS.

Mr. HISCOCK. I desire to offer a resolution in reference to an employé of the House.

The SPEAKER *pro tempore*. That is not in order while the House is engaged in taking a vote.

Mr. HISCOCK. I ask that the resolution be considered at this time by unanimous consent.

The SPEAKER *pro tempore*. The gentleman from New York asks unanimous consent pending the vote of the House to consider a resolution which the Clerk will read for information.

The Clerk read as follows:

Resolved, That the resolution adopted December 4, 1883, for a messenger for the Official Reporters of the House be continued on the same terms until the further order of the House.

Mr. HOLMAN. I object to that unless the gentleman gives some explanation of the resolution.

Mr. HISCOCK. The employment of this messenger has been continued hitherto from year to year.

Mr. HOLMAN. There may be some misunderstanding. Is this for the official reporters of committees?

Mr. HISCOCK. No, sir; the resolution relates to the messenger for the Official Reporters of Debates of the House.

Mr. HOLMAN. Upon that explanation that it is for the messenger to the Reporters of Debates, I withdraw the objection.

Mr. CASSIDY. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed, with an amendment in which the concurrence of the House of Representatives was requested, a joint resolution (H. Res. 287) authorizing the payment of officers and employés of the House of Representatives for the month of July.

The message further announced that the Senate had agreed to the resolution of the House of Representatives authorizing the joint commission appointed to consider the present organizations of the Signal Service, &c., to employ a clerk.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 547) granting a pension to John C. F. Beyland;

A bill (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton;

A bill (S. 1339) granting a pension to Frank Gray;

A bill (S. 1641) for the relief of the widow of Edward M. Wilkins;

A bill (S. 1363) granting a pension to Frank S. Hillard;

A bill (S. 1227) granting a pension to Capt. Israel Stough;

A bill (S. 773) granting a pension to Mrs. Kady Brownell;

A bill (S. 1566) granting a pension to Martha Bastin;

A bill (S. 280) granting a pension to Wesley Morford;

A bill (S. 284) granting a pension to Henry J. Seward;

A bill (S. 1444) granting a pension to William J. Hess;

A bill (S. 1627) granting a pension to Flavia A. Haskell;

A bill (S. 1645) granting a pension to Asahel D. Whitcomb;

A bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock;

A bill (S. 461) granting a pension to Warren Croan;

A bill (S. 464) granting a pension to James P. F. Toby;

A bill (S. 912) granting a pension to Henry A. Armstrong;

A bill (S. 1430) granting a pension to Sarah C. Hall;

A bill (S. 2244) granting a pension to James Brown;

A bill (S. 670) granting an increase of pension to N. J. Ingersoll;

A bill (S. 1398) granting an increase of pension to Andrew J. Bolar; and

A bill (S. 298) for the relief of Margaret Cassidy.

APPROPRIATIONS.

Mr. RANDALL. During the session of Saturday last I asked and obtained of the House permission to present at some subsequent time a tabular statement in connection with the appropriation bills of this session. I have it here, as near as can be calculated, and deem it expedient, so that members of the House may have access to these figures, to present it immediately for publication in the RECORD, reserving to

myself the right at some future day to comment upon them and publish those comments in the RECORD, a right which, as I understood, was given me by the House. The table which I now present for publication in the RECORD is a history of the fourteen regular appropriation bills of this session.

The table is as follows:

History of the fourteen regular appropriation bills—1884–'85.

Title.	Estimates 1884.	Estimates 1885.	Reported to the House, Date.	Reported to the House, Amount.	Passed the House. Date.	Passed the House. Amount.
Pension	$101,575,000 00	$40,000,000 00	March 22	$20,684,400 00	April 22	$20,750,800 00
Military Academy	420,644 93	382,359 53	Feb. 11	306,988 50	Feb. 21	308,863 50
Fortifications	1,000,000 00	1,000,000 00		3,070,000 00	July 2	595,000 00
Consular and diplomatic	1,390,905 00	1,569,601 75	April 26	978,170 00	May 19	983 770 00
Navy	23,481,078 54	22,747,751 38	Feb. 8	14,263,195 95	March 7	14,334,695 95
Post-Office	46,741,111 25	50,062,189 60	Feb. 29	46,261,900 00	March 18	46,225,900 00
Indian	6,725,731 54	8,466,809 91	March 19	5,367,653 10	April 4	5,456,389 31
Army	28,570,643 44	26,810,103 91	April 29	24,244,450 00	May 18	24,244,450 00
Legislative, &c	21,840,175 08	21,533,522 65	May 19	20,748,376 95	June 2	20,609,836 95
Sundry civil	34,186,376 35	30,346,994 11	June 21	20,988,986 05	June 23	20 919,400 35
District of Columbia	1,775,149 54	1,812,686 74	April 14	1,676,251 98	May 19	1,677,291 98
River and harbor	33,889,000 00	8,025,500 00	May 7	12,619,100 00	June 12	12,086,200 00
Deficiency	2,263,077 49	11,328,384 54	June 7	6,401,079 20	June 17	6,721,766 65
Agricultural	521,270 00	512,140 00	June 7	430,590 00	April 5	455,590 00
Totals	304,380,163 16	224,598,044 12		178,041,141 73		175,369,954 69
Miscellaneous	2,000,000 00					
Tobacco-rebate bill		3,791,965 00		3,771,965 00		3,771,965 00
Urgent deficiency		1,679,185 85		1,679,185 85		1,679,185 85
Ohio River overflow		500,000 00		500,000 00		500,000 00
Indian deficiency		138,000 00		50,000 00		50,000 00
Mississippi River improvement		1,000,000 00		1,000,000 00		1,000,000 00
Cotton Centennial Exposition		1,000,000 00		1,000,000 00		1,000,000 00
District sewerage		500,000 00		500,000 00		500,000 00
	306,380,163 16	233,207,194 97		186,542,292 58		183,871,105 54

Title.	Reported to the Senate. Date.	Reported to the Senate. Amount.	Passed the Senate. Date.	Passed the Senate. Amount.	Amount appropriated— Law, 1885.	Law, 1884.	Law, 1883.
Pension	May 22	$20,846,200 00	May 23	$20,846,200 00	a $20,810,000 00	$86,575,000 00	$100,000,000 00
Military Academy	Feb. 29	315,683 50	March 4	315,683 50	314,563 50	318,657 50	335,557 04
Fortifications	July 3	800,000 00	July 3	800,000 00	700,000 00	670,000 00	375,000 00
Consular and diplomatic	June 9	1,785,576 75	June 12	1,782,576 75	1,214,390 00	1,296,755 00	1,256,655 00
Navy	April 1	20,786,675 95	April 14	20,863,675 95	b 8,859,817 11	15,894,434 23	14,819,976 80
Post-Office	April 14	49,725,400 00	April 18	49,750,400 00	48,975,400 00	44,489,520 00	44,643,900 00
Indian	April 30	6,213,802 91	May 13	6,279,627 91	5,859,402 91	5,358,655 91	5,229,374 01
Army	June 16	24,539,450 00	June 21	24,554,450 00	24,454,450 00	24,681,250 00	27,258,000 00
Legislative, &c	June 21	21,647,259 85	June 26	21,697,261 85	21,426,321 85	20,454,246 22	20,038,000 65
Sundry civil	July 1	25,088,192 71	July 2	24,956,391 04	22,311,830 73	23,679,575 44	25,589,358 06
District of Columbia	May 28	1,721,163 27	May 29	1,721,163 27	1,686,743 27	1,700,697 23	1,695,098 04
River and harbor	June 27	13,354,200 00	July 1	13,584,700 00	13,909,200 00		18,738,875 00
Deficiency	June 26	7,815,864 20	June 28	7,832,078 24	6,996,616 61	2,749,941 49	25,689,951 10
Agricultural	May 5	524,990 00	May 20	525,390 00	480,190 00	405,640 00	427,280 00
Totals		195,164,459 14		195,509,598 51	177,002,925 98	228,274,373 02	286,097,025 70
Miscellaneous					600,000 00	1,912,723 88	9,413,614 16
Tobacco-rebate bill		3,791,965 00		3,791,965 00	3,791,965 00		
Urgent deficiency		1,676,579 03		1,676,579 03	1,671,579 03		
Ohio River overflow		500,000 00		500,000 00	500,000 00		
Indian deficiency		100,000 00		100,000 00	100,000 00		
Mississippi River improvement		1,000,000 00		1,000,000 00	1,000,000 00		
Cotton Centennial Exposition		1,000,000 00		1,000,000 00	c 1,000,000 00		
District sewerage		500,000 00		500,000 00	d 500,000 00		
		203,733,003 17		204,078,142 54	186,166,470 01	230,187,096 90	295,510,639 86

a Also reappropriates and makes available for 1885, an unexpended balance estimated to be $66,000,000.
b Appropriates $6,709,717.11 for current expenses of the Navy for six months, and $2,150,000 to compete the new cruisers.
c To be refunded to the Government.
d Two hundred and fifty thousand dollars to be refunded to the Government.

PAY OF HOUSE AND SENATE EMPLOYÉS FOR JULY.

Mr. PERKINS. The joint resolution of the House for the payment of the employés of the House for the month of July has been returned from the Senate with an amendment so as to include Senate employés. I ask consent that the amendments of the Senate be concurred in.

The SPEAKER *pro tempore*. This can be done by unanimous consent, not affecting the status of the question now pending before the House.

The amendments of the Senate were read, as follows:

In line 1, before the word "clerk," insert the words "Secretary of the Senate and the;" in line 2 strike out the words "he is" and insert the words "they are;" in line 3, before the word "House," insert the words "Senate and the;" so that the joint resolution would read as follows:

"That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay to the officers and employés of the Senate and the House borne on the annual rolls their respective compensations, including the Capitol police, for the month of July, 1884, as soon as practicable after the adjournment of this session of Congress."

Amend title so as to read:

"A joint resolution authorizing the immediate payment of officers and employés of the Senate and of the House for the month of July."

The SPEAKER *pro tempore*. The question is upon concurring in the amendments of the Senate.

Mr. WHITE, of Kentucky. I desire to call attention to the fact that the colored boys in the cloak-rooms of the House, seven of them, have been omitted, and they are as much entitled to payment for the month of July as pages on this floor.

Mr. SMALLS. I have a resolution for that purpose in my hand now.

Mr. WHITE, of Kentucky. I ask consent that the joint resolution be amended so as to include them.

Mr. PERKINS. That will necessitate the return of the joint resolution to the Senate for its action.

Mr. WHITE, of Kentucky. With the understanding that a separate resolution for that purpose will be considered, I will not object.

The amendments of the Senate were then concurred in.

MESSENGER FOR OFFICIAL REPORTERS.

Mr. HISCOCK. I offered a resolution some time since to which the gentleman from Nevada [Mr. CASSIDY] objected. I understand that he will now withdraw his objection.

Mr. CASSIDY. I withdraw the objection.

Mr. HISCOCK. The resolution has been modified in accordance with Mr. HOLMAN'S request.

Mr. O'HARA. Let it be reported again.

The Clerk read as follows:

Resolved, That the messenger for the Official Reporters of Debates and Proceedings of the House under the following resolution, adopted December 4, 1883, be continued on the same terms until the further order of the House:

"*Resolved*, That the Clerk of the House be and is hereby authorized and directed

to pay Philip V. McElhone at the rate of $1,000 per annum during the present session of Congress for services as messenger to the Official Reporters of Debates; and that the same be paid out of the contingent fund of the House."

There being no objection, the resolution was adopted.

Mr. HISCOCK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMPLOYÉS IN CLOAK-ROOMS.

Mr. SMALLS. In behalf of the men employed in the cloak-rooms of the House, I ask unanimous consent to submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be ordered to pay to the seven cloak-room employés pay for the full month of July, 1884, out of the contingent fund of the House, to be immediately available.

Mr. WHITE, of Kentucky. That is all right.

Mr. HOLMAN. Is the gentleman from South Carolina [Mr. SMALLS] certain that those employés have not already been provided for?

Mr. SMALLS. They have not been provided for.

Mr. HOLMAN. All right, then.

There being no objection, the resolution was adopted.

Mr. SMALLS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 528) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.; and

A bill (S. 332) for the relief of Thomas B. Shannon.

JOHN RANDOLPH HAMILTON.

Mr. VANCE. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of House bill No. 6712, to remove the political disabilities of John Randolph Hamilton, of North Carolina.

Mr. WHITE, of Kentucky. Has this man made a request that this be done?

Mr. VANCE. Yes, sir. The bill is founded on a petition, and is reported favorably from the Committee on the Judiciary of the House.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows.

Be it enacted, &c. (two-thirds of each House concurring therein), That the political disabilities of John Randolph Hamilton, a citizen of the State of North Carolina, imposed by the provisions of the fourteenth amendment to the Constitution of the United States, be, and the same are hereby, removed, and the said John Randolph Hamilton is hereby relieved of the same.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; and the same was considered in the House.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

ORDER OF BUSINESS.

Mr. TUCKER. There are several bills on the Speaker's table from the Senate for the removal of political disabilities. They have been favorably considered by the Committee on the Judiciary of the House, and I ask consent that they may be now considered and passed.

Mr. CASSIDY. I must object.

Mr. WHITE, of Kentucky. I ask unanimous consent, while the tellers are standing here, to put on its passage the bill I send to the Clerk's desk.

The SPEAKER *pro tempore*. It is proper that the Chair should state, as the business of the House is now proceeding in a very irregular way, that the Chair does not feel warranted in entertaining a motion to suspend the rules while the House is dividing or voting on a similar motion. Business is now proceeding simply by unanimous consent in an irregular fashion. The gentleman from Kentucky [Mr. WHITE] asks unanimous consent for the present consideration of a bill the title of which will be read.

The Clerk read the title of the bill, as follows:

A bill (S. 398) to aid in the establishment and temporary support of common schools.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. TUCKER. I object.

Mr. CASSIDY. I must object to everything out of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the President *pro tempore* of the Senate had appointed Mr. ALLISON, Mr. HALE, and Mr. PENDLETON as members on the part of the Senate of the joint commission provided for in the sundry civil appropriation bill to consider the present organization of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department.

LEASE OF POST-OFFICES.

Mr. SKINNER, of New York. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1508) to authorize the Postmaster-General to lease premises for use of post-offices of the first, second, and third classes.

Mr. WELLER. I object.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 2095) to remove certain disabilities of John L. Cowardin.

LEAVE TO PRINT.

Mr. HENLEY, by unanimous consent, obtained leave to extend in the RECORD his remarks on the "Backbone" railroad grant.

Mr. MILLER, of Pennsylvania, by unanimous consent, obtained leave to extend in the RECORD his remarks on "Mexican pension bills."

Mr. CUTCHEON requested leave to print in the RECORD remarks on the subject of public buildings.

Mr. DIBBLE objected, but subsequently withdrew his objection, when

Mr. BUDD objected.

FIRST NATIONAL BANK OF WABASH, IND.

Mr. STEELE. I ask unanimous consent to take up for consideration at this time the bill (H. R. 4015) to authorize the increase of the capital stock of the First National Bank of Wabash, Ind.

Mr. WELLER. I object. I desire to state that I did not understand in the confusion what bill the gentleman desires to take up. Perhaps I would withdraw my objection if I had information about that matter.

PUBLIC BUILDING AT SACRAMENTO, CAL.

Mr. BUDD. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1810) for the erection of a public building at Sacramento, Cal. Sacramento is the capital of the State.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, land office, internal-revenue office, signal office, and other Government offices, at the city of Sacramento, Cal. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of California shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. BREWER, of New York. I object.

BRIDGE ACROSS MISSISSIPPI AT MEMPHIS.

Mr. YOUNG. I desire to take from the Calendar and have passed a bill to which nobody I think will object.

The Clerk read the title of the bill, as follows:

A bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

The SPEAKER *pro tempore*. Is there objection?

Several members objected.

MRS. MARY K. S. EATON.

Mr. BAGLEY. I ask unanimous consent to have taken up for immediate consideration a Senate pension bill, the bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton.

The SPEAKER *pro tempore*. The gentleman from New York asks unanimous consent to take up a Senate pension bill. Is there objection?

Several members objected.

Mr. WELLER. I hope the gentlemen who make objection to the consideration of this pension bill will withdraw the objection immediately. [Cries of "Regular order!"]

ORDER OF BUSINESS.

Mr. COX, of New York. I move that the House take a recess until 5 minutes before 2 o'clock.

The SPEAKER *pro tempore*. The Chair will remind the gentleman that the House is dividing and the tellers have not reported.

Mr. HOLMAN. I ask unanimous consent to take up at this time a Senate bill for the relief of a lady who was a nurse in the Union Army and is now 83 years of age.

Objection was made.

Mr. WELLER. I ask unanimous consent to have considered a joint resolution which I ask the Clerk to read.

Mr. STEELE and Mr. SKINNER of New York objected.

Mr. WELLER. I hope gentlemen will not object to allowing the resolution to be read for information.

Mr. STEELE. I object. There is no information in it.

PAY OF HOUSE PAGES.

Mr. GIBSON. I desire unanimous consent to submit a resolution to which I am sure there will be no objection if gentlemen will hear it read.

The Clerk read as follows:

Resolved, That the resolution adopted to pay the pages for July shall be construed to mean the entire month.

Mr. GIBSON. The resolution giving pay for the entire month to other House employés did not embrace the pages.

Mr. SMALLS. I have been informed that the annual laborers of this House have not been provided for. I would like to amend this resolution by adding them.

Several MEMBERS. They have been.

Mr. SMALLS. Those in the cloak-room have been, but laborers in the other parts of the building have not.

Mr. BREWER, of New York. They have.

Mr. HOLMAN. I supposed that the resolution adopted at the instance of my friend from Kentucky [Mr. THOMPSON] covered this matter.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Kentucky withdrew his proposition upon the understanding that it would be introduced as a separate resolution.

Mr. GIBSON. I ask that these boys shall receive justice at the hands of this House. [Cries of "No objection!"]

The SPEAKER *pro tempore*. The Chair hears no objection to the reception of the resolution indicated by the gentleman, and it is before the House for adoption.

The resolution was adopted.

Mr. GIBSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

The SPEAKER *pro tempore*. This morning the gentleman from Michigan [Mr. CUTCHEON] asked unanimous consent to print in the RECORD some remarks on the subject of public buildings, and it was objected to by the gentleman from California [Mr. BUDD].

Mr. BUDD. I withdraw the objection.

The SPEAKER *pro tempore*. Is there further objection?

There being no further objection, it was ordered accordingly; and Mr. CUTCHEON was granted leave to print in the RECORD the remarks indicated.

EXPLANATION.

Mr. SMALLS. Mr. Speaker, I rise for the purpose of making a correction

The SPEAKER *pro tempore*. The gentleman from Indiana has the floor on a point of order.

Mr. SMALLS. I should like to correct the statement I made a few moments ago. I stated annual employés, but I meant session employés. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Indiana has the floor on a point of order.

Mr. HOLMAN. My point of order is, Mr. Speaker, that I was recognized by the Chair to ask unanimous consent, and that owing to the confusion in the House I have not been able to present that request for unanimous consent.

ELIZA HOWARD POWERS.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent that a bill (S. 716) for the relief of Eliza Howard Powers be taken from the Speaker's table and put upon its passage. This old lady, 82 years of age, was a nurse in the Union Army. There can be no more deserving case.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eliza Howard Powers $2,500 out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. This lady is 82 years of age. She was a nurse in the Union Army. She has been appealing to Congress to reimburse her for money she paid out for the benefit of Union soldiers. She has been here asking justice at our hands for years. I hope there will be no objection to taking the bill up and putting it on its passage. In these closing moments of the session it will be a graceful act on the part of this House to do this just and generous deed to a worthy beneficiary. [Applause, and cries of "All right!"]

Mr. WHITE, of Kentucky. I desire to move an amendment including relief for Ann Ella Carroll.

Several MEMBERS. It is not in order, even if unanimous consent be granted.

Mr. HOLMAN. I appeal to the gentleman from Kentucky to submit his proposition separately. It would not be in order to the request I make.

Mr. WHITE, of Kentucky. Very well, then; on that condition I will withdraw the amendment.

Mr. HOLMAN. I ask the Speaker now to put the question on my request.

The SPEAKER *pro tempore*. The Chair hears no objection to the request of the gentleman from Indiana; and the bill (S. 716) for the relief of Eliza Howard Powers is taken from the table.

The bill was read a first and second time, ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. PETERS, from the Committee on Enrolled Bills, reported that he had examined and found truly enrolled a joint resolution (H. Res. 287) authorizing the immediate payment of officers and employés of the House and Senate for July; when the Speaker signed the same.

Mr. WEAVER. I move, by unanimous consent, to take up Senate bill 2348.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a resolution, in which the concurrence of the House of Representatives was requested, fixing the hour for the final adjournment of the two Houses.

FINAL ADJOURNMENT.

The SPEAKER *pro tempore*. The Chair lays before the House the following resolution from the Senate.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the presiding officers of the two Houses adjourn their respective Houses *sine die* at 3 o'clock p. m., July 7, 1884.

The SPEAKER *pro tempore*. The question is on agreeing to the Senate resolution.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I make the point of order that the House is now dividing on the question of the erection of a public building, and that it is not in order to consider that resolution.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that this is a question of the very highest privilege, involving the final adjournment of the two Houses of Congress under the Constitution.

Mr. WHITE, of Kentucky. I make the point of order that under the Constitution of the United States to which the Chair has alluded a quorum must be present to transact such business, and I desire to call the attention of the Chair——

The SPEAKER *pro tempore*. In all candor and kindness the Chair will say to the gentleman from Kentucky that there is no time left for a constitutional debate. [Laughter and applause.]

The question is on the adoption of the resolution.

The resolution was agreed to. [Applause.]

ORDER OF BUSINESS.

Mr. CASSIDY. I demand the regular order.

Mr. WHITE, of Kentucky. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. The Constitution of the United States provides that a majority of each House shall constitute a quorum to transact business.

Now, I call the attention of the Chair to page 364 of the Digest, where it is laid down that when less than a quorum is present a motion to take a recess is not in order, and no motion is in order except for a call of the House or to adjourn.

No quorum is now present for the adoption of the resolution which is laid before the House by the Chair.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that there is no record or other information officially before the Chair as to the absence of a quorum.

Mr. WHITE, of Kentucky. The Chair is informed by the tellers appointed to take the vote on the question now pending that there is no quorum present.

The SPEAKER *pro tempore*. The House is still dividing on that question; the tellers are in their places, and it is not for the Chair to determine in advance of their report whether a quorum is present or not.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (S. 337) granting a pension to Wilson Brown and others.

ORDER OF BUSINESS.

Mr. WEAVER. I now renew my request.

The SPEAKER *pro tempore*. The gentleman from Nebraska asks unanimous consent to consider at this time a bill the title of which the Clerk will report.

The Clerk read as follows:

Senate bill No. 2348, to authorize the increase of the capital stock of the First National Bank of Omaha, Nebr.

Mr. WELLER. I object.

Mr. WHITE, of Kentucky. Mr. Speaker, I ask the unanimous consent of the House for the consideration of a bill granting a pension to Anna Ella Carroll, and I desire briefly to call the attention of the House to the pitiable condition of this most worthy lady. I hold in my hand a bill for her relief. A similar bill was introduced by General Bragg in the Forty-sixth Congress, as follows: [Cries of "Regular order!"]

A bill for the relief of Anna Ella Carroll.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-rolls of the United States the name of Anna Ella Carroll, and to pay to her a pension of $50 per month from and after the passage of this act, during her life, for the important military service rendered the country by her during the late civil war.

Mr. WHITE, of Kentucky. If gentlemen would read House Report No. 386, made at the third session of the Forty-sixth Congress, they would see that this is a most extraordinary case of surpassing merit. The lady entitled to this consideration resides in Centreville, Queen Anne County, Maryland. I invite attention to a letter addressed to me, but which I hope will lead gentlemen to investigate this wrong which cries to Heaven for justice to a patriotic, noble, and neglected invalid woman for services in furnishing valuable information to the War Department during the late rebellion, and for preparing certain useful publications during the same period upon an understanding with the War Department. The letter is as follows:

MALDEN, MASS. (BOX 753), *May* 28, 1884.

DEAR SIR: Some weeks since I wrote to you with reference to Miss Anna Ella Carroll, of Maryland. You were kind enough to give me her address, and now I am able to know of her present condition. She has been ill for three years, and as one who rendered highly important services to our Government she should be placed in a hospital at that Government's expense. Can not something be done? I have been doing my utmost to interest the women of my State in her behalf; but while I meet with many expressions of sympathy and some slight tributes of a more substantial nature, I fear that it will require too long a time to do for her what should be done soon to be of essential value. I venture, therefore, to ask you if there is a possibility of Congress being awakened to the necessity of this case? The memorial which fully establishes Miss Carroll's claim upon her country surely should suggest that this is the least that can be done for this loyal woman in her declining years.

If you have any reason why you may not call for action in her favor, is there not some member you can ask to do so? I shall be most grateful to you, as will many appreciative friends here, if you will help toward some movement in this direction.

I learn that Representative LONG, of this State, writes that there are no more copies of her memorial to be had. The space that several of our Massachusetts papers have devoted to accounts of her services no doubt has led to a demand for them, and this is something to be rejoiced over; but we are anxious that further copies should be printed, in order that those who still wish to learn of this noble woman's work and claims may have the opportunity to do so.

Will you favor me with your suggestions as to what Congress may do about her being placed in a hospital? Also, the printing of more copies of the memorial?

Knowing of you as a true friend of woman, and so of this worthy and neglected woman-patriot, I have thus addressed you. I believe you will take action to the extent of your power. The time is coming when such a service will be appreciated by the whole country as fully as it will be now by those who honor and desire to aid Miss Carroll.

With true respect, yours,

ABBIE M. GANNETT.

Hon. JOHN D. WHITE.

Mr. DUNN. I move that the House take a recess for forty-five minutes.

Mr. WEAVER. I make the point of order that the objection to the bill which I have asked the privilege to call up came too late. It had been asked for already and the bill read, and no objection was made to it.

Mr. WELLER. I had made the objection before, and repeated it and repeated it.

The SPEAKER *pro tempore*. The Chair hopes it will do no injustice to the gentleman from Nebraska or any other gentleman, but thinks the objection was made in time.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. RANDALL. In obedience to the concurrent resolution of the two Houses appointing a committee to wait upon the President and inform him that Congress had finished its labors and was ready to adjourn, I beg leave to report that the committee have performed the service intrusted to them, and that the President has no further communication to make at this session.

ORDER OF BUSINESS.

Mr. CASSIDY. I insist upon the regular order.

Mr. DUNN. I move that the House take a recess for thirty-five minutes.

The SPEAKER *pro tempore*. The Chair will state that the House is dividing, and the motion for a recess is not in order.

Mr. HOLMAN. I rise to a parliamentary inquiry. Is it not in order to move to suspend the rules and take a recess until 5 minutes to 3 o'clock?

Mr. WHITE, of Kentucky. One motion to suspend the rules is now pending. It is not in order to offer another.

The SPEAKER *pro tempore*. The Chair will direct the Clerk to read the eighth clause of Rule XVI.

The Clerk read as follows:

8. Pending a motion to suspend the rules the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

Mr. HOLMAN. There has been no dilatory motion, I believe.

The SPEAKER *pro tempore*. The Chair does not think while the House is dividing upon a vote on the motion to suspend the rules and pass a bill that the motion to take a recess is in order.

Mr. HOLMAN. Does not a motion to suspend the rules suspend also the very rule which prohibits another motion being made while the order of the House is being executed?

Mr. CASSIDY. There is an express limitation.

Mr. HOLMAN. The ruling has been that a motion to suspend the rules would never take a gentleman off the floor if the person making the motion could get the floor for that purpose. I have known the consideration of bills to be interrupted by the motion to suspend the rules and take up other business.

The SPEAKER *pro tempore*. In order to let the House see that the judgment of the Chair is supported by decisions of former occupants of the chair he asks the Clerk to read the decision as stated in the Digest.

The Clerk read as follows:

Pending a motion to suspend the rules, so as to take an immediate vote on a proposition, a motion for a recess is not in order.—*Journal*, 2, 39, pp. 572, 573. [This decision of the Speaker was sustained on appeal, by yeas and nays, of yeas 173, nays 4; and would seem to have settled the question that pending a similar motion, dilatory motions, such as had been previously tolerated, would not be entertained hereafter.]

Mr. WEAVER. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEAVER. I desire to know how these other gentlemen have got the floor. I had the floor, and I claim that objection was not taken to the bill which I desired to have put upon its passage until it had been read.

Mr. WELLER. And I beg to state that I made objection before the bill was read.

The SPEAKER *pro tempore*. The Chair of course accepts the statement made by the gentleman from Iowa. It was his right to make the objection after the bill was read, and he says he made it even in advance.

Mr. PAYSON. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. On the issue of fact between the gentleman from Iowa and the gentleman from Nebraska would it be in order to call a jury and have that question tried?

Mr. WELLER. I suggest, Mr. Speaker, that that would not be in order, for the Chair has already made a decision that is satisfactory to me.

Mr. PAYSON. My inquiry was directed to the Chair.

PENSIONS FOR LOSS OF ARM.

Mr. WOLFORD. I ask that by unanimous consent the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder joint, and that the same be put upon its passage.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, &c., That all soldiers and sailors of the United States who have had an arm taken off at the shoulder-joint, caused by injuries received in the service of their country while in the line of duty, and who are now receiving pensions, shall have their pension increased to the same amount that the law now gives to soldiers and sailors who have lost a leg at the hip-joint; and this act shall apply to all who shall be hereafter placed on the pension-roll.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that the Committee of the Whole House be discharged from the further consideration of this bill and that it be brought before the House for present consideration. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. GEORGE D. WISE. Has the bill been reported by a committee?

Mr. WOLFORD. It was reported before by the Committee on Invalid Pensions and placed upon the Calendar.

Mr. RANDALL. Is not the House dividing on another question?

The SPEAKER *pro tempore*. The Chair will state that in the absence of the gentleman from Pennsylvania it was agreed that, pending that division, wherever unanimous consent could be had legislation should be proceeded with.

Mr. RANDALL. I suggest that the tellers be permitted to sit down.

The SPEAKER *pro tempore*. The question is on the passage of the bill called up by the gentleman from Kentucky [Mr. WOLFORD].

The bill was passed.

Mr. WOLFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILSON, of Iowa. I rise to a question of order; and I want the Chair to hear me.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Iowa.

Mr. WILSON, of Iowa. I raise this question of order as a matter of justice to the gentleman from Nebraska [Mr. WEAVER]. That gentleman rose some time ago and asked unanimous consent to have a bill considered. The Chair said the bill would be read. That was done. Then the Chair asked if there was objection, and no objection was made; whereupon the Chair proceeded to put the question on the engrossment and third reading of the bill. The notes of the Reporter I think will show that I am correct.

The SPEAKER *pro tempore*. The Chair has accepted the statement of the gentleman from Iowa [Mr. WELLER], who states that he objected.

Mr. WILSON, of Iowa. Let me finish my statement.

Several members called for the regular order.

Mr. WILSON, of Iowa. I have risen to a question of order, and all the objectors in the House can not take me off the floor until I state it. When the engrossment of the bill was being proceeded to the matter was interrupted by business of a higher privilege. Now, I submit it was then too late to object, provided my statement is borne out by the notes of the Reporter, and I appeal to them. I make this point as a matter of justice to the gentleman from Nebraska.

The SPEAKER *pro tempore*. The Chair desires to treat all gentlemen fairly, and thinks he has manifested that purpose.

Mr. WILSON, of Iowa. I do not at all question that.

The SPEAKER *pro tempore*. But the Chair can not change its conclusion or see its way to but one duty, and that is to accept the statement of any member of this House who said he objected and objected in time.

Mr. WILSON, of Iowa. But the record would be higher authority than that.

The SPEAKER *pro tempore*. There is no authority higher with the present occupant of the Chair as to a matter of fact than a statement made by a member of this House. The Chair accepts that as conclusive and can not change its decision.

Mr. DUNN. Is it in order to ask unanimous consent that the House take a recess for forty-five minutes?

The SPEAKER *pro tempore*. It is.

Mr. DUNN. I make that request.

Mr. BUDD. I object.

Mr. RANDALL. Let the tellers proceed in their service.

Mr. SPOONER. I ask for unanimous consent——

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The tellers will resume the count. No quorum has yet voted.

Mr. SPOONER. I ask unanimous consent to have considered at this time a Senate bill granting authority to the city of Newport, R. I., to cross the breakwater there with a public sewer.

The SPEAKER *pro tempore*. The regular order is demanded by the gentleman from Pennsylvania [Mr. RANDALL].

Mr. BRENTS. I ask consent to have a Senate bill considered——

The SPEAKER *pro tempore*. The Chair has just stated that the gentleman from Pennsylvania demands the regular order.

Mr. BRENTS. That was not against my request.

Mr. WELLER and others objected.

Mr. WHITE, of Kentucky. I ask consent to have considered and passed at this time a bill granting a pension to Anna Ella Carroll, whose reputation as a military leader in the late war is equal to that of Sherman or Grant. I ask the House to hear the bill read.

Many MEMBERS. Regular order!

Mr. WHITE, of Kentucky. No general in the war rendered more valiant services, and she is now living within cannon-shot of this Capitol in the most indigent circumstances [renewed cries of "Regular order!"], and the Democratic majority on this floor refuse even to hear the bill read.

Mr. MCMILLIN. I make the point of order that debate is out of order.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 716) for the relief of Eliza Howard Powers.

ORDER OF BUSINESS.

Mr. RANDALL. Has the fact been developed that there is no quorum present?

The SPEAKER *pro tempore*. The Chair is not officially informed.

Mr. RANDALL. I ask that the tellers make their report.

The tellers reported that there were ayes 87, noes 3.

Mr. GUENTHER. No quorum has voted.

Mr. LE FEVRE. I move a call of the House.

The motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Adams, G. E.	Dargan,	Jones, J. T.	Reed,
Adams, J. J.	Davidson,	Keifer,	Reese,
Aiken,	Davis, L. H.	Kelley,	Rice,
Anderson,	Dibrell,	Kellogg,	Robertson,
Arnot,	Dingley,	Ketcham,	Rockwell,
Ballentine,	Dockery,	King,	Rogers, W. F.
Barbour,	Dorsheimer,	Kleiner,	Russell,
Barksdale,	Dowd,	Lamb,	Scales,
Barr,	Duncan,	Lewis,	Shaw,
Beach,	Dunham,	Long,	Skinner, T. G,
Belford,	Eldredge,	Lovering,	Slocum,
Belmont,	Elliott,	McAdoo,	Smith,
Bingham,	Ellwood,	Matson,	Snyder,
Bisbee,	English,	Maybury,	Spriggs,
Blanchard,	Ermentrout,	Millard,	Springer,
Bland,	Evins, J. H.	Milliken,	Stevens,
Bowen,	Fiedler,	Mills,	Stewart, J. W.
Boyle,	Findlay,	Mitchell,	Stockslager,
Brainerd,	Funston,	Money,	Stone,
Breckinridge,	Fyan,	Morgan,	Storm,
Breitung,	Garrison,	Morrison,	Talbott,
Broadhead,	Geddes,	Morse,	Taylor, E. B.
Browne, T. M.	George,	Moulton,	Throckmorton,
Brumm,	Graves,	Muldrow,	Tillman,
Buckner,	Hammond,	Muller,	Townshend,
Burleigh,	Hanback,	Murphy,	Tully,
Burnes,	Hardeman,	Murray,	Valentine,
Cabell,	Harmer,	Mutchler,	Van Alstyne,
Calkins,	Hatch, H. H.	Nicholls,	Wadsworth,
Campbell, J. E.	Hatch, W. H.	Ochiltree,	Wait,
Candler,	Haynes,	O'Ferrall,	Wakefield,
Carleton,	Hemphill,	O'Neill, Charles	Ward,
Chace,	Henley,	Paige,	Warner, A. J.
Clardy,	Hewitt, A. S.	Parker,	Washburn,
Clay,	Hewitt, G. W.	Patton,	Wellborn,
Clements,	Hill,	Pettibone,	Whiting,
Cobb,	Hitt,	Poland,	Williams,
Collins,	Holton,	Post,	Wilson, W. L.
Connolly,	Hooper,	Potter,	Winans, John
Converse,	Hopkins,	Price,	Wise, J. S.
Cook,	Houk,	Pryor,	Wood,
Cosgrove,	Hurd,	Rankin,	Worthington.
Covington,	Hutchins,	Ranney,	
Crisp,	Jones, B. W.	Ray, Ossian	
Curtin,	Jones, J. K.	Reagan,	

The SPEAKER *pro tempore*. Upon this call one hundred and forty-seven members have answered to their names.

Mr. CASSIDY. That I believe is not a quorum.

Mr. THOMPSON. I move to dispense with all further proceedings under the call.

Mr. RANDALL. And I ask that the vote on that motion be taken by division.

The House divided; and there were—ayes 6, noes 30.

The SPEAKER *pro tempore*. The motion to dispense with further proceedings under this call is not agreed to. The doors will now be closed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, his Secretary, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. 3160) granting a pension to Elizabeth J. Colbert;

An act (H. R. 4297) for the relief of Henrietta M. Sands;

An act (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes;

An act (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes;

An act (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes;

An act (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes;

A bill (H. R. 7509) making temporary provision for the naval service;

Joint resolution (H. Res. 286) for the payment of certain persons therein named for clerical services rendered the District of Columbia in making numerical and "assess" books; and

Joint resolution (H. Res. 287) for the immediate payment of the offi-

cers and employés of the Senate and of the House for the month of July.

Mr. THOMPSON. I rise to a parliamentary inquiry. Can the House receive a message until we have dispensed with further proceeding under the call?

The SPEAKER *pro tempore*. The Chair will state that the Secretary of the President was within the bar of the House bearing the message before the order to close the doors was made.

Mr. THOMPSON. I do not object to receiving the message; but no quorum having been disclosed upon the vote, I did not understand how the message could be received.

The SPEAKER *pro tempore*. The doors had not been closed at the time the Secretary entered the bar.

Mr. THOMPSON. I am very sorry to find that he got shut in with us.

The SPEAKER *pro tempore*. The Clerk will now proceed to read the names of those who have failed to respond. During this call excuses may be presented.

The Clark proceeded to call the names of absentees.

When the name of Mr. ANDERSON was called,

Mr. PERKINS said: My colleague, Mr. ANDERSON, was excused from further attendance at this session on account of sickness.

The SPEAKER *pro tempore*. The Chair is informed that such is the order of the House.

When the name of Mr. BALLENTINE was called,

Mr. MCMILLIN said: I desire to state that my colleagues, Mr. BALLENTINE and General DIBRELL, have left the House under an impression that no further legislative business would be transacted. I believe they have leave of absence, though I am not sure about that. I know that there is sickness in the family of General DIBRELL.

The SPEAKER *pro tempore*. Does the gentleman move that his colleagues be excused?

Mr. MCMILLIN. I do.

The motion of Mr. MCMILLIN was agreed to.

When the name of Mr. BARBOUR was called,

Mr. TUCKER said: I move that my colleague, Mr. BARBOUR, be excused, as he is at Chicago on very important business. [Laughter.]

The motion of Mr. TUCKER was agreed to.

When the name of Mr. BARKSDALE was called,

Mr. SINGLETON said: I ask that my colleague be excused. His health has not been good recently. He left the Hall only a few minutes ago.

Mr. COX, of New York. The gentleman from Mississippi [Mr. BARKSDALE], who is my neighbor here, left the House I think quite ill.

The motion of Mr. SINGLETON was agreed to.

When the name of Mr. COOK was called,

Mr. WELLER said: My colleague, Judge COOK, if I remember rightly, was excused from further attendance at this session by a vote of the House.

The SPEAKER *pro tempore*. The record shows that the gentleman is absent by leave of the House.

Mr. YOUNG. I desire to say in behalf of Democratic members who are not otherwise accounted for that they are no doubt at Chicago for the purpose of taking part in the patriotic duty of nominating the candidate for next President of the United States. [Laughter.] I move they all be excused.

The SPEAKER *pro tempore*. The gentleman from Tennessee moves to excuse all members reported as absent.

Mr. HISCOCK. I do not want it understood that all who are absent are attending the Chicago convention. [Laughter.]

Mr. YOUNG. I said those not otherwise accounted for.

The motion of Mr. YOUNG was agreed to.

[Cries of "Regular order!"]

Mr. YORK (before the call of the House was concluded). I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER *pro tempore*. The hour of final adjournment having arrived, wishing each and every member a safe return to his home after the arduous labors of the session, it only remains to the Chair, in obedience to the concurrent resolution of the two Houses, to declare this House adjourned without day. [Applause.]

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. THOMAS J. HENDERSON: Petition of Jason F. Colwell, a citizen of Lee County, Illinois, for a pension—to the Committee on Invalid Pensions.

By McCOMAS: Petition of Louisa A. Knode, administratrix of L. A. Knode, deceased, Washington County, Maryland, for payment of war claim—to the Committee on War Claims.

By Mr. McCORMICK: Petition of Colonel Dove Post, No. 301, Grand Army of the Republic, of Coalton, Ohio, relative to a soldier proving physical soundness at enlistment—to the Committee on Invalid Pensions.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Our Revenues and their Treatment—Wages and their Causes—Income and Outgo.

It has been laid down by some of the most eminent writers on political economy that every active interference of the legislature with its subjects by prohibiting or restraining any particular branch of honest labor, or by encouraging any particular branch at the expense of the others, whether in agriculture or commerce, has uniformly retarded the advances of public opulence, and that the sound policy of a legislator is not to impose restrictions or regulations upon domestic industry, but rather to prevent them from being injured by the contrivance or folly of others.—*Ingraham's note, Vattel's Law of Nations*, page 42.

"Unhappy race! who never yet could tell,
How near their good and happiness they dwell:
Fetter'd in faults, they seek not to be free,
But stupid, to their own sad fate agree:
Like pond'rous rolling-stones, oppress'd with ill,
The weight that loads them, makes them roll on still."
[*Rowe's Golden Pythagorean Verses.*]

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 20, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. COX, of New York, said:

Mr. CHAIRMAN: I do not intend at this time to do more than speak a portion of the paragraphs which I have heedfully prepared. They are connected with our revenues. They are logically imbound, for the whisky question is more or less bound up with them.

Without going into any special reasons, I beg to make these remarks now on this bill. Moreover, I ask to print certain tables and deductions entirely impersonal, having the same relation to our revenue.

The CHAIRMAN. The Chair hears no objection.

Mr. EZRA B. TAYLOR. I rise to a question of order. The members who occupy their seats are unable to hear what is going on, because other members cluster around the speaker. If gentlemen would take their seats all would be able to hear.

Mr. MILLS. This Hall is so large that those who sit on the outside can not hear.

Mr. NICHOLLS. I wish to know, Mr. Chairman, whether the gentleman has a right to get permission to print his remarks, and then proceed to address them to the House?

The CHAIRMAN. That is not a question of privilege.

Mr. COX, of New York. I assure my honorable friend from Georgia I will only print those things I do not speak. [Laughter and applause.]

Mr. Chairman, the true glory of a nation is made up of the character of its people. They must be of simple habits, without ostentation. Such men are the blossom and fruit of national majesty and secular strength.

When I came to Congress, nearly thirty years ago, I found a power in the West and South which was represented by men. They were not here for greed. Such men were an antidote of the poison of our present luxury and ill-gotten gain. Since then the lines of empire have grown strong on the face of the great West and South. The cradled Hercules has become a demi-god.

The Father has strengthened us by chastening. We have gone through a great civic and bloody struggle. We have come out scathed. A sum that in 1857 covered the whole cost of our Government is now less than the sixty-six millions involved in this bill for extending the whisky tax. It is less than one-half of the surplus now in the Treasury that has grown out of our senseless fiscal policies. Far better to borrow than fill the Treasury to overflowing by pandering to excesses of local avarice. Far better to dispose of our surplus than to keep on accumulating by taxation.

THE INTERNAL REVENUE.

I will not now discuss the operation of the internal-revenue tax on its merits or demerits, except to say that in my judgment its mode of collection is susceptible of reform.

Mr. BELFORD. I rise to a point of order. Occupying a back seat in the Hall, I have at least the right to hear what is going on, and especially when one of the most brilliant statesmen of this Republic is speaking on a subject of great public interest. [Applause.] I demand that we shall have order, not only in the body of the House but outside of the railing. In my seat I have the right at least to hear what great men—and I say it advisedly to the country—are uttering on the floor of this House. [Applause.]

Mr. COX, of New York. After that dainty confectionery, I ask the gentleman from Colorado to take my seat. [Laughter and applause.]

[Mr. BELFORD here moved toward Mr. COX'S seat, to the middle aisle.]

Mr. BELFORD. I prefer to stand by and see it done. [Laughter.]

Mr. COX, of New York. Mr. Chairman, I have urged here often since the war not only the impolicy but the indecency of the internal-revenue system. It is to the methods and not to the objects of taxation to which I demur. If money must be raised for the Government by direct ways, surely such taxation is fair. When we raise means by ways so questionable as the present mode, is it not best to do as I have often urged, namely, collect the tax on spirits and tobacco either by the existing custom-house or by stamps and other simple methods? This implies only a change in the mode of collection; yet the reduction of the whisky tax would give more revenue; and on the other luxury there might be the same result.

Besides, sir, in these days of temperance agitation I would avoid any discussion on the whisky question that is not called for.

The laws under which the first taxes were collected to support the Confederated Government in 1792 were intended, like all such laws, to be short-lived—a makeshift. They cost too much; whisky insurrections in early days cost a million and a half. The prosecutions are endless and innumerable to-day. Open revolt and secret espionage are not the proper results of law. Jefferson, in speaking of such taxation, intimated that the temptations of surplus treasure were dangerous. Now, why should we keep up a mode of collection costing five millions if there is a more economical mode? Why add to the corruptions a lot of useless stipendiaries? Why add unnecessary arrests and burdens, trials and expenses, in order to raise a surplus we do not need, and which if needed could be raised by better methods? Our best Democratic Presidents advocated the abrogation of the internal revenue as odious and repulsive.

TARIFF TINKERING.

It was thought by some gentlemen that the last business-tinkering of the tariff by commission and Congress would produce a result so as to reduce the surplus. A very small percentage is the measure of that reduction. The same reason which made the President and the Secretary of the Treasury urge upon the last Congress a reduction of the surplus obtains now, and with greater force, though the administrative emphasis and urgency are lacking.

I therefore, sir, ask your attention and that of the House to some imperative reasons for the remodeling of the tariff. If we can not cut it down to the full and just extent, we may, perhaps, have 20 per cent. of a loaf, which is better than no bread at all.

BUSINESS INTERESTS AND LABOR.

The agricultural portion of our population can take care of itself by manual labor. It is rich by nature. If the people of some sections of the country can not work with spindles and forges without the aid of other classes of industry; if they must have the bounties of the Government poured in vast largesses into their lap, let us at least know the amount that we pay to these splendid paupers.

Every year since 1857 I have spoken against these enormous and unequal exactions by tariff. Will it always be pretended by interested folk that to adjust things equitably would disturb "business interests"? Because I would have no revenue law which does not give labor an equal chance with capital, must I be reproached as one who cares not for the interests of either labor or capital? It is time to have a review of our fiscal relations.

In reply to the imputation of disturbing the business interests, may I quote with emphasis from the report of our late Tariff Commission to Congress? I find in it the following language:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

THE SURPLUS.

Alluding to this report, and the bill that was passed in the last Congress, the Secretary of the Treasury says in his last financial report:

The chairman of the Senate Committee on Finance, in explanation of the bill before the Senate last year, which after various amendments became a law, estimated at $45,000,000 the reduction of the revenue which would follow the changes in the tariff proposed thereby.

These intentions and calculations have not been verified.

The estimated receipts for the current year from customs are $195,000,000, a reduction of less than $20,000,000. Considering that there has been some depression of business during the past year and current year, it is probable, should business revive, that the revenues from customs under the present laws will in succeeding years increase rather than diminish.

It was estimated by the Senate committee that the repeal of internal-revenue taxes proposed by their bill would effect a reduction of $34,790,334. The Commissioner of Internal Revenue estimates that the aggregate amount of reduction made by the act will not be less than $43,000,000 per annum, including the $6,000,000 of taxes on deposits of national banks; but he further estimates that the increase of receipts from distilled spirits will so augment the revenues from that source as to make the aggregate receipts from internal revenue for this year $120,000,000, or about $24,500,000 less than those for the preceding year. The reduction, therefore, from all sources of internal revenue for the current year appears to be about $10,000,000 less than the reduction expected by the Senate committee. We have, then, a reduction of $30,000,000 less than was sought for or expected.

THE PRESENT TARIFF BILL.

Mr. Chairman, the majority report accompanying the tariff bill now before the House indicates that the object of its framers is to follow in the footsteps of the Tariff Commission. In the language of the report, your Committee of Ways and Means submit this bill "with the recommendation that it be passed as a measure of partial relief to the people from unnecessary taxes, 'as a measure of justice to consumers,' and [as] 'conducive to the general industrial prosperity.'" I am amazed, sir, that this unambitious policy, this modest, *naïve*, deprecatory recommendation, should have failed to appease the gentlemen of the minority.

On what grounds, sir, can a measure of *partial relief* from *unnecessary taxes* be obnoxious to the legislative mind? On what ground can this proceeding, which is confessedly supplemental to that of the Tariff Commission created by a Republican Congress, be in the least objectionable to the adherents of the idea of protective tariff? The majority of the Ways and Means Committee aim not to destroy the work of the commission. They do not even go to the extent that the commission proposed. They only aim to reduce the tariff revenue by a nominal sliding scale of 20 per cent. This scale is expected to relieve from unnecessary taxation to the extent of only 15.74 per cent.

It was the opinion of the Tariff Commission that under their scheme there would be a reduction in rates of from 20 to 25 per cent. Your committee now report the result of this golden promise. Is it any relief? Is it justice to consumers? Behold the percentage of relief reached in the first six months after the act of March 3, 1883, went into effect! The magnificent relief of 1.74 per cent.! "The average cost of importing goods valued at $100 was only 1.74 per cent. less under the new than under the old law."

What guarantee have we that the present bill would produce the desired result of a sufficient revenue reduction?

I am proud of the attention of my friend from Colorado. He has ciphered much about the surplus revenue. Let him cudgel his brains by logarithm and integral calculus and demonstrate this proposition. [Laughter.] Or, perhaps it is simply a question of arithmetic as to what the percentage of reduction would be under the present bill. The question might be stated thus: If a scheme intended to produce a substantial reduction of 20 to 25 per cent. of the tariff duties resulted, under six months' operation, in reducing the cost of importation only 1.74 per cent., what would be the result of a scheme intended to produce the modest reduction of 15.74 per cent. in these duties? I confess I can see but small results, if the object be to cut down our surplus revenue.

MINORITY OBJECTIONS.

The minority report seems to ignore the evils of surplus revenue and unnecessary taxation. If a remedy is thought of, it lies in the suggestion for an increase of tariffs that would cut off importations. One ground of objection taken by the minority of the Ways and Means Committee in respect to the present bill is that the last tariff bill has not had a fair trial; that its effect upon either the revenues or the business of the country can not yet be ascertained or determined. The very slight effect on the revenue after six months' operation of the Tariff Commission bill is plain enough to be seen. The honorable Secretary of the Treasury suggests in his last finance report that we may expect an increase of customs revenue under the present law rather than a decrease.

"Business of the country!" What interests are referred to? The business interests of the manufacturers of protected products? I shall discuss the question of the ability of our manufacturers to sustain themselves and pay fair wages without any levy of tax on the masses of our consumers.

Great stress is laid by the minority in their report on the propriety of resting for a while under a law that was framed by a commission "composed of practical men, after the fullest study of the subject" committed to them—men who called "to their aid representatives of all interests and all views." The fact remains, however, that the recommendations made by the commission, which were in the main adopted by the framers of the act of March 3, 1883, did not accomplish what the "practical" gentlemen of the commission said would be accomplished—relief from unnecessary taxation and a sufficient reduction of the surplus revenue.

INTERESTS REPRESENTED.

Another objection made to the bill by the minority report is that "every interest, manufacturing, laboring, and agricultural, represented before the Committee of Ways and Means has protested most earnestly against the change recommended by a majority of the committee;" that "no interest has asked for it." No, sir; no interest that was actually represented.

It is beyond question that the act of 1883 has failed, and must continue totally inadequate to afford us relief from unnecessary taxation and surplus revenue. If, as the Tariff Commission reported, its members became convinced "early in their deliberations" that "a substantial reduction of tariff duties" was last year "demanded, not by mere indiscriminate popular clamor, but by the best conservative opinion of the country," I must assume, sir, that the best conservative opinion of the country was not regarded by the minority when they framed their report against the present bill.

I admit, Mr. Chairman, that the manufacturing interests were represented before the Committee of Ways and Means, and possibly also, to some extent, a few of our mining interests, and some sheep farmers. But, sir, I beg leave to question the accuracy of the minority in their statement that the farmer, the laborer, and the general consumer were represented before the committee. I know there is an American Iron and Steel Association; I know that there are many other associations of manufacturers; but I know of no organization authorized to speak for the American farmer, laborer, or consumer, or their interests, unless it be their representatives here in Congress.

PLEA OF MINORITY—REPLICATION.

Allusion is made in the minority report to the "enormous increase of the capital-wealth of the country during the last fifteen years under a protective tariff," to the subject of wages, and to the avowed policy of the minority to oppose any legislation that would tend to stimulate, or rather restore to us, our foreign carrying trade.

In a nutshell, Mr. Chairman, the minority report is a plea that our present prosperity—the prosperity of capital-wealth—and our wages rates are maintained by high tariffs; that high tariffs should continue in force; and that it is sound policy for a country to discourage any increase of imports. To this plea I enter the replication that our prosperity is the result of natural advantages; that the present concentration of capital-wealth is an evil due to high tariffs; that the tendency of the latter is to reduce the wages of labor and increase the cost of necessaries of life; that we can have no healthful system of manufactures without free and equal commerce with the civilized world; and that such commerce is most desirable for all interests.

RADICAL REDUCTION.

Mr. Chairman, our country is increasing in population at the rate of 3 per cent. per annum. Our industrial domain and income are increasing in like ratio. We must have a radical reduction of taxation to relieve our industries and remove the surplus which is overburdening our fiscal department. I repeat, sir, the conservative opinion of the country demands that the reduction shall be in the existing tariff.

It was from no cowardice, but from pure courage, that I asked the House to adjourn the other day before we debated one subject of the tariff, to wit, wool. I want no mere duello between two Ohio statesmen as to what should be paid on wool, either on the fabric or the raw material.

The House, without the admonition of any one, even when I tried to reconcile members, insisted that the adjournment should be made, in order that there might be a general debate and reduction, and not an isolated debate or partial relief.

HEAVY TAXATION AND SURPLUS REVENUE.

We have a financial and economical problem to solve. We have a heavy burden of taxation and a large surplus of revenue. How easy would be the task before us were it not for the concern that so many gentlemen have for American labor, upon whose shoulders this burden is borne. The gentlemen who come here from the mills and factories, in which children of tender years are not seldom employed from eight to ten hours a day, tell us that we must protect American skilled labor from competition with the pauper wages of Europe. The gentlemen

who exact from factory labor ten hours of steady work each day it is employed in producing the limited quantity of goods that home consumption demands—foreign markets we have none—bid us to beware how we reduce the tariffs. Do they not stand between America and Europe as a wall of defense against pauper wages?

I take up this problem with as great concern for American labor as any gentleman in or out of Congress. No gentleman on this floor will go further into valid legislation for the general welfare of American labor than I will go. I must assume that many gentlemen entertain a conscientious belief that high tariffs have tended to develop our manufacturing industries and maintain high wages, and that they apprehend that to abandon such tariffs would be fatal to some or perhaps most of our manufactures. These gentlemen will, I trust, credit me with equal conscientiousness when I refuse to profess such belief. My position in regard to the effect of high tariffs was not assumed without investigation. It has the concurrence of my best judgment. I have watched the operation of these tariffs for a quarter of a century. I maintain now, as I have always charged on this floor, that they reduce the purchasing power of wages in much greater degree than they tend to increase them in amount.

LABOR IS A COMMODITY.

Is there in any one of our manufacturing industries a demand for labor in excess of the supply? Is not labor a commodity in the industrial marts? Can we prescribe by act of Congress the price of this commodity or the cash value of the wages earned by a day's labor in any one of our industries? As easy would it be for you to decree the value of a dollar. What you can not do by direct legislation can not be accomplished by laws of more remote operation. I admit that you have the constitutional power to make a dollar a legal tender for the payment of a debt in that amount; but you have no power to say that it shall be the legal money equivalent for a bushel of wheat. Suppose we were now to pass a law prescribing that hereafter all adult employés in our shops, mills, and factories should be paid wages at the rate of $5 a day, and this rate were thereafter paid, would such inflation carry with it any appreciable increase of purchasing power in the wages received when the business of the country had accommodated itself to the change of rate? When wheat is scarce and in demand it commands a high price. Similarly, when labor is scarce and in demand it commands high wages. Can you create these conditions for labor by tariff laws? You say that those laws have created one of these conditions for skilled labor in manufacturing industry. This I deny. I believe that had no such laws ever appeared in our statute-book our manufacturing industry would long since have reached a larger and more healthful development than that to which it has attained. For the purpose of showing the fallacy of your position, I will admit that your tariffs tend to create the condition of manufacturing industry under which there is a large demand for skilled labor; but has the other condition on which the payment of high wages also depends, namely, scarcity of hands, resulted from high tariffs? So far as wages are concerned, your tariff theory is, to say the least, erroneous and impracticable.

AMERICAN STANDARD OF WAGES.

My protective-tariff friends, there is one method, and only one, to fix by legislation an American standard of wages. It is, to close our ports. Are you prepared to grant such protection? I can assure you that it would be much better for all our productive labor than the highest protective tariffs you could invent. Labor would then be on an equal footing with every other commodity in the market; the more labor produced the more it would have to consume. You might call the wages earned 10 cents a day or $10 a day, the purchasing power of either rate would be the same.

Adopt this Chinese system, graft on it the Malthusian compensating law of population, and what a protection you could give to American labor from pauper wages. In this magnificent domain of ours, teeming as it is with every resource of soil and climate that industry could desire, labor would soon achieve for itself all and more than the highest protectionist ever dreamed of. It would supply all our wants and fare bounteously every day. True, our wealthy classes could not under such a system enjoy the luxuries, elegancies, refinements, and splendors of the Old World; but might not the intelligence and skill we have developed by long years of protective tariffs enable American enterprise and genius to supply all luxuries as well as wants in unfailing abundance, if we were to shut out forever the rivalry of pauper wages? Have we not colleges and universities and schools of art and design? Have we not shops and mills and factories? The tea-gardens of South Carolina and Georgia and the widespread mulberry show how independent we could be of Italy and China. The sugar-beet of Illinois, in alliance with the cane of Louisiana, points out a path to emancipation from Cuba and Hawaii. The vine of Ohio and California will flourish when the vineyards of Champagne and the Rhine are devastated at the root by the *Phylloxera vastatrix*, and in the leaf by the *Pemphigus vitifoliæ—Dactylosphæra*. When by cultivation and selection our *Diospyros Virginiana* can be made to rival the persimmon of Japan, and the *Vanilla planifolia* of Mexico, Peru, and Brazil to produce its fragrant pods in the Everglades of Florida, the American Republic need not go without its morning coffee, under this Chinese mode of labor protection, even if to obtain the berry we should have to establish our southern boundary as near the north bank of Count de Lesseps's canal as the Monroe doctrine would permit.

HIGH TARIFFS DEPRECIATE WAGES.

Your high-protectionist manufacturer needs no argument to convince him of the impossibility of protecting by legislative enactment the purchasing power of a dollar. Now, the same logic that would prove this applies with equal force to the tariff fallacy. You can by no possibility add to the purchasing power of a dollar by tariff legislation, because it is exchanged for the products of labor whose value you inflate to the extent of the tariff rate. The higher your protective tariff the less the laborer gets for his wages. You can not have an immigration mill of free labor with unlimited issue, and at the same time protected wages, because such issue means an unlimited depreciation of labor wages and a high-tariff standard in the necessaries of life with which they are to be redeemed.

If you are sincere in your theory of protection, you must prescribe for labor the Chinese policy which you have so long maintained for the benefit of a quarter-million of employers. Let me tell you, gentlemen, that labor is beginning to see through the fallacy of one part of your beautiful theory—the free-labor part of it. We have scarce skimmed the surface of our wealth-producing resources, and yet, under your high tariffs, the marts of labor in all your protected manufactures are crowded to overflowing, and strikes and labor unions alone protect wages there. The skilled factory laborer who earned almost free-trade wages thirty years ago knows that the conditions of life are harder for him now than they were then. What answer will you give him when he contrasts your tariff schedules with your immigration returns, and asks, "Is this what you call protection from the pauper labor of Europe?"

OCCUPATIONS OF AMERICAN LABOR.

Where do we find American labor mostly employed now? Referring to the "occupations" tables of the last United States census reports, I find the total number of persons employed in what may be called the non-protected occupations given at 13,554,987, of which number about 16 per cent. (2,268,860) were persons of foreign birth.

In the "protected" occupations, namely, the manufacturing, mechanical, and mining industries, I find the total number of persons employed given at 3,837,112, and of these, 32 per cent. (1,225,787) were of foreign birth—double the percentage of persons of foreign birth employed in the non-protected occupations. Any person familiar with one of the conditions of labor in the "protected" industries during the last twenty-five years, namely, the impossibility of its migration to the great West, will, if he is candid, have to admit that if he were to classify this labor, at least 32 per cent. more of the persons employed therein would appear to be of foreign parentage. I make this reference not to disparage our citizens of foreign birth or foreign parentage, but only for the purpose of showing that protection does not protect labor, and that employers will employ the cheapest labor that the necessities of the laborers will enable them to employ.

Aside from the "protected" industries referred to, there are no other productive occupations in this country except the eleven classed under the head "Agriculture," on page 1368 of the Compendium of the last census (part 2). The total number of persons therein given as employed in agriculture is 7,670,493, of which number 3,323,876 were "laborers" and 4,225,945 "farmers and planters." The other 120,676 were engaged in dairying, horticulture, stock-raising, and kindred pursuits. On the page referred to, I find that less than 5 per cent. of these 3,323,876 laborers (161,402) were persons of foreign birth, while of the "farmers and planters" 14.5 per cent. (610,180) were persons of foreign birth. Do not these figures show that American labor is being driven out of manufacturing industry under a system of tariffs which the advocates of the latter would have us believe was designed mainly if not solely for the protection of our skilled labor? If wages in our mining and manufacturing industries were commensurate with the ideas and necessities of life, would we find, as I could easily show by the census reports, that 64 per cent. of the labor employed therein is of foreign birth or parentage, while over 95 per cent. of our hired farm service is being performed by laborers of American birth?

FARMS AND FACTORIES.

In the year 1880 we had 253,852 manufacturing establishments, against 4,008,907 farms varying in area from three acres to 1,000 and over. The capital then employed in the former is given in the census reports at $2,790,272,606; and the farming capital may, in the figures of the same reports, be stated as follows:

Value of farms	$10,197,096,766
Value of implements and machinery	406,520,055
Value of live-stock	1,500,464,609
Total farming capital	12,104,081,430

Now let us see what were the relative profits on manufacturing and farming capital in gross amount.

The value of manufactured products was—

For the year 1880		$5,369,579,191
Deduct from this value of materials used	$3,396,823,549	
Wages paid	947,953,795	
		4,344,777,344
And thus we have a gross profit of		1,024,801,847

WAGES OF SKILLED LABOR.

These figures set forth a gross return to the capital invested in manufacturing of between 36 and 37 per cent.; and with this return our protected manufacturers were only able to pay their 2,732,595 employés (including clerks, superintendents and foremen) at the rate of $1 16 per day! You can figure it for yourselves: Wages $947,953,795, divided among 2,732,595 employés, gives $347 per annum per capita; and allowing three hundred working days, this gives an average wages rate of $1.16 per day. What better off is the employé at the end of the year if he gets $2.32 per day for 150 days? He must "stick to his last." He can not "go West" on the savings from such munificent earnings and establish himself on a "homestead."

SURPLUS FACTORY LABOR.

We have "surplus labor" in our manufacturing centers, and the surplus is being daily increased by immigration. I use the phrase "surplus labor" not of my own authority alone. The chairman of the Senate Committee on Labor and Education, Senator BLAIR, used it last year, when propounding to a Mr. Jay Gould a financial conundrum as to how "a strong, healthy man, with brains enough for two average Congressmen," who sought in vain any sort of employment, was to get out West with his family when he had no money. We find thousands of such cases every day in the great manufacturing centers of the East. This is what "protection" has done for manufacturing labor—$1.16 a day for those who are lucky enough to find work. No wonder employment on our farms is sought by the American laborer. He finds the farmer more generous than the manufacturer in sharing the profits of his toil.

FARM LABOR WAGES.

The estimated value of all farm products for the year 1879 is given in the census report at $2,213,402,564. Deduct from this cost of fertilizers, $28,586,397, and we have a gross return of $2,184,816,167 on the $12,104,081,430 capital invested in agriculture, which is equal to 18 per cent. on the latter sum. But I have not deducted for seed or wages. These items are not reported. As to wages, I assume that 50 cents a day, with board and lodging, are at least equal on a farm to $1.16 a day in a manufacturing town where rents, fuel, and provisions are at climax rates. But I will, for the purpose of the comparison being drawn, admit that the wages of farm labor were, in the year 1879, at the rate of only 50 cents a day, with board and lodgings, or 75 cents a day without board or lodgings. These average rates I consider better relatively than those paid to labor employed in manufacturing industries. At the rate of 75 cents a day or its equivalent, the amount paid to agricultural labor by our farmers for the year 1879 was $747,872,100. Deducting this sum from the $2,184,816,167 gross profits which accrued on farming capital that year, we reduce the latter to $1,436,944,067, which gives a gross return to that capital of about 11 or 12 per cent., as compared with the return of 36 or 37 per cent. which accrued on the capital employed in manufacturing.

FARMER'S PROFITS.

I have shown that, without any deductions for wages to laborers, the gross return to agricultural capital was at only one-half the rate gained by manufacturing capital. If it be said that manufacturers borrow money to enable them to carry on their operations, that they pay interest thereon, and that, in addition to this, they have to pay for insurance and repairs, and get improved machinery, the same may also be said in respect to the farmers, and with much greater force; for the latter have certainly to pay higher rates of insurance and interest than the manufacturers, and their outlays for repairs of buildings, fences, implements, and machinery, and the purchase of new or improved implements and machines, are relatively greater than similar expenses incurred in manufacturing establishments. It will not do for the advocate of "protective" tariffs to suggest that a good share of the amount of farmers' returns on capital which I have apportioned to wages may have been earned by the labor employed in manufacturing, because we know too well that the great mass of the latter is congregated in and around our large manufacturing towns and cities, and that this labor does not seek the field where hired farm labor is any way extensively employed, and could not reach it even if wanted there.

So far as they go, the census statistics are the best we have in respect to labor and wages. These show very distinctly that labor of American birth is mainly employed in agricultural industry. They show that in the year 1879 our 3,615,765 farmers of American birth employed 3,162,474 persons of American birth as farm laborers, and that the 610,180 farmers of foreign birth, if they had had all the foreign-born labor then employed in farming (161,402) assigned to them, not more than one in four of these farmers could have had any employed labor on their premises. I admit, Mr. Chairman, that your high tariff has afforded some protection to American labor, inasmuch as it has driven the bulk of it into rural retreats, where the gaunt wolf, *Want* which prowls around the hives of manufacture and trade, is but seldom heard to howl.

HIGH TARIFFS FOSTER MONOPOLIES.

Year after year, with a few spasmodic exceptions, the condition of labor in the United States has been growing worse. It is harder for the maintenance of families since high-tariff legislation has been in force. The employers have been growing rich, the laborers poorer. There has never in our industrial progress as a nation been a time when the producing laborers in our mills, shops, and factories more required protection from tariff robbery, which fosters monopoly, than the present. I well remember when the villages and hamlets in our land had local manufactures and trades within their own limits, ample for the supply of the ordinary wants, and with fair compensation to labor; but this was before the march of modern improvements had inaugurated to any great extent on this continent the system of manufacturing that has harnessed steam-power and human muscle to costly machinery owned by large private and corporate capital. I admit, if enlargement of productive capacity is the true criterion of improvement, that since this modern system of manufacture has become generally established among us we have made wonderful progress in our ability to supply the ever-increasing wants of advancing civilization, not only in our own markets, but also in the marts of commerce if these were open to us. Confined as our shops and factories are to home markets, we are nevertheless yearly adding a wonderful increment to our wonderful wealth. But at what a cost to labor. Your large productive capacity and limited market render constant employment impossible.

Our millionaires are steadily increasing in number and adding to their millions, corporate capital is adding almost annually to its billions, the gorgeous mansions and palaces of our merchant princes and factory monarchs and railroad kings are becoming more numerous and resplendent year after year, and still the cry resounds throughout the land and is echoed with increasing vehemence in the Halls of Congress, that we must have "protection for American labor." After a quarter of a century of high-tariff "protection," factory labor stands to-day more in need of living wages than ever it did in any previous quarter-century of our existence.

THE WHOLESOME CONDITIONS OF THE PAST.

You may bring in your most expert statisticians with their tabular statements of comparative wages rates; I care not for their figures or their conclusions, for the fact remains patent to every American who has turned the meridian of life that our industrial classes, those who produce our wealth, labor skilled and unskilled, are not now enjoying the comforts of life, the ease and independence enjoyed by the industrial classes who worked under the wholesome conditions of the past generation. You ask, "Shall we return to the Arcadian simplicity of the past, to the village blacksmiths and tailors and weavers, and pull down our factories, and abolish capital and corporations?" Better, a thousand-fold better for our common humanity and national security that this were possible, if it were the only remedy. But is there no other panacea for the evils of the times? Your nostrum of a protective tariff has not only failed to lighten the burdens of labor, but it has so debilitated the laborer, so distorted his mind, that, like the slave of opium, he imagines he can not exist without the enervating stimulus of protection. He craves the poison that destroys his faculties. He regards the friend who would deprive him of it as his worst enemy. What has any public man, any political party to gain, under such conditions, that advocates the removal of even a modicum, much less the abolishment, of your tariff narcotics other than the approval of conscience? You have bound the bands of Orion [labor]; you have hooked the jaws of leviathan [commerce]; the former is enslaved, and the latter is stranded in the shallows [coast trade], and who would seek to enfranchise the one or restore the other to the briny deep is "a villain and bought with British gold!"

THE POLITICAL ASPECT.

I believe that if the political party to which I belong—the party which, with all its frailties and shortcomings and backslidings, is still the party of the poor man as distinguished from the party of wealth—were to go before the country in the next Presidential canvass on the issue of free trade *vs.* tariff protection, it would in all probability be defeated at the polls; for there is no class of voters whose minds are more tainted with the tariff heresies of protection than the laboring classes who are most injured by them. When this issue comes, give me defeat again and again rather than a victory gained against the toil, blood, sweat, and comfort of my fellow-men. I would rather be on the side of right than have such a victory.

A quarter-century of a specious system of protection to labor that has concentrated the wealth of the nation into the hands of the few, and made the millions of our wealth-producers dependent on daily earnings for daily bread—too often, as every member in this House well knows from the appeals to his supposed influence, the eager suppliants for employment at any wages—has resulted in blinding the eyes of our productive labor to the cardinal and most obvious law of industry and trade. That law is, that there can be no healthy condition of either without a free, active, and equal exchange of the products of labor. Had I the power to direct my party in this most vital matter, I would command it to go out into the highways and byways of the nation, into the lanes and alleys of our overcrowded centers of manufactures and preach the gospel of interchange. I would ask it to suffer the martyrdom of defeat again and again at the hands of the scribes and pharisees of "protection" until the golden sunshine of reason would enlighten our people, rather than sell into deeper slavery their fast-receding liberties for the mess of pottage of an immediate political victory. I would enter

upon this holy mission with the confidence of an Algernon Sydney, well knowing that truth is freedom and heresy enslavement.

TARIFFS INIMICAL TO ENTERPRISE AND LABOR.

The modern system of steam-aided manufacturing has been developed in Europe within the memory of men now living. Yet I am told that our country, after a century of independence, still hungers for protection from competition with the "pauper" labor of Europe. Poor, weak, unskilled America! With all her vast, unlimited, inexhaustible natural resources of soil and climate, mine and forest, plains of laughing harvests and herds upon ten thousand ranges, she begs for protection from pauper labor three thousand miles away. You have granted her prayer, and the commerce we once enjoyed under liberal conditions is borne across the ocean under a foreign flag. The ensign that in our boyhood days was glorious on every sea has disappeared from the face of the ocean and skulks along our coast. We no longer need a navy; our "protected" products remain within the protection of our army of consumers. The 2,732,595 American men, women, and children employed in our manufacturing and mechanical industries, who turned out of their hands in 1880 products to the value of $5,369,579,191, are protected from the "pauper" wages of Europe—by an immigration of labor therefrom, mostly adult, of 4,809,524 souls since July 1, 1870. This influx in the past three years has been at the rate of from six to seven hundred thousand per annum!

HOW WAGES MIGHT BE INCREASED.

And is this the kind of protection you, and you, and you, dear friends of American industry, would have us continue to secure to our producing labor? Free trade in labor and prohibition, strong, hard, and enduring, in the commodities of the monopolies out of which you reap your annual harvests of over a billion dollars of profit on a little more than two and three-quarters billions of capital!

Are the owners of the 253,852 manufacturing establishments in the United States aware that this vast capital represents not more than $1,000 per capita to the 2,732,595 "hands" employed by them? And are the latter aware that, with this moderate per capita sum capitalized in trades-union productive industry, they might add at least a billion dollars annually to their wages? Might they not increase their wages as much more as they pleased under a protective tariff until all our other productive industries lay prostrate at their feet?

The 1,500,000 sovereign voters employed in our factories and mills, if bound by one common tie of blind self-interest, would be a much more persuasive power in the lobbies of legislatures than the owners of a quarter-million factories and mills with all their money-bags. If this be communism, socialism, or nihilism, make the most of it. I merely hold up this side of the protective tariff to its most ardent advocates. I merely show these patriotic gentlemen how they could more certainly and more effectually, by a direct administration of their medicine to the patient rather than the nurse, protect his feeble, unskilled hands from the stalwart pauper bugaboo of king-ridden, down-trodden Europe.

"PAUPER LABOR OF EUROPE."

After more than twenty years of your so-called protection, our manufacturing labor does not seem to have the wherewithal to bless itself when it is a week out of employment; and this, sir, in a country where bread and meat are plenty; and a quarter-section of public land—on the other side of the Mississippi—is freely offered by a "generous Government" to every citizen, well knowing that those most needing homesteads are the least able to locate on them. The terrible pauper laborer of Europe not infrequently seems to be able to save enough money to transport himself and his family across ocean and land four or five or six thousand miles to homestead or pre-empt the soil that our protected skilled labor is unable to reach. Oh, my friends, there is a vast amount of humbug in your catch-penny cry of European "pauper" labor. The intelligent, skilled, well-developed European mechanic or artisan would not long remain on the other side of the Atlantic if, all things considered, he could better his condition in our shops and factories. The skilled labor that reaches our shores is, generally speaking, of that class that can not successfully compete with the more skilled labor that remains in Europe. The great bulk of our immigration is comprised in two classes, namely, those brought up to ordinary manual labor, and those who come to locate on our public lands. They are both good, honest, industrious, and desirable; both productive of wealth which, if allowed free exchange with the world, would, like the "gentle dew from heaven, twice bless."

I have some little knowledge of the disappointment that not seldom a few months of realization brings to the skilled artisan immigrant in respect to the vision of our large wages. It is seen through the mirage of emigrant agencies which the friends of American labor have established so extensively in Europe. How my heart has bled to hear the repinings over a change of habitation that wrought no improvement of conditions; the hard savings of years of frugal toil expended in passage-money over three thousand miles of ocean, and family ties severed never to be reunited.

WAGES CUT DOWN BY TARIFF LAWS.

Talk not to me of your dollars and cents difference in weekly wages while you recoup that difference and more by act of Congress, by tariffs on everything that labor needs and uses and consumes except bread and meat. No! I will not except bread and meat even; for have you not taxed the tools that built the road, its rails, its engines, its cars, and every mechanical implement and appliance that carries the bread and meat to our Eastern and Southern labor from the fields and ranges of the West? Are not the plows and the hoes, the harrows and the reaping-machines that the farmer uses taxed? Have you not taxed every bolt in the farmer's wagon, every buckle and strap and chain in his horse's harness? The very clothes on the farmer's back, from his shirt to his overcoat, from his hat to his shoes, even the bed that he lies on, the roof that covers him, the glass in his windows, the plates on his table, the cup he drinks from, the rope in his well—have you not taxed them specifically and advaloremly from 50 to 100 and more per cent. as it pleased your honors; and for what?

TARIFF OUTRAGES ON FARMERS.

Have you committed all these outrages on our farmers and industrial producers in order to secure 37 per cent. annual return on manufacturing capital? Is this the compensation that you award to American labor for depriving it of a foreign market for the bulk of its products? You tax the farmer, the day laborer, the mechanic, from the crown of his head to the soles of his feet, in sleeping and waking, in riding and walking, in every bodily function that involves the breaking of a thread or the shedding of a button. You tax his wife, and his son, and his daughter, and his man-servant, and his maid-servant, and the stranger within his gates—even the very pins in their garments have not escaped your specifics and ad valorems. You have made unto yourselves a "heaven of iron and an earth of brass." (Lev. XXVI, 19.) Your tariff taxes are as the curses of Deuteronomy, as the imprecations of King David (Psalms, CIX), as the anathemas of excommunication; they reach the labor on which they are heaped in every bodily attribute, function, occupation, and relation of life! This, too, in face of your fiscal report that you had in the Treasury on last 30th of June, when you settled your annual accounts, $346,087,437 cash, and a surplus of revenue the current year (estimated) of $59,874,695, after allowing $46,269,756 to the sinking fund. (Report of Secretary of Treasury, 1883, page 8, and table "D," page 7.) The Government is controlled by the rich. Why should not its coffers overflow?

DISTRIBUTION OF TARIFF SPOILS.

I might, if time and patience permitted, go through the whole list of our "protected" manufacturing industries, and show by the official figures that in almost every class of manufactures there is a gross disproportion under your tariff laws between the earnings retained by capital and the wages paid to labor, but I must not trespass.

THE IRON INFANT.

I will, however, take up the case of the most clamorous "infant" industry—iron and steel manufacture—as set forth in the last census reports, in proof of my assertion.

In 1880 there were in the United States 1,005 establishments, with a capital of $230,971,874, engaged in the production of iron and steel. These employed 133,203 males of the age of over 16 years, and, including 66 females, 7,775 persons below that age.

The total value of the iron and steel products is stated at		$296,557,685
Deducting the value of all materials used	$191,271,150	
And the wages paid	55,476,785	
		246,747,935
We find the gross profit to be		49,809,750

This sum represents a profit of 21.56 per cent. on the capital invested. The average wages paid to the employed was at the rate of $393.50 per annum per capita, say $1.31 per diem.

INFANT STEEL INDUSTRIES.

The more tender infant industry of steel manufacture will still better illustrate the operation of protective tariff. In that year, 1880, there were thirty-six establishments in the United States engaged in the production of Bessemer and open-hearth steel. Their capital is given at $20,975,999, and their employés numbered 10,825, including 621 males under the age of 16 years.

The total value of all products was		$55,805,210
Deduct from this value of materials used	$36,826,928	
And wages paid	4,930,349	
		41,757,277
And we find the gross profit to be		14,047,933

This represents a profit of 67 per cent. on the capital invested, and shows that the average wages paid per capita were at the rate of $455 per annum, or $1.50 a day. In 1880, according to the returns of the manufacturers, 741,475 tons of Bessemer steel rails were made, at a gross value of $37,408,625, or at the rate, as reported to the Government, of $50.45 a ton, but probably of greater value, as Bradstreet's reports show that such rails were quoted on January 1, 1881, at $60 a ton. Wages were then little, if any, higher than in 1880, when the census reports quoted Bessemer steel rails at $50.45 a ton. In the spring of last year, Bessemer steel rails fell to $38 a ton; and now it appears that the Lackawanna Steel Rail Mill Company can manufacture Besse-

mer steel rails with a profit at $35 a ton, they having last November contracted to place 30,000 tons at that rate. Well may that company still make large profits at this rate if our consul at Newcastle-on-Tyne, Evan D. Jones, is correct in his official report that "it is of course known that a steel rail can now be made cheaper than one of iron." (United States Consular Reports, No. 34, October, 1883, page 622.)

ANOTHER INFANT—SAWED LUMBER.

Lumber manufacture is another infant crying for protection from pauper labor. Let us glance at the profits and wages which this infant creator of floods and tornadoes yields.

The sawed-lumber trade of the United States is one of its most important industries—taking rank very nearly in value of products (if Bessemer and open-hearth steel are omitted) with the iron and steel production—the latter amounting in 1880 to $240,752,475, and the former to $233,268,729.

In 1880 there were 25,708 sawed-lumber establishments in the United States, which produced in that year 18,091,356,000 feet, board-measure, of sawed lumber, 1,761,788,000 of laths, 5,555,046,000 of shingles, 1,248,226,000 of staves, 146,523,000 sets of headings; and 34,076,000 feet were consumed in the manufacture of spools and bobbins. The total value of these items, including $2,628,668 worth of other products, amounted to $233,268,729. The capital invested in this business amounted to $181,186,122; the wages paid during the year amounted to $31,845,974; and the value of all material consumed in the manufacture was $146,155,385. Deducting the latter two items from the value of the products gives $55,267,370 as the gross profit for the year, which shows about 30.5 per cent. profit on the capital. The average wages of the 147,956 hands employed was at the rate of $215 per annum. An average of eight or nine months' earnings, say about $25 a month.

PACIFIC COAST ENTERPRISE.

Now, let me show some figures in respect to this industry in one of the most prosperous and rapidly growing parts of the United States—Washington Territory:

The lumber statistics for Washington Territory during the same year, 1880, were as follows: Establishments, 37, employing 499 hands; capital, $2,456,450—

Total value of product		$1,734,742
Wages paid	$200,539	
Cost of materials used	1,188,075	
		1,388,614
Total amount of profit		346,128

The average wages paid to employés during the year was $402—almost twice as much as the general average of the United States. The percentage of profit on capital was very much lower than the general average—only 14.09 per cent. The value of the logs used is given at $1,174,005, and that of other mill supplies at $14,070. The products were: Feet of lumber, board-measure, 160,176,000; laths, 6,550,000; shingles, 3,610,000; staves, 23,666,000. If only the average wages had been paid, the profits on capital would have been 18.05 per cent.; but as on such average the mills could have worked on 25 per cent. less capital, the profits in such case would have come very near the general average.

Here is a part of the country in which a tariff on lumber does not "protect;" for the lumber trade of this magnificent Territory is very largely one of export, with British Columbia alongside of it as a rival. The mills at New Tacoma, the terminus of the Northern Pacific Railroad, and many other mills on Puget Sound are largely engaged in exporting lumber to South America, Japan, China, Australia, and European ports; and still they pay better wages than the mills in our protected States. Some gentleman may here remark: "Oh, but the supply of timber at Puget Sound is inexhaustible and cheap." As to the latter, the answer is that timber land sells no cheaper at the United States land offices there than in Michigan, Wisconsin, Florida, or Mississippi; and as to the supply being inexhaustible, I think not. The time is fast approaching when the Eastern forests will be exhausted, and then the lumber interests of Puget Sound will assume gigantic proportions. Michigan is being stripped at the rate of $53,449,000 a year; Wisconsin at the rate of $18,000,000; Pennsylvania at the rate of $22,500,000; New York at the rate of $14,000,000; North Carolina at the rate of $14,000,000; Indiana at the rate of $14,000,000, and so on in our other lumber States.

OUR ABILITY TO COMPETE WITH EUROPE.

Now I want to bring home to every "protectionist" in the House this fact, namely, that, like Washington Territory in respect to timber, the magnificent domain with which God has endowed the American people is practically inexhaustible in its capacity for the production of almost every sort and species of material used in the industrial arts and manufactures. Having in respect to all other countries in the world this immense advantage, is it not absurd to say, in face of the statistics of our wages rates and manufacturers' profits, that, unlike the manufacturers of Puget Sound, all the other manufacturers of the United States are unable to enter upon an export trade, because, forsooth, they must compete with the "pauper wages of Europe."

PURCHASING POWER OF OUR WAGES.

Pauper wages in America is the result of your "protection." Why should our iron and steel manufacturers seek a foreign market, in which, like the English manufacturers, they could only get at most 10 or 12 per cent. profit, while your tariffs enable them to force on the American people steel rails at $60 a ton that could a year ago be made with good profit at $35 a ton, and now probably for $20? Why should our manufacturers seek a foreign market for any considerable portion of their annual products of nearly five and a half billions of dollars in value at the mills and factories, when they can force these products on our wholesale dealers and jobbers at a profit of 36 per cent. on the capital invested, and at the same time employ productive labor at an average of $1.16 a day? When you add this 36 per cent. to the cost of the products of the mills that the laborer and his family consume, do you not see that the purchasing power of his wages is at least 36 per cent. less than $1.16 would be under reform? When the manufacturers have recouped from the great army of producers and consumers all over the country, including farmers and miners and the railroad and other transportation companies, the full 36 per cent. returns to manufacturing capital accruing on the articles that army consumes, and you add to the amount recouped the profits of the jobbers and wholesalers, and of the small retailers with whom labor mostly deals, do you not think that under such recoupments $1.16 a day is coming very near pauper wages in purchasing power?

GENERAL AVERAGE OF WAGES.

"Oh," but some gentleman may say, "your wages average is not fair." Is it not? It is from official returns, sworn to by agents and manufacturers. I know as well as you that some skilled workmen earn $2 and $3 and even $4 and $5 a day, but you will find men equally skilled earning relatively as high wages in England. I am not speaking of special cases now, but of the general average in respect to our grand industrial army of privates and non-commissioned officers, and not the captains of the hundreds and the majors and colonels in the factories. Our Government is for the many, not for the few alone. If any one is disposed to question the averages given, I think I can satisfy the doubts he may have by referring him to a class of business in which he will acknowledge that the highest rates of labor wages are paid, namely, railroad transportation. I find on page 1266, Compendium of Tenth Census, that the pay-rolls of all railroad companies for the year covered by the census amounted to $195,350,013. This sum represented the earnings of all their officers and employés, from presidents down to trackmen, in number 418,957. Had all of these received equal wages they would have been paid, on the basis of 300 working days, about $1.55 a day each, or, since most railroad men are on duty every day, about $1.27 a day. There were paid on these rolls:

General officers	3,375
General officers' clerks	8,655
Engineers	18,977
Conductors	12,419
Total	43,426

The reports do not show the salaries paid these, but I know that a few presidents get $20,000 a year, and some clerks, engineers, and conductors receive over $100 per month. From these figures, Mr. Chairman, you can judge about how much the machinists, carpenters, and other shopmen, the trackmen, and other employés received per day under the laws that protected them from "pauper wages." Is there any better proof of the absurdity of your claims for high-tariff rates than these figures? Here is a class of labor in which all persons employed in it are skilled, in which all are employed the year round, and yet you see, beyond question, that the average wages can not have been up to $1 a day. And what is $1 a day to a laborer when at least 36 per cent. of it is recouped from his wages by your "protective" tariffs?

THE ENORMITY OF TARIFF EXACTIONS.

You can never by any legislation advance the rate of wages one cent beyond what the law of supply and demand may prescribe, but you can reduce—as for years past you have done—the purchasing power of wages to more than the full extent of your tariff rates. This is the plain, honest truth; but the laborers, the mechanics, and artisans have been deceived so long by the tariff orators and newspapers and self-interested manufacturers that I do not expect many of them to at once realize the enormity of the tariff exactions that you have imposed on their wages and industry. You have made the farmer, the mechanic, the artisan, and every producer of wealth your slaves. The result of your protective tariff is a condition of manufacturing industry in which every laborer engaged in it is forced by competition with the pauper wages of America (I speak it boldly) to sell his muscle and sweat to employers at any wages the latter may choose to offer, while food, clothing, shelter, and other necessaries of life are obtainable only at high-tariff rates.

ABOLISH TARIFFS.

In behalf of your own true interests, let us abolish the tariffs that only foster the ill-gotten gains of manufacturing capital. Let us devise a system of revenue and inaugurate an economical administration of government, under which the hard-earned dollars of productive labor shall not be filched from its scant purse. Let us no longer betray

our trust by the false kiss of "protection;" let not the apple of tariff forever turn into dust of Sodom on the parched lips of the child of toil. Give us free trade now, and you can double the area of your grain fields and the power in your mills to-morrow; for the world will always need the surplus products of every nation. The more that is produced the greater will be the consumption, and the higher will be the plane of civilized life.

I have preached to you, reasoned with you, pleaded with you, prayed to you [golden calves], lo! these many years, to relieve the people of this grievous burden, but ye would not. Ye Pharaohs, harden not your hearts still harder; let our people go ere the plagues of the strike, and the riot, and the commune be poured out on the land. At last you are moved a little, to the extent of a sliding scale of relief which retains 80 per cent. of iniquity and awards 20 per cent. of justice. If fear awards this much, let reason and common sense appeal to your cupidity to clean the infamous schedules of the whole measure of the oppression of our industries. Let me point out to you for the thousandth time that wages in all departments of our industries are already regulated down to the lowest rates that a full supply of labor and a steady influx of seekers for employment can reduce them to; and that it is not the *amount* of the wages, but their power to purchase the necessaries and comforts of life which American labor should enjoy, that is the true criterion of our industrial condition. We have no foreign markets for our manufactured products compared with those of England, nor ever will until we follow her example.

ENGLISH WAGES AND ENTERPRISE.

I boldly assert that, be England's standard of wages what it may—her standard in pounds, shillings, and pence, in dollars and cents if you will; be it a dollar a day or more or less—our wages would not and could not under a system of free trade lose a fraction of a cent in their present purchasing power; nay, more, a large percentage would be added to that power. England to-day is, and for years and years has been, compelled to bring the raw materials consumed in her factories and mills from the "four quarters of the globe." She does this at heavy expense of time and money, freight and insurance; whereas we, with our diversified soil and climate, rich and extensive domain, have at our own doors the capacity and conditions and material which would enable us, without abating one iota of comfort to labor, to at once compete with her for the lion's share of the trade of the world, if our producers were not taxed to exhaustion for the benefit of the capital invested in manufacturing monopolies.

Let me sit down with any intelligent mechanic, and, by figuring out his present cost of living, convince him that a lowering of wages to even the English rates—assuming the latter to be lower than ours—would not, under free and untrammeled trade with the world in the products of his labor, mean the loss of one mill in the purchasing power of such wages as compared with our present home rates. I would take an inventory of everything he pays for. Let me compute the tax levied on him under protective tariff, and show him that this tax more than offsets the difference in wages between the present English and American rates—that the latter are the lowest in value. I would further show him that our staples of domestic production, both of food for man and supplies for the mills and factories, could be obtained here cheaper than in England. I would show him that, under the impulse of universal demand, almost every article consumed in the arts and manufactures could be produced here on this broad continent of ours cheaper than elsewhere; and then I would ask him to give me any reason why he could not deal in the markets of the world and exchange the surplus of what we produce for the articles that we want for ourselves, or which other nations might want. Are we not as capable of trade as the English? Are we not as brave as the English, and as skillful and as intelligent? Are we so emasculated by protection, so dwarfed in enterprise, that we fear, with our ten thousand natural advantages, to meet our ancient foe on the high seas?

RECIPROCITY—BUY AND SELL.

Interchange means *import* and *export* on terms of reciprocity. Here let me give you an illustration of how this sort of trade operates. I will quote for this purpose from a gentleman who is qualified to speak on the subject (J. K. Cross, esq., M. P., in a speech in the British Parliament, August 12, 1881): "£1,000 will buy 2,000 tons of coal on board at Cardiff; the freight of this to San Francisco will be £1,500; the amount realized for it in San Francisco will be £2,500, which sum invested in wheat will purchase 2,000 quarters. The conveyance of this wheat to Liverpool will cost £1,500, and it will require to be sold at £4,000 in Liverpool to cover cost and expenses. In the import tables there will be an entry of £4,000, wheat; in the export tables there will be an entry of £1,000, coal; the one exchanges for the other." This is one of ten thousand similar transactions of England under free conditions—cargo out and cargo back, without which you can have no healthy commerce or American shipping. England exports coal to San Francisco, paying 50 per cent. duty on it, while away up on Puget Sound are vast undeveloped fields of coal.

THE INEXORABLE LAW OF COMMERCE.

We have few ships in the foreign trade. Deep-water navigation has almost become a lost art to us under the baleful influences of protection by act of Congress. All the subsidies you could grant, all the "free ships" that you may enact, will not, can not by any possibility restore our merchant flag to the high seas. You may try it from now until doomsday, and you will not accomplish it. Never will American merchant ships plow the blue waters of foreign commerce, while the Union Jack floats above them, until you meet on equal footing the fleets that carry it and submit to the inexorable, inflexible law of trade: cargo for cargo, in and out—equal barter. Ship your rum and your brass idols and your missionaries and your guns warranted to burst at the first discharge to Africa, and bring back gold, ivory, and palm oil. Ship pig-iron to Calcutta, as England does, and bring back jute. The honest face of the Connecticut clock welcomes us in every country of the world—long has been in every house in China—notwithstanding the pauper labor of Europe. If we had equal skill and enterprise in other manufactures, what might we not be!

Tariffs muzzle the ox of labor. Find the cargoes, and the ships will be launched.

You have maintained a Chinese wall, a commercial blockade, for almost a quarter of a century around our ports, through which labor alone can enter free of tariff. You well know that cargo for cargo is the law of commerce, yet you cut down our exports by refusing free entry to imports. What care you, so long as a handful of manufacturers can plunder 52,000,000 of people at the rate of 36 per cent. profit on capital invested.

THE TARIFF ON WOOL.

You will not allow the Australian sheep to compete with the Ohio sheep; but at the same time you eagerly sell millions of acres of the public domain to English capitalists for sheep ranches. Where does the cry against such disposal of our public lands come from? Not from the woolen mills of Massachusetts or Connecticut or Philadelphia, not by any means. Oh, no! The owners of these mills want free wool; but on the cloth with which 52,000,000 of people clothe themselves they want a tariff rate that will prevent the importation of any manufactured wool, and allow a profit of 30 to 40 per cent. on domestic shoddy. In the jugglery of tariff laws the sugar-planter and the wool-grower and the rice-producer are seduced into the ranks of the protectionists, and they imagine that they would starve under free trade.

PROTECTION IN THE SOUTHERN STATES.

Twenty-five years ago a great many of my Southern friends thought that rice, cotton, tobacco, and sugar could not be raised by free labor, well-paid free labor; but I think they will now admit that they were very much in error in that respect. Wages are not as high in amount in the Southern States as in the North, but low rents and fuel, cheap eggs, butter, meat, vegetables, and fruits more than make up the difference in rate. The advantage is with the Southern laborer. His wages have 20 or 30 per cent. more purchasing power in respect to providing food and house shelter than Massachusetts wages. I really think, my Southern friends, that you could continue to raise rice and sugar under liberal conditions. But whether you can or not, I am no more inclined to tax nine-tenths of your people and the rest of the 52,000,000 of American citizens for the support of your handful of sugar and rice planters than I am in favor of protecting a few Ohio or New York or Oregon wool-growers by putting a bounty of 10 cents a pound in their pockets for the wool that they raise, while by the general operation of the tariff we would filch 30 cents out of the pockets of the American people for every pound of wool they consume.

ENTERPRISE OF THE AMERICAN HOG.

Let the American sheep exhibit some of the enterprise of the American hog. The latter quadruped asks no tariff for his protection. He is our largest manufacturer, our largest employer of labor, our largest exporter. His enterprise is beyond compare in all our manufacturing industries. Think for a moment of the army of labor he employs in our fields. Compute if you can the amount of transportation tolls that he pays. Not to speak of the retail butchering establishments, he paid in the year 1880 to the labor that raised and fed him for our then eight hundred and seventy-two slaughtering establishments, $267,738,902. This unprotected manufacturer turned out of these establishments products to the value of $303,562,413 that year. He paid to the 27,297 hands employed in these establishments, three-fourths of whom were employed only between the 1st of November and 1st of March, wages to the amount of $10,508,530—a sum which if the hands had been employed the year round would have made an average of $386 per capita; and to the $49,419,213 capital invested in these establishments he gave a gross return of $25,314,981—more than 50 per cent. of the capital employed. Now, match in any of your protected manufactures, if you can, this wages rate, or the number of persons employed by the American hog.

True, you can show larger ratios of profit to capital; for example, the profit on steel rails. This enterprising animal—the hog—while contributing to the tables of 52,000,000 of home consumers, in utter contempt of the pauper hog of Europe, exported in 1880 products to the value of $100,799,414. The gross weight of this product—amounting to 1,326,157,330 pounds, or 663,078 tons—would have furnished cargoes of 1,000 tons each for 663 American ships, if the protected manufacturers had not by their protective tariffs driven our flag from the ocean.

FOOD OF EUROPE'S PAUPER LABOR.

Are you aware, Mr. Chairman, that the American hog is not patronized

by the crowned heads and nobility and gentry of Europe, and that it is only the pauper laborers of that continent who consume this product? The increasing efforts of our protectionists to convince you that European wages do not admit of flesh meat in the laborer's bill of fare may well excuse you for supposing that our hog appeared only at the tables of the aristocracy. But the fact is otherwise. To the investigations of our energetic Department of State, the results of which are published in one of its interesting pamphlets, entitled American Pork, 1881 (page 17), I am indebted for the following porcine fact, namely, that the finest brands of Chicago bacon sold in England at from 9 to 10 cents a pound in February, 1881.

I challenge any gentleman on this floor to show that at the time referred to the American laborer in our manufacturing centers could have purchased the best brands of Chicago bacon at his grocer's for less than 15 cents a pound. Assuming that our wages are 50 per cent. more than English wages—which is not true, either in amount or purchasing power—the American laborer is to-day no better able to provide bacon for his family than the English laborer.

INFERIOR MEAT FOR AMERICAN LABOR.

The "better classes" of Europe do not consume the products of our hog, yet we only export the choicest of these products. The more inferior are retained for the American laborer, if Mr. Michael Foster, of Chicago, is correct in his statement, as reported in said pamphlet (page 21), respecting the packing of hog products for the foreign markets. He says that—

Packing-day comes around in due time, and the meat is shipped out under the inspection of an inspector belonging to the house or one who has been sent to get out some order that has been bought from the house for shipment. In either case the strictest attention is paid to the quality of the meat, its age and condition; and everything that does not rank first class is reinspected and will ultimately be packed and shipped to the pineries, the mines, the plains, the fisheries, the collieries, and the South, or any other market where they wish a second-class article at hard-pan prices and where epicurean tastes are not cultivated as they are with the overfed Briton or the dainty Gaul.

Mr. Foster is an expert in regard to the trade on both sides of the Atlantic. As a member of the live-stock firm of Thomas Foster & Sons, Smithfield, Birmingham, he says he "handled 50 per cent. of the imported hog supply for the great manufacturing midland counties of England." What does he mean by the phrase "overfed Briton" in these manufacturing counties? Where is your pauper labor? First-class meat for the pauper labor of Europe, and the inferior quality at 50 per cent. additional price for American labor!

In this connection I will read the following extract from a statement by J. C. Black, esq., of the house of Armour & Co., of Chicago, published in the same pamphlet, on page 30. Speaking of the quality of the meat exported, he says:

After the meat is cured, at the proper time the buyer sends his inspector to the packing-house to inspect, receive, and pack the meat. The man we sell to has his own expert who tries every piece of meat and sees it weighed. The meat is perfectly sweet, but he is compelled to be there and see to it. A soft hog, they throw that out; that is soft, they do not want it. He tries it with his trier and says it is a little sour; he does not want it. He rejects everything that is not proper, and goes off.

* * * * * * *

Different cuts of meat go into the home market. I want even more careful handling than at the home market; the American never finds any fault whatever.

Of course the American never complains. Why should he when his wages are so well protected by act of Congress? It is only the "overfed Briton" or "dainty Gaul" who can afford to turn up his nose at "soft hog" or second-class bacon.

I happen to have convenient for reference a statement of our fresh beef exports to Great Britain during the period from October 1, 1875, to March 31, 1877. You know that we ship abroad only our very choicest beef; because the overfed Briton of the manufacturing counties of England will expend his pauper wages on no inferior cuts. In the period referred to we exported to Great Britain 34,278,810 pounds of fresh beef, valued at $3,026,483, an average value of less than 9 cents a pound.

Was there any day in that period that American labor in our manufacturing counties could have purchased such beef at an average of 12 or even 15 cents a pound? It is rare indeed that such beef appears on the tables of our best-paid labor. American beef that was exported in January, 1877, at an average value of 10½ cents a pound sold in England at wholesale for 12½ cents, and by retail in Dublin to the pauper labor of that city at 16 and 20 cents a pound—"better," says the report, "than home [British] prices." (Agricultural Report, 1876, page 312 *et seq.*)

In the year ending December 31, 1882, we exported 7,587,670 barrels of wheat flour, valued at $46,218,785, an average of $6.09 a barrel, or 3 cents and 1 mill per pound. The transportation of flour from New York to Liverpool costs 25 cents a barrel. Allowing 16 cents a barrel for insurance and all other expenses, this flour could have been delivered to the importer at $6.50 a barrel. Allowing 20 per cent. profit to importers and dealers, this flour could have been sold to English consumers at 4 cents a pound, or $7.84 a barrel, and was no doubt sold to them at that price; for, let me tell you, large capital and small profits is the rule in the English provision trade.

THE FOOD OF OUR PROTECTED LABOR.

Our laborers employed in the large cities do not and can not buy flour by the barrel, they mostly buy by the pound at the small groceries where they can obtain credit when out of employment. Do you think that any of our laborers in these cities were able in 1882 to buy flour at 4 cents a pound? If you will investigate this matter you will find that they paid nearer 6 cents a pound than 4 cents. Provisions, fuel, clothing, medicines, gas, house-rent, and every item of necessary supply cost more in our manufacturing centers, when paid for by our laboring classes, than in England.

We have as cheap a market here in Washington as in any other city of its size in the country. I now exhibit a clipping from a copy of the Evening Star of the 22d of last month (February). Look at it, and see what a laborer could purchase for himself and family out of wages at the rate of $1.16 a day, when he deducted therefrom the proportion for groceries (including sugar taxed 3 cents a pound), fuel, gas, clothing, and house-rent at from $8 to $12 a month:

WASHINGTON MARKETS—RETAIL PRICES.

Meats.—Beef, porter-house, 25 cents per pound; sirloin, 20 cents per pound; rib roast, 15 to 20 cents per pound; round roast, 12½ to 15 cents per pound; chuck, 10 to 12½ cents per pound; beef, corned, 8 to 10 cents per pound; beef, dried, 20 cents per pound; beef, chipped, 30 cents per pound; beef-tongue, 50 to 60 cents each; lamb, 12 to 18 cents per pound; veal, 12½ to 25 cents per pound; mutton, 18 to 25 cents per pound; pork, 12½ to 16 cents per pound. Bacon—hams, 16 cents per pound; cut, 20 to 25 cents per pound; shoulders, 11 to 12½ cents per pound; cut, 12½ to 15 cents per pound; middling, 12 to 14 cents per pound; cut, 14 to 15 cents per pound; lard, 12½ to 14 cents per pound.

Fruit.—Apples, 35 to 70 cents per peck; lemons, 20 to 35 cents per dozen; oranges, 40 to 60 cents per dozen; grapes (Malaga), 30 cents per pound; grapes (Catawba), 40 cents per box; bananas, 25 to 35 cents per dozen; cocoa-nuts, 8 to 10 cents; cranberries, 15 to 20 cents per quart; strawberries, $5 per quart.

Butter and eggs.—Philadelphia print, 50 cents per pound; Western creamery, 45 cents per pound; New York, 35 to 40 cents per pound; roll, 25 to 35 cents per pound. Cheese, 12½ to 20 cents per pound. Eggs, 23 to 30 cents per dozen.

Fish.—Perch (white), per bunch, 25 cents; rock, 40 cents per bunch; salmon, 35 to 40 cents per pound; weak-fish, 12½ cents per pound; cod-fish, 10 cents per pound; haddock, 10 cents per pound; halibut, 20 cents per pound; mackerel (bay), 20 to 25 cents per pound; smelt, 12½ cents per pound; lobsters, 15 cents per pound; pickerel, 15 cents per pound; shad, $1 each; terrapin, $3 to $25 per dozen.

Vegetables.—Beets, 3 to 5 cents per bunch; beans, lima, 12½ to 15 cents per quart; cabbage, 10 to 30 cents per head; carrots, 3 to 5 cents per bunch; cucumbers (new), 25 cents to $1 each; squashes, 3 to 5 cents per pound; egg-plants (new), 40 to 60 cents each; lettuce, 5 to 10 cents per head; onions, 40 to 50 cents per peck; potatoes (Irish), 25 cents per peck; potatoes (new), $1 per peck; potatoes (sweet), 40 cents per peck; spinach, 40 cents per peck; turnips, 20 to 30 cents per peck; parsnips, 40 cents per peck; celery, 5 to 15 cents per bunch; tomatoes (new), $1 to $1.50 per dozen; asparagus, $1 per bunch; kale, 25 cents per peck; artichokes, 50 cents each; mushrooms, $1.50 per pound; water-cresses, 10 cents per bunch; radishes, 10 cents per bunch; rhubarb, 20 cents per bunch; mint, 15 cents per bunch.

Poultry.—Turkeys, 20 to 22 cents per pound; chickens (old), 75 cents to $1.50 per pair; chickens (young), 75 cents to $1.25 per pair; ducks, $1.50 per pair; geese, 50 cents to $1.25 each; squabs, $2.50 to $3 per dozen.

Game.—Wild duck (canvas-back), $3 to $4 per pair; same (red-head), $1.50 to $2 per pair; same (Mallard), $1.25 to $1.50; same (widgeon), 50 cents to 75 cents per pair; same (bar), 50 cents per pair.

Do you not see that by the time the average wages earner had put some cheap meat in his basket he would have very little choice of vegetables, while fruit, butter and eggs, fish and poultry, not to speak of game, would be rare luxuries?

I think, Mr. Chairman, notwithstanding all the talk about pauper wages of Europe, your protective tariff gives us small grounds for boasting of the condition of that portion of American labor that is employed in our manufacturing cities.

THE TERRIBLE THREAT OF CLOSED FACTORIES.

Of course your advocates of the "rights of American labor" will continue for some time to have it all their own way against us, while they can fright the souls of wages earners with the terrible threat of shutting up shop if Congress dares to cut down the tariff that gives an American citizen the nominal wages of $1.16 a day. Well, be it so. It can not last much longer. The Mount Sacer of the patricians was never more than a day's journey from the forum. The fable of "the belly and the members" can be read one way as well as another. Reciprocity is as well established as a law of trade, as a law of nature. You can not preserve the health of the nation while you glut the stomach of capital and tax labor to starvation.

I do not think you will many years longer be able to threaten your employés with closed factory doors. There is a limit to human endurance. I heard no such threats in my boyhood days. If I remember rightly, the American laborer of that period felt that he could compete with all the world. We had then a foreign commerce. Our glorious ensign then shone like a meteor over every sea. Who then asked for protection for American trade beyond what the guns of a frigate and an American crew could give it? Our flag was then where England's flag is to-day, in every commercial port of the world; now none so poor as to do it reverence.

PROTECTION OF WAGES BY ACT OF CONGRESS.

We have been so long under the shadow of protection, have so little confidence in our muscles, that we are afraid to lean on ourselves lest we fall to pieces. Moneybags is afraid to move lest he burst, and labor hangs onto a day's work like grim death, while the protectionist mill-owner looks happy at his last cargo of cheap contract labor sailing into port under a foreign flag. This is what your beautiful protective tariff has done for the "land of the free and the home of the brave." I have had enough of it. I want none of your wages tinkering and juggling and thimble-rigging; because I well know that if you double your tariff to-morrow, wages will immediately go down in purchasing power in proportion to the resulting increase of profits to

manufacturing capital. While man is human you can no more regulate the purchasing power of wages than the purchasing power of a dollar. Trade, commerce, the wind, and the rain and God's sunshine fix and change and fluctuate the value of the "almighty dollar." In the hands of the American laborer it is to-day worth 20 per cent. more in Mississippi or Georgia than it is in Massachusetts or New York; and we have no inter-State protective tariffs.

Let us reform in our statutes the horrible fiction under which you legalize the robbery of more than 99¾ per cent. of the American people for the enrichment and aggrandizement of the other ¼ per cent., and then I am with you for the levying of any constitutional tax by customs or internal revenue, or both or either, that will fall equally on the people in proportion to their ability to pay it. The old "direct tax" levied in proportion to population, unjust as it would now be, would be far less unjust than any protective tariff you could invent. I want neither one nor the other; and I want no tax on the necessaries of life while a luxury or large income remains untaxed.

Let us ascertain on a just economical scale the proper amount of revenue required to maintain the Federal Government. Let us then raise, by customs or excise or any other constitutional method, the necessary sum. Let us sink all partisanship in discussion. Abandon the heretical, slavish doctrine of protection of wages by act of Congress, and give repose and comfort to the weary toilers in productive industry. They alone create our wealth. Let us impose the burden of taxation, as far as can be accomplished by legislative ingenuity, upon the classes most benefited by government, and give relief to those whose frugalities we are bound to respect. Let our exactions fall equally, if not as gently, as the dew upon the grass.

In conclusion, let us make it our endeavor while supporting honest administration at the same time to enfranchise labor and give fresh inspiration to liberty. Thus we shall give most eloquent emphasis in this new realm of America to the "universal genius" of commerce, which civilizes to exalt mankind. Thus we shall illustrate that natural justice proclaimed by Vattel—who gave the purest code of taxation—when he urged that all citizens should pay their quota of taxes in proportion to their abilities and the advantages they reap from society for the preservation of lawful authority and the glory of the State.

Thus we will realize in our hemisphere a "New Atlantis" beyond the fancies and prophecies of Lord Verulam, the very picture which John Milton saw in solemn vision of a noble and puissant nation arousing herself like a strong man after sleep and shaking her invincible locks—an eagle kindling her undazzled eyes at the full midday beam, purging and scaling her long-abused sight at the fountain itself of heavenly radiance. [Applause.]

Fitz-John Porter.

SPEECH

OF

HON. WILLIAM C. OATES,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 1, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter—

Mr. OATES said:

Mr. CHAIRMAN: No private bill ever came before the Congress of the United States which elicited so much discussion as the one now under consideration. I should not attempt to say a word in regard to it but for the fact that no one who was engaged in the battle on the confederate side has ever said a word on this floor either for or against the bill, and the further fact that certain gentlemen on the other side of this Chamber have insinuated that no one who was a confederate soldier but now occupying a seat upon this floor ought even to vote on this question.

Sir, no member of this House is in a position to vote on this bill more impartially, more completely emancipated from every bias common to human nature, than those of us who belonged to the confederate army. General Porter was our enemy then, whose skill and daring as a commander we had learned to respect at Mechanicsville, Cold Harbor, and Malvern Hill before we encountered him at second Manassas. Now, in respect to his conduct then we have no more sympathy or feeling than we have for any other brave Union soldier. In the Union Army then and at the time of General Porter's trial partisan politics cut no inconsiderable figure; all know that there were more or less of factions and jealousies.

There was a McClellan and an anti-McClellan party, and Porter, unfortunately for him perhaps, was McClellan's warmest friend. Now, what do I or any other member who was a confederate soldier care about this contention? Both factions were bent upon the destruction of the government we then served. They succeeded, and now I and others are in the anomalous position of having to pass upon the conduct of our late enemy. Have we any motive except to do justice? But some of the gentlemen on the other side seem to insinuate that Porter was guilty of treason to the cause of the Union—wanted Pope to lose the battle and thereby to aid the confederates in their efforts to free the Southern States from all connection with the Union. Let me say to those gentlemen that they have, even at this late day, a very erroneous conception of the material of which the confederate army was composed if they believe for a moment that any one of those brave men who hazarded life and fortune upon the altar of their convictions could ever be in sympathy with a traitor on either side.

Mr. Chairman, in that great war which sacrificed a million of men and billions of money heroes and statesmen were developed, but no Benedict Arnold. It is alleged by some that good taste suggests that none of the "rebel brigadiers" should pass judgment upon Porter's conduct. Why? Are we not American citizens, with all the rights, privileges, and immunities of any other citizens? Are we not here as Representatives of the people of sovereign States? Can we with any sort of propriety abdicate our functions as Representatives because forsooth it accords with the ideas of taste of the gentleman from Ohio [Mr. TAYLOR] and the gentleman from Michigan [Mr. HORR], and like humiliated cowards stand aside and witness their judgment upon the pending measure? Such a course upon my part would render me unworthy of the generous confidence reposed in me by the people who sent me here. I am not ashamed of my record. The war was the logical consequence of a great conflict of ideas which could be settled by no arbiter but the sword. I, in common with my comrades, made a hard fight, and made it honestly. The award was against us. We accepted it honestly, and to-day I am as true a friend and supporter of the Constitution and Government of the United States as any gentleman on this floor, and will cast my vote on this bill with a proud consciousness of my right to do so, and as a Representative the peer of any other in this Chamber.

Mr. Chairman, I shall vote for this bill, and will as briefly as I can state the reasons which impel me to do so. I belonged to "Stonewall Jackson's foot-cavalry," as we were called. The whole country remembers how General Pope proclaimed his "headquarters in the saddle," and that he "had never seen the faces of the rebels, but only their backs," and that he never secured lines of retreat, that he had no rear, that nothing but disaster and shame lurked in the rear," on his assuming command of the "Army of Virginia." When Lee confronted him on the Rappahannock, about the 22d or 23d August, 1862, General J. E. B. Stuart penetrated to Pope's rear and captured his "headquarters," which happened to be out of the saddle on that occasion, and came so near capturing all the quarters he had, that he got General Pope's coat and important papers, by which General Lee learned that Pope's force present for duty was inferior to his own. Hence on the morning of the 24th Jackson, with his corps, consisting of about twenty-two thousand men, crossed the river north of Pope's right and marched rapidly through Thoroughfare Gap around to Pope's rear, reaching Bristoe Station a little after nightfall on the 26th. We marched sixty miles in two days, with no rations except green corn and half-ripe apples gathered by the wayside. My regiment then belonged to Trimble's brigade, which moved on from Bristoe the same night and captured Manassas Junction, where we drew rations from the Federal commissariat. The next morning General Taylor's New Jersey brigade arrived from this city and advanced on our position, but was soon broken and compelled to retire. Trimble's brigade marched in pursuit to Centreville, a distance of seven miles, and returned the same evening to the junction, where we lay that night.

On the morning of the 28th A. P. Hill's (the Stonewall) division and all of Ewell's, except two brigades, with which that officer remained at Bristoe until he retired before Hooker's advance that afternoon, marched across Bull Run, and turning northward recrossed at the stone bridge, and went into position on pretty nearly the identical ground occupied by McDowell at the first battle of Bull Run. After Ewell arrived from Bristoe, and near sunset, I heard distinctly the cannonading said to have been Longstreet driving Ricketts out of the Thoroughfare Gap, some fifteen or twenty miles distant. I saw a great cloud of dust in the woods to the right and right rear of Jackson's line just when I observed a heavy column of the Union Army moving down the pike across our front in the direction of the stone bridge. My apprehensions of a perilous situation were soon allayed by the arrival of an officer who brought to Jackson a message from Stuart that he was in position on Jackson's right. The order was then given to Ewell to advance. The head of the Federal column halted just east of Groveton, and as soon as the confederate advance began they gallantly advanced to meet us, and thus the bloody three days' battle began. A hard battle was fought that night with no decisive result.

The next morning, Friday, the 29th day of August, 1862, Jackson readjusted his alignment, taking position behind an old and imperfect railroad embankment, his right consisting of Trimble's brigade, at a point northwest of Groveton, and extending east-northeast to Sudley Ford, on Bull Run. During the forenoon there was no fighting except occasional discharges of artillery and picket firing. About the middle of the day I rode out in the direction our right pointed, where I found General Early with his brigade of four Virginia regiments massed in a

copse of woods, placed there by Jackson to guard against an attack on his right and rear. Riding on a short distance, I found at a spring, just under the bluff, quite a number of men, some of whom I knew to belong to Longstreet's corps. I inquired where their commands were located, and they pointed in the direction indicated as that held by Longstreet in General Grant's letter.

When I returned to my command a battle was raging, which I suppose was about 2 or 3 o'clock p. m. Starke's Louisiana brigade had been placed on the right of Trimble's, behind an isolated piece of the railroad embankment, and it was assaulted by a Federal brigade, which came up to the embankment on the other side and planted their colors on the top, where I saw the stars and bars and the Stars and Stripes flapping together in the breeze over two thousand American citizens in mortal combat, and each side apparently resolved to conquer or die. But Trimble's brigade behind the embankment beyond the gap was not so hard pressed, and the right of it, the regiment to which I belonged, fired right oblique to aid the Louisianians, who were then so hard pressed that they laid down their heated and smoking arms and fought with the cobble-stones which lay thick upon their side of the embankment. The contest was unequal, and the Federals retreated, leaving a large number of their comrades behind them. Just as this brigade retreated another assaulted the front of Trimble's brigade, and a major leading his regiment charged his horse up the embankment and fell dead, rider and horse, upon the top of it. But this assault was likewise repulsed. Some half-hour later an assault was made upon A. P. Hill's part of the line and kept up with only short intervals for two hours. This was that part of the field upon which the gentleman from Ohio [Mr. KEIFER] quoted me as saying that, on Sunday after, the dead lay so thickly that I could not ride over it. This was true. There was much hard fighting done upon that field that day.

But, nevertheless, the allegation made in defense of General Porter, that there was no general battle fought by Pope's forces that day is also true. The fighting was gallant and damaging, but it was done by detachments. I did not see a greater number than two brigades of the Union army engaged at one time. It is said upon the other side that without orders Porter should have marched to the sound of the guns and the roar of battle. Gentlemen seem to forget that the fighting was after Longstreet's arrival and when he was confronting Porter. Had he thus marched he would have at once exposed the left flank and rear of his corps to Longstreet, and there would have been nothing then to have detained Longstreet from going into action at once. He used his ten thousand men to the best advantage so long as he occupied the attention and kept out of the fight more than double that number of his adversary's men. The last engagement that day was a second attack, just after dark, made upon Starke and Trimble's brigades; or rather it began just before and continued until after dark, when Hood arrived with two or three brigades from Longstreet's corps, and, taking the Union troops in flank, drove them some half mile and put a stop to the conflict that night. Starke and Trimble's men, worn down by fatigue and loss of sleep and their ranks thinned by the fighting of that day and the previous night, still held their positions against fearful odds, but welcomed with shouts of joy the sound of Hood's guns upon the flank of their assailants.

Now, the only charge against Fitz-John Porter which is worthy of serious consideration in the light of the evidence is the second, to wit: His failure to attack Jackson's right and rear as he was directed to do by the 4.30 o'clock order, which did not reach Porter until near 6 o'clock on the evening of the 29th. Suppose General Porter had obeyed that order, what would have been the inevitable consequence? Had he marched directly to the front with his ten thousand men he would have driven his column squarely against Longstreet with twenty-five thousand. He would consequently have gained nothing, but would have been repulsed with considerable loss.

Some contend that, although this might and most likely would have been the case, nevertheless it would have prevented the re-enforcement by Hood of Jackson, over whom Pope was about to gain a victory. Not so. In the first place the assumption is wrong, for Pope was not anywhere in the neighborhood of gaining a victory over Jackson. The two brigades named as engaged on the night when Hood arrived were well-nigh exhausted, but such was not the case with Jackson's whole corps; and doubtless he would have relieved or supported these with others of his own troops had he not known that Hood would soon arrive. In the second place this reasoning is unsound in supposing that Porter, however vigorously he might have assailed Longstreet, could with his ten thousand men have kept employed and detained Longstreet's twenty-five thousand men, so that Hood could not have gone as a re-enforcement to Jackson. These gentlemen who reason thus seem to forget that Robert E. Lee, the ablest military chieftain that America ever produced, was present and commanding in person, and that he knew that Pope had but forty-three thousand men, while he had over forty-five thousand. Was Lee such a tyro in the science of war as to have permitted Porter to thus baffle him and enable General John Pope to win a victory over Jackson? Why, Pope believed when he issued that order to Porter to attack Jackson's flank that Longstreet and Lee would not arrive before the evening of the 30th, twenty-four hours later than he issued the order, and in point of fact nearly thirty hours later than they did arrive.

Again, suppose Longstreet had not arrived and had not been in Porter's front when he received the order and he had obeyed it to the letter and promptly. He was two and a half to three miles away. He could not have reached the point and made his dispositions for the attack before nightfall. In rear of Jackson's right, less than a quarter of a mile, are the creek and the Bull Run Mountains, and the ground so rough and uneven that the best troops could not preserve an alignment on it in daytime. Early's brigade would have instantly formed a line from Starke's right to the bluff, and Porter could not have driven Jackson from his strong position that night. But as it is not permissible to indulge in supposition in face of the overwhelming proof that Longstreet was at the place now assigned him on the map of the field, what would have become of Porter and his corps had he promptly obeyed Pope's order? To have attacked Jackson's right would have left Longstreet in his rear. In military tactical phrase, he would have placed his command in a *cul-de-sac*, and capture or utter rout and destruction would have been inevitable.

The opponents of this bill, however, say that Porter's case is not improved by confederate testimony. They say that he did not know that Longstreet with a superior force was in front of him. This presents sharply the real issue in this case, that is the animus of Porter—the motive which influenced his non-action on the 29th. Was it an indifference as to whether the army under Pope was defeated or not? Was this the spirit which caused him to remain on the defensive merely? If so, then he is not entitled to the benefit this bill will confer, nor indeed to any relief whatever. Those who have examined the great volume of testimony differ in their conclusions on this point. Before he could legally have been adjudged guilty, the proof before the court-martial should have been so clear, strong, and convincing of his guilt as to have dispelled every reasonable doubt. To begin with, we must indulge the humane presumption of innocence until it is overthrown by proof of his guilt.

It is a maxim of the law, of universal applicability to human affairs because of its reasonableness, that if upon an established or admitted state of facts you can with equal propriety impute a good motive or a bad one for the performance or non-performance of an act constituting the basis of a criminal charge, you are bound to attribute the good motive which makes the party guiltless. General Porter was in a better position to know what was in his front than any or all of his subordinates. Every channel of information was open to him, and the presumption is that he did have sufficient information to justify the course he took. That the course he adopted was, in the light of all the evidence now before us, wise and judicious scarcely admits of question. The evidence, I take it, when construed most strongly against him, still leaves the matter in doubt as to the extent of his information as to the numbers and position of his enemy. How far was his non-action influenced thereby? His criticisms of Pope showed that he had a pretty correct idea of the ability of that officer; but he was one of Pope's corps commanders, and being such, his criticisims were ill-timed and censurable. He looked on Pope pretty much as every one else did, Federal and confederate. He had but little confidence in him or respect for him as the commander of an army, and he did not blindly obey Pope's orders with that alacrity and zeal that he would have obeyed the orders of McClellan or any other general in whom he had confidence. This is a latitude not strictly allowable by military law; but it is in accord with human nature, and in the civilization of modern times, in governments not wholly monarchical, is never punished more severely than suspension from command. This is the worst that can be said of Porter's conduct by an impartial judge. This did not make him a traitor. Kleber was never adjudged a traitor by a court or historian for giving expression to his utter contempt for Lechelle, whose order to his army was to march into action "majestically and *en masse*."

I have referred to his high soldierly conduct previously to the date of the charge. How was it and what was it subsequently? General Pope knew early on the morning of the 30th that Porter had not obeyed his order the evening before. Did he arrest him then and there? No, but ordered him into action, and Porter went and fought with his accustomed gallantry and intelligence, and lost a greater number of men that day than any corps of equal size in the army. A traitor leading ten thousand men in battle under the eye of the commanding general! There is a spectacle for patriots to behold and a problem for philosophers to solve. He retained command of his corps, and seventeen days afterward at Antietam and Sharpsburg led it on the perilous edge of battle. McClellan was removed from command of the Army of the Potomac. Pope had lost a great battle, and the responsibility must rest either on him or some of his lieutenants. An official head must fall; a victim was demanded to satisfy the country. Should that victim be of the McClellan party or anti-McClellan? The latter was in favor with the administration. Porter was selected, and although the members of the court were doubtless honest, yet were swayed by the excitement of war, partisan bickerings, and jealousies to an extent that turned all the presumptions of innocence into presumptions of guilt.

This was not an unparalleled case. Courts-martial are less relia-

ble perhaps than other courts, owing to the circumstances which surround them. While there was more harmony and good feeling among the generals in the confederate army, yet there were courts-martial there. After Longstreet's failure to take Knoxville some one had to bear the responsibility. The commanding general very rarely has the nobleness of soul to assume that, like Lee did at Gettysburg when he said, "Men never fought better, and I alone am responsible."

General McLaws was court-martialed by Longstreet, and tried by a court composed of confederate generals doubtless as honest as those who sat on Fitz-John Porter's case, and he too was found guilty and sentenced. The case went to the president of the confederacy and his cabinet for examination, and the result was that the finding of the court was reversed and set aside and General McLaws restored to command. Courts-martial were not infallible in those days. The chief vice of the argument against Porter is the assumption of the probability that Pope would have gained a victory but for Porter's disobedience. I tell them that such a thing was scarcely within the range of possibility. Pope could make no move on the chess-board of war which would have worked out that result. Forty-seven thousand of the trained veterans of Jackson and Longstreet under the command of Lee in person and in a position of their own selection could not have been beaten by a less number of troops. Forty-three thousand of the Old Guard led by Napoleon Bonaparte and all of his marshals could not have beaten the confederates upon that field. It has always been matter of astonishment to me that Pope made as good a fight as he did and sustained no greater losses, and I have always given the credit not to him, but to the high soldierly qualities of the officers and men of his army.

Mr. Chairman, much force is given to the argument in favor of Porter by the opinions not only of the Schofield board, but of two of the most successful of commanders of armies, Grant and Rosecrans. Now, it is said by the opponents of this measure that to pass it is to reverse history and censure the men who composed the court. Well, if history is false it ought to be reversed. This bit of history says that Fitz-John Porter was a traitor and a coward. I believe both to be false, and as a lover of justice desire to see the truth authoritatively asserted. But such a reversal is not necessarily an impeachment of the integrity of the members of the court. How many thousand times have the judgments of enlightened courts, composed of the most learned and conscientious lawyers, been reversed on appeal and new trials granted by a higher court? Yet who ever imagined that such reversals were a reflection upon the integrity of the lower courts? This is legislation quasi-judicial, and questionable upon no other ground, if indeed upon that, and is in its effects and consequences a retrial before a higher court than that which sat upon his case in this city twenty-one years ago. His case is now being heard before the people acting through their Representatives, and while some of these may not be very competent judges in a case of this character, as charged by the gentleman from New York who has this bill in charge [Mr. SLOCUM], yet there are a much greater number than he admits, who, though not educated at West Point like himself, have received a far more practical education in the science of war than could ever have been imparted to them in that kid-gloved institution of military science, and these can see through this case as clearly, perhaps, as the distinguished and scholarly military gentleman from New York. General Porter may not have been entirely blameless, but it is the judgment of the majority of this House and the country that his punishment has been far greater than his conduct ever merited. It therefore gives me pleasure to vote for this bill as an act of justice long delayed.

Post-Office Appropriation Bill—The Railway Postal Service.

"To persuade my countrymen, as far as I may, that it is not in a splendid government supported by powerful monopolies and aristocratical establishments that they will find happiness or their liberties protection."—*Andrew Jackson*, April 5, 1834.

SPEECH

OF

HON. WILLIAM S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 11, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885—

Mr. HOLMAN said:

Mr. CHAIRMAN: The postal service interests every employment of human industry and reaches every fireside of the teeming millions of our widespread population. The great interests involved can only incidentally give rise to party antagonisms, for no party can incur the risk of impairing even for the moment the efficiency of the wide extended system which, in a large degree, underlies the progress of the living age.

The pending bill appropriates the money for the postal system and regulates its expenditure for the coming year. It incidentally deals with the great and powerful agencies which a system now involving an annual expenditure of nearly $46,000,000 necessarily compels the Government to employ. It will be found that these agencies are the principal objects of solicitude and interest in considering the pending bill.

The gentleman from Pennsylvania [Mr. BINGHAM] has charged, and he has again and again repeated the charge, that when providing for material to carry on this great Department the appropriations are liberal, but when providing for the force, the *personnel* and intelligence by which the business of the Department is to be controlled, then a parsimonious and partisan purpose is developed. A mere statement of the facts will dispel the charge.

There are but three items, strange as it may appear after what has been said, where the amount appropriated by this bill is below the appropriation for the present fiscal year, three small items—advertising, miscellaneous expenses, and trunks for registered mail matter—and the aggregate reduction in these items is only $39,000, while in every other instance in this great bill there is an appropriation equal to or in excess of the appropriations for the present fiscal year, the excess amounting, in the aggregate, to $1,772,380. Here, then, are three items of decrease in the appropriations for this year and in one of them—advertising—the reduction of $20,000 is made on the recommendation of the Postmaster-General.

Now as to the *personnel* of this great establishment. First, for compensation to postmasters. Here is a great item; the appropriations for the present year are $9,250,000. We appropriate by this bill for the next year $10,500,000—an increase of $1,250,000.

Take the next important item, letter-carriers, a service which while immensely beneficial to the great cities is at the same time, except in fourteen cities where the free-delivery system is self-supporting, a tax imposed upon the whole people for the local benefit of cities unable to support the system. I am not complaining of it. I concede that in the great cities this free-delivery system is of the highest value and indispensable.

But even here an increase is made, and for this service for the present year $3,500,000 was appropriated, while this bill appropriates $3,600,000 for the next, an increase of $100,000 for letter-carriers alone. Where, then, does the partisan purpose appear?

I now come to the item of post-office clerks. It is the last item to which I shall refer, because I believe it is the only other item specifically referred to by my friend from Pennsylvania [Mr. BINGHAM]. Salaries of clerks in the post-offices, $4,775,000. That is the same as the appropriation for the present year. I admit it is not an increase over the present year, but it is a large increase over the expenditures of the last year for this purpose. The entire expenditure for salaries of post-office clerks last year was $4,367,079. This bill appropriates $407,921 more.

When the present Postmaster-General, a competent and efficient public officer, whose ability and integrity are alike beyond question, recently, as gentlemen are aware, informed the postmasters of the country that they themselves, to the extent of their personal service, must perform the duties of their respective offices; that they should not depend exclusively on the clerks furnished them out of the general appropriation for clerical force, he understood very well the necessity for the order.

Mr. BINGHAM. That had reference to the money-order business.

Mr. HOLMAN. Certainly, but when the Postmaster-General made that order it occurred to me that Congress should cordially support him in a valuable reform. That order was undoubtedly issued upon a careful consideration of the fact that all over this country the moment the necessary clerical force has been obtained, after endless importunity, the postmaster disappears as a part of the working force of the office. You see the tendency to this in every Department of the Government. The steady pressure by which this particular item for clerical force has been increased to $4,775,000 indicates the tendency in the post-offices of the country—clerks to do all the work, and the postmaster, with ample salary, is a gentleman of elegant leisure. The real civil-service reform needed is to stop this everlasting increase in the employés of the Government, this endless increase of salaries, and require the public officers to earn the more than ample salaries you pay them. No other civil-service reform will pay the expense of the experiment. The recent star-route trials disclose how readily lavish appropriations in this important Department may corrupt the public service and open up a carnival of fraud and robbery in the very heart of a great public office.

Thus it appears that in the three items involving in the main the *personnel* of this Department—postmasters, post-office clerks, and letter-carriers—we appropriate by this bill $18,875,000, being $1,350,000 more than was appropriated for the present year by a Republican Congress. Yet gentlemen on the other side of the House, with their accustomed unanimity, cry out, "You are crippling the postal service." Surely this country will not misapprehend the motive for this demand for increased appropriations.

I come at once to the more important features of the bill, the only features I apprehend of real interest in this debate, and the real cause of offense, for I have shown that the appropriations are ample. I refer to the subject of the compensation to be paid to the railroads for transporting the mails. Ten years ago the amount paid to the railroads for this service out of the public Treasury was $8,589,663; for the present year it is $13,275,000, and the estimate for the coming year is $14,375,000, including the postal-car service. We reduce this item $1,075,000. The specific rates for this railroad service were fixed by law on the 3d day of March, 1873, six months before the great commercial crash of that year, and were greatly above the rates of the war period. We reduced them 10 per cent. in 1876, 5 per cent. in 1879, and now by this bill reduce them 5 per cent. more, 20 per cent., in all, from the period of our great monetary inflation. We reduce the rates on the land-grant railroads to 50 per cent. of those allowed to railroads built by private capital.

I think my friend from Pennsylvania [Mr. BINGHAM] did not listen to the incisive and animated speech on Saturday last of the gentleman from Michigan [Mr. HORR], for the gentleman from Pennsylvania tells us how we could have reduced the cost of transportation of the mails by railroads a million dollars on a sounder principle than the reduction we have made by basing the compensation on the space occupied by the mail service in the postal cars, and thus reducing the rate of compensation upon "the little railroads," the mention of which almost brought tears to the eyes of my friend from Michigan when he referred the other day to the wrongs done them by this bill.

Mr. HORR. I was talking of the 50 per cent. reduction.

Mr. BINGHAM. And I was talking about the horizontal reduction.

Mr. HOLMAN. Certainly. The effort made in this bill to oppress these "little corporations" seemed to the gentleman from Michigan one of the things too grievous to be borne, while the gentleman from Pennsylvania was perfectly willing to reduce the rates on the small corporations, but stoutly resisted the reduction on the large—was perfectly willing you should lay a heavy hand upon the small corporations, but insisted that you should let up on the great trunk lines!

Indeed, as to the 5 per cent. reduction the gentleman from Michigan seemed to acquiesce in its fairness, but was most solicitous for the small land-grant corporations affected by the 50 per cent. reduction.

Mr. BINGHAM. The gentleman must not assume because I do not interrupt him that I accept his propositions.

Mr. HOLMAN. No; I take it for granted you do not all the way through.

Mr. BINGHAM. Well, in that you are safe.

Mr. HOLMAN. But, Mr. Chairman, I am glad the gentleman from Pennsylvania, as well as the gentleman from Michigan, virtually admits that on the great body of these railroads the cost of transportation is too great. My friend from Michigan says he does not complain of the reduction of 5 per cent., and the gentleman from Pennsylvania admits that a reduction might be made to the extent of $1,000,000 without injustice; that is, if I understand him correctly.

Mr. BINGHAM. That is, taking the service generally.

Mr. HOLMAN. Certainly; with the great trunk lines of railroad on one side and the little railroads of my friend from Michigan on the other. So I trust we shall have no trouble, at least about this 5 per cent. reduction.

Gentlemen will readily see that if we reduce the rates of the railroad postal service as proposed by this bill, the reduction of more than a million dollars we have made on this item will be perfectly safe. Indeed, it would justify a much great reduction.

THE UNION PACIFIC RAILROAD SYSTEM.

There was an intimation that Congress could not reduce the rates allowed the land-grant roads, and a further argument that it was not fair to do it because it was unreasonable and unjust, and because the reduction does not reach the Union Pacific Railroad system; and I believe my friend from Michigan doubts whether it strikes the Northern Pacific roads. If the gentleman will examine the terms of the bill carefully he will see that it embraces the Northern Pacific; but in view of the opinions expressed by gentlemen touching the Union Pacific system, I ask the special attention of the committee to some facts in connection with the matter and the reasons for the action of the Committee of Appropriations. The Union Pacific system, formerly six, now virtually four corporations, stands alone, and is of special interest to the Government in a great many respects. They are not, according to the decision of the Supreme Court of the United States, to which I shall refer, bound by the provision of the law fixing the rate of compensation for mail transportation under the act of March 3, 1873, or of any law making a reduction enacted since that time. They charge whatever they think proper, receiving the amount that the Post-Office Department is willing and authorized to pay, according to the regular rates paid to other corporations, and demand of you, through the Court of Claims, the balance. They claim that under the sixth section of the act of July 1, 1862, incorporating the Union Pacific system, they are entitled to "fair and reasonable rates" (I mean for the transportation of the mails), and that the only limit is that these shall not exceed the rates paid by private parties for corresponding service. That is the state of their claim, and the result is they demand on countless ingenious devices nearly double the rates you pay to other railroads, excessive as they are. Until 1876 they accepted the same rates that were paid to other railroads for like service, but since then, growing stronger, they have enlarged their demand.

The question as to the right of these corporations to demand compensation beyond that allowed the other railroad corporations, under the postal laws, was carried into the Court of Claims by the Union Pacific Railroad corporation. This corporation claimed in the action that for transporting the mails over its railroad from January 1, 1876, to September 30, 1877, it was entitled to recover $1,168,720.22, including $140,000 for the fares for the postal-car clerks. This was $549,809.68 more than the amount allowed by law to the other railroads for like postal service. The Court of Claims held that the general provisions of law were applicable to this and the other Union Pacific corporations, and allowed $618,910.54 of the claim and rejected the rest, $549,809.68; but the corporation appealed to the Supreme Court, and that court, at the October term, 1881, reversed the decision of the Court of Claims, on the ground that the general laws enacted by Congress fixing the rates of compensation of railroads for transporting the mails did not apply to the Union Pacific system, and that the sixth section of the act of 1862 organizing the system to which I have referred, and under which the corporation claimed nearly twice the compensation allowed by law to the other railroads, governed the rates, and that Congress had not legislated on the subject by way of amending the act of 1862, but withheld any opinion as to the power of Congress to amend the charter and sent the case back to the Court of Claims to adjust the accounts virtually on the basis of the claim of the corporation. Mr. Justice Matthews delivered the opinion of the court.

It will be seen by reference to the case I have referred to that it was decided in favor of the corporation expressly on the ground that Congress had never applied the laws fixing the rate of postal transportation in specific terms to the Union Pacific system.

I have now occasion only to refer, in support of the authority of Congress to amend the two acts referred to and the sixth section of the act of 1862, to the Sinking Fund cases. (The Union Pacific Railroad Company *vs.* The United States, 99 United States Supreme Court Reports, page 700.) I presume there is no gentleman who hears me who fails to remember that famous decision.

Gentlemen will remember that the act of July 1, 1862, incorporating these Union Pacific corporations, as well as the act of 1864, amendatory of the original act, both contained the clause that "Congress may alter, change, modify, or repeal this act," and under this ample power to alter, change, or modify the sinking-fund law known as the Thurman act was sustained in the case I have mentioned. That act was an amendment of the act incorporating the Union Pacific system, and on exactly the same principle and authority the legislation we now propose can and must be sustained. And if it could not be, the monstrous fact would appear that you must pay for all time to a body of corporations created by your bounty, investing a few of your citizens with imperial fortunes, whatever they might exact for the public service you might require, the Government left as now completely at the mercy of the creatures of its own creation, corporations stronger than the Government.

But gentlemen will observe that this bill goes no further than to place this Union Pacific system, composed of the six corporations (the Union Pacific, the Kansas Pacific, the Central Pacific, the Western Pacific, the Sioux City Pacific, and the Central Branch of the Union Pacific), now consolidated into four (the Union Pacific, the Central Pacific, the Sioux City and Pacific, and the Central Branch of the Union Pacific), under the same laws that regulate and control the transportation of the mails by the other railroads of the country, and require them as well as the other railroad companies to transport the mails at a rate 5 per cent. less than is now authorized by law. Why not subject them to the provision touching the land-grant railroads? The Committee on Appropriations are of the opinion that in dealing with the Union Pacific system public interests can be better promoted by amending the sinking-fund act than through any other means. This system stands by itself, and wisdom and firmness can alone save the Government from heavy loss. These six corporations now owe you the enormous sum of $42,569,730.31 interest you have paid on the bonds issued for their benefit, and those bonds, amounting to $64,623,512, due in fifteen years, you will be compelled to pay, with a mortgage on their property inside of yours of an equal amount and due at the same time. The only safety to the Government will be found in a vigorous and ample sinking-fund law firmly administered. The Thurman act is found wholly inadequate. The crafty and unscrupulous devices of the gentlemen to whom you have given excessive fortunes have in effect defeated the law. With the gross earnings of these railroads amounting annually to a sum exceeding $50,000,000, and with dividends up to this time on the two main lines alone amounting to $34,963,479, the Thurman act, which only reaches 25 per cent. of their net earnings, is really set at defiance, and but a trifle over four millions have reached the sinking fund in five years, and that, in the main, simply the amounts they claim at extortionate rates for transportations made for the Gov-

ernment. The Committee on the Pacific Railroads it is hoped will report a bill wise enough and strong enough to secure to the sinking fund a sum sufficient to refund the interest you have paid and meet the bonds when they become due.

THE LAND-GRANT RAILROADS.

Now, Mr. Chairman, one other feature of this bill, and one only, and the most important of all. Is it just and proper to require the land-grant railroad corporations to transport your mails at 50 per cent. of the rates you pay to the corporations whose railroads were built by private capital? I think that it is. I think it liberal, and more than liberal, when the cost in public wealth is considered in the building of these land-grant railroads. I submit a table of the railroads (not including the great Pacific lines) built or authorized to be built under the land-grant system, and affected by this provision.

Grants of land made by the United States to aid in the construction of certain railroads.

	Names of railroads for which grants were made.	Number of miles covered by grants.	Estimated number of acres granted.
1	Atchison, Topeka and Santa Fé	470	3,005,870
2	Kansas City, Lawrence and Southern Kansas	143	800,000
3	Burlington and Missouri River (in Nebraska)	190	2,441,600
4	California and Oregon	291	3,724,800
5	Southern Pacific (Southern Division)	934	
6	Burlington and Missouri River (in Iowa)	279	948,643
7	Minnesota Central	110	
8	Southern Minnesota	167	3,462,403
9	McGregor and Missouri River	150	
10	Hastings and Dakota	75	
11	Chicago and Northwestern		
12	Cedar Rapids and Missouri River	271	1,298,730
13	Winona and Saint Peter (Saint Peter to Watertown)	323	1,852,989
14	Saint Paul and Sioux City	121	1,199,849
15	Sioux City and Saint Paul	122	551,148
16	West Wisconsin	177	999,983
17	North Wisconsin	42	1,408,452
18	Mississippi and Missouri River	317	1,261,181
19	Hannibal and Saint Joseph	206	781,944
20	Illinois Central	710	2,595,053
21	Dubuque and Sioux City	142	1,226,163
22	Iowa Falls and Sioux City	183	
23	Little Rock and Fort Smith	165	1,009,296
24	Memphis and Little Rock	133	804,185
25	Cairo and Fulton		
26	Southwest Branch of Pacific of Missouri	37	1,161,235
27	Saint Louis, Iron Mountain and Southern	514	4,106,647
28	Missouri, Kansas and Texas	183	1,520,000
29	Oregon and California	200	3,840,000
30	Oregon Central	47	100,000
31	Southwest Branch of Pacific of Missouri	37	
32	Atlantic and Pacific	208	
33	Lake Superior and Mississippi River	156	920,000
34	Stillwater and Saint Paul	13	
35	Saint Paul and Pacific	387	4,723,638
36	Southern Pacific (Northern Division)	934	11,964,160
37	Southern Pacific (Southern Division)		
38	North Louisiana and Texas	870	610,880
39	Denver Pacific	106	1,100,000
40	Saint Joseph and Denver City	227	1,700,000
41	Portage, Winnebago and Lake Superior	256	1,800,000
42	Florida Transit Railroad Company	155	1,171,200
43	Florida Central and Western Railway Company	155	1,405,440
44	Louisville and Nashville Railway Company	45	168,960
45	do	112	433,920
46	Mobile and Girard Railway Company	85	858,624
47	East Tennessee, Virginia and Georgia Railway Company	156	641,285
48	Alabama and Great Southern Railway Company	270	944,640
49	Vicksburg and Meridian Railway Company	95	368,640
50	Mobile and Ohio Railway Company	472	1,286,784
51	Morgan's Louisiana and Texas Railroad and Steamship Company	83	967,840
52	Vicksburg, Shreveport and Pacific Railway Company	76	725,760
53	Saint Joseph and Western Railway Company	226	1,700,000
54	South and North Alabama Railroad Company	183	702,720
55	Chicago, Milwaukee and Saint Paul, La Crosse to Airlie	302	1,787,953
56	Flint and Pere Marquette Railway Company	168	586,828
57	Grand Rapids and Indiana Railway Company	333	921,280
58	Marquette, Houghton and Ontonagon Railway Company	73	755,200
	Total	13,071	85,073,773

I think that it is not unjust or oppressive to apply the provisions of this bill to this great body of corporations. The gentleman from Michigan [Mr. HORR] complains that by this provision you are oppressing the small corporations. Have gentlemen considered that through this land-grant system you have built and equipped, even as shown by the Postmaster-General's report, by your bounty 11,588.56 miles of the railroads I have named?

Mr. HORR. Outside of the Pacific roads?

Mr. HOLMAN. Yes; outside of the Union Pacific system and outside of the Northern Pacific, Texas Pacific, and Atlantic and Pacific roads. The following table presents these great grants grouped together:

Grants of land made by the United States to aid in the construction of certain railroads.

	Names of corporations.	Number of miles covered by grants.	Estimated number of acres granted.
1	Kansas Pacific	638	6,000,000
2	Central Pacific	737	7,997,600
3	Western Pacific	123	1,100,000
4	Central Branch of the Union Pacific	133	804,185
5	Sioux City Pacific	101	41,398
6	Union Pacific	038	12,000,000
7	Northern Pacific	1,317	48,215,040
8	Texas Pacific	2,870	14,000,000
9	Atlantic and Pacific	1,755	49,244,803
	Total	7,712	139,403,026

Mr. Chairman, it will be seen the aggregate length of railroads for which the grants were made is 20,803 miles—13,071 miles independent of the 7,732 mileage of the Pacific roads; and the report of the Post-Office Department shows that last year the Government paid on 11,588.56 miles of land-grant railroad, independent of the Union Pacific system and the great body of lapsed grants, $1,144,323.91 for postal service. The startling fact appears that in the gradual development of these grants, great as they are, they still swell in their proportions. I pointed out on a former occasion the startling discrepancies that appear in the official statements of these grants, and can only say now, as I did then, that in such enormous grants a few million acres either way is perhaps considered of no moment; but the corporations will lose nothing by this uncertainty. It will be seen that in many instances the name of the original corporation is lost by new combinations.

The gentleman from Michigan [Mr. HORR] says on the one hand we are taking away from these land-grant railroad corporations the lands granted to them, and on the other we are reducing 50 per cent. the compensation which they are to receive for the transportation of the mails. The gentleman is mistaken. If the railroad corporation does not receive the benefit of the land grant and the road was not built in whole or in part by your bounty, the law does not apply to it. To the extent that a given grant shall be declared forfeited the reduction prescribed by this bill will not apply. To the extent that these roads have been built by your bounty, why should not the fact be considered in determining the rate of compensation they should receive for services rendered the Government?

Mr. HORR. Will the gentleman permit me to ask him one question?

Mr. HOLMAN. My time is limited.

Mr. HORR. The statement you have just made is misleading, but I do not want to interrupt you.

Mr. HOLMAN. But the gentleman from Michigan says there is a reason why you should not act as he deems oppressively in dealings with the land-grant roads. He says that you did not make these grants with the expectation of any benefit being returned to the Government; that you did not expect your property and mails to be carried free, or at reduced rates; that you did it for the sole purpose of opening up the wilderness.

A large body of the citizens of Michigan differ with my friend, and in a memorial to this House, speaking of the Marquette and Ontonagon Railroad land grant, say:

> And we further assert that, with the rapid, almost alarming, absorption of the public domain by the instrumentality of grants of lands to aid the construction of railroads and other works of internal improvement, a strong current of public sentiment has set against all special legislation of this character, imperatively demanding the repeal of all unearned grants—a demand that can no longer be safely ignored. And the party that does ignore this issue will be held strictly responsible for its action before the people at the polls of every national election in the United States until the evil is rooted out. No evasion will satisfy. The issue must be squarely met.

What are the conditions on which these grants were made? What rights has the Government reserved in giving away the common wealth of its people? There are some reservations, two of them, meager and inconsiderable I admit, but still something. In all of these grants, running through all these years, these are the conditions, varied somewhat in terms, but still substantially the same:

> And the said railroad shall be and remain a public highway for the use of the Government of the United States, free from all toll or other charges upon the transportation of any property or troops of the United States.

This is the first right reserved to the Government; and even here in the beginning is a fraudulent purpose. Undoubtedly Congress understood by those terms that the railroad should transport the "property and troops" of the United States free of charge; but you observe a

slight ambiguity in the language, and under this ambiguity the Supreme Court has decided that the Government has the right to put its own locomotives and cars on these railroads and by its own employés transport its property and troops free (which of course is impracticable), but if the railroad transports the Government's property and troops, then the Government shall pay the railroad company 50 per cent. of the usual rates of transportation. This was decided in the case of the Atchison, Topeka and Santa Fé Railroad Company *vs.* The United States, and yet the land grant to that company was made four years after Congress had, by a joint resolution I had the honor to introduce in 1862, declared that the meaning of the terms employed in that reservation was that the land-grant corporation "should transport the property and troops of the United States free of charge."

The other right reserved in all these grants is in less ambiguous language and in all the same in substance:

> The said railroad shall transport the mails of the United States at such price as Congress shall by law direct.

Now, these two provisions cover all the rights reserved to the United States in consideration of these imperial grants. Contrary to the manifest intention of Congress, these corporations have under the extraordinary decision I have named received millions of dollars from your Treasury for transporting your "property and troops," and are still annually receiving large sums and will for all time. But, as I have shown you, we have the clear and unquestionable right to fix the rate at which these land-grant roads shall transport our mails.

There are other grants, which I have not included in either of the foregoing tables, where not a spadeful of earth has been dug in the construction of a railroad, yet the lands are withdrawn from settlement and claimed by the corporations, although the grants were long since forfeited. The forfeiture of these grants will of course be declared. Of all of these grants near 109,000,000 acres, including over 16,000,000 this House has already declared forfeited, are beyond any reasonable question forfeited, and the declaration of that forfeiture by Congress is demanded by the highest consideration of public policy, common honesty, and justice to the people. Even to the extent these land-grant railroads enumerated in the first table were completed you paid them, as I have shown, last year $1,144,323.91 for transporting your mails. This bill would as to these roads, to the extent they are entitled to the lands granted and including the Pacific systems, save to the Treasury annually, I think, near a million dollars, perhaps more; but the restoration of the forfeited grants to the public domain is of far greater moment than any such monetary consideration; so that this bill cautiously declares that none of its provisions "shall be construed to waive or impair any right now existing in favor of the United States." While these corporations generally withhold the obtaining of patents for their lands to avoid local taxation and are in the main holding their lands until the Government lands shall be exhausted, they still had taken out patents up to June 30, 1882, for 47,745,941 acres. If in the adjustment of these vast grants they obtain over 70,000,000 more, it will be because incorporated wealth is stronger in controlling our affairs than the sense of justice and public duty which controls this Government in maintaining the rights of its people. So patents have already issued up to June 30, 1882, date of last specific report, for 47,745,941 acres, a territory in the aggregate as large as the two great States of Indiana and Ohio combined and nearly a half million acres more. And this is already done. In the last admirable report of the Commissioner of Public Lands we are told that during the last year "twelve railroad patents, covering one hundred and twenty-four pages of record, were issued." Yes, sir; and instead of these vast fields being covered with cheerful homes and a great multitude of prosperous and independent citizens, a handful of men became the proprietors of landed estates dwarfing the baronial possessions of Europe.

But the fact must now be apparent that no demands which the Government could make on these corporations for the free transportation of the mails, property, and troops, now and for all time, could compensate this Government and its people for the lands it has granted. The legislator who considers the mere monetary value of the land granted, enormous as it is, takes a very superficial view of the subject. Had the value of these vast millions of acres been granted in money from the public Treasury or been expressed in bonds issued by the Government payable in money, the only evil to our free institutions would have been the granting of great fortunes by the special favoritism of Government to a portion of its people at the expense of their fellow-citizens. (All monarchies present examples of this policy.) The evil, great as it might be, would not go beyond this, and an honest and earnest vigilance of the people would and could in the progress of time correct it. But the giving away in vast tracts to the favorites of Congress of the fertile lands which, on any just conception of our free institutions, ought to be the freeholds of our people, advancing the price of these lands beyond the reach of the laboring and landless men of the present period and early future, is an evil that admits of no remedy except revolution. To make these grants on the pretense of progress and opening up the wilderness to the developing power of labor, to give labor a chance, is to invite to our shores the theory of the Middle Ages, baronial estates, baron and serf, the power of the one to shelter the feebleness of the other! Was it through imperial grants the great country from the Atlantic Ocean to the Alleghany range was settled, and thence onward to the Mississippi, with a prosperous people, remarkable for the rugged virtues of their manhood, but still more remarkable (and without a precedent in history) for the general equality in their material possessions? Here was seen the natural outgrowth of our free institutions.

But the evils of this system are not limited to the withdrawal for all time from the great body of our laboring and landless people of more than 200,000,000 acres of public lands (a territory in the aggregate equaling in extent ten such States as Indiana); nor in creating corporations so great and powerful that they pervade every department of your Government, tampering with official authority and claiming the benefit of every doubt, putting the Government itself at defiance; nor in the creation of overgrown fortunes, which enter the controlling departments of your Government through States organized under the auspices of these corporations and exercise judicial, executive, and legislative power. No, sir; the evil does not terminate there, but under this perfidious system of progress, as an inevitable and natural result, land monopoly runs riot, the land jobbers hold high carnival, and the lands left after taking out the great grants, the lands left under this treacherous system for the people, are seized upon by the vigilant land-jobbing capitalist and his skillful and unscrupulous agents. Your land-grant roads everywhere meander through your most fertile lands, on the margin of rivers and through fruitful valleys, and even before the laboring men, your landless people, the men who long to become, with their wives and children, *bona fide* settlers of the new country, are able to turn their faces westward the remaining lands—every fertile valley, every inviting field, even the alternate sections reserved in the land grants, and far beyond—are taken up section after section, swelling into great private estates; and your pre-emption law, through fraud and perjury, is made to do service in this most infamous proceeding. Opening up the wilderness! For whom? The *bona fide* settler, whose labor would make the land fruitful and whose children, reared in virtuous industry, would give strength and stability to their country? No, sir; to the land-jobber and the land-holding barons who move so naturally alongside the land-grant corporations. You may travel for hundreds of miles even in Dakota, and, although you see no human habitation, every acre of the land has already ceased to be a part of our once grand public domain; in vast and solitary regions not an acre left for the settler. Under the old-time, honest system of our fathers and of the early period of our age every quarter-section entered would have been adorned by the home of an independent freeholder and the presence of his wife and children. Time will develop the great landed estates your land-grant system has rendered possible, even if that was not its original purpose, and will call down upon it the execration of mankind. Even now a list of some of them is made public. How does even this list become a republic? I clip the following from the San Francisco Daily Examiner, a leading journal on the Pacific coast:

THE GROWING MONSTER.

Besides the millions of acres belonging to railroad and other corporations, the amount of land that is being acquired by foreign capitalists and landlords is fairly amazing. Ireland is to-day groaning beneath the yoke of oppression, and not many years will roll around before the American tenant, upon his knees, will also look up into the scowling face of his master and acknowledge his obedience. Following are a few of America's foreign landlords, and the amount of their holdings expressed in acres:

The Holland Land Company, New Mexico	4,500,000
An English syndicate, No. 3, in Texas	3,000,000
Sir Edward Reid and a syndicate, in Florida	2,000,000
English syndicate, in Mississippi	1,800,000
Marquis of Tweedale	1,750,000
Phillips, Marshal & Co., London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London	750,000
Byran H. Evans, of London, in Mississippi	700,000
Duke of Sutherland	425,000
British Land Company, in Kansas	320,000
William Whalley, M. P., Peterboro, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Robert Tennant, of London	230,000
Dundee Land Company, Scotland	247,000
Lord Dunmore	120,000
Benjamin Newgas, Liverpool	100,000
Lord Houghton, in Florida	60,000
Lord Dunraven, in Colorado	60,000
English Land Company, in Florida	50,000
English Land Company, in Arkansas	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir J. L. Kay, Yorkshire, England	5,000
Alexander Grant, of London, in Kansas	35,000
English syndicate (represented by Close Bros.) Wisconsin	110,000
M. Ellerhauser, of Halifax, Nova Scotia, in West Virginia	600,000
A Scotch syndicate, in Florida	500,000
A. Boysen, Danish consul, in Milwaukee	50,000
Missouri Land Company, of Edinburgh, Scotland	165,000
Total	20,747,000

Twenty million seven hundred and forty-seven thousand acres! And the land-grant system was to enable the *bona fide* settler to reach the public land! I admit the railroad land grants are not responsible for two of the purchases set forth in the above list, but, omitting those, here is a territory which in the aggregate is nearly as large as the great State of Indiana, held by foreign corporations, lords, and capitalists, every acre of which, the two tracts omitted, I am assured is within the land-grant regions, and entered unquestionably through the aid of that

infamous system. I have before me a list of land purchases by thirty American capitalists in the land-grant sections, ranging from 25,000 to 2,000,000 acres, aggregating 7,427,000 acres. For what purpose did the Northern Pacific corporation invite the nobility of Europe to the recent festivities attending the pretended completion of that railroad except to invite attention to the princely possessions it could place within their reach? But why enter into detail? Did any member of Senate or House who supported those grants, making grant after grant until they permeated every fertile region of the public domain, and until the public voice changed the political sentiment of this House, expect any other result? Thus, sir, a magnificent public possession, the grandest on the face of the globe, which, under the statesmanship of any of the great political parties which controlled the destinies of this Republic prior to 1861 would have furnished a safe retreat and shelter for labor, happy and prosperous homes for independent freemen for generations to come, has been turned over to an accursed monopoly within so brief a period as twenty-two years. The homestead law, the wisest and most humane act of legislation since Moses pronounced the law that nourished into manhood the most masculine fragment of the human race: "Ye shall divide the land by lot for an inheritance among your families; to the more ye shall give the more inheritance, and to the fewer ye shall give the less inheritance"—the homestead law! What a mockery of human hopes! Before the hour for its real triumph had come Congress, in the recklessness of absolute power, yielding to the sordid motive of coining the common wealth of the people into private fortunes, had granted to monopoly the wealth in homes and human happiness the homestead law was intended to diffuse. The Indian reservations and forfeited grants are about all that is left.

Do gentlemen who defend this land-grant railroad system and complain so bitterly that we are seeking to impose unjust burdens on the men who have obtained the benefit of these grants forget, in estimating the value of those grants, that in a government like ours homes and intelligence are not only necessary to the well-being of the whole people, but indispensable to the peace and order of society and the stability of government? Do they think that a system can be inaugurated by Congress by which a few skillful and ingenious gentlemen may monopolize imperial wealth out of the common inheritance of the people and open up opportunity by which the greater portion of the lands of the Republic adapted to agriculture and the blessings of homes and of independent freeholds can and will with absolute certainty be seized upon by foreign and domestic capitalists, and the price thus advanced beyond the reach of the greater portion of our people, without inflicting a deadly wound on our free institutions and the rights of laboring men?

Does any intelligent man believe that our system of government can be maintained without the great body of our people being independent freeholders? And yet this land-grant railroad system, by its own direct monopoly of the public lands and by the opportunities it has opened up for capitalists and corporations, European as well as American, to monopolize them, has even now almost exhausted that portion of the public domain adapted to agriculture, rendering it absolutely certain that throughout a vast region the plow will not be "in the hand of its owner," but landlord and tenant, great estates and squalid poverty, will curse the land. Nothing but forces and currents now hid from our view can prevent this. So the rigid parsimony of our fathers in hoarding up these public lands for their posterity becomes the dishonor of their children; for it must be remembered that up to 1862, when this fatal and venal system was entered upon, the entire grants for internal improvements from the 17th day of September, 1787, to the 4th of March, 1861, made exclusively to States, not an acre to corporations, was but 31,600,846 acres, including the grant to the Illinois Central, so often mentioned, of three and one-quarter millions of acres—large for that period; how trivial for this!

With the public land exhausted, disposed of in immense grants or at nominal prices to foreign and domestic capitalists, then, and not till then, the period of peril to this Republic will begin.

Have gentlemen considered the extraordinary yet silent influence these unshorn, fertile, and virgin lands have exercised through all the years of our history over our people? They have been from the beginning not only the cause and the source of our prosperity, but, more than that, the cause of the unexampled internal and domestic quietude and repose we have enjoyed, under the shelter of which our greatness has been achieved. Where in all the world's history have a people through more than a century been so greatly exempt (only excepting the inheritance of African slavery) from internal strife? How seldom through all these years, though prolonged periods of commercial and industrial depression have often occurred, has labor, even in limited fields and for a brief period, like a swarthy giant in despair, girded up its loins for a struggle against oppression. Yet at times a loud cry for bread has been heard in our cities, and no overmastering army has stood ready to strike. I do not assert that the absence of disorder and unrest, which in other nations have organized standing armies and navies, is with us to be attributed exclusively to the existence of our public domain and the hope and confidence it inspired, for other great causes have contributed to that end; but I do assert that in the greatest degree the internal peace, order, and well-being of our people can and must be traced to this great common wealth of lands, which from the beginning has arrested the attention, animated the courage, and inspired the hope of the laboring men of this country. Cheap lands, the hope of home and fireside, and independent manhood have been our standing army and watchful navy, guarding for more than a century the repose and order of the American people.

For generations the towns and cities and mining regions east of the Alleghanies, and in more recent years westward of that ancient landmark, have swarmed with workmen in the countless industries of the forge, the loom, the mine, and the workshop; the overcrowded rural population have swarmed into your towns and cities; everywhere thousands upon thousands of industrious and strong men have been barely able to keep the wolf from the door. Have gentlemen considered the humane and hope-inspiring influence of the great public domain on the lives of this great and ever-growing multitude of our people? Follow the weary workman into his rented and cheerless tenement, furnished with the bare necessities of life; see him as he sits moodily at the fireside with his poorly clad and scantily fed wife and children around him—how dreary and cheerless! But in the midst of his hopeless despondency let the old hope revive, hear him talk of the oft-considered plans, by saving and scrimping year after year (cheese-paring, if you please, even on the bare necessities of life), to raise means necessary to emigrate to the once free fields of the West, and see how poverty and wretchedness vanish and hope revives, while visions of a blessed homestead, with its cheerful fireside, an honest and manly freehold, with green fields and lowing herds, and, above all, happy and hopeful children and prosperous and peaceful old age, give new courage to the man and bring a gleam of gladness to the weary heart of the careworn wife! Who shall say how many millions of laboring men, buoyed up by the hope your grand public domain inspired, have thus, through the patient savings of years, gone westward, and as independent and prosperous freeholders aided in developing that widespread field of human happiness stretching westward from the Alleghanies, where the public domain began, or how many millions more have toiled on inspired at least by the blessed promises of hope? Yes, sir; far beyond the hopes ever realized, your public domain has been a source of energy, industry, and peace.

Mr. BELFORD. I would like to ask the gentleman a question.

Mr. COX, of New York. Do not yield, Judge; go on, your time is running out.

Mr. HOLMAN. My friend from Colorado will have to excuse me; I can not yield now.

The States formed and settled within the public domain under the old system are and have been from the beginning alike remarkable for their prosperity and the diffusion of their landed wealth; those formed and forming under your legislation of the last twenty-two years are smitten with the deadly blight of the Old World, the curse of the Middle Age—land monopoly—the hope of labor blasted by its overshadowing and baneful power, while wealth stalks into the council chambers of the Government at its own volition and manhood stands silent and abashed!

Do not the gentlemen know that this vast wealth which attends the apparent prosperity of this period is not the wealth that gives greatness and strength to a republic, but the wealth that builds palaces, undermines the foundations of free government, and wrings from the heart of labor the cry of despair? With the public lands exhausted, with the remnants of the Indian tribes despoiled of their reservations, and the lands seized upon by capitalists and merciless speculators (except so far as you have pledged them in advance to the railroad corporations), and lands everywhere advanced in price beyond the reach of laboring men, with the hope of better fortune and of independent homes dying out of the heart of labor, with men fully conscious of the wrong you have done them by your legislation, can the peaceful order of society be hoped for as of old? I am not astonished that gentlemen deem this early hour an opportune moment to urge the policy of a great navy; it will come, if it does come, in the natural order before a great army. Capital is timid and full of suggestions; the Navy is the most remote, but I am not surprised that here and there comes also the intimation that your Army is too small. These too may be some of the bitter fruits of your imperial grants. I fear that it will be seen soon enough that when you have destroyed the very foundations of security and hope upon which labor has rested so long, the old time repose and peaceful order will be no more. Gentlemen should not forget that the wrong that has been done to laboring men and their children by giving over their natural inheritance to an accursed monopoly will in due time be considered by the most intelligent body of laboring men who ever debated a public wrong—men fully aware of their rights and capable of asserting them.

I have been unintentionally led into this discussion of the results of the land-grant railroad policy by the assumption of gentlemen that that policy was wise and beneficent, and that the Government should treat with kindly consideration the corporations which have obtained the benefit of these grants; but I know of no subject which so imperatively demands the earnest consideration of Congress; and this House has I think most wisely given this great question of the public lands and forfeited grants a commanding position. For myself, I demand, in the name of every laboring man in America, that these corporations whose

railroads were built and equipped by your bounty shall bear public burdens on the basis of the benefits you have so lavishly bestowed on them. These corporations to the extent they fulfilled the terms of the grants will hold them until our ever-swelling population and the labor of our millions of laboring men in every field of human industry shall have enhanced their value. To this extent there is no remedy for the evil done. But common justice to the whole people and the highest public policy demand that to the extent that default has been made by the land-grant corporations the forfeiture should be sternly declared and the lands restored to the public domain. I indulge the confident hope and belief that before this Congress shall adjourn this House at least will have declared the forfeiture and restoration of over 100,000,000 acres of these grants to the people, and with every acre of the public land adapted to any form of agriculture placed under the safeguard of the homestead law alone; all that remains of our once great inheritance will at least be secure. I can not doubt that the people with one voice will command that it shall be done.

But, Mr. Chairman, no remedy can be complete. The evils done to our free institutions by this indefensible legislation of Congress will survive the memory of the men who passed the laws as well as of those who at every step resisted their enactment. A great monopoly of land admits of no remedy; it is a crime against the human race and deserves the execration of mankind. No time can palliate the wrong. No, sir; when the time shall come to consider and write the history of these grants and the measures of public policy you have gathered around them, when the fruits of that legislation shall have ripened in all its bitterness, the philosophical historian will pause with astonishment at this robbery of the common inheritance of our people. How could it happen that, after the public lands had been guarded against monopoly for near a century with sleepless vigilance for homes of successive generations, shoring up free institutions by the freehold of the citizen, a party which in its first advent into power was capable of enacting so wise a measure as the homestead law should go back on all the traditions of the Government and within fifteen years after its advent into power turn over to soulless monopoly and heartless speculation the grand inheritance of the people? Of course there has been and will be a marvelous development of resources, towns, and cities; but out of it all there rises up a deadly presence in a republic—private estates greater than any king in the plenitude of power ever conferred on a favorite; wealth and perpetual franchises, arrogant and exacting, cautious and timid, intrenched as in a citadel in every department of your Government, and silently controlling every avenue of power; while in the near future—how humiliating the thought!—millions of our people with their wives and children homeless and miserable, who but for these overgrown estates would have been independent freeholders with prosperous and happy homes adding to the stability and true glory of their country.

The legislation that fosters the wealth of the few and facilitates the growth of private fortunes out of the common wealth of the Republic is a harbinger of dishonor and decay to free institutions; that which firmly upholds the equal rights of all men to protection and justice, and leaves all else to the enterprise and industry of the people, diffuses wealth and elevates all silently and surely as the dews of heaven fall upon and refresh the earth. The one appeals sooner or later to the arbiter of power for support; the other, to the heart of the human race. Free institutions could not survive for a century the theory of government in its complete development unrebuked by the public voice, which rendered these extraordinary grants of the public lands to favored citizens possible. The words I have more than once quoted on this floor, uttered by Saint Pierre, the humane philosopher of France, as he stood on the verge of the first great revolution of his country and beheld with aching heart the miseries of its people, are true: "Great estates destroy the spirit of patriotism in those who have everything and those who have nothing."

The Bonded Extension Bill.

SPEECH

OF

HON. SEABORN REESE,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 20, 1884

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. REESE said:

Mr. CHAIRMAN: Before entering upon the discussion of the merits of this bill I desire to make an explanation. A few days ago, when an effort was made to call this matter up for consideration, yielding to the earnest appeal of my distinguished friend from Kentucky [Mr. WILLIS], the zealous advocate and author of the bill, I voted with him. In doing this I was actuated by a spirit of fairness to the measure and friendship for that gentleman. At the time, however, I distinctly stated to him that I was unalterably opposed to its passage and should vote against it.

Mr. WILLIS. Nothing needs be added to that statement. I only desire to say, in justice to the gentleman, that it is the exact fact, and we are very much obliged to him for helping to give us a hearing on a great question.

Mr. REESE. But, sir, when its friends continued to press it upon the attention of the House, and not desiring in any way to be responsible for the enactment of any such law, should the bill by any possibility pass, I declined to give them further aid. This much I felt was proper for me to state, in order that no misunderstanding could arise as to my position.

Mr. Chairman, I now propose, in the ten minutes so kindly yielded me by my colleague, to discuss the merits of the bill and succinctly give my reasons for opposing its passage. I regard this in many aspects the most important question that has come or is likely to come before this Congress. The suspension of the collection of taxes imposed by law is always a grave matter and should be most deliberately and seriously considered before undertaken. I do not believe that the collection of any tax should be suspended, or the person or interest relieved from its payment, except in extreme cases. Indeed, I do not think it wise in any instance.

All taxes, whether specific or general, whether levied by the Federal Government, a State, county, or municipality, are intended to raise revenue for the support and maintenance of that government, the citizens receiving as a consideration its protection in the enjoyment of life, liberty, and property. Nor is it competent for the subject to determine the necessity of the levy.

When we once depart from the rule requiring the prompt payment of taxes, be their character what they may, we at once involve ourselves in a labyrinth of difficulties, we impair the protective power of the Government, we expose ourselves to the danger of partial legislation, we convert Congress into an immense relief committee, and we engender in the minds of the people a feeling of expectancy if not a hope of relief. Therefore I think it wiser for the Government and better for the citizen to lay down a Procrustean rule requiring the prompt payment of all taxes without exception. Then the machinery of government moves smoothly on, unclogged by the impediments of departure. The propriety and wisdom of adopting such a course can never be better demonstrated and illustrated than by the bill now under consideration. The law now requires the tax on whisky in bond to be paid within three years from the date of entry or at the time it is withdrawn for consumption. There is now due the Government the taxes on 70,000,000 gallons of whisky, which at 90 cents a gallon, as provided by law, amounts to the aggregate sum of $63,000,000.

By this bill we are asked to change existing laws by extending the bonded period on whisky for two years. In other words, we are called upon to relieve the owners of this whisky from the payment of that amount of taxes for that length of time—a request as marvelous as it is startling. But when we remember that in 1878 this same interest received at the hands of Congress similar relief, it will not seem altogether strange, fortified as it now is with precedent and a plethoric treasury, that it should again be insisting upon further indulgence. Without meaning or intending to criticise the individual conduct of members of that Congress, I am constrained to say that their action was wrong, as is abundantly shown by subsequent events. Two wrongs never make a right.

The friends of this bill tell us that the owners of this whisky, a large majority of whom are bankers, bought in good faith, believing that there would be a sufficient demand to enable them to sell; that by reason of an overproduction of whisky the markets of the world have become gorged; that there has been a shrinkage in value; that there is no demand for the bulk of this immense stock; and, finally, they say to us that unless we grant the relief prayed for these men will be bankrupted and a financial crash will come upon us.

Sir, this same argument was urged with equal earnestness upon the Forty-seventh Congress when a similar bill was pending. More than twelve months have elapsed, and still they live. No panic has come or bankruptcy ensued as was then predicted upon the failure of that bill. Nor do I believe that the horrible consequences so graphically depicted by the friends of this bill will occur upon its certain defeat.

Mr. Chairman, I always regret the misfortunes of my fellow-man, and while I earnestly and truly sympathize with these men and all others in distress, it matters not with me from what source it comes, whether from misfortune, affliction, or financial embarrassment, yet these are not sufficient reasons to influence my conduct as a public servant or cause me to hesitate in the discharge of what I conceive to be a public duty.

Considering this question from a business standpoint, as I am requested by its friends to do, after a most careful and diligent inquiry I am unable to discover any essential difference between the purchasers of this whisky and any other class of speculators. Indeed, if difference there be, I regard them more favored than the speculator ordinarily is, in that they knew at the time of their purchase almost with mathematical accuracy the amount of whisky that would be con-

sumed annually. A rare privilege, indeed, and one that few traders enjoy. Instead of learning lessons of wisdom from their past experience, instead of availing themselves of the indulgence so beneficently bestowed by Congress in 1878, the distiller, encouraged by these purchasers, recklessly continued to increase the production of whisky at the rate of 30, 60, and 90 per cent. annually, until perhaps the last year. In 1879 they made 71,000,000 gallons; in 1880, 90,000,000 gallons; in 1881, 117,000,000 gallons; in 1882, 105,000,000, and in 1883, 74,000,000 gallons more than the country required.

Sir, such conduct, instead of commending itself to the favorable consideration of this House, deserves at its hands the severest condemnation.

Again we are told by the friends of this measure that these men do not ask, nor do they expect this relief to be bestowed as a donation or gratuity by the Government, but that they propose to pay 4½ per cent. interest for the indulgence. Sir, we are asked to take money out of the pockets of the people of this country who are carrying State, county, municipal, and individual debt obligations bearing an average rate of interest of 8 per cent., and loan $63,000,000 of it to these whisky speculators at 4½ per cent. Was ever a proposition so monstrous submitted to an intelligent House of Representatives? I would invite my friends, the advocates of this bill, to a business reflection upon this proposition, and ask them in all candor and fairness if they believe a business man would entertain it for an instant of time. Then away with your suggested business view. I find in our Constitution ample authority for the Government to borrow money for legitimate governmental purposes, but I have searched in vain for that provision which authorizes it to oan money.

I claim no gift of prophecy; but pass this bill if you will, make the Government a partner of these whisky-men, liable in common for the losses without participation in the profits, and, my word for it, we will no longer have reason to complain of a surplus in the Treasury. I, for one, will never give my consent to make the Government a partner in any private business enterprise. Laws should be general in their operations. To grant the relief asked for in this bill would be class legislation pure and simple. It would be wrong in principle, dangerous as a precedent, and destructive of every governmental regulation.

Sir, there is not a single reason assigned by the friends of this measure going to show the propriety of its passage that could not with equal force be urged for the relief of every business interest in this country. Why, then, should this particular interest, in which the profits are perhaps larger than in any other in the world, be singled out as the ward of the nation and her broad arms of protection thrown around it? Why not extend the bounty of the nation to the other industries of this country which are now tottering and reeling under the burden of overproduction? Why not with equal propriety go abroad in this land among the 7,000,000 of debt-ridden and tax-burdened tillers of the soil, who contribute so largely to the material wealth and prosperity of the nation, and dispense your charity?

Sir, while every other interest has its friend, its protector, and its defender upon this floor, there is none so bold as to champion the cause of the driver of the plow and slinger of the flail.

But it is said by the friends of this bill that an invidious discrimination is made against this product; that an exception is even made in the case of tobacco and malt-liquors, upon which a special tax is also imposed but not required to be paid until it goes into consumption. This, sir, leads us to inquire why the exception is made. When the law imposing internal taxes was first enacted, all these taxes were paid when the article upon which they were levied was sold and went into consumption.

In 1868, on account of the colossal frauds practiced by the "whisky ring," Congress was induced to change that policy and adopt the limit of one year. This continued without complaint until 1878, when, at the instance of these very men, a period of three years was fixed. The wisdom of this requirement is not now debatable. "*Ita lex scripta.*" If the law be an unwise one, if its requirements be harsh and unjust, the remedy is not a suspension of its operation, but an absolute repeal.

While I can not obtain my consent to vote for this bill, yet if the condition of the owners of this whisky be as perilous and distressing as represented on this floor, let me say to them that while I can not come to their present relief, I have a panacea for their future woes. And I now invite their friends and this House to join me in an honest effort to repeal the whole internal-revenue system. [Applause.]

It has been intimated on this floor and noised around that a repeal of the internal-revenue tax would necessitate a higher import duty. This I do not now propose to argue. But if I have learned anything from the discussion of my political friends on tariff reform, it is that to a certain limit the lower the duty the greater the revenue, and the higher the duty the smaller the revenue. Be this as it may, I am convinced of one fact, and that is, if we would have intelligent tariff legislation there is no shorter or surer road to that much-desired end than a repeal of the internal-revenue tax system. With this fluctuating source of revenue out of the way, with a definite knowledge of the wants and necessities of the Government, the adjustment of the tariff is at once made easy. But so long as we allow this tax to remain we are left in doubt and to speculation.

The main object in establishing the present Constitution was to allow Congress to raise revenue by duties upon imports. In my opinion it would bear less heavily upon the tax-payers, and this is the paramount question that we as legislators should consider, though this method may incidentally give aid and protection to our American industries. Tariff duties properly laid will in my judgment yield an abundant revenue. And I am not so sure but that the most wholesome thing that could occur would be a deficiency in our revenues. Certainly nothing would contribute more to checking the reckless spirit of extravagance so prevalent in every department of this Government.

But be the effect of the repeal of this system of taxation what it may, I am persuaded to believe that, whatever other burden this Government may legitimately impose upon my people, they will cheerfully bear to be rid of a law so odious, a law so aptly characterized by Mr. Jefferson in a letter to Mr. Madison when he said, "The excise law is an infernal one." I would repeal it because I believe it to be a most prolific source of perjury and subornation of perjury. I would repeal it because I believe this system of taxation to be contrary to the general principles of our Government, vicious in practice, dangerous to liberty, and oppressive to the poor.

Excise laws have always been unpopular with and revolting to a free people. They were not favored by the fathers of the Republic. They were looked upon as of British origin and carried with them the odium of Toryism. No legislation was ever more abhorrent to the American people even in their colonial condition. They were regarded by the framers of the Constitution as a war resource, to be resorted to only when foreign trade is interrupted. Thus they were resorted to in time of the Revolution by the States. In the war of 1812, after the adoption of the present Constitution, they were again resorted to of necessity, but were not adhered to longer than the necessity existed. The system was adopted in the administration of the elder Adams, when war was expected with France. One of the first acts of Mr. Jefferson's administration was to wipe them from the statute-books. The present system was adopted during the late war between the States, and, perhaps on account of the immense war debt, their continuation was authorized for a time at least after its close. But, sir, the necessity that authorized their adoption in this instance, as in former instances, has ceased to exist. Let us, then, emulate the worthy example of our illustrious forefathers and extirpate them, root and branch, carrying with them all of their odious machinery.

Sir, while the tax is onerous and unjust, nothing contributes so much to its offensiveness as the method of its collection. When we think of the 4,000 partisan agents employed at an expense to the Government of $5,000,000 annually, with power to enter the counting-room of every business man in this country engaged in the sale of tobacco, cigars, or whisky, and inspect his private books, and if perchance they should find some unintentional irregularity, to arbitrarily seize and confiscate his property; when we think of this host of spies and detectives, this army of political bummers scattered over the country practically authorized at any moment to inflict domiciliary visits on the people, to make arbitrary seizures, and commit other vexatious acts, is it strange that the "Shay rebellion" should have occurred, the suppression of which cost the Government one-fourth of its then revenue? Need we be surprised at the whisky insurrection which followed in quick succession? Sir, the same reasons which prompted the people of Massachusetts and Pennsylvania to open revolt against this system of taxation still exist. The system is as repugnant to the American people to-day as it was then.

Laws which can not be enforced but by such means, no matter what may be their object or moral nature, will always be revolting to the spirit of our people and be executed with difficulty, or often evaded, laying the foundation of distrust in the Government, and want of mutual confidence between it and the people, which no fancied or real good can ever compensate. With the steady reduction in the charges for legitimate annual expenditures of the Government, and the steady increase of revenue glaring him in the face—with a surplus of $137,000,000 in the Treasury, with but about $400,000,000 of our public debt payable at par prior to 1891, when the 4½ percents mature, and sixteen years later, or 1907, when the 4 percents fall due—I can not be brought to believe that there is a member of this House who would vote to perpetuate a system of taxation which abstracts from the American people $144,000,000 annually, not one dollar of which is required by the legitimate expenditures of the Government, including pensions, interest on the public debt, and appropriations for public buildings and the improvement of rivers and harbors.

Sir, I would disband this horde of petty officers and invite them to fields of more honorable pursuit. Then I would say to the tobacco-raiser, sow your seed, worm your plant, gather your crop and sell it to whom you please, when you please, and in such quantities as you choose. I would say to the fruit-grower, manufacture your peaches and your apples into brandy if you feel so inclined. I would say to the mountaineer farmer, who, by reason of climate and remoteness from market, is at last the greatest sufferer under this system of taxation, overcome your difficulties of transportation by converting your grain into whisky as your necessities may require. Yes; I would plant on the summit of some high mountain a liberty-pole with the banner of freedom floating over this entire land, with the motto inscribed upon its folds, "Liberty, and no excise."

Pensions to Soldiers and Sailors of the Mexican War.

SPEECH

OF

HON. JOHN J. KLEINER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 7, 1884.

The House having under consideration the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war—

Mr. KLEINER said:

Mr. SPEAKER: In advocating the passage of this bill I am prompted by a desire to do justice to men now old and decrepit with age, but who nearly forty years ago responded at the call of their country, invaded a malarious and hostile country, suffered as men rarely suffer, but who, after a service of less than two years, returned to their homes covered with glory, the price of their valor adding new luster to the American name. I am also prompted to support this measure because the State I in part represent has charged this duty upon its Representatives in Congress. Nor is Indiana alone. Almost every State in the Union has sent similar instructions to its members of Congress at different times.

I am in favor of this bill because it meets with the approval of a generous and patriotic constituency, many of whom were participants in that war as well as in the Indian wars that preceded it. Although confined now in my remarks to the main question under consideration, I can not refrain from expressing my sincere regret that the old worn-out and gray-haired octogenarians of the Black Hawk and Florida wars were not included under its benefits. In my opinion, justice and humanity demand that the latter soldiers shall be duly remembered by this great nation, and I am ready even now to include them in this bill, thus proving that republics are not always ungrateful, but, on the contrary, remember with gratitude their heroic defenders.

Mr. Speaker, it has been charged that the Indian war in Florida in 1836 was not dignified by anything more than a "disturbance" caused by runaway negroes and their captors. If this be the opinion of any considerable number of gentlemen on this floor, I respectfully ask them to read again the history of that war.

Major Dade and his gallant little army were troops of the United States carrying the flag of their country. All but two men were ambushed and slaughtered by their savage foes. For months the war-whoop echoed around the desolate homes of the peaceful settler; and I appeal in behalf of the descendants of the victims of this savagery that their names shall not be stigmatized as disturbers of the peace. I appeal in behalf of and to the memory of the dead who fell in the defense of their homes while defending their wives and little ones from the tomahawk and scalping-knife of the savage. I appeal in behalf of the memory of the patriotic dead who went to their relief and fell victims while rendering succor, and who now sleep in unknown and unadorned graves among swamps and everglades. I appeal in behalf of the living, only a remnant of whom are left among us, and to the sense of justice of the American Congress, to pension this little band of men—men who at the first call went to repel the assaults of a treacherous and murderous foe, before whose brutality neither age nor sex escaped.

We should grant a pension to these men in order to conform to unbroken precedents, with a view of giving encouragement to the young men now coming on the stage and upon whom we must depend to fight our battles in the future. When Jackson cried "To arms!" men from every hill and valley responded, and with these patriotic, poorly clad and poorly armed American volunteers he completely routed and overwhelmed the combined forces of the British at New Orleans. I mention this as an instance where undisciplined valor was more than a match for pomp and ceremonious display, and which resulted in achieving a triumph for the plain volunteer that in its results has no parallel in ancient or modern times.

Now, Mr. Speaker, such achievements must not be expected in the future if partisanship and ingratitude combine to push the old heroes that left us this great inheritance through the open doors of the poor-house into a pauper's grave. Can we afford to ignore the appeals for justice at the hands of that gallant little army, now bent, gray, and wrinkled with age? Can we afford to drive from our doors the men who at the price of their lives and future happiness gave us an empire, with millions of treasure, and all that which makes us the most powerful nation on the earth?

I am not alarmed at the future of this country provided the soldier whose valor won it and whose fidelity maintained it is duly recognized by our law-making powers. Refuse that even-handed justice to the old veteran now, and your Commander-in-Chief may cry in vain for volunteers in time of danger; but when the nation is in peril he will drag from their homes a disorderly, sullen, and mutinous army of conscripts, whose fighting qualities would be discounted by the hireling Hessians or the Bashi Bazouks. It is now fifty-two years since the close of the Black Hawk war, and the average age of these old soldiers is over 80 years. But a few hundred remain alive to-day. A few thousand dollars distributed among them now would remind them of the nation's remembrance and smooth their way to the already yawning grave.

The soldiers of the Florida war now average over 78 years of age. Death is thinning their ranks rapidly, and if we delay there will soon be none left upon whom to bestow our tardy offer of justice. If this House would listen to my appeal, every soldier herein mentioned would receive a pension before to-day's sun had sunk to rest.

The veterans of the Mexican war now average 63 years. They are quite as old as were the soldiers of the Revolutionary war when Congress gave them a gratuitous pension for life. The same rule was applied to those who served in the war of 1812. Thus unbroken precedents have been established granting gratuitous pensions after a lapse of about thirty-five to forty years after the wars in which the soldiers had served had expired.

Congress did this when the country was poor compared with its present opulent condition. Shall this Congress appear less patriotic or grateful than those that preceded it? I most earnestly hope not. If we but listen to the people we will pass this bill, for with but few exceptions every member on this floor stands instructed by his State that sent him here to vote to pension the old Mexican veteran.

Mr. Speaker, it may sound a little singular when I state that nearly one-third of this House is composed of men who were either unborn or in their cradles when the first call for volunteers to serve in the Mexican war was first proclaimed. The beneficiaries left their homes and went down into a hot, malarial climate, into a foreign land, to conquer a fierce and semi-barbarous foe. Among the great-hearted people where I live the little child whose tender years have not yet enabled it to read the martial history of its country is taught to bow low when the veteran warrior of the Mexican war passes by. On Decoration Day, in the sunny month of May, when all the people wend their way to the cemeteries made sacred by the ashes of the patriot dead, the graves of the heroes who conquered in Mexico are carefully sought, while men, women, and children enwreath them with the choicest of nature's immortelles.

Those of us who witnessed their last national reunion, in this city last December, were pained to see so few assembled. On that occasion a last grand rally was expected, and it was hoped by the projectors that all parts of the Union would be represented. But the reasons given why so few gathered here was soon generally known. Those who remained away proclaimed the nation's shame by the declaration that they were too poor, while others came through the charity of friends. Those who sent messages to their comrades excusing their absence in nearly every instance pleaded old age or poverty.

The few who attempted a parade on the avenue in front of this Capitol certainly excited pity if not admiration. Yet this was all that remained of that magnificent army whose story is sung throughout the land, that conquered an empire under Scott and Taylor and shed imperishable luster on the American name. This little band of decrepit and gray-haired men was all that was left to tell the story of their triumphs in Mexico.

But the opponents of this bill are bold in their declarations that the vast domain acquired by reason of the war with Mexico was really made by purchase. That the United States by the treaty made subsequent to the capitulation of the City of Mexico stipulated $25,000,000 as the price for an empire greater than that comprising all of the States of the Union at the time. Well, all I can say to that is that all of Arizona, New Mexico, California, Utah, parts of Colorado and Wyoming, nearly a million square miles, worth $2,000,000,000 at Government prices, could not have been bought had not Ringgold, Clay, Butler, Armstrong, Graham, McKee, Walker, Ayres, McIntosh, Merrill, Baxter, Drumb, Gannt, Howell, Smith, Gillespie, and Morange, in addition to more than 20,000 brave men, first laid down their lives in its acquirement. Purchased, yes, but not with money, but by the shedding of the best young blood of the nation; and it is in my opinion a calumny on the heroic dead to make such statements.

Since Congress has committed the country to the granting of gratuitous pensions I desire to see the brow of the Mexican warrior wreathed in the laurel chaplet while the oak decorates those of the heroes of 1776 and 1812. By the side of the patriot who defended us at Lexington, Bunker Hill, Saratoga, Monmouth, Princeton, Brandywine, Eutaw, and the Cowpens, I place him who glorified his country at Vera Cruz, Buena Vista, Palo Alto, Molino Del Rey, Resacca, Cerro Gordo, and Chapultepec. Objection is made to this bill in official quarters on account of the cost. Therefore we should look at the economic side of this question also. From the best obtainable information now at hand, the whole number of beneficiaries under this bill is placed at about 10,000, who, if none died during the flight of time, would cost the nation, at $96 per year for each soldier or his surviving widow, $960,000 per annum, or less than the average daily receipts of the National Treasury. Even if this sum were doubled or quadrupled, we could well afford to pay it without crippling any department of the Government.

Compare this insignificant payment with the acts of former Congresses, when money and lands by the hundred millions were voted in aid of railroads and private corporations, thus depriving the actual settler or the

soldier who desires to acquire a home on our frontier from the benefits of the public domain. It would have been far more just to have divided this land among the men through whose valor and intrepidity it was obtained.

Mr. Speaker, the time to square accounts is now. The soldier is poor, while the Treasury is full to overflowing. Indeed, statesmen are debating on ways and means to relieve the vaults of the millions hoarded up and now idle. Some desire it distributed among the States, while others, equally sincere, favor its distribution as a national school fund, while in my humble judgment justice and the great interests of the nation are best subserved by a fair and equitable distribution among the citizen soldiery, to whom we are indebted for all that we are as a great and powerful nation.

Relief of Sufferers by Flood.

SPEECH

OF

HON. J. FLOYD KING,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 26, 1884,

On the joint resolution (H. Res. 215) reappropriating the sum of $125,000, not expended, for the relief of sufferers by the floods of the Mississippi River.

Mr. KING said:

Mr. SPEAKER: I had hoped it would be unnecessary to say anything to the House on this occasion. The people involved in the calamity caused by the flood in the Mississippi Valley are my people, and though ever ready to defend or to advocate their interests on this floor or before the world, their present situation is one that can only fill the heart with grief and sympathy of all who understand the situation. Bowed down in mind, Mr. Speaker, by the distress of those at the will of the cold merciless flood-waters of the great river, I am here to speak out in their cause, not as a suppliant, but as their Representative demanding their right to be relieved in this the hour of their suffering by the strong hand of this, their Government.

My friend from Massachusetts speaks of this disaster as local. Would he consider a flood that covered an area many times greater than the area of the State of Massachusetts local, and which in the district alone that I represent reaches as far in length as from here to New York and as wide as from Philadelphia to that city, embracing a population of a hundred thousand souls?

Again, Mr. Speaker, the gentleman speaks of these floods as annual occurrences. In this I beg to assure him he is entirely in error. Such a flood as that now prevailing there was never known before in many places, not excepting, I am informed, the great flood of two years ago, when the entire country was submerged, and when, as the gentleman will remember, Congress appropriated some $600,000 from first to last, in addition to the many and large contributions made by good citizens throughout the United States for the rescue and relief of these people. On that occasion there was no constitutional question raised by the gentleman from Massachusetts, nor was there the other day when we here first voted $300,000 and subsequently $200,000 for the relief of the sufferers along the banks of the Ohio River.

If there was ever room for such an objection it has long since been dismissed by the usages of this Government too often to be recounted at this time.

I know the gentleman too well to believe that his heart is in the opposition he is making to this measure; and whatever reason he has found for it, I am certain it will not stand in his mind long against so humane and so just an object as this measure proposes.

Seeing from the reports of the Signal Service Department here, and from inquiries made of its officers, that this flood was coming down upon the valley of the Lower Mississippi, more than two weeks ago, as the House will remember, I introduced a joint resolution appropriating $500,000 for this purpose, which was referred to the Committee on Appropriations, and a substitute was reported back to the House directing the Secretary of War to report to this body, from time to time, such measures of relief as he should recommend. This he has done, and it comes to us in this form.

But, Mr. Speaker, knowing the country as I do from personal knowledge, having traveled all over it from one end to the other and from side to side and across it in every way many times, I am convinced the sum here asked for is entirely inadequate to the demands of the occasion. And at the proper time I here give notice I shall feel compelled to move that it be increased to $500,000, which ought now to be appropriated at once for this purpose of mercy and justice to a brave and a good people.

Who, Mr. Speaker, pay taxes more freely or more out of proportion to their means than do they to this Government? I answer, none; and no one will contradict me. That this House may see for itself the condition of affairs there, I will submit the following telegrams, and will add that they are but a few out of many that have reached me in the past few days:

TALLULAH, LA., *March* 22, 1884.

To General J. FLOYD KING, *Washington, D. C.:*

Madison Parish is practically overflowed; negroes can not get any work by which they can make a living, and whites, owing to the disasters of the past two years, are unable to furnish them. Some provision must be made for the negroes at once or great suffering will ensue. The white people can care for themselves. Buckhorn and Milliken's still intact; water coming in from Biggs and Diamond Island overflows us.

S. B. & J. T. McLELLAN.

VIDALIA, LA., *March* 22, 1884.

General J. FLOYD KING, *Washington, D. C.:*

Monorache Levee has been given up. It is intact, but water will be over to-morrow. You know the suffering that follows.

W. T. EVANS.

SAINT JOSEPH, LA., *March* 22, 1884.

To Hon. J. F. KING, *Washington, D. C.:*

We must have relief. The whole country will be overflowed. Food will be needed for man and beast.

T. W. CASELMAN.

NATCHEZ, MISS., *March* 22, 1884.

To J. FLOYD KING, *Washington, D. C.:*

Levee from Arkansas line down or breaks threatening. Anticipate more distress than in 1882. Government aid needed immediately for overflowed district. Act prompt.

W. T. MARTIN.
H. A. GARRITT.

LOUISIANA TROYVILLE, CATAHOULA PARISH, *March* 23, 1884.

To General J. FLOYD KING:

Country entirely submerged; people and stock need immediate relief.

R. B. W. WALTERS.

VICKSBURG, MISS., *March* 25, 1884.

To Hon. J. FLOYD KING, *Washington, D. C.:*

River at Saint Joseph six inches above 1882; levees all gone, with river rising from Cairo down. Too late to make a crop.

C. C. CORDILL.

RODNEY, MISS., *March* 25, 1884.

To General J. FLOYD KING:

Tensas Parish entirely inundated. Rations will be required for 20,000 destitute people, and feed for stock. Emergency very great. Immediate relief necessary.

JOSEPH MOORE,
ROBT. MURDCOCK,
THOS. P. CLINTON,
WM. DAVIDSON,
D. H. CHAMBERLAIN,
Saint Joseph, La.

NATCHEZ, MISS., *March* 25, 1884.

To Hon. J. FLOYD KING, *Washington, D. C.:*

Much suffering among the laboring class. Water over 1882.

ALEX. CAMPBELL.

NATCHEZ, MISS., *March* 25, 1884.

To Hon. J. FLOYD KING, M. C., *Washington, D. C.:*

Water running over levees, and country being submerged. Great distress among laboring class, and appealing for sustenance. Supplies needed at once.

JNO. C. SEAMAN,
P. M. Bullitt's Bayou, La.

RODNEY, MISS., *March* 24, 1884.

Hon. J. FLOYD KING, *Washington, D. C.:*

Kempe Levee gave way at 12.15. This makes the disaster complete and the Mississippi Valley one vast inland sea. This will make the loss beyond calculation, to say nothing of the loss of life and suffering of the people. Congress must come to our relief and feed the people at once. The lofts of gin-houses and floating rafts will be the only places of abode. The best mode of distributing supplies is through the engineer department of river improvements. They have every appliance necessary, and less waste and imposition would attend their efforts. I believe the wire is down from Saint Joseph.

E. L. WHITNEY.

BATON ROUGE, LA., *March* 23, 1884.

General J. FLOYD KING:

Great distress. Morganza, Scott, and Waterloo Levees gone. Have wired the Secretary of War for rations, same amount as 1882. Be on the alert; use your best endeavors; the laboring class is in distress.

S. D. McENERY, *Governor.*

In addition to these I have received telegrams and letters from other officials and prominent citizens, all telling the same sad story, among which is a dispatch from Hon. George W. Montgomery, president of the police jury of the parish of Madison, and Hon. Jay I. Davis, who occupies a similar official position in the parish of Caldwell, some seventy or eighty miles distant across the valley. These gentlemen are all of highest standing and responsibility, official and otherwise, and whose patriotism and devotion to the public good stand far up above question. Floods like these, when they spread over the lower valley as this has done, can not pass off in a few days or weeks even; it has required months for them to do so when they have occurred in the past, and I anticipate no shorter period of duration for the present one, which is carrying desolation to thousands of homes in that section of our country. The relief asked is but little as compared with the ability of the Government to afford it, and I trust the same generosity and sympathy will prevail here now as it has done in the past.

Pensions to Soldiers and Sailors of Mexican War.

SPEECH

OF

HON. JAMES K. JONES,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 7, 1884,

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war.

Mr. JONES, of Arkansas, said:

Mr. SPEAKER: The bill now under consideration, and which it is proposed to pass under a suspension of the rules, is not in my opinion so just and fair as the bill reported by Mr. HEWITT, of Alabama, from the Committee on Pensions, and now a special order. That bill provides for pensioning the old soldiers of our Indian wars; and as a longer time has elapsed since those wars than has passed since the Mexican war, I must say that it seems to me an ungracious thing to pass by them while we are doing justice to others no more meritorious than they are. I do not believe that the soldiers of the Mexican war would, if they were consulted, favor this act of injustice, and I sincerely hope that this House will make haste to repair this wrong, and do equal and exact justice to all these old men; but as nothing in this world is ever perfect, and as I heartily favor this bill as far as it goes, I shall endeavor to give briefly some of the reasons why I think it, even in its present shape, should pass.

If, when the roll is called upon the passage of this bill, there shall be, as I anticipate, a large majority in its favor, I shall for myself feel amply repaid for the part I took, a short time ago, in an all-night struggle to make Mr. HEWITT'S bill a special order, and which resulted in success, even though the effect of the present action may be for the time, at least, an injustice to a class of men whose claims we have no right to ignore.

In every State of this great Union there are men who will be benefited by the passage of this bill. They are men now in the decline of life, many of them in extreme old age, and so far as my observation goes they are poor.

In fact, our armies are not generally made up of those who live in ease and splendor, but are usually composed of that class in which nerve, energy, and determination have been developed by conflicts in the stern struggles of life.

I wish in the outset to say that I favor the most liberal policy on the part of the Government consistent with careful and prudent financial policy in this matter of pensions. Nor do I rest this upon any mere sentiments of sympathy, humanity, or gratitude, though I may as well say now that I believe these considerations are perhaps a sufficient reason for this policy. I propose to place my advocacy of liberal pension laws upon the higher ground of public policy, and I insist that nothing will so foster and strengthen the military spirit of any people as entire confidence on their part in the liberal care by the Government of its old soldiers when their power of caring for themselves has in a measure ceased, and when old age and its attendant evils has come upon them. The cheerful service and devotion of young men to do battle in the hour of need will never be wanting in a free country, where a grateful public certainly provides for its old soldiers.

This I believe the framers of our Constitution knew and relied upon when they organized a government without the idea of a standing army, and where arms should be in every man's hand. I believe this Government will grow and prosper as long as this spirit is encouraged and kept alive, and whenever it is no longer a characteristic of our people that then our Government will be no more; and further, that whenever the decadence of this spirit sets in permanently, then this Government and civil liberty have entered upon their course to sure destruction.

To get the full force of this position it is necessary that we look a little at our surroundings and also at those of our European neighbors, and to consider very briefly some strong points of difference in our manner of government and theirs.

We all know the rule has long existed of keeping large standing armies in all monarchies. They are, I believe, considered the chief bulwark and support of that form of government. The armies of kings have often been used by their masters against the people and to repress civil liberty. The observation of this system implanted in our fathers the conviction that a standing army was dangerous to the liberties of a free people, but at the same time it was recognized by them that a state dependent upon the assistance of mercenary troops was constantly at the mercy of her neighbors; hence we find, at the time of the ratification of the Constitution of the United States, that public sentiment formulated itself in the declaration that "A well-regulated militia being necessary to the security of a free people, the right of the people to keep and bear arms shall not be infringed." So important was this declaration in the minds of the people then, that as an amendment to the Constitution it was postponed only to the article providing for freedom of religious worship, &c.

The wisdom and foresight of the fathers in framing the Constitution has been so striking in many instances in our history that the hand of Omniscience has been wont to be recognized by devout men in that great work; and, looking the whole field over, I think there is nothing in that wonderful instrument more calculated to strike the human mind with admiration or to suggest something more than human in the wisdom of its framers than this provision, departing so radically as it does from long-established methods of government and relying absolutely upon the patriotism of the people for protection to the Government. It clearly shows that at the very beginning of our experiment in an untried form of government that the founders of our system fully understood and correctly estimated the character of our people, as well as the effect upon character likely to result from the enjoyment of freedom; and the history of this country has demonstrated that they reckoned wisely when they intrusted the preservation of this Government and of civil liberty to the military spirit of the people.

The influence of this departure from old methods upon our progress and prosperity, on our phenomenal development, has been very great. Compare our condition with that of Europe. Here, each man is free to follow whatever active trade or business his circumstances or his interest suggests. Each man is a producer or an active worker in the promotion and development of our prosperity. In Europe, on the other hand, a large percentage of the most active and efficient of those who should be workers in the hive of life must give a number of the best years of each life to the standing army. They are not only withdrawn from the pursuits for which the Creator designed them, but they become an actual incubus upon the decreased corps of producers.

In France, with a population smaller by many millions than ours, an army of half a million of men withdrawn from pursuits of civil life must materially affect the interest of all. So of all other countries where large standing armies are kept. This difference alone in producers and consumers would serve to make one country prosperous and another the reverse. With all the energies of all our people turned in the direction of development and increasing wealth, is there any wonder we have far surpassed nations which have wasted valuable lives and time in maintaining standing armies? To compensate for the necessity of armies for protection in case of war, our fathers preferred to rely upon our own citizens, turned to soldiers in times of need. They felt that as long as citizens were accustomed to the use of arms, the exercise of liberty, and the consequent development of habits of independence and self-reliance, would insure the Government all the protection it could need in time of danger.

The history of our country has fully demonstrated the wisdom of this belief; and if we will only keep alive the military spirit of our people and the confidence in and respect for our Government which has hitherto prevailed among us, we have no cause to fear any enemy. Every consideration of public policy urges that we take a broad and liberal view of this question of pensions. A niggardly course in this matter, especially now, when the national Treasury is overflowing, will naturally excite the contempt of every man who ever bore a musket or ever felt a patriotic impulse.

These old soldiers have been asking for this recognition of their patriotism and devotion for years, and Congress after Congress has considered the matter. They are a body of men whom the nation delights to honor. One of their number has had the extraordinary honor to represent three States in the Senate of the United States. Others of them are now and have been for many years eminent on account of their talents, patriotism, and devotion to duty; while the mass of them in their humble homes all over the country, less gifted perhaps than their more distinguished comrades, but not less patriotic, have contributed all in their power to the general good. Their history is the history of this country through an era that shed luster on American arms. Their marches and battles have excited the admiration of some of the most distinguished military men the world has ever produced, and have been the subject of pride and exultation in our own country. Almost every State has some name honored in song and story whose life was offered upon the altar of his country on the plains of Mexico. The survivors now ask, and have a right to ask, this recognition at our hands.

This measure is in no sense sectional or local, but embraces in its beneficent provisions worthy men from all sections of our great country. It is in my judgment a just recognition of the services of a class of citizens who in the prime of their lives rendered great service to their country, and are now many of them realizing that "age and want" are in terrible reality an "ill-matched pair."

If we consider this matter in a mere business aspect, leaving out of consideration all sentiments of gratitude, all motives of public policy, and all feelings of humanity, and consider it only by the cold and rigid rules of merely business transactions, we shall be surprised to find how great are the advantages accruing to the Government of the United States and to us as a people from the efforts of our soldiers in Mexico.

If gentlemen who are called upon to vote for or against this bill will for a moment look at a map of this great country of ours, and will bear in mind that the results of the Mexican war were the addition to our domain of California, the great Golden State of the Occident, with her

almost fabulous resources, absolutely astounding the world by the productions of her mines, in her delightful climate surpassing the dreams of poets—in the wealth and variety of the productions of her soil proving a gem in the galaxy of States; and also remember that Nevada with her mines of gold and silver, capable of supplying the world with precious metals, presenting in reality treasures in comparison with which the land of Ophir pales into insignificance; that Utah with her fertile valleys, and mountains great storehouses of treasure; New Mexico, Arizona, Wyoming, and Colorado, swarming with countless herds, ready to supply the world with cheap food, leaving the great Lone Star State entirely out of consideration, are all the fruits to us as a people of the war with Mexico, we begin to appreciate how great results came to us and will go to our children after us as the reward of the labors of our old soldiers.

This great country is said to embrace 937,875 square miles of territory, or about 600,000,000 of acres of land, is adding annually about $75,000,000 in gold and silver alone to the wealth of this country, and has already contributed precious metals to an amount greater than our bonded national debt, to say nothing of the wealth flowing from pasturage and agriculture, and taking no account of the limitless possibilities of the future.

Besides these material considerations, the commercial and political value of this great country must not be overlooked.

With the acquisition of this domain, seven or eight times as great in extent as Great Britain and four times greater than France, it opened up the American continent to the American people from the Atlantic to the Pacific. It made the building of the transcontinental railways not only a possibility but a necessity, thereby opening up a great highway for commerce "to the East by way of the West."

The results of this acquisition in all its magnitude and importance will not be fully appreciated in a century to come. In the face of such enormous results, will this country hesitate longer to pass this bill?

The opposition to a measure similar to this was some years ago avowed to be on account of a depleted Treasury, and that time enough had not elapsed since the conclusion of the war. There was force and perhaps justice in those positions then, but these arguments certainly do not apply now.

The Committee on Pensions in their report on Mr. HEWITT's bill state that they really thought the annual outlay that will be made necessary by this bill, including the survivors of the Indian wars, would not exceed $1,370,496; but for safety, and to be sure they did not underestimate it, they added one-fourth and adopted $1,713,220 as the amount probably required. They estimated the average duration of these pensions at fourteen years, which would have made a total of less than twenty-five million dollars.

There is now no lack of money with the Government. One of the great problems of the hour is how to get rid of the surplus revenue. All sorts of schemes are started and discussed by the managers of national affairs (except perhaps the reduction of taxation) to accomplish this purpose, and there can certainly be no argument for want of money. Whatever of force the other objection had has too been weakened by the lapse of time, until I scarcely think any reasonable man can longer urge it. It is true that argument has been urged, as it seems to me, in a very extreme and absurd manner. For instance, in the discussion of this matter in a former Congress the following language was used:

> The pension act of 1871, as stated by its strongest advocate, Senator Morton, was passed upon the principle that when fifty-six years had elapsed after the conclusion of the war, and when but few of the soldiers survived, when the youngest must be 75 years, it was proper and right to give those few men in the declining years of their life a gratuitous pension.

And the same speaker, I believe, protesting against the passage of a measure similar to the one under consideration, said:

> It will not be pensioning men because they are in the decline of life; it will not be pensioning men because they are aged and infirm, because they are poor and but few of them left, or because they have received wounds or contracted disease in their country's service; it will not be pensioning men because we have a plethora of money in the Treasury. We are not pensioning these men because our resources are great, and because we are not already taxed almost beyond the power of endurance, but for reasons which I utterly fail to comprehend.

I believe the same gentleman asserted in the same debate that it never had been the policy of the Government to pension soldiers, except the indigent, until after they had passed three-score years.

Such sentiments as these utterances avow and seem to imply I feel sure find lodgment in few hearts in this great country. That indigence is to be made a condition precedent to the taking care of an old soldier is a sentiment which the American people will despise. The indigent under our humane institutions are taken care of in entire disregard of their previous lives or conduct.

The old soldier ought not to be placed on a level with the man who has passed his life in debauchery and crime, and the American people will never consent to it.

The Committee on Pensions estimated the average age of the beneficiaries of their bill to be 62 years. This is far beyond the average life, and if the Government is ever to do anything for these men certainly the time has come. The American people do not wish to withhold this act of justice until all are dead or too old to enjoy its benefits, and they will not countenance further delay in the matter.

Since Mr. HEWITT's bill has been made a special order I have been surprised to hear gentlemen say there are no precedents for this bill. So far from being correct, it seems to me the rule has been that long after the close of all our wars the survivors are granted gratuitous pensions. Those wounded or injured in the line of their duty are of course provided for from that date, and all have been provided for after many years. The survivors of the Revolutionary war were pensioned in 1818; the officers had long before been provided for. The survivors of the war of 1812 were also provided for in a similar manner.

The old soldiers for whose benefit this bill is designed, by their service to their country in bearing the Stars and Stripes in triumph into the capital of a foreign land, and the great acquisition of territory as one of the results of their labors, as well as by their age and condition, have a right to ask this bill. Many of them will never realize any benefit therefrom if longer delayed. In their old age and poverty they feel they are being neglected, and the consciousness of duty well done on their part makes this apparent neglect all the more galling. I have seen and talked with them in this Capitol since the beginning of this session, and know their feelings.

They have lived long enough to see splendid cities grow up all over the land their valor won for you. They have seen untold wealth accumulate as the result of its occupation, and they ask through us now, while the country is rich, prosperous, and happy, that they in their declining years may have their hearts and homes cheered by the generosity of the Government.

When this is done, they and all the country will "rise up and call you blessed."

Bureau of Animal Industry.

SPEECH

OF

HON. WILLIAM CULLEN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 23, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 3967) to establish a bureau of animal industry—

Mr. CULLEN said:

Mr. CHAIRMAN: The bill under consideration is an important one and well worthy of a careful consideration. The committee which reported this bill anticipated opposition and are not disappointed. They knew to a reasonable certainty the sources from which the opposition would come—from the gentlemen who consider themselves the guardians of the Texas cattle interest, and those who adhere to the dogma of State rights and State sovereignty. In anticipating this opposition the committee framed this bill in as mild terms as possible, in their judgment, not to impair its efficiency. They had no desire to raise questions which have in any measure divided parties. Their sole object was to recommend a measure which would, if approved, be a practical remedy for an evil which threatens a great and valuable industry. I shall not attempt to speak at length nor to go through the entire bill, but to call attention to its leading features and to answer some of the objections urged against it.

The first section of this bill proposes to organize a bureau of animal industry, and provides for a chief of said bureau at a salary of $3,000 per annum and a clerk with a salary of $1,500 per annum. It also authorizes the Commissioner of Agriculture to appoint a force sufficient for the collection of information in regard to the numbers, value, and condition of the domestic animals of the United States, their protection and use, and also to inquire into and report the causes of contagious, infectious, and communicable diseases among them and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be of value to the agricultural and commercial interests of the country. It provides that the chief of this bureau shall be a "competent veterinary surgeon."

This section is objected to because it is charged that it will create an army of officers to be "pensioned" on the Government. Gentlemen speak flippantly of the proposed head of this bureau as a "horse-doctor." Yet some of the best minds in this and other countries have been given to the study of the structure of domestic animals and the treatment of diseases to which they are subject. They are men of science, and graduates from some of the best universities in Europe and America.

There are no permanent officers created by this section or bill save the chief and clerk of bureau, and this is more in form and name than fact. The Agricultural Department have this matter now in charge, but not in an organized form so as to make it as efficient as this bill proposes to make it. While it is proposed that the chief of this bureau shall gather statistics on the number, value, and care of domestic ani-

mals, the main object is set out in the title: "A bill for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals." That is the main object of the bill. The force provided for to secure these objects is a temporary one.

The second section may be taken in connection with the first. It provides for the appointment of two agents, if deemed necessary, at a per diem allowance, to examine and report upon the best methods of "treating, transporting, and caring for animals, and for the suppression and extirpation of pleuro-pneumonia and other contagious diseases and preventing their spread." Gentlemen oppose these provisions because they say it involves an army of Government spies, who will claim the right to enter every man's barn-yard and make a close inspection of his domestic animals down to his "chickens." I submit that this kind of treatment of a subject of grave importance will not satisfy the demands of the thousands of men who have invested millions of dollars in the cattle industry of this country, and upon whom the people at large depend for a supply of healthy meat. Not only are our own people thus supplied but to a large extent the people of Europe, and past and present experience shows the importance, nay the necessity, of demonstrating that our meats are healthful in order to retain the European market.

Gentlemen speak of the investigation necessary to secure the facts aimed at as an unwarrantable interference with individual rights. How else can the information needed be secured? But we are told that we must not invade the soil of sovereign States in making investigations. Has it come to that point that the National Government has not authority to send its agents into States to gather information deemed necessary for the general welfare? A rigid construction of this doctrine would forever prevent the taking of a national census; yet the census agents did visit every hamlet in the land, regardless of State lines, and propounded many pointed interrogatories, even to the ages of maiden ladies. They sought and obtained the information which this bill contemplates only in part, and we have yet to hear the first complaint of a violation of either State or individual rights. The Constitution provides for a census of the people once in ten years, and under that head statistical information is compiled every decade, giving information on all the material industries of the country. These sections go no further.

In any attempt to extirpate pleuro-pneumonia it will be readily conceded that it must first be located. This bill does not propose to strike wildly and indiscriminately at the cattle of a State or part of a State because that in certain herds the disease may be found to exist. Hence the third section provides that the Commissioner of Agriculture may prepare such rules and regulations as may be deemed necessary for the speedy and effectual suppression of the disease when found, and certify such rules and regulations to the executive authority of each State and Territory and invite said authorities to co-operate in the execution and enforcement of this act. The necessity for some general rules in such case as is contemplated must be apparent to all thinking men. A few diseased animals may be found in a large herd, when separation and the isolation of those infected and the quarantine of those which were exposed might be sufficient, while in the case of a small herd or an individual animal a heroic remedy in the destruction of the whole might prove the safer and better plan. The matter of disinfection would also be an important consideration, upon which there might be a general rule.

It will be observed that up to this point the United States would act independently, and be at all the expense of investigating and marking the location of the disease. But now the State authorities are invited to co-operate and share the expense to be incurred in the destruction of diseased animals and in disinfection and quarantine. The committee gave this matter very careful consideration, and thought it best to require the States to actively co-operate and to be a party in interest in the expenditure of money. They thought it would be in the interest of economy, as a double accounting would be required to the State and National Governments, and at the same time give more efficiency in executing the trust.

Now we come to the fourth section of the bill, which provides that when a State or Territory, in which contagious or communicable diseases in cattle are found to exist, refuses or neglects to co-operate with the National Government for the extirpation of the disease, on presentation of the facts by the Commissioner of Agriculture the President may declare such State or Territory in quarantine and prohibit the exportation of cattle therefrom. Gentlemen who have taken ground against this bill think, or seem to think, that in this section lurk heresies which if enacted into law will sap the foundations of the Constitution and violate the most sacred doctrine of State rights. I wish to say here that I am a believer in State rights, properly interpreted, and I would protect each and every State in all the rights recognized by the Constitution. But I do not believe that any State can claim the right to breed pestilence and scatter it over adjacent States, whether that scourge may affect man or beast. If a State insists on the retention of a dangerous and destructive disease among its stock when means are provided for its suppression, I submit that on the same line of reasoning the adjacent States have a right to insist that it be kept within State lines and that it shall not be allowed to destroy the property of their citizens.

If it be true, as decided by the courts in the Missouri case (5 Otto, page 465), cited by the gentleman from Missouri [Mr. HATCH], that one State can not interdict the importation of cattle from another State because it comes under the head of regulating commerce among the States, it follows that Congress alone has jurisdiction over the whole subject-matter, and may, for the general good and in the interest of interstate commerce, regulate or prohibit commerce in cattle between the States presumed to be infected with a dangerous communicable disease. The gentleman from Texas [Mr. LANHAM] seems to fear that this bill discloses a conspiracy against the Texas cattle interest. I would not presume to mar the beautiful picture he has drawn of Texas, its grand domain, healthful climate for cattle, nor dispute his statement that it possesses more than one-seventh of the cattle of the United States. It is not necessary for my argument to mar his rhetoric in the slightest degree by the statement of facts. If the cattle interests of Texas are as large as represented, it is all the more important that they should be protected from the ravages of this fell disease. The disease is not climatic, nor is there any climate on earth that can resist it should it once be introduced. But the gentleman seems to fear that the Government officials would act dishonestly and conspire with dealers and transportation companies to destroy the commerce in cattle in one section of the country for personal advantage or the advantage of other sections. The intimation, it seems to me, is unworthy the gentleman or any other gentleman on this floor.

But however that may be, if it be true that there is no vestige of contagious disease among cattle throughout the length and breadth of Texas, but that they are uniformly healthy, as represented, no Government "horse-doctor" will dare to lay his ruthless hand upon them to prevent their exportation to the markets of the country and the world. However it may be with other portions of our common country where diseases among animals are known to exist, Texans may rest assured that their cattle can move forward with impunity and the utmost safety.

The very distinguished gentleman from Texas [Mr. REAGAN], who is an authority on interstate commerce, concedes that the latter clause of the fourth section, authorizing the President to declare States and Territories in quarantine, comes within the authority of Congress under the constitutional provision for regulating commerce. He says:

> I admit that the closing provisions of this section may be within the authority which Congress may properly exercise in regulating commerce between the States, interstate commerce.

While making this concession the gentleman finds fault with this section on the ground that it is a menace to the State governments, "requiring them to do certain things which lie wholly within their exclusive jurisdiction and control." In other words, he thinks it in bad taste. But he concedes the only question upon which it seems to me there can be any doubt on constitutional grounds—the right to declare in quarantine and prohibit the exportation of cattle from infected States. This question covers all of the minor questions, involving transportation companies, prosecutions, and penalties; for if this right be conceded, it follows that the power possessing the right has authority to enforce it.

In framing this provision the committee were careful, so far as possible, to avoid any controversy on the matter of State rights. It will be observed that this is the only point on which the authority of the National Government is asserted, with, of course, the right of enforcement. It was put in because without it it was believed the bill would be worthless if enacted. It will be seen that throughout this bill there is no provision for the "coercion of a State." Each State is asked to co-operate and share the expense with the General Government. They are not obliged to do so; they may absolutely refuse. In that event the United States withdraw, leaving them to manage the matter in their own way, or not at all, as they may elect. Under such circumstances the people of a State can not reasonably complain if the General Government requires them to keep their cattle within their own borders—not as a penalty, but simply for the protection of the general interest outside and in the interest of commerce.

But gentlemen grow eloquent in expressing their love for the Constitution, which they say this bill contravenes. They say this is a dangerous measure and a "fraud upon its face," that our liberties are in danger from the encroachments of Federal power; and the gentleman from West Virginia [Mr. GIBSON] takes occasion to criticise and condemn the action of the Federal courts, whose proceedings he says "have been felt by this land as the breath of a pestilence." Yet the judiciary is the creature of the Constitution, and it might be thought that the gentleman's great love and reverence for that instrument should lead him to respect the judiciary created by its authority.

We are asked with an air of triumph, "What article or section of the Constitution authorizes the organization of a bureau of animal industry in the Agricultural Department?" We might ask with equal confidence, What section of the Constitution provides for the creation of the Agricultural Department, or the Post-Office, or Interior, or any other Department, with their many bureaus and divisions? Yet we have them all, and we have them under the Constitution. The Constitution gives Congress alone authority to provide for the general defense and the general welfare, and to regulate commerce with foreign nations and among the several States and with the Indian tribes.

Under the narrow and shallow doctrine of State rights and State sov-

ereignty contended for by the opponents of this bill no State could have a commerce or transport its products beyond its own borders without the consent of the adjoining States. The regulation of interstate commerce was necessarily given to the General Government for the protection of the equal rights of the respective States. If the power to regulate does not give the power to prohibit the transportation of animals afflicted with a dangerous contagious disease, scattering death in their pathway and endangering the property of citizens, then indeed is the boasted power a "delusion and a snare."

But objection is made to this bill on account of the great expense to the Government. The answer to that is simple and brief. This bill proposes to appropriate $250,000, or so much of that sum as may be necessary. The Commissioner is prohibited by law from expending more than the appropriation. The charge that there will be an army of officers employed and that millions will be expended answers to round out a paragraph and give seeming importance to the objection, but viewed in the light of fact and of this bill, it is seen to be only the phantom of an overworked imagination.

I have said nothing in regard to the nature and extent of this malignant disease, nor do I propose to examine that branch at length, assuming that most members of this body are well informed on the subject and knowing that the owners of live-stock all over the cattle-growing sections are well informed and greatly alarmed at its continuance and threatened spread. The result of scientific investigation and the experience of thousands demonstrate that the disease is incurable. That would seem to be enough. It has existed in Russia for hundreds of years, and owing to the common pasturage on the steppes of that country, similar to our western plains, its extermination seems an impossibility. It ravaged Holland, Denmark, Norway, and Sweden; but the three latter countries have exterminated it. It reached Western Europe and the British Isles in 1842, and since that time the loss in Great Britain alone, according to the London Times, has been $500,000,000. Since 1858 Australia has lost 40 per cent. of all its cattle from this disease. It is safe to say that over this broad field, including Africa, where a single animal from Holland scattered the seeds of death, the losses have by far exceeded the total value of all the cattle in the United States at the present time.

In 1859 this disease appeared in Massachusetts from importation, but heroic treatment by the State authorities extirpated it, but not until the stock-raisers suffered to the amount of $250,000 and the State had expended $77,000. It is now known to exist in the District of Columbia, Maryland, New Jersey, and parts of Pennsylvania, New York, and Connecticut. It has assumed dangerous proportions, extending along a strip of three hundred miles in length along the coast. The local inspectors of New York city report during the past year more than five thousand cases, mostly cows which supply milk to the citizens. The same state of facts exists in Brooklyn, Philadelphia, Baltimore, and Washington, and their suburbs. These are facts undisputed and indisputable. What shall be done to circumscribe its bounds and finally eradicate the disease? That is the practical question. We are told that the respective States can accomplish the work and are pointed to Massachusetts as an evidence. It will be noticed that Massachusetts did not dally. It began early and overcame the difficulty before it became great. It was not exposed along its borders. Had the disease existed in the adjoining States and had those States been inactive, all that Massachusetts could have done would have been abortive.

New York could, doubtless, by diligence and a large expenditure suppress the disease within its borders, but of what avail would that be so long as cattle were constantly being brought in from New Jersey and Pennsylvania? So with the other infected States or districts. To exterminate the disease will require simultaneous action in all infected districts. No power less than that of the General Government seems to be able to grapple with it. Should they succeed, the American people would indeed be fortunate. I say the American people, because every man in the nation is interested in the supply of healthful beef, butter, and milk, as well as in purchasing at the lowest prices. Even now the shippers of live beef cattle to Great Britain, because pleuro-pneumonia is known to exist in this country, are obliged by law to slaughter their cattle on the wharves ten days after landing, and not allowed to put them on grass to recuperate, causing great loss.

The cattle interests of this country demand protection from this plague. They have a right to demand it. Men of intelligence and practical sense, who have many millions of dollars invested in cattle in the Western States and Territories, have thought it worth while to hold a national convention on this subject and to memorialize Congress. This convention appointed a committee to represent their views here, and that committee had many interviews with the Committee on Agriculture, and very ably represented the views of their constituents. This bill does not propose as large an appropriation nor is it as radical as was desired by those very intelligent gentlemen. But it satisfies them in its main features, and I think I may say that a measure less heroic will fail to either satisfy or protect them.

The West is thus far free from pleuro-pneumonia because the line of cattle exportation is from west to east. But cattle for breeding purposes are, in limited numbers, constantly being shipped from the East to the West. Should this disease once gain a foothold among the herds in the cattle-raising States of the West, and on our Western and Southwestern plains, the experience of Russia and Australia will doubtless be ours. A single animal may sow the seeds of death in a vast herd. What a few hundred thousands of dollars may do now will require many millions hereafter, and then in all probability fail to accomplish the purpose. The cattle industry of this country is entitled to the dignity of a national industry. The farmers, comprising one-half of the population, have a direct interest in it. They are not *doctrinaires* who split hairs on controverted constitutional questions, but practical men of sense who look for practical results. They ask Congress to protect their property from impending destruction. Will you give them that protection, or will you continue to "fight the war over again" on the "barren idealities" of State sovereignty and State rights? Have the farmers of this country any rights which the legislative authority is bound to respect, or must all legislation be in the interest of the manufacturing and commercial classes and the corporations of the country?

Agriculture is the foundation of the nation's wealth and prosperity, and yet the welfare of this intelligent and industrious class of citizens, whose surplus products give us the balance of trade with foreign nations, seem to be the last thought of in our legislative halls. The very stability of our republican institutions rests on the virtue and moral stamina of the farmers, and yet we grudge an appropriation of $250,000 to protect one of their principal industries. Let it not be said that the American Congress, composed so largely of professional men, will vote millions for vessels of war and allow them to decay on their stocks, millions for the support of an army and navy in view of future contingencies, millions for public buildings in the cities, millions for the improvement of rivers and harbors, but nothing for the encouragement of agriculture and the protection of the animal industries.

Political Rights of Women.

SPEECH

OF

HON. JOHN D. WHITE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884.

The House having under consideration the report from the Committee on Rules, and especially a proposition by Mr. WHITE, of Kentucky, to amend Rule X by inserting after the line "on revision of the laws, to consist of eleven members," the following, to wit, "On the political rights of women, to consist of eleven members"—

Mr. WHITE, of Kentucky, said:

Mr. SPEAKER: I do not know that I can occupy my time better than by reciting what has been better said on this subject by other persons.

It seems to me at least to be an anomalous state of affairs that in a great nation like this one-half of the people should have no committee to which they could address their appeals. If a petition on this subject comes here in one form it goes to the Judiciary Committee, and if it comes here in another form it will go to another committee; and petitions in reference to the political rights of women cover such a great field of investigation, at least eleven members of this House ought to be given to the consideration of that subject. In the Senate a committee has been given to the women of the nation where they can be heard. In this House, at the last Congress, a select committee was provided very much in the nature of the four additional clerks given this morning to the House post-office, only to run through the session of Congress and then to be dropped out. Now I propose that such a committee shall be a part of the rules of the House.

My proposition is to amend Rule X so that the Speaker shall appoint at the commencement of each Congress a standing committee which shall consist of eleven members, and shall be known as the committee on the political rights of women. During the last session of Congress the chairman of the Select Committee on Woman Suffrage failed to call the committee together, and I was requested to do so in his absence, being second on the committee, as follows:

WASHINGTON, D. C., *December* 6, 1882.

SIR: In the absence of the chairman of the Select Committee on Woman Suffrage, the undersigned respectfully request that you do at an early day give notice of a meeting of said committee for the purpose of considering matters referred to the same.

Respectfully, &c.,

W. P. HEPBURN.
J. C. SHERWIN.
E. F. STONE.

Hon. JOHN D. WHITE.

Pursuant to that request, I called a meeting, and from time to time we considered petitions like the following, which was referred to that committee January 11, 1883:

To the Senate and House of Representatives of the United States:

The undersigned, citizens of Massachusetts, officers and members representing the National Woman Suffrage Association of Massachusetts, respectfully petition your honorable body to submit an amendment to the United States Consti-

tution which shall prohibit the several States from disfranchising citizens on account of sex.

Harriette Robinson Shattuck, president National Woman Suffrage Association of Massachusetts; Harriet H. Robinson, Louise Bright; Hannah M. Todd, secretary; Nancy Willard Covell, Emma Frances Clarry, M. A. Dunbar, J. D. Foster; Sarah Stoddard Eddy, vice-president; Julia A. C. Smith, Salome Merritt, M. D.; Mary R. Brown, treasurer; E. S. Barker.

Finally our committee adopted a report, which was referred to the House Calendar, and ordered to be printed, March 1, 1883, as follows:

The Select Committee on Woman Suffrage, to whom was referred H. Res. 255, proposing an amendment to the Constitution of the United States to secure the right of suffrage to citizens of the United States without regard to sex, having considered the same, respectfully report:

In attempting to comprehend the vast results that could and would be attained by the adoption of the proposed article to the Constitution, a few considerations are presented that are claimed by the friends of woman suffrage to be worthy of the most serious attention, among which are the following:

I. There are vast interests in property vested in women, which property is affected by the taxation and legislation, without the owners having voice or representation in regard to it. The adoption of the proposed amendment would remove a manifest injustice.

II. Consider the unjust discriminations made against women in industrial and educational pursuits, and against those who are compelled to earn a livelihood by work of hand or brain. By conferring upon such the right of suffrage, their condition, it is claimed, would be greatly improved by the enlargement of their influence.

III. The questions of social and family relations are of equal importance to and affect as many women as men. Giving to women a voice in the enactment of laws pertaining to divorce and the custody of children and division of property would be merely recognizing an undeniable right.

IV. Municipal regulations in regard to houses of prostitution, of gambling, of retail liquor traffic, and of all other abominations of modern society, might be shaped very differently and more perfectly were women allowed the ballot.

V. If women had a voice in legislation, the momentous question of peace and war, which may act with such fearful intensity upon women, might be settled with less bloodshed.

VI. Finally, there is no condition, status in life, of rich or poor; no question, moral or political; no interest, present or future; no ties, foreign or domestic; no issues, local or national; no phase of human life, in which the mother is not equally interested with the father, the daughter with the son, the sister with the brother. Therefore the one should have equal voice with the other in molding the destiny of this nation.

Believing these considerations to be so important as to challenge the attention of all patriotic citizens, and that the people have a right to be heard in the only authoritative manner recognized by the Constitution, we report the accompanying resolution with a favorable recommendation in order that the people, through the Legislatures of their respective States, may express their views.

Now, Mr. Speaker, women consider they have the same political rights as men. I might read from such distinguished authority as Miss Susan B. Anthony, whose name has been jeered in her native State, and who has been prosecuted there for voting, but who stands before the American people to-day the peer of any woman in the nation, and the superior of half the men occupying a representative capacity. It does seem to me hard that when a woman like this comes to Congress, instructed by thousands and tens of thousands of her sex, in order to be heard she should be compelled to hang around the doors of the Judiciary Committee, or the doors of some other committee-room, preeminently occupied with other matters. But we are told there is no room. Yet we have a room where lobbyists of every sort are provided for. And are we to be told that no room in this wing of the Capitol can be had where respectable women of the nation can present arguments for consideration, for the calm consideration by their friends in this body? I say that such should be the case puts this House in an anomalous situation. I ask simply for the opportunity to be afforded the representatives of the political rights of women to be heard in making respectful argument to the law-making power of the nation. I ask that you give them a suitable room where their friends on this floor may hear their petitions and be able to present in the best shape their side of the question.

Now, I do not propose to go into the constitutional question in reference to the political rights of women, as that would extend my remarks far beyond the time allotted to me in this debate. I yield for one minute to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, ever since the organization of this House I have received petitions from my constituents in regard to this matter of the political rights of women, but under the action of the House in its organization there seems to be no committee to which they could properly be referred. A few years since, when this question of woman suffrage was submitted to the people in my State, more than 40,000 electors were in favor of it. I believe much more than that number are at the present time in favor of it. It seems to me, without putting ourselves on the question of political rights of women, it is but respectful to a very large number of people in all our States that there should be a committee to receive and consider and report upon these petitions which come to us from time to time.

Mr. WHITE, of Kentucky. I desire now to call the attention of the House to what I consider a grievance. Not long since we occupied weeks in considering the wrongs that a general in the late war (Fitz-John Porter) was supposed to have suffered, and we undertook to rectify those wrongs. I call the attention of the House to the greater wrong that Miss Carroll has suffered, the lady who planned the campaign of the Tennessee which resulted in Sherman's victorious march to the sea, during the late war, and which prevented the recognition of the Southern confederacy, and which to-day makes our flag float over one nation, and simply I believe because she is a woman and can not help herself, and because she has no political power to bring to bear. She can not go to West Point and get the whole strength of that institution, nor bring to bear its various instrumentalities for influencing legislation here. Consequently for twenty years her claim has been dishonored.

That this House and the country at large may know something of the great injustice to which Miss Anna Ella Carroll has been subjected, I submit the following report, which was committed to the Committee of the Whole House March 3, 1881:

The Committee on Military Affairs, to whom the memorial of Anna Ella Carroll was referred, asking national recognition and reward for services rendered the United States during the war between the States, after careful consideration of the same, submit the following:

In the autumn of 1861 the great question as to whether the Union could be saved or whether it was hopelessly subverted depended on the ability of the Government to open the Mississippi and deliver a fatal blow upon the resources of the confederate power. The original plan was to reduce the formidable fortifications by descending this river, aided by the gunboat fleet then in preparation for that object.

President Lincoln had reserved to himself the special direction of this expedition, but before it was prepared to move he became convinced that the obstacles to be encountered were too grave and serious for the success which the exigencies of the crisis demanded, and the plan was then abandoned, and the armies diverted up the Tennessee River, and thence southward to the center of the confederate power.

The evidence before this committee completely establishes that Miss Anna Ella Carroll was the author of this change of plan, which involved a transfer of the national forces to their new base in North Mississippi and Alabama, in command of the Memphis and Charleston Railroad; that she devoted time and money in the autumn of 1861 to the investigation of its feasibility is established by the sworn testimony of L. D. Evans, chief-justice of the supreme court of Texas, to the Military Committee of the United States Senate in the Forty-second Congress (see pp. 40, 41 of memorial); that after that investigation she submitted her plan in writing to the War Department at Washington, placing it in the hands of Col. Thomas A. Scott, assistant Secretary of War, as is confirmed by his statement (see p. 38 of memorial), also confirmed by the statement of Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, made to the same committee (see p. 38), and of President Lincoln and Secretary Stanton (see p. 39 of memorial); also by Hon. O. H. Browning, of Illinois, Senator during the war, in confidential relations with President Lincoln and Secretary Stanton (see p. 39, memorial); also that of Hon. Elisha Whittlesey, Comptroller of the Treasury (see p. 41, memorial); also by Hon. Thomas H. Hicks, governor of Maryland, and by Hon. Frederick Feckey's affidavit, comptroller of the public works of Maryland (see p. 127 of memorial); by Hon. Reverdy Johnson (see pp. 26 and 41, memorial); Hon. George Vickers, United States Senator from Maryland (see p. 41, memorial); again by Hon. B. F. Wade (see p. 41, memorial), Hon. J. T. Headley (see p. 43, memorial), Rev. Dr. R. J. Breckinridge on services (see p. 47, memorial), Prof. Joseph Henry, Rev. Dr. Hodge, of Theological Seminary at Princeton (see p. 30, memorial); remarkable interviews and correspondence of Judge B. F. Wade (see pp. 23-26 of memorial).

That this campaign prevented the recognition of Southern independence by its fatal effects on the Confederate States is shown by letters from Hon. C. M. Clay (see pp. 40, 43 of memorial), and by his letters from St. Petersburg; also those of Mr. Adams and Mr. Dayton from London and Paris (see pp. 100-102 of memorial).

That the campaign defeated national bankruptcy, then imminent, and opened the way for the system of finance to defend the Federal cause is shown by the debates of the period in both Houses of Congress (see utterances of Mr. Spalding, Mr. Diven, Mr. Thaddeus Stevens, Mr. Roscoe Conkling, Mr. JOHN SHERMAN, Mr. Henry Wilson, Mr. Fessenden, Mr. Trumbull, Mr. Foster, Mr. Garrett Davis, Mr. John J. Crittenden, &c., found for convenient reference in appendix to memorial, pp. 47-59. Also therein the opinion of the English press as to why the Union could not be restored).

The condition of the struggle can best be realized as depicted by the leading statesmen in Congress previous to the execution of these military movements (see synopsis of debates from Congressional Globe, pp. 21, 22 of memorial).

The effect of this campaign upon the country and the anxiety to find out and reward the author are evidenced by the resolution of Mr. Roscoe Conkling, in the House of Representatives, 24th of February, 1862 (see debates on the origin of the campaign, pp. 39-63 of memorial). But it was deemed prudent to make no public claim as to authorship while the war lasted (see Colonel Scott's view, p. 32 of memorial).

The wisdom of the plan was proven, not only by the absolute advantages which resulted, giving the mastery of the conflict to the national arms and evermore assuring their success even against the powers of all Europe should they have combined, but it was likewise proven by the failures to open the Mississippi or win any decided success on the plan first devised by the Government.

It is further conclusively shown that no plan, order, letter, telegram, or suggestion of the Tennessee River as the line of invasion has ever been produced except in the paper submitted by Miss Carroll on the 30th of November, 1861, and her subsequent letters to the Government as the campaign progressed.

It is further shown to this committee that the able and patriotic publications of memorialist, in pamphlets and newspapers, with her high social influence, not only largely contributed to the cause of the Union in her own State, Maryland (see Governor Hick's letters, p. 27, memorial), but exerted a wide and salutary influence on all the border States (see Howard's report, p. 33 and p. 75 of memorial).

These publications were used by the Government as war measures, and the debate in Congress shows that she was the first writer on the war powers of the Government (see p. 45 of memorial). Leading statesmen and jurists bore testimony to their value, including President Lincoln, Secretaries Chase, Stanton, Seward, Welles, Smith, Attorney-General Bates, Senators Browning, Doolittle, Collamer, Cowan, Reverdy Johnson, and Hicks, Hon. Horace Binney, Hon. Benjamin H. Brewster, Hon. William M. Meredith, Hon. Robert J. Walker, Hon. Charles O'Conor, Hon. Edwards Pierrepont, Hon. Edward Everett, Hon. Thomas Corwin, Hon. Francis Thomas, of Maryland, and many others found in memorial.

The Military Committee, through Senator Howard, in the Forty-first Congress, third session, document No. 337, unanimously reported that Miss Carroll did cause the change of the military expedition from the Mississippi to the Tennessee River, &c.; and the aforesaid committee, in the Forty-second Congress, second session, document No. 167, as found in memorial, reported through the Hon. Henry Wilson the evidence and bill in support of this claim.

Again, in the Forty-fourth Congress, the Military Committee of the House favorably considered this claim, and General A. S. Williams was prepared to report, and being prevented by want of time, placed on record that this claim is incontestably established, and that the country owes to Miss Carroll a large and honest compensation, both in money and honors, for her services in the national crisis.

In view of all the facts, this committee believe that the thanks of the nation are due Miss Carroll, and that they are fully justified in recommending that she be placed on the pension-rolls of the Government as a partial measure of

recognition for her public service, and report herewith a bill for such purpose, and recommend its passage.

Hon. E. M. Stanton came into the War Department in 1862, pledged to execute the Tennessee campaign.

Statement from Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, April 4, 1876.

DEAR MISS CARROLL: I had no part in getting up the committee; the first intimation to me was that I had been made the head of it. But I never shirked a public duty, and at once went to work to do all that was possible to save the country. We went fully into the examination of the several plans for military operations then known to the Government; and we saw plainly enough that the time it must take to execute any of them would make it fatal to the Union.

We were in the deepest despair, until just at this time Colonel Scott informed me that there was a plan already devised that if executed with secrecy would open the Mississippi and save the national cause. I went immediately to Mr. Lincoln and talked the whole matter over. He said he did not himself doubt that the plan was feasible, but said there was one difficulty in the way, that no military or naval man had any idea of such a movement, it being the work of a civilian, and none of them would believe it safe to make such an advance upon only a navigable river, with no protection but a gunboat fleet, and they would not want to take the risk. He said it was devised by Miss Carroll, and military men were extremely jealous of all outside interference. I plead earnestly with him, for I found there were influences in his Cabinet then averse to his taking the responsibility, and wanted everything done in deference to the views of McClellan and Halleck. I said to Mr. Lincoln, "You know we are now in the last extremity, and you have to choose between adopting and at once executing a plan that you believe to be the right one, and save the country, or defer to the opinions of military men in command and lose the country." He finally decided he would take the initiative; but there was Mr. Bates, who had suggested the gunboat fleet, and wanted to advance down the Mississippi, as originally designed; but after a little he came to see no result could be achieved on that mode of attack, and he united with us in favor of the change of expedition as you recommended.

After repeated talks with Mr. Stanton, I was entirely convinced that if placed at the head of the War Department he would have your plan executed victoriously, as he fully believed it was the only means of safety, as I did.

Mr. Lincoln, on my suggesting Stanton, asked me how the leading Republicans would take it; that Stanton was so fresh from the Buchanan Cabinet and so many things said of him. I insisted he was our man withal, and brought him and Lincoln into communication, and Lincoln was entirely satisfied; but so soon as it got out the doubters came to the front; Senators and members called on me; I sent them to Stanton and told them to decide for themselves. The gunboats were then nearly ready for the Mississippi expedition, and Mr. Lincoln agreed, as soon as they were, to start the Tennessee movement. It was determined that as soon as Mr. Stanton came in the Department Colonel Scott should go out to the Western armies and make ready for the campaign, in pursuance of your plan, as he has testified before committees.

It was a great work to get the matter started; you have no idea of it. We almost fought for it. If ever there was a righteous claim on earth you have one. I have often been sorry that, knowing all this as I did then, I had not publicly declared you as the author. But we were fully alive to the importance of absolute secrecy. I trusted but very few of our people, but to pacify the country I announced from the Senate that the armies were about to move and inaction was no longer to be tolerated, and Mr. Fessenden, head of the Finance Committee, who had been told of the proposed advance, also stated in the Senate that what would be achieved in a few more days would satisfy the country and astound the world.

As the expedition advanced Mr. Lincoln, Mr. Stanton, and myself frequently alluded to your extraordinary sagacity and unselfish patriotism, but all agreed that you should be recognized for your most noble services, and properly rewarded for the same. The last time I saw Mr. Stanton he was on his deathbed; he was then most earnest in his desire to have you come before Congress, as I told you soon after, and said if he lived he would see that justice was awarded you. This I have told you often since, and I believe the truth in this matter will finally prevail.

B. F. WADE.

Now, Mr. Speaker, contrast the case of this brave, patriotic, self-sacrificing woman with that of the selfish, jealous, and disobedient Fitz-John Porter.

So far as the action of this House can do it, the latter has been complimented for the inactivity which resulted in the loss of a great battle to the Union cause during the late unpleasantness, while it has done nothing but ignore the just claim of the former.

Does any one doubt for one moment that had Miss Carroll possessed the powerful political influence of Fitz-John Porter, and he obscured by the lack of it, that he would have been shot as a traitor, and she long ago received every dollar advanced by her to save the nation and her name honored as Sherman's and Grant's?

Wendell Phillips says:

Suppose that woman is essentially inferior to man; she still has rights. Grant that Mrs. Norton never could be Byron; that Elizabeth Barrett never could have written Paradise Lost; that Mrs. Somerville never could be La Place; nor Sirani have painted the Transfiguration. What then? Does that prove they should be deprived of all civil rights? John Smith never will be, never can be, Daniel Webster. Shall he therefore be put under a guardianship and forbidden to vote? Suppose woman, though equal, to differ essentially in her intellect from man; is that any ground for disfranchising her? Shall the Fultons say to the Raphaels, "Because you can not make steam-engines, therefore you shall not vote?" Shall the Napoleons or the Washingtons say to the Wordsworths or the Herschells, "Because you can not lead armies and govern States, therefore you shall have no civil rights?"

In the language of Governor Hoyt, of Wyoming Territory:

I see a castle on yonder plain, a castle beleaguered, and there are found within its walls a band of noble, heroic women. They are in peril of their precious lives and of all that is dear to them and their hearthstones. Were this vision a reality, and of you accepted as a fact, how quickly every man would leap from his seat, secure arms, and rush to the rescue. But when woman's spirit is enthralled, immured, not her person; when her rights have been usurped, when her spiritual powers have been repressed and subordinated to the selfish will of man, and the call comes for help, how slow we are to fling wide the gates and bid her be free. * * *

Man himself can not stand before God in his uprightness, man himself can not develop into his completeness while he is halved, while he is less than himself, because of denying the full development and exercise of powers to her whom God gave to be his completement. A woman who is only half a woman, who is cramped, suppressed, restricted, and restrained, she can not be all that a man needs; and so I plead in the interest of my own sex while pleading for her. I shall walk freer myself when I know that no denial is made to woman of what belongs to her—not to my wife only but to every woman on the earth. I shall be more a man, I shall stand up in the presence of mankind and before the Father of all with an uprightness, with a conscious dignity and nobility, which I can not possess so long as aught is denied to her.

* * * * * * * *

A majority of questions to be voted on touch the interests of woman as they do not those of man. It is upon her finer sensibilities, her purer instincts, and her maternal nature that the results of immorality and vice in every form fall with more crushing weight. Ay, it is woman who hath given hostages to fortune of all that is most precious on earth. Trust her, then, O ye doubting men! Trust her, and so receive, in countless ways ye know not of, the unfailing benediction of Heaven.

I defy any one to suggest any fundamental principle to substantiate our right as a nation to exercise free government which does not apply to woman as well as man. She is the equal of man in every vicissitude in life, and it is a shame to require her to ask as a charity what she is entitled to as a right.

In this free country "the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," did in 1787 ordain and establish a Constitution for the United States of America. Before the end of the year 1790 that Constitution was amended by the people of the United States, the very first article of which amendment read as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (See Constitution of the United States, amendment 1, article 1.)

Now, it seems to me that the right to assemble and to petition the Government carries with it the right to present the petitions to the Congress of the United States, in which reposes all legislative powers granted under the Constitution of the United States. If this be so, is it not our duty as the representatives of the people to appoint a committee to hear the petitions of the thousands, yes, tens of thousands, of men and women who, by resolution or by vote at the ballot-box, have petitioned for the recognition of the political rights of women?

By article 5 of the amendments to the Constitution, "No person * * * shall be deprived of life, liberty, or property, without due process of law," and under that guarantee every criminal has the right of trial by jury.

Is it more important to the life, honor, and prosperity of the nation that Congress should establish courts to grant trials by jury to criminals like Guiteau or men like the alleged star-route thieves than that Congress should appoint a committee to consider the petitions and hear the accredited representatives of many of the best people of the United States who are or may be here to be heard on subjects affecting the political rights of women?

Mr. Speaker, I trust that the House will sustain me in this effort to amend Rule X, so that we shall have in the list of the standing committees of this House a committee, to consist of eleven members, whose duty it shall be to consider the political rights of women.

Chalmers vs. Manning.

SPEECH

OF

HON. ROBERT LOWRY,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 14, 1884.

The House having under consideration the contested-election case of Chalmers *vs.* Manning—

Mr. LOWRY said:

Mr. SPEAKER: It may be well regarded as an act of temerity on my part to enter upon the discussion of this question at this time under the peculiar circumstances surrounding us. This report has now been discussed for two days and many able and experienced gentlemen have engaged in the debate. It is, therefore, with extreme hesitancy and the utmost diffidence on my part that I undertake to participate. Indeed, it is only by reason of the fact that it seems to me there are yet some views of this case which have not been fully presented to the House, but which are essential, and should be clearly understood in order to dispose correctly of the primary question now pending before this body, that I am induced to do so.

It has been said here, and that by gentlemen learned in the law, that this committee has mistaken its duty, and that it has undertaken to discharge functions which were not devolved upon it by this House. And these gentlemen, without having heard the discussion which took place before that committee, many of them without claiming to have examined at length the authorities bearing upon the question, undertake to announce *ex cathedra* that there was no case in which the Committee

on Elections of the House, or the House itself, according to the principles of parliamentary law, was authorized to look behind the certificate of the governor of the State, under the great seal of the State, with the view of determining as to the *prima facie* right to a seat upon this floor.

Much has been said here as to what constitutes the *prima facie* case. There has been no controversy among the members of the Committee on Elections; there has been no controversy, as I apprehend, here or elsewhere, in reference to the point that as a general rule the certificate of election or return of the officer upon whom the duty is incumbent to make the certification as to the election of a member of this House is in the first place *prima facie* evidence of the right to the seat. No such question is properly a subject of contention. Many eloquent tongues have therefore spent, and possibly may continue to spend, their energies for naught in seeking to impress us that a rule exists the existence of which is not only granted but constitutes the very postulate of the report of the committee. But, sir, like almost all rules of the law, whether it be the common law, whether it be equity jurisprudence, or whether it be under the provisions of our respective codes, so in this case there are exceptions to that rule. And while I admit that the author of the only work we have distinctively upon the subject of contested elections has seemed to set his face strongly in favor of the doctrine of excluding these exceptions and of insisting upon the principle that the certificate of election shall not be gone behind under almost any ordinary state of circumstances, yet I think we ought to consider the influences under which that gentleman lived and the atmosphere in which he moved at the time he was receiving the education and training which prepared him for the compilation of this treatise.

This book (McCrary on Contested Elections) was prepared before its author had assumed the judicial ermine, before he took his seat upon the bench of the United States court, before he yielded to the seductive influences which have taken him away from the bench of that court and prompted him to ally his fortunes with the interests of one of the great corporations of this country. He was for a long time connected with this same Committee on Elections of this House. We all know, sir, how during that period of time the majority of this House was constituted. The history of our legislation and of the administration of parliamentary law at that time conveys to us the painful intelligence that that majority during the period of its ascendency here ruled with a somewhat high hand, and that there was not under all circumstances the strictest regard paid to the rules of parliamentary law in determining the question of the admission or rejection of members to their seats. It will be found upon even a cursory examination of the questions which were before the House and before the Committee on Elections during the time that Judge McCrary was connected with it that it was for the interest of the great party with which he was connected to presume the fact that the member holding the certificate of the governor was entitled to peculiar protection and to avoid going behind those certificates, lest by doing so the majority of the House of which he was a member should be deprived of a part of their representation upon the floor of the House. Held together by certain cohesive principles often described and having reference to the fatness of an overflowing Treasury, they presented a picture in such cases of delightful unity, and when a member of the party now in the majority here presumed to question the right to a seat of one of their number, he was not only received with a brow of adamant but disposed of on some pretext or another with a hand of steel.

Mr. ROBERTSON. I would like to ask the gentleman from Indiana a question.

Mr. LOWRY. I should prefer not to be interrupted, but I will hear the question.

Mr. ROBERTSON. Does not every authority sustain the position taken by Mr. McCrary; that is, that the certificate gives a man the *prima facie* right to a seat in every legislative body on the face of the earth?

Mr. LOWRY. There is a homely adage, Mr. Speaker, that the proof of the pudding is in the eating, and I commend it to my enthusiastic friend from Kentucky. I think if he had endeavored to get at the gist of this question by as industrious efforts as some others of us have adopted for that purpose he would not have ventured on the assumption he has just made.

And now for the proof of the correctness of my position. I have conceded the tendency of Judge McCrary's mind at the time he compiled this treatise was in favor of attaching the utmost possible sacredness to the certificate of election. But he does not contend, by any manner of means, that there are not cases in which it is proper to go behind the certificate. And the authority which I shall cite in addition to Mr. McCrary will show, I think, beyond all peradventure that, as appears from the very reason and necessity of the case must be so, these exceptions to the general rule as to the authority of the certificate as evidence *prima facie* of the right to the seat do exist, and the principle that such certificate imports absolute verity is not in all circumstances to be applied.

The section of this work I now refer to has been read repeatedly, and I now call the attention of the House to it simply for the purpose of showing that Mr. McCrary, acting under the influences I have suggested, has not favored us with a citation of the cases in which the doctrine has been held that the certificate may be gone behind, but has contented himself with referring to the case of Hunt *vs.* Chilcott, and adding in addition to the reference to that case that there are a few others. Why not give these few? Sir, an impartial author might at least have done that. More accurate and reliable parliamentarians have given many others. But to our distinguished author. He says:

SEC. 224. The case of Hunt *vs.* Chilcott (2 Bartlett, 164) is one of the very few cases in which a certificate of election signed by the proper authority has been held insufficient to entitle the holder to be sworn in as a member of the House of Representatives of the United States and to occupy a seat pending the contest. The reason for this action, however, was that the party holding the certificate had voluntarily offered evidence which impeached it.

I desire to call the attention of the House to the fact that during the pendency of that case the late revered and lamented Speaker, a Representative from my own State, Hon. Michael C. Kerr, was a member of the Committee on Elections; and the Committee on Elections reported as a reason for going behind the certificate that Governor Cummings, who was the gentleman who issued the certificate and appeared before the Committee on Elections as counsel on behalf of Hunt, testified as to the facts which transpired at the time of the issuance of the certificate of election, and that by reason of the then contestee (who subsequently became the contestor) introducing that evidence, it authorized the House and the committee to go behind the certificate. While the committee so reported, Mr. Kerr, on the other hand, said he had been present at the meetings of the committee, and had heard of no evidence of that kind being introduced through the instrumentality of Governor Cummings as a witness, and indeed had not heard Governor Cummings even admit in his argument in the case that there was any such state of facts existing.

The evidence which it is claimed was submitted by Governor Cummings before the Committee on Elections was to the effect that he conceived himself to be a member of the returning board of Colorado, from which Territory the contest came, and, acting in concert with one other member of the returning-board, he had voted against the two votes, constituting a majority, of those members who regularly constituted the returning board, and had then issued a certificate to Hunt because he conceived that Hunt was entitled to it upon the return of the vote.

Mr. ROGERS, of Arkansas. I would not ask leave to interrupt my friend from Indiana [Mr. LOWRY] at this point did I not know that he was an able and experienced lawyer and it would not break the chain of his argument. But I do ask leave to interrupt him just one moment in this connection.

The SPEAKER. Does the gentleman from Indiana [Mr. LOWRY] yield?

Mr. LOWRY. In view of my great apprehension that by reason of the embarrassment arising from the situation in which I find myself placed, being in some measure forced into this discussion and that without time for anything like due preparation, and fearing that I would be unable to proceed as satisfactorily if I were interrupted, I took occasion near the opening of my remarks to indicate to the honorable gentleman from Kentucky that I would prefer not to be interrupted until I had got through with my argument. However, if it will not occupy too long a time, I will be only too glad to yield to my friend from Arkansas.

Mr. ROGERS, of Arkansas. Just one moment is all that I expect to occupy.

Mr. LOWRY. I understood the gentleman to desire to propound a question.

Mr. ROGERS, of Arkansas. Not a question. I wanted to read one passage and then to make a single statement; that is all.

Mr. LOWRY. Will this come out of my time?

The SPEAKER. It will.

Mr. LOWRY. Then I must beg leave to decline the interruption, because I have promised all the time I have to spare to other gentlemen.

The SPEAKER. The gentleman will proceed.

Mr. LOWRY. In the case of Hunt against Chilcott, the proposition upon which the House rested its decision was that the governor who issued the certificate appeared as counsel before the Committee on Elections and had made a statement of certain facts which had transpired before the returning board, and that thereby the Committee on Elections and the House were justified in going behind the certificate and in inquiring whether Hunt or Chilcott, as it appeared from the returns of the election, had received a majority of the votes cast and was entitled to be seated upon the *prima facie* case.

Judge McCrary concedes, without favoring us, as I have said, with a citation of the authorities, that there have been other cases of a like character. During the course of this argument gentlemen have assumed that that is all the authority there is upon the subject. Supposing, sir, they are right and McCrary wrong, what precedent could be more pointed or more powerful?

Mr. Speaker, I know there has been some confusion in the administration of parliamentary law in this country. We have thirty-eight States of this Union, in each of which there is a Legislature composed of two branches. We have here in this city the two Houses of Congress. All of these legislative bodies have been engaged in the administration of parliamentary law as they understood it to exist. The systems adopted by all these, as is well known, were founded on the originally crude and certainly yet somewhat abstruse principles and

practice which have been handed down to us from the British Parliament.

It must be conceded that there has been great diversity of decision in the cases which have arisen in the various parliamentary bodies in this country. It must be conceded as a lamentable fact that the decisions in all those cases have not been always with reference to the principles of the Constitution and the laws. It must be conceded that here, especially, cases very often have been conducted rather with regard to party expediency and the interest of majorities upon this floor. But I apprehend there is no longer any such great uncertainty upon this branch of the law. I think it has come to be what may be termed a branch of the common law of this country, and it is to be hoped we are now settling down to sounder constitutional and legal principles in its administration. Shall those of us now in the majority fail to aid in securing so great and desirable a result?

Some of the gentlemen who have compiled treatises upon parliamentary law and practice have aided largely in enabling us to come to a conclusion as to what are the correct principles to be applied in cases of this kind. It has been, sir, in that respect, as was the case in regard to the common law before the time of Blackstone and until he brought his magnificent powers of condensation and arrangement to bear upon the subject, and, as it were, brought order out of chaos. Just so here. The rules of parliamentary law have been commented upon and digested, and principles have been eliminated upon which I think we can safely proceed in adjudicating all questions of this character and without any apprehension that mistakes will be committed.

The time allotted me in this discussion, Mr. Speaker, forbids any attempt at an examination and criticism of the individual cases. Let me, therefore, now call the attention of the House for one moment to the principal authority upon the subject of the law and practice of legislative assemblies. I refer to Mr. Cushing, a man whose mind was never warped or contaminated by being brought into contact with the partisan methods that so long existed within these walls; an author who never found it incumbent upon himself to bend a hair's breath in order to accommodate himself to the demands of supposed party interest, or the real or imaginary exigencies incident to the preservation of party majorities independently of either fact or law. In section 167, after having set forth in other sections the more general rules, and coming now to treat especially of the certificate, or what is the same thing, the return, and enlarging upon it more extendedly than McCrary, this author says:

It has already been stated that the right of a member to his seat may depend upon or be involved in—

What? I beg gentlemen on this side of the House to mark well the language—

or be involved in the return, either in form or in substance, without regard to the election. Cases of this description are now to be considered.

And in considering these cases he proceeds to say, in section 170:

Where returning officers make a mistake in the name of the person elected, and, in consequence thereof, return one who was not chosen, the mistake may be corrected, either upon the petition of the person really elected, or on motion merely, or, it is presumed, upon the representation of the returning officers.

171. Where the returning officers, by mistake, consider votes which are really given for one person as given for two or more, as, for example, where they regard votes given for A B and for A B, junior, as given for two persons; or, where, in copying the lists of votes to be transmitted by the receiving officers to the returning officers, a mistake is made in the name of any of the persons voted for, so that a part of the votes given for one appear to be given for another person, thereby apparently defeating the election of the former; and, in consequence of such mistakes, in either case, a person is returned who was not in fact elected, the return will be set aside, and the person really elected admitted as a member.

172. Where a return is obtained by means of some fraud or trick practiced by or with the consent of the returning officers, or where they are intimidated by riots and disturbance from making return of the person duly elected, and are compelled to return another; or where they are corrupted by bribery to make a false return—in all these cases the return will be set aside and the person duly elected admitted to a seat.

Now mark you, Mr. Speaker, treating exclusively of the return as contradistinguished from the election of the member, treating exclusively of the certificate of the governor, because these are interchangeable terms, I ask might not this House, in view of these well-settled principles of parliamentary law; in view of the allegation that the secretary of state, instead of following the certificate of the commissioners of elections of Tate County, followed a paper attached to that certificate which is not recognized by the law of Mississippi and is no part of this record; in view of the allegation that the holder of this certificate, both before and since the commencement of the Congressional term on 4th of March last, has declared that he would not ask to be enrolled under it and would not take a seat in this House until, in his own explicit language, he had vindicated his right to the seat—if all these allegations should be made to appear to be true, might not this House, acting upon the established principles of parliamentary law, our distinguished friend from Pennsylvania [Mr. RANDALL] to the contrary notwithstanding, but my scarcely less distinguished friend from New York [Mr. COX], distinguished like the former both as a statesman and a parliamentarian, concurring with me on this question—might not this House well determine that it would look to the facts as they are spread upon this record for the purpose of determining whether upon the face of it the title of Mr. Manning is good or bad.

What is *prima facie?* We are perhaps not all lawyers, not all accustomed to interpreting these somewhat technical terms, *prima facie*—on first appearance. The title upon the first appearance is the title that we are determining here; and the question now at issue is whether or not the House in the first place had authority to refer to the Committee on Elections the determination of this question; and next, whether it did in fact exercise that authority. The first proposition being established, let us proceed to the next.

What did the House do? Brought up as one of the strictest of the sect, not of Pharisees, but of the household of the faithful; living, as I have ever done, in the ranks of and intimately associated with the Democracy of the country, I felt it to be my duty when the question as to the force and effect of the certificate merely was presented here to follow in the footsteps of my friend from Ohio [Mr. CONVERSE]. When he was seeking to have Mr. Manning seated simply upon his certificate, and before anything was brought to the attention of the House as to the infirmities connected with that certificate, I followed as meekly as a little lamb, and voted every time in favor of seating Mr. Manning upon the certificate itself. But a halt was called in the proceedings of the House. It was whispered around, and somewhat audibly, that a mistake was probably about to be made here. We paused; and upon deliberation the resolution which the gentleman from Ohio subsequently introduced here was determined upon as the proper one in this case. I desire now to call attention to the meaning of the phraseology of that resolution.

Can it be possible that the purpose of the House, having arrived at that stage in the consideration of this question, was simply to refer to the Committee on Elections the certificate of Governor Robert Lowry of Mississippi? And that name being identical with my own, allow me to say, Mr. Speaker, that were there not, as there are, other and higher reasons, I have the very highest respect and regard for it. Was it intended that the committee should perform merely the perfunctory duty of ascertaining whether the certificate was properly sealed and properly signed, and whether Mr. Manning was properly named in it, so as to entitle the House to swear him in as a member? Was it not well understood that there was no question raised here about that matter, that not a syllable had been uttered against the authenticity and completeness of the certificate so far as its form or substance was concerned? The resolution being adopted, what was its phraseology? Observe the exact words. It referred the question to the Committee on Elections when appointed—

With instructions to report immediately whether upon the *prima facie* case *as presented by said papers* said Manning or Chalmers is entitled to be sworn in as a member.

As presented by what papers? Adhering closely still to the text, let me quote again:

Resolved, That the certificate and *all other papers in the contested-election case* of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections with instructions, &c.

Ah! "Whether as presented by said papers" Mr. Manning or Mr. Chalmers was entitled to be sworn in! But gentlemen would have us read this resolution in these words: to "inquire whether, as appeared by the *certificate* of the governor, Mr. Manning *or* Mr. Chalmers," whose name was not mentioned in or connected with it, was entitled to be sworn in. Why, sir, some of us must have been much at fault, I apprehend, when that resolution was passed if the doctrine of gentlemen on the other side of the proposition is correct. If they are correct, then this resolution *ought* to read "with instructions to report immediately whether upon the *prima facie* case presented by said *certificate* Mr. Manning or Mr. Chalmers is entitled to the seat." May I ask, in language such, perhaps, as might be used by the honorable gentleman from Colorado [Mr. BELFORD], why in the name of Heaven these papers should have been referred to the committee at all if it had not been intended at the time of the reference that the committee should inspect "the papers" and determine from them the question of the *prima facie* right? Was the House engaged in a mere matter of mummery? Were they mocking this committee? Did they intend the committee to go through with the examination of these papers and then come in and say in their report that they had examined the papers as they understood the resolution said in plain terms they should examine them, for the purpose of determining the question involved, but the House had done wrong in making the reference, and by reason of that error on the part of the House they would report upon the certificate itself?

Why did the House see proper to make this reference? One reason was that it was alleged there had been a mistake made in this case by the officer of the State of Mississippi upon whom the duty devolved of making out this return, of issuing this certificate. Another mistake was alleged to have occurred in the county of Tate, where James R. Chalmers had been returned as having received 1,472 votes, and in the making out of what was then called a tally-paper the amanuensis or scrivener who made it out by mistake wrote the name of *Chambliss* instead of Chalmers, and the secretary of state in certifying the return to the governor had acted on that so-called tally-paper and certified that *Chambliss* instead of *Chalmers* had received those votes. Now, one of the papers referred to this committee is the return of the election

commissioners of the county of Tate. They certify in unqualified and unmistakable terms that J. R. Chalmers received 1,472 votes in that county, adding to the certificate "as appears by the tally-paper" on the opposite side of the sheet. I will not occupy the time of the House in reading from the code of Mississippi. The section of the code defining the duties of the election commissioners prescribes that they shall certify the vote cast by the various counties at the general election. The board of commissioners so certified. The statute does not require any tally-sheet to accompany the returns. In four out of the nine counties composing the district there was no such thing as any paper purporting to be a tally-sheet accompanying the returns.

I give the names of the counties in order that there may be no misapprehension about the matter. In the counties of De Soto, Tallahatchee, Panola, and Union there was a simple certificate, such substantially as was signed by the commissioners of election of the county of Tate. The secretary of state followed in the other cases the body of the certificate, but in the case of the county of Tate he accepted what appeared on the face of what I think, with all respect and without going out of the record, I may denominate a mere thumb-paper, which had no existence under the statute of Mississippi, and incorporated in the certificate to the governor of the State what appeared on the face of that paper. And among the papers referred to us is the affidavit of the amanuensis or scrivener who made out those figures purporting to constitute a tally-paper. He swears, and his affidavit is uncontradicted—and in this respect I beg leave to differ with my distinguished friend, the chairman of the committee, who drew the report, when he says that that affidavit is not entitled to the utmost credence as an authentic document; it is here on the file, referred to the Committee on Elections, never contradicted and no motion made to strike it out—that gentleman solemnly swears that he does not believe he wrote the name of *Chambliss* in that thumb-paper, and if he did it was a clerical error. And subsequently to that time the same board of commissioners certified in an amended return that the vote of that county was cast for *Chalmers*, and not for *Chambliss*. Now, sir, I hold, and I think any gentleman who will take the pains to inquire into the authorities on this subject will agree with me, that this is regarded as a mere mistake of the scrivener, and that any officer charged with the performance of any duty in connection with an election may, after performing the function incumbent on him, correct an error of that kind.

But if they have once determined a question upon which they have discretion to act, having acted, they can not rescind that act and certify a second time to a different conclusion. In other words, that their discretion having been once exercised is exhausted. But the error, if indeed there were one which was material, which I deny, was merely clerical and subject to correction. This board of election commissioners did correct the informal paper and recertify; and the reformed certificate is one of the papers also referred to the committee, and one which I think they have properly considered in determining this matter.

Now, sir, can it be possible that in the case of a board of election commissioners making up their certificate of election, if their scrivener shall insert a name by mistake, no one connected with the high duty of making that certificate has the power to correct a manifest error? And after it is sent to the officer whose duty it is to consummate the transaction by issuing the final certificate, and such officer is constrained or misled into the issuance of the final certificate—as I grant must have been the case with Governor Lowry—and such final certificate is presented, even if it was presented here by the beneficiary, can it be that it cannot be called in question, but that the person whose name appears in the body of it must necessarily occupy a seat here until such period of time elapses as the Committee on Elections and the House itself can go through the masses of testimony and voluminous proofs accompanying a contested case on the merits?

Why, sir, our distinguished friend from New York [Mr. DORSHEIMER], I think it was, referred to one Rutherford B. Hayes in the course of his remarks on yesterday. Suppose now for a moment we transplant from the shades of Louisiana to the vales of Mississippi the celebrated returning board of the memorable year 1876—*redivivus* J. Madison Wells. There is, we will suppose, another Congressional election. Of the candidates in this district for Congress one happens to be Rutherford B. Hughes; and J. Madison Wells is the supervisor of elections, authorized to make up the returns. Suppose further that he has, as he would probably have, an accommodating amanuensis, and whispers in his ear for convenient purposes, "*Let your pen slip.*" The young man takes the hint and writes the name Rutherford B. Hayes instead of Rutherford B. Hughes. Suppose that gentleman should then come here on that certificate, and claim, with characteristic effrontery, the right to occupy a seat which but for that chirographical slip would be shown to belong to another man, and should claim the right to draw the salary belonging to that other man. Would the members of the majority of this House take the certificate thus presented to them and accept it as valid and binding, and say that they cannot go behind it and inquire whether that certificate had not issued wrongfully and proceed to rectify the mistake? Why, sir, I understand that so far as the majority of this House is concerned this question is already *res adjudicata*. It is settled law. I understand that the great party in this country that supported and elected Tilden and Hendricks in 1876 is irrevocably committed to the doctrine that returns which are based on fraud or mistake are worthless and entitled to no consideration.

Indeed, it is a well-recognized principle of law that mistake or error, mutual mistake in the case of contracting parties, mistake on the part of a public functionary who is directed to perform an *ex parte* duty, voids the whole transaction and may be relieved against. And it was decided by the supreme court of Florida in a case before them in reference to the contested election of a seat in the electoral college that they had the power to compel the canvassing board to correct their returns, whether they were arrived at through mistake or fraud. Of the many cases on this point, this I am sure is on this side of the House best known and most revered.

Why, sir, in this very case this question too is *stare decisis*. The courts of Mississippi have had this question under adjudication, and so far as the principle involved is concerned it remains as the solemn decision of the circuit court of the county in which this controversy originated that the certificate was improperly made up by the secretary of state as to the return showing that James R. Chambliss received 1,472 votes in the county of Tate. This question having come up in the court, and the question of fact being tried by a jury, the decree of the circuit court was to the effect that a mandamus should be issued compelling the secretary to make a return of Tate County as being cast for James R. Chalmers instead of Chambliss. The case went on appeal to the supreme court. I have here by accident a report, not official but authentic, as I understand it, of the decision of the supreme court of Mississippi. There has been some controversy here in reference to the result of the adjudication. The supreme court in reviewing the decision of the court below virtually affirmed it while formally reversing it; and why? Simply for the reason that to undertake to enforce the decree rendered by the circuit court would be vain by reason of the fact that the discretionary duty had been already performed by the secretary of state and that the certificate had been issued by the governor, the court recognizing at the same time, however, the jurisdiction of the court below over the question involved and omitting altogether any criticism upon the conclusion to which the court below had arrived. The court above quotes largely from authorities. One of them is the Florida case in regard to the electoral vote. They then say:

> In this case, the secretary of state having declared Manning to be duly elected, and the governor having commissioned him upon such declaration, we adopt the language of the supreme court of Missouri in the similar case of Bland against Rodman, 43 Mo., 256, and say: "The case has passed beyond any control of this court, and the only redress the relator has, if he considers himself aggrieved, is by a legal contest made in pursuance of law." In that case the writ was denied because the secretary of state had certified to the governor the result of the election, and the governor, acting on that, had commissioned another than the relator.
>
> If we were to require the secretary of state to make another declaration of the result of the election, it would be nugatory; it would not constitute the required credentials. If we were to command the secretary to issue a certificate of any sort to the petitioner, we would require what no law requires of him in reference to the election. If we assume that the governor would deem it his duty to regard a new declaration of the result of the election, enforced from the secretary of state by the court, nothing still would be effected, because the governor has no power to recall or vacate the commission heretofore issued.

And citing the authorities which hold that the circuit court had jurisdiction to consider these questions, although appertaining to the election of a Representative in Congress, they conclude that the decision below should be reversed simply for the reason that it would be an idle and vain thing to affirm a decree which could not be enforced by reason of the power of the authorities having been exhausted in the making of the previous certification and the issuance of the certificate by the governor.

It is said here, however, that the question is anomalous in its character; that while there is no court in all this land, no court in Christendom, in which mistakes as well as frauds can not be relieved against, when it comes up to this high court of chancery, having under the Constitution complete control "of the elections, returns" (as contradistinguished from elections), "and qualifications of its members," it is not in the power of this House to look beyond the parchment that is brought here, and look behind it for the purpose of determining the *prima facie* right. Why, sir, suppose we were in any court of justice having complete and absolute jurisdiction as we have of the question presented, whether it be a court of common law, with chancery powers, a court exclusively of equity, or a court organized under any of the codes, and the holder of any document, deed, mortgage, bond, promissory note, or what you will should come and say to the court in his pleadings, "There was a mistake in the execution of this instrument; it was intended to be executed to another; the owner of this property, or the man on whom it was incumbent to make the deed, mortgage, bond, or note, intended it for another, but my name was inserted by mistake; and I ask you to render judgment in my favor, notwithstanding that fact." Would not that case be parallel to this? And what court would hesitate to refuse to affirm the right claimed by any such party under any such circumstances?

I ask the distinguished gentleman from New York [Mr. DORSHEIMER] who assumed to deal so summarily with this report, and who is familiar with the practice in his State by which, in the administration of law, judgment of nonsuit is rendered—I ask him what tribunal there is within the confines of the Empire State in which if a litigant

were to come and present such a record he would not be driven unceremoniously out of court by a judgment of nonsuit?

But, sir, in addition to this point of manifest mistake and error, there is proof *aliunde*. There is the proof by parol, and not parol merely, because it has become a solemn matter of record.

Now it is said, I think not quite ingenuously, by the honorable gentleman from Missouri [Mr. CLARDY] that the contestee has said nothing that should conclude him; it was said before him by the gentleman from Pennsylvania, my colleague on this committee [Mr. ELLIOTT], who represents in his own person the entire Commonwealth of the Keystone State—I think it was substantially affirmed by the gentleman from New York [Mr. DORSHEIMER] who spoke on that side, and I know it was affirmed by my highly respected colleague from Indiana [Mr. COBB]—that this committee and this House had no right to take into consideration any statement by Colonel Manning in reference to the circumstances under which he came into possession of this certificate.

It is said that the district has rights, and that he can not make admissions that will be binding upon the district to its prejudice. Sec. 359, McC. on El. is citited as affirming this.

Sir, assuming that it would be to the prejudice of the district, can this be so? Is it possible that these three hundred and twenty or more Representatives, many of them experienced debaters, statesmen, and civists, are but mere automatons, or that they each come up empowered to represent a constituency and bind that constituency in all other respects, but that they can not by any act or word or deed, however solemn, affect their rights so far as the isolated question of representation on this floor is concerned? What then shall become of the solemn provisions of the law whereby it is provided that persons engaged in controversies about seats on the floor of this House shall make up certain issues? When they come to have these issues made up are they of no avail? I would like some of our friends who are so constituted that they have the happy faculty of determining seemingly by intuition some of these grave legal questions to explain to me how it is that for all other purposes the Representative can bind his constituency, but that, notwithstanding the provisions of the statute, when he comes to make up the issues in the case as the statute provides, and by reference to which the parties shall be guided in taking testimony, he can not bind his constituency by impairing his own right to sit here. Suppose this were the doctrine of McCrary and that it had been supported by one of the divisions of this House? Could they override the plain provision of the contested-election law? Section 121 of that act provides that:

> The testimony to be taken by either party to the contest shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer.

But such is not the doctrine of McCrary or the view enunciated by the House.

I believe it was the remark of a distinguished judge resident in Tennessee that he never was very much of a legal student; that, although he had some little credit for a knowledge of the law to which he thought he was entitled, he had not got it by hard labor, but that as a practitioner he had always taken occasion when an authority was cited to look a little way in advance of the clause that was read or a little way behind it, and he generally found authority to suit his purpose. And it seems that, notwithstanding such was the spontaneous way in which he acquired his knowledge of the law, General Jackson nevertheless recognized his merits as a distinguished lawyer to such an extent as to place him on the bench of the United States Supreme Court.

Now, if my friends had looked a little further into their authorities, I think they would have found that the citation they were making was not applicable to this case. Without detaining the House by referring to it again, I will simply say that it appears from the section itself, which is cited from McCrary, that the principle enunciated by the House in the cases relied on was that where a contestee failed to make answer to the notice of contest the House would not by reason of that fact turn the sitting member out of the seat; the House would not pronounce judgment by default.

I think I might appeal to even less learned gentlemen of the legal profession than my friends who have entered upon the discussion of this question with so much alacrity; I think I might appeal to them to say whether or not it is not the practice of the courts in some similar cases of non-appearance merely, to require proof unless there is something on the record tending to show a *prima facie* right to recover. I do not know how it is everywhere else. Among the people which I have the happiness to represent, however, it does not require even a tyro in the law to understand that in the absence of such apparent right, as, for instance, if a man comes into court and merely asserts that his neighbor owes him on an account, and there is a default on the part of the defendant, the plaintiff is not entitled by reason of that default to recover, but must prove up his account. But if he has a promissory note, a bond, or some legal instrument upon which he is suing, or an account verified by oath, the rule would be different So in the practice of the common law. You get your judgment of default; but if you seek to recover non-liquidated damages you have your writ of assessment and make proof. Instead of being divergent very similar is the course pursued here.

A contestant comes in here and files notice of contest. The contestee takes no notice of it, sometimes possibly by reason of sickness, sometimes perhaps by reason of overconfidence in his case. After a time the contestee becomes aware of the fact that it is necessary for him to pay some attention to the contest, and he asks to have his rights recognized in that regard, or his friends ask it for him. In such case as that the utmost extent to which the House went was to say that they would not turn a member of this House out of his seat by reason of the fact that the contestee had not answered as to the merits of the case.

But in view of the provisions of sections 2 and 3 of the statute in reference to contested elections, which sections require the parties contesting in this House to make up the issues and to take testimony in reference to them, is it not a work of supererogation on my part to propound the inquiry here, Can it be possible, if there is, either in the notice or answer, solemn admissions of fact that those facts are not beyond controversy and taken out of the arena of proof so as to entitle this House to consider them as being established in the case?

The SPEAKER. The time of the gentleman has expired.

Mr. HOLMAN. Would my colleague [Mr. LOWRY] like more time?

Mr. LOWRY. I would like to have a little more time, say the same which I have yielded to others.

Mr. HOLMAN. I move that the time of my colleague be extended.

Mr. LOWRY. I ask a very few minutes.

The SPEAKER. How long?

Mr. LOWRY. Seven minutes will do, the same amount of time which I yielded to my friend from Pennsylvania [Mr. RANDALL].

The SPEAKER. Consent is asked that the gentleman from Indiana [Mr. LOWRY] be allowed to proceed for seven minutes longer. Is there objection? [After a pause.] The Chair hears no objection, and the gentleman will proceed for seven minutes.

Mr. LOWRY. As a strictly legal proposition I assume, first, that questions which are settled by pleadings, and I think it will not be disputed that in this case the notice of contest and the answer constitute the pleadings as pertaining to contested-election cases, when there is presented upon the face of the papers certain facts affirmed on the one side and admitted on the other, those facts are put beyond the domain of controversy, and it would be idleness and folly for the contestant or contestee to proceed to take testimony upon the questions so put beyond dispute.

It will be seen that according to the maxim in which it glories, the rule of the law is here consistent with the reason and the spirit of the thing. It will be seen, I think, that the parliamentary law of this country is in harmony with the general law of the land, and with the law of all the States of the Union on this point; that when the issue is made up in reference to which the parties are at variance, then the proofs are taken on that question, and proofs not addressed to it are outside of it and *dehors* the record.

What is the character of this issue? What reference to and bearing upon it has the answer of General Manning and the papers in this case? Are not the pleadings in the case part of the papers? Was not this answer of General Manning referred to us by the language of the resolution, and were we not required to look at that answer, and if it appeared upon the papers, including the answer, that this question was put beyond controversy, that there was no *prima facie* case, or, on looking at those papers, no right to a seat apparent on their face, was it not the duty of the Committee on Elections so to report?

But there is another point of view in which this matter is to be considered, and it is this: What equity lawyer on this floor will deny that if there is a statement made in an answer in chancery it may be put in evidence even by the adversary, although it may not have been, as in this case, put in by agreement at the instance of the party himself making the answer? Is there a gentleman in the hearing of my voice who will dispute that as an established proposition? This answer was before the Committee on Elections; how does it come there? It is put there not merely on the demand for profert of the record in the case as to the merits; it is put there voluntarily by the contestee himself; and by the terms of this resolution we are asked to determine where the *prima facie* right is according to the admission in that answer, for it is a part of the papers.

Sir, that answer has been read repeatedly by other gentlemen, and I will not occupy time by repeating the whole of it; but what is the phraseology of that portion of it applicable here. It is:

> I admit that the inspectors and clerks of the several election precincts did certify to the county commissioners of election in their respective counties that you received a majority of the votes cast; and I further admit that the 1,472 votes which the commissioners of Tate County returned as cast for J. R. Chambless were in fact cast for you, and that the name Chambless was inserted in the return by clerical error instead of your name. And in this connection I state that because of said error to your prejudice I will not take a seat in said Congress, or ask the Clerk to enroll my name as a member thereof, until I have vindicated, and the House shall have affirmed, my right thereto.

That was the principle upon which the contestee acted in the first instance. All honor to him for it; all honor to him as a former Representative from the great State of Mississippi. Sir, I regret that he has come down from that high estate. What is the position that he now occupies? When that certificate was first placed in his possession he said to himself, What have I here? A certificate issued upon the assumption that James R. Chambless had 1,472 votes in Tate County instead

of James R. Chalmers. That certificate would constitute my death-warrant. It is an unclean thing, whose touch is pollution, and whose companionship is political death.

Yet, sir, we find the contestee coming here now and asking us to take up this condemned thing, to roll it as a sweet morsel under our tongues, as I have no doubt our friends on the other side would be glad to have us do, to make up the record in that misshapen way and then take it home to our districts and call upon the one hundred and ninety-eight Democratic constituencies represented on this floor to commend and approve of it as a thing of good report and altogether lovely. Sir, others may take such course as they will; but acting, as I understand myself to do, in harmony not only with a large majority of the committee but with the predominant sentiment of this side of the House, I trust that on this question the voice of the majority here will be of no uncertain sound, and will be not only in harmony with the principles proclaimed by us elsewhere, but will be such as to meet the approval of the great Democratic party of this country, now assured in case of the predominance of prudent counsels and fearless and patriotic action of another victory equaling, if not surpassing, in its magnitude that of 1876, but differing therefrom in that the country must and shall be permitted to realize and enjoy its fruits.

Pensions to Soldiers and Sailors of the Mexican War.

SPEECH

OF

HON. ANDREW J. CALDWELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 8, 1884,

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war.

Mr. CALDWELL said:

Mr. SPEAKER: The policy of pensioning soldiers is the practice of the civilized world. Great Britain, France, Germany, Austria, and the United States have for years pursued the policy of rewarding the services of their soldiers in war by providing to some extent at least for their comfort in after life. In 1878 Great Britain paid about 3⅓ per cent. of the total annual expenditure of the government for military pensions. In France about the same percentage of the total annual expenditure of the government is thus bestowed. Germany gives 4.1 per cent. of her total annual expenditure to her pensioners, while Austria gives only 1.1 per cent. The United States paid in 1878 11¼ per cent. of her entire expenditure for the benefit of her veterans of all wars.

In Great Britain and the European nations most of the fund goes to officers of high rank, pensions for wounds being limited to officers, while the common soldier is taken care of in different institutions and hospitals, or paid a small stipend graded just above starvation point, for the recipient. For instance, the invalid outpensioners of England receive from one and a half pence per day for the negro and sepoy troops of the East Indian army to three shillings and ten pence a day for more favored pensioners. In exact proportion as the citizen is esteemed by his government, in exact proportion to that government being for his benefit is his patriotism, devotion, and fealty in peace or in war. The policy of the monarchies of the world has been and is to require heavy and oppressive military service, to pay poor wages, and when the war-worn veteran is no longer able for duty, to decorate him, give him a cross of honor and a cold potato and let him go. The United States, as became a great republic, has not pursued that policy. The military duty required of the American citizen is the minimum of that of all the nations of the world. Having no large standing army, she relies upon her citizen-soldiery at her need to fight her battles for her. In her history that reliance has never been in vain; but when she needed soldiers they came to her call like Clan Alpine to her chief that day when mountain-side and valley waved with tartans and flashed with claymores.

Hidden away in the peaceful pursuits of life, they appear not to exist till full-armed and mighty they shake the earth with martial tread. They fight for the Government because they love her and are satisfied she will honor their valor and take care of them in age and decrepitude.

This Republic is not ungrateful, the proverb to the contrary notwithstanding. In her own good time she has sought out and aided every deserving soldier of the Revolution and the war of 1812. Her hand has been opened in bounty to her veterans of the war for the Union. Between the years 1868 and 1878 Congress voted sums varying from twenty-eight to thirty-four millions of dollars per annum to our pensioners of all wars, and between 1878 and 1883 the sums rose from thirty-five to sixty-six millions. Shall it be said we can not afford it? Nay, rather let it be said that we can not afford to neglect our soldiers. It is the people's money, paid for the nation's safety and honor. And he who has risked life and limb under the flag has a right to expect to be protected from ultimate penury and destitution. That is all a pension is, except that it has not attached to it the idea of a charity; but it is the nation's honorable bounty to the valor and devotion of her citizens. So far from being a shame to receive it, it is an honor to a man and his posterity; and this characteristic is its chief merit.

The name of an ancestor on the pension-roll of this great Republic is more to be cherished than a patent of nobility. It is not a badge of beggary. If it were, no American soldier would be willing to wear it. It is the jewel of a nation's honor and gratitude that would glitter even amid the rags of an outcast like the star of an unforfeited nobility. That people that honors its own brave honors and perpetuates itself. Our late civil war, which made a continent a battlefield, has dwarfed by its tremendous strategy and terrible conflicts all preceding history. But we should not forget the services of the gallant band who bore our eagles to unbroken victory under the Tropic of Cancer and added to the Republic the Lone Star State and the immense empire that stretches its leagues over prairie and sierra and gold-grained river to the coast line of the Pacific. The veterans of Mexico enabled the young Hercules, who in 1776 could scarcely strangle the serpents around his cradle, to bestride the continent like a colossus.

The heraldic blazons of the arms of great States through which the sun lights this Hall are the witnesses of the valor and conduct of the battle-scarred men who emancipated them from sloth and savagery, and gave them to liberty and progress. Texas, California, Utah, Nevada, Colorado, Arizona are the captives these legions brought to Rome. In these ranks were 930 men from Massachusetts, 1,690 from New York, 420 from New Jersey, 2,117 from Pennsylvania, 1,274 from Maryland and the District of Columbia, 1,182 from Virginia, 805 from North Carolina, 1,120 from South Carolina, 1,987 from Georgia, 2,981 from Alabama, 7,392 from Texas, 2,235 from Mississippi, 7,341 from Louisiana, 5,392 from Tennessee, 4,694 from Kentucky, 5,334 from Ohio, 1,037 from Michigan, 4,329 from Indiana, 5,791 from Illinois, 146 from Wisconsin, 229 from Iowa, 6,441 from Missouri, 1,372 from Arkansas, 289 from Florida, 541 from California, 578 from Salt Lake City—a total of 67,339 volunteers, who, with regulars, marines, and sailors, made in all, in round numbers, 100,000 men, of whom there survive, it is thought, from 11,000 to 13,000 men. Coming from every part of the Union, their claim to pension can not certainly excite prejudice in any generous heart.

The confines of sectional animosity between the North and South being long since passed, shall it not again be written, the Parthian drinks of Arar and the German of the Tigris? It would sound like a twice-told tale to recount the story of their services. Under circumstances that put to the test all soldierly qualities, these men deserved well of their country. From Palo Alto to Buena Vista; from Vera Cruz to the city of Mexico; whether fighting in plain or plaza; through chaparral or the walls of Monterey; facing guerrillas or the vomito, their patience, fortitude, courage, and discipline did honor to the American arms. As the host went down the Cordilleras on their march upon the capital the mists of the mountain wrapped them round like winding-sheets. Each snow-crowned peak lifted its white summit like a marble cenotaph for the devoted band, while in the torrid sky above them the Mexic eagle soared with the serpent in its talons and screamed defiance and ill-omen. They lost no fight. Under that sky of brass they made no retrogrades. Right onward was the march, till they poured like a stream of fire over the causeways that ran with Castilian blood upon the *triste noche* of Cortes, and burst through the Gate of Innocence into the city. The great bell tolled out from the cathedral tower as when, three hundred years before, the teocallis of Montezuma wailed its despairing music over the conquest of Mexico. Perhaps 33,000 of this army, and certainly 25,000, gave up their lives.

Thirteen thousand soldiers and widows remain to receive recognition at the hands of their country. The million and a quarter of dollars necessary to pension them will grow less and less as death each year carries them off. But it is said that pensions for service can not be given. Since 1818 that has not been an open question in this country. By the act of that year Congress pensioned the survivors of the Revolution then alive, and widows, for service rendered. This principle has received recognition by the act of 1871, which swelled our pension-list to its present dimensions, if, indeed, that needed any recognition which had been the settled policy of every party and every warrior and statesman who ever had control of the councils of this Government. But it is said you must draw the line somewhere. You must not pension the Indian fighter. The Government has never recognized them. Yes, but the Government *has* recognized their services by granting them land-warrants. And where is the distinction in principle? A man is to be pensioned for fighting British and Hessians and Mexicans and rebels, but he must not be pensioned for fighting Indians. I regret that the bill reported by the chairman of the committee [Mr. HEWITT, of Alabama] has been pushed aside by the bill now under consideration. But this bill, as a matter of sound policy, as a matter of historic justice, should pass, and this great Government acquit itself of the debt of gratitude it owes to the veterans of Mexico.

Fitz-John Porter.

SPEECH

OF

HON. BARCLAY HENLEY,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 1, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter—

Mr. HENLEY said:

Mr. CHAIRMAN: Owing to the elaboration and exhaustiveness with which this subject has heretofore been treated, I shall endeavor to present my views with great brevity. The point has been made by the opponents of this measure that the finding of the court-martial against General Porter was and is conclusive, and should be accepted as *res judicata*. There is force in this plea, unless since the adjournment of the court the innocence of General Porter has been made to appear; and that phase of the case gentlemen upon the other side seem to have completely lost sight of. Let us suppose, for example, that since the verdict of that court new evidence has been discovered from which it appears that the defendant was wholly and absolutely guiltless of any misconduct, and that, so far from deserving the obloquy which has attached to him ever since the judgment of that military court, he should have been the recipient of the emoluments of office and the gratitude of his countrymen. I want to ask my friends on the other side whether, if such is the case, they would still maintain that the verdict of that court should stand and that no reparation was due to General Porter. Not a man upon the other side will rise in his place and say so.

If General Porter is innocent, and that fact is sustained by proof, then reparation to him is due, and the propriety of this measure can not in any such case be questioned. If he is guilty, then this measure should not prevail; hence it will be seen that this discussion should simply be confined to the question of his guilt or innocence, and that all reference to the alleged finality of the judgment of the court-martial and the doctrine of *res judicata* must necessarily be the idlest irrelevance. I say again, if it is made to appear here that General Porter was innocent of the misconduct of which he was found guilty by the court-martial, then I presume that no one will have the hardihood to say that some reparation is not due him, and that, too, with as little delay as possible.

Some gentlemen on this floor have lashed themselves into a glow of indignation because it has been intimated that they ought to accept the judgment of others upon this matter. I am quite frank to say that I have not that intellectual grasp of all things upon earth that enables me to decide all questions without availing myself of the riper experience and more extended observation of others. If we can not in our legislative capacity rely upon the opinions and good judgment of others and upon the reports of committees, &c., if we were driven to the necessity of examining personally into the facts in support of or against every legislative measure, then it is plain to be seen that very little would be accomplished by any Congress. I presume that no member understands by personal examination or personal knowledge the facts in support of one bill in ten that receives his vote. Hence it is that in reference to matters which come before this body we must of necessity depend upon the probity, knowledge, and good judgment of our committees and our fellow-members. The majority report of the committee to whom this bill was referred is signed by eleven members out of thirteen. *Prima facie* that establishes the rightfulness and justness of the measure. But the views of a majority of the committee are assailed upon this floor and wide discussion has been opened up, extending back to the origin of the court-martial; and therefore, for the sake of argument, setting the report of the committee to one side, I shall consider the other matters that have been alluded to in the discussion upon this bill.

But I may at the outset be permitted to say that I think the remark of the gentleman from New York [General SLOCUM] was so obviously plain that it goes almost without saying that as to certain phases of this matter the civilians on this floor will much more likely arrive at a correct conclusion if they submit to the judgment of military experts than if they rely upon their own untrained minds.

I am glad to announce to the House that in following the guidance of my colleague [General ROSECRANS] in his opinion as to what General Porter should have done upon a given emergency I am simply taking the shortest cut to a correct conclusion. If, upon these particular matters, I can not trust Generals ROSECRANS and SLOCUM, then who can I trust?

If it were a question of law, I should probably expect them to submit to my dictation; but being a question of war, what am I to do? To this there can be but one answer. That is, that those two gentlemen, both members of the committee, first, are men of high character, and second, that their training and experience in life qualifies them in the highest degree to pass upon the military aspects of this case. The man who doubts this as to my colleague, if there be one on this floor, let him read of the battle of Rich Mountain, of the scarlet glories of Iuka, and of the imperishable renown that attaches to the name and fame of the victor of Corinth. Sir, the forked tongue of jealousy and detraction have hissed through serpentine lips at the name of Rosecrans; he, too, has felt the weight of official disfavor, but as decades shall roll on brighter and purer shall grow his fame as patriot and warrior, while his traducers shall go down to ignoble oblivion. Sherman was condemned by the same influences as a lunatic; and I might go on at any length, but the task of exhuming the putrid and forgotten animosities engendered by the heat of a bitter contest is an ungracious one, and I forbear. I conclude this digression by saying that it is no humiliating abdication of my intellectual functions as a representative of the people when in a case like this I follow the judgment of men like these.

I shall endeavor to be absolutely and perfectly candid, as I intend to vote according to my conscientious convictions. I admit that the verdict of the court-martial is entitled to very serious and grave consideration, because it was a court organized under the usage and laws of military warfare, composed presumptively of honorable men, whose sole object was the impartial consideration of the matters submitted to them. But, sir, under what circumstances, when and where did that court sit? It sat in this city and at a time when if you turned your gaze heavenward nor sky nor sun could be seen through the dark and lurid smoke of battle, at a time when from end to end this continent rang with the detonation and crash of war; at a time when through all ranks and ages of society, from lisping child to hoary grandsire, the people were wild, mad, delirious with the excitement of that mighty contest—an excitement that left no department of human life unvisited, that was felt in the marts of commerce, in the field of agriculture, on sea and on land, which penetrated to the forum and was even felt within the hallowed precincts of the pulpit; an excitement as all-pervading as the ambient air. Amid this seething chaos of heat and passion this court-martial convened, and under such circumstances found its verdict of guilty. As I have said, it was convened here in the city of Washington, the capital of the nation, where every one, where everything sentient and animate, was dominated by the spirit of war.

I ask gentlemen upon the other side whether such a state of affairs could be conducive to that patient, dispassionate, painstaking examination of a case without which justice may be defeated? On the contrary, is it not plain to the comprehension of every man upon this floor that the intensity of feeling that then existed, the solicitude, deep and heartfelt, for the fate of the Union, the asperities and animosities that were aroused throughout the land, made it well-nigh a sheer impossibility that the facts of the case could be considered as they should have been considered? And then it will be remembered that the dominating spirit of that day, the Secretary of War, sent that communication to the court-martial urging dispatch—a communication which under the circumstances was such that it can hardly be fitly characterized in this place

Remember that dream of a soldier's life, promotion, depended upon the favor of the Secretary of War. He sent that court-martial a communication urging dispatch. And the same day upon its receipt, and without hearing another word of testimony, the court adjourned, failing to heed the demands or entreaties of General Porter to send for or produce his witnesses. The secrecy of the deliberations of that court-martial has never revealed how the nine men composing it voted upon the final question of guilt or innocence. But the world does know that one of them stepped down from the bench of the judge and took the witness-stand, thus casting upon himself the delicate duty of passing upon the weight and credibility of his own evidence.

And the world also knows that soon, very soon, after the adjournment of this court many of its members received their promotion.

I need not pause here to refer to facts that crowd the pages of all antecedent history, nor to turn the leaves of books upon moral philosophy, written by the great masters of thought, all of which go to show that in times of intense popular excitement the mere accusation of a crime amounts to conviction. The tumultuous and lawless history of our frontier country, even of my own State, California, afford many examples of it. Near my own locality I know many years since a brutal and mysterious murder was committed; as to who committed it was and has been ever since a mystery; but upon a mere accusation, soon after the discovery of the murder, and when the minds of men were mad with excitement and frantic with rage, a crowd came near hanging a man whose innocence was subsequently thoroughly demonstrated. These facts are trite. No one can deny them. Now, then, so much for the verdict of that court-martial. Year after year passed away; one decade is gone, another one nearly so. A President of the United States, animated as I dare assume by proper motives, creates a board of inquiry to review the facts in connection with the prior conviction of Fitz-John Porter. Why was that board created?

It has been said on this floor that were Garfield alive he would antagonize this bill. Let us see. On the 18th day of January, 1875, he himself moved in this House the appointment of a board of officers to re-

view the findings of the court-martial by introducing the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the President of the United States to convene a board of officers of high rank in the Army, unconnected with the armies or transactions in question, to examine the evidence alleged to have been discovered by and to be in the possession of Fitz-John Porter, unattainable at the time of this trial, and report what, if any, bearing such evidence, if substantiated, would have in the findings and sentence of court-martial in his case.

And then wrote a letter to General Porter upon the matter, of which the following is a copy:

WASHINGTON, D. C., *February* 19, 1875.

DEAR SIR: Your two letters came duly to hand, together with the pamphlet. I owe you an apology for not answering you sooner.

I introduced the bill to which you refer, not because I was conscious of any intentional wrong done you by the court, for I have never concurred in the severe reflections which have from time to time appeared in the public press on the motives and conduct of that court, but I am willing that any new evidence you may have shall be presented to the Government in an official form, and reported to the President by a board of officers who were in no way connected with the trial or with the operations of the army to which the trial related.

I have spoken to several members of the Committee on Military Affairs, and understand them to be willing to report the bill to the House. They have not yet had an opportunity to do so, but I hope they will before the session closes.

I shall consider your pamphlet as confidential, unless you otherwise direct me.

Very respectfully, your obedient servant,

J. A. GARFIELD.

General FITZ-JOHN PORTER,
Morristown, N. J.

To those gentlemen who talk about the judgment of the first court being *res judicata* and the creation of the board of inquiry being without authority of law I cite the fact that General Garfield at all events had a different opinion, and wanted this second investigation to be made, and surely did not consider that its finding would be void or amenable to the animadversion that is launched at it on this floor.

That board consisted of three officers of the United States Army, each and every one distinguished for his military eminence, and selected presumptively because of his supposed capabilities to discharge the duty devolving upon him. The red specter of war, the distracting tumult and the wild swirl of civil strife, are not present to disturb that investigation. The blue sky is no longer obscured by the smoke of battle. The hearts and minds of those men are no longer racked by solicitude for the perpetuity of this Union. The Union's integrity for the time has been established and is no longer a matter of concern or doubt. There is nothing to disturb the mental or moral equipoise of that court. There was no Secretary of War, fierce, vengeful, and malignant, demanding hasty and precipitate conviction. Politics were never obtruded into the counsels of that court. It sat for six months, patiently, fairly, calmly, sifting, analyzing, weighing, and considering testimony and law. This court, mark it, had not only all of the testimony that was before the court-martial, but in addition to that it had testimony that was inaccessible to that court; testimony of the most important and material character; that is, testimony relating to the whereabouts upon a particular time of the respective armies, Union and confederate. The court makes a finding which is a complete exoneration and vindication of General Porter. But in addition to that another actor now steps upon the scene.

A man of majestic stature in the military annals of American history, the most successful general of modern times, and a man upon whose brow the universal acclaim of Christendom has placed the chaplet of chiefest of victors in the late civil war; victorious in war, for eight years President of this Republic, still a Republican in politics, he tells us in an elaborate published article, on his honor as a man and on his reputation as a soldier, that Fitz-John Porter is an innocent man!

A gentleman upon the other side has marshaled before the House the opinion of the Comte de Paris, who is eulogized as a dispassionate foreign military critic, and who it was claimed had pronounced in favor of the guilt of General Porter. But the research of the gentleman from New Jersey [Mr. PHELPS] has furnished the country with the fact that upon the newly-discovered evidence which was brought to the attention of this critic he also changed his opinion, and in a later edition of his work vindicated Porter by a full retraction of his former opinion; that while for many years he was in error in respect to certain of the facts upon which General Porter was convicted, a subsequent review of the testimony and of the additional evidence adduced before the court of inquiry had completely revolutionized his judgment. If it were not for wearying the House I might cite the names of many other distinguished men whose opinions coincide with that of General Grant, but time presses. It is impossible, amid the duties of this session, for each individual to examine all of the testimony in this case. In order to make up our minds and to determine as to the propriety of this measure, we must avail ourselves of the opinions of others. I am asked to say that the finding of the court-martial should be entitled to greater weight than that of the military commission. I can not do it; I can not do it for many reasons. I can not do it because I am bound to say that I distrust the entire sincerity of the professions of faith made by gentlemen upon the other side. Is there anything to impeach the finding of the Schofield board of inquiry? Listening to the observations of some of my friends upon the other side, it seems that there is. Now, I am not a military man, as are some gentlemen on the other side. They may know more than I do about General Schofield. They apparently appreciate the force of the finding of the Schofield board, but seek to impeach or break it by saying and charging that General Schofield, when he rendered that finding upon the Fitz-John Porter case, was a candidate at the hands of the Democratic party for the Presidential nomination; that while he (Schofield) summoned witnesses and heard testimony and sat weeks and months and listened to the arguments of counsel, administered oaths and went through the entire investigation, he was governed by his political aspirations rather than by the testimony in the case, and rendered his verdict with an eye single to facilitating his Presidential aspirations!

Now, I have never seen General Schofield. But he may merit these imputations, though I hardly think so, because I have read something of the history of this land. I have read something of the "battles, sieges, and conquests" by which the perpetuity of this Union was established; I have heard orator, poet, preacher, layman, and historian, and I tell gentlemen upon the other side that the united voice of our people bears testimony in reference to General Schofield which, if true, entitles him to the deathless gratitude of every lover of the American Union; and without pretending to the intimate knowledge with reference to him claimed on the other side, I express it as my belief, founded upon universal public assumption, that no more gallant or accomplished soldier ever drew blade, and that before he would have penned the judgment of exoneration of General Porter actuated by the motives imputed to him here he would have plucked his right arm from its socket.

The opponents of this measure have asserted with "damnable iteration" that Reverdy Johnson, General Porter's counsel before the court-martial, had admitted that his client had had a fair and impartial trial; but the gentleman from New Jersey [Mr. PHELPS] exhibits a letter on this floor from this lawyer denouncing this statement as absolutely false. How, then, stands the case? We are asked to reject this bill with the following facts staring us in the face, namely: Against the bill we have the report of two members of the military committee out of thirteen, and the judgment of the court-martial; and that is about all.

THOSE FAVORING THE BILL.

In favor of the bill and for many years heartily indorsing its justice we have a long list of eminent statesmen, civilians, military chieftains, jurists, and public men.

Take a glance at a few of them. I cull some of their names from the elaborate and classic speech of the gentleman from New Jersey [Mr. PHELPS]. But let me present in recapitulation and in logical order the points impelling us to a support of this measure.

First. The majority report of the Committee on Military Affairs.

Second. The order of the President of the United States ordering the creation of a board to investigate and report upon the case.

Third. The report of that board after a patient hearing of many months, completely vindicating General Porter; and in this connection should be considered the commanding abilities and high character of Generals Schofield, Terry, and Getty, constituting the board.

Fourth. The opinion of General Grant.

Fifth. The opinion of Benjamin R. Curtis, a Republican, and for many years on the Supreme Bench of the United States, who said:

I think General Porter was improperly convicted on the evidence before the court which tried him, and he is at liberty to use this opinion when and where he chooses.

The opinion of a lawyer of loftiest eminence, Daniel Lord, another Republican. Said he:

At the time of General Porter's trial I read the proceedings with astonishment at the testimony received and acted on, and am convinced that the trial was substantially conducted on an order to convict.

Of the same tenor are the following opinions of Sydney Bartlett, J. G. Abbott, and Judge Shipman, all jurists of great distinction.

Said Bartlett:

You are entitled to my judgment in the matter, which is that the evidence fails to support the charges against you, and that acquittal instead of conviction should have been the result.

Said Abbott:

The finding of the court seems to me so unwarranted by the whole evidence that I should be glad to think it was the judgment of a tribunal utterly illegal and not recognized by the laws of the land.

Said Judge Shipman:

With all deference to the members of the court, I thought then, and still think, their conclusions unwarranted by the evidence.

Charles O'Conor, recognized wherever the English tongue is spoken as the head of the American bar, and whose repute as a jurist is coextensive with the limits of Christendom, says:

I am convinced that a new trial ought to be had in the case of Fitz-John Porter. There is no adequate evidence of the misconduct alleged, and the record leaves it very doubtful whether any opinion was ever formed against him which can justly be regarded officially authoritative.

Said Governor Newell, of New Jersey, a Republican:

I had several conversations with President Lincoln. The President was much interested, and said cheerfully that he would gladly grant a reopening if any new evidence exculpatory of General Porter could be adduced. He said that he had no prejudice, but had been obliged to form his opinion from Judge Holt's examination, as in his multitude of cares he had not been able to make a personal investigation.

These are the unbought, unpartisan opinions of America's most distinguished and patriotic citizens, and when to them we add the names of Generals ROSECRANS and SLOCUM, upon what ground can we base our objection to this bill? The human understanding shrinks from the fruitless endeavor to cope with the swarm of reasons that multiply as we proceed in the investigation. Who is Fitz-John Porter? Bred to the profession of arms at our National Academy, early in life he gained imperishable renown upon the fields of Mexico; up to the hour of his accusation he wore unstained the "white flower of a blameless life;" up to that time were an example wanted of intrepid demeanor in the face of the enemy, of tireless vigilance, of soldierly accomplishment, and an absolute insensibility to fear—were such a man wanted, I say the Army without dissent would have pointed to General Porter. And with all this I am told he exemplified in his social life the poet's words—

The bravest are the tenderest,
The loving are the daring.

To conclude, then, Representatives, give him back that blade that in an hour of frenzy and partisan madness you wrenched from his grasp; its brightness has been dimmed by no dishonor. For many a weary year this gallant soldier has waited for this act of tardy and imperfect justice. For many a year has he been a "fixed figure for the hand of scorn to point its slow, unmoving finger." Oftentimes has hope died out in his heart to return again with a reviving sense of earthly justice. Join us, then, in this benign act of reparation; forget your prejudices; be just; do right. For over twenty years has he been an outlaw from his profession, his hopes desolated and his character defamed. Lift him up, then, to the sunlight again, and by your decree obliterate every mark and stain that haste and passion and partisanship and malignity have placed upon him, and he need ask no more.

Does Prohibition Prohibit?

SPEECH

OF

HON. PETER V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. DEUSTER said:

Mr. CHAIRMAN: I have listened with a great deal of interest to the adverse and favorable arguments on this bill. From my standpoint it does not involve the temperance question, but simply the question whether justice shall be done to a great industrial interest; an interest whose legitimacy is recognized by the laws of the land; an interest that has paid more toward the support of the Government than any other in the vast category of enterprises of the New World. I take it, sir, that we have only to deal with questions as we find them, without drawing in side-issues distinct from and entirely foreign to the subject under consideration. If there is a moral phase of the pending question, it attaches to the organic law under which high wines are recognized as property and taxed, rather than to the present stage, where simply justice is demanded for taxable property. Still, gentlemen have spoken upon this floor of what they are pleased to term the moral phases of the bill, thus dragging in an issue which should have remained wholly foreign to its discussion. In spite of these reprehensible tactics, I am, however, not afraid to meet this question now or, moreover, at any time when it is presented in proper form and can be legitimately discussed. If this bill is to be defeated as a means of advancing the cause of teetotalism, misnamed temperance, equal and exact justice would seem to demand that it be reclothed in the verbiage of a law far-reaching enough to wipe out all intoxicants, whether they appear in the form of high wines or beer. I contend, sir, that drunkenness and disorder result in a greater degree from the social proscription of liquors and continual agitation on the part of fanatics than from any other cause. It is the old story of Eden repeating itself; the tree in the center of the garden was a temptation because it was forbidden, and the same may be said of whisky and other intoxicants. The intemperate use of intoxicants is confined almost exclusively to those reared amid customs which proscribe the social glass and which leave it to inherent human viciousness, allied to independence of all restraint, to break down the barriers and turn the social glass into a lawless and protracted debauch. A remedy of such an evil surely does not lie in a refusal to pass the bonded warehouse bill. Teach manhood self-respect, not by curbing and treating it as a thing unable to take care of itself, but by allowing it the largest and broadest degree of personal liberty, and a long step will be taken in the direction of reform.

A FORCED ISSUE.

Several gentlemen on the other side of the House, I regret to say, have obtained a pretext through the pending bill for the delivery of temperance orations; and as their argumentation challenges contradiction, I consider it my duty, although reluctantly, to reply thereto on this occasion, not as the champion of intemperance, but as the advocate of a personal liberty which makes manhood not only responsible but respectable, rather than the cringing slave of arbitrary law.

THE USE OF STRONG DRINKS NOT UNLAWFUL.

As regards the manufacture, sale, and use of alcoholic or intoxicating beverages known under the common designation of liquors, I confess that I have been unable to find any law, either in ethics, or among the statutory enactments of this or any other civilized country, that forbids the drinking of liquor. And this is the most unanswerable argument that I can advance to my prohibition friends in support of the assertion that there is no wrong *per se* in drinking. The practice has been sanctioned by all the nations of the earth since the dawn of time, and nowhere can any evidence be discovered of its discontinuance by virtue of legislative prohibition. I claim, therefore, and the irrefutable logic of facts sustains me, that it is a right within the sacred province of human liberty that can not be abrogated or interfered with without invading and endangering the safeguards of personal freedom. If you seriously assert the counter-theory you arrogate to yourselves an assumption of authority that is inconsistent with the eternal principles of justice, and which, if allowed to prevail, would enable you with equal propriety to prescribe and control my diet, my dress, my mode of living, my religious faith, and to violate every right with which the law of nature has endowed me. If we even listen to this remarkable proposition, can the human vision see or the prophetic mind foretell the end? The very principle of rational self-government is threatened with annihilation. The right that is dearest and most sacred to all, the right to regulate our private affairs and to pursue our own happiness under the guidance of our own judgment and by the use of our own property, is denied.

THE DUTY OF GOVERNMENT.

Government is the creature of the people and is established for the prime purpose of securing to its citizens the full enjoyment of all the rights and privileges which naturally belong to man, and it should always be its first supreme effort to guarantee by its legislative enactments the greatest liberty in the pursuit of happiness consistent with the rights of others and with justice.

A law curtailing the personal liberty of a citizen is unjust and tyrannical and will operate against the best interests and the welfare of society. Edmund Burke says: "Bad laws are the worst sort of tyranny." In a country like ours they are of all bad things the worst. A law ill advised and badly executed is worse than the vices and injuries it would restrain.

THE EVIL OF INTEMPERANCE.

The great argument used by the prohibition advocates in their crusade against the use of liquor is that it brings ruin and degradation to the body and character of the drunkard and desolation and woe to his hearthstone. Their theme is a pathetic theme. The field of oratory presents no better opportunity for the graphic portrayal of misery. But it is a misery which is in no manner amenable to a legislative cure, however it may appeal to the heart of the legislator, and from this unhappy picture of despair we must simply draw the lesson and profit of adversity. No cloud but hath its silver lining. If there is drunkenness there is also sobriety, and where you find misery and ruin you will also find happiness and prosperity. If you find abuse, look and you will see use. There it is in a nutshell—the use and abuse. And let me say right here to the advocates of prohibition that it is beyond all earthly province to control a single human passion. That power rests alone in the Supreme Ruler. It is, therefore, rank folly, in my estimation, to legislate against the continuation of drunkenness. Does any one candidly believe that by a stroke of the pen we can repress the desire to drink even cold tea? Prohibitory legislation can not prohibit, and never will.

DRUNKENNESS AS A CAUSE OF CRIME.

Very frequently it is urged in behalf of prohibition that liquor excites the passions and, like a spark dropped into a keg of powder, causes an explosion of anger that is often attended with tragic and fatal results. I admit this. But no less is it true that where one murder is the consequence of drunkenness, statistics will point to ten murders committed in cold blood by assassins whose feelings were not inflamed by drink. Such a proposition is untenable, and no argument can be drawn from it to justify sumptuary legislation. The whole hue and outcry against the use of liquor is indeed extremely offensive and insulting to the intelligence of our people. Their appetites can not certainly have become so universally depraved that it is necessary to legally regulate them; we can not have lost so much of our manhood that we are no longer able to maintain our private lives with sobriety and self-respect.

MODERN LUNACIES.

The same false and morbid sentimentality which ostracizes spirituous

beverages of all kinds has, besides, culminated at different times in this country, especially in New England, in a ludicrous opposition to the most popular forms of social amusement. The theater has been made an object of proscription upon the puerile ground of immorality; card-playing has been inveighed against and interdicted, and other lunacies have been allowed to sway more or less a diseased public opinion. The time is indeed not yet distant when the spirit of the blue laws reveled in a new revival, and sometimes it would even now seem as if it were still rampant among us. But notwithstanding its occasional manifestation, it is safe to say that its strength is broken; the genius of civilization advances with such progressive strides that blue laws and sumptuary laws must soon entirely pass into the traditions of the past—grim relics of Puritanical bigotry and fanaticism. We are gradually emerging from the era of a false severity and asceticism in morals and we begin now to incline rather to the broadest ideas of personal liberty consistent with the decalogue. Public opinion indorses in fact in the most unequivocal manner the doctrine of the fullest enjoyment by the individual of all the rights and privileges known to man.

THE TRICKERY OF PROHIBITIONISTS.

The public good demands protection to the citizen in all his rights, and any curtailment or abridgment of them can be only justified when the public safety is threatened. But the public good and the good of society are catch-words that are very frequently misused; and it is a striking instance of this abuse that prohibitionists invite us now to destroy coolly and ruthlessly an industry that furnishes vitality to the people, that represents an enormous investment of capital, that has its ramifications through every town and hamlet in this country, that defrays two-fifths of the expenses of this Government, and that is in itself entirely proper and right. Under the plea of protection to society they say, "Close the saloons and groggeries and we won't have any more drunkenness."

PROHIBITION IN ITS RELATION TO THE CRAVING FOR LIQUOR.

But drunkenness, Mr. Chairman, does not come from the groggeries. It exists in the depraved appetite. You may drive the liquor trade under cover, but it will still flourish, because you can not banish the inordinate craving for liquor from the human heart. As well attempt to pass a law enforcing chastity among mankind. The one would be about as successful as the other. We ought to reconcile ourselves to the fact that this frailty does exist. It can not be eradicated by any process which the ingenuity of human wisdom can devise, if this process be not confined to the application of moral suasion, and viewed from this standpoint, prohibition can not too strongly be condemned. However leniently we may look upon it, it must ever appear to us as the queerest invention of modern legislation. It is a contrivance that does not assume to regulate or control the liquor traffic. It reaches further than that. It goes away down into the heart of man, lays hold of his wayward passions, and attempts to destroy all traces of wickedness and frailty. It aims to act as a tonic. Yet I am inclined to be skeptical. I am rather of the belief that prohibition, if it were to prevail, would result in evasion—in the evasion of the very ends for which it would be instituted.

THE PRACTICAL SIDE OF THE LIQUOR QUESTION.

Thus far I have shown that justice does not demand a prohibitory law for the suppression of the vice of drunkenness, in contravention of the fundamental principle which guarantees to each individual the inalienable right of personal liberty in the pursuit of happiness. Now, however, I will endeavor to show that it is to the interest of the General Government as well as of the governments of the States to uphold and protect this right.

It is needless to remark that the Government of our Republic can only be maintained by large expenditures for which the necessary money must be contributed by the people, either through direct taxation or through other sources, as the wisdom of the law-making power may direct; but at present these expenditures are mainly covered by the income which the General Government derives from duties on imports of foreign merchandise and from internal contributions which are known as revenue taxes.

The annual report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1883, puts the amount of internal revenue taxes so far as they are derived from liquors as follows:

On spirits distilled from fruit	$1,127,950 25
On spirits distilled from grain and other materials	67,957,906 48
Rectifiers' special tax	180,800 12
Retail liquor-dealers' special tax	4,624,587 77
Wholesale liquor-dealers' special tax	455,915 51
Manufacturers of stills, special tax	1,160 43
Stills or worms manufactured, special tax	4,020 00
Stamps for distilled spirits intended for export	7,434 00
Total	74,368,775 20

And the beer tax during the same fiscal year is thus given:

On ale, beer, lager beer, and porter	$16,426,050 11
Brewers' special tax	184,885 49
Special tax of dealers in malt liquors	289,680 20
Total	16,900,615 81

Altogether the General Government derived between the 1st of July, 1882, and the 30th of June, 1883, the subjoined sums as taxes from liquors of all kinds:

From distilled liquors		$74,368,775 20
From fermented malt		16,900,615 81
From vinous liquors		216,559 00
Duties paid on imported liquors:		
On beer, ale, and porter	$511,382 75	
On champagne and other sparkling wines, in bottles	2,219,372 31	
On still wines, in casks or bottles, and on vermouth	3,148,078 22	
Total on spirits and imitations of brandy	3,350,898 96	
Total on spirits and wines and beer, ale, and porter		9,253,340 71
Total of additional and discriminating duty on said imports		12,053 42
Sum total received by the General Government on duties paid for imported, and revenue taxes paid on distilled spirits and fermented malt and vinous liquors		100,751,344 14

FIGURES THE BEST REFUTATION OF PROHIBITION.

The expenses of the General Government in all its branches, civil and military, for the last fiscal year amounted to $265,408,137, and more than two-fifths of this large sum were raised from the manufacture and sale of alcoholic liquors. In view of this fact we may well doubt whether a statesman of average ability and intelligence will ever be found who would dare to advise the prohibition of an industry so fertile of revenue as this liquor industry. By what means would he supply the loss of income which the Government would have to bear if the excise laws became superfluous? All civilized nations draw large revenues from their excise laws. But of us it is asked that we satisfy a morbid moral sentiment, entertained by a fluctuating and comparatively small fraction of our people, by the passing of laws which would deprive the Government of its main source of income--of those immense sums which are now paid into the Treasury of the nation by the producers and sellers of spirituous beverages, but which would fail to come in if we destroyed and banished our liquor industry.

CONFISCATION THE END OF PROHIBITION.

It can not be questioned that with the Government rests imperatively the duty of giving protection to property and a fostering care to all the lawful occupations of its citizens. For this reason mainly the Constitution of the United States forbids the taking away of the property of any person, except in case of necessity and for the public good, and in such a case it ordains that the full value be paid for the same. But as regards alcoholic, malt, and vinous liquors, it is undeniable that they are property in the legal sense of the word, and as such they ought therefore to be entitled to a considerate treatment. Liquor is property—an article of merchandise. To forbid its sale can not but be equivalent to its confiscation; and at this the advocates of prohibition are certainly aiming. Their motive is solely destruction without compensation "Thou shalt not steal," we read in the Decalogue. But to injure the neighbor's property, to make it useless to him, is as sinful as theft. And equal in heinousness to theft would be the injury which it is contemplated by a band of fanatics to inflict upon our distillers and liquor-dealers through a wholesale proscription of one of the staple articles of merchandise. Is there really no wrong in despoiling thousands upon thousands of good and industrious citizens not only of their property, but of the very occupation by which they acquire not only subsistence for their families but wealth for the nation? Is the Constitution of the United States a dead letter and indeed powerless to protect the owners of distilled and fermented liquors and wines in the free use and disposal of these articles of merchandise, on which they pay such heavy taxes not only to the national, but also to State and municipal governments?

MAGNITUDE OF THE LIQUOR INDUSTRY.

But, Mr. Chairman, let me now show the vast amount of property which would be made valueless by prohibitory laws, and also the magnitude of the industry which would thereby be affected, or rather destroyed. I again quote from the report of the Commissioner of Internal Revenue and subjoin the following statement of the quantities in taxable gallons of each kind of spirits passing through the distillery warehouses during the fiscal year ending June 30, 1883:

	Gallons.
Bourbon whisky	8,662,245
Rye whisky	4,784,654
Alcohol	10,718,706
Rum	1,801,960
Gin	545,708
High wines	8,701,951
Pure, neutral, or cologne spirits	28,295,253
Miscellaneous	10,502,771
Production of fruit brandy	1,253,278

The sum total of this table puts the entire production of distilled spirits for the last fiscal year at 75,266,586 gallons. On the 1st of last October there was, however, a still larger quantity of distilled spirits in the United States, as is shown by the following figures, which, by the way, do not yet include the fraction of spirits which was locked up at that time in the customs bonded warehouses:

	Gallons.
In distillery and special bonded warehouses	73,847,103
In hands of wholesale liquor-dealers	13,921,482
In hands of retail liquor-dealers	28,180,650
Total	115,949,235

Here we have property in the distillery warehouses amounting to

73,847,103 gallons from which the General Government may derive an income of $66,462,392.70. The real value of this property I am not prepared to state, but taking a low figure at $2 per gallon, it will reach $147,694,206. Add to this the value of the 42,102,132 gallons in the hands of wholesale and retail liquor-dealers at the same figure, and we have an additional sum of $84,204,264, or a total value of $231,898,470.

The report of the Commissioner of Internal Revenue also gives the following figures relative to the extent of this industry and its daily operations during the last fiscal year: Distilleries, with a daily spirit capacity not exceeding 30 gallons, registered 673, operated 616; with a daily grain capacity not exceeding 5 bushels, registered 575, operated 439; with a daily grain capacity exceeding 5 and not exceeding 10 bushels, registered 178, operated 136; with a daily grain capacity exceeding 10 and not exceeding 20 bushels, registered 136, operated 123; with a daily grain capacity exceeding 20 bushels and not exceeding 60 bushels, registered 163, operated 135; with a daily grain capacity exceeding 60 bushels and not exceeding 100 bushels, registered 42, operated 29; with a daily grain capacity exceeding 100 bushels and not exceeding 500 bushels, registered 139, operated 101; and with a daily grain capacity exceeding 500 bushels, registered 100, operated 91. Here we have 1,660 distilleries in operation whose daily use of grain averages 42,132 bushels.

The materials used for the production of distilled spirits were:

Malt, bushels	1,478,971
Wheat, bushels	291,368
Barley, bushels	73,380
Rye, bushels	2,987,473
Corn, bushels	13,428,469
Oats, bushels	122,583
Mill-feed	240,340
Molasses, gallons	2,373,106
Other materials, bushels	22,203
Total number of grain, &c., bushels	18,644,787

The same report gives, besides, the number of cattle and hogs fed at registered grain distilleries in the United States in 1883 as follows:

Number of cattle	63,272
Number of hogs	53,396
Average increase in weight of cattle, pounds	217
Total increase in weight of cattle, pounds	13,779,266
Average increase in weight of hogs, pounds	108
Total increase in weight of hogs, pounds	5,818,759
Total number of cattle and hogs fed	116,668
Average increase in weight, pounds	167
Total increase in weight, pounds	19,598,025

All these figures give a fair exhibit of the extent and magnitude of the distilling business and of the amount of property involved in its maintenance. But this point is perhaps yet made clearer by the following table:

Amount of revenue taxes from spirits in 1883	$74,368,775 20
Capital invested in distillery buildings, machineries, &c	24,247,595 00
Value of spirits lying in distilleries and special bonded warehouses	147,694,206 00
Value of spirits in the hands of retail and wholesale dealers	84,204,264 00
Total value, excepting revenue tax	256,226,065 00

Increase in weight of cattle and hogs fed in grain distilleries in 1883, 19,598,025 pounds.

BEER AS AN AMERICAN BEVERAGE.

But let us now consider the value of the production of beer and vinous liquors. As regards beer, it is of very great antiquity as a beverage, but in modern times its manufacture has assumed such a magnitude that probably no other industry employs so large an amount of capital. The use of beer in this country was common among the first settlers. William Penn established the first brewery in Pennsylvania and furnished beer to the German immigrants who settled in Germantown. And before him even the Plymouth Pilgrims established a brewery in Massachusetts. They must indeed have been quite fond of beer, as we find in Mourt's Journal of the Plantation, published in 1632, that shortly before the landing of the Mayflower a consultation was held on board, and that one of the principal reasons for landing as soon as possible was that the stock of beer was nearly exhausted. But for that the Pilgrims would have sailed farther south, as Massachusetts was not their original destination. From the above work (edition by H. M. Dexter, page 39) this passage is of high interest:

> We had some Beere, Butter, Flesh and other such victuals left, which would quickly be gone, and then we should have nothing to comfort us in the great labour and toyle we were like to undergo at the first. Munday the 25, being Christmass day, we began to drinke water aboard (the Mayflower) but at night the Master caused us to have some Beere, and so on board we had divers times now and then some Beere, but on shore non at all (because the stock was getting low).

By the last United States census we are informed that the number of establishments engaged in 1880 in the manufacture of fermented malt liquors was 2,191, while their invested capital amounted to $91,208,224. The cost of materials used by them was, according to the same source, $56,836,500, and the value of their product amounted to $101,058,385, while the wages paid to their employés amounted to $12,198,053. For the year 1882 the report of the Commissioner of Internal Revenue puts the number of breweries at 2,371, which indicates an increase of 180 breweries since the year of the census.

The census also shows the number of persons employed to be—male, above 15 years, 26,001; female, above 15 years, 29, and children and youth 190. The report of the Commissioner of Internal Revenue for 1883 puts, besides, the number of retail dealers in malt liquors at 8,006, and the number of wholesale dealers at 2,186. The whole number of persons employed in the brewing business it puts at 36.412. It also puts the product of this industry for the year 1883 at 17,757,892 barrels, or 552,375,654 gallons, representing a market value of $124,305,244, exclusive of the revenue tax, which at $1 per barrel amounts to $17,757,892.

VALUE OF A BREWERY.

As a complement to these statistics, it may perhaps also be of interest to show the capital invested in a single brewery and the sums of money necessarily used in one year for its operation, and I subjoin therefore the following figures, which were furnished to me by a friend for whose character for truth I can vouch. They are these:

Capital invested in real estate, brewery, buildings, ice-cellars, &c.	$100,000
Capital invested for machinery used in its operation	60,000
Capital invested for vats, barrels, &c., used in its operation	20,000
Capital invested in horses, harnesses, wagons, &c., used in its operation	10,000
Yearly expenses for fuel, wood, coal, &c., used in its operation	5,000
Yearly expenses for repairings	3,000
Yearly expenses for feed of horses and shoeing of same	3,000
Total	201,000
Malt used in 1883, 70,000 bushels; cost of malt	80,000
Hops used in 1883, 38,000 pounds; cost of hops	35,000
Capacity of the brewery, or its yearly product, 32,000 barrels.	
Value of said product	224,000
Taxes paid thereon	32,000

EXTENT OF OUR BEER CONSUMPTION.

From the Brewers' Journal it appears that in the last year the sale of beer in six of our States alone amounted to 12,528,297 barrels, of which there were produced in the State of New York 5,843,254 barrels; in the State of Pennsylvania, 1,706,946 barrels; in the State of Ohio, 1,585,852 barrels; in the State of Wisconsin, 1,298,183 barrels; in the State of Illinois, 1,071,403 barrels; and in the State of Missouri, 1,022,659 barrels. In 1882 the sale of beer amounted altogether to 16,952,085 barrels, at a value of $122,616,680.

PRODUCTION OF VINOUS LIQUORS.

As regards, further, the manufacture of vinous liquors, we learn from the census of 1880 that in that year they were produced, in one hundred and seventeen establishments, to a value of $2,169,173, and at an expense of $1,557,188, of which the sum of $216,559 was paid out in salaries. The capital necessary for the buildings and machinery used in their production amounted to $2,581,910. This industry is yet in its childhood and is destined to become a factor in the wealth of the nation. If no hostile legislation breaks it down it will expand and develop itself into a great source of wealth to our wine-growers, who raised, by the way, in the last year 17,487,000 gallons of grape juice, at a market value of not less than $17,000,000.

THE CALAMITOUS EFFECTS OF PROHIBITION.

The persons, Mr. Chairman, who are directly employed in the manufacture and sale of alcoholic liquors are, however, by no means alone interested in the prohibition issue. That issue extends further; it affects the whole nation. Destroy by the operation of a prohibitory law the great wealth involved in the liquor, beer, and wine industries; make useless the enormous capital invested in the buildings, machineries, and utensils necessary for the operation and maintenance of distilleries, breweries, and wine-cellars, and see then how this will affect the other industries of the nation. Drive from our market articles of merchandise of a value of hundreds of millions of dollars, and make these articles valueless to their rightful owners, without giving them any other return for the property thus made valueless, and see whether such action will not depress the money market and depreciate all other values of the nation. It would be an undertaking pregnant with ruin. Many industries would suffer and be crippled by it. The farmer who cultivates the soil would be injured in the home market relative to his surplus of cereals. Corn and barley would be reduced in price perhaps one-third of their present value, because the brewer, the maltster, the distiller would not be found as purchasers, and the enormous quantities which are now used and bought by them would hardly be taken and paid for by those who clamor for prohibitory laws. The planting of hops would have to be abandoned, and also the cultivation of the grapevine, which promises such a rich and paying yield. The great outlay which the farmer has hitherto made in procuring posts for his hop-fields and for his vineyards would be wholly lost to him, for he would find no purchasers for the products which once constituted the main part of his income.

But not the farmer alone, numerous other occupations would also be crippled. The cooper would find his toil a dreary one, because his best customers, the distiller and the brewer, would have no more work for him. The blacksmith, the harness-maker, the carriage-maker, would no longer have any big bills to present to the brewer, and they would feel sorry over the loss of their best customer. The coal merchant could no longer send his cart to the brewery or to the distillery, and he would look in vain for the ready cash which was once there for him in abundance. The blower of glass bottles would receive no new orders; bottles would become superfluous articles. The foundry-men would lose their best customers for numerous and costly machines.

The railroad, steamboat, and canal-boat companies as common carriers would find their income greatly reduced on account of the loss of extensive freights. Even the dealer in groceries, the baker, the butcher, and other trades would have cause to regret the breaking-up of the brewery and the impoverishment of its owner, who would no longer be able to give employment to a large force of employés and workmen upon whom these smaller trades depend in part for their subsistence.

TEMPERANCE PETITIONS IRRATIONAL AND BASED ON FANATICISM.

If all these facts were well understood and conscientiously considered, could a just and fair-minded man sign a petition to Congress for the enactment of prohibitory liquor laws? And yet the fact exists that numerous petitions from all parts of the country for the suppression of the manufacture and sale of intoxicating liquors in the Territories of the United States and in the District of Columbia have been sent to former Congresses and also to this Congress with thousands of signatures. The Ladies' Christian Temperance Union, if I am correctly informed, has taken it upon itself to procure signatures to these petitions, and there is no doubt that further petitions will receive thousands upon thousands of names. But do numbers add to the merits of a petition? Suppose that the Communists should send petitions to Congress praying for a law that no person should be allowed to possess any property, but that all property should be condemned and held by the Government in common for all its citizens—would not such petitions be disregarded and thrown aside? If, for instance, all the poor people in the country could be induced, through the aid of well-disciplined organizations, to sign such petitions, so that the petitioners would number several hundred thousan ds or even a million, would that number change the real merits of the case, or would it induce one member of Congress to pay the least regard to their prayer? The merits of the request contained in a petition, its justice, and not the number or social position of the signers ought to be considered by Congress.

AUDACITY OF OUR TEMPERANCE FANATICS.

The honorable Senator BLAIR, from New Hampshire, presented, if I mistake not, on January 31, ultimo, a petition of 3,741 inhabitants of the District of Columbia asking for the passage of a law prohibiting the manufacture and sale of all alcoholic beverages within this District; also three other petitions signed by inhabitants of the Territory of Washington and one from Dakota and the Territory of Idaho respectively, asking for the same law. In vain I search for a substantial reason that could prompt non-residents of this District to concern themselves in so lively a manner with its affairs. In vain I ask for a substantial motive for such unwarranted interference, and I fail, indeed, wholly to perceive the particular advantage which any inhabitants of those remote Territories could derive from the destruction or maintenance within the limits of the District of Columbia of the manufacture or sale of malt or spirituous liquors. I can not ascribe this interference to any other agency than that of the fanatic crusade which misguided enthusiasts in the cause of temperance have organized over the whole United States so as to overwhelm this Congress with petitions of this sort and make it appear that the American people desired the destruction of one of the main industries of the country. How many of the signers of such petitions have likely themselves at least for the term of one year abstained from the use of alcoholic liquors? If every individual signer of them were indeed obliged to make affidavit that he had not taken or used any spirituous liquors within a year anterior to the signing of his name, how small a number of signatures would these petitions not contain!

THE WORKING OF PROHIBITION IN KANSAS.

Besides the petitions in question, the honorable Senator from New Hampshire [Mr. BLAIR] laid, however, further before the Senate a statement from James A. Troutman in illustration of the efficiency of the prohibitory liquor law of Kansas, and he took care to say that it had materially decreased the number of saloons; that under it an unusually large percentage of prosecutions had ended with convictions, and that the principle of prohibition had grown stronger in the State of Kansas.

But as regards the first point, we are unfortunately not told how many side-places, club-rooms, or other contrivances for the clandestine sale of liquor have sprung into existence in that State since the inauguration of the prohibitory liquor legislation. In refutation of this point I need merely direct the attention of Congress to the experience of the State of Maine.

The second point mentioned by the honorable Senator [Mr. BLAIR] only shows the futility of each and every measure which makes men transgressors of the law for following their own inclination in the choice of their food and drink. Such laws are not and will not be recognized as binding. They are evaded and broken whenever an opportunity is offered.

As to the third point, the overwhelming defeat of St. John, the late Republican and temperance candidate for the governorship of Kansas, gives, it would seem, a quite curious illustration of the spread of the prohibitory sentiment. Another illustration of this spread is perhaps also presented by the fact that a prominent brewer in Milwaukee stated to a friend of mine, who passed through Milwaukee and inspected there one of the largest breweries in this country, that the sale of Milwaukee beer in Kansas had experienced a large increase during the last two years.

ANTIQUITY AND GENERAL USE OF SPIRITUOUS BEVERAGES.

The source of the evil of intemperance lies not in the saloons nor in the breweries and distilleries, and with a prohibition of the sale of liquors the evil is not banished or done away with. It rather takes root in the inclination and appetite of man, in the frailty of human nature. Man craves for a change in his food and drink, and from the earliest time history informs us indeed that water and milk were not the only fluids used for drink. After the flood Noah planted the grapevine and made wine from its fruit. The old Egyptians and the Romans knew the art of brewing beer and they used fermented malt liquors, besides wine, for drink. In modern times coffee, tea, and chocolate, and divers other articles are used in the preparation of drinks, and in modern times also the art of distilling liquors from cereals, potatoes, &c., came into general use, and the product generated by distillation became an article of merchandise and came into great demand among all civilized nations. Thus liquors are now generally used as beverages all over the civilized world.

DRUNKENNESS NOT CURABLE BY HUMAN LAW.

Human nature is the same now as it has been in former times, and the desire for a beverage stronger than water exists to-day as strong as ever. The moderate use of strong drink, as experience teaches us, is not hurtful to a healthy man; it is alone the abuse of intoxicating beverages which makes drunkards and constitutes the source of so much crime and misery among us. Nobody can detest the vice of drunkenness more than I do. But what unfailing remedy can we apply to remove or at least to lessen it? To entirely banish this vice from human society is a task which will prove impossible, because we can not change by law human nature. Society must bear with the drunkard the best way it may, because morality can not be established by legal enactments. To lessen in a great way the extent and frequency of drunkenness can only be the work of wise and strict license laws.

THE TRUE CAUSE OF CRIME.

The assertion that liquor begets crime is one of the sophistries of temperance orators. The greatest and most crafty criminals keep aloof from the use of liquor. They fear that it may dull their intellect and thus become an obstacle in the successful execution of their criminal enterprises. That many crimes are committed by men under the influence of liquor nobody will deny; neither, however, can it be denied that numerous crimes are committed by men who would never taste liquor. Liquor alone is not the cause of crime; the evil, unbalanced passions for gain, for revenge, for lust, for hatred, are rather the inward springs for the commission of crime, and drunkenness furnishes sometimes merely the opportunity which sets the spring in operation.

A DEMAND FOR WISDOM AND MODERATION.

Excessive drinking is an insanity of the appetite. But to treat the appetite of all individuals as if they were insane brings on the same confusion that we should have if we took our mode of living from the life of the insane. We should then make ourselves crazy without aiding the few insane who require a special treatment. On the same principle we ought to deal with this vice of drunkenness. Persons who from an inherent abnormal desire, or from indolence, or poverty, or want of occupation, from inability to bear the constant toil of hard work, or on account of disease or a weak and sickly constitution, or by excessive indulgence in other passions, become addicted to drink and by and by fall an easy prey to the vice of drunkenness, should not be the cause or furnish the pretext for laws which deprive the people of their personal liberty, destroy the value of property, and drive to poverty thousands of hard-working men by the destruction and prohibition of their lawful occupation.

ILLICIT DISTILLATION THREATENED.

Alcohol and distilled spirituous liquors are too great a factor in our national life to be entirely banished or dispensed with. They are used all over the country for scientific, medicinal, and commercial purposes, and if it were possible to exclude them to a considerable degree from the reach of the people, numerous illicit distilleries would be established in places difficult of access and carefully hidden. The opportunity of obtaining liquor clandestinely would be as ample as it is now. The use and abuse of liquor would by no means assume smaller proportions, and the main object of prohibition would be badly frustrated. Drunkenness would hold its victims with firmer clutches than ever, because men fond of liquor would buy it cheaper and in larger quantities; and you could not regulate the sale of liquor as you can now by wise and well-enforced license laws.

Illicit distillation, if once generally established and tolerated among us, would give rise to perjury, murder, and all sorts of crimes; a general demoralization and disregard of law would indeed follow in its wake. Were prohibition the law of the land there can be no question but that illicit distilleries would spring up like mushrooms in our rural districts, and as they would furnish an inferior whisky they could not but exercise the most deleterious influence upon our rural population. The farmers would distill whisky from their superfluous corn crop,

regardless of spies and the dread of the law; they would clandestinely sell it or exchange it, and they would thrive on the ruin of the once legitimate but now outlawed distillers. Nothing less than an interdiction of the planting and raising of corn could indeed stop the spread of illicit distillation were it once started by prohibitory legislation. Nothing less than an interdiction of the planting of corn, barley, hops, and the grapevine can in reality ever put a stop to drunkenness.

LEGAL REGULATION AS AGAINST PROHIBITION.

Mr. Chairman, it is impossible for me to comprehend how intelligent men can advocate the prohibition of the manufacture and sale of spirituous and fermented liquors and wines for no other than the avowed end of suppressing thereby the vice of drunkenness when they should know that they aim at an object which must forever lie beyond the reach of the legislative power. Can they not see that their advocacy of prohibition must ultimately result in the aggravation of the very evil which they think it incumbent upon themselves to eradicate? And do they not understand that their demand for the suppression of the liquor traffic involves an immense confiscation and destruction of property of various forms and the enforced idleness of thousands of skilled and unskilled workmen? A contemplation of a few of the more pernicious effects of prohibitory enactments might perhaps cause them to hesitate, and if they would once hesitate and study the liquor question with an unprejudiced mind they could not fail to advocate the legal regulation of the traffic in liquors rather than its legal prohibition.

THE RANK OF SPIRITUOUS BEVERAGES IN OUR FOREIGN COMMERCE.

In my remarks I have as yet not alluded to the high importance which the export of distilled and fermented liquors has attained in our foreign commerce, and that I may rectify this omission, I subjoin herewith the following figures relative to the quantity and value of our domestic exports of distilled, spirituous, and fermented malt liquors and wines during the fiscal years of 1880, 1881, 1882, and 1883.

Liquors and wines.	Quantity.	Value.
BEER, ALE, AND PORTER.		
1880:		
In bottles—dozen (quarts or equivalent)	146,739	$262,450
In casks—gallons	111,308	36,368
Total		298,818
1881:		
In bottles—dozen (quarts or equivalent)	164,276	292,421
In casks—gallons	201,376	55,367
Total		347,788
1882:		
In bottles—dozen (quarts or equivalent)	176,426	328,405
In casks—gallons	141,978	55,791
Total		384,196
1883:		
In bottles—dozen (quarts or equivalent)	220,792	409,348
In casks—gallons	215,938	81,094
Total		490,442
DISTILLED SPIRITS AND WINES.		
1880:		
From grain, gallons	10,112,598	2,568,685
From molasses, gallons	1,285,268	397,247
From other materials, gallons	20,640	43,613
Total		3,009,545
Wine, gallons	154,887	123,317
1881:		
From grain, gallons	13,920,984	2,878,388
From molasses, gallons	839,599	296,448
From other materials, gallons	59,160	73,095
Total		3,274,931
Wine, gallons	68,181	69,915
1882:		
From grain, gallons	8,374,990	1,727,526
From molasses, gallons	563,911	191,871
From other materials, gallons	51,345	69,641
Total		1,989,038
Wine, gallons	65,140	67,909
1883:		
From grain, gallons	3,925,586	1,620,912
From molasses, gallons	578,786	250,361
From other materials, gallons	133,463	111,610
Total		1,982,883
Wine, gallons	80,972	77,280

STATISTICAL MEMORANDA OF THE BREWING INTERESTS IN THE CITY OF MILWAUKEE.

In addition, and in the form of an appendix, I deem it also appropriate to insert here the following statistical statement relative to the magnitude of the brewing interest of but one city, the city of Milwaukee, and of one of the principal brewing establishments of that city:

THE PHILIP BEST BREWING COMPANY.

Capital invested		$3,387,825 00
Number of employés		643
Wages paid per year		$385,523 22
Number of horses in use		207
Number of wagons in use		112
Taxes paid in 1883		$30,246 18
Revenue taxes paid to the United States Government, after deducting the 7½ per cent. rebate		$348,150 50
Raw material purchased in 1883:		
809,136 bushels of barley, at 80 cents per bushel		$647,308 80
800,314 pounds of hops, at 66½ cents per pound		$532,208 81
2,362,000 pounds of rice, at 3 cents per pound		$70,860 00
The latter all of domestic growth, raised in Carolina and Louisiana.		
Ice used, 48,207 tons, at $1 per ton		$48,207 00
Disbursements of various kinds:		
Revenue-stamps (as before stated)		$348,150 50
Barley (as before stated)		647,308 80
Hops (as before stated)		532,208 81
Rice (as before stated)		70,860 00
Ice (as before stated)		48,207 00
12,920 gross of new bottles bought		84,193 00
New cooperage bought:		
Whole barrels	$898	
Half-barrels	5,528	
Quarter-barrels	29,418	
Eighth-barrels	20,922	
		89,551 40
Labor (as before stated)		385,523 22
Other operating expenses		836,548 55
Making the total disbursements for the year 1883		3,042,551 28
Special attention is called to the amount expended for the following purposes:		
For feed—hay, oats, corn, &c.		$14,211 73
Postage-stamps		2,913 28
Wagon repairs		4,333 46
Machinery repairs		24,750 00
Cooperage repairs		17,752 81
Stationery		5,977 72
Signs, show-cards, &c.		10,888 43
Coal (22,469 tons)		97,436 00
Insurance		30,048 52
Repairs on buildings		31,280 00
Freight paid to the railroad companies for the transportation of barley, hops, and empty packages returned to Milwaukee		122,420 00
Revenue paid to the railroad companies from our customers on beer shipped to them		187,998 13

Of the employés of this company, taken from all nationalities, there are 341 married males, and, figuring for these the average census figure of five persons to a family, we get 1,705 persons; there are unmarried males, 179 persons; and, as dependent on these, 21 persons; from which we get a total of 1,905 persons directly deriving their living from the brewery.

In order to show the importance of the brewing interests to farmers and the community at large, the following figures are offered:

The average yield of barley per acre is at the highest estimate 30 bushels; based upon this average it will require 26,971 acres to raise the 809,136 bushels beforementioned. Figuring on an average of 100 acres to a farm, this would give 269 farms, and figuring each farm with 5 persons, we get 1,345 persons. The average yield of hops per acre is 405 pounds. To raise the before-mentioned 800,314 pounds of hops it would take about 2,000 acres, and figuring the farms on the same basis as above, 20 farms and, at 5 persons to a farm, 100 persons would depend for their income on this single brewery. Of the rice used we have no statistics at hand, as far as the yield per acre is concerned, but we can safely presume that 100 persons obtain their living from the raising of this product, so far as it is consumed by this brewery. Altogether there are therefore 1,545 persons directly earning their living through the brewery.

The Philip Best Brewing Company has over 3,000 accounts with saloon-keepers in its books, not including the accounts of private families, and 2,766 saloon-keepers out of the 3,000 are married, supporting and employing help. Figuring 5 persons as dependent on each of these 2,766 business men, we get 13,830 persons.

In making a recapitulation of the number dependent for their living, directly or indirectly, upon this one establishment, we get the following figures: Directly connected with the brewery, 1,905 persons; farmers, their families and help (low estimate), 1,545 persons; customers, their families and help, 13,830 persons; mechanics, such as carpenters, masons, coppersmiths, machinists, wood-turners, sign painters, &c., constantly employed, 100; these with their families would amount to 500 persons, making at a very low estimate a grand total of 17,780 persons.

The Philip Best Brewing Company has over 3,000 customers in business, occupying houses or parts of houses; some of them have their business in their own houses, but a greater number of them do business in rented premises, and occupy dwelling-houses separately, making at a low estimate over 3,000 tenants. What, if the traffic in beer and liquor be abolished, or greatly diminished by prohibitory laws, is to be done with all these vacant stores or buildings?

On the basis of the Philip Best Brewing Company's statistics I would figure the result of the Milwaukee brewers' operations approximately as follows: Total sales for 1883, about 1,059,762 barrels, of which the Philip Best Brewing Company sold about 36 per cent., or a little over one-third. Not having the accurate sales of all the Milwaukee brewers at hand, I figure them at just two-thirds more than those of the Philip Best Brewing Company, and on this basis I arrive at the following figures for the Milwaukee brewers:

Capital invested approximately	$8,000,000 00
Number of employés, approximately	2,000
Wages paid per year, approximately	$1,156,569 66
Number of horses in use, approximately	700
Number of wagons in use, approximately	336
Taxes paid in 1883	$90,738 54
Revenue taxes paid, after deducting the 7½ per cent. rebate	$980,279 85
Raw material purchased in 1883:	
2,427,408 bushels barley, at 80c.	$1,941,926 40
2,400,942 pounds of hops, at 66½c.	$1,596,626 43
4,724,000 pounds rice, at 3c.	$141,720 00
(The latter all of domestic growth, raised in Carolina and Louisiana.)	
Ice used, 144,621 tons, at $1 per ton	$144,621 00
Disbursements of various kinds:	
Taxes paid in 1883	$90,738 54
Revenue stamps (as above stated)	980,279 85
Barley (as above stated)	1,941,926 40

Hops (as above stated)	1,596,626 43
Rice (as above stated)	141,720 00
Ice (as above stated)	144,621 00
New bottles bought	252,579 00
New cooperage bought	268,654 20
Other operating expenses	2,509,645 65
Labor	1,156,569 66
Making the total amount expended during 1883	9,083,360 73

Out of these enormous expenditures special attention is called to the following items:

Feed, hay, oats, corn, &c	$42,635 19
Postage-stamps	8,739 84
Wagon repairs	13,000 38
Machinery repairs	74,250 00
Cooperage repairs	53,258 43
Stationary	17,933 16
Signs, show cards, &c	32,665 29
Coal (67,407 tons)	292,308 00
Fire insurance	90,145 56
Repairs on buildings	93,840 00
Freight paid to the railroad companies for the transportation of barley, hops, and empty cooperage packages returned to Milwaukee	367,260 00
Freight paid to the railroad companies by the customers of the Milwaukee brewers	563,994 39
Based on the itemized calculation of the Philip Best Brewing Company we get 5,715 persons as directly depending upon the Milwaukee brewers for a living	5,715
On the same basis I figure that it will require 80,913 acres of land to grow the barley used in Milwaukee for brewing purposes, and that from this source 4,035 persons (farmers, their families, and help) obtain their living	4,035

To raise 2,400,942 pounds of hops will require about 6,000 acres of land or 60 farms, and the owners of these farms with their families and help constitute about 300 persons.

To produce the rice above mentioned will surely require 200 persons; trebling the number of customers in the beer business, their families and help as estimated by the Philip Best Brewing Company we get 41,490 persons; trebling the mechanics and other artisans, 1,500 persons; making at a low estimate a grand total of 53,240 persons who make their living directly or indirectly from the Milwaukee brewing interest.

Figuring on the above basis we find that the Milwaukee brewers alone furnish the means of subsistence of from 9,000 to 10,000 tenants doing business in rented buildings or stores. If the traffic in beer, &c., be abolished, or greatly diminished, where will the owners of these stores and buildings look for occupants?

In conclusion, Mr. Chairman, no one regrets more than I the channel into which the discussion of this bill has drifted. The projectors and advocates of the measure had little reason to expect that it would call forth the best oratorical efforts of the so-called temperance champions in the display of their staple in trade, of the long-drawn-out tales of misery and woe—of a misery and woe, which are the mere results, as I have shown, of unrestrained appetites, irritated and maddened by an ever-awakening and aggravating agitation and pernicious social proscription of alcoholic stimulants. They have made drinking rather than drunkenness a vice, without recognizing that man is so constituted that he rebels against unwarranted restraint. It is this characteristic that in ninety-nine cases out of one hundred transforms him into the monster they have so eloquently depicted. I am sorry, Mr. Chairman, that the demon of drunkenness sleeping within the heart of man should have been awakened upon this floor by these noisy champions of sumptuary law. While sleeping he was harmless, and the sons of men touched glass with glass in social joy without baneful effect to the home and the hearthstone. The bill before the committee calls for a simple act of justice to a recognized industry, in no wise involving the wide range the discussion has taken, and as an act of justice it should be enacted into a law.

Mississippi Overflow.

SPEECH

OF

HON. WILLIAM C. OATES,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 24, 1884,

On the joint resolution appropriating $300,000 to prevent the overflow of the city of New Orleans, La., and the country adjacent thereto.

Mr. OATES said:

Mr. SPEAKER: No man sympathises more deeply and heartily with a people in distress than I do. But, sir, the Congress of the United States never was intended to be an almshouse. We are not here to dispense charity, nor to take charge of and direct, nor indeed in any manner to interfere with, the domestic or local affairs of the people of this country. These belong to the States. Should any overpowering calamity or uncontrollable disturbance occur within a State and the proper authorities thereof appeal to Congress for assistance, I should not withhold my vote, but would feel that it was my duty as a Representative to do what I could to save the State and its people from destruction. But, sir, what is the resolution now before us? Its title answers the inquiry, "A joint resolution appropriating $300,000 to prevent the overflow of the city of New Orleans, La., and the country adjacent thereto."

No calamity has actually occurred. There is simply a probability, as shown only by letters and telegrams of an unofficial character. A great and wealthy city of 300,000 people, without having made an effort or expended a dollar of her own money, so far as this House has been advised, appealing to Congress for an appropriation of as many dollars as it has population to prevent an overflow is a fitting commentary on paternal government.

Mr. Speaker, Congress has no constitutional power to make such appropriations as that now proposed. The only clause in the Constitution under which any crank pretends to find authority for it is the following, in section 8 of article 1:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States.

This invests Congress with the taxing power and expresses only in a general way the three grand purposes for which this power may be exercised. As to the manner in which Congress may use the money obtained to effect these grand purposes we must look further on in the same instrument for more minute and specific directions or grants of power.

The first, to pay the debts, is so unambiguous and self-defining that nothing more is necessary, notwithstanding "to borrow money" and "to coin money" follow as express grants.

The second, to provide for the common defense, is followed by the express grants, "to raise and support armies," and "to provide and maintain a navy."

Now, in the absence of these specific directions as to how the grand purpose of common defense is to be accomplished, Congress might adopt some other method, such as buying our peace by paying an invader the money of the Government to withdraw from our shores, or using the money to pay for assassinations and poisoning of the common enemy. But the Constitution comes to our aid and tells us plainly how to provide for the common defense: by raising armies and providing a navy.

The third grand object, to provide for the general welfare, finds its field of operation and application in all of the other express directions or grants of power. For example, to regulate commerce, to establish rules of naturalization, to make uniform laws upon the subject of bankruptcy, to provide for the punishment of counterfeiting, to establish post-offices and post-roads, to promote the progress of science, to constitute judicial tribunals inferior to the Supreme Court, to define and punish piracies and felonies and offenses against the law of nations committed upon the high seas, to declare war, to make rules for the government of the land and naval forces, to provide for calling forth the militia, to provide for organizing, &c., the militia, to exercise exclusive legislation in this District, and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." I presume it is not necessary for me to enumerate the "other powers" named in the paragraph just read. No one is so obtuse as not to be able to distinguish them.

As there is, then, no express grant of power to Congress to bestow the largesses of the Government upon either real or fancied objects of charity, there is nothing from which such a power can be implied, since the general welfare, as we have seen, is provided for and specified in many ways in the Constitution. And the tenth article of amendment declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Such measures as that now proposed, not being among the powers expressly nor impliedly delegated, reside in the States, and Congress can not exercise them.

This is not a government of original but of derived powers. Its powers are limited and enumerated in the instrument of its creation. The third and most comprehensive grand purpose for which taxes, imposts, and excises are to be laid and collected, it should be observed, is not to provide for the general welfare of the people of the United States, for such is not the language employed. That purpose as expressed is "to provide for the general welfare of the United States;" that is, to provide for the general welfare of that government called "the United States," or that government which the States unitedly established. The purpose was and is political, and not domestic; hence the enumeration and particular specification, so far as the cardinal principle of brevity applicable to a constitution would admit, of what should be done and to which the revenues of the Government should be applied.

I do not contend for a strict construction but a strict observance of the Constitution. I do not contend for a strict or narrow construction, but I do contend for the Constitution which I have sworn to support and defend; and I do so because it is the palladium of the liberties of the people, and the oath is binding on my conscience. Whenever by express words a power is delegated to the United States, I, as a Representative, will vote for any measure proper in itself, though not within the expressed power, if it be necessary to give full operation,

force, and efficacy to such expressed power. Everything which I can conscientiously concede to have been confided to "the Congress" by the Constitution I will most cheerfully, yea, generously and liberally, exercise to ameliorate suffering humanity or to advance the interests of the whole people of the United States, without distinction as to locality or previous condition.

But further than this I will not go, because I believe in the restraints on discretion imposed by a written constitution. If it be admitted that Congress can do anything which the Constitution does not prohibit, which is the rule of construction a Legislature puts upon a State constitution, there are so small a number of these that you in effect subvert the Constitution and substitute the unbridled will or discretion of a majority of the members. Legislation would then depend more on the state of Congressional stomachs than upon a written Constitution. Centralism in all of its amplitude would be then established, enthroned where boasted American Liberty once presided.

"To regulate commerce with foreign nations, and among the several States, and with the Indian tribes" is an express grant of power to Congress. Publicists, statesmen, and scholars have held, and in fact it has been judicially determined, that Congress, to give force and amplitude to this provision, may exercise an implied power to appropriate money out of the Treasury for the improvement of the navigation of rivers and harbors. Under the express grant of power to Congress "to provide and maintain a navy" we can appropriate money for the maintenance of the Naval Academy at Annapolis under an implied power, for the reason that no one can deny that by this means skillful officers are supplied and the Navy made efficient at least in that respect. Incidental to this naval power is the right of Congress to appropriate money for the relief of Lieutenant Greely and his party. The expedition in my judgment was a foolish one, but the Government ordered or permitted him to go, and, having done so, humanity and duty unite in demanding that the Government shall do all it can to rescue and save him and his party from destruction.

So, too, there being an express grant to Congress of power "to raise and support armies" and to make rules for the government of the land and naval forces," there is an implied power to maintain at the expense of the public the Military Academy at West Point for the education of officers to command the armies in an efficient and skillful manner. The same or a similar rule applies, and very properly, too, to the power "to establish post-offices and post-roads," and in fact to all of the express delegations of power. Many acts of Congress are claimed by the thoughtless, and sometimes even by the members of Congress, to be violations of the Constitution when they are not obnoxious to that censure. But the force of precedent in this House and the Senate is so much honored that hoary error stalks abroad on stilts and violates the Constitution with impunity, and with no better apology or excuse for it than that some American Lycurgus had set him the example.

I have no veneration, sir, for age nor precedent when panoplied in error and fatally bent on mischief. If, as we are told, in 1812, Macon, Calhoun, Johnson, King, Randolph, Troup, and other great men voted $50,000 to be used in purchasing and shipping flour for the relief of the starving people of Caracas, in Venezuela, who were suffering from the effects of a terrible earthquake, and also for the people of the island of Teneriffe, who were starving in consequence of their crops having been eaten up by locusts; or if, still later, in 1847, Calhoun, Webster, Cameron, Corwin, Sam Houston, Reverdy Johnson, and other noted statesmen voted with the majority to tender provisions to Great Britain for the relief of the people of Ireland and Scotland during the prevalence of a famine, do these justify the adoption of the resolution now before the House, or the appropriation for the overflow on the Ohio?

In 1812, the House of Representatives struck out of the resolution the latter part, providing for the island of Teneriffe, ostensibly because they did not have evidence sufficient of the suffering of the people, but really because the island was under British dominion, and it was not probable that any advantage to the foreign policy would be obtained thereby. Mr. Rhea spoke against extending aid to Teneriffe as a mere charity, but in favor of Caracas, and he said in doing so he was "actuated by a regard to the interests of the United States, which peculiarly required them to cultivate amity with and conciliate the South American provinces." Mark you, a war was then in progress with Great Britain. After the resolution was so amended as to apply only to Caracas, it was passed unanimously.

In 1847, March 1, now a little over thirty-seven years ago, when Mr. Crittenden introduced into the Senate his bill to appropriate $500,000 for the relief of the people of Ireland and Scotland from famine, among other things he said:

> So far as the constitutional argument is concerned, with the voice of suffering ringing in my ears and this precedent before me (Caracas), I lay down all objections at the feet of charity.

Mr. Niles said they had better leave the business of dispensing alms to the liberality, generosity, and better judgment of their constituents. He felt that he had no authority to vote half a million of money for the people of Ireland—none at all in his representative capacity. He did not feel justified in taking the people's money for any object which was not committed to our charge. It was all wrong. Senators seemed to rely on the precedent established by the act of Congress—an inconsiderate act he considered it—giving a portion of public money in the case of the earthquake at Caracas. He did not regard that as establishing a precedent for this appropriation, which would be placed on record to justify similar appropriations for all time to come. He would not put his hands into the public Treasury to make an improper, he had almost said unconstitutional, use of the public money, of the money of his constituents.

Mr. Butler, of South Carolina, said that with the views he entertained of the Constitution and our national policy he could not vote for the bill. Mr. Bagby, a Senator from Alabama, said that he denied that they had any constitutional authority to appropriate money for such objects. He thought he could see some of the consequences of such a precedent as this would be. * * * If this system of national charity was to be indulged in, he asked where would it end? He said they had no such power; and if they had, human imagination would not be able to fix to it a limit. The revenues of this country were derived from one source, and one only. They are derived from the people of the United States, and they were derived for specific purposes. Mr. Mason, of Virginia, said that he could not but see in it a perversion of the trust reposed in them under the Constitution of the United States.

One Senator alone, Mr. Hannegan, of Indiana, contended that there was constitutional power to make the appropriation, and he put it upon the ground that there was no prohibition against it. But when Mr. Bagby asked if the Senator contended that Congress could do anything not prohibited in the Constitution, he put it on the teaching of the Saviour in the parable of the good Samaritan. Mr. Webster, in his remarks, did not touch the constitutional question, and Mr. Dayton said they had a precedent in 1812, which in this instance he desired to see followed. Mr. Fairfield, of Maine, said no Senator had put his finger on a single section of the Constitution which authorized them to give this appropriation, although they were contending for the constitutional power to do so. It was a very easy thing to expend charities in this way; but he thought they should put their hands in their own pockets and do it, but they had no right to put their hands in the pockets of the people.

Mr. Calhoun spoke in a very low tone, so that he could not be very distinctly heard, but the remarks of the Senator from Indiana caused him to explain why he had no constitutional objection to the measure. He drew a distinction between the foreign and domestic policy of this Government. Entertaining these views, he had voted for the appropriation for the relief of the people of Caracas in 1812. And it is true that the Constitution does not undertake to deal with, prescribe, nor limit the external or foreign powers or policy of this Government. The Constitution is a compact between the States, while outside to all the world this is a nation and may use the money of the Government in advancing whatever international policy the Congress and President may deem best for the general welfare of the United States as a nation.

When Mr. Crittenden's bill was put on its passage in the House of Representatives G. W. Jones, of Tennessee, moved to lay it on the table, and there were 75 yeas to 79 nays. John Quincy Adams, John Bell, T. H. Benton, Andrew Johnson, Jacob Thompson, Seaborn Jones of Georgia, Chase of Ohio, Houston, Cobb, and Chapman of Alabama were among those who voted to table and against the bill.

There are plenty of precedents still later and more in point which not only tend to show the impropriety of such legislation, but how, in their administration, such munificent appropriations may be used for corrupt partisan purposes. I will mention one:

In May, 1874, there was an overflow of the Alabama and Tombigbee Rivers, reports of which to Congress, in an unofficial way, were doubtless greatly exaggerated, as they almost invariably are in such cases, and Congress appropriated $400,000 for the relief of the suffering people along those rivers. Rations were purchased and distributed under the then Republican administration; but how? A large portion of the money was laid out for bacon, which was distributed, not in time of the overflow, but in the following September and October, not only in the river districts, but in the hills and mountains of Middle and Eastern Alabama for the purpose of corrupting and controlling the November election in the interest of the Republican party.

The carpet-baggers with the overflowed bacon sought the voters on the hills and in the high mountains during the prevalence of a drought and tried to tempt them like the devil did the Saviour, and doubtless with much greater success as to a certain class of them. The Democrats then raised a great outcry against such flagrant violations of the Constitution and corrupt administration. If it were unconstitutional then, why is it not so now? The gentlemen who favor this measure are not harmonious for the reason that one class of them want the money to be immediately expended in strengthening the levee along the river front of the city of New Orleans, while the others desire a larger appropriation for the relief of the destitute and suffering people higher up the river, where it is said that more than 100,000 have been driven from their homes, and that these are generally poor laboring colored people who are dependent on the country merchants to advance supplies to them on the prospect of the crops they may make, and the flood so impairs that prospect that they can not get supplies, &c.

Now, allow me to analyze this charitable business upon the part of Congress and see if it is right.

Take three citizens of Barbour, the center county of the district I have the honor to represent, of equal standing, wealth, and merit. Two of them are farmers and the third is a merchant. One of the farmers sells his possessions, and to better his prospects in life removes to and purchases a plantation in the rich bottom of the Mississippi, the most productive land in the world. The grand old Father of waters affords him splendid commercial facilities. The merchant, with a like purpose in view, locates in New Orleans. The third remains away from any grand river or great metropolis upon his poor lands in Barbour. He has no rich soil, no great commercial advantages, but he is content by incessant toil to dig out of the impoverished soil but little if any more than a bare subsistence after paying his taxes. These have to be paid. The poorest laborer in the land may not have any property, and can thus avoid the payment of State and county taxes, but the exactions of the tariff, like death, are inexorable and will not be evaded nor postponed. These taxes, you will remember, in section 8 of the Constitution, are to pay the debts and provide for the common defense and general welfare.

The farmer on the Mississippi, with comparatively little expense, sees his crops grow and bear in all the luxuriance and abundance of his most fervent hope. At the marketing he sees his cotton bales by the hundreds rolled upon the steamer, upon which he is entertained with all the elegance that any lord of the earth could desire. Four to five millions of dollars a year which are appropriated out of the Federal Treasury on river and harbor bills have been expended upon the improvement of the navigation of that great river, which insures his safe and speedy landing in New Orleans. He finds his old friend, the merchant, and sells him a good bargain in cotton, buys his large stock of supplies, and returns, he and his merchant both benefited and happy. They did well that year.

But the next year the river rises, the levee breaks, and the plantation is flooded, submerged, the stock drowned, the corn is swept away, and there is distress and weeping where but a few days before smiling plenty greeted the eye and happiness reigned supreme. He appeals to Congress and says, "Your coffers are full to overflowing; you collected it from my old friend in Barbour, in common with the other people of the United States, to pay your debts and run your Government, but you do not need it; your credit is good. Go on paying interest; it does not matter about paying the debt now. Give me a few hundreds or thousands of this money to aid me; I need it; I am overflowed; and whatever others may say, I know that my old friend in Barbour does not mind it. He has poor land, it is true, lives in the back country, and is not going to live near a river; but he sympathizes with me and wants so badly to be taxed for my benefit that he demands that his Representative and Senators in Congress shall legislate a little outside of the Constitution in order to do it."

But what of the merchant? Why, the first time we hear from him since the flood set in he is not yet overflowed but he does not know how soon he may be. He says the Legislature of his State is not in session; that the one million of dollars which Congress gave to the Mississippi River Commission less than two months ago has been expended, and he does not intend to spend 20 per cent. of what he is worth to strengthen and raise the levee along the river front to save the city from an overflow and his property from destruction, and if he does not get security some one will hear from him at the next election. He says that he knows that his poor old farmer friend in Barbour would be delighted if Congress would add a few nickels more to his taxes in common with all the other people, to build up and make that levee a magnificent breakwater and render him, his merchandise and his home, his wealth and his splendor, perfectly secure against overflows for all time to come. This would of course bring joy and gladness to every farmer throughout the land. The language of these flood appropriations is: "Blessed are those who make their homes upon the banks of great rivers or in the lowlands hard by, for if an overflow occurs Congress will see to it that no great loss is sustained provided the money in the Treasury holds out." The title of the bill under consideration should be changed to that of "A bill to insure against water," with the honorable Secretary of War as chief actuary.

It is, in fact, worse than the hypothesis I have used for illustration. It is confessed that the people to be benefited along the river are improvident negroes, to whom the country merchants will not make advances. It is notorious that when the Government begins to distribute rations to that class of people they utterly refuse to work and will live upon Government rations as long as they can get them and will not try to help themselves. It encourages thriftlessness and vagabondism. If there be anything in which the people of this country ought to be free, it is in disposing of their own property or money, every man in his own way. The burdens of government are always onerous and its revenues coerced from the people. Therefore, the people have the most vital interest in seeing to it that their hard earnings, which through the channel of taxation go to the Treasury, are applied to the purposes of government for which they are collected. And if gentlemen wish to popularize themselves by a munificent display of generosity and charity, let them do so at their own expense. When that test is applied the country will be able to determine whether any of that benevolence which is now exhibited at public expense is pure demagogy or true charity.

The utter injustice of thus appropriating money, which is the common property of all, for the benefit of the few is manifest when we examine the precedents and practice of Congress. It illustrates with emphasis the wisdom of the framers of the Constitution in withholding from Congress such powers. Why, sir, the cyclones which have recently swept through portions of Alabama, Georgia, the Carolinas, Virginia, and other States destroyed more property and killed or wounded more people than all the floods that have occurred in the United States within the last three years; and yet—how strangely inconsistent—a resolution to appropriate $100,000 for their relief was smothered in the Senate. Why was this? Were the unfortunate people who suffered by these cyclones to the extent in many cases of all their property and bodily disability by wounds less worthy objects of the nation's charity than the man whose house was carried away by the overflow of a river upon whose bank he purposely erected it?

Why should Congress be thus partial and unjust? There can be but one answer, and that is that the precedents, the ridiculous precedents, do not extend to cyclones; they only authorize appropriations for relief from suffering caused by earthquakes or the overflow of rivers. Efforts are being industriously made to extend the precedents so as to relieve against storms, fire, locusts, and grasshoppers; and Kansas, being a progressive, reliably Republican State, has half-way succeeded in establishing a precedent for appropriating money out of the Treasury to cure all the diseased cattle. The appeals were so overpowering that the Senate passed an appropriation of $50,000 to stop the ravages of the foot-and-mouth disease, which, according to the prophetic statesmen, was contagious, and was going to kill all the cattle in the United States unless this big Government interposed and throttled it. But this bill or resolution met with some objection in this House. The veterinary surgeons have carefully examined the fatal disease and found it to have been caused by an unusually large deposit of ergot in wild oats which had been gathered unawares in much of the hay which had been fed to the cattle, and not contagious at all; and now the cattle-disease appropriation bill sleeps that sleep which knows no waking, upon the Speaker's table.

If the relief of a single section, district, city, or community is for the general welfare of the United States, and therefore within the power of Congress to protect out of the Treasury, then the people of any and every village, hamlet, and neighborhood, yea, every individual in the United States, are equally within that power, and it is the duty of Congress to extend that protection to them. If the power exists to extend such aid to large communities in time of great distress or misfortune, it extends likewise to small ones similarly circumstanced; and if aid is extended to the one, why not to the other? But such is not the practice. No instance can be found where Congress has made an appropriation, through charity, for the relief of one man, or a dozen men constituting a neighborhood, on account of a total destruction of their property by fire, storm, drought, caterpillars, or any other calamity which befalls men, except one case of earthquake in Caracas, floods, and grasshoppers. For of such are the precedents.

If a village or small community is swept away by a terrible tornado, as some have been, a thing which comes without previous warning and against which men can not well provide, and one-half of the people residing there are killed or severely wounded and shorn of all their means of subsistence, and Congress has the power, without awaiting a certification from the State that the suffering and destitution are beyond its power to relieve or control, to appropriate money for their relief, it is criminal neglect and damnable partiality not to do so. But there is no precedent. The logic of the position of those who claim such power or favor such appropriations as that now proposed, or the two recently made for the sufferers by the Ohio overflow, answers for them the petition of the mangled, bleeding, groaning villagers in these words: "We are sorry for you, but the precedents show that you are really too insignificant and your calamity too small for Congress to notice."

I boldly assert that any citizen who, by misfortunes usually called providential, has lost his property and been reduced to utter poverty and want has as much right to be relieved from the United States Treasury as any person who received benefits from the $500,000 given for the relief of the Ohio sufferers; just the same; no greater, no less. The Legislatures of the great and prosperous States of Ohio and Kentucky were in session, and those of West Virginia and Indiana, I presume, could have been assembled in two days. No requests came from these to Congress, no certification of inability to take care of their suffering people and tide them over the flood; and the city of Cincinnati protesting against aid and saying by telegram that she would provide for her own people, there was a scramble in this Chamber between Republicans and Democrats from the river districts to see which could first obtain the recognition of the Chair to move for a larger appropriation or to speak his piece in exaggeration of the high waters and great suffering. It presented a scene altogether at variance with the high notions of dignity and due deliberation which a new member thinks should usually appertain to the proceedings of the House. The gentleman from New York [Mr. HISCOCK], a leading Republican, twitted this

side of the House as State-rights men and sticklers for the observance of constitutional limitations. He said that the Constitution was not in his way at all, but he thought that on that particular measure it might give this side some trouble, and that he would like to hear from some members whom he named. Hon. S. S. COX, admitting that the measure was outside of the Constitution, gave reasons for his affirmative vote similar to those given by Senator Crittenden concerning his for the Ireland resolution in 1847. Mr. COX said:

I know how painful it is to discuss matters of this kind. Feeling has no words. Emotion is still. Our babble is the tossing buoy, indicating where the anchor is. Why not have voted this measure in graceful silence; and if by our inconsiderate vote there may be any breach of the Constitution God Almighty in His infinite goodness will pardon and condone it.

Mr. REAGAN said that many things had been done in the history of the Government for which it might be difficult to find a precise warrant in the Constitution. But when the things so done are not of that class in which the rights of the States or liberties of the people are involved no great harm results, and that such emergencies were not contemplated by the framers of the Constitution, and now come up to be acted on by the representatives of the people, and all they can do in such cases is to avoid such a violation of the Constitution as trenches upon the powers and rights of the States and upon the liberties and securities of the people.

Here we stand, in the presence of a great calamity—no right of a State involved, the liberty of no citizen involved—and on such an occasion our attention is called to the dangers of violating the Constitution, and we are challenged for a warrant for the appropriation of money to relieve the people so situated. Why, sir, in the history of the action of Congress for the last twenty years, when the liberties of the people have been stricken down by the acts of Congress, when the rights of the States have been trampled upon and denied them, we have heard no protest from the Republican side of this House.

To which Mr. HISCOCK responded, "Oh! the gentleman hears none now."

The appeals made and the horrible condition of the flood sufferers was described with such sympathetic vividness on all sides that it required extraordinary courage upon the part even of those members who believed it wrong to vote against it. Many, doubtless, whose convictions were the other way were intimidated, morally coerced, into voting for it. The pressure was so great that of the two hundred and forty members present, upon a call of the yeas and nays only twelve were found to have voted against it. But a few days later, when the second appropriation was passed, twenty-nine members voted against it. And now that the flood has assuaged and all the suffering and destitution consequent upon it have been relieved, the Secretary of War reports an unexpended balance of upward of $125,000. Three hundred and seventy-five thousand dollars, the amount expended, could have been paid by either one of the great and wealthy States whose people were involved without draining the State treasury. But it is getting so that the people do not look to their State governments for help, and seem to think that the United States Treasury is on tap for the public and gives forth the elixir of life for the healing of all the ills that flesh is heir to.

We have a list of soldier or military pensioners requiring annually at least $75,000,000. Then we have civil pensioners and special civil pensioners, including the widows of the deceased Presidents, and some members of Congress desire to greatly extend these. There are also judicial pensioners, under a law which allows all United States judges at seventy years of age to retire from service on full salary for life. Except as to honest pensions to soldiers, reasonable in amount, which I favor, I am opposed to the entire business of special legislative favoritism. The fault and the correction of these evils lie with Congress.

As to these special appropriations called charities my objection is twofold. They are unconstitutional and they are unjust. If a great calamity befalls a people or city—such, for instance, as the Ohio overflow—occurs when Congress is not in session, the waters assuage before the assembling of Congress, and no appropriation is made. There has never been one for or on account of any calamity, however destructive and deplorable in its consequences, if Congress is not in session and does not assemble until the suffering people have pulled through a space of forty days. The uncertainty, want of uniformity, spasmodic and partial character of such appropriations satisfy me that the framers of the Constitution did see these evils and purposely withheld from Congress the power to thus appropriate the revenues of the Government; and it is to be hoped that these unwarranted precedents will be followed no longer.

Air, fire, and water, the three great elements essential to existence, when in unbridled commotion are the source of destruction. Why should there be a difference if Congress is to relieve against the destructiveness of either? Water is the least harmful and easiest avoided, as members of Congress are supposed to know. Perhaps their unfamiliarity with it prompts this strange inconsistency of conduct.

I am aware of the fact, and am sorry that candor compels me to admit it, that the Constitution is well-nigh an obsolete instrument in the legislation of Congress. I know, too, that in the estimation of some people a man subjects himself to ridicule who objects to a measure for unconstitutionality, notwithstanding every member here has sworn a solemn oath to support the Constitution. At the beginning of the present century the Democratic party was founded by Jefferson upon the doctrine, which has ever since been fundamental with it, and without which it could not survive a single day, that the Government is one of limited and enumerated powers. Eliminate that doctrine from the Democratic creed, and I would not give the snap of my fingers for all that would be left. How can men professing Democratic principles so recklessly and inconsistently set them at defiance in practice? It is not ignorance, but ambition which prompts it. It is traceable directly to that cause.

The Republicans are not inconsistent with their party principles when they vote for such appropriations. They are never restrained by any constitutional shackles. With them it is a question of expediency merely. The fundamental doctrine of that party is that this is a Nation, spelled with a big "N," and that it is the judge of its own powers. They regard the Constitution as useful only in maintaining the forms of the Government. They hold that there is no restraint upon the power of Congress except these, and that the will of the majority is the supreme law. That party, true to its principles, adheres to paternal government, undertakes to be the guardian of all the people and provide for their wants, regulate their domestic affairs, furnish them employment, regulate wages, bestow bounties to aid one industry, subsidies to aid another, and to a third a monopoly. It is the friend of monopolies, the champion of jobbery, the author of corporation insolence, the originator of bossism, believes in high taxation, and is the ally of the money power.

Such has been its teaching and tendency, with some honorable exceptions among its members, ever since it originated with Alexander Hamilton and John Adams. The Democratic creed opposes interference by the Government in any manner with the domestic affairs of the people; does not believe that the Government can aid one class except at the expense of some other, opposes bounties, subsidies, and monopolies; is in favor of low taxes and an administration of Government on the most economical basis, and looks with an eye of distrust and jealousy upon any enlargement of Federal power or diminution of the reserved rights of the States. Its slogan is, "The people are best governed when governed least."

But the Republican side of this Chamber say, "Why talk you of the Constitution and the reserved rights of the States? They were settled by war twenty years ago." Not so! Prior to the war State-rights men adhered to the doctrine that secession was a legitimate and proper remedy for the States to resort to in case the Federal Government invaded the sanctity of their reserved rights. The Virginia and Kentucky resolutions of 1798 and 1799 declared that the States were themselves the judges of infractions of the Constitution, as well as of the mode and measure of redress. There were but two questions settled by the war. One of these was African slavery, and the other was the right of a State to secede from the Union for any cause. These were submitted to the high court of force and decided in the negative. I was on the losing side in that trial.

I, in common with my confederate comrades, made the best fight we could, and with the same degree of good faith, manhood, and courage with which we fought we accepted the award and will ever stand firmly by it. But that which was not involved was not decided, and consequently, speaking for my single self, I have not surrendered on the character of this Government and never will. I maintain that this Government is now just what it always has been since the ratification of the Constitution, a federal republic, made so by that instrument, a government of limited and enumerated powers; in other words, a great government without power further than is expressed or necessarily implied in the instrument of its creation. He alone who observes the Constitution and respects its provisions is a true friend of constitutional government.

If anything more were wanting than what I have already said to prove that a government of limited powers is best, the annually increasing number and variety of bills brought before Congress demonstrate its utter inability to do the legislation which ought to be done, and if it goes outside of the Constitution in order to enlarge its jurisdiction it will but hasten the ultimate failure of the Government as a republic, to be succeeded by anarchy or monarchy. The late war had no other effect on the Constitution than is shown by the last three articles of amendment. In all other respects the Constitution is the same, and these three did nothing more than to emancipate the slaves, enfranchise them, and make them citizens with equal political and civil rights with white people.

The late Chief-Justice Chase, the most lucid and learned judge who ever sat upon the bench of the Supreme Court of the United States with the exceptions of Marshall and Taney, in the case of White *vs.* Texas, in one short sentence emblazoned upon the judicial record in letters of crystal splendor the true character of the Government of the United States when he declared that the Constitution established an indissoluble union composed of indestructible States. The one can not subsist without the others. This declaration was at once the illumination and comprehension of a grand system of government as it is and as it was after the crucial test of a war that shook the continent; yes, and as it will be recognized with advancing years when the young men who are to succeed us, growing with the marvelous growth and development of the country, shall assume the enlarged responsibilities of their time. Let them find no bad precedent without a protest, and in the dim vista of the future this great Government will be more perfect and its hundreds of millions of people will in all that makes them great surpass

those of any nation, ancient or modern. This is my Government and the only one to which I shall ever owe allegiance. I was once its honest enemy for cause. So were my people. With no repentance, no apology for the past, we are now its friends, and cordially unite our voices with those who sing—

The Star-Spangled Banner! long may it wave
O'er the land of the free and the home of the brave

The Bonded Extension Bill.

SPEECH

OF

HON. BISHOP W. PERKINS,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. PERKINS said:

Mr. CHAIRMAN: I can not in the few minutes allotted me discuss the many features of this proposed legislation, nor do I expect to contribute to the information already gained by this committee during this discussion. In fact, in my judgment, the distinguished gentleman from Massachusetts [Mr. LONG] in that admirable speech of his exhausted this debate.

But believing this proposed legislation to be bad in principle, and thinking it would be vicious in practice, I desire to briefly notice the logic of some of the appeals made to us by the advocates of this bill.

We are told that these taxes are imposed and these restraints enacted as penal legislation—the taxes imposed as penalties and the restraints enacted to prevent fraud and a corrupt debauching of the public service; and we are assured that the legislation has been measurably successful, and hence it is argued that it should be stricken down or repealed.

If the eloquent gentleman from Ohio [Mr. HURD] is correct in his statement of the proposition, to my mind the logic of the argument furnishes one of the strongest reasons that can be offered in opposition to this bill.

But by others we are told that this is a great industry struggling against adverse circumstances to sustain itself, and that, involved in debt in consequence of the non-consumption of its manufactured products, it should as a debtor to the Government be favored by this proposed legislation.

The logic of this argument is that temperance and sobriety have been growing in this country until we find the distillers organized and at the doors of Congress asking for relief, and confessing they can not sustain themselves without governmental assistance. They beseech us to modify existing law, enacted, as is admitted by all, for worthy purposes, that they may thrive and prosper upon the favorable legislation. This is their demand, and in the piteous tones of old they cry, "Save me, Cassius, or I sink;" and this demand necessarily involves one of the great moral questions of the day. Why should this aid be extended? Why should this industry be encouraged by special legislation? Why should the Government of the United States become a partner in this business, furnishing the capital as a banker, while the work of manufacture and of accumulation goes on? In what do these distilleries contribute to our growth and grandeur? In what do they contribute to our material prosperity and greatness? In what do they contribute to our happiness and honor? In what do they contribute to education, Christianity, and a better government? In what do they add to our greatness abroad and to our pride and boast at home? In what do they contribute to comfortable homes and to the happy prattle of innocent childhood? These are some of the many questions that necessarily press themselves upon our attention in considering this appeal to our sympathies and to our favors in behalf of the millions invested in the manufacture of rum in our land.

Again, we are told in this debate that the taxes due to the Government from manufactured whisky are not needed, that we have an overflowing Treasury, and that without wrong or prejudice to any interest or to any branch of the service this favor can be granted the distillers. With what consistency does this argument come from the Democratic side of this House, when we remember that from the first day of this session to the present it has been assuring us that we must have a retrenchment of governmental expenditures; that the country could not stand the vast sums annually appropriated for carrying on its affairs, and in consequence of which the several departments of this Government could not be given the appropriations requested.

If this statement is true, why was it that the advocates of this bill voted to cripple the railway postal service of the country and refused to appropriate money enough to pay the faithful and overworked servants of the people now employed in that service? Was it that the railway postal service, which carries happiness and pleasure to every home in the land, visiting every hamlet and contributing to every industry, might be sacrificed that rum-making might be preserved and encouraged? But in my judgment this tax is needed, and sorely needed, and will be so long as we have poor, illiterate children to educate and maimed and crippled defenders of this nation to pension.

If this tax is not needed for other purposes, I would have it levied upon the manufacture of whisky until every poor and deserving soldier of the recent war is pensioned, and until every widow and orphan left in want by that merciless conflict is made happy by the nation's charity. And again we are told, in pathos and genuine sympathy, that if this proposed relief is not granted ruin and disaster will break down their industry. And then they ask us, What will you do with the farmer's corn? I answer in the language of the Hoosier in Indiana, when DAN VOORHEES, from the hustings, put substantially this same inquiry to the people of his State: "If," said the old Hoosier, "they manufacture less whisky and consume less corn, we will have better men and less hell." And, Mr. Chairman, with the logic of the old Hoosier, I submit this debate.

Liberal Pensions to Soldiers and Sailors and their Dependent Ones, but No Pensions for Civil Services.

The more you examine this matter the more you will come to the conclusion which I have arrived at, that this is neither more nor less than a gigantic system of outdoor relief for the aristocracy of Great Britain.—*John Bright on England's civil-pension list.*

SPEECH

OF

HON. S. M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 2, 1884.

I would persuade my countrymen that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness or their liberties protected, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings like the dews of heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires—such a one only under which our States may remain, for ages to come united, prosperous, and free.—*Andrew Jackson*

On the bill (H. R. 999) granting a pension to Septimia R. Meikleham, sole surviving granddaughter of Thomas Jefferson.

Mr. STOCKSLAGER said:

Mr. SPEAKER: Together with three of my colleagues of the Committee on Pensions, I signed the minority report of the committee which has just been read, and which recommends that the bill and amendment be indefinitely postponed.

What is this bill? It is a bill to grant a pension of $2,500 per year during life to Mrs. Meikleham, who is the sole surviving grandchild of Thomas Jefferson, author of the Declaration of Independence, and the third President of the United States.

It is based upon the ground that for the great services performed by Thomas Jefferson in framing that matchless instrument, which has no equal in literature, the Declaration of American Independence, and other services as President of the United States, we should pension his grandchild, Mrs. Meikleham, because she is his sole surviving grandchild and because she is in need.

Mr. Speaker, I confess that if the basis of our legislation was sympathy and sentiment, this is a case which would appeal to both. Certainly to none of the great founders and preservers of this Republic do we owe a greater debt of gratitude than to Thomas Jefferson. Even Washington, who is sometimes called the father of the country, did no more, in my judgment, to give us our matchless form of government than did Thomas Jefferson. To Jefferson more than to all others together we are indebted for the exclusion of the Hamiltonian theory of "a stronger government" or a "kingly form of government" and the adoption of our democratic-republican form of government, under which we have grown and prospered without a parallel in the history of the world—a government which to-day challenges the governments of the world ancient and modern, for an equal in all things which tend to the liberty, peace, and prosperity of all the people. Far be it from me to detract aught from the name, fame, or achievements of this greatest of Americans. But, Mr. Speaker, this body is not a great eleemosynary institution to provide for the poor and needy, however illustrious or however humble their ancestry. It is a body controlled and limited by a written constitution, and whose powers and duties are therein plainly

laid down. And no man who ever lived in this country was a more powerful advocate of a strict construction of that instrument than Thomas Jefferson. He was indeed the founder of the great party of which I am proud of being an humble member, and one of its chief tenets then was, and ever since has been, "equal and exact justice to all; favoritism to none."

But, Mr. Speaker, aside from the constitutional phase of the matter, there are other very grave reasons why this bill should not pass. That the principle involved in the bill and the practice to be inaugurated by its passage are thoroughly wrong and mischievous, my good friend, the gentleman from New York [Mr. ROBINSON], who is the author of this bill and who prepared the report, will freely admit. I am sure he is opposed to the inauguration of a system of civil pensions in this Government. I am sure he condemns it as heartily as any one upon this floor. But he will appeal to the sympathies of members in behalf of this poor woman and say that it should stop after this bill is passed. Does my honored friend not know that such appeals will always be made in favor of the inauguration of such a system, or the enlarging it by adding class after class to the list? He must, he does know it. Why, sir, one of the cases in which this odious system was enlarged in the last Congress was gotten through this House by the most earnest appeals to members. I refer to the bill increasing the pension of Mrs. Lincoln to $15,000 per year. It was stated that she was poor and sick and had not the means to procure necessary medical treatment. It was passed. A short time ago she died, and it was stated at the time by the newspapers that she had $70,000 in bank. If you legislate upon any such a principle you are at sea without rudder or chart.

In the early days of the Republic such a thing as a civil pension was not dreamed of. Even Hamilton, the great advocate of a kingly form of government, admitted the inexpediency of civil pensions in this Government. In the seventy-ninth number of the Federalist, written by him, in discussing that feature of our Constitution which provides that the salaries of the judges of the United States courts shall not be diminished during their term of office, and in opposing an enforced retirement of judges after they arrived at a given age, he uses the following language:

> In a Republic where fortunes are not affluent and pensions not expedient, the dismission of men from stations in which they have served their country long and usefully, on which they depend for subsistence, and from which it will be too late to resort to any other occupation for a livelihood, ought to have some better apology to humanity than is to be found in the imaginary danger of a superannuated bench.

From the foundation of the Government down to the year 1869, no attempt was ever made to establish a civil-pension list in this country. The Republican party in 1869, when they increased largely the number of Federal judges, added to the bill making the increase the following provision:

> Any judge of any court of the United States who, having held his commission as such at least ten years, shall, after having attained the age of 70 years, resign his office, shall thereafter, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation. (Statutes at Large, volume 16, page 45.)

Many of us remember too vividly the humiliating spectacle which we witnessed during the last Congress growing out of the operation of this vicious law. The Supreme Court was overwhelmed with work and was years behind. One of the judges, who had not served long enough to entitle him to the retired pension under the law, was a hopeless invalid and could do no work at all; but he tenaciously held on and refused to resign so some one could be appointed who could perform the duties of the position, drawing his salary and performing no service, waiting until the time should elapse that he would be entitled to a pension. Congress was appealed to, and an exception was made in his case so he could draw his pension, and he resigned. I hope we may never witness such another scene. I am glad to know a bill has been introduced in this House repealing this provision. I hope it will be repealed, and we will not be troubled with it again.

When that measure was under consideration in this House, my predecessor, the illustrious Michael C. Kerr, with his clear, statesmanlike vision, saw the danger from such a precedent, and used this language in opposition to it:

> I have, however, several objections to the substitute offered on behalf of the Committee on the Judiciary. The first objection is that it undertakes, as a pioneer measure, as an initial enactment, to introduce into our system of government the practice of pensioning retired officers. It proposes to pension judges not only of the Supreme Court, but of the circuit and district courts, whether State or Territorial; to pension all of them after they shall have served in a judicial capacity for ten years. It is the first attempt, so far as I know, to organize in this country a civil-list, a pension-list of retired officers, and that, too, upon full pay. I think it is intrinsically a pernicious and a vicious proposition. I think it is not in harmony with the principles of our Government, with the principle of representative, elective, republican government. * * * Once establish the practice of retiring and pensioning officers, although now limited to the judiciary, and it will be speedily extended to numerous other classes, and will soon become a great source of additional expenditure, and, in my judgment, a very great evil. Establish the principle, and its rapid growth will be assured.

No language could express the objections to this whole system more tersely and fully than was done by Mr. Kerr.

One of the very evils against which he then inveighed so ably and eloquently we find present with us to-day—that of adding other classes. The last Congress was fruitful in precedents. A bill was passed to pension Mrs. Garfield, Mrs. Polk, and Mrs. Tyler, which, with Mrs. Lincoln, who had been previously pensioned, are all the widows of Presidents who were then living. A precedent was thus made of pensioning widows of Presidents at $5,000 per year, more than five times as much as the poor soldier who lost both his eyes and goes wandering up and down the earth in total darkness.

My friend from New York, Mr. ROBINSON, is disposed to criticise the minority of the committee because some of the members signing the minority report were members of that Congress, and did not protest against the passage of that bill.

Mr. Speaker, that bill originated in this House. We were in the midst of the deepest sorrow over the assassination of the Chief Magistrate of the nation. His long and painful suffering and the devotion of his wife to her husband had filled the hearts of our people with sadness and sorrow, and with deep and tender sympathy for Mrs. Garfield. The Senate amended the bill by including Mrs. Polk and Mrs. Tyler. In this connection I desire to repeat what I said in the last Congress upon this subject, the first opportunity I had:

> With undue haste, within a few months after the death of President Garfield, we gave his widow a pension five times greater than that received by the widow of any soldier who lost his life in any of our wars. The poor soldier who lost both his eyes in defense of his country, and who must spend the balance of his life wandering up and down the earth in total darkness, now gets a pension of less than one-eighth the amount given her; and all this, Mr. Speaker, with the full knowledge of the fact that she was the owner of property estimated to be worth $400,000, over $300,000 of which is in bonds, money, and stocks. Sir, I regret that Mrs. Garfield did not refuse to accept the pension voted her, and thus rebuke our action in voting it to her. It would have been a noble example to which we could have pointed with pride in all future time. After the bill passed this House the names of Sarah Chfldress Polk and Julia Gardner Tyler, the widows of ex-President Polk and ex-President Tyler, were added by the Senate, and they were each given $5,000 per year. It was represented that these ladies were needy. A precedent for pensioning the widows of ex-Presidents has thus been firmly established during this session of this Congress. The Government has been gradually drifting into a paternal government; and opposition to that bill would have been useless in this House; and the person who would have dared to interpose an objection would have made himself an object of ridicule in this House, and, I fear, by a great many persons outside of this House.

It did not stop there. That Republican Congress added persons disabled or incapacitated by disease in the Life-Saving Service and also in the revenue-marine service, all strictly civil employments. Bills were also introduced placing employés of the railway mail service and the internal-revenue service who were disabled in service on the pension-roll. In the Senate, the great apostle of the Republican party, Mr. EDMUNDS, introduced a bill to place all the employés of the Government who may retire or be retired one year's pay, and after fifteen years' service, two years' full pay; after twenty years, a pension of half-pay; after twenty-five years, a pension of two-thirds; after thirty years, three-fourths pay; after thirty-five years, four-fifths pay; and after forty years' service, full pay. This was certainly a grand scheme to pension upon the country the Republicans who have been employed so long in the public service, but whom he expected to be retired after the next Presidential election. This shows the growth of the system if once entered upon, and is a warning to us to stop here and now and not go further in this way.

I beg gentlemen to pause before they establish another precedent, a precedent which will be construed in favor of the grandchildren of all our Presidents. My distinguished friend from New York says the pension is not asked on account of his services as President, but because he was the author of the Declaration of Independence, and the precedent could do no harm, as there can be but one author of that instrument. That is true. But it is also true there can be but one author of the emancipation proclamation, and so we will find that pensions will be asked for many other persons who have performed distinguished civil services. The whole system is wrong. It rests upon a theory of government which our fathers abhorred. It is an outgrowth of monarchy. It is the worst kind of class legislation. It fastens the governing class, party, or family as pensioners upon the Government. John Bright, the great English Liberal, in referring to England's civil-list, says:

> The more you examine this matter the more you will come to the conclusion which I have arrived at, that this is neither more nor less than a gigantic system of out-door relief for the aristocracy of Great Britain.

If we would avoid a similar condition of affairs in this country, let us beware of establishing the dangerous and subtle precedent proposed by this bill.

It may be said, We are granting liberal pensions to the soldiers and sailors of our wars; why not pensions in the civil service. I admit we give our soldiers and sailors and their dependent ones larger and more liberal pensions than any other country in the world, and I thank God for it. I would go further. I wish to say here and now I am in favor of the most liberal pensions for military and naval service. The principle is right, and has been acquiesced in ever since the foundation of the Government. It has never been our policy to keep up a large standing Army in time of peace, like the locusts of Egypt, to eat out our substance, but we depend upon the patriotism and intelligence of our people, upon our volunteer soldiery; and if we are true to our pledges and promises to the soldiers and grant liberal pensions, we need never fear that they will fail us in the hour of need.

The hazard of the service and the insignificant pay they receive is another reason for pension. The soldier, for the mere pittance of $13 per month, leaves home, family, friends, and loved ones behind, takes

his life in his hand and offers it a sacrifice, if need be, on the altar of his country.

How is it with civil employés of the Government? Government positions are sought because of the honor and emoluments they offer, and for no other reason. A hungry band of them is always on hand, Micawber-like, waiting for something to turn up. They are not compelled to remain in the service. Even a Federal judge who has urged his appointment, if a railroad corporation offers him more, accepts it and resigns his position. This illustrates the difference.

Again, civil pensions are anti-republican and anti-American. They savor of orders, classes, and royalty. We want no more of them in this country. There is too much of them already. The great masses of the people heartily despise them. We have our swells and our snobs everywhere. New York is said to be more essentially English than either Manchester or Liverpool. Indeed, it is said coats of arms and such toggery are more common in the fashionable drives in New York than in London. Sir, they are even found in the offices of the Federal Government. The Attorney-General of the United States, Mr. B. Harris Brewster, has his coat of arms, which he not only displays upon his carriage and the gilt trappings of his horses, but has even had the amazing hardihood to have it stamped upon the portfolio of his office. Out upon such aping of royalty! Why, sir, what would Washington, Jefferson, or Old Hickory have thought of such performances? It is a disgrace to our time.

Mr. Speaker, even out West, in my own State, we have a great man, an aspirant for the Republican nomination for the Presidency, who, according to the public prints, is not satisfied with being the grandson of his grandfather, but is now busily engaged in an attempt to trace his ancestry back to the Plantagenets of England. But, sir, I am persuaded that this will not aid his Presidential aspirations. I believe he will find that on the broad plains and prairies of the great West, in the pure democratic atmosphere of that region, if not in this whole country, a plain farmer in homespun blue-jeans, if worthy and qualified, is more popular than a kid-gloved scion of royal aristocracy. The people of this country do not believe in "blue blood" or in a "divine right to rule," and they will have none of it.

But, Mr. Speaker, the rapid growth and the effect of a civil-pension list may be seen by an examination of England's civil pension list.

I desire to call the attention of the House to a partial list. Many amusing things appear in it, and it will repay perusal.

I will first call attention to the dukes, marquises, and earls only, leaving out viscounts and barons:

Dukes	28 families and	519 relatives have drawn	$48,800,450
Marquises	33 families and	626 relatives have drawn	41,529,950
Earls	200 families and	3,391 relatives have drawn	240,906,010
Totals	261	4,536	331,236,410

Then follows the royal family, to wit:

Her Majesty the Queen	$3,096,895
The Prince of Wales	600,915
Prince Alfred	132,980
Prince Arthur	132,500
Prince Leopold	126,750
Princess Royal	40,200
Princess Helena	30,000
Princess Louisa	30,000
Duchess of Cambridge	30,000
Princess Augusta	15,040
Duke of Cambridge	111,015
Princess Mary	25,000
Prince Edward (of Saxe-Weimar)	16,785
Princess Leiningen	7,300
Prince Victor of Hohenlohe	9,300
Households of deceased sovereigns	29,825
Total annual payments in connection with royal family	4,434,865

Then follows a very singular list, called civil-list (royal) pensions. This class is made up of the special pensions granted by the Crown, contains hundreds of names, and the imperfect list which I have seen only runs back to 1838. The civil-list, however, began in 1760, upon the accession of George III, in consideration of his surrendering the prerogative of the Crown to grant lands and rents, called the hereditary revenue of England.

In 1782, on account of abuses, Parliament fixed the limit of the civil-list at $475,000, and provided that until the list was reduced to that sum the Crown should be limited to $3,000 per annum, and the grounds for granting future pensions by the Crown are fixed as "distress" and "desert."

In 1837, on the accession of Queen Victoria, Parliament empowered her to grant new civil pensions to the amount of $6,000 per annum, in lieu of prerogatives surrendered.

These pensions are granted for almost every conceivable reason, I will call attention to only a few: Sir John Newport put down "for half-century a well-paid comptroller of British exchequer and chancellor of the Irish exchequer, pensioned at $5,000 per annum." Comptrollers of the United States exchequer all get rich, I believe. Seven teachers to her majesty, namely, German, Italian, singing, writing, French, music, and dancing, pensioned at an average of $500 per annum; Annie E. Drummond, sister of Sir R. Peel, private secretary, at $1,000 per annum; a large number for literary merit, at an average of about $750 per annum; John Britton, an impoverished author; Joshua Alder, marine zoologist, suddenly reduced to poverty by circumstances over which he had no control, $350; Gerald Massey, a lyric poet sprung from the people, $350; Dinah Muloch, authoress of "John Halifax, Gentleman," $300; W. T. Best, organist of Saint George's Hall, Liverpool, $500; John Hullah, of tonic-sol-fa reputation. What that is I do not know. It may be the Committee on Ways and Means or the late Tariff Commission might inform us. But this is enough to show upon what flimsy pretexts the Crown of England has placed civilians upon the pension-list.

This list, however, is small when compared to the whole list of England's civil pensions.

I have in my hand a list containing thousands of names of persons who have been pensioned by the legislative department of the British Government. This is only a partial list, and includes men whose pension is not less than $750 per annum. The total civil list of England now amounts to over $20,000,000 annually.

The oldest pension named in the list is that to the heirs of Sir Thomas Clarges, the date of which is put at 1673, or two hundred and nine years ago. The amount paid to him and his heirs is put at $905,000.

The next is the Duke of Schomberg, who was accidentally killed by a shot from his own side in the battle of the Boyne, in 1690. In 1695 his heirs were granted a pension of $20,000 per annum, which was paid to 1854, when it was reduced to $2,000. The amount which has been paid to his heirs is put at $3,400,000.

The next oldest is that to the Duke of Marlborough, the date of which is put at 1710, or one hundred and seventy-two years ago. The amount which has been paid to him and his heirs is put at $3,420,000.

One man was pensioned for the sum of £7,191 on the excise, and for £3,384 on the post-office revenue, making the annual sum $52,875, because he was descended from an illegitimate son of Charles the Second.

Of the thousands of names upon this list, as published, less than one hundred and fifty of them have been pensioners for more than twenty-five years. Less than 5 per cent. of the names upon England's civil-pension list are of more than twenty-five years' standing. Let us take warning from this. Notwithstanding the fact that England's civil-pension list is more than two hundred years old, yet 95 per cent. of the names upon the pension-list, according to the best information which we can get, have been added within the last twenty-five years. And I think I would be safe in saying that fully 75 per cent. of them have found their way there within the last ten years.

But this is enough to show that the system of civil pensions should not be adopted in this country.

In England the royal family and its favorites are pensioned upon the government for civil services or for no services at all to the government. But our policy has always been, liberal pensions to soldiers and sailors and their dependent ones, but no pensions for civil services. It illustrates the difference between republicanism and monarchy.

The desire to create a civil-list in this country and the precedents thus far being entirely the work of the Republican party, and the opposition coming mainly from the Democratic party, illustrates forcibly the difference between the two parties. It is the same difference which existed at the formation of the Government. The Republican party, being the legitimate descendant of the old Federal party, maintains the old Hamiltonian ideas of government. And the cry of a few years ago in favor of a "strong government," a Nation with a big "N," and for "the man on horseback," as well as the declarations of Mr. Garfield in a speech in this House, in which he said, "The fame of Jefferson is waning and the fame of Hamilton waxing in the estimation of the American people, and we are gravitating toward a stronger government, and I am glad we are," indicate to thinking persons that that party is still the party in favor of a "kingly form of government." When you remember that Hamilton advocated a Senate for life and regarded the British constitution as the *ne plus ultra* of perfection, you will see the full meaning of Garfield's declaration.

The fact that the Democratic party under the lead of Jefferson originally combated that theory of government and favored the nearest approach to a democracy consistent with public order and the public good, and has continued to do so to this day, opposed centralization and favored home rule as strongly and as forcibly, marks its position and emphasizes the difference which will always exist in this country between the Democratic party and its opponents, under what name soever they may appear. And when the questions growing out of the war, the tariff question and all kindred questions, are disposed of and settled, the same difference will be found to exist.

For one, I rejoice at being an humble member of the Democratic party; and I appeal to my Democratic friends in this House to be true to the tenets of the party, and never let it be said of us that we established a precedent for civil pensions, a position which even Alexander Hamilton, the great leader of the monarchical party at the foundation of the Government, admitted was not tenable in a republic, but let us follow the teachings of the fathers; let us be governed by the teachings of Jackson, who said:

I would persuade my countrymen that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness or their liberties protected, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires—such a one only under which our States may remain, for ages to come, united, prosperous, and free.

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. RICHARD GUENTHER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 1, 1884,

On the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. GUENTHER said:

Mr. SPEAKER: I am in favor of retiring the trade-dollar from circulation, if for no other, for the reason that they are used to defraud ignorant people not only in this country but in Europe. Many complaints have lately reached us that poor emigrants are imposed upon by being induced to buy these trade-dollars, worth in this country 85 cents, for $1. I wish to have these poor people protected by withdrawing the trade-dollars, and I am in favor that the Government should give what it received for them, $1. I am in favor of the passage of the bill as reported from the committee. This bill simply retires the trade-dollar and treats them as bullion.

But after this House voted to strike out the fourth section the effect of the bill will be to increase the coinage of silver dollars. Section 4 reads as follows:

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

The effect will now be an increased coinage of the silver dollar containing 85 cents' worth of silver. I am of the opinion that there are already too many of these silver dollars in circulation. They are now piled up in the vaults of the Treasury, and nobody wants them. I do not want to see all the gold go out to buy silver bullion, have this coined into standard dollars and then hoarded up in the Treasury. I want money for the convenience of the people; the people do not consider it convenient to have so much silver in circulation as we now have. They certainly not in favor of having the amount increased; but still this with the fourth section omitted, will do this very thing.

Mr. Speaker, I am prospectively interested in silver mining, and my individual interests would lead me to vote for any measure which would tend to enhance the value of silver, as this bill, with the fourth section out, undoubtedly would. But, Mr. Speaker, I also bear in mind that I have public duties to perform, and I mean to perform them to the best of my ability, whether by doing so my private interests may or may not suffer.

This consideration and the conviction that this bill as amended is not for the best interests of the whole people, but intended to bull the silver market, I must cast my vote against it.

The Bonded Extension Bill.

SPEECH

OF

HON. D. H. SUMNER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. SUMNER said:

Mr. CHAIRMAN: The measure under discussion, proposing to extend the time within which the internal-revenue tax on the manufacture of whisky shall be paid, is purely a question of policy, to be determined in accordance with a wise and rightful exercise of the authority vested in the Government for the purpose of laying and collecting taxes.

The only purpose for which taxes may be laid and collected is that of revenue for the necessary and legitimate uses and expenses of the Government. Beyond that the Government has no right or authority to go, and any taxation outside of that is an arbitrary and unwarrantable exercise of power.

There are two methods of obtaining revenue for the General Government: One by indirect taxation under tariff laws imposing duties upon imports; and the other by direct taxation—never resorted to except in cases of great emergency caused by the existence or results of war—imposed and collected, not by the general officers of the Government, acting under and by virtue of general laws, but under the direction of a special act brought into existence because the revenues from tariff taxation were, for the time being, insufficient.

Under the indirect system of taxation, that imposed by tariff laws, it is settled that one of the resultant or incidental objects may be the encouragement of or protection to our domestic industries. In considering such a law a very wide range of thought and discussion is entirely legitimate and proper, because it involves questions of international policy, commercial relations with foreign countries, and their bearing upon our national policy and welfare. But here we have nothing of that kind. The taxes involved under the terms of this bill are only those direct taxes that are imposed upon the products of the labor of our own people. In this case, then, no one will claim that the Government has a right to collect revenue beyond the necessary and legitimate uses of the Government. That would be drawing from the business of the country a large part of the capital invested in that business and locking it up in the vaults of the Treasury and keeping it in idleness. The power to tax gives no such power as that. The power to collect revenue gives no power to hoard the money of the people and prevent the legitimate use of it by them in their own business affairs. A failure to pass this bill will have just that effect.

The facts out of which arises the necessity for the relief asked in this bill are as follows: The Government imposed, as a war measure, an internal-revenue tax of 90 cents per gallon for all whisky manufactured in the United States, which tax must be paid and the liquor removed within three years from the time of distillation. This, in effect, throws the article upon the market when the three years expire, whether there is a demand for it or not. The taxes on about 70,000,000 gallons are now, or soon will be, due, amounting to more than $60,000,000, for which there is no immediate demand, and the relief asked for in this bill is that the time for removing the liquor and paying the tax may be extended for another three years, upon the express condition, however, that the owners secure and pay to the Government interest on all taxes due and not paid at the rate of 4½ per cent. as long as the extension is accepted and taken advantage of. Another feature of the situation is that at the time this relief is asked there is a surplus of revenue, amounting to about $150,000,000, lying idle in the Treasury, with an estimated increase for the year of about sixty millions, from which it appears that there has been collected and is in the process of collection in the neighborhood of $200,000,000 of taxes in excess of what was and is needed to meet all the legitimate uses and expenses of the Government. Then, it must be remembered that the tax the payment of which this bill is intended to suspend for a time is a tax of about 400 per cent.—that is, a tax that is four times the amount of the original cost of the thing taxed.

Suppose, for the time being and for the sake of the argument, we do not take into consideration the fact that the Government has already assessed and collected a very much greater amount of revenue than it has any right or authority to do, because in excess of the needs of the public service; also, that it has assessed under this special internal-revenue system vast sums in excess of what it has any right or authority to collect, because not needed as revenue to be expended for the support of the Government, and that it is now hoarding in idleness a hundred and fifty million dollars of the people's money which ought to be in circulation as a part of the business capital of the country—we ask what right has the Government to demand and what wisdom is there in the policy that requires the withdrawal of upward of sixty millions more from the circulating medium of the country, and to that extent lock up capital and cripple the business interests of the country just at the time when all departments of the Government are industriously inquiring for a plan that will supply a circulating medium to take the place of the present currency that is being gradually but surely contracted, and must soon go below the demands of business and the wants of the people?

One of the answers we have heard is that the necessity for the extension arises from overproduction, and that overproduction is not a good ground for relief. This we regard as a mere pretext. Overproduction! Think of it! One of the very worst features of the present political situation, that which tempts every man in or out of Congress, that which incites and inaugurates extravagance in the public expenditures and fosters corruption in partisan politics, is an overproduction of revenue. Does it follow that because the Government has been and still is guilty of an overproduction of revenue by excessive taxation, by and under the acts and advice of the opponents of this bill, that these manufacturers are guilty of that which merits condemnation because they furnished the farmers of the country with a good market for their grain and cattle somewhat beyond the demand for the manufactured article three years after the exercise of their judgment? It seems to me not.

But the strangest part of this overproduction argument is found in the allegation that the overproduction was brought about by the distillers with the intention to cheat and defraud the Government of the taxes thereon. This charge is sufficiently answered by the fact that it is now and always has been utterly impossible for distillers to cheat the Government out of one cent of internal-revenue taxes. Every dollar's worth of property, real and personal, that is in any way connected with the distiller's business is under the absolute control and in the possession of revenue officers, and every move that is made and every

act done by any one in connection with the business is by and under the sole and direct supervision of Government officials. They weigh the grain, take proof of the standard, measure the product when done, and finally keep it in charge until the taxes are all paid. And this even is not all. The distiller is at all times under bonds in at least double the amount of any and all possible liability, with good and sufficient sureties, and the minute that any crookedness is discovered all his property is liable to be seized and forfeited, fines and penalties imposed, and imprisonment enforced. Fraud is impossible on the part of the distiller.

We are asked, however, what about the whisky-ring frauds? I am glad of an opportunity to answer this question. The whisky-ring frauds were inspired by the demands of the Republican party bosses for a corruption fund, and inaugurated and carried on by the Republican officials in charge of the distilleries. It was the result of a conspiracy between the Republican bosses and certain disreputable distillers by which it was expected to furnish a perpetual campaign corruption fund with which they could defy and defeat all appeals for reform and honest government. But the whisky-ring frauds have nothing whatever to do with the questions arising under the provisions of this bill. Those frauds were perpetrated during the process of manufacture by secretly drawing off and not delivering to the Government a certain proportion of the whisky manufactured, while this bill only asks for an extension of the time within which to pay the taxes upon what has been manufactured, delivered to, and is now in the possession and under the control of the Government. One word further in regard to overproduction. For every 22½ cents the distiller expends in the manufacture of a gallon of whisky he becomes liable to the Government for 90 cents tax. Who, then, is most benefited by overproduction? The Government gets four to one.

The opposition to this bill is founded, as it appears to me, almost entirely upon selfish motives, coming from as many different sources as there are different interests having particular ends to serve. At the head of the list we find the prohibitionists, whose sole object seems to be a desire to cheapen whisky and in that way cause an increase of drunkenness, so that they can have a larger field from which to select examples to illustrate the doctrines of their party. Next in vehemence of denunciation is that party of great moral ideas, known of late years as the Republican, whose death struggle is being waged, so far as this question is concerned, upon the hope of being able to win back the prohibitionists by joining hands with them against this bill, and the success of their plan to gain the support of those representatives of the liquor interests who desire to escape taxation by advocating the repeal of all laws imposing a tax upon the manufacture of whisky. What a combination! How comprehensive and all-satisfying is this great plan—this much-lauded God-and-humanity party framing a platform that both liquor dealers and prohibitionists can stand upon, at least for one political campaign. Whose throat will first feel the knife? Which lamb shall be sold first to relieve the necessities of this combination of contradictions?

The two elements I have just been speaking about, Prohibitionists and Republicans, act from the inspiration of partisan zeal, always Republican. But much of the opposition to this bill seems to come from Democrats. I expected to see protection Democrats join with protection Republicans in working for its defeat, because the continuance of protection in all its glory depends upon the repeal of the internal-revenue laws. A reduction of taxation is demanded by the people generally, and both parties recognize the fact. The point of dispute is, shall that reduction of taxation be by reducing the tariff on imports, as advocated by the Democracy, or by repealing the tax on whisky, as advocated by Republicans and protection Democrats? This is the way the issue is being joined, although, if we were to take them at their word, that a reduction of tariff rates will increase the revenue, the repeal of the whisky-tax might be joined with the reduction of the tariff rates.

This, then, is the issue: Protectionists, Democrats as well as Republicans, demand cheap whisky as a luxury, and the tariff reformers, Democrats and Republicans, demand cheap clothing, coal, salt, sugar, lumber, and other necessaries and conveniences of life. Can any friend of the workingman hesitate as to which side he will support? But that tariff-reform Democrats should oppose this bill I did not expect. They do, however, on this ground: that any favor extended to the manufacturers of whisky may, and probably will, be construed to mean not only relief by extending the time for the collection of the tax, but an act amounting to an indirect pledge to repeal the tax on whisky within the period of extension, to which they stand unalterably opposed.

This combination of adverse circumstances and conditions will probably defeat the bill. But that fact will not influence me in the least in regard to the vote I intend to cast in its favor, for I believe it to be founded upon the just rule that relief should be granted in all such cases where it can be done with perfect safety to the Government, without injury to any, and with advantage to many of our citizens.

There is another principle indirectly involved and discussed in a general way by the friends of the measure that I wish to indorse and emphasize in this connection, which is that the *collection* of a special tax upon manufactured articles intended for sale and not to be used until after sale, the market for which must depend upon supply and demand, should not be enforced until it is ready, in the judgment of the owner, to be put upon the market for sale. This ought to be provided for by a general law which would obviate the necessity for special legislation upon any such subject.

The discussion of the temperance question has entered quite largely into this debate, although wholly inappropriate, as it seems to me. So far as that question is concerned, I wish it distinctly understood that, according to my judgment and understanding, Congress has very little to do with it under the Constitution. The regulation of the sale and use of alcoholic liquors is a mere local question that belongs almost exclusively to the States. Several gentlemen have indulged in radical temperance speeches composed mainly of denunciations of the men engaged in the manufacture and sale of alcoholic liquors, which I regard as very much out of place, unfounded in fact, and opposed to right principle. They proceed upon the assumption that the use of alcoholic liquors is injurious to the human system. That is very far from being a settled question. It must not be assumed that because the abuse of the article is an evil, and a calamity to the individual guilty of it, the right and reasonable use of it is to be condemned.

I feel safe in assuming that if we find the peoples most advanced in the arts and sciences, most distinguished in war and accomplished in peace, and standing at the head of civilization and enlightenment, have always been and still are most notorious for their general and free use of alcoholic liquors, we can very safely assert that human observation and experience does not prove that the mere use of them is injurious. In illustration of this position look at the French, the Germans, and the English-speaking peoples, and tell me what conclusion you arrive at, favorable or unfavorable. The use of alcoholic liquors in this country has for a long time been steadily on the increase, while drunkenness has as steadily and surely decreased. I mean by this that the use is more general but less excessive. The principle upon which our Government is based, the right of individual action coupled with individual responsibility, is the true one, and not only in the exercise of the right of suffrage but in the regulation of individual conduct. It is in fact a matter of personal liberty. Every man has a right to think and to worship according to the dictates of his own conscience, and every man has the same right to eat and drink according to the demands of his own physical and mental requirements and condition, he being the sole arbiter and judge so long as he does not interfere with the rights and privileges of others. Equality of rights and equality of responsibility is the foundation of safe and durable government.

Post-Office Appropriation Bill.

A self-supporting postal service made inefficient and the great business interests of the people jeopardized in order that an appropriation bill may aid in consummating political results.

SPEECH

OF

HON. HENRY H. BINGHAM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 11, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885—

Mr. BINGHAM said:

Mr. CHAIRMAN: I come to the discussion of the bill now before the House, making appropriations for the Post-Office Department for the next fiscal year, ending June 30, 1885, with but one governing purpose and one controlling line of thought—that the postal service of the country, a great governmental monopoly, should receive through the wise legislation of Congress every necessary appropriation, properly guarded, that will contribute to the wants, convenience, and business requirements of the millions of our people who daily use the service and who by direct taxation contribute the revenue for its maintenance. If the Republican party last year or at any time failed to intelligently appreciate the necessities of the people and by limited appropriations crippled or in any wise impaired the efficiency of the postal service, which I deny, it becomes an example to be shunned and not in this debate to be quoted as an authority warranting a like procedure. The appropriations for the current year and the preceding year are only to be examined from the standpoint of their fruitfulness and completeness. Where failure is apparent we must apply a remedy, where there has been a surplusage we should curtail, and where there has been a non-appreciation of growth and healthy development we should, without regard to party or party advantage, judiciously and generously legislate. Certainly there should be no difficulty in ascertaining the necessary requirements for a wise, progressive, efficient, and complete postal serv-

ice. It is a department where the great mass of work done is clearly exhibited in the annual reports and expressed in figures easily understood. In its every division or bureau the percentages of the increase are apparent and well defined. Its employés are paid fixed salaries and its work is done under statute requirements or contract obligation.

No department of the Government is so nearly allied to the people. No appropriation bill passed by Congress so directly reaches the great mass of the educated and uneducated as the bill now under consideration of the House. You may legislate for the Navy and your action may destroy the *esprit de corps* so essential; by the mustering out of great sailors or by the consolidation of grades in the service present a seeming economy, and thereby limited appropriation. The legislation affects but few and the murmurs of condemnation never reach your ears. You may refuse to build new cruisers and properly arm your vessels for offensive and defensive purposes, and while conditions of peace and prosperity surround us no severe criticism or condemnation will be visited upon the dominant party responsible for the legislation. The same line of illustration might be fairly presented with reference to your action upon other departments of the Government. They concern but the limited number, and so long as your measures are not radical assaults upon the industries and labor of the country they are accepted, provided disaster does not follow. But the one exceptional appropriation is contained in the bill now before us; it is individual; it has a character of its own. When you fail to give the necessary means for the complete usefulness and efficiency of the postal service you will find a response from the country neither pleasant to be heard nor agreeable in its application. The people prefer a high rate of postage and assured efficiency of the service rather than a low rate if with it should come inefficiency and curtailment. Reduced postage must not be made the excuse for reduced and insufficient appropriations.

Our Post-Office Department to-day compares favorably in its administration of the service with any in the civilized world. It has a vast body of trained, experienced, and faithful subordinates. Recent legislation has contributed to broaden its usefulness and strengthen its organization, its *personnel* scores a high standard, and its equipment is modern and advanced.

By the act of March 3, 1883, a readjustment of the salaries of 48,000 postmasters was effected, and for the first time, for absolute work done, a corresponding compensation has been allowed—no compensation secured through influence or favoritism, but specific salary fixed for specific work done. Every postmaster in the country knows just what he is entitled to, and the great body of these officers, indicated as fourth class, receive under the act of 1883 an increased allowance, because of heretofore inadequate compensation. In the comprehensive act of readjustment but one exception has been made by the committee presenting this bill, and that applies to some nine offices, and to which unjust discrimination I shall refer later in the debate.

The money-order business, aggregating during the past fiscal year upwards of $125,000,000, was by legislation in the Forty-seventh Congress extended, the fees charged for service reduced, and the introduction of the postal note effected a convenience which, when offered to the people, they have not been slow to accept.

The letter-carrier service for the first time is now upon a basis of capacity and fitness for admission, efficiency and honesty for advancement, and an allowance of compensation that increases with service until the subordinate reaches a fair, living, just salary for the hard and extreme labor rendered.

The postal clerks are now grouped under one organization, with promotion assured only after examination if qualifications are possessed, with compensation reasonable and acceptable, and with an adjustment of labor and relief calculated to make the service reliable and trustworthy, not only as to exactness in work done but in the integrity and honesty of the official. I affirm that the administration to-day of the general service is excellent and the *personnel* efficient, because the legislation governing is wise, reasonable, generous, and the tenure of office certain. Civil-service legislation has already made its mark upon the several Departments of the Government, and while its great usefulness can not in so short a time be fully demonstrated, nevertheless two admirable results are conclusively ascertained: first, that there must be fitness for admission into the Government service; and second, once admitted, faithfulness, honesty, and capacity secure continuance. Not only is the Department in a healthy condition to properly expend for the benefit of the public the necessary appropriation, but the reduced rate of postage on letter-matter has been so generously accepted by the people in their great business and personal relations, that instead of large deficiency as estimated by the Postmaster-General in his annual report to the present Congress, every data thus far available would indicate a limited and small deficiency, should any occur. Every estimate thus far ascertained by the Department shows an increase in work because of reduced postage, which in addition to the natural growth will exhibit at the close of the present fiscal year the largest percentage of increase in the history of the service.

Will the bill now under consideration in the specific appropriations allowed carry on the service in the next fiscal year so that the wants and requirements of the people can be properly met and satisfied by this governmental monopoly? I unqualifiedly submit that it will not, and the gentleman who presents this bill knows that it will not. The Committee on Appropriations has failed, willfully failed, to recognize the magnitude of the service, the great growth of the work, and increasing business demands. The gentleman who presents this bill exhibits no familiarity with the requirements of that magnificent and mighty metropolis that adorns and makes beautiful his own industrious State—Chicago with its wealth of intelligence and activity, the business emporium of our western empire. The distinguished chairman of the Committee on Appropriations, for whom I entertain more than a high personal regard, should have brought to the examination of this bill his critical judgment and trained experience. He represents ably and at times with marked wisdom the second city of the nation; but if this measure has received his approval, certainly he has failed to know the wants and needs of that manufacturing city of homes which heretofore has found in him a willing and brave advocate.

The gentleman from New York [Mr. HUTCHINS] could not have been unmindful of the demands of his commercial and financial center, the mere mention of which typifies all that is progressive, advanced, and developed in American civilization. I am sure when we come to the details of this bill and discuss it by paragraphs there will be one of the New York city delegation [Mr. COX] who will give his vote, his rare intelligence, his thorough knowledge, and his earnest, eloquent voice in condemnation of all that is illiberal, ungenerous, inadequate, and defective. He, of all men upon this floor, knows the wants of his active business world, and his vote is never bound by party when the business interests of the people call for necessary appropriations.

In every essential that goes to the perfection of usefulness and capacity to meet the exactions of the growing work and business of the Post-Office Department the bill fails, and it fails deliberately and with malice prepense. That which is important yet secondary is allowed. The essential is always in the vocative. The bill is nominally for the conduct of the business of the Post-Office Department. It is really a bill to prevent and prohibit during the next fiscal year, because it is a Presidential year, the increase of force or appointments of men in the postal service. Whenever the estimates of necessary appropriation would allow the employment of additional men we are restricted to the allowance of the present year. Whenever material is required a reasonable appropriation is provided. The percentage of increase is admitted in appropriating for material; it is not recognized when the appropriation means additional force.

Not only is the bill political in the form and purpose I have indicated, but it carries out the notorious declaration which the metropolitan press has informed the country is to be the policy of this House in the consideration of appropriation legislation: that the estimates of the Departments submitted as necessary to maintain the Government during the next fiscal year must be reduced $50,000,000 in order that the party in control of the House can go before the people and claim special consideration because of their alleged economical and careful legislation. This magnificent result is to be accomplished without regard to either the law or the wants of the people. The contest of a Presidential year is to color all the work of this Congress. You regard legislation as but the instrument whereby you hope to accomplish purely political results. The demands of our great business world are to be wholly ignored. You think if the party in power can be prevented from appointing a few men to official place your political ambitions and hopes may be accomplished. Make no mistake; the people read motives, purposes, and results far more easily and rapidly than your Committee on Appropriations imagine. You can not starve the Post-Office Department for a single day or hour. The people are ever in relation with it, and upon this Democratic House will rest the responsibility. I emphasize and reaffirm, Mr. Chairman, wherever a division or department of the postal service requires for its natural as well as for its great increase of work because of reduced postage during the next fiscal year a single additional subordinate or employé, the bill under consideration as presented by the committee ignores the necessity and confines the Department to existing conditions of labor and men. The appropriations for men force, physical force, brain force are to be the same in 1884 and 1885 as they are in 1883 and 1884, notwithstanding the 20 per cent. of increase of work in letter-mail matter or domestic postage.

That is the teaching of this bill. That was the record made in the naval bill. It will become more and more apparent in every other bill that will be presented from your committee to this House. I will clearly demonstrate, in considering this bill in its details, that your appropriations are so limited and so meager that under the statute the service can not be maintained, and you will be forced to come to this Congress at its next session and ask for large deficiency to meet, not the growth of the service but simply its statute requirements.

Again, this bill presents to you another opportunity for political capital. Corporations receive under the statute a consideration in the form of appropriation for service rendered. This is a rare chance, and you must not let it escape.

Not content in refusing to vote additional force to meet the necessities of the service in the period of its greatest annual growth and development; ruthlessly marking down estimates and crippling the people's only means of communication which you have monopolized, you must in addition provoke possibly greater complications and incon-

veniences by attacking the railroad corporations that carry the mails, by legislating a horizontal reduction of compensation without regard to the roads that do your work in an efficient, complete, and thorough way, but at the same time give you facilities far beyond the spirit or expectation of the legislation of 1873, whereby the rates of compensation were established. The great trunk lines, which are the lungs and life of the service, are to have their rates reduced without even the opportunity of being heard, either by arbitration or by intelligent examination. They are corporations, therefore, for your political purposes, must be assaulted; and should any complications unfortunate for the mail service result you are ready with your cry, "It is another exaction and demand of corporate power!" The people will not be slow to discover your seemingly hidden purpose, and condemnation will be loud and pronounced.

I make no reference at this time to the legislation contained in the bill with reference to the land-grant, bonded, and subsidized roads. They received large aid from the generous gifts of the Government, and are therefore, by their charters, under and subject to special legislation. But it is the 5 per cent. horizontal-reduction clause in this bill that I consider unwarranted. It is a provision neither justified by examination nor investigation. It is not predicated either upon information or fact. This word horizontal has a familiar sound to the House, and is not unknown to either the industrial or labor classes of our people. Perhaps there has been a friendly and good-natured rivalry between the chairman on Ways and Means and the chairman on Appropriations as to which committee should claim precedence in submitting this novel development of statesmanship to the House and the country. It is to be regretted the Committee on Ways and Means did not secure a standing for their horizontal tariff reduction before the presentation of this bill.

The underlying general principle, which I am sure the gentleman from Pennsylvania, chairman on Appropriations, would have clearly and forcibly shown to this House as being pernicious, unequal, and unjust, might in addition and at the same time have afforded others an opportunity to quote his clear and clean-cut sentences as applicable to a horizontal reduction of railroad compensation for the carrying of the mails, especially upon the great roads that give the Department and the people every facility, convenience, and requirement. I will consider this paragraph of the bill later in the debate and submit in detail my arguments, fortified by figures and official statements.

The gentleman from Illinois, in presenting his bill, uses this language:

> While we have kept steadily in view the fact that the postal more than any other branch of the public service is constantly growing with our population, development, and business, and have conscientiously sought to make provision sufficiently liberal to promote its efficiency and avoid danger of crippling the public service, we have at the same time been mindful of our duty to the taxpayer, believing as we do that economy in expenditure is necessary in order to lead the way to the reduction of taxation. The gravest duty resting upon this Congress is the reduction of taxation. In order to accomplish that beneficent result we must see that wise economy is enforced.

Again, he states:

> Our rates of postage are almost as cheap and our facilities for conveyance as efficient as in any other country. Our system is, however, marvelous in its proportions and its efficiency. In many respects it has outstepped that of any other country in the world.

Certainly, from the gentleman's appreciation of the progressive and comprehensive character of the service and the exacting demands of 50,000,000 of intelligent people, a reasonable recognition of the necessary appropriations for a healthy and wise administration was fairly to be expected. The gentleman but raises our hopes to enjoy the pleasure of our disappointment. He indulges in rhetoric, with sentences beautiful and well rounded, but his bill carries no appreciation of the people's demands. He tells us how our "service is constantly growing with our population, development, and business," and there he stops to say "the grandest duty resting upon Congress is the reduction of taxation," and therefore you must conduct your postal business under the same allowances as last year. Grow and develop, but we can give you no additional allowance to meet the pressing wants of your growth. With what magnificent and forcible declamation did the gentleman utter the following, which I quote *verbatim* from his speech:

> As I have already remarked, we have reduced but three items below the appropriations of last year, while on the other hand we have increased the appropriations on twenty-one items over and above those of last year. The committee has investigated as far as was in their power all the items contained in this bill, and reported what they believed to be necessary for the public service.
>
> In the Third Assistant Postmaster-General's department we left every estimate made untouched in any particular whatever, because his estimates are moderate and no doubt justified by the increased business resulting from change in rate of postage.

Certainly the casual reader and those who heard the gentleman would presume his bill had been carefully framed and every requirement of the service fully considered. Let us examine it in detail, and I promise you a verification of my original proposition, that the bill fails in every essential and in every demand made necessary by the growth of the service; that where men are needed—brain force, physical force—they are not allowed, but where material is necessary, either under contract or otherwise, it is allowed, and that the summary of the bill, claiming a reduction in appropriations of $5,000,000 below the estimates of the Department, is specious, equivocal, and misleading. With what self-sufficiency he declares, "We have increased the appropriations on twenty-one items over and above those of last year."

True, the gentleman is literally correct, and I will read the paragraphs in order that the House may truly appreciate this lordly generosity and his full recognition of the wants of the people, who have by their acceptance of reduced postage increased the business on letter mail alone fully if not more than 20 per cent.—"twenty-one items increased over and above those of last year, and the entire estimate of the Third Assistant Postmaster-General left untouched in any particular whatever."

So the gentleman says. Let me read to you the items:

	Amount.	Increase.*
Rent, fuel, and light	$450,000	$10,000
Office furniture	30,000	5,000
Stationery in post-offices	65,000	5,000
Wrapping-paper	30,000	5,000
Wrapping-twine	70,000	15,000
Post-marking, rating, and canceling stamps	25,000	5,000
Railway postal-car service (not the clerks, but cars)	1,600,000	25,000
Inland transportation (star-routes)	5,600,000	350,000
Railway postal clerks	4,000,000	23,000
Mail messengers	900,000	50,000
Mail locks and keys	25,000	5,000
Mail bags and catchers	230,000	10,000
Letter-carrier service	3,600,000	100,000

*Increase over this year.

Let us now examine the items asked for by the Third Assistant Postmaster-General and the foreign mail service generously allowed by the Committee on Appropriations:

	Amount.	Increase.*
Office of the Third Assistant Postmaster-General:		
Postage-stamps	$146,000	$16,000
Stamped envelopes and wrappers	644,000	12,000
Postal cards	268,000	15,000
Registered-package, post-office, and dead-letter envelopes, locks, and seals	(?)	(?)
Engraving, printing, and binding drafts and warrants	2,500	300
Office of the Superintendent of Foreign Mails:		
Transportation of foreign mails	425,000	75,000

*Increase over this year.

Over one million appropriated to the office of Third Assistant Postmaster-General, but of this great sum, with the exception of $33,000, the whole amount is required by contract obligation. Great concession and liberality to the estimates of the Third Assistant Postmaster-General! You have given it because you were compelled to under your contract and by the requirements of your statutes. Great recognition of the growth of the postal service in the twenty-one items so willingly given to the Department. An abundance of office furniture, plenty of scales, mail-locks, wrapping-paper, stationery, letter-balances, wrapping-twine, mail-bags—quantities of this material—necessary, I concede, but not a man, no additional brain-power, no added physical force, no increase of railway postal clerks, no carriers, no mail messengers, no post-office clerks—the necessary force to handle your 20 per cent. increase of letters in their various stages from deposit to delivery—not an additional cent allowed, but ample scales to weigh them, paper to wrap them, twine to tie them, and stamps to mail them; but there you stop, and stop deliberately. The shadow of a Presidential year paralyzes your statesmanship and blinds your judgment. I repeat, plenty of material, but not one cent for brain force. Truly does the gentleman in the twenty-one items recognize the growth of the postal service.

The items of the Third Assistant Postmaster-General are allowed because under contract, and in addition the gentleman desires the people, if they want to buy postage-stamps or stamped envelopes, wrappers, postal cards, or other conveniences for mailing their correspondence, that every opportunity should be afforded, every inducement to buy offered, but no arrangement or facilities adopted to handle the vast increase of mail matter after you have purchased and paid for your stamps to mail your letters. And why? Because to appropriate for material will seem to comply with the demands of the service. Material can not vote—men can; therefore for additional force no appropriation. The bill is political, and the gentleman knows it. The gentleman comes to this House and claims with loud declamation that "the committee has allowed all the items estimated for by the Third Assistant Postmaster-General." If the gentleman when preparing the bill had taken the precaution and had followed the wise example of his predecessors and made inquiry at the Post-Office Department whether in view of the presentation of this bill, in the month of March, 1884, there was anything in error in the estimates made up and submitted by the Department five or six months ago, he would have found that there has been a radical and decided change in some of the items for which the gentleman from Illinois says "the full amount estimated for by the Third Assistant Postmaster-General was given by the committee."

I have a copy of a letter which has been in the public prints for two days (the fact has been known for some time), transmitted to the Com-

mittee on Appropriations, in which the Third Assistant Postmaster-General informs the committee that in view of the general acceptance of the 2-cent rate of postage by the people, for the first time in the history of the use of postal cards there has been a falling off from what has heretofore been an annual increase of 14 per cent. Since their introduction the annual increase has averaged 14 per cent. up to this time.

In the debate in the last Congress upon the 2-cent postage proposition it was stated that the cheapness of the rate of postage would do away with a large amount of the business that had heretofore been transacted by the use of postal cards. It was claimed, as between 1 cent for a postal card and 3 cents for a letter, the people would use the postal card; but as between 1 cent for a postal card and 2 cents for a letter, the people would use the letter. Such a declaration I made on this floor, and to-day we have the first verification of the correctness of that opinion.

We are told in this letter of the Third Assistant Postmaster-General, whose estimates the gentleman says the Committee on Appropriations "have given every cent asked for," that instead of there being 14 per cent. increase in the use of the postal card, taking the last seven months for the basis of the estimate, there was actually a decrease in their use. Therefore the Department informs the Committee on Appropriations "the estimates for postal cards can be cut down $36,000."

I charge that the gentleman presenting this bill has given all the estimates asked for by the Third Assistant Postmaster-General without consultation or that critical examination which the House and the country is entitled to in a bill carrying millions, and the letter of the Postmaster-General proves my position, and I further assert the same neglect and contempt of official experience has been followed by the gentlemen with reference to the estimates of the First and Second Assistant Postmasters-General.

As the consideration of this bill progresses we will find the gentleman will willingly accept the recommendation of the Third Assistant Postmaster-General as to cutting down the estimate for the postal cards, but when we come to any item (and there will be items) requiring necessarily an increase of the estimate, the committee, in their all-sufficient way, without any consultation with the Department, will say: "We will not accept your judgment as to an increase; we will accept it only as to a decrease."

I have given you the items where the Committee on Appropriations have acceded to the estimates of the Department. Now let me show you the paragraphs where the committee do not give the amounts estimated for by the Department, and where, to my mind, they fail to meet the demands of the growth and development of the service this year, which is but the precursor and forerunner of larger percentages for the next year. The Postmaster-General asks, "for compensation to postmasters, $12,750,000;" the bill gives $1,750,000 less than the estimate. For clerks in post-offices, $4,900,000; the bill gives $4,775,000, the same as this year and $125,000 less than the estimates. For letter-carrier service, $4,000,000; the bill gives $3,600,000; $100,000 more than the present year, but $125,000 less than the law gives and $400,000 less than the estimate. For inland transportation, $12,750,000; the bill gives $1,050,000 less than the estimates. For railway postal clerks, $4,295,000; the bill gives $4,000,000; $23,000 more than this year and $295,000 less than the estimates. For mail messengers, $1,100,000; the bill gives $900,000; $50,000 more than this year and $200,000 less than the estimates.

These are the items that appropriate for the man force and the power to do the real work of the service. Abundance of material, but curtailment of subordinate force, runs through the bill; 20 per cent. increase in domestic or letter mail and no additional force to meet the people's just claim and demands for an efficient service; plenty of postage-stamps for letters, but no men to expeditiously handle them when they reach the mails. The real work of the service is done by postmasters, postal-car clerks, post-office clerks, letter-carriers, messengers, and the railroads. The great business interests of the country are to be jeopardized that a little political capital can be gained. If the issue was made before the people upon this measure alone I am sure your condemnation would be, as it deserves to be, speedy and complete.

I invite your attention, Mr. Chairman, to the first section of the bill, line 20, office of First Assistant Postmaster-General. "For compensation to postmasters, $10,500,000." This is the first deliberate *perversion* of the law. If I did not regard the word "deception" unparliamentary I would use it. The summary of the bill shows an apparent reduction of $5,000,000 from the estimates of the Department; certainly a *specious* showing and but a seeming reduction; the statute pays the 48,000 postmasters their compensation, notwithstanding your appropriations; you know it; and no one is more familiar with it than the gentlemen presenting the bill, Mr. TOWNSHEND, of Illinois, and Mr. HOLMAN, of Indiana. The Postmaster-General submits his estimate for compensation for postmasters, $12,250,000, and your bill gives $10,500,000; $1,750,000 less than the estimate.

But the law compensates the postmasters, whether you appropriate in this bill or bring it in as a deficiency during the next session of Congress and after the Presidential contest. Why did you make it $10,500,000? I assert for no other reason than to seemingly reduce the estimates and thereby attempt to deceive the people with alleged reductions. It is easy to understand the Postmaster-General's estimate. He knows what the service cost last year, estimates its cost this year on an average annual increase of work, and reaches an intelligent conclusion. The appropriation for the present current year is $9,250,000, and the deficiency will amount to $2,000,000 or more. After going into every detail in connection with the annual growth of service, the large percentage of increase in view of reduced postage, and the readjustment and increase of postmasters' salaries under the act of March 3, 1883, the Postmaster-General submits:

I judge that the total amount required for compensation of postmasters for the fiscal year ending June 30, 1885, will be about $12,216,358.12.

I do not think the gentleman ever carefully read this report. The increase of postmasters' salaries of the fourth class under the act of 1883 has been to some extent the cause of the large deficiency for the present year. The gentleman in charge of the bill in the debate yesterday used this language, speaking of the bill for postmasters' salaries:

A much larger sum was estimated for, but if you will examine the report of the First Assistant Postmaster-General you will find the only sum positively known to be necessary as definitely ascertained for the purpose of paying postmasters' salaries will amount to $10,641,358. We have in this bill given the Department $10,500,000. The remainder estimated by the Department to make up the enormous sum of $12,250,000 is based upon mere conjecture of percentages of increase. We have given about what it is definitely ascertained will be required to pay salaries.

The gentleman's statement leaves the impression upon the House that he has correctly quoted from the report of the First Assistant Postmaster-General, and that in the allowances by the bill the amount asked for has been virtually conceded. Permit me to read in addition to the gentleman's reading just what has been said:

After a consideration of all the circumstances of the case, I am of the opinion that the amount paid for the quarter ended March 31, 1883 ($2,660,239.53), is the best present basis for an estimate, which, multiplied by four, would give $10,641,358.12 for the fiscal year 1884-'85, exclusive of the annual increase in this item.

Observe the language: "Exclusive of the annual increase in this item." Those are the words the gentleman from Illinois failed to quote, and in order to complete the sense of the proposition the First Assistant Postmaster-General continues:

Placing this natural increase at $750,000 for the present fiscal year and at $825,000 for the next year (which periods will include two readjustments of salaries at first, second, and third class offices), I judge that the total amount required for compensation to postmasters for the fiscal year ending June 30, 1885, would be about $12,216,358.12.

The garbled presentation of the report whereby an insufficient appropriation is claimed as officially correct is in keeping with the gentleman's whole argument on the bill and its paragraphs. We can conclude that but one intention runs through the bill, not to appropriate in accordance with intelligent estimates, but to present a seeming curtailment of expenditure of the people's money in order that it may be used for political purposes and political ends.

The law will give postmasters their compensation. Perhaps the gentleman is not familiar with the statute. Let me state it to him. By the act of March 3, 1813, the compensation of postmasters at all offices is easily determined, and once determined can not be changed unless readjusted under the law and at a specified date. At Presidential offices it consists of fixed rates of allowance on gross receipts; at all other offices it is fixed upon the basis of all the box-rents and certain rates of commission on the cancellation of stamps. Section 3861 of the Revised Statutes allows postmasters to deduct their compensation out of the receipts of their offices, turning into the Treasury only their net revenue. It will therefore be seen that the amount of the compensation due postmasters in any given time and the actual expenditure for compensation are entirely beyond the control of the Department; so that, whatever amount may be appropriated by Congress for this purpose, the fact remains that under existing laws the expenditure is not thereby restricted. To put it differently, the pay of postmasters is limited, not by appropriation bills but by a fixed law, and to the extent of their legal compensation the gross revenues of the postal service is not only appropriated but hypothecated to their payment. It follows, therefore, if not a dollar is appropriated in the annual appropriation bill, postmasters will receive their salaries all the same. There is nothing effected in the interest of economy, therefore, by appropriating $10,500,000 to pay postmasters while we place $50,000,000 in their hands out of which to pay themselves to the full extent of their legal dues. Therefore I conclude the amount appropriated in the bill is insufficient, and it has been fixed at $10,500,000 to seem to meet the requirements of the service, but actually to reduce the amount estimated by an intelligent Postmaster-General in order that the claim of reduced expenditures may form a part of political capital to be used in the near future—five millions of alleged saving in this bill. I have already accounted for $1,750,000.

The second paragraph in the section under debate would reduce the compensation of the postmasters of the nine largest offices in a sum total of $17,000. It reads: "And no salary of any postmaster under the act entitled 'An act to adjust the salaries of postmasters, approved March 3, 1883,' shall exceed the sum of $4,000 per annum." This proposed reduction strikes at New York, Philadelphia, Chicago, Boston, Saint Louis, Baltimore, Cincinnati, San Francisco, and Washington. The reduction in this respect is the only exception the gentleman takes to the legislation of the last Congress readjusting the compensation of 48,-

000 postmasters. I take a special interest in any legislation covering this subject, for I presented the bill to the House and explained its provisions. I have before me the record exhibiting the debate and the vote. It reads:

The House again divided—

Understand this was early in the morning of March 3, just at the close of the Forty-seventh Congress—

and there were—ayes 152, noes 21. The yeas and nays were not ordered; there being—ayes 13, noes 103.

Practically there was a unanimous vote of the House in favor of the bill, which in addition to other wise legislation gave about 10 per cent. increase to 46,000 fourth-class postmasters. In general, the first, second, and third class offices remained at about the same compensation, with the exception of the eight largest offices, New York having been adjusted under earlier legislation. The gentleman from Illinois does not so much as honor the House with a reason for this proposed change of law. Good reasons were presented when the legislation was enacted, and it should stand until better arguments are submitted warranting a change. Gentlemen who are familiar with the responsibilities of the great city offices recognize the necessity of fair compensation for the character of service rendered. Under the gentleman's change of law the reductions I read would follow:

Post-office.	Salary.	Reduced under bill.
Baltimore, Md	$5,000	$1,000
Boston, Mass	6,000	2,000
Chicago, Ill	6,000	2,000
Cincinnati, Ohio	6,000	2,000
New York, N. Y	8,000	4,000
Philadelphia, Pa	6,000	2,000
Saint Louis, Mo	6,000	2,000
San Francisco, Cal	5,000	1,000
Washington, D. C	5,000	1,000

At these nine great offices the Government requires bonds from the postmasters varying from $500,000 to $200,000. The number of subordinate force runs from 1,400 to 400. The money custody in every office exceeds a million of dollars annually, and in the larger number from three to ten millions. While you appropriate by the first section of this bill $10,500,000 for the postmasters' compensation, you would by the provision the gentleman introduces reduce the salaries of the nine postmasters now receiving $53,000 to $36,000 per annum, a reduction of $17,000, when the volume of work done at these offices aggregates 27.3 per cent. of the whole postal business. Ten million five hundred thousand dollars for postmasters' salaries for the whole service, $53,000 for the nine offices that perform over 27 per cent. of the whole business, and you would reduce this amount $17,000. I do not think you can do it if equity, justice, and common fairness prevail. I have not mentioned the obligation and responsibility of the money-order business, which must be added to the general post-office work done. Remember, the postmaster receives no additional allowance or perquisite for this labor. In New York he handles millions upon millions of money, and in other cities it reaches vast amounts. I will read for the information of the House some official data, which at my request the Department has furnished:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., March 7, 1884.

SIR: In response to your verbal request, I have the honor to herewith inclose a list of post-offices whereat the salaries of the postmasters as fixed to take effect from October 1, 1883, are upward of $4,000. Also, as to the salary of the postmaster at New York, N. Y., which was fixed by law at $6,000 from July 1, 1864 (13 Statutes at Large), and was increased to $8,000 a year from July 1, 1875, in the appropriation act making appropriation for compensation of postmasters. (See section 1, 18 Statutes at Large, page 340.)

Very respectfully,
FRANK HATTON,
First Assistant Postmaster-General.

Hon. H. H. BINGHAM,
House of Representatives, Washington, D. C.

Statement showing the gross receipts at nine of the larger cities for the fiscal year ended June 30, 1883, and the percentage of receipts compared with the total postal revenue.

Office.	Salary.	Postal revenue for year ended June 30, 1883.	Total postal revenue for year ended June 30, 1883.	Percentage of total revenue.
New York, N. Y	$8,000	$4,413,821 57	$45,097,073 24	9.7+
Chicago, Ill	6,000	1,949,180 33		4.3+
Philadelphia, Pa	6,000	1,581,791 03		3.5+
Boston, Mass	6,000	1,507,529 79		3.3+
Saint Louis, Mo	6,000	843,730 33		1.8+
Cincinnati, Ohio	6,000	638,624 47		1.4+
Baltimore, Md	5,000	540,503 92		1.1+
San Francisco, Cal	5,000	558,133 73		1.2+
Washington, D. C	5,000	292,755 95		.6+
Total	53,000	12,326,071 12	45,097,073 24	27.3+

Money-order business of same offices.

Fiscal year ended June 30, 1883.	Total number of money-orders issued and paid.	Percentage of total service in the United States (about).	Total amount of money-orders issued and paid.	Percentage of total service in the United States (about).	Total amount of fees received from the public.	Percentage of total service in the United States (about).
New York	981,401	5 1/2	$10,021,809 04	4	$14,880 80	1 1/2
Chicago	799,965	4 1/2	8,908,055 62	3 1/2	16,851 55	1 1/2
Philadelphia	330,513	2	3,844 844 19	1 1/2	11,457 05	1
Boston	381,200	2	3,353,551 48	1 1/2	8,431 20	7/10
Saint Louis	347,197	2	5,395,731 21	2 1/2	8,879 70	7/10
Cincinnati	237,332	1 1/2	2,902,872 48	1	5,852 35	1/2
Baltimore	129,802	3/10	2,074,240 37	3/10	4,718 50	1/2
San Francisco	198,885	1	3,831,933 48	1 1/2	9,752 30	7/10
Washington	110,776	6/10	1,303,377 88	1/2	4,188 15	3/10
Totals	3,517,071	20	41,636,415 75	17	85,011 60	7

Post-offices with salaries of $3,500 per annum and upward.

Albany, N. Y	$3,500
Brooklyn, N. Y	3,800
Buffalo, N. Y	3,700
Cleveland, Ohio	3,700
Denver, Colo	3,500
Detroit, Mich	3,700
Indianapolis, Ind	3,500
Kansas City, Mo	3,500
Louisville, Ky	3,600
Milwaukee, Wis	3,700
Minneapolis, Minn	3,500
New Orleans, La	3,700
Pittsburgh, Pa	3,800
Providence, R. I	3,500
Rochester, N. Y	3,600
Saint Paul, Minn	3,500

Certainly the House, in view of the statements I have read, can not consent to any reduction in the compensation of the nine great post-offices of the country—rather a large salary than a smaller, if estimated upon a purely business basis. Remember at the close of the last Congress both sides of the House voted for the bill readjusting the compensation of postmasters. Every test thus far applied to that legislation marks it as wise and equitable. Give it a complete and full trial, and after that, if the Treasury can not stand the strain of $53,000 for postmasters' salaries in the offices where 27 per cent. of the entire work of the service is done, then I can find no warrant for a condemnation of the policy that runs through every section of this bill.

Let us examine the next paragraph in this bill generously appropriating for the wants of the people in this growing service. In the debate in the Forty-seventh Congress on the reduction of postage from 3 cents to 2 cents per half ounce I used this language:

Following the example of the oldest and best established governments of the world, a monopoly under the Constitution has been delegated to the Government in the carriage of letters; and the wisdom of that action has gone unquestioned by the people even to this day. Competition by private carriers is however allowed for all other classes of matter permitted to go into the mails. So strictly has the Government maintained the monopoly, although by act of Congress letters may be carried outside of the mails, yet they must be inclosed in a Government-stamped envelope. The Government thus exacts its legal revenue, even when not performing any service in connection with letters.

A Government monopoly in the carriage of letters. Certainly if the people have any claim for consideration under this monopoly it is that the service should be as efficient and as nearly perfect as private enterprise and competition would make it. The cost of the service, which should be at all times properly guarded, is but secondary; efficiency and completeness in administration are the right of the people. The saving of a few thousand dollars in this or that special item may result in the loss of many thousands to the country. The penny-wise-and-pound-foolish policy marks the record of the Democratic party in recent years, and it has brought popular condemnation. We want at this time an enlargement of post-office facilities, not a curtailment. The bill gives $4,775,000 for clerk-hire for the next fiscal year. This is the same amount that is allowed for the present year. The Postmaster-General submits:

The appropriation for the present fiscal year is $4,775,000, or $75,000 less than the amount estimated for by the Department. It is $308,002.59 more than the expenditures for the item for the past fiscal year. The expenditures for the last year exceeded those for the year 1881–'82 in the sum of $458,682.81, or 11.73 per cent.

The number of allowances made for clerk-hire during the past fiscal year was 2,758, an increase of 478, or 20.9 per cent., as compared with the previous year. The increase of the past year over that of 1880–'81 was 1,422, or 106.4 per cent. The number of applications for clerical assistance declined during the year, mainly on account of an insufficient appropriation, was 2,604.

During the year the requests for allowances for clerk-hire were so numerous, and many of them so urgent and important, that it became necessary to make reductions in the amounts allowed at 195 different offices in order to obtain a fund out of which these meritorious applications could be granted. The necessity for such reductions, I regret to say, is becoming too frequent, and is always attended with much embarrassment to the Department and apparent injustice to the postmasters whose allowances are decreased. The appropriations for clerks in post-offices have been altogether too small for some years past, and not at all in proportion to the increase in postal business. One consequence of this illib-

erality on the part of Congress is that, as near as can be estimated, $140,000 is now annually paid by postmasters out of their own purses for clerical assistance, for which no return is expected. It is believed that about one-half of this amount is expended by postmasters at first and second class offices. It is certainly injustice on the part of the Government to make it necessary for deserving officials to bear a part of the expense of the postal service when the means are at command to relieve them.

The number of separating offices, principally of the fourth class, or offices at which postmasters are allowed clerk-hire on account of "separating" mails for other offices, is now 1,732, and could with propriety and benefit be largely increased if the appropriations for clerks in post-offices would admit of it.

In view of the increase of postal business as indicated in the foregoing table, and other information above given relative to this item, I am of the opinion that not less than $4,900,000, or an increase of $125,000, or 2.6 per cent., over the appropriation for the present fiscal year, will be required for this service for the fiscal year ending June 30, 1885.

If the gentleman in charge of the bill had but taken the trouble to read this section of the Postmaster-General's report, I am sure he would have given the small additional allowance asked for. I am constrained to state that even the Postmaster-General has erred on the side of meager appropriations in this special item. I do not consider it sufficient, and I am of opinion the Department will find itself much hampered before the close of the next fiscal year, even if the full amount asked for is appropriated. I repeat, $4,775,000 for clerk-hire is the same as the allowance for the fiscal year. Two-cent postage will increase your letter mail this year 20 per cent. Post-office clerks handle the entire letter mail, and yet for the service next year, with its added increase of this year's work, you do not give an additional dollar. Clerk-hire, under the statute, goes to the first and second class offices and separating offices of the third and fourth class.

This appropriation, therefore, is expended at 587 first and second-class offices where the gross receipts reach $27,310,657, about 60 per cent. of the entire revenue, and at 1,732 separating offices, where the revenues are great also, very great. As an illustration let me submit: In New York the allowance for clerk-hire reaches $802,935; Chicago, $354,806; and in my own city of Philadelphia it reaches $240,000. You say in this appropriation to these great business centers, where there has been added this year 20 per cent. to the letter mail, and the increase for next year may be greater, that, granted this vast increase of work, not an additional dollar shall be added to the appropriation to efficiently handle the work. Not another separating office can be added to the list; the amount allowed for this year must answer for next. Is that a fair business way of meeting the demands of the people, when you claim under the Constitution a monopoly of the letter mail? Would private enterprise thus administer this business in the year that marks the greatest percentage of increase in the history of the service? I think not. It is well to bear in mind, in addition to a recognition of this great growth, there is the same duty imposed upon Government as upon individuals—a recognition of faithful service by advancement and increased compensation. That is the life and the spirit of all enterprise; it is the discipline of service; it is the safety-valve of society. The reward of merit, if assured, brings with it fidelity, honesty, and contentment. Men are made better because they are assured promotion for faithful service. This bill will say to tens of thousands of subordinate force, no single man in the great Government service shall receive promotion during the next fiscal year, but he shall be punished by added and increased work. Cheap postage for the people and harder work for the faithful men whose years of service in any other occupation would have brought advancement and increased comfort. Gentlemen may say the clerks receive large salaries; they can be reduced. Permit me to read to you the average annual compensation of these men:

Statement showing the average compensation of clerks in the post-offices at New York, Philadelphia, Chicago, Boston, Washington, Baltimore, and Cincinnati.

New York, N. Y	$939
Philadelphia, Pa	767
Chicago, Ill	907
Boston, Mass	859
Washington, D. C	801
Baltimore, Md	913
Cincinnati, Ohio	896

Why does the gentleman so restrict the service in the year of its magnificent growth? Not a cent for increase of work; not a cent for promotion for faithful service; not a cent for extension to separating offices; and yet the gentleman points to his bill as a liberal measure. I assert that his bill is political, pure and simple, and where the necessities of the service require men he refuses because it is a Presidential year; but where the service demands wrapping-paper, stamps, mail-bags, and articles of furniture, the estimates of the Postmaster-General are acceded to, and then the gentleman claims he has generously appropriated for an efficient administration of the service. Let the party responsible for this legislation understand that the American people are intelligent and honest and will discern easily your motives and your purposes.

I will read the next section of this wonderfully and fearfully made bill:

For payment to letter-carriers and the incidental expenses of the free-delivery system, $3,600,000; $45,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of the free-delivery system in cities where it is not now established.

The gentleman does not honor this paragraph with a passing word or notice. Those of us who reside in great cities know something of the character, efficiency, and usefulness of this branch of the service. It is an absolute necessity to output the vast and accumulating mails in the great offices; without it all would be confusion; one day's delay would bring general and widespread business injury. The many trains, carrying their tons of mail, deposit them hourly in the large offices. Once there they must be handled and delivered, for others quickly follow, and business is wholly dependent upon this established system. In New York city office alone the carrier force last year handled 258,000,000 pieces; 700,000 pieces every day. Philadelphia handled 160,000,000; almost half a million each day. Therefore, as the service grows the free delivery of necessity feels it at once. I shall not enter into details in considering this paragraph. The gentleman from Michigan has amply and intelligently covered the subject. The friends of free delivery had hoped, after the years of struggle and conflict before Congress, it had at last been established upon a basis fixed, permanent, with a subordinate force reasonably paid and promotion assured.

Free delivery is established in one hundred and fifty-nine cities, that return 50 per cent. of the entire postal revenue, and the subordinate force numbers 3,888. The men enter the service after a civil-service examination, serving as substitute carriers at a compensation depending wholly upon the number of days they are employed; in other words, when a regular carrier is absent the substitute performs his work and receives his pay. Substitutes usually serve in this capacity in the large cities about one year. They are then promoted to an annual compensation of $600, and after one year's service are advanced to $800, and after another year's service are advanced to $1,000, this being the maximum allowance. In second-class cities their first regular pay is $600, and after one year's service they receive $850, this being the maximum allowance. The law fixes the grades, the promotions, and the compensation.

The gentleman's bill allows $3,600,000 for carriers, $100,000 more than the present year. Under the law it will take an increase of $225,000 more than this year's allowance to pay the force now employed and give them their promotion, which your contract under the statute promises. How this can be done I can not determine; the gentleman's arithmetic may solve the problem. You call your appropriations liberal. Yet you appropriate less than the law gives, and you have made no allowance or margin for growth or extension of service. The Postmaster-General has asked for $4,000,000 for the next fiscal year. You reduce his estimate $400,000, and do not so much as honor the intelligence of this House with any explanation. Wise legislation, indeed! I do not think you even looked at the statement, figures, and exhibit covering the subject, easily found in the Department report. The gentleman may say the service is established at many offices where it does not pay; therefore it should be curtailed. Cities and communities do not willingly give up postal facilities and conveniences, and no member in this House whose constituents enjoy them would submit to a relinquishment without protest. The gentleman is estopped, however, from presenting this argument, for his own bill allows $45,000 of the amount to be appropriated for extension of service.

Every city that has, under the law, $20,000 post-office revenue or 20,000 population is entitled to this service. It is to-day established in all the cities where it will pay at once or return net revenue, and wherever hereafter located it will at first not meet expenses; therefore the gentleman can not demand curtailment for the reason that his bill admits extension.

This service does not only do its own local business, but without charge to the Post-Office Department, it delivers all mail matter that comes into the free-delivery offices from distant points or from any post-office in the country without extra charge to the party addressed, or, as I have said, to the Post-Office Department. Its estimated revenues and its maintenance is wholly dependent upon its own home or local business. Last year it returned a net revenue of $1,021,894.01, and this year every estimate thus far obtained indicates $1,300,000 to $1,500,000 net revenue. Next year it will on the basis of natural growth leap up toward $2,000,000 clear profit.

If, therefore, no higher purpose or motive should govern the gentleman in his legislation than that of surplus revenue or gain, the appropriation should be liberal and up to the amount asked for by the Postmaster-General. Let me present it simply as a business proposition: given for the fiscal year ended June 30, 1883, an appropriation of $3,200,000, and the result gives you $1,021,894.01 net profit. Business men would say a startling result, and the work should be fostered and strengthened—not starved and destroyed. Given $3,500,000 for the present fiscal year, and the estimates are $1,300,000 to $1,500,000 net profit; and upon simply natural growth, if you give for the next fiscal year $4,000,000, the amount asked for, which will meet the requirements of the great cities and promote your subordinate force as the statute directs, you will receive a net return of $2,000,000. Does not this presentation of the case strike the gentleman as having a basis of common sense, and would not any business man so appropriate? I fear the shadow of things political in a Presidential year destroys the gentleman's judgment and vision. He sees only patronage and power in increased ap-

propriations. I see only the people—right and privilege to have a good service, when they maintain and give surplus revenue to this governmental monopoly by direct taxation, and at the same time carry in the mails $3,000,000 in postages on franked matter.

The bill is consistent only in its inconsistencies; wherever it legislates upon the vital wants and necessities of the service it but cripples and destroys. You do not give that which the law allows, therefore you give nothing for an extension of the service, and you give nothing for its growth in the one hundred and fifty-nine cities where it is now established; and yet the gentleman says his bill is generous. Comment is unnecessary.

Let me briefly consider two other items. For railway mail post-office clerks you appropriate $4,000,000; the amount asked for is $4,295,289.60, an estimate based upon natural growth and an intelligent examination of the requirements of this branch of the service. This year the appropriation amounts to $3,977,120. You allow an increase of about $23,000. Every man in this House is familiar with the railway postal service, and he knows as the railroads and new enterprises add to their vast lengths 10,000 miles additional each year the postal railway service must go with it. Upward of 4,000 men are now employed in this branch of work. Your $23,000 will not give the men now employed their increased compensation under the regulations. Does the gentleman expect this service to stand still during the next fiscal year? Does he think the present force can be worked harder? Let me tell him it is the most exacting and severe work in any branch of the Government employ. Every man averages a run of one hundred and twenty miles daily throughout the year, and it is work from the starting to the ending of the trip. No railroad in the country so works its train men. I will read a letter received from the superintendent of the service, and written at my request:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 7, 1884.

SIR: Referring to our conversation, permit me to say that at the close of business, February 29, 1884, there were 4,025 railway postal clerks, the cost of the same being $4,026,141.

The mails are much lighter in summer than in winter; consequently when the appropriation becomes available (July 1) it is the practice to withhold as much of the appropriation as possible to increase the force during the winter months when the mails are very heavy, which will account for the present aggregate expenditure being greater than the appropriation ($3,977,120) for the present fiscal year. The good of the service at the present time requires three hundred and sixty-eight additional clerks, of which number one hundred and forty-three should be appointed to new lines on which there are no postal clerks. I could have given the lines in detail, but did not think you would care to be burdened with it. There is a very urgent demand for service on the new lines, but the Department is powerless to grant any relief.

Very respectfully,

W. B. THOMPSON,
General Superintendent.

Hon. H. H. BINGHAM,
House of Representatives, Washington, D. C.

Perhaps the superintendent of this service, a gentleman of long experience and tried efficiency, is mistaken in his estimate of the work and necessities of the service; therefore the amount must be reduced to meet the ideas of the gentleman presenting this bill, who I have no doubt will at some stage in the debate give us his reasons or some convincing statement justifying this reduction. The Postmaster-General tells us why he will require the full amount, and a simple examination of the proposition must force the gentleman to admit that his allowance will not carry on the service. But it will prevent any additional appointments of men during a Presidential year, and adds almost $300,000 to the great political reduction of Department estimates. The statesmanship that pervades this bill is indeed of a lofty and far-seeing character. In mail messengers the amount asked for is $1,100,000; the amount the bill appropriates is $900,000; the allowance for the present fiscal year is $850,000. Do you know what a mail messenger does? Let me tell you in the language of the regulations:

In connection with railroad and steamboat routes, mail messengers are designated to carry the mails to and from post-offices not at the termini of routes when such post-offices are more than eighty rods from the steamboat landing or railroad station.

The Postmaster-General always gives us a reason why he asks for an increased appropriation. The committee, however, are delightfully neglectful of any reason for non-compliance with intelligent demands. I read from page 123 of the Postmaster-General's report, 1883. He says:

The rapid growth of the railway service has added largely to the expense of this service, so that the average cost of new service during the last four months has been at the rate of $100,000 per annum. This rate of expenditure will make necessary a deficiency appropriation of $75,000 for the current year and an appropriation for the fiscal year ended June 30, 1885, of $1,100,000.

We have $850,000 for the current year; we are told we will be in deficiency $75,000, and that makes $925,000; and yet the gentleman, in recognition of the growth of the service, allows $25,000 less than this year, and in addition, to use his own language, speaking of the revenue for this year, he says "the receipts have been surprisingly greater than was anticipated," and he fixes the revenue at $50,000,000, while the Department estimates are $47,104,000. He gives almost $3,000,000 more of receipts, and therefore just that additional percentage of increased work over the Department estimates, and in every item for brain-force and man-power he curtails the estimate of the Department. If the Postmaster-General had thought the revenues would have been $50,000,000 instead of $47,000,000 he would have estimated accordingly; but the gentleman increases the revenue over the Department estimates and reduces the allowances for doing this increased work under the Department estimates. Wise legislation, indeed! In this item alone of mail messengers he gives $25,000 less for the next fiscal year than the amount the Postmaster-General tells us will be the cost of the service for this year.

You appropriate in this bill every dollar asked for steamboat service and railroad transportation. There you recognize the growth and the extension of the service; but when your railroads and your steamboats have carried your mails to the station or point of deposit and they must then be carried by mail-messenger service to the post-office distant more than a quarter of a mile, you immediately curtail and cut down. Your bill allows the establishment of additional post-offices without limit, but it makes no provisions for delivering the mails when the offices are distant more than eighty rods from the road. Grand and brilliant indeed is such legislation! It may be regarded as cunningly devised and considered politically safe, but the people will soon read between the lines of your proclaimed generous legislation and see its failure in results, its inadequacy and consequent business inconvenience and injury.

Not content with the annoyance and complications that will surely follow the enactment of this bill into law, your committee has determined to make a direct attack upon the great railroad corporations in order that the bill may be politically stronger, and the paragraph appropriating for inland mail transportation, while in effect allowing all the Postmaster-General asks for, reduces, inthe words of the section, "all railroad companies for the transportation of mails 5 per cent." The gentleman gives a reason for this statesmanlike procedure. He says:

In 1876 Congress reduced the basis of rating of the compensation of railroads 10 per cent. In 1878 it was still further reduced 5 per cent. This was the last reduction made for this purpose. The railroads are at present carrying passengers, express, and freights far cheaper than they were carrying them at the period of the last reduction. The cost of material, of wages, and the ordinary expense of running railroads are cheaper than they were at that period. We feel, therefore, that Congress can, without being charged with injustice to the railways, reduce this rate of compensation to the extent provided here.

The last Congress appointed a commission of experienced Post-Office officials "to investigate the railway mail service, and devise a system of gauging the rates of pay for carrying the mails." That report was sent to Congress on the 20th of December, 1883, and contains in detail a complete history of the service; an explanation of the inequalities of the law of 1873, under which the mails are now carried, and submits recommendations of change in the system radical and thorough. For more than three months that report has been before the subcommittee on appropriations in charge of this bill. I do not think they ever referred to its carefully prepared exhibit or examined the recommendations of the commission. Certainly, if they had, this horizontal-reduction paragraph would never have been presented for action. The experience in 1876 and 1878, when Congress enacted legislation of a similar character, resulted in a stoppage of the mails on the New York Central and Pennsylvania Railroad trunk lines, and the clamor, protests, and demands of the people forced Congress to establish a special mail service, whereby the great roads received virtually special allowances, in lieu of the reduction of 10 and 5 per cent., under the acts of 1876 and 1878.

You do not in this bill make any appropriation for special mail facilities. By the 5 per cent. reduction you reduce the compensation to railroads not land-grant or subsidized about $600,000 annually. I shall not discuss the question covering a reduction of transportation rates for the land-grant and subsidized roads. Gentlemen specially familiar with the subject will present it to the consideration of the committee. The horizontal-reduction clause in this bill I regard as unjust, inequitable, and unfair. The great roads that render the highest conditions of completed and perfect railroad management, equipment, and service are reduced from their already low rates under the law of 1873, and the small roads, transporting but limited weight of mails, are reduced the same percentage as the great trunk roads, while at the same time they receive four and five times greater compensation.

The gentleman says they will save to the Government $600,000 by this clause in the bill. I have no doubt of it. But it was possible for the committee to make even a greater saving, and at the same time to legislate with wisdom and justice, had the subject been intelligently investigated. The report of the commission exhibits a possible saving of $1,000,000 for the next fiscal year. The proposition is simple and susceptible of conclusive demonstration. It proposes to pay for the elements entering into an efficient railroad mail service. The roads now doing the work should receive fair compensation. If they do not do the work they certainly have no claims for exorbitant or unreasonable rates. Permit me to read the letter addressed by the acting Second Assistant Postmaster-General to the chairman of the Committee on Post-Offices and Post-Roads, a copy of which was duly mailed to the Committee on Appropriations.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BINGHAM. I would like to have a little further time, if possible.

Mr. WHITE, of Kentucky. I ask unanimous consent that the gentleman from Pennsylvania be given fifteen minutes additional time.

The CHAIRMAN. The House has limited the general debate, and it would not be in order for the committee to extend it.

Mr. HOLMAN. I presume that the remaining time on that side of the House is at the disposal of the gentleman from Pennsylvania or his friends.

The CHAIRMAN. The gentleman from Indiana will be recognized next. The Chair desires now to state that the arrangement made by the gentlemen on the several sides of this bill as to the debate has been defeated by the action of the House.

Mr. HOLMAN. I suggest, though, that three hours were allowed for debate. Of course the gentleman of Pennsylvania represents one hour and a half of that time, and I suggest therefore that he consume such time of that hour and a half as he may think proper.

The CHAIRMAN. The Chair will not interrupt the gentleman unless some member of the committee sees fit to do so. It is not proper, however, to entertain a motion to extend the time.

Mr. SKINNER, of New York. If I can be recognized I will yield to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania can proceed unless objection is made by some member of the committee.

Mr. HOLMAN. I suppose the time can not be extended by the committee, but the gentleman can use the half hour remaining to that side of the House.

The CHAIRMAN. The Chair will understand that the time is being used by the assent of gentlemen on the other side unless objection is made.

Mr. HOLMAN. Of course the time can not be extended by the committee.

The CHAIRMAN. It can not. The Clerk informs the Chair that the additional time was granted with a view to allowing the gentleman from Illinois [Mr. TOWNSHEND] to close the debate. The gentleman is not present, the Chair perceives.

Mr. HOLMAN. This will not interfere with that arrangement.

Mr. BINGHAM. I thank the House for the courtesy.

The letter reads:

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 14, 1884.

SIR: Concerning the report of the committee appointed to devise a more complete system of gauging the rates of pay for carrying the mails on railroad routes, submitted by the Postmaster-General to Congress in accordance with the provisions of section 3 of the act of March 3, 1883, I have been requested by Hon. J. H. JONES, of your committee, to submit some observations relative to the effect of the recommendations in said report as touching the increase or decrease of cost of mail transportation by railroad routes.

Having participated in the preparation of the scheme embodied in the recommendations of the committee I can speak with some degree of positiveness concerning it, and have to say that the rate of pay adopted as the initial basis of compensation, *i. e.*, 25 cents per mile run for cars fifty feet in length, is, in my opinion, not only a fair proposition, but is also the only just and practicable basis of payment for the peculiar service required by the Post-Office Department. Under the plan proposed compensation would be made according to the amount and character of the service rendered in each case; and the result would be to decrease the cost of transportation by railroad per annum $1,687,980. From this deduct cost of delivery of mails to offices recommended by committee, $687,980; net saving per annum, $1,000,000.

The $687,980 deducted for the above reason is a greater sum than will in my judgment be required for that purpose; but the sum is used that the estimated saving to the United States by the proposed plan may not by any possibility be overstated. This saving, I repeat, will be not less than $1,000,000 per annum on the basis of present cost: and there would be a continuous and additional saving realized as the service is developed. All of this can be accomplished in the way proposed by the committee and now fully embodied in the bill before you. The proposed law, if enacted, will result in the improvement of the service and will not injure any interest.

I have much satisfaction in being given this opportunity to define the views of this office in regard to the proposed law and its effect upon the cost of mail transportation by railroad routes.

Very respectfully,

H. D. LYMAN,
Acting Second Assistant Postmaster-General.

Hon. H. D. MONEY,
Chairman Committee on Post-Offices and Post-Roads,
House of Representatives.

The necessity for a revision of the law compensating railroads for the transportation of the mails is recognized by all. No one can dispute or does contest the proposition. It is desired by the railroads as well as by the Government. The year 1883 shows a railway postal service 110,000 miles in length at a cost of about $13,800,000. The practical objections to the present law are, in the language of the commission:

First. The great volume of postal transportation is performed in cars or apartments and accompanied by clerks. Under the law there is no discrimination between service so rendered and closed mails carried in bulk in baggage-cars. It is therefore to the interest of the railroad companies to provide the least possible space accommodation for the mails.

Second. The matter of frequency is covered by the indefinite expression "due frequency." Practically there is no discrimination, where the same weight of mail is carried, between cars or apartments, with clerks, running six, seven, twelve, or fourteen round trips per week; the less frequent securing the same rate as the most frequent.

Third. The matter of speed is disposed of in the expression "due frequency and speed." Under this law the speed with which the mails are carried, though a feature of great value to the public, has no effect on the rate of pay.

Fourth. The size of cars or apartments to be used is provided for by the following phrase:

"Sufficient and suitable room, fixtures, and furniture, in a car or apartment, properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails."

All of this is insufficient and too indefinite to be continued as the expression of the requirements of the Post-Office Department with regard to the 115,000 miles of postal service.

Fifth. Specific allowance for railway post-offices is an entirely unreasonable method of compensating for the service required. There is no reason known why 15, 25, or 35 feet of interior car space used for mails and clerks should not be made the occasion of specific allowance, if 40, 50, and 60 feet cars, used in precisely the same manner, are so treated.

Sixth. The regulation continued under the present law requiring railroad companies to deliver mails into terminal offices, and also to all other offices not over eighty rods from the line of road, has become a serious hinderance to the efficiency of the postal service.

Seventh. The present method is further defective because of the great inequality existing in many cases between the weights carried and the apartments provided.

An analysis of the tables accompanying the report of the Postmaster-General, showing the daily weights on all the roads in the United States, with the size of the apartment corresponding, will reveal such incongruities as the following: On one road a daily weight of 200 pounds of mail is carried in an apartment 7 feet long; on another road the same weight is carried in an apartment 13 feet long. On one road 400 pounds of mail daily are carried in an apartment 8 feet long, while another road carries the same weight of mail in an apartment 16 feet long. On one road 700 pounds of mail are carried in an apartment 9 feet long, while on another road the same daily averge weight of mail is carried in an apartment 42 feet long. Either in the one case the space provided is too small or in the other case it is too large. In any case a system which would equalize the amount of space as related to weight would manifestly be an improvement upon the present methods.

These objectionable features the committee hope to avoid in the scheme proposed and herewith submitted.

So much for the law of 1873. Now as to the well-considered views of the commission concerning the present law. Permit me to read what they recommend:

1. That the compensation to the railroads for carrying the mails shall be determined upon the basis of the space used and the frequency and speed with which the mails are conveyed.

2. That the space factor shall be determined by the Postmaster-General, in view of the needs of the service, modified by the weight and frequency of the mails; that the speed factor shall be determined by the schedules of the various railroads, in connection with the official reports of the railway mail service.

3. That the pay for all mail transportation shall hereafter be at a fixed rate per linear foot of car per mile run. This rate to cover the entire cost of the service, furniture, and fixtures in the car, transportation of postal clerks, &c.

4. That the Postmaster-General may at any time order an increase or a reduction in the amount of space to be paid for, if, after a weighing, it be found that there has been a sufficient increase or diminution in the amount of mails transported on any railroad to require the same.

5. The closed or pouch mails, now carried in express or baggage car, without postal clerks accompanying them, requiring no space for distribution *en route*, shall be paid for on the following basis, namely: The aggregate weight of the closed or pouch mails carried on any road on all trains for twenty-four hours shall be made the basis of pay, and this aggregate weight reduced to an equivalent in linear feet of car space in the following proportions:

Two hundred pounds of mail or less shall be rated as the equivalent of 6 linear inches, to be paid for at the rate of 5 mills per linear foot per mile run.

Five hundred pounds of mail shall be rated as 1 linear foot, and for each additional 500 pounds 1 linear foot of car space shall be allowed, with the proviso that the pay for transportation of mails upon any railroad route for six round trips per week shall not be less than $35 per mile per annum.

6. That the side service be discontinued.

7. That the pay for railway post-offices, at a speed of 20 or less miles per hour between termini, be 5 mills per linear foot, inside measurement, of car space per mile run, and for each increase of speed amounting to 2 miles per hour up to and including 30 miles per hour, one-tenth of a mill; *i. e.*, 22 miles per hour, 5.1 mills; 24 miles per hour, 5.2 mills; 26 miles per hour, 5.3 mills; 28 miles per hour, 5.4 mills; 30 miles per hour, 5.5; and for each additional mile per hour, one-tenth of a mill.

And it is further recommended that in the adjustment of space by linear feet for railway post-offices a daily average of 500 pounds of mail or less shall be entitled to pay for space not to exceed 13 feet. From 500 to 1,000 pounds, space not to exceed 15 feet. From 1,000 to 2,000 pounds, space not to exceed 25 feet. From 2,000 to 4,000 pounds, space not to exceed 40 feet. And we recommend that no change in the allotment of space shall be made until the average weight reaches 6,000 pounds. For 6,000 pounds, 50 feet; for 8,000 pounds, 60 feet—the weight to be ascertained by a weighing of not less than thirty consecutive days; and no additional space shall be paid for unless it is found to be necessary.

In all railway post-offices the load should not exceed double the greatest weight specified for the respective lengths, and for any gross weight carried on two or more trains daily the space may be subdivided upon the gradients of space for lower weights, as the nature of the service may require; with the further provision that the Postmaster-General may increase the compensation upon any railroad route not to exceed 50 per cent. per annum for special mail trains performing service upon schedules fixed by him. In all these estimates the minimum car width should be fixed at 8 feet 6 inches, inside measurement.

Respectfully submitted.

RICH'D A. ELMER,
W. B. THOMPSON,
ISAAC C. SLATER,
} *Committee.*

The committee had before them the carefully prepared and comprehensive report of the commission. They passed it by. In fact, I do not think they ever concerned themselves about the testimony and information the report contained. A million of dollars could have been saved and the service reorganized; they preferred to disorganize the service and strike at the corporations, alleging that by such legislation as a 5 per cent. horizontal reduction $600,000 would be saved to the Government. They were indifferent as to whether the reduction was just in one case and unjust in another; they saw simply the corporation head and struck at it.

We are to be congratulated, Mr. Chairman, that there are other committees in this House not wholly indifferent to the conditions of a well-organized and properly adjusted postal service, allowing equitable compensation for work done, and at the same time extending exact

justice to all interests, individual, corporate, and governmental. The gentleman who presides over the Post-Office Committee [Mr. MONEY] has had long experience as a member of this body, and I think during his ten years of service has been identified with the Committee on Post-Offices and Post-Roads; therefore he brings to the consideration of the legislation proposed in relation to this Department of the Government a wise and capable understanding, a broad and comprehensive training, and a knowledge of the wants and demands of the people. Under the gentleman's industrious and intelligent administration of his committee we have examined carefully the report of the commission, and have been enabled to submit to the House a bill reorganizing and readjusting the railway mail service, in order that speed together with space and weight may be the determining factors in fixing compensation. That bill has been reported favorably from the committee, and if passed will save to the Government more than $1,000,000 per annum, and at the same time pay the railroads that do the work fair and reasonable compensation.

The legislation contained in the bill before us retains all the objectionable features of the law of 1873, and adds to the many roads which are returning to the Government a most efficient service, a reduction of 5 per cent., when it has been well known their present compensation has not been equitable. I affirm the roads that render the Government the best service, carrying the mails on trains running thirty-five to forty miles an hour, giving every terminal facility and convenience, furnishing equipped postal cars and carrying large numbers of postal clerks, are materially affected by the horizontal-reduction clause contained in this bill, while the smaller roads that carry less than one ton per day of mail matter run at a speed of from twenty-two to twenty-seven miles an hour, furnish neither terminal facilities nor postal cars, will not be to any appreciable extent reduced in their compensation under your horizontal reduction. The reason for this is found in the law of 1873, which pays for weight carried, but as the weight carried is increased the rate allowed is greatly decreased. I will read the law:

Schedule of rates for railroad mail service under act of March 3, 1873.

[Each additional 2,000 pounds, $21.37½ additional.]

Average weight of mail, whole distance, per day.	Pay per annum per mile of route's length.	Pay, less deduction of 14.50 per cent.
1— 200 pounds daily	$50 00	$42 75
200— 500 pounds daily	75 00	64 13
500—1,000 pounds daily	100 00	85 50
1,000—1,500 pounds daily	125 00	106 88
1,500—2,000 pounds daily	150 00	128 25
2,000—3,500 pounds daily	175 00	149 63
3,500—5,000 pounds daily	200 00	171 00

For all weights up to 200 pounds, when the mail is carried six times a week, $50 per mile per annum is paid. Payment in all cases is dependent upon the provision by railroad companies of sufficient and suitable room, fixtures, furniture, &c.—*Postal Laws and Regulations*, 1879, section 629.

Permit me to read the rates received by the railroads under the law, and you will observe the small compensation paid the great roads that give your mails every advanced convenience and the large rates received by the roads carrying less than one ton per day of mail.

The great roads.

No. of route.	Termini.	Corporation.	Miles.	Total annual pay. *a*	Weight per day.	Annual tonnage, one mile.	Amount. *b*	Rates per ton per mile. *c*
					Pounds.		*Feet.*	*Cents.*
5005	New York and Springfield	New York, New Haven and Hartford Railroad Company	135.59	$114,377 68	52,103	1,289,298	185	8.8
6011	New York and Buffalo	New York Central and Hudson River Railroad Company	442.0	608,288 84	84,498	6,816,031	435	8.9
6052	Buffalo and Chicago	Lake Shore and Michigan Southern Railway Company	540.28	509,665 37	52,355	5,159,585	430	9.8
7004	New York and Philadelphia	Pennsylvania Railroad Company	89.54	161,770 12	118,350	1,943,898	540	8.3
8001	Philadelphia and Pittsburgh	Pennsylvania Railroad Company	353.0	448,691 24	82,227	5,297,268	345	8.4
10001	Baltimore and Philadelphia	Philadelphia, Wilmington and Baltimore Railroad Company	96.0	63,034 56	41,114	720,317	150	8.7
21032	Pittsburgh and Columbus	Pittsburgh, Cincinnati and Saint Louis Railway Company	193.86	176,961 23	48,683	1,723,621	340	12.0

a Postal cars included. *b* Amount of space provided for distribution post-offices in each direction daily, whole length of route. *c* Covering space for distribution, clerks, delivery at side offices, and transportation of officials.

The smaller roads.

No. of route.	Termini.	Corporation.	Length of route.	Total annual pay. *a*	Weight per day.	Annual tonnage, one mile.	Space. *b*	Rate per ton per mile. *c*
			Miles.		*Pounds.*		*Feet.*	*Cents.*
8019	Binghamton and New Hampton	Delaware, Lackawanna and Western	144.56	$15,450.57	1,504	39,524	18	0.36
8041	Pittsburgh and Oil City	Allegheny Valley	132.08	17,165.11	2,142	51,601	16	0.33
8063	Pittsburgh and Cumberland	Baltimore and Ohio	150.32	16,708.06	1,615	44,210	15	0.37
9501	Wilmington and Delmar	Philadelphia, Wilmington and Baltimore	97.02	12,442.81	2,050	36,290	23	0.34
11005	Newport News and Ashland	Chesapeake and Ohio	510.18	54,089.28	1,482	137,987	18	0.39
11021	Hagerstown and Roanoke	Shenandoah Valley	236.41	30,972.19	2,095	90,231	40	0.34

a No cars, but apartments. *b* Amount of space provided for distribution post-offices in each direction daily, whole length of route. *c* Rate per ton per mile, covering space for distribution, clerks, delivery at side offices, and transportation officials.

The smaller roads receive four and a half times greater pay than the trunk lines, upon which are carried the immense tonnage, with every modern facility and convenience. This horizontal reduction of 5 per cent. reduces all the roads, but, as is apparent, the great roads now carrying the mails at the lowest figures will suffer the most, while the smaller roads will not materially feel the reduction. As an illustration, the Pennsylvania Railroad and the New York Central Railroad will be each reduced about $25,000 per annum, and the roads carrying less than a ton but a few hundred dollars.

Mr. HOLMAN. Will my friend allow me to ask a question?

Mr. BINGHAM. Yes, sir.

Mr. HOLMAN. Does the gentleman from Pennsylvania mean the reduction should have been brought about by reducing the compensation of the smaller lines?

Mr. BINGHAM. I mean that reduction should be brought about by paying to the railroads exactly the value of the service they perform, and that it would have been brought about by the bill recommended from the Committee on the Post-Office and Post-Roads, whereby a million dollars would have been saved to the Government.

Mr. HOLMAN. By reducing the rate of compensation to the smaller railroads?

Mr. BINGHAM. If the smaller railroads do not do the service, then their compensation should be reduced.

Mr. HOLMAN. They are the corporations to be affected, then—the smaller roads?

Mr. BINGHAM. The gentleman cannot whistle the statement down in that way. All the corporations are to be affected. The greater corporations, the trunk lines, carry to-day the mail at a rate of 8 cents per ton per mile, whereas the smaller corporations are paid 33 and 35 cents per ton per mile. But the bill which the Committee on Appropriations had before them, reported favorably by the Committee on the Post-Office and Post-Roads, will make a reduction of a million dollars on the inland transportation; and it will be such a reduction as will be a fair adjustment and recognition of services.

Mr. HOLMAN. The gentleman refers now, I suppose, to the bill fixing the compensation on the space furnished?

Mr. BINGHAM. Space, speed, and frequency.

Mr. HOLMAN. Does the gentlman remember that in a former Congress a similar plan was attempted, resting on the theory which he now suggests, and it was afterward ascertained that instead of there being a reduction of compensation to railroad corporations there was a heavy increase?

Mr. BINGHAM. I remember, I think during the Forty-fifth Congress, there was a report of a commission, but I believe nothing was ever done with the report.

Mr. HOLMAN. The subject first came up in the Forty-fourth Congress.

Mr. BINGHAM. I regret I can not yield further, as my time has almost expired.

When interrupted by the gentleman from Indiana I was endeavoring to show the House the unequal and unjust effect of this 5 per cent. reduction clause. The only reason given for the reduction is to be found in the statement made by Mr. TOWNSHEND, of Illinois, which I quoted in the early moments of this debate. But why did the committee fix 5 per cent.? Why not 10 per cent. or 20 per cent.; or why not make all the roads the same as you fix the land-grant roads in the bill, 50 per cent.? It certainly can not surprise the gentleman that the justice of the proposed legislation is questioned. You have the power on that side of the House to carry the bill through. You might just as well have made the horizontal reduction a larger percentage, and then have gone before the people and claimed greater economy in the administration of the affairs of the Government. I shall read for the information of the House a letter received from the second vice-president of the Pennsylvania Railroad, who is not unmindful of the position your legislation would force his great company to assume.

Remember, upon you gentlemen rests the responsibility of this whole bill. When the Pennsylvania Railroad and the New York Central Railroad, two great corporations existing only within the limits of their respective States, give you notice that the present ample and complete conveniences and facilities you now enjoy will not be continued under your horizontal reduction, it is time for you to inquire what the people will say who will be directly affected by this antagonism between the Government and the great corporations. You can not say you have not been forewarned, and you will have to give a better reason for your 5 per cent. horizontal reduction than the gentleman from Illinois has submitted. The people do not care what it costs to build railroads and carry freight; they want the mails on the fastest trains, and they think the Government should pay a fair, reasonable compensation for the transportation. Permit me to read the letter of Mr. Thomson:

PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF SECOND VICE-PRESIDENT,
Philadelphia, March 5, 1884.

MY DEAR SIR: Our attention has been called to House bill No. 5459, and on page 4, lines 65 to 70, inclusive, you will find that the Postmaster-General is authorized and directed to readjust the compensation paid to railways and reduce the same 5 per cent. per annum.

Your Department of the Government, more than any other, is aware of the inadequacy of the present pay, and of the extensive and valuable service that the railway companies (especially the two important trunk lines the New York Central and Pennsylvania Railroads) supply to the Government for this inadequate pay. You are also aware of the fact that within six months we have at your request placed on our lines very fast service between the Eastern and Western cities, much against our inclinations, but at your earnest solicitation. We now desire to say to you, frankly and positively, that while we have every desire to meet the wants of the Government and of your Department to the fullest extent, and while we have continued the present service in the expectation that under the bill recommended by your Department there would be a proper increase in the compensation made to us for railway service, we will be compelled, in case any reduction is made in the present pay, to make a proportionate or even greater reduction in the facilities now afforded.

Very respectfully,

FRANK THOMSON,
Second Vice-President.

General W. B. THOMPSON,
General Superintendent Railway Mail Service, Washington, D. C.

I assert, Mr. Chairman, and I believe I have made it clear as the result of my argument covering the provisions of this bill, that the legislation proposed in no wise recognizes the natural growth of the service, and therefore fails to recognize the vast increase of letter matter (the most important to the people), the result of reduced postage, an increase so marked that the exhibit of this year will show a larger percentage than any year in the history of the service. Every appropriation in the bill for man force is virtually the same as for the present fiscal year; no margin for increase, no allowance for the promotion or an advance of pay for a single subordinate in the service. In many paragraphs of the bill the appropriations do not admit of the execution of the law. Where compensation is fixed by statute, and the amount required easily determined, the bill fails, premeditatedly fails, to appropriate the necessary amount. Where increased material is asked for, an allowance is given in the bill, as also in the paragraph where appropriations must follow contract obligations. In these few items only has growth been recognized.

As a general measure, looking to the wants, conveniences, and demands of the people for a complete, well-equipped, and capable postal service, the bill fails, and it fails deliberately. The measure has but one all-controlling purpose and result—political effect. First, to reduce the appropriations estimated for by the Department, without regard to the wants of the service. Second, to attack the corporations, without examining into the value of the service they render, and thereby provoke them into an antagonism with the Government. Third, to refuse to appropriate for any of the divisions of labor in the postal service where the appointment of men can be made during a Presidential contest, civil-service law and regulation to the contrary notwithstanding. Upon you will rest the responsibility of having passed a bill for purely political results, and not an appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1885.

Pension Laws.

SPEECH

OF

HON. JOSEPH D. TAYLOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 11, 1884.

The House being in Committee of the Whole House on the Private Calendar, and having under consideration the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885—

Mr. JOSEPH D. TAYLOR said:

Mr. CHAIRMAN: I was not aware until now that this bill was coming up for consideration at this time. It is a subject upon which I feel deeply interested, and I can not let the opportunity pass without expressing my views upon some matters connected with our present system of pension administration, and pointing out what seem to me to be some defects in our pension laws as at present constituted. I am aware that there are some gentlemen upon the floor of this House who think the Government is in the highest degree liberal toward her ex-soldiers, and I am free to admit that I believe it is the intention of the Government to be liberal, just, and generous toward these men to whom we owe so much, but it seems to me there are some essential changes that ought to be made in certain directions to accomplish this end, and some modification of existing laws which the developments of time and experience strongly suggest. If we are sincere in our professions of gratitude and good-will to the soldier, we shall be open to conviction on this subject, and ready to apply the remedy when convinced that one is needed.

The first thing to which I desire to call the attention of the House is the provision embraced in the second section, which fixes the attorney fee of the agent at $10 in all cases. This, while it was intended to be a protection to the soldier against exorbitant fees, has in reality been a great detriment to him in the prosecution of his claim, as I propose to show hereafter. To that part of the section which provides that the claim agent shall not be entitled to demand or receive any part of his fees until the claim is allowed I have no objection to make. I only object to the fixing by an inexorable law the amount of compensation which an agent shall receive in each case at $10.

It seems to me that this law is a reflection upon the competency of the soldiers of this country and upon their widows. They do not need a guardian or trustee. They are capable of managing their own business in this respect as well as in all others. Do the soldier justice, and if he does not then take care of his money he will blame himself and not the Government. And he is just as capable of making a contract with an attorney or claim agent as he is of taking care of the money he has left after the attorney fee is paid.

It has been suggested that this law has been in force too long to be changed, and that all we can now do is to so amend it as to prevent any attorney fee being paid until the pension is allowed. I do not concur in this view. In my judgment it never was a good law, and the sooner it is repealed the better. It has been a curse rather than a blessing, and should no longer disgrace our statutes or embarrass our soldiers. It has been in the interest of irresponsible and unconscionable "shysters," whose pockets have been filled, sometimes at the expense of the Government, but more frequently at the expense of the unsuspecting claimant. It was shown in investigations made last winter that it was no uncommon thing for an agent here in Washington to undertake the procurement of a pension, and secure as soon as he could the ten-dollar fee, after which he gave the claim no attention whatever, and in some mysterious way the names and addresses of those who had been fleeced out of the $10 were placed in the hands of another agent, who was very profuse in promises and who was equally vigilant until he got the second $10, when all at once his hands fell, and the poor pensioner was driven to the third and sometimes to the fourth agent before he obtained his pension or found out what the first agent should have told him, that he had no legal claim whatever for a pension. Agents of this class are just as eager to make an application for a man who has no possible chance to get a pension as they are to make an application for a meritorious claim. There are thousands of claimants who have been induced in this way to pay first one agent and then another and then another, until they have paid out $30 or $40, when they have no shadow of a claim for a pension under existing laws. They were led by these un-

scrupulous attorneys to believe they were entitled to receive a pension in order to rob them in this way. And there are thousands of claimants who are justly entitled to their pensions who have never received them because they have been in the hands of a class of men who have never properly prepared the testimony or presented the case; and these unfortunate victims wonder why their claims are so long delayed.

There are many cases in which $10 is too high a charge. This was especially true at the close of the war, and immediately after the passage of our pension laws. The labor of making an application for a pension where the soldier lost a leg, an arm, an eye, or was wounded in any way in the service, could be performed for $5, in some cases, better than it could be in other cases for $25. The same is true of a widow's claim whose husband was killed or died in the service. There are other cases where the claim is based on some injury incurred in the service or on some disease contracted in the line of duty, in which the labor may be a hundred-fold greater. The surgeons may be dead, the field officers may be dead, the surgeon in charge of the hospital may have failed to keep a proper record, as was often the case, the claimant may have been away from his regiment on special duty, and his injury or sickness known only to one or two private soldiers, whose location is unknown or who may also be among the unreturning dead. These cases, and others no less difficult, can not be prepared by any attorney for $10, and will not be.

The present law makes it criminal for an attorney to receive more than this sum, and the consequence is that thousands of meritorious claims have never been allowed and the claimants are suffering for the want of the money which the Government intends them to have. If these claims were allowed, as they should be, the claimant would receive from one to two thousand dollars, and in some cases more if entitled to arrears. But the claimant is not authorized to pay nor the attorney to receive in any case more than $10, and the result is that some unworthy agent obtains the papers, undertakes the prosecution, gets his $10, and the claim sleeps the sleep of death in some dusty pigeon-hole. Perhaps it was turned over to two or three other agents to whom were paid a like sum for no better treatment.

The effect of this law has been to keep most attorneys in ignorance of the pension laws as well as of the pension practice. For my own part I confess that I had no knowledge until I became a member of Congress of the true character and workings of our pension system. Before that I had no occasion to study the system or become acquainted with the pension laws, as I had never undertaken the prosecution of a pension claim or been in any way connected with the business. Like most attorneys, I regarded the law as unjust as well as unwise, and never undertook to procure a pension for any one. If I aided a soldier in any way, I did it gratuitously. The time of lawyers who have other business is worth more to them than such compensation as this, and the consequence is that very few attorneys of standing and character have engaged in this business. Some have done so as an accommodation, and not because they desired to do so. The passage of this law took this branch of business out of the hands of the legal profession, as a rule. And yet it properly belongs to attorneys at law, and requires as much legal skill and knowledge as the ordinary practice of the law. The man who prepares pension papers should not only understand the pension laws but he should be able to know when the evidence conforms to the law; and if the papers were prepared by competent attorneys, it would diminish the force now employed by the Government and greatly lessen the delay now made necessary by the bungling way in which the papers are usually prepared and by the frequent examinations now made necessary.

If the preparation of pension claims had been left with the members of the bar as other legal business is, the claims would have been prepared in the county where the soldier lives by responsible attorneys, and the Government would not have been imposed upon as it has been by a class of agents who will prepare false affidavits, and by deception and fraud procure the allowance of unjust claims. The Government has been robbed of millions of dollars by these irresponsible agents. If the attorneys generally in the various counties of the States did this sort of business, the pension laws and the decisions of the Commissioner of Pensions and the decisions of the Secretary of the Interior in regard to pensions would be better understood and the claimants for pensions could be correctly advised at home whether they were entitled to a pension or not. In this way a vast number of applications now on file would never have been made. Not only this, but claims now on file which can not be considered favorably because of defective preparation, through the incompetency of the agent, would have been properly prepared and allowed. I have known claims which had been on file for years and had been rejected, placed in the hands of a competent attorney who knew at a glance what the difficulty was, and who at once furnished the necessary proof, and the result was that the claim was allowed in thirty days. This is what is wanted. An attorney should know of himself before the papers are placed on file whether there is a reasonable prospect of success in the most difficult case, and in ordinary cases he should know as well as the Commissioner of Pensions does whether an applicant is entitled to a pension.

I have seen fit, Mr. Chairman, to say what I have on this subject because I have always felt that this law was an outrage and a misfortune both to the soldier and to the Government. It has resulted in the employment in many cases of men who charged and received in violation of law many times what their services were worth; it has resulted in the employment of men who defrauded the Government; it has resulted in the employment of men whose incompetency has kept worthy claimants from securing pensions to which they were justly entitled, and in the employment of agents who have induced thousands of men to apply for pensions who have no claim for a pension whatever, and have thus filled their own coffers at the expense of the men they have robbed.

There is one and only one limitation that I would favor in regard to the employment or compensation of attorneys in pension cases, and that is, I would provide in the law that the attorney fee in all cases should be subject to the approval of the Commissioner of Pensions, whose opportunity for knowing the value of such services is ample, and I would provide that a separate check in each case be drawn payable to the attorney out of the first pension money received. This would protect any one needing protection, would check unscrupulous and incompetent agents, and would encourage honorable practitioners.

Mr. Chairman, it is now nearly twenty years since the close of the war, and in my judgment it is time that the pension laws be remodeled and that radical changes be made.

In no other way can justice be done to a large number of brave and patriotic men who served their country as faithfully and as well as any of those who are now its beneficiaries. The time has come when every honorably discharged soldier who has arrived at a certain age (say 50, 55, or 60 years), who has served a given period (say one year or more), should receive a pension. A bill has already passed the House giving to all the soldiers of the Mexican war a pension of $8 per month. To this bill I gave my cordial support, and I think it was right. At the close of the Mexican war we received almost a million square miles of territory, an acquisition that has greatly enhanced our wealth and resources. Its mountains are filled with ores and its valleys are covered with cattle. It opened the golden gate to the Orient, and gave us the Pacific coast for a commercial center. We owed it to the Mexican soldier and to the Government which we represent to express our appreciation of his services by granting this small recognition and this slight remuneration for his services. Whether the Mexican war was right or wrong is not now a question.

But great as is the debt we owe to these men, we are under still greater obligations to the soldiers of the late war who threw themselves into the "imminent deadly breach" of civil conflict and interposed their own lives between their imperiled country and the deadly onslaught of those who sought its destruction. The soldier who entered the Mexican war fought a foreign foe, who was weak while our Government was strong, and the result was not uncertain. But those of us who can recall the dark days of 1861, when the first call was made for volunteers, and the truth was forced upon the nation that the long-dreaded storm-cloud of war had in reality burst upon our heads, can realize what nerve, what faith, and what unswerving patriotism it required to look through the impending darkness and see certain victory beyond. From the rescued vantage-ground of to-day we look back upon that pathway of blood and pain, and wonder that so soon the anguish of those days has faded into a memory. Then treason was abroad in the land and the very air was laden with its poison. Nearly one-half of the States of this Union had deliberately broken the bonds which bound them to the nation. Nearly one-half the seats in this House and in the Chamber at the other end of this Capitol were vacated. We were without Army or Navy, without money or credit, and we were entering upon a war the result of which was at least shrouded in uncertainty. The call was made, and from village and city, from town and hamlet, from hill-top and prairie, from every portion of the loyal North and West the tramping thousands came, eager to give themselves to the land they loved. They came not for money, not for fame, not for any consideration that the Government could offer or promise, but because they held it to be a high and sacred duty to do and die for their country. The soldier never has been and never can be paid. No compensation in money will ever remunerate him for the hardships and perils he endured during those long and bloody years of war, or bring back to him the health and strength he left in Southern swamp and battlefield. No member of this House, no sane man, could be induced to become a target for whistling bullets and screaming shells for a mere money consideration. And they do not come here asking any charity at the hands of the Government. They are before us, in their age and helplessness, in their suffering and dependence; the widows and orphans of the dead are in our midst; the grand deeds of their patriotism are a part of their country's history, and it is for us to do them simple justice.

Our soldiers were a class of men superior in character, intelligence, and position to those of any other army in the world. Influenced by a pure and lofty patriotism, they left comfortable homes and the sweet allurements of domestic enjoyments, and willingly encountered the long and wearisome march, the exposure and sickness, the malaria of the camp, the desolateness of the hospital, the danger of shot and shell, and the still more dreaded danger of long and wasting imprisonment, to rescue the nation from peril and the flag from dishonor. They asked no pledges from the Government; they were content to trust the

country for whose sake they offered their lives that all that was worthy, all that was generous, all that was befitting a nation made up of such men would be freely and gladly given.

And now, with the nation redeemed, the stain of bondage wiped out forever, and the pillars of our national liberty set upon a more solid and firm foundation than ever before, with the dark horror of war all behind us, with a reunited country entering upon a career of prosperity such as the world has not known hitherto, with an overflowing Treasury and boundless sources of prosperity, it remains for us to keep not only the letter but the spirit of our promises to the men who stood by their country's flag when it cost something and meant something to do it. It is time we should recognize our immense obligations to these men by giving to every one who did honorable service then, such a pension as would lighten the burdens of labor for his declining years. We have done this for the Mexican soldier, as I have said, and it is well. But can gentlemen show any good reason why we should not do the same thing for the soldiers in the late war? The objection has been made that there are too many of them. But they are fast passing away. The soldier of forty years is now the veteran of sixty, and in a few brief years the soldiers of the late war will be numbered with the dead. The generation which has grown to manhood since the smoke of battle ceased to darken the skies will soon take their places. I do not undertake to determine the amount of pension which should be paid in this case. Perhaps $4 a month to those who served one year, $5 a month to those who served two years, and $6 a month to those who served three years would be enough for this class.

From the close of the Mexican war to the commencement of the rebellion was only thirteen years. A young man who entered the Mexican war at 18 would now be only about 55 years of age, and from this time forward he will draw a pension. If this is right, why should not the Union soldier who is 55 years of age also receive a pension? Many soldiers of the late war are now 65 years of age, and if they are ever to receive a pension a law to this effect must soon be passed. There are thousands of these men who need this money who are not pensioners, and probably never will be unless a law of this kind is passed. I am unable to see why the men who saved the life of this Republic are not entitled to this small recognition and this small compensation. I remember very well, Mr. Chairman, the promises that were made to the soldiers when the sound of the fife and drum was heard, summoning the people to the church, to the school-house, and to the town-hall where volunteers were to be recruited. I remember how the speakers were wont to give assurances of future recognition and future compensation. We all know how often it was repeated that no country ever forgets her soldiers. These promises filled the air. Have we kept them? Have we been faithful to those pledges made to the boys who were donning the blue, and bidding farewell to friends and neighbors, and going forward to the conflict which at that time so greatly needed their services?

Anything less than a prompt and full redemption of these promises is utterly unworthy the American people. To seek to avoid the redemption of the nation's pledges to the soldiers is a form of repudiation more reprehensible than the repudiation of our bonds, for in the former case ingratitude is added to dishonesty.

It has become a proverb that republics are ungrateful; but surely this land of overflowing plenty, redeemed and saved by her own loyal sons, should prove a shining exception to this rule.

If all soldiers arriving at a certain age were paid a specific pension a large number of Government employés would no longer be needed. The work of paying them would be simple and easy. At present it is difficult, laborious, and exceedingly expensive. I have sometimes thought that on business principles alone, in view of the fact that such a large proportion is already pensioned, it would be the best solution of the difficulty to pension all at once; I mean after they have arrived at a certain age. No money could be more wisely appropriated than in remunerating the defenders of our country. It would be "bread cast upon the waters," to be gathered up many days hence. And its influence upon the future can scarcely be appreciated.

Mr. Chairman, there is still another change to which I desire to call the attention of this House, and which I most earnestly recommend, and that is this: I think we should pension every honorably discharged soldier who served a given period, say three months or longer, without reference to his age, who is physically disabled from making a living, no matter from what cause or when or where the disability was incurred, if the soldier has no other means of support. There are thousands of soldiers who served all through the war who are now suffering from various diseases contracted in the service, in whole or in part, who are unable to obtain pensions, and who have no means of support, some of whom are already in the poorhouses of the country, others are supported by the charity of their friends and neighbors; and if some such provision as this is not speedily made thousands of soldiers will be driven to the poor-house for a shelter and to the potter's field for a place of interment.

Can it be that this Government of ours, with its untold wealth and treasure, proposes to allow its soldiers to die in almshouses and fill paupers' graves? I do not know how it is with other members, but I know that I receive letters almost every day informing me that unless a pension is granted to some soldier whom the neighbors are now supporting he will be compelled to go to the poor-house and be maintained by the county in which he resides. I do not believe that that is the intention of this Government. If I thought it was I should be humiliated. It would be a national disgrace to be guilty of such ingratitude and injustice to the defenders of the country. I know, Mr. Chairman, it is not the intention of our Government to permit its soldiers to endure this obloquy or humiliation. I come to this conclusion because from the close of the war to the present time we have been building homes for the soldiers and making annual appropriations for the support of their inmates. We now have these institutions in various parts of the country, supported at a heavy expense, showing conclusively that when the soldier has no longer a home to which he can go and where he can be supported it is the intention of the Government that he shall have a place to live where he will be cared for and clothed and fed, and where he can be decently buried when he comes to pass away from the cares and scenes of this life; and yet, Mr. Chairman, I desire to say that in my judgment it is a much wiser and better policy and far more economical to pension these men and leave them at their homes than it is to support them at any national soldiers' home. I do not say how much this pension should be, but certainly not less than $8 per month.

If $12 a month were paid to every soldier who has no means of support and who by reason of infirmity is unable to support himself it would cost the Government but $144 a year, which is less than half the money we are now paying per capita to support the inmates of the National Home for Disabled Volunteer Soldiers. The Soldiers' Home of of the District of Columbia, which is under the care of the Secretary of War, has a very large tract of land connected with it and many sources of income, and yet the average cost of supporting each soldier in that institution is $271.88 a year, which also includes the cost of buildings and repairs during the year, which was but a small sum. In the National Home for Disabled Volunteer Soldiers the average cost of keeping each inmate, exclusive of clothing, is $483.11. This is shown by the last annual reports.

I appeal to this House whether it would not be better to provide pensions for the class of men who need this aid who can remain at their homes and who desire to remain at their homes, instead of sending them to a soldiers' home. By so doing we gratify their wishes and save to the Government this larger expense. Besides this, men are better cared for at their homes with their families than they can be in a soldiers' home. The influences of home can not be too highly estimated. The sacrifice the soldier makes when to escape the infirmary he goes to Dayton or to some other home for disabled volunteers is beyond calculation. Those who are familiar with soldiers' homes fully appreciate the demoralization to which the inmates are not unfrequently subjected. I notice in the last annual report of the National Soldiers' Home that while 2,252 were admitted during the year, 1,121 deserted. And I notice another point in the same report, which is that only 4,179 of the inmates were native-born, while 7,219 were of foreign birth, showing conclusively that it is more in accord with our American education and American ideas to dwell as much as possible in the home and in the family.

The old home is dear to the American heart. Though it may be lowly and humble, though it may have no architectural pretensions or artistic merit, though the roof may be moss-grown and the doorway crumbling, every foot of the grassy door-yard is consecrated ground, every branch of the overshadowing trees is replete with tender memories, every room in the old house is full of hallowed associations, and as the infirmities of age or the helplessness of disease steal over the shattered frame, all these attachments grow stronger, until it seems like tearing soul and body asunder to leave all these things behind and go away among strangers. The author of America's sweetest song never touched a truer chord than when he sang

Be it ever so humble, there's no place like home.

I have not a word to say against soldiers' homes. I think they are grand monuments of our national greatness and of our commendable generosity and liberality, and I would not withhold a single dollar from them or fail to provide for a single soldier who desires to enter them, but I regard it as a wiser as well as a more economical plan to provide pensions for men who are dependent upon the Government for support, and permit them to remain at their homes near where they have lived and where they expect to die, where the associations of earlier days and the kindness of friends and neighbors will gladden and brighten their departing years.

If, Mr. Chairman, it was wise to build national soldiers' homes—and I think it was—I insist that we should take another step and provide for those who have equal claims upon the Government who desire to remain at their own homes in preference to going into these soldiers' homes when it can be done at one-third the cost to the Government. In all these changes I would make no difference between the private soldier and the officer. The only difference should be based on length of service and extent of disability. It is the necessity of these changes I desire now to impress upon this House, and not the details of the measure.

Mr. Chairman, the impossibility of doing justice to the soldier and

to those who are entitled to pensions and who greatly need them is a strong argument in favor of the revision of our pension laws. We have too much machinery. The present system is cumbersome and unwieldy. The Commissioner of Pensions is able and efficient. No man could do more than he is doing in the same situation, and against his administration I make no complaint whatever. I say the same in regard to the medical referee. But what can one man, two men, or a hundred men do under our present laws with half a million difficult questions staring them in the face awaiting decision? The fact is that most of the work must necessarily be done by others, and where so many are employed the work is too often intrusted to incompetent persons. The result is that a pension is allowed by one examiner that would be disallowed by another; that the affidavits which one examiner would hold to be sufficient would be held to be insufficient by another; that evidence deemed necessary by one examiner is deemed unnecessary by another; that additional proof would be required by one examiner which would not be required by another; and in this way, as a necessary and unavoidable result, pensions are granted by one examiner which would be refused by another. Delays and irregularities are inevitable. And in my judgment there are 100,000 persons who are as much entitled to pensions as a like number who are now receiving pensions. Soldiers who are suffering from disease which they can not trace by affirmative proof to the service, who are unable to show their condition at the time they enlisted and each and every year thereafter, who can not prove the existence of the disease at the time of their discharge and the nonexistence of it when they enlisted, who can not prove the time when or the place where the disability was incurred, who are unable to meet the demand of our present statutes, are denied pensions. Women and children, dependent mothers and sisters, whose husbands, sons, and brothers are sleeping in some quiet cemetery are refused pensions because they can not furnish the same proof. The rule of law is too harsh. Twenty years after the close of the war such proof in many cases is impossible.

Mr. Chairman, every soldier who was in the Army, who was at the front, who made long and weary marches, who was exposed to a burning sun in summer and to the chilling storms of winter, who slept on the cold, icy ground who went to bed supperless and shivering, who shared the sorrows of the wounded and dying, who endured the anxieties of years of absence from home and family, who daily stood at the gate of death and braved the horrors of war, suffered tortures for which human flesh is too weak and human nature too infirm. The life of the soldier and the hardships and exposures to which he was subjected shortened his days. His head is whiter, his brow is more deeply furrowed, his step is less firm, and he is in most cases ten years older in appearance and in the decay of bodily strength than he would have been had he never entered the service. Men who supposed for ten years after the war that they were well and strong have since found out as age grew upon them and as disease developed itself that their constitutions were broken and their health was permanently impaired. They are confirmed invalids, unduly gray and prematurely old, but they are not entitled under the law to a pension. They know and their neighbors know that they are now suffering from disease which could only have had its origin in the hardships and exposure of the service, but they can not come within the rules of evidence required at the Pension Office. It is impossible to say when and where this mysterious human framework got its permanent injury. You know that the disease and suffering exist, but you can not explain it. You see it in the pale face, in the sunken eye, in the emaciated form, in the feeble, tottering step, in the sad and silent look, but that goes for nothing in the Pension Office unless you can connect it by positive proof with the service.

Shall these 100,000 beneficiaries to whom the Government is indebted be longer turned away by existing laws and by our refusal to do them justice? The letters which come from the homes and friends of many who are now and have been for years applicants for pensions ought to touch a heart of stone. Mothers who go half clad plead for their children. Fathers who are helpless point to the uncomplaining wife. Neighbors plead the cause of the orphan children. In yonder cottage, where carpet never covers the floor, where the money-drawer is empty, where the fuel is well-nigh exhausted, where the common luxuries of life are unknown, and where the barest necessities of life only are attainable, these claimants have their home; and from these places come letters which plead in piteous words for help. One letter says that a certain man who has been an applicant for a pension ten years is almost blind. Another says that a certain applicant for a pension is helpless and infirm. Another writes about one who is confined to his bed and has been for years. Another is supported by his neighbors. Another is palsied and bedridden. Another is struggling hard to escape the poor-house. All of them have families, are extremely poor, and are applicants for pensions. Some have given up all hope of Government aid and have made up their minds that they will spend the remainder of their lives among the town poor. Others, brave and true as any soldier who ever trod the earth or breathed the air of heaven, have turned away from the Pension Department to bear the ills of poverty and disappointment the remainder of their days as best they can. I insist that this shall not be; that no soldier who stood by his country's flag shall die in a pauper's stall or be fed from a pauper's table; that no American soldier shall be forgotten while we have an overflowing Treasury and inexhaustible sources of wealth. If we suffer these things to exist, if we turn away from the pleadings of these men and allow them to die in want and negligence, then is our boasted laudation of patriotism but the emptiest of empty sentiment.

It is but the veriest mockery to gather about the graves of our fallen soldiers in the spring-time and deck the sod with flowers and pronounce eulogies over their lifeless remains while we deny through a technicality to their helpless widows and children the pittance of support which would lift from their lives the burden of grinding poverty. It is well that we recall the deeds of the heroic dead, it is highly fitting that we bear to their silent resting-places the tribute of wreath and chaplet, and that as we scatter fragrant flowers over their lowly beds we wreathe their memory with the poesy of our rhetoric and warm our pulses with the remembrance of their sacred devotion. But far more important is it that we should do justice to those who are still fighting the battle for existence, often with shattered health and broken constitutions, and with the shadow of the coming end constantly falling upon their pathway. Far more important is it that we recognize the dead soldier's claim upon the country he died to save in prompt and efficient aid rendered to the helpless ones he left behind, and whom we have fondly designated as the "wards of the nation." But small comfort must it be, and but little calculated to inspire a like devotion to American institutions, for the orphan boy to mingle each springtide with the groups of citizens who go to deck his father's grave with flowers and listen to the glowing words of admiration and praise for those who like him died that the nation might live, while he remembers that the same nation which accepted the costly sacrifice allowed his mother to toil night and day to provide the commonest comforts of life for herself and her children, and refused even a crumb from the rich table of its abundance because some thread in the chain of evidence was wanting and was impossible to obtain. As that boy recalls the bare home, the daily struggle with want, the hand-to-hand fight with bitter poverty, the years of suspense, the "hope deferred which maketh the heart sick," and looks around upon the comfortable and luxurious homes of the men who staid at home from the war, is it to be expected that he will be greatly impressed with the value the nation places upon the loyalty and consecration of her patriotic defenders? Is it to be expected that he will grow up filled with an intense devotion to that country whose injustice he has such bitter reasons to remember? No, sir. Human nature is human nature the world over, and if we would have this nation peopled with a patriotic, loyal, and happy people we must do justice to both the living and the dead.

There is another neglect to which I wish to call the attention of this House by way of a reminder. I wish to say that the bounties should long since have been equalized. I introduced a bill to equalize the bounties at the opening of this Congress; others did the same; and still no bill to this end has been reported to this House. You give millions of acres of land to railroad corporations, to agricultural colleges, and to other objects of a kindred nature, but no single land-warrant has been given to a soldier since the war. Why is this? What better object could you select than to give one hundred and sixty acres of land absolutely and unconditionally to every Union soldier?

I repeat it, Mr. Chairman, we are not doing our duty to the soldier. Instances multiply in which the complicated net-work of legal evidence required, but unobtainable, prevents deserving claimants from receiving the pensions to which they are honorably entitled.

I know a lady of culture and character. Her father once occupied a seat on the floor of this Chamber. Her husband and her brothers stood by the Government and bore an active part in the suppression of the rebellion. Her husband entered the Army as a private and came out at the close of the war at the head of his regiment. He never knew what it was to hesitate or falter in the thickest of the fight or in the hardest of the march. He was supposed to be dead in one of the hardest fought battles of the war and was left in the hands of the enemy. This news was sent home to his father and mother and to his wife and children. His funeral was held in the home of his boyhood and his obituary was published in all the papers. He did not die as was supposed, but came home later to rejoice in the victories of a triumphant army, carrying by his side the dangling sword and rusty scabbard which he had never hishonored, followed by the brave boys that loved him as a brother. His health was wrecked and his constitution was broken, but he would not complain. His friends could read his doom in his sunken eye and see it in his faltering step. I was with him at school and knew him from boyhood. Among all the young men in the neighborhood or among all the scholars at school no one was more vigorous or active. When he came home he would not apply for a pension. He did not go into the Army for money; that he could make at home. He went into the Army at the first bugle-call because he was full of patriotism, and he never laid down the armor till the last battle was fought and the last victory won. At no time would he consent to apply for a pension, though he went gradually down from the time he came out of the Army. He had a mistaken pride which restrained him. Besides, he felt that he did not need a pension, that he was comfortably well provided for in life, with ability to accumulate all the money he needed. He died, and the settlement of his estate

showed that he had not left a dollar, and his wife and his three lovely children were penniless. The friends of the widow insisted that she should then apply for a pension. She did so some time during the term of my late predecessor in Congress, but up to this hour she has received no pension, and is now and has been during all these years supporting her children with the work of her hands. Again and again I have called up this claim and ascertained its condition, again and again I went to the Commissioner and urged its speedy consideration, and am frank to say now that I have never been able to comprehend the difficulties which have been in the way of its allowance. I could cite many such cases, and my heart has been touched a hundred times at the piteous appeals which came from neighbors and friends in behalf of those who have claims upon the Government and yet have been unable to secure recognition. Hundreds of men who were brave and true soldiers are to-day objects of charity. Shall we suffer this injustice and wrong to continue?

One of the principal difficulties in procuring a pension under existing laws is the necessity of showing that the claimant in each case was sound in body or free from the disease in question when he entered the service. This I regard as an unjust and unreasonable requirement. No such law should ever have been in existence. Before a soldier entered the Army he presented himself for examination; he did not undertake to say, nor did he in all cases know, whether or not he was fit for the service. He did not undertake to decide whether he was capable of rendering such service as the Government required. This was a question for the Government to determine, and for this purpose, in all cases, a surgeon was designated to make the examination. All the soldier could do was to present himself and submit to any examination the Government saw proper to make; and we all know very well the manner in which these examinations were made. The soldier was stripped, in part at least, and examined from head to foot, and was admitted to the service or rejected on the judgment of the examining surgeon appointed for that purpose. If a man entered the Army who was unfit for the hardships of the service, was it his fault? If he was patriotic enough to do what he could, if he was willing to follow his country's flag and imperil his life at the call of his country, was that not enough? And if he was improperly admitted to the service it should certainly not be charged against him.

It is the law, and has been for a thousand years, in all civilized countries that every officer is presumed to do his duty, and that the principal is in all cases bound by the acts of his agent within the scope of his employment. In this case every man who entered the Army was examined by a surgeon, was found to be capable of rendering service and becoming a soldier. This being the case, he should be presumed to have been sound and in good health when he entered the service. More than this: as the examining-surgeon was the agent of and, for that purpose represented the Government, his examination should be conclusive in the absence of proof to the contrary, and the Government should be bound by it. This rule of law is recognized by all the courts of this country in all the ordinary transactions of life. Why should it be denied to the soldier, to his widow, or to his orphans? The man who was troubled with lung disease when he entered the service and was examined and passed is now to be denied a pension, or if he be dead, his wife and children are debarred from receiving a pension because it is said he was not in perfect health at the time he entered the service. Hundreds and hundreds of dollars are expended in sending agents out over the country hunting up testimony, going from house to house for the purpose of showing that a man had this or that trouble prior to the time he entered the service. And yet he entered the service, he endured the toilsome march, he went through the thickest of the fight, exposed himself to disease and death in his country's defense, and still no pension is granted because the officer making the examination is held not to have done his duty. If there was a wrong in this examination, who did it? Who is responsible for it? The surgeon who was supposed to know the qualifications of the soldier, or the man who was not supposed to know? Whether he was capable of rendering service or not was the question the surgeon was to decide. This man had been accustomed to hard and laborious work at home, he had supported his wife and family, and he conceived it to be his duty to leave his home, his wife and children, that he might aid as best he could in the suppression of the rebellion. He went forward and did his duty faithfully and well. Shall he be punished now, after he has rendered the service, or his needy family suffer because the officer was derelict? If he had this disease at the time he entered the Army, was it not aggravated? Did not the exposure to which he was subjected hasten it? And is it not likely he would be living to-day had not the exposures and the hardships of the war hastened the ravages of his disease? Be that as it may, the Government had an examination made, and by that examination it should be bound, and all this testimony in regard to the soldier's physical condition when he entered the service should be dispensed with. If the law was changed in this respect nearly one-half the expense of the Pension Department would be saved. Delay, vexation, and hardships upon those entitled to pensions would be obviated.

In hundreds of cases the Commissioner of Pensions writes the applicant, whose claim has been on file one, two, three, sometimes five and sometimes ten years, that his claim is awaiting proof of prior soundness; that he must show that he did not have this disease at the time of his entering the service—requiring negative proof, and in many cases proof which it is impossible to furnish.

I recall to mind a letter which recently passed through my hands to a claimant residing in my district. This letter stated it would be necessary for him to furnish proof of prior soundness, and that he must forward the affidavit of his former family physician to that effect; that this was necessary, and without it or its equivalent his claim could not be allowed. The man wrote me that this was impossible; that he was but a boy when he entered the Army; "that he had had no former family physician, and that he had never been treated by a doctor in his life, so far as he could remember, until since the close of the war."

This is only one case, but it is precisely like thousands of others.

In a letter dated February 9, 1884, the Commissioner of Pensions wrote to another claimant these words:

> In order to secure consideration of the claim it will be necessary for you to procure medical evidence showing your soundness and freedom from disabilities for which you claim a pension prior to your enlistment or before the date of your capture by the confederates, as well as medical evidence showing the existence of alleged disabilities at the time of your return from prison or at the date of your discharge. It will be necessary also for you to submit the best obtainable testimony, either of a commissioned officer or credible comrades or enlisted men who had personal knowledge of the incurrence of the disability stated in the service, which testimony should show as nearly as possible the time when, the place where, and the circumstances under which the disabilities were contracted.

This could not be furnished and the claim was rejected. Such is the character of the proof required. The pensioner is asked to prove a fact which was established by an examination at the time that the soldier entered the service and was then made a matter of record and ought to be conclusive. And yet the soldier is required to show that the certificate of the surgeon, then made by a man who was representing the Government and who was at the time acting for the Government, was true; and he is required to do this by extraneous evidence more than twenty years after the time of the examination, when in many instances the proof is absolutely impossible. By requiring such proof as this the Government presumes the certificate of its own agent false. And yet this is the law, and because claimants can not furnish this evidence they are refused pensions. I undertake to say, Mr. Chairman, that such a law is a disgrace to this Government and should be immediately blotted from our statutes, and I trust that this session will not come to a close until this law is changed.

There should of course be one exception to this rule and that is this: Where it is shown that a certain disability existed when the claimant entered the service he should not afterward be pensioned for this disability. For example, if he had lost two fingers before he entered the service he should not be pensioned after the war for the loss of two fingers, his condition being the same in that particular when he leaves the service as when he entered it.

The law, as stated in the letter from which I have just quoted, requires the soldier to prove his soundness when he entered the service and that the disease existed at the time he quit the service, or that he was sound when he was captured by the confederates and unsound at the time of his release, and all this must be established by "medical testimony." Not only this, but he must show "as nearly as possible the time when and the place where and the circumstances under which the disabilities were contracted."

These proofs are in many cases utterly impossible. The soldier has no authority to compel any witness to give his affidavit. Some men will recollect what others will forget. Some men are willing to swear to almost any affidavit you write, while others are as unwilling to swear to an affidavit they believe to be true. Some memories are easily refreshed, while others will not listen to an explanation. These witnesses have no interest in the matter and do not care to make oath to facts which have somewhat faded from their memory. They are engrossed in business, they live long distances from the claimant who seeks their affidavit, they saw so much and came through so much during the war that the war itself begins to seem like a dream. They saw thousands of men in the hospital, in the camp, on the battlefield, on the march, both dead and alive, and how can they now distinguish one from another and state facts in detail in regard to any one? In most cases it is impossible.

I desire that the law shall be so modified that prior soundness shall in all cases be presumed, and that the disease from which the soldier is now suffering shall be presumed to have been contracted in the service. Do not require the claimant to prove where he contracted the disease, whether in the service or out of it; do not require him to trace his disease to the cold ground upon which he slept, to the deep stream through which he waded, to the bloody battle in which he fought, or to the long years of absence and anxiety during which he suffered. This in many cases is impossible. Circumstances forbid it. Time and change have rendered it impracticable. If the Government can show the contrary let it be done, but in all cases give to the soldier and to his widow and to his orphans the benefit of the doubt. If the soldier rendered a certain amount of service, say three, six, or nine months, and was honorably discharged, and is suffering from any disability in a pensionable degree, let the proof of these facts place his name at once on the pension-roll and cease further higgling unless some other satisfactory explanation of the disability is given.

There are some changes in the medical department which I think

ought to be made. In a work so vast as that of the Pension Department perfection is impossible. Where 1,500 men and women are daily employed mistakes and errors are unavoidable. But I think the organization of examining boards was a mistake. The Pension Commissioner congratulates the country on the selection of three able surgeons at every point where examinations are made. I am satisfied that in most cases these boards are composed of the most eminent men in the profession in the vicinity where they are located. The liberal fee of $2 is paid for examinations; and yet it is not always the case that these examinations are made by three surgeons, and are often too carelessly considered. In a recent case a pensioner, whom I know very well, was receiving $2 per month, when he was ordered before another board for re-examination, and the board that examined him the last time gave him a rating which entitled him to $6 per month. These instances are by no means uncommon. Too often these examinations are made in too great haste; twenty or thirty men are examined in twenty or thirty minutes. Too often the examination is made by only one surgeon, and that the youngest member of the board, who has more time than the others, who can only find time to sign the reports and draw their compensation. There are honorable exceptions to this I have no doubt, but we all know how boards do business. The committees of this House divide their work between subcommittees, who again subdivide, until finally one man does one thing. Would it not be better to have an examination made by one surgeon at a time and let the examination be repeated as often as is desired? But there should be no opportunity for the surgeons making examinations to confer with each other. Three separate examinations made by three surgeons who have no opportunity of collusion would certainly be more reliable than one examination supposed to be made by three surgeons. Medical examinations made by these boards are often so unsatisfactory and so conflicting that the pensioner is subjected to frequent examinations.

And while I am on this subject I want to suggest that in my judgment some of the surgeons in the Pension Department are entirely too learned for such mortals as we are. For instance, one man who claims that he was injured by the explosion of a shell has been for a long time an applicant for a pension. I called up the claim and asked for it an early consideration. Soon thereafter a letter came informing the claimant that his proof showed satisfactorily that he was thrown into the air by the explosion of the shell, but that it does not satisfactorily show that the injury of which he complains is necessarily the result of his being blown up or of his falling down—that something other than the fall might have caused the injury. In other words, the learned examiners were satisfied that he was thrown up into the air, but they were not positively sure just how he came down. Perhaps this is right; it is no doubt learned; but to me it seems that any man who has been blown into the air by the explosion of a shell and has an injury of any kind from which he suffers ought to have a pension.

In another case the claimant was a good soldier, served all through the war, was wounded in a hard-fought battle, and since the war has drawn a small pension. The wound has grown worse during recent years, has been inflamed and troublesome, and he has been a great sufferer. He is no longer able to work, and the wound threatens his life. He has no means of support and is dependent on his friends. He applied for an increase of pension, and at the request of his friends I called up his claim. An investigation was made, and on an examination, with all the affidavits before them, the medical board in Washington decided and said in some very learned way which I can not now repeat that the man's wound was in a very bad condition, almost approaching gangrene (as I understood it), but that the condition of the wound was not the necessary result of the wound itself; that another disease had set in and was developing itself in the place where the wound was. After seeing this statement I called upon the Commissioner and said to him that this seemed to me to be a very fine-spun and ridiculous distinction. He said he could not set aside what his surgeons did; that they were the highest authority on these questions. At my request, however, he ordered the man to be re-examined, but I have never learned the result. Though a good soldier, though entirely helpless, suffering continually, though without any means to support himself or his family, he has never been able to obtain a pension of more than $2 per month. This is what I would term "strict construction," and I regret to find it employed in the decision of questions like these where a poor soldier is one party and a great Government the other.

There is another matter to which I wish to call attention. It is the wrong and injustice which are done to dependent mothers. Though the soldier was the only son and was killed in battle or died in prison or hospital, the mother can not obtain a pension unless she first prove that she had received actual support in the past or written promises of support in the future. The pension laws demand the mother to go to the trunk where the relics of her dead son are kept and gather from his papers evidence that her son was kind and affectionate and would certainly have supported her.

A letter in my possession to a dependent mother from the Pension Department says: "All letters written by or for the soldier in which he refers to you should be filed. Evidence is also required showing to what extent and in what manner the soldier aided you in your support, or acknowledged his obligation to do so, during the three years next prior to his death." These things should be presumed in favor of any soldier. Similar obstructions are in the way of claims by other classes of dependent relatives and ought to be removed.

Our system of pensioning soldiers in my judgment is radically wrong in other respects. Why should the affidavit of an officer be equal to the affidavits of two enlisted men? This is a foreign idea, and is copied from the laws of foreign countries, and is wholly foreign to our American ideas. The affidavit of a private soldier is just as worthy of credit and ought to have as much weight as the affidavit of an officer. In a pension case it is often worth more, as an officer who had a large command could not possibly remember details. This unjust law should be at once repealed, and all soldiers should be made equal before the pension laws as well as before other laws. The law of arrears is also unjust and unfair. If a soldier applied for a pension the day before July 1, 1880, and it is allowed, he will be allowed arrears back to the date of his discharge. If he applies the day after, he will get no arrears. Is this just? Again: if he is allowed a pension at $2 per month when he should have been allowed a pension of $6 a month, as he afterward shows by a rehearing and a re-examination, his arrears, if he is entitled to receive them, go back at $2 a month instead of $6. Because he was wronged once by the board of examiners the Government wrongs him again.

I have said that our volunteer soldiers were a superior class of men. No one will deny that they are at least the equals in all that goes to make up manhood to those of our regular Army. And yet in the matter of pensioning two officers of the same rank, wounded in the same way, in the same battle, and on the same day, one in the regular and the other in the volunteer army, there is a discrimination in favor of the regular Army officer, which is unjust, unrepublican, and inexcusable. Take, for instance, two captains who each lose a leg in the same battle, the one a regular, the other a volunteer. To the regular officer you give over $1,800 a year, and to the volunteer officer you give but $300 a year; less than one-sixth of the amount you give to the former. Is there any right or justice in this? The man who receives most receives none too much. I am not claiming there should be any reduction in the pay of the regular Army officers, but I claim that for a great and wealthy government like ours to fix the pay of her volunteer officers at a sum so much less is niggardly and humiliating. If we were a poor nation, struggling under burdens of debt which we could not liquidate, and without sources of wealth at our command, I would not urge this liberality. The claimants themselves would not ask it. But there is no plea of economy that will justify a government like this in withholding a just and liberal pension to her defenders, and especially to those of them who are crippled and suffering. Among the pearls of wisdom in the Book of Books is the following, which political economists would do well to remember:

There is that scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty.

One of the chief difficulties in the administration of the Pension Department is the unfortunate way in which its duties are discharged, and in some cases the incompetency of the persons to whom are intrusted important and difficult duties for the discharge of which they have had no special training. The questions involved in adjusting and allowing pensions are largely judicial and require men thoroughly fitted and qualified to weigh the evidence and apply the law to it. Medical examinations are made, and the written reports sent in by the surgeons who make them are often conclusive and control entirely the decision made here, when they are not correct, as subsequent examinations sometimes show.

Mr. MATSON. What would the gentleman suggest in the place of the medical examinations?

Mr. JOSEPH D. TAYLOR. I would divide the States into pension districts as they are now divided into Congressional districts, and in each district I would appoint a district commissioner, who should be equal in qualifications to a common-pleas judge, who should reside in the district as United States judges do, who should hear pension cases in open court as other cases are heard and as other public business is transacted. The witnesses should come before him and be publicly examined. In cases of medical examinations the surgeon should come in and testify in regard to the claimant as he would in any ordinary case. In this way witnesses would be examined in the locality where they are known and where their truthfulness is properly considered. The district commissioner should have the authority to compel the attendance of witnesses, to take or to authorize the taking of depositions in certain cases, and to fully investigate the merits of every case. This would be more satisfactory than our present system of *ex parte* testimony, where it depends on the mere pleasure of the witness whether he will give or refuse his affidavit. And we would then have more faith in what was sworn to, as we would not then have a doubt as to whether the affidavit was read to the affiant. The district commissioner would know in time and become acquainted with the standing of witnesses and the real merits of each pensioner. If it is objected that the commissioner would favor his district, this objection would be removed by the fact that his acts would in all cases be subject to the approval of the Pension Commissioner, who could at any time order a review of the acts of the district commissioner. There is no more reason why a man should be sent from New York or Pennsylvania to Ohio to examine claimants

than there is in sending a man from one of those States to hold the office of district judge, district attorney, or district marshal. Did it ever occur to any one that these officers favored their own locality as against the United States?

In this way each pension case could be heard on its merits and receive proper consideration. That is impossible now. Each claim for a pension that presents any difficulty is of itself a distinct case, as much so as a case in court, as much so as the cases now pending in the court in this Capitol. This being true, how can the Commissioner of Pensions hear all the applications which are made? How can he hear and determine 300,000 or 400,000 cases? More cases than half the judges in the country hear; certainly more than any one man or any one hundred men could hear. The work is too great, and it is utterly impossible for the Commissioner of Pensions to give any consideration to the great bulk of claims before him. There are about 325,000 pensioners at present and about 250,000 pending applications, all of which demand more or less consideration.

The appointment of special examiners to go to the home of the claimant and talk with the witness face to face is a great improvement over the old way of sending a man secretly around to see what he could smell out in a clandestine way. But there are not one-half enough of these examiners, and the Pension Commissioner is asking for more, and I do not see why a bill is not reported at once by the proper committee to furnish them.

I have personal knowledge of claimants who were notified a year ago that they would be visited by a special examiner who have not yet been examined. They were then informed that their papers were placed in the hands of a Mr. Winthrop, who was ordered to give notice of the time of his coming, and who would go to their homes and examine the witnesses and furnish an opportunity for the claimant to be present and cross-examine them if he so desired. Mr. Winthrop wrote the claimants that he would be there perhaps in July, about six months after they received the first notice, but he never appeared. On inquiry I found that these cases were referred to another special examiner, whose headquarters were in Columbus, a Mr. Durnan. He was written to and promised to go, but never went. One poor fellow, who looked for the special examiner more than a year ago in accordance with the notice he received, has recently died; another has been a helpless invalid, unable to feed himself, for more than eight months.

Does this not show the imperative necessity of increasing the number of special examiners? And I submit whether the compensation of these men should not be so increased as to command the services of men eminently qualified to fill the position? This would be a present practicable improvement.

It is objected that we are not able to pension all the soldiers who arrive at a particular age, nor able to give pensions to all the soldiers who have no means of support and who have some physicial disability which prevents them from making a living who have served a certain time in the Army. This is a mistake. Men who think this never studied finance. Those who take this view are ignorant of the laws of trade. Writers on political economy and the most eminent statesmen that the world has ever produced teach the importance of equalizing wealth. This is a problem of great difficulty. The natural and ordinary course of trade is to carry wealth to the great money centers, such as Washington, Baltimore, Philadelphia, Boston, New York; to make the rich richer, if not to make the poor poorer. Money flows to these places as naturally as water flows from the mountains to the sea. Men of large wealth have large incomes, and in spite of trade or commerce money will accumulate money. The effect of too much accumulation, of too much money in the hands of the few, of an unequal distribution of capital, in time destroys trade, disintegrates business, and brings on a panic or hard times or a great stringency in the money market. The difficulty is getting the money back to the rural districts, into the hands of the many, into the pockets of the poor; and this is as necessary as it is to get the water that flows to the sea back to the mountains or as necessary as it is to send the blood from the heart back to the extremities. This is the test of statesmanship, the key to successful business management, and the road to permanent prosperity.

It is said that we can not avoid seasons of hard times, that they must come every ten or twenty years, and in the past this has been true. And yet I am inclined to think that they ought to be avoided, and that they can be avoided in the way I suggest, by sending money back to the sources from whence it comes, back to the pockets of the poor. Restore the equilibrium in money matters as you are compelled to do in other matters, and you will avoid the unhealthy and unnatural accumulation of it in great money centers. This can be done in no better way than in increasing the pensions of the soldiers, in paying money to the soldiers who are poor, who have no means of support, who would use it to buy a small home, food and clothing, and all the necessaries of life. A thousand dollars sent into a township to a soldier enriches to this extent the whole township and benefits the whole county. The recipient pays his debts, buys corn, wheat, and potatoes from the farmer, meat from the butcher, sugar from the grocer, and in this and in other ways puts his money in circulation, and it passes from hand to hand until a thousand persons have shared its benefits. The Government is none the poorer, the people who constitute the country are none the poorer by paying pensions to soldiers. Under any law, the bulk of the money goes to the poorer classes and to the poorer communities, and hence it is a benefit to the country and adds to its permanent growth and prosperity. Government taxes are lifted from the people almost as gently as the dews are lifted by the morning sun, and yet they aggregate a vast sum of money and can be made to accomplish immense good if properly appropriated. And there is no object to which we can apply the immense sum which now fills to overflowing the Treasury where it will do greater good both to the recipient and to the Government.

The gentleman from Tennessee [Mr. YOUNG] showed in his recent speech made upon the floor of this House that France was never so great nor so prosperous as when the Champs Elysées and the boulevards of Paris were being constructed, and when the erection of public buildings and the making of public roads was distributing the funds of the government through the hands of the common people and so out through all the avenues of trade. Parisians have been noted at times for their riotous turbulence and discontent. Napoleon III gave the poorer classes employment, recognized their claims upon the government, and thus gained their adhesion to it, while they were elevated in their own self-respect and their families were prevented from becoming dependent upon the government. Such, Mr. Chairman, would be the effect in this country should a portion of the money now in our Treasury be distributed, in the form of pensions, to the men who served in the war, all of whom are richly entitled to this recognition, and very many of whom sadly need the aid. In honoring our nation's defenders we should honor ourselves, fulfill the promises made to the living and the dead, vindicate our claim to the justice and gratitude we have so loudly professed, and give a new impetus to that material prosperity of which we are justly proud.

The Bonded Extension Bill.

SPEECH

OF

HON. FRANCIS B. BREWER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. BREWER, of New York, said:

Mr. CHAIRMAN: The discussion of the "whisky bill," as it is rightly called, has consumed so much time in the House that all are impatient for a vote. I will confine myself to a few words and a short time. In the few remarks I make I wish to emphasize my dissent to any action which may be taken to encourage class legislation or foster the manufacture and traffic in distilled spirits, either on the floor of Congress or by State legislation. It is a business that should take care of itself and not ask assistance from legislation of any kind.

We have before us a bill to extend the time for the payment of taxes on distilled spirits which are now in bond. Sir, the very wording of the bill makes it obnoxious to the policy of our Government, obnoxious to the just claims of other citizens who may ask for financial aid in times of embarrassment, obnoxious to the moral sentiment of almost every well-regulated community. The good sense of the people, outside of those who manufacture, deal in, or who habitually use this article, is opposed to extending governmental aid to any particular class of trade, but especially to a business which floats upon its dark waters such widespread misfortune, sorrow, and distress.

What! Our Government loan money to carry on the manufacture of distilled spirits, and to bolster up the whisky ring! Who would wish to put forth such a sentiment? Who would wish to advocate it? Could he expect any intelligent community would indorse his action? Could he expect his constituents would approve it? Could he expect the members of this House would seriously entertain the thought of passing such a bill? Why, gentlemen, it would be the most obnoxious species of class legislation. I do not think the Government of the United States is quite prepared to go into the liquor business at present.

Mr. Chairman, whatever moral bearings the question under consideration may have, and however much good might result from a discussion of the subject from a temperance standpoint in other places and under different surroundings, I am satisfied the floor of this House is not the place for that discussion, or the members of Congress the ones to be benefited or influenced by the arguments which would naturally occur to any one who would welcome the day when the making and vending of intoxicating liquors should be obsolete and unknown. The dawn of such a day would be like the incoming of the millennium.

When I take into consideration the vast amount of this liquid poison

which is stored in distilleries and Government stores and warehouses, and the unceasing labor of thousands of men and the investment of millions of dollars which are employed in the conduct of this nefarious business so that the supply may be kept good, I can not shut out from my mind the baneful results, the ever-increasing tide of woes which must follow in the wake of this traffic in intoxicating drinks; and still these men, these makers and venders, "have the cheek" to ask that the members of this House, who are supposed to be honest and honorable men, to assist them in the prosecution of this wicked traffic.

Sir, I do not believe that votes enough can be obtained on the floor of this House to carry through a measure fraught with so much misfortune to our nation generally, bringing crime, pauperism, and distress to individuals, families, and neighborhoods, and which levies upon our people an annual tax of over $500,000,000. Can there be any excuse for passing this bill? It is said the distillers pay $50,000,000 into the Treasury annually and the dealers as much more; there is left $400,000,000 yet to be paid by direct tax on the people.

We are told, Mr. Chairman, if we refuse to extend the time for these men to pay the tax now due on their bonded liquors, and which it is the obvious duty of the United States to collect, we shall cripple this great industry which pays its millions into the Treasury annually. If this is a fact, sir, and if by the enforcement of this tax we can thereby prevent or in any manner limit the manufacture of spirituous liquors, let us by all means do it; and peradventure we may cut off in some slight degree this prolific source of crime, wretchedness, and disease.

here is now in store liable to tax about 70,000,000 gallons of distilled spirits, on which is due the United States about $66,000,000. The friends of this bill ask the Government to extend the time of payment of this tax, and for this forbearance they generously propose to pay to the Government 4½ per cent. interest annually. It is now carried by bankers, capitalists, and other moneyed institutions. We are told if we do not give the sought-for relief that widespread ruin and disaster must come not only on the distillers, but bring financial embarrassment to the individuals and institutions which have thus far supplied their wants and now refuse to extend their lines of discount. Now, I submit, is this a good argument to put forth when they ask for a Government loan? for it is nothing but a loan. Should the Government be asked to take a risk for two years at 4½ per cent. which banks and bankers refuse at from 6 to 10 per cent.? What security can these men give the United States which they can not give the banks? And if the business men who control our money in commercial circles will not take this risk, shall we assume it? I trust not, sir. The fact is, the shrewd, sharp business men of our nation are weakening on whisky and are quite solicitous to stand from under, and are strenuously assisting the ring to transfer these obligations from their own shoulders to the Treasury of the nation. I have too much confidence in the members of Congress to anticipate such a result.

Let us see how this vast accumulation of bonded spirits occurred. The law requires that all distilled liquors or spirits shall pay a tax of 90 cents per gallon. As raw spirits are not marketable or ready for consumption, and as it grows better and increases in value with age, it may remain in bonded warehouses for three years, and then the tax must be paid, or whenever it is withdrawn for consumption then also the tax must be paid. In March, 1878, the manufacturers found themselves with over 50,000,000 gallons on hand, and asked an extension of time in which to pay the tax. One year was given. Did they diminish the amount? No. That year they increased the amount to 71,000,000 gallons. In 1879 another appeal was made to Congress, and a three years' extension was given. Did these men learn wisdom by experience and the forbearance of the Government? Far from it. The next year the surplus rose to 90,000,000 gallons, and the next year to 100,000,000 gallons, and the next year to 117,000,000; then as the tax-paying time drew near it fell off to 105,000,000, and to 74,000,000 during the last year. Now, shall we give them another extension and encourage the further increased production, or shall we say, "Pay your taxes, as other honest and prudent business men do?" Then we shall see a diminished output of whisky till the supply and consumption come nearer together. This will be the result: the Government will receive the $66,000,000 which is its just due; the manufacture of distilled spirits will be diminished; the distiller will keep his business within proper bounds, be able to pay his taxes when due, and not call upon the Government to do what it has no constitutional right to do. So palpable a violation of the spirit as well as the letter of the Constitution would most assuredly call down upon us the just indignation of all right-minded and intelligent citizens, and it would be well to remember if we extend the aid now asked for we are indirectly aiding and abetting the manufacturing and vending of that article which never fails to leave its baneful influences upon the mental, moral, and physical condition of every one who is in any way connected with its traffic or use. Therefore I say this Congress has no right in any manner to encourage these men who come asking our interposition in their behalf. Other business men pay their taxes. Why should these escape the burdens they have imposed upon themselves and now ask us to adopt a policy at variance with the sentiment of the people and with the spirit of the Constitution and laws of the land?

Does the Constitution confer upon the Government the right to loan money? It gives it the power to coin money, to borrow money, but nowhere the right to loan money; and this is a loan virtually. If you extend the time of paying this amount of money into the Treasury and accept 4½ per cent. interest, you loan the funds of the United States and accept interest for the forbearance. If we should establish a precedent of this kind, what infinite trouble would it give us at every successive Congress? Every crippled business man would be knocking at the doors of the Treasury for aid to tide over his financial embarrassments. We should very soon have no need for a Treasurer or a Treasury; in fact, we should have no Government at all.

In making this effort to obtain this loan from the national Treasury to aid the whisky ring, gentlemen overlook that great factor, the people, who have strong convictions on these subjects, which they are free to express at home, and expect through their Representatives to express upon the floor of this House. There is a moral sentiment abroad which we can not afford to ignore or disregard. Certain gentlemen deprecate agitation on this subject, and would prefer to put this bill upon its passage without discussion. No doubt, sir, the vote will be a very close one; but every hour spent in debating the question will in my opinion give us a correspondingly larger majority against the contemplated wrong. It is well for our constituents to know whether we are willing to stem this current of wrong-doing, or, once we have become members of Congress, we cease to be the representatives of the people. How can we do more to promote the public good and to increase the public welfare of every class of citizens, excepting those engaged in this nefarious business of making or vending intoxicating liquors, than by compelling the prompt and punctual payment of the taxes due on bonded spirits and by refusing to commit the present Congress by our words or our votes to so vicious, so unjust, and so unstatesmanlike a measure, and so at variance with the moral sentiment of the people, as the passage of the bill under consideration?

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. DANIEL ERMENTROUT,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 31, 1884,

On the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. ERMENTROUT said:

Mr. SPEAKER: It has been long ago manifest that no man questions either the right or duty of the Government to save from loss the holders of the trade-dollar, the coin upon which it impressed its seal, to which it thereby gave credit and circulation, but which has now become dishonored. The chief stumbling-block in the way of the passage of this bill seems to be the fourth section. That section directs that the trade-dollar when redeemed shall be treated as silver bullion and shall be deducted from the amount of bullion required to be purchased and coined under act of February 28, 1878; and this, as the minority report puts it, "because the effect will be to greatly depress the value and price of silver bullion." The report then argues as though this were a bill for discontinuing the coinage of the present silver dollar. That, sir, is not the issue in this bill. If the continued coinage of the Bland dollar depends upon so slight a foundation as this, the period for that operation will be short indeed. The facts involved in the proposition before us do not warrant any such conclusion. It is therefore not worth while to fritter away the time of the House with the wider and broader issue growing out of either the discontinuance or suspension of the silver coinage.

It occurs to me, however, to suggest that the law of 1878 was not passed to raise or maintain the price of silver bullion. If that was the spirit and intent of that legislation it proceeded upon a vicious principle, namely, upon the idea of a personal benefit to a particular interest. This I should regret to admit. The better view to take is that it was designed in obedience to the popular demand to restore that ancient currency of the country, which in great measure had previously to that time disappeared, to give us a currency which, by its intrinsic value, to some extent at least, should create confidence. No doubt the knowledge that we were great producers of this precious metal, which in all ages and all countries had been a medium of exchange, operated to the passage of the measure. There was at that time a great demand for a currency of this character, for it was comparatively scarce. It must be presumed that when the National Congress framed the silver act it had in view these circumstances, and particularly the extent of the demand for this coinage and what would supply it.

The result of the legislative thought was a direction to the Secretary of the Treasury to purchase from time to time silver bullion at the market price, not less than two million dollars' worth per month nor

more than four million dollars' worth per month, and cause the same to be coined monthly as fast as so purchased into such dollars. It has never been found necessary or prudent by the Government to exercise the power thus conferred to its full extent. Under it up to November 1, 1883, were coined $156,720,949, an average of about $2,300,000 monthly, $1,700,000 less monthly than the law now authorizes. Is there any one who will say that the coinage has not met the demand? Let him go to the vaults of the Treasury and he will find them open readily to his demand and every other demand that may be made, and leave remaining inexhaustible and almost countless millions more. Is there any one who will deny that abundant power under the law is lodged in the Government to meet any possible future demand? He would be rash indeed.

Now, sir, it is apparent that no legislation enlarging the minimum of coinage of the standard dollar is called for by any demand by the business or the people of the country. On the contrary, the Secretary of the Treasury, a large and influential portion of the public press, chambers of commerce, and various large business centers are condemning what has been denominated "an aimless purchase of silver bullion, at the rate of over $24,000,000 each year, as a needless use of public money and of the taxing power to supply it, incurring a needless loss of the interest on the sum thus expended and the expense of manipulation." They are demanding a discontinuance or temporary suspension of further immediate coinage of the standard dollars. My colleague from Pennsylvania [Mr. SMITH] has even proposed an amendment doing away with the coinage of the standard dollar.

It is not necessary for me to express any opinion on this interesting question now. I believe that the proposition should first be submitted to a committee, that it is of sufficient importance to be considered separately, and at least should not be allowed to embarrass the passage of this bill. The question we have to deal with is whether we will by striking out the fourth section of this bill compel the Government to coin more silver dollars than are being coined now, when it has that power already; whether we shall enlarge a compulsory minimum of coinage, created when not a single Bland dollar was in existence and the demand necessarily greater, at a time when we have millions of them and a supply lying in the Treasury in excess of the demand. That is all there is in it. Logic and common sense seem to oppose the proposition. Now, I am by no means satisfied that the amount of trade-dollars that will be redeemed under this act will operate to depress the price of silver bullion; but should it do so, it would seem to be an act of retributive justice, and therefore call for no sympathetic tears. Who struck the first blow? On the 22d day of July, 1876, Congress passed a joint resolution (No. 17, Forty-fourth Congress), section 2 of which provides "that the trade-dollar shall not be hereafter a legal tender." Sections 3 and 4 authorized the Treasurer to issue $50,000,000 subsidiary silver coin and buy the silver bullion for the same? This legislation was certainly not urged by the friends of the trade-dollar nor by the foes of silver bullion. Time at last sets all things even. The Nemesis of the trade-dollar, that beautiful lady, emblematic of liberty, holding the olive-branch of peace in her hand, resting on the immutable foundation represented by the inscribed motto "In God we trust," emblazoned on this abused coin, comes back to avenge herself upon the absurd cheat which substituted a dollar of 412½ grains for one of 420.

Both the gentleman from Pennsylvania [Mr. SMITH] and the gentleman from Texas [Mr. MILLS] propose that all future silver coinage shall be fractional.

In view of the fact that $28,000,000 of this coinage now in possession of the Government may be made available for the use of the people, no pressing necessity seems to exist for such legislation. At any rate the consideration and adoption of any such amendment can only hamper and delay the passage of the bill, and might ultimately prove fatal.

It was urged on a former occasion that no such bill as this ought to pass, because the Government would lose $300,000 on every $2,000,000 coined, because the Government makes $2,300,000 out of every $2,000,000 worth of bullion coined. If the Government buys the trade-dollar for a Bland dollar it will receive 7½ grains more silver than it gives. This excess will nearly if not fully pay the cost of manipulation and yield a profit to the Government. But the Government must sooner or later take back the coin it issues at the same nominal value at which it was issued. So that it is as long as it is broad, and on the whole transaction the Government is even. Should, however, the statement of loss be correct, better the Government lose than the people. If there is any argument in the proposition to create money at a profit, let me suggest that under the recent legal-tender decision of the Supreme Court we can make money at a much greater profit by running the Government presses and printing greenbacks. The minority report assumes that under this bill $10,000,000 of trade-dollars will be redeemed, with the possibility of $20,000,000. The greater the amount of trade-dollars held by the people the greater the iniquity of delaying the day of redemption. I suggest, however, that the figure in the report exceeds any amount I have seen anywhere stated as being held in the United States or likely to find their way here. The Secretary of the Treasury in his last annual report has the following, which should be authoritative:

It is possible to make an estimate of the amount that would come to the Treasury for redemption if authority were given therefor. The whole issue of the coin has been $35,960,446. Some of that has disappeared in manufactured articles; it was estimated from $1,000,000 to $2,000,000. It is calculated that five-sixths went abroad in the beginning, and it is believed that but a small part of that came back, and that there is now held by our people from $5,000,000 to $8,000,000. Of that which remained abroad there is good authority for saying that much of it found its way from China to India and into the melting-pot at the mint in Calcutta, and has been there cast into the coin of that country. The overweight of the trade-dollar by the side of the Spanish and Mexican dollar, with which it was concurrent in China, brought much of it to the crucible there. It is understood in business circles that in China silver coin is used by weight and not by count, saving a few ports where Mexican dollars and a few other coins are taken by tael. It is the practice of Chinese bankers, so it is reported, to stamp with their own mark the coin that they take and pay out. The coin thus defaced soon comes to the state and repute of bullion, and the presumption is that our trade-dollars have many of them been so treated and so suffered. Bear in mind, too, that from time to time for some years past until a comparatively late date there has been inducement to reship this coin from China hither, because it has been in free circulation in most parts of the land, and for most of the time at a par with gold and silver money. There is reason to believe, then, that besides the sum of it in the hands of our own people an embarrassing amount will not come upon us from abroad.

I introduce here another statement, taken from a pamphlet on this subject, which seems to be approximately correct:

Trade-dollars coined, in round numbers		$36,000,000
The Director of the United States Mint, in his official report to Congress in 1879, pages 130, 131, estimates the amount of trade-dollars exported up to November 1, 1879, as being		25,089,817
In a like report for 1878, page 12, the same officer estimates the number of trade-dollars taken on their person by Chinamen returning home at		5,000,000
The export of trade-dollars was mostly from the port of San Francisco, and the amount exported from November 1, 1879, to September, 1883, as shown by custom-house returns, was but		123,926
Being a total of		30,273,743
There is no reason for expecting any notable return of trade-dollars to this country previous to 1876 or 1877, but it is estimated that during the years 1878 and 1879 the amount imported was	$1,200,000	
And since July 1, 1880, the custom-house returns show imports of	992,959	
		2,192,959
Showing the net amount disposed of in China, &c., of		28,020,784
We think it safe to estimate the amount of trade-dollars taken off by other channels, lost, mutilated, melted up, and used for manufacturing purposes during the ten years of their circulation, off our figures, at		779,216
Making a total of		28,800,000
And we have a balance of		7,200,000

Seven million two hundred thousand dollars, then, might be accepted as the maximum in the hands of mechanics, laboring people, and business men in the country, all trusting to Congress for relief; and who will doubt for a moment the result? For it involves neither charity nor sacrifice, but is simply an act of justice.

Business men, well informed on the subject, confirm the above estimate as to the amount of trade-dollars shipped to and the quantity returned from abroad. It is the custom in China to melt up into ingots and the "sycee" form all their imports of silver as soon as landed, and the fact that the commercial price of trade-dollars in New York was for two years previous to June, 1883, quoted at 99 cents and over, and that none were imported during that period, should be considered conclusive evidence that there are but few, if any, to be obtained in China.

Seven million two hundred thousand dollars seems to me to be an insignificant part of the silver bullion product of this country alone. Mr. Burchard, in his report to the Forty-seventh Congress, states the silver bullion product of 1882 at $46,800,000. I am informed from the same office that the production for 1883 will exceed this amount. In other words, less than one-sixth of the annual product of the country will be displaced by the operation of the fourth section. It is a bagatelle, and gives emphasis to the remark heretofore made that if the price of silver bullion depends upon the displacement, it rests upon a frail foundation indeed. It is an argument not entitled to much weight in this connection. But the minority report sets up another obstacle to the passage, not of the fourth section, but of the whole bill. That is the allegation that the trade-dollars are mainly held by speculators. The figures show that this is not so. I am informed authoritatively that less than 5 per cent. of the trade-dollars now held were taken at less than par. My own information, so far as the community I represent is concerned, is to that effect. For a considerable period after the stampede of July this coin was taken by our banks and business men at par. There are hundreds of these dollars hoarded up by that large class of people who put their trust in no man or institution as the guardian of their savings, and in no money but silver and gold.

It is further charged that much of this money has been recently bought at a discount by foreign brokers to sell at par abroad to foreign emigrants. I believe this to be a canard; but if true, it constitutes another powerful argument why this bill should pass, and pass speedily.

There is nothing in the argument that an increase of the purchase and coinage of silver will give a basis for an increase of silver certificates to take the place of retiring bank circulation. The power to enlarge that basis I have shown already exists. Out of an increase coinage of silver dollars in 1883, $28,291,069, after $4,136,321 have gone into the circulation, the increase of silver certificates amounted to only $19,713,931. In the opinion of the Treasury, "any demand likely to arise for silver dollars or for silver certificates based upon them may be readily met

without further coinage of the dollars or preparation of the certificates for issue." I believe these views to be correct. Entertaining the opinion I have expressed, I think it would be unwise to strike out the fourth section and that we should pass the bill as it stands.

Still if the House should think that the fourth section would operate injuriously upon an interest they wish to protect without enlarging the minimum coinage of the silver dollar as fixed by act of 1878, a proviso inserted at the end of section 4, restricting the amount of standard dollars to be coined out of the trade-dollars redeemed to 1,000,000 per month would not in my judgment be objectionable.

The Bonded Extension Bill.

SPEECH

OF

HON. BURR W. JONES,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. JONES said:

Mr. CHAIRMAN: The whole question involved in this discussion is this: Have the distillers presented to us sufficient reasons why we should extend for two years the time for the payment of their tax upon distilled spirits? I agree with the gentleman from Pennsylvania [Mr. RANDALL] that this is the most important bill which we have yet had before us for consideration. It involves not only the extension of a tax upon 70,000,000 gallons of whisky, but it bears in many ways upon our entire revenue system. It is a question of such importance touching our revenue policy as to merit careful attention. I am entirely content to view it as a practical business matter, leaving to others those questions of sentiment and morals which are more inviting to many because they afford a better field for the triumphs of oratory.

This is not the first time that the distillers have come to Congress asking special legislation of this character.

Prior to 1878 the law had required distillers to pay the tax within one year after placing the product in the Government warehouses; in other words, the manufacturer was allowed one year in which to sell his product before the payment of any tax was required. This had been the law for ten years. In 1878 the distillers came to Congress alleging that they were in distress. They had produced more than they could sell. They had large quantities of whisky in the warehouses and could not raise the money necessary to pay the tax. They begged Congress to give them relief. Congress yielded and by legislative act gave them such an extension of time that thereafter they were to have three years instead of one. Did the distillers learn wisdom in their advancing years from the follies of their youth? Not at all. They at once entered into an extravagance and prodigality in the manufacture of whisky entirely unparalleled in the history of this country.

The gentleman from Kentucky [Mr. WILLIS] tells us that the amount manufactured in 1878 was, in round numbers, 56,000,000 gallons; in 1879, 71,000,000 gallons; in 1880, 90,000,000; in 1881, 117,000,000 gallons. The normal production is about 71,000,000 gallons per year.

These figures are an argument which needs little elaboration. They show that by the legislation of 1878 every distillery was stimulated into unnatural activity. Every distiller argued that his whisky would grow valuable as it gained the smack of age. Of course he took advantage of the extension. He postponed the payment of his tax as long as possible. He steadily manufactured his whisky and as steadily marked up the price as it grew venerable with age. Mark the result. In 1878 the distillers had about 14,000,000 gallons of whisky in the bonded warehouses; in 1882 the amount had swelled to 80,000,000 gallons. Again they were without purchasers. The fierce fever of excitement and speculation had passed away; the relapse had come.

We are now asked to extend the period to five years, in effect to give another lease of life to speculation and overproduction. Is this the province of Congress? We of course regret the distress and embarrassment which the distillers have by their own folly brought about them, but is it our duty to indulge in this kind of special legislation whenever the agents of any industry paint its embarrassment in glowing colors? If so, we may bid a long good-by to general legislation, for there are other industries all about us equally worthy and far more needy. The manufacturers of distilled spirits, like other business men, should regulate their business to the laws of the land. They must recognize, too, that great law of supply and demand which stands unchangeable and the same while statutes come and go.

Brewers, wholesale and retail liquor dealers, tobacco dealers, pay their taxes to the General Government. So far as I know, they pay them promptly and without complaint. They are not accustomed to besiege every Congress for exemption from the burdens of taxation. I do not feel disposed to single out the distillers as the one class who are not expected to pay their taxes promptly and according to existing laws. If there is any one doctrine thoroughly embedded in the minds of the American people, it is that their taxes must be paid and paid promptly; that the payment of taxes is just as inevitable as storm and sunshine and death. And it is a wholesome doctrine, one upon which depends the very administration of government.

In my judgment, the sooner the distillers recognize that their taxes must also be paid, and paid within the time prescribed by law, the sooner they will place their business on a safe basis. They have relied altogether too much and too often upon Congressional aid. Any temporary relief which we can give the distillers would only aggravate the speculation and overproduction which are the fruitful causes of all their ills. There lie upon our desks copies of telegrams from about seventy banks urging our compliance with this demand. It undoubtedly means that the banks in some sections are interested in the passage of this bill. They have given credit to the distillers, and are to some extent perhaps involved in the embarrassment which speculation and overproduction have caused. But I can not see that it is our duty to yield to this pressure. The bankers, like the distillers, ought to be able to protect their own interests. They know the laws of the land. No class of men on earth can so easily touch the pulse of the world's commerce. No men are less excusable if they defy the great laws of trade, to which all successful business men must yield obedience. If they, too, have caught the fever of speculation, if to make large profits they have ventured upon large risks, they may as well learn now as ever that the Government of the United States is not their partner, and is in no manner responsible for their folly.

We are assured by some of the friends of this bill that the Government would not lose a farthing of its revenue by this action. But the bill itself does not speak so emphatically upon this subject. I have serious fears that if this bill should pass there would at once begin an agitation for the repeal or reduction of the tax upon whisky. The amount of whisky in bond would begin to accumulate; the problem would be no longer how to extend but how to avoid altogether the payment of this $63,000,000. Indeed, one of the friends of this bill, who has advocated it in an able argument, has boldly said that he desired both the passage of this bill and the entire remission of the unpaid tax.

I do not regard it as my duty to aid either in giving away to the distillers or any one else any part of the revenue which has accrued to the Government; nor am I willing to give aid or countenance to any act which would disturb the permanence of the internal-revenue system.

During the past few days we have heard that system violently denounced from many quarters; but I do not believe that there is any general demand for its destruction. For more than twenty years the existing system has been in force. During those days of civil war, when the life of the nation was trembling in the balance, we could ill afford to despise the hundreds of millions of dollars which it gave to the national Treasury. Now we are at peace, it is true. We have a surplus in the Treasury, a surplus which excites into wild, sometimes grotesque, activity the desires and the imaginations of some of the gentlemen on the other side. But still we are not rich enough, with national debt and soldiers' pensions yet unpaid, to give up to the distillers any portion of this tax, or to give up the system which has produced the tax.

I know that in the early history of this Government it was considered democratic to denounce the internal-revenue system. The words "odious," "inquisitorial," "detestable," and "infernal," which are repeated day after day on this floor, have an old and familiar sound. They come to us from the days of Shay's rebellion against the whisky tax.

But we should not be governed by catch-words and phrases after their significance has passed away. In those days the manufacture of whisky and alcohol was carried on in a humble way in almost every region where corn and rye were produced. In the absence of railroads humble laborers manufactured their corn and rye into whisky and alcohol, articles less bulky and more easily transported to distant markets.

But changes in the methods of transportation and the operation of later laws have taken from the many and given into the hands of a few men the manufacture of whisky.

The distillers who are asking this legislation at our hands do not distill their whisky in the cellars and barns of the country districts as in former days. They are few in number. They belong to a rich and powerful moneyed syndicate. They are residents of the great cities. They are the allies of the money kings. They are potential on the boards of trade. They are in close alliance with the banks, as these dispatches testify. The tax on whisky can now be collected of the few manufacturers without any of that surveillance which once annoyed entire communities. I know of no public sentiment in the Northwest against the rigid enforcement of the internal-revenue system. I know of no sentiment which is at all rebellious against the collection of the tax upon distilled spirits.

I agree with others that there is a general demand for reduction of taxation. There is a widespread sentiment in the State in which I live that the onerous taxation upon the necessities of life which was created by the expenses of a great war should be reduced.

That sentiment was voiced so loudly in the autumn of 1882 that a reluctant Congress was compelled to grant at least a show of acquies-

cence. A tariff commission had been appointed. It was so constituted that a clear majority of its members were devoted to a high-tariff policy. After long investigation that commission had reported that a substantial reduction of tariff duties was demanded by the public interests.

It was their opinion that there should be a reduction of not less than 20 per cent. in the then existing rates, and they hoped that it would reach 25 per cent. Those who were responsible for the legislation which was finally enacted stated on the floors of Congress that the proposed reduction would amount to an average of 20 per cent. or more.

I now quote from the report of the Committee on Ways and Means, which has just been prepared:

Your committee find that in the first six months ending December 31, 1883, under act of March 3, 1883 (the new law), dutiable merchandise was imported into the United States valued at $235,898,109, on which duties were paid amounting to $95,514,136, being 40.91 per cent. on the value thereof. In the corresponding six months of the year 1882, under the old law, the value of dutiable imports amounted to $260,856,273, and the duty paid was $111,266,507, or 42.65 per cent. on the value. It thus appears that the average cost of importing goods valued at $100 was only $1.74 less under the new than under the old law.

This exhibit of reduction in rates made by act of March 3, 1883, amounting to 1.74 per cent. of the duty, is subject to an unimportant modification resulting from changes in value and other conditions, some of which increase and others reduce comparative ad valorem rates.

The promised reduction of more than 20 per cent. upon tariff taxation has dwindled to less than 2 per cent.!

When the bill came up for passage it was alleged by those who demanded greater reduction to be the handiwork of the Eastern manufacturers. The result would seem to prove the truth of that statement. It was undoubtedly framed in their interest and in such a manner as—

To keep the word of promise to our ear
And break it to our hope.

Ad valorem and specific duties were so intermixed and changed, the law was made so complicated that none but those trained in the art of tariff-juggling could foresee the result. After this lapse of time the results can be ascertained and they present one more triumph for those monopolies which have so long been potent in the legislation of this country. If I know anything of the sentiment of the people of the Northwest they are asking for that substantial reduction of taxation which the Tariff Commission and the last Congress promised, but which they failed to give. They are not eager to pay a tax of 49 per cent. upon their sugar, of more than 40 per cent upon their woolen clothing, of 40 per cent. upon their cotton goods. They are uneasy under these burdens which rest upon almost every necessity of life.

We all know that the heaviest burden of this taxation rests upon the agricultural classes of the West and Northwest. It largely increases the cost of almost every article they buy. Its tendency is to close the foreign markets of the world to the articles they would sell. If they complain they are told in substance that this system of taxation gives aid and comfort to the infant industries of Pennsylvania and Massachusetts, and that in good time the taxation will be reduced. But they do not forget that those same "infants" were vigorous and healthy when this century began, and that the older they have grown the more lustily they have demanded protection.

In 1833 the friends of the high-tariff system consented to a compromise by which tariff duties should be reduced during nine years ensuing to 20 per cent. ad valorem, and that beyond that they should not be increased. More than fifty years have passed away. Now the average tariff rates amount not to 20 per cent. but to about 40 per cent., and still every one of these "infant" industries is clamoring for more.

The gentleman from Pennsylvania [Mr. KELLEY], who is probably the most celebrated living champion of the protective policy, has told us during this discussion that we should abolish the tax upon whisky and get rid of the entire internal-revenue system, which he denounced as an "infernal" system.

Of course the grounds of opposition to the tax upon whisky are obvious. If that tax of more than $70,000,000 per year can be reduced an equal amount of the sum derived from tariff taxation can be retained. A reduction of the taxation must come from some source. If that reduction is made in the whisky tax the present high tariff duties upon the necessaries of life will remain, because the expenses of Government must be paid.

I think I know something of the popular sentiment in the great Northwest. If I am not entirely mistaken as to that sentiment, it is not at all in accord with the Pennsylvania idea, which Mr. KELLEY no doubt understands and correctly expresses. That demand is indeed for a reduction of taxation; but it begs for relief from taxation upon the necessaries, not the luxuries, of life. It asks for that substantial reduction of taxation upon the articles of every-day use in every humble home that the tariff commission and the last Congress promised and pretended to give, but which has not come. In my judgment, if you will give this substantial reduction of taxation, if you will also add to the free list generously, if you will give to our people free salt, free sugar, free coal, free lumber, there will be no wailing or gnashing of teeth because whisky pays a tax.

There is no article on earth better able to pay a tax than whisky. There is no general demand for the removal of that tax among the people whom I have the honor to represent. I am willing to stand upon the ground that this tax should be a part of the permanent revenue policy of our Government. It is no longer an experiment. We have, by frequent changes of the law, already experimented enough. We have learned with reasonable accuracy what amount of tax per gallon will produce the maximum of revenue. At the rate of 20 cents per gallon the tax amounted to less than $12,000,000 per year. It was found that the tax of $2 per gallon afforded undue temptation to fraud and dishonesty, and yielded less than $35,000,000 of revenue per year, while the present tax of 90 cents per gallon yields more than double that amount. Still other changes have been made from time to time, and the results have shown that at present we are not likely to improve our revenues or our system of taxation by adding to or diminishing the present tax on distilled spirits; that the present rate of tax yields the best revenue and in every way the best results.

If this view is correct we may as well announce by our action upon this bill that the distillers must accommodate their business to the existing laws. The expenses of Government would still go on if we should postpone for two years the payment of these taxes of more than $60,000,000. To the extent that this money should fail to come into the Treasury where it belongs as part of the legitimate income of the Government, to that same extent we would be unable to reduce taxation upon the necessaries of life.

If I believed that the refusal to pass this bill would cause the widespread bankruptcy which is predicted by its friends, I might be disposed to yield my objections. But I have no doubt but that this danger is greatly exaggerated. The same banks which have voluntarily aided by their credit this overproduction can extend their credit until the distillers shall have gradually reduced the supply of their product to the demands of trade. This is the legitimate business of the banks. It is not at all the business of the Government.

These are the considerations which have led me to oppose this bill in its various stages, and which now lead me to vote against it.

The Tariff.

"Protection" benefits the manufacturer, not the employé.

SPEECH

OF

HON. ALEXANDER M. DOCKERY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

TUESDAY, *April* 22, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. DOCKERY said:

Mr. CHAIRMAN: In the limited time allotted to me in this discussion I can not hope to do more than glance at the outlines of this great question, and shall not attempt to thread out or elaborate the thoughts that its consideration may suggest.

The advocates of a protective tariff on this floor are to-day insisting that the present protective tariff shall not be disturbed, nor the policy of the last twenty years reversed or modified by a reduction of war taxation. The gentlemen who make this appeal with so much of seeming earnestness, and the party that has nurtured this policy from infancy to vigorous manhood, forget that when it was adopted as a part of the revenue system of the country it was only then advocated by many of the leaders of the Republican party as a temporary measure—a measure demanded and warranted by the exigencies of a great civil strife.

Nearly twenty years have passed away since the last hostile shot was heard, and during these eventful years peace has been fully restored, armies have been disbanded, and the soldiers of both armies have become peaceful and prosperous citizens. In all sections of this country the normal conditions of peace have fully resumed their sway, the public debt has been largely decreased, and we are now collecting annually many millions of dollars in excess of the needs of the Government; and yet the Republican party is demanding that this system of war taxation shall be maintained for "protective" purposes.

Before proceeding to a further consideration of this vexing tariff problem I desire to review briefly the various systems of taxation that may be invoked in raising revenue to support the Government, and I am willing in all frankness to concede the difficulties attendant upon the settlement of this question which now challenges the thought and engages the attention of the whole people. In this vast country, with its varied industries, there are necessarily conflicting and clashing interests, and it is ofttimes a matter of extreme difficulty to harmonize and compromise these interests so as to be able by wise legislation to reach and declare the general interests of the whole people.

SYSTEMS OF TAXATION.

It is our duty to provide the revenue necessary to meet the current expenses and maturing obligations of the Government. In establishing

a revenue system, and in the arrangement of all its details, we should keep in view and strive to work out the end of all wise government, "the greatest good to the greatest number."

There are many systems of taxation which we have the power to inaugurate, and from these we should choose the best. We might maintain the Government—

First. By a direct ad valorem tax.

Second. By an income tax.

Third. By an internal-revenue system like the one now in existence.

Fourth. By a tariff of imposts.

All of these systems are in use or have been used under the Federal or State governments. Each plan has its advantages and disadvantages, its merits and its demerits. And it becomes us, as the trusted agents of this great people, to consider carefully all the pros and cons before taking action.

A direct ad valorem tax would certainly be equitable, since it compels each one to contribute according as the Lord has prospered him, and hence, as he is able, to maintain the burdens of that Government whose blessings and protection he enjoys. But the people do not like the tax-gatherers, the fixed dates for payment, and the examination of and scrutiny into their private affairs, and the legal processes to enforce payment incident to this plan.

The second is in thorough accord with the kindly spirit of our institutions, and would lay the greatest burden upon the rich and prosperous. If they should be levied only upon the income in excess of an amount necessary to keep an average family in all the comforts of life, it would keep the burdens of government off the lowly and downtrodden and suffering poor until they might gather the necessaries of life about them and gain the strength and independence necessary to enable them without too much strain and exertion to aid in bearing the general burdens. This would tend to that greatest of all conceivable blessings for our race, the equalization of wealth. It would check the tendency, which alarms the thoughtful man, of the rich growing richer and the poor poorer.

But this plan has been discarded because of the difficulties attendant upon its execution. Either the Government agent in the execution of such a plan must spy out the private affairs of every individual, or the Government must in great measure depend for this information upon the individuals taxed. The one course would lead to an invasion of the privacy dear to all freemen, and the other hold out temptation for misrepresentation, fraud, and deceit.

The third, which is now used in securing a part of our revenue, has some virtues akin to both the others, and is without some of their objectionable features. So long as it is honestly and impartially administered, and the tax is laid under this system only upon the luxuries of life, it is perhaps as unobjectionable as any plan which can be devised.

HOW THE TARIFF OPPRESSES THE FARMER.

The fourth, by which foreign manufacturers are charged for the privilege of selling their wares to our own people, makes every vender and merchant within our borders a tax-gatherer, and is certainly liable to the objection that the Government realizes a less proportion of the money which is taken from the people under it than by any other system which has ever been devised. This objection is a very grave one and interests directly every citizen, for all contribute to pay this tax, and all surely desire that their contributions shall be as small as the needs of the Government will permit. Every patriot must be willing to bear his share of the legitimate burdens of the Government, but no reasonable man is willing to give more than the uses of the Government require.

Another objection to this system is its tendency to limit the market for our agricultural produce. Of the 17,392,099 persons shown by the census of 1880 to be engaged in all occupations 7,670,493 are engaged in agriculture. The commerce between nations is, as all know, a barter. Nations buy where they sell; in other words, they exchange their surplus products of one class in order to secure such other products as they may need. They trade with that nation from which they can secure the greatest quantity of the products needed for a given amount of the products with which they are willing to part. Any tribute which this Government may exact from foreigners for trading here must tend toward decreasing the advantages and inducements of this country as a place for exchange of products, and consequently must tend toward keeping away those who have products to exchange.

Again, if in spite of the exactions of tribute they still come to trade, they must in any exchange effected here reimburse themselves for the sum paid to the Government *by adding it to the price of the product.* The surplus products of the countries with which we can trade consists chiefly of manufactured goods. Such countries need and desire to secure by this exchange of their manufactured goods corn, wheat, meat, cotton, and other products of the farm. Now it so happens that our agriculturists have an excess of these products and need the manufactured articles of Europe, such as machinery, agricultural implements, clothing, woolen, cotton and linen cloth, boots, shoes, hats, and all indoor and outdoor necessaries and conveniences. Upon this class especially, therefore, any oppressive restrictions on trade with other nations bear with twofold severity.

Than these same agriculturists we have no class more worthy or more deserving of our fostering care and protection. The pride and crowning glory of these United States is its boundless extent of fertile land stretching beneath such kindly skies that almost every product known to any clime can be successfully cultivated within our borders. That class to which we look to develop and utilize nature's gracious promises which in this wealth of land and clime she offers possesses every claim to our kindliest consideration. But it is not alone because so much of our material wealth must be developed by it that I would urge its claim. It is because an agricultural life develops the noblest and the highest type of manhood and of womanhood, the most virtuous society, the most law-abiding and law-loving citizens, the most devoted and constant and persistent maintainers and defenders of free institutions and popular government, and because a large agricultural class insures the stability and perpetuity of government. Therefore I repeat the fact that this tariff system, which not only takes from the earnings of this class a large proportion of all the revenues of Government but both limits the market and tends to decrease the exchange value of their productions, is liable to the gravest and most serious objection.

DISCRIMINATES AGAINST NECESSARIES AND FAVORS LUXURIES.

Again, Mr. Chairman, if import duties are laid upon the necessaries of life the distribution of the tax among the people is inequitable, because the burden bears most hardly upon the shoulders the least able to sustain it. The income of the poor man is all absorbed in providing for the pressing and imperative needs of himself and those dependent upon him. Consequently he is taxed to the extent of the increase in the price of the supplies purchased upon the whole of his scanty income. The income of the rich man in excess of the amount necessary to provide for the wants of himself and his family goes wholly untaxed. Thus the tariff system may become the most iniquitous species of income-tax, oppressing the poor and shielding the rich.

REASONS IN FAVOR OF A REVENUE TARIFF.

But, Mr. Chairman, the tariff system has merits as well as demerits, and if the imposts are properly adjusted, and so graduated as not to be in any sense prohibitory, the force of the objections to which I have called attention can be and are to a very great extent obviated. This system must increase the cost to the consumer of all articles upon which import duties are laid; but the Government reaps all the benefits of that increase so far as imported goods are concerned. The increased cost to the people, however, of domestic manufactures goes not to the Government but to the manufacturers in the shape of increased profits. And when the duties are so high as to prohibit entirely the importation of foreign manufactures the Government realizes no income from imposts; and domestic manufacturers, shielded from foreign competition, force the people to buy their wares at exorbitant rates. The lower the tariff duties, the more foreign goods will be imported; and therefore the less proportion of the amount which the people pay on account of the system will find its way into the pockets of private citizens. The lower the tariff duties, the less hinderance it offers to trade between this and other nations, and the less is the exchange value of our farm products impaired.

Again, if imposts are highest upon the luxuries of life and lowest upon the necessaries most of the burden is borne by the prosperous, as it ought to be, and comparatively little of it by the unfortunate and poor.

Fortunately the needs of our Government are such that we can by a moderate rate of tariff duties raise the revenue needful for an economical administration, and thus divest the system of all its most obnoxious features and lessen all its objectionable characteristics. Of a tariff system organized as I have indicated I am thoroughly in favor.

INDIRECT TAXATION.

Indirect taxation is always more agreeable than direct taxation to the people. They prefer to have the tax-gatherer disguised as a merchant or trader or shopkeeper. They had rather be forced by the biting frost or the burning sun, by the husband's pride in adorning his wife, by the father's tender solicitude for the comfort and welfare of his child, or by any of the moods of nature, the accidents of fortune, or the necessities of circumstances to pour their tribute into the nation's treasury than by the officers and agencies of human law. They are pleased, too, with the thought that they pay the tribute of their own free will, though they are in fact compelled to pay it by the stern and inexorable and certain exigences of their nature and their condition.

Therefore, Mr. Chairman, in view of all the facts and of the public will, as I understand it, I believe that such of the revenues needful for the economical administration of the Government and the discharge of its maturing obligations as can not be realized by a tax upon the luxuries of life under the internal-revenue system should be raised by the laying of import duties.

After I have thus briefly outlined my views you can well understand my position, Mr. Chairman, in regard to the propositions maintained by the champions of the manufacturing interests upon this floor.

WHAT THE TARIFF COSTS THE PEOPLE.

I, sir, am unalterably opposed to the present tariff system, by which the people pay at least $5 to the manufacturer in order to secure to the Government $1 of revenue, and yet under which the Government piles up in its coffers many millions annually more than are needed to meet all its legitimate current expenses and obligations. The monstrous evils

of the system are, it seems to me, apparent. Its costliness and its injustice are as easily demonstrated as the motives of the manufacturers are easily discerned. By the census of 1880 it appears that the population of the United States aggregated 50,155,783. Of these 17,392,099 were engaged in the various occupations and maintain the rest. After careful investigation I have reached the conclusion that the average annual expenditure on account of himself and those dependent upon him of each of such persons, for all the necessities of life upon which a tariff is levied, must be, at the lowest estimate, $300.

I am confirmed in the conclusion that this estimate is below rather than above the mark by the fact that the manufacturing products of this country in 1880 were of the value of $5,369,579,191. And it is an admitted fact that all but an insignificant per cent. of these articles found a market at home. Dividing this sum by the number of those engaged in all the occupations we find that the average outlay of each for manufactured goods, which are all dutiable, was $314.50 for domestic manufactures alone. Now we find by reference to the tables of statistics furnished by the Government that the tariff duties average 41 per cent. ad valorem under the revision of March 3, 1883, and that in spite of this enormous rate of duty considerable quantities of European goods are imported into the United States. Of course the foreign manufacturers must realize a profit, otherwise these goods would not be sent.

I quote from a distinguished author some of the leading articles imported in a recent year stating their amounts and the rate per cent. which they had to pay:

Articles imported.	Ad valorem duties paid according to sorts.	Amount.
Woolen manufactures	54, 57, 66, 70, and 77 per cent.	$24,604,000
Cotton	35, 45, 57, and 63 per cent.	15,458,000
Linen	30, 35, and 40 per cent.	14,384,000
Silk	50 and 60 per cent.	20,103,000
Iron and steel	30, 35, 45, 48, and 50 per cent.	6,554,000
Leather	20, 25, 35, and 50 per cent.	6,906,000
Earthenware and crockery	40 and 45 per cent.	3,978,000
Tin plates and ware	27 per cent.	9,874,000
Hemp and jute fabrics	40 per cent.	1,005,000
Window-glass	68 and 72 per cent.	675,000
Total		103,541,000

What do these figures mean? They mean that the prices the American people pay for their woolen cloths and stuffs are so excessive that the British woolen manufacturers can afford to pay from 54 to 77 per cent. import duties for the admission of their manufactures into the United States and still get a profit. That is to say, that, taking the average duty at 66 per cent., the people could, if they were allowed to buy where they could buy cheapest, get the same quantity and quality of woolen and worsted goods for $12 for which they now pay $20. Eight dollars out of $20 thrown away!" After a further and parallel collation the author goes on to prove that by the protective duties there is a loss upon the average annual family expenditure of 28 per cent.

THE COST DEMONSTRATED.

A letter from a friend who has recently been abroad well illustrates this subject. He is a Republican of high standing and a business man of acknowledged ability. I read the letter that it may be seen what tribute we pay to protected manufacturers:

SAINT LOUIS, MO., *January* 7, 1884.

DEAR SIR: Replying to your inquiry as to my experience relative to buying clothes in Europe and in the States, I would say that when in Glasgow, Scotland, last fall I had made to order three suits of best quality Scotch tweed, for which I paid 50 shillings a suit—say equal to $12.50 United States currency. These were made by a first-class merchant tailor and were same goods as my tailor in Saint Louis charges me $45 to $50 per suit.

Respectfully, yours,

H. G. BROOKING.

Hon. A. M. DOCKERY,
Washington, D. C.

But for the purpose of demonstrating the enormous burden which the present tariff lays upon our people we will make a calculation upon the hypothesis that the tariff increases the cost of manufactured products to the consumer 20 instead of 41 per cent. Ascertaining the value of the manufactured products sold here annually upon the basis suggested, to wit, upon the estimate that the 17,392,099 persons engaged in the various occupations spends each one annually an average of $300 for dutiable goods both domestic and foreign, the sums spent by all aggregate $5,217,629,700. Of this sum 20 per cent., or one-fifth, was added by the tariff, and equals $1,043,525,940. Now the Government only received in the year on account of all duties on imports $186,522,064.60, or less than one-fifth of the sum which the tariff cost the people.

This calculation demonstrates not only the cost of this system, but that the manufacturers of the land receive a bonus from the tariff of about $5 to every $1 which the tariff brings to the Government; for the difference between $1,043,525,940 which the tariff cost the people and $186,522,064.60 realized by the Government from it goes to the manufacturer in the way of increased profit. This vast sum of $857,003,875.40 is taken without justification or excuse from the great mass of our people and given to a favored few. There is no reason why the agriculturist of my district shall pay an enormous tribute to the manufacturers represented by any gentlemen upon this floor. It was not for this that our fathers threw off the yoke of a foreign power, that nurtured lords and princes who lived in ease and luxury at the expense of the toiling masses. No principle upon which this unjust tariff can be defended is enunciated in our charter of constitutional rights, which guarantees equality to all and oppression to none.

EQUAL TAXATION.

The burdens of government must of necessity be supported, and they should bear upon all equally. But that any class of our people should have not only to support all the burdens of government, but also lay down at least one-fifth of their hard earnings at the feet of a few fosterlings of the Government, is simply intolerable. Like the Old Man of the Sea this manufacturing interest has fastened itself about the necks of our people, and resists every effort to loosen its suffocating grasp.

But I am much mistaken, sir, if the people will bear it much longer. They have already made it drunk with the wine of submission and forbearance, and will hurl it from them in the midst of its excesses. Sir, it would seem that the proposition to make one portion of our people—and that portion the worst paid, and certainly equally deserving with any in the land—give of the fruits of their toil and sweat to fill the already plethoric coffers of the manufacturers should be absolutely without supporters or defenders now that the needs of the Government can no longer be made the excuse for it. But the affluence which the wealth accumulated under this system has brought to the manufacturers—the untitled but pampered aristocracy of this country—has afforded ample leisure for weaving ingenious pretexts for concealing from the honest toilers of the land the naked deformity of this system. I shall briefly advert to those two upon which most reliance is placed.

PROTECTION TO AMERICAN LABOR.

The first is most specious in statement and most absurd upon investigation. It is that a protective tariff is necessary to protect the dignity of American labor, and to protect it from degrading competition with the pauper labor of Europe. *Who are the laborers of this country, and how many are there?* As we have seen, the census of 1880 shows that there are 17,392,099 persons over ten years of age in the United States engaged in the various occupations. Of these 7,670,493 are engaged in agriculture, 4,074,238 are engaged in professional and personal services, 1,810,256 are engaged in trade and transportation, and 3,837,112 are engaged in manufactures and mechanical and mining industries.

Now, sir, it is manifest that the tariff only protects from competition with European labor those of the last class. The other classes must, if necessary, face as best they can, alone and unaided by statute, the pauper labor of Europe or any other countries with whom their interests may conflict.

To-day, Mr. Chairman, and for years past the agriculturists, those who labor in wind and weather beneath wintry skies and scorching suns on the farms of the West and South, have with their produce to compete in European markets with like products raised by the pauper labor of both Europe and Asia. If we had no tariff our manufacturers would still be protected by 3,000 miles of ocean which stretches between their home markets and foreign competition. Our agriculturists to-day, compelled by the tariff to pay a heavy tribute at home, are also compelled to cross this same waste of waters in order to compete with European pauper labor in its home market. The degradation incident to this system has recently had a glaring illustration.

A foreign power declined to permit the American farmer to enter its markets with his pork. And, sir, to-day the American Congress is unable to invent any measure of redress or to relieve the farmer, because its ingenuity has been racked already to invent measures for the protection and immunity of the manufacturers. I fail to see any especial glory, sir, in the dignity of American manufacturing labor if purchased by the sacrifice and degradation of four-fifths of the whole labor of the country.

STATISTICS FROM THE CENSUS SHOWING WHO ARE "PROTECTED"—MANUFACTURERS, NOT THE LABORERS.

But, sir, it is untrue that this exorbitant tariff is at all necessary to maintain at its present standard the wages of the workers in our manufactures. The facts strip from capital the hypocritical mask of sympathy for American labor. The census of 1880 shows that the capital engaged in manufacturing in the United States is $2,790,272,606; the number of all hands employed in manufacturing, 2,732,595; the total annual wages of all such laborers, $947,953,795. Dividing the total wages by the number of hands, it appears that the annual wages of each of these laborers is $347.

The value of the material used in manufactures in 1880 was $3,396,823,549; the value of the manufactured products was $5,369,579,191. To ascertain the net profit realized by the manufacturers for that year we have to deduct the cost of the labor and material used from the value of the manufactured products. This profit we thus find to be $1,024,801,847, and this sum, the net profit, equals 37 per cent. of the total capital engaged in manufactures. This exorbitant profit, and not consideration for American labor, has inspired the siren songs with which these deft choristers would lull the murmurs of discontent which threaten a storm of indignation.

You will observe, Mr. Chairman, that these same manufacturers who

prate so loudly of wages and whisper never a word of their profits starve their laborers into subjection when they murmur as to the scanty and diminishing share of the profits which are allowed to them, and import duty free pauper labor from any quarter of the globe to compete on our own soil with the protégés for whom they profess such solicitude.

But, Mr. Chairman, laying aside all theories and coming directly to the practical results of twenty-four years of "protection," the conclusion must be reached that the "lion's share" of the tribute we pay annually under this system goes to the manufacturers and not to their employés. If not, will some representative of the system explain to the country why it is that hundreds and thousands of laborers in manufactories are to-day without employment, and discontent and poverty almost everywhere characterize this class of our people. If this system is to be continued for another twenty years, and if we are warranted in judging the future by the past, we shall be compelled to announce the danger not of competition from the pauper labor of Europe, but the danger that shall come to all our interests from the aggregation of princely fortunes by these manufacturers and the other and overshadowing danger of having to deal with *pauper labor on our own soil.*

And right here I avail myself of a few paragraphs from the speech made recently by the distinguished gentleman from New York [Mr. COX].

Where do we find American labor mostly employed now? Referring to the "occupations" tables of the last United States Census Reports, I find the total number of persons employed in what may be called the non-protected occupations given at 13,554,987, of which number about 16 per cent. (2,268,860) were persons of foreign birth.

In the protected occupations, namely, the manufacturing, mechanical, and mining industries, I find the total number of persons employed given at 3,837,112; and of these 32 per cent. (1,225,787) were of foreign birth—double the percentage of persons of foreign birth employed in the non-protected occupations.

Any person familiar with one of the conditions of labor in the protected industries during the last twenty-five years, namely, the impossibility of its migration to the great West, will, if he is candid, have to admit that if he were to classify this labor, at least 32 per cent. more of the persons employed therein would appear to be of foreign parentage. I make this reference not to disparage our citizens of foreign birth or foreign parentage, but only for the purpose of showing that protection does not protect labor, and that employers will employ the cheapest labor that the necessities of the laborers will enable them to employ.

Aside from the protected industries referred to there are no other productive occupations in this country, except the eleven classed under the head of agriculture on page 1368 of the compendium of the last census, part 2. The total number of persons therein given as employed in agriculture is 7,670,493, of which number 3,323,876 were laborers, and 4,225,945 farmers and planters. The other 120,676 were engaged in dairying, horticulture, stock-raising, and kindred pursuits. On the page referred to I find that less than 5 per cent. of these 3,323,876 laborers (161,402) were persons of foreign birth, while of the farmers and planters 14.5 per cent. (610,180) were persons of foreign birth. Do not these figures show that American labor is being driven out of manufacturing industry under a system of tariffs which the advocates of the latter would have us believe was designed mainly, if not solely, for the protection of our skilled labor? If wages in our mining and manufacturing industries were commensurate with the ideas and necessities of life, would we find, as I could easily show by the census reports, that 64 per cent. of the labor employed therein is of foreign birth or parentage, while over 95 per cent. of our hired farm service is being performed by laborers of American birth?

COMPARISON OF PROFITS OF AGRICULTURISTS AND MANUFACTURERS.

If the proposed reduction in the tariff rates should diminish the profits of the capitalists engaged in manufacturing one-half, and no one makes any claim that it will do this, their profit would still be greater than that of any other class of capitalists in this country. Let us compare their condition with the condition of the farmer, as shown by the census of 1880. We find the following state of things:

Value of farms	$10,197,096,766
Value of implements, &c	406,520,055
Value of live-stock	1,500,464,609
Total	12,104,081,430
Cost of fertilizers used	28,586,397
Value of all farm products, 1879	2,213,402,564
Value, less cost of fertilizers	2,184,816,167
Profit invested in agriculture, without payment of any wages	18 per cent.
Agricultural laborers	3,323,876

Estimating agricultural laborers' wages at 75 cents per day, the wages paid annually to them would be $747,872,100; and on that basis the profit on capital invested in agriculture would be 11 per cent. But this whole estimate omits to debit the profit with any charge on account of maintenance of any species of live-stock, and therefore shows a larger profit than the farmer can possibly average.

HOME MARKETS GIVEN BY THE TARIFF TO THE FARMER.

But the second delusion which the manufacturers have to offer the people as a reason for a continuance of enormous subsidies to them is that the agriculturists derive enormous benefits from the home market which manufacturing establishments afford to their produce. Could any pretext be more flimsy than this cry for protection to American labor?

With our rich and virgin soil, the cheapness of our lands, and superior agricultural implements the American farmer can and has competed successfully with his produce in every market of the civilized world, and but for the protective tariff system, which hinders and interrupts exchange with other nations, would never be without a profitable market for their surplus produce. The manufacturing countries of Europe would gladly exchange their manufactured goods for the wheat, corn, and meat produced upon our farms.

In spite of the high tariff the statistics show that the products of our farms are now being exchanged for the products of European manufactories. This tariff not only limits the market, but also the profit to be realized there. It prohibits the introduction here of the great bulk of the manufactured products of other countries. They are forced to look elsewhere for purchasers or for those with whom they can exchange. And in the exchange they supply their wants which our agriculturists are prepared and are anxious to supply. When in despite of the high tariff they come here to trade they must in the exchange with our agriculturists add to the price of their goods and wares the import duties which this Government exacts for the privilege of bartering here.

If, for example, they can profitably manufacture and transport here three yards of calico for the sum they would willingly pay for one pound of meat, the farmer would secure the calico for the meat. But when at our ports of entry they have to pay 40 per cent. on the cost of the calico for the privilege of bartering with our farmers, they must secure 40 per cent. more meat in the exchange to indemnify themselves for the increased outlay. The illustration is homely, but the truth it teaches is most important and far-reaching in its results, as will be seen by the statistics, which show that the commerce between the American farmer and the foreign manufacturer to-day aggregates largely over $1,000,000,000 annually. While our farmers are thus kept out of the foreign markets, or go thither hampered with the consequences of this tariff system, those certainly of the West and South derive no benefit from the boasted home market of the East. I quote from an eminent authority, Thomas G. Shearman, upon this subject, as follows:

WHAT PROTECTION DOES FOR FARMERS.

The farmers have long been treated to the most bewildering calculations for the purpose of showing that protected manufactures are their sole source of wealth. Immense pains have been taken to prove that the farmers could not live without the market afforded by protected manufactures, and a statement has been made a thousand times that a foreign market is a positive injury to the American farmer, because so long as he sent his wheat to Liverpool the Liverpool market would fix the American price. The wise scheme which has been invented for the relief of the farmer is therefore to make the number of his customers less. For is he not told that it is a positive injury to him to sell his wheat in Liverpool? If, then, Liverpool can only be prevented from buying American wheat, surely the American farmer will be made more prosperous!

These wiseacres overlook the fact that the only way in which Liverpool can be prevented from fixing the price of American wheat is by preventing Liverpool from paying the highest price in the market of the world. Now, the only reason why Liverpool fixes the price is that Liverpool is the best market, and just because it is the best market the protectionist desires to ruin it for the benefit, he pretends, of the American farmer. The best answer, however, to all the nonsense which is talked about the Liverpool market is the fact that with the increase of protection the American home market has become less and less favorable to the American farmer, and he has become constantly more dependent upon Liverpool.

FARMERS DEPEND UPON THE FOREIGN MARKET.

Mr. Nimmo, writing in the North American Review in favor of protection, let slip the fact that 95 per cent. of all the exports of breadstuffs and provisions come from the Western States, and that the Eastern manufacturing States consume nearly all their provisions, and neither export abroad nor furnish any considerable market for the Western States. The West is absolutely dependent upon itself and Europe. The Eastern market is practically of no avail to it. Yet to support this imaginary Eastern market the West has for years cheerfully borne an enormous load of taxation levied under the pretense of protecting American industry.

To further exhibit the fallacy of the boasted home market for agricultural products I submit the following statement, made by the very able chairman of the Committee on Ways and Means [Mr. MORRISON] in a recent address delivered in this Hall:

EXPORT OF AGRICUTURAL PRODUCTS DOUBLE THAT MANUFACTURERS USE.

In the lower cost of transportation on land and sea is to be found one chief agency of the wondrous development which bounty-fed manufacturers credit to protection. The system by adding to the cost of the materials for railroad construction has increased the cost of railroad transportation at least 25 per cent. In the lower cost of carrying agricultural products they have found their only sources of profits. On more than one occasion here I have exposed the fallacy of obtaining a home market for agricultural products through protection maintained by taxing agriculture. In 1880 the agricultural product was counted in the census at $2,212,540,927. Assuming that these products were used by the people equally without regard to their occupations, those engaged and employed in manufacturing, includjng all mechanics, also miners, consumed of the products classed as agricultural $335,000,000 worth, while for more than double as much, or $685,961,091 worth, the producers were compelled to seek a foreign market.

A SELFISH POLICY.

I do not know that I could better illustrate the utter selfishness of this policy and give the proper direction and emphasis to the word "protection" than by recalling an incident that transpired during the debate in favor of restoring the old tariff on wool. When the gentleman from Ohio [Mr. CONVERSE] was appealing so earnestly on behalf of the measure he stated the profits of the wool-growers of this country had been reduced annually more than a million of dollars by the reduction of the tax. I suggested to a protectionist friend who sat near me that he should explain to me in a few words *who paid the profits in controversy.* His reply was—jestingly of course, but really revealing the true situation—"it matters not as to that so we get them."

But here is another illustration brought forcibly to the attention of

the country by the vote had on that proposition. On this question affecting the wool-growers of the country we found the Republican representatives of the wool-manufacturing interests voting solidly against the restoration of the duty on wool.

Mr. RUSSELL. You do not mean to say that they voted solidly in that way?

Mr. DOCKERY. I will qualify the statement as to the solidity of the vote; but my recollection is that twelve Republican Representatives voted against restoring the old duty on wool. And I know I heard several Republican Representatives declare that the vote was the strongest argument made in favor of free trade on this floor, and it shook the faith of several Republican Representatives from the West, that on this question, where they wanted a little "protection" for their wool-growers, the representatives of the manufacturers in the East refused to grant them their share of the protection.

Mr. RUSSELL. They did not vote solidly, as the gentleman stated.

Mr. DOCKERY. I have qualified that statement. My recollection is that twelve Republican Representatives voted against it. Is not that correct?

Mr. RUSSELL. I have not the number.

Mr. DOCKERY. The number was sufficient to illustrate the point I am trying to make, and that is the utter selfishness of this policy. It is well known there is a difference between the wool-growers and the wool-manufacturers on this question. And why? Because the wool manufacturers do not want to give the wool-growers any part of their profits.

Mr. RUSSELL. You will find them fighting together this fall.

Mr. DOCKERY. I will ask the gentleman how many Representatives from Massachusetts voted to restore the duty?

Mr. RUSSELL. I said they did not vote solidly, as the gentleman had stated.

Mr. DOCKERY. It is true that the gentleman himself voted to restore the old tariff on wool; but it is also true that his Republican colleagues from Massachusetts, representing wool-manufacturing districts, voted solidly against the restoration of the duty. I may also state that on this question the distinguished leader of that side of the House from Maine [Mr. REED], although not paired, fails to record himself on either side of the question.

TAXATION SHOULD BE FOR PUBLIC PURPOSES.

Mr. Chairman, it has been truly said by a distinguished member of this body (Mr. CARLISLE), that "all taxation should be for public purposes." Protection taxes one business interest for the benefit of another, and is in direct contravention of that great fundamental doctrine of our Government, "Equal rights to all; exclusive privileges to none." [Applause.]

Sir, should this iniquitous system prevail in a government of the people, by the people, and for the people? The hour for honest, candid consideration has arrived. The tariff question is now the dominant one in American politics. The Republican party has arrayed itself under the banner of protection. The Democratic party still fights under the banner of tariff for revenue. While we are willing to accord to the manufacturing industries such protection as this scale of taxation incidentally gives, we are unwilling to subsidize any class, to foster any monopolies, or lay unnecessary burdens upon any department of our industries.

"FREE TRADE."

It has been charged on this floor and in the public press that the Democratic party demands free trade. Now, the gentlemen who make that charge on this floor of course can not be accredited with candor and sincerity, because they are too intelligent and know how utterly without foundation in fact is this statement. The charge is made for a purpose and for an effect. The phantom of "free trade" is invoked to affright the timid.

The Democratic party may have free-traders within its organization, but the Democratic party is not for free trade, and the gentlemen representing the Republican party in this debate can not point to a single plank in a national platform of that party that would authorize them to make such a declaration.

Mr. Chairman, "tariff for revenue" is no new doctrine of the Democratic party. More than forty years ago the Democratic party declared its position in favor of such a tariff, and on this issue it then aligned its forces to make battle for political supremacy, and amid all the changes and chances incident to political contests it has fought a good fight and kept the faith.

In the fierce contests which preceded the war it grappled, fought, and overthrew the old Whig party on this question, and I say to-day to my Republican friends that on this issue it will triumph in the near future and live to preside at the funeral obsequies of the Republican party. [Applause].

NATIONAL DEMOCRATIC TARIFF PLATFORMS.

In the Democratic platform of 1840 the tariff resolutions (numbers 4 and 5) are in these words (which have been reaffirmed, enlarged, or reannounced in every national Democratic convention since held):

4. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interest of one portion to the injury of another portion of our common country; that every citizen and every section of the country has the right to demand and insist upon an equality of rights and privileges.

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

Convention of 1844, resolutions 4 and 5 reaffirmed.
Convention of 1848, resolutions 4 and 5 reaffirmed.
Convention of 1852, resolutions 4 and 5 reaffirmed.
Convention of 1856, resolutions 4 and 5 reannounced.
Convention of 1860, resolutions 4 and 5 reaffirmed.
Convention of 1868, resolutions 4 and 5 reannounced.
Convention of 1872, resolutions 4 and 5 reannounced and the whole question relegated to the Congressional districts.

Convention of 1876: In this convention this doctrine was reannounced in the following language:

We denounce the present tariff levied upon nearly 4,000 articles as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruit of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

Convention of 1880 declared in favor of a "tariff for revenue only."

CONCLUSION.

Mr. Chairman, the time fails me for a further discussion and presentation of this question. I trust that such a settlement may be reached as shall intensify our patriotism, enlarge our generosity, give prosperity to all our industries, and enhance the wages of the laborers of this country. Sir, I shall hail with joy the day when the honest labor of this land shall in majesty and power assert its rights in the Halls of Congress, when we shall all tread side by side in the ranks of genuine republicanism, with our eyes veering neither to aristocracy nor agrarianism.

Sir, I believe that freer trade and equal taxation will enhance rather than diminish the wages of labor, and believing thus, in common with the great body of the Democratic party and I doubt not a majority of the people of the United States, I shall give my voice and vote for this measure, which is the initiatory step in favor of such a reform as will ultimately place our system of tariff taxation upon a revenue basis.

The Democratic party now as heretofore favors a tariff for revenue; a tariff so adjusted as to distribute equally the burdens and benefits of government; a tariff national, not sectional or geographical; a tariff which, so far as may be practicable under a revenue system, shall declare before the law the equality of all the great industries of the country; a tariff which shall not enrich the few at the expense of the many; a tariff which shall not tax four-fifths of the laborers of this country for the benefit of the manufacturer; a tariff which shall not limit the market for agricultural products; a tariff which shall aid in restoring our commerce; a tariff which shall not deplete the revenues of the Government by giving immense premiums to favored industries; a tariff that shall not destroy or paralyze our manufacturing industries, but which will make them hardy, generous, and self-reliant; a tariff which will not yield 37 per cent. on the capital invested to manufacturers and only $1.16 a day to the laborer; a tariff which shall not be prohibitory, and thus "protect" against all competition the manufacturers of this country; a tariff which shall recognize the genius and prowess of American manufacturers and American laborers, and be willing to challenge competition with Europe in the open markets of the world; a tariff which shall not demand that American agriculturists compete with the poorest-paid labor of the world, and then in turn require them to pay a bounty of 41 per cent. on all they purchase; a tariff that will not under the pretense of "protecting" American labor levy an annual tribute of $800,000,000 on the consumers of this country; a tariff that will not impose the heaviest burdens upon the articles of necessity in daily use among the people; and, finally, a tariff which shall not divorce or estrange agriculture, commerce, and manufactures, but such a tariff as will bind together indissolubly in the bonds of a common interest all the great industries and all the sections of this mighty Republic. [Applause.]

APPENDIX.

Statistical summary as shown by the census of 1880.

Population of the United States		50,155,783
Engaged in agriculture	7,670,493	
Professional and personal occupations	4,074,238	
Trade and transportation	1,810,256	
Manufactures, mechanics, and mining	3,837,112	
		17,392,099
Employed in the non-protected occupations	13,554,987	
Employed in the protected occupations	3,837,112	
		17,392,099
In the non-protected occupations 16 per cent. are persons of foreign birth		2,268,860
In the protected occupations 32 per cent. are persons of foreign birth		1,225,787
Foreign immigration, mostly adults, since July 1, 1870		4,809,524

AGRICULTURAL STATISTICS.

Capital employed in agriculture		$12,104,081,430
Number of farms		4,008,907
Agricultural laborers		3,323,876
Value of farm products		$2,213,402,564
Estimated profit on capital invested, 11 per cent.		
Farmers consume of their own products	$673,372,000	
Manufacturers and mechanics	244,863,000	
Other Americans	612,156,000	
The foreign market	683,011,000	
Total consumption		$2,213,402,000
Agricultural export in 1860 was 78 per cent. of entire exports		295,000,000
Agricultural export in 1870 was 79 per cent. of entire exports		391,000,000
Agricultural export in 1880 was 83 per cent. of entire exports		685,000,000
Agricultural export in 1883 was 77 per cent. of entire exports		619,269,449

MANUFACTURING STATISTICS.

Capital employed in manufactures		$2,790,272,606
Manufacturing establishments		253,852
Value of manufactured products		$5,369,579,191
Laborers employed in manufactures		2,732,595
Gross profits after deducting wages and material		$1,024,801,847
Profit on capital invested, 37 per cent.		
Average annual compensation to labor		$347 00
Average daily wages		$1 16
Imports for the year ending June 30, 1883	$742,796,684	
Exports for the year ending June 30, 1883	804,223,632	
Total exchange		$1,547,020,316
Value corn product 1860		600,000,000
Exported that year, four-tenths of 1 per cent		2,400,000
Value corn product 1880		702,000,000
Exported that year, 7½ per cent		53,000,000
Under a revenue tariff wheat exports were only 2½ per cent.		
Home market consumed 97½ per cent.		
Under the present tariff we export of wheat 36 per cent.		
Home market only consumes 64 per cent.		
Under a protective tariff wages only receive of the value of the products 18 per cent.		
Under revenue tariff they received 20 per cent.		
Aggregate of national wealth in 1870		$26,460,000,000
Aggregate of national wealth in 1880		43,300,000,000
Under a revenue tariff the national wealth from 1850 to 1860 more than doubled.		
Average rate of duty under tariff of 1789, 8½ per cent.		
Average rate of duty under tariff of 1792, 13¼ per cent.		
Average rate of duty under tariff of 1816, 30 per cent.		
Average rate of duty under tariff of 1824, 37 per cent.		
Average rate of duty under tariff of 1828, 41 per cent.		
Average rate of duty under tariff of 1832, 33 per cent.		
Average rate of duty under tariff of 1846 to 1861, 19 per cent.		
Average rate of duty under tariff of 1862, 35 per cent.		
Average rate before revision of last Congress, 43½ per cent.		
Average rate under the present tariff, 41 per cent.		
Estimated average under this bill, 33 per cent.		
Estimated annual reduction of revenue under this bill, $30,000,000.		

PUBLIC DEBT OF THE UNITED STATES APRIL 1, 1884.

Interest-bearing debt:		
Bonds at 4½ per cent., due in 1892	$250,000,000 00	
Bonds at 4 per cent., due in 1907	737,643,950 00	
Bonds at 3 per cent, subject to call	254,808,650 00	
Refunding certificates	305,400 00	
Navy pension fund	14,000,000 00	
		$1,256,758,000 00
Debt on which interest has ceased		14,043,915 26
Debt bearing no interest:		
Legal-tender notes	$346,739,541 00	
Certificates of deposit	15,475,000 00	
Gold and silver certificates	220,644,561 00	
Fractional currency	6,984,317 31	
		589,843,419 31
Interest due and unpaid		11,492,685 11
Total public debt		1,872,138,019 68
Cash in Treasury		402,875,210 59
Debt, less cash in Treasury April 1, 1884		1,469,262,809 09
Cash balance available after deducting gold and silver certificates, &c		150,919,315 93
Estimated annual surplus in excess of the expenditures of the United States		50,000,000 00

Thomas H. Herndon.

REMARKS

OF

HON. SAMUEL J. RANDALL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1884,

On the life and character of the late Hon. THOMAS H. HERNDON, Representative-elect to the Forty-eighth Congress from the first district of Alabama.

Mr. RANDALL said:

Mr. SPEAKER: There are men whose lives have been so true and gentle that the exaggerated language of eulogy is rendered unnecessary and for whom the simple recital of duty bravely done and noble purposes carried out without fear or favor is their most eloquent obituary. Of such was the late THOMAS H. HERNDON, of Alabama. Of spotless personal character, with mental faculties cultured and self-poised, with courage equal to his convictions, yet in the ordinary business of this House he was modest, unassuming, and affable until principle was at stake and right was to be sustained, and then no rock was more firmly rooted. The denunciations of enemies, the seductions of interested parties, and the blandishments of power were equally unavailing to move him from the position he took after careful consideration.

He was my friend, and none had a truer one. And such friendship is a consolation beyond all power of words to depict. It is the solace and support of men who try, however feebly, to pursue the course which they believe to be just and proper. It is easy and delightful to do the wishes of those who would aggrandize their fortunes from the public treasury or to grant monopolies to those already too powerful, while on the contrary to battle in behalf of the rights of the many, which are ever absorbed by the few unless prevented by ceaseless vigilance, brings unstinted abuse and the most cruel misrepresentation, and all the more unjust because it is deliberately done. If it were not for the companionship and warm-hearted help and confidence of men from every section and of all parties, men like Mr. HERNDON, the vexations and labors of public life would be unendurable.

It is not the men who appear most conspicuously in our public proceedings who are always the best legislators. There are those who work earnestly and noiselessly, attentive and watchful, too faithful to themselves and their constituents to decide without the fullest information, and who are as steady to the principles they profess as the needle to the pole, and who moreover, on the great field-day when wrong is to be routed and right made victorious, are always to be found in the ranks ready to do and dare to the utmost. Such a legislator and such a friend was Mr. HERNDON.

I feign no stately sorrow on this occasion. I sincerely mourn for one I esteemed deeply. In coming into this Hall I miss the bright glance and hearty welcome of a true friend. There have vanished the refinement and courtesy of a genial and worthy associate. Something has dropped from the comfort of my daily life which can not easily be replaced.

Alabama has sent to Congress men of surpassing eloquence, and others who have won the highest positions on the floor of this House and in the other Chamber, but none left behind them the memory of a purer life, a sounder public record, or a sweeter character than Mr. HERNDON. Such memories are the undying glory of every commonwealth, and are a valuable incentive to honest ambition everywhere.

Territorial Judiciary.

REMARKS

OF

HON. THOS. H. BRENTS,

OF WASHINGTON TERRITORY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 8, 1884,

On the bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories.

Mr. BRENTS said:

Mr. CHAIRMAN: So much of the day set apart by the special order of the House for the consideration of Territorial legislation has already been consumed by the bill for the "Territory of Texas" that I shall not trespass more than five or ten minutes further in the discussion of a measure for the benefit of the other Territories. It is nevertheless not only a measure of very pressing necessity in order to relieve the overburdened and overworked judges, but also of vital importance in securing more adequate means and better methods in the administration of justice in those Territories.

The duties of the Territorial judges are numerous, varied, complex, and burdensome. They perform the functions of judges of the State district or State circuit courts, the State court of errors and appeals or State supreme court, and of the United States district and United States circuit courts, exercising both original and appellate jurisdiction in the trial of all causes save those falling within the jurisdiction of justices of the peace, and appellate jurisdiction for the retrial *de novo* of those. In the trial of one cause the judge presides over a nisi prius court in the exercise of common-law jurisdiction; in another he is holding a court of chancery; in the next, sitting as a court of admiralty, or as a spiritual court in the trial of a matrimonial or other ecclesiastical cause. In order to hear all these various causes in the first instance the judges must in my Territory make long, tedious, and fatiguing journeys by most inconvenient means of travel and hold terms of court for the transaction of United States business at nine different and distinct points, and for Territorial business at eighteen different points.

In these Territories everything is in a formative and unsettled state, and hence litigation is more prevalent than in older and better organ-

ized communities, and the amount of business transacted by the courts proportionately greater. In many places the various calendars are crowded with hundreds of cases. And when the dockets are cleared, and often before, the judge must attend the supreme court. Here he must not only sit in review upon the causes brought up by writ of error on appeal from the decision of his associates, which is bad enough in all conscience, but also those he has previously decided himself. This feature of our present Territorial judiciary system is, as every lawyer and, indeed, every man of observation and experience must acknowledge, essentially demoralizing and vicious in its tendencies.

Few judges, if any, however pure and honest in their intentions, can so far lay aside their settled convictions formed after mature consideration and reflection and divest themselves of that natural pride of opinion and prejudice which are almost inseparable from humanity as to be able to sit in impartial and unbiased review upon the judgments and decrees previously rendered by themselves. One-third of the court, then, has in every instance prejudged the case, comes to its consideration with the strongest possible bias and naturally feeling that the reputation of one member for both judicial ability and integrity are involved in the affirmance or reversal of the previous decision. That member is not only a biased and interested judge but necessarily a most effective advocate for the winning party in the court below, with the opportunity to make his argument in the consultation room without the chance of reply. The other judges, to whom his arguments are addressed, can scarcely forget that he must next sit with them in review of each of their decisions. What is the right of appeal to a court so constituted worth? Better deny it altogether. It can only serve the purpose of delay, with but little hope of rectifying error except the most glaring. Such a system is grossly unjust to both judges and litigants. It brings reproach on the one and disappointment and distrust to the other. It begets a want of confidence in the law's machinery for the settlement of disputes and the attainment of justice. It brings the decisions of the court into contempt and destroys the authority of the law; and this in its turn is the prolific cause of riots, lynchings, anarchy, and bloodshed. No wonder that cries loud, urgent, importunate, are coming up to Congress from all these Territories for a speedy remedy!

Mr. Chairman, the bill now under consideration, I am sorry to say, does not afford the fullest possible relief from these abuses; but it makes a long stride in the right direction. We ought to have an independent supreme court, composed of entirely different judges from those who hold our district courts. But failing to get a bill reported making provision for this, we earnestly urge the passage of this bill as the best we can now expect, preferring a half-loaf of the bread of justice rather than suffer the pangs and gnawings of mal-juridical hunger. Pass this bill giving us an additional judge and excluding each member of the supreme court from sitting in review on his own decisions; pass this bill and lighten the grievous burdens of our present judges in the Territories; shorten the distance to be traveled by our jurors, witnesses, and litigants, and give our people better and less expensive facilities for the transaction of their legal business; pass it and remove a burning reproach upon the administration of justice, and restore the waning respect of the people for the authority of law and civil government; pass it, and pass it now.

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. A. HERR SMITH,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884.

An act to redeem the trade-dollar and to suspend the coinage of trade and standard silver dollars.

Be it enacted, &c., That until January 1, 1886, United States trade-dollars shall be received at their face value in payment of all Government dues, and shall not be again paid out or in any other manner issued; and the holder of trade-dollars, on presentation of the same at the office of the Treasurer, or Assistant Treasurer, or any mint of the United States, shall receive in exchange for the same, dollar for dollar, at his or her option, either standard silver dollars or United States fractional silver coin; and the trade-dollars so received shall, under the direction of the Secretary of the Treasury, when necessary, be coined into fractional silver coin.

SEC. 2. That all laws authorizing the coinage of trade-dollars or the purchase of silver and its coinage in silver standard dollars be, and the same are hereby, repealed.

Mr. SMITH said:

Mr. CHAIRMAN: The propriety of redeeming the trade-dollar can hardly admit of an argument. Originally intended for China, it has come back, and is now in the hands of our people, and perhaps mainly among tradesmen and laboring men. It was coined in 1873, and had the quasi-indorsement as a coin of the United States. About 7,200,000 are now in circulation. Manifestly good faith demands the redemption, and under the bill proposed this can be done without loss to the Government.

The substitute I have suggested is intended to suspend the further coinage of the standard silver dollar. This act was passed February 28, 1878, and reads as follows:

That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains Troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins, together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than $2,000,000 worth per month, nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars.

If you will pardon the egotism implied in the statement, it is right to say I voted against the passage of the bill now a law. I then held, as I hold now, that the coinage of silver dollars is useless, and, because of the amount authorized to be coined, productive of positive harm. Its enactment was not then and its repeal should not be now a partisan measure. President Hayes vetoed the bill, but it became a law by a two-thirds vote over his veto.

For this financial folly it will not do to plead the precedent of our fathers. They indeed made the experiment, but the very limited amount of silver dollars coined clearly indicated their doubt as to its expediency. From 1793 to 1852, a period of fifty-nine years, there were only coined 2,506,890 silver dollars, and from 1853 to 1873, 5,538,948, making an aggregate in eighty years of but 8,045,838 silver dollars, and practically not in circulation.

For nearly a century the Government and the business community managed to move on very smoothly without the aid of the ponderous dollar. It was not needed, and therefore not coined; but subsidiary coin was demanded, and it was, wisely, in sufficient amount supplied.

Thus from 1793 to 1852 there were coined—half-dollars, $66,249,153; quarter-dollars, $3,999,040.50; dimes, $3,890,062.50; half-dimes, $1,823,-298.90; three-cent pieces, $744,927.

From 1853 to 1873 there were coined—half-dollars, $33,596,082.50; quarter-dollars, $18,002,178; dimes, $5,170,733; half-dimes, $3,083,-648; three-cent pieces, $536,923.20; and the aggregate of these coins from 1793 to 1883 was—half-dollars, $122,761,270; quarter-dollars, $38,492,086.25; dimes, $17,628,012.20; half-dimes, $4,906,946.90; five-cent pieces, $7,018,538.40; three-cent pieces, $2,172,334.17; two-cent pieces, $912,020; one-cent pieces, $6,900,328.43.

Utterly unlike our practical progenitors, who coined only such coins as were necessary, our legislation was directed in the interest of the silver kings. Hence, in 1874, under the trade-dollar act, we coined 3,588,900 trade-dollars; in 1875, 5,697,500; in 1876, 6,132,050; in 1877, 9,162,900; in 1878, 11,378,010; making an aggregate of 35,959,360 in trade-dollars.

Having sent our trade-dollars to China, silver miners must needs have a silver dollar for the American trade, and the act of February 28, 1878, aforesaid, followed as a consequence.

The mints were therefore set to work, and in 1878 we coined of standard silver dollars 8,673,500; in 1879, 27,227,500; in 1880, 27,923,750; in 1881, 27,637,955; in 1882, 27,772,075; in 1883, 28,111,119; and now, on the 1st of March, 1884, we have coined of these silver dollars 166,-125,119, of which 126,822,399 are in the Treasury, leaving outside, in banks and private hands, 39,302,720.

Under the law a portion of these silver dollars is held ostensibly for the redemption of the silver certificates, really to swell the paper circulation, as the same are receivable for customs taxes and public dues, and when received may be reissued. But conceding that the reserve is in good faith intended for what the words express, it is a needless precaution, as the credit of the nation is ample security; and if it is not, the pledged collateral is short by 15 per cent.

If, Mr. Chairman, in a fit of silverphobia, the holder of the certificates exercised his right, and with horse and cart and armed police repaired to the Treasury and got possession of his much-coveted treasure, how, I ask, would he dispose of it? He can not take it where thieves break through and steal, and bank officers would not give paper, equivalent to gold, in exchange for his depreciated dollars.

Silver is needed as subsidiary coin. Halves, quarters, dimes, nickels, and cents are wanted only for change. All these, and even gold, are coined under the direction of the Secretary of the Treasury and the Director of the Mint. Why make the silver dollar, if its coinage must be continued, an exception to this general discretionary power?

I am anxious for the repeal of the law for the reason that the silver dollar is utterly useless as a circulating medium. In vain have the United States Treasurer and assistant treasurers sought to get it into circulation. Bankers, public and private, can not without great difficulty pay it out, and then only on terms. Even the market-woman, who receives it with misgiving, makes haste to get rid of it at the earliest opportunity. Here in this House, its cashier, the Sergeant-at-Arms, when furnishing change for a five-dollar bill, must importune members to accept part of the same in silver dollars. They do not want silver dollars.

If a dollar is needed by way of subsidiary coin, we have two halves or

four quarters to make it; besides, we have the paper dollar and the gold dollar, and no one wants to be weighted down with a cumbrous coin, even though euphoniously ycleped "the dollar of the daddies." By all it is looked upon as the fifth wheel to a coach, the third sleeve to a coat, and its advocates, for superlative folly, equal the logic of the hopeful juvenile who insisted that the garret-door should have two holes, one for the cat and one for the kitten.

The silver dollar is, however, not only useless, but its continued coinage must result disastrously to the gold in the Treasury. Already the heavy shipments of gold abroad is causing serious alarm, and will necessarily tend to the hoarding of the same. As the gold is shipped, or hoarded, the silver dollar will depreciate more and more, and, like the trade-dollar, its twin-brother, will soon cease to circulate. Ultimately the coinage of the silver dollar must cease. It is simply a question of time. It is surely the part of wisdom to do voluntarily that which sooner or later must come from necessity.

The folly of investing $2,000,000 in the purchase of silver each month, only to be stacked in untold millions in Treasury vaults, has aroused the common sense of the people, and from all sections they speak as emphatically for the suspension of the coinage of the silver dollar as they do for the redemption of the trade-dollar. Both are useless; both are absolutely mischievous. No demand comes from the people for these silver dollars. My constituents have strongly and numerously petitioned for the redemption of the trade-dollar and for the suspension of the coinage of the silver dollar. They were the first to move in the right direction.

The Executive, whose duty under the Constitution compels him to recommend to Congress such measures as he may deem necessary and expedient, has spoken again and again very emphatically against the continued coinage of the silver dollar. The Secretary of the Treasury and the Director of the Mint, who have made this subject a specialty, most earnestly second the recommendation of the President. The boards of trade throughout the country are in harmony with these views. The press, ever watchful of the people's interest, has spoken on this question in no uncertain tone. Indeed, from no quarter is a single word heard in favor of the further coinage of this useless and mischievous dollar. Why, then, coin the same? No one wants it except the silver kings. It is coined for the few at the expense of the many.

If you must coin to hoard, prudence suggests that you hoard gold. It at least would be available to pay debts abroad. But why coin silver which from its legal-tender quality enables the debtor—who has received gold or its equal in value, national-bank notes—to discharge his liabilities in depreciated coin? If such an attempt were made with clipped or debased coin, the cry of shame would come from all not deaf to every principle of honor. Except where otherwise expressly stipulated in the contract, so it is nominated in the law, these silver dollars at their nominal value shall be a legal tender for all dues, public and private. Of course the Government with a full Treasury, and the millionaire with a silver mine to replenish his coffers at will, could stand this loss. Not so the masses of the people.

Of all men the laborer ought to be paid in money that possesses the most purchasing quality and is the least liable to fluctuate. Gold has this quality, but the most blatant friend of the laboring man has not urged its coinage.

Only the silver miner can utilize the Treasury Department for marketing his silver dollars. He has greatly the advantage over his brethren who mine gold, copper, or nickel. Why is this preference given to the white metal? Why are the other coins so persistently ignored? If the Government is asked to make a market for one class of miners and for a special product, in all fairness a reason should be furnished for this odious partiality.

Legislation may determine the means by which products shall be weighed or measured, but can not fix the price of such products, whether they be wheat, beef, or silver. The law in question declares the silver dollar shall contain 412½ grains of silver, but London and New York fix its value. The New York Tribune of the 15th instant makes the value of this dollar 84.87 cents, and I find that on the 25th of February, 1878, it was worth from 90 to 92 cents. The law says it shall be a legal tender for public and private debts, but this can not keep it at par, while the national-bank note, without this quality, is the equivalent of gold.

The laws of trade, like the laws of matter, are as little controlled by legislation as was the raging sea by the futile decree of King Canute. When the supply exceeds the demand the obvious remedy is to reduce the production. Instead of acting on this simple principle, the silver monopolist has by legislative enactment made the Government do for him what it does for no one else—purchase his useless and unmerchantable bullion.

But I object further, Mr. Chairman, to the continuance of this coinage act because under it double the amount of silver now coined might be bought and coined. The maximum amount under this act which can be used for the purchase of silver is $4,000,000 per month, and the minimum $2,000,000, and as the Treasury Department has only used the minimum in the past, we might have in the future 54,000,000 silver dollars coined per year instead of 27,000,000.

If this policy is not changed silver will become as cheap as it was in the days of Solomon. All King Solomon's drinking vessels—so the sacred historian writes—were of gold, and the vessels of the house of the forests of Lebanon, of pure gold; none were of silver. It was nothing accounted of in the days of Solomon. But I am further opposed to this continued coinage of the silver dollar because we can not use it to pay our liabilities abroad. Gold is the currency of the world. Without an agreement with foreign nations silver can not be used as the standard of value.

There ought to be no conflict between the friends of gold and silver. Each coin has its appropriate place. Gold, as the standard of value, is the currency of the commercial world; silver, as a subsidiary coin, is indispensable for small transactions of barter and trade.

Silver is now found in great quantities, and as it is used extensively in the arts and manufactures its value is greatly affected by the supply and demand.

The following table shows the highest and lowest values of one ounce of fine silver bullion from 1873 to 1883:

Years.	Highest.	Lowest.
1873	$1.3139	$1.2686
1874	1.3043	1.2549
1875	1.2632	1.2166
1876	1.2823	1.0248
1877	1.2769	1.1672
1878	1.2111	1.0851
1879	1.1782	1.0713
1880	1.1590	1.1316
1881	1.1590	1.1152
1882	1.1481	1.0960
1883	1.1440	1.0960

These figures prove that silver has depreciated during the past eleven years about 17 cents per ounce. From 1848 to 1873 the production of gold largely exceeded that of silver in the United States, but from 1873 to 1882 silver was in excess.

The following table exhibits the annual production of gold and silver in the United States for the decade ending December 31, 1882:

Period.	Gold.	Silver.
Six months ending June 30, 1873	$18,000,000	$18,750,000
Year ending June 30, 1874	34,490,902	37,324,594
Year ending June 30, 1875	33,467,856	31,727,560
Year ending June 30, 1876	39,929,166	38,783,016
Year ending June 30, 1877	46,897,390	39,793,573
Year ending June 30, 1878	51,206,360	45,281,385
Year ending June 30, 1879	38,899,858	40,812,132
Year ending June 30, 1880	36,000,000	39,200,000
Six months ending December 31, 1880	18,000,000	21,000,000
Year ending December 31, 1881	34,700,000	43,000,000
Year ending December 31, 1882	32,500,000	46,800,000

This production was distributed among the States and Territories for the year 1882 as follows:

States and Territories.	Gold.	Silver.
Alaska	$150,000	.....
Arizona	1,065,000	$7,500,000
California	16,800,000	845,000
Colorado	3,360,000	16,560,000
Dakota	3,300,000	175,000
Georgia	250,000	.....
Idaho	1,500,000	2,000,000
Montana	2,550,000	4,370,000
Nevada	2,000,000	6,750,000
New Mexico	150,000	1,800,000
North Carolina	190,000	25,000
Oregon	830,000	35,000
South Carolina	25,000	.....
Utah	190,000	6,800,000
Virginia	15,000	.....
Washington	120,000	.....
Wyoming	5,000	.....
Total	32,500,000	46,800,000

Under the act of February 28, 1878, an effort was made, through the Silver Commission, to adopt a common ratio between gold and silver, and an international conference was held to fix the relative value between these metals. All know the result. No satisfactory conclusion was reached. But instead of profiting by this failure to reach an agreement on so vital a financial issue, the coinage of this depreciated, and depreciating metal is continued to the manifest detriment of the Government and the entire business community.

Mr. Chairman, in conclusion, the work of Congress will only be complete when both the trade-dollar and the legal-tender standard dollar shall cease to have a legal existence. If the convenience of the business community is to be promoted, instead of silver dollars give us one and two dollar notes. These—in no irreverent sense be it spoken—will be taken and the others left.

The coinage act which resulted in the piling up, at great expense to the people, tons of silver dollars not needed, and only intended to benefit the owners of silver mines, was in its inception a gigantic financial blunder, which now not to remedy ought to be treated as an unpardonable political crime.

Contested Election—Wood vs. Peters.

SPEECH

OF

HON. SAMUEL N. WOOD,

OF KANSAS.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 23, 1884.

The House having under consideration the contested-election case of Wood *vs.* Peters—

Mr. WOOD said:

Mr. SPEAKER: Before proceeding permit me to thank this House for the courtesy of allowing me to speak on this occasion. I come here not to speak for myself, but to vindicate the sovereign rights of the great State of Kansas.

This is no ordinary contest for a seat on this floor. There is no personal feeling in the matter. Judge Peters and myself are personal friends, and I hope nothing may happen to mar that friendship. He says in his answer to my notice of contest that 5,000 voters who voted for him also voted for me. I think he might have said 8,000.

Had I succeeded in this contest I should almost have regretted it on his account. This, then, is no personal contest. It involves vastly more than the usual allegations of fraud, of violence, of intimidation, and of illegal ballots which have formed the staple of argument in the majority of cases decided by this body during the past twenty years. No considerations of party advantage claim any share of your attention in the case now at issue. On the contrary, this House is called upon to deal with questions of constitutional and statute law that go to the very foundation of our system of government.

These questions involve the relations of the States to the National Government, and they call for the judgment of this House on those great principles of local self-government and home rule which, in the language of the Republican platform adopted at Chicago in 1860, are "essential to that balance of power on which the perfection and endurance of our political fabric depends." In deliberating on these great questions the best judgment of the best minds in this honorable body is invoked, and every member who casts his final vote in this case will be expected to record his deliberate judgment in favor of that division of powers between State and Federal authority as taught by Jefferson and the framers of the Constitution, or in favor of that revamped Federalism which confounds all distinctions between national and State control in local affairs and seeks to build up on the ruins of the States a consolidated despotism.

You are to decide between Jefferson and Hamilton. If Jefferson was right, then I am right. If Hamilton was right, then I am wrong. When you vote it is not whether Judge Peters or myself shall hold a seat on this floor, but it is the principles of Jefferson and Hamilton that are on trial in this House. The question goes beyond this and involves the electoral count of 1877. If I am wrong in this case, the Democrats in this House and the Senate were wrong then and the Republicans were right. In that case we should hear no more of "the great fraud," but devoutly get on our knees and beg forgiveness of our Republican friends for the past seven years' abuse of the Republican party.

Section 13, article 3, of the constitution of Kansas is in these words:

The justices of the supreme court and judges of the district courts shall at stated times receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office; provided such compensation shall not be less than $1,500 to each justice or judge each year; and such justice or judge shall receive no fees or perquisites, nor hold any office of trust or profit under the authority of the State or the United States during the term of office for which said justices or judges shall be elected, nor practice law in any of the courts of the State during their continuance in office.

The contestee in this case was elected judge of the ninth judicial district of the State of Kansas in November, 1879. His term of office did not begin until the 7th day of January, 1880. It was for the period of four years, or until January 12, 1884. The decision of our supreme court declares that the inhibition to hold this or any other office attaches to the person, and continues during the whole term or period of time for which he was elected. This constitution Judge Peters had sworn to support and obey. He accepted the judgeship with full knowledge of this prohibitory clause in our constitution, and he voluntarily took the oath as judge of the ninth judicial district knowing what the decision of our supreme court was touching his ineligibility to any other office. When he took that oath he was bound, not only by the constitution of Kansas but by that decision of our supreme court, not to offer himself as a candidate for any other office "under the authority of the State or of the United States."

The fact that the contestee was a judge on the bench at the time of the election was a matter of public record well known to all the voters in Kansas. The voters had like knowledge of this prohibitory clause in our constitution, of the decision of our supreme court construing the same, and of the fact that Congress had become a party to that limitation upon the qualification of candidates and that restriction upon the voters. These were matters of public record of which every voter in Kansas was legally bound to take notice.

There is no dispute about the facts in this case. The questions in controversy are purely questions of law, and I now invite the attention of every member of this body while I discuss them.

The majority report admits, as does the gentleman from Pennsylvania [Mr. ELLIOTT], that contestee falls within the inhibitions of our constitution, and says if a State possesses the power to add to the qualifications prescribed by the Constitution of the United States for Representatives in Congress, then he was ineligible at the time he was voted for, and is not entitled to a seat in this House. That question, then, needs no further argument.

The majority report claims, on the other hand, that this provision of our constitution is in conflict with the Constitution of the United States. If this were true, I should concede that the Constitution of the United States was of paramount authority and must prevail. But I fail to find any such conflict. The two constitutions are perfectly consistent with each other. They are in perfect harmony. Such was the judgment of the two Houses of Congress when Kansas was admitted into the Union. The Constitution of the United States says:

No person shall be a Representative who shall not have attained the age of 25 years, and been seven years a citizen of the United States, and who shall not when elected be an inhabitant of the State in which he shall be chosen.

This is not a grant of power. It does not attempt to prescribe the qualifications of members of Congress. These provisions are negative and limitations on the States. They must not send members to represent them on this floor who are not 25 years of age, who are not inhabitants of the State in which they are chosen, and who have not been citizens of the United States seven years. If the opposite had been intended the clause would have read: "Any person may be a Representative," &c.

The majority report, however, says, as does the gentleman from Pennsylvania [Mr. ELLIOTT]:

The Constitution, by prescribing certain qualifications, enumerated in the section just quoted, according to a well-known settled rule of construction, excludes all others.

If this doctrine is true, neither Congress nor a State Legislature could require more. If the maxim of Lord Coke of "*expressio unius est exclusio alterius*" applies to this provision of our Constitution, it has been violated a hundred times since the war. In fact if true States could not be divided into districts, and no restrictions as to sex, the crime of felony, or disloyalty, could be fixed either by Congress or the States. Who knows but that Mrs. Stanton and Susan B. Anthony may yet have seats on this floor. They have been citizens of the United States seven years, are actual inhabitants of New York, and Susan is certainly 25 years of age; both in fact possess all the qualifications known to the Constitution. What is the meaning of this rule of construction that we are told settles this whole case?

This maxim has only reference to inferences of fact to be drawn from written documents or parol declarations; it only means if you expressly name some out of certain requisites the inference is stronger that those omitted are intended to be excluded than if none had been mentioned. (Alderson B. Spilsburg *vs.* Burdett, 9 A. & E., 953.)

The ninth and tenth amendments to the Constitution preclude any such construction. Articles 9 and 10 of the Constitution read as follows:

ARTICLE 9.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE 10.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

We said in the Constitution that a member of Congress must be 25 years old, an inhabitant of the State, and a citizen of the United States for seven years. That is all we delegated to Congress. Congress has a right to require that of us, but the power to append other qualifications was reserved to the State or the people.

The majority report of the gentleman from Pennsylvania [Mr. ELLIOTT] says:

Congress is the creature of the Constitution of the United States.

How the bones of Jefferson must have rattled in the grave on hearing this declaration from Democrats. Chief-Justice Chase, in rendering the decision of the Supreme Court in the case of Lane County *vs.* Oregon, said:

Both the States and the United States existed before the Constitution.

How, then, can Congress be a creature of the Constitution? Every State had Representatives in Congress long before the adoption of the

Constitution. In the case of Houston *vs.* Moore the Supreme Court said:

> The powers granted to Congress are not exclusive of similar powers in the States, unless where the Constitution has expressly in terms given an exclusive power to Congress, or the exercise of a like power is prohibited to the States, or there is a direct repugnancy or incompatibility in the exercise of it by the States.

The provisions of the Constitution as to the qualification of members of Congress is not exclusive, does not pretend to be, and is not repugnant to the exercise by the States of any power not inconsistent with the Constitution.

The framers of the Constitution did not imagine that they were fixing the qualifications of members of Congress. This is evident from the very language of the Constitution itself. The Federal Convention was not delegating rights or powers to the States, as the majority report seems to assume, or to the people; it was the States in convention delegating powers to the General Government, and imposing certain restrictions upon the States, restrictions upon the powers already possessed by the States. And it should not be forgotten that the States surrendered no right not expressly named, and they gave us no power not specifically delegated in the Constitution of the United States. Among the powers possessed by the States before the Federal Constitution was formed was that of prescribing the qualifications of their agents or representatives in Congress. The right to fix other qualifications, in addition to those enumerated in the Constitution, was retained by the States along with that mass of powers not specifically delegated.

The Constitution says that a Representative must be an inhabitant of his State, but it does not require that he shall be a voter, or an inhabitant for even one week or any specified time. Will it be pretended that the States or the people who were to be represented did not intend to require more than this? If so, then this whole House might be composed of persons who were not even voters nor a part of the body-politic.

Cushing, in his work on Parliamentary Law, page 24, says:

> It may also be laid down as a general principle, founded in the nature of representative government, which supposes the electors, except in particular instances, to elect from among themselves, that no person can be elected to any office who is not himself possessed of the requisite qualification for an elector; and, consequently, that whatever other and different qualifications or disqualifications may be specified, every person who is voted for as a member of a legislative assembly must, at all events, possess the qualifications and be free from the disqualifications which attach to the character of an elector.

And again he says:

> Judges were also by the common political law of England ineligible to seats in Parliament.

This was the political law of this country at the time of the adoption of the Federal Constitution. Is it possible that the framers of that instrument intended to abrogate this common political law? If so, they would have declared their purpose in express terms.

The Constitution provides that the States shall appoint Presidential electors, "but no Senator, or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector." Does that fix the qualifications of electors, and can the States add nothing more? Senator Mitchell so argued before the Electoral Commission. If this be true, then foreigners, non-residents, minors, persons convicted of crimes, &c., may be appointed Presidential electors. Most of the States, if not all of them, have fixed other qualifications as to age, residence, &c. Maryland required, at one time, that six should be residents of the Western and four of the Eastern Shore. Other States were divided into districts, and electors were required to live in their districts. If States can add to these negative inhibitions as to the qualifications of Presidential electors, they certainly can do the same as to members of Congress.

I am aware that Judge Story and the Federalists claimed that the Constitution was the act of the whole people, that it came from them and not from the States. Yet they are compelled to admit that the delegates to the Federal Convention were sent by the States, and that the Constitution was not adopted by the people at any national election, or, in fact, by any election, but by conventions in each of the original States. In the case of Martin *vs.* Hunter the opinion of the court was delivered by Justice Story. In that decision the court said:

> The Constitution was not, therefore, necessarily carved out of existing State sovereignties already existing in State institutions, for the power of the States depend upon their own constitutions, and the people of every State had the right to modify or restrain them, according to their own views of policy or principle. On the other hand it is perfectly clear that the sovereign power vested in State governments by their respective constitutions remains unaltered and unimpaired, except so far as they were granted to the Government of the United States.

In the case of Chisholm, ex., *vs.* Georgia (2 Dallas, 435), Iredell, Justice, in delivering the opinion of the court, said:

> Every State in the Union, in every instance where its sovereignty has not been delegated to the United States, I consider to be as completely sovereign as the United States are in respect to the powers surrendered.

Chief-Justice Marshall, in Gibbons *vs.* Ogden (9 Wheaton, 204), speaking for the court, said:

> In our complex system, presenting the rare and difficult scheme of one General Government whose action extends over the whole, but which possesses only certain enumerated powers, and of numerous State governments which retain and exercise all powers not delegated to the Union, contests respecting power must arise.

In McCulloch *vs.* Maryland (4 Wheaton, 405), the court, speaking again through Chief-Justice Marshall, said:

> This Government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge. The principle is now universally admitted.

The same doctrine was enunciated in the case of Collector *vs.* Day, (11 Wallace, 124), in an elaborate opinion by Mr. Justice Nelson. Mr. Justice Swayne (in Dodge *vs.* Woolsey, 18 Howard, 349) supports the same doctrine.

McLean, Justice, in delivering the judgment of the court in United States *vs.* Bailey (1 McLean's C. C., 239), said:

> That the Federal Government is one of limited powers is a principle so obvious as not to admit of controversy.

I might continue these quotations *ad infinitum*, but I forbear. These thirteen Colonies united in the Declaration of Independence. They declared that "these Colonies are and of right ought to be free and independent States." When peace was declared Great Britain acknowledged, by name, the independence of each of the thirteen Colonies.

WHAT IS SOVEREIGNTY?

In the case of Collector *vs.* Day (11 Wallace, 124) the Supreme Court, by Justice Nelson, said:

> This opinion is predicated upon a principle which is believed to be undeniable, that the several States which compose this Union * * * became entitled, from the time they declared themselves independent, to all the rights and powers of sovereign States.

What are the powers of sovereign States? The Supreme Court answered this question in the case of Lessee of Livingston *vs.* Moore *et al.* (7 Peters, 546), through Mr. Justice Johnson:

> The power existing in every body-politic is an absolute despotism. In constituting a government the body-politic distributes that power as it pleases and imposes what checks it pleases upon its public functionaries.

Would it be doubted, under this decision, that a sovereign State has the power to say that its judges shall keep out of politics, and that they shall not be eligible to political offices "during the term for which they were elected judges?"

The Supreme Court, in the case of Ohio Life Insurance and Trust Company *vs.* Debolt (16 Howard, 428), speaking through Chief-Justice Taney, said:

> It is equally clear upon the same principle that the people of a State may, by the form of government they adopt, confer on their public servants and representatives all the powers and rights of sovereignty which they themselves possess, or may restrict them within such limits as may be deemed best and safest for the public interest.

Then certainly the State of Kansas, to protect the purity of its judiciary and the administration of its laws, may lay this restriction on its judges, and forbid them to hold political offices during the term for which they are elected judges. In Collector *vs.* Day (11 Wallace, 124), the court held that one of the reserved rights of the States was "the establishment of the judicial department and the appointment of officers to administer the laws."

We have said—

The opinion continues—

> that one of the reserved powers was that to establish a judicial department; it would have been more accurate, and in accordance with the existing state of things at the time, to have said the power to maintain a judicial department. All of the thirteen States were in the possession of this power and had exercised it at the adoption of the Constitution; and it is not pretended that any grant of it to the General Government is found in that instrument. It is therefore one of the sovereign powers vested in the States by their constitutions, which remained unaltered and unimpaired, and in respect to which the State is as independent of the General as that Government is of the States.

Mr. Justice Barbour, in delivering the opinion of the court in the case of the City of New York *vs.* Miln (2 Peters, 139), said:

> That a State has the same undeniable and unlimited jurisdiction over persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States.

In the case of Craig *et al.* *vs.* The State of Missouri (4 Peters, 464), Justice McLean, speaking for the court, said:

> It would be as gross usurpation on the part of the Federal Government to interfere with State rights, by an exercise of power not delegated, as it would be for a State to interpose its authority against a law of the Union.

I admit that this House can nullify the constitution and laws of Kansas enacted to protect its judiciary, but if you do it by permitting Judge Peters to retain his seat you do it in the face of this decision, which declares that such an act would be "a gross usurpation" of power that was never delegated to the General Government.

The Supreme Court of the United States, in an opinion delivered by Chief-Justice Chase (Lane County *vs.* Oregon, 7 Wallace, 76), goes squarely against Judge Story's argument in his Commentaries. The court says that "both the States and the United States existed before the Constitution." This was reiterated and approved by the Supreme Court in Collector *vs.* Day in an elaborate opinion by Nelson, J., who quoted from the decision of Chase, C. J., in Lane County *vs.* Oregon, and gave to that decision his unqualified sanction.

If the States and the United States existed before the Constitution, then representation, as stated by Judge Story, is not, as I have said, a creature of the Constitution, but existed prior to its adoption, and the article I have quoted is an inhibition on the States and not a grant of

power. We then had, it seems, thirteen independent sovereignties, limited only in their sovereignty by the Articles of Confederation. In article 2 it was expressly stipulated that—

> Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

It was also expressly provided in the Articles of Confederation that—

> No State shall be represented in Congress by less than two nor more than seven members; and no person shall be capable of being a Delegate for more than three years in any term of six years; nor shall any person, being a Delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emoluments of any kind.

Will any intelligent man contend that this section just quoted prescribed the qualifications of members of Congress? The States retained the absolute power to determine who should represent them. It was these same sovereign States, jealous of their rights, that met in Philadelphia in 1787 "to form a more perfect Union, establish justice," &c. It was these independent, sovereign States which met to delegate a portion of their sovereign power to a general government as a recompense for the protection it would afford to each of them. It will not do to say that States are subdivisions of the nation as counties are subdivisions of the States, with certain functions of local self-government delegated to them by the States. It is folly to talk about a "paternal government," the nation being the parent and the States the children; for the history of the origin and formation of the Federal Government shows that the States are older than the Union—that they gave to the General Government form and vitality, and all the life it has. All power proceeded from them, and all that was not delegated was reserved to the States or to the people. When I listen to some of the latter-day argments in favor of a "paternal government" I am not surprised that a distinguished citizen of Maine should propose by a system of national taxation to raise enormous surplus revenues to be given away by this royal "parent" to pay State and county taxes. Kansas, when admitted into the Union, reserved the right in her constitution, as other States have done, to preserve the purity of her judiciary and the integrity of her State organization.

The right to say that a judge on the bench shall not be elected to Congress nor occupy a seat on this floor certainly never was delegated to the United States and it was not forbidden to our State. Most of the States have provisions similar to ours in their constitutions, making judges on the bench ineligible to seats in this body. This proceeds from no whimsical desire to superadd qualifications to those prerequisites enumerated in the Federal Constitution, but emanates from motives of sound policy. It is done to protect the internal policy of the States. In our State the intention was to preserve the purity of our judiciary by keeping the judges out of politics. Congress will certainly not deny us this right to promote an impartial and pure administration of the law in Kansas by a constitutional provision so salutary and harmless as the one in question. It works great and manifest good to the citizens and can work no injury to the judges, who take upon themselves the duties and responsibilities of the judicial office with full knowledge of the restrictions imposed by our State constitution.

It is not pretended that a good judge will not make a good Congressman, but it goes without saying that a good judge should neither allow himself to be voted for nor to take an office which he is forbidden to hold by an express provision of the State constitution which he has sworn to support. It is certainly not a hardship to refuse a seat on this floor to a Kansas judge who has sworn not to assume or claim it. But this inhibition rests not alone upon those holding judgeships in Kansas; it rests with equal force upon the voters of the State. I maintain that the constitution of our State not only forbids a judge on the bench to offer himself as a candidate for Congress, but that the same provision forbids a voter to cast his ballot for a person thus disqualified. The forbidding clause would be vain and nugatory if it did not restrain with equal force both the candidate and the electors. It is equally binding upon both.

It will be conceded that under our constitution a judge can not be elected to a seat in our State Legislature; that all votes cast for him would be void. Voters can not violate their own constitution; therefore they are inhibited from casting their ballots for judges to be elected members of our State Legislature. The constitution imposes a disqualification in this instance upon the electors. They are powerless, under this restraining clause, to elect a judge to the State Legislature. A like disqualification is imposed on the voters in the case of a candidate for Congress. In section 2, article 1, of the Constitution of the United States it is provided that—

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

It would seem clear, then, that if we can legally disqualify or inhibit voters from electing judges to the State Legislature (and nobody pretends that we can not) we may in like manner disqualify and inhibit them from electing judges to Congress. A member of Congress is no less a State officer than is a member of a State Legislature. There is no such thing known to our political system as a national election.

Senator Wallace, of Pennsylvania, in the Forty-sixth Congress, in an argument covering this whole question of suffrage, among other things said:

> The depository of absolute sovereignty and power is in the people, the people of the States, qualified by State constitutions and State laws; and all authority of every kind comes from them by representation, and this vital principle of democracy permeates every part of the Government. National power over the voter as such, or national elections as such, are new forms of old Federal theories. * * * This subject is rightly and absolutely controlled by State laws and State constitutions. There are no national voters. Voters who vote for national representatives are qualified by State constitutions and State laws.

The venerable Senator ANTHONY, of Rhode Island, quoted this approvingly in a speech delivered in the United States Senate in February, 1881, in defense of the Constitution and laws qualifying suffrage and representation in his State. Such high authority as the distinguished Senator from Rhode Island, it seems to me, ought to have great weight with gentlemen of the minority on this floor.

The Supreme Court has decided in the case of Miner *vs.* Happersett (21 Wallace, 165), Waite, Chief-Justice, that—

> The United States has no voters in the States of its own creation. The election officers of the United States are all elected directly or indirectly by State voters.

In the third Congress (1793) the seat of John Patton, from the State of Delaware, was contested by Mr. Lattimer. Delaware was entitled to one member. In 1790 her Legislature passed a law providing that—

> Every person coming to vote for a Representative for the said State in the Congress of the United States shall deliver in writing on one ticket or paper the names of two persons, inhabitants of the State, one of whom shall not be an inhabitant of the same county with himself, &c.

Now, I presume it will not be disputed that if a State law can forbid the voter to cast his ballot for a candidate for Congress who is not a freeholder and a resident of the district twelve months, as in Virginia, or for a candidate who is an inhabitant of the same county with himself, as in Delaware, then a State Legislature or a constitutional convention may say that a person coming to vote shall not cast his ballot for a judge on the bench whose term will not expire until after the assembling of the next Congress. This question was settled in the affirmative by the men of the Revolution in 1793, the men who framed and ratified the Federal Constitution.

In the Patton case it was in evidence that in New Castle County votes were given for Henry Lattimer and Solomon Maxwell. These votes were rejected because both candidates were residents of that county, the names both appearing on the same ballot. In Kent County 4 votes, containing the names of H. Lattimer and George Truitt, both inhabitants of New Castle County, were rejected.

In Sussex County 68 ballots, containing the name of John Patton only, were received and counted. Patton's total vote as returned 2,273, Lattimer's 2,243. The committee deducted the 68 votes cast for Patton in Sussex and reduced his vote to 2,205. They then added to Lattimer's vote the 4 rejected ballots cast in Kent and deducted the 9 in Sussex as illegal, leaving Lattimer 2,238 votes, or a majority of 33. This decision of the House, awarding the seat to Lattimer, settled two important questions: first, that a State in its constitution or by statute law may declare that a particular class of persons shall not be voted for as Representatives in Congress; and, second, that a candidate with a minority vote may be elected.

Virginia said that unless a person was a freeholder and a resident for twelve months in the district he should not be voted for. Kansas in her constitution declares that a judge on the bench shall not be voted for. What difference in principle is there between the qualifying clause in our Constitution and those in the constitutions and laws of Delaware and Virginia? The provision in our Constitution is not only a notice to the judge that he must not be a candidate, but is a notice and a mandate to the voters that they must not vote for a judge to represent them in Congress.

In the convention that framed the Federal Constitution no one pretended that the States had not the power to fix the qualifications of members of Congress as well as the qualifications of voters. I challenge the production of a single remark by any delegate in that body claiming that the convention ought to fix and enumerate the qualifications requisite for a member of Congress. The argument was "that all power was lodged with the States and the people, and that the States should concede to the General Government only the limited right to impose negative restrictions, leaving the States free to qualify suffrage and eligibility to suit themselves, subject to the limited powers granted to the General Government."

Immediately after the Declaration of Independence in 1776 the majority of the States adopted constitutions—all, I believe, excepting Connecticut and Rhode Island. In nearly all of these early constitutions, adopted before the United States Constitution, we find provisions fixing the qualifications of members of Congress, which were limited only by the Articles of Confederation. This was the attitude of the General Government and the States when the latter met in convention in 1787 to "propose amendments to the Constitution." These facts must be kept steadily in view in examining the proceedings of that convention.

When this question was up in the Federal Convention there was but little conflict of opinion among the delegates. Gouverneur Morris op-

posed any limitation upon the States in fixing the qualifications of those who were to represent them in Congress. Mr. Gorham was for leaving the whole question with the State Legislatures. Mr. Dickinson, one of the ablest men in that convention, said:

I am against any recital of qualifications in the Constitution. It is impossible to make a complete one, and a partial one would, by implication, tie up the hands of the Legislature from supplying omissions.

Mr. Madison opposed the proposition, and moved to strike out the words "landed." This was carried by a vote of 10 to 1. The words "qualification of property and citizenship" were stricken out by a vote of 8 States against 3.

Mr. Ellsworth advocated striking out all the disqualifying words, believing, as he stated, "that such matters should be left to the wisdom of the State Legislatures and the virtue of the citizens."

Mr. Wilson, of Pennsylvania, insisted that "the electors should govern themselves, and that it was unnecessary and improper that the Federal Constitution should chain them down." It was finally agreed, as a compromise, that the States should grant to the General Government the right to fix negative qualifications as to age, citizenship, and inhabitancy, and that the right to superadd other negative or affirmative qualifications, such as the States might deem necessary for the protection of their internal policy, should be left to the States and to the people. It seems to me that no candid man can read the debates in the Federal Convention and come to any other conclusion.

In the case of Stuart vs. Laird (1 Cranch, 299), the Supreme Court of the United States said:

A contemporary exposition of the Constitution, practiced under and acquiesced in for a period of years, fixes its construction.

Let us apply this rule, and then see what was the construction put upon this provision of the Constitution by those who participated in its formation and those who adopted it. I call attention here to extracts from the constitutions and laws of the original thirteen States, and also from the constitutions of the new States, and make them a part of my argument.

CONNECTICUT.

This State was first divided into Congressional districts in 1835. In that act it was provided that Representatives must reside in the districts represented; qualifications in other respects governed by the Federal Constitution.

DELAWARE.

Article 3, section 8, of the constitution of 1792 declares that—

No member of Congress, nor any person holding or exercising any office under the United States, shall at the same time hold or exercise the office of judge, &c.

Article 2, section 12, of the State constitution provides that—

No member of Congress, nor any person holding any office under this State or the United States, * * * shall, during their continuance in Congress or in office, be a senator or representative.

The same is in the constitution of 1831. In the latter, article 5, section 2, it is provided in respect to judges:

But they shall hold no other office of profit, &c.

The Legislature of Delaware in 1778 and also in 1790 declared—

That every person coming to vote for a Representative, agreeably to the directions of this act, shall deliver in writing on one ticket or piece of paper the names of two persons, inhabitants of this State, one of whom at least shall not be an inhabitant of the same county with himself, to be voted for as Representative.

GEORGIA.

Constitution of 1789, article 2, section 5:

The governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall be elected. Neither shall he receive during that period any other emolument from the United States or any of them or any foreign power.

In 1798 it was provided as follows (article 1, section 2):

No person holding a military commission or other appointment, having any emolument or compensation annexed thereto, under this State or the United States, * * * shall have a seat in either house of the General Assembly; * * * nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

By act of the Legislature, February 11, 1799, Georgia declared—

No person shall be a Representative in Congress who shall not have been an inhabitant of the State three years next preceding his election, and paid his tax regularly during that time; nor shall he hold any office of profit under this State or the United States during the time for which he may be elected a Representative.

Section 2 of the same law provided that the governor shall not issue a certificate until satisfactory proof is given by the member-elect of residence and payment of tax:

SEC. 46. No person shall be eligible to represent any of said Congressional districts who does not at the time of his election reside within said district.

The Revised Code of Georgia of 1867, section 1328, declares that—

Besides the qualifications required by the constitution, a residence of one year next preceding the day of election in the district where the candidate offers himself is necessary to make him eligible to election.

This seems still to be the law in Georgia.

MARYLAND.

In 1776, in her bill of rights, Maryland declared as follows:

The independency and uprightness of judges are essential to the impartial administration of justice; * * * wherefore no chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

SEC. 32. No person ought to hold at the same time more than one office of profit from this State or the United States without the approbation of this State.

(Readopted in 1851, 1864, and 1867.)

Constitution of 1776, section 27:

The Delegates to Congress from this State shall be chosen annually, and no person shall be capable of being a Delegate to Congress more than three in any term of six years, and no person who holds an office in the gift of Congress shall be eligible to sit in Congress, but if appointed to any such office his seat shall be thereby vacated.

In the constitution of 1792 was this provision, namely:

That no member of Congress or person holding any office of trust or profit under the United States shall be capable of holding a seat in the General Assembly or of being an elector of the Senate.

Article 33 of the constitution of 1864 contains the following:

No judge shall hold any other office, civil or military, or political trust or employment of any kind whatsoever, under the constitution or laws of this State, or of the United States, or any of them.

In 1788 the Legislature of Maryland passed an act providing—

That every person coming to vote for Representative for the State in Congress * * * shall have a right to vote for six persons, one of whom shall be a resident of each of said districts; and the candidate in each district having the greatest number of votes of all the candidates residing in that district shall be declared to be elected for that district.

It was provided by an act of the Legislature in 1790 that—

Every person entitled and offering to vote for Representative in Congress shall have the right to vote for one person, being a resident of his district at the time of the election, and having resided therein twelve calendar months immediately before, and otherwise qualified according to the Constitution of the United States.

When Maryland was divided into eight districts, with nine members, in 1802, the act provided that—

The fifth district shall elect two members, one of whom shall be a resident of Baltimore city and the other of Baltimore county.

(This law is in the revision of 1819.)

The code of 1860, section 74, contains the following:

One of the United States Senators shall be always an inhabitant of the Eastern and the other of the Western Shore.

MASSACHUSETTS.

Constitution of 1780, article 2, chapter 6:

No governor, lieutenant-governor, or judge of the supreme court shall hold any other office or place except such as by the constitution they are entitled to hold; nor shall they hold any other place or office from any other State or government or power whatever.

This provision is still in the constitution of Massachusetts.

In 1788 the Legislature of Massachusetts passed a law dividing the State into Congressional districts. This law provided that—

One Representative, being an inhabitant of the district for which he shall be elected, shall be chosen in the manner hereinafter described.

This was the law of 1790, and also of 1794.

In 1802 the State was divided into seventeen districts, and the same law provided for a member in each district, "being an inhabitant of the district for which he shall be elected."

This feature has been enacted in every apportionment in Massachusetts since that date, making residence in the district an additional qualification for a Representative in Congress. For Presidential electors the voters in Massachusetts are required by law to vote for one in each Congressional district on a general ticket.

A statute of Massachusetts makes bribery, embezzlement, conviction of felony or other infamous crime a disqualification for holding an office under the State. This undoubtedly applies to members of Congress and Presidential electors.

This is substantially the law in every State in the Union. Under the Constitution of the United States persons guilty of bribery, embezzlement, or who have been convicted of felony or other infamous crime would be eligible to seats in Congress if the States had not interposed disqualifying provisions; and Congress would be powerless to exclude them if the States had not thus declared them ineligible.

NEW HAMPSHIRE.

Bill of rights, part 2, section 92:

No governor or judge of the supreme court shall hold any office or place under the authority of this State except such as, by this constitution, they are admitted to hold; nor shall they hold any place or office from any other State, government, or power whatever.

NEW JERSEY.

Constitution of 1776, section 20:

None of the judges of the supreme court, or other courts, shall be eligible to a seat in the General Assembly.

The constitution of 1844, article 5, section 8, provides that—

No member of Congress, or person holding office under the United States or this State, shall exercise the office of governor.

The latter clause was amended by the constitution of 1875, article 7, section 2, to read as follows:

Nor shall he be elected to any office under the government of this State, or the United States, during the term for which he shall have been elected.

When New Jersey first divided the State into five Congressional districts it was provided in section 4 of the act that there should be elected for the State "one person in each of the said districts to be a member of the House of Representatives, who shall be a citizen of the United

States, of the age of twenty-five years or upward, and an inhabitant of the district in which he shall be elected, and who shall have been a citizen of the United States seven years next preceding said election."

NEW YORK.

Constitution of 1777, section 25:

The chancellor and judges of the supreme court shall not, at the same time, hold any other office except that of Delegate to the general Congress upon special occasions.

Article 1, section 2, of the constitution of 1821 provides that—

No person, being a member of Congress, or holding any judicial office under the United States, shall hold a seat in the Legislature.

Section 10 is in these words:

No member of the Legislature shall receive any civil appointment from the governor and senate, or from the Legislature, during the term for which he shall have been elected.

Readopted in 1846.

Article 6, section 8, of the constitution of 1821 contains the following in reference to judges:

They shall not hold any other office of public trust. All votes for them for any other office * * * given by the Legislature or the people shall be void.

The constitution of 1869 declares that—

The judges of the court of appeals and the justices of the supreme court shall not hold any other office or public trust. All votes for any of them for any other than a judicial office, given by the Legislature or the people, shall be void.

NORTH CAROLINA.

The declaration of rights, part 4, provides:

The legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other.

The constitution of 1776, part 35, provides:

No person in this State shall hold more than one lucrative office at any one time.

Not amended until 1835.

Article 6, section 1, of the constitution of 1868 required a residence of twelve months for a voter, and section 4 provided that only qualified voters shall be eligible to office. By section 2, article 14, persons fighting a duel are declared to be ineligible to any office. This was substantially readopted in the constitution of 1878.

An act of the Legislature of North Carolina in 1792 contains the following:

And whereas it is necessary to keep separate and distinct the offices of the Federal Government from those of the State government:

Be it further enacted, That no citizen of this State shall hold, at one and the same time, any office of trust, profit, or emolument under the authority of the United States, and any office or authority, either civil or military, under the authority of this State.

Senators and Representatives in Congress are considered as coming within the purview of this law.

In 1802 the State was divided into twelve districts, and the act declared that—

The person elected in each district shall be a resident or an inhabitant of that district for which he is elected during the space or term of one year before and at the time of his election.

PENNSYLVANIA.

The constitution of 1790, article 1, section 18, provides:

No Representative shall, during the time for which he shall have been elected to any office in this State, and no member of Congress or other person holding any office under the United States, or this State, shall be a member of either house during his continuance in Congress or in office.

Article 5, section 1, referring to judges (re-enacted in 1838), provides:

But they shall receive no fees or perquisites of office, nor hold any other office of profit under this Commonwealth.

This was amended in 1850 to read as follows:

Nor hold any other office of profit under this Commonwealth, or under the Government of the United States or any other State of the Union.

The new constitution of 1873 contains these words:

Nor hold any other office of profit under the United States, this State, or any other State.

RHODE ISLAND.

This State adopted her first constitution in 1842. Article 2, section 1, requires as a qualification for suffrage one year's residence and real estate of the value of $134 above all incumbrances.

Article 9, section 1, provides that—

No person shall be eligible to any civil office * * * unless he be a qualified elector for such office.

SOUTH CAROLINA.

The constitution of 1778, article 8, provides:

No person in this State shall hold the office of governor thereof, or lieutenant-governor, and any other office or commission, civil or military, * * * either in this or any other State, or under the authority of the Continental Congress, at one and the same time.

Article 1, section 21, of the constitution of 1790 declares that—

No person shall be eligible to a seat in the Legislature whilst he holds any office of profit or trust under this State, the United States, or either of them.

Article 3, section 1, provides:

The judges shall hold their commissions during good behavior, * * * nor hold any office of trust or profit in this State, the United States, or any of them.

In 1865 this clause was amended to read:

Nor hold any other office of profit or trust under this State, the United States of America, or any other power.

Readopted in 1868.

VIRGINIA.

The constitution of 1830, article 2, provides:

The legislative, executive, and judiciary shall be separate and distinct, nor shall any person exercise the power of more than one of them at the same time.

Article 5, section 1, provides:

The judges of the supreme court of appeals and of the superior courts shall hold their offices during good behavior, * * * and shall, at the same time, hold no other office, appointment, or public trust.

The constitution of 1850, article 1, section 15, provides that—

No judge during his term of service shall hold any other office, appointment, or public trust, and the acceptance thereof shall vacate his judicial office; nor shall he, during such term or within one year thereafter, be eligible to any political office.

(Readopted in 1864.)

Article 6, section 24, of the constitution of 1870 provides that—

Judges of the supreme court of appeals and judges of the circuit courts shall not hold any other office or public trust during their continuance in office.

The Legislature of Virginia, composed of the same men who ratified the Federal Constitution, passed a law dividing the State into ten districts, declaring that—

The persons qualified by law to vote for members of the house of delegates in each county composing a district shall assemble at their respective county Court-Houses on the second day of February next, and then and there vote for some discreet and proper person, being a freeholder, and who shall have been a *bona fide* resident for twelve months within said district, as a member to the House of Representatives for the United States.

The same provision is in the act of December 26, 1799, making a new apportionment of nineteen members.

The following are the provisions in the constitutions of the other States respecting qualifications of members of Congress, &c.:

ALABAMA.

The constitution of 1819, article 5, section 2, provides:

Judges of the supreme and circuit courts and courts of chancery shall, at stated times, receive for their services a compensation which shall be fixed by law, and which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power.

The constitution of 1850, article 5, section 10, provided that—

The judges of the supreme court, circuit courts, and courts of chancery shall, at stated times, receive for their services a compensation which shall be fixed by law, and which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any office of profit or trust under this State, the United States, or any other power.

This was amended in 1867 to read:

Nor hold any office (except judicial offices) of profit or trust under this State or the United States during the term for which they have been elected, nor under any other power, during their continuance in office.

The same provision is in the constitution of 1875.

ARKANSAS.

Constitution of 1836, article 5, section 5, under the head of "Executive," provides as follows:

He shall, at stated times, receive a compensation for his services which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive within that period any other emolument from the United States, or any of them, or from any other power.

Same in constitution of 1864.

In article 6, section 8, of the constitution of 1836 is the following in relation to judges of the supreme and circuit courts (retained in constitution of 1861):

Nor hold any other office of trust or profit under this State or the United States.

The constitution of 1868 has the following:

The officers of the executive department and judges of the supreme court shall not be eligible, during the period for which they may be elected or appointed to their respective offices, to any position within the gift of the qualified electors or of the General Assembly of the State.

The constitution of 1874 declares, in reference to supreme court judges:

Nor hold any other office of trust or profit under this State or the United States.

CALIFORNIA.

The constitution of 1849, article 6, section 16, provides:

The justices of the supreme court and district judges shall be ineligible to any other office during the term for which they shall have been elected.

In 1862 this was amended to read as follows:

The justices of the supreme court and district judges and county judges shall be ineligible to any other office during the term for which they shall have been elected.

COLORADO.

The constitution of 1876, article 5, section 8, provides:

No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State; and no member of Congress or other person holding any office, excepting attorney at law, notary public, or in the militia under the United States or this State, shall be a member of either house during his continuance in office.

It is provided, also, in this constitution that no person shall hold any office who is not a qualified voter.

FLORIDA.

Article 5, section 5, 1838:

But the judges shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power.

In the constitution of 1865 are these words:

Nor hold any other office of profit or trust under this State, the United States, or any other power.

The constitution of 1868, article 17, section 23, provides that—

The governor, or any other State officer, is hereby prohibited from giving certificates of election, or other credentials, to any person as having been elected to the House of Representatives of the United States Congress or the United States Senate, who has not been two years a citizen of the State, and nine years a citizen of the United States, and a resident voter.

ILLINOIS.

Article 2, section 25, 1818:

No judge of any court of law or equity, * * * member of either House of Congress, * * * shall have a seat in the General Assembly.

Constitution of 1848, article 6, section 7:

No person shall be elected or appointed to any office in this State, civil or military, * * * who shall not have resided in this State one year next before his election or appointment.

Section 10 provides that—

The judges of the supreme and circuit courts shall not be eligible to any other office of public trust or profit in this State, or the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office * * * given by the General Assembly or the people shall be void.

INDIANA.

Article 7, section 15, 1857:

No person elected to any judicial office shall, during the term for which he shall be elected, be eligible to any office of trust or profit under the State, other than a judicial office.

IOWA.

Article 5, section 3, 1846:

The judges of the supreme court shall be ineligible to any other office in the State during the term for which they shall have been elected.

Under the constitution of the same date the district judges were declared to be "ineligible to any other office except that of supreme judge during the term for which they shall have been elected." And in the constitution of 1851 it is provided that—

The judges of the supreme court shall be ineligible to any other office during the term for which they shall have been elected.

KANSAS.

Topeka constitution of 1855, in reference to judges:

Nor hold any other office of profit or trust under the State, other than a judicial office.

The Lecompton constitution of 1857 contained the following on the same subject:

Nor hold any other office of profit or trust under this State, the United States, or either of the other States, or any power during their continuance in office.

In the Leavenworth constitution of 1858 is this provision:

Nor hold any office of profit or trust under the State, other than a judicial office.

The Wyandotte constitution of 1859, under which Kansas was admitted into the Union, provides as follows in reference to judges:

Nor hold any other office of profit or trust under the authority of the State or the United States during the term of office for which such justices and judges shall be elected.

KENTUCKY.

Article 1, 1792:

No member of Congress or other person holding any office of profit or trust under the United States or this Commonwealth * * * shall be a member of the House during his continuance to act as a member of Congress or in such office.

In the constitution of 1850, article 8, section 25, is the following:

No member of Congress or person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly of this Commonwealth, or hold or exercise any office of trust or profit under the same.

LOUISIANA.

Article 6, section 14, 1812:

No member of Congress or person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly of this State, or hold or exercise any office of trust or profit under the same.

Readopted in the constitutions of 1845, 1852, and 1864.

Article 39, title 3, of the constitution of 1852 provides:

No member of Congress or person holding any office under the United States shall be eligible to the office of governor or lieutenant-governor.

Readopted in 1864 and 1868.

The constitution of 1868 declares that—

No person shall hold or exercise, at the same time, more than one office of trust or profit, &c.

MAINE.

Article 4, part 3, section 11, 1820:

No member of Congress, or person holding any office under the United States, or office of profit under this State, shall have a seat in either house during his being such member of Congress or his continuance in such office.

Article 5, section 5:

No person holding any office or place under the United States, this State, or any other power, shall exercise the office of governor.

Article 6, section 6:

The justices of the supreme judicial court shall not hold any office under the United States, nor any State, nor any other office under this State, except that of justice of the peace.

MICHIGAN.

Article 6, section 2, 1833 (referring to judges):

But they shall receive no fees * * * nor hold any office of profit or trust under the authority of this State or the United States.

The constitution of 1850, article 4, section 18, provides as follows:

No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the governor, the governor and senate, from the Legislature, or any State authority during the term for which he is elected or appointed, and all votes given for any person so elected or appointed shall be void.

Article 6, section 10:

But no judge of the supreme court or circuit court shall exercise any other power or appointment to public office.

MINNESOTA.

Article 6, section 11, 1857:

The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this State, and all votes for either of them for any elective office under this constitution, except a judicial office, given by the Legislature or the people, during their continuance in office, shall be void.

MISSISSIPPI.

Article 6, section 15, 1817:

No member of Congress, nor any person holding any office of profit or trust under the United States, or either of them, * * * or under any foreign power, shall hold or exercise any office of profit or trust under this State.

Readopted in 1832 and 1868.

MISSOURI.

Article 3, section 11, 1820:

No judge of any court of law or equity, * * * member of Congress, or other person holding any lucrative office under the United States or this State, * * * shall be eligible to either house of the General Assembly.

The constitution of 1822, article 1, section 4, declares that—

No person holding an office of profit under the United States and commissioned by the President shall during his continuance in such office be eligible, appointed, hold, or exercise any office of profit under this State.

By the constitution of 1865, article 4, section 11, it is provided that—

No member of Congress, or person holding any lucrative office under the United States, * * * shall be eligible to either house of the General Assembly.

Readopted in 1875.

Article 8, section 12, of the constitution of 1875 says:

No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States and who shall not have resided in this State one year next preceding his election or appointment.

NEBRASKA.

Article 2, section 14, 1866–'67:

No person, being a member of Congress, or holding any military or civil office under the United States, shall be eligible to a seat in the Legislature.

Article 3, section 6, of the same constitution declares that—

No person holding office under authority of the United States * * * shall be eligible to have a seat in the Legislature.

Section 13 provides that—

No person elected to the Legislature shall receive any civil appointment within this State from the governor and senate during the term for which he has been elected.

NEVADA.

Article 4, section 9, 1864:

No person holding any lucrative office under the Government of the United States, or any other power, shall be eligible to any civil office of profit under this State.

Article 6, section 11:

Justices of the supreme court, and the district judges, shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected; and all elections or appointments of any such judges, by the people, the Legislature, or otherwise, during said period, shall be void.

OHIO.

Article 3, section 8, 1802, concerning the judges:

But they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this State or the United States.

The constitution of 1851 contains the following:

Nor hold any other office of profit or trust under the authority of this State or the United States. All votes for either of them for any elective office, except a judicial office, under the authority of this State, given by the General Assembly or the people, shall be void.

OREGON.

Article 2, section 9, 1857:

Every person who shall give or accept a challenge to fight a duel, or shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

Section 10:

No person holding a lucrative office or appointment under the United States or this State shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this constitution expressly provided.

Article 7, section 21:

Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe, and transmit to the secretary of state, the following oath:

"I, ——— ———, do solemnly swear * * * that I will not accept any other office, except judicial offices, during the term for which I have been elected."

TEXAS.

Article 7, section 13, 1845:

No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

SEC. 26. No person shall hold or exercise at the same time more than one civil office of emolument.

Readopted in 1870.

TENNESSEE.

Article 5, section 3, 1796:

The judges of the supreme court shall at stated times receive a compensation for their services, to be ascertained by law, but shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State or the United States.

This was readopted in the constitution of 1834 and also 1870.

VERMONT.

Chapter 2, section 27, 1786:

No person who holds any office in the gift of Congress shall, during the time of his holding such office, be elected to represent this State in Congress.

The constitution of 1793, article 2, section 26, provides that—

No person in this State shall be capable of holding or exercising more than one of the following offices at the same time, namely: Governor, lieutenant-governor, judges of the supreme court; * * * nor shall any person holding any office of profit or trust under the authority of Congress be eligible to any appointment in the Legislature or of holding any executive or judicial office under this State.

WEST VIRGINIA.

Article 6, section 12, 1861–'63:

No judge, during his term of office, shall hold any other office, appointment, or public trust, under this or any other government; and the acceptance thereof shall vacate his judicial office; nor shall he, during his continuance therein, be eligible to any political office.

WISCONSIN.

Article 13, section 3, 1848:

No member of Congress, nor any person holding any office of profit or trust under the United States, * * * or under any foreign power, and no person convicted of any infamous crime in any court within the United States, and no person being a defaulter to the United States or to this State, or to any county or town therein, or to any State or Territory within the United States, shall be eligible to any office of trust, profit, or honor in this State.

It will be seen that Connecticut required members of Congress to be residents of their districts. Georgia required a residence in the State of three years, the payment of a tax during the whole of that period, and an actual residence in the district. Maryland required not only a residence within the district at the time of election but for one year previous thereto, and she makes her judges ineligible to any other office under the State or the United States. Massachusetts, by act of her Legislature, first divided the State into districts in 1788, and required each member to be a resident of his district. In her bill of rights Massachusetts declared that—

The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and now, and forever hereafter, shall exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them delegated to the United States in Congress assembled.

I quote this from Massachusetts, because if I should quote it from the constitution of Virginia gentlemen on the other side would meet it with the well-worn sneer that from just such doctrines of State sovereignty sprang our late rebellion.

New Hampshire inhibited her governors and judges from holding "any other office under the authority of any other State, government, or power." New Jersey prohibited her governor from being elected to any office under the State or the United States "during the term for which he shall have been elected." She also required members of Congress to be residents of their districts. New York prohibited her judges from holding any other office or public trust. North Carolina required a residence of one year in the district. Pennsylvania said that her judges should not hold any other office of profit under the Government of the United States or any other State. Rhode Island declared that no person should be eligible to any office for which he was not a qualified voter. South Carolina said that her judges should not hold any office of trust or profit in that State, the United States, or any of them. Virginia declared that her judges should not, during their term of office, or for one year thereafter, be eligible to any political office. She also required that a person to be eligible to a seat in Congress should be a freeholder, and that he should have resided one year in the district before his election.

It will be seen that these old patriots, the men who made the Federal Constitution, never dreamed that the States could not superadd any qualifications they deemed proper, not inconsistent with those enumerated in the Constitution of the United States. The new States adopted similar provisions.

Alabama declared that her judges should not hold "any other office of profit or trust under this State, the United States, or any other power." Under the constitution of 1867 this was amended to read "during the term for which they shall have been elected." California made her judges ineligible to any other office during their whole term. Florida required that a member of Congress should have resided in his district two years next before his election in order to be eligible; also that he should have been nine years a citizen of the United States and a resident voter. Oregon requires her judges to swear that they will not accept any other office during the term for which they have been elected.

Suppose a judge in Oregon, who had sworn that he would not accept any other office during the term he was elected judge, should come here seeking admission into this House with perjury on his lips, would he be admitted? Did not Judge Peters, when he swore to support the constitution of Kansas, swear that he would not hold any other office during the term for which he was elected judge, and does he not come here with that oath on his lips?

Hon. Albert Griffin, a prominent Republican of our State, in a speech made at Abilene in February this year, in discussing this oath to support the constitution, said:

PERJURED OFFICERS.

The oath taken by Kansas officials reads:

"I do solemnly swear that I will support the Constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of ——. So help me God."

This oath is not a meaningless form. It imposes on those who subscribe to it positive duties, that can not be shirked without dishonor. It is forced on no one. It is always voluntarily taken. Indeed, the privilege of doing so is eagerly sought, and there is no conceivable plea upon which those who violate it can be justified. To "support" the constitution does not mean merely that one will not personally trample it under foot. It requires an active effort to sustain and enforce the instrument itself and all laws passed for that purpose. The duty rests imperatively upon each and every man who takes this oath to do all he can to encourage and compel obedience to each and all of the requirements of the constitution, without mental reservation, and without regard to his own opinion as to their policy or justice; and if he is unwilling, or can not conscientiously do this, he must not swear that he will.

FIRST CONTESTED ELECTION.

The first contested-election case tried in this House was that of Ramsey *vs.* Smith, in the First Congress, in 1789. The contest was made on the charge, made by Ramsey, that Smith was ineligible. James Madison, who was a member of the First Congress, in discussing the question, said:

I take it to be a clear point that we are to be guided in our decision by the law and constitution of South Carolina so far as they can guide us. * * * So far as we can judge by the laws of South Carolina, and the practice and decisions of that State, the principles I have adduced are supported.

In this same Congress, fresh from the convention that framed the Constitution, Mr. Livermore, of New Hampshire, said:

I call upon gentlemen to recollect the circumstances of Mr. Smith's election in South Carolina, and answer me. Was not the case decided by State laws? Were not his qualifications as a member determined by the laws of South Carolina? It was not supposed by the people of South Carolina that the House would question a right derived by their Representative from their authority.

And no one in that First Congress questioned the proposition. I challenge the closest examination of the record. This first precedent is on my side.

In Tucker's Blackstone, volume 1, appendix, pages 141, 142, 144, 170, 187, 197, 198, that eminent commentator says:

The Constitution of the United States of America, then, is an original, written, federal, and social compact, freely, voluntarily, and solemnly entered into by the several States of North America, and ratified by the people thereof respectively; whereby the several States and the people thereof, respectively, have bound themselves to each other and to the Federal Government of the United States; and by which the Federal Government is bound to the several States and to every citizen of the United States.

* * * * * * *

The Union is in fact as well as in theory an association of States, or a confederacy. The State governments not only retain every power, jurisdiction, and right not delegated to the United States by the Constitution nor prohibited by it to the States, but they are constituent and necessary parts of the Federal Government, and without their agency in their politic character there could be neither a Senate nor President of the United States.

* * * * * * *

Lastly, it is a compact by which the Federal Government is bound to the several States and to every citizen of the United States.

* * * * * * *

Although the Federal Government can in no possible view be considered as a party to a compact made anterior to its existence, and by which it was in fact created, yet as the creature of that compact it must be bound by it to its creators, the several States in the Union, and the citizens thereof.

* * * * * * *

The Federal Government, then, appears to be the organ through which the united republics communicate with foreign nations and with each other. Its engagements, its authority are theirs, modified and united. Its sovereignty is an emanation from theirs, not a flame by which they have been consumed nor a vortex in which they are swallowed up.

* * * * * * *

The members of the Legislature ought certainly to have no privilege but what is demonstrably essential to the freedom and welfare of their constituents. "The State is not made to dignify its officers, but the officers to serve the State."

* * * * * * *

The qualifications of the members of these bodies, respectively, are: that both Senators and Representatives should have been citizens of the United States, the former nine and the latter seven years, and be citizens also of that State for which they shall be chosen at the time of their election; to which the law of this State adds that "a Representative shall be a freeholder and resident of the district for which he is chosen;" a wise provision, and perfectly consonant with the principles of representation, &c.

Judge Tucker has been called the Blackstone of America. He was a member of the Virginia Legislature, and voted for the law superadding these qualifications.

Henry St. George Tucker, his son, was a child of the Revolution. He was but five days old when the British landed at Hood's, on the James River, and marched to Bland's Ordinary on their way to Petersburg. The Tucker family escaped capture by a hasty flight to Wintopoke. This son of Judge Tucker afterward became an eminent jurist, ranking with the men most distinguished for ability and learning in that day. His associates, like those of John Randolph, his half-brother, were the men of the Revolution, the men who had framed the Federal Constitution. He was made president of the University of Virginia, founded by Thomas Jefferson. He had imbibed the political maxims of the fathers of the Republic, and was as well if not better qualified, as regards talent and profound learning in the law, than was the distinguished Federalist Judge Story.

While president of the University of Virginia Henry Saint George Tucker delivered a course of lectures on the Constitution, in which he took issue with Judge Story on questions touching the sources of political power under our system of Federal and State authority. In these lectures he uses the following language, to which I invite careful attention:

In the history of the two great parties which have divided the people of the United States ever since the adoption of the present Constitution, a constant struggle is observable in relation to the character of the Government. The Federal party (so called by a strange perversion of the use of the term) have always been inclined to represent the United States as constituting one people, instead of a confederacy of States; while their opponents (formerly called Anti-Federalists, but more recently known as the Democratic or Republican party) have ever strenuously contended that the Constitution was a compact or the result of a compact between the States, who retain their sovereignty and all the rights of sovereignty which they have not expressly transferred to the Federal Government.

* * * * * * *

It was confederate as far as it was a government at all. The delegates were appointed by the States, not by the people; sometimes, indeed, by conventions, but they were conventions which as much represented the States as the Legislatures could do. Moreover, in the deliberations of Congress they voted by States, the smallest having equal weight with the largest; a test of confederate character which has been universally admitted. * * * It was assembled upon recommendation merely, which no State was bound to obey.

The Confederation was adopted by all the States except Maryland and Delaware. Justly, then, has it been admitted by Judge Story that the union of the States anterior to that time "grew out of the exigencies of the times, and from its nature and objects might be deemed temporary, extending only to the maintenance of the common liberties and independence of the States and to terminate with the return of peace with Great Britain and the accomplishment of the ends of the Revolutionary contest." It was under this ephemeral government—this government of sufferance; this government the creature of their own will, and capable of being dissolved at any moment by their own breath—that the States are said to have been at the time of the separation. With what propriety could it be said by Judge Story that they "were under the dominion of a superior, controlling, national government?" * * *

Now it happens that Hancock, Adams, and Gerry, from Massachusetts; Ellery, from Rhode Island; Sherman, Huntington, and Wolcott, from Connecticut; Lewis, from New York; Witherspoon, from New Jersey; Robert Morris, from Pennsylvania; Thomas McKean, from Delaware; Carroll, from Maryland; the two Lees, from Virginia; Penn, from North Carolina; and Heyward, from South Carolina, who signed the Declaration of Independence, were signers of the Confederation, in which the sovereignty of each was declared to be retained; and we have already seen the opinion of Judge Chase, another signer of the Declaration, of his views of the same interesting matter. I feel myself, therefore, justified in repelling the position that "the separate independence and individual sovereignty of the several States were never thought of by the patriot signers of the Declaration of Independence."

Each State prescribes the qualifications of its own voters, the Constitution only providing that they shall have the qualifications which such States may have prescribed for the voters for the most numerous branch of its own Legislature. And as the right to vote is prescribed by the State, the duty of doing so can not be enforced except by the authority of the State. No one can be elected to represent any State except a citizen thereof. Vacancies in the representation of any State are to be filled under writs of election issued by the executive of such State. In all this there is not one feature of nationality. The whole arrangement has reference to the States as such, and is carried into effect solely by their authority.

The Federal Government has no agency in the choice of representatives except only that it may prescribe the times, places, and manner of holding elections. It can neither prescribe the qualifications of electors nor impose any penalty upon them for refusing to elect.

The States alone can do these things; and, of course, the very existence of the House of Representatives depends, as much as does that of the Senate, upon the action of the States. A State may withdraw its Representatives altogether, and Congress has no power to prevent it nor to supply the vacancies thus created. If the House of Represenatives were national in any practical sense of the term, the "nation" would have authority to provide for the appointment of its members, to prescribe the qualifications of voters, and to enforce the performance of that duty. All these things the State Legislatures can do within their respective States. * * * But it is difficult to imagine a national legislature which does not exist under the authority of the nation, and over the appointment of which the nation as such can exert no effective control.

Henry St. George Tucker was the father of Hon. JOHN RANDOLPH TUCKER, a distinguished member of this House.

Judge Story was committed to the doctrines of Hamilton and the Federalists under Adams. He seems, however, to have forgotten that at the very time when the convention which framed the Constitution was in session the Congress of the United States was also in session. He seems to have overlooked the further fact that when the Constitution was agreed upon by the convention it was submitted to Congress, and by it referred to the several States for their action. He was like the great philosopher Sir Isaac Newton, who, in building a house, cut the usual cat-hole in the door and near it a smaller one for the kitten. He was astonished afterward to see the kitten enter at the cat-hole. Judge Story seems to have had a similar awakening, for he afterward admits that there was a wide difference of opinion among eminent statesmen upon this question. I quote his own words:

There is great room, therefore, for diversities of judgment and opinions upon a subject so comprehensive and various in its elements.

The majority report, as does the gentleman from Pennsylvania [Mr. ELLIOTT], quotes Story and Kent, both Federalists, but seem to repudiate Jefferson, Madison, Randolph, the Tuckers, and the men who framed the Constitution. I now assert that there can not be found a decision of the Supreme Court sustaining Story's theory of the Constitution and Government. It is true that in Martin *vs.* Hunter's Lessee (1 Wheaton, 334), the opinion of the court being delivered by Justice Story, it was said:

The vital importance of all the cases enumerated in the first class to the national sovereignty might warrant such a distinction. In the first place, as to cases arising under the Constitution, laws, and treaties of the United States. Here the State courts could not ordinarily possess direct jurisdiction. The jurisdiction over such cases could not exist in the State courts previous to the adoption of the Constitution, and it could not afterward be directly conferred on them, for the Constitution expressly requires the judicial power to be vested in courts ordained and established by the United States.

The admiralty and maritime jurisdiction is of the same exclusive cognizance, and it can only be in those cases where, previous to the Constitution, State tribunals possessed jurisdiction independent of national authority that they could now constitutionally exercise a concurrent jurisdiction.

* * * * * * *

If State tribunals might exercise concurrent jurisdiction over all or some of the other classes of cases in the Constitution without control, then the appellate jurisdiction of the United States might, as to such cases, have no real existence contrary to the manifest intent of the Constitution. Under such circumstances, to give effect to the judicial power, it must be construed to be exclusive; and this not only when the *casus fœderis* should arise directly, but when it should arise incidentally in cases pending in the State courts. This construction would abridge the jurisdiction of such court far more than has ever been contemplated in any act of Congress.

Yet in Claflin *vs.* Houseman (3 Otto, 140), Judge Bradley, delivering the opinion of the court, said:

It is indeed intimated by Mr. Justice Story, *obiter dictum*, in delivering the opinion of the court in Martin *vs.* Hunter's Lessee, (1 Wheaton, 334-337), that the State courts could not take direct cognizance of cases arising under the Constitution, laws, and treaties of the United States, as no such jurisdiction existed before the Constitution was adopted. This is true as to jurisdiction depending on United States authority; but the same jurisdiction existed (at least to a certain extent) under the authority of the States. Inventors had grants of exclusive right to their inventions before the Constitution was adopted, and State courts had jurisdiction thereof. The change of authority creating the right did not change the nature of the right itself. The assertion, therefore, that no such jurisdiction previously existed must be taken with important limitations, and did not have much influence with the court when a proper case arose for its adjudication.

BARNEY VS. M'CREARY—THE PRECEDENTS.

So much for Judge Story.

The case of Barney *vs.* McCreary came up in this House in October, 1807. The Legislature of Maryland, in 1790, had passed a law requiring that a member of Congress should be a resident of the district in which he was chosen at the time of his election and for twelve months immediately before. In November, 1802, a law was enacted making the city of Baltimore and Baltimore County the fifth district, entitled to two Representatives, one of whom "shall be a resident of Baltimore city, and the other of Baltimore County." These laws were not questioned until 1807. It was disputed whether McCreary, who had the highest number of votes, was or was not a resident of the city; and, also, whether the act of the Legislature requiring a qualification of residence was valid or invalid.

The Committee on Elections reported in favor of McCreary on the 9th of November, 1807, without deciding the first question, on the ground that the act of the Legislature was void. The Federalists generally took that position in the House, while the Republicans or Democrats maintained that this power was one of the reserved rights of the States. There was an elaborate discussion of this question, ten members speaking in favor of the report and eighteen against it. I can not give even a brief synopsis of all these speeches. I quote verbatim from the Annals of that Congress the action of the House in the case.

Mr. Sawyer, fresh from the Revolution, said:

By this article it appeared that the general qualifications specified are that a person, to become eligible to a seat in this House, must have arrived at the age of twenty-five years, have been seven years a citizen of the United States, and a resident of the State for which he was to be elected; leaving, as might be naturally supposed, to the States respectively the addition of such other particular qualifications as they might think proper to impose, not incompatible with those fundamental ones laid down in that article.

John Randolph of Roanoke said—

That House had never been called upon to make a more important decision than the one now proposed. * * * It was one of those questions which in his mind had been so long unalterably fixed that he could not refrain from the endeavor to warn the committee of the dangerous ground which they were invited to tread. In undertaking to decide upon the validity of the law of a State they touched upon a subject which should never be approached but under the most imperious necessity and where no shadow of doubt could hang upon their decision. * * * What were they required to do? To declare the law of Maryland, long reverenced and obeyed, under which successive elections had been held and never before questioned; to pronounce this law to be a dead letter, entitled to no respect, even from her own citizens, and to absolve them from all obedience to it? Was it matter of surprise that the members of the House were startled at an innovation so daring and so dangerous.

He had laid down as a principle not to be questioned that Congress should never undertake to pronounce upon State regulations but in cases too clear to admit of contest and when the decision could not be evaded without manifest detriment to the public good. If he were called upon to establish a criterion, an infallible touchstone of the soundness of political principles, it should be made to consist of so much as a sacred regard for the rights of the States. * * * He viewed the proposed measure but as the commencement of a series, as the entering-wedge. If they began with declaring one law of one State unconstitutional, where were they to stop? They might, they would go on (it was a natural tendency of power never to be satiated as long as there was any thing left to devour) until the State governments, stripped of all authority, rendered contemptible in the eyes of the people for their imbecility and odious for their expense, mere skeletons of governments, the shadows of their former greatness, should be forever abolished and a great consolidated empire established upon its ruins.

He looked forward to such an event as the death-warrant of the existing Constitution and of the people's liberties. If they wished to preserve the Constitution they must learn to respect the rights of the States, and not bring the whole artillery of the Federal Government to bear upon them. In such a contest the States must fall, and when they did fall there was an end of all republican government in this country.

The second paragraph of the second article of the Constitution had, to his extreme surprise, been construed by the Committee of Elections as restricting the States from annexing qualifications to a seat in the House of Representatives. He could not view it in that light. Mark the distinction between the first and second paragraphs. The first is affirmative and positive. "They shall have the

qualifications necessary to the electors of the most numerous branch of the State Legislature." The second is merely negative. "No person shall be a Representative who shall not have attained the age of 25 years," &c. No man could be a member without these requisites; but it did not follow that he who had them was entitled to set at nought such other requisites as the several States might think proper to demand.

If the Constitution had meant, as now contended, to have settled the qualifications of members, its words would naturally have run thus: "Every person who has attained to the age of 25 years, and been seven years a citizen of the United States, and who shall when elected be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives." But so far from fixing the qualifications of members of that House, the Constitution merely enumerated a few disqualifications within which the States were left to act. It said to the States: "You have been in the habit of electing young men hardly of age; you shall send us none but such as are five-and-twenty. Some of you have elected persons just naturalized; you shall not elect any to this House who have not been seven years citizens of the United States. Sometimes mere sojourners and transient persons have been clothed with legislative authority; you shall elect none whom your laws do not consider as inhabitants." Thus guarding against too great laxity in the State regulations by general and negative provisions, leaving them, however, within the limits of those restrictions, to act for themselves, to consult the genius, habits, and, if you will, the prejudices of their people.

The first paragraph which he had read was positive and affirmative. By it every person having the qualifications requisite to an elector of the most numerous branch of the State Legislature was entitled to vote for members of the House of Representatives. Yet nevertheless the qualifications rested with the States. They might make it a part of the qualifications of an elector that he should reside within his district, county, or borough. Would it not be absurd to say that a man might take a seat in that House who at the time was not qualified to vote for a member of it?

The right to prescribe the qualifications of the person for Congress, having respect, however, to the Constitution for which he had contended, was so obvious and natural, that it had been adopted by the States and acted upon from the commencement of the Government, without any man dreaming of or starting an objection to it. And the uniform practice of near twenty years, and the laws of the States in which the practice originated, were to be overturned at once, with as little ceremony as they would change one of their rules. The decision will not be final. It will be but the forerunner of a long series of acts, abrogating the laws and usages of the States, endeared to the people by habit and sanctified by reason. Before you enter upon this fatal act be you well assured the right is indisputably your own, and that you are called upon to exercise it by considerations which it would be criminal to resist. Beware lest while you proudly assert your power you do not meet the reprobation of the great body of the American people.

Mr. Bibb, of Georgia, expressed surprise that the Committee of Elections—

Should have inserted such words in their report when it was known to them that there was in the Constitution a general reservation of all power not expressly delegated.

Mr. Love, of Virginia, spoke as follows:

In discussing the great constitutional question involved in the report I shall adopt the division which the subject seems naturally to require: First, whether the right to legislate on the subject contemplated by the laws of Maryland mentioned in the report does not of necessity reside in some legislative delegation; and, if so, second, where does it reside? I shall contend for the affirmative of the first proposition. The great object of government, no doubt, is to attain to that degree of political perfectibility which, without invading the natural rights of man, shall be consistent with expediency and convenience. Is the power then contended for by Maryland in the act of her Assembly consistent with expediency and no infraction of individual rights? If so, I presume it is included in the common and usual powers of legislation, and must be found to exist either in our State or General Government. The confusion that would be attended upon the mode of election and the total want of local representation are too obvious to need comment. The right to legislate at all on this subject I had not until to-day supposed would be questioned; and I confess, although now denied, I have heard no satisfactory reason offered in support of such an opinion.

Forming then, as I presume, a proper object of legislation, I will proceed to inquire where, according to the nature of our civil institutions, it must be presumed to reside. If it resides in the General Government, it must be admitted that, according to the nature of that instrument, it must be found to be perfectly delegated. An argument to prove this position I should have presumed, at this time of day, unnecessary. If there are any here who doubt this position, I would in the first place refer them to all writers on the subject of our political institutions; for all who speak on the subject admit that the powers delegated to the General Government are to be taken strictly, and that nothing is considered granted unless expressed to be so.

In the opinion I have formed on this subject I feel great confidence, from the uniformity of construction which the State Legislatures have put on their powers. In perhaps every State in the Union have laws been enacted of a similar nature to that which is now the subject of consideration. In Virginia, I acknowledge, there is such a law as the gentleman from North Carolina has mentioned. It certainly goes further in principle than the law of Maryland; yet I think it a wise one, in leaving to the people the choice of Representatives whose interests are, in some measure, assimilated to their own. Fourteen or fifteen other States, I believe, have many years ago, and some of them of a late date, perhaps coeval with the operations of the General Government, passed laws of a similar nature with that under discussion. When we find so many distinct, enlightened bodies as the State legislatures are simultaneously acting in the same manner on the same subject, without any previous concert, I confess it strangely supports me in the correctness of the opinions I have formed.

Richard M. Johnson, of Kentucky, afterward Vice-President, argued as follows:

Is it not a principle of republican government that they should have well defined the qualifications of the electors and the elected? Should any power but the people themselves have a right to alter the qualifications required by the Constitution and then in convention only? Would any power less than a convention of the State of Maryland assume the right of adding a disqualification? * * * One word on the subject of the State sovereignties and the Federal Government. There were many subjects in which they had concurrent powers. In those cases I would always decide in favor of the States.

Mr. Nelson, of Maryland, declared his firm belief that McCreary was not entitled to his seat; that the resolution as reported was insidious, though he believed it was not intended or perceived by the committee, as it went to prostrate the State of Maryland. He believed the State had the right to fix qualifications for its Representatives, and would contend for that right as long as he lived.

Mr. Love moved to strike out of the resolution the words "agreeably to the Constitution of the United States."

Mr. Goldsborough suggested the propriety of Mr. Love's withdrawing his motion and renewing it in the House, where the votes on the question could be recorded, but Mr. Love declined.

Mr. Key objected to such a motion, because the House would, by agreeing to such an amendment, express an opinion that a member could be entitled to a seat without being duly qualified, which was absurd.

Mr. Marion moved to amend the amendment by striking out other words, so that the resolution should read: "*Resolved*, That William McCreary is entitled to his seat in this House;" and thereby avoid a decision on the constitutionality of the State law.

Mr. Rhea advocated the amendment last proposed from a wish to avoid a decision on State laws.

Mr. Clopton advocated the amendment, and in the course of his remarks said he strongly supported the right of the States to annex qualifications, and pointed out the evils to be feared from a contrary decision which would be implied by the resolution as reported.

He was followed by Mr. Sloan on the same side. Messrs. Findlay and Sturgess opposed, and Messrs. Goldsborough, Campbell, and Upham supported the amendment last offered. The question being taken on the amendment, it was carried—yeas 73. The question was then put on the resolution as amended, and carried—yeas 83.

The committee then rose and reported the resolution as amended to the House. On the question of concurrence by the House with the action of the Committee of the Whole, Messrs. Kelly and Smilie opposed, and Messrs. Marion and Taylor supported, the amended resolution. The yeas and nays were then called on the amendment, and it was adopted—yeas 70, nays 38.

Mr. Howard, in giving expression to the views of the Federalists, said—

That as a member of this House he not only disclaimed all power to legislate upon the subject of the qualifications of the elected, but denied the right of Congress either to dispense with those required by the Constitution or to superadd others. He considered that the qualifications of members was a fundamental regulation fixed by the Constitution and unalterable but by a change or an amendment itself.

Mr. Johnson, it will be seen, did not differ from the Democratic side of the House, but thought it was a power which ought to be exercised by the people in forming a State constitution, as in Kansas, and not left to legislation.

The House decided, by the very emphatic vote of 70 yeas to 38 nays, that they would not invalidate the law of Maryland. It was in evidence, and so agreed, that McCreary was a resident of the city of Baltimore when elected, therefore the law of Maryland was not violated. Without this evidence McCreary would have lost the seat. This was a square stand-up fight between the Federalists on the one side and the Jeffersonian Democrats on the other. The decision of this House in that celebrated case was an emphatic decision in favor of the doctrine for which I contend.

THE PHILIP BARTON KEY CASE.

That this is true and this question considered settled by that House in favor of the State law I need only call your attention to the next case decided by that House. It was the case of Philip Barton Key. Certain citizens of the third Congressional district of Maryland petitioned Congress to vacate the seat of Mr. Key, alleging that he had not resided one year in the district, as provided by the law of Maryland of 1790. The Committee on Elections, after an investigation, reported that—

By an act of the Legislature passed the 25th of January, 1806, residence is not prescribed as a qualification of a candidate for Congress, except for the fifth district; and that by the said act to reduce into one the several acts of Assembly, respecting elections, it is enacted, "that all laws, clauses and sections of laws repugnant to or inconsistent with the provisions of this act be, and the same are hereby, repealed." From which it appears that the law of Maryland, relied on by the petitioners against the seat of Mr. Key, is not now in force. From the above statement of facts the committee are induced to submit the following resolution:

"*Resolved*, That Philip B. Key, having the greatest number of votes, and being qualified agreeably to the Constitution of the United States, is entitled to his seat in this House."

Mr. Rhea moved to strike out the words "having the greatest number of votes and being qualified agreeably to the Constitution of the United States." The question was divided, and the words "having the highest number of votes" were stricken out without a division, as that question was not in issue. The words "and being qualified agreeably to the Constitution of the United States" were stricken out by a vote of 79 to 28.

So careful were those old Republican Democrats that they should not be misunderstood and their actions construed as only insisting that a Congressman should be eligible under the Constitution, and not according to the law of the State, the resolution as it passed read:

Resolved, That Philip B. Key is entitled to his seat in this House.

It was conceded that he was duly qualified under the Constitution of the United States, and the committee found that he was qualified under the constitution and laws of Maryland. Yet it was claimed that his residence of a few weeks only in Maryland was too short and the precedent unsafe; that he ought to be at least a voter. The vote on the

resolution stood 57 to 52. If the law of Maryland of 1790, requiring a year's residence in the district, had not been repealed, Mr. Key would have lost his seat by a vote of two to one. There is no question about this.

The Tenth Congress considered the question settled and State law as well as United States law must be obeyed.

JEFFERSON'S VIEWS.

Joseph C. Cabell, of Virginia, wrote a letter to Thomas Jefferson, in 1814, indorsing the views of John Randolph, and asking Jefferson's opinion on the power of the States to annex additional qualifications for members of Congress. Jefferson replied as follows:

Had the Constitution been silent nobody can doubt but that the right to prescribe all the qualifications and disqualificatlons of those they would send to represent them would have belonged to the State. So, also, the Constitution might have prescribed the whole and excluded all others. It seems to have preferred the middle way. It has exercised the power in part by declaring some disqualifications, to wit, those of not being 25 years of age; of not having been a citizen seven years; and of not having been an inhabitant of the State at the time of election. But it does not declare itself that the member shall not be a lunatic, a pauper, a convict of treason, of murder, of felony, or other infamous crime, or non-resident of his district. Nor does it prohibit to the State the power of declaring these or any other disqualifications which its particular circumstances may call for; and these may be different in different States. Of course, then, by the tenth amendment, the power is reserved to the State.

If, whenever the Constitution assumes a single power out of many which belong to the same subject, we should consider it as assuming the whole, it would vest the General Government with a mass of power never contemplated. On the contrary, the assumption of particular powers seems an exclusion of all not assumed. This reasoning appears to me to be sound.

Here we find that Jefferson, after mature reflection and a careful study of the question, unhesitatingly indorses the doctrine for which I contend, that the power to superadd qualifications to those negative ones enumerated in the Federal Constitution is "a power reserved to the States."

A distinguished Republican, who afterward occupied the Presidential chair, once made the following startling statement on this floor:

I believe that the fame of Jefferson is waning, and that the fame of Hamilton is waxing; and that we are gravitating toward a stronger government. I am glad that we are.

If a man can hold a seat on this floor in open violation of the constitution of Kansas, of which State he is a citizen, and which constitution was solemnly sanctioned by both Houses of Congress in the act admitting our State into the Union, then indeed it does seem that we have "gravitated" very near to that consolidated empire of which Hamilton dreamed and for which he plotted. Is it not time that the centralizing ideas of Hamilton should wane a little and that we should go back to the pure democracy of Jefferson?

In support of the great principle for which I contend I have cited the opinions of Randolph, Sawyer, Bibb, Johnson, Troup, Love, Nelson, Clopton, Macon, Marion, Taylor, and Barker—all members of the Tenth Congress, and all Democrats of the old school. I have cited, also, the opinion of Thomas Jefferson, our first Democratic President and the father of the Democratic party. These men were nearly all actors in the great struggle that secured the freedom and independence of the Colonies. They and their associates were the men who framed the Federal Constitution, and they were its first interpreters. Their judgment on a great question like the one now at issue outweighs the partisan opinion of a thousand Storys or Kents. Among those who were committed to the opposite doctrine in that Tenth Congress were L. W. Sturgiss, Josiah Quincy, and Mr. Howard, all Federalists, and elected as such.

Will this House adopt the theory of the Federalists, under the lead of Hamilton and Adams, or of the Democrats of that day, under the lead of Jefferson? This is, after all, the question to be decided in this case.

But I am told the Trumbull case is against me. A brief examination of this case will show that the opposite is true. Lyman Trumbull was elected a member of this House November 7, 1854. Before his term commenced he was elected, February 8, 1855, by the Illinois Legislature to the United States Senate as an anti-Nebraska Democrat. The Democrats of the Illinois Legislature protested against Trumbull's admission as a Senator. This protest was signed by 13 senators and 29 representatives, and referred to the Judiciary Committee, in the Thirty-fourth Congress, first session, December 3, 1855. It was presented by Mr. Cass, and is as follows:

To the honorable the Senate of the United States:

The undersigned senators and representatives of the people of the State of Illinois, and the Legislature thereof, respectfully represent that at a meeting of both houses of said Legislature, convened on the 8th day of February, 1855, for the purpose of electing a Senator for said State to the Senate of the United States for six years from the 4th day of March, 1855, 51 votes were cast for Lyman Trumbull, 47 votes for Joel A. Matteson, and 1 vote for Archibald Williams, and that 1 member of said Legislature was absent. They further represent that the constitution of the State of Illinois contains the following provision in the tenth section of the fourth article thereof:

"The judges of the supreme and circuit courts shall not be eligible to any other office or public trust of profit in this State or the United States during the term for which they were elected, nor for one year thereafter. All votes for either of them for any elective office, except that of judge of the supreme or circuit court given by the General Assembly shall be void."

They further represent that the said Lyman Trumbull was on the 7th day of June, 1852, elected judge of the supreme court of Illinois and was duly commissioned as such for the term of nine years from the 24th day of June, 1852; that he took upon himself the oath of said office, and entered upon the discharge of the duties of the same; that his said term of office for which he was elected is unexpired, and will not expire until the 27th day of June, 1861; and that in and by virtue of the said provision of the constitution of the said State of Illinois the votes cast by the members of the General Assembly for said Trumbull for Senator for said State as aforesaid are null and void; and said Trumbull is not legally elected to the Senate of the United States, and is not entitled to a seat in said Senate; and against said pretended election the undersigned, in behalf of themselves and their constituents, do hereby protest.

UNITED STATES OF AMERICA,
State of Illinois:

I, Alexander Starne, secretary of state for the State of Illinois, do hereby certify that Lyman Trumbull was, on the 7th day of June, 1852, elected judge of the supreme court of the State of Illinois, and was duly commisioned as such for the term of nine years from the 24th day of June, 1852; that he took upon himself the oath of office, and entered upon the discharge of the duties of the same. That said term of office for which he was elected is unexpired, and will not expire until the 27th day of June, 1861.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, this 24th day of February, 1855.

ALEXANDER STARNE, *Secretary of State.*

On Monday, February 4, 1856, the President of the Senate presented a certificate from the governor of Illinois showing that Lyman Trumbull had been elected judge and was disqualified. Mr. Trumbull arose and said:

I had ceased to be a judge more than a year and a half before my election to the Senate. The governor seems to have pretermitted the rest of his statement. I resigned the office of judge, an election was held by virtue of a proclamation from the governor, who signed this paper, and a successor was chosen more than eighteen months before my election to the Senate.

This question came up again in the Senate February 20 on an inquiry of Senator Crittenden, of Kentucky, as to when the committee would probably report. A short discussion followed. Senator Toombs, of Georgia, a member of the Judiciary Committee, said:

I have been unwilling, in common with other gentlemen who are members of the committee, to come to a determination without a further investigation of the grave and important question of conflict between the Constitution of the United States and the constitution of the State. It is not confined to that State, but from a slight examination which I have given to the subject I think the constitutions of half the States in the Union have provisions in them which may be declared void, if the principal question in controversy in this case be decided in a certain way. This is, therefore, a very grave and important matter; it is one on which I am by no means satisfied.

Mr. Trumbull, in stating his side of the case, said:

The constitution of the State of Illinois declares a judge of the supreme court ineligible to other offices during the term for which he was elected. The term for which I might have held the office, it is true, had not expired. I held the office of judge altogether about five years. I was twice elected to hold it. I was elected for nine years at the second election, but under that election I did not hold the office long. I resigned and had been out of office a year and a half when I was chosen to this body. Unquestionably, therefore, the spirit of the constitution of the State of Illinois does not apply to my case, though it is possible the letter may.

Senator Toucey, of Connecticut, asked Mr. Trumbull "if there had been any decision of any court of the State of Illinois to the effect that the provision in the State constitution incapacitating judges of their higher courts from being elected to other offices for the term for which they were chosen and one year thereafter is void, as coming in collision with the Constitution of the United States?" Mr. Trumbull replied that there had been no judicial decision, but he supposed it was competent for the Legislature to pass upon the subject.

Mr. Douglas said the question had never been raised in the courts of Illinois; that "the meeting of the present Congress was the first time when it was possible to raise it;" and he added:

I desire to say that this is an open question; that no decision has ever been given on it by the people of Illinois, by any tribunal in Illinois, or by any tribunal anywhere which could possibly have a right to express an opinion on the subject.

Hon. George E. Pugh, Senator from Ohio, one of the ablest lawyers who ever held a seat in the United States Senate, followed, and, in discussing the provisions in the United States Constitution, said:

I agree that no State can dispense with or subtract from the requisites prescribed in the Federal Constitution, but I can see no pretense for asserting that the States may not superadd any qualification which is consistent with those requisites. A Senator is an officer of the General Government; he is also an officer of his own State. * * * While the Federal Constitution might prescribe certain requisites therefor to secure the interests of the Federal Government, the rights of the citizens of all the States and the welfare of the whole Union; while it might be well to do this, and bind each State to an observance of such requisites, no reason can be assigned why the people of a State might not prescribe other qualifications in addition for the purpose of protecting their separate interests, rights, and welfare.

I agree, of course, that such additional requisites must not only be consistent with those specified in the Constitution of the United States, but with the whole spirit and tenor of that instrument. No mischief can result to the Union or to any State from this course of decision, and it leaves to the States that degree of independence, that reservation of powers, which the tenth amendment to the Constitution so plainly indicates.

* * * * * * *

That the regulations of each State would be applied by the Senate to every case of a contested election I have not a doubt, whether such regulation be expressed in a constitution, an act of the Legislature, joint rule, or consent for the occasion, or even a prevalent usage.

Mr. Pugh, in the same speech from which I have quoted, said:

While I agree that the Senate is an exclusive judge of the election returns of its own members, by the express terms of the Federal Constitution, I understand the rule to be well established and universally applicable that the courts of each State are the most authoritative expositors of their own constitution and laws.

Senator Pugh then laid down two propositions which I think can not be successfully controverted:

First. There is no conflict between the Constitution of the United States and the constitution of the State of Illinois. They are perfectly consistent. Now,

so far as my learning extends, there is no principle more firmly established in the law of England and America than this: that whenever two enactments can stand together, whether they be called constitutions, statutes, or by what name soever, they shall stand together and both shall be obeyed.

I would suggest here that there is no conflict between the Constitution of the United States and that of the State of Kansas, as there is no provision in the United States Constitution requiring that a member of Congress be taken from the bench. A member of Congress comes as an agent of the people.

I submit—

Said Senator Pugh—

that the Constitution of the United States never designed to exalt the agent above the principal, the creature above the creator, the minister above the sovereign, as this proposition assumes.

Mr. Pugh wound up his able argument by declaring:

If Mr. Trumbull be permitted to occupy his seat after the evidence we have heard it would be an occurrence unprecedented, as I believe, in the history of representative governments; it would exhibit the anomalous spectacle of a gentleman representing the State of Illinois by our sanction when the electors of that State have said in their fundamental law that he should not represent them; it would be a gross affront to one of the sovereign constituents of the Union; it would strike down at one blow the constitutions of twelve or sixteen States; it would be another stride, longer than any stride yet taken, toward that consolidation of powers in the Federal Government which has already grown to an inordinate degree, and from which more than from any other cause a deadly peril threatens us.

Senator Adams, of Mississippi, said:

If a question arises as to the eligibility of a member, under any qualification prescribed by the Constitution of the United States, I judge of that myself as a member of this body; but if the question of eligibility arises from the construction of the constitution or laws of a particular State, I take it for granted that the construction which the State places on it is correct, and I act upon it, without regard to the question whether I would as a member of the State Legislature have decided in the same way or not. * * * I therefore look upon it as a settled question that the action of the Legislature of a State is binding upon this body so far as their State constitution and laws are concerned; and that we will take it for granted, and not inquire whether they have decided right or wrong according to our notions.

Senator John P. Hale held the same view. In the course of his remarks he used this language:

I believe that, whatever the constitution of Illinois may mean, the Legislature of Illinois is the ultimate and final tribunal to settle it. They have settled it; and as they have settled it their action is conclusive, and I place myself on this ground.

Mr. Trumbull again said:

The clause in dispute in the constitution of the State of Illinois is a peculiar one; it embraces only ten or a dozen lines. I apprehend that, on a close examination of it—I doubt whether the constitution of Illinois intended to apply at all to any officer except an officer of the State. The language is:

"The judges of the supreme and circuit courts shall not be eligible to any office of public trust or profit in this State, or in the United States, during the term for which they are elected, nor for one year thereafter. 'In this State or the United States' is the language. What officers? Officers of the State of Illinois, in the State, or the United States."

It seems plain that Trumbull and his friends were not claiming the right to nullify the constitution of Illinois; but the whole effort was directed to showing that they were not violating said constitution.

Senator Crittenden, of Kentucky, who had the matter in charge, made an elaborate speech in favor of Trumbull. After quoting the provisions of the constitution of the State of Illinois, he said:

What was the intention of the framers of this provision? It was to preserve the independence of their judiciary, and to prevent the possibility of one of the judges of the State using the influence of that office to obtain another. That is the reason and the sole reason for this prohibition; and, to accomplish this object, the constitution of Illinois provides, not only for ineligibility during the term of nine years, but one year thereafter, lest he should, by anticipated contrivance, intrigues, and influence, provide for another office by the use of the influence which his present office affords. One year after the expiration of his office was supposed to be sufficient for that purpose. Here is a case where the office of this gentleman has been determined eighteen months before he was elected a member of this body. * * * If it apply to him from the moment of resignation, it could, by analogy, apply only for the term he actually served and one year thereafter. That would be preserving the analogy exactly. * * * It is perfectly clear to my mind, then, Mr. President, though perhaps I should not speak so strongly before this honorable body, it is quite clear and my mind is quite satisfied that this case does not come within the meaning and the purview of the constitution of the State of Illinois.

The Senators in that celebrated case did not wish to violate the constitution of Illinois; and many of them seem to have held the opinion that, as no court in that State had decided that the inhibition attached to the person, and continued for one year after the term of office had expired by law, the rule of exclusion did not apply.

Senator Trumbull in that case nowhere claimed the right to nullify the constitution of Illinois. His friends did not claim that right. When they voted they did not consider that they were violating the spirit at least of the constitution. They did not claim the right to nullify one-half of the constitutions of the Union. It is true that George E. Pugh, with the leading Democrats in the Senate, considered it a violation of the letter of the constitution of Illinois. It is true that the governor of Illinois, with every Democrat in both branches of the Legislature, protested against the violation of the letter of their constitution. But, as the spirit was not violated, the Senate, under that clause empowering Congress to judge of the qualifications of its own members, allowed Trumbull to retain his seat. But I affirm that no one who reads that debate carefully will insist for a moment that Trumbull would have retained his seat in violation of the spirit and letter of the constitution of Illinois.

In the Senate that admitted Trumbull were sixty-two members. Of these thirty-four were Democrats; the balance were Whigs and Republicans. Thirty-five Senators voted to seat Trumbull. Of these less than one-half were Democrats, and twenty-four were Whigs and Republicans. Of the Senators who voted to seat Trumbull only six claimed that they had the right to invalidate the constitution of Illinois. Twelve Senators who spoke on the subject claimed that it was not a violation of that constitution. Eight Democrats claimed that it did violate the letter of the constitution of that State, and voted against his admission. A majority of the Democrats voted "no" or did not vote. So much for that precedent.

But the reasoning in the Trumbull case does not meet the law of my case. The constitution of Kansas is explicit; both its letter and spirit have been violated. Our supreme court has decided that the inhibition attaches to the person and extends through the whole term for which he was elected.

Judge Trumbull had resigned his seat on the bench eighteen months before he offered himself as a candidate for Congress and twenty-one months before his election to the United States Senate. He had not violated the constitution of his State by dragging the judicial ermine into the mire of party politics and making his judgeship a stepping-stone from which to mount to a seat in Congress. He had observed the spirit of the constitution of Illinois by surrendering to the people the trust they had bestowed; and he had done that so long before he offered himself as a candidate for political office, that no one could charge him with using the great power and influence of his judgeship for electioneering purposes. Such was the judgment of learned lawyers in the Senate who awarded him a seat in that body.

The case of Turner *vs.* Marshall, in the Thirty-fourth Congress, was decided on substantially the same ground. Turner and Marshall were opposing candidates for Congress in November, 1854. Marshall received 8,497 votes and Turner 2,912. Marshall had been a judge of the circuit court of Illinois, elected June 10, 1851, and commissioned for four years. He resigned that office August 10, 1854, before he became a candidate for Congress, and sixteen months before the meeting of the Thirty-fourth Congress. This House followed the precedent adopted by the Senate in the Trumbull case, and decided that the spirit of the constitution of Illinois had not been violated, as Marshall had resigned his judgeship sixteen months before presenting himself to take the oath of office as a member of the Thirty-fourth Congress. His term of office as judge would have expired twelve months before the meeting of that Congress. The House in 1856 contained, as I recollect, one hundred and seventeen Republicans and only seventy-nine Democrats, the balance Whigs and Know-Nothings.

Both the Senate and the House, in these two cases, acted on the theory that there was an implied construction put upon the constitution of Illinois when the Legislature elected Trumbull United States Senator. I admit that there were men in both Houses of Congress who clung to the logic of the old Federalists, and insisted that the States had no voice in the matter of fixing qualifications of members of Congress; but this only shows that Federalism was not yet dead, and that the leopard had not yet changed its spots.

THE DEMOCRATS OF ILLINOIS.

The Democrats of Illinois, headed by such men as Governor Palmer and Judge Trumbull, occupy no doubtful position on this question. In the last session of the Illinois Legislature, on January 10, 1883, in the house of representatives, the following proceedings took place:

Mr. Herrington offered the following resolution:

Whereas it will be the duty of the members of the Thirty-third General Assembly, now in session, to elect a Senator in the Congress of the United States, to serve for a term of six years, beginning on the 4th day of March, 1883; and

Whereas section 5 of article 5 of the constitution of the State of Illinois, which the members of this house have sworn to support, provides that "neither the governor, lieutenant-governor, auditor of public accounts, secretary of state, superintendent of public instruction, nor attorney-general shall be eligible to any other office during the term for which he shall have been elected:" Therefore,

Resolved, That it is the sense of this house that none of the officers of the State mentioned in the aforesaid article of the constitution should be voted for by the members of this house for the office of United States Senator, but should serve out the full terms of the offices to which they were elected by the people of the State.

Resolved, That it is the sense of this house that a proper construction of said section 5 of article 5 of the constitution is that the framers thereof intended to prohibit the bartering of the official patronage of the State by any of such officers to aid them in securing votes or influence in securing any other official position.

Mr. Fuller moved to make the foregoing resolution a special order for to-morrow morning, immediately after the reading of the journal.

Thereupon Mr. Littler moved to commit said resolution to the committee on judiciary. Pending discussion, Mr. Hoffman moved the previous question. The point of order raised by Mr. Herrington that, this being a subsidiary question, the previous question does not lie was overruled by the speaker. And the question being "Shall the main question be now put?" and the yeas and nays being demanded, resulted as follows—yeas 77, nays 66. And the motion prevailed.

The question now being on the motion to commit to the committee on judiciary, the roll of members being called, it was decided in the negative by the following vote—yeas 37, nays 104. The question now recurring on the motion of Mr. Fuller, to make the consideration of said resolution a special order for to-morrow morning immediately after the reading of the journal, and the roll of members being called, it was decided in the affirmative by the following vote—yeas 97, nays 46.

THURSDAY, *January* 11, 1883—9 o'clock a. m.

The time having arrived, the hour fixed for the consideration of the resolu

tion offered by Mr. Herrington relating to section 5 of article 5 of the constitution of Illinois, the same was taken up. Pending the consideration, Mr. Quinn offered the following amendment to said resolution, and moved its adoption:

"*And be it further resolved*, That a proper observance of section 5, article 5, of the constitution forbids that any person who has at any time in the past been elected to the United States Senate in violation thereof should now be voted for by members of this house for the office of United States Senator; and that the principle enunciated in the second resolution forbids that any person holding any State or Federal office, executive or legislative, which gives him control of any official patronage in the State which has been or can be used to aid him in securing votes should be voted for by members of this house for United States Senator."

Negatived by a vote of yeas 21, nays 119.

Mr. Thomas offered the following as a substitute for the resolution, and moved its adoption:

"*Resolved*, That it is the opinion of this house that section 5 of article 5 of the constitution does not prohibit the Legislature electing either of the State officers named therein to the Senate of the United States."

And the substitute was lost.

The question again recurring on the original resolution, pending the consideration of the same Mr. Pearson, of Madison, moved that the House do now adjourn.

The yeas and nays being demanded, it was decided in the negative by the following vote: Yeas 55, nays 88.

Another resolution was offered as a substitute and voted down, when the proceeding closed as follows:

The question again recurring on the resolution of Mr. Herrington, and the yeas and nays being demanded, it was decided in the affirmative by the following vote: Yeas 80, nays 65.

Those voting in the affirmative are Messrs. Abrahams, Baker, Bez, Billings, Brink, Caldwell, Canning, Carlin, Clark, Cleary, Clinton, Cox, Crafts, Crandall, Cronkrite, Day, Downing, Duffy, Dugan, Felker, Fellows, Fuller, Gallop, Greer, Gregg, Haines, Hay, Herrington, Hiatt, Higgins, Jennings, Kimbrough, Kinman, Klupp, Lawrence, Linegar, McNally, Messick, Mette, Moore, Morrison, Murray of Sangamon, Murray of Scott, Newton, O'Connell, O'Shea, Parish, Pearson of McDonough, Pratt, Purnell, Richardson, Ricks, Rogers, Rook, Roundtree, Rowland, Sexton, Seyster, Sheridan, Starkel, Stevens of Hancock, Stevens of Montgomery, Sullivan of Cook, Sullivan of Saint Clair, Symonds, Taylor of Cook, Taylor of Kankakee, Templeton, Updyke, Utiger, Varnell, Vaughey, Walsh, Welch of Kendall, Welch of Bureau, West, Wiley, Willoughby, Wood of Cook, Yancy—80,

Those voting in the negative are Messrs. Adams, Ansley, Bethea, Black Boardman, Boyer, Brown, Calhoun of De Witt, Calhoun of Vermillion, Cleaveland, Coates, Collier, Cook, Cowperthwaite, Crews, Crocker, Curtis, De Bord, Emerson, Erwin, Ewing, Fairbanks, Funk, Goodspeed, Hammond, Harper, Hawker, Hawks, Hester, Hoffman, Honey, Hoskinson, Johnson, Jones, Kennedy, Lackie, Littler, McCartney, McFie, Manahan, Mathews, Mitchell, Nichols, Nowers, Parker, Pearson of Madison, Pedersen, Quinn, Ray, Roane, Scurlock, Stimming, Struckman, Studer, Sumner, Sundelius, Thomas Thompson of Peoria, Thornton, Tryon, Walker, Wendell, Wood of De Kalb, Worthington, Mr. Speaker—65.

It will be observed that not only all the Democrats in the Illinois house but many Republicans committed themselves to the doctrine for which I contend.

Now mark how totally different is the ground upon which Judge Peters stands from that occupied by both Trumbull and Marshall. If either of these gentlemen had been on the bench at the time of his election, I repeat the question, can any reasonable man believe, after examining the debates in those cases, that either would have been awarded a seat in the Senate or House? Judge Peters was on the bench when he offered himself as a candidate for Congress; he was on the bench when the election was held; he was on the bench when he received his certificate of election; and he continued on the bench for some time afterward, holding two commissions for totally different offices at one and the same time, in open violation of the constitution of Kansas and in derogation of an explicit and positive ruling of the supreme court of our State. He drew pay as a member of this House ten months before his term as judge expired. His term of office as judge had not expired when he took the oath as a member of this body.

In the Marshall case the report of the Committee of Elections did not accompany the resolution, was not made for twelve months after, and formed no part of the final decision of the House, and was never adopted by the House, the committee's statement to the contrary notwithstanding. Mr. Harris, a Democrat from Illinois, gave to the subject and the principle involved a critical and profound examination, and stated the true democratic theory of government. In the course of his speech Mr. Harris said:

If the members of this House decide that the sitting members are entitled to their seats they strike down by that decision not only the constitution of the State of Illinois but the constitutions of one-half of the States of the Union.

I admit that if the constitution of the State of Illinois conflicts with that of the United States, the latter is paramount and the former will have to give way; but I contend that there is no conflict between the two, and that by deciding against the rights of Messrs. Trumbull and Marshall (whom I shall call the sitting members) both constitutions may stand and be in full force without any jar or discord.

If both seats are declared vacant, whether the contestants are admitted or not, no violence will be done to the Constitution of the United States; but by admitting their rights to the seats and excluding the contestants the constitution of Illinois is trampled under foot by this House.

* * * But it will be at once perceived that the provision of the Federal Constitution just cited does not impose any limitation or restrictions upon the States to add other qualifications if they choose. If it had been so intended how easy it would have been, how natural it would have been, for the framers of that instrument who desired that there should be no doubt or ambiguity as to its import to have said, "Any person may be a Representative," &c.

These great provisions are declared by Mr. Jefferson to be the corner-stones of the Constitution; but instead of making them the head of the corner, they are too often rejected by the builders as unworthy of notice. When, therefore, the Constitution declares a man must be twenty-five years of age, must be an inhabitant of the State from which he comes, and must have been for seven years a citizen of the United States, it must be taken in connection with the declaration that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people; and before we strike down with the arm of Federal power the rights of a State and the constitution of a State we must find the power to do it in the Constitution itself or find that State constitution in clear repugnance to that of the United States.

Now, I ask if there is any power delegated here that should prohibit the States from adding qualifications to their Representatives. If not, then the obvious and necessary construction that must be placed upon these provisions must be that the States have the right to impose any additional qualifications or restrictions which they in their wisdom should think proper, provided always that such restrictions do not come in conflict with the Constitution of the United States. * * *

I maintain that the States have a right to adopt these limitations, and I dare any gentleman, learned or unlearned, to point to the provision of the Constitution which prohibits a State from making them. It can not be found in the Constitution. It is an assumption of power, and one which every day's experience teaches us that it is time to curb.

Power begets power. Possession of power stimulates a desire to increase it. First the judiciary strikes down a State, then the Senate strikes down a State; and now the House of Representatives has, for the first time in our history, an opportunity to do the same thing. * * * It is very kind of the gentlemen thus to take care of the States and prevent them from doing anything frivolous and foolish. It is extremely kind of them to suppose that the States require their guardianship in this matter. True, the people of the States were themselves able to frame the Constitution of the United States; they had originally that capacity, but having framed it and organized the two Houses of Congress, they are no longer capable of determining who are proper persons to represent them here. Congress, as a legislative body, must take them under its guardianship. It must determine whether the wishes of people are sensible and right or whether they are frivolous and foolish. * * * I confess, sir, that when the question was first presented to my mind I came to the conclusion that the provision in the constitution of the State of Illinois was in conflict with the Constitution of the United States, and was of course worth nothing; but upon examination of the question the conclusion was irresistibly forced upon me there was no conflict—that both constitutions are in entire harmony. The Constitution of the United States provides certain qualifications, but it does not prohibit the State from adding others thereto, provided they do not conflict with those enumerated in that instrument.

Senator Stewart, of Michigan, in the Trumbull case, used this forcible language:

It is important to consider in connection with this subject the fact that there is no necessity incumbent upon an individual to receive and hold a judicial office to which this disability is attached. To every citizen of a State is left the decision of the question whether or not he will accept the office of judge under the constitution of his State. If he does accept it, he voluntarily assumes to himself the disability following upon the honors and responsibilities conferred. I have said, and I beg Senators to bear in mind, that this disability has been deliberately fixed by the various constitutions of those States of the Union in which it is contained as a matter of stern necessity, in the opinion of those who formed those constitutions.

This is precisely the case now at issue. Judge Peters voluntarily took upon himself the duties and responsibilities of a judgeship in Kansas with this disability attached.

I appreciate that this House is invested with authority to judge of the election and qualifications of its own members; and I know, also, that when it sits in this quasi-judicial capacity it is governed by the laws of the country, State as well as national. It possesses no arbitrary power, and it was not the habit of this body in the earlier and better days of the Republic to exercise any such power. I am aware that the Republican majority on this floor in times past have occasionally adopted the questionable policy of voting Democrats out and Republican contestants in. But I am not here to ask Democrats to emulate so narrow a policy. It matters not whether Judge Peters or myself holds the seat on this floor; men are nothing, the principle involved everything.

A question similar to the one under discussion came up in the Forty-second Congress, in the case of Bowen *vs.* De Large, from South Carolina. The committee found that De Large had less than a majority of the votes cast at the election, and that he was not entitled to his seat. Also that Bowen was ineligible under the constitution of South Carolina. In their report the committee say:

It further appeared that on the 19th day of October, 1870, on the same day when he claims to have been elected to this House, the contestant was chosen a member of the house of representatives of the State of South Carolina for the period of two years; and on the 1st day of November, 1872, he took the oath of office, and took his seat as a member of said house. It further appeared that in the fall of 1872 the said Bowen was elected sheriff of Charleston, S. C., for the term of four years, and on the 10th of November, 1872, took the oath of office and entered upon the duties of the same, which office he now holds. These offices are, in their nature, incompatible with the office of member of this House, and are expressly declared to be so by the constitution of South Carolina. Some of the committee are of opinion that the acceptance of these offices by Mr. Bowen disqualified him from the prosecution of a claim to a seat in this House, and from taking a seat therein, if he shall be found to have been duly elected.

This report was written by Hon. GEORGE F. HOAR, and was signed by Representatives McCrary, HOAR, Merrick, Hazleton, Arthur, and Rice.

The provision in the constitution of South Carolina to which the committee referred is as follows:

No person shall be eligible to a seat in the General Assembly while he holds any office of trust or profit under the State, the United States of America, or any of them, or under any other power.

Mr. Bowen made an able argument to show that the object of this provision of the constitution was not to fix the qualifications of members of Congress, but local officers of their own State government.

Hon. GEORGE F. HOAR, an eminent lawyer of the Old Bay State, now a Senator in Congress, and chairman of the Senate Committee on Elections, in closing the debate, said:

When the whole case was in, it further appeared that within about two months of the present time the contestant accepted the office of sheriff of Charleston, and took the oath to perform its duties—an office which is also incompatible, by the express terms of the constitution of South Carolina, with a seat in this House, and which is to continue for four years, or thereabout, from the time he took it.

It is difficult to see how any man who has sworn that for four years he will exercise the incompatible duties of sheriff of Charleston can consistently present himself and ask to be sworn to exercise at the same time the duties of a member of this House, the assumption of both offices requiring an oath to support the two constitutions which make those duties incompatible.

Mr. Butler inquired:

What have we to do with the constitution of South Carolina?

Mr. HOAR said:

I understand that we have a good deal to do with a prohibition in a State constitution, which a member is sworn to support and which disqualifies him to hold office.

The report was adopted January 24, 1873, without a division.

It is to be regretted that this eminent constitutional lawyer is not now a member of this House. I should like to hear his voice ring out in this Hall in support of the principle for which I contend. I should like to see the righteous scorn with which he would denounce the attempt of a member to hold a seat here in violation of an express provision of the State constitution which he had sworn to support, and in the face of a decision of the supreme court of that State. I can imagine how his classic brow would flame with virtuous indignation when he would exclaim, as he did in the Bowen-De Large case:

It is difficult to see how any man who has sworn that for four years he will exercise the incompatible duties of judge of the ninth judicial district of Kansas can conscientiously present himself and ask to be sworn to exercise at the same time the duties of a member of this House, the assumption of both offices requiring an oath to support the two constitutions which make these duties not only incompatible, but absolutely prohibit them.

If some gentleman on the Republican side should ask, "What have we to do with the constitution of Kansas?" I should expect to hear his eloquent reply:

I understand, sir, that we have a good deal to do with a prohibition in a State constitution which a member has sworn to support, and which disqualifies him to hold office here.

The majority of the committee say, as does the gentleman from Pennsylvania [Mr. ELLIOTT]:

The States have no power to superadd other qualifications, for the reason that such powers can not, in the nature of things, be found among the reserved rights of the States, and no such power is delegated to them by the Constitution.

Shades of Jefferson! As I have shown, the powers delegated to the General Government were enumerated; those not enumerated were reserved to the States or the people. Who ever before heard of States in convention delegating powers to themselves? These States were reserving powers not delegated. If there be a future life, and those who have passed over are conscious of what is transpiring here, I can imagine how Alexander Hamilton must have chuckled over this report. I can also imagine the feelings of Jefferson when he saw all of his cherished theories of government repudiated by his professed friends.

When the Constitution of the United States was formed the right of each State to be represented in Congress existed under the Confederation, and was reserved with certain limitations. It would be nonsense to say that the Constitution of the United States delegates to the State the right to send Representatives to Congress. It was sovereign States, which had just secured their independence, that met in convention for the purpose of forming "a more perfect Union."

Section 3, article 14, of the amendments to the Constitution of the United States provides, and I call the attention of the gentleman from Pennsylvania to this—

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

Suppose that was the only provision of the Constitution on the subject of the qualification of members of Congress or officers of a State, would it be claimed for a moment that no others could be added? Would any one pretend that this fixed the qualifications of members of Congress or of State Legislatures? If so, it would not be competent for Congress or the States to require more, as it would fix those of members of State Legislatures, as well as judicial and other officers of the States. It must have been the intention to allow the States to superadd any qualifications they saw proper to impose that did not conflict with this inhibition. Now, read these two provisions together:

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

And—

No person shall be * * * a Representative in Congress * * * or hold any office, civil or military, * * * under any State, who, having previously taken an oath, &c.

It will be seen that the same principle is involved in the one case as in the other; and if it fixes the qualifications of members of Congress, it fixes those of State Legislatures; and if the States can not superadd in the one case, they cannot in the other. The Constitution is the supreme law of the land.

Mr. Speaker, there must be a power somewhere to add other disqualifications or to prescribe needed qualifications; and the only question would be, where is this power lodged? As it was not delegated to the General Government, it was, of course, reserved to the States. That Congress possessed the power to prescribe other qualifications or disqualifications was never dreamed of in the early history of our Government.

The ninth amendment to the Constitution of the United States is in these words:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

It seems to me that the power on the part of Congress to prescribe any additional disqualifications for members of Congress is prohibited by the ninth amendment, and that such power was retained by the States or the people. All that Congress can insist upon is in the Constitution. Other restrictions are among the reserved rights of the States. No one ever questioned the right of a State to apportion itself into districts and to require that the member should reside in his district. Of course, if a State can do this, it can fix other qualifications or disqualifications, as the Federal Constitution only provides for inhabitants.

It is our State that is being stricken down to-day; it is the young State of Kansas that lies bleeding at your feet, begging you to respect her constitution. To-morrow it will be yours. This imperial car of Juggernaut will roll on until State lines are obliterated and we have one grand, centralized, consolidated empire. If the report of the majority of the Committee on Elections is sustained, you nullify the constitutions and laws of over thirty States. In this case you take a longer stride toward centralization than the Republican party has done since the war.

Democrats, I ask you if you can afford to do this? Republicans, can even you afford to be placed in this position? Democrats, if we are to go back on the principles advocated by Jefferson, the father of Democracy, if we are to go back on State rights as advocated by the fathers, if we are to spell nation with a big N, why go to Chicago a month after the Republicans? Why not go at the same time, camp on the same ground, and be as one of them?

I think it was in 1842 that Congress passed the first law requiring the States to be divided into districts. That law provided that where a State is entitled to more than one Reprepresentative, the number to which each State shall be entitled under this apportionment shall be elected by districts, composed of contiguous territory, equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative.

The Legislatures of four States repudiated this law, declaring that Congress could not determine the qualifications of a member of Congress. Four States totally disregarded the law and elected on a general ticket. These cases were referred to the Committee on Elections, of which Stephen A. Douglas was a member. It raised the question of State rights. Douglas recommended the passage of the following resolutions:

Resolved, That the second section of "An act for the apportionment of Representatives among the several States according to the Sixth Census," approved June 25, 1842, is not a law made in pursuance of the Constitution of the United States, and valid, operative, and binding upon the States.

Resolved, That all the members of this House (excepting the two contested cases from Virginia, upon which no opinion is hereby expressed) have been elected in conformity with the Constitution and laws, and are entitled to their seats in this House.

The House, by a vote of 128 to 57, decided in favor of admitting the members and against the right of Congress to dictate to the States how they shall elect their members.

The late Speaker of this House seems to have recognized this doctrine in the Skinner case in the present Congress. Mr. SKINNER was commissioned as a Representative from the State of North Carolina. He was commissioned by the governor, as all State officers should be, and not by the President, as all Federal officers must be. Mr. KEIFER, in the preamble to his resolution, recognized SKINNER as representing a district, and not the whole State; and yet the ex-Speaker says:

To admit him to the seat would leave the said county of Bertie without any district representation in this Congress, and the said county of Carteret would be doubly represented.

This whole district system comes from the States, under the reserved power of the States, and was practiced over fifty years before the pretense was set up that Congress had anything to say about it.

Suppose the Legislature of Kansas had been in session when the vacancy occurred in the old second district of that State by the death of Mr. Haskell. That district no longer exists, a new apportionment having been made. Suppose the Legislature had declared the vacancy to exist in the sixth district, where Mr. Haskell lived, and had provided for filling that vacancy from the sixth district. Would any one have disputed the right of our Legislature to do this? This House has knowledge of the vacancy, and if a man comes here duly commissioned by the governor of Kansas I apprehend he would get his seat. Suppose, on the other hand, that the governor had issued his proclamation to fill the vacancy by an election in the sixth district; that a member had been elected in that district and duly certified or commissioned by the State. Would any one question the legality of such election?

Presidential electors are apportioned among the States precisely as are members of Congress. One is nominated for each district, but elected on a general ticket. Would any one question the right of a State to

apportion them and elect by districts as we do members of Congress? This was originally the practice in some of the States. I believe this doctrine had the sanction at least of the last national Republican convention.

The constitution of the State of Kansas says the contestee is not eligible. The supreme court of the State of Kansas has passed upon this very question. In the famous case of the State on the relation of J. H. Watson *vs.* N. Cobb (2 Kansas, 33), the court said:

It is clear that it is not the intention of this provision to prescribe rules by which the existence of a vacancy in any of the judicial offices named is to be ascertained. Even after a removal from or a resignation of office the justices and judges are still plainly and unequivocally bound by the constitutional inhibition until the expiration of the office. The object sought to be accomplished by this provision is that our high judicial officers may be removed as far as possible from the temptation to use the power and influence of their positions and authority for their own advancement; to prevent their minds from being distracted from their legitimate duties by ambitious hopes and struggles for preferment; to raise them above those political and partisan contests so unbecoming the desired purity, impartialty, and calmness of judicial character.

Its effect is to prevent the acceptance of any other office by a judge or justice the term of whose judicial office has not yet expired, and to render such acceptance void.

The ineligibility of the justices and judges attaches to them as individuals, and not merely in office, and extends not only while they hold office but during the term for which they are elected; nor is the principle changed when the office emanates from another authority; the constitutional inhibition remains the same. It is still the law, which governs the courts of this State, an unchanging and unbending rule, from which there is no escape. It is true that as a government the State of Kansas has no control over the eligibility or qualification of the United States.

It will be seen that according to this ruling of our supreme court, which interprets the clause of our State constitution now in dispute, Judge Peters was not eligible to a seat on this floor when he was voted for, was not eligible when he took the oath as a member, and that his retaining a seat in this body would be in direct conflict with our State constitution. This the majority report admits, as does the gentleman from Pennsylvania. The ineligibility of our judges attaches to them as "individuals," and not merely as officers; and that disqualification continues, says our supreme court, "during the whole term for which they are elected." This construction of our constitution, according to all precedents, must have a binding force and influence in controlling the action of this House. If the Constitution of the United States fixes the qualifications of members of Congress in the article referred to, and the maxim of "*Expressio unius est exclusio alterius*" is to control, it would not be competent for the people in State convention, the Legislature, or Congress to fix any additional qualifications.

If that doctrine be correct, then the man who gets the most votes must have the seat. The rule would not work much harm to me, as the official returns show that I had 25,000 more votes than the Democratic ticket; that I had 5,000 more than the Democrats and Nationals combined; I had more votes than Governor Glick, our present governor; I had over 10,000 more votes than St. John, the Republican candidate; 61,000 more votes in the State than FUNSTON, who has just been sworn as a member. In the old second district FUNSTON only beats my vote, in 1882 369 votes. I had 42,000 more votes in the State than ANDERSON, 51,000 more than RYAN, and 61,000 more than Haskell. If the voting had been limited to districts, without reference to residence, I would be elected, as I had 148 more votes in the second district than the late Mr. Haskell.

If the Federal Constitution fixes all the qualifications of a member of Congress, how could you exclude a man who had been convicted of bribery under a law like that of 1790, which declared that "a person convicted of bribery shall be forever disqualified to hold any office of honor or trust under the United States?" Would gentlemen dodge this proposition by claiming that a member of Congress is a State officer? They are driven to this dilemma, or they must admit that men may be disqualified by the States acting outside of the negative restrictions imposed by the Federal Constitution. I grant that it is not in the power of the States or of Congress to add to or subtract from any affirmative and express provision of the Federal Constitution. No such affirmative grant of power to fix the qualifications of members of Congress is found in any part of the Constitution of the United States. Acting strictly within the letter as well as the spirit of the Federal Constitution, Kansas fixed in her constitution a disability by declaring that a person holding the office of judge in our State should not be eligible to a seat in this body. This was deemed necessary by the framers of our constitution and by the people when they adopted it to protect the purity of our judiciary.

If we concede that Congress, and not the States, has this power to superadd qualifications, and this is the position in which this majority report places this committee and the House, then clearly Judge Peters must be denied a seat on this floor, for the reason that both Houses of Congress by an act that is irrevocable approved and sanctioned that provision of our State constitution which makes him ineligible. The disqualifying words in that section of our constitution are affirmative and explicit—

Nor hold any other office of profit or trust under the authority of the State or the United States during the term of office for which said justices or judges shall be elected.

This very clause was in our constitution when it was adopted by the people of Kansas July 29, 1859, it was there when Congress passed the act of January 29, 1861, admitting our State into the Union, and was a part of the compact between that State and the General Government. It is inviolable, irrevocable. If Congress had the right to sanction a State constitution containing a restrictive clause like that and did sanction it, then Congress is bound to maintain the integrity of that State constitution, and this House is bound to maintain it when its violation is attempted on this floor.

Men have knocked at these doors asking admission in this body, and this House has said: "We can go beyond the limits prescribed in the Constitution and refuse them seats, although they possess every requisite named in that instrument." But a judge, who has sworn to support the constitution of his State and the United States, comes here to claim a seat in violation of the constitution of his State, and we are told by the same men and the same party, that the qualifications of members are fixed in the Constitution of the United States, and that we can not add to or subtract from them. Is this sound logic or good law?

Let me call your attention to another fact. The Constitution of the United States contains the following provisions:

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and the States, shall be bound by oath or affirmation to support this Constitution.

Apply the doctrine of *expressio unius est exclusio alterius* to this provision, and tell me where a State obtains the right to say that a member of a State Legislature shall take an oath to support the State constitution. Was this not one of the rights reserved to the States and to the people? It is a right which the States possessed before the Federal compact was formed.

THE TEST-OATH.

I am now led to inquire, and I hope some gentleman on the other side will inform me, where Congress gets the power to prescribe an additional oath as a condition of membership here—an oath requiring special qualifications unknown to the Federal Constitution? On the 2d day of July, 1862, when almost unanimously Republican, Congress passed the following test-oath law:

Be it enacted, &c., That hereafter every person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval department of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation: "I, A B, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto; and I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God;" which said oath, so taken and signed, shall be preserved among the files of the court, House of Congress, or department to which the said office may appertain; and any person who shall falsely take the said oath shall be guilty of perjury, and, on conviction, in addition to the penalties now prescribed for that offense, shall be deprived of his office, and rendered incapable forever after of holding any office or place under the United States.

This House construed that law as being applicable to members of Congress. After its passage members were required to take that oath before they could occupy seats on this floor. What becomes of the doctrine of *expressio unius est exclusio alterius* when applied to the Federal Constitution in connection with this law? Here are a dozen disqualifications wholly unknown to the Constitution, and here is an oath wholly outside of and not authorized by that instrument, which members were required to take. Under this law seats were refused to scores of men who possessed all the qualifications known to the Constitution, and who were ready to take the oath which it prescribes. This constitutional oath has never been changed.

The case of John Young Brown, in the Fortieth Congress, is in point. Brown had received 8,922 votes. Smith, the contestant, had 2,816 votes; a clear majority for Brown of 6,106. Brown was qualified under the Constitution of the United States, and was ready to take the constitutional oath and also the test-oath. No one doubted this. As the minority of the committee expressed it—

At the time of the election Mr. Brown possessed every qualification for a Representative in Congress which is expressly prescribed in the Constitution of the United States.

But the majority of the committee and the House declared him ineligible under this act of 1862. The vote stood 108 to 43, thus deciding that all the qualifications requisite for a member are not to be found in the Constitution, and that Congress may superadd others.

This House, on the 22d of March, 1864, passed the following resolution:

That in all contested-election cases referred to the Committee of Elections, in which it may be alleged by a party to the case, or a member of the House, that either claimant is unable to take the oath prescribed in the act approved July 2, 1862, entitled "An act to prescribe an oath of office, and for other purposes," it shall be the duty of the committee to ascertain whether such disability exists; and if such disability shall be found to exist, the committee shall report to the House, and shall not further consider the claim of the person so disqualified without the further order of the House; and no compensation will be allowed by the

House to any claimant who shall have been ineligible to the office of Representative in Congress at the time of the election, and whose disability shall not have been removed by act of Congress.

Here it was made the duty of the committee to ascertain, not whether a man was qualified under the Constitution of the United States, but whether he was eligible under this act of Congress. It strikes me that the Republicans who passed this law and this resolution and insisted upon their application to members of Congress are estopped from saying that all the qualifications and disqualifications are fixed in the Constitution.

Republicans in this House dare not say that Congress can not add to the negative qualifications in the Constitution for members of this House, for in that case they would be admitting that this House for twenty-two years has been organized and controlled by an unconstitutional law. If Congress can add to the constitutional inhibitions or qualifications, then Congress did add to these inhibitions when Kansas was admitted into the Union with this provision in her constitution prohibiting judges on the bench being elected to seats in this body. The convention that framed the constitution of Kansas was almost unanimously Republican; the people who adopted it were three-fourths Republican. Congress when Kansas was admitted was also largely Republican; in fact, Kansas was the first-born of the Republican party. Yet we have the strange spectacle of the Republicans in this House voting to nullify a constitution they made, and agreed to by the unanimous Republican vote in this House in 1861. Will political wonders never cease?

This majority report places the Committee on Elections in the same position.

The constitutional convention of Illinois in 1862 apportioned that State for members of Congress. The convention divided the State into fourteen districts. Jameson, in his work entitled "Jameson on Constitutional Conventions," doubts the power to do this, but admits that it is customary for States when they form their first constitutions to make provision for the election of member of Congress, and says:

Congress having the power to make or alter, doubtless might ratify such regulations however made; or if a State, actual or inchoate, were in such a condition that it had no lawful Legislature, Congress might itself, for the sake of convenience, establish them by its direct action. This it does in substance by anticipation in those cases which it accepts, and admits into the Union Territories presenting themselves with constitutions containing the apportionments referred to.

In the act of Congress admitting Kansas into the Union I find the following:

Until the next general apportionment of Representatives the State of Kansas shall be entitled to one Representative in the House of Representatives of the United States.

That is, Kansas should be entitled to one Representative, who must be eligible under the disqualifying clause in her State constitution. In other words, she must not elect one of her judges, as it had just been agreed in the compact between the State of Kansas and the General Government that a judge in that State should not be eligible to a seat on this floor. Let gentlemen apply here the maxim of *expressio unius est exclusio alterius*. Let them answer me whether this disqualifying clause in our constitution was not made an act of Congress in that act of admission. If the contestee is permitted to hold a seat here, you violate not only the constitution of Kansas, but this act of Congress and the compact solemnly entered into between us and the General Government.

This is the old question over again—a contest between those who agree with Hamilton, that the States should surrender all muniments of sovereignty to an all-absorbing central authority, and those who believe with Jefferson that the States are sovereign within their respective spheres, limited only in their rights of local self-government by express grants of power in the Federal Constitution. This issue was intensified and clearly defined during the administration of John Adams. The Republicans or Democrats, when they held their Congressional caucus which nominated Thomas Jefferson in 1800, passed the following resolution:

3. Preservation to the States of the powers not yielded by them to the Union, and to the Legislature of the Union its constitutional share of its division of powers; and resistance, therefore, to existing movements for transferring all the powers of the States to the General Government, and all of those of that Government to the executive branch.

I had supposed when the war was over, slavery abolished, and the black man on a political equality with the white man, that we could go back to first principles, and parties would divide upon old issues. On those old issues I am a Democrat; but if the majority report of the Committee on Elections is adopted, and the Democratic party goes back on "State rights," I confess I do not know what issue is left. The last Democratic President was elected in 1856, a distinguished son of Pennsylvania. I read this morning the platform upon which he was elected. The slavery question aside, I doubt if the Democratic convention to meet in Chicago next July would dare to adopt the same platform with even my distinguished friend from Pennsylvania as our candidate. If you adopt this majority report, how will this resolution adopted in 1856 read in the next national convention:

Resolved, That the Federal Government is one of limited powers, derived solely from the Constitution, and the grant of powers shown therein should be strictly construed by all the departments of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

The Democrats had passed this same resolution in 1840, 1844, 1848, and 1852. Dare they pass it in 1884? I assert that they dare not adopt the platform of 1856 in 1884. The Whig convention in 1852 resolved—

That the Government of the United States is of a limited character, and it is confined to the exercise of powers expressly granted by the Constitution and such as may be necessary and proper for carrying the granted powers into full execution; and that powers not granted or necessarily implied are reserved to the States respectively and to the people.

The American convention of 1856 declared in favor of "the unqualified recognition and maintenance of the reserved rights of the several States."

REPUBLICANS DARE NOT ADOPT THE PLATFORM OF 1860.

Yes, Republicans, at Chicago in June you will not nominate Arthur, Blaine, LOGAN, EDMUNDS, or a Sherman. You will nominate Robert T. Lincoln; not on account of his ability or anything he has done, but simply because he is the son of one of the most distinguished men this country has ever produced. But, I repeat, with Robert T. Lincoln as a candidate, you will not dare to adopt the platform upon which his father was nominated and elected in 1860.

The national Republican convention of 1860, which nominated Lincoln, made this declaration:

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.

President Lincoln made this resolution a part of his inaugural address without any mental reservation, and upon it we fought the war of the rebellion.

Egypt had a pharaoh who did not know Joseph, and we have a Republican party to-day that does not know Lincoln, or in fact any of its old leaders, such as Chase, Sumner, Trumbull, Doolittle, Spalding, and hundreds whom I might name. Indeed, the convention at Chicago in June next will not dare to adopt the platform upon which Lincoln was nominated and elected in 1860.

I quote the above resolutions because they show the Jeffersonian idea of government.

The Republican party, when it organized in 1856, took the name of Jeffersonian Republicans, to show to the world their devotion to his theories of government. All parties were committed to the doctrine of State rights, as these resolutions show, from 1800 until the centralizing tendencies of government became dominant with the ruling party during the late war. Yet we have in this House a Committee on Elections, appointed by a Democratic Speaker, who seem to repudiate or have forgotten the principles of Jefferson, Madison, Randolph, the Tuckers, in fact, of all the fathers and old Democratic leaders.

CIVIL AND RELIGIOUS LIBERTY.

I am not unmindful of the fact that these great principles of civil liberty were first formulated by the great minds of the Mother of States. The proposition for the first Continental Congress came from Virginial the Declaration of Independence emanated from Virginia; the Federa; Constitution and our "more perfect Union" were the inspiration of Virginia, and the Old Dominion was above all other States the cradle of American Liberty.

This question of eligibility was fully discussed before the Electoral Commission in 1877.

The Constitution of the United States, article 2, section 1, provides—

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

It seems that the same principle governs here as in the election of a member of Congress, and that the States may add other qualifications and disqualifications. When the electoral vote of Louisiana was called, objection was made by ELI SAULSBURY, J. E. McDonald, John W. Stevenson, Louis V. Bogy, David Dudley Field, G. A. Jenks, R. L. GIBSON, J. R. TUCKER, W. M. Levy, E. JOHN ELLIS, and W. R. MORRISON to counting the vote of William Pitt Kellogg, because, among other things, by the constitution of Louisiana he was not entitled to hold both offices (that of governor and of Presidential elector), but was disqualified therefrom. The same Senators and Members objected to the votes cast by W. P. Kellogg, J. H. Burch, Peter Joseph, L. A. Sheldon, Morris Marks, A. B. Levisee, O. H. Brewster, and Oscar Joffrion, for the following reasons:

Fourth. The votes cast in the electoral college of said State by Oscar Joffrion, W. P. Kellogg, J. H. Burch, and Morris Marks are not electoral votes, for that the said Oscar Joffrion, W. P. Kellogg, J. H. Burch, and Morris Marks, are and were ineligible by the laws of Louisiana, and are and were disqualified, for by the constitution of Louisiana (section 117) it is provided that "No person shall hold or exercise at the same time more than one office of trust or profit, except that of justice of the peace and notary public;" whereas on and prior to the 7th day of November, 1876, and until after the 6th day of December, 1876, W. P. Kellogg was acting *de facto* governor of said State; Oscar Joffrion was supervisor of registration for the parish of Pointe Coupée, in said State; Morris Marks was a district attorney for one of the districts of said State, and candidate for district judge, and was elected at said election; and J. H. Burch was a member of the senate of said State, also a member of the board of control of the State penitentiary, and administrator of the deaf and dumb asylum, both salaried offices, and treasurer of the school board of East Baton Rouge.

Fifth. In addition thereto, Oscar Joffrion was specially disqualified by the thirteenth section of the act of the Legislature of said State dated 24th day of July,

1874, which provides that no supervisor of registration shall be eligible for any office at any election where said supervisor officiates, and the said Oscar Joffrion, at the election held on the 7th day of November, 1876, did act and officiate as supervisor of registration for the parish of Pointe Coupée, in said State.

Senator Matt. H. Carpenter, an eminent lawyer and a Republican, in an argument before the Electoral Commission, said:

Another of the Hayes electors was William Pitt Kellogg, governor of the State, both on election day and on the 6th day of December, when he sat in the electoral college and cast a vote for Hayes; and three others, both on election day and when they voted in the electoral college, were holding salaried offices under the State government. The constitution of Louisiana (article 147) declares: "No person shall at the same time hold more than one office, except that of justice of the peace and notary public." Therefore, if electors are to be considered as Federal officers, two of the Hayes electors in this college were constitutionally incapable of being electors, and if they are State officers, then four others are constitutionally incapable of being electors.

Mr. Carpenter again said:

When the Constitution provides that each State shall appoint electors, it means of course that it shall appoint them according to its own constitution and laws; and what its laws may be must be determined by its own constitution.

And after quoting the provision of the Federal Constitution relating to the appointment of electors, he continued:

This provision, applied to the case in hand, is this: "The State of Louisiana shall appoint electors." * * * This does not fix the qualifications of electors, but it is an inhibition upon the State in the exercise of its power to appoint.

Hon. Lyman Trumbull, in his argument, said:

They (the States) can determine certainly whom they will appoint, and may put inhibitions on the appointment of particular persons.

The learned Judge Campbell, formerly of the Supreme Court of the United States, in the same discussion used the following language:

The question is presented whether they could, as a part of that power, designate the class of persons from whom the electors should not be made. In the exercise of that power they have specifically said that a person who is concerned with the registration, who has the appointment of a commissioner of election of a parish, who is the returning officer of that parish, shall not be a competent person to be elected.

* * * * * * *

But I say that the term "manner" of election does include sufficient authority to determine who shall and who shall not be elected. They may say that an infant shall not be elected; they may say that an alien shall not be elected; they may say that a person convicted of felony shall not be elected.

* * * * * * *

Therefore we think if the commission were to reject all these electors for the reasons set forth it would be a vindication of the will of the people as manifested in their organic law and in their statutes.

Hon. Henry L. Pierce, formerly a prominent Republican member of this House from Massachusetts, while discussing the same subject on this floor, said that he regretted to differ with his political friends, and added:

The most careful conservator of State rights would never have objected to an examination by Congress, or by any other national authority, so far as to ascertain whether electors who sent their votes here to be counted had been chosen and were qualified in the manner prescribed by the constitution and laws of their States and of the United States. * * *

In the case now under consideration an offer of evidence was made * * * that certain of the electors certified to have been chosen were disqualified, both under the provisions of the State constitution and the Federal Constitution. If these are not matters which the representatives of all the people authorized by the Constitution to count the votes and declare the result can inquire into, then this Government stands on a very insecure foundation.

It seems that Mr. Pierce was not willing to go as far in favor of State rights as the majority of his party associates. They had gone beyond anything ever dreamed of even by Calhoun, and absolutely refused to go behind returns to inquire whether the disputed votes were genuine or fraudulent.

The Electoral Commission, by the usual vote of 8 to 7, refused to hear evidence to prove the ineligibility of electors on account of holding other offices of trust or profit under the State or the United States. Commissioner Field then offered the following resolution:

That in the opinion of the commission evidence is admissible upon the several matters which counsel for the objectors to certificates Nos. 1 and 3 offered to prove.

Rejected: Yeas 7, nays 8. The majority of the commission, that is, the usual 8, made this ruling. They said:

The commission, by a majority of votes, is also of opinion that it is not competent to prove that any of said persons so appointed electors as aforesaid held an office of trust or profit under the United States at the time when they were appointed, or that they were ineligible under the laws of the State, or any other matter offered to be proved *aliunde* the said certificates or papers.

This was saying in effect: "We are ministerial officers and can only count the votes returned; we can not go behind the returns and investigate the question of eligibility. That must be settled by the States, and not by Congress or this commission."

They said that the States must provide the court to determine whether electors were eligible or not. This House can, however, go behind the returns and see whether a man claiming a seat here is eligible or not under State or United States laws.

Representative GIBSON, of Louisiana, submitted an objection to the decision and report of the Electoral Commission in the form of a protest. This protest covered all the facts in the Louisiana case, including the ineligibility of the electors named under State laws, and was signed by 24 Senators and 150 Representatives. The decision of the commission was sustained in the Senate by a vote of 41 yeas to 28 nays.

In the House, February 20, 1877, Representative GIBSON offered the following:

Ordered, That the votes, purporting to be electoral votes for President and Vice-President, which were given by William Pitt Kellogg, J. Henri Burch, Peter Joseph, L. A. Sheldon, Morris Marks, Aaron B. Levisee, O. H. Brewster, and Oscar Joffrion, claiming to be electors for the State of Louisiana, be not counted.

The House adopted this resolution by 173 yeas to 99 nays.

This question came up again in the House on the 3d day of March, 1877, when Hon. J. Proctor Knott, from the Committee on Elections, introduced a preamble and resolution declaring that Samuel J. Tilden had received 196 electoral votes, and was duly elected President of the United States. This was adopted by a large majority.

Is it not strange that some Democrat, or even Republican, in that Congress did not get up during that controversy in the Senate or House and exclaim, as does this Committee on Elections or the gentleman from Pennsylvania [Mr. ELLIOTT], "The Constitution, by prescribing certain qualifications enumerated in the section quoted, according to a well-known settled rule of construction, excluded all others?" Not one even had the courage to say with the majority of this committee, "The electoral college is a creature of the Constitution and not a power delegated to the General Government by the States." No one was bold enough, as does in effect the majority report in this case, to say: "The States have no power to superadd other qualifications for Presidential electors, for the reason that such powers can not in the nature of things be found among the reserved rights of the States and no such power is delegated to them by the Constitution."

Such doctrines from a Democrat at that time would have been hooted out of this House. Can Democrats afford to go back on the position they took in the electoral count? I know Republicans would like to see it done. But if we are to nominate the "old ticket," or any other ticket, or for that matter raise the cry of "reform" and the "great fraud," can we afford to go back on that record? To do so is to stultify our party and means defeat next fall. Will we do it?

Representative GIBSON submitted the following objections to the decision of the Electoral Commission in the Louisiana case, which were read by the Clerk of the House, namely:

The following objections are interposed by the undersigned Senators and Representatives to the decision made by the commission constituted by the act entitled 'An act to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877,' as to the true and lawful electoral vote of the State of Louisiana, for the following reasons, namely:

First. That the said commission, as guides to their action, adopted and rejected resolutions, as follows:

Mr. Commissioner HOAR submitted the following:

"*Ordered*, That the evidence offered be not received."

* * * * * * *

Mr. Commissioner BAYARD offered the following as a substitute:

"*Resolved*, That no person holding an office of trust or profit under the United States is eligible to be appointed an elector, and that this commission will receive evidence tending to prove such ineligibility as offered by counsel for objectors to certificates 1 and 3."

The question being on the adoption of the substitute, it was decided in the negative—yeas 7, nays 8.

Mr. Commissioner Field offered the following as a substitute:

"*Resolved*, That in the opinion of the commission evidence is admissible upon the several matters which counsel for the objectors to certificates Nos. 1 and 3 offered to prove."

The question being on the adoption of the substitute, it was decided in the negative—yeas 7, nays 8.

* * * * * * *

The question then recurred on the adoption of the order submitted by Mr. Commissioner HOAR, in the following words:

"*Ordered*, That the evidence offered be not received."

The question being on the adoption of the order, it was determined in the affirmative—yeas 8, nays 7.

* * * * * * *

Second. For that the said commission refused to receive evidence offered, as in the annexed paper stated, or any part of said evidence, and decided that the votes mentioned in certificates numbered 1 and 3 shall be counted for Hayes and Wheeler, said evidence to the contrary notwithstanding.

Senators.—W. H. Barnum, Connecticut; Charles W. Jones, Florida; Francis Kernan, New York; Frank Hereford, West Virginia; Henry Cooper, Tennessee; Lewis V. Bogy, Missouri; W. W. Eaton, Connecticut; S. B. Maxey, Texas; T. F. Randolph, New Jersey; R. E. Withers, Virginia; J. E. Bailey, Tennessee; H. G. Davis, West Virginia; George R. Dennis, Maryland; G. Goldthwaite, Alabama; A. S. Merrimon, North Carolina; T. M. Norwood, Georgia; T. C. McCreery, Kentucky; and Joseph E. McDonald, Indiana—18.

Representatives—Lucien L. Ainsworth, John D.C. Atkins, John C. Bagby, Henry B. Banning, George M. Beebe, Richard P. Bland, James H. Blount, Andrew R. Boone, Taul Bradford, John M. Bright, John Young Brown, Aylett H. Buckner, George C. Cabell, John H. Caldwell, William P. Caldwell, Milton A. Candler, George W. Cate, Bernard G. Caulfield, Chester W. Chapin, John B. Clarke, John B. Clark, jr., Hiester Clymer, Alexander G. Cochrane, Francis D. Collins, Philip Cook, Jacob P. Cowan, Samuel S. Cox, David B. Culberson, Joseph J. Davis, Rezin A. De Bolt, George G. Dibrell, Milton S. Durham, John R. Eden, Albert A. Egbert, E. John Ellis, Charles J. Faulkner, William H. Felton, David Dudley Field, Jesse J. Finley, William H. Forney, Benjamin J. Franklin, Benoni S. Fuller, Lucien C. Gause, Randall L. Gibson, John M. Glover, John Goode, John R. Goodin, Thomas M. Gunter, Andrew H. Hamilton, Robert Hamilton, Augustus A. Hardenburgh, Henry R. Harris, John T. Harris, Carter H. Harrison, Julian Hartridge, William Hartzell, Robert A. Hatcher, Eli J. Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Benjamin H. Hill, William S. Holman, Charles E. Hooker, James H. Hopkins, John F. House, Andrew Humphreys, Frank H. Hurd, George A. Jenks, Frank Jones, Thomas L. Jones, Edward C. Kehr, J. Proctor Knott, L. Q. C. Lamar, Franklin Landers, George M. Landers, Lafayette Lane, William M. Levy, Burwell R. Lewis, John K. Luttrell, William P. Lynde, L. A. Mackey, Levi Maish, William McFarland, John A. McMahon, Henry B. Metcalfe, Charles W. Milliken, Roger Q. Mills, Hernando D. Money, Charles H. Morgan, William R. Morrison, William Mutchler, Lawrence T. Neal, Jeptha D. New, John F. Phillips, Early F. Poppleton, Joseph Powell, Samuel J. Randall, David Rea, John H. Reagan, John Reilly, James B. Reilly, Americus V. Rice, Haywood Y. Riddle, John Robbins, William M. Robbins, Miles Ross, John S. Savage, Milton Sayler, Alfred M. Scales, John G. Schumaker, James Sheackley, Otho R. Singleton, William F. Slemons, Milton I. Southard, William A. J. Sparks, William M. Springer, William H. Stanton, William S. Stenger, Adlai E. Stevenson, William H. Stone, Thomas Swann, John K. Tarbox, Frederick H. Teese, William Terry, Charles P. Thompson, Philip F. Thomas, J. W. Throckmorton, John R. Tucker, Jacob Turney, John L. Vance, Robert B. Vance, Alfred M. Waddell,

Ansel T. Walling, Elijah Ward, Levi Warner, William W. Warren, Henry Watterson, Erastus Wells, Wash. C. Whitthorne, Peter D. Wigginton, Alpheus S. Williams, James Williams, Jere N. Williams, Benjamin A. Willis, William W. Wilshire, Benjamin Wilson, Fernando Wood, Jesse J. Yeates, and Casey Young—149.

The "annexed paper" referred to in the foregoing is as follows:

We offer to prove that William P. Kellogg, who certifies as governor of the State of Louisiana to the appointment of electors of that State, which certificate is now before this commission, is the same William P. Kellogg who, by said certificate, was certified to have been appointed one of said electors. In other words, that Kellogg certified his own appointment as such elector.

That the said Kellogg was governor *de facto* of said State during all the months of November and December, A. D. 1876.

Constitution of Louisiana, article 117: "No person shall hold or exercise at the same time more than one office of trust or profit, except that of justice of the peace or notary public."

Then follows the specifications as to offices held by Oscar Joffrion, A. B. Levisee, O. H. Brewster, Morris Marks, and J. Henri Burch, as specified in the original objection to the certificate, which I need not repeat here. (See proceedings of Electoral Commission and of the two Houses of Congress, 1877, page 426 to 458, inclusive.)

In the House of Representatives, February 20, 1877, Mr. GIBSON, of Louisiana, submitted the following resolution; which, after debate, was agreed to by a vote of yeas 173, nays 99:

That the votes purporting to be electoral votes for President and Vice-President which were given by William P. Kellogg, J. Henri Burch, Peter Joseph, Lionel A. Sheldon, Morris Marks, Aaron B. Levisee, Orlando H. Brewster, and Oscar Joffrion, claiming to be electors for the State of Louisiana, be not counted.

* * * * * * *

Yeas—Abbott, Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, Banning, Beebe, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, W. P. Caldwell, Campbell, Candler, Carr, Cate, Chapin, John B. Clark of Kentucky, John B. Clarke of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Culver, Davis, De Bolt, Dibrell, Durham, Eden, Egbert, Ellis, Faulkner, Felton, Field, Finley, Forney, Franklin, Fuller, Gause, Gibson, Goodin, Gunther, A. K. Hamilton, Robert Hamilton, Hancock, Hardenburgh, Hazlett, Hatcher, Haymond, Henkle, A. S. Hewitt, G. W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Humphreys, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, G. M. Landers, Lane, Le Moyne, Levy, Lewis, Luttrell, Lynde, Mackey, Marsh, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Payne, Phelps, John F. Phillips, Pierce, Piper, Poppleton, Powell, Rea, Reagan, John Reilly, James B. Reilly, Riddle, W. M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Seelye, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stanton, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thomas, Thompson, Throckmorton, Turney, Tucker, John L. Vance, Robert B. Vance, Waddell, C. C. B. Walker, Walling, Walsh, Ward, Warner, Warren, Waterson, Erastus Wells, Whitthorne, Wigginton, Wike, A. S. Williams, James Williams, J. N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Yates, and Young—173.

The House of Representatives, March 3, 1877, adopted the following preamble and resolution, offered by Hon. J. Proctor Knott, of Kentucky, by a vote of 136 yeas to 80 nays:

And whereas the pretended votes given by F. C. Humphreys, Charles H. Pearce, William H. Holden, L. W. Long, William Pitt Kellogg, J. H. Burch, Peter Joseph, L. A. Sheldon, Morris Marks, Aaron B. Levisee, O. H. Brewster, and Oscar Joffrion were cast without any authority of law, and by persons who had not been appointed electors:

Now, therefore, in view of the foregoing facts, the truth of which is attested by an overwhelming array of sworn testimony, as well as the intelligence of the American people,

"*Be it resolved by the House of Representatives of the United States*, That it is the duty of the House to declare, and this House does hereby solemnly declare, that Samuel J. Tilden, of the State of New York, received 196 electoral votes for the office of President of the United States, all of which votes were cast and lists thereof signed, certified, and transmitted to the seat of Government, directed to the President of the Senate, in conformity with the Constitution and laws of the United States, by electors legally eligible and qualified as such electors, each of whom had been duly appointed and elected in a manner directed by the Legislature of the State in and for which he cast his vote as aforesaid; and that said Samuel J. Tilden, having thus received the vote of a majority of the electors appointed as aforesaid, he was thereby duly elected President of the United States of America for the term of four years, commencing on the 4th day of March, A. D. 1877; and this House further declares that Thomas A. Hendricks, having received the same number of electoral votes for the office of Vice-President of the United States that were cast for Samuel J. Tilden for President as aforesaid, the said votes having been cast for him by the same persons who voted for the said Tilden for President as aforesaid, and at the same time and in the same manner, it is the opinion of this House that the said Thomas A. Hendricks, of the State of Indiana, was duly elected Vice-President of the United States for the term of four years, commencing on the 4th day of March, A. D. 1877.

Those voting in the affirmative were:

Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, Banning, Beebe, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Carr, Caulfield, John B. Clark of Missouri, John B. Clark of Kentucky, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Davis, De Bolt, Dibrell, Douglass, Durham, Ellis, Faulkner, Field, Finley, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, A. H. Hamilton, Robert Hamilton, Hardenburg, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Henkle, Abram S. Hewitt, Hooker, Hopkins, House, Humphreys, Hunton, Hurd, Jenks, T. L. Jones, Knott, Lamar, Franklin Landers, G. M. Landers, Levy, Lord, Luttrell, Lynde, Mackey, McFarland, McMahon, Meade, Mills, Money, Morrison, Mutchler, Neal, New, O'Brien, Odell, Payne, Phelps, John F. Phillips, Poppleton, Pierman, Rea, John Reilly, Rice, John Robbins, W. M. Robbins, Roberts, Miles Ross, Sayler, Scales, Schleicher, Sheakley, Slemons, William E. Smith, Southard, Sparks, Spriggs, Stanton, Stenger, Stone, Swann, Tarbox, Teese, Terry, Tucker, Thomas, Thompson, Throckmorton, Turner, J. L. Vance, P. B. Vance, Waddell, Walling, Walsh, Ward, Warner, Erastus Wells, Whitthorn, Wigginton, Wike, James Williams, J. W. Williams, Willis, Wilshire, Benjamin Wilson, and Yates—136.—*Congressional Record*, volume 5, part 3, page 2226.

Thus I have shown that 24 Senators and 173 Representatives were committed to the principle for which I contend in the case now under debate. It would be strange if this House should now recede from the position it so deliberately took and so firmly held in 1877 on this same question of eligibility.

IS A MEMBER OF CONGRESS AN OFFICER OF THE STATE OR OF THE UNITED STATES?

Is a member of Congress an officer of the State or of the United States? I maintain that he is an officer or agent of the State. Members of Congress are elected by the people of the States, under laws passed by the States. They are commissioned by the States, and they come here and take the oath of office and occupy seats on this floor in virtue of such commissions.

Article 2, section 3, of the Constitution provides that the President "shall commission all officers of the United States." This was never construed to mean members of Congress. They never were commissioned by the President. In fact the Constitution keeps up the distinction between members of Congress and officers of the United States in all its provisions. Section 4, article 2, provides—

That all civil officers of the United States shall be removed from office on impeachment.

Members of Congress are not impeachable, and are not, therefore, civil officers of the United States.

In article 1, section 6, the Constitution provides that "no person holding any office under the United States shall be a member of either House during his continuance in office," still keeping up the distinction between "officers" and "members."

This distinction further appears in article 6, which declares that—

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

The framers of the Constitution were careful to nowhere call members of Congress "United States officers," because they were regarded as "State officers."

Attorney-General Brewster, in an elaborate opinion, dated July 21, 1882, says:

A member of Congress is not an officer of the United States in the constitutional meaning of the term. In the case of Blount, on an impeachment before the Senate in 1799, the question arose whether a Senator was a civil officer of the United States within the purview of the Constitution, and the Senate decided that he was not. This question arose under the fourth section of the second article of the Constitution. "Other clauses of the Constitution," observes Judge Story in section 733 of his work on the Constitution, "would seem to favor the same result, particularly the clause respecting the appointment of officers of the United States by the Executive, who is to commission all the officers of the United States;" and the sixth section of the first article, which declares that "no person holding any office under the United States shall be a member of either House during his continuance in office; and the first section of the second article, which declares that no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector." To these clauses may be added that in section 3 of the fourth article, which provides that no person shall be a Senator, &c., who having previously taken an oath as a member of Congress or as an officer of the United States, &c. These clauses show a marked discrimination between members of Congress and officers, the latter term in the sense in which it is there used not including legislators.

It will be remembered that Congress passed a law in 1876 prohibiting political assessments by officers of the United States against employés of the Government. The Republican Congressional committee, composed of Senators and Members of this House, sent out the usual circular, demanding contributions. Hon. George William Curtis, as president of a civil-service reform club in New York, published a circular, saying that "the members of this committee are officers of the United States Government," and warning the employés that it was a crime under the law of 1876 to contribute money to them. Hon. Jay A. Hubbell, a member of this House and chairman of that committee, speaking for himself and his associates, published an indignant rejoinder, in which he said, "We are *not* officers of the United States;" and he proposed to submit the question to the Attorney-General. It was submitted to the Attorney-General, who afterward gave the elaborate opinion from which I have quoted, holding that Senators and Members are not officers of the United States. The Republican Senators and Representatives took the same view, and the result was that the last Congress amended the law so as to read:

No Senator, Representative, or Territorial Delegate. * * * or Senator, Representative, or Territorial Delegate-elect, or any officer of the United States, &c.

Carefully making the distinction between members of Congress and officers of the United States. Thus both Houses of Congress, by the passage of that law, decided that Members and Senators are not officers of the United States.

Hon. SAMUEL J. RANDALL, in this House, December 5, 1881, said:

But there was no right established as against the right of a member to be sworn in as all other members are sworn in who bear a certificate from the governor of a State, a Congressman being a State officer, and the governor's certificate being authority as his commission here both according to the Constitution and the law thereunder.

McCrary, in his work on Elections, says:

The qualifications of Federal officers are fixed by the Federal Constitution or Federal law; and the qualifications for State officers are fixed by State constitutions or State laws. It is not competent for any State to add to or in any manner change the qualifications for Federal officers as prescribed by the Constitution or laws of the United States. Nor can the United States add to or alter the qualifications for a State officer as fixed by State regulations.

In the light of the authorities and facts I have cited it is clear that

a member of Congress is an officer of the State. The people of the State, as I have said, elect him; the State provides all the machinery for his election; the governor of the State commissions him; and he comes here as the Representative of the people of the State—a State officer. This would seem to be conclusive, because, as McCrary says, being an officer of the State, the State can fix his qualifications and disqualifications, so that they do not conflict with the Constitution of the United States.

This question was very fully considered and discussed before the Electoral Commission in 1877. It was, as I recollect, conceded that a Presidential elector is a State officer, and the Republicans took the ground that, being a State officer, when the State certified to his election we could not "go behind the returns." If an elector is a State officer, there can be no question about a member of Congress.

The distinguished gentleman from Virginia [Hon. JOHN RANDOLPH TUCKER], in his argument before the Electoral Commission, said:

> Now I apprehend that the thing just comes down to this: That whether this be a Federal or State office (and I believe it to be a State office), the elector must be appointed by the State.

Hon. JOHN A. KASSON, in the same discussion, took even stronger ground when he exclaimed:

> Shall we now go on and complete the absorption of this most absolute, independent, and unquestioned right of the States to appoint their electors in their own way?

The late distinguished jurist Hon. Jeremiah S. Black, in discussing the same question, said—

> I do believe firmly in the sovereign power of the State to appoint any peron elector that she pleases, if she does it in the manner prescribed by the Legislature.

Mr. Stoughton said:

> I think he who would venture to go behind the expressed will of the State, as to the method in which the electors should be appointed, would find himself engaged in an effort to invade its sovereignty and interfere with the supremacy of a State.

Attorney-General Evarts conceded the whole question to the States when he said:

> There is, as we suppose, no safe rule except to say that this injunction laid on the States, that they shall not appoint the excluded persons, does not execute itself. * * * Those qualifications are nothing but appointment by the State; and with that the act of Congress and the Federal Constitution, with due reference to State authority, do not interfere.

Mr. Merrick quoted the Constitution, and argued as follows:

> You will see from the phraseology of the article that it is a limitation upon the power of appointment, rather than a specification of any disability in the appointee. A State has the power to appoint whom it pleases, with certain limitations.

Judge Miller, one of the commissioners, said:

> Are not both (electors and members of Congress) State officers in one sense at least—both elected by the power of the State? There are those who claim that they are Federal officers, and perform only Federal functions; yet when the election of President is thrown into this House, they at once lose their Federal character, and vote by States, "Each State having one vote." This is the highest function of sovereignty that this House can perform.

It is fashionable among some politicians to denominate ours a "complex system of government;" to me there is nothing complex about it. We have, in reality, but one government, that of the States. It is these same States now in session in this Hall to consider questions that affect all the States; they are here in their collective capacity, they are at home in their individual capacity. We have no "nation" in contradistinction to the government of the States. This is a federation of the States, hence we call it "a Federal Government;" it is a union of the States for certain purposes, hence we call them in this capacity "the United States.

The Government of the Union being a federation of the States with certain specified powers delegated by the States in the Federal Constitution, it requires no history to show that the Government of the United States is not one of original sovereignty, but of delegated or enumerated powers. If the Federal Convention of 1787 had been a convention of the people, in their sovereign capacity, ours would have been a Constitution limiting legislation, and Congress would have had all powers not prohibited; but being a Government of delegated powers, all powers not delegated are prohibited; and the States still possess all rights not delegated by or prohibited to them.

The Constitution speaks for itself. Those who wrote it were scholars, who knew the exact meaning of every word and phrase employed in it. They were careful even in the matter of punctuation. Mark this phraseology:

> Congress shall have power to lay and collect taxes, duties, imposts and excises; * * * to borrow money; * * * to regulate commerce; * * * to coin money; * * * to establish post-offices and post-roads, &c. No State shall enter into any treaty, alliance, or confederation; * * * no State shall, without the consent of Congress, lay any impost duties, &c.

It will be seen that powers were delegated to Congress and prohibited to the States. Had powers been delegated to the States and prohibited to Congress it would have changed the whole character of the instrument.

Again: "The House of Representatives shall be composed of members chosen," &c.; "representatives and direct taxes shall be apportioned," &c.; "the House of Representatives shall choose their Speaker," &c. All these are mandatory. "No person shall be a Representative," &c. Here is a limitation upon the States. Without it everybody would have been eligible, man or woman, bond or free. It was agreed that Congress might insist that the member should be twenty-five years of age, a citizen seven years, and an inhabitant of the State. This was no delegation of power, nor does it pretend to be. It was, and is, a limitation upon the powers of the States. It was so understood by the States in the Federal Convention, and in their subsequent ratification of the Constitution, as I have clearly shown.

THE RELATION OF THE STATES TO THE UNITED STATES GOVERNMENT.

Without the States the Government of the United States would cease to exist. It received from them as sovereign and independent Commonwealths all the vitality and power it has, and without them it would die. Suppose the States should fail or refuse to elect members of this House. Then this House would cease to exist. Suppose that a majority of the States should fail or refuse to elect Senators. Then that House would be helpless. Suppose that the States should fail or refuse to appoint Presidential electors. In that case we should have no President. New York did in 1789 refuse to appoint Presidential electors. Suppose five other States had followed her example; that would have ended the Federal Government. This, it is true, would have been revolutionary, but where would have been the remedy? Here is found the reason perhaps why members of the State Legislatures are sworn to support the Constitution of the United States.

There is, as I have said, but one system of government.

The Whig national convention in 1852, that nominated General Scott for President, passed this resolution:

> *Resolved*, The Federal and State governments are parts of one system, alike necessary for the common prosperity, peace, and security, and ought to be regarded alike with a cordial, habitual, and immovable attachment. Respect for the authority of each and acquiescence in the just constitutional measures of each are duties required by the plainest considerations of national, State, and individual welfare.

In Texas *vs.* White (7 Wallace, 717), Chief-Justice Chase, in delivering the opinion of the court, said:

> And we have already had occasion to remark at this term that the people of each State composed a State, having its own government, and endowed with all the functions essential to separate and independent existence; and that without the States in union there could be no such political body as the United States. Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the Constitution, but it may not be unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible Union of indestructible States.

I believe with the Supreme Court that each State owes obedience to the Constitution and Government of the United States; but I insist, as does the court, that every citizen, every member of this House, should in like manner obey the constitution and laws of each and every State in the Union. This obligation is mutual and reciprocal on the part of the States and the General Government, because they are mutually dependent on each other. The State governments and the Federal Government, as the court truly says, are only parts of one general system or federation.

THE FATHERS.

President John Adams, in his inaugural address, urged a "respectful attention to the constitutions of the individual States and a constant caution and delicacy toward the State governments," and "an equal and impartial regard to the rights, interest, honor, and happiness of all the States in the Union."

Thomas Jefferson recommended "the support of the State governments in all their rights as the most competent administrators for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor as the sheet-anchor of our peace at home and safety abroad."

Madison argued that it was essential "to hold the union of the States as the basis of their peace and happiness; to support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and the people as equally incorporated with and essential to the success of the general system." What could be plainer?

This House has no right to violate, much less to set at defiance, the constitution or laws of a State, one of the component parts of this body; to do so is revolutionary. If this House sets the example of striking down the constitution and laws of a sovereign State, it will be simply "sowing the wind" of disrespect for State constitutions and State laws and the national Constitution and national laws. We have the right to that obedience and respect to the constitution and laws of our States which you exact of us to the Constitution and laws of the United States. This has been the Democratic doctrine since the days of Jefferson. And shall it now be repudiated, for the first time, in the house of its friends? This House is the only power which can now decide so as to enforce obedience to our State constitution. Continue the sitting member, and you nullify and strike down the constitution of a sovereign State. When you thus injure and enfeeble a State government you strike a blow at republican institutions and the sovereignty of the States. Continue the sitting member in his seat, and you say a judge may, with impunity, violate the constitution he has sworn to support.

Continue the sitting member, and you trail the judicial ermine in the dust. Continue the contestee in his seat, and the moment a judge is elected and sworn he will begin to intrigue for a seat in Congress, using all the power and machinery of his office to that end. Every decision will be political, not judicial. He will willingly league himself with every attorney in the district who has aspirations to take his place on the bench, and our courts will become places of political debauchery, instead of temples for the administration of unbribed and unpurchased law.

Judges thus freed from the restraints imposed by the constitution and laws of the State will join in the business of setting up delegations, and every lawyer in the circuit who wants to get rid of him will unite with the people who are tired of his administration in forwarding his scheme for promotion to a seat in Congress.

Such will be the natural result if this House decides to ignore our State constitution and the law or compact under which Kansas was admitted into the sisterhood of States. In old Bible times judges came before kings, and it might be well for this House to stop and inquire why kings came at all? Moses's father-in-law advised him to "select from the people able men, such as fear God, men of truth, hating covetousness," for judges of the people. Kansas, in her constitution, attempted to provide the same class of men for her judges, and by this provision in our constitution keep them in the ways of the fathers. But the majority report in this case nullifies our constitution and trails the judicial ermine in the dirty pool of party politics. It will be recollected that Samuel, the great judge and prophet of Israel, when he got old, made his sons judges over Israel, but "his sons walked not in his ways, but turned aside after lucre, and took bribes, and perverted judgment." Kansas judges, with the majority report of the Committee on Elections, seem also to have forsaken the fathers and their precepts, and are following in the footsteps of the sons. Now, will the House, like the elders in Israel, strike down our local State governments and clamor for a king, so as to be like other nations round about. If this House adopts the majority report and thus strikes down over thirty State constitutions, it will be almost the last act in favor of one grand, overshadowing, centralized, consolidated government. Yet I pray that our fate as a nation may not be that of Israel.

CAN A MINORITY CANDIDATE BE SEATED?

As Judge Peters was ineligible on election day, ineligible when he received his certificate of election, ineligible when the term of the present Congress commenced, and ineligible when he took the oath in this House, by an express provision in the constitution of our State which he and all the voters of our State were bound to notice and duly respect and as the evidence shows they did know, and as all votes cast for him were null and void, it follows that the contestant, who received the next highest vote, and who was then and is now duly qualified under the Constitution of the United States and the constitution and laws of the State of Kansas, was elected and is entitled to the seat.

I am aware that the majority for contestee seems large, but if the whole vote were reduced to that of an average Congressional district the margin would be very small. It will be seen that if the contestant is not admitted 83,364 voters in Kansas who voted for an eligible candidate as against an ineligible one will be without representation on this floor, while the 99,866 who voted for the contestee with due notice of his ineligibility voted at the same time for three other candidates whose eligibility is not disputed, and if Judge Peters is unseated they will still have three Representatives in this Congress. Under the old apportionment the State of Kansas had but three members and was divided into three districts, but under the new Congressional apportionment she gained four additional members, who were elected by the State at large.

It is a part of the unwritten history of our State that Governor St. John had decided to call a special session of the Legislature to apportion the State into seven districts, and that the proclamation was actually signed. But when it was represented to him that this would give the opposition at least three of the seven members he decided not to call the Legislature together. Thus it happened that three members were elected from the three old districts and four from the State at large. The facts show, therefore, that the situation in Kansas is about this:

Whole Republican vote in the State, in round numbers	100,000
The opposition vote about	84,000

This would entitle the Democrats, in any fair division of the State, to three members at least. These 100,000 Republican voters now have six members on this floor without counting the contestee. Can there be any injustice in giving the other 84,000 voters one Representative?

But what is the law and what are the precedents upon which we must rely in deciding whether or not I am entitled to a seat on this floor? The Constitution says that "each House shall be the judge of the elections, returns, and qualification of its own members." This provision invests the House with powers of a judicial nature, and in the exercise of those powers it will be governed of course by well-settled rules of law and the decisions of courts of competent jurisdiction. Even the large discretionary power so often exercised by this House is qualified and restrained by positive law and the authority of the courts.

In a case like the one under debate I understand the rule to be this: If I vote in good faith for a disqualified candidate, believing him to be eligible, having no notice of his disqualification, which in its nature is such that the law does not require me to take notice of it or presume that I have such notice, then my vote is not absolutely void, but only voidable. Where a candidate thus disqualified has a majority of votes there is no election. If, however, I vote for a man, knowing him to be ineligible, or where the law will not excuse my ignorance of that fact, then it is the same as if I had not voted at all or had voted for a dead man. All votes cast for a candidate thus disqualified are thrown away; and the minority candidate next highest on the list, if qualified, is elected. This was the decision of this House in 1873 refusing to count the votes cast for Horace Greeley after his death. You said he was not *in esse*.

I have examined the principal cases cited in McCrary on Elections, and I find that in all of those cases the electors had no knowledge of the disqualifications of the candidate voted for. In the case cited in the Dawes report, in the second session of the Fortieth Congress, it is expressly stated that this point was not involved, because it did not appear that the electors had such notice.

In the North Carolina case of Abbott *vs.* Vance, the House had given VANCE 64 votes, Abbott 32, scattering 10. In the Senate, VANCE had 32, Abbott 11, scattering 5. VANCE was declared elected, but was ineligible, unless Congress would remove his political disabilities under the fourteenth amendment to the Constitution. Abbott was refused his seat.

The majority report was signed by O. P. Morton, JOHN A. LOGAN, A. G. Thurman, and Joshua Hill. The committee reasoned that "if the votes for VANCE were not counted there was no quorum voting." The committee, however, said:

> It has been suggested that there is a distinction in respect to the operation of the rule insisted on by the memorialist between a popular election, under our liberal system of suffrage, for a member of the House of Representatives, by ballot, and an election of a Senator by a *viva voce* vote of the members of the Legislature.
>
> Your committee are inclined to think this is correct, but that the distinction bears against the claim of the memorialist instead of in favor of it.
>
> The number of persons entitled to vote at a popular election is not fixed and definite, and hence it is impossible to have a quorum, or anything answering thereto. There is no power to compel attendance. This is, and necessarily must be wholly voluntary. Therefore it is necessary that those attending should have the right to elect where the election is free, and the electors are not prevented from attending by force, intimidation, or fraud.
>
> If a candidate receiving the majority is disqualified, and the votes cast for him are nullities, as claimed by the memorialist, the remaining votes are as effective to elect as if every voter of the district had been present; and if those who voted for the candidate receiving the majority had not been present at all, the election nevertheless would have been valid.
>
> But the rule is wholly different in legislative bodies. The number is fixed and definite. A quorum can be and is required to act, and the presence of a less number is not effective. Had but the thirty-two who voted for Abbott been present in the House at the time the vote was cast we do not suppose any one would contend that he had even a shadow to base his claim upon, yet this number would be sufficient to elect in a district of a thousand voters if no others voted.

Mr. VANCE was disqualified, as I have said, under the fourteenth amendment, yet, as the committee remarked, to throw out the 95 votes for VANCE as void no quorum had voted, and consequently there was no election. The committee say "there was no evidence that the people had any notice of VANCE'S want of eligibility."

The committee also cites the fact that "Congress might remove the disabilities of VANCE and thus make him eligible, and the votes for him not void but simply voidable."

The committee say:

> It is difficult to conceive how the Constitution could grant authority to Congress to remove disabilities under which an individual is laboring, and allow him to take his seat as a member, and yet at the same time embrace the idea that such an election was wholly void, and votes cast for him nullities.

I admit that when electors vote for a disqualified candidate in ignorance of his disqualfications the election is void, and must be remanded to the elective body; "but where the candidate is disqualified by a provision of the organic law or a public record no notice is required, and voters are presumed to know of his disqualifications."

In the election of a United States Senator it requires a majority to elect, and of course a minority candidate could not be elected.

Heywood on County Elections (535) says:

> It must be remembered, however, that in case a candidate laboring under disabilities should be returned the election will be avoided on petition; and that if, before the election comes on or a majority has polled, sufficient notice has been publicly given of his disability, the unsuccessful candidate next to him on the poll must ultimately be the sitting member. * * * When the disability of a candidate is notorious, it should seem that it is not necessary to give notice to the electors.

Male on Elections (336) says:

> If the election is made of a person or persons ineligible, such election is void either *in toto* or of one only, according as the ineligibility applies to all or one only, where that ineligibility is clear and pointed out to the electors at the poll. It has been held that the votes given to such ineligible candidate, after notice, are thrown away, and a competitor, though chosen by a smaller number of electors, has in such cases been held duly elected.
>
> But such ineligibility ought to be clear, and grounded upon some known and settled rule of law. The same doctrine holds at law in the election to offices in which, after notice of the ineligibility of any particular candidate, the votes given to him are held to be thrown away.

Grant on Corporations (109) says:

> When the ineligibility of a candidate arises from holding or having held a

public office, the people within the jurisdiction of such office are held in law to know and are chargeable with notice of such ineligibility.

And on page 208 he says:

A disqualification, patent or notorious, at once causes the votes given for the candidate laboring under it to be thrown away.

In confirmation of this rule we have a decision that to vote knowingly for a disqualified candidate is equivalent to not voting at all. In the case of Taylor *vs.* Mayor of Bath—

All the judges held that the verdict was right. They held that as fourteen electors who voted for Briggs had notice that he was not qualified, their votes were thrown away; that when electors vote for a person not qualified it is the same thing as if they had given no votes at all, in which case it was not disputed that silence was a constructive consent.

In Queen *vs.* Coaks, 1855 (28 Eng. L. and E., 307), Lord C. J. Campbell said:

Now, it is the law—both the common law and the parliamentary law, and it seems to me common sense—that if an elector will vote for a man who he knows is ineligible it is as if he did not vote at all, or voted for a non-existent person; as it has been said, as if he gave his vote to the man in the moon.

The English authorities seem to be all one way, and it is unnecessary to quote further from them.

Cushing, in his Parliamentary Law, lays down this proposition:

SEC. 175. If an election is made of a person who is ineligible, that is, incapable of being elected, the election of such person is absolutely void, even though he is voted for at the same time with others who are eligible and who are accordingly elected, and this is equally true whether the disability is known to the electors or not, whether a majority of all the votes or a plurality only is necessary to the election, and whether the votes are given orally or by ballot.

SEC. 176. The principle above applies equally where the constitution or law points out, among other eligible persons, the particular candidates to be voted for; in which case votes given for other persons are void. Thus the constitutions of Maine and Massachusetts, providing that, in case of a failure to elect senators at the general election, the deficiency shall be supplied on the day of the meeting of the Legislature by such senators as shall be elected and the members of the other branch from among the persons voted for and not elected as senators. All votes given on such occasions for any other than the candidate designated by law, though otherwise eligible, are thrown away.

Angell and Ames on Corporations (p. 98, n. 3) say:

If the assembly be duly convened, and the majority vote for an unqualified person, after notice that he is not qualified, their votes are thrown away, and the person having the next majority, and not appearing to be disqualified, is duly elected.

This subject has been discussed at different times in the Legislature of Massachusetts, and it has been uniformly decided that votes given for condidates constitutionally ineligible should be regarded the same as blank votes. In 1843 an effort was made to change this parliamentary rule, and a majority of the committee submitted a report, accompanied by a resolution, to the effect that it "was not in accordance with the constitution and laws for the two branches of the Legislature to reject, in making up the count, the ballots cast for ineligible candidates." A minority of the committee submitted an adverse report, saying:

The fact that the votes given for ineligible candidates, when the two houses have met in convention for the purpose of filling vacancies in certain offices, have been rejected from the count, is of long standing; and that no evil has resulted from such practice is, of itself, a sufficient reason why a different rule should not be established. It is time enough to provide a remedy when an evil is found to exist and not in anticipation of an evil. This, it is believed, is a safe course in all cases. * * * The practice of rejecting blank pieces of paper, although they may have the form and shape of the actual votes which are cast, is believed to be uniform everywhere. The reason for the rejection of such paper is that it is not a voice given and numbered; that no one is designated who can be elected.

It is, however, no less an expression of dissatisfaction to the candidate voted for by other persons, on one side or the other, than it would be if it bore the name of an imaginary being or a person ineligible. In both cases it is not a vote, and should not so be treated. So far as precedents can be found, the practice of rejecting from the count the votes cast for an ineligible candidate is not peculiar to the convention of the two houses in the Massachusetts Legislature. It has obtained more or less in the House of Representatives of the United States, and in the house of commons of Great Britain. * * * Inasmuch as the custom has obtained, for aught that appears, from time immemorial, to reject such votes, the undersigned take leave to submit that the proposed resolution of the majority of the committee is uncalled for, and that no further action be had on such order.

The house laid the resolution of the majority on the table, thus in effect adopting the report of the minority. (Cushing's Reports of Contested Elections in Massachusetts, page 499.)

The subject was again discussed, and the decision reaffirmed, that votes cast for ineligible candidates should be thrown away. In 1849 Mr. Slade was returned as the duly elected representative of the town of Somerset, and his seat was contested for the reason, among others, that a ballot for Nathaniel Morton, of Taunton, for member of Congress, was thrown out by the judges of election.

The committee, in their report declaring Mr. Slade lawfully entitled, discussed this question as follows:

The policy of the law requires that such a construction should be put upon all proceedings at elections as to make such proceedings valid, rather than nugatory. An election is always attended with trouble, inconvenience, and expense, and should not be set aside for light or frivolous causes. If votes cast by mistake for persons not eligible are to be counted, then the intention and will of the voter is defeated; if, on the other hand, such votes are willfully put into the ballot-box, the person who thus indicates so clearly his disregard of the value of the elective franchise, that it is only a deserved punishmant for his delinquency to deprive his vote of all weight and influence at such election. By so doing a voter is not deprived of any legitimate exercise of his right, because he can always manifest his opposition to any one candidate by voting for some other. (Rex *vs.* Monday, Cowper. Lord Mansfield said the only way of voting against one was to vote for another.)

Finally, it seems to the committee that there is no reason why a person who votes for an ineligible candidate should not be put on a footing with one who does not vote at all, as in both cases the parties show a disposition to prevent an election, and both of them show an unwillingness to perform their duty, by aiding to promote those elections which are absolutely essential to the existence of the government. For if every voter refrained wholly from voting, or voted for an ineligible candidate, the result would be the same—no choice; and although it is true that no penalty is attached by law to a neglect of this obligation of voting, yet the obligation is not the less plain for that, and the committee believe it to be a duty too important to be neglected, and too sacred to be trifled with, by voting for fictitious persons or ineligible candidates. * * * The voter who puts into the ballot-box a blank piece of paper as clearly indicates his opposition to all the candidates as he who puts in a vote for an ineligible candidate; and there seems to be no reason why the opinion of the one should not be entitled to consideration as well as that of the other.—(Report agreed to April 10, 1849. (See Cushing's Reports of Contested-Election Cases in Massachusetts, 576).

In Indiana the same doctrine has been established by three decisions of the supreme court: In the cases of Gulick *vs.* New (14 Ind., 927), Carson *vs.* McPhetridge (15 Ind., 327), and Price *vs.* Governor Baker (41 Ind., 572). In the former case the court says:

It being conceded that the votes cast for Wallace were powerless and fruitless in effecting the main end arrived at—that is, in electing him—we are still asked to decide that they were so far effective as to prevent the election of any other person; that they were, so far as affirmative results were involved, thrown away, but that negatively they were operative. We are reminded that, in our form of government, a majority should rule, and that if the course indicated is not followed a majority of the voters may be disfranchised, their voice disregarded, and their rights trampled under foot, and the choice of a minority listened to. True, by the constitution and laws of this State the voice of a majority controls our election; but that voice must be constitutionally expressed.

Even a majority should not nullify a provision of the constitution, or be permitted at will to disregard the law. In this is the strength and beauty of our institutions. Suppose a majority should persist in voting for a man totally ineligible to take the office of sheriff, what would be the result? As he could not hold the office, either the one capable of holding, receiving the next highest vote, would, as contended by the appellant, be entitled to the office, or there would be a vacancy, as insisted by the appellee. Suppose the proceedings should result in creating a vacancy, then it would remain, greatly to the detriment of public and private interests, or it would, under the statute, have to be filled by the action and choice of perhaps two men, which might be, possibly, in direct conflict with the choice of that majority in every respect. Then, while it is true that the votes of a majority should rule, the tenable ground appears to be that if the majority should vote for one wholly incapable of taking the office, having notice of such incapacity, or should perversely refuse or negligently fail to express their choice, those, although a minority, who should legitimately choose one eligible to the position should be heeded. Suppose that eight years ago, at the first election under our new constitution, when nearly all the offices in the State were to be filled, a majority of the voters in the State and in the several districts and counties had voted for persons wholly ineligible to fill the several offices, would these offices have thereby remained vacant? Could that majority, by persevering in that course, have continued the anarchy which might have resulted from such action? Or, rather, is it not the true theory that those who act in accordance with the constitution and the law should control even a majority who may fail so to act? Whether the same reasoning should hold good where the ineligibility should arise out of some cause other than a constitutional prohibition is a question we are not now called upon to decide.

The majority of the court held that the voter must take notice of the disqualification of the candidate, and that votes cast for a candidate in fact disqualified must be thrown away, whether the voters knew of the disqualification or not. Judge P[illegible]ms dissented upon this point, but affirmed the general doctrine as follows:

1. Where, at an election, there are opposing candidates for an office, and the candidate receiving the highest number of votes is ineligible, but from a fact or cause which the voters did not and were not bound to know the result is a failure and gives no candidate a right to the office, and should be followed by another election.

Probably examples, under this proposition of cases where the voters might not have knowledge, namely: infancy of candidate, non-residency, want of naturalization, not of male sex, not of requisite degree of white blood, not in existence. This last was the fact in the case cited from 38 Maine, app. There a portion of the people by mistake voted for a person not in being. The case of State *vs.* Swearinger (12 Georgia, 23) was a case of non-residency.

2. Where the voters at the election do know, or are legally bound to know, so that in law they are held to know of the ineligibility of a candidate, the election does not result in a failure, but in such case the eligible candidate receiving the highest number of votes is legally elected and entitled to the office.

Against this proposition we have not found a single authority. Those relied on as such by the court below were the cases in 38 Maine and 12 Georgia, *supra*, and the State *vs.* Giles (1 Chand., Wis., 112).

Of the case in Maine we have said enough above.

Of the cases in Georgia and Wisconsin, it may be remarked that neither of them involved the point now under consideration, and what is said upon it is mere *dicta*, and neither of the cases cites a single authority.

The point involved in the Georgia case was whether a certain corporate town in that State could elect to office in it a person not residing within the corporate limits, and it was held that it could. This closed the case.

The point involved in the Wisconsin case was this: The constitution, article 6, section 4 provided that sheriffs should be ineligible for two years next succeeding the termination of their offices. A sheriff, in office at the time the constitution was adopted, was elected his own successor under the constitution; and it was held that he was legally elected, and that the disability imposed by the constitution related only to elections and terms held under the constitution. The decision of this point disposed of the case; and what is said beyond it, as in the Georgia case, if not improperly, but still is very loosely and carelessly said, and is not binding as authority.

Judge Cushing, in his American work on the Law of Legislative Assemblies, at pages 66, 67, lays down the same doctrine as deducible from the decided cases:

Where the same ineligibility of a candidate arises from his holding or having held a public office, the people within the jurisdiction of such office are held in law to know—are chargeable with notice—of such ineligibility; the votes given for such candidate are of no effect, and his highest eligible competitor is elected. (Grant on Corporation, *supra*, p. 107; Biddle *vs.* Willard, 10 Ind., 62, on p. 68.)

Such, also, was the ruling of the circuit court of Illinois in the case of Stewart *vs.* Hayes. (Chicago Legal News, 117.)

In the case of Hutcheson vs. Tilden and Bordley (4 Harris and McHenry, 277) Chief-Justice Samuel Chase decided that—

All votes given for a candidate not having such qualifications are to be thrown away and rejected as having no force or operation in law. The plaintiff can only

be entitled to such votes as were given after he received the necessary qualifications. Judgment for defendants.

The report says that the plaintiff had received the necessary qualifications about 12 o'clock on the third day of the election; and from the state of the polls it appeared that, if he had received all the votes taken after that time, he could not be elected. The judgment was for the next highest eligible candidate. This decision, I take it, is the law of Maryland to-day.

In the constitution of Maryland, adopted in 1865, is the following provision:

If any person has given any aid, comfort, countenance, or support to those engaged in armed hostility to the United States, or has, by any open deed or word, declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies of the United States, he is disqualified from holding any office of honor, profit, or trust under the laws of this State.

In 1865 Hon. HART B. HOLTON, now a member of this House, contested the seat of Hon. Littleton Maclin as senator from Howard County and claimed the same for himself. The committee on elections reported that although Maclin had received the highest number of votes, nevertheless, being disqualified under the constitution just quoted, he was not entitled to the seat; and "that HART B. HOLTON, having received the highest number of votes cast for any duly qualified candidate for senator from Howard County, is elected and entitled to a seat in this body." On February 14, 1865, this report was adopted; Maclin was unseated and HOLTON inducted into the office.

In 1866, before the house of delegates, George E. Gambrill prosecuted a contest against Sprigg Harwood for the office of clerk of the circuit court for Anne Arundel County, on the ground of constitutional ineligibility, caused by an increase in the profits of this clerkship while Harwood was a senator from Anne Arundel County in 1865. The committee on elections reported that Harwood was ineligible, and "that it must be presumed to have been known to every voter;" and that Gambrill, the minority candidate, was entitled to the office. The house of delegates sustained this report, ousted Harwood, voted down a resolution declaring the office vacant, and inducted Gambrill into the office.

This same rule obtains in the State of Maine, where it was first decided in 1831. The governor and council asked the judges this question:

Can ballots having the names of persons on them who do not possess the constitutional qualifications of a representative be counted as votes under the fifth section of the fourth article, part 1, of the constitution of Maine, so as to prevent a majority of the votes given for eligible persons constituting a choice?

The judges answered in the negative.

The ruling in the case of Speer *vs.* (Robinson 29 Maine, 531) is to the same effect; and the Legislature of Maine, in 1871, enacted this principle into a law, as follows:

And in all returns of elections the whole number of ballots given in shall be distinctly stated; but blank pieces of paper, and votes for persons not eligible to office, shall not be counted as ballots.

The same rule, I have shown, prevails in Massachusetts. New York, by the unanimous decision of her court of appeals, in the case of The People, *ex rel.* Furman, *vs.* Clute (50 N. Y., 451), sustained the same principle. The court say:

A minority of the whole body of qualified electors may elect to an office where the majority decline to vote, or where they vote for one who is ineligible to the office, knowing of the disqualification.

In the case of Price *vs.* Governor Baker the syllabus is as follows:

Where the majority of the ballots at an election are given to a candidate who is not eligible to the office, the ballots so cast are not to be counted for any purpose. They can not elect the ineligible candidate, or defeat the election of the opposing candidate by showing that he did not receive a majority of the votes cast at such election. It follows that the eligible candidate will receive an office, although less than a majority of the votes are cast for him

THE ELECTORAL COMMISSION.

In the proceedings of the Electoral Commission in 1877 I find the same principle insisted upon. In objection No. 2, in the Oregon case, it is stated that J. W. Watts, one of the candidates for Presidential elector in said State, "was ineligible, and that E. A. Cronin, the next highest eligible candidate, was duly appointed."

This was signed by James K. Kelly, United States Senator from Oregon; Henry Cooper, United States Senator from Tennessee; Louis V. Bogy, United States Senator from Missouri; Joseph E. McDonald, United States Senator from Indiana; John W. Stevenson, United States Senator from Kentucky; David D. Field, Representative from New York; J. RANDOLPH TUCKER, Representative from Virginia; Lafayette Lane, Representative from Oregon; G. A. Jenks, Representative from Pennsylvania; Anson T. Walling, Representative from Ohio; Hiester Clymer, Representative from Pennsylvania; P. D. Wigginton, Representative from California; E. F. Poppleton, J. L. Vance, FRANK H. HURD, Representatives from Ohio, and J. K. Luttrell, Representative from California.

When the commission, by the usual vote of 8 to 7, decided to count the vote of Watts, the following proceedings took place:

The PRESIDING OFFICER. Are there objections to the decision of the commission?

Mr. Senator KELLY. I have the honor to file certain objections to this decision, signed by Senators and Representatives.

The PRESIDING OFFICER. The Senator from Oregon having submitted an objection to this decision, it will be read by the Clerk of the House.

The Clerk of the House read as follows:

"The undersigned, Senators and Members of the House of Representatives of the United States, object to the decision of the joint commission directing the counting of the vote of John W. Watts, an alleged elector for the State of Oregon, as given for Rutherford B. Hayes for President of the United States, and for William A. Wheeler, of New York, for Vice-President, and rejecting the vote of E. A. Cronin, as cast for Samuel J. Tilden, of New York, for President, and Thomas A. Hendricks, of Indiana, for Vice-President, on the following grounds:

"1. John W. Watts was not elected a Presidential elector for Oregon.

"2. He (J. W. Watts) was not legally appointed a Presidential elector.

"3. He (Watts) was disqualified to receive any appointment as Presidential elector or to vote as such, in that he held an office of trust and profit under the United States.

"4. E. A. Cronin was elected a Presidential elector for the State of Oregon, and in accordance with law as such cast a legal vote as an elector for Samuel J. Tilden for President and Thomas A. Hendricks for Vice-President, and the vote so cast should be counted.

"JAMES K. KELLY.
"WM. PINKNEY WHYTE,
"HENRY COOPER,
"J. E. McDONALD,
"T. M. NORWOOD,
"FRANK HEREFORD,
"*Senators.*

"LAFAYETTE LANE,
"E. F. POPPLETON,
"G. A. JENKS,
"JOHN L. VANCE, of Ohio,
"J. W. THROCKMORTON,
"SCOTT WIKE,
"P. D. WIGGINTON,
"*Representatives.*"

Representative Lane moved in the House that the vote purporting to be an electoral vote for President and Vice-President, and which was given by one J. W. Watts, claiming to be an elector of the State of Oregon, be not counted. This passed the House yeas 151, nays 108. This House must go squarely back on the position taken by that House and by seven of the fifteen members of the Electoral Commission, or I must be awarded the seat.

This question came before the Forty-first Congress in the case of Hoge *vs.* Reed. The record showed that Reed had 11,774 votes and Hoge 8,766. Reed was declared ineligible under the fourteenth amendment to the Constitution and the seat was given to Hoge.

In the case of Wallace *vs.* Simpson, in the same Congress, it appeared that Simpson had received 14,098 votes and Wallace 9,807. Simpson was found ineligible under the fourteenth amendment, and Wallace was awarded the seat by a two-thirds vote of the House. The committee in their report said:

When one of two candidates is ineligible, the votes given for him are of no effect, and the other candidate is elected.

After quoting various authorities in support of this principle they continue—

So, if they cast their votes for an ineligible candidate, they must be regarded as votes for a person not *in esse*, and the voting is a mere nullity. * * * We think this, as an abstract question of law, is abundantly sustained by reason as well as authority. As a question of public policy we have no doubt of its entire propriety. While we do not dispute the powers and rights of majorities in this country, we hold that those powers, in order to be available, must be exercised in good faith and in accordance with the Constitution and laws of the country. When voters undertake to become revolutionary by casting their votes for a candidate well known to them to be ineligible, it is such willful misconduct as should forfeit their right in the premises. They should not be allowed to profit by their own wrong to the injury of an honest, law-abiding minority. * * *

It is conceded that in cases heretofore decided by the House the doctrine here maintained has not prevailed; but it is confidently believed that in none of them has the notoriety of ineligibility been raised, considered, or decided.

All the cases heretofore decided lacked this important element or ingredient. This is the first occasion on which that fact is made a part of the case.

The minority report, signed by S. J. RANDALL and Albert G. Burr, said:

Now, if this House is ready to adopt the theory that the disqualification of Simpson elects Wallace by a minority vote, so let it be.

Mr. RANDALL, in a speech, insisted that Congress should have removed the disabilities of both Reed and Simpson and thus made them eligible.

The law, as laid down by the majority of the Committee on Elections in the cases of Hoge and Simpson, applies with more force to the case now before the House than to those cases, for the reason that Congress might, as RANDALL said, have removed the disabilities of both Hoge and Simpson; might have admitted them to seats on the removal of such disabilities; and that the voters in casting their ballots were justified in believing that such action would be taken by Congress, and the candidates for whom they had voted be thus made eligible. But it is impossible for Congress or for this House to remove the disability of the contestee in this case, for the reason that his disability is imposed by a clause in the constitution of Kansas which was assented to by both Houses of Congress, and is a part of the compact between the United States and Kansas when that State was admitted into the Union.

THE JOHN YOUNG BROWN CASE.

The case of Smith *vs.* John Young Brown, decided in the Fortieth Congress, has been referred to as establishing the opposite doctrine. But Brown was not constitutionally ineligible; he was only declared to be ineligible under the act of Congress of 1862. There was no evidence that the voters of his district had any knowledge of his supposed ineligibility. Indeed, Mr. Kerr and Mr. Chandler, in their minority report, say:

At the time of the election Mr. Brown possessed every qualification for a Rep-

resentative in Congress which is expressly prescribed in the Constitution of the United States. No law of Congress or of the Commonwealth of Kentucky declared him ineligible or incompetent to be voted for and elected to that office.

He possessed no personal or physical disqualification patent to the electors of his district which could amount to legal notice to them that he could in no event be admitted to a seat in Congress. The votes cast for him, therefore, can upon no principle of law or justice be rejected or treated as blanks or nullities; and therefore the seat can not be awarded to Mr. Smith, even if withheld from Mr. Brown.

Mr. Brown's vote was 8,922, and Smith's only 2,816; yet 30 members of that House voted to seat Smith and only one 108 voted the other way, the rest being absent or not voting. The case we are now considering is entirely different. The contestee, Judge Peters, was ineligible under a provision of the State constitution, put there by the people of Kansas to preserve the purity of their judiciary. Being a part of the State constitution, every voter was bound to take notice of it. The Supreme Court has construed that disqualifying clause in a published opinion, which declared that "this ineligibility attached to the person of the judge and continued throughout the entire term or period of time for which he had been elected." The fact that the contestee was a judge on the bench when he was voted for and that he was disqualified were matters of public record well known to all the voters in the State. But to avoid dispute it is in evidence in this case that they did have actual knowledge of these facts.

THE RULE IN KANSAS.

The Legislature of Kansas at its last session passed a law which forbids the canvassing or counting of votes given for an ineligible candidate. That law is mandatory and is in these words:

All ballots or votes cast at any election for any person holding the office of judge of the district court or of justice of the supreme court, except for a judicial office, shall be deemed and held void, and shall not be counted by the judges or clerks of any election nor by any canvassing board, nor shall any record of the same be made by any canvassing board, nor any certificate of election be issued thereon.

That law should have the force and effect of an instruction to this House to treat all votes cast for the contestee as mere nullities, and to award the seat to the next highest eligible candidate. This has been the uniform practice in Kansas. When the candidate receiving the highest number of votes has been found ineligible, the next highest eligible candidate has always been awarded the seat or the office. The case of Joel Moody *vs.* Jonathan Foster, decided by the Kansas house of representatives in 1865, is a case in point. Jonathan Foster and Joel Moody were both candidates for the Legislature from Woodson County at the election in November, 1864. Foster had the largest number of votes, and Moody contested his election on the ground of eligibility. Mr. Foster at the time of the election held the office of postmaster at the little country town of Belmont. Section 4, article 2, of our constitution provides: "No member of Congress or officer of the United States should be eligible to a seat in the Legislature."

At the election Moody had received but 45 votes. It seems that after the election Foster resigned and had his daughter appointed in order to qualify himself. Moody, in his notice of contest-suit to Foster, said:

You were not eligible to the said office at the time of your election, being as you then were and still are a postmaster at Belmont, Kans., under the laws of the United States.

The Committee on Elections reported unanimously in favor of seating Moody in place of Foster. The report of the committee was adopted by a vote of 59 to 11.

In the house, and voting for the resolution, were some of the ablest men in the Republican and Democratic parties, among whom were Jacob Stotler, speaker, and now editor of the Emporia News; J. F. Broadhead, a prominent attorney of Linn County; O. M. Browne; Charles S. Glick, a prominent lawyer of Wyandotte; G. W. Glick, now governor of Kansas; Cyrus Leland, of Troy; Ed. Russell, now of Lawrence, and others that I might name. This case will serve to show the rule as it prevails in Kansas in contests of this character.

THE ELECTORAL COMMISSION AGAIN.

The question of notice to voters that a candidate is ineligible was discussed by Representative George A. Jenks, of Pennsylvania, a lawyer of great ability and learning, before the Electoral Commission in 1877. In contrasting the theory of the British Government with our own, Mr. Jenks said:

Here, when we appoint an agent ourselves, either directly or indirectly, can any man say in law, "I did not know who he was?" So, in consequence of the construction of our Government in opposition to that of the British Government, constructive notice exists to every individual of every officer in the United States, and the doctrine of constructive notice, that the principal knows who his agents are, would bring this within the doctrine of the judicial decisions that no one disputes, either English or American, that where the provision is that a man shall not be voted for, a vote for him, so far as the power of being elected is concerned, does not have that power. So Watts was not elected, even if he received a majority of the votes.

Mr. Commissioner THURMAN. Your proposition is that where the man can not be voted for, then knowledge on the part of the voter is of no consequence.

Mr. JENKS. It is of no consequence at all. The English authorities do not pretend to allege that it was necessary that the voter should know that he was voting for a disqualified candidate. The only question was whether the result was to elect the next highest where this knowledge did not exist. In any event the man was not elected who received the highest number of votes, but the question was whether the other was elected; but I say under the theory of our Government that the people are the principals and the officers are the agents; there is notice *per se* to every principal of every agent he has got, constructively, and we know who our agents are.

Hon. E. JOHN ELLIS, of Louisiana, now a member of this House, in discussing this question before the Electoral Commission, formulated a truism when he declared that—

It is a principle of law familiar and known to every neophyte in the profession that whatever is done in opposition to the declared will of the people, through their constitution, is an absolute nullity.

OTHER AUTHORITIES.

But we are told that the case of the State *vs.* Anderson (1 Coxe's New Jersey Reports, 318) is opposed to the doctrine for which we contend. How baseless that claim is will appear on a very slight examination. Under a law of New Jersey a man who had been elected sheriff of a county was ineligible. The case came before the court after he had been acting for some months under color of an election. The case was heard, not on a quo warranto, which would try the right of the relator to the office, but on a writ of error or certiorari. The court held that they had a discretion to say whether they would or would not oust the man and leave the office vacant. They were not called upon to decide whether another man was entitled to the office or not. So the case went off on the idea that in certiorari it was competent for the court to exercise a discretionary power and say that the office should not be vacated. It does not appear in the opinion that another man claimed the office or that any one else had been voted for.

In the case of the State *vs.* Giles (1 Chandler, Wisconsin, 112) two questions were raised: First, whether the man who had the majority vote was eligible or not; and, second, if not eligible, whether the man who received the next highest vote was elected and entitled to the office. The court held that the majority candidate was eligible. The case of course went off on the first question. It was not necessary to pass upon the second, but the court added:

It is proper to say that we are all of the opinion that the mere ineligibility of the candidate does not, as the law now is, render void the votes cast for him, and elect the minority candidate.

That is sound law, and it is not in conflict with the current of authorities, which fix this as the governing rule in such cases, that mere ineligibility without notice to the voters does not vitiate the ballots cast, but where that ineligibility is patent to the voter, or is of such a character that they are bound in law to take notice of it, and the presumption is that they have either actual or constructive notice of the fact, then all votes cast for the candidate thus disqualified are nullities, and the next highest eligible candidate is elected.

The case of the State *vs.* Smith (14 Wisconsin) is in harmony with this doctrine. There it was held that mere ineligibility did not nullify the votes cast—that is, ineligibility that was not patent to the electors, or where there was no presumption of law that they had such notice, either actual or constructive.

In the Maine cases there is no pretense that the electors knew that they were voting for persons not in existence.

In Sanders *vs.* Haynes (13 California, 145) the court decided that the man who held the certificate and who had the most votes was eligible. That, of course, ended the case. The minority man had no rights. It is true, however, that the court approved and quoted the Wisconsin case, that "the mere ineligibility of the man" does not give the office to the minority candidate. Nobody claims that it does. In this, as in the Wisconsin case, when the majority candidate was found to be eligible, there was nothing else to decide.

The Pennsylvania case of The Commonwealth *vs.* Cluly (56 Pennsylvania, 270) is much quoted and confidently relied upon by the other side. In that case Mr. Justice Strong, in delivering the opinion of the court, made the astonishing declaration that he was not aware of any judicial decision on the subject. The truth is that this question of knowledge on the part of the voters of the incumbent's ineligibility was not raised in the pleadings in that case, much less argued or proved. Judge Strong, however, in that opinion, says:

A man who votes for a person with knowledge that the person is incompetent to hold the office and that his vote therefore can not be effective, that it will be thrown away, may very properly be considered as intending to vote a blank or throw away his vote. But the present relator suggests no such case. He does not even aver that if the votes given for Cluly were thrown out he received a majority, though doubtless such was the truth. He has, therefore, exhibited no such interest as entitles him to be heard.

It is clear that this question of knowledge was not raised or judicially considered in that case; but the reasoning in that opinion is in perfect harmony with the authorities I have marshaled in support of the principle for which I contend.

In the case of Maloney *vs.* Whitman *et al.* (10 California, 38) the court held that Mandeville was not ineligible. Field, C. J., said:

As we hold that Mandeville was not ineligible, we refrain from the expression of an opinion whether, if he were ineligible, the votes given for him should be thrown out as so many blanks and Whitman declared elected, as contended by counsel.

In this case it was not shown that Mandeville was ineligible, much less that ineligibility was known to the voters.

In the case of The State *vs.* Swearingen (12 Georgia, 23) the majority candidate was found eligible. The point made against him was that he was not a corporator and resident within the city of Oglethorpe, as clerk and treasurer of which he claimed to have been elected. Lumpkin, J., said that the objection was not well taken. Of course in this

case the question of knowledge on the part of the voters was not in the pleadings or the proof.

The State *ex rel.* Kempf *vs.* Boal (46 Missouri, 528) was a case where both candidates were found ineligible. The court said:

As to the votes cast for the defendant, they were nugatory. It was as though no such votes had been cast at the election.

The ruling of the court in The State *vs.* Vail (53 Missouri, 97), as stated in the syllabus, was this:

The candidate who at an election receives the greatest number of votes, except the successful candidate, is not entitled to the office, when the successful candidate is ineligible owing to personal disqualifications and such as were not patent to the voters.

Of course if the ineligibility had been patent to the voters, that is, known to them, the opposite would have been the ruling.

Judge Napton, in an elaborate opinion, quotes the Indiana case of Gulick *vs.* New, and says:

But in the case in Indiana it is considered that where the candidate receiving the highest number of votes is ineligible by reason of a cause which the voters were not bound to know, such as nonage, want of naturalization, &c., the result is a failure to elect. * * * If a disqualified candidate receives a thousand votes and his competitor only a hundred, to pronounce the latter elected is not in accordance with any ascertained will of the electors, unless it may be inferred that the votes for the disqualified candidate were cast with a knowledge of his inability to take the office; an inference which could not be drawn where the disqualifications are such as are enumerated in the pleadings in this case (not a citizen five years, not a qualified voter, nonage, and disloyalty). It is unnecessary to determine whether it would be the rule in any case of disqualification, whether patent or latent.

The case of The People *ex rel.* Crawford *vs.* Moliter (23 Michigan, 341) was virtually decided on the pleadings, and was not a question of eligibility at all.

In Fish *vs.* Collins (21 Louisiana Annual, 284), Ludeling, chief-justice, said:

The plaintiff does not allege that he received a larger number of votes cast at the election than either of his competitors; but, on the contrary, he admits that the defendant received a greater number of votes than he did.

It is unnecessary in this case to express any opinion as to whether the votes cast for a person who is notoriously known to be ineligible should be rejected or not, as no such allegations are made in this petition.

In the case of The State *vs.* Gastinel (18 Louisiana Annual, 517) it appeared that Gastinel was disqualified by nonage, but there was no allegation that this was known to the voters. The court said: "What might have been his rights had he contested the election of defendant in accordance with law, we are not called on to say."

In the Rhode Island case the court said:

The question submitted to us does not allege or imply that the electors, knowing the disqualifications, voted for the ineligible candidate in willful defiance of the law.

THERE IS NOT A CASE AGAINST THE DOCTRINE.

In not one of these cases is there any ruling against the doctrine I am contending for. On the contrary, the reasoning in each and all of these cases is not only in harmony with that doctrine but actually supports and strengthens it. I challenge the production of a single case decided in any of our courts where the majority candidate was notoriously ineligible, or where that ineligibility was such that the voters were bound to take notice of it, that the next highest eligible candidate did not get the office. It has been the rule in the legislative cases as well. This was true of the Abbott (North Carolina) case and the case of John Young Brown. I have not been able to find an exception in the whole range of our legislative cases.

When Gallatin was elected to the United States Senate by the Pennsylvania Legislature in 1793 it was not known to the members of that body that he had been a citizen less than nine years. The same was true of the Legislature of Illinois when Shields was elected. So of Massachusetts when Baily was elected; they supposed him a citizen of Massachusetts. There does not seem to be any conflict of opinion where the ineligibility of the candidate is notorious or where the law requires the electors to take notice of it.

But suppose there had been some conflict between the decisions of courts in different States or between different State Legislatures on this question, there still remains a safe rule for the guidance of this House in deciding the case now in dispute. The Supreme Court of the United States in Christy *vs.* Pridgeon (4 Wallace, 196) held that the interpretation of a State law "placed upon it by the highest court of that State must, according to the established principles of this court, be accepted as the true interpretation;" and that such interpretation "becomes a part of the law of that State as much so as if incorporated into the body of it by the Legislature."

THE RULE IN KANSAS SHOULD PREVAIL.

So this House in the matter now in controversy must be guided by the interpretation put upon the constitution and laws of Kansas by the supreme court of that State. What is that interpretation? The supreme court of Kansas has decided in the opinion already quoted that a judge on the bench in that State is not only ineligible to a seat in Congress, but that such ineligibility continues throughout the entire term for which he was elected to such judgeship. There can be no question about the fact that Judge Peters was thus disqualified not only on election day but on the day he was sworn into office here. The committee admits this.

The uniform and unvarying rule in the Kansas Legislature has been that where the majority candidate was found ineligible the next highest eligible candidate was declared elected and entitled to the seat. The Legislature of Kansas has passed a law declaring that votes cast for a judge for a political office shall not be counted or canvassed, but treated as nullities. We thus have a legislative as well as judicial construction of the constitution of Kansas, which, according to all precedents, should determine our action in this case.

This House can not afford to violate the constitution of a sovereign State—I put this question squarely to both sides of the House—nor can we afford to assist the followers or adherents of any man or party to trample under foot the fundamental law of a State. The people of Kansas in their organic laws declared that their courts should administer justice pure and simple. They declared that no man who puts on the judicial ermine shall prostitute the tremendous power and influence of his office, to the scandal of the court and the prejudice of suitors, by using them to promote his own schemes of political ambition. They decreed that their judiciary should be kept forever free from the influences of party politics. They put that into their fundamental law. You found it there when we came here asking admission into the sisterhood of States. You assented to it then, and you are bound to maintain it now.

Permit me again, in conclusion, to thank the members of this House for their courtesy in extending my time. Let the result be what it may, I have no complaints to make against the uniform courtesy of the Committee on Elections and of the House; of Republicans as well as Democrats.

The Bonded Extension Bill.

SPEECH

OF

HON. NELSON DINGLEY, JR.,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 25, 1884.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse—

Mr. DINGLEY said:

Mr. CHAIRMAN: I have listened attentively to the arguments which have been presented for the passage of the bill to extend the time for payment of the tax on whisky held in bond. They seem to crystallize around two points first presented by the chairman of the Committee on Ways and Means [Mr. MORRISON], who reported the bill.

The first argument is that it would be a discrimination against the distillers and holders of whisky and a departure from the privilege accorded to goods placed in bond by importers if we should refuse to give the former the two years additional time proposed by this bill for the payment of the tax imposed upon whisky in bonded warehouses, thus increasing the bonded period to five years.

I have watched very closely, Mr. Chairman, for the citation of any statute which would authorize the assumption that imported merchandise may be held in bond for five years, or even until the same may enter into consumption before the payment of duties. Is it true that under the laws as they exist to-day an importer may hold his goods in bond for an indefinite period, or until they shall be wanted for consumption, without the payment of duty upon them? Has any one quoted the statute which sustains such an assertion? In section 2970 of the Revised Statutes it is provided that—

Any merchandise deposited in bond in any public or private bonded warehouse may be withdrawn for consumption within one year from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal; and after the expiration of one year from the date of original importation, and until the expiration of three years from such date, any merchandise in bond may be withdrawn for consumption on payment of the duties assessed on the original entry and charges, and an additional duty of 10 per cent. of the amount of such duties and charges.

In other words, Mr. Chairman, any merchant who may import into this country any article of merchandise and place the same in bond must at the end of one year pay not only the import duty but also an additional duty of 10 per cent. for the privilege of holding such merchandise in bond for a single day and not exceeding two years longer. But how is it at the end of the three years thus provided as the conditional bonded period for merchandise? Allow me to read from section 2971 of the Revised Statutes:

Any goods remaining in public store or bonded warehouse beyond three years shall be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury.

Where, then, is the authority for the assertion, so frequently made here, that a person who imports merchandise may put the same in bond for an indefinite period on the payment at the end of one year of 10 per cent. additional duty? On the contrary, at the end of the three years of the bonded period, unless the imported merchandise shall be

taken from the bonded warehouse, the Government seizes it and confiscates it to its own use.

Now, Mr. Chairman, I have to say that the bonded period of three years for whisky, as at present allowed by law, is the utmost limit that is given to any imported merchandise that is brought into this country; and, therefore, the assertion that to refuse to pass this bill is to discriminate against the holders of whisky has no foundation in law or fact. As the laws exist to-day, the owners of whisky which has been placed in bonded warehouses have the same right as to the time they may hold it in bond as do the owners of other merchandise, and the whisky men have this privilege, too, without the payment of the 10 per cent. duty required of others.

But, Mr. Chairman, there is a privilege given to holders of whisky under the practical workings of the law which importers of merchandise can not avail themselves of. At the end of one year nearly all imported merchandise is removed from the bonded warehouses and pays the duty to which it is subject. Ordinary merchandise depreciates in value from month to month in storage, and therefore the conditions which surround it practically demand that it shall be withdrawn from the bonded warehouse before the expiration of one year. But how is it in the case of whisky? It is a fact which must be taken account of in this discussion that whisky increases in value every year it remains in the bonded warehouse, certainly up to the period of five years, which renders it for the interest of the owner to hold it there as long as the law allows. So the conditions surrounding the article of whisky are very different from those which surround other merchandise.

Therefore, Mr. Chairman, the argument which has been made in this debate from the beginning, that to refuse to pass this bill would be a discrimination against the holders of whisky, has no foundation in fact. On the contrary, to pass this bill would give them a discrimination and a favor which we grant to no merchandise that is imported into this country.

Secondly, it is argued, Mr. Chairman, that, inasmuch as the Government has no present need for the tax except to pay its debts, and speculators in whisky have accumulated a surplus of 70,000,000 gallons, if Congress should allow an extension of time for payment of the tax on the same for two years on the payment of 4½ per cent. per annum interest, the Government would suffer nothing and the holders of whisky be saved from severe financial distress.

It is useless to deny the fact that the proposition involved in this extension (so called) is practically to lend the holders of whisky $63,000,000, the amount of the tax on the whisky which will accumulate in the next year or two, and to lend that immense sum of money at the rate of 4½ per cent. per annum.

It may be said that this is simply an extension of a tax to be paid; but when the time arrives that the law has said this tax shall be paid, then that money belongs to the Government as truly as though it had been paid into the Treasury. And any proposition to extend the time of payment of that tax is practically a proposition to lend the holders of whisky $63,000,000 at 4½ per cent. per annum. I object to that proposition. First, because it is not the business of this Government to lend money to any one. The Government is not a bank or a banker. It is the business of the Government to collect its revenues, and to use those revenues in paying current expenses and the public debt. If it be appropriate for the Government to loan any part of its revenue instead of paying its debts, and loan it, too, on a long term at the low rate of 4½ per cent., then I insist that whisky speculators should not be the one class selected out for such favors. We have manufacturers all over this country who are holding large accumulated stocks of goods with great difficulty. They would rejoice to have the Government loan them money to carry their stocks at 4½ per cent. We have farmers whose farms are under mortgage to secure loans at 6, 8, and perhaps 10 per cent. Why should they be excluded from the privilege of borrowing the Government money at 4½ per cent., when it is proposed to have whisky speculators enjoy this unexampled favor of the Government. No, Mr. Chairman, I can not vote to grant such a special privilege to any one, much less to whisky speculators. Second, I can not vote to extend the period for paying the whisky tax from the three years now allowed by law to five years, because I believe that if this should be done we should eventually lose all or a large part of the $63,000,000 tax on whisky now in bond. Every one knows that movements are already inaugurated to reduce the tax on whisky to 50 cents, if not to abolish it altogether; and it is more than probable that the reduction proposed will be secured by the whisky-men within two years, or before the proposed extended bonded period, if granted, should expire. If this reduction of tax should be made, is there any one here who believes that the whisky ring would not be before Congress immediately after to ask, yes, demand, the proportional reduction of their postponed tax, which would involve a reduction of $36,000,000?

No one who has witnessed the power which the liquor interest exercises in the country and in Congress can doubt that they would obtain this demand. A power which in 1878 so promptly secured an extension of time of from one to three years in which to pay their taxes; which boasts that it has in the past year controlled elections in many States, and which has induced Congress at this session to give priority to a bill for its relief over all public business, surely will escape the payment of a large part of the whisky tax affected by this bill if it can only secure the passage of the pending measure of extension.

The CHAIRMAN. The gentleman's time has expired.

Mr. DINGLEY. I ask the privilege of extending my remarks in print, and especially to make some observations on the speech which my friend from New York [Mr. COX] was permitted to print in the course of the debate on this bill, on the subject of the tariff.

The CHAIRMAN. The Chair hears no objection, and the gentleman has that privilege.

Bureau of Labor Statistics.

SPEECH

OF

HON. WILLIAM H. F. FIEDLER,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. FIEDLER said:

Mr. CHAIRMAN: While it is an easy matter to charge a man with demagogism when he raises his voice in the behalf and for the advancement of the rights of labor, still I believe that we are a great deal nearer to our calling if we give some attention to this worthy subject. Look at the records of the various legislative bodies throughout the land and you will discover a mass of legislation, but very little in the interest and for the benefit of labor. You have no right to find fault with the workingman because he doubts your genuine zeal for his welfare, while you are seeking his vote, for experience teaches him that in many instances the ballots of the successful candidate had scarcely been counted before his memory failed him, and he neglected to carry out the pledges which were advanced during the campaign to seduce the man of toil to elevate him into office!

There are men in this House to-day who are taxing their brains how to accomplish the defeat of this bill under the plea of economy, and yet should they again appear before the people as candidates for their support, will prove to be the greatest demagogues on the stump on the question of labor. Away with such hypocrisy! Let us act like honorable men; and if our convictions are such that we fear to give too much power to the laboring man, let us have the manhood to so proclaim it while seeking their suffrages!

What is there in this bill that should create any opposition? Absolutely nothing. Why hesitate to carry out the wishes of the people? Are we not their servants, and is it not our duty to give them what they ask for, providing the demand is reasonable? The wage-workers ask us to help them by proper legislation to solve the problem of existing antagonism between capital and labor. Why not grant so reasonable a proposition? Surely you do not fear that the gathering of labor statistics can result in a loss to the nation? The laborer asks for light. Why should he grope in the dark? If through hardships and oppression he is goaded into strikes and rioting we condemn him, and the authorities in hot haste order out the military to subdue him. He now appears as a peaceful citizen and asks this small boon. It can not be possible that the opponents of the bill are sincere. I feel almost certain that when the vote is taken all prejudice will disappear and the measure will receive the hearty and unanimous support of the members of this House.

Let us forget our differences and unite in enacting legislation that will secure information which will eventually result beneficially both to the employer as well as to the employé. Some years ago a similar bill was introduced in the New Jersey Legislature. It met with objection from different quarters and for various reasons, but the friends of the measure succeeded finally in having the bill passed, and a bureau of statistics of labor and industries was established. It proved to be of great value to the State, for through its agency facts were ascertained showing a condition of affairs that was detrimental alike to the people as well as the manufacturing industries. Attention being drawn to the evils, they were speedily remedied by legislation.

It was ascertained by information gained from this bureau that thousands of little children had been employed from ten to fourteen hours a day in the mills and factories of the State. A law was enacted prohibiting the employment of children under a certain age and an inspector appointed who enforced its provisions. The unfair competition of contract convict labor was also brought to the knowledge of the people through this bureau. Years were consumed in properly legislating for relief on this question, and now it is unlawful to contract out the labor of any prisoner in any of the penal institutions of the State.

The method of taxation was also examined, and it was shown clearly that railroad and other corporations were not paying a fair proportion of the tax. This information roused the people, and compelled its representatives, in the last session of the Legislature, to pass laws that would bring these parties to terms, and hereafter they will be obliged to carry an equal share of the burden of taxation.

All these advantages were to a great extent gained from information received through this labor bureau, and it is now one of the most popular departments, because it has been the means of placing the State of New Jersey in the proud position of having done more for the benefit of the laboring man than probably any other in the Union.

As there are several States that have a similar bureau, I have no doubt that they have experienced the same beneficial results. We have yet to learn of one case where a bureau of statistics of labor and industries has been once established that it has not remained a permanent institution.

It seems scarcely necessary for me to say anything in favor of the passage of this act, for its adoption is of such great importance that it should receive the support of every member who is anxious to secure information by which the conditions of labor can be improved.

We can not afford to trifle with the just demand of labor, for its friends have been ignored so long that they are becoming impatient; it is wisdom to take heed in time and give these questions, which are of such great value to them, that attention and consideration which they merit.

It has often been a wonder to me that the artisans and the laborers did not recognize their power more fully than appears to be the case, for if they once unite irrespective of former political affiliations, and would band together for their common interests, drop all bickerings and jealousies in their ranks, and present a solid front, they could elect a sufficient number of representatives to enable them to control legislation in every legislative body in the land. See to it that such a state of affairs is not forced upon you owing to your neglect in properly providing such laws as they request and to which the whole people have a just claim.

Mr. Chairman, I hope that this bill will pass.

Bureau of Labor Statistics.

SPEECH

OF

HON. RICHARD WARNER,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. WARNER, of Tennessee, said:

Mr. CHAIRMAN: First I will consider—

THE DEPARTMENTS OF GOVERNMENT.

Our General Government is divided into three departments, to wit, the legislative, executive, and judicial, each being supreme in its own sphere. These departments rest upon the Constitution as their great center and source of life, revolving upon their own axes, acting upon and checking each other. When either attempts to go beyond its constitutional limit it is by the others checked; hence is called a government of checks and balances.

The Constitution is the sun and center of our governmental system, and holds each department to it as they move in their spheres of business, while each keeps the others from flying off in their revolutions, somewhat similar to our solar system. It appears the framers intended to frame the Government as near after the manner of God's government as in the power of man to do. Take the sun as the center of the solar system, with the planets revolving around her, her power of attraction prevents them from flying off in a tangent as they revolve around her, while the motion of the planets prevents them from falling to the sun.

The province of the legislative department is to make laws for the whole nation in accordance with its constitutional limits, and this is its sole province. This department holds in its hands the purse of the nation as the emblem of its power and guardian of national finances. This is one of the leading attributes of all nations. The executive department has the exclusive executive power, and holds in its hands the sword as an emblem of power, another leading attribute of all nations. Yet the sword is a dead letter without money to back it. The judicial department is the exclusive adjudicating power, and holds in its hands the scales of justice to mete out to all men exact justice under the law, the other leading attribute of nations. The above are the three leading attributes of all nations, and in all republics each is placed in a separate department.

THE LEGISLATIVE DEPARTMENT.

This department is divided into two branches, the Senate, and the House of Representatives, each State, regardless of its population, being entitled to two Senators only, elected by the Legislatures thereof for a period of six years. This is the Federal part of our Congress and represents the States as in a sovereign, organized, and governmental capacity. The House of Representatives is elected by the people; hence is styled the national or people's department. They are apportioned among the States respectively according to their population, excluding Indians only not taxed, an amendment to the Constitution since the late war having obliterated the three-fifths clause. The number that composed the First Congress was fixed by the Constitution, which was sixty-five in the House and twenty-six in the Senate. At this time our population was about 3,500,000. The first census was to be taken three years after the adoption of the Constitution, and forever thereafter every ten years.

The number fixed as a basis for each Representative before the census of 1790, was 30,000. In 1790 the population was about 4,000,000; in 1800, about 5,000,000; in 1810, over 7,000,000; in 1820, over 9,000,000; in 1830, about 12,000,000; in 1840, over 17,000,000; in 1850, over 28,000,000; in 1860, over 31,000,000; in 1870, over 38,000,000; in 1880, over 50,000,000. I have only adopted round numbers in the above, as an accurate calculation is not required in the argument I am making.

The following is the ratio and number of Representatives each decade, including the first apportionment:

Year.	Ratio.	Representatives.
1792	33,900	106
1802	33,900	141
1811	35,000	181
1822	40,000	210
1832	47,700	240
1842	70,680	240
1853	93,420	233
1862	127,000	241
1872	131,425	292
1882	151,912	325

The ratio above may not be strictly accurate as to number, but it is very nearly so. Here the wisdom of the framers of our Constitution is plainly presented, and their intention of a strict economical government clearly shows they well knew that oppressive taxes were destructive of liberty and the downfall of all republics, hence they judiciously vested the power in Congress every decade to increase the ratio and prevent Congress from swelling to such a size as would grind the people into powder to support them. Suppose the ratio had been unalterably fixed at 30,000, now we would have in the House over 1,734 members, at present rates costing the Government over $8,000,000 annually, independent of all other contingencies connected with the House and its officers.

LEGISLATION FINANCIALLY CONSIDERED.

It is seen from the Constitution that the House of Representatives was intended as the financial agent of the people. For all revenue bills have to originate in the House of Representatives. (See article 1, section 7.) This embraces the whole revenue of the United States, to be used in every form and manner allowed by the Constitution for the support and maintenance of every department of government. In England this power is placed in the House of Commons, because they are elected by the people who have the revenues to pay; hence the people can hold them to an account at the ballot-box for any unnecessary appropriations of their money. The House of Lords are not even permitted to make any amendments or alterations in revenue bills; they must pass them as they come from the House of Commons or defeat them. The king (or queen) can make no alterations; he must let them become law or veto them. The whole responsibility is thrown upon the House of Commons, the immediate representatives of the people, that the people may hold them to account for any wrong or oppressive taxes. The people should be dealt with fairly, justly, and tenderly, and it is the duty of their immediate representatives to see that this is done. Under our Constitution this power is vested in the House, modeling somewhat after the manner of the English Government; but our Senate has more power over revenue bills than the House of Lords, for they can amend them, because they represent the States, who are also interested in revenue bills to some extent.

This is a striking illustration of the intended economy of the constitutional framers. They placed the taxing power in the hands of the people's representatives, only allowing the Senate the power of amendment, and compelling the President to veto the whole bill as it passed the two Houses or sign the whole, and then, if vetoed, two-thirds of both Houses could pass it over the veto, bringing the power of taxation nearer to the people than in England. The power is placed in the House to bring it near the people that they may protect themselves against extravagance, slavery, and serfdom, and that the Government be administered in strict economy.

Another idea of the intended economy of the constitutional framers: In article 1, section 9, subsection 7, it is declared:

No money shall be drawn from the Treasury, but in consequence of appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published from time to time.

Here wisdom is plainly painted. This clause is a prohibitory clause upon all officers of the Treasury and all Departments and officers that

pay out money except as appropriated in the appropriation bills of Congress. This is usually the last law of Congress at every session, intended to give full time, thought, and deliberation before the appropriation is made, that the finances may be guarded with a careful hand and all extravagant and unnecessary items stricken from the bill before it matures into a law. So carefully does the Constitution watch the Treasury that it instills in the mind of every member who will read and study it ideas of the strictest and most rigid economy. The thought begins with the first law of every session and keeps the idea impressed through the entire session to the last law, where it is indelibly stamped upon every member's mind. To vary from this is but a perversion of law and a forfeiture of our trust to our constituents at home. This seems to be the alpha and omega of all legislation. Not only during the sessions of Congress but after the session has closed, from time to time, the Departments have to make regular statements of the expenditures of all public money and publish them, that the people may see what is going with their toil and sweat and call their representatives to account for all extravagant and unnecessary appro priations.

OFFICIAL SALARIES.

The Constitution nowhere fixes what the salaries of officers shall be, but vests the whole power in Congress to fix all salaries of all officers in accordance with strict principles of economy; to fix their own salaries and those of all officers connected with the legislative department; to fix the salary of the President and all officers connected with the executive department; to fix the salaries of supreme judges and all salaries connected with the judicial department of the Government; in a word, all salaries, and also the power to change the salaries to suit the times, condition of the Government, and situation of the people, except the salary of the President and supreme judges, which can not be diminished during their term of office; yet they may be increased. Hence Congress is not only intrusted with the power of levying and collecting taxes, duties, imposts, and excises upon the people, but also with the power of saying how the money when collected shall be disbursed, to whom paid, and how much to each. Here tender hands should be laid upon the rights of the people and their interests guarded with the most watchful eye.

Too often it is the case members of Congress regard the affairs of the people as of less importance than their own, as is generally the case in all fiduciary capacities. Hence they are frequently heard to say, "This is a large Government, full of rich natural resources; the people have it to pay anyhow, and I can bear it," forgetting the fact that the larger the government the greater the burden to support it and the greater the field for extravagance. If a man has a debt to pay with his own money or toil he knows and feels where the money comes from to pay it, or if he has a note to give he is strictly watchful and keeps himself within the bounds of his income. But when it comes to issuing bonds, contracting debts, and levying taxes upon the people he forgets himself, and often indulges in the wildest extravagance. It is much easier to obtain the consent of a man to saddle a debt upon others than upon himself; so, also, to appropriate the moneys of others to extravagant purposes than his own. When Congress is fixing the salaries of Senators and Representatives and other officers of the Government it is fixing them for the people to pay.

It is too often forgotten by those in affluence that heavy taxes rob many poor widows and children, and leave them in a condition of starvation and want, without education. The House should always remember they are the people's trustees and to them the people must look for safety. They should at all times be true and faithful to their trust and keep the salaries at all times at par with other pursuits and the condition of the Government. To increase them above a level will make them mines to be sought for their gold. Let all things seek their level, as the water of earth and electricity of heaven. This is the nature and spirit of a true republic. It should be of all republics. They should all be based upon the principle of equality. Equality is equity.

FURTHER POWERS OF CONGRESS.

Congress is also given the power to lay and collect taxes, duties, imposts, and excises, to pay the debts, provide for the common defense and general welfare, to borrow money on the credit of the people, to coin money, regulate the value thereof, and declare what shall be a legal tender. I refer to these to show what unbounded confidence the framers of our Constitution had in the representatives of the people and how often they reminded representatives of the trust confided in them. Here plenary power is given to them over money, to fix the standard of value over the whole people without courts and without proof; also to borrow money on the faith and credit of the people, bind them in bonds to repay with interest without consulting them or obtaining their consent, except in their elections through the ballot-box. How sacred the trust; how carefully it should be guarded! These emblems of trust should be stamped indelibly upon each member's brain, travel with him from home, board with him at the hotel, sleep with him at night, meet him when he rises in the morning, go with him to the House, and haunt him while in the legislative chamber, that he may be ever reminded his master is at home; he is but a servant; let their will be done, and not his. So when he returns home, having filled his mission, he may deliver his trust to the people fully performed, unsullied, and untarnished, and they exclaim, "Well done, good and faithful servant!"

HOW SALARIES HAVE BEEN REGULATED.

In the early existence of the legal and medical profession fees were not charged; they were regarded as posts of honor, sought for the honor in them and not for money. So with legislative offices in Greece, Rome, and other nations at times. True, where this prevailed the nation had a public crib and table to feed the honored and their guests. Christ even commanded his Disciples to go out and preach to all the world without charge or pay. Yet I subscribe to the doctrine that the laborer is worthy of his hire.

Our Government has no public crib or table except as extravagantly allowed by Congress at the President's Mansion. I therefore maintain a reasonable salary should be allowed for all officers in proportion to the office filled; but this proportion should have some regard for all other pursuits in life and be proportioned in such a manner as will give equal protection to all pursuits in life, and not let some be protected at the expense of others, that the more important be neglected and the others sought for the money in them. All officers should be paid such salaries as will reasonably compensate them for their labor compared with other pursuits in life and the condition of the country. When governments are out of debt, have a healthy, full circulating medium, rich harvest, and an abundance of commerce, the salaries should be higher than when their debt is large, circulating medium small, and commerce crippled. Disproportion the salaries of officers with other pursuits in life and they will be abandoned and office sought for the money in it.

Experience and history demonstrate that when office is sought for the honor in it the governments remain pure, because impurity is dishonor and contrary to the purpose of obtaining the office. So to cast a stain upon the office would be dishonoring it instead of honoring it. On the contrary, where the office is sought for money the very purpose and object in obtaining it is corrupt; hence the officer puts the office to a corrupt purpose, and in this way the whole government becomes poisoned with villainy. This has been painted in the most glaring colors since our late war. For illustration: The President's annual salary was $25,000 from the beginning of the Government to Grant's second administration; from that time to the present it has been $50,000. Senators and Representatives only got $8 per day while Congress was actually in session up to 1856; from then to 1866, $3,000 per annum; from then to 1873, $5,000 per annum; in 1873, $7,500; and in 1874 their salary was placed back at $5,000 per annum, and stands at that now. The Chief-Justice gets $10,500; each associate justice, $10,000, which is for life or good behavior, and can not be changed during their term of office. This embraces only the heads of Departments. All other offices have been greatly increased, but none probably to so great an extent as the President's. True, the labor of Congressmen is hard and expenses high, but it can not be said they have increased as five to three since 1866, and more assuredly the President's as two to one since 1872; the proportion is too great. Talent can not be said to be superior and worth more, for the great lights, Clay, Webster, and Calhoun, only got $8 per day; and Washington, Jefferson, Jackson, Polk, and Lincoln, $25,000 per annum.

Below I attach the salaries of the members of the Legislatures of the States and Territories as far as I could ascertain, sessions, &c.

States and Territories.	Session began—	Limit of session.	Term of— Senators.	Term of— Representatives.	Salary.	Elected—
			Yrs.	Yrs.		
Alabama	Nov. 9, 1880	50 days	4	2	$4 per day and 10 cents mileage	Aug. 2, 1880
Arkansas	Jan. 13, 1879	60 days	4	2	$6 per day	Sept. 6, 1880
California	Dec. 1, 1879	120 days	4	2	$10 per day and $3 for 20 miles' travel	Sept. 3, 1879
Colorado	Jan. 1, 1879	40 days	4	2	$300 and mileage	Oct. 5, 1880
Connecticut	Jan. 8, 1879	None	2	1	$3 per day and mileage	Nov. 2, 1880
Delaware	Jan. 7, 1879	None	4	2	$4 per day and mileage	Nov. 2, 1880
Florida	Jan. 1, 1879	60 days	4	2	$5 per day and 10 cents mileage	Nov. 2, 1880
Georgia	Nov. 4, 1880	40 days	4	2	$5 per day	Oct. 6, 1880
Illinois	Jan. 8, 1879	None	4	2	$550	Nov. 2, 1880

Salaries of members of the Legislatures of the States and Territories.

States and Territories.	Session began—	Limit of session.	Term of— Senators.	Term of— Representatives.	Salary.	Elected—
			Yrs.	Yrs.		
Indiana	Jan. 9, 1879	60 days	4	2	$8 per day and mileage	Oct. 12, 1880
Iowa	Jan. 12, 1880	None	4	2	$150	Oct. 12, 1880
Kansas	Jan. 14, 1879	50 days	4	2	$3 per day and 10 cents mileage	Nov. 2, 1880
Kentucky	Dec. 31, 1879	60 days	4	2	$5 per day and 15 cents mileage	Aug. 4, 1879
Louisiana	Jan. 6, 1879	60 days	4	2	$500	Nov. 2, 1880
Maine	Jan. 1, 1879	None	1	1	$5 per day and $30 mileage	Sept. 8, 1879
Maryland	Jan. 5, 1880	90 days	4	2	$3 per day	Nov. 4, 1879
Massachusetts	Jan. 1, 1879	None	1	1	$8 per day and 40 cents mileage	Nov. 4, 1879
Michigan	Jan. 1, 1879	None	2	2	$3 per day and mileage	Nov. 2, 1880
Minnesota	Jan. 7, 1879	60 days	2	1	$500	Nov. 4, 1879
Mississippi	Jan. 6, 1880	None	4	2	$400	Nov. 2, 1880
Missouri	Jan. 8, 1879	70 days	4	2	$4 per day and 10 cents mileage	Nov. 2, 1880
Nebraska	Jan. 7, 1879	40 days	2	2	$5 per day and $3 for 20 miles, travel.	Nov. 2, 1880
Nevada	Jan. 6, 1879	60 days	4	2	$3 per day and $3 for 20 miles, travel.	Nov. 2, 1880
New Hampshire	June 4, 1879	None	2	2	$1,000	Nov. 4, 1879
New Jersey	Jan. 14, 1879	None	3	1	$1 per day and 8 cents mileage	Nov. 4, 1879
New York	Jan. 7, 1879	None	2	1		Nov. 4, 1879
North Carolina	Jan. 8, 1879	60 days	2	2		Nov. 2, 1880
Ohio	Jan. 7, 1879	None	2	2		Oct. 7, 1879
Oregon	Sept. 13, 1880	40 days	4	2		June 7, 1880
Pennsylvania	Jan. 7, 1879	None	4	2		Nov. 4, 1879
Rhode Island	Jan. 14, 1879	None	1	1		Apr. 2, 1879
South Carolina	Nov. 5, 1879	None	4	2	$5 per day and 10 cents mileage	Nov. 2, 1880
Tennessee	Jan. 6, 1879	75 days	2	2	$4 per day and 16 cents mileage	Nov. 2, 1880
Texas	Jan. 14, 1879	60 days	4	2	$5 per day	Nov. 2, 1880
Vermont	Oct. 6, 1880	None	2	2	$3 per day	Sept. 7, 1880
Virginia	Dec. 3, 1879	90 days	4	2	$5.40 per day	Nov. 4, 1879
West Virginia	Jan. 8, 1879	45 days	4	2	$4 per day and mileage	Oct. 12, 1880
Wisconsin	Jan. 8, 1879	None	2	1	$3.50 and 10 cents mileage	Nov. 4, 1879
Arizona	Jan. 6, 1879	40 days	2	2		Nov. 2, 1880
Dakota	Jan. 14, 1879	40 days	2	2		Nov. 2, 1880
Idaho	Jan. 12, 1880	40 days	2	2	$6 per day and mileage	Nov. 4, 1879
Montana	Jan. 14, 1879	40 days	2	2		Nov. 2, 1880
New Mexico	Jan. 5, 1880	40 days	2	2		Nov. 2, 1880
Utah	Jan. 12, 1880	40 days	2	2		Aug. 4, 1879
Washington	Oct. 6, 1879	40 days	2	2		Nov. 2, 1880
Wyoming	Nov. 4, 1879	40 days	2	2		Sept. 7, 1880

So, upon an average, the legislators receive about $4 per day while in session, while a member of Congress receives at the rate of $14 per day the year around. True, the expenses of Congressmen are heavy, but the disproportion is too great.

I here attach a list of the Governors of the States and Territories, with their names, the dates of the beginning and ending of their terms, and the salaries each received. These officers are required to be at their posts all the time, while Congress is in session only about half the time:

States and Territories.	Governors.	Term— Years.	Term— Began—	Term— Ended—	Salary.
Alabama	Rufus W. Cobb	2	Nov. 28, 1878	Nov. 27, 1880	$3,000
Arkansas	William R. Miller	2	Jan. 7, 1879	Jan. 4, 1881	3,500
California	William Irwin	4	Dec. 4, 1875	Dec. 1, 1879	7,000
Colorado	Fred W. Pitkin	2	Jan. 14, 1879	Jan. 10, 1881	3,000
Connecticut	Charles B. Andrews	2	Jan. 9, 1879	Jan. 13, 1881	2,000
Delaware	John W. Hall	4	Jan. 21, 1879	Jan. 21, 1883	2,000
Florida	George F. Drew	4	Jan. 1, 1877	Jan. 1, 1881	3,500
Georgia	Alfred H. Colquitt	4	Jan. 1, 1877	Jan. 1, 1881	4,000
Illinois	S. M. Cullom	4	Jan. 8, 1877	Jan. 10, 1881	6,000
Indiana	James D. Williams	4	Jan. 8, 1877	Jan. 13, 1881	6,000
Iowa	John H. Gear	2	Jan. 14, 1878	Jan. 11, 1880	3,000
Kansas	J. P. St. John	2	Jan. 13, 1879	Jan. 10, 1881	3,000
Kentucky	James B. McCreary	4	Aug. 31, 1875	Sept. 3, 1879	5,000
Louisiana	F. T. Nicholls	4	Jan. 8, 1877	Jan. 10, 1881	8,000
Maine	A. Garcelon	1	Jan. 4, 1879	Jan. 1, 1880	2,500
Maryland	John Lee Carroll	4	Jan. 1, 1876	Jan. 1, 1880	4,500
Massachusetts	Thomas Talbot	1	Jan. 1, 1879	Jan. 7, 1880	5,000
Michigan	Charles M. Croswell	2	Jan. 1, 1879	Jan. 1, 1881	1,000
Minnesota	John S. Pillsbury	2	Jan. 8, 1878	Jan. 13, 1880	3,000
Mississippi	John M. Stone	4	Jan. 8, 1878	Jan. 3, 1882	4,000
Missouri	John S. Phelps	4	Jan. 8, 1877	Jan. 10, 1881	5,000
Nebraska	A. Nance	2	Jan. 7, 1879	Jan. 4, 1881	2,500
Nevada	John H. Kinkead	4	Jan. 6, 1879	Jan. 1, 1883	6,000
New Hampshire	Benjamin F. Prescott	1	June 5, 1878	Jan. 4, 1879	1,000
New Jersey	George B. McClellan	3	Jan. 15, 1878	Jan. 18, 1881	5,000
New York	Lucius Robertson	3	Jan. 1, 1877	Jan. 1, 1880	10,000
North Carolina	Thomas J. Jarvis	4	Feb. 5, 1879	Jan. 1, 1881	4,000
Ohio	Richard M. Bishop	2	Jan. 14, 1878	Jan. 12, 1880	4,000
Oregon	W. W. Thayer	4	Sept. 11, 1878	Sept. 13, 1882	1,500
Pennsylvania	Henry M. Hoyt	3	Jan. 21, 1879	Jan. 17, 1882	10,000
Rhode Island	Chs. C. Van Zandt	1	May 28, 1878	May 27, 1879	4,000
South Carolina	W. D. Simson, acting	2	Dec. 28, 1878	Dec. 27, 1880	4,500
Tennessee	Albert S. Marks	2	Jan. 15, 1879	Jan. 15, 1881	4,000
Texas	Oran M. Roberts	2	Jan. 15, 1879	Jan. 15, 1881	4,000
Vermont	Redfield Proctor	2	Oct. 4, 1878	Oct. 5, 1880	1,000
Virginia	F. W. M. Holliday	4	Jan. 1, 1878	Jan. 1, 1882	5,000
West Virginia	Hy. M. Mathews	4	Mar. 4, 1877	Mar. 4, 1881	2,700
Wisconsin	William E. Smith	2	Jan. 7, 1878	Jan. 5, 1880	5,000
Arizona	John C. Frémont	4	June 12, 1878	June 12, 1882	2,600
Dakota	W. A. Howard	4	Mar. 12, 1878	Mar. 12, 1882	2,600
Idaho	Mason Brayman	4	July 24, 1876	July 24, 1880	2,600
Montana	Benjamin F. Potts	4	July 13, 1878	July 13, 1882	2,600
New Mexico	Lewis Wallace	4	Sept. 3, 1878	Sept. 3, 1882	2,600
Utah	George W. Emery	4	July 1, 1875	July 1, 1879	2,600
Washington	Elisha P. Ferry	4	Apr. 26, 1876	Apr. 26, 1880	2,600
Wyoming	John Hoyt	4	Apr. 10, 1878	Apr. 10, 1882	2,600

So upon an average the governors get $3,698 annually for sitting all the year, while Congressmen get $5,000 per annum. This calculation may have some errors, but in general it is correct.

Now let us see what has been the public indebtedness of our General Government from its origin until the present.

Tabular statement of United States debt.

Year.	Amount.	Year.	Amount.
1791	$75,463,476 52	1838	$10,434,221 14
1792	77,227,924 66	1839	3,573,343 82
1793	80,352,634 04	1840	5,250,875 54
1794	78,427,404 77	1841	13,594,480 73
1795	80,747,558 39	1842	20,601,226 28
1796	83,762,172 07	1843	32,742,922 00
1797	82,064,479 33	1844	23,461,652 50
1798	79,228,529 12	1845	15,925,303 01
1799	78,408,669 77	1846	15,550,202 97
1800	82,976,294 35	1847	38,826,534 77
1801	83,038,050 80	1848	47,044,862 23
1802	86,712,632 25	1849	63,061,858 69
1803	77,054,686 30	1850	63,452,773 55
1804	86,427,120 88	1851	68,304,796 02
1805	82,312,150 50	1852	66,199,341 71
1806	75,723,270 66	1853	59,803,117 70
1807	69,218,398 64	1854	42,242,222 42
1808	65,196,317 97	1855	35,586,858 56
1809	57,023,192 09	1856	31,972,537 90
1810	53,173,217 52	1857	28,699,831 85
1811	48,005,587 76	1858	44,911,881 03
1812	45,209,737 90	1859	58,496,837 88
1813	55,962,827 57	1860	64,842,287 88
1814	81,487,846 24	1861	90,580,873 72
1815	99,833,660 15	1862	524,176,412 13
1816	127,334,933 74	1863	1,119,772,138 63
1817	123,491,965 16	1864	1,815,784,370 57
1818	103,466,633 83	1865	2,680,647,869 74
1819	95,529,648 28	1866	2,773,236,173 69
1820	91,015,566 15	1867	2,678,126,103 87
1821	89,987,427 66	1868	2,611,687,851 19
1822	93,546,676 98	1869	2,588,452,213 94
1823	90,875,877 28	1870	2,480,672,427 81
1824	90,269,777 77	1871	2,353,211,332 32
1825	83,788,432 71	1872	2,253,251,328 78
1826	81,054,059 99	1873	2,234,482,993 20
1827	73,987,357 20	1874	2,251,690,468 43
1828	67,475,043 87	1875	2,232,284,531 95
1829	58,421,413 67	1876	2,180,395,067 15
1830	48,565,406 50	1877	2,205,301,392 10
1831	39,123,191 68	1878	2,256,205,892 53
1832	24,322,235 18	1879	2,245,495,072 04
1833	7,001,698 83	1880	2,120,415,370 63
1834	4,760,082 08	1881	2,000,000,000 00
1835	37,513 05	1882	1,918,316,744 09
1836	336,957 83	1883	1,884,171,970 07
1837	3,308,124 07		

It is seen from the above table that in 1860, before the war began, the public debt of the United States was $64,769,703.08, while the population was a little over 31,000,000, about $2 per capita; now the debt is $1,884,171,478.07, while the population is a little over 52,000,000, making over $36 per capita. If the United States debt had to be paid now by direct tax upon the poll it would cost every man, woman, and child in the United States $36, while before the war it would have cost only $2 each.

How is this debt to be paid, and who pays it? The sources of revenue now are the sales of public lands, Post-Office Department, Patent-Office Department, internal revenue, and tariff on imports. These at present rates about run the Government and pay the interest on the public debt, which amounts to about $350,000,000 annually; add this, and the amount upon every head would be some $44. The great body of this must come from the consumers and laboring classes of people. While these great burdens are hanging upon the toiling millions, the salaries of many officers has been almost doubled, still adding more leaden weight to the bond-ridden, bank-ridden, salary-ridden, and tax-ridden laborers of our once happy and free land. Should not salaries be regulated in accordance with the condition of the country? All other labor is.

PROPERTY OF THE UNITED STATES.

Turn even to another branch and corroborative argument. Take the entire property of the United States from 1850, inclusive; it is thus shown:

1850	$7,000,000,000
1860	16,000,000,000
1870	31,000,000,000
1880 (say)	43,000,000,000

So from 1860 to 1870 the property did not quite double itself, while the debt increased over thirty-fold, and in 1880 over twenty-fold. Put a direct tax upon property, and it would now take twenty dollars' worth of property to pay the debt where in 1860 it would have taken one.

See how this pressure would bear upon the unfortunate South even under our present system of taxes. In 1860 the States of New York, Pennsylvania, Massachusetts, Illinois, Indiana, Ohio, and Missouri owned $8,000,000,000 in property, while in 1870 the same seven States owned $20,000,000,000 in property. In 1860 Tennessee, Virginia, Georgia, Mississippi, Alabama, North Carolina, and South Carolina owned $4,000,000,000 in property, while in 1870 the same seven Southern States owned $2,000,000,000 in property. The result of the war was the South lost some $4,000,000,000 in property while the North increased some $15,000,000,000 in property. The excise or internal-revenue tax has rested largely since the late war upon the South. The cotton tax was wholly there and sectional; tax on litigation was mostly there; most of the courts having been closed for four years a harvest of litigation sprang up; the tax on tobacco, whisky, brandy, wine, &c., rested largely there. So the tax upon imports rested much more there, according to property, than in the North.

Notwithstanding the impoverished condition of the South, they have still had to bear the greater part of the burdens of government, while by far the greater number of governmental officers have come from the North. Then, with peace and harmony restored and brotherly love cultured, should not equality follow and the Government act upon great national principles, knowing no North, no South, no East, no West; and not permit the wheels of government to be used as a great machine to float the last vestige of property from the impoverished and pour it into the bosom of the rich. Is it not the very nature and basis of our Government that all classes and sections shall stand equal under the law, and the law be not used as an instrument of adversity to one and prosperity to another? Such is foreign to all true republics and slavish in its workings. Our Constitution denies the right of Congress to create titles of nobility. Does it not in spirit and truth equally deny the right to create lords, nobles, and foster monopolies?

PROPERTY TAXED.

In 1870 the property of all the States of the United States was worth about $30,000,000,000 and that made taxable was worth about $15,769,000,610—about one-half of the property taxed by the United States, counties, and corporations. About the same proportion obtains in 1880. From States, counties, and corporations are freed property belonging to the United States, United States banks, and bonds, and the States free property belonging to church corporations, school corporations, charitable institutions, benevolent societies, religious institutions, cemeteries, &c., amounting to about one-half the entire property. So it is seen the most if not the entire burden of supporting all the Government rests upon private land-owners, consumers, and laborers. Number of farms in States and Territories in 1880, 4,008,997; acres, 536,081,835; improved, 284,771,042; unimproved, 251,310,793; value of farms, $10,197,096,776; so about one-half of the land taxed is in woods and unimproved, producing little or nothing. Value of farming implements and live-stock on farms, $1,906,904,772, eating, lying idle, and decaying half of each year. So the entire farming property is $12,104,001,568, about one-third of the entire property.

Number of laborers of all grades in 1870, landholders and those following agricultural pursuits	5,922,471
Domestic servants	975,734
Ordinary laborers	1,031,666
Trade and transportation	1,191,233
Manufacturing	2,255,314
Miners	500,000
Professional men and bankers	677,345
Making, in all	12,553,763

The proportion to the population is about the same in 1880. Hence about one-half of the property and one-fourth of the population bear all the burdens of supporting governments. Then pray tell me why they have not a right to appeal to the rectitude and conscience of Congress and ask that their rights be respected; that the Government and laws be used as a shield to protect them and not as a sword to cut them; that equality, equity, and justice spread their wide wings over the whole people, and that they gather thereunder as the hen gathereth her brood.

CIRCULATING MEDIUM.

Take next the question of currency and see the effect of it upon the tax-ridden people. From the close of the war till about 1873 the circulating medium was near $2,000,000,000, when contraction took place, bringing it down now to some $400,000,000 or less. Of this amount there are some $27,000,000 in circulation in the Southern States, while there are some $370,000,000 in the Northern and Western States. Before the war Georgia alone had in circulation $24,000,000, and the Southern States some $70,000,000 to the Northern States' $100,000,000. Then the New England States had in circulation $40,000,000, now they have in circulation $103,000,000. The State of New York alone has in circulation $65,000,000, more than double as much as all the South.

It is a well demonstrated fact that the scarcity of money diminishes the price of property and labor but does not diminish the amount of debts or taxes; hence it takes that much more property and labor to pay the debts and taxes. Certainly land is no better now than when the war closed, nor can a man do any more labor now than then, nor does it take any less to raise horses, cattle, hogs, &c., while from 1865 to 1873 a bushel of wheat would bring $2; pork, 10 cents per pound; a good horse, $200; labor per hand by the day at ordinary work, from $1 to $2; and land, $40 per acre. Now the same kind of wheat would bring $1 per bushel; pork, 5 cents per pound; horse, $100; labor, from 50 cents to $1; and land, $20 per acre. Hence the same amount of money will purchase twice as much of the above articles; therefore it requires double the amount of property and labor to run the Government and pay the debt.

Upon what hypothesis, then, can it be argued the salaries of officers should be doubled? The argument would bear with much more emphasis upon a reduction of salaries. If the Government debt was small, circulating medium full, property and labor high, then it would come with good grace to maintain a corresponding increase of salaries in all the offices. Great Britain has a population of some 32,000,000, a circulating medium of about $905,168,000, making $32 per capita; France has a population of some 36,000,000, a circulating medium of about $2,050,000,000, making $60 per capita; Germany a population of some 42,000,000, a circulating medium of about $704,000,000, $17 per capita; while the United States has a population of over 50,000,000, and a circulating medium of about $400,000,000, about $8 per capita.

Now, take the running expenses of our General Government, and it amounts to some $300,000,000 annually, almost equal to the circulating medium, leaving out the expenses of the State, county, and corporate governments. Monarchical governments have no State expenses, as they have no States. Too often Congressmen forget the United States have some 115,000 officers, besides the officers of thirty-eight States and almost innumerable county and corporate officers, preying upon the substance of the people. Surely goodness and mercy should follow the tax-ridden people all the days of their lives and they should dwell in the house of the Lord forever.

Our system of government differs from most all others. The people have two legislative, executive, and judicial governments to support, thereby doubling the burdens. Average the thirty-eight States at one hundred legislators each, and we have over 3,800; add in the Territories, and the number exceeds 4,000; take the four hundred and one in the United States Senate and House, and we have the enormous number of 4,401 legislating for the people of the United States.

The truth is the wealth of nations depends upon a variety of causes—situation, soil, climate, production, economy of the Government, and people; the degree of information the people possess; the state of commerce, arts, and industry, the manners and habits of people, &c. The consequence is there can be no common measure of national wealth, and of course no general rule by which the ability of a people to pay taxes can be determined, and in addition to the above a number of causes may exist that cause the riches of persons, classes, and industries, and the poverty of others. The Government, through its unjust and partial laws, may be used as a great lever to foster one and impoverish the other, thus enhancing the manufacturing by burdening the agricultural, pour gold into the coffers of bondholders and banks by the sweat of labor's face, for the people to give the officers fat salaries, increase the number of officers to give them more power and widen their influence without giving any benefit to the laboring classes, increase the number and power of moneyed corporations and monopolies to draw tighter chains around the liberties of the masses.

Table showing lowest and highest prices of commodities for fifty-three years, 1825–1877.

Year.	Hops, per pound.		Iron, bar, per ton.		Iron, Scotch pig, per ton.		Lard, per pound.		Leather, hemlock, per pound.		Mackerel, No. 1, per barrel.		Molasses, New Orleans, per gallon.		Oats, per bushel.	
	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
1825	$0 13	$0 25	$85 00	$120 00	$35 00	$75 00	$0 07	$0 10	$0 21	$0 25	$5 00	$5 75	$0 28	$0 43	$0 26	$0 40
1826	10	25	85 00	100 00	50 00	70 00	07	09	18	24	4 50	5 75	28	36	42	60
1827	08	18	77 00	95 00	50 00	55 00	07	10	17	24	4 75	6 12	31	39	31	56
1828	05	10	77 50	82 50	50 00	55 00	06	09	18	24	4 75	6 50	30	36	24	37
1829	04	11	72 50	82 50	40 00	55 00	04	06	18	23	4 87	6 00	27	33	27	46
1830	10	15	72 50	77 50	40 00	50 00	05	13	18	22	5 00	6 37	28	33	26	40
1831	08	17	70 00	80 00	40 00	47 50	08	11	19	24	5 50	6 75	25	34	27	48
1832	12	37	70 00	75 00	40 00	47 50	06	10	17	25	4 75	6 50	26	35	38	56
1833	17	38	71 00	75 00	37 50	47 50	07	11	16	20	6 25	7 00	27	36	30	48
1834	10	20	67 00	75 00	37 50	48 00	07	09	14	19	6 00	6 62	27	31	28	48
1835	11	19	67 50	75 00	38 00	42 50	07	11	14	20	6 00	8 25	26	36	33	75
1836	12	17	75 00	105 00	38 00	62 50	11	17	14	23	8 00	10 62	32	48	40	75
1837	05	09	85 00	105 00	40 00	70 00	06	15	15	24	8 00	10 75	32	45	40	75
1838	04	17	85 00	97 50	37 50	55 00	07	15	16	22	10 50	12 18	28	45	25	60
1839	15	18	82 50	95 00	37 50	45 00	08	15	17	25	12 00	14 62	26	36	30	60
1840	18	62	70 00	82 50	32 50	40 00	07	12	17	22	11 00	14 50	20	30	24	43
1841	12	40	60 00	75 00	32 00	37 50	06	09	19	22	12 00	14 75	20	28	37	50
1842	10	16	50 00	62 50	23 50	35 00	05	08	16	20	8 00	12 25	16	24	25	53
1843	06	12	55 00	60 00	22 50	32 00	05	08	15	18	7 62	11 00	18	31	27	34
1844	07	15	57 50	65 00	30 00	35 00	05	07	14	17	9 75	12 25	27	31	27	37
1845	12	33	62 50	85 00	30 00	52 50	06	08	14	16	11 50	14 00	22	37	29	51
1846	11	35	75 00	80 00	35 00	42 50	05	08	11	14	8 37	13 50	22	34	28	48
1847	08	15	70 00	77 50	30 00	42 50	06	11	11	18	8 12	11 75	30	38	39	65
1848	03	07	50 00	70 00	25 00	37 50	06	09	12	16	7 00	11 00	20	28	32	54
1849	06	17	40 00	55 00	22 50	27 50	06	08	13	17	8 12	13 50	20	32	33	49
1850	08	19	40 00	45 00	21 00	24 00	06	07	14	17	8 50	12 50	22	33	37	51
1851	24	63	33 50	41 00	19 00	25 00	07	10	13	16	8 50	11 75	28	33	65	80
1852	17	47	34 00	55 00	19 00	31 00	09	12	12	18	8 37	12 50	27	35	75	86
1853	18	40	55 00	75 00	28 50	38 00	09	12	17	21	11 50	16 00	26	33	41	52
1854	22	46	62 50	77 50	32 00	42 50	09	11	18	25	15 12	19 00	19	29	45	75
1855	05	27	55 00	65 00	26 50	37 00	09	12	19	25	18 50	22 00	23	40	42	82
1856	04	13	50 00	65 00	29 00	37 00	09	14	24	30	19 00	23 00	42	75	35	50
1857	03	12	52 00	62 50	28 00	37 50	10	16	25	33	19 00	22 00	35	80	40	66
1858	04	10	44 00	55 00	22 00	27 00	08	12	21	26	9 50	14 00	26	52	40	53
1859	08	18	42 50	50 00	22 00	31 50	10	12	20	27	15 25	16 75	36	51	36	58
1860	06	25	41 00	44 00	20 50	27 00	10	13	20	22	15 00	18 50	36	55	37	47
1861	06	32	38 00	50 00	20 00	24 50	08	10	17	22	7 50	14 75	30	55	30	47
1862	12	23	50 00	70 00	21 00	33 00	07	10	20	31	9 00	16 50	32	55	37	67
1863	15	30	65 00	76 00	32 50	45 00	09	12	26	32	15 50	18 50	35	62	53	90
1864	20	52	105 00	220 00	43 00	80 00	12	24	31	46	18 00	28 00	65	1 25	86	1 09
1865	10	65	100 00	130 00	40 00	55 00	15	29	30	40	15 25	25 00	65	1 50	45	90
1866	25	70	94 00	115 00	42 00	55 00	12	22	30	39	20 00	26 00	66	1 25	55	85
1867	40	70	80 00	100 00	38 00	49 00	11	14	28	33	14 50	21 50	65	1 20	67	94
1868	05	55	80 00	95 00	35 00	45 75	12	20	25	30	14 25	22 50	60	1 05	(a)	(a)
1869	08	28	85 00	95 00	34 50	45 00	16	21	28	32	21 50	28 00	65	1 05	62	84
1870	03	27	70 00	90 00	31 00	37 00	12	18	27	31	27 00	30 00	65	1 20	52	69
1871	08	65	70 00	95 00	30 00	39 00	09	13	26	30	13 00	27 50	50	75	42	70
1872	20	75	85 00	120 00	33 50	61 00	07	10	27	31	10 00	25 00	48	86	42	57
1873	35	55	75 00	110 00	37 00	52 00	07	09	35	31	12 00	24 00	61	97	42	58
1874	22	45	55 00	80 00	33 00	45 00	08	16	28	30	8 50	22 00	60	85	38	53
1875	15	45	50 00	62 50	29 00	41 00	13	16	27	30	7 00	24 00	54	80	30	64
1876	15	37	40 00	54 00	27 50	34 00	12	14	21	29	11 50	23 00	50	68	28	30
1877	10	32	44 80	48 72	25 00	28 00	08	12	23	30	8 50	15 00	40	59	22	46

a Nominal.

Take the above list for the years 1825, 1860, 1877, selecting three years of peace as far apart as the list will permit. In 1825, lowest and highest price: Hops, from 18 cents to 25 cents per pound; iron bars, from $85 to $120 per ton; pig-iron, from $35 to $75 per ton; lard, from 7 cents to 10 cents per pound; leather, from 21 cents to 25 cents per pound; mackerel, from $5 to $5.75 per barrel; molasses, from 28 cents to 43 cents per gallon; oats, from 26 cents to 40 cents per bushel. In 1860: Hops, from 6 cents to 25 cents per pound; iron bars, from $41 to $44 per ton; pig-iron, from $20.50 to $27 per ton; lard, 10 cents to 13 cents per pound; leather, from 20 cents to 22 cents per pound; mackerel, from $15 to $18 per barrel; molasses, from 36 cents to 55 cents per gallon; oats, from 37 cents to 47 cents per bushel. In 1877: Hops, from 10 cents to 13 cents per pound; iron bars, from $44 to $48 per ton; pig-iron, from $25 to $28 per ton; lard, from 6 cents to 8 cents per pound; leather, from 26 cents to 30 cents per pound; mackerel, from $8 to $15 per barrel; molasses, from 40 cents to 59 cents per gallon; oats, from 22 cents to 26 cents per bushel.

Here it is seen the difference in the price of such things as hops, lard, leather, molasses, &c., has not varied much for fifty-two years, in times of peace—the necessaries of life. The greatest difference seems to have

been in iron, it having cheapened nearly one-half. The price of articles during our late war can not be looked to, because of the uncertainty of money, scarcity of them, &c. True, the great increase of machinery and facilities of transportation has had something to do with this, but all this has only kept prices upon about an equilibrium as to the necessaries of life.

The following list shows for a period of fifty-two years in times of peace the difference in the price of pork (mess), sugar, wheat, and wool has not been varied much. The greatest difference seems to have been in rice, whisky, and tobacco, salt alone having grown cheaper. Notwithstanding all the great increase in machinery and transportation, the material necessaries of life and production of labor seem to have remained about the same. In this I discard the prices during wars, as they are fluctuating and uncertain. The table I am using approximates as near as I am enabled to get at prices, though there may be some errors and mistakes made.

Table showing lowest and highest prices of commodities for fifty-three years, 1825–1877.

Year.	Pork, mess, per barrel.		Rice, per 100 pounds.		Salt, Liverpool, per sack.		Sugar, raw, per pound.		Tobacco, Kentucky leaf, per pound.		Wheat, per bushel.		Whisky, per gallon.		Wool, per pound.	
	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
1825	$12 00	$14 75	$2 00	$4 00	$2 37	$3 00	$0 06	$0 11	$0 03	$0 09	$0 75	$1 06	$0 25	$0 31	$0 30	$0 38
1826	10 00	12 00	2 00	3 87	2 12	2 60	06	10	03	08	84	1 02	26	36	28	38
1827	11 25	15 25	2 50	4 00	2 15	2 35	06	10	03	06	90	1 25	25	35	20	30
1828	12 00	15 00	2 50	4 00	2 25	3 25	06	10	03	06	95	1 62	20	26	20	30
1829	11 00	13 75	2 50	3 75	2 12	3 00	05	09	05	07	1 00	1 75	20	26	18	27
1830	11 00	15 50	2 00	3 50	1 75	2 20	06	09	03	07	1 00	1 15	21	32	16	30
1831	12 00	15 25	2 50	4 00	1 75	2 25	04	07	03	06	1 06	1 35	27	37	20	35
1832	12 50	14 25	2 75	4 25	1 75	2 50	05	07	03	06	1 12	1 35	26	35	20	35
1833	12 50	17 00	2 75	3 75	1 60	2 00	05	09	03	08	1 15	1 28	29	36	27	35
1834	12 75	15 00	2 25	3 62	1 40	1 80	05	08	04	08	1 02	1 10	20	29	25	35
1835	13 50	18 50	2 75	4 50	1 47	2 25	06	09	06	11	1 04	1 50	30	38	25	40
1836	18 00	30 00	3 00	4 25	1 60	2 12	07	11	06	10	1 37	2 12	31	44	35	40
1837	16 00	24 50	3 12	5 00	1 20	2 62	05	08	03	09	1 55	2 10	20	48	28	50
1838	16 50	25 50	3 25	5 37	1 62	2 37	06	08	04	13	1 35	2 00	30	43	28	40
1839	14 50	23 50	3 00	5 00	1 44	2 12	06	08	08	16	1 15	1 37	28	46	37	40
1840	13 00	16 00	2 75	4 00	1 40	1 75	04	08	03	16	95	1 25	21	30	20	35
1841	8 75	13 50	2 87	4 12	1 40	1 98	04	07	04	14	90	1 50	19	25	20	30
1842	6 75	10 25	2 00	3 31	1 37	2 25	03	07	02	09	83	1 30	16	21	18	22
1843	7 50	11 50	1 87	3 00	1 35	1 62	03	07	02	07	84	1 20	18	24	18	24
1844	8 50	10 25	2 25	3 62	1 25	1 52	05	07	02	06	82	1 12	21	29	25	37
1845	9 25	14 12	2 62	4 75	1 32	1 47	03	07	02	07	85	1 40	20	28	24	30
1846	9 62	13 37	2 87	4 50	1 25	1 50	05	08	02	07	80	1 35	18	25	18	28
1847	10 25	16 00	8 25	13 75	1 20	1 55	05	08	02	08	1 05	1 95	24	34	22	30
1848	9 00	13 00	7 75	13 00	1 25	1 55	10	15	03	08	95	1 40	21	27	20	30
1849	9 87	14 25	2 25	3 50	1 20	1 40	04	06	03	09	1 20	1 35	20	28	25	32
1850	10 00	11 87	2 25	3 37	1 15	1 75	04	07	05	14	1 09	1 50	23	27	30	35
1851	12 06	15 50	2 75	3 12	1 02	1 60	04	06	03	14	93	1 22	20	27	30	41
1852	14 62	19 75	2 75	5 00	1 05	1 55	03	05	03	09	1 03	1 15	20	25	26	42
1853	13 00	19 75	3 37	4 50	1 12	1 62	04	06	04	10	1 22	1 80	22	32	38	44
1854	12 12	16 00	4 12	4 62	1 47	1 70	03	06	05	11	1 75	2 50	26	41	25	40
1855	12 50	23 00	2 50	5 87	90	1 22	04	08	06	13	1 96	2 80	30	43	24	34
1856	16 25	21 00	3 62	4 87	80	1 05	06	10	06	16	1 30	2 17	25	36	30	38
1857	16 50	25 70	3 25	5 37	70	84	09	11	07	20	1 25	1 95	21	37	30	44
1858	15 35	19 00	2 75	3 75	62	80	05	08	06	18	1 20	1 50	21	35	27	32
1859	14 60	18 12	3 00	4 50	75	1 07	05	08	04	14	1 30	1 65	23	29	34	45
1860	16 12	19 75	3 00	4 62	68	1 15	06	08	03	13	1 35	1 70	19	27	34	40
1861	12 25	18 00	3 00	7 25	50	95	04	09	03	16	1 20	1 60	15	21	22	45
1862	11 00	14 50	6 62	7 75	85	1 52	07	11	06	30	1 30	1 55	19	39	46	65
1863	11 50	18 25	3 75	8 50	1 20	1 70	07	14	08	36	1 25	2 00	44	78	62	80
1864	19 50	43 25	7 00	15 50	1 75	3 50	11	25	08	55	1 72	2 75	60	2 03	75	1 10
1865	19 00	31 50	9 75	14 00	1 55	2 50	11	17	07	45	1 25	1 88	1 92	2 25	70	77
1866	21 18	33 55	11 50	15 25	2 50	4 10	10	15	08	18	2 20	3 45	2 00	2 33	25	27
1867	18 90	24 10	8 50	12 50	2 60	2 75	09	10	09	16	2 30	3 40	2 10	2 32	25	37
1868	21 10	29 50	8 25	11 25	2 50	2 60	09	12	08	15	2 05	3 25	91	2 30	34	37
1869	26 50	33 37	7 25	10 00	2 50	3 00	09	13	08	13	1 45	2 18	90	1 14	32	35
1870	20 00	30 00	5 50	9 50	2 40	3 25	09	10	07	12	1 40	1 90	82	1 05	34	45
1871	12 85	23 00	6 75	9 75	2 80	3 25	07	10	06	11	1 45	2 00	85	95	32	63
1872	12 80	16 00	7 50	9 50	2 80	3 25	07	09	09	16	1 65	2 10	82	91	45	67
1873	13 00	19 00	7 00	9 50	3 00	3 50	07	09	09	16	1 55	2 25	86	1 05	35	57
1874	13 85	24 25	6 75	10 00	1 10	3 00	07	08	07	25	93	1 35	92	1 03	36	48
1875	18 00	22 75	6 50	8 50	1 15	2 35	07	09	09	28	92	1 37	93	1 19	38	48
1876	15 70	22 37	5 00	7 50	1 15	2 50	07	10	07	19	84	1 27	1 04	1 10	25	43
1877	11 75	17 37	5 00	7 00	1 10	2 50	07	10	07	16	1 06	1 85	1 04	1 09	32	43

Take the above list for 1825, 1860, 1877, selecting three years of peace as far apart as the list will permit. In 1825: Pork, mess, from $12 to $14.75 per barrel; rice, from $2 to $4 per 100 pounds; salt, from $2.67 to $3 per sack; sugar, from 6 to 11 cents per pound; raw tobacco, from 3 to 9 cents per pound (leaf); wheat, from 75 cents to $1.05 per bushel; whisky, from 25 to 31 cents per gallon; wool, from 30 to 38 cents. In 1860: Pork, mess, from $16.12 to $19.75 per barrel; rice, $3 to $4.62 per 100 pounds; salt, from 68 cents to $1.15 per sack; sugar, from 6 to 8 cents per pound; raw tobacco, from 3 to 13 cents per pound (leaf); wheat, from $1.35 to $1.70 per bushel; whisky, from 19 to 27 cents per gallon; wool, from 34 to 40 cents per pound. In 1877: Pork, mess, from $11.75 to $17.37 per barrel; rice, from $5 to $7 per 100 pounds; salt, from $1.10 to $2.25 per sack; sugar, from 7 to 10 cents per pound; tobacco, from 7 to 16 cents per pound (leaf); wheat, from $1.06 to $1.85 per bushel; whisky, from $1.04 to $1.09 per gallon; wool, from 33 to 46 cents per pound.

Table showing lowest and highest prices of commodities for fifty-three years—1825–1877.

Year.	Beef, mess, per barrel.		Butter, per pound.		Cheese, per pound.		Coal, anthracite, per ton.		Coffee, Rio, per pound.		Corn, per bushel.		Cotton, upland, per pound.		Flour, West'n, per barrel.		Hams, per pound.	
	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
1825	$8 00	$10 00	$0 08	$0 22	$0 05	$0 10	$8 00	$11 00	$0 16	$0 19	$0 42	$0 75	$0 13	$0 27	$3 25	$4 25	$0 07	$0 11
1826	8 00	10 00	13	18	06	12	11 00	12 00	14	17	62	83	09	14	4 25	5 75	08	11
1827	8 50	9 75	12	22	06	10	10 50	12 50	14	15	54	75	08	12	4 37	6 50	10	12
1828	8 50	10 00	13	18	04	07	10 00	12 00	12	15	46	62	09	13	4 56	8 00	08	11
1829	8 00	10 50	12	16	04	08	10 00	12 00	12	13	48	64	08	11	5 00	8 87	09	10
1830	7 62	10 00	12	16	05	08	7 00	12 00	10	12	48	65	08	13	4 75	6 00	09	11
1831	7 00	9 25	12	18	05	08	6 00	9 00	10	13	54	75	07	11	5 00	7 25	09	11
1832	8 37	10 75	12	18	05	07	8 50	16 00	12	14	50	87	07	12	5 60	7 00	09	11
1833	8 50	11 00	14	20	06	09	5 50	10 00	11	14	65	86	09	17	5 50	6 50	08	10
1834	8 50	10 00	12	17	05	09	5 50	6 50	11	12	53	75	10	16	4 81	5 75	08	10

Table showing lowest and highest prices of commodities for fifty-three years—1825–1877—Continued.

Year.	Beef, mess, per barrel.		Butter, per pound.		Cheese, per pound.		Coal, anthracite, per ton.		Coffee, Rio, per pound.		Corn, per bushel.		Cotton, upland, per pound.		Flour, West'n, per barrel.		Hams, per pound.	
	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
1825	$8 75	$13 50	$0 13	$0 22	$0 06	$0 09	$5 50	$9 00	$0 11	$0 13	$0 70	$1 12	$0 15	$0 20	$5 37	$7 87	$0 08	$0 12
1826	9 25	13 50	10	26	07	12	7 00	11 00	11	13	83	1 12	12	20	6 87	10 25	09	17
1827	11 00	15 00	12	24	07	12	8 50	11 00	09	12	1 00	1 15	07	17	7 00	11 62	09	15
1828	14 00	16 00	17	27	06	10	7 00	9 50	09	12	76	1 00	09	12	7 00	9 00	10	15
1829	12 50	16 00	12	25	08	10	6 50	9 00	09	12	75	98	11	16	5 75	9 12	10	14
1840	9 75	14 75	12	21	05	09	6 00	8 50	09	12	46	63	08	10	4 62	6 50	04	10
1841	7 00	10 25	08	15	03	07	6 50	9 00	09	11	47	81	09	11	4 68	7 50	04	09
1842	6 25	8 25	09	15	05	09	5 00	9 00	06	10	54	68	07	09	4 25	6 37	04	09
1843	6 00	8 37	06	11	04	06	4 50	6 00	06	09	48	60	05	08	4 43	5 62	03	09
1844	5 00	6 75	08	14	03	07	4 25	6 00	06	07	43	54	05	09	4 25	5 00	03	09
1845	5 50	9 75	09	17	06	08	4 50	6 00	05	08	45	85	04	09	4 31	7 00	05	10
1846	6 25	8 50	10	17	06	08	5 00	7 00	06	08	55	80	06	09	4 00	6 00	05	11
1847	8 25	13 75	13	22	06	08	5 00	7 00	06	08	64	1 10	07	12	5 50	8 25	06	13
1848	7 75	13 00	13	20	05	08	4 50	6 00	05	08	52	78	05	08	5 25	6 62	05	11
1849	8 75	14 00	10	18	05	07	5 00	6 00	05	10	57	70	06	11	4 93	6 12	06	11
1850	8 00	9 75	12	18	04	08	5 00	7 00	07	14	55	72	11	14	4 93	6 25	06	11
1851	7 50	9 75	10	18	04	08	4 25	7 00	07	11	53	68	08	14	4 00	5 12	07	11
1852	8 25	17 00	15	29	06	09	5 00	7 00	07	10	62	78	08	10	4 25	6 00	08	10
1853	7 00	11 25	13	24	08	10	5 00	7 00	08	12	64	82	10	11	4 87	7 50	08	10
1854	8 00	13 00	15	24	06	12	6 00	7 50	08	12	76	98	08	10	7 25	10 75	07	11
1855	8 25	14 00	17	28	06	12	5 50	7 50	08	12	93	1 15	07	11	7 50	10 18	08	11
1856	8 00	12 00	13	28	06	11	5 50	6 50	09	12	48	94	09	12	5 20	8 31	09	11
1857	9 50	15 00	16	28	05	14	6 00	7 00	10	12	71	98	13	15	4 25	6 70	06	10
1858	9 00	12 00	13	25	03	10	5 00	6 00	09	12	58	1 03	09	13	3 75	5 25	09	13
1859	5 00	9 75	14	27	02	11	5 25	5 50	10	13	76	1 05	11	12	4 00	6 50	09	12
1860	4 50	5 50	10	21	09	12	5 50	6 00	11	15	64	95	10	11	4 25	5 50	10	13
1861	5 00	6 25	08	22	02	10	4 20	6 00	11	17	48	74	11	28	3 90	5 65	07	11
1862	5 00	10 75	10	26	04	13	4 25	8 50	10	33	50	75	20	68	4 20	5 85	05	09
1863	5 00	9 00	14	30	08	16	7 00	11 00	26	33	68	1 23	54	88	5 10	8 00	05	08
1864	5 00	16 00	21	48	12	27	9 00	15 00	33	52	1 25	1 97	72	1 90	7 15	11 75	11	17
1865	9 00	14 00	20	38	10	16	8 50	13 50	21	22	70	97	33	1 22	5 00	8 80	11	23
1866	11 00	21 50	25	60	05	23	8 50	13 00	18	21	80	1 32	32	52	5 25	11 70	11	22
1867	12 00	28 00	15	48	07	20	6 50	8 50	17	19	1 00	1 40	15	36	6 25	11 30	10	16
1868	11 00	24 75	28	60	07	19	6 50	11 50	16	17	1 01	1 41	16	33	5 50	9 75	11	18
1869	5 00	16 50	16	55	11	23	6 50	10 50	11	13	75	1 16	25	35	4 95	6 40	17	24
1870	5 00	16 00	18	46	05	18	4 50	8 50	11	13	76	1 15	15	26	4 50	6 05	09	14
1871	8 00	18 00	12	42	05	16	5 00	13 00	12	17	65	90	15	25	4 60	7 00	06	13
1872	4 00	12 00	20	39	10	19	3 75	6 25	16	19	61	80	18	25	5 25	6 80	06	09
1873	8 00	12 00	18	50	08	16	5 00	6 50	19	23	50	77	13	21	4 62	7 25	05	10
1874	8 25	11 50	18	39	12	17	4 55	5 55	16	28	53	84	15	19	4 25	7 00	08	11
1875	8 00	10 00	17	28	09	16	4 40	5 55	17	21	49	76	13	17	4 00	6 50	09	11
1876	8 50	11 00	15	33	08	13	3 75	5 55	16	20	38	49	11	13	4 00	6 00	07	13
1877	9 50	11 25	13	24	08	16	3 25	3 75	15	21	41	58	11	13	4 75	8 00	10	14

So take the above list for the years 1825, 1860, and 1877—the extent of the list in three years of peace—and we have, for the year 1825: Beef, mess, from $8 to $10 per barrel; butter, from 8 cents to 22 cents per pound; cheese, from 5 cents to 10 cents per pound; coal from $8 to $11 per ton; coffee, Rio, from 16 cents to 19 cents per pound; corn, from 42 cents to 75 cents per bushel; cotton, from 13 cents to 27 cents per pound; flour, from $3.80 to $4.25 per barrel; Western hams, from 7 cents to 10 cents. In 1860: Beef, mess, from $4.50 to $5.50 per barrel; butter, from 10 cents to 22 cents per pound; cheese, from 9 cents to 12 cents per pound; coal from $5.50 to $6 per ton; coffee, Rio, from 11 cents to 15 cents per pound; corn, from 64 cents to 95 cents per bushel; cotton, from 10 cents to 11 cents per pound; flour, from $4.25 to $5.25 per barrel; Western hams, from 10 cents to 13 cents per pound. In 1877: Beef, mess, from $9.50 to $11.25 per barrel; butter, from 13 cents to 14 cents per pound; cheese, from 8 cents to 16 cents per pound; coal, from $3.25 to $3.75 per ton; coffee, Rio, from 15 cents to 21 cents per pound; corn, from 41 cents to 58 cents per bushel; cotton, from 11 cents to 13 cents per pound; flour, from $4.75 to $8 per barrel; Western hams, from 10 cents to 14 cents per pound. Then for a period of fifty-two years the above list shows in time of peace the difference in the price of mess beef, Rio coffee, cotton, corn, and hams has not varied much. The greater difference seems to have been in butter, cheese, and coal, notwithstanding the great increase of machinery and immense facilities for transportation. Of course the markets above referred to are Liverpool and New York as the standards. The tables referred to show clearly labor and the fruits thereof have been kept at the lowest prices and the market at all times controlled against the interest of the toiling millions.

PLATFORMS AND PRINCIPLES.

The great leading principle embodied and taught in all the Democratic platforms since the late war is retrenchment and reform. When the war is over, peace restored, cannon muzzled, musketry stacked, sword sheathed, battle-ax laid down, and pipe smoked, soothe the harrowed nerves with the balm of Gilead, plant the olive-branch at every door, cultivate brotherly love, and cement peace with kind words and deeds; recede from war debts, warfare, war prices, war punishments, war laws, war taxes, war salaries, and war offices; restore the writ of habeas corpus, and make military law subordinate to civil; put the pruning-knife to the tree of Government, trim from all its branches the five years' spurious growth, that it may again bring forth choice fruit. Let retrenchment and reform be by deed as well as word, and not as the tinkling cymbals and sounding brass. The maxim is, a free and intelligent people should be governed as little as possible, or, in other words, that they should govern themselves as much as possible. Equal and exact justice to all, special favors to none; freedom of religious worship, free air, free water, freedom at the ballot-box, and an honest count; equal protection to agriculture, manufacturing, capital, and labor; conflicts between none.

The old ship of state has been and still is floating upon troubled waters swiftly to breakers. The shadow of Republican death is now visible to the natural eye, and unless stayed by healthy and honest legislation, reform and retrenchment, the time is not far distant when this Government, the colossus of the world, head and shoulders above all others, must crumble and fall upon its own ruin. Let all lovers of liberty flock to the rescue and stay the uplifted hand now ready to send the dagger to our national heart.

The war has devastated the South; labor is demoralized; tramps swarm; fields lie idle. All has been but a picture of gloom and despair, when surveyed by the proud heart seeing the gloomy clouds cover the present and future generations and no hope for a brighter sky. With a suicidal dagger their own bosom is pierced, leaving to mourn the loss a wearied wife and helpless family, and thus the commingled cries of starving millions ascend to Heaven for bread to satiate hunger.

Quick changes, great innovations, and a flood of new laws in governments are but repeated volcanic eruptions, darkening the political heavens and shaking the government from center to circumference. History proves governments are oftener wrecked by many than few laws. When once a government has good and wholesome laws they should never be invaded for light and trivial causes. Our common-law system, founded upon the customs, usages, and habits of the people, has been tested by long and tried experience. The philosophy of human action has been too often changed by unwise legislation.

The principles hereinabove enunciated have been clearly illustrated in our Constitution. At first we had only eleven States and soon thereafter thirteen, sparsely settled—people living almost in a wilderness, little machinery, small commerce, and only paths and dirt roads to travel. And now, after this Government has rolled in its orb for near a century, we have thirty-eight States, covering an area of over 4,000,000 square miles of land, some 6,000 miles of seacoast, 115,000 miles of railroad, three billion dollars' worth of machinery, over 50,000,000 of inhabitants, and unparalleled civilization and education. And yet the same Constitution, with ten amendments made soon after its adoption and two soon thereafter, remained unaltered for about sixty-five years, and only three amendments since that time to the present.

The same Constitution that spread its genial protecting wings near a century ago over 3,000,000 of people, thirteen States, and 350,000 square miles of territory, now expands them over 50,000,000 of people, thirty-eight States, and 4,000,000 square miles in the most approved state of cultivation. Neither breadth nor time weakens it. Like the vaulted heavens it may mantle billions and extend thousands of years. To be maintained it needs but to be obeyed. There is nothing written superior to it save the Ten Commandments. It is the great reservoir of our lives, our liberties, our property, and pursuit of happiness. It embodies the principles under which we live; we inhale them at every breath and imbibe them at every pore. We wind around it as the vine does around the sturdy oak, moving onward and upward to a higher and better clime, purer and better land. It is our companion in sickness and in health, in darkness and in light, alone and in company, on land and at sea, in storm and in calm, in war and in peace, in prosperity and in adversity. We meet with it when we awake and when we lie down to sleep. It stands as a sentinel at the door of every chamber at night and in daylight. It is our companion when we travel and when we stay at home. It protects us in birth, shields in manhood, and guards us in death.

Retirement of the Trade-Dollar and the Continuance of Silver Coinage.

Gold and silver, the two great recognized species that represent the lasting conventional credit of mankind.—*Burke.*

SPEECH

OF

HON. A. J. WARNER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 1, 1884.

The House having under consideration the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar—

Mr. WARNER, of Ohio, said:

Mr. SPEAKER: While the bill under consideration proposes merely the retirement of the trade-dollar, the whole silver question seems to have been imported into the discussion. I shall therefore not confine myself entirely to the question of retiring the trade-dollar, but shall attempt to reply to some of the arguments that have been presented, and to show that conclusions drawn by some gentlemen respecting silver in this country are erroneous.

I am in favor of this bill. The trade-dollar is an anomalous coin. Its adoption in the first instance was a blunder. It was issued on the erroneous theory that if we coined silver into larger pieces the silver would bring more per ounce abroad. Now the silver in one hundred and fourteen trade-dollars will make almost exactly one hundred and sixteen standard dollars, and there never was a time in any country when one hundred and sixteen standard dollars would not exchange for just as many commodities as one hundred and fourteen trade-dollars.

The bad reasons put forward for coining this dollar have given rise to the charge that it was covertly connected in its origin with the scheme to demonetize silver and drop the standard dollar from our currency. At any rate, it was an ill-advised coin, which has plagued its originators, plagued the Government, and plagued the people, and should be taken out of circulation. It would have been better had this been done before, when more of these coins were in the hands of the people and fewer in the hands of brokers. A bill to take up this coin did pass the House, in the Forty-sixth Congress, but failed in the Senate. But the idea that a government like ours may issue a coin and make it a legal tender, and afterward repudiate it or change its value, as princes were wont to do in the Middle Ages, is utterly indefensible, and is repulsive to a just sense of the obligations of a government on which rests the responsibility of establishing weights and measures and coining money.

Besides, it could be shown, I think, that there is no other way to get these coins out of circulation but by redeeming them at their original legal-tender value. There is, therefore, nothing left to do but to pass this bill, even though undeserved profit may go to some holders who have bought these coins at a discount. The trade-dollar is still a lawful coin of the United States, and can not justly be ignored by the Government that issued it.

As to the fourth section of this bill, I shall vote to strike it out; but the main object being to retire the trade-dollar, I shall unhesitatingly vote for the bill with that section left in. I do not agree with some of my friends that it is of so much importance that these trade-dollars, six, seven, or eight millions of them, when they have been taken up by the Government and have become bullion, should be coined into other dollars in addition to the $2,000,000 of bullion per month required by law to be coined into standard dollars. Still I would prefer that this should be done. These coins are already in quasi-circulation, and their recoinage simply changes their form into that of the standard dollar, at a saving to the Government of 7½ grains on each piece, which will more than cover the cost of recoinage.

This leaves the coinage of the standard dollar, under the act of February 28, 1878, to stand by itself, as I think it should. The recoinage of the trade-dollar would then be a mere change of the form and weight of an existing coin, and the coinage of the standard dollar would go on, as now, without disturbance. The effect, however, on the currency of the country either way will be very slight, because with a total currency of from twelve to fourteen hundred millions in actual circulation, the addition of six, seven, or eight millions more is not of so much consequence. However, to make the trade-dollar when redeemed a part of the bullion required, under existing law, to be coined each month, by lessening by so much the demand for silver bullion, will tend to lower the price of bullion. Nevertheless, I repeat I shall vote for the bill with the fourth section in it, because the main object I have in view is to retire the trade-dollar.

With regard to the amendment proposed by the gentleman from Texas [Mr. MILLS], I agree with him that it would be better to have a greater number of half-dollar pieces coined, but before doing that, I think we should increase the weight of the half-dollar to two hundred and six and one-quarter grains, making it contain just half the quantity of silver the dollar piece contains.

Mr. CHACE. That is what the gentleman proposes to do.

Mr. WARNER, of Ohio. That being done, I see no reason why the half-dollar should not be made a legal tender equally with the standard dollar. The half-dollar piece is a more convenient coin for small transactions than the dollar piece, and would largely take its place if made full tender and abundantly coined. But I think certificates should be issued only on full dollars. But the reason I do not think it advisable to include such a provision in this bill is, that it is a matter which should go to the Committee on Coinage and be considered there in connection with a further revision of our coins. I think the dollar gold piece, the 3-cent nickel piece, and perhaps some other pieces ought to be dropped. At any rate, when such a change is made in the half-dollar piece as is proposed by the amendment offered, provision should at the same time be made for recoining all outstanding half-dollar pieces, so as not to have two coins of the same nominal value, but of different weights, in circulation at the same time.

On the general question I can only touch on a few of the more important points raised in this discussion. While I do not at this time advocate the free coinage of silver without international concurrence on some agreed ratio, I do agree with the gentleman from Missouri [Mr. BLAND] that it is only by unrestricted coinage that natural regulation of a currency is possible. Then the mines regulate its volume and not legislation. But passing from this point, I wish first to answer the gentleman from New York [Mr. HEWITT] and the gentleman from Michigan [Mr. LACEY] on the point they have made, that under free coinage in this country all the coined silver of France and other European countries would come here; come, as the gentleman from New York says, "As quick as steamships could bring it."

It is the more important to show the fallacy of this notion because it seems to be so commonly entertained. But it is a fallacy, nevertheless, as I will show you. Suppose a banker in Paris, seeing the mints in Philadelphia and San Francisco open to free coinage, and entertaining the same notion as the gentleman from New York that there would be 15 per cent. profit in changing silver francs into dollars, should send a million dollars in silver franc pieces, or say five million silver francs, to the mint at Philadelphia, what could he get in return for them? The ratio between coined silver and gold in France is 15½ to 1. Ours is 16 to 1.

A million dollars in silver francs—that is, what in France is equivalent to a million dollars and what it would cost a million dollars in gold to get—weigh 67,825 troy pounds. But a million dollars on our ratio of 16 to 1 weigh 72,000 pounds, or over two tons more than a million dollars in silver francs. The French banker, then, would get just as many dollars as his 67,825 pounds of silver would coin into, or $969,700, leaving off fractions, and no more. In other words, in changing his silver from francs to dollars he has lost 12.6 grains on every dollar. By this time our banker has probably taken a second thought and asked himself how he is going to get back the difference between the dollars he now holds and the francs he has parted with. Suppose the most favorable conditions possible to exist—conditions that would almost certainly not exist; suppose that, having got his silver coined into new dollar pieces, he could exchange them without leaving the mint for $969,700 in gold—and certainly he could not get any more—how is he to get back the $30,300 which he has lost? You say he would take it back to Paris. What! and repeat the operation? Not many times, surely.

Let us see. Suppose he does return to Paris with his $969,700 in gold and tries to buy silver francs with it. How many can he buy? Why, $969,700 in francs and not a franc more; or at 5 francs to the dollar he would get 4,848,500 francs for the 5,000,000 francs he started out with. Now, that is just what that operation would come to. He would have lost 151,500 francs, or $30,300, besides the cost of sending the silver here

and taking the gold back. If instead of exchanging his silver dollars for gold he had bought commodities, flour for instance, he could have done no better. He could buy no more flour for his new silver coins than for gold. No, you can not figure out a profit in any such operation. And if the gentleman from New York and the gentleman from Michigan, acting under the belief they have expressed here, should try such a speculation they would not try it more than once. They would find that with a million in gold dollars they could get but a million in silver francs, or 5,000,000 francs, and we have seen what they could do with them.

Therefore, Mr. Speaker, under free coinage not a lira, not a rupee, not a silver florin, not a coined shilling, would come to the United States to be recoined. Gresham's law is as true now as when first announced, and gold and not overrated silver leaves and would continue to leave European countries in settlement of adverse balances. And here is where our friends go astray; they do not distinguish between silver in the form of coin, upheld by legal tender and limited coinage, and silver bullion. Coined silver in France is more than bullion; it is money. My friend from Michigan before me [Mr. HORR] will say, I know, that that has nothing to do with the value. But what is the fact? The stamp of a government can not create value, it is said. But the stamp of the government, with legal tender behind it, may give to or extend, the use of a metal, and to the extent the stamp and legal tender give use to silver to that extent they give it value. To the extent these conditions add to its use, I say, to that extent they add to its value; and in this way the value of either metal may be, and often is, very greatly increased.

Why, the fact is that the great mass of silver now in use as money—all the coined silver in Europe—is kept at a parity with gold perforce of limited coinage and legal tender, and not by its bullion value. France has $600,000,000 of silver kept at par with gold in this way. Germany still keeps $220,000,000 of silver—quite as much as we have. Austria and Spain each has $75,000,000; Italy, $60,000,000; and altogether Europe has not less than $1,300,000,000 of coined silver, on the ratio of 15½ to 1, and all kept, as I have said, at par with gold by legal tender and limited coinage. So, after all the fuss that is made about it, you see we put more silver in our dollars than any country in Europe puts into its silver coins. Why does not silver drive gold out of Europe? There is far more silver relatively to gold now in circulation in Europe than in this country. Why the alarm about silver here then?

Mr. CHACE. Suppose a Frenchman should buy merchandise in India, would he not remit silver to India to pay for it?

Mr. WARNER, of Ohio. That would depend upon whether it was more profitable to remit silver or to remit merchandise. He would not, however, remit silver coins. He might buy bullion and ship that. Which would be most profitable for him, silver bullion or merchandise, would depend upon circumstances.

Mr. BRUMM. Even if he should remit silver he would ship bullion and not coined silver.

Mr. WARNER, of Ohio. Yes, he would ship bullion rather than coined silver, notwithstanding the fact that coinage is free in India on the ratio of 15½ to 1, because gold is at a premium in India over rupees, but not at a premium over francs in France. The French merchant, therefore, had better ship silver bullion or merchandise or even gold rather than silver coins. For a thousand francs in gold at Paris will exchange for only fifteen and one-half times their weight in silver. But gold being at a premium in India, a thousand francs in gold, or a thousand ounces of gold, will exchange there for more than fifteen and one-half times their weight in silver bullion, or silver rupees. But the fact I wish to impress upon the House is the all-important one that coined silver on the ratio of 15½ to 1 will never leave the countries where it is legal tender to come here where the ratio is 16 to 1.

Never will the silver coins of countries holding to the ratio of 15½ to 1 come here till such coins are first demonetized in the countries in which they have been coined. This fact I hope I have made clear. But of course if France, for instance, should do as Germany did in 1873 and demonetize her $600,000,000 of coined silver, then the case would be different. Hence the importance of international agreement on this question so vital to the whole world; for we see how the action of one country may affect the currency of another, or of all others. Indeed, should France take such a step as I have suggested and demonetize her silver and call for a redistribution of gold, it would not only convulse France but disturb all Europe and prostrate the commerce of the whole world.

The next proposition to which I wish to reply is the claim so persistently made by those who insist on the suspension of silver coinage, or on its abandonment as money altogether, that the change in the relative value of silver to gold is due solely to the increased production of silver in the last few years.

Here again, Mr. Speaker, it is important first to ascertain the facts and then to know that our conclusions are right. What are the elements which determine value in money? What is it that determines the value of gold and silver metal?

A prevalent error, and one which many gentlemen here seem to labor under, is that gold is a metal which possesses in itself a certain fixed or "intrinsic" value, and for that reason is taken as a measure of the value of other things. This is the common idea about gold, but it is a mistaken one. Until very recently 75 per cent. of the gold in the whole world and 75 per cent. of the entire production of the gold mines of the world was devoted to monetary use, and only about 25 per cent. to use in the arts and as ornaments. Now, there is but so much gold in the world, and the mines put out only so much annually—that is, the stock in hand amounts to four or five thousand millions, or by weight about 8,000 tons, with an annual production of $100,000,000.

Here, then, are the elements of the problem: 8,000 tons in the hands of man, and two hundred tons, or a hundred millions, produced annually; 75 per cent. of the demand for this has heretofore, I say, grown out of its use as money, and 25 per cent. from its use in the arts and as ornaments. Hence 75 per cent. of the value of gold has come from its monetary use and but 25 per cent. from its use in the arts. Then, the quantity remaining the same, any conditions that affect the use of this metal, must, and does, affect its value as compared with everything else. Any conditions which alter the ratio between quantity, on the one hand, and use or demand on the other—not use as money alone, nor use in the arts alone, but all uses which give rise to demand—affect value. That is the law of value of everything, and gold is no exception. It is equally a mistake to attribute the value of gold to the cost of producing the annual supply. It is the whole mass we are dealing with, not merely the $100,000,000 produced last year; and only to the extent that cost of production affects the relation of all the gold in existence to the demand for it all does it affect its value.

Then, let us next inquire whether anything has taken place, or is now transpiring, to affect the value of gold.

The Director of the Mint tells us that the use of gold in the arts, in dentistry, and as ornaments is rapidly increasing. We know, also, that some countries which formerly used silver exclusively as money now use gold. We know, in short, that the monetary use of gold has been materially extended in many directions in the last fifteen years. At the same time we know that production has fallen off. What are the consequences flowing from these disturbing causes? Just what must occur—a steady rise in the value of gold. The same rule applies to silver.

The estimate of Humboldt, Jacobs, and others was that about two-thirds of the silver in the world, and in about the same proportion the annual production, went to monetary use, and about one-third into the arts; consequently two-thirds of the value of silver arose out of its use as money, and one-third out of its use in the arts. Any condition that has restricted or now restricts the monetary use of silver, or its use in the arts, must of course affect the value of silver. So, too, of course any conditions which affect the quantity, not the annual supply merely, so as to change the ratio of the whole quantity to the demand for it, whether the demand arises from the arts or for money, must affect its value.

Until the demonetization of silver in Germany and in this country, and the restriction of coinage in Europe generally, a condition existed which equalized the demand for gold and silver for money. That condition was this: In all the principal countries in Europe, except England, and in England down to 1816, it was the right of everybody having money to pay to elect to pay it in either metal. The metals themselves were held as money metals; coinage was unlimited, and anybody could make payment of any sum in either metal. That is the force of legal tender. But if the one to whom money is paid has the right to elect what kind of money he will receive—a right never set up till of late—then there would be no use in having legal tender. The dearest money would always be exacted, and there would soon be but one kind of money, and that the dearest. But by the power of legal tender the two metals were held together for long periods as effectively as if they had been melted together and coined as one metal.

If the value of one tended to fall, it being legal tender, it was taken up and its use extended, and thus the two metals, not as separate standards, but the two constituting one standard, made up the volume of money. The production of each varied relatively to the other, but the production of the two taken together has always been steadier than the production of either one alone.

During the first half of the present century the production of silver relatively to gold was nearly three times that of gold. In 1810 the production of silver relatively to gold was eleven times as great as in 1860, and yet during all these changes in the relative production of the two metals there was no change in their relative values. For two hundred years prior to 1871 there was no variation in the London price of silver, except such slight variations from 60½ pence per ounce as was due to varying mint charges and the course of exchange. Now the silver production is a trifle more than the production of gold, and that fact is seized upon as a sufficient explanation of the depreciation of silver throughout the world. Is there no other sufficient cause? Is there no other cause consistent with the true theory of value? Let us see.

In 1870 and 1871 a great war was waged in Europe. Paper money was issued in large quantities. Gold went from France to other European states, but nevertheless the ratio between gold and silver did not change. Germany compelled the payment by France of the unprecedented sum of $1,000,000,000. Upon this Germany stopped the coinage of silver and began the coinage of gold. In 1873 Germany demonetized a considerable part of her coined silver. France and the states

of the Latin Union, soon after, first restricted and then stopped the coinage of silver. Here, then, was the situation: In 1871 the price of silver in London was 60½ pence per ounce. Germany stopped the coinage of silver, and then began to sell silver and buy gold. Between this time and 1876 Germany put into the market $200,000,000 of silver and bought $350,000,000 of gold—that is, Germany in these few years made a new market for $350,000,000 of gold, and not only shut off a former market for silver but turned into other markets $200,000,000 of silver, the other markets at the same time being restricted by the action of France and the states of the Latin Union in closing mints which had been before open to all the world on the ratio of 15½ to 1. The United States had, in the mean time, demonetized silver. Silver fell from 60½ pence per ounce in 1871 to 47 pence per ounce in 1876; and yet with all these changes in the monetary demand for silver we are told that the fall in silver was due entirely to increased production, while the actual increase in production was only from $60,000,000 in 1871 to $80,000,000 in 1876! Is it possible that the market for silver could be restricted to one-half what it had been, as I have shown, and then $200,000,000 of additional silver be thrown onto the market so restricted, and on the other hand a new demand be made for $350,000,000 of gold, without affecting the relative value of the two metals? Impossible. Here in these very conditions we have the whole cause of the fall of silver. The effect of the slight increase in production has been almost inappreciable.

On this point it is pertinent to quote the opinions of some high authorities. The select committee appointed by Parliament in 1876 to inquire into the cause of the depreciation of silver says:

> And the conclusion seems justified that a review of the relations of metals in times past shows that the fall in the price of silver is not due to any excessive production as compared with gold. The fact is that, as was correctly pointed out by Mr. Giffen in his evidence, the changes have been in the uses of the metals.

Mr. Ernest Seyd, in a very able inquiry on this subject, published in 1879, says:

> In truth, the real cause of the fall of the price in silver is the enforced cessation of the demand resulting from its demonetization by mistaken legislation.

Again, the same author says:

> The greatest variations in the relative production between gold and silver have taken place within the last two centuries without causing any difference in the relative value between the two metals.

Indeed, I think writers on money generally agree in the opinions expressed by the authorities quoted.

The effect of the increase in the production of either of the metals, relatively to the other, on their value has never been in proportion to such increase; and with free coinage as it existed for a long time prior to 1873 it had no effect on their relative value at all; and at any time the annual production of either metal goes into the common mass, and affects the relative value of each only as it affects the relation of the total quantity of each. Laveleye illustrates this very handsomely in this way:

> This immense stock of the precious metals lessens the variations in the value which might result from the variations in the annual supply, just as the level of a great lake is little affected by any changes in the discharge of the rivers which flow into it.

So annual production, at most, affects the relative value of the metals only as it affects the proportion between the whole mass of each in existence, at any given time, and the demand for each. Hence I think it proven that the change in the relative value of silver and gold which has taken place in the last twelve years has been due almost entirely to the restriction of the monetary use of the one, and the increase in the use of the other, both as money and in the arts, and this is due almost exclusively to legislation. Now, what is the remedy?

Mr. HORR. We remonetized silver upon the theory that the remonetization was going to increase the value of the metal. Now will the gentleman explain how it is that silver has been going down ever since we remonetized it?

Mr. WARNER. I will answer the gentleman's question with great pleasure. Silver has not been going down ever since we began coining $2,000,000 per month. Silver was as low as 46¾ pence per ounce in London in 1876. The average London price last year was 51.23 pence, as given by the Director of the Mint. Now, what are the facts of the case? Silver did decline rapidly from 60½ pence per ounce in London in 1871 to 50 pence, and even to 47 pence, in 1876 and 1879, and unquestionably it would have fallen lower but for the market we made for it here when we began coining two million dollars' worth of bullion a month.

This is the problem: a hundred millions of silver are produced annually; our mints take $28,000,000 of it; the rest goes to India or China or South America, or is used in the arts. If we took none the quantity thrown upon other markets would be so much greater, would it not? And of course the price would go down. If, therefore, our coining two million dollars' worth of bullion a month has not had the effect of bringing silver to a par with gold, it certainly has upheld it and kept it from going as low as it otherwise would have gone. For no one would claim that a market for $28,000,000 a year has had no effect on price. What the effect of coining $50,000,000 a year instead of $28,000,000 would be can not be stated exactly. But it is as certain as the multiplication-table that if there is a production of $100,000,000 of silver a year, and $30,000,000 of that is required in the arts, and that India would take $25,000,000 for money at the ratio of her coinage to gold, and China, South America, and other countries would consume for currency $10,000,000 more, and the United States should coin $50,000,000, there would be a scarcity of silver, and that under these influences silver would approximate if not reach the value of gold.

But I am not advocating even an increase of coinage for this country now, for before taking any important step we ought to know that Europe would at least maintain the *status quo* of silver, and that the mints of British India would be kept open; so that in any view of the case international interests are involved. I do not say either that the time will not come when we should reconsider the question of silver coinage here. I can see how such reconsideration might be forced upon us by the action of other countries. If the states of the Latin Union, for instance, should determine to reduce the proportion of silver in their currency by selling off a part, which they are not likely to do, or if England should determine to close the mints of India, under such circumstances it might become necessary for us to change our policy. The Latin Union compact, however, holds till the close of 1885, and there is no occasion now for alarm or for lessening by a dollar the present rate of coinage; on the other hand, there are many reasons why the coinage should be continued.

In the first place, our paper currency is in an unsettled condition. The debt is being paid off and bonds called in. Bank circulation is undergoing diminution. It is possible that the contraction of that part of the paper circulation may be considerable at no distant day. In that event silver and silver certificates would be the only substitute, without which there might be a contraction which would seriously affect the business interests of the country. Stability of value, which is only secured by stability of volume, is what the business interests of the country demand. We want neither contraction nor inflation. Stability is the prime requisite of money.

But I must proceed at once to the great question: Shall the coinage of silver be stopped or be further restricted? In this question the whole country is interested. It concerns not the banker only, but the merchant, the producer, the laborer, everybody, and merits the fullest consideration and the most careful action. It is well known that the large cities, especially the Eastern cities, are pressing for a suspension of silver coinage, and generally, I believe, they are opposed to silver altogether. These cities, I say, are calling on us to stop the coinage of silver. They say its continuance will drive out gold. But at the same time in the other end of the Capitol they are asking that steps be taken to prevent the contraction of the national-bank currency, or business, they tell us, will suffer.

Now, I say to these people—bankers, merchants, or whoever they may be—that they must take one horn or the other of this dilemma. A million dollars in bank notes has the same effect precisely upon the gold currency of the country as a million dollars in silver certificates, and will drive out gold just as effectually. I am not talking now against bank notes or paper currency. But I do say, and challenge refutation, that $200,000,000 in bank notes, or any other form of paper currency, will displace or drive out just as much gold, or keep just as much from coming in, as $200,000,000 in silver or silver certificates. Will anybody deny that? No; it can not be denied. It is too patent to admit of denial.

But let us examine the question a little further. Our currency now consists of $700,000,000 of paper, $165,000,000 of full-tender silver—four times as much paper as silver—and five to six hundred millions of gold; or if we take out permanent reserves, twelve or thirteen hundred million dollars in all, as the effective money volume, or that which operates on prices. This volume is just sufficient, and no more than sufficient, to maintain prices here at the level of prices abroad; that is, on this volume an equilibrium of international prices is maintained. Out of it of course a little gold at one season may shift to one side and at another season shift back to the other—although usually the part that goes out or comes in is taken from reserves and not from circulation. Now, grant that there shall be no increase of the paper currency, and how will $165,000,000 of silver expel $600,000,000 of gold? Or how will the coinage of $2,000,000 a month expel it? It would do so in time if our population were stationary, but it would take many years even then.

But gentlemen forget one important factor in the problem, and that is that our population is not stationary. On the contrary, we are adding to it every year a number almost equal to the entire population of a State like Indiana—nearly 2,000,000 a year. In the year 1900, only sixteen years off, our population will be 83,000,000—more than the population of England and France together; and wealth increases faster than population. The 2,000,000 added annually to our population require as much bread and meat and clothing, and do as much work, on the average, as any other 2,000,000; and will they not call for as much money? Certainly they will. What increase, then, in the money volume will this increase of population and wealth require in order to maintain the present relation of volume to population? And the only way possible to preserve stability of value is to keep this ratio constant. Let it be repeated and emphasized that there is one way and one way only by which the stability of money can be maintained, and

that is by maintaining the stability of volume. No other way is possible.

Now, what will these conditions require? Our population is now over 56,000,000, and if we take the present volume of actual circulation at $1,300,000,000 we have in round numbers $23 per capita. We are coining silver at the rate of about $28,000,000 a year. But this is only $14 per capita for an increase of two millions of population. By the year 1890 an addition of at least $50,000,000 will be required in a single year to meet the demands growing out of increased population and increased wealth. Indeed, the report of the Director of the Mint, which I hold in my hand, shows an actual increase of our currency last year of $40,000,000, which just about satisfied the demand of the added population. Now what is the production of our gold mines? Thirty-two millions a year. Mr. Burchard tells us $12,000,000 of this is consumed in the arts at home, leaving but $20,000,000 to be coined into money. We will require, then, gentlemen—unquestionably we will require, if our prosperity continues—in addition to the coinage of $28,000,000 of silver a year, the coinage of all the gold that our mines produce, save what will be consumed at home in the arts.

So, Mr. Speaker, instead of driving out gold, the coinage of only $28,000,000 a year will not supply the demand growing out of the increase of population and wealth, and more currency of some kind will be required to keep up the ratio of money to population and wealth. And if the paper part be not increased then the gold part will increase naturally itself. And is not this just what has taken place since 1878? Was it not said in 1878 that the coinage of silver would drive out gold, or keep it out? But what are the facts? The volume of gold has increased from less than $250,000,000, all told, in 1878, to $600,000,000, according to the Director of the Mint, and that under the continued coinage of silver.

But this question is of such importance that I will give another illustration. France has $540,000,000 of full-tender silver, coined on the ratio of 15½ to 1. She has a population of 38,000,000. This gives her $14 per capita in silver. If we go on coining silver at the rate it is now being coined until the year 1900 we will then have about as much coined silver as France now has, or some less than $600,000,000. Our population will then be from eighty-two to eighty-three millions. That will give us about $7 per capita of silver, or half what France now has.

I give this to show that there are no rational grounds for alarm over the continued coinage of silver. On the other hand, should coinage be stopped and at the same time the paper currency be contracted by the withdrawal of national-bank notes, the country may prepare for serious consequences; for there is nothing that so quickly paralyzes the industries of a country as a contraction of volume and a consequent appreciation of the value of money. All your great industries would feel it; your commerce would feel it; labor would feel it; everything would feel it. No greater mischief can be done; no greater wrong can be inflicted by a government upon its people than to alter the value of their money. And whatever contracts or expands unnaturally the volume of money does alter the value of every unit of the volume.

Hence, where two metals are in use as money, or where two or more kinds of money are in use, to take away or abridge one affects the value of what remains. If silver is taken out of the stock of solid money now existing and only gold left, the value of the gold itself will be increased. Nothing can be plainer than this, and hence to abandon silver is to change the standard of money. If that be not so, if to take one metal away does not affect the value of the other, then the addition of a third metal to the stock of money would not affect the value of the two now in use. We often hear it said that the value of money does not depend upon its quantity. If it does not, then why fear the continued coinage of silver, or its unlimited coinage? If to lessen the volume of money does not increase its unit value and bring on lower prices, how would an increase of the volume diminish the value of our money and raise prices?

But such inconsistencies are heard every day. We have been told time and again in this debate that if we continue to absorb silver into our currency we will reduce its value. But what will be the effect of shutting silver out? From the earliest accounts of the use of money through all the course of civilization the mines of both gold and silver have contributed, without limit, to the supply of money, and the world has never suffered from oversupply; but commerce and trade have more than once felt the withering effect of a dearth of money. What can now be the purpose of restricting metallic money to the production of the gold mines alone? Is it an intelligent purpose and that for the world's good? Who asks it? Only those whose interests lie in having money dearer; the holders of the vast debts of the world; only those who have fixed incomes, are asking it. It is not to the interest of any other class. It is not the interest of the producing class, the trading class; it is not the interest of the vast property-holding class. It is the interest of the debt-receiving class alone. But justice to all demands that the measure of debts and property, labor and living, shall be kept as nearly invariable as nature, law, and science combined can make it.

Can any one in his right mind claim that this is all secured in a gold standard? What do they mean by a gold standard? There is not a country on the face of the earth that has a purely gold standard. Our currency now consists of $700,000,000 of paper, $165,000,000 of full-tender silver, and $600,000,000 of gold. What, then, is the standard? It is this money volume of about $1,450,000,000, or whatever the real effective amount may be. The gold is diluted, so to speak, by about $700,000,000 of paper and $200,000,000 of silver, including subsidiary coin. Is not that it? Certainly it is. Take away the paper and the silver, and then we would have a pure gold valuation. Then the real measure of value would be gold. But as the total volume would be not much more than one-third the present volume, $1 would represent, or stand for, three times as much property as now. Would anybody claim that a dollar or unit in a volume of $600,000,000 in the same country, with the same population and wealth, would have no more value than a dollar in a volume of $1,500,000,000? Nobody in his right mind could claim such a thing.

In England gold is diluted with $100,000,000 of silver, $225,000,000 of paper; in France by $550,000,000 of silver and $600,000,000 of paper; in Germany by $225,000,000 of paper and $220,000,000 of silver. If the paper and the silver in all these countries were removed, then you would have a purely gold standard for these countries. Would the value of gold remain what it now is? Of paper and silver together there is one-half more than there is of gold, more than half as much silver alone as gold, and more paper than either gold or silver. Only by removing the paper and the silver is it possible to have an unmodified gold standard. Liquor four parts water is not pure alcohol. Money two parts paper and silver is not pure gold. Is it not plain enough that the money of these countries consists of constituent parts, and that an augmentation or reduction of any of the constituent parts must affect the whole? And the fact that to take away or restrict one metal increases the value of the other can not be too strongly emphasized. To give up silver is to increase the value of gold; that is the purpose, so be not blinded. To abandon silver in one country, moreover, affects gold not only in that country, but the world over.

To illustrate this, take the currency of the United States, England and France as just given, together. The several volumes of the different countries are each what is required, under the conditions that exist in each of the countries named, to maintain the equilibrium of international prices. While that condition exists suppose France under the stress of war should issue $500,000,000 of paper and make it legal tender. This would expel $500,000,000 of gold, less France's proportion of this new accession of money. Where would this gold go? It would go to other gold currency countries to augment the volume of each, and the effect on the stock of money would be the same as the effect of a production of so much new gold. The fact that the action of one country may affect the money of another emphasizes the importance of a consensus of nations in the matter of money. For since one country can not change its own money, if it be comprised in whole or in part of money that enters into international circulation, without affecting the others, it becomes at once a question of international concern.

My friend from Pennsylvania [Mr. KELLEY] says he wants to restrict the coinage of silver in the interest of bimetallism. He wants "to force arrogant England" to join in a conference to save her silver in India. But England has another remedy; she can close the mints of India and uphold the value of the rupee in the same way that the silver money in Europe is upheld. And the holders of $7,000,000,000 of interest-bearing capital in England will force England to adopt that remedy and stop the coinage of rupees and maintain their value as France maintains the value of francs, and as silver dollars are maintained in this country—by the restriction of coinage.

I say the interest that controls money legislation in England, and has controlled it for a hundred years, is the moneyed interest. The home debt of England, all held at home, is $3,782,000,000, the annual interest on which is $150,000,000. Besides this, Englishmen hold colonial debts of $3,100,000,000, yielding an annual interest of $153,000,000. The debts of other countries are also held there, making a total of more than $7,000,000,000, and yielding an income of more than $300,000,000 annually. The receivers of this income make the laws. They understand perfectly well what conditions tend to increase the worth of money. They understand, too, how to guard India against cheap silver and uphold the value of the rupee. If I could believe with the gentleman from Pennsylvania that to discontinue the coinage of silver here would have the effect upon England which he thinks it would have, I would be with him; because I recognize here a practical question. We must deal with it as statesmen. International concurrence is essential to a full solution of the silver question. But believing, as I do, that the result would be to move England to close the mints of Bombay and Calcutta, in order to maintain the value of the rupee, as silver coins in Europe and in this country are upheld, and that in that case silver would fall not to 48 pence, as in 1873, or 47 in 1876, but possibly to 40, 35, or 30 pence, I must dissent from his views. Why, I ask again, this demand to shut off the silver mines and limit the supply of metallic money to the gold mines alone? Is it not a fact that the supply of gold is diminishing from year to year? Is it not certain to diminish from century to century? Geologists are in perfect accord on this. The supply of gold is certain to be a waning supply. What, on the other hand, are the conditions as to its use? Population and wealth increasing, more extended commerce demanding more money, and a larger use of gold in the arts.

Mr. Burchard, the Director of the Mint, tells us that not 25 per cent.,

as formerly, but 50 if not 75 per cent. of the gold production of the world to-day goes into use in the arts and as ornaments. Fifty millions of gold a year, at most, left for monetary supply, and to make up for abrasion and loss; fifty millions of gold for abrasion and supply, and that diminishing from year to year, and half the world crazy to shut off silver entirely! Why, at the rate of increase in the use of gold in the arts that has been going on for the last decade it will not be ten years more till every dollar of the world's production of gold will be used in the arts and for dentistry, leaving not an ounce for new coins. An allowance of 6 cents for each inhabitant of the globe for filling teeth would take every ounce of gold now produced for dentistry alone. In the face, then, of a diminishing supply, and the rapidly increasing demand for gold in the arts, for dentistry, &c., is it not astounding that such a clamor should be raised to shut out silver?

What fools these mortals be!

If it were not for the world's vast indebtedness would such a demand be made? Can the motive, then, to reduce the solid money of the world to one metal be a righteous one? To do it, remember, is to change the relation of debt to property throughout the world and to increase the debt burden of every people on whom debts rest. It is to lay on labor greater toil for lesser rewards. I think I have shown that to keep our volume of money stable from forty to fifty millions must be added each year to meet the demands of increased population and wealth, and I have shown that twenty-eight millions of silver or silver certificates will not alone be sufficient. Gold or paper must be added or the volume relatively to our population will shrink. There is no probability that the paper part of the volume will be increased immediately. On the other hand, the question of the national-bank currency remains unsettled, and some contraction from this side is almost certain.

In view of these facts, how absurd to say that the coinage of $28,000,000 of silver or the issue of $28,000,000 of silver certificates will drive out gold without an increase of paper! But silver, we are told, will not go into circulation. In Heaven's name, then, how will it drive out gold? One currency can drive out another only by taking its place in circulation and filling to overflowing the channels of trade. Yet silver will not go into circulation, but will drive out gold, is paradoxically asserted in the same breath. But why will not silver, or its representative certificates, go into circulation? Is Gresham's law suspended in this country? Silver is legal tender, and that is enough to insure its place in our money system.

Another strange delusion has taken possession of the country in connection with the idea that silver was about to expel all of our gold. Just how $165,000,000 of silver was going to expel $600,000,000 of gold, nobody has told us, but if one believed the admonitions of Wall street and the press, gold nevertheless was on the eve of taking wings and departing forever. At least gold was going to a premium immediately. Now, a half per cent. premium would undoubtedly take gold out of circulation at once; let us see how that would affect things. It takes now $700,000,000 of paper, $165,000,000 of full-tender silver, and $600,000,000 of gold, or, leaving out reserves, say $650,000,000 of paper, $150,000,000 of silver, and $400,000,000 of gold—$1,200,000,000 in all of effective currency—to maintain prices in this country at a level of prices in other countries. Now, imagine the $400,000,000 of gold taken suddenly out of this volume by a premium, what would be the result? The active money volume would then stand at $800,000,000 instead of $1,200,000,000. Under such conditions prices would collapse, and gold would come in to restore the equilibrium. No; it is impossible for $150,000,000 of silver to drive out $400,000,000 of gold—if that be the amount in circulation—and it is equally impossible for gold to stand at a premium as long as any remains in circulation.

The gold can all be expelled only by adding at once $400,000,000—or an amount equal to the gold in circulation—more silver or paper to our present currency, and not till all the gold, or substantially all of it, is driven from circulation can gold stand at a premium. I do not, however, wish to be understood as advocating the enforced circulation of the coin itself. There is in my opinion nothing gained in that. If people prefer paper representatives in the form of certificates, why should they not have them? There is no good reason for compelling those who use money in large amounts to carry or handle the metal itself. Let every one choose for himself between coined dollars and paper representatives, and for one I am opposed to retiring the small notes. They are convenient, and the people are accustomed to them, and there is nothing in the world gained by compelling all payments of small sums to be made in coined money. Paper saves abrasion of the coin and is light and convenient.

It is a shallow view of the money question, it seems to me, to compel the handling of the metal itself when people prefer something else. Let that be a matter of choice. The great question is to maintain the stability of the whole mass. By doing that you secure the stability of the value of each unit. How the whole shall be subdivided and how it shall be represented is of minor importance and should be left entirely to the choice of those who use it. For this reason I should be quite willing to let certificates issue on the bullion, at the same ratio and in the same way and in the same amount only, as now issued on coined silver, and let the silver be actually coined only when called for. For it makes not the least difference whether the metal circulates by certificates or the metal itself is actually handled, only it be so that when the certificates are out the metal is in, and when the certificates are in the metal is out.

And it is an entire misapprehension of the true situation to suppose that because silver is locked up in the Treasury vaults it is no part of the money of the country, for to the extent that certificates are out silver is doing money's work the same as if the coin itself were circulating, and it gives a sense of security to know that solid money is behind this form of paper. It is very different from the credit currency of private issuers. Certificates representing the metals not only have a solid basis, but they are titles to the metal and limited by the metal itself, and in that lies their greater stability; and I repeat that what bimetallists plead for is stability in the value of money, and that can only be secured by stability of volume.

Tax Reform—Pledges to the People Must be Redeemed.

SPEECH

OF

HON. SAMUEL W. MOULTON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. MOULTON said:

Mr. SPEAKER: If the Democratic party fail to make a reasonable reduction in the customs duties, and leave the protected industries of the country where they now are, and no reform should be attempted in the interest of the whole country, then I can see no special reason, so far as the interests of the people are concerned, why the Democratic party should be in power rather than the Republican. If it had been understood by the people at the last election that the Democratic party were not then in favor of immediate reform and a reduction of the revenue to the real necessities of the Government, the large majority we have here would have been relegated to private life. And I will add that if no attempt in good faith is to be made to reduce the outrageous war tariff that now oppresses the whole country, other men will fill the places of the majority on this floor.

It is surprising to find men here, elected as Democrats, claiming that no reform or reduction in the tariff is necessary, and if it was this is not the time to attempt it. They say that any agitation of the tariff question will frighten and disturb the business interests of the country, and that financial disaster and panic among the protected industries would be the result; that notwithstanding millions of money is unjustly taken from the pockets of the people and accumulated in the Treasury, no remedy for the great wrong is to be applied, and this vicious system is to go on without day and without hinderance. This has been the argument and fraudulent pretense of the Republican party and protected classes for the past twenty years. It would seem that the Democrats favoring protection have gone over entirely on this question to the protectionists, and they are making common cause with them to defeat any reduction in customs duties. Although the revenues of the country give the Government nearly $100,000,000 yearly more than is required for the ordinary expenditures of the Government, yet the protectionist Democrats and Republicans say this is not the time to reform and reduce the tariff; and, what is remarkable, no time is mentioned by these protectionists when this important question of a reduction of taxes is to be considered. Nothing can be clearer than that the protectionists upon this floor and in the lobbies of this House intend by every possible means to defeat any action tending to reduce the tariff. The clamor of the protected classes is to be respected against the cry of the great mass of the people for relief from burdensome and unnecessary taxation.

The Democratic doctrine upon the subject of the tariff is that no more revenue should be collected from the people than is necessary for the expenditures of the Government economically administered; or, in other words, customs duties should be for revenue only. This doctrine has been announced in the conventions of the party and substantially adhered to from the beginning of the Government to the present time. If there is any principle that can be said to be Democratic doctrine and running through all the years of the Government, it is that a tariff should be for revenue only. I know that incidental protection is sometimes talked about, but protection for the sake of protection and without reference to revenue has always been repudiated by the Democratic party as a pernicious doctrine and without sanction in the Constitution. I maintain that the tariff is a party question, and always has been so considered and acted upon by the Democratic party.

As showing the doctrine of the Democratic party upon the question

Cooley, *Christiana*
Bill to pension (see bill S. 2331).

Coolidge, *Adeline A.*
Papers referred in House 747.

Coombes, *John*
Papers referred in House 1953.

Coomer, *Jackson*
Bill for relief (see bill H. R. 628.)

Coomes, *Pius A.*
Bill to pension (see bill H. R. 643).

Coon, *Lewis*
Bill for relief (see bill H. R. 3299).

Cooney, *James*
Bill to remove charge of desertion (see bill H. R. 4106).

Coons, *Joseph A.*
Bill to pension (see bill H. R. 2626).

Coons, *Nancy*
Bills for relief (see bills H. R. 5875, 5937).

Cooper, *Alonzo*
Bill to pension (see bill H. R. 5889).

Cooper, *Edmon*
Bill for relief (see bill S. 306).
Bill for relief (see bill H. R. 1547).

Cooper, *Joseph*
Bill for relief of estate (see bill H. R. 1194).

Cooper, *Samuel*
Petition for pension 1233.

Cooper, *Samuel Z.*
Bill to pension (see bill H. R. 5124).

Cooper, *Wickliffe*
Bill to correct military service of (see bill S. 2278).
Joint resolution to correct military record (see S. R. 39).

Cooper County, *Missouri*
Bill to reimburse for bridge (see bill H. R. 901).

Coosa River
Bill to improve (see bill S. 1087).
petitions for improvement of 84, 222, 329, 2274.

Coosawattee River
Bill to improve (see bill S. 1086).

Copeland, *C.*
Bill to remove charge of desertion (see bill H. R. 4011).

Copen, *Addison M.*
Bill for relief (see bill H. R. 4973).

Copiah County. *See* MISSISSIPPI.

Coppedge, *Isaac W.*
Petition for relief 49.

Copper Ore
Petition of Orford Copper and Sulphur Company relative to importation of 556.

Copyright
Bills to allow foreigners (see bills H. R. 770, 2418).
petitions against bill 2135, 2452.
Bill to allow copyright of titles of newspapers (see bill H. R. 4160).
Bills to grant to newspapers (see bills S. 1728; H. R. 62, 5850).
petitions against bill, from
Coleman, S. P. 5934.
Connecticut: citizens of 2827, 2916.
Coon, J. C. 5934.
Dakota: citizens of 3204, 3329.
Daulton, Frank M. 1718.
Illinois: citizens of 2994, 3278, 4731.
Indiana: citizens of 2916, 2955, 3136.
Iowa: citizens of 2917, 2992, 3040, 3136, 3164.
Kentucky: Louisville Typographical Union 2515.
Maine: citizens of 2915, 2916.
Massachusetts: citizens of 3514.
Mather, H. N. 2955.
Michigan: citizens of 2918, 3077, 3163, 3330.
Missouri: citizens of 1373.
Moore, O. M. 2955.
Nebraska: citizens of 2993.

Copyright—Continued.
Bills to grant to newspapers:
petitions against bill, from
New Hampshire: citizens of 2954, 2956, 2869.
New Jersey: citizens of 2915, 2994.
New York: citizens of 2788, 2827, 2869, 2899, 2917, 2918, 2955, 2992, 3204.
Ohio: citizens of 2917, 2954, 3279, 3779.
Pennsylvania: citizens of 1994, 2993.
Read, George M. 2954.
Rhode Island: citizens of 3040.
Richmond, George H. 2826.
South Carolina: citizens of 2918, 2954.
Southern Press Association 3136.
Vermont: citizens of 2788.
Whaley, Helen M. 2954.
Wisconsin: citizens of 3040.

Coquilla River
Memorial of Oregon Legislature to improve 108, 329.
petitions to improve 124, 329.

Corbett, *M. M.*
Bill for relief (see bill H. R. 4922).

Corbett, *Sewall B.*
Petition for relief 2992.

Corbett, *Thomas*
Papers referred in House 1335.

Corbin, *Ann*
Bill to pension (see bill H. R. 4526).

Corbin, *Thomas G.*
Bill for relief (see bill S. 427).
Bills for relief (see bills H. R. 20, 5592).

Cordell, *C. G.*
Bill for relief of heirs (see bill H. R. 5162).

Cordova, *John*
Bill to pension (see bill H. R. 6503).

Core, *Elias R.*
Petition reported back adversely (H. R. REPORT 19) 407.

Core, *Hugh*
Papers referred in House 84.
Petition reported back adversely (H. R. REPORT 18) 407.

Corfe, *Frederick*
Bill to pension (see bill H. R. 452).

Corinth, *Mississippi*
Bill for road to national cemetery at (see bill H. R. 6525).

Corliss, *E. E., and others*
Petition for arrears of pension 757.

Corn, *John H.*
Bill to pension (see bill H. R. 237).

Cornelius, *H. F.*
Bill for relief (see bill H. R. 6434).
papers referred in House 3514.

Cornelius, *Margaret J.*
Bill to pension (see bill H. R. 1425).

Cornell, *J. B., and others*
Bill for relief (see bill S. 1172).
papers referred in Senate 558.
Bill for relief (see bill H. R. 3318).

Cornell, *Scott*
Bill to pension (see bill H. R. 2093).

Corners. *See* AGRICULTURAL PRODUCTS.

Cornick, *E. D.*
Papers referred in House 148.
Petition reported back adversely (H. R. REPORT 358) 1066.

Corning, *Edward*
Bill for relief (see bill S. 1800).

Cornwall, *Willis*
Bill for relief (see bill H. R. 7070).

Cornwell, *New York*
Bill to donate condemned cannon for soldiers' monument at (see bill H. R. 1027).

Cornwell, *Alonzo*
Bill to pension (see bill H. R. 7046).

Cornwell, *Daniel*
Bill to pension (see bill H. R. 945).

Cornwell, *William H.*
Bill for relief (see bill H. R. 3572).

Corronna, Taussig & Co.
Bill for relief (see bill S. 453).
Bills for relief (see bills H. R. 1537, 2791).
papers referred in House 840.

Corporation of Roman Catholic Clergymen, *Maryland*
Bill for relief (see bill S. 1014).
Bill for relief (see bill H. R. 4090).

Corporations
Bill to prohibit officers of the United States accepting gifts from (see bill H. R. 1110).
Joint resolution to propose amendment to Constitution to prohibit Congress granting exclusive privileges to (see H. Res. 81).
Joint resolution to propose amendment to Constitution to prohibit Congress granting or loaning aid to (see H. Res. 82).
Joint resolutions to propose amendments to Constitution relative to taxation by States of (see H. Res. 177, 178).

Corrigon, *Margaret*
Bill to pension (see bill H. R. 2458).

Corson's Inlet
Petitions to build jetties at 303, 398, 474, 515, 747, 840, 1041, 1284, 1413, 2498.

Corths, *H.*
Bill for relief of heirs (see bill H. R. 642).

Corwin (*U. S. revenue-cutter*)
Bills to pay for labor and materials furnished for building (see bills S. 870; H. R. 2596, 4246).
papers referred in Senate 878.
Report on second cruise of (S. Ex. Doc. 204) 1417, 5788.
Resolution of inquiry in House relative to report of cruise of, referred 395.

Corzatt, *Silas*
Bill to pension (see bill H. R. 3161).

Cosgrove, *Francis*
Bill to rerate pension (see bill H. R. 5721).

Cosgrove, *John* (*a Representative from Missouri*)
Attended 2.
Appointed on standing committees: Post-Office and Post-Roads; Private Land Claims 223.
Appointed teller 1398, 3407, 3412, 4842, 5540.
Chairman Committee of Whole 3370.
Leave of absence granted to 6133.

Amendments offered by, to
Bureau of animal industry: bill to create 1398.
Letter-carriers: bill granting leave of absence to 5538.
River and harbor appropriation bill 5020, 5029.
Rules: resolution to amend 972.

Bills and joint resolutions introduced by
Cooper County, Missouri: to reimburse (see bill H. R. 901) 94.
Courts of United States: to amend law relative to issue of executions from (see bill H. R. 6061) 1982.
Diehl, Joseph: for relief (see bill H. R. 3292) 389.
Kenney, Joseph: for relief (see bill H. R. 900) 94.
Marston, S. W.: for relief (see bill H. R. 3692) 536.
Post-Office Department: to regulate duties of certain clerks in (see bill H. R. 5345) 1354.
——— relative to distribution of clerical force in (see bill H. R. 5534) 1564.
Rivers: to authorize lighting with electricity (see bill H. R. 6852) 3481.
Sedalia, Mo: to erect public building at (see bill H. R. 6326) 2432.
Smith, John: for relief (see bill H. R. 6325) 2432.
Swamp lands: for relief of purchasers of (see bill H. R. 4505) 861.
Wells, Eugene: for relief (see bill H. R. 2374) 259.

Motions and resolutions offered by
Adjourn: to 1335, 4754.
Gutman, Benjamin F: to withdraw his papers 798.
Hot Springs reservation: to reconsider resolution to investigate work at 923.
Special letter delivery: to recommit to committee bill (H. R. 1071) relative to 639.

Cosgrove—Continued.

Petitions and papers presented by, from
Diehl, Joseph: war claim 473.
Fair View Grange, Missouri: to make Agricultural Department an Executive Department 3076.
Herd, Jesse: to extend time to apply for bounty 1717.
Illinois, citizens of Chicago: relative to American pork 1317.
Missouri, citizens of: against passage of bankrupt bill 3952.
——— relative to tariff on wool 649.
——— to equalize bounties 1335.
——— to improve Mississippi River 329.
——— citizens of Arrow Rock: to protect landing at that place 585.
——— citizens of Sedalia: to erect public building at 2869, 3203.
Missouri Civil Service Reform Association: relative to civil service 3203.
Missouri Grange, No. 211: to make Commissioner of Agriculture an executive officer 2135.
Missouri Legislature: relative to tax on tobacco 222.
Soldiers: for pension legislation 5716.
Waugh, J. H: to improve Mississippi River 124.

Remarks by, on
Gaines, Myra Clark: relief of 3123, 3404, 3405, 3408, 3409, 3411, 3412.
Letter-carriers' leave of absence 5538–5542.
Pension examiners 4693.
River and harbor appropriation bill 5020.
Rules: amendment of 972.
Special letter delivery 610.

Reports made by, from
Committee on Post-Office and Post-Roads
Ballard, Thomas E. (Report 126) 755.
Letter-carriers' leave of absence (Report 1276) 2901.
Special-delivery stamps (Report 29) 434.
Committee on Private Land Claims
Gaines, Myra Clark (Report 95) 572.
Gondara, Manuel Maria (bill H. R. 5450; Report 518) 1396.
Lehman, Hayem & Taylor (Report 1655) 4339.
Socorro land grant (Report 380) 1276.
Spanish and Mexican land claims (Report 985) 5923.

Votes of. *See* Yea and Nay Votes.

Cotton. *See also* Captured and Abandoned Property.
Bill giving Court of Claims jurisdiction in cases involving cotton picked up at sea (see bill H. R. 7452).
Joint resolution to propose amendment to Constitution to allow export tax on (see H. Res. 147).

Cotton Centennial Exposition
Bills making appropriation to aid (see bills S. 2085; H. R. 6679, 6856).
petitions in favor of bill 1335, 1374, 1477, 3162, 3329, 3378, 4056.
Message of President recommending appropriation for Government exhibit at (H. R. Ex. Doc. 166) 4909, 4931.
Preliminary report of board of managers (H. R. Ex. Doc. 152) 3908 3909.

Cotton Claims
Bill to amend act of 1872 relative to return of proceeds of cotton seized after June 30, 1865 (see bill H. R. 6323).
Resolution in House to refer to Court of Claims, referred 923.

Cotton Goods
Bill to reduce specific to ad valorem duties on (see bill H. R. 3169).

Couchman, *John G.*
Bill for relief of representatives (see bill H. R. 2866).

Coulson, *Sewell*
Bill to pay (see bill S. 533).
papers referred in Senate 333.
Bill to pay (see bill H. R. 1753.
papers referred in House 9.

Council Bluffs, *Iowa*
Bill to complete public building at (see bill H. R. 441).

Counterfeiting
Bills to punish counterfeiting foreign securities (see bills S. 1369; H. R. 3985, 6759).

Couplings
Bill to regulate coupling of cars on railroads (see bill H. R. 313).

Coursy, *Benjamin H.*
Bill for relief (see bill H. R. 5936).

are imposed. This excessive protection of the raw wool is more than our manufacturers can overcome. They can't send their goods out of the country for a market; hence the plethoric supplies and the overloading of commission merchants in woolen goods, clothing merchants, and so on. Wool has been protected to death.

The same reasoning will apply to most of the other manufacturing interests of the country where the raw materials used are highly taxed. And the ruinous effect of this policy is felt by the consumers in the increased cost of most of the necessaries they use.

SUGAR.

The demand for free sugar is almost universal. It comes up from almost every part of the country. The reduction in the tariff on sugar was expected to be opposed by the sugar-planters in Louisiana. We find persons representing this interest have been here, and according to their own statements attempted to pool their interest with Pennsylvania in regard to iron and coal, and Ohio in relation to wool, and combine whatever other interest they could against a reduction of the tariff. The average consumption of sugar per capita in this country is forty-five pounds. The poorest find it a necessity. In 1883 the Government collected about $48,000,000 in duties on sugar. The tariff was over 60 per cent. The same class of sugar for which we have to pay 9 and 10 cents per pound the people of England obtain for 6 to 6½ cents per pound.

The tariff is equal to $9 or $10 on a barrel of sugar. This the consumer has to pay for the benefit of the few sugar-planters in Louisiana. The protectionists, rather than reduce the tariff on sugar to benefit the poor consumer, propose to reduce the surplus revenue by taking the tax off of whisky and tobacco. The people of this country consume annually 1,000,000 tons of sugar.

Now, the Louisiana planters who are demanding this high tariff only produce about 8 per cent. of the sugar consumed in the country. The annual average value of the sugar crop in Louisiana is only about 26 per cent. of the tariff the people pay on the imports of sugar.

During the last fiscal year the value of sugar imported was $93,525,732, upon which duties to the amount of $47,977,000 were collected. The history of sugar-planting in Louisiana shows that a high tariff has little or no influence in stimulating the production of sugar. The largest crops have been raised when the tariff has been the lowest. The sugar-planters of Louisiana need no protection, as the following facts will show.

The following extract is from a prize essay read before the Planters' Association of Louisiana in 1883. If its statements are true, and we have no reason to doubt them, they prove that domestic sugar-growers are receiving greater returns from their crops than is obtained by any other class of agriculturists:

RESOURCES OF THE SUGAR REGION.

No agricultural product in any part of the world gives a return equal to a well-conducted sugar plantation. Hitherto it has required large capital to embark in this business, but since the establishment of central factories in our State every cultivator has within his reach the means to become a sugar farmer and the certainty of obtaining a good price for his cane. Poor men in no other country have such opportunities as are here offered, for by proper cultivation they are certain of securing from $80 to $100 per acre for their cane crop, and one man can cultivate from ten to fifteen acres in cane, besides raising corn and other supplies sufficient for his family, all on land which to-day can be purchased at from $5 to $20 per acre. This new feature in the sugar industry is destined to more than double our sugar product in five years, and under favorable legislative protection this industry in the near future will assume grand proportions, for not one-half of the territory adapted to cane is as yet cultivated in this plant. It has been found that cane does remarkably well on the high lands, as proven in East Baton Rouge by sugar farmers who are growing wealthy with small mills; and cane pays well even in the sandy soil of the other Florida parishes, where nourished by fertilizers. Recent important improvements in machinery have greatly increased the sugar yield per ton of cane, and the refuse or bagasse, which a few years ago was a great burden to sugar-planters, has recently been utilized for fuel; but a better use for it will soon be found, for it makes the best paper-stock, and will in a year or two be extensively employed for that purpose. In fact, paper barrels for sugar and molasses will soon take the place of the ancient wasteful and cumbersome cypress hogsheads and barrels.

An average duty of over 60 per cent. is maintained on sugar and kept at that excessive rate in obedience to the demands of the domestic sugar industry.

It is claimed in the above paper that with proper cultivation $80 to $100 per acre is obtained from sugar. The tobacco crop of 1882 paid $64.32 per acre; hay, $11.44; potatoes, $43.89; corn, $11.94; wheat, $11.99; rye, $8.28; oats, $9.89; barley, $13.54; buckwheat, $9.49. These figures show conclusively that there is no necessity for a high tariff on sugar, and that as a crop it yields the producer six to eight times the return obtained from cereals. And yet the average rate of wages in the grain-growing States of the West and Northwest is from six to eight dollars per month greater than in Louisiana. Free sugar would still enable producers to get superb returns from their land as compared with grain-growers and give to consumers a gift of $40,000,000.

The people of this country could better afford to pay the Louisiana sugar-planter the value of his annual crop than to pay duties on the importation of foreign sugar amounting to $48,000,000. Even then the people would save over $30,000,000 per annum.

The sugar tax is an enormous fraud upon the people, and it ought to be removed. There is not as much reason for protecting the sugar-planter as there is for protecting our Western farmers against taxes upon almost everything that is used by them. Foreign nations do not give us cloths, silks, wools, or sugar; but they are to be paid for in our agricultural products; there is no other way. All the specie in the country could not pay for one year's imports—for 1883, $700,130,688. Not a yard of cloth comes into the country but what encourages American labor, because some one has raised cotton, wheat, corn, pork, beef, and other products to pay for it. Under a high tariff agricultural products will fall in price, and rise under a low tariff. This was true under the compromise tariff of Mr. Clay, from 1839 to 1842. As the duties came off agricultural products rose in price, and we increased our exports. Under the high tariff of 1843 our agricultural exports fell off and the price went down again. In 1846, under what is known as the Walker tariff, which was simply a revenue tariff, and the duties were ad valorem, the price of agricultural products rose and our exports largely increased. The same result followed under the low tariff from 1856 to 1861.

This illustrates the simple rule that when we buy of others they will buy of us. The more we import the more we export. The dutiable imports for 1883 were in value nearly $500,000,000. The following table shows some of the principal articles of import and their value:

Live animals	$3,513,629
Barley	6,288,341
Buttons and button materials	3,599,323
Crude opium	3,931,278
Watches and watch materials	2,221,703
Coal, bituminous	2,240,260
Cotton cloth	2,538,871
Cotton knit goods	7,941,381
Clothing and other cotton goods	23,808,330
Earthen, stone, and china ware	6,969,923
Fancy articles, perfumeries, &c	7,402,856
Hemps and substitutes for	4,576,324
Jute and sisal grass	5,720,995
Manufactures of flax, jute, &c	24,133,992
Fruits and nuts	17,407,607
Furs, dressed, on skins	5,325,133
Pig-iron	5,745,999
Tin-plate or taggers tin	18,075,814
Various manufactures of tin	13,875,693
Precious stones	8,550,818
Leather	7,228,409
Gloves, kid and leather	3,589,653
Silk, dress and piece goods	16,821,441
Silk, clothing, laces, ribbons, &c	18,280,474
Brandy	2,246,526
Molasses	6,980,210
Sugar, Dutch standard in color	87,774,898
Leaf-tobacco	8,312,913
Cigars, cigarettes, and cheroots	3,055,770
Wine, in casks	3,012,977
Wine, in bottles	5,207,345
Lumber	7,433,989
Wool, unmanufactured	11,843,625
Woolen cloth	12,922,521
Women's and children's woolen goods	17,095,209
Woolen goods, unspecified	8,430,558
Total	396,150,721

These thirty-six headings embrace more than three-fourths of the dutiable commodities brought into this country. It will be observed that by far the greater portion are articles of prime necessity. Sugar, cotton goods, and cotton clothing, woolen goods and woolen clothing, manufactures of flax, tin, and manufactures of tin, iron, and manufactures of iron make up much the larger part of the goods upon which duties are imposed. These are articles indispensable in every household in the land. These enter into the life of every human creature. The duty on these articles is from 40 to 50 per cent. It is not stating the case too strongly to say that on the six articles we have just named the laboring classes pay annually over $100,000,000 tax to the Government, or $2 to each person, and $10 to each average family. This, of course, takes no account of the amount they pay to protect home industries which does not go into the Treasury. This amount is indefinite, but is variously estimated to reach three times the sum, or more than is paid to the Government (more nearly five times, or $50 per family); that is to say, $6 to each person, and $30 to each family in the United States. If this tax were levied direct on the people the present tariff would not stand a month. It falls on them none the less surely and is much less equitably distributed than are direct taxes, but so disguised as to excite no general protest. It is only by discussion that the truth can be brought home to the people who bear the burdens.

Under the Morrison bill wood, sawed lumber, coal, and salt are added to the free-list, and to these, in my judgment, there ought to be added wool, sugar, and many other articles of prime necessity. The effect of the present bill will be to reduce the present tariff about 15.74 per cent., as estimated by the Ways and Means Committee, making about $31,000,000 reduction. This is something to be sure, and perhaps as much as can be obtained at this time under the circumstances.

The bill under consideration does not propose to reduce the tariff in any material respect below that of the Morrill tariff of 1861. At that time that was the highest tariff known to our laws.

Twenty-three years have elapsed since the adoption of that high protective tariff. At that time it was thought necessary to make some excuse to the people for so exorbitant a tariff. It was urged by the protected class that their business was in its infancy and required protection to keep it alive. Yet many of these infant establishments had been in existence and flourishing and yielding large dividends for more

than forty years. Now nearly a generation of protection has been added, and if there is any virtue in it certainly the infant ought to be of age now and no longer has the right to demand a subsidy or gratuity at the expense of the whole people. If the Morrison bill becomes a law, the average tariff on the dutiable articles will be over 30 per cent. This certainly ought to be sufficient to satisfy all reasonable men. It gives the manufacturer 30 per cent. the advantage over the great mass of the citizens, but this protected and rapacious class still plead infancy and more protection.

It is urged by the protectionist that the internal-revenue tax should be abolished. This is principally on whisky, beer, and tobacco, and yields a large amount of revenue, nearly $132,000,000 annually. If this revenue is taken off it would give the protectionist increased advantage for insisting that there shall be no reduction of the tariff, but rather an increase. Of course protectionists are in favor of abolishing the internal-revenue system.

I am opposed to the abolition of the internal-revenue system as applied to whisky and tobacco. These articles are not necessaries. Whatever of this tax is paid is voluntary. No one need pay a dollar of this tax unless he chooses; and the abstinence from the use of these articles, and therefore from the payment of this tax, would always be to the advantage of the individual.

It is estimated that our tariff and revenue laws will give $100,000,000 more than is wanted and can be used by the Government under the law. What reason can be given for taking this large sum from the hard earnings of the people? The Democratic party have given their pledge to the people to reform the abuses in our tariff system, and, for one, I am for faithfully redeeming these pledges.

The Bonded Extension Bill.

SPEECH

OF

HON. JOHN A. KASSON,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. KASSON said:

Mr. SPEAKER: At the suggestion of various members of the House, and in response to sundry arguments on the general question of free trade which have recently appeared in the CONGRESSIONAL RECORD, I submit herewith as part of my remarks the views which I have recently expressed elsewhere on that subject. The speech referred to was reported and printed as follows:

FREE TRADE NOT THE INTERNATIONAL LAW OF THE ALMIGHTY.

[Congressman JOHN A. KASSON, of Iowa, delivered an address before the Brooklyn Revenue Reform Club, in the hall of the Long Island Historical Society, on the evening of February 6. The address was entitled "Free trade not the international law of the Almighty." Mr. KASSON was listened to with the closest attention, and was frequently applauded, especially where he showed that from England, a country "blessed with free trade," the annual immigration to this country has largely increased since the introduction of the system which was denounced by its opponents as one of "robbery and injustice."]

Mr. KASSON prefaced his remarks by referring to the famous declaration of Cobden that free trade is the international law of the Almighty, and said that he had chosen for the title of his address "Free trade not the international law of the Almighty," as indicating the distinct issue between the two principles of free trade and protection. Whatever most promotes the welfare of the people, he said, must be regarded as being in obedience to the laws of Divine Providence. The rule may be just between two barbarous tribes who exchange the shells of the seashore for an elephant's tusk from the interior; but as soon as civilization and the skill of labor intervene and money becomes an element of exchange for materials regulations are made in the interest of self-protection and for the promotion of wealth. The truth or falsity of the maxim must depend upon the condition of each country. One form of it may be true of one nation and the converse of it true of another. Its application must depend upon the particular conditions of each country, and the object of this address is to show that so far as the United States are concerned Mr. Cobden was wrong, without disputing that he may have been right in applying his maxim to the people of England.

As I understand the principles of this club, its favorite reasoning is from theories to laws. That is to say, you find laid down in the books certain principles on which society ought to be founded, assuming that no wars will exist, that communications are always open, that the people of all nations seek the same conditions of existence, and will be animated by the motive of mutual equity, without seeking advantage one over the other. But history proves these assumptions to be false. Wars do arise. Communications are obstructed and barred. Different nations seek different results from social organization. Some seek wealth and power alone for a privileged class, a hereditary aristocracy, and accept as necessary the debasement of labor. Others seek the elevation of all classes, the comfort and security of all, and would give dignity to all useful occupations. These and other differences necessarily result in different processes of legislation. One country has great and diversified resources, another has few and perhaps none to provoke enterprise. Thus when your theories are carried into laws you often find them wholly inapplicable to the conditions of the country you would subject to their jurisdiction.

For myself I favor a reasoning which will lead from facts to law. The laws which govern mental philosophy can not possibly be applied to the practical affairs of men. These are so variable that a system which is excellent for one quarter of a century would be utterly opposed to a system adapted to the next quarter. The reading of works on political economy, like those of Adam Smith, Say, Ricardo, McCulloch, Bastiat, and a host of others, will show that the effort of each succeeding writer is to correct the errors into which his predecessor has fallen. There is no theory of political economy in its application to the changeable affairs and interests of man which can be said to be permanent in its application. As in the case of political institutions one kind of government is best adapted to one people, and another to another people with different traditions and different education, so one theory of taxation may be well adapted to a nation in Europe and at the same time be ruinous to the development of a nation in America.

APPEALING TO HISTORY.

But I too have a favorite book of authority in which to find the principles of my political economy. That book is the history of my country for the century of its existence. It is a history of experiences and trials under both systems. I read there that my country at the beginning was substantially without manufactures and largely dependent on a nation 3,000 miles away. As soon as our forefathers consolidated the States under national authority, in the first Congress assembled they laid duties "for the encouragement and protection of manufactures." The laws of 1789, 1816, 1824, and 1828 were all protective in their character and adopted in part by the same men and under the influence of the authors of the Constitution.

The right to impose duties with reference to the protection of American industries was completely established. During this period the rate of duties was steadily advanced, not for revenue only, but for protection also, from about 6 and 8 to nearly 50 per cent. ad valorem. Each successive rate promoted the industries of the country while it enriched the Treasury. The revenue became too great for the wants of the Government, and the sliding scale of 1833 was adopted as an experiment, under the belief that the revenue could be reduced without the destruction of the industries which had grown up under the uniform fostering care of Congress. The revenues were reduced far beyond the wishes of the authors of the scheme, and ruin of our domestic industry and of the public credit followed as its legitimate result, and one of the greatest and most distressing panics the country has ever known became a reality in 1837.

This experience led logically to the restoration of a higher and protective tariff in 1842, under the influence of which industries revived, prosperity returned, and the Treasury was again amply supplied. But the economic views of the opponents of protection again prevailed, and again the tariff was assailed by successive Congresses, beginning in 1846. Then again, in 1857, came bankruptcy of manufactures, of trade, and of the Federal Treasury. Once more the policy of protection came to the front, in 1861, and from that time on this policy has been perpetuated in the legislation of the country. It has now been continually tested for a period of twenty-two years.

You will observe that after each disaster which followed the free-trade periods there was no recovery of either public credit or public prosperity until a change of law and system from free trade to protection; and then prosperity did return. I beg you also to observe that during this period of twenty-two years a financial convulsion befell both Europe and America. Our revenue system was not changed, while our monetary system was; and the United States was the first of all nations to recover its prosperous tide, which has continued to this day and has become the admiration of all nations.

INCREASE OF IMMIGRATION AND POPULATION.

Under these circumstances, as I understand the theory of your association, I ought not to consult the facts of history to ascertain whether free trade or protection is the system most advantageous to my country, but I should go to the books and writings of McCulloch, of Ricardo, of Wells, and of Sumner, and learn from them whether it is possible that a country should become prosperous under protection, or whether it is a system of "robbery and plunder and disaster to the people." I must decline to ascertain from books written in the past whether my country can be prosperous under one system or the other. My appeal for information on that subject is to history, and not to the theoretical writings of philosophers. I look upon the condition of the United States as I found it under the beams of the rising sun this morning. Churches, schoolhouses, dwellings in town and country, savings in bank, the public treasury, mills, factories, farms, barns, storehouses, railroads, mines, herds and flocks, clothing of the people, popular contentment, love of country—I look at all this, and ask myself: "Is all this evidence of suffering under a long-continued system of 'robbery and plunder of the people?'"

Take, for example, your declaration that a protective tariff is necessarily robbing the many for the benefit of the few; is an unjust and burdensome taxation, oppressive to the people, and especially to the poor. If that is true you will admit that it ought to discourage immigration, retard the increase of population, and embarrass the material development of the country. You must further admit that the laboring classes certainly should not leave a country blessed with free trade and go to a country oppressed by this system of robbery and injustice. When I appeal to the facts of history I find that instead of retarding immigration and embarrassing the growth of population there came from the free-trade country whose policy you ask us to follow only 78,000 in 1860; after our system of "robbery and injustice" was adopted, twice the number, or 151,000, came in 1870 from the same country, and 164,000 in 1880; and while there was under free trade in 1860 a total immigration of only 150,000, it rose in 1870 to 356,000, and in 1880 to 593,000. Were all these immigrants incapable of judging for themselves whether there was more profit to the laboring classes in a free-trade country or in a protective country? Did they not know whether, on the whole, the comforts of life and means of gain were greater in the country which they left or in the country to which they came? Shall I go to the writings of the free-trade economists to find this fact, or am I justified in learning it from the men who had experienced both the blessings and the wrongs under both systems? When each 100,000 of immigrants wrote back to persuade another 100,000 to come, did they do it blindly and wickedly, or did they do it because of the greater blessings, the superior comforts, the better chances of life which they here enjoyed?

And how was it with the population? Instead of the slow growth of European nations we find that at the close of our free-trade period the entire population of the United States was 31,000,000. It rose to 38,000,000 in 1870, and to 51,000,000 in 1880. Does this indicate increased difficulty in the means of subsistence, increased embarrassment in the acquisition of wealth, or does it show that the country has become more and more capable of sustaining a large population in comfort and wealth?

GROWTH OF AGRICULTURE AND MANUFACTURES.

Has this system which you so violently condemn impeded the development of the country? If I look in your books on political economy I perhaps should answer "Yes." I prefer to look into my own book, which is the history of the United States as disclosed by the census taken under the law. I inquire, first, as to its effects upon that class of population with which I have been identified, and which you say suffers most of the burdens and injustice. I find that the value of the farms of the country in 1860 was $3,200,000,000, rising to $7,000,000,000 in 1870, and in 1880 to $10,197,000,000. The gross value of their products in 1860 was not returned, but is estimated at $1,400,000,000; in 1870 it was $1,800,000,000, and in 1880, $2,200,000,000. And just here let me re-enforce my statement respecting the growth of agriculture in this country by an extract from the British Agricultural Commission's report in 1882, in which this sentence occurs: "It is safe to say that for the last two years the agriculture of America has been at the very flood-tide of its prosperity." So even the census of 1880 has not fully told

the magnificent story of our agricultural development under this system of "robbing" the farmers, our foreign rivals being the witnesses.

But what is the condition of the same agriculture under free trade in England, where the farmers, instead of being "robbed" by protection, have the blessings of free trade? Let the great free-trade organ of England, the London Times, tell the story in its issue of April 19, 1882. Its four-column article is under the title "Agricultural Decline in England," and is a review covering thirteen years. It declares that England now has about $40,000,000 less value of live-stock, and a further loss of $20,000,000 in grain crops, irrespective of the falling off in yield per acre planted. That paper says sadly, in summing up: "We present the above statements illustrating the decline in agricultural wealth and production, leaving to farm occupiers and their landlords to consider how far the facts constitute an indictment against their craft, or only a record of its misfortunes."

Now, put in contrast with this what is said by the British Agricultural Commission of our agriculture in its report of the same year, 1882: "It is safe to say that for the last two years the agriculture of America has been at the very flood-tide of its prosperity."

Which system has "robbed the farmer" or plundered the poor? Which has proved most beneficial to the farmer?

On that other equally important branch of national industry—the product of manufactures—I find that the values have risen in the three decennial years from $1,885,000,000 in 1860 to $3,385,000,000 in 1870, and to $5,369,000,000 in 1880. These aggregates of two branches of American industry have required vastly improved facilities for transportation to market. Consequently our railroad mileage has increased from a few thousand miles in 1860 to a greater mileage at this time than is furnished by the entire system of Europe. The iron ore mined in the United States in 1880 reached the enormous aggregate of nearly 8,000,000 tons. The results of coal mining are still more remarkable, having risen from 14,000,000 tons in 1860 to 71,000,000 tons in 1880.

IMPORTANCE OF THE COAL INDUSTRY.

Mr. KASSON here paused in his argument to illustrate the importance of the coal fields of the country and their development as perhaps the best indication of the development and growth of the great industries of the nation, as the creator of the force required for handling the vast agricultural and manufactured products of the country, as well as the source of supply for fuel for the increased population. He referred to it not only as an original source of wealth, but as an instrument for the creation of wealth in nearly every department of human enterprise, claiming that no more significant proof of the enormous prosperity of the country during the last twenty years can be furnished than an exhibit of the rapid increase in the production of this mineral, more valuable than gold and silver. In concluding his proof of the unparalleled development of national prosperity he gave the census figures for the total wealth of the United States as $16,000,000,000 in 1860, $30,000,000,000 in 1870, and $43,000,000,000 in 1880.

The free-trade economist, Mulhall, estimates the annual accumulation of wealth in the—

United States at	$825,000,000
France	375,000,000
Great Britain	325,000,000
Germany	200,000,000

He says of us: "Every day that the sun rises upon the American people it sees an addition of two and a half million dollars to the accumulated wealth of the Republic, which is equal to one-third of the daily accumulations of mankind!" Does this look like "robbery" in America, as compared with Great Britain?

THE BALANCE OF TRADE.

After citing some additional facts, he proceeded: I perceive also that those who base their statesmanship upon the writings of the scholar at his desk and the professor in his college endeavor to convince us that the balance of trade has little to do with the prosperity of the country. In answer to this, looking again into my book of our national history, I find that the change in our balance of trade with foreign countries, which was effected eight or ten years ago and has since continued, has caused a change of ownership in the great mass of United States bonds, has caused a cessation in the payment of interest to foreign countries, has swollen the contents of our savings banks and the credit balances of our depositors, has enabled us to resume specie payments, has filled the country with gold and silver, and added hundreds of millions to the circulating-medium of the United States, has reduced interest to the lowest point ever known in the history of the country, both for governments and individuals, has raised the public credit to the foremost rank among the nations of the world, and has so magnified the capital of the country that borrowers have ceased to seek lenders, and lenders are seeking everywhere in beneficent enterprises places for the investment of their wealth. You may say that this can not be, because all the books say it is inconsistent with a system of taxation which is "robbery and injustice." My only answer is that it is so. If your theories and our facts come into collision the theories must retire, in good order if possible, or the facts will trample them under foot and soil the fair paper on which they are written. If we bring in fifty millions of sound money each year from the rest of the world in payment of the favorable balance of our trade, we must in twenty years have a thousand millions more to work with in our own interest. If money is not itself wealth it is an enormously powerful instrument in the production of true wealth. Nations seek to acquire it for the same reasons that individuals do, and both find it to their advantage to possess it. You can hardly convince them of the contrary.

COST TO THE CONSUMER.

But you have a further and a very favorite argument, which sounds and resounds from the Atlantic to the Pacific, and which reverberates in the center of the continent. This argument declares that the tariff enhances by the amount of the duty the price of every article on which it is imposed. You further say that it not only adds so much to the expense of the consumer but it also enhances the domestic prices by the same amount on all the like articles produced at home. Where shall I go to test this argument? Shall I go to your books, which only tell me what ought to be as a logical deduction from logical propositions? Again I make my appeal to our favorite book, the history of facts. As you know, our duties on nearly all importations were increased more than once after 1860. I take the list of principal articles where the American competitive industry has been protected, and I find in a great majority of cases (I believe in all) that prices are lower than they were before the imposition of increased duties. It would require more than one address to go over the list of articles in respect to which this is found to be true. I will mention some by way of illustration. We have always had a high duty upon silks, regarding them as luxuries. It has been so high as to be also a protective duty.

Enterprising Americans resolved to avail themselves of it and introduced that industry into the United States. It has been developing for about twenty years, and has now extended into several States. The result is certified by Mr. Wyckoff, who prepared the census report on that subject, in a letter to me. The general reduction in prices since 1860 averages about 25 per cent., and in some instances over 30 per cent., while about one-half the entire consumption is the product of American labor. In steel rails before the imposition of duties we paid England over $100 per ton. Since American manufactories have grown up we have purchased them as low as $35 per ton. Similar results have attended the duties on cutlery and other hardware. The same is true of cottons and of woolens. Common clothing is to-day sold in the United States to the consumer as cheaply as in Great Britain, as we learn from consular reports and personal investigation. I must warn you, gentlemen, against deceptive comparisons of prices. It is only just when the comparison is grade for grade. Many of our goods of the same name are vastly superior to those of England. A toy pistol must not be compared with a navy revolver because both are called pistols. On this subject the London Times admits that "the Americans succeed in supplanting us by novelty of construction and excellency of work. They do not attempt to undersell us in the mere matter of price. Our goods may still be the cheapest, but they are no longer the best."

You say, if I understand you correctly, that we can not export products of domestic manufacture because our protective duties so enhance the price. This may be true of some articles. But I have before me a certified statement from the Bureau of Statistics showing an increase of exports of domestic manufactures under the protective system as follows:

In the free-trade year:	
1860	$45,639,730
In protective years:	
1870	47,871,027
1880	79,457,325
1883	111,890,001

Mr. Kasson gave further illustrations in support of his argument, and declared that it was the result of the law which the advocates of free trade choose to ignore—the law that home competition is the greatest factor in the reduction of prices. He then read an extract from the report of the French Centennial Commission in 1878, as follows: "A veritable economical revolution has taken place in the United States. Under the shelter of a prohibition system * * * they have organized a powerful industry which rivals England in cheapness."

This he supplemented by a remark of the president of the German commission to the Philadelphia centennial in the following language: "The present condition of American manufactures shows the fallacy of the free-trade doctrine that the productions of a country are raised in price by protective duties."

And again, from the London Engineer, a periodical devoted to British manufacturing interests, he read as follows: "As far as the American consumer of iron is concerned, he is better off for protection." And the English consul-general at New York, Mr. Archibald, officially reported that the prices of carpets in the United States were 12 per cent. cheaper in 1879 than in 1860, while prices of dress goods had fallen about 25 per cent. Surely all these are unquestionably competent witnesses, and entitled to belief rather than your logical deductions from books.

Continuing, he said: Although American exports of manufactures as well as of raw products have largely increased, they would be much larger if Congress would open lines of transportation under American control, which should give us access to the markets which legitimately belong to our geographical situation and to the enterprise of our people.

HOW THE LABORING CLASSES SHOULD BE TREATED.

The speaker then appealed from the question of money to the questions of patriotism and humanity. He affirmed it to be the duty of every citizen to support all legislation which makes the United States independent of foreign countries, in war as well as in peace. It was, he contended, a higher duty to sustain the integrity and honor of the country and its absolute independence of foreign control, commercial as well as political, than it was to provide for a temporary increase of wealth, if that were possible, by a sacrifice of the elements of safety. The object of the statesmen of the United States, an Englishman has said, is not to secure the largest amount of wealth for the country generally as much as to keep up by different means the standard of comfort among the laboring classes. He proceeded to show the importance of giving these classes the means of educating their children, of opening all avenues of advancement to them, of making them feel themselves an integral part of the nation, enjoying its blessings as well as its liberties. He denounced all modifications of legislation the effect of which should be either to rob them of employment by the destruction of industries, or by crippling the industries to rob them of wages necessary to their comfort and reduce them to the grade of living of workmen abroad.

He concluded by portraying that condition of labor which is aimed at by the policy of protection, which involves equal advancement of all classes in society. He claimed that there should be a soul put into political economy, which should recognize the rights of humanity as well as the right to a market for goods. This protective system, so much assailed, has meant and still means wages for the laborer, bread and clothing and education for his children, and hope for the future. It means that employment of capital which distributes its earnings among the largest number. It means diversity of national industry, which defends us against privations in war and secures our independence in peace. It means national enrichment, by buying at home instead of spending abroad. It means accumulation of national wealth, which in turn flows back in a thousand channels to fertilize new enterprises and develop new sources of wealth. It means the beneficence of boundless charity and the endowment of schools and colleges and churches. It means the progress, the prosperity, the comfort, and the happiness of a people already great, and with a yet greater destiny in the future.

[At the conclusion of his address Mr. KASSON was given a vote of thanks, accompanied by loud applause.]

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. LUMAN H. WELLER,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 1, 1884,

On the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. WELLER said:

Mr. SPEAKER: In the discussion of the bill under consideration, that my remarks may be better understood and, as I trust, more highly appreciated, I desire to present to the attention of this House some of the main cardinal principles of my political creed touching national affairs and the needs of this day for the general welfare.

I will now present those views, formulated as follows:

First. We, the people, are the Government; and therefore all legis-

lation, both national and State, should represent the majority will and best interests of the people—the Government—constitutionally expressed.

Second. All special legislation tending to and resulting in the building up and fostering of consolidated corporate monopolies not only is destructive to our form and character of government—of, by, and for the people—but positively aids in creating a government of vicious, speculating, usury-sucking, prosperity-destroying, crime-breeding, tramp-creating aristocracies; a government of outrageous inequalities among the people; a government of money as king and labor as slave.

Third. The spirit of the age demands progress in all ways possible; therefore, leave the past with its sanctified good and strike boldly for the grand possibilities to humanity coiled up in the present and future.

I here present statements as a proper basis for philosophic, philanthropic, and statesmanlike action in legislating for a goverment of, by, and for the people.

STATEMENTS FOR ACTION.

First. To establish the unlimited coinage of gold and silver, present standard of weight and fineness.

Second. To substitute a permanent Government legal-tender paper money for bank issues of currency without contraction or inflation thereby.

Third. To promptly pay the bonded debt.

Fourth. To reduce the taxes and expenditures to the people by substituting a system of equitable taxation and just reduction of official salaries.

Fifth. To destroy sectional strife.

Sixth. To overthrow corruption at the polls and in representative bodies, and that the people be insured a free ballot and fair count.

Seventh. To justly control by law and bring into subjection to the interests of the people all corporations and monopolies which have corrupted the public service, and by combination and extortion have established absolute dominion over money, over transportation, over invention, and over land and labor.

Eighth. A revision of the tariff in the interest of labor, but not in the interest of rich corporations and monopolies.

Ninth. No sumptuary enactments inimical to the letter and spirit of the United States Constitution.

But I return to argue more specifically the terms of the bill under consideration. It may be that the bill was unconsciously framed in the interest of the money-lenders, persons of fixed incomes, and dominating corporations. Whether intentional or not, it in my opinion is so framed.

The first section reads that the trade-dollars shall be received at their face value in payment of all dues to the United States. The second section reads that the holder of trade-dollars may, on presentation at the proper Treasury department, receive in exchange standard silver dollars therefor.

These two sections, standing alone, should they be enacted into a law, would practically remonetize the trade-dollar, and would increase the volume of money to the extent that such silver coin would be exchanged for standard dollars now locked up in the Treasury.

Section 3 requires that all trade-dollars received by, paid to, or deposited with the Treasurer, or any assistant treasurer or national de-depositary shall not be paid out again, but shall be transmitted to the coinage mints at the expense of the Government and recoined into standard dollars.

These three sections, standing by themselves alone in this act, and if made into a law, would result in an increase of the volume of money to the extent of such receipts, recoinage, and exchange, provided it be true as stated by gentlemen that these trade-dollars are not now in circulation and thus serving the purposes of money.

But if, as I now allege, these dollars are now largely in the hands of speculators, who bought them up out of the hands of the people at 70, 75, 80, and 85 cents on the dollar-piece, and thus have them stored away from circulation, then for the Government to receive them in exchange for standard dollars will liberate from the Treasury an equal number of dollars now hoarded there, as useless as if they were in the bowels of the earth, whence the material of which they are composed was originally taken. But the shrewd manipulators prompting this action have inspired the fourth section, which reads as follows:

SEC. 4. That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

This fourth section is capable of but one single, direct interpretation, although it is shrewdly worded. The first statement is, "That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion." How does the Treasury Department now treat silver bullion?

It can under existing law coin of it into standard silver dollars not less than two nor more than four millions per month. If the purposes of this section were not clear from the language quoted, most certainly the remainder of the section would place the meaning and intent beyond dispute. It reads: that at their bullion value they shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878. Now, suppose there be under this bill as framed 1,000,000 trade-dollars in bullion value turned into the Treasury or coinage mint for coinage purposes during any month, the Secretary of the Treasury would be compelled to deduct that sum from the sum of his purchases under existing law, so that, the existing law being complied with, not less than two nor more than four millions per month in all could be coined.

Thus, it being true that under the terms of this fourth section the officials being obliged to take all trade-dollars offered, and when taken to recoin them under the terms of existing law as to coinage, there could be no more dollars coined than as though this bill had never existed, and it would be a positive bar to the purchase of other silver bullion, and therefore to its coinage, and thus diminish the volume of silver dollars to that extent. As I view this bill, it has but three general purposes: First, to play into the hands of speculators that swindled the people at every turn out of 10, 15, or 20 cents on every piece, and, now that the speculators have the great bulk of these dollars, to permit them to exchange, piece for piece, at the expense of the Government into (lighter) standard dollars, that, strange to say, are worth as a debt-paying agent from 10 to 20 or 25 per cent. more than the big, heavy Sherman and Blaine dollars. Yes, this and more as a purchasing agent also.

Second. To diminish the volume of money in circulation, and thus make it more difficult for the debtor class to meet their obligations of whatever kind solvable in money.

Third. To bring about a condition of things that will prompt or force a discontinuation of the coinage of silver.

If I am correct, and I aver that I am, and have laid bare the stimulating motive, the sum of this proposed unwise legislation is to decrease the volume of money in general circulation, and thus enable the creditor class to close his securities when the thus diminished value of such securities will enable him to rake in the property of his debtor at many per cent. less of value, measured in legal dollars, than was its market value when the loan was made.

I notice that eminent gentlemen on this floor make great stress of what will be the acts of other nations, especially the Latin Union, whether they adopt the monometallic standard of gold or a bimetallic standard of gold and silver. I shall be surprised if some of these gentlemen do not in the near future advocate that the Constitution of these United States should be so revised as to accord in letter and spirit with the characteristics of a monarchical form of government. Every effort to secure an international standard of coin money has so far failed, and must continue to fail for the very obvious reason that all such governments are inimical to republican forms of governments, and therefore those financial and other conditions essential to a monarchical form of government would be inimical to a people's government. Therefore any condition of measures or national policies that would prove of great value in building up a peculiar government such as ours would in all their tendencies prove destructive to any monarchical form and character of government.

Thus it is that the British Government, as well the German Empire and others, have been seeking to destroy us, not by shot and shell, the sword and bayonet, but by the subtle and more potential way of fastening on our people a financial system that would in its practical operations reduce the masses of the people to the ranks of tenantry, then deprive certain classes of the ballot for the alleged reason that such are not qualified by intelligence or property ownership to properly exercise that right according to their ideas of propriety, and then establish a strong government, with life-tenure in office, the few dominating the many, the few living in luxury and idleness from the productions of the toiling masses. This can be accomplished in a large degree by the demonetization of that metal money most abundant in order to thus diminish the volume by creating it only of that metal least abundant.

This remarkable language is found in the first volume of the report of the silver commission, made in 1876:

DECREASING VOLUME—ITS EFFECTS.

At the Christian era the metallic money of the Roman Empire amounted to $1,800,000,000.

By the end of the fifteenth century it had shrunk to less than $200,000,000.

During this period a most extraordinary and baleful change took place in the condition of the world. Population dwindled, and commerce, arts, wealth, and freedom all disappeared. The people were reduced by poverty and misery to the most degraded conditions of serfdom and slavery. The disintegration of society was almost complete. The conditions of life were so hard that individual selfishness was the only thing consistent with the instinct of self-preservation. All public spirit, all generous emotions, all the noble aspirations of man shriveled and disappeared as the volume of money shrunk and prices fell.

History records no such disastrous transition as that from the Roman Empire to the Dark Ages. Various explanations have been given of this entire breaking down of the framework of society, but it was certainly coincident with a shrinkage in the volume of money which was also without historical parallel.

The crumbling of institutions kept even step and pace with the shrinkage in the stock of money and the falling of prices. All other attendant circumstances than these last have occurred in other historical periods unaccompanied and unfollowed by any such mighty disaster.

It is a suggestive coincidence that the first glimmer of light only came with the invention of bills of exchange and paper substitutes, through which the scanty stock of the precious metals was increased in efficiency.

STEADINESS OF INCREASING VOLUME—ITS EFFECTS.

On page 51, same book, we read as follows:

It is in a volume of money keeping even pace with advancing population and commerce, and in the resulting steadiness of prices, that the wholesome nutriment of a healthy vitality is to be found. The highest moral, intellectual, and material development of nations is promoted by the use of money unchanging in its value.

That kind of money, instead of being the oppressor, is one of the great instrumentalities of commerce and industries.

Page 52:

Steadiness in prices insures labor to all and exacts labor from all.

It gives security to credit and stability and prosperity to business.

It encourages large enterprises, requiring time for their development, and crowns with success well-matured and carefully executed plans.

It discourages purely speculative ventures, and especially those based upon disaster.

It encourages actual transactions rather than gambling on future prices.

It metes out justice to both debtor and creditor, and secures credit to those who deserve it.

It prevents capital from oppressing labor and labor from oppressing capital, and secures to each its just share of the fruits of industry and enterprise.

It secures a reasonable interest for its use to the lenders of money, and a just share in the profits of production to the borrower.

It keeps up the distinction between a mortgage and a deed.

It insures a moderate competence to the many, rather than colossal fortunes to the few at the expense of the many.

EFFECTS OF A DECREASING VOLUME OF MONEY.

On page 53, same book, we read:

While the volume of money is decreasing, even although very slowly, the value of each unit of money is increasing in corresponding ratio, and property is falling in price.

Those who have contracted to pay money find that it is constantly becoming more difficult to meet their engagements. The margins of securities melt rapidly away, and the confiscation by the creditor of the property on which they are based becomes only a question of time.

All productive enterprises are discouraged and stagnate because the cost of producing commodities to-day will not be covered by the prices obtainable for them to-morrow. Exchanges become sluggish, because those who have money will not part with it for either property or services, beyond the requirements of actual current necessities, for the obvious reason that money alone is increasing in value, while everything else is declining in price.

This results in the withdrawal of money from the channels of circulation and its deposit in great hoards where it can exert no influence on prices. This hoarding of money from the nature of things must continue and increase not only until the shrinking of its volume has actually ceased but until capitalists are entirely satisfied that money lying idle on special deposit will no longer afford them revenue, and that the lowest level of prices has been reached.

It is this hoarding of money when its volume shrinks which causes a fall in prices greater than would be caused by the direct effect of a decrease in the stock of money.

Money in shrinking volume becomes the paramount object of commerce instead of its beneficent instrument.

Instead of mobilizing industry it poisons and dries up its life-currents. It is the fruitful source of political and social disturbance.

It foments strife between labor and other forms of capital, while itself, hidden away in security, gorges on both.

It rewards close-fisted lenders and filches from and bankrupts enterprising borrowers.

It circulates freely in the stock exchange, but avoids the labor exchange.

It has in all ages been the worst enemy with which society has had to contend.

On pages 53 and 54, we read (this was in August, 1876, and reviewed the continuing results of the panic of 1873):

The great and still continuing fall in the prices in the United States has proved most disastrous to nearly every industrial enterprise.

The bitter experience of the last few years has been an expensive but most thorough teacher.

It has taught capitalists neither to invest in nor loan money on such enterprises, and just as thoroughly has it taught business men not to borrow for the purpose of inaugurating or prosecuting them.

Of the few business enterprises now being successfully prosecuted the larger part are based on a monopoly secured either by patents or exceptional conditions.

The business man has discovered that the less active and enterprising he is the better he is off.

The manufacturer avoids loss by damping down furnace fires and slowing down machinery. * * *

The miners ascend from the dark and gloomy depths of the mine with a scanty pittance called wages to find in a famishing household a gloom that is more profound.

They await with heroic fortitude and a sometimes impatient hope the advent of another Sir Humphrey Davy with a lamp capable of shedding light on the cause of existing evils, and of protecting them and all others who depend on their labor for their daily bread against a lingering misery more to be dreaded than the deathly danger that lurks in the treacherous fire-damp.

Securities have already become so impaired through falling prices that loanable capital has fled affrighted from the newer and more sparsely settled sections of the country, and accumulated in large amounts in the great financial centers, where securities are more ample.

The personal and property securities of individuals have generally ceased to be available, except at the highest rates of interest or at ruinously low valuations.

Money can be borrowed readily only upon securities as bonds which are based on the unlimited tax-levying power of the Government, or upon the bonds and stocks of first-class trunk lines of railroad corporations, whose freight and fare rates are practically a tax upon the entire population and resources of the regions which they traverse and supply.

The competition among capitalists to loan money on these more ample securities has become very keen, and such securities command money at unprecedentedly low rates.

These low and lowering rates of interest, instead of denoting financial strength and industrial prosperity, are a gauge of increasing prostration.

The foregoing solemn statements of eminent men accord with the voice of history and of experience as well, that when one-half of the money of a people or nation is destroyed or taken out of circulation the remaining part must be in greatly increased demand and correspondingly dear. In 1857 Germany demonetized gold, and the "hard-pan" advocates issued a formidable propaganda on the discovering of gold in California and Australia, claiming that the productions of this precious metal would soon become so abundant as to nearly lose its value for purposes of money.

I am unable to discover how one piece of silver coined containing 412½ grains of silver nine-tenths fine can be a dollar in very truth and fact unless two pieces of equal weight and fineness equal $2. If the truth is that two pieces of equal weight and fineness are, and only are, of twice the value as money to one such piece, what possible objection can there be to permitting the free coinage of silver as of gold, each party bringing his bullion to the Mint, paying the expense of coinage, and then be compelled to take away the product at his own expense and dispose of them as best he can, unless there be much in the statement that the volume of dollars in circulation determines in a large degree the commercial value or purchasing power of each of said dollars, and thus affects the producing class on the one hand and the monopolies on the other?

It can not be successfully denied that the result of this measure as it came from the hands of the committee would be to restrict the volume of silver money within the jurisdiction of our Government. I would oppose unlimited inflation if it were a possibility, but demand that the volume shall be so adequate to the business demands of the people that they shall not be dependent on the whim of the money-lender or national banker.

But this bill, unless the fourth section be stricken out, gives peculiar advantage to the holders of silver bullion in the shape and character of trade-dollars—and they are but stamped bullion—over the holder of other stamped bullion in the shape and character of silver bricks or bars, the law (passed February 12, 1873, chapter 131, volume 17, page 424, section 21) being that the holders of silver bullion may deposit the same at any mint and have the same formed into bars for his benefit, and thus permits the holder of one class of silver bullion to get it coined into standard dollars, but debarring all holders of another class of silver bullion of equal fineness from such a benefit.

Will any one attempt to deny that such a measure enacted into law would be special-class legislation and therefore undemocratic?

The amendment which I have proposed I will read as a part of my remarks, and seek to show that it, incorporated in this bill, will at least obviate the special-class legislative feature of the bill. It is as follows:

Amend section 4 as follows:

"*Provided, however*, That the Secretary of the Treasury and all officials of the Government shall in all cases receive other silver bullion suitable for coinage purposes in the stead of trade-dollars to the extent of all requirements under existing law when offered at less price than said trade-dollars are."

It needs no argument to show that the effect of this amendment, if adopted, would compel the Secretary of the Treasury to purchase other silver bullion for coinage purpose under existing law, if offered at a less price than trade-dollar bullion. I am heartily in favor of wiping out the trade-dollar swindle, and trust that no future legislation in the matter of coinage of metal money will be had that will permit the perpetuation of such a fraud on the workingmen of the country.

The legislation that I would propose in the matter of all silver bullion is that the Secretary of the Treasury be authorized to receive all silver of suitable fineness for metal-dollar coinage purposes at the rate of its present general market value, measured in legal standard dollars, and pay therefor in standard silver dollars at face value, the same to be coined into such standard dollars and the profits to be set apart as a special fund to be applied to payments of the national debt. I would increase the price to be so paid for such silver bullion at the end of four months 1 per cent., and at that price continue for the next four months; at the end of which time increase the price 1 per cent. more, and thus continue until the price of silver bullion should equal the legal value of the standard dollar less the actual cost of coinage.

I regard it as worse than mere folly, I regard it as criminal, to assume for a moment to the understanding of the intelligence of this the nineteenth century of the Christian civilization that silver of sixteen parts to one of gold would ever be less than par with gold if the coinage of silver was made as free as gold, and the silver dollar thus coined had given to it the same legal functions as money as given to gold within the jurisdiction of our Government.

I state further, and defy successful honest showing to the contrary, that neither gold nor silver United States money coin is money outside of the jurisdiction of our governmental authority.

Outside it is only a commodity of a certain stamped weight and fineness. It is there used and dealt with as a commodity. It has no legal functions as money. It can not, outside the jurisdiction of the Government making and ordaining it to be money—dollars—be tendered as lawful money in cancellation of an evidence of indebtedness solvable in the money, with legal authority to any court therein to order in due form such cancellation in case such tender is not received but refused.

I trust that the time is not far distant when the intelligence, wisdom, and patriotism of the whole people shall see to it that laws shall be enacted in the premises of the money question that shall directly and specifically thereby promote the general welfare of the whole peo-

ple, in promoting the arts of peace and elevating the masses to conditions of general prosperity such as will make them the owners of homes of their own, instead of a mass of tenantry under a landlord system approaching the abominations of that now cursing liberty-loving Ireland.

Should the previous question be moved and ordered, and my proposed amendment be shut out under the rules by such action, I shall hope that the sober, good sense of members on this floor will see to it that the entire fourth section be stricken from the bill. With that section eleminated, I will vote for the bill as being the best that can be accomplished at this time, although it would not then be such a bill on the silver question as I would present for consideration.

Tariff on Wool.

SPEECH

OF

HON. BERIAH WILKINS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 7, 1884.

The House having under consideration the bill (H. R. 1218) to restore the rates of duty on imported wool—

Mr. WILKINS said:

Mr. SPEAKER: In the brief time given me by my distinguished colleague [Mr. CONVERSE] it will be impossible for me to give many of the reasons why I shall vote for this measure, or why it should receive the favorable consideration of every member of this body. I would be recreant to the trust reposed in me by the people who have by their suffrage sent me here to represent them and their interests upon this floor, did I not by my voice and by my vote endeavor to secure the passage of this resolution—a measure which to them means much, and to the wool-grower in Ohio means everything. To that end have I worked earnestly, zealously, diligently, with what result is not yet determined; but, sir, however that result may be, I am satisfied in having done my duty and that my course receives the commendation of the people I am honored in representing on this floor.

Sir, I am not a believer in the doctrine that the many ought to be taxed for the benefit of the few, or that any private enterprise ought by legislation to be built up into monopolies at the expense of the people. Neither have I climbed to that pinnacle of sublime statesmanship as would make me unmindful of, or forget, or even be indifferent to the great interests which so directly concern the constituency I represent, or these matters so important to the people of my State. It is seldom Congress has questions of such magnitude presented for their consideration, and not often do the farmers come to these halls asking legislation in their own interests at the hands of their legislators; but, sir, when they do come, as they have in this instance, asking that so long as they pay their fair share of the taxes necessary to conduct the affairs of this Government they may receive their fair share of its protection—I say when they do come they and their cause should have free, fair, and honest consideration.

Now, sir, why is this bill before us; and what are the circumstances that have brought about this state of affairs requiring legislation upon this subject? Unjust and discriminating legislation, hastily enacted into law during the closing hours of the Forty-seventh Congress, sacrificed one of the great industrial interests of the country; a law which reduced the rates of duty on imported wools from 9 to 36 per cent., paralyzing the business, and to-day is proving disastrous to the industry of wool-growing to an alarming extent. This result was then prophesied upon this floor. This, sir, is one of the reasons why this bill is before us. Another and more potent reason why the wool-grower comes to this House for relief is found in the fact that the legislation which brought about these results was enacted by a Republican majority in a Republican Congress, made possible by an outrageous rule sustained by a Republican Speaker. Where, may I ask, would the farmer go to have his wrongs righted, to have justice done him, if not to a Democratic Congress, to the representatives of that party that has from its birth declared always in the interest of the people. Declarations of State conventions by planks in their platform denouncing the action of the then majority in this House, promises made on the stump and through the press, are other reasons why the wool-grower comes to this Congress for justice.

It has been said to me since the agitation of this question was begun, "We have no right to make any such promises." What, sir! No right to promise that a wrong so transparent that even the party who committed the wrong are to-day regretting their act, and are willing to join hands with us to correct their acknowledged error; have we no right to promise the substitution of right for wrong? Had we no right to promise that a Democratic Congress would follow the same line, the same policy, inaugurated by Jefferson, which has come down to us advocated by Madison, Jackson, Pierce, Polk, and Buchanan, "a fair and just protection to all the great interests of the whole Union?"

In the light of the history of the Democratic party, its position in the past, its assurances for the future, I submit we had the right to promise relief to this industry at the hands of this Congress. The circumstances which have brought about this state of affairs are briefly these, and they are familiar perhaps to every member on this floor: The appointment of a tariff commission who traveled the country over, taking the testimony and the statements of persons interested in all the great industrial pursuits, collecting and compiling information, having in view a full and exhaustive report of their investigations to Congress, and, sir, in all that great mass of testimony taken before that commission, throughout the sixteen hundred or more pages of evidence printed for the information of Congress and the people, not one man, not one intelligent American citizen engaged in the business of wool-growing, examined by this commission on this subject, but what then insisted that a reduction of the duties on imported wool would strike a vital blow to their interests. All they asked then and all they ask now in this measure is a just tax and fair protection to their industry. They ask no more; they will not be satisfied with less.

Yet, sir, notwithstanding these protests, in the face of and contrary to all the evidence adduced before this commission, they reported favoring the reduction of the tariff duty on wool, which was in this particular adopted by the Forty-seventh Congress and made a law in its closing hours with less than three hours' debate. The duty on wool was reduced an average of 18 per cent., leaving out of account the reclassification. These are the estimates of the present presiding officer of this body, then a member of the conference committee on the part of the House which considered the disagreeing votes between the two Houses on this tariff bill. The acts, suggestions, and report of this Tariff Commission, together with the unjust and unequal law growing out of and suggested by that unfair and prejudiced report, are reasons why this matter is agitated to-day.

The importance of this industry to the prosperity of the nation was early recognized; if I am not mistaken the first tariff was laid on imported wool in 1824, and from that time until the present it has been a dutiable article, and is found in every tariff law enacted from that time until the present. The necessity of the fostering care of the Government in extending its protecting hand with discriminating justice to this industry was discovered in the early days of this Republic, and has continued the policy of the Government ever since. Sir, James Buchanan took occasion to say, in the course of the debate on the tariff question in 1824, that "if this bill [then under discussion] would compel the agricultural interests to bow down before the manufacturing interests, I should consider myself a traitor to my country in giving it my support." Later on, when Mr. Buchanan was elected by the Democrats to the Presidency in 1856, in his messages to Congress in 1858 and 1859 he recommended an increase of duties, and a bill embodying his views was presented to Congress and passed the House but never reached a final vote in the Senate; but in 1861, after the Senators from the South had left the floor of the Senate, the bill passed that body and became a law, and is now known as the Morrill tariff bill.

The history of the tariff duties on wool and the steady growth and almost unexampled prosperity of this great industry consequent to those duties are well worth the time and study of any member of this House. I ask the indulgence of the House for a moment only while I give very briefly the history of the different tariff laws, in so far as they relate to the duties on wool, together with the amount of those duties. As I said, the first tariff law embodying raw (?) wool was passed in 1824; the duties were: not exceeding 10 cents per pound in value, 15 per cent. ad valorem; exceeding 10 cents per pound, 20, 25, and 30 per cent. ad valorem. In 1828 the duty was made 4 cents per pound and 40 per cent. ad valorem, until June 30, 1829; after that date 5 per cent. to be added annually until the ad valorem duty should amount to 50 per cent. In 1832, under 8 cents per pound in value was placed on the free-list; exceeding 8 cents in value, 4 cents per pound and 40 per cent. ad valorem. In 1836, under 8 cents in value, free; exceeding 8 cents in value, 4 cents per pound and 38 per cent. ad valorem. In 1841, under the value of 8 cents per pound, free; 8 cents and exceeding that sum, 4 cents per pound and 32 per cent. ad valorem. In 1842, under the value of 8 cents per pound, free; 8 cents in value or exceeding that sum, 4 cents per pound and 26 per cent. ad valorem.

By the act of 1842 all wools were dutiable. "The free-list was suspended." All wools of the value of 7 cents or under, 5 per cent. ad valorem; exceeding 7 cents per pound in value, the duty was fixed at 3 cents per pound and 30 per cent. ad valorem.

In 1846 all wools of whatever class were subject to a 30 per cent. ad valorem duty. In 1857 wools of the value of 20 cents or less per pound were put upon the free-list; upon those exceeding 20 cents per pound in value an ad valorem duty of 24 per cent. was laid.

The tariff acts of 1861 laid the duty on all wool worth under 18 cents per pound at 5 per cent. ad valorem; on all wools of the value of 18 cents per pound up to and including 24 cents per pound in value, at 3 cents per pound; exceeding 24 cents per pound in value, the duty was fixed at 9 cents per pound; and I want to call your attention to this law particularly. This law of 1861 is what is known as the Morrill tariff

law, for it is to this law, to the rate fixed by this law, that the so-called Morrison tariff bill seeks to reduce the present rate of duty on wool—under the classification as fixed by the law of 1867.

In the event of the failure to secure the passage of the bill under consideration to-day, the figures and rates in the law of 1861 (the Morrill bill) will have new significance to the wool-grower, for under a provision in this Morrison tariff 20 per cent. horizontal-reduction bill the duties shall be decreased 20 per cent. below present rates, provided the 20 per cent. reduction on any article does not fall below the rate fixed by the Morrill law of 1861. If the rate does fall below, then the duty shall be that of the Morrill bill. Our friends will at once perceive this means a further reduction of 1 cent per pound. On the class of wool we in Ohio are most concerned about the reduction would be 2 cents per pound but for this saving clause should this Morrison bill, which is now on the Calendar of this House, and may under the rules be called up any day, become a law.

But, sir, to resume: the duties on unmanufactured wool by the law of 1864 not exceeding 12 cents per pound in value, 3 cents per pound; exceeding 12 cents per pound in value to 24 cents per pound in value, 6 cents per pound; 24 cents to 32 cents per pound in value, 10 cents per pound and 10 per cent. ad valorem; exceeding 32 cents per pound in value, 12 cents per pound and 10 per cent. ad valorem. We now have arrived at the law of 1867; to its rates do we by this bill desire to restore the tariff duty.

The act of March 2, 1867, made a new classification, which I submit with your consent, that they may be printed as part of my remarks, together with the law pertaining to the same:

[United States Revised Statutes at Large, volume 14, page 559.]

An act to provide increased revenue from imported wools, and for other purposes.

SECTION 1. From and after the passage of this act, in lieu of duties now imposed by law on the articles mentioned and embraced within this section, there shall be levied, collected, and paid on all unmanufactured wool, hair of the alpaca, goat, and other like animals, imported from foreign countries, the duties hereinafter provided. All wools, hair of the alpaca, goat, and other like animals, as aforesaid, shall be divided, for the purpose of fixing the duties to be charged thereon, into three classes, to wit:

CLASS 1.—CLOTHING-WOOL.

That is to say, merino, mestiza, or metis wools, or other wools of merino blood, immediate or remote; down clothing-wools, and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes 2 and 3.

CLASS 2.—COMBING-WOOLS.

That is to say, Leicester, Cotswold, Lincolnshire, down combing-wools, Canada long wools, or other like combing-wools of English blood, and usually known by the terms herein used; and also all hair of the alpaca, goat, and other like animals.

CLASS 3.—CARPET WOOLS AND OTHER SIMILAR WOOLS.

Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere.

* * * * * * *

And upon wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents or less per pound, the duty shall be 10 cents per pound, and in addition thereto, 11 per cent. ad valorem; upon wools of the same class the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound, the duty shall be 12 cents per pound, and, in addition thereto, 10 per cent. ad valorem; upon wools of the second class, and upon all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents or less per pound, the duty shall be 10 cents per pound, and, in addition thereto, 11 per cent. ad valorem; upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound, the duty shall be 12 cents per pound, and, in addition thereto, 10 per cent. ad valorem.

Upon wools of the third class the value, &c., shall be 12 cents or less per pound, the duty shall be 3 cents per pound. Upon wools of the same class the value, &c., shall exceed 12 cents per pound, the duty shall be 6 cents per pound, &c.

Mr. Speaker, I need not enumerate the tariff laws enacted since 1867; this House and the people are familiar with them, the last one being but a year old; hence its working successfully or otherwise, except as to this interest, has not yet been determined.

Wool-growing was stimulated by the demands of the war, by the then recognized necessity of governmental care and the fair protection extended the industry in 1861; and by the more reasonable, just, and equitable law of 1867 it has grown to the immense proportions we find it to-day. It cannot be denied that the law of 1867 gave cheer to the wool-grower and encouraged many to engage in the business. Whether or not it was these tariff laws that gave him confidence to embark in the business, whether or not he believed that the only tariff which has given any consideration whatever to the agricultural interests in America would be interfered or tinkered with to his injury, I will not determine, but, sir, it is a significant fact that from that time until the passage of the law in 1883, reducing the rates of duty, sheep-husbandry has continued to prosper in this country.

Few men, unless they have made a study of the subject, comprehend the magnitude of its growth. According to statistics at my hand there were 22,471,275 sheep in the United States in 1867. In 1870 the number had increased to 28,477,951, and in 1880 to 35,192,074, their product growing from 60,000,000 pounds in 1860 to 155,000,000 pounds of wool in 1880. Twenty-five millions of this amount, or a fraction over 16 per cent., was raised in the State of Ohio alone, of which the district I represent furnished in 1880 728,000 sheep and 3,745,000 pounds of wool. I will not indulge in estimates for the four years that have elapsed since the statistical reports of 1880, but will quote from the address of the National Wool-Growers' Association. In that address Mr. Markham, the secretary, says (and this authority is unquestioned):

There are 50,000,000 of sheep in the United States, with an annual product of wool of over 300,000,000 pounds, besides supplying annually over 12,000,000 carcasses of mutton. The annual value of the wool product is over $85,000,000; of the mutton product, $40,000,000. The capital invested in sheep alone is over $200,000,000, while the capital invested in the land necessary for their subsistence is estimated at not less than $1,000,000,000, giving employment to more than 1,000,000 persons.

These figures and estimates are given that we may form an intelligent idea as to the magnitude to which this industry has grown under the fostering care of wise and judicious protection, and the losses the country may sustain by this Congress refusing to listen to the petitions of thousands upon thousands of American citizens, praying this wrong may be righted by restoring the tariff duties as contemplated in this bill.

My colleague from Ohio [Mr. CONVERSE] is the recognized champion of this industry upon this floor. He recognizes, as do I, the equality and justice of this measure. He reminded the last Congress, as I remind this, that the agitation then begun will be kept up until we shall have obtained the relief which our industries demand.

The passage of this bill is a necessity to us in Ohio. The Legislature of the State have unanimously passed resolutions asking the passage of this bill. They are near the people; they know their wants, their necessities. We would be untrue to them, we would be untrue to the people they and we represent, did we, the Representatives from that great State, not heed their instructions and vote for this measure. Now, Mr. Speaker, a word or two more and I have done.

Can this industry stand the unequal competition of England and her Australian colonies, of South America, Asia, and Africa, without the guardianship of a sufficient and judicious tariff? The fact that we produce but a small percentage of the world's product is to my mind sufficient answer that it can not long survive.

The total wool product of the world is estimated at 2,500,000,000 of pounds taken from a thousand million sheep; and it seems a plain proposition that the farmer of my State can not successfully compete in the free markets of the world with his product grown upon lands worth from twenty to one hundred dollars, or even more, per acre, with the product grown in New Zealand and Australia where the lands are of little value and the expense of growing the product comparatively small.

As I said in the beginning, Mr. Speaker, it is seldom the farmers come to Congress asking legislation. They never come asking special favors or special privileges, but always, as in this instance, asking simple justice; and so long as I have a voice or a vote on this floor they will not ask of me in vain. I hope this bill will pass.

Bureau of Labor Statistics.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. SUMNER, of California, said:

Mr. CHAIRMAN: The bill before us is in compliance with a special demand which is every way entitled to such consideration and respect, as the recommendation accompanying this measure imports. But it is also a bill of general importance that ought to have received legislative sanction years ago, without waiting for any direct appeal from any considerable portion of our fellow-citizens. From many points of view it will stand justified and justifying the wisdom of those who shall enact it into law.

It is stated that this will interfere with or trench upon the regulations or the rights and duties of the separate States. Interfere? One can not be sure as to what is meant by such terms in such relation. On the contrary, it "interferes" not at all with any bureau or department that any of the States have established or may choose to create. There may be under it concurrent action; there will be no conflict. And as to the question of principle involved, the alleged infringement of the doctrine of State rights, it requires a stretch of the ordinary imagination that reaches into the domain of the morbid to suppose that the labor of collecting the statistics here called for will overstep the boundaries that should mark the line of national authority and commonwealth sovereignty. The nervous dread exhibited in this particular is a curious exhibition of the extreme sensitiveness engendered by a con-

stant reference of every measure of widespread consequences to a single standard of observation and judgment.

Viewed in a strictly practical light, the bill has strong recommendation and impetus both from the action and the non-action of States. Some States have during many years past gathered statistics in part of the kind and character of those designed to be obtained and published under the terms of this bill, and have confessedly derived great benefits from the work. The records provided by States that have gathered such items as are here contemplated with anything like approximate perfection of detail have indeed been held in high esteem, and made great use of, not only by writers on political economy, but by thinking citizens of every class who are interested in the subject of the rights of labor and the improvement of society.

But the work has been done very imperfectly except in two or three States. In a majority of the States, including Commonwealths where perhaps such search and a report were most needed, there has been no systematic inquiry whatever, or only such voluntary investigation and partial returns as were calculated to subserve the interests of those not friendly to schemes for promoting the welfare of the laboring men and women of the land. Indeed, the question might be submitted whether there has not been on the whole a real and large injury to the cause of labor by the isolated, sectional, and fragmentary examinations into the condition of the laborer and his surroundings that have been made in some of our communities and summarized in print.

It is objected that if these statistics are collected by national authority some Congressional action will be based upon them, and that we shall then necessarily or unwittingly drift into vicious legislation on this account, in violation of the spirit if not in disobedience of the letter of the Constitution and in flagrant contravention of the traditional policy of the Democratic party. Doubtless much legislation will result from the publication of the volumes that are here proposed; it would be strange if that did not prove to be the case; but this product will be found in the shaping of statutes on subjects that have always been matters of Congressional notice and control rather than in the direction of absolutely new enactments upon propositions with which this national body has not been accustomed to deal.

How often do we pause and vacillate and desist altogether from action with respect to bills legitimately brought before us from the lack of that very information which is to be supplied if this measure becomes a law. Why, even now, Mr. Chairman, some of our committees hesitate because, among other reasons, they have not that exact knowledge about the cost of labor, or, what is quite as material and important, about the actual amount paid for the construction or the maintenance of public works, or the real labor value of and in the property of certain private corporations. To-day some of us are confronting representatives of huge and greedy and grasping monopolists, who brazenly misrepresent and magnify the amounts that they have paid and are paying as wages for labor upon their lines of traffic, concealing the truth in this relation where they can, avoiding statements if possible, but halting not in deceitful and lying speech when that alone will serve a desperate cause.

The people of California are especially concerned in one clause of this bill—that contained in the nineteenth line of the second page, "Chinese labor." Let us know all about that. Let all the people of this country by authenticated publications know all about that. Let the inquiry be made there with great particularity, and, for the first time, with entire impartiality. The report will be a revelation to thousands and millions of our people—that volume which shall bring the facts and figures forth in orderly and precise and indisputable columns. We have suffered grievously and have been long-forbearing under our burden for the want of just such a record as this bill should, and as it is to be reasonably believed this bill will, bring forth in regard to the habits, haunts, and habitations of the Chinese on the Pacific coast.

Eight years ago a partial and what we regarded as a somewhat unfriendly investigation—unfriendly to our people—did indeed disclose some main facts in the premises that ought to have had a publication reaching every voter in the land; but the inquiry was every way inadequate, and the little of the painful truth that to a limited extent was made known was largely covered up by partisan opinions, printed in the same book with the evidence, that prevented the reading of the testimony or warped the judgment of the reader who had had no personal observation to aid him in arriving at a just estimate of the sworn statements and a righteous verdict thereon.

Pass this bill and give us a correct enumeration and a faithful description under it, and the people of this country with almost one voice will join us in demanding that the ports of this Union be closed forever against the intrusion of a single member of the Chinese race purposing to come and settle in our midst.

But it is said by way of objection, by gentlemen for whom we have the greatest personal respect, that "political thought" will control any action had by authority and instruction under this bill. To a certain extent the action here and hereunder must be formal and, as has been suggested, mechanical. And the fruits of this inquiry up to that point of seeing and telling will be considerable and unquestionably beneficent. If beyond that, if in matters that are not to be exclusively expressed in figures—in days and hours, in dollars and dimes, and the like—partisanship appears in the first returns, surely we can discern it and expose it, and provide special and sufficient remedy and guard. But we must or should distinguish between a committee of this Congress appointed under auspices such as existed here, in a dominant majority in 1875, and a commissioner of the nation receiving his credentials and his commands under the language of the section that lies before us.

It is true, "and pity 'tis 'tis true," that figures have been known to lie even in a census report, as was once notably shown by a publication circulated throughout this country as an appendix to a work of fiction. But the exigency that called for that kind of misrepresentation has passed away forever. And if there be anything like similar temptation or inducement we shall, as indicated a moment ago, become speedily apprised of it, and by the greatest publicity that is possible in this nation, from this floor and from yonder Chamber, we shall enlighten the people with respect to it and provide against its repetition. The sinister motive, the partisan publication, will only quickly serve to bring the truth in the premises into marked prominence and glaring light.

But this is probably considering a fear that is or will prove to be without foundation. The commissioner, whoever he may be, will not be apt to subject himself to the criticism, to the contempt and the disgrace which would follow the printing of false statements from his pen or the utterance by him of a series of wholly unwarranted deductions and suggestions. Taking the bill all in all, reflecting upon the duties imposed, the continued employment and the increasing honor for the servants under it if zealous and scrupulously honest in their bureau, it is safe to predict that there will be no such open or slyly inwrought "political thought" as some gentlemen who oppose this measure seem to apprehend and unnecessarily deprecate.

Judicial Proceedings in the Territories.

SPEECH

OF

HON. GRANVILLE H. OURY,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 8, 1884,

On the bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories.

Mr. OURY said:

Mr. SPEAKER: The Territories have too long been an unconsidered quantity in this Government's economy, except in so far as they offered locations in which to plant men who were notorious for nothing but being failures at home, but who happened to be the pets of politicians, Senators, and Congressmen of the dominant party to whom they had been useful. Governors, secretaries, Indian agents, and judges have all come from the ranks of what are known as political henchmen. In the early days of a Territory, when men have no political status, when there is no social organization, when order has not yet been eliminated from chaos, when civilization is struggling to plant its standard on the ruins of barbarism, then could be offered some excuse for the practice of such a policy; but when society is organized, when recklessness has given place to reason, when social ethics find an apostle in the roughest man, when homes cover the land and patriotism is one of the deities worshiped at each family altar, such a system should be relegated to the days that are dead and gone.

The sentiment of the people of the Territories has been fittingly and eloquently expressed on this floor, when the House had been told that the thirteen colonies had greater political privileges at the time of the Revolution than we of the Territories have to-day. It is true. Why, sir, a man can live on the west bank of the Colorado River of the West, in California, and be a citizen of the State, armed with all the privileges which such status gives him—a partner in the political sense upon even terms with the best man in the land; but if he lives on the eastern bank, in Arizona, his citizenship falls from him; his rights, coming down to him perhaps from ancestors who died to achieve this country's independence, are abrogated; he becomes a political pariah disfranchised by the Government of the country, while he breathes the same air, feels the same free emotions stirring within him, and lives under and glories in the same flag. All through the legislation (or scarcity of legislation, for you do but little for us) of this Government the same unjust system prevails in regard to the Territories. Do you stop to think what is embraced within the scope of those words? Nearly half the United States in area, a population climbing into the millions, and wealth which is increasing at a rate that no old State of the Union and no new country in the world has ever equaled.

In my own Territory, Arizona, the census of 1880 gave 41,580 people, the census of 1882 gives 82,976, a clean increase of 100 per cent. in two years. Cattle increased in two years 300 per cent. Land has increased in favored localities from $10 to $100 per acre.

In 1880 there was only $4,472,471 worth of gold and silver taken out of the Territory, in 1882 there were $9,298,267. In 1880 only 2,000,000 pounds of copper was our product. In 1882 we shipped 15,000,000, and in 1883, 20,000,000 pounds. In every direction has our material wealth increased in the same ratio as our population. Do you not see, Mr. Speaker and gentlemen, in these figures a reason why we are entitled to legislation that will help us in the work of development, and a most convincing argument in favor of this bill?

With our increase in population and wealth comes, as a consequence, an increase in our legal business. We have three men who must sit in judgment in exceptionally difficult cases arising at all points of this country, which covers more than 113,000 square miles. They must hold courts in the different counties at stated times, and no inclemency of weather, no difficulty of travel, no distance, no weight of years, excuses their non-attendance. That is argument in favor of an additional judge; but the best reason why the number should be increased is that then no man need sit in review of matters already adjudicated and determined by him. Judges are but men after all, and many of them become wedded to their opinions as well as men of meaner mold. There have been many cases of the reversal of decisions of lower courts by the supreme court of our Territory, but universally without the assent of the judge who tried the case at nisi prius.

I am in favor of this bill, as it goes far toward remedying the evils attendant upon our judicial system, though I would rather have it comprehensive enough to make it necessary that the men appointed to the bench should be residents of the Territories. If that was the law the man who sits in judgment would be better equipped for his duties from his knowledge of the class of litigation which is most common in our courts, and his decisions would command greater respect.

Mr. Speaker, Arizona has been fortunate in few of the judges who have been sent to preside over the courts of the country, few who by their honesty, fairness, and legal attainments have endeared themselves to the people of the Territory, a fact in my judgment attributable solely to the bad system of their appointment. I have no personal complaints to make here, but I do condemn the principle of making the judicial ermine a covering for political adventurers. No man stands in closer relationship to the rights and privileges of the people than he who sits in judgment upon their differences, and no man should be placed in that position whose life and attainments do not dignify the position.

The bill under consideration, Mr. Speaker, in my judgment will go far toward remedying the evils of our present judicial system, and will, I believe, prove satisfactory to the people of the Territories; its passage will be a simple act of justice to the Territories, and I hope it will pass without a dissenting vote.

Retirement and Recoinage of the Trade-Dollar.

SPEECH

OF

HON. JOHN B. STORM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 1, 1884,

On the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. STORM said:

Mr. SPEAKER: The question of the retirement of the trade-dollar would be a very simple one if members could abandon pet theories and discarded heresies long enough to let the voice of reason and common sense be heard. In the discussion of the question before the House members have turned aside to discuss theories of finance that have no practical bearing on the subject.

When we reflect that the precious metals have been employed as a medium of exchange and a standard of value from the first traces of human society on the earth, it is not flattering to our advanced state of civilization that we should be at odds on a question so elementary and simple. I am inclined to think that Abraham, more than four thousand years ago, in the plain of Mamre, when he weighed "four hundred shekels of silver, current money, with the merchant," to Ephron as the price for the cave in Machpelah, had a clearer conception of the real functions of money than our modern statesman and economist.

What is the proposition involved in the bill under consideration? Simply to retire the "trade-dollar" from circulation by issuing to the holders a standard silver dollar for each trade-dollar so retired; to recoin such trade-dollar so retired; and the coin so received shall be treated as silver bullion at its bullion value, and shall be deducted from the bullion required to be purchased and coined by the act of February 28, 1878. The trade-dollar was called into being under the act of February 12, 1873. The section reads as follows:

SEC. 15. That the silver coins of the United States shall be a trade-dollar, a half-dollar or 50-cent piece, a quarter-dollar or 25-cent piece, a dime or 10-cent piece; and the weight of the trade-dollar shall be 420 grains troy; the weight of the half-dollar shall be twelve grams (grammes) and one-half of a gram (gramme); the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

It was made a legal tender and stamped with the insignia of sovereign power.

There is nothing in the statutes nor in the devices and inscription stamped upon the trade-dollar to show that its circulation was intended solely for China or Japan, as has been so frequently asserted in this debate. To the common man it had all the appearance of the "coin current of the realm." It is true that in 1876, after $16,000,000 of these dollars had been issued, the legal-tender quality was withdrawn by an act of Congress. Yet after the act of 1878, providing for the coinage of the standard silver dollar, who believed that the Government of the United States would refuse to receive the trade-dollar at its face value when it had 7½ grains more of silver in it than the so-called "Bland dollar?" Therefore, on the resumption of specie payments the trade-dollar was the first to greet us, and to lead us to hope that the long reign of depreciated, irredeemable paper money was at an end.

But, Mr. Speaker, in the course of time the silver current became a torrent! The compulsory provisions in the act of 1878 which directed the Secretary of the Treasury to purchase and coin not less than two million dollars' worth of silver bullion monthly soon flooded the country with silver dollars. The people soon began to prefer the greenbacks for whose redemption in coin the Government had provided; the counters of brokers and bankers soon began to be loaded down with silver dollars. And then happened just what might have been expected—the trade-dollar was rejected. The standard dollar was a legal tender and we were forced to receive it. The trade-dollar shorn of this honor had to disappear; and thus we saw a dollar containing 420 grains troy drop from 100 cents to 87 cents, and a dollar containing only 412½ grains still continued in circulation retaining its par value of 100 cents.

Could anything better illustrate our ignorance of monetary laws than this portion of our financial history? The trade-dollar is already "retired" by virtue of a "higher law" than this Congress can enact, a law as irresistible as fate. Take from the standard silver dollar the adventitious circumstance of its legal-tender property, and in obedience to that higher law that rules in the domain of the financial world it will drop to 85 cents, its true and actual bullion value.

What is this law that governs the matter of coinage? It is this: When you overvalue any precious metal in your coinage law by putting into the standard of value too little of the metal, you only increase the price of the commodity to be exchanged to the amount the standard of value is overvalued; or if you deprive it of its legal-tender property it drops down to the value of bullion plus the trifle its coinage costs; or, if it comes into the great money markets of the world, its bullion value only is regarded.

Silver, when coined into money containing a less number of grains than will keep it in circulation equally with gold, is simply fiat money in every other nation to the extent of its deficiency in weight. Gold in point of fact has become the recognized standard of value throughout the commercial world. Germany and the Scandinavian nations have entirely demonetized silver, and all the nations of the Latin Union have restricted and limited its coinage. Gold is the standard of value in Great Britain. These nations, in fact, constitute Europe, and everywhere on the continent do we see the tendency to monometallism, and that metal gold. An act of Congress can not fix the price of silver any longer. That is fixed in New York, London, and Paris. According to the New York newspapers the standard silver dollar on the 1st of March was quoted at 84.87 in the list of foreign exchanges.

Issue your fiat money, whether in the form of a short-weight silver dollar or an irredeemable paper promise to pay; make it a legal-tender; let the Supreme Court of the nation set to it its seal of approval; but then you are done. When once it is issued all the powers of earth can not prevent such money from the operation of the law of depreciation due to short-weight coinage or an inflated circulation. We saw such money in our Revolutionary struggle become utterly worthless. In our later financial experience we saw our Treasury notes depreciate until they were worth only 35 cents on the dollar.

But why, Mr. Speaker, pursue this subject further? There is only one member of this House, my colleague from the Schuylkill district [Mr. BRUMM], who still adheres to the fallacy of fiat money, and he has been so long joined to his idol that I despair of his conversion.

What are some of the objections urged against this bill?

One is that the bankers and brokers have bought the trade-dollar at a large discount, and that they will make a large profit out of the transaction unless they are redeemed at their bullion value—about 87 cents. In the first place the statement is not true. Most of the members who have spoken for this bill have stated here as a matter of personal experience that most of these trade-dollars are held by poor people and by people in moderate circumstances. Such is my own experience. Many banks took them at 100 cents, when the cry was first raised against them, to accommodate their depositors, believing that movement would soon end and that they would again pass into circulation. In the next place, if it were true that a considerable amount of these outstanding trade-dollars is in the hands of speculators it is no valid reason why they

should not be redeemed at par. It is now impossible to separate the good from the bad. And the repeal of all bad laws must of necessity work hardships in some cases.

Another objection comes from the gentleman from Missouri [Mr. BLAND]. It is that the passage of this bill will make silver cheap. The gentleman is the author of the act of 1878, which provides for the coinage of our present standard silver dollar; he has justly earned the historic distinction of being the father of "the dollar of our daddies." And this distinction will stick to him as long as "Old Bullion" stuck to Mr. Benton. By that act the gentleman from Missouri made silver bullion a commodity; by it he made the Government a purchaser, and a very large one too, of this silver commodity. The Government has to buy monthly, whether the market is favorable or not; and he ought to be the last person to complain that the Government can "bear" the silver market. His law has made the Government a "bear" from necessity, and the bullion kings of Nevada and Colorado "bulls" from choice. Our concern ought to be, as the representatives of the people whose money pays for the bullion consumed in our monthly coinage, to protect them from these silver kings and bulls. The interests of this latter class will be properly looked after here by their champion on this floor, the irrepressible and radiant member from Colorado [Mr. BELFORD], who ends all his speeches with, "The surplus must be abolished;" "*Delenda est Carthago.*"

The last and most serious objection is, however, made by the gentleman from Missouri to the fourth section of the bill, which provides—

That the trade-dollars so received at the coinage mints shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878.

He argues that unless we strike out this section we will decrease the silver coinage to the amount of the outstanding trade-dollars, which he fixes at $10,000,000, as against the statement by Mr. Burchard, the Director of the Mint, that the amount is about $7,200,000.

The question, properly stated, would be this: If you pass the bill with the fourth section in as the Committee on Coinage has reported it, you leave the amount of coinage as it is; if you strike it out, you increase the coinage about $10,000,000.

But will any gentleman here at all disposed to be fair say that there is any necessity for increasing our silver coinage beyond what is provided for by the act of 1878? We have now in the vaults of the Treasury $126,822,399 of standard silver dollars; a large outlay will soon be required to provide for safe places of deposit for them. You can not force it into circulation. The people will not have it for the reason they do not want it. Abuse of the Secretary of the Treasury is unjust as well as unnecessary. He may lead the national horse to the silver stream, but he can not make him drink.

Congress in the exercise of its constitutional prerogative may coin money and declare it a legal tender, but it is powerless to make it circulate against the will of the people, and especially when there is no demand for it. Our national banking notes and our United States Treasury notes under our present law furnish such a safe and convenient circulating medium that the people prefer them to the cumbersome silver dollar. And the law of the survival of the fittest finds its best illustration in our unnatural, unscientific monetary system.

Let us rid ourselves now of one of our most disgraceful anomalies in our currency laws: two standards of value, unequal in their intrinsic and exchangeable values, the best the poorest and the poorest the best, and neither honest.

A sound currency is an indispensable requisite in every well-ordered government. As the natural body can not be in a healthy condition unless pure blood circulates through all its parts, neither can the body-politic exist in a healthy condition when it is pervaded by a vitiated currency. When the currency of a nation is not based upon sound and correct principles of finance, prosperity in commerce, trade, and manufactures is impossible. A bad currency robs the laborer of his wages, the capitalist of his profits, and the land-owner of his return from the soil. Social and economic laws may be harder to discover and understand than natural laws, but they exist nevertheless, and are just as immutable as the laws of nature. We may act with them and thus to a certain extent direct them, or we may act directly against them and be crushed. The miller may make the force of the wind or the momentum of the water turn his wheel and grind his corn, but when he attempts to make his wheel turn against the force of wind or water he fails.

A nation in order to its own well-being must live and act in harmony with its environments; it can not segregate itself from the other nations of the world; in trade, commerce, and exchange it is constantly coming in contact with them. To reap our full share of the blessings of commerce with other nations our laws must be so framed as to recognize this great truth.

We can not much longer close our eyes to the tendency of the great commercial nations of Europe to demonetize silver or to recognize it only as a subsidiary coin. I shall vote for the bill as it is. Should the fourth section be stricken out, then a choice of evils will be presented to us, and for myself I will accept the smaller one and vote for the bill with that important section out.

Payment of Pensions.

SPEECH
OF
HON. COURTLAND C. MATSON,
OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1884.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885—

Mr. MATSON said:

Mr. CHAIRMAN: That branch of the public service on account of which more money is paid than on account of any other is certainly one that, as stated by the gentleman from West Virginia [Mr. GOFF], ought to engage the serious consideration of Congress. And so far as concerns every sentiment expressed by that gentleman in relation to prompt and effectual legislation in the interest of soldiers he will find in me, and I am sure, too, in the Committee on Invalid Pensions, at all times those who are ready to favor any proposition that will lead to it. I desire to say here also that I trust the Committee on Appropriations in the consideration of this bill will be liberal in regard to the matter of raising points of order against any proposed amendments, so that we may if possible accomplish some of the things which, as my friend from West Virginia has said, everybody concedes ought to be accomplished.

I am in favor of his amendment with one or two qualifications which will suggest themselves if he will read the bill and the report submitted on the subject by the Committee on Invalid Pensions. That gentleman proposes by his amendment that the rule shall be adopted, without any qualification whatever, that all who served in the Army shall be presumed to have been sound at the time of enlistment.

I suggest to that gentleman that certainly those disabilities ought to be excepted from the operation of the rule which were prescribed by an order of the Secretary of War to be such disabilities as would not prevent the enlistment of a man. That is one of the exceptions which he certainly will agree to.

Then there is another which I think is necessary. In case the Government can show that any man enlisted knowing the fact that at the time of enlistment he was unsound, the Government ought not to be estopped from showing his fraud and deception in procuring the enlistment. It is a matter of public history that near the close of the war one of the regiments which were raised near Baltimore, Md., was composed very largely of that class of men who had been refused enlistment in other organizations. The gentleman certainly will not say that that class of men ought not to be excepted from the application of the rule which he proposes.

With those modifications I think his amendment should be adopted; and I am not only ready and willing to see it adopted to-day, but I shall urge its adoption as a part of this appropriation bill.

I have obtained the leave of the Committee on Appropriations to speak in the time of those who favor this bill. But I wish to say before I proceed that I obtained that leave after explaining to the gentleman in charge of the bill [Mr. HANCOCK] that I would be compelled to take issue with the committee upon some minor points.

As to the sum of the appropriation and the manner in which it is made I have but little to say; nothing in regard to the sum except that it is admitted upon all hands that the amount hereby appropriated will be amply sufficient to meet all the expected demands of the service for the coming fiscal year.

As to the manner of the appropriation there has been some criticism made. One gentleman has ventured to say that it involves within it a political trick; that because the amount of the unexpended balance of appropriation for the Pension Bureau for the present fiscal year is not named in round numbers it is to be assumed that those reporting the bill desire that it shall go to the country as appropriating less money than it really does.

In answer to that, I have only to say that, so far as I can ascertain the facts, the clause in the bill making the appropriation of the unexpended balance is in the usual language employed for that purpose. There certainly is nothing in that criticism. Then the sum appropriated and the manner in which it is appropriated ought not to be criticised.

But some new legislation is proposed by the committee in relation to specific matters outside of the mere matter of appropriation.

Mr. PEELLE, of Indiana. Will my colleague [Mr. MATSON] permit me to ask him a question?

Mr. MATSON. Certainly.

Mr. PEELLE, of Indiana. Can the gentleman state to the House what will be the probable amount of unexpended balance remaining on the 30th of June next?

Mr. MATSON. I understand that the estimated unexpended balance will be $66,000,000. But if the sum of $66,000,000 should be appropriated as the unexpended balance, and there should happen to

be more than that amount remaining unexpended at the close of the fiscal year, of course an unexpended balance would then remain unappropriated. If the sum of $66,000,000 is named as the unexpended balance, and it should turn out to be more than remains unexpended, then there would appear to be more appropriated by the bill than there really is. Therefore I say that the Committee on Appropriations is entirely justified in making the appropriation in the manner in which it has made it, and in fact it could make it in no other way.

Mr. RANDALL. I suggest to the gentleman that in this respect we have followed the example of previous Committees on Appropriations.

Mr. MATSON. As suggested to me by the gentleman from Pennsylvania [Mr. RANDALL], the Appropriations Committee has in this matter followed the example of previous Committees on Appropriations as to unexpended balances not only in pension appropriations but in all others.

Now as to the legislation suggested upon these specific subjects. In the first place, the committee proposes that we shall legislate in reference to the fees to be paid to claim agents or attorneys. This I think was a wise thing for the Committee on Appropriations to do. Very many evils have arisen in the practice before the Pension Department; and they have arisen very largely from the fact that the Secretary of the Interior has not been allowed to prescribe the qualifications of attorneys, and every man and every woman, without reference to his or her ability to prosecute a claim, has been at liberty to act in the capacity of a claim agent. The Committee on Appropriations has not seen fit to propose any legislation in this respect. There, I think, they have made a clear omission; and but for the fact that the Select Committee on Payment of Pensions, Bounty, and Back Pay will propose a substitute for this portion of the bill, I should offer an amendment in this regard taken from a bill introduced by the gentleman from Missouri [Mr. MORGAN], which I think would meet the approval of this House. It simply declares that the Secretary of the Interior shall have the right to prescribe the qualifications of those persons who practice before the Pension Department.

The evils which have grown up in the practice before this Department have resulted not only from that cause, but also from the fact that attorneys were allowed to collect their fees in advance. In this respect the legislation proposed by the Committee on Appropriations meets the evil. They propose to amend the law so that the fee of the attorney shall be collected only upon the allowance of the claim, and shall be contingent wholly upon its successful prosecution. But I think the Committee on Appropriations in this proposed legislation have not met the whole evil. I believe that many soldiers have had just ground of complaint on account of the restrictions which have been put upon their right to contract for the payment of fees. In this way they have been prevented in many cases from contracting for the payment of a fee large enough to enable them to prosecute successfully a claim more than ordinarily difficult. It has thus happened that very many claimants have been unable to prosecute their claims at all, because they were prohibited from contracting for the payment of any fee greater than $10. In my judgment, the law ought to be so amended as to allow the claimant to pay with the approval of the Commissioner of Pensions a fee as great as $25.

I have carefully read the substitute which will be offered for the second section of this bill by the Select Committee on the Payment of Pensions, Bounty, and Back Pay; and I find that this proposition meets these evils in all particulars, and I shall therefore give it my hearty support.

While the Committee on Invalid Pensions has not taken any formal action upon this matter, I feel safe in saying, from what I know of the discussions in the committee on this subject, that they will approve the substitute to which I have referred. That substitute provides that the Secretary of the Interior may prescribe the qualifications of attorneys prosecuting claims in his Department; and it thus meets one of the evils I have pointed out. It provides further that no fee shall be paid by a claimant until the claim has been allowed; and that a fee of $25 may be contracted for, subject to the approval of the Commissioner of Pensions.

The substitute contains other provisions which I need not recite. It also guards the interests of the soldier as to contracts already made and does not permit any demand upon the part of the attorney for any greater fee than the law now allows in cases pending at this time.

Mr. Chairman, I wish to say a word in regard to another subject about which the Committee on Appropriations propose that Congress shall legislate—the compensation to be paid to pension agents. I started out with the belief that the Committee on Appropriations had fixed a proper sum as compensation. It was my opinion that the filling of these vouchers could be contracted for at a less price than 5 cents each; that these pension agents, if allowed 5 cents for the filling of each voucher above one thousand in each quarter, could by a system of subletting have the work done for about 3 cents each. After more mature investigation I think I was not entitled to come to that conclusion, because I started with the belief that all that was necessary to be done was simply to fill the vouchers, mail them to the claimants, and afterward forward them to the proper accounting officers of the Treasury. But upon a careful survey of the whole matter, in conjunction with the Commissioner of Pensions, I have made up my mind that perhaps 10 cents for each voucher would be about right. My judgment is that we ought to make this allowance. I do not like the proposition submitted by the gentleman from Minnesota; I think this preferable. If a sum in gross should be allowed to pay the expense of clerk-hire there might be difficulty in adjusting the particular amount which this or that pension agent should receive.

It would be difficult, therefore, to distribute it equitably; but on the basis of paying to each a sum certain for work done there can be nothing inequitable about it.

Mr. WASHBURN. Let me ask the gentleman from Indiana this question, whether under the operation of this rule of paying so much apiece it operates justly and equitably? For instance, if you fix a certain amount, say 15 cents apiece, for the preparation of vouchers, we will suppose in some office it produces $8,000 more than is actually expended. The result is it gives this agent in the way of perquisites about $4,000; that is, instead of giving him the same salary as the other agents, he gets twice the salary in the way of perquisites. The point I make is that we should so adjust it as to eliminate the element of perquisites. I do not believe in any perquisites under any government. I believe in paying a definite amount, and then the country knows exactly what is paid. It was with that view that I made the suggestion I did.

Mr. MATSON. I have already answered the gentleman's question as far as I can. My belief is if a sum certain is fixed for each voucher the sum paid to the pension agents will be more equal necessarily than it could possibly be under any other system. That is my judgment. There is a matter of judgment between us; the gentleman from Minnesota thinks otherwise. I can not.

Mr. Chairman, in addition to what has been said in relation to the manner in which these pension agents are to be compensated, I wish to suggest that during the last Congress I urged upon the attention of the Committee on Invalid Pensions the substitution of the supernumerary paymasters to fill the office of pension agents. It is well known there is a large number of them, enough and more than enough supernumerary paymasters of the Army to fill the office of pension agents, and I think that it ought to be done. They are men qualified to do it, and these Army officers have never been in any sense political agents. They have a record for financial integrity second to no other class of officers in the Federal Government, or in the government of any of the States. They are well qualified to do it, and I am informed by my distinguished friend from California, General ROSECRANS, who has most thorough information in relation to Army matters, that he will offer an amendment of that kind providing that these supernumerary paymasters shall be detailed for the purpose of filling the office of pension agents. That proposition will meet with my approval and shall have my hearty support.

A good deal, Mr. Chairman, has been said in relation to the matter of special examiners. Some complaint has been made that the claims which are now pending in the Pension Office have been greatly delayed, and some have assumed to say that these delays have occurred because of the fact that the claims have been referred to special examiners who go out to the homes of the claimants and examine into the matters connected therewith. There has been some delay, possibly some unnecessary delay, and the Commissioner of Pensions has asked Congress to give him an additional force in order that he may relieve that complaint as to the special examination of claims.

The Committee on Invalid Pensions have before it a bill introduced by the honorable gentleman from Kansas [Mr. PETERS], and have been considering that matter. That bill asks for one hundred and fifty more special examiners to be selected from those skilled in the law, and to confine the appointment to lawyers to be employed for one year, their term of office to end at that time. The Committee on Invalid Pensions have not regarded that proposition with favor. As we understand the law enacted July 25, 1882, it gives the Commissioner of Pensions the right to detail from among his clerks any number of persons he may see fit to send into the field to act as special examiners.

Mr. PETERS. I desire to ask the gentleman whether it is not the fact that the Commissioner of Pensions can not spare any more force from the Pension Office for that purpose.

Mr. MATSON. Upon the contrary, the Commissioner of Pensions has recommended in his report the reduction of his force to the extent of two hundred and fifty clerks July 1, 1884. That is a reduction of one hundred more than the number provided in the bill of the gentleman from Kansas. But I wish to be fair and just to the Commissioner, and I will say that in addition he insists these men now in the Pension Office, and whom he proposes to discharge at the end of the present fiscal year, are not the best qualified for that purpose.

Mr. PETERS. Let me ask another question. Is it not the duty of the Commissioner to supply that force of special examiners from the men most competent to do efficient service?

Mr. MATSON. I understand that is so, but I can see no reason for having lawyers, and only lawyers, to go out into the field to discharge no other function than merely writing down testimony, not having to decide any case at all, for the cases come to the Pension Office to be decided. I say I can see no good reason why these clerks in the Pension Office would not be more competent to perform that duty, men who have worked about the Pension Office for a long time and are perfectly acquainted with the modes of business. And more than that, the old

soldiers I know would be much better satisfied to have old soldier comrades who have had experience in these pension matters, and who can enter into sympathy with their experiences, to handle their cases than to have the young lawyer, fresh from a law school and with no Army experience, and without any ability to understand or appreciate the statements of those who were familiar with war in its actual facts.

Mr. PETERS. I would like to ask one further question.

Mr. MATSON. Certainly.

Mr. PETERS. Is it not a fact that these special examiners must necessarily weigh evidence and must be conversant with what is competent and what is non-competent testimony?

Mr. MATSON. I think not. Their duties are essentially different. The case is sent to the board of review to be adjudicated, and within my own observation and experience more than one case has been recommended by the examiners in the field which has been rejected by the board of review in the Pension Office. These examiners do not in any sense of the word decide the case. It is the practice of the office to take their recommendations and the matter passes a revision before this board of review. But it is not now and has not been the law that these examiners shall decide the case.

Mr. REED. But let me ask the gentleman, is it not essential that a lawyer shall be employed in order to get at the testimony that is necessary? Is not a knowledge of the law of evidence an absolute essential to the proper discharge of the duties of that position?

Mr. MATSON. I think not. In my judgment and from a very extensive observation in the Pension Office, I can say that there are plenty of clerks who have been employed there for two years who are quite as well prepared to go out into the field and write down the testimony that is submitted ordinarily in pension cases as the lawyer.

Mr. REED. But does not the examiner of the Pension Department have something else to do as well as to write down the testimony in the case? Is it not expected that he shall examine it, cross-examine it, and is he not expected to be competent to hunt up additional testimony as well as to examine the testimony brought before him? It is a duty, it seems to me, which requires the services of a lawyer, and a lawyer alone, and which could not be performed by a person who was not a lawyer. Besides that, it is necessary to have something besides two years' training in the Pension Office for a proper performance of this work outside of it.

Mr. MATSON. My own observation is that there are very many there who are quite as efficient to perform these duties as a lawyer, although they have not studied even the elementary principles of law. A lawyer is certainly not necessary. But I do not care to pay any further attention to that particular subject. I do insist, however, that the remedy is in the hands of the Commissioner of Pensions now, and that he can detail from his office under the general appropriation bill providing for the payment of pensions, passed in 1882, enough men to relieve the Pension Office of this work so far as the clog in the work of special examinations is concerned.

A great deal has been said in relation to the examining surgeons. There have been many complaints made upon that point. Some gentlemen have gone so far as to say that these examining surgeons have not done justice to the soldiers. Possibly there may be some exceptions of that kind; but I must defend the administration of the Pension Office in that particular. I insist that the Pension Office and the Commissioner of Pensions, in the selection of surgeons, has, as far as possible, selected them from among those who served as army surgeons. He has selected therefore those who were soldiers themselves to examine the soldiers, in so far as he could. And what, let me ask, can be suggested to replace the board of examining surgeons? I asked the gentleman from Ohio the same question the other day, as to what he would suggest instead, and after some circumlocution I understood him to say, though I have not been able to see his remarks in print, that he thought a sort of neighborhood court would answer the purpose; a court where the witnesses and the lawyers and the doctors could all meet and upon an investigation of the subject the lawyers, the witnesses, and the doctors could fix upon a rating for the man for his particular disability. That is what I understood him to suggest as the preferable plan, and which would obviate the complaint that one man here in the Pension Office revises the work of all of the examining surgeons. There is one man there for that purpose, and it is absolutely necessary that one man should do the work in order to secure uniformity in the rates. If any other system is resorted to there would be one rate here and another rate there for the same disability; but when one man reviews the work of the pension examining surgeons the effect is an approach at least to uniformity of rating. There may be just complaints in individual cases against some of the examining surgeons; but the complaint against the office of examining surgeon is not well founded and can not be sustained.

In the deficiency bill already passed an appropriation was made for these examining surgeons on account of the expense largely exceeding the estimate for the last fiscal year, and I say that the Government has not spent any money that has made a better return than that which has been spent for these examining surgeons. There is no money that has brought a better return, not to the Government only but to the soldiers; and who will deny that when this matter was left to the examination of one surgeon, either through ill-will, prejudice, or something of the kind, wrong was more likely to be done than through the judgment of a board of three surgeons?

So I say that these appropriations to pay these surgeons ought to be made cheerfully. I think, however, they are paid just $2 where they ought to be paid $1. The office of the examining surgeon has got to be quite a lucrative one. I apprehend if the whole amount appropriated was divided by the number of examining surgeons it would be found the members of the boards of examining surgeons are paid now a salary equal to nearly $1,500 a year; and they have their time, almost all of it besides, to devote to the practice of their profession. I think they are paid too much, and that if the fees were reduced to $1 for each examination we could have just as competent surgeons, and there would scarcely be a resignation in the United States on account of the reduction of fees.

Mr. CANNON. Will the gentleman allow me a single question?

Mr. MATSON. Certainly.

Mr. CANNON. I desire to ask the question because I know my friend from Indiana would not do the Commissioner of Pensions an injustice. I was absent a moment ago when he spoke of the special examiners. My friend is aware of this fact, I take it; if not I would be glad to have it appear in the RECORD: First, that the clerks the Commissioner proposes to dispense with are copyists who do machine work. Second, even if you had clerks competent to do this examining work the appropriation for the per diem and traveling expenses of these people is not sufficient, and they have had to call in the present force. A few days ago a provision was made for a portion of the present force in the urgent deficiency bill. We gave a small additional balance to enable the Commissioner to keep the present force. I speak of this because I know the gentleman from Indiana does not desire to do the Commissioner an injustice.

Mr. MATSON. I am far from wishing to do the Commissioner of Pensions an injustice, for taking it as a whole I approve of his administration, and what I said on that subject I stated very carefully. I stated when the gentleman from Illinois was absent that the Commissioner of Pensions insists that the men he has in his office now whose services he does not need he regards as not qualified for the work.

Mr. CANNON. And there is no appropriation to detail special examiners.

Mr. MATSON. As to that matter the gentleman has more information than I have, as he is a member of the Committee on Appropriation.

Mr. CANNON. Such is the fact.

Mr. MATSON. I have no doubt it is as the gentleman states.

Mr. BRUMM. Does the gentleman from Indiana not know that the Commissioner of Pensions has called in a number of these special agents because of the deficiency in the appropriation?

Mr. MATSON. I am not aware of that.

Mr. BRUMM. I know that is a fact.

Mr. MATSON. Possibly these have been called in to the office because they were found to be not adapted to that work. I know there were recently about two hundred and sixty of them in the field, and I know my friend from California [Mr. ROSECRANS] will propose that the retired Army officers be detailed for the purpose of taking charge of these special examinations. I shall not favor that proposition in so far as it proposes to take away from the work those who have already acquired some skill in it; but I will favor it in so far as it proposes the Commissioner of Pensions shall draw upon them for any additional force that is necessary.

Now, Mr. Chairman, I shall venture to trespass upon the committee with a few observations in relation to general pension legislation, and I am free to say that I do this mainly for the purpose of showing that the Committee on Invalid Pensions has not been negligent of its duties in this Congress, and that it has in every practicable manner undertaken to meet the reasonable demands of the brave men who have served their country in its hours of danger and who deserve the most liberal treatment at the hands of a prosperous people. But before I proceed to point out what has been accomplished, I wish to say that there are differences here among the legislators as to what legislation should be passed, just as there are differences at home among the soldiers themselves as to which of the many meritorious propositions should be preferred. It is not expected or even hoped that all of the many demands for legislation in the interests of ex-soldiers will be accomplished at this Congress, and each particular measure has its champions.

If I was allowed to select from among all the one which I would first pass, upon its right to precedence, it would be a just measure to equalize the bounties of all the soldiers in the late war for the Union. Such a bill was passed in the Forty-third Congress and was allowed to fail to become a law upon the ground that the condition of our finances would not permit the expenditure of the large sum required in that direction. Such an objection could not now obtain, and the justice of the measure, affecting as it would so large a number of the late defenders of the Union, can not be successfully denied. We are able now to do justice to those who at the first signal of danger rallied to the defense of the flag and who were influenced, not by the promise of large bounties as rewards, but solely by a high sense of duty. This legislation should not be postponed a single day, and I trust that the Select Committee on the Payment of Pensions, Bounty, and Back Pay, which has exclu-

sive jurisdiction of this subject, will speedily report a bill of this kind and urge it to its passage.

The Committee on Invalid Pensions, in attempting to bring to the attention of the House such legislation as in its judgment could be formulated into laws, on the 20th day of February reported to this House a bill to prescribe a rule of evidence in pension cases, which I ask the Clerk to read.

The Clerk read as follows:

Mr. MATSON, from the Committee on Invalid Pensions, reported the following bill as a substitute for H. R. 2023, 2276, and 4281:

A bill prescribing a rule of evidence in pension cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the adjudication of claims for pension on account of physical disabilities contracted in the military or naval service of the Government, including those claims already filed, no proof of soundness prior to being mustered into said service shall be required, and the Government is hereby declared to be estopped from making said inquiry by proof of the fact that the soldier or sailor was regularly mustered into the service: *Provided*, That this act shall not apply to such physical injuries or deformities as were at the time held to be no bar to being mustered into said service, nor to cases of enlistment or muster into service through the fraud or deception of the soldier or sailor, the burden of the proof of which shall be upon the Government.

Mr. MATSON. This legislation was suggested by a bill referred to the committee, and introduced by the honorable gentleman from Michigan [Mr. ELDREDGE]. We insist, and shall insist, that it contains in its provisions a statement of a principle of absolute justice to the soldier. The whole matter may be briefly stated as follows: That it is not right for the Government to receive a soldier as sound and free from disability, accept his service as such, and then, after a lapse of years, as a condition precedent to the enforcement of his rights, require that he should prove that fact. We have been informed during the progress of this debate that the Committee on Payment of Pensions, Bounty, and Back Pay will on Monday next move to suspend the rules and pass a bill to give relief in this direction. I have not examined the proposed legislation, but I take it that it has been carefully drawn and will be found to be effective for the removal of the gross wrong so justly complained of by the soldiers of our country.

INCREASE OF WIDOWS' AND DEPENDENT RELATIVES' PENSIONS.

A bill was introduced by me in this House on the 29th day of January last to increase the pensions of all widows and dependent parents from $8 to $12 per month. This was reported favorably to the House on the 1st day of March, and is now upon the Calendar of the Committee of the Whole House on the state of the Union. I expect at the earliest opportunity to move to suspend the rules and pass this bill, and for that reason I am sure that I will be indulged now in pointing out to the House the scope and effect of this legislation.

I know that the first inquiry that will arise will be as to the cost of the proposed measure, and it is a matter of sincere satisfaction to me to be able to say to the House that a calculation has been made, with the aid of those greatly experienced in pension matters, and for many years employed in that branch of the public service, which I do not hesitate to say to the House may be taken as a full estimate of the addition that will be made to the annual value of the pension-roll. Indeed, I am satisfied that in no year will the figures be reached that we have submitted in our report upon this bill.

This rate of $8 per month for widows of soldiers was established in 1816, and although since then every other rate has been increased, they have been neglected. At the time this rate was fixed for them it was the highest rate known to the law paid to any soldier for any disability. Now it is well known many receive as much as $72 per month for certain extreme disabilities, and hundreds of thousands of others now receive more than is allowed to this most worthy and deserving class. The law contemplates that this pension shall supply the means of support that are taken away from them by the death of those upon whom they were entitled to depend. Who will say that the present rate of $8 in these times will be equal to the sheerest necessities of the most humble of them. So that, considered either in its relation to the other or in the abstract, it must be admitted that justice demands of us that we should extend to them some relief.

Another view of this matter I wish to suggest to the House. No pension bill could be suggested that would tend more toward a just and equitable distribution of pension-money to the different sections of the country. It is a well-known fact that the pensions that are paid to those who live in the States lately in rebellion against the Federal authority are paid for the most part to the widows of the wars in which the Government was engaged prior to 1861; and while it is not denied that in all general pension legislation, so far as localities are concerned, the advantage is of necessity with the States who stood by the Government in its greatest war, yet in this legislation our friends from the South must see that the proposed bill will add to the share of their people as much as any bill that could be framed. No opposition has as yet been developed to this most righteous proposition that tends in the direction of caring for those who have suffered most from our wars and are so illy able to care for themselves, and I indulge the hope, and have allowed that hope to grow into a fixed belief, that when the proposition is submitted to the House no voice will be heard toopppose it.

INCREASE OF PENSION TO THOSE WHO HAVE LOST ONE EYE.

This Congress has received many petitions upon the subject of increasing the pensions of those who were then pensioned at $4 per month for the loss of one eye. Upon an investigation of the subject the Committee on Invalid Pensions discovered that this was purely an office rate and not controlled by any law, and that the remedy for what seemed to be a palpable wrong was entirely within the power of the Secretary of the Interior. So that committee at once addressed a letter to that officer, and the result is to be seen in the letters which I now send to the Clerk's desk to be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., March 6, 1884.

SIR: I have the honor to acknowledge the receipt by reference of the letter addressed to you on the 26th February, 1884, by the individual members of the Committee on Invalid Pensions, in which they call your attention to the low rate fixed by the rule of the Department for the disability arising from the loss of one eye. I find upon investigation that it has been for so many years the rule to rate the loss of one eye at one-half of total rate that the original order establishing the same has been lost, and the oldest employé of this bureau can not remember when such has not been the rate. It has, therefore, the sanctity of custom, and may be regarded as an established rule of the bureau. The injustice, or rather I would say the inadequacy of such a rate for such a disability has been apparent to me for a long time. Not the least important factor in such a disability is to be found in the deformity and its conspicuous prominence.

After mature deliberation and consulation with different persons in the office who have had long experience, I am free to say that in my judgment the rating of total according to rank for the loss of one eye, or the sight thereof, where the other eye is not complicated or affected through sympathy, will not be considered an excessive rating. In this connection allow me to call your attention to the rating for partial deafness. The statute, section 4698, provides for total deafness for both ears at the rate of $13 per month. I would suggest as a fair substitute for the existing rule, upon the rating for partial deafness, that the maximum of $13 be considered as 13-18 disability as fixed by section 4696, Revised Statutes, and that inferior degrees be rated at 12-18, 11-18, 10-18, 9-18, 8-18, &c., to comport with the actual degree of disability found from partial deafness.

I have the honor to remain, very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., March 29, 1884.

SIR: Since writing the letter I had the honor to address you on the 6th instant, relative to the proper rating to be fixed for the disability occasioned by the loss of an eye, in which I stated "that in my judgment the rating of total according to rank for the loss of one eye, or the sight thereof, when the other is not complicated from sympathy, will not be considered an excessive rating," my attention has been called to the decision of Mr. Acting Secretary Cowen and Secretary Delano, dated, respectively, the 11th and 25th of June, 1874, in the case certificate No. 75652 of O. H. P. Krise, and your attention is respectfully invited to the same.

In these decisions it will be seen a distinction is drawn between a disability caused by the loss of the sight of one eye and the disability caused by the loss of the eye itself. This distinction, in my opinion, is just and proper, and after having fully considered the matter, I am now of the opinion that the disability occasioned by the loss of the sight of one eye should be rated at total grade of rank, and that the disability caused by the loss of one eye, with the consequent deformity, should be rated at third grade, except in cases where that grade is less than total of rank.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, April 3, 1884.

SIR: I have the honor to acknowledge the receipt of a communication dated the 26th ultimo, signed by you and other members of the Committee on Invalid Pensions of the House, recommending that in the adjudication of claims for pension by the Pension Office, the rate of pension for disability resulting from the loss of one eye be increased beyond that now fixed by that office for said disability.

In reply I transmit herewith copies of letters dated the 6th and 29th of March from the Commissioner of Pensions, in which he recommends that the practice of his office be modified to allow higher rates of pension as therein specified for the loss of sight of one eye and for the loss of an eye, and also an increase in the allowance of pension for disability for partial deafness.

I have approved these recommendations and have instructed the Commissioner to cause the practice of this office to conform thereto.

Very respectfully,

W. M. TELLER, *Secretary.*

HON. C. C. MATSON,
Chairman Committee on Invalid Pensions, House of Representatives.

Mr. MATSON. Thus it will be seen that something has been accomplished for this worthy class of pensioners to the extent of giving them hereafter double the rate they have heretofore received.

Mr. Chairman, there is another subject to which I wish now to invite the attention of this committee. In the estimation of the great majority of the soldiers, I feel sure it is regarded as necessary to do justice to all. It rests upon the axiomatic proposition that if a soldier is entitled to a pension he is entitled to be paid from the date of his disability or discharge. The statement of this proposition is, as already suggested, the proof of its correctness. It is not right to pay a pension to one soldier from the date of his disability or discharge and to another from a date long after his disability. Some remedy is demanded for this manifest wrong, and I shall be ready to give my support to any measure that can the most certainly and speedily apply a remedy, particularly to those who are now suffering from the injustice. Many objections are made to any further legislation in this direction, because it has been found to be expensive, because it has stimulated the filing of false claims, and because those who now feel aggrieved once neglected an opportunity to get their full rights.

It will not be denied that there is some force in the last two objections. It has also been said that an absolute repeal of the statute of

limitations as to the filing of pension claims would not only stimulate the filing of false claims, but that the cost of such a measure could not be estimated, and that no prudent legislator ought to embark in any measure of legislation without being able to at least approximate the expense thereby entailed upon the people. There is force again in this objection, but I submit that a measure proposing to extend the benefits of the act giving arrears of pension to all these who have filed their claims up to some given day in the recent past would obviate this very strong objection. Such a measure I hope to see soon reported to this House, because I think it can be passed; and while it may not be all that it is desired, nor indeed all that may be rightfully demanded, yet it will almost entirely equalize the rights of those who are now receiving pensions and be an earnest that the great principle of justice to all is the established policy of the Government.

There are other matters of general legislation relating to pensions to which I would be glad to call the attention of this House, but I know that I have now trespassed upon the time of an overtaxed Congress, and I shall soon yield the floor. I can not, however, leave this subject without inviting members of this House to scrutinize the work of the Committee on Invalid Pensions. By day and by night this committee has labored to the end that not only justice shall be done in the way of general pension legislation but that in individual cases equity may be done to the worthy soldiers and their representatives who fail in the prosecution of their claims under the law because of technicalities.

That committee up to this time has had referred to it 2,097 bills and 600 petitions, about one-third of all the bills and petitions introduced in this House. Of these we have reported upon 532, and it is only fair to say that the credit of such a record is due very largely to the industry and ability of individual members of the committee, and conspicuous among us where all are compelled to do much hard work—I am sure it will not be regarded by my brethren upon the committee as making an invidious distinction when I state the fact that one-third of these reports have been made by the gentleman from New York [Mr. BAGLEY], who has shown not only an extraordinary diligence in the business of this session but has at all times brought to the consideration of these individual claims the most just discrimination, indefatigable industry, and kindly disposition toward the soldiers of the Union who offered themselves to their country in the hour when it most needed to be upheld by strong arms and brave hearts. Others of this committee are entitled to honorable mention, but the work of the gentleman from New York [Mr. BAGLEY] has been so conspicuously successful that I should fail to respond to the most generous impulses of my heart if I did not review it briefly here.

One word, Mr. Chairman, and I have done. I know that much is expected from this House in the way of legislation in the interest of the ex-Union soldier. In fact I am not prepared to say whether too much has not been expected, and whether there has not been encouragement given to this expectation in the hope that the soldiers would find themselves disappointed. I can only say now that I feel sure that when the sum of all the legislation by this House is added that is had at even the present session the soldiers will have no reason to complain when they compare it with that accomplished at any long session of any Republican House. The Democratic party will continue, as it has been in the past, the friend of the soldiers of this country, and it will be, as I am sure it should be, guided by this motto: Just and reasonable legislation in behalf of the soldier, so that the pensions paid by the Government may continue to be popular with the people.

Bureau of Labor Statistics.

"The laborer is worthy of his hire."

SPEECH

OF

HON. JOHN J. KLEINER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. KLEINER said:

Mr. CHAIRMAN: I see greater interest manifested here to-day upon this question than I have ever seen before upon any subject brought to the attention of the House. I am moreover convinced that if this Congress did less talking and more voting much valuable time would be saved, and the bill under consideration would become a law at once, and the cause of labor substantially advanced.

The two things, Mr. Chairman, that puzzle me most are the damnable rules of the House and the "talking cranks." These two are with us always. The latter are exposing their long ears, if nothing else, at all times and upon every occasion. The vast amount of information obtainable from them upon every conceivable subject is the only excuse for their toleration. One would suspect that the gentlemen whose lily-white hands had performed every kind of manual labor, from childhood up to the day they broke into this Congress, ought to exempt them from exerting themselves during the remainder of their natural lives, especially with their mouths. From this latter affliction may the good Lord deliver us hereafter, for the toiling millions will gather neither relief nor information sought under this bill through their efforts.

I have no use for pretenders either in or out of Congress, and as this bill has been carefully considered by the committee and unanimously reported to this House with a favorable recommendation, I trust it will pass speedily. The information to be derived can not fail to be of benefit to the workman as well as the capitalist. It will, in my opinion, set at rest the conflicting opinions now held by the people of this country respecting that vexed question, capital and labor, and its seemingly many divergent interests. Judging from the way in which this debate has been conducted, I believe that the remarks of many gentlemen are misdirected. To my mind the greatest curse that has afflicted and depressed the condition of the laboring man has been the present war tariff.

Inasmuch as all taxes and burdens must be raised from the hand of the laborer, whether in the workshop or on the farm, it is clear to my mind why he should be poor to-day while his employer should roll in wealth long after the conditions that made the war tax necessary have passed by. Workmen in this country can not be led to believe in the equality of all men before the law while they are ground down into peonage and servitude. They can not be made to respect the Constitution of a country that divides the people into a peasantry and a moneyed aristocracy. While one part of the people, and a small part at that, roll in wealth, erect palaces and costly homes, drive through the streets in costly turn-outs, with crests and heraldic insignia emblazoned on them, is it not a marvel that there is not more unrest among the masses who produce all this by their skill and labor?

You must remove this infamous tariff and stop paying tribute to a select few if you would solve the labor question. This country possesses all the diversities of soil and climate to enable its people to compete with any other in the world. Why should we with 60,000,000 people daily parade our poverty and fear of England with 20,000,000? Are we still so helpless and feeble that we must ask alms from infinitely weaker nations? Shame on such cowardly conduct. What a commentary we are, anyway, on the heroes of the Revolution and our patriotic ancestors of 1812. Why, Mr. Chairman, this country has the dry rot like the dug-outs we call our Navy; strangled with infernal class legislation and dying from internal corruption; "dying as Rome died by its vices as it had formerly flourished by its virtues; dying because her wealth and her lands were legislated into the hands of the few, as ours were, converting a race of freemen into a herd of serfs;" and here we stand watching for the forging of the chains that are to bind us. "Life, liberty, and the pursuit of happiness" was first proclaimed as the cardinal doctrine of our national faith.

By that doctrine true manhood was held paramount to the claims of mere wealth. Yet to-day our whole land is honey-combed with monopolies fostered by national legislation. Our money and our lands are thrown into their capacious coffers, our lives, our franchises, and our liberties are all being rapidly transferred to their keeping. I tell you the land that will not be warned from the disasters and ruin of the Roman Empire, and the rise and fall of nations since the dawn of time, will speedily drop into decay. Stop the iniquity of giving the nation's bounty to the rich while the poor among us are begging bread, and you will have solved the problem of this country's greatness.

The manufacturer of this country is shut out from the markets of the world, hence he must depend upon the home consumption. High tariff has induced overproduction, and consequent stagnation. According to the census returns, our factories could produce twice as much as they now do; yet they are idle now nearly half the time. Give our industries a chance at competition with the world, and with our cheap raw materials at our doors we could soon drive from active competition with us every nation on the earth.

The protectionists keep telling us that they want a monopoly of the trade of America to insure good wages to the laborer. This has been the plea of the protectionists and the only one; yet they know that they have established agencies among the pauper-labor countries in order to supply this country with the same class of men they so much decry.

The intelligent workmen of this land are beginning to wake up to the impositions practiced upon them, for they often rise up in the morning and find themselves face to face with a ship-load of heathen mongrels ready to displace them, or car-loads of convicts from our own penitentiaries. The protectionist asks that the workman's product be protected against competition, but he scours the earth to find labor degraded enough to compete with his own workmen. Thus, in order to continue in employ he too must submit to a reduction in keeping with that of the convict and criminal as well as the imported hireling from the jungles of Asia and slums of other lands.

I do not propose to overdraw this picture, for it is a well-known fact that in spite of their enormous profits and ability to pay fair wages, the

protected manufacturers have uniformly paid the lowest wages, and to enable them to still more depress the wage-worker they have established agencies in foreign countries through which they can supply their factories with cheap workmen. I shall confine myself to the record and shall quote from Mr. Henry Sterne, United States consul in Hungary. Mr. Sterne, in his report to the State Department, under date of 1882, submitted the following:

I have information that agents are managing the business a good deal in the manner of the cooly trade, and that these immigrants are shipped to the United States about like so many cattle.

Here are the words of our consul officially submitted for the information of Congress. Here we discover the agent of the philanthropic protectionist employer recruiting among the serfs of Hungary for pauper labor with which to supply his factories, and this the gentleman from New Jersey [Mr. PHELPS] no doubt considers as one of the chief beauties of the protective system for New Jersey. For in the town of Malaga, N. J., the American workmen had to leave their homes in midwinter by order of the manager of a factory in order to make room for a cargo of pauper laborers fresh from the bogs of Belgium who were brought in to take their places. Yes, shipped here "like so many cattle."

It has been observed that in some of the largest factories of this country there were found, instead of intelligent American citizens, ignorant and indifferent foreigners, who do not speak any language recognized in this country, and hence can not become informed as to the economic conditions that exist here. These men were all under contract for a term of years at a rate less than standard wages. The management discourage the introduction of any general information, as in their ignorance they were more tractable and obedient—would more readily submit to impositions such as would arouse the free American citizen into mutiny and open rebellion.

But, Mr. Chairman, there are still other sources of information on this "slave-trade" carried on by the protectionists in the interests of American industry.

Count Esterhazy, the Austrian consul to New York, established a bureau for the protection of Hungarian immigrants. In one of his reports he says:

There is no doubt that a contract system is being carried on, and I believe it has reached large proportions. Certain it is that great numbers of emigrants are landed on these shores who are owned by capitalists.

"Owned by capitalists"—by the men who hang around the halls of Congress and prate about their devotion to American labor. These are the words of the Count.

What think the friends of the protectionist in this House who in the interest of their cause buy and sell men, women, and children twenty years after the abolition of slavery in this country? Greed and avarice combined have made our country a prey to the cupidity of man, and he has succeeded well in disgracing us in the eyes of all civilized nations. There can be but one object in this traffic, and that is to degrade our American workmen and supplant them with cheap labor hired under contract abroad.

The object of the protectionist is clear, and his profits are certain while home consumption is equal to his ability to supply. Since the supply is greater than the demand he desires to sell his wares abroad. But we have no ships and no commerce, and healthy competition is out of the question. So long as the protectionist can force his home customer to buy his wares at the high-tariff prices he is content. The foreigner, however, will buy where he can obtain his goods in open competition; hence to sell the American must sell below the tariff, while to the American farmer and laborer he sells above the tariff rates regardless of the fact that imported pauper labor made the goods sold.

Under the war-tariff system the workman can not fail to grow poorer day by day as long as the labor market of the world holds out, and some pretext or another will be found to bring it here just as long as a premium is held out for it by our national policy. We might as well try and build a Chinese wall about this country and expect it to prosper as to shut out our commodities from the markets of the world and expect to get rich by swapping pennies among ourselves. This peanut policy must stop or we will soon smother and stifle all individual effort. Our Government will be made a paternal one. Wealth will accumulate and men will decay. Strong armies will become a necessity to prevent outbreaks in every part of the country. Here is a sample of what protection is doing for our people and for American workmen, for whose sole benefit we are told it is maintained. On July 11, 1883, the Window-Glass Manufacturers' Association held their meeting at Long Branch and adopted the following resolution:

Resolved, That the treasurer be authorized to pay a sum not exceeding $30 per man for each blower or gatherer brought over from Europe after August, 1883, provided the same be employed by some member of this association, and provided that they are not workmen who have been in this country within the twelve months last passed.

In this manner thousands of paupers are brought over from Europe on short notice at so much per head, and powerful corporations often refuse to employ any other. The great continental lines of railways toward which the Government gave hundreds of millions in money and lands were all built with pauper labor, averaging not to exceed 28 cents per day for each man employed—filthy heathen, subsisting on rats and snakes, brought here by protectionists to compete with American labor. From gentlemen who testified before the committee I submit brief extracts. Mr. S. V. Penderly, a master workman, says:

These imported men show no disposition to become citizens. I have seen eight men and one woman living in a small house, without beds or furniture, sleeping on the floor. Their total expense for subsistence was $3 per month for each person.

I have seen men engaged at Castle Garden and taken to Frostburg, Md., where they lived in a wooden building, without furniture, sleeping on bunks. This building was fenced in to prevent the inmates from being communicated with by the people whose places they had taken. Their daily food was water and mush, with a small quantity of meat on Sunday.

These men were fenced in to prevent them from obtaining any information concerning the business of their oppressors. I commend them to the pitying care of the gentleman from Pennsylvania [Mr. KELLEY], whose sympathy for the poor oppressed pig-iron makers has blinded him to the real cause of our national decay which he so much deplored.

Mr. Bouilet, of Zanesville, Ohio, said he was hired by an agent at Antwerp with sixty others, who found upon arrival that they were to work for 25 per cent. less than the regular rate. At Kent, Ohio, they contracted for three years upon condition that they would not associate with American workmen. Several men violated this part of the agreement and were arrested. When they arrived at Mansfield the few who could speak English were warned not to talk to any one. Their engagement was at from 30 to 50 per cent. below the regular rates.

Most of these contracts are drawn waiving all the workman's rights under the statutes of the States passed for the protection of labor, and to save him from the avarice and greed of the manufacturer. I could continue citing cases as they exist in almost every section of the country. The intolerance of the bosses in Pennsylvania, however, has reached the top rung in the ladder. Mr. Barclay, who represents the mining region of Pennsylvania, testified before the committee. He says men and women are brought into the country under contract; there was an agency in New York and another in Pittsburgh who made a specialty of receiving this kind of labor. They were very desirable, and firms employed them because they were easily imposed upon.

Mr. Barclay says he counted one day thirty-five women and children employed in forking coke and working about the ovens. The children were very poorly clad and of every age, ranging from 5 years upward. Their habits were disgusting in the extreme. They had no beds, but laid on the floors "heads and tails." It is strange that the attention of the gentleman from Pennsylvania [Mr. KELLEY] was not arrested by this state of facts right at his door, for in his plaintive story the other day he rung the changes of distress and misery as it existed in England; yet not a single statement made by the gentleman compared in the horrors of detail to the state of facts that exist in his own home and in the State he represents on this floor.

A yard-boss in Pennsylvania took thirty-seven men from a single house containing four small rooms. They had no beds, but lay on the floor. The little money they get they save to go back home on. When they get sick they go to the poor-house. They work for two-thirds the regular rates. The companies employing them compel them to buy goods at their stores, which are retailed to them at enormous profits. If they refuse to receive their pay in this way they are discharged, in spite of the statutes of the State of Pennsylvania. Any attempt to organize against this oppression and tyranny on the part of the workman is met by the employer black-listing the offender and refusing him work.

In the mines these ignorant people are employed at so much per ton. As they do not know what a ton is they are again overreached. The agencies that bring these people get so much per head for each one imported. These degraded people, who are brought here by the shipload to compete with and lower the standard of American labor, will "subsist on offal, they will eat mules and hogs killed or that have died from diseases."

No wonder protectionists are getting rich; but their riches are founded upon a bank of sand, and I warn them now to desist, for their cause is doomed. An outraged and enslaved people will sooner or later break forth into open revolt.

At Kent, Ohio, the imported men all work on Sundays, doubtless to make up for lost time, while the bosses go to church. At Muskingum the men work seventeen hours per day, and to enable them to eke out a miserable existence they cultivate their little gardens by the aid of lamps. Why, the African slave was a prince by the side of this new system of torturing mankind, for when sick his property value secured him decent attention at least.

It is a strange fact, but it exists nevertheless, that these cries come chiefly from States and localities which have been held up by this national bounty called tariff. Miseries that shame the conjectured tortures of hell are found right in the midst of the highly protected industries, showing conclusively that no part of the rich bounty granted by the Government is shared with the workman, but is invested in costly mansions, luxurious living, fine horses and turnouts, and expensive tours abroad for the general gratification of the employer. For of the 32 and 67 per cent. profits which the poor man created he has now, like the Son of Man, not even a place whereon to lay his weary head.

The Tariff.

SPEECH

OF

HON. HERSCHEL H. HATCH,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 1, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. HATCH, of Michigan, said:

Mr. CHAIRMAN: The bill before us proposes a "horizontal" reduction of the tariff. No attempt is made to readjust the tariff on one article to the tariff on another, but it is violently assumed that all duties levied under present law are at least 20 per cent. too high. No inequalities are admitted. All lengths are just so much too long. This is a very strange condition of affairs, to say the least, and if the assumption is true it is a condition not often found.

The measure is sought to be supported upon the theory that our present tariff laws are highly protective and that all protective tariffs are wrong in principle and vicious in practice. The questions involved have been often debated heretofore, and have now engaged the attention of the House for many days.

For one I have listened to the discussion with great interest and assiduously studied the speeches for and against the measure. Some errors into which I had fallen have been corrected, and some former convictions deepened. For this I am indebted to both the friends and the foes of the bill. I am far advanced in the belief that the extreme advocate of neither side sees all the truth, but that it lies somewhere between.

That the policy of protection has been in the past of great benefit to the country I have no doubt, but that it will continue to be equally beneficial in the future is not so clear. Its advantages are passing and temporary. I can not go all lengths with some ardent protectionists that can be named, and the expressions of the doctrine as occasionally laid down in party platforms will have to be qualified to fit it to my convictions.

In the course of my remarks I shall develop nothing new—only restate some of the truths already brought out in the debate. Indeed very little new ground remains to be occupied; the field has already been trodden to a waste.

First, let us seek a clear idea of the operation of a protective tariff—as clear as may be, for it is involved in most perplexing complications. How does it affect the interests of capital, of labor, of the consumer?

I shall content myself with the restatement of first principles. We shall the better grasp the subject by returning to the "simples." No apology is needed if we begin at the beginning.

The difficulty lies in separating from the great mass of facts and results those attributable to the operations of the tariff and distinguishing them from those which flow from other sources. We shall best solve the problem by attending carefully to the workings of the natural law of commerce—the law of supply and demand—remembering that men will usually do those things which are most for their advantage. These are propositions which no man denies, namely:

An increase in the supply of a commodity tends to lower the price of that commodity;

A diminution in the supply tends to increase the price;

An increase in the demand tends to increase the price; and

A diminution in the demand tends to diminish the price.

Beyond this let us believe that a person under ordinary circumstances will buy where he can buy cheapest, sell where he can sell dearest, and follow in the path along which he believes his best interests to lead.

Wages in America up to this time have usually been higher than in the older parts of the world—higher in New England than in Old England.

Following are some of the comparative statistics on this subject:

Weekly wages for 1883.

Occupation.	Newark, N. J.	Paisley, Scotland.
Cop-winders	$8 00	$3 50
Finishers	5 00	2 50
Rulers	8 00	4 25
Spoolers	8 00	3 25
Foremen	20 00	7 00
Pickers	7 00	4 12
Hank-winders	7 00	3 75

Ship-builders in America now receive $12 per week, and in Scotland $6.25.

Here is another statement from free-trade sources:

WAGES IN THE WOOLEN INDUSTRY.

In woolens wages on the average are now about 30 per cent. higher in the United States than in England, and in England about 20 to 35 per cent. higher than in France and fully 50 per cent. higher than in Germany. The actual difference between the wages of the operatives of the British and those of our own woolen mills can however, best be ascertained from the following table:

[Values reduced to American dollars; English shilling, 24 cents.]

Description of occupations.	Great Britain.				United States.	
	1865.	1880.			1878.	1881.
	Huddersfield, &c.	Batley.	Dewsbury.	Huddersfield.	Massachusetts.	Massachusetts.
Week of hours	66	56	54	56	.....	60
Wool-sorters, men	$5 28 to $7 68	$7 20	$6 24	$5 76	$8 50	$9 43
Scourers, men	3 84 to 5 04	5 28	5 76	5 28	6 66	8 84
Dyers, men	3 60 to 5 04	5 28	5 28	5 28	6 66	7 81
Dyers, foremen	.....	12 00	14 40	12 00	.....	.....
Teasers and willyers, men	4 00	5 28	5 04	.....	.....	.....
Scribblers, men	6 00	.....	6 72	.....	.....	.....
Scribblers, women	2 16	3 36	3 00	2 64	.....	.....
Condenser-minders, lads	.....	2 40	3 00	2 64	.....	.....
Spinners, men	5 76	*7 20	7 68	7 20	7 64	9 05
Spinners, piecers, lads	1 92	2 88	2 40	2 16	3 00	4 81
Spinners, foremen	.....	12 00	9 60	10 80	.....	.....
Warpers, women	3 26	3 60	3 36	3 61	.....	.....
Beamers, men	.....	5 52	.....	.....	.....	.....
Healders, lads	.....	2 88	.....	2 40	.....	.....
Fettlers, men	.....	5 28	5 28	5 28	.....	.....
WEAVING.						
Pattern-designers, men	.....	14 40	14 40	14 40	.....	.....
Pattern-weavers, men	5 04	5 76	7 20	6 00	9 50	28 53
Furriers, men	.....	9 60	.....	.....	.....	.....
Weavers, men	4 32	*4 80	6 00	*6 25	6 95	7 45
Weavers, women	3 60	3 60	3 60	*4 32	.....	.....
Burlers, women	.....	2 64	.....	$2 10 to 3 60	4 59	5 13
Knotters, men	.....	5 28	.....	.....	.....	.....
Menders and sewers	.....	.....	.....	.....	.....	.....
Women	.....	3 12	3 00	3 00	6 34	5 09
FULLING.						
Fullers, men	.....	*6 00	5 76	5 52	6 89	7 35
Fullers, foremen	.....	*9 60	14 00	8 40	.....	.....
DRESSING AND FINISHING.						
Dressers, men	6 24	5 28	5 04	6 24	7 08	7 53
Tenterers, men	.....	*6 00	5 25	5 76	.....	.....
Cutters, men	.....	5 72	5 52	5 76	.....	.....
Cutters, lads	2 15	2 40	2 88	2 88	.....	.....
Press-setters, men	.....	6 00	5 52	6 00	.....	.....
Steamers, men	.....	6 00	5 52	6 00	7 50	7 68
Drawers, men	.....	*8 40	9 60	7 20	.....	.....
Engine-tenders	9 60	9 60	8 40	8 40	10 50	11 07
Stokers	5 14	4 32	5 28	5 28	8 78	7 97
Mechanics	.....	8 40	6 48	6 48	12 33	13 43
Carters	.....	5 28	5 28	5 28	.....	.....
Warehousemen	.....	5 28	5 28	6 00	.....	.....
Laborers	.....	.....	4 80	4 80	6 69	8 58

*Piece-work.

Wages in the newer parts of our own country are higher than in the older—higher in Dakota and Montana than in New York and Pennsylvania. This arises from the fact of cheap lands. While land is yet cheap and easily obtained the laborer is not dependent upon others for remunerative employment. If the wages offered are in his judgment too low he at once resorts to the land and there finds adequate compensation. Thereby the supply of labor offering in the market is diminished. As a result the price of wages must be advanced to induce him to engage in the work of another. The wage which will operate as an inducement must be a larger one than that usually paid in communities where the laborer does not have the resource, cheap lands. But when the value of land rises the laborer can not obtain it unless he possesses accumulated capital. Ordinarily the laborer living in a country of high-priced lands must accept the fluctuations of the market and be content with the terms fixed by the employer, who, however, in his turn is governed by the inexorable law of supply and demand.

The cost of an article is the price paid first for the labor involved in its production; secondly, the use of the capital employed; and lastly, the royalty on the raw material. The cost of a pound of iron is the price paid for the labor bestowed on its production, plus the price paid for the use of the capital used, plus the royalty paid to the land-owner upon whose lands the ore was dug. The cost of a thousand feet of lumber is the value of the labor, the value of the use of the capital, and the value of the standing tree. The cost of a bushel of wheat is the labor, the use of the capital, and the rent of the land upon which it is grown.

Some there are who resolve two of these elements of cost—namely, labor and capital—into one, namely, labor. Some go even further and resolve all of them into labor. But we are not interested in this refinement.

Wages being higher in the United States than in England, if a manufacturer in the United States undertakes to produce any commodity, as for instance cloth, it will cost him more than it will cost the English manufacturer. Then if cloth of the two makes are brought together for sale in the same market, the English cloth will undersell the American make and drive it out. The American buyer will buy where he can the cheapest; he will follow the lead of his own interest. What is the result? The American manufacturer stops producing, and discharges his hands. Unless some change can be wrought that industry in America must cease, and all engaged in it, both capital and labor, seek elsewhere for employment.

Now comes in the tariff law. The United States Government under its grant of power to levy imposts for revenue imposes a duty upon the foreign merchandise. The English cloth now costs to deliver in the American market as much more as the tax amounts to, and (assuming the duty to be high enough) more than the price at which the American article can be profitably produced. The amount of such profits is largely but not altogether determined by the amount of the tariff. By this means manufacturing is stimulated, an increased demand is created for labor, and wages are advanced.

The first practical result reached, then, is that the American manufacturer secures a greater return upon his capital than the foreign manufacturer, and the American laborer secures greater wages. The latter is aided now not only by cheap lands but by the increased demand for his labor in other departments of industry.

Another effect produced is that the American producer commands the American market and dictates the price of his commodity to the consumer. So far he can go, but no further. The American manufacturer can not even under these circumstances compete in any other market. Abroad the Englishman is complete master of prices. The American's market is only within the shadow of the American custom-houses. Without their protection he is powerless.

But there are other consequences which in due time follow. This increase in the returns accorded to American capital and American labor attracts foreign capital and foreign labor. Their interests lead toward the United States and toward a share in this general prosperity. An increase in the demand for capital and labor induces an increase in the supply. The supply will come in part from our own natural increase in capital and in labor, and in part from foreign sources. There is nothing in the way to prevent the foreign supply from responding to the demand. No tariff duties have ever been exacted from capital in the form of money, or from labor, as a condition of importation. The door stands at all times wide open for them freely to enter and follow the lead of their best interests.

As matter of fact the observed result is that the supply of capital comes most largely, most entirely from the increase of our own wealth, while the increase of labor is much more largely from abroad. It will now follow that two manufactories are put in operation where but one existed before, and three laborers are seeking employment for one before; production is enormously increased, the market is overstocked, supply exceeds demand, and prices decline. The decline is more marked in the case of commodities than of labor. So much for the theory. Now, what are the observed facts?

In this connection I subjoin tables prepared by the gentleman from New York [Mr. HISCOCK], which show the decline in the price of commodities.

Comparative prices of woolen fabrics in 1859 *and* 1884.

Fabrics.	1859.	1884.
Flannels per yard:		
A and T white (none made in 1884)	$0 18½	
A. A. F. scarlet	26	$0 24½
J. R. F. twilled scarlet	39	28½
B. twilled scarlet	26	25½
Double-weight scarlet twilled	27½	*32½
F. and C	36	33½
Talbot, R., 3-4, plain and scarlet	26	25
Ballard Vale, 4-4, white No. 1	75	67½
Ballard Vale, 4-4, white No. 2	60	40½
Ballard Vale, 4-4, white No. 3	45	7½
Ballard Vale, 4-4, white No. 4	†40	42½
Blankets per pair:		
Holland, 10-4, all wool	3 50	3 00
Holland, 11-4, all wool	5 00	4 25
Cocheco, 11-4, extra super	6 00	6 00
Cocheco, 12-4, extra super	7 50	6 00
Cumberland, 10-4	3 00	2 00
Rochdale, 10-4, super ex. super	3 50	3 00
Rochdale, 11-4	4 50	4 00
Rochdale, 12-4	5 50	5 00
Rochdale, 10-4	4 50	4 00
Rochdale, 11-4	5 50	5 00
Rochdale, 10-4, premium	4 50	4 00
Rochdale, 11-4	5 50	5 00
Rochdale, 12-4	6 50	6 00
Shawls, Middlesex County	7 00	5 56

*These goods are improved in quality.
†The Ballard Vale flannels are exceptionally fine goods, the chief cost of which is labor, and are slightly advanced because of the advance in wages of labor.

Wholesale prices per yard of leading standard staple goods bought by country dealers, January, 1860, *with prices of January,* 1884, *annexed.*

Articles.	1860.	1884.
4-4 heavy brown sheeting	$0 08½	$0 07½
4-4 fine brown sheeting	08½	07
4-4 fine bleached sheeting	12½	10
4-4 common bleached sheeting	09½	06½
Best ticking	17	14½
Best denim	15½	14½
Lining, colored cambrics	06½	05
Corset jeans	09½	07½
Ginghams	10½	08
Standard prints	08½	06
Hublet's cotton flannel	13	11
Good twilled flannels (wool)	36	36
Good Kentucky jeans	27½	27½

Comparative prices of boots and shoes in 1860 *and* 1884.

	1860.	1884.
	Per pr.	*Per pr.*
Men's rubber boots	$3 60	$3 00
Boys' rubber boots	2 40	2 18
Women's rubber boots	1 75	1 56
Misses' rubber boots	1 50	1 33
Men's overshoes	80	55
Women's overshoes	60	38
Children's overshoes	40	30
Men's best calf machine-sewed boots	4 00	3 00
Men's best calf pegged boots	3 00	2 75
Men's good common calf pegged boots	2 50	2 17
Men's best thick boots, farmers' wear	2 75	2 50
Men's good common boots, farmers' wear	2 25	2 00
Boys' good common boots, farmers' wear	1 62	1 50
Men's good double-sole kip brogan	1 37½	1 25
Men's good double-sole split brogan	1 15	1 10
Men's good common split brogan	1 00	85
Men's best calf machine-sewed Congress and Balmoral	3 50	3 00
Men's good common machine-sewed Congress and Balmoral	3 00	2 75
Men's good common buff Congress and Balmoral	2 00	1 65
Men's good common pegged Congress and Balmoral	1 60	1 25
Men's good common low-cut shoes	1 17	1 00
Men's carpet slippers	50	37½
Men's goat slippers	1 00	85
Men's grain slippers	65	55
Women's best kid and goat boots	2 00	1 75
Women's good kid and goat boots	1 50	1 25
Women's best serge Congress	1 25	1 05
Women's good serge Congress	92	80
Women's grain-pegged Polish boots	87½	85
Women's goat gored Benker's boots	92	80
Women's serge slippers	50	37½
Women's web slippers	37½	25
Boys' good kip brogans	80	75
Boys' good Congress	1 10	1 00
Boys' good split pegged Balmorals	1 10	1 00
Youths' good split pegged Balmorals	95	85
Misses' best kid or goat Polish	1 50	1 25
Misses' good common button	75	75
Children's best kid and goat	1 25	1 05
Children's good common goat	1 00	85
Children's cheap shoes	25	20

Comparative prices of pig-iron per ton for the month of January in the years named:

1860	$23 00
1880	40 00
1881	25 00
1882	26 00
1883	25 00
1884	20 50

All are agreed that prices have gone lower; we differ only when we come to assign the cause. Some say that it is the result of the tariff. But how then shall we explain the fact that a similar decline has taken place in countries which have no tariff. A cause must be sought which is common to both England and the United States. That cause is increased competition. Competition has operated abroad as well as at home.

The statistics of wages are not so clear.

Wages are ofttimes reduced by suspending work for a time, for a portion of the year or a portion of the week or day. In making the comparison of wages comparative efficiency must be considered; also the cost of living and the purchasing power of money. In our country we have not yet experienced the depression of an overstocked labor market, at least so far as the tables of statistics show. There has been a small advance in the wages paid in most mechanical industries within a few years. In the report of the statistics of labor made by the bureau of the statistics of labor of the State of Massachusetts in the year 1882 an elaborate table of such statistics is given. Following the table is a summary of results set forth in the report which I copy.

The foregoing rates of wages for 1881 show the following percentages of increase or decrease by industries as compared with 1878:

	Per cent.
Agriculture	increase... 14.1
Blacksmithing	increase... 11.8
Boots and shoes	decrease... 4.4

Percentage of increase or decrease, &c.—Continued.

		Per cent.
Building trades	increase	4.9
Cabinet-making	decrease	1.7
Carpetings	decrease	7.9
Carriages	decrease	5.4
Clothing	increase	20.7
Cotton goods	increase	9.1
Glass	increase	11.6
Hosiery	increase	13.5
Leather	increase	5.5
Machines and machinery	increase	22.0
Metals and metallic goods	increase	2.0
Metals and metallic goods (fine work)	increase	13.7
Musical instruments	increase	13.3
Paper	increase	7.5
Printing	increase	10.2
Rubber goods, elastics fabrics	decrease	0.5
Stone	increase	11.4
Straw goods	decrease	2.7
Woolen goods	increase	7.3
Average increase [of wages] all industries		6.9

Another table in the same report is given, showing the purchasing power of money in 1878 and 1881. The results reached are summarized as follows:

Averaging and consolidating the above returns under the group-heads designated in the table we find that in 1881 as compared with 1878—

	Per cent.
Groceries have advanced in price	9.1
Provisions have advanced in price	20.1
Fuel has advanced in price	31.1
Dry goods have advanced in price	9
Boots have fallen in price	1.6
Rents have advanced	35.1
Board has advanced	13.7

On all these items of expense entering into the cost of living the average increase is 21.2 per cent.

Wages advanced 6.9 per cent., the cost of living 21.2 per cent. If in 1878 a man earned $1 a day in wages and paid out 50 cents a day for board, then, applying these ratios in 1881, he would earn $1.07 and pay out 61 cents, showing in the aggregate a reduction in his net savings.

As food for reflection I call especial attention to the advance in rents.

It is a notable fact that a small advance in wages has occurred in European countries as well as in our own.

But, considering the increased productiveness, improved methods, and improved machinery, it becomes apparent that the cost of labor involved in the manufacture of most commodities has very largely decreased. This process will continue, and the signs of the times indicate that ere long, if not already, the general price of wages will follow the price of commodities.

Under the operation of such facts the same conditions will be, indeed in very many cases have been already, reached on the inside as on the outside of the tariff. The time must surely come when it will cost no more to produce a yard of cloth or a steamship in our country than it costs elsewhere. The natural laws of commerce will assert their sway. Supply and demand will equalize the American market with foreign markets. The waters within and without will come to the same level.

But another result will then be reached. The markets of the world will be open to us and we shall be able to compete on equal terms with any other producers; this only upon condition that we accept an Englishman's returns upon capital and pay only an Englishman's price for labor.

Certain other incidental facts are to be observed. By the promotion of these manufactures so introduced a variety of industries is secured, diversity of employment obtained. Thereby a portion of the laboring population has been drawn off from agriculture, and instead of being producers are consumers of agricultural products, a home market created, the producer is brought nearer to the consumer, and the cost of transportation saved to both.

In the course of our investigations we shall observe that the expected results are not always found in the facts, but that ofttimes interruptions occur. These interruptions, however, are only transient in their influence, and while they serve to delay, do not defeat anticipation. These results are practically inevitable. Some of the disturbing causes may be noticed.

If the prices of labor in a given industry in England exceed those in France, upon theory the workingmen of France should at once emigrate to England in such numbers as to reduce the level of English prices. But as a matter of fact they do so, if at all, only very slowly and after the lapse of a long time. Information of the fact travels but slowly; race prejudices, the disinclination to remove to strange countries, the expense of removal, all come in to play a part and prevent the Frenchman from becoming an emigrant. But let the difference be great enough and continue long enough, all difficulties will be surmounted and the French laborer will respond to the demand.

Our own country affords an illustration. The high wages produced by cheap lands and a protective tariff have been long maintained. It has taken years to bring a knowledge of these facts to the laborers of Europe; but now it is known in every hamlet from Ireland to Russia, and behold the results. Witness the hosts of emigrants that throng upon our shores. The populations of great states are coming annually.

The same facts are observed of capital. It does not instantly respond to the increased demand. It takes time and the growth of confidence to produce the result.

Trades-unions are another disturbing element. By means of them laborers attempt to combine and prevent the oncoming of the inevitable reduction in their wages, but all to no lasting purpose.

Combinations between capitalists to keep up prices, to limit production, are similar in design. Such attempts to control the action of the law of supply and demand invariably end in failure.

Labor-saving machines have come in to affect the time when American producers can successfully compete with foreigners in foreign markets. They do not disturb the predicted result. They only hasten the period when the tariff law will no longer be of any avail.

We gather from this discussion that in a new country—in a sparsely settled country such as ours has been up to this time, and is now in large sections of it—in a country of cheap lands—

First. That many forms of manufacturing industry can not be carried on successfully if our markets are left free to the competition of foreigners.

Second. That to foster such manufactures a tariff protection must be afforded.

Third. That the first effects of such tariff is to promote the profits of capital and the wages of labor and to increase the price of commodities to the consumer.

Fourth. That these results may continue for a long time.

Fifth. That such tariff protection, however, tends in the long run—in the totality of events—to defeat itself, and the time comes when it is no longer of any advantage to either the manufacturer or laborer.

Sixth. But that in the mean time the industry becomes established, variety of labor secured, a home market for the farmer obtained, the expense of transportation diminished, and finally the consumer buys the manufactured article as cheaply of his own countryman as it can be purchased of the foreigner.

Such are some of the more important consequences of the protective system.

ARE THEY DESIRABLE?

Certainly they are to the manufacturer and to the laborer for the present, and are likely to be for some time to come.

But are they desirable to the consumer? He pays the cost of all this increased prosperity of manufacturers and laborers.

The only consumer that will be considered in this connection is the farmer. He finds his compensations in a diminished competition, in the increased profits of a home market, in the saving of the cost of transportation.

We have not far to seek for statistics that bear witness to the prosperity of the farmer under the operation of a protective tariff.

The following table shows the comparative value of farming lands in the several States, arranged in groups according to the amount of manufacturing carried on in each, respectively:

Aggregate value of products manufactured by States, acres of land in farms, and value of farm lands, by States and groups of States.

FIRST GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Massachusetts	631,125,284	3,359,079	146,197,415	43 52
Rhode Island	104,163,621	514,813	25,882,079	50 27
Connecticut	185,697,211	2,453,541	121,063,910	49 34
New York	1,080,696,596	23,780,754	1,056,176,741	44 41
New Jersey	254,380,236	2,929,773	190,895,833	65 16
Pennsylvania	744,818,445	19,791,341	975,689,410	49 30
Delaware	20,514,488	1,090,245	36,789,672	33 74
Total	3,021,495,831	53,919,546	2,552,695,060	47 34

SECOND GROUP.

Maine	79,829,793	6,552,578	102,357,615	15 62
New Hampshire	73,978,028	3,721,173	75,834,389	20 38
Vermont	31,354,366	4,882,588	109,346,010	22 40
Ohio	348,298,390	24,529,226	1,127,497,353	45 97
Michigan	150,715,025	13,807,240	499,103,181	36 15
Indiana	148,906,411	20,428,983	635,236,111	31 11
Illinois	414,864,673	31,673,645	1,009,594,580	31 87
Total	1,247,046,686	105,587,433	3,558,969,239	33 71

THIRD GROUP.

Wisconsin	128,255,480	15,353,118	357,709,567	23 30
Minnesota	76,065,198	13,403,019	193,724,260	14 45
Iowa	71,045,926	24,752,700	567,438,227	22 92
California	116,218,973	16,593,742	262,051,282	15 79
Total	391,585,577	70,102,579	1,380,915,276	19 70

Aggregate value of products manufactured by States, &c.—Continued.

FOURTH GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Maryland	106,780,563	5,119,831	165,503,341	32 33
Virginia	51,780,992	19,835,785	216,028,107	10 89
North Carolina	20,095,037	22,363,558	135,793,602	6 07
South Carolina	16,738,008	13,457,613	68,677,482	5 10
Georgia	36,440,948	26,043,282	111,910,540	4 30
Florida	5,546,448	3,297,324	20,291,837	6 15
Alabama	13,565,504	18,755,334	78,954,648	4 19
Louisiana	24,205,183	8,273,506	58,989,117	7 13
Texas	20,719,928	36,292,219	170,468,886	4 70
Arkansas	6,756,159	12,061,547	74,249,655	6 16
Tennessee	37,074,886	20,666,915	206,749,837	10 00
West Virginia	22,867,126	10,193,779	133,147,175	13 06
Kentucky	75,483,377	21,495,240	299,298,631	13 92
Missouri	165,386,205	27,879,276	375,633,307	13 47
Kansas	30,843,777	21,417,468	235,178,936	10 98
Nebraska	12,627,336	9,944,826	195,932,541	10 65
Colorado	14,260,159	1,165,373	25,109,223	21 55
Oregon	10,931,232	4,214,712	56,908,575	13 50
Utah	4,324,992	655,524	14,015,178	21 38
Total	676,427,860	283,233,112	2,552,840,616	9 01

In 1880 the aggregate value of the products of agriculture was more than double the aggregate for 1860. The comparative values of some of the principal products are as follows:

Products.	1860.	1880.	1882.
Cereals	$558,345,836	$1,329,930,517	$1,468,693,393
Cotton	211,516,625	271,636,121	309,696,500
Hay	152,671,168	410,146,545	369,958,158
Potatoes	44,459,547	81,848,474	95,304,844
Tobacco	21,710,473	38,758,215	43,189,951
Total	988,703,649	2,132,319,872	2,286,842,846

An increase of products out of all proportion to the increased numbers employed. But the price per bushel of the standard grains has in general advanced since the adoption in 1861 of the present tariff laws.

Average farm values of agricultural products in 1860, 1880, *and* 1882, *respectively.*

Cereals.	1860.	1880.	1882.
Wheat, per bushel	$0 72.0	$0 95.1	$0 88.2
Corn, per bushel	43.0	39.6	48.4
Oats, per bushel	25.0	36.0	37.5
Rye, per bushel	52.0	75.6	61.5
Buckwheat, per bushel	58.0	59.4	72.9
Barley, per bushel	55.0	66.6	62.8
Potatoes, per bushel	40.0	48.3	55.7
Tobacco, per pound	05.0	08.2	08.4
Cotton, per pound	09.3	09.8	09.9
Hay, per ton	8 00.0	11 65.0	9 70.0

The greater the amount of manufacturing the greater the value of the farm. This arises, however, from the fact that manufacturing draws together a large population who are only consumers of agricultural products and not producers thereof. A similar result will flow from an aggregation of non-agricultural population, although no manufacturing be engaged in. The city of Washington is a good illustration. Here a large population is drawn together, but they are not engaged in manufactures or commerce. They are mere consumers. Lands are high in price both within and without the city. A university town would affect values in like manner.

The effect upon values produced by a protective tariff, however, is artificial and not natural. Such a policy is only to be justified by the positive good it may produce in excess of the evil. It should be no longer continued than it can be shown that the advantages outweigh very clearly the disadvantages. When the reason for the law ceases then the law should cease.

Pass some of the principal reasons in review in this connection.

A tariff produces diversified labor.

When, therefore, we have secured a diversified labor, then it should cease. When a particular industry has been firmly established among us, so far as this proposition goes and as to that industry, a tariff will no longer be beneficial.

A tariff affords a home market for agricultural products.

In theory this effect may be long continued. Indeed I see no end to its operations. Still its perceptible benefits may eventually become very much diminished.

It increases wages.

This is a powerful argument in favor of a tariff, and, as long as it continues, a good reason for holding on to the policy. But eventually a protective policy will cease to operate in favor of the laborer, and then the argument will fail.

Vast sums of money have been invested in manufacturing in reliance upon the tariff, and capital has acquired a vested right to its continuance.

This is a matter of the greatest possible importance and should engage the careful attention of those proposing a change. No violent measures should be adopted, and for this if for no other reason, that the time must in the nature of things surely come when a tariff will not be needed to protect our manufacturing capital. When competition shall have sufficiently reduced prices at home our producers can safely compete abroad. If we can wait patiently the tariff laws, for all the interests of the capitalists worth preserving, will eventually repeal themselves.

No attempt is here made to apply these principles to particular articles of manufacture or production. It was stated the other day in the course of this debate that there are now over sixty articles produced in the State of Connecticut from which the tariff could be safely removed.

In my judgment the tariff should be carefully revised and the doctrines above enunciated, as far as possible, applied. But the bill before us proposes no revision, only an unceremonious and reckless reduction. For that reason I am opposed to its passage.

Bureau of Labor Statistics.

SPEECH

OF

HON. N. E. WORTHINGTON.

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. WORTHINGTON said:

Mr. CHAIRMAN: I am in favor of any legislation that will throw light upon the great questions involved in this bill. No investigation is of greater importance than that which seeks to ascertain what policy will best secure to men and women, willing and anxious to work, fixed, honorable, and remunerative labor. There is no sadder spectacle than to see laborers unemployed who want to work, or to see them toiling from dawn to darkness for a miserable pittance that barely affords the absolute necessities of life. God never intended that life should be a perpetual struggle for mere existence, without hope of advancement nor chance of improvement; that it should be a constant fight to keep the gaunt wolf of want and famine from the door, rayless, gloomy, and shadowed from the cradle to the grave. We live in a land of wonderful resources, of unsurpassed fertility, of unequaled variety of climate and productions. The fruits and grains of both the tropic and the temperate zones ripen beneath our flag.

Corn and wheat, the vine and the olive, in quantities far beyond the range of the consumption of our own people, are annually produced. Land is cheap. Our Government is yet young in the history of nations. No other country in the world offers such natural advantages to industry, economy, and labor. And yet, while only in the beginning of the second century of our national existence, we are already confronted squarely with the perplexing problems of labor and capital, of men and women out of employment, and of wages that barely keep soul and body together. This, too, in the face of that other unhealthy fact in a free government, that immense fortunes, dangerous to the liberties of the people and incompatible with a just administration of law, have been accumulated within an ordinary lifetime, without corresponding labor, but by speculation and combinations of capital. I do not know that legislation can cure these evils. They may be to some extent inherent to civilized society.

But the information that the bureau proposed by this bill will furnish, or can furnish if its duties are discharged in an intelligent and non-partisan manner, must illumine many disputed questions that are now being canvassed. It proposes to investigate the relations of labor to capital, the means of promoting the material, social, intellectual, and moral prosperity of laboring men and women; to inquire what have been the effects of the division of labor and the improvements and increasing use of machinery in all departments of industry; to ascertain the number of those employed in the various branches of manual labor, the wages they receive, the hours of daily work, the average time they are annually employed, and the difficulty of securing remunerative employment; to report the effects and prevalence of the truck system of payment of wages, together with the ages at which children are employed and the influence upon their health of such employment; to inquire into the effect of convict labor, methods of taxation, the cost of living, comparing wages and the costs of the necessaries of life, the ac-

cidents peculiar to different kinds of employment and the means of their prevention, the inspection of factories, mills, mines, and tenement-houses, and all other matters and things that relate to or affect the condition and prosperity of the laboring classes; and to cause a report to be made annually by the chief of the bureau, with recommendations, to the President and Congress. The economic questions that will be touched by these statistics are the most important that can engage the attention of either a State or a national legislature or that can affect the condition of the millions who live by the sweat of their brows.

There are at present, upon the basis of the last census, a population of about eighteen million that is engaged in the various professional and industrial occupations of this country. Of this number about twelve million work for day's wages. Two-thirds, then, of the working classes of the country are directly interested in the information which this bill seeks to annually secure. But it is not the working classes alone that are interested. Our banks, our bond-holders, our manufacturers, our land-owners, our merchants, and in fact business men of every kind and character, are deeply interested in the practical solution of the great problems to which this bill refers.

The stability of the Government, the order of society, the execution of the laws, and the absence of mob violence and public tumults depend largely upon the employment, the comfort, and the prosperity of the working people. We can not close our eyes to the fact that the seeds of communism, scattered broadcast in the labor centers of European countries, have also been sown in many of our large cities, and are in danger of producing fruit. It is easier to check the spread of communism by removing the causes which tend to produce it than to put it down and stamp it out when men and women are maddened by hunger and want of employment. The sword and the bayonet are dangerous instruments and cut both ways when turned against the bone and sinew of the land. It is the part of wisdom, then, Mr. Chairman, not only to investigate thoroughly every agency that affects the toiling millions, but also to conduct that investigation in such a thorough, honest, and impartial manner as shall convince every workingman that the Government is in earnest in making his condition as tolerable and prosperous as legislation and an impartial administration of the law can secure.

It can not be denied that at present wage-laborers have just cause of complaint on account of many matters, both of administration and of legislation, in both State and national affairs. They do not ask assistance from the Government. They do not ask subsidies, nor protection, nor special privileges. They are not asking to feed at the public crib nor to be supported at the public expense. They are not asking even that this Government shall enter upon great works of internal improvement, as some European governments have done, for the purpose of furnishing employment to those out of work. But they do ask, and have a right to demand, that they shall not be handicapped and weighted down for the benefit of other classes of society, but that they shall have a fair start and an equal chance in the race of life.

Look, for instance, at the relation of convict labor to free and honest labor. The expenses of our jails and workhouses and penitentiaries ought to be borne equally in proportion to property by all classes of society. In theory they are so borne. The laboring man pays his tithe of taxes for their support; but after having done so he finds in every trade that he must compete with convict labor farmed out, at rates that will not support a free man, to contractors, who put their wares thus produced in the open market in competition with the products of honest labor. Society, for the sake of saving expense in taking care of its outlaws, pays for their board and clothes and sets them to work at half-price to break down the means of livelihood of that class of its members that receives the lowest wages and has the hardest struggle for an honest maintenance.

Let the facts, then, Mr. Chairman, be brought to light, and let statistics gathered by a department of this Government show how many convicts in our jails, workhouses, and penitentiaries are being farmed out at from 20 to 40 cents a day to compete with the honest laborer, who from the fruits of his toil must support himself, his wife, and his children. And let us cease to compliment that shrewd business management which makes our public reformatories self-sustaining at the cost of our hardest worked and poorest paid laborers.

There is another line of inquiry, Mr. Chairman, which should be embraced in this bill. That is the extent and effect of the importation of laborers under the contract system. It has always been our boast that our doors were open to the down-trodden and oppressed of every clime. But to welcome the active and enterprising who independently seek homes for themselves in a free land is a very different thing from receiving immigrants by hundreds and thousands who come under contract to work at low wages, imported for the express purpose of displacing our own citizens or of compelling them to work at the prices dictated by their employers. To tolerate this forced and purchased immigration is to allow capital to take advantage of the distress and low wages of European operatives, to the direct injury and suffering of our own.

Another broad scope of inquiry is the subject of taxation. No more difficult problem is presented to legislative bodies. All agree that taxes should be levied upon a basis just to all, and collected in proportion to the property of the persons taxed. But no system has yet been devised that in its practical workings accomplishes this end. It is a notorious fact that the poor and those in moderate circumstances pay more than their proportion of the expenses of government, both State and national. Visible property can be reached by the assessor. The household furniture and homestead of the laborer, the farm, the goods of the merchant, the shops and wares of the manufacturer are all in view of the tax-gatherer, and, if he does his duty, are made to contribute ratably to the revenues of the State. But as wealth accumulates and hides itself in stocks and bonds and notes and mortgages it largely escapes the vigilance of the most careful assessor, and no oath has yet been found that so searches the conscience as to bring it honestly in the assessor's book for taxation.

The result is, Mr. Chairman, that the class of capital that is most securely invested by its owners, and that pays the surest returns, and that ought to bear to the fullest extent its share of the expenses of government, is taxed least of all. Labor is oppressed by unjust taxation to the extent that capital escapes taxation, and the tendency of capital thus invested to increase and double upon itself is promoted by the failure to secure from it that full but just measure of taxation that capital so invested, more than any other species of property, is able to pay. This is one of the causes that help to the colossal fortunes that men of moderate wealth are able to accumulate. When a certain stage is reached further accretions are practically untaxed, and the richer the capitalist becomes the less tax he pays in proportion to his wealth. I believe, Mr. Chairman, that accurate statistics bearing upon this subject of taxation will lead to an income tax, as the only method by which the wealth of the Republic can be made to pay its just proportion to the public Treasury.

Another fruitful subject of investigation, and one no doubt contemplated by the distinguished gentleman from Pennsylvania who introduced this bill, is the effect of tariff duties upon wages and the expenses of living. The friends of a tariff for revenue only will welcome any fair, thorough, and honest investigation of this subject. They will be glad of the opportunity of pointing to undoctored statistics that will show the dollars that a high tariff puts in the pockets of the manufacturer and the cents that he drops in return into the hands of the laborer; that will show how an artificial stimulus leads to overproduction, and overproduction to low wages, and low wages to strikes, the closing of factories, the lack of employment, and all the evils that follow in the wake of willing labor inadequately paid or standing idle because no work is to be had.

The honorable gentleman from Massachusetts, Mr. RUSSELL, on Thursday last used the following language and gave us the following table, for which I am under obligations:

There are articles consumed largely by the rich, not absolutely essential to comfort and support, upon which to impose duties for revenue. A list of a few of such articles I give below, the table showing value of goods imported and revenue derived last year under present rates of duty:

Article.	Value.	Duty.
Beer, ale, and porter	$1,146,796 74	$511,462 51
Diamonds, &c.	7,603,752 61	761,886 41
Fancy articles (alabaster, &c.)	1,665,680 71	641,467 71
Fancy feathers and artificial flowers	4,399,294 46	1,378,369 63
Musical instruments	1,486,251 15	446,099 79
Paintings and statuary	3,088,673 34	313,584 75
Silk, piece goods and manufactured	33,307,112 37	19,677,999 53
Spirits and wines	2,296,734 37	3,358,463 12
Champagnes and wines	4,603,723 61	2,219,672 18
Other spirits, &c., and still wines	5,679,969 10	3,152,267 85
Tobacco and cigars	10,515,806 00	7,700,458 34
Braids, laces, &c., for ornamenting hats	2,297,962 00	704,890 66
Laces, cords, braids, gimps	6,392,257 90	2,237,348 06
Chinaware, decorated	2,587,545 03	1,294,337 06
Cotton embroideries	4,928,775 37	1,725,607 78
Meerschaum pipes	38,305 74	32,671 11
Fire-crackers	265,023 97	281,148 08
Fruits and nuts	18,157,686 79	4,609,883 38
Fine cut-glass ware	1,017,677 84	407,075 04
Fire-arms	1,336,327 28	467,738 75
Total	112,815,356 28	51,922,431 74

The increased importation of this class of goods has been for the past two years at the rate of $10,000,000 per annum.

Here are $51,992,431 collected as import duties upon articles that are mainly luxuries and which are proper objects of taxation. Add to this sum the amount of internal tax which is collected upon spirits, beer, and tobacco under existing internal-revenue laws and you have a total sum which, with slight import duties upon other goods, will meet the annual expenses of the Government, pay the interest upon its public debt, and its principal as rapidly as it can be economically discharged. Reduce taxation then by a substantial lowering of import duties upon all other imported goods and take from the shoulders of labor the excessive cost which a war tariff now places upon almost every article that is necessary to life, even in the plane of economy that the wage laborer is compelled to occupy.

Let the reports which this bill proposes be thorough, and show that

under so-called protection the manufacturer not only dictates the wages of his operatives but also dictates the prices that they pay for the wares that necessity compels them to buy; that it leads to irregular and uncertain employment, to an expensive system of taxation that is deceptive in not showing its cost to the people and unjust in not being apportioned according to the property of the tax-payer. Let us have then all the statistics that this bill proposes and all the information that they can afford. The advocates of revenue reform will take all the risks of defeat that are liable to follow, upon any proof that figures can offer, to show that taxation enriches any country or makes its citizens more happy and prosperous. And if the statistics collected by this bureau when established shall help to blaze the path and turn the course of legislation to that broad highway of unrestricted commercial liberty where no taxation is laid or subsidy levied upon any class of citizens, section of country, or business interest for the benefit of some other, they will do more, in my judgment, Mr. Chairman, for the relief of the wage laborers of the United States than any special legislation that may be asked or that can be devised.

Pension Laws.

SPEECH

OF

HON. D. B. HENDERSON.

OF IOWA.

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1884.

On the bill (H. R. 6535) to regulate the granting of pensions in certain cases, which reads as follows:

"*Be it enacted, &c.*, That every person specified in the several classes enumerated in the pension laws of the United States, who served in the field in the military or naval service, in any war in which the United States has been engaged, for a period of three months or more, and has an honorable discharge, and is not receiving a pension or a greater pension than that provided for herein, but who, by reason of any wound, injury, or disease which there is probable cause to believe originated in said service in line of duty and not the result of his own misconduct or bad habits or other known cause occurring since such service, is now disabled, in whole or in part, for procuring his subsistence by manual labor, shall, upon making due proof of the facts under such regulations as may be prescribed by the proper authority, not inconsistent with the provisions of this act, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; the true physical condition of the claimant to be ascertained and certified as provided by law upon examination by a competent board of surgeons duly appointed; such pension to commence at the date of filing the application therefor. And any person who has filed, or may hereafter file, an application for a pension under the act of July 14, 1862, and acts amendatory thereto, or under any act entitling him to arrears, may, by a declaration over his own signature, attested before any officer duly authorized to administer oaths for general purposes, elect to prosecute his said claim under this act, which election shall be final; and in such case his pension, if allowed, shall begin from the date of filing such declaration of election.

"SEC. 2. That in considering the claims of dependent parents the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support.

"SEC. 3. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, and served for a period of three months or more, that fact shall be sufficient *prima facie* evidence that he was then in good health and free from the disease or cause of disability for which he claims a pension; but such evidence shall be subject to rebuttal by record or other positive evidence of the prior existence of such disease or cause of disability: *Provided*, That no agent, attorney, or other person shall demand or receive any fee for his services in any pension claim arising under this act, until the payment of the pension, not exceeding $10 in amount."

Mr. HENDERSON, of Iowa, said:

Mr. SPEAKER: I am in favor of this bill. In some respects it is a step in the right direction, though far from covering all the ground that should be covered in order to do justice to the soldiers, to their widows, and to their children. I regret that this bill has been presented to the House to be considered under a suspension of the rules, thus cutting off all opportunity for amendments that are needed. I regret that the committee did not ask the House to make this bill a special order, so that it might have that full consideration to which the persons sought to be benefited are entitled at our hands. The first section of the bill should be amended in several particulars. It does not go far enough. On the 7th day of January last I introduced a bill (H. R. 1983) which I think more nearly presents what is needed. My bill is as follows:

Be it enacted, &c., That from and after the passage of this act every person who, having enlisted in the regular or volunteer Army or Navy of the United States in any war waged by the United States, or in time of peace in the regular Army or Navy of the United States, and specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and amendments thereto, shall be shown by the records of the War Department to have rendered three months' actual service and to have received an honorable discharge from such service, and who, upon a careful and thorough examination by a duly appointed and qualified board of examining surgeons of the Pension Bureau, shall be found to be unable by reason of physical disability, not resulting from bad or vicious habits, to earn his subsistence by his own labor, or shall be found to have reached the age of sixty-five years and is dependent upon his own labor or the charity of others for maintenance and support, shall, upon making proof of such last-named facts, to wit, to have reached sixty-five years and to be dependent as aforesaid, according to such forms and regulations as are or may be provided in pursuance of law by the Commissioner of Pensions, be placed on the list of invalid pensioners of the United States, and be entitled to receive for a total disability or a permanent specific disability such pension as has been or may be hereafter provided in such cases, and for an infirm disability, except in cases of permanent specific disability, for which the rate of pension is specifically provided, an amount proportionate to that provided for total disability. And such pension shall commence upon the date of filing a formal and duly executed declaration therefor, and continue, in case the same be granted for a disability, during the existence of such disability; and in case the same be granted on account of age and dependence, during life: *Provided*, That any applicant for invalid pension having an application therefor pending, and any person coming within the provisions of this law, who shall hereafter file his application for such pension, may, by declaration executed before an officer authorized to administer oaths for general purposes, having a seal, elect either to prosecute his said claim under the provisions of this law, or under the provisions of the act of July 14, 1862, and the acts amendatory thereof and additional thereto now in force, or hereafter enacted; but having so elected to prosecute his said claim under this act, he shall not be permitted to change such election, but shall be bound thereby, and his pension, if allowed, shall commence on the day of filing such declaration under this act, or upon the day of filing his declaration of election if his claim shall have been heretofore filed: *Provided further*, That the grade of pension allowed under this act shall be fixed solely upon the degree of disability found to exist as aforesaid, and shall be based upon the amount now allowed by law, or that may be hereafter allowed, to an enlisted man for total disability, and in accordance with the law now in force granting a higher grade of pensions to such enlisted men; but in no case shall rank fix the grade of pension to be allowed under this act.

SEC. 2. That nothing in this act shall be taken or held to repeal any laws now in force relating to pensions, except as to the classes and in the manner herein stated.

It will be seen by a comparison of the first section of H. R. 1983 with the first section of the bill now before the House that the committee have adopted a part of the provisions of the bill which I had the honor to introduce. But the present bill does not go far enough; and since the committee that has brought in this bill has taken the pains to consolidate several bills before them, it is to be regretted that they did not go further and cover all the ground which experience teaches us should be covered in order to do justice to this important subject of pensions.

This bill will go far, however, toward correcting many of the difficulties in the way of honest and deserving claimants, and I am grateful to the committee for giving us this much by way of relief.

I do not like the last clause of section 3. I would move to strike that out if it were proper to do so under the iron rules of this House. I contend that evidence to rebut the presumption that the soldier was sound at enlistment should not be required. In most instances a man deserved all the greater credit and kind consideration because he entered the Army though not perfectly sound. We were glad enough to get them as they were. We appealed to them to enlist. We urged them to leave wife, children, home, and enter a service promising disease and death; and now to let this rich Government, saved and prosperous, turn upon these men and say that they can not be pensioned because they were not sound and well when they entered, life in hand, for the nation's defense is a proposition so cruel and unjust that it can not pass without my condemnation.

I have said on this floor on a former occasion, and I repeat it here, that the Government should now be estopped from saying that her soldiers, her defenders, her saviors were unsound at enlistment, when the Government through her own examining surgeons pronounced them sound and was only too glad to get them into the ranks. I say that if the United States accepted the services of a man who had but one arm and he served faithfully as a soldier and received an honorable discharge, he should now receive the same pension as one who lost an arm in battle.

I would also move, if it were possible, to strike out the words "which there is probable cause to believe originated in said service in line of duty." This provision was not in the bill introduced by me, and it will I fear continue the very difficulty that I aimed to destroy and that I urged upon the attention of the committee in my argument in behalf of my bill. Unless the Pension Bureau shall give this section 1 a very liberal construction, the soldier, though broken down and ruined in health by his army life, may still be called upon for proofs which death of comrades, lapse of time, and perhaps poverty or ignorance may put beyond his power to produce.

What member of this House representing a district where Union soldiers are to be found has not become disgusted and indignant at the trouble that the soldier and the soldier's parents, wife, and children are subjected to in order to establish their claims under existing law? Poor fellows who can hardly read, though they could "dress up" for an attack and could aim an Enfield with a true and steady hand, put in their claims and for years are loaded down with long letters and printed circulars complicated enough to distract a "Philadelphia lawyer." They are required to prove that they were well when they enlisted, and since the war they must show all medical treatment from year to year with an accuracy involving the need of a daily journal of events to have been kept not only by their physicians but by themselves. Under our present laws the educated or rich soldier, able to employ talent, can get his proofs up in proper shape, and can get his pension, while the poor fellows who did just as good fighting, and whose

honest poverty may have deprived them of education, go year after year without their well-deserved pensions, and wonder if, after all, "republics are ungrateful."

I have a simple rule. It is this:

First. Was the claimant in the service three months, say long enough to have "served" in the sense that every soldier understands?

Second. Was he honorably discharged?

Third. Is he now disabled without such disability being caused by bad or vicious habits?

If those three questions can be answered in the affirmative, then I say it is the duty of this Government to give him his pension, to give it promptly, and not to wear out his life, the little he has left, in hunting up proofs that are not attainable in more than half the cases.

I am glad to find by repeated consultations with our able and large-hearted Commisssioner of Pensions that his experience has made him a courageous advocate of the rule just laid down.

I wish it were possible to make it certain by proper amendment that the bill before us contains in section 1 these needed elements. I fear it does not, though I believe the committee intended that it should.

I shall vote for the bill and gladly, only regretting that it does not go further and that it does not make certain the legislation which the sentiment of the country demands for her loyal sons.

The Tariff.

SPEECH

OF

HON. WILLIAM McKINLEY, JR.,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 30, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. McKINLEY said:

Mr. CHAIRMAN: I do not intend to be drawn into any extended discussion of the two systems of levying duties upon imports, upon which the two political parties of the country are in conflict, except as such discussion may be necessary to the consideration of the bill now before us.

It is gratifying to know that at last the true sentiment of the Democratic party of the country dominates the party in which it has so long been in the majority, and no longer submits to the dictation of a factious minority within its own ranks. It is gratifying because the people can no longer be deceived as to the real purpose of the party, which is to break down the protective tariff and collect duties hereafter upon a pure revenue basis, closely approximating free trade. Patent platforms and the individual utterances of Democratic statesmen will no longer avail, and false pretenses can no longer win.

A HORIZONTAL REDUCTION.

The bill reported from the Committee on Ways and Means is a proposition to reduce the duties upon all articles of imported merchandise, except those embraced in two schedules, to wit, spirits and silks, 20 per cent. It is to be a horizontal reduction, not a well-matured and carefully considered revision. Its author makes no such claim for it; but confesses in his recent speech that, while a revision and adjustment are "essential," "they are believed to be unattainable at the present session of Congress." It admits of no exception or discrimination, except only that the proposed reduction shall not operate to reduce the duty below the rate at which any article was dutiable under the tariff act of 1861, commonly called the Morrill tariff, and in no case shall cotton goods pay a higher rate of duty than 40 per cent. ad valorem, and wools and woolens a higher rate than 60 per cent. ad valorem, and metals a higher rate of duty than 50 per cent. ad valorem.

With these exceptions and qualifications only 80 per cent. of the duties now imposed by law are to be collected under the bill we are now considering.

The friends of this measure have felt called upon in advance to apologize for the smallness of the proposed reduction, and attempt to conciliate that large majority of their party which is in favor of the English system by declaring that this is only a step, and the first step, in the direction of the ultimate enactment of a pure revenue tariff. It is the first move toward the destruction of that system of tariff duties which has been recognized in this Government from its foundation as essential to its revenues and the proper care of its own industries.

WHICH MEANS A TAX UPON TEA AND COFFEE.

It is not because they are favorable to protection, even incidentally, that only 20 per cent. reduction is proposed, but because believing this is all they can accomplish this year they invite all the friends of tariff reform to join them, with the assurance that next year and for the following years additional steps will be taken which will ultimately bring our tariff taxation to a strictly revenue basis; which means a tax upon tea and coffee and such other articles as we can not produce or manufacture in the United States, and the release of all others from customs duties.

My distinguished friend, the chairman of the Committee on Ways and Means, shakes his head in disapproval of that proposition. Why, this theory of taxation is as old as the Democratic party, and in the Forty-sixth Congress my distinguished friend and colleague [Mr. HURD] introduced into this House a joint resolution a copy of which I have in my hand—he one of the most conspicuous leaders of the free-trade party here to-day—and he distinctly declared in the ninth section of that joint resolution that to the end the present tariff shall become one for revenue ONLY the following changes should be made:

1. Upon all dutiable articles producing little or no revenue to the Government the duty should be returned to a revenue basis or they should be placed on the free-list.

2. The duty on tea and coffee shall be restored.

And that is what a revenue tariff means. It means collection of revenue upon the fewest possible articles, chiefly of necessity, that are consumed by the people of this country.

Mr. HAMMOND. Will the gentleman permit me to ask him a question?

Mr. McKINLEY. Certainly.

Mr. HAMMOND. What became of that resolution?

Mr. McKINLEY. It was not passed by the Forty-sixth Congress. It was undertaken to be passed, but no vote was ever had thereon.

A MEMBER. That was a Democratic Congress.

Mr. McKINLEY. Yes, the Democrats were in control; but that Democratic Congress failed to do a great many things which it believed ought to be done. It lacked the courage of its convictions. The truth is, that has been the trouble with the Democratic party for the last twenty-five years in failing to enforce its true convictions.

Mr. HAMMOND. That was the argument or the opinion of one man, but not of the party.

Mr. McKINLEY. It was not only the opinion of one man, permit me to say, but that resolution was reported to this House by the chairman of the Committee of Ways and Means, upon which committee was found such gentlemen as the distinguished Speaker of this House and the eminent gentleman from Virginia [Mr. TUCKER]. Whether it was the voice of this House or not, it was the voice of that great committee which was the organ of this House on all economic questions.

THE FIRST ASSAULT UPON DISCRIMINATING DUTIES.

So that before we enter fully upon the discussion of this particular measure we might as well understand that this is but the first assault, which is to be followed by a succession of assaults, to the total overthrow of the protective system; and that the fight we now make is not against this bill only, but is directed as well against that which will surely follow if we permit this incipient step to be taken. This apprehension is fully justified by the report of the majority and by the utterances of the advocates of the bill, who do not hesitate to say that this is only "a measure of partial relief." "It is," says the chairman of the Committee of Ways and Means, "but an advance toward a more complete revenue reform." "It is," says the gentleman from New York [Mr. HEWITT], "a step in the right direction, but it does not go far enough. It does not touch the heart of the question. It is the entering-wedge." While my friend from Texas [Mr. WELLBORN], who concluded his speech a moment ago, declared this was the initial step which doomed protection.

This is notice of Democratic purpose without cover or concealment, and the friends of protection therefore know what this bill means. The issue is made up. The gage of battle is thrown down—we cheerfully take it up, and appeal to the people, whose servants we are and to whose will, legally expressed, we will give cordial acquiescence.

THE BILL TOO AMBIGUOUS FOR A PUBLIC LAW.

My first objection to this bill is that it is too ambiguous and uncertain for a great public statute. It will involve dispute and contention upon nearly every invoice, and will lead to frequent, expensive, and annoying litigation. It will be difficult, if not impossible, of execution, requiring mathematical experts to determine the assessable duty upon practically every bill of imported goods. It will not only require mathematical experts but it will require a judge familiar with the interpretation of law to give construction to and harmonize if possible its several inconsistent and conflicting provisions. I doubt if any member of the Ways and Means Committee would be bold enough to venture upon its administration, certainly my friend from Texas [Mr. MILLS] would not be willing to undertake its execution; and I am sure that the chairman, if himself required to give it force and construction, would never have brought it into this House, and would be the first to pray for its repeal.

On a large number of articles under the bill the duties will be determined by the Morrill tariff of 1861. Under the cotton schedule there will be four classes; flax, four classes; metals, twenty-one classes; books and sugar, one class each; wood, two classes; earthenware, two classes; provisions, four classes; chemical products, six classes; sundries, twenty-

three classes, the duties upon which the act of 1861 will determine and control, so that the Morrill act will be in constant requisition and use in the determination of duties. It would have been better legislation upon the part of the majority, more certain and statesmanlike, to have proposed a re-enactment of the Morrill tariff, taking it as a whole, than the uncertain and incongruous bill they now offer.

Again, where an article pays an ad valorem rate under one act, and a specific or compound rate under the other, difficulties at once arise. Of these there are one hundred and eighteen classes, of which only four pay a specific duty under the act of 1861, and only three pay an ad valorem duty, and four pay compound duties under the proposed bill—the remainder pay specific duties.

These represent cases only where there is no doubt of the effect of the bill, and this is the legislation which the statesmen of the Forty-eighth Congress offer us.

Mr. MORRISON. Would the bill commend itself to the favor of the gentleman if the Morrill tariff clause was stricken out? Would the gentleman then give the bill his support?

Mr. McKINLEY. I would answer my distinguished and honorable friend by saying that I would not support this bill if it was a straight 20 per cent. reduction of the duties of 1883, and I will tell him why I would not. Some articles of imported merchandise can better stand a reduction of 20 per cent. than others. A 20 per cent. reduction will destroy some of the great manufacturing industries of the United States, while a few others might live. It would be death to some and only distress to others. Take twenty inches off of the leg of the distinguished chairman of the Committee of Ways and Means and you would still leave a stump, but take twenty inches off of one of the smallest persons to be found about this House and you would leave him without any stump at all. [Great laughter on the Republican side.] That is why I would not vote for a simple 20 per cent. reduction, horizontally applied to every article imported into this country.

Mr. TUCKER. That is a good stump speech. [Laughter.]

THE BILL IN SOME OF ITS PROVISIONS INCAPABLE OF EXECUTION.

Mr. McKINLEY. To resume: There are other articles not included in either enumeration. There will be found many difficult and perplexing questions arising from the various rates of duties under the two acts. It will be difficult, if not impracticable, to conform the rates under the act of 1861 to the classification and description of articles and the rates under the act of 1883. Where the description or classifications are different, how will you ascertain the dutiable rate? The mode of levying either the ad valorem, specific, or compound duties are so confusing, requiring so much calculation, that it is almost impossible to disclose in the time allotted to me the difficulties to be encountered in the endeavor to administer the proposed bill. To illustrate, take iron ore; an article subject under the act of 1861 to an ad valorem rate, and under the proposed bill to a specific rate. The rate under the present law is 75 cents per ton, and by the bill under consideration is subject to a reduction of 20 per cent., making it 60 cents per ton. Under the act of 1861 it is subject to a duty of 20 per cent. ad valorem. There was imported in the year 1883, 609,322 tons of iron ore, at an average cost of $2.61 per ton. The average price of $2.61 per ton is an exceptionally low price. A large proportion of the importations of this article the last year must have cost more than $3 per ton. If there should be none costing above $3 there will be no difficulty, but if it should cost over $3, say $3.05 per ton, the 20 per cent. duty will be 61 cents, and the duty under the proposed bill would, instead of 60, be 61 cents, and so on, varying in every instance where there is any excess of $3 per ton. By a reduction of one-ninth of the proposed specific rates or its equivalent ad valorem, 22.73 per cent., we reduce it below the act of 1861, and in every case where the value exceeds one-sixth or more of the present value of $2.61 per ton the rates would have to be readjusted; so that in a cargo of 1,000 tons or less there may be a dozen different rates.

Take files, rasps, and floats. The difficulties are greatly increased. Under the act of 1861 these are dutiable at 30 per cent. ad valorem; under the act of 1883, at so much per dozen, according to length. There are four classes—from four inches and under; from four to nine inches; from nine to fourteen inches; and over fourteen inches—all at different rates. You must ascertain the exact value of each per length, and calculate upon each to find the precise reduction or rate, so as not to be below the rate of 1861 or above the maximum rate, as provided for in the proposed bill. A similar difficulty is found as to wood screws, where the rates are so much at variance.

I would like some of the advocates of this bill to sit down and make a calculation upon the articles I have named and give their dutiable rates. I am sure before they have finished their work they would pronounce this bill too complicated for human ingenuity and too uncertain for public law.

The bill is full of just such complications and abounds in incalculable inconsistencies and confusion, is indefinite and indeterminable, and is the work not of experts, is the outgrowth not of knowledge or information or study of the subject, but rather of the desire to do something—to take one step, no matter where it leads or what results may flow.

Sulphur under the act of 1861 paid a duty of 20 per cent. Under the proposed bill, $8 per ton—equal to 20.56 per cent. A slight rise of one-fortieth of the present cost would have the effect of changing the proposed rates, and the rates would be different upon every invoice valued in excess of $40 per ton. Take brass sheathing or yellow metal, gold-leaf, metallic pens, grindstones, chloroform, hops, magnesia (calcined), salsoda, &c.: the change in values (and values are constantly changing) would make the duties different and the difficulties of ascertaining them increased. In every instance where the specific is substituted for the ad valorem rate, or *vice versa*, the value of each invoice would have to be ascertained to find out the equivalent specific for the ad valorem rate of 1861, and perhaps in one single cargo there would be a dozen or more different rates upon the same article, though these articles might vary very slightly in value.

ABSURDITIES OF THE BILL.

The absurdities of this bill, says an officer conversant with the revenue law, will be apparent to any one at all familiar with the practical workings of our complicated tariff. By law the collector is charged with deciding the rate of duty and the appraiser with determining the value. Practically, however, the appraising officers indorse upon the invoice both the statement of value and the rate of duty which in their judgment the goods should bear. At the larger ports of entry, like Boston and New York, this work is generally done by the grade of officers known as examiners, and their returns are generally accepted by the collector as the basis for liquidating the entry. We will then see what work an examiner would have to do in computing the rates of duty, taking first, say, cotton goods.

Under the tariff of March 3, 1883, cotton thread and cotton yarn pay eight different rates of duty dependent on value, the duty ranging from 10 cents to 48 cents a pound.

The examiner will have first to determine the value of the merchandise, and which of the several eight different rates of duty it has to pay. Then he will have to take 80 per cent. of the rate applicable and see what ad valorem rate it amounts to. Then, if the rate is higher than 40 per cent. ad valorem, all his labor has gone for naught, for the goods are to pay no higher duty than 40 per cent. ad valorem, except such 40 per cent. may be lower than the duty imposed by the Morrill tariff of 1861. So he examines the Morrill tariff and finds that spool and other thread of cotton pay 30 per cent. ad valorem; that cotton yarn and cotton warps were not mentioned therein, and so probably fall into the classification of manufactures of cottons not otherwise provided for, which also pay 30 per cent. ad valorem; so once more he raises the duty up again to 40 per cent. He next takes an invoice of cotton cloth and attempts to classify it. The rates of duty on cotton cloth are dependent upon various criteria: First, upon the number of threads to the square inch; second, whether the goods are unbleached; third, whether they are bleached; fourth, whether they are dyed, colored, stained, or painted. These complex conditions have to be ascertained and the rates of duty per square yard first applied to the act of March 3, 1883. When the amount of duty on this basis has been ascertained, the appraiser strikes off 20 per cent., making the 80 per cent. under the Morrison bill. Then he has to appraise the goods for value, and if 80 per cent. of the rates imposed by the act of March 3, 1883, does not exceed the 40 per cent. restriction of the Morrison bill the examiner may rest contented unless he again finds that his work is overruled by the remaining conditions found in the act of 1861, which may determine the whole thing.

In the act of 1861 the rate of duty was dependent upon, first, whether the goods exceeded 140 threads to the square inch, then from 140 to 200; then for goods having more than 200 threads to the square inch. In the act of 1883 the duty is dependent, first, upon goods having less than 100 threads to the square inch; then between 100 and 200, and then exceeding 200; so that the conditions and classification of the two acts are not the same.

Now take Schedule K, relating to wool and woolens. By the Morrison bill 80 per cent. of existing duties are to be imposed, provided that none of the goods contained therein shall pay a higher duty than 60 per cent. ad valorem, coupled again with the check found in the Morrill tariff. The duties imposed by this schedule have been carefully adjusted with reference to the various qualities of goods, their position in the trade, and to a large extent with reference to the position they occupy in the various branches of American manufactures. It is now symmetrical, and easily understood. To say that no goods under that schedule shall pay any more than 60 per cent., as does the Morrison bill, is to do violence to whatever principle there may be in the schedule. Besides, in comparing the wool tariff in the act of March 3, 1883, with that in the Morrill tariff, it is found that the groups and classifications are so entirely different as to make comparison in many cases impossible.

Now, turn to the iron tariff. Eighty per cent. of the existing duties are to be imposed on articles in Schedule C, provided that none of the articles shall pay higher duties than 50 per cent. ad valorem.

If there is any merit whatever in the tariff as it now stands as a protection to American manufacturers in their competition with the cheap labor of Europe, by which they have been enabled to develop the various branches of American manufactures, a reduction to a common level of 50 per cent. ad valorem is neither sensible nor just. By such a rule there are many articles on which the duties have been carefully

adjusted, where the ad valorem duty of 50 per cent. would increase the trouble consequent upon undervaluations.

Then again, the bill provides that when under existing law any of said articles are grouped together and made dutiable at one rate, nothing in that act shall operate to reduce the duty below the highest rate at which any article was dutiable under the Morrill tariff. What is meant by grouping together is not explained by the chairman of the committee, and will prove a constant source of contention and litigation.

In the act of 1883 iron or steel wire of various dimensions have separate classifications. The rates have been carefully adjusted. In the Morrill tariff wire not less than one-fourth of an inch in diameter is classified with steel in ingots, bars, and sheets, and is dutiable at various rates, according to value, beginning with 1½ cents per pound or 2 cents per pound, according as the value is over or under 7 cents; but then again, taking the tariff of 1883, we find that iron or steel wire above No. 5 is not enumerated, and pays 45 per cent. ad valorem duty, so that we have to ascertain whether the 45 per cent. ad valorem, less the 20 per cent. reduction, is more than the 1½ cents per pound or 2 cents per pound imposed by the Morrill tariff.

The changes in trade or commercial designations of the various manufactures of metal since the Morrill tariff was enacted have been so great that the present tariff bears no comparison to it. Therefore it would be in many cases difficult if not impossible to tell to what group many of the articles should be assigned.

The ambiguity and uncertainty in the tariff seriously embarrass all branches of trade as well as the administrative officers of the Department. If a person is intending to engage either in the manufacture or importation of any article affected by the tariff, he naturally wants to know beforehand the rate of duty he will have to pay or the amount of protection he will find in the existing tariff. He gets no light from this bill. He must grope in the dark.

In ascertaining the rate of duty on an article that pays a compound duty—that is, a duty upon both quantity and value—under the proposed bill, and an ad valorem or specific rate under the act of 1861, a mathematical calculation would be necessary in each case to ascertain what rates to assess; first, to ascertain whether it is at or above the rate named in the act of 1861, or as to the restriction of the proviso in the proposed bill touching cottons, metals, and woolens.

And all these absurdities, complications, and incongruities a majority of this House and the people of this country are asked to submit to and solemnly enact into public law because there are gentlemen who are unwilling to sit down and carefully mature a discriminating tariff act.

THE BILL UNSCIENTIFIC—A CROSS-CUT MEASURE.

The advocates of this bill criticised the Republicans of the last Congress because of the creation of a tariff commission, asserting that such action was a confession of the incapacity of a majority of the Committee on Ways and Means to revise the tariff. By reason of incapacity, as they declared, the committee farmed out the subject to a commission of nine experts. Much opprobrium was sought to be put upon the majority because of its alleged abrogation of a constitutional duty. What can be said of the capacity of the majority of the Committee on Ways and Means as evidenced by the bill now before us? It is a confession upon its face of absolute incapacity to grapple with the great subject. [Laughter and applause on the Republican side.] The Morrison bill will never be suspected of having passed the scrutiny of intelligent experts like the Tariff Commission. This is a revision by the cross-cut process. It gives no evidences of the expert's skill. It is the invention of indolence, I will not say of ignorance, for the gentlemen of the majority of the Committee of Ways and Means are competent to prepare a tariff bill. I repeat, it is not only the invention of indolence but it is the mechanism of a botch workman. A thousand times better refer the question to an intelligent commission which will study the subject in its relations to the revenues and industries of the country than to submit to a bill like this.

They have determined upon doing something, no matter how mischievous, that looks to the reduction of import duties; and doing it, too, in spite of the fact that not a single request has come either from the great producing or great consuming classes of the United States for any change in the direction proposed. With the power in their hands they have determined to put the knife in, no matter where it cuts nor how much blood it draws. It is the volunteer surgeon, unbidden, insisting upon using the knife upon a body that is strong and healthy; needing only rest and release from the quack whose skill is limited to the horizontal amputation, and whose science is barren of either knowledge or discrimination. And then it is not to stop with one horizontal slash; it is to be followed by another and still another, until there is nothing left either of life or hope. And the doctrinaires will then have seen an exemplification of their pet science in the destruction of the great productive interests of the country, and "the starving poor," as denominated by the majority, will be found without work, shelter, or food. The sentiment of this country is against any such indiscriminate proposition. The petitions before the Ways and Means Committee from twenty to thirty States of this Union appeal to Congress to let the tariff rest where it is, in general, while others are equally importunate to have the duties on two or three classes of American products raised. The laboring men are unanimous against this bill. These appeals should not go unheeded. The farmers for whom you talk so eloquently have not asked for it. There is no appeal from any American interest for this legislation.

It is well if this bill is to go into force that on yesterday the other branch of Congress, the Senate, passed a bankrupt bill. It is a fitting corollary to the Morrison bill; it is a proper and necessary companion. The Senate has done wisely, in anticipation of our action here, in providing legal means for settling with creditors, for wiping out balances, and rolling from the shoulders of our people the crushing burdens which this bill will impose.

REDUCTIONS OF THE LAW OF MARCH 3, 1883.

The chairman of the committee reporting the bill falls into a grave error, not intentionally of course, in his use of the table furnished by the Chief of the Bureau of Statistics which, if not explained, may mislead. It will be found that the reduction secured by the bill of last year was not as is alleged, but far greater, as I will show:

Value of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected during the six months ended December 31, 1882 *and* 1883.

	Six months under the old law—1882.			Six months under the new law—1883.			Difference in rates.
	Value.	Duty.	Rate.	Value.	Duty.	Rate.	
	Dollars.	*Dollars.*	*Per ct.*	*Dollars.*	*Dollars.*	*Per ct.*	*Per ct.*
Sugar and melada.	44,432,311	23,180,590	52.17	46,793,822	23,520,030	50.26	1.90
All other dutiable goods	216,423,926	88,085,917	40.70	189,104,287	72,994,106	38.59	2.11
Total	260,856,237	111,266,507	42.65	235,898,109	96,514,136	40.91	1.74

It will appear from the above statement of figures that there has been a reduction in receipts of duties amounting to $14,752,371 notwithstanding an increase of rates upon earthenware and china and on still wines, on champagnes, which are included in the foregoing importations under the head of "all other dutiable goods." The small difference of 1.74 per cent. shown by the table exhibited by the chairman of the Ways and Means Committee in his report accompanying this bill between the old law and the act of March 3, 1883, is delusive and arises from the low price of sugar and other merchandise since the new law went into effect, and therefore does not fairly disclose the actual percentage of reduction.

In the year 1882 there was imported 976,099,448 pounds of sugar, valued at $44,432,310 at a specific rate of 2.37 cents per pound, equal to 52.17 per cent. ad valorem at an average value of 4.55 cents per pound; while in 1883, 1,205,893,322 pounds, valued at $46,793,822 at an average specific rate of 1.95, equal to 50.26 per cent. ad valorem at an average value only of 3.88 cents per pound, being 14.72 per cent. less than cost of 1882. The difference between 2.37 cents per pound in 1882 and 1.95 cents per pound in 1883 is .42 cent per pound less, or a reduction of 17.72 per cent. on sugar.

The importation of sugar in 1883 was one-fifth of the value of the entire importations, and it is fair to assume that the exceptionally low price of other imported articles will fully account for the small apparent reduction shown by the table of the chairman of the committee.

WILL NOT REDUCE THE REVENUE.

This bill will not secure the results claimed for it by its advocates in decreasing the revenues of the Government. The history of all tariff legislation is that a decrease of duty increases the imports temporarily and therefore swells the revenue from that source. The honorable gentleman from Virginia [Mr. TUCKER] said in a speech in this House on May 8, 1878, that "a decrease of duty will increase the imports still more," and of course add to the revenues.

The gentleman from Connecticut [Mr. EATON] in his speech made on the 26th of March said of this bill:

The theory of my friend from Arkansas, like the bill of my distinguished friend the chairman of the Committee on Ways and Means, has not been quite sufficiently well considered, because that bill if it ever becomes a law will increase the surplus in the Treasury and not decrease it.

Mr. HEWITT said March 27, 1884:

But what I fear in regard to the bill reported from the Committee on Ways and Means is it may be delusive in that particular, and so far from being a measure of reduction of revenue it may turn out to be a measure for increase of revenue. I do not say that it will be so. I hope that it will not, but if the free-list is made larger, if it is extended, then it is certain that the revenue will be reduced, but it is only by enlarging the free-list that we can be sure of any such result.

Mr. MILLS said that "this bill would increase importations" and correspondingly increase the revenues against which every interest is opposed. Failing to accomplish that, where is the virtue of this measure; what effect can it have except to disturb the business of the country, diminish values, and decrease the price of labor?

NO DEMAND FOR THIS LEGISLATION FROM THE MASSES.

The gentleman from Texas [Mr. MILLS] is greatly mistaken in the opening of his speech on the 15th, when he declared the demand for a

reduction of duties upon imports was universal throughout the United States. He omitted to state from what source he derived his information and from what quarter this demand came. I have been unable to find a single petition presented to this House or referred to the Committee on Ways and Means by the House suggesting, much less demanding, the reduction of import duties proposed by this bill, or any other reduction of customs duties. On the contrary, the petitions have been uniformly in opposition to the enactment of this measure.

I have been unable to find any sentiment in the United States, except in the utterances of the Democratic majority in this House, and outside of the city of my distinguished friend [Mr. DORSHEIMER] who sits before me, being the free-trade clubs of his and the neighboring city of Brooklyn, any sentiment in favor of the passage of this bill. There is where it exists, and it is remarkable fact that that class of gentlemen "neither sow nor reap, and do not gather into barns."

Mr. KASSON. And the lilies?

Mr. MCKINLEY. Yes, the lilies. "They are like the lilies of the field; they toil not, neither do they spin." [Laughter.]

They have fixed incomes, belong to the independent and wealthy classes, who now buy most of their goods abroad and hope to buy them cheaper if the duties are reduced.

THE BILL A BLOW AT THE FARMERS OF THE COUNTRY.

The gentleman from Texas justifies his advocacy of this measure on the ground that it is in the interest of the farmers of the United States, and a large portion of his speech was devoted to showing that with this reduction the markets of the world would be open for the competition of our food producers. Why, sir, they are open now. He announced the startling doctrine that a foreign market was better than a home market for the farmer; that is, it was better that the farmer should ship his products to other nations rather than to sell them to consumers at home, and that the tariff was a restraint and obstruction to the sale of our products abroad. He did not disclose how or in what way. I take it the farmer will send his products abroad when there is a demand for them, and only then. He did not show us in what way the benefit was to accrue. He did not demonstrate that the price received by the producer would be larger if sold to a foreign consumer than if sold to our own people.

It has always seemed to me that it was infinitely better that the farmer should have a market at home, a market at his very door, than to be compelled to seek a market in distant countries and among distant populations. As long as there is a demand at home it is a self-evident proposition that it is better than to seek consumers abroad, and that the home demand is safer, more reliable, and more profitable than any foreign market can possibly be. American buyers are the best in the world. He did not tell the committee what is the fact, that 90 per cent. of the food products of the United States is consumed at home, and that only about 10 per cent. has to find a market abroad. He differs, too, from his colleague [Mr. HEWITT, of New York], who said in his speech, March 27:

> Now how can the farmer be benefited? What does he want? He wants to sell his productions at a higher price. And how is he going to sell his products at a higher price as the grain trade stands to-day? The markets of Europe are overcrowded with food products. To-day the farmer is met at Liverpool and London by the food products of India, and that competition so far from being less is going to increase. Therefore the farmer has reached the limit of the demand for his products in foreign lands. Where, then, is he to find his market for them? He must find his market at home, and how is he going to get it at home? Why, only by one method—manufactures must be fostered and grow and not be diminished.

Mr. MORRISON. What per cent. is consumed by the manufacturing people?

Mr. MCKINLEY. They consume all that they need and no more; and the gentleman's proposition would drive these workingmen, who are the consumers of the products of the farm, out of the industries and force them into the great fertile lands of the West, and instead of their being the consumers of the products of the farmer they would become his competitors.

This foreign market, for which every tariff idealist and every Democratic free-trader longingly sighs, is only mythical in the present condition of our country. We should capture the home market, first get control of it, before we seek the foreign one. We can not command a foreign market until we can control our own. It seems to me that proposition is so plain and palpable that it must commend itself to every intelligent man.

FREE RAW MATERIAL A DELUSION.

This talk about free raw material and the necessity for our having it to compete with the markets in other lands is wholly ideal. Raw materials are partially free now when manufactured for export purposes, and any citizen of the United States can import a large number of materials and manufacture them, and if he exports he receives back from the Government 90 per cent. of the duty he paid upon such article or material.

Sections 3019, 3020, 3021, 3023, 3024, and 3026 of the Revised Statutes of the United States declare in their several provisions that certain materials imported here for manufacture, when put into the finished product and exported, the manufacturer is entitled to a return of all the duty paid less 10 per cent. So that if we are ready now for the foreign market, if we are ready to compete with England and France and Belgium by the use of free raw materials from the other side, we have them in a large measure now, and no further legislation is needed to encourage our export trade. When we get able to supply ourselves with all the articles we use and employ, we can then address ourselves more intelligently to the foreign trade. This bill will aid in diminishing our great market for agricultural products. The market which consumes 90 per cent. of our farm products is worth preserving and infinitely more important and valuable than any other.

Let me pause here to say that free raw material has nothing to commend it to legislative favor which is not common to every other American product. The same necessity for protection, within reasonable limits, applies to what are commonly called raw materials as to the finished or more advanced manufacture. There is no such thing as raw materials distinguished from other products of labor. Labor enters into all productions, the commonest as well as the higher forms.

The ore costs something to mine it; the coal, to take it from the ground; the stone, to quarry it; much labor enters into the production of wool; leather costs something to tan; and to the extent that labor enters into their preparation, what are usually termed raw materials should have ratable protection with the completed product. Pig-iron is the raw material for bar-iron, and yet no one has been heard to advocate free pig-iron. Cloth is the raw material for the tailor, the finest steel is the crude material of the watchmaker, and so on interminably. There can be no just line drawn, and no reason exists for such a discrimination. When the country is ready for free trade let us have it in all things without exception or restriction.

GROWTH OF POPULATION OF THE UNITED STATES.

We forget in all our discussions the growth of the population of of the United States. We forget that about every twenty years a nation of people come to our shores, whose labor we employ and whose wants we supply. Our population in the last fourteen years has increased fully 17,000,000—half of the entire population of Austria, three times the population of Belgium, 70 per cent. more than the entire population of Brazil, equaling the population of Egypt, and one-half of the population of Great Britain and Ireland. These become the consumers of the products of the farm and increase them, and enlarge our market. They are the best customers and the most certain and reliable.

A HOME MARKET FOR FARMERS—A LOW TARIFF DESTRUCTIVE OF AGRICULTURAL INTERESTS.

The farmer is best off with a home market. The farmer himself knows this, and no amount of rhetoric can deceive him. The gentleman from New York [Mr. HEWITT], himself a practical business man, recognizes it. The fathers of the Republic saw it and proclaimed it. We can only have a profitable home market by encouraging manufacturing industries. "Plant the forge by the farm" is the old doctrine, and it is as true now as it was when uttered.

Mr. Ewing, of Ohio, a distinguished United States Senator, expressed the necessity for manufacturing and its benefits to agriculture in the following language, on February 17, 1832, the tariff then being under consideration in the Senate:

> In short, every portion of the world was searched by our intelligent merchants, and all combined did not furnish a market adequate to our surplus productions. Every farmer in Ohio long knew and felt the pressure consequent upon this state of things. Year after year their stacks of wheat stood unthrashed, scarcely worth the manual labor of separating the grain from the straw; so low was it reduced in comparison with manufactured articles that I have known forty bushels of wheat given for a pair of boots. Such was the state of things in the Western country prior to and at the time of the revision of the tariff in 1824.
>
> Then, sir, at the period of which I am speaking, 1822, 1823, and 1824, which I refer to as the season of the greatest agricultural depression, especially in the West, we had supplied and were supplying every country upon the globe with our products to the extent that they would receive, and even beyond it. We had glutted every market, and by the excess of the supply which we furnished we lessened the aggregate sum which we received in return. This was the case with every article of our products, whether of the forest or the field; everything which we had to export or which our labor would produce, and which could be made the subject of exchange, was sent abroad and exchanged for foreign manufactured articles.
>
> The state of things which I have dwelt upon somewhat at large was that of our whole country in 1823-'24. It was in the situation of the farmer, with his ten boys, who could find employment but for eight; and such more especially was the situation of the Middle and Western States. The low state to which our farming interest was reduced, the low price to which our fine lands and the products of our lands had sunk, produced unexampled pecuniary distress and called aloud for relief. Our statesmen were not slow in discovering the cause of the evil and in applying the remedy; hence their united support of the tariff of 1824, the merit of which I claim for them, for the Middle and Western States.

This honorable Senator graphically describes the effect upon agriculture of the low tariff prior to 1824, and subsequent history and experience are only confirmatory of what he so strikingly said then. And to this feast the controlling wing of the Democratic party invites you.

WHAT PROTECTION HAS DONE; CONDITION OF THE COUNTRY UNDER IT.

We invite your attention to another and better picture. The growth of this country in the last twenty years is the wonder of the world. Our manufacturing products have increased from $1,885,000,000 in 1860 to $5,369,000,000 in 1880. The agricultural development shows a like gratifying progress. There was an increase in the acreage in farms from 407,000,000 acres in 1860 to 536,000,000 acres in 1880, an increase of 32 per cent.; and in the value of farms an increase from $6,645,000,000 in 1860 to $10,197,000,000 in 1880. We started in 1830 with 23 miles of

railway. In 1860 we had 30,635 miles; in 1880 we had 84,393 miles; in 1881 we had 94,147 miles; and now we have about 120,000 miles. Our material wealth has increased beyond parallel in everything which goes to make a nation strong and self-dependent. The energies of our people have opened up new avenues of industrial development, have overcome what seemed insuperable barriers. The finances of the country were never in better condition than to-day. Our exports during the last fiscal year were over $804,000,000, as against $733,000,000 during the preceding year, an increase of nearly $71,000,000. The value of the exports of manufactures from the United States during the last year was $112,000,000 in round numbers, as against $103,000,000 during the preceding year, and exceeded the exports of any previous year in the history of the country. Our exports have exceeded our imports over $100,000,000, so that the balance of trade is in our favor. We are rapidly reducing the national debt, and have been doing so for years at an unexampled rate. Interest-charge has been reduced, and we present the spectacle of a government, in less than twenty years from the close of a great, destructive, and wasteful war, with unprecedented credit and a surplus of revenue in the Treasury.

This has all been accomplished during an era of protective tariffs, which the free-traders characterize as extortion and robbery upon the people, destructive of their energies, and obstructive of industrial progress and national development. How it contrasts with the low tariff period from 1847 to 1860, when we had practically a revenue tariff, such as is advocated by the Democratic party of to-day! It was a period of universal business depression, deficiencies in the public Treasury, when both nation and individuals were compelled to borrow money at the most exorbitant rates of interest; and it was in this condition that the Republican party found the country when it came into power on the 4th of March, 1861. The Democratic policy of the tariff was immediately reversed; and the splendid achievements in every department of industrial activity, the large revenues of the Government, its improved credit, and its present flourishing monetary conditions are the highest vindication of its policy. Every class in the country has been benefited. The necessities of life have been cheapened to the consumer. Every article of merchandise that has been made possible of manufacture in this country by reason of protective duties has been cheapened, and none have been enhanced in price.

ENGLAND WANTS THIS LEGISLATION.

England is more concerned to-day for the passage of this bill than any citizen or class of citizens of the United States, unless it be the importers. She is watching with the deepest concern the progress of this bill, and she does not refrain from saying that if it becomes a law it will put money into the pockets of her manufacturers. She does not hesitate to declare that from selfish motives she wants the full success of the Democratic party in this measure. Here is what her trade papers say.

The London Iron and Coal Trades Review for December 7, 1883, says:

Our best customer for iron, steel, hardwares, and many other goods has long been the United States, notwithstanding the very heavy duties that are there levied, and the greatest interest is always manifested by our business men in American politics where they are likely to affect the tariff. It is pretty evident that the protectionists are no longer to have it all their own way.

The Machinery Market, a London publication, said in January last:

The year is likely to see important political changes on the other side of the Atlantic which will have their influence on business here. Events move rapidly in America, and the coming triumph of the Democratic party there means the triumph of the free-trade movement in the States. It is not to be supposed that there will be free imports into the States, but "a tariff for revenue only," which is the leading cry of the Democrats, will open an immense additional field for the sale of English manufactured goods in the States.

The same journal said in March last:

It appears, therefore, on the whole we are buying nearly as much in the way of manufactures in iron and steel, machinery, &c., from the States as we are selling to them. The result must be looked upon as miserable, and is not equal to our position as a manufacturing country. The United States is a producing country, not a manufacturing, in the sense to which we apply this term to ourselves. It is high time we turned our attention actively elsewhere for a better customer, not forgetting all the same to watch the opportunities which the tariff reduction in the States will open out to us.

The London Iron and Coal Trades Review for February 8, 1884, says:

Though our trade with the United States has fallen off very much of late, that country still occupies the position of our leading customer, and every change in its condition yet has its influence upon our market. It is, therefore, important to notice that the intelligence from the other side has been of a rather more encouraging character during the last few days.

At present, and for some time past, there has been little chance of supplying English pig-iron at a profit in the States, owing to the very low prices of native iron. But the most satisfactory news is that on Monday Mr. MORRISON, the chairman of the Ways and Means Committee, introduced another tariff bill in the House of Representatives. Considering that it was only last year that a tariff bill was passed, which considerably reduced the duties on a large number of articles, the introduction of another bill so soon affords a sign that the protective doctrine is a good deal "played out." The new bill proposes a reduction of 20 per cent. in the duties, to take effect from July 1. Mr. MORRISON and his colleagues, who have drawn up the bill, have shown their wisdom in placing in the free-list a number of raw materials, such as copper and iron ores, slack, and coal.

They had not seen the amended bill when this article was written; for iron-ore, &c., have been left out of the new revision.

Mr. MORRISON. I would be glad if it was in.

Mr. MCKINLEY. I have no doubt you would be glad if it was in; and I am only surprised the distinguished gentleman should have permitted his own convictions to be overruled by that little factious element in his own party that would control legislation. [Applause.]

Though the bill may not pass without considerable modification, it will probably result in a substantial reduction.

To these opinions we may add the following blunt but frank admission by the London Spectator on the 8th of December last:

Of course the North of England holds that American free trade would be greatly to the interest of British manufacturers.

And this from the Pall Mall Gazette:

The progress of the Morrison bill will be watched with considerable interest by English exporters to the American market, inasmuch as it can hardly fail to tend in their favor.

This deep solicitude of our English friends is of course unselfish and philanthropic; it is all for our benefit, for our good, for our prosperity. It is disinterested purely and arises from the earnest wish of our English manufacturers to see our own grow and prosper.

They want this market. It is the best in the world. They can not get it wholly while our tariff remains as at present. They can not get it so long as our manufactures can be maintained. They must be destroyed, their fires must be put out, and this Congress is to-day engaged in an effort to help England, not America, to build up English manufacturers at the expense of our own.

DEMOCRATIC TRIUMPH A VICTORY FOR ENGLAND.

The foreign manufacturers do not conceal their deep interest in the success of the Democratic party. They do not conceal the reason for such interest. It is because the party stands for a doctrine which will break down American competition and open up the market of this great nation to the products of English skill, English labor, and English capital. Why, sir, they saw the first glimpses of the realization of their theories in the elections throughout this country last fall. They heralded as the dawning victory for free trade the triumph of that sentiment in the organization of this House in December last. That victory was welcomed everywhere upon the other side and by the importers on this. There was not a manufacturer in England who did not see in that overwhelming defeat of the protection sentiment in the Democratic party, in the setting aside of one of its oldest and most trusted leaders, gain and prosperity to him, distress and loss to his American competitors. They rejoiced and were made glad.

IMPORTERS CELEBRATE DEMOCRATIC VICTORIES.

One firm of importers celebrated that free-trade victory by christening a line of English goods with the significant trade-mark, "The Carlisle shape" [laughter and applause], and published it as "the coming thing" [applause], named in honor of Speaker CARLISLE, to whom the country looked to reduce the present outrageous tariff on crockery. [Applause.] This Democratic House is now employed in the direction of this suggestion under the leadership of my distinguished friend, Mr. MORRISON. This line of goods named for one of the ablest and purest Democrats in the House or the country comes from his representative capacity. He stands at the head of a great political organization committed to the English system, which all England believes will increase her prosperity and enrich her manufacturers.

These goods, made in a foreign pottery with foreign materials, foreign labor, and foreign capital, are fittingly crowned with the head of the British lion. [Applause.] Pass this bill and you will all have shapes and be honored with like manifestations of approval. [Applause.] I know my honored friend the Speaker craves no such distinction; I know he would shrink from such public demonstrations of approval, and I believe he will not feel flattered by this well-intentioned compliment; but they could not avoid expressing in some public way their appreciation of his victory. This is but an advanced manifestation of the joy which will be felt on the other side should the bill pass.

A PROGRESSIVE MEASURE.

This bill is a progressive measure. You can discern that at a glance. It commences where we started in 1860, and occupies the ground we broke twenty-four years ago and which we abandoned long since. It has none of the virtues of originality, and the chief claim to merit is the fact that it is something a little like what we approved in 1860, forgetful of the fact that in 1860 we were legislating for 30,000,000 of people, and now have 55,000,000, and that all the economic and industrial conditions have changed. It was a good thing then, wise and necessary. Your party then opposed it, and now that we have outgrown it, advanced from it, you are ready to adopt it. We are glad even at this late day to have your approval of that great measure, which served its purpose at the time—and it was a high and noble one. We would have been more gratified could you have seen its merits a generation ago, when it was alive and in force, and suited to our needs and essential to our then revenue necessities and industrial development.

FREE TRADE CONTRADICTIONS.

There is a remarkable exhibition of free trade confusion and contradiction in the speech of my learned colleague [Mr. HURD] made in this House on the 8th of April last, in his discussion of the wool bill.

First. He asserts that the manifest effect of an increase of the duty upon wool is to increase the price of woolen goods, because it adds to the price of the wool, to which he is unalterably opposed because it im-

poses new burdens upon the consumers of wool, who use it "as a shelter to the houseless and a covering to the shivering."

Second. He asserts that a high duty upon foreign wool means a low price for American wool, the logic of which is that the higher the duty upon the foreign article the lower the price of the domestic one. Now if cheap wool be the real necessity of the manufacturer, as my colleague states in his first proposition, to the end that the laboring man may have cheap goods, then, according to his second proposition, the way to secure it is to increase the duty.

If he would do that the wool-grower would be satisfied and the consumers for whom he speaks ought not to complain.

He does not stop with the mere assertion that protective duties have lowered the price of wool to the consumer, but he gives historical facts. He says "during the low duties on wool from 1847 to 1861 the farmers got 5 cents per pound more for their wool than they have received from 1867 until now under the high protective tariff adopted in the year last named." He enforces his argument by invoking the experience of England and France, and if his proposition be true then protective duties are not added to the cost of the imported goods, and if he wants cheap wool for his shivering consumers the course to pursue is not to reduce the duty on wool as proposed in the Morrison bill, but to increase it as provided for in the Converse bill; and according to his second proposition the latter would secure cheap wool.

A FREE TRADER CONFESSES AMERICAN MANUFACTURERS MAKE A MARKET FOR THE FARMERS.

I was glad, too, to find my colleague conceding, as he did, "that it is the American manufacturer who makes the market for the American farmers, and just as he is prosperous or depressed is the price of wool high or low," and the same must be true of every product of the farm. So that if we would bring prosperity to the American wool-grower and the American farmer, we must foster and encourage and maintain our woolen and other manufactures at all hazards, and this can only be done by adequate duties levied upon foreign goods which compete with our own manufactures. Free trade or a revenue tariff will glut this market with foreign woolens made by foreign labor cheaper than our own, and the effect will be to break down our woolen factories "which makes the market for our own farmers." This is the proposition of the Morrison bill, plain and simple, or else this market will be overcrowded with foreign wools admitted at low duty, the effect of which will be to force ruinous prices upon our own producers and eventually destroy this valuable production in the United States.

I warn you that every assault made upon the woolen manufacturer, no matter how slight, is directed alike at the wool-grower. You can not cripple the one without diminishing the value of the other. The woolen manufacturers do not want free wool. They so declared before the Ways and Means Committee. They require our wools, and it will be to their serious disadvantage to curtail the production in the United States. The wool-grower does not want woolen goods to come into this country free of duty. They want a market. They know that when the manufacturer thrives the price of wool is good and firm.

AGRICULTURE AND MANUFACTURES ESSENTIAL TO EACH OTHER.

Agriculture and manufactures should go hand in hand; the one enriches the other, the one trades with the other—they are mutually dependent one upon the other. There is no conflict of interest. Agriculture increases in its products and its wealth with the growth and increase of manufactures. Prices are better, steadier, and more reliable to the farmer with prosperous manufacturing industries employing labor which consumes and does not compete with his products. Impair or destroy our ability to manufacture, strike down any of our great manufactures, and the farmer would be the first to seriously feel the loss. Dismiss the army of operatives from the workshop and send them to the great unoccupied and fertile lands of the West and the farmer would not only lose just so many consumers or customers, but more than that, he would find them as his competitors in the field of production.

THIS BILL WILL REDUCE THE PAY OF WORKMEN, SKILLED AND UNSKILLED.

Finally, and of greater importance than all else, the effect of this bill will be to reduce the price of labor in the United States.

My friend the chairman of the Committee on Ways and Means indicates dissent by his manner.

Mr. MORRISON. We are doing that every day.

Mr. McKINLEY. Yes; it has been done. If the gentleman will remember, there has been general depression all over the world, and wages have stood some reduction. But the proposition you make today, if it goes into operation, will inevitably reduce the price paid labor in the United States.

This is the inevitable logic of the bill, and no amount of argument can escape it. Said an intelligent manufacturer, Mr. Day, of Ohio, in his statement before our committee:

No reduction of duty can be made without crippling our manufactories. There is no point on which we can make a reduction of cost, except on our skilled labor, unless we are compelled to cut down the wages of common labor and all. We get our common labor at the market price, which is fixed not by us, but by the price of common labor in the neighborhood. We get our coal, as cheaply, of course, as we can. We get our sand as cheaply as we can. We get our materials of all sorts as cheaply as we can. And there is nothing on which there is a range, or on which we can make a reduction, except skilled labor. Therefore, whatever reduction of duty is made must of necessity, to a very large degree, fall upon our skilled labor.

Mr. MORRISON. Is that the same Mr. Day who imports his labor?

Mr. McKINLEY. It is the same Mr. Day. And do you object to it?

Mr. MORRISON. Yes, sir; I do.

Mr. McKINLEY. You object to his importing labor?

Mr. MORRISON. Certainly.

Mr. McKINLEY. Then I want to say if the gentleman from Illinois objects to his importing labor into this country he does more than his associate on the Ways and Means Committee of this House [Mr. HEWITT] does. When Mr. Day was being examined he put the question to him: "Did you import skilled labor into the United States?" And Mr. Day said he did, and the gentleman from New York [Mr. HEWITT] proclaimed, and it is in the public record, that Mr. Day was a *benefactor*. And the gentleman from Alabama [Mr. HERBERT] and the gentleman from Texas [Mr. MILLS] did not think Mr. Day had any apologies to make; and the gentleman from Texas who sits before me does not think so now.

I am not here to justify or defend Mr. Day. I am not here to defend any manufacturer or his methods. But I am here to say that just to the extent you reduce the duties on imports to that extent the prices of labor must come down in order to enable us to compete with the manufacturers on the other side. That is the inevitable logic. Give us as cheap labor as they have in England (which I do not want) and we need no protection. [Applause.]

Let me call a witness from the ranks of the advocates of this bill.

Said Mr. Theodore W. Morris, of New York, an importer and free-trader, before the same committee:

Mr. McKINLEY. Do I understand you to say that the reduction proposed by the pending bill would not affect the rate of wages? I thought you said it would.

Mr. MORRIS. I said that that was the usual tendency; not that it necessarily would do so.

Mr. McKINLEY. What do you say about it now?

Mr. MORRIS. That that has been usually the tendency. I think that that has been the experience; but I do not admit that it is a necessity by any means.

Mr. McKINLEY. What would be the effect of a reduction of duty upon importation; would the importation increase?

Mr. MORRIS. I think that if we could possibly dissipate these false and unbusiness ideas (in reference to special legislation) that any people go into business from philanthropic motives and in the great interest of American labor, and if you could put them closely and fairly on a business basis, there would be very much less of these troubles. I have no disposition to go into abstract propositions. We are meeting at this time an exceptional, phenomenal condition of affairs. We have an unusual and exceptional price paid for labor, which is in, my judgment, beyond all wisdom. If I cared to do so I could mention facts which would show how absurd these conditions of affairs are, and how frequently and how naturally they follow special legislation.

Mr. KELLEY. State wherein the absurdity of the prices which we pay to labor consists.

Mr. MORRIS. That demands, perhaps, an extended answer, and is also an abstract proposition which I do not feel competent to answer, except so far as my individual convictions go.

Mr. KELLEY. That is what we want.

Mr. MORRIS. Because it establishes, first of all, a basis for legislation, and because all admit that that is a very dangerous thing in this country. It establishes a basis for legislation, because in all the debates that take place in Congress we shall have brought up to us this illustration, how magnificently American labor is paid—

The free-traders do not like this form of discussion—

We shall have brought up to us the fact that we pay American labor 200 or 300 per cent. more than is paid to the pauper labor of Europe. These will be established as precedents to form the basis of many arguments. You will naturally see that the condition is an exceptional condition, an unhealthy condition. Another very serious difficulty about it, and which I think an absurdity, is that it is the creation of an additional obstacle to anything like an uniformly just price for labor, when normal conditions exist, because these men receiving (as I understand they are receiving) a large advance over their average compensation will not be content, when the conditions of the market readjust themselves, to accept a reduction of wages; and anything in the shape of economy will be repugnant to them. That is another reason why I think the condition unfortunate. Manufacturers are creating for themselves an obstacle which in the future will be a severe trial to them.

THE LABORING MEN DECLARE THAT THIS MEASURE WILL REDUCA THEIR WAGES

Said Mr. Thomas Williams, a workingman who appeared before the committee:

They had been asked to come here and state how the workingmen looked at the matter of the proposed tariff reduction, and how it affected workingmen. He was aware that it was often said that the tariff upon imported goods was of no benefit to the workingmen. He was not a public speaker, and had never been accustomed to anything of the sort. He worked in the mill and earned his own living by boiling or puddling, and he thought he knew something whereof he spoke. He happened to have been born on the other side of the Atlantic, and he had worked in an iron mill in England for some time, so that he could tell the committee from his personal experience how the matter was in free trade England and how it was in America. He had worked in England five years in what was known as the Dowlais works. He had been puddling there for five years, and the wages which had been paid to him were about 5*s*. 6*d*. a ton, or at the rate of $1.25 for puddling iron. And even at that the men did not get very steady work. At the end of the week, when they got their pay and paid out of it for their living, there was not very much left to themselves. He was aware that it was often said that living was cheaper in England than in this country, but he denied that statement. He had lived or lodged (as it was called there), paying so much a week for his room, and letting the landlady buy his food for him. He did not live there as workingmen lived in this country. For instance, in the morning when he got up to go to work he got a cup of tea and a piece of bread and butter. At dinner time he got perhaps a little meat, but not always. He generally managed to eat meat at dinner three or four times a week, but never except at dinner. In the evening for tea, as it is called, he sometimes got bread and butter, and if he wanted to be extravagant he might eat an egg or two, but that was accounted a great extravagance. The women earned in the

Dowlais works about 9 pence a day, or 18 cents. They were employed in unloading coal and in throwing coal out of the cars, and otherwise doing the coarse work of men. If one of them got a shilling a day it was considered good wages.

He contrasted the condition of affairs in that country under free trade with the condition of things in America; and what did he find? He found that the puddler or the boiler in this country was paid $5.50 a ton. He was aware that in some parts of the country men were working for less than that, but in Pittsburgh and west of Pittsburgh they were receiving $5.50 a ton for puddling; and what was the result? The men in the old country got only $1.25 per day at the highest average, while here they got $3.25 or $3.50 a day. It occurred to him, as an American citizen, that it was not right for American lawmakers to go to work and say to the men who had left England and come to this country with the intention of benefiting their own condition that they must now compete with that same system of labor which they had in England. He ventured to say (and he thought the facts would bear him out) that if the proposed tarift were enacted into a law the time was not far distant (if workmen had any work at all here) that they would have to compete with English labor, and would have to live just as workmen lived in the Old Country. As an American citizen he objected to that. He did not believe that the workingmen of America should be compelled to compete with the pauper labor, or the comparatively pauper labor, of England or of any part of Europe. He had a somewhat extensive acquaintance with workingmen in that country. At the Dowlais works, where he had worked, there were employed altogether about 15,000 men, including the iron-ore miners, coal-miners, the blast-furnace men, and the men who worked in the mills. And of all that number he did not know more than two or three men who owned their own homes.

Said Mr. A. C. White, another workingman:

He had come to request that the pending measure be not passed, believing that it would not only injure the workingmen but the public at large.

He believed that at the present time any tariff legislation would be injurious to the best interests of the country. The workingmen protested against further action being taken in the matter until the tariff bill of last winter should have been sufficiently tried. It was yet an experiment and it was not known whether that bill would be for good or for evil. A great many of the workingmen held that the tariff legislation of last winter was unnecessary, uncalled for, and unwise.

They believed that this country should have a good protective tariff for various reasons. The workingmen of this country did not desire to be brought down to the level of English workingmen. They believed that workingmen being American citizens were entitled to all the rights and privileges belonging to them. They had a right to live decently and respectably and to be able to clothe and educate their children, to send them to college and fit them to be members of Congress and Senators, if need be. The workingmen were part of the people and they believed that legislation should be for the benefit of the people as a whole.

Said Mr. D. T. Williams, another workingman:

The impression seemed to have gained ground that manufacturers who came here came all the time for their own benefit merely. He wanted to impress upon the committee the fact that it would be a benefit to the workingmen as well to let the tariff remain as it is and not to lower it, because if the tariff were lowered their wages would be lowered on the 1st of June next.

The officers of the Amalgamated Iron and Steel Association made like statements, enforcing them with facts and figures, and I notice by the public press that a few days ago the officers of one of the leading labor organizations of the country met in the city of Pittsburgh, as is the rule of their order, to agree upon the rates of wages to be submitted to their employers for the ensuing year, and after discussion agreed upon a schedule of prices to be insisted upon, provided the Morrison bill was not enacted into law; and if it was, then they would be compelled to submit lower rates. The workingmen themselves, without exception, recognize the inevitable reduction of the wages of labor under the operation of this bill. The reduction of labor in any branch of industry, or the diminution of the power to employ labor, leads to a reduction in the labor price in every field of employment. Not only do the workmen recognize this hard fact, but the manufacturers as well. Said Mr. HEWITT, of New York, in his speech March 27 last:

Now comes the question, how can you make manufactures grow? How can you enlarge their area?

You must therefore cheapen cost. How can you cheapen the cost of manufactures? In only one of three ways. The cost of manufactures consists in capital, labor, and materials.

Can you cheapen capital? To-day capital is cheaper in the United States than in any other country in the world.

Can you cheapen labor? Where is the man who is going to run next fall for Congress who will get up here and say he will advocate any policy which will reduce the wages of labor?

Then you are brought down by the very necessities of the case to cheapen raw materials. Now, how can you cheapen raw materials? Only by removing the duties which press upon them. And when you have taken the duties off raw materials you have protected the manufacturer, because he can produce his ware cheaper; you have protected the laborer because the necessity for reducing his wages, which otherwise would exist, is avoided.

But this bill does not give the raw materials required by the gentleman from New York [Mr. HEWITT], so that the reduction of the labor is inevitable to cheapen the cost of production. This conclusion can not be avoided under the bill now before us.

The difference in the cost of labor in other countries and this, which enters into the product which competes with ours, must be equalized by the tariffs or the higher wages must come down.

Mr. HEWITT admits this difference. My friend from Illinois [Mr. MORRISON] seemed to dissent a moment ago when I said there was a difference in the rate of wages.

Mr. MORRISON. I did not, sir. There is a great difference in the rate of wages in some industries, and some difference in all.

Mr. MCKINLEY. I beg the gentleman's pardon. The gentleman from Illinois, in view of the statements I have made within the last five minutes, now admits there is a difference. I thank him for the frank confession.

Mr. MORRISON. I have never denied it. The gentleman knows he is mistaken. I have admitted it in every speech I ever made in this House.

Mr. MCKINLEY. I have some of the gentleman's speeches here; I do not care to go into them; but I have always understood from the gentleman that while there might be some small difference in the wages between the two countries the wages brought more on the other side, would buy more of the necessities; while there might be a little difference in the sum total of pay received there was practically no difference when the purchasing power was taken into account.

Mr. MORRISON. That is a different question, and one about which I have not spoken.

Mr. MCKINLEY. Well, if the gentleman never said it, it certainly has been said by those who advocate this bill. I would not do him any injustice. I know that it has been said over and over again that this difference in the cost of labor which we talk about is wholly visionary.

AMERICAN WAGES THE BEST IN THE WORLD.

Our wages are higher here than in any other nation of the world, and we are all proud and grateful that it is so. I know it is denied, but experience outweighs theories or misleading statistics. One thing we do know is that our work people do not go abroad for better wages, and every other nationality comes here for increased wages and gets them. The gentleman from New York [Mr. HEWITT] does not seek to escape this difficulty by a denial, but frankly said in a speech made in the first session of the Forty-seventh Congress: "But the difference in wages does exist, and there are branches of industry which can not be carried on without an equivalent compensation in the form of protective duties or of a bounty from the public Treasury. In Great Britain and the United States the rate of wages is on the average about 50 per cent. higher here than there." He puts it much too low.

We are confronted with this problem at the very threshold of this discussion, and we must meet it. The proposition of the chairman of the Committee of Ways and Means will result in reducing the wages of labor or the destruction of many of our most valuable industries, and the deprivation of employment to thousands. The one or the other alternative must come; either will be most disastrous and attended by business depression and individual suffering.

We must not reduce the price paid to labor; it is already sufficiently low. We can only prevent it by defeating this bill, and it should be done without unnecessary delay. The sooner the better, and remove this menace which hangs over all of our industrial life and threatens the comfort and independence of millions of American workingmen.

WOOL INTERESTS ASSAILED BY THE BILL.

The bill strikes down the duty upon wool, and under its provisions the duty on wool valued at over 24 cents, is to be 9 cents per pound.

The duties under the present law are, on wool valued at 30 cents or less, 10 cents per pound, and over 30 cents, 12 cents per pound. This enormous reduction is proposed in the presence of a universal sentiment among the farmers of the United States for an increase of duties upon foreign wools, and in the face of Democratic assurances in at least one State of the Union that the duties should be increased. Great solicitude is displayed by our opponents for the farmers of the country. And yet in the only case where they can be directly benefited by a protective duty it is proposed to wipe it out. They are rich in professions to this great producing class, but barren of fulfillment.

ALL INDUSTRIES INJURIOUSLY AFFECTED BY PROPOSED LEGISLATION.

Every one of the leading industries of this country will be injuriously affected by this proposed change, and no man can predict the extent of it. Cottons and woolens, the producers of wool, iron, steel, and glass must suffer disastrously if this bill is enacted into law, and the proprietors of these establishments are neither robbers nor highwaymen, as the free-traders love to characterize them. They have been real benefactors, and while some of them have grown opulent, in the main they do not represent the rich classes of the country. Their entire capital is in active employment. Many of them are large borrowers. Your proposed action will affect the values of their plant, useless except for the purposes employed, will diminish the value of their invested capital, will decrease their sales and the ability of their customers to buy, and in many cases result in total overthrow and bankruptcy. You can do this if you will. You have the power in this House to accomplish this great wrong, but let me beg of you to pause before you commence the work of destroying a great economic system under which the country has grown and prospered far in advance of every other nation of the world. A system established by the founders of the Government, recognized by the first Congress which ever sat in deliberative council in this nation, sanctioned in the second act ever passed by Congress, upheld by our greatest statesmen, living or dead, vindicated by great results and justified by all of our experience, achieving industrial triumphs without a parallel in the world's history. Its maintenance is yet essential to our progress and prosperity. The step proposed is a grave one. No man on this floor can determine its consequences or predict its results.

A LEAP IN THE DARK.

It is a leap in the dark. No interest is pressing it. No national necessity demands it. No true American wants it. If it is a party neces-

sity to enforce Democratic doctrines and discipline a little segment of the party, you can afford to wait, or clear your decks of mutineers in some other way; let the ship be saved and punish your insubordinate associates without endangering great interests temporarily confided to your care. The interests of this great people are higher and greater than the ambitions or interests of any party. The free-traders have already demonstrated that they are in control of the Democratic party, that they are a large majority of that political organization; but they are happily in the minority in the country. They may dictate the policy here by party caucus, they may disturb the business of the country while yet in power, but they will not, under the policy they are now pursuing, be long permitted to dominate the popular branch of Congress, happily the only branch of the Government which they now control. [Great and continued applause.]

Bureau of Labor Statistics.

SPEECH

OF

HON. THOMAS J. WOOD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. WOOD said:

Mr. CHAIRMAN: It is difficult to say what is the best thing to do for the laboring people of the country. The bill under consideration requires a special investigation of the subject of American labor and a report of the result to Congress. I favor the bill, because it may be the means of ascertaining the best way to confer substantial benefits upon a most deserving class of our people. I favor all the labor relief bills before Congress so far as I have examined them, though I confess I believe many of them will confer no immediate or lasting benefits.

The real question at issue is an important problem, now engaging the best economic thinkers. Where will the line be drawn between labor and capital, that will not invoke a conflict between them? Capital without labor would be devoid of results, and labor without capital would come down to distress. The tendency of past legislation has been very favorable to the former. In truth, about all its demands have been granted while the rights of labor have not been correspondingly recognized. Capital has been aggregated very largely in the highly protected industries. The evil of this is apparent. Labor is well distributed over the country. It can not aggregate itself like capital. It would be far better for labor and the country if capital was more evenly distributed and employed in stimulating diversified industry, giving laboring men much more employment. The tariff law, unequal in its protection, has had the effect to dwarf or crush diversified industry by withdrawing active capital for investment in the highly protected industries. These are conducted largely by labor-saving machinery.

I think a high protective tariff the worst foe we have to American labor. It gives high profits to large investments in certain kinds of industry, and every system is adopted or machine purchased that will do away with laboring men. If the tariff act was reformed, the highly protective duties cut down, profits would be lower but reasonable; then the great inducements for centralized capital would cease, and it would go all over the country to establish other but useful industries. One great and highly protected industry, such as iron or steel, woolen or cotton, having from $500,000 to two or three millions invested, with its labor-saving machinery, does not employ a tithe of the labor that would be employed if this aggregated capital was divided among a dozen different and necessary industries. This would curtail the manufacture of iron and steel, woolen and cotton goods; but then the mills would not stop at all on account of overproduction, the markets would become more stable, and labor in them would be more evenly employed, while the other useful industries would become prosperous and useful to the country and hire much labor seeking employment. Capital rarely engages in any single industry to such an extent as to cause the volume of its products to exceed supply and demand, unless it is stimulated by ulterior forces, like the protective tariff. One great trouble about labor now is that there is not a sufficient market for its products, and one able to consume them.

The great interest, indeed the greatest interest that laboring men can have, is in a large and consuming market for the products of their labor. The home market is necessarily limited, and this would naturally cause them to seek the foreign markets. If all the products of American labor could find ready and willing markets we could only imagine the extent of our industrial prosperity. But the foreign market is made nearly impossible by the protective tariff. Protection benefits the manufacturer, but not the laboring man. Labor and labor wages is in the market like anything else. Supply and demand govern its prices. Competition fixes wages. If the aggregated millions drawn into the few highly protected industries were divided among diversified industries there would not be such competition in labor, and its scarcity would give better wages. Every laboring man ought to see the evil of a protective tariff, as bearing directly against his welfare. Again, it collects from him and other people indirectly and deposits over a hundred millions in the national Treasury from year to year. This volume of capital withdrawn from the business of the country lessens its extent and activity, and bears directly upon the question of labor. I would benefit labor by reforming the tariff, reduce tariff taxes, and cut off this unnecessary and idle surplus; leave it back among the people, to be used by them in all their business affairs necessarily conducted by labor.

I am not pleased at the manner the managers of the highly protected industries treat the labor of the country, and yet I see no remedy but to prevent so much concentrated capital, and a rigid reform of the tariff law will do this and bring no evil. It will only reduce manufacturing capacity in certain industries, and that will be a benefit and not an injury, and the whole country, with its unemployed labor, will receive new life and energy by the capital seeking different industries. These managers come before the committees of Congress and tell roseate stories about the wages of their laboring men, and it is fair to say hardly a word of it is believed, for it is so utterly inconsistent with the distress of labor nearly everywhere, as is known by resolutions and appeals made to Congress for its more adequate protection. These very managers employ nearly 64 per cent. of foreign labor, and yet talk so blandly about protection to American labor. The great industries, with shameful profits, pay the lowest kind of wages. They do not consider how much a laboring man can live for and educate himself and family, but ask, How cheap can his labor be had? They get labor at the cheapest rate, while their profits are abnormally high; and if they can not get home labor cheap enough to suit them, they make labor contracts in foreign countries and import it. I am down on this business. Their hypocrisy is amazing when they urge protection for American labor. This burning wrong has no parallel in industrial history outside of the United States.

I would benefit labor by reforming the present unjust and unequal tariff. I would benefit labor by prohibiting the indigent-labor contract system. I would compel prison contractors to pay the State authorities the full value of prison labor, as that would limit the present system and make prison labor not more advantageous to capital than the useful labor of the country. I would preserve the public lands for homesteads for laboring people more than for any other class, for the reason that they may have a home and a good source for a living during times of superabundant labor through the country. I would benefit labor by enlarging the markets for the products of labor. I would go into the markets of the world with them.

The products of our lands, of our exhaustless mines, can give employment to unlimited labor for centuries to come provided the products of labor can find a free and willing market. The great problem is extended markets. The protective system limits the markets to our own people. This policy says to all Europe and the South American States that America will not trade with you. They in turn say they will not trade with America. We can not expect large foreign markets for our agricultural and manufactured products when we place an embargo, through a protective tariff, upon the trade of other countries. Other countries would trade with America, but the American protective policy makes their trade with America expensive to them.

Sir, this policy means that all the world shall keep away from our shores. It means that merchant vessels loaded with the rich cargoes of other climes shall lower sail and turn back. It means less production in the great Mississippi Valley. The owners of millions of grain raised in the grandest valley of the world must cease all transportation to the seaboard over the waters of the great river that rolls majestically down to the sea. The products of labor must halt at the ocean's wave. No one needs to be told that if the products of American labor can not be sold that labor must go unemployed. The great interest of labor is the open markets of the world. If this sends the money and products of other countries home, it also sends all our products out, and this keeps labor in active and well-paid employment.

The protectionists say that the workmen of other countries are poor and do not live as well as our own. I think that is true; but what is the cause of it? Protection has no more to do with it than the cyclone has to do with the moon. England, France, and Germany have people and resources near enough like our own for comparisons. In those countries the population is very dense, there being two hundred and twenty-seven to the square mile, while in this country there are only fourteen to the square mile. Make due allowance for uninhabitable regions and sixteen to two hundred and twenty-five would be a fair estimate. Now, who wants to be told that fourteen persons can live better than two hundred and twenty-five can on a square mile of land? Of course there are more poor people in those countries and more poverty and distress there, because their population is fifteen times more dense than ours is. You increase our population fifteen times, make it 750,000,000 of people instead of 50,000,000, and I warrant just as much poverty and distress in America as in England or other countries.

The skilled labor of England employed in mills and factories gets as good pay as our own, and there is no inducement on the score of wages for it to come here. But what does protection offer to laboring men outside of the manufacturing industries? Can it speak for the great mass of labor all over the country? Certainly not. The protective system unfairly and unjustly taxes labor for the profit of the manufacturer. Why, the tariff taxes are double on cheap goods, such as poor people must buy to clothe themselves and families, what it is on fine grades of goods purchased by people of ample means. The reason for this higher tariff tax was this: There are about forty millions of our population, old and young, poor people and people of small estates. High duties on low-priced goods would bring enormous profits to the manufacturer. The lower the price of the goods the higher the duties is the character of the present law. Why, it benefits wealth more than labor every time. Again, it unequally taxes the poor. Why? Here is a poor man worth $800. There is a rich man worth $200,000. The tariff on woolen or mixed woolen goods is 65 per cent. The poor man buys $50 worth in a year and pays an extravagant tax of $32.50 on his purchase. The rich man pays the same tax also when he buys protected goods, but the most extravagant consumption of woolen goods by him will not make his indirect tax near as heavy as that paid by the poor man, according to property values. The rich man and the individual and corporate wealth of the country do not begin to bear the indirect taxation that laboring men bear with those people owning small estates. In proportion to his means the wealthy man pays nothing to what the poor man pays when he buys protected goods. Labor is more interested in a reform of the present unjust and unequal tariff law than anything else before the country.

I want to see the laboring man with power to claim American citizenship as his own without the fear of discharge. His labor is on the auction block, with competition for the auctioneer, and his labor is bid in at what capital will give for it. He can not fix the price for his daily toil. I want him to be more than a slave. I want him to be a man, feeling proud of the elective franchise, the last great right of the American citizen, to remedy evils in the policy of this Government.

Bureau of Labor Statistics.

SPEECH

OF

HON. THOMAS M. FERRELL,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. FERRELL said:

Mr. CHAIRMAN: The Committee of the Whole having under consideration House bill No. 1340, I desire to give brief expression to my views in advocacy of its passage. The short time allotted for its discussion, however, will only permit me to glance at its more important provisions, and comment for a few moments upon the beneficial results which I am persuaded will flow from the bill, if it shall become a law, in affording much needed relief to the pressing wants of our toiling masses.

It provides for the creation of a bureau of labor statistics, and reads as follows:

A bill to establish and maintain a department of labor statistics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established and maintained at the seat of Government a bureau of labor statistics, which shall be under the charge of a commissioner of labor statistics, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor statistics shall hold his office for four years, unless sooner removed, and shall receive a salary of $3,500 a year. The commissioner shall acquire all useful information upon the subject of labor, its relations to capital, and the means of promoting the material, social, intellectual, and religious prosperity of the laboring men and women; and to this end he shall inquire into the various industries of the United States; the capital invested therein; the division of labor and its results; machinery and its effects; the number of persons employed as laborers, with a classification thereof, male and female, married and unmarried, skilled or unskilled, convict labor, Chinese labor, and foreign imported contract labor, the number and ages of children, nature of their occupation, their attendance at school and church; the wages paid by the day, week, or month, or by the piece, to the different classes; the hours employed; the average earnings of the several classes; the manner of paying wages; the truck or store-order system, and the profits charged on goods by employers; the cost of living, comparing wages and price of necessaries of life in different localities; the sanitary, educational, social, and religious condition of laborers; the average duration of life; accidents incident to employment; insanity; epidemics; factory, mill, mine, and dwelling inspections; schools and churches, facilities for attending, and extent to which they are enjoyed; statistics of crime, &c.; co-operation, its extent and results in various localities and branches of trade; the division of their joint production between labor and capital, where practiced, the pro rata of each, and the general effect; trades unions and labor associations, the number, membership, and objects; strikes, their causes, effects, and remedies. And to enable the commissioner to obtain the information herein specified he shall have authority to issue circulars to various manufacturers and labor associations and persons, with interrogatories to be answered. The commissioner of labor statistics shall obtain all possible information upon the various subjects above specified from the different foreign nations, and shall have authority to issue circulars to United States consuls asking them to obtain the information desired. The commissioner of labor statistics shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as the commissioner may deem necessary for the successful working of the department: *Provided*, That the total expense shall not exceed $25,000 per annum. During the necessary absence of the commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of commissioner. The commissioner shall annually make a report in writing to the President and Congress of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the department.

Permit me to recapitulate briefly. It provides for a commissioner and associates, whose duty it shall be to inquire into the condition of every class of tradesmen and the employés of every grade and calling; as to wages received for labor and the character of the work performed; the system of trade, whether it be conducted upon the truck or store-order plan, or upon the basis of cash payments; the sanitary conditions under which workmen labor, together with the social and educational advantages afforded them and their families; the co-operative system as applied to the joint product of labor and capital, and its general effect upon laboring classes. These are but a few of the important features of the bill, which provides for the solution of many other problems involved in this great question, which, once formulated into tables of statistics will become a most valuable addition to the labor literature of the country and a great educator of the vast portion of our population who are now asking for this legislation.

But more especially will it be valuable to Congress, who, by the conclusions to be arrived at from such statistics, may shape legislation intelligently and healthfully for capital and labor alike and be able to correct the abuses which now exist, and which will be clearly and vividly shown by the investigation of these several subjects required under the provisions of the proposed act. I find a unanimous desire on the part of the labor associations of the country to have this inquiry made, and made with that thoroughness and efficiency which shall leave little to be done hereafter except to keep pace with and record the progress made, year by year, toward the higher forms of skilled labor, and a stronger development of the mental, moral, and social attributes essential to an honorable, useful, and noble life. Is the employer equally desirous with the workingman of obtaining the legislation proposed by this bill? As a rule I believe he is, for he, alike with the employé, is to receive large benefit from the results.

Moreover, I believe it to be the duty of employers of labor to demand and urge the passage of this humane measure and earnestly seek to make it operative. And what nobler duty, Mr. Chairman, could the employer enter upon, or what more satisfying in its results, than that of nourishing and urging the mental and moral growth of the men who have made for him his wealth and position through their dexterous skill and faithful service? Unfortunately, however, with few exceptions they have left their men to lead in the much-needed reform proposed by this bill, but it is to be hoped their influence and power will be given in support of the measure now that its beneficent provisions are fairly before the country and promise so much of good to all classes of our people. I want to see the day or era when, in our manufacturing districts, the employer shall apply himself as diligently to the improvement of the condition of his workmen in all respects as he does to the calculation of the amount of labor he may obtain from them or the per cent. of profit he can get from his contracts. Such action would go very far toward relieving the distress of our laboring classes in all parts of the country.

The Government of Italy, on February 14, 1877, and also on July 25, 1879, sent out circulars addressed by the minister of agriculture, industry, and commerce to the prefects of the kingdom relative to female and child labor; but the responses indicated an unwillingness upon the part of employers to see a law restricting this class of labor from going into effect.

The government then decided to submit the question to the different chambers of commerce in the following queries, propounded in a circular dated November 20, 1883:

First. Whether the employment of children should not be entirely prohibited until the age of 9 years had been reached?

Second. Whether the hours of labor should not be limited to half a day from the ages of 9 to 12 or 14 years?

Third. Whether from the last-mentioned age to that of 16 years it would not be beneficial to prohibit their employment on Sundays and during the night?

The opinions expressed by the several chambers of commerce in answer to the foregoing queries may be summarized as follows:

First. To prohibit entirely the employment of children at manual labor until they shall have arrived at the age of 10 years.

Second. To prohibit their employment on Sundays and during the hours of night until they shall have arrived at the age of 15 years.

Third. To organize committees in the provinces to see that these laws are enforced.

So likewise should the chambers of commerce in this country, the boards of trade, and large business and manufacturing interests of every

class join in offering our own Government every assistance within their power to improve the condition of the working classes of the country. And this greatly desired result can be reached in no more efficient manner than through the system proposed by this measure.

The purpose of this bill is not to expose pretended or imaginary evils, or to give wrong impressions concerning the manufacturing, laboring, or agricultural districts of the country, but rather to deal with the real condition of the workingman, and, making public his needs and wants, endeavor to apply a remedy for the evils and inculcate and perpetuate that kindly sentiment of mutual dependence which should ever exist between capital and labor.

We are at a loss as yet, for want of the necessary statistics which this measure will furnish when in operation, for the information needed in an intelligent discussion of the great economic questions now before this body; and there is not a member of the House who does not acknowledge the vital importance of such information as he listens to or participates in the daily debates upon the tariff and measures of kindred interest.

The Government in its classification of statistical information, covering such a vast field of investigation for commercial and trade uses, can not be expected to enter into the details of the daily home and working life of our people. Consequently the census reports have failed to provide us with the facts and figures so much to be desired.

Several of our States, unwilling to wait for the slow and uncertain action of the General Government, have taken hold of this great question with promptitude and intelligent liberality, and already Massachusetts, Ohio, New Jersey, Pennsylvania, Connecticut, and Wisconsin have established bureaus of statistics and labor industries, and through these very much valuable and interesting information has been obtained and utilized for the benefit and welfare of the working classes of these respective States, and to the advantage of the employers as well. My observation is that the few States which have done this have accomplished more good for the workingmen of the country, and have become better and more practical educators of the people, than all the others put together through their well-meaning but misdirected efforts. This is conclusively proved by the large and increasing demand which comes up from all parts of the country for the reports of these State bureaus, which it is impossible to supply; and this has led to another needed reform, harmony of action in the several States in the legislation enacted upon this subject.

The prosperity of a State is enhanced by the assurance that the people are blessed with liberal laws, competent lawmakers, and a government economically administered. If this be true—and the condition of the States I have named would seem to demonstrate the proposition—then it is proof positive that these bureaus are not only public benefactors, but that the expense attending their operation is more than met by the benefits conferred. And not the least of these is the destruction of many systems at once inhuman and degrading to the people. To demonstrate these assertions permit me to refer to my own State of New Jersey. After a long agitation over the subject of a State bureau, Mr. Charles Zimmerman, now the secretary of the bureau, drew and had introduced into the house of assembly the bill, which was passed largely through the influence of one of the present able United States Senators, Mr. SEWELL, then a member of the State senate, and under which the bureau now exists.

The first year's investigation, although incomplete and crude as it was, and investigations up to the present time, have developed a condition of affairs not known before that time to exist. Light was let in, discussion ensued in the public prints, and the Legislature was invoked to correct the evils which burdened labor and tainted capital. Convict labor was immediately restricted. The store-order or truck system was abolished and cash payments for labor and goods were substituted. Conspiracy laws were repealed and arbitration in labor difficulties was recommended. The growth of sorghum, of oysters, and the propagation of silk industries were largely promoted by special legislation. All property now bears equally the burden of taxation. Child labor is restricted to the ages of 12 and 14 years; and finally the abolition of convict labor in the State prison has been secured. Ohio and New York have joined us in this work of reform, the outcome of enlightened and liberal legislation in these States. Humane and ennobling in its results, it will soon become one of the questions with which each State represented here will have to deal.

Now, Mr. Chairman, if these be the effects upon single States under their own local governments, what will be the future for this great nation if by the passage of this bill the results should be of a corresponding character to the people of the whole country? The practical working of such a bureau as provided for in this measure means the laying open to public gaze of the wants and needs of a suffering people—the evils, moral and social, which depress their daily life and debar them from progress and culture, and suggests the remedies required, as varied in their nature as the disease is complicated.

If this equitable legislation asked for by millions of workingmen be granted them, this nation will be the first to solve the most intricate problem now agitating the governments of the earth. In the name, therefore, of these millions of America I appeal for the passage of this bill without a dissenting vote.

Pensions.

SPEECH

OF

HON. THOMAS J. WOOD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1884,

On the bill (H. R. 6535) to regulate the granting of pensions in certain cases.

Mr. WOOD said:

Mr. SPEAKER: The bill before the House closes the gap in long-delayed justice to the brave men who did so well for their country over twenty years ago. There never was any reason in the pension law compelling the soldier, on application for pension, to prove his soundness when he enlisted in the Army of the Union; none, for he was duly examined by competent surgeons detailed for this duty, pronounced sound and fit for military service, and was mustered into the ranks.

There are very many cases where a truly good soldier who performed faithful and meritorious services is unable to make satisfactory proof that he was physically sound at the time of enlistment, and is therefore deprived of a pension justly due him. Witnesses are dead or removed to distant homes, and human memory after lapse of time becomes fatally deficient on the precise point in issue. This is natural, for nothing revives it in twenty years to carry it back to the facts and impressions of youger days. Then, who can swear to the physical soundness of friends and acquaintances over twenty years ago? If unsoundness is unknown at the time, what neighbor, friend, what relative can come forward and testify to the fact? Such testimony when obtained is frail indeed when dissected by the analytical principles of legal evidence. If the soldier served his country honorably and carries his honorable discharge from the Government, whether his service was long or short, then the Government is in no position to require proof of his physical soundness when he entered her military service. Soundness ought to be presumed to exist from date of enlistment.

I said this bill is an act of delayed justice. I have labored for it ever since I have been in this Congress, and I trust it will pass the House without opposition. I am too much of a friend of the gallant soldier not to speak for this bill. I appreciate his service for my country, and I see the grand results of his sacrifice in all parts of the Union to-day. The brave men he met on Southern battlefields, where nerves of steel were shaken, are proud to-day the old Union of the States was not dissolved; they are proud the old Government was maintained and are its earnest friends in peace, and are ready to become its valiant friends in war. I am proud also to witness this devotion to a common country and this fraternal feeling toward the soldiers of the Union, for I accept it as a reconciliation of the unhappy elements of discord that threatened the old structure in the days of my boyhood. All patriotic people rejoice that the wounds of that desolating strife are healed, and the man who would now break them open is a bloodless traitor to the flag and an arch enemy to the public peace, a wrecker of national prosperity in all the sections of the Union.

The policy of the pension laws has been to raise nearly a conclusive presumption that the soldier discharged without wounds is a sound and able-bodied man. There may be a few, but how many? I turn to the history of the war and see four years of the most terrible campaigns of all the ugly work of men. I read the rapid forced marches in heat and cold, over mountains and through the swamps. I read of the bloody days, of merciless battles fought that chilled the souls of men far away from the ensanguined field. Tell me that the very life-centers of the brave men who acted so well were not shocked at the awful forces sweeping life and limb away with less mercy than the demons of woful ruin! I see the faithful guardians of the country on the alert day and night through the inclement seasons, wading mud and fording rivers, obeying every command. The map of the war shows me the thousands of miles tramped from State to State, from town to city, all over the South. For four years the soldier had hardly an hour of the peace and joy of home. That was found wherever he slept under a peaceful sky, though the earth, his bed, was crimson with the blood of relatives, friends, and comrades. On Southern homes he joined the clash of arms, met the raining lead, walked among bursting shells, and faced the scattering fragments of death like the true hero that he was.

He passes through this terrible ordeal, fights all the battles through, and peace is restored; he is mustered out of the service and receives the plaudits of grateful countrymen. He finds himself not the same man he was when he gave himself to his country, and he asks for a pension. The special examiner sees no bullet-holes and his worthy claim is rejected. He pleads his infirmities that begun somewhere back in those four years of unequaled service to the country, and he is coolly told he must prove that he was able-bodied after the Government duly accepted him. The fairness and justice of all perdition is more admirable than

this. I believe of necessity that there can not be many sound, able-bodied soldiers, and every rule of evidence should make easy the proof of infirmities rather than reject them altogether, for the reason a most worthy case may be rejected. Then it is an exceptional hardship upon the widows and orphans. Removal, death, want of personal knowledge, and treacherous memory make the application for a pension by the widow or minor children difficult to sustain.

Food and Drug Adulteration.

SPEECH

OF

HON. WHARTON J. GREEN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1884.

The House having under consideration the motion of Mr. BEACH to suspend the rules and adopt the resolution submitted by the Select Committee on the Public Health regarding the adulteration of food and drugs—

Mr. GREEN said:

Mr. SPEAKER: It is a political axiom that the obligations of government and governed are correlative or reciprocal, protection being the duty of the first; support of the last. Protection is the end and aim of all government, be it patriarchal, monarchical, aristocratic, or democratic; be it absolute or constitutional. For that end primarily is all government devised. Against foreign foe and domestic force, against invasion from without and mob violence within, against open assault and covert design; to that extent at least will all concede that the government is bound to the governed. In return therefor the protected class, the mass, the people, yield obedience and support; in war their personal prowess to resist aggression, in peace and war the requisite percentage of their goods and chattels or yearly accretions, in one way or another, to maintain the organism so established. Admit the predicate, and none dare gainsay it, and the question naturally arises, where do the protective functions of government cease? Are these exhausted when armed invading columns are beaten back, or mobs dispersed, or murderers, ravishers, burglars, house-burners, and the like caught and punished? These undoubtedly are the most palpable and glaring duties of the agent or factor known as the government. The right of demand, however, ceases not here. Immunity from the depredations of law-breakers of every sort and designation is at least their implied right by terms of "original compact."

I purpose to push the claim advanced to its legitimate conclusion and to arraign the counterfeiters and adulterators of meat, drink, and medicine as one of the most criminal of the criminal classes, and hence meet and fitting one for the eye of the law and the heavy hand of the law. If the proposition is, as I maintain, self-evident, then I repeat the people have the right to demand protection against their nefarious practices, covert, cowardly, and false, no less than from predatory bands on land or sea, against bandit or pirate.

Does not well authenticated suspicion, almost tantamount to proof, if circumstantial evidence is ever proof, justify the sweeping allegation which will follow? If not, and I fail to make it so appear, then set me down as slanderer and the objects of my anathema as spotless lambs most unjustly and unrighteously arraigned.

Now for the premise of what I propose to prove under penalty to the extent of which it is here susceptible of proof. If concurrent testimony and widespread accusation through the public prints be not the offspring of pure diabolism; if chemical analysis be not a snare; and if dire effects traceable to sinister causes be not a delusion, I charge and maintain that the whole field of dietetics and medicinals, of articles that we daily eat and drink and take as doctor's stuff, teems with adulteration, noxious or innoxious as the case may be, but hurtful as a rule.

Mr. Speaker, if this be so, it surely appertains to us to inquire into the evil and remedy to devise. If, in spite of universal attaint, it be not so, it is due to the manufacturer, compounder, and consumer alike that the negative be authoritatively established.

The unfortunate whelp that has the cry of "mad dog" raised at his heels might as well be dead; and he who is bitten by such a one had better be, even though the poor cur be innocent of the charge. Abstract justice would enjoin that hydrophobia be established or disproved for the mutual benefit of dog and man alike. A like regard for justice would enjoin that his brother cur of our conformation and purveyor of our diet, who is pointed at as poisoner, should have like opportunity to establish innocence. It is your right, Mr. Speaker, and mine, as his alleged victims, that he be required to do it.

Yes, sir; metaphor aside, if cause there be for this wholesale arraignment, and cause for one I think there be, it is your right and mine, and that of every man who voted for and against us, to have the thing inquired into. If the charge be established against manufacturer or compounder of killing off innocent people by thousands and tens of thousands by slow process and homeopathic doses, wherein has he the advantage over his brother scoundrel, who prefers active agencies and larger measure to remove some hated rival or ambitious foe, as did the Borgias and others of the vile accursed class, through the medium of belladonna, of arsenic, or of ratsbane?

For one, I hold the last less culpable. They killed by units, these by thousands. Better, a thousand times better, the allopathic dose administered by a Madame Brinvilliers, to the graduated modicums of the abominable drugs which enter into our daily food, and protract the life in misery of the victims by thousands, as said, through one or two or twenty years, as may be.

We will probably be met at the threshold of investigation by the hackneyed cry of "sumptuary laws." Sir, no one holds in utter detestation laws of the class named more than I. But why, I demand, should those against slow insidious poisoning be so classed more than the others, aimed against the deadly drugs when given for sinister and specific object?

Yes, sir; I go further and maintain that it is within our province to prevent the admixture of spurious, base, or bad ingredients in our daily food, and have it palmed off upon an unsuspecting world as a better article even if harmless in effect. If it is our right, then when poison enters it follows, as the night the day, it is our duty. Sir, the vile practice of adulteration engendered by sordid greed of gain is, I repeat, now so universal and widespread that it is the merest chance, be your grocer who he may, that you can obtain any genuine edible article, if diabolic science will permit it to be counterfeited to advantage. Sugar, flour, sirups, baking-powders, pepper, spices, brandy, whisky, vinegar, wines, teas, pickles, preserves, ground coffee, canned goods, mustard, lard, butter, table oil, curry, and a host of other articles of every-day life too numerous to mention, all fall to a considerable extent under my sweeping accusation and desired interdict. We buy them, knowing that they are probably spurious.

But what alternative have we except to restrict ourselves to old-fashioned hog and hominy of our own raising, or imitate that would-be-heroic idiot, Dr. Tanner. Surely, Mr. Speaker, there must be some adequate remedy for this crying evil, this monstrous crime. That remedy, I repeat it, is ours to devise. If we are encountered by constitutional objection, then give us an amendment to that India-rubber document that will compass the aim designed. The Constitution of the land ought to be able to protect the physical constitutions of its citizens against the machinations of demons disguised as men. State enactments are utterly inadequate to suppress the evil. We have laws, and stringent ones they are, imposing suitable and adequate penalties upon counterfeiters of the coin and currency of the country. Are there any against counterfeiting articles of diet, drink, and medicine? If so, sir, the brazen effrontery with which they are disregarded proves their total inadequacy. In Heaven's name, why are not the two at least of parity?

Can any hold that the last is crime of minor grade? Who will say that he who stamps and passes off little bits of baser metal than the standard bullion to put into your pockets is guilty of greater wrong than he who prepares and sells you base and counterfeit compounds, not to say deadly, to put into your stomach? Possibly the reason for imposing penalties in the one case and neglect to do so in the other is that our ancestors could not realize that human cupidity could prompt such depravity as trifling with the health, well-being, and very existence of myriads of their fellow-men; just as the Romans had no special punishment for parricide; just as our old English progenitors had no special penalty for that most cowardly and repulsive of all known crimes, the taking of life by deadly drugs, until in a very late reign (one of the last Henrys, I believe) the crime was proven and special penalty thenceforth imposed to "fit that vile Italian crime which hath lately entered into these realms." The culprit was to be boiled to death in oil. Meet punishment that, and fitting for all the vile, accursed class, whether the agency employed be the famous, or, rather, infamous, "Aqua Tofana," or "Elixir of St. Nicholas," which could be gauged to do its hellish work in a day, a week, a month, or a year, or the slower poisons of our day, which enter into our daily food and permits its millions of victims to live out nearly their allotted span, but with impaired constitutions, both mental and physical, for years before their end.

Mr. Speaker, were the adulterated substance sold entirely harmless but of inferior merit or virtue to that which it purports to be, it would still be a fraud, and should as such be punished. But when baleful and deadly ingredients enter into the composition, capital felony should be its status in the list of crimes, and the oil cauldron the bath in which the vile miscreant, be he manufacturer, manipulator, or expert, should be required to lave his sordid soul.

If any one within the compass of my voice doubts the extent and enormity of the evil complained of let him go to any first-class grocery in this town, Baltimore, Philadelphia, New York, or Boston, and attempt to make out a bill of goods with the guarantee of purity attached. Though he stand with golden ducats or silver dollars in his hand to settle upon compliance, I prophesy that the bill will not be filled without abatement of proviso. If these middle-men, or rather first purchasers, honest as a class as I concede them to be, and as a class bitterly opposed to the necessity which exists of selling the counter-

feit commodities, will not sign the "bill of health" required, is it not *prima facie* evidence that their cargo is taint and not entitled to *pratique;* in other words, that it is an unwholesome and sickly lot?

Mr. Speaker, I had occasion some two years ago to lay in a supply of commissary stores for those in my employ, and told my grocer in a neighboring city I desired a pure article of sirup. His reply was, "You can not get it here, nor do I believe you can in or out of the city;" and so with numbers of other articles. When the item of sugar on my list was reached he was equally honest and candid. "We can sell you a pure article of sugar," quoth he, "provided you take the granulated. Nothing else will we guarantee." "And why the granulated?" The reply was pert and to the point: "Because refiners and doctorers have not yet been able to counterfeit it to paying profit."

This, Mr. Speaker, is a sample of the colloquy on that occasion. Did the vendor fall in my esteem or would he have done so in yours on account of the admissions made? No, sir; his candor stamped him an honest man; but it placed the brand of knave, swindler, and scoundrel on him from whom he purchased, assuming that he bought at the fountain-head or of him who made, compounded, or prepared the noxious stuffs. Probably every gentleman on this floor knows what steatite or soapstone is. If not, I will state that it is a soft, calcareous, easily cut rock, but probably surpassing any other in weight and density. Presumptively therefore not the most digestible article of diet known.

True, as we are told, it is eaten by the natives of the Senegal, the Oronoco, and New Caledonia. But, I opine, sir, that it is under the spur of dire necessity and not from choice, and that these poor creatures, but one degree above the ape or the Digger Indian, would much prefer that his muffins, biscuits, or doughnuts had for basis rye, wheat, corn, or buckwheat, or even the favorite cereal of "Old Caledonia," which, according to old Sam. Johnson, "is eaten in England by horses and in Scotland by men." Now, sir, what would be your inference, if told by the proprietor of one of these saponaceous quarries, as I have been, that he finds a ready sale for all the "soapstone flour" that he can grind? And who are your customers? Chiefly commercial millers and sugar refiners. Mine, sir, was that the information tallied with what I had previously seen in print, that the vile stuff enters largely into our tea, coffee, toddy, sweetmeats, and daily bread. Sir, it behooves those who hear to ponder well. Steatite may be an excellent lining for stoves. I doubt its coequal fitness for stomachs. "Hot biscuit for breakfast," "light bread for supper," were wont to gladden my heart in younger days, for in the house of an honored uncle who raised me "corn bread" as a rule was the staple staff of life. Think you that biscuit for breakfast or light bread for supper (Heaven save the mark, how could it have been made light?) would have been as palatable as ash-cake or johnny if one of the descendants of old Job's comforters had kindly volunteered the information that they were to be made out of nice white soapstone flour instead of the glorious golden grain grown on the broad acres around me?

Will men, grown-up men, lawmakers, be less alive to their corporeal well-being and that of those who made them such and confidingly intrusted their well-being into their hands? In licensing this monstrous wrong, as we permissively do, wherein have we the advantage of the toad as regards the reasoning faculty? I have been told that that creature, æsthetically, intellectually, and as a mold of form one of the very lowest of the low order of batrachia, will eat his fill of leaden shot, when thrown to him one by one, until by excess of artificial weight he is utterly unable to move. "Miserable creature!" was my involuntary exclamation, "how does he manage to digest them?" "Oh," replied my juvenile informant, "he doesn't disgust 'em at all. We takes him by the left hind leg and holds him up, and all of the shot runs out of his mouth." Blessed batrachian, that can eat even lead with impunity, and disgorge the overweight through the co-operative agency of a hoodlum, a scientist, or other experimentalist. Miserable, besotted bipeds, who will persist in breaking bread, and eating it, too, knowing full well that it is of the leaden sort, and that they have no kind, considerate hoodlum to relieve them by the left-hind-leg process.

In the late war, Mr. Speaker, the men who wore the soapstone-color coat did bake and break and eat the bread whereof I speak, a simple admixture of flour and water, and ofttimes not half cooked at that. But, thanks to short rations, long marches, hard work, and easy conscience, they managed to worry it through, and would have done it in my opinion though 50 per cent. of their scant handful of flour had been soapstone, sawdust, or brick-dust either.

But, sir, this should not embolden us to hope for like immunity. The digestive organism of the ostrich, the alligator, the confederate soldier, and the anaconda is an exclusive prerogative, a close monopoly, and does not appertain to all the sons of Adam alike. Give us, then, a little more starch and less steatite, more gluten and less glucose or crude glass.

Our New England friends, Mr. Speaker, have the word "sharp," somewhat analogous to our Southern one of "smart," to qualify the possessor of "ways that are dark" and means that are doubtful, which, though not exactly beyond the pale of the law, are nevertheless beyond that attaching to the standard of a well-recognized morality. He who sells you sanded sugar, glucose sirup for the genuine article, soapstone or plaster-of-paris flour, cocoanut-shell black pepper, or red-lead cayenne is doubtless "sharp," "cute," "smart," and is bound to turn his penny (honest or otherwise is immaterial to him); but, sir, he is none the less a cold-blooded, calculating knave and scoundrel, and should be made amenable to the law. "Tell me not of the patriotism of such," exclaimed the impassioned Burke, in speaking of a far more honorable class; "his desk is his altar, his ledger is his Bible, and his gold is his god."

Mr. Speaker, under the operation of our delectable revenue laws, as at present enforced, there are grievous penalties attaching to illicit distillation, as many of the poor mountaineers in my poor State know full well to their cost. Now, sir, I opine that if the restrictions on distillation, including tax on the legitimate article and pains and penalties on the illicit or "moonshine," were removed altogether, and these makers of a pure article of whisky and brandy left as free as their fathers were in that regard, and the same punishments doubled or quadrupled meted out to the compounders of the poisonous stuffs engendered by the tricks of chemistry, the cause of morality and the sanitary cause, not to say the cause of liberty and sobriety, would be materially subserved thereby.

Let me give you an instance in proof. When a younger man than I am to-day by many years I passed some weeks in Bonnie Scotland. I had heard before getting there that the breechless sons of the Lothians were not averse to a wee drop of "rock and rye," and not overparticular if the rock was left out, and faith, Mr. Speaker, observations convinced me that they had not been slandered. Why, sir, one-half of the average potations, judging from what I saw, and assuming that it was a national average, would in this country, in a single year, more than double the victims of drink mania and cram to repletion our inebriate asylums. And yet no such dire effect was visible there; mania a potu, like spinal meningitis, was literally unknown.

Expressing my surprise to a friend in Edinburgh at the marked difference in capacity of absorption between the denizens of the two countries, I asked the cause. Sir, I was not and am not satisfied with the explanation he vouchsafed. It was, as recollected, that the volume of pyroligneous acid evolved from peat smoke had a purifying effect upon the liquid distilled. That may be science, but it is not sense. My explanation is simply pure whisky. The Highlandmen of Scotland in that day, like the highlandmen of North Carolina in ours, were not up to the tricks and devices of devilish science. They made an honest article of whisky, drank it, and lived out their allotted span a brave, hardy, simple race on their bleak free mountain-sides.

Like cause would produce like effect in our own midst. Now, Mr. Speaker, coming back to our mutton, compel the nefarious manufacturer or compounder to drink his own vile decoctions with a slight additional infusion of fusel-oil, to be administered by the public executioner, and bury his accursed secret with him, and, mark the prediction, delirium tremens and other resulting effects, such as wife-beating and kindred brutality, misery, and murder, will very materially diminish as the quality improves.

What is true of distilled spirits is none the less so of beer and other malt-liquors, wines, and cordials; for as enormous as the profits are in both cases, they are not sufficient to satisfy these rapacious ghouls. The beer-maker is as little content with those resulting from accredited hops as the basis as is the whisky or brandy maker with his from honest rye, corn, wheat, or fruits. It is said that the highest encomium that an Irishman can pay his poteen when, with the characteristic hospitality of his race, he sets it before his guest, is the trite remark: "The divil a penny of rivenue has it paid the queen."

But he who clinks canakins with honest Pat has the satisfaction of feeling that while her majesty's money-bags may thereby weigh less than they ought, nevertheless the devil a drop of vile chemicals or doctor's stuff has entered into its composition. So, believing, Mr. Speaker, if I were snake-bitten in blessed St. Patrick's land I would vastly prefer the only recognized antidote on such occasions (and efficacious I know it to be by personal experience in a Robeson County swamp) to be of the unpaid-tax quality to the so-called honest tax-paid stuff stretched out by the infusion of strychnine and other deadly drugs. Let casuists determine which is the most meretricious, the man who makes the first or the government which permits the last to be made.

It is safe to assume, Mr. Speaker, that were the question put to the leading medical men of the country a large majority of them would decide that the alarming increase of late years in nervous, cerebral, and kidney diseases is directly traceable to the cause assigned, namely, adulterated drinks of all kinds, including vinous, malt, and distilled. Is not insanity fearfully on the increase, as evidenced by the overcrowded bedlams of the land and the mania for self-destruction? Then seek for reason why, and find it, too, no less in poisoned beverage than in the growing passion for wild speculation.

In view of the statements made and facts alleged, all of which are susceptible of proof, I ask, and ask with due deliberation, might not the philanthropist better subserve the cause of humanity by directing the batteries of his denunciation from alcoholic drinks *per se* to the adulteration of them; by advocating purity instead of prohibition?

I have thus, Mr. Speaker, briefly adverted to abuses falling under the general head of meat and drink adulteration. The witnesses upon whom it is relied to sustain allegation will appear in appendix.

But, sir, the field is too extensive, proofs too voluminous, if proof be

needed where criminality stands confessed, to permit my going into further detail under this head of my subject. But I were derelict to my subject, my constituents, and myself did I close without some allusion to like vicious practice in the make-up of medicine; for, sir, human depravity, with utter disregard of human life, has even dared invade the sacred precincts of the pharmacopœia, to lift the tops of the mystic jars on shelves arranged, and to infuse base substance in their portentous contents, where oft the difference of a feather's weight may involve the mortal life of immortal men. Medical skill is impotent to act and powerless to grapple with fell disease in critical juncture, because by base admixture with medicinals it is at loss to know what measure to prescribe to compass end desired.

I broadly, boldly make the charge and challenge the refutal of investigation. A distinguished physician told me some years since, in a neighboring city, that probably more deaths resulted directly and indirectly from that source than would from disease if left to itself; and that he made it an inflexible rule never to prescribe medicines unless he was well acquainted with the commercial and moral character of the druggist who was to supply them. If such is the state of the case in a great city, what chance is there of obtaining pure drugs in village shops and country stores?

Mr. Speaker, this branch of my subject is certainly one demanding most instant and efficacious remedy at our hands. Of all men in the world the chemist and wholesale druggist has least occasion and excuse for tampering with his wares. His profits are enormous when confined to legitimate channels.

I do not propose, Mr. Speaker, to take down and look into each separate jar on the shelves of the Constitution amender; am not sufficiently deep in science for that; but I do intend to look into one—and judge the rest by inference.

I see before me "sulphate of quinia." That means in our vernacular "quinine," qui-nine, or quin-in, as folks prefer to call it. "Jesuit's bark" is the staple from which it is compounded, and the introduction of which to the European world entitles the Society of Loyola to the everlasting gratitude of a sinful and suffering world. It is to-day, in the world's conception, almost as indispensable an article to man's welfare as bread or meat or drink. I have heard that out on the raging Wabash or in the Arkansas bottom, where the musical musquito delighteth to hum and to make his home, where the ague shaketh the sons of men, they would willingly swap, pound for ounce, blood for Jesuit's bark in its etherealized state, known as quinine.

Now, sir, a short time back a Democratic House of Representatives, recognizing the indispensable necessity of this light but costly white powder, erased it from the list of the thousand or two other protected articles and put it on the free-list, and the whole country arose and called that Congress blessed. Quinine fell from five or six dollars an ounce to $1.50 nominally. But, sir, I opine the reduction in price is more fictitious than real. The quinine of to-day is not as a rule the quinine of former times. Then it was bitter—deucedly bitter—and there was no horrid apprehension of morphia or other deadly drug left in the mind as afterclap. To-day it is far different, for although not exactly a confection or sweetmeat, it has nevertheless so far laid aside its acerbity as to suggest the thought, *a la* Mrs. Toodles, what a convenient thing a stomach-pump is to have in the house when one is taking white powders.

Now, sir, I ask why the change in its taste, which is so perceptible as to be the subject of general remark? Is it that the bark of the cinchona tree is losing its natural properties, or is it that less expensive barks and other substances are worked in with it to increase bulk and weight, and thus make up for the falling off in price?

It would be an interesting investigation if the question were submitted to a special committee of medical experts. The cinchona is doubtless to-day what it was when Pizarro's followers first found it, and so is red oak or willow.

Almost every leading government in Europe has stringent laws against adulteration. Of these England has perhaps the most perfect and complete system, and yet it is only of yesterday's growth. Less than thirty years ago Dr. John Postgate, a country physician, seeing the abuses perpetrated by adulterators of every class, took the matter in hand and after years of persistent effort, beginning with only one supporter in Parliament, Mr. Scholefield, and with all the large manufacturers and dealers in Great Britain hounding and denouncing him, succeeded at last in having his ideas adopted as embodied in the adulteration acts of the last decade. As a public benefactor he will rank in the history of his country as the peer of Jenner, Stevenson, Arkwright, and Davy; for food adulteration is virtually wiped out so far as it affects English palates and constitutions. But what compounders are forbidden to sell at home they can readily market abroad. For is it not obvious that as long as they are debarred a home market by repressory edicts they will naturally export their base counterfeits to our own more tolerant shores? Eliminate the foreign supply of poisoned and poisonous foods, and forbid the sale of "home manufactured" stuffs of kindred class in the District of Columbia and wherever else the strong arm of the Federal Government will reach, and a most important step in the work of their eradication and extermination will have been accomplished.

Mr. Speaker, my remarks as originally prepared after a careful investigation of the subject contemplated a broader field of inquiry and ultimate repression than that embraced in the bill under consideration. They were intended to sustain my bill, or rather resolution, introduced early in the session, authorizing the Committee of Public Health to inquire into the truth or falsity of the alleged abuses in this regard, and to suggest what legislation should be had for their eradication—a simple inquiry into damning allegations, with an eye to a simple recommendation of remedy. It received, I believe, the unanimous approval of that honorable committee, and they and I were alike at loss when, during my absence at the death-bed of a loved and honored relative, it was killed by a majority of one on the floor of this House. My unavoidable absence on that occasion will be one of the regrets of my life.

In conclusion I now propose, Mr. Speaker, to introduce the witnesses and to adduce the proofs upon which it is intended to rely to sustain the sweeping allegations made. These will appear in the form of appendix in the RECORD. If they seem to any to take more space than is usually accorded in that diurnal history of our doings to any abstract question, let the importance of the subject and the ignorance and indifference which prevail regarding it stand me in justification and excuse. As bulky as it will appear, it is not a tithe of what might be adduced from these and other high authorities in support of the existence of the evils charged and the necessity for remedial relief. Let us hearken to their warning and give that relief to the fullest extent of our constitutional powers. As transcendently important as I believe it to be, I would not have this House go one step beyond to accomplish the end in view under "the general-welfare" clause.

APPENDIX.

I.

Some thirty years ago the London Lancet, the leading medical and surgical journal of the world, owing to the repeated exposures of Dr. Postgate, determined to employ at its own expense one of the best analytical chemists of the age to investigate the subject. For that purpose Dr. Hassall, a man of national reputation and fellow of a dozen learned societies, was selected. He devoted several years to the work and collated his researches in a large sized volume. His book constituted the basis of subsequent Parliamentary investigation, which gives it quasi-official character. From it will be found below copious extracts bearing upon a few of the most glaring abuses:

During the course of the last six years the author has examined minutely and scrupulously, microscopically and chemically, over 3,000 samples of the principal articles of consumption, as well as many drugs; and as the one great result of this somewhat extended experience he affirms that some short time back there were few articles of consumption the adulteration of which was practicable, and which, at the same time, could be rendered profitable, which were not extensively subjected to adulteration.

* * * * * * *

Dr. Normandy, one of the highest authorities of the age, concludes his evidence before the parliamentary committee with this remark:

"Adulteration is a widespread evil which has invaded every branch of commerce; everything which can be mixed or adulterated or debased in any way is debased."

* * * * * * *

The subjoined table contains not only the names of the substances used in adulteration possessing more or less injurious properties, but also the names of the articles in which they have been discovered. It will be perceived that the number of injurious substances thus employed is very great.

Injurious substances actually detected in adulterated articles of consumption.

SUBSTANCES.	ARTICLES.
Cocculus indicus	Beer, rum.
Arsenic of copper, emerald green, or Scheele's green.	Colored sugar confectionery.
Sulphate of copper, or blue vitriol, and acetate of copper, or verdigris.	Pickles, bottled fruits, and vegetables, preserves, dried and crystallized fruits.
Carbonate of copper, or verditer	Colored sugar confectionery and tea.
The three chromates of lead	Custard powders, sugar confectionery, tea, and snuff.
Red oxide of lead	Cayenne, curry-powder.
Red ferruginous earths, as Venetian red, bole Armenian, red and yellow ochers, umber, &c.	Red sauces, as shrimp, lobster, anchovy, and tomato sauces, and in potted meats and fish, cocoa, chicory, anchovies, annatto, cheese, tea, and snuff, &c.
Carbonate of lead	Sugar confectionery.
Plumbago, or black lead	In certain black and Li teas.
Bisulphuret of mercury, or cinnabar	Cayenne, sugar confectionery.
Sulphate of iron	Redried tea, and in beer.
Sulphate of copper	Bread, rarely; annatto.
Cayenne	Gin, rum, ginger, and mustard.
Gamboge	Sugar confectionery.
Chromates of potash	Tea and snuff.
The three false Brunswick greens, being mixtures of the chromates of lead and indigo, or Prussian blue.	Sugar confectionery.
Oxychlorides of copper, or true Brunswick greens.	Sugar confectionery.
Orpiment, or sulphuret of arsenicum	Sugar confectionery.
Ferrocyanide of iron, or Prussian blue	Sugar confectionery.
Antwerp blue, or Prussian blue, and chalk.	Sugar confectionery.
Indigo	Sugar confectionery.
Ultramarine	Sugar confectionery.
Artificial ultramarine	Sugar confectionery.
Hydrated sulphate of lime, mineral white, or plaster of Paris.	Flour, bread, sugar confectionery.
Alum	Bread and flour.
Sulphuric acid	Vinegar, gin.
Bronze powders, or alloys of copper, and zinc.	Sugar confectionery.

These disclosures, be it recollected, were made nearly thirty years ago, and when food-poisoning was but yet in its infancy. It was long anterior to the day when tallow and suet supplanted legitimate and normal butter by most abnormal and disgusting process, or glucose cane-sugar, or scores of other improvements had been made upon the recognized time-honored processes of our fathers. In this, as in other things, the world has moved since then.

II.

Dr. Hassall concludes his general introduction on the subject of food adulteration in the following pertinent and impressive words:

Legislation on the subject is required—

First. For the protection of the public health. The evidence given before the parliamentary committee on adulteration proves that the deadliest poisons are daily resorted to for purposes of adulteration, to the injury of the health and the destruction of the lives of thousands. There is scarcely a poisonous pigment known in these islands which are not thus employed.

Second. For the protection of the revenue. This will be readily acknowledged when it is known that nearly half the national revenue is derived from taxes on food and beverages. It has already been shown that not long since adulteration was rife, and it still exists to a large extent in nearly all articles of consumption, both solid and fluid, and including even those under the supervision of the excise.

Third. In the interests of the honest merchant and trader. The upright trader is placed in a most trying and unfair position in consequence of adulteration. He is exposed to the most ruinous and unscrupulous competition; too often he is undersold, and his business thus taken from him. It is therefore to the interest of the honest trader that effective legislation should take place, and not only is it to his interest but we can state that it is his most anxious desire that adulteration should be abolished. In advocating the suppression of adulteration we are therefore advocating the rights and interests of all honorable traders.

Fourth. For the sake of the consumer. That the consumer is extensively robbed through adulteration, sometimes of his health, but always of his money, is unquestionable. It is, however, the poor man, the laborer and the artisan, who is the most extensively defrauded; for occupied early and late with his daily labor, often in debt with those with whom he deals, he has no time or power to help himself in the matter, and if he had the time he still would require the requisite knowledge. The subject of adulteration, therefore, while it concerns all classes, is eminently a poor man's question; the extent to which he is cheated through adulteration is really enormous.

Fifth. On the ground of public morality. Adulteration involves deception, dishonesty, fraud, and robbery, and since adulteration is so prevalent, so equally must these vices prevail to the serious detriment of public morality and to the injury of the character of the whole nation for probity in the eyes of the world. We repeat, then, that some prompt, active, and efficient legislative interference is demanded for the sake of public morality and the character of this country among the nations of the world.

Hassall's adulteration of food.

From an examination of this table it appears:

1. That of the thirty-four coffees, thirty-one were adulterated.
2. That chicory was present in thirty-one of the samples.
3. Roasted corn in twelve.
4. Beans and potato flour, each in one sample.
5. That in sixteen cases the adulteration consisted of chicory only.
6. That in the remaining fifteen samples the adulteration consisted of chicory and either roasted corn, beans, or potatoes.
7. That in many instances the quantity of coffee present was very small; while in others it formed not more than one-fifth, fourth, third, half, and so on of the whole article.

We are satisfied that the gross aggregate of the adulterations detected did not amount to less than one-third of the entire bulk of the quantity purchased.

* * * * * * *

Speaking of the articles used in the adulteration of tea, the author says:

"The principal of these substances are Dutch pink, rose pink, logwood, turmeric, carbonate of lime, carbonate of magnesia, steatite, soapstone or silicate of magnesia, chromate of lead, the chromates of potash, ferrocyanide of iron, indigo, carbonate of copper, acetate of copper, arsenic of copper."

* * * * * * *

Thus it has been shown that exhausted tea-leaves are sometimes made up with gum, &c., and resold to the public as genuine black tea, and, when artificially colored and glazed, even as green tea.

That the substances employed in the coloring are in many cases very much more objectionable and injurious than those used by the Chinese, being sometimes highly poisonous.

* * * * * * *

Out of seventy-two samples of brown sugar, as procured at different shops, subjected to examination, fragments of sugar-cane were present in all but one. These were usually so small that they were visible only by the aid of the microscope.

Sporules and filaments of fungus were present in nearly all the sugars. The acari were present in sixty-nine of the samples, and in many in very considerable quantities.

Grape-sugar was detected in all the sugars.

Four of the sugars contained proportions of starch so considerable as to lead to the inference that they were adulterated.

Eleven other samples of brown sugar, as imported from the East and West Indies, furnished nearly similar results. Two only could be regarded as pure and fit for human consumption.

* * * * * * *

Concerning Bread.—We have already referred, to some extent, to the adulteration of bread with water. Bread naturally contains a large quantity of water, estimated at sixty-six parts in every one hundred and fifty of bread, sixteen of these only being natural to the flour, but it is frequently made to contain greater amounts. One principal means by which this is effected is by the addition of rice or rice flour to bread; this, swelling up, absorbs much more water than wheat flour. Potatoes used in any quantity probably have, to some extent, the same effect. In the introduction of rice, then, into bread there is a double evil; first, a substance is put into the bread which does not possess nearly so much nourishment as wheat flour; and, second, by its means a larger quantity of another substance is absorbed by the bread, and which has no nourishing properties whatever. While wheat flour seldom contains less and often much more than 12 per cent. of gluten, rice has only about 7 per cent. of that nutritious substance, and potatoes are equally deficient in gluten.

The public, then, in judging of the quality of bread by its color, by its whiteness, commits a most serious mistake; there is little or no connection between color and quality; in fact, very generally, the whitest breads are the most adulterated. The public, therefore, should lose no time in correcting its judgment on this point.

Again, the mistaken taste of the public for very white bread, which, be it known, can not be obtained even from the finest and best flour except by the use of alum or some other substance similar in its operation, tends to the serious injury of the bread in another way.

After proving that alum enters injuriously in almost all bought bread, he adds:

Further, alum is very apt to disorder the stomach and to occasion acidity and dyspepsia.

Vinegar.—The principal adulterations of vinegar are with water, sulphuric acid, and burnt sugar, and sometimes with acid substances, as chillies and grains of paradise, and also with pyroligneous or acetic acids.

The water is added to increase the bulk, sulphuric acid and acid substances to make it pungent, and burnt sugar to restore the color lost by dilution.

Vinegar is not unfrequently contaminated with arsenic, this being introduced through the sulphuric acid used in its adulteration.

A mixture of muriatic acid and soda has been used in bread, and I have seen muriatic acid containing a very fearful quantity of arsenic.

The following evidence in regard to the use of corrosive sublimate was given by Mr. Gray before the Parliamentary committee:

"Corrosive sublimate has been used for years and years in some houses, and not a cask has gone out without a certain proportion of corrosive sublimate."

"CHAIRMAN. Do you believe that corrosive sublimate was mixed with the vinegar in injurious proportions?"

"I do; it was done to give strength to the vinegar. When the D. W. and O. V. have been used the corrosive sublimate is put into it to give it a tartness again in the mouth."

CHAIRMAN. "Are these technical expressions in the trade—O. V. for oil of vitriol, and D. W. for distilled water?"

"Just so. Corrosive sublimate is called 'the doctor.'"

White or distilled vinegar, as it is called, is usually made with water and acetic acid, what is sold is rarely distilled at all.

* * * * * * *

That nineteen out of twenty of the vinegars submitted to analysis, poor as they were, yet owed a portion of their acidity to sulphuric acid the amount of which varied in the different samples from 38 to 252 in the 1,000 grains, the largest quantity of this acid being detected in the vinegars in which the red cabbages were pickled. That in the whole of the sixteen different pickles analyzed for copper that poisonous metal was discovered in various amounts.

On the adulterations of cayenne.—Of twenty-eight samples of cayenne submitted to microscopical and chemical examination no less than twenty-four were adulterated, and four only were genuine. Twenty-two contained mineral coloring matter.

In thirteen cases this consisted of red lead, which was present in very considerable quantities, while in the remaining seven samples it was some red ferruginous earth, Venetian red, or red ocher. Vermilion or sulphuret of mercury was present in one of these cayennes.

Six of the cayennes consisted of a mixture of ground rice, turmeric, and cayenne colored, with either red lead, vermilion red, or ocher.

Six of the cayennes contained large quantities of salt, sometimes alone, but mostly combined with rice and the red earths or red lead.

One of the samples was adulterated with a large quantity of the husk of white mustard-seed.

Lastly. Two were adulterated with rice, and were colored in addition, the one with red lead, and the other with a red ferruginous earth. The object of the use of red lead and other red coloring matters is twofold. First, to conceal other adulterations, and second, to preserve the color of the cayenne, as when exposed to the light for any time it usually loses part of the bright red color which it at first possesses, and therefore it becomes deteriorated in the eyes of the purchaser. The red lead, &c., added does not of course preserve the color of the cayenne, but simply supplies the place of that which it loses in consequence of exposure.

Salt is employed for the same purpose. This substance has a remarkable effect in bringing out the color of the cayenne. It is, however, also used to increase its weight.

The adulteration of cayenne with such substances as red lead and mercury is doubtlessshighly prejudicial to health. It has been stated that colic and paralysis have both been produced by the use of cayenne containing red lead.

The salts of lead and mercury are characterized by the circumstance that they are apt to accumulate in the system, and finally to produce symptoms of a very serious nature. Thus no matter how small the quantity of mercury or lead introduced each day, the system is sure in the end, although it be slowly and insidiously, to be brought under the influence of these poisons, and to become seriously affected. The quantity of red lead introduced into the system in adulterated cayenne is, however, by no means inconsiderable.

III.

[From Chambers's Encyclopedia.]

ADULTERATION.

The adulteration of food of almost every kind is unfortunately so common a custom that our limited space will merely allow of our noticing a few of the leading points in regard to it.

Wheat flour is not infrequently adulterated with one or more of the following substances: flour of beans, Indian corn, rye, or rice, potato starch, alum, chalk, carbonate of magnesia, bone-dust, plaster of Paris, sand, clay, &c. The organic matters—the inferior flours and starch—do little or no serious harm. Most of the inorganic matters are positively injurious, and of these, alum (one of the commonest adulterations) is the worst. The beneficial action of wheat flour on the system is in part due to the large quantity of soluble phosphates which it contains. When alum is added, these phosphates uniting with the alumina of the alum and forming an insoluble compound, the beneficial effect of the soluble phosphates is thus lost.

Coffee, in its powdered form, is not merely largely adulterated with chicory, but additionally with roasted grain, roots, acorns, sawdust, exhausted tan (termed croats), coffina (the seeds of a Turkish plant), burnt sugar, and (worst of all) baked horses' and bullocks' liver. In the Quarterly Journal of the Chemical Society for April, 1856, there is an excellent report by Messrs. Graham, Stenhouse, and Campbell on the mode of detecting vegetable substances mixed with coffee. Even whole roasted coffee is not safe from adulteration, a patent having been actually taken out to mold chicory into the form of coffee-berries.

Cocoa and chocolate are adulterated with flour, potato-starch, sugar, clarified mutton-suet, and various mineral substances, such as chalk, plaster of Paris, red earth, red ocher, and Venetian earth, the last three being used as coloring matter.

Vinegar is adulterated with water, sulphuric acid, and sometimes with chillies, grains of paradise, and pyroligneous acid. It appears from evidence taken before the parliamentary committee on adulterations that arsenic and corrosive sublimate are no uncommon ingredients in vinegar. In connection with vinegar we may place pickles. Dr. Hassall analyzed sixteen different pickles for copper, and discovered that poisonous metal more or less abundantly in all of them; "in three, in a very considerable quantity; in one, in highly deleterious amount; and in two, in poisonous amount."

Preserved fruits and vegetables, especially gooseberries, rhubarb, green gages, and olives, are often also contaminated largely with copper. In these cases the copper, if in considerable quantity, may be easily detected by placing a piece of polished iron or steel in the suspected liquid for twenty-four hours, to which we previously add a few drops of nitric acid. The copper will be de-

posited on the iron. Or ammonia may be added to the fluid in which the pickles or fruit were lying, when, if copper is present, a blue tint is developed. We should be suspicious of all pickles, olives, preserved gooseberries, &c., with a particularly bright-green tint.

Milk is usually believed to be liable to numerous adulterations, such as flour, chalk, mashed brains, &c. It appears, however, from Dr. Hassall's researches on London milk, that as a general rule water is the only adulteration. The results of the examinations of twenty-six samples were that twelve were genuine, and that fourteen were adulterated, the adulteration consisting principally in the addition of water, the percentages of which varied from 10 to 50 per cent., or one-half water. If space permitted we might extend the list of alimentary substances liable to adulteration to a much greater length.

Beer is adulterated in many ways. Burned sugar (caramel) is added to give color; cocculus indicus, to supply an intoxicating agent which will give an appearance of strength to the beer; quassia, to impart bitterness in place of hops; grains of paradise and cayenne pepper, to communicate pungency; coriander and caraway seeds, to yield flavor; liquorice, treacle, and honey, to supply color and consistence. To stale beer there is sometimes added green vitriol (sulphate of iron) or alum and common salt, which when agitated with the beer communicate a fine cauliflower head.

IV.

[Report of select parliamentary committee 1855–1856, upon inquiry into the adulteration of food, from the Westminster Review, volume 91, page 195.]

In the process of their investigations they examined some sixty witnesses, who gave answers to near eight thousand questions, all of them tending more or less distinctly and directly to prove that the practice of adulteration was very prevalent and most injurious in its effects upon the health, morality, and prosperity of the country. Upward of thirty of the witnesses were physicians, surgeons, analytical chemists, and druggists, and the remainder were gentlemen who occupied responsible positions in the fiscal and sanitary departments of government, of persons acquainted with the manufacture and sale of the larger proportion of such commodities as are in most general use.

* * * * * * *

Though the witnesses differed both as to the extent to which adulteration is carried on and as to its nature and effects, your committee can not avoid the conclusion that adulteration widely prevails, though under circumstances of very various character. As regards foreign products, some arrive in this country in an adulterated condition, while others are adulterated by the English dealer. Other commodities again, the produce of this country, are shown to be in an adulterated state when passing into the hands of the dealer, while others undergo adulteration by the dealers themselves.

"Not only is the public health thus exposed to danger and pecuniary fraud committed on the whole community, but the public morality is tainted and the high commercial character of this country seriously lowered both at home and in the eyes of foreign countries. Though very many refuse under every temptation to falsify the quality of their wares, there are unfortunately large numbers, who, though reluctantly practicing deception, yield to the pernicious contagion of example or to the hard pressure of competition forced upon them by their less scrupulous neighbors."

And then they proceed to give the following summary:

"Without entering into voluminous details of the evidence taken, your committee would enumerate the many articles which have been proved to be more or less commonly adulterated. These are: Arrowroot, adulterated with potato and other starches; bread, with potatoes, plaster of Paris, alum, and sulphate of copper; bottled fruits and vegetables, with certain salts of copper; coffee, with chicory, roasted wheat, beans, and mangel-wurzel; chicory, with roasted wheat, carrots, sawdust, and Venetian red; cocoa, with arrowroot, potato flour, sugar, chicory, and some ferruginous red earth; cayenne, with ground rice, mustard, husk, &c.; alcohol, with red lead; lard, with potato-flour, mutton suet, carbonate of soda, and caustic lime; mustard, with wheat flour and turmeric; marmalade, with apples and turnips; porter and stout (though sent out in a pure state from the brewers), with water, sugar, treacle, salt, alum, cocculus indicus, grains of paradise, nux vomica, and sulphuric acid; pickles and preserves, with salts of copper; snuff, with various chromates, red lead, lime, and powdered glass; tobacco, with water, sugar, rhubarb, and treacle; vinegar, with water, sugar, and sulphuric acid; jalap, with powdered wood; opium, with poppy capsules, wheat flour, powdered wood, and sand; scammony, with wheat flour, chalk, resin, and sand; confectionery, with plaster of Paris and other similar ingredients, colored with various pigments of a highly poisonous nature; and acid drops purporting to be compounded of jargonelle, pear, ribston, pippin, lemon, &c., with essential oils containing prussic acid and other dangerous ingredients."

V.

[Extracts from English statutes bearing on the subject, 11th August, 1875.]

Whereas it is desirable that the acts now in force relating to the adulteration of food should be repealed and that the law requiring the sale of food and drugs in a pure and genuine state should be amended:

Be it therefore enacted, &c. * * *

SEC. 2. The term "food" shall include every article used for food or drink by man, other than drugs and water. The term "drugs" shall include medicine for internal or external use.

SEC. 3. No person shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state; and no person shall sell any such article so mixed, colored, stained, or powdered, under a penalty in each case not exceeding £50 for the first offense; every offense after a conviction for a first offense shall be a misdemeanor, for which the person shall, on conviction, be imprisoned for a period not exceeding six months, with hard labor.

SEC. 4. No person shall, except for the purpose of compounding, as hereinafter described, mix, color, stain, or powder any drug with any ingredient or material so as to affect injuriously the quality of such drug with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, colored, stained, or powdered, under the same penalty in each case, respectively, as in the preceding section for a first and subsequent offense.

* * * * * * *

SEC. 6. No person shall sell to the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding £20, &c.

SEC. 7. No person shall sell any compounded article of food or compounded drug which is not composed of ingredients in accordance with the demands of the purchaser, under a penalty not exceeding £20. (Glen's Law of Public Health, 38 and 39 Victoria, chapter 63.)

You will thus see, Mr. Speaker, the estimation in which the offense is held by our cousins across the water. It is meet that the two great Anglo-Saxon nationalities should profit, each by the teaching of the other. May not the younger profit by the lesson here laid down by the elder?

I have letters, Mr. Speaker, from some of the leading grocers and druggists of the country, offering to come on and testify before a properly accredited committee at their own expense, to give cause and adduce proof why like legislation is imperatively demanded on Capitol Hill. Let them be heard for our sake, if not for theirs.

Reduction of Import Duties and Repeal of Internal Taxes.

SPEECH

OF

HON. WILLIAM R. COX,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 2, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. COX, of North Carolina, said:

Mr. CHAIRMAN: I listened yesterday with interest, as I always do, to the remarks of my distinguished friend from Connecticut [Mr. EATON]. In some things I agreed with him, and regretted that in others I was compelled to differ. I heard with surprise remarks from him which were susceptible of a sectional interpretation, and would have concluded they were intended to embarrass this measure with such an issue but for my knowledge of the public and private views of the speaker, whom I have ever found frank, fearless, and eminently national in his character.

I was surprised to find how bitterly he assailed the Morrison bill, while declaring himself in favor of a tariff for revenue and low taxes; but when he informed us he represented one of the largest manufacturing districts in New England, I concluded that his mind, upon the principle of evolution, which moves in lines of least resistance, was leaning to the protected industries of his district. I appreciate the force of a preconceived opinion, which, when once formed, however unsubstantial its foundation, pride rushes to the rescue, and unconsciously we seek for reasons to sustain as realities mere personal predilections. That is one of the troubles the Morrison bill has encountered. The opinion of some members had crystallized against it before it was presented to the House, and they were ready to antagonize without investigation whatever was recommended, with no better argument than—

> I do not love thee, Doctor Fell,
> The reason why I can not tell;
> But this alone I know full well,
> I do not love thee, Doctor Fell.

One of the most important issues in the last Congressional election was tariff reduction, and it was the chief question calling for action when this Congress met. The question of free trade, of which we have heard so much in this debate, strikes me more like dodging the real issue than an argument against reducing the burdens of the tax-payer. Reduction and not revolution is what is sought by the measure now presented, and until something more acceptable is proposed I will give it my support. The able Committee of Ways and Means, after a long and laborious investigation, reported this bill, and requested the House to go into Committee of the Whole to consider it, but gentlemen on this side of the Chamber sought to slam the door in their faces and deny them even a hearing. Such treatment on the part of colleagues was at least unwise. "Strike, but hear me!" exclaimed the noble Athenian. "If you must oppose a measure of this importance, at least let us hear the views of its friends," will be the response of every fair-minded constituent. While not wedded to the bill, we have an earnest desire to see taxes reduced, and if not able to get all we wish, statesmanship dictates the acceptance of that which at least approximates one's wishes.

No one denies that there is a surplus in the Treasury of probably $150,000,000, and this is increasing at the rate of more than $50,000,000 per annum, exclusive of a sinking fund of $40,000,000. We collected in 1883 $398,287,581 for the ordinary expenses of the Government, including interest; an excess of $132,879,444 over the amount expended. In addition we are burdened with the support of State and municipal governments. Nor can we forget that the Republican party has exhibited a wonderful talent to impose, but none to remove, unnecessary taxes from the shoulders of a patient and long-suffering people.

How is it proposed to decrease this annual surplus except by the bill now before the House? Where is the proposition for relief if not found here? Would gentlemen on the other side of this Chamber have us, like the ass in the fable, stand starving between two bundles of hay, not knowing which to take, "Letting I dare not, wait upon I would?" We can not reduce it by paying off the bonded debt not yet due, for if we go into market to buy these bonds they will so enhance in value as to compel the payment of exorbitant premiums as well as greatly embarrass our national banking system. If a reduction of taxation will accomplish our purpose, we should not by experiment embarrass the

business interests of this country. It is well said by the Secretary of the Treasury, in his report to the Forty-seventh Congress, that—

In view of the large sum that has already been paid by the present generation on the debt, and the heavy taxation that now bears upon the industries and business of the country, it seems just and proper that another generation should meet a portion of the debt, and that burdens now laid upon the country should be lightened.

Whether this suggestion is wise or not, this side of the House is not responsible for that legislation which placed it beyond our power to pay off the public debt. I do not consider a public debt a public blessing, nor favor its continuance longer than is absolutely necessary. It is opposed to public policy and dangerous to liberty, it creates a species of slavery to a bonded aristocracy, which, while contributing nothing toward the maintenance of the Government, fattens upon its revenues and dwarfs its energies.

In the same report the Secretary makes this appropriate inquiry:

Is it a beneficial exercise of governmental power to raise money by taxation in greater sums than the lawful demands upon the Government require, when these demands are of themselves a heavy burden upon the industry and business of the country?

Nor is this all; it tends to questionable expenditures, the multiplication of unnecessary offices, and with a certain class of legislators, brings economy into ridicule, and produces extravagance and waste.

The President, in his message to the Forty-seventh Congress, called attention to the necessity of revising the tariff to accomplish a reduction of the surplus annually collecting in the vaults of the Government, which should have been left with the people. While these officials are entitled to our respect, they should command the undivided confidence of those by whose instrumentality they were chosen. I therefore prefer to quote from them, as it should divest this discussion of a partisan character as well as present to the doubting reasonable assurance of the necessity for this conservative legislation.

At the meeting of the Forty-seventh Congress the President, in adverting to a necessity for a revision of the tariff, suggested that—

If a careful revision can not be made at this session, a commission, such as was lately approved by the Senate and is now recommended by the Secretary of the Treasury, would doubtless lighten the labors of Congress whenever this subject shall be brought to its consideration.

In furtherance of these recommendations, a bill was immediately introduced in the last House providing for the appointment of a commission of nine experts, whose duty it should be to visit different parts of the country, inquire into the necessities of trade, the wishes of the people, and report to Congress at its second session such information as might be gathered during their investigations. It was anticipated by the then minority that this body would be composed exclusively of representatives of the high protected industries, and their natural bias would color their report in favor of those by whom they were appointed, therefore they resisted its appointment. The tariff reformers insisted that tariff legislation was peculiarly the province of members of Congress, and that they must be presumed capable of legislating for the greatest good of all, without the interposition of an extra-constitutional commission. Nevertheless the commission was appointed, and after traveling some 9,000 miles, and examining over four hundred witnesses, representing the various interests of the different sections visited, it recommended a reduction of the tariff from 20 to 25 per cent. In their report they used the following language:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of a public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. No rates of defensive duties, except for the establishment of new industries, which more than equalize the conditions of labor and capital with those of foreign competitors can be justified. Excessive duties or those above such standard of equalization are positively injurious to the interests which they are supposed to benefit.

Further on they say:

If the reduction reaches the amount at which the commission has aimed and if there is any truth in the allegation of the opponents of the present economic system that a duty on articles such as are produced in this country, whether in manufactures or agriculture, enhances the price to the consumer, not only of what is imported but of the whole domestic production, to an amount of which the duty is the measure, the reduction proposed by the commission would benefit consumers to the extent of hundreds of millions of dollars.

It will be remembered this commission was the creature of a Congress devoted to the doctrines of high protection; and so careful was the President to see that it conformed to their views, not only was every tariff-reformer excluded from it, but the very president of the commission resigned employment in a manufactory to accept a place upon this board, and it is said since his duties terminated has been reinstated in the same factory from which he came. Yet, strange as it may appear, the commission's recommendations were virtually repudiated by the very Congress appointing them. Instead of reducing taxation from 20 to 25 per cent., as recommended, Congress was satisfied with a reduction of less than 1¾ per cent. Therefore out of its own lips we condemn it as but sounding brass and a tinkling cymbal.

When the Forty-eighth Congress assembled we were informed by the Secretary of the Treasury that a large surplus was still on hand. In speaking of the legislation of the previous Congress he uses the following language:

The estimated receipts for the current year from customs are $195,000,000, a reduction of less than $20,000,000. Considering that there has been some depression of business during the past year, it is probable, should business revive, that the revenues from customs under the present law will in succeeding years increase rather than diminish.

We are likewise informed by the Secretary—

That by reason of the legislation of the last Congress the repeal of internal-revenue taxes were expected to effect a reduction of about $35,000,000, whereas the aggregate reduction and the augmentation from the receipts from distilled spirits together will be only about $25,000,000 less than the preceding year; altogether the absolute reduction will be actually $30,000,000 less than was contemplated by the legislation of last winter.

What, then, is proposed by the Morrison bill? Why, follow in the direction of the recommendation of the President and do what the other side failed to do, namely, reduce taxes in accordance with the wants of the Government. We now are collecting annually from tax-payers over $50,000,000 more than is required, notwithstanding the advice of the President "that only such taxes ought to be levied as are necessary for wise and economical administration of the Government," and notwithstanding the Supreme Court of the United States (20 Wallace, 657) has denounced protection for protection's sake in the following emphatic language:

To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build fortunes, is none the less robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

To escape a dilemma into which a law and the facts have placed them, the friends of protection and class legislation have sought to break its force by appeals to the fears of the laboring classes. That party, which is nothing if not sectional, and whose slogan of success has so long been abuse of the South, finding her fertile fields, magnificent water-power, rich mines, and genial climate had invited capital and capitalists to go among them, and that these persons sent to their friends through the North such intelligence of the law-abiding character of Southerners as to remove all fears of sectional uprising and no longer hoping to achieve success in that direction, now seek to arouse the laboring classes by appeals to their fears and prejudices against England's pauper labor.

I was surprised to find my friend from Chicago [Mr. FINERTY], who informed us his eyes had first embraced the sunlight upon foreign soil, should be training in the same direction, especially when he can but remember that in the not far distant past there was a Know-Nothing party in this country, whose watchwords were "Place none but Americans on guard," and that the Roman Catholic owing allegiance to the Pope should not be allowed either to vote or hold office. This cry against pauper labor on the part of high protectionists is but the song of the siren, and if necessary to effect their object they are ready to renew a war upon all foreigners.

Now, what is pauper labor? As Mr. Lincoln would say, "I desire to speak to plain people," and insist the term itself is an insult to the laboring classes. Labor is capital as much so as manufacturing, and a man, though poor, should not be arraigned as a pauper simply because he fails to possess that wealth which gives him immunity from toil. The principles of the Democratic party compel it to oppose encroachments upon the Constitution, high protective tariffs, and class legislation; to discountenance sectional parties; to maintain the rights of the poor against the aggression of power, and preserve the polls from military usurpation. All tariffs should be levied in a spirit of equity, caution, and compromise, and the great interests of agriculture, manufactures, and commerce be equally favored; and an intelligent ballot cast by intelligent freemen is "the right preservative" of these rights. What Democracy has most to fear is the persuasive eloquence of the purchasing power, wielded by a corrupt party or a privileged class.

Many of those now crying out against pauper labor are descendants from those very pauper laborers who by their intelligence and enterprise cut loose from the ties which bound them to their former home, and collecting money enough to transfer themselves and families to our shores, have peopled the great Northwest, added to our wealth, filled our armies in times of greatest peril, and added to the glory and greatness of this Government. Where, then, is the justice or sincerity of such appeals. The very class who are making the greatest outcry against pauper labor is that class whose wealth and disposition bring this foreign labor in competition with the labor of this country. What we oppose is foreign contract labor brought over by the protected industries and monopolies to compete with native labor, but not that labor which seeks to improve its condition by immigration.

We know it is claimed that protection enhances the wages of the laboring classes, yet we find more complaints, more rioting, and more disturbances in the peculiarly protected sections than in any other portions of this country. Hon. Robert J. Walker, in his celebrated report of December, 1845, uses the following language:

When the number of manufactories is not great the power of the system to regulate the wages of labor is inconsiderable; but as the profit of capital invested in manufactures is augmented by the protective tariff there is a corresponding increase of power, until the control of such capital over the wages of labor becomes irresistible. As this power is exercised from time to time we find

it resisted by combinations among the working classes by turning out for higher wages or for shorter time, by trades-unions, and, in some countries, unfortunately, by violence and bloodshed. But the Government by protective duties arrays itself on the side of the manufacture system, and, by thus augmenting its wealth and power, soon terminates in its favor the struggle between man and money. A protective tariff is a question regarding the enhancement of the profits of capital and not the augmentation of the wages of labor. It is a question of percentage, and is to decide whether money invested in our manufactures shall, by special legislation, yield a profit of 10, 20, or 30 per cent., or whether it shall remain satisfied with a dividend equal to that accruing from the same capital invested in agriculture, commerce, or navigation?

It is estimated that at the present time the amount of foreign labor employed in our mills is not less than 66 per cent. If so, where then is the much vaunted protection given by manufacturers to the American against the foreign labor of Europe?

The honorable gentleman from Pennsylvania [Mr. KELLEY], in support of his high tariff views, speaks of what he observed in free-trade England during his visit to that country the past summer; of the great hardships and destitution he saw among the laboring classes in the manufacturing districts. What he says may be true, though we could but wish that it was otherwise. He failed to point out, however, the great dissimilarity between the character of the institutions of that country and our own. England is a purely commercial and manufacturing state. Her population is dense and crowded, and her laws and her institutions, derived from the Middle Ages, are devised to promote the favored few at the expense of the many. It is estimated that among her landholders in England and Wales there are little more than one-hundred and fifty proprietors having half an acre each. Nearly one-half of the land is owned by 2,250 proprietors, averaging more than 6,000 acres each, and four-fifths of all of her lands are in the hands of 7,000 owners. Hence you may see that not as a matter of choice but of necessity the great body of her people have no choice as to the character of their pursuits.

In this country we have still a boundless domain, where every one may engage in agriculture whose means and inclinations may prompt him to follow this ennobling occupation. It is true that the legislation of the Republican party has transferred the most valuable part of this domain into the hands of great railroad corporations, and they have disposed of it in vast bodies to wealthy syndicates, both foreign and native, whose princely estates eclipse the grandeur of every other part of the world. The effect of this policy has been to concentrate population in and around our large cities, and wherever the people are thus congregated; poverty and crime are the consequences for it is truthfully said that when you place a policeman on the street you will find a beggar around the corner. It may seem ungracious to call attention to the destitution and poverty that obtains in one's own country, but as we are dealing with facts and not sentiment we should see whether our own people are cared for before going abroad to shed tears at the misery of those in other lands.

In the May number of the North American Review, under the caption of "Workingmen's grievances," I find the following statement:

To-day throughout our whole country, on the plains and in the mountains, in the densest populations and on the most advanced frontiers, in town, county, and mining-camp, are found armies of homeless wanderers, that can be numbered only by hundreds of thousands, if not by millions, vainly seeking work, begging or stealing their subsistence wherever they can find it, and rapidly sinking to the condition of the most callous vagabondage and crime. And among those who are now doing the work of the country assured and constant employment is the exception, while uncertain and inconstant work is the rule.

The same article, in treating of the density of the population and the destitution that prevails in the city of New York, uses the following language:

Fully three-fourths of the population of the city of New York are living in from one to three small rooms to a family. There are blocks upon blocks in that city where the people are packed at the rate of 486,000 souls to the square mile. While the extreme density of the population in New York rises to 760 per acre, in London it stops at 222. At the close of 1883 the board of health of the city of New York reported the existence of 25,946 distinctive tenement-houses, occupied by 907,000 souls, as estimated. * * * Therefore it is fair to assume that in New York twelve per thousand is the death-rate of comfort, while all above that rate, or nineteen per thousand, is the mortality of destitution. This gives 22,925 as the number of those who are yearly destroyed by want in one city. The 23,000 thus annually sacrificed to Moloch are as clearly the victims of the war that wealth wages against society as are the slain found upon the fields of battle victims of a conflict of arms. The horrors here pointed out are not confined to the city of New York, but exist, more or less modified, in every city and town in our country.

In visiting protected France and Germany even more destitution was seen by me than in England, and in writing a letter last summer for publication I thus spoke in regard to the capital of Austria:

At Shönbrunn we saw the emperor's summer palace with its 1,500 apartments and the zoological garden beautifully situated in a large, handsome park. The winter palace is in the city. We also saw the arsenal filled with its missiles of destruction, of nearly every age and kind, and of such magnitude is this building, that one hour is required to walk around it. The soldier here is seen everywhere, for the army numbers 800,000. To defray the enormous expenses the government has many and peculiar monopolies, such as lotteries, tobacco, &c. Everything and everybody are taxed except those most able to bear its burdens. The stranger on entering the city must pay for the privilege, and when he departs he must pay a tax for registering his baggage.

Amid such surroundings what is the condition of the laboring man? The story is briefly told. We have seen him toiling on Sunday as if there was no day of rest. Women are employed in heaving coal, mowing hay, carrying mortar on high buildings, grinding hand-organs, knitting, and sewing on the Sabbath, and working in carts with dogs. In the market there are offered for sale for food things which in our country are thrown among the garbage, while in the morgue is daily found the bodies of those who, no longer able to bear "the slings and arrows of outrageous fortune," seek oblivion in a watery grave. You may inquire why these things are suffered to exist. We answer: the press is muzzled; the masses have never breathed the air of freedom, but are taught rather to fear foreign invasion than to inquire into their own condition.

These examples are given not for the purpose of reflecting upon the institutions of this country, but to show that there is more apparent poverty and destitution among the protected states of the continent than in free-trade England. Woman is driven to perform these menial labors in consequence of vast standing armies which these governments support, and the soldier's labor is not only lost to the state, but the expense of supporting him likewise falls upon the government. Some one must labor, or all would starve, and as so many men are in these armies, woman must engage in even unwomanly work to drive the wolf from the door.

How different is the situation with us. Our Army is so small a soldier is never seen in many parts of the country. Therefore there is less excuse for poverty and want among us than among any other people. While the area of territory of most civilized nations is circumscribed and their population crowded together, here we have an unlimited domain not yet reclaimed from the deer and the savage. With the disappearance of illiteracy and the diffusion of knowledge among the masses, under our free institutions we may hope to achieve still greater triumphs in alleviating the hardships of all classes. In a government where universal suffrage prevails, education is necessary to defeat the blandishments of the political corruptionist, who, like the snake among flowers, is continually imperiling our liberties through the wayward and unsuspecting voter.

I would like to dwell upon the effect of a protective tariff on the agricultural interest and the wages of the laborer. But as my object is to present some views in regard to the internal taxation I will only add that, by the census of 1880, $2,790,223,506 capital is invested in manufacturing enterprises in the United States, their gross product is $5,369,667,708, and to produce this result 2,738,930 persons are employed. Engaged in farming, we find that we have value of farm implements and live-stock, $12,104,081,440. The gross production is $2,212,540,937, and persons employed 7,670,493. The manufacturing enterprises yield an average of over 70 per cent. upon the capital invested, while farming pays only 19 per cent. Yet the farmer, by his labor, must contribute to the support of the manufacturers through taxes imposed by a high tariff.

It is insisted this measure ought not to be agitated at this time because the present tariff has only been in operation eight months, and has not been sufficiently tested to ascertain how it will succeed; that a continued agitation of these economic questions tends to depress business and interfere with the industries of the country. While acknowledging the force of this argument, we can not ignore the fact that there is already a large surplus in the Treasury, annually augmented by our present system of taxation. We are not in favor of free trade, and if we were we could not forget that so long as the annual expenditures of this Government are about $300,000,000 the imposts collected for this amount alone must give all the protection to the manufacturing interest to which it is justly entitled. The Morrison bill does not propose to destroy the present tariff, but simply to lessen taxes by reducing them horizontally 20 cents on the dollar, and provides a maximum and minimum rate beyond which the reduction shall not go.

It is true that there is placed on the free-list coal, lumber, and salt, and those who assert that it is an illogical bill because it provides for a horizontal tariff I am confident would resist any reduction that may be proposed. Like one of the ablest advocates on the other side [Mr. RUSSELL], they are at heart protectionists for the sake of protection, but more prudent in the declaration of their purposes.

While I should have preferred to reduce the surplus now in the Treasury, and that which is annually collected, by repealing the internal-revenue law, yet from the action taken by the House I know nothing is to be done during this session toward a reduction of the tax upon whisky. Wishing to be practical in all legislative matters, I would have been content to have kept silent on this subject but for the remarks made in relation to this tax by gentlemen who have discussed the Morrison bill, for they were calculated to produce the impression that the advocates for a repeal of the internal-revenue laws were *per se* in favor of cheap whisky, that they were protectionists in disguise, and the general sentiment of the country was in favor of continuing them in force. I therefore feel it a duty to place the State I have the honor in part to represent in her true light, and will endeavor to show her people occupy a far more elevated and patriotic position than her opponents ascribe to her.

In urging a repeal of the whole excise system she is but doing what the people of the United States have heretofore uniformly done in regard to excise laws whenever the exigency that called them into existence had passed. And not only so, but the people from whom we descended, from the time of Oliver Cromwell to the present day, held such laws in abhorrence. In his Commentaries upon the common law, Mr. Blackstone, a high-prerogative lawyer, uses the following language in regard to this system of taxation:

The rigor and arbitrary proceedings of excise laws seem hardly compatible with the spirit of a free people. It is necessary to give the officer power of entering and searching the houses of such as deal in excisable commodities at

any hour of the day and (in many cases) of the night also; and the proceedings are so summary and sudden that a man may be convicted twenty times by a commissioner, to the total exclusion of trial by jury and in disregard of the common law. * * * Such was the opinion of their general unpopularity, that when in 1642 aspersions were cast by malignant persons upon the house of commons, that they intended to introduce excises, the house for its vindication therein did declare that these rumors were false and scandalous, and that their author should be apprehended and brought to condign punishment.

In regard to the charge that a removal of the tax will lessen the price of whisky and thereby lead to drunkenness, I beg leave to call the attention of the committee to a few facts which should dispel any prejudice on that score. It is stated that after the enactment of the statute of George I, affixing a license of £50 on the sale of spirits in quantities less than two gallons, and a tax of 20 shillings on the gallon, which it will be remembered was in those days a large sum, this effort in the cause of temperance utterly failed of its purpose, although 12,000 people were convicted of a violation of the law; and the consumption of spirits in England and Wales rose from 13,500,000 gallons in 1734 to 19,000,000 in 1742, and there were 20,000 houses where gin was sold by the retail. We find from the report of the Commissioner of Internal Revenue for 1883 that, so far from the quantity of distilled spirits diminishing by reason of the high tax, the amount now on hand would seem to have increased, and that the number of persons who took out licenses under the internal-revenue law to retail liquors in the different States and Territories is continually increasing. In 1879–'80 there were 163,523; in 1880–'81, 170,640; in 1881–'82, 168,790; in 1882–'83, 187,871.

In the discussion of this question in 1816 Governor Troup, of Georgia, an able and distinguished statesman, used the following language:

It is said the excessive use of ardent spirits is immoral. It is true, sir. It is a vice, a deep-rooted vice, but it finds soil in the passions and propensities of man. But will you suppress it by imposing upon it a tax? No, sir. He who indulges in it knows that it leads directly to disease, poverty, and disgrace. If these are not sufficient restraint upon his appetite, vain will be the attempt to restrain him by increasing the price of the article.

Experience proves that these observations are unfortunately too true. No one has more respect for those philanthropists who seek to remove the blight and curse of drunkenness from among us than I have. Their intentions and efforts are entitled to our highest respect, and I am far from intending to oppose them in their effort to redeem our fallen brothers; but many of them agree with me that the continuation of this excise law is not the proper means of promoting the cause of temperance.

Its immense profits to capital increase its production, and the temptation to fraud increases adulteration, and its victims fall a more easy prey to its dangerous influences.

The Woman's National Temperance Union in their report in regard to the spirit tax, employed the following true and eloquent language:

In every place where this liquor crime is found the Government divides with it the spoils of its prey; however the money comes, a part goes into the public Treasury, and so the nation lives on the destruction of its own sons and daughters.

And they recommend the repeal of all laws touching the traffic in these beverages. So much in way of reply to those who, oblivious of the true principle underlying the motives of those who advocate the repeal of this law, are content to speak of such as being actuated only by a desire for cheap whisky. To them we commend the logical reasoning and touching eloquence of the noble ladies composing the union.

This discussion has revealed the fact that those who have opposed the repeal of this law, and expressed opinions that the general sentiment of the country demands its continuance, are advocates of the bonded, or in other words, high protected whisky.

In reply to these gentlemen who, coming from the great whisky manufacturing districts, are so anxious to retain this tax, and which places them in the novel attitude of begging the Government to continue to tax them, I will again call to the witness-stand the eminent Georgian from whom I have above quoted. In the discussion in Congress in 1816 he said:

A high tax on whisky would not tend very much to reduce the quantity which is made; on the contrary, the large distiller would profit by it. He would extend his business with immense profit, for by driving the small distiller from the business he would be enabled to regulate both the article manufactured and the material of which it is made.

Thus we see what was clearly predicted over half a century ago is verified by what is daily occurring. The Government is made virtually a copartner with the whisky monopolist, for she exempts him from the payment of his taxes for three years, while his wealth and influence shield him from prosecution and annoyances. He regulates the grain market, secures the most expensive plants for his business, and the Government permits him to keep his whiskies in bond for three years, without a payment of a cent of tax or interest on the use of the money, while it ripens and mellows and becomes more and more valuable. The bonded-whisky interest is one of the great monopolies of this country, and if those who oppose it are to be known as the advocates of cheap whisky, then let those who favor it be known as the advocates of protected whisky.

In reply to the charge that those seeking the repeal of the internal-revenue system are covertly favoring a protective tariff, I need only remind gentlemen that the strongest opposition to the law in 1792 arose from anti-protectionists. The New England rum,* with which the manufacturers of whisky in those days were competing, was made from imported sugar and molasses and the duties of those subjects elicted an able debate. In the discussion on the subject, Mr. Steele, of my State, said:

He begged the House to remember this was the first attempt to introduce the system of excise in the United States; that it was, too, the first attempt to tax an article of American growth and manufacture; that the law required at least one-fourth part of the value of the thing excised, and that not only the justice of the measure was denied but its policy doubted.

In summing up his objections he stated:

First. Excise laws are novel in the United States and novel in their nature.
Second. Articles of American manufacture are not proper articles of taxation, and if they were the rate was too high.
Third. Because it operates and is in fact a tax upon this occupation and agriculture, as they stand connected in one part of the Union, while manufactures in other parts are not only rewarded by high protective duties but in some instances by specific bounties.

The first excise law enacted in the United States went into operation in 1792. It met with opposition in North Carolina, Georgia, Virginia, Maryland, and Pennsylvania, and it is somewhat singular that these States and Tennessee, the daughter of my State, stand together in their opposition to the internal-revenue system of the present day; thus showing that history often repeats itself.

I again quote from the speech of Mr. Steele, a Representative in Congress in 1792 from North Carolina. He said:

The opposition to this law has not proceeded from a restless and disorderly spirit among the people, but from an aversion which freemen in all countries ever had and perhaps ever will have to this mode of taxation. Let ingenious theorists refine as they please upon the nature of internal taxes, it must always be admitted that excises retrench the liberty of the citizens on whom they operate, and that they are subject to solid as well as plausible objections.

The views expressed by this distinguished Representative in 1792 were reaffirmed by the Legislature of my State in 1883, when it declared:

If Congress should deem it impracticable to modify the present tariff, and at the same time abolish the internal-revenue taxes, as a less of the two evils we prefer the retention of the former and the abolition of the latter.

The impression that this measure is in some way connected with the protection idea arises from a knowledge that the people in Pennsylvania are bitterly hostile to an excise system, while they are in favor of a protective tariff. Yet we should not forget that the bitterest opposition to this character of law was manifested in that State in 1793, when it was first sought to enforce it in this country. It led to the verge of civil war, and involved among those engaged in its resistance her governor, judges, and many distinguished citizens. Judge Breckenridge, in his History of the Whisky Insurrection, gives the following graphic account of the situation of the people and their unrelenting hostility to the measure:

The farmers, having no market for their produce, were from necessity compelled to reduce its bulk by converting their grain into whisky. A horse could carry two kegs of eight gallons each, worth 50 cents per gallon on this, and $1 on the other side of the mountains, while he returned with a little iron and salt, worth at Pittsburgh, the former from 15 to 20 cents per pound, the latter $5 per bushel. The still was therefore the necessary appendage of every farm where the farmer was able to procure it; if not, he was compelled to carry his grain to the more wealthy to be distilled. In fact, some of these distillers on a large scale were friendly to the excise laws, as it rendered the poorer farmers dependent upon them.

Such excise laws had always been unpopular. Among the small farmers in Great Britain they excited hatred, which they brought with them to this country, and which may be regarded as hereditary. Scarcely any of the causes of complaint which led to the Revolution had so strong a hold on the people of Pennsylvania as the stamp act, an excise regarded as an oppresive tax on colonial industry. Every attempt of the Colony or State to enforce the excise on home-distilled spirits had failed, and so fully were the authorities convinced that they could not be enforced, that the last law on the subject, after remaining a dead letter on the statute-book, was repealed just before the attempt to introduce it under the Federal financial system by the Secretary of the Treasury, Alexander Hamilton.

There were, moreover, circumstances necessarily attending the collection of the tax revolting to the mind of a free people. Instead of a general assessment, a license system, confined to a few dealers on a large scale, or an indirect tax on foreign imports while in the hands of the importers or retailers, this tax created a numerous host of petty officers, scattered over the country as spies on the industry of the people, and practically authorized at almost any moment to inflict domiciliary visits on them, to make arbitrary seizures, and commit other vexatious acts.

I have seen an illustration of the moonshiners of Pennsylvania in those days which is both striking and amusing. They have an exciseman or revenue officer clothed in a coat of tar and feathers, whom they are marching out of the town to the tune of the "Rogue's March," accompanied by an escort of citizens of all sizes and sexes as well as dogs of small degree.

The Federalists attempted to fix upon the Democratic clubs responsibility for the indignation felt by the people against domiciliary visitations and the disreputable employment of spies and informers. But

* This rum, it may be added, was made mainly from molasses imported from the West Indies, and from 300,000 to 500,000 gallons were sent annually from that section to Africa for the purchase of slaves.

Official documents show that from 1804 to 1807, inclusive, 202 cargoes of negro slaves were brought into Charleston, S. C. Of these slaves, 3,914 were sold for account of persons residing in Bristol, R. I.; 3,488 for Newport, R. I.; 556 for Providence, R. I.; 280 for Warren, R. I.; 200 for Boston, Mass.; and 250 for Hartford, Conn. This was, it will be observed, at only one port in the South and during a period of only four years.—*Princeton Review*, March, 1884, page 194.

the feeling was innate and could not be resisted. Nothing but the extraordinary equanimity of President Washington prevented the precipitation of a civil war. When a public meeting was held to express their opposition to this law, the Federalists, who regarded such meetings as levying war against the United States, sought to secure from the Attorney-General (Mr. Randolph) an opinion that the promoters of the movement were guilty of treason and indictable, and expressed indignation at his declining to concur in their construction of the law. Mr. Jefferson, in a letter written about this time to Mr. Monroe in regard to this insurrection, used the following language:

The people in the western part of this State have been to the excise officer and threatened to burn his house, &c. They were blackened and otherwise disguised so as to be unknown. He has resigned, and H. says there is no possibility of getting the law executed there, and that probably the evil will spread. A proclamation is to be issued; another instance of my being forced to appear to approve what I have condemned uniformly from its first conception.

And he subsequently denounced it as an "infernal tax."

In a document supplied to the members of this House during the present session, entitled "Arguments before the Committee of Ways and Means on the Morrison tariff bill," under the title "Internal-revenue taxation on tobacco and fruit brandy," I find that certain members of the House and Senate appeared before the committee to express their views as to what course should be done.

Mr. DIBRELL, of Tennessee, a prominent churchman and temperance leader, said he was in favor of taking the taxes off tobacco and fruit brandy, if the internal-revenue laws were not entirely repealed. In the course of his remarks he presented a letter from Judge Key, of the United States district court, in which he inquires:

Is there any hope for the repeal of the internal-revenue laws? In this State these laws have become the means by which a very large number of disreputable people live, by making themselves spies, witnesses, guards, &c., at the public expense. Men too lazy to work manage to live at the expense of the Government.

He also produced another letter from Judge Baxter, of the United States circuit court, who said:

The public service of the United States is, I regret to say, in very bad hands in a majority of cases in Tennessee, and it can never be corrected until it is actively disfavored by the authorities at Washington.

Mr. DIBRELL also called the attention of the committee to the great hardships to the small distillers in rural districts in procuring stamps, securing gaugers, and the prosecutions to which they were exposed.

Mr. CANDLER, of Georgia, also bore testimony to the great hardships practiced upon the people of his State, and expressed his opinion as to the necessity for the repeal of these laws.

Mr. CABELL, of Virginia, informed the committee that "If this law had been carried out in your respective States in the oppressive way in which it has been carried out in my State and in other States that I know of, you would not have tolerated it a week longer than you could have got to Congress and accomplished its repeal."

I have given the views from these various sources to show the unpopularity of this law among an independent and enlightened people. An unpopular law is apt to be a bad law. The object of taxation, it is respectfully submitted, is not alone to raise revenue, but it should bear as equitably as possible upon all citizens, without heaping unnecessary burdens upon any particular class. What may be borne by one man can not be sustained by another without great hardship and inequality. It is said that the tax imposed by Mehemet Ali upon the date-tree caused the Egyptian fellahs to cut down their trees, but twice the amount imposed on the land produced no such result. A tax of 10 per cent. imposed on all sales by the Duke of Alva in the Netherlands would, had it been continued, have stopped exchange, while yielding little revenue.

The tax imposed on brandy distilled from fruits has caused the destruction of many orchards and prevented the planting of others, while the revenue derived from this source scarcely exceeds the cost of collection. The conversion of grain into whisky is a conversion of a necessity into a luxury; the conversion of fruit into brandy is the conversion of a luxury into a luxury. Grain can be preserved and used for many of the purposes of life; fruit is perishable, and if not immediately used will decay and be lost. While the rich and the poor have orchards, it is the poor man usually who distills. His orchards are planted upon a thin, sandy soil or broken hill-side, and his little distillery is the most profitable source of support. He converts his fruit into brandy for the purpose of exchanging it for the necessaries of life, and if deprived of this means you leave him poor indeed. If spirits must be manufactured, wise statesmanship would dictate that its production from fruit should be encouraged rather than prevented, as fruit is perishable.

The same argument urged for the repeal of the whole internal-revenue tax applies to tobacco as well as to spirits. If you should remove the tax from one you should certainly remove it from the other. The people of my State are perfectly willing to pay this internal-revenue tax provided the method of collecting could be changed. They are ready to meet all taxes imposed by the Government which are just and equitable. They appreciate the fact that while the war is over its debt has not been paid, and are conscious that the Government intends to deal honorably and justly by them. At the same time they demand that the law for collecting the taxes be so modified as to secure the freedom of persons and the sancity of their homes and families, and if this can not be done and the revenue law be enforced, then they ask that the whole system be abolished as early as possible. With an overflowing Treasury and a reasonable prosperity they fail to see why some relief can not be given, and I, as their representative, ask it at your hands.

Pensions.

SPEECH

OF

HON. LEONIDAS C. HOUK,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 11, 1884,

On the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885.

Mr. HOUK said:

Mr. CHAIRMAN: As this is a bill making an appropriation to pay pensions and to provide for the incidental expenses of making the payments, it is proper, as I think, to look into the machinery and practical workings of the pension agencies of the country and ascertain as far as possible whether the bill under consideration will accomplish the purpose intended. I find a woful lack of correct information among members as to the machinery and labor in the pension offices of the country. I find a vast amount of misinformation on this subject. I therefore desire to call attention to the organization of a pension agency and to the kind and method of labor to be performed in paying pensions. The Clerk is asked to read the statement I now send to his desk on that subject, showing what the steps are in the Pension Office after the certificate of the pensioner has been presented for payment.

The Clerk read as follows:

UNITED STATES PENSION AGENCY,
Knoxville, Tenn., January, 31, 1884.

SIR: * * *

First. The certificate, when originally received, is entered on the rolls at the proper alphabetical place and in the proper book. This enrollment requires very great care, the pensioners being divided into classes, and in many cases the certificates are "reissues," "increases," and "corrections."

Second. After the certificate has been enrolled a proper voucher is prepared, and, along with the certificate, forwarded to the pensioner. Along with the certificates comes a letter of advice to the pensioner, a letter of advice to his attorney in some cases, and sometimes special instructions to the pension agent.

Third. After the pensioner's voucher is matured it is critically examined by the pension agent to see if it is properly executed. Many vouchers have to be returned for correction. The pensioner's signature may not correspond with his certificate name; the voucher may not be duly witnessed; the probate officer may be unknown to the agency and not duly certified; the receipts may not be correctly signed or may be unwitnessed; the guardian's official character (in guardian cases) may not be correctly certified or there may be a discrepancy between the name of his ward or wards in his guardianship letters as compared with the certificate; the guardian's bond may be wanting or may be deficient in form, in penalty, or in solvency of sureties; the pensioner may fail to give his post-office address; the voucher may be written with a lead-pencil or with illegible ink; witnesses may sign by mark and be themselves unwitnessed; the date in the jurat may be, and frequently is, omitted, or may be false, its falsity being evidenced by the post-office stamp on envelope antedating the jurat, and in various other particulars the voucher may be fatally defective without correction by the pensioner. This agency returns fully 4 per cent. of the vouchers for correction one time, and many in the aggregate for correction a second time.

Fourth. The roll is then examined to see whether the voucher is correctly made out; if so, the date and amount of the payment is entered on the roll in the proper column. This is a very critical process, and is intended to see that the voucher corresponds in name, number of certificate, and rate of pension with the roll, and that the voucher is for the proper period and the proper amount.

Fifth. The check is then drawn for the amount due, properly dated according to the preceding audit, and signed. The name in the voucher must be spelled, letter for letter, according to the orthography of the rolls; and the name in the check must to the same extent correspond with the name in the voucher. The nomenclature of the rolls is "fearfully and wonderfully made," the various ways of misspelling names being almost incredible.

Sixth. The check is then stubbed, the stub showing its amount, date, and number, and the name and post-office address of the payee. All this has to be done with great care, the stubs being exceedingly valuable for reference.

Seventh. The check is then forwarded to the pensioner by mail, along with his voucher for the next installment. But pensioners frequently neglect to give their post-office address, and it then is assumed to be their last address, which frequently proves erroneous, and the check is retained until we can hear from the pensioner. When we hear, it is frequently in the shape of an indignant remonstrance against our delay.

Eighth. The voucher receipts (duplicates) are then dated so as to conform to the date of the checks and the check number entered in the receipts. Exact conformance must exist between the audits, checks, and receipts.

Ninth. The voucher receipts are then so indorsed as to show on what United States assistant treasurer the corresponding checks were drawn. This agency draws some checks on New York and some on New Orleans, according to the convenience or request of the pensioner.

Tenth. The date, number, and amount of the check are then entered in the check-register. This register also gives the daily total of checks issued; and when we are notified that the check has been cashed the date thereof is also entered in the register.

Eleventh. An abstract of payments is then prepared for each class of pensioners showing all the payments made during the month. This abstract gives the name of each pensioner in alphabetical order, the number of the corresponding voucher, the rank of the pensioner, the rate of the pension, the period paid for, the amount of payment, the number of his certificate and special "remarks." This abstract, along with the vouchers (less the said duplicate receipts), is transmitted to the honorable Third Auditor, by whom it is most critically audited, and all errors against the Government must either be duly corrected according to the facts, if correctible, and if not the pension agent makes good the loss out of his own pocket.

Of course it is not necessary to detail the various reports required each month, including the accounts current and the monthly statements.

Mr. HOUK. This brief and imperfect statement will very clearly show that the machinery and work inside a pension agency is arduous and complicated. Some gentlemen seem to think it a small matter to pay off fifteen or twenty thousand pensioners and guard the rights of the Government as well as those of the pensioner. And now, in order to illustrate some of the workings of this system of making payments, I call attention to these four vouchers—invalid, widow, ward for minors, and arrears of pension. This bill proposes to pay 5 cents apiece for the preparation of these vouchers. And it will be understood, as I have already stated, that these fees are allowed under the law for the payment of clerk-hire and office expenses. Heretofore, and as the law now stands, 15 cents apiece is allowed for making these vouchers. That is to say, $15 a hundred is now allowed for preparing them, and this money goes to pay clerk-hire and office expenses.

I want gentlemen to examine these vouchers, complex and difficult to understand and make up, and consider how much they could make in their preparation. Gentlemen talk on this subject as though they ought to be filled out as rapidly as chaff is blown off from a thrashing-machine. And yet I doubt whether these gentlemen could fill out and properly make up one of these vouchers per hour, if it were to save their lives. I will simply exhibit these vouchers to you here and ask to insert them in the RECORD as part of my remarks. I send them to the Clerk's desk for that purpose, and ask that the face and indorsements be printed in the order in which I present them.

The vouchers are as follows:

[3—820.]

A. INVALID. A.

Be it known that I, —— ——, do solemnly swear that I am the identical person named in pension certificate in my possession No. ——, dated — day of ——, 18—, and whose name is inscribed on the rolls of the Knoxville agency at the rate of —— per month, ——.

That I have not been employed or paid in the Army, Navy, or Marine service of the United States from (1) — day of ——, 18—, to the present time, and that my present P. O. address is ——, county of ——, State of ——.

(Two witnesses:)
—— ——.
—— ——.

(Pensioner's signature:) —— ——.

STATE OF ——, *County of* ——, *ss:*

Subscribed and sworn to before me this — day of ——, 18—; and I certify that —— ——, above named, exhibited to me his pension certificate, No. ——, and was fully identified as the pensioner described therein, and that he signed the following duplicate receipts in my presence.

(Magistrate's signature:) —— ——,
(Official character:) ——.

(1) If the first payment, insert the date of the commencement of the pension. If not first payment, the date from which the payment is claimed.

*When there is a change in the rate, either by an increase, reissue, &c., note the former rate at which paid.

$——. [Original.] ——, 188-.

Received of Henry R. Gibson, United States pension agent at Knoxville, Tenn., —— $100 dollars by check No. ——, dated ——, 18—, being for —— months' and —— days' pension, due me on pension certificate No. ——, from the —— day of ——, 18—, to the —— day of ——, 18—, for which I have signed duplicate receipts.

—— ——.

Witness:
—— ——.

The pensioner will sign these receipts in the presence of the magistrate.

[Duplicate.]

$——. (A.) ——, 188-.

Received of Henry R. Gibson, United States pension agent at Knoxville, Tenn., —— $100 dollars by check No. ——, dated ——, 18—, being for —— months' and —— days' pension due me on pension certificate No. ——, from the —— day of ——, 18—, to the — day of ——, 18—, for which I have signed duplicate receipts.

—— ——.

Witness:
—— ——.

[13031—18,000.]

(A.) Army voucher No. ——.

INVALID.

—— ——, ——, 188-. $——.

NOTE.—By act of Congress, approved July 8, 1870, these vouchers are furnished free of expense to the pensioner, and all payments of pension are required to be made thereon. One will be forwarded to every pensioner immediately before the 4th day of March, June, September, and December of each year. On or after the 4th day of the months above mentioned, the pensioner, with his pension certificate, will, with two witnesses, go before a magistrate and sign and execute the oaths and sign the receipts. The executed voucher will then be returned by mail to the U. S. pension agent mentioned below, who, upon its receipt, will forward to the sworn address of the pensioner, given within, a check for the full amount of pension due.

Return this voucher for payment to

——,
U. S. Pension Agent, ——.

STATE OF ——, *County of* ——, *ss:*

I, —— ——, clerk of the —— court of the county and State aforesaid, do hereby certify that —— —— is ——, duly commissioned and qualified; that his commission was dated on the — day of ——, 18—, and will expire on the — day of ——, 188-; and that his signature within written is genuine.

Given under my hand and the seal of said court this — day of ——, 188-.

——, *Clerk.*

[3—281.]

B. WIDOW. B.

Be it known, that I, —— ——, do solemnly swear that I am the identical person named in pension certificate in my possession No. ——, dated — day of ——, 18—, and whose name is inscribed on the rolls of the Knoxville agency at the rate of —— dollars per month. That I am the widow of ——, who was a ——, and that I have not remarried since his death; that my P. O. address is ——, in the county of ——, State of ——.

(Two witnesses:)
—— ——.
—— ——.

(Pensioner's signature:) —— ——.

Deposition of two witnesses.

We, the undersigned witnesses, do solemnly swear that we are well acquainted with the above-named pensioner; that she is the identical person that she represents herself to be; and that, to our best knowledge and belief, she has not remarried since the death of her late husband, above named; and that our acquaintance with her is such that, if she had resumed marriage relations, the fact would have become known to us.

(If mark is made one witness is sufficient, in addition to magistrate's jurat).

(Witness' signature:) —— ——.
(Witness' signature:) —— ——.

STATE of ——, *county of* ——, *ss.*

Personally appeared before me this — day of ——, 188-, the above witnesses, —— ——, of —— and —— ——, of ——, whom I believe to be credible persons, and the pensioner, —— ——, and made oath in due form of law to the truth of the foregoing statements subscribed by them; and I certify that the aforesaid pensioner exhibited to me her pension certificate, No. ——, and signed the following duplicate receipts in my presence.

(If mark is made one witness is sufficient, in addition to magistrate's jurat.)

(Magistrate's signature:) —— ——.
(Official character:) ——.

$——. [Original.] ——, 188-.

Received of Henry R. Gibson, United States pension agent at Knoxville, Tenn., —— $100 dollars by check No. ——, dated ——, 188-, being for —— months' and —— days' pension, due me on pension certificate No. ——, from the — day of ——, 188-, to the — day of ——, 188-, for which I have signed duplicate receipts.

(Witness:)
—— ——.

—— ——.

The pensioner will sign these receipts in the presence of the magistrate.

[Duplicate.]

$——. (B.) ——, 188-.

Received of Henry R. Gibson, United States pension agent at Knoxville, Tenn., —— $100 dollars by check No. ——, dated ——, 188-, being for —— months' and —— days' pension, due me on pension certificate No. ——, from the — day of ——, 188-, to the — day of ——, 188-, for which I have signed duplicate receipts.

(Witness:)
—— ——.

—— ——.

(B.) Army voucher No. ——.

WIDOW.

—— ——, ——, 188-. $——.

NOTE.—By act of Congress approved July 8, 1870, these vouchers are furnished free of expense to the pensioner, and all payments of pension are required to be made thereon. One will be forwarded to every pensioner immediately before the 4th day of March, June, September, and December of each year. On or after the 4th day of the months above mentioned, the pensioner, with his pension certificate, will, with two witnesses, go before a magistrate and sign and execute the oaths and sign the receipts. The executed voucher will then be returned by mail to the United States pension agent mentioned below, who, upon its receipt, will forward to the sworn address of the pensioner, given within, a check for the full amount of pension due.

Return this voucher for payment to

——,
U. S. Pension Agent, ——.

STATE OF ——, *County of* —— *ss:*

I, —— ——, clerk of the —— court of the county and State aforesaid, do hereby certify that —— —— is ——, duly commissioned and qualified; that his commission was dated on the — day of ——, 18—, and will expire on the — day of ——, 188-; and that his signature within written is genuine.

Given under my hand and seal of said court this — day of ——, 188-.

——, *Clerk.*

[3—286.]

G. FOR ANY WARD. G.

Be it known, that I, —— ——, do solemnly swear that I am the guardian of —— ——, who is still living, and the identical person named in pension certificate in my possession, No. ——, dated —— —, 18—, and whose name is inscribed upon the rolls of the Knoxville agency at the rate —— dollars per month (1 ——); that my post-office address is ——, in the county of ——, State of ——.

(Guardian's signature:) —— ——, *Guardian.*

(Two witnesses:)
—— ——.
—— ——.

Deposition of two witnesses.

We, the undersigned witnesses, do solemnly swear that the above oath of identity has been read to or by us, and that, to our certain knowledge, the ward and pensioner declared therein by the guardian, —— ——, to be alive, namely (given name), —— ——, who is personally known to us, is still living, (2) ——.

(Witnesses when mark is made:)
—— ——
—— ——

(Witness' signature:) —— ——.
(Witness' signature:) —— ——.

STATE of ——, *County of* ——, *ss:*

Personally appeared before me, this — day of ——, 18—, the above-named witnesses, —— —— and —— ——, whom I believe to be credible persons, and the guardian, —— ——, and made oath in due form of law to the truth of the foregoing statements subscribed by them; and I certify that the aforesaid guardian exhibited to me the pension certificate of his ward, No. ——, and signed the following duplicate receipts in my presence.

(Magistrate's signature:) ——,
(Official character:) ——.

(1) For an invalid ward, add "and that he has not been employed or paid in the Army, Navy, or Marine service of the United States from the — day of ——, 18—, to the present time, nor since the date of his last pension certificate." For a widow, add "that she has not intermarried since the death of the above-named ——." For a mother, add "that she has not intermarried since the date of the death of her son —— ——, and that she is still dependent on her pension for support." For a father, add "that he has not, by marriage or otherwise, acquired property or been provided with support, but is still dependent on his pension therefor."

(2) If a widow or mother, add "and has not remarried."

$——. [Original.] ——, 18—.

Received of D. T. Boynton, United States pension agent at Knoxville, Tenn., —— $100 dollars, by check No. ——, dated —— —, 18—, being for —— months'

and —— days' pension, due me on pension certificate No. ——, from the — day of ——, 18—, to the — day of ——, 18—, for which I have signed duplicate receipts.

——— ———, *Guardian.*

Witness:
——— ———.

The pensioner will sign these receipts in the presence of the magistrate.

(G.)

$——. [Duplicate.] ——— —, 18—.

Received of D. T. Boynton, United States pension agent at Knoxville, Tenn., ——— $_{100}$ dollars, by check No. ——, dated ——— —, 18—, being for —— months' and —— days' pension, due me on pension certificate No. ——, from the — day of ——, 18—, to the — day of ——, 18—, for which I have signed duplicate receipts.

——— ———, *Guardian.*

Witness:
——— ———.

(G) Army voucher No. ——.

FOR ANY WARD.

——— ———. Class ——. ——— —, 18—. $——.

NOTE.—By act of Congress approved July 8, 1870, these vouchers are furnished free of expense to the pensioner, and all payments of pension are required to be made thereon. One will be forwarded to every pensioner immediately before the 4th day of March, June, September, and December of each year. On or after the 4th day of the months above mentioned, the pensioner, with his pension certificate, will, with two witnesses, go before a magistrate and sign and execute the oaths and sign the receipts. The executed voucher will then be returned by mail to the United States pension agent mentioned below, who, upon its receipt, will forward, to the sworn address of the pensioner, given within, a check for the full amount of pension due.

Return this voucher for payment to ——— ———,
U. S. Pension Agent, ———.

STATE OF ———, *County of* ———, *ss:*

I, ——— ———, clerk of the ——— court of the county and State aforesaid, do hereby certify that ——— ——— is ———, duly commissioned and qualified; that his commission was dated on the — day of ——, 18—, and will expire on the — day of ——, 18—, and that his signature within written is genuine.

Given under my hand and the seal of said court this — day of ——, 18—.

——— ———, *Clerk.*

CERTIFICATE OF COURT AS TO GUARDIANSHIP.

When the guardian is not named in or has been changed since the pension certificate was issued, this certificate will be required:

STATE OF ———, *County of* ———, *ss:*

I, ——— ———, clerk of the ——— court in and for said county, do hereby certify that ——— ———, whose signature appears to the within oath of identity as guardian of ——— ———, was appointed guardian of said ward on the — day of ——, 18—, as appears on record in the office of said court, and is still the legal and acting guardian of said ward.

In witness whereof I have hereunto set my hand and affixed the seal of said court this — day of ——, 18—.

[SEAL.] ——— ———, *Clerk.*

O. FOR ARREARS DUE DECEASED PENSIONERS. O.

By act of March 3, 1873, payable only to a widow, or to children who were under 16 years of age at the death of the pensioner.

I, (claimant:) ——— ———, (service:) (1) ——— (pensioner's name:) ——— ———, ———, do solemnly swear that the said (pensioner's name:) ——— ——— was the identical pensioner to whom certificate No. —— was issued (which is herewith surrendered (2) ———), payable at the pension agency at ———, at $—— per month; and that he died at ——— on the — day of ——, 187–; (3) ———, that my post-office address is (town:) ———, (county:) ———, (State:) ———.

(Claimant's signature:) ——— ———.

(Witnesses:)
——— ———.
——— ———.

STATE OF ———, *County of* ———, *ss:*

Subscribed and sworn to before me this — day of ——, 187–.

(Magistrate's signature:) ——— ———,
(Official character:) ———.
(Post-office address:) ———.

CERTIFICATE OF COURT AS TO DEATH.

STATE OF ———, *County of* ———, *ss:*

I, ——— ———, clerk of the ——— court in and for the county aforesaid, do hereby certify that satisfactory evidence has been exhibited to said court that ——— ——— was a pensioner of the United States, residing at ———, in the county of ———, State of ———, and died on the — day of ——, 187–, and that he left (4) ———.

Given under my hand and seal of said court this — day of ——, 187–.

——— ———, *Clerk.*

(1) Insert "widow of" or "guardian of minor children of," &c.
(2) If lost or destroyed, so state, and erase "is herewith surrendered."
(3) When an invalid, insert "that he has not been employed or paid in the Army, Navy, or Marine service of the United States from — day of ——, 18—, to the day of his death." For a widow pensioner, add "that she has not intermarried, but continued the widow of the above-mentioned (husband's name) until her death." If the pensioner was drawing two dollars per month additional for minor children, give the names of those under sixteen years of age who at the date of the last payment were alive. If any one of the children has died or been abandoned since the last payment, add (——— in this space) the name and the date when. For a dependent mother, add "that she has not intermarried since the death of the above-mentioned (son's name), and was dependent on her pension for support until death." For dependent father, add "that he was dependent on his pension for support until his death."
(4) If a widow survives, add "a widow, ———, whose genuine signature appears above." If children are claimants, add "no widow, but the following-named children, who were under sixteen years of age at the death of the pensioner (giving names and ages), and of whom ——— ———, whose genuine signature appears above, is the legal guardian."

[Voucher No. ——. Original.]

Paid by check No. ——, dated ——— —, 187–.

$——. ——— —, 187–.

Received of ——— ———, United States pension agent at ———, ——— $_{100}$ dollars, being for —— months' and —— days' pension due on pension certificate of ——— ———, deceased, No. ——, from the — day of ——, 187–, to the — day of ——, 187–, for which I have signed duplicate receipts.

(Witness:) ——— ———. ——— ———.

The claimant will sign these receipts in the presence of the magistrate.

[Voucher No. ——. Duplicate.]

Paid by check No. ——, dated ——— —, 187–.

$——. (O) ——— —, 187–.

Received of ——— ———, United States pension agent at ———, ——— $_{100}$ dollars, being for —— months' and —— days' pension, due on pension certificate of ——— ———, deceased, No. ——, from the — day of ——, 187–, to the — day of ——, 187–, for which I have signed duplicate receipts.

(Witness:) ——— ———. ——— ———.

STATE OF ———, *County of* ———, *ss:*

I, ——— ———, clerk of the ——— court of the county and State aforesaid, do hereby certify that ——— ——— is ———, duly commissioned and qualified; that his commission was dated on the — day of ——, 18—, and will expire on the — day of ——, 18—, and that his signature within written is genuine.

Given under my hand and the seal of said court this — day of ——, 187–.

——— ———, *Clerk.*

(O) No. ——. ——— ———, deceased, act of ——— —, 187–. $——.

Mr. HOUK. Now, then, examine these vouchers in connection with what I have said as to the machinery and workings of a pension agency, and see the amount of work involved, and then as practical business men decide whether or not 5 cents is a sufficient compensation for making them out. But suppose it was, why reduce the compensation, while the Government gets the benefit of it, unless it amounts to more than enough to defray the expenses of running the offices? These fees are allowed for clerk-hire and office expenses instead of making a direct appropriation for that purpose. This is the mode of paying clerk-hire and office expenses, and is much cheaper to the Government than any other possible system of making payment. All experience proves this to be the wisest and cheapest mode of running the agencies and providing for the payment of the pensioners of the country.

If gentlemen would inform themselves as to the workings and expenses of the pension system and compare the different policies of making payment, they would learn that the present system is the cheapest and most expeditious of any that has yet been proposed for adoption.

And this bill is objectionable in almost every line. I do not wish to be offensive to any one, and certainly not to the members of the Appropriations Committee, whose wisdom conceived and genius brought forth the remarkable bill under consideration; but justice and candor require that every friend of the soldier, and particularly every friend of the pensioner, should pronounce this bill a legislative monstrosity. It is bold in its assumptions and monstrous in its application and force; and yet it is covert in its designs, though none the less mischievous in purpose. It ought not to pass.

And while I am neither a prophet nor an alarmist, I beg leave to place the prediction on record that whoever shall vote to pass this bill in its present shape will by that vote put himself in direct opposition to the soldier element of the country, and that element will accept the issue thus tendered, and sooner or later punish those who thus trifle with their interests. This should have been called an anti-pension-appropriation bill, for I think I will be able to show that it is the first step in the direction of undermining and destroying the whole fabric of our liberal, enlightened, and humane pension system. First of all, it is a stingy bill. It is niggardly in its provisions. It does not appropriate enough money to pay the pensioners. The amount it grants is for less than the sum which will be required for this purpose during the next fiscal year, and much less than asked for by the Department.

But I leave this obnoxious feature of omission to the criticism of others more capable than myself. And now I propose to examine some of the positive enactments of this bill. The new legislation ingrafted upon it is neither germane nor in the line of economy, and will, I take it, be ruled out on a point of order, which of course will be made. To adopt the latter portion of section 1 of the bill, commencing at line 23, on page 2, and including line 39, on page 3, will virtually stop the whole machinery of the pension offices of the country and leave this branch of the public service entirely inadequate to meet the ends for which it was established. The fees and other allowances under the law as it exists are barely sufficient to defray the necessary expenses of paying the pensioners. And yet this bill proposes to take from the pension agents two-thirds of the amount now allowed by law for clerk-hire and other office expenses, thus in effect abolishing the pension agencies, or, to say the least, destroying their effectiveness. Whereas the pension agents are now paid $15 a hundred for the preparation of vouchers, it is here proposed by this bill to cut this rate of compensation down to $5 per hundred for the preparation of these vouchers.

To do this, I say again, will be equivalent to closing up at least some of the agencies. Take the agency at Knoxville, Tenn., my own home, and of which I know more than of other agencies. To reduce the fees as proposed by this bill will be to wipe out that agency. Under the present law, the agent receiving 15 cents apiece or $15 per hundred for vouchers, the agent is barely able to run the office. Let me give you some facts and figures in regard to this matter. There is not a more competent business man in the public service than this pension agent. And to show you that he is economical in his management of the office I will state that he employs nine regular clerks, who work from 7 o'clock in the morning to 5 in the afternoon, and their salaries, as will be seen, range from $50 up to $110 per month. So it is seen that the salaries paid are small and the time devoted to labor in the office much greater than the usual time employés of the Government devote to their duties.

But let me give the organization of this office, the money now allowed with which to run it, and the actual expenses incurred and paid. As already stated, the regular force of this office consists of—

Nine clerks: one at $110, one at $100, one at $75, three at $60, and three at $50 each per month, making the monthly clerk-hire $615, and for three months	$1,845
Extra clerk-hire during the three months	80
Printing 16,000 vouchers during the three months	24
Printing 20,000 envelopes for this three months	52
Printing two thousand white envelopes for the same time	15
Two thousand letter-heads for the three months	20
One thousand indorsement slips, same period	5
One thousand blotting-pads for same time	5
Three hundred lost-check directions, same period	6
Four hundred guardian directions	4
Two thousand directions for executing vouchers	8
One thousand two hundred error slips to call attention to errors in vouchers returned	6
Binding five volumes of extracts for Third Auditor	3
Binding two volumes of abstracts for agency, extra-good	2
Eight hundred postal cards, printed	4
Six bottles of ink, six quarts	4
One bottle of ink for copying	1
Two bottles of red ink	1
Four gross of rubber bands	4
Five gross of pens	4
Four hundred sheets of linen paper for copying abstracts	4
Rent of post-office drawer	2
Two spools of tape, use of rubber types, Postal Guides, large copying-press, mucilage, inkstand, figuring paper—items making	14
Total expenses for three months	2,112
Pension agents' salary for three months	1,000
Fees for making vouchers, at 5 cents each	695
Total allowance, including salary and fees	1,695

Subtract this sum which goes into the hands of the agent from the amount he pays out for expenses, thus:

Expense account	$2,112
Allowances to the agent	1,695
This leaves a balance against the agent of	417

every three months, after exhausting the fees which accrue from making the vouchers (now paid for at 15 cents a piece, but proposed to be cut down by this bill to 5 cents each), and likewise every cent of his salary.

These figures are official and accurate. They are based upon statistics taken from the record as made to the Pension Office under oath by a faithful and competent officer. And I wish to emphasize the folly and practical effect of this bill by impressing the fact upon this House that to pass this measure at once vacates and wipes out this agency which pays the pensioners of ten States of the Union. The figures which I have given show that to reduce the fees as proposed by this bill will leave the pension agent $417 worse than nothing at the end of every three months, or making him hold the office at an annual loss of $1,668. Fortunately the bill does not propose to compel any one to hold the office of pension agent, nor is it made a felony for those now in office to resign, and if the distinguished Committee on Appropriations should amend this bill so as to compel men to serve and make good this deficit, which I have shown will certainly exist, I shall then want the writ of habeas corpus enlarged so as to release them from this service and loss. If this bill passes the President will have no scrambling before him for appointment, but he may have to call on Congress and upon the Committee on Appropriations to devise a bill for a law to enable him to conscript pension agents and compel them to serve.

Let me here show the income and outgo of the pension agent at the Knoxville (Tenn.) agency under the present law giving $15 per hundred for vouchers: Total income for three months, $3,086; total expense for three months, $2,112. This leaves the net income of $974 as the quarterly payment of the agent. The statute fixes the agent's salary at $4,000 per annum, but even under the present law, by which he gets $15 a hundred for preparing vouchers, the agent at Knoxville, Tenn., only receives, after paying the expenses of the office, the sum of $3,896, which is $204 less than the amount given him by the law as it stands. In order to enforce the absurdities and hardships of this bill, I ask the attention of members to a restatement of the effect it will have if it shall become a law. Remember, under the present law the Southern agent will and does receive the sum of $3,896 as an annual salary. By crippling the efficiency of his office he could make his salary the full $4,000, for the law authorizes him to draw and keep that sum as his yearly salary. But he prefers to apply even a portion of his own money to the payment of office expenses rather than have an inefficient clerical force, and thus fail to meet the wants and expectations of the pensioners of the country.

But to pass this bill you take from him every cent of his compensation and force him to furnish $417 every three months, or, in other words, to pay an annual sum of $1,668 for the honor or the fun of holding the office. This bill forces an individual to pay the expenses of transacting the Government's business and to throw in his own services for nothing. Need I comment further on the absurdity of this feature of this unique bill? I think not.

This bill also proposes to reduce the number of agents after the 1st of July next from eighteen, as now, to twelve, and makes it the duty of the President to consolidate the agencies, and thus reduce the number of agents to twelve. This is the first step in the direction of abolishing the present system of paying pensions through pension agents and agencies.

The Appropriations Committee, at least that portion of it reporting this bill and advocating this new legislation, really desire the abolition of the present system of making payments through agencies, and would have readily reported a bill for that purpose if they had believed it could be passed. Feeling that they could not abolish the agency system, they have resorted to the next best thing as leading, looking, and pointing to the final accomplishment of their purpose. This is the entering-wedge by which they hope to finally succeed in destroying the present agency system; and it would be perfectly legitimate to pause here and show the inconvenience, danger of loss to the Government, and additional cost of paying the pensioners from Washington; but I will barely call attention to the fact, and turn to other features of this anti-pension and anti-soldier bill. But I will add that the fewer the agents the greater the chances of fraud and loss to the Government.

For instance, it is a statistical fact that the great majority of frauds are committed in the localities most distant and remote from the place of payment. It is well known that obedience to law is more universal in those localities where the presence of the Government is seen and felt. Thus it transpires that where the officers of the Government are in the midst of the people, near to and overlooking them, the people are less inclined to commit wrongs, and the officers more likely to detect the wrong if it was attempted. And while the present system of paying pensions through bonded agents secures the Government against fraud, mistake, and overpayments, to abolish the agency plan of payment and pay the pensioners from Washington the Government would lose from all these sources.

Another and still more serious objection to the reduction of the number of pension agents is the inconvenience and delay it will occasion in making payment to the pensioners. With the number of agents which are now scattered over the country situated in convenient localities, through the aid of our improved mail facilities the pensioners are rapidly paid, and usually receive their money from one to fifteen days after it is due. Of course, the fewer agents there are the farther they will be stationed from the pensioner, and the more distant the pensioner may be from the agency the more delay and trouble in paying him. It does not require elaboration to enforce this proposition. It is self-evident on the mere statement.

But the most objectionable portion of this bill is found in the second section, where it as loudly and emphatically pronounces the pensioners and claimants for pension "fools," "idiots," and "imbeciles" as if it said so in express language.

The greatest mistake Congress ever made in its legislation in regard to the rights and interests of the soldier element of the country was when it assumed their incapacity to take care of themselves, and sought to make the United States their guardian, by providing just how much they should give and what sort of a contract they should make with their attorneys. These men were free agents when they enlisted. They were free when fighting the battles of the country and incurring the disabilities for which they are now seeking pensions. They at least thought they were free, except in so far as military discipline required obedience in the prosecution of their military duties. They could do as they pleased with the money they received in payment for their services. They could buy and sell. They could give or take. They could convey property, make bequests, and receive in return. And they are recognized as freemen now in all transactions, except where the Government has given them the small reward of a pension, and this bill proposes to carry this guardianship a step further and apply it in all cases of bounty, back-pay, and claims for horses lost in the service. Of course I am now making reference to that provision which limits the attorney's fee in pension and these other cases to $10 and makes it unlawful for him to be paid any greater compensation, regardless of the character of the case.

We may all have our opinion of the claim agents. Much can be truthfully said against them, or at least against a portion of them. But it will be found that this question of limiting attorneys' fees to $10 has at least two sides to it, so far as the rights and interests of the soldier are concerned. That is, it has two sides provided there is any substantial reason on which to base this limitation law with respect to fees, for there are certainly many reasons against it.

If it is a one-sided question at all, it is on the side permitting the pensioner to employ whom he will and contract in his own discretion to such an amount as will secure the services of an attorney competent to prosecute his claim.

Now, what has been the effect of this ten-dollar limitation of fees in

pension cases? There is not a member of this body who does not well know that the great majority of these cases involve such an amount of work that no competent attorney can afford to do it for the sum of $10. And still, under the pretense of friendship for the pensioner, these same members of Congress sit here and vote to limit the attorney's fee to $10 when they know it embarrasses the prosecution of the claim and in many instances actually involves its final rejection. This is humbug legislation. It is the product of demagogy. And the result of it is that nearly all the capable and honest attorneys have been driven out of this kind of practice. Why, sir, in my own section I have seen the evil effects of this law, and it is my observation and experience that this limitation has caused the dishonest and incompetent attorneys to reap a perfect feast of fees, for the reason that the honest and capable attorneys of the country absolutely refuse to continue in the practice of prosecuting this kind of business. There is not a member of this body who has a soldier constituency and who has taken an interest in the procurement of pensions who does not know full well that the greatest difficulty in the way of obtaining pensions is the informal, or, to put it plainer and stronger, the imperfect and improper manner in which the papers are prepared.

My own experience is that a very large proportion of the pension cases which are rejected would be allowed if prepared by a competent attorney. But competent and honest attorneys will not take these cases for a ten-dollar fee. I have used the words "honest" and "competent" in conjunction, because there are but few "honest" attorneys who are "competent" who can be induced to take these cases and prepare them for $10. But the "dishonest" attorney will take them for that sum, provided he can collect it, and never give the claim any further attention. And so will parties who are "incompetent," and yet "honest," plunge into these cases and prepare them with zeal and lose them with alacrity.

I know that much can be said as to the way Washington and other claim attorneys have acted and would act again if the opportunity was given them. But let me say to gentlemen that, like all other men engaged in wrongful pursuits, the claim agents have run their course, and it will be an utterly impossible matter for them to ever regain the confidence of the people. Originally they found it easy to impose on the soldier; but now the country is educated up to understand their "ways that are dark," and hereafter their "tricks" will be "vain." They can never ingraft themselves back into the confidence of the public. Their fraudulent circulars will no more deceive the "unsuspecting" soldiers, because there are no longer any of this class. They are changed into a class of "suspecting" characters.

But the limitation law has forced the soldier into an undesirable and in fact helpless and pitiable condition. He has learned that there are but few reliable attorneys in Washington who will take his case for the legal fee, and yet he can not find such a one where he resides and he is forced to run the risk of selecting one in Washington who is dishonest or taking one at home whom he knows to be incompetent. What the soldier needs is not the protection of a guardian statute but competent help in the prosecution of his claim. And in order to give this aid to the soldiers of the country several things are demanded. If, instead of undertaking to forbid the pensioner by law from employing dishonest attorneys, the law would forbid the dishonest attorneys from practicing, the rights of all would be more secure. Instead of limiting and prescribing inadequate compensation to attorneys, and thus offering a premium for dishonesty, the law should erect a standard of qualifications for claim attorneys which would command men of character who would be stimulated by professional pride as well as honesty of purpose, and then the claim business would be conducted upon such a plan that dishonesty would be comparatively unknown among this class as well as other attorneys.

In conclusion I want to say that it may be that gentlemen are right in urging this extreme legislation in regard to pension matters; but, I believe they are wrong; and I will risk saying that they may think they reflect the sentiment of the soldier and are doing the soldiers a service, but they are sure to learn to the contrary. The soldiers are not all, nor any considerable portion of them, fools; they are not idiots, nor are they imbeciles. They have a keen sense of their rights, and do not thank either pretended or real friends for taking an interest in them because of their supposed incapacity to take care of themselves. They can penetrate the gauze of an assumed friendship. And I will suggest that they will not be deceived by the pretension of words when actions in the character of legislation are telling them in thunder-tones that their real interests are being sacrificed on the altar of selfishness by a false use of sentiment. I warn the pensioner to beware of those who so zealously proclaim their interests but clog their rights.

The idea of prescribing one fee, and that limited to $10, without regard to the amount of labor to be performed, is a self-evident absurdity. We all know that in pension cases, like in all other legal proceedings, they each rest on a wholly different state of facts, one case often involving great labor and much trouble, while another involves but little labor and scarcely any trouble. For instance, one soldier has a full military and hospital record, and his claim for pension is easily made out, because very nearly every item of proof is a matter of record; while another soldier may have no military record beyond enlistment and muster; he may have no hospital record, and his surgeon may be dead, or post-office address unknown, and his claim for pension may have to be made out entirely by proof not of record. In one case the soldier's officers, including his regimental surgeon, are living and of easy access; in another case the soldier's officers are all dead or their whereabouts unknown. In one case the company and regimental books and records were well kept, while in another things went "slip-shod," and drifted along at "odds and ends," in looseness and without order. Now, anybody knows that pensioners of the one of these classes have much less trouble in prosecuting their claims than pensioners belonging to the other class; and yet the existing and proposed law fixes the attorney's fee alike and at the same amount in each class of cases.

The right thing to do is to recognize the soldier as capable of taking care of himself and protecting his rights in making contracts with his attorney. The Government does not pretend to guard the pensioners' money as against anybody but his attorney, and the attorney is repelled to find him falling into the hands of some more desperate character.

Let the pensioner know that he is expected to guard his own interests, and my word for it the great majority of them will demonstrate their capacity for self-protection. I have made this plea in behalf of the freedom of the pensioner. I do not believe they will need guardians. If any one class of people should have more freedom than another it should be the ex-Federal soldier, and still he is the only class whose liberty to contract with reference to his rights is abridged. Give him the same freedom you do other citizens and let him take care of himself like other people, and my word for it he will be satisfied.

If the soldier is content who has any right to complain? Certainly not the politician. And the soldiers of the country will yet make it a condition precedent to giving any candidate their votes for Congress, that he shall promise if elected he will not vote to embarrass their rights. Just think of the idea of Congressmen sitting here voting that the average pensioner is incapable of knowing his rights, of knowing right from wrong, when the intelligence of the average pensioner qualifies him to make more than an average Congressman. I protest against this sentimental nonsense and demand the same right of judgment for the pensioner that the Congressman reserves to himself. I demand freedom of action and equality of privileges for the ex-Federal soldiers of the country.

Pensions.

SPEECH

OF

HON. FRANCIS B. BREWER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES.

Monday, April 21, 1884,

On the bill (H. R. 6535) to regulate the granting of pensions in certain cases.

Mr. BREWER, of New York, said:

Mr. SPEAKER: In the limited time allowed the members of the committee to speak on the bill now before the House it will hardly be expected we can do more than hastily and briefly call attention to some of the reasons which have decided the Committee on Payment of Pensions, Bounty, and Back Pay to ask a suspension of the rules this morning.

And now we desire to put upon its passage this very important bill which has just been read. It will bring relief to thousands of worthy soldiers who, as yet, have been unable to establish their claims, because they could not obtain the requisite proofs in accordance with the existing laws. Now, sir, it is twenty years since most of the soldiers received their disabilities. Most of them kept no memoranda of the daily occurrences, can hardly give a correct account of the times and places where they were exposed to danger or disease, the names of the hospitals even where they were temporarily placed; the names of the surgeon and the nurse have gone from them; their commissioned officers may be dead, or not to be found.

It has been necessary heretofore to prove that the applicant was healthy and free from disease when he enlisted. Some have no hospital record, preferring to remain with their regiment to being confined in the sickly wards of a malarious hospital. Perhaps in the early years after the war these restrictions were necessary and proper, and the class who could procure this evidence are now receiving their pensions, but we are told there are 185,000 claims still back, awaiting evidence which the claimant is unable to obtain, and the bill we present for your action this morning is framed to cure these evils, as far as they can be cured, and give to these men their just dues.

We provide for no new classes. We have tried to so modify the rules of evidence as to give all deserving disabled soldiers, who have seen actual service, a chance. So that cases of disability, where it is reasonable to suppose the disability was incurred in the service, and is not the

result of bad or vicious habits, or other known cause since the war, are under this act entitled to a pension. This seems to be right and just and safe. Of course, there are many things left out of this bill which the committee would gladly have put in; but inasmuch as they are incorporated in other bills which will be called up later in the session, it was deemed advisable to bring measures which would do the most good into as small a compass as possible, and take this occasion and this method to at once get the action of the House.

We have had the advice and counsel of the honorable Commissioner of Pensions, who has given us his time. We have availed ourselves of his experience and have his hearty co-operation and indorsement, and after the clear and eloquent presentation of the subject which has been made to you by my colleague on the committee, the gentleman from Ohio, I hope and expect to have a large vote recorded in favor of the immediate passage of the bill. If this bill becomes a law by the early action of the Senate, it will almost immediately carry relief to thousands of deserving soldiers now in abject want and distress, unable to procure their pensions on account of legal technicalities which by the provisions of this act are wiped out. Think of the boon it must be to the long-suffering soldier and sailor who has waited long and is waiting still for the Government to recognize his claims.

How long, Mr. Speaker, can we afford to turn our eyes away from the outstretched hands of the disabled and distressed soldier? How long shall we turn our ears away from the cry of the once gallant and brave but now broken-down and diseased sailor, when from the depths of their disappointments, their bitterness, and their withered hopes they cry out for the pittance which the nation has promised them and for the relief which the Government owes them? In the dark days of the war, when at times it seemed uncertain whether the Stars and Stripes or the Stars and Bars should float over this Capitol, whether we should continue to be a nation or not, we were profuse in our promises of golden bounties and of liberal pensions to those who enlisted. Shall we go back on our part of the contract when they executed their part at such fearful expense, such terrible sacrifices? They stood a living wall on a thousand battlefields to secure to us and to our children what we enjoy to-day. Can we as citizens, as patriots, as Christians, as legislators withhold a moment longer the requisite legislation which shall relieve their distress and the distress of their wives and their children? Better far to close up the doors to our halls of legislation and leave the walls of this Capitol to molder and crumble back to its original dust than to break faith with our soldiers and refuse the relief to which they are so justly entitled.

When the swelling floods of the Ohio carried upon its turbid waters widespread desolation and calamity to the inhabitants who dwelt along its borders; when want and distress came upon the people who occupy the broad savannas of Mississippi and Louisiana, did they make their appeal in vain? Did not this House and the Senate and the Executive vie with each other to hasten the work of relief? Did we hesitate to thrust back the bolts of the locks, and open wide the doors of the Treasury, and dispatch, with telegraphic speed, succor to those ready to perish? And shall we now, because it is an oft-told tale, and because it is the old, old story, refuse to heed the cry of the soldier and shut up our vaults and push home the bolts of our overflowing Treasury, when distress and the cold hand of penury is upon them?

One hundred and eighty thousand soldiers, their wives and children, stand with hands outstretched toward this Capitol to-day, and ask you to pass this bill. They ask not for your sympathy and good talk; they want what they have a right to demand—justice. Shall they have it? They ask us to fulfill our promises. Shall we do it? And every day we delay there goes up to Heaven the cry from this long-suffering, wounded, and distressed multitude, "How long, oh Lord, how long?" And to many of the disabled sufferers the pendulum of the old clock of Time has ticked out their answer; as it swung backward and forward it said, "Forever, forever!" Too true! To many who looked for the promised relief it will come too late. They will have died without the sight.

How long shall we sit here and haggle over whisky bills and over public-building and tariff and internal-revenue bills, and leave these men and their families to perish? Hundreds are in poor-houses—to the disgrace of the nation I say it—and hundreds more are on their way thither. Let us make no longer delay.

How enthusiastically we cheered the boys when they came forward and enlisted and filled up the ranks, and the regiments started for the front! How we presented them with flags, and how we presented the officers with swords, and bid them Godspeed! Have we displayed the same eagerness at their return, and been careful that they were made comfortable in sickness and the wolf kept from their door?

How the mother in her loyalty gave her son! How the wife in unselfish and patriotic love for her country could say to her husband, "Go!"

> Take your gun and go, John,
> Take your gun and go;
> Rose can drive the oxen, John,
> An' I can use the hoe.

They left their teams in the field, their plows in the furrow, their ax at the root of the tree, and buckled on the armor of battle. In the storms of winter, in the stifling heat of summer, in the battle of the wilderness, in the malarial swamps of Carolina, in the rifle-pits, in the trenches, on picket, in the fever-infected hospital, in the inhuman, insufferable, and infernal prisons of the South—in all these places our brave soldiers stood up like men and did their duty like soldiers. The sun by day shone upon the heaps of the dead slain in battle, and at night the pale moon shone down upon the new-made graves of those carried off by pestilence and disease. Worn and weary, and disheartened they sank into their graves believing that the nation would not forget their brave deeds or hesitate to take care of their widows and children.

Can any man on the floor of this House mistake the duty of the hour? I trust this bill may receive not merely a two-thirds, but the unanimous vote of the members present. Need I say more? The wants and the necessities of the soldier are well known, and I appeal to the gentlemen of this Congress to take such immediate action as will afford them the quickest and most effectual relief.

Bureau of Labor Statistics.

SPEECH

OF

HON. RICHARD GUENTHER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. GUENTHER said:

Mr. CHAIRMAN: I consider the bill under consideration a step in the right direction. The statistics to be gathered by a bureau of labor will greatly aid the legislator in this country in framing wise and proper laws for the benefit of those of our citizens who earn their daily bread by manual labor. It is the duty of the lawmakers to legislate in their favor; it is our duty to do everything in our power to better their condition, to promote their financial, social, and general welfare. Too little has heretofore been done for them, practically at least. While it is true that almost every legislative measure for the benefit of the capitalist has been paraded before the country as being solely in the interest of the laboring man and "for his higher glory," it is also true that not only its result but its object has been to protect capital.

Under the guise of protection to labor the capitalist has secured all he wanted; the workingman has formed the bridge over which cunning capital has reached the shore of wealth and abundance. I have always voted, Mr. Chairman, for every measure which I thought would benefit the working classes, and I will continue to do so whenever I will have the opportunity. I voted in the Forty-seventh Congress to exclude Chinese laborers from our shores, because I am opposed to allowing any class of people to come here and underbid American labor or force the laboring man of this country down to the low plane of these Mongolians. My vote shall only be cast in the direction of elevating the condition of our workingmen, and for that reason I will oppose the introduction of all people under the contract system, be they Caucasians or Mongolians. I do not propose to allow even a semblance of human slavery in our midst. I want to make manual labor more and more respected, not the reverse.

Last summer, Mr. Chairman, I visited Europe, and when I saw how the laborer is treated there I understood why it was that almost every European country is in a state of continuous fermentation, ready to explode at almost any time. That lesson ought to be a warning to us not to fall into the same gross error and to disregard those who labor. There is already too much of that even. The sons of the well-to-do farmer feel ashamed to follow the respectable calling of their father because they have to perform manual labor; the son of the prosperous, honest mechanic wants to become, as he foolishly says, something better. They want to be "gentlemen," as they call it; they enter a dry-goods store, a lawyer's or doctor's office, and end their career usually as lightning-rod peddlers or book agents.

Mr. Chairman, one need not be a profound statesman to conceive that the perpetuity of our free institutions depends upon the prosperity of our working classes—the farmers, the mechanic, the laborer, and that it is not only right, but wise and politic to do everything reasonable for their advancement. We must make manual labor respected. We must see to it that it is well paid; we must devote a fair share of our time to the consideration of measures affecting the vital interests of the laborer. When you protect labor, when you make it remunerative and prosperous, capital will be correspondingly benefited. Make capital dependent upon labor by legislating primarily in the interest of the workingman, and capital will be more secure than by pursuing the opposite policy. I hope that every bill reported by the Committee on Labor will be considered and passed by this House. Let us pass laws

which will enable the workingman to provide properly for his family, so that his children can enjoy the blessings of a pleasant home and a good common-school education, and not be obliged to work to earn money to help support the family while they should be in school.

Let us do everything we can to lift the laboring man to a plane of prosperity and contentment, and the result will be the perpetuity of a happy, peaceful, and prosperous nation.

Chinese Immigration.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 3, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882—

Mr. SUMNER, of California, said:

Mr. CHAIRMAN: What is the object of this bill? It is a proposition to amend; it is entirely so in form, and it can not be said to have more than two provisions that are supplementary in their character. It is to make more nearly perfect that which Congress has already placed upon the statute-book. It is born of observation and experience.

For the most part it has its text precisely indicated by the decisions of courts, and by exigencies that have arisen since the passage of the original law on the subject; so that its foundation is upon past and approved legislation; its additional clauses come according to the natural order of trial and test and demand. By every relevant consideration it is here legitimately; on a basis to invite eager and careful attention and to command respect.

With what grace or propriety is this measure assailed as one exhibiting effrontery on the part of its introducers? Under the circumstances, in the course of events, some such bill was to be looked for, as the result of an active and faithful effort to administer the Chinese treaty law of 1882.

This being an amendatory bill, and the original act having been passed at so recent a date and after full and searching discussion, it was to be expected that debate upon it would be confined with some degree of strictness to the words of amendment. Certainly that was the reasonable expectation, in view of the history of Congressional action in the premises and having regard to the dignity and ability of the gentlemen who were announced as spokesmen for the opposition. At least that was my understanding and anticipation. Instead of this, most of the speech from the other side, so far, is a revival in some sort of the long-ago stereotyped tirade—sneering and scolding and denouncing—against the people of the Pacific coast, because of their temerity in petitioning for, and through their Representatives urging the passage of, such sections as are now before us. There has been a high pitch of voice in aspersing our community character, and in sweeping criticisms of our alleged conduct with respect to the Chinese race. And then the action of our Pacific coast delegations has been referred to in such a manner as would lead a stranger to believe or suspect that the council here which first considered this measure, in December last, was composed of superannuated old men and feeble-minded youths.

Such terms as "petty" and "puerile," "frivolous" and "contemptible," "absurd" and "ridiculous" are unhesitatingly employed by the distinguished gentleman from Massachusetts [Mr. RICE], who has not the excuse of precipitancy for his harsh words or his sarcastic suggestions. The honorable gentleman from my native State, who leads off in the championship of Mongolian immigration to-day, has had many weeks in which to prepare for this contest, and he has been supplied—as I have been authoritatively informed—with all the ammunition which the ability and cunning of the Chinese consulate in San Francisco could give him. Yet in his derisive passages we find this gentleman on this occasion at his best. Must it not be a sorry cause that has such speech at such a time from such a man?

All this is to be regretted. We wished to meet pertinent and skillful comment and analysis. We are by no means averse to amending the amendments, if good cause can be shown by any person for such action on the part of this House; but for the general integrity of the propositions here submitted, as amendatory, we stand ready to explain and answer and aggressively advocate. For the credit of the opposition, insignificant in numbers as it is, it could on all accounts have been desired that more strength had been developed. There is not much of an enemy in sight; and what there is of a foe appears to be equipped with stale cartridges of powder and wadding. It is almost tormenting, it is vexatious, to brace one's self for an actual encounter, and then find yourself face to face with an opponent who devotes himself principally to calling you and your people bad names, and repeating the erroneous assumptions and the ancient exploded arguments, so called, against the original "cause of war,"—assumptions and arguments that have been repeatedly met and overthrown in discussion in this Hall and largely in this very presence. But the situation is as it is; and so far as absolute necessity is concerned we might believe that we have the comparatively slight duty of recalling the minds of the members to the plan of this measure—taking our turns as Representatives in our limited time, in selecting sections or lines for special reference and commendation, and urging a speedy conclusion to the whole matter by a vote of the House.

What was the aim of the bill of which this is amendatory? To keep the Chinese out of this country. There was no disguise about that; no lack of definite particularity in announcing the purpose. It was not to persecute, but to prohibit the incoming of a race. We may forget if we like, and without loss to this advocacy, that California and Nevada are upon the record with an almost unanimous vote for the enactment of such a bill. Congress has upon principle granted the prayer, and the President, after the amplest opportunity for deliberation and reconsideration, signed the bill. The original law has been in existence since 1882, and the question is, Are these new provisions or is this new phraseology desirable and wise? Are these amendments the just product of reflection upon the practical operation of the law that the Forty-seventh Congress framed and the present Chief Executive approved?

This bill provides that it shall not be lawful for any Chinese laborer to come "from any foreign port or place;" it provides for the punishment by fine and imprisonment of any master of any vessel who shall "attempt to land or permit to be landed" any Chinese laborer; and it explicitly provides that Chinese laborers bound to ports not within the jurisdiction of the United States, meeting with tempestuous weather while off our borders, "shall not be permitted to land except in case of absolute necessity," and must depart with the vessel in which they came on its leaving port. There is a provision in the fourth section for a more thorough and complete registry; therein supplying a deficiency in the present statute to which attention has been called by every person who has officially observed the progress of trials arising under the act; and in a later section there is an explanation as to the meaning intended to be given to the word merchant—an amendment framed by my colleague, Mr. GLASCOCK—a construction by legislation appropriately offered to meet and cancel or cover the interpretation of a court that has had and will continue to have to do with the enforcement of this measure.

Now, to all these proposed amendments inclosed in the clauses quoted, with a single exception—to which reference is about to be made—we have had no serious objection worthy of extended consideration or reply; hardly any direct objection at all, save that which exists in general declamation, and in such pointless assertions as that these clauses are more stringent in their single or combined effect than the passport systems of any monarchical nation. Why, Mr. Chairman, who is it that talks in this relation about the "petty" and the "puerile" and the "frivolous?" This is no time or place to bandy epithets; and it would very ill become us who are so assuredly in the right to condescend to anything of that kind for one moment. But in searching for something to which we can make reply, we have continually to mourn the weakness of our adversary. According to the report of this debate, does not the treasury of the adjectives tossed against us belong rather to the private work of self-introspection than to utterance against fellow-members upon this floor who favor the passage of this bill? To the discriminating reader let the record answer.

But with respect to the provision that no Chinese laborer shall come here from "any foreign port or place," in connection with the provision in the fifteenth section—"that the provisions of this act shall apply to all subjects of China, and Chinese whether subjects of China or any other foreign power"—it is said that there is danger or threat of war! "England will not tolerate that." Why not? Is not the honorable gentleman from Massachusetts, by his very positive language on this point, apparently undertaking or assuming the rôle of prime minister to her majesty Queen Victoria? Will England ever put herself in the position of forcing or attempting to force Chinese slavery into this country? For that is the proposition, neither more nor less. Where again, we might venture to inquire, is the "absurd" and the "ridiculous?" As England dealt with one of our American colonies of old—thrusting negro slavery upon it against the almost unanimous protest of the people inhabiting the land she thus afflicted—will she endeavor to do in this day and generation, as against the American nation with its 55,000,000 of inhabitants? Such would be the position and the action or effort of Great Britain in the event supposed and even conditionally prophesied by the honorable gentleman from Massachusetts.

This is not the case of a single Chinese subject of Great Britain, engaged in mercantile pursuits or possessing or seeking professional attainments. It is the "Chinese laborer." And reference is undoubtedly made, and intended to be understood as made, to the exportation or the importation from an island on the Chinese coast over which there is a nominal or, if you please, an actual English protectorate or jurisdiction. "Sufficient unto the day is the evil thereof." I will not think

so poorly—I had almost said absurdly—of the English Government as to believe for one moment that she will even intimate a design or a desire to attempt anything of the kind. I think I appreciate and understand her proverbially jealous care of the rights of her subjects in foreign lands; but the apprehension does not apply to any case that is altogether supposable in the light of history and existing facts. England never will place herself in the position which the gentleman would have us believe she is likely to assume; for, leaving entirely out of consideration the weight of her own colonial record, which has already been cited, as rising against her in such an event, the moral sense of her people would not permit the declaration that the gentleman affects to dread. For there is always a moral sentiment—which is sometimes called public opinion—which does largely exist and control in Great Britain—(in this respect, by the way, presenting a lamentable contrast to our nation, which often has no public opinion on important questions, consisting in or founded upon the moral sense of the whole people; owing to the fact of the monopoly of the Western Union Telegraph Company and its Associated Press).

Mr. Chairman, we have no hint, after much and sufficient test in this direction, that either Great Britain or any other civilized power will ever come to such a rescue as has been imagined in behalf of schemes to transplant the Mongolian serfs. It is unnecessary, it would not be appropriate, to suggest here that England or any other nation would do such a thing at peril! There is no likelihood of such a thing, and I had almost let slip again the suggestion that such a bugaboo is "petty" and "puerile" and "frivolous."

This bill does provide that no Chinese laborer shall come to this country from "any" foreign port or place, except as herein provided. And we insist that that is a good provision under the arguments that have been repeated over and over again, here and elsewhere, in support of the law of which this is amendatory.

But the portion of this bill to which I especially wish to call attention is to be found in section 12. It is the provision at the conclusion of that section: that all peace-officers of the several States and Territories of the United States are invested with the same authority as a marshal or deputy marshal of the United States in reference to the carrying out of the provisions of this act, and shall be entitled to like compensation, to be audited by the same officers. This is a clause which constituted the main portion of the bill which I brought with me to this Congress, and which I drafted nearly two years ago, and read to my constituents in most of the counties of California during the summer and autumn of 1882. I promised that I would introduce that bill into this body and urge its passage. Here it is, in substance as I prepared it, though I think the phraseology has in one or two lines been changed without improvement. The substance is here. I have always regarded this as the most important amendment, in view of the threatened incursion—I should now say the actual incoming of—the Chinese over our northern boundaries from British Columbia. Subsequent to my presentation of this proposed amendment, the attention of one Department of the Government was drawn to the matter, and some formal communications on the subject have been published as a result of that notice. My honored colleague, Mr. BUDD, who drew most of the other amendments that are here proposed—all the other amendments except one, I believe—will probably give this House some detail of description in reference to the creeping in of these cunning peons from the British Territory.

If I was scanning the horizon for a speck of war, in connection with this subject, I should rather (sooner than take the fright of the gentleman from Massachusetts) consider the possible foolish temerity of the Chinese themselves—on which I once before gave a passing hint—or a protest originating with our own Government against collusion on the part of local British authorities in a scheme to smuggle companies or squads of Mongolians into our borders.

The delegations from the Pacific coast, having been called together at the suggestion of one of the Senators from California, agreed to frame a bill that should embrace all matters of amendment in favor of which we could harmonize; and to those delegations I submitted this proposition, as it is to be found, in effect, on page 10 of this number.

At the time when I was speaking to my people on this subject, it was rumored that there were about to be discharged from the construction works of the Canadian Railway not less than 15,000 Chinese; a report which I believe has since been confirmed by persons who have had occasion to make an estimate as to the force employed for such service in British Colombia. So it was that I was led to emphasize my pledge, and that it acquired great importance among the few who at first regarded it with indifference, as many thousands of my listeners during the campaign of 1882 will well remember.

The propriety of this amendment, considered on general principles, seems to me so obvious that I shall not speak upon that question, but rather briefly direct your attention to the merits of efficiency and economy which I have claimed that it possesses.

The local peace officers, well acquainted with their respective districts, constantly "on guard," stimulated by every motive of public and personal interest, are in the very nature of the case the best adapted for the service required. And here is not a section authorizing the employment of a corps or line of extra United States deputy marshals, at a great or considerable expense to our Government, but a provision for attention and action as needed, and payment only for the particular official labor undertaken and performed.

But it has been said that humanity revolts against this species of law!

Mr. Chairman, it might be asserted, and with unction, that we appear here as the real "humanitarians"—in the secularized sense of that word—against a hostile camp. "Humanitarianism" for us, for our people, especially for our laboring classes: to defend our fellow-citizens and ourselves against the incursions of an inferior race, whose members with few exceptions have proved to be incorrigible in their heathenism; devoted to their idolatry with a stolid bigotry that is even amazing; whose civilization, if you will persist in calling it such, is in conflict with all our ideas of acquiring and maintaining the comforts and conveniences, not to speak of the refinements, of our civilized life. And right here I might say, in opposition to their continued coming—since the broad question has been dragged into this discussion—right here I might say, by way of parenthesis, and with a respectful request for attention on the part of pious people residing east of the Rocky Mountains, who have not been accustomed to hear but one side of this question: the Episcopalian dignitaries of our churches and many of the leading preachers and laymen of our Protestant denominations on the Pacific coast have formally and repeatedly protested against this immigration. Men no less eminent than Archbishop Alemany, Bishop Kip, and Doctors W. A. Scott and T. K. Noble have petition-signatures and personal letters, of record in the archives of this House, which being interpreted by the light of events can only be read in support of this identical measure.

Yes; humanitarianism for our own people. And tell me with what consistency gentlemen upon the other side of the House can call for the maintenance or the establishment of a high tariff on the ground of protecting our laborers against the poorly paid workmen of Europe, while at the same time opposing a measure that would prevent the Chinamen from taking up a temporary residence in our midst. Please to tell me that. The Mongolian comes here without a family and never intending to have wife or children so long as he remains in this nation, almost all of them indulging in practices that are not so much as to be once named among you, and sets himself down to compete with our laborers and mechanics, until such time as he shall have acquired a few thousand dollars, which is to him not merely a competence but a great fortune. And must it be said again that the Chinaman can live, and when working in gangs with his fellow-workingmen does live, at a cost ranging from one-fourth to one-tenth of the amount required to support the workingman of Caucausian parentage and habits, taking the average of expenses, and attributing to both the good qualities of frugality and sobriety?

Humanitarianism! I challenge you upon that score! It is YOU—you who would reopen the doors to Mongolian invasion, or fail to close up the loop-holes in the present statutory fencing; it is YOU who are inhumane towards your own people by this very token and in this very respect. We will meet you in Massachusetts and before your own constituency, face to face, on this proposition.

The majority of our fellow-citizens in these Eastern Commonwealths faintly realize the debt of gratitude they owe to the citizens of the Pacific coast for their persistent appeals, representations, and protests and championship against Mongolian importation.

And I hesitate not to say that we plead in the cause of humanitarianism toward the Chinese themselves. For this business of legislation that we are about is the peaceable method of keeping them out of our country, from this time forth to the end of this chapter. And if resort be not made to this method, we might as well confess that the stay will or would be secured in ways that are unusual and even revolutionary.

But it is said that there is no direct appeal from the people for this amendatory legislation—that this proposed amending is the gratuitous proffer of demagogy; and to sustain this assertion our attention is called to the fact that marked copies of a certain weekly journal of limited circulation in California have been sent to members of this House—I presume to every member—within the past few weeks. And from this journal the honorable gentleman from Massachusetts has seen proper to read a paragraph, deprecating in effect the attempt to pass such amendments as are before us, and indulging in abusive reference to the press of California that has prominently suggested and taught otherwise. From the entire newspaper issue of the Pacific coast the gentleman has only this one article to quote. And what is it? A slur, a diatribe from the San Francisco Argonaut, particularly directed against other papers in California because of their support of such a measure as this.

Some of the gentleman's beloved adjectives will persist in coming to mind again, as applicable to those who have betrayed the distinguished Representative from Massachusetts into the use of such authority. "Authority" did I say? Does he know Frank Pixley, the editor and publisher of the Argonaut? Manifestly he does not know him, or he would not read from his types on this occasion. Whoever, on this floor or elsewhere, knowing Frank Pixley, would willingly or under constraint do that individual the personal favor to notice him at all, if he speak

fairly must state the simple fact, that no person of Pixley's acquaintance in San Francisco pays any respectful attention to anything that he says on this or any other important subject. I would not dignify him by mention here, but for my earnest and proper anxiety that no gentleman on the other side of the House should be misled or influenced by such an "authority." His inconsistencies with respect to this and other matters have gone so far as, in earlier days, to have afforded general amusement; he was for years the central figure of the large cartoons of our local Punch, when it was sought to illustrate the extreme of miserly mendicancy and reckless mendacity, until in very truth, as regards himself, he wearied and wore out the vitality of popular contempt. I did purpose, when his paper was first mentioned, sending to the Clerk's desk for reading a short, compendious notice of his life and character, delivered to a great audience in Union Hall, San Francisco, by George C. Gorham, for many years Secretary of the United States Senate and until recently editor of the Washington Republican. Since the thing has been touched it is proper to add that Pixley's subserviency to the interests of corporations that fee him is the one line of reliability in his biography. It is notorious on the Pacific coast that he is a flunkey of the Central Pacific Railroad Company; the greatest local monopoly with which we have to deal; and I am sure I need hardly add the statement of the fact, that the Central Pacific Railroad Company has always been and now is an interested advocate of Chinese importation.

I apologize for saying so much about this person; but it is perhaps well that the people of my State should be informed in this way—at the same time that you are enlightened as to the individual—that he is quoted here, in behalf of this day's opposition. No other paper on the Pacific coast is produced in such a service. It may possibly be of public benefit for some of my constituents to remember all this on some future occasion.

In the paragraph quoted Pixley appears as denouncing with especial emphasis the daily papers of San Francisco, with an exception in favor of a journal that has recently been purchased by the Central Pacific Railroad Company. The papers so denounced are fully competent to make fit reply, where it could be called for. They need no defender in me on this occasion. Very likely this day's publication from hence, may be the first notice they have of the sentence of defamation referred to. Whatever may be at any time justly said to the disparagement of the San Francisco secular press, the great ability of its managers and editorial writers, and its practical unanimity in hearty support of this proposed legislation—in manifest sympathy with and obedience to the will the people of our coast—can not be denied. And as for the interior press of California—which comes under the ban of the Argonaut's editor, by reason of its commendation of this measure without exception or qualification—it is the best in the world.

The Tariff.

SPEECH

OF

HON. CASEY YOUNG,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. YOUNG said:

Mr. CHAIRMAN: In respect to the bill now before the committee I feel myself placed in a most unpleasant and embarrassing dilemma—one from which I can see no deliverance except by yielding my individual opinions to the aggregate judgment of the majority of my party and by subordinating my personal convictions to my sense of public duty. This I shall have to do, for I have presented to me for my consideration and action a measure affecting a great question of political economy which does not meet my approval, but for which I shall feel it my duty to vote when it comes before the House for action. While I shall do this, however, I conceive it to be equally a duty which I owe to myself and that part of the public that sent me here as their representative to give some reasons why I am opposed to this bill, and why at the same time I propose to give it my support. To give these reasons intelligently, and to avoid the liability of being misunderstood, it will be necessary to state some facts and call attention to some general principles which are too frequently lost sight of and overlooked in tariff discussions.

The question of taxation and the methods of providing public revenue are so important in their connection with every interest and every branch of industry which contributes to the prosperity and wealth of the whole country that they need to be fairly and honestly treated, whether in discussion or in legislation. The people of the country who have intrusted us with the guardianship of their interests have a right to expect at our hands reliable and truthful information, so far as we can give it, concerning the effect upon these interests of the present tariff or revenue system, and also as to what changes should be made in order to render it more equal in its operations, as applied to every pursuit in which our 50,000,000 of people are engaged.

The fact that our tariff system has been too frequently treated as a partisan question, instead of a great economical and financial problem requiring for its solution the most thoughtful and painstaking investigation, has wrought infinite injury to the business interests of the country whenever the subject has been agitated. And perhaps no question that has been discussed so much and legislated upon so often has been so little understood as this one, and certainly none has given rise to such conflicting opinions and such a variety of discordant views. This has not been confined alone to our own country, but has been observable in every one where tariff laws and regulations have existed. It occupied the public mind of England to the exclusion of almost every other topic of public interest for a long period of time, and it was only after an exciting and often bitter discussion of more than two centuries that the public thought of that country reached anything like a common conclusion.

Even now the judgment of English statesmen is not in entire accord in respect to the tariff system of Great Britain and its dependencies, for some hold that the policy of free trade which has been pursued in that country for more than a third of a century is not the wisest one that could have been adopted. The same differences of opinion, the same heated discussion, and the same partisan zeal, in a greater or less degree, have marked the history of tariff legislation in France, Germany, Belgium, and Holland, and in almost every other civilized nation of Europe. In all countries and in all periods of its history there have been those who denounced it as the vilest system of robbery and oppression ever devised, while there have been others who defended it as the wisest and best method ever adopted for raising revenue and protecting the industries of a country.

Strange as it may seem it is nevertheless true that among the most intellectual men and profound thinkers of the world there is scarcely more unanimity of opinion upon this important question to-day than there was a hundred years ago. But this young and growing country of ours, with its boundless resources, its resistless enterprise, its new principles and functions of government, has been the field of the bitterest controversy in respect to this vexed and discordant question. Here there has been the widest divergence of opinion and the most hostile antagonism between the advocates of one or the other of the two distinctive features of tariff legislation—free trade and protection.

The terms "free-trader and protectionist," when applied to the supporters of the two theories into which the question of the tariff is usually divided, have for fifty years been regarded as epithets of opprobrium and reproach, and when a man has been denounced as the one or the other it is generally conceded that he stands charged with the gravest political crime of which an American citizen could be guilty, judged from the standpoint of opposing party predilections. Yet both theories have at different times been advocated by the most distinguished men our country has ever produced, and have often been alternatively incorporated in the accepted creed of both the great political parties into which our people have been divided from the beginning of the Government up to the present time.

These vagaries of political opinion, these inconsistencies in political thought and action concerning this particular question grew no doubt very largely out of the fact that it is one more elastic than almost any other, and more adjustable, if I may use that phrase, to local interests and more subordinated to local influences than all others. So that the declarations at a recent period of a very distinguished man, that the tariff was a mere local issue, was, in the light of history, a true if not a wise assertion. The history of the tariff discloses the fact that for the most part men form their opinions concerning it under the influence of local surroundings and the pressure of local interest, and the greatest of our public leaders have not been wholly free from these influences. But sometimes, however, one has made his appearance strong and brave enough to discuss the question from a national standpoint, and if our leaders of to-day could be brought to emulate this praiseworthy example they could, I think, easily formulate a tariff bill that would meet with general public approval, and thus end this unnecessary agitation and fruitless discussion.

We might, I think, with great profit to the public interest, lay aside some of the bitterness and asperity which has characterized this discussion, and consider the grave question before us in the light of how far and in what way it will affect the well-being and prosperity of the whole country, without regard to its influence upon isolated and local interests. No tariff law could be enacted that will injuriously affect any established interest or tear down any industry that has grown up under the present or any former system, if we keep in view the cardinal principles upon which a tariff system should rest. To build up, however, or foster one interest at the expense of another would be to inflict by legislative action an injustice which should not find a place

in any public law; but this effect is never attendant upon a properly adjusted tariff.

In formulating any tariff bill two fundamental ideas should be kept constantly in view and should control our action, namely, a reduction of the amount of revenue now received, and to derive a sufficient amount to meet the demands of the Government from a duty on commodities used by those best able to bear the burdens of taxation rather than from a duty on the articles consumed by the poorer classes of the people. It is conceded by everybody that we must have a tariff of some kind until we shall devise some better system for raising revenue to meet the annual expenditures of the Government. The truth of this proposition being admitted, another conclusion equally true necessarily follows, which is that any tariff inevitably carries with it, as one of its active functions, a protective feature to the extent at least that it is laid upon articles of foreign importation either in the raw or manufactured state which are also the products of our own country.

Thus the phraseology of a tariff for revenue with incidental protection, so often found in Democratic platforms and in declarations of Democratic principles, describes the true theory of all tariff laws, and the only one upon which they can be based in a country like ours with any hope of meeting with popular approval. It is a fair compromise between the opposing dogmas of free trade and protection, neither one of which should, when considered alone as distinctive theories, be controlling factors in tariff legislation, for the reason that the one is wholly impracticable at this time, and the other is one not warranted by the Federal Constitution under any of the terms of that instrument as I have been taught to construe it.

I hear others declare themselves to be in favor of the doctrine of free trade, and I learn from the public press that there is a free-trade party in this country, but I do not see how such a theory can be put in practical operation unless we do one of two things: either repeal all laws for the imposition and collection of import duties and adopt some other method for raising revenue, or bring our Government to that degree of perfection at which we will require no money to carry it on. Are either of these thing possible of accomplishment? Everybody will answer in the negative as to the latter proposition, and the former is almost equally impossible. Suppose we should conclude to abolish our present revenue system, what one would we adopt in its stead? Would we resort to direct taxation, with all its odious features and methods, its espionage, its invasion of every man's household, and total disregard of every man's rights and feelings? Nobody would want this.

Even the direct tax now levied upon two single articles has become most offensive and distasteful to the public, and there is a growing feeling for a repeal of the law which authorizes it, though it rests alone upon two articles which of all others are considered the least necessary in promoting the public good. We must, then, as a matter of necessity, adhere for the present at least to the system we now have, and the all-important question we are called upon to determine is its proper adjustment. But when we come to consider this we are confronted with difficulties not easily overcome, and we encounter differences of opinion equally hard to reconcile. This has been made but too apparent in the progress of the discussion that has already been had upon this bill for any one to doubt it.

We have had the relative doctrines of free trade and protection discussed from every possible standpoint and with as much eloquence and learning as if both these questions were living issues and their respective merits were being submitted to public judgment. But in reality neither one of them is practically before this House or the country, and their discussion in connection with this bill is a mere waste of time and a departure from the real question with which we have to deal. I speak of course of free trade and protection as constituting of and within themselves a distinctive tariff theory, and not as mere incidents to or parts of one, and in this light they can alone be considered as connected with the bill now under consideration.

The advocates of these theories have presented them with great force and in most attractive form, but their arguments have tended more to mislead the public mind than to elucidate any sound principle of tariff legislation. The advocate of protection paints his theory in glowing colors, makes it a beautiful picture, and holds it up to the merchant, the manufacturer, and the artisan as his shield and safeguard against the destructive competition of foreign goods and the invasion of foreign labor. They declare for the fostering of American industries and the dignity and protection of American labor. These phrases embody a popular idea, and they are willingly accepted by those to whom they are addressed without even inquiry as to the extent of their truth or the strength of the logic with which they should be credited.

While the protectionist advocates this doctrine, the free-trader is equally zealous and industrious in presenting his theory to the public for support. By him we are told that the current of trade should flow without hinderance in its natural channels, that commerce between all the nations of the world should be free and untrammeled by legislation, and that any restraint placed upon it is a blow at those natural rights of mankind which no government can lawfully abridge. He says that a tariff is a species of robbery, that it fosters some industries at the expense of others, that it lays burdens upon the labor of one man and offers a premium for that of another, and yet he does not deny that a tariff is necessary. He denounces protection, but must admit that it is a feature and attribute of any and all tariffs which necessarily attaches to their operations. He denounces tariff for revenue, but fails to show that even this does not embrace practically the same principle and carry with it the same effect as a tariff for revenue with incidental protection. There is practically no difference between the two.

If to raise revenue you lay a duty upon any commodity imported from a foreign country, to the extent of the duty so laid you protect the same commodity raised or manufactured in our own country, for it will hardly be contended that we can raise a sufficient amount of revenue by laying a duty only upon commodities of foreign production. Unless we can do this there can be no such thing as a tariff for revenue only. It will have the same effect whether you add to it the words "incidental protection" or not. It is not my purpose at the late stage we have reached in the consideration of this bill to indulge in any unfair or improper criticism of the manner in which it has been treated by any gentlemen who have spoken upon it; many of them have displayed great learning and ability as forensic combatants; but I must say that to my mind their premises have been for the most part unsupported by facts, while their conclusions are illogical and untenable.

In my view of the question it has not been discussed on either side in a manner calculated to elicit all the facts which would aid in its proper solution or to lead the public mind to any definite and correct conclusion in respect to its merits. It has been treated thus far in a great measure as a mathematical rather than as a political problem, if I may judge of the matter by the array of figures which garnish many of the arguments. Some gentlemen have favored us with an amount of statistical information that would puzzle and bewilder the most accomplished experts in that branch of learning to be found in this or any other country. While we have had presented to us long columns of figures and elaborate, complex statistical tables, it is not clear that many of them have any direct or even remote bearing upon the question which we are considering, and it will be very difficult in some instances to discover the purpose for which they were offered or the propositions which they were intended to prove.

Most gentlemen who have addressed the committee upon this measure have discussed abstract principles that are now dormant and theories that have no present force or vitality. The gentleman from Pennsylvania [Mr. KELLEY], with his usual earnest force and ability, urges the theory of protection in its broadest sense as vital to American interests, while the eloquent gentleman from Ohio [Mr. HURD], with equal earnestness and devotion to his own convictions, denounces it as a vicious and wicked political heresy, and holds up the doctrine of absolute free trade as the only wise and just policy which a government can adopt in its commercial relations. This course of discussion has tended to unsettle the public mind of the country and impair public confidence in the effect of any bill which may be passed. The extreme and impractical views expressed and insisted upon by some leading members of the House are calculated to subject to unjust criticism those who hold to more moderate and temperate opinions.

The people, who are after all the most deeply affected by tariff legislation, have been so misled by unfounded misstatements, so deceived by shallow fallacies and ingenious sophisms, that a man who does not laud free trade to the exclusion of every other feature connected with the tariff is forthwith called a protectionist; and if, on the other hand, he does not proclaim himself in favor of protection he is without any ceremony pronounced a free-trader. Thus it is that men who base their convictions upon the safe conservative ground that lies between dangerous extremes are not infrequently called trimmers, without courage or convictions. But no public representative should be driven by such harmless missiles as these from the discharge of his duty as it is presented to him in the light of his convictions.

It is another unfortunate circumstance which has been attendant upon tariff legislation that it has too often been treated as a purely sectional question; and even up to a period quite recent the advocates of one theory were found mostly in the East and the North, while the followers of the other were in a great measure found in the West and the South. But this has not always been so, and ought not to be so now. Men governed by principles, inspired by honest convictions, can defy the mere local sentiment of any section, especially when that sentiment rests alone upon local interests. Should a New England student of this branch of political economy be led by his convictions to the advocacy of free trade, and in consequence be denounced for his defection from the accepted doctrine of that locality, he might point to the fact that in the very first Congress that assembled under the Constitution Mr. Madison introduced a tariff bill avowedly for protection, and out of the fourteen New England members nine of them voted against it, while of the twenty-four members from the Southern States twenty-one voted for it.

So, too, if a man from the South or the West should offend against local opinion by declaring for protection and bring upon himself an adverse popular judgment, he might bring to his defense not alone the fact that twenty-one members from the South voted in the First Congress for a protective tariff, but also the further fact that Andrew Jackson was

elected President upon a platform of which the following resolution was a part:

Resolved, That an adequate protection to American industries is indispensable to the prosperity of the country, and that an abandonment of that policy at this period would be attended with serious consequences to the nation.

He might cite the additional fact that in 1821 a bill was introduced in Congress entitled "An act to increase tariff duties," and that upon the motion of the celebrated John Randolph of Roanoke to admit cotton goods free of duty Mr. John C. Calhoun, of South Carolina, certainly one of the most gifted statesmen the South ever produced, said:

The matter assumes a new aspect in the motion under consideration, it having been introduced professedly on the ground that manufacturers ought not to receive any encouragement. Coming, as I do, from the South, and having in common with my immediate constituents no interest but in the cultivation of the soil, no motives can be imputed to me but such as are disinterested. * * * If the mere statement of facts does not carry convictions to any, what additional arguments might be drawn from the general nature of wealth? Neither agriculture, manufactures, nor commerce, taken separately, are the source of wealth. It flows from the three combined, and can not exist without each. The wealth of any single nation, it is true, may not immediately depend upon three, but such wealth always presupposes their existence.

This bill for the increase of tariff became a law, and in his message to the succeeding Congress President Monroe said concerning it:

On full consideration of the subject in all its relations, I am persuaded that a further augmentation may now be made of the duties on certain foreign articles in favor of our own, and without unjustly affecting any other interest.

Following this line of defense still further, it might be shown that in all the Democratic platforms adopted since that time by Presidential conventions in which the subject of tariff was mentioned at all, some protective feature was recognized, except in the platform of 1880, and finally attention might be called to the recent able speech of Mr. Hilary A. Herbert, one of the most distinguished members of the Ways and Means Committee of the present House, in which he says:

The Democratic party has always raised revenue by tariff taxation. That tariff always necessarily afforded incidental protection; and yet we are called free-traders.

It will thus be seen that one's belief in respect to the tariff has not always been and can not now be taken as a test of either sectional or party loyalty under ordinary circumstances; but I hold it to be the duty of every Democrat to give his earnest support to this bill for reasons which I shall present before I close. I do not want to be misunderstood, and I hope it will not be concluded from what I have said that I am an advocate of tariff for protection *per se*, but I am an advocate of that degree and kind of protection which is necessarily brought about by a tariff for revenue properly adjusted. By this I mean a tariff conformable to a revenue standard and laid upon such commodities as are used in the main by those consumers who are best able to pay the tax thus imposed, and which also compete with our domestic products. A tariff thus adjusted would conform to the ideas which the Democratic party has held upon this question from time immemorial. That is, a tariff for revenue with incidental protection. I have already stated as true the general propositions, and nobody can deny them, that in our present condition a tariff is an indispensable necessity, and as every tariff must and does carry with it a certain degree of protection, it will strike every one as an indisputably just conclusion that this protection, which is inevitable, should reach alike all interests and afford the same benefits and advantages to every section of the country.

I would not make this question a sectional one, but I would treat it as eminently national in its character. I would have a tariff that afforded the same protection to the interests of the South and the West that it does to the North and the East. I would have the fire in the furnaces of Georgia, Alabama, and Tennessee burn as steadily and brightly as those of Pennsylvania and Ohio, and I would have the cotton-mills erected in the cotton fields, which under the fostering influences of a wisely adjusted tariff would keep pace with those in busy operation all over New England, and which made that sterile region of fruitless valleys and frowning mountains the most opulent section of our whole country. I would give to the sugar of Louisiana, the rice of South Carolina, and the tropical fruits of Florida the same protection under a tariff for revenue that I would to the wool of Tennessee, Texas, California, and Ohio, to the lead of Missouri, and the hemp of Kentucky.

I am giving no sectional caste to this question when I insist that the locality from which I come shall share equally in all the benefits which any tariff can bestow, but I am only meeting my obligations as a public representative in doing so. I should be criminally negligent if I were to permit a mere abstract principle in political economy, wholly impossible of practicable application at this time, to prevail against the advancement of the great interests just being developed in my section and among my constituents. We of the South have, I fear, sacrificed too long the material results which we might have gathered from practical efforts to a mere sentiment, which is of no value now in this country except to the students of political metaphysics. In consequence of thus following a sentiment instead of practical politics we have paid tribute long enough to a mere idea of political economy, and should now avail ourselves of all the benefits of the system of legislation which circumstances impose upon us, whether we want it or not.

The present tariff has been denounced in every quarter of the Union by fair-minded men of both parties for its unjust discriminations, unequal operation, and oppressive effect. This denunciation and attendant discussion have informed the people of its objectionable features, and a large majority of them, and especially of Democrats, are firm and fixed in the belief that it ought to be reformed and readjusted. Two-thirds at least of the Democratic members of this House came here under pledges as distinct and strong as were ever given in a political canvass to effect some such reform and readjustment in the present tariff system as is clearly demanded by the public interest, at the same time bringing it in nearer conformity to the Democratic idea upon this subject.

But this bill is in no way calculated to effect a correction of the inequalities so prominent in the present law, and I doubt very much whether or not it will even bring about a reduction of the revenue at present derived from import duties. If it should effect this, it is certainly the only result which can be accomplished by it. The people demand a different character of tariff legislation from this, if we should have any at all, and I am one of those who believe that it is both proper and wise to have it. I am not strongly impressed with the wisdom of that timidity which whispers constant warning against tariff agitations, whether it comes from my political friends or adversaries.

We owe a duty to the public from which we should not shrink, but, with a courage which honest convictions always bring, we should seize with a strong hand upon this vicious system so marked with political deformity that no man can successfully defend it. I have no apprehension about disturbing and unsettling the business interests that we hear so much of from gentlemen who are opposed to any change in the tariff. No interests will be hurt by the passage of a proper bill. On the contrary, every business interest will be promoted and placed on a surer basis. I would have a radical change or thorough reconstruction of this bill, for as it is it only perpetuates, with a very few exceptions, all the evils of the old system which we have all denounced so much.

Glancing over our present schedule of tariff duties I find these glaring absurdities, these palpable evidences of the injustice which it inflicts. It may be well said, as it often has been, that it is a tariff which favors the rich and oppresses the poor, and the truth of this charge would seem to be established by the comparisons I shall make.

By an examination of paragraph 362 of the present tariff law it will be seen that shawls made wholly or in part of wool, worth not more than 80 cents per pound, pay a specific duty of 35 cents per pound and an ad valorem duty of 35 per cent. On one of these shawls weighing five pounds, and worth $5 at the custom-house, the specific duty would be a dollar and seventy-five cents and the ad valorem duty a dollar and forty cents, making a total of $3.15 on an article costing but $4, which amounts in the whole to 79 per cent. of tariff charges. This is the character of goods that would be worn by the wives and daughters of the poorer classes, and on which there is imposed a tax of 79 per cent. Then take a silk embroidered shawl of the same weight, worth $50, such a one as the more wealthy could purchase, and on this the specific duty is 45 cents per pound, amounting to two dollars and a quarter, and 40 per cent. ad valorem, making a total of $20, and aggregating a duty of $22.25, or 45 per cent., paid upon the more valuable shawl, as compared with 79 per cent. paid upon the commoner and cheaper one. Next, take the costliest of these articles, a camel's-hair shawl, weighing five pounds, and worth $500. The duty on that is 40 per cent. ad valorem and 45 cents per pound, that is $202.50, making an aggregate duty of 40.9 per cent. So that the duty decreases as the article upon which it is laid gets further and further from the reach of the poor man, and the rich man is given that degree of favor found in every feature of the present tariff, as appears from the foregoing, the poor man paying 79 per cent. of tax upon the value of the article which he buys, while the rich man pays scarcely one-half that much. Is there any justice in such a system of taxation? And, besides, if we want a tariff for revenue only, which some of my friends demand, then the tax should be entirely upon the camel's-hair shawl, as that is an article which can only be afforded by the rich, and none of them are manufactured in our own country.

Now, sir, we are expected by the people as tariff reformers to correct just such injustice as is shown in the above statement. Are we proposing to do it? Is it just to tax one man, and a poor man too, 79 per cent. upon the articles which he purchases, and only 40 per cent. upon those which the rich one buys? Ten yards of common cloth or dress goods, partly of wool, worth 20 cents per yard, pay a specific duty of 50 cents, 5 cents for each yard, and an ad valorem duty of 35 per cent., aggregating 70 per cent., and making a total of $1.20 on an article costing but $2, while on the same quantity of cloth of finer quality, costing $1 per yard, there is imposed a specific duty of 8 cents per yard and an ad valorem duty of 40 per cent., amounting in all to 48 per cent. of taxation. Thus the cheaper and commoner cloth is taxed 70 per cent., and the finer and more costly only 48 per cent. Cotton laces, such as the poor buy, pay a duty of 35 per cent. Linen laces, which are used by the rich, pay but 30 per cent.

Common table ware, such as is used in the household of the poor, pays 60 per cent., while encaustic tiles, used for flooring in the houses inhabited by the rich, pay 35 per cent., and alabaster vases to beautify and adorn their rooms pay but 10 per cent. On diamonds and other

precious stones which sparkle upon the person of his wife and daughters the millionaire pays but 10 per cent. Yet salt, without the use of which neither man nor animal can live, pays 73 per cent., and watches, worn by gentlemen of ease and leisure, pay but 25 per cent. Attar of rose, jasmine, and other delicate perfumes, found alone in the boudoirs of the rich, are admitted free of duty, while spelling-books pay 25 per cent. Cabinets of rare coins, collected by wealthy numismatologists, come in free, but castor-oil, a therapeutic agent of universal use, pays a duty of 80 cents per gallon.

Fashion-plates and furs, purchased alone by ladies of wealth, are admitted free, but on a ten-dollar suit of clothes, worn by an artisan or farm laborer, a duty of six dollars and a quarter is paid. Parchment and vellum, upon which are written the license of lawyers, the diploma of doctors, and the wills of millionaires, are also admitted free; but printing-paper, by the use of which valuable information is diffused throughout the world, pays 25 per cent. Spar statuary and ornaments pay 10 per cent., while palm-leaf, straw, or chip hats or bonnets, worn by country rustics or laborers, pay 30 per cent. Silk buttons pay 10, while cheap ones pay 25 per cent. Epaulettes, galloons, laces, knots, stars, tassels, and wings of gold and silver or other metals, so profusely worn by our young soldiers, pay a duty of 20, while horseshoe-nails pay 36 per cent. Ginger ale, the beverage of idlers, pays a duty of 20 per cent., while twice that sum, or 40 per cent., is collected on the handsaws used by the mechanic and on the farm; and while dice, chessmen, and billiard-balls, used for the amusement and recreation of gentlemen having no need for more valuable employment, pay 30 per cent., the common article of cut tacks pays 91 per cent. Hair bracelets and rings, ornaments for the rich, are taxed 35 per cent., while the trace-chains of the farmer are taxed 58 per cent.

Papier-maché, used in the manufacture of articles purely ornamental, and which are without value in practical use, is only taxed under the present tariff law 30 per cent., while bicarbonate of soda, an article used for culinary purposes in every household in the land, has imposed upon it a duty of 60 per cent. Ivory, an article almost exclusively for the use of those possessed of ample means, comes in free; while the cheap glazed hollow-ware used by the poor housekeeper is taxed 33 per cent., and so, too, the most costly woods, such as cedar, rosewood, mahogany, and satin-wood, used entirely in ornamental work, in the manufacture of furniture, construction of buildings, &c., and which can only be afforded by those in affluent circumstances, are all admitted free of duty; while the wooden material used for the building of the substantial parts of houses and in the construction of wagons, drays, carts, &c., pays a duty of 20 per cent.

Stuffed birds, prepared for the cabinets of the rich, come in free, while cement for building purposes, used every day by a vast army of busy mechanics, pays 20 per cent. The material that strings the harp and the guitar, only to be touched by delicate fingers unused to toil, is admitted free of duty, while spirits of turpentine, an article in daily use for a multitude of purposes by every class of poor people, is taxed 20 cents per gallon. The slender bamboo canes that dandies flourish on the street are allowed to pass through our custom-houses free for the benefit of the useful and reputable class of people who use them, but colors and paints, articles in constant demand for useful purposes, must bear the burden of 25 per cent. of taxation. Musk, that scents with rich perfume the dainty belle of the ball-room, is on the free-list, while mustard, more generally used in the kitchen, on the table, and in the sick-room than almost any article found on our present tariff schedule, pays a duty of 10 cents per pound. Genuine diamonds, costing from hundreds to many thousands of dollars, and none of which are worn by the 17,000,000 people in this country who live by daily labor, are also on the free-list, but if the farm rustic or factory girl should aspire to an imitation diamond, the genuine being wholly out of their reach, they have to pay a tax of 40 per cent. to gratify their taste or vanity.

And so, Mr. Chairman, I might go through the entire schedule, and every page and almost every sentence would furnish additional evidence of how unjust and unequal our law is in its effect as between the rich and the poor. I hazard nothing in saying that the tariff law now in existence is the most iniquitous one ever enacted, clearly violative in all its features of every sound principle that should underlie a tariff suited to our conditions and surroundings. No man can look for a moment at these comparisons which I have hurriedly made, showing, as they do, the glaring injustice and inconsistencies of this tariff which we are undertaking to revise, and with truth say that it is a just or fair one. I have other objections to the present system quite as potent, in my judgment, as those I have already pointed out, and which grow out of local and sectional considerations.

Ever since the formation of our Government the South has been the victim of tariff laws vicious in their character and partial in their operations, paying yearly tribute to other sections that have made them rich and prosperous to a degree far beyond any expectation warranted by their natural advantages. Against this policy of discrimination I here enter my protest, and the reason that I complain of this bill is that it perpetuates in only a somewhat modified form the very evils that have existed so long. When the North and the Northwest abounded in timber valuable in foreign commerce, and when the supply from that region was exported to almost every foreign country, there was a tariff on lumber; but now, when these forests have fallen under the ax of the lumbermen and disappeared, and when the timber regions of the South are beginning to take the place of those that have been exhausted in other sections, it is proposed to put lumber upon the free-list.

The gentleman from Iowa [Mr. COOK], where there is little or no timber, devoted the most of his strong and vigorous argument to the denunciation of the tariff on lumber. Perhaps his theory in the abstract is correct; but taking as true the propositions "that we must have a tariff, and that every tariff necessarily carries with it a certain degree of protection," is it exactly just, after the regions so long protected against competition have exhausted their timber, to take the duty off lumber just as the extensive pineries of Arkansas, Louisiana, Mississippi, Alabama, and Florida are beginning to furnish it for exportation. As an effectual remedy against tariff evils he suggests the probability of an entire repeal of the whole system within a short time. I would willingly assist in the accomplishment of this result if it could be reached and a better system of taxation for revenue could be substituted, but everybody knows that such an idea is visionary and impracticable in the extreme.

A general system of direct taxation as a method of raising revenue would not be tolerated a single day in this country, and the little of it we have left remaining of a war policy would be instantly abolished if it affected any other articles except distilled spirits and tobacco. But too many people think as I do, that we had better have cheap commodities that everybody is compelled to use than to have cheap whisky and tobacco, articles which nobody is obliged to consume, for the tax to be taken off these two things for some time to come at least. For myself I should deem it wiser to add to instead of reducing the amount now collected from this source, and relieving as far as possible from all taxation those things which the poorer classes are compelled by necessity to use. I might present innumerable illustrations of how the West, and especially the South, have been discriminated against by former tariff laws, and how they have enriched other sections by submitting to tariff exactions that effectually guarded the East and the North against all foreign competition, while their own products and industries have been left to struggle against the rivalry of every other producing or manufacturing country.

The Western people, owing partly to circumstances, and quite as much perhaps to their quicker apprehension of their own interests and greater energy and sagacity in pursuing them, have within the past decade entered swiftly upon the race of enterprise and development with the East and the North, and have very far outstripped their more laggard brethren of the South. They have demanded and obtained their just share of all the benefits which flow from Federal legislation, and the result is manifest in their fruitful farms, growing cities, and the vast and rapidly increasing wealth of their mines and factories. While the farmer of the South was tilling the soil with implements of husbandry made of iron and steel taken from the mines east of the Alleghanies he was steadily taxed from 40 to 75 per cent. under a tariff admitted to be for the protection of Eastern manufacturers; but now, when the inexhaustible beds of iron ore which underlie vast regions in Alabama, Georgia, and Tennessee have been discovered, and shafts are being sunk and furnaces being built for its manufacture, it is proposed to put iron on the free-list. Eastern manufacturers have grown rich by protection. They have large sums of money invested in extensive plants and improved machinery; they have skilled artisans and trained operatives, with everything nicely adjusted for the successful prosecution of their business, so that to give them the raw material free of duty, and thus cripple or destroy the recent and newly established manufactories in the South, they could contend against competition from other countries.

And so, too, with coal. Upon this article there has always been a duty imposed; but now, after the largest deposits on the continent have been found in the South, and when mining it is growing into a large and profitable industry, it is proposed to put that on the free-list along with most other valuable Southern products. I am told that the iron and coal interests South require no protection against foreign competition, and possibly this may be so; but that fact does not seem to have been discovered in some localities until within a very recent period.

Another striking evidence of the tendency of tariff legislation to discriminate against the South is found in the commercial treaty between this country and Mexico, negotiated by a commission authorized by Congress, and which was recently ratified by the Senate, and is now before this House for such further action as may be necessary to carry it into effect.

Attached to and constituting a part of this instrument there are two schedules, the one embracing all articles coming from Mexico, which are admitted free of duty into this country, while the other one contains those which go from this country, and are admitted at Mexican ports free of tariff charges. By an examination of the Mexican articles to be put upon the free-list it will be seen that nineteen out of the twenty-eight come in direct competition with commodities of the same kind produced in the South and West, while scarcely a single one of them affects any product of the North or the East. Then examine the schedule embracing the articles that are to be admitted into Mexico

from this country free of duty, and it will be found that scarcely one of them is produced or manufactured in Mexico, and all of them find in that country an eager market.

Cotton-seed oil, which is becoming one of the most valuable of all our Southern products, and its manufacture one of the greatest industries of the South, while it is used for mechanical, scientific, culinary, and many other purposes, is constantly increasing, until now there is a demand for it from almost every country in the world. Mexico presents one of the best known markets for its sale; but it is practically excluded from that country by a tariff of $1.50 per gallon, while petroleum oil, found nowhere in the South, is put upon the free-list. Unjust and unfair as all the provisions in this treaty evidently are, it found favor enough in the Senate to secure ratification; but that only furnishes additional evidences of how easy any tariff law can be passed under the guise of promoting free commerce so long as it discriminates against no section but the South. And I want to say here to my fellow-Representatives from that section that the South will never attain that degree of opulence or prosperity easily within her reach until we oppose a solid front to the system of discrimination to which our people have so long and so unwisely submitted.

Perhaps this question of the Mexican treaty does not properly enter into the discussion of this bill; but I have referred to it for the purpose of directing attention more forcibly to the perverted course of legislation on the subject of the tariff, and as an additional argument in favor of turning it into a different direction and into a broader and more natural channel. And I allude to it in this connection for the further reason that my opposition to this particular measure has brought upon me the criticism that I was opposed to a freer and more unrestrained commercial intercourse between our own and all other countries, when in fact my opposition was confined to those features of the treaty which imposed burdens upon the commercial products of my own section, while those of other localities are protected at home and allowed to seek a free market everywhere else. Whatever may be said in commendation of enlarging our commercial relations and of removing all the obstacles that may stand in the way of their extension, I shall not consent for it to be done to the manifest injury of one section for the benefit of another, especially when the section chosen to suffer the injury to be inflicted is the one to which I belong and the interest of which it is my duty to protect as far as I can with proper regard for the public well-being of every one.

Another new industry just beginning to attain sufficient proportion and importance to attract public attention is the production of raw silk, which is being prosecuted in different parts of the country, and especially in the South, with great success, though with little profit, for the reason that it is wholly unprotected by any tariff, and has to contend with the powerful competition of Italy, France, Spain, and other countries. If this industry had been afforded the same protection that has long been given to the other domestic products used in the manufacture of other fabrics it would before now have reached a degree of strength which would have enabled it to stand alone against any competition and to meet if not exceed our entire home demand.

In calling attention to this unprotected industry I am proceeding upon the same theory on which all I have said in support of protection of any kind is based, that is that we are compelled to have a tariff which of necessity carries with it a certain degree of protection, and this I want equally distributed; that is all. When we can get rid of a tariff altogether then I shall be willing for all industries and interests to stand upon their own merits and their own intrinsic values. I have stated frankly and more in detail than I intended the objection that I have to this bill, and I shall now state with equal frankness, but with greater brevity, the reasons that influence me in giving it my support.

The Democratic party of the country is pledged to a reform in our present tariff system, and has sent its representatives here charged with the duty of effecting it. Eight distinguished Democratic members of this House, distinguished not only here but throughout the country, constituting a majority of the Ways and Means Committee, have devoted three months to careful investigation of the whole subject, with every facility at their command to obtain all possible information concerning it, and have presented this bill to the House as a Democratic measure. It has been urged by most of the Democratic press of the country, and though I do not approve of it for the reason I have given, yet I will not follow a faction of my own party in aiding the Republicans to defeat a Democratic measure.

I have the fullest confidence in the capacity and the integrity of the gentlemen of the Ways and Means Committee who favor this bill. They were in a position to obtain more accurate information than was accessible to me, and they are of opinion that this is the only character of bill that can at present become a law. It is certainly conservative enough for the most timid and to defeat it now could do no good. We may at the proper time so amend it as to make it more acceptable to a larger number of Democrats. At least let us make the effort, and not join with the enemy in destroying it in embryo. What better bill is offered either by the Republicans or our Democratic friends who are acting with them in the effort to destroy this one? Better show us a better method of meeting the popular demand for tariff reformation before trying to thwart the one proposed, and then we might reach a common ground upon which every Democrat can stand.

Our tariff system is so complex and difficult of adjustment to all our varied industries that the work of reforming it must necessarily be of slow growth and should be proceeded with in a conservative and cautious spirit, so that as little injury as possible may result from the change which must come sooner or later.

Considerations of this character have no doubt in some measure influenced the majority of the Ways and Means Committee, who thought it wiser to take one step at a time in a great reformation which it is the mission of the Democratic party to accomplish and for that this bill is intended; but to defeat it would emphasize the fixed intention of its opponents to prevent any interference with the present tariff law. The Democratic party of the country can not afford after all its pledges to be put in this attitude, and I will not aid the Republican party in placing it there. No party can very much longer uphold and defend such tariff regulations as we now have and successfully appeal to the public for a favorable judgment upon its action.

The people of all sections are being educated on this subject and can not be further misled and deceived by shallow sophisms and meaningless platitudes. They will soon demand practical legislation, based upon the necessities of the hour, for the advancement of material interest, and not for the propagation of abstract theories of political economy.

The Tariff.

SPEECH

OF

HON. D. H. SUMNER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5898) to reduce import duties and war-tariff taxes—

Mr. SUMNER said:

Mr. CHAIRMAN: In 1850 the differences between radicalism and conservatism ripened into open strife, resulted in a victory for radicalism in 1860, and finally, in 1861, plunged the country into that terrible conflict known as the great "civil war of America." During that period of crimination and recrimination the study and discussion of the all-important subjects finance and taxation were almost entirely abandoned. Then followed four years of war, filled with the booming of cannon and clashing of swords, drowning out even the recollection of anything relating to the science of civil government based upon conditions of peace. The war, so far as active hostilities were concerned, having ended, ten years of reconstruction ensued, during which time radicalism asserted its grinding power by inciting race prejudices, fomenting sectional animosity, and enforcing partisan despotism.

WAR TAXES IMPOSED.

During that whole war period the taxing power of the Government was run at its utmost capacity. Direct taxation was revived and an internal-revenue system imposed. Tariff taxes were increased to the highest limit, and all the revenue powers of the Government placed upon a war footing. The people worked as industriously at home as the soldiers fought bravely on the battlefield. Patriotism and zeal felt not the burdens, and all reckoned it not only a duty, but a pleasure to make every possible sacrifice for the Union and the Constitution. During the reconstruction period radical selfishness and ambition worked the revenues of the Government at the same high-pressure rates, and scouted the idea that peace should bring relief from the burdens of war taxation. It proved to be about as expensive to maintain Radical partisanship in peace as to support the Army in war.

MONOPOLISTIC SPECULATIONS.

The high rates of tariff taxation cut off competition and brought about a series of monopolistic speculations never before equaled. Whoever secured a Government contract of any considerable proportions was more sure of a fortune than the sole heir at law and legatee of a millionaire, provided he made a thrifty use of the rules of addition, subtraction, and silence. It is not my purpose, however, to review at this time the speculations, jobbery, and corrupt practices carried on under Radical rule and official connivance during that period except as they belong to this field of inquiry, but to bring you face to face with the main fact that all these practices were carried on under and made possible because of the high rates of taxation imposed on account of the war, called at the time war measures, and that no practical reduction has been made from those high-tariff rates of war taxation up to the present time.

SURPLUS REVENUES.

The result of this vicious system of collecting war taxes in time of peace has been that the party in power has collected from the earnings of the people annually a hundred million dollars more than has been re-

quired for all legitimate uses. To get rid of this surplus revenue they have concocted all kinds of schemes, encouraged unlimited extravagance in the several departments of the Government, and debauched the public service beyond all calculation. Notwithstanding all this extravagance and waste of the public revenues, from one to two hundred million dollars have been withdrawn from the business of the country and hoarded in the Treasury vaults in idleness. This raises the question, what right has the Government to demand and what wisdom is there in the policy which requires the withdrawal of such an amount of money from the circulating medium of the country, and to that extent cripple the business interests of the people?

POWER TO TAX.

The only purpose for which taxes may be laid and collected is that of revenue for the necessary and legitimate uses and expenses of the Government. Beyond that there is no right or authority to go, and any taxation for purposes outside of that is an arbitrary and unwarrantable exercise of power.

There are two methods of obtaining revenue for the General Government: One by indirect taxation under tariff laws imposing duties on imports, and the other by direct taxation through an internal-revenue system.

The people of this country have always been opposed to any general system of direct taxation, except that the production, manufacture, and sale of luxuries, including whisky and tobacco, should come under the general rule that the necessaries of life should be free to all—that is, free from all burdensome taxation—and that the luxuries of life should be taxed for all, that is, taxed at the highest revenue rate for the support of the Government. Hence the almost universal feeling among consumers that the tariff taxes on necessaries should be reduced for the benefit of the masses of the people, and that the internal-revenue taxes on the luxuries named should be retained for revenue purposes.

REDUCTION OF TAXATION.

This simple statement seems to me to be conclusive proof of the necessity for a reduction of tariff taxation. The present rate was imposed on account of the war. The war ceased long ago, and war taxation ought to have ceased as soon as the expenses of the Government would permit. For several years all political parties in the country have conceded that fact and advocated that policy. During the first session of the Forty-seventh Congress it became unmistakably apparent that a reduction of tariff taxation was not only necessary to insure a continuance of business prosperity, but was demanded by the people. To meet that necessity and demand that Congress in May, 1882, passed an act providing for the appointment of a tariff commission. That commission, although leaning strongly toward the policy of protection, fully investigated the situation, examined the business condition faithfully, and recommended a general reduction, I may say a horizontal reduction, of from 20 to 25 per cent.

The people, presuming that that Congress intended to act in good faith and make a reasonable reduction in accordance with that recommendation, and that some considerable portion of its last session (the Tariff Commission having made its report upon the first day thereof, December 4, 1882) would be devoted to the formulating and passage of an act which would make such reduction upon a basis of justice and equality, looked on in wonder and amazement to see very nearly the whole session devoted to the work of inventing "ways and means" for defeating the passage of such an act. They saw instead the Congressional lobbies and Washington hotels fairly swarming with astute lobbyists working in the interest and for the benefit of manufacturing monopolies, and an act passed which was almost entirely for their advantage, and which produced a reduction of less than 2 per cent. If any political party was ever committed to any particular line of policy the Republican party was committed to a reduction of tariff taxation by its action in 1882.

THE PRESENT ISSUE.

In accordance with the time-honored principles of Democracy, in harmony with the action of the Republican party in 1882, and in support of the recommendations of the Tariff Commission, the Democratic party now proposes a reduction of 20 per cent. from the rates of war taxation. But what a change do we behold! Now the Republican party stands with drawn sword, and says: "Hands off!" This was unexpected, because inconsistent in action and wrong in principle. We make bold to ask, Why do you now oppose the same measure you proposed and advocated two years ago? To this question we receive two answers: First, that agitation of the tariff question will unsettle the business of the country; and second, that protection is necessary to the growth and maintenance of American industry.

In this way the present issue on the tariff question is joined. Democrats propose a reduction of 20 per cent. from the rates of war taxation, and Republicans oppose it. Let it be remembered that the Democratic party has not proposed and does not advocate any public measure based upon the doctrine of free trade. The only measure before the people by the authority of that party is the "bill to reduce import duties and war-tariff taxes," commonly called the "Morrison bill," which proposes a nominal reduction of 20 per cent., but which can not effect an actual reduction of more than about 17 per cent. This is the measure the Republican party opposes. The issue, then, may be restated as follows: The Democratic party favors a reduction of 20 per cent. from the burdens of war taxation in the interest of revenue reform, and the Republican party opposes it in the interest of those who demand protection.

PROTECTION.

What is protection? Webster defines it to be the favoring of some branch of industry by legal enactment. It is, then, an interference with the natural course of some particular branch of trade or business by law, so as to give those who follow that trade or business an advantage over those engaged in other branches of trade and business. This is in direct conflict with the charter of our liberties, the Declaration of Independence, where it is declared that "all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

It is also outside of the constitutional authority, which is contained in these words:

Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

This is the revenue clause of the Constitution, and is the sole authority for collecting taxes for the support of the General Government. Protectionists claim that the "general-welfare" clause is sufficient to sustain the doctrine of protection. This, however, is upon the assumption that protection as extended and applied under protective tariff laws is for the "general welfare." This assumption we most emphatically deny.

The tariff question is not a new one with the American people. It was agitated before the adoption of the Constitution. A tariff law was adopted by the first Congress under the Constitution. That, however, was a tariff for revenue and not for protection. The average duty imposed was about 8 per cent. But the country was new, the people poor, and money very scarce. Of all things the people needed money most. Without capital, they could not engage in business of any kind to any considerable extent, and could do next to nothing in manufacturing. Then, as is always the case in new countries, the idea of extending special privileges to capital grew with the necessities of the situation. Tariff duties were demanded for the encouragement of those who ventured to invest their capital in manufacturing enterprises.

The idea of protecting labor was not thought of at that time. So from time to time the tariff duties were increased. Capital flowed into the country, and by reason of the special privileges given it doubled, trebled, and quadrupled. Whoever engaged diligently in any of the protected industries became rich, and whoever had special skill or aptitude made millions. By reason of these special and exclusive privileges the increase of capital has been almost exclusively confined to the few enjoying them, which has resulted in the ownership of about one-half of the property of the country by only one-eighteenth of the population. This jug-handle process of accumulating the riches of the country into the hands of these privileged classes is not, as I believe, for the "general welfare" of the whole people.

INFANT INDUSTRIES.

The only legitimate argument in favor of a protective policy is that protection may be necessary to encourage and establish infant industries in a new country, so that they can acquire sufficient means and strength to enable them to compete successfully with old and established works in other countries. This country, as I have already shown, has passed through that period and advanced to full age and strength. The fact that these protected industries have been able to compete successfully with the same kind of industries in older countries, and at the same time acquire in addition thereto wealth and capital in excess of all such business requirements, is proof that they no longer stand in need of such protection. The equality having been established, so far as capital, skill, and experience are concerned, the protection should be withdrawn.

This rule applies to such industries as are natural to the country and will not need protection when once established. As a rule no attempt should be made to establish the manufacture of any article that can not be produced without loss after fair trial under favorable circumstances. This idea of encouraging infant industries in new countries is not incompatible with the general principle that tariff taxation should be for revenue only, so adjusted as to equalize the burdens of taxation. But to continue a protective tariff for the support of those industries which can never be profitable in this country without protection, or for the further advantage of such industries as have already been established and made profitable, can not be for the "general welfare."

In theory the advocates of the doctrine of protection justify it as necessary to enable infant industries in new countries to advance to that equality of strength and experience that will give them the ability to enter the markets of the world as free-traders; but in practice the more protection they have the more they want, and the longer they have it the longer they want it, and when they have acquired that ability given them by protection, they pervert it from the purpose originally intended, and use it to control legislation in the interest of mo-

nopolies founded upon inequality of privileges, which condition they seek to make perpetual by legal enactment. That is what protection now means in this country.

THE GENERAL WELFARE.

Whatever is for the greatest good of the greatest number must be for the "general welfare," and whatever imposes unjust burdens upon the majority of the people for the benefit of a few privileged classes is against the "general welfare." Upon these propositions the doctrine of protection must stand or fall.

If we find certain facts and conditions connected with or resulting from protection when adhered to for any considerable length of time, showing that the protected classes, which constitute but a small minority of the people, have been benefited beyond all reason, and that the unprotected classes, which constitute a large majority of the people, have been injured in what appears to be about the proportion that the protected classes have been benefited, that is to say, if such a state of inequality has been produced as to make the protected classes rich and the unprotected classes poor, we must conclude that protective tariffs do not protect the masses of the people and do not promote the "general welfare."

That we may arrive at an intelligent conclusion upon this subject I select and present, from the general mass of such facts, the following:

I.—BANKRUPTCY.

Protectionists have declared that "bankruptcies would be the order of the day" if our protective tariff should be reduced to a revenue standard.

If conditions and circumstances, except the protective tariff, were ever favorable to, and if protection ever had opportunities to show what it could do for, business prosperity, those conditions, circumstances, and opportunities existed in 1881, 1882, and 1883. More than twenty years of protection had prepared the way. Let us, then, strike the balance and see the result:

For the first quarter of 1881 there were 1,761 failures, with $24,000,000 liabilities; for the first quarter of 1882, 2,127 failures, and $33,000,000 liabilities; an increase in one year of 20 per cent in number and 37 per cent in amount.

For the first quarter of 1883 there were 2,806 failures, with $37,000,000 liabilities; an increase in two years of 59 per cent. in number and 54 per cent. in amount.

For the first quarter of 1884 there were 3,296 failures and $40,000,000 liabilities; an increase in three years of 87 per cent. in number and 66 per cent. in amount.

From this showing it appears that bankruptcy flourishes wonderfully under protection. And this is the best showing protection is able to make after fifty years of trial. It does not advance the "general welfare."

II.—INCREASE OF WEALTH.

The greater part of our national growth and development took place between 1820 and 1880. From 1820 to 1850 we were under protection; from 1850 to 1860 we were under a tariff for revenue only; and from 1860 to 1880 under protection again. During that whole period the increase of national wealth was as follows: From 1820 to 1830, 41 per cent.; from 1830 to 1840, 42 per cent.; from 1840 to 1850, 64 per cent.; from 1850 to 1860, 126 per cent.; from 1860 to 1870, 52 per cent.; and from 1870 to 1880, 79 per cent. The average increase for the whole time was 67 per cent.; the average increase under protection was 55 per cent.; and the increase under a tariff for revenue only was 126 per cent. The increase under a tariff for revenue only exceeds that of the last and best period under protection—from 1870 to 1880—by 47 per cent. Our experience with protection thus far does not warrant its continuance. Let it, with all other failures of that kind, be wiped out. It does not promote the "general welfare."

III.—EMPLOYMENT OF LABOR.

Those who oppose a reduction of tariff taxation tell us that the withdrawal of protection will destroy manufacturing and drive the labor employed in that industry into agriculture, and that the competition in that industry will then be such that wages will be greatly reduced.

If this be true the tariff-for-revenue-only period, from 1850 to 1860, must disclose the fact. The truth, however, is just the reverse. From 1850 to 1860 the employment of labor in manufactures increased 36 per cent., against an increase of only 33 per cent. from 1870 to 1880.

VI.—HOME MARKET.

Every time the tariff question is discussed we are told that protection will give us a home market for all our agricultural products and make us independent of foreign markets. That might be a desirable condition, but protection has not given it to us. On the contrary, every decade of our experience shows that protection has increased our dependence upon foreign markets, as witness the following:

In 1820 we sold in foreign markets, including breadstuffs, cotton, and provisions, $28,000,000 worth. In 1830, $39,000,000 worth; an increase of 39 per cent. In 1840, $79,000,000 worth; an increase of 102 per cent. In 1850, $95,000,000 worth; an increase of 20 per cent. In 1860, $231,000,000 worth; an increase of 143 per cent. In 1870, $328,000,000 worth; an increase of 42 per cent. And in 1880, $626,000,000 worth; an increase of 90 per cent.

From this it appears that our dependence upon foreign markets for the sale of our agricultural products was twenty-two times greater in 1880 than in 1820, and we have to record another failure against protection. So long as the farmer has to accept for his products the prices they bring in foreign markets, less the cost of transportation and marketing, he ought not to be compelled to pay for the manufactured articles consumed by him more than their cost in those same foreign markets with the cost of transportation and marketing added. Every such increase in the cost of the manufactured articles consumed by him is just so much of a discrimination against him and in favor of the home manufacturer.

But there is another phase of this home-market question that is not very generally considered. Protectionists assume that the home market for our agricultural products depends almost entirely upon the persons engaged as workmen in the protected industries. This is not true. They do not consume enough to equal the variation between a medium and a good crop of grain. Stop and take a little thought upon this subject. How many of your friends and acquaintances are employed in the protected industries? Farmers are not benefited by protection. Farm laborers are not protected. Blacksmiths, shoemakers, stonemasons, bricklayers, plasterers, painters, carpenters, and joiners are not protected. And so we may go on through the whole catalogue and find but very few of the laboring classes affected in the least by protection except as consumers of manufactured articles made dear by high tariff duties.

According to the best estimates, founded upon the census of 1880, there are less than a million persons—not one-fiftieth part of our population—employed in the protected industries. Home market, indeed! If the number of persons employed in the protected industries should be doubled to-day it would not raise the price of wheat 2 cents per bushel, or if the whole number of persons employed in the protected industries should be transported to-morrow it would not lower the price of wheat 2 cents per bushel.

The protected industries consume less than one hundred million dollars' worth per annum, while the foreign market takes more than six hundred million dollars' worth each year. This ought to be enough to make farmers think.

V.—PAUPER LABOR.

Protectionists are driven to the adoption of the most ridiculous assumptions known to the human mind. One of the most glaring of these is the declaration that the workingmen of this country are not able to compete successfully with the pauper labor of Europe. This is the climax of absurdity. It amounts to an assertion that the intelligent, competent, industrious, and self-supporting American workman is inferior to the ignorant, lazy, incompetent, and charity-eating European pauper. When called upon to meet this allegation fairly, what true American ever had the hardihood to assert that ignorance is superior to intelligence, indolence more productive than industry, or that incapacity is superior in productive power to ability? If this be true, of what advantage is our public-school system? Why should we tax ourselves for the education of the masses of the people if it is going to result in weakness and inefficiency? Pauper labor is not even self-supporting, to say nothing about producing a surplus for export.

But, say they in answer, we do not mean paupers that beg or are supported at public expense. We mean the poorly-paid labor of England, where wages are much lower than in this country. Our manufacturers pay our workmen about 50 per cent. higher wages than English workmen are paid.

Conceding that daily wages are nominally higher in this country than in England, let us make inquiry upon two points that must be determined before their relative rates can be estimated: First, what is the relative value of their labor to their respective employers? And second, what is the relative value to the respective workmen of the wages paid them in the two countries? If we find that the labor product of the American workman exceeds the labor product of the English workman by a higher per cent. than the wages of the American workman exceed the wages of the English workman, then it will appear that the American manufacturer pays lower wages than the English manufacturer, and that protection has injured rather than benefited our labor.

VI.—WAGES AND PRODUCT OF LABOR.

The product of labor is what must be measured when we undertake to determine what class or what nationality of workmen receives the highest rate of wages. The gross annual product of each American manufacturing hand is $1,960, while the like product of each English hand is $1,040. The labor product of the American workman being 88 per cent. greater than that of the English workman, his wages ought to be 88 per cent. higher. But such is not the fact. His per diem wages are not more than 50 per cent. higher than the English workman. It is thus shown that the wages of the American workman, when we come to measure the labor product, are 38 per cent. lower than the wages of the English workman.

There are several reasons why this is so:

First. The English workman labors only from fifty-four to fifty-six hours per week; the American from sixty to seventy-two, and still does more each hour than the Englishman. There is in fact no country in the world where workingmen work as many hours each day and as many

days each year as in the United States. They are also equally noted for perfection and rapidity of execution. In these too they excel all other nations and peoples.

Second. The higher intelligence of the American workman, derived largely from our system of common schools, an attendance upon which has become practically obligatory on account of the demands of society and business, is another factor which makes him in every way superior to any and all of his competitors.

Third. His participation in and responsibility for good government make him ever vigilant, self-reliant, and ambitious for success in all his undertakings, whether of a private nature or public character.

In speaking of American workmen, I do not mean those only who are native-born, but all who have become American citizens. The man who in some foreign land learned of the advantages of our form of government, became inspired with the spirit of liberty, and had the ambition and bravery to leave his fatherland and seek a home in the New World, has shown himself equal to the highest grade of American citizenship.

VII.—PURCHASING POWER OF WAGES.

Having shown that the American workman gives the American manufacturer a very much larger return for the wages paid him than the English workman does the English manufacturer, it would seem that the cry of the American manufacturer that he can not compete in his own home market with the English manufacturer ought to be silenced. But another feature of the question is the purchasing power of wages. Society is now so organized and laws so enacted that the wages of workingmen are all used in furnishing themselves and families with the necessaries of life. Upon investigation we find that, with the exception of breadstuffs and provisions, the purchasing power of wages in England is greater than in the United States by about the rate of tariff duties on imports, which is somewhat more than 40 per cent. Now, then, half the wages of American workmen are paid out for articles that are enhanced in price not less than 40 per cent. on account of the tariff duties, which reduce the purchasing power of their wages at least 20 per cent.

Let us recapitulate. The American workman receives about 50 per cent. higher per diem wages than the English workman, but their purchasing power is 20 per cent. lower; so that the actual value to him of his daily earnings is only about 30 per cent. greater than those of the English workman. It must be kept in mind also that the American workman does 88 per cent. more work daily than the English workman, and that the difference between that increased labor product and his higher rate of wages, 38 per cent., remains with the American manufacturer.

This shows unmistakably that the claim of the protectionists that a protective tariff benefits workingmen by giving them higher wages is not only a false assumption, but that a protective tariff deprives them of a large percentage of what they actually earn, and transfers that percentage to the pockets of the protected manufacturers.

VIII.—ENGLAND.

Hardly a member has spoken upon this question without in some way referring to England. Protectionists quote her in support of their points, and tariff reformers do the same thing to apply and illustrate their arguments. On this account, and for the further reason that protectionists parade with mortal fear the allegation that the competition of English workmen and English manufacturers will ruin American workmen and American manufacturers if not shielded by high protective tariff duties, I have made a comparison of the wages received by those employed in the manufacturing industries of the respective countries. This was done not with a view to eulogize Englishmen nor to indorse English policy. On the contrary, I have shown clearly that the workingmen of England are inferior to the workingmen of this country, and have not even mentioned her policy with respect to protective tariffs.

If there is any one thing more prominent than another in the history of England it is her absolute and despotic policy of protecting her privileged commercial and aristocratic classes by protective export and import duties. Up to the year 1824 her system had been strictly protective. Her policy was to rob and plunder other nations and peoples when she could with impunity, and to burden and oppress the masses of her own people to enrich her privileged classes. All the wrongs and injustice perpetrated upon the American Colonies were done at the bidding of protected monopolies. Yes; all the suffering, plundering, and oppression imposed upon injured and downtrodden Ireland have been the direct result of the protection she has extended to her legalized and petted aristocracies.

But for centuries the people of England have been struggling against these privileged classes and for the overthrow of aristocracy. They have not yet succeeded, but some advance has been made. In 1824 a general effort was made to convert Parliament to the policy of commercial freedom, which was continued with unabated vigor until 1849, when a system of practical free trade was adopted. Since the adoption of that policy more actual progress has been made toward equality of rights by the English people than was made by them in the preceding four and a half centuries. During that period very much has been done toward the establishment of a system of common schools. As a result of increased commercial freedom and consequent growing intelligence the right of suffrage has been greatly extended.

As a result of this general advance the wages of labor have been increased during the last thirty years, on an average, 37 per cent. Another feature not generally considered is that as commercial freedom has advanced and the condition of labor has improved the profits and power of capital have been greatly decreased. Capital always seeks investment where it is most protected by law. Protective tariffs are the favorite means of extending special privileges to capital. Hence, as commercial freedom has advanced in England, and the protective policy has become more firmly established in the United States, English aristocracy and English capital have sought shelter under our high tariff system by investing in our manufacturing monopolies and buying up our public lands. In this way the English operative system has been imposed upon our factories, and the English landlord system is being transplanted to our Western States and Territories.

IX.—MONOPOLIES.

The first and most direct result of a tariff for protection is the establishment of monopolies. This is done by cutting off competition. One of the first industrial and economic maxims I learned was that "competition is the life of business." This maxim relates to the business of the whole people and not to that of the privileged few under a protective tariff. The foundation principle of this maxim is that competition stimulates production and improves the quality of the articles produced. Such stimulus and improvement always arise from that natural condition which is based upon equality of rights and privileges. It increases the production of each individual, class, or nation beyond what each needs for its own consumption.

This surplus product of labor is the basis of all business, trade, and financiering. The first object of each individual, class, or nation is to exchange its surplus product for the surplus product of some other individual, class, or nation, so that the enjoyment of life may be increased by the possession and use of those comforts and luxuries which may be obtained by such exchange. Now, then, this exchange of the surplus products of labor calls for another division of labor, and a general class is called from the employment of producing to that of handling the product. In this general class I include those who employ and manage labor with those who handle and exchange the product. Their interests are the same; they always combine upon the question of toll-taking, and grow fat and rich from the same source and by reason of the existence of the same laws and conditions.

Protective tariffs shield those who handle and exchange the product of labor from competition, but leave those engaged in the labor of production open to competition from every quarter. This enables the employer to control both the cost of the article he sells and the price he sells for, while the laborer can neither decide how long he will work nor the price he shall work for.

Such is the manner in which monopolies have been created and are maintained in this country under protective tariff laws. In business, as in politics, morals, and religion, conditions and circumstances produce their legitimate results. If the persons engaged in any particular kind of business have a monopoly of it, that fact will very soon appear from the rapidity with which they acquire great fortunes.

In no country in the world have colossal fortunes been so quickly amassed as in this since legislation has been manipulated in the interest of privileged classes; not because of great industry, learning, and good judgment, but by those who have in some way been enabled by law to take advantage of their fellow-men. If there is any one place in the United States where protection has protected, and the protective policy has been fruitful, it is in the city of Cleveland, Ohio. Last winter, in the Ohio Legislature, Senator Williams of that city, in speaking upon the tariff question, among other things, said:

> I am thoroughly conversant with the working and effect of a protective tariff in my own city. There the benefits of protection have inured to the manufacturer almost exclusively. Why, sir, I can remember when there were but two millionaires in the whole United States—Girard and Astor.
>
> Now I can name no less than thirty in my own city of Cleveland. I have traced the history of these millionaires, and found that their wealth grew out of protected monopolies, and through the policy of a protective tariff. The fact is that their net profit is never less than 20 per cent., and it very often exceeds that. Upon the other hand, the average wages of the workingmen in the Cleveland manufacturing establishments range from $350 to $378 per year—barely enough to afford a subsistence.

Here we have the whole secret. The protected monopolies are making a net profit of 20 per cent. on their investments at the expense of the whole people. A protective tariff legislates three-fourths of these enormous gains into their pockets. This is nothing short of legislative robbery. It keeps the masses of the people poor that these petted beneficiaries may revel in wealth and luxury.

Of what use is a republican form of government when molded into a taxing machine for the upbuilding and support of an untitled aristocracy? What authority is there in our Constitution for extending special privileges to any class of our citizens? These monopolies buy labor and sell the product of labor. Workingmen sell labor and buy the product of labor. Why should the monopolies be protected in the privilege of buying labor in the cheapest market and at the same time be given the power to make a dear market for the sale of the product of that labor? If this is not rank injustice, where can it be found?

X.—"AGITATION RUINS BUSINESS."

The first plea of our opponents—"the benefits of protection"—having been disposed of, we now come to the consideration of their second plea, "that the agitation of the tariff question will disturb and injure the business condition of the country." The real and only question involved in this measure is the proposition of the Democratic party to reduce taxation to a revenue standard. It is true that we propose to do that by reducing the rates of import duties.

It being established that our present rates of taxation produce a large surplus revenue, what reasonable objection can there be to such a reduction of those rates as will reduce the amount of taxes collected to the legitimate uses of the Government? The answer comes to us in a weak, cracked, and trembling voice that the "business interests" can not stand it. When they say "business interests" they mean the protected monopolies. They have had the lion's share at the common expense until they have acquired the lion's strength, and now when called upon to use that strength for their own support and the common good they plead weakness and cowardice.

Protection, then, produces weakness and instability. Protection has made the Republican party a coward. That so-called "grand old party" has lost the courage of its convictions. But, Mr. Chairman, that is not the only trouble with that party. Two years ago a Republican party President said in his message to Congress that such a reduction of taxation as we now propose was necessary for the general welfare and demanded by the people. This declaration of the President was indorsed by the Republican Secretary of the Treasury. A little later a Republican Congress reiterated the declaration and appointed a Republican tariff commission to investigate and report a measure that would effect such a reduction. And then about a year and a half ago that tariff commission reported and recommended the passage of an act for such a reduction of taxation.

Then the music commenced. The pampered lions of protection began to roar. That would lessen the amount of tribute they were levying upon the people. It would interfere with their system of legalized plunder. Something must be invented to divert the attention of the people, not only from the great question of revenue reform, but from the record they have made upon that question.

Behold the wonderful production! Look at this child of protection! "Agitation ruins business." Such is the platform of the Republican party of to-day. Republican orators, Republican newspapers, and Republican office-holders have dubbed it the "grand old party." Yes, it is the grand old party of agitation and revolutionary tendencies when it wishes to engage in the manufacture of party capital by inciting race prejudices and fomenting sectional animosity, or when it becomes the ally of prohibition cranks and woman-suffrage agitators. Then it believes in agitation. But when a great economic question, the true principles of which have not yet been fully settled and adopted by the nations of the earth, is presented for discussion, it shrinks back and votes against its consideration. When we propose to relieve the people from the burdens of war taxation it threatens to vote to strike out the enacting clause of the bill.

Until the first session of the Forty-seventh Congress the Republican party in Congress, in conventions, in newspapers, and on the stump professed to be in favor of revenue reform and for a reduction of taxation. Since that time its course of action has been against that policy, with an evident desire to keep up old appearances and in that way deceive the people. But now that party is compelled to vote upon that identical question. The record must be made. Now, then, if the representatives of that party vote to strike out the enacting clause of this bill "to reduce import duties and war-tariff taxes," it will become the anti-revenue reform party. That will be an irredeemable pledge against a reduction of taxation. Yes, I may add that such vote will bind that party to oppose even the consideration and discussion of any such great economic measure. With such a record and such a pledge its only promise for the future will be that war taxes shall be maintained and lavish expenditures of the public moneys continued. It will try to escape this issue by "pointing with pride" to its achievements in the war. But the war is of the past, and the people demand that provision for the future shall be made upon the basis of peace, economy, and progress.

XI.—REPUBLICAN RULE.

Inasmuch as this "grand old party" is determined to look only upon its bloody and corrupt past, I call your attention to a few of the results of a quarter of a century of Republican rule.

1. It has given us a system of taxation so fatally vicious that it takes from the earnings of the people annually a hundred million dollars more than is required for all legitimate uses of the Government.

2. It has given us a foreign commerce almost entirely surrendered to foreign ship-owners, by reducing our interest in our carrying trade with other nations from what it was in 1859,75 per cent. thereof, to what it is now, only 15 per cent.

3. It has given us a Navy upon which more than $500,000,000 have been expended during that time, but which is officially confessed to be utterly worthless as to ships and guns.

4. It has given us an Army that is dissolved by desertion as fast as it can be filled by recruiting, on account of the corrupt practices, extravagant habits, and aristocratic privileges of the officers, whereby the common soldier is sunk into oblivion and the service degraded.

5. It brings to us the Mormon problem in worse shape than it was when that party first declared war upon polygamy twenty-seven years ago.

6. It has given us one mighty wrangling, log-rolling, and lobbying for the creation and maintenance of special and class privileges.

7. It has inaugurated the tendency and established the practice of centralization, by absorbing the liberties of the people into the powers of the Government.

8. Its teaching and practice have been that fealty to the Republican party is more important than loyalty to right principle.

9. It has given nearly 200,000,000 acres of the public lands to railroad corporations, comprising the best portions of our public domain, the grants being in many cases 25,000 acres to the mile of railroad proposed to be constructed, without requiring adequate security for such construction or forfeiture of the grants in case of failure to construct.

10. It has drawn to itself all the corrupt elements in politics by its practice of dispensing public patronage and power to the highest bidder.

11. It has substituted men of wealth for men of worth as its representatives in the Government, whenever such a change could be effected with the probability of securing an enlarged corruption fund for campaign purposes.

12. And it has brought popular government into disgrace by the stealing of one Presidency and the purchase of another.

XII.—DEMOCRATIC TARIFF.

In conclusion, Mr. Chairman, I submit the following propositions for a Democratic tariff platform as being the best expression of true Democratic principles as advocated by our best representative Democrats:

1. No more money for revenue should be collected than is necessary for the expenses of the Government economically administered.

2. No import duty should be imposed upon any article above the lowest rate which will yield the largest amount of revenue. Below such rate discrimination may be made descending in the rate of duties, or for imperative reasons the article may be placed in the list of those free from duty.

3. The maximum revenue duty should be imposed on luxuries.

4. All maximum and specific duties should be abolished and ad valorem duties substituted in their place, care being taken to guard against fraudulent invoices and undervaluation and to assess the duty on the actual market value.

5. And all duties should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section.

Reduction of Taxation.

SPEECH

OF

HON. CHARLES H. MORGAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. MORGAN said:

Mr. CHAIRMAN: I thank the gentleman from Iowa [Mr. COOK] for yielding a part of his time to me to-night. It is not my purpose to speak upon the question of the tariff, but I have a word to say in favor of a reduction of taxes. The bill under consideration has my hearty support. It reduces unnecessary taxation, and such reduction is made on the duties upon imports alone. It increases the free-list by adding thereto the following articles:

Salt, in bags, sacks, barrels, or other packages, or in bulk.
Coal, slack or culm.
Coal, bituminous or shale.
Provided, That this shall not apply to coal imported from the Dominion of Canada until that government shall have exempted from the payment of duty all coal imported into that country from the United States.
Timber, hewn and sawed, and timber used for spars and in building wharves.
Timber, squared or sided, not specially enumerated or provided for in this act.
Sawed boards, plank, deals, and other lumber of hemlock, whitewood, sycamore, and basswood, and all other articles of sawed lumber.
Hubs for wheels, posts, last blocks, wagon blocks, oar blocks, gun blocks, heading blocks, and all like blocks or sticks, rough-hewn or sawed only.
Staves of wood of all kinds.
Pickets and palings.
Laths.
Shingles.
Pine clapboards.
Spruce clapboards.
Wood, unmanufactured, not specially enumerated or provided for in this act—

All of them of common use throughout the country. It will cheapen

the expenses of living and add to the savings of the people. It is, in fact, a measure to reduce war-tariff taxes, which are no longer required for the support of the Government or the payment of the national debt.

From the year 1865 to the year 1883, inclusive, there has been collected by the Government in the shape of taxes the sum of $6,740,246,000 in round numbers. These figures are taken from the published official statement from the Treasury Department, warrant division, dated August 20, 1883. This sum is the remainder, after subtracting from the net revenue of the Government the amount received from the sale of public lands, the sales of public land during these years yielding less than $43,000,000.

The mind of man is incapable of comprehending the sum so paid by the people, and by subdividing it alone can we obtain a realizing sense of its magnitude. Let us distribute it to counties according to their population; for by the system under which our taxes are collected communities pay in the ratio of population instead of wealth. This will show that a county with a population of 25,000, or equal to that of Henry or Cass or Bates, in the State of Missouri, have contributed the sum of $180,000 per annum. These figures are startling, but verify them, as you easily may, and they will be proved substantially correct.

These burdens have been patiently borne, although they have been most oppressive. No small portion has been for extravagance and not for the necessary expenses of Government, while millions of dollars have been stolen outright. The payment of this amount without complaint shows the grand resources of the nation and the patriotism of the people. During this time legislation has not always been for the purpose of making the payment of taxes easy. Contracts for the payment of a large portion of the bonded debt of the United States have been changed, and bonds payable under the original contract in lawful money have been by act of Congress made payable in coin alone. During a portion of this time there was no law authorizing the coinage of silver, and in their hour of extremest need the people were deprived of the benefit of the mines of the West, with their untold millions of uncoined silver dollars.

Instead of wisely using the public lands for the legitimate purposes of the Government, a large portion of them have been granted to railroad companies. Public domain greater in area than the State of Missouri at one Congress has been diverted from the purposes to which it was dedicated in the earlier days of the Republic, namely, for homes for the people, and conveyed to moneyed corporations under circumstances so scandalous as to weaken confidence in Congress.

At last, after all these years, we find a surplus of revenue in the Treasury, and the people supposed that the rate of taxation would be at once reduced. President Arthur called attention to the fact, and suggested a reduction of taxation two years ago. The matter was discussed in the Forty-seventh Congress. The friends of a low tariff insisted that a reduction should be made in the rate of duties upon customs and favored a revision of the tariff laws. The representatives in Congress of the interest receiving protection insisted upon the appointment of a commission to investigate the question, gather information, and report to Congress.

The friends of revenue reform were defeated, and the "commission bill" passed Congress and became a law. At the time it was earnestly insisted by Democratic members that it was a delusion, and it was not intended by a majority in Congress that it should result in a reduction of tariff taxation. The commission was appointed by the President, and composed of men who were well known as protectionists, many of them being personally interested in a high protective tariff. Notwithstanding the composition of this commission, it reported to the Forty-seventh Congress in favor of a tariff reduction, using the following language:

> Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.
>
> * * * * * * *
>
> Excessive duties generally, or exceptionally high duties in particular cases, discredit our whole national economic system and furnish plausible arguments for its complete subversion. They serve to increase uncertainty on the part of industrial enterprise, whether it shall enlarge or contract its operations, and take from commerce as well as production the sense of stability required for extended undertakings. It would seem that the rates of duties under existing tariff—fixed for the most part during the war, under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted through reduction to the present condition of peace, requiring no such extraordinary stimulus. And in the mechanical and manufacturing industries, especially those which have been long established, it would seem that the improvements in machinery and processes made within the last twenty years, and the high scale of productiveness which has become a characteristic of their establishments, would permit our manufacturers to compete with their foreign rivals under a substantial reduction of existing duties.
>
> Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent."

The Committee on Ways and Means of the House, with the distinguished gentleman from Pennsylvania [Mr. KELLEY] at its head, took up the matter for consideration, and reported a bill to the House which, instead of reducing the tariff 25 per cent., as recommended by the commission and warranted by the condition of the Treasury, made a reduction of less than 2 per cent.

This bill, amended and changed in many particulars, passed Congress and received the signature of the President, and is now known as the "tariff law of 1883." Against its passage the revenue reformers were solidly arrayed under those able leaders CARLISLE and MORRISON. The supporters of the measure, led by KELLEY, MCKINLEY, and Haskell, were only victorious by the aid of RANDALL, of Pennsylvania, and a small following of protection Democrats.

The people were not then and are not now satisfied with the action of that Congress. They expected, and had a right to expect, such a reduction of taxation that no more money should be taken from them than actually necessary for the expenses of Government. The last report of the Secretary of the Treasury shows that there was remaining in the Treasury at the close of the last fiscal year about $150,000,000, and the effect of the tariff law of 1883 is now sufficiently known to warrant the opinion that with an honest and economical administration of public affairs this surplus will not be diminished, but continue to increase year by year.

Even the advocates of a protective tariff admit that this condition should not and can not remain, and they have proposed various expedients and schemes to get rid of the surplus in the Treasury without abatement or reduction of tariff taxation. This is not strange; such an amount of money lying idle in the Treasury invites schemers and corruptionists.

One distinguished gentleman, a most prominent candidate from the far East for the Presidency, Mr. Blaine, proposes to solve the problem by turning over to the States the entire amount of money received into the Treasury from taxation of spirits. This is not only a bid for popularity and a bribe held out to the States, but it will permit the present high protective tariff to remain and even to be increased. It would relieve the States of the payment of taxes and change the entire system of tax-paying there. Under the State laws the revenue necessary for the State purposes is derived by a tax upon property. Under the tariff and internal-revenue system of taxation revenue is derived from the individuals according to what they may use, and a laboring man with a wife and children may, and often does, pay more for the support of the Government than a millionaire. Such a change would be in the interest of rich people and against the interest of the poor.

Another candidate from the West [General LOGAN] proposes, by means of the Blair bill, to get rid of the surplus revenue by establishing a system of Federal education—a most dangerous and unconstitutional proposition, and which, if enacted into law, will go further toward centralization of power in the Federal Government than all the legislation in the last twenty-five years.

Others propose the erection of expensive public buildings throughout the United States, and to-day we have on the Calendar bills which are proposed to be passed this session erecting a public building in every district whose Representative has applied for one. New and extravagant schemes for the improvement of rivers and harbors before unheard of have been made. Every possible device is to be resorted to to spend the money of the people in order to keep up the protective tariff.

Another plan, and one which in my opinion will finally be adopted by the protectionists, is to abolish entirely the internal-revenue tax. To each and every one of these schemes I am unalterably opposed. The idea of meeting the excess of revenue collected by extravagant expenditures is absurd. It can never be carried out. The people will never submit to it; but we must expect no easy victory.

Nearly half a century ago Andrew Jackson, in his great address to the American people, said:

> Rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned. The various interests which have combined together to impose a tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters.

This is the language of a Democrat and a statesman, and is as true of to-day as of the time it was uttered.

I will now for a moment consider the proposition of abolishing the internal-revenue tax. The taxes upon tobacco and upon liquors are voluntary; no one is compelled to pay them, for these articles are not necessary to life, comfort, or happiness. Those who have the money to spend can indulge in the luxury of tobacco, and the same is true of liquors. No one is obliged to indulge in them. In fact, the use of liquor is in itself pernicious; it brings no happiness, but, on the contrary, it results in suffering and misery. It is the last article from which taxation should be removed. The people to-day are not suffering for cheap whisky. Those who drink it are willing to pay the tax. No law is necessary to remove this tax. Those who are opposed to it can refuse to pay it by leaving off the use of it. In doing this, and thus refusing to pay this tax, they will not be prosecuted and punished by the Government, nor will they suffer any privation. I would

leave the remedy against high taxes on whisky and tobacco to the people in their individual capacity. Whenever they are ready to abate these taxes, in whole or in part, they can do so by simply abstaining from the use of the articles.

Any person opposed to paying a tax on whisky can carry out that opposition as an individual, and refuse to pay another cent of tax upon it, and to such refusal no penalty is attached, but a reward is offered and paid in increase of wealth, happiness, and honor.

I shall oppose the removal or reduction of the tax upon spirits, and insist upon the reduction of taxation upon the necessaries of life. I would make as cheap and as free as possible the food for the people; as cheap as possible what they are obliged to wear; and in the third place, would cheapen all articles that go into the homes of the farmers, the laboring men, and of every other class who are compelled to earn their living by their own exertions.

All over the Western country to-day, out upon the prairies and in the forests and among the mountains, there are thousands struggling to build up homes, many of them commencing with less than the sufficient amounts to purchase the lands upon which they are living at Government prices. Let us shape the laws of the country to protect these men. Let us aid them in their struggle for existence. Let Congress enable them to build good houses to live in by giving them free lumber and cheap building material, and then cheapen all articles that go into those houses to furnish and fit them for pleasant homes. Let us cheapen the food upon their tables, and everything necessary to life, comfort, and happiness. When we reflect upon their condition, when we consider their labors, privations, and hardships, it seems to me that the proposition to cheapen liquors or tobacco in order that you may increase or keep up their taxes is the most unstatesmanlike and wicked measure ever devised by the ingenuity of man. To abolish the internal-revenue taxes and refuse to reduce tariff taxes would encourage the production and consumption of liquor and tobacco at the expense of hard-working, honest, and intelligent citizens of the country, who alone contribute to its greatness.

Gentlemen say the present bill will not accomplish the result we seek. They object to the peculiar features of this bill known as the "horizontal cut." I have heard this objection urged on every hand, in season and out of season, since it was first reported by the distinguished gentleman from Illinois [Mr. MORRISON] from the Committee on Ways and Means, and have never heard it urged by a single individual who is in favor of lower tariff. It is always urged by the friends of protection.

You tell us that what we need is a thorough revision of the tariff. We know that this is impossible at the present time, and if attempted would meet with the united opposition of all the protectionists on both sides of this House, and if by good fortune it should pass here would be defeated in the Senate, now controlled by the Republican party. We have therefore, and as we still think wisely, attempted nothing of the kind, but have provided for a reduction of overtaxation by the tariff. This bill will reduce taxation at least $100,000,000 per annum, and it is estimated will reduce the yearly revenue derived from duties on imports nearly half this amount. Applying the same rule used by me a few minutes ago, that these tariff taxes fall upon counties in about the ratio their population is to that of the whole country, we obtain a saving to each of the four largest counties in my district—Bates, Henry, Cass, and Vernon—of about $50,000 per annum, and more than half this sum to each of the four smaller counties, namely, Barton, Dade, Cedar, and Saint Clair. To aid in accomplishing this result I have bent all my energies and will continue the work to the end.

The gentlemen on the other side of the House say that this bill does not remove the inequalities and incongruities of the present law. You forget if there are inequalities and discriminations and inconsistencies that you alone are responsible for them. You made this law against our protest, against our votes, and you are estopped from denouncing it now. We know the law is a bad one, and we propose to revise it whenever we have the power. If the present bill is defeated and no reduction in taxation is made we are sure to return to this House in sufficient numbers to pass any bill we see fit to pass. Defeat this measure for the partial relief of an overtaxed people, and we will have the power, not only in the House of Representatives but in the Senate of the United States, to pass a law revising the tariff. Defeat this bill, and the people will elect a President who will approve any bill that may be presented to him by Congress revising the tariff and making it for purposes of revenue alone. For the time will come, and shortly too, when the people will declare that the power to levy and collect taxes is limited and confined to purposes of Government alone, and that no power exists to compel one citizen to contribute money or labor for the use and benefit of another. And I expect a declaration upon this subject at Chicago in the coming July convention of the national Democracy in sentiment and language like this:

We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture—an industry followed by half of our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.—*Democratic National Platform*, 1876.

Or this:

Home rule, honest money, consisting of gold, silver, and paper convertible on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only.—*Democratic National Platform*, 1880.

Any party, or faction of a party, refusing relief to the people from war taxes after twenty years of uncomplaining payment, and when the necessities of the Government no longer require their payment, is unworthy of support and will be condemned at the polls.

There can be no doubt of our triumph in this House. We will pass this bill, with but few changes, this session I sincerely hope and believe; but if we fail, we will go before the people at the coming election and ask indorsement of our course, and returning with their vindication go forward to victory.

The Tariff.

SPEECH

OF

HON. SETH L. MILLIKEN.

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES.

Wednesday, April 30, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. MILLIKEN said:

Mr. CHAIRMAN: I shall not attempt at this period of the discussion to enter upon an examination of the tariff in all its details. To do so would be to repeat an o'er-told story. Already we have been treated to a plethora of debate upon the important items which make up the schedule of duties upon imports; but there are some salient points which I desire briefly to consider, and some statements have been made and conclusions drawn by the gentleman who has just taken his seat [Mr. CULBERSON, of Texas] and by others to which I wish to reply. That done, I will not further engage the time of the House and delay its final vote upon this question which the country so much desires to see settled. I feel that the agitation of this subject is to be deplored. The bill is not only bad in character but inopportune in its introduction. So long as it is pending the business of the country knows that it treads upon uncertain ground, and it will advance timidly, shrinkingly, and hesitatingly instead of going forward with firm and healthy step.

Capital is proverbially a coward. Above all things it is anxious to be assured against unknown perils. This bill threatens so many industries in which capital is invested, menacing at the same time the rewards of labor, that the sooner we dispose of it the better, I believe, will the people be satisfied. Indeed, I am sure that if the country is solicitous for one thing more than another relative to this Congress it is that we should stop talking, go to work, do the duties that are before us, adjourn, and give the people a rest.

So believing, I mean not to make myself responsible for extending to August a session which should have done more and better than we are likely to do and should have ended in April.

I observe that some gentlemen who favor the passage of this bill seek to place the issue between curtailing the tariff on the one side and abolishing the internal-revenue tax on the other. This is a shrewd deception. It is a well-spread net thrown out to catch votes for free trade. But the net is none too well concealed, though the deception receives help from a few protectionists who are weak enough to fear that a system so sound as that of protection of American industries and American labor against the aggressive encroachments of British interests in this country may possibly be unable to stand upon its own merits, and they would therefore make the system a revenue necessity by throwing away more than a hundred millions of dollars which the Government receives as taxes on whisky and tobacco.

But this is not necessary, and will not be done. Protection requires no such sacrifice. It can stand in its own strength. The issue is not between duties upon imports and internal revenue. It is between protection and free trade. All the efforts of the Democracy to disguise this fact and sail under a false flag, as it has continually been endeavoring to do for the last twenty-five years, will not avail it. The people are studying this subject as they once studied the character of slavery, and as upon that question so now upon this they will arrive at a correct conclusion. Ingenious phrases will not deceive them. They will not be misled by cunningly constructed platforms, which specifically state nothing, and may be construed to answer the demands of the different popular sentiments of different localities.

The Democratic shibboleth is tariff reform, but every Democratic orator who rises in his place in this House and takes "tariff reform" for his text makes a speech for free trade. Every proposition he lays down, every argument he makes, every conclusion he arrives at, is a proposition upon which to rest the theory of free trade, an argument urging the virtues of free trade, a conclusion that free trade should be practically adopted by the nation.

Tariff reform is used as every other expression of the Democracy upon that subject has hitherto been employed. It has been resorted to as a cloak to cover its ulterior purpose of free trade. The Democratic party has never yet dared to phrase a distinct, unequivocal proposition upon the tariff question. It has acted toward the people like an intriguing diplomat who believes with Talleyrand that language was made to conceal rather than to express the real meaning and intention of the speaker, and not like a brave party conscious of the honesty of its motives and confident of the soundness of its principles.

With the approaching national election ever present in its mind, it continually endeavors to ambush its position. Hence "tariff reform," "tariff for revenue only," and "tariff for revenue" are the devices upon its banners to-day. But should such an improbable event occur as its success in the approaching Presidential contest those misleading flags of a misleading party will be pulled down, the free-trade flags will be raised, and American producers of all kinds, farmers, manufacturers, and laborers, will be treated to their hearts' content to British monopoly in this country and British paupers' wages paid to American workmen. So much at least has been established by this debate.

Not only have gentlemen preached free-trade sermons as often as they have taken tariff reform for their text, but we have been assured by the distinguished chairman of the Ways and Means Committee that this bill is only a first step in cutting down protective duties. What the next step will be we are not informed, but that the final one is to be free trade in the event of Democratic success no intelligent man can doubt. The attempts of gentlemen to evade the issue will not serve them. They do it but haltingly. The ingenious rhetoric which they resort to neither changes it nor hides it away. Plainly protruding up through the sheep's clothing the ears of the wolf are discernible. The recent remarkable speech of the gentleman from Ohio [Mr. HURD], as self-contradicting and absurd in its propositions as it was elegant in its composition, was but a wild, incoherent cry for free trade under the caption of tariff reduction. He brands protection as robbery, but is willing to have it with 20 per cent. reduction to be made upon all dutiable articles without discrimination.

If protection is robbery, then there should be none of it at all. A horizontal reduction of 20 per cent., as provided in the Morrison bill, is absurd; for it assumes that all products upon which there is now a duty can equally bear reduction. It is worse than Procrustes's iron bedstead, which was to make all people of equal height by cutting off those who were too long and stretching those who were too short. It cuts off 20 per cent. from all duties regardless of whether they be great or small. Such a reduction is senseless. If the tariff is to be revised at all it should be done judiciously, carefully, and with proper discrimination. He asserts that protection robs one class for the benefit of another, and then attempts to show that no class gets the benefit of the robbery. He says the farmers pay $450,000,000 annually on account of protection, and then declares that neither the manufacturer nor laborer nor any one else gets it. What becomes of it the gentleman fails to tell us. He says that protection raises the price of manufactured articles, that the manufacturer pays no more for labor on account of it, and still is not benefited by it. He says a reduction of the tariff will raise the price of wool, and yet commends it to the woolen manufacturer as the means of giving him cheaper raw material. He argues that free trade would increase our commerce by increasing our exports and imports, forgetting how greatly these have increased since the tariff laws of 1860 were enacted; neglecting to state that our commerce has not recovered from the crushing blow which it received from Democratic cruisers during the war and inimical Democratic legislation since, and that the trouble is not that we have no exports to carry, but that we have no ships to carry them in.

And while we are struggling for legislation to relieve American commerce of the burdens which weight it down he and his friends defeat our bill introduced for that purpose by attaching to it an amendment which would ultimately destroy every American ship-yard now in existence and prevent the creation of any more in the future.

The fact is, that while our exports and imports have quite doubled since 1860, our foreign trade has diminished by one-half in the same period.

If gentlemen will allow us to abolish the oppressive burdens upon American commerce and to encourage ship-building by wholesome legislation, so that we may compete upon equal footing with foreign nations for the carrying trade of the world, then we may see our commerce restored to more than its former greatness and be gratified to be able to greet the American flag floating upon every sea and in every port on the globe. This we will do without resorting to the mischievous fallacy of free trade for which the gentleman in his speech upon tariff reform so warmly and earnestly appeals. Indeed it is protection, such protection as we have extended to our coasting trade and inland industries and by it built them up, that our foreign commerce needs; and it is no insignificant argument against free trade that this great unprotected American industry has been decaying for twenty years, and is to-day above all others depressed.

The gentleman desires by free trade to open to our manufacturers the markets of the world, but fails to tell us how by the same act he would open to foreign competition our own markets, glut them with pauper-produced goods, drive our manufactures out of existence and our laborers out of fairly paid employment into idleness and poverty.

He talks earnestly of the distress of labor in America, but neglects to compare its condition with the abject misery and degradation of labor in free-trade England, or to inform us why it is that if labor is not better rewarded here than there hundreds of thousands of foreign laborers leave their hovels and their broth in their native land and flock to our shores, where they earn comfortable homes and wholesome living.

He tells us that the surplus products which we ship abroad control the home market. That surplus is less than 10 per cent. of our production. By as much as the home market is reduced the surplus product must be increased, unless our productions are curtailed. Through the open gates of free trade he would let in foreign products to take the place of our own in our markets. When by thus decreasing our home market he has increased our surplus from 10 to 30 or 40 per cent. of our production, would not the necessity of placing so large a surplus upon the foreign market bear down the foreign price and, upon his theory, reduce the price at home?

But his theory is incorrect. By stimulating an active and wholesome home market the surplus for the foreign market is decreased, and the price there controlled, instead of controlling the price at home.

Mr. HEWITT, who was chairman of the Democratic national committee, struck the key-note to the tariff controversy when he wrote to Jay Gould in his letter of January 27, 1870, that "free trade will simply reduce the wages of labor to the foreign standard."

The entire aim and effect of a protective tariff is to protect American labor, which is the foundation of American prosperity. We are here to legislate for America and not for Europe; but any legislation which shall open the gates to the products of pauper labor of the Old World and allow them to flow in upon us without restriction, destroy our industries, and drive our workingmen out of employment or reduce their wages to keep our manufactories running is inimical to American prosperity, and that party which sustains it is an enemy to the American people. It has been called the British party, and justly so. It is endeavoring to foster British interests as against American interests in this country, and British gold and British brains are backing it.

Let us examine briefly the operation of a protective tariff. You start an industry in Great Britain; I start one just like it in New York. To illustrate, suppose it to be a woolen mill. Ninety per cent. of the cost of this mill will be for labor. You procure that for 60 cents per day. I pay $1 per day for labor to construct my mill in New York. If you have $60,000 invested I have $100,000, so that my interest account is one hundred while yours is only sixty. We hire employés in about the same ratio, you paying 60 cents per day in Great Britain for the same class of labor that costs me $1 per day in America. The inevitable result is that as often as I produce a piece of my goods upon the market for $1 you produce a piece exactly like it for 60 cents. Of course you will drive me out of the market and cause me to shut up my mill and close my business unless something interferes to place us upon equal footing. This the protective tariff does. It says to you: "Mr. Englishman, you may expose your goods for sale in our American market, but before you do so you must drop into the American Treasury, as a duty upon your importation, 40 cents, to be used to pay our Government expenses. This added to the 60 cents which your goods have already cost puts you on an equal footing with me and forces you to compete with me in our market upon equal terms."

The only exceptions that occur to this result are where we are able to overcome this discrepancy in the price of labor by superior skill, greater ingenuity and enterprise, and advantage in our resources. Where these exceptions do not exist the American industry must be protected or be destroyed. But gentlemen of the Cobden Club and their Democratic free-trade allies inform us that there is an easier way to equalize the cost of manufactures in the two countries than by resorting to the principle of protection, which is to reduce the price of American labor. This is their method. This will be the effect of free-trade if the people of this country shall be so unwise as to adopt it. But what says the American laborer. He says, "I cannot live on 60 cents per day; I cannot content myself with the miserable food, clothing, and shelter which the British laborer receives; his deplorable condition of existence I cannot put up with." If an adopted citizen, he has fled to this country to escape those terrible conditions and enjoy the better ones which this land of protection affords him. If a native American laborer, he will tell you that he must live in a house and not a hovel; that he must be decently clad and not covered with rags; that he must have meat and bread to eat and not subsist on broth, as so many British laborers do; that his children must be enabled to go to the school-house to be educated to meet the requirements of manhood, and not to the work-house or the factory or the brick-yard, while yet in their infancy, to toil with their hands and carry clay upon their heads to earn a few pennies each day

for parents whose wages are not sufficient to support them, and grow up in ignorance, with a life before them of misery, degradation, and despair.

And yet these are the conditions to which the American laborer, now so independent and prosperous, so superior in culture as well as in the comforts of life to the laborers of all other lands, must come if the work of his hands and his brains is not protected from competition in our home markets with the products of the poorly paid labor of Europe. They are the conditions to which the free-trader invites him—the free-trader, who would clothe the American workingman in the filthy rags and feed him upon the broth and refuse of the crushed and stunted and unhappy poor laborers of Great Britain.

And who expects to be benefited by free trade? Who is not to be injured by it? Not any producer in the land, whether in the field or the shop or the ship-yard or the mine. Only they who have retired upon their accumulated capital and cut off coupons from their bonds for a living, he who receives a stipulated salary from Government, and the idler who lives by his wits or importunity. The importer thinks he is to be benefited by free trade; he thinks that his importations will be greater when free trade has destroyed American production and we are obliged to make greater purchases abroad. But has it never occurred to him that American labor is the foundation of American wealth; that when by free trade he shall have crippled American industries and driven American laborers into idleness he will have taken away both their power and the power of their employés to buy; so that in destroying American production he will have destroyed his own market, and in his overreaching avarice he will have killed the goose that lays for him the golden egg? This would certainly be but a just retribution to him who would break down the industries of his country and degrade the labor of his countrymen to enhance his own gains. He does not deserve the favorable legislation of his Government. The capitalist does not need it.

Who is demanding a modification of the tariff in the direction of free trade? Is it the mechanic, the manufacturer, the miner, the farmer? No. Where are the petitions asking this legislation? Do they appear before this House from any great industry in this country? No. Who is pushing this measure? The Cobden Club, the theorists in our colleges, and those Democrats who inherit the doctrines which were announced in the days when slavery, which despised American labor and free American workingmen, desired through "free trade" to obtain cheap food and clothing for the slaves. Does any one know of any workingman who belongs to the Cobden Club? Does he know of any practical American farmer or mechanic or manufacturer who has not a larger British than American interest that is a member of that club? How does it happen that that British institution is taking so much interest in our affairs and is reaching its fingers over here so eagerly and industriously to manipulate our politics? Why is it distributing its "free-trade and tariff-reform" tracts all over this country? Why is every member of Congress deluged with them? Is it a disinterested spirit of beneficence which causes it to take so great pains and provide the great amount of money which all this costs?

This club represents the manufacturing interests of Great Britain. Are its members simple missionaries who disseminate their literature throughout this country for the single unselfish purpose of enlightening our people upon principles of political economy, or have they organized for the purpose of pushing British interests in this country? That the latter is their object who is so foolish to doubt? And if the protective tariff were not a barrier to their operations, if it were not a bulwark to American industries which these gentlemen find it necessary to batter down ere they can destroy them and build up British interests upon their ruin, who believes that they would so insidiously attack it? The fact that our great rivals make such Herculean efforts to secure the repeal of our tariff laws is conclusive proof that they regard them as our chief protection in controlling our own markets in the interest of our own producers. They seek to make a diversion in their favor by ingenious appeals to American farmers, but these appeals are as deceptive as they are adroit. More than any other one in this country is the American farmer interested in the protection of American industries, unless it be the American laborer. Of the truth of this proposition both facts and logic are conclusive.

Two things the farmer desires as the conditions of his prosperity: a good sale for his products; a cheap market in which to purchase his supplies. These conditions protection has given him. It has created for him a home market by building up thrifty manufacturing villages all over the country and by employing in manufacturing pursuits those who would have been his competitors in the field. It has given to him cheaper goods by encouraging manufacturers in our own country, destroying foreign monopoly, and inciting competition here, a competition which has resulted in cheapness of production. It has also stimulated the inventive genius of our people until by their improved machinery and better methods they are enabled to furnish the farmer with all that he buys at a large percentage less than the price at which he once purchased from abroad. Twenty years ago the farmer sold for 35 per cent. less and paid 25 per cent. more than he does to-day.

Now, what is the proposition of the "free-trader?" It is to destroy American manufacturers by burying them under the products of foreign cheap labor, giving again a monopoly to Great Britain, who, when she is once more firmly established upon the ruins of our industries, will send up her prices and make our farmers pay as they did in the palmy days of comparative free trade. When no alpaca goods were made in this country we imported them without duty at 22 cents per yard. A duty was placed upon them which encouraged Americans to commence their manufacture, and we now produce in our own country by our own labor for one-half the price which we paid to the foreign manufacturers a much better article than we imported. Prior to the enactment of the present tariff laws, one year ago, cashmeres were made abroad and imported into this country without duty. The tariff act of '83 placed a duty upon these goods. Encouraged by this protection, American mills commenced to make them, and to-day we have upon the market the American product, quite equal to the foreign and at a lower price.

We are purchasing all except the finest grades of cotton goods cheaper at our own mills than they can be procured elsewhere. We do not manufacture fine lawns and cambrics because they contain little raw material, their principal cost being that of labor, and as labor is much cheaper in Europe than here we can not compete with foreign manufacturers in the production of these goods. It is to cover this difference in the price of labor here and abroad that protectionists desire a duty upon articles which Americans produce. It may be asked why, if we can manufacture the coarser cotton goods more cheaply here than they can be produced abroad, we desire protection for them. It is for the following reason: When foreign manufacturers have a large surplus on hand they can afford to transport it to this country, dump it down upon us for less than cost, and greatly embarrass our manufacturers. From this the latter desire to be protected, and should be; for such periodical disturbances of our home market would work more detriment to the consumer than he could possibly gain by the temporarily low prices which they would afford him, and from which there could not fail to be a corresponding reaction.

The gentleman from Texas argued better than he knew and to a different and wiser conclusion when he said that nine manufacturing States in this country had increased their wealth under the policy of protection vastly more than the agricultural States had done. His statement is correct, and it is a conclusive argument for protection; for this great increase of wealth in the States referred to has not been confined to their manufactories, but has extended to every branch of their industries. If the gentleman will examine the statistics he will find this statement to be strictly correct. The manufactures which have been built up under the encouragement of protection in these States have brought wealth not only to their own pockets, but to the farmers, the merchants, and the workingmen as well. Here is where the gentleman will find that farming lands are of the greatest value per acre, though they be not of the best quality; here farm laborers receive the largest wages; here farm products command the highest prices; here farm buildings are the best and most costly; here commerce and trade are the most thrifty; and here the saving-banks, where are deposited the surplus earnings of working people, have the largest accounts. The gentleman, in the true spirit of free trade, would transport this prosperity across the ocean to Great Britain by destroying the source from which it has sprung, and would reduce these nine States to the condition of the others which he says are comparatively so unthrifty.

I would, on the contrary, continue the protective policy that these other States may avail themselves of its benefits, erect the factory and foundery beside the farm, and build up industries as prosperous as those of the nine States whose thrift the gentleman seems so much to envy. It is the home markets which manufactories create near by the farmer's door which give him the best returns for his products. They are better than foreign markets for various reasons. They are more reliable, because they do not depend upon foreign wars or floods or pestilence or famine or other causes remote from our control. They are the best paying markets, because to those who sell in them the cost of transportation across the ocean is saved. They are the broader markets, because they absorb many products of the farmer which could not be shipped abroad and upon which he makes his largest profits.

Gentlemen talk of opening a larger foreign market by free trade. How is this to be done? Foreign nations now purchase all they want of our products. Will free trade induce them to buy more? Gentlemen have assumed that it will do so, but I have not yet heard any reason for the assumption. The question is, shall we allow the foreign producer to come in and capture our market with his pauper produced goods, or shall we so levy the revenues for the support of the Government as to give to the manufacturer, the farmer, and the miner the benefit of supplying our own consumers and give also to our laborers reasonable wages for their toil?

Our free-trade friends talk of low prices as if they alone were to be considered in the economy of our Government. They ignore the fact that the great mass of our people are not rich; that they have no established incomes but are dependent upon their earnings to give them subsistence and the comforts of life, and that the question of fair wages for their labor is one in which they are most deeply concerned, and whatever legislation protects the country's industries in giving them a liberal remuneration for their toil is legislation for their highest benefit.

It is notorious that England built up her great manufacturing and agricultural interests by the most heroic methods of protection, protection not only against foreign competition, but even against that of her own colonies. She continued this policy until she had made her great industries so strong that she felt that she commanded the situation, and with free trade could go into other countries with the products of her skill, her machinery, her cheap labor, and the strength of her immense capital, break up their infant industries, and control their markets.

That is her purpose to-day, and it is with such a purpose that acting through the Cobden Club and its Democratic allies she is endeavoring to disseminate her free-trade sophistries into every corner of our land, and it may not be out of place for me to say here that it is significant of the effect of protection upon the farmer that the manufactures which grew up under that policy in England made his home market so large in comparison with the number it left to cultivate the fields and so raised the price of his products that the first effort toward free trade was not on the part of the farmers to obtain cheaper manufactures, but it was a movement of the people to procure by the passage of the corn laws act cheaper food.

In this country, however, with our immense area of rich and productive lands food can never be unreasonably high; and it is a fact that while protection gives to the American workingman a better reward for his labor than is paid in any other country, he buys almost every article of food which he consumes, except sugar and rice, more cheaply here than it can elsewhere be purchased. Hence he has more comforts, is better educated, is more independent, and provides better for his family than does his fellow-laborer in any other land. And it is this condition of things which we desire to continue. Neither to decrease the expenses of the retired capitalist, the salaried official, the unproductive idler, nor to fill the coffers of British manufacturers. Will we consent so long as we can prevent it to clothe in the tattered rags of foreign pauper laborer the workingmen of America?

I stated in the early part of my remarks that the issue was between protection and free trade. There is no intermediate ground where a tenable position can be taken. A tariff for revenue only, with incidental protection, which is one of the many propositions of the Democracy on this subject, is a simple impossibility. It is a contradiction of terms, for a tariff for revenue only must be levied of course upon those articles alone which would produce the largest amount of revenue upon the percentage of taxation, whatever it might be. Those are articles exclusively of foreign production, the duties upon all of which are collected and paid into the Treasury of the Government. Such a tariff would protect no American industries, because the duties would be laid upon no goods of the kinds produced in this country.

A tariff exclusively for revenue is an injustice to all the poor people in the land. What reason can you give to the man who has a dozen children and is poor why you should tax the mouths and backs of his family and himself to raise revenue for the support of the Government rather than raise it upon property, as the States and municipalities do, unless you can show to him that these duties are either levied upon luxuries which he does not use, or are so levied as to protect the industries by which he lives? Why should the Government raise its revenues upon his necessities and the needs of his family rather than upon the property of the childless man of wealth—the Government which alone stands between the rich man's possessions and the strong who would wrest them from him? No good reason can be given, unless you enhance his wages by as much as you take from him through this method of taxation. Protection does this and more.

Let us, moreover, consider the fact that if gentlemen shall succeed in bringing this Government to the practice of the principles of "free trade," which they all so earnestly advocate, there will be nothing left but direct taxation to furnish the necessary revenues of the Government beyond the amount raised by the internal-revenue tax. Are the people ready for such direct taxation? Has any one cast up the sum to see what it will amount to for each State, county, and municipality? The current expenses of the Government can not be less than $300,000,000 per year. The internal-revenue tax, if it shall not be repealed, will give us about $100,000,000. The amount left to be raised by direct taxation would be $200,000,000, or $4 for each person in the country. This would add annually to the taxes of the State of New York $20,000,000. To the State of Maine it would add $2,600,000, and gentlemen can readily calculate the large sums which would be added to the taxes of their own States, cities, and towns.

Do these figures hold out a gratifying prospect to tax-payers? Will they prefer this method of raising the public revenue to that of taxing the foreign manufacturer, who imports his goods into our country for a market? I feel assured that they will not; yet this is the feast to which the free-trade Democracy invites them, to which they must inevitably come, and of which they must partake, if that party shall be placed in power where it can make its fallacious and ruinous policy the policy of the Government.

Gentlemen say that protection benefits the manufacturer but not the laborer. To refute this assumption it is necessary only to cite the fact that while thousands of laborers flock to our shores every year from Great Britain to secure the higher wages which protection gives them here, British capital does not come here to invest in manufactures. Were the manufacturer and not the laborer benefited by protection, then the former would send his capital here to invest and the latter would stay at home, for capital will flow where it can be best invested as surely as water runs down hill.

The foreign manufacturer makes his profits from cheap labor as our own manufacturers are enabled to compete with him and give fair emoluments to labor by protection. If any further proofs are needed as to who reap the benefits of our protective policy they may be found by comparing the comforts by which the great majority of American workingmen surround themselves with the poverty and misery so common among the laboring classes of "free-trade" Great Britain. The history of protection is its best advocate. As it built up and solidly established the manufactures of England, giving incidental prosperity to her other industries, so it is now doing for us. It has diversified the employment of our people, made us in large measure to be the producers of what we consume, created a healthy competition that has reduced the cost of what we wear and use, stimulated the inventive genius of our people to create new machinery and discover better, cheaper, and easier methods of production, is filling the land with thriving communities, and is making us an independent as well as a prosperous people. Let us not abandon it to gratify the greed of our transatlantic rivals, nor to adopt the plausible but delusive theories of impractical doctrinaires.

The Tariff.

SPEECH

OF

HON. JOHN C. COOK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. COOK said:

Mr. CHAIRMAN: I noticed during the last Congress that while the tariff bill was under consideration in the Senate it was agreed at one time to place lumber on the free-list. A few days afterward I observed that that was reconsidered and lumber was again placed where it now is, upon the dutiable list. That occasioned some degree of surprise to me and I took occasion to investigate the matter.

There is probably nothing in the whole range of the tariff in which we in the Northwest are more interested than the tariff upon lumber. There is to-day a duty of $2 per thousand upon round logs, squared timber, and rough boards of all descriptions. I am speaking now of white pine, which comprises almost the entire supply of lumber that is used in the Northwest. Upon a large class of manufactured lumber the duty is $3 per thousand.

It has been constantly insisted by the protectionists upon this floor that the tariff is designed to compensate the manufacturer and employer for the difference between the cost of labor in this country and in Europe. Here is one item which shows that that is not correct. Why is there a duty upon round logs, upon unmanufactured lumber, if the design is simply to compensate the employer for the difference between the cost of labor in this country and in Europe?

The white pine supply of this country is practically limited to three Sates of this Union: Michigan, Wisconsin, and Minnesota. The white pine that supplies the great Northwest, the prairie regions of this country, the timberless portions of the United States, is drawn almost wholly from those three States. I ask again, why we should have a duty of $2 per thousand feet upon round logs, squared timber, upon unmanufactured lumber, so to speak, if the only design is to protect the American laborer? Just across the borders in Canada are pine forests probably equal in extent to what is remaining in the three States to which I have referred.

I want now to call attention to another fact: that the pine regions of this country in those three States were sold by the Federal Government to the present owners at from $1.25 to $2.50 an acre. Pine timber is worth to-day upon the stump about $5 per thousand, and the yield is from five to eight and ten thousand feet per acre. These pine lands have increased in value from $2.50 per acre, the price at which they were sold many years ago to the monopolists who now own them, to about $20 or $25 an acre.

On the other hand, the price of pine in Canada upon the stump, as it is sold there—and I should say that in Canada the government retains the title to the land; it does not sell the land, but simply the privilege of cutting off the timber—the price of pine there will range from $2 to $3 per thousand.

Now why is this difference? Simply because the Government of the United States enacts a law which enables these monopolists on this side

of the line to charge for their pine $2 per thousand more than the pine of Canada is worth. What benefit is this to the laborers of this country? In the lumber regions of the Northwest those who manufacture this lumber do not hesitate to draw their supply of laborers from Canada. There is only the lake to constitute a part of the boundary line between the two countries, and as to another portion of the boundary there is but an imaginary line of separation. It would be idle to say that on one side of this imaginary line labor is so much higher than on the other.

It was shown by the Lumber Dealers' Association of Chicago before the Tariff Commission that while there might be a slight difference in the wages paid to laborers in the pineries of Michigan, Wisconsin, and Minnesota, as compared with the wages paid across the line, yet the difference in favor of the American owner of pine in the matter of conveniences for getting his lumber to market or to mill are such as to more than compensate the American lumberman for the difference in wages.

I was told the other day in private conversation by a gentleman on this floor who is interested in the lumber region of Wisconsin and perhaps Michigan that it would make no difference if the tariff on lumber should be reduced or taken off, because, he said, in that case the men who own the pine forests of Michigan and Wisconsin would simply step across the line, buy up the pine in Canada, and thus control the market and dictate the price. The answer to that was ready, that if the Government of the United States should take off the tariff from unmanufactured lumber, in that case the owners of the pine forests, in order to secure a monopoly, would have to invest twice as much money as they do now; it would cost them twice as much to make this business a monopoly as they are obliged to invest now.

Mr. Chairman, it is further a conceded fact that the pine of those three States will be exhausted within comparatively a few years. The lumber men of Chicago who appeared before the Tariff Commission estimated that it would not last more than eight or ten years. It may be that the supply will hold out longer; but what will be the result? We in the Northwest are now limited in obtaining lumber to the markets of Michigan, Minnesota, and Wisconsin. We are compelled to buy of a lumber syndicate that every year or every few months has its regular meetings and gives us a price-list. We can not buy any lumber anywhere except upon that schedule of prices. That syndicate dictates to its thousands of consumers in the Northwest just what they shall pay, and how much profit it shall make.

The profit, so far as concerns the $2 per thousand embraced in this tariff, does not go to the men who manufacture the lumber, but to the men who own the pine trees. It simply enhances the value of their property—property which they secured almost as a gift, for which they paid not one-half of what the land alone is worth to-day; for when the land is denuded of the trees it then becomes valuable for agricultural purposes.

The Government, having given them this land for $1.25 or $2.50 per acre, enacts a law that gives them a monopoly of the lumber market. Through Indiana, Illinois, Missouri, Kansas, Nebraska, Dakota, and the southern part of Minnesota and Wisconsin we are limited to the monopoly which is thus created.

Mr. Chairman, we have only to look at the difference in the value of the pine stumpage on this and the other side of the Canadian border, to know that this tariff inures to the benefit of the men who own the pine on the stump and sell it on the stump; that it does not benefit the men who run mills or employ laborers. It is idle to talk of the tariff being placed on this material simply to protect American labor. It is simply a protection to American monopoly, to American capital invested in these pine forests.

One thing further to illustrate that the tariff, at least on that article, is not laid with a view to benefiting the laborer. I want to state this fact: That the ties, that are sold perhaps principally in the Northwest, being cedar, come from cedar swamps which penetrate principally those three States in the Northwest, and are cut by farmers, by men who own the lands in small tracts, and are bought from them by railroads in large quantities. In short, that which is produced by the many and purchased by the few, or that which is produced by the many and purchased by the concentrated capital, railroad ties, are sold free of duty; while lumber cut and sold by those representing aggregated capital and concentrated wealth is protected to the extent of $2 per thousand feet and is bought by the thousands. Their interests then are ignored, the interests of the many who produce this lumber, while the interests of the few are protected. The interests of the many comparatively who are engaged in selling cedar ties to the railroads are ignored; but when concentrated capital is interested in producing, then they are protected.

It is no wonder that in the Senate the men who represented the lumber interests of those three States struck at the iron men because one or two iron men in the Senate voted to place lumber upon the free-list; and no wonder that after a little negotiation those men went back and placed unmanufactured lumber upon the dutiable list, when everything was harmonious between the iron men and the lumber men. It shows, Mr. Chairman, that we in the West are now paying tribute to the lumber kings of Minnesota, Wisconsin, and Michigan as a result of the combination between the iron interest and the lumber interest; and this, Mr. Chairman, is one of the great objects of this tariff system. It operates not as a protection to individual interests upon their merits, but as a combination between a variety of interests for their own advantage. Parties having capital invested in the manufacture of salt combine with those having investments in pine forests or in iron-works.

There is in the Northwest a growing sentiment against monopolies which is going to make itself felt in the legislation of this country. It is a feeling against monopoly which is being directed against the tariff system as a whole. Though not benefited by tariff, at least not to any great extent, we are willing that a tariff shall remain if it is so adjusted upon various interests as merely to compensate the American employer for the higher rate of wages paid by him as compared with that paid by the foreign manufacturer or producer.

But unless this tariff is adjusted fairly, unless it can be adjusted simply to protect the capitalists for the difference in wages of labor that he employs, unless the part that builds up monopolies in this country can be cut off, I want to make a prediction that in the West, and in the great Northwest especially, where the sentiment of the country has sprung up upon several important issues—action for reform in the currency among other things, upon the railway legislation of this country and railway management—you will see coming from there a sentiment that will grow and grow until it sweeps the whole of this tariff system from our statute-books.

I noticed some time ago a statement going the rounds of the press with reference to the question of tariff as between the sugar interests of Louisiana and the local interests of other States; and one of the prominent tariff leaders on this floor, this tariff gentleman hailing from Pennsylvania, said: "If your Representatives from Louisiana will vote with us to protect our interests in Pennsylvania, we will in turn join hands with you and vote to protect your interests in sugar-planting in Louisiana; and if not, if your Representatives will act and join hands with the tariff reformers and free-traders and refuse to come to the aid of our interests, we will vote against continuing sugar upon the dutiable-list much longer."

What does that show? Mr. Chairman, simply, as I said before, that there is a combination between the various interests which are protected by the tariff, and in this instance a combination between iron and sugar, just as I have already shown between iron and lumber. Here is a man who does not hesitate to say that he will vote to protect the Louisiana sugar interests if the Louisiana Representatives will vote to protect Pennsylvania manufactures; but he will not vote in that direction unless they reciprocate the favor. Now, if it is right that the sugar interests of Louisiana should be fostered or protected by the tariff, why not vote on that subject according to his convictions, and simply upon that subject alone, regardless of what the Louisiana Representatives will do for him?

I have noticed the discussions here for the last few days, and the impression that it conveys upon the mind of a listener is simply that it is a system of "I tickle you and you tickle me." Here, for instance, is a fellow in Michigan who has a salt-well, and here is another one, perhaps from the same State, who has a pine forest; here is somebody in Pennsylvania who is interested in iron-ore, and another fellow somewhere else who has an interest in sugar or some other monopoly, and they all come together with the understanding that "I help you and you help me," while those fellows who have not any interest of any kind are compelled to bear the burdens and stand between and pay the tribute.

As a result we have a far more illiberal tariff than even on a protection basis. Now, on principle it seems to me that it is bad policy for any government to enact laws that are to build up any one thing or any one man or any one interest at the expense of another. It is bad policy for any country to enact laws which shall favor certain interests, and it is a strong argument against the present system of tariff legislation. I want to repeat, sir, that I am not hostile to a tariff even as it now stands if it was designed simply to compensate the manufacturer or producer in this country for the difference between the wages of labor here and in Europe. But all I have seen here on the subject of tariff legislation and of protection, having been classes of men coming here and asking for additional protection, leads me to believe that it is the object to enable one class of men or one man who has something to sell to exact a higher price for his product than he otherwise would. And we allow that class to come here in legislation. A constant cry has been heard by those opposed to tariff reform that we ought to do nothing to obstruct the business interests of this country. We are told that a Presidential election is approaching, and that nothing should be done that would be detrimental to any of the business interests of the country.

But, Mr. Chairman, there are vast interests in this country aside from the business interests, and the only interests which are protected here ought not to be the speculative or the manufacturing interests. The farming interests ought to be considered and the interests of the vast army of consumers, comprising more than seventy times as many souls as are engaged in the protected industries; these ought to find a champion upon this floor; these ought to receive consideration at the hands of this Congress. It is in behalf of these interests, representing over 51,000,000 of our population, that I appeal to-day for a modification of the tariff upon lumber and a check upon the growing power of confederated monopolies.

Bureau of Navigation.

SPEECH

OF

HON. PETER V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1884,

On the bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department.

Mr. DEUSTER said:

Mr. SPEAKER: The merchant marine is a subject of general interest, not only from a pecuniary standpoint, but from considerations of national pride.

With the longest line of seacoast of any nation beneath the sun, with harbors noted for safety and easiness of access, with commercial cities on the coast second in importance to those of no other nation, the American merchant marine, in place of being the largest, is, however, in reality but a midget upon the high seas. There is scarcely a nucleus around which to build up our shipping interest, and yet our mountains, our fields, and our forests contain all the materials necessary to build and equip vessels of all kinds and descriptions.

The laws that govern the navigation of the high seas and under which the nations of the earth compete for the world's carrying trade on an equal footing are international. If legal enactments are responsible for the meagerness of our merchant marine, they are of a national rather than an international origin.

The boast of the Englishman is that Britannia rules the wave; the chagrin of the American, that the proud ensign of the free is almost unknown to the sea.

It is useless to pit an economic policy against the passage of the pending bill. The amount involved approaches only to the bagatelle of about $4,000 per year.

The establishment of a bureau of navigation releases four bureaus from clerical duties for the performance of which they can now scarcely be held to account, and it places those duties in the hands of one responsible head, whose time and energies will be devoted to the interests of American navigation and to the devising of means for its improvement.

There is a large number of bills pending before the present Congress looking to the improvement, or rather to the building up, of our merchant marine. These bills are presented, not by the representatives of a single locality nor by the representatives of a single interest, but they have had their origin with members from the interior as well as from the seaboard, which is a sufficient index of the general interest centering on this subject.

The pending measure has the indorsement of those high in authority, as the report of the committee shows. Officers of the Government whose duties lead them to a close communion with the subject under consideration recommend its execution, and the members of this House can therefore not well afford to refuse to pass this bill to constitute a bureau of navigation in the Treasury Department.

The Tariff.

SPEECH

OF

HON. HORATIO BISBEE, JR.,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. BISBEE said:

Mr. CHAIRMAN: My profession has been and is that of a lawyer, and I do not pretend to have any special knowledge of the subject of the tariff. The people that I represent here are very largely engaged in the cultivation of the soil. Their products are cotton, sugar, rice, oranges, lemons, and other semi-tropical fruits and early vegetables for the Northern markets. Our manufacturing interests consist chiefly of lumber and naval stores, and the former will continue for many years to be an important industry in my State.

The schedules of dutiable articles under our customs laws include nearly all the articles produced in Florida, either from the soil or the factory; consequently my constituents are not without an interest in this question. This will be probably the leading issue between the two great parties in the campaign of 1884.

I confess that when I cast my first vote in the Forty-fifth Congress for a protective tariff, I had not reached any settled convictions upon the subject, and gave the benefit of the doubt to my own party. Since then I have given this question some attention, with a sincere desire to arrive at a correct conclusion, irrespective of party considerations. I have listened to many of the speeches in the House during the past seven years on each side of the question by gentlemen who are acknowledged to be largely learned in political economy, and have read attentively those made by distinguished Senators who are conceded to be masters of the subject. Recently I purchased and read the works on political economy by Professor Perry, of Williams College, who is one of the great theoretical apostles and advocates of free trade who instruct the students of New England and Eastern colleges in this important branch of learning.

Having heard the protective tariff vehemently denounced in Congress and elsewhere as "piracy," "highway robbery," "larceny from the people for the benefit of monopolists," I have been an anxious and impartial inquirer upon this subject. The result of my study and reflection is that I am not in favor of reducing or repealing our custom duties for the present.

In all conflicts or controversies where the rich and powerful are arrayed against the poor and the weak, or between the employer and employed, while my sympathies are usually with the latter, I desire to do justice to both. But there is no such conflict properly arising on a tariff bill. The Government collects annually about $200,000,000 of revenue from the duty or tax laid upon imported products of the soil or factories of foreign countries. This sum, with the amount of taxes collected from spirituous and malt liquors and tobacco produced in this country, is admitted to be more than is necessary to pay current expenses and the interest on the national debt. The excess of revenue is somewhere between $40,000,000 and $60,000,000, as I understand it, after paying the estimated expenses of the Government and the sinking fund provided by law to redeem the bonded debt at maturity.

Should the bill to aid the common schools of the country become a law (and I sincerely hope it will) this excess will be reduced by ten to fifteen millions annually for several years. And if the necessary appropriations are annually made for the improvement of our rivers and harbors, and for the creation of a navy adequate for the defense of our long line of seacoast and the commerce of the country abroad, there will be an inconsiderable excess of receipts over expenditures. And a reduction or abolition of the internal taxes on tobacco and malt liquors would leave no excess whatever; at any rate it would be so small that it could be applied to the payment of the debt without danger of any financial disturbance arising from a diminution of circulation from that source.

No one is prepared to advocate a national debt as a national blessing, and a slight annual reduction of our debt is to be preferred to any increase of it arising from insufficient revenue. I have no faith that the Democratic party is much concerned about excess of revenues, although its majority in this House is divided upon the question of proper legislation to effect its reduction. Some favor reducing customs duties, others advocate abolishing our whole internal-revenue system, and of course the tax on whisky, and of leaving the customs duties as they are under existing laws.

The Republicans of this Congress, with few exceptions, are opposed to any reduction of duties on foreign importations, believing that our true and wisest policy for the public interests is to wait a reasonable time to give the tariff act of March, 1883, a fair trial, and to close all agitation of the question until the effect of that law shall be ascertained. This is the position of the two political parties as expressed by their representatives in Congress. On one side we believe that the country should have a rest on a matter of such vital interest to its prosperity, and that to reopen the discussion of it unsettles business, disturbs the relations between capital and labor to the great injury of the latter as well as the former, and that this is an evil greater in magnitude than the possible or probable collection of a small excess of revenue.

The task of a Committee on Ways and Means is usually to levy taxes to pay the expenses of the Government, but such is our revenue system, created by a Republican Congress, that the task of this committee of this Congress is to discover the ways and means of reducing the revenue. And the Ways and Means Committee of the House, to secure such reduction, have reported for consideration a short tariff bill reducing generally the duties on all articles imported from foreign countries 20 per cent., so that if under the law of 1883 the duty or tax upon any article of foreign production is 30 per cent. ad valorem, it will be 24 per cent. if this bill should become a law.

But the question is, will such reduction of duties accomplish the object? The end aimed at by the Democratic majority is to reduce the revenues of the Government. Will reduction of tariff rates have this effect? This is not certain. On the contrary, it is a matter of great uncertainty. Low duties increase importations of foreign goods, and may increase the amount of taxes collected instead of diminishing them. To illustrate, suppose under existing laws $100,000,000 in value of foreign goods are brought into this country annually, paying a duty of 30 per cent. ad valorem; the revenue collected therefrom would be $30,000,000. Now, if after you have reduced the duty 20 per cent. $130,000,000 in value of foreign goods should be imported the Govern-

ment would collect, at 24 per cent. ad valorem (the proposed rate), $31,200,000. That is, there would be collected, at the rate proposed by this bill, $1,200,000 more of revenue than there is under existing law. Thus the proposed remedy for excessive revenue would not be any remedy at all, but an increase of the evil complained of. And the more of foreign productions come to our shores the greater would be the excess of revenue collected. This whole matter rests very largely upon speculation or guesswork.

It is evident that a duty so large as to prohibit the importation of foreign goods would give no revenue at all, while a duty so low that foreign manufacturers could bring the products of their factories here and undersell American manufacturers would produce a very large revenue from this source. Precisely what the rate of duty to be assessed shall be, and exactly where the line shall be drawn so as not to prohibit foreign products from being imported, and not drive our domestic manufacturers out of existence, but keep up competition between both foreign and domestic, and produce not too little nor too much revenue, it is not easy to determine. It depends upon the state of the trade of the world. English producers, with the aid of their government subsidies to foreign steamship lines, largely control the commerce of the world. When English manufacturers can not sell their goods to the people of other nations they will sell all they can to this country. And the quantity they sell to the people of this country depends upon our tariff laws. Exactly what the rate of duties shall be can only be determined by experience.

I believe the Republican party will reduce or regulate the rate of duties as public interest demands, and that this party is quite as competent to learn what the interests of the people of this country require as the Democratic party is, and quite as quick and ready to conform their action to such interests. The Democratic party had a majority in this House in the Forty-fourth, Forty-fifth, and Forty-sixth Congresses, and a majority of the Senate during the Forty-sixth Congress. During all that time the Democratic party either had no convictions upon this subject or had not the courage to pass a tariff law. During that long period no tariff-reform measure of any kind passed either House of Congress. If there is any reason for tariff reduction now, there was then.

The same party has possession of the House now (Forty-eighth Congress). It can not now agree upon a bill upon this subject, and none will be passed this Congress in all human probability. A Republican Congress, the Forty-seventh, with a very narrow majority in the House, did agree upon a tariff-reform bill reducing customs duties, and it became a law by Republican votes. That law did not take effect until the 1st of July, 1883. Before this law had been in operation six months, and consequently before its effect upon business and upon our revenues could be known—and it is not known yet—the Democrats, who had failed or neglected to reform the tariff laws, with full power to do so, for six years, commenced an organized and systematic denunciation of the Republican party for not reducing taxation and relieving the people so dear to them, pending a Presidential election, from its burdens.

If these burdens of taxation are so grievous and hard to bear, the people will ask, why have they not been removed before? When did the Democratic party make this new discovery, and why have they not acted before?

Now, I do not give gentlemen on the other side of this Chamber credit for any patriotism or statesmanship respecting this subject. They are not so much concerned about the welfare of the dear people just now as they are about their votes next November. They have been on every side of every leading public question for twenty-four years, and been all things to all men that they might gain the Presidency. This is what they are after now. Having a record that looks repulsive even to themselves, they seek to become the champions of the people on a distinctively new issue, and to gain an end would take either side of it. They are ready to sail their political craft in any direction and upon any sea that promises fair weather and to bring them safely into the Presidential harbor. Anything to secure votes is the unexpressed policy of the Democratic party.

We are told by the free-traders or Democratic tariff reformers that the tariff laws operate very oppressively upon the consumer; that the tax levied upon cotton and woolen goods imported into this country for sale is paid by the people who purchase them, and that the farmer and mechanic could buy the clothes he and his family wear at less cost if this tax was repealed, and that consequently he ought to vote the Democratic ticket. We are told that the Englishman, by reason of low wages paid laborers, mechanics, and operatives in English factories, can make cotton and woolen cloths and other textile fabrics and sell them to the people of this country at a price much less than the manufacturers of our own country can make and sell them, and that the Republican party continue to collect a tax on the foreign articles to keep the foreign goods out of our market and compel our own people to purchase those made in America.

We are told this is done to enrich domestic manufacturers and foster monopolies with moneys wrung from the hard earnings of the toiling masses, therefore they ought to vote the Democratic ticket. If this were true I should agree that the people ought to vote for the Democratic party. If the principles or policy of the Republican party were such as take money by way of taxation out of the pockets of the laboring and working classes and give it to the capitalist, thus making the rich richer and the poor poorer, I think the people of this country, with all their boasted intelligence, would have found it out and hurled such a party out of power and control of every branch of the Government long before this. But the Republican party has been continued in possession of the Government during the last twenty-four years, for the reason that the people do not believe these assertions and pretenses of the Democratic party are true.

If we are living under a system of laws that prevent a citizen from buying where he can buy the cheapest and from selling where he can sell for the highest prices, the honest voters of this country will abolish it just as soon as they are satisfied such a state of things exist. I say that it would be an outrage to maintain a law on the statute-book for a single moment that deprived a farmer from selling his corn, or wheat, or cotton, rice, sugar, oranges, or anything else he raises at the place where he can get the largest price for them; or that would deprive him of the right to buy the clothes he wears, his farming implements, his crockery, and the furniture in his house where he can get them at the least cost.

Now, what is the truth about this. Every man knows that the price of a thing depends upon the demand for it, and the greater the demand the larger the price. Every farmer knows that if he takes a load of wheat, or corn, rice, sugar, or fruit to any town or city for sale the price he will receive depends entirely upon the condition of the market. If there is but little of the article in town which he carries there to sell he will obtain a large price for it, but if there is an abundance of the article in the town for sale he will have to sell at a low price. So, too, every farmer knows that when he takes the money he has received for his load of produce and goes to a grocery store to purchase tea and coffee, or to a dry-goods store to buy clothes for his children, the price he will have to pay depends upon the fact whether the merchant is anxious to sell or not. He knows that if there is but one merchant in town that sells tea, coffee, and wearing apparel he has to pay just as high a price for them as the merchant has conscience to ask him. The farmer knows that if there are a dozen merchants in town, each desiring to undersell the other, by reason of such competition he will be able to buy at a less price than he would if there was but one merchant.

Now, every one understands this law of supply and demand. If there are two railroads connecting two places one hundred miles apart, you get transportation over that distance, as a rule, for less than you could if there were but one railroad.

Another thing. Every farmer knows that he never wants to buy what he has to sell. He wants to buy something that he does not produce from his farm. Neither the farmer, mechanic, or merchant desires to give away anything. It is his duty and the law of his own nature to provide for himself and family and keep what he gets for that purpose. Now, what is true of an individual is true of a State or nation. Each nation is a family by itself, governed by all the laws of prudence, economy, and self-preservation that govern the head of a family. It must take care of its own before looking after the welfare of the people of another nation, precisely as one citizen looks after the comfort and happiness of his own family before he does that of his next-door neighbor.

Now, obeying this law of nature, the Republican party says that this nation, that speaks and acts through the laws its representatives make, must study to protect its own people and promote their happiness and comfort, and enact laws for this purpose, even though the people of England, France, Germany, or Russia suffer in consequence. If our system of laws is better and promotes higher wages than theirs, they must change their laws, and if unable to do that, they must come here. They have no right to ask us to change ours; and yet the most powerful advocates of free trade in this country to-day are Englishmen, speaking and writing in England or through their agents here. We know that large numbers of foreigners land upon our shores every year, some years as many as 750,000, and free-trade doctors may dispute it as they please, the truth is, they come here because under our system of laws and government their labor commands better wages than they can obtain in their own country. Is this not an unanswerable argument to prove that the laboring classes are in better condition in this country than they are in foreign countries? Does any sane man believe that the Englishman, German, Frenchman, Swede, or Italian would sever all the ties of home, of family and friends, and brave the dangers of 3,000 miles of ocean travel if he did not know that when he arrived here he would receive larger wages and a larger share of human happiness than he did at home? And it is an undeniable fact that few who come to this country ever go back to their native land.

Facts and practical results are better than theories on this subject. This is essentially an age of facts and figures; rhetoric and florid speeches are at a very large discount. That the wages paid laborers, mechanics, artisans, and all classes engaged in agricultural pursuits or manufacturing industries in this country are higher than in Europe is entirely beyond dispute.

The exact wages paid in this country and Europe are ascertained with all reasonable, if not mathematical, certainty by Government agents

and from the pay-rolls of manufacturing establishments. They are incorporated into our statistics, and no fair man doubts they are substantially correct. Before the citizen votes to destroy our protective-tariff system he should study these tables and prices of wages in this and other countries. They are more reliable and more easily understood than the subtle reasoning of book-writers or the impassioned speeches of Congressmen.

I commend those who earn their bread by the use of their muscles to the patient study of the following tables. The citizen who can not read can find some friend to read them for him.

Comparative rates of weekly wages paid in Europe and in the United States.

[Condensed from the report of the Secretary of State on the state of labor in Europe, derived from facts reported by the United States consuls, Washington.]

	Belgium.	Denmark.	France.	Germany.	Italy.	Great Britain.	United States.	
							New York.	Chicago.
Bakers	$4 40	$4 25	$5 55	$3 50	$3 90	$6 50 to $6 60	$5 00 to $8 00	$8 00 to $12 00
Blacksmiths	4 40	3 90	5 45	3 55	3 94	7 04 to 8 12	10 00 to 14 00	9 00 to 12 00
Bookbinders	.....	3 72	4 85	3 82	3 90	6 50 to 7 83	12 00 to 18 00	9 00 to 20 00
Bricklayers	6 00	.....	4 00	3 60	3 45	7 58 to 9 03	12 00 to 15 00	6 00 to 10 50
Cabinet-makers	4 80	.....	6 00	3 97	4 95	7 70 to 8 48	9 00 to 13 00	7 00 to 15 00
Carpenters and joiners	5 40	4 25	5 42	4 00	4 18	7 33 to 8 25	9 00 to 12 00	7 50 to 12 00
Farm laborers	.....	.....	3 15	2 87	3 50	3 40 to 4 25	.....	.....
Laborers, porters, &c	3 00	.....	.....	2 92	2 60	4 50 to 5 00	6 00 to 9 00	5 50 to 9 00
Painters	4 20	4 15	4 90	3 92	4 60	7 25 to 8 16	10 00 to 16 00	6 00 to 12 00
Plasterers	5 40	.....	.....	3 80	4 35	7 68 to 10 13	10 00 to 15 00	9 00 to 15 00
Plumbers	6 00	.....	5 50	3 60	3 90	7 13 to 8 46	12 00 to 18 00	12 00 to 20 00
Printers	.....	4 62	4 70	4 80	3 90	7 52 to 7 75	8 00 to 18 00	12 00 to 18 00
Shoemakers	.....	3 30	4 75	3 12	4 32	7 35	12 00 to 18 00	9 00 to 18 00
Tailors	.....	4 10	5 10	3 58	4 30	5 00 to 7 30	10 00 to 18 00	6 00 to 18 00
Tinsmiths	4 80	3 90	4 40	3 65	3 60	6 00 to 7 30	10 00 to 14 00	9 00 to 12 00

It will be observed that in every one of the fifteen classes given in this table the wages are about one-third higher in the United States than in either of the six foreign countries named, except that the wages of bakers are higher in Great Britain than in New York, but less than in Chicago.

The free-traders or tariff reformers do not deny the truth of these tables. It can not be denied truthfully that the wage-earning classes of this country on an average receive for their labor one-third more than they do in Europe. Where the laborer receives $3 here he would receive but $2 there. The tariff laws, we claim, produce this difference, and the laboring classes of this country will never vote for free trade until it is demonstrated beyond all doubt that the tariff laws do not keep up the present prices of labor. They will not vote to cut down their wages one-third until they are certain that they will receive some assurance that when their wages are so reduced they can purchase with such reduced wages more than they can now. If they act with their usual caution they will vote to maintain the present tariff laws as long as any uncertainty exists on this subject.

It is sometimes asserted that the laborers in Europe with their wages can purchase food supplies at less cost and live better than they can in this country with their higher wages; that provisions are cheaper in that country than in this. The following table of prices of food, showing the prices in Europe and in the United States, refute all such claims as this and prove that this assertion is not true:

Comparative retail prices of the necessaries of life in Europe and the United States in 1878.

[Condensed from the report of the Secretary of State on the state of labor in Europe, derived from facts reported by the United States consuls, Washington, 1879.]

	Belgium.	France.	Germany.	Italy.	Switzerland.	Great Britain.	United States.	
							New York.	Chicago.
Beef:								
Roast, per pound	$0 20	$0 22	$0 22	$0 20	$0 30	$0 22	$0 12 to $0 16	$0 08 to $0 12½
Corned, per pound	16	16	13	12	18	$0 18 to 20	08 to 12	04 to 07
Beans, per quart	.....	.....	10	13	.....	09	07 to 10	05 to 09
Bread, per pound	$0 04 to 05	03	$0 03 to 07	06	04	03½ to 04½	04 to 04½	04 to 04½
Butter, per pound	20 to 50	25	22	28	36	29 to 38	25 to 32	15 to 40
Coal, per ton	.....	.....	4 25	11 00	.....	2 65 to 4 10	3 00 to 5 25	3 00 to 6 75
Codfish, per pound	.....	.....	.....	09	.....	06 to 08	06 to 07	05 to 09
Coffee, per pound	30 to 40	30	35	32	30	28 to 50	20 to 30	16 to 40
Eggs, per dozen	20 to 25	18	20	18	20	14 to 30	25 to 30	10 to 24
Flour, per pound	.....	04	05½	10	07	03½ to 04½	03 to 04	02½ to 04½
Lard, per pound	20	20	21	22	.....	12 to 18	10 to 12	06 to 10
Milk, per quart	.....	.....	04	07	05	05 to 09	08 to 10	03 to 06
Mutton, fore-quarter, per pound	16	16	14½	15	18	16 to 17	09 to 10	05 to 12½
Oatmeal, per pound	.....	.....	08	.....	.....	03½ to 04½	04 to 05	04 to 05
Pork:								
Fresh, per pound	16	14	17	13	18	10 to 16	08 to 10	04 to 05
Salted, per pound	16	14	17	18	20	10 to 16	08 to 10	06 to 12
Bacon, per pound	18	20	20	22	.....	12 to 16	08 to 10	07 to 12
Sausage, per pound	20	16	19	20	.....	18	08 to 10	06 to 10
Potatoes, per bushel	56	50	50	1 15	60	68 to 2 00	1 40 to 1 60	60 to 80
Rice, per pound	.....	.....	09	06	.....	03½ to 08	08 to 10	05 to 10
Soap, per pound	.....	.....	10	04	.....	05½ to 09	06 to 07	03 to 08
Sugar, per pound	15 to 20	.....	11	08½	08	05½ to 10	08 to 10	07 to 10
Tea, per pound	.....	.....	75	.....	50	43 to 88	50 to 60	25 to 1 00

These two tables of figures show that the wage-earning classes not only receive higher wages but pay less for their provisions in the United States than in Europe.

The opponents of a protective tariff assert that with free trade or a low duty cotton and woolen goods would be cheapened, and the laboring classes would in consequence be able to clothe their families at less expense. On the other hand, it is contended that if customs duties are abolished, or materially reduced, one of two results will follow: either the factories in this country must be closed and their operatives discharged, or the wages of the latter reduced to the standard of wages paid in Europe. The difference in cost of manufactured articles in this country and in foreign countries is the difference in wages paid labor, and our manufacturers say they can make cotton and woolen goods and sell them as low as Englishmen can by reducing the wages of their operatives to the price paid in English factories, and in no other way.

This would be a degradation of American labor and a reversal of that policy by which this country has elevated the laboring masses and preserved them from that condition of squalid misery to which starvation prices have brought them in foreign lands. Therefore the interests of wage-earning classes of our country demand that a protective duty shall be maintained. Again, suppose all the cotton and woolen mills in America were closed to-morrow. The reduction in the price of manufactured products would be only temporary. The products of American mills now on hand would soon be consumed, foreign manufacturers would have the entire control and monopoly of our domestic or home markets, and would put up the price of their goods beyond what it is now. We now have two competitors in the market, the American and the Englishman, each offering cotton and woolen goods to our people; but drive the American sellers out of existence, as you would by free trade, and the Englishman would advance his price. The policy of the tariff

laws is to discourage foreign importations of all articles that can be produced in this country, to induce Americans to invest their capital in manufacturing industries, and to furnish our people with goods made in our own country. If manufacturing cotton and woolen goods in this country is profitable, manufacturing establishments will increase in number and the competition among them will always keep prices down to reasonable rates even though there were no foreign importations at all.

This fact is established by experience. Protective duties increase the price of any manufactured article but for a brief period, if at all. Nearly everything that a family consumes can be purchased for less to-day at wholesale or retail prices than it could be in 1860, when a tariff for revenue only had been in existence for several years.

I here insert a table of prices of cotton fabrics, showing their selling prices in 1860 and in 1884:

Fabrics.	1860.	1884.
	Cents.	*Cents.*
Standard sheetings, per yard	8.73	7.0
Standard drills, per yard	8.92	6.75
New York Mills bleached shirtings, per yard	15.50	10.50
Cocheco and Merrimack prints, per yard	9.50	6 0
Sixty-four square print-cloths, per yard	5.44	3.625

It will be seen that what the agricultural population have to purchase for wearing apparel is actually less in 1880 than in 1860; so that abolishing our tariff laws, destroying our manufacturing interests, and depending upon foreign markets for all we consume except the products of the soil would not benefit either our wage-earning classes, the farmer, nor the manufacturer, but would be an injury to all. I request to have printed with my remarks, and in this connection, an extract from a speech of Hon. Dudley C. Haskell, made in the Forty-seventh Congress. He was then a member of the Committee on Ways and Means of the House, had made our tariff system a special study, and represented a constituency composed almost exclusively of farmers. He said:

Our free-trade friends, or our tariff-for-revenue friends, assert that the tariff is a tax. Every gentleman who has spoken upon that side of the question proceeded to add to every article named by him such and such a per cent. of tariff tax; so much it costs and then 100 per cent. or 90 per cent. or some other per cent. of tariff tax, as if a great tax was paid by the consumer in every instance. What are the facts? Take the budget of the workingman to-day; granted that he can earn $500 in a year, and at the end of the year, with his year's wages in his pocket, he steps out from his home to invest it in a year's supply of the necessaries of life. Tariff tax! There is not 10 per cent. of all the articles that the workingman of America buys that are not cheaper in this market than in any other market in the world. Mark that! The workingman of America buys every article of food either as cheap as any foreign nation or cheaper. The workingman of America buys every article of cotton manufacture in the markets of the United States as cheap or cheaper than they can be bought anywhere else in the world. He buys his boots and shoes at as low a rate as the same goods can be furnished in any country.

If he is a farmer he buys his agricultural implements by his own door at a less price than the citizen of any other country can buy his. The American farmer or laboring man buys his woodenware cheaper than he can buy it anywhere else in the world. The American workingman buys all his cutlery and edged tools cheaper than they can be bought in England to-day. The workingman buys all his plain pressed glassware cheaper than it can be bought in England to-day. He buys all his wagons cheaper than the Englishman can make them. He buys all his reapers and mowers and harvesters and thrashers cheaper than they can be made in England. He buys his clocks, watches, carpets, furniture as cheap as they can be bought in any free-trade country in the world; buys his axes, shovels, saws, nails as cheap as they can be bought anywhere, and he reads his newspaper, books, and periodicals, printed with American type so much better than English type that the Englishman comes here to our market for American type and printing-presses. Many of the woolen goods are as cheap here as in England, and all would be but for the duty on wool which protects the wool-grower.

Mr. Haskell maintained, and it is unquestionably true, that a protective tariff ultimately reduces the price of manufactured articles. The true interests of the tillers of the soil is to maintain a protective tariff. The more factories and mills the more men and women will be employed in them, and the less will be the number engaged in cultivating the soil. Each produces what the other does not, and each must have what the other produces. This creates diversified industries, gives employment to those that otherwise would be idle, increases our population, our wealth, and our power.

The nearer the farmer's market is to his farm the greater will be the value of his farm and all that he has to sell. The grain-grower of the West would obtain a higher price if he could sell to those engaged in manufacturing industries in his own section than when he has to depend upon a purchaser in New England and Eastern States or in foreign lands.

Those who raise cotton in the South would receive a larger price for it if there were more cotton factories in the South to buy it. They would save the freight paid to carry it elsewhere for sale, and that paid to carry the manufactured product back to the merchants of whom the planter purchases his cloth. There is not a place in Florida or Georgia or in any other Southern State that would not be benefited by having a cotton factory employing one hundred or two hundred hands. Real estate, extending miles from the place, would immediately advance, and the farmer would receive better prices for all his products. The Department of Agriculture has prepared a table of four groups of States with a view of arriving at the value of farms and farm products in States having large manufacturing interests compared with those States whose manufacturing interests are very insignificant. This classification of States proves conclusively all that the protectionists claim, and furnish an interesting study for all who care to be instructed upon this great question. If studied and comprehended, the tiller of the soil will never vote to destroy a protective tariff and force the millions of people now occupied in manufacturing industries to find employment on the farms. Let this report speak for itself:

Here is the result—and a striking exhibit it is, teaching the effect of varied industry, and its necessary increase of population and wealth, on the value of agricultural lands. It gives the number of States in each class, number of acres, value, and value per acre, with the average percentage of agricultural workers, as follows:

Classes.	Number.*	Acres.	Value.	Average.†	Workers.‡
First class	15	77,250,742	$2,985,641,197	$40 91	16.59
Second class	13	112,321,257	3,430,915,767	22 21	40.12
Third class	13	237,873,040	3,218,108,970	13 03	58.85
Fourth class	6	108,636,796	562,430,842	5 28	77.46

* Number of States and Territories.
† Average value per acre.
‡ Percentage of workers in agriculture.

See how the value of land comes down as the proportion of agriculturists to the whole number of workers goes up. Only one man in five on the roll of employed persons in New York and Pennsylvania is an agriculturist. The value of land in New York is $44.41 per acre; in Pennsylvania the eastern counties are alive with factories, the southwestern black with coal, the northwestern flowing with oil, and this exceptional variety in industry makes the average value of land $49.30 per acre. But New Jersey, lying between New York and Philadelphia, with daily access to markets of four millions of city population, has an average value of $65.16 per acre, the highest of any State in the United States. And New York and Philadelphia are the great manufacturing centers of the country, supporting their populations by manufactures more than by commerce.

Dividing again the States and Territories into four sections, the first comprising the manufacturing and mining areas, and including all having a smaller proportion than 30 per cent. of the occupied population, the working class, engaged in agricultural employments; the second section comprising all States having more than 30 and under 50 per cent.; the third including all States having 50 and not exceeding 70 per cent., and the fourth including all States having more than 70 per cent. engaged in agriculture, we have the following perfectly natural, not to say inevitable, results, namely:

Classes.	Number engaged in agriculture.	Value of products of agriculture.	Value per capita.	Workers in agriculture.
				Per cent.
First class	1,060,681	$484,770,797	$457	16.59
Second class	1,566,875	616,850,959	394	40.12
Third class	3,017,981	786,681,420	261	58.85
Fourth class	2,024,966	325,099,388	161	77.46

Here again we see the product per man go down as the percentage of agricultural workers goes up. We see that in the manufacturing States 1,060,681 agriculturists get $484,770,797 per annum for their labor, while in the agricultural States 2,024,966 receive only $325,099,388. New Jersey has but 14.92 per cent. in agriculture, and each man earns $501, while Mississippi has 81.81 per cent., the largest proportion of any State, and each person earns but $187, the lowest average in the United States.

The following tables give like results in a less condensed form, the States constituting each of the four groups being named:

Aggregate value of products of agriculture by States, acres of land in farms, and value of farm lands, by States and groups of States.

FIRST GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Massachusetts	631,125,284	3,359,079	146,197,415	43 52
Rhode Island	104,163,621	514,813	25,882,079	50 27
Connecticut	185,697,211	2,453,541	121,063,910	49 34
New York	1,080,696,596	23,780,754	1,056,176,741	44 41
New Jersey	254,380,236	2,929,773	190,895,833	65 16
Pennsylvania	744,818,445	19,791,341	975,689,410	49 30
Delaware	20,514,438	1,090,245	36,789,672	33 74
Total	3,021,405,831	53,919,546	2,552,695,060	47 34

SECOND GROUP.

Maine	79,829,793	6,552,578	102,357,615	15 62
New Hampshire	73,978,028	3,721,173	75,834,389	20 38
Vermont	31,354,366	4,882,588	109,346,010	22 40
Ohio	348,298,390	24,529,226	1,127,497,353	45 97
Michigan	150,715,025	13,807,240	499,103,181	36 15
Indiana	148,006,411	20,420,983	635,236,111	31 11
Illinois	414,864,673	31,673,645	1,009,594,580	31 87
Total	1,247,046,686	105,587,433	3,558,969,239	33 71

Aggregate value of products of agriculture, &c.—Continued.

THIRD GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Wisconsin	128,255,480	15,353,118	357,709,507	23 30
Minnesota	76,065,198	13,403,019	193,724,260	14 45
Iowa	71,045,926	24,752,700	567,430,227	22 92
California	116,218,973	16,593,742	262,051,282	15 79
Total	391,585,577	70,102,579	1,380,915,276	19 70

FOURTH GROUP.

Maryland	106,780,563	5,119,831	165,503,341	32 33
Virginia	51,780,992	19,835,785	216,028,107	10 89
North Carolina	20,095,037	22,363,558	135,793,602	6 07
South Carolina	16,738,008	13,457,613	68,677,482	5 10
Georgia	36,440,948	26,043,282	111,910,540	4 30
Florida	5,546,448	3,297,324	20,291,835	6 15
Alabama	13,565,504	18,855,334	78,954,648	4 19
Louisiana	24,205,183	8,273,506	58,989,117	7 13
Texas	20,719,928	36,292,219	170,468,886	4 70
Arkansas	6,756,159	12,061,547	74,249,655	6 16
Tennessee	37,074,886	20,666,915	206,749,837	10 00
West Virginia	22,867,126	10,193,779	133,147,175	13 06
Kentucky	75,483,377	21,495,240	299,298,631	13 92
Missouri	165,386,205	27,879,276	375,633,307	13 47
Kansas	30,843,777	21,417,468	235,178,936	10 98
Nebraska	12,627,336	9,944,826	105,932,541	10 65
Colorado	14,260,159	1,165,373	25,109,223	21 55
Oregon	10,931,232	4,214,712	56,908,575	13 50
Utah	4,324,992	655,524	14,015,178	21 38
Total	676,427,860	283,233,112	2,552,840,616	9 01

These figures teach us a lesson. They prove beyond dispute that the farmer is directly benefited by having manufacturing industries in his own State and near his farm. They prove that the workmen and operatives employed in mills and factories must purchase their food supplies from him, and the greater the number of these who live near his farm the greater will be the demand for what he raises, the more valuable will be his farm and all its products. In other words, the more people there are in a State who are not employed in agriculture the more valuable will be the products of the labor of those that are so employed. The farmer, then, should encourage manufacturing interests in his own State and neighborhood, and thereby create a market near his door for what he has to sell, and at the same time create the supply of manufactured products which he has to purchase in the vicinity of his own farm. He can do this by maintaining a protective tariff. By abolishing it, and the consequent destruction of manufacturing interests in this country, our entire population must seek employment in agricultural pursuits; the home market for the products of the soil is destroyed; the people of foreign countries must be depended upon to purchase what the farmers do not themselves consume, and to sell us what of manufactured articles we have to buy. And the foreigner will do both, buy and sell, at his own price. He has no interest in our affairs except to make all the profit he can from our labor.

Free trade or revenue tariff, resulting, as we believe, in destroying our manufacturing interests, diminishes our national wealth and increases the capital of the countries with which we trade. Every one knows that if an individual expends annually more than his income he grows poorer, and most persons strive to add to their possessions every year instead of spending more than they make. The same rule governs nations, or ought to.

Now, destroy our tariff system and shut up our mills and factories, and what is the result? Why, English manufacturers will sell to us the most that we need and at such prices as they choose to ask.

But how will the people pay for such foreign products? Where is the money to come from to buy with? It must come from surplus agricultural products which our people do not consume; and hence it follows that instead of buying from our own manufacturers, as we do now, and keeping the money in our own country and thereby annually adding to its wealth, we should send our money to England to add to the wealth of her people. The result is we should purchase more than we sell, expend more than our income, and the balance of foreign trade will be against us. Our gold and silver will be shipped to foreign countries to pay our debts, and the large annual additions to the wealth and power of our own country will cease. Neither a nation nor an individual can accumulate while its or his expenditures are greater than his income.

Our country must be independent of all foreign powers. We should manufacture at home all that our own people consume. Our factories should be at the doors of our own people, to supply all their wants. We must not depend upon factories of foreign countries to supply us with the shoes and clothing we wear, the plates upon our tables, or pottery in our kitchens. Every citizen should take a just pride in purchasing such articles with the stamp of an American manufacturer upon them, knowing that by so doing he is adding to the capital, dignity, and glory of his own country. The humiliating weakness of an agricultural people with no manufacturing industries was illustrated in the South during the late civil war. The South had iron-ore in abundance beneath the soil of Alabama, Georgia, Tennessee, and Virginia, but she could not supply her armies with cannon and muskets. She had large herds of cattle, but she could not make the shoes for her soldiers nor the saddles for her horses. The South had abundance of cotton—her fields were white with it—but she had no cotton-mills to furnish clothing for her armies and her people. In short, the South, for want of mills and factories, could not furnish supplies for her armies, and the Southern confederacy was strangled to death by a blockade of her ports. Her supplies from abroad being cut off, her soldiers were insufficiently clothed and fed, became discontented, and their surrender was inevitable.

Now pursue this policy of free trade to its legitimate result, destroy our manufacturing industries, close up our mines, our cotton and woolen mills, and in the future the United States in time of war with foreign nations would be reduced to the deplorable condition of the South in the late civil war. The Democratic party must wait the revival of confidence of the American people in its patriotism and capacity to govern this country before it can win a Presidential election.

It seems impossible for the Democratic party to comprehend the wants and the aspirations of this great country. Since 1860 the United States have outgrown the comprehension of that party. This House recently refused to appropriate for the Post-Office Department money enough by over $3,000,000 to meet the absolute needs of a postal system. The Senate has amended the bill by adding nearly $4,000,000 to it, to the end that the people may have adequate mail facilities, and the House refuses to concur in the Senate amendments.

This House, with a large Democratic majority, but recently refused to appropriate money to purchase guns to arm four ships of war that are being constructed and are nearly completed under a law passed by the last Republican Congress. But by a solid Republican vote in the House, aided by a few Democratic votes, the amendment put on the naval bill by the Senate providing for such armament was agreed to.

The people of this country are demanding a navy for the defense of its coasts and its commerce upon the seas, but a Democratic House, with money in abundance lying idle in the Treasury, persists in its refusal to appropriate money to build a single ship of war. The Senate but a few days ago amended the naval appropriation bill, and provided for an appropriation to build seven more war vessels, that the country might have the nucleus of a navy, but gentlemen on the other side of the House refused to concur in such amendment.

And now, by this tariff bill, they seek to destroy our manufacturing industries; to reduce American laborers and workingmen to the starvation wages of foreign countries; compel our citizens to purchase the products of foreign factories, and contribute to the wealth of European nations. Having no record to point to in a Presidential year, the Democratic party is making false issues for the next election, and the people must decide which party they will trust.

The Tariff—Reduction of War Taxes.

SPEECH

OF

HON. BENTON McMILLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 2, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. McMILLIN said:

Mr. CHAIRMAN: The question presented by this bill for our consideration is not whether we shall or shall not have free trade. The real issue is, "Shall there be a reduction of taxes; will we take thirty millions off the tax-payers, or let it stay on them?" Many of our citizens and most of the States, counties, and municipalities owe debts and implore us to reduce Federal taxes. Will we do it? That is the question.

For twenty years the people have had to endure this burden. For twenty years they have been told to bear it patiently and by and by they should be relieved. For years the Democratic party has in its platforms and from the stump thundered against the great weight of taxes. The following extract from the Democratic platform of 1876, adopted at Saint Louis, is a specimen of our denunciations and promises and proves what I say:

Reform is necessary in the sum and mode of Federal taxation, to the end that capital may be set free from distrust and labor lightly burdened.

We denounce the present tariff levied upon nearly 4,000 articles as a monster piece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising, revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has

degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture and industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house duties shall be only for revenue.

Believing these promises, the people hurled from power those who had imposed and retained the onerous system, and gave Democracy full sway in Congress. But divisions in our ranks existed, and our party failed to fulfill the pledges of tariff reform made and was relegated to the minority. The Republicans of the last Congress also shirked the issue. Instead of taking hold of the question manfully and patriotically, that Congress went outside of the Constitution and shifted its duties off on a Tariff Commission, composed in the most part of men selected for the purpose of guarding particular interests. I raised my voice against its creation. I said then:

Whenever Congress establishes this commission to do its work it will have voted a want of confidence in itself, and the people will vote a want of confidence in it.

How true was my prediction the 70 Democratic majority here tells. Notwithstanding the Tariff Commission was composed of men chosen from particular protected industries, the necessity for reduction of the tariff was so great they reported that there should be a reduction of from 20 to 25 per cent. The following is an extract from their report:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded not by mere indiscriminate popular clamor, but by the best conservative opinion of the country.

* * * * * * *

Such a reduction of the existing tariff, the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

* * * * * * *

It would seem that the rates of duties under the existing tariff—fixed for the most part during the war, under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted, through reduction, to the present condition of peace, requiring no such extraordinary stimulus.

* * * * * * *

Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction of rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

Mr. Chairman, how did the party that created the commission treat these recommendations? It disregarded them in almost every particular. After confessing they did not know what to do without a commission's instructions, they ignored its recommendations and thereby admitted that neither the commission nor they were capable of dealing with the subject intelligently. The people so believed, and crushed them out with such a defeat as has seldom overtaken a party in this country. Sir, when we look at the bill and remember the outrageous way in which it was passed and the little relief it gave, we must conclude the people were right in forcing them to go.

THE TARIFF NOT MATERIALLY REDUCED.

The bill they passed reduced the tariff only 1.74 per cent. The commission said the tax-payers were entitled to 25 per cent. reduction, but they were given less than 2 per cent. Not only this, but on many articles essential to home comfort, and used in every-day life, which were already taxed too highly, they increased the duty. They raised the duty on window-glass, goblets, and other glassware. They increased the duty on table ware—stone, china, and earthen ware. They also increased it on cotton goods, such as domestics and sheetings. That on cotton goods was increased 2.51 per cent.; on earthen, stone, and china ware, 13.11 per cent.; and on glass and glass ware, 1.48 per cent. These are but samples. Scores of others could be mentioned. When, however, that anomalous Congress came to legislate for the wealthy they relented. Their hard hearts softened, as they always do, and they reduced the tariff on silk and silk goods immensely. They then came sweeping down the list and reached mechanics' tools. Here, again, they inflicted a great wrong by increasing the duty on many articles. All their vaunted love for the laborer vanished when the interests of that laborer came in conflict with their protected pets.

Now, Mr. Chairman, let him who votes against the Morrison bill remember that he votes to indorse and perpetuate this increase of duties on the necessaries of life. Are gentlemen ready to say by their votes and voices not only that the war taxes should be kept up, but that it was right to increase them in 1883? Others may do as they please, but I feel that were I to cast any such vote I would deserve the condemnation of the noble people I have the honor to represent. The tariff bill of 1883 was never regularly considered by the House. It came in as a conference committee's report on a bill to reduce the internal revenue. It differed from everything passed by either the House or Senate. It never could have passed the House on its merits. The rules of the House were amended, or, rather, trampled down. The mouths of members opposed to it were closed by cutting off debate; the constitutional right of the House to originate bills for raising revenue was tamely, cowardly surrendered to the Senate; the cause of justice was powerless; the voice of Representatives chosen by the people to originate these bills was drowned out by the wild clamor for higher tariff; justice failed, and the bill passed.

Sir, this is the system which they tell us should not be disturbed by agitation. These were the means resorted to which we are called upon to justify by non-action. And this is the prohibitory, grinding law, from which they tell us we should hold our hands. For one, I will never, never do it till mine "forgets its cunning." Members may cry for "peace" on this question, but there is no peace while such flagrant robbery goes on. If you want no agitation, give us justice. If you "do not want business interests disturbed," strive with us to bottom the tariff on principles of "equal and exact justice to all men," and then we will lock shields with you, and all rush together to the defense of any one of them that is ruthlessly assailed.

But, Mr. Chairman, you will cry in vain to the sovereign citizen to

"KEEP QUIET"

while you take his scanty earnings by any sort of legislative larceny. How can you expect him to "keep quiet" when he looks to the Treasury and beholds one hundred and fifty millions of his money which you have wrongfully wrung from him by this law lying there idle and you refusing to relieve him? How can you expect him to make no complaint when he in full sight of these things feels your long, felonious fingers turning his depleted pockets inside out and seizing his last penny to swell the vicious surplus accumulation? To-day there are near three dollars surplus in the Treasury for every citizen of the United States, yet you refuse to reduce taxes. Money is flowing in at the rate of a million dollars a day, more than forty-one thousand dollars an hour; still you say there shall be no relief given. Refuse it if you will, but be prepared as a consequence to have an outraged people "shriek their horrid curses in your shrinking ears."

Mr. Chairman, no statesman has yet appeared rash enough to justify this vast surplus by public declaration. If any man has, it was some individual who neither believed what he said nor would so far violate his instincts as to say what he belived. I have already quoted to you the declarations of the Tariff Commission and of the Democratic platform at Saint Louis. The platform of the Cincinnati convention contained a declaration similar to that adopted at Saint Louis. Let us next examine the testimony of others on the subject of revising the tariff. In a speech made by the distinguished gentleman from Pennsylvania [Mr. RANDALL], in this Hall, May 8, 1882, he said:

The existing overflowing Treasury brings a demand for the reduction of the tariff and internal-revenue taxes. In my opinion, in such a condition of our finances, reduction of taxation shall at once begin. Unnecessary taxation is injurious to the interests of the people in many directions. Government has no justification for the collection of burdensome taxes in excess of the sum requisite for the support of its proper administration.

Mr. Chairman, if there was "no justification for the collection of burdensome taxes in excess of the sum requisite for the support of the proper administration of Government," then what excuse or justification is there for it now? There has been no perceptible reduction of the tariff since these words were spoken. If a reduction of duties was demanded then—and I admit it—it is much more needed now. Then our bonded debt amounted to about a billion and a half. Since that we have paid off 20 per cent. of it, and our surplus has increased. If public policy, wise statesmanship, demanded a reduction then, how can we deny it now? The reduction proposed by the bill now under consideration added to the small reduction made by the last Congress would not exceed that recommended by the Tariff Commission.

THE PRESIDENT'S RECOMMENDATIONS.

Sir, in his annual message sent to Congress by the President in December, 1882, when the surplus in the Treasury was not greater than it is now, he said:

You can not fail to note with interest the discussion by the Secretary as to the necessity of providing by legislation some mode of freeing the Treasury of an excess of assets in the event Congress fails to reach an early agreement for the reduction of taxation.

I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government.

It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise of the country from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. * * * Of late the public revenues have far exceeded what was necessary for a wise and economical administration of the Government.

THE SECRETARY OF THE TREASURY RECOMMENDS A REDUCTION.

Mr. Chairman, in his annual report, made just before the assembling of this Congress last December, the Secretary of the Treasury makes this strong statement:

The chairman of the Senate Committee on Finance (in explanation of the bill that became a law) estimated at $45,000,000 the reduction of the revenue which would follow the changes in the tariff proposed thereby. These intentions and calculations have not been verified. * * * We have, then, a reduction of $30,000,000 less than was sought for and expected. * * * There ought to be a reduction of taxation.

GENERAL JACKSON ON EXCESSIVE TAXATION.

Sir, we are sometimes told that General Jackson, one of the founders and expounders of Democracy, favored a "judicious tariff." Who does not want a judicious tariff to-day? Our complaint against the present one is that it is not judicious. We are willing and anxious to stand on the same principle he did. Concerning taxation he said:

There is perhaps no one of the powers conferred on the General Govern-

ment so liable to abuse as the taxing power. The productive and convenient sources of revenue were necessarily given to it that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed upon goods enhances by so much the price of the commodity to the consumer. And as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets.

Congress has no right under the Constitution to take money from the people, unless it is required to execute some one of the specific powers intrusted to the Government; and if they raise more than is necessary, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid; and in such a case it is unquestionably the duty of the Government to reduce them, for no circumstance can justify it in assuming a power not given to it by the Constitution, or in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Upon this bold, ancient, and able enunciation of principles the Democracy stood then and stands now. We ask nothing more and will take nothing less.

IS THE REDUCTION HORIZONTAL?

Mr. Chairman, some members have objected to the bill because they say it is a horizontal reduction. If it is merely a 20 per cent. horizontal reduction it presents to the legislator the alternative of having high duties or low, as he prefers, with the articles bearing the same relation to each other, whether high or low. He who wants lower duties will vote for the bill, while he who wants no reduction will vote against it of course. No man who voted for the present law can consistently object to this, because the cut affects all in a horizontal way. But the reduction is not horizontal throughout. The bill discriminates by reducing the tariff on articles of necessity, now highly taxed, and leaving without reduction certain schedules of luxury which carry a low rate.

Silk dress goods, shawls, shoes, ribbons, trimmings, buttons, in fine all silk goods, are left by the bill without reduction. But cotton and woolen goods are reduced. Jewels and many precious stones are not reduced, because they are articles which may be dispensed with. But, as I have already stated, we do propose by the bill to reduce the tax on tableware, glass, clothing, and the thousand other necessaries of life. There is no reduction on liquors and wines, but there is on medicine. Let him who wants to continue the present high rate on essentials and low rate on luxuries oppose this measure. But he who thinks there should be less duty on home comforts and higher on luxuries will not oppose it.

But aside from all this we have had many instances of horizontal reduction supported by Mr. Clay and others. The following from the able speech of Mr. MILLS, of Texas, gives concisely the history of that kind of legislation:

In 1833 the great compromise tariff introduced by Mr. Clay, the father of protection in this country, was passed by Congress. Under that law there was a horizontal reduction of the tariff of 10 per cent. in 1833, a horizontal reduction of 10 per cent. in 1835, a horizontal reduction of 10 per cent. in 1837, a horizontal reduction of 10 per cent. in 1839, and in 1842 a horizontal tariff of 20 per cent. was reached by the sliding scale, and it was agreed that that should remain the law of the future, and that the bill should be regarded as a settlement of a long-vexed question—"a treaty of amity and peace," as it was characterized by its distinguished author. These are not all of the horizontal taxes we have had during our history. In 1865 there was a horizontal increase of 20 per cent. on the taxes levied on the schedules of domestic manufacture; and in 1866 there was a horizontal reduction of 20 per cent. on domestic manufactures. In 1872 there was a horizontal reduction of 10 per cent. on the schedule of imported goods, and in 1875 there was a horizontal increase of 10 per cent. on imported goods.

HOARDING MONEY IN THE TREASURY AND PAYING INTEREST.

Sir, I am unable to see how any Representative can conclude the best interests of his country require the raising of more revenue than is necessary to meet the various demands of Government economically administered. The individual who owed a heavy debt, had the money by him to pay a large amount of it, and yet hoarded his money, kept it out of his business, and continued to pay interest on the debt he could discharge any day, would be called financially a fool. Yet this is the very thing we are doing as a Government. We owe two hundred and fifty-four millions, now due and callable. We have a hundred and fifty millions surplus lying in the Treasury idle. Still we refuse to pay the money out, and force our constituents to pay interest.

To hoard that sum there year after year when it might be paid on bonds, stop interest, and go forth to enliven trade is a crime against the tax-payers. It is a crime for which the administration that is guilty of it should be held to a severe account. He who hoards it and still grinds his people with oppressive and unnecessary taxation is a political malefactor. Some opposing this bill have said that if we reduce import duties it will increase the revenue. The author of the bill claims it will reduce the revenues $30,000,000 a year. But if we can reduce the tax-payer's burdens 20 per cent. and at the same time not diminish his ability to pay what he owes, who is foolhardy enough, unpatriotic enough to refuse to do it?

If there be one such here I pause that he may rise and announce it. Let him proclaim his readiness to betray the trust committed to him. Through Congress alone, under the Constitution, can the people get relief from onerous taxation once fastened upon them by that body. Their condition is to be deplored when this their last tribunal refuses to heed them. When the time comes that Congress refuses to discharge this duty the people will discharge Congress and send here those who are not afraid to act.

AN OVERFLOWING TREASURY LEADS TO PANICS, EXTRAVAGANCE, AND CORRUPTION.

But aside from all considerations of mere policy for the reduction of taxes there is an imperative necessity for it growing out of the payment of our public debt. We have to-day a surplus of about one hundred and fifty millions in the Treasury. The Secretary estimates the surplus for the ensuing year at eighty millions. We have outstanding $254,000,000 of bonds subject to call and payment before 1891. Using the surplus in the Treasury and coming in, we can pay all of this by the close of 1885. If the "do-nothing policy" is adopted, the tariff untouched, and the taxes left standing, money will continue to flow into the Treasury at the rate of one hundred millions surplus a year from 1886 to 1891.

There being then no bonds due, this means of sending it back into circulation can not be resorted to, and it will be withheld from circulation and locked in the Treasury. It is safe to calculate that there would be in the Treasury January, 1891, five hundred millions, or $9 for every man, woman, and child in the Government. It requires no power of prophecy to foretell the result. An overflowing Treasury leads to prodigal appropriations. The lobby lingers longingly around it as vultures around the carcass. Thieves congregate and devise every means, from larceny to legislative robbery, to get their hands into it. Besides, so much money would thereby be diverted from the legitimate channels of trade that stringency, panics, and ruin would inevitably follow.

This must be averted, and it can only be done by reducing taxes. Messrs. Blaine, LOGAN, and others, say, "Let the system run on and distribute the surplus among the States." In other words, they propose, after degrading the States in many other ways, to take from them the power or necessity for raising revenue to carry on the State governments, and do this by deputy marshals and customs officers. Congress is to dole out revenue to the States! Every patriot in the land should cry out against such a suicidal, centralizing policy as this, if permanently established, would be. We should flee from it as we would the pestilence.

STRIKING OUT THE ENACTING CLAUSE.

We are told, sir, that a motion to strike out the enacting clause of the bill is to be made as soon as general debate closes next Tuesday and before there is any chance to amend it. The enemies of tariff reform boast that they can carry that motion. He who votes to kill the bill in that way thereby says he wants no change. He will proclaim that he wants to continue the high duty on salt, mechanics' tools, farming implements, and the thousand things the laborer must have to live. He will thus say he wants high war tariffs retained on the men of to-day who were infants at the close of the war.

I see sitting around me members who voted last session for the present iniquitous law. They took the tax off of patent medicines, but refuse now to take it from salt. They voted then for free bologna sausage, and decline to vote to reduce the tariff on sugar. They reduced it on silk, and refuse to reduce it on calico and domestics. They voted to give us velvet at 30 per cent., and now refuse to let us have cotton goods reduced to 60 per cent. They voted to let in jewelry at from 10 to 30 per cent., and refuse to let us reduce mechanics' tools to 50 per cent. They reduced the taxes on banks many millions, and to-day stand stubborn as the dog in the manger and refuse to vote for reduction of the high duty on hats, blankets, and jeans. They freed hair oil and "rough on rats" from all internal taxes, and refuse to reduce the high tariff on the linen and flannel worn by children. Love of literature does not lure them from their pet theory, for they vote against reducing the tax on literary productions. The fear of Heaven seems powerless to move them, for when they oppose this bill they oppose a proposition to reduce the tax on the Word of God.

Mr. Chairman, there is no excuse for such a vote. I would say to the enemies of the bill, "If it does not suit you, and you have power to strike out the enacting clause, you have power to amend it. Why do not you amend it till it does suit you?" No, sir; they do not want to amend it. They want to kill all tariff legislation, and all their energies are turned in that direction. If they succeed it will be at a sacrifice of their country's best interest. But I warn them that the fruits of their victory, like "Dead Sea fruits, will turn to ashes on the lips." They may impede but can not stop this great movement. Before they get through this business they will learn that while they may destroy themselves they can not destroy the spirit of tax reform. "Justice travels with a leaden heel, but strikes with an iron hand." This is no spasmodic effort. It is one engaging the thoughts and enlisting the energies of millions of people. Those who labor to live think their labor should be less taxed, and will never stop till it is done. They have seen

CONGRESS REPEAL THE INCOME TAX,

thereby taking more than sixty millions annually off of the rich. They have seen the tax on manufactured tobacco and on the privilege of dealing in it and whisky reduced about two-thirds. They have seen the banks freed from their taxes. After seeing Congress in various ways reduce the taxes on these things about three hundred millions a year, they come forward and implore you to take just 20 per cent. off of their coats, hats, shirts, blankets, farming utensils, sugar, rice, table ware, and medicine. Will you do it? Or will you say to them, "Go, hence; you deserve no relief, and we will give you none." Are you ready to

say to them, "We rushed to the rescue of the rich by repealing the income tax while the smoke of battle still hung around the hills, but we will do nothing for you even after half of the war debt is paid."

Will you who oppose this bill by refusing relief still further confirm the laborers of the land in the belief that for the advancement of their best interests no Congress ever assembles? If so, do it quickly. Do it by striking out the enacting clause and refusing even to amend, if you will; but when you do it, prepare to take the consequences; prepare to meet the wrath of those you wrong. There is yet a voice loud enough to make itself heard. There is yet a hand strong enough to make itself felt. That voice is the complaining voice of an overtaxed people. That hand is their hand raised to strike down any man or party of men standing in the way of their relief.

LET THE REDUCTION BE JUDICIOUS AND GRADUAL.

Mr. Chairman, I do not favor so sudden a revolution in the tariff as to produce disaster. In a speech I made on this subject in the last Congress I said:

The raising of revenue ought to be the primary object, but in the raising of revenue we can so adjust the tariff that our home industries will receive all the protection they need, and all that the equitably disposed could wish. We have to pay interest on $1,554,752,700. Besides this, we have to pay a large amount for pensions annually and pay the current expenses of the Government. We collect about a million dollars a day; more than $600 a minute. I insist that there is no need of further protection to industries than is afforded by a judicious tariff sufficient to raise this revenue. We have gone on under our present system until it may be wise to adopt the course of a graduated tariff as did the Democratic party in 1846, thereby arriving at the revenue basis ultimately to be reached by such gradual steps as will not imperil establishments which have been forced into existence by the abnormal tariff under which we have worked for the last twenty years. We ought to go about the work judiciously but resolutely.

I have no cause to change my views as thus expressed after two more years of reflection on the subject, and I insist that it is in accord with the sound Democracy.

DEMOCRATIC PLATFORMS ON THE TARIFF.

Sir, for more than a quarter of a century after the adoption of the Constitution—till 1838—there were no conventions, as we now hold them, for the purpose of selecting candidates for President and Vice-President. That work was done by party Congressional caucuses. But those caucuses sometimes announced the principles upon which they asked the voters' support for the candidate commended. The following is from the caucus declarations when Mr. Jefferson was first elected President:

6. Free commerce with all nations, political connection with none, and little or no diplomatic establishments.

The first platform adopted by a convention other than the caucus was that of 1838, and contained this clause:

Hostility to any and all monopolies by legislation, because they are violations of the equal rights of the people.

The true foundation of republican government is the equal rights of every citizen in his person and property and its management.

The Democratic platforms of 1840 and 1844 promulgated the following principles:

4. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country.

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

The platform of 1848 on this subject was as follows:

Resolved, That the fruits of the great political triumph of 1844 have fulfilled the hopes of the Democracy of the Union in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842 and the creation of the more equal, honest, and protective tariff of 1846, and that in our opinion it would be a fatal error to weaken the bands of a political organization by which these great reforms have been achieved and risk them in the hands of their known adversaries, with whatever delusive appeals they may solicit our surrender of that vigilance which is the only safeguard of liberty.

The Democratic convention of 1852 adopted this:

Resolved, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

Resolved, And to sustain and advance among them constitutional liberty by continuing to resist all monopolies and exclusive legislation for the benefit of the few at the expense of the many.

The Democratic convention of 1856, that nominated Mr. Buchanan, adopted the following as a part of its platform:

Resolved, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion of our common country to the injury of another.

Resolved finally, The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world.

And this was reaffirmed by both the Douglas and Breckinridge wings of the Democratic party after the unfortunate split of 1860.

In 1872 there was a split in the Republican party, and Mr. Greeley was nominated by the Liberals. The Democrats indorsed his nomination, and thereby accepted his platform, which contained this clause:

We remit the discussion of the subject (protection and free trade) to the people in their Congressional districts and the decision of Congress thereon, wholly free from executive interference or dictation.

And this is the only instance in which a national Democratic convention has ever evaded coming squarely to the issue of tariff for revenue.

PAYMENT OF THE DEBT.

Sir, I regret that unwise legislation has placed more than seven hundred millions of our bonds in such a condition that they can not be paid off till 1907. Here the people have to pay 4 and 4½ per cent. interest on this for nearly a quarter of a century, when they can get all the money wanted at 3 per cent., and could pay them in ten years. For more than twenty years bad government must go on by allowing the owners of these bonds to draw high interest on this vast sum, while it is freed from all taxation, national, State, and municipal. There should be no favoritism in our Government. Each citizen should pay taxes in proportion to his ability, in proportion to the property he possesses and the blessings derived from the Government.

Nothing will more surely and rapidly destroy our Government than the fostering of favored classes by legislation. Nothing will so quickly breed discontent and riots as the enactment and continuance of laws so unequal in their operations that the poor are taxed heavily while the millions of bonds owned by those possessing great wealth go free from all taxes. I know there are those who do not want to pay off this debt. Those who hold it know they have a mortgage on the muscle of every laborer till the last cent is paid with interest. They know they will probably never get another chance to make so safe an investment where they will be free from taxation, hence they raise the cry that the debt is being paid too rapidly. Away with the doctrine that "a national debt is a national blessing!" It should never be assented to by any patriot.

Sir, the protectionist also urges non-payment of the debt. He knows that while the debt lasts and interest is to be paid he has an excuse for high tariffs, which will be gone when the debt is extinguished. Hence, "interest on the debt must be paid" is "rolled under his tongue as a sweet morsel." It enables him to continue to clamor against reduction of war-tariff taxes.

MANUFACTURING IN THE SOUTH.

The advocates of high tariff for the sake of protection tell us that we of the South should favor the present duties to develop our country. Kingdoms are promised us if we "will fall down and worship" them. My candid opinion is that nothing stands more in the way of Southern development than the present high tariff and the increased cost of machinery and establishments for manufacturing which it causes. Cotton manufacturing in the South pays 20 per cent. according to the statistics of 1880. So favorably is the South situated for manufacturing that cotton has been picked there and the suit of clothes it made worn the same day. There are iron-furnaces there at which the owner can stand and see the point from which the coal, ore, and limestone are all taken out of which his iron is made. I predict the time will come when Tennessee and Alabama stoves and castings can be sold at a profit in Pittsburgh and their domestics sold in Lowell. The president of the Phœnix Mills in Georgia has written to members of this House advocating reduction of the tariff and demonstrating that Southern mills do not need it.

AGRICULTURE.

Sir, we are more dependent upon our farmers than upon any other class for our prosperity. When enacting laws to protect why not strive to benefit them? They are more numerous than all other classes, and their prosperity more important. Yet what do you propose to do for them, except fleece them? What protection is afforded the farmer? His surplus cotton, tobacco, and wheat are all sold in the East in competition with pauper labor. What benefit does he derive from your alleged laws against pauper-labor competition? None.

But you tax him sleeping and tax him waking; tax him in prosperity and tax him in adversity; tax him living, and even after death his grave-clothes are heavily taxed.

Sir, not only is this so, but your exclusive laws are rapidly driving from him those who have been accustomed to buy his products.

Three years ago, when England saw the market for the sale of her goods was restricted in the United States, she began to cast around to devise means of getting her wheat elsewhere. She sent seed-wheat into India to try the experiment of raising it there. The success was marvelous. This year more than 40,000,000 bushels of her supply came from there. So severe a competition came that wheat has gone down till it is lower than it has been for twenty-five years. Laborers are employed there at 6 cents a day. Russia is also one of our chief competitors in the wheat market. Similar comparisons might be made with regard to tobacco and cotton. And you tax these farmers on everything to maintain those engaged in other pursuits. A law which taxes one laborer for the benefit of another who is not taxed is not just and will not endure.

Relative to the reduction of the tariff under Democratic administration prior to the war, Hon. Robert J. Walker, ex-Secretary of the Treasury, said:

From 1850 to 1860 our agricultural products increased 95 per cent. and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase.

Commenting on this period, the gentleman from Texas [Mr. MILLS] of the Ways and Means Committee, truly says:

On the 30th day of July the Walker tariff was enacted, to go into effect the 1st day of December, 1846. How was our foreign trade affected by the low revenue tariff? It increased so much that from the 1st of December, 1846, to 1st of December, 1847, the revenue had increased eight and one-half millions, notwithstanding the very great reduction of duties. How did this affect agricultural products? Just as a revenue tariff always does when it opens a way for them to market. Agricultural products rose from July 30, 1846, to December 1, 1846, 23½ per cent. on an average; cotton rose 18.3 per cent.; wheat, 17.3; rye, 18; corn, 24.5; oats, 40.9; barley, 24.7.

Seven of the principal crops, as shown by the Secretary of the Treasury in his report of that year, had increased in value during the six months succeeding the passage of that bill more than $115,000,000, and it was estimated that the increased value of the whole crop for the same period was three hundred and fifty millions. This additional value was given to the agricultural products of the country beause the tariff of 1846 opened a way for them to market. But that is not all of its benefits to the farmers. It decreased the prices of manufactured products correspondingly. It added three hundred and fifty millions to his crops, but it added three hundred and fifty millions to the purchasing power of his money.

INTERNAL REVENUE.

Mr. Chairman, the gentleman from Pennsylvania [Mr. KELLEY] urges the repeal of the internal-revenue laws to reduce taxes. He was chairman of the Ways and Means Committee last Congress; if sincere in this profession, why did he not do it then? Why, when he had the power, did he not come forward with a bill and abolish it? No, sir; his party is willing enough to reduce the internal revenue to give cause for higher tariff, but they do not want to get rid of the system which gives them so many offices. They reduced the internal revenue by many (forty) millions last Congress, but did not abolish a single office.

All the old machinery was kept. What the people want is to have the mode of collection so simplified as to get rid of the wrong and oppression which now characterize it. Failing in that, they will strike at the whole system. They are willing for whisky to pay its part of the great debt hanging over us if you will change the mode of collection so it will not grind the citizen down and drag him from home as it does now. They will not be satisfied with a mere reduction of the tax on spirits distilled from grain, while all of the old machinery is kept grinding away on the citizen. It is not so much the amount of the tax on whisky as it is the method of enforcing internal-revenue laws to which they object. I made an argument before the Ways and Means Committee, showing the hardships of the present system and urging that we be relieved of them. I think we will get some relief.

I suppose I do not violate the proprieties of that proceeding when I say that we were told by the committee that it would be impossible to abolish the internal-revenue tax altogether; that to do so would leave a deficiency of about $40,000,000 a year. But we are promised an abolition of the tobacco taxes, &c., and a simpler method of collection. A bill I introduced to reduce the time within which parties can be indicted in the Federal courts from five to two years and less has already passed the House, and I hope will pass the Senate before we adjourn.

The gentleman from Pennsylvania [Mr. KELLEY] a few days ago undertook to draw a blood-curdling picture of the misery he saw abroad. He certainly can not claim that the high protective tariff has removed all want in this country. I will here read a gloomy picture he drew of the privations of his own people nearly twenty years after this high protective feature was adopted in what was known as the Morrill tariff. He said:

Why, sir, the people of my city, the working people, whose pride it has been to have their families live under their own roof, are many of them huddling together, three or four families in one such house, and then are probably unable to pay their rent.

Let us see what sort of consistency characterizes the clamorers for higher tariff. They say it is for the benefit of American labor. Yet many of the owners of mills and factories import pauper laborers from Europe to work in their factories at lower wages than Americans are willing to work for. The contracts are made in the East before they are transported here. Again, if protection is for the benefit of the laborer, why were his wages reduced 10 per cent. last summer when the tariff had been reduced less than 2 per cent.? If the laborer is so loved by them, why is he turned off and the mill shut down when he strikes for higher wages?

SHOULD THE QUESTION BE REMOVED FROM POLITICS?

Sir, we are told by high protectionists that this should not be made a political question. That it should be taken from the arena of politics. The question is where the Constitution placed it. Congress fixes the amount and method of raising the taxes, and the people make and unmake the Congressmen. For one, I am glad the people have the constitutional right and power to thrust from authority those who overburden them, and thereby betray their trusts, and I hope they will always exercise it. Congress has power over the taxes, and, thanks to our wise fathers, the people have power over Congress.

AMERICAN SHIPPING DESTROYED BY THE PRESENT SYSTEM.

There was a time when our commerce was carried in American ships, manned by American seamen—American freemen. There was a time when the American flag floated over American cargoes, and when its bright, beautiful stars and emblematic stripes enlivened every sea and port where commerce was known. The American, looking out on the broad ocean, beheld it in the Orient and in the Occident. Whither he went—

To the northern wastes of snow,
Or strayed where the soft magnolias blow—

it was there; there to remind him of his own native land, whose sons resembled in their strength the gnarled oak of her deepest forests and whose daughters rivaled in their beauty and loveliness the orange-blossoms of her most fragrant groves.

But how is it to-day? Alas, the blighting hand of legislative restriction and oppression fell upon our marine service and it withered. Materials entering into the manufacture of the ship were highly taxed under our prohibitory tariff. Under pretext of protecting American ship-building our people were prevented from using foreign-built ships except on ruinous terms. They could not buy those made at home out of highly-taxed material at a cost that would enable them to compete in the carrying trade with those built abroad. So we have had to give up the seas.

Ships, sailorless, lay rotting on the sea;
And their masts fell down piecemeal; as they dropped
They slept on the abyss without a surge.

The seas are no longer white with our sails and the American flag no longer waves over the deep. English ships bring their iron to us, and carry our wheat, corn, cotton, and tobacco from us. Our laws are wrong—"there is something rotten in the state of Denmark," or this could not be. It was never so under Democratic dominion.

In 1855 we built in this country four hundred vessels for the foreign carrying trade. In 1879, with a population almost doubled, we built but thirty-five. At that time Great Britain had 950,000 tons engaged in trade between that country and this. Now she has but little less than 6,000,000 tons. And last year we paid $120,000,000 in freights to foreigners. With a less population we had seven times more tons engaged in the foreign carrying trade than now.

OUR FREE INSTITUTIONS.

Mr. Chairman, I have been both surprised and pained by the tenor of speeches made on the other side. The general prosperity of the country and its marvelous development are pointed to by protectionists and claimed to be wholly the fruits of their system. They, sir, are the fruits of our free institutions generally, rather than of any particular law. They come from our freedom of the press, freedom of speech, freedom of religion, freedom from arrest except by legal process, our trial by jury, and general dissemination of knowledge among the masses. These have made us great, and would have made us so under either high or low tariff. Ours is the most desirable of all countries, whether the one or the other theory of the tariff is adopted. No man contemplates with more patriotic pride its present and prospective grandeur than I do. Well might the eloquent Phillips exclaim: "Happy, free America, the lightnings of heaven yielded to your philosophy; the temptations of earth could not seduce your patriotism."

May "He who doeth all things well" so guide our glorious land that it shall for ages continue as now—the wonder of the world, and a blessing to mankind.

Issue of Circulating Notes.

SPEECH

OF

HON. DAVID B. CULBERSON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 19, 1884,

On the bill (H. R. 5460) to provide for the issue of circulating notes to national banking associations.

Mr. CULBERSON, of Texas, said:

Mr. SPEAKER: The bill under consideration is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon any deposit already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock. And that all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 2. That associations organized for the purpose of issuing notes payable in gold, under the provisions of section 5185 of the Revised Statutes of the United States, upon the deposit of any United States bonds bearing interest with the Treasurer of the United States, shall be entitled to receive circulating notes to the amount and in the manner prescribed in this act for other national banking associations.

At an early day of this session I introduced the following bill:

That whenever the circulation of any national bank, or any portion thereof,

shall be surrendered, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender between national banks and for all debts due to any national bank; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced, in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may from time to time be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding.

Under the provisions of the bill now under consideration it is made lawful for the Secretary of the Treasury to deliver to the national banks now organized circulating bank notes to the par value of their bonds now on deposit at the Treasury to secure their ultimate redemption. The bill further provides that hereafter, instead of issuing to national banks circulating notes in amount equal to 90 per cent. of the par value of the bonds deposited by them, notes to the full par value of the bonds shall be issued and delivered to them. The reservation of 10 per cent. as now provided by law is to be discontinued.

The immediate effect of the bill if it becomes a law will be to make an absolute gift of $40,000,000 to the banks now organized, without the slightest consideration to the tax-payers. There are $400,000,000 in bonds now on deposit at the Treasury to secure the redemption of $360,000,000 of circulating notes. This measure proposes to increase the latter amount by handing over to the banks $40,000,000 more of notes. What reason is given for the bestowal of this magnificent favor upon the banks?

We are told, Mr. Speaker, by the advocates of the bill that the object is to prevent contraction in the volume of the currency. It is true that there is manifest danger of a contraction in the volume of currency. The Comptroller in his last report gives Congress the following information:

More than one-half of the bonds now held by the national banks are 3 percents. Unless there shall be legislation by the present Congress, which shall reduce the receipts of the Government, it is probable that the United States bonds will continue to be paid at the same rate as during the last year, in which event all the threes will be called for redemption within three years. This will reduce the bonds held by the banks from three hundred and fifty-three to one hundred and fifty-one millions, and cause a contraction in national-bank circulation of about sixty millions per annum.

I think the situation demands prompt attention from Congress. The contraction of the currency at the rate of sixty millions per annum for the next three years can not fail to produce the most serious results, and some method should be adopted to prevent it. We have now in circulation about $1,000,000,000, consisting of $400,000,000 in gold and silver and the balance in legal-tenders, bank notes, and gold and silver certificates. This volume of currency is constantly increasing by the coinage of silver and gold, but not in advance of the increasing demands of trade and business. There can not be, in my opinion, greater evils inflicted upon any country than those which flow from a depreciated currency, or from a volume of currency, however sound, which is constantly fluctuating, rising above or falling below the absolute wants and uses of money.

Since I have had the honor of being a member of Congress I have labored assiduously to secure a sound currency fully, adequate in volume to meet all the requirements of the business and trade of the country. I think we have reached that point. There is now not the slightest taint of depreciation or irredeemability or fiatism about our currency. Though mixed, each of the classes is equal, measured by the gold standard. There is no complaint about the volume of money. A contraction of sixty millions per annum for the next three years would reduce the volume of money below the amount required by the necessities of the people, and all the harmful results of an inadequate volume of money would be entailed upon the country.

The depression and waste of values, the broken fortunes, the privation and distress of labor which followed the demonetization of silver, causing a contraction in the volume of money of one-half the metal currency of the country, ought not to be made possible, in whole or part, by permitting such a reduction in the volume of money as seems imminent. The proper inquiry is, as it appears to me, Mr. Speaker, how and to what extent ought the contemplated contraction to be averted.

If the measure under consideration prevails and the banks should honestly use the $40,000,000 which are proposed to be given to them for the purpose intended, it would afford no adequate remedy for the evils threatened. The measure is wholly inadequate. It is nothing more nor less than an effort to prevent the contraction of $180,000,000 in three years by $60,000,000 per annum by the issue $40,000,000 in bank notes. It is simply a tub to the whale, if not a pretext to give to these favored pets of Congress a munificent gift.

The best interests of the country demand that Congress should provide a dollar to take the place of every dollar that is taken out of the volume of currency by operation of law or otherwise. The volume of currency ought not to be permitted to be reduced below its present standard; but, on the contrary, should be increased as the wants of the country increase.

I am not sure that this measure will give any relief at all or serve in any manner to prevent contraction. The banks under the law may contract or inflate the currency at will. They control absolutely $360,000,000 of the currency. Have we any assurance that they will use the $40,000,000 which this bill proposes to give them to prevent to that extent the anticipated contraction? There is no provision in the bill that limits the use of the money, and there is nothing in the past history of the banks which gives an assurance that the money will not be used to increase their power to inflict injury upon the people. There is a great struggle between the banks and the people. The people demand that the public debt shall be paid off as it falls due. The banks demand that the public debt shall be perpetuated, because the payment of the public debt means the extinction of the banking system.

The effect of this bill will be to strengthen them in this great struggle and to weaken the power of the people. It will not do to say that this money will be used for the purpose intended if the conduct of the banks in the past furnishes any evidence of what will be their course in the future. They labor for their own interests, untempered by the sympathies which enter into individual transactions. In a former Congress I made some remarks upon the bill to extend national-bank charters, which I ask permission to print with these remarks.

I shall offer the bill introduced by me as a substitute for the pending bill. It provides a cheap, inexpensive, and adequate remedy to meet the evils of contraction. Individually, I would prefer to make the Treasury notes proposed by my bill legal-tenders. It will be seen from the speech which will be printed with these remarks that I have always held the opinion that Congress had the power to issue Treasury notes in peace as well as war, and invest them with a legal-tender capacity. There can be no doubt now since the decision of the Supreme Court of the power of Congress in the premises.

It may not be improper to observe that the decision of the Supreme Court referred to was made upon a question which involved the constitutionality of a law passed by the Forty-fourth Congress. That statute substantially provided that whenever outstanding legal-tender notes were received in the Treasury on any account they should not be considered as redeemed and canceled, as was required by the act to provide for the resumption of specie payment, but that the Secretary of the Treasury should reissue the notes in payment of all claims against the Government, &c. The effect of the statute was to preserve from destruction the remnant of legal tenders, amounting to $346,000,000 then outstanding, and to legalize the reissue of the same.

The subject of contention before the Supreme Court was that whenever these notes or any part of them were received at the Treasury they became waste paper, having been redeemed, and that while Congress possessed the power to cause these notes to be issued, as they were, in a time of war and great public exigency, there was no authority in Congress to cause them to be reissued in 1878, a period of profound peace. A large majority of the Democrats of the Forty-fourth Congress voted for the measure. The Democratic party has been accustomed to claim the honor of the passage of the act and to refer to the great results which have been achieved by it as the beneficence of Democratic policy. The decision of the court only affirms, therefore, the constitutionality of the law passed by the Forty-fourth Congress. It is in no degree a recognition of fiatism or the validity of irredeemable Treasury notes, but determines the authority of Congress to issue Treasury notes in peace as in war, redeemable in coin, and for the time being invest them with the capacity of legal-tender.

ADDENDA.

NATIONAL-BANK CHARTERS.

[Remarks delivered in the House of Representatives, Wednesday, May 17, 1882, on the bill to enable national banking associations to extend their corporate existence.]

Mr. CULBERSON. Mr. Speaker, I would not trespass upon the indulgence of the House by participating in this debate, but for the fact that I feel it incumbent upon me to support and defend the amendment which I have submitted to the bill now under consideration. The bill, substantially, re-enacts the national-bank act of 1864. The banks now in existence, numbering 2,148, are authorized to reorganize at the expiration of their charters for an additional period of twenty years, and full authority is given for the organization of new banks with a like period of duration. By reference to the amendment which I have submitted, it will be observed that I propose to put the present national banking system into a process of gradual liquidation, as it provides that after the passage of the act no franchise or charter shall be granted or extended to any association for the purpose of banking and that no banking association now in existence shall be revived or reorganized.

The amendment further provides that, as each bank now chartered shall expire by limitation or by voluntary surrender of its circulation, the Secretary of the Treasury shall prepare Treasury notes, in the usual form, of like denominations and of like amounts of the notes of such bank, and shall pay them out to the creditors of the Government, who may elect to receive them at par in payment and satisfaction of their claims. The notes which are provided for are to be pure and simple "Treasury notes," receivable by the Government for all dues whatsoever. I do not propose, Mr. Speaker, to repeal the bank act, as since the adoption of the Revised Statutes it is doubtful whether Congress has authority to terminate the charter of a bank lawfully pursuing its avocation and business within the terms of its charter. I therefore propose to leave the law as it is, to cover the operations of all existing banks and control their conduct until they shall expire by limitation.

I do not think, Mr. Speaker, that a more just and proper method to close up and discontinue the present system of banking could be suggested. By it all individual or vested rights are recognized and protected, and the business interests of the country sedulously guarded and shielded from any harm or disturbance whatever by reason of a reduction in the volume of currency. No

stockholder in a bank can justly complain of any violence or injustice to any right acquired by his investment, as the measure which I advocate permits each association to pursue its business unmolested for the full period of time fixed by its charter. In respect to the public aspect of the subject, I submit that no possible detriment or disturbance of the business of the country will follow the adoption of my amendment, because every bank note which may be canceled under the operation of it will be substituted by a Treasury note, having all the attributes and functions of money which appertain to bank notes. There will be no reduction of the volume of the currency. As the bank notes will pass out of circulation Treasury notes will pass into circulation readily, and will perform all the offices of money which national-bank notes now perform.

Bank notes are equivalent in value to coin, not because of the intrinsic merit of the bank which puts them into circulation, but for the reason that their ultimate payment and redemption are guaranteed by the Government. A Treasury note with a like guarantee will not be less esteemed as a circulating medium. I do not intend by anything I have said or may say in this debate to assent to the proposition that Congress has authority to create a bank and invest it with the power to issue notes designed to circulate as and clothed with the functions of money. The currency of this country is its life, and the framers of the Constitution wisely vested the law-making power with authority to coin money, prescribe its volume, and regulate its value. National banks exercise governmental functions in respect to the currency. Instead of the law-making power issuing the entire currency of the country, it has relegated to banking associations the authority to issue it without limit. They are invested with full power to dwarf or inflate the volume of currency at their pleasure. There is now absolutely no restraint or limitation upon the power of the banks to decrease or increase the volume of currency.

I believe, Mr. Speaker, that the act in this respect is in conflict with the Constitution. But it was passed twenty years ago. Private rights and vast business interests, both public and private, have been acquired and grown up under this system of banking, and the practical question is, how best to discontinue the system without injustice to individuals, without wrong to vested rights, and without serious derangement of the interests of the public. I submit that my amendment is a full and complete answer to the question. I believe, Mr. Speaker, that a large majority of the people of the United States are in favor of the discontinuance of the national banking system. They are prepared to see it pass away as speedily as practicable; not because the continuance of the system implies a perpetuation of the national debt, as is alleged by some, for such result would not necessarily follow. There are bonds enough already issued and which do not mature until 1907 to support the system upon a far more extensive scale than now exists. There are to my mind graver and stronger reasons why the system should be abolished.

It has outlived the object and purpose of its establishment, and there is no necessity of a public character for its longer continuance. If, Mr. Speaker, the advantages and benefits of the system outweighed its injustice and disadvantages to the public, or if they were equal, we might be pardoned for giving new life to the banks and extending their succession for twenty years, as proposed by the bill. But if, on the other hand, there are no benefits or advantages derived by the people from this system, and if it can be shown, as I believe it can, that it is a vast monopoly and opposed to the best interests of the people, how are we to escape the just indignation of those whom we represent if we fail now and here to put an end to its existence? What was the object and purpose of the act which authorized national banking? It was passed in 1863. The Government of the United States at that time was engaged in war. It was struggling to maintain its credit and to provide means necessary to prosecute the war. It became necessary for the Government to utilize all its resources and exercise all its powers, doubtful and unquestioned, to maintain its credit and provide the means to support its armies in the field.

It was believed by those who conducted the affairs of the Government at that time that the system of banking authorized by the act of 1863 would aid the Government to sell its bonds, and also aid in maintaining the credit of the currency. The history of that eventful period and the debates in Congress show that the national banking system would never have been instituted or authorized but for such prevailing sentiment and belief. Therefore, to state the case as strongly as it should be stated, this banking system was adopted, first, to induce the purchase of the bonds of the Government, and thereby enhance the credit of the Government; and second, to maintain and enhance the value of the legal-tender greenbacks, in which bank-notes were made redeemable. I am not here, Mr. Speaker, to question either the motives or the soundness of the judgment of those who inaugurated this system and fastened it, I fear for all time, upon the country.

I believe that the motive which inspired the President and his Secretary of the Treasury, Mr. Chase, to approve the plan were pure and laudable; but subsequent events have demonstrated that patriotism has exerted but little influence over the management of these institutions. The Government was vastly deceived when it set up these fiscal agencies, so called, to enhance the value of its bonds and the credit and solvency of its currency. Corporations consult their own interests. Unlike individuals, sentiment does not temper their dealings. Their interests pointed toward cheap bonds and depreciated legal-tenders. They needed the bonds to bank upon, and when they were called upon to redeem their notes, the cheaper the greenbacks the less gold it would take of the interest on their bonds to supply them. Accordingly, we find that the bonds decreased in value more rapidly after the bank act was passed than before. Such would seem to have been the natural and sure result. The banks supplied themselves with all the bonds they needed to bank upon at from 50 to 60 cents on the dollar, and, notwithstanding bank-notes were redeemable in legal-tender greenbacks, legal-tenders depreciated over 70 per cent.

If, however, Mr. Speaker, I am mistaken in all this, there can be no question about the present. United States bonds are selling at a high premium; legal-tender greenbacks are at par with gold and silver. We do not need these fiscal agencies to enhance the value of our bonds or greenbacks, and therefore we can not re-enact the bank law and extend this system for twenty years or longer for the reasons and purposes which influenced Congress twenty years ago to pass the original act. We must look up some other excuse, some other reason and purpose, to justify a practical re-enactment of the bank act as is proposed by this bill. In consideration of the aid which it was supposed these fiscal agencies would give the Government in maintaining its credit the Government conferred upon them privileges, immunities, and favors of immense value. In a Government like that of the United States, where every citizen is supposed to be equal before the law, and each alike entitled to its protection, such a system of class legislation, of governmental favoritism as the national banking system discloses is an enormity of the most frightful magnitude. All other monopolies in this country are dwarfed into insignificance when compared with it.

I propose, Mr. Speaker, to show what some of these privileges, immunities, and favors are, and how they have been used and enjoyed by the banks. Every association of five or more persons who may own and deposit in the Treasury of the United States $100,000 in bonds of the Government are entitled to receive $90,000 in unsigned bank notes. The bonds remain in the Treasury, and the interest thereon is paid quarterly by the Government to the bank. The notes are signed by the officers of the bank and are used as capital for banking. Each bank is authorized to operate for twenty years. Practically the capital of every five men thus associated together in a banking association is nearly doubled, almost free of cost to them. One-half of it remains at the Treasury and earns interest; the other half is loaned to the customers of the banks at from 6 to 24 per cent. per annum. In order that these pets of the Government should have an open field in which to ply their vocation, all State banks were taxed out of existence. Besides, they are permitted to bring all their suits in the United States courts, without regard to the amount in controversy and without respect to the cost or inconvenience of unfortunate debtors.

Again, no tax can be laid upon their bonds, and all the legal-tender greenbacks held in reserve or placed to the credit of the surplus fund are likewise non-taxable. While these are valuable privileges and favors, there are others far more valuable. The national banks constitute a huge monopoly. My friend from Pennsylvania [Mr. MUTCHLER], who has just delivered a very able speech in favor of the bill, affirms that the national banking system is not a monopoly, because every man in the United States who has the means to invest in bonds may become a national banker, and that, banking being free to all, it can in no just sense be deemed a monopoly. Now, I submit that the gentleman does not state the proposition quite accurately. I affirm that the system is a monopoly, for the reason that banks alone can issue and put into circulation bank notes. They enjoy a monopoly in that respect.

If a farmer owns United States bonds, why may he not deposit them at Washington and have the privilege of taking home with him 90 per cent. of the amount in notes guaranteed by the Government to loan to his neighbor at the rate of interest allowed by the laws of the State in which he resides? Simply because under the law such a privilege is restricted solely to national banks. I repeat that the currency of this country is its life-blood, and Congress has put it in the keeping of soulless corporations, who may increase or lessen its flow as their interest dictates or their caprice may suggest. They can make money cheap to-day and to-morrow dear. The property of the country and its entire business are at the mercy of the system. We have now seven hundred and sixteen millions of paper currency, consisting of three hundred and forty-six millions of legal-tender greenbacks and three hundred and seventy millions of national-bank notes.

The amount of greenbacks is fixed by law and can not be decreased or increased except by law. The representatives of the people in Congress must be consulted before the volume of greenback currency can be changed, but the banks alone control the volume of bank notes. They are not responsible to the people. The exercise of their power over the currency of the country is nowise regulated or limited by law. Who can doubt or who will assume to say that such associations, with no legal restraints or limitations in this respect, united by common interests, inspired, as all business corporations are, by the greed of gain, do not constitute a dangerous and powerful enemy to every opposing interest in the land? The Comptroller's report for last year shows that in the last twelve years the national banks have distributed among their stockholders $517,825,392 of net profits, and have on hand besides $130,000,000 surplus funds, all earned upon an average capital of less than $500,000,000. And we are to-day importuned on all sides to give a new lease of power to such an overshadowing monopoly.

The toiling millions of the country are again called upon, not as before in a time of war and widespread alarm; not in a season of general depression, when Government securities and credit were at a fearful discount; not in a moment of extreme peril, when patriots seized every plausible expedient to restore the credit of the Government; but in the silence of a profound peace, in the midst of comparative prosperity, with Government securities and credit far above par, to support this vast, unfeeling, grasping monopoly for another period of twenty years. Such is the proposition, sir; no more, no less. Judging the future by the past, these institutions will gather into their coffers over a billion of dollars of profit and three hundred millions of surplus capital upon an investment of $500,000,000 in the next twenty years, the period proposed by this bill. The brain and muscle of the country are proposed to be mortgaged for twenty years to earn such princely fortunes for the banks, and all for what? Absolutely for no consideration whatever. The people do not need their currency, because the Government can furnish them currency direct, without cost; and if, as was supposed, they aided at any time the Government in maintaining its credit, such aid is no longer needed nor desired.

We are under no obligation to the national banks, Mr. Speaker. If their friends will continue to claim that they have rendered the Government in times past valuable services, I answer that long since all such services have been fully paid for and the obligations discharged. If they are to retire now, and forego for the future the exclusive rights and favors which they have enjoyed for twenty years under the legislation of Congress, they will have the satisfaction of knowing that they have gathered princely fortunes from the toil and labor of those whose interests they assume and pretend to have promoted. We are told, sir, that the national banking system is friendly to the best interests of the people. I deny that proposition, and I affirm that from the very day of its organization to the present time it has warred incessantly upon the rights and upon the best interests of the people; that it has been ungrateful and selfish, and has used its power and exclusive privileges to increase the burden of taxation and embarrass the Government in every laudable effort it has made to lighten the weight of the public debt.

In other words, sir, this creature of Congress early became its master, and for twenty years has dictated, in the main, the financial laws and operations of the Government to its own advantage. The proof is abundant to establish this proposition, but in the limits of my time only the most prominent facts can be presented. I pass the period of the war for obvious reasons, nor will I weary the House to recapitulate the efforts of the banks between the close of the war and the first administration after its close to contract and destroy the greenback currency. Among the first if not the very first act of Congress approved by President Grant was the act of 1869 entitled "An act to strengthen the public credit." It will be remembered that about one billion and a half of the bonds were payable in lawful money. It was so stipulated in the contract. Greenbacks were lawful money, made so by law, and the Supreme Court affirmed the validity of the statute. But unfortunately they were at a serious discount and far below par value in coin.

By the act referred to all the securities, outstanding bonds, and currency of the Government were declared payable in coin, and the faith of the Government was pledged to discharge them in gold and silver. This was in plain violation of the contract. The terms of the contract did not admit of any dispute. The history of that period records the fact that when the measure was before Congress the corridors around this Hall, the committee-rooms, above and below us, and the city itself swarmed with the agents and attorneys of the banks, who were here to influence the judgment of Congress and aid in the passage of that infamous act. The work was accomplished. It required great labor, for the work was infamous. The public debt was increased $600,000,000 by the legal effect of the act, and the bonds held by the national banks alone were enhanced $25,000,000. The banks owned about $356,000,000 of bonds. They had purchased them at a discount ranging from 40 to 60 cents in the dollar. They were payable in lawful money, and might have been discharged in legal-tender greenbacks, which were then at a serious discount.

But these patriotic fiscal agencies, the banks, united by a common interest and influenced by a common greed, deliberately combined their power, which far exceeded all other influences, and secured the passage of this law, which created an additional burden of $600,000,000 upon the people for which there was absolutely no consideration and which was an unmixed fraud upon the tax-payers. In 1870 Congress undertook to refund the public debt at a less rate of interest. The bill originated in the Senate, and I beg to call attention to the eighth section of that measure as it passed the Senate. It is as follows:

"SEC. 8. *And be it further enacted*, That on and after the 1st day of October, 1870,

registered bonds of any denomination not less than $1,000, issued under the provisions of this act, and no other, shall be deposited with the Treasurer of the United States as security for notes issued to national banking associations for circulation under an act entitled 'An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof,' approved June 3, 1864; and all national banking associations organized under said act, or any amendment thereof, are hereby required to deposit bonds issued by this act, as security for their circulating notes, within one year from the passage of this act, in default of which their right to issue notes for circulation shall be forfeited, and the Treasurer and the Comptroller of the Currency shall be authorized and required to take such measures as may be necessary to call in and destroy their outstanding circulation, and to return the bonds held as security therefor to the association by which they were deposited in sums of not less than $1,000: *Provided*, That any such association now in existence may, upon giving thirty days' notice to the Comptroller of the Currency, by resolution of its board of directors, deposit legal-tender notes with the Treasurer of the United States to the amount of its outstanding circulation and take up the bonds pledged for its redemption."

When the bill came to the House the combined power of the national banks again appeared around this Hall and was everywhere visible. The section was stricken out and the Senate was forced to accept the bill as amended, and thus amended it became the law. I do not propose, Mr. Speaker, to animadvert upon this action of the banks. Language which I control is too sterile to characterize it properly. I content myself with reproducing an extract from the speech of Senator SHERMAN, who had charge of the bill, and who I believe was then, as he is now, the ablest financier of this country. He said:

"Mr. President, the three remaining sections of this bill apply to the national banks. That is much too great a theme for me to enter upon at this stage of the debate; but I will explain in a very few words the theory of those sections. The national banks are mere creatures of law. They hold their existence at the pleasure of Congress. We may to-morrow, if it promotes the public interests, withdraw their authority. The franchise has been valuable to them.

"We think it right they should aid us in funding the public debt. They hold of our securities $346,000,000. Nearly all of these bear 6 per cent. interest in coin. We will not deprive them of any of them; we will not take from them the property they enjoy; we will not deny them even the payment of 6 per cent. gold interest as long as they are the owners of these bonds. But they hold the franchise of issuing paper money guaranteed by the United States, and which constitutes the circulation of our country; and we say that, enjoying this franchise, we now stipulate with them for the reduction of interest on the bonds they hold. The provisions of this bill are not arbitrary.

"We are about to retire and cancel our notes by the provisions of this act. We are about to give them the monopoly of the circulation of this country, the sole and exclusive privilege of issuing paper money. We have destroyed the State banks. And now what do we require in return? That they shall join us in reducing the burdens of the public debt; that they shall bear some little of their share of the loss of income which every holder of the public securities must suffer.

"Sir, national banks would be very unwise indeed to make issue on this question. If any man here is a friend to the national-bank system, I can claim to be. I was here at its cradle, introduced the original banking bill, and advocated it, and also introduced the amendment to it, conducted it, and saw it passed. But if I believed now that the banks of the United States were unwilling to aid us in reducing the rate of interest on the public debt to the extent of the limited sacrifices they are called upon by this bill to make, I should certainly change very much my opinion of them and of the whole system.

"I wish now to record my deliberate judgment that in this conclusion to which we have been compelled to arrive by the action of the House we are doing the national banks a great injury, which will impair their influence and power among the people, and that the opposition of the national banks to this provision which would have required them to aid in the funding of the public debt will tend more to weaken and destroy them than anything that has transpired since their organization. I do not see how we can go before the people of the United States and ask them to lend us gold at par for our bonds, when we refuse to require agencies of our own creation to take them; when we even refuse to require new banks not yet organized to take these new bonds, and when we refuse to require old banks, which have made on the average from 15 to 20 per cent. annually upon the franchise. But, sir, the vote of the House shows the power of the national banks."

It will be observed from what I here read that Mr. SHERMAN, if not the author of the plan of national banking, was the author of the original bank act of 1863 and the supplemental act of 1864. Those acts, as passed, contained a reservation of the right to Congress to alter, amend, or repeal them. This reservation was dropped out by the adoption of the Revised Statutes. I call attention to this fact to show that, notwithstanding the banks were in the power of Congress and subject at any time to be destroyed by a repeal of the law, yet they boldly defied the power of Congress and defeated the laudable efforts of the Government to avail itself of their influence in lessening the interest on the public debt. In this connection, Mr. Speaker, I desire to call attention to the conduct of the banks at the close of the last session of Congress. In the opinion of a large majority of that Congress it was practicable to refund a portion of the public debt in 3 per cent. bonds, and a bill for that purpose passed both Houses. That measure contained the following provision:

"From and after the 1st day of July, 1882, the 3 per cent. bonds authorized by this act shall be the only bonds receivable as security for national-bank circulation, or as security for the safe-keeping and prompt payment of the public money deposited with such banks: *Provided*, That the Secretary of the Treasury shall not have issued all the bonds herein authorized, or so many thereof as to make it impossible for him to issue the amount of bonds required: *And provided further*, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn, as provided by law, within thirty days after the interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further*, That section 4 of the act of June 20, 1874, entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes,' be, and the same is hereby, repealed; and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted."

These fiscal agents of the Government were again called upon to aid in the reduction of the interest upon the public debt in part, and what was the result? Their agents and attorneys were on all sides plying their influence to defeat the bill. They threatened to produce a panic. They affirmed, and truthfully so, that the business of this country, vast as it is, was at their mercy, and rather than aid the Government to reduce the interest upon the bonds they would deposit lawful money in the Treasury and surrender their circulation, and thus contract the currency to the disturbance of business and the panic of capital. Congress for one time boldly opposed the unreasonable exactions and demands of the banks and disregarded their threats. The bill was passed, $18,000,000 were deposited by the banks in fifteen days pending the controversy, and the volume of currency to that extent was reduced. Business felt the blow, and but for the resources of the Government, applied on the instant, a panic would have occurred. As soon as the bill reached the President all the combined power and influence of the banks were concentrated and brought to bear upon the executive branch of the Government to secure a veto. They triumphed, and the bill fell. In the muscular language of my friend from Missouri [Mr. BLAND], "they bulldozed the President."

We are now paying, Mr. Speaker, 3½ per cent. upon what are known as the Windom bonds, because of the defeat of the 3 per cent. funding act, which was brought about by the influence of national banks. The act was in all respects reasonable, and the experience of the country since that time will attest the fact that our bonds drawing 3 per cent. interest could have been sold at par.

Mr. RANDALL. Will the gentleman from Texas allow me to interrupt him a moment? Before the 1st of May, 1881, two months after the adjournment of the last Congress, the bonds of the United States had reached such a premium that they returned to those who purchased them at the market prices less than 3 per cent., showing clearly that those who had voted for the funding bill as passed at the close of the last Congress were right in the belief that a Government loan could be negotiated at 3 per cent. I will hand to my friend from Texas [Mr. CULBERSON], to be incorporated in his remarks, a statement showing what income is yielded by 4 and 4½ per cent. Government bonds, at the market prices, on the first, second, third, fourth, and fifth days of the present month; the 4½ per cent. bonds yielding an average of about 2.70 per cent. to purchasers at market prices, and the 4 per cent. bonds yielding about 2.86 per cent. This is an official statement from the Treasury Department, the calculations having been made by Mr. Elliott, a recognized authority on subjects of this kind.

Mr. CULBERSON. Mr. Speaker, by permission of the House I will insert the table in my remarks [omitted in this reprint].

* * * * * * *

But, Mr. Speaker, the crowning act of all the outrages upon the interests of this country committed by the national banks was the part they took in the perpetration of that great financial crime, the demonetization of silver in 1873. Of all the conspirators who aided in that dark and secret deed they are the most guilty, and if there are any degrees in the atrocity of that act they deserve the highest. They owned about $370,000,000 of our bonds. Originally they were purchased at a great discount. Originally they were payable in lawful money; but, as we have seen, they had been converted without consideration into coin bonds, at the instance of the banks, payable in coin at its then standard value, and by which the banks reaped an immense harvest of profit. Not satisfied with the immense powers, immunities, and exclusive privileges bestowed upon them by law, to some of which I have adverted, the banks deliberately conspired to break the financial peace of the country by demonetizing silver.

Silver was cheaper than gold, and their bonds, being payable in coin, might lawfully be discharged in silver, the cheaper metal. The silver currency was the currency of the people and occupied the field of circulation too completely for the interests of the bank notes. It had to be destroyed. It was destroyed, and the national banks gathered again a rich harvest of profits by the enhancement of the value of their bonds and the appreciation of their notes. But at what terrible costs, privation, and sacrifices to the people and business of the country! Who, even now, Mr. Speaker, can look back over the period from 1873 to 1878, during which one-half of the metal currency of the world lay dormant and demonetized, and contemplate the frightful waste of values, the broken fortunes, the poverty and universal depression which marked that period without a feeling of indignation and shame?

The history of our country, eventful as it has been, furnishes no parallel to the financial distress produced by the demonetization and withdrawal of silver from circulation. The fires in the furnaces of our vast manufactories burned to ashes, vast enterprises of internal improvements were abandoned, labor ceased to command living wages, and thousands upon thousands of able-bodied men tramped the country, vainly begging for work, and living upon the scant charity of those whom the crash had not entirely despoiled. Properties of all kinds except national banking stock shrank in value with fearful rapidity, until State and municipal governments had no competition in bidders at tax sales, and all the financial gloom and depression were precipitated at a time when the country, torn to pieces by war, was struggling under a load of debt and taxation never before borne by any people with such heroic fortitude.

During this period the national banks made money with a rapidity which astonished the honest men connected with them, while the people grew poorer day by day. Who of us does not remember the angry opposition of the banks to the remonetization of silver and its limited coinage as established by the "Bland bill?" Congress dared not falter in that work. The will of the people had been heard. It was the language of command. We passed the bill in spite of the combined influences of the banks. Again they concentrated all their power and influence upon the Executive, and the sad spectacle of the President of the United States cowering before this august monopoly was repeated. He vetoed the bill, but Congress made it the law notwithstanding his veto.

Mr. HOOKER. My friend from Texas will allow me to say right here, that the distinguished gentleman from Georgia [Mr. Stephens], chairman of the Committee on Coinage, Weights, and Measures, stated to the House on the day that silver was demonetized it constituted one-half of the metallic money of the world. In addition, that $346,000,000 of greenbacks were kept alive only by the action of a Democratic House.

The SPEAKER *pro tempore*. The time of the gentleman from Texas has expired.

Mr. BLAND. I hope by unanimous consent he will be permitted to conclude his remarks.

Mr. REAGAN. I believe I am entitled to the floor, and I will yield to my colleague as much time as he desires.

The SPEAKER *pro tempore*. The gentleman from Texas is entitled to the floor.

Mr. REAGAN. I yield to my colleague.

Mr. CULBERSON. I will not trespass much longer on the indulgence of the House. In 1874 the Republican party was defeated in the House of Representatives. The triumph of the Democracy was an earnest protest filed by the people against the domination of banks over the legislation of Congress. Yet this influence was in no wise daunted by the rebuke. In the closing days of the last session of the Forty-third Congress it put in an appearance on the resumption bill, and fastened upon that measure a clause providing for the redemption and cancellation of the legal-tender greenbacks. The work of destruction was going on when the Democrats, for the first time in twenty years, on the 4th day of December, 1875, presented a majority in the House of Representatives. The whole financial policy of the Government since the war had been in the interests of national banks. The Democratic party remonetized silver and partially restored its coinage. All efforts to repeal the resumption law were defeated, except the proposition to rescue $346,000,000 of legal-tender greenbacks from destruction. We saved that much of them to the people.

And thus we see, Mr. Speaker, that the policy of the banks was to convert the bonds which could be discharged in greenbacks into coin bonds, and when changed to make war on silver, the cheaper and most universal circulation, in order to have the bonds payable in gold only, to destroy the legal-tender currency as redeemed under the resumption act, so that the only currency should be gold and national-bank notes. When the Forty-fourth Congress assembled that policy had been ingrafted in the law. We found it sanctioned by law. In part the policy had been executed and was beyond the reach of repeal or modification. The struggle to remonetize silver and the fight to sustain the remnant of the legal-tender currency show that if these banks could have triumphed we would to-day have no currency but gold and national-bank notes. My friend from Arkansas [Mr. JONES] in his able speech the other day presented the situation exactly. He said there was an irrepressible conflict going on between banks on one side and silver and silver certificates on the other.

Such, Mr. Speaker, is the fact: and because of that conflict we have propositions now pending to destroy silver and silver certificates. Are these banks,

therefore, not the enemies of the best interests of the people? Show me, if you can, where sentiment or patriotism or respect for the interest of the people, when opposed to their interests, ever tempered their grasping and cruel policy. They are the open enemies of that grand principle which underlies our theory of government: "All men are equal before the law, and each alike is entitled to its protection." Whenever the Government with one hand takes the money of a citizen and with the other bestows it upon a corporation it is no less a robbery because the transfer is made under the form and color of law. Why should Congress, in the face of all these facts, give to the banks a new life, a new lease of power over the people? Does any one suppose that if this bill should become a law this system can ever hereafter be changed? Surely not. The system is stronger to-day than at any time in the past. It grows in strength year by year; it has been powerful enough in the past to dictate laws to Congress and vetoes to Presidents. Will it be less powerful or less grasping in the future? Has it not grown by the favors of Government until its strength is sufficient to defy the people and their representatives in Congress?

I submit, Mr. Speaker, in view of the fact that a majority of this House seems determined to pass this bill, that the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL] ought by all means to be adopted. The power to contract the volume of currency now conferred on these corporations is so dangerous to the financial peace of the country that it should be limited by law. Upon the policy of vesting the power to issue currency upon corporations I beg to read a short extract from a speech made by Mr. Benton in 1833 in the Senate:

"The Government ought not to delegate this power if it could. It was too great a power to be trusted to any banking company whatever, or to any authority but the highest and most responsible which is known to our form of government.

"The Government itself ceases to be independent, it ceases to be safe, when the national currency is at the will of a company. The Government can undertake no great enterprise, neither of war nor of peace, without the consent and co-operation of that company; it can not count its revenues for six months ahead without referring to the action of that company, its friendship or its enmity, its concurrence or opposition, to see how far that company will permit money to be scarce or to be plentiful; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interests or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy, to put up and put down prices; to make and break fortunes; to bring the whole community upon its knees to the Neptunes who preside over the flux and reflux of paper. All property is at their mercy. The price of real estate, of every growing crop, of every staple article in the market, is at their command. Stocks are their playthings, their gambling theater, on which they gamble daily with as little morality and far more mischief to fortunes than common gamblers carry on their operations."

And now, to conclude what I have to say on this subject, I desire to submit that I consider the discontinuance of banking so important and desirable that I shall vote for every proposition which shall be offered for that purpose which does not assume that Congress has the power to issue an irredeemable Treasury note to circulate as money. While the amendment which I propose provides for a simple and pure Treasury note redeemable in the dues to the Government, which presents a plan to which perhaps there is less objection than one investing such notes with a legal-tender quality, yet I am free to say that I will vote for either. The question of the power of Congress to issue a legal-tender note I regard as settled by the judgment of the Supreme Court. As a Representative in Congress I am authorized to decide for myself whether such exigency exists as renders it necessary for Congress in this case to authorize the issuance and circulation of promises of the Government to pay money on demand and for the time being invest such notes with a legal-tender quality.

If the war was flagrant and the demand upon the Government required it there are few who would question the power of the Government to issue them or the soundness of the judgment of the court. The exigency now presented is hardly less than such as war might present. The banks are at war with the rights and interests of the people. Their power has grown to be autocratic and despotic, and the issue of the struggle in behalf of the people is by no means certain. In behalf of those whom I have the honor to represent and whose highest interest it is my ambition alone to serve, I would avail myself of any lawful means to crush out this kingly monopoly, which has usurped, under the color of law, the powers of Government and now exercises them to the scandal of republican government and the unblushing robbery of the people.

The Tariff.

SPEECH

OF

HON. C. R. BRECKINRIDGE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. BRECKINRIDGE said:

Mr. CHAIRMAN: It is difficult to make a speech upon the pending measure without going into a full discussion of the tariff question. The bill under consideration does not contemplate a material change in the character and arrangement of the present tariff. It does not profess to correct inequalities in the system or to alter the ratio of things; but it touches the tariff, and that naturally opens discussion not only of the bill but also of the whole subject of the tariff. I shall attempt to divide my remarks into two leading parts: first, the proposition of supporting this bill; and second, the tariff.

Sir, the Democratic party came into power in this House upon mainly two distinct propositions, or rather upon one proposition that consists of two elements. We promised reform in the matter of Federal taxation. We promised reform in the sum and in the mode of Federal taxation.

Of course a party covers a good deal of ground in every platform, for the two great political parties in this country are based primarily upon two great and distinct principles, each the antithesis of the other. For that matter the politics of all countries in which there is enough vitality for political life is founded upon the same two great principles. As a matter of form or of force, one may be called centralization and the other may be called decentralization or home rule. As a matter of governmental terms, one may be called despotism and the other democracy or constitutional government. As a matter of principle, one may be called justice and the other injustice, or, to express it more in consonance with the language of that grand instrument which is the corner-stone, the keystone, nay, which is the whole arch upon which our fabric rests—the Declaration of Independence—the one may be called equality and the other may be called inequality. Every measure, I care not to what it applies, has a principle beneath it; and despite the glamour of party cries, despite the obscuration of superincumbent matter, you have but to probe it deep enough, you have but to think it out to its remote and inexorable conclusion, and you will find a fixed principle controlling its end, rough-hew it as you may.

The grand principle underlying the Democratic party and making it almost divine is that of the equality of man in every public sense, of equal and exact treatment to all; and the one subtle, stifling, and noxious principle that underlies the Republican party is that of inequality, of unequal treatment of men; and whatever may be its cries or its pretenses, whatever may be its victories upon tangent issues, yet we always find an ultimate result of that character finding expression in some form or other of class legislation.

Sir, I need not cite unfailing history to prove all this. Those who read and reflect already know it. But this being true, you find expressions in every party platform covering the various questions, great and small, that attract public attention from the different classes of the people.

But a question is not easily nationalized, and a party or a people, like an individual, will attend to the necessary routine matters of every-day life; it will have an eye perhaps upon several matters in a casual way, but it never sets its heart and hands to more than one really great work at a time, and seldom is it that a people set themselves to a great work and leave it until it is finished.

Thus it was, sir, that the Democratic party directed its attention in the recent past to the great questions of the currency, the treatment of the public debt, and to that of reconstruction, and it did not leave them until they were put into fairly good and satisfactory shape.

Now we come down to the much that still remains for proper treatment, and while our platforms from 1876 down to this time contain much matter thrown in, like chinking in a stone wall, to fill in and to make out the parts, yet the great distinctive question—that which presses most heavily upon the masses of the people; that which they demand and which they will continue to demand shall have attention and proper treatment—is the question of Federal taxation.

Sir, ever since the fatal concession was made that the taxing power—the one great power of sovereignty and of mastership—ever since the fatal concession was made that that power could be used as a means of providing for the public defense, save embargoes to prevent war, and that industries could be subsidized, encouraged or advanced, other than by direct appropriations, under the eye of the people, of the money that had been collected into the Treasury—ever since then (and that was early in our history) this has been the greatest and the most fundamental question in our politics. This is the chief source from which all our woes have sprung. The limitations of the fathers have long since been lost sight of or ignored. What Hamilton could not accomplish directly his successors have accomplished indirectly. The Government established by Jefferson and Madison has been perverted out of all true shape and form, but the Constitution is still here for us to return to, and the people, though horribly deceived and imposed upon, are not debased or destroyed. We have had great contests, but this is the Marathon, this is the Waterloo, of the generation that has succeeded the war. Class legislation has reached its acme. Hamilton's dream of a monarchy and of titles and nobility, of a classified condition of men by law, has been realized in all except the title and tinsel of power.

We stand to-day with past passions cooled, with past misconceptions and diverting issues removed or worn threadbare. We stand to-day where Jefferson and Hamilton stood one hundred years ago, but with Hamilton in the ascendant for the hour, and the most fundamental aspect of this question is, shall this Government of ours be a democracy, a constitutional, a limited government, or shall it be a government of class legislation, of class rule, of monopoly, of simply discretion? In obedience to the present phase of this great question we promised the people "reform in the sum and mode of Federal taxation."

Sir, party platforms are not meaningless instruments of writing. They are expressions of what is needed at the time, and they are solemn pledges of agitation and effort until those ends are attained. I utterly condemn that low standard in politics which puts forward expressions only to delude the people. For one, I condemn a contest simply for the spoils of office. It has no higher motive than greed, and it has no greater force than "the cohesive power of public plunder." I would rather be in the minority, leaving the emoluments of office to my political opponents, but with sufficient power to serve the people and the country by compelling the opposite party to conservative policy, than to succeed to control like a disorganized band of plunderers. The

best hope of our country is the doctrine and party of Democracy. I would have the party that bears that name pure and untarnished. The country is ready for a brave, conservative, honest party of Democracy and reform, and if we would get power we must merit it, and if we would merit it we must show some disposition to keep our pledges, and some ability to subordinate our views of expediency to the declared will and wisdom of our majorities. Any patriotism of less discipline and of less power of sacrifice for principle than this is of no avail; and no other method and no less degree of discipline is known or practiced among honest, sensible, and earnest men.

Sir, in this connection I will review to the majority here the pledges they have formally and solemnly made to the people. It matters not what may have been certain ancient concessions and compromises under peculiar circumstances. The fathers have kept their faith, and we are only called upon to keep our faith. Sir, we have of late years expressed our views of the measures of immediate and pressing necessity, and given our pledges for every effort to attain them in sundry national and State platforms. If these things are not necessary and right, we ought not to mention or to agitate them. If they are necessary and right, we ought to agitate them. Nay, we can not condemn agitation and effort without impeaching our own integrity and wisdom, as manifested in a long succession of party declarations.

In our national platform, adopted at Saint Louis in 1876, we said:

Reform is necessary in the sum and mode of Federal taxation, to the end that capital may be set free from distrust and labor lightly burdened. We denounce the present tariff levies upon nearly 4,000 articles as a masterpiece of injustice, inequality, and false practice. It yields a dwindling, not a yearly rising revenue; it has impoverished many industries to subsidize a few; it prohibits imports that might purchase the products of American labor; it has degraded American commerce from the first to an inferior rank upon the high seas; it has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half our people; it costs the people five times more than it produces to the Treasury, obstructs the process of production, and wastes the fruits of labor; it promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

Here, sir, the proposition of reform in the sum and mode of Federal taxation is clearly stated, and a demand is made for taxation only for public purposes, that is, for revenue. The diverting passions of the war and the horrors of remorseless reconstruction were fast fading from view. Under the cover of those things many subsidized industries had fed to the full upon the hard earnings of their brethren. The panic of 1873 had developed the turning-point of protection. We might reasonably expect allies from some of those industries which, having outgrown the fostering care of infancy, were then in need of the larger freedom of manhood. Much of the system since 1873 has been only makeshift and patchwork. Some of the hoped-for tendencies were noted, upon which I shall not dwell at this point, but they were subsequently restrained, and hand is still joined in hand, like the locked shields of a Grecian phalanx, and the cohorts of class legislation still hunt the fields of their own countrymen in the preferred quest of robbery rather than go out into the large and generous rivalry of the commerce of the world.

Next in order, sir, we held a national convention at Cincinnati, and there and then we reaffirmed the grand platform of 1876 and pledged our best efforts for the attainment of "a tariff for revenue only."

Since 1880 we have adopted many State platforms. Those which most feebly reflect the sentiments of the two successive national platforms I have just mentioned are the latest platforms of Ohio and of Pennsylvania. If they clearly commit us to one or to both of the propositions I have spoken of, then it is not necessary to cite other platforms that are stronger. These two, in fact, are the well-measured expressions of those Democrats who have so much to say about the inexpediency of the bill under consideration.

The Ohio platform says:

We favor a tariff for revenue, limited to the necessities of Government economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, afford just compensation to labor, but not to create or foster monopolies.

Mr. Chairman, there are some things about this plank which are plain, and there are some things about it which are not plain. Without doubt, however, or equivocation, it calls for the limitation of revenue to the necessities of Government economically administered. It also wants the tariff "adjusted" so as to accomplish certain ends. The clear inference is that the tariff does not now accomplish those ends, for if it does why should it be "adjusted." I will not comment upon the impossibility of a man's traveling in opposite directions at one and the same time. I will not comment upon the sincerity or the ability of those who try to make the people think that such a thing can be done. I will not stop at this point to demonstrate that of all the people who are imposed upon and who are made to suffer by a high protective policy the factory wage-worker is the most grievously burdened; but I simply call attention to the plain fact that that faction of our party who prefer to march under this banner of somewhat doubtful device have at least solemnly pledged themselves to reform in the sum and to an "adjustment" of the tariff. If they can not at once keep both of these solemn promises I hope they can at least keep one of them.

And now, sir, if I may be pardoned a slight anachronism, I will here insert the platform recently adopted at Allentown, Pa. This platform was adopted since the organization of this House, since the introduction of this bill, since the indorsement of this bill and of "a tariff bill," by the Democratic caucus—a caucus declared to be neither more nor less than any other caucus—adopted by gentlemen who have given adhesion to the party under the national platforms of 1876 and 1880, by a convention of which the distinguished gentleman from Pennsylvania [Mr. RANDALL] was the hero, and consequently it comes before us at this time as the freshest and most persistent of all the solemn declarations and promises, and its authors are, of us all, should they fail to try to keep their pledges, the most exposed to the charge of mockery.

That platform says:

We favor a tariff for revenue, limited to the necessities of the Government, economically collected, and so adjusted as to prevent unequal burdens, encourage active industries at home and afford a just compensation to labor, but not to create or foster monopolies, and to this end we favor the abolition of the internal-revenue system and taxes.

Let us subject this plank to a brief and a fair analysis. It has obscurities and *non sequiturs* which I do not admire, and it has some looseness of speech that can hardly be intentional. It wants "a tariff for revenue, limited to the necessities of the Government." I take this to mean a reduction of surplus revenues. It may be construed as meaning more; but these gentlemen who have so often and so long clamored for a reduction of surplus revenues will hardly deny that they mean that much. They want the tariff limited, or the revenue limited, or both; but we need not quarrel about that, for we are anxious to give them both or either. To these ends the party has made many overtures to them. They have made none to the party. I trust they want something. They say they do.

They want "a tariff for revenue, limited to the necessities of the Government, economically collected." What do they want "economically collected;" the Government? It would so appear from the context. I presume they mean they want the Government economically administered. That is the usual Democratic form of expression, and that covers the collecting of the tariff as well as all other administrative functions of Government. The deservedly high reputation of Mr. RANDALL as an economist in all the expenses of Government entitles him to the benefit of this more comprehensive construction.

But they want the tariff "so adjusted as to prevent unequal burdens, encourage active industries at home, and afford just compensation to labor, but not to create or foster monopolies." Sir, if the tariff is doing all these things now, it does not need to be adjusted. But they say they want it adjusted. The clear inference is that the tariff is not now doing these things; that it does not encourage active industries at home; that it does not afford a just compensation to labor, and that it does, at this time, create and foster monopolies. If this be so, why not adjust it? Why not try? Why delay so good a work? If delay arises, why not clearly prove that it is the fault of the Republicans? Sir, we have an intimation from the gentleman from Pennsylvania [Mr. RANDALL] as to when he is willing to begin to keep this pledge about a pressing current matter. In his speech in this House upon the 5th of May, 1882, he said that if he had his way the tariff should not be touched oftener than once in ten years. Since that time we have the confessed breach of faith of tariff reform and reduction arising from the Tariff Commission. That change, falsely so called, went into operation in 1883. The gentleman from Pennsylvania has been the steady advocate of resting upon that "change" and "adjustment." Hence we are to conclude that he would not touch the tariff until the expiration of ten years from July 1, 1883. That would be July 1, 1893. Yet he says now that he wants the tariff "adjusted." Is this hot or cold? It is neither hot nor cold. What conclusions are the people to draw from such talk as this? Mr. Chairman, the people are honest, they are earnest, they are sensible, and I leave them to draw their own conclusions.

But, sir, we are not wholly done with this remarkable platform. Sir, after favoring an adjustment of the tariff for all the purposes I have quoted, a plan of action is proposed. As a close and logical proposition I commend it to the consideration of this House and to that of the country. They want the tariff adjusted so as to accomplish many things not now effected, "and to this end we favor the abolition of the internal-revenue system and taxes."

They are going to change the organism of the tariff right now by abolishing the internal-revenue system. Sir, the doctor is going to cure your sickness by performing a surgical operation upon another man.

What stuff is this? What faith can the people have in such practitioners? Can it be possible that gentlemen can so delude themselves? Can it be possible that the poor, monopoly-ridden workmen and miners of Pennsylvania, now killing each other with guns and clubs in their desperate competition and struggles for work and for bread—can it be that they are so benumbed by starvation and oppression as to be imposed upon in this way? Is their reason dead? Is their manhood starved out of them? Such may be so; but if it be, let us take time by the forelock and spread this agitation, before our people too are ground entirely into the dust by heartless class legislation, now hard enough to bear, pampering a selfish and an insolent few, and we will adjust the tariff by adjusting the tariff, and not by touching something else and letting the tariff alone.

Sir, when the contest for the Speakership was pending the idea was

abroad that the difference between the two leading aspirants was only one of degree, and not a very great one at that. I had little faith in all that then. I have less now. It seemed that it was only a question of discretion as to when and how tariff reform should begin, and I for one hoped the declaration of the sense of the Democratic party in that contest would secure a graceful acquiescence in that expression of discretion and of policy that the majority might indicate. But such did not prove to be the case. There were rumors of stubborn dissent, and those who had in charge the tariff and revenue question did not think it expedient to try to materially adjust the tariff, but they framed a bill designed to reduce the surplus revenue, leaving the general structure and arrangement of the tariff about as it was. This was a very great compromise of what the majority considered was best for the country and best for the party. The action in caucus proved that the decision of the result of the election of Speaker had not finally settled the question of policy. This fact alone justified the framing of so moderate a bill as the one we have under consideration.

But, sir, the question of policy was decided by the caucus as it had been indicated by the election of a Speaker. All platforms had spoken clearly in favor of a reduction of surplus revenues. This bill proposes almost solely that. I have no apology for those who restricted us to this. Yet we still have assurances that the minority will not submit upon a pure question of policy—if we take them at their own words—to the decision of the majority; nay, to that of a two-thirds vote of their own party. The logic of this is that those who fail to go with their party refuse to do so simply upon a question of policy. Their allegiance does not cover even a question of discretion. I submit that this is a poor exhibition of party loyalty, the poorest that can be imagined, and I trust it will be so considered by the country and by those of our friends who may be the victims of the piques and errors of others.

Many of our old comrades have even gone so far as to refuse to vote for the consideration of a bill thus indorsed in principle by themselves and thus formally indorsed in principle and policy by the committee and by the caucus of their own party. They have even tried to deny this bill a hearing. Mr. Chairman, these things are too new, they are too unprecedented to me for me to comment upon them.

In support of conduct of this sort gentlemen can not cite their platforms, and they need not cite the views of the fathers of the Republic. All of these but commit them to what they profess they want and to what they refuse to do. None of them justify you in refusing to keep or in refusing to try to keep your pledges. None of them justify you in bolting your party, in making a breach of party discipline in violation of your pledges, in violation of what you have professed to want, upon some idle and fanciful question of discretion and of style. The people will understand this. They have ordered a great work to be undertaken, and if those of their Representatives here who are seeking to do their duty should now be foiled, we shall go back to them clean-handed and undaunted, explain to them how we have been encumbered by those who will not stand by our colors, who do more for the common enemy in this cause than the enemy can possibly do for himself, who are here only to get position and to oppose the faith and policy of the party. We will carry the cause to Chicago and to the hustings, and, reinspired by contact with the people, presenting an issue and a devotion worthy of their confidence and respect, we will return to this Hall willing to grant, but not having to ask, terms of the lovers of monopoly. The people of our country are too great for revolution, and they are also too great and too sensible to long remain the victims of deception and oppression.

But, sir, let us look at some of the arguments employed by the minority of about one-fifth, the bolting Democrats here, as an explanation of their refusal to submit in the matter of discretion and policy to the decision of the great majority of their party associates. As we have lost all faith in their desire to "adjust the tariff," we present substantially only the proposition to reduce the surplus revenues. Upon this point they have ever clamored. The way they meet it must be the test of their sincerity. We have made every possible compromise and overture consistent with honor and with the slightest semblance of fidelity to the people to reconcile them, and to get them to show that they value the party and the pledges they have made more than they do the extreme high protection which they have ever pretended to denounce but never ceased to work for.

They say they would reduce the surplus revenues by repealing the internal taxes. "Practical statesmanship" has ever been a favorite expression with those gentlemen. I suppose that means something that will work. If a matter will not work, I suppose it is something worthy only of the "doctrinaires." Very well; how does this proposition to repeal the whisky tax work? You have the decision of the caucus of your party upon the question, where it was overwhelmingly defeated. A further test has been made. A resolution testing the question was submitted to the House only a few days ago, and the vote in favor of it was only 33 in this House of 324 members.

Will that work? Will it work in the Democratic party? Do even the Republicans dare at this time to let it work? It is true that the Republican party presents the only hope and refuge for those who propose to persist in the fight for this plan and idea. But if you want and intend to reduce the surplus revenues now, you clearly must do it by some other means than that. You have filed and made plain your preference of a plan. The responsibility of a compromise of the perfect symmetry of your theory is lifted from you by the decisions I have cited. You can not do it that way now in either party. You can not do it ever in any but the Republican party. Then to persist in that plan, and to refuse to co-operate in that which has been adopted by your own party, is to demonstrate that you propose to carry your "practical politics" and your "practical statesmanship" either into the Republican party, or else to cling to your "doctrinaire" theory by flocking off into a third party, celestial and alone, with free whisky as your beverage and with Bacchus as your god. This idea can not suit the people, and this defection will not long delay the great cause of reform.

I will not discuss the merits of the question of repeal of the internal taxes now. I have only sought to speak of it as it relates at this time to the proposition of supporting this bill. Upon this point the court and the jury have decided in our favor, and there for the present we can let the case rest. When the case comes up again, and upon its merits, I hope to discuss the merits, and to get a decision as ringing and conclusive as that we have just received.

But they say they want to get the Presidency first, and then they will reform the tariff and reduce the surplus revenues. That, Mr. Chairman, will be molesting the tariff more often than "once in ten years." That will not, I hope, be deferred until 1893. Yet, if this policy is pursued, I think it will defer our accession to power much longer than 1893. But this question also is simply a question of policy, and unless gentlemen have some ulterior point in view, or else are utterly at variance from all that is accepted as due to party fealty and to party discipline, as the only known means of advancing, in a free country, the public weal, they will submit to that decision as to policy upon which the great majority of their associate representatives have formally agreed.

It is hardly necessary, sir, to argue as to the folly of such a course. It is hardly necessary to show that the burden of proof rests upon the plaintiff. Most men know that those who would sneak into power are not worthy custodians for power. If we simply say, "Turn the rascals out," echo retorts, "Keep the rascals out." Those who are afraid of their principles have got no principles. The opposition may be unworthy, but we must prove that we are less unworthy. This can not be done by fanaticism upon the one hand nor by duplicity and double-dealing upon the other. All this has been fully and formally gone over; and those who are oblivious or impervious to it, and who persist in bolting their party upon mere questions of policy or of style, are either like Ephraim—given over to the folly of their idol—or they have deep, ulterior purposes, which even kisses can not disguise from us or from the people. If there be such as the latter, I trust they may get their reward but with it its full concomitant of disappointment and remorse.

Again they say that "this is the first step," and that "the Democracy mean ultimate and absolute free trade."

What platform advocates direct taxes for revenue? What thinker of our party, ancient or modern, has ever advocated it? What platform has ever failed to advocate "a tariff" for revenue? The effrontery of such a charge is only equaled by the objection to vote for this bill because it is a first step. You say that you yourselves want to "adjust" the tariff and that you are opposed to "protection for the sake of protection." If that be so, are you not willing to take the "first step?" No; and those who are not willing to take the first step would not be willing to take the second step, and those who are never willing to take the first step do not want to take any step, and it is very well for this fact to come out plainly now.

Some object to this bill upon the ground that the proposed reduction of taxation will not result in a reduction of the revenue. If that be the objection, it is astonishing that they can not yield their doubts about so trivial a matter to the assembled and expressed wisdom of the great majority of their party. A careful estimate, made by an expert of the Bureau of Statistics, Mr. Evans, shows that the reduction of revenues under this bill will exceed $30,000,000. No effort or calculation is made to refute this further than bald assertion. But grant, for the sake of the gentlemen who urge this plea as their reason for not standing by a party measure, that the reduction of taxes will not reduce the revenue receipts, and then where do they stand? They are then contending for taxation for some other purpose than revenue with incidental protection. They are contending for taxation above the revenue point, to a prohibitory point, and for what? It can be for nothing else than for protection. That is taxation for protection with incidental revenue. That is "protection for the sake of protection," which Mr. RANDALL emphatically stated, in his speech of May 5, 1882, he was opposed to, because, he said, he "doubted" the constitutionality of it, and because it built up monopolies. We did not need for him to enlighten us as to the facts, the character, and the results of such a practice; but we do need now and the country needs and you yourselves need that some explanation be given of your present support of "protection for the sake of protection." You confess by that argument that you now favor protection for the sake of protection. This bill you confess would reveal that condition.

Another objection urged is that this is a horizontal bill. If that "style" does not suit you the caucus takes the responsibility off of your shoulders. This is, indeed, the best preliminary test in all things of where the revenue point is.

But you say it is a new method of treatment. The first change in the tariff, that urged by Mr. Hamilton before the dawn of this century, was a horizontal change. Under the compromise bill of Mr. Clay in 1833 there was a horizontal reduction of 10 per cent., the same in 1835, the same in 1837, and by 1842 the same. In 1861 the framework was fixed to suit the manufacturers. That was what they had set the country on fire to get, and that was the beginning of that great system of transposition of wealth earned by the many into the pockets of the few, and of our millionaire, I may almost say of our billionaire, era. Enough passion was stirred and enough of trouble and complications were brought about to keep the people from seeing the main purpose of that system until now the coffers are full, the great centers of trade are bursting with wealth, while the other parts of the country and the great mass of our people are of course in a correspondingly hard and depleted condition. This was all designed and obtained. I will not dwell upon it at this point. My present purpose is to prove that gentlemen have no ground to stand upon when they bolt their party upon the plea that a horizontal treatment of the tariff is new. I need not discuss why the horizontal plan was adopted; I need simply to prove the fact here that it is not new.

These gentlemen urge no reason now why it should not be adopted except that it is new. In 1865 there was a horizontal increase of taxes upon domestic manufactures of 20 per cent., and a corresponding increase was made for the double purpose of revenue and of compensatory protection upon imports. The tax on domestic manufactures was decreased horizontally 20 per cent. in 1866, and it may be well to add that the compensatory protection was not decreased, and it has not been to this day, save the small, and, as I will show further on, delusive reduction in 1883 of less than 6 per cent. In 1872, under a pressure that I need not now dwell upon, and a false pretense, there was a horizontal reduction of the tariff of 10 per cent., only to be followed three years afterward, in 1875, by its restoration. So this method of treatment, Mr. Chairman, is not new. Gentlemen may say it is new, but nobody will believe it. They may say that that is their reason for not supporting this bill now, but nobody will believe that. They may say that that reason justifies them now in bolting the Democratic party, but nobody will believe that either. They will believe none of these things if my poor voice can get the facts before the people.

I need not further enumerate the objections urged by gentlemen here. I have enumerated the principal objections. The others are of the same sort, only, if possible, weaker. Those who persist in taking refuge in such flimsy objections would deserve better of public opinion if they came out frankly and said that they may love the Democratic party much, but that they love protection more; that they are not willing to follow the Democratic party in the great work it resumed in 1876 and is now fairly warmed up to. That would be manly. It would command respect, if not approval. It would be free from equivocation. All men respect a man who follows his convictions of principle and duty, let them lead him where they may. But we can not understand a man's seeking public place with the certainty or purpose of occupying an equivocal position. It will not long continue to be equivocal in the public estimation. If gentlemen desire to do what their platforms promise, or to do any part of it, they must know that if this bill passes to the stage for amendment they have every opportunity to incorporate their views upon it; and should they fail to succeed, they then have the opportunity of voting against the bill and of defeating it at its presentation for final passage. It seems to me that that time would surely be early enough for any Democrat to bolt his party and to affiliate with the opposition, without rushing thus early into their arms. Even appearances are worth something except to those who want to treat their own party and pledges with contempt.

Mr. Chairman, I might have spoken of the talk that we can not do anything on account of the Senate and the Executive being Republican. But, sir, as that involves the supposition that the other branches of the Government will not keep the faith, it is a violent, gratuitous, and discourteous assumption upon the part of those who refuse to test them. I will embrace this in supporting the proposition that the Democratic party now occupies a vantage ground that commands the present field of political battle, and which the threatened bolt of some of its members may cause us to lose. I will review the Republican record as respects the ground covered by this bill before I close this part of the subject.

The Republicans could not inspire a policy more in consonance with their political interests than that of our letting the tariff alone for "ten years," or, for that matter, for one year, and thereby attempting less than they themselves are pledged to. I only trust that, should we lose the fight on this bill, we shall still show at Chicago that we do not mean to retreat from the position we resumed at Saint Louis in 1876 and have maintained ever since. In considering the proposition I have enunciated, we must take a look at the terms and conditions upon which the present tariff was enacted, which embraces the pledges of the Republican party, and also the extent to which the condition of trade conspires for the success of reform.

Sir, when a protected industry is favored by natural conditions it soon reaches a point when it can go forth in open competition with the world, and at a later period it reaches a point where its own interests require that it shall be permitted to go forth and compete with its rivals for the trade of foreign countries. It starts in infancy. It acquires the vigor and training of additional years, and can be readily weaned from the Government bottle. Later than this and it has acquired all the characteristics of manhood. At this stage it must go forth, or else it finds the local browsing inadequate for the support of its expanded growth, and it begins to collapse into an enervated and depressed condition of little profit to itself yet crushing to others.

This point is reached when production has grown equal to consumption. Prior to that, while it weakens others it enriches and strengthens itself. After that, it begins to fall back upon itself. Everything then becomes a sort of makeshift and patchwork. Overproduction is the constant recurring evil, and failures, lockouts, and strikes become the order of the day. Sir, with many of our industries this danger line was fairly reached, as I have said, in 1873. Vast accumulations of capital had helped to cause the building of an unprecedented extent of railroads. Overproduction had filled the warehouses with surplus goods, upon which the banks made loans to continue production with, when suddenly the canvass became rent at a weak point and the truth was revealed. That was the time to begin to unload protection upon certain industries (I speak now especially from the protectionist standpoint) and to pay especial attention to the building up of foreign markets.

But it is notorious that people in a given pursuit accommodate themselves to changed outward conditions affecting their business very slowly. Production was stopped. Armies of tramps were turned loose upon every part of the country, poor hungry fellows, first seeking work, afterward begging bread. Foreign markets were not opened up. Trade was not liberated and liberalized. Home consumption alone, the old well-tried bridge, as they still call it, was relied upon. We all remember how slow our recuperation was. The surplus was slowly consumed, at prices approximating what we ought to have had all along, yielding a less royal profit to the proprietors, and six years afterward we had the fine crop of 1879, a scarcity of manufactures was found to exist, and then the "boom" of 1880 began.

Old protective prices were realized again, the consumers giving up their hard-earned money for the desirable things of life at double the just and proper prices. For some years we have been blest with good crops, and until now Europe has needed our surplus food at prices that enabled us to go on making millionaires and still to live ourselves. There has been more or less friction at times, and now we are at the end of our patched-up tether again.

Mr. Tilden saw the true state of things, and he sent our grand platform of 1876 to Saint Louis. He made but one mistake. He underrated the delusion of the people. He thought the monopolists were as wise as he was, and that they would begin to throw overboard their Jonahs. He failed to remember that a failing cause seldom compromises. Charles I lost his head. James II lost his crown. Louis XVI went to the guillotine. The South lost all it had invested in slavery.

But we are more conservative now, all of us. We do not eat as much fire as we used to. We do not denounce the Constitution as we used to. We are reaching the William and Mary age. At least we are passing Charles II, if we do pass it. We are waiting for the repeal of the "corn laws." The roundhead and the cavalier have fused into a homogeneous whole. Wrongs at home are not like wrongs from abroad. Brothers quarrel now, but they do not fight. But people learn by experience and they learn by discussion. What the manufacturers failed to do in 1873 they are many of them seeking to do now. In my humble opinion the protectionists are in an astonishing condition. They are committed fast and strong to protection for the sake of protection, and are threatening to commit themselves to the infidelity of opposing what is involved in this bill, and yet if they win they will have to inaugurate reforms in many repects far more radical than that proposed by this bill.

The time has come when they will have to camp after us, unless we retreat and deliberately take position in their rear. They will not revise the tariff in a way fair to consumers. They will seek to sell their surplus abroad and still, by prohibitory laws and combinations among manufacturers, continue to plunder the people at home. The ripe occasion has come for us to deliver successful battle from our position of just treatment to both producers and consumers. Shall we abandon this position now? Shall we or any of us handicap our own party and play into the hand of the other?

What I have said of the general condition of the country is especially true of the East. The Eastern States have a sufficient plant in manufactures to supply our whole country. But the position of raw materials and the differences in freight rates have caused establishments to be erected in the West and in the South which largely supply all the wants west of the Alleghany and the Blue Ridge Mountains. We buy cutlery of Connecticut and some boots and shoes of Boston, but nine-tenths of our steam-engines are made in the West, and as we increase the shipments of dressed meats from our stock farms we prepare our hides where the oak grows and make more boots and shoes and other things in Cincinnati, Chicago, Saint Louis, Louisville, Little Rock, and other cities. Our reapers, plows, carriages, wagons, gin-stands, jeans, coarse cottons, and a thousand other things are now supplied to us more cheaply near home than the East can or does do it. In 1880 California had $61,000,000 of capital invested in manufactures, Georgia had $20,000,000, Illinois had $140,000,000, Indiana had $65,000,000, Iowa $33,000,000, Kentucky $45,000,000, Kansas $11,000,000, Michigan $92,000,000, Ten-

nessee $20,000,000, Alabama $9,000,000, Missouri $72,000,000, and so on I might enumerate. But we have much more now than we had then, and we are growing with our growth, and as we float down the Mississippi and build railroads to Mexico we will come in under the new treaty and sell our surplus to that growing empire.

What are you going to do with your surplus? What entails a loss on you affords a good profit to us. We want a greater freedom of trade, and then in cotton goods, in the products of iron and of wood, as well as in food products, we will command the principal markets of the world. But we can get along without it longer than you can. Where are the strikes and the lockouts at this time? They are east of Pittsburgh, and not west or south. Thus, Mr. Chairman, we see that the condition of business forbids the policy of retreating from our righteous position.

Looking, then, at the industrial situation, what answer should we give to the question as to where a reduction of taxes should strike at this time? The answer is, the tariff. Of course the Democratic party, the party of the great mass of consumers, would always say the tariff, until it is reduced by proper steps to a strictly revenue basis.

But then let us look at it from the ordinary political standpoint and see with what conscience even the Republicans can refuse to let the tariff be reduced at this time to the Morrill basis of 1861. If they are untrue to their pledges and wrong, then let us fasten that fact upon them and take an appeal to the country upon the approaching ides of November.

As I have said, in 1861, with war on hand and with the low-tariff Democrats out of Congress, the Republicans arranged the tariff under the Morrill bill so as to provide a great revenue, and with it all the protection that the protectionists said they could ask. The adjustment was made by themselves to suit themselves. They knew that up to the point where production equals consumption a high tariff is the sweetest thing, the most convenient and respectable form of slavery ever practiced upon a people, and the most enriching process conceivable to the proprietors. But the demands for additional revenue soon arose, and every conceivable form of internal taxes was laid. Among these taxes there was a direct tax amounting to as much as $128,000,000 a year laid upon the manufactured products produced in this country. This, of course, correspondingly diminished the protection that had previously been granted. Hence what was called a compensatory increase of the import tax was laid at the same time. It was a solemn agreement that this increase was only temporary, and that it was to be repealed, like and like, as the direct tax upon the home products of manufacture should be taken off, and until only the former but still "bonanza" basis of the Morrill tariff of 1861 should be reached.

Now, have the direct taxes of $128,000,000 a year been taken off of the domestic manufactures? They have, long since. Has the "compensatory and temporary increase of the tariff" been correspondingly reduced back to the Morrill basis of 1861? No; it has not. Has any part of it been taken off? Practically, no. For the tariff was ingeniously laid so that certain duties were far above even the necessary prohibitory point, and those items could be, and in 1883 they were, reduced so as to make things look like there had been an average reduction, when in fact even those items were still left at a point practically prohibitory, as I will show, while the tariff was made even higher, in the professed reduction, upon those items which were not already taxed to the prohibitory point, and which are consumed by the plain people of the country.

Thus the tariff by the law of last year was reduced less than 6 per cent., instead of 25 per cent. as promised, and the reduction was so placed upon items as had previously been prepared for some such contingency and cheat and so increased upon such articles as woolens, &c., as to make it higher to consumers, as I have said, than it had ever been before.

Now, let us first look at the record as to this agreement, and be it remembered that the present bill has a condition in it that no reduction shall go below the rates fixed in the Morrill bill of 1861, the point to which even the Republicans promised it should go long since, and then let each Democrat answer to himself the question why should not the reduction of the surplus revenue take place on the tariff at this time and late day.

Upon June 2, 1864, when these additional taxes and this additional protection were being piled up, Mr. MORRILL, the Republican leader and spokesman in that business, said:

This is intended as a war measure, a temporary measure, and we must, as such, give it our support.

Again, June 28, 1866, under like circumstances, Mr. MORRILL said:

The present bill is not likely to suit everybody, and I regard it as only a temporary measure, fit to be introduced because of the imperious necessities of our present condition.

Mr. ALLISON, in his very able speech in this House on the 24th and 25th of March, 1870, said:

I desire to call the attention of the committee to the growth of the present tariff. In 1861, at the close of the Thirty-sixth Congress, the policy of the Government was changed by the passage of what was called the "Morrill tariff;" a tariff prepared in the interests of protection, and distinguished from the tariff of 1846 and of 1857 by the imposition of heavy duties upon articles manufactured in this country, and by admitting free of duty many raw materials used in such manufactures. This tariff was modified twice during the year 1861, for the purpose of increasing the revenue, but upon leading articles remained substantially the same until July 14, 1862, when a thorough revision of the tariff of 1861 was made. By this revision the tariff was increased generally to compensate for the internal-revenue tax, and upon a few articles for the purpose of increasing the revenue. Mr. Stevens, in debate, said that the principle adopted was the one that was mentioned when the tax bill was under consideration, namely, the additional duty was fixed, as nearly as possible, at the same rate as taxation, except in a few cases, where necessary to correct errors in the present tariff.

* * * * * * *

Mr. Shellabarger, then a member from Ohio, rose in his seat and asked Mr. MORRILL if there was any increase of duty over and above the tariff of 1861, save and except the compensating duty made necessary by internal-revenue taxes. Mr. MORRILL said in reply that there was no increase except for that purpose, or for the purpose of revenue upon articles not produced in this country.

Mr. ALLISON added:

At the close of his speech Mr. MORRILL made this pledge:

"This is intended as a war measure, a temporary measure, and we must give it our support as such."

Again, he speaks of it as "a war measure, imposed by the necessities of the Government, the scarcity of laborers, and the enormous direct taxation."

And further on in that speech Mr. ALLISON said:

This large internal-revenue tax was made the excuse and the cause of the advance of the tariff of July 14, 1862, and June 30, 1864. I quoted the language yesterday of the then chairman of the Committee on Ways and Means in 1862, Mr. Thaddeus Stevens, himself a protectionist, and certainly in favor of the protection of the great interest of Pennsylvania, iron. He made a pledge upon this floor in 1862 that those additions of duties upon manufactured articles imported in this country were made necessary because of the internal-revenue taxes. Both he and Mr. MORRILL, subsequently chairman of the Ways and Means Committee, declared that the act of June 30, 1864, was a temporary measure, a war measure, and was not intended as a measure which should remain upon the statute-book as a protective tariff in the time of peace.

Then yielding the floor for a moment to Mr. COX, who had been a member of the conference committee of the two Houses, that gentleman said:

I desire to say, in addition to what has been said by the gentleman from Iowa [Mr. ALLISON], that I was on the committee of conference upon the tariff of 1864. The reason why that conference report was made as it was made, the reason given by Mr. MORRILL and Mr. Fessenden, was that the internal tax had been raised, but that the moment that tax was reduced they would be in favor of reducing the custom duties. That was understood when the report was made upon the tariff of 1864; it was one of the conditions leading the conference committee to report that measure.

Then Mr. ALLISON resumed the floor and said:

It is admitted by all that the increase of the tariff was commenced and carried on upon the basis of the protective duties of the Morrill tariff of 1861; the increase of direct taxation, added to the price of domestic manufactures, rendered an increased tariff necessary in order to prevent our country being flooded with cheaper foreign productions. Certainly, then, upon the decrease of internal taxation the tariff may be, and ought to be, decreased in proportion, the danger being no longer in existence which was sought to be averted by these increased duties.

But I may be asked how this reduction shall be made. I think it should be made upon all leading articles, or nearly all; and for that purpose, when I get the opportunity in the House, if no gentleman does it before me, I shall move that the pending bill be recommitted to the Ways and Means Committee with instructions to report a reduction upon existing rates of duty equivalent to 20 per cent. upon the existing rates, or one-fifth reduction. Even this will not be a full equivalent for the removal of all internal taxes upon manufactures. It will not be difficult to make a reduction upon this basis.

Now, as to the amount, again, of the direct tax, long since all repealed, to offset which the present compensatory or equivalent tariff duties still retained were laid, I quote from the same speech of Mr. ALLISON. He said:

The total of this domestic tax amounted in the fiscal year 1865-'66 to the enormous sum of $310,000,000; and upon domestic goods alone to the sum of $128,226,784.

All of this domestic tax of over $128,000,000 has long since been repealed.

This has nothing to do with the cotton tax of 2 and 3 cents a pound. This was maintained against a large class of our agriculturists in plain violation of article 1, section 9, clause 5, of the Constitution, which says:

No tax or duty shall be laid on articles exported from any State.

I hope to live to contend for that tax to be repaid to the States. It is due to the honor of our country.

Here we are refunding taxes every day upon whisky and tobacco that may be exported, if any tax may have been paid on the tobacco, instead of its being taken out of the warehouse, and yet not a cent of the same sort of tax has ever been refunded upon cotton. This, too, was kept up for the manufacturers in large part, but for sheer shame it had to be stopped.

In addition to these repeals in their favor we have had the free-list on raw materials largely increased or approximated, they the while not abating but actually increasing the protection.

But let us look at some still later utterances about the "compensatory" part of the present tariff. Mr. MORRILL, on May 9, 1870, said:

At the same time it is a mistake of the friends of a sound tariff to insist upon the extreme rates imposed during the war if less will raise the necessary revenue.

How must this sound to those who object to the present bill upon the ground that it will not reduce the revenues and that this bill is unjust to manufactures? And in the same speech he says:

Whatever percentage of duties were imposed upon foreign goods to cover internal taxes upon home manufactures should not now be claimed as the lawful prize of protection when such taxes have been repealed. There is no longer an equivalent.

* * * * * * *

Protection has here no legitimate claims, and it may be taken off whenever direct taxes are repealed and less revenue is desired.

It was under some sense of obligation to the people that at that time, 1870, a reduction of the small extent of 10 per cent. was made in the tariff. This was only a very partial keeping of the pledges that had been given. The love of money was stronger than every consideration of humanity and of honor. Only this much was done, and even this was not permitted to stay done, for in 1875 the 10 per cent. was restored back to the tariff and to the manufacturers, as I previously stated.

But, sir, the popular outcry at this causeless restoration of the 10 per cent. to the tariff, when there ought to have been an additional step taken toward the tariff of 1861, caused the Republicans and other protectionists to see the necessity of some show being made of a reduction. The Republicans had more faith also in the professions of the present bolting faction of the Democratic party then than they have now. At this time that faction is their only hope of saving them from having now to keep their own pledges.

I repeat, it is gratuitous for any one to say at this time that we can not frame a bill that the Senate will pass, committed as the Republicans are by pledges, urged as they are by their own Executive to reduce taxes and to reduce the tariff, and assured as they are that the act of last year is a failure as respects the reduction of either tariff or revenue, so ingeniously was it contrived for the purpose of failing in both particulars.

But what did the Republicans next do? They had conferences everywhere respecting their perils and the order in which they would agree to keep the faith. Then, upon the 7th of May, 1878, they were represented by their chosen spokesman, Hon. N. P. Banks, of Massachusetts, a member of the Ways and Means Committee of this House, and he said:

These papers which I hold in my hand bear the official signatures of the authorized representatives of one hundred and twelve manufacturing corporations and firms of New England, in which they themselves suggest and consent to reduction of duties upon an extended and complete list of articles of foreign manufacture which come actively and directly in competition with the industries in which they are engaged, rising from 10 to 20, 30, 40, and 50 per cent. upon the present schedule of duties upon such importations. More than a hundred and twelve corporations and firms of cotton and woolen manufacturers alone, of their own choice, and after repeated conferences, in which all the interests of the textile fabrics of this country were considered, high and low, made this proposition. * * * As it was with the cotton manufacturers, so it was with the woolen manufacturers. They consented to and in a certain sense recommended, as of their own accord, a reduction of duties of from 23 to 25 per cent.

* * * * * * *

Mr. HOOKER. Will the gentleman allow me to ask him why these interests asked a diminution of the tariff?

Mr. BANKS. Because their attention had been called to the subject. It was their duty to make known to the Government what they desired. They found when they brought their representative men together from all parts of the country that the duties could be reduced and they could still pursue their vocations with more or less success, and like honest and honorable citizens they made that declaration to the Government. And so did the wool-growers, from California to New England. They assembled in the State of New York for the same purpose, and after long and anxious conference one with another and with the woolen manufacturers they agreed, as did the silk manufacturers, to what extent they would recommend a reduction of the duty.

It was all appearance and deceit. How stand the wool-growers of California and elsewhere now? How stand the manufacturers? They said they could stand more then than is asked now, and protection was only asked for infancy. What has become of the patriotism and of the "honest and honorable citizens" who then spoke? They did nothing then and they refuse to do anything now, because they vainly think they can still afford to defy and deceive the people, and by combinations to limit production to continue to let the workmen starve on half-time work, while the proprietors continue to rob the people out of double prices.

And so things went on until President Arthur and others became alarmed at the suffering and mutterings of the people, and in his message to Congress of December 6, 1881, the President said:

In view, however, of the heavy load of taxation which our people have already borne we may well consider whether it is not the part of wisdom to reduce the revenues, even if we delay a little the payment of the debt. It seems to me that the time has arrived when the people may justly demand some relief from their present onerous burden, and that by due economy in the various branches of the public service this may be really afforded.

Forced expressions like this gave rise to another pretense and humbug show at reduction and reform. Hence we had the fraudulent Tariff Commission, made up of manufacturers and of representatives of protected interests, six, I believe, out of the seven, and they went through a great show and recommended a one-sided reduction; but so conservative is this bill that it actually does not reach further than the measure proposed by that commission would have gone. But we are invoking certain supposed moral forces to compel some Republicans and the Democratic protectionists to help us take at least a small, meager first step in this direction.

The commission's report was not adopted. The whole thing was only for delay and appearance. Congress then resumed its control of the tariff, adopted a revision that raised the real burdens still higher upon the people, and that is now pronounced by the Secretary of the Treasury a complete and a consummate failure in all that even the Republicans promised from it.

Such treatment of the people and of the public interests is all the more shocking when we contemplate the sentiments from the President in his December message of 1882. He said:

I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government. It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. And though there have always been, among our people, wide differences of sentiment as to the best methods of raising the national revenues, and indeed as to the principles upon which taxation should be based, there has been substantial accord in the doctrine that only such taxes ought to be levied as are necessary for a wise and economical administration of the Government. Of late the public revenues have far exceeded that limit, and unless checked by appropriate legislation such excesses will continue to increase from year to year. For the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000; for the fiscal year ended 30th of June last the surplus was more than $145,000,000. The report of the Secretary shows what disposition has been made of these moneys. They have not only answered the requirements of the sinking fund, but have afforded a large balance applicable to other reductions of the public debt.

But I renew the expression of my conviction that such rapid extinguishment of the national indebtedness as is now taking place is by no means a cause for congratulation; it is a cause rather for serious apprehension. If it continues, it must be speedily followed by one of the evil results so clearly set forth in the report of the Secretary.

Either the surplus must lie idle in the Treasury, or the Government will be forced to buy, at market rates, its bonds not then redeemable, and which, under such circumstances, can not fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditure, which, as experience has taught, is ever the bane of an overflowing Treasury.

It was made apparent, in the course of the animated discussions which this question aroused at the last session of Congress, that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses. I regret that because of conflicting views, as to the best methods by which that policy should be made operative, none of its benefits have as yet been reaped.

And yet in the face of all this here we are begging some Democrats and trying to shame the Republicans into even considering a measure to reduce the surplus revenues. In the face of all this they say it must not come off of the tariff, where every dollar of tax you take off of the people will relieve them of some $5 of subsidy also, making a total saving to the people of the $30,000,000 or more of tax, plus, say, $150,000,000 of subsidy—nearly $200,000,000 of burden. You would rather take thirty or fifty millions off of the internal-revenue tax, which would lift just that and no more off of the people, where they do not want it taken from, where you know it can not be taken from, by the indicated sentiment of this House and of the country; and you would hold on to your excessive privileges and unlawful prizes, asking the people to stand robbing a while longer, or, as Mr. RANDALL indicates, until 1893, and then you give us another promise. The people must awake! They will get nothing they do not compel. They were not made to be your bondsmen.

One word more about the work of the Tariff Commission and of the act passed last year.

In his report of December last to this Congress the Secretary of the Treasury, after urging and arguing for "a reduction of taxation," after saying, "the question still presses, what legislation is needed to relieve the people of unnecessary taxation?" after warning us of the evils and the hardships to business of our excessive exactions of money from the people, says:

In the recommendations of the President and those of this Department and the action of Congress and in the expression of public opinion there has been substantial concord as to how the needed reduction of the revenue should be brought about. * * * It was conceded by all that a substantial reduction should be made upon nearly all imported articles subjected to duties.

To make a start in the proposed reduction of revenue from imports the Tariff Commission had been created.

In the report of the commission it said:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country.

Then the commission recommended the reduction of the tariff, and said:

Entertaining these views, the commission has sought to present a scheme of tariff duties in which a substantial reduction should be the distinguishing feature. The reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

I take all of these extracts from the report referred to of the Secretary of the Treasury.

We know that the Republican Congress did not begin to adopt these recommendations. The protectionists, as usual, quickly repented of trying to keep their promises, of the "generous" offers they had made, and they returned "like a sow to its wallowing in the mire." They discredit their own commission, which I believe they always intended to discredit and were only using as a blind, and adopted a bill last year that professed something, but which we knew was false and bound to fail, and that would increase the burdens upon the people; and now the Secretary says of it—for the truth must out—even in six months after its adoption, that the "calculations have not been verified."

And again he says:

Shall we seek again for that reduction which was not attained?

And again he says:

There was a general agreement that a substantial reduction of the tariff should be made.

And again he says:

The actual results so far attained indicate that the reduction labored for has not been effected by the new tariff act.

"Labored for" by whom? Not by the Congress that passed the act. It may have been labored for by the commission, who, not appreciating

the ridiculous part they were called upon to play, protectionists though they were, may have vainly thought that the protectionists generally were going to stand by their "general agreement." The expression is a good piece of irony upon Congress or upon the commission or upon both, for perhaps only the Secretary has been duped.

Again the Secretary says:

It can not be assumed that the estimated surplus for the current and next years under existing laws will remain at the same rate in succeeding years. The increasing population and swelling business of the country will add to rather than take from the amount of the surplus as now estimated, while the decrease of amount on the public debt, and probably of the amount disbursed by the Pension Bureau, as arrears of pensions are paid off, should diminish expenditures.

Here, then, Mr. Chairman, is the situation from this point of view. In the light of all this some Democrats ask us not to keep the "general agreement" of the Republicans, and not even a part of our own solemn pledges. Here is surplus piling upon surplus, and the amount being still more heaped up by the retrenchments of the Committee on Appropriations; and what are we going to do about it? Mr. RANDALL and his committee do well, of course, to retrench expenditures; but do we not see that we must the more imperatively provide for reducing the surplus revenue? This is "practical statesmanship" with a vengeance.

I will do my part, as an American, to the best of my humble ability to make this all plain to the people. I want them to scan well this long line of violated faith, to judge men by their protracted actions, and if they want the surplus left in their own pockets and the tariff burdens reduced, then they must send men here who do or who will work for those ends, and not those who have been and who now are working against them, and who bolt their party upon the first step toward the accomplishment of a small part of what they are solemnly pledged to.

Sir, I have often visited the last resting-place of Henry Clay, and I have stood by his sepulcher, reflected upon his policy, and upon the high spirit of his life. I have thought that his compromises had perhaps better never have been made. I do not know. His gift of his children did not sufficiently check the rapacity of the pursuing pack to enable his people to reach a place of safety. But, as I have gazed upon his sarcophagus, this inscription has challenged my unqualified admiration, that "though many years in the public service, he never once attempted to deceive his people." Gentlemen, I submit that for your imitation.

Relief must come. If not given gradually, it will come rashly, a way I would deplore; but I would rather see it come that way than not at all. To concede what is just is the only possible prevention of rashness.

Grant that this margin we cut is a sacrifice, is it "a lawful prize" you give up? Suppose it were a lawful prize, would not the sacrifice now be necessary? What interest can afford to be less liberal and less patriotic, if you please, than another? Let no prejudices be excited by any industry against itself. The next cut will be by selection, and then you want a well-disposed jury to consider your claims as a revenue-producing article. We can raise our revenue without taxing either wool or sugar. The manufacturers and the Republicans want both of them made free. Your only hope in the early future is upon your showing as a revenue-producing article, and then from the Democrats alone will you stand a chance of fair treatment.

Gentlemen have voted against the consideration of this bill, and they have proposed in caucus or introduced in this House none other. I say again that if they refuse to vote for this bill to the point where they can amend it, for if not amended to suit them they can still vote against it upon its presentation for final passage, they will then conclusively show that they are the uncompromising foes of reform, and I trust the issue will be the more sharply drawn in the future; and I repeat that our cry then should be, "On to Chicago!"

Mr. Chairman, in my remarks so far I have tried to confine myself to those matters which rightly pertain to the proposition of supporting the bill we have under consideration. As I have said before, independently of the question of the right or wrong of the tariff, this bill ought to pass, and the time when gentlemen can contend for the "lawful prizes" of protection is still in the future. This is the first step, the next will be the second step. I have tried to show that it will be time enough for gentlemen to oppose the policy of their party when the party opposes the policy that even the Republicans are pledged to, though now they are faithless to it. This is too early, I say again, for gentlemen to be throwing themselves into the arms of the Republican party, unless they wish to show to the country that the majority of the Democratic party is the only organized faith-keeping element in the country, and that they, the bolters, are in the party only to get the offices and to oppose the policy of the party.

But, sir, I do not wish to conceal my desire to take the second step. For my part I would take it now, and I only refrain from the effort in deference to weighty considerations of policy, approved of by the great majority of my party associates.

In this connection it becomes necessary and proper for us to set forth, not only the claims of this bill, but also the general subject of the tariff.

I now proceed from the consideration of the bill before us to that of the tariff itself.

This subject which we call the tariff, and it means taxes, is but a part of our system of Federal taxation; and while the tariff is our principal mode of Federal taxation, yet it has to be considered in connection with the whole system and principle of Federal taxation, to be rightly viewed; and while a tariff system of taxation is in very many respects the best that can be pursued, and it is a system that I never want to see abandoned, yet of all others it is the one that can be most perverted from a blessing to a curse, and that requires the narrowest and the closest scrunity upon the part of the people.

I think it was Turgot who said that "the art of taxation was to pluck the feathers without making the goose scream."

This is a very necessary art in a despotic government like that which Turgot served, and it is equally necessary to those in a free country who wish under the forms of taxation and law to practice all manner of wrongs upon the people.

Sir, the tariff system, with all its possible blessings, has been made in the hands of selfish and designing men a sad illustration in this country of that "art" not simply to procure vast and needless revenues, but also to cloak and obscure the practicing of the most shocking, unequal class legislation. It is by this and by kindred legislation that monopolies have been fostered and produced among us, and I may almost say billionaires have been created, to the oppression of our own people and to the amazement of the world. It is thus that the wealth of our matchless country, produced by the labor of our matchless people, has been steadily turned from the fair distribution that would follow under natural and equal laws to the present vast distortion, while the toilers have been ground down from bad to worse until already we present many of the most revolting aspects of a despotic and decaying nation.

When I see how hand has joined in hand to procure and to perpetuate these inequalities and wrongs—none but the rich enriched—how the passions and prejudices of the masses have been worked upon to divert their minds and to make them the instruments of mutual destruction and of self-enslavement; how God and liberty and humanity and country and honesty have all been made the rallying-cries for gain, thus uniting itself with fanaticism, from, I may say, generation to generation; how all priceless things have been imperiled and good men confused and estranged in the chaos; how the while the web has been carefully and steadily woven; how the pyramids of gold have been steadily added to; how the manufacturers have been subsidized with thousands of millions of dollars that they never honestly earned; how the railroads have been endowed with hundreds of millions of acres of the finest lands on earth, and their bonds indorsed for millions upon millions by a "paternal" Government; how solemn contracts have been violated with the people's creditors by the people's representatives to give advantages to national creditors which have been denied them by solemn agreements and by previous laws; how others, too, have been lifted from the common lot and struggles of life and have been given more money for nothing by the Government upon securities that they in turn would often lend to the people upon the same basis at 10 per cent.—when I consider these things I have sometimes almost despaired of our ability for self-government, and I know not which is the greater, my condemnation of these colossal wrongs or my astonishment at the ability, perseverance, and amazing cunning of those who have practiced and do now practice and maintain them. It surpasses the wrongs and corruption of the age of Alexander, of the age of the Roman emperors, and of the age of the partition of Poland.

Many of these things are past recall. Many of them are not, and some of them are now before us. The system is on trial. I for one, recognizing the vastness of the undertaking which is set before us, but having at heart only the liberty, the happiness, and the true grandeur of our whole and our common country, and knowing that only death can discharge us from the obligations of earthly duty, gird my loins about me and strike hands with those who are ready to strike for the right.

Sir, the origin of this system is calculated to warn us against its abuses. And at every step I wish to refute the misrepresentations of those who pretend to believe that we want to abolish the system instead simply of correcting its abuses, and to refute the equal error that if we had all power at this moment we would reform these evils without regard to the relative consequences. As I understand it we want "reform, not revolution." We want a growth, not a burst; but to have a growth we must not have stagnation. But whence was this system first derived, and what is its meaning?

Worcester defines tariff as follows:

A schedule or table of duties or customs payable to the government on merchandise imported or exported.

Mark the true meaning. It is "duty payable to the government," and not duty or subsidy payable to a preferred class of our people. Yet the present tariff is so arranged that for every dollar we pay the Government we pay perhaps five dollars or more to the proprietors, and to the proprietors alone, of a few subsidized industries. As opposed to this, we demand a tariff only for public revenue, and not for subsidy.

But as to its origin, Trench says:

If you turn to a map of Spain, you wil take note at its southern point, and running out into the Straits of Gibraltar, of a promontory, which from its position is admirably adapted for commanding the entrance of the Mediterranean Sea, and watching the exit and entrance of all ships. A fortress stands upon this promontory, called now, as it was also called in the times of the Moorish domination in Spain, "Tarifa," the name, indeed, is of Moorish origin. It was

the custom of the Moors to watch from this point all merchant-ships going into or coming out of the Midland Sea, and issuing from this stronghold, to levy duties according to fixed rates on all merchandise passing in or out of the straits; and this was called, from the place where it was levied, "tarifa" or "tariff," and in this way we have acquired the word.

Sir, if I may digress to say a word upon an etymological question, I will say that while from this promontory the Spanish got its "tarifa," the Italian its "tariffa," the French its "tarif," and we our tariff, yet the word "tarif" is pure Arabic, meaning in the Arabic just what it means in our present English, but perverted by the robber Moors, just us it has been perverted from Government revenue by the robber protectionists. A legitimate tariff, a revenue tariff, a tariff upon our own people for the sole purpose of providing a public revenue for public purposes, and so placed as to cost the people as little as possible outside of what goes into the public Treasury, is a blessing. A tariff perverted from this public purpose, but designed to so disturb trade as to give to a few people, from the earnings of the many, five dollars or more, where it gives one dollar to the public treasury—this I say is robbery; it is a curse; it is slavery; and those who favored it and now favor it are, and have ever been, the real foes to human rights and to human freedom.

But, sir, it is much easier for us to see the mote in our brother's eye than it is for us to see the beam in our own eye, and hence I will make use of the robbery committed by the Moors to illustrate the nature and the working of our present system. As commerce passed this "custom-house" of Tarifa it proved suggestive to the Moor. He wanted to be "encouraged" and "protected" as he followed the common lot of life, and so he concluded to lay tribute upon those who traded under his observation. Indeed, he cut east and west, while we cut mainly our own people. It was simply a sum of money that he exacted upon merchandise. For a long time the people along the Mediterranean considered that he did no harm or wrong to them as consumers, but that he simply helped them to get even with the bargain-driving merchants.

But this merchandise consisted in large part of the necessaries of life, and by dint of long robbery the people learned that what came out of the merchants ultimately came out of them. The merchants never could let their competition go further than to sacrifice a part of their profits. Under all circumstances the merchant had at least to get back the cost of the goods. What they paid out for tribute at Tarifa was as much a part of the cost price as was the freight or the original cost of the article. The percentage of profit also had to be computed upon a much larger basis than would otherwise have been the case. Thus the matter was compounded upon the consumer.

Another element of the case, and as with us by far the bigger element, was that most of the imported articles were also produced in part by the people living upon the shores of the Mediterranean, inside of the point where this tariff was exacted. With our varied climate, soil, and minerals this is much more the case than it was with the people of whom I speak.

Those people living inside of Tarifa, and who produced some of the articles that were imported, were not slow to learn that they might as well take advantage of the enhanced price of the imported article, and hence they quickly marked up the domestic product to about the full price of the imported article, so as to reap the benefits of the enhanced price.

It is not recorded that they had any increased love for "labor." Nor does it appear that the "laboring man" derived any benefit from ceasing to produce a little more of something that went abroad to produce a little more of something that had previously been imported in exchange for his former products. The truth is those people at Tarifa were disturbing the natural order of trade.

Had trade been left alone the people would have continued to get what they wanted, other than what they produced at home, by exchange, giving in return to foreign nations commodities that could be more cheaply produced on the Mediterranean than they could be produced in other countries. This undisturbed flow of commerce and of exchange would have been a benefit and a blessing to all nations in reach of each other. As soon as exchange ceased to be as cheap as home production respecting any article or particular industry, that moment home production would increase. As soon as home production of a given article ceased to be as cheap as getting it by exchange, that moment the people would begin to conform to the wise and gainful policy of ceasing to produce the article. New wants would arise; new articles of commerce would come into existence, and all proper changes would take place for the best as peoples grew and as their industries grew. But these Moors disturbed the whole natural order of trade. They did not simply seek to get a revenue upon those articles that would least disturb commerce, but they threw a drag-net over all things, just as our protectionists have done, and with such results, apart from revenue, as we are beginning to see.

Sir, abstract reasoning is entirely lost upon some gentlemen here, for they continually assert that a tax upon an article cheapens that article to the buyer, and that a tax upon imports does not correspondingly increase the price of the home product. When asked how it can "protect" the manufacturer unless it increases the price to the buyer, they simply fall back upon assertion. Eminent gentlemen talk this way, and hence I make this childlike demonstration. There is no proposition too absurd for self-interest to evolve.

The immediate result, then, of this indiscriminate tariff, apart from the revenue it yielded to the Moors, was a large profit to the particular growers or manufacturers inside of Tarifa of the articles taxed, and a corresponding injury to the great mass of consumers of such merchandise, including those who labored for the small number of proprietors benefited, for, labor being exempted from duty, it could come in at any time in full supply, and then the laborer got no more, while he nevertheless had to pay more of his same scant wages for the very necessaries of life that he himself produced. This left him worse off than he was before; and this is just the way it works with us.

Now, I repeat that the whole natural order of production and exchange was deranged; and whenever the ultimate day of restoration of this order should be restored the laborer and the great mass of the people would be relieved of this burden and injury, but not till then.

Gentlemen may say that these pirates were public benefactors, but the people did not long think so. When they found out the burdens they were placing upon all laborers and consumers the occupation of the Moor was gone. Gentlemen may say that they had been engaged in "developing the industries" of that country; but a little reflection convinced the people that they were really not so much aiming to "develop the industries" as they were to develop the resources of the country. That system had a peculiar charm for the Moors and for the few inside who were making the money.

Now, Mr. Chairman, I have tried to make plain the true nature and character of our so-called protective tariff. What right have we to make our custom-houses promontories of Tarifa?

Sir, the power to tax is the power to destroy. We can take a part by a tax, or we can take all of a citizen's property. But how, and for what? Can we lay an embargo upon imports simply to enrich one man or a few men, to the detriment of the great mass of laborers and consumers of the country? Can we take from one or divert from one simply to enrich another? Can we do it directly? Can we do it indirectly? I do not mean by sophistry and deception, for we are doing it that way now. If done directly we can bring it before the courts, and it is stopped. If done indirectly by a perversion of the taxing power, we can not get it before the courts; we can only go to the people themselves; but the principle is the same whether the wrong be perpetrated either directly or indirectly.

I wish I had time to introduce here the decisions of the supreme court of Maine and of other States upon this subject; but I will at least introduce the decision of the Supreme Court of the United States in the well-known Loan Association *vs.* Topeka case (20 Wallace, page 657). Every speech delivered in this debate ought to have this decision in it. The court said:

> The power to tax is therefore the strongest, the most pervading, of all the powers of the Government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall in the case of McCulloch *vs.* The State of Maryland that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
>
> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.
>
> Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."

And the court adds:

> If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor.

What would be the result of a system that protects equally all around? Suppose we established an expensive, complicated system that gave 50 per cent. additional profit to the laborer, to the lawyer, to the merchant, to the manufacturer, to the preacher, to the doctor, to the sewing-woman, and to every other person in employment in the country; what would be the result? It would be a purposeless exchange of dollars; it would be "swapping dollars" all around; it would be an absurdity. We should be out the expense of the office-holders, without a single man in the country being a gainer.

But unless you protect all you protect only a part. But this the Supreme Court justly says "is robbery." Hence this sort of policy is bound to wind up in absurdity or in robbery; but it never goes far enough to be absurd, for it always stops where it is designed to stop, namely, at "robbery."

Some things are almost too plain to admit of a demonstration. Yet I have taken occasion to turn to the census and to take two States that fairly represent the two sides of this policy, to examine the effect upon them, and I will present it to you.

From 1850 to 1860, under a revenue tariff, the wealth of Iowa increased 942 per cent. During the same period the wealth of Pennsylvania increased 96 per cent.

In 1861 the high-tariff policy was adopted. From 1860 to 1870 the population of Iowa increased from 673,000 to 1,188,000, which is nearly

100 per cent. Yet, despite the vast increase of wealth by immigration, the aggregate increase of wealth in that State dropped off in this period from nearly 1,000 per cent. to about 300 per cent. The ratio fell off more than two-thirds.

How was it with Pennsylvania, a manufacturing State, operating under the new system? The population of Pennsylvania increased only about 40 per cent., yet the aggregate increase of wealth in that State sprang from 96 per cent. to nearly 300 per cent.

What Iowa lost Pennsylvania gained. The law was procured and is now maintained just for the purpose of taking from one man and giving to another.

Deduct from Iowa's gain what was carried there by immigrants, or what is properly chargeable to their work, and how small must have been the real profits of the farmers. Now, allow to Pennsylvania what is properly chargeable to her gain by means of immigration, and yet how vast must have been the profits of the manufacturers.

The farmers and other consumers, including especially those who labor for the monopolist, have not actually been sold into bondage, but they are so "robbed under the forms of law" that they have but little left above a poor living.

My life is a short one, yet I have lived long enough to see agriculture dethroned and the great body of my people practically made bondmen. I trust they will soon, all of them, see this, and then a fire will flash from their eyes which will teach the monopolists that they were not born to be slaves.

No party ever had a higher mission than the Democracy has now. I repeat here that Mr. Hamilton failed to make this country a monarchy, with degrees of peoples other than God's gifts; and Mr. Jefferson settled that this country shall be a democracy. By fraud unparalleled that decision has been set aside. But the perversion will not stand long. This is to be a democracy, a representative democracy, a constitutional democracy. The people will rule with wisdom and justice. Talk no more of your mere equality under the law. It is a delusion and a fraud. We want equality under equal laws, a phrase of some reality. Your loose construction of the Constitution means partiality and favor. You can not run this Government without justice. When justice is practiced, and only then, will labor cease to envy capital, for capital will cease to rob, deceive, and oppress labor. Cease to prate for standing armies, and take refuge in justice. It is a place from which you want to go, but from which nobody wants to drive you.

You do not need so much to legislate for the people as you do to cease from legislating against them. Give them an equal show, and then if misfortunes overtake them, as they most seldom will, the fault will not be ours, but the visitation will be of God, against whom the people are not likely to rebel.

But gentlemen say that this class legislation does not produce monopolies, for all men are free to enter the subsidized industries. What mockery is this? The fact that you at once groan with wealth and that others begin to groan with poverty and toil is enough to refute it. But consider the nature of the case.

Do foreigners come in at once to compete with you? No. Only foreign mechanics and miners are enticed by your short-lived, fictitious wages. Capitalists know that you have been stimulated beyond what natural laws justify; that you exist only by an act of Congress, and they are distrustful of your foundation. Hence, so far as they are concerned, you are left unmolested.

Do farmers rush into the subsidized pursuits? Can they do it? The habits of a lifetime are not easily changed. Your skilled knowledge is not quickly acquired, and the property which you have caused to be discriminated against no longer yields a profit, and hence can only be sold, should its owner wish to make a change, at a great sacrifice.

Thus you are secure in your monopoly, and of your vast profits there is no doubt. You readily import all the contract labor you want, and that commodity, one of your "raw materials," as you would call it, is free of impost and correspondingly cheap. You say the laborer abroad is a pauper. He at least then yields to the seductiveness of your contracts, and deceived by temporary and fictitious high prices, comes to swell your wealth and victims.

It is your own delusion to now talk of preventing the importation of labor under contracts. You can readily grant that now, for the market is already glutted. Should future wants arise you could readily evade such a law. The pauper labor is here, and what the oppressed laborer wants is a law that will compel you to compete with the world, sell to the world all you can make, at a smaller profit than by combinations you get at home, and then he will have work the year around at the price he now gets when he gets anything, for he competes and must compete in a free-trade labor market; but his cost of living the while will be much less as well as his employment more constant. It will have to come to this, as sure as there is a natural law; and the laborer will know it, if only by starvation; and the manufacturers and other monopolists will know it, if only by panics and the thunder of the people they rob.

In order that the people may figure out for themselves the amount of subsidy they pay upon the pretense of raising a limited amount of revenue, and what protection for the sake of protection costs them, I insert the following table, which has recently come from the Bureau of Statistics:

Statement showing the values of the principal manufactured articles produced in the United States during the census year 1880, *which, when imported, are subject to customs duties, the amounts thereof exported and remaining for consumption, the amount of such articles imported for consumption, &c.*

Manufactured articles.	Produced in the census year 1880.	Exports, domestic, during the year ended June 30, 1880.	Consumption of domestic, during the year 1880.	Imported for consumption during the year ended June 30, 1880.	Total consumption in the year.	Imported.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
Agricultural implements	68,640,486	2,245,742	66,394,744	.....	66,394,744	.....
Beer, ale, and porter	101,058,385	298,818	100,759,567	754,293	101,513,860	.74
Bells and bell and bronze metal	1,065,824	15,866	1,049,958	5,185	1,055,143	.49
Billiard tables and apparatus	2,289,758	28,390	2,261,368	.....	2,261,368	.....
Blacking	1,491,474	163,021	1,328,453	56,958	1,385,411	4.11
Bone-black, ivory-black, and lamp-black	661,376	66,069	595,307	.....	595,307	.....
Books, pamphlets, maps, and other publications	11,976,764	626,630	11,350,134	2,510,492	13,860,626	18.11
Brass	27,332,483	183,468	27,149,015	414,224	27,563,239	1.50
Bread and breadstuffs:						
Barley malt	18,273,102	(a)	18,273,102	328,900	19,102,002	4.34
Bread and biscuit	65,824,896	686,158	65,138,738	25,113	65,163,851	.04
Wheat-flour, corn-meal, rye-flour, &c.	505,185,712	36,339,286	468,846,426	72,338	468,918,764	.01
Maizena, farina, and all other preparations of breadstuffs used as food	2,493,224	2,439,098	54,126	185,217	239,343	77.49
Brick and tile, drain-pipe, and terra-cotta ware	33,868,131	50,276	33,817,855	113,210	33,931,065	.33
Brooms and brushes of all kinds	10,560,855	110,410	10,450,445	371,138	10,821,583	3.43
Buttons	4,449,542	(a)	4,449,542	3,853,596	8,303,138	46.41
Carriages, carts, and parts of	76,971,137	823,702	76,147,435	88,396	76,235,831	.12
Cars (railroad), passenger and freight	27,997,591	583,723	27,413,868	.....	27,413,868	.....
Chocolate	1,302,153	2,142	1,300,011	27,442	1,327,453	2.07
Clocks and watches, and parts of	15,034,339	1,453,237	13,581,102	1,771,291	15,352,393	11.54
Coffee, cocoa, and spices, including ginger, pepper, and mustard	22,924,894	93,238	22,831,656	2,144,377	24,976,033	8.59
Coke	5,359,489	(a)	5,359,489	18,406	5,377,895	.34
Combs	951,395	16,098	935,297	231,727	1,167,024	19.85
Copper	2,087,773	793,455	1,294,318	432,522	1,726,840	25.06
Cordage, rope, and twine of all kinds, not elsewhere specified	12,492,171	356,808	12,135,363	.....	12,135,363	.....
Cotton	b 277,172,086	9,981,418	267,190,668	25,723,252	292,913,920	8.78
Drugs, chemicals, and medicines, not elsewhere specified	59,657,491	2,938,278	56,719,213	13,085,322	74,354,823	17.69
Dye-stuffs	5,253,038	702,750	4,550,288			
Earthen, stone, and china ware	7,942,729	106,724	7,836,005	5,500,994	13,336,999	41.25
Fancy articles, not elsewhere specified	23,447,321	518,198	22,929,123	4,769,064	27,698,187	17.22
Flax, hemp, and jute	19,331,624	1,263,655	18,067,969	24,698,675	42,766,644	57.75
Fruits, preserved, in cans or otherwise	17,599,576	435,290	17,164,286	393,974	17,558,260	2.24
Furs and fur-skins	8,238,712	5,404,418	2,834,294	3,823,969	6,658,263	57.43
Gas fixtures and chandeliers	4,329,656	36,237	4,293,419	.....	4,293,419	.....
Glass and glass-ware	23,689,580	749,866	22,939,714	5,133,285	28,072,999	18.29
Glucose	4,551,212	103,771	4,447,441	133,614	4,581,055	2.92
Glue	4,324,072	22,650	4,301,422	280,149	4,581,571	6.12

a Not separately specified. b Including mixed textiles.

Values of principal manufactured articles produced in the United States, &c.—Continued.

Manufactured articles.	Produced in the census year 1880.	Exports, domestic, during the year ended June 30, 1880.	Consumption of domestic, during the year 1880.	Imported for consumption during the year ended June 30, 1880.	Total consumption in the year.	Imported.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
Hair	1,467,723	24,552	1,443,171	181,096	1,624,267	11.15
Hats, caps, and bonnets:						
Of wool, fur, and silk	8,516,569	198,639	8,317,930	6,420	8,324,350	.08
Of palm-leaf, straw, &c	32,866,116	23,024	32,843,022	1,244,955	34,087,977	3.65
Ice, artificial	544,763	.....	544,763	.....	544,763	.....
India-rubber and gutta-percha:						
Boots and shoes	9,705,724	28,072	9,677,652	50	9,677,702	.....
All other manufactures	15,603,924	278,608	15,325,316	285,345	15,610,661	1.83
Iron and steel:						
Iron—						
Sheet, band, and hoop	262,351	15,401	246,950	1,455,041	1,701,991	85.54
Nails and spikes	5,629,240	287,939	5,341,301	2,719	5,314,020	.05
All other manufactures	585,927,289	8,671,068	577,256,221	30,986,929	608,243,150	5.09
Steel—						
Ingots, bars, sheets, and wire	19,964,423	15,223	19,949,200	1,710,190	21,659,390	7.90
Cutlery and edge-tools	15,897,938	998,004	14,899,934	1,722,603	16,622,537	10.36
Files and saws	6,429,638	31,118	6,398,520	155,506	6,554,026	2.37
Fire-arms	5,736,936	2,286,091	3,449,845	751,999	4,201,844	17.90
All other manufactures	8,195,501	311,674	7,883,827	6,808,156	14,691,983	46.34
Jewelry and other manufactures of gold and silver	33,896,910	231,531	33,665,379	289,241	33,954,620	.85
Lamps	3,357,829	263,110	3,094,719	.....	3,094,719	.....
Lead	5,600,671	49,899	5,550,772	251,827	5,802,599	4.34
Leather:						
Morocco and other fine, sole, upper, and other	208,587,421	5,744,360	202,843,061	7,614,471	210,457,532	3.62
Boots and shoes	196,920,481	441,069	196,479,412			
Saddlery and harness	38,081,643	133,705	37,947,938	4,155,010	248,386,021	1.67
All other manufactures of, not elsewhere specified	10,244,713	441,052	9,803,661			
Lime and cement	5,772,318	52,584	5,719,734	389,116	6,108,850	6.37
Manures	23,650,795	588,777	23,062,018	.....	23,062,018	.....
Marble and stone	33,210,014	453,912	32,756,102	765,732	33,521,834	2.28
Matches	4,668,446	119,246	4,549,200	14,879	4,564,079	.33
Mathematical, philosophical, and optical instruments	4,398,435	87,161	4,311,274	26,941	4,338,215	.62
Metals, metal compositions, and manufactures of	51,608,461	.....	51,608,461	1,096,737	52,705,198	2.08
Musical instruments, all kinds	19,254,739	811,177	18,443,562	898,622	19,342,184	4.64
Naval stores: Tar, turpentine, and pitch	5,876,983	2,452,908	3,424,075	11,894	3,435,969	.35
Oil-cloth	5,814,487	7,034	5,807,553	92,733	6,900,286	1.57
Oils:						
Mineral—						
Naphthas	2,990,678	1,192,229	1,798,449			
Illuminating	37,349,613	31,783,575	5,566,038	64	11,868,285	.....
Lubricating	5,542,858	1,039,124	4,503,734			
Residuum	1,724,370	276,490	1,447,880	.....	1,447,880	.....
Animal—						
Lard	4,721,066	816,447	3,904,619	.....	3,904,619	.....
Neat's-foot and other	259,086	23,519	235,567	6,307	241,874	2.61
Vegetable—						
Cotton-seed and oil-cake	7,690,921	9,485,241	c 1,794,320			
Linseed	15,393,812	31,214	15,362,598	741,160	14,992,584	4.95
Volatile or essential	902,758	219,612	683,146			
Oleomargarine	6,892,939	2,582,640	4,310,299	.....	4,310,299	.....
Ordnance stores: Gunpowder and ammunition	9,098,127	772,944	8,325,183	239,304	8,564,487	2.79
Paints and painters' colors	23,390,767	231,774	22,958,993	1,065,964	24,024,957	4.44
Paper and stationery	180,179,380	1,183,140	178,996,240	1,795,625	180,791,865	.99
Perfumery	2,203,004	302,993	1,900,011	382,686	2,282,697	16.77
Plated ware, of silver or other metal	11,113,742	292,563	10,821,179	.....	10,821,179	.....
Printing presses and type	3,476,303	251,227	3,225,076	.....	3,225,076	.....
Provisions:						
Beef and pork (slaughtering and packing)	303,562,413	75,294,258	228,268,155	79,244	228,347,399	.03
Butter and cheese	25,742,510	18,862,407	6,880,103	538,576	7,418,679	7.26
Lard	23,195,702	27,920,367	c 4,724,665	75	.....	.....
Pickles, preserves, and sauces	2,407,342	17,158	2,390,184	300,872	2,691,056	11.18
Salt	5,191,222	6,613	5,184,609	1,750,175	6,934,784	25.24
Scales and balances	3,252,460	199,412	3,053,048	.....	3,053,038	.....
Sewing-machines, and parts of	15,028,025	1,649,367	14,278,658	.....	14,278,658	.....
Silk and silk goods	41,033,045	63,013	40,970,032	31,460,947	72,430,979	43.44
Soap and candles	26,552,627	966,316	25,586,311	311,380	25,897,691	12.02
Spirits, distilled	41,394,896	3,027,545	38,367,351	1,751,134	40,118,485	4.36
Starch	7,477,742	447,842	7,029,900	40,702	7,070,602	.58
Sugar and molasses:						
Refined, and molasses	155,484,915	3,257,166	152,227,749	8,979,511	161,207,260	5.57
Candy and confectionery	25,637,033	81,757	25,555,276	9,140	25,564,416	.04
Tallow and grease	14,095,061	8,598,456	5,496,605	193,488	5,690,093	3.40
Tin	606,229	144,185	462,744	16,580,097	17,042,841	97.29
Tobacco:						
Cigars	63,979,575	67,821	63,911,754	2,293,749	66,205,503	3.46
All other manufactures of	54,690,591	1,995,345	52,695,246	46,358	52,741,604	.09
Trunks	7,252,470	183,758	7,068,712	.....	7,068,712	.....
Umbrellas, parasols, and sunshades	6,917,463	8,230	6,909,233	59,732	6,968,965	.86
Varnish	5,721,174	96,062	5,625,112	120,189	5,745,301	2.09
Vinegar	3,418,038	4,123	3,413,915	34,918	3,448,833	1.01
Wearing apparel	279,684,847	486,233	279,198,614	d 1,009	279,199,623	.....
Whalebone	526,777	255,857	270,930	1,190	271,120	.07
Wine	2,109,193	123,317	1,985,876	5,649,034	7,634,910	74.00
Wood:						
Household furniture	77,845,725	1,653,878	76,191,847	5,147,784	76,339,631	.19
Wooden-ware	5,235,474	331,137	4,904,337	6,005,277	380,903,505	1.58
All other manufactures of	380,798,266	10,804,375	369,993,891			
Wool:						
Carpets	32,654,512	8,530	32,645,982	1,313,352	33,959,334	3.87
All other manufactures of, not elsewhere specified	240,454,116	208,046	240,246,070	30,514,775	270,760,845	11.27
Zinc	2,725,165	119,264	2,605,901	585,721	3,191,622	18.36

c Excess of exports. d Mostly included in cotton, silk, and wool manufactures.

Additional light will be furnished by the following table, from the same source. I wish to call attention to the fact, as shown by this table, that the average tax collected is over 40 per cent., while previous to the last act, which was to have taken off from 20 to 25 per cent., the duty was a little over 42 per cent. This shows that the reduction on the articles taxed is only, say, 2 per cent. The amount of subsidy paid is difficult

to estimate. We consume over five billions of manufactured goods. I am satisfied that there have been years when the people paid tribute to the subsidized industries of not less than $1,500,000,000 a year. It is much less now, owing to overproduction in many lines of business and to the only partial efficiency of combinations. Perhaps it is not much over $500,000,000 a year; but if the people will figure out what that amounts to each man, to each State, and to each county, they will understand why they are kept poor and others are made rich. I leave those calculations for them to make. These tables give them the data to go upon.

Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the average ad valorem rate of duty collected, during the six months ended December 31, 1882 *and* 1883.

Articles.	Six months under the old law—1882.			Six months under the new law—1883.			Increase (+). Decrease (—).		
	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem.
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*
All dutiable merchandise	260,856,237	110,449,331	42.34	241,738,562	98,812,477	40.87	—19,117,675	—11,636,854	— 1.47
Sugar and melada	44,432,311	23,180,590	52.17	46,731,822	23,520,030	50.26	+ 2,361,511	+ 339,440	— 1.91
Iron and steel and manufactures thereof	32,499,426	12,713,996	39.12	23,766,583	8,207,133	34.53	— 8,732,843	— 4,506,863	— 4.59
Wool:									
Clothing wool	1,210,689	671,415	55.46	2,399,515	1,073,311	44.73	+ 1,188,826	+ 401,896	—10.73
Combing wool	135,123	67,839	50.19	615,677	267,704	43.48	+ 480,554	+ 199,865	— 6.71
Carpet wool	3,505,980	974,202	27.79	4,348,132	1,087,519	25.01	+ 842,152	+ 113,317	— 2.78
Manufactures of wool	22,400,387	14,943,626	66.71	23,128,502	15,193,291	65.70	+ 728,115	+ 249,665	— 1.01
Manufactures of cotton	14,967,850	5,629,658	37.61	12,033,872	4,828,117	40.12	— 2,933,978	— 801,541	+ 2.51
Manufactures of silk	19,999,119	11,738,469	58.69	21,287,064	10,615,270	49.87	+ 1,287,945	— 1,123,199	— 8.82
Earthen and china ware	4,423,146	1,896,705	42.88	2,568,288	1,438,035	55.99	— 1,854,858	— 458,670	+13.11
Glass and glassware	4,271,305	2,327,660	54.49	3,942,765	2,206,789	55.97	— 328,540	— 120,871	+ 1.48
Spirits and wines	5,203,625	3,706,142	71.22	2,801,525	2,632,873	93.98	— 2,402,100	— 1,073,269	+22.76
Malt liquors	511,772	227,370	44.43	490,326	235,827	48.10	— 21,446	+ 8,457	+ 3.67

And now, Mr. Chairman, I want to expose a few of the more striking frauds and wrongs, in detail, that are practiced under this tariff law upon the people. The following tables are prepared from the invoices of one of the leading importers in this country. I will not give his name, for the monopolists make it disagreeable to every man who lets out these custom-house secrets. But every gentleman here who has informed himself in these lines of business knows these figures to be correct. They show how a great pretense of reduction of duties can be made when there is practically no reduction at all, for the articles reduced are still left at prohibitory rates of duty. They were prepared by the protectionists for this use and fraud. These tables also show how the articles used by the masses of the people are heavily taxed, and those used by the very rich are relatively lightly taxed. It is the great consumption of the masses that they are after. In every way the monopolists are good to themselves and unfeeling and unjust to the people. What the toiling millions consume is taxed to a prohibitory point, and the people are turned over, bound hand and foot, to the "robbery" of the protected classes. When they overproduce they still seek, by combination, to prevent competition and to exact the full pound of flesh.

Table showing the rate of duty on woolen cloths, woolen shawls, and all manufactures of wool of every description made wholly or in part of wool, under the tariff in force prior to July 1, 1883, *and the tariff of July* 1, 1883 (*act of March* 3, 1883).

Valued at—	Prior to July 1, 1883.		Tariff of July 1, 1883.	
	Rate of duty.	Equal to—	Rate of duty.	Equal to—
		Per ct.		*Per ct.*
27c. per pound	50c. per lb. and 35 p. c.	220	35c. per lb. and 35 p. c.	165
40c. per pound	do	160	do	123
50c. per pound	do	135	do	105
60c. per pound	do	118	do	93
70c. per pound	do	106	do	85
80c. per pound	do	98	do	79
90c. per pound	do	91	35c. per lb. and 40 p. c.	79
$1.00 per pound	do	85	do	75
$1.20 per pound	do	77	do	69
$1.40 per pound	do	71	do	65
$1.60 per pound	do	66	do	62
$1.80 per pound	do	63	do	60
$2.00 per pound	do	60	do	58
$2.50 per pound	do	55	do	54
$3.00 per pound	do	52	do	52

Under the tariff act of 1857 woolen cloths, cassimeres, coatings, and shawls paid a duty of 24 per cent.

Manufactures of wool of which wool is the component material of chief value, not otherwise provided for, 24 per cent.

Manufactures of mohairs, or goat's hair, not otherwise provided for, 19 per cent.

It will be observed that the cheaper and medium goods, all along, are still prohibited, while the price plus the tax on the finer goods still keep them safely out of reach from competition with the manufacturer here of the lower grades. You see how short a distance money goes in shopping.

And here I will insert a statement of duties on worsted and cotton dress goods of a character worn by 85 per cent. of the women of this country. I have an extensive table of the same sort of goods of French manufacture, but this will serve as an example. Indeed, it is easy to fill a book with illustrations of these subterfuges and wrongs, but a few will illustrate the character of the universal drag-net that is thrown around the people.

Table showing the rate of duty on worsted and cotton dress goods under the old tariff and the act of March 3, 1883; *goods* 22 *inches wide, weighing under* 4 *ounces to the square yard.*

Cost in England.	Equal to, in currency—	Old tariff.		New tariff.		Reduction.
		Net cost to land.	Ad valorem.	Net cost to land.	Ad valorem.	
	Cents.	*Cents.*	*Per ct.*	*Cents.*	*Per ct.*	*Per ct.*
2 pence per yard	4.05	9.32	125	8.72	110	15
2½ pence per yard	5.07	10.75	107	10.15	95	12
3 pence per yard	6.08	12.17	95	11.57	85	10
4 pence per yard	8.11	15.02	80	14.42	73	7
4½ pence per yard	9.12	16.43	75	15.83	69	6
5 pence per yard	10.14	17.86	71	17.26	66	5
6 pence per yard	12.17	20.70	65	20.10	60	5
7 pence per yard	14.19	25.47	75	24.85	70	5
8 pence per yard	16.22	28.41	70	27.79	66	4
9 pence per yard	18.25	31.35	67	30.73	63	4
10 pence per yard	20.28	34.29	64	33.67	61	3
11 pence per yard	22.30	37.23	62	36.61	59	3
12 pence per yard	24.33	40.18	60	39.55	58	2

Five per cent. for freight and charges added to the cost in Europe to make cost to land here.

It is notorious that we derive only two or three thousand dollars of revenue from blankets, yet we consume millions of dollars' worth of them yearly, and if the law is operative we pay several millions of dollars of tribute to the manufacturers of blankets for their enrichment, certainly not for revenue. This is only one of scores of items of the same kind.

Many tricks are hid under the specific plan of taxation, instead of taxing articles according to their value. The excuse is that frauds are thus prevented. I hope a change of administration will relieve the customs officers of any such reflections upon their intelligence and honesty, and the people of that wrong. A one-dollar article ought not to be taxed as much as a five-dollar article. Yet it is done every day.

Here, too, the pretense of a big reduction on the lower and medium grades of goods leaves them still above all possible competition, and taxed vastly higher than goods for the rich are taxed.

Table showing the rate of duty on flannels and blankets composed wholly or in part of wool, under the old tariff and the tariff act of March 3, 1883.

Valued at—	Old tariff.		Act of March 3, 1883.	
	Rate of duty.	Equal to ad valorem duty of—	Rate of duty.	Equal to ad valorem duty of—
		Per ct.		Per ct.
12c. per pound	20c. per lb. and 35 p. c.	202	10c. per lb. and 35 p. c.	118
16c. per pound	do	160	do	98
20c. per pound	do	135	do	85
25c. per pound	do	115	do	75
30c. per pound	do	102	do	68
40c. per pound	do	85	12c. per lb. and 35 p. c.	65
50c. per pound	30c. per lb. and 35 p. c.	95	18c. per lb. and 35 p. c.	71
60c. per pound	do	85	do	65
70c. per pound	40c. per lb. and 35 p. c.	92	24c. per lb. and 35 p. c.	69
80c. per pound	do	85	do	65
90c. per pound	50c. per lb. and 35 p. c.	91	35c. per lb. and 40 p. c.	79
$1.00 per pound	do	85	do	75
$1.10 per pound	do	80	do	72
$1.20 per pound	do	77	do	69
$1.30 per pound	do	73	do	67
$1.40 per pound	do	71	do	65
$1.50 per pound	do	68	do	63

Previous to the late war, blankets paid a uniform ad valorem duty of 15 per cent. and flannels 19 per cent.

Now, sir, I want to consider some of the false charges that are brought against "the fathers" in connection with the tariff. They are quoted as favoring everything a man can think of. Their language is garbled, and the conditions and limitations under which they spoke are entirely ignored.

As early as 1785 Mr. Jefferson said:

I take for granted that the commercial system, wished for by Congress, was such a one as should have commerce on the freest possible footing. This was the plan on which we prepared our general draught for treating with all nations.

Again, in 1788, he said:

The system of the United States is to use neither prohibitions nor premiums. Commerce then regulates itself freely, and asks nothing better.

Again in 1800, in speaking of foreign commerce and the rights of government, he said:

Our merchants will manage the better the more they are left free to manage for themselves.

Again, he said:

Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible then would be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased and their condition bettered. Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only that it can be extended to all.

In 1811, in writing to General Kosciusko, he said:

The revenues will be levied entirely on the rich. * * * The poor man pays not a farthing to the General Government but on his salt.

What did Mr. Polk say? In his message to Congress in December, 1846, in speaking of the act "reducing the duties on imports," which had previously been passed, he said:

The leading principles established by it are to levy the taxes with a view to raise revenue, and to impose them upon the articles imported according to their actual value.

And he says further, in speaking of the old law:

The act of 1842, by the excessive rates of duty which it imposed on many articles, either totally excluded, them from importation or greatly reduced the amount imported and thus diminished instead of producing revenue. By it the taxes were imposed not for the legitimate purpose of raising revenue, but to afford advantages to favored classes at the expense of a large majority of their fellow-citizens. Those employed in agriculture, mechanical pursuits, commerce, and navigation were compelled to contribute from their substance to swell the profits and overgrown wealth of the comparatively few who had invested their capital in manufactures.

Again he alludes to this system as "unequal and unjust."

And still further on he speaks of this system of taxation having been a part of the class legislation of England until it became "intolerable," and he speaks of the "severe struggle on the part of the protected and favored classes to retain the unjust advantages which they have so long enjoyed."

We hear much of Mr. Polk and "incidental protection." What he meant by incidental protection is not explained as he himself explains it, and for the obvious reason that if he were quoted in a way just to his memory he would ever prove a strong adherent to the doctrine of "a tariff for revenue only." Would that I had time to quote at length and to exhibit his clear and forcible statements of the injury of a protective tariff to farmers, and to all except the proprietors of the protected concerns. But what I have quoted is conclusive.

Mr. Buchanan, in speaking of restrictive legislation, said he favored such restrictive legislation "as may be necessary to counteract the regulations of foreign nations."

This is very different from our past and present proscription of the products of Germany and France, by which we have compelled them to prohibit the products of our farmers in order that they may counteract our regulations instead of our counteracting theirs. We know that the correct remedy for our troubles with those countries is to cease from our proscription of them, and then they will cease from their proscription of us, which we have provoked.

The production of food products in the old countries of Europe has reached its maximum. At their present rate of increase of population they will in ten years add 36,000,000 people to their population. All the food for them must be imported. Shall we supply it? They will not take our goods unless we take theirs. They would gladly exchange with us. But if we continue to restrict the rights and trade of the great body of our people to enrich a few, and thus to cut our people off from their foreign customers, then England will go on developing Australia, India, the Soudan, and other parts of Africa; France and Germany and Holland will still further look to China, Africa, and the islands of the sea.

When Congress was given the power to regulate foreign commerce it was not intended that it should be destroyed, but that it should be extended and improved.

Mr. Buchanan further said that he favored a protective tariff far enough "to secure a supply of those articles of manufacture essential to the national independence and safety in time of war." May his fame be protected from the perversions and slanders of his successors!

I think it was a great mistake to admit, even as a war measure, that taxes could be laid with a view to any other purpose than simply the getting of revenue, and that at the least possible cost, directly or indirectly, to the people. It was with great reluctance that Congress was given the power to tax the people at all. The people feared this central power. They long preferred and required that Congress simply make known its wants to the States, giving each one's quota upon a given rule, and the States collected and forwarded the money, just as the counties now do to the State capitals. But Congress was given the power to tax; but it was given with reluctance. With the power to tax it was simply given the power to tax, and not to go beyond this power grudgingly granted, and as now to extort money for private as well as for public purposes.

It has large discretion as respects the appropriating of the funds thus acquired. These operations are open. The people can see and measure them. This power to apply the public funds is granted only to those who are repeatedly brought back to account to the people, and lavishness and indiscretion is thus easily checked and rebuked. But if such appropriations would be wasted unless the General Government followed them up executively, and the Government is not given the power by the Constitution to thus invade that sphere, then the Government need not and should not make the appropriation. I will offer some additional observations in this connection at a later point, when I wish to consider the "general-welfare" clause.

Andrew Jackson is often quoted as having favored "a judicious tariff." Those who quote him this way never quote him any further. They give none of his qualifications. We all want "a judicious tariff;" and what is more, gentlemen, we intend to have it.

Even England, that foolish, labor-burdening country, living hard by the pauper fields of France, Germany, and Italy, and in open and frequent communication with India and China, maintains "a judicious tariff." England could not outstrip her neighbors any other way. This is the way her laborers are able to save more than ours do, although our natural advantages are the greater of the two. Jackson favored "a judicious tariff, such a one at least as would foster, protect, and preserve within ourselves the means of national defense and independence, particularly in a state of war."

Here, too, the limitation is as a war measure. The men of that day felt the danger of conquest from England, which had failed to conquer us at first, but had then turned her power upon liberty-loving France and had been successful, much more than we can conceive of now. England to-day, however, is the champion of liberty, and we can defy the world.

Additional light is thrown upon the convictions of Jackson by what is said by Henry Clay, who at the same time gives his own position. Mr. Clay said:

If the compromise act had not been adopted, the whole system of protection would have been swept by the board by the preponderating influence of the illustrious man General Jackson, then at the head of the Government, at the very next session after its enactment.

In giving his own views, Mr. Clay said:

In three years we could judge of the ability of our establishments to furnish these articles as cheaply as they were obtained abroad, and could then legislate with the lights of experience.

He added:

Three years would be sufficient to place our manufactures on this footing.

And what was it that he wanted for three years? The tariff then

was 20 per cent., and he wanted only 5 per cent. more, and that only for three years.

The present tariff, vast in its amount, exceeding 40 per cent., lower on luxuries than on necessaries, cruel and unjust in its arrangement, violating every principle of just or scientific taxation, has now raged for over twenty years, and yet gentlemen cite Mr. Clay to sustain them in inaction.

Mr. Chairman, this diverting of the taxing power of the Government from the sole and single purpose of raising revenue was agreed to once in a small way as a war measure. That was a new departure, though early taken. It involved a principle not countenanced by the framers of the Constitution, not dreamed of by them when they formed that instrument, and that to-day enslaves nineteen-twentieths of our people and in various forms more seriously threatens our country than has any peril to which it has ever been exposed.

It is a leading product of the doctrine that the Federal Government is a government of discretion, and not a limited government, nor, in a true sense, a government of constitutional restrictions. In short, it involves the question and is the great question as to whether or not we have constitutional liberty in this country.

Force of arms has failed, and I trust will ever fail, to break up the form of our Government.

But here is a doctrine, practiced by the dominant party, aided and abetted by a handful of Democrats, sustained also by the recent decision of the Republican majority of the Supreme Court, that does not, indeed, assail the outward form of our Government, but simply annihilates its substance, extinguishes its spirit, debases all the Constitution except the "general-welfare" clause, to simply rules and suggestions, erects here a great government of discretion, destroying all guarantees of liberty and property, sowing to the winds and inviting the whirlwind.

As many gentlemen defend this perversion of the taxing power of the Government upon the wretched sophistry of the "general welfare," drawing it with equal falsity from political economy and from our Constitution, I will, having tried to treat in a plain and popular way of the former heresy, now proceed to treat of the latter.

Sir, the "general-welfare" clause, once the most harmless and insignificant clause in the Constitution, is now, as we have seen, the stronghold of protection and the ground of repeal of all the balance of our supreme law. Our hope, sir, is always primarily in the people. I propose to go back to the formative period of our Government and bring down all that pertains to this famous clause, and to do my humble part toward awakening public opinion until it shall give us a Congress and an Administration and a Supreme Court that will not legislate away and give away all that freemen hold dear.

The American people, justly treated, are the best safeguard property ever had. Continue to rob and betray them and I would rather be a Philistine in the temple that Samson wrecked than thus to invite their vengeance.

That clause is the first clause of section 8, article 1, of the Constitution. It is as follows:

> The Congress shall have power to lay and collect taxes, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Sir, looking at this clause in a plain way, and remembering that the framers of the Constitution were earnest, plain, sensible men, what view does it present? It is evidently composed of two elements: first, a declaration of power respecting the raising of money—or call it revenue; and, second, a declaration of purposes, or objects to which that money is to be limited. The latter part is a limiting expression, and not one of expansion. That money is to pay the public debts; it is to be spent in our constitutional efforts for the common defense and in defraying the expense of what we are empowered to do for the general welfare, and for no other objects is it to be appropriated.

Other parts of the Constitution, in connection with the first part of this clause, tell us how far our supreme governing power extends, and the second part of this clause tells us that our use of the money we collect must not be unguarded and reckless or partial in its character, but that our appropriations must be restricted to the payment of the debts of the United States and to those expenditures of a national character that are clearly sustained by the Constitution, and that are clearly for the general welfare.

A policy under this head may touch only spots and individuals, such as pensioning soldiers and similar acts; but the general welfare plainly demands such an expenditure upon the score of national gratitude and prudence, and hence it is national and general in the proper sense.

But under no circumstances does this grant of discretion to appropriate money for the general welfare carry an extension of the functional power of the Government beyond the grants that are distinctly made to it and that are distinctly stated not to extend beyond those limits.

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.—*Article* 10.

And again:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.—*Article* 9.

Thus in every way is this idea of discretion in the exercise of power over the States and the people by perversion of the taxing power or of any other power guarded against. Time and again is it prohibited, and a strict construction of the Constitution is thus demanded by the very words of the Constitution itself. We have large discretion over the money in the Treasury, with certain limitations as to time, respecting appropriations for military purposes; but there our discretion stops. Neither by looking after appropriations nor otherwise can we invade the rights of citizens or of the States.

We may pension a wounded soldier or not just as we think public policy requires; but we can not follow that up and invade his rights and say what he shall eat and drink, how he must vote, and what clothes he must wear. If we think the policy evil we can stop the appropriation; but we can not invade his reserved rights. The same is true as to a State.

The first subtle comment upon this clause contrary to this view was from a source where we might naturally expect it. It was from Mr. Hamilton, the foe of our present form of government, the firm believer in a centralized government, and that, too, of monarchical form. I give all credit to his personal uprightness and to his transcendent abilities.

In his report on manufactures, in 1791, Mr. Hamilton said:

> The terms "general welfare" were doubtless intended to signify more than was expressed or imported in those which preceded.

Why should he use the word "more?" It is the comparative of much. It is the synonym of greater. Those terms were not intended to mean something more than what preceded them. They were intended to mean something different and something less, instead of something greater, or even equal to what preceded them. The first was a grant of power, the latter was a statement of the objects to which the money provided for was to be limited, a restricting clause it was, and the incorporation perhaps of the maxim of "the public weal" as a guide in the exercise of all constitutional power.

All the power you can wrench or squeeze out of it is the power to pay our own debts to the exclusion of the States or munificent private citizens coming in and, *vi et armis*, paying our debts for us; and then the liberty of discriminating as to the proper objects for national appropriations and outlays of money. This liberty is not likely to be long or greatly abused, I repeat, by a Congress the more numerous body of which is drawn directly from the people, and is compelled to go back to the people for new credentials every two years. Yet, sir, we now have taxation perverted from revenue to robbery, in harmony with this adroit suggestion of power from Mr. Hamilton, and a Supreme Court that practically states that our Government is no longer a Government of constitutional limitations.

This will appear the more striking when we consider the custom of Mr. Hamilton to put out a "feeler" in one place and to allay suspicion in the next. He was not only the father of the present opposition, but the natural delineator of their tactics.

He denounced our Constitution as "a shilly-shally thing, of mere milk and water, which could not last." He endeavored in convention to make an old English constitution of this, and failing in that, all his subsequent measures tended to bring it to the same thing.—*Jefferson's Works*, volume 9, page 122.

After the adoption of this Government he said there was "no stability, no security, in any kind of government but a monarchy."—*Jefferson's Works*, volume 9, page 126.

Neither he nor his posterity, the monopolists, ever had any faith in the people, or any use for them except to live off of them, or, as the Supreme Court says, to rob them.

Mr. Hamilton declared his belief in government bottomed on corruption as the only practicable government. In speaking of the English Government, Mr. Adams said: "Purge that constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." To this, Mr. Hamilton replied: "Purge that constitution of its corruption, and give to its popular branch equality of representation, and it would become an impracticable government."—*Jefferson's Works*, volume 9, page 96, and volume 7, page 390.

His work all comports with this doctrine, and his descendants are like him.

When the bill to assume the continental certificates was about to be passed, and a preliminary test proved it, he had his henchmen informed by couriers with relays of horses, and swift-sailing boats were employed by sea. Active and secret agents were in every city and town. They bought up this paper at 5 shillings and 2 shillings per pound, acting under this "pointer" from the Secretary of the Treasury, Hamilton, and thus the masses found a few days later that they had been imposed upon in the interest of the few. Just after this he "cooked up" a great scheme and put it through to give $20,000,000 to his pet localities and henchmen, and fortunes followed fawning, and came very near breaking up the Union. Congress met and adjourned for days without doing any

business, so great was the anger. The deed was grafted, and to undo it was to break up the Union. In despair Hamilton took counsel of Jefferson to prevent anarchy. At last a few Southern members concurred, seeing it could not be stopped short of anarchy, upon condition that the Federal Capital be put where it now is.—*Jefferson's Works*, volume 9, pages 93, 94.

As for Hamilton's general policy for this Government, Jefferson warned Washington that it was for the General Government to "exercise all powers which may be for the general welfare," as the monopolists might choose to construe it, and he noted the means of general corruption employed.—*Jefferson's Works*, volume 3, 461.

And in the same letter to the President he called attention to the refusal of the monopolists of that day to acquiesce in the decision of the majority. (Page 463.)

The people were quiet for a time then as they have been quiet until now, for Washington was true to the Republic and often protested that he would "lose the last drop of his blood in support of it."—*Jefferson's Works*, volume 9, 96.

But long before they had proceeded anything like as far with corruption and class rule as we now suffer from "the eyes of the nation were opened and a general disbandment of them from the public service took place."—*The Anas*, page 97.

Why, sir, we are given the power "to borrow money on the credit of the United States" (Constitution, article 1, section 8, clause 2), and who ever doubted our constitutional power to pay back the money we borrow? The pecuniary power has sometimes been questioned, but not the constitutional power. This, then, may take us back to our famous clause, and I propose to show that the only idea of power intended, apart from the discretion or liberty of determining what are fit subjects for national appropriations as future exigencies might arise, was the power, not to pay the future debts of the Government then being established, for that idea of power is gratuitous, but to assume and to pay the old debts of the Revolutionary war. It was retrospective power, as it were, not future power. It was feared that the new Government might try to scale off the debts of the Colonies, and if it had not been for that this famous clause would never have been put into the Constitution, and our present robbing tariff would not have the deceptive veil of "general welfare" to cloak it.

Let us go, then, to "the architects" of the Constitution, as Mr. Benjamin calls them, for I think he was the real author of The Republic of Republics, and see what they did and said.

Sir, in the first draught of the Constitution, submitted to the convention August 6, 1787, by Mr. Rutledge, on behalf of the committee of detail, this whole matter was covered only so far as the following language goes:

> The Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises.—*Elliott*, 5, 378.

That was all it said. There was nothing in the whole instrument, as well as not in this clause, about paying debts or about the general welfare. The power to borrow money on the public credit was given, and that carried with it the right to pay. But the colonies had contracted debts in a war for the "general welfare," and also had the old confederated government contracted such debts, and great concern was felt, as I have said, about the new Government having the power and disposition to pay these old debts.

Hence, on the 18th of August, Mr. Pinckney submitted, among other propositions that ought to be incorporated in the Constitution, the following:

> To secure the payment of the public debt.—*Elliott*, 5, 440.

This related to the old debt, and it was in conjunction with a plan for future debts, embracing also the prevention of a permanent revenue law, which Mr. Mason said "must, of necessity, subvert the liberty of any country." There was a struggle to get the power to tax at all, and a still greater struggle to get the power to lay any but a temporary tax, except taxes to provide for the payment of a debt.

These propositions, with the others, were referred to the committee of detail.

Mr. Rutledge "then moved that a grand committee be appointed to consider the necessity and expediency of the United States assuming all the State debts." This was agreed to, the committee consisting of one member from each State.

Then, on the 21st of August, the grand committee of eleven, upon the proposition, submitted the following report:

> The Legislature of the United States shall have power to fulfill the engagements which have been entered into by Congress, and to discharge as well the debts of the United States as the debts incurred by the several States during the late war for the common defense and general welfare.—*Elliott*, 5, 451.

There was discussion as to whether the assumption should be optional or obligatory; but this was the status up to this point, and only those debts are included which were contracted "for the common defense and general welfare." This is the first use in constitutional language of the term "general welfare," and mark the connection. It relates only to the payment of old debts.

Then on the next day, the 22d of August, the committee of detail came in, through Mr. Rutledge, with their report, covering Mr. Pinckney's proposition upon this question. Their report would make the first clause of the first section of the seventh article of the original draught of the Constitution read as follows:

> The Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises, for payment of the debts and necessary expenses of the United States; provided that no law for raising any branch of revenue, except what may be specially appropriated for the payment of interest on debts or loans, shall continue in force for more than —— years.

The committee also proposed an addition to the sixteenth clause of the second section, seventh article, of the following:

> And to provide, as may become necessary from time to time, for the well-managing and securing the common property and general interests and welfare of the United States in such manner as shall not interfere with the government of individual States, in matters in respect only to their internal police, or for which their individual authority may be competent.

I think the text should have assigned this to the first section, as the second section has not got a sixteenth clause.

Here is the first intimation of the idea of the liberty to appropriate money in connection with future matters relating to the "general welfare." Previously, only past "general welfare" debts had been spoken of. This was a crude, preliminary proposition, involving some vague and dangerous language about the States; but we will see how it was pruned. We have seen the strict-construction requirements of the Constitution, which I have read, put in as amendments to guard against the slightest danger of looseness, and that, too, when the Constitution had already prohibited the General Government from maintaining the sovereignty and integrity of a State government from domestic violence, except "on application of the Legislature, or of the executive when the Legislature can not be convened." (Article 4, section 4.)

Thus we proceed on through the formative stage of the Constitution.

The consideration of this report was delayed until members could get copies of it. But the convention at once began the consideration of the report of the committee of eleven. They took up the clause—

> The Legislature of the United States *shall have power* to fulfill the engagements which have been entered into by Congress.

The words relating to power are italicised in the text. Mr. Madison wanted to keep this, for some had tried "to show that contracts under the old government were dissolved by the Revolution, which destroyed the political identity of the society."

Mr. Gouverneur Morris moved to substitute "the Legislature *shall* discharge the debts and fulfill the engagements of the United States." This was agreed to.

Then on the 23d of August the first clause of article 7, section 1, was agreed to, as follows:

> The Legislature shall fulfill the engagements and discharge the debts of the United States, and shall have the power to lay and collect taxes, duties, imposts, and excises.
>
> Mr. Butler expressed his dissatisfaction lest it should compel payment as well to the blood-suckers who had speculated on the distresses of others as to those who had fought and bled for their country.

You observe here that this whole business was presumably closed, and not a word said or revived about the "general welfare," past or future.

Then on the 25th of August this clause was taken up again. The word "shall" was considered by Mr. Mason as too strong. "Mr. Langdon wished to do no more than leave the creditors *in statu quo*." Others spoke in the same general tenor, and then Mr. Randolph moved this as a substitute:

> All debts contracted and engagements entered into by or under the authority of Congress shall be as valid against the United States under this Constitution as under the Confederation.

This was agreed to, only Pennsylvania voting "no," there being ten States voting "ay."

Then—

> Mr. Sherman thought it necessary to connect with the clause for laying taxes, duties, &c., an express provision for the object of the old debts, &c., and moved to add to the first clause of article 7, section 1:
>
> "For the payment of said debts, and for the defraying the expenses that shall be incurred for the common defense and general welfare."

This clearly does not intimate that we are to assume any and all power at our discretion, as we may think, regardless of the limitations of the Constitution, the general welfare may be advanced. Fortunately for the general welfare, this is a limited constitutional Government, and not one of wild, reckless Congressional discretion. Indeed, if reckless expenditures were incurred not clearly for the general welfare a future Congress would by this be discouraged from paying them. It is a warning to creditors against reckless Congressional appropriations and credits. It is clearly limiting in its character and shows that some debts may be unauthorized and illegal. It is a clear statement of the objects only, and none other, for which the money collected shall be expended; and it grants power only, and here only by implication, to even the discretion of giving money here and there in a well-guarded way as the general welfare may seem to demand.

But this idea was understood as already agreed to; for, as Mr. Madison says:

The proposition, as being unnecessary, was disagreed to, Connecticut alone being in the affirmative.

See also, Mr. Chairman, how perfectly clear it is that the power granted was primarily and principally to pay the old debts, and only those debts which had been contracted in the public defense and for the general welfare.

Then, on the 31st of August, all this matter was referred again to a grand committee of one from each State, which, on September 4, reported as follows:

The first clause of article 7, section 1, to read as follows: "The Legislature shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States." (Elliott, V, 506.)

This, said Mr. Madison, "was agreed to *nem. con.*"

It was agreed to without discussion. It was agreed to unanimously. And this it is and thus it is that gentlemen say they have power to pervert taxation to other purposes than raising revenue. "Providing for the common defense and general welfare" here relates to that part of the providing which involves the appropriating of money. The other steps, such as suspending the writ of habeas corpus, taxing the property of citizens, &c., is all granted and carefully guarded elsewhere.

Would you say here that we can provide for the common defense in any way our discretion may suggest, namely, by suspending the writ of habeas corpus in time of peace and tranquillity, by quartering our troops upon our people, by taking the property of citizens wantonly and without pay? Would you say this from that? No; not now. Yet you have said and do say even much more than all this in what you say and do for your own enrichment about the taxing power. What the Federal Government can do for the general welfare is to properly exercise the powers that have been delegated to it, and not to encroach upon the other powers, all of which are solemnly and specifically "reserved to the States or to the people." This arrangement was deemed best for the general welfare. And when we were given discretion in the appropriating of the public money, we were not commanded not to refrain from giving that money when we think best, nor were we commanded or empowered in respect to anything but the giving of that money. Certain it is that the men composing that convention did not sit still and without a dissenting voice "give away" all that they were doing and in a moment erect here a despotism with no limitations or restrictions. Their plain words forbid it. The meagerest sense and patriotism forbid it. God grant that the people will now confront this issue and practice, and forever forbid it.

This is what was agreed upon; this is the way it was agreed upon; and thus it stands in our Constitution to-day. And yet you claim discretion here, not only to appropriate money for the general welfare as exigencies may require, but also to assume any and all power, to pervert the taxing power, to lay embargoes in time of peace upon our commerce and against our foreign customers, if you presume only to say you think that to beggar some and to enrich others of our people by legislation is conducive to the general welfare; and feeling secure in this usurpation, and feeling strong in your ill-gotten wealth, you now proclaim for taxation for the sake of subsidy and propose at your discretion to do all things.

We want the Constitution observed. We want a revival of the Constitution. We want freer trade for our people, and we want our commerce restored to the seas.

Sir, this Government does not grow as other governments do. The English constitution is not a written constitution in the way ours is. It is a set of precedents, statutes, and decisions, wresting power from the Crown from time to time, and in favor of the people. No precedent, decision, or statute here can give lasting power to the central Government if they be in violation of the Constitution. This Government can not grow in that way. It can not grow except as the Constitution is amended by the people. It does not grow. It is made. It is not a government of growth. It is a constructed government. It can not evolve itself either to a stronger or to a weaker statue. It may have powers it did not know of; then it simply learns and exercises what it always had. New methods may be employed in order to apply the same revered principles to new conditions, but no new powers are acquired in this way. It is simply the exercise of the same old power and right and grant. The people can make the Constitution, and through it the Government, as they see fit; but of itself the Government can not grow, and it can not long usurp. Until the people make an addition to it or take something from it it is an unchangeable thing. Let no man add to or take from the book of the Constitution. If any man shall add unto these things the people shall add unto him the plagues that are written in this book. And if any man shall take away from the words of this book the people shall take away his part out of this book and of the things that are written in this book.

Sir, Mr. Madison never considered that we even had the power to use discretion in appropriations beyond the specific grants of power. Hamilton did not openly avow more than that we had the liberty of appropriating money for certain contingencies. Mr. Monroe was long in coming to Mr. Hamilton's position. Judge Story went no further than this discretion as to making appropriations. It was by appropriations that Washington would encourage industries and the sciences, and promote the general welfare. Our power to legislate to this end, other than by spending money to disseminate information, seeds, plants, &c., as we do through the Agricultural Department, and by experimental farms, and such limited ventures at the public expense, is limited to the grant of power given us in the eighth clause of section 8, article 1, of the Constitution, which gives Congress power—

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

From this we draw our power to make patent and copyright laws—the only laws we can justly make to encourage, protect, and develop industries, and these monopolies must be "for limited times."

We have the same language now to guide us that they had and no more. And those who are fattening off of the people by class legislation are "robbing" the people, although it be "under the forms of law."

Of the ultimate issue of this great fight I have no manner of doubt. Let us, if possible, compose the schism; but, by all means, let us press the issue. Let us trust the people and carry the truth to the hustings. It is the only course of wisdom. The battle is hotly joined now. Fidelity is the only course of honor. You idly say we shall fail. What boots it if by failure we further arouse the people to the perils besetting constitutional government? The people have ordered this fight and I am glad of it, and I hope no man now on their side will quit the field let the seeming inducements be what they may.

There is just one matter that I want to bring out before I quit, for while I can hope to influence perhaps not one man upon this floor, yet I want what I say to be some contribution of facts and principles to the mass of our people.

In 1880 we consumed over five billion dollars' worth of manufactured goods in this country. We consumed over this much of manufactured goods of domestic make. Nearly all of this is subsidized through and by means of the tariff. The average subsidy is over 40 per cent.; that is the average of what the law aims to give them. If they do not get the good of but half of it, it is not the fault of the law, but because they sometimes overreach themselves. But the theory of the law is to give these people a subsidy of nearly $2,000,000,000 a year.

Now, the wages of the labor that enters into the value of what we buy is, say, 17 per cent. of the value of the article. This makes the amount paid for labor less than $1,000,000,000 a year. Now, if that infamous law could operate in full, and it goes as far as human avarice can go into human flesh and blood, then we could pay every laborer that these monopolists employ by giving him a warrant on the Treasury and let him sit idle and do nothing the whole year through and still save $1,000,000,000 a year to the consumers, farmers and others, of this country. This is what makes "the poor poorer and the rich richer."

One word more. When the manufacturer comes to reducing taxes he wants to carve only on the raw materials. Apart from the proposition that when sacrifices are the order of the day all should make them in equal degree, yet I wish to call attention to the effect, as relates to protection to the manufacturers, of free raw material and a duty retained upon the finished product. I believe in free raw materials and in taxing finished products as they enter into consumption, but I do not believe in being imposed upon in the doing of it. The manufacturer's protection always amounts in such a case as I have cited to more than the duty on the article. This seems paradoxical, but a little illustration and thought will make it perfectly plain.

For instance, take silks. I do not know just now the percentage of labor that enters into a dollar's worth of silk cloth. But say that it is 50 per cent. of the value, which may be too high; but take that for illustration of the principle. Now raw silk is free. Silk cloth is taxed 50 per cent; that means 50 per cent. of the full value. But half of that value is in the raw silk that has been worked into the cloth which our manufacturers get, if brought in its raw state, free. Hence, so far as protection goes, the 50 per cent. upon the whole is doubled upon the half that is represented by manufacture, and consequently a duty here of 50 per cent yields a protection to the manufacturer of 100 per cent. Hence, when the manufacturer says he is protected only to the extent that the article is apparently taxed we need to see the status of the raw material, and inquire if the raw material that composed a part of the finished product is allowed for in any way, or if the gross tax is not applicable to the finishing expenses only. In this connection I subjoin an extract from Senator SHERMAN in the tariff debate last year:

That about one-half of the cost of these woolen goods is in the cost of the raw material, the wool, and the other half is the cost of manufacture. Take, therefore, a lot of these goods; suppose that the value of the goods imported is $1,000, and one-half of that is the cost of the wool, and the other half is the cost of manufacture. The duty on $500, the cost of the wool, has already been fully compensated for and more than compensated for by the specific duty. Then, as to the duty levied, not as 40 per cent. of the $500 the cost of manufacture, which is all the manufacturer puts upon it, but the duty is levied at 40 per cent. on the thousand, thus giving him a protection of $400, or 80 per cent. on the cost of manufacture.

The Tariff.

SPEECH

OF

HON. MOSES A. McCOID.

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. McCOID said:

Mr. CHAIRMAN: This seems to me a most unnatural strife. Here we have a government instituted for the purpose of securing the happiness and welfare of its people; a government, not foreign, but of the people; not by any man or number of men over us, but by the people; not for the world, or Europe, or England, or any other, but for us. We have incorporated ourselves with powers which we ourselves execute for our good.

We asserted our political independence of the world, framed the charter by which we should work, ran up our flag to the unmastered winds, started the action of the organs of national life, and were mapped as one of the independent nations of the world. Political independence quickly asserted had to be fought out with heroic courage, and must be defended with jealousy and care, and will ever depend much in its substance upon that other condition of commercial independence.

The map of the world shows that the dream of political independence without the fact of commercial independence is soon and easily dispelled, and is at best "nothing but a dream." The one is necessary to the other. No nation commercially dependent upon another can be politically free. Therefore the first aspiration of a patriot whose country has asserted its independence is to see it commercially independent. The debates of the early Congresses are full of the expressions of this sentiment, and I need not quote them here. But this state of commercial independence is reached only by slow and encouraged growth. A country can not leap full armed, Minerva-like, to it.

This is especially true of a country like ours of vast extent and infinite, unexplored resources. It must pass through its infancy, its growth, its development, to its full possession of native strength. And this I suspect is the better understanding of the oft-repeated phrase "infant industries"—industries in an undeveloped country. As long as we have our undeveloped mines, our unplanted factories, and our unconsumed products, we are in our infancy, and will require the same commercial protection, encouragement, development, as the state of infancy ever demands. I have noticed the natural division in the debates of this and last Congress of our commercial industries into producing, manufacturing, and shipping industries. And I have noticed to what fallacies and follies gentlemen are led when they confine themselves to any one and antagonize it to others.

These interests are all one. They are correlated and dependent on each other. There is the physical, the mental, and the spiritual, but they make up but one man. Each is dependent on the other, and the correct development is of all three together. The time taken from one and given to the other is not lost, but results in the improvement and good of all. You may say you tax the one to help the other, or you deny the one to give to the other, or you use the one to protect, encourage, and strengthen the other; but the result is a well-developed, well-balanced, and well-proportioned man.

Is there any antagonism between the three great industries into which the labor of our people may be classed? It is true that agriculture is pre-eminently our staple, but does it not depend upon and lead to manufacturing and prosper and flourish with it, and does this not lead to shipping and trade. No wise farmer should sell his produce, but feed it and consume it and sell the second product. No wise nation or people incorporated in government should sell their raw product, but manufacture it, consume it, and sell the resultant article. The proper subject of trade and free trade is manufacture, and when a people can consume their own products in their home industries and only yield them to trade, when they can fix their price beyond that which it will bring at home, then and then only are they commercially free, and then and then only should they be free-traders.

The gentleman from Ohio [Mr. HURD] illustrated this, and to my mind defeated his whole argument by the admission that Liverpool fixed the price of all that the American farmer had to sell. He had just shown that the power to fix the price of labor was the power to enslave. I turn his illustration back upon him, using as near as I can his own language. The American farmer works a day and produces what in a fair home market should bring a dollar, with which he would buy some needed article. He brings it to the market. But there he is told that the price of his day's labor, of all that he has put into it of his hopes and his fears and earnest toil, is fixed in Liverpool, and Liverpool has decreed that he should have for it but 50 cents. And so he goes back, toils another day, and puts the care, and hope, and fear of another day into it to get the other half of his dollar. That second day is a day of slavery.

Liverpool might as well have waked him up in the morning with the lash and driven him in bondage through that day for it. It was to him a day of slavery—a day of unrequited toil. And he is in bondage to whom? Not to a law of his own making; not to a power of his own choice; not to the interest of his own country, his land, or his own continent. He is in bondage to a power separated from him by seas, unsympathizing, grasping, and tyrannical. He is the serf of a power he and his fathers have vainly tried to throw off. If he is to be in slavery to one who shall have the power to fix the price of his labor, he would rather choose his master and choose him here. Why, sir, if the argument of the gentleman from Ohio [Mr. HURD] was true, it might not be a strange spectacle to see patriots enduring sacrifices in the accomplishment of the noble purpose of building up and enriching and glorifying their own country. For objects like these men have gladly given their fortunes and their lives. But who would choose the shameful bondage to a foreign power and commercial tyrant, out of which could come alone the increasing disgrace and dependence of his country?

Now, sir, it appears to me that our true national policy is to determine that the day shall come when the price of our products shall not be fixed at Liverpool, when we shall consume our own and dictate the price of that which we choose to sell abroad; that, attendant upon our great agricultural industry, we will build up manufacturing and every other variety of productive interests which our abundant resources will sustain, so that we can have within our borders our own markets; and that, attendant on all these, we will reach out with shipping facilities under the patronage of Government, aid and flush the markets of the world. And then we will have reached the *summum bonum* of our friends—free trade. We will have reached that freedom of commerce as England has reached it so far as she has adopted it. We will have reached, it in the only way by which it can be reached and at the same time maintain our commercial independence.

I believe in the principle that our commerce should be free, as free as the policy of nations will permit. But I believe that the policy of our nation, practiced by the States before the Union and at the time of the adoption of the Constitution, acknowledged as a consideration of the federation adopted by our fathers in the first Congress and practiced every since, is to except from that general principle in every case where our national interests demand it. These exceptions are founded upon considerations of the rights of States, our commercial defense, the development of our domestic resources, the necessity to diversify our industries, the raising of revenue, the protection of our labor, &c.

To do this the power to lay impost duties on imports was given to the national Legislature. And it is to be used for the promotion of these interests, in order that our country may grow up to that state of commercial independence where, freed from these conditions of infancy and strong enough to cope with the competitors, it can adopt commercial freedom.

The great question is now upon us, how shall we best develop the material prosperity of the Southern and Western States? The loyalty and sympathetic unity of these vast areas of territory to the Union is closely allied to that of their development under the generous policies of the General Government. If antagonisms ever arise in this country again it will be over these policies.

I believe this material development can only come through a wisely adjusted system of protection in the especial interest of agricultural industries. I believe that there is sound economical philosophy in the doctrine that the prosperity of agriculture must come through diversification of industries, in peopling areas of land, by which a large proportion of non-agricultural people may be secured to them.

This principle and its results are so well stated and illustrated in Report No. 3 of 1883 of the Agricultural Department, pages 22 and following, such as I have marked, that I feel justified in inserting them here:

To test the value of this hypothesis let us divide the States and Territories of the United States into four classes, the first having less than 30 per cent. engaged in agriculture; second, those with 30 and less than 50 per cent.; third, those with 50 and less than 70 per cent., and fourth, those having 70 per cent. and over, being almost exclusively agricultural States.

VALUE OF LANDS.

Applying this test to the value of lands, the following result is obtained:

Classes.	States and Territories.	Farms.	Value.	Value per acre.	Workers in agriculture.
	No.	*Acres.*	*Dollars.*	*Dollars.*	*Per ct.*
First class	15	77,250,742	2,985,641,197	38 65	18
Second class	13	112,321,257	3,430,915,767	30 55	42
Third class	13	237,873,040	3,212,108,970	13 53	58
Fourth class	6	108,636,796	562,430.842	5 18	77

Diagram showing value of farm lands as affected by increase of non-agricultural population.

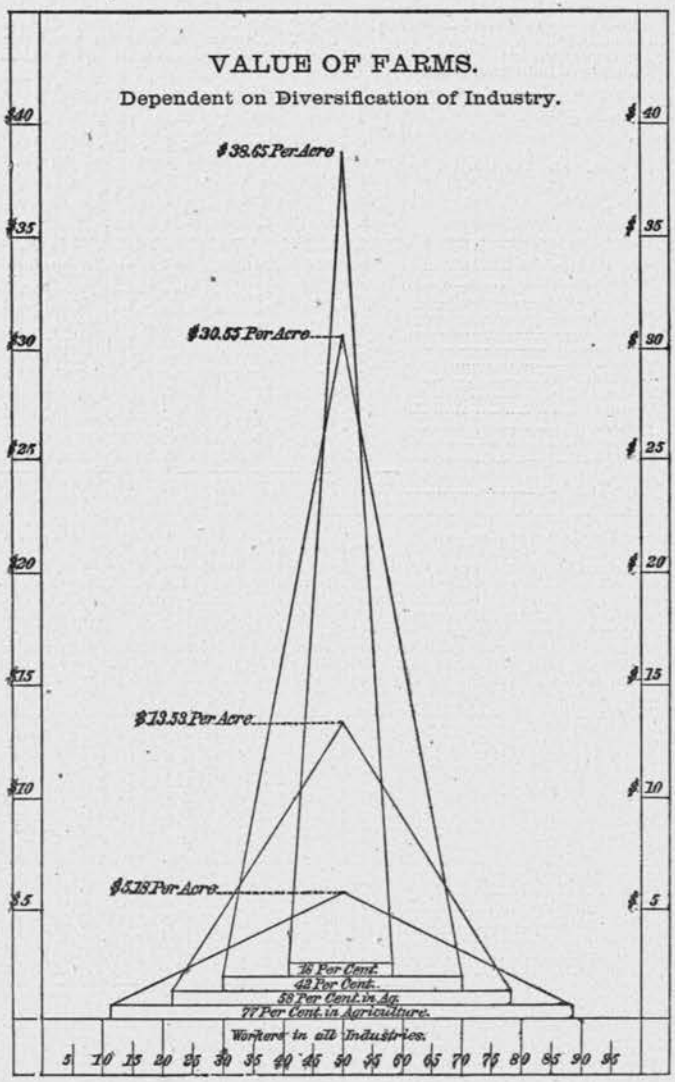
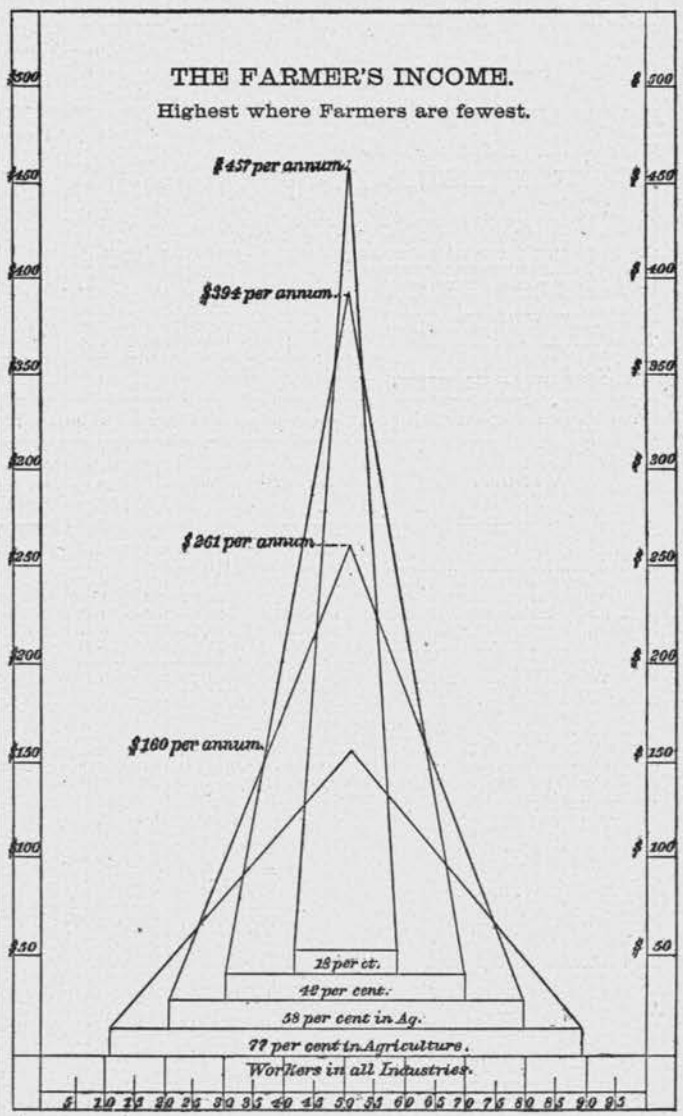


Diagram of value of products as affected by increase of non-agricultural population.



As the proportion of agricultural to other workers diminishes the value of land increases, but in a much higher ratio. In the almost exclusively agricultural States eight acres are worth little more than one in the first class, consisting of States of the largest non-agricultural population. In the class which averages 42 per cent. in agriculture the land is of more than twice the value of farms in the class which averages 58 per cent. of the people in rural employments.

The following States and Territories all have less than 30 per cent. of their aggregate of persons in all occupations engaged in the pursuits of agriculture, and they average but 18 per cent.:

States and Territories.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
District of Columbia	18,146	3,632,403	200 18	2
Massachusetts	3,359,079	146,197,415	43 52	9
Rhode Island	514,813	25,882,079	50 27	9
Colorado	1,165,373	25,109,223	21 55	13
Nevada	530,862	5,408,325	10 19	13
Arizona	135,573	1,127,946	8 32	15
New Jersey	2,929,773	190,895,833	65 16	15
Wyoming	124,433	835,895	6 72	18
Connecticut	2,453,541	121,063,910	49 34	18
Montana	405,683	3,234,504	7 97	20
New York	23,780,754	1,056,176,741	44 41	20
Pennsylvania	19,791,341	975,689,410	49 30	21
California	16,593,742	262,051,282	15 79	21
Idaho	327,798	2,832,890	8 64	25
Maryland	5,119,831	165,503,341	32 33	28
Total	77,250,742	2,985,641,197	38 65	18

In this list the most diverse conditions are represented. On one extreme the District of Columbia has but 18,146 acres of agricultural land, which is valued at $200 per acre as suburban property under the shadow of a large city. On the other, small areas in the Territories are surrounded by immense bodies of unoccupied lands, which are given away by the United States Government, keeping the prices of cultivated farms low, though they are rising with great rapidity. California and Colorado are similarly situated, yet further advanced in point of time and in development of industries, and of course showing higher prices. In the States in which there is no public land to depress prices there is no average that is not higher than the general average of the next class of States having 30 to 50 per cent. in agriculture. The range of prices is from $32.33 per acre in Maryland to $65.16 in New Jersey. Though New Jersey has 15 per cent. in agriculture, the influence of the adjacent populations of Philadelphia, New York, and Brooklyn reduces practically her percentage to a lower proportion than Massachusetts and Rhode Island.

The second class includes the smaller manufacturing States of the East and the older States of the West, in which the agricultural population is less than half of all.

States and Territories.	Farms.	Value.	Value per acre.a	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
New Hampshire	3,721,173	75,834,389	20 38	31
Delaware	1,090,245	36,789,672	33 74	33
New Mexico	631,131	5,514,399	8 74	35
Maine	6,552,578	102,357,615	15 62	35
Utah	655,524	14,015,178	21 38	36
Ohio	24,529,226	1,127,497,353	45 97	40
Oregon	4,214,712	56,908,575	13 50	40
Washington	1,409,421	13,844,222	9 82	42
Michigan	13,807,240	499,103,181	36 15	42
Illinois	31,673,645	1,009,594,580	31 87	44
Wisconsin	15,353,118	357,709,507	23 30	47
Vermont	4,882,588	109,346,010	22 40	47
Dakota	3,800,656	22,401,084	5 89	49
Total	112,321,257	3,430,915,765	30 55	42

a Average.

This list embraces also a few of the Territories, and a State or two in which the unoccupied public lands continue to depress prices of farm lands.

It is conceded that differing degrees of fertility must affect prices, and other causes may be operative; yet such is the controlling force of preponderating non-agricultural population in raising prices that we find the average of this class to be more than 25 per cent. lower than class first.

When the proportion of farmers is increased to half or two-thirds the price of land declines seriously, as follows:

States.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
Virginia	19,835,785	216,028,107	10 89	51
Missouri	27,879,276	375,633,307	13 47	51
Minnesota	13,403,019	193,724,260	14 45	52
Indiana	20,420,983	635,236,111	31 11	52
Louisiana	8,273,506	58,989,117	7 13	57
Iowa	24,752,700	567,430,227	22 92	57
Nebraska	9,944,826	105,932,541	10 65	59
West Virginia	10,193,779	133,147,175	13 06	61
Kentucky	21,495,240	299,298,631	13 92	62
Florida	3,297,324	20,291,835	6 15	64
Kansas	21,417,468	235,178,936	10 98	64
Tennessee	20,666,915	206,749,837	10 00	66
Texas	36,292,219	170,468,886	4 70	69
Total	237,873,040	3,218,108,970	13 52	58

The States having over 70 per cent. engaged in agriculture are as follows:

States.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
Georgia	26,043,282	111,910,540	4 30	72
North Carolina	22,363,558	135,793,602	6 07	75
South Carolina	13,457,613	68,677,482	5 10	75
Alabama	18,855,334	78,954,648	4 19	77
Mississippi	15,855,462	92,844,915	5 86	82
Arkansas	12,061,547	74,249,655	6 16	83
Total	108,636,796	562,430,842	5 18	77

INCOME OF THE FARMER.

The owner of land finds a great advantage in the increase of the proportion of non-agricultural population. Does the cultivator of the soil obtain an annual product of higher value? The answer is an emphatic affirmative in the following statement from the census of 1880:

Classes.	Engaged in agriculture.	Products of agriculture.	Value per capita.	Workers in agriculture.
	Number.	*Dollars.*	*Dolls.*	*Per ct.*
First class	1,060,681	484,770,797	457	18
Second class	1,566,875	616,850,959	394	42
Third class	3,017,971	786,681,420	261	58
Fourth class	2,024,966	324,237,751	160	77

There are nearly twice as many agricultural producers in the fourth class as are found in the first, yet the crops of the million are worth much more money than all the results of labor of the 2,000,000 workers. The class that has 58 per cent. in agriculture makes $101 per annum more than that which has 77 per cent., and the class with the lower average of 42 per cent. gets $133 above the earnings of that which averages 58 per cent. in agriculture.

It is not assumed that there are no other causes affecting the quantity and value of the farmer's crops which cause variations in the exhibit of individual States, but the relative proportions of agricultural and non-agricultural population constitute a factor which dominates all other factors, so that when such data are co-ordinate in classes of States the result appears with the invariability of the operation of law. That all these variations may be seen and the causes sought by the rural economist, the following details are given:

States and Territories.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
District of Columbia	66,624	1,464	2	$514,441	$351
Massachusetts	720,774	64,973	9	24,160,881	372
Rhode Island	116,979	10,945	9	3,670,135	335
Colorado	101,251	13,539	13	5,035,228	372
Nevada	32,233	4,180	13	2,855,449	683
Arizona	22,271	3,435	15	614,327	179
New Jersey	396,879	59,214	15	29,650,756	501
Wyoming	8,884	1,639	18	372,391	227
Connecticut	241,333	44,026	18	18,010,075	409
Montana	22,255	4,513	20	2,024,923	449
New York	1,884,645	377,460	20	178,025,695	472
Pennsylvania	1,456,067	301,112	21	129,760,476	431
California	376,505	79,396	21	59,721,425	752
Idaho	15,578	3,858	25	1,515,314	393
Maryland	324,432	90,927	28	28,839,281	317
Total	5,786,710	1,060,681	18	484,770,797	457

The largest income is enjoyed by the farmer of California, not only because 79 per cent. of the people of that State are outside of agriculture, making a market for his crops, but because of the demand throughout the United States for fruits, wines, and other peculiar products of that favored State. Wool is also a productive source of income, due to the market made by the woolen mills of other States.

Only in Oregon and Illinois, in the second class, are rural incomes up to the average of the first class, and only in New Mexico and Dakota are the annual earnings down to the average of the third class, so uniform is the action of this principle of industrial economy.

States and Territories.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
New Hampshire	142,468	44,490	31	$13,474,330	$303
Delaware	54,580	17,849	33	6,320,345	354
New Mexico	40,822	14,139	35	1,897,974	134
Maine	231,993	82,130	35	21,945,489	267
Utah	40,055	14,550	36	3,337,410	229
Ohio	994,475	397,495	40	156,777,152	394
Oregon	67,343	27,091	40	13,234,548	489
Washington	30,122	12,781	42	4,212,750	330
Michigan	569,204	240,319	42	91,159,858	379
Illinois	999,780	436,371	44	203,980,137	467
Wisconsin	417,455	195,901	47	72,779,496	372
Vermont	118,584	55,251	47	22,082,656	400
Dakota	57,844	28,508	49	5,648,814	198
Total	3,764,725	1,566,875	42	616,850,959	394

In the almost exclusively agricultural States the range of income per man is quite uniform, from $140 in South Carolina to $202 in Arkansas, the average of all being $160. It may be claimed that labor, from climate or race considerations, is less efficient than in other States, but it is evident from the small areas planted, except in cotton and corn, and the small products gathered, that the lack of diversity in industry, and even of variety in agriculture, is dwarfing the magnificent resources of this great belt of States. The wisest and brightest of these farmers have reiterated this sentiment for a generation, and many are acting on it; but the reflex influence of manufactures and mining would accomplish more for agriculture than the most persistent direct efforts for the improvement of agriculture.

States.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
Georgia	597,862	432,204	72	$67,028,929	$155
North Carolina	480,187	360,937	75	51,729,611	143
South Carolina	392,102	294,602	75	41,108,112	140
Alabama	492,790	380,630	77	56,872,994	149
Mississippi	415,506	329,938	82	63,701,844	187
Arkansas	260,692	216,655	83	43,796,261	202
Total	2,639,139	2,024,966	77	324,237,751	160

In the following list Iowa, Minnesota, and Nebraska lead in average income. They have below 60 per cent. in agriculture, have rich lands, easily cultivated, and send a large proportion of their products to Eastern and foreign markets, and therefore have less of the stagnation of isolation.

States.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
Virginia	494,240	254,069	51	$45,726,221	$180
Missouri	692,959	355,297	51	95,912,660	270
Minnesota	255,125	131,535	52	49,468,951	376
Indiana	635,080	331,240	52	114,707,082	346
Louisiana	363,228	205,306	57	42,883,522	209
Iowa	528,302	303,557	57	136,103,473	448
Nebraska	152,614	90,507	59	31,708,914	350
West Virginia	176,199	107,578	61	19,360,049	180
Kentucky	519,854	320,571	62	63,850,155	199
Florida	91,536	58,731	64	7,439,392	126
Kansas	322,285	206,080	64	52,240,361	253
Tennessee	447,970	294,153	66	62,076,311	211
Texas	522,133	359,317	69	65,204,329	181
Total	5,201,525	3,017,971	58	786,681,420	261

WAGES OF LABOR.

Having shown that the value of the farm and the income of the farmer are enlarged by increasing the proportion of non-agricultural laborers in a State, it is important to inquire whether the farm laborer shares in the advantage to the owner and cultivator of the soil. Fortunately a definite answer can be given from repeated and trustworthy returns of the wages of farm labor to the Department of Agriculture.

In 1870, when wages and prices generally were high, the average wages of farm labor in the first or manufacturing class of States was $34, while in the last, exclusively agricultural class, it was but $15. When the panic came, and years of manufacturing depression followed, mechanics and artisans competed with farm laborers and reduced the price of rural labor. It is a fact that prices at different times furnish an accurate measure both of the industrial status of the laborers and the prosperity of the great industries of the country.

In 1882 the wages of agricultural labor averaged nearly $25 in the first and second class, $19.50 in the third, and $13.20 in the fourth. The demand for wheat and corn, beef and pork, the product of Ohio, Michigan, Illinois, Wisconsin, and other States of the second class, to supply home, eastern, and foreign markets, brought up the value of farm labor to an equality with wages in the States of the first class. The scarcity of laborers, who prefer farms of their own, also contributed to high rates in this class. Where more than half of the workers are farmers, the competition of laborers reduces inevitably the rate of wages. So we find that where the proportion reaches three-fourths, the reduction usually amounts to 50 per cent.

The influence of manufacturers, of mining, of any productive industries on local prices, whether of farms or farm products or farm labor, is plainly traceable in States and in various districts within the States by the furnace fires, the mines, the factories that thickly dot the location where high prices for farm labor prevail.

The diagrams illustrate in a striking manner the operation of what may be deemed a law in industrial economy, and show that the value of farm lands depends more upon the diversification of industry than upon the fertility of the soil, and that the farmer's income is highest where farmers are fewest.

If, then, national prosperity as exhibited in property values, in income, and in prices of labor is demonstrated to depend on diversified industries in States, how shall this result be secured? Let every State look about for the natural resources within her borders in which these industries may be founded. Encourage them, invite capital to them, and present their claims to the General Government for protection against hostile foreign competition. Let the General Government meet these demands upon correct principles.

Whenever we can by encouragement develop resources and establish factories here which can supply us the article, in a healthy home competition, cheaper than foreign manufacturers can sell it, it is our duty to discriminate in order to do so. Now, that is a matter of fair discussion, in which we must consider our resources, their abundance and character, &c. Again, when we know that we can not produce sufficient for our demand of any article, but may by encouraging the establishment of factories compel importers to sell cheaper than they otherwise will, it is our interest to do so.

Mr. Chairman, what we want is a reasonable, fair adjustment of the tariff from the standpoint of national interests. We do not want to do it for the special benefit of any particular locality, but broadly for all. If this Congress had undertaken to reduce the revenue and reform and equalize the tariff as a business Congress, I should have heartily supported that effort so far as I could see that it was wisely done.

The most absolute and accursed folly of this whole question is the wicked use of it by the Democratic party as a political question in order to get themselves into power.

The adjustment of a tariff is a business question. It is a question of detail, and the policy, necessity, and propriety of the duty comes up on each article as an independent question. It is then a question of revenue, of the relation it bears to our labor, our resources, our industries, our defense, and our ultimate commercial prosperity. When you take up the subjects of glass, iron, salt, wool, lumber, horses, wheat, meats, liquors, sugar, cotton, they should be handled in a patriotic, business way, with a view to raise our revenue and equally distribute our tax for it, and at the same time to wisely maintain our American interests.

Sir, I think a Presidential year is not a favorable time to do this. It is our political year and not given to business. I think the mistake of action now is illustrated by this bill. There was not time to enter upon a careful revision and adjustment of inequalities before the campaign, and evidently our Democratic friends wanted to do something to make an issue and do it soon, and from necessity took this method.

I think it would have been better to have waited until the work could be wisely and carefully done. There are times when this method would perhaps be justifiable, but no such necessity exists now. And in my judgment the inequalities of the present adjustment of the tariff would rather be increased than cured by this bill. I think we ought not to have a surplus in the Treasury. The revenue should never exceed the actual demands of Government. We are disappointed to find that the revision of the tariff last year did not make a greater reduction of revenue. But would this? Gentlemen on that side say not. Experience teaches that it would not. It would be better to take up the items from which our redundant revenue comes and provide for a reduction there.

Mr. Chairman, I seek no political advantage from the success or defeat of this bill. I would not detract from the great reputation of its author or reflect upon his earnestness or ability. Both are well-known and recognized.

If a measure like this was in my judgment wise and I felt that it would be of benefit to the country, I should be glad to support the distinguished gentleman from Illinois in it. But I do not believe the good results which he anticipates would follow it.

I regard this as a question of national concern, to the consideration of which we should come as one people against the outside world, and which we should settle with that high and lofty spirit of patriotism which animated our fathers. The policy which we adopt should not be a local or sectional one, but a broad and national one. The interests of Massachusetts and all New England, with her whirling wheels of tireless toil, are our interests; the interests of New York, New Jersey, and Pennsylvania, with her flaming forges, are our concern; the interests of the States that circle down the Appalachian range and bathe in the tides of the surrounding seas or which shock their golden grain in the fertile valleys of the Mississippi and its great tree of tributaries are ours; and the fortunes of the regions of richer ores on either side of the snowy Sierras and away yonder to the Puget Sound are as much to us as the fortune of the pleasant valley where from the porch of cottage homes we take in view those familiar signs of civilization—the modest school-house, the spired church, the bell-towered college, and the domed temple of justice. It stretches out before us, one exhilarating panorama, one common country, whose every interest is our own, whose highest welfare is our dearest wish.

Contested Election—O'Ferrall vs. Paul.

SPEECH

OF

HON. JOHN C. COOK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House having under consideration the contested-election case of O'Ferrall vs. Paul—

Mr. COOK said:

Mr. CHAIRMAN: In order that a correct conclusion may be arrived at on any question of this kind it is essential that we should first fairly understand the facts in the case. I shall content myself to-day with simply giving a statement of the facts in this case and what I conceive to be sound rules or principles applicable and that experience in this class of cases convinces me are essential in the discharge of that duty imposed on us to judge of the election of our fellow-members. I start out, Mr. Speaker, with this fact: that the contestee received a majority of the votes of the district by over 300. There is no dispute about that. Now, how is it proposed to reduce this majority? Upon what facts is it proposed that over 300 votes shall be deducted from Mr. Paul in the county of Albemarle?

It is claimed that about five hundred men voted for Mr. Paul who had not paid their capitation tax, and as evidence we have the poll-list of each township. Then we have the list of colored delinquent taxpayers, one for each of the two districts, the county being divided into two districts.

Now, I insist that when a name occurs on this delinquent-list it is not sufficient to fairly show that that man voted because a similar name occurs on the poll-list of a precinct embraced in that half of the county. Suppose we find the name of John Jones upon the poll-list in one of the precincts of that county. We now turn to the colored delinquent-list of that half of the county that embraces this precinct. There is no testimony to show that John Jones whose name appears upon one of the poll-lists is the same man whose name appears upon the delinquent-list. There is no circumstance to identify the man.

There is no testimony whatever introduced to show that John Jones upon the one list is the same as the John Jones upon the other list. How, then, do you know that John Jones who voted in a certain precinct is the John Jones whose tax was not paid? Nothing, except that a man by that name appears upon the delinquent-tax list. There are repeated instances where there are half a dozen men having the same name appearing upon the two lists.

Where you have two lists of this character limited to a small precinct, limited to a small number, and you find only one instance of the same name upon the two lists it is safe to assume that they are the same person. But where it is a list that covers one-half of a county, that embraces more than a thousand names, and especially where there are repeated instances of the same name occurring upon the two lists, it is unsafe to assume that the two names stand for the same man.

I have here the case of Letcher against Moore, decided by Congress before the day when partisanship ruled in the determination of election cases. And I say, Mr. Speaker, looking back to the times when partisanship first seems to have entered into these contests no man can do otherwise than to regret the extent to which it has governed the votes of members of the House for the last twenty years. It is a thing that grew out of the heat and passions of the war, which it seems impossible to break up.

It must be with regret that we look back and see not only what outrageous decisions were made in the House, but how the committees, sitting as judges, have not scrupled even to put upon record unjust rulings as being safe precedents for the future. We look to them with regret, because the extreme doctrine used one day by the House when a majority was of a certain political persuasion is used years afterwards on the other side. I say it is fair for us to look back for precedents beyond that period; and I have here a case I want to refer to, the case of Letcher

against Moore, which was in the House a long time and which was thoroughly and ably considered.

Mr. CALKINS. In what year was that?

Mr. COOK. In the year 1833. I find this resolution was adopted by the committee unanimously and was accepted by the House in that case, and it is a fair doctrine to stand by to-day:

Seventh. That when a name is found on the poll-books, proof that an individual of that name resides in the county who is a minor is not sufficient to strike the name off the poll-book, and that some proof, direct or circumstantial, other than finding the name on the poll-book will be required of the vote having been cast by such minor in the county or precinct where the vote is assailed. Adopted unanimously.

Mr. CALKINS. I wish to ask the gentleman whether that same doctrine was not reaffirmed in the last Congress in a case that was tried here?

Mr. COOK. It was, although I do not believe it appears directly in the report; it is in a case I do not care about referring to very often. And yet I believe the doctrine is sound that where you have for one-half of the county the names of over a thousand men appearing on the delinquent-list it is not safe to assume because there is an identity between a name upon that list and a name upon the poll-list the parties are the same.

I insist that the rule which should be adopted in this House, because it is a safe one, because it is the only safe one, should be this: that before a vote is deducted from one side or the other we should have proof upon which it is fair to rely that that vote was cast and that it was cast for the person from whom it is to be deducted. We should have some degree of certainty upon both these points, and especially when the identity of the voter can be established, when you have the name of the man whose vote you are seeking to deduct from the one or the other candidate.

Before you are to do that, the party who is desirous of having the vote thus deducted should bring before the House evidence of a character sufficient to fairly warrant the conclusion that the vote was cast for that man; and that evidence should be of the highest character fairly attainable under the circumstances.

Now, when you have the names of four hundred men whose votes you propose to deduct from the vote of Mr. Paul, what reason is there for not calling the voters themselves, for not taking up each individual vote and identifying it, and showing that the man without paying his tax did in fact vote, and then showing by the best evidence you can secure that he voted for John Paul?

Before I forget it I want to say here that I am now only speaking upon the question whether it is right under the proof to seat the contestant. My views might go so far as to lead me to say that the election in this case should be declared void. But before you shall readjust the account and say definitely that John Paul shall have so many votes accorded to him as having been legally cast for him, and that the contestant shall have so many votes accorded to him as having been legally cast for him, I insist that the House should have evidence that is fairly reliable for that conclusion.

Now, what evidence have you to show that any of these men voted for Mr. Paul? All the evidence that has been given upon that point has been of a general nature only. It is true that perhaps a precedent in the past might be found for coming to the conclusion which the majority of the committee has come to; but such a precedent, if it can be found, is not reliable. I say that it is unsafe to accept general and unreliable testimony, to accept mere guesswork, when the facts admit of proof by circumstantial evidence that is far more reliable.

How do you know that these four hundred men, or whatever number you propose to deduct from the vote of Mr. Paul, voted for him? Is it because A, B, and C give it as their opinion that those men voted for him? But the assertion is made, which I admit is reasonable, and it is supported by proof, the force of which I admit, that these tax receipts were given to parties for the purpose of qualifying voters who would vote the Readjuster ticket. That is the only fact upon which you can hinge the conclusion that they did vote for him. That a work was inaugurated for a certain purpose is apparent from the testimony, and it would not be fair to deny it.

But where men vote by secret ballot it is unsafe, I repeat, to accept any general declaration, or any fact that is general in its nature, and make that of universal application, because you are seeking to throw out every vote that was cast upon this class of tax receipts. I say that in view of the fact that the contestant had it in his power to summon as witnesses these men who voted, and ask them for whom they voted, and in view of the fact that if they declined to state for whom they voted the contestant could have proved to what party each belonged, with what party each affiliated, and could have proved their political choice; he could have placed in evidence circumstances bearing upon each individual vote, and in that way could have proved for whom the men voted. Such testimony should have been produced.

I wish to say one word in reply to my friend from Iowa [Mr. HEPBURN]. He asks the other side of the House whether they are willing to establish the precedent of assuming that because a man is a colored man he therefore voted the Readjuster or Republican ticket. I do not care whether they are willing to do so or not; I am not. I have always noticed that Republicans are entirely willing to claim that when it is to their advantage. I do not think it is fair upon either side. I do not think it is safe or right to accept that as self-evident in a matter requiring judicial determination.

I want to apply here to-day the same rule of action that I would be willing to have applied in the next Congress, if the Republicans shall have the same majority then that the Democrats have here to-day, and I would apply none other. I believe that in all these contests we should disregard the present and look to the future. By my votes on this floor and by my voice in the committee I shall oppose the adoption of any rule now which I would not have apply in the future. And when every political party comes to that in this House, when the Republicans, being in a majority, shall apply in these cases only such rules as they are willing that the Democrats should apply when they have the majority, and when the Democrats shall act in the same way, then we will have more fairness in the decision of these cases, and there will be less room for the criticism which is now universally made upon our decisions.

Look over the country, take the public opinion of to-day, and you will see that no regard is paid to the decision of this House in election contests, because they consider it a foregone conclusion that such decision will be a partisan one. I am surprised, and I may be pardoned for referring to it, to find on the Committee on Elections and in this Congress men who in the last Congress voted for the unseating of men on this floor, and now when parties are reversed are ready likewise to reverse their opinions and turn their backs on their past positions.

It is for that reason that I speak on this occasion. I want a rule adopted which will be safe for all future time. I want the best evidence which is attainable under the circumstances, and I want that evidence to be such as is fairly reliable, before any vote shall be deducted from one man or given to another.

The other point in this case, which relates to the question of whether these men's taxes were in fact paid in time, I leave to those more familiar with the details.

The Tariff.

SPEECH

OF

HON. BURR W. JONES.

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. JONES, of Wisconsin, said:

Mr. CHAIRMAN: The history of politics is full of illustrations of one fact that is, that the masses are not easily led away from those vital issues on which all great questions depend. The average common sense of mankind somehow sees through the rubbish of false statement, of abstraction, of prejudice, down to the live practical issue about which the whole contest turns.

Some forty years ago there was struggle, memorable in English history, in which the political economists deluged all England with facts and falsehood, with theories good and bad. If that had been possible the judgment of the common people would have been utterly dazed in the confusion of all the sense and nonsense, oratory, statistics, and literature, poured in upon them. Meanwhile the multitude quite ignored the doctrines of former centuries. They gave themselves no trouble about the doctrines of the future. They decided that during their own day and generation one tax at least should be removed; that bread should go untaxed to the mouth of the consumer. Their will became law. The corn laws were repealed.

In our own country there is now going on a struggle between contending views on the subjects of revenue and taxation. Extremists on both sides are seeking to direct the contest. There are those perhaps, though I doubt if there is one in this House, who would sweep away all duties upon imported goods. These extremists are so few in number or so widely scattered in this country as to be not easily found. And yet every man who asks for a reduction of taxation is described in some quarters as a free-trader. Then there are theorists and extremists of the other sect: those who seem to believe that international trade is a curse; that no good thing can come from abroad; that the ocean should be the uttermost boundary of commerce and not its highway; that taxation is not a clog and burden upon industry, but is its life and motive power. Meanwhile the people who sent us here are not worrying about the abstract principles of protection on the one hand or of free trade on the other. Those principles must take care of themselves;

and woe be unto either of them if it shall stand in the path of a great nation's progress.

While the theorists are contending among the clouds, those who sent us here are also contending, but over a very plain and an intensely practical question. That question is: ought the extraordinary taxation of the war period to be made perpetual in time of peace? In this House we find ourselves divided upon this question. Our Republican friends are practically united in saying that there should be no change. They have voted against the consideration of the only bill brought before the House to reduce taxation. They will now seek to summarily behead the measure by voting to strike off the enacting clause. It is not merely that they oppose this bill; they ask no opportunity to amend it or make it better. They oppose all legislation tending to reduce the present high taxation. A very large majority of those on this side of the House maintain that there ought to be a material reduction from the rates of taxation imposed by the tariff bill of 1861 and the other bills of the war period. We believe that the question now before us is the precise question which was submitted to the people of this country in the elections of 1882, that it will thrust itself upon our attention until decided upon its merits, and that it will down at the bidding of no monopoly or no party.

I quote from the last report of the Secretary of the Treasury:

> Upon the estimate of $85,000,000 as the surplus for the current year, we find a surplus for that period of nearly $40,000,000 not wanted for the regular expenditures of the Government or for the payment of the national debt through the sinking fund.

Again in the report he says:

> The estimates for the fiscal year ending June 30, 1884, show a surplus revenue of $85,000,000 per annum. This is enough to pay all the 3 per cents in about three and one-half years and before the close of the fiscal year ending June 30, 1887.

It will be remembered that after 1887 no other of the Government bonds can be called until 1891. They can only be purchased in the market and by the payment of a large premium. The Secretary estimates that this surplus will be increased year by year by the increasing population and swelling business of the country.

In the elections of 1882 our people decided by an overwhelming vote that Congress at its last session had been derelict in not reducing taxation. They condemned in no uncertain manner that Congress for spending improvidently the public moneys instead of reducing the surplus revenues. At the last session of the last Congress, after the elections and the whirlwind, there was a pretended yielding to the imperative demand for reduction of taxation. Even Mr. KELLEY, of Pennsylvania, was constrained to say "the present object, dear to the heart of the people, is to diminish an excessive revenue." The tariff commissioners had recommended a bill reducing tariff rates on the average 20 per cent., and had stated that in their opinion the reduction would reach 25 per cent. The same statement was made by the gentlemen who had in charge the tariff bill which finally became a law. In order to show how this promise has been kept, I will ask leave to print a short extract from the report of Mr. Nimmo, of the Bureau of Statistics. It tells its own story.

Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of ad valorem rate of duty collected, during the six months ended December 31, 1882 and 1883.

Articles.	Six months under the old law—1882.			Six months under the new law—1883.			Increase (+). Decrease (—).		
	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem.
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*
All dutiable merchandise	260,856,237	110,449,331	42.34	241,738,562	98,812,477	40.87	— 19,117,675	— 11,636,854	— 1.47
Sugar and melada	44,432,311	23,180,590	52.17	46,793,822	23,520,030	50.26	+ 2,361,511	+ 339,440	— 1.91
Iron and steel, and manufactures thereof	32,499,426	12,713,996	39.12	23,766,583	8,207,133	34.53	— 8,732,843	— 4,506,863	— 4.59
Wool:									
Clothing	1,210,689	671,415	55.46	2,399,515	1,073,311	44.73	+ 1,188,826	+ 401,896	— 10.73
Combing	135,123	67,839	50.19	615,677	267,704	43.48	+ 480,554	+ 199,865	— 6.71
Carpet	3,505,980	974,202	27.79	4,348,132	1,087,519	25.01	+ 842,152	+ 113,317	— 2.78
Manufactures of wool	22,400,387	14,943,626	66.71	23,128,502	15,193,291	65.70	+ 728,115	+ 249,665	— 1.01
Manufactures of cotton	14,967,850	5,629,658	37.61	12,033,872	4,828,117	40.12	— 2,933,978	— 801,541	+ 2.51
Manufactures of silk	19,999,119	11,738,469	58.69	21,287,064	10,615,270	49.87	+ 1,287,945	— 1,123,199	— 8.82
Earthen and china ware	4,423,146	1,896,705	42.88	2,568,288	1,438,035	55.99	— 1,854,858	— 458,670	+ 13.11
Glass and glassware	4,271,305	2,327,660	54.49	3,942,765	2,206,789	55.97	— 328,540	— 120,871	+ 1.48
Spirits and wines	5,203,625	3,706,142	71.22	2,801,525	2,632,873	93.98	— 2,402,100	— 1,073,269	+ 22.76
Malt liquors	511,772	227,370	44.43	490,326	235,827	48.10	— 21,446	+ 8,457	+ 3.67

From this statement it would appear that the promised reduction of 20 or 25 per cent. has proved a ridiculous failure. I ought perhaps to state that on page 9 of this report Mr. Nimmo states it as his belief that, owing to causes which I have not now time to repeat, the former report should be somewhat modified, and he estimates the reduction at between 5 and 6 per cent. Whether his first estimate or his second is more nearly correct I do not know. In the first, the figures speak for themselves and indicate a reduction of less than 2 per cent. In the second, the result is based upon a process of reasoning about the accuracy of which there may be differences of opinion. Suppose it be granted that 6 per cent., the utmost that is claimed by any one, measures the amount of the reduction under the law of 1883, what would have been the answer of an indignant people if Mr. KELLEY and Mr. MORRILL had told the public that the bill would only reduce the war-tariff rates 5 or 6 per cent.? The leaders of the Republican party knew very well, as did every one else familiar with public sentiment, that a proposal for so slight a reduction from the enormous war tariffs would have been received with almost universal contempt. They made the most solemn promises to reduce taxation, to relieve the people of at least 20 per cent. of their tariff taxation. No man pretended that less than that would be satisfactory. Every one agreed that the reduction should be made, and be made at once. Those in the minority asserted on this floor that the bill was the handiwork of the manufacturers; that it would not satisfy the popular demand. The minority sought, but in vain, to obtain much greater reductions than Republicans were willing to yield. Under these circumstances the bill was passed. The Tariff Commission was one expedient for delay; the tariff bill of last winter seems to have been little else than a second continuance of the people's suit for a reduction of taxation. But the people are still demanding a trial on the merits.

Thus far the results have shown that the people are not likely to receive any substantial relief from a party whose cardinal doctrine is high-tariff taxation. We who favor this bill charge that the solemn promises made to the people that they should have a substantial reduction of taxation have been most flagrantly disregarded. The party which made those promises can make no denial of the charge. Men have only to read the pledges which were made by those who were responsible for that bill and the reports of public officials of that party high in place to learn how freely the promises were made and how freely they were broken. Not one-quarter of the long-sought and long-promised relief has been given. Now when the deficiency is demanded it is stubbornly refused.

In the face of these solemn promises every man of every class still pays an average of nearly 40 per cent. tariff tax on the great mass of the necessaries of daily life; by the lowest estimate, 42 per cent. on his sugar; 33 per cent. on steel and iron, and manufactures thereof; 62 per cent. on his woolen goods; 39 per cent. on his cotton goods; 56 per cent. on his earthen and china ware; 55 per cent. on his glass and glassware.

The survivors of the brave men who fought their country's battles in the last great war are now on the downhill of life. Since the time when they responded to the solemn call of their country a new generation of men and women have appeared. But the war taxes still remain. They still wring from the earnings of every humble citizen his tribute not only to the Government but to the monopolies whose influence has continued the extraordinary taxation of the war period long after its necessity has passed away.

For years past the most liberal appropriations have been made for all the needs of Government—appropriations so large that more than once they have been heartily condemned as extravagant. Yet, after the payment of all expenses, including pensions, the sinking fund, and interest on the public debt, the fact still stares us in the face that a large surplus remains in the Treasury, increasing year by year.

Here is a plain, simple issue; one which every man can understand: do the people of this country desire us to continue the levying of needless taxation year by year on the theory that Congress can be better trusted than themselves to spend their surplus earnings? Do they wish to pay for the necessaries of life 30 or 40 per cent. more than they are worth in the markets of the world? And, if so, for what purpose? Is it because they think it desirable that after the necessary expenses of Government are paid there should remain annually a surplus of fifty or sixty million dollars to invite fresh raids upon the Treasury?

Those who believe in this policy may be right; yet it may be worth

while to reflect that the $85,000,000 surplus referred to by the Secretary of the Treasury would have paid all the expenses of this Government in 1860 and there would have been some millions to spare. It would have paid more than four times over all the expenses of Government in the days of Jackson. Now our expenses are more than $265,000,000 per year, and they can be increased, the people may be sure, quite as rapidly as they may desire.

If the people enjoy the policy of paying into the Treasury many million dollars each year more than is needed for the legitimate expenses of the Government, they have only to say the word and that policy will be continued. So long as we continue the present rates of tariff taxation the surplus in the Treasury and an increasing surplus will be the necessary result. Nor will Congress find any difficulty in expending that surplus if public sentiment shall indicate that it is regarded as a blessing to be continued. The Republican Senate have already sent us a bill appropriating $77,000,000 for educational purposes. That snug little sum is to be collected from the whole people if we shall approve the bill, and then is to be filtered back through the several States to be expended, not evenly, but in the ratio of illiteracy.

There are other ways in which Congress could easily enough expend such money as the American people may fancy they do not know how to spend themselves. The president of the Mississippi River Commission says that it would be a good investment to expend $75,000,000 in improving that river. The friends of the proposed Hennepin Canal can suggest a way to use divers and sundry other millions, when the people become quite certain that they are going to enjoy forever the high tariffs and the high taxation that Mr. KELLEY and the other leaders on the other side are determined to perpetuate.

Congress ordinarily appropriates six or seven millions per year for the erection of public buildings. There are bills before us at this session asking for about fifteen millions for this purpose. I trust that we shall see to it that a goodly portion of them do not pass; but yet if we felt certain that those who sent us here are longing to have us spend their surplus earnings, we could erect magnificent buildings of rare architectural design in a hundred cities.

I understand that the annual river and harbor bill is to be reported in a few days and that it will ask for about twelve millions and a half. That is undoubtedly more than would be asked but for the plea made every day that we have a plethoric Treasury.

If the people insist upon the policy of paying this large surplus into the Treasury year by year the Government engineers can find manifold ways in which to spend it. They can find a thousand rivers to be dredged and as many harbors to be created. Behold the beauties and the consistency of the high protective system! It has practically driven the American flag and the American ship from the high seas. It has left our foreign carrying trade at the mercy of England. Only 16 per cent. of our foreign commerce is carried out in American bottoms, whereas twenty-five years ago the proportion was 66 per cent.

The system looks with jealousy and distrust upon the approach of every vessel to an American harbor if that vessel brings any product which could be manufactured in the United States. The entire system is adapted to drive away those vessels and those products, especially if they be cheap, and yet with lavish appropriations of public moneys it improves and opens with one hand the same harbors which with the other it seeks to close to the commerce of the world.

High tariffs mean high taxation. A tax is a tax all the same whether paid to the tax-collector in bulk or whether paid in driblets day by day at the store and shop, in the form of higher prices for sugar, cotton cloth, boots, hats, blankets, lumber, and all the necessaries of life. It is still a tax, and it lessens by so much the substance of him who pays it. Those who would maintain the present high taxation and high tariffs insist upon large appropriations. The latter follow as the natural sequence of the former. Our Republican friends on this floor fought long and ably to add to the postal appropriation bill and to the naval bill several million dollars more than we believed to be necessary. They accepted their failure in no merry mood. From the beginning of this session until this hour they have voted in almost solid phalanx to increase the expenses of Government and against reduction. I do not say this in any spirit of criticism, but I state it as a fact known to us all. They vote for large expenditures, not because they like extravagance, but because they are wedded to the system of high-tariff taxation.

That system produces large revenues, which in turn result in large expenditures, just as inevitably as the waters of the swollen river find their way to the sea. The issue has never been so clearly drawn as now. We who favor this bill assert that taxes, whether direct or indirect, should not be levied beyond the proper wants of Government; that a large surplus revenue should not be collected from the people either to be divided partially among the States or to be wasted in needless appropriations; that the true way in which to dispose of an excessive revenue is not to collect an excessive revenue, but to leave whatever is not needed for the legitimate expenses of Government with the people, where it belongs. Any other system is not protection in any just sense, but is extortion pure and simple, and none the less odious because under the guise and pretense of law. We believe that the present surplus should be immediately cut down by a reduction of taxation; that the promise made to the people in the last Congress, though not made by us, should be sacredly kept.

If this reduction of taxation means protection, I am for protection. If it means free trade, I am for free trade. I support the Morrison bill not because it squints toward protection, nor because it squints toward free trade, but because it is the only measure before us promising a reduction of taxation and of the surplus revenue. I believe that this large surplus revenue is a standing menace to honest administration. It is a temptation to every hungry lobbyist. It gives new strength and vigor to every weak and antiquated claim against the Government. It fires the imagination of every crank and excites the cupidity of every knave.

All history teaches that an excessive revenue tends to make extravagance the fashion and frugality unpopular.

The every-day expenses of Government are now more than four times the expenses of 1860. Deducting the items of pensions and interest on the public debt, and they are still nearly two and a half times the expenses at that period. Is it desirable to check this rapid increase of public expenditure? There is one way, and only one way, to accomplish that result: it is to limit and reduce taxation. Any other method will prove a delusion and a snare.

The people whom I have the honor to represent are intelligent enough to dispose of their own surplus earnings. I can not believe that they care to yield that privilege into the hands of this or any other Congress. I have every reason to believe that they would gladly see such a substantial reduction of taxation as the last Congress promised but did not give. The only question then remains, how shall that reduction be made? Mr. KELLEY and those who follow him would exclaim, "If you must reduce taxation, abolish your odious internal-revenue system! Take off the tax on whisky and tobacco!" That is the programme of protection, the programme of the Republican party. I am sorry to say also that it is the programme of Mr. RANDALL and the few protection Democrats who are threatening to form an alliance with Republicans to defeat this bill.

On the other hand, we who support this bill believe that it is more important to give the people cheap sugar, cheap salt, cheap clothing, and cheap lumber than it is to give them cheap cigars and cheap rye and bourbon whisky. I am already committed by my action in this House to the policy of maintaining the internal-revenue system. If, then, I am to favor a reduction of taxation there is but one alternative, and that is to sustain the reduction of tariff duties. It is because this bill promises a substantial reduction of those duties that I give it my support. During this long debate the measure has encountered every form of criticism. Among other things it has been charged that the bill is inopportune; that it follows too quickly after the tariff bill of last year.

No measure can be inopportune which proposes in a fair and moderate manner to reduce excessive taxation. We have waited long enough to learn that the tariff act of last year was a hollow pretense. If this bill should become a law the reduction of tariff rates would be no greater by the operation of both laws than was promised by Republican leaders as the result of the former law.

Then all promised that a substantial reduction should be made. This bill is nothing more than an attempt to pay 100 cents on the dollar of that repudiated debt.

It is charged, too, that the Morrison bill is illogical because it proposes a horizontal reduction of taxation; because it proposes to reduce indiscriminately one-fifth of the tariff tax from nearly every article on the list.

Any objection of this kind applies with equal force to the existing tariff laws. We concede that the present tariff laws are so full of absurdities that no process of addition or subtraction can change their inherent defects.

The inequalities of the present laws have long been the subject of just complaint. When the poor man looks for the symmetry of the existing tariff laws he will find that he has to pay a tariff tax of more than 40 per cent. on his sugar, while his wealthy neighbor pays only 35 per cent. on the sweetmeats imported for his more favored table. The carpenter or farmer pays more than 100 per cent. bounty on the rice for his breakfast table. If the millionaire imports his fancy jellies and sauces he pays only 35 per cent. The blacksmith and the farmer pay a duty on their daily salt of 73 per cent. The more favored gentleman whose labor consists in spending his inherited wealth also contributes to the general weal by paying 10 per cent. upon his diamonds.

The poor man's family pay upon their worsted goods a tax of from 70 to 90 per cent. The rich man's family pay for their embroideries of silk only 50 per cent. This is what is meant, I suppose, by a discriminating tariff.

When the laboring man begins housekeeping he is taxed on the dishes which he buys nearly 60 per cent. When wealth and fashion prepare for the ball, they are taxed upon their jewelry, but only 25 per cent.

When the day laborer builds his home he pays a tax upon his window-glass varying from 55 to 70 per cent. Perhaps he ought to do so cheerfully, especially when he learns that the millionaire for whom he toils pays his share of tax; that is, he pays for the paintings on glass, the statuary and porcelain in his mansion, a tax of 30 per cent.

The farmer or mechanic in Wisconsin is taxed for his jeans or denims about 40 per cent. Mrs. Vanderbilt or Mrs. Astor returns from a Eu-

ropean voyage with her European trousseau costing $5,000 or $10,000 or $15,000, and pays not a cent.

I might go on, if time permitted, almost without limit showing the symmetry of the present tariff and with what tenderness it protects the poor man!

There is one way in which to make the present revenue system sternly logical and consistent. That is, to adopt the unadulterated protection policy; to abolish the tax on spirits and tobacco. Then you would have that system in all its glory; the system which would tax to the utmost the necessaries of life, but would make luxuries free as air. Under that system taxation would rest with leaden weight upon the shoulders of the poor and middle class, while the rich would be as far as possible freed from all contact with such vulgar cares. We have gone quite far enough toward such logic and such perfection. When the gentlemen who criticise the Morrison bill as illogical and unscientific will point out a better plan we will follow it with pleasure. We will join them any day in an attempt to thoroughly revise the old law and to lop off its defects. But they make no such proposition. They expend their patriotism not in suggesting any better legislation, but in denouncing the only plan before us to reduce taxation. The Morrison bill in no way impairs any semblance of symmetry that may be found in the present laws.

It proposes a very moderate reduction of the tax on all those articles which enter into use and consumption in our every-day life. It singles out no one industry or monopoly for attack, but says to all the protected industries you must now surrender to the common people a small part of that tribute the law has so long exacted in your behalf. This small abatement on each article of the war-tariff taxation will in the aggregate swell to a large measure of relief, amounting, it is estimated, to $35,000,000.

One gentleman seemed to think that he had deeply buried this bill beneath the criticism that it is so simple and plain that, as he expressed it, any car-driver could have drafted it. If it is a plain measure, it is in striking contrast with those tariff bills which the manufacturers have heretofore presented for the ratification of Congress; bills so complicated that they were neither understood nor intended to be understood except by the experts who drew them. Those who wish to continue high taxation by skillful indirection are not expected to find any virtue in a bill which only pretends to reduce taxation in the fairest and simplest way.

Those who have no interests to be protected by special legislation, those who pay the taxes, may not find it such an insuperable objection to this bill that its provisions are plain enough to be comprehended by common men.

We all know what kind of a bill would be prepared by the gentlemen who ridicule the simplicity of this one. They would begin their work by announcing with some flourish of trumpets their intention to satisfy the desire dear to every American heart by a reduction of taxation.

In order to place their work far above the comprehension of the common mind, they would begin by adding three or four new classes to the schedules of woolen, cotton, and iron goods. They would reduce slightly an ad valorem rate here and there, but would not forget to increase at the same time the specific duty on the same article. They would occasionally change the duty from ad valorem to specific or the reverse.

After the lapse of a year the public would perhaps find that all relief had been delayed for a year at least, and that a reduction of 1 or 2 per cent. had taken place, but that it had been made in a very scientific manner, and it would prove entirely satisfactory to the "business interests;" that is, to Pennsylvania.

In currency questions a few years ago all became familiar with the saying, "The way to resume specie payments is to resume." We who vote for this bill act upon the principle that the way to reduce taxation is to reduce, and with as little circumlocution as possible.

An intelligent public will not lose sight of the fact that this bill would not reduce the tariff rates below those of the Morrill bill of 1861. It will not be forgotten that the act of 1861 was formed to produce large revenues for the emergencies of war, and that it met the approval of the manufacturing interests as a high protective tariff. It will be remembered that as the rates were afterward still more increased, it was with the understanding, often expressed in Congress, that they should be reduced when the emergencies of war should pass away. There was another reason assigned for the increase of the tariff rates far above those rates which had been maintained in peace, namely, that the long list of internal taxes greatly increased the cost of manufactures, and that the increased tariff rates were in compensation for this new burden. It was promised by those who urged this reason for higher tariffs that those tariffs should be reduced when the direct and internal taxes should be removed. If there were time, I could read copious extracts from the speeches of such leaders as Senator MORRILL to verify this statement. The direct and internal taxes thus affecting the cost of manufactures have long since been removed, but the manufacturers now seem utterly oblivious of the pledges by means of which the high war tariffs were obtained.

By every rule of fairness and good faith the manufacturers ought long before this to have consented to a reduction from the enormous bounties which the laws passed under those circumstances have so long exacted. But it is and has always been the curse of any system of favoritism in government that the recipients of favors will inevitably beggar the liberality on which they feed.

At the beginning of our Government, when manufactures were indeed in their infancy, they had such protection as was given by average tariff rates of about 8 per cent. Under the Walker tariff of 1846, a tariff under which manufactures and commerce enjoyed a prosperity unparalleled in the history of this country, the average rates were only about 23 per cent. Under the circumstances and by the pledges I have already mentioned the tariff rates of the war period were obtained, and they have been to this time maintained to the standard of about 40 per cent. It would be only a graceful and manly observance of their plighted faith if the protected industries would voluntarily reduce their bounties to the standard of the wants of peace.

But they enjoy these bounties quite as well in robust manhood as when they were in tender youth.

A glass manufacturer recently told me that the manufactory in which he is interested in New Jersey had existed for more than one hundred years. During most of that period that industry has had the aid of so-called protective tariffs. The logical tariff bill of last year did not diminish but increased the rate on this youthful centenarian industry. It will also be observed that the tariff law of 1883, which was ushered in with the announcement of reduction, increased the duties on cotton goods and earthen and china ware, although it could scarcely be claimed that those industries were either feeble or of recent growth.

The manufacturers engaged in these industries which have been protected for nearly a century do themselves and their own enterprise great injustice in this claim that they can only live as the petted favorites of Government. Those industries are not the weaklings that such a theory would imply. Our exports of manufactures for 1883 were about $112,000,000. And this, too, despite that narrow commercial policy which discourages to the utmost all foreign trade.

It is an interesting study to trace the wanderings and the destination of our American goods. American furniture is finding its way into the quaint old homes of the Japanese. Those steady-going, conservative people are wearing American boots and shoes and handling American tools. The New Zealanders are making woolen goods with machines which Yankee ingenuity has invented and American workmen have constructed. American-made sheetings are used by the tawny Madagascans, and the cotton drillings, sheetings, and jeans turned out of American factories are welcomed in the staid old empire of China.

American clocks are used almost the world over. Their familiar faces welcome the American traveler whether he be wandering in Zanzibar, Bogota, or Canton. For years American glass has been crowding its way into those old cities of Germany which have long claimed supremacy in that industry. It is well known that the Swiss watchmakers for seven or eight years past have been anxious lest they should be driven from their own markets by the wonderful progress of American skill. The pauper labor of Europe is well represented in broken-down old Spain and Portugal, yet our American labor sends to those ports its products of chemicals, glass, cotton, and other manufactures. American cutlery finds its way into Dresden and Berlin, and the new American stoves are transported beyond the seas to be sold into the old German homes.

In the long list of exports from young America to antiquated Egypt you will find almost infinite variety, from the boot-jack to the cotton-gin, from the ax to the wind-mill, from the paper collar to the billiard-table. We have not only competed with the English trade in cotton goods in India, China, Africa, and South America, but the New England cotton fabrics have contested their ground on the soil of old England and in the very streets of Manchester. The gentleman from Connecticut [Mr. EATON] comes from a protection district, and well represents that sentiment. These are the words used by him on this floor:

> Talk about the cotton of which my shirt is made. There is 50 per cent. duty on that cotton. And it can not be made anywhere on God's great earth except in New England; it can not be made for the same money anywhere else. I know it, I assert it; I defy contradiction from anybody and anywhere. Take the Collins axes, that have driven the English axes out of England, and Scotland, and Ireland, and the Swiss ax out of Switzerland, and yet there is a duty of 50 per cent. on the Collins axes, made in my county, their office under mine. There is not an ax that can be sold anywhere on the face of the earth in competition with the Hartford ax, and yet they pay—permit me to say, to meet the argument of my friend from New York—they pay for what is called raw material, and it is not raw material; it is material, but it is not raw. They pay duty on their iron and steel, and yet make an ax which has driven every manufacturer of every other country out of the market.

And yet when we seek to reduce the tariff duties on such articles as these the manufacturers denounce us with one acclaim. If these statements of the gentleman from Connecticut are true, and they undoubtedly are true, the articles he names should go upon the free-list without one day's delay. It is noticeable that among the industries which are sending their wares to the farthest quarters of the globe are those which have never had any benefit from the protective policy. The American wagons, carriages, sewing-machines, plows, reapers, steam-engines, and other tools and machines are so far superior to those of other nations

that they have needed no protection at home and have been troubled by no competition. The tariffs have hampered them at every step by adding to the cost of the materials entering into their production. Notwithstanding this embarrassment they are being carried thousands of miles beyond the seas to almost every foreign land. Complaint comes to us from many foreign cities that the American trade-marks on their goods are being stolen and counterfeited on the imitations of those who can not compete with Yankee skill.

Those who insist upon that high-tariff policy which tends to exclude foreign trade have but a weak conception of the destiny of American manufactures and American commerce.

We have such natural advantages for manufacturing as are possessed by no people on the face of the globe. England sends to the four quarters of the globe for her raw material. We have ours cheaper and easier of access than any nation on earth. The natural and rapid growth of our population and the opening up of the great West will inevitably give birth to manufactures. Those manufactures will spring up wherever new homes are made and new cities founded. They are the necessity of civilization. Statutes can neither make nor unmake them. They will be such manufactures as are needed and such as will pay. They will be conducted on business principles and will not look to Congress for the breath of life. Such manufactures there are to-day all through our Western States. Those manufacturers have not learned to haunt the room of the Committee on Ways and Means. They do not enjoy the great bounties which the people are compelled to pay to the manufacturers of iron, but they have a healthy and prosperous business, depending upon the natural laws of trade.

Meanwhile those great manufacturing industries of the East, which for nearly a hundred years have been receiving bounties at the hands of the whole people, should commence in earnest their contest for equality in the markets of the world. New railroads are linking us more closely to the vast fertile regions of Mexico and South America. We are united to those countries by such ties of interest and sympathy that our manufacturers could practically control their markets if they should use in that direction half the skill and effort which they devote to tariff legislation. In every civilized nation there is a demand for the genuine products of American skill in the place of those clumsy imitations of European manufacture which now largely take their place. The present high tariffs hamper the manufacturer who would seek this foreign trade at every step. The tariffs on the raw material of course greatly enhance the cost of the finished product and thereby render more difficult competition in the foreign market. They drive from our ports those who would gladly exchange their goods for the products of American skill.

Those great industries which have so long enjoyed protection, with all their wealth and with their almost perfect machinery, should now prepare to cease their trading and lobbying for legislative aid. The history of these last twenty-three years of enormous tariffs has well illustrated the evils of the system to which they cling.

Under such a policy there comes a brief period of prosperity. For two or three years manufacturers are almost bewildered by their prosperity. Stocks pay large dividends, and even when watered command enormous premiums. Manufacturers erect their palatial homes. Extravagance runs riot in the prosperity which gives no sign of its quick decay. Meanwhile overproduction follows as surely as night follows the day. There comes after a time a lull in the unnatural production; dividends cease; stocks are at a discount; banks begin to fail; inflated prices drop as far below their natural level as they had risen above. The millionaires of yesterday are the bankrupts of to-day. Laborers are driven from their employment to fight the hard battle with poverty and want during the weary months, and until the overstocked market needs to be filled anew.

The dazzling but transitory prosperity which such a policy gives to the manufacturer may be fascinating to him; it may account for the eagerness with which he begs for a continuance of the system, but it is a policy which builds up colossal and sudden fortunes for the few; which dooms the many to that condition in which they are not certain even of the poor chance to toil for their daily bread.

It is not in these great extremes of success and disaster that a people find any lasting basis of prosperity. When manufacturers shall learn to depend upon the great laws of trade, of supply and demand, and not upon the unnatural and uncertain stimulus of legislative aid, there will be that regularity of production and that certainty of employment at steady and moderate wages which are the real guarantees of prosperity both to capital and to labor.

For nearly a hundred years the manufacturers of the East have been claiming and receiving bounties on the ground that they were young and feeble industries. They begin to realize that the infancy argument is becoming ancient. And they are now seasoning the old argument with the newer one, that high tariffs and high taxation are necessary to give good wages to the laboring man. They seize hold of the fact that wages are higher in the United States than in Europe, and claim with cool assurance that this is caused by the tariff laws. Wages are higher in this country, I am glad to say, than in any country in Europe. Doubtless the nominal difference is far greater than the actual difference, owing to the greater purchasing power of money, where the necessaries of life are cheap, as in Europe.

I am willing to concede what some do not concede, that is, that the laborer here can obtain more of the comforts of life in exchange for his earnings than can be obtained by the laborer in England. I believe this to be true now and that it has been true during the whole history of our Government; that it was equally true when tariffs were high in England and when they were low in the United States.

The same causes which have in the past given us higher wages than those of Europe will I have no doubt operate in the future in the same manner, and they will be but little affected by any system of taxation or tariffs we may adopt. Our German and Irish fellow-citizens have left their native lands, where more than two hundred people are crowded upon one square mile of land, to find more room and cheaper homes. The cheap lands of the United States are a refuge not only to the crowded nations of Europe, but they afford an outlet to the laborers of every industry in this country. No man can be very long compelled to work for inadequate wages in free America so long as he can have his own fertile farm from the Government on the single condition that he will go and possess it. The standard of wages is high for this reason if for no other. The laborer is independent. The workingman of Chicago can say to his employer "Give me better wages or I will take my homestead in Dakota." The workingman of Manchester or Berlin has no such easy refuge. To him a change means either idleness or a long journey to a foreign land.

The fertile fields of our single State of Texas would furnish a home to every man, woman, and child in the United States, and still would be less thickly settled than Great Britain and Ireland. We shall no doubt have our trials and our troubles as a people, but the problems of an overcrowded population and of pauper labor are not likely to disturb the American people until many generations shall have passed away.

There need be little fear of cheap or pauper labor in the United States if we allow labor and industry to follow their natural channels. If, however, we attempt to coerce labor into unprofitable employments, if we close our doors to foreign trade, if we make it impossible for other nations to bring their goods in exchange for the surplus products of our farms, if we hold out that false stimulus to production which floods the home markets with a surplus to go begging for purchasers, we may be sure that the tendency of wages will be on the downward scale.

Such a policy is the fruitful cause of strikes, of idleness, of discontent, of all those evils which result when thousands of laboring men are turned out of employment and know not where to look for their daily bread. If high tariffs insure high wages how is it that in England, with free trade, wages are considerably higher than in any country of Europe where the high-tariff policy prevails? How is it that the condition of the laboring man in England has steadily improved since the time when the high tariffs were swept away? There was a time when the laboring poor of Ireland and England were told by the protectionists that high tariffs meant high wages and low tariffs the degradation of labor. The great Irish orator Daniel O'Connell answered this proposition in Covent Garden forty years ago. I have only time to quote a part of that memorable address:

But, then, out comes another landlord "leaguer," a man of the league for making bread dear, another protectionist, another robbery man; he says, "Oh, don't make bread cheap; that would be horrible!" This man says "it would be horrible to make bread cheap, for if you did there would be less employment and lower wages." We will see how that is. If the bread were cheap you would get it cheap by getting corn from foreign countries, where it is grown cheaply, but from whence it can not be imported now. What is the consequence? If it had been imported, then for every pound's worth of corn that you obtain a pound's worth of your manufactured goods would be sent out to pay for it. Those who had not formerly the means of paying for your manufactures would now have them, because you would buy their bread. So that, instead of lessening employment, it would increase it; and then it is as clear as that two and two make four that you must also have increased wages; therefore the argument totally fails. Why, I speak from my own knowledge of Ireland and as one of the representatives of Ireland, and I say that if the corn law was of any use anywhere it would be valuable in Ireland, which is essentially an agricultural country. If that enactment raised wages anywhere it would do so in a country purely agricultural. But are wages raised in Ireland in consequence of its existence? Oh, no! for, unhappily, you can get men to work there for 4*d.* a day. [Shame!] The laborer thinks he is a bountiful benefactor who pays him 6*d.* a day; and he feels supremely blessed if he gets 8*d.* a day.

There is the effect of the corn law for you! It is in full force in Ireland and doing all it can for that country, and yet this is the state of wages there; and what is worse, there is very little employment for the laborer even at these rates. Therefore the people of Ireland and those of the gentry who take a conscientious view of affairs and are kind to the people regard this matter in the same light that I do; so that instead of Ireland being an impediment in the way or one of your difficulties [laughter] you have the people of that country heart and soul at your side. [Cheers.] I declare to you that the injustice and iniquity of the landed aristocracy overcome me with horror and loathing which I can not describe. Why, if there was no corn law now existing, and the ministers were bold enough to bring in a bill to tax the people's bread; if they placed, as they do in some despotic countries, a man at the door of the baker-shop to insist on one-third part of the price of the bread, which the baker would of course be obliged to charge to the consumer—if this were attempted there is not a man in the country who would endure such a tax. It would be of no avail for the minister to say, "I want the money for my financial plans; I can not make the year's account balance unless I have such a tax." John Bull would roar out, "No! tax anything else you please, but you must not tax bread." Yet by the swindling scheme of "protection," as it is called, they do the very same thing. They tax the bread, not for the good of the state, in which you might all equally participate, not for protection against a foreign enemy or

to keep domestic peace, but for the benefit of one particular class. All the rest of the community are taxed that that tax may not go into the purse of the public, but that it may go into the pockets of private individuals. ["Hear!" "Hear!"]

The common people of America are not asking for cheaper bread, it is true, but for cheaper salt, cheaper clothes, cheaper coal, cheaper sugar, cheaper lumber. The same argument which demanded cheaper bread for oppressed Ireland demands cheaper goods for overtaxed America.

If high tariffs insure prosperity to the laboring man, how is it that in the United States during the last twelve or fifteen years, while tariffs have been not only protective but in a large degree prohibitory, labor has had so precarious an existence? How is it that labor strikes have been so common as to scarcely excite attention; that manufacturers readily accept the theory of horizontal reduction in wages, though they abhor it in the Morrison bill? Why are more than two-thirds of the furnace fires extinguished and the men who live by them out of work?

I take the liberty to quote a few paragraphs from the able speech of the gentleman from New York [Mr. HEWITT] who is himself a manufacturer, and who has well improved his opportunities of studying the effect of tariffs on the condition of the laboring man. He says:

When I learn that there are miners of iron ore working in the State of Pennsylvania for 75 cents a day, then I know that there is something wrong in the legislation of this country, for the duty upon iron ore was put up by the last tariff act on an average from 40 to 45 cents a ton to 75 cents a ton in order to protect these very miners and to give them high wages. When that act was passed they were in receipt of $1.25 a day; to-day they are in receipt of 75 cents a day. Surely, if there be virtue in legislation these men, hard-working, industrious, independent voters, if you will give them the means of living, ought not to have been reduced to this wretched state of misery.

But the end is not yet. The owners of these great coal-mines have recently met in conference in the city of Philadelphia, which my friend so ably represents, and which I trust he may continue to represent for many years to come—they lately met and solemnly came to the conclusion to suspend work for three days in the week, and after this month they concluded that possibly they might keep up the price of coal by suspending work only nine days in the month. Keep up the price of coal! Ay, to the workman, to the farmer, to everybody who earns his living by his daily labor, and put down the wages of the man who digs it from the earth, and then tell him that he is protected by the tariff. Can there be a more stupendous specimen of audacious assertion than we have heard upon this floor, that the workmen of this country are well rewarded and made happy by the operations of the tariff?

It is conceded on every hand that overproduction by the great industries is being followed by its inevitable reaction; that a large proportion of the laboring men in those industries have been compelled to live in idleness or to seek new employments. Why should we by excessive taxation continue a false stimulus to production when the markets are already full, and when many of the manufactories are already idle?

The whole situation is a warning to manufacturers that they must look elsewhere than to Congress for relief. When they have filled the home markets with the products of their almost perfect labor-saving machinery they must send the surplus abroad. Fourteen hundred million people are eager to get their goods, and eager to get the products of our farms; but if we give them grudging and unwelcome entrance to our ports, they can go elsewhere.

It requires no great foresight to see that if this narrow policy is too long persisted in it will inevitably result in driving the European consumers of our grains and meats to India and Australia for their supply. Already the great nations of Europe are becoming impatient with the policy which treats their goods as unwelcome intruders.

If we should crowd them to the policy of leaving our surplus grains on American soil we would very quickly awake from our delusion that American labor is for America alone.

There is something deeply affecting in the solicitude of the Eastern manufacturers for the laboring man.

They send their agents to Congress year after year to ask justice for the laborer. They well-nigh double the normal price of their goods because they so love the laborer. They are eloquent and liberal—in printers' ink—in the cause of labor. I have not heard that in their prosperity they make any division of dividends with the laborer, but we all know that the laborer never fails to share in their misfortune.

It is well known that these gentlemen have a great aversion to the pauper labor of Europe, and that they delight to expatiate upon its evils. They often seek to demonstrate that American labor can not compete with this hated European pauper labor.

They have lately taken to demonstrating this theory in quite a practical way; that is, by importing the pauper labor they so despise. It will be seen from the testimony taken before the House Committee on Labor that the manufacturers rather enjoy the pauper labor of Europe when it appears on American soil. It is not distance but nearness that "lends enchantment to the view." By thus bringing the pauper labor among us the manufacturers are enabled to relieve American laborers and to materially lighten both their toil and wages. Let the testimony speak for itself.

Mr. Barclay said:

"Paul O. De Esterhazy, Austro-Hungarian consul in New York, has acknowledged the existence of such an agency, but says he is unable to do anything in the matter. The class imported by the coke manufacturers are the lowest beings that have ever been in the State of Pennsylvania, subsisting upon what an American laborer could not eat—such as mules, hogs, &c., which have been killed or died with cholera and other diseases. Not one has ever been known to become an American citizen, but all return to Hungary within a limited time (about four years) with what money they can save by living in this miserable condition of filth and squalor. Women and children work, too, drawing coke and forking coke into cars, commencing work about 1 or 2 o'clock a. m., and returning to their shanties as late as 7 p. m., working through all kinds of weather from two to five days per week. They seldom sleep in beds, but lie on the floor, with a board or a stick of wood under their heads, as large a number probably as forty in one house intended for a miner with an average family, one female serving about ten men in all relations between male and female, housewife and laborer, in the coke-yards. They are not known to purchase any of the luxuries which tend to elevate and enlighten the people, living in filth and wretchedness, but hoard up their small earnings, which they promptly forward to Hungary, thereby draining our district of the circulating medium. Being low in the scale of intelligence, they are the willing slaves of the coke manufacturers, willing to submit to almost any conditions.

"One of the tricks of the manufacturers is to import these people for the purpose of evading the laws enacted for the protection of the laboring classes.

"The 'check-weighman law' is an example. The people being unable to read and write, they promise them 30 cents per wagon of one-half ton each, but when they arrive here they are compelled to sign an agreement, making only 18 cents per ton for mining.

"I have known these beings during the time of the strike to have been dragged from their homes and driven down into the mines by the managers and coal and iron police. I have also known them to have been knocked down and kicked under cars for refusing to do more contract work. In all, they are mere tools by which the manufacturers gain almost any point they desire, to the degradation of our native workmen and the detriment of our business men, making tramps of the former and bankrupts of the latter."

William Ashton, of Philadelphia, Pa., W. G. W. A., said:

"My information is in regard to importation of foreigners to Baltimore, Md. These men were brought under a contract; they were window-glass blowers. The first importation took place in 1879; forty-eight were then brought over by Swindell Bros. The following year Baker Bros. imported seventeen, King Bros. twenty-two, and Swindell Bros. twenty-three. The first importation occurred during a strike; there was no strike when the second importation occurred. Some of the foreigners refused to work and were arrested, but discharged before a hearing was had; their clothing was retained by the firm and it was weeks before they could secure it. They were kept locked in houses when not working, and could not be seen by the Americans. Most of them have since returned home, some being sent by the Glass-Blowers' Association, and some by the Belgian consul, who complained bitterly of the treatment they received. The effect of their importation was the reduction of wages about 12 per cent. An injunction was issued against the American workmen from interfering with them and made perpetual by Judge Brown, of Baltimore. Before these men were imported we had as good a set of American workmen as could be found anywhere. The system in vogue in Europe and America differs materially. The Europeans work according to old methods and processes; in fact, they bring their tools and molds with them. The European workman cannot turn out within 35 per cent. as much ware as the American workman, and as a result do not or are not able to fulfill their contract, hence the employers are at liberty to pay them what they please."

John Schlicker, of Pittsburgh, Pa., W. G. W. A., said:

"The labor of window-glass blowers is very hard; but few men are able to work at it after the age of 45 years; the average is but 35 years. In consequence of the exhaustiveness of the labor, we decided to not make more than forty-eight boxes of glass per week, which amount is more than 200 per cent. more than what was a week's work some years back. This limit of forty-eight boxes is a good week's work. To break this limit was the purpose of the importation. These foreigners could not make this amount, and consequently could not fulfill their contract, and were, therefore, subjected to its penalties for failure. One lot of men that were brought to Kent, Portage County, Ohio, were not employed, as the glass-house was not started, and these poor men and their families were left destitute in a foreign land and in a hostile community, a charge on the public."

* * * * * * *

"The difference in working in the glass industry in this country and Europe consists in the fact that there they have two factories and work eleven months a year. I have worked in glass works for thirty years and have not averaged eight months per year in that time. The difference in wages is not material, when all things are considered, between this country and Europe. At Kent, Ohio, these imported men are working on Sunday."

Mr. A. C. Robertson, of Pittsburgh, Pa., said:

"The number of foreign glass-bottle blowers brought to the Western States under contract is about eighty in all, distributed in five factories, namely: La Salle, Ill., thirty-six; Covington Ky., thirteen; Louisville, Ky., fourteen; the balance in Streator, Ill., and New Albany Ind. They receive about 40 per cent. less wages than American blowers, or, in other words, they get 8 cents per dozen for quart beers, while the American gets 13 cents per dozen. The effect of this competition will be to bring the native workmen down to the level of pauper labor. The hollow-glass workmen west of the Alleghany Mountains have not worked since last June. They have been, during all this time, enjoying the luxury of a lockout. Last years' revision of the tariff virtually increased the duty on green glassware nearly 100 per cent., but notwithstanding this increase, the manufacturers are endeavoring to force a reduction of 20 per cent. in wages. Previous to the revision there was an importation of about 200,000 gross of bottles. Since the new tariff went into effect there has been scarcely any importation of this ware. Two American blowers will turn out eighty dozen bottles per day, while two of the foreign blowers turn out but fifty dozen per day. The manufacturers seem to favor free trade in labor and a high protective tariff upon their manufactured goods or wares."

The manufacturers of Pennsylvania and New England are men of far-reaching sympathies. They are moved by deep solicitude not only for their employés, but for the farmers of the West. It is noticeable that their zeal for him expends itself in liberally taxing him, and they have abundant arguments to convince him that taxation is not a burden but a relief. They survey their swelling bank accounts, their brown-stone fronts, their blooded horses and liveried servants, and exclaim: "Blessed is the tariff, blessed is taxation—for the farmer." Heretofore they have so far controlled the taxing power as to impose a tax on the lumber, the nails, the glass, the iron, that go into his house and barn. They teach him by liberal taxation to appreciate the salt, the sugar, the spices, the rice, the molasses, the dishes, the knives, the forks, the glass which go upon his table. In order to sweeten his daily toil they tax the material which goes into his plows, his wagon, his harness, his reaper, his drill, in fact every implement or tool for which he spends his hard-earned money.

In the list of over 3,000 dutiable items there will be found almost every article which the farmer has to buy for the house or for the farm, for sickness or in health. The tax-paying never ends until the long sleep begins.

The average of this taxation is only about four dollars on every ten paid by the farmer for the necessaries of life. The farmer is supposed to pay this tax from day to day with a lively sense of gratitude because the manufacturers have consented to a tariff upon his wool. This is the poor price which is expected to lead the farmer into alliance with monopoly.

I understand that it is claimed by the wool-growers that they were duped and betrayed by the manufacturers in the provisions of the tariff law of last year. I do not know how well-founded this claim may be. If those who represented the interests of iron, cotton, and woolen manufactures proved more successful in obtaining legislation than the wool-growers whom they had professed to take into the alliance, it is not the first time that the monopolies have postponed the interests of the farmers to their own.

The true interest of the wool-growers lies not in the direction of alliance with the advocates of excessive taxation, but in breaking the power of that combination which compels them in common with all other agriculturists to pay daily tribute to the capital of the East.

The farmer must understand that a high tariff on wool means a high tariff and high taxation all along the line. If the farmer wishes to become the advocate of high tariff taxation and of class legislation, it is his privilege. He may enter into partnership with the monopoly if he will, but when the accounting comes he will look in vain for profits. In my judgment the average farmer pays far more for the enhanced cost of woolen goods alone than he receives in the way of increased price for wool.

The Madison Democrat, a newspaper published in Wisconson, states the account very well, and I will quote from the article its conclusion:

At the end of the year Mr. Coldfacts, who prides himself on keeping track of things, posted up his accounts with protection. It stood thus:

Protection in account with Coldfacts:

	CR.	
By tariff on wool, say		$5 00
	DR.	
To tariff on lumber		10 00
To tariff on nails		1 50
To tariff on glass		1 50
To tariff on woolen goods		50 00
To tariff on carpet		10 00
To tariff on tools		15 00
To tariff on sugar		2 00
To tariff on sundries		30 00
Total		120 00

Thus Farmer Coldfacts found that though he was frugal and plain, confining his purchases to the mere necessities of life, he and in common with himself the wool-growers of Wisconsin, paid out $24 for the protection of other industries where they got $1 back by the highest tariff on wool.

The farmer is the natural enemy of excessive taxation. However others may escape the burden, he has to bear it. He has no large blocks of stocks or bonds which can be skillfully shifted or concealed from the assessor's view.

I have said enough to show that the tariff duties are so devised that they crowd upon the farmer at every hour of his existence, and that they seem designed to rest but lightly on the rich. Can it be possible that the masses of the people do not desire a reduction of these surplus and useless revenues? We could reduce taxation much more than $35,000,000 per year, and still have abundant revenues for every need of Government. I should not regard it as a calamity if the revenues were reduced much more than is proposed by this bill. If there should arise an emergency calling for greater revenues we could easily supply them by a judicious income tax. A tax levied upon those who receive large incomes from their professions or from accumulated wealth would correct many of the irregularities which now exist.

Gentlemen who oppose this bill need not flatter themselves that its defeat will stay the agitation now going on. The real issue is already before the people. They are wondering how the public good is advanced by the hoarding of many million dollars in the Treasury; how it is that they are compelled year after year to pay this surplus revenue into the hands of officials who constantly report that they have no use for it. There may be enough representatives of the manufacturing interest on this side, joined with the solid vote on the other, to prevent the passage of this measure. But in my judgment the public will hold to a strict account the men who will not raise a hand to lower the excessive taxation which has come to us as the inheritance of the war. You will strike out the enacting clause if you can, but do not indulge the vain hope that it will give you peace.

Said William H. Seward in the Senate of the United States:

You may slay the Wilmot proviso in the Senate Chamber and bury it beneath the Capitol to-day, the dead corse in complete steel will haunt your legislative halls to-morrow.

The opposition threaten by to-morrow's vote to slay this bill. They may succeed in doing that, but let them not delude themselves that thereby they will very long delay or very greatly injure the cause of revenue reform. They may strike out the enacting clause; they may thus behead and bury this bill; but if so, out of its grave will rise other bills. Its ghost will haunt these Halls, and it may be the political lives of those allied to destroy it, until the demand of an indignant people is obeyed, until an excessive revenue no longer exists to burden the people and to tempt their servants.

Protection—Patriotism—Prosperity: A Safe Trinity.

"Let well enough alone."

SPEECH

OF

HON. CHARLES R. SKINNER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. SKINNER, of New York, said:

Mr. CHAIRMAN: Judging by the usual standards of observation, the people of this country are not profoundly interested in the discussion now taking place, and it is a debatable proposition whether we gain more by our speech than we would by our silence. There is no evidence that the people of the United States are dissatisfied with their condition as a people, or with the growth or progress of the nation. They have more reason to be dissatisfied with the hesitation manifested in legislative assemblies to meet the vital questions of the day in a prompt and intelligent manner, and the readiness shown to indulge in aimless and disturbing discussion of a subject upon which one great political party is practically united and another divided against itself. For myself, I have the honor of representing both an agricultural and a manufacturing constituency, and therefore a laboring people, enterprising and industrious, intelligent and watchful, careful and studious in observation concerning the needs and tendency of legislation, fair in judgment of men and measures, and from no person among that constituency has ever come any demand for the agitation of the tariff question at the present time. On the contrary there has come not only a general condemnation of the policy which has forced this discussion at an inopportune time, but of the bill itself, the subject of the discussion. There seems to be an accurate understanding of the measure, and it is pronounced defective in design, wrong in principle, crude in conception, and enigmatical in its purposes. There is lacking a correct appreciation of the real needs of the country and an intelligent comprehension of the sentiment of the people.

During the first session of the Forty-seventh Congress there was an apparently sincere demand for a revision of the tariff. There had been no legislation of importance upon this subject since 1867. After an exhaustive and prolonged debate, which opened the whole question in Congress, a bill providing for the appointment of nine commissioners was passed. The duties of these commissioners were specified in the act of May 15, 1882, as follows:

To take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, upon a scale of justice to all interests.

Commissioners were at once named, and they began their labors without delay. Their careful and elaborate report was presented to Congress at the opening of the second session. A bill was prepared by the proper committee, discussed at great length, the whole subject again opened, and the result was the passage of a measure during the last hours of Congress which is now law, and the effects of which during the past six months have recently been pointed out by the Bureau of Statistics. It is needless to state that a portion of the measure which became law was not fully discussed in both Houses of Congress from lack of time, but it was considered as an answer to the demand, and was accepted as the best that could be obtained. It certainly contained many important features; its defeat would not have been justified, and its passage was a signal that discussion of the subject had ceased and that stability was possible.

NO DEMAND FOR AGITATION NOW.

The business of the country at least was satisfied. It gave a sigh of relief as it conformed to new conditions created, and settled itself down again in the serene knowledge that for six months at least there would be a respite from Congressional discussion and uncertainty, and there was a widespread hope that the subject would not be reopened in this Congress. The feeling a year ago was much the same as that experienced by business industries once every year, that, "Congress having adjourned, the business of the country will be resumed."

There has been no perceptible change in public sentiment upon this subject since that time. Certainly the bill before us comes not in response to any general public demand asking further or present agitation. The manufacturers of the country have not asked it, the laboring interests have made no appeals for it, the farming interests do not want it, neither producers nor consumers are here demanding it; there is no genuine call for it from any source whatever, unless, as may be shown later, it comes from advocates of English free trade or from professional

politicians. Those who take part in the industries and progress of this country are quietly attending to their legitimate business and are content to be "let alone." They know that continued discussion of questions of political economy, which affect so deeply the welfare of all when agitation begins and values fluctuate, is not in the interest of progress or prosperity; they know that agitation keeps trade unsettled, makes business uncertain, capital cautious, and labor fretful and uneasy. The promoters of the present discussion seem to say to the manufacturers, the laborers, the farmers, the producers, and consumers of the country: "You profess to be satisfied with your condition and with the general condition of the nation, but we propose to satisfy you that you are not satisfied with your condition, and to bind you hand and foot by senseless agitation until we convince you of your mistake."

SURPLUS REVENUE.

If the bill has not its origin in a genuine public demand for it from the capital or industry of our country we must seek to find it elsewhere. We are reminded by many who have discussed this subject of the amount of surplus revenue in the Treasury and its relation to the tariff. It is often represented as the embodiment of all the ills which republics are heir to. We are told by the distinguished gentleman from Georgia [Mr. HAMMOND] that "a surplus of anything is bad."

It is true that a surplus existing in the Treasury may tend to liberality if not to extravagance in the minds of many legislators whose chief desire seems to be to "open the doors of the vaults of the Treasury."

Let us see what there is of this much-discussed surplus, what it means, and what it amounts to. If by the term "surplus" the excess of receipts over expenditures is meant, the amount on January 1, 1884, was $55,686,362.11, the net receipts for the six months having been $178,600,157.70, and the net expenditures $122,913,795.59. If, however, the so-called "reserve" is to be included, being the amount remaining after deducting from the total cash in the Treasury the amount of the outstanding demand liabilities, except United States notes, it was on January 1 last $141,610,028.13. It is the aim of the Treasury Department to maintain the reserve at about 40 per cent. of the outstanding notes, which amount to $346,681,016. Admitting the surplus to be at the largest figure, namely, $141,610,028.13, it is not alarming when we consider the obligations now resting upon our Government, the demands being made upon her, and those which will surely follow within a few years.

On the 1st of May, 1884, our national debt amounted to $1,464,030,733.80. It is impossible to comprehend the vast amount represented by these figures. The decrease of the public debt during April was only $5,232,075.29. This is about the monthly average since 1865, but it is far below the average of recent years. There were on May 1, $254,621,950 of 3 per cent. bonds redeemable at the option of the Government.* There will become due September 1, 1891, $250,000,000 of the 4½ per cent. bonds, and on July 1, 1907, the 4 percents, amounting to $737,651,950, will become due.

Considering, then, the amount of the surplus and comparing it with the amount which the nation owes, there is little cause for regret or alarm, except as the surplus may invite to extravagant expenditures. This is not likely to be carried too far with two branches of the legislative department to hold each other in check, with an Executive to protect against mistakes or harmful combinations, and an intelligent people behind us to watch all who are in power.

But the existence and disposition of this surplus seems to perplex many in the consideration of this bill, even though it is claimed by those who have given it careful study that the effect of the bill itself, should it become law, would largely increase the revenues of the Government, and consequently the surplus. Has it never occurred to you, gentlemen, that this "obnoxious" surplus revenue may be, and is, applied to the payment of the public debt? It is hard to understand how a national debt is a national blessing any more than an individual debt is an individual blessing. A wise man generally uses his surplus to pay his debts, if he has any. It is wisdom in a government to do the same thing. Mr. Jefferson was quite right when he said that "public debt is a moral canker, from which we ought to emancipate posterity." It was an English statesman who objected "to doing anything for posterity, on the ground that posterity has never done anything for us."

The most exacting will find it difficult to find much fault with the course already pursued by our Government in the direction of the reduction of national indebtedness. Since this Congress convened in December last the following 3 per cent. bonds have been paid:

One hundred and twenty-second call matured December 1, 1883	$15,272,100
One hundred and twenty-third call matured December 15, 1883	15,133,650
One hundred and twenty-fourth call matured February 1, 1884	10,208,850
One hundred and twenty-fifth call matured March 15, 1884	10,047,850
One hundred and twenty-sixth call matured May 1, 1884	10,093,100
Total	60,755,550

*Amount of 3 per cents outstanding April 30, 1884		$254,621,950
Amount included in one hundred and twenty-sixth call	$10,093,100	
Amount of one hundred and twenty-sixth call before maturity	244,600—	9,848,500
Amount now subject to calls		244,773,450

It will be seen that during the past five months the payments have averaged over $12,000,000 per month. The amount of 3 per cent. bonds now subject to call is $244,773,450, and it is reasonable to suppose that calls will be made as rapidly as public interests require. If necessary to secure the steady payment of the public debt, authority should be given the Secretary of the Treasury to purchase the 4 and 4½ per cent. bonds. At any rate let the debt keep going down.

REDUCTION OF PUBLIC DEBT.

The steady and rapid reduction of the nation's obligations since August 31, 1865, when it reached its highest point, is one of the wonders of modern finance, and demonstrates not only the vitality of our nation, but the wisdom, faithfulness, and honesty of those who have been placed in control of the Government. August 31, 1865, the total debt of the United States was $2,756,431,571.43. The debt per capita was $78.25 for every man, woman, and child in the country. It is not necessary to refer to the cause of this debt, or to the condition of the country's finances before the war of the rebellion.

The following gives the decrease in the public debt during the fiscal years following:

1869	$36,460,779 43
1870	102,643,880 84
1871	94,327,764 84
1872	100,544,491 28
1873	43,667,630 05
1874	4,730,472 41
1875	14,399,514 84
1876	29,249,381 33
1877	39,281,121 73
1878	24,371,391 44
1879	8,579,575 45
1880	85,034,961 03
1881	101,573,483 36
1882	151,684,351 26
1883	137,823,253 24

May 1, 1884, the total debt, as before stated, was $1,464,030,733.80, showing a reduction since 1865 of $1,292,400,837.60. In 1883 the debt per capita was only $28.41—lower than at any point since 1862, and a reduction per capita since 1865 of $49.84.

The following table gives the net revenues and expenditures of the Government since 1856, with the surplus revenue each year:

Year.	Net revenue.	Net ordinary expenditures.	Surplus revenue.
1856	$74,056,699 24	$69,571,025 79	$4,485,673 45
1857	68,965,312 57	67,795,707 66	1,169,604 91
1858	46,655,365 96	74,185,270 39	a 27,529,904 43
1859	53,486,465 64	69,070,976 74	a 15,584,511 10
1860	56,064,607 83	63,130,598 39	a 7,065,990 56
1861	41,509,930 39	66,546,644 89	a 25,036,714 50
1862	51,987,455 43	474,761,818 91	a 422,774,363 48
1863	112,697,290 95	714,740,725 17	a 602,043,434 23
1864	264,626,771 60	865,322,641 97	a 600,695,870 37
1865	333,714,605 08	1,297,555,224 41	a 963,840,619 33
1866	558,032,620 06	520,809,416 99	37,223,203 07
1867	490,634,010 27	357,542,675 16	133,091,335 11
1868	405,638,083 32	377,340,284 86	28,297,798 46
1869	370,943,747 21	322,865,277 80	48,078,469 41
1870	411,255,477 63	309,653,560 75	101,601,916 88
1871	383,323,944 89	292,177,188 25	91,146,756 64
1872	374,106,867 56	277,517,962 67	96,588,904 89
1873	333,738,204 67	290,345,245 33	43,392,959 34
1874	289,478,755 47	287,133,873 17	2,344,882 30
1875	288,000,051 10	274,623,392 84	13,376,658 26
1876	287,482,039 16	258,459,797 33	29,022,241 83
1877	269,000,586 62	238,660,008 93	30,340,577 69
1878	257,763,878 70	236,964,326 80	20,799,551 90
1879	273,827,184 46	266,947,883 53	6,879,300 93
1880	333,526,610 98	267,642,957 78	65,883,653 20
1881	360,782,292 57	260,712,887 59	100,069,404 98
1882	403,525,250 28	257,981,439 57	145,543,810 71
1883	398,287,581 95	265,408,137 54	132,879,444 41

a Expenditures in excess of revenue.

It will be seen by the above table that notwithstanding the steady and resistless growth of the country in all directions, the net expenditures of the Government were less in 1883 than in 1879 or 1880, and less than any year between 1861 and 1876. This fact does not add much force to the charge of those partisans who would make the world believe that this country is on the high road of corruption and extravagance. The above figures also give the interesting fact that with the exception of eight years—just before the war and during the war period—there has been every year an "embarrassing" surplus in the Treasury. And still the country has gone right along growing and prospering at a rate which must astonish some of the Rip Van Winkles of the present day. It is right that it should. It can not be otherwise unless you destroy every element of our greatness. You might as well attempt to stem Niagara with a broom as to prevent this growth upon any argument that a surplus in the national Treasury is dangerous to the industries of our country. Suppose conditions were to be changed; that there was no surplus, but a deficiency instead; that the public debt increased rather than diminished, it is true that our credit would be impaired—we would have none—our industries would lag, enterprise would cease, prosperity be lost, and as a nation we should retrograde where we now advance.

And is it not true that we shall need our surplus, and need to have it increased steadily and surely to meet the bonds coming due in 1891 and 1907? Is it not a provident government which, like a provident person, looks out for the future? Why would it not be wise to establish a sinking fund into which the surplus might go year by year to be used for no other purpose than the extinguishment of the public debt?

SURPLUS MAINTAINED BY ILLIBERAL APPROPRIATIONS.

If you will not do this, why will you not reduce the surplus by appropriating what is needed for the legitimate expenses of Government? You who are in power rigidly deny to the Departments of the Government the amounts asked for by the heads of the Departments for the fiscal year ending in June, 1885, although by your own admissions you concede them to be honest, capable, and efficient officers. You deny the Post-Office Department, for instance, nearly $4,000,000, regularly estimated for and actually needed for the proper conduct of this important branch of the Government, when you can not help but know that the service will thereby be crippled in nearly every direction if your bill should unfortunately become a law. It is extremely doubtful if you intend to permit it to become law. You dare not meet the indignation of the people whom such legislation would deprive of the facilities which they demand and for which they are willing to pay. Your action retains just the amount in the Treasury which you deny to the only branch of the Government which is self-supporting. In nearly every one of your appropriation bills thus far reported you deny what the proper officers tell you they need. You certainly are holding this "perplexing" surplus in the Treasury at the expense of the public service. Do you expect to gain political capital thereby? If so, when you sit down to figure out your anticipated gains through such a policy you will discover that you have no "surplus."

WILL YOU HEAR THE SOLDIERS' DEMANDS?

If you will not give the Departments as they need from the surplus, will you heed the appeals made by the soldiers of the *Union* for less restrictions in the pension laws, for increase in pensions, or for a law giving every honorably discharged soldier a pension regardless of disabilities? These appeals are heard on every hand, and are growing louder year by year. The heroes of this country do not want to be put off until they have all grown gray before their appeals are considered. If this "surplus" is really too much of a burden, why not devise some method to answer properly these patriotic demands before it is too late?

OTHER METHODS OF REDUCING THE SURPLUS.

If you will not do this, will you reduce the surplus by repealing the internal-revenue taxes on whisky and tobacco? When that subject is mentioned there comes up a strong sentiment from many directions that tells you this will not be satisfactory to a very large class of the people. Although this repeal would lessen the revenues about $85,000,000 annually, the time does not seem to have arrived when it can be safely or satisfactorily done.

If you will not repeal the internal taxes, will you reduce the surplus by liberal appropriations for public buildings, for river and harbor improvements, for canals, for the Mississippi River, running the risk that your ideas of liberality may be criticised as extravagance by the people?

If you hesitate to do these things, will you look with favor upon the plan, already approved by the Senate, of distributing $77,000,000 among the States of the Union in aid of common schools? This scheme would certainly open the door of the vaults of the Treasury a little way, if you are prepared to say that it is wise or expedient to do so. In some sections pride revolts against this plan, and in others it is opposed on the ground that an increase of intelligence among the masses is not desired for certain political reasons, which are best understood by those who can best manipulate uneducated suffrage. Others urge constitutional objections against it; the precedent is condemned, and we are told that so long as the fund lasts the sections benefited will relax their efforts to build up their school systems, and do as little as possible to help themselves until the money is exhausted, when they will call out for more.

If you will not do this, will you distribute the surplus year by year among the States, to be applied to the extinguishment of local indebtedness?

If this does not seem practicable, you might reduce the surplus, yes, extinguish it altogether, if you would pay the thousands of claims presented to Congress against the Government. Many of these claims are perfectly just, notably the claims of Union men whose property was destroyed by the Government during the war, but their consideration here hardly goes beyond the committee-room and Calendar. It is safe to say that if only the honest claims were paid, those which have the full indorsement of our committees, the surplus would be nearly if not quite wiped out.

POLITICAL AGITATION.

It may then safely be said that this bill has not its source or inspiration in any public demand for its enactment, and that the surplus revenue in the Treasury affords no good excuse for the pretended anxiety of the friends of "tariff reform," and is certainly no reason for disturbing the business industries of the country by any such experiment as this bill would precipitate. Then we must look elsewhere for the spirit which stands behind the present agitation. Is it the spirit of politics judged from a partisan standpoint? Is this agitation intended as the opening of the political campaign of 1884 and the establishment of the issues which are to be discussed? If the measure be not asked for or indorsed by any of the industrial or moneyed interests of the country, it must get its inspiration in politics. And yet it is difficult to understand exactly how it can be raised to the dignity of a purely party question, for while one great party is practically unanimous in its opposition to the proposed legislation, or to a discussion of the subject at the present time, the opposition is divided into factions, and can find no common ground of union.

A DIRECT ISSUE.

Is not the real question presented, therefore, in plain words—protection or free trade? A portion of the Democratic party is engaged in an attempt to destroy the protective policy so long maintained in the United States, and to substitute therefor a system of free trade. Many would like to hide their real purpose behind that meaningless term, "tariff reform," while others openly advocate the doctrine that protection is robbery and extortion, is the cause of innumerable national troubles, and that free trade will give greater prosperity and higher wages and sure relief from the imaginary burdens which oppress the country. The gentleman from Ohio [Mr. HURD] in a reported interview published in the New York Tribune a few weeks since said:

The thing to be done is to get the Democratic party with its face toward free trade. The platform I want is tariff for revenue only, with the Morrison bill as the first step in the direction of free trade.

In his remarks upon this bill a few days ago in the House he spoke in a similar strain. The gentleman from Texas [Mr. MILLS] tells us that this bill is only the beginning of the work proposed; that future reductions in the same manner will be made until free trade is reached. The gentleman from New York [Mr. DORSHEIMER] is loud in his denunciation of protection, and says if a reduction of 20 per cent. will not reach the object sought, 50 per cent. will. "Some time we will cut to the quick and draw the blood," says my distinguished colleague.

Very many of the gentlemen who have addressed this House since this discussion began have not only denounced protection in all its forms, but also the political party which holds it as one of its principles. They denounce the present tariff, as yet not a year old, as a protective tariff, and therefore as robbery, theft, and extortion. And yet these gentlemen are willing to advocate and vote for a 20 per cent. reduction of that tariff. They are not in favor of robbery, but of robbery less 20 per cent.

IN FAVOR OF FREE TRADE.

Heretofore gentlemen belonging to the Democratic party have hesitated to declare themselves absolute free-traders upon this floor, and have denied that their party contained any such. They are less hesitating now, and openly advocate the doctrine that free trade is better for this country than protection. They make no secret that they are striving to give the United States exactly what England wants us to have—what her celebrated Cobden Club is seeking to bring about in this country by a system of false pretenses, false doctrines, and false figures. They are aiding England in her purpose to make the United States the dumping-ground for her surplus productions, at the expense of the manufacturing industries, the workingmen, and the farmers of this country. They must surely receive their inspiration from a love of English theories and a total disregard for the welfare of American institutions. That may be the reason why the specious doctrines and deceptive theories held by the lords and noblemen who compose the Cobden Club are so often quoted upon this floor by advocates of free trade, and why any movement in this country looking toward the reduction of tariff duties, or even the agitation of the question, is hailed with delight by the dignitaries of that celebrated club, and generally celebrated by a grand dinner and grander speeches, in which the prosperity of England is made to rise in exact ratio to the intensity of feeling and the probability or possibility of a reduction of tariff duties.

In May, 1869, the American Free-Trade League was organized in New York, and a large amount of money was contributed by gentlemen of foreign lineage or connections, to be used to advance free-trade doctrines in America. The London Mining Journal said of this movement:

If this league succeeds, we may hope for a very large trade from that country.

Lord Derby, who presided at the Cobden Club dinner in London in July, 1881, said:

Sooner or later free trade must become a sectional question in the United States.

The wish was father to the thought in his case, but we are far from that condition to-day, and as the country grows sectionalism will disappear. At a more recent meeting of the same club it was announced that a million free-trade pamphlets had been sent to this country within a few years and largely used in our Congressional campaigns. The same organization has also offered prizes of gold and silver medals for the best essays upon political economy—free trade, of course—by students in American colleges.

That England desires tariff reduction in this country as a positive benefit to her royal condition and that she relies upon the Democratic

party to advance her interests here are abundantly proved by the following extracts from her journals:

The London Iron and Coal Trades Review, for December 7, 1883, says:

The greatest interest is always manifested by our business men in American politics when they are likely to affect the tariff. It is pretty evident that the protectionists are no longer to have it all their own way.

The Machinery Market, of London, said in January last:

The year is likely to see important political changes on the other side of the Atlantic which will have their influence on business here. Events move rapidly in America, and the coming triumph of the Democratic party there means the triumph of the free-trade movement in the States. It is not to be supposed that there will be free imports into the States, but "a tariff for revenue only," which is the leading cry of the Democrats, will open an immense additional field for the sale of English manufactured goods in the States.

The London Spectator, of December 8, 1883:

Of course the north of England holds that American free trade would be greatly to the interest of British manufacturers.

The Pall Mall Gazette:

The progress of the Morrison bill will be watched with considerable interest by English exporters to the American market, inasmuch as it can hardly fail to tend in their favor.

The above apt quotations from the English press are taken from Mr. McKINLEY'S able speech on this subject on the 30th of April last.

Lord Goderich said in the House of Lords in the early debates on this question:

Other nations knew as well as the noble lord opposite, and those who acted with him, that what we meant by free trade was nothing more nor less than by means of the great advantages we enjoyed to get the monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations.

One of the most prominent manufacturers of Bradford, England, recently said:

The truth is, the higher the foreign tariff the lower we must make our goods, and the less we can afford to pay labor. The least possible reduction in the United States tariff will be a grand thing for Bradford, but how it will affect your industries I can hardly say.

FREE-TRADE METHODS.

The Chicago Western Manufacturer of October 18, 1881, describes some of the methods used by agents of England to circulate free-trade doctrines in this country. It tells how one Professor Sheldon, from London, called at the office of "one of the leading agricultural journals in that city" and urged its editor to publish, "entire or in abstract in his columns," the Mongredien Western Farmer pamphlet, especially that portion of it urging farmers "to give their support to no candidate for Congress who does not pledge himself, if elected, to propose or vote for the abolition of import duties."

The Manufacturer also says:

Another agent and correspondent of the Cobden Club, duly delegated, one Professor Bigelow, of New York, was in this city a day or two recently, consulting with local free-traders. He was going to Indiana well supplied with British pamphlets, with which he proposed to influence votes against candidates for Congress who were not pledged to propose or vote for the abolition of import duties, if elected.

The quotations made above demonstrate very clearly what is the great desire of England, and also the methods by which she hopes it may be realized. Her desire is simply this: to secure through the aid of allies in this country, mostly found within the Democratic party, a general agitation in favor of free trade, with the hope that the United States will finally be coaxed or driven or deceived into the adoption of such a policy. She knows by her own experience that free trade lowers prices, lowers wages; that it would result in the ruin and decay of American industries and enterprise. This is the hour which she awaits, when by the declaration of her own leaders she will step in to realize her boasted ambition of centuries to "overwhelm all foreign competition and step in for the whole trade of the world when prices revive." This is England's ambition, to advance which she has sacrificed millions of treasure, degraded her own labor, let her own industries lag, and, great as she is, faces to the rear in the progressive march of enlightened nations. And this is England. This is the great empire from which we sprang and from which we severed ourselves because of the injustice, the wrong, and oppression which she heaped upon us because we sought to help ourselves. She has not the power to-day, but she has the disposition to load us down with practices which would ruin our own nation to build herself up. This is England, which for centuries established and maintained the most proscriptive protective system ever known among enlightened people. Let us examine her protective record.

ENGLAND'S PROTECTIVE LAWS.

In 1870 she enacted laws regulating the importation of goods manufactured on the continent by Germans.

In 1431 laws prohibiting the importation of goods except in English ships were made.

In 1504 an act was passed to regulate or restrict the importations of foreign-made silk.

In 1567 a law was enacted that for the exportation of sheep the offender "should forfeit all his effects, suffer imprisonment for a year, and then have his left hand cut off in a market town, and on a market day, to be there nailed up; and for the second offense should suffer death."

In 1559 to 1603 some of her laws were as follows: The exportation of wool prohibited; the importation of minerals, finished leather, &c., prohibited; the immigration of skilled labor, smiths, miners, &c., was encouraged, and duties laid on imported cloths.

In 1700 the importation of calicoes and muslins was prohibited.

In 1720 any person found wearing a printed calico dress was fined £5, and the seller fined £20.

To illustrate the iron hand by which England ruled her American Colonies for her own benefit at their expense, the following paragraph from Henry C. Carey's The Slave Trade, Domestic and Foreign, is concise and interesting.

The first attempt at manufacturing any species of cloth in the North American Provinces produced a resolution on the part of the house of commons (1710) that the erecting of manufactories in the Colonies had a tendency to lessen their dependence on Great Britain. Soon afterward complaints were made to Parliament that the colonists were establishing manufactories for themselves, and the house of commons ordered the board of trade to report upon the subject, which was done at great length. In 1732 the exportation of hats from province to province was prohibited, and the number of apprentices to be taken by hatters was limited. In 1760 the erection of any mill or other engine for splitting or rolling iron was prohibited; but pig-iron was allowed to be imported into England duty free, that it might be there manufactured and sent back again. At a later period Lord Chatham declared that he would not permit the colonists to make even a hobnail for themselves; and his views were then and subsequently carried into effect by the absolute prohibition in 1765 of the export of artisans; in 1781 of woolen machinery; in 1782 of cotton machinery and artificers in cotton; in 1785 of iron and steel making machinery and workmen in those departments of trade; and in 1799 by the prohibition of the export of colliers, lest other countries should acquire the art of mining coal.

This is England! Did she favor free trade then, when she had her iron heel upon the throat of the American Colonies and made them pay costly tribute to her ambition to rule the markets of the world? Ah, no! She protected every industry in her realm even unto death. During all her early history, century after century, she could not make her protective laws too strong. She protected everything but Ireland. She threw her ports open only when she could no longer produce food for all her people. This time came less than half a century ago, and since it came she has been persistent in her endeavors to induce her largest customer and greatest rival, the United States, to adopt the same policy, not for our best good, but for her own; and yet this persistent mother can not convince her own children of the benefits of her favorite free trade. Canada and Australia repudiate the doctrine and choose to follow England as she was, not as she is.

England's policy of free trade, so heartily indorsed by some of our doctrinaires in the study of political economy, is repudiated by many of her most intelligent people. She can be convicted of inconsistency and insincerity by the utterances of her own manufacturers, her own practical men, her own representative statesmen.

Lord Derby has said:

I can hardly allow myself to believe that America will long maintain at the public expense a privileged class of manufacturers and producers.

Sir Edward Sullivan, in alluding to this, said:

But the American people laugh at this. They know that every prosperous manufacturer means a hundred or two of prosperous workmen, and every ruined manufacturer, one or two hundred ruined workmen; that if the employer is losing money the employed can not be making it. More than this, they understand that manufacturing and agricultural industries are inseparably bound up together; that prosperous manufactures mean prosperous agriculture, and *vice versa;* that each consumes what the other produces; that each is the best customer to the other.

Mr. Wood, a manufacturer, in a letter to the Sheffield Telegraph, said:

Since 1853 upward of 3,000,000 of our people have emigrated, principally to extreme protective countries, where their labor has found better reward.

The testimony, therefore, is overwhelming:

1. That England protected her industries in the most rigid manner for centuries, so long as it was for her interest to do so, and until she failed to produce food enough for her people there was no tendency toward free trade.

2. That the United States, being the best market for her productions, her ruling ambition is to send her surplus product here, and to do that to her great advantage she seeks to strike down all barriers which prevent free commercial intercourse between the two nations, knowing that any legislation which would permit this to be done would ruin the industries of the United States in order to build up those of England.

PROTECTION VS. FREE TRADE.

The question must then come home directly to every American: Shall we have protection or free trade? If the struggle resolves itself into a discussion of this question, the contest may be short and sharp or long and tedious, but it can have just one result. Free trade must go down, or patiently wait until we are ready for it. Free trade can never live in a republic which is sustained and strengthened by the industry and thrift of her people. It is a dry-rot upon the body-politic, which will ruin any country until the conditions are such as to make it acceptable. Those conditions must necessarily be the growth of centuries. It is a theory only, based upon faith in prejudice and impossibilities, and can never be reconciled with the conditions which follow honest industry, thrift, and enterprise. History proves this again and again. It makes slavery of honest labor and mocks at capital which would invest itself in healthy manufactures. The gentleman from New York [Mr. HEW-

III] never expressed a truer thing in his life than when, in 1870, he wrote:

Free trade will simply reduce the wages of labor to the foreign standard.

As illustrating the fact that free trade is a theory, and that education and experience convert its advocates, the following from Hon. A. D. White, president of Cornell University, may be of interest:

When he leaves college every man is generally a free-trader. The theory is undoubtedly correct. But when a man comes to look about him and see the business interests of the country that have been fostered by protection he generally modifies his theory.

On the other hand, protection is practical, straightforward, plain, and open-handed. It is the true policy of every prosperous nation which depends upon its own intelligence and industry; it is an inspiring and guiding element in our highest national aspiration. Protection is strong because it is national, because it does protect, because it supports and develops the temperate, diligent industries of the land, because it is conservative and not wasteful, and therefore it is bound to aid and not sacrifice its home allies. Protection should be non-partisan. It is not Republican alone; it is not Democratic alone; it is national in all its tendencies and results.

Mason, in his Short Tariff History of the United States, truly says in opening the first chapter of his comprehensive work:

All the prosperity enjoyed by the American people, absolutely all the prosperity, without any reservation whatever, from the foundation of the United States Government down to the present time, has been under the reign of protective principles; and all the hard times suffered by the American people in the same period have been preceded either by a heavy reduction of duties on imports or by insufficient protection.

Is there the slightest incentive to abandon a principle upon which our prosperity has been built, which has brought greatness and happines to our people in the fullest measure?

If our people were content to receive the wages that are paid abroad, if they were willing to accept the scant comforts and squalid surroundings of European workingmen and their families, it is possible that protection might be abandoned and our manufactures still live; but they will not be content with such rewards for their labor, nor would it be for the best interests of society and the nation that they should be. A reduction of duties at this time would not only still further reduce the wages of labor, but would cause the stoppage of industrial establishments in every State of the Union.

See what this country produced in 1860 and in 1880, in twenty years, under a protective tariff, so earnestly condemned by the advocates of free trade as robbery and delusion. Remember that this twenty years, covers also the period of one of the most devastating civil wars known in history. Read these figures showing the results of protection in increased national power and wealth, and then give any reason why the protective policy should be abandoned.

GROWTH OF THE NATION UNDER PROTECTION SINCE 1860 IN POPULATION, WEATH, INDUSTRIES, AND COMMERCE.

In the following table from official sources we have an exhibit during the period from 1860 to 1880 of the growth of the nation in population, wealth, industries, and commerce:

Subjects.	1860.	1880.	Increase per cent.
Population of the United States	31,443,321	50,155,783	60
Value of farms	$3,271,575,426	$10,197,161,905	212
Wheat produced.....bushels	173,104,924	498,549,868	188
Wheat exported.....bushels	4,155,153	153,869,935	3,603
Corn produced.....bushels	838,792,742	1,717,434,543	105
Corn exported.....bushels	3,314,305	98,169,877	2,862
Wool produced.....pounds	60,264,913	232,500,000	286
Cotton produced.....bales	3,826,086	6,343,269	65
Oats produced.....bushels	172,643,185	407,858,999	136
Barley produced.....bushels	15,825,898	44,113,495	179
Butter exported.....pounds	7,651,224	39,236,658	413
Cheese exported.....pounds	15,524,830	127,553,907	722
Petroleum produced.....barrels	251,000	22,382,509	8,817
Pig-iron produced.....net tons	919,770	4,295,414	367
Rails produced.....net tons	205,038	1,461,837	613
Hogs packed	2,350,822	6,930,451	196
Merchandise imported	$353,616,119	$667,954,746	89
Merchandise exported	$333,576,067	$835,638,658	150
Gold and silver produced	$46,150,000	$75,200,000	63
Gold and silver exported	$66,546,239	$17,142,919	
Gold and silver imported	$8,550,135	$93,034,310	988
Railroads, miles	30,635	88,237	188

And all this in a nation which has hardly turned its second century. Surely the ideal of such a country, with such power and resources, is hardly within the scope of the imagination.

Apropos here are the following words taken from Hon. Ellis H. Roberts's recent work on Government Revenue:

That State is nearest to the ideal standard; which employs all of its energies, which builds up every one of its own resources, which adds everything possible for it to add to the sum of human wealth and power and progress.

And again:

That nation which does its own work most thoroughly, which trains its own citizens to the most complete usefulness and ripest development, serves the whole world most effectually and adds the most to the achievements and the happiness of mankind.

Certainly these words have fit application to a nation which has protected itself and grown great by the development of its own resources.

America will thrive so long as she protects herself, and can more safely trust her own people than those of any other power on earth. It was Mr. Garfield who said in this House in 1878, when a tariff bill was under discussion, as follows:

For the present the world is divided into separate nationalities, and that divine command still applies: "He that provideth not for his own household has denied the faith, and is worse than an infidel." And until that era arrives described by the gentleman from Virginia, patriotism must supply the place of universal brotherhood. For the present Gortchakof can do more good for the world by taking care of Russia. The great Bismarck can accomplish more for his era by being as he is, a German to the core, and promoting the welfare of the German Empire. Let Beaconsfield take care of England; let McMahon take care of France, and let Americans devote themselves to the welfare of America. When each does his part for his own nation to promote prosperity, justice, and peace, all will have done more for the world than if all had attempted to be cosmopolitans rather than patriots.

LABOR, WAGES, AND CAPITAL.

It will not do in the course of this discussion to attempt to evade the real question by provoking a conflict between labor and capital with wild appeals to the workingmen to throw off the imaginary yoke which protection places upon them. The workingmen of this country can not be so easily deceived into the adoption of a theory which, when carried into practice, will bring lower wages and consequent discontent. The testimony is overwhelming that wages in protective countries are higher than in any other.

The London Mining Journal of June 26, 1880, contained a communication from one of its English readers, over the signature of "Free Trade," in which the writer showed why the United States could not become a serious competitor with England in supplying the world's markets with manufactures of iron and steel. He said:

The reason of this is that it is practically impossible to reguiate wages except upon the basis of the highest prices obtainable for the article manufactured, so that if the tariff permits the American ironmaster to sell to local consumers at $10 per ton higher than before, the full proportion of that $10 must be paid to the workmen, and the British ironmaster in all markets except the American is benefited to the extent of the extra wages paid in America.

Mr. Casson, the general manager of the Earl of Dudley's Staffordshire iron-works, on his visit to Pittsburgh, in answer to a question by a reporter of the Pittsburgh Commercial Gazette, said:

I find that in many respects you have the advantage of us as regards mechanical appliances, while in others we are greatly ahead of your manufacturers. We can manufacture iron at just one-half the cost as far as the price of labor is concerned. I find that your rate of wages is about exactly double what we have to pay.

There can be no settled conflict between labor and capital. They are mutual in their interests and dependent upon each other. Capital must remain idle without labor, and labor without capital to give it employment must fret, wither, and die. If capital enters your State and establishes manufactories, must not labor follow it? And will not labor thrive so long as the fountain lives? Do we not always hail with delight the establishment of manufactories in our midst? It must be a God-forsaken locality indeed that does not welcome the manufacturer. Do we not everywhere encourage the establishment of manufacturing industries by lessening local burdens wherever possible? And why? Simply because it means growth, the coming of industrious people, the increase of population and material resources, development, life, and it means a local market, the best market in the world for the agriculturist, who finds at home a demand for his production.

The laboring classes are not to be deceived by any false light. They can see the condition of laborers abroad as well as those who would degrade American labor to a foreign standard. Consult all the tables you will, arrange the vast wilderness of statistical figures as you choose, distort or hide facts as you may and do, but the indisputable fact still remains that the American laborer is the best paid, best fed, best housed, best dressed, best behaved, and best educated laborer in the world. He lives like a man, his wife may be a lady with the best, his children attend school, and if sober and honest they may all be prosperous and happy. Compare him with the English laborer or the laborer of any other country in the world, and the advantage is his at every comparison. Come to some of our Northern manufacturing towns, you who advocate free trade, and study the condition, the manners and customs of our working people under protection. Go into our mills, see the operatives at work, go to their homes and see the thrift and happiness there, go to our churches and our schools and see the workingman's and the capitalist's children studying the same books, toiling in the same path, with equal ambitions, opportunities, and possibilities. See all these things, and you will not call protection robbery or oppression. It was a Senator of the United States who said he had visited some of the great workshops of New England, had seen the workingmen in their shops and in their homes, had studied their methods of living, and discovered, as he admitted, two things—that there was after all some practical good in protection, and that the skilled laborers in the towns he visited lived better and enjoyed themselves better than he did.

SELF-PROTECTION.

Why, you who represent the States most likely to furnish the largest votes in favor of this bill can all see the value of protection when it

is brought into your own State, into your own Congressional districts, or into your own cities and towns. Nothing was more noticeable in the discussions which took place in the last Congress upon the tariff bill than the eagerness shown by Representatives from all sections to have the industries of their own people properly protected. This was particularly noteworthy in the Southern States. When the item of sugar was reached, Louisiana demanded protection, West Virginia said "let our great glass industries alone," Missouri was content to have no reduction upon lead, Virginia insisted that a 20 per cent. duty was none too high for "extract of sumac," and when iron was reached the gentleman from Alabama [Mr. HEWITT] said:

No great measure has promoted the general prosperity of the country to a greater extent than the protection of American labor and American industries. * * * New England farmers have prospered because they have their factories near and a market at their door for all they have to sell. The Alabama farmers are as much interested in the development of coal and iron and the building of cotton-mills as any class of persons. The coal and iron of Alabama are equal to the supply of the world for many centuries.

These illustrations simply prove that protection after all does protect, when we take questions directly home to ourselves. The State of Georgia is to-day an excellent illustration of what protection will do when coupled with energy, intelligence, and liberality. No State in the Union is making more rapid strides in prosperity. And in this connection the following statement recently made by Governor Bullock, president of the Atlanta Cotton-Mills, on the effect of the present tariff laws on Southern cotton manufactures is especially interesting, not only as indicative of advance in thought, but as bearing upon the present discussion:

The chief product of our Southern mills is what is known to the trade as three-yards goods, that is, brown sheeting one yard wide, weighing three yards to the pound. These are generally made from twelve and fourteen yarn, with forty-eight to fifty picks or threads to the inch. The tariff certainly has no depressing effect on brown cottons. There is no restriction on export, and no tariff on any part of brown goods, except the machinery with which they are made. Many Southern mills are sending abroad over 60 per cent. of their product at prices which are more satisfactory than in the home market. These are purely matters of trade, in which each mill seeks its own interest, and over which the tariff has no special control. English machinery is now offered for sale in this country cheaper than the best grade of American work, but the superiority of the American machinery insures its sale, even at the higher prices. I agree with Mr. Hickman that the best thing to do is to do nothing. The threat of frequent change is more vexatious and hurtful to the manufacturer who is affected by a tariff than any fixed plan could be. I would say abolish absolutely and entirely all direct or internal taxes by the General Government, and let the present tariff stand until after the next census. Then, with all the facts and figures of the growth and condition of the country before us, adjust it for another decade, according to the needs of the Government.

FREE-TRADE STATES PROTECT THEMSELVES.

Many who are so loudly exclaiming, "Let us buy where we can buy the cheapest, let us establish free trade everywhere," must not forget that they represent States which to-day have on their statute-books the most obnoxious of all protective laws, laws which prevent free trade among the States. This refers to the laws requiring commercial agents or travelers to pay a heavy license in certain States before they can do business therein. The District of Columbia has the same obnoxious law, which is in force in the following States: Maryland, Virginia, North Carolina, South Carolina, Texas, Kentucky, and Connecticut. A letter from a manufacturer in my own city, recently received, stated that he could not send his agent into Virginia or North Carolina until he had sent each State a draft for $200 for a year's license. That is certainly carrying protection further than conservative protectionists will go.

THE QUESTION OF POLITICS.

It would be a benefit to the industries of the country if the question of a tariff, of protection or free trade, could be kept out of politics. But that seems almost impossible, and the present discussion has not served to weaken party lines on the subject. We have heard protection repeatedly denounced as robbery, and the Republican party as the robber. No words have been too severe to use against the party which is not afraid to stand up for the best interests of the people, whether they be manufacturers or workingmen, capitalists or laborers. And if this question is to be discussed purely on political grounds, the fate of this bill in this House is of little consequence. The people do not want the law, they do not care for even a discussion of it; and therefore if a Democratic House chooses to pass the bill a Republican Senate will defeat it, and the election of the Republican candidate for President would be thereby practically assured. If party lines are to be drawn, we are ready to fight the battle here and now. If it is to be made the issue of the approaching campaign, it will be fearlessly met.

It need hardly be said that the Republican party has always advocated the policy of protection. It has fearlessly stood by this position from the organization of the party, whether in legislative halls or before the people, confident that it was the policy laid down by the founders of the Republic and followed by those who made the first half-century of our country's existence brilliant with dignity, prosperity, and vigorous national life. It has never swerved from the line marked out, but has kept itself true to that section of the Constitution which provides for the general welfare of the people. It has never gone straying off into the fields of theory to catch votes by demagogy or deception, but has ever held up to the people the advantages it affords and under which our prosperity has been unparalleled. It has never asked the people to worship false gods, but has given practical demonstration of the benefits to be derived from a system which proves its own value.

Protection is to-day one of the cardinal principles of the Republican party; not protection for the sake of protection, but for the honest and just protection of American industries, American labor, American enterprise. It was one of the firmest planks in the platform upon which the party won its first victory. Protection and freedom went hand in hand. The party is pledged to it as firmly as it ever was to the abolition of slavery, to sound and honest finance, to the sure payment of the public debt—the sacredness of public pledges, fair elections, and honest politics.

PLATFORM DECLARATIONS.

Let us quote here the public declarations of both political parties upon the subject of protection, revenue tariff, and free trade in national conventions since 1856:

Democratic.	*Republican.*
1856. * * * "The time has come for the people of the United States to declare themselves in favor of * * * progressive free trade throughout the world."	
1860. Reaffirmed.	1860. "That while providing revenue for the support of the General Government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country; and we commend the policy of national exchanges, which secures to the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the nation commercial prosperity and independence."
1864. Subject not mentioned.	1864. Subject not mentioned.
1868. * * * "A tariff for revenue upon foreign imports and such equal taxation under the revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country."	1868. Subject not mentioned.
1872. * * * "Recognizing that there are in our midst honest, irreconcilable differences of opinion with regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people in their Congressional districts, and to the decision of the Congress thereon, wholly free from executive interference or dictation."	1872. And that revenue, except so much as may be derived from the tax upon tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor and to promote the industries, prosperity, and growth of the whole country.
1876. "We denounce the present tariff. * * * We demand that all custom-house taxation shall be only for revenue."	1876. The revenue necessary for current expenditures and the obligations of the public debt must be largely derived from duties upon importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.
1880. "A tariff for revenue only."	1880. We reaffirm the belief avowed in 1876 that the duties levied for the purposes of revenue should so discriminate as to favor American labor.

It needs no explanation to show where the Republican party has stood. And the current political events of the day show that there is no disposition to take any backward step upon this question. To prove this let us examine some of the

Republican State platforms for 1884.

NEW YORK.

The Republican party of New York, in State convention assembled, declares:

4. Its approval of that policy of protecting home industry from foreign competition which has through a century of national being encouraged immigration, rewarded labor, fostered enterprise, and assured unparalleled progress and prosperity, all variations from which policy have been the occasion of business confusion and disaster, and which, therefore, is alike justified in intelligence and by experience.

MARYLAND.

The Republican party of Maryland declares:

That the prosperity of our country requires the fostering protection of our industries; that the Republican party has always supported this system of protection, and is pledged to maintain it in the future; that the Democratic party is pledged to a financial policy which would be ruinous to the prosperity of our agricultural, manufacturing, and commercial industries; that we view with alarm the action of the Democratic majority in the present Congress in favor of reckless and indiscriminate reduction in the tariff; that any revision of the tariff which may be needed should be intrusted to the friends and not to the enemies of a protective system.

MASSACHUSETTS.

We advocate tariff laws which, while furnishing necessary revenue, shall favor the labor and industrial enterprise of the country and not assail them. While we insist upon a reduction of customs duties because of the dangerous surplus in the Treasury receipts, at the same time we deem it essential that this reduction should be made with the least possible injury to the labor and manufacturing interests of the country; and we condemn the arbitrary percentage reduction proposed by the present Democratic House of Representatives, because it fails to reform any inequalities of taxation, disregards the business wants of the country, and, if adopted, would cripple many industries and at the

same time would probably increase the revenue. We also recognize in the progressive changes in industrial conditions the necessity for an investigation of the tariff upon a scientific basis, to the end that it may be considered as to its real influence upon labor, capital, production, and revenue.

MAINE.

Resolved, That from the establishment of our National Government to the present time the judgment of our best statesmen and the experience of the country have favored an American policy which collects the national revenues mainly on foreign importations, imposed in a manner to give protection to American skill and labor, to build up our manufactures, to augment the volume of our combined internal and foreign commerce, to expand our network of railroads, thus increasing the value of our agriculture and all the legitimate interests of American labor and capital.

NEW JERSEY.

Resolved, That the prosperity of our country depends on the number of its independent households and happy homes; that this requires the protection of our home labor against ruinous foreign competition; that the Republican party has always supported this system of protection, and is pledged to maintain it in the future; that the Democratic party is pledged to a financial policy which would be ruinous to the prosperity of our agricultural, manufacturing, and commercial industries; that we view with alarm the almost solid array of Democratic votes in the present Congress in favor of persistent reductions in the tariff; that any revision of the tariff which may be needed should be intrusted to the friends and not to the enemies of the protective system.

PENNSYLVANIA.

Resolved, 2. We unqualifiedly approve and demand the continuance of that system of protection to home industry which has proved itself to be the basis of national independence, the incentive to industrial skill and development, and the guarantee of a just and adequate scale of wages for labor, and we denounce all attempts to reduce the rates of the tariff below the level which will accomplish these objects.

VIRGINIA.

Resolved, That we demand a protective tariff, so that the manufacturing and mining industries of Virginia, in common with those of the other States of the Union, may continue to grow and prosper, and that agriculture may find a ready and remunerative home market for its produce, while our free labor may receive that reward which will be denied if it is brought into competition through free trade with the servile labor of other countries.

IOWA.

Resolved, 1. We denounce as unwise and unpatriotic the present effort which the Democratic party in Congress declare to be only their first step to further derange trade and oppress American industry by an indiscriminate reduction of duty on foreign products and manufactures which compete with our own. * * * In the common interest of all our industries, all our labors, and all our natural property we call upon Congress to halt in this destructive work.

TARIFF FEELING IN NEW YORK STATE.

During the present agitation of this subject Mr. Theodore C. Teale, of Greene County, New York, issued a circular, asking the sentiment of the people in the different counties of the State on the question of protection and free trade. Replies received by him from thirty-eight of the sixty counties in that State are given below, and prove, with a volume of testimony which can not be explained away, that the Republicans of that State are unwavering in their faith in and allegiance to the doctrine of protection, and that many Democrats stand with them.

Following is an abstract of replies from counties:

Allegany: "We have between six and seven thousand Republicans in Allegany County and scarcely one free-trader; nearly all favor protection to home industries. * * * If the tariff was made an issue, from one to two hundred Democrats would vote this year with the Republicans."

Broome: "The Republican sentiment in this county is in favor of protection to home industries. I think we have a good many Democrats of the same opinion. * * * Should the Democrats put a free-trade plank in their next platform, I think the Republicans will easily elect their President."

Cayuga: "Cayuga County is quite strong for a protective tariff. The Democrats here as elsewhere are divided on the question. * * * I think Cayuga County would give a large majority for the protective tariff were the question put to a vote."

Chautauqua: "I am of the opinion that our party in Chautauqua County are unanimous, or very nearly so, for protection, and my views are in entire accord with the party on that question. I know of several Democrats in our city, who are engaged in manufacturing, who would support the nominees of our party at Chicago in the event of their party nominating a pronounced free-trade ticket, and that being the issue."

Chemung: "The Republican sentiment is nearly unanimous for a protective tariff, and many leading Democrats favor it."

Chenango: "Among reading, thinking Republicans I know of but very few free-traders. Those I do know would hardly vote the Democratic ticket if there should be a direct issue. I know of some Democrats that naturally favor a high tariff."

Cortland: "The Republicans of Cortland County are generally favorable to a protective tariff. I know of a good many Democrats who believe in a protective tariff. * * * I am strongly in favor of a protective tariff. While in Congress some years ago I advocated and voted for protection to home industries in this country, and my views on this subject have undergone no change."

Clinton: "The sentiment of this county is nearly unanimous for protection. All Republicans and most of the Democrats are in favor of a protective tariff."

Delaware: "The Republicans are well-nigh unanimous in favor of protection, and commend the New York Tribune as an able exponent of these principles."

Dutchess: "The majority of Republicans of this county favor a tariff that will protect the industries of this country, and this is my view of the subject."

Erie: "The Republican sentiment of this county is very largely for protection—a few college-bred free-traders among us. A considerable minority of Democrats favor protection, headed by our mayor." * * * "I am for protection to American labor and American industries."

Fulton: "There is but one feeling in this county among Republicans on the tariff question. They are for protection. The more intelligent Democrats are of the same opinion."

Greene: "The Republican party of Greene County are almost a unit for protection for American labor through a protective tariff. From this position it would be useless to attempt to dislodge the solid column of the intelligent, patriotic Republicans of this county."

Herkimer: "The Republican sentiment in this county is largely in favor of protection, and in the south part of the county many Democrats favor it."

Jefferson: "I believe the Republican sentiment to be almost universally for protection as against free trade, that is, protection to American industries and American labor. I believe that many Democrats favor the policy of protection."

Livingston: "The sentiment of the Republicans of this county is in favor of a high protective tariff, and there are quite a large number of Democrats in the county who are strong tariff men. My views are in favor of a good, strong protective tariff."

Montgomery: "My views are that we need a strong protective tariff, and I think the Republicans of Montgomery County agree with me. Many Democrats hereabouts favor protection."

Madison: "The Republican sentiment of this country is unmistakably in favor of protection. There are many Democrats that also favor protection. Some of them would not vote for a free-trade man for President. * * * Our strong position as a party is on a protection basis. The people believe in it, and will have it."

Monroe: "In my opinion the Republicans of Monroe County are strongly in favor of a protective tariff. There are but few, if any, Democrats that advocate protection."

Onondaga: "The universal sentiment of Republicans here is that the party must make no mistake on the question of protection to American productions. There are many Democrats who are deeply interested in the question, and always vote with us when the issue is protection."

Ontario: "The Republican sentiment in my opinion is mixed, with a fair preponderance in favor of protection. I am in favor of revenue reform."

Orange: "The sentiment among Republicans in Orange County is decidedly in favor of a protective tariff. * * * A good many Democrats entertain like views upon this question. As for myself, I may say that although my early education was in the other direction my views have undergone something of a change, and are now in harmony with those of the great majority of the Republicans of the country. I was brought up from my earliest boyhood upon the New York Evening Post, and of course became somewhat influenced thereby in favor of free trade. But I was pretty young when thus influenced."

Oswego: "The Republicans of Oswego County favor a protective tariff. The Democrats favor a tariff for revenue."

Otsego: "The Republicans of this county almost to a man are strongly in favor of a protective tariff. Many Democrats with whom I have talked favor a protective tariff. In my opinion protection means to the American manufacturer prosperity; to the farmer everywhere good prices and a ready market for all he can raise; and to the laboring man good wages, a comfortable home, and an education for his children."

Putnam: "The Republicans of Putnam in my judgment are strongly opposed to any agitation of the tariff at the present time, believing that the law of last winter should have a fair trial, and that the business interests should not so soon again be imperiled by agitation in Congress. * * * I am of the opinion that no substantial reduction should be attempted at the present time, and that the business interests should have a rest from Congressional interference and protection from competition with foreign labor."

Queens: "My opinion, which is made up from conversations held with leading men of both parties, is that a majority of the people are in favor of protection to American products and a reduction in the internal-revenue taxes."

Rensselaer: "The Republican sentiment in this county is overwhelmingly in favor of a tariff, and many Democrats are in favor of it. Free trade as an abstract proposition or principle may be sound, but as a practical business principle is wholly inexpedient for this country at this time. Free trade must come some time, but to adopt it now, or for many years to come, would be ruinous to many great manufacturing, mining, and mechanical interests and industries of this country, and would just as seriously affect the laborer, by reducing his wages to the starvation point. The Republican party can not succeed this fall without a sound tariff plank in its platform; it knows where the enemy is and must fight."

Rockland: "I think that the Republican sentiment in this county is that the present tariff, with few exceptions, is satisfactory. I think about one-third of the Democrats are in favor of protection."

Schenectady: "The sentiment in Schenectady County among Republicans is decidedly in favor of protection. Many Democrats declare that if their party favor free trade they will vote with the Republicans. I think the success of our party depends upon the handling of this question."

Schuyler: "I am fully convinced that the people of this county are strongly in favor of a protective tariff; in other words, this county may be termed a tariff county, and the sentiment prevails quite strongly in the Democratic ranks. I cansee no safety to this country except with protection to home industries."

Seneca: "In my opinion the Republicans of Seneca County are in favor of a protective tariff, and I think we have a few Democrats who also favor it."

Saint Lawrence: "I believe the Republicans of Saint Lawrence County to be in favor of protection—a moderate tariff, that will furnish all the revenue that can be used to advantage, and at the same time that is framed with an eye to the protection of all the important industries of this country. Many Democrats are protectionists, but the issue must be drawn very sharply to shake their party allegiance."

Steuben: "The Republican sentiment in this county very strongly favors a tariff for protection. Many Democrats talk the same way. I favor a protective policy which will promote manufacturing industries, thereby making a home market for farm productions."

Tioga: "I think there are very few free-trade Republicans in this county, and I think there are more Democrats here in favor of protection than there are Republicans who favor free trade. I believe that a low tariff for revenue only would be disastrous to many of the manufacturing interests of this country."

Ulster: "Ulster County Republicans undoubtedly hold the same views you expressed in your circular and published letters on the subject of the tariff. There are quite a number of Democrats possessing similar convictions."

Warren: "So far as I am able to judge the Republicans are in favor of a protective tariff. I think the Republican party entirely harmonious on this question in this country."

Wayne: "The Republicans of this country are very generally in favor of protection. A few Democrats are also in favor of protection."

Wyoming: "I think 99 per cent. of the Republican voters of Wyoming County are in favor of protection. Many Democrats are also protectionists."

Very appropriate right here is the following from the Orange County (New York) Farmer:

It is not "politics" at all, but it is business. The farmers are interested above all others in the protection of home industries, for it is those industries that increase our population and thus make a market for the supplies of the farmers. No political party has any right to destroy that market for the farmers; and when any party does destroy or attempt to destroy it, then it is time for the farmers to throw "politics" to the wind and begin to roll up their sleeves for work and business. Let the agitation and discussion go on. It is business.

With this important testimony before us there is little doubt that the people of New York State are not in favor of free trade; and if her Representatives follow the people rather than sentiment or politics, they will legislate in favor of a proper system of protection.

DEMOCRATS AS PROTECTIONISTS.

The Democratic platform in 1880 was "a tariff for revenue only." The Democratic candidate considered the tariff question as "a local issue;" the country differed with him very materially, and he was stranded on the rock. The Democracy have had spasms of common sense since then, and in the following States Democratic conventions

have declared in favor of protection: North Carolina, Ohio, Virginia, Pennsylvania, New Jersey, Connecticut, Indiana, and New Hampshire.

The following States, in Democratic conventions, have declared in favor of a "tariff for revenue only:" Illinois, Michigan, Minnesota, Nebraska, Iowa, Kansas, Kentucky, Oregon, and Texas.

The Democratic conventions in the following States have made no decisive expression upon the subject: Maine, Maryland, Massachusetts, Delaware, New York.

A WESTERN FARMER'S VIEW OF THE TARIFF

is so complete and well expressed that it may well be carefully read:

A tariff for revenue only, if it means anything, implies the following cause and effects:
A general reduction of the existing duties on imports.
To be followed by a larger importation of foreign-made fabrics.
To be followed by a falling off in the demand for those made at home.
To be followed by the closing of American workshops.
To be followed by a relatively greater number of men engaged in agriculture.
To be followed by an increase in the supply of farm products, with no corresponding increase in the demand.
To be followed by a reduction of the farmer's profits.
I, for one, do not like it.

STEPHEN PEEBLES.

PACIFIC CITY, IOWA.

NEWSPAPER ADVICE.

The gentleman from New York [Mr. DORSHEIMER] in his recent speech said:

Our opponents will do well to listen to the advice of their leading journals like the New York Times, the Buffalo Express, the Boston Herald, and the Springfield Republican.

We are glad to know that the friends of the Morrison bill consult the newspapers. We can not follow blindly the Boston Herald and Springfield Republican until we are assured they will not lead us into the Democratic camp, for my colleague will remember that these excellent newspapers supported the Democratic candidate for President in 1876. The other able journals mentioned by my colleague are of course entitled to their opinions and can express them freely, as they do, but within one month from to-day the Republican national convention will meet at Chicago, it will nominate a candidate for President upon a platform which will encourage protection to American industry, and these two journals will be found heartily supporting the nominations made. If it is all the same to our distinguished friend from New York, who from long association with Republicans knows something of their tastes, we will for the present follow the lead of the newspaper formerly conducted by a strong advocate of protection, who was the standard-bearer of the Democracy in 1872, about the time that our friend joined that party, and the very year that the subject of protection and free trade was shrewdly but not safely dodged by the Democratic national convention.

Now, will our friend from New York, who is so free with his advice to us, receive kindly a little in return? If so, will he calmly cast his discriminating eye over the following extracts from purely Democratic newspapers, sharply criticising the course of the Democratic party, and then inform us why he and his friends do not take warning accordingly? It requires no proof to show the politics of these newspapers. The New York Sun, for example, is so thoroughly Democratic that it recently declared that it would support a "crank" for President (giving the name of a Democratic member of this House) in preference to any Republican. Read the following

DEMOCRATIC ESTIMATES OF DEMOCRATS.

[From the New York Sun.]

WHAT IT IS HERE FOR.

"Congress," says the Boston Herald, "has been in session more than three months without affording any answer to the question: What is the Democratic party here for?"

This is a great mistake. The answer has been given and it is so plain that even the fools ought not to misunderstand it.

The Democratic party seems to be assembled in Congress principally to render the success of the Republicans at the next election as certain as human frailty will allow.

[From the Atlanta (Ga.) Constitution.]

DEMOCRATIC BLUNDERS.

The Democratic House of Representatives has now been in session three months, and all it has done is embodied in a tariff bill that can never become a law and the recommendation of the Ways and Means Committee that the bonded-whisky-bill swindle be adopted.

[From the New York Sun, April 3, 1884.]

THE PROSPECT.

A year ago it seemed tolerably certain that the Democrats would elect the next President of the United States.

The prospect was good, so good that it did not appear to need any improvement.

And yet people had never then heard of the Morrison bill.

Even in politics it is frequently wise to let well enough alone.

[From the New York Sun.]

EDITORIAL NOTE.

When we examine the votes of the Democratic Representatives from New York upon the question of considering the Morrison bill we find that nine voted for consideration and eight against. If there is anything in such indications, it doesn't look as though there was much prospect of the Democrats carrying New York with the Morrison bill as a platform.

[From Washington Post, February 21, 1884.]

WANTED—A LEADER.

Wanted very, very badly: A Democratic leader in the House of Representatives.

THE MAJORITY DOMINATED.

Not only an actual majority of votes but a majority of brains, on hand and available, is necessary to prevent the rule of a compact and skillfully handled minority in such a legislative body as our national House of Representatives.

During the Forty-sixth Congress the Republican minority in the House were the leaders and the Democratic majority the followers more than half the time. A few members for whom a drinking saloon had greater attractions than the post of duty neutralized the majority in that body. It was a humiliating spectacle, and its frequent exhibition was one of the reasons why the Democrats found themselves in minority in the next House.

[From the Washington Post, February 27, 1884.]

BUSINESS CAPACITY WANTED.

Is there not a call for positive virtues, for a demonstration of capacity, for prompt and faithful performance of good work?

The business of the session is not in a hopeful or creditable state of forwardness. It lags—it almost languishes. There is lack of unanimity, want of cohesion, and a general appearance of hesitating uncertainty. Time is wasted in frivolous talk, and there is no end to the perpetration of essays on every possible occasion.

Where is the leader who can bring order out of chaos and set the majority of the House on the road to a successful close of the session?

[From the New York Sun.]

THE WEAKNESS OF THE MORRISON BILL.

In opening the debate upon his bill for a horizontal reduction of the tariff, Mr. MORRISON is reported to have said that a reduction "alike" or horizontal is not the most logical or best, but that none other was practicable.

What does he mean by practicable?

He knows perfectly well that the Senate and President will prevent the enactment of his bill into a law, even if he should succeed in getting it through the House of Representatives. It is idle, therefore, to speak of it as a practicable measure in any sense.

Nevertheless, the use of such a word serves to show that the framers of the Morrison bill have not had the courage of their convictions. When a man says that he has not done what he knows to be best, because he was apprehensive that it would not be practicable, he confesses that he has sacrificed his principles to his sense of expediency.

Herein lies the weakness of the Morrison bill. It really satisfies no one; not even its author. It is indefensible on principle, and we do not think it is any stronger on the ground of practicability.

[From the Cincinnati Enquirer.]

COLONEL MORRISON'S WAY OF DEFEATING THE DEMOCRACY.

WASHINGTON, *April* 20.

Mr. MORRISON ought to be a happy man to-night. He has worked his tariff issue, and thereby secured an organization of the House of Representatives which blocks the way of all legitimate business. He has put the wedge in the Democratic party right on the eve of a Presidential election, until now very few Democrats have any hopes of success, and Republicans are everywhere jubilant as they contemplate the discordant ranks of their opponents. Personal spite is partially appeased and his personal vanity gratified as the leader of this show; but the result of it all is a tariff bill which belies every honest profession of the revenue reformers, consecrates the war tariff of MORRILL as a part of the United States statute-book, and affords by its complexity a temptation to dishonest officials and a torturing problem to the civil-service reformer.

The original idea of a tariff bill built on philosophical and business principles was soon abandoned to establish a sham and a cheat. The free-list has been cut down, and more changes are promised to the credulous, the hope being to get votes, no matter how, so as to be able to say that the House did indeed pass a tariff bill. Meantime the divisions of the Democratic party have become wider and wider, until the great body of the party are looking to the managers of the House of Representatives as the chief obstacle to a Democratic triumph in the coming autumn, and are hoping that the convention at Chicago will do something to relieve them from the consequences of the blundering and mismanagement of the clique of doctrinaires.

[From the New York World, April 25, 1884.]

ARRANT STUPIDITY.

Congress has been in session for over four months and a half. The country looked to the Democratic majority in the House of Representatives to mark out an aggressive, vigorous policy, upon which the Democratic party could appeal to the people to reject the Republican candidate and restore the Republic.

The election of Mr. CARLISLE was desired by the Democracy because it was feared that Mr. RANDALL had too much sympathy with the protectionists. Mr. CARLISLE encouraged the belief that he recognized the imbecility of a fruitless agitation of the tariff question at this time. * * *

What has been done? Instead of uniting the party and rallying the people to its support, the Democratic branch of Congress has done its best to divide the party. * * * * * * * *

The Democratic House of Representatives has failed to bring into the campaign in an effective manner any one of these living issues, and has wasted its energy on a fruitless agitation of a question on which the party is divided. The Democratic Congressmen, instead of training their guns on the enemy's works, have turned them on their own.

This arrant stupidity should cease at once.

[From the New York Sun.]

MR. MORRISON'S PRESENT ATTITUDE.

The Morrison bill in its present shape, according to the opinion of its author, will reduce the revenue from twenty-five to thirty millions. But when we look at the enormous complexity of the problem and the previous failure of experts to foretell anything like the true results of a change in the tariff, such predictions become of little practical value. Other economists, and of greater experience than Colonel MORRISON, differ with him in regard to the figure of the prophesied reduction. Some, and among these Mr. HEWITT, even assert that under the proposed revision of the tariff the revenue would be greater than it is now. So, when we consider in what an uncertain form the bill would emerge from the House of Representatives, provided it ever did pass that body, it becomes apparent that with the question of revenue reduction that measure has little or perhaps no relation. It would be as likely to increase the revenue as to diminish it.

The idea, then, embodied in the Morrison bill, it is fair to say, is that the tariff must be slashed, even at the risk of swelling the enormous and indefensible surplus of taxes which is now annually piled up in the national Treasury.

Such is the present attitude assumed by the tariff-reform statesmen, and such is the business in which they would exhaust the strength of the Democratic party when opportunities for success and usefulness were laid before it such as have not been offered to any political organization since the close of the civil war.

If these are not sufficient to convince the gentleman [Mr. DORSHEIMER] that he is not following the good advice of the leading news-

papers of his party, of which party he is not the eldest in point of service, he is kindly referred to the following list of Democratic newspapers which do not commend the Morrison bill: Louisville Post, Louisville Commercial, Nashville American, Nashville Banner, Memphis Avalanche, New Orleans Times-Democrat, New Orleans Picayune, Mobile Register, Birmingham Age, Atlanta Constitution, Macon Telegraph and Messenger, Augusta Chronicle, Richmond Despatch, and Chattanooga Times.

It is well to note that these newspapers are published in a section of our country which is to be largely benefited by protection, and which is beginning to realize that fact.

CONCLUSIONS.

In conclusion, Mr. Chairman, the Morrison bill should be defeated for the following reasons:

1. Because it is a firm first step toward free trade in the United States.

2. Because what it seeks to accomplish is not in accord with the tested principles of any great political party.

3. Because it agitates and disturbs the business industries of our country at a time when it can not result in anything but discord, discontent, and uncertainty. Its passage would be injustice to the manufacturing, laboring, and farming industries of the country.

4. Because nobody asks for it except politicians, who care more who is to be the standard-bearer of the Democracy in the approaching campaign than they do for the real interests of the manufacturers or laborers of our country. They recognize its impracticability, they know that it can never become law, and they are willing to distract and disturb the country by an untimely discussion on which even their own party seems hopelessly divided. They know that such a measure can never pass the Senate, could never receive executive sanction, but they seek for political capital by begging or forcing it through this House.

5. Because the bill itself is based upon a plan which is not understood. Even members of the Democratic party claim that it would not reduce the revenues of the Government. If so, they can give no intelligent estimate of the amount of such reduction. Its author would arrange the industries of the country in a line, like a class in profane history, and say: "You shall all conform to one standard of height and breadth." And he would take his horizontal cleaver and go through his class, making such reductions as would conform to one standard. He would take the scalp of one industry, the brain of another, the whole head of the third, perhaps the next would escape entirely, and the fifth be cut midway. So on through the class. He would make his horizontal reduction uniform, but he would certainly spoil the looks and efficiency of his class.

PLAIN WORDS FROM AN "INDEPENDENT."

The following extract from a letter written by the gentleman from Massachusetts [Mr. LYMAN] to the Tariff Reform League of his State expresses very concisely and truly many of the most serious objections to the bill under consideration:

The following are my objections to the Morrison bill: First, there is no probability that the proposed reduction of 20 per cent. in the tariff dues, as set forth in sections 1 and 2, will produce any serious reduction in our revenue. It is the opinion of experts that the increased importation under the lower rates will keep the revenue nearly or quite at its present point; second, the free-list, as set forth in section 3, promises a reduction of less than $3,000,000; third, it is the opinion of officers of the Treasury, as explained in detail in the speech of Mr. MCKINLEY, that the proposed rates are so complicated, by being made to depend in certain cases upon the Morrison tariff, as to render their calculation well-nigh impossible.

If the bill be taken up for amendment it is certain that the House will pass many weeks in bitter debate over the almost endless details, and this to the exclusion of appropriation bills and other pressing legislation. Any one who knows the methods in the House and Senate will acknowledge that the bill must, if passed, appear finally as a mutilated and useless measure. In one word, the Morrison bill is the measure of an indolent and indifferent man, who, to save himself investigation and work, makes a horizontal reduction of tariff rates, heedless of those whose industries may be ruined. * * * Feeling as I do that the Morrison bill can only result in a waste of time, disturbance of commerce, and failure essentially to reduce our revenue, I shall do what I can to kill it or to have it recommitted. * * * Allow me to say, in conclusion, that I am entirely in sympathy with your tariff reform league so far as it favors the removal of our surplus revenue, the free-list for articles in the first process of manufacture, and a scientific revision of the present tariff.

PROTECTION IS RIGHT.

Mr. Chairman, the policy of protection is right. It means protection to America and all her best interests, of her business, her commerce, and her homes. It does not mean protection for protection's sake, but it does mean the protection of our young and struggling industries until they are able to compete with the markets of the world. Until they are able to stand squarely upon their feet, and fight upon equal terms the battle for their life, the policy of this Government should be to protect them. When fairly established, they will not ask it. The country is full of such enterprises. Let us build them up, not tear them down. In some instances there may be a difference of values, but it will be for the benefit of the working classes. We do not want to receive the surplus of English cheap labor at the expense of our own prosperity. We have almost a boundless country and inestimable resources. Frequent changes in our laws may be necessary. Revision of the tariff system may be demanded. The errors and mistakes need correction, but let us correct our mistakes, revise our tariff laws upon some scientific, sensible plan. There may be need of constant attention to details as we progress, but do not let us regulate our greatest source of revenue upon a plan which is experimental, if nothing worse. The country does not ask tariff revision upon that plan, and are willing to wait for more intelligent action by a party which has never failed to give prosperity to the country. It prefers to trust the friends rather than the enemies of protection, to revise the tariff as it may need it.

The tendency of American institutions may be toward free trade. It may yet be our destiny. But if we look at England with her centuries of protection, and turn to our own country to study one century of her progress—a simple comparison of the two countries and their conditions, their people and their customs, will convince us that protection will not go at present, and that when free trade comes, if it ever shall, we and many generations of our successors will be calmly surveying earthly scenes from a higher standpoint, and be wondering how poor deluded mortals can get excited over so small a thing as a tariff bill.

ADDENDA.

[From the Washington Post (Dem.) May 15, 1884.]

MUST GO.

The protectionists must go.

[From the Boston Herald.]

CHAMPION OF FREE TRADE.

The Democratic party has no future, save as the champion of free trade.

[From the New York Sun.]

IN FAVOR OF FREE TRADE.

If the Democratic party shall decide to make the tariff the chief issue in 1884, the national Democratic convention must put forth a clear and unequivocal declaration in favor of free trade.

[From the Philadelphia Call.]

HE TURNED FREE-TRADER.

JONES. You don't mean to say you have become a free-trader? Why, you are a manufacturer, and depend for existence on protection.

SMITH. I was a manufacturer until a few weeks ago, when I sold out and bought a newspaper, a political organ, in a neighboring city.

JONES. But free trade will hurt newspapers just as much as any other business.

SMITH. It won't hurt me. On the contrary, free trade would make my fortune.

JONES. How in the world do you figure that?

SMITH. Well, you see, my paper is going to get all the sheriff's advertising.

[From the New York Sun, May 23, 1884.]

CAN A MAN BE BOTH A DEMOCRAT AND A PROTECTIONIST?

Being asked whether the Democratic national convention would adopt as a part of its platform a declaration in favor of a "tariff for revenue only," Mr. HURD replies in the following style:

"Most assuredly it will in so many words. But I shall urge more than that with all my power. * * * I want it to be clearly defined whether it is possible for a man to be both a Democrat and a protectionist."

A PLAIN ADMISSION.

I am an absolute and thorough free-trader.—*Hon. J. C. S. Blackburn, of Kentucky, in his address before Tammany Hall, New York, May 23, 1884.*

The Tariff—Protection of Wool—Reduction of Duty Explained—The Ohio Fraud—Democratic Jugglery—Tariff of 1867 Demanded—Magnitude of Wool Industry—Protection of Labor.

SPEECH

OF

HON. JOSEPH D. TAYLOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. JOSEPH D. TAYLOR said:

Mr. CHAIRMAN: This discussion has been in progress almost three weeks, and if it were not for the fact that others have been derelict in their duty I should not under these circumstances and at this very late hour say a word. I propose, however, to place upon record the manner in which the Democratic party has betrayed the wool-growers of this country. I want to show the wool-growers of Ohio how well the thirteen Democratic members of this House have kept the pledges made in the last Ohio campaign. During this long discussion no Democratic member from Ohio, or from any other State, has seen proper to place before the House or before the country the grievances of which the wool-growers complain or the arguments in favor of the restoration of the duty on wool. Day and night these discussions have gone on, until almost every argument pro and con on every other subject and in regard to every other industry has been worn threadbare, and yet this industry, which reaches into every State and Territory, which employs a million men and over five hundred millions of capital, has been almost wholly ignored.

When the Converse bill was before the House a few weeks since,

under the iron-clad rules which now prevail, only thirty minutes were allowed for discussion, twenty-six of which were occupied by the Democratic side, and four were graciously assigned to the Republican side. These four minutes were occupied by Major McKINLEY. We did not complain of the division of the time. It has been considered expedient during this session in the management of the wool question, as in the management of other questions, for Republicans to keep in the background. The fact is that it is scarcely considered good manners for a Republican to make a motion to adjourn or a motion that the committee rise. Although I introduced a bill to restore the duty on wool the same day that Mr. CONVERSE introduced his bill I saw it was useless to attempt to bring my bill forward. Anything that is expected to succeed in this House, where almost two-thirds of its members are Democrats, must be moved by a Democrat. Of the thirty minutes allowed for the consideration of the Converse bill one-half was given to Mr. HURD, of Ohio, in opposition to the bill. I make no complaint that anything was left undone that could have been done in the short time allowed for the consideration of that bill. It was difficult to get even this time, and most of the Democrats had done all they could do to prevent any consideration of the bill at all.

But I do make complaint, Mr. Chairman, that so little has been said or done during this discussion on behalf of the wool-growers of the country. The bill now under consideration proposes a further reduction of the duty on wool, and a reduction that will strike down sheep-husbandry in this country; and yet no Democratic member during this long discussion has pleaded the cause of the wool-grower. No Democrat during the discussion of this bill has seen proper to place the arguments and facts in regard to this great industry before either the House or the country. The case of the wool-growers has not been argued as it was argued on the stump and in the press in Ohio last year. Their cause has not been presented in this prolonged discussion as they had a right to expect. Why has not this been done? Why were the wool-growers denied this full hearing when so good an opportunity was presented? Why has such a remarkable silence on this subject prevailed? It was certainly not because there was any want of arguments or facts worthy of presentation. This silence, Mr. Chairman, on the part of the party that promised to espouse the cause of the wool-grower is significant.

Information was collected with great care and labor and presented to the Committee of Ways and Means, but it was there buried and forgotten. I do not want to do this committee injustice. The addresses delivered by Hon. Columbus Delano and others who represented the wool-growers were printed, as was everything else that transpired before that committee, but they were not printed for distribution. If the facts presented by these gentlemen to this committee were laid before the voters of the United States no political demagogue could stand before the tempest which they would create. But, sir, it was not intended that these facts should reach the people.

I supposed that when this bill came before the House for consideration these facts and statements, with others, would be presented to the House and to the country. In view of the pledges made by the Democratic party of Ohio last year; in view of the platform of the Democratic State convention of that State; in view of the speeches made by Judge Hoadly, now governor, in his campaign; in view of the speeches made on every Democratic stump in the State, and in view of the publications made in all the Democratic newspapers of Ohio, I had a right to expect, and the wool-growers had a right to expect, that a strong effort would be made in this discussion to place their claims properly before the country. Thirteen Democrats are representing Ohio on this floor, and all of them except one participated in the promises and pledges made to the Ohio farmers in the campaign of last year. I waited to hear them plead the cause of the wool-growers; but I waited in vain. Mr. HURD, who had made his fifteen-minute speech against the Converse bill, appeared again in this discussion and made an able and lengthy speech in favor of the Morrison bill, and in favor of a further reduction of the duty on wool.

Mr. CONVERSE has taken no part in this discussion, thinking perhaps that he had done his duty in his advocacy of his own bill, and perhaps did not care to open any wider the chasm between himself and his party. Mr. GEDDES made a speech which was listened to with profound interest, but all that he said in regard to the duty on wool occupies less than half a page of the RECORD. General WARNER made a very able speech in vindication of the "Ohio platform," but he did not pretend to discuss the wool question, and only referred to it incidentally to show how the reduction of the duty on an article fails to reduce the revenue. Mr. WILKINS, who was allowed one minute in the discussion of the Converse bill, made some very pertinent and forcible remarks. No other Democrat saw proper to say a word on this subject.

I hold in my hand, Mr. Chairman, a most remarkable pamphlet. It was published and distributed last year by the Ohio Democratic State committee. It was placed in the hands of every wool-grower in the State, no matter to which political party he belonged. It denounces what it calls the "infamy" of the Forty-seventh Congress, and pledges the honor of the Democratic party for the immediate and unconditional restoration of the duty on wool. The title-page of this pamphlet reads as follows: "The reduction on wool—Republican tariff tinkering cost the Ohio wool-growers six millions of dollars—Fleecing the flockmasters: How it was done, and who did it."

The State was flooded with it. It was the only Democratic document that attracted any considerable attention during the campaign in the wool-growing districts of the State. It contains fifteen pages of closely printed matter, and should have been made a part of the speech of some Democratic member from Ohio and printed in the RECORD.

The first chapter of this pamplet is headed, "Importance of the wool-growing industry in Ohio," and contains facts which would have been pertinent in the discussion of the tariff bill now before this committee. The subject of the next chapter is, "What the wool-growers have a right to demand and expect of the National Government," under which I find these words printed in large type:

Bear these facts in mind, farmers of Ohio: The Republican Congress reduced the duty on wool at a time when there was absolutely no public necessity for doing so, and its preservation was most necessary to you. The Republican Congress did this to accommodate the New England woolen manufacturers, who already enjoyed too many favors. The Republican party is under the thumbs of the New England manufacturers, and you have absolutely nothing to hope from it.

This was the tone of the Ohio Democratic campaign last year; a bitter denunciation of the Republican Congress that reduced the duty on wool, and, if possible, a still more bitter denunciation of the New England woolen manufacturers. It says that the wool-growers "have absolutely nothing to hope for" from the Republican party. I can imagine by this time, Mr. Chairman, how much hope the wool-growers have in the Democratic party. And if we are able to prevent the further reduction of the duty on wool, which this bill proposes, we shall do it by the votes of the Republican party, including the votes of the New England members, who were branded as "thieves and robbers" by the Ohio Democracy in the last campaign. Unless the members of this House who are supposed to represent the New England manufacturers vote against this bill it will pass, and the wool-growers will go down in the common wreck of American prosperity.

To return to this pamphlet, for it is too valuable a paper to be overlooked.

The caption of the next chapter is, "The wool tariff of 1867," and the facts herein would have read well in and added greatly to the speech of any Democrat. The heading of the next chapter is, "How the reduction of last winter will affect the price of clips." Here, too, the Democratic members could have found food for thought and facts for utterance, if they had been in the spirit. This chapter states that in 1881 Ohio produced 22,651,801 pounds of wool, and while the previous chapter estimates the loss at 8 cents per pound this one places it at 5 cents per pound, and gives a tabulated statement showing the product of each county in the State and the corresponding loss, from which I will only quote the counties which compose the district which I have the honor to represent: Belmont 737,798 pounds, loss $21,146.30; Guernsey 864,232 pounds, loss $43,211.60; Harrison 953,339 pounds, loss $47,666.95; Jefferson 620,069 pounds, loss $31,003.45; Noble 418,130 pounds, loss $20,906.50; making an aggregate loss in these five counties of $163,934.80, and in the whole State of $1,132,590.05.

The caption of the next chapter is, "How the reduction will effect the value of sheep." The substance of this chapter is that a reduction in the price of wool is necessarily followed by a corresponding reduction in the price of sheep, and this loss is placed at 25 per cent. on the average value of sheep, which is placed at $4, or at $1 per head; and here follows another tabulated statement of all the counties of the State, accompanied with the estimated loss on the sheep, from which I will copy the estimated losses of the same counties: Belmont, $163,509; Guernsey, $182,431; Harrison, $189,116; Jefferson, $122,974; Noble, $97,929; making an aggregate loss on sheep on the carcass alone in these five counties of $755,959, and in the whole State of $4,594,607.

This, again, is followed by another tabulated statement, in which the counties of the State are again repeated, showing the aggregate loss on wool and on sheep in Ohio last year, from which I quote the losses of the same counties, as is herein given: Belmont, $200,398.90; Guernsey, $225,642.60; Harrison, $236,782.95; Jefferson, $157,977.45; Noble, $118,835.50; making an aggregate loss in these five counties of $939,637.40, and in the whole State of $5,776,078.20. These are all Democratic figures, and I will not be responsible for their accuracy.

The next chapter has for its subject "How the reduction will affect the value of land," and goes on at great length to explain the extent of this injury. The next chapter has for its caption "Who is responsible for all this," in which is found the following language: "The Democratic party opposed the reduction from the beginning, and is the only party which can be relied on to restore the duty."

In the same chapter I find this language:

Who are our enemies that have thus laid their hands on our throats while these unworthy, mercenary monopolists of New England have rifled our pockets.

The answer given was, of course, the Republican party. It did it. It held the farmers of Ohio by the throat while the New England monopolists rifled their pockets. I would like to inquire, Mr. Chairman, who is now holding the wool-growers by the throat while Great Britain is rifling their pockets?

The next chapter discusses the conference committee and the action of Congress upon its report, and says—and I want you to remember this language, as I want to refer to it again—"This committee, without one Democratic member, drafted the bill as passed." This is true, for the Democratic members of the conference committee refused to act or

even to be present. This pamphlet gives a list of all the members of the Forty-seventh Congress, and professes to give the politics and the vote of each. Mr. BURROWS, of Michigan, Judge TAYLOR, of the Garfield district, and myself are written down as Greenbackers, in order to diminish the number of Republicans who voted against the bill. It did not want the fact to appear that seven of the Republican members voted against it. Further on it says, and prints it in italics, that "every Democratic member voted against it," while the previous page shows that sixteen Democrats voted for it.

The next chapter discusses "How the bill was passed," the next discusses "JOHN SHERMAN," and the next "How the Democratic party stands, and what it proposes to do for the wool-growers." Under this head it repeats the pledges of the Democratic platform, the speeches of Judge Hoadly, and the declarations of Mr. CONVERSE made a year ago on this floor, that this reduction will strike down the wool industry and compel the wool-growers to turn to the exhausting process of grain growing, and assures the wool-growers that all these declarations perfectly represent the Democratic view of this question.

The concluding chapter has for its caption "The importance of the coming election to the farmers of Ohio." It begins as follows:

Is it possible to obtain a restoration of the duty entire? This is the question which every sheep-owner in Ohio is asking himself. We say to every farmer, and with all possible emphasis, that the question must be answered now. Next year will not do.

The reason is clear: the issue has been raised in the present Ohio campaign, and the wool interest elsewhere, as well as the enemies of the wool interest, are unanimous in recognizing that the result of the Ohio campaign will decide whether the duty shall be restored immediately, or whether its restoration shall be left to the chances of the future.

The election of Hoadly, on the other hand, means the triumph of the Democrats and the success of their objects, of which the unconditional restoration of the duty on wool entire is one of the most important.

* * * * * * *

Farmers of Ohio, can you trust the party that has, in our National Legislature, outraged and robbed you at the bidding of the capitalists of New England? Is there any hope for you from such a party, who have thus deliberately sacrificed your dearest and best interests? The party that created this great wrong can not be trusted to give you relief. The Democrats in Congress were your friends. They sought by every means in their power to prevent this wrong from being inflicted on you. Trust the Democratic party in this matter; it has promised to, and will, give you relief.

This was the language of the Democracy in the Ohio campaign of last year. This is the proclamation made by the Democratic executive committee of the State, the official representatives of the party.

Mr. Chairman, I do not hold all the members of this House responsible for this fraud. I do not know positively that any Democrat outside of Ohio assented to this miserable cheat, though they kept very quiet at the time. I do not know that all the Democrats in Ohio assented to it. I know of one who did not. I know that the distinguished chairman of the Ways and Means Committee, Mr. MORRISON, the author of this bill, was no party to it. Before this House was organized, and before the committees were appointed, he expressed his contempt for the course pursued by the Ohio Democracy in regard to wool. He said publicly and in the presence of members of this House that the statement that the Democratic party was in favor of the restoration of the duty on wool was false. When some one said to him that certain distinguished Democrats, naming them, had so stated in their speeches in Ohio last year, he indignantly replied, "If they did they lied!"

When Mr. Cowden, a prominent Democrat of my district and president of the Ohio State board of agriculture, was addressing the Committee on Ways and Means, arguing in favor of the restoration of the duty on wool, he said, "I shall make use of my ballot to further my interests," and went on to assure the committee that the wool-growers, without respect to party, proposed to use their votes to secure this end. Mr. MORRISON, the chairman, spoke out in his emphatic manner, "These gentlemen" (pointing to the Republican members of the committee) "took it away from you, and so far as I am concerned I promise not to give it back to you."

And Mr. MORRISON is not any more outspoken on this subject than the other leading Democratic members of this House. Not a single prominent Democrat outside of Ohio will take his place on this floor and advocate the restoration of the duty on wool. And the very least that I can say for the Ohio Democratic members is that they have been very modest in making a claim of this sort. The whole tendency of Democratic legislation is the other way, and hence a Democratic member in good standing hesitates to suggest an increase of duty on anything.

The responsibility for this reduction has been sought to be placed upon the Republican party, because it had the majority in Congress when the bill was passed. I admit that it was a great and grievous mistake, and so said to members of both Houses and both parties, and for this reason I voted against the bill. But let us inquire a moment into the causes which contributed to this result.

In 1882 there swept across this country a tidal wave demanding a reduction of the revenues. There came up from all parts of the country a demand that taxes be reduced. On the 15th of May, 1882, in obedience to this demand, the Forty-seventh Congress passed an act establishing a tariff commission. The President of the United States was authorized to appoint nine men, whose duty it should be to investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same were necessary to the establishment of a judicious tariff. The commission was authorized to visit different sections of the country, and was required to make to Congress its final report on the first Monday of December the same year. The commission was appointed, did its work, and made its report within the short time allowed.

The Tariff Commission stated in its report that early in its deliberations it became convinced that a substantial reduction of tariff duties was demanded, not by mere indiscriminate popular clamor, but by the best conservative opinion of the country. Entertaining these views, the commission sought to reduce the tariff duties an average of 20 per cent., and when it made its report it expressed the opinion that it had made an average reduction of 25 per cent.

At the opening of the second session of the Forty-seventh Congress the Secretary of the Treasury and the President of the United States urged upon Congress the necessity of providing by legislation some method of freeing the Treasury of an excess of assets, calling attention to the fact that the revenues were far in excess of what was necessary for a wise and economical administration of the Government. The surplus revenue at the close of the preceding fiscal year was $132,879,444.41.

The opening of the second session of the Forty-seventh Congress was confronted with a public sentiment almost overwhelming, in which the Democratic press of the country figured most prominently, demanding an immediate reduction of the revenues.

The Tariff Commission unanimously recommended a bill which included the reduction of the duty on wool, and it afterward became a law. This being the short session of Congress, there was very little time for the consideration of any tariff measure. The Senate Finance Committee, to which this class of legislation in the Senate, and the Committee on Ways and Means, to which this class of legislation in the House is always referred, at once began the consideration of the report of the Tariff Commission, and each committee in due time prepared and reported a bill of its own. There were then three tariff bills before the country, the one reported by the Tariff Commission, the one reported to the Senate by the Finance Committee, and the one reported by the Committee on Ways and Means to the House, and in each bill the reduction of the duty on wool was the same.

The report of the Tariff Commission went out through the country like an electric flash, and the Senate and House committees having the tariff question under consideration were soon crowded with those who supposed themselves injuriously affected by the report of the Tariff Commission. There never was a time when so many people seemed to take such vital interest in the legislation of the country. The hotels were crowded to overflowing, the streets and avenues were lined with strangers, the halls, galleries, and corridors of the Capitol were filled with interested spectators, and the doors of the committee-rooms where this question was being considered were surrounded day and night. The members of these committees had scarcely time to eat or sleep during the time they were hearing complaints and reconciling the incongruities of the mass of testimony hurled upon them like an avalanche, during the few weeks allotted them for this purpose. Thousands of people who failed to get a hearing sent printed circulars, petitions, memorials, and pamphlets, not only to these committees, but to all the members of Congress, pleading for relief.

The Senate bill was completed and reported to the Senate on the 9th of January. Subsequently the House bill was completed and reported to the House. They were both printed. They both adopted the reduction of the duty on wool recommended by the Tariff Commission. Now, Mr. Chairman, I want to state a surprising fact. Up to this time, up to the time when the work of these committees was completed, up to the time when these two bills were in print and in the hands of the two Houses of Congress, no man in Congress or out of it, in Washington or out of Washington, had lifted his finger to prevent the reduction of the duty on wool. No man appeared before either of these committees; no petition or protest was ever presented to either committee or to Congress on this subject; no letter was written to any member of Congress on this subject up to this time, so far as I could ever learn. The voice of the wool-growers of this country up to this time had been silent. No effort had been made by them to prevent this reduction. Every other industry, every other interest affected by this bill, was represented here.

Hon. Columbus Delano and Mr. Markham, who had been here before, were then absent. I was elected to Congress in January, 1883, received my certificate on the 16th of January, and took my seat on the 17th; and when I came here I was unable to find anybody, on either side of the House or in either House of Congress, who was giving this question any attention whatever. On the day of my arrival I saw Judge KELLEY, the chairman of the Committee on Ways and Means, who informed me that his committee would follow the report of the Tariff Commission in the reduction of the duty on wool, which he said was entirely satisfactory to the wool-growers of the country. I expressed surprise at this statement and said to him that I knew it was not satisfactory to the wool-growers of Eastern Ohio. He then assured me that the men who were on the commission who were supposed to represent the wool-growers, and men who represented State and national wool-growing associations, whom he then named, had consented to the reduction and had agreed to be content therewith if no further reduction was made.

After this I saw members of the Senate and Senate Finance Committee and members of the House and other members of the Committee on Ways and Means, and each member gave me substantially the same information. They all understood that the proposed reduction was satisfactory, and none of them up to this time have heard anything to the contrary from their constituents.

Not to be baffled in this way, and in order to let the wool-growers know the true situation, I wrote to prominent wool-growers in Ohio and stated these facts and named the gentlemen who were represented as having consented to the proposed reduction. One of these letters in some way got into the newspapers and was generally published throughout the State. This created some little excitement at the time and I was censured by the Democratic papers for urging the wool-growers to come to Washington to look after their interests, saying that I had become frightened and had sent for the lobby. I saw the danger, and knew that the wool-growers had not taken the necessary steps to prevent it.

In response to this letter Hon. Columbus Delano, Mr. Markham, Mr. Harpster, Mr. Sprague, and others came, but it was so late when they arrived that they did not succeed in preventing the reduction. No men could have worked harder or done more from the time they came till the close of the session.

It is due, Mr. Chairman, to the officers of the Wool-Growers' Association, to whom I have referred, to say that they denied having consented to the reduction of the duty on wool. The consent they had given was as to other matters, and they had been misunderstood. Both committees, however, and members of both Houses of Congress, supposed that this reduction was satisfactory, having been so informed, and they were certainly not to blame for this when the two members of the commission who were understood to be the representatives of the wool-growers had signed the Tariff Commission report, and when the officers of the Ohio Wool-Growers' Association, and the National Wool-Growers' Association, to whom I have referred, were known to be in this city at the time, had failed to go before either committee to enter an objection to the reduction which the Tariff Commission had previously recommended. The silence of these gentlemen, though they did not know it at the time, the silence of the wool-growers, the absence of petitions and protests, were misinterpreted and naturally led to the conviction that the reduction made was satisfactory to the wool-growers.

Is it surprising, Mr. Chairman, that under these circumstances this reduction should be made? But I am asked why the duty was not restored when Congress was informed that the wool-growers had not consented. I am asked why the importunities of these gentlemen who came here in response to my letter were not heeded. I will answer: They came too late. Mr. Delano says in his address to the Ways and Means Committee that the law of 1867 was more than a law; that it was a compact between the wool-growers and the wool manufacturers; that it was the result of long and careful consideration, and should not have been ruthlessly abrogated. This being the case, Congress was bound to preserve the ratio of duties between wool and woolen goods as established by the law of 1867, and which is still understood to be a fair adjustment of the duties between the two products.

I know, Mr. Chairman, that it has been claimed that the duty on wool was reduced, while the duty on woolen goods was increased. This was the claim made by the Democrats in the Ohio campaign of last year. No such claim will be made by any Democrat on this floor. It is absolutely untrue, as I shall hereafter show. At this point I only wish to show the difficulties which stood in the way of the restoration of the duty on wool in the bills which were pending before both Houses of Congress at the time this request was first made. On the 19th of February Senator SHERMAN made a vigorous effort in the Senate to amend the tariff bill reported by his committee so as to increase the duty on wool. This was opposed mainly for the reason that there was not then time enough to make the changes in the schedule of woolen goods which would be affected by a change in the duty on wool. On that occasion Senator MORRILL, of Vermont, said:

> I am sorry to have to be placed in the attitude of objecting to the amendment of the Senator from Ohio, but I know the bill can not pass with the amendment he proposes without readjusting the whole schedule, which is one of the most difficult that we have had to deal with.

Senator HAWLEY, of Connecticut, said:

> It is a complex subject. If you begin a change in the wool the administration of common, decent justice can not stop without running up through the scale and making a readjustment upon the higher class of woolen goods. Common justice will demand a readjustment of the whole of this complicated schedule.

Senator BECK, of Kentucky, said:

> I hope this schedule will not be disturbed, because if it is it is apparent that we shall have to go over the whole schedule and readjust it, and then we shall have to turn back to the iron schedule again and readjust that in accordance with the woolen.

He said he represented a State largely interested in the wool industry, and that his only son had all that he had in the world invested in sheep in Wyoming Territory, and hence could not be prejudiced against the wool industry.

It was claimed by members of both Houses, with a very few exceptions, that this readjustment could not be made in the short time which could be devoted to this purpose. The committees were then worn out and some of them were sick, one of whom, Mr. HASKELL, never recovered from the overtaxation of his labors on the Committee of Ways and Means during that session. This change in the duty on wool would make it necessary to change the duty on hundreds of woolen goods in order to adjust the duty on each so as to give to the schedule rate of duties on woolen goods the same increase. It would be necessary to know how much cotton, if any, was used in the manufacture of each article, the amount and quality of wool used, &c., which would necessarily take a great deal of time. This was the only objection I met when presenting the matter to any Republican in either House. These are the circumstances, Mr. Chairman, under which the Forty-seventh Congress reduced the duty on wool. For this mistake the Republican party was severely punished in the Ohio campaign of last year.

But to understand who is responsible for this reduction as between the two political parties, it is necessary to show what connection the Democratic party had with this reduction. It was claimed in Ohio last year that the Democratic members of Congress stood shoulder to shoulder with the wool-growers, and resisted this reduction at every point and in every possible way. This wool-pamphlet says that the Democratic members of Congress opposed this reduction from beginning to end, and that the Democratic party is the only party that can be trusted to restore it. In order to discuss this question fairly I wish to make this assertion; I desire to state a fact which the wool-growers of this country ought to know: The Republican members from Ohio who voted against the tariff bill did it because the tariff on wool was reduced, while the Democratic members of Congress, from all parts of the country, who voted against it did so because the duty on wool was not reduced more. I know of but a single exception to this. There may possibly be more. The Democratic party clamored for greater reductions on everything, and was dissatisfied with the bill that became a law because it did not make greater reductions in the tariff schedule, as I shall now proceed to show. And in the proofs I shall offer I shall refer to the records of the Forty-seventh Congress and in proof of the following incontrovertible facts:

1. When the President recommended in his message to the second session of the Forty-seventh Congress the reduction of the duty on wool and woolen goods, no Democratic newspaper or member of Congress uttered a word or took a step toward preventing it.

2. When the Tariff Commission made its report on the first Monday in December, 1882, recommending a reduction of the duty on wool and woolen goods, no voice or vote came from any Democrat in Congress or out of it against the proposed reduction.

3. When the Finance Committee of the Senate reached the woolen schedule, every Democratic member of that committee voted in favor of the reduction of the duty on wool.

4. When the woolen schedule was reached in the Senate in the consideration of the Senate tariff bill, every Democratic Senator voted in favor of the reduction of the duty on wool.

5. When the Ways and Means Committee of the House reached the woolen schedule every Democratic member of that committee voted in favor of the reduction of the duty on wool.

6. When Senator SHERMAN, on the 19th day of February, 1883, moved to increase the duty on wool in the Senate tariff bill only three Democrats voted in favor of the increase.

7. When the Ways and Means Committee held a special meeting, during the last days of the Forty-seventh Congress, to reconsider the woolen schedule in the House bill, every Republican member of the committee voted to restore the duty of 1867, and every Democratic member voted against it.

8. When the Senate bill was taken from the Speaker's table in the House and sent to a conference committee, where the final changes were to be made, RANDALL of Pennsylvania, MORRISON of Illinois, and TUCKER of Virginia refused to serve on the committee as representatives of the House, as did BAYARD of Delaware, BECK of Kentucky, and VOORHEES of Indiana, as representatives of the Senate, refusing to act as members of the conference committee, where they would have had an opportunity of voting to restore the duty on wool, knowing that this was the last opportunity of restoring the tariff of 1867.

9. The Democratic members of the House tried to force the passage of the Senate bill, in which this reduction of duty was the same as that which finally became the law, and tried to prevent the Republican members from sending it to the conference committee, where it was expected that the duty on wool would be restored, when it was believed that with the help of a few Republican votes from the West they could pass the Senate bill, which contained this same reduction.

10. It was a notorious fact, known to all the members of the House, that there were but two or three Democratic members who could be relied on to act with the Republican members in the plans that were then being made from day to day to amend any bill that might come before the House so as to retain the tariff of 1867.

These, Mr. Chairman, are matters of record and matters of history. They are found in the CONGRESSIONAL RECORD and in the records of the various committees, and are known to the members of the Forty-seventh Congress. This is only what occurred during the second session of this Congress; and if I were to go further back in that Congress, or still further back in other Congresses, I could show that in all the tariff bills the Democratic party ever framed, that in all the votes the Democratic members ever cast, and that in all the speeches the Democratic members ever made, if wool was in controversy, they either favored a reduction of the duty or favored placing it on the free-

list. The Republican party passed the law of 1867, and it has been the policy of the Democratic party to destroy it. This is simply history; and it is a history of which the Democratic members of this House boast. The glory of the Democratic party is the reduction of revenue; a "tariff for revenue only, limited to the necessities of the Government economically administered."

The bill prepared by the Tariff Commission was the framework and basis of the two bills prepared by the two Houses of the Forty-seventh Congress. The classifications and rates of duty were in the main followed. There was this difference: the Ways and Means Committee of the House, of which Judge KELLEY was chairman, in making changes recommended higher rates of duty on leading articles than the Senate Finance Committee, of which Senator MORRILL was chairman. In other words, there was more protection in the House bill than there was in the Senate bill. This was probably owing to the fact that there was a small Republican majority in the House, while in the Senate the two parties were equal, with Judge Davis, of Illinois, thrown in. Each House was ambitious to have the bill it matured become the law. The Senate committee knew that no law could pass the Senate that did not contain such reductions of duty as would make it acceptable to certain Democrats, and hence it pared the duties down. The House committee was disposed to keep the duties higher, and for this reason it was very objectionable to the Democratic members of both Houses. The House bill was considered in the House day after day for several weeks, until it became apparent that it never could be completed; but the schedule of wool and woolens was never reached, and this is the reason that the wool question was never discussed in the House.

The only remarks made in the House on this question were made when the conference committee presented its report, and they were compressed into ten minutes' time, five of which were occupied by Mr. CONVERSE and the other five by General ROBINSON, who has taken a great interest in this question from the first. This difference between these two bills explains why the Democrats wanted to pass the Senate bill in which the duty on wool was reduced in preference to the House bill, which the Ways and Means Committee had agreed to amend so as to retain the law of 1867. This shows the position of the two parties in the Forty-seventh Congress on this question. Perhaps I should explain that the so-called Senate bill originated in the House, where all such bills must originate, prior to the Tariff Commission report, but it was so changed in order to make it conform to the bill prepared by the Tariff Commission and to the views of the Senate committee that for convenience it was then called and is still called the Senate tariff bill.

There is one other thing, Mr. Chairman, in this connection which I wish to explain. The Ohio Republicans who voted against the bill which reduced the duty on wool have been charged with inconsistency because they voted to send the Senate bill to a conference committee, instead of voting against the adoption of the rule which made this possible. This charge is wholly without foundation. Before this vote was taken we were assured that the Democrats with the help of a few Republicans would pass the Senate bill as it came from the Senate containing this reduction if we did not send it to a conference committee and have it amended. And at the time this vote was taken we had the pledge of every Republican member of the Ways and Means Committee, from whom the conference committee would be necessarily chosen, that they would do their utmost in the conference committee to have the duty on wool restored. Besides, we knew that the Ways and Means Committee had previously carried this amendment, and we knew that Senator SHERMAN would be on the conference committee and do all he possibly could to accomplish this result. This was the last and only hope we had of preventing the reduction of the duty on wool.

Mr. Chairman, I wish to call attention to another remarkable fact in this connection. The Democracy has changed base on the wool question. They now deny that they ever promised to restore the duty on wool. They now say that the Democratic platform of Ohio, to which we have referred, did not promise to restore the duty on wool. The distinguished Representative from New York, Mr. COX, who was understood to have promised the Ohio wool-growers last year that the Democracy would restore the duty on wool, has denied on this floor that he ever made any such promise. These denials, to say the least, come late and at a very inopportune time. Mr. CONVERSE in his speech, however, says:

> Can this Congress afford to deny this relief? A Republican President recommended a reduction of rate of duty on wool. A Republican Congress did it. Can a Democratic Congress refuse to restore it? These very men who are knocking at the door of Congress for relief have the power to elect the next Congress, and can elect or defeat any candidate for President. I have no doubt they will exercise that power. They gave us Ohio last year on the pledge from the stump all over the State that we would make an honest effort to restore the duty on wool.

He puts it mildly, I admit, but he says that the Democrats of Ohio pledged that they would "make an honest effort to restore the duty on wool." How have they kept this pledge?

I also copy from the RECORD the following terse statement made by Mr. WILKINS, which is worthy the consideration of every Democrat in this House. In referring to the promises made last year by the Democracy of Ohio to the wool-growers, he says:

> It has been said to me since the agitation of this question was begun: "We have no right to make any such promises." What, sir! No right to promise that a wrong so transparent that even the party who committed the wrong are to-day regretting their act, and are willing to join hands with us to correct their acknowledged error; have we no right to promise the substitution of right for wrong? Had we no right to promise that a Democratic Congress would follow the same line, the same policy, inaugurated by Jefferson, which has come down to us advocated by Madison, Jackson, Pierce, Polk, and Buchanan, "a fair and just protection to all the great interests of the whole Union?"

If you will read the Ohio Democratic platform of last year between the lines, as Mr. COX desires we shall read his Ohio speeches, we will discover the trick. They meant that their promises to restore the duty on wool should accomplish a purpose. On that pledge they carried Ohio and elected their entire ticket by an overwhelming majority, and now come here and deny that they ever made any such promises.

There is a wide difference, Mr. Chairman, between the situation now and when the Forty-seventh Congress reduced the duty on wool. That Congress adjourned on the 4th of March, and had little time or opportunity to know the wishes of the wool-growers or the needs of sheep-husbandry in this country. Now it is different. The farmers and wool-growers from almost every State in the Union have been here, and have been before the Ways and Means Committee either in person or by petition, asking and praying for the restoration of the duty on wool. The wool-growers of my district have petitioned, and their names are now stowed away in the dusty pigeon-holes of the committee-room. You turn up your noses and laugh when we talk about wool. Some of the Democratic members who voted for the Converse bill did it in such an apologetic manner that we could not help inferring that they wanted to say: "We are from Ohio; we have to vote this way."

Mr. HURD was in accord with his party when he advocated the reduction of the duty on wool, and was loudly cheered for his advocacy of this measure. The refusal to restore the duty on wool and the proposal under this bill to reduce the duty still further are not the result of a demand from the people. No petitions came here asking a further reduction. No protests came here against the restoration of the former duty. The course of this House is dictated by that blind party bigotry which has dominated the Democratic party and kept it out of power for a quarter of a century. You have refused to do justice to a patient and deserving people, and now propose to do them greater injustice. They have met in State and county, in church and school-house, in town and country, and have passed resolutions. Legislatures have memorialized you and a million of people have laid their petitions and prayers at your feet. Delegations of intelligent men have crossed the continent to plead their cause. State, county, and township organizations have entered upon the work of securing the restoration of this duty. They have asked but little. They do not fear the passage of this bill. If the tariff of 1867 is not to be restored, it makes little difference to them how much more you reduce the duty. It is the restoration of the duty they have asked, but you have turned a deaf ear to their petitions, you have spurned their requests, and you are now adding insult to injury. They ask you for bread and you offer them a stone.

If the Forty-seventh Congress had been petitioned as this Congress has been, if public meetings had been held by the farmers and wool-growers all over the country then as they have been since, if resolutions, memorials, and entreaties had poured in upon the Forty-seventh Congress as they have upon the Forty-eighth Congress, no reduction would have been made. Mr. Victor E. Piollet, an influential and intelligent Pennsylvania Democrat, said to the Ways and Means Committee in my presence, "If farmers had come before the last Congress the duty on wool would not have been reduced." Mr. WILKINS, of Ohio, in his speech makes the same admission. The Ohio Republican Legislature sent a memorial to Congress against the reduction of this duty in February, 1883, but it came too late. The Ohio Republican convention of last year was the first convention to recommend the restoration of this duty. The Republican party is the only party in this country that advocates protection. The Democratic party is the only party that opposes protection. And if this duty is ever restored it will be done by the Republican party. There is not a single Republican in the Forty-eighth Congress who will not vote to restore the duty on wool if the corresponding duty on woolen goods is restored, and almost all of them will vote to restore it in any event, as the vote on the Converse bill shows.

The wool-growers of this country anxiously awaited the action of this Congress. The immense interests of this great industry were involved in the solution of this question. After many months' delay Mr. CONVERSE called up his bill. The vote was taken. The bill was defeated. The Democratic side of the House cheered the result and rejoiced at the victory. The farmers and wool-growers were defeated. Only 38 Democrats out of 200 voted for the bill, while on the Republican side 80 voted for it and only 12 against it, although the bill increased the duty on wool and not on woolen goods. If the duty on woolen goods had been increased every Republican member would have voted for it. And what is very strange, some of the Democrats who voted for the Converse bill have since voted to take up the Morrison bill, which now proposes a further reduction. The Democratic members stood 3 to 1 against the Converse bill, while the Republicans stood 7 to 1 for it, declaring by this vote that the loss of $15,000,000 which was borne by the farmers last year is to be borne by them again this year in the continued reduction of the price of wool.

Mr. Chairman, it has been charged again and again that the Forty-seventh Congress reduced the duty on wool but did not reduce the duty on woolen goods; and in some cases it has been charged that the duty on woolen goods was increased. The object of this was to create an antagonism between the wool-growers and the wool-manufacturers which would be destructive of both. In order to put this question at rest I shall append to my speech two tables. Table No. 1 shows the rates of duty on wool prior to the passage of the act of March 3, 1883, and also under the present tariff. Table No. 2 shows the rates of duties on woolens prior to the act of Mareh 3, 1883, and also under the present tariff.

From these tables it will be seen that there was a reduction on every classification except one, and a large reduction on all of the articles in common use. The only class on which the duty seems to be increased is a new classification that embraces a class of very expensive goods not made in this country at all when the law was passed, and used only by the wealthy classes of people. This increase is the one made by the committee of conference to correct a defect in the old law and to protect a class of manufactures which before that had no protection at all and could not be made in this country. Since the passage of this law these goods are beginning to be made here, and if this protection continues they will furnish a market for our finest Ohio wool and the goods will become cheaper than they have ever been.

In further proof of the fact that the duties on woolen goods were as much reduced as the duty on wool, I wish to call the attention of the House to a colloquy which occurred in the Senate on the 19th of February, 1883, between two Democratic Senators—Senator BAYARD, of Delaware, and Senator MAXEY, of Texas. This will be found on page 2969 of the CONGRESSIONAL RECORD. The Senate tariff bill was about completed, and Senator SHERMAN had obtained leave of the Senate to return to the wool schedule and move to increase the duty on wool. While Senator BAYARD was speaking on Senator SHERMAN'S motion, Senator MAXEY interrupted him as follows:

Mr. MAXEY. I should like to ask the Senator from Delaware a question, if it will not interrupt him.

Mr. BAYARD. Certainly I yield.

Mr. MAXEY. I want to vote right upon this matter, and I want to know what the right is. The Senator is a member of the Committee on Finance, and I ask him whether in his judgment in the arrangement and balancing of the schedules the tariff as laid in the bill before us on wool is ratable and equitable in proportion to the tariff on woolen goods? The answer to that will control me in my vote.

Mr. BAYARD. I consider that the tariff upon wool is in greater proportion than that upon the woolen manufactures, although I will admit that which I think every member both of the Finance Committee and of the Senate must admit—that we can not tell now what the result of this obscure schedule is upon woolen manufactures, scarcely upon wool itself. The subject is filled with difficulty and obscurity.

It may be claimed that the woolen schedule was changed after this by the conference committee. But this is not true. The conference committee did not change the duty on a single article in the woolen schedule, as the report on page 3718 of the CONGRESSIONAL RECORD will show, but it did make the new classification of which I have heretofore spoken.

The only reason given by members of Congress for reducing the duty on wool was to reduce the revenue. If the reduction of the duty on wool did not reduce the revenue there is no longer any reason for the reduction of the duty on wool. If, however, the reduction of the duty on wool increased the revenue, this is a good reason for restoring the duty. The result of an actual trial of the law shows that the reduction of the duty so greatly increased the importation of wool that it has greatly increased the revenue, as you can see by examining the following report submitted to the Secretary of the Treasury by the Chief of the Bureau of Statistics on the 24th of April, 1884:

Quality of wool.	Quantity.	Values.	Ordinary duty collected.	Average ad valorem rate of duty.
CLOTHING WOOLS.	*Pounds.*	*Dollars.*	*Dollars.*	*Per ct.*
Year ended June 30, 1881	20,609,707	4,751,454	2,599,686	54.72
Year ended June 30, 1882	13,489,923	3,042,407	1,693,078	55.64
Year ended June 30, 1883	11,546,530	2,567,443	1,444,948	56.28
Six months ended December 31, 1882	5,364,466	1,210,689	671,415	55.46
Six months ended December 31, 1883	10,431,655	2,399,515	1,073,311	44.73
COMBING WOOLS.				
Year ended June 30, 1881	4,421,491	1,271,332	585,500	46.07
Year ended June 30, 1882	2,318,671	648,252	304,133	46.92
Year ended June 30, 1883	1,373,114	343,987	176,181	51.22
Six months ended December 31, 1882	523,442	135,123	67,839	50.19
Six months ended December 31, 1883	2,664,456	615,677	267,704	43.48
CARPET WOOLS.				
Year ended June 30, 1881	42,385,769	6,038,041	1,675,630	27.75
Year ended June 30, 1882	47,208,175	6,642,699	1,857,442	27.96
Year ended June 30, 1883	40,130,323	5,580,558	1,553,498	27.84
Six months ended December 31, 1882	24,769,229	3,505,980	974,202	27.79
Six months ended December 31, 1883	34,150,552	4,348,132	1,087,519	25.01

From the above table it will be seen that the quantity of clothing wools imported into this country during the six months ended December 31, 1883, compared with the corresponding six months of the previous year under the old law, increased about 95 per cent., the quantity of combing wools 409 per cent., and the quantity of carpet wools about 38 per cent., while the revenue, in the same time, on clothing wools increased about 60 per cent., on combing wools 295 per cent., and on carpet wools about 12 per cent. This being now an admitted fact, there is precisely the same reason for restoring the duty on wool that was then given for reducing it, saying nothing about other influences which ought always to control legislation. If the duty on wool had been increased it would have diminished the revenue, lessened the importation of wool, retained our money at home, and increased the demand for American wool. This would be a more sensible thing, when we have abundance of land, every variety of climate and soil, and facilities for raising all the wool that is needed in this country. A corresponding increase of the duties on woolen goods would work in the same way: it would lessen the importation of goods and the exportation of money; it would tend to make the balance of trade in our favor instead of against us.

The woolen manufacturer must have in any event a certain protection. His protection must be sufficient to protect him against the excess that he must pay in this country for labor, dyestuffs, buildings, insurance, taxes, and interest over and above what the same things cost abroad. If wool were placed on the free-list, the woolen manufacturer could not manufacture a yard of cloth unless he were protected against the cheap labor and reduced cost of manufacturing in other countries. And when in addition to this there is a duty on wool there must be a corresponding duty on woolen goods. This should be cheerfully accorded, and the result will be that we shall, taking always a series of years together, under high protection have cheaper wool and cheaper woolen goods than we will have if we depend on European markets and European manipulations. This will be brought about by home competition, and however low prices become under this influence our people will not complain. This has always been the effect of protection. Home protection cheapens prices but it gives a sure and steady market, which is of greater value. When we depend on making our sales of farm products and on making our purchases of manufactured articles abroad we are wholly in the hands of foreign merchants, who can reduce the prices of the one and raise the prices of the other at will, and we have no remedy. When the fires in our furnaces have gone out, when the spindles in our mills have ceased to whirl, when our factories have gone into decay, we will be at the mercy of the importer, who will dictate his own prices and keep us, as all agricultural people the world over have always been kept, poor and powerless. When our flocks of sheep shall go out of existence, when our people shall abandon sheep husbandry, as they will be compelled to do if they are not to be protected, and go into other employment, the British Empire, that has so long held in her grasp the commerce of the world, will again, as she did in the past, fix her own prices for wool.

Mr. Chairman, the people of my State have suffered more from the law of March 3, 1883, than any other State, and the country will ultimately suffer for the same reason. Clothing wool constitutes from two-thirds to three-fourths of the total wool product of the United States, and combing wool most of the remainder; while carpet wool is insignificant in quantity as well as inferior in quality. Yarn made of wool which is combed is known as worsted yarn, and goods made of this yarn are know as worsted goods. The leading demand in the United States is for worsted goods, and this demand is on the increase. Formerly combing wool was imported, but with recent improvements in machinery the high grade merino fleeces of longest staple, such as are found in Ohio and in some of the other States, are used as substitutes for the combing wool formerly imported, and this has enabled the worsted manufacturers to pay from 3 to 5 cents more per pound for wool of this sort than it would otherwise command.

Mr. Lynch and Messrs. Manger & Avery, of New York, and George W. Bond & Co., of Boston, do not hesitate to say that Ohio produces the largest quantity of the higher grades of wool, embracing what are known as combing and delaine wools. In a letter from Messrs. Manger & Avery, dated April 11, 1884, I find this language:

With respect to quality, condition, and length and strength of fiber, the wool of Ohio is superior to the wool of any other State.

Combing and delaine wools are prepared for spinning by being combed first, in order to lay the fibers side by side so that they can be drawn out twice as fine as they can by the spinning process; and if there is any defect in the strength of the wool the faulty wool is thrown out in the combing process, and the defective wool is what is called noils. This process enables the manufacturer to make goods very light in weight that will not full up, and yet very strong and serviceable, and they have besides that silky appearance seen in all worsted goods. In former years this class of wool was brought from England, and was known as the long wools of the Cotswold, Leicester, Lincoln, and other English breeds of sheep. In later years our higher grade merino fleeces of longest staple have been substituted for these imported wools and have been combed with great success. And the increased price which this wool would command if our wool industry was properly protected

would make it an object to still further improve the grade of our sheep.

The injury to Ohio wools is for this reason from 3 to 5 cents per pound greater than the reduction of the duty. In order to show the influences of the act of March 3, 1883, in a manner wholly unknown at the time of the passage of the law, I wish to call the attention of the House to the following statements made by Messrs. Manger & Avery, of New York, to Hon. Joseph Nimmo, jr., Chief of the Bureau of Statistics:

105 AND 107 READE STREET, NEW YORK, *March* 17, 1884.

DEAR SIR: Yours of 14th is at hand and noted.

THE TARIFF ON WORSTED YARN.

The reduction of the tariff on worsted yarn has enabled the foreign manufacturers to send over their manufactures of fine worsted at figures which render their production here unprofitable, except at greatly reduced prices for the raw material.

EFFECT OF THE TARIFF ON FINE DELAINE WOOL.

For this reason fine delaine fleeces are only salable at about the prices of clothing wools of the same quality and condition. We have written for full details on this subject, and in the course of a few days will be able to send you facts and figures in support of above statements.

DEFINITION OF DELAINE WOOL.

Domestic wools are graded into two classes irrespective of grade, namely, clothing and combing wools.

Delaine wool is really a combing wool, but generally of finer quality and shorter in staple than combing. It is used in the manufacture of the finer softer grades of yarns. Worsted manufacturers have usually paid from 3 to 5 cents per pound more for selections of wool suitable for delaine; but since last summer the demand for this kind of domestic wool has slackened, as a result of the tariff act of March 3, 1883, and a class of wool of which the State of Ohio produces a percentage of from 25 to 30 per cent. of her entire clip is thereby depreciated in value. In other words, by reason of the reduction of duty on worsted yarn (*i. e.*, yarn made from wool which can be combed) in the tariff act of March 3, 1883, the value of 25 to 30 per cent. of the clip of Ohio which has heretofore always commanded a price 3 to 5 cents per pound above ordinary Ohio wool is now worth no more than ordinary fleece. This is independent of the direct effect of the reduction in the duty on wool apparent on the face of the law.

To a somewhat less extent all of the wool-growers east of the Mississippi will suffer.

MANUFACTURE OF CLOTHING.

Both combing and clothing wools enter into the composition of fabrics for clothing, but when an article is composed entirely of combing wool it is classed under the head of "worsted goods."

All genuine worsted goods are made of combing wools, or mohair, or alpaca, as the case may be. In many kinds of goods, both worsted and woolen (carded wool) yarns are used to produce desired patterns or effects.

105 AND 107 READE STREET, NEW YORK, *March* 24, 1884.

DEAR SIR: In further explanation of our letter of March 17, we would say that under the tariff of 1867 a fine worsted yarn would cost, including charges and duty on the charges, say $1.60 per pound. Under the tariff of March, 1883, the same yarn, costing the same price (first cost), can be bought here by the importer at $1.33 per pound. Reduction by duty of March, 1883, 27 cents per pound.

It is estimated that it takes three pounds of wool to make one pound of worsted yarn; therefore the loss is equivalent to 9 cents per pound on the raw material, which is about the extent of the decline in price of delaine wool—from 48 cents in March, 1883, to 39 or 40 cents in March, 1884.

Meanwhile the manufacture of fine worsted yarn is seriously crippled. That some unusual stimulus has been given to shipment of worsted yarns to America is shown by the statistics reported, we believe, by the United States consular agent at Bradford.

Worsted yarn exported to United States, January, 1883, $6,335.
Worsted yarn exported to United States, January, 1884, $50,810.
Worsted coatings exported to United States, January, 1883, $94,930.
Worsted coatings exported to United States, January, 1884, $214,935.

From this it will be seen that in addition to the increase in the exports of worsted yarns there has been a very large increase of manufactured yarn in the shape of worsted goods.

This increase in the importations of worsted goods is certainly marvelous.

105 AND 107 READE STREET, NEW YORK, *April* 10, 1884.

DEAR SIR: Yours of the 9th at hand and noted. Any wool, in fact all the wool grown in the United States, or in the world for that matter, can be manufactured into clothing; in other words, can be carded, although some of the long, coarse breeds of wool would make trouble with the cards.

Originally only a wool of a growth of five to six inches could be combed, but with the improvements in combing machinery a staple two and one-half inches long can now be combed with facility. There is very little wool grown now east of the Mississippi that does not have that length; but as a large percentage of the wool, owing to condition or feed of sheep, is weak or diseased, only the perfectly healthy wool is suitable for combing purposes. If anything interferes with the health of the sheep at that period of the growth of the fiber it will be affected, and when tension is applied the fiber will break or part at that very point in the wool.

You are correct in your conclusion that the combing of the wool previous to spinning constitutes the basis of the distinction between "worsted" and "woolen goods," but the processes are somewhat different all through. "Woolen goods" are generally "fulled," *i. e.*, shrunk up in finishing, while worsted goods are generally finished without fulling. The peculiarity of most worsted goods is the silky or glossy finish which they have. The bulk of our fine wools go into ladies' dress goods, but knit goods, cassimere shawls, overcoatings, braids, bunting, in fact a large variety of goods, are made now of worsted yarns.

By the process of manufacture which separates the short and weak staples the fibers that are left are uniform in length and strength, and laid side by side; the yarn can thus be drawn out further and is smooth and glossy. For any class of goods requiring to be light and strong worsted yarns are especially suited.

105 AND 107 READE STREET, NEW YORK, *April* 11, 1884.

DEAR SIR: In answer to the questions you put to Mr. Lynch in your letter of 10th we would say:

First. The characteristics which go to make all wools valuable are "quality," "condition," "staple." "Quality" is the degree of fineness; "condition" is its cleanliness or freedom from grease, dirt, burs, and any other animal or vegetable matter; "staple" is applied to the length and strength of the fiber.

In all the above essentials the wools of Ohio are superior to the wool of any other State. The breed of the sheep averages higher, the feed is probably better, and the sheep receive generally better care. Therefore it is that "Ohio produces the best wool."

From our letter of yesterday you will understand that combing wool is the longest and strongest, the healthiest wool selected from the wool as it is brought to market. When selected from fine wool it is called "delaine," for the reason that it is a selection from clothing wools and has always commanded higher prices than ordinary clothing wools. We think combing wool can fairly be called "better than clothing wool."

Combing wools are used in the production of heavy men's goods as well as clothing, but it makes a choicer and more expensive fabric, and the production is not so great.

As a further proof of the effect of the law of March 3, 1883, on the manufacture of worsted goods directly, and indirectly on wool, and especially on Ohio wool, I call attention to the following statement made by Mr. T. C. Search, of the Fairmount Worsted Mills of Philadelphia, in answer to certain inquiries made by the Chief of the Bureau of Statistics:

DEAR SIR: Your letter of the 10th instant, asking for information in regard to the manufacture of worsted goods in the United States, is received.

I desire to call your attention to the condition of the fine worsted trade of the United States as being perhaps to-day the most unfortunate exponent of the unequal bearing of the late tariff reduction. In order to present the subject in a comprehensive light, allow me to preface the conclusion by a brief glance at the magnitude of the industry.

The census of 1860 gives the first record of the value of these manufactures, and consequently one can obtain from this a correct idea as to the comparatively recent growth of the trade. The valuation was then placed at $1,320,027, in 1870 it had grown to $22,090,331, and in 1880 to $33,549,942, and since 1880 the rate of increase exceeds that of any former period of same length by a large percentage. In short, the industry can only be recognized as a standard one; the process of combing wool having been recognized as one which preserves all the strength and beauty of the original fiber, and at the same time gives a thread far better adapted to securing strength, beauty, and utility to the woolen fabric.

The protection afforded by the tariff act of 1867 without doubt was the cause of the enormous growth shown by the above extract from our census reports.

The figures are as follows:

Worsted yarns valued at not exceeding 40 cents per pound, at 20 cents per pound and 35 per cent.

Worsted yarns above 40 cents and not exceeding 60 cents per pound, at 30 cents per pound and 35 per cent.

Worsted yarns above 60 cents and not exceeding 80 cents per pound, at 40 cents per pound and 35 per cent.

Worsted yarns above 80 cents, at 50 cents per pound and 35 per cent.

And all fabrics made from these yarns, except knit goods and goods weighing under four ounces per square yard, were protected by a duty of 50 cents per pound and 35 per cent.

These duties were replaced by act of March 3, 1883, the schedule now being on worsted yarns—

Valued at not over 30 cents per pound, at 10 cents per pound and 35 per cent.

Valued at over 30 cents and not over 40 cents per pound, at 12 cents per pound and 35 per cent.

Valued at over 40 cents and not over 60 cents per pound, at 18 cents per pound and 35 per cent.

Valued at over 60 cents and not over 80 cents per pound, at 24 cents per pound and 35 per cent.

Valued at over 80 cents, at 35 cents per pound and 40 per cent.

And all fabrics made from these yarns, except knit goods and goods weighing not over four ounces per square yard, are dutiable at 35 cents per pound and 35 per cent., if not costing over 80 cents per pound; and 35 cents per pound and 40 per cent. costing over 80 cents per pound.

The reduction effected being as follows:

On yarns not over 30 cents per pound, 10 cents per pound.
On yarns over 30 cents per pound and not over 40 cents, 8 cents per pound.
On yarns over 40 cents per pound and not over 60 cents, 12 cents per pound.
On yarns over 60 cents and not over 80 cents, 16 cents per pound.
Over 80 cents, from 10 to 11 cents per pound.
Besides the reduction of all duties on "charges."

The raw material has been reduced practically 11 per cent., because we import but little wool now which costs over 30 cents per pound. The duty on wools between 30 and 32 cents was only reduced 5 per cent. by the act of March 3, 1883, so that manufacturers now buy only those wools which cost less than 30 cents, and thus obtain the 11 per cent. reduction.

But the most serious trouble to worsted spinners is due to the fact that yarns which, until the passage of the tariff act of March 3, 1883, cost more than 80 cents per pound, now can be bought in for less, owing to the efforts of the foreign manufacturer to get his cost down, and because of the charges not being dutiable. So that the protection on many classes of yarns, which was formerly 50 cents and 35 per cent., is now 24 cents and 35 per cent. per pound, a difference of 26 cents per pound. Of course, the worsted manufacturers are seriously in trouble; the bars have been dropped at both ends, and until the prices of raw material are reduced to meet this disparity, or the duty on manufactured goods is properly adjusted, we can not hope for any lasting improvement in the fine worsted trade.

I have a recent letter from Henry T. Coe, treasurer of the Washington Woolen Mills, Boston, Mass., in which he calls my attention to the fact that Ohio wool has been reduced more in price by the reduction in the duty on worsted yarns and worsted goods than it was by the reduction of the duty on the wool itself, and he insists that it will be no benefit to the wool-grower to increase the duty on these wools unless the duty on the manufactures of wool are increased at the same time. He calls my attention to the immense increase of the importations of worsted yarns and worsted goods, which has almost stopped the manufacture of this class of goods in this country and to this extent destroyed this market for the highest grade wools.

It is just as injurious to the wool-grower, Mr. Chairman, to have wool imported into this country in the shape of yarn or in the form of cloth as in the fleece. And hence we have done a hundred-fold greater injury to the wool-grower and to the wool-manufacturer than was contemplated at the time. Consequently we should at once correct the mistake. Especially should this House be ready to correct this mistake when the party in the majority at the time it was made was the first to discover its mistake and the first to declare its readiness and willingness to restore the duty. The destruction of the wool industry, especially when the wool-growers have reached a point where they can supply the best quality of combing wool, would be a great loss to this country. If this industry shall be abandoned much of the clothing worn in this country will be made out of an inferior quality of wool.

and we will all bear the loss. Mr. Harpster, who was here during this session of Congress, claims that our best wool is superior to wool grown anywhere else in the world. He offers to demonstrate this to the satisfaction of any one. Mr. Harpster is the president of the Ohio Wool-Growers' Association, and a very intelligent gentleman. If you prefer European shoddy, if you prefer such wool as was worn by the soldiers during the war, if you prefer to reject wool grown in Ohio, in West Virginia, Pennsylvania, in Michigan, and in other States, where the soil, climate, and feed enable the careful farmer to grow the best wool in the world, vote for the Morrison bill.

In order to show, Mr. Chairman, how Great Britain can control the wool market, as well as to show where the various kinds of wool are produced, I shall attach a series of tables as an appendix. When our sheep are slaughtered, when our people have gone into other pursuits, England can hold up the price of wool by controlling the importations of wool.

We can not compete with wool-growers whose sunny skies and verdant fields last all through the year; where no feed or shelter is ever needed; where land and grass are as cheap as the winds which sweep across their plains; where labor is cheap and where taxes are unknown. No, Mr. Chairman, if a tariff for revenue only is to be introduced, the American shepherd will lay aside his crook and seek some other vocation.

I have been surprised, Mr. Chairman, at the lack of information in regard to sheep husbandry. Few men seem to know the extent of this industry in this or any other country. The number of men employed, the number and value of sheep owned, the value of the wool grown, seem to be a surprise to most men. It is a matter of regret that a knowledge of so important an industry has not been more widely diffused. I wish to call the attention of the House to some statistics on this subject.

The following table, prepared by Mr. J. R. Dodge for the Treasury Department, shows the production, imports, exports, and the quantity of wool retained for home consumption, beginning at 1839 and coming down to and including 1882.

Quantities of wool produced, imported, exported, and retained for consumption in the United States for the years 1839, 1849, *and* 1859, *and from* 1862 *to* 1882, *inclusive.*

Calendar year.	Production.	Imports.	Total production and imports.	Exports.			Retained for home consumption.
				Domestic.	Foreign.	Total.	
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1839	35,802,114	9,898,740	45,700,854	.....	85,528	85,528	45,020,578
1849	52,516,959	18,669,794	71,186,753	35,898	.....	35,898	71,150,855
1859	60,264,913	26,282,935	86,547,848	389,512	133,493	523,005	65,749,635
1862	106,000,000	75,121,728	181,121,728	355,722	708,850	1,064,572	180,057,156
1863	123,000,000	91,250,114	214,250,114	155,482	223,475	378,957	213,871,157
1864	142,000,000	44,420,375	186,420,375	466,182	679,261	1,145,463	185,274,912
1865	155,000,000	71,287,988	226,287,988	973,075	851,645	1,824,720	224,463,268
1866	160,000,000	38,158,382	198,158,382	307,418	619,550	926,968	197,231,414
1867	168,000,000	25,462,197	193,462,197	558,435	2,801,852	3,360,287	190,101,910
1868	180,000,000	39,275,926	219,275,926	444,387	342,417	786,804	218,489,122
1869	162,000,000	49,230,199	211,230,199	152,892	1,710,053	1,862,945	209,367,254
1870	160,000,000	68,058,028	228,058,028	25,195	1,305,241	1,330,506	226,727,522
1871	150,000,000	126,507,409	276,507,409	140,515	2,266,393	2,466,908	274,100,501
1872	158,000,000	85,496,049	243,496,049	75,129	7,040,386	7,115,515	236,380,534
1873	170,000,000	42,939,541	212,939,541	319,600	6,816,157	7,135,757	205,803,784
1874	181,000,000	54,901,760	235,991,760	178,034	3,567,627	3,745,661	232,156,099
1875	192,000,000	44,642,836	236,692,836	104,768	1,518,426	1,623,194	235,019,642
1876	200,000,000	42,171,192	242,171,192	79,599	3,088,957	3,168,556	239,002,636
1877	208,250,000	48,449,079	256,699,079	347,854	5,952,221	6,300,075	250,399,004
1878	211,000,000	39,005,155	250,005,155	60,784	4,104,616	4,165,400	245,839,755
1879	232,500,000	128,131,747	360,631,747	191,551	3,648,520	3,840,071	356,791,676
1880	240,000,000	55,964,236	295,964,236	71,455	5,507,534	5,578,989	290,385,247
1881	272,000,000	67,861,744	339,861,744	116,179	3,831,836	3,948,015	335,913,729
1882	290,000,000	70,575,478	360,575,478	64,474	4,010,043	4,074,517	356,500,961

From the above table it will be seen that the wool product of the United States increased from 60,264,913 pounds in 1859 to 290,000,000 pounds in 1882, and that the consumption of wool in the United States increased from 65,749,635 pounds in 1860 to 356,500,961 pounds in 1882.

Mr. James Lynch, of New York, in response to a letter from the Treasury Department, on the 22d of March, 1884, made the following statement, which is regarded by the Treasury Department as an accurate estimate of the wool product of the United States for the year 1883. His estimate of the total wool product of 1883 is 320,000,000 pounds, and he classifies the wool crop of 1883 as follows:

	Pounds.
Clothing wool, for woolen goods, felt goods, hosiery and knit goods, and felt hats	233,000,000
Combing wool, fine, medium, and coarse, above the carpet grade	65,000,000
Carpet wool	22,000,000
Total wool product for 1883	320,000,000

The census returns, as tabulated by the Agricultural Department, show that there are in the United States 1,020,728 flocks of sheep, exclusive of those on ranches, as follows:

Alabama	23,879	Montana	137
Arizona	35	Nebraska	2,119
Arkansas	20,595	Nevada	97
California	4,326	New Hampshire	11,206
Colorado	406	New Jersey	5,822
Connecticut	3,194	New Mexico	814
Dakota	1,819	New York	75,523
Delaware	1,986	North Carolina	52,541
Florida	1,001	Ohio	93,984
Georgia	25,514	Oregon	4,605
Idaho	128	Pennsylvania	72,425
Illinois	39,803	Rhode Island	790
Indiana	54,069	South Carolina	10,049
Iowa	17,220	Tennessee	62,924
Kansas	3,804	Texas	8,390
Kentucky	60,598	Utah	2,001
Louisiana	5,449	Vermont	16,573
Maine	34,132	Virginia	32,494
Maryland	10,498	Washington	1,067
Massachusetts	3,488	West Virginia	30,909
Michigan	62,119	Wisconsin	58,487
Minnesota	24,208	Wyoming	44
Mississippi	15,466		
Missouri	63,990	Total	1020,728

The product of wool for last year, as before stated, reached 320,000,000 pounds, and its value was over $100,000,000; the value of mutton from sheep slaughtered for food was over $50,000,000, while the real estate invested in this industry is estimated at $500,000,000.

Mr. Lynch also furnishes the following table, showing the quantity of clothing wool, combing wool, and carpet wool produced in the United States, in connection with the quality of each class of wool as defined by the law, imported into this country, the ad valorem rate of duty, the duty per pound, and the price per pound during the year ended June 30, 1883:

	Produced in the United States during the calendar year 1883.	Imported into the United States during the year ended June 30, 1883.	Duty during the year ending June 30, 1883.		Import price per pound.
			Rate per pound.	Ad valorem rate.	
	Pounds.	*Pounds.*	*Cents.*	*Per cent.*	*Cents.*
Clothing wool	233,000,000	11,546,530	12.51	56.28	22.24
Combing wool	65,000,000	1,373,114	12.83	51.22	25.05
Carpet wool	22,000,000	40,130,323	3.87	27.84	13.91

From this it appears that the quantity of carpet wool, the coarsest grade of wool produced in the United States, is comparatively very small, constituting but 7 per cent. of the total wool product of the country. The quantity of carpet wool imported during the year ended June 30, 1883, was, however, more than three times as great as the quantity of both clothing and combing wool imported. The carpet-wool product of the United States is almost exclusively the fleece of sheep of Mexican origin, which are raised chiefly in Texas, New Mexico, Arizona, and certain other Territories of the mountain region of the country situated between the Mississippi Valley and the Pacific Slope. As the market price of carpet wool in the United States is not much more than half that of either clothing wool or combing wool, the tendency is constantly toward improving the breed of sheep the fleece of which produces carpet wool, the effect of which is to decrease the carpet-wool product and to increase the clothing and combing wool products of the country.

I desire also to call the attention of the House to a special report recently

prepared by the Agricultural Department, giving the number and value of sheep in all the States and Territories.

Table showing the estimated number and value of sheep on farms in the several States and Territories in the United States, January, 1884, stated in the order of magnitude of value.

[From special report No. 4, new series, Department of Agriculture.]

Order.	States and Territories.	Number.	Value.
1	Texas	7,957,275	$17,822,056
2	Ohio	5,000,036	14,650,105
3	California	6,203,064	11,785,822
4	New Mexico	4,435,200	7,539,840
5	Michigan	2,412,422	7,261,390
6	New York	1,732,332	6,323,012
7	Pennsylvania	1,749,236	5,580,063
8	Oregon	2,571,378	4,654,194
9	Indiana	1,145,084	3,217,686
10	Wisconsin	1,336,403	3,180,639
11	Illinois	1,126,908	3,008,844
12	Missouri	1,439,380	2,878,760
13	Colorado	1,248,360	2,696,458
14	Kentucky	980,166	2,577,837
15	Vermont	448,712	2,032,665
16	Kansas	821,709	1,889,931
17	West Virginia	671,226	1,751,900
18	Maine	577,236	1,627,806
19	Arizona	812,700	1,625,400
20	Iowa	497,161	1,382,108
21	Montana	465,750	1,350,675
22	Wyoming	598,000	1,303,640
23	Utah	564,300	1,297,890
24	Virginia	487,194	1,256,961
25	Tennessee	655,214	1,172,833
26	Washington Territory	456,300	1,090,557
27	Georgia	543,415	815,122
28	Nevada	385,350	793,821
29	Minnesota	275,463	732,732
30	Nebraska	333,834	727,758
31	New Hampshire	209,686	629,058
32	North Carolina	452,176	624,003
33	Maryland	172,022	572,833
34	Alabama	343,925	512,448
35	New Jersey	117,008	505,475
36	Dakota	182,000	493,220
37	Idaho	187,500	468,750
38	Mississippi	293,477	460,759
39	Arkansas	227,293	370,488
40	Massachusetts	69,346	277,384
41	Connecticut	58,831	226,499
42	Louisiana	124,984	208,723
43	South Carolina	116,476	194,515
44	Florida	98,940	173,145
45	Rhode Island	21,077	85,151
46	Delaware	22,077	71,750
	Total	50,626,626	119,902,706

Ohio stands third in number of sheep, second in value of sheep, but first in quantity, quality, and value of wool.

The development of wool-growing began when our protective system began, after 1860, and has had a permanent growth since the passage of the wool tariff of 1867. To show the slowness of the growth of this industry from 1850 to 1860, and the rapidity of its growth thereafter, I present here the following table:

Census years.	Sheep.	Wool.
	Number.	*Pounds.*
1850	21,723,220	52,516,959
1860	22,471,225	60,264,913
1870	28,477,951	100,102,387
1880	43,576,899	235,648,834
1883 (agricultural statistics)	50,500,000	320,000,000

I have seen proper to present these facts in order to give this House some idea of the magnitude and importance of wool-growing in this country. The law of 1867 was no war tariff; it was passed since the war, and was understood to be a permanent law and a permanent adjustment of the duties on wool and woolen goods. Under this implied promise more than a million men have become flock-owners, and these flock-masters employ in this industry more than a million others. They have invested $120,000,000 in sheep and $500,000,000 in land. They have erected buildings and made permanent improvements. All this has been done under the influence of this legislation, which has now been stricken down. During the first seventy-eight years of this Government wool had no adequate protection, and consequently had no permanent growth. The improvement in the quality of wool, and the increase in the average weight of fleeces, are as remarkable as the increase in the number of sheep and in the quantity and quality of the wool. The benefit to the soil, the market for hay and grain, the value it gives to grass and grazing lands, the employment it furnishes to labor, the wealth it adds to the country, the change it works in the balance of trade, are potent reasons why the wool tariff of 1867 should be immediately restored.

Of all the money expended for the products of the United States none are so widely distributed as the money paid for wool. It adds at least to the permanent wealth of the country $150,000,000 a year, while the destruction of this industry would diminish our resources this much every year. It furnishes employment for 2,000,000 men, and to this extent adds to the diversity of employment and to the number of our consumers. It adds value to our lands and furnishes subsistence to a worthy people. If this industry should be abandoned, as it must be if it is not protected, it will take at least two decades to build it up again. The American people will be clothed, and it is only a question whether the wool shall be furnished by our own people or whether we shall purchase it abroad; whether it shall be grown by men who live beneath the Stars and Stripes, who pay our taxes and fight our battles, or by men who live under another flag and in another clime; whether we shall encourage the men whose muscle and money increase our markets and enhance our wealth, or the foreigner whose only object is to drain our resources and diminish our prosperity; whether we shall protect American industries or degrade American labor.

Mr. Chairman, the Democratic members of this House have presented a bill and at the same time they admit that it is not right. It proposes a horizontal reduction of the duties of 20 per cent., when they say it ought to be 40 or 50 per cent. They do not show the courage of their convictions. They do not dare to do what they declare to be right. They hold that protection is robbery, and that no such doctrine has any warrant or authority in the Constitution. They argue this on this floor from day to day and from night to night, in the face of precedent and authority that seem to me absolutely conclusive. In the second act of the First Congress the fathers who made the Constitution used these words:

SECTION 1. Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and for the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported:

Be it enacted, &c.

This act was approved by George Washington on the 4th day of July, 1789, the second law that he signed as President of the United States. It was a patriotic act, done on a patriotic day; and yet gentlemen on the other side say that these men who made the Constitution and made the first laws under it did not understand it.

There is another class of Democrats, to which I am happy to say the gentleman from Indiana [Mr. HOLMAN] who has just taken his seat does not belong, here who are few in number, but they are fearfully and wonderfully made. They believe, like their brethren, in strict construction, limited powers, free trade, tariff for revenue, and in all the old-school ideas of pure and unadulterated Democracy; but when they come to consider some article that is largely produced in their districts, like the Latter-day Saints, they fall back on a new revelation and talk about "incidental protection," hoping thereby to incidentally protect the home vote. I can understand free trade, which is the goal of Democratic ambition; I can understand a tariff for revenue, because it is only imposed when the necessities of the Government make free trade impossible; but I can not understand how a man can trim between this and protection and not be in favor of the one or the other. This new species of Democracy is not recognized as legitimate by the majority of this House, though its paternity is not questioned in Ohio, where all new Democratic ideas are born. This new class of politicians are all things to all men. They have certain rules, but the exceptions always reverse the rules. It is as a sounding brass and a tinkling cymbal.

Incidental protection, as defined by its advocates, is never to be employed until the necessities of the Government economically administered demand the levying of a duty to meet these necessities; consequently it is wholly inapplicable and unavailable until the revenues of the Government are reduced to the point of necessity. There must be no protection until it is preceded by the necessities of the Government, and then the protection must not be intentional or voluntary, but incidental. When the revenues are reduced $100,000,000, or when two or three Morrison bills are passed, and when the duty on wool is reduced to 4 or 5 cents a pound, it will then be about time to consider whether the necessities of the Government economically administered will not admit of "incidental protection."

The only thing to be gained, as I learn from this discussion, by a tariff for revenue, with every particle of protection eliminated, as is insisted upon by the Democratic side, is, first, to have an easy conscience on account of not violating the Constitution; and, second, to open up to the American people the markets of the world. I would not be so uncharitable as to interfere with the tender consciences of my Democratic friends on this point, but I want to say a word in regard to this oft-repeated idea that tree trade will whiten every sea with our commerce, will crowd every port with our American ships, and open up the markets of the world to our products. Last year, or during the year ending June 30, 1883, before we had any reduction of tariff, our exports reached $800,000,000, 90 per cent. of which were the products of the farm. What makes a market abroad for our products? When men talk of the balance of trade they speak of the result of individual transactions, the aggregate of which no man can calculate in advance. Trade is not carried on between nations as nations, but is carried on between individuals. The man to whom we sell an article buys it because he can buy it of us cheaper than he can buy it of anybody else. We do not necessarily sell to a man who buys American products, nor does a purchaser stop to inquire whether our laws favor free trade or protec-

tion. Hence there can be no possible connection between the tariff duties we place on imports and the sales we make abroad. To show that our exports have grown under our protective system I shall call the attention of the House to the following table:

Value of the exports of domestic products of agriculture, of manufactures, and of all other domestic products during the fiscal years 1860, 1870, *and* 1875 *to* 1883, *inclusive.*

Year ended June 30—	Products of agriculture.	Products of manufactures.	All other.	Total.
1860	$256,560,972	$45,658,873	$14,022,578	$316,242,423
1870	361,188,483	47,921,154	46,098,704	455,208,341
1875	430,306,570	75,755,432	53,175,636	559,237,638
1876	456,113,515	81,374,077	57,430,123	594,917,715
1877	459,734,148	88,007,773	85,238,933	632,980,854
1878	536,192,873	91,416,576	68,140,481	695,749,930
1879	546,476,703	89,117,215	63,944,824	699,538,742
1880	685,961,091	79,510,447	58,474,815	823,946,353
1881	730,394,943	89,219,380	64,311,624	883,925,947
1882	552,209,819	103,132,481	77,887,432	733,239,732
1883	619,269,449	111,890,001	73,064,182	804,223,632

If there is to be a reduction of the tariff why not make it on articles that we do not produce at all, or only produce in small quantities. The Government received in duties on sugar and molasses last year $46,245,976.46, while the duties collected on wool and woolen manufactures were only $32,320,892.52. The former we can produce only in small quantities, while we can produce wool enough to supply the entire American demand, and more. There is a reason for the protection of wool-growing, because of our facilities for producing it, which does not apply to sugar and molasses, as we can produce but a small part of what we consume. There is no trouble, however, with the surplus revenue. If we pay the soldiers the pensions to which they are entitled, if we educate the illiterates who now hold the balance of power in this Republic, if we build up our broken-down commerce and strengthen our Army and Navy, we will need every dollar that is now collected. There are rivers and harbors, post-offices and post-roads, Government buildings, and Indian tribes, upon which a vast amount of money could be wisely expended. And besides all this we have an immense debt as yet unpaid.

The farmer is told that he pays a large share of these duties in the increased prices which he pays for the articles he consumes; that the duty on any article is necessarily added to the price which the consumer would otherwise have to pay. If this were true why should the Cobden Club, an English combination of manufacturers and capitalists, who have undertaken the task of inculcating in America the doctrine of free trade, take such a deep interest in this matter? If it be true, as is claimed, that the American consumer pays the price of these articles in England, plus the cost of transportation, plus the tariff, there is no need of the Cobden Club doing missionary work in this country. England, if this be true, does not lose a single cent by our protective laws; nor would she gain a single cent by our adoption of the doctrine of free trade. But this is not true. England is now compelled to reduce the price of her goods until she can pay the duty on them and then sell them in this country at the American price, which is almost always much lower than the prices of the same quality of goods imported.

If we were to increase the duty on wheat, flour, iron, nails, shingles, lumber, stoves, plows, wagons, or any other article which is produced easily and cheaply in this country 200 per cent., what effect would this have on the selling price of these articles? None whatever. There are hundreds of articles on which there is a high duty selling lower here than any place in the world.

The farmer who is 50 years of age is only required to turn back upon his own memory and recall the prices from 1846 to 1861 under revenue tariff, not only the prices of what was bought but the prices of what was sold, to understand and fully appreciate the workings of a protective tariff as compared with the Democratic dogma of a tariff for revenue only. It may not be amiss to suggest in this connection that the Democratic party was not burdened during this period with a surplus of revenue or a surplus of national credit. But this is true, that the farmers of this country sold their products during this period for at least one-third less than they have been receiving since, and paid an average of one-third more for everything they bought. When I was a boy we hauled our wheat forty miles to market over high hills and rough roads, and sold it at 45 cents a bushel. Corn was often sold at 25 cents and oats at 12½ cents. Apples and potatoes and other vegetables rotted upon the ground for want of a market. Coffee, calico, and cotton cost 100 per cent. more than they do to-day. Furniture, agricultural implements, wagons, carriages, cooking-stoves, sewing-machines, clothing, dress goods, books, newspapers, iron, nails, glass, and other articles are at least, taking the same qualities, one-third less than they were then. Facts and figures brought within our own personal knowledge are unanswerable.

Good horses were sold at $50 to $75, good cows for $10 or $15, and other things in about this proportion, and all the money a farmer expected in a whole year was enough to pay his taxes. The business of the country was mere barter and the little money in circulation was almost worthless; men were in debt, interest was high, and labor was cheap. I remember the cry of "Tippecanoe and Tyler too," when brawny men left home and family to swell the log-cabin processions with the hope that the iron hoof of free trade, which was then crushing the hearts and hopes of the people, should be lifted. These are the times to which the free-trader wishes to return.

They tell us that protection fosters monopolies and that manufacturers feed and fatten on the hard earnings of the poor. If this be true, why do we not have these factories in every town? Why is it that we are unable to get foreign capitalists to invest in manufactures? Again it is insisted that labor is no better paid in this country than it is in Europe. If this is true, why is there a constant tide of immigration into this country, when no American laborer ever thinks of going abroad to better his condition?

The Democrats are opposed to free trade when the Chinaman wants to come to America. They are opposed to free trade in patent-rights. The gentleman from New York [Mr. HEWITT] sued the Cleveland Rolling Mill for $200,000 damages for an infringement of a patent-right, the notice of which was in the morning papers lying on the members' desks when he was making his free-trade speech. A nation is a great family. If it buys more than it sells it will come to want. A family that only earns $1,000 a year can not pay out $1,200 a year without ultimately going into bankruptcy. If we pay annually $200,000,000 for wool, woolens, sugar, coffee, tea, and other products to foreign countries, and only sell abroad $150,000,000 in the same time, the balance of trade will be against us to this extent, and hard times will come as certainly as night follows day.

Free trade is a scheme to make the rich richer and the poor poorer. The only demand for revenue reform which has come to this Congress this season has come from the free-trade clubs of New York, among whom wit passes for worth and wealth for brains, and from retired capitalists who have gone out of business to live on their coupons and incomes. The direct effect of opening our markets to the world is to place American labor in competition with the half-paid, half-clad, half-fed labor of India, China, Japan, and other foreign countries, and to increase the value of money—to increase its purchasing power by diminishing the price of the products of the world to the lowest possible level. Not only this, but it will blight the hopes and happiness of the toiling millions who are the glory of our Republic. It will take the carpets from their floors, the clothes from their backs, the flowers from their gardens, the books from their libraries, comfort from their homes, and gladness from their hearts. It will turn colleges into tenement houses, churches into hospitals, and homes into hovels. It will strike down our printing-presses, our public schools, and our institutions of learning and charity. The blighting specter of poverty and want, of hunger and cold, of penury and wretchedness will sit at the cheerless fireside of every laborer's home, an unwelcome but an abiding guest. The laborers of this country can not live on nine or ten cents a day as do the Mongolians, the Japanese, and the laborers of India. The life of this Republic and the prosperity of our people demand that the laborers of this country shall be well paid, shall have comfortable and happy homes, shall have books and schools, churches and colleges, comforts and luxuries, for to them we are indebted for the strength and power, the glory and grandeur of the Government, beneath whose overshadowing wings 55,000,000 of people dwell in peace and unity.

Mr. Chairman, I have seen proper to consider at some length the tariff on wool. Having the honor to represent in part a State that grows more wool than any other State in the Union, and having the honor of representing a district which produces more wool than any other district in the United States, I felt it to be my duty under existing circumstances to give this question that consideration which its importance demands. Having lived on a farm from childhood to manhood, and having engaged in this industry, I have probably a greater familiarity with raising sheep and growing wool than most members of this House. Believing as I do that the reduction of the duty on wool was done inadvertently and in haste, I desired to state the circumstances under which the reduction was made. Knowing, as I do, the course pursued by the Democratic members of the Forty-seventh and Forty-eighth Congresses, and the pledges made by the Ohio Democracy, I wished to expose the unblushing hypocrisy which has characterized their treatment of this question. The pretense that the Democratic party will restore the wool tariff of 1867 is a sham and a cheat, and in this statement I shall be corroborated by a very large majority of the Democratic members of this House.

I hold in my hand the resolutions of the wool-growers of Ohio and Pennsylvania, in which they pledge their support at the ballot-box to such men and measures as will restore the wool tariff of 1867. They will resent in October and November the outrage which was perpetrated in the campaign of last year and the indignity with which they have been treated by this House. A million men can not be crushed by any political party. I know you laugh at the idea of farmers discarding their party affiliations, and say they will get bravely over that before the election. Mr. CONVERSE told you that your failure to restore the duty on wool would influence half a million votes in the coming election. Mr. WILKINS intimated the same. The elections of this year will decide whether the wool-growers of this country can be ignored and trampled upon with impunity. The House of Representatives of the Forty-eighth Congress, where a measure to increase the duty on wool

must necessarily under our Constitution originate, was specially charged with the duty of restoring the tariff of 1867. The refusal to do so will overwhelm the Democratic party and destroy the last expectation of victory in 1884.

The wool-growers fully understand the situation. They know the position occupied by the two parties on this question. The party that gave homes to the homeless, freedom to the slave, and protection to American industry is the only party that can be trusted to restore this duty. I speak in no partisan sense. The Democratic members of this House had a grand opportunity of securing the support of the wool-growers of the country, but they spurned it with contempt and suffered it to pass away; and now are struggling to drive the wool-growers still farther away. And yet this is what should have been expected. How can any man who believes in a revenue tariff, or in the Ohio Democratic platform, favor the protection of any industry? No member of Congress can succeed when he is constantly stultifying himself.

I have probably taken more time, Mr. Chairman, than I should have done had some Democratic member seen proper to represent on this floor the wool-growers of the United States. This should have been done by a Democrat in a Democratic House. I had expected to say something on the merits of this bill, but I had not until within the last day or two thought of entering upon a full discussion of this subject. The discussion closes to-morrow and I am advised that this subject will not be discussed by any gentleman who is hereafter to speak. This is my only apology for occupying so much time in presenting this subject. My sympathies, my voice, and my vote are with the farmers of this country whose great industry has been assailed, and I shall earnestly and faithfully labor to restore the law of 1867. This will be a prominent feature in this campaign, and, mark me, it will not down at your bidding. It is an important question and can not be turned aside. We spent ten or twelve days in the consideration of the "bonded whisky bill" in the interest of a few distillers; we spent as much more time in the investigation of the record of a soldier whose disobedience of orders and unfaithfulness to his country's flag brought dishonor upon himself and defeat upon his comrades, but this Congress has no time to give to the consideration of a question which touches a million men and affects a million homes and which is closely identified with the vital interests of the country. Protection of American industries, protection of American labor, and protection of American homes is the polar star of American prosperity, and its steady light will cheer and gladden the hearts of American citizens when the champions of free trade, revenue tariff, and incidental protection are forgotten.

APPENDIX.

TABLE No. 1.—*Showing rates of duty on wools prior to the passage of the act of March 3, 1883, and also under the present tariff.*

Class.	Rate before revision, March 3, 1883.	Equivalent ad valorem.	Present tariff.	Equivalent ad valorem.
		Per ct.		*Per ct.*
Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents per pound or less.	10 cents per pound and 11 per cent.	55.74	10 cents per pound.....	44.74
Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound.	12 cents per pound and 10 per cent.	39.18	12 cents per pound.....	29.18
Wools of the second class, and all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents per pound or less.	10 cents per pound and 11 per cent.	47.08	10 cents per pound.....	36.09
Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound.	12 cents per pound and 10 per cent.	42.33	12 cents per pound.....	32.33
Wools of the third class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 12 cents or less per pound.	3 cents per pound.....	25.49	2½ cents per pound.....	21.24
Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 12 cents per pound.	6 cents per pound.....	31.32	5 cents per pound.....	26.11

Wools of the first class, when imported washed, shall pay a duty of twice the amount to which they would be subjected if imported unwashed; and the duty on wools of all classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed.

TABLE No. 2.—*Showing rates of duty on woolen goods prior to the passage of the act of March 3, 1883, and also under the present tariff.*

Class.	Rate before revision, March 3, 1883.	Equivalent ad valorem.	Present tariff.	Equivalent ad valorem.
		Per ct.		*Per ct.*
Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not specially enumerated or provided for in this act, valued at not exceeding 80 cents per pound.	50 cents per pound and 35 per cent.	71.66	35 cents per pound and 35 per cent.	59.60
Same, valued at above 80 cents per pound.....	50 cents per pound and 35 per cent.	71.66	35 cents per pound and 40 per cent.	65.40
Flannels, blankets, hats of wool, knit goods, and all goods made on knitting-frames, balmorals, woolen and worsted yarns, and all manufactures of every description, composed wholly or in part of worsted, the hair of the alpaca, goat, or other animals, except such as are composed in part of wool, not otherwise provided for in this act, valued at not exceeding 40 cents per pound.	20 cents per pound and 35 per cent.	90.97	12 cents per pound and 35 per cent.	75.39
Same, valued at above 40 cents per pound, and not exceeding 60 cents per pound	30 cents per pound and 35 per cent.	90.72	18 cents per pound and 35 per cent.	68.43
Same, valued at above 60 cents per pound, and not exceeding 80 cents per pound	40 cents per pound and 35 per cent.	89.08	24 cents per pound and 35 per cent.	48.50
Same, valued at above 80 cents per pound.....	50 cents per pound and 35 per cent.	66.96	35 cents per pound and 40 per cent.	62.37
Women's and children's dress-goods, coat-linings, Italian cloths, and goods of like description, composed in part of wool, worsted, the hair of the alpaca, goat, or other animals, valued at not exceeding 20 cents per square yard.	6 cents per square yard and 35 per cent.	68.75	5 cents per square yard and 35 per cent.	63.13
Same, valued above 20 cents per square yard.....	8 cents per square yard and 40 per cent.	67.05	7 cents per square yard and 40 per cent.	63.67
If composed wholly of wool, worsted, the hair of the alpaca, goat, or other animals, or of a mixture of them.	New; formerly rated in class above.	.....	9 cents per square yard and 40 per cent.	.....
Provided, That all such goods weighing over four ounces per square yard shall pay a duty of.....	50 cents per pound and 35 per cent.	68.09	35 cents per pound and 40 per cent.	63.87
Clothing, ready-made, and wearing apparel of every description, not specially enumerated or provided for in this act, and balmoral skirts and skirting, and goods of similar description or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods.	50 cents per pound and 40 per cent.	62.51	40 cents per pound and 35 per cent.	55.37
Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made or up manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods.	50 cents per pound and 40 per cent.	.....	45 cents per pound and 40 per cent.	.....
Webbings, gorings, beltings, bindings, braids, galloons, fringes, gimps, cords and tassels, dress-trimmings, head-nets, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, the hair of the alpaca, goat, or other animals, or of which wool, worsted, the hair of the alpaca, goat, or other animals is a component material.	50 cents per pound and 50 per cent..	68.30	30 cents per pound and 50 per cent.	60.98
Endless belts or felts for paper or printing machines.....	20 cents per pound and 35 per cent.	57.16	20 cents per pound and 30 per cent.	52.16

TABLE No. 3—*Quantities and values of raw wool imported into the United States from each foreign country, from* 1878 *to* 1883, *inclusive.*

Countries from which imported.	Year ended June 30—											
	1878.		1879.		1880.		1881.		1882.		1883.	
	Pounds.	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*
Argentine Republic	9,489,121	1,191,429	6,929,514	791,883	12,278,776	1,625,378	6,163,223	1,015,685	9,821,234	1,431,772	8,691,873	1,132,895
Belgium	244,699	48,846	29,494	3,963	4,408,568	942,210	90,551	23,689	340,963	60,613	1,641	203
Brazil	798,998	97,127	260,025	32,194	839,424	113,645	668,163	108,598	493,505	65,336	1,269,159	141,399
Chili	2,856,771	314,712	3,773,604	395,645	3,329,156	245,098	1,852,721	175,522	2,534,219	223,528	1,099,260	110,879
China			21,271	2,088	66,751	9,188	208,188	23,354	167,819	17,689	630,742	63,807
France	913,662	105,390	2,500,694	286,612	12,715,011	1,644,444	3,311,775	420,717	4,411,078	552,028	5,798,992	706,857
Germany	267,727	51,858	44,746	8,638	691,498	94,669	191,641	38,773	17,827	11,169	10,671	8,960
England	18,387,554	3,750,762	16,742,071	2,136,819	56,466,765	12,121,637	24,556,110	4,467,814	18,943,885	3,579,092	24,749,910	4,511,409
Scotland			134,579	16,964	1,542,876	325,598	230,116	31,745	1,699,002	276,050	1,286,085	191,712
British North American Provinces	2,502,207	750,286	2,546,270	576,003	4,075,665	1,051,389	1,670,305	502,407	1,276,389	295,840	1,347,627	282,503
British East Indies			98,400	9,912	227,642	38,380	118,521	15,404	81,815	10,744	643,402	77,117
British Possessions in Africa and adjacent islands	3,935,705	599,516	1,060,352	151,847	7,293,129	1,125,941	2,587,305	435,157	3,682,114	578,694	1,587,016	244,188
British Possessions in Australasia	2,085,869	528,135	399,518	98,873	7,666,604	1,850,937	2,199,065	564,831	4,000,286	1,002,899	2,604,701	656,045
Greece	282,200	29,326					480,235	60,776				
Hawaiian Islands	207,820	21,153	125,530	12,498	295,031	35,026	67,997	6,970	152,885	22,651	142,016	20,182
Italy					94,337	16,663	83,759	12,392	69,548	10,700	33,629	4,019
Mexico	835,487	72,216	819,784	66,300	1,321,874	144,875	1,009,376	99,479	121,666	18,037	1,775	257
Russia on the Baltic and White Seas					2,222,187	235,453	627,593	93,156	2,876,240	419,197	2,363,649	309,045
Russia on the Black Sea			1,786,893	233,177	1,100,513	139,600	3,772,558	538,160	8,057,347	1,046,568	10,206,074	1,338,433
Turkey in Europe					1,350	524	29,370	2,594	211,308	25,417	981,032	130,155
Turkey in Asia	249,672	29,667	593,617	100,508	1,207,576	134,065	522,193	66,093	905,183	114,604	1,071,969	135,103
Uruguay	5,273,092	758,212	1,113,231	108,673	9,577,309	1,733,001	4,823,562	882,609	6,894,885	1,221,800	5,920,713	868,403
All other countries	118,495	14,380	25,562	1,948	709,705	99,929	699,909	118,043	1,032,546	111,662	133,542	15,760
Total	48,449,079	8,363,015	39,005,155	5,034,545	128,131,747	23,727,650	55,964,236	9,703,968	67,861,744	11,096,050	70,575,478	10,949,331

TABLE No. 4.

Statement showing the quantities of wool imported into the United Kingdom of Great Britain and Ireland during the calendar year 1882.

(From the Statistical Abstract for the United Kingdom.)

	Pounds.
Spain	117,041
Germany	2,727,703
Other countries of Europe	34,792,494
British possessions in South Africa	53,876,065
British possessions in the East Indies	26,923,704
British settlements in Australia	345,784,446
South America	10,872,521
Other countries	13,891,083
Total imported	488,985,057

Tariff and Protection—Profits and Wages—Women-workers and Infants—Toilers in the Factories—Wealth and Poverty.

Under this policy [protective tariff] commerce has been obstructed, the cost of production has been increased and the earnings of labor have been confiscated. These taxes are not needed for revenue, and they can not be legitimately or beneficially maintained for any other purpose. There is not an instance in the history of the world in which a government has made its people rich and prosperous by imposing unnecessary taxes upon them.—*Mr. Speaker Carlisle—letter to Hon. John Kelly, May* 22, 1884.

The vast wealth which attends the apparent prosperity of this period is not the wealth that gives greatness and strength to a republic. The wealth that builds palaces, undermines the foundations of free government and wrings from the heart of labor the cry of despair.—*Holman.* [*Appendix, 1st Sess. 48th Cong., p.* 17.]

You compare the nation, perhaps, to a parched tract of land, and the tax to a fertilizing rain. Be it so. But you ought also to ask yourself where are the sources of this rain, and whether it is not the tax itself which draws away the moisture from the ground and dries it up.—*Bastiat.*

Woe unto you also, ye lawyers! [νομικός] for you lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers.—*Luke*, xi, 46.

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 2, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. COX, of New York, said:

Mr. CHAIRMAN: Gentlemen in this debate have discussed economy as if it were a party question. Economy knows no party; it knows no nationality. Economy has reference to cash and credit. Its philology shows that it is the "law of the house." It is not the law of a faction. It is not the law of contending elements or parties. So far as I am concerned, I know no sure rule for my action on this question except the law of economy. No party can tell me that abundance is a curse and that scarcity is a blessing. No party can tell me that taxation is conducive to human happiness. Onerous taxation is nothing if not an obstacle to comfort and prosperity. No party platform, no caucus resolution, no convention shibboleth can make or unmake the everlasting laws of supply and demand, and of interchange among individuals, communities, and nations.

FEDERALISTS AND DEMOCRATS.

Gentlemen quote Federalists and Democrats, Hamiltons and Jeffersons, Jacksons and Madisons, Websters and Clays, Wrights and Walkers, in behalf of this or that economic theory. The sentiments attached to these great names are nothing to me unless they conform to the eternal law of economy. Two and two can never be made equal to five though indorsed in a thousand ways by party platforms or great statesmen. Is it said that Jackson was a protectionist, and that Madison advocated certain duties as an encouragement for home manufactures? Granted. So I may say that Hamilton said in the Federalist that—

Exorbitant duties on imported articles serve to beget a general spirit of smuggling which is always prejudicial to the fair dealer and eventually to the revenue itself; they tend to render other classes of the community tributary, in an improper degree, to the manufacturing classes, to whom they give a premature monopoly of the markets; they sometimes force industry out of its most natural channels into others in which it flows to less advantage; and, in the last place, they oppress the merchant, who is often obliged to pay them himself without any retribution from the consumer.

Not being accustomed to swear in the words of Hamilton, or of any master, I attest his statement by the laws of economy and his practice under them; for did not Hamilton in the first instance propose to encourage manufactures by admitting free the raw materials? Whether he be Federalist or Democrat, it matters not. This policy may have been wise or unwise in his day; but it is certainly wise now, because it is in conformity with the higher laws of economy, and is best for the people.

DEMOCRATIC POLICY.

It is a peculiar satisfaction to me to know that the great bulk of the party with which I act, not only in their platforms but their legislation, has demanded that there shall be equality of taxation; that the burdens of government shall fall equally upon all; that one class shall not be taxed for another; and that monopolies should be overwhelmed by an indignant people. When I find Jefferson at Paris—inspired with an earnest purpose to serve America and France—demanding that our surplus of rice, tobacco, furs, peltry, potash, and timber (which France wanted) should go to her, while her surplus of wines, oils, brandies, fruits, and manufactures (which we wanted) should be interchanged for our commodities, I recognize the wisdom, justice, and democracy of his policy and philosophy. He said that "the Government have nothing to do but not to hinder their merchants from making the exchange."

Fortified by this philosophy and practice, I propose to place on record a few suggestions in answer to what fell from the gentleman from Pennsylvania [Mr. KELLEY] in the speech he made on the 15th of April, and to some remarks made by other gentlemen on the pending bill.

REDUCTION OF PRICES.

He starts out by saying that he does not believe "that a cheapening of goods which involves a reduction of wages can relieve any stagnant American industry." This assumes that the cheapening of our products of manufacture must result in a reduction of wages. Why should this be the result? Do not wages depend on the supply of labor in the market, and the skill of the laborer? Do not the supply and skill of

labor now regulate the wages in the factories? Do not the statistics of the last census show that the profits of manufactures would allow larger wages than those now paid? Why are not larger wages paid? Because there is fierce competition for employment, and a limited market for manufactured products at present prices. The cheapening of goods would, to the extent of their reduction in price, enable 55,000,000 of people to consume our manufactured products more largely than they now do. I see no other result from "cheapening" until a reduction of tariff enables us to sell surplus products in foreign marts.

POWER OF CONSUMPTION.

The very next assertion made by the gentleman [Mr. KELLEY] is proof of this. He says "the power of production the world over has, upon the prevailing basis of the distribution of the joint production of labor and capital, outrun the power of consumption;" and "that all markets are overstocked; that in every land multitudes of skilled and industrious people have from many proximate, but all of which are secondary, causes, been idle for a large portion of many recent years."

The gentleman makes no exception of the United States. Is he correct in this assertion? What is the remedy? Obviously the only scientific remedy is to develop a better system of exchange of products. People will consume industrial products if they can obtain for their surplus other products in exchange. There are no limitations on consumption except those imposing restrictions on production and exchanges. All obstructions placed in the paths of trade and commerce are illogical.

OVERSTOCKED MARKETS.

Asserting that our markets are overstocked with our own industrial products, the gentleman [Mr. KELLEY] proposes as the only remedy, restrictions on the exchange of our surplus for the surplus products of other nations! It is well known that our factories are now so far developed in capacity that they could, at present high-tariff prices, by running on even the eight-hour plan six or eight months of the year, glut our home market with their products. Yet the gentleman proposes, in such a condition, to confine for all time these products to the home markets! And at the same time he holds out to our farmers the comfortable prospect of having at no distant day no foreign markets for their products! Will such a condition of production tend to the general prosperity of the people? Will a system of manufacture which is now able to glut the home market be improved by a system of agricultural production which will have no foreign market? The gentleman must admit, so far as manufactures are concerned, that we have now a development of capacity for production too large for the home markets. Will he benefit manufacturing capital or labor by enlarging that capacity? Surely not. Will that capital or labor be benefited by the loss of a foreign market for our agricultural products? Surely not. Yet his theory is that we must increase our manufacturing army, an army that is now too large, in order to create a home market for our agricultural products! On the conditions which he states himself, is not his theory simply absurd? The gentleman's theory is practicable in one way only: the Chinese way. To put it into successful operation all our industries should be developed only in proportion to our population; and when that proportion is reached further development should be stopped, by law of course, in order to prevent overproduction. The people would require so many bushels of wheat per annum, so many yards of cloth, and so on in respect to every article to be consumed. If the rolling-mills turned out more iron than might be wanted, they would have to be closed until the surplus which glutted the market was sold for consumption. We must, according to the Pennsylvania plan, diversify our industries so as to produce our own sugar and everything else we want. Stop raising surplus wheat, says the gentleman; raise sorghum; and so on in respect to other products. What about our cotton? Must we raise only what we can consume of that staple?

THE DISMAL SCIENCE.

Is not this the theory of "protection" as laid down by its greatest apostle? I want no better indorsement of my recent "Address to Congress" than the gentleman's speech. In the latter, the gentleman expressly demands the Chinese wall that I spoke of—the Chinese system. To that extent his speech is logical. In its economical argument it is absurd and refutes itself.

I admit that if our industries were regulated so that their products would exactly fill our home demands and no more, and if all persons engaged in them were subject to distribution so far as to be compelled by law to shift about from one calling to another, according to the extent of production in each calling, we might by and by be as independent of other nations as China and India were for thousands of years. It is a system of this sort that is implied in the gentleman's [Mr. KELLEY'S] speech, or else there is no sense in it.

I do not desire such a system. I know that if we adopt such a system it must produce castes of labor in this country. It must result in a municipal custom or law that will in time affect and regulate every kind of labor, and leave nothing to enterprise. It would do this as certainly as it has done it in India and China. We would have no business to transact with the "outside barbarians" of Europe under the gentleman's system of home consumption.

The American people have now come to that stage of development in which the gentleman [Mr. KELLEY] sees no chance for them to maintain themselves except by the abolishment of commerce. He looks all over the world and says we must come to this. This frank admission, that Americans must consume all our industrial products, is an assertion of the best policy that the leading protectionist in the House can suggest. The gentleman illustrates the "dismal science" of which he talks.

THE PROTECTION OF AMERICAN WOMEN.

Are the American people prepared to pursue this home policy until the object of the protectionists has been attained? This is the important question before the country to-day. Is there no labor to be considered but factory and forge labor? The gentleman [Mr. KELLEY] cites the condition of labor in Austria, Germany, Switzerland, the Netherlands, France, England, and other countries, and assumes that our labor is protected from such a condition by high tariffs. I would ask the gentleman, would the laborers of these countries be in their present condition had they our institutions, our immense domain of cheap and fertile land, and no enormous standing armies to support? The gentleman wants to protect American women from being degraded as he has seen women degraded in these countries. So do I. I might here remark that I would like to see a system of manufacture different from that carried on in Philadelphia under heavy protective tariffs, where for years thousands of American mothers have been forced, in mid-winter, to rise by gas-light, at 5 o'clock in the morning, and walk the streets in snow, sleet, and rain, to leave their little children, even nursing babes, at the nurseries established by charity in that city, to be cared for until the same mothers call for them after a hard day's work, at 7 or 8 o'clock at night, to bring them home to their miserable lodgings! If exclusively American manufacture means this Philadelphia kind of "protection to American women," I am not in favor of taxing fifty-five millions of people for the benefit of their employers, who are living in luxurious splendor on the 40 or 50 per cent. profit on capital which high tariff makes possible.

I want to try a system of production that will give different results. I want to throw open the market of the world for America, so that Americans can exchange the surplus of the bounties with which nature has endowed them for the bounties of other climes. I want something more cheering than the gentleman's [Mr. KELLEY'S] "dismal science," something more Christian, something more humane, something not so utterly and terribly selfish. I believe in commerce and progress, not in exclusion, stagnation, and starvation! [Applause.]

I will append to my remarks, for the information of the gentleman from Pennsylvania, a statement furnished me by a lady who supports herself by daily toil. It is in regard to the conditions in which women who have to labor for a living are placed in Philadelphia—that high-tariff city of eminent respectability and sweet-sounding sanctity.

THE CONDITION OF LABOR IN PHILADELPHIA UNDER PROTECTIVE TARIFFS.

The statement referred to is made by a lady who resides in Philadelphia. It describes the operation of the *Crêche* or public nursery and kindergarten system established in that city for the care of the children of such women during the hours of daily labor.

This lady belongs to one of the most respectable families of Philadelphia. She is an active worker herself in this truly benevolent system of aid to labor. I am not permitted to use her name, but my other friend from Pennsylvania [Mr. RANDALL] knows her family well; indeed, she is a resident of his district. Her father was at one time one of the largest ship-owners of Philadelphia. In his lifetime he was a good Democrat, and a constituent of the gentleman [Mr. RANDALL].

INFANTS IN THE MILLS.

It will be seen by this statement that notwithstanding high tariff protection on cotton goods, infants are harnessed to mill machinery in that city in operations that are considered dangerous to adult labor! I allude to "spooling," in which the little hands that should have no tasks but play, grow weary at toil and are liable to mutilation. Is not this Herodian protection of the industries? One of the mill-owners is humane enough to desire the invention of a machine that would enable him to dispense with the sacrifice of infant hands to the Moloch of manufacturing greed. Well may he desire this. It would be more consonant with his humane feelings and decidedly more advantageous to his pecuniary interests. I do not desire for my country the wealth fostered by such sacrifices of the innocents. Verily I say unto you, "It is easier for a camel to pass through the eye of a needle than for [such] a rich man to enter the kingdom of heaven."

That enterprise which depends for its success upon the work of children whose palates have not yet lost the flavor of their mother's milk is a blot upon our boasted progress and a crime against humanity. Civilization does not demand the sacrifice of the human family upon the altar of greed, nor does it allow that man is created as a part of the machinery of commerce.

Such enterprises must be fostered by acts of Congress in order to enable them to compete with the pauper labor of Europe, say those who oppose tariff reform. How do the employers fare? Is the wolf at their door?

THE ANNUAL INCREMENT OF WEALTH.

Mr. Chairman, the development of our industrial resources has added, year after year, millions to our aggregate wealth. Who are the beneficiaries? I will show you that the producers of this wealth—the la-

boring classes—are not the beneficiaries. Their possessions are not accumulating. Is this condition of labor one that the lover of his country can contemplate without apprehension for its welfare? To such an one, will not the lines of Goldsmith seem prophetic?

Ill fares the land, to hast'ning ills a prey,
Where wealth accumulates and men decay.

I will give you some statistics and calculations in regard to the accumulation of our wealth that has been going on these many years.

All wealth comes from labor. In the distribution of our annual increment of wealth, the owners of 253,852 manufacturing establishments got of this increment for the last census year, $1,024,801,847!

The report for the last census year, 1880, states the assessed valuation of all the property in the United States as follows:

Real property	$13,036,766,925
Personal property	3,866,226,618
Total assessed valuation	16,902,993,543

The State, Territorial, county, city, and all other local taxation levied on this property, as stated in the same report, amounted to $302,200,694. This levy was at the rate of a fraction less than 1.80 per cent. (1.79) on the owners of the property. Do not the owners regard this small tax as a burden—an onerous burden? How would a proposition to double the rate of this levy be received by the tax-payers? How would they receive a proposition to triplicate it? Double the rate would be $604,401,388, triplicated the rate would be $906,602,082.

OPERATION OF THE TARIFF LAWS.

Would there not be a terrible outcry against such an increase of taxation? If the purpose of the triplicated increase was to grant two-thirds of the proceeds to the manufacturers with a view of protecting the wages of their employés from foreign labor competition, would the tax-payers consent to such taxation? Would they consent, if the manufacturers were to pocket the two-thirds instead of paying it to their employés? Of course they would not consent to such an increase of taxation. Yet, in effect, this is the operation of the tariff laws. Consumers, including of course all classes of labor, occupy houses of some sort on which a property tax is levied, and this tax is included in the rents. If there are no tenants, the owners pay the tax. The bulk of State and local taxes accrues on realty.

The manufacturers of the United States had in 1880 capital employed in their business to the amount of $2,790,272,606. The gross return to that capital, as stated in the last census report, after deducting the cost of all materials used and all wages and salaries paid, amounted to $1,024,801,847!

TARIFF PROFITS AND LOCAL TAXES.

"What relation have these profits to State, Territorial, county, and municipal taxation?" some gentleman may ask. I will show that there is a relation—a very striking one, too. If three times the sum of these taxes were assessed to the people, the amount levied would be $906,602,082. This levy would fall short of the sum of the manufacturers' profits in 1880, exactly $118,199,765. The latter amount would give a return of over 4 per cent. to the capital employed in manufactures that year.

In the address I delivered before this House on the 20th of March last, I gave official figures from the census report of 1880 which proved that on the average our manufacturers' capital got a return of between 36 and 37 per cent. Was not other capital that same year eagerly seeking investment in the public debt for 3 or 3½ per cent. interest? The profit accrued to the capital of the manufacturers yielded a sum equal to 6 per cent. of the assessed value of all the real and personal property in the United States! The amount of profits to manufacturers' capital reported for the last census year would have paid all the State, Territorial, county, city, and local taxes three times over that year, and still have left a surplus that would have given a return of over 4 per cent. to their capital!

When owners of inert capital are willing to pay a premium for investments in 3 per cent. bonds of the United States, is not 6 per cent. a fair return to active capital? Six per cent. profit in 1880 would have given to the manufacturers' capital $167,416,356, and have saved the consumers of their products $857,385,491. Out of this saving the latter could have paid all the State, Territorial, county, and municipal taxes levied that year and still have in bank to their credit the vast sum of $555,184,797!

EARNINGS STOLEN FROM LABOR.

Suppose we figure the return to the capital of the manufacturers at 10 per cent.—and is not this rate ample?—what would have been the result to consumers for the last census year?—A saving of $745,774,587—a sum that would have paid all the State and local taxes named, and still have left to the credit of the consumers $443,573,893! The latter sum saved annually for six years and invested in United States 3 per cent. bonds would amount to $2,861,051,610—a sum $70,779,004 in excess of the total capital invested in 1880 in the manufacturing industries of the United States. This six years' savings would pay off all State, Territorial, county, municipal and other local debts, and still leave unexpended $1,804,645,402! This six years' savings would exceed by $247,445,346 all the paid-up capital of all the railroad companies in the United States in 1880! Six years more of such savings would pay off all the bonded and all the unfunded debt of these railroad companies, as reported in 1880, and leave an unexpended balance of $48,935,314!

These figures show that if the labor of the country got the benefit which in the spirit and theory of tariff protection it has a right to get, it would soon be able to pay off all the debt referred to, buy out all the railroad companies, and still have an enormous surplus fund of its own. We Americans do things on a grand scale. We tax our consumers and rob our mass of producers in a ratio proportionate to the grandeur of our empire and the immensity of our resources!

The total amount of wages (including salaries of officers and clerks) paid in 1880 in these industries was $947,953,795. On a 6 per cent. return to the capital invested, the manufacturers could have paid in 1880 to their employés 90.44 per cent. in excess of the wages paid that year; and on a 10 per cent return to the capital they could have paid their employés 78.62 per cent. in excess of the wages paid that year.

The foregoing calculations show what consumers have to pay our manufacturers in excess of just and reasonable profits, on the theory of protecting the laborers employed in American manufacturing industries from competition with the "pauper labor of Europe." The manufacturers could have paid from the returns accrued to their capital in 1880 all the State, Territorial, county, and municipal taxes and 46.79 per cent. more wages to their employés than they did, and still have a return of 10 per cent. on the capital employed in their business!

It will not do to say that the incidental expenses of manufacture, such as insurance, repairs, and interest, offset to any considerable extent the profits of the manufacturers. Few if any of the large corporate establishments are in need of borrowed money. These make the largest profits and they can get money at less than half the rates that farmers have to pay. There is less risk in lending to the manufacturers; their profits are secured by act of Congress.

THE AVERAGE WAGES.

I showed in a former speech at this session of Congress that the average wages paid in the manufacturing industries of the United States was about $1.16 a day. It is said that the year covered by the census reports from which I made my calculations was exceptionally prosperous. Admitting this, it follows that $1.16 a day is exceptionally prosperous wages in the factories. It may be objected that this rate includes the wages of women and children. So it does, but it also includes the salaries of presidents, directors, superintendents, clerks, and foremen, and the highest wages paid to the most skilled workmen. Including these payments, and allowing the 713,560 women and children who worked in the factories during the census year $3 a week each, the average wages paid to the able-bodied males would not exceed $1.37 a day. What would the rate be with the salaries of the officials and clerks deducted? Deduct from the wages the recoupments of tariff profits and what would be the purchasing value of such wages? I challenge a fair inquiry on the wages question. It is on the sham pleading of protecting wages that all the high-tariff arguments are based. Labor is deceived on the false issue made by such pleadings.

SOME FIGURES FOR THE LABORERS.

In the many years of my public service I have often attempted to explain the operation of our tariffs to those most affected by them. I have often endeavored to make the wrongs of the system clear to the comprehension of those most interested. I mean the workingmen.

The laboring man has for his capital, brawn and brain. He draws upon both. His earnings should be an equivalent to the demands of a condition of respectable citizenship. Take the case of a workingman in this country. Suppose he earns $15 per week. That sum is above the average wages of a first-class artisan. It would give him $780 for a year of three hundred and thirteen working days. Now the problem in which the respectable workingman is most interested, is how to live on an income of that amount. Suppose he has a wife and four children. It would be impossible on such an income to maintain a family, even with strict economy, in meager comfort, without approximating closely to the following expenditure:

ANNUAL EXPENSES OF AN ECONOMICAL FAMILY.

House rent, $10 per month	$120 00
Fuel—	
Coal, 5 tons, $6.50 per ton	32 50
Wood, 3 cords, $6 per cord	18 00
Clothing and shoe bill	100 00
Milk and groceries, $5 per week	260 00
Butcher, $2 per week	104 00
Doctor's bill, say $16	16 00
School books, three children	10 00
Newspapers, two weeklies	4 00
Books and magazines	6 00
Amusements for whole family	10 00
Society dues, including life insurance	25 00
Possible days of lost time	25 00
	730 00
Balance in his favor	50 00
	780 00

This expenditure does not provide for such luxuries as fruit, fresh vegetables, and fish. Without these it leaves a balance of $50 at the end of the year for a rainy day. If such a workman should even mod-

erately use tobacco and spirits, say at an outlay of 12 cents a day, it has been computed, by one of his class, that at the end of the year he would have only $5.70 on the credit side of his ledger. But I have taken a case which is not the minimum of the workingman's wages. A man at $1.50 per diem (and this is not the minimum rate), with steady employment for the working days of the year, and with a wife and three children to support, would, at a proportional expenditure, be in debt $11.50 at the end of the year.

In these calculations you will find whence comes the spirit of unrest, whence come the strikes. Here you can see the skeleton in our household—the skeleton Want. His bony finger points at your feasts like that of the Egyptians in the days of the Ptolemies!

TARIFF EXACTIONS.

The tariff exactions enable Dives to clothe himself in purple and fine linen, and to fare sumptuously every day, while they compel the workingman to sit at the palace gate. Here you have the *fons et origo* of the "labor troubles."

A workingman of New York advises me that his wages have been $7.50 per week. The ordinary expenses, even if he were a boarder, counting two suits of clothes a year, without books, newspapers, or amusements—simply looking to his clothing, board, lodging, and washing, would leave him in debt every week at such wages.

If such cases do not come every day to the notice and conscience of men who are keen to foster "business interests," it may not be out of place here to give in detail some of the onerous tariff duties which press so heavily on the industrious poor—tariffs which we hope to remove by liberal legislation. It is well known that many seamstresses are employed in making clothing. For coarse trousers the regular pay is 7 cents a pair. They make ten pairs per day of twelve hours. Are they not very illy paid for their labor? If any one should be relieved by legislation should it not be workers of this class? How are they taxed on the articles they consume in their work? Their very needles are taxed 25 per cent., and their thread 80 per cent., their bees-wax 20 per cent., and their scissors 25 per cent., their buttons 25 per cent., and their pins 30 per cent. I am told that these poor women are compelled to provide their own thread, needles, thimbles, and other implements. Are we to refuse them relief?

Take the ordinary business of writing a letter, practiced by every one. With a large surplus of over $100,000,000, we have such minute exactions as a tax of 25 per cent. on paper and envelopes, 30 on ink, 60 on ink-stands, 54 on pencils, 20 on mucilage, 39 on steel pens, and 30 on pen-holders. We will not allow our paper manufacturers to have free the materials which enter into the manufacture of these articles. Does not this illustrate the wide-spread mischief of maintaining heavy duties on articles of every day consumption?

THE ASSESSMENT ON HOMES.

I would like, Mr. Chairman, to see the man who is a representative of the poor and working population, go forth and plead against the reduction of war taxes and for the retention of the fast-increasing and corrupting surplus. To take this stand he would be compelled to plead for a tax on the necessaries of life. He would have to advocate the taxation of woolen clothing before a jury composed of both manufacturers and consumers; and for whose benefit? The benefit of a handful of sheep-raisers?

The people of this country are coming to know the difference between a tariff for revenue and the tariff that despoils them. The farmers who have to pay a heavy tax on blankets and window-glass will not much longer be inquiring the cost of their shelter, their sunlight, and other comforts.

I know that the taxes on the various articles which enable a family to live in comfort may seem small in detail, when applied to our population individually. You may say that with our 55,000,000 of people it will cost them, under the tariff for taxes evenly distributed, only 7 cents per capita on seeds for breadstuffs and rice, 11 cents on chemicals, about 23 cents on cotton goods, about 7 cents on earthen, stone, and china ware, 14 cents on flax manufactures, 5 cents on hemp, 30 cents on iron and steel, 7 cents on leather, 13½ cents on metals and manufactures of metals, 2½ cents on paper, 36 cents on silk, more than 5 cents on tobacco, more than 3 cents on wood, about 60 cents on wool, and, what is most monstrous of all, 85½ cents on sugar and molasses!

These in detail may not seem much; but when we think of the 3,000 tariff articles ramifying through all the various wants of the people, the assessment is enormous.

ZANTE CURRANTS—AS AN ILLUSTRATION.

Allow me for one moment to bring to your attention one little item which may attract the notice of heads of families. Zante currants are well known to commerce. They are produced only in Greece. They can not be grown elsewhere. We import them into this country. The Greek Government is desirous of having the duties we levy on this article reduced, as currants are the only important modern Greek production that we import. Experience has shown that with each reduction of duty on Zante currants the revenue therefrom has increased. We could easily abolish this duty. It brings in little revenue. From 1865 to 1869, when the duty was 5 cents per pound, the importation was on an average of 2,000 tons yearly. This quantity gave a revenue of about $200,000. After that time the duty was reduced to 2½ cents per pound, and in 1871 the importation increased to 5,000 tons, giving a revenue of $250,000. In that year the duty was reduced to 1 cent per pound, and the quantity imported in 1882 was nearly 14,000 tons, giving a revenue of about $278,000. The duty might readily be reduced to half a cent or one-tenth of a cent per pound. But, on the principle of a free breakfast and dinner table for the working classes, the duty might as well be abolished. To certain classes in our country, currants are useful, being employed to make their bread more palatable, and to make a refreshing drink for the sick.

CLASSIC RECIPROCITY.

The Greeks think that a reduction of the duty would do them great good. Why not humor them? It will cost us little if anything—it would only be reciprocity. They have, on recent representations, admitted American pork. The national swine now grunts the Doric of New Atlantis where Homer sang, and Sappho loved not wisely but too well. Our lard is admitted to compete with the olive of the Academy of Plato. The land of Pericles is the asylum for the noble animal which the Teuton rejects with bristling wrath. The Greeks have taken off their tariff on our sewing-machines and agricultural implements. All these American products go into Greece free of duty now. The Greeks offer to give us a larger interchange if one can be found.

But of what use is all this tender of reciprocity? Do gentlemen fear the Greeks bearing gifts? They give nothing except in mutuality. We must raise more revenue out of these little currants from the classic land, and thereby make the cost of living dearer to our workingman.

EXPATRIATED TUBERS.

By a parity of reasoning, we are in such need of surplus revenues that we have a tax of 15 cents a bushel on potatoes. What for? To enact class legislation against the Irish who have come here? Is not the potato an original native American—racy of the soil? Shall we expatriate its descendants, merely because of accidental birth? Shall we, semi-Celts, submit to a tariff on the tuber that puts the iron in our blood? Let the gentleman who, in part, represents Chicago answer this question when he makes his next philippic against the British lion.

I turn for more comfort on this question to another gentleman from Illinois [Mr. MORRISON], one who has worked laboriously and wisely to alleviate the burdens of the people and relieve our overflowing Treasury. He brings the tariff exactions home to us by such illustrations and generalizations as this:

On sugar, an essential article of food in every home, we pay 50 per cent. That is to say, whenever the earning of three days' labor are used to buy sugar one day of the three goes to the Government for taxes or to the planter for bounty. And this is not the most grievous of these burdens. They are continued, while the Treasury, already full, lures the avaricious—invites the venal and corrupt. All talk of administrative reform which ignores these conditions but illy conceals the bad purposes of those who would continue existing abuses. The reduction or removal of unnecessary taxes lies at the bottom of all reform.

FREE-TRADERS AND SLAVE-TRADERS.

Whether we take the *minutiæ* of the tariff bounties or the gross results, as illustrated by our production and taxation, there is the same lack of economy, and the same injustice and tyranny. To generalize: Labor is about the only un-*tariffed* thing that is permitted to pass our custom-house! American salt, scissors, silks and such, are coddled as bountifully as the tariff conspirators could desire; but the makers of salt, scissors, silks, and such—the laborers—get not one scintilla of protection. If the milk of Congressional kindness must be fed out in the form of protection pap, our workingmen are ready to ask, nay, to clamor, that it be fed to live men and women instead of to soulless corporations. They want it to nourish laborers who can appreciate it. Of what importance is the dead matter that is forbidden to pass the custom-house freely? It can not distinguish between cuffs and courtesies, but the laboring man can. Suppose it were proposed to levy a tax of 50 cents per pound, live net weight, on every immigrant that landed here, what indignation and horror would be exhibited! This proposition would make the high-tariff men show their hands; it would bring their "protection to home labor" very close to their pockets. Do not be surprised when the workingmen hoist their banner for free men and free matter. They will then draw the line between freedom and the slavery that forbids labor to have its own. When I am called a "free trader" because I would lighten the burdens of labor, I am proud of the title. The man who opposes me must be a slave-trader!

NO ONE ASKS FOR REFORM.

In the delivery of his speech the other day (April 16) in favor of high protective tariffs, the gentleman from Massachusetts [Mr. RUSSELL] asked us, with the utmost confidence of putting a poser, in respect to the reduction of tariffs:

Has any interest or any section of the country asked for the reintroduction of this disturbing element? Is there any appeal by petition or otherwise for the reopening of the revision of our tariff laws?

The gentleman, triumphantly answering his own interrogatory, said:

There is but one response to this question: No!

I must assume that the gentleman has not examined the economical side of the question in the light of the best attainable data, in the light of the special investigations of the census officials.

POLICY AND STATESMANSHIP.

I would remind the gentleman from Massachusetts [Mr. RUSSELL] that there is a demand for tariff reform—the demand of conscience, of good policy, of statesmanship. Will he say that these do not demand the curtailment of taxation that yields the enormous profits I have shown by the official figures? I would remind him, and other gentlemen on this floor, that the Democratic party is, in virtue of its majority in this House and of the sentiment that made that majority, pledged to a substantial tariff reform.

THE ISSUE BEFORE THE PEOPLE.

As far back as 1872, the most lame and impotent of our party platforms had these words:

There is in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade. We remit the discussion of the subject to the people in their Congressional districts, and the decision of Congress thereon wholly free from executive interference or dictation.

The sentiment of the people is not yet for absolute free trade; no one proposes such a measure now. Some dream of it, by gradual steps. But few intelligent men deny the soundness of the doctrines of frugal administration, or that we must soon come to such measure of reform as will reduce our corrupting surplus.

Some Democratic members who accepted this plank of their party platform, and who now array themselves with the opposition to reform, fail to remember that the people of the Congressional districts have submitted the issue of reform to Congress. We have a very large majority in this House. The policy of our present organization is for tariff reform. Shall that policy be now ignored? We are asked, "Where are the petitions for reform?" My answer to this is, petitions are for small grievances—for individuals. The ballot is the mode of redress for all-pervading national evils. Look around. The ballots have been cast in the districts, and behold the result—the great Democratic majority of this House! Must there be unanimity in every Democratic district before Democrats in Congress can venture on reform? The question of reform is forced upon us as a party issue. In such an issue must the few control? Is that party organization?

REDUCTION OF TAXES A PARTY ISSUE.

What a day for the country when reduction of unnecessary and most hurtful taxation is made a party issue! What a day for the country when laws that secure such profits to manufacturers such wages to labor as those I have shown, find so many unblushing advocates for their maintenance on the statutes! These laws are the foundation and chief corner-stone of monopoly. These laws secured the vast wealth to the few that has made great monopolies possible in this country. High tariffs are the tares that have grown and fructified into rank monopoly in the fields of industry. They have sapped the soil, exhausted every honest industry, and destroyed the harvests of labor. This has been going on for more than twenty years. This explains the vast accumulations which have enabled the few to monopolize all the great corporate enterprises that hang, like leeches, on the whole body-politic of the nation. Here we have the true origin of monopoly.

THE TRUE MOTTO OF INDUSTRY.

How is labor to disenthral itself? Is it by the maintenance of your tariffs? Is it not by the eradication of the cause, rather than by fostering it, that a natural distribution of the results of labor is to be reached? The revenue derived directly from the tariffs hurts nobody. It is the indirect revenue that results to corporate capital that hurts. It is the vast accumulations which come to the few that is the evil. This evil is worse, far worse, than national poverty. In the latter condition there is equality of opportunity, equality of burdens. The greatest good to all is the true motto of industry as well as of democracy.

RECUPERATION FROM THE SOIL.

The South at the close of the rebellion was stripped of everything except its natural resources. Where is she to-day? Does any industrious man or woman suffer there for any of the necessaries of life? Have not all the people of that section abundant food, abundant shelter? Is not the ownership of a home within the reach of the humblest laborer there without any extraordinary effort? Is this the result of your tariffs? No, Mr. Chairman, it is in spite of them.

Strip the New England and our other manufacturing States, devastate them as the South was devastated until they are absolutely deprived of all wealth, and property in every form except their natural resources, and where would they stand in the scale of wealth twenty years hence? Is it not true that all power of industrial recuperation is vested in the soil? Surely we owe a just equality for industrial progress to those who develop the resources of the soil.

A QUESTION OF RIGHT.

By what right do you decree that the great mass of our producers shall be deprived of a fair proportion of the annual increment of national wealth? By what right do you decree that the farmers of the South and West shall be required to pay on every tariff-protected article that they use in their farming operations and households a price far beyond fair value? By what right do you decree that the owners of our quarter million factories shall take annually from the consumers $422,574,838 in excess of a return of 21.5 per cent. to manufacturing capital? This excess was equal to 2½ per cent. of the whole assessed wealth of the nation in 1880! It is forbidden in Scripture to "seethe a kid in its mother's milk." Who can deny that these exactions have capitalized the transportation corporations that are now bleeding our producers at every pore?

Mr. Chairman, a bill providing for a very small reduction in these exactions is now under discussion.

THE DUTY OF CONGRESS.

It is said again and again that no one asks for relief from these exactions. It is also said that the maintenance of our manufactories depends on the continuance of these exactions. The first objection, even if true—which it is not—is unworthy of a moment's consideration. Are we not here to legislate for the best interests of the people—the whole people? Is not the Congress presumed to be inspired with the will and ability to do this? The other objection is based on the assumption that Congress is not informed of the true condition of our manufactures and of the labor employed in them. We are abundantly informed that this labor can not by any possibility be in a worse condition than it is in and has been in for years. When women and little children are employed by the hundreds and thousands from ten to twelve hours a day in the production of textile fabrics in our factories, can labor be in a worse condition? When you read the testimony taken before the Senate Committee on Education and Labor, in an investigation that has only skimmed the surface of a few manufacturing centers, can any of you have the effrontery to rise in this House and talk of protecting the wages of American labor by tariff laws? I will read a few extracts from the evidence of two most intelligent witnesses. Those of you who come from the manufacturing districts need not such testimony to open your eyes to the appalling degradation in which textile and other tariff "protected" labor is placed.

CONDITION OF OUR IRON-WORKERS.

I find from the testimony of Mr. Robert D. Layton in regard to the iron industry at Pittsburgh, Pa., that the following facts are proved:

First. That skilled workers earn wages on an average of $2 a day for three hundred days in the year.

Second. That the other laborers in this industry earn about $300 per annum.

Third. (I quote from the report.) That—

Our iron-masters live, in many instances—there may be a few exceptions where their aspirations do not find vent in that direction, but as a general thing, they live in very elegant palatial residences, they have carriages and horses, and fine grounds, and servants, and everything that a person would suppose would go to make life enjoyable.

Fourth. (Speaking of the dwellings of these skilled and unskilled laborers.) That—

In Pittsburgh, for example, on the south side, where our mills are numerous, you will find row after row of houses that are single tenements, each composed of three rooms and a basement kitchen. Again, there are other buildings, large structures in which rooms are rented, but those houses, as a general thing, are very close to the works. I know of one instance where I called upon a friend at his house in the summer time when the doors were open, and we had to talk very loud to be heard on account of the noise of the mills. In such a situation as that sickness in the family is terrible. They [the houses] are in one continuous line, all joined together, just a partition separating them. They are simply one long house divided by partitions; divided into apartments; but each has an independent entrance of its own. * * * Here and there there may be an alley-way between the houses, but there are not many such breaks. This description is true of all that part of the city down about our place. It is more densely populated on the flat than up on the hill. * * * In the other parts of the city they run in blocks; the houses are larger, and in many instances each house has an alley-way by which you can take your coal, or anything else that you wish, around to the back. In the more densely populated portion the ashes and everything that has to be carried out must go through the house.

I can name you other portions of our city where there will be five or six families in one house, some in the cellar, some on the first, second, third, and fourth floors—as high up as the house goes.

In reply to the question—

What grounds have they around them, what shade, what grass, what opportunities for the children of the family to have out-door recreation?

The answer was—

If there is any grass on the south side of Pittsburgh attached to a tenement house it is in a little box sitting on the window-sill. I do not know of any existing on the earth. They would have to take up a brick to sow the grass, if they had any. I know numbers of houses where the back yard of each is not more than eight feet by ten, and that is allowing more territory than many of the landlords do. * * * The children are compelled to play on the streets. They have no other place. For out-door exercise they take the pavement in the middle of the street. What little ball-playing they indulge in is done on the streets at the risk of breaking windows and being stopped summarily by the police.

In reply to the questions—

What opportunities have men who live in these tenement-houses and their families for recreation on Sundays and holidays? What resorts have they? Where do they go to? Do they stay in their houses or do they go out into the country or into the parks?

The answers were—

If they take the street-cars and go to the limits of the city—our lines generally run to the suburbs—they can go out into the country. Usually they are tired and they stay at home. They may walk around sometimes on Sunday to see a friend, or they may go to church, but if they don't do that they stay at home and rest. The public libraries are closed on Sunday and our poor men can not get into them to read or study.

Does this evidence show a pleasing result to labor in our best tariff-protected industry?

CONDITION OF OUR COAL-MINERS.

Let us glance at the condition of the coal-miners in Pennsylvania. I will cull a few extracts from the testimony—

In some mines they (the miners) work where the vein is seven or eight or nine feet thick, and the work there is comparatively comfortable; but where it is only three and one-half or four feet thick it is very uncomfortable. Then they are constantly in danger; never out of danger; they do not know at what time a piece of "horse-flag" may fall and crush them to death; it falls when it is least expected. If it were expected, preparations could be made to avoid the danger in many instances, but that can not be done. The miner goes to work in the morning just as the sun is coming up above the horizon, and he comes out of the mine in the evening just as it is going down, so that his life is pretty nearly all night. The work is very hard and exhausting. The men have no advantages of society, or very little. Coal-mines are not situated in busy centers; they are out in isolated places. The operator does not live in the midst of the mines in ninety-nine cases out of one hundred. The men mingle only with their fellows in their own little villages and communities. In the mines they may work two together. That is pretty nearly the extent of the miner's social habits. In winter it is night to him all the time. From the shortening of the days to the lengthening of them he seldom sees the sun; it is night all the time, and the only company he has is that of the other miners engaged with him in his work. * * * The miner, unlike other mechanics, except carpenters and pattern-makers, is required to furnish his own tools and buy his own oil, powder, and lamps.

In reply to the question—

I had the idea that men were seduced into that sort of employment by extraordinarily remunerative wages?

The answer was—

The average miner's earnings, as I think will be shown to you, do not amount to more than $350 a year. That is the seductive compensation given to the miner for spending the greater portion of his life in utter darkness. In Pennsylvania the miners and other citizens had a law enacted at the last session of our General Assembly prohibiting these truck-stores of which I have been speaking—"pluck-me" stores, as the operatives call them; they are known universally by that name in the mining regions—we had a law passed, I say, to prohibit such stores, but our able constitutional lawyers, I believe, found holes in it, and the institutions continue. We want a law making it a misdemeanor for an operator to say to his men that if they do not deal in his store he will discharge them. We want such a law passed, with a penalty behind it, so that a man violating the law can be prosecuted and put in prison—a law which will prevent the operator from compelling his workmen to accede to his demands or else lose their work and starve to death.

FRAUDS AND OPPRESSIONS ON LABOR.

The "pluck-me" stores are owned by the employers of the miners. In respect to the chances of competition by other stores, the evidence is—

I never knew of anything of that kind being attempted, for the simple reason that if they were built the operatives could not deal with them; they would be compelled to deal at the "pluck-me" store or else to quit the place. That is well understood.

The evidence is to the effect that the operators of the mines compel the miners to purchase all their provisions, clothing, and other articles at these "pluck-me" stores, at an excess cost of from 10 to 25 per cent. above ordinary retail prices. The quality of the goods is seldom equal to those of lower price elsewhere. Orders on these stores are the legal-tenders paid for wages. Hence the desire for the enactment of the law referred to. What care the employers about the clause in the Constitution that no State "shall make anything but gold and silver coin a tender in payment of debts." What have coal-miners to do with constitutional rights? Their tariff-protected rights are only of the "pluck-me" class. Do not the tariff laws hand over all consumers to the "pluck-me" manufacturers—the 25 to 50 percenters?

Not content with the exactions of the "pluck-me" stores, it appears that the miners are cheated in the weighing of the coal they mine, by the use of a "sliding link" on the scales. "Our miners almost universally complain of being cheated in the weight." Shall we put coal on the free-list? Never! The wages of American coal-miners must be protected!

BOYCOTTING BY EMPLOYERS.

"Black-listing" is another grievance of which miners, as well as most other skilled laborers, complain. Those who are active in organizing strikes for living wages are "black-listed," refused employment, and the notice of their names is sent to manufacturers and employers as a mode of protecting our industries from independent men who dare to assert the rights of American citizenship. Here is an extract from the evidence on this point:

The mere fact that the men had joined the Knights of Labor was deemed sufficient reason by the potteries there [East Liverpool, Ohio] and their association to declare the men discharged and to shut down the works until the men would agree to go back to work not as members of any labor organization. We have resisted that action on the part of the employers, believing that as American citizens we have a right to join an association for our own defense, our own advancement; we have resented that action of theirs, and the struggle has been a bitter one and is continuing yet. We are slowly gaining a few points, but the struggle, as I have said, has been long and bitter. That probably is the latest and most prominent issue that we have had with the employers in which a large number of men have been engaged, but we have thousands of isolated cases of individuals who have been victimized and driven from their homes and early associations simply because of the fact that they have been members of labor organizations. In many cases no other cause was ever assigned, even after they had done everything possible to discover why they were discharged. And not only this, but in many cases the employers, the coal operators especially, have banded themselves together and put men on what they call the "black-list" merely for being members of labor organizations—not the Knights of Labor alone—but other organizations, and have prevented them from going to work at their homes or anywhere within a reasonable distance of their works. I have known one shovel manufacturer to keep two sober, industrious men, with families, from getting work for nearly two years. He followed them from the city of Pittsburgh clear down to Ames's, in Massachusetts, and all the way back again.

A PICTURE FOR THE PROTECTIONIST.

The following extracts show how the tariff-protected coal-miners live:

Q. Can you tell us anything in regard to the physical conditions and surroundings of the working people, their food, their clothing, and whatever occurs to you pertaining to their mode of living?

A. There are differences of course in those respects, depending upon the amount of wages paid. The daily laborer perhaps lives more poorly than any of the others, has the least house-room and the most illy-ventilated rooms, the least means of educating his children, and the least opportunity for society and other advantages. Then comes the coal-miner, who receives more wages, but who generally lives in a little two-room house. These houses are built in long rows, not painted, with no grounds and no fences about the houses, and the men deal in the companies' stores, who tax them about all they can earn for their goods. * * * The kitchen furniture consists generally of a stove and some dishes, a few chairs and a table. They have no carpets on the floors so far as I have seen. I am speaking now about the lower parts of the houses; I don't know about upstairs. * * * In many instances there are no cellars under the houses. If there were cellars the miners would be enabled to lay in a stock of supplies.

Q. Of what material are the houses usually built?

A. They are always frame houses. I can not recall an instance of one being built of any other material than wood.

Q. Are they plastered inside?

A. In some instances they are and in others they are not.

Q. Is the kitchen also the sitting-room of the family?

A. Yes, sir; it is the sitting-room, kitchen, and parlor.

Q. And library?

A. And library. Sometimes they have some little pictures on the walls.

Q. What kind of pictures?

A. Oh, some little chromos or prints.

Q. Does the miner usually have a newspaper?

A. Yes, sir; wherever he can afford it.

Q. He is usually an intelligent man?

A. Yes; he generally can read.

Q. How are they supplied as to clothing?

A. Well, it is absolutely necessary for a miner to have two suits. The one that he wears when working in the mine is of the poorest quality, and usually very black and dirty, and then he has an ordinary suit of clothes besides.

Q. How are his wife and children clothed?

A. They are clad in the plainest possible garments, as a rule.

Q. What wages does the miner get generally?

A. The wages may average $2 or $2.50 a day; but, dealing in these truck-stores, when the end of the month comes around he generally has very little left. I have known some of them to receive in actual money at the end of the month 35 cents after the rent was taken out.

Q. Are they charged rent for these houses?

A. Oh, yes.

Q. What amount of rent?

A. All the way from $4 up to $8 or $9 a month. Some of these houses have more than two rooms, but in the majority of cases they have only two rooms.

Q. How are those people situated as to school privileges?

A. Usually the miner in the soft-coal regions, and I think in our hard-coal regions too, puts his boys to work in the mine very young. I have observed boys of from 8 to 14 years of age working in the hard-coal region, and in the soft-coal mines boys of 10 or 12 years of age are able to assist their parents materially in the mine, and unless the miner has a large number of them his boys are usually employed in that way helping their father. If there are only one or two boys in the family the father generally takes them into the mine with him. They go to school some, but their means of education is very limited.

Q. Is that because the father prefers that the boys should assist him in his work or because of a lack of school privileges?

A. The school privileges are generally good enough, but absolute necessity compels the father in many instances to take the child into the mine with him to assist in winning bread for the family.

Q. Do any of those miners ever accumulate any money?

A. There are some instances of that, exceptional cases—as there are in almost every occupation—cases where miners have accumulated a little funds.

Q. What are the personal habits of the miner generally as to economy or a disposition to save his wages?

A. He gets so very little to save from that he rarely saves anything. His desire may be to economize, but his opportunities for it are so poor that he seldom is able to accumulate any savings, let his desire for economy be ever so great.

I have given you these few extracts from the testimony of Mr. Robert D. Layton, of Pittsburgh, Pa., before the Senate Committee on Education and Labor. I would ask the advocates of tariff to read the testimony of this gentleman before they talk to us of protecting the wages of American labor by act of Congress.

NEW ENGLAND FACTORY LABOR.

Bad as is the condition of the iron-workers and coal-miners of Pennsylvania, it is infinitely superior to the condition of the operatives in the textile factories of New England. Had I time I would quote at length from the testimony of Mr. Frank K. Foster, of Massachusetts, before the same committee. But as nothing short of a full reading of this testimony would do justice to the subject, I refer the inquirers after truth, the honest friends of American labor, to the report of the evidence, pages 41 to 93. If the condition of labor, male and female, adult, youth, and infant, is any worse in the English factories than in those of Massachusetts, I have yet to learn of it.

I want to hear no more hypocritical advocacy for high-tariff wages from the robbers of our laborers, the persecutors of manhood, the tyrants of working-women, the blasters of youth, the destroyers of infants. No honest, intelligent man can read this testimony and still say that the people should be required to contribute over a billion dollars a year to swell the vast revenue of the employers of this labor. Yet this will continue to be the result unless you reduce your tariff. Such will be the condition of our labor, and daily getting worse, until you abolish all protective tariffs.

NO SUDDEN RADICAL REFORM.

There is absolutely no sufficient remedy for this condition of labor but the repeal of the law that has put factory and mill production on an artificial basis, instead of the natural one of supply and demand. To this we must come soon. No one proposes a sudden radical reform. No one proposes immediate free trade.

Shall the present small advance to reform pass? Shall we take a step toward eradicating the system that is monopolizing the results of all productive labor? Or, shall we aid in concentrating the national wealth

in the hands of the few at the rate of 2½ per cent. per annum? It is said that the proposed reduction must cause a corresponding reduction of wages or else a closing of the factories. Such reduction of wages is impossible simply impossible. As I said in my tariff talk before the House on the 20th of last March, as I often said before, and as every factory hand knows but too well, wages now are and long have been regulated not by rates of tariff, but by competition for employment. I say that wages are now down to the lowest living rates. The present rates afford barely sufficient means to keep the body and soul of the operatives together. What is true of textile production is true of other manufactures. It is true of mining.

Labor organizations and executive and legislative investigations are fast exploding the theory that tariffs protect wages; yet the most interested are the blindest!

TARIFF AND LABOR EMPLOYMENT.

As to the claim that the factories must close if we reduce the tariffs, I reply to this by relating the following anecdote:

In 1881 some English sugar-refiners imagined that they needed protection from French competition. In discussing this matter, Mr. Cross, M. P., in his speech of August 12, 1881, in the House of Commons, pleasantly alluded to the fact that notwithstanding the dismal prospect some members of one great Scotch firm had bought land on the Thames, were spending £150,000, and were going to add to the general depression by producing 70,000 tons a year more of refined sugar.

I heard—

Said he—

something the other day which will illustrate the position of the sugar-refiners. Some six sugar-refiners, I think, from Liverpool called to see an honorable member and met him in the lobby. They told him their dismal story, to which he listened with patience. When they had finished he said: "Well, gentlemen, if you can find me a sugar-refiner who lives in a house of less than £200 a year rent I will support Mr. Ritchie's motion." They sighed, but they went away sorrowful, for they had great possessions. Next day he met two of them in the Royal Academy and asked if they had bought any pictures. "No," they said; "there is nothing worth buying;" but one of the gentlemen * * * before he left town * * * bought a pleasant little house for the modest sum of £37,000. * * * In such cases as these—

Said Mr. Cross—

I do not think much sympathy is needed.

RELATIONS OF LABOR AND CAPITAL.

Our manufacturers, those who come to Congress protesting against tariff reform, seldom live in houses limited to $1,000 rental. The most of them can afford to purchase houses equal in value to that bought by the modest sugar-refiner. Let us give them Mr. Cross's answer. Let us not tax labor for their benefit. Let us put capital and labor on a more equal footing than is possible under high tariffs. Instead of creating or maintaining conflicts between labor and capital, let us declare a common and advantageous equality for them. In this connection we should repeat to our artisans and laborers the words addressed to English labor by Mr. George W. Medley, at Sheffield, on November 8, 1881:

Endeavor, if possible, to master some of the first principles of political economy. Acquaint yourselves, for instance, with the meaning of the word capital. Recognize in capital that portion of wealth which is devoted to reproductive purposes, and that as one of its chief purposes is the payment of wages it should be treated as a friend, to be cultivated and encouraged, not as an enemy, to be plundered or destroyed.

To this advice I would add that no such friendship can exist without fair reciprocity. It can not exist under a tariff system that enables manufacturers to hire artisans and laborers under the law of supply and demand, and at the same time depreciates the purchasing power of the wages prescribed by that law, by adding the tariff rates to everything that labor consumes.

THE PRESS, MONOPOLY, AND LEGISLATION.

Trades-unions and co-operative companies are doing good service in educating English laborers in the economies.

Most of our press and many of our public men are doing exactly the opposite here. The press is largely owned and controlled by monopolist capital, and wealth is becoming, if it is not already, a more powerful element than intellect in American legislative bodies. This tendency must be stopped—stopped short, else there will soon be an end of the Government established by our fathers. This tendency is of such grave import as to demand vigorous and immediate action. I can not remain silent when I see the spirit and genius of our Constitution being crushed to earth by the sordid hand of Mammon. I want a return of the healthful days, when men such as Stephen A. Douglas and Robert J. Walker were the standard-bearers of the people. The Republican party has long since passed into the hands of the plutocracy. Reform is possible only through some other party. Is that the Democratic party? Yes; beyond doubt, I say, if it will arise and gird up its loins and be brave and true to its declared principles, and spurn with contempt every compromise with injustice, any compromise with plutocratic monopoly.

THE "DISMAL SCIENCE" OF EXCLUSION.

The burden of all the speeches delivered by the advocates of high tariffs on the reform bill now pending is—that these are intended for the protection of the American laborer. There is nothing new in any of them except the frank admission of the gentleman from Pennsylvania [Mr. KELLEY], that we need not expect a restoration of commerce, that we must find a home market for all our products in the near future; in short, the "dismal science" of tariffs.

RESULTS OF CIVILIZATION.

It is insisted that the competition of manufacturers will eventually reduce the price of their products. Have we any evidence that this will be the result? You may cite the fact that certain articles, perhaps most articles, are cheaper than they were twenty years ago. This citation is plausible, but it is not proof. Prices are relative things. Things attainable by the laborer a century ago only as rare luxuries are now necessaries of life. If such a condition were not the proper result of civilization, the latter has for the average human being no advantage over barbarism. Indeed barbarism might be best for the race, since it insures general equality of condition.

It is not the price of any one or more articles that affords a criterion. It is by the ability of the wages-earner to obtain the things that he wants that we must measure the results of high tariffs. The laborer must be advancing in comfort. He must advance in independence in proportion to the cheapening of products, else what is the advantage to him of your high tariffs? Has this advancement taken place? On the contrary, the laborer finds himself each day less able to surround himself with the comforts which advancing civilization turns into the necessaries of life.

COMBINATIONS OF MANUFACTURERS.

Our system of manufacture can not be carried on without large capital, sole or aggregate. It is only the few who have such capital. It requires phenomenal efforts, of which few are capable, to become possessed of sufficient capital nowadays to engage in any of the important branches of manufacture. The great eat the small. They are like the fishes of the sea. The great, like "princes, are combined." They know their power to dictate prices. They know that for them combination is lawful, and better than competition. Therefore they do not compete, or they compete only for the purpose of breaking down those who will not combine with them. I cut the following out of an evening newspaper of the 1st instant:

The galvanized-iron manufacturers of the United States, in session at Pittsburgh, Pa., yesterday, formed a national organization. When prices are established, each firm will be compelled to sustain them.

This illustrates the truth of what I am saying. Have not most of our great manufacturing industries formed like organizations? Why, we have our wool and our iron and steel associations. I know not where such associations stop. Hard ware and soft ware and even the fluids are combined. Have we not the distillers' and the brewers' national associations? Are any of these formed with the object of reducing prices in proportion to the cost of production?

Oh! the sham of wages and competition in tariff-protected production! We are no nearer such competition than we were twenty years ago. Look at the protection given to galvanized iron. I turn to "The existing tariff," as reported by Senator MORRILL (Report No. 12, Forty-eighth Congress, first session), and on page 66, section 151*b*, I find the present tariff on sheet-iron to be, according to thickness, from 1.1 cents to 1.5 cents a pound; and it is provided in section 151*c*, following—

That on all such iron, * * * when galvanized or coated with zinc or spelter or other metals, or any alloy of these metals, three-fourths of 1 cent a pound additional.

With a protective tariff at the rate of from $37 to $45 a ton of 2,000 pounds on galvanized iron, we find the manufacturers of this article combining in a "national organization" to establish prices "which each firm will be compelled to sustain." This is a sample among hundreds of the kind of competition that is to be developed under your high protective tariffs! Each firm in your "associated industries" must sustain prescribed prices. To do this they must at stated times suspend work in the mill or factory when there is that industrial result which the gentleman from Pennsylvania [Mr. KELLEY] calls "overproduction"! The plausible way to do this is to give notice of a 5 or 10 per cent. reduction of wages, and the desired result of a "strike" generally follows. This sort of "overproduction" is the natural consequence of a system that enables producers to fix a price on articles which compels the most economical instead of the most generous consumption.

TARIFFS PREVENT COMPETITION.

Is the tariff-reform party, the Democratic party, composed of babes and sucklings in the economies? Are we to be told with everlasting brazen effrontery, that competition in domestic manufactures is the remedy for the greed that inspires the maintenance of high tariffs, when we see so much evidence that every effort is being made to avoid the remedy? The aim of the associations is to maintain high prices and low wages. This they are abundantly able to accomplish while your tariff laws are on the statute-book.

TARIFF-PROTECTED ITALIANS.

Here is another instance of the way that protection works in the State from which the gentleman comes who most urgently advocates high tariffs:

A STRIKE ENDED.

READING, PA., *May* 2.

The four hundred Italian laborers on the new Schuylkill Valley Railroad, who struck for an increase of wages, returned to work to-day. They heard the

contractors had received an offer of three hundred foreign laborers, delivered here free of railroad charges from New York, and this caused a stampede to resume work.

These laborers demanded the outrageous wages of $1.35 a day from this corporation that dictates the price of coal to ten or fifteen millions of people. Who will vote to put coal on the free-list? Must not we protect the American laborer from the pauper labor of Europe?

SOULLESS CORPORATIONS.

The fraud on American labor that is implied in the idea of excluding certain immigrants is most contemptible. The emigrants of some nations are so poor as to be at the mercy of corporate employers when they land here. The supply of labor is in excess of the demand of corporate employers. The latter fix the wages at rates which suit themselves. The tariffs enable them to do this.

EXCLUSION OF CONTRACT LABOR.

The gentleman from Pennsylvania [Mr. KELLEY] insists that coal brought to the surface is not a raw material; hence it must be protected. Is the clay in the brick-yard, the furrow turned by the plow, a manufactured article? He is not opposed to the immigration of raw labor, provided it is not contract labor. Is not the gentleman aware that under our laws no contract for manual labor made by a foreigner in a foreign country can bind that laborer when he lands on our shores? Such contracts are null and void. Does he suppose that our courts would compel the return of such a contract laborer to his own country when they would hold that there was no such contract recognized by our laws? Any excuse to avoid the direct issue—to avoid reform! If you exclude Italian and Hungarian laborers it must be because of their nationality. To do this you know you must abrogate treaties. You have no intention of doing this. This was made apparent in the peculiar argumentation upon the Chinese bill. I assert without fear of contradiction, the Republican party has no such intention. The idea of excluding foreign labor is a delusion and a snare; it is too utterly attenuated to catch a solitary intelligent vote.

RESTRAINT ON IMMIGRATION.

I am in receipt of a letter to-day from a young mechanic who is my constituent. He has been dismissed, along with many others, because his employers went to Castle Garden and hired, at small wages, some thirty immigrants newly arrived. He writes to know if it be fair to "allow the men to come in from abroad and not the matter." By which he means that while the products of foreign labor are prohibited when cheap, the labor that made them is not excluded. This is the very jewel of economic consistency. It is for the tariff advocate to reconcile this inconsistency with his tenets.

If you really desire to exclude these laborers you will no doubt find willing assistants in the King of Italy and the Emperor of Austria, who are by no means anxious to lose any of their "food for powder." Even that kind-hearted monarch, the Emperor of Germany, does not look with favor on the emigration of his subjects to the United States. Her "Gracious Majesty" Victoria would infinitely prefer that British emigration should go to her colonies. And I may be allowed to remind the gentleman from Illinois [Mr. FINERTY] that our good friend Mr. Parnell does not look with favor on the expatriation of the Irish people. Will any member of this House seriously propose a political issue involving the exclusion *bona fide* of foreign labor from our shores? If so, let him now propose it.

SHIPPING INTERESTS.

In answer to what fell from the gentleman from Illinois [Mr. FINERTY] yesterday about our shipping interests, all I have to say is that when that gentleman, representing the Irish element, undertakes to read me or any one a lecture upon protection, he must remember that on my amendment for free ships he gave a vote to pay annually $140,000,000 of freight and fare to the English carrying trade, and not to America. And I want the gentlemen who were so opposed to my free-ship amendment, which is now being discussed in the Senate, and who cut off my other amendment for free materials—I want them to remember that the time is coming, owing to the advancement of economic thought and the better knowledge growing out of new relations in time and in space, when, if we in America can not have the right to buy abroad, we will with a better tariff build ships here. If we can not at once build ships after we have bought them abroad, we can begin, as Germany did, to make ship-yards for the repairing of vessels, which in time will lead to building vessels. Our olden commerce will then come back with the liberality of our exchange. Does the gentleman desire commercial relations between this country and Ireland? If the free-ships amendment becomes a law, there are capitalists in New York ready to invest $10,000,000 in a line of the best and swiftest steamers that can be built, to ply between that city and Valentia in Ireland. Would not free exchange of industrial products be beneficial to both countries? Would the gentleman deny them this advantage on the sentimental ground that these steamers might be built in Belfast, Ireland, where the magnificent steamers of the White Star line were built?

LARGE PRODUCTION AND GENEROUS CONSUMPTION.

Mr. Chairman, advancing civilization, with its thousand increasing wants, demands an industrial system that will foster the largest production and the most generous consumption of commodities.

There is not one article among the millions that constitute our "surplus products" that would not be consumed if people were free to find an exchange market. There is a limit here beyond which you can not go, while you have a tariff that enables producers of one industrial class to fix the price of their commodities when all other producing classes have to accept natural commercial prices. That limit is the ability of consumers to pay artificial, fixed tariff prices. What matters the rate of wages when you exhaust the purse of the laborer? The earnings of each day are barely sufficient for the day. When the stage of overproduction is reached the wages stop, but the necessity for food and clothing and housing continues.

IDLE LABOR IS A TAX.

With increasing wants none can afford to be idle. Every idle laborer is a tax on those employed. The only remedy is to cheapen products, not to stimulate prices. No people are as well able to cheapen products as the Americans. We have a vast area of soil and comparatively sparse population. We have great industry and surpassing inventive genius. Why should our labor want any comfort?

ARTIFICIAL RESTRAINTS OBNOXIOUS TO TRADE.

I regard every invention that enables us to increase our products as a blessing and not as a curse. Under natural laws "overproduction" here would be impossible. You must leave American industry and genius to these laws, the inflexible laws of trade and exchange, which can neither be repealed nor modified by artificial regulations. Permit the American people to act on their own unbounded resources without artificial restraints, and so long as these resources remain adequate in proportion to population, our condition must be in advance of that of all other people who are not equally endowed with natural wealth and physical and mental vigor.

If all abstract reasoning and practical results fail to convince, let us resort as Bastiat did to the parable or fable for instruction. He believed that the social organs would be developed most harmoniously in the grand air of liberty. He likened their restraint to the distortion of the body by rings, chains, hooks, and other artificial methods; and he thus pictured the analogues:

A child had just been born, and a crowd of soothsayers, magicians, and quacks were around it, armed with rings, hooks and bandages. One said: "This child will never smell the perfume of a calumet, unless I stretch his nostrils." Another said: "He will be without the sense of hearing, unless I draw his ears down to his shoulders." A third said: "He will never see the light of the sun, unless I give his eyes an oblique direction." A fourth said: "He will never be upright, unless I bend his legs." A fifth said: "He will not be able to think, unless I press his brain." "Stop!" said the traveler. "Whatever God does, is well done; do not pretend to know more than He; and as He has given organs to this frail creature, allow those organs to develop themselves—to strengthen themselves by exercise, use, experience, and liberty."

Left to itself, I believe our manufacturing industry would soon be on a better basis for labor and a more moral one for capital. We can double the consumption of our products if they are cheapened 25 per cent. We can export largely. If you bring your manufactured products down to natural prices, all other industries will grow in proportion. There must be reciprocity in the prices of all products in order to have reciprocity of exchange. With such reciprocity there can be no overproduction. You must give the farmer a fair exchange for his wheat, corn, beef, and pork, and then he and his household will consume more of your cloths and fabrics. Iron, steel, and all the metals will be more in demand. All products will be more in demand. The only economical problem that would require solution in such a condition is one for which no solution has yet been found, namely, the honest mode by which a man can live without work.

THE HERITAGE OF THE SOIL.

Equality for all is the law of God and the law of nature. It is the law of our national system. In the interest of the workingman I cite your tariffs before that law, and they are condemned, condemned, condemned! Produce, and exchange products. Wages are a measure, a yard-stick, a mere means of exchange. There is no such thing as overproduction under just laws. Produce and exchange, produce and exchange! Let the luxuries of to-day be the common fare of to-morrow. This is civilization, or else civilization is slavery, is worse than barbarism. Cite to me no more contrasts between our wages and foreign wages. The American laborer is a freeman. He has a heritage in the soil. He is a sovereign by right. His condition should be beyond compare! "The laborer is worthy of his hire." Remove the burdens that oppress him in his toil.

There is no escape from the doom of the race. By the sweat of your brow shall you earn your bread. We recognize the justice of this doom. We would not escape it if we could. But in this doom it is written between the lines that no man's brow shall sweat to earn bread for those who do not labor. No man shall be taxed to enrich his brother. "Bear ye one another's burdens." [Applause.]

I yield the remainder of my time to the gentleman from Illinois [Mr. SPRINGER] who now occupies the chair; and in doing this I append for the information of the gentleman from Pennsylvania [Mr. KELLEY], who is so dispirited over the fate of women-workers in England, the statement to which I referred in the opening of my remarks.

APPENDIX.

THE STATEMENT.

Women are generally employed in all the factories—the woolen and cotton mills, paper mills, and in all shops and factories where paper or textile fabrics are made or used. They are extensively employed in shoe factories; and women are employed in nearly all the shops where sewing is done and materials are made up by hand.

In all the establishments where perfumery and toilet articles are manufactured women are extensively employed in making and packing the products. In the chemical works and laboratories women are also largely employed. Straw goods and artificial flowers are made mostly by women. Trimmings, army and navy goods, embroidery, and bullion-making give employment to many women. The book-binderies and many printing houses employ women, and most of the work in fruit, meat, fish, and vegetable canneries is done by women. Silver burnishing employs women, and this, like some of the other classes of work mentioned, is extremely injurious to health.

I have seen hundreds of little girls as young as 7 or 8 years of age employed in the Frankford cotton-mills. These little ones work more than half time. They are employed at what is known as "spooling," because their small hands can do the work with less risk of breaking the threads. Their hands being small and the machinery close together, it is considered that there is less risk of mutilation than if full-grown persons were employed in this work. The spools wound by these children are used in weaving cotton cloths. The spools furnish all the material for such weaving, and little girls of this tender age do the spooling. The effects of this work on children of such tender years are apparent in their wan appearance. Frequently the mothers of these children work in other departments of the same factories. One factory-owner expressed to me the desire that some kind of machine may be invented by which this infant labor could be superseded.

There are extensive potteries in Trenton. There I saw a great many children, little boys and girls from 9 years old and upward, coming from work in these potteries. I understood that they worked full time. Women are employed to do the larger portion of the work. I think that many mothers are among the employés.

I know that women are extensively employed in dyeing yarns in Philadelphia. Women are the principal laborers employed in the Germantown knitting and hosiery mills. The cheap restaurants and dining-rooms mostly employ women as waiters and for kitchen work. Excepting the class last mentioned, the great mass of the women employed in the various departments of labor that I have mentioned are intelligent; many of them have a good ordinary school education. They are considered to be good, respectable people. Women are extensively employed in this city and its suburbs for various reasons. One reason is, because they have to work in order to support themselves and help to sustain their relations or families. Another reason is, because employers can get them to do the same work that men do, and at much less wages; indeed, much of the work can be done better by women than by men. Still another reason is, because women are more uncomplaining than men; they will submit to impositions to which men would not submit.

Women are often imposed upon in regard to denials of payments, and they submit from a fear of losing their employment. They do so because of the great competition by women for employment. For example, I know of a case where a woman was cheated out of two weeks' wages by a large manufacturing firm here, under a rule of the firm for retaining the first two weeks' wages in order to insure regular attendance at work. This woman worked for the firm referred to nearly a year, and when she left they refused to pay her the money so retained. She needed the money badly. There are, no doubt, many such cases. On the other hand many employers are generous. The treatment of the women workers depends upon the disposition of their employers. Of course strict rules must be maintained. As a rule, I think women are not imposed upon by employers, except in the matter of paying low wages and exacting long hours of work.

Women generally go to work at 7 o'clock in the morning. They work, with one hour's intermission, until 6 o'clock in the evening—ten hours per day!

When they go home at night these women are often compelled to work several hours at household affairs, such as preparing meals, washing, ironing, sewing, patching, scrubbing, and such other necessary duties. There are dull seasons in all manufactories, and, indeed, in all classes of business. In the busy seasons the wages of women in the factories would, I think, average from $5 to $7 a week; a few earn more than this on piece-work. Nearly half the year most women are unable to find work for more than half time. In the latter case their earnings are in proportion. A good deal of the time work is totally suspended.

MODE OF LIVING.

In regard to the mode of living, I would say that most of the girls begin factory life when they are very young. They grow up with little knowledge of economy or housekeeping. It is very common for factory girls to deny themselves necessities in order to clothe themselves nicely. In this way many of them dress beyond their means and station in life. When out of employment they are often on the brink of starvation. No matter how nice and tidy these girls and women may appear in the streets, "poverty" is, as a rule, the only word that can be applied to their homes. "Home" is a word that has no real meaning to the majority of them. They have no homelike surroundings and comforts. They go to work as children, and are kept at work until they grow up into womanhood. They live amid squalor and misery, and marry men who have grown up under similar conditions. Husbands of this sort are often more of a burden and drag on their wives than helps to them, or providers for their families.

I am not surprised to learn that at Washington the existence of this condition of industrial labor at Philadelphia is questioned. I believe its existence would be denied here in Philadelphia by most well-to-do people. The latter are mostly as ignorant of the real condition of the women and child-laborers of this city as if they were a hundred miles away. They see children running about the streets in the poorer quarters of the city whose parents are at work—children often locked out in the streets until their parents come home at night—and they think, if they think of the matter at all, that such children are only playing on the streets convenient to their homes and mothers.

I thoroughly know the condition of the women laborers in the ward in which I live, the fifth ward. I have been through every lane and alley in it hundreds of times.

I know it is a common practice on the part of many mothers going out to work to lock out their children in the street. Some mothers do this because they think it is safer than locking them in their rooms. Fatal results have followed the latter practice.

In the central part of the city the laboring people—those employed in the kinds of work above named—do not often occupy separate houses. They live mostly in rented rooms, frequently only one room to a small family, and several families in the same house. In the outskirts of the city laboring people are better off as regards accommodations. There are many small houses in the suburbs that can be obtained at low rents; nice, comfortable houses.

PUBLIC NURSERIES AND KINDERGARTEN.

It is only since 1873 that any real effort has been made to establish in this city the *Crêche* system, which has been for years in operation in Paris. We have now five of these nurseries, where infants are cared for while their mothers are at work. The infants are brought in by their mothers between 6 and 7 o'clock a. m., and are cared for by competent hired nurses until called for by the mothers as soon after 6 o'clock p. m. as is possible. Infants of 3 weeks old have been thus taken care of. But this is not encouraged. It is generally a rule that infants under 2 or 3 months old are not taken in.

These nurseries are supported by subscriptions from charitable people in the ward and city. The nurseries are of limited capacity. There are kindergärten in connection with these nurseries for the instruction and amusement of children over 3 years of age. These are similarly supported and the State Legislature has made a small appropriation for them. When the children are brought to the schools or nurseries in the morning they are washed and bathed and dressed when necessary. They are provided with three good wholesome meals daily under the supervision of paid teachers and nurses. The schools are provided with kindergärten apparatus, toys, &c. This system of aid for laboring women is doing a good work. The accommodations and surroundings at the schools and nurseries are all that could be desired. These institutions are indeed little paradises for such children. The nurseries where the babies are kept are provided with cradles, nursing bottles, and rich, pure, genuine milk. A kind-hearted matron (paid) presides in the nursery. Most of the little ones can get in and out of their cradles and are able to amuse themselves. Some of the mothers of such infants work in the factories, but most of them are engaged in common laboring work.

Many of these infants are thus cared for in the nurseries until they are 3 years old. Then they graduate into the kindergarten attached to the nursery. Here they are cared for and taught until they are 6½ or 7 years old, when they are sent to the public school in the vicinity. After they are thus sent to the public schools, they are still cared for at the nurseries; the parents continuing to bring the children to the latter each morning when they go to work and to call for them on returning from work to take them home. They are still fed, washed, and clothed, when necessary, as before. At present there are only five such nurseries in the city, but there are twenty-four kindergärten of the kind described; the leading feature of which is that the teachers shall discharge to these little ones the duties of a mother when the mothers are absent at their daily labor.

I append hereto, marked "A," an extract from the City Mission Directory descriptive of three of these nurseries.

From the same directory I append an extract marked "B," showing the number and locations of the kindergärten.

I also append, marked "C," a report from one of these nurseries.

CHILDREN ROAMING THE STREETS.

There are several sections of this city in which it would be no exaggeration to say that there are daily thousands of little children roaming the streets uncared for in the absence of their parents. The reasons for this neglect are:

First. The absence of parents who are engaged in various industrial and laboring pursuits.

Second. Even in cases where both parents are not so absent, the cramped space of their lodgings, bad ventilation, and general discomfort combine to make the open air, although foul and unhealthful from reeking streets, better in a sanitary point of view for the children than if they were locked up in-doors during the parents' absence.

Third. The great danger of locking up little children by themselves all day in a room. Of course there are some cases where neighbors or relatives keep some sort of supervision over such children during the absence of their parents.

Fourth. Prejudice on the part of the parents against the nursery and kindergarten system, absence of proper parental affection, and, probably, the distance of the nurseries and schools from the homes of the parents.

If all the children of working people in this city, who are thus left to wander in the streets, were required to be cared for at the kindergarten schools, the latter would have to be increased by several hundred. This will no doubt be done as soon as the parents begin to appreciate the importance and benefits of such harbors of refuge.

It is a common practice for working mothers who have babies and other children, to pay some poor woman a few cents for taking care of the baby during the day. The other children are generally locked out into the street. In very many cases the children are given a piece of bread, when so turned out. This is all the provision that is made for them until the mothers return from their work at night. Some mothers give their children a few pennies to buy bread from the neighboring bakers for dinner. I believe there are thousands of such cases. There is a great need for the spread of the *Crêche* system. There is plenty of missionary work for the kindergärten and missionaries. Remoteness from these schools and nurseries no doubt deter many parents from availing themselves of their benefits.

A mile or two is not at all an uncommon distance for mothers to carry babies to these nursery schools. I know of a case where a woman carried her child to one of these schools three miles every morning, and then walked back a mile to the factory where she was employed. She had to repeat the same walk when returning from work after 6 o'clock in the evening. This she kept up during the four years she was employed in that factory. It makes no difference as to the kind of weather there is to be encountered. Just think of it; hard-worked, worn-out women scarcely half clad, having to get up on a winter morning at, say, 5 o'clock to prepare a scanty breakfast, and then having to walk with a babe perhaps in her arms and a couple of little children trudging alongside to a kindergarten nursery through rain, snow, or sleet in the gaslight! The old saying "that one half the world does not know how the other half lives" is eminently applicable to our women who have to earn their living by daily labor.

It appears to me that the condition of the laboring class is getting worse instead of better. One of the causes, perhaps the great cause, of this condition is the want of steady employment. There is of course a large "lazy" and "worthless" class of people in the city, but is not this their misfortune as much as their fault? It is only the active and worthy who can obtain steady employment even at the best of times. If there were employment for all, I believe there would be comparatively few of the so-called "lazy" and "worthless" class. When a man or woman can find employment for only six months out of twelve and is dependent on labor for support, it requires some spirit, virtue, and energy to resist the demoralizing effects of enforced idleness. Depression of spirits is conducive to drunkenness. I think this vice of the laboring classes is due as much to the want of steady employment at living wages as to any other cause.

The employment offered to women in the retail stores is eagerly sought for, although the work is very arduous and the wages small. Women so employed, especially those in the large stores, are required to dress well, indeed handsomely. To do this on such wages as they receive leaves but a small pittance for support. There are thousands of women so employed in this city. Many of them have children or relations wholly or partly dependent on them for support. Latterly I have noticed a tendency on the part of merchants who advertise for "sales ladies" or women clerks to announce that they preferred to employ only those who are living "at home." The evident object of this announcement is to obtain young girls who can afford to spend all their wages on dress, so as to present a handsome appearance in the stores. Such girls look more attractive to the merchant's patrons or customers than women or girls who have to contend with the cares of life on small wages.

The result is that those who have need of employment in the stores are frequently unable to obtain it, and those who do obtain such employment are sometimes demoralized by indulgence in fine dress beyond their means and station in life. Employers insist on the fine dress, however inadequate the wages. Oh, the fate that too often follows! One is often reminded of Hood's pathetic lines:

"Take her up tenderly,
Lift her with care;—
Fashion'd so slenderly,
Young, and so fair!"

A.

LOMBARD STREET DAY NURSERY.

No. 430 Lombard street.

The object of this charity is to aid poor and industrious mothers by taking charge of their children during their absence from them in working hours. It provides daily shelter, care and food, and also kindergarten instruction.

By means of this industrial training, children of 3 years old begin to learn attention, order, and manual skill, together with truthful, dutiful, reverent ways. Those who are old enough attend public and parish schools, returning to the nursery, as to a home, for meals.

Children are brought at 6½ o'clock a. m. Bathing is carefully attended to, and three full meals are given each day.

Number of children on the roll (December, 1881), 414; largest attendance in one day, 48; meals supplied, 25,115.

DAY NURSERY FOR CHILDREN.

No. 2218 Lombard street (incorporated 1873)

The object of the Day Nursery is to receive and care for, during the day, the young children of poor, industrious working-women whose employment calls them from their homes, and who would otherwise be obliged to leave their children entirely without protection and subject to the perils of fire and accident.

Three meals a day are given of good wholesome food, and washing and bathing are strictly attended to.

Children are received at 6½ o'clock in the morning; and none are admitted who are over 8 years of age.

Such instruction as they are capable of receiving is given them by the matron, who also exercises a careful supervision in the play-room which is provided for them.

Those who are old enough are sent to the public schools, and return to the nursery for meals and during the school recess.

THE NORTHERN DAY NURSERY, OF PHILADELPHIA.

No. 923 N. Seventh street (chartered).

Receives and cares for children (not over 8 years old) of working-women whose employment calls them from home.

The nursery is open daily at 6½ a. m. The children must be brought neat and clean as possible, and called for at 7 p. m. Six cents per day is charged for each child. Three meals furnished, and all that can be done for the comfort and interests of the children.

B.

KINDERGARTEN INSTRUCTION.

The movement in behalf of neglected children under school age, and for the prevention of crime and pauperism, has resulted in the establishment of quite a large number of free kindergärten, among which seventeen have been instituted under the auspices of the various ward associations. They are as follows:

No. 1, for 50 pupils. Public-school building, eighth section, southwest corner Twenty-second and Locust streets.

No. 2, for 50 pupils. Public-school building, sixth section, New street, between Front and Second streets.

No. 3, for 50 pupils (colored). Progressive Workingmen's Club, 424 South Eleventh street.

No. 4, for 30 pupils (colored). Church of the Crucifixion, Eighth street, above Bainbridge.

No. 5, for 50 pupils. Bedford-street Mission, 619 Alaska street.

No. 6, for 50 pupils. Day Nursery and Children's Home, 723 Saint Mary's street.

No. 7, for 25 pupils. Mission church, Saint Mary's street, above Sixth street.

No. 8, for 25 pupils. Office of Charity Organization of Third ward, in co-operation with House of Industry, 718 Catherine street.

No. 9, for 50 pupils. Office of Charity Organization of Fifth Ward, 338 Griscom street.

No. 10, for 25 pupils. Office of Charity Organization of Sixth Ward, 309 Branch street.

No. 11, for 25 pupils. 2331 Jefferson street, in co-operation with Charity Organization of Twenty-ninth ward.

No. 12, 116 Diamond street, in co-operation with Eighteenth and Nineteenth Wards Charity Organization and Kensington Day Nursery, for 25 pupils.

No. 13, Southern Home, for 25 pupils.

No. 15, Pulaskitown, Germantown, for 25 pupils.

No. 16, Biedeman public-school building, Saint John's street, in co-operation with Eleventh Ward Charity Organization, for 25 pupils.

No. 17, 2428 Spring Garden street, in co-operation with Fifteenth Ward Association of Charity Organization, for 25 pupils.

These schools will be extended as fast as funds are provided. The annual expenses of those now carried on are about $5,000. Visitors will be cordially welcomed, and it is hoped that all who are interested in the object will approve the means and contribute to their support. Donations and annual subscriptions may be sent to the treasurer, Sub-Primary School Association.

DAY NURSERY RULES.

1. That children shall be brought as clean as circumstances will allow.
2. That they shall be taken home in good season, as soon as the mother's working hours enable her to come for them.
3. That articles of clothing lent be carefully returned and in good order.
4. That payments for children be made as regularly as possible.
5. That no gifts of money be offered to those in charge in the house for care of particular children, but any money which mothers may wish to give will be gladly received by the treasurer to aid in maintaining the nursery and adding to the comfort of all the little children it shelters and provides for.

Kindergärten referred to in the foregoing statement:

SUBPRIMARY SCHOOL SOCIETY—FREE KINDERGÄRTEN.

No. 1, for 50 pupils. H. Lenox Hodge Kindergarten, public-school building, eighth section, southwest corner Twenty-second and Locust streets.

No. 2, for twenty-five pupils. Public-school building, sixth section, New street, between Front and Second streets.

No. 3, for 25 pupils (colored). Progressive Workingmen's Club, 424 South Eleventh street.

No. 4, for 25 pupils (colored). Church of the Crucifixion, Eighth street, above Bainbridge street.

No. 5, for 50 pupils. Bedford-street Mission, 619 Alaska street.

No. 6, for 50 pupils. Day Nursery and Children's Home, 713 Saint Mary street.

No. 7, for 50 pupils. Beulah Coates Kindergarten, mission church, Saint Mary street, above Sixth street.

No. 8, for 25 pupils. House of Industry, 718 Catherine street.

No. 9, for 50 pupils. Office of Charity Organization of Fifth Ward, 338 Griscom street.

No. 10, for 25 pupils. Public-school building, sixth section, northwest corner Crown and Race streets.

No. 11, for 50 pupils. Beideman public-school building, eleventh section, Saint John street, below Buttonwood street.

No. 12, for 25 pupils. Hoffman public-school building, fifteenth section, northeast corner of Seventeenth and Wood streets.

No. 13, for 25 pupils. Day nursery, 116 Diamond street.

No. 14, for 50 pupils. Pulaskiville, Germantown.

No. 15, for 25 pupils. Christ-church chapel, Jefferson street, below Twenty-sixth street.

No. 16, for 25 pupils. Western Temporary Home, 35 North Fortieth street.

No. 17, for 25 pupils. Southern Home for Destitute Children, southeast corner Twelfth and Fitzwater streets.

No. 18, for 50 pupils. Anna Hallowell Kindergarten of the Eighth Ward Charity Organization, 238 South Tenth street.

No. 19, for 25 pupils. Public-school building, sixth section, New street, between Front and Second streets.

No. 20, for 25 pupils. House of Industry, 112 North Seventh street.

No. 21, for 25 pupils. Public-school building, ninth section, Filbert street, above Twentieth street.

No. 22, for 25 pupils. Union Temporary Home, northeast corner Sixteenth and Poplar streets.

No. 23, for 25 pupils. Morton street free Kindergarten of Germantown, Morton street, above Haines street, Germantown.

No. 24, for 25 pupils. Monroe public-school building, fourteenth section, Wood street below Twelfth street.

School term: First Monday in September to July 1.

School session: Every week-day, except Sunday, from 9 to 12.

These schools will be extended as fast as funds are provided. Visitors will be cordially welcomed.

The result of kindergarten training in Saint Louis, Boston, Philadelphia, and elsewhere show that the kindergarten furnishes the best method of child-training for all classes, and especially for the destitute and neglected.

C.

PINE STREET DAY-NURSERY.

No. 427 Pine street.

At the close of its fifth year (1883) the Lombard street day nursery obtained the ampler space and larger rooms so much needed for the welfare of the children under its care. It was removed from 430 Lombard street to 427 Pine street on the 2d of June, the new home having been altered, to prepare it for occupancy, during the previous month. The airy, well-ventilated apartments, and the pleasant play-ground afford all that is desirable for health and enjoyment. The house having been provided without expense to the nursery, the fund gathered "for purchasing or altering property" remains for use in future improvements. The kindergarten class for the little ones, and the daily attendance at parish and public schools by the older children, as well as the nursery teaching of housework and sewing, furnish opportunities for training in every department of education and industry suited to the years of its inmates. It remains to ask that the generous friends of these little children will still continue to supply the means and material for the maintenance of the new home, as well as their daily food and a certain amount of needful clothing. Provision was made at the Christmas festival for eighty children, all habitual attendants on different days, and the mothers were as usual invited to tea.

On the same afternoon, the 26th of December, before the festival, the house was dedicated to its special use by the bishop of the diocese, assisted by Rev. Dr. Davies, in an informal service, in which the children united by singing their Christmas hymns and chanting verses of the twenty-third psalm. The only shadow resting on this happy afternoon was the loss, three days previously, of a faithful attendant, whose term of service began with the existence of the nursery, and ended only with her death on Sunday evening, December 23. Assistance is still rendered in the house by little girls who, having early learned in the nursery kindergarten habits of accuracy and industry, now show the good result of these lessons by skill and usefulness in various departments of service. Each of these little workers receives, during the summer holidays, the gift of a dress, which she is taught to make for herself. Some forms of useful industry are also found for the boys, and the nursery is thus enabled to retain children under its care longer than would otherwise be possible, instead of parting with them during the years when its protection and guidance are still greatly needed. Many thanks are due to Dr. —— for his faithful and generous aid to the nursery as its physician; and many, also, to its steadfast friend, Mrs. ——, whose kindness has again supplied an assistant kindergartner, as well as to Mr. ——, for furnishing the nursery with ice during successive seasons of six months each, and to the many other friends to whose thoughtful kindness the children are indebted for much-needed articles of food and clothing, and various sources of comfort and enjoyment, unknown otherwise, amid the hardship and privation of their little lives.

Names on the roll	605
Number of children added since last report	85
Daily average attendance	29
Largest number in one day	46
Number of meals supplied	25,845
Balance remaining December 31, 1882	$164 30
Amount received to date, from—	
Donations	575 00
Subscriptions	605 00
Rent of upper rooms	234 00
Mothers' payments	430 93
	2,009 23
Expended for furniture, repairs, milk, fuel, provisions, salary and wages	1,461 48
Leaving a balance of	547 75

The report this year includes a period of twelve months, instead of thirteen. From money derived from contributions, $796.55 have been appropriated to the expenses of the nursery, while the resources of the house have supplied $664.93, making the sum of $1,461.48, which represents the expenditure for the past twelve months, exclusive of the kindergarten.

The fund contributed for "purchasing or altering property" amounts to $785.

Contested Election—English vs. Peelle.

SPEECH

OF

HON. STANTON J. PEELLE,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 21, 1884.

The House having under consideration the contested-election case of English vs. Peelle—

Mr. PEELLE, of Indiana, said:

Mr. SPEAKER: I trust I shall have the reasonable attention of the House while I endeavor to present this case on behalf of the people whom I have the honor to represent. I ask this House, sitting as jurors, to decide the case according to their best judgments of the law and the facts in the case, and to dispose of it as you would were it a case involving your own right to a seat on this floor. I am not here to justify bad precedents which may have been established by both sides of this House; but, sir, I would not hesitate to submit this case on any precedent which may have been established by either side, however bad it may be, for in all my investigation of the various cases brought into this House I have found no one sufficiently bad which if applied to this case would justify this House in unseating me, much less seating the contestant.

But, sir, the gentleman from Ohio [Mr. CONVERSE] who reported this case from the Elections Committee does not pretend either in his report or in his argument of this case that there is a single precedent in all the range of cases which would justify his action, nor does he cite a single authority either of any State or of the nation to sustain his novel position. He rests the case, in the absence of either law or precedent to sustain him, upon his own statements couched in his report and in his witness-like speech on this floor. But, sir, the gentleman forgets that there is no evidence whatever in the record to sustain his conclusions, and his speech on this floor will readily convince any one who has examined this case that he has not given it that examination which his position required.

Has he examined the case simply far enough to believe that a careful examination might still further test his convictions as a lawyer? Under severe pressure some men close their eyes to the truth, that they may be rocked into forgetfulness of duty. I venture the assertion that there is not a man on this floor who has examined this case who has arrived at any other conclusion than that the gentleman from Ohio has, to say the least, committed an error and one which will torment this House in the future. There is not a man on this floor, including the Speaker of this House, who if sitting as a judge would not unhesitatingly decide, on the record presented, that the contestant was not entitled to a seat; and yet the gentleman from Ohio asks you to unseat me and seat the contestant.

Now, Mr. Speaker, let us examine the several grounds upon which the gentleman in his report claims that the contestant is entitled to represent the seventh Congressional district of Indiana. The gentleman assigns six reasons, and here they are, as recapitulated by him in his report:

First. The correction of the error in counting the vote in Marion County gives contestant 99 additional votes.

Second. The fraud and coercion practiced upon the 51 paupers, 34 of whom were Democrats, and compelled to vote for contestee, would, if corrected, add to contestant's vote 68 additional votes.

Third. The fraudulent jail vote counted for contestee makes in the result a difference of 34 additional votes.

Fourth. The 12 counterfeit tickets which were counted for contestee, and should have been counted for contestant, make in the result 24 additional votes.

Fifth. Votes of naturalized citizens, and others fraudulently rejected, 100 additional votes. Total, 325.

Sixth. The destruction of the secrecy of the ballot by contestee's friends in the use of the spring-back tickets undoubtedly made a difference in his favor of several hundred more votes in the final result, to which he is not entitled.

The first ground refers to the so-called recount of the ballots by Austin H. Brown, and now how was that recount, so called?

SO-CALLED RECOUNT.

Soon after the November election in 1882 a contest was instituted over the office of sheriff by the defeated Democratic candidate, and the circuit court, under a provision of the statute authorizing such proceeding, appointed three commissioners to recount the ballots on sheriff. That commission consisted of two Republicans, Henry C. Adams and Norman S. Byram, and one Democrat, Austin H. Brown. These commissioners were sworn to perform that special duty and none other. Before the recount of the ballots under the order of the court had commenced Mr. William H. English, the father of the contestant in this case, approached Austin H. Brown and employed him to count what he denominates the "spring-back" ballots, and Mr. Brown in his testimony swears that the senior English did employ and pay him for that service. Here is his testimony on that point (page 88):

Cross-examination by Mr. PEELLE:

Q. State your politics.
A. I am a Democrat.
Q. Have you not been very active in the interests of the Democratic party in this State for years?
A. Yes; I was not very active last year.
Q. But you have been an active politician?
A. I did not work at the polls last year.
Q. I will ask you to state at whose instance you kept an account of the vote for Stanton J. Peelle during the time of the Lemon-Hess contest?
A. Mr. William H. English came to me, I think it was a day or two before we commenced our duties here, and asked me to take an account of all of the so-called "spring-back" tickets—that is, the character of the tickets that have been explained in this evidence as such—and offered to compensate me for it.
Q. Did he do it?
A. He did.

And he admitted to Mr. Adams that he was employed by Mr. English, sr., to keep count of all the votes, and this he does not deny anywhere. Here is Mr. Adams's testimony on that point (page 405):

Q. What did he say he was keeping that count for?
(Objected to as incompetent.)
A. He said he was keeping it for Mr. English; that he had been employed by Mr. English to keep it.
Q. Did he say that he was employed by Mr. English to keep count of the vote, or simply to keep count of the number of Republican tickets upon which Mr. English's name appeared?
A. He said he had been employed to keep count of all the votes, which he proceeded to do.

Now let it be borne in mind that Mr. Brown was the paid employé of Mr. English, sr., to perform that service. Now before I proceed further let me read from the report of the Committee on Elections, made by the gentleman from Ohio, and see how fairly he states the case:

Your committee are fully aware of the danger attending recounts to set aside official returns. They fully indorse the doctrine that recounts to be of value must be honest, fair, and correct.

How fair he seems to be! And now let us see if that so-called recount was "honest, fair, and correct."

It is conceded by the contestant that this so-called recount of the ballots cast for Congress was made at the same time the ballots were being recounted on sheriff under the order of the circuit court, and when the commissioners were sworn to perform that special duty and none other. And yet during the recount of the ballots cast for sheriff, Austin H. Brown, as the paid employé of Mr. English, sr., attempted to, and swears he did, count the ballots cast for Congress; and he further swears that he kept the count on Congressman secret from the other members of the commission, and that he had been counting the ballots on Congressman two or three days before it became known to Mr. Byram, who was near him, that he was counting the ballots on Congressman at all. Here is his testimony on that point (page 380):

Q. Did not you point out errors to Mr. Byram as you went along?
A. No, sir; not on Congressman. It was the third day before he knew I was keeping the vote on Congress. We had passed largely into the precincts.

So that by his own testimony he not only admits that he was employed by Mr. English, sr., to count the ballots on Congressman, but admits that he was making such count secretly and without the knowledge of Mr. Byram or any other Republican. That he was admonished by his employer to perform the work as he did there can be no doubt. The gentleman from Ohio had evidently not examined that testimony when he put into his report that—

"They fully indorse the doctrine that recounts to be of value must be honest, fair," &c.

Had Mr. English, sr., or the contestant, said to me or any of my friends at any time before the recount of the ballots for sheriff that he desired a friendly agreement to recount the ballots cast for Congress, such an agreement would readily have been acceded to, as without a majority of votes over the contestant I could not have consented to remain in my seat in this House. But no such proposition was made to me or to any one else, and yet the gentleman from Ohio in his blindness says in effect that such recount was honest and fair. In the light of such honesty and fairness every member's seat upon this floor would be insecure, and instead of being the Representatives of a majority of the voters in our respective districts, we would be at the mercy of any and every man who could be employed to secretly and clandestinely recount the ballots cast, and at the mercy of one who, under such an employment, was interested to give his employer value received for his money.

Why did Mr. English so employ Mr. Brown to count those ballots? Was he not anxious to have a result that would enable him to have his son seated on this floor? And was not the employed anxious to gratify his employer? The objective point in the recount was to so reduce my majority as that a majority might appear for the contestant. My majority over the contestant in the district was 87 votes, and that could not be overcome by a less vote. So that Mr. Brown made the discovery that I had 99 less votes than were returned for me by the board of canvassers, which would give the contestant 12 majority. Small, to be sure, but then it was quite enough for the purpose if such recount were to be sustained by this House, in whose political faith Mr. English, sr., has from the beginning manifested most extraordinary confidence.

I deny the competency of the testimony of Mr. Brown in such unauthorized and secret recount, made as it was under employment from one whose interest it was to have a favorable result regardless of the real truth, and I challenge any member of this House to cite a single authority in support of the competency of such testimony. Mr. Brown fails wholly to point out a single error in any one of the eighty precincts in Marion County, and if an application had been made to the court for a recount of the ballots, based upon his testimony in this case, the application would have been denied for the want of some specific allegation of fraud or mistake (section 280, McCrary on Elections, second edition, and authorities there cited), and yet the gentleman from Ohio seemingly rests the case upon the so-called recount, and then, notwithstanding his was the first speech made in this case, he proceeds to testify as to the good character of Mr. Brown, as if some one on this side of the House had attacked him.

Why, sir, it is unnecessary for the purposes of this case to attack Mr. Brown's character. All that is necessary for me to do is to state the circumstances and the manner in which he served his employer in that matter. And now let me proceed further, if such testimony is to be considered as competent in a case involving the rights of 36,000 voters. As stated before, there are eighty election precincts in Marion County, a county that casts over 26,000 votes. After Mr. Brown had counted some twenty precincts in the county, Mr. Byram, on his own motion, concluded to keep count of the ballots cast for Congress also, and during such count they would frequently disagree at the end of the precincts, and then, that their counts might agree, changes were made without again counting the ballots until their counts did agree. And now on this point let me quote from the testimony in the record in this case. Mr. Byram and Mr. Adams, the other two commissioners, Mr. Hawkins, a watcher in the room in the interest of the Republican sheriff-elect, and also Mr. Myers, the Democratic watcher in the interest of the Democratic contestant for sheriff, all testify on this point, and it is the only testimony given, except the testimony of Mr. Brown, in which he denies having made any corrections. Here is the testimony *verbatim:*

Mr. Byram, on page 390:

Q. When you would get through counting a precinct, what, if anything, was said by you or Mr. Brown with reference as to how the vote stood for Congressman?
A. Well, I sometimes asked Mr. Brown how the vote stood for Mr. English or Mr. Peelle, how he had it; and sometimes he would ask me how I had it.
Q. What was done at the end of each precinct there, if anything?
A. If our results were not alike, there was frequently corrections made or the work gone over again, and a memorandum was kept to show, and sometimes corrections were made.
Q. Did Mr. Brown make some corrections or not, as you went along?
A. Yes, sir.
Q. Did you make some corrections sometimes?
A. I think probably I did, in one or two instances.
Q. What kind of corrections did you make?
A. I could not tell, except I tried to make them compare with Mr. Brown's figures.
Q. How many times were those corrections made?
A. That is a question I could not answer. I do not know.
Q. Was it pretty general, or was it only a few times?
A. It was only a few times.
Q. Was there any time when Mr. Brown refused to make corrections to correspond with your count?
A. Not that I know of; he never refused to do it; no, sir.

Mr. Adams (page 405):

Q. I will ask you to state whether or not at the end of each precinct after the count had been made of each precinct, what was said or done between Mr. Byram and Mr. Brown with reference to the vote for Congressman?
A. They just struck a balance—that is, compared notes to see how they stood.
Q. Did Mr. Brown make any corrections, or not, as he went along?
A. Yes, sir; sometimes he and Mr. Byram did not agree, and they always ended it by agreeing except in one instance.
Q. How was that?
A. I do not recollect exactly how it was. I remember one instance, and they agreed except that one instance. I remember of laughing about it at the time—about their disagreeing on that point.

Mr. Hawkins (pages 419 and 420):

Q. Did Mr. Byram or Mr. Brown make any comparison of their vote at the end of each precinct for Congressman?
A. Yes, sir; in almost every instance, my impression is.
Q. Did they or not make corrections pro and con?
A. Yes, sir; I think in more than Franklin Township; but my recollection is not so distinct about counting the tickets over for Congressman in other precincts, but I know the count was delayed and they looked over the returns in connection with the general returns of the election, and made their comparison afterward to see which was wrong and where the mistake occurred.
Q. Was there any time in which Mr. Brown or Mr. Byram refused to make corrections?
A. My recollection is there was one precinct, I do not know which it was, that they could not agree on.

Mr. Myers, the Democratic watcher in the interest of Mr. Lemon, in his cross-examination (page 469) says:

Q. You were there as watcher at the solicitation of Mr. Lemon, were you not?
A. Yes, sir.
Q. He was the Democratic candidate for sheriff?
A. Yes, sir.
* * * * * * * *
Q. Did you not state it would be impossible for him to keep the vote for Mr. Lemon correctly if he undertook at the time to keep the vote on Congressman?
A. No, I did not say that.
Q. Did you not say that to Mr. Hawkins?
A. No, sir.
Q. I will ask you if within the last two or three weeks you did not state to Mr. Hawkins that it was impossible for Mr. Brown to keep a correct account in the manner in which he kept it, and if you were called as a witness you would so swear?
A. No, I did not make the statement.
Q. What did you say?
A. The statement I made was this: He asked me if I did not remember that two or three or four times, I forget now the number of times, that Mr. Brown and Mr. Byram would disagree in their counts as to the number of votes cast for Congressman, and I told him I did, and I remembered once or twice the entire vote was counted over for a certain precinct and ward, and still they could not agree, and they would fix them up and make them agree, leaving a vote or two or three. I forget the number.
Q. I will ask you if it is not a fact that it was impossible for Mr. Brown to keep an accurate account on the vote for sheriff and Congressman at the same time and under the circumstances in which they were making their count?
A. I do not know in regard to Mr. Brown's capacity for anything of that kind. It is a pretty difficult job, but I presume he could do it. He is an expert in this business.

Such was the manner in which that so-called recount was made, and yet the gentleman from Ohio says it was honest, fair, and correct. Would he think so if his seat were involved? Why, sir, if he were unseated upon such testimony he would never cease denouncing it. He asks the House to accept the so-called recount of Brown as "fair, honest, and correct" as against the official returns attested at each election precinct by five witnesses, or four hundred witnesses in the county, verified by eighty inspectors, constituting the official canvassing board. But this is not all, for at the conclusion of this so-called recount Mr. Brown admitted that Mr. Peelle's vote would be increased on a recount more than the Republican sheriff had gained, and it was conceded that Mr. Hess, the Republican sheriff, had increased his majority in the recount 49 votes, and that he should so report to Mr. English, his employer. Let us examine the evidence on this point.

Mr. Byram (page 422):

Q. Was anything said in that conversation about Mr. Peelle gaining more on a recount than had been gained for Mr. Hess?
A. Yes, sir; I made that statement to the parties there, that a recount would show a larger gain for Mr. Peelle than for Mr. Hess.
Q. Did he say anything about reporting to Mr. English?
A. My recollection is rather indistinct of that part of it, but it is that he stated that he did not think it would do any good for Mr. English to go on or have a recount; that it would be no benefit to him, and he would say so to Mr. English. That is only an indistinct recollection of it now.

Mr. Hawkins (page 419):

Q. Were you present after the recount had been had at the time in which there was a conversation between Mr. Byram and Mr. Brown about the recount for Congress?
A. Yes, sir.
Q. State what occurred.
A. My recollection is that the question was asked there by Mr. Adams or by myself jointly—I do not know who it was—of Mr. Byram about the recount on Peelle, and we were sitting there together, all of us, and something was said about the recount on Peelle and English, and how it would compare with the Hess and Lemon recount. Mr. Byram then said that he thought Mr. Peelle would gain more than Hess gained by the recount; and Mr. Brown—I do not know that I can give the exact language—but my impression is the same as Mr. Adams's, that Mr. Brown said that he did not think there was anything for Mr. English to gain by a recount, or that he would not advise him to have a recount, or something of that kind.

Mr. Adams (page 404):

Q. At the time, during the count of the vote or at the conclusion of the count of the votes cast for this county for sheriff, what was said, if anything, by Mr. Brown or in Mr. Brown's presence as to how the vote would stand on a recount for Peelle and English?
A. Well, it was after we were through counting and after the count was over, and it was the morning of the day we reported.
Q. After the count had concluded?
A. Yes, sir; it was after we had agreed, and Mr. Brown, Mr. Byram, and myself had agreed on our return that we should make, and Mr. Brown said—I believe he said—he would like for Mr. Cropsey to look at it and to have them see it; and Mr. Lemon, and probably Mr. Cropsey, was in the room and looked at it, and we were waiting for some time for some purpose or other, and Mr. Byram and Mr. Brown and myself, and, I think, Mr. Hawkins, were standing at the end of the table, and we were talking about the English count. It was our impression and my impression that the advantage in the recount, or that the advantage in the recount of the vote for Congress—that it would have made a gain in favor of Mr. Peelle, and that remark was made to Mr. Brown, and I spoke to him about it and he acquiesced in it.
Q. State what he said.
A. My best impression is he said right then that that was the case, and he should say the same to Mr. English, and that Mr. English would have nothing to gain in a recount, and he would tell him so.
Q. Was Mr. Byram present when that occurred?
A. Yes, sir; and Mr. Hawkins.

So that here at the conclusion of this so-called recount of the ballots for Congress he admits that my vote would be increased more than Mr. Hess's had been, and that he should so report to Mr. English. Now, it must be conceded from this evidence that the sitting member in this case nor any of his friends had any notice whatever that errors had been discovered in such recount to lessen his majority, and yet the gentleman from Ohio says that such recount was honest and fair. But how does Mr. Brown meet this evidence? When on the stand in behalf of the contestant in chief he denies having made any such statement at all, but after sitting by and hearing the testimony of Mr. Byram, Mr. Adams, and Mr. Hawkins, gentlemen whose characters are above reproach, he comes to the witness-stand under the guise of rebuttal, and here is what he then says, when he knows the case on the part of the contestee has been closed (page 458), on direct examination:

Q. Did you say anything that day in the presence of Mr. Byram, or Mr. Hawkins, or Mr. Adams as to what would be the probable result of the votes for Congress as between English and Peelle should a recount be made in the future? And, if so, state what you did say and your reasons for saying it.
A. I never made any statement as to the result of the count. I may have

stated, and I have an impression that I did, that I would not advise Mr. English to have a recount of the ballots, for the reason that the tickets which we had just completed counting, in my opinion, had been tampered with as to sheriff before they reached us, and what would be done in that case might be done in any other if it was necessary to accomplish a given purpose. I do not think I ever made any remark in any other connection in reference to a recount.

And the only and sole reason given by Mr. Brown why he believed such tickets had been tampered with was because during the time he was attempting the double duty of recounting the votes for sheriff and the votes cast for Congress he could not find the ticket he himself had voted—a ticket which he said he would know anywhere.

Mr. Speaker, while I deny that there was any tampering with the ballots, or that the evidence justifies such a conclusion, yet I say, if it be true that the ballots had been tampered with in any way, then it is clear under all the authorities that such recount goes for nothing, and McCrary on Elections (section 555, second edition) says:

That the party offering such ballots in evidence must show affirmatively that they have not been tampered with, and that they are the identical ballots cast at the election in question.

The burden of proof is upon the contestant; but instead of introducing testimony to show affirmatively that the ballots are the same, as were returned by the several precinct election boards, he casts doubt upon the genuineness of the ballots by the testimony of the same person by whom he seeks to establish the correctness of the recount, and yet the gentleman from Ohio says that this recount was fair and honest.

Why, Mr. Speaker, if I continue I shall certainly convince this House that the gentleman from Ohio knows less about what constitutes a fair and honest count of ballots than Satan does about the plan of salvation. But I am not done yet. Now, Mr. Brown swears that at the time of that recount he had a memorandum-book in which he kept the count of the ballots both for sheriff and for Congress, keeping both counts in the same book, and that after the commissioners had made out their report to the circuit court as to the ballots cast for sheriff he went home. The recounting of these ballots commenced on the 23d and ended on the 27th day of November, 1882, nearly three weeks after the election. That the next day after the recount had been concluded he sat down and drew up a statement which he puts in evidence in this case over contestee's objection, which is as follows (page 87):

BROWN'S STATEMENT OF THE RECOUNT.

Q. Did you at the time make any report of the result of that count?
(Objected to as immaterial.)
A. Yes. I made a statement in writing, which I have here.
Q. If you have that record please produce it and read it and attach it to your deposition as a part thereof.
(Objected to as immaterial and incompetent and as an indirect attack upon the returns.)
A. (Reading): "In the election contest for sheriff of Marion County, Indiana, in the case of Lemon *vs.* Hess, I acted under appointment of the circuit court as a commissioner to recount the ballots received for that office at the general election held in that county November 7, 1882. The recount took place between the 23d and 27th of that month. At the same time I counted the vote for Congressman for that district, every ballot passing through my hands and being closely scanned by me, and of the ballots for Stanton J. Peelle for that office 12,551 were of the kind commonly called card-board, or spring-back tickets; and the aggregate of all the ballots showed said Peelle's plurality over William E. English in that county to be 99 votes less than the number returned by the board of canvassers, making his plurality 443 without the vote of the second precinct of the twelfth ward of the city of Indianapolis, which precinct the board of canvassers returned as 98 majority for Peelle. My count embraced the ballots in all the election precincts of the county except the ballots in the second precinct of the twelfth ward, which could not be found; but the vote of that precinct was returned to the board of canvassers by the inspector of elections of that precinct as 98 majority for Peelle in said precinct. This 98 majority added to the aggregate of my count of the ballots of the other precincts would make Peelle's vote 541 more in Marion County than English's, being 99 less than the number returned by the board of canvassers November 9, 1882.

AUSTIN H. BROWN.

INDIANAPOLIS, *November* 28, 1882.

Such were the deductions drawn by Mr. Brown from the memorandum which he kept of the so-called recount—no one going over his figures to verify their correctness—and when cross-examined as to the whereabouts of his memorandum he had lost it. But here is his testimony on that point (page 379):

Q. In that testimony you said that you concluded the count with reference to sheriff and went home in the afternoon very tired, and that the next day you made a statement which you put in evidence in your testimony before?
A. Yes, sir.
Q. Did you have that book before you at the time you made that statement?
A. I had the memorandum; yes, sir.
Q. What did you do with that after it was made?
A. My recollection is I put it away with some papers in my desk, and afterward in cleaning up my desk, which I do two or three times a year, I regarded those papers as of no value and destroyed them, is my recollection now.
Q. Have you seen that little memorandum of the vote for Congress since you made that statement?
A. Not to refer to it, unless in the way I spoke of in overhauling my papers; but I had all the facts before me at the time.
Q. At the time you made that statement from the figures you kept what did you do with the statement?
A. I told Mr. English about it; it was my duty to tell him so.
Q. Why did you retain it?
A. I thought it was a very good paper to keep.
Q. Why?
A. I supposed it might be of some use.
Q. Where and how?
A. As a matter of evidence if this contest was to go on.
Q. You thought the result of those little figures that you had made would be better evidence, did you, or not, than the book itself?
A. It never entered my head in regard to that, one way or the other.
Q. When you made that statement, then, as I understand, you anticipated that it might be useful as evidence in this contest, did you?
A. I did not know; I thought it might be useful; I thought the paper of some use outside.
Q. You did not think the memorandum-book from which you made that statement of any value?
A. No, sir; because I had all the facts collated that were in that memorandum-book, and a good many other matters besides; matters pertaining to the sheriffalty.
Q. Matters pertaining to the sheriffalty in that county?
A. I kept both counts in the same book.

The sitting member was entitled to an inspection of that memorandum from which Brown says he arrived at the conclusion that Mr. Peelle's majority in Marion County was 99 less votes than had been returned for him, but it was gone, and that fact is a very suspicious one in this case. He had destroyed the memorandum-book and retained the statement, as he says, because it might be of some use in this contest. He says he told Mr. English about it because it was his duty to tell him, but he carefully avoids telling any one else, and not until he came on the witness-stand in this case did I know anything about it as a matter of fact. And yet the gentleman from Ohio says that this so-called recount was honest, fair, and correct. But this is not all. I want to show this House now from Mr. Brown's testimony that he did not recount the ballots at all as to the contestant but that he simply attempted to note what he terms errors against Mr. Peelle, leaving the vote of Mr. English to stand as returned for him by the board of canvassers. The majority for Mr. Peelle in Marion County as returned by the board was 640, whereas Mr. Brown says that according to his count my majority was 541; and now how does he arrive at that conclusion? Here is what Mr. Brown (page 90) says on that point:

Q. You say that, according to your count, Mr. Peelle had 541 votes over Mr. English. Now, do you mean he had 541 votes over the vote as actually returned for Mr. English, or over his vote as actually counted by you?
A. According to the board of canvassers you had a plurality over Mr. English of 640, and my count gives that 541—a difference of 99.
Q. That is the majority simply over the vote as returned for Mr. English, is it not, by the board of canvassers?
A. Well, it is two different counts, I take it. If you take theirs it is one way, and if you take my statement of the count it is different.
Q. Is not that majority for Peelle based upon your count as compared with the actual return for Mr. English by the board of canvassers?
A. Yes, sir.

* * * * * * *

Q. I will ask you if in that examination in the votes for sheriff for the Republican candidate if the vote was not largely increased over the returns made by the board?
A. The Republican candidate got more votes.
Q. According to that count?
A. Yes, sir; I have it here exactly. Mr. Hess's vote was actually increased 7, and Mr. Lemon's was 35 of a loss.
Q. Making a difference of how much gain for the Republican candidate for sheriff?
A. The whole number of votes decreased. The ballots less were 35.
Q. How many gain would that make for the Republican candidate over the return of the board?
A. About 49, sir.
Q. Can you give me the total number of votes you counted as cast for Mr. Peelle for Congress?
A. I can not, sir. I can give you the total number of a certain ticket, on the "spring-back" ticket, but your name was on some Democratic tickets and on a few national tickets.

By the above testimony it will be seen that he counted, as he claims, the ballots cast for Mr. Peelle and accepted the returns as made for Mr. English, and that he did not count the ballots cast for English at all.

Again I insist that according to his own testimony he did not count the ballots at all for either, and that he was unable to give the total vote for either Mr. Peelle or Mr. English, and that he only kept the count by majorities as he went along, as he swears. Here is what he says at page 380:

Q. What was the total vote, according to your count, on Mr. English?
A. I could not give you that, sir; I did not keep it in that way; I kept it by the different majorities and in precincts as I went along.
Q. What errors were there in the precincts of the first ward for or against Mr. Peelle or Mr. English?
A. I can not state.
Q. What errors were there for or against Mr. Peelle or Mr. English in the precincts of the second ward?
A. You need not ask them all. I tell you I have no memorandum that I can refer to now giving any facts.

* * * * * * *

Q. Have you any recollection as to errors occurring in any particular precinct; you have not, as I understand you?
A. No, sir; I have a distinct recollection of a certain class of variations that occurred, which ran through the whole count.
Q. I understand you to say that you can not give the total vote that was counted by you for either Mr. Peelle or Mr. English.
A. No, sir.

From that it will be seen that he was unable to point out a single error in any one of the eighty precincts, or to give the number of ballots counted for either, and yet the gentleman from Ohio says that this so-called recount was honest, fair, and correct.

But this is not all, Mr. Speaker, for during the time this recount was going on Mr. Byram on his own motion concluded to count the ballots for Congress also when he discovered what Mr. Brown was doing, and so Mr. Byram commenced counting at the tenth ward, or about the twenty-first precinct, and from that time on he counted all the ballots for Congress as well as for sheriff; and accepting the returns as made in the twenty precincts he did not count, he gives the sitting member 127 more votes than were returned for him by the board of

canvassers, making his majority in Marion County 767 instead of 640. And now as to the twenty precincts not counted by Mr. Byram, I proved by Mr. Byram, and it was not denied by Mr. Brown, that the only change on the vote for sheriff in all the twenty precincts not counted by Mr. Byram for Congress was a gain of two votes only for the Republican sheriff, and it is, therefore, hardly possible that the sitting member lost 99 in those precincts.

In addition to this the sitting member put the official returns in evidence; and now by what authority of law or precedent will you set aside the official returns by such a count—a count made by one unsworn, unauthorized, secretly, for pay. If the returns in this case are set aside by such a recount, then where is the security for one's seat on this floor. My friend from Pennsylvania [Mr. ELLIOTT] argues that it was the duty of the sitting member to have the ballots recounted when he came to take his testimony in this case, because the recount of Mr. Brown had destroyed the *prima facie* case made by the official returns. Now, conceding the ballots to have been properly kept and not tampered with, I assert that the gentleman from Pennsylvania [Mr. ELLIOTT] nor any other gentleman upon this floor can find one single authority to support that position, nor is there a single precedent in all the election cases which sustains that position. McCrary on Elections (section 440, page 373) uses this language:

SEC. 440. But of course the parol evidence offered to set aside a return upon the ground of fraud must be such as to establish the fraud or mistake in the reception and deposit or in the count or return of votes. The official acts of sworn officers are presumed to be honest and correct until the contrary is made to appear.

It has accordingly been held that a return can not be set aside upon proof that a recount made by unauthorized persons some time after the official count has been made showed a different result from the official count. This was upon the ground that the count made by sworn officers, immediately upon closing of the polls was better evidence of the true result than a count made by interested parties, not sworn, at a subsequent period, and after the result of the official count had been made known. Such evidence comes far short of establishing either fraud or mistake in the official count.

And that is the rule which has been adhered to by this House since the first Congress convened, and if there is a single precedent to the contrary I have been unable to find it and would thank any gentleman to cite me to it. I quite agree with the chairman of the Committee on Elections [Mr. TURNER], who in his report in the Wallace-McKinley case on the 14th instant, says:

But since Congress passed the act governing contested elections they are instituted upon regular pleadings like any other suit, the proofs taken by the parties before designated officers, and all the proceedings are conformed to judicial precedents. We respectfully submit that it is greatly to be desired that these cases should be adjudicated upon the principles as well as the forms which prevail in the courts.

And now, Mr. Speaker, was that so-called recount honest, fair, and correct? If it was, then I have examined the wrong dictionary and Noah Webster was a fraud. I leave it for the considerate judgment of this House and the country whether or not that so-called recount was honest, fair, and correct. There can be but one conclusion for men disposed to be fair-minded and of legal acumen, but you are the jurors, and I shall not complain of your verdict, let it be what it may.

POOR-HOUSE VOTE.

I next come to what the gentleman from Ohio pleases to term "the fraud and coercion practiced upon the 51 paupers, 34 of whom were Democrats, and compelled to vote for contestee." Now, it is a little strange that so great a proportion of that vote should be Democrats; but what proof is there that any were Democrats, or, if Democrats, that they voted otherwise than as they desired? It is not denied but that they were legal voters, even if they were unfortunate enough to be inmates of the county asylum, but the only claim is that they were coerced into voting the Republican ticket, but whether they voted for Mr. Peelle or Mr. English is nowhere shown, and but one witness was examined on this subject, and I will read his testimony, that the House may see upon what testimony this ground of contest rests. Hiram W. Miller (pages 145 and 146) says:

Re-examination by Mr. WILSON:

Q. Did the use of the Republican ticket at your precinct prevent any person from voting his sentiments, if you know?
A. I think I answered that once before.
Q. What is the answer?
A. I answered that I believed it did, and Mr. Peelle wanted to know who, and I told him the paupers from the county farm.
Q. Did it affect the votes of any number of persons?
A. There was quite a number from that place that voted.
Q. Do you know what their politics were?
A. I think I do.
Q. What were they?
A. I think two-thirds of them were Democrats.
Q. How do you know that?
A. Well, sir, they had voted for me, and I claim to be a Democrat.
Q. How did they vote on that day?
A. They voted the Republican ticket.
Q. I mean on November 7, 1882?
A. They voted the Republican ticket.
Q. How many of such votes were there?
A. I polled the house, and I made it 50 or 51; something like that. There was 57 voted that day—paupers and seven employés.

* * * * * * *

Q. Could they have voted the Democratic ticket without it being known by those who had charge of them what ticket they were voting?
A. I think not.
Q. Who had charge of them when they came down?
A. Well, sir, a part of the officers and employés of the farm.
Q. Would two-thirds of those voters in that poor-house have voted the Democratic ticket on that day if they could have voted it without any influence—if they could have voted themselves?
A. That is my impression.

Question by Mr. PEELLE:

Q. Were they challenged?
A. Yes, sir; part of them were, I think. I challenged several voters myself.
Q. Were they sworn in or did they vote?
A. They were sworn in.
Q. Were they legal voters at that precinct?
A. Well, sir, that is something I am unable to say.
Q. Has there ever been any prosecution on account of the men sworn in?
A. No, sir; not that I know of.
Q. The county asylum is located in Wayne Township?
A. Yes, sir.
Q. You were a candidate for township trustee on the Democratic ticket some years ago?
A. Yes, sir; I was twice; I was elected twice.
Q. You say about two-thirds of those folks voted for you when you were a candidate for township trustee?
A. Yes, sir; I think there was more than that.
Q. You polled them at the last election, did you?
A. No, sir.
Q. How did they come to be on that poll-book; you said you polled them and there were 51?
A. I did not take their politics at all.
Q. Did you poll it at all?
A. Yes, sir.
Q. For what purpose?
A. For election purposes. Mr. Wright and his daughter gave me their names.
Q. You had voted them before for you?
Mr. WILSON. He did not say that.
Q. They had voted before for you?
A. I think they had.
Q. And they were polled out there that time by the Democrats for election purposes?
A. Yes, sir; I polled them four days before the election.

Questions by Mr. WILSON:

Q. When they voted for you was there any difference between the tickets used by the two parties at your precinct?
(Objected to for the reason that the ticket is the best evidence of the fact.)
A. There was not any.
Q. I mean no difference in the ticket.
(Objected to for the reason that the ticket is the best evidence of the fact.)
A. No distinguishing difference.
Q. Under whose control was the poor-house—what party, and what were the politics of the men in control of the poor-house when you were elected?
A. Republican.
Q. Were they the same men that are now in control?
A. Yes, sir; that is, at one election they were and one they were not. The first election it was under the control of Mr. Larry Logston, and at the last or second election they were under the control of Mr. Wright, the same man that controlled them on November 7, 1882.
Q. How many years ago was that election held there—the first time when you were elected?
A. That was in the spring of 1877, I think.
Q. The second election, what date was that?
A. It was two years later.
Q. 1879 that would be?
A. Yes, sir.

Such, Mr. Speaker, is the testimony upon which the gentleman from Ohio says 68 votes should be counted for English. That is, because he thinks two-thirds of them voted for him in 1879, and he is a Democrat, that therefore in 1882, three years later, the same number were Democrats; although Marion County contains 125,000 people, there were no deaths or changes in the county asylum from 1879 to 1882, if his testimony is to be accepted. He says only part of them were challenged and that they were sworn in and that no one was prosecuted for any violation of law. Where is the proof of coercion? It exists only in the brain of the gentleman from Ohio, for it never found a lodgment even with the contestant's counsel. He is an ingenious fellow, that gentleman from Ohio. He actually asks this House to take from me 34 votes without any proof whatever that they were cast for me, and then to round out the climax he asks you to count them for English, making a difference of 68 votes against me.

Again, he asks this House to do that without the least proof in the world that a single one of them would have voted for English. Why, if they were coerced into voting for me, then I should think the gentleman from Ohio would be satisfied to simply deduct them from my vote; but then the gentleman knows that there is a majority of 87 to overcome, and he finds it necessary to multiply by two for fear the votes elsewhere will not make it up. The contestant's witness, Mr. Miller, testifies, as we have seen, that it is his impression that two-thirds of them would have voted the Democratic ticket if they had not been influenced to vote the Republican ticket. The gentleman from Ohio in his report to this House says these 51 persons were compelled to vote the Republican ticket. By whom and how were they compelled to vote the Republican ticket? Why, I will tell you. The county asylum was under the control of Republican officials, and these unfortunate persons were accompanied to the precinct by some of the officials of the institution; therefore they were compelled to vote the Republican ticket. There is no testimony that one of them was even asked to vote the Republican ticket, or that a single being ever spoke to one of them on the subject. I have given you the only evidence introduced on the subject. But, sir, why dwell here? This House will never sanction such a monstrous proposition, whatever else it may do or fail to do, and I shall now leave the subject where it had no doubt been left by the House before I took it up.

FRAUDULENT JAIL VOTE.

The third ground of contest is what the gentleman terms in his

report "the fraudulent jail vote." Some witnesses were examined by the contestant, who stated that certain persons had told them that they had just come out of the jail and had voted the Republican ticket. There is no pretense that they were illegal voters, but simply that because of the use of the Republican ticket they could not vote the Democratic ticket without it being known by the Republicans that they had so voted. The names of seven persons are given, and contestant's own witness, Mr. Dowling (page 115) testified that Jack Crowley and Jack Porter were challenged by Republican challengers. Here is what he said:

Q. Were they challenged?
A. Certainly they were.
Q. Did they get their votes in?
A. Not to my knowledge. They were denied the privilege of voting.
Q. Those men that had Republican tickets given them, that came down there to vote, did not get to vote?
A. No, sir.
Q. They were challenged by the Republicans?
A. Yes, sir; challenged by the Republican police officers.
Q. You say one of them was a Republican?
A. Yes, sir. Porter, at least, claimed to be a Republican, but he would be damned if he was going to vote the Republican ticket, and he took the Democratic ticket and walked up to the chute and was looking at it and trying to vote it. That is the remark he made.

That witness would have us understand that notwithstanding Republican officials released Jack Porter, who was a Republican, yet he says Porter said he would be damned if he was going to vote the Republican ticket. Such testimony carries its own antidote. The man who is so lost to self-respect as to admit that he has been released from jail to enable him to vote is not entitled to belief, and yet such alone is the testimony of every witness who testified on this subject.

Here is the testimony of John W. Fultz (pages 117 and 118), brought out by contestant's counsel:

Q. Do you know of any voters who would have voted the Democratic ticket, including William E. English for Congress, and who voted the Republican ticket, or else did not vote at all because of the Republican ticket being printed on material which distinguished it, and thus affected the secrecy of the ballot?
(Objected to as going back to the direct examination.)
A. I know of three men; one of them lives in the first precinct, and he voted the Republican ticket against his will, never having voted it before in his life, and when he acknowledged the fact to me he was crying. I know another one that was compelled to vote the Republican ticket. I don't know that he was compelled, but he was coerced and persuaded, and he never voted the Republican ticket in his life before, and I have since been informed that he laid and cried all night about it. And I know of another one that tried to vote the Democratic ticket; he had been arrested for some offense, and he was let out of jail as a "trusty." He lived in the second precinct of the twenty-fifth ward, and he tendered his vote and his vote was refused, and they came down to me in the third precinct to come up in the second and see what the trouble was, and see if I could not assist him to get his vote in. He was a young man that I had known for some time, and he had worked with me in the shop where I was employed, and they challenged his vote and I asked them on what grounds, and they called my attention to a clause in the election laws where a person serving a sentence for a misdemeanor or crime was not entitled to vote, and they refused to receive his vote. These other men I spoke of, they had also been prisoners in jail, and they were not let out as "trusties;" they were let out for the purpose of voting the Republican ticket and gained their freedom by so doing. That they acknowledged.
Q. Do you know of anybody else that would have voted and did not on account of the character of the ticket?
A. I know others that claimed they were let out of prison to vote the Republican ticket to gain their freedom.
Q. My question was whether you knew of anybody else that was prevented from voting on account of the character of the ticket?
A. There was one man that I saw, but I can not tell you his name now, in the third precinct of the twenty-fifth ward. I can state the circumstances, but I can not give the man's name. If that will answer the purpose I will answer your question.
Q. I did not ask you for the names. The question was whether you knew of any other person, whether you knew their names or not, that were prevented from voting by the use of that heavy ticket that you have described?
A. I did, at one time, have a list of 26 or 28 names, I believe, who were coerced into voting the Republican ticket that never had voted it before—let out of prison for that purpose—but who they are now I can not tell you. I know the names of two of them, probably three.
Q. What are their names?
A. One is named Edward Tettenbrock and one is named John Condon. I could give the names of two others, but I promised them I would not use their names at the time they told me this. They wanted me to suppress their names, and gave as a reason that the police would run them in on some future occasion every time they got a chance if they did it. If you want to know the circumstances of this other man voting I can tell you the circumstances. I know he did not vote his sentiments. I am satisfied about that.
Q. State the circumstances.
A. They are simply these: There was a man came up into the chute in the third precinct of the twenty-fifth ward, and he had a Democratic ticket in his hand, and was going to vote it, and a Republican policeman was standing there challenging, and he caught him by the shoulder, and he says, "Come here a minute; I want to see you." I was satisfied that when he called him out he was going to try to coerce and bulldoze the man into voting the Republican ticket, and he took him around the corner and was speaking to him, and I tried to get close enough to hear what he was saying; but when he saw me approaching he took him on the other side of the street. The man was a Democrat, and never voted anything else but the Democratic ticket, and when he came back again he had a Republican ticket in his hand. I could tell by the difference in the paper, and he pulled his hat down over his eyes and was going up to the chute, and I said to him, "I would like to see you a moment," and he would not pay any attention to me, but walked right up and voted his Republican ticket.

And then on cross-examination he testified as follows (page 118):

Q. You say you know some man in the first precinct of the twenty-fifth ward that was let out of jail for the express purpose of voting the Republican ticket?
A. Yes, sir.
Q. What was his name?
A. Edward Tettenbrock.
Q. Did he vote it?
A. He told me that he did.
Q. Did you see him vote?
A. I did not see him vote.
Q. Did you see him let out of jail?
A. No, sir; I know he was in jail.
Q. You think he was let out of jail on that day?
A. He told me so.
Q. Was he a Democrat?
A. He claimed to have been a Democrat.
Q. All you know is what he told you?
A. Yes, sir. He was crying when he told me. He said he never voted the Republican ticket in his life, but he voted it that day to get his liberty; that his liberty was sweet, and he voted it.

All he knows about it was what he was told and the man was crying because he had voted a Republican ticket. His having been in jail does not appear to have troubled him much, but voting a Republican ticket lacerated his feelings so that he cried. Such is the character of the testimony all through on this jail vote. There is no competent testimony that any voted on condition that they were released from the jail, nor is there any evidence that the men so claimed to have been released were not legal voters; upon the contrary it was conceded by the witnesses and by contestant's counsel that they were legal voters. Now if there was any proof in this record that any Democrat was released from the jail on condition of his voting the Republican ticket, or if any one else was released on that condition, I should not consent to have such vote counted for me, but there is no competent proof on that subject; all the proof is hearsay and therefore incompetent. If persons were so released and had no such pride as would deter them from telling others that they had been so released, then why were they not put upon the witness-stand to tell their own story?

The chairman of the Committee on Elections [Mr. TURNER], on the 14th instant, in the case of Wallace *vs.* McKinley, uses this language in his report to this House:

The vicious tendency of hearsay evidence in election cases needs no demonstration. An unlawful vote may be cast for one party, and then upon the unsworn statement of the voter it may be deducted from the other party.

The witness Fultz quoted above says he at one time had a list of 26 or 28 names of persons who were coerced into voting the Republican ticket that had been released from the jail, but what their politics were or whether they voted for English or for Peelle is not shown; and yet the gentleman from Ohio wants this House to deduct the votes of 34 persons whom he claims were released from the jail and coerced into voting the Republican ticket, and this he asks this House to do on hearsay testimony, without any proof whatever as to the politics of the great majority of them and absolutely no proof as to whether they ever voted for me. But 9 persons were named, and 2 of those were named by two different witnesses, so that in point of fact, if the testimony should be considered at all, there were but 7 of them. But upon such proof will you disturb the title of a member on this floor? If so, then all that will be necessary to make a successful contest in this House will simply be to put upon the witness-stand three or four witnesses to swear that a given number of persons told them that they had been released from prison and coerced into voting such and such a ticket.

"It matters not whether their names are given or not," says the gentleman from Ohio. "All that will be necessary is to find a sufficient number of persons who will say to some one else: 'We have been released from prison and coerced into voting the Democratic ticket or the Republican ticket.'" It matters not whether their statements be true or false, just so they make the statement. Such is the conclusion of the gentleman from Ohio, as shown by his report; and if he examined the testimony in this case he must as a lawyer concede it. I shall not further dwell on this point.

COUNTERFEIT TICKET.

The next ground of contest is what the gentleman in his report speaks of as the "counterfeit ticket." There is no evidence as to what precincts these tickets were voted in nor by whom voted, nor is there any evidence in the record that they were distributed except at one place, and that among some men employed at a freight-house, where ten out of twelve of them were Democrats, who knew the kind of tickets they were getting. Here is the only testimony on that subject given by the contestant's own witness.

Mr. Sullivan (page 542):

Direct examination by Mr. WILSON:
Q. What is your business?
A. Freight agent of the Cincinnati, Indianapolis, Saint Louis and Chicago Railway.
Q. How long have you lived in Indianapolis?
A. All my life; 25 years.
Q. Were you in this city in November, 1882, at the time of the Congressional election?
A. Yes, sir.
Q. I will ask you if you attended that election that day?
A. I voted.
Q. Where were you most of the day?
A. At my place of business.
Q. Where is that?
A. On South Delaware street, on the corner of Louisiana street.
Q. Did you see any ticket headed "Democratic ticket" and all the names Democratic except Mr. Peelle's name was on as the candidate for Congress?
A. I did.
Q. Where, and under what circumstances, and who had them?
(Objected to as not rebuttal.)
A. I was out in the freight-house on the morning of the election, and Mr. George Hawkins (who was deputy collector of customs) had some of those tickets, and handed me one and said, "Here is your ticket; vote this."

Q. Did you read it?
A. Yes, sir.
Q. Where did you read it?
A. I read it at the time he handed it to me, and was informed by the man who has charge of the freight-house down there that the tickets were not good; that the name of Mr. Peelle was inserted for Congress.
Q. That was the first time you knew of it, when your attention was called to it?
A. Yes, sir.
Q. How many tickets did he have?
A. I could not say as to that.
Q. Did he have a bundle of them, or only one ticket?
A. He had several in his hands at the time.
Q. Did you know Mr. Hawkins's politics?
A. No; I do not know him politically, but I presume he is a Republican of course.
Q. Do you know whether he left any of those tickets with anybody else there?
A. Yes, sir; he did. He distributed them among the freight-house men.
Q. Do you know the politics of those freight-house men?
A. There is about ten out of twelve Democrats.

Now, while there is no proof in the record that these men voted that ticket, there is proof that not more than a dozen tickets of that kind were found in all the county, as testified to by Mr. Brown (page 88):

Q. In that recount did you find any ballots that purported to be Democratic tickets and contained the names of the Democratic candidates for the various offices, except that Stanton J. Peelle's name was printed for Congress in place of William E. English; and if so, how many?
A. Yes, sir; I think there were not more than a dozen in the whole county got in the box of that character.

And here is what Mr. Byram said as to the number of such tickets (page 421):

Direct examination by Mr. PEELLE:

Q. I recall you for the purpose of asking you if you noticed any Democratic tickets in the boxes at the time you were counting the vote for Lemon and Hess and Mr. Peelle with the name of Mr. Peelle printed on instead of Mr. English?
A. Yes, sir.
Q. Straight Democratic tickets, except Mr. Peelle's name was printed in there instead of Mr. English?
A. Yes, sir.
Q. How many were there of that kind of tickets?
A. I do not think there was to exceed five or six; I do not know that there was that many; there was a few.

Here is what Mr. Adams, the other member of the commission at the recount, had to say (page 404):

Q. Did you find any Democratic tickets in that box with the name of Mr. Peelle printed on them?
A. Yes, sir.
Q. How many?
A. Not more than five or six to the best of my recollection.

So that it will be seen that there is a preponderance of testimony that not more than 5 or 6 of such tickets were voted in all the county, and if voted at all was most likely voted by those to whom they were given at the freight-house. There is no evidence in the record anywhere that such tickets were seen at any precinct during the day. The only other witness who testifies on the subject of Democratic tickets with my name printed in was Mr. McDonald, and now here is his testimony, at pages 532 and 533, on direct examination:

Q. Did the Republicans use, or attempt to use, any counterfeit Democratic ticket, or any ticket imitation of the Democratic ticket, at the November State election in 1882, in this county; and if so, describe the ticket?
(Objected to as not rebuttal.)
A. Early in the morning, as I was going to the committee-rooms, some one gave me a ticket headed "Democratic ticket," that was, on examination, a facsimile, as near as could be made, of the Democratic ticket printed and used that day, except that it had Mr. Peelle's name instead of Mr. English's for Congress. I saw several of them during the day; how numerously they were issued I do not remember, but I made a special examination of that one, as it was the first one presented.

And then, on cross-examination, here is what Mr. McDonald says (page 533):

Q. Who first handed you a copy of the counterfeit ticket that you spoke of?
A. I am unable to say.
Q. Was it a Republican or a Democrat?
A. I think he was a Democrat. I can tell you where it was handed to me better than I can the name of the party. I was going down to the committee-rooms in the First National Bank building, and within a few feet of the stairway leading up some one handed me this ticket.
Q. You say it was a Democrat?
A. My impression would be that it was a Democrat, because he seemed to be bringing it to me for inspection.
Q. Did you see any other ticket of that kind during the day?
A. I am not able to recall any.
Q. I understood you to say in your examination-in-chief that you saw other tickets of that kind during the day?
A. It might be that I did.
Q. Did you see any of those tickets in the hands of Republicans anywhere?
A. I do not recollect the ticket in the hands of any Republican canvasser.

From that testimony it will be seen that while Mr. McDonald in his direct examination says "I saw several of them during the day," &c., yet on cross-examination he was forced to admit that notwithstanding he had been going from precinct to precinct during the day, he was able to recall but one single ticket he had seen of that kind during the day, and that was handed to him by a Democrat. There is no pretense in the record in this case nor has the gentleman from Ohio even claimed that such ticket was illegal. It is a legal ticket under the laws of Indiana, and not until the contestant shows that such tickets were voted by persons under the belief that they were voting for him can this House transfer such ballots from Peelle to English. There is no proof that any fraud or deceit was practiced, or that a single one was ignorantly voted by any one; so that the presumption is in favor of the tickets having been voted by persons knowing what they were doing, and this presumption is strengthened by the testimony of Mr. Sullivan that such tickets were distributed among Democrats who knew the kind of tickets they were getting.

Now, upon such proof as this the gentleman from Ohio asks this House to deduct 12 votes from Peelle, and not content with that he asks that you count them for English. He is not willing even that you should take 6, that being the highest number testified to by both Mr. Byram and Mr. Adams, but he asks you to accept the testimony of Mr. Brown who says there were not more than a dozen. He does not pretend but that there may be less, and certainly 6 would not be more than a dozen, but I apprehend this House will not for a moment consider that question as affecting my right to a seat on this floor. This contest is not a matter personal to myself; it is a matter in which the people whom I have the honor to represent are concerned, and their rights rather than mine should be considered by this House. All presumptions should be reckoned in their favor.

Fraud and wrong-doing should not be presumed unless the proof be strong and convincing, and I have no hesitancy in asserting that the gentleman from Ohio can not find a single precedent from the foundation of the Government to the present time that would justify or sustain the position he has taken; that is, that tickets recognized as legal where voted could be deducted from one candidate and counted for another without the consent of those voting such ballots and without any proof whatever that any one was deceived. It will not do to say that such tickets were intended to deceive and therefore did deceive, but the proof must show what was in fact done. Every presumption is in favor of compliance with the law, and voters who had nothing to do with the issuance of such tickets should not be disfranchised or have their votes counted for some one other than they voted for, unless there be sufficient proof that they were deceived and thereby voted differently from what they intended, and even then I doubt if such votes should be counted for contestant without some affirmative proof that they intended to vote for contestant. But enough on this point.

REJECTION OF VOTES BY INTIMIDATION, ETC.

I now come to the fifth ground of contest, which is that 100 or more votes were rejected in the second precinct of the seventeenth ward in the city of Indianapolis fraudulently and by intimidation. It is claimed by the contestant that in this precinct on election day, by reason of the police, certain persons were deterred from making affidavits touching the qualification of voters, and that in consequence thereof a large number of persons were prevented from casting their votes.

Now, what is the proof on this point? The contestant in his case in chief examined but one witness on this subject, and that was Mr. Frenzel (page 151), who testifies as follows:

Q. What time did you go to the second precinct of the seventeenth ward?
A. I think it was about half past one. I went there in the afternoon of that day.
Q. Why did you go?
A. I was called there because of some disturbances that were going on there.
Q. Did you go over there?
A. Yes, sir.
Q. Did you find any trouble there growing out of the use of this Republican ticket; and if so, what?
A. I found that owing to the Republican ticket being so easily distinguished from the Democratic ticket, that when a Democrat went to vote the Republican challenger, and particularly this patrolman, would know that he was voting the Democratic ticket, and immediately when they found that out they would bulldoze and browbeat the man so that he was either afraid to vote or was challenged and left.
Q. How many men were there of that sort, if you know?
A. I think there must have been at least sixty.
Q. Were those sixty Democrats?
A. Yes, sir; I think they were.
Q. What do you mean by patrolman?
A. A member of the police force, called patrolmen.
Q. Was there more than one policeman there?
A. There was one policeman and two captains of police.

That was all the testimony offered in this case in chief, and to meet that the contestee examined quite a number of witnesses to show that there was no disturbance at that precinct; that no one who was entitled to vote was prevented from voting, and that the usual vote was polled at the precinct. But here is the testimony offered by the contestee on this point, found at page 231, as follows:

E. J. Conway, who was being examined by contestee, on cross-examination by contestant's counsel was asked this question:

Q. Were there any policemen around that voting precinct that day?
A. Yes, sir.
Q. Who were they? What were their names?
A. Tim Splann was there a while, and Len Crane and Sam. Gerber, and there may have been one or two others for a short time. I don't recollect.
Q. Was Splann on the police force?
A. He was the captain of the police at that time.

Then again, on page 244, when the witness J. H. Bowlby was on the stand, on cross-examination he was interrogated and answered as follows:

Q. How many policemen were there?
A. I think there were two.
Q. Were there not more than two?
A. The captain was there a while. He drove down there.
Q. And were those two all that you recollect of? Who were those two?
A. I can not call their names. I never can call names very well. In fact I am not well acquainted with none of them by name. Campbell was there off and on.
Q. And Crane—was he there once in a while?

A. Crane—I do not know by name. I know him by sight, I expect.
Q. Do you know Mr. Gerber, a policeman?
A. No, sir.
Q. Captain Splann—was he there?
A. He is a large man, is he not? I am not particularly acquainted with Captain Campbell, but I know most of them by sight.
Q. You say some of these policemen were around there all day?
A. Yes, sir.
Q. And they were there to keep order?
A. I suppose that is what they were there for.
Q. Was there any particular need of having order kept at that precinct?
A. I did not see anything out of the way.

At pages 327 and 330 will be found the testimony of Mr. Splann, the captain of the police, and he testifies as follows:

Q. While you were in that precinct of the seventeenth ward where Mr. Frenzel was, was there other policemen there?
A. Yes, sir.
Q. Who were they?
A. Crane and Gerber were there.
Q. What Crane?
A. Leonard Crane.
Q. What is Gerber's name?
A. Samuel Gerber.
Q. They were patrolmen?
A. Yes, sir.

From that testimony it will be seen that there were two and only two policemen stationed at that precinct; that there was no trouble of any sort, as admitted by Mr. McDonald, page 463, on cross-examintion, who said there was no row there and no fights; and yet that is a strong Democratic precinct, and was carried by the contestant by 62 majority, and the gentleman from Ohio would have this House understand that from 60 to 100 voters were intimidated in that precinct and did not get to vote, all without any disturbance, row, or fight of any kind. The Democrats in that precinct are not so timid as the gentleman from Ohio would have you understand. Then, again, no affidavits were rejected, and the vote at that precinct was the usual vote, as testified to by the inspector at that precinct, Mr. Hetherington, at pages 331 and 332, as follows, on direct examination:

Q. How did the vote there correspond with the number of names recorded on the poll-book?
A. Well, that came out pretty well; better than we did at the last election.
Q. What election do you refer to?
A. The one we had here lately. We polled a very poor vote.
Q. What was the number of votes as compared with the number of names on the poll-list as compared with the election of 1882, if you remember?
A. I can not say exactly.
Q. Do you remember whether there were more or less votes than in 1882?
A. No, sir; they were about what is generally polled there.

And on cross-examination he testified as follows:

Cross-examination by Mr. WILSON:

Q. How old did you say you were?
A. Fifty-three in October.
Q. Do you use glasses?
A. Yes, sir; when I read.
Q. Is your vision as good as that of most anybody—as people of your age usually?
A. Well, I am unfortunate in having only one eye, but it is a very good one, and I can see as much as anybody with it, and it is very strong and powerful, but I read so much at night I find it is a benefit to wear glasses.
Q. When Mr. Peelle asked you about that Republican ticket you put your glasses on before looking at it a while ago?
A. Yes, sir; I recognized the names.
Q. But you could tell the difference between those tickets by feeling them?
A. I could.
Q. Was there anybody there challenged and sworn in that was not allowed to vote at your precinct—that was not allowed to vote after they were sworn in?
A. Yes, sir; several. I understood you to ask me if there was anybody sworn in?
(Question repeated.)
A. No.
Q. No trouble of that sort at all?
A. No; some voters—I frequently had trouble in getting parties to swear them in, and they made a business of getting Chris. Schoettle to do it, and I stopped it.
Q. How did you stop it?
A. Because he did not know the parties he was swearing in.
Q. How do you know that?
A. I asked him. I said, "Do you know that man, Chris.? Do you know his name? Do you know where he lives?" "No." Then I says, "Then don't you do that."
Q. Did not you refuse to take votes after they were sworn in?
A. No, sir; when parties were sworn in with a party that had authority to swear them in I never refused a vote.
Q. The question is about Mr. Schoettle.
A. I never refused a vote after they were sworn in.
Q. Did not you refuse votes that he swore were residents of the ward and had a right to vote there?
A. No; Mr. Schoettle swore in 2 votes, and I saw he was making a business of it, and I put the question to him, "Do you know that man, Chris.?" and he says, "I know he is a voter." "Do you know his name?" "No." "Do you know where he lives?" "No." Then I said "Don't you do that any more."
Q. You told him, then, he must not swear in any more votes?
A. I did; and he did not do it.

Here it affirmatively appears that no vote was refused after it had been sworn in as stated by the witness.

Under the statute of Indiana (section 4702 Revised Statutes 1881), when a voter has been challenged he shall step aside, and in addition to his own oath as to his qualification as a voter some one in the precinct who has been a *resident householder and freeholder for at least one year prior to the election* shall also swear as to the qualification of the voter; but there is no evidence whatever in this record that either Schoettle or any one else who attempted to swear in voters at that precinct was a householder in the precinct, or that he owned real estate in the precinct for one year prior to such election.

There is not a syllable of evidence in the record that Schoettle was authorized under the statute to swear as to the qualification of voters, nor is there any evidence that the other man (Wehla) owned real estate or was a householder at all in the precinct; so that neither of those two persons were authorized to swear as to the qualification of any voter, and such affidavits if tendered were rightly rejected, unless the party making the challenge had withdrawn it, but there is no evidence that any challenge was withdrawn. The contestant's own witness, Mr. Hicklen, swears that Schoettle and Wehla were the only two men in that precinct who attempted to swear in voters, and that they did not own real estate, as required by the statute. Here is Hicklen's testimony, pages 482 and 483:

Q. Do you know of another voter down there whose vote was refused after he had been sworn in other than the one you mentioned?
A. Yes, sir; I saw them sworn in.
Q. I mean men who were challenged and sworn in. How many of that kind were refused? How many of that kind were rejected by the inspector?
A. I could not say how many there were.
Q. Did you see more than that?
A. Yes, sir; I saw more than one.
Q. Did you see more than two?
A. Not sworn in according to the laws of Indiana, but men who were residents of the ward, and every one knew, would come in there with their affidavits made out in full and present it to the inspector; but they were men who had no real estate in the ward.
Q. And the challenges were not withdrawn, were they?
A. The challenges were not withdrawn.
Q. And the inspector would not receive that kind of affidavits, as the law required the affidavits to be of some one who owned real estate in the ward. Is not that the fact?
A. That is the law in this State.
Q. And it was that kind of affidavits you are referring to?
A. It is that kind of an affidavit.
Q. You say you have a personal knowledge of one man whose vote was refused after the affidavit had been made for him?
A. Two men that I know of.
Q. Was there more than two rejected after the affidavits had been made?
A. No; but there would be more men not coming to vote who had ascertained that they could not vote by being sworn in by some one who owned no real estate.
Q. As the law required?
A. Yes, sir.
Q. Then you only know of two men whose votes were rejected when affidavits properly prepared had been offered?
A. No; I do not say that. I say that I know there was any amount of men who did not come up and apply, and did not go in the chute to vote because they knew their votes would be challenged and rejected.
Q. Give me the name of some man who did not vote and did not come to the chute because he knew that he was going to be challenged.
A. I do not know the names of the parties.
Q. You do not know the name of one of them, do you?
A. I can not call one to mind now.
Q. All the votes that you say you saw rejected were two; is not that really so?
A. No. I saw men that I knew were voters in that ward, and I wanted them to come up and vote, and they replied if they went up there their votes would be challenged and the challengers would not withdraw them.
Q. Did you see the inspector reject any but two votes at that poll?
A. No rejection.
Q. Did you see the inspector, Mr. Hetherington, reject more than 2 votes?
A. All Mr. Hetherington had to do was to wait for the outside man to challenge. He did not challenge any votes.
Q. Did he receive any vote of any one that was offered to him?
A. I do not know whether he did or not.
Q. I mean did he refuse any vote that was offered him?
A. Not that I know of.

So that by the testimony of the contestant's own witness these men did not own real estate in the ward, as the statute requires, and further along in his testimony he admits that Schoettle and Wehla are the only two men who were there swearing in votes, and by his testimony he corroborates the testimony of the inspector that no vote was rejected after it had been sworn in. Neither Schoettle nor Wehla are put upon the witness-stand. From the testimony which I have read it will be seen that the contestee fully met the testimony of Frenzel that 60 voters were prevented from voting in that precinct, and now under the guise of rebutting testimony the contestant examines several witnesses, all of which is cumulative and not rebuttal. But assuming that this House will consider all the testimony, notwithstanding the contestee has had no opportunity to meet the same, I will now read from the testimony of such witnesses as were examined in rebuttal, so called. But before I do that permit me to remark that it is gravely stated in this report that there are in the city of Indianapolis seventy-four regular policemen and that on the day of election there were one hundred and fifty extra policemen appointed, and it further appears in the record in this case and in the brief of contestant's counsel that there were eighty-five United States officials in that county on election day.

This is dwelt upon as very remarkable and unusual; but this House will be surprised when I say that nowhere in this record is it shown that there was a single Federal officer at any precinct in that whole county during the entire day, and nowhere is it shown in this record that a single one of the extra policemen complained of were even seen on the day of the election, much less interfering with voters; and yet the gentleman from Ohio, in his report, misleads this House by asserting that these officers intimidated voters. And now what is the testimony introduced in rebuttal, and upon which this House is asked to count 100 votes for the contestant that were never cast for him and without any proof whatever that they would have voted for him even

had they voted. The House will notice, as I read along, that not a single name is given of any one who was intimidated and prevented from voting. Here is the testimony of Mr. Frenzel (pages 477 and 478):

Q. You said awhile ago that there was a German man whose vote was rejected and for whom an affidavit was prepared?
A. Yes, sir.
Q. Who was swearing him in?
A. Chris. Schoettle.
Q. You say he was a naturalized German. Do you mean that he had simply taken out his papers and became a citizen?
A. I could not say as to that. It might be that he had only taken out his intention papers.
Q. It was that day he took them out?
A. I could not say whether it was that day or the day before.
Q. Was not the ink still wet on the paper?
A. No, sir; not that I remember of.
Q. Do you remember who it was?
A. No, sir; I do not know that I can now say?
Q. Do you know where he lives?
A. No, sir.
Q. Do you know whether he was a voter in that ward to your own knowledge?
A. He was properly identified to me as being a voter there by responsible parties.
Q. Do you know anything about that, or about him, except what was told you that day?
A. Only what was told me by reliable parties, and I had seen the man there.
Q. That day?
A. I saw the man that day, and I had seen him before.
Q. You do not know how long he had been in this country, or how long he had been in that precinct?
A. No, sir.
Q. That was the only man's vote that was rejected that had been sworn in?
A. Yes, sir.
Q. You say at the time the inspector claimed he was not a resident?
A. The inspector claimed that Schoettle, who swore him in, did not actually know him.
Q. Did he question Mr. Schoettle as to his knowledge of the man and his residence?
A. I think he did.
Q. And it was after that that Mr. Schoettle withdrew himself, did he?
A. Mr. Schoettle left the polls then.

* * * * * * *

Q. You say there was only one vote that you saw for whom an affidavit was offered there that was refused. Do you know whether there were voters depending upon that affidavit; and, if so, how many?
(Objected to.)
A. I thought there was a good many, and it was my impression that there must have been at least fifty or sixty that were scared off, as it appeared to me.
Q. Did you make any statement about that at the time as to the number?

* * * * * * *

Q. Do you know of any man that did not get his vote in there that day?
A. It would not have been possible for me in that large crowd and with the amount of excitement going on there to have even identified my friends.
Q. You do not know the name of any man whose vote was not gotten in?
A. I can not state at this distant day.

The witness only makes a general statement as to the number as being 50 or 60, and out of that whole number he is unable to give the name of a single one; and yet upon such testimony the gentleman from Ohio asks this House to count those as votes cast for the contestant. But let me read further.

Here is the testimony of William Buehrig (pages 485 and 486):

Q. Do you know how many voters, on account of the refusal of those affidavits, there were who did not vote?
(Objected to as not rebuttal; and for the further reason that counsel had announced that he was through with the witness, and the contestee had no cross-examination to make.)
A. I judge there were 100 or more. From noon on I do not think we got in a dozen votes; in fact, I asked a dozen to vote, and they said, "What is the use? they won't let us vote." I know individual cases of men who had lived in the ward a number of years and they would push them right out of the chute and would not let them vote; and late in the day, when wagon-loads of Democrats would come there, they would hold some Republican in the chute and keep him there; and the chute was crowded a while before the polls closed, and parties that wanted to vote could not vote.

* * * * * * *

Q. Who made the affidavits?
A. Mr. Schoettle made some, until they scared him off, and Mr. Wehla.
Q. How long was Mr. Schoettle there?
A. He was there off and on all day.

It will be noticed that his statement as to the number is also general: "I judge there was 100 or more." He gives the name of no man, and the same men who were attempting to swear in those men, who owned no real estate, &c., as the statute requires, is mentioned; and yet he says that 100 men were dependent upon the affidavits of men not authorized under the law to swear as to the qualification of voters, and upon such testimony as that the gentleman from Ohio asks you to count 100 votes for English, and, too, without a line or word of evidence that a single one of them was a legal voter in that precinct.

But let me read from the testimony of Mr. McDonald, a prominent candidate for the nomination for the Presidency (pages 461–463):

Q. What was your position as to that campaign?
A. I was chairman of the Democratic State central committee, and also chairman of the executive committee.
Q. Now I will ask you if when you went to either precinct there in the seventeenth ward you had any conversation there with reference to swearing in voters? If so, state fully what you said and what was said at that precinct, if you recollect.
(Objected to as immaterial, and for the further reason that the question does not disclose with whom he had a conversation, if any one.)
Mr. WILSON. I state here as to the admission of the evidence that the witnesses for the contestee from the second precinct of the seventeenth ward have testified as to alleged conversations of Senator McDonald, in the language of the statement made at that precinct concerning swearing in voters, and we have a right to call for the entire conversation.
A. I will state at one of the precincts in the ninth ward I met John Frenzel, who was a member of the executive committee and treasurer of our State central committee, and who had been on a committee acting in concert with the county central committee to see about qualifying voters that might be challenged, and I learned from him who in the seventeenth ward was expected, or had been, or had been spoken to about qualifying such voters as might be challenged, as we understood there were quite a number of voters in that ward who were employés of some machine-shops in the western part of the city across the river, and he gave me the names.
Q. Do you recollect that name?
A. No; it is a German name.
Q. Was it Schoettle?
A. It was some such name. It was a German name. When I got down to that precinct of the ward I found trouble there about the votes of certain parties being received and inquired about this man, whose name had been given me by Mr. Frenzel, to know if he would file an affidavit to qualify a voter who was then challenged, and Mr. Pierce Norton, whom I found there—whether he came before me or after I do not know—took a blank affidavit and had it filled up and went to the voter to have it signed and sworn to before a notary public, as I understood. I did not know the man, but I understood he was a notary public; and Norton and myself, and this voter, whom I did not know, but I remember to be a young man, and the witness who had signed the affidavit, this German, started up to the poll to have this man's vote presented. We went up through the chute, and when the voter got to the window the affidavit was presented and his vote, and the inspector asked the witness something about this man or what he knew of him and what his name was, or something of that kind, and the German not answering to his satisfaction, the vote was refused. I then turned to see who had interposed the challenge. I felt satisfied that this person who was tendering his vote was a legal voter. I understood he had just come across from the shops with quite a number of others who had been at work during the forenoon and had adjourned to come over in the afternoon to vote, and there was nothing about them to indicate that they were not legal voters, and nothing to show that there was any attempt on their part to put in illegal votes. I turned to see who it was had made the challenge, and a person standing off at the right was pointed out to me as the person, and I asked the question—I said, "Do you know that this man is not a legal voter? I do not want any man to vote here who is not a legal voter, and unless you have some knowledge that he is not a legal voter I suppose you would hardly challenge him;" and he said: "No, I do not know he is not a legal voter, and I do not know that he is; but if he puts it in he is to put it in according to law," and he spoke in a very brusque sort of a way; and I said: "This man has complied with the law." By that time the German witness, who had filed his affidavit, seemed to be a little inclined to back out. He did not understand what was going on, or did not seem to very well. He was growing somewhat timid, and he was backing out of the chute, and in the mean time parties on the outside were saying: "Put them out! Get them out of the way!" or words of that kind were passing around, and we got out of the chute and I did not hear what the inspector said, but finally it resulted in the vote being refused. That much I clearly understood. Not being able to talk with this man in his own language, I then told my son Frank, who was with me in the buggy, to drive back to the ninth ward and bring down Mr. Frenzel to see if he could not get a better understanding with this person and unlock this trouble about the votes; and about the time Frenzel came there—I remained until he did come, and soon after he came I went away. The person that I spoke to I did not know, but I had the impression he belonged to the police force—that is, the person pointed out to me as the one who made the challenge, but I do not know that. He spoke up quite brusquely, and seemed quite determined that this man should not vote.
Q. You made your statement, did you, in the presence of the gentlemen standing around the chute?
A. Oh, yes, sir; the conversation took place while I was in the chute, and Judge Norton was in the chute, and the man whose vote we were presenting and the witness—we four were there.

Cross-examination by Mr. PEELLE:

Q. He then told you to clear out of the chute, so that others could pass up to vote?
A. Yes, sir; they got impatient.
Q. It was in order to enable others to pass up the chute to vote?
A. They did not want that affair to stop the vote any longer.
Q. Do you know who that man was that was challenging?
A. I do not.
Q. Did you examine the affidavit?
A. I am very confident I did. It was written by Pierce Norton. I recollect of his bringing the affidavit up after he had filled it up. It was a printed form.
Q. You do not know who the man was that was offering to vote?
A. No, sir.
Q. Do you know where he lived?
A. Nothing, except what I was told there.
Q. You do not know whether he was a legal voter or not?
A. No, sir; except what I was told there, and that was that he was from the workshops on the other side of the river and boarded in that ward.
Q. All you know about it is what was told you by those persons?
A. Yes, sir.
Q. Personally you have no knowledge upon the subject?
A. Personally I have no knowledge of the parties at all.

* * * * * * *

Q. I will ask you this—if the inspector did not ask that man who was vouching for this voter whether or not he knew him?
A. It is possible he did.
Q. And if he did not tell him he did not know anything about him, and he did not know him at all?
A. He could not give him his name; I remember that.
Q. Did not he say he did not know the man?
A. No; I do not remember that he said he did not know the man. He was a German, and I did not understand him very well myself.
Q. And the inspector refused to receive the vote after he had questioned the man who had vouched for him?
A. Yes, sir.
Q. Is it not a fact that the reason he gave for refusing was that the man that swore him in knew nothing about him?
A. He was not satisfied with the man's information. I think I said to him if the man is satisfied to make the affidavit he could make it anywhere else as well as to come here.
Q. And when the German ascertained the difficulty he began to back out and became a little timid?
A. Yes, sir; he was hesitating.

* * * * * * *

Q. No trouble there and no fighting?
A. No fights.
Q. No row?
A. No row.

From the statements made on this floor this House might infer that Mr. McDonald was a very timid man, as he had been ordered out of

the chute—meekly submitted; but upon examination of his testimony it will be seen that Mr. McDonald was asked to get out of the chute simply to enable persons who were there to pass up and vote. It will be seen that this same man, Schoettle, was then trying to swear in the vote that Mr. McDonald refers to, but the man did not own real estate, as required by the statute, nor is there a line of evidence that he was a freeholder; besides, Mr. McDonald himself was forced to admit that Schoettle did not know the man's name who he was swearing as a legal voter in that precinct, but this House is asked to count such votes for the contestant. Now, Mr. Speaker, such is the character of the testimony on this point all through. Not a single witness pretends to give the name of a single one of the 100 claimed to have been scared away, nor is one of them put upon the stand to testify. If any such number were prevented from voting certainly some of them could have been procured as witnesses, and before any such votes can be counted some of them at least must testify that they desired to vote and made reasonable effort to vote, but were prevented, &c. I refer the House to the case of Norris *vs.* Handly, Forty-second Congress, and to McCrary on Elections, section 431, where he says:

> Where it is alleged that a large number of persons have been deterred from voting by violence and intimidation, the testimony of those persons or some of them should be produced. The opinions and impressions of others is not sufficient.

He then quotes in support of this from the case of Norris *vs.* Handly, *supra:*

> It would seem that if over two thousand electors were deterred from voting by violence, threats or intimidation, some of these electors could be found to come forward and swear to the fact. Your committee think that it would establish a most dangerous precedent to allow a fact of this character, so easily established by the direct and positive testimony of so many witnesses, to be proven solely by hearsay and general reputation, &c.

The rule of law there laid down was long since adopted by this House, and yet you are asked to set aside that well-founded rule without the testimony of a single one of those timid voters, and without any testimony as to how they would have voted; the gentleman from Ohio and my colleague [Mr. LOWRY] both ask the House to count 100 votes for the contestant. When it is remembered that my majority in the district was only 87 votes, it is not surprising that 100 men are claimed to have been prevented from voting. That, as well as the number of votes claimed to have been lost to Peelle on that so-called recount, is not alarming when you consider that 87 majority had to be overcome. If this House should find that fraud and intimidation had been practiced at that precinct, being but one of the eighty precincts in the county, so that a fair election was prevented at that poll, then, under the rule laid down in McCrary on Elections, section 425, &c., the precinct should be thrown out, and in that event 62 votes would thereby be added to the contestee's majority. But, Mr. Speaker, I can not think that this House will be so lost to all sense of fair dealing and well-founded law as to sustain the report of the Committee on Elections.

I now come to the sixth and last ground of contest presented by the report.

ILLEGAL OR SPRING-BACK TICKET.

The constitution of Indiana provides:

> All general elections by the people shall be by ballot. * * *

Under that provision of the constitution the Legislature of Indiana has enacted the following statute:

> All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three inches, without any distinguishing marks or other embellishments thereon, except the names of the candidates and the offices for which they are voted for. (Section 4701 Revised Statutes 1881.)

Now, did that Republican ticket conform to the statute? It was printed on plain white paper; it contained no distinguishing marks or other embellishments; it was three inches in width, and contained the names of the candidates and the offices for which they were voted. The supreme court has repeatedly held that the heading constituted no part of the ticket. (See Drulinger *vs.* The State, 29 Ind., 308; Millholland *vs.* Bryant, 39 Ind., 363; Stanley *vs.* Manly, 35 Ind., 275.)

And, in addition to that, it was expressly agreed between Hon. Joseph E. McDonald, chairman of the Democratic State central committee, and Hon John Overmyer, chairman of the Republican State central committee, that no exceptions should be taken to the headings of the tickets (see page 534). But the contestant does not claim that such is a distinguishing mark; his only claim is that the paper upon which the Republican ticket was printed was so heavy and thick as that it could readily be distinguished from the Democratic ticket, which, by the way, was so thin and light as that it could readily be distinguished from the Republican ticket.

The statute does not define what kind of paper; it does not say plain white book-paper, plain white news-paper, plain white writing-paper, or plain white plate-paper, but simply "plain white paper," and it was to obviate the difficulty that might arise by the use of technical terms and the difference of opinion that might exist in case of contests that the Legislature of Indiana in the section quoted used a general term applicable alike to plate-paper, book-paper, print or news-paper, &c.

The object of that statute was to make the tickets uniform in external appearance, as decided by the supreme court in the case of Drulinger *vs.* The State (29 Ind., *supra*), in which the court say:

> This object would seem to be secured, as far as legislative enactment could effect it, by requiring all the ballots cast to be uniform in *external appearance*, and such we think is the proper meaning of the section of the statute under consideration.

Again the supreme court of Indiana in the case of the State ex. rel. Julian *vs.* Adams (65 Ind., 393), which was a proceeding by information under the statute to contest the election of a circuit judge; and in that case it was alleged that the "ticket was printed on very white, thin, and hard paper, which rendered it quite transparent; that at the head of said ticket the words 'Republican ticket' were printed in with very peculiar and unusual type and in unusual form and with very black ink, and by reason thereof the words 'Republican ticket' were readily seen and easily read and understood by an inspector of the other side of the ticket; that in the ordinary way of folding the said ticket the words 'Republican ticket,' so printed as aforesaid, were exposed in such manner that the officers of the election, or any other person who might be present and desired to know the ticket which any elector was about to vote, could readily ascertain and know whether a persons was voting the Republican ticket, Democratic, or National ticket; that the tickets used by the Democratic and National parties at said election were printed on soft white papers," &c.

And yet the supreme court held that ticket legal, as containing no distinguishing marks forbidden by this statute. There are but three tickets in comparative controversy in this case—the Republican ticket, the Democratic ticket, and the National or Greenback ticket, and each ticket is printed on different kinds of paper. The National or Greenback ticket is printed on news-paper about two-thirds as heavy as the Democratic ticket, while the Democratic ticket is printed on book-paper about half as heavy as the Republican ticket. Now the question is which shall be the standard, or shall any standard be established? The statute of Indiana does not designate any official to procure or issue the paper for printing tickets upon, but leaves that to the respective political parties.

Now, in the first place, I insist that it is immaterial whether the tickets had been printed on plain white book, news, writing, or plate paper, so that in point of fact the ticket was printed on "plain white paper." But the contestant claims that the paper upon which the Republican ticket was printed was "plate-paper," and therefore not in accordance with the statute, and this he insists notwithstanding there is absolutely no controversy but that the material is paper and that its color is "plain white." Now, I apprehend that this House will not undertake to legislate for the State of Indiana; and yet if the House should hold that the paper upon which the Republican ticket was printed was not on plain white paper, that in effect would be to adopt the kind and quality of paper upon which the Democratic ticket was printed, thereby adopting a technical standard of paper, which the Legislature of Indiana sought to avoid.

The contestant in the prosecution of this case assumed that the paper upon which the Democratic ticket was printed was the correct standard, as the paper upon which that ticket was printed was book-paper; and assuming that he attempted to prove that the paper upon which the Republican ticket was printed was plate-paper and therefore not plain white paper, the burden of proof is upon the contestant; and now for the sake of the argument let us assume the plate-paper is not such paper as contemplated by the statute. Let us therefore examine the proof on the question first as to the particular grade or quality of paper, and see if contestant has made out his case even upon the theory that the material is plate-paper.

The contestant examined nine experts on this subject, and while with one or two exceptions they testify that the material is what is known as Western plate-paper, yet they all, with one single exception, agree that it is paper, and that its color is plain white. The only witness who said it was not plain white in color was Mr. Edward Mill, and he pronounced it a toned paper, "bordering on a buff tint;" but any man with good eyes and common sense would know better than that by looking at the ticket. Here it is, and I invite an inspection of it by all. And now here is his testimony and his reason for saying it was toned paper, &c.

Edward Mill, on cross-examination (page 140), says:

Q. If a customer were to ask you for plain white paper, would you understand what he meant, unless he designated it as print, book, or plate paper?
A. No, sir.
Q. Is not that Republican ticket that you have in your hand printed on paper?
A. Yes, sir.
Q. Is not the color plain white?
A. No, sir; it is what we call toned paper.
Q. Is not toned paper white?
A. No, sir.
Q. What color is toned paper?
A. Bordering on a buff tint.
Q. What is the color of the paper upon which that Democratic ticket you have in your hand is printed on?
A. That is white; dead white.
Q. Why did you pick up the Republican ticket just now and compare it with the Democratic ticket before you answered the question as to the color of that Democratic ticket?
A. In order to make a correct answer.

And on re-examination, at the same page of the record, he says:

Q. Can you make plain white paper without the use of bluing?
A. No, sir.
Q. What are your politics?
A. First-class Republican.

That was the only one of the contestant's expert witnesses who testified that the paper was not plain white; and to meet his statement I put on the witness-stand the contestant's principal expert witness, Mr. C. B. Wing, who sold the paper, and he testified on that subject as follows (page 321):

Q. State if there is any indigo in that paper, or bluing?
A. There is not any indigo in it.
Q. What do you call it?
A. Ultramarine blue.
Q. Is there not some of that in it?
A. Yes, sir.
Q. What is it put in there for?
A. If we did not put some bluing in we could not get any color. If it was not for that it would be a regular yellow paper.
Q. What do you put that in for—to make it white?
A. Yes, sir.
Q. Can you tell from looking at that paper whether there has been bluing put in or not?
A. Yes, sir.
Q. You can tell it?
A. It would not get that color if we did not put some coloring in.
Q. What do you mean by saying it would not be that color?
A. It would be a regular buff tint. It is just like you have a shirt washed. If you do not have some bluing in it it will become yellow in time, and that is the reason they put bluing in paper; because it becomes yellow if you do not do that; in time it will turn perfectly yellow like a man's shirt.
Q. State if paper whitened by the use of bluing has a tendency to become yellow by the lapse of time and contact with air?
A. Yes, sir.
Q. Has that ticket the appearance of turning color some?
A. I could not notice it on this ticket. I saw a ticket that I noticed it on.

John Carlow, on cross-examination (pages 26 and 27), says:

Q. What is your politics?
A. I am a Democrat.
Q. How long have you been a Democrat?
A. I can not tell you.
Q. Born that way?
A. Born that way; yes, sir.
Q. Did you have any bet on the result of the Congressional election last fall?
A. I did after election day. The day after the election I bet one-half a box of cigars.
Q. Did you bet on Mr. English?
A. I did.
Q. Before the returns came in?
A. Yes, sir; before they came in.
Q. Is there any difference between this Democratic and National ticket that you have been talking about in the paper?
A. Yes, sir; there is a little difference.
Q. What is the difference?
A. The Democratic ticket is on a little bit better paper than the National ticket.
Q. What kind of paper is that?
A. That is book-paper.
Q. Plain white paper, is it not?
A. Yes, sir.
Q. Now take the Republican ticket and say what is the difference between that and the Democratic ticket.
A. The difference is, one is book-paper and the other is plate-paper.
Q. The Republican ticket is plain white paper?
A. Yes, sir; plain white plate-paper.
Q. And the other is plain white book-paper?
A. Yes, sir,

Enos B. Reed, on cross-examination (page 111), says:

Q. That is paper, then, is it not?
A. Even a blank card is paper.
Q. That Republican ticket is printed on paper?
A. Not in the general acceptation of the phrase.
Q. It is paper, is it not?
A. I presume it is. It may be straw; even paper is made from straw and printed on.
Q. That is paper, is it not?
A. Yes, sir; I suppose it is.
Q. The color of the ticket is plain white?
A. Yes, sir.

C. S. Butterfield, on cross-examination (page 127), says:

Q. It is paper?
A. Western plate-paper.
Q. It is plain white paper?
A. Yes, sir.
Q. Where is your place of business?
A. 36 West Washington street.
Q. Just in stationery, are you?
A. Printing and stationery.

C. B. Wing, being the party who sold the paper to Mr. Hasselman, on cross-examination (pages 131 and 132), says:

Q. Do you know what plain white paper is?
A. I think I could tell a sheet if a man would hand me one.
Q. Is there more than one kind of plain white paper?
A. Yes, sir; there are forty different kinds. I think I could enumerate forty.
Q. If a man would come to you and want to buy plain white paper, would you know what the man wanted without interrogating him?
A. I would ask him what kind of plain white paper he wanted.
Q. What is plain white paper?
A. There are different kinds of that. There is plain white news-paper, plain white book-paper, plain white tub-size, and plain white writing-paper, and I could enumerate many more.
Q. Is that paper upon which the Republican ticket is printed plain white paper?
A. It is plain white plate-paper.
Q. Is not that as equally plain white paper as the book-paper upon which the Democratic ticket is printed?
A. I would call that Democratic ticket white book-paper, and this Republican ticket I would call white plate-paper.
Q. And print paper you would call plain white print paper?
A. I would say white print. I don't know as I would use the word "plain."
Q. If one is plain white paper the other is plain white paper equally.
A. Well, yes; I don't know but it is.
Q. What is it that makes plain white paper; what is plain white paper?
A. You can make plain white paper out of a good many things; you can make it out of wood and rags.
Q. That Republican ticket is printed on paper, is it not?
A. Yes, sir.
Q. And it is plain white, is it not?
A. Yes, sir.
Q. And if the Democratic ticket, which is printed on plain white book-paper, is plain white paper, the Republican ticket, which you say is printed on plain white plate-paper, is equally plain white paper, is it not?
A. I would call it white paper, or white plate-paper.

W. O. De Vay, on cross-examination (page 16), says:

Q. Are you a Democrat?
A. I am.
Q. Is that Republican ticket that you made part of your evidence—is it on paper?
A. It is plate-paper.
Q. Is it card-board, or is it bristol-board, or is it paper?
A. It is plate-paper.
Q. What is the color of that ticket?
A. It is white.
Q. Is it plain white or tinted?
A. It is plain white.

William B. Burford, on cross-examination (pages 22–24), says:

Q. You are a Democrat, I believe, in politics?
A. I am, sir.
Q. If I remember rightly you had no bet on the last election at all as to the result between Mr. English and myself?
A. No, sir; I never bet on elections.
Q. I will hand you the Democratic and National tickets, which have been introduced as a part of the evidence of Mr. De Vay, and I will ask you to state if there is any difference between the kind of paper that these two tickets are printed on?
A. Well, I think there is a slight difference.
Q. I will ask you to state what that difference is.
A. One is a little better grade of book-paper than the other.
Q. Are they both printed on what is known as book-paper?
A. They are.
Q. Is it plain white paper?
A. It is.
Q. I now hand you the Democratic and Republican tickets identified before and ask you to state the difference between those two tickets.
A. One is printed on book-paper and the other is printed on plate-paper.
Q. Are they not both printed on plain white paper?
A. They are, so far as white goes, if you do not qualify.
Q. The only difference being one is what is known as "book" and the other is what is known as "plate" paper?
A. Yes, sir.

Silas T. Bowen (page 36) on cross-examination, says:

Q. State if the material upon which this Republican ticket is printed and upon which the Democratic ticket is printed are not both paper manufactured the same way.
A. I suppose they are.
Q. State if the color of the Republican ticket is not plain white.
A. It would be regarded as plain white.

Edwin L. Hastings (page 37) on cross-examination, says:

Q. Where are you now employed?
A. Mr. William B. Buford's.
Q. The same gentleman who testified here the other day?
A. I do not know.
Q. That Republican ticket that you have been talking about—I will ask you to state if that is paper.
A. Yes, sir.
Q. What is the color of the ticket?
A. White.
Q. Is it plain white?
A. Yes, sir.
Q. Is not that a plain white ticket?
A. Yes, sir; plain white paper.
Q. I will ask you if that is not a printed ticket?
A. Yes, sir.
Q. I will ask you if that ticket is not printed on plain white paper?
A. Yes, sir.
Q. And you have been engaged in the business how long?
A. Thirty-five years.
Q. You have had the handling of all kinds of paper?
A. Yes, sir.
Q. Were you not formerly employed by the Journal Publishing Company?
A. Yes, sir.
Q. And you have an extensive acquaintance with the different qualities and kinds of paper?
A. I think so.
Q. I understand you to say that you have known tickets voted at elections to be printed on paper like that?
A. Yes, sir; I know of one election where they were printed just exactly like this—fully as heavy, I think.
Q. How long ago was that?
A. I do not recollect that.
Q. About how many years?
A. Four or five or six years ago. It seems to me it was the election before this one; I am not sure. I know we printed the ticket and it was printed on heavy paper.

Now let us examine the evidence of the contestee on this subject of the paper, and first let us see what a paper manufacturer has to say:

Henry Salisbury, being first duly sworn, testified (pages 276, 277) as follows:

Q. State your age, name, and residence.
A. Henry Salisbury; age, 63; residence, Indianapolis, Ind.
Q. How long have you resided in Indianapolis?
A. I have been here since 1869.
Q. What business are you engaged in?

A. Paper manufacturing.
Q. What is the name of your firm?
A. The Salisbury and Vinton Paper Company.
Q. Have you been in that business since you have been in this city?
A. Yes, sir.
Q. What business were you in prior to that time?
A. Before I came here I was in the same business.
Q. Where were you engaged in that business?
A. Springfield, Mass.
Q. Engaged in the manufacturing of paper in Springfield, Mass.?
A. Yes, sir; my mill was not there, but I resided there, and did business there.
Q. Were you ever engaged in the business of paper dealing?
A. Yes, sir.
Q. How long were you engaged in that business?
A. Nine years.
Q. What kind of paper did you handle as a dealer?
A. Nearly all grades of paper—fine papers and coarse papers.

* * * * * * *

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A, to the deposition of C. F. Holliday, and I will ask you to take that ticket and examine it carefully, and state what kind of paper it is printed on, if you can.
A. I should call that a "book" paper.
Q. About what weight would you call that, say 19 by 24, five hundred sheets to the ream?
A. I should think about forty pounds.
Q. About forty pounds—19 by 24?
A. Somewheres about that; I can not tell it exactly.
Q. Take its size, 25 by 38, five hundred sheets to the ream, and how much more would it weigh than that?
A. Nearly twice as much more.
Q. You think about eighty pounds?
A. About eighty pounds.

* * * * * * *

Q. I will ask you to state, when that paper is in sheets 19 by 24 or 25 by 38, what it is known as in the trade?
A. It is known as "book" paper.
Q. What is the color of that paper—I mean those tickets voted in 1882?
A. It is what they call white paper.
Q. Is it, or not, plain white paper?
A. I should say it was plain white paper.

Calvin L. Divine, being first duly sworn, testified (pages 197, 198) as follows:

Q. Your name, age, and residence?
A. C. L. Divine; age, 51; residence, Indianapolis.
Q. What is your occupation?
A. I am a printer.
Q. What particular position do you occupy as a printer?
A. I am superintendent of the Daily Journal.
Q. How long have you been in that position?
A. About ten years.
Q. Are you familiar with the different qualities and grades of paper?
A. Well, yes; somewhat.
Q. Take that ticket headed "Republican ticket," and marked as Exhibit A, to the deposition of Mr. Holliday, and state whether or not you ever saw that ticket, or one similar to it, before.
A. I do not know; I suppose it is the ticket that was voted last fall.
Q. In 1882?
A. Yes, sir.

* * * * * *

Q. What is the color of that ticket?
A. White.
Q. Is it plain white?
A. Plain; it is not calendered.

N. R. Ruckle, being first duly sworn, in his direct examination testified (pages 204 and 205) as follows:

Q. State you name, age, and residence?
A. N. R. Ruckle; age, 45; residence, Indianapolis, Ind.
Q. What business are you engaged in?
A. Printing.
Q. How long have you been engaged in that business?
A. I suppose, altogether, twenty-three or twenty-four years.
Q. What particular position do you hold just now?
A. I am superintendent of the Journal Company.

* * * * * * *

Q. Please examine that Republican ticket voted in this city in November, 1882, and state what material that ticket is printed on, if you know?
A. That is paper.
Q. What is it called?
A. I know what it was sold for by the man who sold it; it is supposed to be a cheap kind of plate-paper—is what it was sold for.
Q. Is it a heavy or light grade of plate-paper?
A. A light grade of plate-paper.
Q. State what that is known as in the trade.
A. That is a pretty hard question for me to answer. A plate-paper ought to be sized a little more on one side than the other. A regular plate-paper, as it comes out of the mill, is sized more on one side than the other. This appears to be sized on both sides about alike. It is about the quality of heavy white book, extra material, sized and calendered both.
Q. State whether that is not plain white paper.
A. It is white paper. I do not know what you call plain white, because every paper in the trade has some name to it, and has some way or other to distinguish it; and if you would ask a man for plain white paper he would not know what you wanted.
Q. Unless you would ask another question?
A. He would ask what you wanted to use it for—a book or something else.
Q. Is it a fact or not that you would not be able to tell what a man wanted if he should come to you and ask simply for plain white paper?
A. If he would ask for plain white paper we would ask him what quality.
Q. Is it or not a fact that print, book, flat, and plate paper is plain white paper if it is not tinted or ruled?
A. We call everything white paper that is not tinted or ruled.

L. G. Dynes, on cross-examination (pages 209 and 210):

Q. There lies before you on the table, just in the order in which Mr. Peelle called your attention to them now, the Republican ticket voted in 1882 by the Republicans, as Mr. Peelle stated, and the ticket headed "Democratic ticket," voted in 1882, as Mr. Peelle stated, and four other tickets, one a National ticket, voted at the Garfield Presidential election, and one of them a Democratic ticket with a flag at the head of it, &c. Do I understand you to say that those are all made on the same kind of material?
A. No, sir; I did not say that.
Q. Did you say that they were all known in the trade as plain white paper?
A. That is the way I know them. That is the way I understand them to be known. If they were all shown to me, as they are, in a lump, I should say they were plain white paper.
Q. Why do you say that?
A. Because they are white, and because they are paper, and because they are not ruled.
Q. Simply because they are white, and simply because they are plain and unruled, and simply because they are paper.
A. And made substantially of the same material.

Robert W. Cathcart, being first duly sworn, in his direct examination testified (pages 290 and 291) as follows:

Q. State your name, age, and residence?
A. Robert W. Cathcart; 40 years; residence, Indianapolis, Ind., for the last three years.
Q. What is your business?
A. The book business.
Q. How long have you been in that business?
A. Since 1856, except during three years in the Army.
Q. Have you been employed or engaged in this city in that time?
A. Yes, sir.
Q. What kind of books or papers do you handle?
A. Well, we handled the first two or three years—I was clerk then; part of that time I have been in business for myself.
Q. Are you familiar with the different qualities of book-paper?
A. Not with all qualities, because I usually handle—when I do handle them—only the cheaper goods. That is, when I was with Merrill, some years ago.
Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to examine it carefully and state the kind of paper that that ticket is printed on, if you know.
A. I should say it was a cheap book-paper; we have had what we call a No. 2, that has wood in it; I suppose this is about the same grade of book.
Q. Have you any paper in books in your establishment as heavy or heavier than that?
A. Yes, sir; in the finer grade of books, most all our books are heavier paper; this, I suppose, is used mostly for subscription books.
Q. Have you paper in books in your establishment heavier than that?
A. Yes; I would say most of our Christmas books are heavier than that; but they are finer books—finer stock.
Q. Have you made an examination and examined that paper in connection with books in your establishment?
A. I have examined the weight of it; we have some paper that is almost as heavy as cardboard in our Christmas books and illustrated books; the finer goods are upon heavier paper.
Q. I mean a book in which there is printed matter; not the illustrations.
A. We have both—illustrations and the poem itself; for instance, where they want to make a thick book and only put in one poem.
Q. How much thicker is the paper you have in some of those books than this?
A. It varies a good deal; some is twice as thick as this and some thicker; that is determined by the publisher.
Q. Have you writing-paper in your establishment as heavy as that?
A. Yes; I should think it was quite as heavy as this.
Q. Did you examine some writing-paper to see if it was as heavy as this?
A. Yes, sir; it is what we call 80-pound, but I am not able to say what the weight of this is; but we have what we call our 80-pound cream laid, and it is as heavy, and I should think heavier, than this; it is the finest paper we handle.

W. O. Anderson, being first duly sworn, testified, in his direct examination (pages 292, 293), as follows:

Q. State your name, age, and residence.
A. W. O. Anderson; age, 44; residence, Indianapolis, Ind.
Q. State your business.
A. Wholesale paper business.
Q. Have you any one with you?
A. Yes, sir.
Q. What is the name of the firm?
A. It is the Hubbard & Anderson Paper Company, 127 S. Meridian street.
Q. How long have you been engaged in that business in this city?
A. About five years.
Q. How long have you been engaged in the paper business?
A. Something over twenty years.
Q. How long have you been engaged in the manufacture of paper?
A. Yes, sir; over eight years.
Q. Whereabouts?
A. In Richmond, in this State, and in Columbus, Ohio; also in Clifton.
Q. What grade of paper do you manufacture?
A. We manufactured news-paper principally, what we call "news" and manilas.
Q. Did you manufacture book-paper?
A. I was connected with a mill as book-keeper that manufactured book-paper.
Q. Are you familiar with the different grades of paper?
A. Yes, sir.

* * * * * * *

Q. I now hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to take that ticket and examine it, and state the kind of paper upon which that ticket is printed.
A. I should say it was a medium grade of book-paper.
Q. As to the number?
A. It is what we call No. 2.
Q. What is the weight, probably, per ream of that paper—size 19 by 24 and 25 by 38, respectively?
A. In 19 by 24 I should take it to be about a 40-pound paper, and just about double that in the other size.
Q. You think it would be about an 80-pound paper in 25 by 38?
A. Yes, sir.

John B. Conner, being first duly sworn, testified in his direct examination (page 336) as follows:

Q. State your name, age, and residence.
A. John B. Conner; I am 53 years old; I reside at No. 360 Park avenue, in this city.
Q. How long have you resided in this city?
A. Since 1874.
Q. Did you ever occupy any official position in this city or State?
A. Yes, sir; I have been in the Legislature one session and in the department of statistics two years.
Q. Chief of the bureau of statistics in the State?
A. Yes, sir.
Q. What business are you engaged in now?
A. Newspaper business.
Q. What paper?

A. Indiana Farmer.
Q. An agricultural paper?
A. Yes, sir.
Q. How long have you been connected with that?
A. Ever since 1874, in July.
Q. In your business as chief of the bureau of statistics in this State and in the publication of the Indiana Farmer have you purchased much paper?
A. Yes, sir; considerable.
Q. Are you familiar with the different kinds of papers?
A. Tolerably.
Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Holliday. Take that and examine the paper upon which it is printed and state what kind of paper it is, if you know.
A. Well, that is a heavy and extra-sized quality of No. 2 book-paper, I should say.
Q. Have you ever seen that paper before to-day?
A. I expect I voted it.
Q. Did you attend the Congressional election in this city in 1882?
A. Yes, sir.
Q. Did you see that ticket there?
A. I think that is the ticket.
Q. Did you examine the ticket that day?
A. Yes, sir; a casual examination.
Q. What is your judgment, then, as to the quality of paper; the same as now or different?
A. I thought it was a heavy quality of book-paper.
Q. I hand you now a book entitled "Memorial address on the life and character of James A. Garfield, President of the United States, by James G. Blaine, February 27, 1882." I will ask you to examine the plate in the front part of that, upon which is engraved the picture of General Garfield, and I will ask you to examine that paper and say what kind it is.
A. That quality of paper I never had much to do with or had occasion to use it much. It is about the thickness of plate-paper, and it is not finished so much.
Q. Is not that paper used for lithographic-plate purposes?
A. Usually; although that lithographic plate is not so highly calendered.
Q. Is it or not lithographic plate; and if so, what kind?
A. Yes; lithographic plate. There is a character of paper that is used almost exclusively for that work, but I am not very familiar with that quality of paper.
Q. You are more familiar with the different qualities of book-paper than anything else?
A. Yes, sir.
Q. What is the character of the paper in that book you have in your hand upon which the printed matter appears?
A. It is what printers call book-paper.
Q. Is it a better, inferior, or medium grade, compared with the ticket you have in your hand.
A. I think it is rather better finished than the ticket I have; or, perhaps, I might say, higher calendered.

Samuel Merrill, being first duly sworn, testified in his direct examination (page 333) as follows:

Q. State your name, age, and residence.
A. Samuel Merrill; I am 52 years old, and I reside in Indianapolis, Ind.
Q. What is your business?
A. Bookseller and paper dealer.
Q. How long have you been in that business?
A. More than thirty years.
Q. In this city?
A. Yes, sir.
Q. Do you wholesale or retail, or both?
A. Both.
Q. What is the name of the firm, if you have any partners?
A. Merrill, Meigs & Co. is the name of the firm.
Q. You deal in books as well as stationery?
A. Yes, sir.
Q. Law-books?
A. Yes, sir; all kinds of books I suppose you might say.
Q. Were you in this city at the time of the Congressional election in 1882?
A. Yes, sir.
Q. Did you attend the same?
A. Yes, sir.
Q. What precinct and ward?
A. In the second precinct of the second ward.
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to take that ticket and examine it and tell me if you have seen or examined the paper upon which that ticket is printed or similar one before?
A. Well, I have examined a similar ticket to this.
Q. I will ask you to state from your experience in business what kind of paper that ticket is printed on?
A. The ticket is a very dirty ticket; have you a clean one there?
Q. I will take that ticket back and I hand you now a ticket headed "Republican ticket," and ask you to examine that ticket, and I ask you to state what kind of paper that ticket is printed on?
A. I would say that came as near a No. 2 book-paper as anything.
Q. What would you think that paper would weigh, size 22 by 28?
A. Our book-paper comes in different sizes from that.
Q. What size do they come in?
A. We use more book-paper 25 by 38 than anything else.
Q. Size 25 by 38, 480 sheets to the ream?
A. I should think that would be 70 to 75 pounds.
Q. I now hand you ticket headed "Democratic ticket," which is marked as Exhibit S, shown to Mr. Gordon, and I will ask you to state what kind of paper that is?
A. I would call it a very good quality of news.
Q. I will ask you if you have books in stock in your establishment with paper as heavy or heavier than the paper upon which the Republican ticket that I have shown you was printed?
A. Yes, we have as heavy, and we have some heavier. Let me feel that again (witness taking ticket); yes, we have some heavier.

Alfred D. Clarke testified (pages 348–349) on direct examination as follows:

Q. State your name, age, and residence.
A. Alfred D. Clarke; 45 years old; residence, 121 North Mississippi street, Indianapolis.
Q. How long have you lived in Indianapolis?
A. I came here the last time in 1871.
Q. How long have you lived in Indianapolis altogether?
A. I came here in 1857 and left in 1867, and came back in 1871.
Q. What business are you engaged in?
A. I am engaged in the book and stationery business—Bowen, Stewart & Co,
Q. What position do you occupy there?
A. I am head of the retail department.
Q. How long have you been in that business?
A. Twenty-odd years altogether.
Q. Has Mr. Bowen been one of the proprietors of that establishment all the time?
A. Yes, sir.
Q. That is S. T. Bowen?
A. Silas T. Bowen.
Q. You are a Republican, I believe?
A. I am, sir.
Q. Do you handle paper down there in your establishment?
A. We handle papers, but my department is such that I do not have anything to do with paper; at one time I did handle paper very largely, and knew more about it than I do now.
Q. Could you tell a piece of white paper if you saw it—as to what kind of paper it was?
A. I could not as an expert.
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday; and I will ask you to take that ticket and examine the paper upon which it is printed, and tell me from your knowledge and experience in the business what kind of paper that is, if you can.
A. I should consider that paper a book-paper.
Q. What grade of book?
A. An inferior grade of heavy book-paper.
Q. Have you books in stock in your establishment containing paper as heavy or heavier than that?
A. Yes, sir; we have.
Q. What class of books?
A. Two classes of books. We have a class of books made by Houghton, Mifflin & Co.—the Riverside Press—that contains some paper as heavy as this, although a better grade, and we have some books made by subscription men of a similar grade to this, lighter and heavier.
Q. Have you books in stock containing paper as heavy as that that is as fine or better finished?
A. We have a better finish.
Q. What class of books is that?
A. First-class books.
Q. Are they extraordinary books, or books that are kept in stock?
A. No, sir; they are usually kept in stock. They are made by the Riverside Press, by Houghton, Mifflin & Co., and a new edition—the subscription edition of Longfellow—is made on paper like this, but heavier and finer.

W. R. Holloway, being first duly sworn, testified in his redirect examination (pages 353, 354) as follows:

Q. State your age, name, and residence.
A. W. R. Holloway; 46 years old; residence, Indianapolis.
Q. How long have you lived in Indianapolis?
A. Since 1861.
Q. What business are you engaged in?
A. I am president of the Indianapolis Times Company.
Q. Is that a daily paper?
A. Yes.
Q. How long have you been engaged in the newspaper business?
A. Ever since I was 16 years old.
Q. As a printer and as a publisher of a paper?
A. Yes.
Q. Were you ever State printer in this State?
A. Yes.
Q. And had the buying and handling of paper?
A. Yes.
Q. What grades of paper?
A. I have bought all kinds of paper; particularly book and news paper.
* * * * * * *
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the Republican ticket voted at that precinct that day?
A. Yes. I guess that is.
* * * * * * *
Q. Is that such paper that is known in this city and State as a book-paper? (Objected to as leading.)
A. Yes.
Q. What is the color of that paper upon which the Republican ticket is printed?
A. They are both white paper.
Q. What kind of white paper; plain white?
A. Certainly, it is plain white. There are no water-marks on it, or anything of that kind on it.

J. G. Sexton, being first duly sworn, testified in his direct examination (pages 355 and 356) as follows:

Q. State your name, age, and residence.
A. J. G. Sexton; 85 West Michigan street, Indianapolis, Ind.; age, 30.
Q. What is your business?
A. Practical printer, and do a job-printing business, on the corner of Pennsylvania and Market streets.
Q. Are you engaged with any one?
A. John B. Jaques.
Q. How long have you been in the business?
A. Between four and five years.
Q. Are you familiar with the different grades of paper?
A. Yes, sir; with the different grades of paper used in the job-printing business.
Q. I hand you ticket headed "Republican ticket;" and I will ask you to take that and examine it, and state what kind of paper that ticket is printed on.
A. I would take that to be a heavy grade of No. 2 book-paper; a very good quality of No. 2 book-paper. That is, I mean very heavy weight; a very good grade of No. 2 book-paper.
Q. Is it sized and supercalendered paper?
A. Well, I think not; I should take that to be a sized and calendered paper.
Q. Are you familiar with plate numbers?
A. Well, not as familiar as I am with so-called book-papers.
Q. And from your knowledge of paper you would pronounce that a No. 2 book?
A. No. 2 book-paper, sized and calendered, as distinguished from a sized and supercalendered.

John B. Jaques, being first duly sworn, testified in his direct examination (page 360) as follows:

Q. State your name, age, and residence.
A. John B. Jaques; age 33; residence, 743 North Tennessee street, Indianapolis, Ind.
Q. What are your politics?
A. Well, until the township election of 1882 I was a Democrat. At the township election I voted the Republican ticket, with the exception of Luke Wal-

pool; I voted for him last fall. I voted the Republican ticket, and this spring I voted for all except one candidate.
Q. You were a Democrat?
A. Yes, sir, up to the last national election; including the last national election, I was a Democrat.
Q. You voted the Republican ticket in 1882?
A. Yes, sir.
Q. What is your business?
A. Printer.
Q. Are you in partnership with Mr. Seaton?
A. Yes, sir.
Q. How long have you been in the business?
A. I have been in the printing business for eighteen years.
Q. What kind of business?
A. Book and job printing. I have not been in it for myself that long, but I mean as journeymen, foreman, and proprietor.
Q. Are you familiar with the different grades of paper?
A. Well, mostly with the general run of paper.
Q. I hand you a ticket marked Exhibit No. 1 to the deposition of J. G. Sexton, and I will ask you if you will please take that and examine it and tell me what kind of paper it is?
A. It is calendered paper of some kind. The stock seems to be that which is generally used in book-paper, and it is a sized and calendered paper, or what would be called a No. 2 book.
Q. You would pronounce it a No. 2 book, from your experience in the business?
A. Yes, sir.

Frank H. Smith, being duly sworn, in his direct examination testified as follows (page 372):

Q. State your name, age, and residence.
A. Frank H. Smith; 30 years old; residence, Indianapolis, Ind.
Q. What is your business?
A. Printer.
Q. Are you carrying on business for yourself?
A. Yes, sir.
Q. What is it?
A. Jobbing establishment.
Q. How long have you been in that business?
A. About five years for myself.
Q. Are you familiar with the different grades and qualities of paper?
A. Yes, sir; in general use.
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Holliday, and I will ask you to take that ticket and examine it and state what kind of paper that ticket is printed on?
A. It looks to me like it was a heavy book-paper more than anything else; I thought it might possibly be a light card-board, and that is the reason I lit it.
Q. What kind of paper is it?
A. It is rather peculiar book-paper; different from any we use.
Q. What grade of book-paper would you call it?
A. I would call it No. 2 book-paper. It is very heavy paper, of course; sometimes paper is used a little heavier than that in books, but very seldom that heavy. It resembles plate-paper a little, but it has not got the body to it, and has not got high enough finish for that. That is about the only thing I can make out of it. It does not tear like card-board or anything like that, and it does not burn like it.
Q. Does it tear like plate-paper?
A. No, sir; it is not strong enough for that; it might be made for that; it may be an inferior quality of that, but it looks more to me like book-paper than anything else.

E. W. Halford, being first duly sworn, in his direct examination testified (page 399) as follows:

Q. State your name, age, and residence.
A. E. W. Halford; age, 40; residence, Indianapolis, Ind.
Q. State your business.
A. I am managing editor of the Indianapolis Daily Journal.
Q. That is regarded as the leading Republican paper in the city, is it not?
A. I suppose it may be so taken as one of the leaders.
Q. How long have you been in journalism?
A. About twenty years.
Q. Were you ever in a job-printing establishment?
A. Yes, sir.
Q. How long were you connected with a job-printing establishment?
A. I have been in the printing business ever since I was 13 years old.
Q. Been in the job-printing business?
A. In the job and printing business up until the time I went on the Journal, about twenty years ago.
Q. Are you familiar with and have you handled the different kinds of paper used in book printing?
A. I was at that time; I had charge of a job office for some time.
Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit No. 1 to the deposition of J. G. Sexton; and I will ask you to take that and examine it, and state if you know what kind of paper that ticket is printed upon?
A. I should say that was a heavy book-paper.
Q. What grade of book-paper would you call that?
A. I would hardly know now, because it has been a long time since I handled book-paper. I would not know just what grade.
Q. By number can you tell?
A. I can not tell that.
Q. It is a heavy grade of book-paper?
A. Yes, sir.

And now, Mr. Speaker, in addition to that, I placed the three principal expert witnesses of the contestant on the stand in my own behalf, and let us see what they have to say on this subject; and first let us examine the man who sold the paper.

Mr. C. B. Wing (page 320) on direct examination says:

Q. What kind of paper is that?
A. It is what I would call Western plate-paper.
Q. Are there any book-papers manufactured similar to that plate-paper you spoke of?
A. In my testimony the other day I gave that.
Q. (Question repeated.) Whether or not there are any book-papers made that are similar to that Western plate-paper?
A. My testimony was the other day that we made this paper, if I can recollect right, out of the same stock that we made plate-paper of.
Q. Book-paper, you mean?
A. Yes, sir, book-paper; but we take more pains in making a Western plate sheet than book. It is all made out of the same class of goods, and with the printer it would not make so much difference if the sheet was thin. It don't vary very much; but where it was used by lithographers it would, and for that reason we took the pains with it that we did. That was my testimony the other day.
Q. State if there are book-papers made by Chatfield & Woods as heavy as that or heavier?
A. Yes, sir.
Q. If book-papers are made as heavy as that, I will ask you to state what difference there would be, then, between that paper and the book-paper?
A. Only just a difference of quality; there would be no difference in the weight or make, only that we should take more pains in making the plate.

And here is what Mr. William B. Burford (page 40) says:

Q. Is it calendered on both sides alike?
A. It is intended to be.
Q. I will ask you to state what the difference is between that paper upon which that Republican ticket was printed and book-paper of like weight?
A. I do not believe I could say there was any difference; not if they were of like weight.
Q. That is what I mean, like weight paper.
A. Identically the same weight.
Q. Would there be any difference between a book-paper of the weight of the paper upon which that ticket is printed in the finish?
A. It would depend a good deal upon the class of book-paper you are comparing it with.
Q. Book paper of a weight equal to the paper upon which that Republican ticket was printed; what would be the difference, if any, in the finish?
A. There might be considerable difference and there might not be any. It might be a highly-finished book-paper, equal to that of plate-paper; also, it might be an ordinary finish, which would not be equal to that of plate.
Q. State whether, as a matter of fact, book-paper is finished as highly as the paper upon which that Republican ticket is printed.
A. It is sometimes.

And here is what W. O. DeVay (at pages 374 and 375 of the record) says:

Q. I hand you a ticket headed "Republican ticket" and marked Exhibit No. 1 to the deposition of James C. Yohn, and I will ask you to take that ticket and examine it and state if that is a same kind of paper that you pronounced plate-paper in your examination in behalf of the contestant?
A. It is.
Q. I will ask you to state what difference there is between the paper upon which that Republican ticket is printed and a book-paper of the same weight?
A. Well, there is no difference, the book-paper being made the same weight as this. A book-paper can be made this way, but it would be an extreme weight of book-paper and it has got to be a very hard finish. They could make what they call a No. 2 book that had the finish of that and they could make it the same weight—that is, a No. 2 book-paper. The fact of it being No. 2 book would make it not like this paper. It would lack the finish of this paper, although it would have the weight.
Q. My question was as to the difference between that paper upon which the Republican ticket was printed and a book-paper of like weight in the finish.
A. There would not be any, or if any, but very little. They aim to make this paper, which they call Western plate—they aim to make it finished harder on one side than it is on the other.
Q. Is it or not finished harder upon one side than the other?
A. Very often it is and very often it is not.
Q. The paper upon which that Republican ticket is printed?
A. That paper does not show but very little difference.
Q. Would not that fact be one evidence of it being book-paper?
A. The only way you could get at that would be to find out the size that paper was made. The size would have a good deal to do with whether it was book or plate of the same kind and finish.
Q. Suppose it were size 25 by 38?
A. If it was a size 25 by 38, and weighed sufficient, it might be called book-paper, because that is a book-paper size.
Q. Then I understand you to say that the size of the paper determines whether it is book or plate paper oftentimes?
A. Very often the size and weight.
Q. State whether or not a book-paper, maybe, of the same weight of the paper upon which that Republican ticket is printed is or is not finished on both sides alike?
A. Book-paper?
Q. Yes, sir.
A. Yes, sir; a book-paper, of what we call supercalendered book-paper, has the same finish on one side as it has on the other; both sides are finished alike.
Q. State, now, what difference, if any, there is between the finish on the two sides of the paper upon which that Republican ticket is printed.
A. Very little, if any.
Q. Can you discern any difference in the finish?
Mr. WILSON. You mean that is just what he has in his hand.
Mr. PEELLE. Yes, sir; that is just like all the rest of them.
A. The difference is so little, if any, I would not want to go on record as saying what it is.

By that testomony it will be seen that contestant's principal expert witnesses in the main agree that the material upon which the Republican ticket was printed did not differ materially from book-paper of like weight, and the House will notice in the testimony of Mr. De Vay, above quoted, that he fully corroborates Mr. O. H. Hasselman (who purchased the paper and printed the tickets) when he says (speaking of the difference between so-called Western plate-paper and book-paper) "the only way you could get at that would be to find out the size that paper was made." Mr. Hasselman, contestee's witness, testified that the size was 19 by 24, and that that was the only thing that designated it as plate-paper; and he further says that that size enabled him to print sixteen tickets from each sheet without waste. (Record, pages 427 and 428.)

And now, Mr. Speaker, I have given you the testimony of the expert witnesses on the subject of the paper, and from that you must agree that while the burden of proof is upon the contestant, the contestee has the preponderance of evidence on his side on this subject. But, Mr. Speaker, what does it all illustrate, but the wisdom of the Legislature in avoiding the particular quality of paper upon which the ballots should be printed. I apprehend that this House will not need the aid of expert witnesses to determine this question. The supreme court of California has passed upon this very question in the case of Kirk *vs.* Rhoades (46 Cal., 398), which I will read:

A ballot cast by an elector at an election should not be rejected simply because

it differs from the regulations prescribed in the act in matters over which the elector has no control, such as the size of the ballot, the kind of paper upon which it is printed, or the character of type or leading used in the printing.

But, Mr. Speaker, my colleague [Mr. LOWRY] has taken a novel position on this floor, if I correctly understood him, which was that if this Republican ticket had not been designed to mislead or perpetrate a fraud upon the electors, he then agreed with the gentleman from Vermont [Mr. POLAND] that the tickets would be legal, &c., but if designed for fraud, then the ticket was an illegal one, and to reach the latter conclusion my colleague assumed that the ticket was designed for fraud, and therefore illegal; but I challenge my colleague or any one else on this floor or elsewhere to point to a line of testimony to the effect that the ticket was designed and gotten up for fraudulent purposes.

One witness testified that on the day of the election he expressed the opinion that the ticket was a fraudulent ticket and gotten up for fraudulent purposes; but that was the opinion simply of one man, and he was forced to admit that he did not know of any one who had been misled or in any way deceived on account of the ticket. There is absolutely no proof whatever in the record that these tickets deceived or misled any one. No one was put upon the witness-stand who so testified. The ticket must stand or fall by the statute. It is either a legal ticket or it is an illegal ticket. It matters not what the purpose may have been in the issuance of the ticket, its legality must be measured by the statute alone.

There is no evidence in the record that this ticket was intended to perpetrate a fraud upon any elector, and I assert that there is nowhere in all this record a line of evidence that any fraud was perpetrated by its use. The tickets were voted without objection, received without objection, and counted without objection, and to disfranchise the persons who voted the ticket would be a crime against the ballot-box. But let me read you some of the testimony on this point, so that the House may know what objection was made to the use of this ticket, and as to who was misled or deceived in voting on account of it. I will first read from the testimony of the Democratic precinct election judges; and first—

David Turpie (page 3):

Q. I will ask you to state if you know any one who was misled in voting in consequence of the ticket that was voted for Mr. Peelle at that precinct?
A. No; I do not know of any one who was misled.
Q. State if you know of any one who objected to this ticket for any reason as destroying the secrecy of the ballot at that precinct.
A. No. I could not give the name of any one who did so. I have heard a good deal of comment upon the ticket by outsiders on the election day, and a great deal afterwards as to its character—comment in the way of objections.
Q. You know of no one who objected to it as destroying the secrecy of the ballot?
A. No. I do not recollect any one having objected to it on the election day. Afterwards it was objected to very much, and some of the objectors put it upon that ground.
Q. State if you know of any one who voted this ticket that would have voted differently had it been printed on the same kind of paper that the Democratic ticket was printed on.
A. No; I do not know that I do. I do not think of any one now.

Re-examination by Mr. WILSON:

Q. During the day of the election, and during the hours that the voting was going on, where were you?
A. I was in a small room at the engine-house, in which votes were received through an open window.
Q. You were acting as one of the judges?
A. Yes, sir.
Q. And in that room?
A. Yes, sir. I was a member of the election board, and staid in that room all the time. There was no adjournment from the time the polls opened until they were closed.

Recross-examination by Mr. PEELLE:

Q. State whether or not during that day any one complained to the board about the character of the ticket voted for Mr. Peelle.
A. No one complained to the board about the character of the ticket.

Franklin Landers (page 34):

Q. Did any one come to the window and complain to the board of judges about the character of the Republican ticket?
A. No, sir.
Q. How many Democrats voted there that day?
A. I do not recollect; there was about 100.
Q. And there was no complaint about the character of this ticket, in any way, to the board of judges?
A. No, sir.
Q. What is your politics?
A. I am a Democrat.

W. F. Christian (page 56):

Q. I am not asking you about anything except these Republican tickets. I am asking you if any complaint was made to the board by any one about the character of these Republican tickets?
A. No, sir. No outsider made any complaint. They were all talking about it; the challengers outside.
* * * * * * *
Q. Do you know of any one who was misled or deceived in voting at that precinct on account of the Republican ticket being printed on that kind of paper?
A. No, sir; I believe not, at present.
Q. Do you know of any one who would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?
A. I don't know that I do.
Q. Were you there when they were counted?
A. Yes, sir.
Q. Did you find Republican tickets that had been folded together and two tickets voted by any one person?
A. I don't think I did last year; I do not remember now.
Q. Then there was no double voting at that precinct?
A. I don't think there was.

John Johnson (page 58):

Q. Was there any complaint made to the board by any one upon the outside as to the character of the Republican tickets?
A. There was some comment upon it.
Q. Was there any complaint?
A. No, sir; I do not think there was.
Q. Do the Democrats have a majority in that precinct?
A. I think they have a small majority.
* * * * * * *
Q. Do you know of any man who voted that day who voted more than one ballot?
A. No, sir; I do not.
Q. You heard of no such thing?
A. I did not hear of anything like that.

James W. Harper (page 65):

Q. Now, as one of the judges of that election, I will ask you to state if any one complained to the board as to the character of the Republican ticket voted at that precinct?
A. I do not think any formal complaint was made to the board, and yet there were frequent remarks made by bystanders, as that the Republican ticket was on heavy pasteboard paper, or like that.
Q. There was no complaint made to the board by which those tickets were sought to be prevented from being voted?
A. There was not the slightest objection made by anybody to receiving those tickets, and so the board received them and counted them.

Jackson Landers (page 70):

Q. I will ask you as a matter of fact if you know of any voter at that precinct who did distinguish the Republican from the Democratic ticket?
A. As a matter of fact I could not say that I did.
Q. Do you know of any one who was misled or deceived in voting at that precinct in consequence of the Republican ticket being on the material it was?
A. My recollection is that we found in the box one ticket of this Republican ticket with the Democratic ticket pasted right over it and voted that way—pasted right over the Republican ticket on the face of it.
Q. That would make the ticket still heavier?
A. Yes, sir.
Q. Do you know who voted that ticket?
A. No, sir.
Q. Do you know of any one that would have voted differently had the Republican ticket been upon the same kind of paper that the Democratic ticket was printed on?
A. I don't.
Q. Was there any complaint made to you, or to the board, I should say, about the character of the Republican ticket on that day?
A. No, sir; not that I remember of.
Q. State if the ballots were all counted there by the board without objection from anywhere.
A. They were all counted except one ballot.
Q. Without objection?
A. Without objection. There was one Democratic ticket thrown out.

W. F. A. Bernhamer, in his cross-examination, testified (page 107) as follows:

Q. You are a Democrat and a Democratic member of the aldermanic board?
A. Yes, sir.
Q. And you were a member of the council as a Democrat?
A. Yes, sir; I have always been a Democrat.
Q. You were one of the judges at that precinct in ward No. 22?
A. I was the Democratic representative of the ward on the board.
Q. Do you know of anybody who was misled or deceived in voting in consequence of the Republican ticket being on the character of paper it was?
A. I can not say that I do.
Q. Do you know of anybody who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was?
A. I know of no particular instance.
Q. Was there any complaint made to the board by any one about the character of the Republican ticket?
A. I will not be positive on that question. I know that the matter was talked of among the Democratic workers.
Q. You remember of no complaint being made to the board?
A. No, sir.
Q. Were those Republican tickets at your precinct counted without objection or protest?
A. They were counted.

Michael Clune, in his cross-examination, testified (page 168) as follows:

Q. You were Democrat judge on the board that day?
A. Yes, sir.
Q. Was there any complaint made to the board that day by any one, and if so by whom, concerning the Republican ticket?
A. I did not hear any.
Q. Were those Republican tickets counted without objection?
A. They were counted; yes, sir.
Q. Anybody object to it?
A. There was nothing said to the inspector or judge as to their counting the tickets.
Q. That vote that day was an unusually large Democratic majority, wasn't it?
A. Yes, sir; it was unusually large that day in the ward in the whole thing.
Q. The whole Democratic majority in the twenty-fourth ward was unusually large?
A. Yes, sir.
Q. How much larger than usual?
A. That part of it I am not positive.
Q. Was there not one hundred more than it had been at any time before?
(Objected to as incompetent and immaterial.)
A. It was considerable larger, of course. That ward is growing; they will have to have some more wards down there. I believe in the twenty-fifth ward they ought to make three or four out of it the way it is growing.

John Maloney (page 49), and a most willing witness, says:

Q. Was there any complaint made by any one to the board of election there that day about the character of the Republican ticket that was voted?
A. They were all complaining about the quality of the ticket, and it was so much more remarkable than the Democratic ticket; the paper distinguished it.
Q. Was there any complaint made to the board of which you were a member about the character of that ticket?
A. They were complaining there outside.
Q. I am asking about the board. I am not asking about what occurred out-

side. Was there any one came to the board and complained about the character of this Republican ticket?
A. Yes, sir; they said it was not legal.
Q. Give the names.
A. I can not give the names. There were several parties there said that the ticket was not legal.
Q. Give the names of them.
A. I can not give you the names.

Those nine persons were the only Democratic judges examined by the contestant, notwithstanding there was one on each of the eighty precinct election boards in the county. And now here is what the Democratic clerks, who were examined by contestant, say:

Emmett L. Rose (page 42) another very willing witness and a volunteer:

Q. When you was down there as clerk at that precinct did any one come to the window and complain to the judges about the character of the Republican ticket?
A. Oh, there was no complaint, of course; they merely made the assertion.
Q. There was no complaint made to the board about this ticket being wrong in any way?
A. There was a good deal of complaint in so far as assertions.
Q. I am asking you about any complaint to the judges—to the board. Did any Democrat or Republican come to the board and make any complaint about that ticket; and, if so, who was it?
A. I am not positive as to that; I merely say that I heard them speaking about it. Different parties spoke of the ticket in a complaining manner.
Q. Give us the names of the persons you heard speak of that ticket in a complaining way.
A. I could not do it; there was so many there that I could not be positive. If I would tell you now and lay it to any certain man that made a complaint of that kind I would probably be mistaken as to the man.

Albert F. Ayers, on cross-examination (pages 52 and 53), says:

Q. What is your politics?
A. I am a Democrat.
Q. Was your attention at that time called to the difference in the tickets at all?
A. I think not; there was nobody spoke to me at that time.
Q. I will ask you to state whether or not any complaint was made to the election board by any one at the election last November, where you were clerk, as to the character of the Republican ticket?
A. I heard none.
Q. If any had been made to the board would you not have heard it?
A. I think I would; I was inside of the room all the time that the vote was going on, from the time the polls were opened in the morning until 6 o'clock in the evening, and then commenced counting.
Q. Could you distinguish that Democratic ticket from the Republican ticket?
A. You mean could I at that time from where I was?
Q. Yes, sir.
A. No, sir; I don't know that I could from where I was in the room; I could not tell it that far off.
Q. Could you distinguish the Republican ticket from the Democratic ticket two or three paces off, folded?
A. I do not know that I could; not two or three paces off.
Q. Do you know of any one who was deceived or misled in voting that day in consequence of the Republican ticket being printed on that kind of paper?
A. No, sir.
Q. Do you know of any one who would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on.
A. No, sir.

Elihu R. Payne (page 60):

Q. They were both plain white paper, were they not?
A. Yes, sir. One of them was heavier paper than the other. I saw tickets there with a kind of a glazed appearance, I thought.
Q. They were both plain white?
A. They were both plain white.
Q. The Democratic ticket would fly up very nearly as much as the Republican when it was lightly folded?
A. Well, I did not notice them particularly. They all laid out there together.
Q. You did not notice them particularly?
A. No, sir. You take that one thrown down, would fly up; that is, have the largest appearance, larger than the Democratic ticket; but they probably both looked the same.

Charles W. Gorsuch (page 122):

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?
A. Yes, sir.
Q. You acted as clerk in the interest of the Democratic party that day?
A. Yes, sir.
Q. Do you know of anybody who was deceived or misled in voting that day in consequence of the Republican ticket being on the kind of paper it was?
A. Well, I can not call to mind any one now.
Q. Do you know of any one who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was?
A. I can not say that I do.
Q. Was there any complaint made to the board that day about the character of the Republican ticket?
A. It was talked over there; that is, people would come to the window to vote, and there was one or two made remarks. I can not call them to mind now.
Q. Was there any complaint made to the board?
A. I would not know whether they were making complaints directly to the board or not, but when they were voting there was no less than two said that anybody could tell how they were voting. That was not a complaint direct to the board.
Q. Were those Republican tickets counted at that precinct without objection to the board?
A. Yes, sir.
Q. You have no knowledge about the different qualities of paper?
A. I do not know what you would call that Democratic paper or the Republican paper. I know it is white paper; I don't know the composition of it.
Q. It is plain white?
A. Yes, sir.

Florence Casey (page 149):

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?
A. Yes, sir.
Q. You were the Democratic clerk there?
A. Yes, sir.
Q. You don't know who put those pasters you spoke of in the box?
A. No, sir.
Q. You don't know how they got there?
A. No, sir.
Q. Were those Republican tickets counted without objection?
A. The Republican tickets were all counted; yes, sir.
Q. Without objection?
A. Yes, sir.

Charles Johnson (page 163):

Q. As I understood, you were the Democratic clerk there?
A. Yes, sir.
Q. In the interest of the Democratic party?
A. Always.
Q. Was there any objection made to the board that day about the character of the Republican ticket?
A. I do not know.
Q. Were you there all the time?
A. Yes, sir.
Q. You did not hear any?
A. No, sir.
Q. Was any objection made to the counting of the Republican tickets?
A. No, sir.

Dorman N. Davidson (page 166):

Questions by Mr. PEELLE:

Q. Any complaint made there to the election board that day of which you were a member about the Republican tickets?
A. To the board?
Q. Yes, sir.
A. I do not know of any made to the board.
Q. That is all I am asking you about. Were the tickets counted by the board without objection?
A. All the tickets were counted except two tickets.
Q. Was there any objection to the counting of the Republican tickets because of their being on the kind of paper they were?
A. No, sir.
Q. Two tickets you spoke of not being counted; were they found folded together?
A. They were two tickets folded one inside of the other.
Q. And they were not counted?
A. They were thrown out.
Q. You are a Democrat?
A. Yes, sir.

Questions by Mr. WILSON:

Q. You say those tickets were thrown out?
A. They were not counted there.
Q. Were they Democratic tickets or Republican tickets?
A. Republican tickets.
Q. After throwing out those tickets, how did it leave the poll-book as compared with the number of votes?
A. The tickets corresponded then with the number of names on the poll-book.
Q. In other words, the actual number of tickets counted at the poll and the book corresponded?
A. Yes, sir.
Q. Mr. Peelle asked you whether any complaint was made to the board; were you on that board?
A. Yes, sir; I was one of the clerks.
Q. Where was the board—inside?
A. Yes, sir—inside.
Q. You mean to say when you answered that question that there was no formal complaint tendered to the board?
(Objected to as leading.)
A. I would answer this way: that I heard of no complaint to the board. I do not know that there was none, but I heard none.

Now let us see what the Democratic challengers have to say about this ticket, and how objectionable it was on the day of election.

Ross Clark (page 67):

Q. State if you know of any one who was deceived or misled in voting at that precinct in consequence of the Republican ticket being on the character of paper it was?
A. I do not know that anybody was misled or deceived into voting that ticket.
Q. I will ask you if you know of any one who would have voted differently if the Republican ticket had been printed upon the same character of paper as the Democratic ticket was printed on?
A. No, sir. In answer to that I will say that I do not know any particular person, but I saw the effect of it; that men were afraid to show their tickets, and afraid to let their hands be seen with them—certain men.
Q. How many of that kind were there there?
A. A good many of that kind.
Q. Can you name any one of them?
A. I do not know that I could now. If I had been called on the next day after I might. It has passed out of my mind.

Thomas B. Messick (pages 76 and 77):

Q. Do you know of any man who was misled or deceived in voting that day in consequence of the Republican ticket being on the kind of paper it was?
A. No, sir. I did not hear of any.
Q. Do you know of any man that would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was?
A. Nothing, except as I said a while ago, several colored men had expressed a desire to vote the Democratic ticket.
Q. When did they express that desire?
A. Prior to the election.
Q. To whom?
A. A number of Democrats in the ward.
Q. That was before the day of the election?
A. Yes, sir.
Q. What are the names of those colored men?
A. I can not say now.

Q. Can you give the name of one of them?
A. No, sir.
Q. The only thing is that some days prior to the election some of those men expressed a desire to vote the Democratic ticket?
A. Yes, sir.
Q. And when the time came they voted the Republican ticket?
A. Yes, sir.

Harry O. Thudium (page 82):

Q. You stood at the polls all day?
A. I do not think I left them five minutes all day.
Q. You were challenger there?
A. Part of the time.
Q. Do you know of any one who was deceived or misled in voting in consequence of the Republican ticket being on that kind of paper?
A. I cannot say as to that, because I was right at the chute there, and such exclamations, if there were any made, were made outside.
Q. Do you know of any one who would have voted different if the Republican ticket had been printed on the same kind of paper as the Democratic ticket was printed on?
A. No, sir.

George A. Hardesty, on cross-examination (page 104):

Q. What is your politics?
A. I am a Democrat.
Q. You were challenging in the interest of the Democratic party that day, were you not?
A. Yes, sir.
Q. Do you know of any one who was misled or deceived in voting in consequence of the Republican ticket being on the kind of paper it was?
A. No; I could not give any names of any one; it has been so long that I have almost forgotten about it.
Q. Do you know of any one who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was on?
A. I do not know that I could mention any one.
Q. You have been challenger before at precincts at elections?
A. Yes, sir.
Q. And frequently stood around the polls?
A. Yes, sir.

Charles M. Cooper, on cross-examination (pages 120 and 121):

Q. You are a Democrat, I believe?
A. Yes, sir.
Q. Did you have any bet on the result of the Congressional election last November?
Mr. WILSON. I do not know that that is necessarily a fair question to ask. The witness is not bound to answer.
Mr. PEELLE. He may use his own judgment about answering that.
The WITNESS. I will refuse to answer that.
Q. I will ask you to state if you know of any one that was misled or deceived in voting at that precinct in consequence of the Republican ticket being printed on the kind of paper it was?
A. I can not give the names of any persons that were deceived on account of this ticket.
Q. Do you know of any one that would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?
A. Well, there were persons that were deceived by this ticket that would have voted differently if the ticket had been on common paper, but as for giving their names I can not just state now who they were.
Q. Do you know the names of any such?
A. No, sir.

William B. Lewis, on cross-examination (page 124):

Q. You are a Democrat, I believe?
A. Yes, sir.
Q. And you was the challenger there that day, in the interest of the Democratic party?
A. Yes, sir.
Q. And after the polls closed you became a watcher in the interest of the Democratic party?
A Yes, sir.
* * * * * * *
Q. Do you know of anybody who was misled or deceived in voting there on account of the Republican ticket being on the kind of paper it was?
A. No, sir.
Q. Do you know of anybody who would have voted differently if the Republican ticket had been printed upon the same kind of paper that the Democratic ticket was?
A. I can not say that I do.

John Schley, in his cross-examination, testified (page 137) as follows:

Q. What is your politics?
A. A Democrat.
Q. Do you know of any one who was misled or deceived in voting at your precinct in consequence of the Republican ticket being on the kind of paper it was?
A. No, sir; not of my personal knowledge.
Q. Do you know of any one who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?
A. No, sir.

John Edwards, in his cross-examination, testified (pages 138, 139) as follows:

Q. What are your politics?
A. I am a Democrat.
Q. What is your occupation?
A. Bill-poster.
Q. You are employed by Mr. English in posting bills for his theater, are you?
A. No, sir; I have not posted a bill for Mr. English since he had his theater.
Q. Do you know of anybody that would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?
A. No; I do not.

Heram W. Miller, in his cross-examination, testified (page 144) as follows:

Q. What is your politics?
A. Democrat.
Q. Was there any complaint made there on the day of the election to the board in reference to these Republican tickets by any one? And, if so, state who they were.
A. No, sir; I do not think there was.
Q. Were they counted without objection, so far as you know?
A. Yes, sir; they were counted.
Q. Do you know of anybody who would have voted differently if the Republican ticket had been printed on the same kind of paper the Democratic ticket was printed on? And, if so, state who they were.
A. I do not know exactly. I do not believe I do.
Q. You have been standing at the precinct there before, have you not, at election times?
A. No, sir.
Q. Never stood there before?
A. No, sir. The precinct never was there before.
Q. You have been standing there in that township at its precincts before that on election days?
A. Not very much. For four years I was trustee, and, of course, I was on the election board.

I have now given you the testimony of nine Democratic judges, seven Democratic clerks, and nine Democratic challengers, twenty-five witnesses in all, who were examined on behalf of the contestant; and now let us see what some of their other witnesses have to say about the effect of this ticket and how many voters were deceived or misled or did not get to vote as they desired.

The National or Greenback candidate for Congress at the same election, Robert W. Medkirk (page 11), was examined by contestant; and, on cross-examination, here is what he said:

Q. Do you know of any of those tickets having been voted that had another one folded within it?
A. No, sir.
Q. Do you know of any one that was misled in consequence of the quality of this ticket, or the distinguishing mark you refer to—that was misled in voting?
A. I can not say about that. Do I know of any one that was misled about voting?
Q. Yes, sir.
A. I do not know any one.
Q. Do you know of any one who would have voted differently had the ticket been printed upon the same character of paper as the Democratic and National ticket had been printed on?
A. No, sir.
Q. Do you know of any one that complained to the board at your precinct about the character of this ticket?
A. Not to the board; I do not.
Q. State your politics now.
A. I am a National.
Q. Properly known as the Greenback candidate for Congress?
A. Yes, sir.

William P. Fishback, on cross-examination (page 103), says:

Q. Do you know of anybody that was deceived or misled in voting at that election in consequence of the Republican ticket being on the material it was?
A. No, sir.
Q. Do you know of anybody that would have voted differently if that Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?
A. No, sir.
Q. Did you know anybody personally or by hearsay that voted two tickets of that Republican ticket?
A. No, sir.

Victor M. Backus, in his cross-examination (page 80), says:

Q. What is your politics?
A. Democrat.
Q. I understood you to say if those tickets were folded closely, as they usually are when voted, it would be difficult to tell one from the other.
A. As you come up to the polls?
Q. Yes, sir.
A. I think it would.
Q. I will ask you, when tickets are folded when voted, if they do not usually fold them pretty close and hold them in their hand pretty close when they vote?
A. Yes, sir; some of them do.
Q. Is it not a general thing that they fold them pretty close?
A. Yes, sir; as a general thing. I have seen some hold them right up open and others pretty close.
* * * * * * *
Q. Do you know of anybody who would have voted differently at that poll on that day if the Republican ticket had been printed on the same kind of paper the Democratic was on?
A. No, sir; I do not.
Q. What is your business?
A. I used to be a carriage-maker.
Q. You were the Democratic watcher there that night?
A. I was appointed that night. I worked at the polls all day, and some one brought an appointment there, and I did not want to go in.
Q. Were you appointed there as the Democratic watcher that night?
A. Yes, sir; I was.
Q. By the Democratic central committee?
A. Yes, sir.
Q. The tickets are plain white, are they not, both of them?
A. Yes, sir; I should think they were.

F. M. Wright (page 134) says:

Q. Do you know of anybody who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?
A. I can not say as to that, one way or the other.
Q. Do you know of anybody who was misled or deceived in voting in consequence of the Republican ticket being on the kind of paper it was?
A. No, sir.
Q. You were candidate for prosecuting attorney on the Democratic ticket?
A. Yes, sir.
Q. And when you spoke about going to fifty precincts, you drove around in a buggy, did you?
A. Yes, sir.
Q. Who was with you that day?
A. I don't recollect. I think there must have been several parties at different times. I don't just recollect the names of any one.
Q. And you went to fifty of the fifty-six precincts in the city that day?
A. I think I went to all of them but two or three. I started early in the day.

Moritz Pasner (page 148) who was a watcher, on his cross-examination says:

Q. You are a Democrat?
A. Yes, sir.
Q. You were a Democratic watcher all that night?
A. Yes, sir. That is what they called me up for. I did not want to go; they coaxed me.
Q. Were those tickets counted without objection?
A. I don't know. I believe Mr. Bunts objected to one or two tickets. I can not tell exactly. There was some objection to it.
Q. Tickets that were folded together?
A. No, no. I can not say that.
Q. Were the Republican tickets objected to?
A. There was some objection about it of some kind, or some claim. There was none called.
Q. Was the counting of the Republican tickets there objected to by anybody?
A. No. I believe not.
Q. Did the votes correspond with the tally?
A. I do not know; I can not tell. It is a matter that I never took any attention to, but I am too green in that business; I did not pay any attention and I do not know anything about it.

Now, Mr. Speaker, in addition to that, the contestant examined some thirty or forty witnesses to the effect that the Republican ticket could readily be distinguished in the hands of the voters from the Democratic ticket. Now, admitting that to be true, why then it follows that the Democratic ticket could as readily be distinguished in the hands of the voter from the Republican ticket. There is no advantage, therefore, to one that is not equally advantageous to the other. But, forsooth, says the contestant, the Republicans were in the control of the election boards—that is, in the great majority of election boards in the county the Republicans were in a majority. But suppose the Democrats had been in control, with the tickets as they were, would that have rendered the Democratic ticket a fraudulent one? There is no evidence in the record that either party knew what kind of tickets the other was going to issue. This requires no argument; a mere statement of the case is all that this House will require.

There was no double voting in the county. The Republicans used but the one ticket. The number of names on the poll-list did not materially differ from the number of ballots cast. On this point Mr. Brown, in his examination-in-chief, testified in answer to the question, "Were there more names than tickets on the poll-list," answered, "There were in some instances; not many." Nothing outside of the usual differences in that particular occurred. The contestee in this case unnecessarily examined some fifty or more witnesses on the point that the Republican ticket could not be distinguished from the Democratic ticket when folded and in the hands of the voter. But suppose it could be; no one has complained that he was prevented from voting what the gentleman from Ohio [Mr. CONVERSE] and the gentleman from Indiana [Mr. LOWRY] are pleased to term a secret ballot. The secrecy of the ballot was not intended to protect the candidates for office, but was designed to protect the voter, and if he makes no complaint who else can? The voter has the perfect right to vote an open ticket if he desires to do so, or he may write his ticket entire on any kind of plain white paper he pleases, and no election board would be justified in rejecting a ballot so cast.

Mr. Speaker, I was convinced from the beginning that there was nothing in this ground of contest, and from the various expressions I have heard from members of this House I doubt if I have not unnecessarily occupied the time of the House on this question. And now, Mr. Speaker, unlike the report of the gentleman from Ohio, I have honestly, fairly, and correctly presented this case without malice or intentional unkindness to any one. I find it unnecessary, sir, to indulge in severe criticism, much less abuse. I have no complaint to make of any member on this floor, though I might perhaps justly complain of some outside of this House, who have, under the privileges of the floor, been conspicuous in urging this case to speedy consideration; and in this connection I desire to say that but two members of the subcommittee of five were against me, while but five on the general committee reported this case to the House. In other words, a bare quorum of both the general and the subcommittee only ever acted on this case, and before the final vote is taken in this case I trust I shall have not only a majority of the Committee on Elections with me, but a majority of the House.

And now, Mr. Speaker, in conclusion, permit me to express the hope that at no distant day the election contests that come into this House may be passed upon, at least first, by some tribunal unfettered by partisan bias and prejudice. Of course, under our Constitution, "each House shall be the judge of the elections, returns, and qualifications of its own members," but, sir, this House may under the Constitution provide some inferior tribunal to hear and report upon this class of cases. The House can then confirm or reject such report. Bad precedents have been established by both sides of this House, and each party in turn takes advantage of them. The seats of members on this floor ought to be regarded with more judicial temper and less partisanship. If I should be in the next Congress, which I now expect to be, I shall consider this class of cases as a lawyer and as a man, independent of my party affiliations, let the chips fall where they may.

Mr. Speaker, this House has the power to turn me out and deny to my constituents their expressed choice as to who shall represent them; but, sir, if I am turned out I shall return to my constituents with clean hands and a conscience void of public wrong either to my country or to my constituents; and, sir, that will make me stronger than a seat on this floor can possibly make the contestant in this case. And now, sir, to the impartial, considerate, and wise judgment of this House I submit this case, hoping that the people who have honored me with a seat on this floor may not suffer at your hands. But be your judgment what it may, this contest on my part has been a fair and honest one, and whether I go or stay the burden will be light. True, if I go I shall miss the smiling faces and the genial countenances of the many pleasant acquaintances here formed, but that will be a loss personal to myself, and while my place can readily be supplied by the members of this House, I confess it will be more difficult for me, but I shall enjoy myself somewhat thinking of you.

Contested Election—Wallace vs. McKinley.

SPEECH

OF

HON. AMBROSE A. RANNEY,

OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 27, 1884.

The House having under consideration the contested-election case of Wallace vs. McKinley—

Mr. RANNEY said:

Mr. SPEAKER: I would fain be relieved from the task of addressing the House in this case, but I have a duty imposed upon me as the author of the minority report which I must discharge. This minority report was necessarily quite voluminous, owing to the numerous issues of law and fact involved and the great detail of evidence.

Having listened attentively to the discussion on the other side, I do not see that any of its essential findings upon issues of law or fact have been successfully assailed. The gentleman from Iowa [Mr. COOK] has, to be sure, discovered two typographical errors, and then boldly asserts on the strength thereof that the report is unfounded in law and fact. The index would have helped him to the right pages, as the names of witnesses were correctly given.

The general aspect of this case, as stated in the report and as revealed in the discussion thus far, appears to be this: Contestee, by the official count, had a plurality of 8. The correction of a manifest error of 10 votes in the footing of one column of figures in the returns from Carroll County (page 46 of the record), and which the State board by oversight omitted to make, would have given him 18 plurality. We add 15 more for votes proved and not counted for contestee. Contestant's counsel at the argument conceded 4; the chairman finds 5; the gentleman from New York [Mr. ADAMS] seems to allow 8. The minority deduct 1 illegal vote, which contestee conceded at the hearing. The other side, not designating them, think more should be deducted. I have besought them in vain to name the votes, so that we might save time in the discussion. Contestee charges that 55 and more illegal votes were cast and counted for contestant. The minority report finds the charge substantiated clearly as to 47 of them, and doubtfully as to 5 more. The chairman has refused to give us the names of those which he finds to be illegal votes. They were promised at this time. But I can not stop for them now, as it will encroach upon my allotted hour.

Contestant claims 23 returned but not counted from Columbiana County, they being returned as cast for other persons. Sixteen are conceded by contestee, not upon the returns, but upon the proofs before the House. Seven of the 23 are not allowed by the minority report because the ballots on their face designate without any ambiguity some other person, and there is no sufficient evidence to control them by showing that they were intended for contestant.

The other side allow them from mere conjecture or surmise. We adopt what seems to us to be the only wise and safe rule, on the approved authorities given in the report, and which I will not stop to read. The law requires the voting to be by ballot. That ballot must disclose the intention of the voter, and when clearly done without ambiguity the designation of the ballot must prevail, certainly if not controlled by extraneous evidence. Contestant claims, and the other side allow him, 4 votes from as many different townships as having been cast for him but not counted, and 11 more votes from Fairfield Township, upon an alleged recount made four months after the election. We do not allow these, for reasons stated in the report in detail, and which I shall consider anon more at length. We find, on stating the account, with all proper debit and credit, as in a ledger account, that contestee was chosen by a majority of 67.

If we allow all the additional votes claimed by contestant and found by the majority, and deduct the illegal votes found by us to have been cast for contestant, contestee has even then a clear and undoubted plurality of 20 and more.

In considering the evidence upon controverted issues of fact, the honorable chairman seems to adopt the rule that he will believe Democrats in all cases in preference to Republicans, if in conflict, and that he will believe no Republican at all unless his evidence favors contestant.

The learned chairman has taken a most extraordinary course in his mode of treating this case. He starts with a false assumption, adopts a rule of evidence applicable only to criminal proceedings, requiring proof beyond a reasonable doubt on the part of contestee. It is no wonder that he comes out wrong in the end. I quote from his report:

> Indeed, there can be no doubt that the certificate of election should have been issued to the contestant, and he should have been the occupant of the seat, with its honors and emoluments. Logically, we assign him *nunc pro tunc* his true position in the controversy, and the onus is shifted to his adversary.

He does this on the strength of contestee's concession as to the said 16 votes returned from Columbiana County and not counted by the State canvassers. He fails to notice, or declines to regard, the fact that the concession is made, not on the returns, but by reason of the evidence adduced here, for the purpose of showing what was the intention of the voter, and makes the false assumption that the State canvassers were legally possessed of the same facts. He takes only one concession, disregarding all the others made by both parties at the same time.

Contestant in his brief conceded to contestee 4 votes as proved and not counted for him, 2 illegal votes cast for himself, and 7 more named in the said list of 55 (if found to have been cast for him). The chairman fails to notice and give due weight to the fact that in the abstracts returned in conformity to law from Carroll County there was a manifest error of 10 votes in favor of contestant found in the footing of one column of figures, and which the State board would have been bound to correct if they had discovered it. The explanation of the same before the House, and which the chairman adjudges sufficient, the State board did not have.

If the State board had discovered and corrected this error and allowed 16 out of the said 23 votes in Columbiana County, returned as if cast for some other person, this would have left contestee still with a plurality of 2 votes.

Mr. ADAMS, of New York. How could they have corrected the error, as they were only ministerial officers?

Mr. RANNEY. Easily, and with a perfect right so to do. It was simply an error in addition, which was manifest on the face of the returns. It required the exercise of no judicial functions to do this.

The proper course to pursue was to begin the account of votes with a plurality of 8 in favor of contestee, as the starting-point in the investigation, giving contestee the presumptions which the law entitles him to, and then go through the whole case and get a final balance, instead of striking the balance after the first item of proof and stopping there to seat contestant. This attempt to shift the burden of proof from contestant to contestee is simply absurd. There is neither reason, justice, law, nor logic in it.

When the learned gentleman proceeds so swiftly to condemn the action of the State board, I beg leave to remind him that their action was deliberate and well considered; that it was taken after a full hearing given to the parties interested, with the aid of the attorney-general, now a member of the supreme court commission of Ohio, and with an earnest endeavor to ascertain the extent of their legal authority and what was their duty in the premises. Chalmers's case, as reported to, and decided by, this House has no analogy whatever. In that case the tally-sheet indorsed on the regular return was not required or authorized by law. The body of what did constitute the legal return gave the 1,492 votes in question to James R. Chalmers, and that controlled the unauthorized tally-sheet indorsed thereon which gave the name as J. R. Chambliss. It was manifestly only a clerical error. Here the abstract constituted the return required by law, and by that the State board were bound. In that case the secretary of state acted in defiance of a mandate from the court, and his action was adjudged illegal and held to be void by the courts of his own State. There was clear and manifest fraud. In the present case there is nothing of the kind.

The 23 votes in question now had been counted by the judges of election, and had been returned as votes cast for other persons than the contestant. The names used and as stated in the return did not necessarily, or fairly, designate the contestant as the party intended to be voted for. What was the intention of the voter could only be shown by evidence *aliunde*.

Now, sir, I maintain that the State board of Ohio were only ministerial officers, and could exercise no judicial functions whatever. They did perfectly right. They had no authority to take and hear evidence on this subject. It required judicial functions to determine whether these votes were or were not intended to be cast for contestant. This House has the power to do that. That board had no such power.

The case of Campbell *vs.* Morey, decided by the supreme court of Ohio after the certificate was issued to contestee, does not change or deny the rule contended for, but recognizes and confirms the same. In that case there were returns for Henry L. Morey and for H. L. Morey. Campbell petitioned for a mandamus to prevent the State board from counting them all for Henry L. Morey. He did not allege in his petition that they were different persons, but conceded at the hearing that they were one and the same. The opinion of the court so states expressly, and the mandamus was rightfully refused.

Let there be no mistake about the law in question. It is not a case where the statutes confer upon the State board judicial powers, as is done in some other States. I will refer the House to the authorities cited in the minority report as decisive of the question under consideration:

> The board followed the rule uniformly laid down in the decided cases. (McCrary on Elections, §§ 211, 81, 82, 83; 27 Barb., 77; 25 Ill., 328; 4 Wis., 779; 10 Iowa, 212; 22 Mo., 224. Clark *v.* Board, &c., 126 Mass., 282; 64 Maine, 596; 71 Maine, 371; 59 Ind., 152.)

I will quote at some length from the decision in Clark *vs.* Beard, 126 Mass., 282, although the other cases cited are equally clear and strong on this point:

> Nothing can be clearer than that the counting and ascertaining the majorities and giving certificates of the result are mere ministerial acts. They (the canvassing boards) have no discretion in determining which of the candidates shall be elected. It must be the result of pure, inflexible, mathematical calculation. (Strong, petr, 20 Pick., 484, 492, 498.) They are not made a judicial tribunal, nor authorized to decide upon the validity or the fact of election in any other mode than by an examination of the returns made to them according to law. They are not authorized to hear witnesses or weigh evidence. They have no power to send for persons and papers. Upon the face of the returns the votes cast for L. Clark may possibly indicate a person whose Christian name consists of the letter L., and which may be either Luther, Lewis, or Leonard, or any other name beginning with this initial letter. This is the utmost which can be known from the returns taken by themselves. The inference, however plausible, that the votes cast for L. Clark were intended to be cast for Leonard Clark is left by the returns a matter of conjecture only.

Numerous cases are cited in the opinion in support of the same: 64 Me., 596; 8 Cowen, 102, 106, 107; 5 Denio, 409; 4 Selden, 67; 27 N. Y., 45; 45 N. Y., 772; 1 Doug. (Mich.), 59; 3 Mich., 233; 16 Mich., 283; 23 Mich., 342.

What is said in Campbell *vs.* Morey, about the State board taking cognizance of what is notorious, is a dangerous doctrine, as things which are notorious and in the newspapers are not always true.

Not an authority, not a precedent, has been cited upon the other side adverse to this view.

The precedent of Abbott *vs.* Frost, referred to by the honorable chairman, was one where the irregular or ambiguous ballots were not counted by the judges of election nor by the canvassing board. They were allowed upon the extraneous proofs adduced before this House, the same as the committee have done in the present case as to some of the votes in question.

I do not propose, passing from these general considerations, to deal with the case much in detail. It is deemed to be unnecessary after the full and able discussion which has already occurred, especially on the part of my associate on the committee, the learned member from Iowa [Mr. HEPBURN], the two distinguished gentlemen from Ohio [Mr. E. B. TAYLOR and Mr. HURD], and not forgetting the experienced and fair-minded gentleman from Texas [Mr. MILLS], who, in conjunction with Mr. HURD and the gentleman from Kentucky [Mr. ROBERTSON], is willing to forget party considerations and go only for truth and justice.

I must not fail to notice, however, the fact that the chairman, in his opening speech, dealt mainly with the additional votes claimed by the contestant, as if they were the only issues deserving of any serious treatment at his hands. When he had concluded that examination, in his confident and emphatic way, most of the members on the other side left the House apparently satisfied, and I have not seen many of them here since.

Now, I ask gentlemen to say in all candor whether they would like to have their right to a seat, if seriously contested, determined in this House by the opinion of any one member; that this should go unquestioned and unchallenged, and without personal examination on the part of other members.

In the present case the House has the report of the chairman, with the result of a particular examination by only two of the committee.

An intelligent judgment can not be formed and rendered without attention to the discussion or a personal examination of the case in some way.

If gentlemen will examine they will see that the chairman has dealt with this case, in both his report and in his speech, in a very partial manner.

In striking contrast with this, the minority report states in detail the facts found as to each voter in question, and the requisite authorities of law on which the determination rests, together with the names of each witness on either side, with pages of record where his evidence can be found and examined by each member for himself. I challenge the closest scrutiny of all this, and ask no man to take for granted any mere assertion found in the report or made in the discussion. I would like to sit down with any member upon the other side and calmly and dispassionately verify everything reported. At least I would like to have gentlemen do it themselves, picking out some of the instances and using them as samples, if they will do no more.

In the discussion gentlemen on the other side have singled out a few individual instances and criticised the finding as to them. In each of these instances they have selected votes out of the five which the minority report pronounces doubtful and finally consents to lay aside and leave out of the computation. They have not attacked any of the others, because the position taken as to them is impregnable and does not admit of an open adverse discussion.

The chairman, after dealing in generalities, turned the case over to

the gentleman from New York [Mr. ADAMS] for the details and a more particular treatment, bespeaking for him the attention of the House, and thus apparently indorsing in advance what he had to say, as though they had conferred together and concurred. Now Mr. ADAMS comes to the conclusion and states that he finds that contestant has only a plurality of 13. In making up this he includes for contestant the 11 additional votes claimed in the recount of the poll at Fairfield Township. If we take these out of his account it will leave but 2 plurality. He has not given us the names of the voters in the list of 55 whom he finds to have voted illegally for the contestant. He has, however, stated some which he does not so find and some of the claims of contestee for additional votes which he disallows. In so far as he has found in favor of contestee we may safely assume that he has done so because he could not help it. We need to treat only of what he does not so find.

As to the 4 voters from the infirmary, he allows their votes to contestant. The evidence, without conflict and of an undisputed character, shows that they lived and had their home—their only home—at the infirmary, with an intention to reside there for the rest of their lives. The fact concurs with the intention, as sworn to distinctly and expressly by each of them. They resided in Plain Township, where the infirmary was located, and that was the only place where they had a right to vote. A decision of the supreme court of Ohio in the case of Sturgeon *vs.* Korte (34 Ohio Statutes, 525), is directly in point and conclusive. They went elsewhere and voted because told to do so.

Mr. ADAMS, of New York. They had gone and voted there several times before.

Mr. RANNEY. Yes; so they swear. But any number of prior illegal votes does not make the last vote legal. This is a specimen of the gentleman's logic.

Again there are 5 voters who voted for contestant in the wrong wards of Canton, or in the wrong precinct, and which Mr. ADAMS counts as legal. He does it on the technical ground that the ordinances were not put in evidence, claiming that they were the only competent evidence to show the boundaries. This is an unsound objection. The voters themselves each swear as to their precise location at the time, although they did not then know, as they testify, where the boundaries were. They have learned since, and now swear to the fact that they resided in one ward and voted in another.

Besides this, the surveyor of the city, a Democrat in politics, swears to the exact boundaries, and an official map is put in evidence, which establishes them beyond cavil. They were established about one year before the election in question, in season for the spring election of the same year, and the voters were bound to know them. Whether they did or did not have actual knowledge is of no consequence as a matter of law. It has been so decided in three cases cited and referred to in the report.

As to the competency of oral evidence offered there can be no doubt whatever. Such evidence is competent in homicide cases involving life. The learned gentlemen allow the votes for J. Wales and Jonathan H. Walser, although the evidence discloses persons bearing those surnames. The chairman says these tickets were "fresh from the hands of the voter" when the judges of election counted and allowed them, and that he "will not reverse their judgment." There is not a particle of extraneous evidence to explain these ballots or show the intention of the voter.

When the chairman comes to the ballot with the name of contestee erased, and some unintelligible characters written in pencil under it, looking most like W-a-l. (printed in the record "Walce") and which said ballot the judges of election rejected from the count; and also to the ballot with "H—W. J. McCausland" and the letters R and D, respectively, with figures under the same, indorsed plainly in ink, and which the judges rejected from the count as a marked ballot cast in violation of the statute of Ohio, he seems to have forgotten the principle and rule which he applied in the other cases.

So, too, of the 23 votes returned from Columbiana County. These were also "fresh from the hands of the voters" when the judges of election rejected them

Several MEMBERS. This was quite too fresh.

Mr. RANNEY. The difficulty with the chairman seems to be that the allowance of the votes in one instance made for the contestant, and the rejection of them in the other instances made against him. So he reverses the action of the judges of election in one case and confirms the same in the other, favoring the contestant's claim in each instance. Presumptions are strong when contestee seeks to overcome them, but weak when in the way of contestant! In the case of the ballot with a dubious name on it, he takes the evidence of the Democrat that it was rejected for the want of initials, or a Christian name, as against the evidence of two reputable Republican co-judges, each of whom swears that it was rejected by the concurrence of all three, because they could make nothing out of the characters written in pencil under the erased name of contestee.

If there was ever a marked ballot in violation of the statute of Ohio this McCausland ballot was one of them. The marks which served to distinguish it were plainly written in ink upon the back thereof, and could not fail to be seen by the voter if he intended to comply with the law, using due diligence. It was under his control, for he could easily have gotten another, a clean one. The indorsement was written by one Guess, one of the clerks of the election, as he swears. There was a voter in the precinct who bore the name indorsed, and for aught that appears he cast it.

Now, sir, some statutes not only prohibit the use of such ballots, but go further and declare them void if cast. Others, like the statute of Massachusetts, provide that they shall be counted notwithstanding, if cast. The statute of Ohio simply inhibits them without penalty or further provision. In Lynch *vs.* Chalmers, at the last Congress, I heard distinguished gentlemen argue and vote that a printer's dash on the face of the ballot, used to separate two names, was a distinguishing mark voiding the ballot. At the present session I have read a report of the gentleman from Ohio [Mr. CONVERSE], and seen the House adopt it, in the case of English *vs.* Peelle, holding that an unusual thickness of paper used for the ballot, alone considered, and although it was a regular number of book-paper, and although the statute did not undertake to regulate the matter of weight or thickness, was a distinguishing mark which vitiated the ballot. What will the House who adopted that report say of this ballot? The same majority of the committee, save the chairman, sanctioned the report rejecting the ballots in the Peelle case and adopt this one sanctioning the ballot used here.

As to the 6 votes claimed by the contestee on the strength of the recount of the poll at Butler Township, and which Mr. ADAMS rejects, the recount discloses 2 votes for contestee not counted and 4 other ballots not counted. When the votes were taken from the box on the night of the election day these votes were rejected. They are in evidence here. It appears manifestly that some one had attempted by rubber to obliterate the pencil-mark drawn through the name of contestee, and also the name of contestant which had once been written in pencil under it. It was partly done but the obliteration was not complete, and the paper is left thereby blurred or blackened.

The attempt to do it is apparent from inspection of the ballots, which I hold in my hand, and which any gentleman can see for himself. Each voter who cast such a ballot is called, and he swears that at the time he could find no other ballots, and that he attempted and supposed he had succeeded in rubbing off the pencil marks and the name of contestant, and cast the ballot for contestee, whose name was left standing as printed. It appears that some opponent had thus scratched the regular Republican tickets, and had them ready at the polls in the morning. The regular Republican ticket was exhausted, or had not arrived at the time. Voters who came could not wait, and finding no other tickets, they took the scratched tickets, made the changes stated, and voted them, intending them for contestee. The persons who did this are all called, and the evidence of their intention to vote for contestee is clear and positive. It is not controverted. They identify the ballots satisfactorily in all cases.

That the ballots were kept inviolate until the recount is clearly proved, and the integrity of the recount before the magistrate is without question. How, then, any serious question can be made as to the right of contestee to have the benefit of this recount, and the allowance of 6 more votes on account thereof I fail to see? It is observable and significant of a want of fairness, that in the recounts the gentlemen on the other side avail themselves of them when they favor contestant and reject them when they do not.

This brings me to the recount in the case of the poll of Fairfield Township. Contestant claims, and the other side allow him, 11 additional votes from this township on a recount made before the magistrate four months after the election occurred. The conduct of the majority of the committee in this respect serves to reveal the partisan character of their decision more than anything else perhaps. By the statute of Ohio the ballots were required, after being called off and counted, to be strung on a string, put back into the box, which was to be locked and given to the clerk, the key to be put into the hands of the minority judge of election, and both thus kept for the purposes of any contest which might arise.

At the close of the election at Fairfield the box containing all the ballots cast was locked and delivered into the hands of one Augustine, the township clerk, and the key was delivered to the minority judge, Mr. Carpenter, a Democrat. Instead of taking the box home and putting it in a secure place, Mr. Augustine left the same during the night of the day of election in the room where the election was held. Next morning he took it to his office, a public place, and left it on the desk. During the same day he sent Mr. Carpenter (the custodian of the key) for it, and he brought it to him. It was then put in a clothes-press in the house where they both lived, leading from a spare room, neither being kept locked, and to which any one in the room or house could obtain easy access. The election was on Tuesday. On Friday Mr. Carpenter was seen on the street with the ballot-box, going in a direction not leading to his home.

A witness who saw Carpenter with the box on Friday swears that he had a conversation with him on that day in the presence of one Patterson, in which he asked him what he was doing with the box, and was told in reply that he was going to take it to New Lisbon to have the ballots recounted. Mr. Patterson is not called to contradict this, and it stands unimpeached. Whether the box was so taken to New

Lisbon in fact does not appear save by inference from the facts already stated. Mr. Carpenter and Augustine stood in the relation to each other of father-in-law and son-in-law, and lived in the same house together. Augustine was a Republican in politics, but is shown to have been hostile to contestee, and to have endeavored to get another man, his friend, nominated in his stead. While he swears that he voted for the contestee, it appears uncontradicted, sworn to by three witnesses, that he was hostile to him after his nomination and used his influence against him. Whether he did vote for contestee may well be doubted. When the box was opened before the magistrate 633 ballots only were found in it. The poll-book showed that 638 persons voted, and that is not denied. Five of the original ballots were missing, and the loss of same was unexplained. Contestant concedes this in his brief.

One ballot, with the names of both candidates on it for Congress and shown to have been cast, was also not to be found. Mr. Foster, the Greenback candidate, had 53 votes counted and returned for him, but the recount showed 57 for him. The straight tickets for contestee were, as found, one more than were returned. It appears that within a few days after the election contestant was in company with Mr. Carpenter, in conference about the ballots cast at that poll, and a statement was given in writing which is not produced. It appears that one Halloway, a reputable and competent lawyer, was present during the day, watching the balloting, and at the time of the final count and when the result was announced. He took down a statement of the vote according to the result as found, which is produced and put in evidence in the cross-examination by contestant. By his evidence and the memorandum there were 19 ballots on which no person was voted for as candidate for Congress. When the box is opened at the recount only 7 such are found.

It is apparent that the box had not been kept according to law, but had been exposed, so as to give an ample opportunity to tamper with its contents before the recount. There was a strong temptation to get a few more votes for contestant. Although Carpenter and Augustine swear to having no knowledge that any one had tampered with the box, yet it is perfectly apparent that the contents had in fact been tampered with in the interests of contestant. No explanations whatever of the discrepancies between the original ballots as counted and as found in the box at the recount are given. The 11 additional ballots claimed under the recount for contestant are those where the name of contestee is erased in pencil, and the name Wolac, Ma. Wllc, Mag Wolac, Mage Wolac, is written underneath the same. None of the election officers describe any such ballots from their recollection of the same or what occurred at the election.

The other witnesses describe the ballots not counted as being for Wallace, or Major Wallace, the number of which is stated by a half dozen of witnesses present as being from 2 to 5, not to exceed 4 or 5, including two Greenback tickets folded together and not counted. Carpenter says how 7 to 15, although he swears that in his written statement to Wallace, made directly after election, he said several, and did not then recollect the number and could not now tell what number he did then name in the paper. It appearing that the box had been exposed against the law, and the evidence being direct and clear that the ballots recounted were not the same as the original ballots counted; in fine, the evidence being perfectly satisfactory that there had been an actual tampering with the box subsequent to the election and before the recount, we exclude the same altogether, as insufficient to control the official count and original returns.

In addition to what I have said it ought to be stated that the irregular and imperfect names specified are written by a tolerably good penman, and not, apparently, by an ignoramus who could not spell. In some instances it is written with a black-lead pencil, while the erasure in pencil of contestee's name is of a different color. After the box was opened and the recount made the original ballots and the depositions were sent off at once and all opportunity to examine them further and call witnesses, experts or otherwise, as to them, was absolutely denied contestee and his counsel, although he requested to be allowed such an opportunity by a respectful letter, which is in the record.

There is no evidence independent of the recount sufficient to establish any legal ballots as having been cast for contestant at this township and not counted. The evidence is too indefinite and uncertain as to the facts and the description of the ballot to be allowed to control the official count.

Mr. Carpenter himself, when asked how many votes there were not counted, says: "To the best of my knowledge I think—well, from 7 to 15; I wouldn't be positive." (Ques. 24.) Mr. Hum, another judge of the election, says that the number not counted, according to his impression and his recollection before the opening of the box and the recount, was "from 2 to 7 or 8—along there some place;" that they did not exceed 4. When he saw the box opened and 11 were found he was apparently staggered at the discovery, and not suspecting then that the box had been tampered with, he infers from this that there must have been more than 4. His recollection and uniform statements before the box was opened was that there were not over 4 votes in all not counted.

On the other hand, Holloway, who was watching and heard and saw all that was said and done at the time, swears to 3 or 4. Two other witnesses, Shied and Crook, one a clerk and the other a judge of the election, put them at from 3 to 4 or 5. Among them were 2 Greenback tickets put in by one voter and not counted.

As a specimen of the fairness and care of the honorable chairman, I want to call the attention of the House to what he says in his report about what Augustine swears as to the number of these ballots. He was one of the clerks and Crook another. He says, page 2 of his report: "Augustine, Republican clerk of the election, states that there were 13 or 14 of these uncounted ballots." This is wholly an error and absolutely untrue. The chairman is an honorable man and would not intentionally misstate the facts. Let us turn to the evidence of the witness on this point. Question 5 asks him if he has the means of knowing whether all the votes cast were counted and returned. He says in answer: "I have not the means of knowing, except by information."

Mr. TURNER, of Georgia. What page do you refer to?

Mr. RANNEY. Page 14, question 5.

It appears that he was one of the clerks and kept the tally-sheet. The votes not counted were not called off or put upon the tally, and he did not see or handle them. All he says about them is that he heard some one say in the room that there were 13 or 14 not counted. Being asked to give the name, he says that it was a Mr. Isaiah Fleckinger, and that it was said in the presence and hearing of the officers of the election. He (Fleckinger) is not called and does not appear as a witness. Who he was does not appear, nor what he had to do there.

Mr. ADAMS, of New York. He was one of the clerks.

Mr. RANNEY. No; he was not. Augustine and Mr. Crook were the clerks; Shields, Carpenter, and Hum were the judges. The record so shows.

Now, all the judges and the other clerk swear that they heard no such remark by any one. Neither did some half dozen others of those present, and so situated as to be likely to hear all that was said and see all that was done, hear anything of the kind said, or know of Fleckinger being present. The bystanders who testify on this point included Halloway, Bushong, and Weaver, who could not have failed to hear it if said. The chairman, who has so great a repugnance to hearsay evidence as to how a voter voted, is ready to take, adopt, and follow this hearsay of Augustine, and give it as true, overwhelmingly contradicted and overthrown as it is by a half-dozen other witnesses. The evidence of Augustine on this point is neither competent nor reliable.

What I have said will be seen to overthrow what is relied upon by the other side to make up the alleged 13 plurality for contestant, as found by the gentlemen of the committee on the other side. It is unnecessary to attempt to swell the majority of contestee by going further.

The SPEAKER. The gentleman's time has expired.

Mr. RANNEY. I should like more time, say five minutes.

Mr. LONG. I move my colleague be allowed five minutes more.

There was no objection, and it was ordered accordingly.

I wanted to say something about three voters from the infirmary, whose votes, as is claimed, should be deducted from contestee's poll. Passing by the question as to the legality of their votes, I need only to say that the evidence as to how they voted is that the superintendent was a Republican. He does not appear to have had anything to do with getting these voters to the polls or in voting them. Both parties run wagons and got the voters from the infirmary, but which party got these three, or what the politics of the voters were, does not appear. There is absolutely no evidence on the subject as to how they voted beyond the mere fact that the superintendent of the institution was a Republican. And yet the contestant claims that their votes should be deducted from the poll of contestee, and for aught I know these are among those which the chairman and Mr. ADAMS deduct. The only evidence as to the residence of Mr. Medley, another of the alleged illegal voters for contestee, is that some one had told him that the hotel where his wife lived was in another county. Whether his vote is deducted I do not know.

Both parties in taking their evidence introduced declarations of the voter, not under oath, in several instances at least, as to how he voted.

The gentleman from Iowa [Mr. COOK] contends, as does the majority report, that the declarations of a voter, not under oath, as to the candidate for whom he voted, are not competent evidence. I had intended to deal with this question at some length, but I have now little time left me. It is a question of no special importance in this case, for only 7 votes depend upon that kind of evidence. The chairman claims that there are 10. Lawyers familiar with the common-law rule against hearsay testimony would be likely at first blush to be against the admissibility of such evidence. But an examination of the authorities and precedents shows that such evidence is admissible in election cases. The rule in England has been such for hundreds of years, and obtains in full force to-day, as has been shown conclusively by the distinguished gentleman from Ohio [Mr. HURD]. The current of authorities in America is the same way, although there is some conflict in them. It has become by the most approved authorities the established rule in legislative bodies. In Cessna *vs.* Myers the report of the committee deals with the subject and makes some criticisms and valuable suggestions, but ends with only a qualification of the English rule.

The committee could not agree, but they did adopt this rule, namely:

That evidence of hearsay declarations of the voter can only be acted upon when the fact that he voted has been shown by evidence *aliunde*, and when the declarations have been clearly proved and are themselves clear and satisfactory.

They proceeded then to follow the rule as thus qualified, and decided the case thereon.

The case of Vallandigham *vs.* Campbell involved the same question, and the rule received a most elaborate treatment at the hands of Mr. LAMAR (now Senator from Mississippi), the same being sustained. The doctrine of this case was examined and approved by the courts of New York in the case of People *vs.* Pease (27 N. Y.), and also in Wisconsin, in case of State *vs.* Olin (23 Wis.) This House followed the same rule in Wigginton *vs.* Pacheco. It remains to be seen whether the other side of the House, which in former days seated Vallandigham and Wigginton under an adoption of this rule, will now reverse the same for the purpose of unseating Mr. McKinley.

A statement found in the majority report in Cook *vs.* Cutts is of no weight. It expresses only the views of the author of that report upon a question which was of no importance in the case, as the same turned on another issue. It is not noticed in the minority report, probably because of no consequence. At best the author of the majority report based his views entirely upon a misconception of the doctrine of Cessna *vs.* Myers, and his mind does not seem to have taken a wider range.

What was said in Lowe *vs.* Wheeler does not militate against the rule. Parties may call a voter, but compelling him to testify if he declines is quite another question. That depends upon the laws of different States. The gentleman from Iowa [Mr. COOK] misunderstands or misstates what is said in the minority report in Cook *vs.* Cutts. Any gentleman who will read that report will find good reasons stated why the witnesses were not believed in that case.

The gentleman from New York [Mr. ADAMS] has alluded to a report drawn by the gentleman from Pennsylvania [Mr. MILLER], but not adopted or made to the House. Before he did that he would have done well to read the report prepared and made at the same time by the gentleman from Indiana [Mr. LOWRY], in which the following occurs, as I see by the report which I hold in my hand. I read from it:

This evidence was much more than mere matter of opinion; it was such as to leave no doubt in our minds; but if matter of opinion, in the language of the committee in the case of Smith *vs.* Shelley (Digest 1880-'82, page 19), "the same comes from men apparently well able to judge, and is not controverted by other evidence." Reference is also made to the following authorities: Wigginton *vs.* Pacheco (Digest 1876-'80, page 15), Cook *vs.* Cutts (Digest 1880-'82, page 249, citing New Jersey cases, in which it was held that "general reputation as to the political character of the voter, and as to the party to which he belonged at the time of the election, has been considered sufficiently demonstrative of the complexion of his vote"), Delano *vs.* Morgan (1868, page 168):

"For whom a vote is given by ballot is a secret known only to the voter himself, and he is never required to disclose it. This fact must, therefore, be often determined upon circumstantial evidence alone. To which political party a voter belonged, whose partisan he had been, whose friends claimed for him the right to vote at the time, what he said of his intention before and his act after voting, are circumstances which each claimant has endeavored to prove, and which the committee have considered in making up their verdict. In this action they are governed by precedent as well as principle. The same rule obtained in the celebrated case of New Jersey, decided in 1840, and known as 'the broad seal' case; and also in Vallandigham *vs.* Campbell, decided in 1858. (See Bartlett's Contested Elections, pages 28 and 233.) If it is not to be inferred from this kind of evidence for whom an illegal vote was cast, it can not, except in a few instances, be ascertained at all. (Smalls *vs.* Tillman, Digest 1880-'82, pages 435, 462; Sloan *vs.* Rawls, Digest 1874, page 150; Lowe *vs.* Wheeler, Digest 1880-'82, page 75.) Where a witness can not be compelled to answer he need not be called." (6 Peters, 352, 367.)

Authorities could be multiplied to sustain the position taken.

There can be no doubt that the rule alluded to is the established rule in legislative bodies, either as one of the exceptions to the general common-law rule, and of which there are many, or as a rule adopted from necessity, to answer the ends of justice. The weight to be given such evidence is another question, and that will depend upon the witnesses and the circumstances under which the declaration or admission is made. This question has received elaborate treatment at the hands of eminent counsel in this case. Although the question is not vital to the pending case, it is of importance as a rule of evidence. Gentlemen after having used the rule to sustain their action in two notable cases are now endeavoring to break it down when it stands in the way of their party interests. There are said to be thirty-three men on that side who voted to unseat Pacheco in Wiggington's case, four of them signing the majority report, and two who voted to seat Vallandigham. The brief of Mr. Ambler and others from Ohio states one of the principles on which the admission of such evidence depends, and I insert an extract from the same:

Upon principle, notwithstanding some expressions of text-writers and judges criticising the admission of that class of testimony, it would seem from necessity receivable as affording substantially the only means of investigating the legality of votes in contested-election cases. As the voter can not be compelled to testify, there is generally no other means of determining the manner of his vote than by proof of his political affiliations and declarations. Should he be willing to testify, the party assailing his vote as illegal should not be required to call him or rely upon his testimony. The party attacking the voter should not be compelled to go to the party whom he has thus made his adversary, and the alleged source of an illegal or corrupt vote, to ascertain the truth in regard to the same.

The brief of Messrs. Shellabarger & Wilson and of Messrs. Hunton & Chandler I will insert in full so far as it pertains to the question in hand, because it covers and exhausts the whole subject and can not be improved upon. It is convincing and conclusive.

It is not contended by contestant's counsel that the declarations of voters are incompetent evidence to show for whom the voter voted. The extent of the objection of contestant to such evidence is that such declarations are not admissible until the voter himself has been called as a witness and has declined to disclose how he voted. The contestant's counsel cited in the argument before the committee numerous cases which held that such declarations are admissible in evidence in a contested-election case, where the party whose vote is questioned has first been subpœnaed and asked how he voted and has declined to answer. The single inquiry, then, in this case is, does the law require a witness to be summoned when the same law which so requires declares that he need not answer when called? All the provisions of the law relating to the subject must be construed together. It would give a look of absurdity to the law if it required a witness to be called, when the same law took away the legal effect of his being called by saying he need not answer.

The very essence of the matter, which the witnesses in this particular case would have been required to disclose had they been summoned, was their own illegal conduct at the polls. It is shown by other evidence that they voted, and that they were not entitled to vote; the only remaining inquiry was for whom they voted. To show this fact other evidence in law fails. This fact is in law deposited in the sole keeping of the voter. The law affirmatively authorizes this secret to be kept by him. It is true he may voluntarily give it up; but a subpœna will not have the legal effect to make him give it up, so that the summons even is barren of consequence. When the law says that a witness need not answer certain matters, does it not in effect and by implication also say that he need not be subpœnaed to answer? When the law shelters a witness from answering certain inquiries it shelters him from the usual methods used to compel him to answer. Are not the declarations of a witness showing for whom he voted just as valuable in law, in a case where no subpœna has been issued for the witness himself, as the same declarations would be if the witness had been required to step on and then off the witness-stand and while there refuse to answer? If you first call the witness, say contestant's counsel, and he refuses to answer, then his declarations are competent. The declarations are of the same character, made at the same time and place, whether the witness who made them be called or not. The calling of the voter does not add to or take from the legal strength of his declarations as to how he voted.

But it is said that the party must produce the best evidence the nature of the case permits. This rule invokes the best evidence the party can legally command. But he can not legally command the testimony of the voter himself, for the law furnishes him no process to exact it, but, on the contrary, says the voter need not testify. The best evidence that the nature of the case permits are the circumstances, among them the declarations of the voter showing how he voted. When this testimony is produced it is the best which the nature of the case permits. The identical ballot cast by the voter is the best evidence to show how he voted. His statements on the stand, if called as a witness, and he chooses to answer, do not import as high legal certainty as the ballot itself. But the law says that no record shall be kept to trace the ballot itself, and therefore the ballot is not available. Contestant says that the next best evidence is the voter. But the law goes further, and not only secludes the ballot from inspection, but says the voter himself need not answer how he voted if called. The first and primary evidence which the law appropriates and which the law will lend its processes to coerce is the circumstances surrounding the ballot questioned, including the declarations of the voter as to how he voted. There are no degrees of competency in this evidence. It is all admissible alike. If there be primary evidence of how the party whose vote is questioned voted, it is the ballot itself. If the ballot is not or can not in law be produced, then other evidence becomes substituted for the ballot. In this substitutionary evidence there are no degrees. (Best's Principles of Evidence, p. 79, note 1; Renner *vs.* Bank, 9 Wheaton, 597.)

The ballot is by law required to be in writing or to be printed, and is therefore the best evidence to show for whom the person casting it voted. If the person who cast the vote is called and answers, he gives parol evidence of the contents of the ballot. If his declarations as to how he voted are received, they are no more or less than parol evidence of the contents of his ballot, and there being no degrees in such evidence, the one kind is as admissible as the other. It becomes a matter of weight and not of competency of evidence. The act of subpœnaing the voter would have been of no force, and was therefore not required to be done. This is certainly decided in the case of the United States *vs.* Reyburn (6 Peters, 367). There no foundation whatever was laid for secondary evidence. No notice was given to produce nor subpœna issued for the paper itself, the contents of which was proved, and the court say (speaking of the witness himself) a subpœna to compel his attendance as a witness would have availed nothing, and the law does not require the performance of an act perfectly nugatory. But suppose Chase had been within the reach of a subpœna and had actually attended the court, he could not have been compelled to produce the commission and thereby furnish evidence against himself.

But these declarations in this case are primary evidence. The use made of the declarations of votes is to affect only the ballot of the person whose declarations are received. These declarations disclose the contents of a written or printed ballot. Where one is a party to a contest his admissions or declarations may be proved by the other party to show the contents of a written instrument. (Best's Principles of Evidence, p. 79, note 1.)

The confession of the party precisely identified is admissible as primary evidence of the facts recited in the writings, though it is less satisfactory than the writing itself. (1 Greenl. Ev., sec. 96.)

And this evidence is admissible as primary evidence without any notice to produce the writing itself. (1 Greenl. Ev. sec. 96.)

It has been always held that in an election contest the primary right involved is the right of the legal voters to be represented. The candidate has no right to the office for which he is named which does not spring out of the right of the voters to be represented. The first and primary inquiry, then, in such a case, concerns the right of each person to vote who actually did vote. In this case the fact that the parties voted, the contents of whose ballots is sought to be ascertained, is shown by the poll-book. The declarations of the voter are introduced to take his vote off the poll, if from other evidence it is found to be illegal. His declarations affect his own interest in the election adverse to him. The poll becomes diminished one vote by the declarations of the voter, taken with the other testimony in the case. Such evidence has been received and acted upon in contested-election cases in legislative bodies for two hundred years. The following cases support the competency of such testimony:

"The declarations of a voter may be given in evidence to set aside the election; as to diminish the poll, by taking an incompetent vote off, or to prove bribery, &c.; but they are not admissible on a charge against the candidate for bribery. They are admitted to annul votes but not to set aside the election by disqualifying the member on account of his bribery." (Case of Milburne Port, 1 Douglass Election Cases, 67; Case of Ivelchester, 3 Douglass Election Cases, 76; Petersfield case, 3 Douglass Election Cases, 6; Worcester case, 3 Douglass, 129; Shaftsbury case 159.)

In this last case money to the amount of several thousand pounds had been given among the voters in sums of twenty guineas a man. The persons who were intrusted with the disbursement of this money, and who were chiefly the magistrates of the town, fell upon a very singular and very absurd contrivance in hopes of being able to thereby hide through what channel it was conveyed to the electors. A person concealed under a ludicrous and fantastical disguise

and called by the name of Punch was placed in a small apartment, and through a hole in the door delivered out to the voters parcels containing the twenty guineas, upon which they were conducted to another apartment in the same house, where they found a person called Punch's secretary, and signed notes for the value, but which were made payable to an imaginary character to whom they had given the name of Glenbucket. Two of the witnesses called by the counsel for the petitioner swore that they had seen Punch through the hole in the door and they knew him to be one Matthews, an alderman of Shaftsbury, and, as the counsel for the petitioner had endeavored to prove, an agent of the sitting member. On the part of the petitioner's witnesses were called to prove declarations of the voters who at the poll had taken the bribery oath that they had received Punch's money. This was objected to by the counsel on the other side, but the evidence was admitted. (3 McCord, South Carolina Reps., page 223.)

In the case of the State *ex rel.* Hopkins *vs.* Olin (23 Wisconsin, 319) the court in passing upon the admissibility of the declarations of voters, say "the testimony of the witness Du Quin was properly received." He testified that ten witnesses who had been severally sworn, and each of whom declined to answer whether he had voted at the election in question and how he voted, on the ground that the answer might criminate himself; each of them had told him before the trial that he had voted at the election for the removal of the county seat, and that he was a foreigner and had not declared his intention to become a citizen. The objection to this evidence is that it was hearsay. To a certain extent this may be so, but the well-settled and uniform practice is to allow it in contests of this nature.

The People against Pease (27 New York, 45) and authorities there cited. The reason of the rule, or rather of the exception, is that a person who has voted at an election is always considered as a party when the result of the election is in controversy, and on that ground his declarations voluntarily made are admissible. It is considered to be a question between the voter and the party questioning his vote and not merely between the party holding the office and him who claims it.

In perfect accord with the Wisconsin decision is that of the supreme court of California, reported in volume 43, page 237, the case of Miner *vs.* Kidder, in which the court declared that the investigation proposed is one in which the public at large are deeply concerned. It necessarily involves a question of broader import than the mere individual claim of a designated person to enjoy the honors and emoluments of a particular office brought directly in contest. The inquiry must be as to whether or not the popular will in the selection of officers to administer the public affairs has been in a given instance, or is about to be, defeated or thwarted by mistakes happened or frauds concocted. It is therefore not an ordinary adversary proceeding, for, as against this high public interest concerned, there can be no recognized adversary.

In the Worcester case (3 Douglass Election Cases, 276) it is said the counsel for the sitting members objected in the beginning of the case to the admission of evidence to prove the declarations of voters that they had been bribed. The committee, however, admitted such evidence as against the voters themselves so as to annul their votes, but not as against the sitting members so as to disqualify them.

In Shaftsbury's case (2 Douglass Election Cases, page 308) it appears that on the part of the petitioner witnesses were called to prove declarations of voters who at the poll had taken the bribery oath that they had received Punch's money. This was objected to by the counsel on the other side. They said that this was not legal evidence, for that, if such declarations were proved, still they could not be considered as proving the receipt of money. This would be unjust to suffer what a man had said in conversation and without oath to invalidate what he had sworn. To this it was answered that those cases cited proved too much, for that if the doctrine they contained were to be adopted it would be in the elector's power by committing perjury to preclude all inquiry into the legality of his vote. The evidence was admitted.

Both of the cases above quoted were decided more than one hundred years ago and have established a rule which has been observed by the British Parliament in contested-election cases ever since.

The rule of evidence permitting the declarations of voters to be received to show how they voted has not only prevailed in England for more than one hundred years, but was adopted in Maryland in 1816, and has been followed by the Legislature of that State ever since, and by New Jersey in the year 1840, and is declared by the supreme court of New York in the twenty-seventh volume of the reports of that State, page 51, to be, so far as that court is able to discover, of universal application in all legislative bodies, upon inquiries as to the election of members thereof to affect the qualifications of voters, and to deduct or disallow all votes cast for any candidate by non-qualified voters.

The Vallandigham case, which was fully argued before the House, ought to be held to settle this proposition.

We quote from the report:

"Objection was also taken to the admission in evidence of declarations or admissions by voters, here disputed as illegal, touching their qualifications and the candidate for whom they voted. Some of the declarations objected to, the undersigned are of opinion, were such as are daily received in courts of common law, relating to residence or being part of the *res gestæ*; others they believe to be competent, upon a reasonable application to the usual rules and principles of evidence by analogy and according to their spirit. Neither the committee nor the House is bound by these rules in their letters and strictness, but should proceed upon more liberal principles in the investigation of truth. They regard a contested election not as a mere private litigation, but a great public inquiry, where the real parties are not so much the returned member and the contestant as the voters of the district, and they are content to rest their opinion on this question upon the reasoning and upon the usages and solemn decisions of Parliament and Congress for years past, inasmuch as the distinction claimed to exist between an ordinary forensic court and a legislative assembly is recognized not only in Parliament and Congress, but by the courts themselves, and from a very early period. The admissibility of evidence consisting of the declarations of voters as to any matters concerning their own voting has been settled in the British Parliament repeatedly and uniformly for one hundred and fifty years, and is no longer to be questioned. These decisions are to be found in the numerous volumes of reported election cases and of treatises on the subject. The rule has been recognized also in approved books of law (3 McCord's Reports, 233, note; Phillips's Evidence, with law, and Hill's Notes, 322). It is sometimes treated as an exception to the rule, excluding the hearsay declarations of third persons, but generally it is put upon the ground that in elections contested because of illegal votes being received each voter challenged is a party to the proceeding, and, therefore, whatever he says about his own voting is an admission or confession. In Congress also, while the undersigned find several precedents distinctly adopting or recognizing the rule, they find none where it has been decided the other way, except in Newland *vs.* Graham, 1835-'36. Against this they refer to the following: Contested Elections, 80, 258, 260, 272, 282, 367, 750; the Broad-seal case, 1840, 3 House Reports, No. 541, pages 699 and 749; Farley *vs.* Runk, 1845-'46, and Monroe *vs.* Jackson, 1847-'48.

"The American cases have, indeed, been mainly directed to the question of receiving the declarations of voters. As to the latter, and besides several prior cases, the point was expressly and deliberately decided in the great New Jersey case, in 1840, usually known as the "Broad-seal case," and the evidence was unanimously received, and a large number of votes determined upon it. This precedent has been generally approved ever since, and the undersigned attach more importance to it than usual, because it was unanimous in a highly partisan case, and because of the great ability and distinction of the gentlemen who composed the committee. The same rule of evidence as to declarations of voters, both as to qualification and vote, was deliberately adopted by the Legislature of Maryland in 1816, as also in the Legislatures of other States and courts having a special jurisdiction to try contested elections. As to a number of voters whose declarations are given in evidence, it appears upon the papers and testimony that their attendance as witnesses could not be procured; but it is not necessary in such cases to first call the voter and see if he will claim his privilege of refusing to answer. It was not done in any of the cases decided in the British Parliament. It is not necessary in settlement of cases when the declarations of the parishioner may be given in evidence (1 Greenleaf on Evidence, sec. 175); and the Supreme Court of the United States has expressly decided that where a witness can not be compelled to answer he need not be called." (6 Peters's Reports, 352, 367.)

In the case of the People *vs.* Pease (27 N. Y. at page 51), the doctrine of Vallandigham and Campbell is fully approved, and it is there decided that the voter is a party, and that his declarations are admissible even to prove that he was disqualified. We quote from that case as follows:

"So far as I have been able to discover, the rule is universal in all legislative bodies, upon inquiries as to the election of members thereof, to scrutinize the qualifications of the voters and to deduct or disallow all votes cast for any candidate by non-qualified voters. This rule seems to be well established in such cases, and it is not perceived that any substantial reason can be suggested why a different rule should obtain in a civil suit or proceeding to determine the right of an individual to a particular office. This rule was distinctly recognized and affirmed by the House of Representatives in the election case of Vallandigham and Campbell. (Cong. Globe, vol. 41, p. 2317, and following.) In the extended debate had upon that case all the members conceded that the votes of illegal or non-qualified electors must be deducted or disallowed; and the main point of difference in the discussion was as to the manner of establishing such disqualification. It was contended by some members that it could only be shown by the oath of the voter himself, while others maintained that hearsay evidence of such disqualification was admissible. Numerous precedents are cited at page 2320, fully sanctioning the doctrine that hearsay evidence can be received. At page 2319 a case was cited where, before the election committee of the house of commons, in England, Mr. Maule objected that the declarations of one John Nowlan were not evidence against the sitting member. Mr. Thesiger, since lord chancellor, now Lord Chelmsford, in reply said: 'In the Southampton case it was held evidence may be given of the declaration of a person even after voting, though it may tend to affect him with penal consequences. In the Ripon case the voter had stated to two persons in the months of June and July, 1832, that he had no vote, and that his aunt was tenant of the house; the election took place in the beginning of 1833, and the declarations were held admissible. A voter who has voted for the sitting member is always considered as a party, and it is on that ground that his declarations are admissible. The question is always considered to be between the voter and the party questioning his vote, and not merely between the sitting member and the petitioner.' The committee resolved that the evidence should be received."

It can not be denied that the legislative rule of evidence in cases of this character favors the admission of the declaration of the voter to show how he voted. It will be constantly kept in mind that in this particular case no effort on the part of the contestee is made to commend this evidence to the House for any other purpose than to show how the respective voters, whose declarations are given, voted. It is not introduced to reflect upon the candidate, or to prove that the voter himself was an illegal voter, or that he voted. The fact that he was an illegal voter is established by other evidence; the fact that he voted is also established by other evidence; and the declarations which are here insisted upon as competent disclose how the voter voted, and for this purpose we say they are competent.

As was said in the first part of this last brief, the competency of this evidence is admitted. The only question that divides counsel in this case is not whether this evidence is competent or not, but whether the witness must not first be called whose declarations are given in evidence and asked how he voted.

The Supreme Court has held that where a witness can not be made to answer when called, he need not be called.

There can be no controversy about the fact that the Supreme Court has so decided; for it is said in the case of Vallandigham *vs.* Campbell "that it is not necessary in such case to first call the voter and see if he will claim his privilege of refusing to answer. It was not done in any of the cases decided in the British Parliament. It is not necessary in settlement of cases, when the declarations of the parishioner may be given in evidence. And the Supreme Court has expressly decided that where a witness can not be compelled to answer he need not be called." (6 Pet., 352.)

In the case of Wigginton *vs.* Pacheco (Election Cases, 1876, p. 10), it is said, the Supreme Court of the United States has expressly decided that where a witness can not be compelled to answer he need not be called.

The House of Representatives, in two cases of extensive debate, have interpreted the decision of the Supreme Court in 6 Peters to mean precisely what we claim it means, so that there is no room for any misunderstanding about that rule of evidence. It is determined, not only by the highest judicial authority of the Federal Government, that where a witness can not be compelled to answer when called that he need not be called, but that rule of evidence has been accepted and adopted by this House on several distinct occasions, two of which are cited in this brief.

Now, the committee will observe that the counsel for the contestant in this identical case admits that the declarations of voters as to how they voted are competent, provided the witnesses themselves be first called and refuse to answer. If, then, the Supreme Court of the United States is right, and this House is right in its former decisions upon that subject, that it is not necessary to call a witness whom you can not compel to answer after being called, then the competency of these declarations stand admitted, and there is no further contest between us.

In the Pacheco case, already cited, a vote was taken off the poll by the House of Representatives on the declaration of the voter himself. We submit that the declaration of the voter as to how he voted is the highest evidence which the law makes available to the person questioning his vote, for the following reason: The ballot itself is not accessible; by the processes of law it can not be brought before the committee; there is no method of identifying the ballot of any particular person, so that that ballot when produced will, upon its face, tell for whom it was cast. The law furnishes no means of producing the ballot. The law furnishes no means of producing the voter against his own will. So that the first evidence that is open to the coercive processes of the law in this case is the declaration of the voter himself.

That is the first legal evidence available to the person seeking to learn for whom the voter voted. It does not stand upon the same ground with the proof of the illegality of the vote, nor upon the same ground with the fact that the voter actually did vote, for both these facts may be proved, and in this case have been proved, by other evidence than the declarations of the person who cast the vote. But the fact of how the person casting the ballot voted can not be established by any other means than the voluntary statement of the voter himself. If he were called upon the stand he would be testifying to what the ballot contained, the contents of a written or printed instrument. If his declarations are received they establish the contents of the ballot—nothing more nor less. If it can be argued that this is secondary evidence, then the calling of the voter on the stand is the first degree of secondary evidence; his declarations as to

how he voted are the second degree of secondary evidence. But, as has been shown in this brief, there are no degrees of secondary evidence, and when you get to secondary evidence, if this be held to be such, any degree is competent, and whether you resort to one degree or the other is a matter of indifference so far as the competency of the evidence is concerned, the only difference being in the weight of the evidence. There is no legal escape from these declarations. The committee may arbitrarily say they do not believe them; that in their opinion they are not sufficient in law to establish the fact; but that is the only way to relieve themselves from the effect of the declarations. They are, beyond all doubt, competent.

The case cited by the contestant, from 55 New York, does not hold that the voter may be compelled to testify, though such is intimated in the syllabus of the case. There is nothing of the kind in the decision itself. The only thing there decided was that the voter might be called as a witness. It does not hold that he may be compelled to answer when called, and, indeed, it is not necessary to argue, in the face of the constitutional provisions against compelling a witness to criminate himself, that a witness may be compelled to criminate himself.

It is a waste of time to consider such proposition, and of course it was not so decided.

It is said in the case of Cook *vs.* Cutts (dated February 19, 1883): "As to some of these voters there is no proof whatever that they voted, except hearsay. As to others, there is no proof for whom they voted, except the voters' admissions, which, according to McCrary and the recent case of Cessna *vs.* Myers, is insufficient."

If the committee will consult the case of Cessna *vs.* Myers, it will be found that it bears no such interpretation as is here given to it.

The case of Cook *vs.* Cutts proceeds, however, with the following language:

"In nearly all of them the proof relied on by the contestee consists of some statements of the voter, made in casual conversation to a witness under circumstances making them neither competent nor reliable. But even if the evidence be acceptable as competent and sufficient to prove the facts claimed, in no case would the facts thus established be sufficient to show the vote illegal."

And the committee in that case further say:

"In short, under any rule that may be adopted, applied fairly to both sides, this class of votes will be equal."

So that it appears in the Cook case that the question was of no consequence in determining the result of the contest. If the declarations of voters were receivable, they affected each candidate alike, and made no appreciable difference in the result, and the committee itself claim no higher character for the report in that case than the case of Cessna *vs.* Myers. The authority upon which it rests does not support the result here contended for. In that case the declarations were insisted upon to show other facts than how the voter votes.

In the Pacheco case and the Vallandigham case the question of the competency of the declarations of voters as to how they voted was sharply presented, and the House determined in favor of the competency of such evidence.

It will not be forgotten that it was quite as easy for contestant to call the voters as witnesses, whose declarations against their own ballots have been proved, as it was for contestee to call them. It was held in the Wigginton *vs.* Pacheco case, already cited, that when the party complaining of similar declarations failed to call the voter as a witness whose declarations were in evidence, there arose a presumption that if called such vote would corroborate the declarations. If contestant's theory is correct that these voters were innocent of illegal voting, then the witnesses if called by him would have been glad to answer in his favor. But their illegality is already proved by other evidence than their declarations, and therefore the record shows that they are in a predicament where they need not and probably would not answer if called. The same principle of changing the burdens of proof upon the voter was declared in an English case, as follows:

"In Boston election, M. R. Malcom *vs.* Ingaam, 43; L. J. C. P., 331; 9 L. R. C. P., 601, 31; L. T. N. S., 331 (English case), it is said P. having been accepted by the liberal party in a borough as a candidate at the next election, he afterward distributed among the inhabitants coals. Many of the inhabitants who accepted the coals were voters in the borough and were not objects of charity. The coals were given corruptly. Parliament being soon after dissolved, P. was declared to be returned as member by a majority of votes over M., another candidate. A petition being presented against the return of P., claiming the seat for M., P. was adjudged to be unseated on the ground of bribery. A scrutiny having been held, M. claimed to strike off the poll for P. one vote for every elector who had accepted the coals and had voted at the election, without ascertaining for whom he had in fact voted. The voters were not called to deny that they had received the coals corruptly. Held, that the bribery contemplated in the ballot act was a corrupt bargain made with an elector by or on behalf of the candidate, and under that enactment it was necessary to prove a guilty intent in the vote. Held, also, that a *prima facie* case of corruption had been made out against the voters, which they were bound to displace, and as they were not called to rebut the inference of corruption, one vote for every elector who received the coals and voted at the election must be struck off the poll of P."

McCrary does not declare against the position here taken, although it is admitted that the tendency of his argument is against it. The question which he discusses is whether such declarations are admissible to show that the person voting was not qualified, whether he was an illegal voter. He admits that the English authorities favor admitting such declarations, and says, "perhaps the weight of authorities in this country is the same way." (Section 270, first edition of McCrary.) "Though it can not be denied," he says, "that the tendency in the more recent and, we think, also the better-considered cases is to exclude the evidence as hearsay." He expresses his individual opinion against what he admits to be the weight of authority. In support of his last statement, that "we think the better-considered cases is to exclude this evidence as hearsay," he cites the cases of the State *vs.* Olin (23 Wisconsin, 319), and the Vallandigham case. These cases support the competency of such declarations instead of denying it.

The case of Lowe *vs.* Wheeler (Election Cases Forty-seventh Congress) is cited by the contestant. In that case it was distinctly held that the voters were competent to declare how they voted, if called. The report, says contestee's evidence, does not show for whom many, if any, of the persons claimed to be nonregistered, voted. He has not called the persons themselves, but attempted with little success to prove it by other parties. Contestee, for aught that appears, could have taken the evidence of the witnesses themselves to establish their identity as the persons whose names appeared on the poll-list and to prove for whom they voted. "Of course I do not hold, as a matter of law, that such is the only mode of proof allowable, while generally it is quite satisfactory, as the voter usually best knows and his evidence is direct."

It will be seen that the brief of contestant does not quote correctly what he in that case held, which was that the voter himself was a competent witness, if he choose to answer? This nobody is found to deny. But suppose he does not choose to answer? May his declarations not be received? The case cited does not say that his declarations may not be received. It says, on the contrary, "of course I do not hold, as a matter of law, that such is the only mode by the voter himself of proof allowable." It is not held in that case that the declaration of the voter as to how he voted is incompetent.

The case cited from Illinois by contestant holds that it is the legislative rule to receive such declarations, although that court does not choose to follow the rule for itself. If the cases bear the interpretation which we claim, there is no break in the current of legislative authority in favor of receiving such evidence; and, to repeat, the contestant himself admits that it is competent. A large majority of the decision which he quotes holds that such declarations are competent to show how the voter voted. Mr. McCrary, who is relied upon in the section above quoted, says:

"The English authorities, though not entirely uniform, are generally in favor of admitting such declarations, and perhaps the weight of authority in this country are the same way, though it can not be denied that the tendency in the more recent and, we think, also the better-considered cases is to exclude the evidence as hearsay."

Mr. McCrary admits that the weight of American authority is in favor of receiving these declarations. All that he does claim is that in his opinion there is a tendency, in what he chooses to call better-considered cases, to reject it. So that when the comments of Mr. McCrary are sifted to their ultimate conclusion they concede that the weight of American authority is in favor of the competency of this testimony, and there is only a tendency in some cases not to accept that doctrine. We say that the declarations rest upon the most unchanging foundation of legal certainty; that there can be discovered no legal principle upon which these declarations may be rejected. If the voter himself need not be called, then the declarations of the voter become the next highest evidence of the fact that is under inquiry, and all that the rules of law require is that the best evidence which the nature of the case permits shall be introduced.

Can there be found any better evidence of how the voter voted, if the ballot itself is not accessible, if the witness himself can not be compelled to answer? If a person were being tried in court under the charge of illegal voting, and it had been shown that he had voted, as has been shown in this case, and that he was an illegal voter, as has been shown in this case, would any lawyer have the effrontery to claim that his declaration as to how he voted could be received against himself? If he were to suffer a criminal liability for doing precisely the same act which is here complained of, and he were before a court of criminal jurisdiction to answer for that act, his declarations would be perfectly competent against him. Does he occupy any different place in a contested-election proceeding pending before a court? His ballot is a constituent fact in either case, no matter in what court the proceeding is in progress.

While it is true that the voter himself is neither contestant nor contestee, the rights of contestant and contestee in this case are purely derivative. They are derived from valid votes. The contestant has no individual, or personal, or property rights in the office. His right, if any he has, is purely representative in its nature. The primary right involved in the case is that of the voter. He is, in the essence of the inquiry, a party. The law does not reach the settlement of the rights of the candidates until it has first settled the primary rights of the voters. Each voter asserts his right in casting his ballot. Whether that ballot be valid or not, affects the voter before it can affect the candidate, and as the law presumes, under all methods of its administration, in all kinds of tribunals, that a man will not make an untruthful statement against his own interest, it receives his statement to affect his own interest in all inquiries when that interest becomes at stake. It is a mere sentiment to exalt the candidate above the voter. The law dignifies the voter above the candidate. When the declaration of the voter is received to expose the character of his own vote, and is allowed to have no legal effect beyond that, there can be discovered no legal principle which rejects such evidence, and any attempt to exclude such evidence will operate as a denial in many cases of the only evidence available to prove an essential fact in an election contest. We say, therefore, that when it stands admitted by McCrary that perhaps the weight of authority in this country is, as it is in England, in favor of holding the declarations of voters competent to show how they voted and even to show their qualifications to vote, and when it appears that this is the universal rule, as the New York and Wisconsin supreme courts say, of all legislative bodies, it is difficult to see how the public good, which is the chief legal element in this controversy, will be promoted by relaying the foundations of this subject and opening anew the agitation of the question.

I trust the House will not be led away and induced to believe that the result of the case depends upon the competency of that class of evidence, which has been discussed at length. It is not so. The proof otherwise is plenary as to how all the illegal voters voted, except only 7 or 8 out of the list of 52 found. The conclusion that McKinley was duly elected and is entitled to retain his seat is irresistible, and can not be avoided by men who have examined the case and are disposed to act as judges instead of as partisans. Gentlemen on the other hand who care nothing for principles of law or for evidence when the same stand in the way of their party or personal desires can, and probably will, vote to unseat him. I hope, however, that there are few, if any, of this latter class.

The Tariff.

SPEECH

OF

HON. WILLIAM D. HILL,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. HILL said:

Mr. CHAIRMAN: Before this debate closes I desire to state in as few words as possible my reasons for voting against striking out the enacting clause of this bill. On a former occasion I voted for the motion of my colleague [Mr. CONVERSE] to restore the duty on wool. I did it because I believed that the Forty-seventh Congress had committed a great wrong on the wool-growers of my State by reducing the duty on wool from 50 to 32 per cent. and at the same time increasing the duty on the manufactured article. From the day that I took my seat in this Hall in December I have labored and worked for the passage of the bill restoring the duty on wool.

But, sir, this House refused to pass that bill, and now, having failed

to aid the wool-growers of my district upon the only protected article which they have to sell, I consider it my plain duty to relieve them all I can on more than 2,000 other articles which their necessities compel them to buy. The Morrison bill is not exactly what I would like; but it has one great merit, it reduces taxation, and that alone is sufficient to command my vote. This debate has developed the fact that there is a surplus in the national Treasury of $150,000,000 and the estimates of the Secretary of the Treasury make it $100,000,000 more at the end of each fiscal year. The platform of the Democracy of my State declares that the revenues of the Government should be limited to the necessities thereof economically administered.

With the facts before us it is universally conceded that the revenues are not so limited, nor will this bill so limit the revenues of the Government; but it reduces the revenues $30,000,000 a year, which is a step in the right direction. I shall vote for this bill, sir, because I know that the interest of every stave and hoop factory in my district demands that I should so vote. They are manufacturing their wares now at less than cost price, and their employés and employers alike are suffering from low prices and a limited demand. This bill reduces the duty on sugar 50 per cent., not 20 per cent. The sugar-refiner of the United States when he purchases the raw material is required by the laws of this country to pay a duty on it of 50 per cent.

The sugar-refiner of England, when he purchases the raw material, pays no duty at all in his own country, and is thus enabled to undersell the American manufacturer 50 per cent. The result is that the American is confined to his own country for a market and can not manufacture a pound beyond the necessities of his own country, while the Englishman has the whole world for a market, because, having no duty to pay on his raw material, he can undersell his American competitor. I am in favor of free sugar and free salt. I am opposed to making American laboring men pay tax on the salt they eat in their bread, and nearly 40 per cent. on sugar, which is an article of food and universal consumption.

Now, Mr. Chairman, while this bill does not put sugar on the free-list, it does take off one-half the tax and helps the consumer to that extent. I also desire to relieve my constituents of a little of the taxes they pay on their agricultural implements, the mechanic on his tools, the manufacturer on his machinery, and everybody on their clothing and their blankets. I hear a great deal about protecting the laborer on his wages. Will anybody tell me where and how labor is protected? Is there any duty on labor? Are not our ports open to every laborer in Europe and the whole civilized world who desires to come here and go to work? And are they not coming at the rate of 500,000 a year? Is it not a fact that white men have been driven from the railroads on the Pacific coast and the shoe-shops of Massachusetts, and Chinese laborers employed in their places at greatly reduced wages?

The fact is, Mr, Chairman, the price of labor is regulated by the law of supply and demand, like everything else, and the manufacturers and monopolists of this country always employ a laborer as cheap as they can get him. The present tariff laws of this country were passed in 1861 to maintain the most extensive war the world has ever witnessed. The tariff on every article, all the necessities of life, were raised as high as Congress dared to do it, in some instances so high as to be prohibitory. And yet during these twenty-five years, without any decrease of duty, the wages of laboring men have been reduced time and again to starvation prices. If high duties make high wages, why is it this country has been so frequently afflicted with labor strikes? Why is it that laboring men are nearly all poor? It is because these high duties on sugar, salt, hats, shoes, blankets, clothing, and everything which the laboring man buys to support himself and family rob him every pay-day of the wages which he has earned. Now, sir, if a Republican Congress has reduced the price of wool which grows in my district, I want the Democratic Congress to reduce the price of every article which those wool-growers and all others in my district are compelled to buy.

That is not all, Mr. Chairman. It is a notorious fact, known to me and to many other members of this House, that the gentleman from Illinois [Mr. MORRISON] has privately and publicly stated that if we would not strike out the enacting clause of this bill he would exempt wool from the operations of the bill, and thus give the wool-growers of the whole country an advantage which the Republican Congress had deprived them of. For these reasons, Mr. Chairman, and a thousand others which I have not time to explain, I shall vote against striking out the enacting clause of this bill. After the general debate shall have closed I want the bill to go out of the Committee of the Whole into the House, where every member can offer an amendment. That is the best mode to perfect legislation here. I desire to offer some amendments to this bill myself. Many other members have expressed the same desire, and I do not want to be deprived of that privilege. I make this statement now because it is whispered here that a motion is to be made to strike out the enacting clause of this bill. If the Democratic party has any mission at all, it should be to relieve the people of war taxation, which every public man in this country concedes is not now needed to support the Government. And if no attempt is to be made in that direction, it seems to me it makes but little difference which political party is in power in this country.

The Tariff.

SPEECH
OF
HON. J. HART BREWER.
OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. BREWER, of New Jersey, said:

Mr. CHAIRMAN: I said all that I wish to say on the tariff in my speech in the Forty-seventh Congress, and I could only reiterate the same. But since that time an article have been written upon the tariff which in my judgment surpasses all others for clearness of statement and conclusiveness of argument that have ever been written on that subject. It comes from the pen of the magnetic statesman James G. Blaine, who I hope may be chosen as the standard bearer of the principles he so ably represents.

In his Twenty Years of Congress, volume 1, pages 178–214, he says:

"The slavery question was not the only one which developed into a chronic controversy between certain elements of Northern opinion and certain elements of Southern opinion. A review of the sectional struggle would be incomplete if it did not embrace a narrative of those differences on the tariff which at times led to serious disturbance, and, on one memorable occasion, to an actual threat of resistance to the authority of the Government. The division upon the tariff was never so accurately defined by geographical lines as was the division upon slavery; but the aggressive elements on each side of both questions finally coalesced in the same States, North and South. Massachusetts and South Carolina marched in the vanguard of both controversies; and the States which respectively followed on the tariff issue were, in large part, the same which followed on the slavery question, on both sides of Mason and Dixon's line. Anti-slavery zeal and a tariff for protection went hand in hand in New England, while pro-slavery principles became nearly identical with free trade in the cotton States. If the rule had its exception it was in localities where the strong pressure of special interest was operating, as in the case of the sugar-planter of Louisiana, who was willing to concede generous protection to the cotton-spinner of Lowell if he could thereby secure an equally strong protection, in his own field of enterprise, against the pressing competition of the island of Cuba.

"The general rule, after years of experimental legislation, resolved itself into protection in the one section and free trade in the other. And this was not an unnatural division. Zeal against slavery was necessarily accompanied by an appreciation of the dignity of free labor; and free labor was more generously remunerated under the stimulus of protective laws. The same considerations produced a directly opposite conclusion in the South, where those interested in slave labor could not afford to build up a class of free laborers with high wages and independent opinions. The question was indeed one of the kind not infrequently occurring in the adjustment of public policies where the same cause is continually producing different and apparently contradictory effects when the field of its operation is changed.

"The issues growing out of the subject of the tariff were, however, in many respects entirely distinct from the slavery question. The one involved the highest moral considerations, the other was governed solely by expediency. Whether one man could hold property in another was a question which took deep hold of the consciences of men, and was either right or wrong in itself. But whether the rate of duty upon a foreign import should be increased or lowered was a question to be settled solely by business and financial considerations. Slavery in the United States, as long experience had proved, could be most profitably employed in the cultivation of cotton. The cost of its production, in the judgment of those engaged in it, was increased by the operation of a tariff, whereas its price, being determined by the markets of the world, derived no benefit from protective duties. The clothing of the slave, the harness for the horses and mules, the plows, the rope, the bagging, the iron ties, were all, they contended, increased in price to the planter without any corresponding advance in the market value of the product. In the beginning of the controversy it was expected that the manufacture of cotton would grow up side by side with its production, and that thus the community which produced the fiber would share in the profit of the fabric. During this period the Representatives from the cotton States favored high duties; but as time wore on, and it became evident that slave-labor was not adapted to the factory, and that it was undesirable if not impossible to introduce free white labor with remunerative wages side by side with unpaid slave-labor, the leading minds of the South were turned against the manufacturing interest, and desired to legislate solely in aid of the agricultural interest.

"It was this change in the South that produced the irritating dis-

cussions in Congress—discussions always resulting in sectional bitterness and sometimes threatening the public safety. The tariff question has in fact been more frequently and more elaborately debated than any other issue since the foundation of the Federal Government. The present generation is more familiar with questions relating to slavery, to war, to reconstruction; but as these disappear by permanent adjustment the tariff returns, and is eagerly seized upon by both sides to the controversy. More than any other issue, it represents the enduring and persistent line of division between the two parties which in a generic sense have always existed in the United States—the party of strict construction and the party of liberal construction, the party of State rights and the party of national supremacy, the party of stinted revenue and restricted expenditure, and the party of generous income with its wise application to public improvement; the party, in short, of Jefferson as against the party of Hamilton, the party of Jackson as against that of Clay, the party of Buchanan and Douglas as against that of Lincoln and Seward. Taxes, whether direct or indirect, always interest the mass of mankind, and the differences of the systems by which they shall be levied and collected will always present an absorbing political issue. Public attention may be temporarily engrossed by some exigent subject of controversy, but the tariff alone steadily and persistently recurs for agitation, and for what is termed settlement. Thus far in our history settlement has only been the basis of new agitation, and each successive agitation leads again to new settlement.

"After the experience of nearly a century on the absorbing question of the best mode of levying duties on imports, the divergence of opinion is as wide and as pronounced as when the subject first engaged the attention of the Federal Government. Theories on the side of high duties and theories on the side of low duties are maintained with just as great vigor as in 1789. In no question of a material or financial character has there been so much interest displayed as in this. On a question of sentiment and of sympathy, like that of slavery, feeling is inevitable; but it has been matter of surprise that the adjustment of a scale of duties on importations of foreign merchandise should be accompanied, as it often has been, by displays of excitement often amounting to passion.

"The cause is readily apprehended when it is remembered that the tariff question is always presented as one not merely affecting the general prosperity, but as specifically involving the question of bread to the millions who are intrusted with the suffrage. The industrial classes study the question closely, and in many of the manufacturing establishments of the country the man who is working for day wages will be found as keenly alive to the effect of a change in the protective duty as the stockholder whose dividends are to be affected. Thus capital and labor coalesce in favor of high duties to protect the manufacturer, and, united, they form a political force which has been engaged in an economic battle from the foundation of the Government. Sometimes they have suffered signal defeat, and sometimes they have gained signal victories.

"The landmarks which have been left in a century of discussion and of legislative experiment deserve a brief reference for a better understanding of the subject to-day. Our financial experience has been practically as extended as that of the older nations of Europe. When the Republic was organized political economy as understood in the modern sense was in its elementary stage, and indeed could hardly be called a science. Systems of taxation were everywhere crude and ruthless, and were in large degree fashioned after the Oriental practice of mulcting the man who will pay the most and resist the least. Adam Smith had published his 'Enquiry into the Nature and Causes of the Wealth of Nations' in the year of the Declaration of Independence. Between that time and the formation of the Federal Government his views had exerted no perceptible influence on the financial system of England. British industries were protected by the most stringent enactments of Parliament, and England was the determined enemy not only of free trade but of fair trade. The emancipated Colonies found therefore in the mother country the most resolute foe to their manufacturing and commercial progress. American statesmen exhibited wisdom, moderation, and foresight in overcoming the obstacles to the material prosperity of the new Republic.

"When the administration of Washington was organized in 1789 the Government which he represented did not command a single dollar of revenue. They inherited a mountain of debt from the Revolutionary struggle, they had no credit, and the only representative of value which they controlled was the vast body of public land in the Northwest Territory. But this was unavailable as a resource for present needs, and called for expenditure in the extensive surveys which were a prerequisite to sale and settlement. In addition therefore to every other form of poverty, the new government was burdened in the manner so expressively described as land-poor, which implies the ownership of a large extent of real estate constantly calling for heavy outlay and yielding no revenue. The Federal Government had one crying need, one imperative demand—money!

"An immediate system of taxation was therefore required, and the newly organized Congress lost no time in proceeding to the consideration of ways and means As soon as a quorum of each branch of Congress was found to be present, the House gave its attention to the pressing demand for money. They did not even wait for the inauguration of President Washington, but began nearly a month before that important event to prepare a revenue bill which might at the earliest moment be ready for the executive approval. Duties on imports obviously afforded the readiest resource, and Congress devoted itself with assiduous industry to the consideration of that form of revenue. With the exception of an essential law directing the form of oath to be taken by the Federal officers, the tariff act was the first passed by the new government. It was enacted indeed two months in advance of the law creating a Treasury Department, and providing for a Secretary thereof. The need of money was indeed so urgent that provision was made for raising it by duties on imports before the appointment of a single officer of the Cabinet was authorized. Even a Secretary of State, whose first duty it was to announce the organization of the Government to foreign nations, was not nominated for a full month after the act imposing duties had been passed.

"All the issues involved in the new act were elaborately and intelligently debated. The first Congress contained a large proportion of the men who had just before been engaged in framing the Federal Constitution, and who were therefore fresh from the councils which had carefully considered and accurately measured the force of every provision of that great charter of government. It is therefore a fact of lasting importance that the first tariff law enacted under the Federal Government set forth its object in the most succinct and explicit language. It opened, after the excellent fashion of that day, with a stately preamble, beginning with the emphatic 'whereas,' and declaring that 'it is necessary for the support of Government, for the discharge of the debts of the United States, *and for the encouragement and protection of manufactures*, that duties be laid on imported goods, wares, and merchandise.' Among the men who agreed to that declaration were some of the most eminent in our history. James Madison, then young enough to add junior to his name, was the most conspicuous; and associated with him were Richard Henry Lee, Theodorick Bland, Charles Carroll of Carrollton, Rufus King, George Clymer, Oliver Ellsworth, Elias Boudinot, Fisher Ames, Elbridge Gerry, Roger Sherman, Jonathan Trumbull, Lambert Cadwalader, Thomas Fitzsimmons, the two Muhlenbergs, Thomas Tudor Tucker, Hugh Williamson, Abraham Baldwin, Jeremiah Van Rensselaer, and many other leading men, both from the North and the South.

"It is a circumstance of curious interest that nearly, if not quite, all the arguments used by the supporters and opponents of a protective system were presented at that time and with a directness and ability which have not been surpassed in any subsequent discussion. The 'ad valorem' system of levying duties was maintained against 'specific' rates in almost the same language employed in the discussions of recent years. The 'infant manufactures,' the need of the 'fostering care of the Government' for the promotion of 'home industry,' the advantages derived from 'diversified pursuits,' the competition of 'cheap labor in Europe,' were all rehearsed with a familiarity and ease which implied their previous and constant use in the legislative halls of the different States before the power to levy imposts was remitted to the jurisdiction of Congress. A picture of the industrial condition of the country at that day can be inferred from the tariff bill first passed; and the manufactures that were deemed worthy of encouragement are clearly outlined in the debate. Mr. Clymer, of Pennsylvania, asked for a protective duty on steel, stating that a furnace in Philadelphia 'had produced three hundred tons in two years, and with a little encouragement would supply enough for the consumption of the whole Union.' The Pennsylvania members at the same time strenuously opposed a duty on coal, which they wished to import as cheaply as possible, to aid in the development of their iron ores. The manufacture of glass had been started in Maryland, and the members from that State secured a duty on the foreign article after considerable discussion, and with the significant reservation, in deference to popular habits, that 'black quart-bottles' should be admitted free.

"Mr. Madison opposed a tax on cordage, and 'questioned the propriety of raising the price of any article that entered materially into the structure of vessels,' making in effect the same argument on that subject which has been repeated without improvement so frequently in later years. Indigo and tobacco, two special products of the South, were protected by prohibitory duties, while the raising of cotton was encouraged by a duty of three cents per pound on the imported article. Mr. Burke, of South Carolina, said the culture of cotton was contemplated on a large scale in the South, 'if good seed could be procured.' The manufacture of iron, wool, leather, paper, already in some degree developed, was stimulated by the bill. The fisheries were aided by a bounty on every barrel caught; and the navigation interest received a remarkable encouragement by providing that 'a discount of 10 per cent. on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels built in the United States, and wholly the property of a citizen or citizens thereof.' The bill throughout was an American measure, designed to promote American interests; and as a first step in a wide field of legislation, it was characterized in an eminent degree by wisdom, by moderation, and by a keen insight into the immediate and the distant future of the country. The ability which framed the Constitution was not greater

than that displayed by the first generation of American statesmen who were called to legislate under its generous provisions and its wise restrictions.

"These great statesmen proceeded in the light of facts, which taught them that, though politically separated from the mother country, we were still in many ways dependent upon her in as large a degree as when we were colonies, subject to her will and governed for her advantage. The younger Pitt boasted that he had reconquered the colonies as commercial dependencies, contributing more absolutely and in larger degree to England's prosperity than before the political connection was severed. He treated the States, after the close of the peace of 1783, with a haughty assumption of superiority, if not indeed with contempt—not even condescending to accredit a diplomatic representative to the country, though John Adams was in London as minister plenipotentiary and envoy extraordinary from the United States. English laws of protection under the Pitt administration were steadily framed against the development of manufactures and navigation in America, and the tendency when the Federal Constitution was adopted had been, in the planting States especially, toward a species of commercial dependence which was enabling England to absorb our trade.

"The first tariff act was therefore in a certain sense a second Declaration of Independence; and by a coincidence which could not have been more striking or more significant, it was approved by President Washington on the 4th day of July, 1789. Slow as were the modes of communicating intelligence in those days, this act of Congress did, in a suggestive way, arouse the attention of both continents. The words of the preamble were ominous. The duties levied were exceedingly moderate, scarcely any of them above 15 per cent., the majority not higher than 10. But the beginning was made; and the English manufacturers and carriers saw that the power to levy 10 per cent. could at any time levy a hundred per cent. if the interest of the new government should demand it. The separate States had indeed possessed the power to levy imposts, but they had never exercised it in any comprehensive manner, and had usually adapted the rate of duty to English trade rather than to the protection of manufacturing interests at home. The action of the Federal Government was a new departure, of portentous magnitude, and was so recognized at home and abroad.

"It was not the percentage which aroused and disturbed England. It was the power to levy the duty at all. In his famous speech on American taxation in the House of Commons fifteen years before, Mr. Burke asserted that it was 'not the weight of the duty, but the weight of the preamble which the Americans were unable and unwilling to bear.' The tax actually imposed was not oppressive, but the preamble implied the power to levy upon the Colonies whatever tax the British Government might deem expedient, and this led to resistance and to revolution. The force of the preamble was now turned against Great Britain. She saw that the extent to which the principle of protective duties might be carried was entirely a matter of discretion with the young republic whose people had lately been her subjects and might now become her rivals. The principle of protecting the manufactures and encouraging the navigation of America had been distinctly proclaimed in the first law enacted by the new government, and was thus made in a suggestive and emphatic sense the very corner-stone of the republican edifice which the patriots of the Revolution were aiming to construct.

"The opinions of Mr. Madison as thus shown in the first legislation by Congress are the more significant from the fact that he belonged to the Jeffersonian school, believed in the strictest construction of granted power, was a zealous Republican in the partisan divisions of the day, and was always opposed to the more liberal, or, as he would regard them, the more latitudinarian views of the Federal party. In regard to the protection and encouragement of manufactures there seemed to be no radical difference between parties in the early period of the Government. On that issue, to quote a phrase used on another occasion, 'they were all Federalists and all Republicans.' Mr. Hamilton's celebrated report on manufactures, submitted in answer to a request from the House of Representatives of December, 1790, sustained and elaborated the views on which Congress had already acted, and brought the whole influence of the executive department to the support of a protective tariff. Up to that period no minister of finance among the oldest and most advanced countries of Europe had so ably discussed the principles on which national prosperity was based. The report has long been familiar to students of political economy, and has had, like all Mr. Hamilton's work, a remarkable value and a singular application in the developments of subsequent years.

"Mr. Hamilton sustained the plan of encouraging home manufactures by protective duties, even to the point in some instances of making those 'duties equivalent to prohibition.' He did not contemplate a prohibitive duty as the means of encouraging a manufacture not already domesticated, but declared it 'only fit to be employed when a manufacture has made such a progress, and is in so many hands, as to insure a due competition and an adequate supply on reasonable terms.' This argument did not seem to follow the beaten path which leads to the protection of 'infant manufactures,' but rather aimed to secure the home market for the strong and well-developed enterprises. Mr. Hamilton did not turn back from the consequences which his argument involved. He perceived its logical conclusions and frankly accepted them. He considered 'the monopoly of the domestic market to its own manufacturers as the reigning policy of manufacturing nations,' and declared that 'a similar policy on the part of the United States in every proper instance was dictated by the principles of distributive justice, certainly by the duty of endeavoring to secure to their own citizens a reciprocity of advantages.' He avowed his belief that 'the internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing and with experience.' He contended that 'a reduction has in several instances immediately succeeded the establishment of domestic manufacture.' But even if this result should not follow, he maintained that 'in a national view a temporary enhancement of price must always be well compensated by a permanent reduction of it.' The doctrine of protection, even with the enlarged experience of subsequent years, has never been more succinctly or more felicitously stated.

"Objections to the enforcement of the 'protective' principle founded on a lack of constitutional power were summarily dismissed by Mr. Hamilton as 'having no good foundation.' He had been a member of the convention that formed the Constitution, and had given attention beyond any other member to the clauses relating to the collection and appropriation of revenue. He said the 'power to raise money' as embodied in the Constitution 'is plenary and indefinite,' and 'the objects for which it may be appropriated are no less comprehensive than the payment of the public debts, the providing for the common defense and the general welfare.' He gives the widest scope to the phrase 'general welfare,' and declares that 'it is of necessity left to the discretion of the national Legislature to pronounce upon the objects which concern the general welfare, and for which under that description an appropriation of money is requisite and proper.' Mr. Hamilton elaborates his argument on this head with consummate power, and declares that 'the only qualification' to the power of appropriation under the phrase 'general welfare' is that the purpose for which the money is applied shall 'be general, and not local, its operation extending in fact throughout the Union, and not being confined to a particular spot.' The limitations and hypercritical objections to the powers conferred by the Constitution, both in the raising and appropriating of money, originated in large part after the authors of that great charter had passed away, and have been uniformly stimulated by class interests which were not developed when the organic law was enacted.

"Some details of Mr. Hamilton's report are especially interesting in view of the subsequent development of manufacturing enterprises. 'Iron works' he represents as 'greatly increasing in the United States,' and so great is the demand that 'iron furnished before the Revolution at an average of sixty-four dollars per ton' was then sold at 'eighty.' Nails and spikes, made in large part by boys, needed further protection,' as 1,800,000 pounds had been imported the previous year. Iron was wholly made by 'charcoal,' but there were several mines of 'fossil coal' already 'worked in Virginia,' and 'a copious supply of it would be of great value to the iron industry.' Respecting 'cotton' Mr. Hamilton attached far more consideration to its manufacture than to its culture. He distrusted the quality of that grown at home because so far from the equator, and he wished the new factories in Rhode Island and Massachusetts to have the best article at the cheapest possible rate. To this end the repeal of the 3-cent duty on cotton levied the preceding year was 'indispensable.' He argued that 'not being, like hemp, a universal production of the country, cotton affords less assurance of an adequate internal supply.' If the duty levied on glass should not prove sufficient inducement to its manufacture, he would stimulate it 'by a direct bounty.'

"Mr. Hamilton's conceptions of an enlarged plan of 'protection' included not only 'prohibitive duties,' but, when necessary, a system of 'bounties and premiums' in addition. He was earnestly opposed to 'a capitation tax,' and declared such levies as an income tax to be 'unavoidably hurtful to industry.' Indirect taxes were obviously preferred by him wherever they were practicable. Indeed upon any other system of taxation he believed it would prove impossible for the Republic of 1790 to endure the burden imposed upon the public Treasury by the funding of the debt of the Revolution. More promptly than any other financier of that century he saw that ten dollars could be more easily collected by indirect tax than one dollar by direct levy, and that he could thus avoid those burdensome exactions from the people which had proved so onerous in Europe, and which had just aided in precipitating France into bloody revolution.

"Important and radical additions to the revenue system promptly followed Mr. Hamilton's recommendations. From that time onward, for a period of more than twenty years, additional tariff laws were passed by each succeeding Congress modifying and generally increasing the rate of duties first imposed and adding many new articles to the dutiable list. When the war of 1812 was reached a great but temporary change was made in the tariff laws by increasing the entire list of duties 100 per cent., simply doubling the rate in every case. Not content with this sweeping and wholesale increase of duty, the law provided an additional 10 per cent. upon all goods imported in foreign vessels, besides collecting an additional tonnage tax of one dollar and

a half per ton on the vessel. Of course this was war legislation, and the act was to expire within one year after a treaty of peace should be concluded with Great Britain. With the experience of recent days before him, the reader does not need to be reminded that under the stimulus of this extraordinary rate of duties manufactures rapidly developed throughout the country. Importations from England being absolutely stopped by reason of the war and in large part excluded from other countries by high duties, the American market was for the first time left substantially or in large degree to American manufacturers.

"With all the disadvantages which so sudden and so extreme a policy imposed on the people, the progress for the four years of these extravagant and exceptional duties was very rapid and undoubtedly exerted a lasting influence on the industrial interests of the United States. But the policy was not one which commanded general support. Other interests came forward in opposition. New England was radically hostile to high duties, for the reason that they seriously interfered with the shipping and commercial interest in which her people were largely engaged. The natural result, moreover, was a sharp reaction, in which the protective principle suffered. Soon after the treaty of Ghent was signed movements were made for a reduction of duties, and the famous tariff of 1816 was the result.

"In examining the debates on that important act it is worthy of notice that Mr. Clay, from an extreme Western State, was urging a high rate of duties on cotton fabrics, while his chief opponent was Daniel Webster, then a Representative from Massachusetts. An additional and still stranger feature of the debate is found when Mr. Calhoun, co-operating with Mr. Clay, replied to Mr. Webster's free-trade speech in an elaborate defense of the doctrine of protection to our manufactures.

"Mr. Calhoun spoke with enthusiasm and gave an interesting résumé of the condition of the country as affected by the war with Great Britain. He believed that the vital deficiency in our financial condition was the lack of manufactures, and to supply that deficiency he was willing to extend the protecting arm of the Government. 'When our manufactures are grown to a certain perfection, as they soon will be under the fostering care of the Government, we shall no longer experience these evils. The farmer will find a ready market for his surplus products and, what is almost of equal consequence, a certain and cheap supply for all his wants. His prosperity will diffuse itself through every class in the community.' Not satisfied with this unqualified support of the protective system, Mr. Calhoun supplemented it by declaring that 'to give perfection to this state of things it will be necessary to add as soon as possible a system of internal improvements.' Mr. Webster's opposition to protection was based on the fact that it tended to depress commerce and curtail the profits of the carrying trade.

"The tariff of 1816 was termed 'moderately protective,' but even in that form it encountered the opposition of the commercial interests. It was followed in the country by severe depression in all departments of trade, not because the duties were not in themselves sufficiently high, but from the fact that it followed the war tariff, and the change was so great as to produce not only a reaction but a revolution in the financial condition of the country. All forms of industry languished. Bankruptcy was widespread, and the distress between 1817 and 1824 was perhaps deeper and more general than at any other period of our history. There was no immigration of foreigners, and consequently no wealth from that source. There was no market for agricultural products, and the people were therefore unable to indulge in liberal expenditure. Their small savings could be more profitably invested in foreign than in domestic goods, and hence American manufactures received little patronage. The traditions of that period, as given by the generation that lived through it, are sorrowful and depressing. The sacrifice of great landed estates, worth many millions could they have been preserved for the heirs of the next generation, was a common feature in the general distress and desolation. The continuance of this condition of affairs had no small influence on the subsequent division of parties. It naturally led to a change in the financial system, and in 1824 a tariff act was passed materially enlarging the scope of the act of 1816.

"The act of 1824 was avowedly protective in its character, and was adopted through the influence of Mr. Clay, then Speaker of the House of Representatives. His most efficient ally on the floor was Mr. Buchanan, of Pennsylvania, who exerted himself vigorously in aid of the measure. Mr. Webster again appeared in the debate, arguing against the 'obsolete and exploded notion of protection,' and carrying with him nearly the whole vote of Massachusetts in opposition. Mr. Clay was enabled to carry the entire Kentucky delegation for the high protective tariff, and Mr. Calhoun's views having meanwhile undergone a radical change, South Carolina was found to be unanimous in opposition, and cordially co-operating with Massachusetts in support of free trade. The effect of that tariff was undoubtedly favorable to the general prosperity, and during the administration of John Quincy Adams every material interest of the country improved. The result was that the supporters of the protective system, congratulating themselves upon the effect of the work of 1824, proceeded in 1828 to levy still higher duties. They applied the doctrine of protection to the raw materials of the country, the wool, the hemp, and all unmanufactured articles which by any possibility could meet with damaging competition from abroad.

"It was indeed an era of high duties, of which, strange as it may seem to the modern reader, Silas Wright, of New York, and James Buchanan, of Pennsylvania, appeared as the most strenuous defenders, and were personally opposed in debate by John Davis, of Massachusetts, and Peleg Sprague, of Maine. To add to the entanglement of public opinion, Mr. Webster passed over to the side of ultra-protection and voted for the bill, finding himself in company with Martin Van Buren, of New York, and Thomas H. Benton, of Missouri. It was an extraordinary commingling of political elements, in which it is difficult to find a line of partition logically consistent either with geograpical or political divisions. Mr. Webster carried with him not more than two or three votes of the Massachusetts delegation. His colleague in the Senate, Nathaniel Silsbee, voted against him, and in the House such personal adherents as Edward Everett and Isaac C. Bates recorded themselves in the negative. There was a great deal of what in modern phrase would be called 'fencing for position' in the votes on this test question of the day. The names of no less than five gentlemen who were afterward Presidents of the United States were recorded in the yeas and nays on the passage of the bill in the two Houses—Mr. Van Buren, General Harrison, John Tyler, in the Senate, and Mr. Polk, and Mr. Buchanan in the House.

"There was a general feeling that the act of 1828 marked a crisis in the history of tariff discussion, and that it would in some way lead to important results in the fate of political parties and political leaders. Mr. Calhoun was this year elected Vice-President of the United States, with General Jackson as President, and Mr. Van Buren was transferrred from the Senate to the State Department as the head of Jackson's Cabinet. When by his address and tact he had turned the mind of the President against Calhoun as his successor, and fully ingratiated himself in executive favor, the quarrel began which is elsewhere detailed at sufficient length. In this controversy, purely personal at the outset, springing from the clashing ambitions of two aspiring men, the tariff of 1828, especially with the vote of Mr. Van Buren in favor of it, was made to play an important part. The quarrel rapidly culminated in Mr. Calhoun's resignation of the Vice-Presidency, his leadership of the nullification contest in South Carolina, and his re-election to the Senate of the United States some time before the expiration of the Vice-Presidential term for which he had been chosen. The result was a reduction of duties, first by the act of July, 1832, and secondly by Mr. Clay's famous compromise act of March 2, 1833, in which it was provided that by a sliding scale all the duties in excess of 20 per cent. should be abolished within a period of ten years. It was this act which for the time calmed excitement in the South, brought Mr. Calhoun and Mr. Clay into kindly relations, and somewhat separated Mr. Webster and Mr. Clay—at least producing one of those periods of estrangement which, throughout their public career, alternated with the cordial friendship they really entertained for each other.

During the operation of this act—which was really an abandonment of the protective principle—the financial crisis of 1837 came upon the country, and a period of distress ensued almost equal to that which preceded the enactment of the tariff of 1824. Many persons, still in active business, recall with something of horror the hardships and privations which were endured throughout the country from 1837 to 1842. The long-continued depression produced the revolution against the Democratic party which ended in the overthrow of Mr. Van Buren and the election of General Harrison as the President of the United States in 1840. The Whig Congress that came into power at the same time proceeded to enact the law popularly known as the tariff of 1842, which was strongly protective in its character, though not so extreme as the act of 1828. The vote in favor of the bill was not exclusively Whig, as some of the Northern Democrats voted for it and some of the Southern Whigs against it. Conspicuous among the former were Mr. Buchanan, of Pennyslvania, and Mr. Wright, of New York, who maintained a consistency with their vote for the tariff of 1828. Conspicuous among Southern Whigs against it were Berrien of Georgia, Clayton of Delaware, Mangum of North Carolina, Merrick of Maryland, and Rives of Virginia The two men who above all others deserve honor for successful management of the bill were George Evans, the brilliant and accomplished Senator from Maine, and Thomas M. T. McKennan, for many years an able, upright, and popular Representative from Pennsylvania. John Quincy Adams, in a public speech delivered in 1843 in the town of Mr. McKennan's residence, ascribed to that gentleman the chief credit of carrying the protective tariff bill through the House of Representatives. The vote showed, as all tariff bills before had, and as all since have shown, that the local interest of the constituency determines in large measure the vote of the Representative; that planting sections grow more and more toward free trade and manufacturing sections more and more toward protection.

"The friends of home industry have always referred with satisfaction to the effect of the tariff of 1842 as an explicit and undeniable proof of the value of protection. It raised the country from a slough of despond to happiness, cheerfulness, confidence. It imparted to all sections a degree of prosperity which they had not known since the repeal of the tariff of 1828. The most suggestive proof of its strength and popularity was found in the contest of 1844 between Mr. Polk and Mr. Clay, when the Democrats in the critical Northern States assumed the advocacy of the tariff of 1842 as loudly as the supporters of Mr. Clay. Other

issues overshadowed the tariff, which was really considered to be settled, and a President and Congress were chosen without any distinct knowledge on the part of their constituents as to what their action might be upon this question. The popular mind had been engrossed with the annexation of Texas and with the dawn of the free-soil excitement; hence protection and free trade were in many States scarcely debated from lack of interest, and in the States where interest prevailed both parties took substantially the same side.

"A deception had, however, been practiced in the manufacturing States of the North, and when the administration of Mr. Polk was installed the friends of protection were startled by the appointment of a determined opponent of the tariff of 1842 as Secretary of the Treasury. Robert J. Walker was a Senator from Mississippi when the act was passed, and was bitterly opposed to it. He was a man of great originality, somewhat speculative in his views, and willing to experiment on questions of revenue to the point of rashness. He was not a believer in the doctrine of protection, was persuaded that protective duties bore unjustly and severely upon the planting section with which he was identified; and he came to his office determined to overthrow the tariff act, which he had been unable to defeat in the Senate. Mr. Walker was excessively ambitious to make his term in the Treasury an era in the history of the country. He had a difficult task before him, one from which a conservative man would have shrunk. The tariff was undoubtedly producing a valuable revenue, and as the administration of Mr. Polk was about to engage in war, revenue was what they most needed. Being about to enter upon a war, every dictate of prudence suggested that aggressive issues should not be multiplied in the country. But Mr. Walker was not Secretary of War or Secretary of State, and he was unwilling to sit quietly down and collect the revenue under a tariff imposed by a Whig Congress against which he had voted, while Buchanan, in directing our foreign relations, and Marcy, in conducting a successful war, would far outstrip him in public observation and in acquiring the elements of popularity adapted to the ambition which all three alike shared.

"Mr. Walker made an elaborate report on the question of revenue, and attacked the tariff of 1842 in a manner which might well be termed savage. He arraigned the manufacturers as enjoying unfair advantages—advantages held, as he endeavored to demonstrate, at the expense and to the detriment of the agriculturist, the mechanic, the merchant, the ship-owner, the sailor, and indeed of almost every industrial class. In reading Mr. Walker's report a third of a century after it was made one might imagine that the supporters of the tariff of 1842 were engaged in a conspiracy to commit fraud, and that the manufacturers who profited by its duties were guilty of some crime against the people. But extreme as were his declarations and difficult as were the obstructions in his path, he was able to carry his point. Mr. Buchanan, the head of the Cabinet, had voted for the tariff of 1842, and Mr. Dallas, the Vice-President, had steadily and ably upheld the doctrine of protection when a member of the Senate. It was the position of Buchanan and Dallas on the tariff that won the October election of 1844 for Francis R. Shunk for governor of Pennsylvania, and thus assured the election of Mr. Polk. The administration of which Buchanan and Dallas were such conspicuous and influential members could not forswear protection and inflict a free-trade tariff on Pennsylvania without apparent dishonor and the abandonment of that State to the Whigs. It was therefore regarded not only as impracticable but as politically impossible.

"It was soon ascertained, however, that Mr. Polk sympathized with Mr. Walker, and Mr. Buchanan was silenced and overridden. The free-trade tariff of 1846 was passed; and Mr. Dallas, who had been nominated because of his record as a protectionist, was subjected to the humiliation of giving his casting vote as Vice-President in favor of a tariff which was execrated in Pennsylvania, and which was honestly believed to be inimical in the highest degree to the interest of the American manufacturer and the American mechanic. The act had no small influence in the overthrow of the Polk administration at the elections for the next ensuing Congress and in the defeat of General Cass for the Presidency in 1848. As Senator from Michigan, General Cass had voted for the bill, influenced thereto by his Southern associates, for whom he always did so much and from whom he always received so little. Pennsylvania was at that time really a Democratic State, but she punished General Cass for his free-trade course by giving her electoral vote to Taylor. If she had given it to Cass he would have been chosen President.

"It was in connection with the tariff agitation of 1846 that Simon Cameron originally obtained his strong hold upon the popular sympathy and support of Pennsylvania. He was a Democrat; had long been confidential adviser to Mr. Buchanan, and had supported Mr. Polk. But he was a believer in the doctrine of protection; and as he had aided in carrying Pennsylvania by declaring himself a friend to the tariff of 1842, he maintained his faith. When the Polk administration was organized, a vacancy was created in the Senate by Mr. Buchanan's appointment as Secretary of State. George W. Woodward was the regular nominee of the Democratic party for the place. But Cameron bolted, and with the aid of Whig votes was chosen Senator. He resisted the passage of the tariff of 1846, stood firmly and consistently for the industrial interests of his State, cultivated an alliance with the Whigs in the Senate, and by their aid thwarted all the attempts of the Polk administration to interfere with his plans and purposes in Pennsylvania. The President endeavored to heal Judge Woodward's wounds by placing him on the bench of the Supreme Court as the successor of the eminent Henry Baldwin. Cameron induced the Whigs to reject him, and then forced the administration to nominate Robert C. Grier, whose appointment was personally acceptable and agreeable to him. In the successful tactics then employed by Cameron may be found the secret of his remarkable career as a party manager in the field in which, for a full half century, he was an active and indefatigable worker.

"The Whig victory of 1848 was not sufficiently decisive to warrant any attempt, even had there been desire, to change the tariff. General Taylor had been elected without subscribing to a platform or pledging himself to a specific measure, and he was therefore in a position to resist and reject appeals of the ordinary partisan character. Moreover the tariff of 1846 was yielding abundant revenue, and the business of the country was in a flourishing condition at the time his administration was organized. Money became very abundant after the year 1849; large enterprises were undertaken, speculation was prevalent, and for a considerable period the prosperity of the country was general and apparently genuine. After 1852 the Democrats had almost undisputed control of the Government, and had gradually become a free-trade party. The principles embodied in the tariff of 1846 seemed for the time to be so entirely vindicated and approved that resistance to it ceased, not only among the people but among the protective economists, and even among the manufacturers to a large extent. So general was this acquiescence that in 1856 a protective tariff was not suggested or even hinted by any one of the three parties which presented Presidential candidates.

"It was not surprising, therefore, that with a plethoric condition of the national Treasury for two or three consecutive years, the Democratic Congress, in the closing session of Pierce's administration, enacted what has since been known as the tariff of 1857. By this law the duties were placed lower than they had been at any time since the war of 1812. The act was well received by the people, and was indeed concurred in by a considerable proportion of the Republican party. The Senate had a large Democratic majority, but in the House three parties divided the responsibility—no one of them having an absolute majority. The Republicans had a plurality and had chosen Mr. Banks Speaker, but the American party held the balance of power in the House and on several of the leading committees. Some prominent Republicans, however, remaining true to their old Whig traditions, opposed the reduction of duties. Mr. Seward voted against it, but his colleague, Mr. Hamilton Fish, voted for it. Mr. Seward represented the protective tendencies of the country districts of New York, and Mr. Fish the free-trade tendencies of the city. Mr. Sumner and Mr. Wilson both voted for it, as did also Senator Allen, of Rhode Island, the direct representative of the manufacturers of that State. Mr. Bell, of New Hampshire, voted for it, while Senators Collamer and Foot, of Vermont, voted against it. Mr. Fessenden did not oppose it, but his colleague, Mr. Nourse, voted against it. The Connecticut Senators, Foster and Toucey, one of each party, supported the measure.

"In the House, the New England Representatives generally voted for the bill, but Mr. Morrill, of Vermont, opposed it. The Pennsylvania delegation, led by James H. Campbell and John Covode, did all in their power to defeat it. The two Washburns, Colfax, and McKee Dunn headed a formidable opposition from the West. Humphrey Marshall and Samuel F. Swope, of Kentucky, were the only Representatives from slave States who voted in the negative; though in the Senate three old and honored Whigs, John Bell of Tennessee, John B. Thompson of Kentucky, and Henry S. Geyer of Missouri, maintained their ancient faith and voted against lowering the duties. It was an extraordinary political combination that brought the Senators from Massachusetts and the Senators from South Carolina, the Representatives from New England and the Representatives from the cotton States, to support the same tariff bill—a combination which had not before occurred since the administration of Monroe. This singular coalition portended one of two results: either an entire and permanent acquiescence in the rule of free trade, or an entire abrogation of that system, and the revival, with renewed strength, of the doctrine of protection. Which it should be was determined by the unfolding of events not then foreseen, and the force of which it required years to measure.

"The one excuse given for urging the passage of the act of 1857 was that under the tariff of 1846 the revenues had become excessive, and the income of the Government must be reduced. But it was soon found to be a most expensive mode of reaching that end. The first and most important result flowing from the new act was a large increase in importations and a very heavy drain in consequence upon the reserved specie of the country to pay the balance, which the reduced shipments of agricultural products failed to meet. In the autumn of 1857, half a year after the passage of the tariff act, a disastrous financial panic swept over the country, prostrating for the time all departments of business in about the same degree. The agricultural, commercial, and manufacturing interests were alike and equally involved. The distress for a time was severe and widespread. The stagnation which ensued

was discouraging and long continued, making the years from 1857 to 1860 extremely dull and dispiriting in business circles throughout the Union. The country was not exhausted and depleted as it was after the panic of 1837, but the business community had no courage; energy was paralyzed, and new enterprises were at a stand-still.

"It soon became evident that this condition of affairs would carry the tariff question once more into the political arena as an active issue between parties. Thus far, the new Republican organization had passively acquiesced in existing laws on this subject; but the general distress caused great bodies of men, as is always the case, to look to the action of the Government for relief. The Republicans found therefore a new ground for attacking the Democracy—holding them responsible for the financial depression, initiating a movement for returning to the principle and practice of protection, and artfully identifying the struggle against slavery with the efforts of the workingmen throughout the North to be freed from injurious competition with the cheapened labor of Europe. This phase of the question was presented with great force in certain States, and the industrial classes, by a sort of instinct of self-preservation as it seemed to them, began to consolidate their votes in favor of the Republican party. They were made to see, by clever and persuasive speakers, that the slave labor of the South and the ill-paid labor of Europe were both hostile to the prosperity of the workingman in the free States of America, and that the Republican party was of necessity his friend, by its opposition to all the forms of labor which stood in the way of his better remuneration and advancement.

"The convention which nominated Mr. Lincoln met when the feeling against free trade was growing and in many States already deep-rooted. A majority of those who composed that convention had inherited their political creed from the Whig party, and were profound believers in the protective teachings of Mr. Clay. But a strong minority came from the radical school of Democrats, and, in joining the Republican party on the anti-slavery issue, had retained their ancient creed on financial and industrial questions. Care was for that reason necessary in the introduction of new issues and the imposition of new tests of party fellowship. The convention therefore avoided the use of the word "protection," and was contented with the moderate declaration that "sound policy requires such an adjustment of imposts as will encourage the development of the industrial interests of the whole country." A more emphatic declaration might have provoked resistance from a minority of the convention, and the friends of protection acted wisely in accepting what was offered with unanimity, rather than continue the struggle for a stronger creed which would have been morally weakened by party division. They saw also that the mere form of expression was not important, so long as the convention was unanimous on what theologians term the "substance of doctrine." It was noted that the vast crowd which attended the convention cheered the tariff resolution as lustily as that which opposed the spread of slavery into free territory. From that hour the Republican party gravitated steadily and rapidly into the position of avowed advocacy of the doctrine of protection. The national ticket which they presented was composed indeed of an original Whig protectionist and an original Democratic free-trader; but the drift of events, as will be seen, carried both alike into the new movement for a protective system.

"A review of the tariff legislation in the period between the war of 1812 and the political revolution of 1860 exhibits some sudden and extraordinary changes on the part of prominent political leaders in their relation to the question. The inconsistency involved is, however, more apparent than real. Perhaps it would be correct to say that the inconsistency was justifiable in the eyes of those who found it necessary to be inconsistent. Mr. Webster was a persistent advocate of free trade so long as Massachusetts was a commercial State. But when, by the operation of laws against the enactment of which he had in vain protested, Massachusetts became a manufacturing State, Mr. Webster naturally and inevitably became a protectionist. Mr. Calhoun began as a protectionist when he hoped for the diffusion and growth of manufactures throughout all sections alike. He became a free-trader when he realized that the destiny of the South was to be purely agricultural, devoted to products whose market was not, in his judgment, to be enlarged by the tariff and whose production was enhanced in cost by its operation. Colonel Benton's change was similar to Mr. Calhoun's, though at a later period, and not so abrupt or so radical. Mr. Van Buren's shifting of position was that of a man eagerly seeking the current of popular opinion, and ready to go with the majority of his party. Of all the great lights but one burned steadily and clearly. Mr. Clay was always a protectionist, and, unlike Mr. Van Buren, he forced his party to go with him. But as a whole the record of tariff legislation, from the very origin of the Government, is the record of enlightened selfishness; and enlightened selfishness is the basis of much that is wisest in legislation.

"It is natural that both sides to the tariff controversy should endeavor to derive support for their principles from the experience of the country. Nor can it be denied that each side can furnish many arguments which apparently sustain its own views and theories. The difficulty in reaching a satisfactory and impartial conclusion arises from the inability or unwillingness of the disputants to agree upon a common basis of fact. If the premises could be candidly stated, there would be no trouble in finding a true conclusion. In the absence of an agreement as to the points established, it is the part of fairness to give a succinct statement of the grounds maintained by the two parties to the prolonged controversy—grounds which have not essentially changed in a century of legislative and popular contention.

"It is maintained by free-traders that under the moderate tariff prevailing from the origin of the Government to the war of 1812 the country was prosperous, and manufactures were developing as rapidly as was desirable or healthful. Protectionists on the other hand aver that the duty levied in 1789 was the first of uniform application throughout all the States, and that, regardless of its percentage, its influence and effect were demonstrably protective; that it was the first barrier erected against the absolute commercial supremacy of England, and that it effectually did its work in establishing the foundation of the American system. In the absence of that tariff, they maintain that England, under the influence of actual free trade, had monopolized our market and controlled our industries. Finally they declare that the free-traders yield the whole case in acknowledging that the first tariff imparted an impetus to manufactures and to commercial independence wholly unknown while the States were under the Articles of Confederation and unable to levy uniform duties on imports.

"The free-traders point to the destructive effect of the war tariff of 1812, which unduly stimulated and then inevitably depressed the country. They assume this to be a pregnant illustration of the truth, otherwise logically deduced by them, as to the reaction sure to follow an artificial stimulus given to any department of trade. The protectionists, declining to defend the war duties as applicable to a normal condition, find in the too sudden dropping of war rates the mistake which precipitated the country into financial trouble. Depression, they say, would naturally have come; but it was hastened and increased by the inconsiderate manner in which the duties were lowered in 1816. From that time onward the protectionists claim that the experience of the country has favored their theories of revenue and financial administration. The country did not revive or prosperity reappear until the protective tariff of 1824 was enacted. The awakening of all branches of industry by that act was further promoted by the tariff of 1828, to which the protectionists point as the perfected wisdom of their school. Mr. Clay publicly asserted that the severest depression he had witnessed in the country was during the seven years preceding the tariff of 1824, and that the highest prosperity was during the seven years following that act.

"The free-traders affirm that the excitement in the South and the sectional resistance to the tariff of 1828 show the impossibility of maintaining high duties. The protectionists reply that such an argument is begging the question, and is simply tantamount to admitting that protection is valuable if it can be upheld. The protectionists point to the fact that their system was not abandoned in 1832 upon a fair consideration of its intrinsic merits, but as a peace-offering to those who were threatening the destruction of the Government if the duties were not lowered. Many protectionists believe that if Mr. Clay had been willing to give to General Jackson the glory of an absolute victory over the Nullifiers of South Carolina the revenue system of the country would have been very different. They think, however, that the temptation to settle the question by compromise instead of permitting Jackson to settle it by force was perhaps too strong to be resisted by one who had so many reasons for opposing and hating the President.

"A more reasonable view held by another school of protectionists is that Mr. Clay did the wisest possible thing in withdrawing the tariff question from a controversy where it was complicated with so many other issues—some of them bitter and personal. He justly feared that the protective principle might be irretrievably injured in the collision thought to be impending. He believed, moreover, that the best protective lesson would be taught by permitting the free-traders to enforce their theories for a season, trusting for permanent triumph to the popular reaction certain to follow. There was nothing in the legislation to show that Mr. Clay or his followers had in any degree abandoned or changed their faith in protective duties or their confidence in the ultimate decision of the public judgment. The protectionists aver that the evils which flowed from the free-trade tariff of 1833, thus forced on the country by extraneous considerations, were incalculably great, and negatively established the value of the tariff of 1828 which had been so unfairly destroyed. They maintain that it broke down the manufacturing interest, led to excessive importations, threw the balance of trade heavily against us, drained us of our specie, and directly led to the financial disasters of 1837 and the years ensuing. They further declare that this distressing situation was not relieved until the protective tariff of 1842 was passed, and that thenceforward, for the four years in which that act was allowed to remain in force, the country enjoyed general prosperity—a prosperity so marked and widespread that the opposing party had not dared to make an issue against the tariff in States where there was large investment in manufacturing.

"The free-traders consider the tariff of 1846 to be a conclusive proof of the beneficial effect of low duties. They challenge a comparison of the years of its operation, between 1846 and 1857, with any other equal period in the history of the country. Manufacturing, they say, was not forced by a hot-house process to produce high-priced goods for popular consumption, but was gradually encouraged and developed on a

healthful and self-sustaining basis, not to be shaken as a reed in the wind by every change in the financial world. Commerce, as they point out, made great advances, and our carrying trade grew so rapidly that in ten years from the day the tariff of 1846 was passed our tonnage exceeded the tonnage of England. The free-traders refer with especial emphasis to what they term the symmetrical development of all the great interests of the country under this liberal tariff. Manufactures were not stimulated at the expense of the commercial interest. Both were developed in harmony, while agriculture, the indispensable basis of all, was never more flourishing. The farmers and planters at no other period of our history were in receipt of such good prices, steadily paid to them in gold coin, for their surplus product, which they could send to the domestic market over our own railways and to the foreign market in our own ships.

"Assertions as to the progress of manufactures in the period under discussion are denied by the protectionists. While admitting the general correctness of the free-traders' statements as to the prosperous condition of the country, they call attention to the fact that directly after the enactment of the tariff of 1846 the great famine occurred in Ireland, followed in the ensuing years by short crops in Europe. The prosperity which came to the American agriculturist was therefore from causes beyond the sea and not at home—causes which were transient, indeed almost accidental. Moreover an exceptional condition of affairs existed in the United States in consequence of our large acquisition of territory from Mexico at the close of the war and the subsequent and almost immediate discovery of gold in California. A new and extended field of trade was thus opened in which we had the monopoly, and an enormous surplus of money was speedily created from the products of the rich mines on the Pacific coast. At the same time Europe was in convulsion from the revolutions of 1848, and production was materially hindered over a large part of the continent. This disturbance had scarcely subsided when three leading nations of Europe, England, France, and Russia, engaged in the wasteful and expensive war of the Crimea. This struggle began in 1853 and ended in 1856, and during those years it increased consumption and decreased production abroad, and totally closed the grain-fields of Russia from any competition with the United States.

"The protectionists therefore hold that the boasted prosperity of the country under the tariff of 1846 was abnormal in origin and in character. It depended upon a series of events exceptional at home and even more exceptional abroad, events which by the doctrine of probabilities would not be repeated for centuries. When peace was restored in Europe, when foreign looms and forges were set going with renewed strength, when Russia resumed her export of wheat, and when at home the output of the gold mines suddenly decreased, the country was thrown into distress, followed by a panic and by long years of depression. The protectionists maintain that from 1846 to 1857 the United States would have enjoyed prosperity under any form of tariff, but that the moment the exceptional conditions in Europe and in America came to an end the country was plunged headlong into a disaster from which the conservative force of a protective tariff would in large part have saved it. The protectionists claim moreover that in these averments they are not wise after the fact. They show a constant series of arguments and warnings from leading teachers of their economic school, especially from Horace Greeley and Henry C. Carey, accurately foretelling the disastrous results which occurred at the height of what was assumed to be our solid and enduring prosperity as a nation. These able writers were prophets of adversity, and the inheritors of their faith claim that their predictions were startlingly verified.

"The free-traders, as an answer to this arraignment of their tariff policy, seek to charge responsibility for the financial disasters to the hasty and inconsiderate changes made in the tariff in 1857, for which both parties were in large degree if not indeed equally answerable. The protectionists will not admit the plea, and insist that the cause was totally inadequate to the effect, considering the few months the new tariff had been in operation. They admit that the low scale of duties in the new tariff perhaps may have added to the distress by the very rapid increase of importations which it invited; but they declare that its period of operation was entirely too brief to create a result so decided, if all the elements of disaster had not been in existence and in rapid development at the time the act was passed. The tariff of 1846, therefore, under which there had been a very high degree of prosperity, was in the judgment of the protectionists successfully impeached, and a profound impression in consequence made on the public mind in favor of higher duties.

"The question of the tariff was of especial significance and influence in Pennsylvania. Important in that State, it became important everywhere. Pennsylvania had been continuously and tenaciously held by the Democratic party. In the old political divisions she had followed Jefferson and opposed Adams. In the new divisions she had followed Jackson and opposed Clay. She was Republican as against the Federalists; she was Democratic as against the Whigs. From the election of Jackson in 1828 to the year 1860—a period that measured the lifetime of a generation—she had with very few exceptions sustained the Democratic party. Joseph Ritner was elected governor by the Whigs in 1835 in consequence of Democratic divisions. Harrison, in the political convulsion of 1840, triumphed in the State by the slight majority of three hundred. Taylor received her electoral vote, partly in consequence of dissensions between Cass and Van Buren, and partly in consequence of the free-trade opinions of Cass. In 1854 James Pollock was chosen governor by the sudden uprising and astounding development of the Native-American excitement as organized by the Know-Nothing party. The repeal of the Missouri compromise aided the canvass of Pollock, but that alone would not have loosened the strong moorings of the Pennsylvania Democracy. Mr. Buchanan recovered the State two years afterward, and would have held it firmly in his grasp but for the financial revulsion and the awakened demand for a protective tariff.

"Dissociated from the question of protection, opposition to the extension of slavery was a weak issue in Pennsylvania. This was conclusively shown in the gubernatorial contest of 1857, when David Wilmot, the personal embodiment of Free-soil principles, was the Republican candidate for governor. Besides the general strength of the Territorial issue, Mr. Wilmot had the advantage of all the anti-slavery zeal which was aroused by the announcement of the Dred Scott decision, with the censurable connection therewith of President Buchanan. Thus an angry element was superadded for personal prejudice and effective agitation. Yet Mr. Wilmot was disastrously beaten by the Democratic candidate, Governor Packer, the adverse majority reaching indeed tens of thousands.

"The crushing Republican defeat received in the person of Wilmot occurred on the very eve of the financial distress of 1857. The Democratic canvass had been made while there was yet no suspicion of impending panic and revulsion—made indeed with constant boasts of the general prosperity and with constant ascription of that prosperity to the well-defined and long-continued policy of the Democratic party. From that time the Democratic party became embarrassed in Pennsylvania. With a tariff of their own making, with a President of their own choice, with both branches of Congress and every department of the Government under their control, a serious disaster had come upon the country. The promises of Democratic leaders had failed, their predictions had been falsified, and as a consequence their strength was shattered. The Republicans of Pennsylvania, seeing their advantage, pressed it by renewed and urgent demands for a protective tariff. On the other issues of the party they had been hopelessly beaten, but the moment the hostility to slave labor in the Territories became identified with protected labor in Pennsylvania, the party was inspired with new hopes, received indeed a new life.

"It was this condition of public opinion in Pennsylvania which made the recognition of the protective system so essential in the Chicago platform of 1860. It was to that recognition that Mr. Lincoln in the end owed his election. The memorable victory of Andrew G. Curtin, when he was chosen governor by a majority of 32,000, was largely due to his able and persuasive presentation of the tariff question and to his effective appeals to the laboring men in the coal and iron sections of the State. But for this issue there was in fact no reason why Curtin should have been stronger in 1860 than Wilmot was in 1857. Indeed, but for that issue he must have been weaker. The agitation over the repeal of the Missouri compromise had somewhat subsided with the lapse of years; the free-State victory in Kansas was acknowledged and that angry issue removed; while the Dred Scott decision, failing to arouse popular resentment at the time it was pronounced, could hardly be effective for an aggressive canvass three years later. If Governor Curtin could have presented no other issue to the voters of Pennsylvania, he would undoubtedly have shared the fate which Wilmot met when he had these anti-slavery questions as his only platform. Governor Curtin gave a far greater proportion of his time to the discussion of the tariff and financial issues than to all others combined, and he carried Pennsylvania because a majority of her voters believed that the Democratic party tended to free trade and that the Republican party would espouse and maintain the cause of protection.

"Had the Republicans failed to carry Pennsylvania, there can be no doubt that Mr. Lincoln would have been defeated. An adverse result in Pennsylvania in October would certainly have involved the loss of Indiana in November, besides California and Oregon and the four votes in New Jersey. The crisis of the national campaign was therefore reached in the triumph of Governor Curtin in the State election which preceded by four weeks the direct choice of President. It would be difficult to compute the possible demoralization in the Republican ranks if Pennsylvania had been lost in October. The division among the Democrats was a fruitful source of encouragement and strength to the Republicans, but would probably have disappeared with the positive assurance of success in the national struggle. Whether in the end Douglas or Breckinridge would have been chosen President is matter of speculation, but it is certain that Mr. Lincoln would have been defeated. The October election of Pennsylvania was for so long a period an unerring index to the result of the contest for the Presidency, that a feeling almost akin to superstition was connected with it. Whichever party carried it was sure, in the popular judgment, to elect the President. It foretold the crushing defeat of John Quincy Adams in 1828; it heralded the disaster to Mr. Clay in 1844; it foredoomed General Cass in 1848. The Republicans, having elected their candidate for governor in 1854 by a large majority, confidently expected to carry the State against Mr. Buchanan in 1856.

But the Democratic party prevailed in the October election, and the supporters of Frémont at once recognized the hopelessness of their cause. The triumph of Governor Curtin was the sure precursor of Mr. Lincoln's election, and that very fact added immeasurably to his popular strength in the closing month of the prolonged and exciting struggle.

"In reviewing the agencies therefore which precipitated the political revolution of 1860, large consideration must be given to the influence of the movement for protection. To hundreds of thousands of voters who took part in that memorable contest the tariff was not even mentioned. Indeed this is probably the fact with respect to the majority of those who cast their suffrages for Mr. Lincoln. It is none the less true that these hundreds of thousands of ballots, cast in aid of free territory and as a general defiance to the aggressions of the pro-slavery leaders of the South, would have been utterly ineffectual if the central and critical contest in Pennsylvania had not resulted in a victory for the Republicans in October. The tariff therefore had a controlling influence not only in deciding the contest for political supremacy but in that more momentous struggle which was to involve the fate of the Union. It had obtained a stronger hold on the Republican party than even the leaders of that organization were aware, and it was destined to a larger influence upon popular opinion than the most sagacious could foresee.

"In the foregoing summary of legislation upon the tariff, the terms free trade and protection are used in their ordinary acceptation in this country—not as accurately defining the difference in revenue theories, but as indicating the rival policies which have so long divided political parties. Strictly speaking, there has never been a proposition by any party in the United States for the adoption of free trade. To be entirely free, trade must encounter no obstruction in the way of tax, either upon export or import. In that sense no nation has ever enjoyed free trade. As contradistinguished from the theory of protection, England has realized freedom of trade by taxing only that class of imports which meet no competition in home production, thus excluding all pretense of favor or advantage to any of her domestic industries. England came to this policy after having clogged and embarrassed trade for a long period by the most unreasonable and tyrannical restrictions, ruthlessly enforced, without regard to the interests or even the rights of others. She had more than four hundred acts of Parliament regulating the tax on imports, under the old designations of 'tonnage and poundage,' adjusted, as the phrase indicates, to heavy and light commodities. Beyond these, she had a cumbersome system of laws regulating and in many cases prohibiting the exportation of articles which might teach to other nations the skill by which she had herself so marvelously prospered.

"When by long experiment and persistent effort England had carried her fabrics to perfection; when by the large accumulation of wealth and the force of reserved capital she could command facilities which poorer nations could not rival; when by the talent of her inventors, developed under the stimulus of large reward, she had surpassed all other countries in the magnitude and effectiveness of her machinery, she proclaimed free trade, and persuasively urged it upon all lands with which she had commercial intercourse. Maintaining the most arbitrary and most complicated system of protection so long as her statesmen considered that policy advantageous, she resorted to free trade only when she felt able to invade the domestic markets of other countries and undersell the fabrics produced by struggling artisans who were sustained by weaker capital and by less advanced skill. So long as there was danger that her own marts might be invaded, and the products of her looms and forges undersold at home, she rigidly excluded the competing fabrics and held her own market for her own wares.

"England was, however, neither consistent nor candid in her advocacy and establishment of free trade. She did not apply it to all departments of her enterprise, but only to those in which she felt confident that she could defy competition. Long after the triumph of free trade in manufactures, as proclaimed in 1846, England continued to violate every principle of her own creed in the protection she extended to her navigation interests. She had nothing to fear from the United States in the domain of manufactures, and she therefore asked us to give her the unrestricted benefit of our markets in exchange for a similar privilege which she offered to us in her markets. But on the sea we were steadily gaining upon her, and in 1852-'55 were nearly equal to her in aggregate tonnage. We could build wooden vessels at less cost than England and our ships excelled hers in speed. When steam began to compete with sail she saw her advantage. She could build engines at less cost than we, and when, soon afterward, her ship-builders began to construct the entire steamer of iron, her advantages became evident to the whole world."

"England was not content, however, with the superiority which these circumstances gave to her. She did not wait for her own theory of free trade to work out its legitimate results, but forthwith stimulated the growth of her steam marine by the most enormous bounties ever paid by any nation to any enterprise. To a single line of steamers running alternate weeks from Liverpool to Boston and New York she paid $900,000 annually, and continued to pay at this extravagant rate for at least twenty years. In all channels of trade where steam could be employed she paid lavish subsidies, and literally destroyed fair competition, and created for herself a practical monopoly in the building of iron steamers and a superior share in the ocean traffic of the world. But every step she took in the development of her steam marine by the payment of bounty was in flat contradiction of the creed which she was at the same time advocating in those departments of trade where she could conquer her competitors without bounty.

"With her superiority in navigation attained and made secure through the instrumentality of subsidies, England could afford to withdraw them. Her ships no longer needed them. Thereupon, with a promptness which would be amusing if it did not have so serious a side for America, she proceeded to inveigh through all her organs of public opinion against the discarded and condemned policy of granting subsidies to ocean steamers. Her course in effect is an exact repetition of that in regard to protection of manufactures, but as it is exhibited before a new generation, the inconsistency is not so readily apprehended nor so keenly appreciated as it should be on this side of the Atlantic. Even now there is good reason for believing that many lines of English steamers, in their effort to seize the trade to the exclusion of rivals, are paid such extravagant rates for the carrying of letters as practically to amount to a bounty, thus confirming to the present day (1884) the fact that no nation has ever been so persistently and so jealously protective in her policy as England so long as the stimulus of protection is needed to give her the command of trade. What is true of England is true in greater or less degree of all other European nations. They have each in turn regulated the adoption of free trade by the ratio of their progress toward the point where they could overcome competition. In all those departments of trade where competition could overcome them they have been quick to interpose protective measures for the benefit of their own people.

"The trade policy of the United States at the foundation of the Government had features of enlightened liberality which were unknown in any other country in the world. The new Government was indeed as far in advance of European nations in the proper conception of liberal commerce as it was on questions relating to the character of the African slave-trade. The colonists had experienced the oppression of the English laws which prohibited export from the mother country of the very articles which might advance their material interest and improve their social condition. They now had the opportunity, as citizens of a free Republic, to show the generous breadth of their statesmanship, and they did so by providing in their Constitution that Congress should never possess the power to levy 'a tax or duty on articles exported from any State.'

"At the same time trade was left absolutely free between all the States of the Union, no one of them being permitted to levy any tax on exports or imports beyond what might be necessary for its inspection laws. Still further to enforce this needful provision, the power to regulate commerce between the States was given to the General Government. The effect of these provisions was to insure to the United States a freedom of trade beyond that enjoyed by any other nation. Fifty-five millions of American people (in 1884), over an area nearly as large as the entire continent of Europe, carry on their exchanges by ocean, by lake, by river, by rail without the exactions of the tax-gatherer, without the detention of the custom-house, without even the recognition of State lines. In these great channels the domestic exchanges represent an annual value perhaps twenty-five times as great as the total of exports and imports. It is the enjoyment of free trade and protection at the same time which has contributed to the unexampled development and marvelous prosperity of the United States.

"The essential question which has grown up between political parties in the United States respecting our foreign trade, is whether a duty should be laid upon any import for the direct object of protecting and encouraging the manufacture of the same article at home. The party opposed to this theory does not advocate the admission of the article free, but insists upon such rate of duty as will produce the largest revenue and at the same time afford what is termed 'incidental protection.' The advocates of actual free trade according to the policy of England—taxing only those articles which are not produced at home—are few in number, and are principally confined to doctrinaires. The instincts of the masses of both parties are against them. But the nominal free-trader finds it very difficult to unite the largest revenue from any article with 'incidental protection' to the competing product at home. If the duty be so arranged as to produce the greatest amount of revenue, it must be placed at that point where the foreign article is able to undersell the domestic article and thus command the market to the exclusion of competition. This result goes beyond what the so-called American free-trader intends in practice, but not beyond what he implies in theory.

"The American protectionist does not seek to evade the legitimate results of his theory. He starts with the proposition that whatever is manufactured at home gives work and wages to our own people, and that if the duty is even put so high as to prohibit the import of the foreign article, the competition of home producers will, according to the doctrine of Mr. Hamilton, rapidly reduce the price to the consumer. He gives numerous illustrations of articles which under the influence of home competition have fallen in price below the point at which the foreign article was furnished when there was no protection. The free-trader replies that the fall in price has been still greater in the foreign

market, and the protectionist rejoins that the reduction was made to compete with the American product, and that the former price would probably have been maintained so long as the importer had the monopoly of our market. Thus our protective tariff reduced the price in both countries. This has notably been the result with respect to steel rails, the production of which in America has reached a magnitude surpassing that of England. Meanwhile rails have largely fallen in price to the consumer, the home manufacture has disbursed countless millions of money among American laborers, and has added largely to our industrial independence and to the wealth of the country.

"While many fabrics have fallen to as low a price in the United States as elsewhere, it is not to be denied that articles of clothing and household use, metals and machinery, are on an average higher than in Europe. The difference is due in large degree to the wages paid to labor, and thus the question of reducing the tariff carries with it the very serious problem of a reduction in the pay of the artisan and the operative. This involves so many grave considerations that no party is prepared to advocate it openly. Free-traders do not, and apparently dare not, face the plain truth—which is that the lowest-priced fabric means the lowest-priced labor. On this point protectionists are more frank than their opponents; they realize that it constitutes indeed the most impregnable defense of their school. Free-traders have at times attempted to deny the truth of the statement; but every impartial investigation thus far has conclusively proved that labor is better paid, and the average condition of the laboring man more comfortable, in the United States than in any European country.

"An adjustment of the protective duty to the point which represents the average difference between wages of labor in Europe and in America, will, in the judgment of protectionists, always prove impracticable. The difference can not be regulated by a scale of averages, because it is constantly subject to arbitrary changes. If the duty be adjusted on that basis for any given date, a reduction of wages would at once be enforced abroad, and the American manufacturer would in consequence be driven to the desperate choice of surrendering the home market or reducing the pay of workmen. The theory of protection is not answered, nor can its realization be attained by any such device. Protection, in the perfection of its design as described by Mr. Hamilton, does not invite competition from abroad, but is based on the controlling principle that competition at home will always prevent monopoly on the part of the capitalist, assure good wages to the laborer, and defend the consumer against the evils of extortion.

"An argument much relied upon and strongly presented by the advocates of free trade is the alleged tendency to overproduction of protected articles, followed uniformly by seasons of depression and at certain intervals by financial panic and widespread distress. These results are unhappily too familiar in the United States; but the protectionists deny that the cause is correctly given. They aver, indeed, that a glut of manufactured articles is more frequently seen in England than in the United States, thus proving directly the reverse of the conclusion assumed by the free-traders, and establishing the conservative and restraining power of a protective tariff. The protectionists direct attention to the fact that the first three instances in our history in which financial panic and prolonged depression fell upon the country followed the repeal of protective tariffs and the substitution of mere revenue duties: the depression of 1819–'24, that of 1837–'42, and that of 1857–'61. They direct further attention to the complimentary fact that in each of these cases financial prosperity was regained through the agency of a protective tariff, the operation of which was prompt and beneficent.

"On the other hand, the panic of 1873 and the depression which lasted until 1879 undoubtedly occurred after a protective tariff had been for a long time in operation. Free-traders naturally make much of this circumstance. Protectionists, however, with confidence and with strong array of argument, make answer that the panic of 1873 was due to causes wholly unconnected with revenue systems; that it was the legitimate and the inevitable outgrowth of an exhausting war, a vitiated and redundant currency, and a long period of reckless speculation directly induced by these conditions. They aver that no system of revenue could have prevented the catastrophe. They maintain, however, that by the influence of a protective tariff the crisis was long postponed; that under the reign of free trade it would have promptly followed the return of peace when the country was ill able to endure it. They claim that the influence of protection would have put off the reaction still longer if the rebuilding of Chicago and Boston, after the fires of 1871 and 1872, had not enforced a sudden withdrawal of $250,000,000 of ready money from the ordinary channels of trade to repair the loss which these crushing disasters precipitated.

"The assailants of protection apparently overlook the fact that excessive production is due, both in England and in America, to causes beyond the operation of duties either high or low. No cause is more potent than the prodigious capacity of machinery set in motion by the agency of steam. It is asserted by an intelligent economist that if performed by hand the work done by machinery in Great Britain would require the labor of seven hundred millions of men; a far larger number of adults than inhabit the globe. It is not strange that with this vast enginery the power to produce has a constant tendency to outrun the power to consume. Protectionists find in this a conclusive argument against surrendering the domestic market of the United States to the control of British capitalists, whose power of production has no apparent limit. When the harmonious adjustment of international trade shall ultimately be established by 'the parliament of man' in 'the federation of the world' the power of production and the power of consumption will properly balance each other; but in traversing the long road and enduring the painful process by which that end shall be reached the protectionist claims that his theory of revenue preserves the newer nations from being devoured by the older, and offers to human labor a shield against the exactions of capital."

Rivers and Harbors.

SPEECH

OF

HON. GEORGE W. RAY,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. RAY, of New York, said:

Mr. CHAIRMAN: The annual plunder bill of Congress is now before this House for adoption. It is proposed to appropriate twelve and one-half millions of dollars for so-called river and harbor improvements, but the committee has very aptly added to the title of the bill "and for other purposes." What these "other purposes" are the bill does not disclose, but from the general scope and character of these proposed appropriations I conclude that they are simply ways and means of reducing the surplus in the Treasury and promoting the interests of those gentlemen whose districts receive the benefit of the proposed appropriations. I am in favor of liberal appropriations for all necessary work in improving our navigable rivers and all our harbors, but I am opposed to this bill, because it is stingy and inadequate with reference to necessary work and liberal and profligate with regard to mud creeks, mountain brooks, and frog-ponds.

I am in favor of any appropriation that will aid to build up and facilitate internal commerce, but I am unalterably opposed to appropriations of money to be used for purposes having no tendency in this direction and that can only be useful in giving employment to laborers in uselessly blasting rocks, digging gravel, and carting mud.

Debate over this bill has now continued three days, and about two hundred amendments have been offered, and, with two or three immaterial exceptions, each in its turn has been voted down. About two hundred speeches referring to these proposed amendments have been made, and not one has commanded attention or been considered. Every member on this floor is now suspicious that this bill has been cut and dried; that those having pork in the pie are to stand by it in its present shape, each offering a proposed amendment increasing his proposed appropriation as buncombe for the entertainment of his constituents.

It seems to be equally well understood that each and every proposed amendment is to be voted down and that the bill is to become a law. Why this continued debate; why this waste of words; and why this waste of valuable time? I am at a loss to understand, unless it be to give to the bill an air of honesty, and to impress the country with an idea that the bill is being fairly, honestly, and soberly considered. The result is a foregone conclusion. The bill is to pass. Then let the work be done. Let the committee rise, report the bill. "If it were done, 't were well it were done quickly." Let us go about the important business that is claiming the time and attention of this House, and if possible direct the attention of the country to matters that will do us credit, not injury.

Propositions to make concededly needed repairs in the great harbors of the country, at Oswego, N. Y., New York city, and other points where the commerce of the nation is floated, have been voted down, and the appropriations for these points are but about 10 to 20 per cent. of the estimates, while small streams that during the greater part of the season will not float a small fish receive 50 to 75 per cent. of the estimates.

I say it was a great shame to deny the appropriations asked to complete the grand work commenced at Hell Gate, and which, when completed, if it ever is, will repay to this country the outlay a thousandfold.

I know how useless it is to oppose this bill, but at the same time I desire to announce in advance that I shall vote against it, and I desire the record to show one or two of my reasons for this action.

It has been the pretended policy of the Democratic majority of this House to cut down appropriations, and so the Post-Office appropria-

tions are reduced below the actual demands of the service, the diplomatic service is crippled, a navy is denied us, and yet when it comes to an appropriation of millions of dollars to be expended mainly in the alleged improvement of small unheard-of streams that never have and never can float a canoe, except in times of floods, we find the whole House impatient to consummate the act. I for one hesitate not to denounce this bill and the theory upon which it is founded. And I sincerely trust that no Republican will support this bill even though his vote has been bidden for by promise of a piece of the pork.

It is not extravagance to appropriate large sums of money for good purposes—purposes that will benefit the country, build up its commerce, and facilitate internal communication, but it is extravagance, and extravagance of the worst description, to appropriate twelve and one-half millions of the people's money and expend it in alleged improvements upon the two hundred and more small streams named in this bill, so insignificant that they find no place on the ordinary maps of the country, and that they could hardly be discovered by a surveying party.

It is the waste, the squandering of money that the people complain about, not the proper and useful expenditure thereof. This is a great country, with thousands of miles of coast and hundreds of harbors. It required the annual expenditure of large sums of money to keep these harbors in proper condition, and I am ready and willing to give my vote for any bill that properly appropriates money for needed improvements. But I stand here to denounce the policy of this bill which absolutely ignores the needs of our large harbors and scatters the money through the different States to be used on streams that never have floated and that never can float commerce.

It may be defensible on some occasions to do a small wrong in order to accomplish a great good, but it is not defensible to perpetrate a great wrong, a great robbery of the public Treasury, simply to do a small good, if I may be allowed the expression, namely, to obtain at the hands of this Congress a small pittance of the money absolutely needed to keep in repair our great harbors.

If this bill is defeated, as it ought to be, the responsibility should rest on the Democratic party, the father of this indispensable bill. If our harbor and river improvements stop, let that party take the responsibility. And let it be a warning to any party in the future to appropriate money for the wants of the country, and not for the emolument of certain sections or districts.

The Tariff—Taxation to Raise Revenue for the Public Purposes of Government only—Commerce Unobstructed and Agriculture Emancipated.

SPEECH

OF

HON. JAMES H. JONES,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884.

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. JONES, of Texas, said:

Mr. CHAIRMAN: In the discussion of the tariff question I can not hope to do much more than declare my opposition to the protective system, and in behalf of my constituents, whose wishes I voice here, insist that Congress shall take one step, though it be a short one, in the direction of tariff reform. That is all that the bill now under consideration proposes to do.

The country has been so long subordinate to the exactions and control of the protective system that a wise and statesmanlike policy suggests that reform from taxation for protection to taxation for revenue should be not by violent change in the system, but by such prudent and cautious reductions that the "business interests" which have grown to unnatural proportions under the unhealthy stimulation of protection should have time to adjust themselves to the new condition and prepare to rely upon legitimate profits and business principles rather than upon the Government to foster and nourish them from the hard-earned and scanty treasures of the toiling multitudes, who have been so patient under the heavy burdens they have borne.

The people have waited already too long for the protected bantlings to become self-sustaining and able to maintain themselves with less assistance from them through protection by the Government. Protective tariffs have been denounced by political economists and "theorists" in all ages as unwise and as obstructive of all the industries of the country which enacted them and finally hurtful to the protected interests themselves. The great leaders of the Democratic party have denounced them as unconstitutional, unwise, and unjust from the time of Thomas Jefferson to the present. But the same school of statesmen in the United States have advocated a tariff for revenue as the best method of taxation to support the Government, insisting that even a revenue tariff would afford sufficient protection to the manufacturing interests of the country. And those who advocated protection in the beginning or early part of the present century, when the duty on imports was comparatively small, less than 20 per cent. ad valorem, insisted that the period of protection would be short and the necessity for it would cease in a few years and the protected interests would be able to compete with all foreign rivals. Mr. Clay, who is so often quoted by the advocates of protection, and whose advocacy of the system was rather to enable the protected industries to pass the trying ordeal of infancy than to give permanent bounties to them, in a speech in favor of the tariff of 1816, said:

> The object of protecting manufactures was that we might eventually get articles of necessity made as cheap at home as they could be imported, and thereby to produce an independence of foreign countries. In three years, he said, we could judge of the ability of our establishments to furnish those articles as cheap as they were obtained from abroad and then could legislate with the lights of experience. He believed that three years would be sufficient to place our manufactures on the desirable footing.

And yet the demand is, after seventy years: "Give! give!" Would that great patriot, statesman, and lover of justice, were he here, advocate the present tariff? The present high tariff was adopted as a necessity; its advocates said, on account of the civil war. Is it a necessity now? The Treasury is burdened with a surplus of money. It is estimated that in addition to the present great surplus there will be at least $50,000,000 per annum in excess of the requirements of the Government.

The President in his message and the Secretary of the Treasury in his report to Congress, representatives of the advocates of protection, declare there is no necessity for continuing the present high tariff, and urge the reduction of the revenue. The Secretary in his report to the Forty-seventh Congress says:

> In view of the large sum that has already been paid by the present generation on the debt, and the heavy taxation that now bears upon the industries and business of the country, it seems just and proper that another generation should meet a portion of the debt, and that burdens now laid upon the country should be lightened.

Again he says in the same report:

> Is it a beneficial exercise of governmental power to raise money by taxation in greater sums than the lawful demands upon the Government require, when these demands are of themselves a heavy burden upon the industry and business of the country?

The President, in his message to the Forty-seventh Congress, in alluding to the tariff, said:

> If a careful revision can not be made at this session, a commission, such as was lately approved by the Senate, and is now recommended by the Secretary of the Treasury, would doubtless lighten the labors of Congress whenever this subject shall be brought to its consideration.

The Tariff Commission, composed of high protectionists, after exhaustive investigation and labor, was constrained to recommend a reductionof the tariff from 20 to 25 per cent. I quote from their report to Congress:

> Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by the mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of a public sentiment and a measure of justice, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. No rates of defensive duties except for the establishment of new industries which more than equalize the conditions of labor and capital with those of foreign competitors can be justified. Excessive duties or those above such standard of equalization are positively injurious to the interests which they are supposed to benefit.
>
> * * * * * * *
>
> If the reduction reaches the amount at which the commission has aimed and if there is any truth in the allegation of the opponents of the present economic system, that a duty on articles such as are produced in this country, whether in manufactures or agriculture, enhances the price to the consumer, not only of what is imported but of the whole domestic production, to an amount of which the duty is the measure, the reduction proposed by the commission would benefit consumers to the extent of hundreds of millions of dollars.

After all these things had been said and done by the defenders and even advocates of protection, after full and exhaustive investigation of the protective tariff then existing and its effect upon the business and prosperity of the country, the Forty-seventh Congress, after an effort by "ways that were dark and methods that were mysterious," adopted to deceive the country into the belief that the tariff was reduced, by accident or mistake reduced taxation less than 1¾ per cent., instead of from 20 to 25 per cent. as recommended by the commission. Will the people be deceived and hoodwinked longer? The Morrison bill proposes to lighten the burdens of the people by reducing the rates of tariff taxation about 20 per cent. But the opposers of the bill say the revenues will be increased by the reduction of duties as proposed in the bill. If this position be correct, and the reduction of duties on imports should induce larger importations and thereby increase the revenue, yet the people, the consumers, will be benefited to the extent of this reduction, estimated by the Tariff Commission to be hundreds of millions, and the additional reduction in the price of goods through the competition that would follow heavier importations. Can the patriot or the statesman object to this result? If it should result from the passage of the bill

under consideration that the revenues would be increased and that the people should be even partially relieved of the burdens that press so heavily upon them, it would be a demonstration of the fact that the opposers of the bill care not for the tired and weary millions of the poor laboring masses, but are anxious to promote the "business interests" of the few, building up and sustaining in a Government that boasts that it was created by the people, for the people, and, unlike any other government, one that rests upon the consent of the governed, an aristocracy of wealth at the expense of the millions from whose labors these parvenues are maintained through unjust, oppressive, and unconstitutional tariff laws.

How long will these oppressions be tolerated? Mr. Clay thought three years of protection would enable the protected industries to furnish as cheap productions as could be furnished from abroad. But seventy years have gone, and the protected industries have increased and developed under the most favorable conditions, but we are told the time has not yet come for the reform movement. Will the revenue not continue to increase and the surplus to be piled up in useless inaction if this bill is defeated or until there is a reduction of the tariff? The Secretary of the Treasury in his report to the present Congress says:

The estimated receipts for the current year from customs are $195,000,000, a reduction of less than $20,000,000. Considering that there has been some depression of business during the past year, it is probable, should business revive, that the revenues from customs under the present law will in succeeding years increase rather than diminish.

* * * * * * *

That by reason of the legislation of the last Congress the repeal of internal-revenue taxes was expected to effect a reduction of about $35,000,000, whereas the aggregate reduction and the augmentation from the receipts from distilled spirits together will be only about $25,000,000 less than the preceding year; altogether the absolute reduction will be actually $30,000,000 less than was contemplated by the legislation of last winter.

The President, the Secretary of the Treasury, the Tariff Commission, and a large majority of the people at the last election asked that the revenues be reduced to the wants of the Government economically administered. The Tariff Commission, whose business it was to thoroughly investigate the interests and industries of the whole country, says in the portion of its report which I have just quoted:

The reduction proposed by the commission would benefit the consumers to the extent of hundreds of millions of dollars and will conduce to the general industrial prosperity, and though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

Robert J. Walker, the author of the tariff of 1846, in a letter addressed to the people of the United States on the 30th of November, 1867, contrasting the principles and results of the revenue tariff of 1846 with the present tariff for protection with incidental revenue, said:

A tariff for revenue, as experience has shown, instead of depressing, improves all industrial pursuits, including manufactures, and vastly augments the wealth of the country. Under the tariff of 1846, as shown by the census, our wealth increased from 1850 to 1860 126.45 per cent.; whereas from 1840 to 1850 the increase was only 64 per cent.; from 1830 to 1840, 42 per cent; and from 1820 to 1830, 41 per cent. So also from 1850 to 1860 our agricultural products increased 95 per cent. and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase. So also our exports, imports, and revenue nearly tripled in the same period of time, and our domestic trade rose nearly in the same ratio.

We have the evidence of the tariff commissioners, the evidence of Robert J. Walker, second to no financier this country has produced, supported by facts and figures that demonstrate the correctness of his theory, that the protective tariff system is not promotive of the industries of the country, but that a tariff for revenue, "instead of depressing, improves all industrial pursuits, including manufactures, and vastly augments the wealth of the country."

He further states, in the celebrated report he made as Secretary of the Treasury to Congress on the 11th day of December, 1848:

A vast majority of the labor of this country is employed in agriculture, commerce, navigation, and the non-protected pursuits, and if these are depressed their profits are reduced, the wages of those employed in such pursuits fall, many are thrown out of employment, and thus a general fall of wages ensues, and the protected manufacturer eventually obtains labor at a reduced rate. The effect of a protective tariff, in truth, is not to enhance wages, but to depress them, and render capital invested in manufactures more profitable by enhanced prices of the protected fabrics. Wages throughout the whole country become lower than they were before, because the aggregate profits of the capital of the nation engaged in all its industry is diminished. Wages in one branch of industry can not be high when they are low in all others, for wages, like all other commodities, unfortunately will soon find the same level. The aggregate profits of all the labor of the country and not of any particular branch of industry constitute the fund out of which wages are paid, and if that general fund is reduced by diminished profits wages throughout the whole country must eventually fall. If, then, the great mass of labor in this country and of capital is invested in agriculture, commerce, navigation, and such branches of industry as require no protection, and these pursuits are injured by a protective tariff, either by diminishing the market for the surplus raised by those thus employed, reducing the price of what they sell, or compelling them to pay more for what they buy, there must be in time a general fall of wages throughout the country, even though a particular branch of industry may have been rendered more profitable by a protective tariff. This duty, then, instead of a protection is a tax upon the whole industry of the country invested in pursuits requiring no tariff.

* * * * * * *

The protective system is agrarian and a war upon property. It attempts to organize labor and capital by law, adding to the profits of one pursuit by reducing that of another. It is incompatible with the security of capital or labor; for capital is but the accumulation of the gains of labor, and therefore whatever destroys the security or profits of capital results in an equal injury to labor. Besides its injurious effects upon industry it is an arbitrary and despotic power; and if the people should become accustomed to its exercise, looking for legislative support and protection, it would terminate in a struggle for the division and distribution by Congress every year of property, profits, and capital among the favored classes.

The following table of statistics, arranged by Hon. W. M. SPRINGER, of Illinois, fully sustains the Tariff Commission in its report that "the reduction proposed by the commission would benefit consumers to the extent of hundreds of millions of dollars." It shows that while the Government received revenue under the operation of the tariff in 1882 in amount $194,464,758, the people of the United States paid the additional amount of $556,938,637 in incidental taxes, being the increased cost of home products by reason of the tariff, making an aggregate sum of $751,403,395 paid by consumers under the operations of the tariff:

Statement showing the amount of incidental taxes annually imposed on the people of the United States in the increased cost of home products by reason of discriminating duties on imported articles of like character, together with the value of such home products, the amount of wages paid and number of hands employed, and the imports and duties received thereon, for the year 1882.

Articles affected by the tariff.	Merchandise imported during the fiscal year ended June 30, 1882.			Value of home product, census year 1880.	Average number of hands employed. Boys under 16 and girls under 15 counted as one-half a hand.	Total amount in wages during the year.	Estimated rate of increase ad valorem.	Incidental taxes, being the increased cost of home products by reason of the tariff.
	Values.	Duty received.	Average ad valorem rate.					
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Number.*	*Dollars.*	*Per cent.*	*Dollars.*
Chemical products	21,517,169	6,718,561	31.32	117,377,324	28,895	11,840,704	20	23,475,464
Earthenware and glassware	13,822,043	6,693,257	48.42	31,632,309	30,674	13,130,403	45	14,234,539
Metals: iron and steel, and all metal manufactures	74,427,988	30,358,936	40.79	604,553,460	290,000	122,648,191	20	120,910,692
Wood and woodenware	8,654,327	1,589,851	18.37	311,928,884	185,426	47,817,199	15	46,789,332
Sugar and molasses	94,540,269	49,210,573	52.05	(a)	(b)	(b)	40	4,848,714
Tobacco	8,216,132	6,000,961	73.03	118,665,366	81,809	25,041,257	25	29,666,341
Cotton and cotton goods	34,868,044	13,482,167	38.67	210,950,383	170,363	45,614,419	20	42,190,076
Hemp, jute, and flax goods	33,578,076	9,844,652	29.32	5,518,866	4,329	1,238,149	20	1,103,773
Wool and woolens	47,679,502	29,254,234	61.36	267,182,914	145,341	47,351,628	40	106,873,165
Silk and silk goods	38,535,475	22,632,490	58.73	41,033,045	28,554	9,146,705	50	20,516,522
Books, paper, &c	4,923,620	1,406,787	28.57	65,960,405	25,274	9,895,995	20	13,192,081
Sundries	52,410,690	17,272,269	27.68	665,699,693	337,216	129,881,399	20	133,139,938
Total	433,173,335	194,464,758	.....	2,440,502,649	1,327,881	463,606,049	.....	556,938,637

a Planters' product for 1880 was: Sugar, 196,756,200 pounds; molasses, 16,573,273 gallons. b Number and wages of laborers not stated.

But we have no statisticians or experts who can estimate the loss that our agricultural interests have sustained for want of a foreign market for their surplus products, that has been denied them by our protective tariff. Their losses may be estimated to be millions of dollars. With a market in which our surplus agricultural products could be sold for money or exchanged for the products of other countries that our people need and would buy, profits would be realized that we can make no estimate of, but which we may safely say would add greatly to the wealth of the country, and which would certainly stimulate production and thereby lay a broader and firmer foundation upon which all other industries could build. Agriculture is the basis of the prosperity of the country, and has sustained it in all the financial crises through which it has passed, and it should not be forced by tariff legislation to support industries that can not prosper without protection.

The protectionist's theory is that manufactures and agriculture will find sufficient markets at home. How absurd this position is. Over 6,500,000 bales of cotton are produced in the United States annually, in fact more is grown, and only about 1,500,000 bales are manufactured in the United States. The balance, to wit, 5,000,000 bales, finds markets in other countries; this is the surplus. It is estimated that the cereals produced in the United States in 1880 amounted to 2,710,000,000 bushels, and hundreds of thousands of bushels of this crop were sold in foreign

markets for want of a home market. The American hog has been sent to other countries, because there was no home market, in such quantity as to make it necessary for some of the nations of Europe to exclude it by a protective tariff. Our beef is being sent to Europe by the thousand head annually till it is beginning to excite opposition even in Great Britain. Our manufacturers can produce 25 per cent. more than they do if they could get markets for their products; as it is they greatly overproduce and close up for weeks and months at a time.

If it were possible to so equalize production and consumption in the United States as to have no surplus how could the country grow and prosper? Our farmers must make less cotton, cereals, pork, and beef. When they do that they will have nothing to buy the manufactures of the country with. It is a Chinese policy that the civilization and enterprise of America must and will reject. The census report shows that the value of farming implements and machinery in the United States in 1880 was $406,520,055. It is a low estimate to say of this vast sum the farmers are forced by the tariff to pay to the monopolists about $135,000,000 more than they would have to pay if we had a tariff for revenue instead of a protective tariff. The farmer is entirely without protection, but he is forced by tariff laws to aid in protecting the manufacturing classes. Let us not kill the goose that lays the golden egg. Agriculture should be emancipated.

But the advocates of protection and their allies who oppose this bill, even those who admit that the present tariff is illegal, unjust, and oppressive, say: "Do not agitate the question now; the poor workers in the mines, the operatives in the factories, must be better paid than the paupers of Europe, and to do so the present rates must be continued." If the factories can not pay their employés living wages without bounties through tariffs, what law or code of ethics justifies the Government, under the power to collect duties on imports to pay the debts and provide for the common defense and general welfare, in imposing burdens on all the people to enable the manufacturers to pay their laborers wages that will enable them to continue their business? The business interests are not established by the Government and for national benefit. They are the private property of individuals. The profits do not go into the public Treasury, but into the pockets of the private owners.

If the millions that are invested in manufactories are taxed by the States in which they are located, the revenue thus obtained is for the benefit of those States and their local institutions. The other States derive no benefit from the revenue; yet all the people of all the States must share with the manufacturers in paying the workmen whose skill and labor have added such fabulous wealth to individuals and given such influence to their States. Is Texas to contribute to the fund out of which Pennsylvania is to pay her citizens who work in the mines or factories? Each State should provide for its own poor. Each State must protect the lives, limbs, health, comfort, and quiet of its citizens, and it is a flagrant usurpation for Congress to compel the citizens of one State to contribute to the institutions or to the people of another State, that they may be enabled to pay their laborers better wages and thereby promote their business interests. Such a proposition shocks the lover of the just and honored doctrine that the blessings of government should fall equally upon all and that unjust privileges should be given to none.

Once the plea for protection was the infancy of our manufactures. Now that they are hoary with age and strong in their maturity the plea for the continuance of the system is that the laborers should be better paid than the same class of laborers are paid in Europe, and that all the people ought to contribute to this worthy purpose; but the money thus extorted must be paid to the wealthy owner, and he can pay it, if he choose, to his wage laborer. But do the laborers get full and regular wages? Let the thousands who are asking for wages, who are asking for work, answer. If labor is to be protected, why should Congress not compel the manufacturer to give such a percentage of the products of the mines and factories to the workman, that the laborer may have constant employment? If the protective system can be continued for the purpose of dignifying American labor by Congressional action, it seems that Congress might and should by law provide that the wage laborer should receive a fixed percentage of the profits of the protected interest and should have protection against the introduction of foreign pauper labor, and should be further protected against arbitrary reductions of wages and against dismissal from employment at the pleasure of his employer.

If Congress has power to lay duties on imports for the protection of labor engaged in manufactures, it certainly has power and it is the duty of the Government to protect the laborer as before suggested. But all will say that this is a monstrous and outrageous proposition. But is it more monstrous and outrageous to take from the farmer to give to the manufacturer, that he may be able to dignify and ennoble his wage laborer, than it is to compel by law the manufacturer to pay over to his laborer that which he has received from the farmer for that purpose and which he withholds.

Both propositions are monstrous. Labor is dignified only by being left free; man is noble and happy as he is free to exercise his powers and faculties in providing for himself and his dependents in his own chosen methods. Let the farmer sell where he can get the most for his products, let him buy where he can get the cheapest market. Let the wage laborer do the same, and labor and capital will meet upon a level and together move forward in harmony and prosperity, as they did under the wise system of taxation even in this country from 1846 to 1861. Then all interests prospered. There was constant employment for all who wanted employment, at wages that satisfied the laborer in the field, in the mine, in the factory, on the ocean under the flag of his country, and in every vocation, as the tastes or habits of the individual suggested. Our manufactures were healthy and prosperous then, giving constant employment to the employé, with good wages; no shutting up of factories for months till the surplus could be disposed of at arbitrary prices to consumers at home, but the surplus was then taken in American ships to the uttermost parts of the earth and sold or exchanged to strangers and foreigners, and the returns or sales thus made added to the wealth of the capitalist, and he was enabled to carry on his "business interests" with the foreigner's money instead of the money extorted from his neighbor by tariff laws as at present. The protective system is both immoral and unlawful.

The Supreme Court of the United States say in the case of the Loan Association *vs.* Topeka (20 Wallace, page 657) that—

> The power to tax is therefore the strongest, the most pervading of all the powers of the Government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
>
> To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.
>
> Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."
>
> Coulter, J., in Northern Liberties *vs.* Saint John's Church, says, very forcibly, "I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purpose of carrying on the government in all its machinery and operations; that they are imposed for a public purpose."

We need not refer to the decision of the Supreme Court of the United States or of any other country to determine that it is immoral or even legal robbery to take from one man to give another, or to enable one man or a class of men to exact of another man or class of men more for what they have to sell than the same article is worth in other markets, that he is prevented from buying in by tariff law.

The question recurs, are the "business interests" prosecuted for the benefit of the laborer, to elevate him in the scale of being, to put him upon a higher plane here, than the laborer in the same kind of business occupies in Europe, or are they prosecuted for the benefit of and to increase the wealth of the individuals whose capital is invested? The answer is easy. It is to advance the interest of the individuals whose capital is invested in the protected business, whether the wage laborer is benefited or not. If the other industries of the country are taxed to build up or protect the special interest, it is robbery under the forms of law according to the decision just quoted from. If the common laborer, the farmer, or artisan can not explain why the protective system is wrong as the political economist or the theorist can, he can look back to other periods in the history of our own Government not far distant, when we had a tariff for revenue and not for protection, and he can see a contented, prosperous, and happy people; he then beheld a nation of freemen—yes, American freemen, each man a nobleman—in generous rivalry with his neighbor, each hoping and bravely laboring for improvement, encouraged by inviting prospects. He saw Americans in every clime reaping honors and wealth in all countries and among all peoples, protected by a country whose flag was respected everywhere. Wherever commerce was carried Americans went in their ships to trade and increase their wealth. He now beholds the country as it is. He visits the factories; they are shut up a part of the time. The miners are on a strike; the farmers are without a market for their surplus; there is a great deal of wealth, but it is owned by a few, who have been enriched by the protection which the Government has given them. They are in palaces and enjoy luxuries, while the poor in the country or in the centers of population, in the towns and cities, numbering thousands and millions, are homeless, without employment, vainly seeking work, dispirited, even meditating crime in their despair. "Our seamen are all dead and their ships are rotten."

These are the fruits of protection. We have a protective tariff now. But then—that is, when he beheld our country prosperous and our people happy and contented—we had a tariff for revenue. He can not tell you why these changes have been made; but he will state as a fact that under a Democratic tariff for revenue from 1846 to 1861 the country was prosperous, all the industries, even wool-growing, manufactures of woolen and cotton goods, mining, manufacture of iron and steel, as well as agriculture, were thriving, with a large foreign trade carried on largely in American ships, and better than all, the people, including the laborer, were happy and contented. He will contrast that time with its attendant blessings with the present with its attendant horrors and woes, and he will say it is a fact that the country has been dominated by the op-

ponents of Democratic policies since 1861, and they have substituted the tariff for revenue with a tariff for protection.

The Democracy propose, by the bill known as the Morrison bill, partial relief to the people. But the advocates of the present protective tariff, the cause of so many of our woes, even some who claim to be Democrats, say, "No, not now." This bill may be defeated. Truth is not always popular, but the brave and true Democracy will not be discouraged. They will go to the people with their banners flying, and their motto will be, "Equal rights to all; unjust and unconstitutional privileges to none." And who can doubt the result in November next? Truth will prevail and Democracy will be triumphant. Then war tariffs and all the oppressions of the war will disappear from the land, and peace, with its natural and just methods, will fill our borders again, bringing contentment and rest to the people, and all will feel and realize that America is again the land of the free and the home of the brave. To accomplish these grand objects is the mission of the Democratic party.

Jurisdiction of Circuit Courts.

SPEECH

OF

HON. HORATIO BISBEE, JR.,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 6, 1884,

On the bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

Mr. BISBEE said:

Mr. SPEAKER: I desire to state some objections to the passage of this bill. The object of the bill is to take from the Federal judiciary a large portion of the jurisdiction conferred upon it by existing law, and determine its power and authority. Such being its object, it ought to secure the attention of the House and receive careful consideration.

I do not suppose that either the people or political parties of this country will ever cease to differ as to the true boundary line between State and national power, especially with respect to the judicial departments of the respective Governments; but I think we all should be able to agree to confer, and when conferred not to curtail, the judicial power which beyond all controversy is within the authority of Congress to grant. The Constitution commands that "all legislative power herein granted shall be vested in a Congress of the United States;" that "the executive power shall be vested in a President of the United States of America," and that "the judicial power shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

I contend that each of these three great departments of government should be so organized that either may exercise any power which the Constitution contemplated should be vested in it whenever an emergency for its exercise arises. I do not believe that Congress has any right, if it could, permanently to deprive itself of any of its authority; nor do I believe that it has any more right to attempt to withhold from the President any authority which is given him by the Constitution, nor from the judiciary any power which that instrument commands shall be conferred upon it. But this is just what the bill under discussion proposes to do. Without reading existing statutes or the bill itself, I will, before proceeding further, state in what respects this bill proposes to amend the existing law.

The bill as reported from the Judiciary Committee, in the first place, prohibits the circuit court from taking jurisdiction in any suit of a civil nature at common law or in equity between citizens of different States where the amount in controversy, exclusive of interest and costs, is not more than $2,000, the limitation being now $500, exclusive of costs.

Second. It provides that no suit shall be maintained between citizens of different States, except in the case where one of the parties—plaintiff or defendant—is a resident of the district where the suit is brought. The language of this part of the bill is: "Where the controversy is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant." Under existing law a citizen of one State may sue a citizen of any other State in any State in the Union.

Third. The bill takes away the right of removal from the State courts, with one unimportant exception, in all cases, except where the application for removal is made by a non-resident defendant.

Fourth. It provides that a corporation created under the laws of one State and doing business in another State can neither sue nor be sued in such other State.

Fifth. That an assignee can not maintain a suit upon any contract unless a suit could have been maintained thereon if no assignment had been made, except upon bills of exchange, and it repeals entirely section 640 of the Revised Statutes. These, briefly stated, are the principal features of the bill.

It will be observed at a glance by any one at all familiar with the jurisdiction of the Federal courts that the bill excludes from these courts a very large class of citizens, who can now resort to them, if they prefer them to the State courts, and who do resort to them.

Before discussing the provisions of the bill in detail I will state what I have to say as to the duty of Congress with respect to this very important subject of the judicial power of the National Government.

No one denies that the Constitution authorizes all the jurisdiction conferred by the act of March 3, 1875, a part of which this bill proposes to take away. I do not understand that the friends of the bill pretend that any power conferred upon the courts by the act of March 3, 1875, is not authorized by the Constitution.

It is not sought by this measure to curtail any judicial power of the National Government on the ground that any of the rights or sovereign powers of the States have been invaded. The most extreme State-rights or State-sovereignty advocate does not assert this as a justification of the proposed legislation; and this discussion is relieved of any controversy over any question of actual conflict between State and national power.

The advocates of the bill contend that as a matter of expediency and sound policy the Federal Government should not exercise in its judicial department certain jurisdiction and authority which it is conceded has been constitutionally conferred upon it.

And, Mr. Speaker, this raises for consideration the question whether it is discretionary with Congress, with its political majority shifting from one side to the other of its Chambers, resulting from the state of public opinion on other subjects, to grant to or withhold from the Federal courts authority or jurisdiction which the Constitution directs shall be conferred upon them. I deny that this matter has been left to the discretion of Congress in the broad sense which the proposition assumes. The preamble of the Constitution recites one of its objects was to establish justice. To do this it was provided that its judicial power should extend to controversies between citizens of different States and that all judicial power shall be vested in one Supreme Court and such other inferior courts as may be necessary.

I assume what no one will deny, that it was the duty of Congress to create such inferior courts. And for what purpose were they created? Certainly for the purpose of exercising judicial authority. What authority was it contemplated they should have? Unquestionably that authority which Congress was directed to confer by the Constitution. Now the question presented is whether Congress may at its discretion grant to the courts a part and withhold a part of the power which the organic and supreme law ordains shall be vested in such courts. I believe it is contrary to the correct theory of our Government to hold that Congress may take from the judicial department any of its jurisdiction over suits between citizens of different States which it has once conferred in obedience to constitutional provisions. I maintain that no part of the judicial authority of a great government like ours should lie dormant, beyond the reach of the citizen to invoke if he desires to do so. The Constitution was framed and adopted for the benefit of the minority as well as the majority at all periods of its existence.

The promise and assurance were given to all the people who ratified it through their agents that with respect to certain controversies each citizen should have an impartial tribunal, beyond the reach of local prejudice or local influence, to which at all times he could appeal for justice and for redress of his wrongs. It is true that the circuit and district courts can exercise no jurisdiction not conferred by an act of Congress, and that the statute and Constitution must concur in vesting them with authority. And it is, therefore, true that Congress has arbitrary power to withhold a part or all the jurisdiction which it is its duty to confer. But it is purely an arbitrary power. It might have refused to create any inferior courts at all, but it would have been a refusal to obey the Constitution. Will it be contended that Congress may abolish the circuit and district courts? It certainly has just as much right to abolish them as it has to withhold their rightful jurisdiction after they have been created. And if we can withhold a part we can all authority, and leave such courts without any functions whatever to perform—a mere skeleton of judicial department, without vitality or force.

Mr. Speaker, it can not be that such is the character of the Government under which the people of this country are living.

Nor are we without judicial authority upon this subject. In the case of Martin *vs.* Hunter (1 Wheaton, 304) the Supreme Court discussed article 3 of the Constitution. Delivering the unanimous opinion of the court, Justice Story said:

Let this article be carefully weighed and considered. The language of the article throughout is manifestly designed to be mandatory upon the Legislature. Its obligatory force is so imperative that Congress could not without a violation of its duty have refused to carry it into operation.

"The judicial power of the United States shall be vested [not may be vested] in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish." * * *

The judicial power must therefore be vested in some court by Congress; and to suppose that it was not an obligation binding on them, but might at their

pleasure be omitted or declined, is to suppose that under the sanction of the Constitution they might defeat the Constitution itself. A construction that would lead to such a result can not be sound. * * *

If, then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language if imperative as to one part is imperative as to all. If it were otherwise, this anomaly would exist: that Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution and thereby defeat the jurisdiction as to all; for the Constitution has not singled out any class on which Congress are bound to act in preference to others. * * * It would seem therefore to follow that Congress are bound to create some inferior courts in which to vest all that jurisdiction which under the Constitution is exclusively vested in the United States and of which the Supreme Court can not take original cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts from time to time at their own pleasure. But the whole judicial power of the United States should be at all times vested either in an original or appellate form in some courts created under its authority.

Such were the views of our Supreme Court when John Marshall, the great expounder of the Constitution, was Chief-Justice, who concurred in the opinion from which I have read. Such was the judgment of the distinguished jurist whose statue we have recently erected and unveiled upon the grounds of this Capitol with imposing ceremonies.

I know it is claimed that the Supreme Court has held that Congress is not bound to vest in the courts all the jurisdiction that it can under the Constitution. The cases of McIntire *vs.* Wood (7 Cranch), Kimball *vs.* United States (12 Peters), Coy *vs.* Custis (3 Howard), and Turner, administrator, *vs.* The Bank of North America (4 Dallas) are sometimes referred to as sustaining this view. I have examined all these cases carefully, and there is nothing in any of them to sustain the conclusion that the Supreme Court has given its sanction to the doctrine that Congress may rightfully withhold from the Federal courts any jurisdiction that belongs to them. I have found no decision in conflict with the views of the court in 1 Wheaton, from which I have quoted, where the court declared that it was the plain duty of Congress to grant to the courts all the power that the Constitution contemplated should be granted to them. In 4 Dallas Reports, on page 10, is a note containing *obiter dictum* of Justice Chase, in which the latter is reported to have said:

Congress is not bound, and it would perhaps be inexpedient, to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant.

This language was not a part of the opinion of the court, which was delivered by Chief-Justice Ellsworth. This language of Justice Chase which I have quoted has been inadvertently referred to in some subsequent cases as if it were the opinion of the court. By referring to the report of the case itself it will be found that the court in its opinion did not discuss this question at all, and it was decided seventeen years before the opinion of Justice Story in 1 Wheaton was rendered.

Mr. Speaker, the Forty-third Congress, by passing the act of March 3, 1875, discharged its obligations to the people, and clothed the inferior Federal courts with very important and valuable jurisdiction, which prior to that time Congress had never conferred. This act of 1875, I am informed, was drafted by the late Senator Carpenter, of Wisconsin, whom we all know as a distinguished constitutional lawyer, but who never adopted so liberal a construction as other prominent statesmen have. This act was designed to distribute to the Federal courts all the jurisdiction which it was thought would ever be useful to the citizens, or which it would be necessary for them to invoke for the protection of their rights. Under it the circuit court has cognizance of all suits of a civil nature at common law or in equity where the matter in dispute exceeds, exclusive of costs, the sum or value of $500, and between citizens of different States without any other limitation.

The first material amendment proposed by the pending bill is to exclude from these courts all cases which do not involve over $2,000, exclusive of interest and costs. Two thousand dollars, exclusive of interest, is substituted in the place of $500, exclusive of costs, in the present law.

This amendment ought not to be adopted. It is an unwise and unjust discrimination against a large class of the people, who would not willingly surrender the right they now enjoy of seeking justice in the Federal tribunals.

The theory was, and is now, that in controversies between citizens of different States the Federal court would be beyond the reach of any undue influence that a citizen of a State might exert in his own State courts in a contest with a non-resident. I think the history of the country for the last ninety-five years has satisfactorily established that this feature of our judicial system is founded in the highest wisdom, and was essential to the speedy and impartial administration of justice between citizens of different States. And this is no reflection upon the judges of the State courts. Human nature is such that judges holding commissions from local authorities, surrounded by their neighbors and friends, with whom they are in constant social and business intercourse, are unconsciously affected by local influences, however independent and upright they may intend to be and ordinarily are.

This being so, why should dealers, traders, merchants, comprising a very large class of business men, whose transactions are small compared with those of greater wealth and powerful corporations, be excluded from this important tribunal?

It is not to be denied, it is a fact known to us all, that in a large majority of cases transactions between merchants and traders in different States involve less than $2,000. Merchants in our cities, towns, and settlements throughout the country who purchase to retail would be excluded from the Federal court, and their creditors also, under this limitation to $2,000. Men of moderate means whose transactions are numerous but not large in amount, though as large to them as $1,000,000 would be to a large capitalist or a wealthy corporation, would be driven entirely from the Federal tribunals. I repeat, it is creating a court for the capitalists and discriminating against a most worthy and useful class of people. It is wholly unnecessary, a tendency in the wrong direction, and against the interests of the great mass of people from whom the Government collects a great portion of its revenues and upon whom it must depend for its defense in time of war or public danger.

I can understand why the debtor class, more especially the dishonest debtor, should desire this section to become a law. It would enable them to vex and annoy their creditors by protracting litigation in the State courts.

The creditor compelled to bring his suit in the State court in all cases of claims for less than $2,000 would be taken by his debtor from the court of original jurisdiction through all the intermediate courts to the highest appellate court of the State, thus protracting litigation two or three years, even on frivolous grounds, at the end of which time probably a judgment would be unavailing; whereas in such a suit in the Federal court of original jurisdiction the judgment would be final in most cases when the amount in controversy is $5,000 or less. Therefore, if the object and purpose of this part of the bill is to aid debtors to delay and hinder creditors from collecting their claims, it is well calculated to accomplish the end in view. Such is its natural and reasonable effect, whatever may be the object and purpose of the bill, and I think it will be agreed on all hands that it is sound public policy to discourage litigation, and that legislation exclusively in the interest of the debtor class to the prejudice of the creditor class has nothing to recommend it.

Now, the only argument advanced in support of this amendment of the law is that it will diminish business in Federal courts. My answer to this argument is that the National Government is not a pauper, but is amply able to support all the national courts that may be necessary for the speedy trial of all cases that can come before them under the statutes as they now exist. The remedy for this objection, if it has any weight, would be more courts and not less jurisdiction for those already established.

The amendment in question would not diminish the labors of the Supreme Court, for the judgment of the circuit court is now final with few exceptions in all cases involving $5,000 or less. And the circuit courts, as a rule, are not more overburdened with business than are the State courts.

I come now to the second material change in the statute proposed by the bill. By the act of March 3, 1875, jurisdiction is conferred upon the circuit court in all cases of controversies between citizens of different States, without any other limitation as to the residence of either party to the suit.

To illustrate: Under the present law a citizen of New York may sue a citizen of Pennsylvania in the Federal court in Virginia, if found there and service obtained on him, or if he voluntarily appears. The amendment proposed now is to restrict the jurisdiction over controversies between citizens of different States to cases where one of the parties, plaintiff or defendant, is a citizen of the State in which the suit is brought; so that a citizen of New York, if this bill should become a law, must sue a citizen of Pennsylvania either in the State of Pennsylvania or in the State of New York. If the law remains as it is, a citizen of New York can sue a citizen of any other State where he can be found and service made.

I am in favor of the law as it is, because by it the largest jurisdiction is given to the national court which under the Constitution Congress can grant.

Now, there is no sound reason for confining suits between citizens of different States to the States in which one of the parties resides, as it was under the judiciary act of 1789. It is true that such was the case from 1789 to 1875. But the fact that Congress neglected or failed to do its duty for eighty-six years and withheld from the courts their legitimate jurisdiction is no reason, after finally obeying the Constitution, to again violate its duty and abolish the power of the Federal courts which was granted to them in 1875. Let us leave the judicial branch of our Government in possession of all the authority which the supreme law commanded Congress to confer; and let the citizens of every State have the right to resort to it, if he chooses to, which the Constitution assured him he should have.

Gentlemen who support this bill say that it is terribly inconvenient and a great hardship for a citizen of Texas to be sued by a citizen of New York in the State of Ohio or the State of Georgia. But why is this more objectionable in the Federal than in the State courts? There is no restriction upon the right to sue in the State courts. A citizen of New York can now sue a citizen of Texas in the State courts of Ohio or Georgia. Is it any more inconvenient to be sued away from home in a Federal than in a State tribunal? There is no foundation in rea-

son for the distinction. I believe the friends of this bill, or at least many of them, seek to confine the power of the Federal courts to their narrowest limits because of the prejudice that exists in many parts of the country against the exercise of their rightful constitutional powers. This prejudice, instead of being encouraged by legislation, should be crushed out by the use of all the means that Congress can command. It is quite time that the national courts should not be looked upon as foreign tribunals in any part of the country; and we can not remove this hostility by yielding to it. This is not one of the cases where familiarity breeds contempt, but where reconciliation to a thing comes from familiarity with it.

We ought by our legislation to impress upon the people of this country that the citizen of each State is a citizen of the United States, and that the judicial as well as the executive arm of the Government can extend to every part of our territory to administer justice in all cases within the limits of the Constitution.

RIGHT OF REMOVAL.

Upon the subject of removal of causes from the State to the national courts I desire to remark that the pending bill confines such right of removal to the narrowest possible limits. The suit must involve $2,000 or upward; one of the parties, plaintiff or defendant, must be a resident of the State and district where the suit is brought; and the party applying to remove the cause must be the defendant and a non-resident of the State where the suit is pending.

Under the second section of the bill, even where the right of a party depends upon the correct construction of the Constitution, law, or treaty only, a defendant or defendants can remove the cause to the national courts. The theory of the bill is that a plaintiff shall not have the right of removal, because by suing in a State court he has elected his forum and he should be bound by his election. Even though it should appear after suit brought that the plaintiff's rights depend upon the correct construction of the Constitution, law, or treaty he must be held in the State court, and if the decision is adverse take his case to the highest court of the State, and from the latter by writ of error or appeal to the Supreme Court of the United States. This is the only way in such a case the plaintiff can obtain a hearing in the Federal courts.

There is one exception in the bill to the right of removal by a non-resident defendant. The latter part of section 2 provides that either the plaintiff or defendant may remove at any time before trial when it shall be made to appear to the satisfaction of the State court "that from prejudice or local influence he will not be able to obtain justice in such State court."

The effect of this provision of the bill is to make the removal of the cause dependent upon the discretion of the State judge. The party must present his petition and affidavits to the State court, and upon their inspection that court, in the exercise of his discretion, whether it is a long or a short discretion, determines whether from local influence or prejudice he can obtain justice in the State court. This is a power and a responsibility which it is unwise to repose in the State court. It is not an easy task for a party to spread upon paper before the court all the facts and circumstances that induce in his mind the belief that he can not obtain justice. But if the facts within his knowledge cause a well-grounded belief in his mind that he can not obtain justice in the State court, upon filing his affidavit to that effect his cause should be removed. And such has been the statute heretofore in all cases where prejudice or local influence is alleged as a cause of removal. Upon filing the proper affidavit the cause by the present law is thereby removed without further proceedings in the State court.

Making the jurisdiction of the national courts depend upon the discretion of the State courts in the matter of local prejudice and influence is entirely a novel feature in our judicial system, and this discretion of the State court is not reviewable in the Federal tribunal. Its exercise under the terms of the bill is final.

I think the law as it stands now is more satisfactory, as it enables either party to remove in all cases of controversies between citizens of different States. The theory of compelling the plaintiff to proceed in the State court after he has brought his suit there, without the right of removal, except within the discretion of the State court, upon affidavit of prejudice or local influence, is a very plausible one. But circumstances may arise or facts come to the knowledge of the plaintiff after suit is instituted which may make it very desirable that the trial should be had in the Federal court. Besides, the plaintiff may be so situated that he can obtain service in the State court at a time when he could not in the Federal court, and prompt action may be necessary to obtain a lien by attachment or prevent the bar of the statute of limitations. I think the statute of 1875 is unobjectionable, that there is no substantial evil to be remedied by its amendment, and that it should remain unchanged.

This bill also imposes a limitation to suits upon contracts by assignees. The eleventh section of the judiciary act of 1789 provided that neither the circuit nor district court "should have cognizance of any suit to recover the contents of any promissory note or other chose in action, in favor of any assignee, unless a suit might have been prosecuted in such court to recover said contents if no assignment had been made, except in cases of foreign bills of exchange." The act of March 3, 1875, enlarged this exception to "cases of promissory notes negotiable by the law-merchant and bills of exchange."

The pending bill excludes suits by assignees upon promissory notes and restricts the exception to "bills of exchange," instead of "foreign bills of exchange," as provided in the act of 1789; so that the present bill authorizes a suit by an assignee upon all "bills of exchange," whether the assignor could maintain a suit thereon or not, but takes away altogether the right to sue by an assignee of a promissory note which was conferred by the act of 1875.

This amendment is urged to prevent parties suing upon promissory notes under a colorable assignment for the purpose of resorting to the Federal courts. The objection to this amendment of the existing law is not so weighty as it is to other portions of the bill. But while it may prevent the transfer of promissory notes not *bona fide* for value to enable the owner to have the benefit of the Federal jurisdiction, on the other hand it will exclude from such jurisdiction holders of negotiable paper acquired *bona fide* in the usual course of business, who under the provisions of the Constitution are entitled to sue in the Federal courts. I do not believe any great evil is suffered by suits on promissory notes held under a colorable assignment, and that such evil is less than the wrong that would be done to *bona fide* holders of negotiable paper who have the right to litigate their controversies in the national courts by excluding them therefrom. I do not believe we should exclude citizens from the national tribunals, which they have an undoubted right to resort to, in order to exclude other parties who hold negotiable paper acquired by a colorable assignment for the purpose of obtaining jurisdiction.

The next provision of the bill to which I ask the attention of the House reads as follows:

That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same States.

The intention of this amendment of the present law is to confine certain litigation to which a corporation is a party to a State tribunal. If a corporation is doing business in a State other than that under whose laws it was created and organized, it can neither sue nor be sued in a Federal court.

The penalty of doing business outside of the State whose laws give the corporation existence is to limit jurisdiction over all controversies between it and a citizen of a State in which it is doing business to such State tribunals and compel the corporation to be satisfied with such justice as such State courts may deem proper. For example, if a corporation organized under the laws of New York is doing business in New Jersey and a suit arises out of any transactions in New Jersey, it must be brought in a State court, and the Federal court is prohibited from exercising jurisdiction in such case. The effect of this amendment is to abrogate or annul a constitutional provision.

It is the settled law of the land now, and has been for many years, that a corporation is a citizen of that State under whose laws it was created within the meaning of the word "citizens" as used in section 2, article 3, of the Constitution. That section of the Constitution confers jurisdiction on the Federal courts of cases "between citizens of different States."

Now, this section of the bill under discussion proposes to make a discrimination which the Constitution does not make, and to declare that if the citizen is a corporation deriving its existence from the laws of Virginia and doing business in the State of Tennessee, it shall be excluded from the Federal tribunals in all cases of controversy between it and citizens of Tennessee.

Now, has Congress power to make this distinction? Can we say that a certain class of citizens of a State shall neither sue nor be sued by a citizen of another State in the Federal courts?

If we can prohibit one class of citizens from resorting to the Federal judiciary when they have a controversy with a citizen of another State, where is our power to end? Why may we not with just as much reason make a distinction on the ground of nationality, and prohibit all Irish, German, or Russian born citizens from suing in the nation's courts in case he is doing business in a State other than the one where he resides?

I deny that Congress has power to pass a law of this character. When the Constitution declared that the judicial power of the United States shall extend to controversies between "citizens of different States," it was not intended nor contemplated that Congress should have power to discriminate and say that certain citizens should be exempt from the protection of the Constitution.

A few years ago some of the States, among them Wisconsin, attempted to impose upon corporations of other States a penalty for doing business within their limits. Wisconsin provided by law that before a corporation of another State should be permitted to do business within

her limits it should sign a written stipulation that in case it was sued in a Wisconsin court the corporation should not remove the case to the Federal court. The Supreme Court held such a law unconstitutional in the first case brought before it involving that question. That court decided that a State could not coerce a corporation of another State to surrender its constitutional right of litigation in the Federal tribunal by exacting a promise that it should not do so as a condition of transacting business within such State.

This part of the bill which I am now discussing is designed to accomplish what the Supreme Court decided a State by its legislation could not accomplish.

We are asked to arbitrarily prohibit a corporation from suing or being sued upon contracts made in a State other than that under whose laws it was created. What we are asked to do is, in effect, to say to a corporation, if you desire to do business in any other State than that where you were created you shall not do so except upon the condition of surrendering your constitutional right to bring a suit or of being sued in a Federal tribunal.

I submit Congress does not possess the power to impose such a condition upon an artificial person any more than upon a natural person.

It is contrary to the spirit, letter, and policy of the Constitution, and if Congress had such power its exercise would accomplish no beneficial purpose.

In the case of Insurance Company *vs.* Morse (20 Wall., 455), the case I have alluded to, in which the State court of Wisconsin denied the right of removal, the Supreme Court said:

A corporation has the same right to the protection of the laws as a natural citizen, and the same right to appeal to all the courts of the country. The rights of an individual are not superior in this respect to that of a corporation. * * * The Constitution of the United States secures to citizens of another State than that in which suit is brought an absolute right to remove their causes into the Federal court upon compliance with the terms of the act of 1789. The statute of Wisconsin is an obstruction to this right, is repugnant to the Constitution of the United States and the laws in pursuance thereof, and is illegal and void.

Now, the bill under discussion in terms prohibits the circuit courts from taking jurisdiction in the cases I have mentioned, and is as plainly repugnant to the Constitution as was the statute of Wisconsin. That State attempted and this bill seeks to abrogate that part of the Constitution which extends the judicial power to controversies between citizens of different States.

The States may impose such terms upon corporations of other States asking the privilege of doing business within their limits as may be deemed necessary for the protection of their citizens, providing, however, that such terms and conditions do not restrict the right to resort to the Federal courts.

There is another objection to the passage of this bill. The act of 1875, which defines the power and fixes the jurisdiction of the inferior courts, has been in operation nearly ten years. The controversies over questions of jurisdiction, both original and that acquired by removal from the State courts, which will always arise over every new statute, have in a large measure been settled.

Litigants and attorneys know with reasonable certainty what causes, the subjects-matter, and parties over which these courts have jurisdiction. The rights of parties and the practice has become settled, and it is for the interest of the people and of the Government that these should not be disturbed and unsettled by new legislation. There is no demand on the part of the people for this measure; they infinitely prefer a stable and permanent system of laws, and not the confusion and uncertainty that to a more or less degree spring from new enactments.

The great need of remedial legislation is with respect to the Supreme Court. Its dockets are burdened with twelve hundred cases, requiring from three to four years to dispose of them. So long does it require to obtain a judgment of the Supreme Court, that the delay itself is frequently a failure of justice and financial ruin to litigants. But this bill contains no proposition to expedite the business before the Supreme Court or to relieve that court of judicial labor which we all know it can not perform. Where an evil exists and a remedy is demanded, as admitted by all, the Judiciary Committee have as yet proposed none whatever, probably for the reason that bills which have been introduced and referred to that committee touching the Supreme Court and looking to its relief and the relief of suitors before it require the appointment of additional judges. The presumption that such new judges would entertain political views differing from those of the majority of the present House of Representatives prevents any legislation providing for their appointment.

Manifestly there is no hope of relieving the Supreme Court until both the Executive and Congress in both branches shall concur in political sentiment.

I repeat that the grounds upon which the passage of this bill is chiefly advocated, to wit, to relieve the circuit courts of judicial labor, are entitled to no weight whatever.

To the extent that the friends of this measure propose to diminish the number of causes before the Federal courts, to that extent the number of causes would be increased in the State courts. The latter are now as much overburdened with business as the former in all the more populous States, and the expense and cost of maintaining the Federal courts and of doing the business therein is felt less by the tax-payers of the country than is the cost of maintaining the State courts, which are supported by direct taxation of the people.

This Government is amply able to provide for its judicial department. The ability, integrity, and stability of the judiciary are justly regarded as the sheet-anchor of our hopes and the great bulwark of American liberty. Our Supreme Court consists of nine judges; there are nine circuit and fifty-six district judges, and their annual salaries amount to the small sum of $348,000; and to contend that the conceded constitutional powers of this great co-ordinate department of the Federal Government should be curtailed or limited, on the pretense that the people are unable or unwilling to pay the cost of maintaining all the courts necessary to transact all the business that may come before them under existing laws, is unworthy of an American Congress.

Rivers and Harbors.

SPEECH

OF

HON. LEWIS BEACH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. BEACH said:

Mr. CHAIRMAN: I do not know that I fully understand the powers of the committee which has reported this bill. It is a new committee, created for the first time in this Congress. The matters which it has investigated have heretofore been considered by the Committee on Commerce.

Before proceeding to criticise the action of the committee it may be well to ascertain, if we can, its exact powers. The rules of the House say there shall be referred to the Committee on Rivers and Harbors all subjects relating "to the improvement of rivers and harbors." There are three questions involved in such a reference. First, what is a river, and what a harbor? Second, what rivers and harbors should be improved? Third, what should be the nature and extent of the improvement?

Mr. Chairman, I do not care to complicate this discussion with the constitutional question involved in all appropriations of this character. I am willing to give the committee the benefit of the doubt so far as the constitutional power is concerned; but I do propose to hold it to the strict letter of the rule under which it assumes to act. When the rule confines the committee to appropriations "for the improvement of rivers and harbors," I can not consent to vote for a bill filled with appropriations for the improvement of creeks and steamboat landings. A creek is certainly not a river, and a steamboat landing is not a harbor. The committee has been very much mixed in this matter. Webster defines a river to be "a large stream of water flowing in a channel on land toward the ocean, a lake, or another river," and he defines a harbor as "a refuge for ships, a port or haven;" and a haven as "a bay, recess, or inlet of the sea, or the mouth of a river, which affords good anchorage and a safe station for ships."

Tested by these definitions how many of the items in this bill are proper subjects for appropriation of the public moneys? Look at the long list of so-called rivers which have been provided for. Who, outside of the Committee on Rivers and Harbors and the member in whose district the river may lie, ever heard of them before? When a boy at school I was pretty well "up" in my geography and I have not forgotten much that I then learned. I feel quite confident that a large number of the rivers mentioned in this bill were not laid down on the atlas of thirty years ago.

Here is a list I have taken at random from the bill:

The Maurice River, the Choptank River, the Wicomico River, the Mattaponi River, the Guyandotte River, the Buckhannon River, the Edisto River, the Salkehatchie River, the Waccamaw River, the Wateree River, the Altamaha River, the Oconee River, the Caloosahatchie River, the Choctawhatchie River, the Conecuh River, the Withlacoochee River, the Warrior River, the Noxubee River, the Pascagoula River, the Tallahatchee River, the Yallabusha River, the Cane River, the Calcasieu River, the Tangipahoa River, the Tensas River, the Big Hatchee River, the Caney Fork River, the Hiawassee River, the Tradewater River, the Mokelumne River, the Chehalis River, the Cowlitz River, the Skageit River, the Nootsack River, the Snohomish River, the Snoqualmie River, and the Stielquamish River.

Mr. Chairman, I have given thirty-seven names, and each is provided for in the bill with a neat appropriation. The committee has called them all rivers. Whether they are or not I do not know. I never heard of them before, and I do not believe there are ten out of the three

hundred and twenty-five members on this floor who have ever heard of them until now.

It may be interesting to retrace the steps by which these insignificant streams find their way into the river and harbor bills. The action of the committee is founded to a large extent upon the estimates prepared by the engineers, who make a preliminary survey of the proposed improvement. The engineers are set in motion by the Congressman in whose district the stream lies. The Congressman is pushed on by the local Columbus who has discovered the stream and wants to float his logs to a distant saw-mill or get his produce to market.

The committee this year has not abided by the recommendations of the Chief of Engineers. It has traveled outside of the Book of Estimates, and upon its own responsibility reported appropriations to the amount of $628,100 for improvements which have not been recommended by the usual authorities. I have not had time to separate the items which go to make up this $628,100; but I have no hesitation in saying that this bill should be recommitted with instructions to strike out every one of them.

The committee has very carefully avoided the use of the word "creek" in its bill. We look in vain for "Cheesequake Creek," the little rill that brought down such a river of indignation on the river and harbor bill of the last Congress. It has disappeared, but numerous streams of like volume have taken its place bearing the more lofty and dignified title of "rivers."

If we look closer into this bill we find that the committee has taken good care of all the inlets and bayous with which some of the States are studded. "Steele's Bayou" and "Loggy Bayou" and all the other little bayous are well provided for. The marshes are also not forgotten. "Romerly Marsh" is to be improved at an expense of $10,000. The report does not say whether it is to get rid of the mosquitoes or encourage the culture of bullfrogs. We are left in doubt upon this point. All that we know for certain is the tax-payers are to be relieved of $10,000 for the purpose of improving "Romerly Marsh.".

Now, Mr. Chairman, let us look at the harbors. I can not undertake to go through the long catalogue of harbors provided for in the bill, and show up, as I might, the great folly of appropriating money for many of them.

I may be permitted, however, by way of illustration, to call attention to a couple of items on page 5 of the bill. They read:

Improving harbor at Rondout, N. Y.; continuing improvement, $1,000.
Improving harbor at Saugerties, N. Y., $5,000.

Mr. Chairman, I live but a short distance from Rondout and Saugerties, on the Hudson River, and may be presumed to know something about them. I must confess that I felt some little local pride—but probably not so much as my distinguished colleague who represents the Ulster district—in finding Rondout and Saugerties dignified with the title of "harbors." I never supposed they had come up even to the standard of "landings," as we call them along the river. The only ships you will find there are barges, canal-boats, and mud-scows, which the Committee on Rivers and Harbors has, through ignorance of nautical matters probably, mistaken for ships clipped of their wings.

Rondout is located on a creek of the same name, which empties into the Hudson River. Considerable business is done on the creek in brick, bluestone, and hydraulic cement. The Delaware and Hudson Canal also reaches tide water at this point. During the last year the canal carried 214,738 tons of miscellaneous freight and 1,224,917 tons of coal. The great problem with Rondout was how to get this commerce out of the creek over the shoals and flats on the westerly side of the river into the deep water on the easterly side. Let me see if I can make myself better understood. The channel of the Hudson which is followed by all vessels sailing up and down is on the east side, and the water is ample there for all purposes of navigation. But the river at this point is quite wide and spreads out into shoals on the west side. Before the cement and brick makers and the coal-carriers could get their merchandise into the river proper a channel had to be prepared from the mouth of the creek through the shoals. And this is what they asked the General Government to do; and the General Government set to work to do it several years since, and the project is now about complete. It has cost nearly $100,000. And all for the benefit of the Delaware and Hudson Canal Company, a few manufacturers, and a towboat line.

Mr. Chairman, I myself am interested in the manufacture of cement at this point, and while I feel deeply grateful to the Government for all it has done to cheapen transportation for me, yet I can not vote for this appropriation. Nor would I have voted for any that have preceded it had I been here. I do not believe that Congress has the right to take the money of the many and use it for the benefit of the few.

A short distance above Rondout, on the same side of the Hudson, we find another creek, known as "Esopus Creek." It is quite shallow, and its entrance so obstructed by flats and shoals as to render it impossible for any but local pilots to enter it, and these only with the aid of steam. Jetties have been partly built at the entrance, but have produced no noticeable improvement so far as I have heard.

The village of Saugerties is built upon the northern bank of this creek, about half a mile above its mouth, and has a considerable manufacturing interest. Conscious of what the Government has done for its near neighbor, Rondout, similarly circumstanced in all respects, it now appeals for aid, and the Committee on Rivers and Harbors inserts in its bill an appropriation of $5,000 for "improving harbor at Saugerties."

And it does this of its own motion, without any recommendation from the Chief of Engineers. It does not appear from the report of the Chief of Engineers that any survey has ever been made, nor has the necessity of the improvement been inquired into nor any estimate made of the ultimate cost of the project. The committee must have been thoroughly overcome with the arguments in favor of "Saugerties Harbor" to have overlooked those preliminary matters which are a prerequisite to an appropriation of this character. When we remember Webster's definition of a harbor—that it is a place of "refuge for ships on the sea"—we can afford to laugh, as the good people of Rondout and Saugerties no doubt will when they hear that a committee of Congress has dignified the mouths of the Rondout and Esopus Creeks with the high-sounding title of "harbors."

But, Mr. Chairman, I do not oppose this bill on the sole ground that it carries needless appropriations for diminutive streams and insignificant harbors. There is another feature in the bill which deserves severe rebuke. I refer to the provision which makes an appropriation of $300,000 with which to begin the construction of the Hennepin Canal. I would like to inquire where the committee gets its power to report back this appropriation. Under the rules, as I have before observed, the jurisdiction of the committee is confined to subjects relating to the "improvement of river and harbors." This would give them no power to inaugurate a system of canal-building. And yet they have done it in face of the fact that a bill was already before the House for the same purpose—a bill of which I will come presently to speak.

Mr. Chairman, I have studied this canal question somewhat and thought on it more, and I possess some facts which I desire to bring to the attention of the committee.

From the last census reports it appears that there has been built 4,468 miles of canals, at an estimated cost of $214,041,802. Of these, 1,953 miles are now abandoned, and a large portion of the remaining 2,515 miles are not paying expenses. All the canals in the New England States are abandoned for commercial purposes. The Middlesex Canal was perhaps the most successful up to the time of the construction of the Boston and Lowell Railroad in 1835, and it paid expenses and a dividend of about 6 per cent. for a number of years.

The Oxford and Cumberland Canal in Maine, costing a moderate amount, did a fair business previous to the construction of the Portland and Ogdensburg Railroad.

The Blackstone Canal in Massachusetts and Rhode Island, passing through a rich region of country abounding in manufactories, was built in the best manner, but was never profitable.

The Farmington and Hampshire and Hampden Canals sunk $1,089,425.10.

In New York State three hundred and fifty-six miles of lateral canals, costing $10,235,314, have been abandoned; in Pennsylvania four hundred and seventy-seven miles are abandoned, costing $12,745,780; in Ohio two hundred and five miles, costing $3,000,000, have been abandoned. Indiana, with the aid of her creditors, constructed three hundred and seventy-nine miles of canals in 1851, costing $6,325,262, all of which were abandoned.

As I have before said, 1,953 miles of canals, which cost $44,013,166 to construct, have been abandoned. In some instances railroads have utilized the bed of the canals; in others railroads have been built parallel to them, and stolen their business away.

Of the canals not yet abandoned very few are paying expenses, and some of them contemplate laying down rails and using the locomotive for hauling their freights. This is the case with the Delaware and Hudson Canal, which connects the coal-fields of Pennsylvania with tide water at Rondout on the Hudson River. This canal is the only one in the State of New York which is operated by a private corporation. All the others are owned by the State. The Delaware and Hudson Canal has done a paying business from the time of its opening down to the present day; and yet they are now about to convert it into a railroad, for the simple reason that they can haul their coal cheaper by rail than they can by water. The history of the Illinois and Michigan Canal will furnish a fair illustration of the degeneracy of canals in general and of the mode in particular by which it is proposed to foist all these unprofitable investments upon the General Government. That canal connects Chicago with La Salle, Ill., on the Illinois River, and is about one hundred miles long. It was built in 1848, and at the time of its construction was a favorite route between Chicago and Saint Louis for travelers. I remember passing over it myself in 1852 in a packet-boat.

From the time of its opening down to 1870 it did a very good business, the annual tolls nearly doubling the gross expenses. But in that year the expenses were $108,695 and the tolls only $149,635. The canal was sick and something had to be done. As a remedy the State built a lock at Henry, at a cost of about $400,000. Under this stimulant the canal revived and enjoyed its old-time prosperity down to 1877, when it again languished and became financially *in extremis;* for during that year the expenses ($110,018) far outran the tolls ($96,913). The doctor was again called in and prescribed another lock. The lock was built at Copperas Creek at a further expense of over $400,000 to the

State. The General Government assisted in the building of this lock, but I am unable to give the amount contributed. It was then thought that the canal was all right again. But the doctors were mistaken. They had made a wrong diagnosis, or the medicine was inefficient. The canal grew worse and has been growing worse ever since, as will appear from the table I give of outgo and income for the last few years:

Years.	Gross expenses.	Tolls.
1878	$82,839	$84,330
1879	97,701	89,064
1880	125,601	92,296
1881	108,223	85,130
1882	105,412	85,947

I have not the figures for 1883. In 1882, the State of Illinois, having concluded that the canal could not be made the source of any further profit, hit upon the happy idea of making a present of it, locks, dams, and all, to the United States. The General Assembly passed the necessary law and it was submitted to the people for their ratification. The people were like Barkis, "willing," and now comes my genial friend CULLEN, of Illinois, with his little bill asking us to accept the valuable gift. If we will only take it and spend a few millions in enlarging it we will make money out of it. In addition to enlarging the canal it is proposed to have the Government spend about twenty millions more in improving the navigation of the Illinois River.

Mr. Chairman, you must not suppose that Illinois is the only State that is willing to display its generosity in the matter of giving away canals. I find from a bill introduced here by my colleague of the Saratoga Springs district that the great State of New York, my own State, is willing to have her Erie Canal enlarged and repaired by the General Government to the amount of $1,000,000 a year for the next ten years, or $10,000,000 in all. The offer is not quite as generous as the one made by Illinois, but in substance it amounts to about the same thing. It is an effort to turn off on the United States what is no longer of any profit to the State. Now, I would like to say a few words here about the Erie Canal which I would not dare say at home. The State of New York, like Ephraim, "is wedded to its idols," and the Erie Canal is one of them. It is heresy, and heresy of the vilest kind, for one to breathe a word against the Erie Canal within the confines of the Empire State.

I am willing to admit that the Erie Canal has been a factor, most important factor, in bringing about the commercial supremacy which the city of New York enjoys to-day. But I assert that the day of its usefulness has gone by. Neither enlargement nor abolition of tolls can prevent its inevitable doom. It must go the way of all other canals, and its duration is only a matter of time. At the time of its construction, it will be remembered, there were no railroads in existence. As the West became populated the problem was how to get the breadstuffs and provisions of the Western and Northwestern States to the seaboard for export. The favored route, and I might say almost the only route twenty-five years ago, was by way of the lakes, the Erie Canal, and the Hudson River. This was an all-water route.

In 1858, the period of which I am speaking, the relative tonnage of the Erie Canal and the two great east and west trunk lines was as follows: Erie Canal, 1,496,687 tons; New York Central, 925,604 tons; Erie Railroad, 816,964 tons.

The railroads at once entered upon an active competition for carrying the products of the West. The result is shown in the following figures, taken for the year 1883: Erie Canal, 3,587,102 tons; New York Central, 10,892,440 tons, and Erie Railroad, 13,610,623 tons. In corroboration of these figures it appears from the last annual report of Mr. Nimmo, Chief of the Bureau of Statistics, that during the year 1882 about 80.2 per cent. of the total receipts of grain at Atlantic seaports was by rail, and only 19.8 per cent. by lake, canal, and Hudson River.

Having now considered the vast gains made by the railways over the water ways in matter of freights let us take a glance at the cost of transportation, for that in fact is the most important question both to the farmer and the country. Our large export trade in breadstuffs has been owing to our internal lines of transportation. Other countries, like Russia, Australia, and India, have lands as suitable for the growth of wheat as we have, but they have not been utilized for want of communication with the seaboard. Now that they are building railroads to the interior we find their grain coming into active competition with ours in the markets of the world. The cheapness with which the Western farmer can lay his products at the seaboard is a question which concerns not only him but the whole country, for upon it will depend the volume of our foreign commerce. Under the favorable conditions of the last fifteen years our foreign commerce has much more than doubled. The total value of the exports of merchandise from the United States increased from $281,952,899 during the year ended June 30, 1868, to $823,839,402 during the year ended June 30, 1883; and the value of the imports of merchandise into the United States increased during the same period from $357,436,440 to $723,180,914.

But I am straying from the point I wished to make. I want to show the difference between water charges and rail charges. Upon this point Mr. Nimmo has prepared a table, which I shall ask leave to print, showing the average freight charges for the last fifteen years of carrying a bushel of wheat from Chicago to New York by each of the three routes, to wit, by lake and canal, by lake and rail, and by all rail.

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1868 *to November* 1, 1883, *inclusive.*

Calendar years.	Average rate per bushel.		
	By lake and canal.*	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1868	25.3	29.0	42.6
1869	24.1	25.0	35.1
1870	17.5	22.0	33.3
1871	21.6	25.0	31.0
1872	26.6	28.0	33.5
1873	19.2	26.9	33.2
1874	14.2	16.9	28.7
1875	11.4	14.6	24.1
1876	9.7	11.8	16.5
1877	7.5	15.8	20.3
1878	10.1	11.4	17.7
1879	13.0	13.3	17.3
1880	13.2	15.7	19.7
1881	8.6	10.4	14.4
1882	8.7	10.9	14.6
1883, January 1 to November 1	9.16	12.0	16.1

* Including Buffalo transfer charges and tolls.

From this table it appears that the water route has reduced its charges from 25 cents and a fraction per bushel in 1868 to 8 cents and a fraction in 1882; and during the same period the rail route has come down from 42 cents and a fraction to 14 cents and a fraction. The rate of reduction is about one-third in both routes.

It is commonly contended that the water ways act as a check upon the charges made by the railways, but is this true? Why is it that the reduction of charges in the water ways has kept even pace with that in the railways? What is it that has forced the lake and canal charges down from 25 cents a bushel to 8 cents a bushel? Is it not the result of the sharp competition carried on by the railways? It is, Mr. Chairman, a battle between the railways and the water ways for supremacy, and the facts and figures I have quoted show that the railways will win in the end under the conditions of which I now desire to speak.

I undertake to say that when railroads are honestly built and economically operated they will be able to carry cheaper than the rivers or the canals. It is well known that most of our railroads are built through the intervention of what is called "construction companies;" and it is equally well known that the favored few who compose these companies amass large fortunes. This is one way in which the nominal cost of construction far exceeds the actual cost. It must be remembered that the capital stock is issued to the extent of the nominal cost. Another way of enlarging the capital stock is by consolidation with some other road, whereby the new road is capitalized at a sum far in excess of its actual value. And then we must remember that all railroads are built in the most extravagant manner and the cost is largely increased by the high duty which has prevailed upon rails. When we come to build our railroads the same as we would our private carriage roads and get a dollar of material and work for every dollar expended, then we will have solved the great question of "freight rates" which so agitates the people.

I think I can illustrate my argument by reference to a proposition which has been made in relation to the Erie Canal. It has been estimated that a four-track railroad, equal in all respects to the New York Central, could be built on the bed of that canal for $15,000,000.

The New York Central is capitalized at $144,114,776, and the Erie at $160,552,538. Now it requires no argument to show that a road which cost $15,000,000 can carry freights much cheaper than one which cost $160,000,000. The one expects to earn dividends on $15,000,000, and the other on $160,000,000.

Instead, therefore, of turning the Erie Canal off on the General Government, as my distinguished colleague proposes in his little bill, I think the State of New York had better put it up at auction to the highest bidder, subject to such restrictions as to freight charges as the public interests may require.

I take great pleasure, Mr. Chairman, in finding the views I have long entertained upon this subject approved by Silas Seymour, recently State engineer of the State of New York. In his report for the fiscal year ending September 30, 1883, he gives a table, an analysis of which shows the following results:

1. That the average tonnage during the period of twenty-one years from 1862 to 1882, inclusive, was 5,600,682, or only 174,948 less than the tonnage of 1883.
2. That during seven consecutive years from 1868 to 1874, inclusive, the average tonnage was 6,255,100, or 479,470 tons more than in 1883.
3. That during the single year of 1872 the tonnage was 6,673,370, or 897,740 tons more than in 1883.
4. That the yearly tonnage has not been materially affected during the past

twenty-two years, either by the rates of toll imposed or the amount annually collected, or even by the entire abatement of tolls, as in 1883.

He sums up by saying:

From the above showing the conclusion seems to be inevitable that the experiment of endeavoring to materially increase the tonnage of the canals by the abolition of tolls has thus far proved to be an entire failure.

In his report Mr. Seymour submits some further facts upon this question which are worthy of wide circulation. They are entitled to great weight, because he has always been a strong advocate of the canals and is now reluctantly compelled by the great logic of events to change his opinions.

I shall ask the indulgence of the committee while I quote quite largely. He says:

In my last annual report on the canals of the State it was shown that at the date of their first inception there were no railroads in existence in the country; and that even as late as 1835, when the first decisive steps were taken toward the enlargement of the Erie Canal, there were only one hundred miles of completed railroad in the State; and that there was no immediate prospect of the completion of any through lines between tide water and the lakes that would be liable to compete successfully with the State canals.

It was also shown that the enlargement was undertaken and completed upon the theory, as demonstrated by the best engineering experts in the country, that the canals were and always would be far cheaper and more reliable than railroads for purposes of inland transportation.

The following extract from my last annual report on canals will show the rapid increase of railroad mileage in the State up to and since the completion of the enlargement, and also some of the other causes and influences which have had a tendency to limit the tonnage of the canals, and thus disappoint to a great extent the expectations of the people of the State as to their ability to compete successfully with other routes and means of transit for the great bulk of the carrying trade between tide water and the Western lakes:

"In 1862, the date of the completion of the enlargement, there were 2,710 miles of completed railroad in the State, and there were two through lines, the New York Central and the New York and Erie, that had become direct and powerful competitors of the Erie Canal for the traffic between the Western lakes and tide water.

"Through lines had also been constructed in other States which offered an active competition for the same traffic to the canal and railroad lines through the State of New York.

"In 1882 we find that there are not less than 6,600 miles of completed railroad in the State, and that the two great trunk lines above referred to have added largely to their carrying capacity, the Erie by doubling its track, and the Central by quadrupling its track, thus practically increasing its tonnage capacity to a maximum, and reducing its cost of transportation to a minimum.

"Lines have also been straightened, grades reduced, wooden bridges replaced by iron, heavy T rails substituted for straps, and finally steel rails substituted for iron, thus rendering the roadway proper as perfect as possible; while at the same time locomotive engines have been more than quadrupled in power and rolling-stock has been supplied with all modern improvements; all of which has had the effect to reduce the cost of transportation on comparatively level railroads to a minimum not exceeding a half cent per ton per mile.

"Many other lines of railway have also been constructed between the Western lakes and Mississippi Valley and the Atlantic seaboard, and all of these great trunk lines have absorbed and consolidated with lateral lines and lines extending farther westward to such an extent that their influence is felt and their power acknowledged to the most remote bounds of improvement and civilization.

"Improvements in the navigation of the Mississippi River and the enlargement of the canals through Canada have also rendered these great and comparatively natural water routes most formidable competitors for this great and constantly increasing through traffic.

"It should also be considered that the canals can be navigated only about seven months in the year; that the time of their opening and closing is always very uncertain; that their navigation is constantly subjected to detentions occasioned by the want of an adequate supply of water, together with breakages and other unavoidable accidents; and that the time required for boats to pass between the lakes and tide water is about five times that required upon the railroads.

"While on the other hand freight may be shipped by railroad every day in the year and delivered at its destination with the utmost regularity and at prices generally but very little if any greater and in many cases much less than those charged upon the canals."

In view, therefore, of the foregoing facts and considerations, it becomes a question of the greatest importance to the tax-payers throughout the State as to what is to be the ultimate destiny of the canals.

It has become clearly demonstrated that they can not compete successfully with railroads as a means of transport; and it is quite evident that their tonnage is more largely dependent upon the law of supply and demand than it is upon the question as to whether or not it is subjected to the payment of tolls.

It is claimed by many that it is of the most vital interest to the tax-paying people of the entire State that the canals should be maintained at any cost and under any and all circumstances, for the purpose of regulating the charges for transport on competing lines of railway, and thus preventing the diversion of a large amount of through tonnage and traffic from our great commercial emporium.

As bearing directly upon this view of the question I take the liberty of making the following quotation from my last annual report on the railroads of the State:

"Another important factor in the success of railroads, and one which has, perhaps, contributed more largely than any other to the diversion of business from our State canals, is the tendency which has been manifested in later years by the leading railroad interests of the country to either absorb or consolidate with connecting lines to such an extent as to control the business at points far beyond the reach of any influence which the State could bring to bear in favor of its diversion to the canals.

"It may also be remarked that this excessive desire on the part of leading railroad interests for absorption, consolidation, and extension has probably done more than anything else during the past few years toward increasing railway mileage throughout the country, and at the same time developing the resources of remote districts that would otherwise have remained comparatively isolated from railroad influences. All of which may be attributed to a determination on the part of the managers of each of the great through trunk lines to extend their power and influence beyond the reach of the others, and thus secure the lion's share of the through business.

"The construction of the Union and Central Pacific Railroads was due largely to these considerations; and the rapid construction of several other Pacific roads which are now in progress through the United States and Canada would probably have never been undertaken but for the powerful rival railroad interests that either underlie or stand ready to furnish the means necessary to complete them. And it would appear that no less an obstacle than the broad Pacific itself would be able to prevent these rival combinations from extending their influence and control at least so far around the globe as to enable them to reach the opposite shores of the Atlantic Ocean.

"Whatever may be the ultimate result of this state of things to the parties most interested, who furnish the enormous amount of capital required to carry forward these great rival enterprises, there can be no doubt that it is exceedingly beneficial to the country at large, and particularly so to the great commercial metropolis of our own State.

"Every new route that is opened and every additional mile of railroad that is constructed aid materially in developing the wealth and resources of the country through which they pass. And while the city of New York continues to be the great focal point toward which, as compared with other Atlantic cities by far the greater number of these trunk lines converge, her prosperity will increase and her commercial supremacy be assured for all time.

"It is claimed by many, and it was so represented during the last election, when the question of the 'free canal amendment' to the constitution was pending before the people of the State, that the commercial prosperity of the city of New York depended very largely, if not entirely, upon the volume of tonnage transported over the Erie Canal during the season of navigation.

"While admitting the great benefits that have resulted, and will continue to result, both to the city and the State at large from her unrivaled system of canals, and without questioning the soundness of the policy recently adopted by the Legislature and the people in making them free from tolls and supporting them by direct taxation, it is difficult to comprehend why both the city and the State are not benefited to a far greater extent by the trunk lines of railway whose termini are at the harbor of New York, and the most of which pass through the State, while their western limits, branches, and controlling influences extend through all portions of the great valleys of the Mississippi and the Western lakes, and thence even across the Rocky Mountains to the Pacific Ocean.

"The total tonnage over the Erie canal during the year ending September 30, 1882, was only 3,694,364 tons, while that over the New York Central and Hudson River Railroad was 11,330,393 tons, and that over the New York, Lake Erie, and Western Railway was 11,895,238 tons.

"Therefore, without taking into account the 'Pennsylvania Railroad,' which has been in operation to Jersey City for several years; also the 'New York, Lackawanna and Western' which has just been completed as a through line, together with the 'New York, West Shore and Buffalo,' which will soon be completed, all of which terminate virtually in the city of New York, there seems to be no just ground for fears with reference to the future of our great commercial metropolis."

If the foregoing views are well founded, there would appear to be no valid reason or excuse for taxing, indiscriminately, the people of the entire State for questionable benefits that are enjoyed by only a small fraction of the tax-paying population, while the greater benefits, if any, are secured by the large mass of Western producers and Eastern jobbers.

It would therefore seem to be a wise policy for the people of the State at the earliest day practicable to so further amend the constitution as to enable the Legislature, at its discretion, either to reimpose tolls to a sufficient extent to keep the canals in repair, or to lease them upon the best terms attainable to responsible parties who will agree to operate and keep them in repair, or to sell them outright, together with all the State property connected with them, to the highest bidder.

The last-named alternative would, in the light of past experience, appear to be the wisest of the three, for the reason that Pennsylvania, Ohio, and other States have found it for their interest to dispose of their canals, and thus reimburse their treasuries to some extent for the capital invested in them; and there can be no doubt that the canals of this State can readily be sold for a sufficient amount to liquidate the entire canal debt of the State, and thus relieve the people from the burden of any further taxation on that account.

In any event, it may be safely assumed that canals, as a successful and necessary means of transport, have outlived their usefulness; and also that as between railroads and canals, when considered with reference to their relative merits, as affording a means for rapid and economical transport, it must be regarded as a foregone and inevitabe conclusion that the canals must go.

In view of this vast array of facts, is it not folly—ay, madness—to think of building more canals? Their day, like that of the stage-coach, is gone. They have done good service in the past, no doubt, but their usefulness has departed. In less than twenty years there will not be a canal in operation in this country. They are doomed.

Mr. Chairman, the $300,000 appropriation which this bill carries for beginning the Hennepin Canal is but the entering-wedge, and before we drive it home by our votes we had better take a full, square view of the whole subject.

In the first place let us take an inventory of the canals already built and operated by the Government.

The Des Moines Rapids Canal was opened in 1877, and since that time there has been expended in operating it the sum of $277,262.96. The original cost is given me by the Chief of Engineers at $4,372,824.27. The Louisville and Portland Canal has cost the Government $2,611,022, and the expenses of operating it last year amounted to $61,333.14. The amount required to operate and maintain it for the current year is estimated by the Chief of Engineers at $77,740, and for next year $128,540. The Muscle Shoals Canal, on the Tennessee River, has cost $2,321,850.

The canal around the Cascades of Columbia River, Oregon, has had expended upon it up to June 30, 1883, $725,715.93. It is estimated that $1,655,397.31 will be required to complete the project, and $500,000 are asked for the next year to continue the improvement.

The Saint Clair Flats Ship-Canal, Michigan, has thus far cost for construction $606,885.09, and the expense of operating it last year was $5,668.87.

The Saint Mary's Falls Canal, Michigan, has cost $2,330,945.34; expenses of operating it last year were $35,509.70, and the sum required to operate it next year is estimated at $35,000.

Now, Mr. Chairman, if we tabulate these figures, we find that the Government has thus far invested about $13,000,000 in these canals, and is committed to a policy of completing them at a cost of several millions more and to an annual outlay of hundreds upon hundreds of thousands of dollars for maintaining and operating them. We had better pause and consider before we take upon our hands any more of this unproductive property.

And now is the time to stop. A redundant Treasury attracts all kinds of schemers and jobbers, and if we examine our files we will find the canal-builders already around casting their eyes wistfully upon that surplus for whose reduction the genial member from Colorado has contended so vigorously.

Among the bills for the construction of new canals you will find one introduced by my distinguished friend Mr. HOBLITZELL, of Maryland, to provide for the construction of the Maryland and Delaware Free Ship-Canal, as a means of military and naval defense and for commercial purposes. The building of this canal is intended to connect the waters of the Chesapeake and Delaware Bays. The bill appropriates $1,000,000. This, of course, is not the full cost. It is simply to start with—the entering-wedge. The entire cost will depend upon the route which may be selected. The engineers have surveyed and reported upon three different routes. The Back Creek route is estimated to cost $7,605,471.39; the Sassafras route will cost $11,409,909.81; and the Choptank route, $18,184,766.39. The expense of building is not the only thing we must take into consideration. When built the canal must be maintained and operated, and it is estimated that the annual outlay for this purpose will be—for the Sassafras route, $111,080; Back Creek, $123,580; and the Choptank, $114,950.

Then there is the bill introduced by Mr. MURPHY, of Iowa, to provide for the construction of the Michigan and Mississippi River Canal. This is what is commonly known as the "Hennepin Canal," and is identical with the one mentioned in the pending bill. The location and merits of the canal are described in the report of the committee as follows:

This bill provides for the construction of a canal seventy-five miles in length, by the General Government, from the Illinois River, at or near Hennepin, to the Mississippi River, at Rock Island, in the State of Illinois, with a feeder or branch canal thirty-seven miles in length from Dixon, on Rock River, to the summit level of said canal; and your committee, after a most careful consideration of the subject, are of the opinion that such a canal should be constructed; for the construction of this contemplated canal from the Mississippi River to the great lakes would give a free water way from Saint Paul to the Atlantic seaboard at New York city, and would lessen transportation charges much more than sufficient to justify the expenditure thereby involved.

In this case also there were three several routes surveyed by the engineers. Mr. MURPHY's bill declares in favor of what is known as the Rock Island route, and appropriates $1,000,000 to start on. The ultimate cost is one of those things which can not be foretold with precision. The engineers estimate it at $6,672,890.67, and they put down the annual cost of maintenance and ordinary repairs at $94,820.

This Hennepin Canal project was defeated in the last Congress. The Republicans could not swallow it. I know the Democrats will not. It is not likely that the bill will reach consideration, but the whole project can be consigned to the tomb of the Capulets by striking out the $300,000 appropriation when we come to read the pending bill by sections.

Mr. Chairman, a review of this bill would be quite imperfect without some allusion to the Mississippi River. We have already at this session appropriated $1,000,000 for that river, and now we are asked to give $2,400,000 more. The estimates of the engineers call for $7,741,000, and the committee felicitates itself upon having cut them down to $2,400,000. But would not the committee have conferred more honor upon itself had it gone deeper into this question and inquired whether any appropriation whatever was needed? This is a very grave question, Mr. Chairman; one that can not be fairly discussed in the present temperament of the people of the Mississippi Valley, but one which we will have to face ere long. It is believed by many, and among them some of the best engineers in the country, that the millions upon millions we have spent on that river have been absolutely wasted.

Whenever the improvement of the Mississippi River is spoken of I am reminded of a stream which flows through the farm upon which I live. Ordinarily it is a gentle, well-behaved brook, but there are times when, overtaken by freshets and fed by mountain torrents, it swells into a tumultuous river, leaving its bed and depositing stones and gravel in large quantities upon the adjacent meadows, and carrying destruction to fields and crops. For twenty years I have fought this stream to keep it to its place. I have walled the banks with stones; I have cribbed them; I have riprapped; I have tried everything that engineering skill could suggest, and yet that brook, when swollen by unusual rains, would break through the barriers as through rushes. After twenty years of fruitless struggle, in which I have spent hundreds, possibly thousands, of dollars I have wisely concluded to let that stream have its own way. And this is what you have got to do with the Mississippi. You can not control it, and all the money you appropriate might as well be "in the deep bosom of the ocean buried." And, Mr. Chairman, I fail to find any good reason why we should try to control it. I am of opinion that its importance as a highway of commerce is vastly overrated.

I am confirmed in this opinion by an unpublished letter of Mr. Nimmo, the Chief of the Bureau of Statistics. He says:

The relative tonnage of merchandise moved east across the Mississippi River over railroad bridges, and of merchandise moved south, reaching Saint Louis by river, during the year 1878, was as follows: Moved east by rail, 3,554,838 tons; moved south by river, 174,065 tons. It appears, therefore, that the tonnage moved east by rail was more than twenty times the tonnage moved south by river. Even at Saint Louis the total tonnage to and from the East by rail during the year 1882 amounted to 4,141,835 tons, as against 914,505 tons moved to and from the South by river. In point of value the traffic of the railroads was proportionally much greater.

He furthermore says:

Upon the basis of value of traffic, the Louisville and Nashville Railroad is to-day a much more important highway of commerce than the Mississippi River between Saint Louis and the Gulf.

I fear, Mr. Chairman, that the Mississippi River is fated like the canals. In the future, sooner or later, railroads will parallel it in their course to the Gulf and steal away the commerce which has floated on its muddy waters. In conclusion, let me say that this bill, like all its predecessors, has apparently been cunningly constructed by the Committee on Rivers and Harbors with a view to catch votes. Every State, I believe, from the Atlantic to the Pacific and from the lakes to the Gulf, is to have a slice of this thirteen-million cut on the Treasury. The bait is very tempting, and it requires some little courage to decline it. But we ought to remember, and I trust that the Democratic side of this House will remember, that many of us owe our seats here to-day to the great popular indignation which followed the passage of a bill similar in all respects except amount to the pending one by the Forty-seventh Congress. That bill was so shamefully bad that even a Republican President had to veto it. It was passed, however, over the veto, as many Republicans and a few Democrats now remember to their sorrow.

Mr. Chairman, I do not want to put myself on record as against all appropriations for the improvement of rivers and harbors. There are some rivers, no doubt, and many harbors justly entitled to national recognition, and I would cheerfully vote for liberal appropriations to improve them; but I can not give my assent to a bill like the one under consideration, which squanders the people's money in needless extravagance upon steamboat landings called "harbors" and upon diminutive streams called "rivers" and in redeeming marshes and building canals and reservoirs. We have had enough of this business in the past, and it is time that a Democratic Congress should put an end to it.

The Tariff.

Labor should be protected and the highest price paid therefor.

Diversified industries promote good wages and make a people free and independent.

SPEECH

OF

HON. WILLIAM H. CALKINS,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 6, 1884,

On the bill (H. R. 5893) to reduce import duties.

Mr. CALKINS said:

Mr. CHAIRMAN: The honorable chairman of the Ways and Means Committee launched his tariff speech on the sea of public opinion with this motto flying at the mast-head:

Of all the false pretenses with which protection mocks its victims, the assumption that labor is helped or protected by taxing its earnings is the flimsiest.

The misfortune between the text and the logic of his speech is that the latter is an entire departure from the sentiment contained in the former. In his speech it is attempted to be maintained that a protective tariff is a tax upon the labor of this country without corresponding benefits. If this be true, all persons having the interest of the laboring classes at heart should readily assent to the doctrine of free trade, because capital will always take care of itself; but labor must be fostered in order to give it equality with capital.

If labor, therefore, will be benefited by admitting duty-free the manufactured products of foreign countries, we ought not to hesitate to adopt it. If you threaten capital it withdraws itself from the line of attack and seeks safer channels of investment. The capitalist can live and enjoy life without being compelled to toil. The laborer who has nothing to sell but his day's work must have a market, else he will perish; these truths are self-evident, and it follows as a necessary sequence that if laws are so framed that capital is driven out of great manufacturing enterprises and compelled to seek other and safer investments, the market for labor is reduced in exact ratio to the number of manufactories closed and the labor which was employed to carry on that business.

If legislation should compel all the manufacturing establishments in this country to suspend operations and close their workshops, 3,000,000 of laborers would be compelled to seek other employment in order to maintain themselves and support their families. Not only would the laborers themselves be thrown out of employment, but the families dependent upon them for daily bread would be the recipients of the suffer-

ing which would result from such a state of things. It devolves upon the advocates of free trade to show conclusively that the adoption of their theories would not affect the manufacturing interests of the country; or, if it did, what avenues of escape from suffering and starvation the wage classes would have.

Under the present system we know the condition of things. We know that the country is prosperous and happy, and the laborer is receiving the largest remuneration for his work that is paid in the world. Before entering upon an entire change of this system there should be no mistake that the wage classes would not be injured. The advocates of this change are assuming a fearful responsibility unless they can show to a moral certainty that the laborers would be benefited and not injured by the proposed change. No one disputes that sudden commercial panics first strike the laboring classes. They are the first to receive notice of dismissal and the last to obtain the benefit of good times. Any policy, therefore, which threatens a change should be carefully investigated and the benefits proposed thereby indisputably proven in order to prevent calamities so great as the destruction of the labor system of this country.

There are three divisions of opinion on the subject of the tariff. One is absolute free trade, and is based upon a sentiment well expressed in a plausible sentence often repeated by the free-traders, namely: "Buy where you can buy cheapest; sell where you can get most." As an expression of sentiment this is certainly captivating, but as a practical question it is a snare and a delusion. To illustrate it: Labor is a commodity in the market. The largest class of our citizens have nothing to sell save their day's work. If you apply this to labor (as you must if a free-trader) it would be entirely proper for every manufacturing concern in this country to employ the Chinese coolies to perform the manual labor necessary in running their establishments, because this labor can be bought cheaper than the labor of our own citizens. A Chinese laborer will perform at least three-fourths as much work in a day as one of our laboring men, and he will work for one-third as much. His cheap diet, consisting of "rice and rats," costs him a small sum, and enables him to subsist in seeming satisfaction upon brutal and coarse diet, which should bring the blush of shame to the face of any man who would desire to see our wage classes brought into competition with him. But if you adopt the free-traders' theory you must open the doors of this country to that labor.

To carry out this theory it must not be confined to the manufacturing establishments by any means. The laundry, the barber-shop, the hotel waiters, the culinary department, and the messengers' places would all be rapidly filled by this class of cheap labor, to the exclusion of our own citizens. Any person familiar with the Pacific coast and the importation of these laborers there will readily and willingly testify to the practical results of their presence. In the next place, this would not only operate against the labor of our country but it would be a direct benefit to the capitalists and manufacturers. By employing this labor he would make enormous profits and successfully defy competition with the world. This I agree would produce cheap fabrics and cheap food, and would be a practical realization of the Utopian idea that free trade brings cheap living. But mark the result: having deprived our laboring classes of the opportunity to labor, how would it benefit him to have cheap food and cheap clothing if he had no money to purchase either? If he could buy a year's provision for a dollar and a year's clothing for $2 how would he be benefited if he did not have $3 to purchase them with?

By this cheapening process you deprive him of the means of earning the $3. He could better afford to pay a thousand dollars for his necessities if you give him the power to earn $1,500 by a wise system of protection. It may be summed up in one sentence: if you cheapen living in this way you have "promised bread and given a stone." As was aptly said not long ago, the reasons seem to be in favor of free trade, but the practical experience is all against it. This becomes apparent by comparison. If our laborers were in the same brutalized condition that the Chinese coolies are, and were willing to subsist and live as they do, there would then be no need to protect them against the invasion of that sort of labor. The Chinese would not come, and if they did come competition would soon starve them out. I have used this one instance by way of illustration; and it holds good in all others.

The second theory advanced is that of incidental protection to manufacturing interests, for the purpose of benefiting the wage classes. That means simply the laying of duties upon competitive articles of manufacture in cases where this country and other countries manufacture similar goods, so that foreign goods may be laid down in the markets of this country in direct competition with what we produce. So long as we remain one of the family of nations and there remains a higher scale of wages in favor of our laborers we must either close the gap between the price we pay and the price paid in other countries by legislation or reduce the price that we pay for labor to the common level paid by other countries. It is true that the free-trader immediately replies that incidental protection is incidental robbery. I do not, however, agree that incidental protection to competitive articles in favor of home manufacture robs anybody. The theory of economics upon which I stand comes up to this standard, namely: that of protecting the wages paid in this country and keeping them up to their highest standard, incidentally discriminating by legislation in favor of American manufacturers.

The reason for this is based upon actual experience. Raw materials for the manufacture of almost every species of articles can be had and produced in this country as cheaply as in any other. This being so, the only gap which exists in the cost of the manufactured article between this and other countries is in the price paid for labor. The machinery used is the product of labor. If it be true, then, that free trade will lessen the price of the imported article, and that our manufacturers can not compete with foreign manufacturers because foreign labor is cheaper than ours, and that transportation does not increase the price of the foreign product to a degree equal to the cost of it in this country by reason of the scale of wages we pay, it follows as certain as night follows day that our manufacturing interests must succumb to foreign competition unless we discriminate by our tariff legislation in their favor. By thus discriminating it affords an unequaled opportunity for labor, diversifies our industries, and makes this country self-sustaining and able to compete with all the combined nations of the earth.

If we destroy these industries, we become dependent upon foreign markets and create foreign monopolies the most odious in the world.

Allow me for a moment to depart from this line of thought, or connect with it the American idea of social and political economy. The supreme thought upon which the destiny of this nation rests is that education and labor for all time to come must go hand and hand together. Wherever a settlement was made of the early colonies the educational institution was planted coexistent therewith. All of the early settlers were laborers; they brought no aggregate wealth with them, but came with their bare hands and brave hearts to subdue a wilderness and people a continent.

Education generally diffused among the people is necessary for the maintenance of free institutions. It is true that in the Southern States of this country the institution of slavery choked and obliterated a sentiment which in the early times was universal among all the Colonies. In the free States of the North it was nurtured and cultivated, so that now the free school and school-house reach every neighborhood and place the means of education within the reach of all the people. In the older States of the North a permanent school fund, with a munificent income, has been accumulated and invested for the support of the public schools.

In some of the Western States this fund is stupendous and colossal, and in passing through them one is continually surprised by the numberless school-houses that adorn the hills and the valleys, where the mind of the youth of the country is taught the useful branches of literature at the public expense. President Garfield truly said that our "sovereign was the people, and that it was necessary that the sovereign should be intelligent." In order to afford an opportunity for the acquirement of sufficient knowledge, the facilities for public education should be broadened and strengthened. I allude to this for the purpose of illustrating the American idea that labor is noble, and that to lessen the arduous task of toil and make the rulers intelligent and fit to govern they should be educated, and that to foster and encourage and protect the men and women who labor and toil should be one of the first duties of those whom the people delegate to act for them.

The common voice may well ask of its public servant, "What have you done to lessen and alleviate the toiling millions of the Republic; what have you done to ennoble labor and place within the easy grasp of all the means to obtain a living?" The crazy enthusiast of free trade will hardly find that his sovereign will answer, "Well done, thou good and faithful servant!" when he is compelled to admit that he has debased them to the common standard of pauper nations and turned 3,000,000 of operatives and their families out of doors without means of support or opportunity to procure work.

The third theory advanced is that of absolute protection to those competitive articles manufactured at home; that is to say, it is claimed the tariff should be so adjusted and the duties on these articles should be laid so high that it would prevent the foreign manufacturer from bringing any of his manufactured articles into our markets for sale. The theory advanced is that it would encourage the home capitalist to invest his money in every sort of manufacturing enterprise, because of the gains and profits he would realize from such investment, and the certainty of the exclusion of foreign competition, and in this way would more certainly divide the people into two great classes, namely: that of consumers and producers; that in turn competition would regulate prices according to the law of supply and demand, bring them down to a level with the cheapest produced articles of similar character of other nations, keep the prices of the wage class up, make a home market for every bushel of grain produced, and utilize all the raw and other material used in the manufacture of goods. In other words, it would operate as a self-adjusting appliance between the producers and consumers, so that enough would be produced on the one hand to supply operatives in the manufacturing districts, and just a sufficient number of operatives would remain engaged in that work to consume the products of the farm and field; the home market would be maintained and manufactured articles sold at corresponding prices. The only difficulty that I see with this theory is that it would strongly tend to overproduction and to stagnation in business, and would shut us out largely from the

markets of the world and allow others to reap the gains and benefits of foreign markets, while we might, under a tariff law with incidental protection, at least divide with other nations.

Be this as it may, I should much prefer the most stringent protective laws than to see the theory of free trade prevail in this country. As between the two extremes, I believe that the high protective tariff would be much more advantageous to the people.

A most untenable position, it seems to me, has recently been taken by distinguished citizens and statesmen in this country which I must not allow to pass unnoticed. A comparison was recently made between foreign nations and the different States of the Union so far as intercommercial relations exist. It was claimed, I believe, that the free, untrammeled trade between the States of the Union was an argument in favor of the theory that like effect would be produced were the laws similar between foreign nations. This is a fallacious argument for one reason if for no other. The inhabitants of the different States of this Union are, for all practical purposes, upon the same plane; all are governed by similar laws. Free institutions, freedom of thought, and free education exist in all the States of the Union, and all have a common purpose and a common destiny.

Can it be said that the laboring classes of England, Ireland, Germany, Russia, Italy, and Spain are upon the same level, and the equals of the laboring classes of this country? Can it be said that the aims and destinies of the people of those countries and this are precisely the same? Can it be said that the same social relations exist, or that the interests of the laboring classes in Europe are protected equally with the interests of the laboring classes of this country? If for no other reason, manhood suffrage and equality before the law raise one above the other. Illustrations can be used as arguments only when precisely similar relations or conditions exist; and where they are resorted to as arguments a supposable case must be put, for if the case is not a supposable one, the deduction sought to be drawn is a fallacy.

Some of the free-trade theorists assume in argument that because there is a tax of 60 per cent. on a given article, therefore the consumer pays the full value of the article with the tax added. The argument is wrong because the premise is wrong. There is no tax upon anything produced in this country except whisky and tobacco. These are the only articles produced in this country upon which the consumer pays a direct tax, but it is argued that because the foreign product is taxed that therefore the manufacturer in this country adds a sum equal to the tax to the value of the article which he produces and collects it from the consumer. This theory is not borne out by the facts.

It is true that if an American citizen desires to purchase a foreign article which is taxed 60 per cent. he must pay the value of the article with the tax added; but not so with the home-manufactured article. To illustrate it, before we produced plate-glass in this country it cost the American consumer one-third more than the same sort of plate-glass now costs him, although there is a tax upon it on an average of 45 per cent. This is true with reference to the textile fabrics. The price of ordinary clothing in this country is quite as cheap to-day as it was under the famous Robert J. Walker free-trade law of 1842.

Any intelligent man may verify this statement by an examination of the schedule prices of that day and this. The difference in value is chiefly with the finer qualities of cloth. The idea that a man pays $6 tax when he buys $10 worth of clothing is so fallacious that it needs no refutation.

One word on the subject of raw material. In discussing this question I shall not refer to the ores in the mountains, the coal in the earth, or the timber in the tree, but to that class of articles commonly denominated raw material, which require some labor to produce. As a familiar illustration I will take wool. Much has been said about the protection of the wool interests of this country, and a few facts plainly stated, it seems to me, disposes of the entire question. There are three principal grades of wool. The coarse, the intermediary, and the superfine. I assert as a fact that this country produces all of the three classes.

In Australia and the South American countries flocks of sheep can be raised and cared for at little expense. Their wool-clip is in direct competition with ours. The sheep in those countries are pastured and kept upon land that is comparatively valueless. The cost of transportation of that wool here is a mere bagatelle. Now, the question resolves itself into this: shall our farmers abolish all sheep from their farms and depend entirely upon the foreign market for wool, or shall we protect the American farm and thus save the flocks to American husbandry? Any American farmer will tell you that he can not afford to keep a flock of sheep through a cold winter in the States of Ohio, Pennsylvania, Kansas, Indiana, Michigan, Illinois, and Nebraska and feed them grain and pasture them upon land worth on an average $40 an acre in competition with the flocks of sheep in a climate with comparatively no winter and upon land worth 1 cent an acre. For my part, I shall never hesitate to afford protection to the flock-masters and farmers of this country when called upon to do so. I do not care to see the flocks of sheep disappear and become eliminated from the industries of the farms of the great West.

Wool, viewed as a raw material, is comparatively inexpensive. Take for example the number of pounds ordinarily woven into a coat. In its raw state it is inexpensive, but when prepared for wear its cost has been doubled and quadrupled several times.

Let me follow it through the various courses of handiwork before it reaches the back of the wearer. The fleece of wool is sheared, washed, picked, carded, spun, prepared for the loom, woven, finished, transferred to the shelves of the merchant, cut, sewed, and fashioned to the limbs of the wearer, and when completed represents more than 95 per cent. of labor. In America this labor is paid for at the highest price paid anywhere in the world for like services, and the free-trader seems to be vexed beyond endurance because his handsome form may not be attired in this piece of furniture at the starvation wages paid to European workmen. My sympathy is all for the American laborer, for I believe that one who will not first provide "for his own household is worse than an infidel."

The distinguished chairman of the Ways and Means Committee of this House asserts that the revenues may be reduced $50,000,000, and that it becomes the duty of this Congress to take this burden from the shoulders of the people. If there be a surplus of $50,000,000, I fully agree with the distinguished chairman that it becomes our duty to reduce taxation. I do not agree that his horizontal bill will accomplish that purpose.

In many instances, if the bill shall be passed as presented, an increase of revenue will take place. In so far as it reduces the manufacturing establishments of this country an influx of foreign products to meet the demand will increase the revenues to a degree in excess of the proposed reduction all along the line. He will not accomplish by his proposed horizontal plan a reduction of revenue. His plan simply means a reduction all along the line until he gets to that point, through a series of years, where free trade is brought about.

If the honorable chairman of the Committee on Ways and Means was in favor of a reduction pure and simple, it could easily be accomplished. Take the articles of sugar and molasses. The importation of these articles yielded to the Government a revenue last year of $46,000,000 in round numbers. It would be the simplest thing in the world to bring in a bill putting them upon the free-list and accomplishing just what he says is desirable. This would reach the largest number of people. The table of every workingman in this country would be relieved from a tax which he daily pays to the Government. It would also illustrate the theory advanced by the free-traders that their idea would not interfere with the industries of this country. It would touch only one spot in the United States, and while Louisiana might not like to be the frightful example by which free-traders could prove their notions to an anxious and long-suffering people, it would afford a splendid opportunity for this Congress to prove themselves honest and sincere in their assertions. It would also reduce taxation to just about the point the distinguished chairman thinks should be done.

But the fact is, Mr. Chairman, that the revenues of this country, according to the President of the United States, will not be in excess of the demand made upon them for a few years to come. The Mexican soldiers are about to be pensioned by this Congress. This will add fifteen or twenty million dollars to the annual outlay. A bill ought to pass equalizing the bounties of all the soldiers of the late war. This would make an annual burden of fifty or sixty million dollars more for the next two or three years. The arrears of pay to pensioners should be extended, together with pensions to prisoners of war, and this would make a further outlay of $20,000,000 for the next five years. The female nurses in the late war should be paid, and these expenditures, with the other incidentals in a growing nation, will more than absorb the revenues which are now provided by law.

In the face of all this our distinguished Democratic friends propose, as they say, to reduce the revenues $50,000,000 a year on the tariff bill, and the other wing of the Democratic party propose a further reduction by wiping out the tax upon whisky and tobacco, amounting to $90,000,000 more. It is apparent that the people of this country must interpose and stop the disastrous consequences which would follow from these threats.

The Republican party is the one party that can be trusted with the wise reduction of taxation and a just administration of the affairs of the nation.

Since the war it has relieved the people from time to time of the onerous burdens which they so willingly bore and which was fastened upon the nation by Democratic folly. It has kept abreast with the thought and progress of the times. It has responded to the voice of the people. It has entered upon civil-service reform. It has dealt the only blow to Mormonism and polygamous marriages which has ever been given to that iniquitous institution. It has restricted the emigration of the hordes of Chinese coolies into this country, that they might not destroy the wages of our citizens. It has granted munificent pensions to the sufferers in the recent war. It has built up the manufacturing and commercial industries of the country beyond the wildest dream of the enthusiast. It has settled and peopled the Territories of the West and made them magnificent States in the great sisterhood. It has protected American citizenship wherever one of its citizens has seen fit to wander. It has restored the country to a coin basis, and placed the credit of our nation higher than the most favored nations of the world, and it must alone be looked to to take care of the national revenues, protect labor and home industries, foster schools, and preserve the autonomy between labor and capital; circumscribe and limit the power of the railroad corporations, deal with the question of interstate commerce, and bring about such results as will redound to the nation's honor and glory in the future as it has in the past.

Jurisdiction of the Circuit Courts of the United States.

SPEECH

OF

HON. SAMUEL W. MOULTON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 7, 1884,

On the bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from the State courts, and for other purposes, approved March 3, 1879.

Mr. MOULTON said:

Mr. SPEAKER: The bill under consideration was reported from the Judiciary Committee after very careful consideration, and its passage recommended.

The judicial powers of the United States are prescribed in the third article of the Constitution. These powers have received judicial construction by a great many decisions of the Supreme Court of the United States, and the extent of these powers is well understood.

The first act of Congress creating Federal courts and prescribing their jurisdiction was the judiciary act of 1789.

Those opposed to this bill contend that Congress should confer upon these courts all the jurisdiction possible and as to every subject-matter and person under the powers of the Constitution.

Those who support this bill take the ground that it would be unwise and detrimental to the interest of the people for Congress to adopt the policy contended for by the opponents of the bill.

Circuit courts of the United States are created by acts of Congress, and we hold that it is within the powers of Congress to withhold, limit, or extend the jurisdiction of these courts under the Constitution as the interest of the people may require. And this may be determined by past experience, as well as the present condition and wants of the country.

By reference to the judiciary act of 1789 it will be seen that only a very small part of the subject embraced in the judicial powers of the United States under the Constitution was conferred on the circuit courts. The largest part of those powers was withheld from the Federal courts, and for the best interest of the people, and left to the jurisdiction of the State courts, where it remained without complaint for almost a century, every citizen finding in these courts full and ample remedies for all wrongs and invasion of rights of every kind.

During the war of the rebellion and the legislation on the reconstruction measures Congress unhappily passed various and sundry acts, notably in 1866, 1867, and in 1875, greatly enlarging the powers and jurisdiction of the circuit courts, and as I think to the great injury of the people.

The object of this bill is to repeal some of the vicious legislation from 1866 to 1875, and to restore the judiciary act of 1789 as far as may be practicable. The increase of this jurisdiction evidently grew out of the then anomalous condition of the country and was largely influenced by the passions and prejudices of the times. Up to that time there had been no demand or attempt to increase the jurisdiction of the Federal courts; but at that time and since the theory and practice of the party in power was to concentrate as much power as possible in the executive and judicial departments of the Government, and by consequence lessen the jurisdiction of the State courts and the powers and rights of the States.

I understand my colleague upon the committee, Mr. BISBEE, to take the ground that it is the duty of Congress to vest the whole judicial power under the Constitution and as to all subjects in the Federal courts, and not to do so is a disregard of the constitutional requirements. This is a very serious question.

I think it ought to be assumed that the fathers who made the Constitution, and many of them in the Congress of 1789 when the judiciary act was passed, had as full a comprehension of the construction and obligation of that instrument as the present generation. The makers of the Constitution did not think that they were violating any of its obligations when they framed the act of 1789, withholding from the jurisdiction of the courts a large part of conceded power. The question with them was, what is for the best interest of the people?

But this whole question of jurisdiction has been repeatedly decided by the courts. I refer to a few only of the many cases upon this point. The substance of these cases is stated in Turner, administrator, *vs.* Bank of North America (4 Dallas, page 10) in these words:

> Congress is not bound, and it would perhaps be inexpedient, to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant. (See also McIntire *vs.* Wood, 7 Cranch; Kimball *vs.* United States, 12 Peters; Coy *vs.* Carter, 3 Howard.)

In the case of Sheldon *et al. vs.* Sill, 8 Howard, 441, the court used these words:

> The only question which it will be necessary to notice in this case is whether the circuit court had jurisdiction. Sill, the complainant below, a citizen of New York, filed his bill in the circuit court of the United States for Michigan against Sheldon, claiming to recover the amount of a bond and mortgage which had been assigned to him by Hastings, the president of the Bank of Michigan. Sheldon in his answer, among other things, pleaded that the bond and mortgage in controversy, having been originally given by a citizen of Michigan to another citizen of the same State, and the complainant being assignee of them, the circuit court had no jurisdiction. The eleventh section of the judiciary act, which defines the jurisdiction of the circuit courts, restrains them from taking "cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the contents if no assignment had been made, except in cases of foreign bills of exchange." The third article of the Constitution declares that "the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish." The second section of the same article enumerates the cases and controversies of which the judicial power shall have cognizance, and among others it specifies "controversies between citizens of different States." It has been alleged that this restriction of the judiciary act with regard to assignees of choses in action is in conflict with this provision of the Constitution and therefore void. It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers they could not be restricted or divested by Congress; but as it has made no such distribution, one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their respective jurisdictions.
>
> The first of these inferences has never been asserted, and could not be defended with any show of reason; and if not, the latter would seem to follow as a necessary consequence; and it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all. The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution unless it confers powers not enumerated therein. Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary. In the case of Turner *vs.* Bank of North America (4 Dallas, 10), it was contended, as in this case, that as it was a controversy between citizens of different States the Constitution gave the plaintiff a right to sue in the circuit court, notwithstanding he was as assignee within the restriction of the eleventh section of the judiciary act. But the court said: "The political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress; and Congress is not bound to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant." This decision was made in 1799. Since that time the same doctrine has been frequently asserted by this court, as may be seen in McIntire *vs.* Wood, 7 Cranch, 506; Kendall *vs.* United States, 12 Peters, 616; Cary *vs.* Curtis, 3 Howard, 245.

I read as an additional authority on this subject from the case of Cary *vs.* Curtis (3 Howard, 245), as follows:

> Secondly, in the doctrine so often ruled in this court, that the judicial power of the United States, although it had its origin in the Constitution, is (except in enumerated instances, applicable exclusively to this court) dependent for its distribution and organization and for the modes of its exercise entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction, either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. To deny this position would be to elevate the judicial over the legislative branch of the Government and to give to the former powers limited by its own discretion merely. It follows, then, that the courts created by statute must look to the statute as the warrant for their authority; certainly they can not go beyond the statute and assert an authority with which they may not be invested by it, or which may be clearly denied to them. This argument is in no wise impaired by admitting that the judicial power shall extend to all cases arising under the Constitution and laws of the United States. Perfectly consistent with such an admission is the truth that the organization of the judicial power, the definition and distribution of the subjects of jurisdiction in the Federal tribunals, and the modes of their action and authority have been, and of right must be, the work of the Legislature. The existence of the judicial act itself, with its several supplements, furnishes proof unanswerable on this point. The courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by the common law.

Mr. Speaker, the Constitution provides that—

> The judicial power shall extend to all cases, at law and in equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same States claiming lands under grants of different States, and between a State, or the citizens thereof and foreign states, citizens, or subjects.

The following is a summary of the provisions of the bill:

1. To raise the sum necessary to give original jurisdiction to the circuit court to above $2,000 (section 1).

2. To give the right of removal to non-resident defendants only, and where the sum involved is above $2,000, except that in citizenship cases the plaintiff or defendant may remove at any time before trial upon affidavit of prejudice (sections 2 and 3).

3. To require the defendant removing to do so when first called upon to plead, and not merely before or at the trial term, and before trial as now, except in citizenship cases, as noted before (sections 2 and 3).

4. To take away the right of a corporation to sue in a United States court a citizen of a State in which it is carrying on business or to be sued by such citizen in such court or to remove such a suit to such court (section 3).

5. To require citizenship suits to be brought in the district of the plaintiff or defendant; that no one shall be arrested in one district for trial in another in a civil action; that original process shall run only

in the district of the defendant's residence or where he is found when process is served; except citizenship cases as above (section 1.)

6. That interest shall be excluded in ascertaining the sum involved (section 1).

7. That no assignee of commercial paper (except foreign bills) can sue when the assignor could not (section 1).

I read a part of the report of the committee, which fully shows the material changes that this bill makes in the present law, with some of the reasons that have induced the committee to recommend its passage:

The first change proposed is to increase the minimum jurisdiction of the circuit courts from $500 to $2,000. It will be remembered that the present minimum jurisdiction was fixed by the law of 1789. It is believed, in view of the growth of business in the country, and the increase of population from 4,000,000, the number at the time the act of 1789 was passed, to 50,000,000, that the minimum jurisdiction of the circuit courts ought not to be less than $2,000.

In almost all the States of the Union the circuit courts are overloaded with business. By increasing the minimum from $500 to $2,000 the United States courts will be relieved of a large amount of business which can be as satisfactorily disposed of by the State courts as by the circuit courts of the United States, and with more dispatch and less cost to litigants.

The next amendment proposed to the existing statute is to take away from the circuit courts of the United States jurisdiction of causes in favor of assignees of promissory notes and bills of exchange, unless a suit might have been maintained thereon if no assignment had been made. This change restores the law as it existed from 1789 to 1875. It is believed that a large proportion of the business which goes into the circuit courts at the instance of assignees of promissory notes and domestic bills of exchange is the result of collusion between the original payee or holder and the assignee. This fruitful source of fraud on the jurisdiction of the courts, and unneccessary annoyance and expense which the makers of such instruments are subjected to, ought to be removed.

The next change proposed is to restrict the right to remove a cause from the State to the Federal court to the defendant. As the law now provides, either plaintiff or defendant may remove a cause. This was an innovation on the law as it existed from 1789 until the passage of the act of 1875.

In the opinion of the committee, it is believed to be just and proper to require the plaintiff to abide his selection of a forum. If he elects to sue in a State court when he might have brought his suit in a Federal court, there would seem to be, ordinarily, no good reason to allow him to remove the cause. Experience in the practice under the act of 1875 has shown that such a privilege is often used by plaintiffs to obtain unfair concessions and compromises from defendants who are unable to meet the expenses incident to litigation to the Federal courts remote from their homes.

The committee, however, believe that when a plaintiff makes affidavit that from prejudice or local influence he believes that he will not be able to obtain justice in the State court he should have the right to remove the cause to the Federal court. The bill secures that right to a plaintiff.

The next material change is to take from the circuit courts jurisdiction of any suit of a civil nature between a corporation and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the copyright or patent laws, and in like cases in which said courts are authorized by the act to take original cognizance of suits between citizens of the same State, nor shall any such suit between a corporation and a citizen or citizens of a State in which it may be doing business be removed into any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provisions in suits between citizens of the same State.

Corporations created or organized by the laws of any State are authorized to sue a citizen or citizens of any other State in the Federal court, or when in like cases they may be sued in a State court to remove the cause into a Federal court. This privilege or right rests on the assumption that a corporation created or organized under the law of a State is a citizen of such State for all judicial purposes, and therefore, when suing or being sued in any other State, may avail itself of the rights which appertain to citizens of different States in respect to like suits. The committee recognize the fact that the Supreme Court has decided such to be the status of a corporation, and without questioning the soundness of the ajudication, about which there is a divided opinion, see no good reason in longer permitting the exercise of such jurisdiction by the circuit courts. On the other hand, the exercise of such jurisdiction by the circuit courts has given rise to much unnecessary expense and grave disadvantages to the citizens of States where corporations may be carrying on business. A corporation which leaves the State of its domicil and sets up its business in another State ought to be regarded for all judicial purposes as a citizen of such State, and should not be permitted to enjoy or exercise privileges not accorded to a citizen of such a State.

Again, there are corporations created under the laws of Congress.

There has been no judicial ascertainment of the domicil of such corporations, but under existing law such corporations are permitted to sue in the Federal courts, and when sued in a State court are authorized under section 640, Revised Statutes, to remove the cause to the circuit court of the United States. The change in the law proposed embraces all such corporations, as well as corporations created or organized under the laws of a State.

That the passage of this bill will be of great advantage to the people and injure no one I think there can be no doubt; it deprives no person of his just rights, and removes great hardships that exist under the present law.

Under the present condition of things the circuit courts of the United States are wholly unable to properly try the cases which come before them, and their inability amounts to a practical denial of justice. If this bill becomes a law the cases before the circuit courts will be lessened at least one-third. I have no doubt that it will also lessen at least 25 per cent. the causes which under the present system reach the Supreme Court. There are 1,200 cases on the docket of that court, and it takes about four years to reach a case for argument after it is filed there. This certainly would be of great advantage to the people.

From the time a case is commenced in the circuit court until final adjudication in the Supreme Court six, eight, or ten years may elapse. This is a substantial denial of justice.

If the State courts were restored to their rightful powers the Federal courts could discharge all the duties that rightfully devolve upon them, and this is the proper mode of relieving them.

There is one provision of this bill which, it seems to me, must address itself directly to the common sense and justice of every person who has practiced law in these courts, as a means of relieving the Federal courts of a very considerable amount of business which finally reaches the Supreme Court. I refer to those cases where jurisdiction is obtained by reason of assignments. Fictitious assignments is a regular business with reference to certain classes of securities, notes for fraudulent patents and among certain parties, to enable them to sue in the Federal courts, as this tends to prevent defenses by poor debtors. The old law as it stood prior to 1875 provided that if A gave his note to B in the same State, under no circumstances, by assignment or otherwise, could that note be sued in the Federal courts. To-day the law is that, although the note be made between parties in Illinois, the payee may assign the note to a citizen of Indiana and that assignee may bring suit at once in the Federal courts. And I am informed that over one-third of all the cases that reach the circuit courts in the Western States arise from permitting such assignees to sue, and by collusion between parties. This operates unjustly, and especially so as against the maker of the note or bonds. I am heartily in favor of that provision of the bill which proposes to correct this practice. It is a very important provision and ought to pass this House. It injures no one and will operate principally for the benefit of all honest people.

The bill also contains the following important provision:

That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same States.

The effect of this proposition is that a corporation created in one State and doing business in another State shall have no more rights and privileges than the citizens of the latter State.

Now, to amplify this so we can see the operation of this provision:

A corporation is created in Massachusetts, and an agency is established in Illinois, it may be a fire and marine or life insurance company, or something of that kind. Under the law as it stands to-day such a corporation may bring the smallest suit against a citizen and drag him two or three hundred miles from home. It is done in this way: These insurance companies have notes against parties in all parts of the State. They claim that there is a default in the payment of a note of $50. They file their declaration in the Federal court, alleging in the *ad damnum* $500. When such a suit is brought in a circuit court of the United States, it is a great hardship upon the defendant, residing, it may be, in Cairo, Ill., to go to Springfield, a distance of two hundred and fifty miles, to attend court. The expenses for himself and his attorney would be more than double the amount for which he is sued.

If this provision of the bill is adopted the citizen will be protected against present injustice. This provision will not operate to the injury of the foreign corporation.

If a corporation is permitted to come into a State and enjoy under its laws protection for its property and rights, why should it not be content with the enjoyment of all the rights of the citizens of the State, but no more? If the corporation has occasion to sue the citizen let him do it in the county where that citizen resides. The courts are always open, and there is no justice or reason why the citizen at the caprice of a corporation should be compelled to go hundreds of miles from home at great inconvenience and expense.

This practice is giving all the advantage to the foreign corporation and at the expense of the citizen.

But it is said in answer to these obvious reasons for this bill that a citizen from another State or a foreign corporation can not have justice done them in the State courts, on account of prejudice, partiality, ignorance, or corruption of the State judiciary. This is all mere pretense, and amounts to nothing but a plea for the concentration of judicial power in the Federal courts.

The encroachment of the Federal upon the jurisdiction of the State courts within the past twenty years has threatened their extinction. Every act of Congress that has touched the subject during that time has lessened the State and increased the Federal power. And I may say that the general tendency of all Federal legislation has been toward the centralization of power in the hands of the Government, so that the rights of the people and the States are jeopardized.

There is a theory that is attempted to be maintained by those who favor centralization of Federal power, that the Federal courts are the safeguards of the rights of the people; that in these courts alone the ultimate rights and liberties of the citizen can be maintained. This theory is a great mistake and its prevalence tends to many evils. Among others it lessens respect for State courts, State rights, and State protection.

At the organization of the Government the powers of the Federal judiciary were very limited, as I have shown, and carefully confined within the provisions of the Constitution, and the rights of the State courts were zealously protected.

One of the strongest objections urged against the adoption of the

Federal Constitution was that the Federal judiciary might absorb and destroy the powers of the State courts.

The encroachments upon the jurisdiction of the State courts should be checked, unless the State courts have failed to answer the end designed at the organization of our system of government. If they have proved a failure, let us amend the Constitution and abolish them as useless and expensive appendages to our system. I think there can be no doubt that the supreme courts of the several States are equal in every respect, if not superior, to the circuit and district courts of the United States. This comparison may be made as to integrity, legal learning, and the impartial discharge of their general duties, and the State courts certainly will not suffer by such comparison. The incapacity and want of integrity of Federal judges has often been charged, and with truth. But charges of this kind have seldom been made against State judges.

Besides, a large majority of the Federal judges are taken from the bench of the States, and all of them from either the bench or bar of the States. There is no other place from which to fill the Federal judiciary but the States. Judge David Davis was taken from the circuit bench of my State and transferred directly to the Supreme Court of the United States. He took a high position as a learned jurist from the very first.

Certainly it can not be contended that the United States judiciary contains all the legal learning, integrity, wisdom, and all that goes to constitute an able judiciary.

The history of the State courts is a full refutation of the claim set up by those who desire the increase of Federal power that the Federal circuit and district judges are superior to the State judiciary.

The State courts, if they err at all, err on the side favoring the rights and liberties of the citizen. And the tendency of the Federal court decisions is on the side favorable to Federal power.

It is admitted that the State judiciary may pass upon and decide the great question of life, liberty, and of property as between citizens of the State, but the opponents of this bill say that the State judiciary are so ignorant and prejudiced that when a non-resident is a party they are incapable of doing justice to him and can not be trusted. This is a senseless and unjust charge against the State judiciary. The charge is not supported by fact and is wholly untrue.

The claim that is made for the Federal judiciary and its increased jurisdiction implies distrust, ignorance, and dishonesty on the part of the State judiciary. The judiciary of the State is composed of the very best men for learning, integrity, and character that can be found. There is hardly an exception. The right of a non-resident person or corporation can be as well maintained in the State courts as in the Federal. From 1789 to 1875 thousands of cases where non-residents were parties were tried in the State courts and no complaint of injustice was ever made or thought of.

Let us, to show the injustice and absurdity of the doctrine of removal of causes from State to Federal courts, as contended for, take the case of a domestic corporation that is sued in its own State. Now, is it possible to suppose that because a non-resident happens to own a few hundred dollars of stock in the corporation (of which the judge is presumably ignorant) the State judge can not fairly and justly try the case, and that such a case under such circumstances must be removed to the Federal court on the application of such a stockholder. Upon what grounds can you assume that the Federal judge is less prejudiced, ignorant, or dishonest than the State judge? Even the Federal judge may be more prejudiced and ignorant than the State judge, and not unfrequently is, as many of us have had good reason to know. Appointments to the Federal bench are made too often for political and partisan considerations rather than for judicial qualification, and it is within the memory of us all that judges to the highest tribunal have been appointed for the purpose of producing a particular decision.

Again, consider the assumption of the Federal judges of jurisdiction to enjoin State and municipal taxes, especially where corporations are interested, and hold them illegally assessed or unconstitutional when the highest State court has held them valid and constitutional.

This is a monstrous assumption of power and never should have been exercised by the Federal courts. And yet at one time the circuit and Federal courts in the State of Illinois had over three millions of such taxes enjoined at the instance of corporations, and by reason of it over one-half of this sum was lost to the State and municipalities. Is it possible that the State and municipalities should be compelled to go to these inferior Federal tribunals and beg to be permitted to exercise their unquestionable power to provide the revenue absolutely necessary to maintain their very existence?

The assumption of such a power from such a source is subversive of our Government, and if sanctioned or submitted to, every State is absolutely dependent on the will of the circuit and district courts within its borders. Nothing could be more monstrously absurd and dangerous.

If this doctrine that a railroad corporation, non-resident stockholder of a domestic corporation, can enjoin the collection of the revenues of a State, then it may be by a little stretch of power that the existence of the State governments may be wholly destroyed. And this is not an improbable result when we look at the vast encroachment of the Federal judiciary within the last quarter of a century. It is but a short step from the present assumption of power to the ultimate end—the claim of all judicial power.

Thomas Jefferson, in 1820, thirty-one years after the Government had been put into operation, in a letter to Mr. Ritchie, said:

The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundaton of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a supreme one alone. * * * A judiciary independent of a king or executive alone is a good thing; but independence of the will of the nation is a solecism, at least in a republican government.

Our institutions and liberties if destroyed will probably be the result of judicial decisions lessening the power of the State courts and the inherent rights of the people and centralizing power in the possession of the few.

To-day Judge Drummond, of Illinois, by reason of his office of Federal judge, is superintendent and has control of more miles of railroad than any man in the world.

The creditors of railroads ought to have some voice in the distribution of assets and ought to find remedies to control this matter in the State courts.

The recent decision of the Supreme Court in regard to the legal-tender act has given the whole country a just cause for alarm. This decision has been received with great dissatisfaction by the bar and the people all over the country, and is another strong instance of the tendency of Federal courts toward centralization of power, and affords grounds for realization of the fears of Jefferson so cogently expressed sixty-five years ago.

Without delaying the House longer I wish to say, Mr. Speaker, that there is a great demand for the passage of this bill, and we can do no greater service to the people and in defense of the rights of the States than by the prompt action of this Congress in making this bill the law of the land.

Rivers and Harbors.

SPEECH

OF

HON. HENRY G. BURLEIGH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURLEIGH said:

Mr. CHAIRMAN: I notice in the RECORD of June 10 the speech of my colleague from New York, Hon. LEWIS BEACH, which appears to be in favor of railroads and in opposition to all water ways and all harbors. He states that Illinois is the only State that is willing to display generosity in the matter of giving away canals, and, referring to the Erie Canal bill now before the House, he says that the State of New York is wedded to the Erie Canal, and that it would be heresy to breathe one word against it within the confines of the Empire State.

I will inform the House and the honorable gentleman that the people of the Empire State are wedded to the Erie Canal not only because it has been one of the chief resources of its commercial greatness, uniting as it does the great Western lakes with the Hudson River, but because it is the only system of transportation in the State that does not discriminate against the citizens of its State. Not only the Republican party but the Democratic party are in favor of this great water way.

When the constitutional amendment to make the canals free was submitted to the people the vote thereon was 486,105 in favor thereof and 163,151 in opposition.

One of the strongest arguments in favor of the canal is in his statement that in the year 1881 the freight per bushel from Chicago to New York by lake and canal was 8.6 cents, by all rail 14.4 cents per bushel; in 1882 by lake and canal 8.7 cents per bushel, by all rail it was 14.6 cents per bushel; in 1883 by lake and canal 9.16 cents per bushel, by all rail 16.1 cents per bushel; showing the cost to be something like 40 per cent. less from Chicago to New York by water than by rail.

In the face of this he is willing to sell the Erie Canal to some corporation and build thereon a four-track railway at an estimated cost of $15,000,000. He states that the New York Central Railroad is capitalized at $144,000,000. I would like to ask the gentleman, were the last remaining check against railroad monopolies taken away from the people, namely, the Erie Canal, how long it would be before his new railroad would be capitalized at $200,000,000?

When the New York Central road received its charter it was with the express condition that it should pay into the treasury of the State of New York the amount of tolls charged by the canals, as the road runs parallel with it. But the power of corporations soon found a way to relieve it from this charge. It is always potential in legislative bodies. I will inform the gentleman that it will be a long time before the peo-

ple of his State will be willing to have the Erie Canal, which unites the great Western lakes with the Hudson River, and the Champlain Canal, which unites all the Canadian rivers and lakes with the commercial emporium of New York, sold out under the hammer to some railroad corporation, even if the gentleman himself should be one of the incorporators.

The Erie Canal has paid into the treasury of the State of New York over and above the cost of its construction and all its improvements $35,000,000. He gives as his reference to canal authorities Mr. Silas Seymour. I will state that he is no authority on canals and is not recognized as authority. He does not even live on a canal nor has any sympathy with canals. But I will state that there is a gentleman in the State of New York, whom I would have supposed my colleague would have given as authority, namely, Hon. Horatio Seymour, who is a friend of the canals and knows their value to the people of the State of New York, and whose voice will always be heard in their behalf. The gentleman laughingly refers to the sums of $1,000 to improve the Rondout Harbor and $5,000 for the harbor at Saugerties, and states as follows:

I must confess that I felt some little local pride, but probably not so much as my distinguished colleague [Mr. BAGLEY], who represents the Ulster district, in finding Rondout and Saugerties dignified with the title of "harbors." I never supposed they had come up even to the standard of "landings," as we call them along the river. The only ships you will find there are barges, canal-boats, and mud-scows, which the Committee on Rivers and Harbors has, through ignorance of nautical matters probably, mistaken for ships clipped of their wings.

I will inform the gentleman that the commerce of the Hudson River is 20,000,000 of tons during the eight months of navigation; that it is all done by the barges and canal-boats, mainly owned by the men who navigate them, and employing 20,000 men, and during the winter when the Hudson River is frozen over these harbors furnish a safe refuge for a large number of boats and barges which float this vast tonnage during the summer season, and which are mostly owned by poor, hard-working, and industrious men, and I should have thought it would have been the last thing the gentleman would have referred to.

The gentleman is in error when he states that there was no recommendation from the Chief Engineer. A survey was made by order of General Newton, and the committee had before it his recommendation of their usefulness and utility. Over 1,000,000 tons of coal are transported from the city of Newburg, in the gentleman's own district, on these same insignificant barges and canal-boats which he so sneeringly refers to.

I believe it is the duty of this Government to make appropriations for the improvement of all the great water ways and harbors that are national in their character, and no State in the Union is more interested in this improvement than the State of New York. Let the improvement be in whatever State it may so long as it is national in its character.

Plenty of votes could be found in 1864 when one railroad had been built uniting the Atlantic and Pacific Oceans to give away forty or fifty million acres of the public domain which belonged to the American people to the Northern Pacific Railroad corporation. Then why begrudge a small amount each year to improve and protect the water ways of the people, which are their own, to be used free forever?

Legislative, Executive, and Judicial Appropriation Bill.

SPEECH

OF

HON. PHILIP B. THOMPSON, JR.,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 28, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes—

Mr. THOMPSON said:

Mr. CHAIRMAN: I consented to the limitation of time as proposed by the gentleman from Indiana because I do not desire to delay the House in the passage of this bill. At the same time I think the large interests involved are entitled to due consideration—that we ought to take sufficient time to consider them thoroughly.

The amendment which I intend to offer I send to the desk, that it may be read and become a part of the record.

The Clerk read as follows:

At the end of line 840, page 35, insert:

"That after June 30, 1884, the internal-revenue districts and custom-duties districts, as they now exist in each State and Territory of the United States and the District of Columbia, are hereby consolidated in each of said States and Territories and said District into one district for all purposes of Federal taxation, which new district shall be called and known by the name of such State, Territory, and District of Columbia, and be coextensive with the limits thereof.

"SEC. 2. That the office of Commissioner of Customs is hereby abolished, and the officers known as collectors of internal revenue and collectors of customs are abolished; and the President shall appoint, by and with the advice and consent of the Senate, one collector of taxes for each new district, who shall discharge all the duties imposed by law upon the several internal-revenue collectors and custom-duty collectors in the several districts now existing and which under this consolidation form the new district, and such other duties as may be imposed by law upon him.

"SEC. 3. That the President shall, by notice duly given, establish one port of entry in each district, and shall designate the point at which the collector in said district shall keep his office; and the collectors are authorized to subdivide their States and Territories into subordinate districts, which subdivisions they shall report to the Secretary of the Treasury; and if he approves the same, he shall so declare and give public notice of the boundaries of the subordinate districts, and designate points at which taxes may be collected under the internal-revenue laws, and ports of entry in said subordinate districts at which deputy collectors may be stationed to receive duties and other moneys, to enter and clear vessels, and perform such services in relation to the customs, navigation, and internal-revenue laws as the Secretary may deem necessary: *Provided, however*, That no subordinate district shall be established, or port of entry designated or maintained, in which the amount of taxes collected does not exceed the costs of collection.

"SEC. 4. That deputy collectors, inspectors, weighers, appraisers, clerks, and other subordinate officers shall be appointed in the manner now provided by law.

"SEC. 5. That each collector shall execute a bond to the United States as is now provided by section 2619 of the Revised Statutes; and the Secretary of the Treasury may increase the penalty of the bonds, and where not already fixed may prescribe the same. Each collector shall receive an annual salary, to be fixed and graduated upon the basis now provided by law for collectors of internal revenue. Deputy collectors shall execute like bonds as collectors, in such penalty as the Secretary of the Treasury may prescribe, who shall also fix their compensation.

"SEC. 6. That the Commissioner of Internal Revenue shall hereafter be known as the commissioner of taxes, and, in addition to his present duties, shall discharge all the duties now imposed by law upon the Commissioner of Customs, and shall superintend the collection of all taxes collectible under the internal-revenue system and customs-duties system of the United States.

"SEC. 7. That the President is authorized to discontinue the services and abolish the offices of surveyors and appraisers of customs in all districts abolished by this consolidation, and shall designate places of deposit for the records and files pertaining to those collection districts which have been abolished by this act

"SEC. 8. That the salaries provided for officers in this act shall be in lieu of all salaries, fees, commissions, and storage heretofore allowed to collectors and surveyors of customs; and all laws or parts of laws authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites, of whatsoever name and nature, are hereby repealed; and all fees collectible by law shall be accounted for and paid into the Treasury as moneys belonging to the United States; and the Secretary of the Treasury is hereby authorized to provide for the collection of such fees by the use of stamps, under such regulations as he may prescribe."

Mr. THOMPSON. Mr. Chairman, it will be seen from the scope of this amendment that it is, as I indicated, a consolidation of the entire collection and internal-revenue districts, so that each State shall have one collector, who shall collect, account for, and be responsible for all the Federal taxation in that State. I propose, as I have stated, to offer this amendment at the proper time.

A good many strictures have been indulged in by the gentleman from Illinois [Mr. CANNON] as to the manner in which this subject has been brought to the attention of the House. He claimed that members had not had sufficient notice; that in view of the grave importance of the question at least one week's notice of such a proposition ought to have been given.

Mr. CANNON. My friend does not want to misrepresent me?

Mr. THOMPSON. Not at all.

Mr. CANNON. I stated that this subject is being considered by a subcommittee of the Committee on Appropriations, which has not yet reported; that the proposition ought to be considered and fully prepared in committee before being presented to the House.

Mr. THOMPSON. Now, I must enter my protest against the Committee on Appropriations, of which the gentleman from Illinois is a member, absorbing all the functions not only of every other committee of this House but even of the House itself. It would appear that, according to the gentleman's view, we should not be allowed to consider any proposition in Committee of the Whole until it has passed under the consideration of some subcommittee of the Committee on Appropriations. While such consideration may enlighten the gentleman from Illinois, I can not see how it can enlighten the House upon this question. The subject-matter of this amendment as now presented to the House has been pending here for more than two months The recommendations of the Secretary of the Treasury on this question have been as much before every member of this House as before the members of the Committee on Appropriations. There is another committee of the House charged more directly with the administration of this branch of the Government than the Appropriations Committee, which really has no jurisdiction over it. When the Committee on Appropriations undertakes to exercise jurisdiction of this matter to the exclusion of the other committees of the House, it is an assumption upon the part of that committee not warranted by sound legislative or parliamentary principles or the rules established for the government of the House.

The honorable gentleman from Pennsylvania the chairman of the Committee on Appropriations [Mr. RANDALL] says that this legislation is proper and right. He says that he has had it under consideration for some time and, so far as he is concerned, is prepared to act upon it. The gentleman from Illinois, I understand, is prepared to act upon it; if not, he ought to be, because the recommendations of the Secretary of the Treasury have been before him for some two years.

This general proposition to reduce internal-revenue collectors again brought to the attention of the House has been opposed by the gentleman from Illinois heretofore. The same controversy arose when I proposed last year to reduce the collection districts. He then announced solemnly the same reasons in opposition as he does now. If he will take is speech made on that occasion, or rather his two or three speeches—because he spoke several times—he will find in them, almost *verbatim*, the same objections as those which he has made this morning. Yet the President, through the instrumentality of the Secretary of the Treasury, reduced those collection districts from one hundred and twenty-six to eighty-two in spite of the objections of the gentleman from Illinois, then contending as he does now that if we dared to strike one of these officers down the revenues of the country would be endangered.

The gentleman then referred to my State just as he has done to-day. I knew he was going to point to Kentucky and claim that distilleries are running illicitly there. I was prepared for that. When this question was presented before, he intimidated and alarmed the House out of doing what it was inclined to do. When I proposed the reduction of these collection districts to forty-three he alarmed the House by stating that if the reduction should be made Kentucky distillers would refuse to pay their taxes and there would not be sufficient money to supply the Government. Yet the President himself followed the bare suggestion made in this House, and, in spite of the arguments, objections, and fears of the gentleman, reduced the collection districts from one hundred and twenty-six to eighty-two; and, as I find from the report of the Secretary of the Treasury, not one dollar of revenue was lost.

Why, there have been only forty-three illicit distilleries in Kentucky last year, and only one lone man arrested in the whole State. Where did they come from? Just as I told him they would, they come from the tenth district, up in the mountains. They were nothing in the world but little fruit-brandy distilleries, which would not make, the whole of them put together, as much as five hundred gallons of brandy. All those forty-three illicit distilleries in Kentucky, I will venture to say, are up in the tenth district and not one in the district I represent. The seventh district, which I was then in, has not a single illicit distillery running in it.

But let me make a correction there. There were only forty-three in the whole State of Kentucky, and of those there were only twenty-nine up in the mountain district, or the fruit-brandy district, where these little fruit-brandy distilleries are run almost *ad libitum*, because the officers who were sent up there, as the gentleman from Illinois said, to watch them and prevent the manufacture of this whisky, get their part of what is turned out in these little distilleries. I recollect when I was traveling around there I used sometimes to meet some of these distillers, and I asked one of them how he complied with the law which required them to make returns twice a month, and he said: "I do not pay any. I do not have to pay taxes. The inspector we now have does not begin to collect until I get thirteen gallons ahead, and I never intend to get that much ahead." [Laughter.] And he never did pay any taxes. That is about the way they run these little matters up there in the tenth district. They do not pay, and they do not intend to pay; and there is no use in keeping up this large corps of officials for the purpose of collecting this insignificant amount of taxes.

I know the gentleman has referred to the fact that prosecutions have diminished all over the country. Why have they diminished all over the country? It is because you have ameliorated the execution of the law so far as it was hard, cruel, unnatural to these men. The time was when any of these men were liable to be arrested on any and every sort of pretext any officer could get up against him, not that he wanted to execute justice on him or get him to pay the taxes due, but that there might be opportunity to rob and plunder him out of his money and compel the Government to help pay for that very robbery and plunder of an innocent party; it is because you have ameliorated the execution of the law in that respect that you have had this better condition of things in reference to the collection of this revenue. As soon as you ameliorated the law you had no trouble with the distillers, not even in the fruit and brandy district of my friend JOHN WHITE [laughter]; that is, in the tenth district of the State of Kentucky, where, out of forty-three illicit distilleries in the State of Kentucky last year, there were only twenty-nine; that is, there were twenty-nine which were prosecuted, but they only caught one man. [Laughter and applause.]

I say to the gentleman upon that subject, and to the gentleman from Massachusetts [Mr. DAVIS] who objected to the reduction of these customs collection districts, that the Secretary of the Treasury has recommended that out of the nine districts in Massachusetts five should be lopped off. Perhaps that is the reason why my friend finds so much trouble in agreeing with the recommendation of the Secretary of the Treasury. Those five districts in Massachusetts may be very useful to him at election times. If they are lopped off, I do not know whether it reaches a port in his immediate neighborhood, but I might almost conjecture that it does, and give that as the reason why we now find him urging an objection here to any action in favor of dispensing with any of these superfluous offices in any of these districts, as it may be the means of cutting off an officer who may be friendly to him at election times. For one, I can not see any good reason why there should be objection to consolidating these districts, thereby helping to get rid of a portion of electioneering machinery which is potential only for evil.

My friend from Chicago also objects to it. He says your taxes can not be collected. Chicago is a large port, and collects $4,000,000 of taxes. The Government collection officials here could reach it by letter in less than twenty-four hours and by telegraph at a moment's notice. Provision could be made for stamps and all other necessary means for the collection of the Government revenues. We would thus not only get rid of this cumbersome machinery and unnecessary expense to the Government, but we would be able to reduce these officials and secure thereby an economical administration of the Government. We could rectify some of the things of which the people justly complain, and we could relieve the country of the dictation of internal-revenue officials in reference to conventions and the dictation of these officers on election day. Some of you will find it all out when you get to Chicago. [Laughter.] Some of you who are for Blaine will find how it happens down in the South there are so many delegates for the President. It is because the internal-revenue districts are still kept up down there, and the coterie of office-holders who are now there do not favor the best man for the nomination but set him aside, and through their instrumentality make it possible that not the best but the worst nomination may take place. [Laughter and applause.]

In a word, it seems to me, Mr. Chairman, as if these revenue collectors, with their districts, under the internal-revenue system, in Illinois, from one of which $13,000,000 are collected, could be dropped. Why should you continue all those districts for the collection of the internal-revenue taxes, as well as for customs duties? Why should not the whole $20,000,000 be collected by one set of officers at Chicago, with its great network of railroads running in all directions, and when the unnecessary office-holders are maintained expressly for no other purpose, possibly, than to run conventions, dictate nominations, and bulldoze elections. [Laughter and applause.]

Mr. REESE. Some of the Georgia delegation, on their way to Chicago, passed through here yesterday, and one of them informed me that there were eighteen out of the twenty-four for Arthur for the reason that they got their bread and meat up here.

Mr. THOMPSON. Yes; and that is but a fair sample of what occurs all over the country. I want to see as many of these office-holders eliminated from our service as possible. I want to see a true civil-service reform inaugurated in this respect. I want to wipe out as many of them as possible. The people are ripe to get rid of them. They demand of the Democratic party when they come to enact laws that they shall enact them in such a way as shall cut down this unnecessary horde of office-holders. They demand that we shall free them from this constant interference with elections. And they are not as particular as some gentlemen here seem to be whether that legislation be upon one bill or another. All they ask is that what is done shall be done quickly and thoroughly; and we do not answer the demands of our constituents and the best interests of the country if we fail to do it.

We have it in our power to do it. We were sent here to do it. We have nothing else on hand now except to do it. I hope the party will stand up here and be at least united in one thing, and that is economy in expenditures by a discharge of these Federal office-holders or reduction of them to a minimum.

Mr. Chairman, I have been drawn into this discussion more than I had intended. I would not have had much to say if it had not been that my State was attacked by the gentleman from Illinois, who has charged our people with being "moonshiners," when in point of fact we have fewer moonshiners than any other State in the Union, not even excepting Illinois. The difference between us is that they are shrewd enough and sharp enough to keep out of the way of the law and not get caught, while our poor fellows are always taken. They do not know how to play the rascal and evade the law as my friend's constituents seem to do. They are not sufficiently educated in rascality for that; and I hope that the educational bill will be passed to enable them to learn something upon the subject. [Laughter.] It will be beneficial, if not useful.

But, Mr. Chairman, I may not get the House to agree to changes so radical as those I have proposed in regard to the collection districts. If not, I will propose a reduction of internal-revenue collectors to forty-three and customs districts to sixty-nine, as recommended by the Secretary of the Treasury.

The customs part will read in this way. The Clerk will please read it for me.

The Clerk read as follows:

That the President is hereby authorized and directed to consolidate and reorganize the customs collection districts of the United States, on or before the 1st day of October, 1884, so that the same shall not exceed in number sixty-nine.

And the President shall fix the boundaries of such reorganized districts and designate ports of entry therein, and shall also, from time to time, designate ports in each of such districts at which deputy collectors may be stationed to receive duties and other moneys, enter and clear vessels, and perform such other services in relation to the customs and navigation laws as he may deem necessary; and he shall give notice of the boundaries and designations of such reorganized customs districts, and said ports when so designated shall have all the privileges of ports of entry and delivery.

And the President is authorized and directed to discontinue the services and abolish the offices of such collectors, surveyors, and appraisers as may be necessary to conform to the number of collection districts herein provided for, and to designate places of deposit for the records and files pertaining to those collection districts which may be abolished pursuant to the provisions of this act.

Sections 2648 and 3687 of the Revised Statutes of the United States, together with all laws or parts of laws authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites, of whatsoever name and nature, are hereby repealed, to take effect on the 1st day of July, 1885; and all fees collectible by law shall thereafter be accounted for and paid into the Treasury as money belonging to the United States; and the Secretary of the Treasury is hereby authorized to provide for the collection of such fees by the use of stamps, under such regulations as he may prescribe.

And it shall be the duty of the Secretary of the Treasury to include in the regular Book of Estimates for the fiscal year ending June 30, 1886, and each fiscal year thereafter, estimates specifying in detail the number and class of officers and employés of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specifically provided for: *Provided*, Nothing in this act shall prevent the shipment of merchandise to ports of delivery heretofore established by law.

Mr. THOMPSON. I know this is a great question, worthy of prolonged consideration, but our duty demands present action on this bill for fear the opportunity may pass.

Postpone, says the gentleman from New York [Mr. HISCOCK]; deal with this subject on the sundry civil bill. No, sir; we can not wait. "Now is the accepted time." "The day of reckoning has come." The least I will propose and the least the country will accept is what in substance the Committee on Appropriations have had before them and read at the Clerk's desk at the request of the gentleman from Pennsylvania [Mr. RANDALL]. The maps filed with the report of the Secretary of the Treasury illustrate forcibly the necessity of this reduction. I made a table with great labor and care in 1882 showing the rottenness and corruption of this system. It is printed with some remarks I then made. Away with these pauper districts. If the Government was run on "business principles" instead of "party necessity" this could not stand an hour. For my part I am sick of this wasteful and lavish expenditure of public money not to collect; the taxes, but to debauch public sentiment by maintaining a horde of sinecure officers and furnish plunder for Republican campaign committees.

A single line in this bill compelling the customs collectors to discharge in their respective districts the duties of the internal-revenue collectors would save millions of money; but I will not insist now if the House is not willing or is unprepared to go to that extent.

A few words on the amendment relating to storekeepers and gaugers. The report of the Commissioner of Internal Revenue for last year shows 1,096 grain distilleries in operation during the year. Of this number 439 mashed less than 5 bushels per day; 178 less than 10 bushels per day, or 617 in all which mashed less than 10 bushels per day. Each of these distilleries had not less than one storekeeper or storekeeper and gauger. There were 123 more of these distilleries out of this 1,096 above named which mashed less than 20 bushels per day. To run these small distilleries and less than 400 of larger capacity the Commissioner of Internal Revenue employed 725 storekeepers and 1,130 storekeepers and gaugers, besides 852 gaugers for distilleries of all kinds. As the storekeepers and gaugers combined, namely, 1,130, are used at small distilleries, we find nearly an average of two officers stationed at each small distillery where none in point of fact is required.

This takes no notice of the multiplication of these officers indulged in by collectors of internal revenue when party necessity in hot contested elections or control of party conventions require more henchmen for the administration to floor an opponent or control an election. They are, under the regulations of the Treasury, assigned every sixty days from one distillery to another. The collector will frequently have two or three times the number in commission unassigned, "waiting orders." They will work sixty days and lay off sixty or one hundred and twenty, and thus two, and if necessary three, men are made dependent upon a distillery of less capacity than five bushels per day for their daily bread at the Government crib. They seek ambitious young men of influential families, and having once induced them into Republican employ, sap the foundations of a political antagonist who unexpectedly finds influences paralyzed which once sustained honesty in the Government and the Democratic party at the polls. Thus the very offices established by the law to sustain good government are by maladministration and party necessity made engines of oppression and enemies of liberty, law, and order.

The collector's office is the hot bed of party corruption, a reeking cesspool of political iniquity, promoting venality in politics and debauching public sentiment in his district. Every one in actual service and all "waiting orders" are under the directions of the collector, a compact body, to hold the fort for the grand old party. They spend their time in electioneering, bringing to bear all the corrupt methods which their own venality suggests to them may be effective with others; and furnished with funds exacted by the party lash from other unfortunate office-holders, they overthrow and thwart the will of the honest voter by bribery, intimidation, and corruption at the polls.

The sixth district of North Carolina furnishes and has furnished for years the most notable instance of these wrongs. There was in operation during the year at various times two hundred and sixty-nine distilleries of less capacity than five bushels in this district and six more over that and less than ten, and only three of greater than ten bushels' capacity, making two hundred and seventy-eight in all. There were thirty-six gaugers and two hundred and twenty-five storekeepers and gaugers in this district last year at the time the report was made up to the 30th day of June, at which date most distilleries are closed. It must not be forgotten that last year did not witness an election of members of Congress nor President, and multiplication was not invoked, at least the report does not show it. Yet the report made to the Senate a few years ago does exhibit these corrupt practices in all their cold-blooded iniquity.

The report does not show how many were employed during the year in that district or in commission there during the year. This is studiously kept from the public. It shows the large surplus, but fails to locate them. The special report of Senator VANCE (Miscellaneous Document No. 116, Senate, Forty-seventh Congress, first session) gives some idea of the rottenness of this district. It shows (page 557) that for the fiscal year 1882 the Secretary approved allowances for twenty-two deputy collectors for a year in which no greater amount of whisky was made than usual, which was a large increase in the regular force, making more than four times as many as were employed in 1875, when no election was on hand; that in 1880, a Presidential year, in addition to a similar increase of the regular force not quite so large, there were special allowances to one hundred more special deputies, making eleven times the number of special deputies used in 1881 (page 561). This speaks volumes when you remember these deputies have little or nothing to do, and that the great whisky-producing districts of Kentucky have only here and there a stamp deputy, frequently not more than three or four in an entire district, and the time of these is but half employed. During the Presidential year of 1880 three hundred and thirty-three storekeepers and storekeepers and gaugers were employed in said district, all at $4 per day, which is about eighty more than were employed in the year 1881, the greatest whisky-producing year this country has ever witnessed. This takes no account of the gaugers.

Now, Mr. Chairman, if this amendment is adopted there will be a necessity for not more than three regular storekeepers in this district, for we have only three distilleries of greater capacity than twenty bushels, and probably, in the discretion of the Commissioner, only one. A few special warehouses may require a few more, but their number will be limited. Only 10,230 gallons of whisky were warehoused in that district during the fiscal year from June, 1880, to June, 1881. These officers, besides being a standing menace to the liberty of the people and constant danger to free elections, are a direct insult to honest men, whose integrity is impeached by governmental espionage in affairs of such small moment. A storekeeper at a large distillery in the multitude of employés is unnoticed, and the functions of his office is an aid rather than a hinderance to the distiller, and experience has shown some necessity in great cities for such officers.

But what a spectacle to see a Federal officer clad in the official garb of a great republic, at a salary of $1,300 a year, watch a distiller grind, scald, and cook three bushels of meal per day for a week, and then watch the barrel of whisky produced for three years, at which time it has cost the Government $4,000, and all leaked out, and the distiller, having divided in the mean time the pay with the storekeeper, leaks away. For the way it operated a few years ago in the upper part of the eighth Kentucky collection district I refer to a table presented by Hon. JAMES B. BECK with his speech on the extension of the bonded bill in the Senate during the Forty-seventh Congress.

Now, what an exhibit is there made! Can not we all, with one voice, agree to cut down these useless office-holders? Let them go to work at some honest calling. We will have better service, fewer scandals, and fairer elections.

The distiller does not want them; he wants freedom. We have tried to save him from the persecutions of these men. They think they draw their pay and must make a show of doing something. They set up all sorts of iniquitous indictments for fear they will be dispensed with. No distillery can run if held to a strict compliance with the law and regulations. Years after these little technical violations have occurred, from spite, envy, jealousy of neighbors, and frequently political oppression, through information given by these officers, prosecutions have been set on foot, in nine cases out of ten ending in an acquittal, but always in bankruptcy to the man arrested and dragged away from his home, family, and friends to a distant city for trial. We passed an act the other day limiting these prosecutions to two years. If now we can draw off and take away these unnecessary officers our people may enjoy comparative quiet from Federal interference. I will ask the Clerk to read my amendment.

The Clerk read as follows:

Add, after the words "sixty-four thousand dollars," in line 850:

"That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to the payment of the tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery, or all distilleries, which mash twenty-five bushels of grain per day from the operations of said title relating to the manufacture of spirits, except as to the payment of the tax, and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by the Secretary of the

Treasury, in which he may cause to be deposited the product of any number of said distilleries, to be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses: *And provided further*, That storekeepers, or storekeepers and gaugers, who are assigned to distilleries whose registered capacity is twenty-five bushels or less, shall receive $2 per day for their services; and no collector in any district shall recommend, nor shall there be appointed or commissioned, more deputy collectors, storekeepers, storekeepers and gaugers, gaugers and inspectors, or other officers, or allow to remain in commission more of any of said officers at any one time than are actually engaged in performing duty at the time, and are indispensably necessary for the performance of said duty."

Mr. THOMPSON. These amendments, Mr. Chairman, are in substance what I propose. I am satisfied they are just to the people and economical in their effect; that the revenue will be safely collected. Frauds will be weeded out of elections and will not creep into the service. I hope they will meet the approbation of the House, as I am satisfied they will the approval of the people.

Rivers and Harbors.

SPEECH

OF

HON. HORATIO BISBEE, JR.,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BISBEE said:

Mr. CHAIRMAN: The State of Florida is so largely and vitally interested in the improvement of the navigation of her rivers and harbors that I need not apologize for discussing this bill. I do not suppose it is within the range of possibilities for any committee to frame a river and harbor bill that would not meet with opposition from some quarter. This bill is not subject to criticism to the same degree as other bills on this subject which have of late years been passed by Congress. The committee have refused any appropriation for one hundred and five items for which estimates have been made by the board of engineers; and also refused appropriations for one hundred and twenty-nine items which were in the bill of August 2, 1882, and have included in this bill appropriations for fourteen new works, for which no estimate had previously been made.

And I think the committee should be commended for its courage and firmness in the line of limiting appropriations to really worthy national objects.

River and harbor bills have heretofore been opposed and most criticised for allowing public money to small and insignificant streams having little or no commerce and no water at all in dry weather, or not enough to float a "push-boat." It is apparent from reading this bill that the committee have made progress in removing this objection, and to any one not fully informed upon the details of commerce in the various localities of the country it would seem that still further improvement could be made in this direction. I do not believe the taxpayers object to giving all the money that is needed to complete the great public works of the country, from which, beyond all doubt, decided and substantial benefits will accrue to the people in the way of cheapening transportation, whereby the value of what the producing classes have to sell is increased and what they have to purchase is diminished in price. There is no ground whatever upon which to oppose the giving of public money to such objects.

I desire to state first what the committee have done, as appears from the bill under discussion and their report accompanying it, and then to point out wherein, from my view of this subject, the committee have failed to perform its full duty. The bill carries appropriations for two hundred and forty-two items or objects. Without reading them, I desire to have printed with my remarks tables giving the names of the most important objects and the amount of money given to each according to the report:

FOR MISSISSIPPI RIVER.

The largest appropriation in the bill is for the Mississippi River. The committee have appropriated to that river, from its mouth to its source, $2,400,000. This amount includes $60,000 for the reservoirs at its headwaters. An itemization of this aggregate sum is as follows:

Reservoirs at headwaters	$60,000
From Saint Paul to Des Moines Rapids, including harbors	250,000
Des Moines Rapids	50,000
From Des Moines Rapids to mouth of Illinois River, including harbors	200,000
From mouth of Illinois River to mouth of Ohio River, including harbors	500,000
From mouth of Ohio River to head of the passes, including harbors	1,250,000
Removing snags, wrecks, and other obstructions	75,000
Total	2,400,000

OTHER LARGE RIVERS.

In addition to the Mississippi, other great rivers in the country receive the following amounts:

Missouri River	$690,000
Ohio River	600,000
Tennessee River, including Muscle Shoals	350,000
Columbia River	265,000
Potomac River	250,000
Kentucky River	250,000
Great Kanawha River	200,000
Delaware River	200,000
Fox and Wisconsin Rivers	125,000
Arkansas River	110,500
Illinois River	100,000
Detroit River	100,000
Cape Fear River	80,000
James River	75,000
Providence River	60,000
Red River	75,000
Total for above sixteen rivers	3,530,500
Adding this total to Mississippi River, will give a grand total of	5,930,500
Hay Lake Channel, Michigan	$125,000
Channel through bar in Saint John's River, Florida	150,000 — 275,000
Seventeen rivers and two channels	6,205,500

FOR SMALLER RIVERS.

There are in the present bill recommendations for other rivers as follows:

21 at $5,000 each	$105,000
9 at $10,000 each	90,000
5 at $15,000 each	75,000
25 between $20,000 and $50,000	818,000
5 at $50,000	250,000
65 rivers, for which total amount recommended is	1,338,000

FOR HARBORS, AS DISTINCT FROM RIVERS.

The following are the leading appropriations for harbors:

New York Harbor (Hell Gate)	$300,000
Galveston Harbor	250,000
Charleston Harbor	250,000
Mobile Harbor	200,000
Baltimore Harbor	200,000
Sabine Pass, Texas	150,000
Oakland Harbor, California	139,600
Cleveland	100,000
Chicago	100,000
Aransas Pass, Texas	100,000
Sandy Bay, Massachusetts	100,000
Total for eleven harbors	1,889,600

The following harbors receive from $50,000 to $85,000:

Milwaukee, Wis	$85,000
Sand Beach Lake, Michigan	75,000
Buffalo	75,000
Cumberland Sound, Georgia and Florida	75,000
Humboldt, Cal	62,000
Oswego	55,000
Erie	50,000
Pensacola	50,000
Michigan City	50,000
Grand Haven	50,000
Wilmington, Cal	50,000
Eleven harbors, total amount	677,000

The total amount recommended by the bill for all purposes is $12,319,100.

Excluding the sums allowed for the Ohio, Missouri, and Mississippi Rivers, the following shows the amount each State receives for works within its limits, as near as I can arrive at from a hurried examination, though in some instances where a river flows through or partially through more than one State the appropriation for it can not be divided between such States, and is charged entirely to one of the States:

AMOUNT TO EACH STATE AND TERRITORY.

New York	$616,000
Illinois	610,000
Kentucky	556,000
Texas	485,000
Michigan	461,000
Wisconsin	430,000
Tennessee	379,000
Florida	371,000
West Virginia	298,500
South Carolina	295,000
Georgia	291,000
California	323,000
Ohio	259,500
Alabama	257,000
Arkansas	297,500
Maryland	233,000
New Jersey	215,000
Massachusetts	211,500
Connecticut	139,500
North Carolina	110,000
Rhode Island	135,000
Pennsylvania	110,000
Delaware	102,000
Virginia	162,500
Louisiana	137,600
Indiana	90,000
Iowa	65,000
Mississippi	47,000
Maine	70,000
New Hampshire	36,500
Oregon	27,000
Nevada	25,000
Vermont	5,000
Missouri	5,000
Minnesota	10,000
Washington, D. C.	250,000
Washington Territory	14,000
Montana Territory	20,000

The State of Florida, which I in part represent, receives $371,000, distributed as follows:

Inproving entrance to Cumberland Sound (Fernandina Bar): Continuing improvement, $75,000.
Improving Appalachicola Bay: Continuing improvement, $10,000.
Improving harbor at Pensacola: Continuing improvement, $50,000.
Improving harbor at Cedar Keys: Continuing improvement, $5,000.
Improving harbor at Tampa Bay: Continuing improvement, $20,000.
Improving Appalachicola River: Continuing improvement, $1,000.
Improving Caloosahatchee River, $5,000.
Improving Choctawhatchee River, Florida and Alabama, $15,000.
Improving Conecuh and Escambia Rivers, Florida and Alabama, $12,000.
Improving Little Escambia River, $3,000.
Improving the channel over the bar at the mouth of the Saint John's River, $150,000.
Improving the Upper Saint John's River, $5,000.
Improving Suwanee River, $5,000.
Improving Volusia Bar, $2,000.
Improving Withlacoochee River, $3,000.

There are but seven States that receive a larger sum than the State of Florida, and in view of this fact, and of the fact that Florida is one of the smallest States in point of population and taxable property, it may be said that her members of Congress should be satisfied with the treatment she has received by the Committee on Rivers and Harbors. It may be said also, in consideration of the fact that of the $371,000 given to the entire State the district which I have the honor to represent receives $227,000, or over a quarter of a million of dollars, I and my constituents ought to be abundantly satisfied.

I appreciate fully the difficulties and embarrassments with which a Committee on Rivers and Harbors have to deal. The rivalries and contentions before the committee are as numerous as the objects for which appropriations are urged. I understand that delegations of citizens appear here from all portions of the country to urge the claims of their respective localities, and that members of Congress are persistent in their demands for liberal appropriations for their own districts. The committee must consider and finally act upon all these conflicting interests, rendering their duties perplexing and arduous.

The fundamental objection to this bill is the result of obeying a kind of unwritten law that the total amount of money appropriated by it must not exceed a certain sum.

This unwritten law seems to be mandatory upon the committee, and controls their action and the action of Congress, as it has prior Congresses. In no other department of the Government or branch of the public service does this rule apply. Upon every other appropriation bill, whether for War, Navy, Post-Office, legislative, sundry civil, or deficiency, neither the committee nor Congress undertakes to limit at the threshold of its preparation the amount of money which shall be appropriated. On the contrary, our custom and practice is to appropriate sufficient money to enable all branches of the service to discharge all obligations of the Government, advance the public interests, and promote the general welfare, whether it is more or less than a given amount. There may be a difference of opinion as to what sum will be sufficient for a given purpose, but whatever sum is deemed necessary by the majority is given without fear of serious reproach or condemnation by the people. But when it comes to preparing a river and harbor bill, when it comes to appropriating money to increase our commercial facilities by removing the obstacles and dangers of navigation of the great water ways of the country, a different rule prevails. Then this unwritten law, this fear of public criticism, if a certain limit is exceeded, hangs like a sword over the heads of the committee and other members, and we all become paralyzed. Though perfectly satisfied that $18,000,000 are absolutely needed and can be profitably expended for the next fiscal year, we dare not appropriate more than $12,000,000. Though perfectly convinced that true economy requires that the larger sum ought to be appropriated, we persist in giving the less. Though every motive for the public good and every business principle demands that when a new public work is commenced money sufficient to keep the work of the contractor continuous, until it is completed, should be appropriated, Congress, fearing public sentiment, has not the courage to make the appropriation. I do not understand that there is now any one who seriously contends that Congress has not the constitutional power to raise money by taxation to be used to deepen the harbors and rivers whose waters flow into the high seas. The national Republican convention, in 1880, in its declaration of principles, used these words: "We esteem it the duty of Congress to develop and improve our water courses and harbors."

General Garfield, in his letter of acceptance, said:

Fortunately for the interests of commerce, there is no longer any formidable opposition to appropriations for the improvement of our harbors and great navigable rivers, provided that the expenditures for that purpose are strictly limited to works of national importance.

By these and other declarations on this subject the Republican party is committed to the policy of internal improvements. While I am not aware that the Democratic party has ever in any national convention distinctly spoken in favor of such a policy, many of its representatives and public men are its earnest advocates.

What I object to is the principle, or rather the want of any sound principle upon which river and harbor bills are framed. The fear of criticism and condemnation by the press of certain sections of country I believe is more potent than it should be. Sections of country whose navigable water have been improved and whose commerce has been built up by aid from the Federal Treasury oppose appropriations now for other portions of the country for the selfish reason that they are no longer suffering for want of aid. The people living in the older and more densely settled portions of the Union, whose commercial interests have been fostered and placed upon a solid basis by the aid of the Federal Government, have no right to object to like aid for other portions of the country where it is now needed. Such opposition should not be yielded to, but firmly resisted.

I do not believe in yielding to a public sentiment when that sentiment is founded in error, and conclusively shown to be in error.

We ought to do what is clearly for our country's welfare and take the risk of obtaining the approval of our constituents when it is afterward explained to them. I believe the tax-payers will not condemn this Legislature for appropriating their money for any national work of internal improvement which manifestly is in the interest of commerce and of the great producing classes of the country. Therefore I want to see the Committee on Rivers and Harbors and Congress act with more courage on this subject.

I doubt if the people of this country understand fully that a small appropriation in a river and harbor bill for an important public work in process of construction is the worst sort of extravagance. In many cases small appropriations are a sheer and wanton waste of public money, when if the appropriations were larger there would be little or no waste or loss. I will explain what I mean. No money can be appropriated for a river or harbor until it has been surveyed by the Government engineers, a plan of improvement recommended, and an estimate of total cost made by those officers. Whether or not the navigation of any of the water ways can be improved, we take, and ordinarily are bound by, the judgment of the board of engineers.

The local engineer who makes the survey states in his report the amount of money which in his opinion can be profitably and economically expended each year. Congress of late years has been in the habit of appropriating from one-third to one-half of the sum the engineer recommends. The result is that the contractor who expends the money, under the direction of the engineer, has exhausted the appropriation months before another appropriation is available; labor upon the construction of the work is suspended for several months each year, and the work goes to pieces or is badly damaged by the action of the elements during the time that the engineer is waiting for another appropriation. In this way millions of public money is annually lost without any benefit, whereas if sufficient money was given each year to keep the construction of the work going on continuously until completed the greater portion of that which is lost by damage to the works in the manner I have stated would be saved. This is especially true where jetties are being constructed to obtain deeper water over the bars at the mouths of rivers.

The mouth of Saint John's River, Florida, may be taken to illustrate the point I make. When the jetties have reached a certain height and length, and before the new and proposed channel has been created and established, there necessarily is a transition state of the water until the new channel has been established. The jetties, while not sufficiently high to create the proposed channel, are high enough to obstruct the natural ebb and flow of the water through its usual or natural channel, and causes the water to flow over the top of the jetties with such force as to cause a current at the bottom and along the sides of the jetties, which, unless checked, will undermine them and cause them to sink. Now, it is perfectly obvious to the mind of every one that at this stage of the work there should be money enough on hand to enable the contractor to rapidly extend the length and height of the jetties and stop the useless scour caused by the violent flow of water over their top.

Instead of this, work has been suspended for months every year since the construction of jetties was commenced, the contractor and engineer absent, and the work abandoned to damage or partial destruction.

For the improvement of the bar at the mouth of Saint John's River the aggregate appropriations heretofore made are $375,000, and at least one-third of that amount has been substantially lost for want of sufficient money to keep the contractor or engineer upon the ground and the work on the jetties continuous. The engineers in their last annual report (1883), referring to this work, say:

The scouring current along the sides of the jetties observed during the preceding year had greatly increased in strength, especially on the south side of the work. At several points the underscour caused considerable settlement of the jetty on the main line as well as on the shore branch.

* * * * * * *

The works thus far executed have as yet neither the requisite height nor length to create an improved ship-channel across the bar. * * * There appears to be no doubt that the work will be left in a precarious condition when the balance of the last appropriation is expended under the existing contract.

The balance of the last appropriation was exhausted last December, and since then the works have been in that "precarious condition" of which the engineer's report speaks, and great damage has resulted in consequence.

The bill under discussion gives to this work $150,000, the same amount appropriated in 1882. The amount is wholly insufficient. The engineer in his last report says: "The amount that can be profitably expended in fiscal year ending June 30, 1885, $600,000." The project

of improving this bar from a low-water depth of six or seven feet to fifteen feet at low water, giving twenty-one feet at high water, was estimated by the engineers at a cost of $1,306,409. But if the practice is continued of making small appropriations each year, resulting as it necessarily must in suspension of work each year and consequent damage annually, as I have stated, it is safe to say that $2,000,000 will be expended before the construction of the jetties is completed, and the growth of a large portion of the State is in the mean time obstructed and retarded. The man who would partially construct a building, lay the foundation and erect the frame, and then abandon it to wind and storm until it was damaged to the extent of one-third or one-half its cost before resuming work would be deemed a fit subject for a lunatic asylum. Yet this is precisely what Congress has been doing for years, and it is time this pernicious and extravagant practice was abandoned.

Every principle of economy and every consideration of public interest requires that when a public work has been undertaken it should be pushed to completion as rapidly as possible, and this is especially true in localities where the people are suffering for better commercial facilities as are the inhabitants of the banks of the Saint John's River and tributaries and along the lines of railroads whose termini are on this river.

The increased insurance over that of other ports on the Atlantic coast by reason of the low water on the Saint John's Bar is about three-fourths of 1 per cent., and freight is increased 50 cents per ton, making an annual burden to the commerce of the city of Jacksonville, including the loss by the delay of vessels at the bar, of over $500,000 which the commerce of other Atlantic coast cities do not have to bear. Notwithstanding this burden and these discouragements, the country through which the Saint John's River runs, under the stimulus given and hope inspired by the commencement of this work at the mouth of the river three years ago, has rapidly developed.

The assessed value of property in the counties bordering on the Saint John's River, namely, Duval, Saint John's, Clay, Putnam, Volusia, Orange, and Brevard, has increased nearly 100 per cent. since 1880, and the population in the same counties about 25 per cent. in the last two years. There are now seventy-four steamboats, with a registered tonnage of 8,168 tons, employed upon the Saint John's River in carrying freight and passengers; a greater tonnage, it is believed, than is employed exclusively in local inland traffic upon any other river that empties into the Atlantic Ocean south of the Hudson.

As evidence of the growth of the eastern part of the State of Florida for the last three years and of its assured prosperity in the future, and consequently of the necessity of pushing the public works at the mouth of the Saint John's River to completion at an early day, I desire to have printed in this connection a portion of a memorial with a table of statistics to the present Congress, prepared by a "committee on statistics" composed of some of the most intelligent and prominent business men of the city of Jacksonville and vicinity.

Table of statistics.

Description of commerce, &c.	1880.	1881.	1882.	1883.
SAINT JOHN'S BAR COMMERCE.				
Estimated values of vessels and cargoes arriving and departing	$33,696,101	$38,176,459	$38,270,000	No report.
Upon this amount the increased insurance over that of neighboring ports, caused by the risks of this bar, was three-fourths per cent., or	252,720	286,323	287,025	No report.
The increased freight charges, from same cause, 50 cents per ton, or	161,696	174,622	175,000	No report.
The loss by delays, caused by bad condition of bar, 960 days	No report	No report	33,600	No report.
The loss of vessels on the bar	20,000		18,500	No report.
Annual burden on the commerce of Jacksonville, which the completion of the improvement of the bar would save	434,416	460,945	514,125	
Feet of sawed lumber shipped	44,719,255	58,837,451	68,041,548	48,510,498
SAINT JOHN'S RIVER COMMERCE.				
Number of steamboats engaged, passenger and freight				74
Tonnage of steamboats engaged, passenger and freight				*8,168
Estimated value				$2,042,000
TRIBUTARY TO SAINT JOHN'S RIVER COMMERCE.†				
From coast States to Jacksonville, for consumption and distribution, tons	28,972	36,005	53,305	No report.
To coast States from Jacksonville, miscellaneous, tons	13,958	17,662	23,676	No report.
To coast States from Jacksonville, fruits, and vegetables, crates	217,685	215,617	316,800	No report.
To coast States from Jacksonville, cotton, bales	26,946	37,440	27,477	No report.
From coast States to Jacksonville, passengers, number	7,744	14,214	27,735	No report.
To coast States from Jacksonville, passengers, number	6,488	11,455	23,184	No report.
Estimated value inward freights	No report	No report	6,663,100	No report.
Estimated value outward freights	No report	No report	5,081,415	No report.
MISCELLANEOUS.				
Number miles railroads in operation tributary to Saint John's River commerce	303		446	865
Number acres land sold at United States land office at Gainesville (excluding commuted homesteads and other entries)	6,448.32	37,278.28	140,163.45	320,658.05

* This is a greater steamboat tonnage than there was by the last census report of ocean and inland in any Atlantic State south of Maryland except Georgia, and more than is engaged in purely inland local traffic upon any river south of the Hudson. It represents an increase since 1880 of 128 per cent., and by trips both ways a weekly tonnage employed of over 35,000 tons.

† The Saint John's River for 115 miles is from one to seven miles in width, is navigable for large steamers 230 miles and for a smaller class 335 miles, has 450 miles of navigable water and 865 miles railroad tributaries, with 122 miles under construction, being an increase of 185 per cent. since 1880.

The yearly loss to commerce by not having a good harbor of refuge in this river, estimated by underwriters' agent, is $100,000.

The assessed value of property in the counties of Duval, Saint John's, Clay, Putnam, Volusia, Marion, and Orange, which border on the river, has increased since 1880 89 per cent.

Acreage under cultivation in same counties has increased since 1880 35 per cent.

Population in same counties has increased since 1881 22 per cent.

MEMORIAL.

To the Committee on Rivers and Harbors
of the House of Representatives of the United States:

Your memorialists, a committee appointed on behalf of the people of Florida, respectfully ask your consideration of the following facts, showing the necessity for the continuance of the improvement of the entrance to the Saint John's River.

The value of vessels and cargoes arriving at and departing from the port of Jacksonville in 1882 amounted to $38,270,000. Upon this amount the increased insurance over that of neighboring ports caused by the risks of commerce crossing the bar was three-fourths per cent. or $287,025. The increased freight charges averaged 50 cents per ton, or $175,000. The loss by delays at the bar caused by its condition amounted to nine hundred and sixty days, or $33,600, and the losses on the bar to $18,500, making an annual burden on the commerce of Jacksonville, which the completion of the improvement of the bar would save, of $514,125.

The steamboat tonnage, inland and local, upon the Saint John's River now actively and prosperously engaged in its freight and passenger traffic, consists of seventy-four steamboats, of 8,168 tons (registered), representing a value of $2,042,000. This is a greater steamboat tonnage than there was by the last census reports, of ocean and inland, in any State south of Maryland on the Atlantic coast, with the exception of Georgia, and more, as appears by same reports, than was then in service for purely local inland traffic upon any river on the Atlantic Coast south of the Hudson. It represents an employed tonnage by trips both ways of over 35,000 tons weekly, and is an increase since 1880 of 128 per cent.

The freights brought to Jacksonville from Atlantic coast States by railroads for consumption and distribution during 1882 amounted to 53,305 tons, of an estimated value of $6,663,100, an increase of 84 per cent. over 1880. The outward-bound freight from the same city brought down the Saint John's River and by railroad through this State for shipment to coast-line States amounted to 42,000 tons, or $5,081,415 value. The number of passengers brought into Florida by railroad from coast-line States during the same year was 27,735, and carried outward to similar points 23,184, an increase over 1880 of 258 per cent., none of which freight or travel crossed the Saint John's Bar.

In the present condition of the Saint John's Bar there can be no foreign commerce over it. With over 55,000,000 feet of sawed lumber leaving during the year the shipments are restricted to coastwise ports; while cotton and other products must leave by rail lines to seek shipment abroad from ports in other States.

In the counties bordering the Saint John's River, namely, Duval, Saint John's, Clay, Putnam, Volusia, Marion, and Orange, the assessed value of property has increased 89 per cent. and the acreage under cultivation 35 per cent. since 1880. In the same counties the population has increased over 22 per cent. during the last two years.

The railroad lines tributary to the Saint John's River lying within the State of Florida have 865 miles in operation and 122 miles under construction. They have increased 185 per cent. since 1880.

The United States land office at Gainesville shows the following sales at private entry (excluding commuted homestead and other entries): 1880, 6,448.32 acres; 1881, 37,278.28 acres; 1882, 140,163.45 acres; 1883, 320,658.05 acres.

Your memorialists would direct your attention to the fact that the Saint John's River is one of the longest and widest on the Atlantic coast in the United States. For one hundred and fifteen miles from its entrance the width is from one to seven miles. It is navigable for large steamers two hundred and thirty miles, and for a smaller class four hundred and thirty-five miles; has four hundred and fifty miles water tributaries navigable for steamboats, and eight hundred and sixty-five miles of railroad feeders already in operation.

The improvement by the jetties already begun, as the report of General Gilmore, the engineer in charge, shows, is an assured success. The need of a harbor of refuge and a naval depot in the Saint John's River has been recognized, and the improvement deemed one of national as well as local importance.

For these reasons your memorialists pray that a liberal appropriation be recommended for the immediate continuance and completion of the improvements already begun.

Other counties lying west of the Saint John's River, indeed all the eastern and southern portion of the State, has increased in wealth and population in nearly the same ratio as have the counties mentioned in the above memorial.

In fact, the assessed valuation of the property of the State of Florida has nearly or quite doubled since 1880; increasing from $30,000,000 to about $60,000,000. It will be seen from this memorial of citizens that the Saint John's River and navigable tributaries have about nine hundred miles of navigable waters and eight hundred and sixty-five miles of railroad feeders with their eastern terminus on the Saint John's River, and there are more railroads in process of construction. The solicitude of the prosperous people located upon the banks of these waters and upon the lines of these railroads, receiving large accessions every year, can be well understood and appreciated when it is remembered that their nearest outlet to the high seas is over the Saint John's Bar, and that the price of what they sell in markets outside of the State is largely increased and of what they consume not produced within its limits materially diminished by the high rate of insurance and freight and detention of vessels caused by the condition of the bar at the mouth of this river.

While I do not wish to take this occasion to advertise the State of Florida, I do desire to correct a very erroneous impression.

Very many people in this country seem to know but little of the State of Florida, except such information as they have acquired by reading the history of the Florida Indian wars.

The reports of military officers speak of pursuing the redmen into the swamps and everglades to which they fled to avoid engagements with our troops, and the dimensions and character of these resorts of the Indians were doubtless very largely exaggerated, and the impression was naturally left upon the mind of the reader that Florida consisted in the main of swamps and everglades.

This impression of Florida is very erroneous and does great injustice to the State. The truth is, the quantity of waste land and absolutely worthless land is not large. Much of the swamp and overflowed land is of a most valuable character, some of it having a heavy growth of timber and valuable wood, and but little that is not susceptible of drainage.

Like all new countries, the least fertile has been first settled and cultivated, because it could be brought under cultivation at less cost than that requiring drainage and the heavily timbered. The day is not far distant when with a more dense population large areas of land which twenty-five years ago were abandoned to alligators and other reptiles, and which would not have been taken as a gift, will be the most valuable and most productive in the State.

It must not be forgotten in estimating the resources of Florida that the variety of her products are probably greater than those of any other State in the Union. The cultivation of the orange, lemon, lime, guava, pine-apple, and cocoa-nut has been demonstrated to be profitable, and in the production of these tropical and semi-tropical fruits none of the other States can ever be her rival. The character of their climate, which neither art nor science can change, forbids all rivalry in this field of profitable and attractive industry. For these products there is but one Florida in the United States. And for a winter home for the invalid, pleasure-seekers, or those who need rest from business pursuits no other portion of our country can offer equal inducements. And this class of our citizens, numbering from 40,000 to 50,000, who annually visit the State is interested in the improvement of water transportation and in rapid transit.

Another growing city upon the Atlantic coast is the city of Fernandina. At the mouth of the Saint Mary's River, which is the boundary line between the States of Georgia and Florida, the Government has commenced another public work by the construction of jetties to obtain a deep-sea channel. This improvement is known in the report of the engineers as the Cumberland Sound improvement. Before this work was commenced the low-water depth on the bar was from eleven to thirteen feet, with an increase of six feet at high water. The project of constructing jetties here contemplates, when completed, "a low-water channel not less than twenty to twenty-one feet," and the cost of the work was estimated at $2,071,023. This plan was adopted in 1879, and prior to the present Congress $180,000 have been appropriated and expended.

The bill under consideration gives $75,000 to this work for the fiscal year ending June 30, 1885, while the engineers report that $600,000 could be profitably expended. My remarks upon the necessity of sufficient appropriations to continue work upon public improvements without interruption until completed applies to this harbor, though in less degree than at the Saint John's Bar.

The damage to the work during suspension of operation is less at the former than at the latter point, according to the report of the engineer in charge of both. Referring to the Cumberland Sound improvement, this officer says in his report for 1883: "The works are, on the whole, in a satisfactory condition;" while he speaks of that at the Saint John's Bar as being "for some time past, and is still, in a critical condition." While I believe the deepening this bar at Cumberland Sound as proposed is of the utmost importance, and will be of incalculable value to the commerce of the State in future years, there is no substantial impediment to the present volume of commerce seeking egress or ingress over this bar. There is rarely any actual detention of vessels departing or arriving caused by insufficient water, while at the mouth of the Saint John's River a whole fleet of a dozen or more vessels are detained for days, and even weeks, waiting for better weather and higher water in the channel.

For these reasons I have at various times urged upon the attention of the Committee on Rivers and Harbors that there was an actual and pressing necessity of immediate large appropriation for the Saint John's Bar, and that if it was the policy of the committee not to give sufficient money to push both improvements to completion as rapidly as continuous work thereon would accomplish it, that the preference should be given to the Saint John's Bar. There should be given largest measure of relief where there is the greatest suffering.

Where two patients require the attention of medical skill the humane physician will endeavor to first relieve the one that is suffering the most acute pain.

In conclusion I desire to call attention to the fact that the Atlantic and Gulf coast of Florida is over 1,000 miles in extent; her rivers and harbors, requiring aid from the Federal Government in the future, are numerous, and that all the people of Florida, irrespective of party, must, to advance their own interests, be in favor of a liberal river and harbor bill at each recurring session of Congress. Florida's Atlantic seacoast is nearly one-fourth of the entire coast from the most northern point of Maine to the southern point of Florida. The people of the latter State are pressing for large expenditures from the Federal Treasury for only two important public works on her eastern coast. By referring to the appendix I submit, and which I ask to have printed for information, it will be seen that each State north of Florida has received and is receiving Federal aid for a much larger number of objects of improvement, and that the demand made on the part of Florida for the improvement of her two most important Atlantic seaports is not unreasonable and should be complied with without delay. I did not prepare this appendix, but am assured that it is substantially accurate.

APPENDIX.

WHY SHOULD THERE NOT BE APPROPRIATIONS FOR TWO HARBORS ON THE ATLANTIC COAST OF FLORIDA AT THE SAME TIME?

There is no reason why there should not be appropriations for the improvement of two of our Atlantic harbors at the same time; and in view of what is being done for other parts of the Atlantic coast, it can not be considered that Florida indulges undue expectation in hoping that the provision for these two harbors will be liberal.

This State has a longer extent of shore line on the Atlantic coast than any other State, and has fewer harbors appropriated for in the river and harbor bill than any other State.

Florida has nearly one-fourth of the whole Atlantic coast line, measuring from the north boundary of Maine to the southern point of the coast. Only two harbor improvements (Cumberland Sound entrance and Saint John's River) are in progress on her Atlantic border, against one hundred and fifty-one on the other three-fourths of the shore line.

A table showing the Atlantic continental shore line, excluding islands, bays, &c., except Massachusetts Bay, in each State, as furnished by the United States Census Bureau in 1850, with the number of harbor improvements now progressing in each, and their proportion to mileage, is as follows:

States.	Shore line.	Number of harbor improvements in progress.	Proportion as to miles of coast.
	Miles.		
Maine	278	11	1 to 25
New Hampshire	18	3	1 to 3
Massachusetts	286	11	1 to 26
Rhode Island	45	6	1 to 7
Vermont	.....	3	.....
Connecticut	104	10	1 to 10
New York	.....	15	.....
New Jersey	120	14	1 to 8
Pennsylvania	.....	8	.....
Delaware	23	8	1 to 3
Maryland	33	16	1 to 2
Virginia	116	20	1 to 6
North Carolina	320	14	1 to 78
South Carolina	220	7	1 to 31
Georgia	128	5	1 to 25
Florida	472	2	1 to 236

It is observable that about one-half the whole number of improvements in progress are within the States near the seat of Government, comprising 292 miles of the shore line out of the 2,163 of total coast line. The two extremes of the line are not so well served. The New England States lying north of New York, with a shore line of 733 miles, have forty-four objects of improvement in progress; and the States south of Virginia, with a shore line of 1,140 miles, have twenty-eight objects of improvement.

The two States immediately adjacent to the seat of Government, with a shore line of 149 miles, have thirty-six objects of improvement in progress, or, with less than one-fourteenth of the coast line, they have nearly one-fourth of the objects of improvement in progress.

The State which is most remote from the seat of Government fares worst. Florida, which has 472 miles of the Atlantic shore line, has only two objects of improvement in progress, or one for each 236 miles.

That the data upon which the foregoing is based may be scanned, we give a table of details.

Harbors on Atlantic coast for improvement of which appropriations were made by the last Congress.

Maine.—Calais Harbor, Lubec Channel, Jonesport Harbor, Belfast Harbor, Rockland Harbor, Richmond Harbor, Cathance River, Bath Harbor, Portland Harbor, Richmond Island Harbor, Kennebunk River.

New Hampshire.—Lamprey River to New Market Harbor, Exeter River to Exeter Harbor, Portsmouth Harbor.

Massachusetts.—Newburyport Harbor, Merrimac River, Boston Harbor, Scituate Harbor, Plymouth Harbor, Provincetown Harbor, Hyannis Harbor, Nantucket Harbor, Wood's Holl Harbor, Wareham Harbor, Taunton River.

Connecticut.—Connecticut River, Stonington Harbor, New London Harbor, Thames River, New Haven Harbor, Milford Harbor, Housatonic River, Bridgeport Harbor, Southport Harbor.

Rhode Island.—Pawtucket River, Providence River to Providence Harbor, Potowomut River, Newport Harbor, Block Island Harbor, Little Narraganset Bay.

New York.—Port Jefferson Harbor, Hudson River, New York Harbor, Harlem River, Flushing Bay Harbor, Gowanus Bay Harbor, Newtown Creek, East Chester Creek, Echo Harbor, New Rochelle Harbor, Port Chester Harbor, Canarsie Bay, Sheepshead Bay, Plattsburg Harbor, Sumpawamus Inlet.

New Jersey.—South Cheesequakes Creek, Passaic River, Elizabethport Harbor, Shrewsbury River, Rahway River, Elizabeth River, Woodbridge Creek, Manasquan River, Raritan Bay, Matawan Creek, Cohansie Creek, Salem River, Rancocas River.

Pennsylvania.—Delaware River, Schuylkill River, Marcus Hook Harbor, Chester Harbor, New Castle Harbor, Chester Creek, Susquehanna River, Port Warden's Line.

Delaware.—Wilmington River, Broadkiln River, Mispillion Creek, Duck Creek, Saint Jones River, Delaware Bay, Delaware Breakwater Harbor, Broad Creek.

Maryland.—Susquehanna River, Northeast River, Elk River, Chester River, Queenstown Harbor, Patapsco River, Annapolis Harbor, Choptank River, Secretary Creek, Cambridge Harbor, Treadhaven Creek, Deal's Island Passage, Wicomico River, Breton Bay, Pocomoke River, Saint Jerome's Creek, Baltimore.

Virginia.—Onancock Harbor, James River, Appomattox River, Shenandoah River, Neabsco Creek, Nomini Creek, Rappahannock River, Totuske River, Urbanna Creek, Mattaponi River, Pamunky River, York River, Chickahominy River, Staunton River, Norfolk Harbor, Archer's Hope River, Pagan Creek, Blackwater River, Nottoway River, North Landing River.

North Carolina.—Cape Fear River, Dan River, French Broad River, Roanoke River, Currituck Sound, Scuppernong River, Pamlico and Tar Rivers, Neuse River, Trout River, Contentny Creek, Beaufort Harbor, Lellington River, Town Creek, Yadkin River.

South Carolina.—Great Pedee River, Waccamaw River, Santee River, Wateree River, Charleston Harbor, Ashley River, Wappoo Cut.

Georgia.—Savannah Harbor, Savannah River, Saint Augustine Creek, Altamaha River, Brunswick Harbor.

Florida.—Entrance to Cumberland Sound, Saint John's River.

Rivers and Harbors.

SPEECH

OF

HON. ANDREW J. CALDWELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. CALDWELL said:

Mr. CHAIRMAN: I have not risen for the purpose of opposing this bill or criticising the action of the committee, but to call attention to what I believe to be an oversight with reference to the Cumberland River, in the State of Tennessee. The committee, it is true, were unable to do entire and exact justice in the premises, arising from the fact that the report which was ordered to be made by the War Department in the fall of last year was detained in the office of the engineer in charge of the Muscle Shoals improvement and the Cumberland River, Major King, at Chattanooga. It was submitted to him by Assistant Engineer Turrill, who made the survey and estimates November 21, 1883, and was not transmitted to Congress until March 15, 1884. I myself made repeated applications at the office of the Chief of Engineers in order to get that information before the committee, but it was only a short time before they reported this bill, and on the day I had the honor to appear before them, that they ever saw the recommendation made as to the new system proposed under act of Congress of August 2, 1882.

The committee have recommended seventeen new works of improvement of the water courses of the Mississippi Valley. The Cumberland River ranks with the foremost of the third-class rivers.

The appropriation recommended by the committee is not one-third of the amount required. The chairman of the committee has stated in reference to some appropriations they have reported three-fourths of what was recommended, while in others they have appropriated from $5,000 to $50,000. You will perceive this appropriation for the Cumberland is a mere bagatelle. Indeed it is little more than throwing the money away. I therefore propose to offer an amendment to increase the amount to $100,000, which will build the first lock of the proposed system and increase the depth of water above it. It will commence the new system which has been demonstrated will open a bright future for the river.

The improvement of this river was commenced by the Government on July 3, 1832, when there was an appropriation made of $30,000. From that time up to July 7, 1838, the appropriations made from time to time amounted to $155,000, of which sum $154,480.08 were expended on the river, the balance of $519.92 being carried to the surplus fund in 1848. From 1838 to 1871 no appropriations were made. Again, $30,000 was appropriated March 3, 1871, and from that time to 1881 the aggregate was $466,000. The engineer's report for 1883 states as follows:

A survey of the Cumberland was authorized by Congress in 1870, and a resurvey of that part of the river embracing Smith's Shoals in 1875. Upon these surveys was based the present project for improvement. A survey of the Falls of the Cumberland was made in 1879 and a reconnaissance of the upper Cumberland in 1880.

The Cumberland has been divided in the different river and harbor acts into a number of sections.

The obstructions to be overcome are of a similar nature on the different sections, and consist of rock-reefs, gravel-bars, snags, bowlders, and overhanging trees, and on that part of the river above the Jellico mainly fish-traps and mill-dams.

The method of improvement consists of blasting out a channel through the rock-reefs, removing gravel-bars and bowlders, and building riprap dams where a contraction of the water way is necessary to secure additional depth; and also the removing of snags and overhanging trees.

The improvement of the river by the construction of locks and dams, which is the only method by which a low-water navigation can be recovered either below or above Nashville, especially for very light-draught boats, has been the project, which is only designed to give such additional depth to the channel as will prolong the season of navigation.

There are now twenty-one steamboats engaged in navigation on this river, having an average registered tonnage of one hundred and eighty-three tons; their individual capacities ranging from one hundred to five hundred tons. These boats run between Nashville and various points on the Cumberland, Ohio, and Mississippi Rivers.

The Cumberland is navigable for all these steamboats for six months in the year from Nashville to the mouth of the river, and from six to eight months for boats drawing three feet and less; and the entire year for boats of sixteen inches draught.

Above Nashville the river is navigable to Point Burnside (the Cincinnati Southern Railway crossing), a distance of three hundred and fifty miles, for from four to six months for steamers of three feet draught, and from two to three months for larger boats. From Nashville to Burksville, three hundred and twenty miles above, the Cumberland is navigable from five to seven months for steamers of three feet draught, and from three to five months for larger boats. From Nashville to Carthage, one hundred and twenty miles above, the river is navigable from six to eight months for steamers of thirty inches draught, and from four to five months for larger boats. The work done on the Cumberland, although not completed, has already had the effect of extending the duration of the navigable period both above and below Nashville.

It is estimated that the following shipments were made on the Cumberland during the past year, namely: Grain, 3,000,000 bushels; tobacco, 14,000 hogsheads; potatoes, 3,000 bushels; iron, 20,000 tons; hogs and cattle, 10,500 head; eggs, 100,000 dozen; lumber (partly rafted), 160,000,000 feet; general merchandise not estimated; passengers carried, 125,000.

BELOW NASHVILLE.

Work on this section was resumed in September and continued until January, when operations were suspended on account of the high water. Work was carried on at the following places, and the condition of the work at the different points as stated below:

As Harper's Shoals, nine-tenths completed; at Checkered-House Shoals, nine-tenths completed; at Elk Creek Shoals, completed; at mouth of river, one-half completed.

In addition to the work at the points above mentioned operations with a snag-boat were carried on during the months of October and November between Nashville and the mouth of the river. The following are the quantities of work done during the year: Rock placed in dams, 3,397 cubic yards; rock excavated from channel, 78 cubic yards; gravel excavated from channel, 1,550 cubic yards; snags removed, 938; old wrecks removed, 2; brush-dam built at the mouth of the river, 740 cubic feet.

The work done on the shoals above mentioned effected an increase in the depth of water at low stages of from six to nine inches.

The work was in local charge of Assistant Engineer C. A. Terrill, with an average force of fifty men.

The funds available and the appropriation herein estimated for can be profitably expended in continuing work upon the shoals below Nashville in accordance with the present plan.

BELOW NASHVILLE.

The original estimate of cost of improving Cumberland River below Nashville was $248,872; amount appropriated, $235,000; amount expended, $229,731.74.

MONEY STATEMENT.

Amount appropriated by act passed August 2, 1882	$15,000 00
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	9,545 99
July 1, 1883, outstanding liabilities	185 75
July 1, 1883, amount available	5,268 26
Amount (estimated) required for completion of existing project	13,821 00
Amount that can be profitably expended next year	13,821 00

ABOVE NASHVILLE.

Work on the river from Nashville to the foot of Smith's Island was resumed in September and carried on to the close of the fiscal year. The work of building dams was, however, suspended during the winter months on account of high water. Operations were confined principally to the following obstructions: Old pier removed at Nashville, one-tenth completed; Upper Nashville Island, completed; Priestley's Shoals, completed; Donaldson's horse-ford, one-half completed; Lindsey's Island, three-fifths completed; Belote's Bar, completed; Whitley's Rock Island, completed; Wellman's Bar, seven-eighths completed; Walton's Shoals, completed.

In addition to the work done at the obstructions above mentioned operations with a snag-boat were carried on during a part of the low-water season between Point Burnside and Albany Landing, eighty miles, and Hartsville and Nashville, a distance of one hundred miles.

Under the provision of the appropriation act of August 2, 1882, a survey of this part of the Cumberland River is now in progress, with a view to ascertaining the cost of placing locks and dams on the Cumberland River from Nashville to the Cincinnati Southern Railroad in Kentucky.

The original estimate of cost of improvements from Nashville to foot of Smith's Shoals was	$213,764 00
Amount appropriated	162,000 00
Amount expended	169,611 77
Amount that can be profitably expended in fiscal year ending June 30, 1884	51,764 00

By act of March 3, 1881, a survey was directed to be made "to ascertain the practicability and cost of a canal, with locks and dams, from the head to the foot of Smith's Shoals. The report of February 15, 1882, says:

A strict construction of the act authorizing the survey calls for a "canal with locks and dams;" but such a canal would be enormously expensive if not impracticable, and would be entirely unnecessary, since the locks and dams would give sufficient depth to the river itself.

The river bed is in a gorge from three hundred to five hundred feet deep, which leaves no room for a canal, and at the same time renders it unnecessary, since it is possible to raise the water-level by means of dams to any desired height without overflowing the surrounding country. The estimate has therefore been made for locks and dams, using the river itself as a canal.

The language of the act also limits the survey to "Smith's Shoals," but as the principal object of the proposed improvement appears to be to enable coal mines in the vicinity of Rock Castle River to boat their coal to Nashville, it is evident that the river from the present head of navigation at Point Burnside to the mouth of Rock Castle River should be put in as good navigable condition as Smith's Shoals proper, in order that the improvement may fully accomplish its object. I will, therefore, add an estimate of the cost of extending the improvement as suggested.

There is no doubt as to the practicability of building the locks and dams so as to give any desired depth of water at all points on Smith's Shoals.

The estimated cost is:

The dam at the head of Mill Shoal could probably be built of substantial masonry for	$240,000
And four locks, of 16 feet lift and 55 by 140 feet in the chamber, at $80,000 each, would cost	320,000
Total	560,000

This is the estimate for improving the river "from the head to the foot of Smith's Shoals," but in order to make this improvement available it would be necessary to build—

An additional dam about 25 feet high, and three more locks at or near Shadowen Shoal, the cost of which dam would be	$75,000
And that of the three locks, at $80,000	240,000
Making	315,000
Which, added to the foregoing estimate	560,000
Make a total of	875,000

as the cost of the entire improvement.

* * * * * * *

The advantages of this plan of improvement would be:

1. It would give absolutely safe and reliable navigation for rafts and coal-boats at all seasons of the year and all stages of the water from Rock Castle River to the present head of navigation at Point Burnside.

2. It would allow steamboats to ascend, as well as provide for descending navigation.

3. The improvement would be permanent.

On the other hand it should be stated:

1. That even if Congress should make liberal appropriation for the work, say $300,000 for the first year, it would take at least four years to complete the work, during which time no advantage would result to navigation; while at the rate such appropriations are usually made, a much longer time would elapse before the improvement would become available.

2. That the present system of dams appears to give good satisfaction as far as tested, and it is probable that if the coal-mines will make full use of the boating tides, and perhaps make some slight modifications in their temporary barges, they can now market all the coal they can mine, not only safely, but profitably.

3. So far as rafts and loose saw-logs are concerned, it is quite likely that the present arrangement is as good if not better than the locks and dams would be.

4. From the head of the Great Falls to the head of Smith's Shoals the Cumberland River falls three hundred and twenty-four feet, and is so badly obstructed by bowlders that it can never be made navigable for steamboats at any reasonable cost; it is not therefore probable that the improvement, even if completed as herein estimated for, would ever be extended to the upper Cumberland.

In view of these considerations, I would respectfully recommend that the present system of dams be tried for at least one year longer before undertaking the more radical system of improvement.

The act of August 2, 1882, ordered a survey from Nashville to Smith's Shoals, to ascertain the cost and advisability of instituting slackwater navigation by means of locks and dams. It was made by Assistant Engineer C. A. Turrill, of Nashville, in the year 1883. He says of the proposed improvement by locks and dams:

In considering whether it is practicable to improve the upper Cumberland by means of locks and dams, the favorable features to be noticed are, first, permanency of banks and beds.

* * * * * * *

Bed-rock in the river is horizontal in stratification, and in some shoals is almost at the surface at low water, presenting a favorable place for saving expense in lock masonry.

* * * * * * *

Uniformity of fall for any distance greater than ten miles may be mentioned as another favorable feature. Although the fall at low water is principally concentrated at the shoals, leaving long and comparatively level pools, yet taking the amount of fall which could be overcome by one lock of moderate lift, say 10 feet—and this fall is always found distributed in about the same length of river—the rate of fall for the entire length of survey, 327.8 miles, is 222.9 feet, or 8 inches per mile. The change of slope as affected by the slackwater will thus be reduced to a minimum by equally distributing the dam over the entire distance. By this means, also, each lock and dam will benefit its proportionate section of river in extending navigation.

Uniform width of the river may be also mentioned. It varies from 305 feet at low water above the State line to 400 feet below the State line. This causes a generally uniform height of rises, owing to equal cross-sections.

Materials for the construction of substantial locks and dams are abundant. Suitable stone can no doubt be found within less than half a mile of any location. Supplies can be purchased during the boating season, when they can be delivered at the work by steamer.

* * * * * * *

The work which has been already done to improve the upper Cumberland can be made to assist materially in the introduction of the slackwater system. The jetties or training-dams heretofore built will assist in confining the water to a limited channel, and especially in the heads of pools will contribute toward the canalization of the river.

In commenting on this river the engineer, Major King, says as to the former plan of improvement, for which Assistant Engineer Turrill, as we have just seen, recommends the slackwater system (Executive Document 129, page 3):

This river has heretofore been improved by means of wing-dams and channel excavation, with a view to securing an increased depth of channel at medium stages of the river, but without attempting to secure a navigable depth at extreme low water, and while greatly facilitating navigation, it is evident that such a system of improvement is but a partial removal of the difficulty.

It will thus be seen that all the former work and all the previous outlay of moneys have failed to effect anything more than a partial removal of the difficulties of navigation.

Major King then gives a brief résumé of the new project and its estimated cost, as follows:—

The proposed system of improvement by locks and dams will require twenty-three locks, with lifts varying from 6.5 to 11.8 feet at low water, with side walls sufficiently high in each location to permit boats to pass the locks until the water is high enough to allow them to pass over the dams. As it will require from 20 to 25 feet rise to enable boats to pass over the dams safely, it will be seen from the foregoing table that on an average the locks will be used about eleven months in the year, and during one month the boats will have to pass over the dams.

It is proposed to build the locks of solid masonry and found them upon the rock. They should be about 60 feet wide and 250 feet between miter-sills, though perhaps smaller dimensions would answer the purpose.

There will be a dam required at each lock from 260 to 500 feet long, and these should be made of stone and timber, with secure foundations. Each dam will back the water to the next lock above, a distance of from 8 to 19 miles, and give a depth of 5 feet on the lower miter-sill.

The questions suggested in the letter of instructions may be answered as follows, taking them in their order:

1. There is no doubt as to the practicability of the work. A very similar, but more difficult work, on account of bad foundations, has been successfully tested on the Kentucky River, below Frankfort.

2. The probable cost from Nashville to the Kentucky line, as estimated by Mr. Turrill, is	$1,987,536
3. The probable cost from Kentucky line to the Cincinnati Southern Railroad he estimates at	1,215,386
Making a total of	3,202,922
4. The cost of locking and damming Smith's Shoals, as estimated in my report of February 15, 1882, is	875,000
Which, added to the foregoing, makes	4,077,922
The cost of operating the thirty locks, including seven at Smith's Shoals, will be about $1,200 per annum each, or $36,000, which, capitalized at 3 per cent., makes	1,200,000
Making the entire expenditures involved in the project	5,277,922

If undertaken, the work should be begun at Nashville and extended up the river, so that the improvement can be utilized as fast as it is completed. This will benefit commerce, even on the upper river, more than to begin at two or more places, because the upper end of the improved river will always be the base from which boats can safely undertake hasty trips to the upper waters of the Cumberland and its tributaries on short tides in summer. Any attempt to improve intermediate sections would not only add greatly to the cost of the work, but would delay its completion, and the detached locks and dams would be of no use until connected with the completed work below.

This able officer then discusses the question as to whether it is necessary to undertake the new plan at the estimated cost, and prudently weighs every consideration he deems proper to bring to the attention of the Government, whose interests he is evidently conscientiously endeavoring to protect and promote. The best and least expensive plan for the improvement of the river is of course what is desired. The old plan, having been tested by experience, has failed to effect the object. Now, is it advisable to introduce the slackwater system, or may there not be a cheaper and more practicable plan? Certainly we should hesitate to throw away all the work previously done if it can be avoided. But there is no necessity for that, for, as shown, the "work already done will materially assist in the introduction of the slackwater system."

Major King says:

As to whether this "improvement is proper to be made," it may be remarked that some more radical improvement of the Cumberland is evidently demanded by the interests of commerce; and if the necessary depth of water can not be obtained without locks and dams, the expenditure of $5,000,000 for building them may be justified. But before deciding this point it is proper to inquire whether the same amount of money, or even a much smaller sum, may not provide a sufficient depth of water for all commercial purposes. It must also be borne in mind that the system of locks, even if completed in the most substantial manner, would not be an unmixed blessing, since they would at all times cause some delay, and accidents might occasionally stop navigation altogether for several days at a time; but at all times when the river is above, say, fifteen feet at Nashville, navigation would be better without locks than with them. When the river at Nashville is above ten feet, or about four months in each year, there is probably sufficient water for all purposes of navigation, so that the locks may be considered as desirable only eight months in the year, or two-thirds of the time, while during the other third they would not only cause delay and expense for working, but would be practically unnecessary.

This officer is certainly not subject to the criticism sometimes heard in debate, that his estimates and recommendations are recklessly made

and without due circumspection. He certainly here is weighing the proposed advice he shall give with due regard to all interests—the convenience of navigation, its possible effect upon the use of the river as a highway for commerce, as well as its soundness from an engineering standpoint. If he can give us the river free from difficulties cheaper by any other plan than the proposed plan of thirty locks and five millions of expense, he desires to do so. And he says:

As the average fall is only 8 inches per mile, there would be no trouble about rapid currents if the slope could be made tolerably uniform, and the important question would be to get a sufficient depth of water. To determine whether this is practicable the low-water discharge of the river was measured at three points, with the following results, namely:

1. Above the Kentucky and Tennessee State line, 850 cubic feet per second.
2. Above the mouth of Caney Fork, 1,100 cubic feet per second.
3. Near Nashville, 1,325 cubic feet per second.

By computation it is found that if the river at low water were confined in a channel 80 feet wide at bottom and with side slopes of 45° at the shoal places, and the slope regulated by jetties or wing-dams, these quantities of water will be sufficient to give a depth of 5 feet, 6 feet, and 7 feet at the points just mentioned.

In other words, there will be plenty of water if the width and slope are properly regulated, and this can be done by a suitable arrangement of brush and stone dams, so disposed as to narrow the channel at low water and cause the gravel to scour to the proper depth at the shoals and form deposits in the deep places, where it will not only be out of the way, but will assist in backing the water upon the shoal places.

To those not familiar with the subject it might appear that this would simply be a continuation of the improvement on the present plan, and to a certain extent it would be; but it should be remembered that the existing project has cost only $277,000 for the entire improvement from Nashville to the head of Smith's Shoals, or less than one-nineteenth of what it is now proposed to apply to the same portion of the river.

It is thus evident that the engineer is of the opinion that this river can be improved for much less cost and to better purpose than to adopt the lock-and-dam system entire and canalize the river; that is to say, by a combination of the wing-dam and channel-excavation plan, with the locks and dams. Wherever the last judgment of the constructing engineer in charge may determine that the old plan can be helped by the new there he proposes to adopt it; but wherever economy and the needs of navigation can best be subserved by the adhering to the old plan to do so he says:

In order to compare the lock-and-dam system with the jetty system, which, by the way, is something like the original problem of improving the mouth of the Mississippi River, minus most of its difficult and experimental features, Mr. Turrill was directed to make an estimate of the cost of improving the worst or most difficult and the most favorable sections of the river by jetties, with the following results:

Worst section: With locks, $180,951; without locks, $268,700.
Best section: With locks, $168,008; without locks, $121,300.

The cost with locks includes the cost of operating, capitalized, as in the general estimate, and the figures show that in the worst section the locks would be about $88,000 cheaper, while in the best section they would cost also $46,700 more than the jetties.

It should also be taken into account that the building of jetties will not interfere at any time with the free navigation of the river, while the dams can not be built without entirely stopping navigation for longer or shorter periods, according to the stage of water, floods, weather, appropriations, and other circumstances under which they are built.

In some cases it will evidently be better to build locks, while in others jetties will be more advantageous.

In conclusion, this report, which is thus seen to be well considered and eminently worthy of attention, says:

I would, therefore, respectfully recommend that, if this improvement is undertaken by Congress, the following provisions be made:

1. That the appropriation be made without geographical limit, other than that it shall be applied to the "improvement of the Cumberland River above Nashville."
2. That, in order to conduct the work on business principles, the first appropriation should be enough to complete at least three locks and dams next above Nashville, say $400,000.
3. That the law shall simply specify the depth of navigable channel to be secured, leaving it to the Secretary of War to adopt the plan of improvement best adapted to the physical conditions of each section of the river. A depth of four feet, at ordinary low water, say eleven months in a year, would probably be sufficient for all purposes of navigation.

The final discretion is thus left with the Secretary of War to adopt the plan of improvement that is best adapted to secure the best results. Instead of thirty locks it will doubtless prove true that when Congress shall have concluded to go to work in earnest to improve this river, and cease throwing the public money away by parsimonious appropriations that result in failure, the navigation of this important stream will be secured on the plan that science and experience may adopt as most certainly the best to promote that object. Now, the question further is whether this river is one that comes within the definition of streams upon which the Government may under the Constitution justly undertake the work of improving.

Waiving the fact that since 1832, for fifty-two years, the Government has so considered it and recognized this river as a part of the great "inland sea" of the Mississippi and its tributaries that Mr. Calhoun, the strict constructionist, considered clearly of such national importance as to justify the Government in improving, it is of easy demonstration that this river does not belong to the class that is without "the legal definition of the word 'navigable' as defined by the Supreme Court of the United States;" appropriations for which have given cause for much criticism in the past.

It must certainly be conceded that appropriations for rivers and harbors should be restricted to waters over which the courts of the United States have admiralty jurisdiction. And the test of that jurisdiction is the definition of the words "navigable waters." Navigable waters at the common law meant where the tide ebbs and flows. Waring *et al. vs.* Clark, in 5 Howard, is the first case involving the question, and the authorities since hold the jurisdiction to extend to all waters navigable for vessels employed in commerce of twenty tons or upward, whether fresh or salt, or whether the tide ebbs and flows therein or not, when such waters open a communication with other States, whether they lie in one or several States. This doctrine is confirmed in many cases, notably in Genesee Chief *vs.* Fitzhugh (12 Howard), where Chief-Justice Taney delivered a clear and masterly opinion.

In 11 Wallace, 411, the court says:

(1.) A river is a navigable water of the United States when it forms, by itself or by its connection with other waters, a continuous highway, over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

And—

(2.) If a river is not of itself a highway for commerce with other States or foreign countries, or does not form such highway by its connection with other waters, and is only navigable between different places within the State, then it is not a navigable water of the United States, but only a navigable water of the State.

Tried by these rules, is this river an object for national improvement? It is navigable for a distance of six hundred and thirty-four miles from its mouth in the Ohio River to the falls and for over two hundred miles above them. It traverses the States of Kentucky and Tennessee. On it is situated the towns of Dover, Clarksville, and Nashville, and scattered along the upper valley are Carthage, Hartsville, Celina, and Burksville. From the falls to the head of Smith's Shoals is thirty-eight miles. Burnsides at the foot of the shoals, at the crossing of the Cincinnati Southern Railroad, is three hundred and fifty miles above the city of Nashville, and from Nashville to the mouth of the Cumberland is one hundred and ninety-two miles. The census of 1880 shows the value of the farm products of the twenty-five counties through which it runs in Tennessee and Kentucky to be over $20,000,000; they contain a population of over a million of souls.

The "Nashville district" within a period of eleven years, commencing June 30, 1872, paid the General Government in internal revenue and customs $6,773,264.75. Numerous steamboats carry freight and passengers through the entire river to the head of navigation the greater portion of every year. Three boats, each of four hundred and fifty tons burden, and seven smaller ones ply the season through in the river above Nashville. During the boating season of 1882–'83 there was carried above Nashville alone, of corn, 1,600,000 bushels; wheat, 300,000 bushels; tobacco, 6,000 hogsheads; potatoes, 35,000 barrels; eggs, 80,000 dozen; hogs, 5,000 head; cattle, 2,400 head; lumber, 1,000,000 feet; passengers, 20,000.

From Nashville to the mouth the freights are many times larger; but I will confine my argument to the trade of the portion of the river for which I seek by the amendment I shall offer at the proper time to increase the appropriation from twenty to one hundred thousand dollars.

With reliable navigation secured by the improvements contemplated the business of the two States of Kentucky and Tennessee would be quadrupled in a few years.

But it is not these things alone, important as they are, that commends this work to Congress.

This river is the natural channel through which the commerce of the country would be increased by the addition of millions of feet of the most valuable lumber left on the continent. Walnut, yellow poplar, white hickory, blue and black ash, red maple, linden, and cherry, as yet untouched for the needs of man, abound.

Professor John R. Proctor, director of the Kentucky geological survey, in his report, 1880, says:

On the slopes of Pine Mountain, to the west, and Cumberland Mountain, to the east, are the timbers usually found on the conglomerate sandstone: hemlock and pitch-pine, yellow pine, and chestnut-oak are very abundant, and of the best quality. Except the clearings in the valleys the timbers of this region remain almost untouched. The difficulty of running logs over the Falls of the Cumberland and Smith's Shoals have been the cause of preservation of this magnificent timber region. According to the best estimate I can make, at least 90 per cent. of this area is yet covered with primitive forest growth.

But it is not the lumber interests that are the chief arguments for the improvement of this river, although in the year 1882 1,700 rafts were brought down to Nashville and beyond and sold for half a million of dollars.

The mineral wealth that lies locked up in this region, if opened up to the interstate commerce of the Union, would cheapen the cost of fuel, of iron, and of steel, and add to the comfort and prosperity of the whole country. In the counties of Wayne, Clinton, and Cumberland, Kentucky and on the banks of the river in Putnam, Jackson, Overton, and Clay Counties, Tennessee, is an immense coal-oil field, that in the opinion of experts will prove invaluable if developed by cheap transportation. The field of coal through which this river flows is stated by Professor Safford, geologist of the State of Tennessee, to extend from a point above Smith's Shoals for fifty miles to the east, over a hundred miles to the northeast, and forty miles to the south. It is as extensive as the coal-field of Pittsburgh. In the counties of Alleghany, Westmoreland, Washington, and Fayette, Pennsylvania, there were produced in 1880 the amount of 11,006,031 tons of coal. This coal, on account

of its fine quality, runs the fires of Pittsburgh, and is sold along the Mississippi Valley.

Professor Proctor, in his report of January 1, 1882, says:

It was discovered that there was just beyond the State line, on the divide between the waters of Powell's River and the waters of the Cumberland, a coal suitable for the production of coke of a superior quality. The importance of such a coal in determining the development of manufacturing in the Ohio Valley is very great. The entire region between Pennsylvania and Colorado is supplied with coke from the Connellsville region, Pennsylvania, and the Quinnemont region, West Virginia. This coal was found and traced over a wide area on the headwaters of the Cumberland, Kentucky, and Big Sandy Rivers, above drainage, and averaging seven to eight feet thick.

These coals, opened by a few weeks' exploration, were analyzed and compared with the best coals of Pennsylvania. They are identical, and as a coking coal it is destined to prove the most valuable coal-bed in America.

The increase of trade, the development of the resources of the two great Commonwealths of Kentucky and Tennessee, depend largely upon the river being opened to commerce, and its effect, it is apparent, would be general, and would dispense public benefits and promote the welfare of the whole country.

It will certainly compare favorably in national importance with the improvement of any river of its class in the Union. It is of similar importance to the Tennessee, for which the State of Alabama gets by this bill $350,000. It is of at least double the importance of the Kentucky River, which gets $250,000. I do not desire to institute invidious comparisons, however, but let the Cumberland River stand on its own merits. Tried by any standard of criticism, whether laid down by courts of law or by a just comparison with other rivers, the necessity and justification for this appropriation asserts itself. It comes fully up to the standard required under the Constitution as interpreted by the Supreme Court. It is a highway over which commerce is carried to other States. By its connections with other waters its navigation becomes a part of that of the great Mississippi Valley. Its waters are navigable, public, not private waters, and yet it is cut off with a pitiful sum, scarcely equal to those given to some insignificant streams, fishing waters, where the landed proprietor owns each bank and his domain extends to the middle of the stream, *ad filum fluminis*, and he hath his common of piscary therein. I hope the House will at the proper time relieve this great improvement from the manifest injustice and neglect that would be done it by cutting it off with this small appropriation.

Brooklyn Public Building Site.

SPEECH

OF

HON. DARWIN R. JAMES,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884.

On the following resolutions, reported from the Committee on Public Buildings and grounds:

"*Resolved*, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury or of some of his subordinates in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn have not been sustained.

"*Resolved*, That the Committee on Public Buildings and Grounds be discharged from the further consideration of the matters referred to them in this regard."

Mr. JAMES said:

Mr. SPEAKER: The honorable member from South Carolina [Mr. DIBBLE], while concurring with the report of the committee which exonerates the officials of the Treasury Department from any collusion or evil purpose, questions as a matter of law the authority of the Secretary of the Treasury, under the three provisions of law which have been made, to expend so great a sum for a site. Not being a lawyer myself, I have asked the opinion of gentlemen in whose legal ability I have confidence whether the criticism of the honorable gentleman is correct. I am assured that it is not. The first act was that of July 12, 1882, and limits the cost of site and building to $800,000.

The second act was that of August 7, 1882, and is in the following words:

To enable the Secretary of the Treasury to purchase a site and to commence the erection thereon of a building for the uses of the Government in the city of Brooklyn, N. Y., as provided by law, $300,000.

Under that act undoubtedly the Secretary of the Treasury would have been obliged to retain some portion of the $300,000 appropriated to commence the erection of the building. He would have had to purchase a site and still reserve from the $300,000 such sum as would have made an appreciable commencement of a building upon the site obtained. It is to be assumed that afterward Congress saw that $300,000 was not sufficient to purchase a site and commence a building, because in the following session, by act of August 7, 1882, they appropriated as follows:

For post-office at Brooklyn, N. Y.: For continuation, $200,000.

When the act speaks of the continuation of the post-office at Brooklyn, N. Y., it must have meant for the continuation of the authorized action of the Secretary under the act of July 12, 1882, and of the whole and of every part of that action, and was tantamount to an appropriation of $500,000 for the purpose expressed in the act of July 12, 1882. Now, what was that purpose? That purpose was to purchase a site and to commence the erection thereon of a building. Well, then, was not $500,000 by the effect of these two acts appropriated for that purpose; that is, to purchase a site and to commence the erection of a building? If $400,000 was needed for a site, and no more was expended, then there was $100,000 to commence a building. Surely $100,000 is sufficient to make an appreciable commencement of the building.

So that, as I am assured by gentlemen learned in the law, and as my own common sense indicates to me, the Secretary of the Treasury did not exceed his authority under these two acts by assuming that the sum of $500,000 was appropriated for the purpose named in the first act, that of July 12, 1882. And so, assuming he had the right also to ascertain or to determine how much would be needed to make a real commencement of the building and to use whatever was over that sum for the purchase of a site, in my opinion, thus formed, the criticism of the honorable gentleman from South Carolina is not well founded.

Mr. Speaker, the question of the selection of a site for a public building at Brooklyn, N. Y., has occupied the attention of this House to some extent this session because of charges of collusion between the sellers of certain pieces of real estate and officers of the Government, whereby an exorbitant price was to be paid for an undesirable piece of property.

These charges were made in writing, are general in character, and were not made by residents of Brooklyn, but originated in this city, and were worked up in the lobby of this House; they were never entitled to the consideration which they received, in fact were entitled to no consideration whatever, and in my judgment never would have received any except that a reputable daily paper or two, notably the New York Journal of Commerce, thinking there must be some truth in the reiterated charges, called upon Congress in a leading editorial to investigate. This editorial was sent to members of the House, and resulted in the drafting of a resolution providing for an investigation.

These charges were all traceable to this city, where there seemed to be a headquarters from which scurrilous articles were sent to journals in New York charging collusion and fraud, and in several instances mentioning the names of Congressmen who were said to be aiders and abettors of the thieves. These charges were outrageous and slanderous in character, were entirely unjustifiable, being void of truth, were put forth by selfish and disappointed persons for selfish ends, and the names of upright and honorable men were held up to the gaze of the public as those of thieves and rogues. Not only were corruption and collusion charged in these newspaper articles, but other articles of a different character got into the journals, giving a political turn to the matter, so that the "fraud in the purchase of the site for the public building at Brooklyn" became a matter of national political importance. It affords a remarkable illustration of what a few unscrupulous persons can accomplish when they diligently set themselves about it. Having access to certain public journals they use them to traduce honorable men, creating a public sentiment against them and the work in which they are engaged, and they even force upon this House of Representatives an investigation of a Government transaction which was absolutely honest and entered upon after deliberate and careful consideration.

In my remarks upon this floor on April 18, when the question of the appointment of a committee to investigate was under consideration, I said: "So far as the purchase of the site for the public building at Brooklyn is concerned I have no reason to doubt that every transaction in connection with it has been upright and honest." To show that my words were founded upon reason I quote from the report of the Committee on Public Buildings and Grounds as published in the RECORD on page 5376:

Every opportunity was offered for the introduction of evidence to sustain the charges, and we unhesitatingly report that there has not been produced before us a scintilla of evidence which in the slightest degree reflects upon the integrity of the Secretary of the Treasury, upon the Supervising Architect, or any other officer of the Government. We therefore recommend the passage of the following:

"*Resolved*, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury or of some of his subordinates in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn have not been sustained."

This finding of the committee disposes of the charge of collusion and fraud—a charge which, as I have already said, never should have been made, for which there was never an occasion, but, having been made, should never have been considered, because it was not made by responsible parties. The matter of the desirability of the site or the price agreed to be paid for the same are subjects which were not reported upon by the committee, although evidence was taken under these heads, for the reason that the resolution under which the committee acted did not require it. The House, therefore, on June 5, recommitted the report, with instructions to investigate these matters, and especially the purchase of the plot from William A. Husted. As to the desirability of the site selected, there is of course a diversity of opinion; both at the first and second hearings before the committee abundant evidence was forthcoming for and against the choice. Some of the most conscientious and careful citizens testified on either side of the question. My

own choice was for the selection of some other site. The other members of the House from Brooklyn preferred another site, the one known as the Dutch church site. Secretary Folger preferred the Boerum place site, which he himself looked at.

The commissioners appointed by the honorable Secretary selected as their choice the corner of Washington street and Myrtle avenue; the citizens who gave consideration to the subject generally accepted the decision of the commission, although there were many who were locally prejudiced in favor of other sites. The mass of the people, as well as the Brooklyn Congressmen, were agreed in this, that the building should be near the City Hall. The question of a suitable place for the Federal building was under consideration as early as 1868, when a commission was appointed to select one. For about sixteen years this matter has been more or less under discussion. Sites which were offered to the commission at that time, desirable sites fronting on the City Hall square, have in several cases been built upon with substantial edifices and have long been out of the market. There were left, however, three sites which could be purchased or had by condemnation, any one of which would have been acceptable to a large number of people. The Dutch church property could have been purchased for $275,000. This, with the Court-street front, would have furnished a site which would have satisfied many, but the Court-street front could not have been purchased at less than about $350,000, if it could have been purchased at any price. It might have been condemned, but it is doubtful if it could thereby have been acquired at a lower price. The Secretary construed the law literally—that he could only acquire the property through purchase. I consider that the price of this site was $625,000.

The Boerum Place site, preferred by the Secretary and recommended by Supervising Architect Hill, in all probability would have cost over $800,000; it contained several plots which the owners did not offer and did not wish to sell at any price. On this plot is the Long Island Savings Bank building, for which $140,000 is demanded. The other site alluded to is the one at the corner of Washington street and Myrtle avenue, the one selected by the commission. This site could have been purchased at $600,000 at the time the commission selected it, as the parties advocating its selection had options for nearly all the plots, the figures aggregating about $600,000. At this present time it is doubtful if the property could be purchased at even $850,000.

It will thus be seen that the Secretary was shut up to two courses, either to do nothing, or to accept a site not so desirable as those mentioned, as the cost of any one of them would have consumed the larger part of the appropriation for site and building. The Secretary decided to wait, but the citizens of Brooklyn were urging action and pressing him to come to some decision. As early as January 9 the Brooklyn members of Congress called in a body upon him and insisted upon something being done. At this interview it was arranged that Supervising Architect Bell and myself should visit Brooklyn to examine the various sites mentioned, as well as other sites, and to make report. The visit was made on January 18. Various sites in addition to those which were generally discussed were looked at. The Johnson street site was not considered on that day, although it was incidentally noticed in passing.

On the following day Mr. Bell examined it alone somewhat carefully, I having returned to Washington the previous night. Nothing definite resulted from the visit except the confirmation of the Secretary in the opinion that the most desirable sites were unattainable, and the securing diagrams of various plots, together with their assessed valuations. The Johnson-street property was offered to the Secretary about February 1 by Mr. Leonard Moody, a responsible real-estate dealer, at the sum of $450,000, and on February 9 the Supervising Architect made a written report to the Secretary recommending it as a suitable site. This property is situated one block north of the site selected by the commission, and is about two hundred feet from the present post-office. The plot is one hundred and ninety-seven feet on Washington and Adams streets, and two hundred and thirty-five feet on Johnson street. It is on the highest ground in that part of the city, and one block from the City Hall plaza. Washington street is the direct street to and from the bridge, and is destined to become a great thoroughfare. The New York post-office and United States court-rooms are but a short distance from the New York bridge landing, about as near as the Johnson-street site is to the Brooklyn bridge landing.

Washington street has seen many changes. Not many years ago it was the place of residence of the wealthy; then the tide of fashion set in another direction, and the property gradually sunk to a low price. Within a few years it has been purchased by far-seeing individuals, who held it for an advance, which was sure to come, as it was to be the outlet to the bridge. I refer to this fact as a reason for the diversity of views as to valuations on the Washington street lots. The price at which it was offered seemed excessive, but the testimony of the witnesses examined shows that no other plot of the same size within the same distance of the City Hall and equally desirable could have been purchased at as low a figure. The purchase was managed with much ability. The Secretary gave an order as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 16, 1884.

SIR: I have decided to select as a site for the public building to be erected in your city the property offered by you at $450,000, consisting of one hundred and ninety-seven feet on Washington street, two hundred and thirty-five feet on Johnson street, and one hundred and ninety-seven feet on Adams street.

In approving this location it is upon the unqualified condition that the Government shall receive a clear and perfect title to the property described at a price not to exceed in any event the amount named above.

Very respectfully,

CHARLES J. FOLGER, *Secretary.*

Mr. LEONARD MOODY,
Real-Estate Agent, Brooklyn, N. Y.

Mr. Moody secured the assistance of Mr. Herman Liebmann, a partner in one of the most reputable business firms in Brooklyn, to enable him to carry the proposition through, as he (Moody) was not strong enough financially to undertake so large an operation. The Liebmanns, for there are two of them (brothers), occupy a large retail store running through from Fulton to Washington streets, and own about half of the block, the southerly half of which was offered to the Government. It will be seen that if the sale could be effected the adjoining property of the Liebmanns would be greatly benefited; it was for this reason that they consented to purchase the lots, some thirteen in number, and turn them over to Moody. Mr. Liebmann proceeded quietly to buy, the sellers knowing nothing about the purpose for which he was buying; but, unfortunately for him, before all the lots had been taken and before certain leases had been gotten rid of, it got into the public journals that the property was being acquired for the Government, the result of which was that prices rapidly advanced.

At this juncture Mr. Liebmann would have withdrawn had he not already purchased so many lots that he was forced to carry through what he had undertaken, and the result was that he paid $501,082.50 for what the Government was to pay $450,000. Meantime he has been losing in interest, at 6 per cent., $75 per day, while this examination progressed, besides being subjected to many other expenses and annoyances, not the least of which was that of being published in the papers as a thief and scoundrel.

The following is an extract from the report of the Committee on Public Buildings and Grounds, as published in the RECORD on page 5376:

Hermann Liebmann (or Liebmann Bros.) being the owner of a portion of the property selected, and also the owner of a large amount of other property in the same block which would be greatly enhanced in value by the erection of the post-office, &c., in that locality, Mr. Moody had recourse to him to assist in securing the different lots in the proposed site.

Mr. Liebmann's connection with the matter gave color to the charge that the purchasing agent of the Government was one of the largest owners of the land to be bought. But there is no evidence to indicate that any officer of the Government had any correspondence or communication with, or even knowledge of the existence of, Mr. Liebmann at that time.

It might have been possible, under the arrangement between Messrs. Moody and Liebmann, for Mr. Liebmann to have speculated upon the Government by securing the property desired at a less sum than the limit authorized. And he himself admits that when he undertook the transaction he expected that the entire purchase would not exceed $425,000. But his expectations were not realized; and he swears that the actual cost to him was $501,000 for the property which the Government is to get, if the sale is consummated, for $450,000.

In suggesting the possibility referred to it is fair to say that there is no evidence that there was any design upon the part of Messrs. Liebmann and Moody to exact from the Government any more than the actual cost to them of the property, even if it had been secured for a sum below the limit imposed by the Secretary, except in so far as relates to the piece of property within the selected plot, which was owned by Liebmann before the site was determined. That piece had cost him $40,000, and he intended putting it in to the Government for $50,000, if that piece with the other purchases should not exceed the limit of $450,000.

It is also fair to say that there is no evidence of any improper motive upon the part of Mr. Moody in securing the co-operation of Mr. Liebmann to effect the entire purchase. The Government would not buy a portion of the ground unless all could be secured. There were thirteen different owners to be negotiated with. Mr. Liebmann was a man of means, and had sufficient interest in adjacent property to induce him to take upon himself the burden of the entire purchase.

I have no question but that, had it been known that the purchase was being made for the Government, the cost would have reached $600,000. One lot, 22 by 100 feet, on Washington street, was purchased by Mr. Liebmann from a Mrs. Titus for $30,000, on which 10 per cent. was paid and an agreement duly signed. When it became known that the lot was to go to the Government Mrs. Titus tendered the 10 per cent. and the agreement and stated that she had sold under a misapprehension, that the property was worth more, and that she would not execute the deed. A suit is now in court to compel compliance with the contract, but meantime the secretary has relieved Mr. Moody from conveying it and the corresponding lot on Adams street, so that the Government plot will be 175 by 235 feet, and the total cost will be $408,500. The public building is to be used for the general post-office, for the United States district court, and for the office of the collector of internal revenue. On February 9 the Supervising Architect filed his report with the Secretary, recommending the purchase of the Johnson street site. On February 16 the Secretary sent the order to Mr. Moody to purchase it. During the week intervening the pressure on the Secretary to purchase other sites was intensified, and at one time he had nearly concluded to purchase the Dutch church property without the Court street front. Presuming that I knew the president of the board of trustees, he requested that I write asking that he communicate with him direct as to price and terms, which was done.

Against this plan the Supervising Architect filed written objections. The size of this plot is 145 feet on Jerolamon street, running through to Livingston street 310 feet; on this street the frontage is 140 feet. After taking off 40 feet on each side for an open space, as the law requires, the plot left would have been very unsuitable. With high walls on either side at a distance of only 40 feet, the light would have been

shut out from the lower story; it would have afforded insufficient accommodation, particularly for the United States courts and attendant offices. The business is so large that two court-rooms, two jury-rooms, and other extra rooms are required; besides, the architect would have no opportunity for architectural display in planning the edifice. The city of Brooklyn is growing with astonishing rapidity; its population is 700,000, and in a very few years, at its present rate of increase it will reach 1,000,000 inhabitants. Probably no other city in the United States is making more rapid progress. It should have a public building commensurate with its importance. If any mistake has been made, it is perhaps that a much larger sum was not available under the law for the site, so that the Secretary could have selected such a one as would have entirely satisfied himself, and in so doing he would beyond doubt have satisfied the larger part of the citizens.

The Johnson street site is the best attainable with the means at his disposal, and is desirable because of its proximity to the City Hall and other city and county offices, its accessibility to New York by way of the bridge and Fulton ferry, its close proximity to Wall street ferry, across which and the bridge the attorneys from New York pass in going to and from New York to practice in the United States courts, and finally its accessibility to the multitude who have business at the office of the collector of internal revenue. It is within one block of the business center, upon a street which must in the nature of things become the great avenue from Brooklyn to New York. The business at the post-office is undoubtedly the most important to the general public, although under the existing system of collecting and delivering of letters by carriers it is not visited so much as it otherwise would be except for purchase of stamps, money-orders, &c. I append a report of the postmaster for the year 1883.

The business at the United States courts is very large in some branches of law, notably admiralty suits, one-fifth of all that are brought to court in the United States being tried in Brooklyn. I append statistics from the annual reports of the Attorney-General. The internal-revenue office located here is one of the largest and best managed districts in the country, and was visited in the month of May by 11,000 people for the transaction of business; its receipts aggregate three millions per annum.

It may not be improper for me to state that I have had no personal interest in the selection of any particular site. My action has been guided by reasons which seemed to me wise at the time. The honorable Secretary himself drew my attention to the Johnson-street site. I objected to considering it, and advised the selection of the property at corner of Adams, Willoughby, and Pearl streets. He then requested me to ascertain its cost. This I did, and it was found to be about $650,000. It was then, after having exhausted every desirable site near the City Hall, and when the Secretary had decided to take the Dutch church property alone, without the Court-street front, that I held it to be far preferable to buy the Johnson-street property and advocated its purchase.

The post-office—Annual report of Postmaster McLeer for 1883—*Larger cash receipts than in* 1882—*Increase in money-order transactions also.*

The following report of the Brooklyn post-office for the year 1883 has just been completed:

RECEIPTS.

From sales of stamps, envelopes, &c.	$349,767 65	
Box-rents, main office and stations	2,382 50	
Sales of waste	146 39	
		$352,296 54
Money-order drafts	182,500 00	
Money-orders issued	316,467 66	
Postal notes issued	2,101 55	
Fees on money-orders issued	3,676 63	
Fees on postal notes issued	30 00	
Surplus from stations	70,855 00	
Money-orders issued at stations	176,914 17	
		752,545 01
Total		1,104,841 55

DISBURSEMENTS.

Expense account for—		
Salaries	$56,297 50	
Rents	7,500 00	
Telephone	525 80	
Gas-lighting	1,975 31	
Repairs, &c	493 78	
Furniture	274 50	
Stationery, &c	407 79	
Fuel	330 75	
Incidental expenses	1,155 21	
Total expenses	68,960 64	
Free delivery:		
Paid carriers	$124,405 21	
Contingent expenses	3,412 00	
	$127,817 21	
Total expenses		$196,777 85
Money-orders paid	$560,284 59	
Postal notes paid	7,165 83	
Money-orders repaid	1,795 15	
Salaries and expenses	1,657 94	
Remitted to stations	4,390 00	
Total	575,293 51	
Money-orders and notes, paid at stations	177,211 50	
Total		752,505 01
Surplus, showing excess over all expenses		155,558 69
Total		1,104,841 55

TRANSACTIONS OF MONEY-ORDER DIVISION.

Central office:	*Number.*		
Domestic issues	12,334		
International issues	4,891		
Postal notes	2,701		
		$19,926	$575,630 84
Domestic orders paid	31,763		
International orders paid	3,111		
Postal notes and orders paid	3,656		
Orders and notes repaid	121		
		38,651	575,333 51
Total, central office		58,577	1,150,964 35
Stations:			
Domestic issues	7,432		
International issues	2,158		
Postal notes and issues	792		
		10,382	176,914 17
Domestic orders paid	5,242		
International orders paid	801		
Postal notes and orders paid	341		
Repaid orders and notes	13		
		6,397	176,211 50
Total transactions		75,356	1,504,090 02

MEMORANDUM OF MAIL MATTER HANDLED.

Total pieces received and dispatched			75,536,445
Handled by carriers:			
Registered letters delivered			60,462
Mail letters delivered			9,236,380
Mail cards delivered			2,476,677
Drop letters delivered			3,661,523
Drop cards delivered			2,372,373
Newspapers delivered			6,679,010
Letters returned to office			51,448
Letters collected, mail and drop			8,349,061
Cards collected, mail and drop			3,600,177
Newspapers collected, mail and drop			1,308,458
Total			37,795,569
Total for 1882			32,776,001
15.3 per cent. increase			5,019,568
Registered letters and packages delivered	$60,462		
Registered letters and packages dispatched	54,655		
Registered letters and packages in transit	5,852		
			120,969
Misdirected letters received from dead-letter office			695
Valuable letters received from dead-letter office			440
Valuable letters received from dead-letter office delivered			354
Valuable letters sent to dead-letter office			76
Letters delivered through boxes and to transient callers			501,500
Packages of books received from custom-house on which duties were collected			396
Short-paid letters for which notices were sent			15,200
Short-paid letters delivered and dispatched			15,034
Unmailable letters sent to dead-letter office	$17,212		
Unmailable cards sent to dead-letter office	1,912		
Returned to writer	14,210		
Fictitious letters sent to dead-letter office	304		
			33,638
Second-class matter deposited for mailing, pounds			270,351
Total mails received and dispatched			47,320
Total postal receipts, 1883			352,296 54
Total postal receipts, 1882			318,075 68
Increase, 1883			34,220 86
Money-order business, 1883			1,504,090 02
Money-order business, 1882			1,340,361 45
Increase, 1883			163,728 57

Statistics as to United States Courts.

[From the annual reports of the Attorney-General, 1882-'83.]

CIVIL SUITS TO WHICH THE UNITED STATES WAS A PARTY PENDING IN UNITED STATES DISTRICT AND CIRCUIT COURTS.

Courts held at—	June 30, 1882.	June 30, 1883.
San Francisco, for California	69	91
Chicago, for Illinois, northern district	48	39
Boston, for Massachusetts	193	192
Cincinnati, for Ohio, southern district	27	16
Philadelphia, for Pennsylvania, eastern district	337	185
Brooklyn, New York, eastern district	384	385

CIVIL SUITS TO WHICH THE UNITED STATES WAS NOT A PARTY PENDING IN UNITED STATES COURTS.

Courts held at—	June 30, 1882.	June 30, 1883.
San Francisco, for California	265	355
Chicago, for Illinois, northern district	1,953	1,896
Boston, for Massachusetts	1,364	1,765
Cincinnati, for Ohio, southern district	411	493
Philadelphia, for Pennsylvania, eastern district	849	876
Brooklyn, for New York, eastern district	1,106	1,227

ADMIRALTY SUITS.

Courts held at—	For the year ending June 30, 1882.		For the year ending June 30, 1883.	
	Begun.	Ended.	Begun.	Ended.
Boston, for Massachusetts	72	60	74	60
Philadelphia, for Pennsylvania, eastern district	90	103	94	83
Baltimore, for Maryland	85	61	133	107
Chicago, for Illinois, northern district	67	59	52	58
New York City, for New York, southern district	389	148	294	141
Brooklyn, for New York, eastern district	420	198	372	158

NOTE.—As far back as 1869, in an official statement to the Judiciary Committee of the House, it was said, "The business of the Brooklyn district alone last year exceeded that of both Boston and Philadelphia together."

CRIMINAL PROCEEDINGS TERMINATED FOR THE YEAR ENDING JUNE 30, 1883.

[From the annual report of the Attorney-General.]

	Customs.	Internal revenue.	Post-office.	Elections.	Total.
California	22	112	7	1	142
Massachusetts	11	33	3		47
Illinois, N. D.	6	67	16	7	96
Pennsylvania, E. D.	6	30	29	5	61
New York, N. D.	10	102	17	27	136
New York, S. D.	5	19	19	3	36
New York (Brooklyn) E. D.	11	25	1	6	43

AMOUNT OF JUDGMENTS IN ADMIRALTY CASES.

For the year ending June 30, 1883:	
New York city	$11,975 86
Brooklyn	30,960 78
For the year ending June 30, 1882:	
New York city	36,165 87
Brooklyn	36,821 75
For the year ending June 30, 1881:	
New York city	58,327 42
Brooklyn	39,789 33
For the year ending June 30, 1880:	
New York city	$21,906 05
Brooklyn	55,142 84

The total number of admiralty suits commenced for the four years, 1880, '81, '82, '83, in the cities of Boston, Philadelphia, Baltimore, New York city, and Brooklyn, was 4,256.

Of these more than one-third (1,454) were in the United States court at Brooklyn; and one-fifth of all the admiralty business in the United States is done in Brooklyn.

The following is the resolution as adopted June 5, and the report of the second subcommittee of investigation, with the resolutions adopted June 19, 1884:

Resolved, That the report of the Committee on Public Buildings and Grounds on the Brooklyn post-office site be recommitted, and that said committee be instructed to reopen the investigation with open doors, and inquire into the value of the site proposed to be purchased by the Secretary of the Treasury as to its actual market value on the 16th day of February, 1884, and whether the improvements on said site were included in the proposed purchase or were to be removed by the parties making the sale to the Government; also to inquire whether the site selected is a suitable one and the sum proposed to be paid therefor reasonable, and, if not, what site would be more suitable and the cost thereof, and whether the citizens of Brooklyn, N. Y., had any voice in the selection of the proposed site; also to particularly inquire regarding the value of the property owned by one William A. Husted, which is a part of this proposed site, which property is assessed on the map of the assessor's office of the city of Brooklyn, N. Y., at $29,900, for which the Secretary of the Treasury, it is alleged, proposes to pay $185,500; and that said committee be further instructed to send a subcommittee of three of its members to Brooklyn, N. Y., to inquire into all the facts, and be empowered to summon witnesses to testify as to matters herein stated, and to send for persons and papers, and to conduct such examination with open doors, and in such way as in their opinion will secure a fair and impartial inquiry, and to make their report within ten days for consideration; and that the expenses of such investigation, not to exceed the sum of $300, shall be paid out of the contingent fund of the House and be immediately available; and the Secretary of the Treasury is hereby requested to suspend further negotiation for the purchase of the proposed site pending the investigation and until the action of the House upon the report of the committee.

"The resolution adopted by the House on yesterday touching said subject is hereby rescinded."

In pursuance of the authority and in compliance with the instructions thus given, a subcommittee repaired to the city of Brooklyn, where they held open sessions in the presence of a number of citizens, besides counsel for those in favor of as well as for those opposed to the site chosen.

We called before us all the late owners of the different parcels of ground embraced in the proposed site, including those who held leases, and all of the attorneys and agents who had any part in the various negotiations, except one of the owners in fee of one lot, who is an aged lady, Mrs. ——, residing in New Jersey, and whose attorney has died since the execution of the contract, and the owner of one leasehold, Mr. Wahl, who has gone to Europe; and we were confirmed in the statement made in our former report, that in every case the actual amount was paid as stated by Messrs. Liebmann and Moody, except in the purchase of Mr. Husted's property, in which case an agreement was made that the deed of that property should be deposited in escrow, the consideration money to be paid upon the consummation of the purchase by the Government.

Although neither Mrs. —— nor her attorney was before us, we had the check for the full consideration, payable to the lady's order, by her indorsed, deposited, charged in Liebmann's bank account, and duly canceled; and we had the same evidence of payment in the case of Mr. Wahl, with the additional direct evidence of the attorney who saw the check delivered. In every instance the grantors and assignors of leases swore that there was no agreement or understanding by which the consideration was in any way to differ from that named in the written contracts. And all swore that there was no agreement or understanding by which, directly or indirectly, any one was to receive any portion of the consideration named as rebate, commission, or in any other way, except in some cases a broker's commission of 1 per cent. was to be paid.

In Husted's case there was the same emphatic testimony to refute any supposition of a secret agreement to alter or modify the written contract.

There is conclusive evidence that in two or three cases Mr. Liebmann was obliged to pay extortionate prices in order to secure the plot free from incumbrances and leaseholds. But the Government is not the victim, and is not required to pay any portion of these excessive charges. Mr. Liebmann is to convey to the Government a clear and perfect title at the price named, and he must lose the amount paid by him in excess of the limit imposed by the Secretary of the Treasury.

So that the committee reaffirm the statement contained in their former report as to the honesty and good faith of the entire transactions between the officers of the Government and those with whom they dealt.

The additional subjects which the committee were instructed to investigate are:

1. The actual market value of the site chosen on February 16, 1884.
2. Whether the improvements on the said site were included in the purchase or were to be removed by the parties making the sale.
3. Whether the site selected is a suitable one and the sum proposed to be paid therefor reasonable.
4. If the site is not suitable, and the price unreasonable, what site would be more suitable, and the cost thereof.
5. Whether the citizens of Brooklyn had any voice in the selection of the proposed site.
6. The value of the Husted property.

I.

We found it extremely difficult to ascertain the actual market value of the site chosen on February 16, A. D. 1884. One of the boundaries of the property is Washington street, which leads from the City-Hall square to the bridge connecting Brooklyn with New York. This has not hitherto been a business street, but the opening of the bridge has made it a considerable thoroughfare, and has caused the impression that this street will become a great avenue of trade and travel. It is supposed to be in a transition state. Whether because the owners were unwilling to sell or investors unwilling to buy, there had been no sales recently made which could be considered as standards of value.

The testimony upon this point varies so much as to be of but little aid in reaching a correct judgment. The estimates range from $150,000 to $450,000. The average would be about $300,000. And this, your committee think, would be a fair price under ordinary circumstances, taking each lot separately and aggregating the value of all. But in order to secure a plot of this size promptly, and prevent exorbitant demands of those who would realize their power to compel compliance or thwart the project, a liberal advance should be allowed upon estimates made without reference to the purposes and the necessities of the occasion.

While we think the price agreed upon is high, we are not prepared to say that it was exorbitant under all the attending circumstances. We do not believe the entire property could have been bought for a less sum at the time and for the purpose named. This in part answers the third subject committed to us.

II.

The improvements upon the property are covered by the sale, and will belong to the Government if the purchase is consummated. It is estimated that these structures will net the Government from $10,000 to $15,000.

III and IV.

It was agreed between those advocating and those opposing the site selected that the number of witnesses upon either side should be limited to ten. Subsequently another opponent of the chosen site appeared and was permitted to call five witnesses upon this point. Hence while but ten were heard in favor fifteen were heard in opposition to the site. Seven of the witnesses pronounced the site a good and suitable one, some of them saying it was "very suitable," "eminently suitable." One called it a "fair choice," and one had "no special objection to it," and one said it was "as good as any off the square." Nine witnesses declared the site to be unsuitable, some saying it is "very unsuitable," "very objectionable," "inconvenient and obscure." All of the adverse witnesses and some of those friendly to the site preferred other locations; but there was a wide disagreement as to which site should be chosen. Nine prefer the Dutch church property, seven the Myrtle avenue site, six the Mechanics' Bank, and four Flatbush avenue. The conflicting testimony of witnesses equally credible and equally prominent in Brooklyn renders the question very embarrassing.

The committee examined the site referred to, and concur in the belief that while the site is suitable for the purposes contemplated there are others far more suitable. But having already expressed our views upon the market value of the site, we do not know that we are called upon to report upon the alternative proposition set forth in the fourth subject of investigation. But, desirous of giving all possible information to the House upon the subject, we report that either the Dutch church property, with the Court street front, the Myrtle avenue property, or the Mechanics' Bank property would be preferable to the location chosen, namely, on Washington, Johnson, and Adams streets.

The Dutch church property alone can be bought for about $260,000. But, reserving an area of forty feet on either side, as required by law, there could be a frontage of only fifty-nine feet eight inches for the building, and this location would place the Federal building between the stately municipal building on one side and the rear of a row of business houses on the other. But the committee believe that this site would be an eligible one if the width of the lot as above stated should be considered sufficient for the erection of a building which would be adequate for the present and rapidly growing wants of Brooklyn. To purchase these business houses and add the area to the Dutch church property would make an admirable location; but the cost would exceed $500,000. Neither of the other sites designated as preferable to the one chosen (on Washington street) could be purchased for as low a price, and probably not for a sum largely in excess of $500,000.

V.

The committee in their former report stated all the information they had then obtained as to the efforts made to ascertain the wishes of the people of Brooklyn in respect to the site for their Federal building, namely, the appointment of a commission, which held public sessions, inviting offers of property and the views of the people. This occurred in the summer of 1883. Subsequent to that there does not appear to have been any special effort made to learn the wishes of the people. And as to the suitableness of the site finally chosen there is no evidence that the Secretary consulted with any citizen of Brooklyn other than one of its Representatives, Hon. D. R. JAMES.

VI.

The last point we were instructed to inquire into was the value of the Husted property. Upon this, as upon the other questions of value, there is a wide difference of opinion. The estimates range from $85,000 to $150,000. A fair average

would put this property, standing alone, at about $100,000. Inasmuch as it has a frontage on each of three streets, and was absolutely necessary for the completion of the plot, the owner was in the position to insist upon an excessive price. This property sold by itself, without reference to the acquiring of a large plot for a public use, would not have brought much more than half the price agreed to be paid for it.

Having fully reported upon the different subjects we were charged to investigate, we submit the matter to the House for such action as may be deemed proper. But we recommend the adoption of the following:

Resolved, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury or of some of his subordinates in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn have not been sustained.

Resolved, That the Committee on Public Buildings and Grounds be discharged from further consideration of the matters referred to them in this regard.

Rivers and Harbors.

SPEECH

OF

HON. D. H. SUMNER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 12, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. SUMNER said:

Mr. CHAIRMAN: The measure under consideration, the river and harbor bill, always provokes a good deal of discussion in Congress before its passage, and generally a large amount of criticism by the people after its passage. A river and harbor bill is not a general appropriation bill, but is, on the other hand, a special appropriation bill. Its passage is not at all necessary in order to provide for the general and necessary expenses of the Government. Its justification always depends upon whether it is within the policy of the Government to make such internal improvements as are necessary for the maintenance of general internal and external commerce. This always has been and still is the controlling question.

Congress has the constitutional power "to regulate commerce with foreign nations and among the several States." Under the first clause of this provision of the Constitution Congress has the control of external commerce, about which there is generally very little question. Under the second clause Congress has the control of internal commerce. Perhaps the best definition of internal commerce under this provision of the Constitution is that it is interstate commerce; that is, commerce that is carried on by, between, or through two or more States. In other words, it must be of a general and not of a local character. To improve or render available for use all such natural water ways as are needed for the establishment and maintenance of such commercial facilities as will enable the whole people to engage in commerce with foreign nations and the people of each State to engage in commerce with the people of any or all of the other States is clearly within the power of Congress.

The nature of the constitutional limitations on Congress is right the reverse of those upon the States. The General Government is prohibited from taking jurisdiction of such matters as are only of a local nature, and the States are prohibited from assuming jurisdiction of such matters as are of a national character. Such is the theory of our Government. It is what has given us our dual system—the State governments for all local matters and the Federal Government for all general affairs.

From the best information I have been able to obtain, I am led to believe that about one-half of the items for which appropriations are provided in this bill are local, and not general, in their character. By this I mean that they will benefit some one town, city, or locality, and can not be used in the line of general commerce. This I hold will be taking from the general fund provided by the whole people through a system of national taxation for general purposes and applying the same for the advantage of only a few persons, comparatively speaking, located at the place for which this special legislation is asked. Such schemes generally lighten the burdens of the particular locality, and in many cases make a few men rich, without appearing to add very much to the burdens of the masses of the people, and on this account sometimes go through almost unheeded. But this is no excuse for legislation that benefits the few at the expense of the many.

Because of this and other features of the bill I feel it to be my duty to vote against it. We are not allowed the privilege of voting for each separate appropriation, although they range from tens of thousands to hundreds of thousands of dollars, making in the aggregate an expenditure of more than twelve millions of the public moneys. For one, I feel like opposing this vicious system that compels a man to vote for many things that are not approved by his judgment, and are not within the provisions of the Constitution, in order to secure just and necessary legislation.

It will be observed that the power to make internal improvements of this character extends only to improving and rendering available those natural water ways which can be advantageously used in general commerce. In violation of this principle, it is proposed by what is called the "Hennepin Canal" clause of this bill to construct an artificial water way about one hundred miles in length, at an estimated cost of about $7,000,000, but which will in all probability require at least $15,000,000 before fully completed. In opening the discussion upon this bill it was said by those friendly to this provision that we must "remember the wonderful progress of the railroad system, upon whose exactions this is intended to be a check."

This, sir, to my mind is a very strange proposition. We are treated to an eloquent denunciation of what is assumed to be a railroad monopoly of the transportation business of the country, and then told that this bill is an intended antidote for their alleged exactions. This is an assumption that railroads are the enemies of the people, that the cost of transportation is increased by them, and that Government aid must be invoked for the revival of a system of transportation that is now practically only a matter of history. The only injury ever suffered by the people of this country on account of the railroads has been through the Government aid extended to them by grants of the public lands. When that policy was adopted the same men and the same classes of men that now demand Government aid for a system of water transportation with which to fight the railroads were equally loud in demanding land grants for the railroads when that was thought to be the shortest road to speculative riches. The men and corporations most to be feared by the people on account of their monopolistic tendencies are those who seek and obtain Government aid for what are practically private enterprises, under the false and delusive plea that they will be for the benefit of the people. Every act by which Congress extends its aid, so called, to individuals, to corporations, or to localities is in violation of the principles upon which our Government was founded. Dependence upon government belongs to those countries where the sovereign power is held to exist of right in the king and not to be inherent in and derived from the people.

Those persons who believed in Government aid for private enterprises shouted themselves hoarse in favor of land grants to railroad companies. Now, the injustice of such a legislative policy is fully appreciated, and the masses of the people are imperative in their demands for the righting of this great wrong so far as there is an opportunity for doing so upon principles of justice and equity. It is estimated that a hundred millionaires were created by that land-grabbing legislation, and that a million of the working people have thereby been deprived of the opportunity of obtaining desirable homes under the pre-emption and homestead laws. While the principle of all such legislation is wrong and its effects injurious, it would be much less reprehensible if it accomplished the proposed end. But that is very seldom the case. This is clearly demonstrated by our experience with these same railroad land grants. They were given upon the express condition that the roads should be completed within a given time, which was intended to be, and generally was, at a much earlier period than they would have been had their completion been delayed until warranted by the business arising from the natural growth and development of the country.

But the conditions were not fulfilled. The roads were not built according to the terms of the grants. Not even large Government subsidies could induce business men to violate the well-established laws of business. None of these land-grant railroads were built until the companies believed they could be run and operated at a profit. Undoubtedly they would have been constructed and put into operation just as soon without Government aid. In fact, it is claimed by many, and I believe it capable of demonstration, that this legislation practically put all these lands out of the reach of actual settlers, and in that way greatly retarded the growth and development of the country. Thus the intended object of the legislation was defeated by the very means with which it was expected to be accomplished. The results of class legislation are always the same. The principle is wrong. It matters not whether it is for the building of railroads, the construction of canals, or the advancement of any other special interest, it is sure to enrich the favored few at the expense of the masses of the people.

The best and most salutary period of all governments, no matter what the form, has been that which gave to the people the maximum of liberty consistent with the rights of person and property, with the minimum of restraint consistent with the peace and good order of society. When this point is passed and the number and power of the laws are multiplied, the burdens of the people are increased and the liberty of the citizen is absorbed into the power of the Government. Then special legislation is invoked for the benefit of privileged classes, great fortunes are accumulated by reason of such legislation, aristocracy is established upon the basis of wealth, and then popular government loses all its leading features and retains only the form and name. What was once a Government of the people, by the people, and for the people becomes a strong centralized power, and the citizen becomes a mere subject. It is just such legislation as is proposed by this bill that brings

about such results. It calls for large appropriations. Heavy taxation is necessary to meet them. The earnings of the workingman are no longer under his own control. The results of labor are divided into two funds: one for the mere subsistence of the laborer, and the other for the profits of the capitalist employer.

The laborer, who is the original producer of all wealth, is held in abject poverty, while the capitalist, who is a mere middleman and never thinks of earning anything except by handling the earnings of others, lives in luxury and rules the world. Just so long as the revenues of the Government are raised by a system of tariff taxation that increases the cost of the necessaries of life from 50 to 100 per cent., just so long will the workingmen pay not only the greater part of the legitimate expenses of the Government, but also all the special appropriations, no matter what class or classes they benefit.

When we come to consider that we are burdened with a public debt of more than $1,500,000,000, upon which we pay annually more than $70,000,000 interest, and that we are called upon for an annual appropriation of more than $60,000,000 for pensions over and above the ordinary expenses of the Government, which will not be less than $130,000,000 each year, it seems to me to be not only a constitutional but a high economic duty for us to raise our voices and cast our votes for "economy in the public expenditures, that labor may be lightly burdened."

The Count of the Electoral Vote.

SPEECH

OF

HON. JAMES O. BROADHEAD,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 21, 1884,

On the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, and also the substitute bill reported by the House committee.

Mr. BROADHEAD said:

Mr. SPEAKER: There are two propositions before the House on the subject of the Presidential count—one the plan recommended and adopted by the Senate, the other the plan proposed by the committee of this House as a substitute for the Senate plan.

The first—that is the plan proposed by the Senate—provides, that upon the day fixed for making the Presidential count, the two Houses shall assemble in the Hall of the House of Representatives in presence of each other. The President of the Senate shall be the presiding officer; he shall open the certificates; two tellers shall be appointed by each House, who shall read the certificates and make a list of the votes. Upon the reading of the certificates, he shall call for objections. If objections are made, the Senate shall withdraw, and the objections are submitted to both Houses separately; and if there is but one return from the State, the votes contained in the return shall not be rejected, except by the affirmative vote of both Houses. But when more than one return shall be received from any State, then the regularity of the returns is to be decided by the concurrent votes of both Houses; and no vote shall be counted except by the concurrent vote of both Houses acting separately. The plan proposed by the House committee provides for the appointment of two tellers by each House, who, upon the opening of the certificates by the President of the Senate, shall read the certificates and make a list of the votes. If objection be made, whether to a single return or when there are double returns or more returns than one, the objection is to be decided by the vote of both Houses acting together as one body, and the majority shall govern. But all objections must be made before the call of a State.

There are only three provisions of the Constitution relating to the subject of electors for President and Vice-President.

Article 2 provides:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

The next clause is as follows:

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

The next is contained in the twelfth amendment. This article of the Constitution, after providing for the meeting of the electors and their manner of voting, their making a list of the votes cast, and the certificate of the electors to the list of votes, and transmitting them to the seat of Government sealed, and directed to the President of the Senate, declares as follows:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

This is all there is directly upon the subject.

It is very clear that the persons to be present and authorized to act in this final count, and the only persons, are the two Houses of Congress and their presiding officers. In what capacity and how are they authorized to act?

The President of the Senate is to open the certificates—this much is settled and beyond controversy—"and the votes shall then be counted." By whom? If it had been intended that the President of the Senate should count the votes it would have been very natural and very easy to say, "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and count the votes." But I will not discuss this question, inasmuch as both the plans under consideration ignore the proposition and in effect declare that the President of the Senate has no such authority. It is left then to the Senate and House of Representatives. The certificates are to be opened before them; they are assembled together in presence of each other; they constitute the returning board; the votes are laid before them; they are to do the counting contemplated by the Constitution; and up to this point the advocates of both propositions are agreed. But are they to count as one conglomerate body or as separate and independent bodies? Here is the point of difference.

They are spoken of in the Constitution as the Senate and House of Representatives. It is in the presence of the Senate and House of Representatives that the certificates are to be opened. The Senate can only be the Senate as an organized body recognized by the Constitution as consisting of two Senators from each State. The House of Representatives is an organized body consisting of Representatives from each State. The Senators represent the State organism, the several political bodies organized with power to pass laws, levy and collect taxes, and establish police regulations for the government of the society embraced within the limits of the territory which constitutes the State; the House of Representatives represents the people of the States directly. The Senate is federal in its character; it represents the States without reference to population. The House is national in its character, the ratio for a Representative being ascertained by dividing the population of the whole Union or of all the States by the number of Representatives composing that body. The framers of the Constitution designed that these two bodies should be separate and distinct and independent of each other. Powers belonging to one branch of the legislative department of the Government are not possessed by the other. The Senate unites with the President in the making of treaties with foreign powers and in the appointment of officers. The House of Representatives has the sole power of impeachment, and all bills for raising revenue shall originate in the House of Representatives. "Each House shall be the judge of the elections, returns, and qualifications of its own members."

All these provisions show that they are to be treated and considered as separate and distinct bodies, and that in the discharge of their duties and powers under the Constitution they must act separately. If there is an exception to this rule it must be shown affirmatively; and in the absence of any such affirmative declaration, when they are required to act as a Senate and House of Representatives, they must act separately. The Constitution makes no such affirmative declaration in this case; it speaks of them as the Senate and House of Representatives. It is true they are in the presence of each other, but the organization of each remains as it was before they came in each other's presence; besides, the very same article of the Constitution treats them as separate bodies, for if it appear upon the count that no person has received a majority of the electoral votes, the House of Representatives shall choose immediately by ballot the President, and in the same way the Senate is required to choose a Vice-President. It is clear then, to my mind, that the two bodies in making this count must act separately, as there is no warrant in the Constitution for acting otherwise; there is no intimation that it should be otherwise. If it had been intended that they should act as one body, instead of speaking of the Senate and House of Representatives it would have said the members of the Senate and House of Representatives, or have used some words to indicate such intention, but the language is exactly to the contrary.

The objection to the bill offered as a substitute to the bill which passed the Senate is in the proposal to ignore the existence of the Senate and the House of Reprensentatives as separate and distinct bodies, and to constitute a tribunal called a *joint convention*, composed of members of the Senate and the House of Representatives. There is no precedent for any such action, nor do I believe there is any warrant in the Constitution that authorizes it. But the gentlemen on the other side say that if there is no precedent let us make a precedent.

But we can not make a precedent in conflict with the letter and spirit of the Constitution. When I say that there is no precedent for any such occurrence I mean that in every instance in which there has been an electoral count from the foundation of the Government down to the present time no such plan has ever been adopted, and while it will not do to say that there is a settled precedent to the contrary, the fact is that the electoral count was determined either by the President of the Senate or by the vote of the two Houses acting separately and independent of each other, just as they would do in the case of the passage of a law. It requires the separate action of each body to pass a law,

and so it requires the separate action of each body to determine an electoral count.

There are precedents in the history of this country to the effect that wherever a controversy occurred in regard to the counting of the electoral votes the action in regard to that controversy was taken separately by each House. Such was the case in 1817, when the votes of the three electors from the State of Indiana were objected to. The Senate retired from the presence of the House in that case, discussed the question separately, and acted separately, and so it was in all other instances where there was any occasion for action.

The first electoral count in 1789 was made by the President of the Senate. In this case there was no controversy in regard to the votes of the electors from any State; so that while you have precedents that these two bodies acted separately and independently of each other there is no precedent for the plan proposed by the committee. We can make no precedent in regard to so important a matter as this which is not warranted by the provisions of the Constitution. The gentleman will find no clause in the Constitution which authorizes any such proceedings.

When the Constitution declares "that the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted" we all admit that this count shall be made by the Senate and House of Representatives in some way. The power of the President of the Senate to count is, for the purposes of the question now before the House, not to be considered.

The Constitution then in effect declares that the vote shall be counted by the Senate and House of Representatives just as laws shall be passed by the Senate and House of Representatives, it requiring the concurrence of both bodies in either case. How can it be claimed by any just or fair inference from the language of the Constitution that the Senate shall lose its character as a Senate and the House of Representatives its character as a body recognized by the Constitution, and that they should for that purpose alone and on that occasion alone be merged into one body, with authority to form a new organization, elect new officers, and transact business in that capacity?

The Constitution does not even say that they should be in joint session, but only that the certificates should be opened in the presence of the two Houses and the votes counted. And then, if there is a failure to elect a President, the Constitution further declares that the House of Representatives shall choose immediately by ballot a President. And in case there is no choice for Vice-President, the Senate shall choose a Vice-President.

All of these provisions are contained in the same article of the Constitution. Looking to the fact merely of the two bodies being in the presence of each other when the certificates are opened, it would be a plain interpolation upon the provisions of the Constitution to say that, when these two bodies met in the presence of each other for the purpose of seeing the certificates opened and making a count of the votes, they should be resolved into a mass-meeting, and as such determine by a simple majority vote all questions that arose in regard to the electoral count.

By such a proceeding the power of the Senate as such would be destroyed. The authority invested in the Senators as representatives of the States would be annulled, and each Senator would have the same and no more power than each Representative. A Senator in all other cases and under all other circumstances speaks and acts for his State without regard to its population, be it great or small. But under this plan he exercises only the same power that is given to any one Representative in the popular branch of the national Legislature.

The whole theory of our National Government is that it is a government of a mixed character, partly national and partly federative in its features, and this idea is carried out in all the provisions of the Constitution. It is not a government of mere majorities, and this is shown by the fact that it often happens that a President of the United States is legally elected by less than a majority of the popular vote. This feature is necessary to give independence to the different States which compose our Federal Union and stability to the Government itself.

The fifth article of the Constitution declares that "no State shall without its consent be deprived of its equal suffrage in the Senate." This principle is announced and carried out in the various provisions of the Federal Constitution, and in none of these, as it seems to me, is it more distinctly indicated than it is in this clause of the Constitution, which provides for the selection of the Chief Executive of the nation, where it makes the Senate, as such, one of the bodies authorized to make the electoral count. It is very clear to me that in regard to the passage of laws, so, in the determination of the electoral count, it requires the concurrence of action of both of these independent bodies created by the Constitution—one representing the States in their independent character as organized political communities, and the other representing the people of the United States, and that these two bodies are units—acting as two persons—just as two or more officers acting as a returning board—each acts and votes separately, and in this case, there being but two authorized to act, it requires the concurrence of both to produce a result.

And now as to the mode of action in case of objection to the returns. The electors are appointed in such manner as the Legislature of each State may direct; and the only limitation upon this power is that Congress may determine the time to choose electors and the day on which they shall give their votes; all else is to be left to the States; and in this regard the laws of the respective States are to govern. Whatever direction may be made by the laws of each State as to the manner of choosing electors is to govern and control the Senate and the House of Representatives in determining any question that may arise as to the votes from any such State, for the reason that the Constitution gives to each State the same power of providing for the manner of choosing electors. Whatever, therefore, is done by the State officers in pursuance of the State laws passed for such purposes is binding and conclusive upon both Houses of Congress in determining the electoral count.

But in case it is claimed that the law has been violated in choosing electors or where there is a controverted question presenting itself when the certificates are opened as to who has been chosen to the office of elector, the tribunal of ultimate resort, the Senate and House of Representatives of the United States, must determine. How far this tribunal may go behind the return of the State officers it is unnecessary to inquire at this time, but certainly where an objection is made to counting a particular vote or where there are two sets of electors presenting certificates of votes cast, each claiming to have been elected in pursuance of the laws of the State from which they come, or where there is a double return made from the same college of electors, this tribunal may determine and must determine what votes are entitled to be counted, and having the right to determine this question, they must be governed by such evidence as is sufficient in their opinion to enable them to determine it.

It is claimed that the second section of the act passed by the Senate is unconstitutional. That section reads as follows:

SEC. 2. That each State may, pursuant to its laws existing on the day fixed for the appointment of the electors, try and determine at least six days before the time fixed for the meeting of the electors any controversy concerning their appointment or the appointment of any of them. Every such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive evidence of the lawful title to office of the electors who shall have been so determined to have been appointed, and shall govern in the counting of the electoral votes as provided in the Constitution and as hereinafter regulated.

Now, while I do not say that I approve of all the provisions of this section, it seems to me that it is clearly constitutional. It means this and this only: that whenever a State shall make provision by law for determining any controversy in regard to the appointment of electors from such State, and there shall be a determination of such controversy by the State authorities, made six days before the time of the meeting of the electors, such determination on the part of the said authorities shall be conclusive evidence that said electors have been appointed, and shall govern the House of Representatives and the Senate in counting the electoral votes. It merely fixes the rule of evidence, which shall be couclusive in the determination of the electoral count. If the State fails either to pass any such law, or if there is no determination by the State authorities in regard to such controversy, it leaves the matter to be determined by the best evidence which may be brought before the tribunal making the count of the electoral vote. The State is not bound to pass any such law or to determine any such controversy, nor can the Congress of the United States compel the State so to act.

I am not sure but that it would be better to leave the whole question to be determined by the Senate and House of Representatives when they come to make the final count. It would be perhaps wiser that all such questions should be determined by this tribunal, in the face of the whole nation and under the responsibilities which rests upon it at so important a crisis, than to leave it to be determined by separate State action which shall be binding upon them. But however this may be, there is nothing in the section in violation of the Constitution. It is simply a provision for adopting a mode by which questions of dispute in regard to the appointment of electors may be determined by the State tribunals.

The Senate and House of Representatives being organized to count the votes, it follows that they must determine what votes are to be counted and all controversies in regard to such votes. And that in making this count they must be governed by the State laws in force at the time of the appointment of electors, because the Constitution gives to the States the right to direct the manner in which these electors shall be appointed; but of course the Senate and House of Representatives must judge as to whether the State laws have been complied with in each particular case, and how far they have been complied with by the ordinary rules of evidence that prevail in such cases.

According to the well-settled principles of law, international and municipal, in every civilized community, the acts of public officers are presumed to be valid; and whatever papers come before them in the form of certificates purporting to be the acts of public officers of a State under its laws must be presumed to be correct. The power is given to count the votes, and under that clause of the Constitution which gives to Congress the power to make all laws "which shall be necessary and proper to carry into execution all powers vested by the Constitution in the Government of the United States, or in any department or office thereof," Congress has the right to pass a law to determine the manner

of making this count of votes. It has the power to say by law how these two bodies when they meet in the presence of each other shall be organized; how they shall act; how their votes shall be taken upon any given proposition; and also by what rules of evidence they shall be guided in coming to a determination upon any controverted point.

This the bill, the Senate bill and the House bill, have undertaken to do, and there is no material difference in the provisions of the different acts in that respect, except that the Senate bill does in the second section provide for a character of evidence which shall be conclusive on both bodies in making their count. There is this difference, however, in the modes of action under the two plans:

According to the plan proposed by the House committee, whenever an objection is made to a return, or whenever more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, the presiding officer of the joint convention shall submit to the members thereof the determination of the questions involved, which shall be decided by a majority of the votes of the joint convention.

According to the plan proposed by the Senate, upon the reading of each certificate the President of the Senate shall call for objections, if any; and when all the objections shall have been made to any vote or paper the Senate shall withdraw and consider the objections, and the Speaker of the House of Representatives shall in like manner submit the objections for the consideration of that body. But no electoral vote or votes from any State from which but one return shall be made shall be rejected except by the affirmative vote of both Houses. But if more than one return from a State shall have been received, then those votes only shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally-appointed electors of such State.

These provisions proceed upon the constitutional idea that the concurrent action of both bodies is required. When there is but one return, it being the act of a public officer, it is *prima facie* correct, and requires, therefore, the concurrent action of both bodies to overturn it. When there are two returns, the two *prima facie* cases offset and destroy each other, and it requires the affirmative action of both bodies to determine which is the true return.

In this discussion it has been claimed that the House of Representatives is really the body alone authorized to make the electoral count, and upon this ground that:

"Being charged with the duty of electing a President in a defined contingency, of course the House of Representatives alone can judge when that contingency shall arise. To this end it must of necessity examine and count the electoral vote; it must count to ascertain its total number, that it may learn what a majority of that number is."

The answer to this is that the House does count under any theory, but the idea seems to be that if the Senate counts at the same time, the count made by the House amounts to nothing; in other words, the House of Representatives gets no information, can not learn what a majority is, or whether there is a majority by making a count of the votes, if some other body or some other person makes a count at the same time this is simply absurd.

The House of Representatives is an independent body. It must determine for itself when the contingency arises which authorizes it to elect the President from those, not exceeding three, who have received the highest number of votes; and as all the certificates are to be opened in the presence of the House as well as the Senate, I see no difficulty in enabling them to obtain all the information necessary to determine this question. Besides, as has been well argued by the gentleman from Alabama [Mr. HERBERT], the same argument would apply to the Senate, which, in a contingency provided for in the same article, has authority to choose the Vice-President. With all due respect to my friend from Connecticut [Mr. EATON], whose opinion upon these questions I value most highly, I cannot see the force of this argument.

And now, Mr. Speaker, permit me to say that it is all-important that we should at this session adopt some rule by which the electoral votes are to be counted, and we can not expect that the Senate will ever consent to a rule which for the time being puts that body out of existence; which gives to each Senator a voice no more potential than that of a member of this House in determining matters of such vital importance to the people of this country. This is not a party question, and no considerations of party fealty or party supremacy ought to enter into its consideration. The interest of all parties, the peace and welfare of our common country, may be dependent upon the speedy settlement of this question. We have before us a Presidential contest. The forces are already being marshaled for the conflict. That this contest will be fierce, bitter, uncompromising, we have every reason to believe. It may be close; I trust not; but the electoral vote of one State, or one electoral vote, may determine the result.

How important, then, is it that we should determine by law plain and unmistakable how this matter is to be decided. The people will submit to law and to a lawful settlement of almost any controversy when the law is made plain to them—for they know that without law there is no liberty, no security; but be assured that they will not again submit to any questionable device by which the election of President may be determined. Many of us believe that there are more important issues involved in this contest than the mere question as to whether this man or that man should occupy the Presidential chair for the next four years. Behind this and above it, rising far superior to the personal ambition of one man or of one party, are questions that may determine for weal or for woe the destinies of this people for unnumbered generations to come. I hope therefore that we may lay aside all considerations other than those which look to the determination at this time and during this session of some plan which will leave no doubt as to how and by what tribunal the Presidential count is to be made.

Contract Labor.

Service shall with steeled sinews toil,
And labor shall refresh itself with hope.
—*Shakespeare.*

SPEECH

OF

HON. JAMES H. HOPKINS,

OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884.

On the bill (H. R. 2550) to prohibit the importation and immigration of foreigners under contract to perform labor in the United States, its Territories, and the District of Columbia—

Mr. HOPKINS said:

Mr. SPEAKER: The power to prohibit the introduction into this country of an undesirable element of population is simply the natural right of self-defense. The fathers of the Republic declared one great purpose of the formation of the Government "to be to secure the blessings of liberty to ourselves and our posterity." This was not intended to restrict the enjoyment of these blessings to the framers of the Constitution and their direct descendants, as is evident from the fact that provision is made in that instrument itself for the naturalization of foreigners. But it is also evident that fears were entertained that too many involuntary immigrants might be brought here. And hence the power was given to Congress to impose a heavy tax upon such imported persons, and to entirely prohibit their admission to the country after the year 1808. Undoubtedly the steady importation of slave labor was the special evil to be guarded against. And the petitioners for the pending bill allege that a system of servile labor is now being introduced into this country in violation of the spirit, if not of the letter, of the prohibition. And the evidence taken before the Committee on Labor, to some extent, sustains this allegation.

But if this were not so, it is not only the right but the duty of Congress to interpose its power to prevent the introduction of persons whose presence would prove injurious to the "general welfare." It is our first duty to protect our own citizens against the pauperism, disease, and immorality of aliens. An examination of the testimony clearly shows that there are just grounds of complaint against certain classes which have within the past few years been brought into our midst.

It must be remembered that these objectionable people are not voluntary immigrants. They have not sought homes here because of attachment to our free institutions. They indicate no intention of becoming citizens; they manifest no respect for our Government; they do not assimilate with our people; they do not endeavor to conform to our customs; they do not strive to rise from the degraded condition in which they were found in their native country; they show no appreciation of freedom or the advantages and opportunities it offers to manly endeavor; they pay no taxes; are not subject to military service; in short, they bear no portion of the burdens of the Government, and are, therefore, entitled to no share of its benefits.

We have justly boasted that this country is an asylum for the oppressed of all lands. Our doors have always been open and a cordial welcome has ever been and ever will be extended to all who flee hither to escape oppression and enjoy constitutional liberty. The very act of making this their home by voluntary adoption shows a knowledge of our institutions which caused the exercise of volition. Such immigrants promptly take the necessary steps to secure the rights and assume the duties of citizenship. So far as I have heard in the investigation of this matter there is no one anywhere disposed to interfere with, or in the slightest degree obstruct, this class of incomers. But there are others actuated by no such motive, having no such purpose, who are influenced solely by a mercenary consideration to come here temporarily, gather what they can, and return to their homes. Such people have no claim upon our consideration. While this country is an asylum for all, it is not a field for all to raid over and ravage and then abandon, bearing away their spoils.

Almost every argument which has been used, and used effectually,

against the admission of the Chinese will apply with equal force against those from whom this bill is particularly designed to protect us. It has been proved that the Sclavonians and debased Italians who are brought here under contract have no family ties; they have no sacred shrine called home; they have no religious emotions or impulses; they kennel together like brutes, are disgustingly filthy in their habits and bestial in their appetites; they treat women with the utmost cruelty, and that is an unmistakable evidence of barbarism.

Mr. Speaker, no one can read the testimony taken by the Committee on Labor without a sigh for humanity and a shudder for those of our citizens who may be brought in contact with such revolting objects. Such an element is as dangerous as dynamite, as loathsome as leprosy. While philanthropy would prompt us to minister to these creatures, patriotism impels us to protect our own people from their demoralizing presence.

It is true, Mr. Speaker, that this Republic has grown in strength and wealth and glory by the commingling of different types of civilization; but all of these had elements of assimilation and readily blended together in a homogeneous whole. Each contributed something to the common stock of physical power and mental vigor; and in a generation or two all traces of the diversified origin disappear, and all are distinctly recognized as one great family, knowing but one nationality, and connected together by a common interest and a common hope. And in order to perpetuate the Republic and secure its prosperity we must see to it that we have a congenial and homogeneous people. It is our duty as legislators to exclude from our midst all who give no promise of patriotic fellowship.

Ireland, Germany, France, Sweden, Switzerland, England, Scotland, and Wales have sent of their best blood to mingle and grow richer here. Our priceless mines, our boundless acres, our wealth of forests, our varied industries, our liberal Government extend an open and cordial invitation to all of these and other countries who come to live with us and become part of us. This bill stands in the way of none such. But it says to those who may be lured by hire alone, there is no room here for aliens seeking to snatch the bread from our hungry citizens and recross the ocean to eat it in their native hovels. To permit this would be unjust to our own people who help to support the Government. And besides its injustice I have showed its demoralization in so far as those are concerned whose character, habits, and manner of coming have aroused the fears and prompted the present agitation of this subject.

I have already said that the class of immigrants referred to is dangerous to our institutions. They are so debased and ignorant as to be on the border line of barbarism. The only idea they have of government is that force is the dominating power. They have no conception of free self-government by a people, and hence we find they mistake liberty for license and abuse the privileges of domicile. I speak from the facts disclosed by the testimony, and of course speak only of the classes described. Doubtless there are in these classes individuals of character and energy and ability, who have come and would still come here under contract without intending to become naturalized; but we can only legislate for classes, not for individual exceptions.

It is also true that there have been classes of workmen far above the Sclavs and Italians alluded to who have been brought to this country under contracts made abroad. The objections to the presence of the brutalized and degraded do not apply to those now referred to. But even as to them this bill will prove a benefit. Mr. Martin, Mr. Morgan, and Mr. Leach, intelligent officers of the Amalgamated Association of Iron and Steel Workers, gave to the Committee on Labor detailed statements of the importation under contract of large bodies of foreign workmen induced to come by delusive stories and false representations, the real purpose of their employers being to supplant their former employés or coerce them into acceptance of lower and unremunerative wages. The American laborers need the protection of this bill against such unfair competition; and foreign workmen need this protection against the imposition which may be practiced upon them by those whose avarice might prompt their importation, but whose heartlessness would turn them out friendless and homeless in a strange land when they had served the purpose of their coming.

It seems to me, Mr. Speaker, that all classes of political economists can support this bill. The protectionists can not oppose it without avowing that their professions have been hypocritical. To exclude the products of pauper labor and admit the pauper labor itself is inconsistent and illogical. And the revenue reformers can support this measure, because it is intended to protect our own citizens against the capitalist as well as the foreign pauper; and in doing so it levies no tax upon our own people.

Mr. Speaker, I venture the assertion that in the whole course of our legislative history there never has been received such a mass of petitions in favor of any measure as has come up from all corners of the country demanding the passage of this bill. The signatures can be counted by the tens of thousands and the petitions can be measured by the mile. The various labor organizations have spoken in no uncertain voice in demanding the passage of this bill; and these organizations will command that respectful attention which their numbers, intelligence, and character deserve.

Mr. Speaker, I have discussed this question without indulging in any demagogy and without any attempt to make political capital. In that spirit I think all economic, humane, and patriotic questions should be considered in this legislative body. We may well question the sincerity of those who, professing to support this just measure, pervert the discussion into partisan harangue, and display a greater anxiety to secure political success than to promote the interests of our working people.

I have been amazed at the remarks of the gentleman from Michigan [Mr. CUTCHEON] in pretended advocacy of this bill, but full of adverse criticism and unwarranted comments. That gentleman's eulogy of the Republican party in connection with labor legislation is ill-timed and unwise, because it is not based upon historic truth. In the boastful assumption of credit to the Republican party for the passage of the homestead law, the gentleman must have forgotten that the first homestead bill was introduced into the House of Representatives by Stephen A. Douglas in 1849, and in the Senate two weeks later by Andrew Johnson, both honored members of the Democratic party. The agitation of this great question was begun by these great Democratic leaders long before the Republican party was born.

And the gentleman was no more fortunate in his allusion to Chinese immigration. It was his own party which opened the doors, invited and encouraged these people to come, and when they became a nuisance and a danger to our civilization, and their exclusion was imperatively demanded, a Republican President vetoed the first bill that was passed; and of the votes cast against the bill which became a law a majority of them were by Republicans. And during the present session of Congress, upon the bill to perfect the former law, every one of the opposition votes came from Republican Representatives.

The gentleman from Michigan [Mr. CUTCHEON] supplements his own groundless boast by copious extracts from the recently adopted platform of his party. But that is a bold and bald assumption of virtues which the party does not possess. For more than twenty years that party held undisputed power to pass any measure which they desired. Year after year the laboring people of the country cried out for some recognition, for the enactment of some laws in their interest; but their demand was unheeded, and now when a Democratic committee has reported and a Democratic House has passed a bill to establish a bureau of labor statistics this Republican party, which persistently refused to pass it, seeks to steal from the Democracy the credit of that measure. And the same is true of the pending bill. The evils to be guarded against have existed for years. The Republicans when they had the power to give relief refused to exercise it. Now that the Democracy have interposed and are about to enact the needed law, the attempt is again made to snatch from them the honor.

Further than this, in his imprudent zeal in behalf of his party the gentleman from Michigan suppresses the fact, of which he certainly is aware, that his party in 1864 passed an act to encourage the importation of labor under contract, and provided for the mortgaging of the laborers' wages for twelve months.

The reckless disregard for consistency and for the truth of history of the Republican party is further shown by its declaration in regard to the public domain. After ruthlessly despoiling the nation's patrimony to enrich gigantic corporations, after giving away about 200,000,000 acres, they have the unblushing effrontery to proclaim that they are in favor of preserving the public domain for actual settlers.

While the Democracy are laboring to wrest from the corporations unduly favored by the Republicans the vast areas of lands illegally held, because unearned, distinguished Republicans have stood in the breach opposing the effort. And yet the national convention of that party hypocritically declares in favor of the forfeiture of the very grants which in their profligacy they made.

I regret, Mr. Speaker, the attempt of the gentleman from Michigan [Mr. CUTCHEON] to divert the discussion of the pending bill from its legitimate course into a partisan channel. It seems to me it would have been in better taste, if the gentleman really favors the bill, to criticise it frankly and fairly rather than to sneer at its author and misrepresent and abuse his party. I have no doubt the author of the bill [Mr. FORAN] and the Committee on Labor would have been glad to receive any suggestions from the gentleman which would tend to perfect the bill. But his main purpose seems to have been to bring discredit upon the bill and glorify his party at the expense of the measure he pretends to favor.

The gentleman from Ohio [Mr. FORAN] has labored long, conscientiously, and intelligently in behalf of the working classes; and the slur sought to be put upon him is unprovoked and unmerited. The assailed will suffer less than the assailant, and I may further remark to the discomfiture of the gentleman from Michigan that this identical bill has received the approval of the labor organizations.

Nor will the Democratic party suffer from the groundless abuse heaped upon it. No one of intelligence can be deceived upon these questions. The Democratic party has ever been the natural and consistent friend of the poor man. It has watched his interests with jealous care; it has always stood between him and the arrogance of capital and the heartlessness of corporations; it has encouraged and promoted his prosperity, and strengthened his arms and cheered his heart in the hard battle of life. The Democratic party's devotion to the interests of labor does not ex-

haust itself in shallow resolutions and empty declarations, which are but delusive words; but it verifies its sincerity by acts. It distinguishes its accession to power in this House by the passage of practical measures of recognition and relief of the working classes; and it will move straight on in this path of pleasant duty despite the snares and obstructions of its opponents. And its reward will be not only the grateful appreciation of "the sons of toil," but the consciousness that it is elevating manhood and is thus strengthening and adorning the temple of liberty.

Rivers and Harbors.

SPEECH

OF

HON. THOMAS J. HENDERSON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. HENDERSON, of Illinois, said:

Mr. CHAIRMAN: I did not expect to address the committee at this time, and would not have done so but for the remarks of the gentleman from Wisconsin [Mr. JONES], which perhaps demand some reply from the friends of the so-called Hennepin Canal.

The gentleman from Wisconsin says that if this canal is of interest to any portion of the country it is to the people of the Northwest. I say that it is as much to the interest of the people of the Eastern and of the Middle States to build this canal as it is to the people of the Northwest. If it is of interest to any portion of the country to construct this canal it is for the reason that it will secure cheaper transportation to the people in connecting the lake system of navigation with the upper Mississippi River. This canal will give a continuous line of water transportation from Quincy and Saint Paul to the city of New York. And I say to the gentleman from Wisconsin and to the gentlemen from New England and New York that in my judgment this canal is a national work, and will benefit the East as well as the West in maintaining our commercial relations and promoting our commercial interests.

It has been frequently stated here and urged against the building of this canal by the United States that the Erie Canal was built by the State of New York. But while it is true the Erie Canal was built by the State of New York, it is also true that it has been paid for by the people of the East and the people of the West, who have shipped their commerce over it, and who have not only reimbursed the State of New York for every dollar expended in the construction of the canal, but have paid into the treasury of the State of New York, over and above the cost of construction, maintenance, and repairs, according to the official reports, more than $41,000,000. Mr. Chairman, no one who has not investigated the subject knows or can have any idea of the great benefit which the Erie Canal has been to the commerce of the country. I say without hesitation that in my opinion the State of Illinois alone could afford to maintain the Erie Canal for the benefit it is to that State, saying nothing about other States of the Northwest, in cheapening transportation upon her products and her commerce.

Mr. POTTER. Then let Illinois build this canal.

Mr. HENDERSON, of Illinois. The gentleman from New York says, "Let Illinois build this canal." That would be very well, Mr. Chairman, if Illinois alone were interested in the building of this canal. But the truth is that Iowa and other States are really more interested in its construction than is the State of Illinois. Any member who will take the pains to look at the map of the United States will see that this proposed canal is in the northwestern portion of Illinois, and that the people of the State living east and south of the Illinois River are not so much interested in the Hennepin Canal as are the people of Iowa and the Northwest. But, Mr. Chairman, I put this question upon broader grounds. It is a national work and of national importance. It will benefit many States and many sections of the country; and therefore it should be constructed by the United States and in the interest of all the people, East as well as West and North as well as South, for whatever benefits a part of the States of this great country must add to the glory and prosperity of the whole. The gentleman from Wisconsin has said that there was not much consideration given to this question in the committee. I do not know how he obtained his information. But the truth is Congress has had its attention directed to this measure for many years. This canal was projected fifty years ago. John C. Calhoun, when Secretary of War in 1819, I think, made a report in favor of the construction of a canal to connect Lake Michigan with the Mississippi River, urging it at that time, among other reasons, because a national armory and arsenal would probably be located at its termination, which will be the fact if this extension is made from the Illinois River to the city of Rock Island.

It is true that since that time the conditions of the country have changed. We have railroads to-day and had none at that time. But if you are going to give the benefits of cheaper transportation to one portion of our country by constructing locks and dams to improve rivers otherwise wholly useless for navigation, do not deny improvements like this, which will be a hundred times more beneficial to the commerce of the country. Do not improve rivers in other parts of the country, when in so many cases but few people and but little commerce are benefited, and then say to the millions of people interested in this improvement, "You must construct this canal yourselves, or the State of Illinois must construct it for you."

If money is to be expended out of the national Treasury for internal improvements to give the people greater facilities and cheaper transportation in shipping their commerce, I am sure there is no work in this bill now under consideration that will benefit so many people and so much commerce, in cheapening transportation, as this proposed canal; and certainly there is none more worthy of such expenditure.

The gentleman from Wisconsin has also said that this canal does not go on the most available route. Mr. Chairman, so far as I am concerned, it is known that I am not tenacious about the route of this canal. I am anxious to have the canal built somewhere, and will be satisfied with any one of the routes surveyed; but I will say to the committee that this canal is proposed by this bill to terminate at the city of Rock Island, where there are three cities with perhaps 50,000 inhabitants, where railroads converge from various portions of Iowa and Illinois. The other route mentioned by the gentleman terminates on the Mississippi River, where there is at present no town, no city, and where no railroad terminates.

Besides, sir, on Rock Island there is located the largest armory and arsenal in our country, if not in the world. This canal, if built to Rock Island, may therefore be of great interest to the Government itself. I have said that there are at that point three cities of 50,000 inhabitants—Rock Island, Davenport, and Moline.

I wish to call the attention of the committee to some of the statistics of these three cities, and perhaps no better statement can be made to show how the people of Pennsylvania, how the people of New York, and how the people of New England, as well as the people of the West and Southwest, may be interested in the construction of this canal.

I read from the report of the engineer who had charge of the survey of this canal.

A single locality may here be specifically mentioned as furnishing significant illustration of the general fact thus urged to attention. The tri-cities of Moline, Davenport, and Rock Island (to name each in order of its manufacturing importance) have had their respective business interests carefully revised, in statistical form, at the close of each year, for the columns of the Davenport Gazette. The last of these reports, that of January 1, 1883, for the year 1882, presents some noteworthy figures: A single plow manufactory establishment at Moline (Deere & Co.) consumed in 1882 1,110 tons of steel, 3,000 tons of wrought iron, 900 tons of pig iron, 300 tons of malleable iron, 2,000,000 feet of oak and ash lumber, 400 tons of grindstone—

And grindstones come from New England, I believe—

thirty tons of emery, and two hundred and fifty barrels of oil and varnish, employing weekly seven hundred men. Another establishment (the Moline Company's plow works) used only a less aggregate of similar material, the value of the product of these two establishments footing up to $2,500,000 for the year. The Moline Wagon Company manufactured goods to the value of $625,000, the Deere Planter Company to the value of $600,000, the two malleable iron companies to the value of $280,000, the machine, engine, and boiler shops to the value of $480,000, the paper mills to the value of $150,000, the pump factory to the value of $125,000, while the saw-mills and other establishments aggregated a yield of products exceeding in value a million dollars more.

That is the information relating to only one of these three little flourishing manufacturing cities (Moline), which get their supplies largely from Pennsylvania—certainly of iron, steel, and coal—and who also get their hard lumber from other parts of the country. They send their manufactures, the plows and other agricultural implements and machinery, throughout the country by water or rail.

We come now to what is said of the other two of these three cities, Davenport and Rock Island. I again read from the report of the engineer:

In Davenport the enumerated manufactures of the year—agricultural implements, lumber, flour, oatmeal, glucose, carriages, woolen goods, cigars, clothing, &c.—aggregated a value of $5,864,876, and the value by jobbing houses the sum of $8,046,730; the shipments of local freight by three railroads, 17,536 carloads, and the receipts, 16,653 car-loads. In Rock Island the plow works manufactured goods in excess of a million dollars in value, the glass works to the value of $200,000, stove works to the value of $100,000, the saw-mills 80,031,566 feet of lumber only, and 18,328,750 shingles, 16,653,000 laths, and 198,650 pickets. If to this partial exhibit of the manufacturing interest of Rock Island city were added those of the United States arsenal on Rock Island the aggregate of railroad shipments would be 17,982 car-loads shipped, and 18,258 forwarded by four roads, including the receipts and exports of coal, largely mined from the extensive coal-fields lying within an area of fifteen miles east and northeast of Rock Island.

There we have an exhibit of the three cities of Davenport, Rock Island, and Moline, at the western terminus of the route, as provided in this bill. And it seems to present forcible reasons for the termination of the canal at Rock Island.

It must be remembered that the Mississippi River runs west and south from Rock Island, and that you are constructing this canal, if it

shall be constructed, for the benefit of those who live below as well as above its termination on the Mississippi River. But, Mr. Chairman, let this canal be built somewhere. I ask it in the name of the 2,000,000 people in Iowa, who are deeply interested, and who through their governors and Legislatures have for many years been by joint resolutions and memorials urging Congress to construct this canal. I ask it in the name of the State of Illinois with her 3,000,000 people, whose Legislatures have also repeatedly urged Congress to construct this work, not only for the benefit of the commerce and people of Illinois, but of the entire country. These two States contain more than 5,000,000 people and more than one-tenth of the population of the United States. They contribute their full share to the revenues of the General Government, now being appropriated in this bill for works of much less importance to the commerce of the country than this canal; and not only that, but they contribute their full share to all that makes this country great and prosperous.

The Calumet River and the City of Hammond.

SPEECH

OF

HON. THOMAS J. WOOD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repairs, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. WOOD said:

Mr. CHAIRMAN: I have an interest in this bill on account of the proposed improvement of the Calumet and Wabash Rivers in the northwestern part of the State of Indiana. My first duty is to my constituents, to whom I must account for my conduct here, and I would fail in the duty of a Representative if I neglected to support their interest or their rights upon this floor. The Calumet River has come into prominence in the last few years as a navigable stream from the splendid harbor at South Chicago on Lake Michigan, to the city of Hammond, in Lake County, Indiana. I ask in this bill an appropriation for the final survey and estimates of the cost of the improvement of this stream for a distance of about fourteen miles, and for the reason that heavy business enterprises are begun and projecting all along its banks that promise a magnitude not known at any other point in the West.

Hammond has grown from a small village in 1870 to a growing city in 1884. Her increase in population, in volume of business, and substantial growth in the few years past stands without a parallel in the Northwest. Hear me for a moment while I state some of its advantages and enterprise as a coming commercial and manufacturing city. It is located on the Grand Calumet River, near the west line of the State of Indiana, and about eighteen miles from the center of business in Chicago. Her railroad facilities are not excelled anywhere. I give a list of them, and the varied regions they penetrate, to show the easy access to materials used in every branch of industry:

Michigan Central, through Southern Michigan, and gives connection with the pine lands in the North.

New York, Chicago and Saint Louis (Air Line): East to New York through Cleveland, Buffalo, &c.

Chicago and Atlantic (Western Erie system): Opens up entirely new hard-wood country.

Louisville, New Albany and Chicago (North and South): Gives direct connection to all Southern points, and penetrates Indiana block-coal region.

Chicago Belt Line Railroad, connecting with and giving us Chicago shipping rates over the following: Chicago and Northwestern, Illinois Central, Baltimore and Ohio, Chicago, Milwaukee and Saint Paul, Chicago, Burlington and Quincy, Chicago, Rock Island and Pacific, and others.

In the near future railroad-car building shops will be completed upon land purchased for the purpose, which will employ hundreds of laboring men and skilled workmen.

The great slaughter establishment on the margin of the Calumet River has grown to many times its original capacity through the skill, care, and energy of M. M. Towle, the founder of this substantial young city. I believe I am correct when I say that there are slaughtered from 800 to 1,500 cattle per day in this establishment, and the dressed beef is shipped in refrigerator-cars to New York, Boston, and over the sea to Liverpool.

I can not take the time of the House in giving in detail the business of this fast growing city, but will say there are first-class lumber-yards, many large and active manufacturing establishments there, employing many hundred men. The lumber and building material, coal, and other heavy freight coming from Lake Michigan down the Calumet River to this city amounts to a large sum annually, and is carried over the numerous railroads to all parts of the country. In fact, lumber can be bought $1 per 1,000 feet cheaper here than it can be bought at the lumber yards or docks in the city of Chicago, and it can be shipped to all points south by convenient railroad, including Louisville, Evansville, and southwest to Saint Louis and Kansas City.

The lumber trade bids for wonderful growth here, for the reason $1 per thousand feet saved is a wide difference in the purchase-price of large cargoes, every foot of which will come down the Calumet River to this city. This water way opens up the lumber trade of the great lakes, where the supply at present is inexhaustible. All light and heavy freight can be shipped cheaply on this river to any point on the great lakes without any change of vessels. The extensive coal and lumber yards, grain-elevators, iron and steel mills, and other manufacturing establishments must leave the city of Chicago at no distant day and locate on this Calumet River at or near the city of Hammond.

I make no unwise prediction when I say that in the near future this enterprising city will reach 20,000 inhabitants and have few, if any, equals in the Northwest as a business and manufacturing place. I am proud of this young city. She is in my own county of Lake. Indiana will feel a deep pride in her marvelous growth and claim its thousand wheels of busy industry as her own. I present her claims to-night and ask for a friendly recognition. She asks that this river be improved. Under the law I can only ask now for a survey and final estimates made by the civil engineers of the Government, which I want done early this summer, and at the next session of Congress I shall ask for $75,000 to be expended in widening and deepening this river to make it equal to the growing trade and increasing commerce of this prosperous city.

I also ask for a preliminary survey of the Wabash River between Logansport and Delphi. I want the report to Congress of the Government engineers as to whether this river can be made navigable between these two cities by the modern system of slack-water navigation and the probable cost thereof. I am asking something for my own people which has never been asked before; but that is no reason for a denial now; it is a modest demand, and I hope the House will grant it.

Contract Labor.

SPEECH

OF

HON. JAMES LAIRD,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884,

On the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. LAIRD said:

Mr. SPEAKER: The gentleman from Missouri, who seemingly arrogates to himself the right to speak for all the political virtues, embodied or not, advocates the passage of this non-partisan act by attacking an absent person and assailing the Republican party, whose representatives have so far only spoken in its favor. Is the gentleman so surpassingly sensitive that he will not permit us to argue with him. Must we sue for the privilege of voting for the measure? The reference of the gentleman to the now repealed act of July 4, 1864, in aid of immigration, is unfortunate. It invites an appeal to a history which he and all the balance of the party he invokes to aid in the passage of this act might wish buried in oblivion. Not defending the action of the party then in power in passing the act referred to, it will be remembered that the then supply of labor was reduced by the absence from its ranks of 2,500,000 of its best men, who were at the front fighting to free 5,000,000 other human beings from the slavish chains of the party to whom he now turns for protection to American workmen against the slavish competition of imported contract labor.

With the sentiment and principle that this bill seeks to transmute into law no man who loves his country and his kind can contend. To me it strikes at this evil: People are imported here from the lowest human levels of the earth under a contract the gist of which is that they yield to another all their volition as to what they are to do when they get here, who to do it for, and what they are to receive. This may be said to be equal to slavery, and as such not only dangerous to independent labor but to free government as well, and as such obnoxious to national right and voice, being against public policy. But the bill should be further guarded so as not to prevent any person from coming to this country with or without the aid of others when such person comes in good faith to make this land his home and become one of its citizens. This is the logic of the law of protection to things applied to men; and being opposed to the employment of Hessians, either in peace or war, I shall vote for the passage of this bill.

The Count of the Electoral Vote.

SPEECH

OF

HON. JOHN V. L. FINDLAY,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 21, 1884,

On the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, and also the substitute bill reported by the House Committee.

Mr. FINDLAY said:

Mr. SPEAKER: This, in my judgment, is the most important bill which has come before the House this session. It is impossible to consider the clause in the Constitution which provides for the counting of the electoral votes for President and Vice-President without being confronted at every stage of the investigation with the thought that either the framers of the Constitution nodded or else deliberately cast the provision in this skeleton form for the purpose of removing the subject beyond the jurisdiction of Congress. It is true that the Constitution is not a code but an enumeration of powers. And yet this theory of constitutional construction will scarcely account for the naked simplicity—I might almost say the looseness—in which one of its most important provisions has been conceived. This provision is thus briefly and dryly expressed:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

There are three things made perfectly clear by this provision. First, that the President of the Senate shall open the certificates containing the electoral votes; second, that this shall be done in the presence of both Houses; third, that the votes shall then be counted. When there is no dispute this is all that is necessary; but whenever a controversy arises over an electoral return it is obvious that the provision is singularly defective in not providing the means by which the controversy shall be determined, if it was intended that Congress should be the determining tribunal. Such disputes have arisen—once in the memorable Jefferson-Burr controversy in 1801, once in 1821 over the vote of Missouri; once in 1857 over the vote of Wisconsin, and at other times of more recent date when the question was of no practical moment, as there was a choice by the people, whether the disputed vote was counted or not.

Once, however, and so recently that it is not only in the memory but in the immediate presence of us all, this question assumed the most serious and threatening aspect, from which the country was only relieved by a dangerous experiment, not likely to be repeated. I shall not refer to that humiliating period of our history further than to say that no true American can recall the scenes then enacted without a shudder of mingled disgust and apprehension. The spectacle is only worthy of remembrance now and upon this floor for the admonition it contains, and no man ought to refer to it here, whatever he may do elsewhere, except for the purpose of emphasizing the importance of clearing away an obstruction which more than all others threatens wreck and disaster to the Government.

There are two bills before the House which propose different plans for the settlement of this perplexing question: one, the Senate bill, of which the distinguished Senator from Massachusetts [Mr. HOAR] is understood to be the author, and the other by the venerable statesman from Connecticut [Mr. EATON]. The Senate bill proposes that a disputed count shall be settled by the two Houses, sitting separately, and by the concurrent affirmative action of each in the case of a single return, without which the vote of no State shall be rejected. If the two Houses disagree the vote shall be counted, except in the case of a double return. The House bill, on the other hand, proposes that all disputes arising over the count in the case of a double return shall be settled in joint convention of both Houses, to be presided over by the President of the Senate, by a per capita vote of Senators and Representatives.

Between these two plans the House is now called upon to make choice. Is it better that the Houses should separate and, as distinct bodies, determine questions of this sort, or is it wiser to keep them together in one collective body and thus resolve these questions without a separation? Regarded in any light the subject is full of difficulties, and the inclination of my mind was at first on the question of constitutional power against the proposition of Mr. Eaton's bill, and like himself I have been brought to its support with considerable reluctance and misgiving. It is perfectly clear that the Constitution makes to express provision for the creation of this joint convention with the power of per capita voting. The language of the Constitution is, that the President of the Senate, in the presence of both Houses, shall open the certificates. Both Houses are to be in one meeting-place, usually the Hall of the House of Representatives, but they are there in their distinct capacity as Houses.

By what authority, then, shall you decompose these distinct legislative bodies into units of membership, each invested with a vote and to be erected into a new and distinct body called a joint convention? This is the question which gave me doubt and about which my mind is not yet clear. But the Constitution provides expressly for the execution of all granted powers, and even without such express grant it would follow by necessary implication. The President of the Senate, in my opinion, has no power to count the votes. His duty is merely a ministerial one and is confined to the duty of opening the certificates. The requirement, then, is that the votes shall be counted. By whom? Clearly I think by the two Houses. If they have the power, then, to make the count, have not they the power to provide by law the mode by which the count shall be conducted, disputes settled, and the result ascertained?

If the Houses have not this power and the President of the Senate is not invested with it then it resides nowhere; it is in the clouds, and the consequence would be that nothing short of a constitutional convention could supply the defect. To accept this consequence would be to abandon the case, for the emergency is upon us now and must be met, and can not and will not wait for the tardy relief of a convention or an amendment to the Constitution. In such a case I am prepared to give the country the benefit of the doubt and vote for any measure which will put to rest this disturbing question.

It will be observed that the question of constitutional power over the subject is assumed by the Senate bill. If that bill should become a law, then we declare that there is power to legislate upon the subject. I am inclined to think that the power exists, and if it does, then the question is resolved into one of modes by which it shall be exerted. If the two Houses separately may settle a disputed return by virtue of a law of their making as the Hoar bill proposes, then what reason can be given why, by a similar law, the members of the two Houses may not in joint convention settle the same question?

If to this it be replied that the two Houses are bodies expressly recognized by the Constitution and the joint convention is not, still I think the rejoinder may be made with considerable force that the two Houses as such, except in the joint exercise of the law-making power, have no jurisdiction over the subject, and that in providing by law for the exercise of the power to count it is just as constitutional to do it in one way as the other. The question is, does the power exist; for if it does, then the choice of means is only limited by the consideration whether they are appropriate and plainly adapted to the accomplishment of the end. Considering the case then as a question of expediency rather than power, what is to be said in favor of the Eaton as against the Hoar bill?

I go for it because the President of the United States is an officer chosen by the vote of the people, through the intermediate agency, it is true, of the electoral college, but still none the less is the object of popular choice. The States as such, except in a given contingency, do not elect the President, and when this is done in the case of the contingency referred to, it is accomplished by the votes of the representatives of the States constituting this House, who are themselves selected by a direct vote of the people. The choice is not made by the Senate. In either case it is apparent I think that the framers of the Constitution intended that the President should be the representative of the people of the several States rather than of the States themselves. The Constitution provides for the establishment of two branches of the legislative body, one of which should be chosen by the people of the respective States and the other by the States through their own Legislatures. The executive head of the Government was intended to be the representative of the people of the United States as distributed among the several States, and not of the State organizations as such, although of course there is a mild infusion of the federal principle in the election of President, by the equivalent of Senatorial representation in the electoral college. If there ever was any doubt about this proposition it seems to me to have been settled by the fourteenth amendment to the Constitution.

Before the adoption of this amendment there was much discussion and dispute whether there was a people of the United States as distinguished from the people of the several States. It was claimed that there was no such status as original and underived citizenship of the United States; that the primary citizenship was that of the respective States, and that through this medium and by this genesis alone was a citizen of the United States created. I think there is very good authority to the contrary, and to be found in a very singular quarter. If it were not now a matter of curious speculation rather than of substantial moment, I think it would not be difficult to show that Chief-Justice Taney was of this opinion and boldly proclaimed it in the famous Dred Scott case. But, however this may be, all doubts upon the subject have been set at rest by the fourteenth amendment and by the decision of the Supreme Court in the Slaughter-house cases construing that amendment. There is a people of the United States, and that people is composed, in the language of the amendment, of "all persons

born or naturalized in the United States and subject to the jurisdiction thereof."

This being so, and the President being elected by this people indirectly by the popular vote, it seems to me that all the analogies of the case point to the resolution of any disputed point growing out of the returns of that election by that body which is nearest to the people and their more immediate Representatives. It would follow from this proposition that this House should determine all such controversies, and the argument certainly would not be weakened by the further consideration that in the case of a failure to elect by the people the duty of making an election of President immediately is conferred by the Constitution on the House of Representatives. The practice, however, has been different, and the Senate has always insisted upon its right to have a voice in settling Presidential electoral disputes, and it would be impossible at this day to induce the Senate to yield its asserted jurisdiction altogether.

The Eaton bill proposes a compromise. It proposes that Senators, not the Senate, shall have an equal voice with the Representatives of the people in determining all questions in dispute arising out of the returns of the electoral votes. A majority of the votes of the members of the two Houses, not sitting as such, but in joint convention, shall determine all such questions. As it was under the twenty-second joint rule the disagreement of the two Houses would result in the rejection of a disputed return. As it is under the proposition of the Hoar bill such a disagreement will result in the counting of the disputed return where there is only one return, and so far the Hoar bill is an improvement on the twenty-second joint rule. In either case it will be observed that the Senate can defeat the popular will as represented by this body, to which, in the last resort, the duty of electing a President is confided.

If the House should be of opinion that the vote of a particular State should not be counted, and the Senate that it should be counted, the return in the case of a single return would have to be accepted under the Hoar bill, as it requires the joint affirmative action of both Houses to reject a vote in such a case. If there should be two returns, however, and two State tribunals have made contradictory adjudications, or if there should be two returns, without any judicial action on the part of the State from which they came up, then by the provisions of the Hoar bill in case of a disagreement between the two Houses there could be no count of the vote of the State giving rise to the dispute, but it would have to be rejected, as under the provisions of the twenty-second joint rule. To make this clear let me suppose a case. Suppose that two returns come up from the State of Massachusetts, and connected with them an adjudication by two tribunals of that State, each in favor of a different return. At the same time there are two returns from Florida upon which there has been no adjudication by her courts. Objection is formally made in the manner provided by the Hoar bill to the counting of these returns, and the two Houses separate for the purpose of considering and determining the matter in dispute. The House is in favor of one of the returns from Massachusetts as presented by one of her tribunals, and the Senate is in favor of the other return. The House votes for one of the Florida returns, and the Senate for the other. What would be the law in such a case if we should pass the Hoar bill? Neither returns could be counted, because in the case put both Houses must agree or the vote is lost. It seems to me it would be a most dangerous experiment to allow in such a case one House to have a negative upon the action of the other. The temptation to disagree when the Houses represented different political parties would be so great that but few members, if any, would be able to resist it.

It has been demonstrated time and again that the political conscience is a flexible and elastic rule of action that readily yields to the slightest pressure of party exigencies. Rarely if ever is a contested election upon this floor settled upon its real merits, and Lord Macaulay somewhere says, that no impeachment for a political offense has ever taken place in England, when the result from the complexion of parties could not be as safely predicted from the beginning as at the close of the trial. When the great office of President is at stake, with the immense patronage at its disposal, it would be expecting too much of human nature, under the tyranny of party, to omit any opportunity to accomplish its ends, more especially under that loose code of morals which teaches that all is fair in politics, as in war or in love. The late Senator Morton, in his elaborate report to the Senate upon this subject, denounced in vigorous terms this very proposition; and in the debates in the Constitutional Convention the language of some of its members upon the same subject was equally strong.

There were seven different propositions before that body for the election of President—by the people, by the Legislatures of the States, by the governors of the States, by electors chosen by the people, by electors chosen by lot, by the national Legislature on the nomination of three or two candidates by each State, by the national Legislature on the nomination of one candidate by each State. At one stage of the deliberations it was voted by seven States to four that the Chief Magistrate should be elected by joint ballot by the Senate and the House of Representatives.

Before this vote was reached, however, the smaller States, jealous of their rights, proposed that the vote should be taken, not by joint ballot but by both Houses, which is very much the proposition of the Hoar bill. But to this it was replied that delay and confusion would ensue if the two Houses voted separately, each having a negative upon the choice of the other.

Mr. Wilson, of Pennsylvania, observed "that the Senate might have an interest in throwing dilatory obstacles in the way if its separate concurrence should be required." So Bancroft, in his History of the Formation of the Constitution, says:

> In every stage of the proceeding the convention suffered no chance for the failure of an election, and had specially guarded against the failure of an election by the negative of one House upon the other, leaving the rules for the conduct of the electoral colleges, or of the two Houses, when in the presence of each other, to be supplied by the familiar experience of the States. (Volume II, page 182.)

Hamilton said that "the mutual connection of the President and Senate will perpetuate the one and aggrandize both. I see no better remedy than to let the highest number of ballots, whether a majority or not, appoint the President." When to this is added the fact that the eventual election of President is vested in the House of Representatives, the argument seems to me overwhelming that the Senate can have no separate voice whatever in the election. The fact that this eventual election is conducted in the House of Representatives by States does not at all weaken the argument to any one familiar with the historical development of the Constitution.

There was from the beginning a jealousy on the part of the smaller toward the larger States, the most conspicuous manifestation of which is found in the establishment of the Senate itself. Another is found in the constitution of the electoral college, where each State has as many representatives as it has in both Houses of Congress and where both States and people are represented. Accordingly, when it was agreed to repose in the House of Representatives the final duty of electing the Chief Magistrate, the smaller States demanded that they should have an equal voice in making this choice, and it was conceded. But while this is so, it is also true that the direct Representatives of the people, although voting by States, are charged with the ultimate responsibility of electing the President of the United States. That part of the governmental organization which is more peculiarly the representative of the States, the Senate, is denied the power of interfering with this choice. The whole case is summed up by Bancroft as follows:

> The language of the Constitution is a concise, clear, and imperative demand: "the votes shall then be counted." The convention is left with no one but itself to interpret its duties and prescribe its rules of action. No power whatever over the counting of the votes is devolved on the House of Representatives or on the Senate. Whatever is granted is granted to the two Houses in the presence of each other, representing the States and the people according to the compromise adopted for the electoral colleges.—*Formation of the Constitution*, volume 2, page 184.

It is perfectly clear from this that a joint convention of the two Houses is to do the counting, and that the idea of a resolution of this body into its two constituent elements for the settlement of disputes wherever they arise never entered into the contemplation of the framers of the Constitution.

But can not these two bodies, the House and the Senate, in advance of the assembling of the joint convention of which they are the constituent parts, agree upon a mode of action by which they shall be governed in making this count, either in execution of a power necessary to carry out a granted power or by mutual consent? If the two Houses in the presence of each other in joint convention may adopt rules by which the count shall be conducted, what is the objection to their agreeing to these rules before they meet? Surely none, on the score of convenience and sound policy. If there is power to do it, all will admit, I think, it ought to be done.

I know that it was contended by no less an authority than Mr. Abraham Baldwin, of Georgia, himself a member of the grand committee of the Constitutional Convention which had this very matter in charge, that there was no such power in Congress under the eighth section of the Constitution. His contention was that all the power over the subject was vested in the electoral colleges, and that the two Houses had nothing to do but to see that the returns were properly authenticated. Nothing short of a constitutional amendment could remedy the defect, if defect there was, which he stoutly denied. And of this opinion also was Mr. Charles Pinckney.

At the same time Mr. Baldwin also contended that the joint convention of the two Houses must count the votes, and that there was no such power vested in the Houses as Houses sitting separately. And so he voted in the Jefferson-Burr controversy in 1801 along with Langdon and Pinckney, both of whom had also been members of the convention which framed the Constitution thirteen years before. The historian of the Constitution very properly observes that the student must carefully ponder the constitutions of the several States and the provisions they contained for the election of public officers if he would rightly understand the provision under discussion. The States elected their officers at that time by joint ballot of the legislative branches, some in joint convention, as Massachusetts, and others, as Virginia, by a concurrent vote, with a provision for the count of the ballots by a

committee appointed by both Houses. When, therefore, it was provided that the votes should be counted after the certificates had been opened by the President of the Senate, the meaning of the clause in the presence of the Senate and House of Representatives was that the counting should be done in accordance with the Massachusetts rather than the Virginia plan. There is no power, in my judgment, for the two Houses to separate after they have met for this purpose, unless it be for a recess, but the work of the joint convention must be fully performed and completed before the body is dissolved. The underlying theory of the House bill is that the two Houses are under the same roof as Houses. Hence either can withdraw at its pleasure, and must withdraw for the purpose of considering and determining any question which gives rise to controversy. The theory of the framers of the Constitution was that the identity of the two Houses, for the time being, was merged in a joint convention of both, and that it was the duty of this convention, and not of the two Houses as such, to do the counting.

The Eaton bill is framed upon this theory. The fundamental proposition underlying it is that the counting is to be by joint convention of the two Houses, and it does not recognize the right of separation for the purpose of considering or determining any question arising during the course of the count by the concurrent action of the Senate and the House, either in the case of a single or a double return, and this being the fundamental idea, of course some rule as to the mode of voting must be adopted. This is fixed upon the per capita basis, not only because it is the natural and usual basis adopted by joint conventions, but also because there is an obvious propriety in determining disputed questions arising out of the count in close analogy with the method by which the electoral college is composed.

The States have in the electoral colleges the same representation which they enjoy in the Congress of the United States. Each State appoints as many electors as it has Senators and Representatives. When a dispute arises as to the choice made by these colleges there is an obvious propriety in determining it by a per capita vote in the joint convention of both Houses, where both States and people are represented. As before observed, one of the modes proposed for the election of President was by joint ballot of the two Houses. This was finally succeeded by the adoption of a body of electors, to be elected in such wise as the Legislatures of the States should appoint, each State having the right to appoint as many electors as it had Senators and Representatives in the national Congress.

As a part of this scheme it was proposed that all the electors from all the States should meet at one point, and there elect the President and Vice-President, under such rules as to voting, ascertaining, and authenticating the result as the college might adopt. Owing to imperfect communications between distant parts of the country, and the consequent difficulty in bringing the electors together, this scheme was abandoned, and separate colleges, sitting in each State, took its place. It was a part, too, of the original conception of these bodies that they would divest themselves of all partisan feeling, and, imbued with a lofty sense of patriotism, cast their ballots, themselves the best men in the country, for the worthiest men in the Republic.

It is not necessary to remark that this part of the scheme has been a conspicuous failure. The electors have not been the best men in the country, and have never exercised any choice except that of the party which elected them, and indeed it would not be considered honorable to do so. It was never contemplated, however, that such puzzling questions as confronted Congress in 1877 would have to be met and settled. It does not seem to me that the framers of the Constitution ever considered a contingency such as is provided for by the measures now under discussion.

Double returns or contradictory adjudications upon such returns or a doubtful single return do not seem to me to be within the purview of that instrument. It is almost inconceivable if such was the case that some other provision should not have been made than the simple requirement that the certificates should be opened in the presence of the two Houses and that the votes should then be counted, more especially when we remember that the twelfth amendment to the Constitution, which was adopted for the express purpose of correcting defects in the mode of electing the President, makes no change whatever in the original provision prescribing the method of passing upon the electoral returns. That is left precisely where it was originally; that is, in the words so often quoted, "the votes shall then be counted."

It is true that the word count does not mean mere enumeration, but involves also the idea of discrimination, as the counter of money has the right to reject the bad and accept the good; yet still, if the convention had been in session after the troubles in 1877, I think it quite clear that it would have provided in distinct and unmistakable terms not only for the counting of the votes, but who should do it and how it should be done. Reading the instrument in the light of contemporaneous debate, it seems to me quite clear that its framers would never have remitted the settlement of a disputed electoral return to the separate action of both Houses. Whether they would have considered it wiser to have provided for a final adjudication by the States themselves upon the election for President, and so left nothing for Congress to do but the mere ministerial duty of opening the returns and in some solemn manner declaring the result, is a matter of pure speculation and conjecture.

It is quite probable, however, that they would have rejected this plan upon the ground that the integrity of the United States should not be reduced into absolute dependence upon the good faith of each of the States; that there should be lodged somewhere in the Government of the United States, representing all the States, a power to protect itself, in the exertion of which it would necessarily protect its constituent bodies against the fraud of any single member. The simulated voice of a State, echoed by a false and fraudulent return, not only does violence to the people of the particular State which it misrepresents, but involves the whole federative system of States in discord and confusion.

The other States are powerless to remedy this evil by separate State action, and there is, therefore, an absolute necessity why this protecting power should be vested somewhere in the General Government, which represents all the States as well as all the people of the States. For this reason I think it would be doubtful statesmanship to allow any State to determine the policy of all the other States by an election for President which these other States in their united capacity could not scrutinize and impeach. If, then, the States in their separate capacities can not finally adjudicate upon this question, if it would be bad policy to permit the two Houses sitting separately to act as final arbitrators in view of the almost certain negative each would exert upon the action of the other whenever they were politically opposed, there would seem but one possible way of escape out of the difficulty, and that would be by adopting the compromise proposed by Mr. Eaton's bill. But, Mr. Speaker, I quite agree with him that it is far more necessary that something should be done than that any particular measure should receive the sanction of this body. So fully impressed am I with its importance, that I do not think I am stating the case too strongly when I say that it would be positively criminal for this House to adjourn without taking some action upon the subject.

Food-Fishes and their Protection.

"They take up all of them with the angle, they catch them in their net, and gather them in their drag; therefore they rejoice and are glad."—*Habakkuk*, i, 15.

A table richly spread in regal mode
* * * all fish from sea or shore,
Freshet or purling brook, for which was drained
Pontus, and Lucrine bay, and Afric coast.
—*Paradise Regained.*

THIRD FISHERMAN. Master, I marvel how fishes live in the sea.
FIRST FISHERMAN. Why, as men do a-land: the great ones eat up the little ones.
—*The Tariff—Trismegistus.*

Why should not an acre of water become as productive as an acre of land?
—*Bertram's Harvest of the Sea.*

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 12, 1884,

On the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

Mr. COX, of New York, said:

Mr. SPEAKER: As to this bill, there is no question of our paramount authority to legislate. It is intended to prohibit as unlawful fishing in the Potomac, and in this District, with certain nets, both stationary and floating. The second section provides a penalty, namely, a fine and a forfeiture of nets, boats, and apparatus. It saves angling with the "out-line," and allows the United States Commissioner of Fish and Fisheries, or his agents, to take fish of any kind from the waters of the Potomac, in any manner desired, for scientific purposes or for propagation.

THE PENDING MEASURE.

This bill proceeds on the idea that the valuable shad and herring fisheries in this District should be preserved from extinction. The report of my colleague [Mr. SPRIGGS] reveals the fact, in regard to the catch of these fish, that there has been a constant decrease from 1868 up to 1879. The catch in 1868 was—of shad 219,205, of herring 689,392; and in 1879, of shad 21,498, and of herring 222,887.

Now, what shall Congress do to save this fishery once, and even yet, so valuable? This is the main question. It is answered by this bill, which has been drawn, as I understand, by Professor Baird, the Superintendent of Fish and Fisheries. There is no doubt that it will pass; and, in so far as the disuse of nets can, under such penalties, protect the fisheries of the District, this much will be effected.

The proviso in the bill recognizes the importance of the scientific experiments made here under the auspices of the Fish Commissioner of the United States, and the utility of the special efforts for propagation.

In this bill, therefore, a vast and progressive range is mapped out, as well for the local interests of this District as for the entire country. Scientists and economists at home and abroad regard the experiments carried on here as ensamples for their guidance, instruction, and welfare.

NEW ENGLAND INTERESTED.

The fishery interest is one which the last census shows to be of immense importance. Perhaps it is most important to New England considered in its deep-sea bearings, and for purposes of commerce; but since the plans of the commission have replenished and multiplied food-fishes in our estuaries, bays, and streams, it is of great importance to the inland as well as to the coastwise States.

I confess, Mr. Speaker, to being specially interested in this subject. In legislation here, as my former colleague on the Foreign Affairs Committee from Massachusetts [Mr. RICE] remembers, we did our part to give what "protection" we could from the Dominion fish, which under the treaty were allowed to come in free. I did not, on economic reasons, urge the revocation of that treaty. I urged it because of the swindle confessedly perpetrated on this country in the fish award of $5,500,000. That award was made under false data. The money should have been repaid to us. Its possession by Great Britain is a burning disgrace and shame. After the proofs of forged books and documents which were tendered by her own citizens, it is the monstrosity of international ethics and courtesy to retain this money. Massachusetts protested through her representative here (General Butler) against the premature payment of the award. That and my own urgent protestation remain indelibly recorded.

THE GOOD PURITAN FOLK.

It was especially fitting that the sons of Massachusetts should have made a defense of our fishing interests upon that occasion. The escutcheon of that Commonwealth is a "codfish." The early culture of her aristocracy was fish-culture. Indeed, her religion is allied with the piscatorial calling. Adventurers to New England of the "Northern Company" were not altogether inspired by the promised yield of gold and silver, though visions of bonanzas were not wanting. Their fancied treasures lay in the sea. Their divining rod held its hook, line, bob, and sinker. It is of record that when the Pilgrims went to King James for their charter, they said to him that they desired to go to the New World to worship God—and catch fish. "What profits do you intend?" asked the king. On being told—"those from fishing," he replied ironically: "So God have my soul, 'tis an honest trade; 'twas the Apostles' own calling." These good Puritan folk expected to find miraculous argentiferous draughts in the mouths of the fishes. They have ever since "sacrificed to their net and burned incense to their drag; because by them their portion is fatness and their meat plenteous." No wonder then, that this godly class broke forth into hymning praise to the Creator for the blessings they received from the sea:

> Ye monsters of the bubbling deep,
> Your Maker's name upraise;
> Up from the sands, ye codlings peep,
> And wag your tails always.

SACRED ASSOCIATIONS.

However irrelevant to this discussion the connection between piety and angling, it does not detract from the dignity of this calling to know that it has high authority, great antiquity, and sacred associations. Was it not the Psalmist of Israel who said, "They that occupy themselves in deep waters see the wonderful works of God"? Did not our Saviour choose for the great work of the Gospel the prudent, peaceable, and devout fishermen? Of the Twelve, were not four of this simple craft? While reproving scribes and moneyed men for their peculiar employment, the Savior gave to these simple disciples the power to speak all tongues, to persuade by their quiet manners and sincere eloquence, and to perform wonders unheard of before upon the chosen soil of Palestine. Peter, Andrew, James, and John, the four fishermen, as the good Izaak Walton has said with great felicity, were men of mild and sweet and peaceable spirits, as, indeed, most anglers are—

And it is observable that these our four fishermen should have a priority of numeration in the catalogue of the twelve apostles. And it is yet more observable that when our Savior went up into the mount, when he left the rest of his disciples and chose only three to bear him company at his transfiguration, that these three were all fishermen. And it is believed that all the other apostles, after they betook themselves to follow Christ, betook themselves to be fishermen too, for it is certain that the greater number of them were found together fishing, by Jesus after his resurrection, as it is recorded in the twenty-first chapter of St. John's Gospel.

The Bible has many references to this quiet, contemplative calling, to which it is not necessary here and now to refer.

Whatever may be the controversy between theology and science, or revelation and reason, it is certain that in early New England revelation and science met on common grounds—the fishing-grounds! Practicalness went hand in hand with science, and Science meekly worshiped at the shrine of Faith.

FISHING AN ANCIENT CALLING.

Fishing and fish-culture are not new discoveries; nor are the present modes, especially by line and spear, novel. Necessity was the mother of these as of other arts. It is said that Deucalion, just after the flood, invented angling for food to save his starving family. Seth taught it to his sons. It is believed by some that Japan and China early understood artificial propagation. Fishing runs into mythology; for, is not the trident of Neptune the fish spear, thrice armed? As an ancient and most fishlike muse sings:

> Then darts the trident, and the briny flood
> Is crimsoned with the incautious victim's blood.

Do we not read in the Bible about putting a hook into the jaws of Leviathan? Is not this a clear reference to angling on a large scale? The Ichthyophagi are as old as Strabo who records them.

The fishermen of the past may have been poor, but they were never cowardly. They may have been ignorant, but they had an eye for beauty, which was improved by the iridescent hues of the finny tribes, and by the rare views of nature on sea and shore. They may have been simple, but it was from their humble guild that the grandeur of the New Dispensation came to a sinful world, to improve and bless.

We may go back to Egypt—that ancient mother of spiritual and temporal empire, and read upon her monuments and paintings, the designs and modes by which fish were taken and preserved for the chief butlers and bakers of the Pharaohs. Worshiping, as they did, animals of various kinds, it was not infrequent that one tribe in Egypt declared war against another for eating up her deities! Even the fun on a fishing excursion which our urchins now enjoy, Cleopatra herself practiced on Antony, in her frolicsome mood, when she ordered her divers to put a salted fish on his hook, whereat he pulled with vehement agitation.

> Thus she was used to take delight with her fair hand
> To angle in the Nile.

PISCINE LORE AND LUXURY.

I have made a pilgrimage to the tomb of Izaak Walton in Winchester Cathedral, and have made my homage to that "grand old man" and rare old fisher. I found that his remains were under a large black slab, in a chapel in the south aisle called Prior Silkstead's Chapel. It was evening when I endeavored to decipher the poetic tribute to the ancient angler—"crowned with eternal bliss."

The cheerfulness of his disposition and the serenity of his mind gave to him ninety years of felicity, in the midst of great and good and yet sportive scholars and churchmen. I honor him as well for his pen as for his hook and line; as well for his grace of diction and genial muse as for his many-colored flies; and, above all, for that lesson of equipoise which he teaches in his rambles after his favorite recreation. He teaches the contemplative as well as the sportive quality of the art.

But if any one should think that the literature of fishing began with Izaak Walton let him read classic lore. It is as full of the details as it is of the fun and poetry of fishing. Arion rides upon a dolphin as easily as the bold Viking darts out of the Norse *fjórdr* in his war *jægt*. But neither the classic nor the romantic past has any history or fancy equal to the reality of our deep-sea fishing, or to our artificial reproduction from the *ova*. It is said by a clever writer on this theme, that the luxurious Romans achieved great wonders in the art of fish-breeding, that they were able to perform curious experiments with the piscine inhabitants of their aquariums, and that they were well versed in the arts of acclimatization. This writer alleges that "the value of a Roman gentleman's fish-pond in the palmy days of Italian banqueting was represented by an enormous sum of money. The stock kept up by Lucullus was never valued at a sum less than £35,000! These classic lovers of good things had pet breeds of fish, as gentlemen in the present day have pet breeds of sheep or horned cattle. Lucullus, for instance—to have such a valuable stock—must have been in possession of unique varieties derived from curious crosses. Red mullet and fat carp, which sold for large prices, were not at all unusual. We can ascertain that £60 were given for a single mullet, and more than three times this sum for a dish of that fish. Enormous sums of money were lavished in the buying, rearing, and taming of the mullet; so much so, indeed, that some of those who devoted their time and money to this purpose were satirized as "mullet millionaires." These old Romans are the archetypes of our codfish aristocracy. Social life repeats itself.

ICHTHYOLOGICAL MYTHOLOGY.

How fancy has sported with the fishes! Strange stories about sea-monsters fill the pages of ancient lore and modern fish-gossip. These stories culminate in the mysterious kraken, the apochryphal sea-serpent, and the real octopus. These narratives of sea-monsters are not

surprising when we think of such oddities of the sea as the cuttle-fish and other armed brigands of the deep. The inhabitants of the sea are, perhaps, more curious, if not more numerous, than those upon the land. Our deep-sea dredging is bringing to the surface and light such *outré* forms of marine life as to make the prehistoric monsters respectable in fashion and form.

The heavens in their remote and strange phases declare the glory of the marine life. Are not the four principal constellations called after the marines? Does not the zodiac connect astronomy with sea-monsters? In one of the tractates of the London Exhibition Mr. Phil Robinson thus revels in the imagery of sea-things as translated to the sky:

What antiquities, then, they are, these sea-myths of our stellar hemispheres! Tumbling in open space, the happy Dolphin, belted with stars, the gift of grateful Olympus; the luminous Sea-lizard; Cetus, the shaggy whale, spangled from twinkling snout to twinkling tail, that, but for the strong, bright-fronted Ram that intervenes, seems agape to swallow the suppliant Andromeda; Hydra, dripping stars as it goes, and trailing its gem-lit convolutions across the hemispheres; the Flying-fish, feathered and beaked, darting its brief flight from the pole of the southern ecliptic; the austral Fish, with radiant eyes uplifted to the grateful flood that the Waterer forever pours upon it; the Sword-fish, cleaving its bright way to encounter in the ocean of the firmament its hereditary foe; the Tortoise, that in its starry concave holds the lyre whence Mercury first struck the music of the spheres.

Above all, the Fishes of the zodiac,

"The double Pisces, from their shining scale,
Spread wat'ry influence and incline to sail,"

foster the sailor-spirit in men and teach navigators to be boldly self-reliant, preside over sea-fights, and are the patrons of fishermen.

But the children born under the sign are, by a poetical extension of the Venus tradition, hot-blooded, given to jealousies and strife; for the tradition is that "when the skies grew weak and giants strove, and snaky Typhon shook the throne of Jove," Venus fled the tumultuous scene, and hiding herself in the Euphrates as a fish, inspired the scaly tribes with new passions, "and with the ocean mixt her fire." So, too, the Southern Fish claims Aphrodite's favor, for the legend says that it saved her daughter from drowning in the Lake Boethe; and yet another claims for it that it is the progenitor of all the fishes in the firmament.

Next "glowing" Cancer.

"As close in 's shell he lies, affords his aid
To greedy merchants and inclines to trade."

But over births his influence is hardly more auspicious than the Fishes', though in omen it is happy—

"The dream's good;
The Crab is in conjunction with the sun."

These whimsies of astrology still keep their place in our astronomies. They show how the unknown has ever been regarded as the supernatural or marvelous.

From gems taken from the heads of fishes rare wonders were worked by the Magi. Helen won suitors by a jewel out of the belly of a fish. Amphitrite rode about at her own sweet will in a sea-shell. And a thousand other figments indicate that in the twilight of history the unknown above the earth was in strange association with the marvels beneath the sea. As the gentle Elia says:

Gorgons, and Hydras, and Chimeras dire—stories of Celæno and the Harpies—may reproduce themselves in the brain of superstition, but they were there before. They are the transcripts, types—the archetypes are in us and eternal.

—— Names, whose sense we see not,
Fray us with things that be not.

Lamb's fancy ran strong upon marine spectra:

Methought I was upon the ocean billows at some sea nuptials, riding and mounting high with the customary train—of tritons and nereids gamboling around—sounding their conchs before me, and jollily we went careering over the main, till just where Ino Leucothea should have greeted me with a white embrace.

IMMENSITY OF THE NUMBERS OF FISH.

Figures of speech and arithmetic fail to show the immensity of the numbers which the sea gives us of its finny life. Juvenal said that the sea was overfished. This may have been true of Lavinian shores, as it is of some of our rivers, like the Potomac, when swept with destructive nets. But Juvenal had not seen or heard of the banks of Newfoundland and their opulence of fish, nor of the Lofoden Isles with their mountains of piscatorial wealth. The teeming Arctics were unknown to the Roman conquerors of the world. Could Juvenal have heard Professor Huxley dilate on the cod mountains—one hundred and twenty to one hundred and eighty feet in vertical thickness, in and around those waters, or the stroms of Norway which affrighted our youthful fancy, he would have modified his own poetic idea as to overfishing the sea.

THE CENSUS OF THE SEA.

A shoal of codfish one mile in superficial extent contains 120,000,000 fish! Yet not more than half of that number of codfish are taken in one year on the coast of Norway. The cod lives on herring, hence such a shoal will eat 840,000,000 herring in a week! The idea that sea-fisheries are being overworked is almost a joke, when we remember what science reveals. Science tells us that our fixed fisheries contain only five per cent. of the fish of the sea.

Nor is this swarming of marine life a marvel, when we know how fish yield their eggs by millions. The queen bee, it is said, has her 50,000 eggs a season. But the fecundity of fish might as well be expressed by some algebraic formula as this—$x + y = \infty$—. Bertram in his Harvest of the Sea says that he counted the separate eggs in the roes of some of our fish. He counted exactly 7,000,000 eggs in a sturgeon. In codfish he gives 3,400,000; in flounders, 1,250,000; in soles, 1,000,000; and in mackerel, 500,000!

We can not too much admire the nice accuracy of scientific scrutiny and enumeration. Let us take a glance at these strictly accurate figures. We will estimate the value of herrings—in the raw state—at $1 a hundred. We have to pay at retail in the markets 5 or 6 cents each for the manufactured (smoked) article. At a dollar a hundred, a little school of codfish of the area of Rhode Island consumes in one year herring to the value of $473,928,000,000! Gentlemen can see at a glance that the annual appropriations made by the sub-marine directors of schools must exceed this sum many thousand times for the codfish establishment alone! What has Congress done that is in any degree comparable with this encouragement of fish-culture? We call ourselves a wealthy nation; yet we spend less than $80,000,000 a year for our schools—while one little codfish school costs for its support every year, nearly thirty times the assessed valuation of all our real and personal property! But I will not mortify you with any more humiliating calculations. Let these give you some incentive toward the important work of fish-culture.

Where do the fish go? Comparatively few of them reach our tables as food. They have the delight of eating each other. The smaller pass their time in guarding against being eaten by the larger fish. If one-half survived there would be no need of restoring our shipping—navigation would cease.

FISH AS ICHTHYOPHAGI.

This reminds me, Mr. Speaker, that fishes are cannibals, as my motto indicates. Fish prey on fish, and live fish like live fish; so that we need have no compunction when preying on them.

Professor Rice, of the New York commission, has designated the kind of fish on which different fish feed. Some are select, like the striped bass; others omniverous, like the bluefish; and all are enormous feeders. Eight alewives, of three-quarters of a pound each, were found in a sixty-six-pound striped bass! Forty mullets were found in a thirty-pounder! I have seen in the *fjörds* above the Arctic Circle, in the swift tide-currents, endless flocks of birds, ready to devour the fish which congregate to destroy other fish. Sharks, porpoises, and other fish of prey know when and where to find the weak "Innocents Abroad."

SPORTIVE ELEMENT.

No Bergh has yet appeared to prohibit the fish in their gambols after other fish or to enjoin men from gamboling after them. Indeed, a part of the sport of fishing consists in decoying the wriggling beauties upon the hook. In the North Sea they double the sport, for they have a hook so shaped as to catch a small fish, whose wriggling and struggling attracts the larger fish. It is said that the first admirer of American beauty, the traditionary husband of the original Mrs. John Smith—*née* Pocahontas—who settled the earliest English colony on this continent, often fished in the waters of this District; and that he assisted greatly to develop the fishing industry of the rivers round about Jamestown. He fished along our sea-shore as far up as Maine, and gave to his occupation its useful and delightful harmony when he said:

And is it not pretty sport, to hale up two pence, six pence, and twelve pence as fast as you can hale and veare a line?

The sportive element which comes out of the same game of chance, with which statesmen of former days pursued horse-racing or poker, gives through its uncertainty and luckiness to the toiler of the sea the charm with which no other laborious pursuit attracts. Is it not a sort of gratification to watch the unwary fish, to entrap and entice him, not merely by studying his habits and migrations, the weather influences, and the nature of the ground, but by copying the qualities of the fish, its courage, vigor, velocity, and cunning? Thus the sportsman may render his pursuit exciting. With nicest skill and judgment he "tackles" the subtle salmon and the wary trout, whose pluck makes the sport so gameful and the flesh so toothsome.

THE GENTLE ART.

I have had some experience in fishing. May I be pardoned if I refer to the fact that I have fished under the shadows of our Sierras in Tahoe, lake and stream; that I have followed the mountain rivulet Restonica in Corsica, where the waters blanch the boulders into dazzling whiteness, and the associations of the vendetta and the Bonapartes give a ruddy tinge to the adventure; that I have caught the cod in the Arctic around Cape Nord, under the majestic light of the midnight sun; that I have angled in the clear running Malaren Saltsjön, which circulates healthfully amid the splendid islets of stately Stockholm; that I have flecked the waters of the Bosphorus, in sight of the historic Euxine and the marble palaces and mosques of two continents; that I have been tossed in shallops along with the jolly fishers of the Bay of Biscay; that I have sauntered near the pillars of Iskanderoon which were erected by a grateful Mediterranean people on the spot where Jonah was thrown

ashore by the whale; but where'er I wandered, whether I cast my line—

—— under hanging mountains,
Or by the fall of fountains,

my thoughts have always bounded o'er the main to ride the league-long rollers on the shores of New Jersey along with my favorite life-savers—to see and feel the "bluefish wriggling on the hooks." But, Mr. Speaker, notwithstanding these widespread endeavors, I am not prepared to say that there has been any perceptible diminution of the quantity of fishes in the waters of our planet!

ADVANCEMENT IN FISHING.

Marine fishing, from small beginnings in upon the rock-bound coast made its way down to the Chesapeake and James River, where the mollusk helped to swell the gains of our ancestors of eight generations ago. The ventures for cod, mackerel, and whale carried the pioneers of this trade far out upon the banks of Newfoundland and into the waters around Nantucket.

But it was not until after our civil war that the fisheries began to grow with steady increment. Professor Goode estimates the value of our products now at more than $100,000,000. Our census bulletins amplify and specify, by States and localities, the products of our fisheries. They show the capital invested in 1880 to be $37,955,349; and the number of persons employed at 131,426. For the variety of this and kindred industries, I refer to the table prepared by Professor Goode, which I shall append to my remarks. Its figures are more significant for our legislative action than any ancient, classic, or hallowed relations which the curiosities of profane or sacred literature may furnish.

NEW INVENTIONS.

Beyond all the dreams of poetry, the fables of mythology, or the enthusiasm of such dreamers as Izaak Walton, has been the progress of our fishing industry under the advanced conditions and inventions of our time.

It was a great step when Jacquard made his famous net. It astounded the dullards of the age, and made him for a time a demi-god among the astonished fishermen of France and England. But it was only a step compared with the strides now being made by the improved, and less expensive, apparatus invented to capture, preserve, and transport fish. Our newly fashioned trawling nets, recently on exhibition in South Kensington, are marvels. Our unrivaled fishing-schooner, with its special advantages, captured the admiring thousands who gazed at her model in the British exhibition. The steam-vessels rigged for the whale-fishing; the purse-seine and its machinery; the new and deadly explosive harpoon and bomb-lance for the monsters of the deep and the deeps below the depths, which our scientific plummets are sounding—all these new modes of force, thus harnessed by mechanism, have received incentive, inspiration, and aid from the efforts of voluntary and State associations, as well as from home and foreign exhibitions under Federal patronage and appropriations.

MARVELS OF TRANSPORTATION.

We may not indulge in the dainties of the Roman epicure who displayed his many-hued beauties alive to his guests, before cooking and serving; but for abundant food and plucky game, for marvelous breeding and wonderful distribution, no devices compare with those of our own time and country. By new modes of transit, frozen mullet are brought from New Zealand to be sold in old England, and live carp are sent in tanks over car-wheels from Washington to Dakota and Texas. Under the name of Kennebec salmon, large quantities of salmon from rivers of the Pacific Slope are being sold at this moment in New York, and even by dealers in Washington markets. The little blue-back (*Oncorhynchus nerka*) and the quinnat (*Oncorhynchus chonicha*) are now sold in this city at the price of 50 cents per pound. These are brought in refrigerator-cars from the Columbia River, Oregon, and are in such a good state of preservation as to pass readily for Maine salmon.

By telegraph to-day we learn that a car-load of 20,000 salmon from the Dalles, Oregon, is *en route* for New York, and is to arrive in eight days. This is what may be called the fruit of an enterprise by means of water frozen and water vaporized—ice and steam—for the preservation and transportion of this rarest of fish, fresh from the grand river of our Pacific coast.

OTHER ELEMENTS OF ADVANCEMENT.

The demand for fish-food has been greatly increased by the enhancement in the minds of people of fish as a healthful diet, by the extension of railroads in our country, and by the utilization of ice in transportation and of cans for preservation. I need not refer to the manufactories for oil and guano, now grown into a great business on the Long Island and New England coasts. Even the skin of the fish taken is made into glue and isinglass, and has resulted in a large and valuable trade.

FISH CULTURE PRE-EMINENT.

But after all, sir, the practice of fish-culture has been the grand motor and factor. It was started by Dr. Garlick, of Ohio, in 1851—Ohio, where so much of utility emanates. It was improved upon in New York, I am proud to say, where, if anywhere, Ohio is outdone. The report of the fish commissioners of New York for this year is intensely interesting, as showing the practical progress of fish-culture. Not the least interesting part of it is the dissertation by Mr. Mather on the methods and results at Cold Spring Harbor, the new hatching station. It deals with the food of fishes, the spawning of sea fish, and the artificial culture of shell-fish. Already this commission has, without emolument, hatched out and placed in the rivers of New York 85,000,000 young shad. An astonishing return is coming year by year. A simple apparatus has secured the oyster, after artificial propagation, until he settles down to steady living. All honor to this disinterested enterprise! All honor to Seth Green, Hon. R. B. Roosevelt, Mr. E. G. Blackford, and their New York associates, who, as artificial breeders of fish, have aided nature in her efforts to multiply and replenish the waters of our land with this food for the million! All honor to the United States Commission, which, inland and outland, by investigation and experiment has inaugurated a new era of fishing and fish multiplication, and has thus added so immeasurably to the sum of human comfort! All honor to the Congresses which have forwarded the work of the commission by furnishing funds for the deep-sea soundings, the sea-shore fisheries, and the distribution inland of fish suited to the localities and wants of our people!

RANGE OF THE INTERESTS.

From Cape Hatteras to the Gulf of Saint Lawrence, where mackerel and menhaden are taken; from North Carolina to Massachusetts, where the oyster and other mollusks abound; about the keys of Florida, where the red snapper is caught in abundance; from the fur-seal fishery of Alaska to the North Pacific, which our whalers penetrate; from the waters where rolls the Oregon that once heard no sound save its own dashing, but now hears the hum of men engaged in a great industry, to the great lakes, where white-fish play around the isles made memorable by Perry's victory; from one end of our land to the other, over one hundred thousand of hardy men pursue this interesting and adventurous industry. A million of souls depend upon the pursuit. Their fleet is nearly 7,000 vessels and 45,000 boats. Even upon such a small bill as this, Mr. Speaker, we may signal from this Capitol and District to these toilers of the sea our interest in their avocation, and elevate and protect it without detracting from or burdening other interests. Here there can be no "overproduction."

POPULAR AND SCIENTIFIC NOMENCLATURE.

I sometimes wonder whether we would not popularize the interest in this industry more if we could only interpret to the people the remarkable names of the fishes we catch and consume. The dead Latinity of their nomenclature is more terrific than some of the monsters of the deep of which poetry and fable are full. I hold in my hand a treatise by Professor Goode and Mr. Bean. It is a part of the proceedings of the United States National Museum. It says that in a paper on the fishes of Nova Scotia and Labrador, Mr. R. H. Storer described a species under the name of *Platessa rostrata*. "This species," it is said, "has been a puzzle to ichthyologists." Dr. Gunther, in 1862, ventured to remark that it appears to be allied to the *Pleuronectes rostrata*. Professor Gill, in 1861, referred it to his nominal genus *Myzopsetta*, and in 1864 to *Limanda*. All of which is quite puzzling to those who are not ichthyologists; but the classification appears clear when we find out that the fish thus clad in this bewildering Latinity is—a flounder! But it is none the less a delight to know when one is tasting the luscious shad at this its season that it is of the *Anadromous* kind, of the herring family, known as *Clupea sapidisissima;* or that we may alternate our worship in Martha's Vineyard in midsummer with a quahaug bake of the *Venus mercenaria!* What a joy to know, when meandering around Tom's River, in New Jersey, that we can perceive the backward movement and shadow in the water of the *Callenictes hastatus!*

Perhaps this refinement in terminology is the rebound from the peculiar patois of the fishmonger from earliest times. In Greece and Rome, later in Italy and Spain, the fishermen or fish dealers—especially mongers of the gentler sex—were noted for their uncontrollable vivacity of tongue. Billingsgate has survived the demolition of other famous gateways into London. It is to-day an illustration of a business that runs up to £120,000 and is growing beyond precedent. How picturesque is the description given of this famed locality:

If without the trouble of taking a long journey we desire to witness the results of the British fisheries, we have only to repair to Billingsgate to find this particular industry brought to a focus. At that piscatorial bourse we can see in the early morning the produce of our most distant seas brought to our greatest seat of population, sure of finding a ready and a profitable market. The aldermanic turbot, the tempting sole, the gigantic codfish, the valuable salmon, the cheap sprat, and the universal herring, are all to be found during their different seasons in great plenty at Billingsgate; and in the lower depths of the market buildings countless quantities of shell-fish of all kinds, stored in immense tubs, may be seen; while away in the adjacent lanes there are to be found gigantic boilers erected for the purpose of crab and lobster boiling. Some of the shops in the neigborhood have always on hand large stocks of all kinds of dried fish which are carried away in great wagons to the railway stations for country distribution. About 4 o'clock on a summer morning this grand piscatorial mart may be seen in its full excitement—the auctioneers bawling, the porters rushing madly about, the hawkers also rushing madly about seeking persons to join them in buying a lot, and so to divide their speculations; and all over is sprinkled the dripping sea-water, and all around we feel that "ancient and fish-like smell" which is the concomitant of such a place.

There has ever been a deal of satire against the frugal and hard-worked fish-wives; not merely those who congregate in Billingsgate, but in

all fisherland, and in every market where grostesque repartee, "shapely shanks" and dulcet voices are at a premium. We know how the humorous sally of Daniel O'Connell silenced the furious fish-hawker of Dublin. He called her a "parallelopipedon," a regular solid, a prism, whose base was a parallelogram! She succumbed before his transcendent power of vituperation. Had he been compelled to go through the ordeal of a whole fish market as I have seen it in France, where all—

> Were mad to speak, with none to hearken,—
> They set the very dogs to a-barking,

he would have prayed for the extension and advancement of a scientific nomenclature, rather than endure a jargon of Babel and Bedlam combined.

A NEW CLASSIFICATION.

It would seem, sir, a safe remark for a layman in this fishing business to say that fish live in water. But when I meet with the fact that a species is found in Ceylon that lives in the earth or exists in mud, not to mention others that fly in the air and perch on trees, it will be confessed that a classification under the head of water-animals is less scientific and certain than under that of vertebrate. Perhaps I may say that fish are the only animals, except the rhetorical man, whose breathing apparatus requires to be kept moist by fluid saturation!

REASONS FOR LEGISLATION.

We find in Bertram's Harvest of the Sea this very pertinent question: "Why should not an acre of water become as productive as an acre of land?" If this is suggestive for Europe, how much more suggestive as applicable to our own country! The answer given on this point with reference to France, Germany, and England is that fish-culture in those countries is essentially practical, hence it is not much wonder that in France it has been taken under the protecting wing of the state.

Calling to its aid learned men and humane, the English parliament enacted, after much investigation, the sea-fisheries act of 1868. A prolonged inquiry by a commission, of which Professor Huxley was a member, led to this. The act repealed obsolete laws, established liberty to fish in any part of the sea, bays, and estuaries; and in various ways it gave the impulse of good regulations to this industry in Great Britian. It did not go so far as the Roman precedent, when Domitian ordered a special session of the Senate to discuss the cooking of a turbot; but it displayed a wise foresight as to the catching and preservation of the British herring and other fish.

A legislator, caring for the common weal, should not only look at the economic value of fish as food for the people, but he should also regard the fisheries as a fostering element in seafaring and training for maritime adventure and hardship, with a view to the humanities of life-saving on the coast and the possibilities of international conflict.

What wonderful advancement we have made since the beginning of the seventeenth century in gathering the harvests of the sea, the census returns will demonstrate. This was best seen at the Berlin and London exhibitions, where to the eye of mankind our progress was made conspicuously manifest. A similar display is now about to be made here. What place more fit than our own museum? Under the efforts of Professors Baird, Goode, and others, this industry has received fresh momentum and gained grand results, "known and read of all men." But all their efforts would have been in vain for the advancement by scientific methods without the aid and countenance of the Federal Legislature.

HONORS OF OUR LAND.

In conclusion, I may be allowed to say, that it is a matter of peculiar gratification that even as late as the 9th of February, 1871, Congress passed a general and generous law providing for investigations as to the diminution of our food-fishes; and that at the same time it took measures for their increase and distribution. It is also a matter of congratulation that the resolution establishing the office of Commissioner of Fish and Fisheries led the way to the selection of Professor Baird, who has not only assisted, as Secretary of the Smithsonian Institution, in the increase and diffusion of knowledge among men, but who has also increased and diffused both fish and the knowledge thereof among men, women, and children in forty States and Territories, not to speak of what he has done in the way of international exchange.

That he carried off the highest of the honors at the Berlin exhibition, that our country won the highest prizes in London, and that these glories have inured to the general welfare, is not the least among the benefactions which science in its practical application has showered upon the people of this country, and which they have gladly shared with the millions of other lands. Let the good work go on! Let Congress appropriate its generous aid to the hatching stations and ponds where science is doing this grand and useful work! Let the eulogy of Professor Huxley upon the ingenuity, energy, and scientific knowledge of Professor Baird and his assistants find a general echo in our homes, as well as here and now, to the end that something of that praise which comes after our labors are done may greet these fishers in the waters of science while they are in full hope, faith, and life to enjoy our laudations!

APPENDIX.

Statistics of fisheries in the United States in 1880.

[Prepared for the Tenth Census, under the direction of G. Brown Goode.]

States and Territories.	Grand total.			Persons employed.		Apparatus and capital.						
						Vessels.			Boats.		Value of minor apparatus and outfits.	Other capital, including shore property.
	Persons employed.	Capital invested.	Value of products.	Fishermen.	Shoremen.	No.	Tonnage.	Value.	No.	Value.		
The United States	131,426	$37,955,349	$43,046,053	101,684	29,742	6,605	208,297.82	$9,357,282	44,804	$2,465,393	$8,145,261	$17,987,413
New England States	37,043	19,937,607	14,270,393	29,838	7,205	2,066	113,602.59	2,562,131	14,787	739,970	5,038,171	9,697,335
Middle States, exclusive of great lake fisheries	14,981	4,426,078	8,676,579	12,584	2,397	1,210	23,566.93	1,382,000	8,293	546,647	774,951	1,822,480
Southern Atlantic States	52,418	8,951,722	9,602,737	38,774	13,644	3,014	60,886.15	2,375,450	13,331	640,508	1,145,878	4,789,886
Gulf States	5,131	545,584	1,227,544	4,382	749	197	3,009.86	308,051	1,252	50,173	52,823	134,537
Pacific States and Territories	16,803	2,748,383	7,484,750	11,613	5,190	56	5,463.42	546,450	5,547	404,695	467,238	1,330,000
Great lakes	5,050	1,345,975	1,784,050	4,493	557	62	1,768.87	183,200	1,594	83,400	766,200	313,175
Alabama	635	38,200	119,275	545	90	24	317.20	14,585	119	10,215	7,000	6,400
Alaska	6,130	447,000	2,661,640	6,000	130	.....	.....	.....	3,000	60,000	7,000	380,000
California	3,094	1,139,675	1,860,714	2,089	1,005	49	5,246.80	535,350	853	91,485	205,840	307,000
Connecticut	3,131	1,421,020	1,456,866	2,585	546	291	9,215.95	514,050	1,173	73,585	375,535	457,850
Delaware	1,979	268,231	997,695	1,662	317	69	1,226.00	51,600	839	33,227	70,324	113,080
Florida	2,480	406,117	643,227	2,282	196	124	2,152.97	272,645	1,058	28,508	39,927	65,037
Georgia	899	78,770	119,993	809	90	1	12.00	450	358	15,425	18,445	44,450
Illinois	300	83,400	60,100	265	35	3	209.73	8,500	101	2,000	11,900	61,000
Indiana	52	29,360	32,740	45	7	1	21.90	2,500	15	1,650	20,210	5,000
Louisiana	1,597	93,621	392,610	1,300	297	49	539.69	20,821	165	4,800	18,000	50,000
Maine	11,071	3,375,994	3,614,178	8,110	2,961	606	17,632.65	633,542	5,920	245,624	934,593	1,562,235
Maryland	26,008	6,342,443	5,221,715	15,873	10,135	1,450	43,500.00	1,750,000	2,825	186,448	297,145	4,108,850
Massachusetts	20,117	14,334,450	8,141,750	17,105	2,952	1,054	83,232.17	3,171,189	6,749	351,736	3,528,925	7,282,600
Michigan	1,781	442,665	716,170	1,600	181	36	914.42	98,500	454	10,345	272,920	60,900
Minnesota	35	10,160	5,200	30	5	1	33.59	5,000	10	900	3,760	500
Mississippi	186	8,800	22,540	100	76	.....	.....	.....	58	4,600	1,600	2,600
New Hampshire	414	209,465	176,684	376	38	23	1,019.05	51,500	211	7,780	60,385	89,800
New Jersey	6,220	1,492,202	3,176,589	5,659	561	590	10,445.90	545,900	4,065	223,963	232,339	490,000
New York	7,266	2,629,585	4,380,565	5,630	1,616	541	11,582.51	777,600	3,441	289,885	390,200	1,171,900
North Carolina	5,274	506,561	845,695	4,729	545	95	1,457.90	39,000	2,714	123,175	225,436	118,950
Ohio	1,046	473,800	518,420	925	121	9	359.51	38,400	487	29,830	253,795	151,775
Oregon	6,835	1,131,350	2,781,024	2,785	4,040	.....	.....	.....	1,360	246,600	245,750	639,000
Pennsylvania	552	119,810	320,050	511	41	11	321.99	10,500	156	13,272	40,538	55,500
Rhode Island	2,310	596,678	880,915	1,602	708	92	2,502.77	191,850	734	61,245	138,733	204,850
South Carolina	1,005	66,275	212,482	964	41	22	337.32	15,000	501	9,790	25,985	15,500
Texas	601	42,400	128,300	491	110	.....	.....	.....	167	15,000	4,400	23,000
Virginia	18,864	1,914,119	3,124,444	16,051	2,813	1,446	15,578.93	571,000	6,618	292,720	569,763	489,636
Washington	744	30,358	181,372	729	15	7	216.62	11,100	334	6,610	8,648	4,000
Wisconsin	800	222,840	253,100	730	70	11	220.25	26,700	319	24,975	145,165	26,000

Statistics of the value of products of fisheries of the United States in 1880.

States and Territories.	Value of products by fisheries.						
	General fisheries.	Whale fishery.	Seal fishery.	Menhaden fishery.	Oyster fishery.	Sponge fishery.	Marine salt industry.
The United States	$22,405,018	$2,323,943	$2,289,813	$2,116,787	$13,403,852	$200,750	$305,890
New England States	10,014,645	2,121,385	111,851	539,722	1,478,900	.....	3,890
Middle States, exclusive of great lake fisheries	2,882,294	.....	.....	1,261,385	4,532,900	.....	.....
Southern Atlantic States	2,217,797	408	.....	315,680	7,068,852	.....	.....
Gulf States	713,594	.....	.....	.....	313,200	200,750	.....
Pacific States and Territories	4,792,638	202,150	2,177,962	.....	10,000	.....	302,000
Great lakes	1,784,050	.....	.....	.....	.....	.....	.....
Alabama	74,325	.....	.....	.....	44,950	.....	.....
Alaska	564,640	500	2,096,500	.....	.....	.....	.....
California	1,341,314	201,650	15,750	.....	.....	.....	302,000
Connecticut	383,887	32,048	111,851	256,205	672,875	.....	.....
Delaware	309,029	.....	.....	941	687,725	.....	.....
Florida	426,527	.....	.....	.....	15,950	200,750	.....
Georgia	84,993	.....	.....	.....	35,000	.....	.....
Illinois	60,100	.....	.....	.....	.....	.....	.....
Indiana	32,740	.....	.....	.....	.....	.....	.....
Louisiana	192,610	.....	.....	.....	200,000	.....	.....
Maine	3,576,678	.....	.....	.....	37,500	.....	.....
Maryland	479,388	.....	.....	11,851	4,730,476	.....	.....
Massachusetts	5,581,204	2,089,337	.....	61,769	405,550	.....	3,890
Michigan	716,170	.....	.....	.....	.....	.....	.....
Minnesota	5,200	.....	.....	.....	.....	.....	.....
Mississippi	12,540	.....	.....	.....	10,000	.....	.....
New Hampshire	170,634	.....	.....	.....	6,050	.....	.....
New Jersey	949,678	.....	.....	146,286	2,080,625	.....	.....
New York	1,689,357	.....	.....	1,114,158	1,577,050	.....	.....
North Carolina	785,287	408	.....	.....	60,000	.....	.....
Ohio	518,420	.....	.....	.....	.....	.....	.....
Oregon	2,776,724	.....	4,309	.....	.....	.....	.....
Pennsylvania	132,550	.....	.....	.....	187,500	.....	.....
Rhode Island	302,242	.....	.....	221,748	356,925	.....	.....
South Carolina	192,482	.....	.....	.....	20,000	.....	.....
Texas	81,000	.....	.....	.....	47,300	.....	.....
Virginia	602,239	.....	.....	303,829	2,218,376	.....	.....
Washington	109,960	.....	61,412	.....	10,000	.....	.....
Wisconsin	253,100	.....	.....	.....	.....	.....	.....

Backbone Railroad Land Grant.

SPEECH

OF

HON. CARLETON HUNT,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1884,

On the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. HUNT said:

Mr. SPEAKER: By the twenty-second section of the act of Congress of March 3, 1871 (16 Statutes, 579), there was a grant made *in præsenti* to the New Orleans, Baton Rouge and Vicksburg Railroad Company, a then existing corporation under the laws of Louisiana, of every alternate section of land designated by odd numbers within twenty miles of the line of road, to be thereafter fixed on the ground, and in case any of such lands were so affected by adverse rights or equities at the time of such definite fixing that the grant could not directly attach to the same, then a further grant was made of the right to select in lieu thereof other lands of like quantity outside of said twenty-mile limit, but within thirty miles from the line of the road, provided such lieu lands should be designated likewise by odd numbers and be subject to grant at the date of final fixing of the line of road.

From these grants, first of lands in place within twenty miles of the road on each side, and, second, of indemnity lands outside of twenty but within thirty miles, have arisen the terms "granted limits" and "indemnity limits."

The New Orleans Pacific, as assignee of the New Orleans, Baton Rouge and Vicksburg Company, has selected, within the "granted limits" in the New Orleans land district, 252,176.63 acres; in the Natchitoches land district, 355,266.72 acres; making a total of selections within the twenty-mile granted limits of 607,444.35 acres. The same company has also selected lieu lands within the "indemnity limits" in the New Orleans land district, 173,552.09 acres; in the Natchitoches land district, 234,997.32 acres; making a total of indemnity lands, 408,549.41 acres. Add to this the selections of granted lands, 607,444.35 acres; and we have a grand total of 1,015,993.76 acres. But of this total, as I am informed, some 47,000 acres must ultimately be deducted as in conflict with the grant made to the State of Louisiana by section 1 of the act of June 3, 1856 (11 Statutes, 18), to aid in the construction of the road from Vicksburg via Monroe to Shreveport. There will also, as I understand, be 100,000 acres more rejected on account of other claims than those of the company (see letter from the Land Office to E. B. Wheelock of January 2, 1882, page 2, Senate Document 31, &c.), leaving a net residue liable to patent of about 869,000 acres. In no event is it likely that the company, if the grant is not forfeited, will obtain more land than is here indicated, although it may obtain patents for a trifle less.

It is probable, then, that if patents ever issue they will not exceed 870,000 acres for lands in place and indemnity lands. Some of these lands, according to my information, may be worth $2 or $2.50 per acre, while by far the greater quantity are not worth $1 per acre. I am told by those on whom I rely, that if the company, with patents in its hands, can sell all at an average price of $1 per acre and make the conversion within two years after the issue of the patents, it will be fortunate. If the proposition to forfeit this grant about three years after the entire completion of the route in aid of which alone it was made were addressed upon the instance of proper parties to a court sitting in the State of Louisiana, it is not impossible that the demand might be sustained. In the proceedings of such a tribunal the much-criticised transactions attending the transfer involved; the merely nominal consideration paid therefor; the ratifications by the respective companies, and the speedy withdrawal of oppositions in the case in the United States court at New Orleans—all these and many kindred proceedings might perhaps fall under rigid judicial scrutiny, and the company insisting on title to so large a quantity of land by virtue of them be held to a strict reckoning.

I am not prepared to say how far, if at all, the case in this view would be one which would commend itself to a judge. But Congress is not hampered by strict rules of law. It may respond to broad suggestions of natural justice and public policy. It ought to consider, I think, the leading motive of a preceding Congress in making any grant at all, and if that motive has been fully gratified and within a time not wholly unreasonable under all the embarrassing circumstances of the grantee, then I consider Congress ought not to forfeit the grant, on the very faith of which alone, as it well appears, the object involved has been actually attained. In such connection Congress ought to inquire what would be its course had no road at all been built and no grant ever been made, and whether it would not, in the case here supposed, now make the grant to any responsible company willing to build a road in order to connect the Gulf with the Pacific coast? If the necessity for a road in 1871 justified and required a grant, can it be denied the necessity would be even greater in 1884? If, then, a grant in 1884 of these lands would be justified to secure such a road as has been built on the faith of a grant already made, upon what ground of right reason and public policy can that be taken back by Government which would be given again?

It is matter of wonder to skilled and practical men, familiar with the difficulties of building and maintaining railways in the alluvial swamps of lower Louisiana, that so good a road as that here concerned was constructed at all, and the wonder is increased when one takes into account the ravages of late overflows and crevasses. It is likely, according to my best information, that the entire proceeds of the grant, as previously estimated, will not more than repair the direct and indirect losses from the present flood on a large portion of the line. It is questionable, indeed (so writes me an experienced civil engineer and independent gentleman), whether even with the grant any good railroad can be maintained between New Orleans and Shreveport unless the United States shall build the levees along its route. Without this grant it certainly could not be, unless aid was drawn from extraneous sources independent of the mere earnings of the road.

Rivers and Harbors.

SPEECH

OF

HON. ELZA JEFFORDS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JEFFORDS said:

Mr. CHAIRMAN: The beginning of our history as a nation is more strange than even the fabled story of the founding of Rome. Bands of exiles and outcasts from the Old World formed the nucleus which has been transformed into the foremost nation of the earth in all that constitutes true greatness. No gift of speech however matchless, no powers of description however marvelous, can adequately portray the rapid growth and unparalleled development of this nation. History teaches us that all the other nations, from the first foundation of human government under the patriarchal system down to this time, have grown slowly and gradually into greatness, advancing feebly step by step, and between each intervening step a century elapsed; while our nation by a single colossal stride has reached the very pinnacle of national grandeur.

When one reflects that a century has not come and gone since our Government was founded, that less than one hundred years ago we were but thirteen feeble colonies, thinly populated, stretching along our Atlantic seaboard, with less than 3,000,000 inhabitants; that we are now thirty-eight States and seven Territories, extending entirely across the continent from the Atlantic to the Pacific Ocean, with a population of nearly 60,000,000, it is with swelling pride that we point to the record of our development as the most marvelous in the annals of time.

We have to a great extent been the architects of our own great fortunes, although nature has bestowed upon us unequaled advantages. We have every variety of climate to be found between the frigid and torrid zones. We have the largest and longest rivers, and more of them; the greatest lakes, and more of them; the broadest valleys, and more of them; the richest mines, and more of them, than any other nation on the habitable globe. These are some of our natural advantages, and of these we have not been entirely unmindful, but we have not made the most of them. For more than a quarter of a century greater attention has been given to artificial means of development than has been bestowed on our natural resources.

This brings me to a discussion of the measure now under consideration. No question of greater magnitude nor of more widespread importance nor of more universal interest to the welfare of the whole people of this nation can ever come before a Congress of these United States for its consideration. The improvement of our rivers and harbors is of direct interest to every citizen—to every man, woman, and child in the United States.

The river and harbor bills have been a fruitful theme of discussion ever since the foundation of our Government. Able and well-meaning men, with undoubted sincerity of conviction, have antagonized these bills step by step, and, with a recklessness of statement that still prevails, have denounced them as schemes of public plunder. It was only the other day that an honorable gentleman stood upon the floor of this House and flippantly described the present measure as the "annual plunder bill." I have no quarrel with these gentlemen. Sneers and denunciation are not the weapons of thoughtful minds. This question must be treated and disposed of on its merits. The friends of the bill under consideration are disposed to discuss it fairly and honestly, but they are not to be frightened by threats or alarmed by denunciation. We will meet argument with argument and fact with fact, but the cry of "steal" and "plunder" will not frighten us from the course we have marked out for ourselves.

It is not a little remarkable that the bulk of the opposition to this bill comes from States that are bountifully provided with every conceivable method of cheap and convenient transportation. New York with her network of railways and her magnificent canals can well afford to oppose these appropriations. Doubtless New York can well afford to do without river and harbor appropriations. It might not be unsafe even to hazard the opinion that New York would be immensely pleased if the Mississippi River were rendered entirely unnavigable. There would then be no fear of rivalry from the Southwestern seaboard, and New York would have things entirely her own way. Fortunately, however, the South and the West have a voice in these matters, and unless I mistake the drift of public opinion in those sections the time is coming when the question of cheap water transportation will override all others in this Hall of legislation, and when the advocates of river improvement will be in sufficient numbers here to demand and enforce the utmost liberality of expenditure by the National Government toward the improvement of national and local water ways.

The river convention that was assembled here a few weeks ago gave voice to this sentiment with no uncertain sound. That convention was no ordinary body of men. The wealth, the intellect, the commerce, the manufactures, and the agriculture of the Mississippi Valley were represented there by men worthy of the great mission intrusted to them.

Their deliberations were marked by great ability and singular unanimity. There were no two opinions in that body. Thirty millions of people spoke there through their accredited representatives, and with one voice they declared—

That it is the manifest and imperative duty of the Government of the United States to cause to be made such improvement of the Mississippi River and its navigable tributaries as shall permanently secure the safe and easy navigation thereof, thereby cheapening freights and reducing insurance and other burdens and expenses, thus promoting the vast inland commerce of the nation, and creating new avenues of foreign trade, and not only inviting increased production and population, but assuring greater prosperity to the whole people. Especially is this duty obvious and our demand justified in view of the donations already made by Congress in land, amounting to nearly 200,000,000 acres, and in bonds, issued or guaranteed, nearly $100,000,000 more, in aid of artificial highways, the property of individuals, and which even at lowest rates must furnish the most costly form of transportation on a large scale—as compared with appropriations not yet one-tenth so great in all, for the improvement of more than 15,000 miles of natural water ways, whose freedom from tax or monopoly is protected by constitutional guarantees, while in cheaper service and unrestricted competition they afford the most effectual check upon exorbitant charges by any other route to the sea.

The improvement of the Mississippi and its navigable tributaries, not only its principal tributaries, but all of its navigable tributaries, is the question of paramount interest in seventeen States and three Territories of this great nation. All that vast and fertile region of country lying between the western slope of the Alleghany Mountains and the eastern slope of the Rocky Mountains is known as the Mississippi Valley. This is subdivided into what is termed the Ohio River basin, with its tributaries, with its 241,000 square miles of territory. The Missouri River basin, with all its tributaries, with its 520,000 square miles of territory, and the Upper and Lower Mississippi River, with all its tributaries, with its 1,403,000 square miles of territory.

Within this region just described lie the very seat and center of empire in this nation. It contains within its embrace more than half of the population and wealth of the nation. It pays, and largely pays, more than one-half of the internal-revenue taxes which are paid into the Treasury of the United States.

This is not only a national river, but so far as trade and commerce are concerned it is international in its character, as it bears upon its mighty bosom the commerce of almost every nation of the earth. This is not a State river, it is a United States river. There are ten States bordering upon the Mississippi River. Neither one of these riparian States has, nor have all of them combined, any jurisdiction over this river. From its source to its mouth the United States Government has exclusive jurisdiction over it. If any one or all of the riparian States were to attempt to exercise jurisdiction over this great river for the purpose of controlling its waywardness or curbing its eccentricities to the exclusion of the other States, with what alacrity would the other States rise up in opposition to any such assumption of power. If the improvement of the Mississippi and its navigable tributaries is not undertaken by the General Government, then it must be undertaken by the riparian States.

It needs no Daniel come to judgment to foretell that any combination of States with a view to forming an association of such a continuous work as would be requisite to accomplish the desired result would be fraught with the most serious political danger. This would be a confederation and combination in the central part of the nation for their mutual and common protection, which the National Government had failed and refused its aid. This could not fail to weaken the common bond of sisterhood among the States; the reciprocity of interest would be wanting, the obligation of mutual benefits would no longer be felt or recognized, and the very worst and most fatal phase of sectionalism would be evolved.

Let the idea once become prevalent among the people that the vital interest of each locality or section must be looked after and cared for by an association of States—that moment will the bonds of the Federal Union become loosened. The moral effect of the adoption of such a sentiment would be to pave the way to political disintegration. Who is

bold enough to deny that such neglect on the part of the National Government would be a sufficient warrant for such action on the part of the neglected States? Let it be distinctly understood that no such action is contemplated, because there is a much better alternative suggests itself, and that is that the States and Territories interested hold in their own hands a far better remedy. It will not be many years before the people of the States and Territories directly interested in this question of the improvement of the Mississippi River will decline to send any man to the Senate of the United States, to the House of Representatives, who is not avowedly in favor of voting all the money that may be needed for this grand work.

The time is near at hand, and my individual belief is that it has already arrived, when no man can be elected President of the United States who has not pronounced views in favor of the improvement of the Mississippi and all of its navigable tributaries. It is entirely safe to predict no political party can ever carry a national election which does not announce itself in favor of improving the navigation of this greatest of our national water ways, including the building of levees and to use all the methods necessary to secure the alluvial lands of the Mississippi Valley from inundation. It is as much the duty of the National Government to control the angry and destructive floods of the Mississippi River and to protect her citizens against their ravages as to repel the invasion of a foreign foe or suppress a domestic insurrection which had passed beyond the power of State control.

In the preparation of this bill the committee have, in my opinion, acted with an undue amount of timidity. The estimates of the United States engineers for the Mississippi River are $7,741,000. The committee has only appropriated $3,400,000, a reduction of over 50 per cent.; and this amount is intended to cover not only the cost of improving the channel of the river, but all the harbors along its line, including Memphis, Greenville, Vicksburg, Natchez, and New Orleans. I am at a loss to determine upon what principle the committee acted unless it was the principle of horizontal reduction which seems to find much favor on the other side of the House this session. The amount is totally inadequate to the necessities of that great channel of internal commerce. In my district alone there are two harbors upon which half a million of dollars could be profitably expended this year.

The town of Greenville, a town of 4,000 inhabitants, and containing property valued at two millions, is daily yielding to the encroachments of the mighty Mississippi and is in momentary danger of being engulfed in its mad waters. It has no resources of its own to ward off this calamity, and its only hope is that the Federal Government will reach out its powerful arm and save it from destruction. You ask upon what principle can such outlay be defended. I answer, upon the principle that if this town is destroyed the aggregate wealth of the nation is decreased by two or three millions, and that it is wise economy to spend $150,000 to save three millions. I defend it also upon another principle.

Greenville is an important point of Southern commerce. Almost the entire cotton crop of five counties seeks an outlet there for reshipment to the commercial world. The products of the West are landed there by the boat-load and distributed to points in the interior, and the cotton comes back in exchange. The value of its commercial transactions would sum up more than five millions annually. Its railroad connections extend for miles into the interior and new lines are being projected constantly, so that both as a commercial point and a source of national wealth it is entitled to the protection of the General Government. The city of Vicksburg, as you are doubtless aware, is cut off from the main channel by a diversion of the river from its former course. When the water is at its lowest stage it is impossible for steamboats to reach the city and there is great danger that unless something is done and quickly, too, that the city will be left high and dry.

Appropriations are annually made to correct this evil, but they are uniformly insufficient to accomplish material results. If all the money appropriated for four years had been expended in one year Vicksburg would be to-day beyond the necessity of aid. It is this shortsighted economy, this penny-wise, pound-foolish system which prevails everywhere in the construction of these bills that in nine cases out of ten renders the appropriation unproductive of satisfactory results. Why not approach the question boldly and fearlessly? The harbor of a city or town is either a proper subject for appropriation or it is not. If not, reject it entirely. If it is, appropriate a sufficient amount of money, so that the most desirable results will follow. If $250,000 is needed, give it at once and finish the business; do not dole it out by the thimbleful so as to render its application practically futile. Such a practice is radically wrong, and is doubtless due to the prevailing prejudice against liberal appropriations in river and harbor bills; but I look forward to the day, not far distant, when public opinion will have so changed on this subject that the River and Harbor Committee will not be hindered in its action by the fear that the bill may be too large.

There is much diversity of opinion as to whether levees are safe barriers to inundation. I think I speak the sentiment of ninety-nine hundredths of the people who dwell on the banks of the Mississippi when I say that there are no two opinions on the subject in that locality. The very best proof that the people of Arkansas, Mississippi, and Louisiana believe in levees is that they have poured out their money like water in building them. Ever since the war the counties in the State of Mississippi bordering on the river have associated themselves in levee boards and have spent countless thousands in the construction and repair of levees. And they are doing so yet, to-day.

The last Legislature of Mississippi authorized the issuance of bonds to the amount of $500,000, all of which is to be applied to the construction and repair of levees in one district. They ask no favors of the National Government in the way of levee building, and they do not expect to see their private property protected at public expense, as is claimed here. What they do ask is simply this: that wherever the building of a levee is found necessary to channel improvement, that the work be done by the Government under the direction of its officers and at its own expense. But it would not be an unreasonable request if the people who suffer from annual inundation by this great river should ask the Government to relieve them from the burden of levee building. The cost would be trifling compared to the benefits that would ensue from such a policy. The annual damage from overflow can not be numbered by thousands. I am within safe limits when I place it at millions; but be it what it may, it is so much cut off from the wealth of the nation. Will anybody deny that it would be wise policy to check this drain on the nation's resources?

Do the gentlemen who talk so glibly of the unconstitutionality of levee appropriations and protecting private property at public expense ever stop to think that the land that is washed by the waters of the Mississippi furnishes the largest source of our national wealth? Did it ever occur to them that the cotton crop brings one hundred millions more gold into the country than wheat and corn combined? Here are the figures:

Cotton, raw	$247,328,721
Cotton, manufactured	12,951,145
	260,279,866
Iron and steel manufactures	19,165,321
Corn	27,756,082
Flour	54,820,459
Wheat	119,879,341
Bacon and hams	38,155,952
Lard	26,618,048
Pork	6,192,268
Butter	2,290,665
Cheese	11,134,526
Petroleum and coal-oil	40,998,138
Tobacco, leaf and manufactured	22,095,229
Wood, and manufactures of	26,783,708
	395,903,937

So that our cotton crop supplies nearly 40 per cent. of our annual productive wealth, and the percentage threatens soon to increase to 75; for England is refusing our grain and looking to India for food, and Germany has closed the door to our hog products, so that the time is not far distant when cotton will once more be king. To this result it is your duty to contribute by protecting the soil where cotton is raised from all danger of overflow. The money can not be more judiciously expended. It is wise statesmanship to do so.

It is the opinion of the leading engineers of the Army and the most eminent engineers in civil life that the construction of the levees are an aid to channel improvement, and as most of the members of this House are familiar with the reasons assigned for this opinion it is not necessary that I consume your valuable time in reproducing them, but shall content myself by referring you to their reports on this subject. If the opinion of these experts, the very ablest in the land, is to be relied upon at all we are bound to believe them when they tell us that the levees are an aid and a material aid to the improvement of channel navigation.

If this be true, and I do not see how any reasonable or sane mind can doubt it, then to that extent and for that purpose it is just as legitimate and wise and just as any other means, not more expensive than the building of levees.

The objection that levee building is an expenditure of public money for the protection of private property or that it is an expenditure for local benefit only is not well founded. All improvements of rivers and harbors must of necessity be local as to the place of expenditure; and while all such improvements are local, yet the benefits arising from them are national and in some instances international. For instance, the improvement of the harbors of New York, Boston, Philadelphia, Baltimore, and other seaport cities and of the Mississippi River may be regarded as works which are international in their benefits, as they are connected with the trade of all the commercial peoples of the earth. The improvement of each of these places when considered separately is local, as before stated, but when considered in conjunction with each other and as part of one system they are each national and redound to the national welfare.

The building of levees it is conceded is a material aid to the improvement of channel navigation. The protection afforded thereby is incidental, but this incidental protection it is estimated will reclaim, between Cairo and the mouth of the Mississippi River, at least 35,000,000 acres of the most fertile lands on this continent, worth at a low estimate $500,000,000. This will increase the actual wealth of the nation billions of dollars. Is there any one within reach of my voice that is prepared to say that the money spent with such a possibility in view would not be well spent? This is not a local nor a sectional

question. It appeals to the patriotism of every man, woman, and child in the land, and even the political economist who takes no sentimental view of things will concede that money spent in such a cause would yield a rich return.

There is another phase to this question that I desire to touch upon before I conclude, although I am aware what a mountain of prejudice I will have to overcome in the effort to make you see this thing as I see it. It is the fashion here to ridicule appropriations for small streams, and even gentlemen who ordinarily would not be suspected of making any pretensions to wit can not resist the impulse to poke their cheap humor at small streams. They are called by one honorable member "mud creeks, mountain brooks, and frog ponds." Another gentleman is pleased to disport his fancy with playful reflections on creeks and steamboat landings; and really I can not find fault with him, for the author of these excruciating witticisms is, I am informed, a railroad president; and I am free to say the friends of river and harbor improvement do not expectmuch support from that direction. In fact it is an unanswerable argument in our favor that the railroad interests are opposing us so bitterly.

I confess that I see little cause for ridicule in the fact that people should seek to improve their facilities for carrying their products to market and bringing home supplies in return. Steele's Bayou is in my district. The committee has appropriated $2,500 to render it navigable. My railroad friend on the other side thought this very funny, and went into convulsions of humor over it. Perhaps if he lived on the banks of that stream and had to drive an ox team ten miles over impassable roads to the Mississippi River to get a barrel of flour his hilarity might gradually check itself. The people along its banks are not burdened with wealth. The majority of them are hard-working colored men and women, who make their living by the sweat of their brow and never saw a railroad in their lives. A steamboat with one chimney and a 10 by 4 cabin is good enough for them, but they can not have even that because the stream they live on is full of obstructions and dangerous to navigation.

I am here to represent them and their interests, and I consider it my duty to serve them as faithfully as I would those of the nabob railroad president in the district if we had one. They are citizens and taxpayers, and their welfare and interests are as worthy subjects of legislation as that of the citizens of the proudest city of the land. As long as I have a voice here it shall be heard in their behalf, and neither sneers nor ridicule shall silence me.

I do not wish to be regarded as an opponent of railroads. On the contrary, I hail them as indispensable factors in the progress of civilization. The magnificent strides that this country has made on the road to wealth and prosperity is largely due to their instrumentality. My voice and my vote shall at all times be ready to encourage new lines of enterprise in that direction. My language is simply intended to remind gentlemen that in their championship of the railroads they are too prone to ignore the merits and advantages of a well-connected and well-developed system of national water ways.

One word more and I have done. The people of the South are particularly entitled to the liberality of this Congress. As I have pointed out, they contribute the greater portion of the wealth of the country. It has cost them much to attain that point of productiveness. The war left them poor, bankrupt in money and hope. No people were ever so sorely stricken. But their recuperative energies were strong and invincible. With no resources but the rich soil that was theirs by inheritance, they proceeded slowly to rebuild their shattered fortunes. They had much to contend against—misrule, oppressive taxation, flood, and plague, but they did not succumb. It would be impossible to describe the privations they endured, the obstacles they had to overcome; but they have survived them all, and are to-day a brave, strong, self-reliant people. They ask no unreasonable favors; they simply demand their rights and a just share of those revenues they help to supply.

Rivers and Harbors.

SPEECH

OF

HON. EBEN F. STONE,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. STONE said:

Mr. CHAIRMAN: The time at last has come when the question of a river and harbor bill, which shall recognize the duty and the policy of the establishment by the General Government of a system of water transportation, coextensive with our vast domain, is conceded by all parties to be a proper subject for legislation. The constitutional scruples, which troubled Jefferson and Madison and their immediate successors, have disappeared under the drift of great forces, and the policy which they admitted to be urgent, but only possible by an amendment of the Constitution, has been worked out by the operation of natural causes, which have silently and gradually, but none the less effectively, so changed our Constitution that to-day,—not idealists, not speculators, who by some ingenuity of construction can always find in that instrument what suits their purpose,—the Supreme Court of the United States, whose special function it is to preserve our political system, by compelling a strict observance of our organic law, has recently, in the Legal-tender case, in effect, decided that this General Government of ours, which, even Hamilton in 1802 declared to be a "frail and worthless fabric," is clothed with all the power that may be needed in our national career for the common defense and general welfare.

The doctrine of this decision is that the General Government is sovereign, and, by virtue of its sovereignty, will be held to have every power needed to deal with the exigencies of empire, unless it be expressly prohibited by the Constitution. If the people had anticipated this construction of the Constitution, which is now judicially established, it would never have been adopted. But happily for the country, it was our good fortune to have had, in the early history of the Government, a man who not only had the judicial temperament but the prophetic eye, whose figure in bronze now sits within the shadow of this Capitol, apparently lost in thought, and brooding over the great questions of constitutional law which he can see looming up in the future. It is to Marshall that we are indebted for the doctrine of implied powers, which invests this Government, substantially, with all the attributes of sovereignty.

Jefferson was right when he said, in a letter to Madison, that if the power to build a light-house were conceded, upon that infraction would be built a second, and upon that a third, until the Constitution were made to comprehend every power of government. The same thought was expressed by Madison in his veto of the act to set apart certain funds for internal improvement in 1817, in which he denied that the power to regulate commerce included the power to construct roads and canals and to improve the navigation of water courses, and contended that the construction claimed would render nugatory and superfluous the careful enumeration of powers in the Constitution, and have the effect of giving to Congress a general power of legislation embracing every object within the purview of a legislative trust. This message is interesting, because it predicts with clearness exactly what has taken place. To-day, without violence or forced construction, in obedience to a natural law of evolution, this Government is exercising, with the consent of the people, nearly all the powers, that naturally reside in a great nation, essential to the proper organization and administration of its public affairs.

This is no longer a union of States, bound together by a single interest, and, for the most part, separate and independent, as was the case when the Constitution was formed, but a great nation, with that assimilation and correlation and solidarity of interests that constitute national life. It was never accurate under our Constitution to define State rights as State sovereignty. But the term was used for some years, not inappropriately, because it expressed the popular idea of the relation between the State and the General Government, which it was not convenient to dispute. But that time has passed. The sacredness of State rights is essential to the integrity of our political system, but the dogma of State sovereignty has lost its force and is no longer applicable to our affairs. Our leading industries are all national, and demand a theater for their enterprise as wide as the continent. And it is not too much to say that, in the future that is before us, the great cities, in which are concentrated the energies and ambitions of our national life, are destined to play a more important part than the States in which they are situated.

It would be easy to show, by a review of the history of this question, how the strict construction of the Constitution which so generally prevailed at the time of its adoption has gradually yielded to the force of circumstances and to the logic of events, till the doctrine of Adams and Gallatin and Clay and Webster, and other public men of the liberal school, has become the opinion of the whole country, received everywhere without modification or dispute. It is now admitted that, under the commerce power of the Constitution, it is competent to deal with any subject, which can be fairly construed as legitimately belonging to our foreign or interstate commerce, and the idea that once obtained, that the power to regulate did not include the power to facilitate and to promote commerce, seems so narrow and so pedantic and so inconsistent with the natural meaning of the terms, that it is difficult to understand at this day how such a construction was ever received by those whose opinions were authority on questions of constitutional law.

But, as I have said, constitutional obstacles no longer obstruct the open pathway of our national career. Under the view now held by the Supreme Court of the Constitution there is no difficulty in finding adequate power in our General Government to deal with any question of administration that may arise, and State governments and institutions will give place to a spirit of nationalism, which, unencumbered with constitutional scruples, will rule over the national councils and shape the destiny of the Republic. The question of the improvement of the rivers and

harbors becomes simply a question of expediency, to be decided by general considerations of public policy, and by these alone. There is reason to think that, in the past, the constitutional argument has sometimes been invoked from motives of policy, not so much for the purpose of preserving the sacredness of that instrument untouched, as to serve the wishes of some sections of the country, whose interests would be unfavorably affected by the improvements proposed.

It is interesting to know that, when the Constitution was adopted, all the States of the Union were seaboard States, dependent largely for their prosperity on their coasting and foreign trade, and equally interested in the establishment of a general policy which should control and regulate navigation by the imposition of uniform rates of taxes, and avoid the evils and embarrassments which had existed under the Confederation. By virtue of the Constitution the entire revenue to be derived from taxes on foreign commerce was to be paid into the United States Treasury, and the States relinquished the right to charge tonnage duties without consent of Congress. It is undoubtedly the fact that the commerce power was put into the Constitution to avoid the evils and inconveniences of State legislation, inspired by local jealousies and rivalries, by the establishment of a general policy which should protect and promote the interests of the whole country. It is no exaggeration to say, that it was the exigencies of marine commerce, for which State legislation was altogether inadequate, which made the Constitution. In the resolutions of the Virginia convention, which led so directly to the adoption of the Constitution, this is the only argument urged in support of it. It is now, I say, simply a question of expediency, and upon this question there has been a remarkable unanimity of opinion on the part of the eminent public men of the country of all schools from the time of the adoption of the Constitution to the present.

In his last annual message, in 1808, Jefferson says:

> The probable accumulation of a surplus of revenue beyond what can be applied to the payment of the public debt * * * merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced, or shall it not rather be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union under the powers which Congress may already possess or such amendment of the Constitution as may be approved by the States?

Madison, in a letter to Van Buren, says:

> I have never considered the power—

Referring to internal improvements—

> as within the grant of the Constitution. But such improvements being justly ranked among the greatest advantages * * * and having the peculiar recommendation of binding the several parts of the Union more firmly together, I have always thought the power ought to be possessed by the common Government, which commands the least unpopular and most productive sources of revenue, and can alone select improvements with an eye to the national good.

Government roads—

Said Hamilton—

> canals, and navigable rivers, by diminishing the expense of carriage, put the remote parts of a country nearly upon a level with those in the neighborhood of the town. They are upon that account the greatest of all improvements.

And this opinion has been ably advocated by Clay, Calhoun, Benton, Webster, Seward, and others, who foresaw the future of this country, and the importance of easy and rapid intercommunication to its growth and prosperity. In 1808, Albert Gallatin, then Secretary of the Treasury, prepared and submitted to Congress an elaborate report of a system of internal improvements, in which he proposed inland navigation, with the aid of canals, of sea-going vessels from Massachusetts to North Carolina, a great turnpike road from Maine to Georgia, improvements of the navigation of four of the principal Atlantic rivers, connecting them by canals and turnpikes with the Western rivers and the Mississippi, and a continuous line of water transportation from the western extremity of Lake Michigan by the way of the lakes and the Saint Lawrence to the seas—a great scheme, worthy of his genius and statesmanship. The estimated cost was about $20,000,000, and it was thought that the General Government could accomplish it in ten years by an expenditure of two millions a year. Foreign complications which took place about this time, and the war of 1812, postponed indefinitely the execution of this plan, and the construction of public works of any description for many years. Then the subject of internal improvements became a political question, which, for a long period, extending even to the time of the commencement of the civil war, was one of the principal issues between the Democratic and Whig parties. The suppression of the rebellion worked a radical change in the temper of the people, and extinguished that idea of State sovereignty which was so hostile to national prosperity and glory, and to-day the people of this country are not simply citizens of their respective States, but, first and specially, citizens of the United States, bound together by that community and solidarity of interests and by that passion for glory and empire which are essential to the life of a nation composed, as this is, of an aggregation of States, whose jurisdiction, in regard to their domestic matters, is original and exclusive.

To-day, the spirit of nationalism pervades our people. Doctrines of constitutional law, which were suited to our former condition, and were justified by the letter and the history of the Constitution, have given place to a more liberal construction, that gives scope and room for the exercise of all the powers of government. Loyalty to the State is subordinated to loyalty to the nation, and the power of the General Government to deal with any subject of legislation that may arise in the exigencies of our national career, unless it be expressly prohibited in the Constitution, will not in the future be either questioned or denied.

But with the possession of power comes the responsibility of power, and, if it be competent for the General Government to make provision for public works, and such works are needed for the general welfare, it is the duty of the Government to do it. No narrow policy should limit the action of the Government in this respect. No local jealousy, unworthy of a great nation, should demand liberal appropriation in one place and deny it in another. All parts of our country should be recognized as worthy of attention, and a system of internal improvements organized and adopted liberal and comprehensive, conducted wisely and economically, but equal to the demands of a great nation, with its large resources and opportunities, and its possibilities in the future.

But I have dwelt too long on general considerations, and will come now to the bill before us. It appropriates $12,619,100 for the improvement of rivers and harbors, being a little more than a third of the amount recommended by the estimate of the engineers, which was $35,301,885.

This sum is distributed as follows, namely:

One hundred and thirty-five rivers	$7,684,000
One hundred and four harbors	3,812,100
Twelve channels and inlets	390,000
Five ice-harbors	61,600
Four breakwaters	165,000
One canal	300,000
Four special surveys	57,000
Examinations, &c	125,000
	12,619,100

Distributed geographically it will stand as follows:

New England:		
Rivers	$211,000	
Harbors	437,500	
		$648,500
Atlantic coast and Gulf:		
Rivers	2,004,600	
Harbors	1,802,500	
		3,807,100
Lakes:		
Rivers	1,273,500	
Harbors	914,000	
		2,187,500
Mississippi and Western rivers		5,303,400
Pacific coast:		
Rivers	$377,500	
Harbors	295,100	
		$672,600
Total		12,619,100

All the money is to be expended in the continuation of improvements already commenced with the exception of $247,500, which is appropriated for the construction of new work, not including herein the Hennepin Canal.

The largest appropriation in the bill is for the Mississippi River, for which the committee have allowed $2,400,000. It is believed that the commission in charge of this work have discovered the true method of controlling the waters of this immense stream, and that, in a few years, by a simple process, they will have a channel of a minimum depth of water of sixteen feet from New Orleans to Cairo. The work heretofore has been limited, for the most part, to Plum Point reach and Providence reach, but the success of this part of the undertaking has, in the judgment of the engineers, made it reasonably certain that the object in view can be accomplished, and the committee have recommended the appropriation, without restriction on the discretion of the commissioners in its application.

Of the entire amount appropriated $7,684,000 is for the improvement of river navigation, and the major part of this is for the improvement of that great system of rivers which terminates in the Mississippi. It is our magnificent rivers which make it possible to establish a system of cheap water transportation equal to the demands of our great and increasing commerce. The Missouri River drains an area of 524,000 square miles; the upper Mississippi of 162,000; the Ohio of 241,000, and the lower Mississippi of 314,000; total, 1,241,000 square miles—more than a third of our whole territory. The Columbia River, with its tributaries on the Pacific coast, whose valley is destined to be the home of an active and prosperous and enterprising people, drains an area of over 300,000 square miles.

It has been the habit in the past to criticise the river and harbor bill as if it were the duty of Congress to distribute the amount appropriated equally among the different States; and Gallatin, in his scheme of national improvements, submitted in 1808, proposed that those States, which did not receive their full share of recognition in his general plan, should be indemnified by a gift from the Treasury for purely local purposes. This was when the States were sovereign, or thought that they were, and, by virtue of their sovereignty, claimed to be on an equality. But to-day the States are lost in a spirit of nationality and subordinated to the demands of the general welfare. It is not a question of what each State shall have, but of what the country needs; and the money appropriated is no longer misapplied to make an equal dis-

tribution between the States. If misapplication takes place, it is for other reasons.

Of the new works which have been inaugurated by the committee, I wish to speak of the harbor of refuge at Sandy Bay, Massachusetts. It is proposed to establish at Rockport, at the extreme end of Cape Ann, a national harbor of refuge of the first class. There is only one national harbor of refuge of any pretension on the Atlantic coast, and that is at the mouth of Delaware Bay, called the Delaware Breakwater Harbor. This was commenced more than fifty years ago, and has been of great service to commerce, but it is now confessedly inadequate to accommodate all the vessels that may take shelter there, and is gradually shoaling up by reason of the accumulation of the silt which comes down the river. To remedy this, it will be necessary to close the gap separating the two portions of the breakwater, which will somewhat impair the accessibility of the harbor. Sandy Bay is formed by the angle which separates the shore lines of the bay at the extreme end of Cape Ann. It lies directly in the highway of commerce between Boston and Portland and all the seaports on the northeastern coast, to the Bay of Fundy and the British provinces.

It is estimated that more than fifty thousand vessels pass Cape Ann every year, and the importance of a harbor of refuge at the extreme end of this cape was so urgent, that more than fifty years ago, the General Government expended about $60,000 in the construction of a seawall, which afforded a partial shelter to vessels in distress. Of late years, the attention of the public has been directed, by considerations of humanity, to the importance of life-saving stations and harbors of refuge for the protection of human life; and foreign governments have expended large sums for the construction of national harbors, which shall afford all the protection possible for the safety of life and property, and are now doing everything possible for this purpose. The French Government has of late years appropriated 6,686,000 pounds for the improvement of its harbors, and has expended 4,928,000 pounds on the five ports of Dunkirk, Havre, Calais, Boulogne, and Diéppe. This subject has recently been carefully considered by a select committee of the English Parliament, and it has been decided to construct three national harbors of refuge on the eastern coast of England and Scotland.

England has already established two national harbors of refuge of the first class on the southern coast, namely, at Portland and Plymouth, and is constantly expending large sums for the improvement of her harbors and rivers. Germany, Italy, Spain, and the Netherlands have, of late years, expended large sums in public works of this character, and the expediency of such expenditures, for the interest of trade and commerce and humanity, is acknowledged by all civilized nations. The duty of our Government, with its ample resources, to make adequate provision for the safety of life and property, exposed to the perils of the sea, can not be denied.

Some years since the Government decided to construct a national harbor of refuge of the first class on the Pacific coast, and the work has been delayed only because the engineers can not agree as to the best location. Believing that a harbor of this character is needed on the northeastern coast of the Atlantic, the committee have selected Sandy Bay for this purpose, subject to the opinion of a board of engineers that this is the best location on this coast for such a harbor. It is a large undertaking, but the extreme cheapness of material at this point, where an abundance of stone can be obtained at a very low price, makes it possible to construct a breakwater here, notwithstanding the depth of water, for a price considerably less than the cost per linear foot for works of a similar character in other places.

The harbor of Portland, on southern coast of England,—the cheapest work of the kind ever constructed, cost $600 per linear foot; Plymouth, $1,500 per linear foot; Holyhead, $600 to $800; Marseilles, $1,000; Algiers, $610; Colombo, on the island of Ceylon, $750 to $800. The harbor at Sandy Bay will not exceed $500 a linear foot, and the inclosed area of this harbor is very much greater than that of either of those above mentioned, so that if the comparative cost is determined by the amount of anchor space obtained in each instance for the money expended, which is the true measure of cost, it will be found that the harbor at Sandy Bay will be by far the cheapest of all.

Many of the great harbors, that have been constructed, are deficient in water to float the modern vessels of deep draught, and at Rockport there is ample water to accommodate vessels of the largest size in any part of the inclosed area. For depth of water, accessibility, freedom from ice and silt and deposits of any kind, good anchorage, with large harbor space in proportion to expenditure, amply sufficient to hold the entire shipping of the North Atlantic,—this point seems to offer special advantages for the object in view. There is another consideration entitled to weight. The English engineers and officers of the army and navy who have recently testified before the select committee of Parliament agree in this, that no national harbor of refuge should be constructed not suitable for a military or naval station. And, in case of foreign complications, and the necessity of guarding our coast, where is the point on our coast superior to this, flanking Boston Bay, and commanding the shore line on either side for a long distance? As a naval station, or a rendezvous for our cruisers, it has advantages well worthy of consideration. If built, it will be one of the most magnificent harbors in the world, and, in inclosed area of deep water for the accommodation of large vessels, second to none in Europe or elsewhere. It will be a credit to our engineering talent, and an illustration, in its magnitude and character, of the strength of our national resources.

The Hennepin Canal, connecting the waters of the Mississippi, at Davenport, with Lake Michigan, at Chicago, is also a public work of great importance, and essential to a system of water transportation which shall bring the products of the Northwest to tide water, at the lowest possible cost.

The natural water course is the people's highway, where every citizen can travel as he pleases, exempt from toll or monopoly of any kind; and it is the duty of the Government to improve its character for purposes of transportation, by deepening its channel and removing obstructions, wherever it be practicable. This is clear under ordinary conditions, but where the common roads, with carriages driven by horse-power, are superseded by railways and steam-cars, and the whole business of land transportation is in the control of irresponsible syndicates, whose natural impulse is to charge all the traffic will bear, what remedy so effectual to protect the people from exorbitant charges, as a system of water transportation free to everybody, and cheaper than land transportation under the sharpest competition?

I wish to refer to an objection that is often made to some particular appropriation in a river and harbor bill, that it applies to a place that is not of national importance; as if this consideration were decisive. This implies a misconception of the power of the General Government, and of its duty in this respect. Our political system is so framed that the power of the General Government, in respect to harbors and navigable rivers, is unlimited and exclusive. By virtue of this exclusive jurisdiction it is the duty of the Government not merely to facilitate the operations of commerce, in those places where the business is so large as to be national in its character, but also, in those places of no national pretensions, whose joint contributions to the commerce of the country are the cause of its greatness and prosperity. They pay their proportion of the taxes which supply the Treasury, and are entitled to recognition.

Under the English system, Parliament, while charging the imperial exchequer with the entire cost of a few great national harbors, generally contributes about one-third or one-quarter of the expense of the improvement of rivers and harbors, and the remainder is furnished by the local boards that represent the locality where the work is done. The local boards are allowed to charge a toll for the use of these works. But, under our system, it was long ago decided that the imposition of tolls was impracticable, and no State will improve its harbors and water ways, systematically, for the use of the citizens of the United States, when it can not indemnify itself for the expense of it by harbor dues, or charges of some kind. In the early history of the Government, some of the States, with the consent of the General Government, charged tonnage duties on vessels to indemnify themselves for the expense of harbor improvements, but the practice was soon discontinued as inconsistent with the general welfare.

I submit, then, that, under our system, it is the duty of the General Government, in the exercise of its commerce power which it has received from the States and the people as a trust, to be administered for the general welfare, not only to improve those harbors whose commerce is of national proportions, but to establish a system of water transportation, so broad and so comprehensive, that every part of our common country shall feel its influence and partake of its advantages.

It is the fashion of late in some quarters to denounce a river and harbor bill as a swindle, and this idea, two years since, was so industriously exploited that many excellent people were led to believe it. But it only needed to study the New York press and the relation of the railroad system to the commerce of New York, and to reflect upon the possible results of a cheap system of water transportation and of the free navigation of the Mississippi upon the fortunes of the railroad syndicates and of all connected with them, to perceive that what seemed to the uninitiated as the spontaneous outbreak of a righteous indignation was, in fact, a premeditated, preconcerted, systematic attack, inspired and organized by interested parties.

The river and harbor bill of 1882 was open to criticism, as every river and harbor bill of necessity must be. It is impossible to frame a bill of such a miscellaneous character, containing a large number of items, that shall be unexceptionable. To quarrel with such a measure because it is not perfect, where the object is honest, is unreasonable. To denounce it as a swindle, is to charge the authors of it with dishonesty and corruption. What will you say of those who make the accusation, if you find on examination that there is no ground for the charge, and that it is only to be explained by the suggestion of unworthy and interested motives? The Secretary of War, after an extended examination of the bill, with the purpose of criticising everything of doubtful character, could not find, excluding the appropriation for the Sacramento and Feather Rivers, which was rejected for special reasons, four per cent. which he thought were not proper objects of legislation. And this season a number of objects, which he thought inadmissible, were brought to the notice of Congress by the engineers in charge, as especially urgent and needing immediate attention.

I refer to this as showing the difficulties that inhere in the subject. I repeat, it is impossible to make a river and harbor bill which shall be entirely satisfactory. And my experience on the River and Harbor

Committee has taught me, that it is the duty of Congress to devise some method by which the subject of river and harbor improvement can be considered, systematically, by some board selected for the service, whose judgment will not be unduly influenced by local considerations, and who, while capable of taking a national and comprehensive view of the whole subject, will not be unmindful of the claims of all parts of the country to due recognition and encouragement.

It must not be forgotten that, for all purposes of navigation and commercial intercourse, the navigable waters of the several States are not subject to the jurisdiction of the States, but are the public property of the United States, and subject only to Congressional regulation. (See 3 Wallace, 724.) Every stream and harbor, therefore, as part of the public property of the United States, which the General Government holds in trust for the general welfare, should receive its due share of attention, and, when neglected, has the same right to complain that a country village has, when left out of the postal service and denied a post-office. It is simply a question of duty and of expediency in each case. Twelve millions seems a large sum in the abstract, but, when compared with our resources, it seems inconsiderable—less than the surplus revenue of the Treasury for sixty days. In 1808, when Gallatin recommended an expenditure of two millions a year, and his plan was inspired by John Quincy Adams, our net revenue was $17,000,000. An appropriation at this time, in the same proportion, would be equal to three times the sum recommended by the committee.

Mr. Chairman, the question of transportation should receive from this Government careful consideration. We are attempting to establish on this western continent a great nation, which, by a division of political power between the States and the Union, is hoping to reconcile the rights and liberties of the people with the responsibilities and exigencies of empire. Territorially, the different parts of our country are widely separated, and the obstacles of space and time to a vital union are only to be overcome by a wise use of all the facilities for communication which science and civilization can command. A great future is before us. Our people are impatient of State lines, and, instinct with courage and energy and enterprise, are eager to enter on a national career. But a national career implies a national policy, which shall, as far as possible, remove all physical obstacles to that cheap and convenient exchange and interchange of commodities, and to that sympathy and community of interests, essential to the general prosperity.

The Unwise Agitation of the Tariff Question at this Session of Congress.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 6, 1884.

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. SUMNER, of California, said:

The effort has been made with great diligence and sometimes with considerable art, to have it appear that the cause of tariff reform is at this time inclusively and exclusively infolded and expressed in what has come to be known as "the Morrison bill." But whenever that proposition is distinctly protested against, by those who have here as good a right to speak on the subject as any, the effort or intention is disclaimed; and we are told that after the bill shall have passed out of the Committee of the Whole with a favorable report, there will be opportunity to amend. This gracious suggestion—for such has been the form of the occasional response—has been given, however, in the last few days of the time within which general debate is limited. The fact of the lateness of the hour, conjoined with the manner and style of delivery, contribute toward strengthening the natural and prevailing belief, that if this bill does go hence without an agreement to the fatal motion, it is probable that the successful endeavor of the management will be to secure its passage through the House in the precise mold and with every letter it now possesses. Besides, not all of us are wholly unaware of the momentum which a measure of this kind acquires by moving through the first stages of legislation unchecked; sometimes in this way gaining as it were a resistless energy of its own, which not all the earnest work for halting on the part of its authors and original advocates can avail to stay for a moment's further consideration. Therefore it seems to be unfortunately the fact that no other alternative is left to the members of this House, with respect to the question of legislation upon tariff at this session. We must support this measure as it reads, or be unable to give our affirmative vote for any other bill on the subject.

The situation is forced to this extent. Indeed, some of the champions of this measure have not hesitated here and elsewhere to proclaim in effect that we must sustain this bill, jot and tittle, or suffer the consequences!

Things personal as well as tables statistical belong to this occasion. Of the latter, surely you have had an abundance, and that abundance often in fatiguing duplicate. And not merely personal opinion, but faithful direct representation of the dominant sentiment among our constituences may now properly be set forth, and ought to be the subject of careful, deliberate, conscientious reflection.

In 1880 the Democratic national convention, assembled at Cincinnati, presented to the country a platform in which our party declared in favor of a tariff for revenue only. In order that there may be a clear and unmistakable understanding as to what this platform declaration and pledge imported, let the whole paragraph be read and heard at this moment. This is it:

> Third. Home rule; honest money, consisting of gold and silver and paper, convertible into coin on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only; the subordination of the civil to the military power, and a general and thorough reform of the civil service.

It will be observed that the tariff plank was put in the middle of this paragraph; it was adapted, and was intended, perhaps, for quick running glance only. I do not hesitate to say, now that I have made due and diligent inquiry with a view to ascertain the fact, that an immense proportion of the citizens who read the Democratic platform of 1880 gave to this subdivision in this section, at the beginning of the campaign, no such construction as was afterward put upon it by the Republican management and has here been sought to fasten within its syllables. But I have not time to dwell upon this in the present opportunity. It will reappear hereafter in my remarks under the light of a brief prefatory historical recital.

The Democratic convention of 1880 was held in Cincinnati in June of that year. The following autumn months of September and October witnessed the strange and confessedly demoralizing and somewhat humiliating spectacle of the majority of the Democratic speakers upon the campaign rostrums endeavoring to re-explain these words, or give them an interpretation entirely hostile to the doctrine of free trade, and not inconsistent with the boundary of action on the subject which in 1883 was set forth at their State convention by the Democracy of Ohio. It cannot be denied that our party went before the people in the fall of 1880 begging them not to put a construction upon the plank referred to that would bear any support for a free-trade advocacy.

And it should be said and emphasized in this juxtaposition that with most of the Democratic speakers and editors the disclaimer and the accompanying interpretation referred to were thoroughly honest proclamations, for it can not be denied or doubted that a majority of our party in this country were then and now are in favor of incidental protection; and, I must repeat, thousands in the glance of the first readings did not for one moment imagine that the meaning deprecated would be attached to the clause so harmfully quoted by our opponents—that signification which in strict rendering the words unquestionably imbodied and set forth.

More than this: In the earlier portion of the campaign of 1880 there were distinguished speakers sent out from Democratic headquarters—from the national or New York committee-rooms—duly commissioned and salaried, whose utterances and reasonings were sharp and precise in favor of the theory of free trade for our country, so far at least as to reach the standard of Great Britain. But when our foes in September, 1880, "sprung" the issue upon the line "a tariff for revenue only," focalizing and pressing home upon these words and their interpretation thereof, swift messengers of recall were put upon the track of Henry George and other eminent advocates of the abolition of custom-house dues. No less a man than one of our foremost Representatives on this floor, who has in a most earnest and instructive manner participated largely in this discussion, with authority inherent and acquired or bestowed bid the youthful crusaders of the free-trade knighthood to cease from their eloquent warfare and retire to the rear of the camp.

But besides and beyond and, if you please, above all this, our honored candidate for Chief Executive himself came forward with a declaration which it was unmistakably intended should disabuse the public mind of the prejudice that was engendered against our organization by the charge made in the Republican newspapers and by Republican orators,—the charge that we purposed inaugurating a free-trade administration in the event of the election of General Hancock to the Presidency of the United States.

It must be timely to recall *verbatim* what our Presidential candidate had then to say in reference to this matter. And that his language may be thoroughly understood by those who have had no other reading on this correspondence, or who have forgotten its origin or can not recall without a literal reprint the style of the summons served upon him, I desire that the Clerk read to this House the letter of Governor Randolph as well as the reply of General Hancock. Both will be found in the New York Herald of October 16, 1880. And mark you now, before and while you hear these passages, that a minority of our party in this House is now ordered to vote for the pending bill because it is in such connection alleged to be "a firm first step toward free trade."

These are the letters; hear them:

> MORRISTOWN, N. J., *October* 11, 1880.
>
> MY DEAR GENERAL: My attention is called to-day to an interview, or a reported interview, had with you by a person representing the Paterson Guardian. As I read the report it seems to me that you were very imperfectly under-

stood or very indifferently reported. I come to this conclusion because of my knowledge of your views upon the tariff question. The report does you injustice.

The subject is one which our manufacturing friends are very solicitous about, and very properly so.

I regret that your views upon the tariff question, as I understand them to be, had not found fuller expression in your letter of acceptance.

If the misrepresentation of your tariff views continue, would it not be wise and just to take some occasion to put yourself right?

Very truly, yours,

THEODORE F. RANDOLPH.

General W. S. HANCOCK,
Governor's Island, New York.

GOVERNOR'S ISLAND, *New York, October* 12, 1880.

MY DEAR GOVERNOR: I have received your favor of the 11th. In my letter of acceptance I expressed my full sympathy with our American industries. I thought I spoke plainly enough to satisfy our Jersey friends regarding my tariff views. I am too sound an American to advocate any departure from the general features of the policy that has been largely instrumental in building up our industries and keeping Americans from the competition of the underpaid labor of Europe.

If we intend to remain honest and pay the public debt, as good people of all parties do, and if we mean to administer the functions of government, then we must raise revenue in some way or other. With a reunited and harmonious country we shall certainly in time pay off the public debt, but the necessity of raising money for the administration of the National Government will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff. So far as we are concerned, therefore, all talk about free trade is folly.

But the tariff question will probably be treated with justice to all our interests and people by some such bill as Eaton's. I believe that a commission of intelligent experts, representing both the Government and American industries, will suggest tariff measures that will relieve us of any crudities and inconsistencies existing in our present laws, and confirm to us a system which will be judicious, just, harmonious, and incidentally protective, as well as stable in its effects.

I am, very truly, yours,

WINFIELD S. HANCOCK.

To Hon. THEODORE F. RANDOLPH,
Morristown, N. J.

And furthermore it should be mentioned and magnified in this connection, that not alone by himself or from his own judgment did our Presidential candidate give utterance as quoted, but it is notorious that it was after due counsel with leaders in the party, some of whom I have reason to believe are members of this House, he lent the great significance and authority of his name to such a qualifying and disclaiming proclamation. Nor was any man in our party of acknowledged prominence and influence as a national leader heard upon the hustings to demur to that which our nominee for the chief executive office, by and with the advice and consent of his next friends, so put upon the newspaper record.

What of all this, Mr. Chairman? Much every way.

Not by word of national platform alone is our record and promise to be exhibited and invoked upon for consideration and for soliciting and impelling to action here; but by the plank and the interpretation thereof immediately or shortly thereafter given, are we to be conjured and constrained. And if there be distinction and difference and even contradiction between the two—between the clause in the creed and the text of the unchallenged rendering, between the former and the personal assurances of the principal candidate and his orators and journalists—then must the latter prevail and bind. If that which is called a construction be in substance and effect a retraction, can it be regarded otherwise than, at least, as destroying the strength of the original statement of principle—destroying the original, at least, for any such coercing purpose as is contemplated, as is uttered and hourly reiterated here.

Now, it ill becomes any political party anywhere to obtain power by a declaration of principle which it has not sincerely at heart, or by a disclaimer of intention which it at heart retains and fosters. And least of all—if there can be a comparison of small and great in this relation of secular affairs in this Republic—least of all should such duplicity be manifested by a national political organization. Without thought of personal disrespect to any one, I say that such a proceeding is not honest. I challenge it as debasing and corrupt. Some of the Republican party managers were once conspicuously guilty of this species of outrage and iniquity (and pray let them retain a monopoly of it), and for that reason, among others, I, as one of a great army, came out from its lines and took my position, fifteen years ago, with the regenerated Democracy of the United States. It was the Republican party that declared in 1868 that the right of suffrage should be determined by the States in the North, respectively, and not by the General Government. And then, having acquired or retained power by virtue of such declaration, its Senators and Representatives here proceeded to pass a constitutional amendment, and by various methods of party management and machinery, some of which were most reprehensible, Republican managers proceeded to force it through State Legislatures; which amendment conferred upon the negro race throughout this Republic the privilege and authority of the ballot.

That there may be no misconception here, it is well perhaps that you should hear again the second paragraph of the Republican national platform of 1868:

Second. A guarantee by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States.

The above paragraph in the Republican national platform of 1868, was—singularly (and appropriately?) enough—followed immediately by this language:

Third. We denounce all forms of repudiation as a national crime;

* * * * * * *

Prior to the assembling of the national convention of the Republican party in 1868 the leaders of that organization were suspected and accused of the intention indicated, and the plank on the subject referred to was an isolated and most italicized statement, politic and necessary at the time, upon which the success of that party in that campaign largely, if not absolutely, depended. And throughout the canvass of 1868 Republican orators and editors proclaimed and advocated the doctrine of this last portion of the second paragraph.

Now, no one proposes to revive a debate upon the subject of that amendment. The amendment is in the Constitution for all time, and no Democrat for one moment contemplates attacking it. But the flagrancy of the breach of public party faith referred to is not now and can not be denied. However you may have regarded the proposition to amend, in its letter considered, no intelligent candid Republican will undertake to justify on moral grounds the misrepresentation and other principal means by which that change in or addition to the organic law of the nation was effected.

It might be said—it has perhaps been intimated—that inasmuch as our candidate was not elected in 1880, we are not bound by the platform recitals and the accompanying interpretation of that time; although that would be a very queer evasion and excuse on the part of my antagonist—as peculiar and censurable, I deferentially submit, as would be a violation of a compromise compact of legislation by refusing to vote for a measure agreed upon because the one that had precedence was defeated. And, second, that so much time has elapsed since the last Presidential canvass that we are entitled to bring forth new issues, or, if you please, take a new position upon an old question of public policy and legislative enactment. These things can not be said except by those who are prepared to admit in candid acknowledgment of the logic of the situation that they have changed positions, or that they do not here occupy that vantage ground usually claimed for them; that they are no more accusers, but defenders; no longer to be considered in the attitude of leaders and generals that purpose reading men out of the party who do not obey their behests on the tariff-bill programme; but apologizers for themselves in this day on this issue and amid these scenes of Congressional action.

It is not for me to say—it has not been and will not be said by me—that political issues in their relations to political parties in this country are sharply defined and morally inclosed within walls reared at the end of every four years; that between the striking of the clock, from national convention to national convention, no public man ought to advocate policies or plans in conflict with the last party creed for which he contended. But can there be any doubt in such a case as this as to the proprieties, and as to that which belongs to the intellectual and moral integrity of the situation? Please understand and mistake not; I am confronting and combating the "party call and command," as it is claimed, fully expressed without and often eloquently hinted within this Chamber. I am not guilty of that foolish thing, contending that no member or committee of our party can honorably introduce a tariff bill at this session of Congress. For the sake of my party, as well as in behalf of the best interests of this country, I meet and contend against an order of alleged party discipline on a proclaimed path of "a firm first step toward free trade."

That any individual may change his views at any time—entirely, absolutely—and even gain just credit and applause for frankness and sincerity manifested in such action, it would be absurd to question or deny. Indeed, we know that it was well said by one of old, that it was difficult to tell which of the twain was the biggest fool, the man who was always changing his opinion or the man who never changed. But here is an endeavor to coerce men of Democratic faith and lineage into the support of the so-called Morrison bill on an asserted obligation of party honor and political fidelity. Do not misapprehend or forget for an instant the respective positions of the disputants.

You may change and I may not. Your hour to sit in judgment has not come. I may be with you in thought and conviction on the main question, and yet deem it not only inexpedient but in violation of a formal platform promise, as authoritatively explained and construed, or in plain contradiction of the whole combined convention and subsequent committee and candidate action and assurance, to act here in favor of this or that original proposition or amendatory section. Would you have it otherwise? Then might not those in whose company I now speak, and shall act, with far better right and grace call upon party associates who would arraign us to answer themselves and plead excuse. We possessing the commission to cite and to certify and if need be to cast out, a commission far more legitimately derived or obtainable from decisions and judgment on party creed, pointed and punctuated by contemporaneous or quickly-coming party campaign assurances?

Now we will bring up a little nearer to our firesides. In 1882 there was a memorable political campaign in that distant Commonwealth which I have the honor in part to represent. During that canvass there was no issue joined on the subject which has been under discussion

here for the past two or three weeks. There was very little talk upon the stump about it except what was confined to the Republican speakers, who were not confronted by us upon this topic. Overshadowing and excluding everything else was the question of monopoly, especially the monopoly of a railroad corporation. Thousands of voters cast their ballots for us who sit with one party in this House—a solid Democratic delegation—who would surely have given their suffrages in favor of opposing candidates had they dreamed that we were to put in an appearance here to lend our support to such a measure as the one pending in this Committee of the Whole on the state of the Union. I speak now for no one but myself, and intend no reflection upon any one of my honored colleagues; but I have sought this opportunity of utterance, because I desire to say, once for all, that I should have to consider that I did a dishonest act as a Representative in this Congress, if after having been elected under the circumstances indicated I joined the greatly respected majority of my party here who have not the guiding and restraining home influences that appeal to me, in approving by word and vote this proposition that emanates from the Committee of Ways and Means.

Here are public petitions and private letters, which in the aggregate bear the signatures of thousands of leading citizens of California, protesting against the passage of this bill; containing the names of men who for many years in that politically doubtful State have been consistent and earnest and energetic and, I will not forget to add, munificently generous in their adherence to and aid of the Democratic party. And do you say that I can not fail to support this measure, this confessedly most imperfect manuscript of legislation, without subjecting myself to reprimand and indictment as one recusant to Democratic faith and practice, when under such circumstances such voices come up to me from among the people of my Commonwealth?

If there is authority here to draft a new article of party constitution, or, if you please, to revive one which has been in abeyance, and put it in statutory language, and then summon Democrats to subscribe or take seats on the other side of the House, then I crave your audience to say that we ought at least to have here a bill that is entitled to very respectful consideration on all other accounts. There is no insolence in that suggestion, I humbly submit. Nay, if you are drawing lines and making combat across them, you might expect retaliation. That, however, I have neither the disposition nor the temerity to attempt.

What is this bill? "Tariff revision?" Nothing of the kind. Let not the English language be outraged by such a profession. The bill revises nothing.

It proceeds out of a committee of fifteen members, which committee includes some of the leaders on either side of this House, and as all the country ought to know—especially under the circumstances just referred to—which includes a majority composed of Democratic leaders on this floor. And for these gentlemen we all have the greatest personal respect. There is of course no lack of ability and experience—quite to the contrary—which should pre-eminently fit them for the work and the accomplishment expected in this very relation, from their hands. During full sixty days after our reassembling in January these honored and gifted Representatives sat in council on this subject, and at the end of that time they floated forth this patent scythe-blade tariff projectile.

Mr. Chairman, had we not a right to expect a better outcome than this? I am not going to delineate it in general or metaphoric terms. It has been in that way fitly and sufficiently described by the venerable Representative from Connecticut [Mr. EATON]. And I would that his words could have a reader by the side of every Democratic hearthstone in this country. For verily they were the apt words of truth and soberness.

But I am admonished: "Have a care how you venture to classify these two little pages of Bill delivery, with the appendix of random, guesswork arithmetic, gotten up by one of the clerks in one of the Departments. Beware how you speak lightly of this puzzling text, lest you increase the weight and severity of your punishment for disobedience to the mandates of the party caucus hereunto promulgated! What hazard are you at, when even the veteran statesman and political party hero from Connecticut [Mr. EATON] has been given notice, in some appreciable and unmistakable manner, that he opposes or questions at his peril?"

Sentence by sentence did I approvingly follow his analysis and characterization of this bill and deplore with him the management under which it has been sought to compel a majority in this House to acquiesce in and indorse its provisions. And as I attended him through that masterly extemporaneous discourse I remembered—I could not but recall—the time when I heard that voice, full thirty years ago, giving eloquent utterance to records and rules of Democratic faith and practice, as he spoke in halls and from balcony stands in the capital of his Commonwealth during the progress of a Presidential campaign. I remember when he sat—found wise and faithful and inflexible amid the timid and the far less sagacious of his own party, in the Senate of the United States, breasting a storm of appeal from within and from without—solicitation and threat alike unavailing to move him from his righteous judgment and resolve. O, patriot of patriots! At that hour and in that dire emergency alone upholding the pillars of the Constitution! Simply and tenaciously insisting and to the last persisting that the man whom the people had lawfully chosen to be Chief Executive of this nation should be seated, under the law and rules as they read, in the Presidential chair; as he must have been and would have been if the regularly prescribed methods succeeding election and preceding inauguration had been adhered to and resolutely pursued by all the legislators of the nation who desired to live under the administration of Samuel J. Tilden.

Turn him out of the Democratic party! And because he will not vote for such a bill as this? Challenge him and put him to flight and exile? Let Dares in his youth and in his boasted strength of pugilistic elocution be tumultuously applauded as "swaggering forward he draws the gauntlets on," "defies the circling host," and in default of instant answer demands the prize. See how old Entellus "drives and batters Dares all abroad," until "Father Eneas suffers not their heat go further, nor Entellus feed his fury more;" but rescuing the Trojan champion from his aged but resistless foe, half leads, half bears him weak and limping to the waiting boat.

Mr. Chairman, were we not entitled to a bill from this committee of able and experienced and distinguished legislators that should have been exact in its statements and enumerating in detail—such a bill, and none other, accompanied by directly informing and argumentative calculations made by experts in the committee-room and verified by members having that department of inquiry and preparation especially in charge; presenting in definite and explicit language in the bill itself each object of import article by article, each imposed tax dollar by dollar and fraction by fraction? Why not, in so important and grave a matter as this? When even the distinguished advocate of tariff agitation at this session, who has had the closest intimacy with the practical workings of our schedules, is compelled to say that the present system must not "go" otherwise than "as it came, slowly, and by such wise and moderate steps as will commend themselves to the judgment of all fair-minded men?" Nor let me fail here to present the two paragraphs following the quotation just read from Mr. HEWITT'S speech, delivered in this House so late as April 30, 1884.

> To abolish protective duties at once would ruin me; it would ruin the manufacturers; it would dislocate the labor of this country now engaged in the protected manufactures. We have no right to inflict this wrong. Hence, with the views I entertain, I have not hesitated upon all occasions to confirm the statements of gentlemen upon the other side that this reform must be made slowly. I warn my friends upon this side not to proceed rashly. I warn them that any mistake they may make will be taken advantage of by the manufacturers to put down wages, and to persuade the workmen that we are their enemies and not their friends.
>
> There is only one method by which we can accomplish this great result. Remove duties where it is possible—and there is plenty of room—without injuring existing interests, and then the steady progress in the improvement of the condition of the working classes, especially in their regular employment, without loss of time, which is what they want now more than high wages—this steady progress will convince the workingmen that we are on the right road; and particularly will it convince them when they find that in the day of profits their trades-unions will be powerful enough to demand a better and fairer share of the earnings of industry.

The accusation has gone abroad, and has not been met by saving denial or explanation, that the Republican party has blundered in this relation,—greatly, grossly, almost irreparably. If the Democracy of this House was not to be permitted to agree on that line of non-action at this session which was commended with great particularity and vehemence by the Washington Daily Post and by other so-called Democratic organs (that have not a word to say against railroad and telegraph monopolists), that are now seeking to traduce and defame every Democratic Representative here who will not approve or vote for this bill (and, by the way, I will append to my speech an editorial article from the Washington Post of March 15, 1883, written and published when that paper was under the same management as now), if the Democratic members of Congress were to be called upon to act at this session with respect to a tariff measure issuing from the Ways and Means Committee, was not every member on this side, on single call or objection, entitled to a specific proposition or series of paragraphs on which to exercise judgment and conscience alike? What! Follow one sweeping blow in the dark with another and call that revision and reform?

Shall it be said there was not sufficient time for selection and itemizing? Then it shall be said that it was not a time to bring forth from the committee any bill whatsoever on this subject.

I appeal here and hence, and standing within the ranks of the Democratic party where I have done my full share of arduous service these fifteen years last past, whether there appears any foundation existing at the beginning or laid during the progress of the consideration of this subject for any gentleman here or any number of gentlemen here to set up a standard of political orthodoxy and write anathema over it. For it is assumed that they put themselves by this measure on a platform by and from which the citizens of this Republic will say that they are or ought to be clothed with excluding powers.

For one, I declare with reluctance but as in duty bound that I could not under any conditions praise this bill, coming as it does from the heretofore justly renowned Democratic members of the Committee on Ways and Means of the Forty-eighth Congress. There would appear to have been no study for it in the committee; there is no legislative genius displayed in it, although we know that there is plenty

of educated intelligence behind it. And as a party measure, supposing that to be alone considered, no possible good will or could come out of it.

Mr. Chairman, it is said that the Democratic party must present and advocate free-trade doctrines, or we shall have no issue of clear-cut lineaments before the American people during the coming Presidential campaign. What! no issue, with railroad and telegraph monopolies oppressing us on every hand, and with the almost certain prospect of a candidacy from the Republican national convention that will be obviously the first choice of the owners and managers of these monopolies?

We have put up the bars against Chinese immigration so far as we could, but Chinese labor is not in any event far from our doors. Many classes of artisans in San Francisco would probably be soon forced to take rice-diet wages or be thrown out of employment entirely, if this bill should become a law, by reason of competition from Chinamen located on our borders or engaged in the manufacture of goods in their own land. It is difficult to make exact inquiry as to these matters under the wording of such a measure as this. But it is deserving of notice that the California newspaper organs and circulars of the owners of the transpacific steamship lines are very earnestly in favor of free trade and strongly commend the pending bill, while it is also true that some of them—some of the so-called Democratic numbers in the list, doubtless in enforced deference to local public sentiment—concede that this presentation and pushing is inopportune and likely to prove unavailing at this session.

The wiser editors of railroad and telegraph monopoly organs, however, evidently recognize the fact, without being explicitly told of it from monopoly headquarters, that the introduction of this bill at this time effects or amounts to a diversion in favor of their masters. Ah! if the honorable and renowned gentlemen who brought forth these pages had had the slightest serious suspicion in this direction, how carefully they would have inquired if it had any foundation, before, at this session, under the circumstances that surround us, they presented and with their great strength urged the passage of this measure!

Tariff reform, tariff revision we all desire; and for one I have never hesitated to declare myself in favor of reducing the custom-house levy until the income from imposts on foreign products and manufactures shall ultimately be brought down reasonably close to the expense account of the Federal Government—a liberal margin being allowed for the incidental and accidental—a discrimination for our own productions and industries being meanwhile carefully and skillfully and jealously preserved and maintained.

But the moment you concede, as you must, as you do, that free trade is to-day "impracticable," that, in the language of the eminent gentleman from New York [Mr. HEWITT], even a reduction taking off only so much as strictly speaking could be denominated protective would be "ruinous" to him and to all other manufacturers, you give the questions as to selection of articles and amount of subtraction from duties into all our hands. Each item should be submitted to us all, as are the paragraphs coming from that most diligent and laborious and painstaking of House committees,—the Committee on Rivers and Harbors. It is then and thereafter, neither more nor less, and nothing other than an inquiry as to degree: how much shall you take off here, and how much shall be—how much ought to be—the deduction on that article? The committee should have treated this subject in this clear and simple manner, and exhibited that modicum of respect for us who are without their council, and, if you please, especially for those who have made their first advent here, which would have been implied by a section-text embracing all items, and a report in detail.

There is no pretense anywhere but that the present tariff is iniquitous in its discriminations. But it is not like the schedule of a railroad company, with respect to which the authors and corporation publishers claim approximate perfection, and with respect to which a horizontal cutting in some cases, if too great, is met and compensated for in other instances where it is certain that charges bringing revenue to the one coffer will still remain relatively high and positively exorbitant.

A question of degree; that is what this is. Even if it be acknowledged for the moment that the British free-trade standard is the correct one, still it is a question of degree. And in representing my own constituency, who have named to me and the committee some articles which they prayed might be untouched, as well as in giving utterance to my individual opinion by my action here, I want and I demand a fair basis for consideration and judgment from the hands of a principal and an industrious committee of this House. There need be no fear as to the reasonableness of such a desire and demand. And one man can just as well go before the country upon that proposition and upon my side of it, as three men can go before the country on the other side. Why not? "Thrice armed is he who hath his quarrel just."

Mr. Chairman, I may be wrong, but it does appear to me that upon this subject, where there is so much heat and temporarily party-dividing opposition, there ought to have been in this body a practical unanimity. All can see and all declare that the present law of tariff is imperfect, that the schedule of charges is too high, that in some instances the impost is outrageous. Some contend that on the one fact of recent change—the passage of a law reducing the imposts at the last session—it behooves us to wait at least another year before this subject is touched at all even in the privacy of a committee council. And while we allude to this and observe the impatience with which most of the members of that splendid delegation from the State of Kentucky—with whom I had the honor to stand in a minority a few weeks ago with respect to a subject that most nearly, if not almost exclusively, affected their immediate constituencies—when we see how, with a single exception, those gifted gentlemen regard our reluctance in these premises, we can not avoid bringing to mind the language which their most distinguished statesman of a former generation once used on a similar occasion.

> But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe. * * * And what is the just complaint, on the other hand, of those who support the tariff? It is that the policy of the Government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened, it becomes necessary to close them and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation, before it is yet nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine months' labor, before we know anything of its experimental effects, and even before it commences its operations, we are required to repeal it.

All can see that tariff revision and reform belong upon the banner of any party that puts forth a national platform on which electoral votes are called for in this year of our Lord. I hope and trust that there will be much mutual instructing in the coming canvass and a clear understanding on this subject at its close.

I firmly believe that a bill could have been framed at this session very largely reducing the tariff charges of our Government, for which there would have been no need of a party conference, for which no caucus constraint would have been claimed, against which there would not have been cast five Democratic votes; while it would have received a great number—I think a majority—of votes from the other side of the House.

But why this introduction and this consequent perturbation? Why these threats of party ostracism and expulsion?

If I did not have such profound respect for my fellow-Democrats upon this floor as I profess on all proper occasions, and as I do feel proud with some references to proclaim, I might be led to suspect, in some flashing moment of thought on this subject, that an underlying and perchance inciting motive constraining and compelling a few Representatives here to act in regard to this subject—a motive operating all unconsciously to them—was the wish to capture and establish a leadership in the approaching struggle for the election of a Chief Executive. But I will not entertain or tolerate such a suspicion.

But some things in this relation are certain and not to be effaced. The judgment of the party, as intelligently deduced from official and current expressions one year ago, was hostile to this agitation in this form at this session. Whatever of pledge in general terms was given on this subject two years ago, in a comparatively few localities, received legitimate modification in legislation that has since been had in this Capitol during the second session of the Forty-seventh Congress. Whatever of specific party promise was made in any of the States in 1883 respecting this issue was unfriendly to the introduction and urging of such a measure as is now pending before us; but required something of an opposite nature,—a promise not unobserved but unfulfilled.

"A firm, first step toward free trade!" How so? Any subtraction, no matter how insignificant in point of amount, might have been christened with such a title. But no: this makes the guessed-at minimum for the heroic "firm first step." And one of the foremost advocates placidly declares—in so speaking at once exhibiting his own courageous complacency, I had almost said his reckless indifference, and the entire ignorance of himself and all his associates as to what will be the precise effect, in each or any instance, of this slashing text—"Sometimes we will cut to the quick and draw blood." Is that the language of conservative Democracy? Is that the speech of Jeffersonian statesmanship, when dealing with such a question in any legislative tribunal? But let credit be given here in the way it is due. This is a candid, if not inadvertent, confession of the character of the measure on which the summons of partisan fealty has been laid.

No time to consider the impositions and extortions and consequent oppressions and tyrannies and corruptions of railroad monopolies; no time so far to listen here to pleas for the reduction of excessive fares upon railroads built by the aid of the loan of the Government's bonds and money and the absolute grants of the people's land, under laws that specifically reserved and prescribed the right of Congress—that has accrued—to regulate the tolls; no time to give full audience here on the question of enlarging the postal facilities of this Government, so as to provide, in accordance with the spirit and in obedience to the very letter of our Constitution, as interpreted by a century of Congressional and administrative action, for the telegraphic transmission of the letters of the people at reasonable rates—as is provided by every other civilized nation on the face of the earth; but weeks, and if necessary months, for the advocacy of a "firm first step" in the path of legislation, which if taken by us and approved and followed by other legislators who are beyond us and who are between us and the wished-for consummation, will result admittedly—nay, it is almost the sentence of boasting—in flesh-cutting and blood-letting, when, as a law for the market, the manufacturer, and the husbandman, the statute—the enact-

ment of which is the "step"—passes into and across the business interests of the country.

APPENDIX.

[From the Washington Post of March 15, 1883.]

THE DEMOCRATIC DUTY.

The Post's opinion of the revenue bill passed by the Forty-seventh Congress is in entire accord with the opinions expressed by the leading opponents of the measure in both Houses of Congress.

* * * * * * *

The Post is not and does not propose to be in favor of renewing the tariff fight in the Forty-eighth Congress. The dominant party has gotten its load on its back, and it should be permitted to carry it undisturbed into the campaign of 1884. It is a load that will grow heavier every day, for light is breaking in on the public mind and the iniquities of our tariff schedule are beginning to be seen as they are. When the Democratic party has the three branches of the legislative power in its hands—the House, Senate, and Presidency—it will be for the first time in many years not only able to legislate, but responsible for action or non-action.

Only one of these branches will be Democratic for the next two years, and that one will not be required to attempt the impossible, and load itself with failure and the odium of needlessly disturbing the business interests of the country. Shall the Democratic party forego all the immense advantages of its present position? That is the question involved in the proposition to open up tariff legislation next winter. Shall the Democratic party, on the eve of a Presidential campaign, with victory in sight, undertake a palpable impossibility, with no chance of gain, but a certainty of loss in popular strength?

No measure that would be honestly Democratic could get through the Senate, and if such a bill was passed by both Houses it would meet death at the other end of the Avenue.

The duty of the Democracy, as we see it, is to let the tariff severely alone until the possession of legislative power shall clothe that party not only with the responsibility but with the means of putting Democratic principles into the shape of law. The Democratic situation at this time could not be improved. The opposition has done just what it would have done if it had been inspired with an earnest desire to help elect a Democratic President. It has done this not from choice, but from compulsion of circumstances beyond its control. For "there is a divinity that shapes our ends, rough-hew them how we may."

Let the Republican party stagger into the campaign of next year under its intolerable burden, to find the Democracy compact, elate, determined, and confident; not demoralized by failure in an ill-advised effort to do an impossible good.

Rivers and Harbors.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the State of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. BLANCHARD said:

Mr. CHAIRMAN: I apprehended that the feature of this bill which would be most assailed on this floor would be the appropriation to commence the construction of the Hennepin Canal. I was not surprised, therefore, when my friend from Wisconsin [Mr. JONES] based the main part of his argument against the bill upon that appropriation.

It is well known by the members of the Committee on Rivers and Harbors that in the consideration of this question by the committee I was not in favor of placing in this bill an appropriation to commence the construction of that canal. But having been overruled by a majority of the committee, I will say now that I am not only in favor of the construction of that canal, but I am in favor of permitting the appropriation for the commencement of that enterprise which is contained in this bill to remain there. The opposition which I raised to that measure in committee was not because I did not think the canal should be constructed, but was for other reasons, which it is unimportant for me here to state.

That canal, extending as it does from the Mississippi River to the great lakes, and connecting as it does the magnificent system of waters of which the Mississippi River is the nucleus with the system of water ways through the lakes and the Saint Lawrence River and by way of the New York canals and Hudson River to the Atlantic, is a work which I think this country should not longer delay the inauguration of.

This has been called by recent writers the "canal age." It is the canal age in all countries except our own. I have been reading up what other countries have done in respect to this matter of canal construction and what they are now doing in that regard. I will read to the House some notes I have made upon that topic, and if gentlemen will give me their attention I think they will find them interesting.

CANALS.

It has been well said that navigable canals are to those people who inhabit inland countries what marine science is to maritime nations.

The most flourishing nations have always been engaged in enterprises of this kind; thus employing the studies and the leisure of peace, as well as stimulating the enterprise and engaging the energies of their people.

The Chinese, who have been described as "that singular people who were several centuries before us in the invention of printing, of gunpowder, and of the compass, and whom, nevertheless, we have left far behind in their application and their use; who have cultivated astronomy and painting without ever making any considerable progress in either; and who, with a wish to go into higher studies, occupy themselves on a very complicated mechanism of reading and writing," have in no instance so much merited the praises bestowed on them by travelers as in that which relates to their dikes, their bridges, and their canals. Among all the water-works which contribute to the riches and to the conveniences of this extensive and populous empire, that which may rival the glory of European or American architecture is the Yun-ho, called the Grand or Imperial Canal, which joins the rivers Kiam and Hoang-ho, and which forms a continued navigation for more than three hundred leagues from Canton to Pekin. It is perhaps the greatest canal in the world; is from 200 to 1,000 feet broad and 10 feet deep. There are in all 400 canals in China, with a length in the aggregate of 12,000 miles, whereby that country is enabled to sustain one of the most crowded populations of the world, 333 to the square mile, or, if restricted to the cultivated portions, nearly 600. Holland sustains a population of 593 to the square mile, and has scarcely a village without its water road.

The first masters in science, the architects of the obelisks, the ancient Egyptians, who, with such efforts of industry, compelled the waters of the Nile to fertilize their plains and to form a communication between their cities, conceived a plan that might have changed the whole face of Europe by shortening the distance between it and the East Indies and China. They began a canal which was to establish a communication between the city of Memphis and the Arabian Gulf, and so to continue the navigation of the Nile and the Mediterranean. Strabo, Diodorus, and Herodotus clearly state the fact, and travelers still discover some vestiges of the work. "The caliphs roused the slumbering genius of the nation for astronomy, geography, and physics; they also undertook to form the junction of the two seas; but they did not carry on the works to any great extent." A canal begun by Necho and finished by Darius once connected the Nile with the Gulf of Suez, and some traces of it are still visible.

The warlike and conquering spirit of the ancient Romans left them no leisure to engage in enterprises of this sort, in proportion to their knowledge and their greatness. Projects of this kind, however, were from time to time entertained by them; that of Julius Cæsar to excavate a canal from Rome to Terracina, the plan for the union of several rivers proposed in the reign of Nero, and others mentioned by Pliny as the ideas of Trajan, were never carried into effect. The canal by which Caius Marius supplied his camp from the Rhone, in the vicinity of Arles, was by no means an extensive work. We have no account of the date when the Peterborough canal in England was constructed. Lombardy was the only theater on which the Romans chiefly distinguished themselves in undertakings of this description. Quintus Curius Hostilius made an opening into the Po from the Mincio, which joined the Tartaro and the ancient Philistine Canal. Æmilius Scaurus drained the marshes of Parma and Placentia by means of navigable canals. Augustus, by another canal, united the different branches of the Po with the ports of Adria and Ravenna.

Even in the darkest ages some monuments of similar works have been left. Odoacer has given his name to a canal which went straight to the sea from the river Montone before it reached Ravenna.

The Moors opened a much larger canal from the city of Grenada to the River Guadiana, now called the Guadalquiver.

The Aragon Canal in Spain was commenced by Charles V in 1528, and completed toward the close of the eighteenth century.

Charlemagne, in the vast extent of his expeditions and enterprises, undertook the project of forming a junction of the Main and the Rhine with the Danube, and of the ocean with the Black Sea. He even began the canal that was to join the Almutz, one of the tributaries of the Danube, with the Rednitz, which discharges itself into the Main.

The two canals which form the communication of the Ticino with the Adda, and which unite at Milan, are the most perfect and most celebrated work of hydraulic architecture previous to the restoration of the arts and sciences.

The Canal Della Martesana was constructed in the year 1460 under the Duke Francis Sforza, and the two canals were joined together toward the end of that century by Leonardo da Vinci.

Sluices, with double gates, or the pound locks for canals, were invented and carried into effect, for the first time, on the Brenta, near Padua, in the year 1481, by two engineers of Viterbo, of which circumstance Zendrini has preserved the memory in the twelfth chapter of his book on Running Waters. Leonardo da Vinci instantly availed himself of this great invention to form the junction of the two canals of Milan. The invention of these locks produced, moreover, the continuation of the navigable canals of Bologna, of Modina, and of several others in Italy.

The first locks that were ever erected in France were those of the canal of Briarre. This canal was begun in the time of Henry IV and the Duke of Sully, and was completed under Louis XIII and Cardinal Richelieu. Its length is eleven French leagues, and it forms a communication between the Loire and the Loing, which is one of the tributaries of the Seine. Under Louis XIV another canal was drawn from the Loire near Orleans, which flowed to meet the first canal of Briarre near

Montargis; and as in summer there was an insufficiency of water in the Loing to supply a commodious navigation, under the minority of Louis XV they determined to run another canal all along the banks of the river to the vicinity of the Seine; and this, properly speaking, is the continuation of the old canal of Briarre.

In the reign of Louis XV was formed also the canal of Picardy, forming a junction between the Somme and the Oise, which afterward enters the Seine about five leagues from Paris.

One of the most famous canals is that of Languedoc, one hundred and forty-eight miles long, which forms a communication from the Mediterranean Sea to the Garonne and the ocean. Boats pass from the one sea to the other, traversing valleys and mountains, and ascending to the height of six hundred feet above the level of the two seas. The harbors of Bordeaux and Marseilles avoid, by this means, a circuitous route of communication of upward of eight hundred leagues. This great undertaking, commenced in 1666, was completed as early as the reign of Louis XIV, after a labor of fourteen years and an expenditure of eleven million livres.

Another great canal undertaking was the junction, made by Peter the Great, of the Baltic with the Caspian Sea. Vessels from the Caspian Sea ascend the Volga and then pass into the Tuertsa, which is one of its tributaries. It is here that the canal begins which flows into the river Sna, by which you descend first into the Mesta and thence into the Wolkowa; afterward into the canal which runs along the banks of Lake Ladoga; and, lastly, in the Neva to Petersburg and the Baltic. They have also made another canal, which establishes a communication between the Volga and the River Don and the Black Sea. In Poland, another communication has been opened from the Baltic into the Black Sea by means of the canal that joins the Vistula with the Boristhenes.

The junction of the rivers Oder and Spree by means of a canal was the work of Frederick William, surnamed the Great Elector.

In Flanders there is an ancient canal which goes from Brussels to the Scheldt.

The canal system has been more largely developed in Holland than in any other country in Europe. Canals were commenced in Holland and Belgium in the twelfth century. They enabled Flanders to become the center of commerce about the fourteenth century. Owing to the flatness of the country and the abundance of water, the canals in these countries are for the most part without locks except at their outlets. They realize in perfection the requirements of inland navigation. They serve as the highways of traffic throughout the country. In Amsterdam the number of canals nearly equals the number of principal streets. The Dutch canals have in general proved very remunerative undertakings, and gave the Netherlands an importance in Europe in the Middle Ages quite disproportionate to the extent of the country. In 1626 was begun a canal which when finished connected the Meuse with the Rhine.

The canal from Ghent to Ostend is the work of the present century. The rivers Rhone and Rhine are connected by a canal; also the Seine and the Rhone; also the Loire and the Saone, and the Scheldt and the Somme. At the outbreak of the French revolution last century there were 663 miles of canals in France, while in 1870 there were 2,954 miles of canals (since increased), 2,065 miles of canalized rivers, and 1,871 miles of uncanalized rivers, making in all 6,890 miles of inland navigable-water communication in France.

In Ireland the navigation of the river Shannon has, by means of canals, been extended into the heart of the country. There are also in Ireland the Grand and the Royal Canals. The Grand Canal has a length of ninety-nine miles. Its summit level is two hundred feet above the sea. It has several branches, raising its total length to one hundred and sixty-four miles. It runs through the bog of Allen, which occasioned a large expenditure. The Royal Canal is ninety-two miles long and rises to a height of three hundred and twenty-two feet above the sea at its summit level. There are, in all, three hundred miles of canals in Ireland.

In Scotland, I believe, near Glasgow, the two seas on the east and west have been joined by means of a canal passing from one frith to the other.

In England there is a canal which passes from the city of Liverpool to Warrington. The Bridgewater Canal extends from Worsley to Manchester. The river Mersey is joined by means of the Grand Trunk Canal with the Trent and the Humber; and a junction was proposed, and I believe carried into effect, between the Trent and the Severn, which flows into the Bristol Channel. The Thames and the Severn are also united by a canal. Notwithstanding the fact that canals were not introduced into England until 1755, later than in any other of the European countries, those I have named above and others, connecting many of the towns, especially in the southern part of Great Britain, have in the aggregate a length of 2,800 miles; greater than the navigable length of her rivers, which is only 2,500 miles. The completion and opening of the Amsterdam Ship-Canal has been the work of recent years. The Henares and Esla Canals in Spain were begun in 1863 and completed in 1868.

The Cavour Canal, in Italy, was commenced in 1862, and cost over $20,000,000. It is fifty-one miles long, and has a fall of seventy-one feet. In India, what is known as the Buckingham Canal, going from Madras to the Kistna delta, has been contructed; also a canal running along the Malabar coast. But the most extensive work of this character in India is the Ganges Canal, opened in 1854. This canal, with its main branches, is about six hundred and fifty miles long. It was remodeled about 1866, and an extension, known as the Lower Ganges Canal, was commenced, to supplement the original canal. This Lower Ganges Canal, not yet completed in 1882, is designed to have a total length of five hundred and eighty-two miles.

There are other canals in the Northwest provinces of India, known as the Agra and Eastern Jumna Canals; also the Orissa and Sone Canals in Bengal, and yet others in other provinces of India. The British Government has expended in the construction of navigation and irrigation canals between the years 1867 and 1878 £10,570,000.

The Suez Canal, connecting the Mediterranean and Red Seas, through the Isthmus of Suez, and saving a long circuitous route around the Cape of Good Hope for maritime traffic between Europe and the southern coast of Asia, is one of the greatest works of modern times. "It is certain, however," says Harcourt on Rivers and Canals, "that the construction of such a channel was not a modern idea, as Herodotus mentions a proposal for cutting through the isthmus; nor, indeed, can it be considered an entirely modern undertaking, as there is evidence that a water communication for small vessels between the two seas was formed and maintained from about 600 B. C. to 800 A. D., but was subsequently allowed to fall into decay." The idea of reopening a channel of communication appears to have originated with Napoleon I.

The canal as now constructed is ninety-nine miles long, from one hundred and ninety-six to three hundred and twenty-eight feet wide, and has a depth of twenty-six feet. Its total cost, according to M. De Lesseps, amounted to a little over £20,000,000.

For most of the foregoing data concerning canal construction I am indebted to the work of Paul Frisi, an eminent Italian hydrographic engineer of the last century, and to a very useful treatise on rivers and canals, published in 1882, by Harcourt, an English engineer.

There are twelve canals in the State of New York, of an aggregate length of eight hundred and eighty-six and a half miles. The construction of these canals was commenced in 1817, and the Erie was completed in 1825. The enlargement was commenced in 1835, and the construction account closed in 1862, although practically completed in 1859.

The cost of the twelve canals, including enlargement and land damages, was $65,644,848. To this add interest on loans and the cost of repairs and management up to 1865, inclusive, and the total cost to New York was $107,853,056.

The amount of tolls received, inclusive of the year 1865, was $93,272,287, enough, less $14,580,769, to pay off in full the entire cost of the canals.

The length of the enlarged Erie canal is three hundred and fifty miles.

It is not new in the history of canals that there should be doubters as to their capacity, efficiency, and even practicability.

Not far from 1817 De Witt Clinton, commissioner of the State of New York, came to Washington and requested the General Government to enter with the State of New York into the joint construction and ownership of the proposed Erie Canal. The answer returned was that the General Government was not able to assist in so expensive a work. After its completion, in 1825, Mr. Clinton, in a speech at a jollification meeting, depicting in glowing terms the vast benefits which would result from the undertaking, stated that in fifty years from that date Buffalo, then an Indian trading station, and Chicago, a frontier post, would contain a population each of 100,000 souls. This remark was the subject of newspaper comment at the time, wherein Clinton was styled an enthusiast and zealot. Yet his prediction was more than fulfilled within less than fifty years.

About the year 1820, soon after the Erie Canal was projected, Gouverneur Morris, who with James Hawley shares the honor of its conception, writing to a friend in Europe, said:

Hundreds of large ships will at no distant period bound on the billows of these inland seas. Shall I read your astonishment up to the verge of credulity? Know, then, that one-third part of the expense borne by Britain in the late campaign would enable ships to sail from London through the Hudson River into Lake Erie.

Mr. Chairman, nearly 3,000 ships now "bound on the billows of these inland seas," and upon the Mississippi and its tributaries quite 3,000 more. And no man can now fix the limit at which the extension of the water route then conceived and the development of the country then inaugurated shall stop. A water communication extending from New York over two-thirds the breadth, and possibly the entire breadth, of the continent, and from the jetties of the Mississippi to the Straits of Mackinaw, will furnish the only reliable check against extortionate charges for transportation.

Now let us see what other countries are projecting and doing in the way of canals and water routes.

From a paper on canals prepared in March of the present year (1884) by Horatio Seymour, jr., late State engineer and surveyor of the State of New York, I take the following:

Great Britain is contemplating a canal from Liverpool to Manchester, and also from Belfast to Galway, at a total cost of $280,000,000.

The French have projected four great water routes within their own territory, and have appropriated the sum of $200,000,000 for works which will cost at least five times that amount to finish.

The German Empire is expending $86,000,000 on its water routes.

Austria has in contemplation a canal from the Danube to the Elbe, one hundred and thirty-eight miles long, which is to cost $29,000,000.

Holland has lately completed a ship-canal from the city of Amsterdam to the sea.

Russia is building a canal from St. Petersburg to Cronstadt.

Greece has nearly completed at Corinth a canal four miles long, costing $5,500,000.

France is engaged in the greatest canal enterprise ever attempted—the Panama Canal—to connect the two great oceans, forty-six miles in length, and which will cost $120,000,000. Besides, she has in contemplation a new Suez canal and a channel leading from the Mediterranean Sea to the Desert of Sahara.

In America, Canada proposes a canal from Trenton, on Lake Ontario, to Georgian Bay, a distance of two hundred miles, besides a smaller enterprise at Carillon, and the Murray Canal. In addition to these she has nearly completed a water way, costing $50,000,000, leading through the St. Lawrence to Lake Erie, by which she hopes to divert our grain trade from the cities of New York, Philadelphia, and Baltimore to Montreal.

The liberality of France in dealing with its rivers and harbors is in singular contrast with the policy of the United States in such matters. On one single harbor, that of Cherbourg, it has expended no less than $100,000,000—more than Congress has given to all the rivers and harbors in this country in a century. Since 1852 it has given $125,000,000 toward improving its various interior water ways, and is now spending from $10,000,000 to $15,000,000 a year for this purpose. She is expending this much per annum on her rivers and harbors when where she counts hers by tens we count ours by hundreds.

Mr. Chairman, in more than one provision of the Constitution can be found authority for Congress to make appropriations for the improvement of our rivers and harbors. I argued this branch of the subject very fully in a speech in the Forty-seventh Congress, on the 6th of June, 1882, and do not now propose to review the subject. What is known as the "commercial clause" of the Constitution is not only broad enough to cover all appropriations made for the improvement of the navigation of the navigable waters of the United States, but also to warrant the expenditure of large sums in the construction of canals. If it be permissible to canalize our rivers, it is permissible to construct canals outright. But, sir, this question is not a new one in Congress. By reference to the early records of this body I find that on the 15th of December, 1817, a committee of the House of Representatives reported in favor of the power of Congress—

1. To lay out, construct, and improve post-roads through the several States, with the assent of the respective States.
2. To open, construct, and improve military roads through the several States, with the assent of the respective States.
3. To cut canals through the several States, with their assent, for the promoting and giving security to internal commerce, and for the more safe and economical transportation of military stores, &c., in time of war, leaving in these cases the jurisdictional right over the soil in the respective States.—*Sergeant's Constitutional Law*, page 326.

President Madison, in his message to Congress, December 5, 1815, said:

Among the means of advancing the public interests, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the government whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for their accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication, in bringing and binding more closely together the various parts of our extended confederacy. While the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work.—*Elliott's Debates*, volume 4, page 479.

Again, sir, I find that on a proposition to invest a certain portion of the public lands in shares of the Chesapeake Canal, Mr. Bayard, of Delaware, in the Senate of the United States, on February 13, 1807, said:

It is admitted that the Constitution does not expressly give the power to cut canals, but we possess and are in the daily exercise of the power to provide for the protection and safety of commerce and the defense of the nation. It has never been contended that no power exists which has not been expressly delegated. There is no express power given to erect a fort or magazine, though it is recognized in the delegation of exclusive legislative powers in certain cases. The power to erect light-houses and piers, to survey and take soundings on the coast, or to erect public buildings, is neither expressly given nor recognized in the Constitution, but it is embraced by a liberal and just interpretation of the clause in the Constitution which legitimates all laws necessary and proper for carrying into execution the powers expressly delegated. On a like principle the Bank of the United States was incorporated. Having a power to provide for the safety of commerce and the defense of the nation, we may fairly infer a power to cut a canal; a measure unquestionably proper with a view to either subject.—*Elliott's Debates*, volume 4, page 471.

These, Mr. Chairman, are the utterances of some of the fathers of the Republic, affirming at an early day, and when most of the framers of the Constitution were still living and when that instrument was fresh before the country, the power and duty of Congress to enter upon the work of canal construction.

But I will not go further into that question, but invite the attention of the House to the utility of canals as factors in the solution of the great problem of cheap transportation.

Mr. Chairman, it is a well-known fact that the actual cost of transportation is usually much less on water lines than on railroads. Therefore, where water lines come into competition with rail lines, the rates on the former exert a regulating influence over those on the latter.

There are now more than 100,000 miles of railway in the United States, extending into almost every town. These railroads are so closely connected as to be operated practically as one line with respect to shipments over two or more roads. Against these railroads, as competitors, holding them in check as respect freight rates, our water routes can be relied on.

Mr. Horatio Seymour, jr., in the paper before referred to, states that the revival of canals in Great Britain and Europe has been brought about "by the conclusion arrived at by the authorities that in any country it is highly important, alike for agriculture and other industries, that there should be a network of canals running somewhat parallel to that of railroads." He further says:

In this country the opinion that canals and water routes have lost their value for internal commerce has proved to be unfounded. Never in our history have they been of greater use. During the past season the great water route, consisting of the lakes, the Erie Canal, and the Hudson River, has carried a bushel of wheat from Chicago to New York for the average price of 9.16 cents, while the charges by rail were over 16 cents. At this low rate the canal has carried 42,350,916 bushels of grain. The water route is not only to be credited with this large amount of transportation, but also with having forced the railroads running to the seaboard to lower their rates.

But the amount saved in transportation is not the full measure of the benefit to all classes of our citizens. We have been enabled to send vast quantities of grain and other products to Europe which could not have been sold there if they had been burdened with the pooling rates of railroads.

The cost of carrying our products to the markets of the world has been so much reduced that the balance of trade has been turned in our favor. The currency of our country has been lifted to a par with specie, and the wealth which it has yielded to our producers gives hope to all classes of more prosperous times. No one can study the statistics of past years and fail to see that this is mainly due to our canal and water routes, without which we should not have had such a volume of exports nor such a wide margin in our favor in our commerce with the world.

Mr. Joseph Nimmo, jr., the very efficient Chief of the Bureau of Statistics, in his report on commerce and navigation for 1883, says:

The growth of foreign commerce of the United States for the last eighteen years has been very largely the result of the improved facilities which have been provided for internal transportation upon the lakes and the Erie Canal, upon railroads, and upon the Mississippi River, as well as for transportation upon the ocean.

* * * * * * *

These improvements in transportation have, as before stated, been made chiefly during the last fifteen years. During that period the foreign commerce of the country has much more than doubled.

This is shown by Mr. Nimmo, as follows:

The total value of exports of merchandise from the United States increased from $281,952,899 during the year ending June 30, 1868, to $823,839,482 during the year ending June 30, 1883, and the value of the imports of merchandise into the United States increased during the same period from $357,436,440 to $723,180,914.

Quoting the above, Mr. Seymour continues:

From the same report we learn that previous to 1874, except in occasional years, the balance of trade was against us. During the year 1873 we paid to foreign countries $119,656,288 more than we received, but since that time, except for the year 1875, the balance of trade has been in our favor, and for the year 1883 we receive $100,658,488 more than we paid.

This change was effected by the water route, that lowered its rate on a bushel of wheat from 26.6 cents in 1872 to 14.2 cents in 1874 and 9.16 cents in 1883, and by so doing forced every line of transportation to the seaboard to make a proportionate reduction.

Mr. Chairman, railroads have never furnished as cheap transportation as water routes, and the latter can always be relied on to keep freight tariffs down to a reasonable point. Different railroad lines running parallel with each other pool their issues, and thus practically cease to be competitors for the traffic of the country. Not so with the water routes. Everybody's boat or craft can ply on them, and the great number of boats and lines of boats engender sharp competition among themselves as well as with the railroads for the carrying trade. Thus it is that cheap transportation ensues.

The following table compiled by Mr. Nimmo, and found in his aforesaid report for 1883, shows, for a series of years, the difference in rates by rail and water, and the great advantage of the latter over the former:

Average freight charges per bushel for transportation of wheat from Chicago to New York during the years 1868 *to November* 1, 1883, *inclusive.*

Years.	Average rates per bushel.		
	By lake and canal.	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1868	25.3	29.0	42.6
1869	24.1	25.0	35.1
1870	17.5	22.0	33.0
1871	21.6	25.0	31.0
1872	26.6	28.0	33.5
1873	19.2	26.9	33.2
1874	14.2	16.9	28.7
1875	11.4	14.6	24.1
1876	9.7	11.8	16.5
1877	7.5	15.8	20.3
1878	10.1	11.4	17.7
1879	13.0	13.3	27.3
1880	13.2	15.7	19.7
1881	8.6	10.4	14.4
1882	8.7	10.9	14.6
1883, January 1 to November 1	9.16	12.0	16.1

This shows that during the year 1883 the water route has saved 6.94 cents on every bushel that it has transported, or $2,939,153.57 on the 42,350,916 bushels which it carried. This great sum has been gained by the people.

This table, Mr. Chairman, shows how great is the utility of the Erie Canal not only to the people of the State of New York, but of the great West, and eloquently presents the argument justifying the appropriation contained in this bill for the inauguration of the Hennepin Canal enterprise. I believe, sir, that the General Government should construct this canal and others. All other countries are ahead of us in enterprises of this character. With less ability in a financial way than ourselves, they have exhibited a spirit of progress in matters of this sort it would be well for us to imitate. What better way of expending the large surplus which has accumulated and is constantly accumulating in our Treasury than to develop and make the most of the great advantages which a bountiful nature has bestowed upon us? Every work of this kind completed will repay in a few years, in a saving to the people, the cost of its construction. It is really in the line of economy to make appropriations for works of this character. The digging of canals where needed, such, for instance, as the one under consideration, the Chesapeake and Delaware Canal, the one proposed across the peninsula of Florida, and others, should keep pace with the improvement of our rivers and harbors.

But, sir, let us look further into this question of transportation by rail and by water. The more it is investigated the more apparent become the advantages possessed by the latter over the former.

FREIGHT CHARGES.

The comparative freight charges as between Saint Louis and New Orleans by water and between Saint Louis and New York by rail are indicated by the following statements, showing the rates which prevailed during the first six months of the year 1881. Rates from Saint Louis to New Orleans on bulk corn from January 1 to July 1, 1881, per bushel, were—

	Cents.
January and February	9
March	8
April	7
May	6
June	5

While all-rail rates on grain per bushel from Saint Louis to New York during the same period were: January, February, March, and April, 24½ cents; May and June, 21 cents.

This shows a difference of about 16 cents per bushel in favor of the river route.

In May, 1881, the rate from Saint Louis to Liverpool via the Mississippi River was only 18½ cents per bushel, whereas at the same time by the rail route via the Atlantic seaports it was about 30 cents per bushel; a difference of 11½ cents per bushel in favor of the river route.

At high and medium stages of water on the Mississippi River grain can now be transported in barges from Saint Louis to New Orleans at a profit for 4 cents per bushel, and hence the difference in favor of the route by river and sea to Liverpool is even greater than as stated above.

What is wanted is such a condition of the river, as regards depth and navigation, as will admit of stability and continuity in the lowest rates of transportation.

In this connection I take the following extract from a letter written in February, 1881, by H. Lowrey, president of the Saint Louis and New Orleans Transportation Company, to the secretary of the Merchants' Exchange of Saint Louis:

> In the uncertain condition of the river (as regards depth of water) during the period of navigation, the lowness of the rate of 5 cents per bushel can not always be depended on; but with the depth of water which the contemplated improvements between Cairo and Saint Louis will undoubtedly give, the time is not far distant when the rate named, 5 cents per bushel, may be continuously counted on.

As showing the wonderful capacity of the Mississippi River, when high, as a medium of transportation, Capt. B. D. Wood, of New Orleans, largely engaged in the transportation business on the river, in an address before the Committee on Rivers and Harbors, made the following astonishing statement:

> The towboat Jno. A. Woods towed twenty-six boats or barges containing 26,000 tons of coal from Louisville to New Orleans, a distance of 1,450 miles, at a cost of $25,000. To transport the same amount of coal by rail from Louisville to New Orleans at the low rate of one-half a cent per ton per mile would cost about $176,000, and to transport this amount of coal there would be required 2,600 cars, and it would take 80 locomotives to pull it, and in all would make a train about 18 miles long.

In his report on internal commerce of the United States for 1881 Mr. Nimmo says:

> The navigation of the Mississippi River is at times affected by low water, especially in that part of the river between Saint Louis and Cairo. The enjoyment to the full extent of the advantages afforded by the Mississippi River requires the employment of steamboats and barges of large size, and drawing, when loaded, about eight feet of water. At times, however, the river falls so as to admit only of the employment of boats and barges loaded to draw not more than four feet. This greatly increases the cost of transportation. The actual cost of transportation in vessels drawing only four feet is said to be nearly twice as great as when loaded to eight feet.

This subject was carefully considered by a select committee of the Senate on transportation routes to the seaboard in their report submitted April 24, 1874. It was found that during the nine years from 1865 to 1873, the condition of river navigation below the city of Saint Louis was as follows:

Average number of days less than four feet	3⅘
Average number of days over four feet and less than six feet	52⅔
Average number of days over six feet and less than eight feet	103⅝
Average number of days over eight feet and less than ten feet	69⅓
Average number of days over ten feet	136⅔

It appears from the foregoing table that during nearly one-half of the year the commerce of Saint Louis was more or less affected by low water.

The average stage of the river below Saint Louis during the years from 1874 to 1880, inclusive, was as follows:

Year.	Less than 4 feet.	Over 4 feet and less than 6 feet.	Over 6 feet and less than 8 feet.	Over 8 feet and less than 10 feet.	Over 10 feet.
	Days.	*Days.*	*Days.*	*Days.*	*Days.*
1874	.....	146	30	175	14
1875	.....	.....	.....	.....	.....
1876	.....	.....	.....	.....	.....
1877	.....	64	80	59	126
1878	.....	51	92	87	119
1879	4	81	79	55	105
1880	20	66	73	46	156

During 1877 the river was closed for thirty-six days on account of low water. During 1878 it was closed for sixteen days on account of low water. During 1879 it was closed for forty-one days on account of low water, and during 1880 it was closed for four days on account of low water. I have not the figures for 1881, 1882, and 1883.

Mr. Chairman, the wisdom of the judicious expenditure of money by the Government in the improvement of our water ways was never better illustrated than by the success of the jetties at the mouth of the Mississippi and the incalculable benefits which flow therefrom.

JETTIES.

The value of the Mississippi River as a commercial highway, and consequently its regulating influence over rail rates, has been greatly increased by the completion of the jetties at its mouth. Before the jetties were constructed it was with great difficulty that sea-going vessels drawing over sixteen feet of water could pass the bar at the mouth of that river. Fifty years ago this was not a very serious detriment to commerce, but the size and consequently the draught of sea-going vessels have since been greatly increased.

At the present time sea-going vessels, embracing both sailing vessels and steamers of the larger class, have a draught when loaded of from twenty to thirty feet. The obstruction to navigation by this class of vessels presented by the bar at the mouth of the Mississippi River became, therefore, a serious detriment to the commerce of that river and to the trade of the city of New Orleans.

Work upon the jetties was begun in the month of June, 1875, and their construction was so far advanced as to admit of the passage of vessels on the 4th of March, 1876. The depth of water reported upon their completion was twenty-nine feet. Now it is thirty-three feet. Before the jetties were constructed the charges for the towage of vessels from the Gulf to the city of New Orleans were from $1.25 to $1.50 per registered ton, according to the size of the vessel. The towage charges now are about 50 cents per ton. Material reductions have also been made in the rates of insurance on vessels and cargoes.

It would be difficult to estimate the value of the jetties in a commercial point of view. More than 3,000 vessels enter at and pass out of the mouth of the Mississippi River, and none of them are detained on account of an insufficient depth of water. Through their instrumentality New Orleans has become the second exporting city in the Union. For the year ending June 3, 1883, she was next to New York in value of exports, and ranked third in total foreign commerce, the amount of the latter being $104,704,076. Thus the building of the jetties has transformed New Orleans into a great seaport, seven lines of steamers being now employed in her foreign trade.

One of the most striking illustrations of the commercial advantages of the improvement of navigation effected by the jetties is furnished by the fact that the Southern Pacific Railroad Company have pushed their line across the State of Texas to New Orleans, largely for the reason that vessels of greater draught can reach that city than can enter at any of the ports of Texas.

The growth of the foreign commerce of New Orleans since the work was begun upon the jetties is indicated by the following table, show-

ing the tonnage entered at that port from foreign countries during each year from 1870 to 1883:

Tonnage entered at New Orleans from foreign countries during each year ending June 30, from 1870 to 1883, inclusive.

	Tons.		Tons.
1870	458,447	1877	603,183
1871	566,797	1878	718,163
1872	501,965	1879	652,789
1873	522,791	1880	760,910
1874	630,945	1881	963,835
1875	454,006	1882	620,072
1876	599,582	1883	734,791

This table shows an increase of nearly 100 per cent. of the tonnage from foreign countries at New Orleans from 1871 to 1881. It is impossible to show the growth of the domestic or coastwise trade of New Orleans since the completion of the jetties; but it is believed to have been greater than the growth of the foreign trade of the city.

As the result of the improvement of the navigation of the Misssissippi River, and especially of the deepening of the water at its mouth by the jetties, the exports of wheat, wheat flour, corn, and corn-meal from New Orleans rose from 1,257,656 bushels in 1871 to 16,859,343 bushels in 1881, and exhibited an increase of 4,650,119 as compared with the exports of the preceding year.

The foregoing figures, and much of the foregoing data, I obtained from the valuable reports of Mr. Nimmo on the internal commerce of the country.

In his work on rivers and canals, the eminent English engineer and author Harcourt, speaking of the jetties at the mouth of the Mississippi, says: "It may be fairly said that the results attained in so short a time are among the most remarkable achievements of river engineering."

All honor to the great hydrographic engineer James B. Eads, who proposed and executed this colossal work. His fame is not confined to his own country; other countries acknowledge his great merit. Notably, the English Government has recently given striking evidence of the fact in inviting his opinion on the practicability of a proposed work of improvement of great magnitude in that country. The Albert medal of the Society of Arts, which is annually awarded by the society for eminent merit in promoting the arts and manufactures, has this year been bestowed upon Captain Eads. The jetties, Mr. Chairman, have opened a gateway to the outer world for that

GRAND CONTINENTAL AVENUE,

the Mississippi River, with its two thousand miles of main river and ten or twelve thousand miles of navigable tributaries.

To better the condition of this twelve or fourteen thousand miles of navigable water way (constituting two-thirds of the inland navigation of the Union) there is appropriated in this bill, in round numbers, about $6,500,000. And, sir, this sum is small when we consider the extent of country drained by this system of water ways. Look at it a moment. The valley of the Mississippi contains 768,000,000 acres of the finest lands on the face of the globe—enough to make more than one hundred and fifty States as large as Massachusetts, more territory than the areas of Great Britain, France, Spain, Austria, Prussia, European Turkey, and the Italian Peninsula combined. If peopled as Massachusetts is, it would contain five times the present population of the United States; and as France is, it would hold as many people as the whole area of Europe contains; and as Belgium and the Netherlands are, with not the same danger of famine, barring floods, it would contain four hundred millions of souls.

It was Thomas Carlyle, who, apropos of the unfounded fear of the world's overpopulation, made a mathematical calculation that the Mississippi Valley could raise corn enough, at the moderate estimate of thirty bushels per acre, to feed ten times the present population of the world.

The Mississippi River is the natural drain of that vast area of our territory lying between the Alleghany Mountains on the east and the Rocky Mountains on the west, and reaching from our most northerly boundaries to the Gulf of Mexico in the south, and embracing not less than nineteen States and Territories, and over 1,200,000 square miles.

The delta of this vast drain extends from 29° to 38° 30′ north, or across eight and one-half degrees of latitude. It is about six hundred miles in length by an average width of sixty miles. It embraces within its confines portions of the States of Missouri, Illinois, Arkansas, Tennessee, Mississippi, and Louisiana, and contains about 38,700 square miles, or in acres, allowing six hundred and forty acres to the square mile, the enormous aggregate of 24,868,000 acres. (Report of Hon. E. JOHN ELLIS, Forty-fourth Congress, first session.)

There is territory enough in the Mississippi Valley to make seven hundred and eighty farms each forty miles square. The rainfall on this extensive area must find its way through the main channel of the Mississippi to the sea. Some idea of the immense volume of water thus carried may be had by the statement that at extreme high water the Mississippi discharges 1,210,000 cubic feet of water and 2,000 cubic feet of solid matter into the Gulf per second.

The State of Louisiana, by the operation of natural laws, owes the servitude of drainage for the waters of two-thirds of the entire country, rushing, oftentimes, madly to final rest in the sea. Over the soil of that devoted State must be drained the rainfall of nearly half of the northern part of this continent. It is no wonder that frequently the Mississippi River within the limits of the State is fifty and sixty miles wide.

The denudation of the slopes of the mountains and hills, in the area drained by the Mississippi, and the deforestation of the valleys themselves, and the clearing up of the country for cultivation, have resulted in precipitating all at once, as it were, the rainfall into the rivers. When forests covered the country, the tangled mass of leaves, foliage, brush, and undergrowth on the ground retarded the drainage of the water, held it back, so to speak, and allowed it gradually to escape into the channels of the streams. By this means innumerable springs and brooks were formed and kept running during the entire year. But now the opening of the country for cultivation has facilitated the drainage of the rainfall into the rivers; the springs and brooks are dried up; nothing is there to hold back the waters, and their rapid and abnormal accumulation into the channels of the rivers have produced, and it is feared will continue to produce, the disastrous floods now so frequent. To prevent this, the fostering hand of the General Government is needed to be put forth with more vigor and activity than it has heretofore been.

It will not do to allow that magnificent country known as the alluvial valley of the Mississippi to be relegated to its primeval condition of swamps and jungles. It was deemed conducive to the general welfare that we should acquire this territory from France; it is certainly equally conducive to the general good to preserve it as a habitable, cultivable country. This can only be done by prevention of inundation. There is, sir, no power competent to handle this question except that of the Federal Government. No State can do it—

First. Because the work is too vast, too costly for any State through which the river runs to undertake it.

Second. Because the end aimed at can only be achieved as the result of a vast system of works which shall embrace the whole river.

Third. Because any State attempting it would be circumscribed by its own territorial limits.

Fourth. Because the river, being the property of the United States, Congress alone has power, under the grant to "make all needful rules and regulations respecting the territory or other property belonging to the United States," to say what works shall be done or plans adopted for its regulation. This power "to regulate" as much includes curbing, controlling, restraining the river within its own proper metes and bounds by levees, dikes, or other works, as it does prescribing rules regulating the navigation of the river, or the exercise of any other authority over the river.

Mr. Chairman, the States in the alluvial valley of the Mississippi have made persistent and herculean efforts to throttle this monster of inundation, but without success. It is too much for any one State to handle; too much for several States, acting together, to handle.

My own State, sir, which owes this servitude of drainage for the waters of two-thirds of the Union, has put forth tremendous efforts to beat back the waters from her fertile fields. Her people have been heavily taxed by State and by district for this purpose. As showing these efforts, I will read the following letter to myself from our present chief State engineer:

STATE OF LOUISIANA, OFFICE BOARD OF STATE ENGINEERS,
New Orleans, April 24, 1884.

DEAR SIR: Your letter of date the 21st instant, requesting "a statement of moneys that the State of Louisiana has paid out for levee building, including all payments on account of such building, as far back as possible," has been received.

In reply I have the honor to state that the records of this office (extending back to the close of the war) show the expenditures for levee building incurred by this State up to April 1, instant, to have been $12,731,675.46.

The above is inclusive of expense for closing and preventing crevasses and of balances remaining to be paid in settlement of incomplete contracts.

Very respectfully, your obedient servant,

HENRY B. RICHARDSON, *Chief State Engineer.*

Hon. N. C. BLANCHARD, M. C.
House of Representatives, Washington, D. C.

Mr. Chairman, if this beautiful country, the delta of the Mississippi, but for the floods fit to have been selected as the original Garden of Eden, can be preserved from inundation, it will require the imagination of a Milton and the graphic discription of a Bulwer to depict the coming glories of that land. A soil of wonderful fertility, bringing forth seeds sown in its bosom "an hundred-fold;" the land of the magnolia and the orange, of the cotton plant and the sugar-cane. Again will teeming, busy millions find secure and happy homes there, and thousands of sturdy immigrants, fleeing from the overcrowded provinces and marts of the Old World, will seek settlements within its borders. Then, indeed, will it become "the land where great enterprise broadcast is sown;" or, in the words of a song sung by one of the troubadours of Louisiana:

Land of the mocking-bird, sunlight and beauty,
Land where the willow bends over the stream;
Land where the odor of sweet-scented flowers
Enraptures the senses and nurtures a dream.
Land where the cypress, majestic and solemn,
Infolds in its shadow a silvery gloom;
Land where the prairies are frosted with lilies,
And yellow-leafed jasmines are always in bloom.

Land where the maidens are worthy of Eden,
Land where the men are chivalric and brave;
Land where the hero lives ever in story,
Whilst tears of affection drop over his grave.
Land of De Soto, of Bienville, of Tonti,
Land where no exile stood ever alone;
Land where the seeds of ambition are springing,
Land where great enterprise broadcast is sown.

Baltimore Post-Office Building.

SPEECH

OF

HON. JOHN V. L. FINDLAY,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 23, 1884,

On the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. FINDLAY said:

Mr. SPEAKER: The amount estimated as necessary for the continuation of the work on the Baltimore post-office building was $400,000. This has been cut down by the Committee on Appropriations to $100,000. The clerk to the committee informs me that he understood the Supervising Architect of the Treasury to say that $100,000 would be sufficient until the next appropriation was made. The Architect, however, informs me that $150,000 is the lowest possible amount he could get along on.

The general desire on both sides of the House is to let the bill pass and allow all amendments to be made in the Senate, in order to bring about an early adjournment. With this understanding I am willing to let the bill pass without an objection, when a single objection will prevent its consideration in the mode in which it is proposed to be considered and passed.

It is poor economy to stint the appropriations necessary for the completion of public works, however wise it may be to enter upon such works with deliberate caution. This building is now up to the first story, and with ample money in the Treasury it would be simply foolish not to appropriate a sufficient sum to carry on the work. I shall vote for this bill, therefore, with the distinct understanding that the amount necessary to continue the work on the Baltimore post-office shall be finally appropriated by this House before it adjourns.

Aid to Common Schools.

SPEECH

OF

HON. JAMES K. JONES,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1884.

On the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. JONES, of Arkansas, said:

Mr. SPEAKER: The subject of national aid to the cause of education in the States is of very great importance. No measure has excited more earnest comment in Congress for years. Its friends and its foes alike insist that very important results must follow its passage, the one side claiming that there is more of good to the country at large in its promised results than any measure considered here in a long while; the other insisting that it is fraught with evils—a very Pandora's box, from which even hope will escape, and that its enactment into law will do more to destroy our form of Government than any one step ever contemplated by Congress perhaps. With this difference of opinion among great and wise men, it certainly becomes the duty of each of us to weigh well the reasons for whatever step we propose to take in this connection.

The opponents of this measure insist that it is not only unwise and impolitic, but they also say that its passage would be a serious violation of the Constitution of the United States. This latter position of course is absolutely conclusive if correct, and while I would not for a moment presume to place my opinion upon a great constitutional question against those of men who have not only devoted much care and attention to the subject, but have also brought great mental powers, years of training, and profound erudition to the consideration of the question, yet I may venture among the opinions of great men to select that line of thought which appears to me to be most in accordance with proper rules of construction and to be the real meaning of the Constitution.

Each member of Congress is responsible to his constituents for the correctness of his views on all public questions, and each must select the positions upon which he is willing to stand and be judged.

There can be no doubt that the tenth amendment to the Constitution was but the expression of a jealousy of the Federal Government and was intended to make the States doubly secure against its aggressions. In organizing the Confederation power had been accorded to the General Government with so stinted a hand that that Government fell into contempt and a new one became a necessity, but the intention was clear in the new one only to give the Government so much power as was necessary to accomplish the purposes of its organization, and not to permit any aggressions upon the rights of the States. It is our duty to guard this boundary of Federal power with jealously, and in this spirit I have endeavored to consider the power and propriety of passing this bill.

THE NATURE OF THE CONSTITUTION.

The Supreme Court of the United States, in speaking of the nature of the Constitution, in the case of Martin *vs.* Hunter (1 Wheaton, 325) uses this language:

> The Constitution unavoidably deals in general language. It did not suit the purposes of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers or to declare the means by which those powers should be carried into execution. It was foreseen that this would be a perilous and difficult if not an impracticable task. The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence.
>
> It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications which at the present might seem salutary might, in the end, prove the overthrow of the system itself. Hence, its powers are expressed in general terms, leaving to the Legislature from time to time to adopt its own means to effectuate legitimate objects, and to mold and model the exercise of its powers as its own wisdom and the public interest should require.

The history of our country has demonstrated the wisdom of this design. Our development, wonderful as it has been, has not had the effect to outgrow or leave behind the Constitution, but the provisions of that instrument by reason of this generality are found to be adapted to each new phase in our unparalleled growth and development. The eminent law writer, Mr. Francis Wharton, in his recent commentaries on American law, expresses his views as follows:

> But while necessity does not abrogate constitutional limitations, their meaning, when couched in general terms, is unfolded under the action of changing conditions. "The Constitution," said Mr. Clay in a speech made in 1816, "never changes; it is always the same; but the force of circumstances and the lights of experience may evolve to the fallible persons charged with its administration the fitness and necessity of a particular exercise of constructive power to-day which they did not see at a former period." * * * Thus the power to make treaties holds in it dormant until the due period arrives the power to make treaties of annexation; in the term "commerce" lies dormant not merely commercial dealings on the high seas as was at first supposed, but commercial dealings in the great rivers forming the avenues of business between the States; in the term "post-roads" lie dormant steamboat lines and telegraph wires. There must from the nature of the case be in the constitution of an empire elasticity in all powers distinctly imperial, while in an empire which is a confederation of sovereign States, peopled by freemen of English traditions, there must be a strict maintenance of the rights of the States in all matters municipal and an absolute guarantee of the rights of personal liberty, of security of property, and of equality in the eye of the law. Without freedom of imperial development within its orbit there would be no government fitted for the American people; without absolute guarantee of State and personal sovereignty within their orbits there would be no American people fit to be governed.

CHANGED CONDITIONS—CHANGED OPINIONS?

Many instances might be given of these changes of opinion under changed conditions not only in our best and purest men but in courts as well as in popular sentiment. A striking instance of this is to be found in what is now understood by the power to regulate commerce, as compared with what was understood by that power in the early history of the Government. At the time of the adoption of the Constitution the wildest imagination never dreamed of what has already been accomplished in the development of commerce. Yet, who denies that this power extends to commerce as we understand it now. We to-day can scarcely conceive what has been accomplished in our own time, so marvelous has been our progress, yet I believe no one insists that this power is confined to the regulation of commerce as those words were understood when the Constitution was adopted or even as they were understood half a century afterward.

It may not be amiss to compare for a moment some of the ideas of the past with the facts of the present to illustrate these changes, but to do this I will not go very far back, and will select a time within the lives and perhaps within the memory of members of this House.

In February, 1826, in the Senate of the United States, in opposing the creation of Oregon Territory, Mr. Dickerson, of New Jersey, said:

> But is this Territory of Oregon ever to become a State, a member of this Union? Never. The Union is already too extensive, and we must make three or four new States from the Territories already formed.
>
> The distance from the mouth of the Columbia to the mouth of the Missouri is 3,555 miles; from Washington to the mouth of the Missouri is 1,160 miles, making the whole distance from Washington to the mouth of the Columbia River 4,703 miles—but say 4,650 miles. The distance, therefore, that a member of Congress of this State of Oregon would be obliged to travel in coming to the seat of Government and returning home would be 9,300 miles. This, at the rate of $8 for every twenty miles, would make his traveling expenses amount to $3,720.
>
> Every member of Congress ought to see his constituents once a year. This is already very difficult for those in the most remote parts of the Union. At the rate which the members of Congress travel according to law, that is, twenty miles per day, it would require to come to the seat of Government from Oregon and return, four hundred and sixty-five days; and if he should lie by for Sundays, say sixty-six, it would require five hundred and thirty-one days. But if he should travel at the rate of thirty miles per day it would require three hundred and six days. Allow for Sundays forty-four, it would amount to three hundred and fifty days. This would allow the member a fortnight to rest himself

at Washington before he should commence his journey home. This rate of traveling would be a hard duty, as a greater part of the way is exceedingly bad and a portion of it over rugged mountains, where Lewis and Clarke found several feet of snow in the latter part of June. Yet a young, able-bodied Senator might travel from Oregon to Washington and back once a year, but he could do nothing else. It would be more expeditious, however, to come by water round Cape Horn or to pass through Behring's Straits, round the north coast of this continent to Baffin's Bay, thence through Davis's Straits to the Atlantic, and so on to Washington. It is true this passage is not yet discovered, except upon our maps, but it will be as soon as Oregon shall be a State.

At the conclusion of this remarkable argument Mr. Dickerson moved to table the bill, which was carried. And it now takes six days to go from here to the State of Oregon, and fresh fish are now sent from Oregon to the tables of the rich in New York.

For sixty years the opinion was held and time and again expressed by the Supreme Court of the United States that the admiralty jurisdiction of the United States courts did not extend to the rivers above tide-water. Without the slightest change in the law or the Constitution, at the end of that time the other position was taken, and no one questions the absolute correctness of this view now. With commerce as our fathers knew and understood it, this old ruling might have remained, but the development of our commerce absolutely forced a change in these views.

Gentlemen who oppose this bill because they are strict constructionists now speak of the power to purchase territory as being "perfect from principles of great public policy." Yet in the early days of the Government the Federalists even, as well as the Republicans, positively denied this power, and it is well known that Mr. Jefferson thought a constitutional amendment necessary to sanction the purchase of Louisiana. Thus the strict constructionists of our time go very far beyond the Federalists of Jefferson's time in construing the powers of the Government in this matter.

These changes of opinion only illustrate the wisdom of the framers of the Constitution in their immortal work and are instances of the natural growth and development of our National Government within its constitutional orbit. No one, for instance, will claim that the power to purchase territory, as now universally admitted, is a usurpation or a violation of the Constitution. It is simply a clearer and fuller understanding of our constitutional powers under circumstances that Mr. Jefferson and the Federalists of his time had no conception of.

Section 8, article 1, of the Constitution is as follows:

The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

CONSTITUTIONAL POWER.

Whether we have the constitutional power to pass the pending measure depends upon the meaning of the first clause of this section. If this clause is a mere limitation upon and qualification of the succeeding grants of power, then this bill should not pass, but if it is separate and distinct from them, the power to pass this bill is clear, no matter whether we regard the words "to pay debts, provide for the common defense and the general welfare of the United States" as a distinct and substantive power or as merely qualifying the clause in which they occur.

It is a familiar rule of construction that effect shall be given to the whole of the instrument under consideration and to every part of it, and if different parts appear to conflict they must be harmonized, if possible, and that construction should be adopted which renders every part and every line operative. This rule applies especially to written constitutions.

This section granting legislative powers to Congress, looked at in a common-sense way, not attempting to "squeeze" any particular meaning out of it, but taking the words as meaning what they say, seems to be seventeen separate and distinct grants of power, and I can see no more reason to say that the first clause is limited and controlled by succeeding clauses than to say that either of those succeeding is limited by some other. But this has been more clearly and better said by great men, as we shall see hereafter.

The twelfth clause of this section granting power to raise and support armies is limited by a provision that no appropriation shall be made for that use for a longer period than two years. The object of this limitation is plainly to keep the organization of the Army under the control of the people. This limitation, being in the opinion of the framers of the Constitution necessary, is plainly expressed. If, then, the intention was to make the first clause of this section a mere limitation on the succeeding powers, why did they not as plainly say that? The intentions of the "enlightened patriots who framed the Constitution" required no concealment. Why, then, should they not "employ the words which most directly and aptly express the idea they intended to convey?"

Chief-Justice Marshall said that—

As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they said.

Mr. Cooley says that the thing which we are to seek in construing a law is the thought expressed, and "to ascertain this the first resort in all cases is to the natural signification of the words employed."

And Thomas Jefferson said:

We should on every question of construction carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text or invented against it, conform to the probable one in which it was passed.

Adopting these rules of construction, it occurs to me that Mr. Monroe's analysis of clause 1 of this section is correct, as follows:

That the second part of this grant—

Alluding to the first clause of this section—

gives a right to appropriate the public money, and nothing more, is evident from the following considerations:

First, if the right of appropriation is not given by this clause it is not given at all, there being no other grant in the Constitution which gives it directly, or which has any bearing on the subject, even by implication, except the two following: first, the prohibition which is contained in the eleventh of the enumerated powers not to appropriate money for the support of armies for a longer term than two years; and, secondly, the declaration in the sixth member or clause of the ninth section of the first article, that no money shall be drawn from the Treasury but in consequence of appropriations made by law.

Secondly, this part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first branch of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises; a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together, as they must be, for the one follows immediately after the other in the same sentence, it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defense and general welfare of the United States—an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated.

Thirdly, if this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever, or one of much greater extent than the first part. This presumption is evidently groundless in both instances; in the first, because no part of the Constitution can be considered as useless—no sentence or clause in it without a meaning. In the second, because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it if explanation or qualification should be necessary. This order has, it is believed, been invariably observed in all the grants contained in the Constitution. In the second, because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises.

An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would in effect break down all the barriers between the States and the General Government and consolidate the whole under the latter.

Again, he says on the same subject:

The grant consists, as heretofore observed, of a twofold power: the first to raise and the second to appropriate the public money, and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to

establish post-offices and post-roads, and with all the other specific grants to the General Government.

In the discharge of the powers conveyed in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. * * * But should the Representative act corruptly and betray his trust or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it and to be removed and otherwise censured according to his deserts.

Again:

Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided in it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

And after a full and elaborate argument, which I regret I can not quote entire, he sums up the matter as follows:

The substance of what has been urged on this subject may be expressed in a few words. My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State benefit.

From all of which it appears clear that the words "to pay the debts and provide for the common defense and general welfare" are not an independent power on the one hand nor absolutely meaningless on the other, but that they are qualifying words, relating to this one clause alone; and that the powers conveyed in this clause are distinct and independent, as are the powers in the subsequent clauses. This is the construction that has been placed upon this section by the practice of the Government from its beginning until this session of Congress.

CALHOUN'S OPINION.

Mr. Calhoun at an early day clearly vindicated the right of the Government to make appropriations without reference to the powers succeeding this clause. This had been the unvarying practice of the Government before, and it seems from his statement that up to that time it had never been objected to. I quote from his speech of February 4, 1817, in the House of Representatives. In speaking on that occasion of the power now under consideration he said:

What can be more express than the Constitution upon this very point?

The first power delegated to Congress is comprised in these words: "To lay and collect taxes," &c. First the power is given to lay taxes; next the objects are enumerated to which the money accruing from the exercise of this power may be applied, namely, to pay the debts, provide for the defense, and promote the general welfare; and last the rule for laying the taxes is prescribed, to wit, that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterward enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some that the words "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms, and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution.

If such were in fact the meaning intended, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms which were afterward to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare" were intended for this summary, they should have headed the list of our powers and it should have been stated that to effect the general objects the following specific powers were granted. I ask members to read the section with attention, and it will, I conceive, plainly appear that such could not have been the intention. The whole section seems to me to be about taxes. It plainly commences and ends with it, and nothing could be more strained than to suppose that the intermediate words "to pay the debts and provide for the common defense and general welfare" were to be taken as independent and distinct powers. Forced, however, as such a construction was, I might admit it and urge that the words do constitute a part of the enumerated powers. The Constitution gives to Congress the power to establish post-offices and post-roads. I know the interpretation usually given to these words confines our powers to that of designating only the post-roads; but it seems to me that the word "establish" comprehends something more. But suppose the Constitution to be silent, why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted by a unanimous vote, or nearly so, $50,000 to the distressed inhabitants of Caracas, and a very large sum at two different times to the St. Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many other instances, the identical power which is now the subject of discussion has in several instances been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation I expect it will be said that our Constitution is founded on positive and written principles and not on precedents. I do not deny the position; but I have introduced these instances to prove the uniform sense of Congress and the country (for they have not been objected to) as to our powers; and surely they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments.

Such was the opinion, deliberately expressed, of one of the most wonderfully gifted men of this or any other country, and we shall find him acting upon this construction many years after.

Lord Coke said that great regard ought, in construing a law, to be paid to the construction which the sages who lived about the time, or soon after it was made, put upon it, because they were best able to judge of the intention of the makers at the time when the law was made.

And on this very subject of the force of contemporaneous construction the Supreme Court of the United States, in 6 Wheaton, 264, said:

Great weight has always been attached, and very rightly attached, to contemporaneous construction.

And in Colley vs. Board of Wardens (12 How, 311–15) the same court upon this subject uses this language:

In addition to what has been said respecting each of these constitutional objections to this law, it may be observed that similar laws have existed and been practiced on in the States since the adoption of the Federal Constitution; * * * and that this contemporaneous construction of the Constitution, since acted on with such uniformity in a matter of much public interest and importance, is entitled to great weight in determining whether such a law is repugnant to the Constitution, &c.

This construction of Mr. Monroe quoted above does not rest alone upon his authority, high as that is, but his opinions as therein expressed are the result of long and patient reflection on his part and of his observation of the opinions and actions of the great men who had been called upon to practically construe these powers before him, and are the summing up of his own mature judgment and the experience of the Government. And it should not be lost sight of that Mr. Calhoun was a member of his Cabinet when these views were given to the world and was of course a party to them, and his own votes subsequently cast demonstrate that he continued to the end of his life to act upon this construction.

INSTANCES OF APPROPRIATIONS.

The name of the instances of appropriations by the Government for purposes not enumerated in section 8 of article 1 is legion. In discussing this question Judge Story says:

In regard to the practice of the Government, it has been entirely in conformity to the principles here laid down. Appropriations have never been limited by Congress to cases falling within the specific powers enumerated in the Constitution, whether those powers be construed in the broad or their narrow sense. And in an especial manner appropriations have been made to aid internal improvements of various sorts, in our roads, our navigation, our streams, and other objects of a national character and importance. In some cases, not silently, but upon discussion, Congress have gone the length of making appropriations to aid destitute foreigners and cities laboring under severe calamities, as in the relief of the Saint Domingo refugees in 1794, and the citizens of Venezuela, who suffered from an earthquake in 1812. An illustration equally forcible, of a domestic character, is in the bounty given in the cod-fisheries, which was strenuously resisted on constitutional grounds in 1792, but which still maintains its place in the statute-book of the United States.

It is well known that in Mr. Jefferson's administration Louisiana was purchased and fifteen millions paid for it; that during his administration the Military Academy was established at West Point, and that in 1808 he recommended an additional appropriation out of the Federal Treasury to enlarge it. But another great work begun in his administration, was continued by his successors, which, great and important as it doubtless was, certainly could not affect the "general welfare" of the country anything like the present proposed measure. I allude to the Cumberland road; yet we find Mr. Jefferson, the father of strict construction, approving this appropriation of public money for internal improvements, and this, too, while Mr. Madison, was his Secretary of State, and these appropriations were continued until fifteen or twenty of them had been made, and until the appropriations to this work aggregated millions of dollars.

If this bill providing for a mere dirt road of certainly very little general importance was in the opinion of these two men within the constitutional powers of the Government, certainly a matter of great and general national importance like the present measure, affecting every man, woman, and child in this country, affecting the very Government itself, its peace and its permanency, is within the scope of its powers.

In addition to the instances already given of the exercise of this power numberless others might be cited. Among these, and as extraordinary as any already mentioned, is the appropriation of $500,000 made in 1847 to aid suffering Ireland, and for which Calhoun, Webster, Sam Houston, Reverdy Johnson, and Crittenden voted. This has been followed by appropriations for the benefit of sufferers by flood, fire, and pestilence in numerous cases. And this Congress during this session has passed, without a dissenting vote I believe in either House, a bill appropriating a valuable piece of property to Fort Smith, in my State, to aid the public schools of that place, which, in proportion to the interests involved, is largely in excess of this proposed donation, and is certainly far more local in its nature than this bill. Besides this, this Congress has passed an act to loan a million and a half of dollars to the exposition at New Orleans.

But beyond all this the Government has donated immense bodies of lands to the States and to corporations to aid them in building railroads, which donations are said to exceed 140,000,000 of acres. Besides this, the Government has loaned its credit for similar purposes to railroads by issuing its bonds amounting to over $60,000,000, upon which interest has been paid by the Government until bonds and interest amount to more than $100,000,000, and over 4,000,000 of acres of land have been donated to building canals.

For many years the Government has been appropriating lands to the aid of schools, and about 100,000,000 acres of the public domain have,

I believe, been so appropriated. Here we have practical expositions of the Constitution running parallel with the history of the Government, and the constant assertion of constitutional power going very far beyond the authority necessary to pass this bill.

DONATIONS OF LANDS.

But it has been asserted that the donation of lands to the public schools was not made under this section, but that the power to do that was derived from section 3, article 4, of the Constitution, which confers upon Congress the power to dispose of and make all needful regulations respecting the territory or other property of the United States. And it is claimed that under this section Congress had the constitutional right to so donate the public lands, and, further, that under it Congress had full power to sell lands and donate the proceeds to schools, but that these donations of lands could not be considered precedents for this bill. This is not strict construction, but on the contrary is the very loosest possible, and in reply to this I will only quote from Mr. Monroe as to the meaning of the second clause of the third section of article 4, as follows:

Since, then, it is manifest that the power granted Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States and which after such cession lay without their respective limits and for which special provision was deemed necessary, the main powers of the Constitution, operating internally, not being applicable or adequate thereto, it follows that this power gives no authority and has no bearing on the question of internal improvements.

And this was confirmed in Scott *vs.* Sandford (19 How., 436).

If Mr. Monroe's opinion is correct, this section conveyed no power of donating land nor the proceeds of the sale of land for internal improvements; and if not for them, then how does it confer the right to donate them in aid of schools in the States?

And Mr. Monroe further affirms, as we have already seen, that the sole power of appropriation conferred upon Congress is by clause 1, section 8, article 1. But I repeat his words on this point:

If the right of appropriation is not given by this clause it is not given at all, there being no other grant in the Constitution which gives it directly or which has any bearing on the subject, even by implication, except, &c.

So we find that he believed that all power of appropriation was and is derived from this one clause, and of course that the constitutional powers and constitutional limitations are the same in all appropriations of revenue, no matter whence the revenue may be derived.

In the very nature of things it can not be that the framers of the Constitution ever intended to give Congress an unlimited power to appropriate one fund and a limited power to appropriate another. Money going into the Treasury, no matter whence it comes, is revenue; a proper disbursement of one dollar would be a proper disbursement of another; there is no difference in the money. Besides, if the power to purchase territory is "perfect from principles of great public policy," and we can donate that, as these gentleman all admit we can, then all we have to do is to buy land with the money and donate that, thereby doing indirectly that which can not be done directly, a sort of legerdemain not tolerated by the law; for it is an axiom that whatever is prohibited by law to be done directly can not legally be effected by an indirect and circuitous contrivance. It seems to be clear then that there is no more unlimited constitutional power to appropriate money arising from the sale of lands than from any other source, and no less. And upon this view Mr. Pierce, while President, expressed himself in the following forcible way:

I respectfully submit that in a constitutional point of view it is wholly immaterial whether the appropriation be in money or in land. The public domain is the common property of the Union just as much as the surplus proceeds of that and of duties on imports remaining unexpended in the Treasury.

Then the appropriations of land or money to aid schools or for internal improvement is a precedent for this bill, and is the exercise of a power not enumerated in section 8, article 1, subsequent to the first clause, and not to be found in the Constitution outside of that section. The donations of land to school purposes and purposes of internal improvement was either unconstitutional or authorized by clause 1, section 8, article 1, of the Constitution. If they were constitutional, the same clause that authorized them authorizes this.

A HERESY.

Where a very serious mistake is made in my opinion in considering this question is in accepting as correct, as axiomatic in fact, a very grave political heresy, which claims that if Congress has the power to make this appropriation it has also the power to control the object for which the appropriation is made. This is not a new doctrine, but is one which has been invariably decided against in the history of the country and has never been recognized as correct or acted upon by the Government. The unvarying repudiation of this doctrine, beginning with the Government itself and among the men who organized and for years administered it, ought by this time to be considered eternally settled. I regret exceedingly to see able and pure men now lending the aid of their great names to the establishment of a doctrine so pernicious and so much at war with the interest of both the State and Federal governments.

THE TRUE DOCTRINE.

The doctrine as taught and acted upon by the great minds which brought order out of chaos in the beginning of our Government is that the Government has the power to appropriate money to aid the States in internal affairs affecting the general, not local welfare, but that it can not interfere with the States in the management and control of the affairs so aided, these remaining, as before, absolutely under the control of the States. This being the simple meaning of the Constitution, and having been understood and accepted as the fundamental law of the land for a century, is by this time certainly not an open question.

In a debate in the Senate some time since upon this question Mr. GEORGE, of Mississippi, said—

That the phrase "to provide for the general welfare of the United States" used in the taxing clause which I have read is not a substantive, distinct, and independent power, under which Congress may do anything deemed by it to be conducive to the general welfare. is, I think, now well settled in the practice of the legislative and executive departments, as well as by the decisions of the courts. That the Federal Government is one of delegated, limited, and enumerated powers is not now, I believe, denied.

It seems to be conceded that whenever we exercise a power we are bound to look to the Constitution for it; and that any exercise of a power not granted by the Constitution is on our part a pure usurpation. These are my views, at least, and I shall adhere to them.

And commenting on this Mr. COKE said:

Here is a declaration of State rights upon which Mr. Jefferson would have been content to have rested himself. He would have been willing to go to the world on it, for Mr. Jefferson never made a clearer or stronger statement of State-rights doctrine than the honorable Senator from Mississippi did in making this statement of the views which he says are his and which he says he intends to adhere to.

This view seems to me perfectly sound and correct, and it seems that Mr. Madison believed that Congress did not have an unlimited power to do anything deemed by it conducive to the general welfare, but that he believed that this power was confined to such things as could be accomplished by the making of appropriations of money—just the extent to which this bill goes and no further. On March 3, 1817, he said:

A restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution.

This language was used in vetoing a bill which provided for internal improvements in the States, and which he seemed to understand to claim the right in the Government to control after they were constructed. This position he repudiated, and, after stating his objection to the bill on this account, he concluded with the statement of the true power of the Government just quoted. He had three times before this approved bills appropriating money for the Cumberland road—$50,000 in 1811, $30,000 in 1812, and $100,000 in 1815.

It may be well just here, too, to mention this important fact in connection with the Cumberland road: that while the Government appropriated millions of dollars to it, and by its own commissioners laid out the road, and it was actually constructed by the Government itself with the consent of the States, there was at no time any claim set up by the Government that it had any right to enter the States for the purpose of controlling or even protecting the road; and when, in 1817, the bill above referred to was passed to provide for internal improvements, and which seemed to contemplate the control of such improvements by the General Government, Mr. Madison promptly vetoed it.

OPINIONS OF STATESMEN.

In this message Mr. Madison, who was called the father of the Constitution, who was a member of the "Grand convention," the author of the Virginia resolutions, one of the authors of the Federalist, and who had served for eight years as Secretary of State during Jefferson's administration, had himself succeeded to the Presidency, and had administered that office eight years, as among the last, if not indeed the very last, act of his official life, in this message distinctly recognized the right of the Government to make appropriations for purposes not enumerated in the Constitution, and at the same time as distinctly denies that the Government has the right to control the objects for which the appropriation is made.

In this view Mr. Monroe fully concurred, and in vetoing a similar bill in 1822 he said:

A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation, and to pass laws for the protection of the road from injuries. * * * It is a complete right of jurisdiction and sovereignty for all purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced and has been so far executed. I am of opinion that Congress do not possess this power; that the States individually can not grant it; for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

And again he said:

Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to these objects, enhance the value of our vacant lands, a treasure of vast resource to the nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well-founded constitutional objection.

And again:

The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress can do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

And further, in speaking of the Cumberland road, he said:

In this instance, which is by far the strongest in respect to the expense, extent, and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the States by taking the land from the proprietors by force, by passing acts for the protection of the road, or to raise a revenue from it by the establishment of turnpikes and tolls, or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle, on the voluntary, unqualified admission that the sovereignty belonged to the State and not to the United States; and that they could perform no act which should tend to weaken the power of the State or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road and to cause it to be constructed; for I presume that no distinction can be taken between the appropriation of money raised by the sale of public lands and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power of appropriation derives any sanction from a provision to that effect, having been made by an article of compact between the United States and the people of the then Territory of Ohio.

General Jackson also agreed in this view of the powers and limitations of the Government, regarding the question as settled, and after reviewing the message of Mr. Madison of March 3, 1817, he says:

I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

He also mentioned the administration of Mr. Monroe upon this question as follows:

The views of Mr. Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was: "That Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general not local, national not State benefit." And this was avowed to be the governing principle through the residue of his administration.

And that he (General Jackson) entirely acquiesced in this construction appears from the following. Commenting upon what has just been stated, he says:

The constitutional power of the Federal Government to construct or promote works of internal improvement presents itself in two points of view: the first, as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second, as asserting the simple right to appropriate money from the national Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view the question of power is an open one, and can be decided without the embarassment attending the other, arising from the practice of the Government. Although frequently and strenuously attempted, the power to this extent has never been exercised by the Government in a single instance. It does not in my opinion possess it; and no bill, therefore, which admits it can receive my official sanction.

And further he says:

This brief reference to known facts will be sufficient to show the difficulty, if not the impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1793, assuming that to be its true reading in relation to the power under consideration, thus giving an admonitory proof of the force of implication and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers. For although it is the duty of all to look to that sacred instrument instead of the statute-book, to repudiate at all times encroachments upon its spirit which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular construction of the Constitution upon doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

This long line of precedents and authorities, approved by, I believe, all the Presidents, and acted on continuously by the Government, is to my mind conclusive of two points: First, that the Government has the right and constitutional power to pass this bill and to make appropriations to carry it into effect; and, second, that the Government can not, even with the consent of the States, control the object for which the appropriation is made without a constitutional amendment authorizing it; that this bill does not and could not convey directly or by any implication any such power. For myself, when I follow the teachings and example of Jefferson, Madison, Calhoun, and Andrew Jackson, and when these are fortified and illustrated by the unvarying practice of the Government for a hundred years, beginning with its infancy and among the men who made it, and when all this is fully in accord with my own judgment, I have little fear that I am wrong.

The only question, then, remaining for me is to determine whether the circumstances surrounding us at this time demand the passage of this bill.

THE NECESSITY FOR THIS ACTION.

I believe that the sheet-anchor of our form of government is intelligence, hence I am an earnest advocate of popular education. Daniel Webster uttered a sentiment of which history will demonstrate the truth when he said, "It is intelligence which has reared the majestic columns of our national glory, and this alone can prevent them from crumbling into ashes."

The spread of intelligence is to be the safeguard of our Government—it will be not only our protection against centralization of political and financial power on the one hand, but our sure and safe defense against communism, nihilism, and revolutionary tendencies on the other.

While ours was a comparatively frontier population, with sturdy self-reliance and individuality as a common characteristic, our dangers were not many; but with a dense population, accumulated wealth, and comparative effeminacy, new perils arise, and we must depend upon education and intelligence to counteract these as far as possible, for "as thou sowest so shalt thou reap" applies to States as well as to men. Next to the Christian religion, the great civilizer of men is the school. Public schools, like everything else, are criticised, but until something better is devised I am in favor of maintaining and extending them. In the comparatively brief period of their existence they have accomplished wonders, and are yet in their infancy. The system will improve with age and experience, I believe, until it will be regarded as the greatest means of promoting the universal brotherhood of man.

Speaking of the first common-school law, Macaulay said:

By this memorable law it was in the Scotch forge statuted and ordained that every parish in the realm should provide a commodious school-house and should pay a moderate stipend to a schoolmaster. The effect could not be immediately felt. But before one generation had passed away it began to be evident that the common people of Scotland were superior in intelligence to the common people of any other country in Europe. To whatever land the Scotchman might wander, to whatever calling he might betake himself, in America or India, in trade or in war, the advantage of his early training raised him above his competitors. If he was taken into a warehouse as a porter he soon became foreman. If he enlisted in the army he soon became a sergeant. Scotland, meanwhile, in spite of the barrenness of her soil and the severity of her climate, made such progress in agriculture, in manufactures, in commerce, in letters, in science, in all that constitutes civilization as the Old World never saw equaled or even the New World has scarcely seen surpassed.

And I believe that like efforts will be rewarded by like results in our own country. In speaking of the safety that intelligence brings in its train, Lord Brougham said:

There have been periods when the country heard with dismay that the soldier was abroad. That is not the case now. Let the soldier be abroad! In the present age he can do nothing! There is another person abroad—a less important person, in the eyes of some an insignificant person—whose labors have tended to produce this state of things. The schoolmaster is abroad! And I trust more to him, armed with his primer, than I do to the soldier, in full military array, for upholding and extending the liberties of this country.

I believe, then, that it is a duty we owe ourselves and the country to foster the spread of learning by every legitimate means within our power.

The necessity for action now can not be doubted for a moment. Seventeen per cent. of the people of the country are illiterate, or a total in 1880 of 6,239,958. Fifteen per cent. of the voters can not read and write. I believe that no President has ever been elected by a majority equaling 15 per cent. of the whole vote cast, and I doubt if any debated question of public policy was ever determined by so large a majority at the polls. This certainly leaves too great a power within the reach of unscrupulous demagogues. But bad as this is in the whole country it is worse in some States, the illiteracy among the voters in a number exceeding 40 per cent. of the total, counting white and colored.

If the States where this cloud of illiteracy is the most dense are making earnest efforts to help themselves, and on account of the magnitude of the work and their own circumstances they are unable to cope with the evil successfully and at once, then the Government should give them whatever aid it can.

EDUCATIONAL EFFORTS.

When the war closed the Southern States were in almost absolute desolation. By slow and painful means the wastes were built up, houses and fields year by year appeared, until now we are a reasonably prosperous people. But our accumulations, over and above a bare subsistence, have been small and our advance toward prosperity laborious and slow.

During the war, too, schools were suspended, and immediately after it the disorganized state of society and the struggle for bread and absolute necessaries overbore all other considerations, and in building temporary houses to live in, rebuilding fences, no time was left to prepare for schools; hence among the other misfortunes left us by the war is an increase in our illiteracy among the white people.

When the houses were built and the farms repaired then began the work of building up schools, and as illustrating the school spirit there now I will make only one selection from a number of opinions of able and competent men from the North, who have observed our efforts. Rev. Dr. Mayo, of Massachusetts, speaking of this subject, says:

I am pretty well acquainted with the condition of education in our country and in other countries, and I have no hesitation in announcing to you, gentlemen, my conviction that never within ten years in the history of the world has

an effort so great, so persistent, and so absolutely heroic been made by any people for the education of the children as by the leading class of the people in our Southern States. Practically, within ten years every one of these Southern States has put on its statute-book a system of public schools; practically, within this time, every district of country in the South has received something that can be called a school. This school public, as we may call it, consisting of State officials, of school officers, of superior teachers, of thoughtful people all over the South, is to my mind the most forcible, the most persistent, the most devoted school public now in any part of the world. There is no body of superior teachers doing so much work for so little pay and under such great disadvantages as in the South to-day. There is no minority of people working so hard to overcome this terrible calamity of illiteracy anywhere in the world to-day as in the South. I give this as the deliberate result of two years of observation in twelve States.

* * * * * *

We must remember, gentlemen, that nine men out of ten in the South never saw what we call a good public elementary school. The thing that is necessary is to put for one year, for two years, for three years, in every district through that country a school that will be a fair representative of a public school, that the people can see it; and once having seen it and enjoyed its benefits, they never will give it up again. Now, it is utterly impossible for the average school authority to get the money to put such a school on the ground. Give to that man another $500, another $1,000, and at once, without wearing himself out with importunity, he can put on the ground the school that the people need; a school that instead of being a school that satisfies nobody, is a school that satisfies everybody; and once having seen that school for one year, for two years, for five years, for ten years, that people will be stimulated to great exertions, and will never give it up. * * * What is to be done should be done at once to meet the great demand of the present. * * * I am acquainted with the State superintendent of instruction, I believe, in every Southern State. I am acquainted with the State school board, I think, of every Southern State but two or three. I have studied with great care in the records of all those offices their methods of distribution of money. I believe there is no set of men in this country who are handling a moderate amount of money with greater economy, with greater fidelity, than these gentlemen. I believe if there is any set of men in this country that can be trusted to administer a fund of $10,000,000 or $15,000,000 in thirteen or fourteen States with fidelity, it is the school authorities of those States, and therefore it seems to me that this money should go directly to the children through the accustomed channels, of course being guarded by all proper safeguards in the central power.

Strong as this statement is it is none too strong.

THE RESULTS.

The results of this are very forcibly illustrated by a table which I find in an article by Henry Randall Waite, in the May number of the Princeton Review, and which I here present, with some comments of his.

TABLE I.

States and Territories.	Number unable to write.		Increase or decrease.	Number unable to write in each 1,000 of total population.	
	1870.	1880.		1870.	1880.
Southern	4,159,216	4,715,395	Inc. 556,179	300	255
Eastern and Middle	712,074	699,369	Dec. 12,705	58	48
Western	676,948	714,841	Inc. 37,893	57	44
Territories	64,643	84,575	Inc. 19,932	238	139
District of Columbia	28,719	25,778	Dec. 2,941	218	145
United States	5,641,600	6,239,958	Inc. 598,358	146	124

It will be seen that in the Southern States, in spite of every obstacle, such as inability to provide sufficient educational privileges, and regardless of the increase of over half a million in the aggregate of illiterates, the number of illiterate persons in each 1,000 of the total population shows a decrease for the decade of 45, as compared with 10 in the Eastern and Middle States, 13 in the Western States, 99 in in the Territories, and 73 in the District of Columbia. Turning to the individual States of the South, we find that the number and the decrease in the number of illiterates in each 1,000 of the population was as follows:

TABLE II.

States.	1870.	1880.	Decrease.
Alabama	384	343	41
Arkansas	275	252	23
Delaware	185	132	53
Florida	382	298	84
Georgia	396	337	59
Kentucky	251	211	40
Louisana	379	338	41
Maryland	173	144	29
Mississippi	378	330	48
Missouri	129	96	33
North Carolina	371	331	40
South Carolina	411	371	40
Tennessee	289	266	23
Texas	270	198	72
Virginia	364	285	79
West Virginia	184	138	46

Our people are to-day taxing themselves higher for school purposes than are the citizens of any part of this great country. The percentage of the total taxes in the United States going into the support of schools is stated at 22.6. In New England, 20.2; the Middle States, 19.5; the Western States, 26.6, while in Arkansas 30.3 per cent. are so used, and in Tennessee, 33.2.

Yet the amount of school resources per capita in New England is nearly $20, while in the South it is less than $3, the annual expenditures for the education of 5,703,218 Southern children being about $12,000,000, while nearly $58,000,000 are expended in the North for the benefit of 9,000,000 children.

A very serious drawback with which we of the South have had to deal in building up schools has been the great debt which was by the most unblushing frauds fastened upon the school districts all over the country by the so-called carpet-bag governments. This debt has stood like a lion in the path of progress, and for years a large part of the school taxes, which our people have been really ill able to bear, have been used to pay off these mementoes of wrong and oppression. These are now paid off, and we have the satisfaction to know that when we pay our school taxes now our children shall have the benefit of them. "The sting of taxation is wastefulness," but at last this is removed from our system, and taxes will be hereafter cheerfully paid.

THE OPINION OF A COLORED TEACHER IN THE SOUTH.

Some time since a distinguished Senator from the East asked a Senator from the South, from my own State, the following question:

Mr. FRYE. Now, I should like to ask the Senator another question, for I have the profoundest confidence in his judgment and his humanity both and his entire fairness of statement. I wish to know from the Senator whether or not in Arkansas, on the part of educators, there is any prejudice against the education of the colored children at all?

Mr. GARLAND. If I was now about to utter the last words I ever expected to say on this earth, I would say frankly that there is not, so far as I know; and a little further on I will attempt to show that we want to educate the colored people and that it is very important to us that they should be educated.

As soon as I read this I addressed a note to the most eminent colored educator in my State perhaps, a man I never had the pleasure of meeting personally, and one of whose opinions on this subject I knew absolutely nothing. In reply to my note I received the following letter:

BRANCH NORMAL COLLEGE,
Pine Bluff, Ark., April 2, 1884.

DEAR SIR: Your esteemed favor of March 29 reached me to-day, and I hasten to reply, fully sympathizing, as I do, with any and all efforts made for the educational upbuilding of this section of the country, and hoping that the haste with which this letter is written will be accepted as an ample apology for the many defects that will doubtless be found in its style and composition.

As, when a witness comes into court, one of the first subjects for consideration is "who and what is he?" it may not be inappropriate for me to give a brief account of myself; and I will therefore state that I am a native of Ohio, graduated at Ohio University (Athens) in 1853, and have been a resident of Arkansas since 1870.

During Governor Baxter's administration I was the incumbent of the office of State superintendent of public instruction. Prior to that time I was a reporter for the Arkansas Republican newspaper, and since that time have been principal of the Branch Normal College of the Arkansas Industrial University at Pine Bluff, to which position I was appointed by the trustees of the university, of which the then governor of the State, Hon. A. H. GARLAND, was *ex officio* president, at the very beginning of its existence, and have held the same continuously ever since. The act for the establishment of the Branch Normal College was approved April 25, 1873, and went into immediate operation, but owing to the intervention of the political troubles usually known as the "Brooks-Baxter war," no steps were made to carry its provisions into effect until 1875 (September 25, 1875), at which time Hon. A. H. GARLAND was governor of the State. The law authorizing its establishment was enacted with special reference to "the convenience and well-being of the poorer classes," and the institution was begun and carried on for a year or two as an experiment in a rented board house, constructed for an officers' barracks during the war.

The result of the experiment seems to have been satisfactory, for January 30, 1882, the school was moved into the edifice constructed by the State for its accommodation, a brick building trimmed with Alabama granite and covered with Bangor slate, which is one of the handsomest buildings in the State. This building has twenty acres of grounds attached, situated at the junction of the Little Rock, Mississippi River and Texas, and the Texas and Saint Louis Railroads, and is filled up with the best class of modern school furniture from the house of A. H. Andrews & Co., Chicago. During the last month, March, 1884, about four hundred dollars' worth of new furniture was placed in the building. Provision has been made for the purchase of some chemical apparatus, and something has been done in the way of collecting a library and cabinet of minerals. About twenty newspapers and magazines are on file regularly in the reading-room. The value of the entire property can not be less than $25,000. The annual attendance at the institution has increased from less than fifty at the beginning to over two hundred during the present year, the average attendance thus far for the present year being considerably over one hundred and fifty. The course of study is not as yet up to the usual collegiate standard, but is fully as extensive as in the most of normal institutions.

Two small classes have graduated and another will graduate this year. Nearly all of the students engage in teaching during the summer vacation, and even those who have not completed the course are as a rule much better qualified to teach than many who are attempting in our State to perform that work; and they are, I am satisfied, doing much for the educational progress of our State. In this connection it may be mentioned that two of the teachers in the Branch Normal College, and the principal and one assistant teacher in the colored public schools of Pine Bluff, received almost their entire training in the Branch Normal College.

As to the progress and capacity of these colored scholars, I am satisfied that taking into consideration the circumstances, they are all that could reasonably be expected. A great majority of them were raised in the country, remote from railroads, steamboats, where even mails and newspapers were a comparative rarity, and consequently ignorant of many things which persons more favorably situated learn by mere contact. For instance, I have a number of students who are reasonably proficient in algebra and geometry, who five years ago had never seen such books nor even heard their names. A teacher from the North will often be much surprised when he first teaches in the South among the colored people by finding that young men, fully grown, have never even heard the names of Napoleon Bonaparte or Daniel Webster. Of course in order to know what a school has done it is absolutely necessary to know what had to be done, and a fair estimate can not be made without taking into consideration the incidental as well as the direct educational advantages a class of students has enjoyed.

As to the educational progress that has been made in Arkansas since I have been a resident of the State, I can mention only a few illustrative examples. During that time the Arkansas Industrial University at Fayetteville, with its Medical College at Little Rock, and Branch Normal College at Pine Bluff, the Philander South College and the Little Rock University at Little Rock have been organized and located in handsome brick buildings. Southland College, near Helena, was a fine property; while Russellville, Prescott, Little Rock, and other cities have very excellent school buildings, usually of brick, nicely fitted up. The State has an educational journal, and a State teachers' association,

composed of both white and colored teachers, of which I have been a member since its inception, and in which I have served for several terms as an officer. I mention these facts as indicative of the public sentiment so far as colored teachers are concerned.

During the summer vacation of 1883 a series of teachers' institutes was held in the judicial districts of the State, under the supervision of Hon. W. E. Thompson, State superintendent of public instruction, which were largely attended by the teachers of the State. By his appointment I conducted the institute in the eleventh district, which was intended specially for the benefit of colored teachers, and was largely attended by them. I presume that it was managed satisfactorily, as at closing the conductor was presented with a handsome hunting-case gold watch. I am at present under engagement with the same gentleman to conduct similar institutes in five of the districts during the ensuing summer vacation. As to the general public sentiment in reference to a public school system, I think that there can be no doubt but that the preponderance is largely in its favor.

When in Little Rock a few weeks since I visited the office of the State superintendent, and was shown a letter from the board of trustees of a certain district who were quite anxious for that official to give them, by a decision, some mode of evading or of construing away the provisions of the law fixing a limit to the amount of local taxation for school purposes, which showed that at least the people were willing to tax themselves to a greater extent than the law allowed. By voluntary self-taxation the people support ten-months' public schools in nearly all our larger towns and cities for white as well as colored youth, and in the country districts the number of schools is rapidly increasing every year and the school term increased in length. If a school, white or colored, has been molested or interfered with since I have been in the State I have not heard of such occurrence. Three of the institutions which are or are intended to be of collegiate rank, namely, the Branch Normal College, the Philander Smith College, and the Southland College, are for colored students. In the first all, in the other two part of the instructors are colored.

In conclusion, I beg leave to remark that I have complied as nearly as lies within my power with the spirit of your letter by giving my personal observations and experience in reference to educational matters in Arkansas. Hoping that the circumstances of the case will vindicate the propriety of this being done, I take liberty of forwarding herewith a picture of the Branch Normal College building as visual collateral evidence of one of the statements herein, all of which will, I hope, under your able direction, be of some service in securing due consideration of what I regard as the most momentous question in regard to which the honorable body of which you are a member has to take action.

Very respectfully,

J. C. CORBIN,
Principal Branch Normal College.

Hon. J. K. JONES, *M. C.*

Believing that this letter is a fair and candid answer to a question naturally asked, and which will in the consideration of this bill arise in the minds of gentlemen often, I have read it entire.

THE EFFORTS OF WHITE AND COLORED PEOPLE.

For the purpose of showing further the spirit of our people and their surroundings in this matter, I addressed notes to a number of county clerks in my district, asking for the number of white and colored taxpayers in each county; the value of the property of each; the amount of school-taxes paid in all, and the number of children, white and colored, of school age in each. I find that no separate record is kept, and it is impossible to get such a statement.

In Columbia County, which is, I suppose, an average, the clerk, who has been in his office for twenty years and is thoroughly familiar with his county and personally knows almost every man in it, writes me as the following in substance:

Total number of tax-payers	3,160
Total taxable property	$1,691,597 00
Number of colored tax-payers	913
Their total assessed property	$16,915 00
School tax, county	$9,447 18
Amount paid by colored people on their property	$84 47
Children of school age (white)	3,481
Children of school age (colored)	1,745

Of course this does not include the poll-tax, which goes to the schools; nor fines, forfeitures, and penalties, which also go to that fund; and I suppose it does not include what is called the State tax for school purposes.

I introduce this simply to show how large a percentage of the tax which the white people steadily pay is used in educating the colored children, whose parents pay very little. The schools are begun on the same day and ended on the same day for white and colored children, it being, so far as I know, an accepted fact that the more thoroughly we can educate all the people the better for the State.

I do not mention this relative amount of taxes paid by white and colored people by way of complaint of them; for considering that they had been for centuries a race of slaves, that they had never known freedom and its responsibilities, I think their progress, considering their education, has been a credit to them. The first clear money is the hardest money made by even an educated man. Getting a start is the trouble; once started, progress is easy. But when the Government turned these people loose to make a living for and take care of themselves, without education, without business training, without property, and almost without even clothes, when daily bread had to come from daily labor, they of course could not overcome all these obstacles and progress as rapidly as Anglo-Saxons would have done under like circumstances. When you consider what had to be done their progress has been creditable. They are keenly alive to the benefits of education; and while the old men never hope to do more than read a chapter in the Bible perhaps, they do hope their children may be educated; but with the best efforts of our people and their own best efforts but little can be done without aid from the Government.

I believe we should be careful of excessive appropriations. No more money ought to be supplied by the Government than can be assimilated, in addition to what can be raised by the people themselves by reasonable taxes, but that much ought to be appropriated until the schools have gained strength and the system is firmly rooted and vigorous.

I believe that "slavery is but half abolished, emancipation is but half completed, while millions of freemen with votes in their hands are left without education;" and an enlightened policy on the part of the Government of the United States toward the States in this emergency will, I am sure, be productive of immeasurable benefit; that one day of such sowing willd roduce a thousand years of reaping.

The "Backbone" Land Grant.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1884,

On the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. BLANCHARD said:

Mr. SPEAKER: In the district which I have the honor to represent on this floor lie nine-tenths of the land included in this grant, and nine-tenths of the settlers on the grant are constituents of mine. Hence, sir, my desire to be heard on a matter of so much interest to me and to those whose commission I hold here.

What I shall say will be of a character somewhat personal to myself. I shall not attempt to submit an argument, but merely the facts of the case in narrative form, giving the history of the grant and my connection with it. Reference has been made in the discussion to the agreement made by my colleague in the Forty-seventh Congress, Colonel Robertson, of the sixth district of Louisiana, and myself with the New Orleans Pacific Railroad Company for the protection of the rights of settlers, and it is more especially to state the reasons which influenced us to take that step that I desire to be heard.

Now, what are the facts in regard to this land grant and my connection with it? In 1871, nearly ten years before I was first elected to Congress, Congress incorporated the Texas and Pacific Railway Company. One of the sections of this act of incorporation provided that the New Orleans, Baton Rouge and Vicksburg Railroad (commonly called the Backbone road) should be made a branch of the Texas and Pacific from Shreveport, La., to New Orleans, with the grant of every alternate section of public land for miles on each side of the contemplated line of the road. This, then, was the beginning of the grant, and the wording of the act of Congress making the grant was peculiar in this, that the grant was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company *or its assigns*. The grant was conditioned upon the construction of the road within a certain time; but it is well known to lawyers that the Supreme Court of the United States have more than once held that this is a condition-subsequent; that the grant does not fall by the failure to construct the road within the time named in the granting act; that it requires some act of the granting power to declare the forfeiture, and until this forfeiture be declared the grant continues in force.

Now, I fully believe that the New Orleans, Baton Rouge and Vicksburg Railroad Company was a fraudulent concern; that its purpose was to speculate; that it never intended to build the road and never had the means with which to do it; and that, so far as I know, it never stuck a spade in the ground. Still, in 1871, by solemn act of Congress, it was made a branch of the Texas and Pacific, and a huge grant of lands was made to it, "or its assigns." Of course, I was not responsible for this. It was long before my ambition soared as high as Congress. Louisiana had Senators and Representatives in Congress at that time—at least parties who claimed to be from Louisiana—and whatever of wrong there was in the making of the grant in the first instance, attaches to them and not to me.

After the grant to this company, years went by and no railroad was built or commenced. The necessity for the road increased, the demand for its construction became louder. New Orleans wanted it, Shreveport wanted it, the people along the proposed line of the road wanted it, the State wanted it. No one had any confidence that the New Orleans, Baton Rouge and Vicksburg Company would build it. Finally, as the result of the necessity and demand for the road, certain gentlemen in New Orleans associated themselves together and formed the New Orleans Pacific Railroad Company, which was chartered in June, 1875. Subsequently the act of incorporation was ratified and confirmed

by legislative act. Everybody was the friend and supporter of the new company and wishing them "God speed" in their efforts to build the road.

In March, 1876, the Legislature of Louisiana passed an act authorizing and requiring the police juries and municipal authorities of the parishes and towns along the line of the road to submit ordinances to the popular vote with reference to subscribing to the capital stock of the company, with the view of aiding in the construction of the road.

The same year a similar act was passed authorizing the people of New Orleans to vote on a similar ordinance in aid of the road by a subscription to the stock of the company.

Under these acts some of the parishes, notably the parish of De Soto, in my Congressional district, voted a tax and subscription in aid of the road.

I believe, however, no money was raised in this way for the company, owing to unfavorable action by the courts.

Then, by act approved March 11, 1878, the Legislature of Louisiana authorized and required the governor to issue and loan to the company bonds of the State, not exceeding $2,000,000, in aid of the construction of the road. Nothing came of this either, owing to the action of the courts. But this reference to the legislation of the State, in aid of the road, after the State had passed under Democratic control, either in whole or in part, shows the high favor in which the project of the construction of the road was held. Indeed, it is well known, so great was the demand for the road, that the people of the parishes through which it was to run, as well as elsewhere in the State, would have been willing for any company who would build it to have any reasonable amount of the public lands along its line.

All this time the management of the new company, the New Orleans Pacific, had been active and zealous in their efforts toward building the road. Its line had been surveyed and located, and contracts for grading had been made with the lessees of the penitentiary of the State of Louisiana. The company had little or no money, and the contracts for work on the road and for materials and supplies were predicated, for the most part, on the prospects of the road, viewed in the light of the high favor in which the project was held by the people of the State. Under these conditions much grading and other work was done; but about this time came the unfavorable action of the courts on the favorable action taken by the Legislature in aid of the road, and work was stopped; the prospects of the road grew dark, and its fortunes hung trembling in the balance. Despairing of aid from the State or parishes, the management of the company then determined to look elsewhere for the means with which to build the road.

Mr. Wheelock, the president of the New Orleans Pacific Company, came on to Washington and laid the facts before the Louisiana Senators and Representatives, and sought their aid to have transferred to the New Orleans Pacific Company the land grant made in 1871 to the New Orleans, Baton Rouge and Vicksburg Company, as the only prospect left offering a certainty of the construction of the road. This was before my election to Congress the first time. The grant to the old company had not been declared forfeited, and was still in force. There was no prospect whatever of the old company building the road. It was thought very proper at that time to transfer the grant to the new company, and no objection to this transfer came from any source whatever, except from parties who claimed to be stockholders in the New Orleans, Baton Rouge and Vicksburg Company, who held on in the hope of some personal gain to themselves. Louisiana's Representatives in Congress (the Forty-sixth), echoing the universal sentiment in the State favorable to the construction of the road, determined to assist Mr. Wheelock in his efforts to secure the transfer of the land grant to his company. One of them introduced a bill in the first session of the Forty-sixth Congress, the first section of which bill declared the land grant forfeited so far as the New Orleans, Baton Rouge and Vicksburg Railroad Company was concerned; the second section revived the grant in favor of the New Orleans Pacific Railroad Company; and a third section provided for the rights of settlers by allowing them to take their lands at the price of $2.50 per acre, which is the Government price per acre for the land in the even sections reserved by the Government to itself within the limits of the land grant.

This bill was referred to the Committee on Pacific Railways of the House, on which committee another of the Louisiana Congressmen served as a member. The bill was reported favorably to the House, but in the mean time parties interested in the old concern, the New Orleans, Baton Rouge and Vicksburg Company, rallied their forces and went to work to defeat the passage of the bill. By some means or other they were enabled to accomplish this, for it was found impossible to get the measure up for consideration, and the whole session passed without anything being done. The next session passed and still nothing could be done toward the passage of the bill. This was all in the Forty-sixth Congress, and before I ever came to Washington.

Despairing of carrying through the measure over the opposition of parties interested in the old company, the management of the New Orleans Pacific Company, it seems, determined to buy out the claims of the old company. It will be remembered that by the granting act of 1871 the land had been granted "to the New Orleans, Baton Rouge and Vicksburg Company *or its assigns.*" The proposition to buy them out was just what the old concern wanted and had been playing for, and, accordingly, were quick to yield assent to the proposition.

But the New Orleans Pacific Company themselves had no money to buy, nor to build the road after buying, and even with the land grant transferred to them, it would have been impossible to have raised the money on it at once, necessary to build the road.

It appears that at this juncture of affairs, recourse was had by the New Orleans Pacific Company to New York capitalists, and negotiations looking to obtaining the money from them, with which to build the road, were opened. It was found that capitalists like Tom Scott, Gould, Russell Sage, and others were willing to put their money in the road and build it, provided some assurances were given them that the land grant along the line of the road could be secured for the New Orleans Pacific Company.

It seems that Colonel Wheelock, the president of the New Orleans Pacific Company, returned to Washington with these statements of the New York capitalists, and laid the matter before the Louisiana delegation in Congress. Then it was that letters were given him by the members of the delegation, promising their aid to maintain the land grant and secure its reversion to the New Orleans Pacific Company.

My predecessor, Judge Elam, was then in Congress, and joined with the other members, both in the Senate and House, in giving these letters.

It was done in the utmost good faith, with the desire to assist in the material development of the State, and was in keeping with the sentiment then generally prevailing in the State, namely, a willingness that any one who would build the road should have any reasonable amount of public land along its line.

Armed with the aforesaid letters, Colonel Wheelock continued his negotiations with the New York capitalists, the results of which were that the old Backbone company's claim to the land grant was bought out, and the New Orleans Pacific road speedily constructed.

After the purchase of the old company's claim, and after completing the road, the New Orleans Pacific Company applied to the Secretary of the Interior for the recognition of its claim to the land. This was in the latter part of 1881. In December, 1881, I came to Washington for the first time to take my seat as a member of Congress. Up to that time I had not heard of the New Orleans Pacific Company as a claimant of the land grant. The history of the claim of that company to the grant as heretofore given, I learned after reaching Washington. Long before going to Washington, in December, 1881, I had made up my mind to secure, if possible, the forfeiture of the grant, and to this end had prepared the heading of a petition to Congress asking its forfeiture, which petition I had printed at my own expense, and sent hundreds of copies of the same throughout the parishes of my Congressional district for signatures.

Hundreds of names were attached to these petitions, which were then forwarded to me. I presented them to Congress and had them referred to the proper committees. This was in the beginning of the first session of the Forty-seventh Congress.

Very soon after getting to Washington in December, 1881, with the view of carrying into effect, if possible, my determination to secure the forfeiture of the grant, I examined into the status of the same, and then for the first time learned of the claim of the New Orleans Pacific Company. Not only did I learn that it was claiming the land, but was apprised that it was then urging the Secretary of the Interior to issue patents for the same to it, and that it was likely favorable action would be speedily taken by that official.

In company with my colleague in that Congress from the sixth district, Col. E. W. Robertson, I at once went before the Secretary of the Interior and filed a protest against his recognition of the claims of the New Orleans Pacific Company to the grant.

After filing the protest we asked the Secretary to suspend his decision until we could be heard in support of the protest and against the claim of the railroad company. This he agreed to do for a reasonable length of time. In the mean time I was apprized by members of the Louisiana delegation in Congress of the facts constituting the history of the claim of the New Orleans Pacific Company to the grant as hereinbefore given. I was told of the written assurances or pledges given Mr. Wheelock during the Forty-sixth Congress by the Louisiana Senators and Representatives, and I was assured that upon the faith, at least in part, of those promises the money to construct the road had been obtained and the road completed. I was not told this by strangers, railroad agents, or lobbyists (for no one of that class ever mentioned the land grant to me), but by members of the delegation in Congress from my own State. I was given to understand that good faith required absolutely the making good, on the part of my colleagues, of the promises given Mr. Wheelock during the Forty-sixth Congress; and that whatever action I might see proper to take looking to the forfeiture of the grant, I would have to be antagonized by my own delegation. And, finally, I was asked if I did not consider myself bound by the assurances given Mr. Wheelock by my predecessor and the other Members and Senators from Louisiana in the Forty-sixth Congress?

Up to that time I had not seen Mr. Wheelock in Washington, and he had never spoken to or written me on the subject of the land grant. But toward the last of December, 1881, he came on to Washington, made

the same statement to me with reference to the claim of his company to the grant that had been made by members of the Louisiana delegation, and produced the originals of the letters given him by the delegation in the Forty-sixth Congress. He also assured me that the money to build the road had been secured, at least in part, from Northern capitalists upon the faith of the land grant and the aforesaid letters of the Louisiana delegation. After a full and candid explanation of the whole matter he asked me to withdraw the protest, urging that good faith required the carrying out by the Louisiana delegation in the Forty-seventh Congress of the assurances given by the delegation in the Forty-sixth Congress. I confess that this view, held by Mr. Wheelock and my colleagues in the Forty-seventh Congress, impressed me. I took time to consider, and after full consultation with Colonel Robertson, of the sixth district—in whose district and my own all the land lay—we concluded that under all the circumstances of the case, and considering the almost hopelessness of any efforts we might make to secure the forfeiture of the grant (for you know, sir, the Forty-seventh Congress was not a good Congress to attempt the forfeiture of a land grant before), especially with the remainder of the delegation in opposition to us, the best way we could serve our constituents was to make the most of a bad case by securing the rights and claims of the settlers on the grant, even if to accomplish it we had to withdraw the protest we had filed.

Accordingly we, Colonel Robertson, my then colleague from the sixth district, and myself, notified our colleagues and Mr. Wheelock that if proper assurances were given us for the protection of settlers we would withdraw the protest. Our colleagues stated they would gladly aid us in securing the rights of the settlers. Colonel Wheelock was willing to recognize the rights of settlers, but thought they ought to pay $2.50 per acre, as that was the Government price for the land in the even sections reserved by the Government.

To this I objected as being too much, and finally it was agreed that the settlers should take their land at $2 per acre; one-third cash, balance in one and two years; and that they should have twelve months from the time when the patents issued to the company shall have been recorded in the several parishes, in which to apply for their titles.

An agreement to this effect was drawn up by me and signed by Colonel Wheelock on behalf of the New Orleans Pacific Company, and was subsequently ratified by the board of directors and stockholders of the company, and at the meeting of the stockholders called to ratify the agreement Mr. Jay Gould's representative voted a majority of the stock. After the execution of the agreement aforesaid, good faith, of course, required Colonel Robertson and myself to withdraw the protest we had filed, and we did so in a letter to the Secretary of the Interior.

Now this is the whole history of this land grant and my connection with it, from beginning to end. What I have done relating to it was with an eye single to the welfare of the settlers located on the land in my district. It was the best that could be done for them under the circumstances, for I foresaw then, as I foresee now, that the chances or probabilities of a final declaration of forfeiture were and are slight.

In what I have said my discourse has assumed altogether the narrative form. I have given only the facts as I know and understand them. In the more familiar phrase of the lawyer, I have merely "stated the case;" I have not attempted its argument.

Grave doubts have arisen in my mind as to the legal right to declare the forfeiture, which doubts have been greatly fortified, if not ripened into certainty, by the report of the Committee on the Judiciary of this House, which committee, composed as it is of able lawyers, have, on the question of the legal aspect of the case submitted to them, reported by a vote of 13 to 2 that the grant can not legally or equitably be forfeited.

And, sir, what is the position of the Committee on the Public Lands which reported this bill? That committee consists of twelve members; one is a Delegate from a Territory and has no vote, but still he is a member of the committee. Six members of this twelve concur in the majority report; five members and the Delegate, six in all, concur in what might be called the minority report. Thus it appears that the committee is evenly divided, and nothing is solved by their investigation of and deliberation over the case. I can not vote with the committee, because the committee is divided half and half, and neither half is the committee.

It is true, technically, that the half composed of the six members can claim to be the committee as against the other five members and the Delegate. But the fact remains that twelve giant minds, aided by other minds of colossal proportions, have wrestled with this matter, and the outcome is 6 to 6. Nothing is settled by that sort of a verdict; no doubt is cleared up; no lead to follow is established; no preponderance of opinion prevails. The committee is divided against itself. They have simply transferred the controversy from their committee-room to the floor of this Hall, and asked this House to settle for them what they have been unable to settle among themselves.

Both sides, in equal numbers, have appealed to this upper court, and here each side has assumed the office of advocacy of its respective pretensions. There, then, is no committee to follow, in the sense of a majority in number of the estimable gentlemen forming the committee. Under these circumstances, Mr. Speaker, but more especially because of the agreement which I, as the representative of the settlers, made with the railroad company for the protection of their (the settlers') rights, I have reached, after mature consideration, the conclusion that the true course for me to pursue, after a plain statement of the facts of the case, such as I have given, is one of neutrality—voting on neither side, not voting at all.

Were I to vote for the forfeiture I would be liable to the censure of having asked and obtained of the railroad company terms for the settlers at a time when I thought there was no probability for forfeiture, but as soon afterward as I considered there was some chance for forfeiture, I repudiated the agreement and acted in bad faith toward the company in seeking to promote the forfeiture.

Were I to vote against the forfeiture I would expose myself to the criticism of seeking to uphold, and have this House sustain, the action taken by me *ex cathedra*, and this because of self-interest actuating to the maintenance of said action as the result of the best and wisest judgment possible to be formed under the then circumstances; in other words, to save myself from the charge and consequences of having made a mistake of judgment and action in entering into the agreement for the recognition and protection of the rights of settlers.

Besides, were I to vote for forfeiture, and the forfeiture be not finally declared, I might by the said vote jeopardize the status of the rights of settlers as stipulated for in the agreement, for the railroad company might give trouble by taking the position that the settlers, through me, had elected to abandon the agreement and seek protection and easier terms in the chance of forfeiture and reversion of the grant to the public domain.

Hence, Mr. Speaker, my deliberate judgment is that I can, in this instance, the better serve my constituency, as well as conform more nearly to the principles of good faith and fair dealing, by abstaining from casting my vote.

The Yellowstone National Park.

SPEECH

OF

HON. LEWIS BEACH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 25, 1884,

On the bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. BEACH said:

Mr. SPEAKER: I do not propose to discuss this bill generally. The Committee on Appropriations has in the main discharged its exceedingly onerous duties with great pains and a very proper regard for the public interests. But there is one feature or rather provision in the bill to which I am inflexibly opposed. I refer to the item of $40,000 for the protection and improvement of the Yellowstone National Park. It is not the amount appropriated, but the object for which the appropriation is made, which excites my opposition. The subject is of sufficient importance to justify the rather extended remarks I desire to make. The time spent in the discussion will not be lost if I can succeed in convincing the committee, as I think I can, that the item should be cut out of the bill when a motion for that purpose is in order. But a few members are aware of the origin and growth of this National Park scheme and I trust that the committee will bear with me while I review its legislative history.

On December 18, 1871, Mr. Claggett, the Delegate from the Territory of Montana, introduced a bill in the House to set aside a large area of certain new discovered lands as a national park, and on the same day Senator Pomeroy, of Kansas, introduced a similar bill in the Senate.

On the 23d of January, 1872, the Senate bill was reported back favorably by Senator Pomeroy, who demanded immediate consideration. In a few brief remarks the distinguished Senator called attention to the great natural curiosities discovered in the proposed park, and stated that "the only object of the bill was to take early possession of the land by the United States and set it apart so that it could not be included in any claim or occupied by any settler," as had been the case in the Yosemite Valley. And yet in the same breath the ingenious but illogical Senator admitted that the claims of the Yosemite Valley settlers had been declared by the courts invalid on the ground that settlers on unsurveyed lands could acquire no right as against the Government.

After this brief explanation the further consideration of the bill was postponed, the morning hour having been insisted upon. It was taken up again on January 30, 1872, on motion of Senator Pomeroy.

Senator EDMUNDS said the land was so far elevated above the sea it was unfit for private occupation, and he hoped the bill would pass unanimously.

Senator Trumbull observed that some one might pre-empt or settle right across the path that leads to the wonders and charge every one

that passes along between the gorges of the mountains a fee of a dollar or five dollars. He furthermore said:

At some future time we can repeal this law if it is in anybody's way.

Senator Cole expressed grave doubts about the propriety of passing the bill, but he did not press his objections; and so, without further explanation or opposition, the bill was passed.

About a month afterward—on the 27th of February, 1872—the House took up the Senate bill and considered it.

Mr. DAWES stated that the bill followed the analogies of the bill passed a few years before, setting apart the Yosemite Valley and the "Big Tree country;" that the land was 7,000 feet above the sea and subject to frost every night in the year and entirely unfit for agricultural purposes; that the only purpose of the bill was to prevent depredations until the Government could devote it to some other purpose. With this assurance the bill passed by a vote of two to one.

Let me now call attention to the exact language of the bill. It has been incorporated into the Revised Statutes and embraces sections 2474 and 2475. Section 2474 reads as follows:

The tract of land in the Territories of Montana and Wyoming lying near the headwaters of the Yellowstone River, and described as follows, to wit, commencing at the junction of Gardiner's River with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of the Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south to the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in the following section, shall be considered as trespassers and removed therefrom.

Section 2475 provides that—

Such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all the timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases, and all the revenues that may be derived from any source connected with the park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

Mr. Speaker, I have been thus particular in calling attention to the law itself and in reciting the various steps which led to its passage for the purpose of showing how, through haste and inattention, vicious legislation becomes ingrafted on the statute-book. Here is a law committing the country to a policy entirely alien to the purposes for which the Government was created and highly detrimental to the best interests of the people. It was passed without proper debate and with not a voice raised in either House to sound the note of alarm. The father of the bill, and to whom all credit or discredit of the scheme rightfully belongs, was Professor F. V. Hayden, of the United States Geological Survey. In the summer of 1871 he made an exploration of log-sources of the Yellowstone and Missouri Rivers. Maps, sketches, and photographic views of the hot springs, geysers, and other natural curiosities were taken and brought here to Washington. In a letter to the Secretary of the Interior under date of February 21, 1878, Professor Hayden writes:

I originated the idea of the park, prepared the maps, designated the boundaries, and in connection with Hon. W. H. Claggett, then Delegate from Montana Territory, wrote the law as it now stands.

He goes on to say:

During the pendency of the bill every effort was made by myself and other members of the survey to remove all objections to the bill, and the labor was constant and great. It is now acknowledged all over the world that the existence of the National Park by law is due solely to my exertions during the sessions of 1871 and 1872. The growing opposition to the withdrawal of any portion of the public domain for any purpose, however laudable, would undoubtedly have prevented the success of the bill at any subsequent session.

He then proceeds to tell how he allayed the objections of economical members. He writes:

While the bill was pending in Congress the principal objection urged against the park was that annual appropriations would be required for its care and improvement.

Here let me say this objection was not raised on the floor. It must have been encountered by the professor in his outside labors with individual members. He proceeds:

I was myself compelled to give a distinct pledge that I would not apply for an appropriation for several years at least. Had not Congress been assured that no demands would be made upon them for annual appropriations it is very doubtful whether the bill would have ever become a law.

I now wish to call the attention of the House to the money that the been appropriated for this park.

For several years after the passsage of the bill Professor Hayden kept his promise and the park managed to get along very well without any assistance from the Treasury. It is true an attempt was made in 1875 (second session of the Forty-third Congress) to tack an amendment on the sundry civil appropriation bill of $25,000 for building roads in the park, but it was resisted by the late President Garfield, who was then in the House, and was defeated. The first appropriation appears in the sundry civil bill for 1878 and allowed $10,000 "to enable the Secretary of the Interior to protect, preserve, and improve the Yellowstone National Park." The next year (1879) a like amount of $10,000 was appropriated. In 1880 a further sum of $15,000 was appropriated, and in 1881 an additional $15,000 was appropriated. In 1882 the wording of the bill was somewhat changed. It reads:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $15,000.

The next year (1883), which carries the appropriation for the current fiscal year, expiring on the 1st day of July coming, the appropriation jumped up to $40,000.

As I want the House to keep informed of the legislative growth of this Rocky Mountain bantling, let me call attention to the precise language in the last appropriation bill. It reads as follows:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $40,000, $2,000 of said amount to be paid annually to a superintendent of said park and not exceeding $900 annually to each of ten assistants, all of whom shall be appointed by the Secretary of the Interior, and reside continuously in the park and whose duty it shall be to protect the game, timber, and objects of interest therein; the balance of the sum appropriated to be expended in the construction and improvement of suitable roads and bridges within said park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose.

The Secretary of the Interior may lease small portions of ground in the park, not exceeding ten acres in extent for each tract, on which may be erected hotels and the necessary outbuildings, and for a period not exceeding ten years; but such lease shall not include any of the geysers or other objects of curiosity or interest in said park, or exclude the public from the free and convenient approach thereto; or include any ground within one-quarter of a mile of any of the geysers, or the Yellowstone Falls, nor shall there be leased more than ten acres to any one person or corporation; nor shall any hotel or other buildings be erected within the park until such lease shall be executed by the Secretary of the Interior, and all contracts, agreements, or exclusive privileges heretofore made or given in regard to said park, or any part thereof, are hereby declared to be invalid; nor shall the Secretary of the Interior, in any lease which he may make and execute, grant any exclusive privileges within said park, except upon the ground leased.

The Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law, and to remove such persons from the park if found therein.

This legislation had become necessary on account of the arbitrary and dangerous course threatened by the Department of the Interior; and to a proper understanding of a matter which promises to give us some trouble in the future, let me go back a little. You will have observed that under the dedicatory act the Secretary of the Interior was authorized "in his discretion to grant leases for building purposes for terms not exceeding ten years of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors."

As the Northarn Pacific Railroad approached completion the possibilities of the park as a show bonanza attracted the attention of the Barnums of the great Northwest, and sundry applications were made for leases in the park.

On July 27, 1882, the Secretary of the Interior granted to James S. Brisbin the privilege of putting a steam-vessel for carrying passengers on the Yellowstone Lake. Shortly after, on the 1st day of September, 1882, Merritt L. Joslyn, Acting Secretary of the Interior, for and on behalf of the United States, entered into a written agreement with Carroll T. Hobart, of Fargo, Dak., and Henry F. Douglas, of Fort Yates, Dak., and such other parties as might thereafter be associated with them, for the leasing of such lands within the park as they might require for building and other purposes.

Under this agreement the lessees were to have the right to cut and use timber, coal, and other material for the purpose of constructing their buildings and keeping them in repair. They were also to have all the arable land in the park they required for raising vegetables and grain (as they have frosts there every night in the year, the Agricultural Department would have to furnish them, no doubt, with new varieties of seed).

The rent reserved was not to exceed $2 per acre annually; and the lessees were to build one capacious hotel and auxiliary buildings, including bath-houses; they were to provide and equip stage lines and coaches to convey passengers to and from the park and to the different points of interest within it. They were to have the right to operate yachts and other sail-boats and row-boats on the lake; and they could erect a telegraph line throughout the park. They also were to have the right to establish stores or trading posts. After granting these valuable rights, the agreement goes on to say (and I invite the attention of the House to the language): "The party of the first part," that is, the United States, "hereby agrees that the parties of the second part shall have and enjoy the privilege herein and hereby conferred and granted, to the exclusion of any other person or persons, for the term of ten years."

Now, it must be borne in mind this was not a lease. It was simply an agreement to make a lease containing the stipulations mentioned. The distinction must not be lost sight of, for upon this point will turn the right of the covenantees to damages which they already claim against the Government.

The Secretary of the Interior was about to execute and deliver a lease in pursuance of this agreement and according to its conditions when he was stopped by a resolution introduced by Senator VEST on the 7th of December, 1882, calling upon him to furnish the Senate with a copy of all contracts for leasing of lands in the Yellowstone Park.

In fact, the lease had already been prepared, and the Secretary furnished the Senate with a copy in his answer to their resolution. An examination of the proposed lease shows that Senator VEST'S resolution came none too soon.

I have no hesitation, Mr. Speaker, in characterizing this proposed lease as a monument of administrative folly or corruption. Under the law as it stood the Secretary had the power to "grant leases for building purposes of small parcels of ground." Under this lease he proposed to give away vast tracts of lands, and in such a manner as to practically shut off all approach by the public to the objects of curiosity within the park. First, he leases six hundred and forty acres—a square mile—around Liberty Cap; second, another square mile around Old Faithful; third, another square mile on the south bank of Madison River; fourth, another square mile around Soda Springs; fifth, another square mile around Baronet's Bridge; sixth, another square mile at the head of Cañon or Great Falls; seventh, about six hundred acres on the banks of Yellowstone Lake.

Having thus fenced in all the prominent points of interest with a grant of 4,500 acres, he goes still further and gives the lessees the right to occupy such other parcels of land within the park as they may need for the erection of buildings. Control is also given them over the geysers and other natural curiosities within the limits of the park. To make the lease still more odious, if such a thing were possible, the privileges granted are to the exclusion of all other persons.

I repeat it, Senator VEST'S resolution came none too soon. It staid the hand of the Secretary of the Interior from signing and delivering the lease he had prepared and which if executed would have given to a few capitalists the exclusive control of the park for money-making purposes. The answer of the Secretary of the Interior to the resolution brought out all the hidden facts and gave rise to the debate which resulted in the legislation tacked on to the appropriation bill of last year and to which I have already adverted.

As soon as Congress adjourned—on the 9th day of March, 1883—the Secretary of the Interior executed a lease to Hobart Douglas, and Rufus Hatch, of New York, who was now taken into the scheme. This lease had a little more consideration for the rights of the Government and evinced some respect for the law under which the Secretary derived his power to act.

Instead of leasing seven distinct, separate tracts of six hundred and forty acres each as did the proposed lease, it conveys land at the same several points, but in parcels, however, of two acres or less each.

In other words, under the proposed lease the lessees would have taken about 4,500 acres, whereas under the executed lease they get (thanks to Senator VEST'S resolution) but ten acres in all, which is amply sufficient for the erection of the buildings contemplated by the law.

The objectionable monopoly clause in the proposed lease is also cut out of the one executed and a proviso is inserted "that nothing herein contained shall be construed to prohibit the Secretary of the Interior from making other leases of land at other points within the park" for similar purposes.

But the most important point gained in the executed lease is that none of the several parcels of land leased shall be located within one-quarter of a mile of any of the geysers or the Yellowstone Falls.

This provision, it will be seen, prevents the lessees from fencing in the geysers, as they might have done under the original proposed lease.

Having secured their lease, Hobart, Douglas, and Hatch organized a corporation under the laws of the State of New Jersey and called it the "Yellowstone National Park Improvement Company," of which I will have something to say a little later on.

Now, Mr. Speaker, what is this Yellowstone Park of which we hear such fabulous stories? What are these great curiosities, the glowing description of which outrivals the pages of Herodotus? I think I can tell you, for I passed several days myself in the park last summer.

I want to say, in the first place, I did not visit it as a scientist but simply as one of the people in search of recreation and pleasure. I was not prepared to go into ecstasies over a fossil or lose my breath in wonder over a petrified log. Such things might have attractions for the paleontologist and the geologist. To me they had none. I wanted something to please the eye, something to fill the soul, something to inspire sentiment, something to admire. Accustomed as I was to the gorgeous scenery of the Hudson Highlands I have a right to expect, after all I have read of the wonders of the Yellowstone, to find something which would outshadow and overshadow the beauties of the mountain valley in which rests my own humble home on the banks of the Hudson River. Were my expectations realized? We will see.

It would be difficult indeed, Mr. Speaker, to find on God's footstool a more desolate region than these mountain-tops out of which it is proposed to make a national park. For miles and miles nothing greets the eye but charred logs and standing trunks of trees stripped of their branches by the devouring flames which have swept over the mountains. Occasionally you come across a second growth of pines springing from the ashes of previous fires. The beautiful green with which nature clothes her handiwork in more favored climes is not to be found. The grass, which here and there struggles for existence in the valleys and sheltered places, is brown and withered and so thin and scattered it would take a ten-acre range to fatten a grasshopper. There are no arable or agricultural lands. If there were, they would be of no use, for it must be remembered we are 6,000 feet and more above the sea and in the region of perpetual frosts. There is frost every night in the year.

On the occasion of our visit, which was in August, we came near freezing to death, although we slept under three pairs of army blankets. In the morning we needed a wringing-machine to prepare our clothes for wear, so saturated were they with the night dew. And yet, in face of these facts, some agricultural "crank" has proposed to make these arid lands bloom with the cabbage and the potato by adopting irrigation. If the nights are preternaturally cold, the days are correspondingly hot. We are much nearer the sun than when at home, and his fiery rays pour down upon our heads with relentless fury. We imagined at times the subterranean fires might have something to do with the excessive heat. If sudden and extreme changes of temperature are desired by the tourist or the health-seeker, then the Yellowstone Park is the place above all others for him to visit. Within the twenty-four hours which mark the day he can alternate between the heat of the tropics and the cold of the polar circle.

In going from one point to another in the park the visitor is conveyed in wagons drawn by two, four, or more horses. The nature of the country is such that roads are almost an impossibility. Hills are to be climbed and in some places they are so steep the toiling teams can scarcely lift the wagon, the passengers being obliged to get out and walk. At one spot we saw ten horses, goaded by the whips of their howling drivers, struggling up a hill with an army wagon which had been too heavily packed. In many places the roads are not only precipitous but highly dangerous, being scarped out of the mountain-side with no protection or guard against the yawning abyss below. At other spots streams and rivers with rough and uncertain bottoms are to be forded. Through the swampy lands we traverse corduroy roads constructed in the most primitive way.

And while upon this subject of roads, which seems to have been a favorite one in the appropriations for this park, I venture to say we can readily expend thousands upon thousands and then will have no roads fit for use because of the grades to be overcome; and we will require as many thousands more to keep them annually in repair on account of the wash and damage to which all mountainous roads are subject.

In addition to the tedium of journeying through the park over such roads as I have described, there are other elements of discomfort. The earth, of an alkaline nature, is ground to dust by passing wagons and raised in clouds, filling the lungs, permeating the clothes, and producing an irritation worse than the seven-year itch. There is, besides, a species of mosquito, whose size, when compared with a Jersey mosquito, is as a mastodon to a kitten, and whose voracity for blood equals that of the tiger, and whose capacity for inflicting pain exceeds the refinements of the Inquisition, and whose numbers are as the sands on the seashore. Woe to the unlucky traveler who has not provided himself with visor and armor of mail! In the practice of phlebotomy these Rocky Mountain mosquitoes have evidently supplemented their natural instincts with lessons taken of the managers of the Hatch hotel company.

In making the tour of the park, twenty-five to thirty miles is considered a fair day's journey. Thirty miles of jostling over such roads as I have described, under a broiling sun, amid clouds of alkaline dust, and pursued by remorseless mosquitoes, is not exactly the kind of enjoyment the average American pleasure-hunter is looking for. After such a day's journey the worn-out traveler had good reason to expect, from the advertisements of the hotel company, proper shelter, a comfortable bed, and reasonable board. This was the intention of the law when it gave the Secretary of the Interior the power to "grant leaves for building purposes at such places in the park as shall require the erection of buildings for the accommodation of visitors."

Under the grants by the Secretary to the "Hatch" company, that company proceeded at once to erect, at the Mammoth Hot Springs, a large hotel containing two hundred and fifty rooms, lighted with electric lamps, and estimated to cost, including furniture and outfit, $100,000. The Mammoth Hot Springs are situated at the first point in the park as we approach it from the Northern Pacific Railroad. At the time of our visit, in August last, this hotel was rapidly approaching completion.

It must be borne in mind the park is about 65 miles long and about 55 wide, containing an area of 3,575 square miles. This gives an extent about 200 square miles greater than the States of Rhode Island and Delaware combined. The main objects of interest, such as the Grand Cañon, the lake, the geysers, and the Falls of the Gibbon, are some

distance apart. To visit them all, or, as it is called, to "do" the park, a week to ten days is necessary.

This unusual length of time is required on account of the necessity of resting the horses after their excessive toil. The whole park could be "done" in three days by a proper system of relays, but that would seriously interfere with the profits of the "Hatch" company, whose interest, alike with that of the mosquitoes, is to keep visitors in the park as long as possible.

At the Mammoth Hotel conveyances are hired to make the trip through the park. For a very ordinary wagon and a very extraordinary pair of horses the "Hatch" company, who claim under their agreement with the Secretary of the Interior a monopoly of the livery business, will charge you about a hundred dollars.

We were somewhat set back by so unreasonable a proposition, but as we had come 3,000 miles to see the park we concluded to submit, and next morning we started out on the journey.

About twenty-five miles ride, without incident or attraction, brought us to the spot where we were to halt for the night. Here in the woods there was erected a large tent. Upon mattresses laid on the bare ground within this tent twenty-five of us were "bundled" in true Knickerbocker style, without regard to sex, side by side. To intensify our discomforts the rain which had begun to fall came trickling through the canvas roof. In the morning we were treated to a breakfast of elk-meat and "canned butter," which is another name for oleomargarine. For our bed and board we were charged at the rate of $5 a day—that being the regulation price sanctioned by the Secretary of the Interior.

The same class of accommodations and the same charges are made at the other halting places. It is only fair to say, however, the "Hatch" company claimed that these tents were temporary, and would probably be replaced with frame buildings during the next season.

We did think, however, that they might have given us something better to eat. The excuse offered for their dereliction in this respect was that the press delegation had consumed everything in the park. The press delegation consisted of several hundred newspaper editors who had been invited to witness, without money and without price, the wonders of this wonder-land. During their visit they were treated right royally. Hunters traversed the woods for deer; anglers whipped the streams for trout; and the distant ranches were scoured for butter; all to titillate the editorial palate. Under the Falls of the Gibbon these knights of the quill assembled, and to the merry clinking of cups and cracking of corks they poured their libations in Heidsick's best. When they returned home they became converted no doubt into miniature geysers and spouted high the praises of the park.

I want now, Mr. Speaker, to say a word or two about the general care and management of the park under the legislation of the last appropriation bill.

You will remember a superintendent was to be appointed by the Secretary of the Interior at a salary of $2,000, and ten assistants at a salary not exceeding $900 each. It was made the duty of the superintendent and his assistants to reside continuously in the park and "protect the game, timber, and objects of interest therein." And how do these assistants perform their duties? I can furnish a good illustration by an incident that came under my personal observation. It occurred while we were encamped at the Upper Geyser Basin. As we stood near our tent in the twilight of evening a stranger approached us and inquired if we had yet seen an extinct volcano, the name of which is now forgotten. Upon our answering in the negative he volunteered as a guide, and a short walk brought us to the spot in question. The formations were of a very curious and beautiful nature; and before we were aware of what he was about he had broken off several specimens, which he brought us to be borne away as relics. Upon closer acquaintance our guide turned out to be one of these nine-hundred-dollar assistant superintendents who had been placed there to protect the objects of interest.

In further illustration I may call attention to the report of Mr. W. Scott Smith, a special agent of the General Land Office, who was sent out to the park last summer to ascertain the true condition of affairs. In his report Mr. Smith says:

> One of if not the most important duties appertaining to the office of superintendent is to see that the wonderful curiosities about the springs and geysers are protected from destruction at the hands of vandals and curiosity seekers. Knowing that the Secretary of the Interior had placed under the control of the superintendent ten assistants to aid him in enforcing the regulations of the Department, I was astonished upon visiting the principal objects of interest to find no official at any one of them to look after and restrain those visitors, of which there were a large number, who were determined to obtain fine specimens. My astonishment was further increased when I was informed at the Upper Geyser by visitors that they had purchased very fine and choice specimens direct from some of the assistant superintendents. This led to further inquiries on my part, and I regret to say that the further I inquired the more I learned that some of the assistant superintendents have used their knowledge to obtain choice specimens to sell to visitors for good prices. Members of the United States Geological and Geographical parties in the park informed me that it was within their knowledge that the assistant superintendents had been engaged in this kind of business, and that in some cases their acts of vandalism were more outrageous than those perpetrated by visitors.

Now, Mr. Speaker, let me ask again what is there about this park to commend it as a pleasure-resort for the people? Absolutely nothing! The geysers are no doubt a great natural curiosity. It is a novel and interesting sight to see stupendous columns of hot water thrown upward in the air. To the Frenchman (who objected to the falls of Niagara because the water came down, which was a perfectly natural thing for it to do, whereas he longed to see it go up) the geysers would have produced some satisfaction, but even he would have tired of the sight after witnessing a couple of eruptions. There are other notable objects, but, as I have said before, they are of interest only to the scientist.

In regard to the wild animals which abounded in the park before it came under the ban of legislation, they can be better preserved by leaving their haunts in their natural state. The partial development of the park which has taken place has already driven them out, and it is a noteworthy fact that you can now travel for days without coming across a single specimen of wild animal.

To remedy the destruction that has occurred, some one from way out in Sioux City, Iowa, whose circular I hold in my hands, signed "D. H. Talbot," proposes to Senator ALLISON to establish in the park a grand zoological garden. This is a good scheme. We ought as a nation to have a first class "show," and in order to start it we should appropriate in this bill a round half million to secure Barnum's white elephant, the only animal of its kind on this continent, and imported at an expense of over $300,000. It may be objected that we have elephants enough on our hands, but we have not a real genuine live white elephant, and a sacred one at that.

Now, Mr. Speaker, it may very properly be asked of me, what provision would I suggest for the preservation of the geysers and other natural curiosities and the protection of the fish and game. I frankly admit it will never do to abandon the park to the prey of relic-seekers and pot-hunters. The curiosities, such as they are, should be preserved and the game should be protected. The simplest, most effective, and most economical plan is to put the park under the control of the Secretary of War, who could, without any additional cost to the country, station two companies—one of cavalry and one of infantry—within the park during the season in which it is accessible. Detachments from the infantry might be placed at the various geysers and springs to prevent spoliation, and the cavalry could patrol the park in search of poachers.

Another great advantage of the military would be their ability to fight and extinguish the flames which have already laid waste so much of the forest growth.

Mr. Speaker, I would thus protect this park with the military arm of the Government until the Territory of Wyoming, in which it mainly lies, is prepared to take her place in the sisterhood of States, and then I would make her a present of it—the same as we did California with the Yosemite Valley and the mammoth-tree country. This is the true and only policy. The one we have been pursuing is contrary to the genius of our institutions and will involve the country in the expenditure of fabulous sums of money.

If, however, we must have a national park let us have it where there is something to be seen and where the people can get to it. For one, I shall object to the last to taking the people's money for the further maintenance of a park 2,000 miles away for the benefit of European nabobs and American snobs. These are the only class who will ever visit the Yellowstone. If you want a national park why not establish one at Niagara Falls or in the Adirondacks or in the Highlands of the Hudson, where nature has been prodigal of her charms and to which less than a day's journey will bring over ten million of people. Such a park might possibly be justified under the "general-welfare" clause in the Constitution; the Yellowstone, never!

Mr. Speaker, the Committee on Appropriations has done wisely in cutting down the amount called for in the Book of Estimates for this National Park. The amount estimated was $96,800. It has been reduced to $40,000. The superintendent is retained at a salary of $2,000, and the ten assistants at $900 each. For the construction and repair of roads and bridges the balance of the $40,000 is appropriated.

In the original draught of this bill the ten assistant superintendents, who last year stole the curiosities they were placed to guard, were left out, and there was a provision for a detail of twenty-five soldiers of the cavalry arm of the service to act as a police force. This was in the line of the suggestion I made to the distinguished chairman of the Committee on Appropriations,

I regret to find that the bill as now reported reinstates these assistant superintendents and drops the provision for a military police. I must say I am not satisfied with the action of the committee. A mere reduction of the amount appropriated is not what is required. The committee should have gone further. It has simply lopped off a branch, leaving the bole standing. In the next Congress you will find sprouts starting up. I would like to see the stump dug out by the roots, and make an end of this whole national-park business.

The proper thing now to do is to turn the park over to the care of the military. The military are certainly equal to the task of taking care of this property, and inasmuch as we are now maintaining them and must continue to maintain them at posts in close proximity, I see no reason why the park should not be turned over to the Secretary of War until such time as we can make other disposition of it in the manner already indicated.

Mr. Speaker, we have gone far enough with this national-park humbug. Let us go no further. Let us wash our hands of the whole business.

The Pacific Railroads—Their History—Their Relations to the Government—Their Rights and Liabilities—The Bill to Increase the Thurman Sinking Fund and Reach Earnings on Aided and Non-aided Roads—Objections thereto—The Post Substitute—The Security of the Government Debt.

SPEECH

OF

HON. ISAAC M. JORDAN,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 18, 1884.

The House having under consideration the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, also to amend an act approved July 2, 1864—

Mr. JORDAN said:

Mr. SPEAKER: Whatever doubts there might be, as an original question, as to the power of Congress under the limitations of the Constitution to make grants or donations of lands for public improvements, the power has been so long exercised that it is no longer a debatable question.

The policy and practice of Congress making these grants for the purpose of aiding in the construction of public improvements has prevailed from the earliest history of the country. They were made during the administrations of Adams, Jackson, Van Buren, Tyler, Polk, Fillmore, Lincoln, and Grant. Some were made for railroad purposes prior to 1850; and between 1850 and 1880 grants of the public lands for railroad purposes were made amounting to more than 150,000,000 acres, and patents have in fact issued for more than 50,000,000 acres of these lands.

The purpose which Congress has intended to accomplish by this disposition of the public domain has been the opening up of the Western Territories to settlement, the encouragement of emigration from the more thickly settled States, the development of the mineral and other great resources of the country, the building up of new political communities, and their admission into the Union as States. And it is a singular and interesting fact that while most of the original States made large cessions of lands to the Federal Government, none of them have ever asked or received any donations out of these lands. They have been made entirely in the interest of the Western and Southwestern States.

The rapid and marvelous development of all these States is attributable in a large degree to these grants. More than 16,000 miles of railroad have been built from the proceeds of lands so granted, and wherever these roads have been constructed towns and cities have sprung up like magic, the expectations of the Government have been more than realized, and the national Treasury has received indirectly far more than it would have done by the sale of the land itself.

Grants of this kind were made by Congress in the following States and Territories from the year 1850 up to the year 1880:

	Acres.
Illinois	2,595,053
Mississippi	1,137,130
Alabama	2,807,648
Florida	1,700,467
Louisiana	1,256,430
Arkansas	2,613,631
Missouri	2,605,251
Iowa	4,181,929
Michigan	3,355,943
Wisconsin	3,553,865
Minnesota	9,820,450
Kansas	8,223,380
Nebraska	6,409,376
Colorado	3,000,000
Nevada	4,000,000
California	16,387,000
Oregon	5,800,000
Dakota	8,000,000
Wyoming	4,500,000
Montana	17,000,000
Idaho	1,500,000
Washington	11,700,000
Utah	1,850,000
New Mexico	11,500,000
Arizona	18,500,000
Total	154,067,553

At the time, therefore, that the grants were made to the Union Pacific and Central Pacific Railroad Companies, although they were much larger than ever had been made before, no new policy was inaugurated by Congress; on the contrary, they simply followed a policy which had been adopted early in the history of the country. The first public man whose prophetic vision saw the future of the great West, and the importance of the Government taking steps to aid in constructing a railroad to the Pacific, was Stephen A. Douglas. As early as 1845 he prepared a bill to organize the Territories of Nebraska and Oregon, and to reserve to each of said Territories alternate sections of land forty miles in width on each side of a railroad from the Missouri River to the Bay of San Francisco.

After the admission of California the construction of a transcontinental road was continually under consideration in Congress. These measures all looked to the granting to said road of the public lands, and making them the carriers of the Government mails and other property. And from that time to 1856 the Government made surveys of and considered at least five different routes for that purpose. The Democratic and Republican parties demanded its construction in their party platforms, and Buchanan, in 1856, and Lincoln, in 1860, recommended the matter in their messages to the favorable consideration of Congress.

President Buchanan suggested long before the war that it be paid for in money and lands. In his message to Congress, December 6, 1858, he said:

It would be inexpedient for this Government to exercise the power of constructing the Pacific Railroad by its own immediate agents. The construction of this road ought therefore to be committed to companies incorporated by the States, and Congress might then assist them in the work by grants of land or money, or both, with conditions and restrictions as to transportation of troops and munitions of war free of charge, and the carrying of the mail at a fair price.

Indeed, the construction of such a road, in view of our settlements upon the Pacific coast, became inevitable. It was impossible that in a country like ours our people would consent long to the inconveniences of an overland route requiring more than thirty days to go from the Missouri River to San Francisco, a route made dangerous by Indians and robbers, and which made the cost of transportation almost incredible. This road would have been built whether the war had come or not; but the war had much to do with its construction and with the character of the grant and subsidy given to the road, for without these it never would have been built.

What, then, were the circumstances which brought about the building of this road and the liberal subsidy and grant made for that purpose?

In April, 1861, our civil war commenced. On one side were arrayed all the Northern States, and on the other side all the States from Maryland to the farthest border of Texas. The territorial dominion of the Southern confederacy embraced about one-third of the United States. This conflict soon assumed vast proportions, and the Government found itself engaged in a great conflict for national existence. European nations, long jealous of our great prosperity, stood ready to take advantage of our condition in any way that seemed favorable to them. England was in strong sympathy with the South, and France was ready to obtain a foothold on this continent if possible.

As early as 1862 the French landed an army of invasion in Mexico, and, taking advantage of the party strifes in that unhappy country, were soon able to establish a monarchy on the ruins of the Mexican Republic. The Congress of the United States were well aware of this danger. They saw that our Western Territories were in peril. They saw California hesitating in her loyalty. They saw that the permanent occupation of Mexico by France was a barrier to any further extension to our territory south; that it threatened our control of the Gulf of Mexico, and made communication with California by water impossible without the consent of the French Government.

The construction of a railway across the continent connecting us with the Pacific States became an absolute necessity as a matter of national defense. The road had to be built. The Government had no money with which to build it. Her constitutional power to do so was doubtful. Our credit was impaired; gold and silver had gone out of circulation; a paper currency had taken its place; we were issuing our bonds by the hundreds of millions; the faith and property of the nation were pledged to their payment, and yet our bonds were selling at far below par. In this state of affairs Congress was in a condition to be liberal to any individuals or corporations who would undertake the hazard and experiment of constructing this road through a wilderness inhabited by the Indians, over deserts uninhabited by man, and over mountains covered with perpetual snow.

Under these circumstances, the Congress of the United States, on the 1st day of July, 1862, passed the act for the construction of a road from the Missouri River to Sacramento, 2,000 miles in length, by the Union and Central Pacific Railway Companies. By this act Congress proposed a grant to said companies of a right of way two hundred feet wide, more than 2,000 miles long, all necessary lands for depots, &c., and a donation of five alternate sections per mile on each side of the road for a width of ten miles, to extinguish all Indian titles which might interfere with the grant, and to loan to said companies its bonds at the rate of $16,000 a mile where the road was easy of construction, and for three hundred miles through the Rocky and Sierra Nevada Mountains at $48,000 a mile, and for one hundred and fifty miles at the rate of $32,000. a mile.

This seemed a princely offer, but such was the condition of the country and of its finances, such the hazards of the undertaking, such the timidity and conservatism of capital, that the companies were unable and unwilling even on these terms to build the road, and the Govern-

ment saw two years pass by and nothing done toward the construction of this great road. Such being the condition of affairs, it probably never would have been built had it not been for what was going on in Mexico. While we were engaged in our own conflict, which strained every nerve and taxed every resource, France was completing her conquest in Mexico and arranging to place Maximilian on the throne, and the United States, with shame, humiliation, and mortification, on the 12th of June, 1864 (nineteen days only before the amending act of July 1, 1864, was passed), saw Maximilian enter the City of Mexico amid the acclamations of the Mexican people and made emperor of Mexico.

At this time what was the condition of the United States? Our national debt had reached the immense sum of seventeen hundred and forty millions of dollars. The credit of the Government was greatly impaired at home and abroad. Sherman had met with a severe repulse at Kennesaw Mountain. Grant had been unsuccessful at Spottsylvania, and had met with severe disasters at Cold Harbor. One hundred thousand men had been lost in three months. Lincoln was about to call for 500,000 more soldiers. This, indeed, was the supreme hour of the war. In this great national trouble, with civil war endangering the life of the nation at home, with California hesitating in her loyalty, with Indian raids and troubles upon the frontier, with France violating the Monroe doctrine with impunity and placing Maximilian upon the throne in Mexico, was it a very remarkable or extraordinary fact that the Government or Congress of the United States should have offered such large inducements to her citizens and capitalists in order that a great military highway might be constructed which would connect the eastern and western parts of our vast dominions?

It may be well to quote here what was said by Justice Davis on behalf of the Supreme Court of the United States in deciding the case of The United States *v.* The Union Pacific Railroad, as reported in 91 United States Reports, page 79. He said:

> Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and owing to complications with England the country had become alarmed for the safety of our Pacific possessions.
>
> The enterprise was viewed as a national undertaking for a national purpose, and the public mind was directed to the end in view rather than to the particular means for securing it. Although the road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier; there was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.
>
> It was in presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great and by many intelligent persons considered insurmountable.
>
> The scheme for building a railroad two thousand miles in length, across mountains, over deserts, and through a country inhabited by Indians, jealous of intrusion upon their rights, was universally regarded at the time as a bold and hazardous undertaking. It is nothing to the purpose that the apprehended difficulties in a great measure disappeared after trial, and that the road was constructed at less cost of time and money than had been considered possible. No argument can be drawn from the wisdom that comes after the fact.
>
> The project of building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.

At the time the Pacific railroads were chartered and these grants made we were carrying on a great war, and this was regarded as a war measure, and seemed to be a proper exercise of power under the circumstances which then surrounded us. Now we are in the midst of profound peace, and no man in his senses would contemplate for a moment making such extraordinary grants of the public domain for such purposes, and no political party would now favor it. What seemed proper then would be improper and impossible now. Indeed at this time we are pursuing the far better and wiser policy, and instead of disposing of our public lands in large quantities to railroads or foreign syndicates, we are reserving them as rewards for the valor of our soldiers and as homes for those of our people who will settle upon and improve them.

Mr. Speaker, Congress in making these grants was governed by the exigencies of the times, and did what seemed best for the interest of the whole country. The object intended was national defense and the perpetuation of the Government.

Congress had more than one object in view in having these Pacific railroads built.

First. It desired to have a railroad built at once, over which it could carry troops, Government supplies, &c., in case of war with France, Mexico, or if necessary in connection with our civil war or trouble with the Indians.

Second. It desired a permanent postal and military road under Government control.

Third. It wanted to develop the great mineral resources of that vast Western country.

Fourth. It had in view the opening up of the whole of our Western territory to settlement, the building up of new communities and States, and increasing the wealth and power of the country.

Fifth. It expected to cheapen the expense of carrying the mail and Government supplies in the West.

Sixth. It believed that the construction of such a road would enable it to control the Indian problem.

And all these results have been more than accomplished.

THE OBJECT OF THE GOVERNMENT.

The object of the United States was not to make an investment or loan of money nor to make a profit; neither was it its principal object to obtain payment for the lands granted or to secure the money or credit which it loaned the companies. The object of Congress was a much higher and more important one, as will be found in the title and in almost every section of the act creating the same. The title of said act is as follows:

> An act to aid in the construction of a railroad and telegraph line, and to secure to the Government the use of the same for postal, military, and other purposes.

The sixth section of said act makes the grant upon condition not merely that the companies shall pay the bonds at maturity, but that "they shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transmit mails, troops, and munitions of war, supplies and public stores upon said railroad for the Government, whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same."

The twelfth section of said act provided that "the track upon the entire lines of said railroads and branches should be uniform, and the whole line of said railroad and branches and telegraph shall be operated and used for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one connected and continuous line."

The seventeenth section provides that in case said railroad companies should fail to comply with the terms and conditions of the act by not completing the road, branches, and telegraph within a reasonable time, or by not keeping the same in repair and use, Congress might pass an act for the speedy completion or repair thereof, and appropriate the income of the road for that purpose.

The eighteenth section makes still more important and further reservations. Indeed, so much more important were these reservations by the Government of rights and powers over these roads than the money loaned to the companies, that Senator Thurman declared in the Senate of the United States that he would rather see the Government relinquish all claims to the bonds and interest loaned or paid for these companies than to release or surrender the power and control which it had reserved by the charter over them. His language was:

> I affirm, as I have affirmed before, that this Government had better lose every dollar due and all that is to become due to it by these companies than to give up the right which it has to alter, amend, or repeal the charter.

During the discussion of the matters relating to the land and bond subsidies in the Senate, Senator Wade, of Ohio, declared that he cared but little whether the Government ever received payment of a dollar of the money loaned these companies; that the Government would be more than compensated in what it would receive from the opening up of the country, the founding of new States, and that, as a matter of national defense, this road was an absolute necessity. Similar sentiments were expressed on the floor of the Senate and by members of the House and by almost the entire press, and the whole country was in hearty sympathy with this view and purpose. I have thought, Mr. Speaker, that, in view of the attacks which have been made upon those who were connected with the making of these grants, it was only right and just to call attention to the times and circumstances under which these subsidies were made. And I believe that by so doing we will be better able to understand and interpret the several acts relating to these roads. It is said that some members of Congress were induced to vote for the act of 1864 by improper considerations. This may be true, but Congress has not chosen to repeal these acts, the courts have not set them aside, but they have been admitted to be valid by the courts and by every Department of the Government, and to constitute a binding contract between the companies and the Government; and it is too late therefore to plead these matters now. So far as we are concerned in this case, we must deal with these as with any other acts of Congress, and we must respect them the same as if passed by ourselves. Indeed, as was said by the Supreme Court of the United States in the case of Fletcher *v.* Peck, hereafter cited: "The acts of the supreme power of a country must be considered pure for the same reason that all sovereign acts must be considered just, because there is no power that can declare them otherwise."

Mr. Speaker, the Pacific Railroad Committee have had under consideration for some time the subject of the relation which the Government sustains to the several Pacific railroads which are known as the bond-subsidized roads, and the best means of obtaining security for the amount owing by said railroads, and of ultimately obtaining payment of the entire indebtedness.

Two bills are now before the House for consideration and action. The one presented by the committee contains two main propositions:

First. The extension of the Thurman act, not only over the Union and

Central Pacific roads, to which it already extends, but also over the Kansas Pacific, the Central Branch of the Union Pacific, and the Sioux City and Pacific Railroad; and the requirement that each of these roads should pay into the sinking fund, created under the Thurman act, 35 per cent. of its net earnings, instead of 25, as at present required.

Second. To appropriate to the payment of the Government indebtedness all the money which the Government owes to any of said roads, or may owe them for transportation on any of its roads whether aided, owned, leased, or operated by said companies.

This plan is one which looks to compelling these companies to pay to the Government a larger amount from year to year than the condition of the companies will justify, provided they keep up their roads, pursue the policy which they have been pursuing in reducing the rates for passenger and freight transportation, and in contending and maintaining themselves against competition of rival roads. But this plan makes no provision for the payment or the extinguishment of the debt owing by these companies to the Government at the time of the maturity of the indebtedness, which will be in the year 1898; and the unpaid balance at that time, it is believed, will amount to not less than $75,000,000.

It was for the purpose of meeting this great and radical defect in the bill of Mr. THOMPSON which has led us into the consideration, development, and advocacy of the plan, clear, plain, and simple, by which these companies could be induced or required to give to the Government additional security for its indebtedness, and by which the payment of the debt would be insured beyond a reasonable doubt. We believe that we have completely accomplished these purposes by the bill of Mr. POST. It provides—

First. That the Secretary of the Treasury shall ascertain as of the date of October, 1884, the present worth of the indebtedness to the United States of said subsidized roads, after deducting any amounts paid thereon or in the sinking fund to the credit of said companies.

Second. That the Secretary of the Treasury shall divide the amount so found into a hundred and twenty parts, and receive from said companies a hundred and twenty bonds of each of said companies, payable in semi-annual installments, with interest at 3 per cent, per annum, and providing for the payment and extinguishment of one of said bonds every six months, with a proviso that said companies should receive no Government pay for transportation over any of their lines owned, leased, or operated until the bond next becoming due shall be paid.

Mr. BLOUNT. Will my friend allow me to ask what would be the difference in the amount paid to the Government by these roads under that proposition and the amount which the Government has been receiving from them? Of course we can not tell about the future.

Mr. JORDAN. I will state in regard to that in a few minutes, and then give a direct answer to the question of my friend.

Mr. BLOUNT. Of course I do not care when it is answered.

Mr. JORDAN. I will answer it in a few minutes; it will become a necessary part of my argument to answer it.

Third. That the statutory lien or mortgage created under the acts of July, 1862–'64, and the security created by the Thurman sinking-fund act of May 7, 1878, together with a further lien on the whole line of said companies, whether owned, leased, or operated by them, including rolling-stock, fixtures, &c., should be and remain as security for the payment of said bonds so to be executed. The companies have under this provision the right to pay up the whole of the indebtedness at any time. The said bill contains other and important provisions looking to the preservation of all the other rights held by the Government under existing laws.

This bill provides for the acceptance by the companies of the provisions of the bill, and that on failure to accept them they shall be required to pay 35 per cent. of their net earnings to the Government; and also provides in that event for a further and better investment of the moneys in the sinking fund.

These two plans are now before the House. The railroads which have been subsidized by the Government with bonds as well as lands are as follows:

The Union Pacific, running from Omaha to Ogden Station, a distance of 1039 miles.

The Central Pacific, which connects with the Union Pacific at Ogden Station, and runs from there to Sacramento City, a distance of 860 miles.

The Kansas and Pacific, running from Kansas City westerly to Gopher Station, in Kansas, 394 miles.

The Central Branch of the Union Pacific, running from Atchison to Waterville, Kans., 100 miles.

And the Sioux City and Pacific, running from Sioux City, Mo., to Fremont, Nebr., a distance of 101 miles.

The amount advanced to all these roads in the aggregate was $64,000,000, and neither it nor the interest matures until 1898. Large payments have been and are constantly being made upon this indebtedness, and while the amount now estimated to be owing is about $100,000,000, it is estimated that at the maturity of the bonds the amount owing will not be more than $75,000,000.

Three important questions now present themselves for the consideration of the House:

First. Will we adopt and pass the bill presented on behalf of the committee?

Second. Will we adopt and pass the substitute offered by Mr. POST? or,

Third. Will we leave the railroads as they now are, to pay what is required of them by law and under the operation and security afforded by the sinking fund created by the Thurman act?

I will speak on these points in their order.

The first principal provision of the bill reported by the Committee provides that the Government shall collect 35 instead of 25 per cent. of the net earnings of the roads; in other words, changes the Thurman bill to that extent.

Under the present or existing laws, from all the bond-subsidized roads, the amount annually received is $2,977,096.96.

Under the bill reported by the committee the amount received would be $4,502,295.62, making a little more than one million and a half, in addition to what the companies are now paying. And under the bill as amended the amount required would be nearly six millions of dollars. This is claimed to be the great merit of this bill, and the chief ground upon which it is urged; and certain figures are set forth for the purpose of showing that these companies are able to pay these extraordinary amounts of money. In our judgment this feature of this bill is one of the greatest and strongest objections to it. As we regard the matter, we consider that it is much more important that the people shall have cheap transportation over the whole system of the Pacific roads, and through them over all other roads, than that the Government should coerce the speedy payment of its debt. I regard cheap transportation over the Pacific roads, and over all other roads, as being the most important matter which can engage the consideration of Congress; and that every act in opposition to this idea should be regarded with hostility by Congress.

The report of the Union Pacific Railroad to its stockholders shows that for the year ending December 31, 1883, the aggregate amount of its passenger and freight traffic was considerably greater than the previous year. While it carried 21 per cent. more of passengers and 23 per cent. more of freight, its receipts were $1,821,342.46 less than the year before. Although we have not the official results before us, we are informed that the same result has occurred upon the Central Pacific and the other roads. This was occasioned solely by a reduction of charges in freight and passengers. We regard it as of the utmost possible importance that everything should be done to encourage this reduction and cheapening of transportation, and that nothing should be done looking in the opposite direction. The public who travel over these roads, and who transport their property upon them, are entitled to the most liberal consideration at our hands.

The bill of the committee is in direct conflict with the interest of every man, woman, and child carried over these roads, or who uses them as carriers of freight. Let me ask who is it who will be compelled annually to pay this additional million and a half of dollars (or $3,000,000 if the bill is amended as asked) which this bill proposes to add to the amount paid by these companies? Where do the companies get the money with which they pay and are to pay the large amounts required of them by the Government? Is it not a charge or exaction upon the public—upon the people—upon those who use the road? Every dollar in excess of what these companies are now required to pay to the Government will be raised by an increase of the price of passenger and freight charges on these roads. Railroad companies are not eleemosynary institutions. Certainly nobody on this floor has applied any names of that kind to them. They carry on business upon the same principle as natural persons, for the purpose of making money. If they must pay more they will charge more. The ratio of payment will be the ratio of collection, and hence the ratio of charges.

Mr. CASSIDY. Right in connection with that statement, if the gentleman will permit me, I will say that I have the report of the Government experts sent to Boston to examine the books of the company; and that report shows a falling off in the net earnings of the company, for the first five months of the present year, of $1,983,000 in round numbers.

Mr. BLOUNT. What was the amount of the last dividend?

Mr. CASSIDY. The last dividend they ever paid they had to borrow the money to pay it.

Mr. JORDAN. One of the roads I think pays 6 per cent. and the other 7 per cent.

Mr. BLOUNT. I mean the last dividend.

Mr. CASSIDY. One and three-quarters per cent.; they pay every three months.

Mr. JORDAN. Here is a reduction in the amount of the receipts of that road of nearly $2,000,000, and yet they have transacted nearly 25 per cent. more business than before. I am in favor of that sort of legislation which will permit these roads to keep on reducing their rates of freights in order that the people may have the benefit of that reduction in cheap transportation.

Mr. LAIRD. Will my friend permit me to ask him a question?

Mr. JORDAN. With great pleasure.

Mr. LAIRD. Can you show the House where the Union Pacific Rail-

road has ever reduced its charges for carrying freights and passengers a solitary penny? If so, I would like to have you do it.

Mr. JORDAN. I would refer my friend to the report of the Railroad Commissioner on that subject. He will find there that there has been a very large reduction both in 1882 and 1883.

Mr. LAIRD. I know there was a reduction in Colorado, where they had been charging 10 cents a mile for passengers, to 5 cents a mile, and there has been some reduction for passengers in Nebraska; but I know of no reduction in freight charges.

Mr. JORDAN. I think my friend has not thoroughly and fully investigated the report. He will find on examination that I am entirely correct.

Mr. PAYSON. Will the gentleman permit an inquiry?

Mr. JORDAN. Always.

Mr. PAYSON. How would it injure the general public if those gentlemen controlling these railway corporations should accept smaller dividends than they have been getting for the last eight years?

Mr. JORDAN. That will depend upon two propositions: In the first place, whether the dividends they have been getting are unreasonable dividends; and second, whether these roads are now in a condition in fact to pay dividends upon their earnings, or whether they are paying them by exhausting their reserve.

Mr. PAYSON. As a member of the committee, will the gentleman give the House his judgment as to whether the dividends these companies have been exacting from the people have not been extortionate ever since they first commenced paying them.

Mr. JORDAN. That will be part of the argument I will undertake to make before I close. The question is readily answered. The gentleman will find that I have considered all these matters very fully.

Mr. PAYSON. Will the gentleman allow one further inquiry? When he comes to descant on the dividends these companies have been paying, will he bear in mind the fact that none of these roads cost the present companies a single dollar?

Mr. JORDAN. Now, I would like to make a remark on that point to the House. What difference does it make, so far as regards the question upon which we are now passing, whether the owners of these roads have paid a dollar toward their construction? The Government of the United States did not give these companies these bonds; it loaned them bonds, did it not? The bonds were theirs to do with as they pleased.

Mr. PAYSON. It did.

Mr. JORDAN. And it is exacting payment of the bonds.

Mr. PAYSON. It is trying to do so.

Mr. JORDAN. What difference, then, does it make what the owners of the roads did toward the construction of the roads? The only question that can arise is whether the dividends which are being paid are upon a fair capital stock of the roads, and I will undertake to show that they are.

I am glad to see gentlemen interested in this question, and if they will follow me in what I say, or if they will investigate these matters as I have done for months as a member of the committee, they will come to the same conclusion that I do.

I resume my argument where I left off at the time I was interrupted.

Mr. Speaker, it would not be a difficult task in this House to show that tariffs, internal-revenue taxes are collected from the consumer; and passenger and freight charges are simply taxes levied by corporations upon individuals who travel and upon property which is transported.

This being so, we consider that this bill of the committee will result necessarily in an increase instead of a decrease of passenger and freight transportation over these roads, and that the public will pay, both in the cost of transportation and in the increased price of goods, all that is demanded by this bill in excess of what is paid now.

This argument ought to be sufficient to induce the House to reject a proposition which makes the people who use these roads pay an additional tribute of $1,500,000 a year, or $3,000,000 more, as now asked by the amendment.

There is another reason why we can not adopt the bill of the committee, and which seems to me a very strong one; and that is, a conviction that it is necessary to the successful management of the business of these roads that they should be allowed to use a considerable portion of their profits in constructing feeders and branch roads and in maintaining the best possible equipment for their roads. This has been the policy of these roads, in common with all the other great railroads of the country, and is a necessity forced upon them by powerful rivals who compete with them for every passenger and pound of freight carried over their lines. This policy has been beneficial to the companies, and has enabled them to maintain their main trunk lines in which the Government is interested, and to pay to it the amount required by the Thurman act, and to make their business successful and profitable. Upon this subject the Government directors of the Union Pacific Railroad say:

> The road-bed, track, buildings, and equipment are all in excellent condition and kept well up to the highest standard of the best roads of the country. The feeding lines are bringing each year additional traffic to the main line and increasing profits from their own business, to the permanent advantage of the whole system.

I regard it as greatly in the interest of the public that these roads should be well built, maintained, and equipped, and that they should have the means and be left free to compete with their rivals by making cheaper rates to the people in the future, and any other policy is short-sighted and unwise; and while it may cater to some local prejudice or feeling, it will, as a result, do great injury to the general business interests of the people; not simply those who use the road for local traffic, but that great body of the people who are carried over it, and who use it for more important and general purposes.

They should be allowed to use a considerable portion of their profits in constructing feeders and branch roads and in maintaining the best possible equipment for their roads. This has been the policy of all these roads. It is demanded by the necessities of business and travel over them; it is demanded in the interest of the public convenience. It is a necessity forced upon them by powerful rivals, who compete with them for every passenger and every pound of freight carried over these lines.

Look at the Union Pacific Railroad. You will find it paralleled from one end to the other by two great roads—the Quincy and Burlington Railroad upon the one side, and the Atchison and Santa Fé upon the other. The case is said to be the same in regard to the Central Pacific Railroad. It is said that all these roads are either paralleled by other great roads, or are compelled to compete with other and rival roads for all the business they transact.

Mr. GLASCOCK. Will the gentleman state what line there is parallel to and competing with the Central Pacific Railroad? There is no line competing with the Central Pacific road, and it absolutely holds a monopoly of all the California business.

Mr. CASSIDY. I hope the gentleman from Ohio will allow me to answer the gentleman from California.

Mr. JORDAN. I yield to the gentleman from Nevada, the chairman of our committee, for that purpose.

Mr. CASSIDY. The gentleman from Ohio, when he speaks of these roads being parallel, or in competition with other roads, means, as I understand him, that the Central Pacific does not control all the business in that section of the country, that there is a diversion of business from it, and consequently a reduction of the earnings of these subsidized roads. And now taking his statement in the sense in which he means it, I undertake to maintain that the completion, for instance of the Northern Pacific road, has diverted from the Union Pacific all the Montana freight, all the Washington Territory freight, and in a great measure the Oregon freight. I maintain, also, that the completion of the Southern Pacific has diverted a large share of the business from the Central Pacific.

Mr. GLASCOCK. Is not the Southern Pacific practically under the same control?

Mr. ANDERSON. Are not all these roads pooled?

Mr. CASSIDY. I am not speaking of competition as reducing rates, but in regard to its effect in reducing business.

Mr. JORDAN. Resuming where I left off, I desire to repeat that the policy of allowing these roads to construct or aid in the construction of branches and feeders has been beneficial to the companies and has enabled them to maintain the great trunk lines in which the Government is interested and to pay the amount required by their contract with the Government, the amount fixed by the Thurman act, and to make their business successful and profitable.

Another grave objection to this bill of the committee is that it will prevent them from paying dividends to their stockholders. When the Thurman bill was passed it was never contemplated for a moment that the roads should not pay a dividend to their stockholders; on the contrary, it was intended they should pay a dividend. It may be well here for me to quote from the remarks of Senator Thurman, the distinguished author and champion of the sinking-fund bill in the Senate.

On this subject Senator Thurman said:

> If the committee had not recognized the fact that it is for the interest not only of the companies, but of the country and the public, that the stockholders should be allowed to receive some reasonable dividends, because where roads pay dividends they are always better managed than where they pay none; if it had not been for those considerations we might justly have acquired more onerous conditions than those that we have imposed by this bill. Am I right about that? It is shown by the report of your committee, by going over the receipts and expenditures of these companies for long periods, that they can comply with this bill and pay every dollar of interest annually upon their indebtedness, both that whose lien is inferior to that of the United States as well as the first mortgage whose lien is superior; that they can pay every dollar interest upon their entire funded debt, pay all their operating expenses, pay to the Government what by existing law they are required to pay, and pay into a sinking fund what this bill requires them to pay, and then have annually for distribution among their shareholders as follows: The Union Pacific about 4½ per cent. on the nominal value of the stock, or 6½ per cent. on its present market value, and the Central Pacific about 6.4 per cent. on the nominal value of the stock.

One of the effects of this bill of the committee will be to prevent the payments of dividends to the stockholders. This is all wrong. The stock of these roads has been regarded by our people as a good investment. It is held and owned in all parts of the country. More than 5,000 persons are stockholders in the Union Pacific alone. The securities of these roads, including the stock, "have become favorites in the market for investments, and they are widely scattered at home and

abroad. They have taken to a certain extent the place of the public funds as investments." Stop the payment on these stocks, and you ruin thousands of innocent people.

Two of these roads—the Sioux City and the Central Branch of the Union Pacific—are not only put under the operation of the Thurman act by this bill of Mr. THOMPSON, but are required to pay 35 per cent. of their net earnings to the Government, when as a matter of fact they have never paid a dollar by way of dividend on their stock; and the latter road is in a state of hopeless insolvency.

Mr. THOMPSON. I will call the gentleman's attention to the fact that the Sioux City and Pacific Railroad paid as dividends on its capital stock the sum of $11,930, or more than 10 per cent.

Mr. JORDAN. I do not so understand the fact. That road has been in a chronic state of insolvency ever since its creation. If the company did pay the amount stated, $11,930, instead of being 10 per cent. on its capital stock, it would only be about 1 per cent. on its stock, which amounted to $1,000,000. And now let me ask the gentleman a question. Did this company, in the twenty years of its existence, ever pay any other dividend?

Mr. THOMPSON. I have not examined the full list of dividends. But I will state that last year it increased its net earnings over 200 per cent.

Mr. JORDAN. The gentleman is again mistaken. He is referring to the Central Branch of the Union Pacific, not to the Sioux City and Pacific Railroad, which only increased its earnings 28 per cent.

At the time I was interrupted I was considering the question of these roads being allowed to pay dividends to stockholders, and I have simply to add in addition upon that point that this view of the matter was taken by Senator Thurman in a discussion of his bill, that no Senator who took part in that discussion on either side ever suggested any other course.

Indeed, Mr. Speaker, will any man in his senses, any lawyer, suppose for a moment that a bill depriving the stockholders of all dividends would have been regarded by the Supreme Court as constitutional? They had already decided that the debt owing to the United States was not due until 1898, that the Government had no right until then to require payment, and it would have been more than unreasonable to require these companies to lay aside for the future so much of their earnings as disabled them from paying a dividend to their stockholders.

The stockholders of a railroad company are its owners, and to have deprived them of the whole of their dividends would have been an act so arbitrary in its character and so unreasonable that the Supreme Court would never have decided it to have been within the limitations of the constitutional power of Congress. If this policy had been pursued does any man suppose for a moment that this company would not have ceased business at once, and been compelled to abandon its property to the Government? And we would have found ourselves in the position of having the United States taking one more step in the direction of centralization, and found it engaged in carrying on the business of a railroad.

Mr. ANDERSON. Will the gentleman allow me to ask him a question?

Mr. JORDAN. I hope my friend from Kansas will not think me discourteous in declining to yield further. I have already been too generous in yielding my time for interruptions.

And now, Mr. Speaker, proceeding further in my objections to the bill of the committee I find another important argument against this bill is that it puts in jeopardy all the money now in the sinking fund under the Thurman bill, now amounting to about $5,000,000, and will result probably in having that law declared unconstitutional. There has been paid in already under that bill many millions of dollars which will be lost to the Government if that law should be declared unconstitutional. This law was declared constitutional, as has been stated, by a divided court. And whoever will take the trouble of examining the dissenting opinions of Justices Field, Bradley, and Strong will consider their argument against the constitutionality of the act of May 7, 1878, as entitled to the gravest consideration. In the mutation of human affairs but five of the justices who took part in the decision of that case are now on the supreme bench, and of these five only three believed the law to be constitutional.

This bill of the committee, by changing the amount to be paid in under the Thurman law and extending its operation, gives these companies an opportunity, if it does not invite them, to again test the constitutionality of this sinking-fund law. Is it good policy or wise statesmanship to do this? I have the highest possible regard for Judge Thurman, and this bill will long stand as a monument of his ability and skill as a lawyer and a statesman. At the same time I have the most serious doubts as to its constitutionality. Is it not better to stand where we are and take no chances in this matter? Let us be contented with what we have, and not, like the dog in the fable, lose the substance while grasping at the shadow.

Mr. JONES, of Wisconsin. Does not the railroad company have every year the right to test the constitutionality of that law, and will it not have that right whether we pass this bill or not?

Mr. JORDAN. I think it has the right to do it now, but these companies have not been disposed to do it, because they are willing to pay the amount required under these various acts. But if you undertake to say that these railroads shall pay annually a million and a half of dollars more than they are now paying (and indeed it would be more than three millions under the amendments made to the bill), then you will have so burdened them beyond their ability to bear that they will be compelled to find relief from your oppressive exactions either by appealing to the justice of the courts or by abandoning their business or surrendering their property. In my judgment, Mr. Speaker, this bill of the committee puts in jeopardy all the money now in the sinking fund and risks all that has been expected from it. In my opinion it is an unwise measure, and I desire on behalf of the Government and the public, whose servants we are, to put on record my protest against it.

I now come to the consideration of the fifth section of the bill of the committee, which is as follows:

SEC. 5. That the Central Pacific Railroad Company pay into said sinking fund the sum of $5,000,000; that the Union Pacific Railroad Company pay into said sinking fund the sum of $5,000,000; that the Kansas Pacific Railroad Company pay into said fund $2,000,000; that the Sioux City and Pacific Railroad Company pay into said fund $500,000; that the Central Branch of the Union Pacific Railroad Company pay into said fund $500,000, all of which said payments shall be made by said companies on or before January 1, 1885: *Provided, however*, That all sums of money, if any, which are claimed by said corporations, or any of them, as due them for services rendered the Government in transportation of mails, passengers, freight, or otherwise, as follows, namely: First, one-half compensation earned on bond-subsidized roads from January 1, 1873, to June 30, 1878; second, total compensation earned on non-bond-subsidized roads owned, leased, controlled, operated, or managed by subsidized companies from January 1, 1873, to this date; third, one-half compensation earned from July 1, 1878, to this date on bond-subsidized roads not embraced in the act of May 7, 1878, and which said sums so claimed have been withheld by the Government and applied, in whole or in part, to the payment of interest on the said subsidy bonds or to the purposes of the sinking fund, shall be credited upon said cash payments directed to be paid as aforesaid to the extent of the interest of each of said companies respectively in said claims; and upon all of said sums claimed to be due upon the accounts aforesaid and so withheld, and which have been applied to the payment of interest, there shall be interest allowed said corporations at the rate of 3 per cent. per annum from the said date of application until covered into the sinking fund under the operations of this act; and upon such portion as went into the sinking fund credit shall be given as of date it was passed to said fund, with interest at the rate produced by the investments then made; and if said credits when so allowed fall short of the cash payments herein required, the Secretary of the Treasury shall suspend the collection of the residue until further directed by Congress.

The accounts between the Government and the said corporations shall be restated to conform to the requirements of this act, and the unpaid interest account increased in proportion to the sums transferred from it to the sinking fund.

I read so much of the report of the committee as bears upon this section. It is as follows:

The accounts between the Government and the railroads are in a very unsatisfactory and uncertain condition. The complications arise principally out of the act of March 3, 1873, which has since been carried into the Revised Statutes as section 5260. The companies claim that this act was an attempted modification, without their consent, of what they claim was a charter-contract made in the act of 1864; that by said act Congress retained only the right to withhold and apply one-half the compensation earned upon the bond-subsidized portion of the roads by services to the Government; therefore, they say, the officers having retained all not only on the bond-aided portion but also on the non-bond-aided road owned by them (and upon roads not embraced by the Thurman act since it took effect), they have a right to recover the same back with interest.

These claims, as stated, are about as follows:

1. One-half compensation earned on bond-subsidized roads from January 1, 1873, to June 30, 1878	$1,753,554 79
2. Total compensation earned on non-bond-subsidized roads owned, leased, or operated by subsidized companies from January 1, 1873, to June 30, 1882	1,418,110 84
3. One-half compensation earned from July 1, 1878, to June 30, 1883, on bond-subsidized roads not covered by the act of May 7, 1878, or Thurman sinking-fund act	221,572 01
Total	3,393,207 64

This is for mail transportation alone, and the data furnished does not run down to date, nor has it been practicable to obtain sufficient information to give even an approximate estimate as to the amount of compensation earned by the bond-subsidized roads for services other than mail transportation of the three several classes above set forth and for the separate periods mentioned. It is thought it will equal, if it does not exceed, the amount above allowed for mail transportation.

These claims, if allowed with interest, will be over $10,000,000, and require large deficiency appropriations to pay the same. Shall they be paid, or in some way covered into the sinking fund?

It has been held by the Court of Claims that the Government could not retain, for the purpose of paying interest, any portion of the compensation due on the non-subsidized portions of said roads, or on roads controlled, leased, or operated by the subsidized companies; further, that it could only retain one-half the compensation for that purpose on the subsidized portions of said roads. This practically declares the act of March 3, 1873, inoperative, and leaves the Government to pay the claims above set forth, unless they can be covered into a sinking fund. (16 Court of Claims, 360.) It must be noted, however, that the sinking-fund act was not under consideration in the decision referred to above.

It will be seen that this section relates to three distinct classes of claims which it is sought by the arbitrary act of Congress, by a sort of legislative sequestration, to take from these roads and turn into a sinking fund.

I deny the authority of Congress to pass this act, and submit the question to the candid consideration of every lawyer and every fair-minded man in the House.

It is admitted in the report of the committee, and it was decided by the Supreme Court, that Congress could not take any of the money or current earnings of these roads and appropriate them to the payment of the debt; but it is said that, while we can not do this, we can order these companies to pay a sum larger than these amounts into the sinking

fund, allow them interest upon it (and thus kick the devil around the stump), and thus prevent the companies getting the money they are entitled to.

Now let us see what was decided in the Sinking-fund case.

The court decided in that case simply that Congress had a right to require the companies which had been subsidized by the Government with bonds and lands to lay aside so much of their current earnings, after paying a dividend to their stockholders, as would be necessary to protect the Government or other creditors, and that a sinking fund could be established in the Treasury of the United States for that purpose. That decision related wholly to the future earnings of the road, and did not operate on any moneys already earned. The fifth section of this bill, however, takes from these companies money already earned and owing to it by the Government, is retroactive in its character, deprives them without due process of law of rights already vested, and is therefore unconstitutional.

In the Sinking-fund case, decided by the Supreme Court of the United States, in 9 Otto, page 718, Chief-Justice Waite, in announcing the opinion of the majority of the court, recognized fully the position that I contend for, namely, that Congress had no power to pass any law setting aside the past earnings of any of the subsidized roads and placing them in a sinking fund. On page 719 the learned judge said:

> The precise point to be determined now is whether a statute which requires these companies in the management of their affairs to set aside a portion of their current income as a sinking fund to meet this and other mortgage debts when they mature deprives these companies of their property without due process of law, or in any other way improperly interferes with vested rights.

This shows that the decision did not relate to past earnings, but only to future income or earnings of the road. There was nothing retroactive about it.

On page 720 the learned judge was still more explicit on this point. The language used is:

> All agree that the power of Congress can not be used to take away property already acquired under the operation of their charters, or to deprive the corporations of the fruits actually reduced to possession of contracts lawfully made.

On page 721 the court seemed determined to leave nothing in doubt as to its meaning on this point, and said:

> It [Congress] can not undo what has already been done and it can not unmake contracts that already have been made, but it may provide for what shall be done in the future.

Again, on the same page, the court says:

> All such legislation will be confined in its operation to the future.

Mr. HOLMAN. But there is a power of alteration or amendment in the act.

Mr. JORDAN. My distinguished friend from Indiana suggests that there is a power reserved to the Government in the charter of these companies by which Congress may alter or amend the acts creating them. But, sir, it was upon that direct proposition that the court ruled, and I was reading from that very portion of the decision in support of my position, and I now call the attention of the gentleman and the House to this part of the decision again, and I will read a little more fully than I did before, in order that the House may see the full force of my position and what the court said on the subject:

> Taking both acts together, and giving the explanatory statement in that of 1862 all the effect it can be entitled to, we are of the opinion that Congress not only retains but has given special notice of its intention to retain full and complete power to make such alterations and amendments of the charter as come within the just scope of legislative power. That this power has a limit no one can doubt. All agree that it can not be used to take away property already acquired under the operation of the charter or to deprive the corporation of the fruits actually reduced to possession by contracts lawfully made.

The latter part, the gentleman will perceive, is what I read before.

And while I am upon the subject of the power of Congress to alter or amend the acts of July 1, 1862, and July 1, 1864, let me conclude all that I have to say upon that subject. These acts created one corporation, the Union Pacific, and recognized certain other corporations created by the State. These grants were not mere gifts or donations, but were made to these companies in consideration of certain acts to be done by them. The Government by these acts granted to these companies their right of way, a large amount of lands, and agreed to loan its bonds or credit. In consideration thereof the companies agreed to construct the roads and telegraph lines provided for in the act and keep the same in repair and use, to pay the bonds loaned at maturity, to transmit dispatches over the telegraph lines, and transport troops and munitions of war, supplies and public stores upon said railroads for the Government when required at certain rates, and give the Government a preference in so doing, and apply one-half compensation and 5 per cent. interest on bonds until paid. And it was provided in said acts that the companies named therein should "file their assent thereto under their seals in the Department of the Interior within one year;" and these acceptances were filed.

Now, until that was done no right passed from the Government or to these companies; when that was done a contract existed between the Government and these companies obligatory upon both, and from which neither of them could withdraw.

It must be evident to any one, who will consider the matter for a moment, that the United States in the enactment of these laws and making the contracts above mentioned acted in two distinct capacities. In creating the corporation and granting a franchise to it and to other corporations we see an act of political sovereignty, but in all other particulars we simply see the Government making contracts as a civil corporation. Under the power to alter and amend Congress unquestionably reserved certain rights in relation to these companies and to their franchises; but it could in the nature of things reserve no power whatever to alter, amend, or repeal any part of these acts which by the acceptance of the company constituted a contract. It seems to me that to take any other view of this matter would leave these corporations, after they had accepted the terms proposed by the Government, and after they had entered upon the execution of their contract and built their roads, entirely at the mercy of Congress.

Touching the authority of Congress as to its power to alter and amend such contracts, and claiming that in so doing it can not take away or destroy rights which have already vested, I desire to call the attention of the House to what has been said upon this subject by statesmen and courts.

Mr. Madison said, in the forty-fourth number of the Federalist—

> That laws impairing the obligations of contracts are contrary to the first principles of the social compact, and to every principle of sound legislation.

In the case of Fletcher *v.* Peck, reported in 6 Cranch, page 103, the court said, in substance: That legislative grants in the nature of a contract and under which rights have vested are not held *durante bene placito* of the law-making power.

In 15 Monroe, Kentucky Law and Equity Reports, page 320, it was said by an eminent judge that—

> A reservation by the Legislature in a charter of power to alter, amend, or repeal does not imply the power to alter or change the vested rights acquired by the corporation under the charter.

In the case of the Commonwealth *v.* Essex Company, in 13 Gray Reports, Chief-Justice Shaw, in speaking of the power reserved in the words to alter, amend, or repeal, said:

> Where under a power in a charter rights have been acquired and become vested, no amendment or alteration of the charter can take away the property or rights which have become vested under a legitimate exercise of the power granted.

In the case of Calder *v.* Buell (3 Dallas, page 388) it was said by the court:

> The Legislature may command what is right and prohibit what is wrong, but they can not change innocence into guilt, or violate the rights of an antecedent private lawful contract, or the rights of private property.

And Justice Swayne, in the case of Shields *v.* Ohio, in 95 U. S. S. C. Reports, said:

> Such alterations must be reasonable; they must be made in good faith, and must be consistent with the object and scope of the act of incorporation. Sheer oppression and wrong can not be inflicted under the guise of amendment and alteration.

Where, then, Mr. Speaker, is the power of the Congress of the United States to take away from these companies their vested right in the moneys already earned by them? Would any man have the hardihood to claim upon this floor that Congress could take the lands of these companies for the purposes of a sinking fund? If these companies had United States bonds, stocks, moneys, would anybody assert that Congress could take these and put them into a sinking fund? If, indeed, these companies were the owners of bills receivable and other choses in action, would it be said that Congress could seize on these, deprive the companies of them, and put them into a sinking fund? And what, Mr. Speaker, is a claim against the Government owing to these companies and withheld from them but a chose in action?

How pertinent at this point is the language of Judge Strong, to be found on page 738 in 99 U. S. S. C. Reports. He said:

> What is property? A right in action is as completely property as a title to land. A very large part of the property of the country consists in rights attendant upon contracts. The right of a promisee to demand payment when a note falls due is a right of property.

And so a claim owing by the United States to these railroad companies is a vested right, that can not be taken from them by retroactive legislation, or in any other way except by due process of law, and that has been defined to be "by law in regular course of administration through regular courts of justice."

Mr. Thurman never thought anything of this kind could be done, nor was it attempted by the act of 1873.

In 4 Devereux, North Carolina, page 1, Chief-Justice Ruffin said:

> To do indirectly in the abuse of the exercise of an acknowledged power, not given for but perverted for that purpose, that which is expressly forbidden to be done directly, is a gross and wicked infraction of the Constitution.

Mr. HEWITT, of Alabama. Will the gentleman permit me to ask him a question?

Mr. JORDAN. Yes, sir.

Mr. HEWITT, of Alabama. Are any of these roads now indebted to the sinking fund; and, if so, in what amount?

Mr. JORDAN. Four of them are not. The Union Pacific is indebted, but it claims $4,000,000 to be due to it from the Government by way of compensation for transportation. If this is adjusted there is not one of them that owes the sinking fund a dollar. But, Mr. Speaker, the next provision of this section is, if anything, more monstrous and illegal than the one I have just considered.

It proposes to take from these companies and carry into the sinking

fund the whole compensation earned on non-subsidized roads, whether owned, leased, controlled, operated, or managed by the subsidized roads, from January 1, 1873, to this date.

Mr. STRUBLE, of Iowa. The whole of the compensation?

Mr. JORDAN. No wonder it strikes my friend from Iowa as a strange proposition. Yes, sir; the whole compensation.

Now, in order that the House may understand the full force of this provision of the bill, let me make a brief statement of the facts: The Union Pacific Railway Company, including the Kansas Pacific, only received aid from the Government in bonds on 1,436 miles of its road. There is now embraced in the system of that road 4,327 miles. Eighteen hundred and twenty-nine miles are owned by the company and 2,498 miles are merely controlled or operated by the company.

The Central Pacific Railroad system embraces 3,003 miles. Only eight hundred and sixty miles were subsidized or aided in bonds, and 2,177 miles are merely leased or controlled by the Central Pacific.

Now, while not more than one-third of the Union Pacific and not more than one-fourth of the Central Pacific was subsidized, it is sought to take the earnings of 4,675 miles of road which received no Government aid. This amounts to an illegal appropriation into the sinking fund of several millions of dollars already earned, and honestly owing by the Government to these companies for transportation services on non-subsidized roads. By the charter or contract the companies agreed to allow the Government to retain one-half compensation on the subsidized or aided lines, but it did not agree to allow anything to be retained on non-aided lines, and the Government paid on such lines for many years. There was a consideration for a promise to pay the one-half compensation on an aided road, and there might be a pretense of right to require the other half to be paid into a sinking fund, but here there is no promise to pay any part of the compensation upon a line not subsidized, nor is there any consideration for such a promise.

But it is said that the Government deals with the corporations and not with the roads, and that the companies have promised to pay, and this makes them liable over the whole length of their road, whether they own it, lease it, or operate it—the same exactly as they are upon the subsidized portion of the road. Indeed, if this is so, why do you not apply the same principle that you do over the subsidized roads? Why do you not apply one-half to the payment of the interest on the bonds? Why pay it all into a sinking fund? If this proposition is correct, the companies are entitled to have one-half applied to the payment of interest, and you have no right to prevent it; and you could only carry the other half into the sinking fund.

The advocates of this bill must take one horn of the dilemma or the other. The Government either had or it did not have the same right to retain one-half of the compensation on non-aided as on aided lines. If it did have, then this provision of the bill is wrong, as it changes the application of this money by putting the whole into a sinking fund when it was bound to apply one-half to the payment of interest. If it did not have this right, then the Government should have paid this money to the companies.

Mr. Speaker, the author of this bill knew perfectly well that the Government had no claim upon the money earned upon these non-aided lines, and that it ought to have paid it over; and hence he seeks by this bill to have the whole of it carried into a sinking fund, and not one-half, as in case of the compensation on the portions of the road subsidized with bonds. But, Mr. Speaker, we need not reason or speculate upon this subject. It has been already passed upon and settled by the courts.

The first case which I cite is that of The United States *v.* The Denver and Pacific Railway Company, reported in 9 Otto, page 461. The syllabus of the case is as follows:

> The Denver Pacific Railway and Telegraph Company is not liable for the debt incurred by the Kansas Pacific Railway Company on account of subsidy bonds; and although it is bound to perform the Government service stipulated by the Pacific Railroad acts at the rates therein prescribed, and is subject to their provisions so far as they are applicable to it, no part of the compensation due it for such service can be retained by the United States.

Now let me read the note at the end of the decision:

> At a subsequent day of the term Mr. Justice Bradley remarked: "Since delivering the opinion in this case our attention has been called to the fact that, while affirming generally the judgment of the court below, we did not expressly pass upon the question of the right set up by the Government to retain one-half of the amount of compensation due from it to the claimant for the transportation of mails and other public property. This point was not overlooked in rendering our judgment in the case. We can not conceive on what principle the retention can be claimed, since the object of retaining the compensation for such services or any portion thereof, as expressed in the sixth section of the act of 1862, was to apply the amount so retained to the debt due to the Government for subsidy bonds granted to the companies that should receive the same. But the claimants in this case received no such bonds, and we decided that neither the company nor its railroad or property is liable in any way for the payment of any debt incurred for such bonds received by the Kansas Pacific Railway Company. Consequently there is no room for the application of the right of retention in this case, and the judgment of the Court of Claims was properly rendered for the whole amount of such compensation due."

In the case of The Union Pacific Railway Company *v.* The United States, reported in the sixteenth volume, page 353, of the Court of Claims Reports, the court held that compensation should be paid to a subsidized company for services on a part of its road owned but not aided by subsidy bonds. And in the same volume of reports, on page 361, will be found the case of The Central Branch of the Union Pacific Railway Company *v.* United States, in which the same court decided that compensation should be paid for services to a subsidized company on a line leased by it. These cases were regarded as so clear by the Attorney-General of the United States that they were not carried to the Supreme Court. Indeed, the decisions of the Supreme Court of the United States in the case of The United States *v.* The Kansas Pacific Railway Company, in 9 Otto, page 450, and the case of The United States *v.* The Denver Pacific Railway Company (above quoted, in the same volume of reports) had so settled the principles of these cases that it was useless to go any further in the matter.

In addition to all these decisions Hon. William Lawrence, First Comptroller of the Treasury, in one of the Pacific Railway cases, rendered an able and interesting decision, in which he reviews all the decisions upon the subject and decides the same way. The principle that I contend for ought now to be considered settled, as it has been decided by the First Comptroller of the Treasury, by the Court of Claims, and by the Supreme Court of the United States. In all these decisions the companies are held to be one thing and the roads another, and no duty or liability is held to accrue under the acts of July 1, 1862, and July 1, 1864, except upon or to the extent that the road was subsidized. Hence it is that the courts have refused to recognize any lien, right, or claim of any kind upon the non-aided lines. It thus appears that the attempt to take the earnings of these companies on the non-subsidized lines, whether owned, leased, operated, or managed, is illegal, and this section of the bill unconstitutional. This act of the Government might well be likened to the case of a mortgagee who holds a second mortgage upon a farm, and long before his debt becomes due files a bill in equity asking the court to appoint a receiver to collect the earnings not merely from the said farm upon which he has a lien, but also asks the court to require the debtor to pay to the receiver any earnings which he should make upon other farms which he should lease or control or manage. If there is any single element in this proposition upon which the court could act, then I can understand what my friend from Kentucky meant when he said that any court would sustain his bill.

Mr. Speaker, every provision of this fifth section of the bill of the committee is retroactive, and without due process of law deprives these companies of rights which have long since vested. They can neither be defended in the forum of law nor conscience. This whole section of this bill is a mere assertion of arbitrary power because the Government has got the money in its possession. It is indeed the clearest abuse of power and done without a shadow of right. It can be justified in no tribunal which proposes to do justice. It is the Government adjudicating in its own favor matters which it is unwilling to trust to the judicial tribunals of the country. It is an act by which the Government, having refused to pay what it was bound to pay, having retained by superior force or advantage of position as debtor, now seeks to justify itself.

It was once said by a distinguished judge that "a corporation had no soul to be damned nor body to be kicked;" and if this act is passed it would seem that they had no rights which Congress is bound to respect.

The next clause of the bill seeks to carry into a sinking fund the amount due from the Government to the Kansas Pacific, Central Branch of the Union Pacific, and the Sioux City and Pacific Railway Companies on their roads, whether subsidized or not. The same principles contended for above will apply to them, and I will take no further time on this subject.

The sixth section of the bill of the committee directs that all the compensation which the Government may hereafter owe to these companies for transportation over non-subsidized lines if owned, leased, or operated by them shall become and be the sinking fund. The argument above made and authorities above cited apply equally to that section, and I will not detain the House further on this subject.

Mr. BLOUNT. Does this proposition interfere with these—with the leases or contracts which these roads have made or with the payment of the amount due under them?

Mr. JORDAN. That depends upon the construction which may be given to the bill. I do not want to interpret the bill in that particular. Every member will have to do that for himself. I may say that I regard this clause of this bill as a reckless attempt to extend this octopus bill over non-subsidized lines without any reference whatever to their rights.

AS TO THE POST BILL, OR SUBSTITUTE OF THE MINORITY.

Mr. Speaker, I have said much more than I intended in this case, and I will therefore be brief upon what I have to say upon this substitute. It can well rest upon what has so ably been said by the gentleman from Pennsylvania [Mr. POST], and what may be said by the gentleman from Nevada [Mr. CASSIDY], the chairman of the committee.

It is not claimed that this bill is perfect, and indeed there are several amendments to it which have been under consideration and should be made before it is passed. The bill is before the House, and amendments can easily be made to relieve it of any objectionable features.

This bill when amended will, in my judgment, be far preferable to that of the committee as presented by Mr. THOMPSON.

It is the principle of this bill which we desire to have presented and considered by the House. If you examine it dispassionately and carefully you will adopt it. If the bill of the committee should become a law, and the amount required by it should be paid by the companies, there would still remain owing to the Government in 1898 $96,000,000. The Government would then be in the same position that it now is, except as to the amount now owing, and would have to devise some mode of collecting this debt and making a final settlement with the company. We have thought it best to make this condition of affairs known to the House, and to present a bill looking to such a settlement, and also looking to the ultimate extinguishment of the debt.

The substitute of Mr. POST provides that the amount of the indebtedness of the companies, or the present worth of such debt, should be ascertained; that this indebtedness should be divided into sums within the ability of the companies to pay; that the time for payments should be correspondingly extended; that additional securities should be given for each payment so to be made, and also for the payment of the whole debt. We are satisfied that the principle of this bill will have to be adopted at some time as the basis upon which to settle this matter with these companies. It is not so important to the Government that it shall have its money soon as it is that the debt shall be secured and its payment made certain. It is also important to the Government and the roads that this whole matter shall be taken out of Congress. A distinguished Senator from Indiana, Senator VOORHEES, in the debate at the time of the passage of the Thurman sinking-fund bill, used this language upon this subject:

> This subject ought to be removed from Congress; it ought not to be a theme of perpetual agitation in these Halls. The great interests at stake should not be made the playthings of stock speculators, brokers, and gamblers; nor should they be left open for every adventurous, aspiring, restless member of either branch of Congress to inaugurate a new agitation whenever his interests or his ambition might dictate.

The force of these remarks lies in the application.

By this substitute proposed by the minority payments are to be made every six months in certain fixed and definite sums. It is admitted by Mr. THOMPSON in his advocacy of the bill of the committee that at the maturity of the debt of the Government in 1898 there will still be due and owing by these roads the sum of $96,000,000; and the most remarkable and extraordinary thing is, that in the bill of the committee no provision whatever is made for the settlement or the extinguishment of this debt at its maturity. By the plan proposed by the minority in the substitute the amount which will be owing in 1898 will not be much greater than it will on the plan proposed by the committee. The amount required under the substitute is within the ability and capacity of the company to pay without interfering with the payment of reasonable dividends or with the successful management and operation of the roads. Neither will it require them to increase the price of freight or passenger transportation; on the contrary, it will leave them to pursue a policy dictated alike by common sense and the necessities of business, of gradually reducing to the public the cost of transportation. This substitute, if adopted, will take away every inducement of the companies to divert the business from the main trunk or subsidized lines to other roads, or to lessen in any way the amount of their net earnings. It settles at once all controversies between the Government and these companies, and makes an end of all litigation between them.

Requiring, as it does, that the companies shall give their consent to it, it yields at once to the Government all right to any moneys now owing for compensation upon aided or non-aided lines and all that may hereafter become due. It gives by consent all that is sought to be accomplished by the fifth and sixth sections of the bill of the committee. In order that the semi-annual payments may be made certain beyond question it provides that none of the earnings on subsidized or non-subsidized roads shall be paid until the bond next maturing or semi-annual payment has been made. And in order that the indebtedness to the Government may be made absolutely secure it provides not only that the Thurman sinking fund shall be continued, but that the lien of the Government shall extend not only over the subsidized roads but over the whole line of the road.

I make a part of my remarks a statement showing the mileage of roads operated January 1, 1884, by the several bond-subsidized roads. These are the main and substantial features of the substitute. I have not time nor do I care to enter into details. I am contending for an important principle. If there are any errors in the bill, let them be corrected by amendments.

Believing, Mr. Speaker, that the substitute is based upon a correct principle, that it will put an end to all the controversies between the Government and the companies, that it will be beneficial to the public in cheapening rather than increasing passenger and freight transportation, that it will quicken the disposition of these companies to pay, that it will lead to a gradual extinction of the debt, and that it will secure its payment and extinguishment of the whole debt beyond peradventure, I am heartily in favor of the principle of Mr. POST'S substitute, and with slight amendments it should be adopted. If there is any mode by which additional guarantees and securities can be required from these companies or given by them, I will be glad to vote for any amendment looking to that end. Our object is to obtain a fair, honest, and just settlement of this debt.

Mr. Speaker, I have presented the reasons why the bill of the committee can not be adopted by the House, and some reasons why a bill embodying the principles of Mr. POST'S substitute must be adopted sooner or later. If the House is not prepared to indorse either of these measures, or has not time in the few hours allowed for debate to give the subject the consideration which its importance demands, then let us stand where we are, leaving these companies as they now are, under their rights as created by the acts of July 1, 1862, and July 1, 1864, and under the operation of the Thurman sinking-fund act—a measure intended by its distinguished author to do the maximum of good to the Government and the minimum of injury to the companies. From a long and careful examination of the accounts of these corporations, running through many years, from a full consideration of all the information which has been furnished our committee by the friends and enemies of these companies, I am of the opinion that the Central Pacific and the Union Pacific, including the Kansas Pacific, are able—not without difficulty—to comply with their contracts with the Government and successfully carry on and manage their roads, that they can not pay any increased amount of their earnings, and that the Sioux City and Pacific can not even do that much; and I submit now, with little or no comment, the facts and figures to show the truth of what I have said.

I submit to be printed a statement prepared in the office of the Commissioner of Railroads, and which is official, of the revenue and expenditures of the entire line of the Union Pacific for the year ending December 31, 1883, as shown by the books of the company. It shows the total receipts of the company from all sources to be $23,226,862.77, the total expenditures to have been $22,958,498.05, leaving a surplus of $268,364.72. The amount earned by these roads varies considerably in different years; it may be a million or two more in one year than another, and our committee is informed that the present has been a year of loss and disaster to the company instead of profit.

An official statement prepared in the office of the Commissioner of Railroads I make a part of this argument. This statement shows the revenue and expenditure of the entire line of the Central Pacific Railway Company for the year ending December 31, 1882.

The total receipts	$26,675,502 41
The total expenditures	26,640,390 48
Leaving a surplus of	35,111 93

I submit with what I have to say a statement prepared in the office of the Commissioner of Railroads, showing the revenue and expenditure on the subsidized portion of the said company's road for the year ending December 31, 1882. It shows that after deducting from the amount earned by the company its expenditures, a dividend upon its stock, and the 25 per cent. required by the Thurman act, it would leave a deficit of $170,059.70.

I also make a part of what I have to say a statement showing the revenues and expenditures of the Central Branch of the Union Pacific Railroad Company, from which it will appear that after deducting from the amount of the receipts of said company its expenditures, interest upon its first-mortgage bonds, and allowing for a dividend upon its capital stock, and taking out the requirement demanded if the Thurman law is applied to this road.

I also have had prepared a statement, which I herewith present, showing the revenue and expenditures of the Sioux City and Pacific Railway for the year ending June 30, 1883. It shows the

Gross receipts to have been		$646,459 92
Operating expenses	$495,821 51	
Deducting new construction and equipment	33,915 28	
Interest on first-mortgage bonds	96,000 00	
Dividend on stock ($68,736.79)	60,000 00	
	685,736 79	
Leaving a deficit in the receipts of this company of		39,276 87

without paying a dollar under the requirements of the Thurman act if applied to this road.

It thus appears, Mr. Speaker, that these several companies can with difficulty comply with their contract with the Government and the requirements of the Thurman sinking fund, and that they are not able to do any more than this. It would seem wise, therefore, that we should either adopt the Post substitute or leave these roads as they now are, under the operation of the Thurman act.

Is the amount owing to the United States by the Central and Union Pacific Railway Companies secure by existing legislation?

I do not believe, Mr. Speaker, that there is any doubt whatever about it. For my part, I have no apprehension on the subject.

I do not believe that there is any danger that the United States will not receive every dollar owing to it by the Central and Union Pacific Railroad Companies, and I will occupy the House but a few minutes in showing that the debt owing by these companies is perfectly secure.

The amount of bonds advanced to the Central Pacific Railroad Company was $27,855,680. The interest at maturity of bonds will be $50,140,224. Total when due in 1898, $77,995,904.

The amount of bonds advanced to the Union Pacific was $27,236,512. The interest at maturity of bonds will be $51,000,000. Total at maturity of debt, 1898, $78,236,512.

Now observe and remember that I have in this calculation included interest for fifteen years in advance, which the companies do not owe and which the Government has not paid. In other words, in this estimate is included a sum of about $50,000,000 which would be excluded if we were considering the present indebtedness of these two roads.

But, Mr. Speaker, let us see, if gentlemen prefer it, what these two companies will owe in 1898, at the maturity of the debt, even when the Government has paid out $50,000,000 that it has not yet paid. Remember that more than $20,000,000 has already been paid by these two companies, and that under existing laws and the Thurman sinking-fund act they are required to pay nearly $3,000,000 a year, and while the debt is not being reduced, yet that the annual increase is less than a million a year.

I desire to read right here a careful estimate, not made by myself but by Mr. W. H. Armstrong, the United States Railroad Commissioner, showing the amount which will be owing by the Central and Union Pacific at the maturity of the debt in 1898. The estimate can easily be verified, and is as follows, and will be found in his report of 1883, on page 13:

CENTRAL PACIFIC RAILROAD.

Principal sum of bonds advanced		$27,855,680 00
Thirty years' interest, at 6 per cent		50,140,224 00
Total		77,995,904 00
Deduct transportation, &c., approximately, in round numbers, first fifteen years	$6,000,000	
Deduct transportation, &c., approximately, in round numbers, last fifteen years, at present rates	13,500,000	
By accumulation of sinking fund for the next fifteen years, estimated at $500,000 per annum, together with amount already in sinking fund, at 3 per cent. per annum	12,500,000	
		32,000,000 00
Balance due United States at maturity of bonds		45,995,904 00

UNION PACIFIC RAILWAY.

Principal of bonds advanced		$27,236,512 00
Thirty years' interest, at 6 per cent		49,025,721 60
Total		76,262,233 60
Deduct transportation, &c., approximately, in round numbers, for first fifteen years	$12,000,000	
Deduct transportation, &c., approximately, in round numbers, for last fifteen years, at the present rate	16,500,000	
By accumulation of sinking fund for the next fifteen years, estimated at $900,000 per annum, together with amount already in sinking fund, at 3 per cent. per annum	22,500,000	
		51,000,000 00
Balance due United States at maturity of bonds		25,262,233 60

By authority of the act of Congress of July 1, 1864, each of these companies placed a mortgage upon its road to the amount of the bonds advanced by the Government. This is the only lien or incumbrance prior to that of the United States, and the interest thereon has all been paid up. Subject to those mortgages the United States has the second lien on the whole line of these railroads and telegraph, together with the rolling-stock of every kind and description, and the act provides that "on the refusal or failure of said company to redeem said bonds or any part of them, when required so to do by the Secretary of the Treasury, in accordance with the provisions of this act, the said road, with all the rights, functions, immunities, and appurtenances thereunto belonging, and also all lands granted to the said company by the United States which at the time of said default shall remain in the ownership of the said company, may be taken possession of by the Secretary of the Treasury for the use and benefit of the United States."

This security on these two roads embraces, therefore, a railroad with a road-bed 200 feet wide, from Omaha to Sacramento City, nearly 2,000 miles in length, with all the equipments in cars and everything necessary to constitute a first-class road. Added to this is a telegraph line coextensive with the road, with all the apparatus connected therewith. These roads were built at great expense originally; they have been improved to meet the demands of business; they have constructed important branches and feeders, and now own in all about 3,000 miles of road; are interested largely in many of their branches and connections; they are in full running condition, and are operated under skillful management; the amount of their through and local business is constantly increasing; along their main lines and branches towns and cities have grown up; their business has become vast in amount and profitable in its character. By the time this indebtedness matures, in 1898, the population of the United States will have increased to 75,000,000.

The country through which this road passes will have its full share of this increased population and of the increased business which naturally comes from it. When we take all these things into consideration and add to them the power reserved by Congress in its charter over these roads, a power to take possession of the road itself and all of its equipments and property upon a failure to pay its debts to the Government, can any man doubt that the claim of the Government is entirely secure?

I have said nothing of the fact that the Central Pacific has laid aside more than $6,000,000 in a sinking fund to meet its mortgage which is prior to the lien of the Government; nor have I said anything of the valuable lands and other property owned by these companies, estimated at many millions of dollars.

Mr. Speaker, a great deal has been said as to the large amount of bonds advanced by the Government to aid in the construction of the Pacific roads, the amount advanced to each being about $27,000,000. Considering that this money was advanced by a Government representing 55,000,000 of people, there is nothing extraordinary or remarkable about it. Why, sir, the city of Cincinnati, with a population of not more than 300,000 people, a city which stands, however, without a rival in this country for the public spirit of its people and its citizens, issued its bonds to the amount of more than $20,000,000, most of them bearing interest at 7.3 per cent., and with the proceeds built and constructed and now owns a railroad running from Cincinnati, Ohio, to Chattanooga, Tenn., only one mile of which is within the limits of our city, and all the rest of it located in the States of Kentucky and Tennessee. We are now leasing this road for about enough to pay one-half of the interest which we pay on the bonds, and we will have to continue to do so until the whole of the bonds are finally redeemed. The people of Cincinnati built this great railroad for the purpose of establishing amicable and business relations with the people of the South. We did not regard this as a matter beyond the ability of the people of one city, but gentlemen upon this floor regard the amount advanced to these railroads as something marvelous and almost bankrupting the Government. Allow me to commend to the House and the country the spirit of the people of the city which I have the honor in part to represent on this floor, and which issued $20,000,000 of bonds to build the Cincinnati Southern Railroad.

I have said, Mr. Speaker, and I now repeat it, that I believe that the indebtedness owing by these companies to the Government is secure, absolutely secure. In my judgment these two railroads, with their franchises and property and rights, in possession of the country through which they run in full and successful operation, are worth more than $200,000,000. Indeed, I have been told by men of large knowledge and experience in such matters that they are worth greatly in excess of this amount. And now, sir, I have said much more than I intended to say upon the subject of these roads and their relation to the Government. But these matters have been under constant consideration by our committee for the last six months and the subject has become interesting to all of us.

Mr. Speaker, it will be seen that the advocates of the bill of the committee, and more particularly the gentleman from Kentucky, have made great outcry and clamor against these companies. Frauds committed twenty years ago, and which have no earthly connection with the questions now under consideration, are brought forward to bias our minds and prejudice the House. Language intemperate and unjustifiable has been used and employed against public men and officials of high and honorable character. Need I say, Mr. Speaker, that all these things are improper, and are wholly foreign to this subject in debate?

Need I say, sir, to this House or to the country that frauds perpetrated or alleged to have been perpetrated many years ago in the construction of one of these roads can in no wise aid us in a fair and honest judgment upon the matters now before us? So far as I am concerned, unbiased and uninfluenced by all appeals and considerations of this kind, I stand here as a member of this House endeavoring to the best of my ability to ascertain what are the legal rights of the Government and what are the legal rights of these companies.

I know no other way of looking at this matter. The rights of the Government upon the one hand and the companies upon the other are to be found, and found only, in the contracts existing between them. I know no difference between the relations that the Government sustains to these corporations and to any other citizen. In the eye of the law all rights are equally sacred, and certainly those which have been created under the acts of the Congress of the United States ought to be binding upon and respected by us as members of that body. Upon this subject I can not do better than to quote the words of Chief-Justice Waite:

> The United States are as much bound by their contracts as individuals. If they repudiate their obligations, it is as much repudiation, with all the wrong and reproach that term implies, as it would be if the repudiator had been a State, a municipality, or a citizen.

Our action in the matters now before us should be wise, conservative, just, and fair, and within our constitutional powers. Let us be careful, watchful, and zealous in the interest of the people, that every law made for the protection of their interests be enforced; let these companies be required to obey their charters, comply with their contracts with the Government, pay to it the uttermost farthing they owe; but when they have done this, let us give them the protection of the law, and see to it that the Constitution itself is not violated in an attempt to deprive them of their vested rights.

EXHIBIT No. 1.

Statement showing mileage of roads operated January 1, 1884, by the several companies to which the United States have loaned bonds in aid of construction.

RAILROADS OPERATED BY THE UNION PACIFIC RAILWAY COMPANY.

Name of road.	From—	To—	Miles.	Subsidized or otherwise.	Owned, leased, or controlled.
Union Pacific Railway	Council Bluffs, Iowa (Broadway depot).	Connection with main line	1.39	Not subsidized	Owned.
Do	Council Bluffs, Iowa (Transfer depot).	Junction Switch, Omaha, Nebr	3.73	do	Do.
Do	Junction Switch, Omaha, Nebr	Connection with C., St. P., M. and O. Railway.	2.46	do	Do.
Do	do	Ogden, Utah	1,029.38	Bonds and lands	Do.
Do	Cheyenne, Wyo	Fort Russell, Wyo	2.04	Not subsidized	Do.
Do	Niles Junction, Wyo	Coal mines	4.20	do	Do.
Do	Almy Junction, Wyo	do	5.50	do	Do.
Do	Kansas City, Mo. (Union depot)	A point on the Kansas Pacific	393.94	Bonds and lands	Do.
Do	393.94 miles west of eastern State line.	Denver, Colo. (Union depot)	245.26	Lands only	Do.
Do	Leavenworth and Lawrence Junction, Kans.	South Leavenworth, Kans	30.87	Not subsidized	Do.
Do	South Leavenworth, Kans	Leavenworth, Kans. (Union depot)	1.03	do	Do.
Do	Armstrong, Kans	Wyandotte, Kans	2.00	do	Do.
Do	Detroit, Kans	Enterprise, Kans	2.00	do	Do.
Do	Cheyenne, Wyo	Denver, Colo	106.00	Lands only	Do.
Total			1,829.80		
Omaha and Republican Valley Railroad	Valley, Nebr	Stromsburg, Nebr	90.03	Not subsidized	Controlled.
Do	Valparaiso, Nebr	Nebraska and Kansas State line	84.46	do	Do.
Do	Grand Island, Nebr	North Loup, Nebr	48.88	do	Do.
Do	Junction Switch (Scotia spur)	Scotia, Nebr	1.38	do	Do.
Omaha, Niobrara and Black Hills Railroad	Columbus, Nebr	Norfolk, Nebr	50.28	do	Do.
Do	Lost Creek, Nebr	Albion, Nebr	33.98	do	Do.
Do	Genoa, Nebr	Fullerton, Nebr	13.64	do	Do.
Colorado Central Railroad	Denver, Colo	Golden, Colo	15.57	do	Do.
Do	Golden, Colo	Colorado Junction, Wyo	114.99	do	Do.
Do	do	Georgetown, Colo	34.23	do	Do.
Do	Forks Creek, Colo	Central City, Colo	11.12	do	Do.
Do	Denver Junction, Colo	La Salle, Colo	151.16	do	Do.
Marysville and Blue Valley Railroad	Marysville, Kans	Kansas and Nebraska State line	12.70	do	Do.
Echo and Park City Railroad	Echo, Utah	Park City, Utah	28.33	do	Do.
Do	Grass Creek Junction, Utah	Coal Mines	3.94	do	Do.
Utah and Northern Railway	Ogden, Utah	Garrison, Mont	452.54	do	Do.
Do	Silver Bow Junction, Mont	Butte, Mont	9.42	do	Do.
Oregon Short Line Railway	Granger, Wyo	Weiser, Idaho	519.00	do	Do.
Do	Shoshone, Idaho	Hailey, Idaho	56.96	do	Do.
Greeley, Salt Lake and Pacific Railway	Greeley, Colo	Stout, Colo	39.46	do	Do.
Do	Boulder, Colo	Pennsylvania Gulch, Colo	14.43	do	Do.
Lawrence and Emporia Railroad	Lawrence, Kans	Carbon Hill, Kans	31.00	do	Do.
Junction City and Fort Kearny Railway	Junction City, Kans	Concordia, Kans	70.45	do	Do.
Salina and Southwestern Railway	Salina, Kans	McPherson, Kans	35.43	Not subsidized	Controlled.
Golden, Boulder and Caribou Railroad	Boulder, Colo	Marshall, Colo	6.10	do	Do.
Denver and Boulder Valley Railroad	Brighton, Colo	Boulder, Colo	27.00	do	Do.
Kansas Central Railroad	Leavenworth, Kans	C., R. I. and P. Junction, Kans	1.19	do	Do.
Do	C., R. I. and P. Junction, Kans	Miltonvale, Kans	166.14	do	Do.
Salt Lake and Western Railroad	Lehi Junction, Utah	Silver City, Utah	53.60	do	Do.
Denver, South Park and Pacific Railroad	Denver, Colo	Buena Vista, Colo	135.50	do	Do.
Do	Buena Vista, Colo	Leadville, Colo	35.50	do	Leased.
Do	do	Nathrop, Colo	7.50	do	Do.
Do	Nathrop, Colo	Gunnison, Colo	65.00	do	Controlled.
Do	Gunnison, Colo	Mt. Carbon Mines, Colo	17.00	do	Do.
Do	Garos, Colo	London Junction, Colo	15.40	do	Do.
Do	Como, Colo	Keystone, Colo	35.10	do	Do.
Do	Bear Creek Junction, Colo	Morrison, Colo	9.70	do	Do.
Total			4,327.91		

RAILROADS OPERATED BY THE SIOUX CITY AND PACIFIC RAILROAD COMPANY.

Sioux City and Pacific Railroad	Sioux City, Iowa	California Junction, Iowa	69.75	Bonds and lands	Owned.
Do	California Junction, Iowa	Fremont, Nebr	32.02	do	Do.
Do	do	Missouri Valley, Iowa	5.84	Not subsidized	Do.
Fremont, Elkhorn and Missouri Valley Railroad.	Fremont, Nebr	Valentine, Nebr	269.06	do	Leased.
Do	Norfolk Junction, Nebr	Creighton, Nebr	42.06	do	Do.
Total			418.73		

RAILROADS OPERATED BY THE MISSOURI PACIFIC RAILWAY COMPANY.

Central Branch Union Pacific Railroad	Atchison, Kans	Waterville, Kans	100	Bonds and lands	Operated for owners.
Atchison, Colorado and Pacific Railroad	Waterville, Kans	Lenora, Kans	193	Not subsidized	Leased.
Do	Greenleaf, Kans	Washington, Kans	7	do	Do.
Do	Yuma, Kans	Warwick, Kans	31	do	Do.
Atchison, Jewell County and Western Railroad.	Jamestown, Kans	Burr Oak, Kans	33	do	Do.
Atchison, Colorado and Pacific Railroad	Downs, Kans	Bull's City, Kans	24	do	Do.
Total			388		

EXHIBIT No. 1—Continued.

Statement showing mileage of roads operated January 1, 1884, *&c.*

RAILROADS OPERATED BY THE CENTRAL PACIFIC RAILROAD COMPANY.

Name of road.	From—	To—	Miles.	Subsidized or otherwise.	Owned, leased, or controlled.
Union Pacific Railway	Ogden Station, Utah	Utah Southern Railroad Crossing	.11	Bonds and lands	Neither.
Do	Utah Southern Railroad Crossing	Terminus of Union Pacific Railway	5.00	do	Leased.
Central Pacific Railroad	Terminus of Union Pacific Railway	Sacramento, Cal	757.50	do	Owned.
Do	do	do	.95	Not subsidized	Do.
Sacramento and Placerville Railroad	Sacramento, Cal	Brighton, Cal	5.64	do	Leased.
Central Pacific Railroad	Brighton, Cal	Niles, Cal	103.83	Bonds and lands	Owned.
Do	Niles, Cal	West Oakland, Cal	24.31	Not subsidized	Do.
Do	West Oakland, Cal	Oakland Wharf, Cal	77.54	do	Do.
Do	Oakland Wharf, Cal	San Francisco, Cal	2.20	Ferry	Do.
Northern Railway and San Pablo and Tulare Railroad	Tracy (via Martinez) Cal	West Oakland, Cal	3.69	Not subsidized	Leased.
California Pacific Railroad	Sacramento (via Suisun) Cal	Port Costa, Cal	57.62	do	Do.
Central Pacific Railroad	Roseville Junction, Cal	Redding, Cal	151.60	Lands only	Owned.
Do	Lathrop, Cal	Goshen Junction, Cal	146.08	Not subsidized	Do.
Do	Oakland Wharf, Cal	Brooklyn, Cal	5.67	do	Do.
Do	West Oakland, Cal	Masticks, Cal	3.82	do	Do.
Do	Alameda Wharf, Cal	Melrose, Cal	5.19	do	Do.
Do	East Oakland, Cal	Fernside, Cal	2.01	do	Do.
Do	Niles, Cal	San José, Cal	17.54	Bonds and lands	Do.
Northern Railway	West Oakland, Cal	Delaware street, Cal	4.53	Not subsidized	Leased.
California Pacific Railroad	Vallejo Junction, Cal	Vallejo, Cal	2.00	Ferry	Do.
Do	Davisville, Cal	Knight's Landing, Cal	18.57	Not subsidized	Do.
Northern Railway	Woodland Junction, Cal	Tehama, Cal	100.74	do	Do.
California Pacific Railroad	Vallejo, Cal	Suisun, Cal	20.10	do	Do.
Do	Napa Junction, Cal	Calistoga, Cal	34.48	do	Do.
Stockton and Copperopolis Railroad	Stockton, Cal	Milton, Cal	30.00	do	Do.
Do	Peters, Cal	Oakdale, Cal	19.00	do	Do.
Amador branch	Galt, Cal	Ione, Cal	27.20	do	Do.
Berkeley branch	Shellmound, Cal	Berryman's, Cal	3.84	do	Do.
Southern Pacific Railroad	Huron, Cal	Colorado River, Cal	528.56	Lands only	Do.
Western Development Company	West bank of Colorado River, Cal	Yuma, Ariz	.13	Not subsidized	Do.
Southern Pacific Railroads of Arizona and New Mexico	Yuma, Ariz	West bank of Rio Grande River, New Mexico.	551.39	do	Do.
Southern Pacific Railroad	Los Angeles, Cal	San Pedro, Cal	24.24	do	Do.
Los Angeles and Independence Railroad	do	Santa Monica, Cal	16.83	do	Do.
Los Angeles and San Diego Railroad	Florence, Cal	San Anna, Cal	27.60	do	Do.
Pacific Improvement Company	West bank of Rio Grande River New Mexico.	East bank of Rio Grande River, Texas.	.23	do	Do.
Galveston, Harrisburg and San Antonio Railway.	East bank of Rio Grande River, Tex.	El Paso, Tex	3.61	do	Do.
Southern Pacific Railroad	Mojave Junction, Cal	"The Needles,"	240.13	Lands only	Do.
Total			3,003.48		

EXHIBIT No. 2.

UNION PACIFIC RAILWAY COMPANY.

Statement of the revenue and expenditures of the entire line for the year ending December 31, 1883, *as shown by the general books of the company in Boston.*

Earnings:		
Passenger	$4,659,116 16	
Freight	14,268,291 31	
Mail (less disallowed on main line, $86,917.65)	739,133 19	
Express	705,261 96	
Miscellaneous	630,739 16	
Gross earnings		$21,002,541 78
Income from investments:		
Dividends on stocks	701,923 04	
Interest on bonds	1,465,345 00	
Miscellaneous investments	57,052 95	
		2,224,320 99
Total receipts		23,226,862 77
Expenses:		
Conducting transportation	2,596,230 38	
Maintenance of way	2,095,077 13	
Motive power	3,778,344 59	
Maintenance of cars	848,062 73	
General expenses and taxes	1,036,825 67	
Total operating expenses		10,354,540 50
Discount and interest	32,094 97	
Interest on first-mortgage bonds	2,542,363 58	
Interest on other funded debt	2,881,677 92	
United States requirements for 1883	1,898,679 85	
Company sinking fund requirements for 1883	476,488 78	
Dividends declared on capital stock	4,260,788 00	
New construction	101,177 22	
New equipment	184,545 80	
Expenses of the land department	226,141 43	
		12,603,957 55
Total		22,958,498 05
Leaves surplus of		268,364 72

*Earnings and expenses of the "entire line," which means the Central Pacific proper and all the leased lines (Southern of California, Southern of Arizona, and Southern Pacific Railroad of New Mexico); total mileage being 3,200 miles.

EXHIBIT No. 3.

Statement of the revenue and expenditures of the entire line of the Central Pacific Railroad Company for the year ending December 31, 1882, *ascertained from the general books of the company in San Francisco by the book-keeper of this bureau.*

Earnings:		
Passenger	$7,474,216 12	
Freight	16,302,882 72	
Mail	613,180 88	
Express	350,286 21	
Miscellaneous	922,191 19	
Gross earnings*		25,662,757 12
Receipts from other sources:		
Interest on sinking funds (included in both receipts and expenses)	281,260 00	
711 land-grant bonds redeemed (included in both receipts and expenses at par)	711,000 00	
Earnings, river steamers and barges	20,485 29	
		1,012,745 29
Total receipts*		26,675,502 41
Operating expenses:		
Conducting transportation	2,729,250 38	
Maintenance of way	2,766,941 81	
Motive power	4,328,538 85	
Maintenance of cars	946,501 87	
General expenses of operating	1,093,222 87	
Total operating expenses	11,864,455 78	
Rentals leased lines	4,202,727 89	
Total operating expenses and rentals*		16,067,183 67
Discount and interest—balance after crediting the account with $89,000 on account of Southern Development Company, Stockton and Copperopolis Company, and Pacific Improvement Company	198,021 65	
Taxes paid during the year:		
Land	$43,282 80	
General	404,722 89—	448,205 69
General administration expenses	330,646 72	
Legal expenses	216,750 41	
Civil engineering	15,479 65	
Land department expenses—less receipts from lands rented, $13,336.26	23,700 78	
Interest on first-mortgage bonds of the aided portion of the road, paid	1,673,940 00	
Interest on first-mortgage bonds of the non-aided portion of the road, paid	1,571,451 67	
United States requirement for sinking fund	792,920 24	
Company's sinking-fund requirement	1,034,760 00	
Land bonds redeemed with proceeds of land sales	711,000 00	
Dividends Nos. 13 and 14 on capital stock	3,556,530 00	
		10,573,206 84
Total		26,640,390 51
Surplus on operations for the year		35,111 90

EXHIBIT No. 4.

CENTRAL PACIFIC RAILROAD COMPANY.

Statement showing the revenue and expenditure on the subsidized portion of the Central Pacific Railroad Company, 860.66 miles, for the year ending December 31, 1882, as ascertained by the book-keepers of this bureau from the books and accounts of the company in San Francisco.

Earnings:		
United States:		
Passenger	$35,988 01	
Freight	59,929 16	
Mail	307,837 09	
		$403,754 26
Commercial:		
Passenger	2,537,811 26	
Freight	6,007,461 22	
Express	119,809 36	
		8,665,081 84
Car service		7,165 23
Rent of buildings		18,067 00
Miscellaneous		486,547 61
Total earnings		9,580,615 94
Expenses:		
Conducting transportation	$728,722 49	
Maintenance of way	1,170,138 80	
Motive power	1,605,367 09	
Maintenance of car	313,715 98	
General expenses and taxes	917,050 63	
Total operating expenses	4,734,994 99	
Interest paid on first-mortgage bonds having priority of lien over the United States bonds	1,673,940 00	
Total		6,408,934 99
Net earnings, so ascertained		3,171,680 95
Twenty-five per cent.		792,920 24
Net earnings		3,171,680 95
Twenty-five per cent. of net earnings		792,920 20
Surplus		2,378,760 75
Deduct a dividend on stock		2,548,820 45
Deficit of		170,059 70

EXHIBIT No. 5.

Earnings and expenses, year ending December 31, 1882.

[100 miles subsidy portion.]

Earnings:		
Passengers	$106,344 15	
Freight	386,779 22	
Mail	12,538 58	
Express	4,955 64	
Miscellaneous	17,447 24	
Total		528,044 83
Transportation	78,789 55	
Maintenance of way	86,198 80	
Motive power	93,610 53	
Maintenance of cars	24,473 97	
General and taxes	8,778 21	
Total		291,851 06
Deduct interest on first-mortgage bonds	96,000 00	
Twenty-five per cent. of net earnings	48,962 76	
Dividend on capital stock	60,000 00	
		204,962 76
		86,888 30

WM. H. ARMSTRONG, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF RAILROADS,
Washington, D. C., April 9, 1884.

The Tariff.

So the question still presses what legislation is necessary to relieve the people of unnecessary taxes.—*Report of Secretary of Treasury, December 3, 1883.*

SPEECH

OF

HON. WILLIAM L. WILSON,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes—

Mr. WILSON, of West Virginia, said:

Mr. CHAIRMAN: I am grateful to my friend from Wisconsin [Mr. SUMNER] for yielding me a portion of his time.

Mr. Chairman, we stand to-day in the presence of a fact as significant as any that can arrest the attention of the representatives of a free people. An immense surplus revenue is pouring into the national Treasury, the product of unjust and excessive taxes. Can we go back to our constituents with the consciousness of duty performed if we do nothing to relieve them of this unwarrantable exaction?

FEDERAL AND STATE TAXATION.

Is there anything in Federal taxation that makes it different in its effects and in its burdens from State or municipal taxation? The United States have no independent resources from which to gather revenue. They have no money except what they take from the people in one or another mode of exaction. But because Federal taxation is indirect, because it operates through different methods and under different names from State taxation, are we to persuade the people that what in one form and with one name is regarded as a necessary evil, under another guise and with a different name may become a blessing and a source of general prosperity and advancement? Such a suggestion is a mere jugglery of words. It may delude the unreflecting. It can not deceive those who look through the veil of language, to the fact itself. They can no more be persuaded by the interested advocates of modern times than were the American colonists persuaded by Dr. Johnson that "taxation is no tyranny," but rather a beneficent and wealth-producing exercise of the power of government.

When the State collector presents his tax bill and enforces payment, if need be, by process of law, there is none so stupid as not to see that it lessens the means with which he may acquire the comforts and necessities of life. When the Federal collector lays hands upon these same comforts and necessities and increases their cost to the purchaser the effect is the same, though the act may not be so direct and palpable. Whether you take from me by taxes a portion of the money I have earned for the support of my family or add the amount to the cost of their support, the result to me and to them is the same. The tax-gatherer for the State meets me in the way as I go to purchase the comforts and necessities of existence and forces from me one-third of my hard-earned wages; the tax-gatherer for the Government outstrips me to the store and marks up 50 per cent. the price of these comforts and necessities. In what respect does the former harm me more than the latter?

SURPLUS REVENUE.

A Treasury surplus gathered by excessive taxes is as much a wrong under the United States as under a State. It is not only a wrong, but a danger. It represents an illegal exaction, an abuse of power, without warrant in law or in any sound theory of government. It is a standing menace to the freedom of our institutions and to the purity of their administration, for it is a standing temptation to dishonesty, cupidity, and prodigality. A great thinker has truly said that the world never saw a government so pure as not to be corrupted if a surplus revenue were placed at its disposal. It is therefore a dangerous symptom, to be dealt with vigorously and summarily.

Let me dwell briefly but with some detail upon this matter of Federal revenue as brought to the attention of this Congress by the official report of the Secretary of the Treasury.

The entire income for the last fiscal year was in round numbers $400,000,000, of which amount $215,000,000 were derived from customs, $145,000,000 from internal revenue, and the remainder from miscellaneous sources. The total ordinary expenditures were less than $266,000,000, leaving a surplus in exact figures of $132,879,444.41. For the present year he estimated receipts at $343,000,000, expenditures at $258,000,000. This would still leave a surplus income of $85,000,000. Later information shows this estimate to be too small; and it is within bounds to say that for the present fiscal year, ending June 30, the surplus will be not less than $100,000,000, and without some reduction of taxes it will exceed this enormous sum next year. Consider for a moment this portentous fact: After every legitimate demand of the Government on its present liberal and extravagant scale of expenditure is met and satisfied, the rapacious hand of the tax-gatherer goes on until it sweeps into the Treasury one hundred millions more! And this at a time when business is depressed, trade feverish, labor dissatisfied, manufactures struggling, and agriculture threatened with the loss of its markets.

Where is the member of this House who will go back to his people and confess that for one whole session he stood here, seeing this great polluting flood pouring into the Treasury, gathering its streams from every neighborhood, its contributory rivulet from the home of every toiling worker in the land, and yet lifted not a finger to stay its exhausting flow? Yet, sir, that is what, in effect, we are urged to do by those who oppose all legislation in the direction proposed by this bill.

WHO PAY THESE TAXES.

From what sources are these revenues drawn and in what proportion do the people of the United States contribute to them? As I have stated, the chief sources are the tariff, a tax upon imported goods, and the internal revenue, now chiefly a tax upon tobacco in its various forms and upon distilled and fermented liquors. By whomsoever paid in the first instance, these taxes enter into the cost of producing or marketing these articles and in the sequel are paid by those who consume them. Whatever differences exist between individuals and classes in the consumption of tobacco and liquors, tariff taxes are imposed chiefly upon those articles which enter into general consumption, sugar alone contributing more than one-fifth of the entire amount, and by a vicious method of discrimination they bear in heavier proportion upon

the commoner qualities, used by the poor, than upon the finer qualities demanded by the wealthy.

Hence it is fair and correct to assert that the taxes collected by the United States, through the custom-house and the excise system, are paid more nearly according to population than any other taxes that are levied. They are distributed according to numbers rather than property, as if, to use an oft-cited illustration, the Government imposed a tax upon houses, classing all in the same category and assessing all at the same rate. What, then, does a surplus of $100,000,000 mean to the people of the several States; for it is only by bringing home to them their own share of this exaction that they can begin to understand and to feel the enormity of our excessive taxation. Take any one State for illustration. Take my own, one of the smaller and less wealthy States. By the census of 1880 its population was 618,000, or nearly one-eightieth part of the 50,000,000 of the entire country. Since then the State has doubtless kept pace with the general increase, so that this ratio still holds true. Upon this basis West Virginia, from the labor, and poverty, and consumption of her people, contributes to this surplus the sum of $1,236,000, after paying three times that amount for the necessary and legitimate expenses of the Government.

Why, Mr. Chairman, what does this sum, $1,236,000, mean to our people? It means more than the entire amount raised by State and local levies, and all other sources, for our schools, which by the last report was $829,182, and also the entire amount of the property tax raised for the support of the State government, which, as last reported, is less than $350,000. This surplus revenue belongs of right in the pockets of our people, and if left there would enable them to maintain our public schools upon a basis of greater efficiency, to pay every dollar of State taxes, and contribute largely to other public burdens. But forced from us by this wasteful and illegal exaction, it takes from the "mouth of labor the bread it has earned," it diminishes the educational advantages of our children, lessens the comforts and snatches something from the necessities of our homes, adds to the pangs and privations of poverty, clips the wings of enterprise, retards our industrial growth and development, increases the hours of labor, and hardens the struggle for existence and progress to every son and daughter of toil, whether they labor in the household, in the field, in the shop, in the mine, or in the factory.

RESISTANCE TO ILLEGAL TAXES.

Could any individual stand before the people of a single State, county, or township to tax them on a like scale of prodigality and escape their hot and indignant wrath? And are we to suppose that the American people will long tolerate any party which by the machinery of Federal taxation inflicts upon them so many unnecessary burdens and so many days of unrequited labor? However patiently they submit to sacrifices demanded for the safety or welfare of their country, it is not in the fiber of our race, as history well demonstrates, to bear submissively taxes that are unlawfully exacted or that exceed the frugal needs of the public service. Why, sir, resistance to illegal taxes has been in England and in America the very genius of advancing liberty. Our great charters, which are but so many monuments in the progress of liberty, are themselves the memorials and the achievements of successful struggles against illegal taxes. So long as the necessity is laid upon the people to be thrifty and economical in their homes will they indignantly resent and repress extravagance or waste in the Government, which is but their servant. This very day the farmers of my own State are excited over an executive order directing the assessment of certain chattels hitherto treated as exempt, because some question is raised as to the legality of the order, although it would produce but $15,000 from the entire State, every dollar of which is needed and will be carefully expended.

Can I suppose they will not approve a Representative who faithfully seeks to relieve them from the unjust burden of over a million dollars per annum? Will they strain at the gnat of State taxes and cheerfully swallow the camel of Federal taxes?

HOW REDUCE REVENUES AND TAXES.

It being then admitted that we can dispense with a hundred millions of dollars of present revenues, which for my own State means nearly one million and a quarter per annum, and this without retrenching expenditures, without defaulting in any obligations, without reducing a salary or dismissing an office-holder, the next question is how to compass this desirable end and to compass it as quickly as possible. Can any man suggest a better principle of reduction than that announced by President Grant in his message of December 4, 1871, "the greatest relief to the greatest number;" to that vast majority for whom consumption treads fast upon the heels of production; to the 16,000,000 wage-earners, who by the last census earn less than $300 per annum and consume it in their daily subsistence? A tax may be burdensome because of the subjects on which it is laid or of the methods of its collection.

INTERNAL REVENUE.

The subjects taxed by the internal revenue are tobacco and liquors. They are not necessities of life; their consumption is voluntary. They do not increase the necessary cost of living to the laboring masses. They are therefore admirable and legitimate subjects of taxation. Yet the methods of collecting these taxes are notoriously, though not necessarily, involved with grave political abuses. In sections of the country, particularly in the South, the system is an engine of intolerable political persecution and oppression. Every campaign produces its swarm of collectors and deputy marshals, who, under the pretext of public employment, perform iniquitous partisan work. At other times they conspire with informers to defraud the Government of fees and to extort money from the people, becoming so odious that the agent of the Department of Justice has officially reported that it is not to be wondered at that they have been shot down as enemies of the people. Believing that such abuses are outrages which disgrace the Government, and that the security of the people in their lives, liberty, and property is the prime object for which Government exists and levies its taxes, I can uphold no system which, however legitimate the subjects it taxes, gathers its revenues in such a way as to put the life, liberty, and property of the citizen in jeopardy.

I would therefore lay a vigorous hand upon our internal-revenue system, and severely free it from all capacity for such abuse, and I would remove all restrictions upon the sale or exchange of the products of agriculture in the hands of the original producer. Consistent with this freedom I would preserve all possible revenue from this source for the reason already given, and because it all goes into the Treasury, and it is well known that if the pending bill leads to a law, the dominant party in this House has determined through its caucus to follow it with a bill which will accomplish this reform and greatly reduce internal taxes.

TARIFF.

Let us now consider the tariff as to the subjects it taxes and the manner of its collection.

Import duties are largely collected through custom-houses at a few of the chief ports of entry. With some of the possible abuses of the excise system, this collection is made in a manner little oppressive to the people. The importer pays the tax to the Government. It then becomes a constituent of the price at which the article is sold, and is eventually paid by the purchaser or consumer.

There may be necessity for some reform in the machinery of our custom-houses. But the tariff taxes the subjects which form the necessities and enter into the comforts of every household; it taxes sugar 50 per cent. and common articles of food in like proportion; it taxes clothing, whether cotton, woolen, linen, or silk; it taxes glass and earthen ware, china and cutlery; it taxes tools and the machinery and implements of labor. In a word, it is hardly possible to conceive of any home so humble or any household so poor from which it does not daily exact its tribute. Here, then, the legislature can do something to relieve the tax-payer; can retrench the surplus exaction of the Government and in proportion diminish the cost of food, of clothing and shelter, of the furniture of the bed-room and the table, of transportation, of tools and machinery, and of the implements of agriculture.

DIFFICULTY OF REFORM.

But, Mr. Chairman, when we reach the tariff we encounter a chorus of appeal, entreaty, denunciation.

The people and the people's representatives are warned away as if it were a holy of holies into which none but the high priests of protection have a right to enter. Why is this, and why has the reduction of taxes in this particular domain been impossible of achievement hitherto? Because we here confront watchful and aggressive private interests which share in the profits of heavy taxes. A tax levied upon a pound of sugar or a common blanket imported from abroad goes into the public Treasury, but it also saves the home producer of the same goods from competition with the imported article at the mere cost of its production and importation. In other words, it protects him, to the extent of the tax levied, from such competition. This is a necessary and inevitable incident of all duties levied upon imported articles which compete in our markets with like articles produced at home. The full amount of this tax is not generally profit to the home producer, because he may not be able to produce the article as cheaply as the foreigner even with the cost of transportation added, but it is generally all loss to the consumer, whether he buy the home or the imported article, because without the tariff he could buy the latter with the tax off.

In either event the home consumer pays the tax, in the one case as a tax proper into the public Treasury, in the other as a compulsory bounty to the home producer. This, I say, is a necessary incident of a tariff for revenue or for revenue only. It can no more escape from it than a body can escape from its own shadow, and this is a protection which few practical statesmen have ever decried and, I may add, under our present industrial conditions few would not discriminate to secure. But there has always been a school of economists and statesmen who have regarded this "incident" with chief interest and affection and have contended that the quantity of protection to be secured in framing tariff laws was a matter of equal if not greater consideration than the amount of revenue to be produced. This view was moderately advocated by Mr. Hamilton in the infancy of our Government to build up those manufactures which were essential to our power and independence as a new-comer in the galaxy of nations. It was subsequently urged by Mr. Clay and Mr. Greeley as a temporary fostering of infant industries, to nurse them into vigorous and self-sustaining existence.

At the present day it is vehemently urged by the leaders of the Republican party, and to an extreme never before ventured as a permanent policy, for the alleged purpose of protecting American labor and indus-

tries. It is not my intention to discuss these opposing theories. That has already been done so exhaustively and ably that any restatement would be waste of time. Let me rather consider the reasons assigned by those who warn us from any attempt to deal with the tariff as a forbidden subject.

BUSINESS QUESTION.

First, we are told it is exclusively a business question, to be dealt with not by legislators but by business men, and that its present agitation is disastrous to the "business interests" of the country. To this I answer, that while the details of a tariff, the classification and arrangements of its schedules, may be business questions requiring the minute and technical knowledge of the expert, yet the general question of revenue is the vital question of free government. "The revenue of the state" says Burke "is the state" and the settlement of this question on correct political and economical principles is the dividing line between freedom and slavery. It can not be settled in the counting-room or the warehouse, but by the full, free, and intelligent action of the people. They who pay the taxes, not they who share in them, have the paramount right to determine as to their amount and as to the manner of their collection.

Again, sir, the right of the people to be relieved from excessive taxes is superior to any "business interests" in the country, and if there be such "interests" as can not stand the agitation necessary to obtain this relief they can expect neither repose nor stability until it is fully and permanently secured.

REVISION OF 1883.

But again we are told the tariff was revised by the last Congress and that its frequent agitation is unwise and without justification. I fully agree that such agitation, without imperious necessity therefor, would be inexcusable. Let us therefore carefully examine this claim.

The last Democratic tariff, framed by Robert J. Walker, Secretary of the Treasury under Polk, was designed to be, and I believe is conceded to have been, carefully and skillfully framed on a revenue basis. It continued, with some reduction of rates in 1857, until 1861. To judge of its effect, especially upon labor and industry, we may compare the decade from 1850 to 1860 with other decades in our history, and I quote first from Mr. Walker himself in his letter to the people of the United States of date November 30, 1867:

Under the tariff of 1846, as shown by the census, our wealth increased from 1850 to 1860 126.45 per cent., whereas from 1840 to 1850 the increase was only 64 per cent., from 1830 to 1840 42 per cent., and from 1820 to 1830 41 per cent. So also from 1850 to 1860 our agricultural products increased 95 per cent. and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase. So also our exports, imports, and revenue nearly tripled in the same period of time, and our domestic trade rose nearly in the same ratio. This augmented ratio is not the result of increase of population, which from 1850 to 1860 was less than 36 per cent.

The decade from 1860 to 1870 alone shows larger industrial progress, but that is upon a basis of depreciated currency and with the unnatural stimulus of our civil war. The figures for the decade 1870 to 1880 are much smaller. From the report of the Tariff Commission I find that manufactures increased from 1860 to 1870 124 per cent.; from 1870 to 1880, 27 per cent. The increase as above shown from 1850 to 1860 was, on a gold basis, 87 per cent. It will thus be seen that the decade of the Walker tariff was marked by the most healthy and stable growth of any decade in our history, and this no less for manufactures than for other industries. With the accession of the Republican party in 1861 the revenue policy of the Government was changed and the Walker tariff gave way to the Morrill tariff, framed upon the avowed principle of protection and distinguished by very high duties on articles competing with our own manufactures. It was not supposed that higher rates would ever be asked or tolerated in peace times. The war came. The Government was obliged to explore every possible source of revenue. Heavy domestic taxes were laid on every article and business that promised income, reaching in 1865–1866 the enormous sum of $310,000,000, of which more than $128,000,000 were laid upon domestic manufactures alone.

Tariff duties were raised from time to time by the act of 1862; again 50 per cent. by one act of 1864, and to the highest possible point by the general revision of June, 1864. This increase was declared by Mr. MORRILL himself to be "a war measure," "a temporary measure fit to be introduced because of the imperious necessities of our present condition," and he warned manufacturers that these excessive rates were not to be considered as "lawful prizes of protection," but as compensation for the internal taxes laid upon their products. The war ended. Every tax upon domestic manufactures has long been repealed. Nothing of our internal taxes remains but that on bank circulation and the taxes on tobacco, which have been reduced from 40 to 8 cents per pound, and the taxes upon liquors, which in the case of distilled spirits have been reduced from $2 per gallon to 90 cents. Yet the war-tariff taxes, upheld by a vigilant and bold combination of great private interests, and by that overweening corporate and monopoly influence, which has so largely and so selfishly shaped the policy of the Government for the past twenty years, still remain to burden the people in all their pursuits and to fill the Treasury with needless taxes. Like the horse in the fable, who, hard pressed by his enemy, the stag, submitted to a rider that he might gain the victory, and in so doing lost his own freedom, the American people having from motives of patriotism and under the stern necessity of a contest for life submitted to these grievous burdens, have hitherto found themselves thwarted in every effort at release. Indeed, every effort at relief has but seated their insatiate master more firmly in the saddle. Let me quote from the vigorous language of Senator BECK in his able speech of April 3, 1884, in the Senate:

Mr. President, the truth is, that protectionists at last believe that they can control the legislation of the Government, and not only hold on to the subsidies they now receive, but many of them clamor for more. Their organizations are perfect, and ramify every part of the country. They elect or defeat Senators and Representatives in many places, as they think best for their interest; they own a powerful and intelligent portion of the public press; they can afford to spend and squander hundreds of millions rather than have their privileges curtailed or their bounties diminished. They have their operatives, many of them very intelligent men, so dependent upon them for the support of their families that they can by threats of reducing their wages, if Congress dares to reduce their subsidies, make the workmen, against their interest and often against their will, protest vigorously by petition and otherwise against all reduction of taxation. Dismissal from position follows a refusal to vote and protest as they are expected and often ordered to do. They move like well-trained veterans in every contest, knowing that the tax-paying masses have no combinations, and can have none, no hired press, and no paid advocates. The protectionists are as trained regulars in a conflict with raw militia. Union is strength, wealth is power, and a common interest is a strong bond of union. The cohesive power of public plunder animates the consolidated bands in their raids upon the public Treasury. With all their pretended zeal for the welfare of their operatives, they look upon them as the feudal barons did upon their retainers; as bearers of burdens, to be cared for because they are useful as dray-horses, born saddled and bridled, while they were born booted and spurred ready to ride them by the grace of God.

In 1872 an attempt at reduction was made by what is known as the "Dawes bill." It failed, and a horizontal reduction of 10 per cent. was made, only to be repealed in 1875. Popular discontent and clamor began to rise, and President Arthur, in his first message, December 6, 1881, urged a revision of the tariff, referring to the large surplus income from taxation in these words:

If the revenue laws remain unchanged this surplus must year by year increase on account of the reduction of the public debt and its burden of interest and because of the rapid increase of our population.

At present rates even, he said, the entire debt could be paid in ten years, but added:

In view of the heavy load of taxation our people have already borne, we may well consider whether it is not the part of wisdom to reduce the revenues, even if we delay a little the payment of the debt. It seems to me the time has arrived when the people may justly demand some relief from their present onerous burden, and that by due economy in the various branches of the public service this may readily be afforded.

COMMISSION APPOINTED.

Congress itself attempted no relief, but responded to these recommendations and to the pressure of public opinion by the act of May 5, 1882, establishing the Tariff Commission, "to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff on a scale of justice to all." This commission, consisting of nine members, was appointed by the President, and was composed exclusively of protectionists, of men who regarded the tariff not more as a source of revenue than as "a defense of our national industries." Their report was made to Congress December 4, 1882. I quote therefrom what has been so often quoted in this debate, to show how a protectionist commission, reporting to a protectionist Congress a scheme of a protective tariff, judicious, and "on a scale of justice to all," spoke:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. No rates of defensive duties, except for the establishment of new industries, which more than equalize the conditions of labor and capital with those of foreign competitors, can be justified. Excessive duties, or those above such standard of equalization, are positively injurious to the interest which they are supposed to benefit. They encourage the investment of capital in manufacturing enterprise by rash and unskilled speculators, to be followed by disaster to the adventurers and their employés, and a plethora of commodities which deranges the operations of skilled and prudent enterprise. Numerous examples of such disasters and derangements occurred during and shortly after the excessively protective period of the late war, when tariff duties were enhanced by the rates of foreign exchange and premiums upon gold.

Excessive duties generally, or exceptionably high duties in particular cases, discredit our whole national economic system and furnish plausible arguments for its complete subversion. They serve to increase uncertainty on the part of industrial enterprise, whether it shall enlarge or contract its operations, and take from commerce, as well as production, the sense of stability required for extended undertakings. It would seem that the rates of duties under the existing tariff—fixed for the most part during the war under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted through reduction to the present condition of peace, requiring no such extraordinary stimulus. And in the mechanical and manufacturing industries, especially those which have been long established, it would seem that the improvements in machinery and processes made within the last twenty years, and the high scale of productiveness which has become a characteristic of their establishments, would permit our manufacturers to compete with their foreign rivals under a substantial reduction of existing duties.

Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commissioners that the reduction will reach 25 per cent.

In furtherance of these views it submitted schedules which professed to embody and effect this substantial reduction. This report was received with general favor. It was believed by the people that they had at last achieved a diminution of their burdens, and that this troublesome question was removed from current politics; nor was there either agitation or panic in the business interests. Those who leaned upon the tariff as their "industrial defense" acquiesced in the proposed reduction of that defense on a scale of 20 to 25 per cent. as a "measure of justice to consumers," of which they could no longer complain. The New York Tribune, organ of the highest protective sentiment of the country, on December 7, three days after the submission of the report, and before any examination of the schedules could be made, urged its party to "reform the tariff by adopting the scheme of the Tariff Commission as a whole. * * * If the Republicans allow the 4th of March to find them without a simplified and reduced protective tariff, they will deserve the defeat they invite."

WORK OF THE COMMISSION.

Had the work of the commission been carried out in accordance with, or in any reasonable approximation to, its fair professions, this troublesome question had not returned to plague us at this session, and its agitation at this time would be foolish and criminal. But, unfortunately, discussion and examination soon disclosed that the revision was in promise not in effect, was in the report not in the schedules, and the whole commission, in the main composed of able and honorable men, one of them from my own immediate neighborhood, was enveloped in scandal by the discovery that two of its members, while professing to act on "a scale of justice to all," were really the attorneys of special interests and engaged in clandestine correspondence and conspiracy with those who were aiming to advance their own fortunes by fastening high rates of taxation on the people. Of another member, the president of the commission, it has been stated not by an enemy, but by one who approved the fact, Hon. Columbus Delano, late Secretary of the Interior, that he was in the pay of the manufacturers both before and after his temporary service on the commission.

The schedules were handed over to the parties interested in framing them. They were so cunningly framed as to baffle even those long accustomed to deal with tariff legislation. This charge should not be lightly made, and therefore I quote from Mr. ALLISON, now chairman of the Committee on Appropriations in the Senate, and formerly a member of the Committee on Ways and Means in this House, speaking of the cotton schedule, February 3, 1883:

> The truth is that the Tariff Commission did not examine this cotton matter at all, it may as well be said on the floor of the Senate; nor did they make this schedule which is called the Tariff Commission schedule. It was made by a cotton manufacturer from Boston, with an expert appraiser in New York, and the Tariff Commission accepted it. When the knowledge of that fact came to me I had no particular faith in the Tariff Commission report on this cotton schedule.

And later:

> I do not choose to express my opinion of this report on anything else

ACT OF MARCH 3, 1883—NO REDUCTION.

But I will not dwell on this matter. It is known to all the world and has been officially conveyed to us, that the revision which was to be a substantial reduction of taxes, certainly 20 and possibly 25 per cent., resulted in the act of March, 1883, the existing law, which makes scarcely any reduction and lightens no burdens. The same interests which had hitherto delayed and thwarted all reform were again too strong for the people, and the burdens still remain upon their bending shoulders.

The official statement of the Treasury Department accompanying the report upon this bill, and which I will append to my remarks, gives the operation of the "revision" for its first six months. It shows that the proposed reduction of rates has not been made; that whereas heretofore the average cost of importing one hundred dollars' worth of merchandise has been $42.65, under the revision it is $40.91, and that in some important schedules there has been an increase instead of a reduction.

Take the woolen schedule. The farmer is reduced from 3 to 11 per cent. on his wool, while the manufacturer, getting the advantage of this reduction, secures also an advance of 2.19 per cent. on his fabrics. For this reason I may say, in passing, I voted to restore the rates upon wool. The "cotton manufacturer from Boston, with the expert appraiser in New York," added 2.46 per cent. to his bounty for the relief of the people's pockets, and further, in tender consideration for the American laborer, the revision reduced the taxes on silks nearly 9 per cent., and increased the rates upon earthen and china ware nearly 5 per cent. Such is the revision so sacred that we are warned not to criticise or disturb it, affording no relief to the 16,000,000 ill-paid toilers, but binding more closely the burdens under whose weight they have so long bowed; indeed, increasing those burdens, for a surplus revenue is the *reductio ad absurdum* of that kind of protection which is preached to us by the gentleman from Pennsylvania, Mr. KELLEY, and from Ohio, Mr. McKINLEY, and their associates upon this floor. They can not deal with it, for it sets at naught their theories and statesmanship. In the face of a fact so full of present injustice and future peril they stand in helpless imbecility. They can not put forth their hands to relieve the many, because they must first satisfy the demands of the few. They can not say to the people, "How much can you bear?" or to the people's agent, the Government, "How much do you need?" For they must first ask the private interests, "How much do you demand?" And they must meet that demand, no matter how great the resulting burden to the people or how great the unneeded flow into the Treasury.

They have but one remedy for high taxes, and that is higher taxes, for it is well known that when once you have passed protective rates the greater the taxes imposed the less goes into the public Treasury and the more into the private coffer. For the patient, half frenzied by drink, they have no remedy to restore him to rational sobriety; they can only stimulate him into the quiet of stupefaction.

SECRETARY OF TREASURY ADVISES REDUCTION.

Again, Mr. Chairman, do those who use this argument forget that notwithstanding the pretended revision, the Secretary of the Treasury in his report to this Congress returns to the question of a reduction of taxes? After showing that the present rapid extinguishment of the public debt can not long continue, as we shall soon pay off all that can be called in, and can call in the rest, if at all, only by purchase at heavy rates of premium, he says:

> There is forced upon our attention the question, how shall a heaped-up surplus of public money be avoided? The discussion of this question in former reports of this Department admits of but one consistent answer from it now. The views therein expressed have not been given up. THERE OUGHT TO BE A REDUCTION OF TAXATION.

And again:

> So the question still presses, what legislation is necessary to relieve the people of unnecessary taxes? As elsewhere suggested, it should not be assumed that the surplus in the Treasury will be consumed by lavish expenditures for objects of doubtful expediency or legality, or that the scheme which has been proclaimed, of exacting money from the people for the purpose of returning it to them by filtering distribution through State governments, will find any favor with Congress or the people. * * * My last report said that taxes upon spirits and tobacco, being upon things not needful, should be retained rather than those upon the common necessaries of life; which as a proposition is not to be controverted. But it was conceded by all that a substantial reduction should be made upon nearly all imported articles subject to duties.

He declares that the intentions and calculations of reduction from the tariff revision have not been verified, and after suggesting that present relief from the surplus may be obtained by extending the bonded period for the whisky-dealers, he concludes:

> It—
>
> The Department—
>
> adheres, however, to its conviction, that ultimately the just and expedient method of relief from taxation, and of limiting the revenues to the needs of an economical government, must be found in a reduction of the duties on imports.

Such is the official statement of our financial minister, and yet in this Republic, where no task ought to be more agreeable to representatives of the people than to reduce taxes, and none undertaken with more heartiness and alacrity, we are urged to do nothing whatever. But there are two objections urged against this bill by those who profess to be in favor of some reform.

CRY OF FREE TRADE.

The cry of "free trade" has been raised and the attempt made to cover those who favored its consideration with whatever prejudice exists in the minds of some of the people against this name. There could be nothing less accurate, less candid, or more deceptive than this cry. Indeed, I have found it difficult to believe that many upon this floor or in the press who have so opposed the measure have taken care to inform themselves of its provisions. True, it was inevitable, as indeed it was most wholesome, that in the discussion of any revenue measure there should be some discussion of fundamental principles. Indeed, it is the mark of the statesman as distinguished from the empiric or politician to deal with the principles as well as the details of legislation, and a frequent recurrence to first principles has been enjoined by a great statesman in the bill of rights of a great state as part of that vigilance which is the price of our liberty.

But this bill does not require such discussion. It does not even foreshadow a departure from our long-established policy of gathering the bulk of our revenues from a tax upon imports. It does not attempt a forced transition from protection to free trade or even to a revenue tariff. Its declared and real object is to reduce unnecessary taxes by passing from a high war tariff to a high peace tariff. It provides in effect that as a rule 80 per cent. of existing rates shall hereafter be levied upon imported goods, and while it fully guards against the concealed enormities of the present law by prescribing a maximum rate of 60 per cent. ad valorem on wool and woolens, of 50 per cent. on metals, and of 40 per cent. on cotton goods, it carefully declares that it shall not, except in a few specified instances, operate to reduce the duty on any article below the highest rate of the Morrill tariff of 1861. Now I have shown that the Morrill tariff was framed for protection, and its author asserted that it "would place our people on a level of fair competition with the rest of the world."

The author of this bill [Mr. MORRISON], whose authority will be as little doubted as his candor, assured us in opening this debate that "the reductions proposed are so limited as never to place our people below, but to leave them far above, the level of fair competition on which the Morrill tariff placed them." Can any protectionist require more than this? It is far beyond what President Garfield desired as

the solid basis of a tariff system. Speaking in this House July 10, 1866, he said:

One of the worst features of our industrial system is the irregularity and uncertainty of the legislation in reference to the tariff. It subjects the business of manufacturing to the uncertainty of a lottery. If the prohibitionists succeed one year, the profits are enormous; if, as is quite probable, the reaction of the next year puts free-traders in power, the losses are equally great. Let either of these parties frame the tariff, and the result will be calamitous in the highest degree. What, then, is the point of stable equilibrium where we can balance these great industries with the most reasonable hope of permanence? We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers by rendering it impossible for our manufacturers to compete with them, while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our markets, would leave no check upon the prices which our manufacturers might fix upon their products.

I hold, therefore, that a properly adjusted competition between home and foreign products is the best gauge, by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the price as they please. To this extent I am a protectionist. If our Government pursues this line of policy steadily, we shall year by year approach more nearly to the basis of free trade, because we shall be able more nearly to compete with other nations on equal terms. I am for a protection that leads to ultimate free trade. I am for that free trade which can be achieved only through protection.

With what pretense of information can any man denounce this bill as a free-trade bill when its author assures us its reductions are so limited as to leave our people far above the level of the Morrill tariff, which tariff, by the assurance of its author, the most ultra protectionist that ever framed an American tariff, placed "our people upon a level of fair competition with the rest of the world;" and fair competition was all the late President sought as the stable equilibrium of our great industries and the necessary protection of our people against extortion and monopoly? How idle and baseless then is this clamor, gotten up to blind the people as to the real scope and purpose of the measure, to prejudice them against it as the visionary scheme of a new school of theorists and doctrinaires. Sir, it would be just as candid and quite as true to raise the cry of improper exposure against any one who, beneath the genial sun of this spring day ventured to lay off some of the heavier clothing of midwinter, as to cry free trade against this and all other efforts to free the people in these halcyon days of peace from some of the burdens with which they encumbered themselves in the stress and rigors of the great war.

This bill is but an effort to redeem our promises and to perform our duties to the people. It seeks to lighten the burdens of the "great mass of workers," who pay "the bulk of our taxes" from their "too-scanty means of comfortable living." It is estimated that it will annually reduce "something like $8,000,000 on sugar, as much on cotton and woolen goods, and $14,000,000 on other articles used in every home;" in all, a relief of $30,000,000 of tariff taxes. But this is not all the relief. The incidental taxes under the tariff are much greater than those which go into the Treasury. How much this excess can not be accurately stated. The Saint Louis platform of the Democratic party in 1876 declared that the tariff, practically the same as exists to-day, cost the people five times more than it produced to the Treasury. Mr. R. J. Walker, in 1867, estimated that the $150,000,000 then collected enhanced the price of rival protected articles at least $350,000,000. Taking this lesser estimate as accurate, and no higher authority can be cited, a reduction of our customs revenue of $30,000,000 would carry with it relief to the people to the extent of $70,000,000 more. And all of this, Mr. Chairman, can be accomplished without reducing American industry to the level of fair competition with the foreigner.

HORIZONTAL REDUCTION.

The other objection to the bill is because of its "horizontal" reduction; and the word itself has been made the target for abuse and raillery, as if it involved something before unheard-of and inherently absurd. My friend from Texas [Mr. MILLS] has already cited many instances where duties have been "horizontally" reduced or raised. He has shown that Mr. Clay's great compromise tariff of 1833 provided for successive horizontal reductions every alternate year for ten years. So much for precedent. But I am constrained to say that, so far from being a bungling mode of legislation in a bill which does not profess to revise the tariff, but solely to reduce taxes, keeping the rates well above the protective standard, I can conceive of no method more effective and reasonable than the "horizontal" one. But it is not altogether horizontal. There is a maximum rate prescribed in three schedules; in two schedules, liquors and silks, there is to be no reduction at all, and the high-water mark of the Morrill tariff limits the downward cut. It is calculated to effect a reduction of less than 16 per cent. from present rates, which, added to the reduction of March 3, 1883, reported at 1.74 per hundred dollars, does not yet reach that substantial reduction of from 20 to 25 per cent. at which the Tariff Commission aimed, which the best conservative sentiment justified, and the protectionists through their organs urged Congress to adopt.

INDIRECT BURDENS.

But it is not alone in its direct burdens that the present war tariff oppresses our people. Not only does it bear most heavily and unevenly upon the American laborer, but by unduly increasing the cost of living and the cost of production it disables him from sharing in the general trade and prosperity of the world. Our manufacturers, taxed at every step in the process of production, upon their raw material, upon their plant, upon the cost of their machinery, can not compete in the great markets with those who produce under lighter burdens and happier conditions. Instead of having the whole world for customers, the enterprise of our people, their inventive skill, and their unequaled resources are confined to the pent-up Utica of the home market, which can give neither free play to capital nor steady employment to labor, and so American industry, like a great pendulum, is ever swinging from unnatural activity to disastrous idleness. Scarcely does it get into the full sweep of progress, filling the land with new life and quickening the pulse of business throughout our borders, when the warning cry of "overproduction" and "a glutted market," like that of "breakers ahead," is heard. The wheels must be clogged, the cheerful hum of the machinery ceases, the fires are banked, and capital flies to its coverts, while labor sits vainly begging for employment.

AGRICULTURE.

So, too, with agriculture, the chiefest of our industries, and the great hope for the vigor, the purity, and the perpetuity of our institutions.

The farmer struggling with these public burdens, so needlessly and cruelly increased, taxed upon his food and his clothing, the furniture of his home and the implements of his calling, and upon his transportation, sells his surplus grain and meat products in foreign markets and in competition with those who produce under lighter taxes, and must content himself with more precarious and scanty rewards for his labors and his anxieties.

Indeed he is, this very day, threatened with the loss of these markets and their complete occupation by the farmers of India and Australia. Wheat at 80 cents in Chicago is the startling announcement, which, like the fire-bell at night, should arouse him to a sense of his dangers and his difficulties.

COMMERCE.

But still more humiliating to our pride is the decay of our commercial marine. Our flag to-day floats only over the home market. It has been driven from the seas, not by the superior force but by the superior enterprise of other nations. The products of our farms and our factories, nay, even the traveler from our shores, can find no exit but upon foreign vessels. American enterprise cowers upon the shore; the paths of the ocean are not for it, nor the spoils of its fields. One hundred and twenty millions annually paid as freight to foreign sailors! What a mockery as the result of legislation claimed to be in the interest of American labor! How much of employment, of prosperity, of wealth for American labor in these $120,000,000! And yet it is as completely shut out from participation as by a forbidding statute. In 1860, after ten years of low tariff, 66.5 per cent. of our foreign trade was carried in American bottoms. In 1883, after twenty years of high taxes, 84 per cent. is carried in alien ships. Who does not recall in this connection the words in which, more than a century ago, Edmund Burke extolled the hardihood and enterprise of our sailors:

No sea but what is vexed by their fisheries; no climate that is not a witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people—a people who are yet in the gristle and not yet hardened into the bone of manhood.

Contrast this with what I have just stated, and with the fact cited by the gentleman from Ohio [Mr. HURD], that in the grand procession of nations through the Suez Canal last year, in all the thousands of vessels bearing the commerce of the world, not one bore the flag of this great ocean-bound country! Sir, is not this enough to make us hang our heads in shame and to kindle one patriotic outburst against a system of taxation so grievous, so pervasive, and withal so largely unnecessary as to reduce us to this level of helplessness and inferiority?

THE BILL NOT EQUITABLE IN ALL RESPECTS.

Mr. Chairman, I have said enough to indicate my support of any wise scheme for the reduction of taxes. I voted for the consideration of this bill. I shall vote to-morrow against the motion to strike out the enacting clause. This does not imply an indorsement of the bill as it stands. It simply means a willingness to consider and support a bill with the general object professed by this one, "to reduce import duties and war-tariff taxes." If we do not strike out the enacting clause, but proceed to consider the bill by sections, it can be amended and perfected wherever this may be necessary. A vote in favor of that motion presents itself to my judgment as a vote to prevent all legislation at this session for the reduction of taxes and for the relief of the people and of our industries. The same vote that can strike out the enacting clause can strike out everything after the enacting clause and substitute such a bill or such provisions as may be wiser and better. As I have said, I favor a bill for the reduction of taxes. Where this bill departs from its general scheme of merely reducing taxes and seeks to enlarge the free-list, it bears unevenly and, as I believe, unjustly upon some of the interests of my own State.

To take any one great interest and transfer it suddenly to the free-list is to hold it tributary to all the rest while depriving it of any share in the common "protection." Whatever reduction is made should be made so gradually as not to wreck, to disturb, or to alarm any of our great industries, and this return toward a peace tariff ought to be

made by even progress and on a scale of justice to all. This bill would permit reciprocal free coal with Canada, a provision I think little apt to be carried out, and free coal from England. Coal is now free so far as the foreign and coastwise trade is concerned, having otherwise a duty of 75 cents per ton, which is less than 20 per cent. ad valorem, under a tariff whose general average is over 40 per cent. Should we proceed to the consideration of this bill by sections, I shall present to the committee such facts and figures as will bear fully upon this question, and I have every confidence—indeed I may add I have every assurance that can now be given—that this inequality and discrimination will be corrected and the interests of my own State share only in the general fortune of all.

Being intrusted with the representation of a district whose people are chiefly engaged in agricultural, pastoral, and mechanical pursuits, yet in common with other sections of my State possessing vast areas of mineral and other resources, to whose development no one looks forward with more of hope and confidence than myself, I am anxious to meet the high trust with which I am honored to place no barrier to the progress of that development, but so far as properly may be done, to remove some of the impediments and hinderances that now retard it. I stand here as the representative of no special interest and will never do so, but the most anxious reflection assures me that in seeking to promote the general welfare I advocate no detriment to any interest, present or prospective, of my immediate State. I seek for her that steady and consistent progress which will speedily give her an industrial prominence among her wealthier sisters. I would save her from the hope deferred, which results from the so-called spasmodic, progress alternating between feverish activity and deathlike slumber. I would wish no hum of industry that drowned the cries of distress and poverty; no smoke of furnace that darkened the home of thrift and labor.

In advocating a reduction of public burdens I am but helping to bring relief to all, with wrong and hurt to none. For to lessen these burdens is to take no profit from capital, but to give it a steadier movement, a more stable progress, a much broader field of enterprise, a much wider command of market. Still less is it to diminish the rewards of labor or lessen the opportunities of employment. On the contrary, it is to secure to the workman more of the fruits of his own labor, to keep for his own use and the use of his family the many days out of every year in which he now toils to put this hundred millions of surplus into the Treasury, to add something to the comforts of his home, something to the education of his children, something to the purchasing power of his wages, to insure the constancy of his employment; in a word, to bring more light to his threshold and "a sweeter liberty to his fireside."

APPENDIX.

Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected, during the six months ended December 31, 1882 *and* 1883.

Articles.	Six months under the old law—1882.			Six months under the new law—1883.			Increase (+). Decrease (—).	
	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Ad valorem.
	Dollars.	*Dollars.*	*Per ct.*	*Dollars.*	*Dollars.*	*Per ct.*	*Dollars.*	*Per cent.*
All dutiable merchandise	260,856,237	111,266,507	42.65	235,898,109	96,514,136	40.91	— 24,958,128	— 1.74
Sugar and melada	44,432,311	23,180,590	52.17	46,800,671	23,121,601	49.40	+ 2,368,360	— 2.77
Iron and steel, and manufactures thereof	32,499,426	12,713,996	39.12	23,698,937	7,924,225	33.44	— 8,800,489	— 5.68
Wool:								
Clothing	1,210,689	671,415	55.46	2,399,515	1,073,311	44.73	+ 1,188,826	— 10.73
Combing	135,123	67,839	50.19	615,677	267,704	43.48	+ 480,554	— 6.71
Carpet	3,505,980	974,202	27.79	4,345,385	1,087,094	25.02	+ 839,405	— 2.77
Manufactures of wool	22,400,387	14,943,626	66.71	22,064,512	15,202,183	68.90	— 335,875	+ 2.19
Manufactures of cotton	14,967,850	5,629,658	37.61	12,067,631	4,835,714	40.07	— 2,900,219	+ 2.46
Manufactures of silk	19,999,119	11,738,469	58.69	21,286,252	10,617,057	49.83	+ 1,287,133	— 8.86
Earthen and china ware	4,423,146	1,896,705	42.88	3,824,951	1,830,363	47.85	— 598,195	+ 4.97
Glass and glassware	4,271,305	2,327,660	54.49	3,943,197	2,187,362	55.47	— 328,108	+ .98
Spirits and wines	5,203,625	3,706,142	71.22	2,945,001	2,659,312	90.30	— 2,258,624	+ 19.08
Malt liquors	511,772	227,370	44.43	490,315	235,823	48.10	— 21,457	+ 3.67

TREASURY DEPATMENT, BUREAU OF STATISTICS, *March* 10, 1884.

JOSEPH NIMMO, JR., *Chief of Bureau.*

Removal of Causes from State Courts.

SPEECH

OF

HON. RICHARD W. TOWNSHEND,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 7, 1884,

On the bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

Mr. TOWNSHEND said:

Mr. SPEAKER: I shall vote for this bill, but it falls far short of what I believe the condition of the Federal court dockets, the rights, convenience, and economy of the people demand. Ever since my first appearance in Congress I have endeavored to secure reform of our Federal jurisdiction, but at every session timid but well-intentioned friends of this reform have urged that the full measure of reform can not be accomplished at once and have insisted that we must be content with homeopathic or broken doses. They say we must accomplish by piecemeal what public necessities demand as a whole.

I do not believe in such a line of policy. We should with courage and determination demand the repeal of all those provisions of the statutes bearing upon this question that occasion the evils which have grown up in our Federal judicial system. But as I have discussed this subject at some length in the past three Congresses I can not enter at length upon its discussion now without going over ground which I have already occupied before this House and the country. I shall therefore ask the privilege of laying before the House the remarks which I submitted on June 12, 1878, and which will be found in the record of the proceedings of that date. Before doing so, however, let me say that a copy of the bill which I was then advocating, and which provided mainly for repeal of the laws authorizing the removal of certain causes from the State to the Federal courts, was reported from the Committee on Revision of the Laws in the Forty-sixth Congress with a favorable recommendation, and that it would have passed the House had it not been for the filibustering, obstructive expedients resorted to for several weeks by its opponents on the other side of this House. I now ask attention to my remarks on this subject as delivered in the Forty-fifth Congress:

SPEECH OF HON. RICHARD W. TOWNSHEND

On the bill (H. R. 5069) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

CONDITION OF THE FEDERAL COURTS.

Mr. TOWNSHEND. Mr. Speaker, it is known to those acquainted with such matters that the Federal courts are overcrowded with business. They are so far behind with their work that it will require three years to dispose of the causes now pending in them. But it can not with any accuracy be determined when the new cases flowing into these courts can receive attention. The expenses of these courts are rapidly growing to an enormous extent. Their cost to the National Treasury in 1850 was only $497,558.54; in 1860, $936,477.61; at the end of the next decade it was $2,162,109.82. In 1875 it had reached $3,322,182.27. At the beginning of the present term of the Supreme Court there were nearly nine hundred cases on the docket. I have no means of knowing with certainty the number of causes on the dockets of the various circuit courts.

But we may form some idea of the number on those dockets from a statement made lately in the debates in another place, in which it was asserted that there were pending, on January 1, 1876, in the court of Chicago, which is in the northern district of Illinois, 3,045 suits. There were pending in that court on January 1, 1877, 3,702 suits, and on January 1, 1878, 4,388 suits. I have not had access to the statistics in other circuits. I will, however, assume that the condition of the division just cited furnishes a fair sample of the remainder. These figures show the rapidity with which the cost of the courts and the amount of business grow, but they do not reveal to us the enormous expense to litigants which must result from the delay and inconvenience of litigation in these courts.

Justice is an essential attribute of good government; but in order that it may be a blessing it must be dispensed freely, without delay, and be within the reach of all.

NATURE OF THE BILL AND AMENDMENT.

Let us now endeavor to ascertain the best way to remedy this condition of the courts and avoid future evils of the same nature. The bill before us from the Judiciary Committee does undoubtedly furnish some remedy, and it meets with my approval; but it does not afford that full measure of relief which is easily attainable and demanded by public interest. It is a very wholesome measure as far as it goes, and will be hailed with much gratification by the people, but it does not go far enough. I shall offer an amendment to this bill which will operate as a permanent and effectual relief. In the remarks I may make I shall devote my time mainly to the discussion of this amendment and to the discussion of principles applicable thereto:

"Strike out all after the word 'petitioners,' in line 51, and all from line 52 to line 56, inclusive, except the words 'or a controversy between the citizens of a State and foreign states;' also strike out the words 'or subjects,' on line 57; also strike out the word 'and,' in line 58; also strike out all from line 59 to line 75, inclusive; also strike out the words 'and if in any action,' in line 102; also strike out all from line 103 to 129, inclusive, and insert after the word 'jury,' in line 129, the following:"

"That sections 639, 640, 641, 642, 643, 644, 646, and 647 of chapter 7 of the Revised Statutes, in relation to the removal of causes from State courts into the circuit courts of the United States, be, and the same are hereby, repealed.

"SEC. 2. That section 2 of an act entitled 'An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes,' approved March 3, 1875, be amended by striking out the words, 'or in which there shall be a controversy between citizens of different States, or a controversy between citizens of the same State, claiming land under grants of different States, or a controversy between citizens of a State and foreign states, citizens, or subjects.' Also, by striking out in the same section the words 'and when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the plaintiffs or defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district.' Also, that section 3 of said last-mentioned act be amended by striking out all of said section after the words 'and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court:' *Provided*, That nothing contained in this act shall affect any causes in which proceedings for removal from State courts shall have been commenced before the passage of this act."

The main features of this amendment were embraced in a bill introduced by myself on October 29, 1877, as an original bill, and referred to the Judiciary Committee, it being one of the bills for which the pending measure is reported as a substitute. It does not in any degree abridge the grounds of original jurisdiction in the Federal courts. It leaves them in full and undisturbed possession of all the power which Congress has conferred upon them as courts of original jurisdiction. It does not deprive them of a single case which may be legitimately brought therein at this day, nor does it take away from them the power to remove causes from the State to the Federal courts in any case arising in law or equity under the national Constitution or made under their authority, or any cause affecting embassadors, other public ministers and consuls, any case of admiralty and maritime jurisdiction, any controversy to which the United States is a party, any controversy between two or more States or between a State and citizens of another State.

The purpose of this amendment is to prevent the encroachment of the Federal judiciary upon the State courts in cases actually commenced in those courts and over which they have acquired and ought to acquire jurisdiction.

UNAMERICAN AND EVIL TENDENCIES OF PRESENT LAW.

This law of removal is un-American in its tendencies. It is stealthily introducing beneath the foundation of our present constitutional form of government a lever by which the advocates of centralization may overturn and revolutionize the Government of Washington, Jefferson, and Madison, and in lieu thereof establish the Government which Hamilton and John Adams sought to fashion for us.

That law has already nearly demolished the independence of the State judiciary and threatens to destroy their very existence. It disturbs the constitutional balance of the Government, and may bring on a conflict between the State and Federal judicial power which will tax the patience of the people and the wisdom of the ablest statesman to the utmost in order to save the country from violence and civil war. It has inflicted much inconvenience and great expense upon the people, often defeating the ends of justice by practically placing it beyond the reach of the weak and the poor. It has inundated the Federal courts with a flood of cases far beyond their capacity to adjudicate. It has heavily increased the burden of taxation in a period of direful distress.

If I have correctly stated the effect of the law, can any conscientious and intelligent representative of the people hesitate to vote for its repeal? I am sensible of the fact that we should approach the discussion of questions affecting the judiciary system entirely free from sectional and partisan bias, and should fully realize that we are the chosen representatives and law-makers for the whole Union; that our enactments are to affect the peace and welfare of every locality and every class under our flag. If we are solemnly impressed with this responsibility, we are prepared to take into consideration with coolness and deliberation questions which may produce the greatest good to the greatest number.

The past reveals to us that he who advocates most effectively maintenance of the constitutional balance of our Government, preserving the energies of each branch, does in the largest degree promote liberty, order, and peace. I am as ready as any one to concede and defend the rightful and constitutional powers of the Federal courts, and do reverentially bow to all their decisions whenever they deserve homage, and I entertain high admiration for the great minds who have illuminated the Federal judiciary. When acting in its rightful sphere, none shall be permitted to yield more willing reverence for its decrees or be a more zealous friend of its legitimate authority than myself. The Federal Government is supported by three independent pillars: the legislative, executive, and judicial. If either be ruthlessly thrown down the grand fabric will fall. While resting on its proper basis each supports the other and renders the whole strong enough to resist any assault.

STATE AND FEDERAL GOVERNMENT.

But the system of government under which we live is dual, the States being a miniature of the National Government in its form; yet each and their governmental departments are separate and independent within their proper limits. In order that there may be stability and harmony, each must be confined to its true functions without trespass upon each other. While I insist upon the independence and observance of the rights of the national judiciary, it is no less my solemn duty to guard with jealous care the independence of the State judiciary. If I failed to raise the signal of danger and resist efforts to carry either beyond its constitutional limits, I would be disloyal to the trust reposed in me by the people whom I represent upon this floor.

We know that no good government can long exist without an efficient judiciary, and it is especially true in a republic that justice should be found at its basis, to which all should be made to yield, ruler and ruled, those of high as well as of low degree, the upright as well as the vicious. In the dispensation of justice by freemen, Bentham's idea of equality should be adopted as a cardinal maxim: "Everybody to count for one, and nobody to count for more than one."

The line between the Federal and State governments is clearly enough defined in the Federal Constitution.

They who made that instrument employed simple and plain language so that its meaning might be grasped by those of ordinary capacity upon all questions arising between the States and Federal authority. In order to avoid mistake and guide the understanding unerringly the tenth amendment was subsequently added, by which it is declared that all powers not delegated to the United States nor prohibited to the States shall be reserved to the States or the people. We are told in the Federalist that the powers delegated to the Federal Government "are few and defined" and relate chiefly to external objects, while the States retain a residuary and unrestricted sovereignty over all other subjects. And yet the dikes and barriers erected to defend the State judiciary, and through it the liberties of the people, have been broken down by Congressional action and insidious construction of the courts, until the limits of the Federal judiciary have become so obscured that the clearest legal mind can not accurately discover them.

Judge Story says the power to remove causes pending in a State court to the jurisdiction of the Federal courts "is not to be found in express terms in any part of the Constitution; if given it is only given by implication." (2 Story's Const., 1745.)

In my judgment, sir, it has its origin in the unjustifiable interference by Congressional enactments, but to a great and more dangerous extent by constructions of the Federal courts, which go beyond the letter or spirit of either the Constitution or acts of Congress.

CONSTITUTION IN DANGER FROM THE CONSTRUCTIONISTS.

I insist that there is sufficient ground for the fear that the Constitution may be destroyed by construction to arouse the attention of the lovers of the Constitution and the present form of our Government. Alexander Hamilton had perhaps more to do with originating the Federal judicial power than any one person. He had but little faith in the practicability of our Republic. In his desire to establish a strong centralized government, or monarchy, he no doubt in this insidious manner seized upon this opportunity to sow the seeds of centralization. If such was his design he displayed wonderful power of forecasting the eagerness of the Federal judges to aggrandize their power even at the expense of the sovereignty of the States as represented in their judiciary.

WHAT WAS THE MEANING OF THE FOUNDERS OF THE GOVERNMENT?

Suppose the language of the Constitution in this regard was not clear, will not sound lawyers admit that the canons of construction, so familiar to all, should be observed and its true meaning sought for from the intentions of those who made the Constitution? If so, can you review the spirit and principles of the men who created that instrument, can you study the debates over its provisions by the founders of the Government when fresh from a bloody conflict with centralization and monarchy, remember their jealousy of the independence and rights of the States, how they met and drove to the wall every advocate in that great convention who sought to frame a government of strong centralized powers, and then believe that these men intended the work of their hands to be made an instrument for such an invasion of the rights of the States?

No, sir; if the men of 1776 and 1787 apprehended such a danger to be possible from Congressional enactment or the construction of the courts, they would have established such ramparts around the independence and powers of the State judiciary, and would have placed such limitations upon the jurisdiction of the Federal courts, that construction would fail in its ingenuity to devise a way to overleap.

JEFFERSON'S VIEWS ON THE DANGER OF JUDICIAL POWER.

The apprehension I have expressed of serious danger to the Government arising from the lust of judicial power and of a conflict between the jurisdiction of the Federal and State courts is not based upon idle fears. It was an apprehension which disturbed the mind of Jefferson. Looking into the future, he predicted dangers arising therefrom to the very existence of the Government, and which, if permitted to go on unchecked, would eventuate in the total overthrow of the Republic.

No man whose name is connected with the history of this country knew more of the true character of this Government and the proper relations of the States to the National Government than that profoundly philosophic statesman. Indeed its republican features are due more to the plastic hand and the giant intellect of Thomas Jefferson than of any other mortal being. Our system is really Jeffersonian, or based on his theory. He is the greatest genius of free government found in the history of the world. The republic of Plato was utopian. Every effort of man to establish and maintain free government had been an utter failure. No one had preceded him in formulating a practical republic. Whether it shall be enduring depends alone upon the virtue and intelligence of its citizens and their adherence to the fundamental principles on which it was established.

Jefferson was not only the master-mind in forming the outlines of our Government, but he studied and left the impress of his genius upon its details. He viewed the encroachments of the Federal judiciary with serious alarm, and fearlessly denounced them with his trenchant pen. But let him speak for himself. In a letter to Mr. Thomas Ritchie, in 1820, he wrote:

"The judiciary of the United States is the subtle corps of sappers and miners constantly working under the ground to undermine the foundations of our confederated fabric."

He wrote to Archibald Thweat, in 1821:

"I am sensible of the inroads daily making by the Federal into the jurisdiction of its co-ordinate associates, the State governments. * * * The judiciary branch is the instrument which, working like gravity, without intermission is to press us at last into one consolidated mass. * * * If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves and meet the invader foot to foot."

To Mr. C. Hammond he wrote, in 1821:

"It has long, however, been my opinion, and I have never shrunk from its expression, * * * that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction, until all shall be usurped from the States and the government of all be consolidated into one."

To Mr. T. Barry, in July, 1822, he wrote:

"The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the ingulfing power of which themselves are to make a sovereign part."

If this subject in its infancy excited such serious alarm in the immortal author of the Declaration of Independence, may I not be pardoned for expressing fears to-day when the court has made such rapid strides in absorbing the jurisdiction of the State courts? If the sage of Monticello felt justified in hurling his anathemas at the Federal judiciary while it was illumined and presided over by him who has been held to be the ablest and one of the purest of the Federal judges (Marshall) and when its abuses were but a small stream, what

would be his language to-day if he were out of his grave and could witness the stream, swollen into a mighty river, whose banks are overflowing with waters gathered from streams in every State, leaving behind empty channels?

THE DANGER OF CONFLICT BETWEEN STATE AND FEDERAL COURTS.

None will assert that Story was given to idle fears and wrote without reflection. He, too, apprehended danger from this cause. Mark what he said in his great work on the Constitution:

"If State courts should deny the constitutionality of the authority to remove suits from their cognizance, in what manner would they be compelled to relinquish the jurisdiction? In respect to criminal cases there would be at once an end of all control and the State decisions would be paramount to the Constitution; and though in civil suits the courts of the United States might act upon the parties, yet the State courts might act in the same way, and this conflict of jurisdiction would not only jeopard private rights but bring into imminent peril public interests."—2 *Story's Const.*, 1746.

The conflict has been avoided in the past because the invasion by the Federal judiciary "has been noiseless and therefore unalarming" to the people, and because prior to the war neither Congress by positive enactments nor the courts by construction had gone so far as to materially affect the convenience of the people or the business of the State courts. They therefore preferred to yield than to array active opposition. The injury was so light it was believed that public weal demanded submission rather than disturbance.

ENCROACHMENT OF THE FEDERAL COURTS OVER STATE COURTS.

Of late years the Federal judiciary has gone with "noiseless step" so far into the territory which lies beyond their domain, and apparently so harmless, that the people have become habituated to its presence and have patiently submitted to what could have been resisted as an unwarranted invasion of their rights had it come in more robust and ruthless form.

In our civil-war period we found as in all civil wars that *inter arma silent leges*. When the minds of the people were concentrated upon the smoke of battle and the conflict of arms, and when the confusion following the war had seized upon the public mind, the Federal judiciary and the advocates of centralization in Congress stole a march upon the people. Prior to that period it hung upon the outskirts of the domain of the State judiciary, but during the war and the confusion resulting therefrom they have advanced to the very heart of that territory and have asserted as a claim of right what before was based upon sufferance. The steady advance of this power must be arrested or the danger of total annihilation of the independence of the State judiciary will be apparent to all, and centralization will obtain a triumph which only revolution by force can overthrow.

Let me direct your attention to a case which recently occurred, where if the people of the State had not become inured to the centralizing tendency of the Federal powers the hour of danger apprehended by Jefferson and Story would have arrived. The Wisconsin Legislature attempted to avert demolition of the independence of her State judiciary by an enactment providing that grants of charters to insurance companies, or their privilege to do business in that State, should be allowed on the condition that it should not remove suits against it from the State to the Federal courts. A company accepted its charter on that condition, but afterward disregarded this provision. The Supreme Court of the United States held that the act of the Legislature was unconstitutional and the agreement of the insurance company void. Now, if the judiciary of Wisconsin had adhered to the legality of the charter and maintained the constitutionality of the legislative act, and in defiance of the Federal decision by its process enforced the rights and dignity of the State, an alarming conflict would have ensued without any superior authority to determine the conflict.

LEGISLATION ON REMOVAL OF CAUSES FROM STATE TO FEDERAL COURTS.

Most of the legislation on this subject of removal of causes has been enacted since the war. From 1789, when the original judiciary act was passed, down to 1866 our Federal judiciary had that essential quality of a good system—permanency.

No very bitter complaints from the people against the Federal courts were heard during all that long period. It is true that a few wise statesmen who had seen the rocks ahead of the ship of state had warned us of the dangers of wrecking upon what was beneath the surface of the judicial system. But as I have already intimated, the people had never, to any considerable extent, felt the oppression of these courts; they disregarded the prophecies of Jefferson and others. The dangers are now upon them and they cry aloud for relief. In his compilation of the laws and decisions bearing on this subject Judge Dillon remarks:

"That the small tide of litigation that formerly flowed in Federal channels has swollen into a mighty stream."

And he further remarks:

"Certain it is that of late years the importance of the Federal courts has rapidly increased, and that much, perhaps most, of the great litigations of the country is now conducted in them. This is notably so in the Western States."

And:

"The limited right in this regard [removal of causes from State courts] given by the judiciary act has been enlarged from time to time until a very considerable portion of the contested cases in the Federal courts now reach them through this channel."

I call attention to his testimony on this point because he has done as much to enlarge the jurisdiction of the Federal courts by the dangerous power of construction as any judge who has sat upon the Federal bench. But the learned judge fails to tell us that the "limited rights in this regard" have been enlarged far beyond their boundaries by constructions of the laws of Congress in decisions of the Federal courts which have excited the surprise and anxiety of some of our soundest constitutional lawyers and most patriotic citizens. He also fails to tell us that this enlargement of the jurisdiction of the Federal courts has resulted in encroachments upon the legitimate domain of the State judiciary.

In the course of my remarks I shall refer to some of the statutes and decisions conveniently compiled by Judge Dillon in this work.

ORIGINAL JUDICIARY ACT OF 1789.

As I have already indicated, from 1789 until the act of July 27, 1866, the twelfth section of the judiciary act remained as the only statute authorizing the removal of causes from the State courts to the circuit courts of the United States on the ground of citizenship of the parties. Omitting the cases of aliens, we find that the instances in which removals were authorized are very limited. It was restricted or allowed only to the defendant or defendants, and must be applied for by all the defendants.

If some of the plaintiffs were not citizens of the State where the suit was brought, or if some of the defendants were citizens of the same State with plaintiff, or if the defendant answered or submitted to the jurisdiction of the State court before applying for the removal, or if all the real defendants did not apply for the transfer, then in neither of such cases could there be a removal under the original judiciary act, or until the enactments of 1866 and those of subsequent years. When we compare the law as we find it to-day with those prior to that period, we can not be at a loss to discover the reason that the people were so content and patient in this regard. Very few cases were or could be then ravished from the State courts.

THE ACT OF 1866 MANGLED THE JURISDICTION OF STATE COURTS.

But mark the change in 1866. Are not the people justified in their complaints when they contemplate the inroads upon the State jurisdiction; the impoverishment of State courts; the annihilation of the independence of the State judiciary; the invasion of the rights of citizens of the States, and the enormous increase of the cost of the Federal courts to the tax-payer.

Some features of the act of 1866 were very peculiar, I may say absurd. It is therein provided that where a suit is brought by a resident plaintiff in a State court against a resident defendant and a citizen of another State, the suit could by the non-resident defendant be split into two, one half remain in the State court and the other half would go to the Federal court to be adjudged by it. The constitutionality of this act was doubted by some of the Federal judges. Even Judge Dillon was forced to remark:

"It may be inferred that Congress doubted the power under the Constitution to authorize the removal of the whole case since part of the case provided for would be between citizens of the same State."

Mr. Speaker, that act mangled the jurisdiction and insulted the dignity of the State judiciary.

It was a reflection upon the integrity of the people of the States. Thus dividing the case into two delayed the course of justice, embarrassed and annoyed the parties with inconvenience and expense. I am certainly warranted in characterizing the act as an absurdity in implying that the State court was only capable of determining one-half the case.

My time is too limited to draw your attention to all the features of the subsequent acts; I shall only allude to a few of the most important.

ACT OF 1867 AUGMENTED HARDSHIPS OF RESIDENT LITIGANTS.

The act of 1867 went still further in violation of long-established legal principles, as well as augmented the hardships of resident litigants. That act, among other things, provided that the cause might be removed "at any time before trial or final hearing of the suit." This act, for the first time in any country where the common-law system prevails, gave the plaintiff the right to turn his back upon the forum he had voluntarily chosen and drive his antagonist into the Federal courts.

In the case of Johnson *vs.* Monel, the plaintiff was a citizen of Iowa, one defendant was a citizen of Nebraska and the other a citizen of New York; the last was not served with process and did not appear; the case was tried in the State court of Iowa, but after the court had set the verdict aside the Supreme Court of the United States sustained the plaintiff in the privilege of further harassing the defendant by dragging him from the jurisdiction where he was first assailed into the far more expensive and inconvenient tribunal afforded by the Federal jurisdiction.

In the case of Insurance Company *vs.* Dunn (19 Wall., 214), the State jurisdiction was arrested in a more offensive manner to the dignity of the State court. The plaintiff in this case had a verdict and judgment thereon against the insurance company in the State of Ohio. The defendant applied in the State court for a new trial and filed a bond, which it seems in that State has the effect of vacating the judgment. And then the defendant turned its face to its next friend, defied the mandate of the court where it had voluntarily submitted to be tried, and before order to set aside was made applied to remove the cause under the act of 1867. The Federal judges held that there had been no final trial; that the application was in time, and that the suit was removable; and the Supreme Court of the United States nullified the judgment of the State court.

If you regard this ruling, so degrading to the State judiciary, flagrantly erroneous, what redress can you find? These courts have arrogated to themselves the power of determining their jurisdiction without regard to the opinions of the State courts. No matter to what extent the inordinate desire for judicial power may carry the Federal judges, the laws of Congress fail to provide a balm for the wounds ruthlessly inflicted upon the dignity and independence of the State courts.

Thus, as we see, non-residents and foreign corporations have two chances while residents only have one. The act of 1867 still remains in force and is not repealed by any subsequent legislation. It is supposed this law was enacted for the benefit of persons who had gone into the Southern States immediately after the war. If so, the era of good-will and peace, now so happily restored, admonishes us that no excuse remains for such a plain violation of the rights of the State judiciary.

ACT OF 1875 DELUGES FEDERAL COURTS AND IMPOVERISHES STATE COURTS.

The act of March 3, 1875, goes far beyond all previous acts and deluges the Federal courts with a flood of causes removable from the State courts, thereby crowding the Federal courts beyond their capacity and greatly increasing their cost, while the States are being left with large judicial machinery to rust upon a small amount of labor. The right of removal is enlarged by this act as to subject-matter irrespective of the citizenship of the parties, and in other cases to citizenship irrespective of the subject-matter. It removes the limitation prescribed by the judiciary act and prior removal acts, requiring one of the parties to the suit to be a citizen of the State where the suit is brought.

Whether the acts of 1866 and 1875 are constitutional I believe are still open questions with the courts. I am not aware that there has been a direct decision of the United States Supreme Court upon them, and although it would seem that any one comparing the act of 1875 with the provision of the Constitution upon which Federal judicial power is based could hardly believe the act constitutional, yet, if we are guided by the uniform decisions of those judges in the past on questions of jurisdiction, it can not be doubted that they will sustain the constitutionality of the acts which add to their judicial power.

It will, however, require some ingenious argument to give plausible coloring to the proposition that when the Constitution in explicit terms limits to cases "between citizens of different States" it shall be construed to embrace suits between citizens of the same State, as the act of 1875 contemplates. The act of 1866 sought to avoid this difficulty by dividing the suit in parts, but legislators had become sufficiently inured to violations of the Constitution in 1875 to ignore and trample under foot the rights of the State judiciary without hesitation or remorse. The construction given by the court to the original judiciary act when Marshall, Story, and Taney were on the bench would be against the jurisdiction, but their seats are filled with others now. Time will tell whether they understand the Constitution any better than their early predecessors.

ABUSES OF THE LAW OF REMOVAL.

But let us come to the examination of some of the abuses of this law which have become so oppressive to resident litigants.

The Federal courts by their decisions, and even by *obiter dictum* upon questions affecting their jurisdiction, have given to the language of the law very singular construction. In the long line of their decisions we find an almost unbroken current running in one direction, aggrandizing their power and magnitude.

CONSTRUCTION IN REGARD TO CITIZENSHIP.

In the interpretation of statutes as well as contracts we all know the rule is that when the language employed is plain and unambiguous there is no room for construction; but that rule seems to have been disregarded by the Federal courts in passing upon questions of jurisdiction, as will be seen by reference to the following instance: The acts of Congress authorizing the right of removal from State courts are based upon that provision of the Constitution which declares that the "judicial power shall extend to all cases of law and equity * * * between citizens of different States," &c.

Worcester defines a "citizen" to be "an inhabitant of a republic who enjoys the rights of a citizen or freeman, and who has a right to vote for public officers; as, a citizen of the United States." This would undoubtedly contemplate a be-

ing possessed of mental and physical faculties, of mind, flesh, and blood; a breathing, moving, creature of God, having a soul. When Taney presided the court held that a free negro of the African race whose ancestors had been brought and sold in this country as slaves was not a citizen within the meaning of the Constitution, and could not bring a suit in the Federal courts. And yet the Federal courts in a number of cases have held that a corporation, a mere fiction of the law, a fleshless, heartless, soulless thing, not a creature of God but a creature of man, is clothed with sufficient attributes of citizenship to remove a cause from the jurisdiction of State courts into the Federal courts.

In other words, for this purpose a corporation of another State, a railroad company, a banking company, a shipping company, is a citizen, and that such an organization under the laws of Russia, Turkey, or England is an alien and endowed with the privilege of defying and scorning State judicial power. Thus the subtle refinement of the constructionists have rendered necessary a new definition of the word "citizen" and "alien." Corporations were indebted for this superior privilege to the ingenious invention of the law-interpreting, not to the law-making department. This encroachment of the Federal judiciary is so far-reaching in its effects they have declared that a State is powerless to deprive a corporation of this right of removal, even where the corporations have made an agreement to waive the privilege.

By act of Congress in 1868 the right of removal is in express terms granted to corporations authorized by the laws of the United States. When we find the language used in the Constitution is "citizens" and "aliens," it is difficult to understand where Congress finds power to confer this power on "corporations."

They have lifted the corporation above and beyond the sovereignty of the State or the binding force of its contracts. They have made it an *imperium in imperio*. They hold that when petition and bond is presented to the State court for removal the State court has no power to refuse the demand for removal, that its rightful jurisdiction ceases *eo instanti*, that no order for removal is necessary, and that the State can do no subsequent lawful act affecting the case; and one distinguished Federal judge held that the State court could not even inquire into the sufficiency of the bond, but it may be robbed of its jurisdiction and the resident suitor be forced from its jurisdiction without even the privilege of a look into the sufficiency of the bond.

It was held by Judge Drummond, in Osgood *vs.* Chicago, &c., Railroad Company, that where the petition and bond for removal was filed with the clerk in vacation, without action or knowledge of the court, without any examination by the court of the sufficiency of the petition or bond, *ipso facto* deprived the State court of its jurisdiction. How considerate are these law-givers of a certain privileged class, who are relieved of the degradation of even appearing in the presence of the State tribunal!

In another case it was held that where the United States court refuses to return a cause to the State court improperly brought before it, the party can not return to the State court and proceed with his cause, but he must remain in the Federal courts and abide their final action. On the contrary, if the State court asserts jurisdiction, after a proper application for removal, the party does not waive his right of removal by remaining and contesting the case in the State court, and he may follow the case to the supreme court of the State, and if unsuccessful there he has the right to sue out writ of error in the Supreme Court of the United States, and upon the record, without examination of the merits of the case, the Federal court may reverse the judgment of the highest court of the State, with a mandate to reverse the judgment of the lower court, and order a transfer of the cause to the circuit court of the United States. These courts claim the power to stop and tie up the proceedings of a State court by injunction. Truly the State judiciary is made the sport and foot-ball of the Federal judiciary.

WHO WILL DECIDE THE CONFLICT OF AUTHORITY?

Suppose a Federal court should assume jurisdiction of a cause not contemplated by the statute and which clearly belongs to the State court? Some may say such action of the Federal court would be void and not binding, because they can only exercise jurisdiction where it has been conferred by the statute; but if the court should proceed to enforce their illegal decrees by its process and come in contact with the State jurisdiction, who would decide? Shall the decision be left to the physical forces employed by the sheriff and the marshal? Each of these jurisdictions under our system of government is independent and supreme within its legitimate sphere.

Such a conflict is not by any means improbable. The Federal courts have been heretofore unrestrained and with impunity have infringed upon the territory of the State courts; but I tell you that judges of these courts have seen the barriers of their rightful jurisdiction thrown down so often that they are becoming restless under these invasions, and may ere long feel that their solemn obligations to the people will demand resistance to the depredations and encroachments upon their lawful domain. If so, in the language of Story, who will decide the conflict? In such a conflict the triumph of the Federal courts will be a subversion of the Constitution; on the other hand confusion and disorder may follow. The law authorizing the removal of causes is the great source of this danger. I propose by my amendment a simple remedy. Repeal this law and make plain the boundary of these jurisdictions. Thereby you will prevent the Federal judiciary from invading the State courts and taking from their dockets causes of which they have acquired rightful jurisdiction.

The Federal courts have long enough ignored, defied, and commanded the State courts as tribunals of the most inferior character. They are in no sense inferior courts when exercising their legitimate functions.

THE FEDERAL JUDICIARY NO LONGER A SANCTUARY IN POLITICAL STORMS.

Sir, the judicial department of this Government has in the remote past been regarded as the sanctuary for the protection of individual and State rights. Amid the darkest hours of political storms in this country, when the executive and legislative branches of the Government seemed guided in the performance of their duty by mere prejudice and party passion, the patriot has looked with hope and confidence to the Federal judiciary as the guardian of liberty and law, as the pure and impartial power to stay the hand of mad ambition and of those who forget the Constitution and the Republic.

But, sir, he is pained of late years with apprehensions that this department of the Government—the sheet-anchor of his hopes—is erecting a centralized power upon the ruins of the Republic. Every year witnesses with sorrow and terror the fences erected by the fathers around the sovereignty of the States thrown down by judicial construction—sees one by one the reserved rights of the States annulled and annihilated. They who formed this Government did not dream that when they had shaped the judicial power in the Constitution they had forged a weapon which would destroy the form and life of that Government for which they had suffered and labored. Had they conceived such a peril to the Republic possible they would undoubtedly have placed guards around the State judiciary in language too plain for misapprehension.

In a letter to Judge Johnson, dated March, 1823, Jefferson wrote:

"There is no danger I apprehend so much as the consolidation of our Government by the noiseless and therefore unalarming instrumentality of the Supreme Court."

To Mr. Corry he wrote, October, 1823:

"At the establishment of the Constitution the judicial bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were soon to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that their decisions nevertheless become law by precedent, sapping by little and little the foundations of the Constitution and working its change by construction, before any one has perceived that invisible and helpless worm has been busily employed in consuming its substance."

When the Federal Constitution was before the Virginia State convention for ratification or rejection, Patrick Henry uttered this prophetic language:

"I see arising out of that paper a tribunal that is to be recurred to in all cases where the destruction of the State judiciary will happen, and by it the State courts will soon be annihilated."

The fears which haunted Patrick Henry and Thomas Jefferson in the evening of their lives are being realized now in the tendency of the Supreme Court and other branches of the Government to centralization and in destruction of sovereign and reserved rights of the States. If permitted to go on without restraint our system of government will in truth be revolutionized, and the change from a republic to a monarchy will be made easy. I deplore this. I believe the reserved rights of the States the most precious of the rights of the people; they furnish the best safeguard for the protection of the life, liberty, and property of the citizen. Let us stay the threatened dangers by saving our State judiciary from annihilation. Do not increase the Federal judiciary, lest it will like Aaron's rod eat up the rights of the States.

INCONVENIENCE OF FEDERAL COURTS.

The great inconvenience occasioned by this law to residents of these States furnishes a sufficient reason to warrant the adoption of this amendment. That profound moral philosopher, Paley, in treating of courts, said:

"If the court be remote and solemn it becomes by these qualities expensive and dilatory. The expense is unavoidably increased when witnesses, parties, and agents must be brought to attend from distant parts of the country, and where the whole judicial business of a large nation is collected in a few superior tribunals, it will be found impossible, even if the prolixity of forms which retards the progress of causes were removed, to give a prompt hearing to every complaint or an immediate answer to any."

In our own country and times, where localities are remote from points in which the Federal courts hold their sittings, these laws have operated in many cases to defeat the ends of justice. The section in which I reside is about two hundred and seventy miles from the State capital, where the United States courts are located, to which our causes are removed when taken from the State courts. I can say of my own knowledge that just and meritorious causes have been abandoned against insurance companies for the reason that the plaintiffs could not bear the oppressive expenses of litigation so far away from home. This is a denial of justice to the poor.

OPPRESSION BY CORPORATIONS.

The practice has perhaps become universal that litigious insurance companies, even in cases where a widow sues in a State court for the life policy of her deceased husband or a man sues for the policy on his dwelling destroyed by fire, these companies resort to the privilege of removal. They shield themselves under the protecting wing of the Federal courts, force its adversaries to bring their witnesses, and incur the enormous expense attending the slow process of securing a trial in the overcrowded Federal courts. This vexatious expense and delay enable wealthy corporations to crush many holding just claims against them and force them to either relinquish their suits altogether or compromise on such terms as are dictated by the agents of their powerful and heartless antagonist.

RIGHT OF TRIAL WHERE LITIGATION ORIGINATES.

When the right of trial by jury—that bulwark of civil and political liberty—was established in our parent country it became a part of the law that the trial should be had in the county where the offense was committed, and so jealous were our ancestors of a subject so vital to the security of the citizen they went still further and required that the jury itself should come from the vicinity where the crime was alleged to have been committed. Except in transitory actions the same reasoning with regard to this applies to civil as to criminal proceedings.

Judge Story has said that—

"One of the fundamental objects of good government must be the due administration of justice."

Is it not vain to claim that we have such an administration when the private rights and property of the citizen is left to the avarice and selfishness of powerful corporations and wealthy non-residents? Can it be of any advantage to the widow and children of the deceased husband that she has a right of action in a court beyond her reach for the policy on the life of her deceased husband? From the scanty earnings of a life of toil he may have promptly paid every installment of the premiums. He may have suffered self-denial; his wife and children may have endured privation and want in order that if death should remove their supporter a legacy would be left to keep away the lean wolf of hunger from the home of his bereaved family.

Now, when the sod has been heaped upon his grave, is it any consolation for the helpless family to say to them if they have the means to employ lawyers, pay witness fees and expenses far away from home, follow the case from the State to the United States circuits, and then perhaps a thousand miles or more away to the Supreme Court at Washington, where it must lie at least three years in a contest with a corporation having millions under its control? Such a law, sir, is a solemn pageantry, a mockery of the widow in her grief-stricken and lonely condition. It has been said by a wise man, a profound legal thinker, an able exponent of constitutional law in this country, that—

"If the people are enlightened, honest, and zealous in defense of their rights and liberties it will be impossible to surprise them into a surrender of a single valuable appendage of the trial by jury."

I appeal to you now to regain what has been surrendered of the "valuable appendages" of having the trials, juries, and courts among the people. It is only in the State courts that justice can be obtained without delay. The right to a speedy trial comes to us from Magna Charta. "*Nulli vendemus, nulli negabimus, aut differemus rectum vel justitiam.*" "We will not refuse or delay to do justice" is its language.

Sir Edward Coke, in explaining that principle of Magna Charta, said:

"Therefore every subject may take his remedy by the course of the law and have justice and right for the injury done to him, freely and without sale, fully without any denial, and speedily without any delay."

Can you say that we enjoy this right so legitimately inherited from a brave ancestry who at the peril of their lives extorted it from a tyrannical king in a rude and dark age? Our title to it is six hundred years old. Is the wisdom and courage of this enlightened century unable to maintain this great charter in a land of freedom?

Can it be said justice is dispensed freely, fully, and without delay, where power is given to an arrogant and powerful litigant, in defiance and contempt of the jurisdiction of the courts, in Illinois or California to remove a cause from the docket and force its feeble opponent into another jurisdiction two hundred miles away, and, if poverty and despair have not compelled an abandonment of the suit, carry the cause to the Supreme Court in this city, one thousand or three thousand miles away, and still further clog the wheels of justice with three years' delay?

Such a law places in the hands of the mighty the dreadful weapons of poverty and despair in their battle with the poor and unfortunate. Some may say this is justice, but many who are not altogether without wisdom will call it more in

the nature of mockery and cruelty. One of the prime objects for which governments are instituted is to protect the weak from the injustice of the strong. Shall we tolerate the reversal of this doctrine by permitting the Government to be used as an instrument of oppression in the hands of the strong?

PLANS FOR INCREASE OF FEDERAL JUDICIARY.

The Attorney-General has recommended in his last annual report that the number of judges on the Federal bench be increased, and that an intermediate appellate court be established in order that the overcrowded condition of the Supreme Court may be relieved. This is also advocated by able and experienced gentlemen in another body. I am opposed to this scheme and can not agree with its promoters. It does not do away with the enormous expense of litigation in the Federal courts, but will add greatly thereto. It will largely increase the expenses of the Federal judiciary. God knows we have enough life officers in this Republic drawing salaries from the earnings and labors of the people. Confine the United States courts to the legitimate limits of their jurisdiction as designed by the founders of the Government, and the judges will not complain of being overworked or of the necessity for increase on the bench.

REPEAL OF BANKRUPT LAW WILL RELIEVE THE COURTS.

An act has been passed within the last few days which will relieve these courts of a very large portion of that character of business now overcrowding them. I refer to the repeal of the bankrupt law. A very large portion of their work during the last ten years has been due to the bankrupt law. I have not had access to the statistics which will show the number of cases of which the courts will be relieved by the repeal of the bankrupt law, but a statement was made in another place the other day upon which we may base some opinion.

From a statement furnished by the clerk of the northern division of Illinois, it was ascertained that out of 4,606 on the dockets of the various branches of the court in that division on May 1 last, 1,167 were bankruptcy cases, being about one-fourth of the causes in court. If this is a fair average for the other courts of the United States, by this means the work of the Federal courts will be diminished one-fourth. The amendment I offer in connection with the bill introduced from the Judiciary Committee will undoubtedly relieve the courts of at least an additional one-fourth or one-third of its business.

LITIGATION REDUCED ONE-HALF.

Pass this bill and amendment, and you will complete the legislation that will diminish the work of these courts at least one-half and thereby reduce the enormous expenditures of the Federal judiciary and remove all cause for the creation of new judges or the machinery of the courts. Delay will be avoided, and will have secured that object so greatly desired in the administration of justice, promptness and cheapness.

ECONOMY OF THIS MEASURE.

Let us discuss this question for a while from the standpoint of economy. Surely no one will complain of me for treating the subject in this view when the distress in the country and the heavy burden resting on the tax-payers are considered.

I have obtained from the Chief of the Bureau of Statistics a statement of the cost of the United States courts which should arrest the attention of every conscientious legislator who desires to lop off unnecessary expenditures of public money.

The table which I have shows the expenditures of the United States courts for the years named as follows:

1850	$497,558 54
1860	936,477 61
1865	1,192,272 84
1870	2,162,109 82
1875	3,332,182 27

Three millions were appropriated for the fiscal year of 1877, but the Attorney-General reports that it was inadequate to meet the expenditures of these courts, and a large deficit was called for.

It is said "figures do not lie." They tell us that in no year during the seventy-seven years from 1789 when the original judiciary act was adopted down to 1866, when the first act was passed enlarging the jurisdiction of the Federal courts by widening the way for transfer of causes from the State to the Federal courts, did the expenses of these courts reach $1,200,000. And they further show from that time onward these expenses have grown with marvelous rapidity as each additional act of Congress has been passed. When only six years had elapsed since the act of 1866 went into operation the expenses of these courts (1873) had increased threefold.

What has been the effect of this legislation on the State courts? Let lawyers practicing in them give the answer. I know the answer from the West, and perhaps from the South, will be they have been rapidly depleted every year since the acts I have mentioned went into effect. It is rare that a suit is retained on their dockets in which corporations are parties.

TRANSPORTING JUDGES FROM OTHER CIRCUITS.

If I had not already consumed so much of your time I would dwell upon an abuse which has grown up in recent years of transporting persons from other circuits and appointing them judges in circuits where they have never had a residence.

Almost every judge who sits on the bench in the fifth circuit is an importation. That circuit embraces the States of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The judge on the Supreme Bench who has charge of that circuit is a resident of New Jersey. A judge ought to have some acquaintance with the people among whom he presides and should undoubtedly be thoroughly conversant with the systems of jurisprudence established in the States embraced in his circuit. When we remember that the civil law purely prevails in Louisiana, and to a large extent in the States of Louisiana, Florida, and Texas, is it not passing strange that no one could be found in all those States fit to be trusted with that appointment, and that it was necessary to select one of the common-law lawyers of New Jersey, a State where the common law prevails, to represent those States on the Supreme Bench? It seems to me it would have been better to select one familiar by practice with the civil law and the treaties made with the mother governments of those States, and their statutes. There are only nine circuits in the whole Union, yet the judges representing two of these circuits on the Supreme Bench have been appointed from Ohio and hold their residences there to-day. Three of the supreme judges have charge of circuits in which they do not reside.

In order to afford greater protection to the people of the States, I would, by legislative enactments, stay the hand of the power which forces litigants from the local courts before a judge on the Federal bench, who is not only a stranger to the people, but a stranger to some extent of the systems of jurisprudence he is called upon to administer.

THIS MEASURE BRINGS THE ADMINISTRATION BACK TO FUNDAMENTAL PRINCIPLES.

This bill and the amendment seek to bring the administration of law and the Government back to fundamental principles.

Those who formed the organic law of my State made this injunction a part of the constitution: "A frequent recurrence to fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty." This is language worthy of a place alongside of that found in the bill of rights of the Old Dominion: "That no free government can or the blessings of liberty be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles." Let us, then, return to fundamental principles. Let there be equal and exact justice to all.

But it will be a delusion and a snare if it shall not be so dispensed that it may be within the reach of all. History has perpetuated the infamous memory of Caligula, who wrote his laws in very small characters and hung them high upon pillars, so that the people could not read them. Beware lest we be accused by the historian of making justice so dear and difficult of attainment that its blessings are only within the reach of the rich and powerful. Let it not be said of us as was said by the poet of another land: "That its laws grind the poor and the rich men rule the law."

You do not desire that it shall be said of our courts, as was said by the immortal bard of Avon of the courts of his day—

> "Plate sin with gold,
> And the strong lance of justice hurtless breaks.
> Arm it in rags, a pygmy's straw doth pierce it."

Justice is more easily and quickly obtained by the poor in the State courts than in the Federal courts. This bill and amendment will promote liberty, promote justice, promote economy, and promote the general welfare.

I trust the members of this American Congress will give careful, intelligent, and conscientious consideration to a question fraught with such deep import to the autonomy of the States, the sovereign and primary rights of the people, and their convenience, peace, and fortunes.

Before leaving this question I beg leave to call attention to the following extracts from a pamphlet recently issued by Mr. William M. Meigs, of Philadelphia, who, although writing several years after my speech above quoted and taking similar ground to that occupied by myself, yet it seems that he had not seen my remarks but had been led by his own experience and observation to substantially the same conclusion in his search for relief of our Supreme Court. I beg leave to quote from his pamphlet the following:

THE RELIEF OF THE SUPREME COURT OF THE UNITED STATES.

The question of the relief of the Supreme Court of the United States has been much discussed for a few years and has excited not a little interest. The accumulation of old cases hanging on from term to term, and growing greater annually in number from the inability of the court even to dispose of the new cases yearly reaching them, shows plainly that, for the benefit of suitors, even more than for the relief of the judges, some change is imperatively demanded. This is doubtless a fact in the problem which few will question—something must be done. But, when we come down to the means of attaining the end, the question becomes much more difficult. When the American Bar Association discussed the subject at Saratoga in 1882 it appeared that irreconcilable differences existed not only in the committee which had been appointed to consider the subject, but in the body itself as well; and the resolution recommending the plan of a court of appeals was only carried by 39 votes to 27. The question has been the subject of much discussion since then in different parts of the country, and there have been introduced into Congress more than a dozen bills, many of them radically differing from each other. In the midst of such great variety of opinion, it is entirely impossible to say what will be the outcome of the matter, though it may be presumed from the interest manifested that, within a few years at most, some important legislation on the subject will be passed.

The plans, which appear to receive the most support are, (1) the establishment of a court of appeals, wherein shall be finally decided many of the cases which now reach the Supreme Court; and (2) the division of the court into sections, which shall sit separately, the decisions in all cases to be rendered by the whole court. The first-named or Davis plan seems to meet with most favor, and its features occur more or less markedly in several of the pending bills. The very serious objection that it would far from conduce to uniformity of decision has been met by other bills embodying a part of its plan.

It is not our purpose, however, to enter into any elaborate examination of the different bills before Congress, for we are unable to see that any such great change in the matter is needed as is generally advocated. We think it can be shown that by repealing a few of the acts giving jurisdiction to the Federal courts in certain specified classes of cases, it can be made easy for them to dispose of their whole annual accession and in the course of some years to bring the lists again down to a condition where they can be cleared up each year. If this is possible, without depriving suitors of rights which they ought to have, we assume that it is desirable. There can be no question that, by itself alone, the creation of a new court is not to be wished. The expense of the body is a fair argument against it, unless it is a real necessity; and, more than that, it is certainly the case, and it seems to be conceded, that the present constitution of the Federal courts is preferable to the proposed new one, with a court of appeals intermediate for some cases. One of the main objects to be obtained is the avoidance of those great delays which are a practical denial of justice in many cases; and it should not be forgotten that, whatever plan for the court of appeals might be fixed on, some, at least, of the cases would have to drag their weary length through both the court of appeals and the Supreme Court before the unhappy suitors would at length be released. This is not desirable. The present plan, if it can do the work, is certainly preferable, and thus much, we believe, is admitted on all sides.

The growth of the Federal judicial business was for many years very gradual, the cases on the lists of the Supreme Court being decidedly few in number until the middle of the century; not until 1858 did they even reach 300, and in 1870 for the first time they exceeded 600. In 1875 there were 974 cases on their list, in 1876 1,000, in 1880 1,202, in 1881 1,013, in 1882 1,026, and in 1883 1,070. The total average annual accession for the last ten years has been about 425 cases, the new cases docketed to October, 1881, numbering 399; to October, 1882, 422, and to October, 1883, 419. The number of cases annually disposed of varies of course not a little, but it averages 360. It is therefore clear that their business has grown unmanageable only within the last fifteen years, and it is further clear that the great number of cases on their docket is liable to be not a little misleading; the vast majority of these cases are *remanets*, reaching back not a few years. The average annual accession exceeds the number of cases they are able to dispose of by about sixty-five (a very little over 18 per cent). This increase of business is owing to different causes, but there is one which stands out specially prominent. Judge Strong (North Amer. Rev., cxxxii., p. 438) pointed out the causes at length in his article written shortly after he left the bench, and the same subject has been recently examined more elaborately by a committee of the Law Association of Philadelphia. They found that over one-third (34.5 per cent.) of all the cases found their way to the Supreme Court exclusively on the ground of citizenship, and they at once saw that here was an opportunity for reduction.

Others also have seen the same thing, and several of the pending bills propose a reduction by closing a part of this avenue. But can not more be done? Why not cut off the whole of this branch of jurisdiction at once, and thereby relieve the court from 34 per cent. of its labors? This would at once put them on their feet again, and enable them to do more than dispose of the annual accession of new cases, for we have already shown that a relief of slightly more than 18 per

cent. is all that is imperatively demanded. Judge Strong has considered the expediency of more or less radically altering the classes of cases to be decided by the Supreme Court, and he lays special stress (*ubi supra*, pp. 446, 447) upon the difficulty and comparative want of importance of citizenship cases.

It has been suggested, we believe, that it would be unconstitutional, but this can hardly be contended. The provision of the Constitution certainly does not, *proprio vigore*, vest the full extent of the Federal judicial power in the courts which Congress may establish, and confer upon them power to exercise it without legislative regulations. It can not have this meaning, for an unanswerable question would be which of the inferior courts is to exercise the jurisdiction and under what regulations? Though the judicial power does extend to controversies between citizens of different States, yet Congress need not call it into being, just as it need not pass a bankrupt law, declare war, or execute other powers conferred by the Constitution. And it is a well known fact that for over eighty-five years Congress exercised but little comparatively of its power in conferring jurisdiction in citizenship cases, and this was never held to be unconstitutional.

It is therefore apparent that more than one-third of the cases reaching the Supreme Court can be cut off by this simple process, and there are strong reasons why it should be done, and we, at least, fail to see any valid argument against it. This class of cases is one that gives special and peculiar trouble to the court, owing to the fact that it calls upon them to examine so many systems of law. The lawyer who has more than a faint acquaintance with the law of two or three States is not only a man of learning, but must have been endowed with a most rich measure of that precious gift—memory. The most learned of us is in reality not competent alone to undertake and conduct a law proceeding in a State where he is not at home. He may have the theory perfect and at his fingers' ends, but some wretched little point, which the lawyer of the *locus* would be entirely familiar with, will miss him, and he will soon be in a snarl. So difficult is it that at least some lawyers decline the practice entirely. Yet the Supreme Court is called upon to examine into the law of no less than forty-seven different jurisdictions other than that properly of the United States. The difficulty of this must be enormous and hardly capable of exaggeration; we all experience trouble enough in settling the law of one jurisdiction.

Probably the judge arises from the argument of a case of this nature, after the conflicting and not always precisely accurate statements of the law by counsel, with but the vaguest knowledge of what the law really is. He has, then, subsequently to spend laborious hours in searching through statutes and law reports which are new to him; and, in this labor, a portion at least of the usual incentive is wanting, for he is not working in his own field nor is he spurred on by the knowledge that his work will be of daily use to him in the future. (See Judge Strong's article, *Id.*, pages 440–446, where the difficulty in this class of cases is specially emphasized). Then there is this additional trouble that, as the Supreme Court does not universally, in cases of this nature, follow the law of the State, their labor is not at an end when they have discovered the latest State decision upon the subject; but they must make an elaborate examination and decide whether there has been a conflict of decision in the State upon the subject, and what was the law at the date the plaintiff acquired his rights; and then finally whether on the whole case it is one where, under their own decisions upon this very difficult subject, they will feel obliged to adhere to the latest State decision or will decline to follow it.

We think these facts show that the jurisdiction depending exclusively on citizenship involves great and peculiar trouble, and it would seem, therefore, that the decision of a hundred such cases must demand not a little more time and labor than does an average hundred cases of strictly Federal law. Therefore, as the citizenship cases constitute slightly more than a third of all their cases, we should, by abolishing root and branch this source of jurisdiction, reduce their labor considerably more than a third. This is a vast reduction, and the only question that remains is the advisability of the step. Is there any reason to-day for the court's being troubled with this mass of cases which do not belong to the system of jurisprudence which it is their function to erect? We can not see that there is. The reason for the constitutional grant of jurisdiction in such cases is well known and was doubtless a hundred years ago a very valid one, but it would seem to have no vital force any longer. At the time the provision was adopted we were emerging from a condition in which each State had been actively engaged in erecting its own walls of restrictions, with the view of helping itself and injuring its neighbors, and there is no doubt that there were strong feelings of jealousy and distrust among the different States of the confederation.

This condition of affairs was the very reason for the making and adoption of the Constitution, and it is highly natural, therefore, that it contained the provision. There would likely, otherwise, have been frequent bickerings and discontents about verdicts and decisions going against citizens suing in the States where they did not live, and one of the very purposes of the Constitution would have been frustrated for a time. But the course of nearly one hundred years has changed all this. It is hackneyed now to speak of the nearness of all parts of the country to each other and of the closeness with which we are bound together in all the affairs of daily life, but it is only the more true because hackneyed. It is undoubtedly the case that San Francisco is effectively as near to us to-day as Boston was to Richmond a hundred years ago. The New Yorker is vastly better acquainted to-day with the Chicagoan than he then was with the man from New Haven. We are all closer together in point of mere time, and in other matters our closeness to each other is even greater. And this constant intercourse and knitting of interests has had that effect which was to be expected.

We have become better friends, more similar in manners and customs, more willing to trust each other, and we do not now look with staring eyes at the citizen of another State as he passes us in the street or we deal with him. On the contrary, we daily see and deal with many of them, without even knowing it, or caring, if we do. It may fairly be said that that prejudice which was the cause of the constitutional provision is a thing of the past. If it was then, it is no longer the case that a citizen of any State need fear that he will fail of receiving a fair trial, let his suit be in what State you please. We must not forget that, in the Federal as well as the State court, he will meet with a jury of citizens of another State than his; and if the change proposed is made, the only difference will be that he will have his trial presided over by a judge who is also a citizen of another State than he, which may possibly not be the case when he has the right to sue in the Federal courts. We should be loath to believe that this would put the party from a distance in any peril of not getting an impartial trial, nor do we think there is any evidence whatsoever that such would be the case. If we are right as to the question of prejudice, there is certainly no valid reason why the jurisdiction should not be abolished.

If it is said that their jurisdiction is necessary in such cases on account of questions of commercial law; the answer is plain that by far the greater number of such cases—and often growing out of a transaction identically the same as that which it is argued the Federal courts should decide—must inevitably be subject exclusively to the courts of the State; and that system sadly lacks uniformity, which holds a defendant not liable on one contract and yet liable on another, when the sole difference between the first and the second is that the parties to the second are entitled to sue in the Federal courts. And in the vast majority of such cases, the Federal courts are, by universal admission, called upon, merely owing to adventitious circumstances, to administer the law of another forum. It is certain that they can not exercise this function any better than the courts of the State, whose very breath of life is the law in question. As to the comparatively few cases of this nature in which they decline to follow the law of the State as expounded by her tribunals, it is submitted that their soundness, as also their expediency, are matters of grave doubt.

This line of decision has given rise to another great element of uncertainty as to party's rights—as well citizens as non-citizens of the State—and has unquestionably not attained any such degree of definiteness as enables counsel to advise on the subject. The decisions are undoubtedly very conflicting; the question is one of the greatest difficulty and obscurity in itself, and the court has not succeeded in elaborating any system out of it, which offers a reasonable prospect of a scientific basis. We think, therefore, that even those who support this class of decisions must feel that their importance is not sufficiently great to render it worth while to yield up the great prospect offered of relieving the court without the creation of new courts and complicated machinery. It is apparent that this one change will make such a reduction that there would probably be no necessity for several decades, at least, to erect a new court, and he is an unwise physician who applies radical remedies before there is an imperious necessity. The country is certainly growing with tremendous strides, and it is likely that litigation will increase with the growth of population, but we can by no means say that it will grow in anything like the same proportion; and if one simple remedy can enable the court at its present rate to dispose of considerably more than the annual accession, it is surely not advisable to apply such heroic remedies as are advocated. The future is so uncertain that it is not best to make great changes when a small one will remedy the present evil.

Let us rather provide for our present needs by simple means, and not legislate in the dark for a condition of affairs which is, maybe, to exist several decades from the present time. Who can say what effect the vast changes going on in our midst in monetary affairs and commercial relations will have upon the law business of the country? Who can say what will be the effect of that tendency to centralization of business, which is one of the most striking features of the day, and which is but beginning to have its effect? Where, in the past, a thousand transactions were performed by as many different people, they are often now performed in an hour or two by one individual or officer of a corporation. And, whatever we may think of the corporations and their modes of doing business in certain aspects, there can be no doubt that, in the long run, there must be less litigation growing out of a given number of cases operated by one practiced hand than by the many.

The one hand is soon far more skillful than is the average of the many, and is, moreover, likely to act under the guidance of better legal advice than are the many. There can be no doubt, we take it, that the tendency of companies for the insurance of titles to real estate is greatly to lessen litigation on that subject, and the same may be said of all bodies of a kindred nature. Such bodies are daily springing up among us, and have undoubtedly had a marked influence in some places in reducing law business. Is it not to be presumed that they will continue to increase in number and in the classes of subjects to which they apply, and that they will spread over the whole country? This is not the place to go into these questions at length, and we merely cite them as elements on which we can put our hands, and which we can see must have a marked operation as a set-off to the tendency to increase of judicial business from growth of population. Others could be named, and there are probably a thousand similar elements, which we can not even see, let alone know their effects; and we submit again therefore, that it is not the part of a wise statesman, in the midst of such uncertainty as to the future, to advocate radical change until the time arrives when it is apparent that some fundamental measure is the only means of attaining the needs of the then present.

Besides the citizenship cases, there is at least one other source of jurisdiction the necessity of which it is difficult to see. We refer to cases from the District of Columbia. These reach the Supreme Court in large numbers, constituting a little over 5 per. cent. of their total business. Their removal would therefore be a marked relief, and a bill has been introduced into the Senate with that view by Mr. INGALLS. It is not easy to see why the time of the highest Federal court should be wasted in deciding miserable disputes growing out of contracts to pave the streets of Washington, or to hear cases depending exclusively upon the old Maryland law, whenever the sum in dispute exceeds $2,500 and the defeated party is of a litigious nature. The only disideratum would appear to be that these cases should be decided by a competent tribunal under the control of Congress, and with a revisory body. The supreme court of the District certainly fills these requisites. The passage of the Ingalls bill would therefore seem to be highly advisable.

Territorial cases involving more than $1,000 constitute another class of cases, which seems to us out of place in the Supreme Court, though we speak with much diffidence on this subject, as no bill has been introduced to cut off this source of cases, and as there may be some controlling reason for the existence of the jurisdiction of which we are not aware. The Territories must sooner or later elaborate a system of law for themselves as States, and it would probably be well for them to begin early and not to enter the Union as States without an "unwritten law" based on law decisions of their own. Of course all questions growing out of their organic law would necessarily reach the Federal Supreme Court as involving the meaning of a United States statute, but why questions upon the law of negligence or of emblements and kindred subjects in a Territory, should be permitted to make a drain upon the time of the Supreme Court, when that time is so imperatively needed for other things, we are at a loss to see. The review they already have in their own supreme courts ought to be enough for their comparatively unimportant business. The cases from these courts constitute a little more than 4 per cent. of all the cases in the United States Supreme Court, and it would, therefore, doubtless be quite within bounds to assume that, if this branch were cut off, it would make a reduction of 2 per cent.

The jurisdiction conferred upon the district courts (and thence indirectly to the Supreme Court in error, when the matter in dispute exceeds $5,000) by the fifteenth clause of section 563 of the Revised Statutes of all suits by or against national banks also offers an opportunity for reduction. There is no good reason why an ordinary suit depending entirely on State law (*e. g.*, a suit on promissory note or upon mortgage) should take the time of the Federal courts simply because a bank is a party; and the jurisdiction in such cases could easily be taken away, leaving questions of the interpretation of the charter or the powers of the corporation under the United States laws to reach the Supreme Court on other well-known grounds. The cases by or against national banks constitute a little less than 5 per cent. (4.73), and this ground of relief, it may therefore be assumed, would remove from 1½ to 2 per cent. at least of the cases, another very material reduction.

We think we have shown conclusively that the needed relief of the court can be attained in the way proposed, without the creation of any new court whatsoever, and without in any way damaging either the court itself, the rights of suitors, or the interests of the Government; and surely, if this be so, it is immeasurably the preferable mode. The measures proposed would enable the court in the course of not very many years to dispose of all their arrearages, and, even if it is thought that those arrearages should be cleared up more rapidly, it would be very easy to create a commission for that purpose. Such a body could be arranged upon the plan of one of the pending bills, and all the cases now on the list which do not involve a question distinctively of Federal law be referred to it for its final decision, with such other regulations as might be thought best. But even this temporary new court does not seem necessary or even expedient.

Summary: Number of new cases per annum, 425; number of cases decided per annum, 360.

The relief of the court from the citizenship cases only would reduce the new cases per annum to two hundred and seventy-nine, and thereby enable them to dispose of as many as eighty-one old cases each year; and the list would not become unmanageable again until the annual accession of cases increases by from one-quarter to one-third.

Their relief from citizenship and District of Columbia cases would reduce the new cases per annum to two hundred and fifty-eight, and enable them to dispose of one hundred and two old cases each year; and the list would not become unmanageable again until the annual accession of cases increases by from one-third to one-half.

Their relief from citizenship, District of Columbia, national bank, and Territory cases would reduce the new cases per annum to two hundred and forty-three, and enable them to dispose of one hundred and seventeen old cases each year; and the list would not become unmanageable again until the annual accession of cases increases by nearly one-half.

WILLIAM M. MEIGS.

PHILADELPHIA.

The Labor Question in the Present Congress—What Has Been Done and What Ought to Be Done.

SPEECH

OF

HON. ALBERT S. WILLIS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884.

The House having under consideration the bill (H. R. 2550) to prohibit the importation and immigration of foreigners and aliens under contract to perform labor in the United States, its Territories, and the District of Columbia—

Mr. WILLIS said:

Mr. SPEAKER: I recognize the fact that the maximum of temperature on this floor is the minimum of patience on the part of the members. I shall therefore be very brief in what I shall say. I congratulate the committee, I congratulate the country, upon the prospective speedy passage of this bill. It touches interests wide as humanity; it vitally concerns every workingman, every wage-laborer in the land.

IMPORTANCE AND NECESSITY OF SUCH LEGISLATION.

The need and importance of this and similar legislation are known to all. By the last census the total number of workmen in the United States was 17,392,099. Over one-third of our whole population, therefore, will be affected by any bill which undertakes, as this does, to regulate the importation of labor. Not only is this large number of our people interested in such laws, but their need of such legislation has grown greater with each year of our history. Rapid increase of population, crowded thoroughfares of business, and wonderful inventions of labor-saving machinery mark our material progress, but the welfare and comfort and contentment of the great majority of our people have not made equal progress. A few men like Gould and Vanderbilt have become billionaires; but nine-tenths of our people still find it a hard task to make both ends meet. The rich have become richer and the poor poorer. Men of moderate salaries find it more and more difficult to live in comfort and independence. Our progress has inured to the benefit of the few and the injury of the many. In a republic the true maxim of legislation is the greatest good for the greatest number. The pending bill comes within that maxim. It proposes to remove one of the greatest dangers which now threaten the workingmen of our country. Its passage will make their condition of life more prosperous, happy, and hopeful. Its urgency therefore requires no argument.

THIS CONGRESS A FRIEND TO WORKINGMEN—THE LABOR COMMITTEE.

This urgent appeal Congress has heard and heeded. Nor is this the only evidence of the growing importance of questions connected with the labor interests of our land. In a most signal manner these interests have been recognized by the present House of Representatives. In the very first days of its sittings, upon the motion of the distinguished gentleman from Missouri [Mr. O'NEILL] this House created a new committee—known as the Committee on Labor—and made it their duty to investigate and prepare legislation upon "all matters relating to labor." For many years we have had committees on "banking and currency," on "commerce," on "railways and canals," on the "militia," on "naval affairs," and upon numerous other subjects demanding attention and legislation. This, however, is the first Congress which has appreciated the magnitude and importance of the questions relating to the industrial classes, and as the result we have now a committee on "labor." If there was any doubt as to the propriety and necessity of such separate committee it has been completely dispelled by the diligent and successful manner in which its duties have been discharged.

BUREAU OF LABOR STATISTICS.

The first measure which the Committee on Labor presented to our consideration was one establishing a bureau of labor statistics. The Committee on Education and Labor, of which I was a member in the last three Congresses, had carefully investigated the nature and necessity of such legislation. As the last Congress failed to enact a law upon the subject, I introduced a bill (H. R. 645) in the beginning of the present session. The honorable chairman of the Committee on Labor [Mr. HOPKINS] and other gentlemen introduced similar bills. The Committee on Labor promptly reported a bill, and the House having with equal prompitude given it a day for consideration, it was passed, and is now awaiting the signature of the President. I hope no material amendment was put on by the Senate. The bill as it left us was acceptable to those whom it was specially intended to help, and their judgment is worth much in such a matter.

The establishment of such a bureau is not a new thing in American legislation. As far back as June 23, 1869, the State of Massachusetts passed a law establishing a bureau of statistics of labor.

NATURE AND BENEFITS OF STATISTICS.

The scope of its work was similar to that provided for in the bill which we passed and is best explained in the words of the law:

The duties of such bureau shall be to collect, assort, systematize, and present in annual reports to the Legislature statistical details relating to all departments of labor in the Commonwealth, especially in its relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the Commonwealth.

The good results which this bureau accomplished in Massachusetts are well known. Some of the most valuable laws regulating the relations between labor and capital and correcting some of the flagrant abuses and evils of the struggles between them owe their origin to this bureau. So successful and beneficent were its operations in that State that New Jersey, Ohio, Pennsylvania, and several other States—twelve in all—have established similar bureaus. Congress has now provided a bureau which will collect such statistics in all the States and Territories, so that we will soon have authentic and full information from all parts of our Union upon all the important labor questions of the day. Among other facts, this bureau will tell us the average earnings of all persons employed in our mechanical and manufacturing industries; the wages of laborers, skilled and unskilled; the cost of living; the effect upon wages and production of the reduction of the hours of labor; the condition of tenement houses; the causes and effects of strikes; employment of convict labor; the distribution of wealth, as shown in the ownership of real and personal estates, and in the deposits in our savings-banks.

Such information will be invaluable in determining what within the province of Congressional legislation can be done to secure peace and prosperity to the industrial interests of the country. We must know the nature and extent of evils before we can make laws to remedy them. The creation of a permanent bureau to collect such statistics is therefore a great step toward the correct understanding and proper solution of the great industrial problems of the hour.

IMPORTED LABOR A CRYING EVIL.

But, Mr. Speaker, while there are some questions in this connection which may await the collection of facts through this bureau, there is one evil of such pressing importance that this House can not delay its preventive action. I allude to the importation of aliens under contract to perform labor in the United States. That large numbers of degraded and unskilled workmen have been imported here is a fact thoroughly established by the testimony taken before the House and Senate committee as well as by other evidence. The United States consul at Buda-Pesth, Hungary, Mr. Henry Sterne, in an official letter to the State Department in 1882, says:

I have information that agents are managing the business a good deal in the manner of the cooly trade, and that these immigrants are shipped to the United States about like so many cattle.

The gentleman in charge of this bill [Mr. FORAN] has just informed us that the Hungarian consul at New York, Count Esterhazy, has called upon this Congress to pass a law "to put a stop to such immigration" for the reason that they are "owned by capitalists."

Mr. P. J. McGuire, general secretary of the Brotherhood of Carpenters and Joiners, testified before the Senate Committee on Labor, in 1883, as follows:

Within the last few years it has come to pass that a large body of the cheaper class of foreign laborers, people unused to our habits of living in this country, are brought over here under contracts made in their own countries through the influence of United States consuls, with the avowed object of aiding the iron and coal corporations to reduce the wages of their employés. * * * This importation of labor to this country was noticeable in connection with the strike in the coke region around Steubenville, Ohio, where a large number of those Hungarians who had lived in the interior provinces of Hungary and had been subjected for years to the most brutal conditions were brought over here; and you can judge how low they have become when it is a fact which is quite generally known by all whom I met about Steubenville that while they were working in the service of the coke company there they took the dead carcass of a mule, sliced it up, and dealt it out as rations.

The systematic efforts to import alien labor are detailed in the able report of the committee, from which I read:

Mr. John Swinton, of New York city, in a recent issue of his paper, states that in the lower quarters of New York city there are quite a number of firms engaged in trafficking in human flesh. They are, as a rule, engaged in the "banking business," but their ventures in the slave traffic are quite extensive. Going into one of these establishments for the ostensible purpose of securing Italian laborers for an iron company, the agent stated, in answer to an inquiry, that during the time they had been in business 14,000 Italians had been brought to

this country under contract, 6,000 of whom had returned to Italy. It was further stated that they had agents at Naples, that the American companies paid the passage of the men from Italy, and their fare from New York to destination, which amount the imported Italian agrees to pay back with 6 per cent. interest. The men are shipped from New York to destination by the car-load, cars being chartered for that purpose. The men receive from the American companies from $1 to $1.25 per day. Mr. Swinton also states that the Hudson River Iron and Ore Company, in Linlithgo, Columbia County, New York, had in June, 1883, a large number of Hungarian laborers employed at $1 per day. They were paid monthly, fifteen days being invariably retained by the company. The men were huddled together in shanties, and live mainly upon rye bread and potatoes. They had been brought there under contract to fill the places of American workingmen, to glut the market and thus depress wages.

The Pittsburgh Commercial-Gazette, in its issue of December 11, 1883, publishes a "special" from Erie, Pa., to the effect that H. W. Heichhold, son of the United States inspector of customs of that name, had that day (December 10) returned from Lake Superior and reported a distressing condition of affairs at Jack Fish Bay and other points on the northern shores of Lake Superior. He stated that at these points 3,000 Italian laborers were left in a terrible state of destitution. They were brought from Italy by agents with the understanding that they were to have employment on the Canada Pacific Railway. As they perhaps reached there late in the season, when work had partially suspended, their agents deserted them in many instances and left them without money, food, or shelter. Some of them made their way to the United States or southern shores as stowaways. They complained bitterly of the treatment to which they were subjected by the agents, who held out great inducements to get them here and then sold their labor at so low a rate that it was impossible for them to procure more than the actual necessaries of life while they worked, after which they were turned adrift. Thousands of them were on the northern shores, cut off from civilization, in the middle of winter, many of whom no doubt have ere this died of exposure and starvation. Those who reached our shores are in all probability, for the present at least, a charge upon the communities where they found shelter.

In view of these facts it is not surprising that an indignant protest against this system has come to this Congress from all parts of our Union. Nor will this surprise be lessened when the character and habits of these imported white slaves are known.

DEGRADING HABITS OF THIS CLASS OF IMMIGRANTS.

Abominable as are the habits of the mass of Chinese immigrants, they are not more so than the ignorant, helpless, and brutish creatures whom greed and avarice have brought to our shores. Some of the evidence upon this point will not bear public recital. The idea of home, so dear to our own native and adopted workingmen, seems to them unknown and unappreciated. The respect and love which the humblest laborer in our land feels and exhibits toward the wife of his bosom and the children of his own flesh and blood, are trampled under the feet of these semi-barbarians. The coarsest food satisfies their appetite; the cheapest clothing half conceals their nakedness; the rudest hut or hovel suffices for their shelter. That this picture is only half drawn will be seen from the testimony from which I will briefly read:

Mr. Barkley, of Pennsylvania, testified before the Committee on Labor in regard to the Hungarians as follows:

The class imported by the coke manufacturers are the lowest beings that have ever been in the State of Pennsylvania, subsisting upon what an American laborer could not eat—such as mules, hogs, &c., which have been killed or died with cholera and other diseases. Not one has ever been known to become an American citizen, but all return to Hungary within a limited time (about four years) with what money they can save by living in this miserable condition of filth and squalor. Women and children work, too, drawing coke and forking coke into cars, commencing work about 1 or 2 o'clock a. m. and returning to their shanties as late as 7 p. m., working through all kinds of weather from two to five days per week. They seldom sleep in beds, but lie on the floor, with a board or a stick of wood under their heads, as large a number probably as forty in one house intended for a miner with an average family, one female serving about ten men in all relations between male and female, housewife, and laborer in the coke-yards. They are not known to purchase any of the luxuries which tend to elevate and enlighten the people, living in filth and wretchedness, but hoard up their small earnings, which they promptly forward to Hungary; thereby draining our district of the circulating medium. Being low in the scale of intelligence, they are the willing slaves of the coke manufacturers, willing to submit to almost any conditions.

P. H. McLogan, representative of Chicago Trade Assembly, then in session in New York city, August 24, 1883, said:

We think, also, that the Congress of the United States ought to pass a law prohibiting the importation of foreign laborers under contract. We know that, notably, men working the mines in the upper lake region frequently make contracts in Europe, in Sweden, and Denmark, and import a number of laborers from there. It may be said to be, in a modified form, the Chinese cooly system over again. It is the same system in a modified and less objectionable form. Those men are imported from Europe, and they work from one to two years under contracts made in Europe. That system is a source of great dissatisfaction to a great many American workingmen, for while a great many of us believe that American workingmen ought to have "protection" so as to get better wages, still we can not conceive how we can be really protected when the same manufacturer who advocates the "protection" of American labor can, in case of a lockout, go over to Germany, or some other part of Europe, and import as many mechanics or laborers as he pleases to compete with our American mechanics here at home. That was done notably in the case of the glass-blowers in New Jersey. We consider that any "protection" now given to American mechanics is of no avail so long as capital can import this cheap European labor in that way.

Ex-Mayor Powderly, of Scranton, the general master workman of the Knights of Labor, has just returned from a trip to the Connellsville coke region of Pennsylvania, and the scenes of want and degradation which he witnessed there among the imported Hungarian laborers are a disgrace to humanity. Women and children were at work at and around the glowing furnaces performing the hardest and most menial services. In a published letter Mr. Powderly says:

I had often heard of the employment of women at the coke ovens, but never had an opportunity of seeing it before. At 6 o'clock in the morning I went to the coke works and there I saw that the stories I had heard about this matter had not been exaggerated. At one of the ovens I saw a woman, half naked, drawing the hot coke from the chamber. She had no covering on her head and very little on her person. Her appearance was that of one whose spirit had been broken by hardship and hard work. Her attire consisted of a coarse chemise and a pair of cowhide boots. In a freight-car close by stood another woman forking the coke as it came to the car. Forking is the term used to indicate the disposition of the coke when it is thrown into the car. This woman stood in the doorway and was dressed in a coarse, loose-fitting outer garment and an apron. Her person from the waist up was exposed. When she stooped over to handle the coke she caught her hair between her teeth in order to keep it out of her way. Her feet were incased in a pair of heavy shoes, her legs were exposed from the knees down. Her babe, which she brought to the works with her, lay in front of the car with scarcely any covering except the shadow of a wheelbarrow which was turned up in order to protect the child from the rays of the sun. Many more such scenes as this met my view, some of them even worse than the ones I have described. These will, however, suffice to give your readers an idea of what Hungarian labor really means.

Before the Hungarian was imported the task for an ordinary man was to draw five ovens, but the Hungarian takes the contract for six ovens for less money than the American formerly received for five. He compels his wife or grown-up daughter to accompany him to the ovens in the morning and assist in the work until about noon; after that she may go home.

While the owner of the works does not employ the women, he is responsible for the crime of permitting them to work there, and should be held up to public execration and scorn.

These imported men show no disposition to become citizens of this country, but, on the contrary, seek to obtain a certain sum of money, which they consider a competence, and with it return to Italy or Hungary. I have seen eight of these people and one woman living in a small house, without beds or furniture, sleeping on the floor, and have been informed by reliable authority that these nine persons' expenses for one month was only $27. I have seen them in the Frostburg region of Maryland, where they had been brought by agents, who engaged them at Castle Garden, living in a wooden building, sleeping on bunks, this building being fenced in to prevent them being communicated with by the people whose places they had taken. The diet of these men was water and mush, with a small quantity of meat on Sunday. These men are brought into competition with skilled as well as unskilled labor, and it is fast becoming as bad as the competition of the Chinese in the West.

Such is the testimony of Mr. Powderly, who represents half a million workingmen in America.

Mr. William F. Barclay's evidence before the committee is equally strong:

We have a great many of these so-called Hungarians. They are not Hungarians, but Slavonians. They are not brought to our region on a written contract. There is an agency in Pittsburgh and in New York for the employment of these people, and to send them where they are called for. We are against the importation of these people because their influence is degrading. Firms employ these people in preference to Americans or other emigrants. They are easily imposed upon, not 5 per cent. of them being able to read. They perform this soft-coal mining very well, as it requires little skill. They have usually about one woman to every ten men. Their habits are disgusting in the extreme. I saw and counted one day thirty-five women and children employed forking coke and working about the ovens; the children poorly clad, of every age ranging from 5 years upward. They do not work on Sunday. To illustrate how they live: A yard boss who went to get men to work got thirty-seven men out of a house containing four small rooms. They had no beds, but laid on the floor, heads and tails, I suppose.

I never knew one of these men to stay in the country. They spend comparatively nothing, saving their money to return home. Even when sick they go to the poor-house, until at last the authorities refused to longer entertain them while they had money. They will eat anything. They hang their meat out in the sun that it may become soft and tainted. The business men of the region are opposed to them. They get the same wages as the Americans, except when they work by the day; then they are paid 33 per cent. less, which is all they are worth. This importation has reduced the price of mining, and makes it impossible for the men to do other than submit to whatever the operators demand or require of them, regardless of its justice.

These statements present a picture of woe and penury and degradation at which every friend of humanity will shudder. It is hard to believe that such things can be true in this land blessed with free institutions and boundless resources of wealth. Shall we consent to such a condition of affairs? Shall we suffer the ignorant and outcast of the world to be brought here under contracts which make them virtually slaves? Shall the self-respect of our laboring men and the modesty of their wives and daughters be laid a willing sacrifice upon the altar of avarice? These are questions which vitally concern the peace, happiness, and stability both of society and of government.

FREE TRADE IN LABOR.

We have heard much on this floor and elsewhere about "protection" and "free trade." That there are members before me who are warm friends of "protection" I know to be a fact, for "they themselves have said it." They want high protective duties upon all the products, whether food, medicine, or clothing, that come from abroad. If there is any member on either side of this House who advocates "free trade" I do not know it. There are many here, and I agree with them, who think that if the present tariff was modified so as to put the heaviest duties upon silks, diamonds, and other luxuries, and reduce them on food, clothing, and the necessaries of life, the wages of the workingman would buy more and his home would be happier. There are some of us also who think that a change in the tariff would give a larger and more remunerative market to our manufacturers, thus enabling them to keep their founderies and factories open all the time, and giving wages which would not only be high, but continuous and permanent. I do not consider that our belief of these and kindred propositions make us "free-traders."

But, Mr. Speaker, there are "free-traders" in this body and in the country, and these "free-traders" are all "protectionists." I do not say that all protectionists are free-traders, but I do say that all free-traders—in the sense in which I now use the term—are protectionists. Who, then, are these free-traders? They are the men who advocate and countenance by their votes and secure by their agents the importation of cheap and degraded laborers to compete with our home people. They

are not all but many of the capitalists and corporations of the country. They are the men who traffic in human flesh, who buy their ignorant fellow-men for a mess of pottage, whose cry, like the daughter of the horse-leech, is ever for "more." They are the honorable but misguided gentlemen who in this Congress and in previous Congresses have voted in favor of Chinese immigration—who voted that a low, immoral, squalid race should supplant by their labor and dishonor by their example the honest, worthy, and industrious workmen already in our midst. These are the only avowed "free-traders" in American politics. "Protection in the products of labor" but "free-trade in labor itself" seems to be their motto. Against this I enter my solemn protest. Where is the consistency of such a position? If the capitalist must have protection for what he makes; if his goods and property must be kept sacredly guarded against all competition with the markets of the world, why should not his employé ask and receive the same protection? The brain and muscle of the molder or weaver is his only property. Why not protect it as you do the property of its employer? Why let the brain and muscle of China or Hungary be brought into ruinous competition with it? Why shut the gates against all foreign competition in the products of labor, thus increasing the price of the necessaries of life, and at the same time throw them wide open to all the imported labor of the world? This is the very perfection of injustice. You smite the workingman with a two-edged sword. You refuse to let him buy where he can buy the cheapest, and you let in this degraded labor, which lessens his wages with which he can buy. Such a policy is at once grotesquely absurd and cruelly unjust. To correct that injustice this bill is intended. It puts an end to contract or servile imported labor.

TERMS OF THE BILL.

The first section embodies the substance of the bill:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, paid or special, expressed or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

The second section declares that all contracts with "any foreigner or foreigners, alien or aliens, to perform labor or service in the United States previous to the migration or importation of such persons into the United States shall be utterly void and of no effect."

The third section imposes a penalty of $1,000 for "every violation of any of the provisions of sections 1 and 2 of this act."

The remaining sections are in the same direction.

A HEARTY WELCOME TO BONA FIDE IMMIGRANTS.

It will thus be seen that there is nothing in this bill which forbids or discourages the coming to this country of voluntary immigrants. Nor does it prohibit the bringing over of the family or relatives of foreigners now in our country. At the end of section 5 is a proviso:

That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

Across the waters we extend the hand of welcome to all who will identify themselves with our institutions, respect our laws, and advance our common interests. Most cordially has this generous invitation been accepted. In every land the hearts of its oppressed and liberty-loving people have turned to free America as the prisoned plant turns to the sun. The official statistics show that since 1820—that is to say, for the past sixty years—the voluntary immigration to this country has reached the grand total of 10,808,189 people, nearly four times as great as our whole population in 1790. We welcome all who desire or intend to make this their home or who expect to become permanent citizens of our Government. The German, the Irish, the French, and other immigrants have quickly and successfully adapted themselves to our institutions. Descended myself from such ancestors, I should be the last one to complain of their coming or detract from their virtues. Their conduct and history is their best praise. Prompt to defend the honor and to promote the welfare of their adopted land, yielding ready and cheerful obedience to its laws and customs, they have illustrated in their lives and indicated by their conduct the wise policy of immigration. As kindred drops of water they have mingled and been lost in the great stream of American life. All such immigrants are welcome, and they know it. It is right to invite this class of immigrants, and it is also right to shut our ports against these imported laborers, who are willing to live in filthy hovels, half fed, and ignorant as the beasts of the field. Through the first comes to us fresh, healthy blood, which helps to build up and strengthen the body of the Republic; which creates a brave, patriotic, self-reliant, assimilative citizenship. Through the second comes only stagnant, diseased blood, which weakens the sinews of the country, and which, if not removed, will bring decay and death.

THIS LEGISLATON NOT NEW—THE ANTI-CHINESE LAWS.

But it has been said here that this legislation is a "new departure." I see, sir, no ground for such a charge. We all know that years ago what is known as the "cooly" law was passed, which is similar in its principle to this. We all remember the more recent anti-Chinese legislation. As chairman of the subcommittee I had occasion six years ago to examine this question. We were satisfied both as to the policy and rightfulness of such legislation. In behalf of the Committee on Education and Labor I presented to Congress the first anti-Chinese bill. It was vetoed by President Hayes, but the efforts we made forced a new treaty with China. Under that treaty our committee subsequently in the Forty-seventh Congress introduced another bill which was vetoed by President Arthur. Another bill was then offered more in conformity with the views of the Executive, but much less satisfactory to the people of the Pacific Slope. That bill became a law, and this Congress to make it effective has added certain amendments. This whole subject is, therefore, familiar to us. The Chinese, like these imported Hungarians, were degraded, groveling white slaves, without self-respect, wifeless, childless, and unfit for American citizenship. We, therefore, excluded them from the country; and in so doing I contend we violated none of the traditions or principles of American nationality. It is neither possible nor desirable for two races as distinct as the Caucasian and Mongolian to live under the same government without assimilation. The degradation or slavery of one or the other would be the inevitable result. Homogeneity of ideas and of physicial and social habits are essential to national harmony and progress. From an industrial standpoint also the Chinese are equally objectionable. Our laboring people can not and ought not to be subjected to a competition which involves the surrender of the sacred and elevating influences of home and the sacrifice of the ordinary appliances of personal civilization. No self-governing country can afford to diminish or destroy the dignity, the welfare, and independence of its citizens.

The action of the present Congress, therefore, in amending and strengthening the anti-Chinese law afforded a precedent for the passage of the bill against the importation of alien laborers, and at the same time is another evidence of its desire to do full justice to the workingmen of our country.

CONTRACT CONVICT LABOR.

Another bill, in the same direction as the two just mentioned, is the one (H. R. 995) abolishing what is known as the contract convict labor system, so far as the prisoners of the United States are concerned. In most of the States the system of contracting out the labor of the criminals exists. The report of the committee and the evidence recently published by the Senate Committee on Education and Labor show the necessity of such legislation:

The evils of the contract system are many, but your committee deem it necessary to only mention the following:

(1) The contract system is wholly adverse to reform, and therefore should be abrogated. The prisoners are treated as if they were so many dumb beasts, being driven to their daily tasks by men whose aim is to get a certain amount of work out of them each day.

Dr. Wines says:

"It places for the entire working day all the prisoners contracted for, to a great extent, under the control of men with no official responsibility; men who see in the convict only so much machinery for making money; men whose only, or at any rate, whose chief recommendation to the positions they hold in the prison is that they are the highest bidders for the human beings hired by them. It introduces into the prisons agents of the contractors, who, for the most part, have not only no interest in aiding reform of the convicts, but are too ready to oppose it, by offering mischievous indulgences to the convicts as an inducement to further industrial efforts."

Dr. Wines says further, to show that no reform is possible under this system:

"In former times, especially conspicuous in New York was the fact of the establishment in the prisons of a power behind the throne greater than the throne; a power well-nigh omnipotent within its sphere; a power that coerces, bribes, and threatens in pursuit of its selfish ends; a power that makes and unmakes officers, imposes and remits punishment through agents whom it has been able to bend to its will, and even stoops to mean devices to get the poor prisoner who has incurred its wrath into straits and difficulties, that its revenge may be gratified by the sight of his punishment."

(2) The contract system works great injury to honest labor in many branches of industry. Investigations by committees of State Legislatures has shown this fact repeatedly. The special committee of the Sixty-third General Assembly of Ohio on prison labor in their report say:

"The testimony shows conclusively that the contract system carried on in our penal institutions is directly responsible for a large percentage of the reductions which have taken place in the wages of thousands of mechanics during the past four years. Nearly every manufacturer who testified before your committee attributed a large percentage of the reduction in wages to the system which enabled manufacturers who have prison contracts, and who employ large forces of convicts at cheap rates, to go into the market and undersell them. There is little or no room for doubt as to the evil effect of this system upon the interests of free labor. It not only tends to pauperize honest labor, but it is, in a great measure, responsible for the overcrowded condition of many of our penal institutions."

The result of the investigations by the commissioner of the bureau of labor statistics of the State of New York is:

"The contract system of prison labor is directly responsible, to a great extent, for the reduction of wages and loss of employment suffered by mechanics engaged in the same branches of industry which are carried on under the contract system in the prisons."

No argument, however, is needed upon a subject so familiar. This House has by unanimous consent set apart a day for the consideration of this bill, and also for the bill relative to the eight-hour law. I hope when the day is reached both of these measure will be promptly passed.

THE EIGHT-HOUR LAW.

Four years ago this House by a two-thirds vote declared the meaning of this eight-hour law and demanded its enforcement. I well remember the great interest which the workingmen of the whole country manifested in this law. A committee of the most intelligent and influential representatives of the labor unions came to this city in behalf of its execution. I may be pardoned for reading a letter which those

gentlemen voluntarily addressed to me as a member of the committee then in charge of the matter:

WASHINGTON, D. C., *June* 8, 1880.

DEAR SIR: On behalf of three-quarters of a million of organized workingmen of the United States, whose organizations we have the honor to represent, we cordially thank you for your efforts of yesterday in aid of the resolution for the enforcement of the national eight-hour law.

Hoping for better success on the next trial over open enemies and cowardly "dodgers" and filibusters, we are, sir,

Very truly, yours, &c.,

JOHN G. MILLS,
Secretary Eight-Hour Delegation.
R. F. TREVELLICK,
Chairman, Detroit, Mich.
DYER D. LUM.
Northampton, Mass.
C. H. LITCHMAN,
Marblehead, Mass.
A. R. PARSONS,
Chicago, Ill.
S. C. HUNT,
Boston, Mass.

Hon. ALBERT S. WILLIS, M. C.,
House of Representatives, Washington, D. C.

Then, as now, this question was near to the workingmen.

Then, as now, the failure to execute it was inexcusable. What are the facts? On the 25th June, 1868, Congress passed a law which is embodied in section 3738 of the Revised Statutes and is in these words:

Eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed, or who may be hereafter employed, by or on behalf of the Government of the United States.

If this is the law, and if it means what it says, what reason can Congress give for refusing to declare that meaning to the world? If any doubt as to its meaning could exist it would be removed when we recall the circumstances which preceded its introduction and the debate at the time of its passage.

Petitions had been sent to Congress from all parts of the country, petitions not only from the arsenals, navy-yards, and other places under the charge of the Government, but from the laboring people generally. One large petition, I see from the record of that time, came from my own city, Louisville, in which there never was an arsenal or other Government work where this law would operate.

These petitioners claimed that the experience of mankind showed that in the long run men could accomplish as much work by working eight hours steadily as could be done by attempting to work for ten; that man's physical capacity for manual labor was limited, and that it was not wise to attempt to extend it beyond its reasonable capacity; that such a reduction of the hours of labor was proper in view of the increased work done by machinery, and that as full results would be secured to the Government within that time as within ten or fourteen hours.

Passing to still higher considerations, these laboring men contended that as our Republic was based upon the intelligence of the people, it was the duty of every man who was a voter to fit himself for the proper discharge of his duties as such, and for this purpose he should have a portion of each day to devote to his education and improvement. Contending, therefore, that the health of the laborer and the general interests of society would be promoted by this reform, these petitioners came to Congress asking that the Federal Government should put their theories to a test, hoping and knowing that if it proved successful in the case of the Government the example would be followed in all private establishments. It was in response to such appeals that this eight-hour law was passed. The debate at the time it was passed showed what its meaning and purpose was. Its terms are plain, and the experiment it proposed is worth the cost. The bill I have referred to proposes to pay these men according to this law. Can we afford to refuse this? Will a refusal secure that respect for and obedience to the law upon which more than anything else the harmony and perpetuity of our free institutions depend? Sir, if there were no questions of private right involved, if there were no merit whatever in the original proposition, I should feel it my duty to demand the enforcement of this law as an example to be placed before the country. If we in this place ignore, nullify the solemn statutes of the land, how can we look elsewhere for anything but riot, anarchy, and insubordination?

LANDS FOR THE LANDLESS.

Another subject which has largely occupied the time of the present Congress, and which is of great interest to every wage-laborer, is that of the public lands. It is well known that under an unwise and indefensible policy the public lands which ought to be sacredly set apart for the use and benefit of the people have been within the past twenty-five years given to railroad corporations. Two hundred millions of acres have been thus granted away—an immense empire in itself. The Atlantic and Pacific road in 1866 received 49,244,803 acres. The Northern Pacific and the Texas Pacific, the Iron Mountain, the California and Oregon, and numerous other corporations were given many millions more. Not content with this, other monopolists began a system of buying and unlawful fencing up of public lands, thus aggregating thousands and hundreds of thousands of acres in one great ranche. The Commissioner of the Land Office presents the facts. One single corporation, the Arkansas Cattle Company, has fenced in 921,600 acres. Many foreign companies have fenced up or bought up millions of acres which were intended for the general public. In Texas, Nebraska, and throughout the West and Southwest these have grown in size and enormity.

Congress has dealt a deadly blow at this triple-headed monster of land monopoly. This House has passed laws forfeiting over 70,000,000 of acres which these railroads claimed and restoring them to the people. It has also repealed the pre-emption laws, through the fraudulent abuse of which these immense bodies of land have been aggregated, and has restored these lands to *bona fide* homestead settlers. This House has also by a law put an end to this unlawful fencing of the public domain. These, Mr. Speaker, are measures which vitally affect the welfare of the great body of our people. We want no great land monopolies; we want no landed aristocracy; our population is rapidly and enormously increasing. Except for some legislation of this kind these great land and cattle companies and the railroads will have absorbed all the available lands of the country. This legislation alone will entitle the present House of Representatives to live in the grateful remembrance of the American people.

FEDERAL AID TO EDUCATION.

But, sir, in making this hasty enumeration of acts of legislation in the present Congress favorable to the laboring man and the great masses of our people I come lastly to the most important of all. I refer to the measures looking to the education of our people.

As far back as last February the Committee on Education reported a bill which is now on our Calendar extending aid for ten years to the States for educational purposes. The Senate committee within a few days thereafter reported a similar bill and for a larger amount—seventy-seven millions. The Senate bill is on the Speaker's table, and this House will bear me witness that as chairman of the subcommittee in charge of this legislation I have faithfully endeavored to secure action upon it. I hope before we adjourn that this bill will become a law. If, however, the pressure of the appropriation bills prevent action during the present session, I shall immediately upon the opening of the next session press this bill upon the attention of this House.

I need not here urge the importance of such a law. Intelligence is the prop, the cementing bond, the sheet-anchor, the very life-blood of our free institutions. We need no standing armies in a republic. We need only that the people should know their rights and advantages, and such knowledge will be always a sure rock of defense. No free, intelligent, and self-governing people can ever be overcome either by open foes or internal dissensions.

CONCLUSION.

I have thus, Mr. Speaker, called attention to a few, and only a few, of the acts of legislation which this House has brought forward, and most of which have already been favorably voted upon. Good laws make good citizens. Let Congress recognize the rights of all our citizens; let the toiler by the wayside, the delver in the mine, the workman at the forge, the plow, the loom, and the anvil feel that these laws are made for him as well as for the more powerful members of society; let it be believed that Congress and the Federal Government are governed by that old and approved democratic maxim, "equal rights to all, exclusive privileges for none," and you will have laid in the hearts and interests of all our people the foundations of a republic which will stand and flourish

Till the wave in the bay
Where the Mayflower lay
Shall foam and fall no more.

Chinese Immigration.

SPEECH

OF

HON. JAMES H. BUDD,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 3, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882—

Mr. BUDD said:

Mr. CHAIRMAN: When fuller information concerning the Chinese and the effect of their competition upon our people is possessed east of the Mississippi River there will be no opposition to further needed anti-Chinese legislation.

The learned gentleman from Massachusetts [Mr. RICE] states that this bill "adds no single barrier to the coming of Chinese into our country." If this be so, why did he so violently oppose the measure? Such opposition certainly proves that, to his mind, the bill is very restrictive. The second point made by him is that as there have been fewer arrivals since the act of 1882 took effect than before that time, the pres-

ent law is perfect and a new one unnecessary. This position has been fully answered by my colleagues Messrs. SUMNER and GLASCOCK. To what they have said I can add but little. That there have been fewer arrivals since the act of 1882 than before is true. From August, 1882, to November, 1883, only 2,652 Chinese landed at San Francisco, whereas 14,086 departed therefrom. Of the latter, 12,181 had return certificates. The loss by departure was but 1,905. There are many reasons for this condition of affairs. I will state a few:

First. The act of 1882 and the agitation for its passage stimulated Chinese immigration during 1881–'82, during these years 56,381 Chinese entering the United States, nearly double the influx of any other two years. Every Chinaman desiring to come, who could secure passage, found his way into the country. Thousands were prevented from coming only through lack of transportation facilities. Ships and steamers violated the navigation laws and were laded far beyond their regulated capacity. Every available vessel was pressed into service. Naturally a calm followed this storm. Stimulations are almost invariably followed by periods of relaxation.

Compare the stimulated increase of 1873, 1874, 1875, and 1876 with the relaxation of 1878, 1879, and 1880. The Chinese immigration in 1873 was 18,154; in 1874 it was 16,651; in 1875 it was 19,039; in 1876 it was 16,679. Then began the relaxation. In 1877 the immigration fell to 10,379; in 1878, to 8,418; in 1879, it was 9,189, and in 1880 it had ebbed to 7,011.

Second. There was a rush to enter before the act of 1882 became a law, as the operation and construction of it could not then be determined. The desire to come was not lessened, the fear of law deterred. This law must be tested before it was safe for the Chinese to again pour into our country. Chinese came over in violation of the intention of the law; able attorneys were employed, and the act was put to the crucial test of judicial construction. The weak points of the act were judicially determined, and the modes shown by which it could be evaded. The judges could not agree as to its proper construction. In the East the law was given one effect, in the West another.

Now that the Chinese know how to evade the operations of the act of 1882 they will do so, unless an act be passed remedying the defect of that law and removing from the domain of judicial determination its disputable points.

But the number given as coming to the United States is not correct. It does not approximate the truth. I am informed by George C. Israel, a leading attorney of Olympia, Wash., that the Chinese have devised many effective modes of crossing the border in direct violation of law; that it is worth from $50 to $100 for each Chinaman brought in. Mr. Israel relates many of these methods, but I have not time to specify them. Suffice it that hundreds come in of whom no record is kept. Mr. Israel is corroborated by the reports of the United States officers of Washington Territory.

SUMNER'S AMENDMENT.

It was to remedy these evils, which my learned colleague Mr. SUMNER foretold months before any official report was made thereof, that he proposed the amendment giving peace officers of the States and Territories the powers of United States marshals and deputy marshals for the purpose of enforcing the provisions of the act. This is one of the most important amendments to the bill, and one without which nearly every other provision might easily be violated. This amendment alone shows the error of Governor Rice's assertion.

But, I might ask, would it be any argument against amending a law shown by judicial construction to be worthless to assert that after its passage and prior to its judicial construction less crime had been committed?

The proper questions to answer are: What can be done under the present law? Does it carry out the intent of its framers? Has it defects? How has it been construed? If the law does not carry out the intent of its framers, or if it has defects, or if it has been rendered useless by judicial distortion, a bill carrying out these intentions, remedying these defects, and preventing these distortions should be passed.

That is the present case. That is the object of the present amendatory bill. I do not claim that the bill is perfect. I consider it not full enough in some particulars and unhappy in the expression of a few others. The bill is the best that could be expected under the circumstances. It is not the work of any one or two men. It is the work of the Pacific coast delegation in Congress. The people of the coast are a unit in their demand for the passage of some bill that will cure the defects of existing law. This bill covers most of them. To remove the question from the domain of politics and give the measure adopted an indorsement that would command speedy action, the Delegates, Representatives, and Senators from the coast met in joint committee. As amendments were proposed they were discussed, and adopted or rejected. When the ground had been fully covered all the amendments adopted were copied, and the bill thus framed placed in the hands of one of the members [Mr. HENLEY] to introduce for all. The individual wish was subordinated to the majority judgment. The bill is a good one and will prove effective.

NO TREATY VIOLATION.

The claim that it violates the treaty because it regulates the manner in which merchants and other privileged persons may enter the country and the evidence of their status is absurd.

As well could it be claimed that registration laws violated the Constitution and prohibited citizens from voting because they prescribed the manner thereof and the proper evidence of the right.

Regulations are not prohibition. And proper regulations and certificates are beneficial to the true merchant, because they save him from expense and annoyance. They are only objected to by such as have no right to enter the United States, and under this act will be prevented from securing the evidence of such right.

But should the act have violated treaties, what then? Well, if just and needed it should pass, for we owe more to our own people than to the other nations of the earth. Treaties must give way to matters of right protecting citizens of our own country.

NUMBER OF CHINESE IN THE UNITED STATES.

The number of Chinese in the United States has been variously estimated. The census of 1880 places it at 105,465. This is incorrect; it is too small. Any one familiar with the Chinese understands the impossibility of obtaining exact statistics concerning them.

I will prove that the number is larger than given in the census.

In 1869, H. C. Bennett, secretary of the San Francisco Chinese Protective Society, with the aid of the Chinese companies, made a careful estimate of the number of Chinese in the United States. This, coming from such sources, approximates accuracy. The figure was 90,000. Yet the census of 1870, only one year later, gave the number of Chinese as being 63,199. The census was incorrect.

In 1876 Mr. Alfred Wheeler appeared on behalf of the Chinese before a joint committee of Congress. From the custom-house records of San Francisco he proved, on behalf of the Chinese, be it remembered, that there were then only 93,963 Chinese in the State of California, and only 113,000 in the United States who had come through the port of San Francisco. He did not include one Chinese person who had come into the United States through Oregon, Washington Territory, or any port other than San Francisco. (See page 1196 of the testimony before the joint committee on Chinese emigration of 1876.)

Assuming the figures of either Bennett or Wheeler as correct—and the presumption is that neither are too high, for they were calculated to favor the Chinese companies, which were even then endeavoring to prove as small a number of Chinese in the country as possible—now, by adding the number of arrivals since 1869 or 1876, as the case may be, we have, after deducting for departures and deaths, a far greater number than given in the census.

Take Bennett's figures: Chinese in United States in 1869, 90,000; arrivals from 1869 to 1882, 205,431; a total of 295,431. Of these less than 100,000 have either died or departed since 1869. This would leave 195,000 yet here.

Take Wheeler's figures: In 1876 there were here 113,000. There have entered the United States since then 93,955, a majority of whom remain. This would give us over 150,000 to-day in the United States. In this estimate are not included those Chinese who entered prior to 1876 through any port other than San Francisco. It will therefore be safe to say that from 175,000 to 200,000 Chinese are now in the United States. In confirmation of this estimate I desire to call attention to the statements of gentlemen who have given the subject careful study.

In 1876 Frank M. Pixley calculated from 150,000 to 175,000 Chinese on the Pacific coast. In 1879 Hon. J. K. Luttrell and Hon. Frank Page stated on the floor of the House that there were in California 150,000 Chinese. Senator Sargent spoke to the same effect.

The joint committee which carefully examined into this matter reported, February 27, 1877, that Chinese in California equaled the number of voters therein (150,000 and over), and Mr. WILLIS, on February 25, 1878, reported from the Committee on Labor and Education, "that the lowest estimate of the Chinese in the Pacific States is 150,000."

I feel certain the number in the United States is not less than 190,000, of which at least three-fourths are on the Pacific Slope.

WHY CHINESE LABORERS SHOULD BE EXCLUDED.

It is asked, why is there an attempt to exclude Chinese and not other laboring classes? No person who has fully studied the subject will ask this question. The situation evidently is not understood. Let facts answer.

POPULATION OF CHINA.

China contains one-third the population of the world. Great Britain, France, and Germany united contain less than one-third the population of China. In 1812, when the United States had a population of less than 8,000,000 of people, a census was taken in China showing 360,279,897 inhabitants. According to the Almanach de Gotha for 1875, China proper had 404,906,514 inhabitants, and the empire contained a population of 425,000,000. The customs returns of 1882 lower this considerably.

The struggle for existence of the working people of China is bitter. Fully one-sixth of the population could be spared to the benefit of the remainder. Over 100,000,000 people, nearly double the population of the United States, could leave China to the benefit of that country.

The introduction of labor-saving machinery into China is opposed by the people, as it would compel an exodus or cause a famine. When it is introduced to any considerable extent millions must die or migrate.

The Chinese cloud that now hovers over the Pacific slope may some day burst on the civilized world.

When Beaconsfield proposed to bring the native soldiers of India into European warfare, the protest that prevented this step was not the result of idle fears.

When arms of precision and machinery of war are possessed alike by all nations and military science generally understood, numbers and valor will decide warfare and determine the dominant powers. This is not idle talk. I call attention to the known fearlessness of the Chinese, to their utter disregard of death, to the tenacity with which they fight, to the present absence of proper military training and equipments, and to their efforts to remedy this defect.

For evidence of their great military possibilities I direct attention to the report of General Upton, of the United States Army, who in 1876, under the direction of this Government, made an inspection of the armies of the world. I also call attention to the performances of the "Invincible army" under Gordon during the Tai-Ping rebellion. It needed only military genius to utilize the raw material of the Chinese Empire.

But it is the unarmed invasion against which we are now providing.

CHINA AND INDIA.

China and India are certain to have powerful influences upon the welfare and policies of nations. What figure will their climate, position, physical resources, and exhaustless supply of cheap labor cut in the commercial world?

When factories are fully established in these countries will free-trade England change her policy? As factory hands the Chinese are spoken of with praise. There is nothing they can not do. The introduction of them into the factory at North Adams, Mass., and the statement of their employer show how common coolies may speedily become expert workmen. It also shows how they may be used as a bludgeon to beat honest laboring men into reductions of wages.

Climate and physical conditions render necessary more food, more clothing, and more shelter here than in China. If, then, among us and under heavier expenses, their competition is so disastrous, how will it be when in their own country under far less expense they begin a competition in the products of exchange? Already India is forcing down the price of cereals by increasing the supply and producing at a price impossible here.

Her rapid strides in the cotton line are thus soon being felt in England.

What is to prevent these and like countries, in few years to come, from using America and Europe as the vent for their cheap productions? They possess cheap labor and cheap raw material, and these will grow more cheap when capital introduces labor-superseding machinery. But I can not follow the thought further at this time.

CHINESE AT HOME.

The Chinese at home live from hand to mouth. They can and do subsist upon less than any other known semi-civilized people. Education, habit, and ages of privation have bred into them economy, energy, and frugality.

Possessing many defects, the natural outgrowth of their idolatrous religion, overcrowded condition, and system of government, they also have some commendable qualities.

Economy, intelligence, energy, and adaptability to all employments are some of the latter. It must be confessed that these very qualities, added to their manner of living and customs, make the Chinese such formidable and undesirable competitors of American labor. Each Chinese laborer here is a machine, run at a daily cost of a few cents, to the displacement of a citizen on whose earnings depend a family.

LABOR AND WAGES IN CHINA.

I shall in a few words speak of labor in China.

Spear, in his pro-Chinese work, page 497, says:

The wages of labor in China in the larger cities is but a few cents a day.

Nearly everything is made without machinery.

At Foochow, a city of 1,000,000 inhabitants, the wages are low. Says Doolittle:

The wages of the common people are very low. Carpenters and masons obtain from 20 to 30 cents per day, boarding themselves. Hired men and women who do coarse work in the fields or in houses as servants generally receive from four to six dollars per month, and board themselves. If their employers board them they get from one to three dollars per month. Clerks and accountants receive from ten to thirty dollars per annum, with their board. School-teachers often obtain only from thirty to sixty dollars, besides small presents from their pupils, per annum. Literary men who are poor, and who fail of acquiring government employment, are frequently glad to teach school at almost any price. Food, clothing, and rents are cheap, and yet the poor of all classes are enabled to support themselves only by great frugality.

This is true of all the cities, and Rev. Dr. Gibson, who is strongly pro-Chinese in sentiment, confirms it in his evidence before the joint committee of 1876. Back from the coast wages are even lower and the condition of the people worse than at Foochow or Pekin. Tea-pickers get from 6 to 8 cents per day.

Nevins, in his pro-Chinese book, says on page 31:

A boat manned by two persons and of such size that ten Chinamen think they can sleep comfortably in it may be chartered for $1 a day.

Boat and two Chinamen only $1 a day!

General Upton, speaking of Che-foo, says:

The town is a desolate one, streets narrow, gutters filthy and reeking with blue mud, the men dirty, ill-dressed, and squalid.

This is a good description of a model Chinese city.

Again he says of Tien-Tsin:

Tien-Tsin is a city of 400,000 inhabitants, one-half of whom reside outside of the walls. The houses are mostly of mud; the streets are unpaved, narrow, filthy, and redolent of bad odors. To one who has seen the worst streets of New York a comparison therewith would convey but a slight idea of Tien-Tsin. Squalid men and women, half-famished dogs gnawing offal from the butcher-shops and the kitchen, hogs wallowing in the gutters and rooting up their malarious contents, cats, wheelbarrows, mules, and donkeys—*voila* Tien-Tsin.

Again, speaking of the country between Tien-Tsin and Pekin—the latter has 1,300,000 inhabitants—he calls attention to the poverty of the Chinese in these words:

In many respects the country which we traversed resembles the prairies of Illinois, even to its corn fields, but here the poverty is apparent, from the fact that the cornstalks are dug up for fuel. The villages are all composed of mud huts, roof and wall alike, which in floods and heavy rains often wash down and disappear. In going through one of the villages a member of our party sought to change a silver dollar. He was told it was too large a coin to circulate in that town, and retired with his ideas of Chinese wealth essentially modified.

The streets in China are from six to ten feet wide, and are dark and dirty. Of the hotels in this country Williamson, in his admirable work, says that hotels in China have no beds, a raised stone or mud dais serves as such, and under these at night a fire is built for warmth. Travelers carry their own blankets. The only furniture are a bench and table.

The food of the people is principally vegetable. Their energies are constantly strained to keep the wolf from the door. Besides vegetables, fish, dogs, cats, hogs, ducks, and such other animals as cost nothing to raise, in fact such only as raise themselves, are used as food. Black cats and dogs are preferred, and are on the *menu* of the restaurants. So says Williams in his Middle Kingdom. It is also asserted that rats are a common diet, but a careful investigation leads to the conclusion that this is not a diet of preference but of necessity. On this subject of labor and wages in China United States Consul-General Denney, in writing to this Government in 1880, treats fully.

CONSUL-GENERAL DENNY'S ACCOUNT.

Of the higher class of laborers, the silk-weavers and artists, he says:

Each is contented if he and his family earn enough to live upon; and if, after providing for a parent's funeral expenses and contributing toward one of his children's weddings, he has economized sufficiently to assure an honorable funeral of his own remains and those of his wife, he feels as though he had accomplished the object of his existence.

That I may not be charged with buncombe I will give the following extracts from the official report made in 1880:

The grand average of an income under the head of skilled labor is as follows:
For a master, per week, $3; $156 per annum.
For a workman, per week, $1.50; $78 per annum.
For youngsters or females, per week, 50 cents; $26 per annum.
The expense of living will be, respectively:

For a master per annum:

For food, &c.	$72
For rent, &c.	36
For clothing, &c.	12
Total	120

For a workman per annum:

For food, &c.	$45
For rent, &c.	12
For clothing, &c.	8
Total	65

The females and youngsters are considered to absorb all they earn.

The master lives generally at his workshop, where he has, perhaps, two rooms, besides a place to cook in. The household furniture may be estimated at from $20 to $30.

The ordinary workman, if married, will share a small house with a friend and occupy one room and have access to the kitchen. He may live with his parents, in which case his earnings go to the common fund Under such circumstances $10 to $15 will cover the value of his household furniture.

If a bachelor, and away from his family, he will either sleep at his employer's for a consideration, or stay with a friend; in either case his whole inventory consists of a box, with his clothes and his bedding.

AGRICULTURAL LABOR.

Here it is necessary to distinguish between the owner or tenant farmer and the laborer who hires himself out by the day, the week, or the month.

On a Chinese farm every member of the family must work; even the children, when only 6 or 7 years of age, have already some regular work assigned them. Two and one-half acres of good arable land, with a house, the material of which consists mostly of mud and reeds or bamboos, sometimes of stone or brick, with a roof of straw or reeds—seldom of tiles—a bullock, buffalo, or cow, a couple of pigs, a few fowls or ducks, and finally a few primitive agricultural implements, constitute the property of a well-to-do farmer.

Say the family consists of man, wife, and two children of 7 to 10 years of age. They live almost entirely on the productions of their own soil; 200 copper cash, or about 20 cents, a day is about the marketable value of the food consumed by such a family. The ordinary daily fare is rice, or, as in the north, bread made out of wheat-flour and millet, also some salted vegetables and a light decoction of the commonest tea. On festive occasions some pork, fowl, or salted eggs, and a cup or two of samshee (wine) form all the "extras" these frugal people indulge in.

The budget of a farmer's family stands on an average about thus:

Value of two and one-half acres of land	$400 00
A good animal of draught	20 00
Manure	10 00
Irrigation	10 00
Seeds	3 00
Help at harvest time	8 00
Taxes, one-tenth on the gross yield of rice or wheat	11 00
Total expenses	62 00

The two and one-half acres, which the two adults, with the assistance of an

animal of draught and their children, can work, will yield, if the land be of average fertility and under ordinary climatic circumstances, in—

Rice	$120 00
Second crop, beans, cotton, or barley	40 00
Or, say, in all about	160 00

Deduct from this the cost of living of the family, $73, and the total of other expenses as above, $62 = $135, and there will be an income for the year of $25.

There are besides some other small sources of income which are under the control of the women, such as the raising of chickens, pigs, the making of yarn and cloth, &c. These must be set off against other expenses for clothing, &c., not enumerated in the foregoing budget.

When cotton is cultivated the yield of 2½ acres is about as follows: Average yield about 1,600 pounds, at 4 cents = $64; actual outlay for cultivation, $20; mandarin tax, $8; assistance, $3; leaving net profit of $33.

This yield can only be produced upon land adapted to the growth of cotton. The cotton is either sold (in this case it is with the seed in) or so much is retained as may conveniently be spun and woven at home.

A woman manages to spin about one-third pound of yarn (woof) a day, which labor is worth 6 cents. For the manufacture of the warp a process is adopted which necessitates the assistance of two or three persons, and for this the neighbors assist each other, just as the loom for weaving is often the property of several families or of a whole village.

Two classes of cloth are made in the country, namely: 1. A heavy quality, thirty-nine inches wide, in pieces of six and one-quarter yards; 2. A lighter quality, forty-six inches wide, in pieces of nine and one-third yards.

A woman weaves one piece per day; sometimes more.

To convert raw cotton into one piece of cloth involves an average of six working days, and the weight of the piece averages about one and one-third pounds, and its worth about 60 cents.

The farm laborer hires himself out by the day, the month, and, less frequently, by the year. The value of his labor varies according to the season of the year. During harvest time he gets, besides the meals, worth about 10 cents, from 10 to 15 cents per day, or 70 cents to $1.05 a week. If his employment be by the month he gets $1.50 to $2 a month, besides board.

For permanent employment or employment by the year the wages are lower, averaging about $12 per annum, with board and lodging. When working for short terms, lodging is no great consideration with him, for he will always find rough accommodations with a friend or relative. Men of this class defray their house rent with about 50 cash a month. About $2 per annum will keep his wardrobe in a state adequate to his scanty wants.

A man who saves $3 to $4 a year does fairly well, but the majority live from hand to mouth, and their whole life is but a hard struggle to fight the hungry wolf from the door.

COOLY LABOR.

Herein are comprised the carriers, boatmen, the wheelbarrowmen, &c.

Taking the rates ruling at all the great commercial centers of this empire, the grand average of a man's earning is about $150 cash or 15 cents a day, which is equal to $4.50 per month. But it varies so considerably, according to supplies and demand in different localities, that the minimum is as low as 5 cents a day, while the maximum is as high as 30 cents, without food or lodging. Much also depends upon the physical strength of the men, the endurance and strength of some being actually marvelous. Take, for instance, the tea carriers in the mountainous parts of Western China. They carry on their backs a load of from three hundred to four hundred pounds' weight across difficult mountain passes, and travel with it for twenty consecutive days. They are considered well paid at 25 cents a day.

An ordinary cooly's monthly account would stand about thus:

Receipts in wages		$4 50
Expenditures for food	$3 00	
Expenditures for lodging	50	
Incidental expenses	50	
		4 00
Net income		50

In speaking of the gold diggers on the Han River (in the province of Hupeh), Baron Von Richthofen, when writing to the Shanghai General Chamber of Commerce in 1870, says:

"The diggers earn from 50 to 150 cash, or 5 to 15 cents, a day per head. From the quantity of gravel washed in a certain time, and the yield of one's day's work, which I saw being concentrated in a pan, I calculated that seven men are able to wash twenty tons of gravel a day, and that the average yield in gold is about 3½ to 4 cents a ton."

Coal is mined in many parts of China entirely by hand, and to say that it can be sold at $1 per ton at the pit's mouth, with profit to the owner of the mine, is a striking illustration of the cheapness of human labor in this country.

Most of the cooly labor in China is controlled by certain houses as companies. Strong and reliable coolies are, if possible, kept indebted to them by advancing to the cooly money while they are out of employment; hence, this labor is nearly always under mortgage to the hong (house), and in this way there exists a good deal of slow or forced labor. But the principal secret of success of those companies which sublet cooly laborers seems to be their holding themselves responsible to the employer for the cooly's actions. They undertake to make good any damage, whether arising from dishonesty or carelessness. They prosper, while the coolies almost starve.

In all the foregoing estimates of the cost of the laborer's living no allowance is made for the expenses which the great prevalence of opium-smoking and other vices entail.

HABITS OF CHINESE.

Of the habits of these people I care to say but little. These may be learned from any of the standard works on China. That the Chinese cheerfully sell or pledge their wives and children is admitted by Nevins and other friendly writers. Female children are despised, and for three days after birth covered with old rags to denote the contempt felt for them, and are often numbered like cattle or convicts and not named like human beings. Still, says Nevins, a family of daughters is often a source of great profit to a parent. Infanticide is universal. Three modes are common, namely, to drown in water, to smother, to bury alive. The last method is supposed to possess certain charms. Lying and stealing are not counted vices.

These are a few of the faults which the most friendly writers on China ascribe to these people. I have avoided naming one vice not agreed upon by pro-Chinese writers, and every statement of fact herein made is authenticated. I desire here to state that these are the characteristics of the laboring classes and coolies. The merchants are of much higher grade and are largely exempt from many of these traits.

THE CHINESE IN AMERICA.

In the United States the Chinese possess all the traits of their kind in China, and many others not mentioned by the authorities. Not only do they retain the vices named above, but crimes not named are common. This is fully proved in the evidence taken before the joint committee of 1876 and its report thereon. Females are brought here under contracts and bonds of prostitution; perjuries in our courts are general; murders common, and rewards for the latter openly published in the Chinese language in Chinatown. As to the contamination of our youths by opium and syphilis, it is widespread. Their competition breeds idleness and crime. Of evidence of the above the testimony named is full.

CHINESE COMPETITION.

Charles Crocker, the railroad magnate of California, testifying before the committee, said that the 75,000 Chinese in California do work not respectable for a white to do, and were they driven from their places the same must be filled by whites. I agree with him as to the effect of Chinese exclusion, but differ as to its desirability. All honest labor is honorable, and there are hundreds of thousands of our own kind in Europe and the East imploring any kind of honest work at fair figures. Mr. Crocker being one of the largest employers of men on the Pacific coast, certainly knows the effect of this exclusion. His conclusions as to the effect are largely drawn from the difficulty, if not impossibility, of securing whites during the construction of the Central Pacific Railroad. He should know that the replacement of these 75,000 Chinese by whites would add largely to the population and wealth of California, and ultimately benefit him and his line of railroad.

The replacement of Chinese would, as I state more fully hereafter, stimulate business and encourage further immigration. But for them the population of California would be to-day at least half as large again. They rent houses and partition them into small rooms, frequently constructing a horizontal platform midway between ceiling and floor for the purpose of increasing sleeping capacity. They sleep on hard mat-covered benches or on the floor, packing like sardines, and having but little covering. Twenty will occupy the space that common decency would prevent a man and family from living in. For food they have rice, with a little hog or greens as a relish. Weak tea without milk or sugar is their drink.

Five Chinese do not consume in value as much as one white. They can live on from 10 to 20 cents a day. This was testified to by pro-Chinese witnesses before the committee. As to clothing, they wear little and that of the very cheapest kind. Cotton composes nearly every article of wear. In their persons, habits, and homes they are filthy. The stench of Chinatown is unbearable to all but themselves. A white would starve where a Chinaman could prosper. What chance, then, to raise a family and take on the responsibilities of citizenship?

The Chinese spend but little money with us, dealing almost exclusively among themselves. They come to strip the land, and even provide for sending their bones to China. They do not contribute to our institutions, and it is impossible to learn their wealth for purposes of taxation. When a merchant dies his estate is seldom administered under our laws. Their women are brought here under contracts of prostitution and comprise about 4 per cent. of the Chinese population. They are sold and pledged. The Chinese work on just such wages as will prevent white competition and yet secure to themselves the largest obtainable wages, always being ready to underbid our own people.

But the facts regarding them are best summarized in the report of the joint committee. The evidence of Rev. Otis Gibson, who has charge of a Chinese mission in San Francisco and who is known as one of their strongest advocates, has many strong points which tell against them. Says he (page 408 of report):

> This conceit is so strong and their prejudice against all other people so bitter that, unless under some restraint of circumstance, they seldom fail to manifest contempt for any and all other people except their own, for any and all customs differing from their own, and for any and all learning or science or invention or art differing from the established order of things in their own Middle Kingdom.

Surely a most desirable class. (?)

Yet these are the persons some of our Eastern friends desire to admit unrestricted into this country and permit to enter into competition with their own citizens. This, though as a fact their own States contain a surplus of women who must work or starve or worse. Chinese most largely enter into competition with women.

Massachusetts is the last State from which opposition to this bill should come. The reports of the commissioners of labor show that cheaper labor opposition would be the ruin of her working classes. Even without servile competition the wages of workingmen in Massachusetts do not generally of themselves support their families. The wage-earners are forced to rely upon the assistance of their wives and children. The report of 1876 contains some very suggestive facts for the consideration of our Eastern Congressmen. Let me state one or two facts appearing therein. The rent of the Massachusetts wage-earner is about 22½ per cent. of his wages, and the average rooms to a family are about five. With the Chinese it is at least five Chinese to a room and not 4 per cent. of wages for the same. The conclusions of the commissioners are that in a majority of cases workingmen in Massachusetts are forced to rely on their children for from one-third to one-quarter of the entire family expenses. This

needs no comment. Introduce Chinese competition, and how would our noble Eastern laborer receive his support? The wages of mechanics and artisans in Massachusetts average as high as in other Eastern States and are higher than in many Middle, Western, and Southern States. (See Young's Labor in Europe and America.)

The condition of affairs in New York city is worse than in Massachusetts. When 7,000 women work for an average of $3 per week; when women receive from 25 to 35 cents per dozen for making shirts; when poverty is so great that butchers sell beef in such small quantities as from one to two cents' worth; when many persons are forced to buy two cents' worth of steak and one onion with which to season a meal, it does seem that labor was now far too cheap. When these things exist, as evidence before the present Senate committee investigating the relations of capital and labor shows, it is time to command a halt in the importation of coolies. The people are long forbearing, but there is a limit to endurance.

We need a proper distribution of the labor of our own country, not an importation of coolies. The laborers in the large Eastern cities should be aided to settle in the far West. The brotherhood-of-man doctrine may be hugged to the breasts of some, but the true policy is to provide for our own.

But gentlemen say that without these Chinese we of the Pacific coast would never have reclaimed our swamp lands, nor would our Pacific Railroad have been built. Now, I admit that these works were largely constructed by the Chinese, but I deny that without such labor the roads could not have been completed. I deny that their labor was of special benefit. I believe their presence now and heretofore a curse.

PACIFIC RAILROADS.

As to railroad construction, the Union Pacific and eastern and western roads were constructed by white labor. The Central Pacific Railroad and other Pacific railways could have been built in like manner.

Had they been so constructed by white labor, the wages paid would have been reinvested in this country; demand for goods, lands, and houses been stimulated; the business, settlement, and population increased, and a large immigration secured that is now retarded by the presence of cooly labor.

The greater part of the wages received by the Chinese for their labor on these roads was sent to China. Consequently a large portion of wealth that should have remained with us and added to our growth and prosperity has been withdrawn from circulation.

Another evil effect was to prevent labor being drawn from the overcrowded marts of the East. Every cent paid to Chinese labor on these roads has been kept from the pocket of an American laborer, and by reason of the lesser wages paid it has for every dollar paid a Chinaman put an extra dollar into the coffers of the railroad corporation, which would otherwise have found its way into a white laborer's possession. The road had to be built, and the Government subsidized it liberally, and for the purpose of aiding the people of the United States. Yet the first benefit was received by the cooly of China. Vice-President Colter and others testified in effect before the joint committee that Chinese laborers were paid about one-half the wages given whites.

Now, while it is true that there were not, at the time, enough white laborers in California to supply the demand, it is equally true that there were not enough Chinese. The Chinese had to be imported; the whites could have been brought from the East or Europe. True, the savings of the railroads by the employment of Chinese would have been, in the first place, less; still, the advanced general good arising from the employment of whites would ultimately have compensated them for any temporary loss. Railroads depend for their earnings upon the general prosperity of the country.

Regarding swamp and overflowed lands the facts are about the same.

Mr. Roberts, the president and manager of the Tide-Land Reclamation Company, testified before the committee of 1876:

Q. Could you reclaim these lands with white labor?
A. Not successfully at this time.

Mark, "at this time." In other words, white laborers would have to be brought into the State, which would have taken time and would have cost more. But they would have built up towns, settled lands, and spent all their earnings with us.

Further on he said:

I at one time owned a quarter million of acres (250,000), and then formed a tide-land company or association. I paid all the way from $2 to $3 an acre, although in some cases I got it for half a dollar an acre. I had to pay a dollar to the State besides. * * * (This dollar is refunded.)

He further testified that the cost to reclaim varied. Forty thousand acres were reclaimed at from $6 to $7 per acre. Some smaller pieces cost $25 per acre. After it is reclaimed the land is worth, he says, on an average, $75 per acre. Had white labor been employed the distribution of wealth would have been more equal; all received by the whites would have gone into general circulation. The workingmen would have become permanent settlers among us.

B. S. Brooks, an attorney for the Chinese before the joint committee, said that a surveyor-general of California had calculated for him the wealth produced by Chinese in building railroads and reclaiming tule lands, and it was $289,700,000.

If the ratio of distribution was larger than in Roberts's cases, there would go to Chinese about one quarter of this, or $72,425,000, nearly all of which is sent abroad either for articles they consume (for they seldom buy American goods or from Americans) or as cash savings.

But for Chinese these wages would have been paid whites, who would have come from the East or elsewhere; these wages would have been larger, and all retained or spent in our State. One of the strongest objections to the Chinese in my opinion is the possibility through them of the capitalist gaining exorbitant and undue returns for his investments.

One of the most difficult problems of the age is the relation of capital to labor and the equitable distribution of products. Certainly the profits of capital are large enough. It can care for itself. It can wait and seek openings, whereas labor must find employment or starve. The rapid accumulation and concentration of capital within the past twenty years in the hands of a few and the growing want of the many should influence us on all occasions to protect the labor of our people as best we can. Protectionists claim this is done by high protective duties against the influx of the products of cheap labor. Free-traders, that it is done by permitting unrestricted importation of the products of cheap labor countries. A third class believe there is a proper mean between these extremes. All agree that our labor needs aid in some mode. The ends are alike, the means differ. Here, then, is a case on which all can unite, and protect our laborer not only from the competition of Chinese labor, but also from the contamination of its association.

The Tariff.

SPEECH

OF

HON. MILO WHITE,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 5, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. WHITE, of Minnesota, said:

Mr. CHAIRMAN: I wish to say a word on this question, and for the reason that I am a Republican and yet favor a reduction of the revenue.

I was away from the city during much of the discussion on this bill, but so far since my return it has been a surprise to me that all the speeches on the question seem to shun the true question itself.

These long and able speeches on free trade and on protection are all well enough, but the question is really shall we continue to take from the people fifty or sixty millions of dollars annually more than the needs of the Government require, and no one will dispute the fact that we are doing so now. Fifty million dollars per year will pay all the debts of the Government, and last year we had a surplus of $130,000,000, and we are told by experts that we will have $110,000,000 of surplus this year, and we are so near the end of the fiscal year that we can approximate very closely to the amount.

Now, Mr. Chairman, I do not believe any party will dare go before the people with the proper issue, the real issue, and favor taking from them $60,000,000 more than is needed. There was once found to be a surplus of money in the Treasury, and, as the gentleman from Georgia [Mr. HAMMOND] said, it was loaned to the States subject to call, but when the nation in its greatest need sought to call for its own the members of Congress from the States which had the money voted not to call it in, and so it never was paid and never will be, and now no one on this floor, so far as I know, favors dividing the surplus among the States.

Does any member here object to all the protection incident to all the tariff needed? If so that member is a free-trader indeed. I for one am willing to allow the tariff to remain adjusted as it was under the act of March, 1883, with a few changes, but with a reduction, a horizontal reduction if you please, from this fact and for this reason, namely, the act of 1883 was the outcome of a vast amount of work by the Tariff Commission and by Congress, and ought to have been about as near right as the wisdom of that Congress could make it. And if the act of 1883 was as near right as it was claimed to be when passed, then the fact that it did not reduce the revenues as much as was anticipated is the question now before us, and I want the income reduced, and I am not one of those who say a reduction of the tariff will increase the revenue and in the next breath say the act of 1883 did reduce and will reduce the income more after further time.

Now, Mr. Chairman, one will say retire your bonds, but in another argument will say stop paying the public debt, because you will wipe out the national banks, "the best system the world ever saw." Mr. Chairman, we all know that the money taken from the people must be

paid out, or in a short time a stringency will come, and to keep the financial machinery running smoothly a call for bonds is made and the surplus paid out. If this was not done and all the money kept in the Treasury, you might go on and take all the money from the people and stop all business; but we have paid so much of the debt which we owed at the close of the war, and interest is so low and the bonds subject to call being reduced so fast, that we will be forced to go into the market and pay such price for bonds as Wall street sees fit to ask or we must do something else with the money, and I say leave it with its owners, the people.

Mr. Chairman, we have heard of the great benefit of the protective policy of our Government. One gentleman, my friend from Michigan [Mr. CUTCHEON], said a protectionist was enabled to live better and die better, and if I understood him correctly fare better in the great hereafter, intimating that no free-trader would get a good quarter-section in the temperate zone of heaven; but, Mr. Chairman, I believe we ought to deal justly with our fellow-men and obey our Creater, trusting Him to govern the great hereafter rather than setting up a protective policy for heaven, for we may find a better state of things there than we ever even dreamed of here. It has been urged here over and over again that our protective policy was the greatest aid to the agriculturist, the farmer. Now let us see how it works: We in our State raise large quantities of wheat, and I suppose our protectionist friends will say you are protected. We put a duty of 20 cents per bushel on wheat.

Now, bless your innocent souls, every farmer among us knows that we get just what dealers can pay for wheat, basing the price on Liverpool, deducting freight, elevator charge, interest, insurance, commissions, a fair margin, &c. You from the East come to Chicago and buy what you want in the open market, and pay no more than the relative Liverpool value. The same is true of pork, beef, and corn; and if you do use 90 per cent. of all our produce, you do not of our great staple, wheat. So we who do the hardest of the work get the least pay, wear the poorest clothes, and pay the highest price for all we buy. Give us cheaper goods, and we will give you cheaper provisions; make your goods a little cheaper and you can sell in other lands. You can not do so now. We furnish you the best breadstuffs in the world, and cheaper than the English manufacturer gets them. We are doing our share to enable you to send your goods to Mexico and to South America.

Last year we took forty-nine million dollars' worth of coffee from Brazil and paid $38,000,000 of it in gold. Do as England is doing in wheat, getting it elsewhere than where gold must be paid for it. Brazil taxes our pork 4 cents per pound, hams 5 cents; and we should buy coffee of Mexico, where we can sell our productions. Cultivate trade with our friends and they will cultivate more coffee, and let Brazil keep her coffee so long as she discriminates against us. What, Mr. Chairman, is the tendency of the times; is it not toward the increase of millionaires and tramps? We can remember when we had very few of either, and if we go on as we have been going we will soon have nothing else. And do you think the people will be happy then? Will we not rather have such work as at Pittsburgh a few years ago?

Is a tariff of 10 per cent. on diamonds and 60 to 100 per cent. on woolen goods conducive to comfort for the poor, yea, for the great middle classes in my State, where the mercury reaches thirty degrees below zero every winter? I wish to protest against such legislation, and would gladly join in amending the pending bill; but I give notice here that I will vote for a horizontal reduction if nothing better can be had, even if it does reduce the tariff on diamonds to 8 per cent. and leave the manufactures of wool at 56 per cent.

We are forced to compete with all the world and in the open markets of the world in our productions, and pay 62 per cent. on our woolen goods in duty, 55 per cent. on glass and earthern ware; and still we found no fault so long as the money was needed, but when it is not needed we object.

Mr. Chairman, our farms have changed hands on an average twice already since we made them in my State; yes, sir, twice on mortgages in thirty years, going into the hands of these Eastern men, who still cry out for more protection. Money loaned at 40 per cent. out in our country in 1855 and so on down to 12, until the whole property changed hands. Mr. Chairman, the gentleman from Connecticut [Mr. EATON] said that there were now sixty articles manufactured in his State which need no protection. And I met a gentleman this week who is manufacturing down in Virginia and sending his productions to England, and is prosperous and a free-trader.

Now, I apprehend that if we had facilities of transportation on the water as we have by our railroads on the land we would very soon be putting our productions into South America and into different countries where we send none now, and I commend to the attention of our manufacturing friends in New England the carrying trade on the high seas, in which calling many thousands of our people can find employment profitably, if we foster that interest as we should. We can not reach Rio Janeiro so quickly or so cheaply direct as we can by way of England.

Mr. Chairman, if we can not amend this bill, then I for one will vote for it as it is, if we can get to a vote on the main question; and I know that to be the sentiment of the people of my State.

The Public Domain.

REMARKS
OF
HON. A. X. PARKER,
OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 4, 1884,

On the public domain.

Mr. PARKER said:

Mr. SPEAKER: Although much has been said in relation to the public domain of the United States, I wish to present some further facts and considerations connected therewith.

The total national domain, including States, Territories, reservations, and Alaska, is 2,291,376.338 acres. The public domain remaining undisposed of is shown by the following statement made by the Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 2, 1884.

SIR: In reply to your verbal request of the 30th ultimo I have to state that the area of the public lands is estimated as follows:

	Acres.
Area surveyed to June 30, 1883	886,367,361.00
Area unsurveyed to July 1, 1883, estimated	928,426,577.00
Total	1,814,793,938.00
It is estimated that there have been disposed of to and including June 30, 1883	631,743,227.96
Surveyed and unsold to July 1, 1883	254,624,133.04
Unsurveyed and unsold to July 1, 1883	928,426,577.00
Area remaining undisposed of July 1, 1883	1,183,050,710.04
Of this approximated area remaining it is estimated to be divided as follows:	
Alaska	369,529,600.00
Indian reservations	135,998,101.00
Military reservations	3,155,152.76
Public land strip	3,672,640.00
Miscellaneous	670,695,216.28
Total	1,183,050,710.04

The total area given is taken from the report of this office for 1883, page 57, and the area surveyed and unsurveyed from the same source.

The estimated area remaining is given on pages 527 and 528, Public Domain, 1883, and the area disposed of is found by deducting the area remaining from the area of the public lands surveyed and the estimated area unsurveyed, but all areas excepting the area actually surveyed are only approximately correct.

Very respectfully,

N. C. MCFARLAND, *Comissioner.*

Hon. A. X. PARKER,
House of Representatives.

ALASKA.

Alaska is unsurveyed and much of it unexplored. It is but just receiving a quasi-territorial government. It is unquestionably of great value in its fisheries, timber, and minerals.

INDIAN RESERVATIONS.

Total number June 30, 1883, was one hundred and thirty-seven, containing 135,998,101 acres, with an estimated population of 259,632, or about five hundred and twenty-nine acres to each Indian.

THE PUBLIC LAND STRIP.

is a tract lying west of Indian Territory and south of Kansas, and is outside of any State or Territory, and is unorganized, and unnamed except as the "public land strip."

There were June 30, 1883, one hundred and seventy-seven military reservations.

SCHOOL GRANTS.

There have been land grants for school purposes amounting to nearly 79,000,000 acres.

BOUNTY GRANTS.

The military and naval bounty-land grants aggregate over 61,000,000 acres.

Public attention is being sharply called to the disposition and ownership of vast areas of lands that within the remembrance of men yet in active life have passed from the public domain. Not only has there been a marvelous increase in the number of farms and homes, but great tracts have been acquired by individual citizen holders, by non-resident holders and foreign corporations, and by railroad corporations.

The public domain is being reduced with unnatural rapidity, and in part by fraudulent methods. Commissioner McFarland, of the General Land Office, in a communication to the Secretary of the Interior, dated May 15, 1884, says:

The number of original entries filed during the calendar year 1882 was 163,190. The number filed in 1883 was 251,571. The current increase shows that the number filed the present year will exceed 300,000. There are some 600,000 claims of record now before this office, chiefly under the pre-emption, homestead, timber-culture, timber-land, and desert land laws, involving not less than 75,000,000 acres, and of those claims, entries aggregating many millions of acres are believed to be fraudulent, and each day adds to this accumulation. I have given my best endeavors to the protection of public lands so far as the present state of the law and the limited means at my disposal would permit.

The title to over 27,000,000 acres of the public lands was initiated in the year 1883.

CITIZEN OWNERS.

The following list shows some of the large holdings of American citizens:

	Acres.
Hon. C. F. Brainerd, of Brainerd, in Arizona	140,000
Hon. George Hearst, San Francisco	48,000
A. P. Moore, Santa Rosa, Cal	138,000
The Murphy estate, Santa Clara	150,000
F. C. Sherwin, in New Mexico	600,000
Dorsey	500,000
Whitmore & Co., of Wisconsin, in Alabama	35,000
J. W. Illiffe, Colorado	15,000
Grandin Brothers, of Tidioute, Pa., in Dakota	40,000
Oliver Dalrymple, of Saint Paul, Minn	500,000
H. Disston, of Philadelphia	2,000,000
Hon. William Larabee, in Iowa	18,000
Walter Brown, of Kansas, in Kansas	43,000
Morrill & Co., in Kansas	102,000
J. B. Watkins, Louisiana	1,225,000
Daniel Murphy, Nevada	200,000
Mr. David Seltzer, of Ohio	25,000
Thompson & Warner, Minnesota	50,000
J. B. Walker, Minneapolis	50,000
Hon. J. S. Pillsbury, Minneapolis	30,000
J. M. Richmond & Co., of Buffalo, in Missouri	150,000
Michael Brand, sr., Missouri	100,000
Hiram H. Sibley	500,000
William Clark	30,000
The David Raleigh estate, in New Jersey	30,000
Chenango and Alleghany Railroad Company	50,000
R. D. George, South Carolina	25,000
Colonel Meyer, Wisconsin	35,000
	6,829,000

AMERICAN LANDS HELD BY FOREIGN OWNERS.

The following table has been several times presented, and is doubtless substantially correct. No kind of "foreign interference" can be more offensive to Americans:

	Acres.
An English syndicate, No. 3, in Texas	3,000,000
The Holland Land Company, New Mexico	4,500,000
Sir Edward Reid and a syndicate, in Florida	2,000,000
English syndicate, in Mississippi	1,800,000
Marquis of Tweedale	1,750,000
Phillips, Marshall & Co., London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London	750,000
Byran H. Evans, of London, in Mississippi	700,000
Duke of Sutherland	425,000
British Land Company, in Kansas	320,000
William Whalley, M. P., Peterborough, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Robert Tennant, of London	230,000
Dundee Land Company, Scotland	247,000
Lord Dunmore	120,000
Benjamin Newgas, Liverpool	100,000
Lord Houghton, in Florida	60,000
Lord Dunraven, in Colorado	60,000
English Land Company, in Florida	50,000
English Land Company, in Arkansas	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir J. L Kay, Yorkshire, England	5,000
Alexander Grant, of London, in Kansas	35,000
English syndicate (represented by Close Brothers), Wisconsin	110,000
M. Ellerhauser, of Halifax, Nova Scotia, in West Virginia	600,000
A Scotch syndicate, in Florida	500,000
A. Boysen, Danish consul, in Florida	50,000
Missouri Land Company, of Edinburgh, Scotland	165,000
Total	20,747,000

THE LESSON OF GREAT BRITAIN.

A well-informed English writer states that—

The total area of England and Wales, not including London, is 37,243,859 acres. One man owns more than 186,397 acres, another more than 132,996 acres, and another more than 102,785 acres. Sixty-six persons own an aggregate of 1,917,076 acres; one hundred persons own 3,917,641 acres; two hundred and eighty persons own 5,425,754 acres, or nearly a sixth of England and Wales; and seven hundred and ten persons own one-fourth of all England and Wales. A very moderate-sized church would hold all of these princely landlords.

The totel area of Scotland is 18,940,694 acres. One man owns 1,358,425 acres; a second owns 431,000 acres; a third, 424,000 acres; a fourth, 373,000; and a fifth, 306,000 acres. Twelve persons own nearly one-fourth of Scotland, and twenty persons have more than 120,000 acres each. Seventy persons have about 9,400,000 acres, or about one-half of Scotland, and 1,700 persons own no less than nine-tenths of the whole of Scotland. Nowhere else in the whole kingdom have the small peasant proprietors suffered as badly as here. Whole districts have been almost depopulated to make room for game parks, and where hundreds of thousands of sheep used to feed only deer are kept.

The area of Ireland is 20,159,678 acres. One person owns 170,119; three persons own more than 100,000 acres each; fourteen persons own more than 50,000 acres each; ninety persons own more than 20,000 acres each; and one hundred and thirty-five own more than 10,000 acres each. Seven hundred and forty-four persons own 9,512,728 acres, or nearly half the entire island.

In the whole United Kingdom eight persons own more than 220,000 acres each, and no less than forty-one persons own more than 100,000 acres each. I give the number of acres held by a few of the largest owners:

	Acres.
Duke of Sutherland	1,358,425
Duke of Buccleugh and Queensbury	459,269
Sir James Matheson	405,070
Earl of Breadalbane	372,729
Earl of Seafield	305,891
Duke of Richmond	285,407
Earl of Fife	257,652
Alexander Matheson	220,433
Duke of Athol	194,640
Duke of Devonshire	108,121
Duke of Northumberland	185,515
Duke of Argyll	175,114

European capitalists as well as our own are employing in America that land policy that has proved so disastrous to the middle and poorer classes of England, Scotland, Wales, and Ireland.

Our country is becoming the pasture-land, the cattle-field, and sheep-walk of foreign landlords; we are furnishing outlying lands for foreigners of wealth whose interests are antagonistic to our own. This is monopoly in its most hurtful form and outside influence in its most impertinent assumption. No true American can consider it without a feeling of aggravation and hostility.

RAILROAD LAND GRANTS.

There were granted to States lands to aid in the construction of railroads, from September 20, 1850, to July 25, 1866, inclusive, 53,490,263 acres. The grants to corporations to aid in the construction of railroads, from July 1, 1862, to May 4, 1870, inclusive, aggregate 137,208,688 acres, making a total of railroad land grants of 190,698,695 acres.

Statement showing the Administration and Congress making the principal grants, respectively.

Administration and Congress.	Year.	Acres granted.
President Fillmore (first session Thirty-first Congress)	1850	3,751,711.73
President Fillmore (first session Thirty-second Congress)	1852	1,764,711.00
President Fillmore (second session Thirty-second Congress)	1853	2,682,171.00
Total under President Fillmore		8,198,593.73
President Pierce (first session Thirty-fourth Congress)	1856	14,559,729.79
President Pierce (third session Thirty-fourth Congress)		5,118,450.00
Total under President Pierce		19,678,179.79
President Lincoln (second session Thirty-seventh Congress)	1862	23,504,001.61
President Lincoln (third session Thirty-seventh Congress)	1863	3,915,200.00
President Lincoln (first session Thirty-eighth Congress)	1864	46,848,600.00
President Lincoln (second session Thirty-eighthCongress)	1865	128,000.00
Total under President Lincoln		74,395,801.61
President Johnson (first session Thirty-ninth Congress)	1866	34,001,297.77
President Johnson (third session Fortieth Congress)	1869	
Total under President Johnson		34,001,297.77
President Grant (second session Fortieth Congress)	1870	1,000,000.00
President Grant (third session Forty-first Congress)	1871	17,903,218.00
President Grant (second session Forty-second Congress)	1872	327,903.69
Total under President Grant		19,231,121.69
Grand total		155,504,994.59

Doubtless great prosperity has been carried to remote localities by the construction of railroads that could not have been built without Government aid. It is neither fair nor just to condemn those who honestly sought to develop and have developed the waste places of the country by giving them means of communication. But aid has sometimes grown from compensation into gift and has formed the basis of combination and speculation, yet in the main I believe that the grants have been honestly made. The time has come for a change of policy and for settlement with the recipients of the nation's bounty.

Our population is increasing with sufficient rapidity, and the settlement of the country does not need to be stimulated. The unborn have the right to be protected in their inheritance. It is now neither policy nor justice to solicit the poor of all nations to occupy our lands. The fit immigrant who comes to stay and to become Americanized is welcome; but we have the right to exercise some care and circumspection. Not only have immense amounts of land been acquired as stated, but men and corporations have, by force and without right, taken possession of and fenced against their rivals, prospective settlers, mail-carriers, travelers, and the Government, tracts of great proportions and value.

Deputy Surveyor Fairfield, of Nebraska, reports, November 26, 1883, as follows as to public lands in Northwestern Nebraska:

The whole country embraced in my contract is occupied and run by capitalists engaged in cattle-raising, who have hundreds of miles of wire fence constructed to inclose all desirable land, including water courses, to form barriers for their cattle and prevent settlers from occupying the land. They also represent that they have desert and timber claims upon the land they have inclosed. Upon their fences they have posted at intervals notices as follows: "The son of a bitch who opens the fence had better look out for his scalp."

The fences are built often so as to inclose several sections in one stock-ranch, and the ranches are joined together from the mountains clear around to the mountains again.

The statement of the acting Commissioner of the General Land Office, in March, 1884, submitted to Congress with certain communications, shows that—

The information serves to show the general fact of the existence upon a large scale, and to an unknown extent, of unauthorized fencing of public lands; the manner in which it is done, and the purpose and effect of the inclosures. The reports of special agents also show that fraudulent entries of public land within the inclosures are extensively made by the procurement and in the interest of stockmen, largely for the purpose of controlling the sources of water supply.

* * * * * * *

Among the cases specially reported are those of the Arkansas Valley Com-

pany, in Colorado, whose inclosures embrace upward of 1,000,000 acres; the Prairie Cattle Company (Scotch), in Colorado, upward of 1,000,000 acres; H. H. Metcalf, River Bend, Colo., 200,000 acres; John W. Prowers, Colorado, 200,000 acres; McDaniel & Davis, Colorado, 75,000 acres; Routchler & Lamb, Colorado, 40,000 acres; J. W. Frank, Colorado, 40,000 acres; Garnett & Langford, Colorado, 30,000 acres; E. C. Tane, Colorado, 50,000 acres; Leivesy Brothers, Colorado, 150,000 acres; Vrooman & McFife, Colorado, 50,000 acres; Beatty Brothers, Colorado, 40,000 acres; Chick, Brown & Co., Colorado, 30,000 acres; Reynolds Cattle Company, Colorado, 50,000 acres; several other cases in Colorado embracing from 10,000 acres to 30,000 acres; Brighton Ranch, Nebraska, 125,000 acres; Coe & Carter, Nebraska, 50 miles of fence; J. W. Wilson, Nebraska, 40 miles of fence; J. W. Bosler, 20 miles; William Humphrey, Nevada, 30 miles; Nelson & Son, Nevada, 22 miles; Kennebeck Ranch, Nebraska, 20,000 to 50,000 acres.

In Kansas, entire counties are reported as fenced. In Wyoming one hundred and twenty-five large cattle companies are reported having fencing on the public lands. Among the companies and persons reported as having "immense" or "very large" areas inclosed, but specific quantities not mentioned, are the Dubuque, Cimarron, and Renello Cattle Companies, of New Mexico; the Carlisle Cattle Company (English), in Colorado; the Marquis de Morales, in Dakota; the Wyoming Cattle Company (Scotch), in Wyoming; the Rankin Live-Stock Company, in Nebraska. Several companies and persons in Montana and elsewhere are mentioned as having inclosures, with no data.

The Department of the Interior is doing all in its power to protect settlers and guard the public lands, but the vastness of the territory operated upon, the distant locations, the limited means at hand, and the desperate activity of the lawless stockmen who are upon the ground in possession, sometimes claiming under color of law, and controlling men and capital, render it almost impossible to immediately enforce the rights of the Government. As to all of these encroachments upon public interests and citizens' rights we have our duty to perform. There must be no more granting of lands to aid in the building of railroads. We must recover all lands that have been offered in such aid in all cases where the companies have failed to earn the lands and the right to recover fairly and honorably exists in the Government.

Let us guard the rights of the American child. Let us, with due prudence, recognize the privilege of the coming immigrant to acquire citizenship, with its duties and benefits. Let us compel the lawless fencers to abandon what they have seized and loosen their clutch upon the lands of the people. Let us build up an American policy. Let us secure our lands for citizens of the United States. Let us encourage the making of farms; encourage the building of homes; discourage the sale of large areas to citizens or to domestic corporations; prohibit absolutely the acquiring of the public domain by foreign corporations; prohibit the acquisition of public lands by non-resident foreigners, except upon the consent of our Government first obtained; terminate the claims and possession of all foreign non-resident occupants so far and as soon as it can be done justly and without violating vested rights. Thus shall we preserve what is left of our once magnificent and still valuable public domain.

The Tariff.

The old contest between Clay and Calhoun is revived, and we who followed Calhoun to destruction should now turn and follow Clay to resurrection.

SPEECH

OF

HON. JAMES R. CHALMERS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 25, 1884,

On the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. CHALMERS said:

Mr. CHAIRMAN: Having been robbed of my certificate of election by the hasty action of the governor of Mississippi, founded on a false declaration of the election of another by the secretary of state, and having been delayed by the tardy action of the Committee on Elections from admission to my seat here until after the discussion on the tariff question was closed, I take this opportunity to express my views on that subject.

I never seriously studied the tariff question until within the last two years, but during that time I have diligently read all that I could on that subject. When I became a voter in 1852 the tariff and all other economic questions were lost sight of in the South in the fierce contest then arising over the introduction of slaves into the new Territories, which continued until it culminated and ended in war. Slave labor was best adapted to agriculture, and its interest demanded free foreign trade. Our men of wealth, instead of investing in manufactures and encouraging free labor, invested their money in slaves and drove free labor away. They regarded a protective tariff as a bounty to free labor and to the North, at the expense of slave labor and the South, and we opposed it. Mr. Calhoun was then the great apostle of the South, and he taught us that a strict construction of the Constitution was necessary to the preservation of slavery, and that the same strict construction precluded the General Government from making internal improvements and from protecting home manufactures. Mr. Clay, the great leader of the old Whig party, taught us opposite doctrines; but he had favored the gradual emancipation of slaves and opposed the annexation of Texas, and the South turned a deaf ear to his teachings. Believing Mr. Calhoun in one respect, I had followed him in all. But when the war into which his doctrines led us was over, and I began to study the question of internal improvements and saw how much the South had lost by following the later teachings of Mr. Calhoun, I learned to appreciate more highly the genius of Mr. Clay. And I acknowledge my change of opinion with less reluctance when I know that Mr. Calhoun changed his own opinions both as to internal improvements and the tariff.

THE PROPHECIES OF HENRY CLAY FULFILLED.

And now, since I have studied the tariff question, I have learned still further to understand and admire the far-reaching intellect and the broad patriotism of the great Kentucky statesman. When he proclaimed the doctrine of protecting home industries in 1824, Mr. Webster opposed him and said it would destroy New England, which was largely engaged in commerce, and hence supposed to be dependent on free trade. Mr. Clay replied that the gentleman did not understand his own people, and that none in the Union would more quickly adapt themselves to the American system than the shrewd people of New England. And his prophecy was so soon fulfilled that in 1828, when the subject came up again for discussion, Mr. Webster was found by his side fighting for protection. And then, with still more prophetic wisdom, he said to the Representatives of Virginia that no city in the Union was better adapted to manufacturing than Richmond, Va., and that the time would come when it would advance more rapidly than any city in the Union in industrial pursuits. That was said more than a half century ago, and the prophecy is now being fulfilled.

Generations that taught free trade in the interest of slavery have passed away, and Virginia, which was once a great breeding farm of slaves for the South, has changed her course, and, like a tempest-tossed vessel after a severe storm, has righted up and is now heading for the port of safety and prosperity which Mr. Clay pointed out.

IS PROTECTION CONSTITUTIONAL?

Trained as I had been in the Calhoun school of politics, the first question to which I directed my attention was, is protection constitutional; and a careful examination of the acts and teachings of the early fathers has convinced me that it is constitutional.

WASHINGTON.

Washington declared in his first message to Congress that "the safety and interest of the people require that they should promote such manufactures as tend to render them independent of others for essentials, particularly for military supplies."

And in his second message he said:

Congress has repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way that shall appear eligible.

He presided over the convention which framed the Constitution, and must certainly have understood what it meant.

THOMAS JEFFERSON.

Mr. Jefferson, in a report to Congress December 16, 1793, said:

Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here in competition with our own of the same kind; selecting next such manufactures as we take from them in greatest quantity, and which at the same time we could the soonest furnish to ourselves or obtain from other countries; imposing on them duties, lighter at first but heavier and heavier afterward as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may insure him the highest profits from his skill and industry.

In his message as President, November 8, 1808, he said:

The situation into which we have been thus forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from [internal] taxation with us, and of protecting duties and prohibitions, become permanent.

In a letter to Jean Baptiste Say, March 2, 1815, he said:

The prohibition duties we lay on all articles of foreign manufacture which prudence requires us to establish at home, with the patriotic determination of every good citizen to use no foreign article which can be made within ourselves, without regard to difference of price, secures us against a relapse into foreign dependency.

Again, in a letter to Benjamin Austin, January 20, 1816, he says:

To be independent for the comforts of life we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. The former question is suppressed, or rather assumes a new form. Shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufacture must be for reducing us either to dependence on that foreign nation or to be clothed in skins, and to live like wild beasts in dens and caverns. I am not one of those. Experience has taught me that manufactures are now as necessary to our independence as to our comfort, and if those who now quote me as of a different opinion will keep pace with me in purchasing nothing foreign where an equivalent of domestic fabric can be obtained, without regard to difference of price, it will not be our fault if we do not soon have a supply at home equal to our demand, and wrest that weapon of distress from the hand which has wielded it.

JAMES MADISON.

But the most convincing testimony is that which is furnished by Mr. Madison, who has been called the father of the Constitution. He not only shows that protection is constitutional, but shows that it comes under the power to regulate commerce.

It is an invariable rule of construction that the words of an instrument must be construed according to their established signification at the time. During the ten years from 1764 to 1774, when our fathers were discussing the power of the British Parliament, a well-defined distinction was drawn between the power of England to make trade regulations and commercial restrictions over the colonies, which produced incidental revenue, and the power of direct taxation. The first was admitted but the latter denied by the colonies. To protect her manufactures and commerce England passed laws that were called commercial restrictions, and the right to do this was not denied. Again, during the four years intervening between the treaty of peace and the formation of the Union the separate States made their own laws for taxing or admitting free the manufactures of other countries; and these were called commercial regulations, as will be seen from the discussions at that time, which are so elaborately set out by Rufus Choate in his speech in the United States Senate, March 14, 1842.

One of the great objects of forming a more perfect union was to give to it the power to make commercial regulations as to the introduction of foreign manufactures and the protection of home industries.

New York and Pennsylvania, while separate States, had made such regulations to encourage their own manufactures, but their efforts were unavailing while neighboring States permitted free trade. Hence the great necessity for the Union. In the Massachusetts convention which adopted the Constitution, Mr. Dawes said:

Our manufactures is another great subject which has received no encouragement by national duties on foreign manufactures, and they never can by any authority in the old confederation. If we wish to encourage our own manufactures, to preserve our own commerce, to raise the value of our own lands we must give Congress the power in question.

Now, Mr. Madison says the power to protect manufactures was given and intended to be given in the power to regulate commerce. He says:

That the encouragement of manufactures was an object of the power to regulate trade is proved by the use of the power for that object, at the first session of the First Congress under the Constitution, when among the members present were so many who had been members of the Federal convention which framed the Constitution, and of the State conventions which ratified it.

Within the first week after the meeting of the First Congress Mr. Madison brought forward the first tariff bill with this preamble:

Whereas it is necessary for the support of the Government, for the discharge of the debt of the United States, and the encouragement and protection of manufactures, that duties be levied on goods, wares, and merchandise imported. (See United States Statutes at Large, volume 1, page 24.)

And three days afterward a petition was presented from the tradesmen and mechanics of Baltimore, in which the petitioners said—

They confidently hoped that the encouragement and protection of American manufactures will claim the earliest attention of the supreme legislature of the nation.

The next day came a similar petition from the shipwrights of Charleston, S. C. About the same time came a similar petition from New York city, and a few days after another from Boston, in which they said:

Your petitioners formerly experienced the patronage of this State Legislature in their acts of laying duties and prohibitions on certain articles of manufacture which encourages your petitioners to request that heavy duties may be laid upon such articles as are manufactured by our own citizens; humbly conceiving that the impost is considered by Congress not solely as an object of revenue, but in its operation intended to exclude such importations and ultimately establish these several branches of manufacture among ourselves.

These facts, which I take from Mason's admirable short history of the tariff, show what the people who had just ratified the Constitution understood it to mean.

Mr. Madison, when President, in his special message, February 20, 1815, said:

But there is no subject that can enter with greater force and merit into the deliberations of Congress than a consideration of the means to preserve and promote the manufactures which have sprung into existence and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

Again, in 1828, he said:

A further evidence in support of the constitutional power to protect and foster manufactures by regulations of trade—an evidence that ought of itself to settle the question—is the uniform and political sanction given in that power for nearly forty years, with a concurrence or acquiesence of every State government throughout the same period, and, it may be added, through all the vicissitudes of party which marked that period.

I turn now to the declaration of Andrew Jackson to Mr. Polk's Kane letter, and passing over Mr. Buchanan, the father of the Randall idea of Democracy in Pennsylvania, I give also the declaration of General Hancock, the last Democratic candidate for President.

ANDREW JACKSON.

In April, 1824, Dr. L. H. Coleman, a prominent member of the Virginia Legislature, addressed the following letter to General Jackson:

WARRENTON, VA., *April* 21, 1824.

DEAR SIR: Being one of the six members of the Virginia assembly in caucus last winter who voted for you as a fit and proper person to be supported by the people of the State for the Presidency of the United States, and having since heard that you are in favor of the "protective-duty policy," I take the liberty of desiring you to inform me whether you intend voting for the tariff bill now before Congress. I wish to have information on the subject as soon as your convenience will permit, that I may answer the Fredericksburg committee, who invite my co-operation in getting up a ticket for the hero of New Orleans. In this county you have many friends, and some think your support will be better in Petersburg than in any of the contiguous counties. We are anti-tariff here; and candor requires me to say that should you be the advocate of a measure to which our interest is evidently opposed, the zeal with which you have been hitherto supported will be relaxed.

I am, &c.,

L. H. COLEMAN.

To which the old hero boldly replied as follows:

WASHINGTON CITY, *April* 26, 1824.

SIR: I have had the honor this day to receive your letter of the 21st instant, and with candor shall reply to it. * * * You ask me my opinion on the tariff. I answer that I am in favor of a judicious examination and revision of it; and so far as the tariff before us embraces the design of fostering, protecting, and preserving within ourselves the means of national defense and independence, particularly in a state of war, I would advocate and support it. The experience of the late war ought to teach us a lesson, and one never to be forgotten.

* * * * * * *

Heaven smiled upon and gave us liberty and independence. That same Providence has blessed us with the means of national independence and national defense. If we omit or refuse to use the gifts which He has extended to us we deserve not the continuation of His blessings. He has filled our mountains and our plains with minerals, with lead, iron, and copper, and given us a climate and soil for the growing of hemp and wool.

These being the grand materials of our national defense, they ought to have extended to them adequate and fair protection, that our own manufactories and laborers may be placed on a fair competition with those of Europe, and that we may have within our own country a supply of those leading and important articles so essential to war.

Beyond this I look at the tariff with an eye to the proper distribution of labor and revenue, and with a view to discharge our national debt. I am one of those who do not believe that a national debt is a national blessing, but rather a curse to a republic, inasmuch as it is calculated to raise around the administration a moneyed aristocracy dangerous to the liberties of the country.

This tariff, I mean a judicious one, possesses more fanciful than real dangers. I will ask what is the real situation of the agriculturist? Where has the American farmer a market for his surplus products? Except for cotton he has neither a foreign nor a home market. Does not this clearly prove, when there is no market either at home or abroad, that there is too much labor employed in agriculture and that the channels of labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture the superabundant labor, employ it in mechanism and manufactures, thereby creating a home market for your breadstuffs and distributing labor to a most profitable account, and benefits to the country will result.

Take from agriculture in the United States 600,000 men, women, and children, and you at once give a home market for more breadstuffs than all Europe now furnishes us. In short, sir, we have been too long subject to the policy of the British merchants. It is time we should become a little more Americanized, and instead of feeding the paupers and laborers of Europe, feed our own, or else in a short time, by continuing our present policy, we shall all be paupers ourselves.

It is therefore my opinion that a careful tariff is much wanted to pay our national debt and afford us the means of that defense within ourselves on which the safety and liberty of our country depend, and last, though not least, give a proper distribution to our labor, which must prove beneficial to the happiness, independence, and wealth of the community. * * *

I have presented you my opinions freely, because I am without concealment, and should indeed despise myself if I could believe myself capable of acquiring the confidence of any by means so ignoble.

I am, sir, very respectfully, your obedient servant,

ANDREW JACKSON.

In his second annual message he said:

The object of the tariff is objected to by some as unconstitutional, and it is considered by almost all as defective in many of its parts. The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and consequently if it be not possessed by the General Government it must be extinct.

Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case; this indispensable power thus surrendered by the States must be within the scope of the authority on this subject expressly delegated to Congress. In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

Again, he said in his message in 1830:

While the chief object of duties should be revenue they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected. Of these the productions of our soil, our mines, and our workshops, essential to national defense, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected after temporary protection to compete with foreign labor on equal terms, merit the same attention in a subordinate degree.

And he was elected on a platform of which the following resolution was a part:

Resolved, That an adequate protection to American industries is indispensable to the prosperity of the country, and that an abandonment of that policy at this period would be attended with serious consequences to the nation.

JAMES K. POLK.

Mr. Polk carried Pennsylvania over Henry Clay, the great author of the American system, and what enabled him to do it was his Kane letter, in which he said he was in favor of "discriminating duties such as would produce the revenue needed and at the same time afford reasonable incidental protection to our home industry."

GENERAL HANCOCK,

the last Democratic candidate for President, wrote as follows:

MY DEAR GOVERNOR: I have received your favor of the 11th instant. In my letter of acceptance I expressed my full sympathy with our American industries. I thought I spoke plainly enough to satisfy our Jersey friends regarding my tariff views. I am too sound an American to advocate any departure from the general features of a policy that has been largely instrumental in building

up our industries and keeping Americans from the competition of the underpaid labor of Europe.

If we intend to remain honest and pay the public debt, as good people of all parties do, and if we mean to administer the functions of government, then we must raise revenue in some way or other.

With a reunited and harmonious country we shall certainly in time pay off the public debt; but the necessity of raising money for the administration of law will continue as long as human nature lasts. All parties agree that the best way for us to raise revenue is largely by the tariff; so far as we are concerned, therefore, all talk about "free trade" is folly. But the tariff question will probably be treated with justice to all of our interests and people by some such bill as Eaton's.

I believe that a commission of intelligent experts, representing both the Government and American industries, will suggest tariff measures that will relieve us of any crudities and inconsistencies existing in our present laws, and confirm to us a system which will be judicious, just, harmonious, and incidentally protective as well as stable in its effects.

I am, very truly, yours,

WINFIELD S. HANCOCK.

Hon. THEO. F. RANDOLPH, *Morristown, N. J.*

But the Lamar Democracy of Mississippi will not dare say that the protection of American industries is unconstitutional, since he admitted its constitutionality in his speech in the Senate on the tariff, February 1, 1883, and since Senator GEORGE asked for discriminations in favor of agricultural implements and manufacturing machinery; and both Senators voted for protection to jute. In fact, they swept away all constitutional objections by their construction of "the general-welfare clause" in the debate on the Blair educational bill.

It was on the power "to promote the common defense and general welfare" that Mr. Clay based his whole American system. To this Mr. Calhoun objected, and Senators LAMAR and GEORGE as well as I have changed from Calhoun to Clay on this question. They stop on the advocacy of educational welfare, and I extend it to industrial welfare also.

CALHOUN VS. JACKSON.

From these extracts it will be seen that the fathers of the country and some of the fathers of the Democratic party have believed that it was not only a constitutional right but a patriotic duty to encourage and protect home industries of every kind; and even Calhoun at one time favored protection. But the Democratic party has never been united on this question. While the Whig and the Republican parties have been home protectors a majority of Southern Democrats, following the later teachings of Calhoun, have believed that any intentional protection was robbery, while others both North and South, following Jackson, have advocated protection through a judicious discrimination in duties, but with the distinct intention of encouraging home industries.

There are, in fact, three classes of Democrats on this question at this time: incidental-protection, revenue-only, and free-trade Democrats, and each was represented in the recent canvass for Speaker; and as each candidate stated his own views distinctly in the Forty-seventh Congress, I state them in their own language:

Mr. RANDALL said:

I favor what Mr. Jefferson declared to be "discriminating duties," what General Jackson described as "a judicious tariff," and what Silas Wright designated as "incidental protection." To accomplish these ends wisely and well requires the greatest circumspection and the exercise of the most careful judgment.

Mr. CARLISLE said, in reply to Mr. KASSON:

Mr. KASSON. Let me ask the gentleman from Kentucky, then, whether he admits the policy of protection is a legitimate one in the adjustment of the tariff?

Mr. CARLISLE. If the gentleman means to ask whether I recognize a principle that would impose a duty above the revenue point merely for the purpose of giving what is called protection, my answer is in the negative.

If we were called upon now for the first time to declare a principle or inaugurate a policy upon this subject, I should not hesitate to announce my adherence to that creed which demands the largest liberty in trade, that doctrine which opens the channels of commerce in all parts of the world and invites the producer and consumer to meet on equal terms in a free market for the exchange of their commodities, for I sincerely believe that all commercial restrictions are in the end injurious to the interests of the people.

Mr. COX said:

The only difference between direct and incidental protection is that one is highway robbery while the other is burglary.

CARLISLE VS. RANDALL.

In this contest Mr. CARLISLE won, and in order to understand the full force and meaning of his election it is necessary to consider on what ground he was elected. He said in his speech on taking the chair that he was elected on an idea, and that idea therefore must have been in antagonism to the idea represented by his chief opponent [Mr. RANDALL]. The friends of each understood Mr. CARLISLE to represent the ideas of John C. Calhoun and Mr. RANDALL the ideas of Andrew Jackson. Mr. RANDALL stood on the recent platform of Ohio, which was as follows:

We favor a tariff for revenue limited to the necessities of the Government economically administered, and so adjusted in its application as to prevent unequal burdens, to encourage productive industries at home, afford a just compensation to labor, but not to create or foster monopolies.

Mr. CARLISLE stood on the doctrines thus announced by Mr. Calhoun:

All duties not laid strictly for revenue are purely protective, whether called incidental or not; and hence the distinction taken by the Senator from Arkansas, immediately on my left [Mr. Sevier], between incidental and accidental protection is not less true and philosophical than striking. The latter is the only protection compatible with the principles on which duties for revenue are laid.

These candidates for Speaker both speak of incidental protection, but when stripped of verbiage the difference between them is this:

The Carlisle idea is a tariff fixed with no intent but to produce revenue and followed by protection as a mere accident. The Randall idea is a tariff for revenue so adjusted as to protect home industries but so fixed as to appear to be incidental. That this is the line of demarkation between the incidental-protectionist and revenue-only Democrats was apparent in the Forty-seventh Congress when the democracy of every man was questioned who quoted Jackson's Coleman letter and talked about judicious discrimination inside the revenue standard, and the distinction is well taken. For if protection be robbery the Kentucky idea avoids criminality by disclaiming any felonious intent; but the Pennsylvania idea, while it denies the highway robbery, pleads guilty to what Mr. COX calls incidental burglary.

And that this is the line of distinction was more plainly manifested in the defiant declarations of those who worked for and produced the defeat of Mr. RANDALL. He was admitted to be superior in experience and equal in all other respects to any of his competitors, but for his adherence to the Jacksonian principle of discriminating duties to encourage home industries he was stricken down, and in his fall all men who believed with him on this point were notified that they had no standing in the Democratic party as thus organized. And on the morning after the Speaker's election the Washington Post said:

The Pennsylvania idea is now relegated to the Republican party where it belongs.

And a distinguished Kentucky editor had previously said:

The Democrat who is not a free-trader should go elsewhere. He should join the Republicans. The Democratic party will make a free-trade fight in 1884. * * * We spit upon compromises, and propose to neither ask nor give quarter.

And Mr. Calhoun years ago said:

No two things, Senators, are more different than duties for revenue and protection. They are as opposite as light and darkness. The one is friendly and the other hostile to the importation of the article on which they may be imposed.

Thus the difference between revenue and incidental protection Democrats is strongly marked. And that there is but slight difference between the Republicans and the incidental-protection Democrats was shown by the colloquy in the Senate between Senators EDMUNDS and VEST in the Forty-seventh Congress, when they found themselves standing on precisely the same platform, as follows:

Mr. EDMUNDS. Did you not tell us it was "for revenue only" in your platform?

Mr. VEST. Yes, "for revenue only;" that is, that no duty should be imposed alone for protection; that it should be first for revenue, and if protection followed it followed simply as an incident, not as a principle.

Mr. EDMUNDS. That is a tariff for revenue not only.

Mr. VEST. A tariff for revenue, and so adjusted as to be equitable in all its operations; no interest to be sacrificed for another, no section to be protected in the interest of another, but such discrimination to be placed inside of this limit as to build up American interests and American productions. That is the doctrine of the Democratic party.

Mr. EDMUNDS. That is the Republican platform exactly.

The difference is, the Republicans boldly proclaim a desire to protect American citizens and American industries, while these discriminating Democrats profess a willingness to acquiesce in seeing it incidentally done. One comes in boldly through the front door, and the other attempts to slip in incidentally through a back window.

THE ISSUE OF 1884.

The issue is now squarely made, and should be squarely met. The Republicans have laid down their platform, as follows:

It is the first duty of a good government to protect the rights and promote the interests of its own people. The largest diversity of industry is most productive of general prosperity, and of the comfort and independence of the people. We therefore demand that the imposition of duties on foreign imports shall be made not "for revenue only," but that in raising the requisite revenues for the Government such duties shall be so levied as to afford security for our diversified industries and protection to the rights and wages of the laborer, to the end that active and intelligent labor, as well as capital, may have its just award, and the laboring man his full share in the national prosperity. Against the so-called "economical system" of the Democratic party, which would degrade our labor to the foreign standard, we enter our earnest protest. The Democratic party has failed completely to relieve the people of the burden of unnecessary taxation by a wise reduction of the surplus.

The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus, not by the vicious and indiscriminate process of "horizontal reduction," but by such methods as will relieve the tax-payer without injuring the laborer or the great productive interests of the country. We recognize the importance of sheep husbandry in the United States, the serious depression which it is now experiencing, and the danger threatening its future prosperity; and we therefore respect the demands of the representatives of this important agricultural interest for readjustment of the duty on foreign wool, in order that such industry shall have full and adequate protection.

If the Democracy in their next convention should adopt the last Ohio platform, which is but the Republican platform of 1860, or adopt general platitudes about tariff reform, the people will not be deceived by it. The Democracy of Mississippi made a platform on railroad supervision and repudiated it in the next Legislature; and when charged with this repudiation leading Democratic papers said this clause was put in the platform as "a Delphic oracle." The Democrats may leave out the words "revenue only" and adopt Delphic oracles about "a reduction of war taxes" and "tariff reform," but no trick of language and no jugglery of words will deceive the people. They will look beyond the platform to the acts and declarations of the men who stand upon it.

The issue is already joined, and is well understood on both sides. It is not a question of particular rates of duty on particular articles, for that is a question about which protectionists may differ. It is not an issue as to whether the revenue should be reduced, for on this both parties agree; but upon what principle shall reductions be made; whether in making any reduction that may be necessary we shall consider the protection of home industries or look to "revenue only."

The issue, in short, is protection or no protection to American citizens against foreigners and American productions against foreign productions, which is a vital principle involving the industrial interests of the whole country.

THREATENED DESTRUCTION.

Those who believe that any intentional protection is robbery should stand on one side, and all, without regard to previous party affiliations, who believe in intentional protection of any kind are warned by the defiant attitude of the revenue Democrats and the impending danger to the country to stand on the other side.

The Speaker, on taking the chair, attempted to allay the apprehension of danger aroused in the public mind by his canvass and election by saying:

Sudden and radical changes in the laws and regulations affecting the commercial and industrial interests of the people ought never to be made unless imperatively demanded by some great public emergency, and in my opinion, under existing circumstances, such changes would not be favorably received by any considerable number of those who have given serious attention to the subject.

But the very promise that these changes are not to be suddenly made carries with it the admonition that "radical changes in the laws and regulations affecting the commercial and industrial interests of the people" are to be made. And the gentleman from New York [Mr. DORSHEIMER] declared the bloody purposes of his party when he said:

Let us take off one-fifth now. If that does not reduce the revenue we can take off more. Some time we will cut to the quick and draw the blood. If 20 per cent. will not reduce the revenue perhaps 50 per cent. will.

If this first cut does not bring the blood he will cut again, for the blood of our manufacturers he is determined to have.

Upon the issue thus presented I have no hesitation in saying that I am against that party which threatens the destruction of our industrial interest, whether it is to come soon or late; whether it be by the sudden plunge of the knife, reaching the heart and producing instant death, or by the gentle opening of the veins, producing slow but certain dissolution. If this were a new question there might be more room for doubt. But in view of the colossal industries that have grown up in our Union under twenty years of protection, and in view of the new and growing industries just now springing into existence under the fostering influence of the protective system, it would be suicidal to change that policy now.

WHAT IS PROTECTION?

The free-trader and revenue-only Democrats say protection is taxing one man to enable another to carry on an otherwise losing business. This definition is plausible, but not true. Protection is but granting the petition of the American laborer for leave to toil and of the American capitalist for leave to invest his money safely in building up the general welfare of a great and powerful nation.

The petitioners said to the Government, "The foreigner is making us pay too much for everything he sells to us. We may not be able to manufacture as cheaply as he can, and he will certainly endeavor to undersell and destroy us if we begin competition with him; but if you will give us adequate protection we will manufacture and sell the same goods for less than he now does."

The gentleman from Texas [Mr. WELLBORN] says the American manufacturer has failed to keep his promise. He says:

Protection was originally put upon us under a promise that we should be ultimately compensated by a home market in which we could buy our supplies cheaper than they could be procured abroad.

This is not a just statement of the case. It was not a promise to sell lower than the foreigner could, but lower than he was selling and lower than he would sell unless compelled by our competition. Now let us see how far the American manufacturer has kept his promise. There is not an article manufactured in the United States that is not cheaper to-day than it was when the protective system began. Take, for example, Bessemer steel rails. The price was $150 per ton when protection was asked. The Government fixed a protective tariff and the American began manufacturing. The Englishman, to destroy him, at once lowered his price, but through protection the American survived, and what has been the result? The price has been reduced from $150 to $40 per ton. Three million and more tons of American steel rails have been produced at an average cost of $59 per ton, and instead of paying for these rails $450,000,000 to the Englishman, to be taken from this country, we have paid $179,000,000 into the pockets of our own people, and while doing this have given employment to 20,000 American laborers at seven and a half million dollars wages annually.

It is thus the old Whigs, the Republicans, and the home protectors of all parties would grant the petition of the American laborer for work; but when he "begs a brother of the earth to give him leave to toil," the free-traders and revenue Democrats, like the "lordly fellow-worm," which Burns so touchingly describes, would—

The poor petition spurn,
Unmindful though a weeping wife
And helpless offspring mourn.

But the gentleman from Texas, Mr. WELLBORN, and the revenue-only advocates contradict themselves as to the capacity of American manufacturers when endeavoring to show that protection is an illusion, deception, and wrong. Mr. WELLBORN says:

That the prices of home products can never be thus permanently reduced below the prices of foreign products is evidenced by the most familiar of commercial phenomena.

And when endeavoring to show that protection is unnecessary he says exactly the opposite, as follows:

Nature has provided for American manufacturing resources unsurpassed by those of any other country. We have a healthful and temperate climate; food supplies can be produced nowhere else at lower cost; inexhaustible mountains of coal and iron abound here in close proximity. Nor does an ocean lie between us and the raw materials of cotton and wool. The Southern States now produce more than one-half of the entire cotton crop of the world, while Texas and other parts of the Union can grow wool in competition with the most favored countries of earth.

Add to these natural advantages the inestimable boon of free and stable government, and we have a combination of auspicious conditions in the face of which it is idle to insist that all needful manufacturing enterprises can not be profitably conducted.

Now I say protection is necessary and right whether we can or can not ultimately surpass the world in manufacturing. If through the fostering influence of protection we can ultimately manufacture cheaper than foreign nations, then protection is manifestly right. On the other hand, if we never can manufacture as cheaply as foreign nations, but under protected competition can force a cheaper market at home than we would have if left to the mercy of the foreigner alone, still protection is right. The question always is, not at what price the producer can sell, but at what price he will and must sell.

A FOREIGN MARKET DEMANDED.

If unrestrained by competition the seller will always ask the highest possible price. Now, the revenue Democrats say we must make a foreign market for our agricultural products by a removal of protective duties, but they all, like Mr. WELLBORN, differ widely among themselves as to whether we can or can not compete with the world in manufacturing if protection be taken away. Some of them say we can manufacture as cheaply as any other nation, and others that we can not, and one or the other must be wrong.

If we can manufacture as cheaply as any other nation, then a removal of protection will not give us a foreign market, because our home manufacturers will, if they can, supply us with all the goods we need. If this be true, and it be further true that the foreigners can not trade with us unless we buy from them, the removal of protection will destroy all hopes of a foreign market by building up a home market. If, on the other hand, we can not manufacture as cheaply as any other nation, then a removal of the protective duties will destroy our home manufactures, and while this would give a small increase to the foreign market for agricultural products, it will destroy the home market furnished by our manufacturers and either drive them into agriculture or out of the country. And then when our home competition is taken away we will be at the mercy of the foreigner and compelled to pay whatever price his avarice may demand. Thus, through fear of monopolists at home, we will build up monopolies abroad. The issue will then be squarely presented to the people, and we must select between a home market, always safe, and a foreign market, always uncertain and burdened with the cost of transportation. We must determine whether we will have our workshops at home or across the water. We must determine whether we will patronize our own capitalists who help us to pay taxes and build up our country, or enrich with our trade foreigners who bear none of the burdens of our Government. And finally, whether we will give work to American citizens or to the laborers of the Old World.

Now, the revenue Democrats may take either horn of this dilemma they choose. They must admit that a tariff for revenue only will give us a foreign market at the expense of destroying our home industries, or they must maintain that it will so strengthen our manufactures that they can compete successfully with the world, and thus all chances for a foreign market for our agriculture will be lost. They must stand on one position or the other, for both can not be true, and either is destructive to the arguments they make. The revenue theory, to say the least of it, is experimental, uncertain, and dangerous. The doctrine of protection, on the other hand, is tried, simple, and safe. It would protect as long as protection is necessary, and as each article becomes safe beyond peradventure it would place it on the free-list, demonstrating that the true road to ultimate free trade lies through protection. The Count De Morny, when president of the French Legislative Assembly, said, "Free trade may, it appears to me, be considered as the object toward which society is tending, but protection ought to be the means of arriving at it." The distinguished gentleman from Connecticut [Mr. EATON] well said:

There is not a single article bought in the South, from the wagon that draws the farmer's cotton to the markets to the pin his wife uses, that is not 100 per cent. cheaper than it was fifteen years ago. [Applause on the Republican side.] No matter how wrong the principle of protection may be, the fact remains the same. It has cheapened everything under God's heavens that men, women, and children use in this land—everything. And there is a reason for it. We are growing out of it. Let us grow out of it. There are sixty articles manufactured in the State of Connecticut alone that might just as well go on the free-list as to be where they are to-day. I want the people to know it.

And again he said:

England commenced her system of protection more than six hundred and fifty years ago, under one of the early Norman monarchs. She determined she would refuse to purchase the cloths that were made in Flanders, Ghent, and Bruges. What did she do? She imported the weavers of those countries and made them to belong to England. And from that time until 1844, for more than six hundred and fifty years, the system of protection was pursued by England; not methodically for the first two or three hundred years, but methodically for over four hundred years. This is the history of free-trade England.

Now England became the manufacturer of the world by necessity, by protection. And, sir, we have advanced further and nearer free trade in forty years

than she did in six hundred years. We are growing out of protection to-day. My friend from Massachusetts knows it; I know it. In very many of our productions we could stand to-day with a tariff collected directly for revenue; not that we wish to do that, or that it is best for the country; but we could.

That is truth and that is the language of a pure and unsullied patriot.

PARTY BITTERNESS.

A patriot whose devotion to a strict construction of the Constitution has made him a life-long Democrat, and rendered him a subject of suspicion at home during our unhappy civil war; and yet when he differed with the majority of his party in this debate he was made to feel the bitter sting of party venom from men who should have known him better and honored him more. But mark the contrast in the treatment of another, once a Republican but now a Democratic leader from New York, and one who came with Greeley in 1872, when the tariff question was relegated to Congressional districts. If there is one charge more than another which the confederate has always resented and indignantly denied, it is the charge that the slaveholders were the aggressors in our civil war. We have always maintained that we fought in self-defense.

Now in this debate the gentleman from Connecticut [Mr. EATON] alluded to the difference between our Constitution and that of the Confederate States, and intimated that some gentlemen present may have mistaken Washington city for Montgomery, Ala. The gentleman from New York [Mr. DORSHEIMER] charged that the slave-power, as he called the confederates, were aggressive, and met their just fate in the destruction which he prophesied would overtake the American manufacturers. Now mark the difference in the reception of the two speeches. This speech containing this most offensive of all offensive charges was applauded highly by Southern Democrats, while they turned with the fierceness of tigers on the old patriot from Connecticut who had grown gray in the service of Democracy and had endured contumely for sympathizing with them in their most trying struggle. A most disgraceful specimen of party bitterness.

IS PROTECTION UNNECESSARY?

But it is said that we need no protection now, if we ever did; that there are some articles, like coarse cotton goods and steel cutlery, which we can make and sell to England in her own markets; and that to retain the duties on such articles is unnecessary. The answer is that we do not pull down our forts when the enemy has been repulsed, for we know not when another and more vigorous attack may be made. In the Mississippi Valley we do not tear down our levees when the floods recede, but we take that time to repair breaks and build them higher for fear another and a greater flood may come. But if these duties are unnecessary for protection they must be immaterial as barriers to importation. Unless we can buy cheaper goods from the foreigner than we can from our home manufacturers the demand for free trade is a farce; and, on the other hand, if the foreigner can undersell our home producers the charge that protection is unnecessary is false. Hence if our protective duties are unnecessary they are immaterial, and if not immaterial they are not unnecessary. The revenue Democrats say the duties on agricultural products, except rice and sugar, are immaterial, but I say let them stand; and if the time should come, as it undoubtedly may, when Mexican cotton, which grows perennially and thereby escapes the greatest labor which the planter must give in cultivating and bringing his crop to a stand, shall come into hurtful competition with our productions, I shall say give protection to cotton, as we once did, and as we now do to sugar and rice and to our manufacturing industries.

We might, possibly without injury, place more articles than we have on the free-list, for that is the theory of protection and the true method of reaching free trade, but if this should be attempted now, or if in reducing duties we should disregard all ideas of protection and look to revenue only, the fierce struggle will begin for the mastery of the trade of the world, and we may see prices cut as we see them cut in our ruinous railroad wars. The cheap wares and pauper labor of foreign countries and the accumulated industrial power and experience of centuries will combine against industries of comparative infancy, and a flood of cheap goods will come as the flood of railroad iron which destroyed our works came under the Walker tariff of 1846, and as the floods of the Mississippi River come when our levees break, and our industrial interests will be swept away. Precisely this result followed the first and only time we ever had free trade. The Revolutionary war excluded foreign manufactures and built up our own. When peace was made and there was no power in our confederation to tax or exclude foreign imports the country was deluged with cheap foreign goods and our manufactures destroyed. And this more than anything else brought about the formation of our present Government.

But Senator VANCE, in reply to Senator MORRILL, said it might be a blessing if the people once in their lives could have a flood of cheap goods. Let him learn a lesson from the region where I have seen the floods come. The floods of the Mississippi River always leave a small deposit of fertilizers on the land when they recede. But this small deposit of fertilizers is a poor consolation to the planter when he stands contemplating the destruction of property he has spent a lifetime to accumulate, and the temporary supply of cheap goods would be a mockery of compensation for the destruction of industrial interests, accumulated under twenty years of protection. Such a costly luxury could only be equaled by Charles Lamb's description of burning a house to roast a pig. The temporary supply would soon be exhausted. And when our factories had been destroyed, our men, women, and children in the North, who know nothing but factory work, would be compelled to learn new lessons, and those in the South just beginning to enjoy a new employment which takes them from the cotton-field must go back to toil under a broiling sun, while the foreigner will have the market to himself and dictate the price of all they buy and all they sell.

OUR MERCHANT MARINE.

But there is another and the strongest possible evidence of the folly of removing the barriers of protection too soon, because they seem to be unnecessary. It was in the removal of the discriminating duties in favor of articles imported in American vessels, when we supposed ourselves the equals of any nation on the ocean. The eloquent gentleman from Ohio, Mr. HURD, in impassioned tones and burning words well calculated to overthrow our reason and seduce our judgment, pointed to the decay of American shipping as the effect of a protective tariff. I meet him squarely on this issue, and assert that the destruction of American shipping is the direct result of free trade on the ocean, and but a foretaste of the destruction which free trade will bring, if now established, on our shore. He tells us:

Every ripple of the waters upon the sea-shore is an invitation to enjoy the wealth of foreign nations; and every stormy wave that beats upon the crags speaks in thundering denunciation of the policy that would lock America out of the markets of the world.

But, sir, if he would rightly understand what the wild waves are saying he would find that the sighing winds, the rippling waters, and the weary waves, lashing themselves in sad cadences upon our shores, are indeed singing a requiem over our lost American shipping. But the voice of the winds and the music of the waves tell in mournful numbers how for fifty-five years our shipping flourished when protected by discriminating duties on articles imported in American vessels and how it fell when a Democratic President was seduced into a treaty with England which established free trade on the ocean:

Under the act of January 7, 1794, there was a discrimination of 10 per cent. in tariff duties on goods imported in American vessels—that is, the tariff rates on goods imported in foreign vessels were 10 per cent. higher than if imported in American vessels. This protective clause remained in force fifty-five years, and under its operation our foreign carrying trade and our ship-building interests greatly prospered.

An act was passed in 1815 authorizing the President to waive this discrimination in favor of countries which admitted American ships into their ports on equal terms, but the law was never carried into effect until 1849, when Mr. Bancroft by direction of President Polk, concluded a commercial treaty with England, by which the ports of both countries were made free to the vessels of each. By this time England had begun to build iron ships, and the differential duty being abolished it was not long before she monopolized the greater portion of the ocean-carrying trade. We permitted England to get the start of us in building iron ships and abolished the differential duty just at the time when she was best prepared to take advantage of "free trade."

It is true that the decay of our merchant marine did not begin to show itself immediately. The strong man and the giant oak do not fall at once when attacked by disease, and so our vigorous shipping struggled on from 1849 to 1856 before the destructive effects of this free-trade treaty began to develop themselves. But from then until now it has languished. But it is ridiculous to say that the loss of our shipping arose from a want of foreign trade occasioned by a protective tariff. Statistics show that our foreign trade has not only not diminished but has most wonderfully increased. A protective tariff would operate as much against the importation of foreign goods brought in foreign vessels as it would against importations in American vessels; and this explodes the fallacy that protection on imports has cut off our shipping, and the increase of our foreign trade in foreign vessels demonstrates that this free-trade treaty and not protection was the blighting sirocco that drove the flag of our merchant marine from the ocean. This charge was as fallacious as the other charge made by the eloquent gentleman from Ohio that animosity aroused by our protective system had driven England to encourage wheat culture in India. The Southern planters remember well the extraordinary efforts of England to encourage cotton culture in India long before our period of high protection began. India is a part of the British possessions. England's queen is the Empress of India; and the gentleman might have learned a lesson in patriotism from these efforts of England to encourage and foster the production of every thing possible within her own dominions.

IS IT ROBBERY?

The free-trader thinks he has exhausted the argument when he says the tariff takes money out of one man's pocket and puts it into another's. But they forget to tell that the man out of whose pocket the money is taken is a foreigner and the man into whose pocket it goes is an American. They tell us protection is a public bounty and robbery, because it taxes one man for the benefit of another. And yet the Democratic Legislature of Mississippi, abandoning the free-trade idea of trusting to nature and individual enterprise, passed laws to exempt all new manufacturing companies in the State from taxation, some for ten and some for twenty years, and other States have done the same. This placing the manufacturer on the free-list of State taxation is a public

bounty extended to one man by increased or undue taxation of another. It is protection by discrimination in taxation. And thus the Democracy of Mississippi, who bitterly denounce as robbery the encouragement by law of the industrial interests of the nation, have given encouragement by law to the industrial interests of their State. Clay and Webster loved "the Union one and indivisible," while Mr. Calhoun idolized his State; and when we pass from the idolatry of Calhoun to the catholic worship of Clay and Webster we feel as much pride and pleasure in submitting to discriminations in taxation to protect the industrial interests of the nation as we do in protecting the industrial interests of our respective States. If it is robbery in one case it is robbery in the other, and Washington, Jefferson, and Madison were the fathers and founders of this robbery.

It is equally robbery to tax one man without children to educate the children of another or to tax the rich man to educate the children of the poor, but the blessings of general education, like the blessings of home industries, more than compensate for this apparent injustice. And the building of court-houses, custom-houses, railroads, canals, and all manner of public works may as well be called robbery because each enhances the value of private property adjacent thereto, and one man is thus benefited by taxes taken from another. Until therefore we can establish an utopia of exact justice in taxation it is idle to call such taxation robbery.

FALLACIES.

Abstractly and theoretically protection may seem wrong, just as theoretically it seems right that each man should buy where he can buy the cheapest and sell where he can get the best price. But this fallacy was exploded by Mr. Clay when he said this might be true if we all had money to buy with, but when we must barter our productions it is not always true that protection is wrong. It is not a question of how much we can buy for a penny but where we can get the penny to buy with. If a yard of cloth costs $1 in England and $1.42 here by reason of the duty added, the laborer must buy it with his labor. And if a day's labor in England is worth $1, it is worth 50 per cent. more, or $1.50 here. Thus while the Englishman gives a day's labor for a yard of cloth the American with a day's labor can give 42 cents more for the same cloth and still have 8 cents left. So there is not much robbery in that. Further, our statistics show that the rate of wages has increased 28 per cent. on an average since protection began in 1860, and that the articles which the laborer must buy have decreased in price an average of 28 per cent. in the same time. So there is not much robbery in that. If the farmer must buy with his produce, the nearer home he can find a market the better for him. Again, our statistics show that our cotton, wheat, and tobacco will buy more of everything we need to-day than they would in 1860, before protection began. In proof of which I present the following table, prepared by Mr. CHACE, of Rhode Island:

TABLES PUBLISHED IN 1882.

Let us see what the farmer's articles would buy when they went to market:

Table No. 1.

	1846.	1847.	1848.	1849.	1850.	Average.
Wheat.....bush...	$1 08.5	$1 36.5	$1 17.5	$1 24	$1 27.5	$1 22.8
Corn.....bush...	68	85.5	63.5	62.7	62.5	64.4
Oats.....bush...	39.5	49	41.4	38.7	43	42.3
Butter.....lb...	13	16	16	15	15.1	15
Kentucky tobacco.....lb...	4.7	4.8	5,3	6.1	8.2	5.82
Wool.....lb...	32.3	35.2	34.3	36.1	40	35.58
Cheese.....lb...	6.4	6.9	6.7	5	6.2	6.3
Coal.....ton...	5 72.5	5 70.5	5 39	5 59	5 73	5 63
Liverpool salt.....sack...	1 34	1 35.5	1 39	1 29	1 36.5	1 34.8
Bleached sheeting.....yd...	14.95	14.2	14.25	15	14.75	14.43
Prints.....yd...	10.91	10.17	9.17	10	10	10.05
No. 1 pig-iron.....ton...	27 87	30 25	26 50	22 75	20 87	25 65
Refined bar-iron.....ton...	91 66	86 04	79 33	67 50	59 54	76 82
Railroad iron.....ton...	.....	69 08	62 25	53 87	47 87	58 27

	1876.	1877.	1878.	1879.	1880.	Average.
Wheat.....bush...	$1 18.5	$1 60.7	$1 24.2	$1 22.3	$1 25.3	$1 30.2
Corn.....bush...	51.2	58.3	51.3	49	54.7	52.9
Oats.....bush...	36.1	42.4	32.8	38.5	43.8	38.72
Butter.....lb...	20.4	24	23.3	32.7	23	24.68
Kentucky tobacco.....lb...	9.8	9.8	7.1	8	7.7	8.48
Wool.....lb...	39.9	48.8	41.6	52	41.4	44.74
Cheese.....lb...	9.4	11.6	9.9	11.2	7.6	9.94
Coal.....ton...	4 19	3 38.7	3 54.9	2 89.8	4 08.9	3 62.3
Liverpool salt.....sack...	80.1	73.2	65	73.8	69	72.22
Bleached sheeting.....yd...	12.25	11.72	10.87	11.43	12.66	11.78
Prints.....yd...	7.18	6.67	6.1	6.31	7.5	7.95
No. 1 pig-iron.....ton...	22 25	18 87	17 62	21 50	28 50	21 75
Refined bar-iron.....ton...	52 08	45 55	44 24	51 85	60 38	50 82
Railroad iron.....ton...	41 25	35 25	33 75	41 25	49 25	40 15

Agricultural articles are 6 per cent. higher; manufactures and fuel are 30 per cent. lower; making 50 per cent. in favor of the farmer. Labor is 25 per cent. higher; what the laborer buys is 25 per cent. lower; making 66 per cent. in favor of the laborer.

Table No. 2.

	Salt.	Coal.	Bleached sheeting.	Prints.	Pig-iron.	Bar-iron.	Railroad iron.
One bushel of wheat would buy—	*Sacks.*	*Lbs.*	*Yards.*	*Yards.*	*Lbs.*	*Lbs.*	*Lbs.*
Under free trade	.91	422	8.51	12.21	107.3	35.8	47.23
Under protection	1.80	719	11.04	16.27	134.00	57.35	72.6
One bushel of corn would buy—							
Under free trade	.47	25.65	4.46	6.4	56.24	18.78	24.76
Under protection	.73	32.85	4.49	6.65	54.49	23.32	29.55
One bushel of oats would buy—							
Under free trade	.31	16.85	2.93	4.20	36.94	12.33	16.26
Under protection	.536	24.04	3.27	4.89	39.87	17.07	21.63
Ten pounds of butter would buy—							
Under free trade	1.112	59.75	10.39	14.92	131	43.74	57.69
Under protection	3.417	153.2	20.95	31.04	254	108.82	137.87
Ten pounds of cheese would buy—							
Under free trade	.474	25,09	4.36	6.28	55.02	18.37	24.23
Under protection	1.376	61.93	8.43	12.52	102.36	43.82	50.53
One pound of wool would buy—							
Under free trade	.264	14.17	2.46	3.54	31.06	10.37	13.68
Under protection	.661	29.65	4.05	6.00	49.16	21.64	21.08
Ten pounds of Kentucky tobacco would buy—							
Under free trade	.431	23.18	4.03	5.79	50.82	16.97	22.34
Under protection	1.117	52.69	7.19	10.66	88.33	37.38	47.37

Corn has been depressed in price on account of the tremendous increase of production. While the price of corn is comparatively lower than that of any agricultural product, still the farmer can produce it relatively cheaper, as all know who know anything about it, and he can land it cheaper at tide-water market.

But let me proceed with the table: Under free trade the farmer could buy with one bushel of wheat .91 of a sack of Liverpool salt; under protection it would buy 1.8 sacks. Under free trade the bushel of wheat would buy 8.51 yards of bleached sheeting; under protection 11.04 yards. Under free trade it would buy 422 pounds of coal; and under protection 719 pounds. Under free trade it would buy 12.21 yards of prints; under protection 16.27 yards. Under free trade it would buy 107.3 pounds of pig-iron; under protection 134 pounds. Under free trade 35.8 pounds of bar-iron; and under protection 57.35. Under free trade it would buy 47.23 pounds of railroad iron; under protection 72.6 pounds.

Take Kentucky tobacco, which will appeal to my friend over the way. Kentucky tobacco makes the best showing of any of the enumerated articles. Ten pounds of it under his tariff for revenue would buy .43 of a sack of salt, but under protection it would buy three times as much, and so on, as will appear by the table printed above.

IS IT MONOPOLY?

But it is said that protection creates monopolists and fosters our manufacturing monopolies already established. Webster defines monopoly to be "the sole power of vending any species of goods, obtained either by engrossing the articles in the market by purchase or by a license from the Government confirming this privilege." In Mississippi we have, what I have often denounced, an infamous lien law, which compels the laborer to trade with but one man, and creates therefore monopolies by law. But there is no law of the United States which gives any one citizen a monopoly over another. The protection offered to American industry is extended to every citizen of the United States. Like the rain and sunshine, it is equally bestowed upon all; but if, like the parable of the sower, the seed has fallen on varying soil and some upon stony places, which bring forth no fruit, it is the fault of the places and not of the sower or the law under which he acted. And I was greatly astounded when the gentleman from Texas [Mr. CULBERTSON] said that what he grouped as the manufacturing States had received more benefits from the Government under the tariff and been more prosperous than the agricultural States.

What is there in the law which prevented what he calls the agricultural States or any State from becoming manufacturing and receiving the same benefit as any other? And what has prevented the agricultural States of the South from entering upon this broad road to prosperity and sharing these benefits? I will tell the gentleman that it was the teachings of the free-trade leaders of the South. We followed their teachings. We denounced protection as unconstitutional and unjust, and refused to receive any of the benefits it offered. We saw the North grow rich under its fostering influences, while we clung to agriculture alone and have become the farm-laborers of the world. Cain slew his brother Abel because the fruit of the earth did not receive the same favor in the sight of heaven as the firstlings of the flocks, and then wandered, under the curse of God, an outcast on the face of the earth. So we of the South cursed the North for growing rich in manufacturing while we grew poor on agriculture. And still our free-trade and revenue-only leaders would have us continue in the old course of dog-in-the-manger, and, while we lick the sores of our poverty, wrap ourselves in proud defiance in the rags which free trade and secession have bequeathed to us.

This suicidal policy should be pursued no longer, and I am glad to know that it is already giving way to newer and better ideas of political economy. This cry of monopoly and this threat of the gentleman from

New York [Mr. DORSHEIMER] that the interest vested in manufactures will be destroyed by violence, as the interests of the South vested in slaves had been, is a cry of communism which finds its patron saint in him who slew his brother in jealous rage at his prosperity. There is no monopoly and there can be no monopoly when 50,000,000 of people are left free to compete with each other under the same law, and the result proves it. They talk of the rich growing richer and the poor poorer, when twenty years ago the millionaires could be counted on your fingers and now they are numberless. The poor of one generation are the rich of the next. Gould and Sage were poor boys twenty years ago, and every American should feel proud of a Government in which the poor and humble of one day are the rich and powerful of the next, instead of joining in this communistic cry against prosperity.

France, under the wisdom of the first Napoleon, adopted the protective system, and this cry of monopoly, which was raised there also, was so well answered by the distinguished Frenchman, M. Thiers, that I quote his words:

It is urged that all the protection accorded to our industry constitutes monopolies, and that to enrich a few monopolists we burden the whole country. I desire to say that this little monopoly which you accord to French industry destroys the monopoly of foreign industries. * * * We created a competition with England and a kilogram of cotton worth 14 francs fell to 3 francs. Every time you protect a national product you cause the price of the domestic product to fall and you prevent monopoly.

But when we point to the same thing here, and show that there is not a single article which we manufacture, from a railroad to a hairpin, that is not cheaper now than when protection began we are told that protection did not do it, that it was produced by a difference in machinery; and they point to the fact that the same articles are also cheaper in free-trade England. That strengthens instead of weakening our argument, because it was the competition produced by the protected industries of France, Germany, and the United States that lowered the price of the English article.

But it is said that protection is robbery, because the foreigner can manufacture and sell cheaper than our manufacturers, and that every dollar we pay above the foreign price is so much taken from the pockets of the consumers to put into the pockets of the manufacturers.

IS THE PRICE INCREASED BY EXACTLY THE DUTY?

Now, is this true? The home-protector says it is not, and this is the great issue of fact joined between the parties. In articles like coffee, which we can not produce, manifestly the price is enhanced by exactly the duty. But where we can produce any article our competition reduces prices. Protection stimulates this production, and a reduction of prices has invariably followed from competition, and hence it is claimed that a protective duty, instead of adding to, takes from the foreign price. Thus the foreign price of Bessemer steel rails was $150 per ton when a duty of $28 per ton was laid on them. But instead of going to $178, the foreign price with the duty added, they dropped on the first show of competition to $100 per ton, and have fallen to $40 per ton, and we still import them. Whether the Englishman is selling at a loss to destroy our competition, and therefore paying our duty himself, or whether he can still make a profit and pay our duty may be a question of doubt.

But the question is not at what price he could but at what price he would sell if relieved of our competition. There can be no earthly doubt but the English price would spring up if our mills were closed. This was demonstrated in iron rails under the Walker tariff of 1846. During 1849 and 1850 British manufacturers rushed in 200,000 tons of iron rails at $40 per ton until our mills were ruined and compelled to close. Then from 1850 to 1854 they sold us 800,000 tons at $75 per ton. With adequate protection our mills could have furnished the whole at $50 per ton, and $50,000,000 would have been kept at home; for want of it $64,000,000 went into the pockets of British capitalists. Senator COKE says:

The range of duties is so high, so extremely protective, that very few foreign goods are imported; so the Government receives very little revenue; but these same excessive duties are added to the price of the domestic article, and the whole of it goes into the pocket of the manufacturer, because the people are compelled to buy.

And he figures the result thus:

Revenue received by the Government	$193,800,897 67
Bounty received by manufacturers	1,250,000,000 00

If this is true of manufactures it must be equally true of agricultural products, and the result is shown in the following answer to a letter addressed by me to the distinguished Chief of our Bureau of Statistics:

Product, imports, consumption, &c., of cereals.

Cereals.	Product of crop, year 1882.	Exports of domestic products, 1883.	Domestic products remaining for consumption.	Imports entered for consumption, year ended June 30, 1883.			Duty which would have been collected on home products consumed, if imported.
				Quantities.	Rate of duty.	Duty collected.	
Wheat.....bushels...	504,185,470	147,811,316	356,374,154	*46,518 †945	20 cents per bushel..... 20 per cent...	9,304 1,064	71,274,831
Corn.....bushels...	1,617,025,100	41,655,653	1,575,369,447	25,817	10 cents per bushel.....	2,582	157,536,945
Rye.....bushels...	29,960,037	2,203,197	27,756,840	5,989	15 cents per bushel.....	898	4,163,526
Oats.....bushels...	488,250,610	461,496	487,789,114	846,781	10 cents per bushel.....	84,678	48,778,911
Barley.....bushels...	48,953,926	433,005	48,520,921	9,944,066	15 cents per bushel.....	1,491,610	7,278,138
Potatoes.....bushels...	170,972,508	439,443	170,533,065	2,356,965	15 cents per bushel.....	353,545	25,579,960
Total.....						1,943,681	314,612,311

*Wheat, bushels. †Flour, barrels.

JOSEPH NIMMO, JR., *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 4, 1884.

Thus we have revenue received by the Government, $1,943,681; bounty received by the bloated granger, $314,612,311.

But I am a granger myself, and this is a snake story no granger will believe. And if this argument is false as to agriculture it must be equally false as to manufactures. But that this is not true is shown by facts:

For according to the report of Mr. Wells himself in 1869, as special commissioner of the revenue, the imposition of American duties on the wools of the Cape or South Africa produced the following effects:

"Thus," as he says, "in the years 1859, 1860, and 1861, when these wools in an unwashed state were admitted free of duty, their cost at the port of export was from 18 to 19.4 cents per pound. In 1863 a duty of from 3 cents per pound to 5 per cent. ad valorem having been imposed, the price fell to 16.2 cents; in 1864, the duty having been still further increased to 6 cents per pound, the price fell in 1865 to 14.8 cents. In the first half of 1867 the price was 15.1 cents; but in the spring of this year the duty was increased to 10 cents per pound and 11 per cent. ad valorem, and for the last six months of the year the price wns 13.4. In 1868 the price still further declined to 10.9."

And he quotes the report of the Boston Board of Trade, January, 1868, to the effect that "the wools have fallen abroad to an extent which nearly balances the added duty," as well as Mr. Schwartze, of London, one of the largest wool brokers in the world, to the effect that the imposition of the duties on wools by the United States Government had caused this decline in prices. (See Report Special Commissioner of Revenue, page 102.) In the above presentation of facts in regard to the duty on wools Mr. Wells surrenders the whole free foreign trade case; for he demonstrates that the duty is paid by the foreign producer and not by the American consumer.

Again this fallacy was clearly exposed by Mr. RUSSELL, of Massachusetts, in his late speech in the House. He says:

A letter by Messrs. Arnold, Constable & Co., importers, and in favor of free trade, written to Mr. HEWITT, and printed as part of the hearings before the Committee on Ways and Means, as an argument for a reduction of duties, shows as conclusively as anything I can offer the effect of American competition with foreign goods in reducing their cost to the consumer.

The letter is as follows:

[Arnold, Constable & Co., New York. Paris, 21 rue d'Hauteville. Lyon, 8 Quai St. Clair. Manchester, 41 Lower Mosley street.]

NEW YORK, *February* 20, 1884

DEAR SIR: Mr. Dalton stated before your committee that a change in cottons would prevent the manufacturers in this country from making the finer kinds of cottons, such as sateens. I send you some samples to controvert what Mr. Dalton says:

Sample A is American, 36 inches wide; cost by the case 11½ cents per yard: the pattern is French.

Sample B is French, 32 inches wide, 4 inches narrower than the American; cost to land 18½ cents. You will see we can no longer import the plain French cloth.

Sateens were gotten up by one of the best French manufacturers, especially for us, in the spring of 1882, when we had the market almost entirely to ourselves. In the spring of 1883 the Americans copied the cloth, and printed them very extensively, and are going on with them again this season.

In the spring of 1883 the Americans greatly undersold the French article, and our importations were sold without any profit, and in some instances at a considerable loss. We have been driven from the market; therefore the Americans need not fear the reduction which the committee proposes.

For the spring of 1884 we have imported sateens in very small quantity, but have produced some cottons of an entirely different weave, which we suppose will be copied next spring.

C sample, American sateen, 32 inches wide, the case price of which is 27 cents, at which price it is supposed to pay the manufacturer a profit, as he would not sell so early in the season without.

D sample, French sateen, 32 inches wide, cost to land 31½ cents.

Sincerely yours,

ARNOLD, CONSTABLE & CO.

Hon. A. S. HEWITT.

P. S.—The American has more weight than the French, but the finish is not quite as good.

Arnold, Constable & Co. say, "You will see we can no longer import t e plain

French cloth." Well, I don't see how they can. The American article is selling for 11¼ cents, and it costs 18½ to lay down a like article from France.

Mr. MORRISON. How much of that is duty?

Mr. RUSSELL. The duty and cost of importation may amount to fully as much as the difference between the price of the two. I do not offer this as an argument against the reduction of 20 per cent. on this particular article of manufacture to sustain its manufacture here, but offer it as an argument to show that the American manufacturers, the monopolists, and the robbers of the people's money, of which we hear so much on this floor, do not take advantage and add the duty to the domestic article as they have opportunity, but are offering to the consumer goods at 11¼ cents that it costs 18½ cents to import.

In the spring of 1882, when these French goods or sateens [samples of which were exhibited by Mr. RUSSELL] were introduced into this market, they were retailed at 75 cents per yard, yielding a profit to the foreign manufacturer and the importer of about 140 per cent. The manufacture of these goods in this country, which was begun about a year after, has brought down the price of the French goods to the consumer to 45 cents per yard, or 40 per cent. from the highest price.

If the article upon which the tariff is imposed is not manufactured here and entirely imported, then the duty is added to the cost of the article, and more than that, high commissions are added; but when the article is in part manufactured here the whole duty is not added to the cost of the domestic article. This shows conclusively that the competition here has forced the price of these articles much below the price of importation, and the fact that the duty is not wholly added to the cost of the domestic article can be illustrated or proved by almost every article manufactured in this country.

Take the article bleaching-powders, now on the free-list and not manufactured in this country, though very extensively used in several industries, there having been imported in 1883 94,395,405 pounds. The price of this article in this country in 1881–'82 was about 1 cent per pound. By a combination of the foreign manufacturers the price was carried up and is now maintained at about 2 cents per pound, or an advance of 100 per cent.

Mr. MORSE. Why not make it here?

Mr. RUSSELL. Because we have not the ingredients. It only shows that where we have not the materials, and are dependent wholly on the foreign market, we are at the mercy of foreign combinations.

But Senator COKE said:

Take the article of blankets as an example. They are universally used throughout the country. The duty on them is from 85 to 104 per cent. It is estimated that $20,000,000 worth of blankets are bought annually in this country; yet for the year 1881 official reports show that only $1,239.08 worth of blankets were imported from abroad, and the revenue of the Government on that importation amounted to only $1,089.05. The 100 per cent. duty was added to the cost of blankets made in the United States, and was pocketed by the manufacturers, the people having it to pay.

As this blanket story has been repeated on every stump let us examine into the facts.

A recent importation of blankets shows:

Cost, one pair five-pound blankets, in England	$4 45
Duty on same	4 25
Custom-house fees	65
Total	9 35

If it were true that we pay our home manufacturers the English price with the duty added we would pay $9.35 for such blankets. But in truth we buy the same quality of American blankets for $5.20, only 75 cents more than the English prices, and only 10 cents more than the simple custom-house fees added to the English price.

"This pricked the bubble theory with the needle fact," as Mr. Clay said when he gave the old farmer's answer to the stump orator who said, "These tariff monopolists make you pay 6½ cents per yard more than you ought for the shirt on your back." The farmer replied, "I suppose it must be so, but I can't quite see how, for I only paid 5½ cents a yard for it." The answer was as complete as the old father's answer to his college-educated son, who to exploit his mathematics demonstrated that two birds were three. Pointing at the two birds on the breakfast table, he said, "This is one, and that is two; and one and two make three." The father replied, "I will give your mother bird number one, I will take bird number two, and you can breakfast on bird number three." It is thus the college professors and revenue Democrats demonstrate the beauties of a revenue tariff; but if the people trust to such theories their prosperity will vanish, and their pockets will soon be as empty as the hungry stomach of the mathematical collegian.

WHAT IS FREE TRADE?

Robert J. Walker said: "Free trade is the petition of labor to employ itself everywhere in those pursuits best adapted by nature to every nation, and therefore yielding the largest products and highest wages." This petition is based on the idea that all nations form one universal brotherhood and that foreign laborers are entitled to as much consideration as our own. The home protector says all nations never were and never will be one universal brotherhood; that each nation is and should be distinct, and each should foster, encourage, and protect its own citizens and its own interests.

Hon. Ellis H. Roberts, in his recent work on Government revenue, says:

That state is nearest to the ideal standard which employs all of its energies, which builds up every one of its own resources, which adds everything possible for it to add to the sum of human wealth and power and progress.

And again:

That nation which does its own work most thoroughly, which trains its own citizens to the most complete usefulness and ripest developments, serves the whole world most effectually and adds the most to the achievements and the happiness of mankind.

The revenue-only Democrat replies that we are an agricultural people and our interest demands a foreign market; that foreign nations can not buy from us unless we buy from them, and that we can not afford to buy from them nor they to sell to us while we lay heavy duties on their productions. That all these are fallacies can be shown in a few words. That we are not and should not be called solely or even most largely an agricultural nation is shown by our productions: In 1880 our manufactures were worth $5,367,579,191; in 1880 our agricultural products were worth only $3,600,000,000.

Thus we see that seven millions of our people engaged in agriculture make less in value than three millions engaged in manufactures; and yet the revenue Democrat would wipe out our manufactures with their splendid results and drive us all into agriculture upon the dog-in-the-manger cry of monopoly, because some of our people enjoy the protection offered to all but which all can not accept.

And that the second proposition is not true is shown by the fact that we have heavy duties on all the productions of England, and yet she buys from us twice as much as we buy from her. On the other hand we import free the tea of China and the coffee of Brazil, and yet they buy four times less from us than we do from them. Senator MILLER, of New York, says:

In 1883 our dealings with the undermentioned countries were as follows:

	Imports.	Exports.
Cuba	$65,544,534	$15,103,703
Brazil	44,488,459	9,252,094
British East Indies	19,467,800	2,185,804
China	20,141,331	4,080,322
Japan	15,098,890	3,376,434
Spanish Possessions, other than Cuba and Porto Rico	10,617,563	324,474

These are only a portion of the countries from which we bought more than we sold to. From such countries we bought $358,000,000, and we sold but $141,381,000. On the other hand, our transactions with the countries from which we bought less than the amount sold to them were as follows: Imports, $365,173,000; and exports, $682,457,000.

But our Democratic friends differ again among themselves. Mr. MORRISON, the leader of the House, says:

What we want is a market; somebody to buy abroad what we can not sell at home.

Mr. MILLS says:

We send to Europe the surplus products of our farms because we can produce them cheaper here than they can be produced there. They send us in return the products of their manufactories because they can be produced there cheaper than here.

Mr. HEWITT, of New York, said in his speech of March 27:

Now, how can the farmer be benefited? What does he want? He wants to sell his productions at a higher price. And how is he going to sell his products at a higher price as the grain trade stands to-day? The markets of Europe are overcrowded with food products. To-day the farmer is met at Liverpool and London by the food products of India, and that competition, so far from being less, is going to increase. Therefore the farmer has reached the limit of the demand for his products in foreign lands. Where, then, is he to find his market for them? He must find his market at home, and how is he going to get it at home? Why, only by one method—manufactures must be fostered and grow and not be diminished.

But Mr. HEWITT is one of those Democrats who demands free raw material when he buys and wants protection on what he makes of it when he sells. There is and has been since 1794 a law giving a rebate of all but 10 per cent. of duty paid on imports when they are manufactured for export, and this shows the hollowness of the cry that our manufacturers are prevented from competing with the world in manufactured goods by reason of the high duty they must pay on imported raw material.

Again, Mr. MORRISON says:

Whatever else the tariff has or has not done, it has taxed us out of all other markets than our own; and such was the purpose of its authors.

This means, of course, that we can not export our manufactures because it costs us by reason of the tariff too much to make them. Mark how a few facts will set him down. Senator MILLER says:

We produced of manufactured goods in 1860, $1,885,861,676; in 1870, $3,385,860,354 (in gold); in 1880, $5,369,579,191. These figures indicate that we have made great progress in the direction of supplying our wants and in getting control of our home markets. Last year we imported merchandise of all kinds to the value of $723,180,914, of which less than one-half, or about $300,000,000, was manufactured goods. The remainder was raw material, such as sugar, tea, coffee, wool, raw silk, raw rubber, hemp, timber, &c. It will be seen that the value of the imports of manufactures is less than 6 per cent. of the value of the home production.

In other words, our manufacturers supply 94 per cent. of the goods consumed at home. In addition to this, we exported last year manufactured goods to the value of $112,000,000 which is a little more than 2 per cent. of the total home production. In 1860 we exported products of manufacture only to the value of $45,658,873. Last year the exportation was the largest in the history of the country. I submit that these figures show ability on the part of our manufacturers not only to occupy the home market but to reach out into the markets of the world.

Thus we see that free trade or a demand for a foreign market is founded on the false theory of universal brotherhood and sustained by the fallacious assumption that we are purely or mainly an agricultural nation, and the false charge that protection has destroyed our capacity to manufacture for export, and is therefore utterly unworthy of popular support. As communism strikes at accumulated wealth in every form, so the communistic cry of free trade strikes at the national wealth-producing power of protection.

REVENUE ONLY.

What is a tariff for revenue only? It is a tariff fixed with no intent but to produce revenue. The fundamental idea of it is that there must

be no discriminations. Every importation must bear an equal proportion of the duty. To place any article on the free-list is to discriminate, and is just as much in violation of the revenue-only principle as giving direct protection to the other articles left to pay duty, because every dime taken from the Treasury by placing any article on the free-list adds that much to the revenue to be raised on other articles and gives that much more protection to the articles taxed. The same is true if you strike off the internal revenue and leave that much more to be collected by the tariff. Mr. RANDALL understood this when he placed tea and coffee on the free-list and proposed to take the tax from whisky and tobacco. That is the true protection theory, for the protectionists would admit everything free which can not be produced in this country, and while we tax the other articles so discriminate in duties as to give most protection to the industries which need most. The revenue-only doctrine is just the reverse of this. Mr. Polk defined it thus:

The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest is the maximum of duty which can be laid for the *bona fide* purpose of collecting money for the support of government. To raise the duties higher than that point and thereby diminish the amount collected is to levy them for protection merely, and not for revenue.

Mr. Walker said:

It is generally conceded that reciprocal free trade among nations would best advance the interest of all. Let our commerce be as free as our political institutions. Let us with revenue duties only open our ports to all the world. Let no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

Mr. Calhoun said:

Revenue seeks not to exclude or diminish the amount imported; on the contrary, if that should be the result, it neither designed nor desired it. While it takes it patronizes, and patronizes that it may take more. It is the reverse in every respect with protection.

The same ideas have been repeated by the leaders of the majority of the Forty-eighth Congress, and they are utterly at variance with the Ohio Democratic platform of 1883. They are the teachings of the followers of Mr. Calhoun and that school of politicians who led us into secession. Under the leadership of a great Kentuckian, Breckinridge, the South followed to destruction, and if she now follows the great Kentuckian, CARLISLE, to revenue only she will meet with the same sad fate. Let the Union men of the old Whig party and the Douglas Democrats of the South take warning by the errors of the past.

I make no recantation of my belief then or of my action then, but I admit the failure and propose to learn wisdom from the past. The strict-construction theories which led to secession then lead to free trade now, and the last will prove as destructive as the first. The old issue between Clay and Calhoun is revived, and we who followed Calhoun to destruction should now turn and follow Clay to resurrection.

Any effort to reconcile these doctrines of revenue only with encouraging home industries or discriminations in favor of free raw material or any other import free would be a fraud, and the people would so understand it. If the revenue-only idea is to prevail let it be honestly enforced, and let every import bear its equal share of the tariff burden Tea, coffee, and quinine must come back to the duty-list and the cry for free salt be abandoned, or the cry of a tariff for revenue only becomes a transparent fraud.

Forty years ago, in the debate on the tariff law of 1833, Mr. Clay uttered prophetic words, which seem to come back to us from the grave to-day to condemn the Morrison bill and the efforts of the Democratic caucus to disturb the business interest of the country by a new tariff law before the last one has fairly gone into operation.

Mr. Clay said:

But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe. * * * And what is the just complaint, on the other hand, of those who support the tariff? It is that the policy of the Government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened it becomes necessary to close them and to open a new set. Before a law can be tested by experiment another is passed. Before the present law has gone into operation, before it is yet nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine months' labor, before we know anything of its experimental effects, and even before it commences its operations, we are required to repeal it.

But the prophet is ever without honor in his own land. In Kentucky, as once in Egypt, a race have grown up "who knew not Joseph," and the very sons of the immortal Clay have forgotten the teachings of their father.

CLAY CLAIMED AGAINST PROTECTION.

But the revenue followers of Calhoun are now attempting to invoke the name of Clay against protection. They tell us the protectionists of to-day demand a longer period and a rate of duty higher than Mr. Clay deemed necessary in his day. We answer that Madison and Clay both favored protection, but the changing times made necessary a rate of duty far higher to secure protection under Clay in 1828 than was necessary to secure protection under Madison in 1789. But both demanded protection for home industries, and it was the principle and not the per cent. for which they contended. If 8½ per cent. was sufficient under Madison's bill in 1789, and 40 per cent. necessary under Clay's bill in 1828, and 45 per cent. necessary under MORRILL's bill, each argued that the protection necessary must be given.

In the days of hand looms every community participated in manufacturing. But the power loom, which swept away the wonderful handwork of Hindostan and the East, destroyed the household industries here and elsewhere. And the discoveries in science, the improvements in machinery, the cheapening of transportation, and other factors are constantly changing the per cent. necessary to give protection to any one industry. Overlooking this fact, the Senator from Mississippi, Mr. LAMAR, based almost his whole argument against protection upon the fact that we had prosperous manufactures, and especially that pig-iron was exported from America to England in our colonial days until prohibited by an act of Parliament. The answer to this is so very simple and apparent that we are amazed that such an argument was ever made. Iron was then manufactured with charcoal, and the virgin forests of America gave us the same great advantage over England in the manufacture of iron that we had in ship-building while wooden vessels were used. But the use of coal in the manufacture of iron, like the use of iron in ship-building, revolutionized both these industries and gave England greatly the advantage over us.

So the difficulties of communication between the Old and New World in early days, the paucity of tonnage, and the time lost in sailing vessels were such barriers to trade that a small percentage of duty then would give as much protection as heavier duties now, when with mammoth vessels "steam communication has annihilated distance and brought nations face to face." Mr. Clay was for protection then, whatever the percentage of duty or length of necessary time to accomplish it might be, and it is unjust to his memory to insinuate he would not be equally for protection now. His predictions of the great benefits that would accrue from the adoption of the American system have proved prophetic. Yet his prophetic vision did not conceive one-half of what has been accomplished.

FOLLOW NATURE.

The gentleman from Texas, Mr. WELLBORN, said:

Whenever natural forces are left to their own action competition always allots to capital fair earnings and to labor just rewards.

And on the other hand M. Thiers, the great Frenchman, said of this let-alone policy:

It is a system of indifference, inaction, impotence, and folly.

One of the chief theories of free trade is that we should not attempt to force labor and capital into artificial channels, but we should follow nature and not attempt to change its laws. This is only true when it is manifest that we can not change nature to our ultimate advantage. We can not profitably grow oranges in Vermont or sugar in Alaska, and it would be folly to attempt it. But we can dig canals to unite waters and can irrigate where nature fails to supply water, and it should be done. Irrigation with the Nile made fertile soil of desert sands in Egypt, and artificial dikes converted Holland from a salt marsh to a land teeming with wealth. Robert J. Walker thus expressed the revenue Democrat's theory on this subject:

In the absence of tariffs the division of labor would be according to the laws of nature in each nation, and the surplus of each should thus be exchanged among the whole, each employing its labor only in the most productive pursuits, and therefore the aggregate profits would be largest.

And in illustration, he said:

We see the benefits of reciprocal free trade among the States.

If this were true it would not follow that we should not encourage manufactures because there is no law of nature to forbid our becoming the foremost manufacturing nation of the world. But the doctrine is not true and the illustration most unfortunate. The history of the South shows precisely the reverse and illustrates what a poverty-stricken agricultural nation we would have become had this theory been carried out. Nature indicated cotton as the most productive cultivation for the South. Following this theory we made cotton our king, and he flourished while slavery lasted. But when we undertook with free labor to cultivate cotton alone and exchange it with other sections for what they could produce cheaper than ourselves, we grew poorer and poorer every day until the veriest fool can now see the folly of this free-trade theory. When slavery died the interest of the South in free trade died with it.

THE GRANGER DOCTRINE.

This doctrine of the free-trader that each nation and each man should attempt to produce only that which he can produce cheapest and buy everything else from some one else is ruinous in practice. The grangers teach us, and experience sustains them, that we should diversify our pursuits and that home productions, though it may seem to cost more to produce than to buy them, are always cheapest in the end. The picture which Mr. Clay drew in his great speech on the American system of Colonel Shelby, the prosperous Kentucky farmer who made everything at home, is a true picture of what a prosperous nation should be. After many years of suffering under the free-trade theory and practice Mississippi, under the teaching of her grangers, is beginning to learn this lesson at last. The all-cotton theory is giving way to the grange theory of diversified pursuits. Twenty bushels of corn per acre is a good crop on the uplands of Mississippi, while the corn lands of the Western States can produce from fifty to seventy-five bushels per acre and we can produce cotton, which they can not.

The free-trade theory taught us that it was best for us to produce cotton, which by nature was adapted to our soil, and buy corn, which is by nature better adapted to other soils, and which can be produced more cheaply in other sections. While we followed this delusive the-

ory our corn cost us from a dollar to a dollar and a quarter per bushel, and we raised no hogs. In the last few years the planters in some portions of our State have begun to follow the example of home production pointed out by Mr. Clay, and in those sections corn sells at from 35 to 50 cents per bushel and they raise their own meat.

Under this free-trade theory we have for years labored all summer to kill the native grass in our cotton-fields and in the winter bought hay from the West. We have bought horses, mules, and cattle from the same region under the delusive theory that nature would not permit pasturage in the South because our sun was too hot for blue-grass. But a few successful examples of stock-raising on Bermuda grass which flourishes under the hottest sun, and one or two great successes in manufacturing have opened the eyes of our people to the fact that it is the sharpness of competition and not the cost of production that regulates prices. If the Mississippian would have cheap corn he must raise some himself, and not trust to the mercy of those who can raise it cheaper; and if the American would have cheap goods he must manufacture some for himself, and not trust to the mercy of those who can perhaps manufacture them cheaper. When the tariff was taken from quinine and the revenue tax reduced on tobacco and removed from proprietary medicines, the consumer saw but little difference in the price. The patent-medicine man charges as much as ever for his bottle, and the tobacco chewer pays but little less for his plug; and Hawaiian free sugar sells for 2½ cents more per pound in San Francisco than sugar in New York.

In the days of slavery the Carolinas and Georgia made rice at $2.25 per hundred pounds. When war cut off the Southern supply the foreigner put up the price to $15 per hundred. When the war was over and slavery abolished the Southerner could not make rice as cheap with free as with slave labor. The foreigner, without regard to the cost of his own production, dropped his price to $4.50 per hundred, reducing it just low enough to undersell the American producer. Hence we must either give up the rice market to the foreigner or encourage home production to control his price. To do this we must either protect the home producer by a sufficient duty on rice or we must reduce the wages of laborers to the subsistence formerly given to slaves. The home protector says make the duty protective, and the revenue Democrat says this is robbery. If the rice-planter can not make money let him quit and go into something else, and let his land adapted to rice lie idle or be cultivated in cotton and corn in competition with his neighbors. What is true of the rice lands is equally true of the sugar lands and still more true of manufactures, which in many branches can be pressed to perfection as well here as in any other country.

EFFECTS ON LABOR.

But the granger is told by the political theorist first, that the manufacturing laborer is not really protected because he is taxed an average of 42 per cent. more on all he buys than he should be; and second, they are told that the manufacturing laborer is protected while the agricultural laborer is not. Now, let us examine these positions in order. If we grant what is not true, that the duty is added to the price of the foreign article, let us see how the case stands on the admission of the Democrats themselves. Mr. HEWITT, of New York, admits that the American laborer receives 50 per cent. more wages than the English, and hence if he pays 42 per cent. more for goods he is still better off than the Englishman. We will say an article is worth $1 in England and that the tariff makes it cost $1.42 here. The laborer must buy with his labor. The Englishman labors one day and gets a dollar and he buys the article. The American labors one day and gets one dollar and a half and he buys the same article for $1.42 and he has 8 cents left. So the position is unsound. Second, they say if the manufacturing laborer is protected, the agricultural laborer is not.

Now, the most sound if not the only sound position taken by Senator LAMAR in his speech on the tariff was that it was the competition between agricultural and mechanical laborers that kept up the price of labor in this country. And if the value of agricultural labor enhances the value of mechanical labor the converse is also true. And that agricultural laborers are thus benefited is shown by the statistics of our country to be true by a comparison between different States of our Union. In the manufacturing States the farmers get the best returns for their products and best prices for their labor. Mr. Dodge, the statistician in the Department of Agriculture, who made a report on this subject, says:

Here is the result—and a striking exhibit it is, teaching the effect of varied industry, and its necessary increase of population and wealth, on the value of agricultural lands. It gives the number of States in each class, number of acres, value, and value per acre, with the average percentage of agricultural workers, as follows:

Classes.	Number.*	Acres.	Value.	Average.†	Workers.‡
First classs	15	77,230,742	$2,985,641,197	$40 91	16.59
Second class	13	112,321,257	3,430,915,767	22 21	40.12
Third class	13	237,873,040	3,218,108,979	13 03	58.85
Fourth class	6	108,636,796	562,430,842	5 28	77.46

* Number of States and Territories.
† Average value per acre.
‡ Percentage of workers in agriculture.

See how the value of land comes down as the proportion of agriculturists to the whole number of workers goes up. Only one man in five on the roll of employed persons in New York and Pennsylvania is an agriculturist. The value of land in New York is $44.41 per acre; in Pennsylvania the eastern counties are alive with factories, the southwestern black with coal, the northwestern flowing with oil, and this exceptional variety in industry makes the average value of land $49.30 per acre. But New Jersey, lying between New York and Philadelphia, with daily access to markets of four millions of city population, has an average value of $65.16 per acre, the highest of any State in the United States. And New York and Philadelphia are the great manufacturing centers of the country, supporting their populations by manufactures more than by commerce.

Dividing again the States and Territories into four sections, the first comprising the manufacturing and mining areas, and including all having a smaller proportion than 30 per cent. of the occupied population, the working class, engaged in agricultural employments; the second section comprising all States having more than 30 and under 50 per cent.; the third including all States having 50 and not exceeding 70 per cent., and the fourth including all States having more than 70 per cent. engaged in agriculture, we have the following perfectly natural, not to say inevitable, results, namely:

Classes.	Engaged in agriculture.	Value of products of agriculture.	Value per capita.	Workers in agriculture.
	Number.	*Dollars.*	*Dolls.*	*Per cent.*
First class	1,060,681	484,770,797	457	16.59
Second class	1,566,875	616,850,959	394	40.12
Third class	3,017,981	786,681,420	261	58.85
Fourth class	2,024,966	325,099,388	161	77.46

Here again we see the product per man go down as the percentage of agricultural workers goes up. We see that in the manufacturing States 1,060,681 agriculturists get $484,770,797 per annum for their labor, while in the agricultural States 2,024,966 receive only $325,099,388. New Jersey has but 14.92 per cent. in agriculture, and each man earns $501 while Mississippi has 81.81 per cent., the largest proportion of any State, and each person earns but $187, the lowest average in the United States.

New Jersey with the poorest has the largest returns. Mississippi makes more cotton per acre than any State in the Union. Nature has given her a soil rich in agricultural wealth, but for want of diversified pursuits she stands among the lowest in the Union in the rewards for labor. And this shows no people can prosper on agriculture alone.

The eloquent gentleman from Ohio [Mr. HURD] said:

Every dollar of increase of price which the protective tariff occasions is a day of slavery, and every hour of unnecessary labor that it requires is stolen from the invaluable time of individual responsibilities and duties.

If it be true that those who fix the price of what the laborer buys enslaves the laborer, and if it be also true, as he said, that England fixes the price of our agricultural products, then England enslaves us. But, sir, this is not true. Competitive supply and demand fix the price of labor and production. England once fixed the price of our cotton as she pleased until our home manufacturers came into competition with her and increased the demand for cotton. If the theory of the free-trade and revenue Democrat had prevailed, the cotton planters of the South, like those in India, would still be the slaves of the British manufacturing lords. But Senator MORGAN, the leading Democrat of Alabama, opposes protection upon the ground that it will increase the wages of laborers in the cotton-fields, and thus the toilers in the fields of the South, whether white or black, are enabled to see which party is their friend.

FREE SHIPS.

One of the great demands of the free-trader is for free ships, but it has been long claimed, and often proved, by John Roach, the greatest living American ship-builder, that under our navigation laws we could not compete with foreign shipping if the ship were free. And Senator VEST showed the reason for this in a recent speech in the Senate:

Mr. BAYARD. The question is very interesting. At the city of Philadelphia there was a line of steamships called the American line. It was composed of ships built and registered in the United States, and also of ships built and registered in Great Britain. Part of the ships were English ships owned and built, part of the ships were American ships owned and built; and when I say "owned" I mean they were held by the same class of stockholders in the steamboat company.

The other day when the Secretary of the Navy happened to be in Philadelphia he was congratulating them on the fact of having the only American line, and immediately one of the stockholders present rose and said that it might be a cause of congratulation but the stock was for sale and the American ships would be transferred to British register in the course of three months if some American did not buy them. The same stockholders own the vessels running from the same dock in Liverpool to the dock in Philadelphia, and they were controlled by the same interest. The pay of the captain on the British ship and the pay of the sailor on the British ship was just the same under the rule of that company as the payment of the crew on the American ship, and I have wanted to know what was the magic of a new set of papers for these two sets of vessels that was to change the cost of running them. They were owned by the same people, they traversed the same distance, they carried the same commodities, and the sailors and the officers received the same wages. Every inducement to economy was the same on one ship as it was on the other.

Now the question was, what was to be gained by the change of register? I have sought to discover that. There is no magic in a name any more than changing the name on the stern. The same hull, the same ship, the same men are there; the same dues, the same port charges are paid. What, then, was to be gained? What is there that makes the difference between the operating of an American ship and running her and operating and running a British ship? It is a question of interest to me.

Mr. VEST. The Senator from Delaware has stated the very point on which I was quoting from Mr. Griscom, with whom I formed a very pleasant acquaintance, and with whom I have had various discussions on this subject. He is superintendent of the company that runs one steamship line from Philadelphia to Liverpool, in which there are ten vessels, and one from New York to Antwerp, which is called the Red Star line, and for which he receives, as stated in this letter, ocean mail postage from the Belgian Government. The very question the Senator from Delaware has asked, I asked Mr. Griscom.

He says the difference in the expense of running is $15,000 per annum on each steamer against the American flag.

"On these four boats say $60,000 per annum, or 6 per cent. on $1,000,000 capital. If we had increased under the American flag, and had the five additional boats as now running, the wages alone against us, as compared with competitors under a foreign flag, would have amounted to $134,000 per annum on the nine steamers now running.

"A similar comparison with the Red Star boats, in which service we will have ten steamers running this month, would have been in round numbers $150,000 per annum against us if we had organized under the American flag; and inasmuch as the Belgian Government gives us $100,000 per annum for carrying the mails, you will see that we have about $250,000 per annum to tempt us to expatriate ourselves with this enterprise. In other words, if Congress should pass a bill to-morrow admitting foreign-built ships to American registry, the Red Star line could not afford to abandon the flag that now protects it.

"At this moment the Pennsylvania Railroad Company is negotiating with the Red Star line to take over and operate the Philadelphia and Liverpool service, now conducted by the American line, and if they do so several million of dollars more of American capital will be compelled to seek a foreign flag, unless Congress applies a proper remedy."

This clearly settles the question as to the difference in wages paid to foreigners and Americans, for this difference of $15,000 per annum in the running expenses of one vessel over another is due to the difference in the wages of the seamen alone. And the emphatic answer of Mr. Griscom, "If Congress should pass a bill to-morrow admitting foreign-built ships to American registry, the Red Star line could not afford to abandon the flag that now protects it," is a complete refutation of the cry for free ships. Our navigation laws compel American vessels to employ their seamen in American ports, and hence to pay American wages. A repeal of the laws which Democrats demand simply reduces the wages of our own people. Our navigation laws need amendments in some respect, and they will be made. But give us proper mail-pay for our ocean mail services, and give us protection by discriminating duties in favor of importations in American vessels, and we will not need free ships nor any laws reducing the pay of American seamen. After their great war of 1650 England's shipping was in the condition which ours is to-day. Holland was the mistress of the seas. Gentlemen talk of following the example of England, and if so let us follow her example then. She did not establish free trade in ships then, but protected her shipping by the following law:

No goods or commodities whatever of the growth, production, or manufacture of Asia, Africa, or America, including our own plantations, shall be imported into England or Ireland or any of the plantations, except in English-built ships, owned by English subjects, navigated by English commanders, and with three-fourths of the sailors Englishmen.

It was thus she built up her merchant marine, and she continued this kind of protection for two hundred years. When she bought wooden vessels from us she protected them as soon as they became English. And when she discovered that she could surpass the world in building iron vessels, she then seduced our Democratic President, Mr. Polk, into making that fatal free-trade treaty which forbids discriminating duties on articles imported in American vessels.

REDUCTION OF REVENUE.

The most popular cry of the day is for a reduction of revenue. It is said we must relieve the people from onerous taxation and take from Congress the temptations to extravagance and corruption offered by an overflowing Treasury. The revenue can not in my judgment be called excessive while we have debts to pay, and this cry comes largely from those who would perpetuate our national debt as a basis for national banks. The once proud Navy of the United States has not now a single vessel that could stand a moment before the navy of some of the most insignificant powers of the world, and yet those who cry out too much revenue are refusing to properly build up our Navy, and even refusing to furnish guns for the steel cruisers now constructing and constructed. The revenues can not be called excessive while our Navy remains thus a disgrace to the nation, while our seacoast is defenseless, our flag open to insult in any water, and our maritime cities at the mercy of a power as insignificant as Chili.

But, if our revenue must be reduced, on what principle shall it be done? Shall we discriminate for the protection of home industries or shall we look to revenue only? This is the great practical question of the hour. The Democratic majority can not get off by simply calling for a reduction of revenue; it must tell in detail how it proposes to reduce the revenue, and it is in a dilemma on this subject. In the Forty-fourth Congress the Republican tariff was denounced for producing a constantly dwindling revenue, and a Morrison bill was then introduced to increase the revenue. Now, the Republican tariff, slightly reduced in 1883, is denounced as a war tariff which collects too much revenue and a Morrison bill is again introduced, and this time it is claimed that it will reduce the revenue. That wonderful bill is like the sleight-of-hand showman's wonderful bottle from which you can pour any kind of liquor that the customer calls for.

Such palpable inconsistencies and contradictions may serve a purpose when the stump orator is attempting to excite popular prejudice against the monopolist on one hand and then on the other endeavoring to create alarm in the popular mind over the evils of an overflowing Treasury. But the sober, second thought of the people will demand that these revenue-only Democrats shall determine which of these conflicting paths they propose to pursue before they will intrust them with the reins of government. The day for this Democratic seesawing about the tariff, one wing promising to encourage home industries but not to foster monopolies, and the other wing promising to increase and reduce the revenue by the same enactments of law, has gone by. And if they adopt "a tariff for revenue only" let it be done by something more bold and manly than the moribund Morrison. This was a cowardly bill because it was acknowledged by its framers that it did not accomplish what they desired. It in effect said to its old enemy, protection, "I hate you and would like to cut off your head if I dared to, but I fear the people may hang me if I kill you, so I will simply maim you by cutting off 20 per cent. of your legs."

DEMOCRATIC VACILLATION.

But these are not their only vacillations. Walker's definition of free trade is precisely what the revenue Democrat now tells us is the doctrine of a tariff for revenue only. When Walker first proclaimed this definition, the watchwords of the Southern Democrats were "free trade and sailors' rights." But now when they are called free-traders they deny it and blaspheme about it as bitterly as Peter did when he denied his Lord. They tell us they are not for free trade, because they are for the collection of revenue by a tariff and this will prevent absolute free trade. And while the revenue wing of the party thus flinch and dodge when called free-traders, the other wing attempt to hide their heads under the sand of monopoly when they are called protectionists. They tell us in their Ohio platform—

We favor a tariff for revenue limited to the necessities of the Government economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, and afford just compensation to labor, but not to create or foster monopolies.

Compare that with the following resolution, which was a part of the platform on which Andrew Jackson was elected, and it will be found similar in principle:

Resolved, That an adequate protection to American industries is indispensable to the prosperity of the country, and that an abandonment of that policy at this period would be attended with serious consequences to the nation.

Compare it with the Democratic platform on which Seymour and Blair were nominated, and it seems to have been good Democratic doctrine then:

1868.

The Democratic convention of 1868 demanded—

6. * * * A tariff for revenue upon foreign imports and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country.

Compare it then with the Republican platforms and they seem to be identical:

REPUBLICAN PLATFORMS.

1860.

That, while providing revenue for the support of the General Government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country, and we commend that policy of national exchanges which secures to the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the nation commercial prosperity and independence.

1872.

Revenue, except so much as may be derived from a tax upon tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor, and promote the industries, prosperity, and growth of the whole country.

1876.

The revenue necessary for current expenditures and the obligations of the public debt must be largely derived from duties upon importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.

1880.

We reaffirm the belief avowed in 1876 that the duties levied for the purpose of revenue should so discriminate as to favor American labor,

This Ohio platform honestly construed is a protection platform, and protection not accidentally but intentionally given by discrimination in duties. And to protest that it means merely such accidental protection as may be given or may arise from a tariff for revenue only is a fraud and an effort to convert it into a Delphic oracle. If it does not mean intentional protection, it is the merest humbuggery. The saving clause "not to create or foster monopolies" partakes of demagogy in this: So long as new establishments are springing up in manufactures already begun and flourishing in this country, the protection necessary to foster the beginners must necessarily protect those already prosperous, and to pretend to favor a law that will foster one and not the other is ridiculous. The people do not favor class legislation and do not believe in the jugglery whereby the same law can be made to foster one man and not protect another engaged in the same business. But if it means protection, as I believe it does, let it be boldly proclaimed. If they strike out the word "only," before or after the word "revenue," they may as well come out squarely and say: "On the tariff question resolved that we sneak." This dodging will deceive no one, while it implies a doubt or a dalliance in Democratic faith which has already provoked the wrath and damnation of Kentucky statesmen.

The Greenback convention treated the tariff as a subordinate question, but their candidates for President and Vice-President are both for protection. Their candidate for President laid down his platform before his nomination, and the acceptance of him indorses his platform, which is as follows, and is as near right as it can well be made. In a

letter to C. M. Hubbard, General Butler thus lays down what I believe to be the true rule of tariff legislation:

Therefore I favor the raising of a sufficient amount of revenue from the economical administration of the Government and from duties upon imports, and in laying those duties to tax articles of luxury up to the collection point, to make free all raw materials not raised or produced in this country which enter into its arts or manufacture, all the necessaries of life, and as much as possible and to cheapen them in every way possible, and within those limits to so judiciously place our duties as to best encourage and aid American labor and American industries.

REPUBLICAN POLICY.

The Republican party, on the other hand, presents a different and unchanging policy of protection. They are for building up the industrial interests of the country, and to this end would place protective duties on all articles which we can produce, and maintain that protection as long as it is necessary. At the same time they would admit free every thing that we can not produce except luxuries. Under the Walker tariff in 1848 less that one-eighth of the goods imported were duty free, and under the Morrill tariff in 1882 nearly one-half were free. The exact figures were $210,579,007 worth of goods admitted free, while $514,060,567 paid duty. And as each article we produce ceases to need protection it should be placed on the free-list, and we can thus steadily advance to legitimate and safe trade and to a proper reduction of revenue. The Morrison bill, while it would have destroyed our industries, would have increased importation and increased the revenue. Protection keeps out foreign goods, and tends to reduce revenue, while it trusts to internal competition to reduce prices.

SUGAR DUTY AND INTERNAL TAXATION.

If further reduction of revenue be needed before our industries should be hazarded, we should abolish the internal-revenue system, which has always been odious to a free people. And I here present as part of my remarks a letter of Hon. W. D. KELLEY on the subject. While I do not believe the time has come for any large reduction of our revenue, it will soon come, and then I shall favor an abolition or transfer to the States of the internal-revenue fund before we tamper with the duties that protect American industries:

I regard agriculture as the primary industry, upon the diversification and prosperity of which all other industries depend; and since I became a student of national economy I have watched with interest every experiment which promised a wider diversification of the productions of our fields, or to promote the conversion of those products in the closest proximity to the farms on which they were produced. This is the true policy of the nation.

But the British Cobden Club and its American disciples, known as "free-traders," "revenue reformers," and friends of a "tariff for revenue only," propose to put sugar on the free-list while retaining a tax of 90 cents a peck on corn when distilled into alcohol for use in the arts and sciences. If the efforts of these interested Englishmen and fanatical Americans to prevent the diversification of our agricultural productions shall be successfully baffled, we shall in a few years produce all the sugar and molasses the people of the country will require, and pay to our farmers and home manufacturers of sugar more than $100,000,000 which we now pay to foreigners for those essential commodities.

The slave labor of Cuba, almost the entire exports of which island we purchase, produces 500,000 tons of cane sugar per annum. The free though ill-paid labor of Western Europe produces 3,000,000 tons, or six times as much sugar from beets. The people of Europe are not more intelligent nor enterprising than those of the United States, nor more capable of extracting from their agricultural productions the best results they will yield. But I do not now propose to discuss the question of beet-root sugar.

Farmers in every section of our country can produce sugar-yielding crops to which European farmers are strangers; and it may safely be predicted that, if not prevented by unwise tariff legislation, they will do this and supply the home market with sugar and molasses. In asserting that we can produce all the sugar the American people will consume I am not indulging in the expression of theoretic possibilities but dealing with ascertained facts. The profitable production in commercial quantities of superior sugar and sirup from sorghum and Indian corn has passed beyond the domain of experiment. It is an often demonstrated fact.

If, however, our farmers and the country at large are to enjoy the benefits of this happy consummation, the duties which now protect the American sugar-grower must not be repealed nor reduced.

To perfect these industries, to create local markets for corn and sorghum in convenient localities for farmers who may devote their land to these crops, much capital must be invested in the establishment of mills and refineries. Under existing duties our sugar trade may be revolutionized and our agricultural productions widely diversified to the great advantage of the farmers and planters of every section of the country.

The beet-sugar industry, now so profitable to Europe, is a creation of the protective system. To promote its development Bonaparte offered enormous premiums to farmers who should produce the most beets to the acre, and like premiums to the chemist who should extract the most sugar from a given weight of beets. France, Germany, and Austria now derive immense revenues from beet sugar; and England imports it largely from each of these countries; yet in the face of an agricultural development, which if not interfered with will shortly equal that of beet sugar in Europe, the friends of a tariff for revenue only talk of putting sugar on the free-list; and by the mere announcement of this purpose are frightening capitalists into withholding the means of promoting this great interest.

I learn from agricultural papers published in Iowa and other Northwestern States that sorghum is one of the most profitable crops that can be grown; that its seeds have been found to be nutritious food for horned cattle and horses; that its leaves equal those of corn in value for fodder, and that the residuum, known as bagasse, after the extraction of the sirup from the stock, is of much value in the manufacture of paper.

But the sugar-cane of Louisiana and other Southern States and sorghum are not our only sources of sugar supply. The manufacture of sugar and sirup from corn is found to be profitable. How largely, indeed, our corn crop may be applied to the production of sugar is shown by the following extract from your paper of December 22, which I beg you to permit me to insert:

"The following interesting statistics of the manufacture of corn sugar show the amount of capital invested, wages paid, material consumed, and the number of laborers employed in, and the products of the industry for the year 1882:

Total number of glucose establishments	21
Capital invested	$6,500,000
Number of laborers employed	3,000
Number of bushels of corn consumed annually	19,500,000
Value of other material used	$1,000,000
Total wages paid	$1,300,000
Total production of sugar in pounds	67,200,000
Total production of molasses in gallons	32,900,000

"There can be but one effect, so far as the farmer is concerned, and that is to reduce the price of corn. To destroy an industry which consumes 19,500,000 bushels of corn would certainly affect the market, and not only reduce the price of corn but also the wages of the farm laborers. Allowing 40 bushels of corn to the acre, it requires 487,500 acres of land to produce the amount of corn required for the 21 glucose works. Allowing 1 laborer for each 20 acres of corn, it requires 24,375 laborers to cultivate the same. Allowing 400 bushels of shelled corn to each freight car, it would require 48,750 cars to transport the corn necessary for this one industry from the place of production to that of consumption. Besides, there are mechanics, coal miners, machinists, and manufacturers too numerous to mention, whose products are required in this one industry. It is wonderful to what an extent any successful manufacturing establishment ramifies, reaches out, and intermarries with other trades and occupations. As it is with this one, so it is with all others. No one industry of the country can be injured by unwise legislation without affecting numerous others, and the farmer in the end is the one who suffers."

Notwithstanding its giant proportions, no one will deny that the corn and sorghum interests are infant industries; yet the repeal or material reduction of the existing duties on sugar and molasses would not only check their growth but operate disastrously on the capital invested and the labor employed in both these young industries.

Why, and by whom, is this combined assault upon the sugar-growers of the country proposed? The combination against that interest, and, as I shall show, against other departments of agricultural industry, is a remarkable one, and is formidable by reason of its incongruous elements. It embraces the large distillers and owners of bonded warehouses for whisky, with whom are united extreme temperance men, who believe that human appetites can be restrained by taxation. With these are free-traders, who are ready to take advantage of any combination which will enable them to destroy our industries in detail, and the more than 4,000 political agents of the Government, who, in the service of the Internal Revenue Bureau, are to be found in every Congressional district in every State and Territory of the country, and whose maintenance costs the people more than $5,000,000 a year. Why are these incongruous parties drawn into combination? What has the distiller and storehouse keeper to do with the sugar interest? Why should temperance men propose to destroy the capital invested in the sugar industry, and to subordinate the freedmen of the Gulf States to the interests of the owners of the slaves of Cuba? Let us see if we can account for this unnatural combination.

We have an enormous surplus revenue. It is probably this year $125,000,000. It is derived from internal taxes. Such taxes have been imposed three times in the history of our country, always as war taxes. The first time they were permitted to continue for nine years, and the second time for four years. They have now endured for over twenty years, and should be abolished. This action would relieve us of the surplus revenue, which is now provocative of extravagance and corruption.

But say free-traders, "No, we will reduce the duties on foreign imports and retain these internal taxes." "Yes," responds the heedless temperance man, "give us free sugar and tax barley, hops, corn, rye, and tobacco." That is, they propose to tax the manufactured results of these agricultural products. The existing tax on spirits weighs on the corn-grower just 90 cents a peck. "Yes, retain these taxes," says the rich distiller and owner of bonded warehouses. "These taxes give us a monopoly and extraordinary profits." There is not within my knowledge a wealthy distiller or owner of bonded warehouses in the country that does not unite with the unwise temperance fanatics in demanding the retention of the tax on spirits.

The mistake of the moralists in this matter is demonstrated by the experience of Great Britain. No government taxes intoxicants as does that of the British islands, and nowhere in all Christendom does the vice of intemperance prevail so almost universally as in England and Scotland. The truth is, inordinate taxation of intoxicants operates as a premium on adulteration, the effects of which are the creation of unnatural appetites for what are sold as legitimate distillations.

Let me briefly consider the effect of these taxes upon our corn-growers. One bushel of corn, I am told, will, in ordinary years, carry another from average points of railroad shipment in Kansas to Chicago. Thus the Kansas farmer parts with two bushels of corn in order to get the market price at Chicago for one. When this operation has been effected the corn-grower has no further interest in the corn thus sold. But if corn be converted into alcohol, one bushel will carry at least five, not only to Chicago but to Liverpool or Havre; and if the alcohol be further advanced into alcoholic drugs, chloroform, collodion, ether, or into alcoholic perfumery, one bushel will carry from ten to twenty to the markets of the world. Here is a means by which farmers may evade much of the cost of transportation of which they complain so loudly. But this is not the only advantage they would derive from the conversion of their crop upon or in the immediate vicinity of their farms. The extraction of the alcohol does not consume the corn. After the farmer has sold his alcohol he will still retain an interest in his corn as food for swine and cattle, and, through this use of it, as a fertilizer for the fields from which his crops are taken.

I believe in regulating and endeavoring, by wise provisions of law, to restrain the use of intoxicating beverages. This the United States Government can not do. It does not attempt to do it. It does but impose taxes which fall heavily upon the farmer, and help to add to the wealth of the distiller. States can regulate, can license, or can prohibit the trade in alcoholic liquors; and to States, and through them to municipal governments, I would remit this whole subject. But by imposing taxes as we now do we not only restrict the market for the farmer's crops, but add to the cost of many of the things he consumes.

Alcohol enters into almost all the arts. Let your readers ask any druggist what percentage of the fluids on his shelves or in his stock are alcoholic; and if he speaks the truth he will tell them that more than nine-tenths contain alcohol. Is that farmer's home well furnished in which there may not be found a camphor or an arnica bottle? The good wives who keep these remedies at hand are probably not aware that their cost is enhanced three, four, or five hundred per cent. by the tax the Government imposes on a considerable percentage of the corn their husbands grow.

In conclusion permit me to say that the American people should, in a few years, supply themselves with sugar and molasses; that they should not only supply themselves with but enter the markets of the world in furnishing alcoholic drugs and perfumery; and that we will do this if the Cobden Club and its American disciples will permit us to repeal the internal taxes and raise our revenue by adequate duties on the productions of highly-diversified agriculture and manufactures.

OUR GREAT PROSPERITY.

It is a pleasing task to turn from these Democratic vacillations to the contemplation of the wonderful development of our country under twenty years of the fostering influence of the system of protection which Jefferson and Madison inaugurated, which Jackson favored, which Clay and the Whig party more fully developed, and which the Republican party under the necessities of war adopted and carried out. Senator COKE, who made a powerful, if not the most powerful, argument against protection in the Forty-seventh Congress, quoted a letter from Robert J. Walker and a lecture of Professor Sumner to show that the low-tariff period, from 1846 to 1861, was our golden age of prosperity. But when he turned from this to show that we needed no further protection, he introduced a witness who says that our prosperity under the so-called robber tariff not only surpasses all our previous history but stands unrivaled in the history of the world. He says:

I call to the stand an impartial witness in the London Times. Let that speak of the present status of this Republic among the nations of the earth:

"AMERICA'S MAGNIFICENT PROGRESS.

"The details we publish this morning of the principal facts elicited by last year's census of the United States confirm the impression the original summary of results produce. A nation has never exhibited a more magnificent picture of material progress for ten years. Since 1870 more than eleven and a half millions have been added to the population, at a rate of 30 per cent. increase. Except China and Great Britain and Russia, no government can count more subjects. In the number of citizens moved by similar impulses, and recognizing common ends, the British Empire itself yields to the great Republic. Fifty millions of human beings in a land like America more than match the 86,000,000 of European and Asiatic Russia. The 425,000,000 of China are not to be compared with them as a force among mankind. The growth of a population may generally be understood to imply the growth of wealth and resources. As each census in a European state denotes a numerical advance, it may for the most part be inferred that fresh means of support have been made available. When, however, every successive census in the United States reveals an expansion by bounds and leaps, faith in the instinct of human nature not to multiply beyond the power of existence is scarcely needed to reassure anxiety. The granary which is to feed the new millions which have come, the millions which are to follow, piles its stores for the whole world to certify them. Each added American citizen has not to search for the livelihood nature hides somewhere or other for all its children. He is born or imported with his inheritance labeled and allotted. He has but to go West, or North, or South; there it is awaiting his advent.

"European populations, even the home population of Great Britain, it must be acknowledged, have rather in their decennial polls a look of boys growing out of their clothes. An elbow or an ankle is sure to be seen betraying a want of proportion between past resources and present demands. On the other side of the Atlantic there is a magazine of clothes warranted to fit all ages and sizes. Good soil is crying out everywhere for its owners to come and possess it. They have not to conquer and annex. Though the domain be lying desolate, or be a hunting-ground for Indians, it confesses itself their own, for them to enter it and enjoy it as soon as they please, the sooner the better. How fresh thousands and hundreds of thousands of acres are continually being brought under tillage, Europe requires no census ordered from Washington to tell. The West and the Northwest are a home farm for the older hemisphere; the laborers on this side of the Atlantic hear the echo of each mile of territory broken up by the plow on that. The census shows that the growth is universal and not partial. The census itself hardly does justice to the energy with which the South is keeping pace with the rest. The rate in one class of industry approximates to that in another. As the farmers of Minnesota have multiplied from 439,706 in 1870 to 780,707 in 1880, the commercial and mining population of Pennsylvania has risen from 3,521,951 to 4,282,738."

The palm of superiority over all the nations of the earth in all the elements of power and greatness is gracefully yielded to the United States. To show clearly that manufacturing development has kept pace with our marvelous and unprecedented agricultural growth, so graphically delineated, I read from the last report of the Chief of the Bureau of Statistics on our foreign commerce:

"The value of the products of agriculture exported from the United States during the years 1830, 1840, 1850, 1860, 1870, and 1881, respectively, showed a fluctuation of only about 3 per cent. of the total value of exports of domestic merchandise. This indicates that the growth of the exportation of commodities other than products of agriculture—chiefly products of manufacture—kept pace with the astonishing growth of the exportation of the products of agriculture."

Can it be possible that such splendid achievements could have been accomplished under a destructive robber tariff? And in the face of such unparalleled success how ridiculous do the charges of the Democratic platform of 1876 appear when it says:

We denounce the present tariff levied upon nearly 4,000 articles as a masterpiece of injustice, inequality, and false pretenses. It yields a dwindling, not a yearly rising, revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

The largest revenue ever raised under the tariff of 1846 was $64,224,190.27, and the smallest raised under the Morrill tariff was $130,170,689.26. It is true that the revenues dwindled under the financial pressure of the resumption period, but the revenue increased as soon as the effort to destroy greenbacks was stopped, and they have continued to increase ever since. But now when it yields a rising and not a yearly dwindling revenue it is denounced for producing too much. In 1882 the revenue was $220,410,730.25 from the same tariff.

RESULTS AFTER TWENTY YEARS OF PROTECTION.

In addition to this glowing statement of our prosperity from an English source, we submit the following figures, which speak louder than words:

Table showing the growth of the nation under protection since 1860 *in population, wealth, industries, and commerce.*

Subjects.	1860.	1880.	Increase, per cent.
Population of the United States	31,443,321	50,155,783	60
Value of farms	$3,271,575,426	$10,197,161,905	212
Wheat produced, bushels	173,104,924	498,549,868	188
Wheat exported, bushels	4,155,153	153,869,935	3,603
Corn produced, bushels	838,792,742	1,717,434,543	105
Corn exported, bushels	3,314,305	98,169,877	2,862
Wool produced, pounds	60,264,913	232,500,000	286
Cotton produced, bales	4,826,086	6,643,269	65
Oats produced, bushels	172,643,185	407,858,999	136
Barley produced, bushels	15,825,898	44,113,495	179
Butter exported, pounds	7,651,224	39,236,658	413
Cheese exported, pounds	15,524,830	127,553,907	722
Petroleum produced, barrels	251,000	22,382,509	8,817
Pig-iron produced, net tons	919,770	4,295,414	367
Iron rails produced, net tons	205,038	1,461,837	613
Hogs packed, number	2,350,822	6,950,451	196
Merchandise imported	$353,616,119	$667,954,746	89
Merchandise exported	$333,576,067	$835,638,638	150
Gold and silver produced	$46,150,000	$75,200,000	63
Gold and silver exported	$66,546,239	$17,142,919	.....
Gold and silver imported	$8,550,135	$93,034,310	988
Railroads, miles	30,635	104,813	188
Bessemer steel rails, number	None.	1,187,770	.....

The Times-Democrat, of New Orleans, enables me to show the grand increment of wealth and progress of these States since the census of 1880, as taken from the official records of this country. It shows that the progress of the last four years was greater than the preceding ten, and in that brief space $640,000,000 was added to the wealth of the South, or an increase of $160,000,000 a year. The cotton crop had increased from 5,750,000 to nearly 7,000,000, and the railroad mileage from 17,000 to 26,000, and, while I will not give the particulars and figures, "the marvelous progress was varied in character and general through the South."

In 1870 not a ton of coal was mined in Georgia; in 1880 the census reports 154,000 tons. In Alabama, 11,000 in 1870, and in 1880, 322,000 tons; and for the States of Alabama, Georgia, Arkansas, Kentucky, Tennessee, and West Virginia the coal output rose from 900,000 tons to 3,700,000 tons. There were in 1870 but 40,000 tons of iron ore mined in Alabama, Georgia, Tennessee, Virginia, and West Virginia, and in 1880 there were 575,000, an increase of more than 1,200 per cent. Great as the gains were, there is every reason to believe they have been far exceeded in the four years that have elapsed since the census was taken, and still greater progress may be expected in the future.

And the Boston Journal says:

In 1860 the tariff of the country was for revenue only. In 1861 the policy was changed so that the tariff should give incidental protection. From 1860 to 1880 the population of the country increased 59 per cent., of which 14.5 per cent. was by immigration. During the same period the number of farms in the United States increased 95.4 per cent., the value of crops 127 per cent., the number of bushels of grain 116 per cent., the value of the products of manufactures 108.2 per cent., the number of persons employed in manufactures 108.9 per cent., the amount of money paid as wages in manufactures 147.5 per cent. In 1860 the wealth of the United States was estimated at $19,380,000,000, in 1880 at $47,425,000,000, an increase of 138.9 per cent. In 1860 the wealth of Great Britain exceeded that of the United States by the sum of $8,470,000,000, but in 1880 the wealth of the United States exceeded that of Great Britain by $3,875,000,000. In 1860 there were 30,792 miles of railroad open in the United States, representing $1,195,000,000 of capital; in 1882 the number of miles of railway open was 104,810, representing a capital of $5,950,000,000, an increase in the mileage of over 243 per cent.

These statistics might be extended indefinitely, but the above show that the growth of the country and its industries have been phenomenal during the era of protection.

Let us compare the statistics of our foreign trade during the years 1858, 1859, and 1860, years after the tariff reduction of 1857—the lowest that it ever was—with the years 1881, 1882, and 1883. The aggregate value of the exports of merchandise during the first period of three years was $845,985,000, or at the rate of $9.40 per annum to each inhabitant of the United States. The total imports of merchandise during the same period were valued at $948,228,000, or at the rate of $10.54 per annum to each inhabitant. During the latter period the exports of the United States were valued at $2,421,388,000, or at the rate of $15.53 per annum to each inhabitant. During the same period the value of the imports of merchandise was $2,090,433,000, or at the rate of $13.40 per annum for each inhabitant. These figures show an increase per capita of the exports and imports of merchandise—that is, the foreign trade—under the era of protection, of 44.9 per cent. Thus it seems that the declaration of the Free Trade League, like other assumptions of free-trade doctrinaires, will not stand the test of facts, and is therefore false.

THREE FACTORS OF WEALTH.

But the revenue Democrats tell us this prosperity did not come from protection. If not, then whence did it come? There are three factors of wealth now in existence which were not in existence in 1860.

The first is the encouragement given to manufactures by the Morrill tariff. The second is the encouragement given to agriculture and mining by opening up the public domain with railroads, thus giving a hundred-fold force to the encouragement offered by our homestead and mining laws whereby we invited the whole world to come in and help to make us rich by the development of our agricultural and mineral resources. And, third, a stable paper currency composed mainly of

greenbacks, the best paper money ever invented. As to which of these three has been most potent in bringing about this period of unrivaled prosperity it may be difficult to determine, because each has contributed greatly to that result.

But it is a source of pride to the Greenbacker to know that when the Government attempted to depreciate and partially destroy the greenback a panic came which drove national banks into suspension and produced a period of financial distress from 1873 to 1879 which neither the encouragement given to manufactures nor the encouragement to mining and agriculture could allay, though both continued in full force. And it is a still greater source of pride to remember that when the destruction of greenbacks was stopped and they were made receivable for custom duties prosperity was at once restored and the troubled waters of our financial sea became at once as calm as the tempest-tossed sea of Gallilee when the Master said "peace, be still."

But I pass now to the consideration of the question,

IS THE SOUTH PROSPEROUS?

The gentleman from Alabama [Mr. HERBERT], in a speech made in the Forty-seventh Congress, said the South is not prosperous, and to show that the tariff was the cause of this want of prosperity he published an interesting table, which I reproduce for another purpose. He said:

Why is it, Mr. Chairman, that labor at the South is so cheap? Why is it that the colored man who works in the field for money wages can get only $10 or $12 a month? It is not because of any combination against him. Planters bid against each other as much as they can afford to pay. Lands which in 1860 were worth $40 an acre can be bought to-day for $10 an acre. Why is this?

I admit fully the distress and depression that followed the war, but why have we not recovered? I want to state facts that will show why, facts that will demonstrate that the high prices a high tariff has compelled us to pay have kept the South poor. Our principal industry before the war was cotton. Now it is the same.

The table is as follows:

Cotton year ended August 31—	Production.	Average net weight of bale.	Gross weight.	Annual average price.	Gold value of crop.
	Bales.	*Pounds.*	*Pounds.*	*Cents.*	*Dollars.*
1855–'56	3,645,345	420	1,622,907,594	10.30	167,159,482
1856–'57	3,056,519	444	1,438,520,102	13.51	194,344,066
1857–'58	3,238,962	442	1,517,518,476	12.23	185,592,510
1858–'59	3,994,481	447	1,892,664,987	12.08	228,633,930
1859–'60	4,823,770	445	2,275,372,309	11.00	250,290,954
1860–'61	3,826,086	477	1,934,545,603	13.01	251,468,383
1861–'62					
1862–'63					
1863–'64					
1864–'65					
1865–'66	2,228,987	441	1,041,962,263	30.76	320,507,592
1866–'67	2,059,271	444	969,175,303	22.40	217,095,268
1867–'68	2,498,895	443	1,173,431,114	17.77	208,518,709
1868–'69	2,439,039	437	1,129,811,645	21.09	238,277,276
1869–'70	3,154,946	434	1,451,401,357	19.45	282,297,564
1870–'71	4,352,317	438	2,020,693,736	15.03	303,710,269
1871–'72	2,974,351	439	1,384,084,494	18.31	253,425,871
1872–'73	3,930,508	440	1,833,188,931	15.84	290,377,127
1873–'74	4,170,388	439	1,940,648,352	15.18	294,590,420
1874–'75	3,832,991	439	1,783,644,032	13.32	237,581,385
1875–'76	4,669,288	436	2,157,958,142	11.41	246,223,024
1876–'77	4,485,423	438	2,082,492,190	10.87	226,366,901
1877–'78	4,811,265	450	2,294,973,405	11.00	252,447,075
1878–'79	5,073,531	443	2,382,428,687	10.83	258,017,027
1879–'80	5,761,252	453	2,771,797,156	12.02	333,170,018
1880–'81	6,605,750	456	3,197,183,000	11.24	359,363,369

Over four billions three hundred millions paid to the South for cotton since the close of the war! If we compare the six years preceding the war with the six years preceding this we find that, according to this table, the South received $397,882,089 more in the six years ending in August, 1881, than for the six years preceding the war. If we make allowance for the difference in Southern and New York prices and for the grade of low middling, which is above average, the sum can not be below $330,000,000 for these six years. In other words, the South has received on an average $55,000,000 in gold every year for the last six years more than for the six years before the war. I repeat the question, Where has all this money gone? The answer to this question is simple and it is an answer to the whole theory of free trade. This money went to purchase meat, bread, hay, corn, horses, mules, cattle, and everything which should have been raised at home. But under the free-trade theory it was said to be better to raise cotton which was adapted to the soil of Alabama, and buy those articles which could be produced cheaper elsewhere. It has been wasted in following the delusive theory of free trade.

It is true that the South has not been as prosperous as she should be since reconstruction, and that she has much to learn before she can be. But that she is beginning to learn these lessons I have said, and the witty editor of the Louisville Courier-Journal bears evidence for me as follows. He says, speaking of Southern improvement:

The idlers have climbed down from their seats on the fences; the frill has been relegated from the shirt-front to the pantalette; the gold-headed cane has been beaten into a paper weight for bank checks; and it is not the thing now to fit yourself into a potato barrel at the corner grocery and spit tobacco juice at a crack for drinks.

It is to be hoped that this reform will soon reach Alabama, if it has not already done so.

But in truth the making of cotton alone never was profitable. In the days of slavery the most successful planter raised food crops and everything possible to be made at home, and cotton was his surplus. And even then the chief profit of the cotton-planter was in the increase of his slaves, the clearing up of new land, and the improvement of his place. And now the farmers most prosperous in the South are those who diversify their crops, use labor-saving implements, raise their mules, horses, cattle, and hogs, and work themselves. Those who have attempted to play the part of the old masters and trusted their business to overseers, share-hands, and renters are not prosperous. The laborer feels no interest in making improvements, and loses fully one-fourth of the time which an owner of the soil could profitably employ. He is improvident in his management, pays little attention to food crops or anything but cotton, which brings money, and thus aggravates the ills usually attendant on agriculture. Hence the want of prosperity to which the gentleman from Alabama refers. As to the low wages, the cultivation of cotton unaided by labor-saving implements is so costly that the profits are very small, and wages are always proportionate to the profits of labor.

COTTON-PLANTERS BENEFITED BY PROTECTION.

But let us return to the gentleman's table of cotton statistics, and I will reverse the question and ask whence did all this money come? How does it happen that the cotton-planter received an average of $55,000,000 in gold more for the six years ending in 1880 than the six years ending in 1860? We find first a large increase in the production of cotton under the protective tariff. And then we find the remarkable fact that this increased production has not lowered the price of the article. The crop of 1860 was 4,823,770 bales and the crop of 1880 was 6,605,750 bales, an increase of 22 per cent., and yet the average price was 11 cents per pound in 1860 and 11.24 cents per pound in 1880, as shown by this table, or 2 per cent. more for the large crop under the so-called robber tariff than for the smaller crop under the revenue tariff. This could only come from an increased demand for cotton, and we now ask whence this increased demand came. Let us look first to the table of our cotton exports furnished by Mr. Nimmo (see report for 1880), and we see that it did not come from foreign countries:

Cotton exported.

Years ending August 31—	To the United Kingdom.	To France.	To all other countries.	Total cotton exported.
	Bales.	*Bales.*	*Bales.*	*Bales.*
1849–'50	1,106,771	289,627	193,757	1,590,155
1859–'60	2,669,432	589,587	515,154	3,774,173
1869–'70	1,474,695	346,450	357,772	2,178,917
1870–'71	2,367,440	138,703	660,599	3,166,742
1871–'72	1,454,512	184,055	318,747	1,957,314
1872–'73	1,905,566	252,903	521,517	2,679,986
1873–'74	1,867,936	370,865	602,180	2,840,981
1874–'75	1,828,049	359,699	486,700	2,674,448
1875–'76	2,019,799	455,874	755,580	3,232,253
1876–'77	1,994,418	461,088	592,630	3,028,136
1877–'78	2,047,185	495,135	813,622	3,355,942
1878–'79	2,052,555	422,948	990,433	3,465,937
1879–'80	2,554,489	397,797	912,265	3,864,551

Let us turn then in the same report to the table showing:

Cotton required for home manufacture and for exportation to foreign countries.

Year ended August 31—	Taken by home manufacturers.	Exported to foreign countries.
	Bales.	*Bales.*
1850	562,769	1,590,155
1860	964,628	3,774,173
1870	896,890	2,178,917
1871	1,100,196	3,166,742
1872	1,097,540	1,957,314
1873	1,201,127	2,679,986
1874	1,305,943	2,840,981
1875	1,200,473	2,674,448
1876	1,354,192	3,232,253
1877	1,429,005	3,028,136
1878	1,429,400	3,355,942
1879	1,561,873	3,465,937
1880	1,795,334	3,864,551

It appears from the foregoing table that the consumption of cotton by home manufacturers has increased more rapidly than the exportation of cotton to foreign countries. During the year ended August 31, 1850, there was taken by home manufacturers 26 per cent., and exported 74 per cent.; during the year 1860 there was taken by home manufacturers 20 per cent., and exported 80 per cent.; during the year 1870 there was taken by home manufacturers 29 per cent., and exported 71 per cent.; and during the year 1880 there was taken by home manufacturers 31 per cent., and exported 69 per cent.

These tables show that our cotton exports were, in 1860, 3,774,173 bales; in 1880, 3,864,551 bales; that England took less cotton from us in 1880 than she did in 1860, and that the whole foreign demand for our cotton increased only 2.4 per cent. in twenty years, while our produc-

tion of cotton increased 22 per cent. Now, let us see what kept up the price while production was so largely increased. Our home consumption was, in 1860, 964,628 bales; in 1880, 1,795,334 bales, an increase of 86 per cent. And during the same period all cotton goods which the Southern farmers consumed were reduced in price 28 per cent. Thus these so-called protection robbers by their sharp competition compelled the foreigner to pay 2 per cent. more for cotton in 1880 than he paid in 1860 before protection began, and at the same time furnished the planter with cotton goods at 28 per cent. less cost.

What better evidence could the cotton-planter ask that protection to our manufacturers has been a benefit to him? And what better proof of this could be given than that which the gentleman from Alabama gave when he said the cotton-planter received $397,882,089 more under the last six years of this protection-robber tariff than under the last six years of the revenue-only tariff? He received $55,000,000 in gold more each year under a protective tariff from the protected American bull than under a revenue-only tariff he received from the free-trade British lion. And yet the gentleman from Alabama [Mr. HERBERT] and his colleagues would tear down the barriers of protection and leave the American bull to the tender mercies of the British lion, and while the British lion slakes his thirst in the blood of the American victim the free-traders of England and the revenue-only Democrats here will shout over the performance as the pagans did when the Christians were devoured by the wild beasts in the circus at Rome. Such statesmanship deserves to rank in history with that which slew the goose to obtain the golden egg.

Again, if the old Calhoun theory be true that the cotton exports buy the imports, and if it be further true that the consumer pays the import duty, the cotton-planter could lose nothing if he paid the duty when the consumer paid it back to him. So both the statistics and the theory which the gentleman advanced showed the fallacy of the argument he made. Again, another distinguished witness testifies against him, as follows: General BUTLER, of South Carolina, in his speech on the Blair educational bill, said:

Mr. President, the South is not so desperately poor, is not in such a bad condition. Let me give some facts and figures, compiled with great care at much expense and trouble and with most commendable public spirit by the Charleston News and Courier, and I believe are as correct as such a compilation can be. I cite these figures and facts to show that the property assessed for taxation is gradually increasing in value every year. Look at the matter of cotton manufactures, which, by the way, are exempted by the State from taxation for ten years from their establishment:

"The increase in product in three years is 170 per cent., and the increase in actual capacity is considerably more. This is astonishing, but it is the fact. There is no reason why the product of the South Carolina mills in 1890 should not be $27,000,000 to $30,000,000.

"The number of spindles and looms in 1880 and 1884 is given below:

	Spindles.	*Looms.*
1880	82,334	1,676
1884	195,112	3,652

"In 1881-'83 $25,000,000 were paid for machinery for cotton mills in the South, and $7,500,000 of this amount was the additional cost caused by protective duties. But for this drawback the South could have built an additional number of mills and have increased her wealth still further."

Now, sir, I venture to say, in passing, if the General Government will relieve that State of this $7,500,000 and similar burdens in the future it would be far more profitable and acceptable than this proposed appropriation of the Treasury in aid of education. The cotton factory is a good school-house in itself.

Again, in the matter of lumber and naval stores there has been an increase in the value of the product of those two industries of 100 per cent., the products amounting in 1884 to $4,394,692, being in less than four years an increase of 100 per cent. What has been the increase in manufactured products?

The figures for previous periods indicate a growth which is as astonishing as it is gratifying. The whole value of manufactured products in South Carolina at the periods named was as follows:

1860	$8,615,195
1870	9,858,981
1880	16,738,008
1884	32,324,404

Showing an increase of $16,000,000 in three years. A great increase has gone on in agriculture. The estimate of this year's crop has been—and I will state that by way of comparison between 1860 and 1884—

Cotton bales in 1860, before the emancipation of slaves	353,412
In 1884 it is estimated at	700,000
Corn, in bushels, 1860	15,635,606
In 1884	19,210,000

and so on with other cereals and crops. The phosphate interests, land and marine, have advanced from 20,000 tons in 1868-'70 to 335,000 tons in 1883; valued for the last-named year at $2,100,000.

And there is a reviving interest and activity in gold-mining, in the great improvement in farm and domestic animals, labor-saving machinery, diversified and intensified agriculture, as the following recapitulation will show:

RECAPITULATION.

To exhibit fully the value of agricultural, manufacturing, and mining products the following tables have been prepared, the values for 1870 having been reduced to the gold standard, at the rate of 120:

1860:	
Agriculture	$45,823,512
Manufactures	8,615,195
Mines and quarries	17,000
	54,455,707
1870:	
Agriculture	$34,924,585
Manufactures	8,215,918
Mines and quarries	16,573
	43,157,076
1880:	
Agriculture	$41,969,749
Manufactures	16,738,008
Mines and quarries	1,180,805
	59,888,562
1883:	
Agriculture	$41,790,321
Manufactures	32,324,404
Mines and quarries	2,440,000
	76,554,725

FINAL RECAPITULATION.

The whole value of agricultural, manufacturing, and mining products for the last twenty-three years is as follows:

1860	$54,455,707
1870	43,157,076
1880	59,888,562
1883	76,554,725

In other words, after all the losses of the war and with free labor, the gross income of South Carolina from the sources named was 50 per cent. greater than it was in 1860.

Another has said:

The South is fast coming to rival the North in cotton manufacturing. In 1880 there were in that section 180 mills, with 713,989 spindles and 15,222 looms, while to-day there are 314 mills, with 1,276,422 spindles and 24,873 looms. No feature of Southern development is more encouraging than this rapid growth of manufacturing.

And Mississippi also is waking up to the sound of the advancing hosts of progress. The axes and the mill-saws are being heard in her splendid forests of cypress and pine, and where formerly none went now train after train goes North burdened with Southern lumber, and yet her Democratic Representatives would take off the tariff which has produced this result. She is beginning also to boast of her productions, as follows:

THE BEST WOOL IN THE WORLD.

The Mississippi Mills, at Wesson, in Copiah County, consumes about 750,000 pounds of wool annually—about 300,000 pounds of this is grade Merino, from Texas, and the remainder, 450,000 pounds, is purchased in the vicinity of the mills and in the coast counties. Captain Oliver, superintendent and treasurer of these mills, says that the finest wool in the world is grown in South Mississippi, and that the success of these mills at the Centennial and at Atlanta and all other fairs is due as much to the superiority of wool used as to excellence in handling. In corroboration of this we remind our readers that at the famous fair in Manchester, England, many years ago, wool grown in Madison County, Mississippi, took the premium over all other exhibits as the best wool in the world.—*Aberdeen Examiner.*

These mills began operations under present management in 1873. The site was, previous to the establishment of these mills, an unbroken forest. To-day Wesson is a beautiful and flourishing manufacturing village, with schools and churches, and a population of 5,000 happy and industrious people. These mills have declared large dividends, besides enough to double their original capacity. The secretary of the mills writes: "We are generally overworked on all our fabrics, and have orders now largely in excess of our production of woolen goods, and on many of our cotton goods." The Yocona mill, at Water Valley, commenced operations in 1882 with a paid-up capital of $80,000, and with 3,200 spindles. Since that time the capital has been increased to $100,000, and the number of spindles increased to 5,000. The Stonewall Manufacturing Company, near Enterprise, has a capital of $175,000, pays wages to the amount of $45,000 per annum, and is in a flourishing condition. The Natchez Cotton Mills have 10,301 spindles, 304 looms, 240 operatives, and are pushed to their utmost capacity. The Rosalie Cotton Mills, of Natchez, have 6,000 spindles, 160 looms, and employ 150 operatives. It is crowded with business.—*Jackson Ledger.*

And yet her Democratic Representatives in Congress turned a deaf ear to the petition of the grangers for protection on wool, and voted to strike down one of the greatest interests of the American farmer.

WESSON, THE MAGIC CITY OF MISSISSIPPI,

with its unrivaled cotton and woolen mills, owes its existence to an exemption law passed by a Republican Legislature, and its prosperity to the fostering influence of protection. Natchez, once the seat and center of learning, wealth, and refinement in the State, was tottering on the verge of the grave until wakened into life by the busy hum of the wheel and the loom, and she now bids fair to surpass herself in her palmiest days, when the eloquent voice of Prentiss portrayed the blessings of protection to home industries The Gulf coast, once given over to pleasure-seekers in summer and sand-crabs in winter, is being metamorphosed by industrial employments. Other places in the State are feeling the same influence, and I take from a single paper the following notices of the town of Corinth, where once great armies met in the struggle of death, and where now the hum of machinery has been substituted for the sound of fuse and shell, and where a new life is beginning to appear:

THE SILK INDUSTRY.

The silk interest of Mississippi must be accorded prominence as among the beacons to light the way of the immigrants from France, Italy, and the other sunny lands to our Commonwealth. Last week we visited Corinth for the purpose of inspecting the cocooneries just beyond the borders of that town that have been established by our French fellow-citizens.

We first visited the establishment of Mr. L. S. Crozier, whose name and face is familiar to most of our readers, and we found in his feeding barn countless worms in all stages of development, feeding gluttonously, and rapidly approaching the weaving stage. His mulberry plantations are quite extensive, and the evidences of preparation seen on every hand betoken great future activity. He has agreed to make a handsome exhibit in the Mississippi department of the New Orleans Exposition.

From there we rode to the silk farm and mulberry plantation of Mrs. M. Doche,

one of the most intelligent and enterprising ladies in the State. She took us to her feeding barn, where hundreds of thousands of the little toilers of the choicest varieties were seen actively and healthfully at work, thriving, she assured us, as well as they possibly could in any transatlantic country. Her business is increasing so enormously that she told us that she would be obliged to put up another feeding barn, and expects next spring to have over a million of worms upon her trays.

Messrs. Adams & Ketchum, of the Corinth Foundery and Machine Shops, shipped last week to Sheffield, Ala., the "future great" city of the Tennessee Valley, the first steam-engine that will be erected within its precincts, and they have orders for five more for the same "town." This firm is almost as phenomenal as Sheffield in its rapid outcome and great possibilities. Three or four years ago it would have smiled gratefully over an order for a pair of cast-iron "fire-dogs," and yet a few months ago it underbid Cincinnati for a contract to put new boilers on the Tombigbee steamer Lotus, and is now working forty-five skilled mechanics night and day, and has among other contracts furnished seven engines to Monroe county and six to Lowndes, besides filling orders in every other county in East and North Mississippi. It is now prepared to furnish large engines and saw mill outfits within five days of the commencement of work. This can hardly be beaten anywhere.

We doubt very much whether many readers of the Examiner are aware of the fact that in Corinth there is a boot and shoe factory that does a big jobbing trade, and turns out the very finest goods for gentlemen, ladies, and children.

Mr. Thomas Newcomb, wholesale manufacturer of saddles, harness, &c., Corinth, is the proprietor of the only establishment of the kind in the State, and is doing a business that demands the constant services of twenty of the finest workmen.

And yet these free-trade lunatics, in their mad cry of a tariff for revenue only, would denounce all the men engaged in building up these new industries as robbers. They would destroy all their operations and drive their laborers into the corn and cotton fields to raise agricultural products at starvation rates to exchange with the manufacturers of the Old World. And that Southern agriculture has prospered under protection is shown by the following testimony.

INCREASE OF AGRICULTURAL PRODUCTION IN THE SOUTH.

The great advance made in manufactures of late years in the South has not prevented a like gratifying growth in agricultural production. The Manufacturers' Record, of Baltimore, says:

We have made a careful compilation of the value of all agricultural products of the fourteen Southern States in 1882, some of the figures having been obtained from the United States Agricultural Department, and others from reliable sources, the total showing the following aggregate:

Cotton	$350,000,000
Wheat	67,162,169
Corn	262,304,857
Rye	2,033,917
Oats	30,796,642
Potatoes	8,748,929
Tobacco	30,866,394
Hay	19,081,423
Barley and buckwheat	1,104,744
Sugar	20,000,000
Molasses	10,000,000
Rice	7,000,000
Orchard products	15,000,000
Vegetables	50,000,000
Total 1882	874,059,074
Total 1880	650,872,648
Increase	214,226,426

The figures show that in two years the value of the agricultural products of the South has increased over $214,000,000; but taking these statistics just as they stand they do not show the full importance attached to them when compared with the figures exhibiting the agricultural progress of the entire country. In 1880, according to the United States census, the value of all farm products for the entire country was $2,213,402,564, of which $659,872,648 was credited to the South, or only about 29 per cent. of the total, while in 1882, out of an aggregate total of $2,325,000,000, the South had $874,090,074, or about 37 per cent.; or, in other words, while the entire country made an increase of but little over 5 per cent., the Southern States made an increase of about 35 per cent.

FREE RAW MATERIAL.

And still further and stronger testimony as to the growing prospects of the South comes from Georgia, as follows:

The president of the Eagle and Phenix company says that the Southern mills now control the markets of the country in coarse cotton goods, and he predicts that the South will eventually control the cotton-goods markets of the world, because she has as many advantages over New England as the latter has over old England. And what is true of cotton is true of iron, at least so far as this country is concerned. That the pig-iron of the future will be made in the South is plain at a glance. The cost of making a ton of pig-iron in Pennsylvania is thus stated by the American Manufacturer of Pittsburgh:

One and one-half tons of ore, $8.50	$12 75
One and one-quarter tons coke, $2	2 50
Lime	85
Labor	1 50
Incidentals, repairs, taxes, &c	1 00
Total	18 60

The freest of calculations on a similar basis made a ton of iron in Alabama Georgia, or Tennessee cost as follows:

Two tons ore, $1	$2 00
One and one-third tons coke, $2	2 66
Lime	85
Labor	2 00
Incidentals	1 00
Total	8 51

This testimony as to the Southern iron interests is doubly instructive. It not only shows the capacity of the South, but it shows why iron manufacturers like Mr. HEWITT, of New York, are talking about free raw material in iron. This cry is another blow at the South, and if followed up will result in perpetuating sectional feeling.

Senator GEORGE, of Mississippi, is demanding free agricultural implements, which is a farce, because, as Senator WILLIAMS, of Kentucky, said, an American farmer would not have a foreign agricultural implement as a gift. Even trace-chains, so much talked about, are cheaper here than in England.

But Senator GEORGE also demanded free machinery as encouragement for Southern mills, and if this be pressed from the South, while Mr. HEWITT and others from the North press for free raw material of iron, it will be an admission of the doctrine of protection on both sides, but will tend to separate the friends of protection on sectional lines. The noble and patriotic spirit exhibited by Judge KELLEY, of Pennsylvania, who would extend protection equally over all sections of the Union, stands in striking contrast with the spirit of Mr. HEWITT, of New York.

The gentleman from Tennessee, Hon. CASEY YOUNG, has stated this proposition so strongly and so clearly shown it would be folly for the South to listen to this free material argument now, that I quote his language as follows:

But now, when the inexhaustible beds of iron ore which underlie vast regions in Alabama, Georgia, and Tennessee have been discovered, and shafts are being sunk and furnaces being built for its manufacture, it is proposed to put iron on the free-list. Eastern manufacturers have grown rich by protection. They have large sums of money invested in extensive plants and improved machinery; they have skilled artisans and trained operatives, with everything nicely adjusted for the successful prosecution of their business, so that to give them the raw material free of duty, and thus cripple or destroy the recent and newly established manufactories in the South, they could contend against competition from other countries,

And so, too, with coal. Upon this article there has always been a duty imposed; but now, after the largest deposits on the continent have been found in the South, and when mining it is growing into a large and profitable industry, it is proposed to put that on the free-list along with most other valuable Southern products. I am told that the iron and coal interests South require no protection against foreign competition, and possibly this may be so; but that fact does not seem to have been discovered in some localities until within a very recent period.

A HOT-HOUSE PROCESS.

All this advance and development of Southern resources has come under this so-called protection and robber tariff; but we are told the tariff was not the cause of it. That it never came before the adoption of this protective tariff and has come and is coming now is sufficient to make us pause and ponder well before we of the South change a policy that is bringing so radical and beneficial a change to us.

It is said that the protective system is a hot-house process for producing manufactures, and we grant it to be true. We have seen New England grow like magic under its influence. Flourishing manufacturing towns and villages have sprung up among its hills and valleys, and its cold, rock-ribbed soil has been made to yield productive returns of agricultural products which find a ready home market in the busy manufacturing centers of the State. The fructifying influence of this hot-house process is just now beginning to be felt in the South, and it would be worse than folly in us to raise the glass too soon and let in the freezing air upon our tender plants.

A black frost in June would not more certainly wither and destroy the tender plants of the cotton-field than would the frost of an anti-protection tariff now blight the infant manufactories and destroy the rice and sugar productions of the South. But we are told that manufactures should not be pressed, but left to natural development. Experience teaches that men are prone to travel the paths their fathers trod, and need constant teaching and strong encouragement to induce them to enter on new avocations.

VIRGINIA VS. NEW YORK.

With milder climate, longer days, cheaper labor, and less cost of transportation for the raw material, the South for a long period of years failed to enter on manufacturing, and thus furnishes a most striking illustration of the fallacy of trusting to nature to build up manufactures.

Virginia, with the best harbor on the Atlantic seaboard, with a climate of unsurpassed salubrity, with mountains filled with every species of mineral wealth, with valleys capable of producing the richest agricultural results, with water power unlimited, peopled by the proudest and most intellectual of the Anglo-Saxon race, seemed marked by nature for the foremost State of the Union; and yet she has fallen far behind her sister States and some of her own children in the race for wealth, prosperity, and power. She taught the doctrine of free trade and until recently she has stood as a monument to the fallacy of her own teachings. The contrast between Virginia and New York is the contrast between an agricultural and an industrial community, between trusting to nature and attempting to surpass nature by industry and art, between the doctrines of free trade and home development, between the teachings of Calhoun and Giles upon the one side and Clay and De Witt Clinton on the other. Let the other and younger States of the South look on this picture and then on that and determine from reason and judgment, and not from passion, sentiment, or prejudice, under what banner they will hereafter enroll themselves and for what principles they will hereafter fight.

THE INFANTS.

But when we speak of infant industries we are tauntingly asked how

long it will be before our infants are grown, and we are told Mr. Clay thought three years' protection would suffice. Great men thought 75,000 men in ninety days could take Richmond, but they were mistaken, and the friends of protection were overconfident when they thought industries but one hundred years old could overthrow those, which had the accumulated strength of centuries. It is said we have never encouraged agriculture, but this is a mistake. When religious fanaticism drove skilled labor from Europe England offered large bounties to attract them to her shores; but no attractions which England offered for mechanics and artisans were ever equal to the attractions offered by the homestead laws of the United States to induce farmers to come and develop our agricultural resources. And the aid given to build railroads, though primarily beneficial to them has been equally beneficial in developing our agricultural resources, until Western grain once rotting in the field or burned for fuel now swells our exports and feeds a starving world. Our exports of wheat, corn, flour, and meal, which were in 1850 only 14,476,037 bushels, increased in 1880 to 279,876,510 bushels. Mr. David A. Welles, in his lecture on Free Trade in Brooklyn, though perhaps not so intended, bears ample testimony to the encouragement we have given to agriculture. He says:

It is clear, therefore, that the foremost industry of the country—agriculture—has already reached the point of an abnormally high production, and yet the whole tendency of things is to enlarge the sphere of this great industry and to still further increase its product. Thousands of acres of new grain lands are being annually added to our area of cultivation; improved methods of culture increasing product and diminishing the necessity for manual labor, are being continually introduced, while less than one-sixth of our arable land has as yet been brought under the plow. It is not, therefore, a matter of hypothesis, but one of certainty, that if the agricultural development which has characterized the last ten years of our history is to be continued, it must end through ruinous overproduction, in immense loss and disturbance to our great farming interests.

But let us advance one step further in this analysis of the national situation. Immigration is pouring in upon us at the rate of 700,000 per annum, and our total increase of population for the present decade bids fair to exceed 12,000,000. If with a view of preventing our already excessive surplus of food products from becoming more excessive any considerable portion of this large increment is to be diverted from agriculture, it must find employment in commerce or manufactures. * * * The pressing necessity of the hour with us, therefore, is an extension of our markets for our produce, and in default thereof we are certain to be smothered in our own grease.

THE REMEDY PROPOSED.

Now, what is the remedy which Mr. Wells proposes? He tells us the country does not "need more brains, Congress excepted," and he seems to be engaged in the laudable undertaking of furnishing brains for the impotent Congressmen of his own party. He says the remedy is to remove the tariff so as to enable foreign nations to sell us their productions in exchange for our own, and says we can then march out boldly and capture the trade of the world. How the removal of the barriers of protection is to strengthen our manufactures to compete with the world is to me a mystery past finding out.

After we have been for years fighting behind the intrenchments of protection and scarcely able to hold our own against the foreign enemy the revenue Democrat tell us to march out boldly and capture him in the open field. Imagine Pemberton marching out of Vicksburg to capture Grant, or Secretary Chandler sailing out in the Tallapoosa to capture the British fleet, and the wisdom of this advice is fully seen. We can not afford such ridiculous and dangerous experiments. Having begun the contest fighting behind intrenchments, against fearful odds, let us stand to our guns until the enemy has exhausted himself by repeated ineffectual assaults upon our works, and then we may march out and drive him from the open field. This idea of driving trade seems to be a favorite theory with revenue Democrats.

DRIVE NORTHERN MANUFACTURERS SOUTH.

Some of our Southern statesmen, notably Senator GEORGE, of Mississippi, have calculated the percentage of advantage which the South has over the North in various branches of manufacturing, and in their stump speeches at home they tell the people that a reduction of the tariff to a revenue standard will break up manufacturing in the North and drive Northern manufacturers with their capital South. But they fail to calculate the powerful advantage which established plant and fixed capital would have in competition with struggling infant institutions in the South if protection was removed now. If this were true, it is not the part of a statesman or a patriot to advocate any policy which he knows or believes will bring ruin upon any portion of our common country. But it is not true. Prosperity seldom comes from adversity. Capital is what we need to develop the South, and capital is a coy maiden to be woed and won and not driven into any alliance. If we by a too sudden reduction of the tariff destroy Northern manufacturing interests, capital, which is always timid, will not soon venture on manufacturing enterprises anywhere else in the Union.

If, however, we do nothing to disturb these vested interests, manufacturers will gradually and quietly wind up their business in localities where it does not pay, and seek more profitable fields for their enterprise, and then we may trust to our natural advantages to bring us the capital we so much need.

PROTECTION TO THE MISSISSIPPI VALLEY.

We of Mississippi not only want capital for industrial enterprises, but we want and we have asked for protection for our great valley from the floods of the Mississippi River. We have said and we believe that a dissipation of the waters of the Mississippi River checks its velocity and precipitates its silt, thus producing sand-bars in its channel dangerous to navigation and productive of overflows; that a concentration of its waters by jetties and levees so that its whole volume and weight can be confined in one narrow channel will hurry it on to the Gulf with greater silt-bearing power and scour out its bed so deep that no future protection from levees will be needed.

Let Mississippians, then, unite with home protectors everywhere in demanding protection for home industries in all parts of the Union. Let us feel that we are citizens of a great nation whose power and prosperity we delight in, and then we can more consistently ask and more reasonably expect to receive national protection from the surging floods of the Mississippi River, which threaten our destruction as the mad theories of free trade threaten the destruction of the industrial interests of the whole country.

INDEPENDENT.

I am not a member of either the Democratic or Republican organization, though there is something to admire in the professions of each and much to condemn in the practices of both. Believing that Mississippians should lay aside passion, prejudice, and sentimental politics, and look alone to their material development, I shall not chain myself to the wheel of any party car, but as different questions arise shall support that man and that party which in my judgment will best promote the interest of the people I represent. I shall oppose any party that is unwilling to protect by discriminating duties the American laborer, and the vested interests of American citizens of every class. I shall oppose any party whose desire to create an

UTOPIA

of exact justice and equality in taxation, would permit the fires of our forges to go out, the wheels of our machinery to stand still, the capital invested in our industrial interests to perish, and would force our skilled mechanics to learn new lessons in their old age or wander as tramps over the face of the earth. Such seems to be the result of the political economy of the revenue Democrats, and such madness has not been equaled since we of the South sacrificed in war our substantial rights in the States to secure our fanciful rights in the Territories.

IN CONCLUSION.

In the eloquent language of my distinguished friend, Col. Thomas W. Harris, of Mississippi, I say: "Sir, I once loved the old Democratic party with all the fond devotion of a son to his mother. My venerated father received many of the highest honors in its gift, and bequeathed to his children the love and gratitude he felt. But I should feel that I had dishonored his grave and his memory were I to cling to the loathsome carcass of modern Democracy, upheld in the South by fraud, perjury, and iniquity, when the spirit which gave it life, purity, and honor has fled, I fear forever. Dr. Johnson said that superstition was religion without morality. Such seems to be the Democracy of the South today. It is better that the body clothed with the triumphs of years should be buried out of sight since the soul that once made it glorious has fled, in the hope that a resurrection morn may come, when the vestal fires shall be rekindled on its altars, and when, phenix-like, it shall rise from its ashes clothed in the imposing grandeur of youth, strength, and beauty, and live alone for the honor, welfare, and glory of our common country."

APPENDIX.

PROTECTION TO MANUFACTURES IS PROTECTION TO AGRICULTURE.

This principle and its results are so well stated and illustrated in Report No. 3 of 1883 of the Agricultural Department, pages 22 and following, that I feel justified in inserting them here:

To test the value of this hypothesis let us divide the States and Territories of the United States into four classes, the first having less than 30 per cent. engaged in agriculture; second, those with 30 and less than 50 per cent.; third, those with 50 and less than 70 per cent., and fourth, those having 70 per cent. and over, being almost exclusively agricultural States.

VALUE OF LANDS.

Applying this test to the value of lands, the following result is obtained:

Classes.	States and Territories.	Farms.	Value.	Value per acre.	Workers in agriculture.
	No.	*Acres.*	*Dollars.*	*Dollars.*	*Per ct.*
First class	15	77,250,742	2,985,641,197	38 65	18
Second class	13	112,321,257	3,430,915,767	30 55	42
Third class	13	237,873,040	3,212,108,979	13 53	58
Fourth class	6	108,636,796	562,430,842	5 18	77

[See diagram on opposite page.]

As the proportion of agricultural to other workers diminishes the value of land increases, but in a much higher ratio. In the almost exclusively agricultural States eight acres are worth little more than one in the first-class, consisting of States of the largest non-agricultural population. In the class which averages 42 per cent. in agriculture the land is of more than twice the value of farms in the class which averages 58 per cent. of the people in rural employments.

The following States and Territories all have less than 30 per cent. of their

Diagram showing value of farm lands as affected by increase of non-agricultural population.

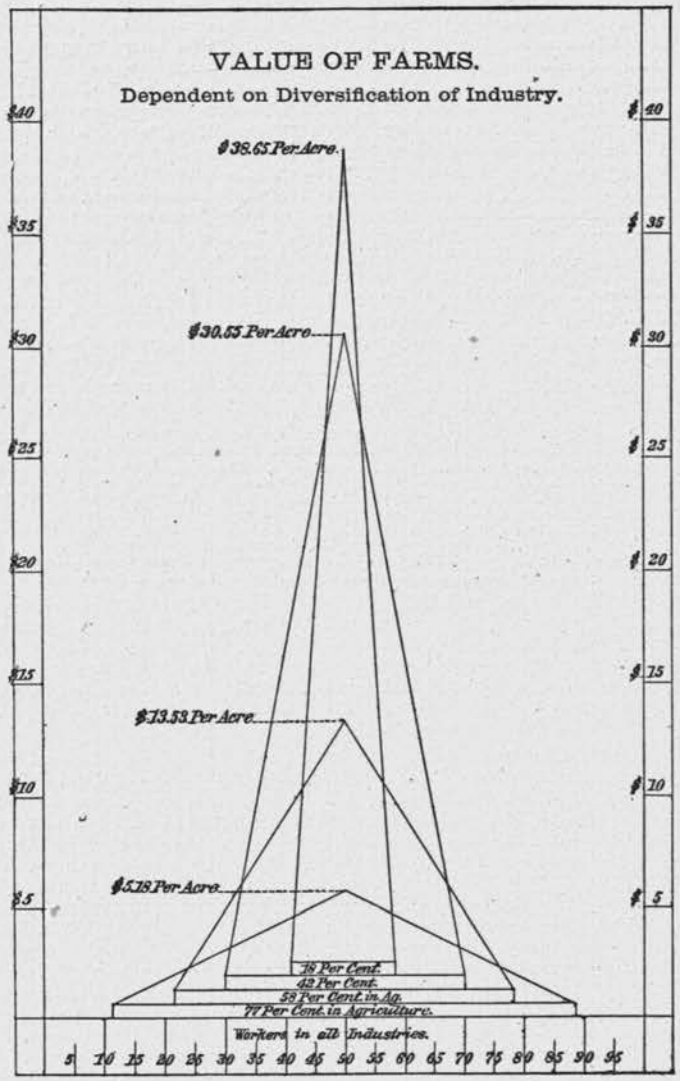
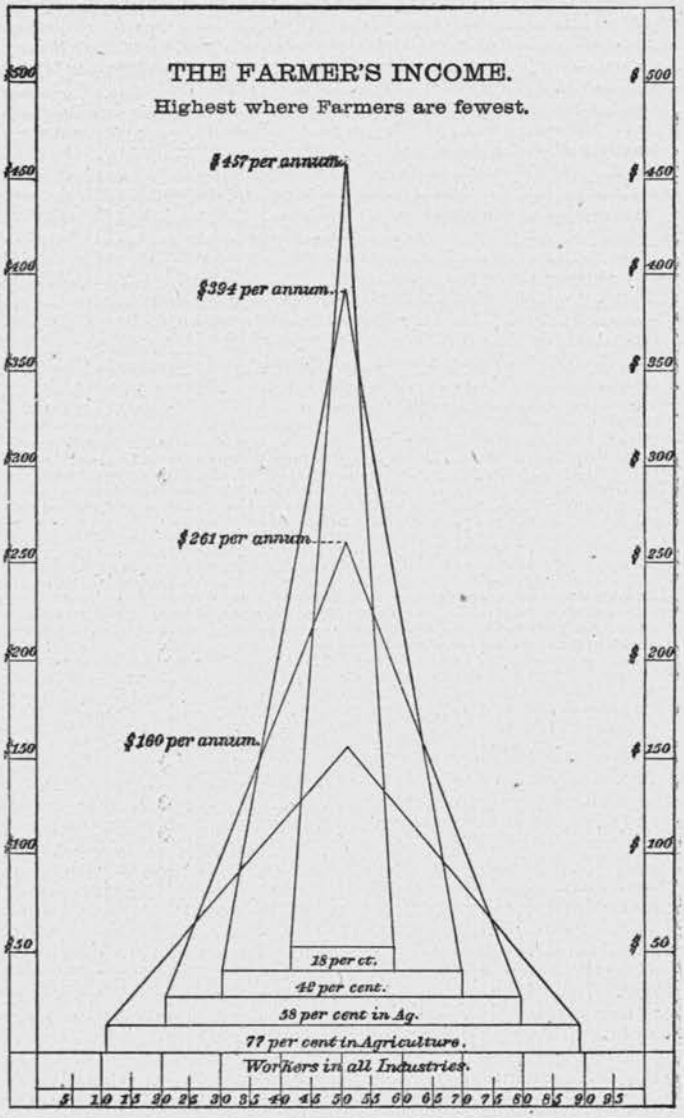


Diagram of value of products as affected by increase of non-agricultural population.



aggregate of persons in all occupations engaged in the pursuits of agriculture, and they average but 18 per cent.:

States and Territories.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
District of Columbia	18,146	3,632,403	200 18	2
Massachusetts	3,359,079	146,197,415	43 52	9
Rhode Island	514,813	25,882,079	50 27	9
Colorado	1,165,373	25,109,223	21 55	13
Nevada	530,862	5,408,325	10 19	13
Arizona	135,573	1,127,946	8 32	15
New Jersey	2,929,773	190,895,833	65 16	15
Wyoming	124,433	835,895	6 72	18
Connecticut	2,453,541	121,063,910	49 34	18
Montana	405,683	3,234,504	7 97	20
New York	23,780,754	1,056,176,741	44 41	20
Pennsylvania	19,791,341	975,689,410	49 30	21
California	16,593,742	262,051,282	15 79	21
Idaho	327,798	2,832,890	8 64	25
Maryland	5,119,831	165,503,341	32 33	28
Total	77,250,742	2,985,641,197	38 65	18

In this list the most diverse conditions are represented. On one extreme the District of Columbia has but 18,146 acres of agricultural land, which is valued at $200 per acre as suburban property under the shadow of a large city. On the other, small areas in the Territories are surrounded by immense bodies of unoccupied lands, which are given away by the United States Government, keeping the prices of cultivated farms low, though they are rising with great rapidity. California and Colorado are similarly situated, yet further advanced in point of time and in development of industries, and of course showing higher prices. In the States in which there is no public land to depress prices there is no averge that is not higher than the general average of the next class of States having 30 to 50 per cent. in agriculture; the range of prices is from $32.33 per acre in Maryland to $65.16 in New Jersey. Though New Jersey has 15 per cent. in agriculture, the influence of the adjacent populations of Philadelphia, New York, and Brooklyn reduces practically her percentage to a lower proportion than Massachusetts and Rhode Island.

When the proportion of farmers is increased to half or two-thirds, the price of land declines seriously, as follows:

States.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
Virginia	19,835,785	216,028,107	10 89	51
Missouri	27,879,276	375,633,307	13 47	51
Minnesota	13,403,019	193,724,260	14 45	52
Indiana	20,420,983	635,236,111	31 11	52
Louisiana	8,273,506	58,989,117	7 13	57
Iowa	24,752,700	567,430,227	22 92	57
Nebraska	9,944,826	105,932,541	10 65	59
West Virginia	10,193,779	133,147,175	13 06	61
Kentucky	21,495,240	299,298,631	13 92	62
Florida	3,297,324	20,291,835	6 15	64
Kansas	21,417,468	235,178,936	10 98	64
Tennessee	20,666,915	206,749,837	10 00	66
Texas	36,292,219	170,468,886	4 70	69
Total	237,873,040	3,218,108,970	13 52	58

The States having over 70 per cent. engaged in agriculture are as follows:

States.	Farms.	Value.	Value per acre.	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
Georgia	26,043,282	111,910,540	4 30	72
North Carolina	22,363,558	135,793,602	6 07	75
South Carolina	13,457,613	68,677,482	5 10	75
Alabama	18,855,334	78,954,648	4 19	77
Mississippi	15,855,462	92,844,915	5 86	82
Arkansas	12,061,547	74,249,655	6 16	83
Total	108,636,796	562,430,842	5 18	77

The second class includes the smaller manufacturing States of the East and the older States of the West, in which the agricultural population is less than half of all.

States and Territories.	Farms.	Value.	Value per acre.*	Workers in agriculture.
	Acres.	*Dollars.*	*Dollars.*	*Per cent.*
New Hampshire	3,721,173	75,834,389	20 38	31
Delaware	1,090,245	36,789,672	33 74	33
New Mexico	631,131	5,514,399	8 74	35
Maine	6,552,578	102,357,615	15 62	35
Utah	655,524	14,015,178	21 38	36
Ohio	24,529,226	1,127,497,353	45 97	40
Oregon	4,214,712	56,908,575	13 50	40
Washington	1,409,421	13,844,222	9 82	42
Michigan	13,807,240	499,103,181	36 15	42
Illinois	31,673,645	1,009,594,580	31 87	44
Wisconsin	15,353,118	357,709,507	23 30	47
Vermont	4,882,588	109,346,010	22 40	47
Dakota	3,800,656	22,401,084	5 89	49
Total	112,321,257	3,430,915,765	30 55	42

* Average.

This list embraces also a few of the Territories and a State or two in which the unoccupied public lands continue to depress prices of farm lands.

It is conceded that differing degrees of fertility must affect prices, and other causes may be operative; yet such is the controlling force of preponderating non-agricultural population in raising prices that we find the average of this class to be more than 25 per cent. lower than class first.

INCOME OF THE FARMER.

The owner of land finds a great advantage in the increase of the proportion of non-agricultural population. Does the cultivator of the soil obtain an annual product of higher value? The answer is an emphatic affirmative in the following statement from the census of 1880:

Classes.	Engaged in agriculture.	Products of agriculture.	Value per capita.	Workers in agriculture.
	Number.	*Dollars.*	*Dolls.*	*Per ct.*
First classs	1,060,681	484,770,797	457	18
Second class	1,566,875	616,850,959	394	42
Third class	3,017,971	786,681,420	261	58
Fourth class	2,024,966	324,237,751	160	77

There are nearly twice as many agricultural producers in the fourth class as are found in the first, yet the crops of the million are worth much more money than all the results of labor of the 2,000,000 workers. The class that has 58 per cent. in agriculture makes $101 per annum more than that which has 77 per cent., and the class with the lower average of 42 per cent. gets $133 above the earnings of that which averages 58 per cent. in agriculture.

It is not assumed that there are no other causes affecting the quantity and value of the farmer's crops which cause variations in the exhibit of individual States, but the relative proportions of agricultural and non-agricultural population constitute a factor which dominates all other factors, so that when such data are co-ordinate in classes of States the result appears with the invariability of the operation of law. That all these variations may be seen and the causes sought by the rural economist, the following details are given:

States and Territories.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
District of Columbia	66,624	1,464	2	$514,441	$351
Massachusetts	720,774	64,973	9	24,160,881	372
Rhode Island	116,979	10,945	9	3,670,135	335
Colorado	101,251	13,539	13	5,035,228	372
Nevada	32,233	4,180	13	2,855,449	683
Arizona	22,271	3,435	15	614,327	179
New Jersey	396,879	59,214	15	29,650,756	501
Wyoming	8,884	1,639	18	372,391	227
Connecticut	241,333	44,026	18	18,010,075	409
Montana	22,255	4,513	20	2,024,923	449
New York	1,884,645	377,460	20	178,025,695	472
Pennsylvania	1,456,067	301,112	21	129,760,476	431
California	376,505	79,396	21	59,721,425	752
Idaho	15,578	3,858	25	1,515,314	393
Maryland	324,432	90,927	28	28,839,281	317
Total	5,786,710	1,060,681	18	484,770,797	457

The largest income is enjoyed by the farmer of California, not only because 79 per cent. of the people of that State are outside of agriculture, making a market for his crops, but because of the demand throughout the United States for fruits, wines, and other peculiar products of that favored State. Wool is also a productive source of income, due to the market made by the woolen mills of other States.

Only in Oregon and Illinois, in the second class, are rural incomes up to the average of the first class, and only in New Mexico and Dakota are the annual earnings down to the average of the third class, so uniform is the action of this principle of industrial economy.

States and Territories.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
New Hampshire	142,468	44,490	31	$13,474,330	$303
Delaware	54,580	17,849	33	6,320,345	354
New Mexico	40,822	14,139	35	1,897,974	134
Maine	231,993	82,130	35	21,945,489	267
Utah	40,055	14,550	36	3,337,410	229
Ohio	994,475	397,495	40	156,777,152	394
Oregon	67,343	27,091	40	13,234,548	489
Washington	30,122	12,781	42	4,212,759	330
Michigan	569,204	240,319	42	91,159,858	379
Illinois	999,780	436,371	44	203,980,137	467
Wisconsin	417,455	195,901	47	72,779,496	372
Vermont	118,584	55,251	47	22,082,656	400
Dakota	57,844	28,508	49	5,648,814	198
Total	3,764,725	1,566,875	42	616,850,959	394

In the almost exclusively agricultural States the range of income per man is quite uniform, from $140 in South Carolina to $202 in Arkansas, the average of all being $160. It may be claimed that labor, from climate or race considerations, is less efficient than in other States, but it is evident from the small areas planted, except in cotton and corn, and the small products gathered, that the lack of diversity in industry, and even of variety in agriculture, is dwarfing the magnificent resources of this great belt of States. The wisest and brightest of these farmers have reiterated this sentiment for a generation, and many are acting on it; but the reflex influence of manufactures and mining would accomplish more for agriculture than the most persistent direct efforts for the improvement of agriculture.

Range of income.

States.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
Georgia	597,862	432,204	72	$67,028,929	$155
North Carolina	480,187	360,937	75	51,729,611	143
South Carolina	392,102	294,602	75	41,108,112	140
Alabama	492,790	380,630	77	56,872,994	149
Mississippi	415,506	329,938	82	63,701,844	187
Arkansas	260,692	216,655	83	43,796,261	202
Total	2,639,139	2,024,966	77	324,237,751	160

In the following list Iowa, Minnesota, and Nebraska lead in average income. They have below 60 per cent. in agriculture, have rich lands, easily cultivated, and send a large proportion of their products to Eastern and foreign markets, and therefore have less of the stagnation of isolation.

States.	Persons in all occupations.	Persons in agriculture.	Per cent. in agriculture.	Products of agriculture.	Value per capita.
Virginia	494,240	254,069	51	$45,726,221	$180
Missouri	692,959	355,297	51	95,912,660	270
Minnesota	255,125	131,535	52	49,468,951	376
Indiana	635,080	331,240	52	114,707,082	346
Louisiana	363,228	205,306	57	42,883,522	209
Iowa	528,302	303,557	57	136,103,473	448
Nebraska	152,614	90,507	59	31,708,914	350
West Virginia	176,199	107,578	61	19,360,049	180
Kentucky	519,854	320,571	62	63,850,155	199
Florida	91,536	58,731	64	7,439,392	126
Kansas	322,285	206,080	64	52,240,361	253
Tennessee	447,970	294,153	66	62,076,311	211
Texas	522,133	359,317	69	65,204,329	181
Total	5,201,525	3,017,971	58	786,681,420	261

WAGES OF LABOR.

Having shown that the value of the farm and the income of the farmer are enlarged by increasing the proportion of non-agricultural laborers in a State, it is important to inquire whether the farm laborer shares in the advantage to the owner and cultivator of the soil. Fortunately a definite answer can be given from repeated and trustworthy returns of the wages of farm labor to the Department of Agriculture.

In 1870, when wages and prices generally were high, the average wages of farm labor in the first or manufacturing class of States was $34, while in the last, exclusively agricultural class, it was but $15. When the panic came, and years of manufacturing depression followed, mechanics and artisans competed with farm laborers and reduced the price of rural labor. It is a fact that prices at different times furnish an accurate measure both of the industrial status of the laborers and the prosperity of the great industries of the country.

In 1882 the wages of agricultural labor averaged nearly $25 in the first and second class, $19.50 in the third, and $13.20 in the fourth. The demand for wheat and corn, beef and pork, the product of Ohio, Michigan, Illinois, Wiscon-

sin, and other States of the second class, to supply home, eastern, and foreign markets, brought up the value of farm labor to an equality with wages in the States of the first class. The scarcity of laborers, who prefer farms of their own, also contributed to high rates in this class. Where more than half of the workers are farmers, the competition of laborers reduces inevitably the rate of wages. So we find that where the proportion reaches three-fourths, the reduction usually amounts to 50 per cent.

The influence of manufacturers, of mining, of any productive industries on local prices, whether of farms or farm products or farm labor, is plainly traceable in States and in various districts within the States by the furnace-fires, the mines, the factories that thickly dot the location where high prices for farm labor prevail.

The diagrams illustrate in a striking manner the operation of what may be deemed a law in industrial economy, and show that the value of farm lands depends more upon the diversification of industry than upon the fertility of the soil, and that the farmer's income is highest where farmers are fewest.

Backbone Railroad Land Grant.

SPEECH

OF

HON. EDWARD T. LEWIS,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1884.

The House having under consideration the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes—

Mr. LEWIS said:

Mr. SPEAKER: It seems to me the gentleman from Illinois [Mr. PAYSON] has become a new convert. He has faced about entirely upon the position which he has taken heretofore in the committee and upon the floor of this House in regard to land-grant forfeitures. I state, and he can not deny it, that in regard to the bill reported to this House with reference to the Northern Pacific Railroad land grant he has taken the position with the majority of the committee that time is of the essence of the grant; and he has joined the majority of the committee in reporting in favor of forfeiting every acre of land in that case where the road was not constructed within the time. He can not deny it. He is upon record in favor of that position. He has contended in every report before this House in cases of this kind that time is of the essence of all these land grants. He has so voted in committee; he has so acted in this House; and he dare not deny it. Yet he comes before this House in this case, and says that time is not of the essence of these grants.

Mr. PAYSON. Mr. Speaker——

Mr. LEWIS. You can not deny it. I will not yield to you one moment of time. You did not treat me with any courtesy, and I do not propose to treat you with any.

Mr. PAYSON. Then I rise to a parliamentary inquiry.

Mr. LEWIS. You can not interrupt me in this way. I will not be interrupted.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The gentleman from Illinois can not take the gentleman from Louisiana from the floor by a parliamentary inquiry.

Mr. PAYSON. Then I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. The question of order I desire to make is that I think perhaps the gentleman is hardly warranted in saying what I "dare" or "dare not" do.

Mr. LEWIS. That is not a question of order.

The SPEAKER *pro tempore*. That is not a question of order.

Mr. PAYSON. Then I call the gentleman to order.

Mr. LEWIS. I think, Mr. Speaker, after the gentleman's exhibition before the House to-day he dare do anything.

The SPEAKER *pro tempore*. The gentleman from Louisiana will suspend. The gentleman from Illinois will state his point of order.

Mr. PAYSON. I think it is hardly parliamentary for the gentleman to say what "the gentleman from Illinois" "dare" or "dare not" do. This is hardly the forum perhaps for the interchange of remarks of that kind. In the country I come from, that is not the way we do.

The SPEAKER *pro tempore*. A question of order of that kind can not be addressed to the Chair. The only question is whether the language is parliamentary.

Mr. LEWIS. I withdraw it if it is considered unparliamentary. I still think he dare not assert——

Mr. PAYSON. I hope the gentleman will not take advantage of his position to say that.

Mr. LEWIS. I am speaking in this sense of the term that I do not think he would have the rashness to deny the correctness——

Mr. PAYSON. I do deny it, and I have ever denied it, and have never asserted such a doctrine as the gentleman now asserts.

Mr. LEWIS. Very well. It is a simple question. I stand upon my individual responsibility and upon the evidence before the House in various reports made to this House that the position occupied by the gentleman on this bill in regard to the essentiality of time in land grants is totally inconsistent with the position he has occupied on that precise question in the reports we have before this House.

I wish to say this, that we hold to the position that it is the duty of legislators here assembled to claim for and in behalf of the Government and the people every right under the law to these public lands to which the Government and the people are entitled; that if we fail in these matters to claim all to which the Government is entitled we will thereby waive it; and that if we claim more than the Government is entitled to, it will not prejudice the legal right of the parties when they come before the courts, and therefore no harm is done to them.

Mr. SCALES. Is Louisiana any more interested in these lands now than any other State, or its delegation than any other?

Mr. LEWIS. Not one particle.

Mr. SCALES. They belong to the whole country, and the position of that delegation does not make any difference.

Mr. LEWIS. These public lands in the State of Louisiana are a part of the purchase from France in 1803. This public domain belongs equally to every citizen of the United States, out of Louisiana as well as in Louisiana. I as a Representative from the State of Louisiana am here advocating not alone the rights of the people of Louisiana but the rights of the people of the whole United States and of the Government to this public domain.

Our position is, if we claim too much the courts will correct it; but if we claim too little it will be a loss to the Government and the people. I say, therefore, it is our duty to vote for this declaration of forfeiture and let the matter go to the courts.

Mr. Speaker, owing to the confusion on the floor at times during the discussion of this bill, and the many apparently conflicting assertions made, I think it proper that I should make a somewhat fuller statement than has yet been made on either side. The difference of opinion prevailing among members and the prominence given to the matter by reason of this difference, will, I think, justify such a statement at length.

On the 30th of December, 1869, the New Orleans, Baton Rouge and Vicksburg Railroad Company was chartered by the Legislature of Louisiana. The company was—

> Authorized and empowered to lay out, locate, construct, equip, and thereafter to own, maintain, operate, and enjoy a continuous single or double track railway from any point on the line of the New Orleans, Jackson and Great Northern Railroad within the parish of Livingston, running from thence to any point on the boundary line dividing the State of Louisiana and Mississippi by such route as the company may deem most direct and practicable with a view of continuing and completing the said railroad to the city of Vicksburg, in the State of Mississippi. (Section 1.)

"To lay out, construct," &c. * * * "a single or double branch railway" from any point on its main line to Baton Rouge, and to any other points on the river in the State of Louisiana.

> And should the said company acquire by grant or purchase other railroads or parts of railroads, rights of way, or franchise appertaining thereto, the same shall be merged into and become part of said railroad. (Section 2.)
>
> That the said company, for the purpose of connecting its railroad with the railroads of other companies, and with mines and manufactories within the State of Louisiana, is hereby authorized and empowered to construct, maintain, and use, by running thereon its engines and cars, such branch railroads and tracks as it may find necessary and expedient to own and use; and all the powers, privileges, grants, and franchises which have been heretofore granted to said company, and which are by this act granted to said company, for the construction and maintenance of its main line of railroad within the State of Louisiana shall be, and are hereby, made applicable to such branch railroads, and for all the purposes of this act such branch railroads shall be deemed and taken to form and constitute a part of the said main line of said railroad within the State of Louisiana in this act designated and referred to. (Section 27, last paragraph.)

It will be well to note here the care with which the Legislature seemed to provide for a great central system of railways, how jealously it guarded that idea. Full power of expropriation is given to secure the right of way in the act for the main line and all its branches, but every branch built or leased or owned or controlled by the company must form and become part of the main line, must be merged into it; the identity in name and character of the road must be preserved. Every grant of power to build or own or use branch roads is specifically coupled with the condition that it must form part of it and be merged in the main line.

It should be observed further that, under the twenty-seventh section just quoted, this company was not confined to branches limited by the Mississippi River on the west, but it was "authorized and empowered to construct, maintain, and use * * * such branch railroads and tracks as it may find necessary and expedient to own and use." This was a grant of power to construct any branch road they pleased, and was ample enough to enable them to build a branch road in any direction and to any point in the State, to Shreveport, or to the State line at any point, "for the purpose of connecting its railroad with the railroads of other companies."

I call particular attention to the sections quoted, because of the position I understand the gentlemen on the other side to take, namely, that subsequent legislation was necessary to enable the company to go west of the river to any point in the State.

That the original act of incorporation gave the requisite power is sustained by the amendatory legislation itself. The title shows that it was intended to accomplish other and different objects. The gentleman from Alabama [Mr. OATES], who made the strongest connected argument in the case, laid stress upon the fact, or rather asserted, that the amendatory legislation of 1872 practically changed the terminus from Marshall to Shreveport, and contended that prior to this act the company had no "charter from the State authorizing it to go to Shreveport or to any point on the west side of the Mississippi River." (See RECORD, pages 5610, 5639.)

I call attention to this, because much if not the entire force of his argument on this branch of the case hinges upon this assumption. Now let us see what this amendatory legislation is. The title is:

An act to authorize the New Orleans, Baton Rouge and Vicksburg Railroad Company to select the point or points for the commencement of their road, to reduce the liability of the State of Louisiana by authorizing said company to issue first-mortgage bonds, and to construct and employ, or cause to be constructed or employed, steamboats or other vessels and telegraph lines along the line of railroad of said company.

Under the constitution of the State of Louisiana the title of an act of the Legislature must embrace the objects and purposes of the act, and unless it does the act is clearly unconstitutional.

Now, I challenge the astute gentleman from Alabama to discover in the title of this act a word or a syllable showing that the object or purpose of this act was to confer additional power upon the company to construct any new road or branch road—any road they did not have the authority to build independently of that act. On the contrary, the title clearly implies the previous existence of that right. It is not an act to authorize the company to build a new road or another branch, but "to select the point or points for the commencement of their road." What road? Evidently one previously provided for; not one therein authorized. This is too manifest for argument—indeed, so manifest that any one would see it at a glance, and yet my friend has failed to discover it. But let us go a step further.

The very first sentence of the preamble recognizes the existence of the previous legislation, and shows that the Legislature was acting intelligently and making some needed provision in respect to a road already chartered. It reads:

Whereas by act of the Legislature of the State of Louisiana, approved December 30, 1869, entitled "An act to incorporate the New Orleans, Baton Rouge and Vicksburg Railroad Company and to expedite the construction of their road," &c.; and

Whereas said company has, by act of Congress, approved March 3, A. D. 1871, entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes, become the recognized branch of the Texas Pacific Railroad from its eastern terminus," &c.; * * * and

Whereas the early commencement, construction, and completion of the New Orleans, Baton Rouge and Vicksburg Railroad is secured by said grant of land from the United States Government and the legislation therein provided.

Thus it will be readily seen that not only the title but the preamble of the act recognizes the fact that a road had been previously provided for, but the precise act in terms referred to. And we have in the second paragraph of the preamble a specific declaration that "said company (the New Orleans, Baton Rouge and Vicksburg Company) has * * * become the recognized branch of the Texas Pacific Railroad Company from its eastern terminus," thus clearly and unmistakably indicating a legislative recognition of the fact that Congress had fixed the eastern terminus of the Texas Pacific, and that the Backbone had become a branch of that road, not from Shreveport, but from its eastern terminus.

The gentleman from Alabama must therefore have overlooked the preamble as well as the title of the act.

But go a step further. The act proceeds in the first section to declare that said company (the Backbone) "shall have full power and authority," not to construct, maintain, equip, &c., a single or double track railway from Baton Rouge to Shreveport or Alexandria or anywhere else, but "to commence the construction," not of a branch road to Shreveport, but "of their road, in the city of New Orleans or Shreveport or at any intermediate point or points;" not on any new road therein authorized, but—

On their line of road, as may best suit the convenience of said company and facilitate the speedy construction of a continuous line from the city of New Orleans to the city of Shreveport or perfect railroad communication with the Texas Pacific Railroad or any other railroad in Northwestern Louisiana, at or near the State line: *Provided, however*, That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge on the east side of the Mississippi River to the corporate limits of the said city of Baton Rouge or adjacent thereto.

The remaining portion of the act has no bearing on the question in hand, but any one who cares to read it will see that it is in strict accord with the title. Certain it is there is nothing indicating an intention to create a new line of railway not contemplated before, but every indication of a delegation of power deemed essential to carry out some former design—authority to begin the construction at different points of a road previously authorized.

Stress, however, was laid upon the fact that Congress amended the charter of the Texas Pacific in May, 1872, and that this act preceded in point of time the one we are considering; and my friend from Alabama assumed that the latter was a legislative recognition of the former. He did not attempt to show or prove it, but contented himself with a statement to that effect. It is to be regretted that he did not look a little closer into its provisions, or he would have discovered that while the act in the second paragraph specifically recognizes the act of March 3, 1871, incorporating the Texas Pacific, it is utterly silent as to the act of May 2, 1872. I might invoke the maxim, *expressio unius est exclusio alterius*, so far as the language of the statute is concerned. His assumption or statement has nothing to rest on but the presumption that the Legislature must be presumed to have known the previous legislation of Congress and to have acted in reference thereto. To this I give my assent and stand by it; but so far as the legislator has expressed his intent he has made no reference to this act, but has only referred to the charter and to the fact that that charter had fixed an eastern terminus from which the Backbone was to become a "recognized branch." But the gentlemen on the other side repudiate this principle when I invoke it by the reverse process. Of this, however, I shall speak later on.

It will be seen, by recurring to the act as above quoted, that it not only contemplates an eastern terminus of the Texas Pacific, at which the Backbone was to connect therewith, but expressly provided that the line of its road should be on the east side of the river from New Orleans to Baton Rouge.

The charter had designated the location of the main line from a point in Livingston Parish, on the Jackson Railroad, east of New Orleans, and on the east side of the Mississippi River, and specifically provided for a branch to Baton Rouge; and here we find the charter—amended with specific reference to an act of Congress, with full knowledge of the grant of land contained in that act, together with all the conditions coupled therewith—amended for the purpose of availing itself of the grant and with direct reference thereto, and in that act making or rather reiterating and emphasizing its former location of the road on the east side of the river as far as Baton Rouge. I pass now to a consideration of the acts of Congress. The grant, as I have already stated, is in the twenty-second section of the act of March 3, 1871, and is in these words:

That the New Orleans, Baton Rouge and Vicksburg Railroad Company, *chartered by the State of Louisiana*, shall have the right to connect, by the most eligible route to be *selected* by *said company*, with the said Texas Pacific Railroad at its *eastern terminus*, and shall have the right of way through the *public lands* to the same extent granted hereby to the said Texas Railroad Company; and in aid of *its* construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in that State, to connect with the said Texas Railroad Company at its *eastern terminus*, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public land per mile in the State of Louisiana as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be *withdrawn* from market, selected, and *patents issued* therefor, and opened for settlement and preemption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the *whole* of said road *within five years* from the *passage* of *this act*.

The italics are mine.

Before going further it is important to ascertain the exact meaning and scope of the language here employed. Much confusion I think has grown out of a failure to do this in the discussion. A critical examination will show—

First. A recognition by Congress of the fact of prior legislation by the State of Louisiana, and not only the fact, but the character and extent of that legislation. The language is: "that the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right," &c. It is simply absurd to say that Congress in legislating for the benefit of this company was ignorant of the provisions of its charter. I mean all of its provisions, and among them the location of the road, as well as others, for its location is found in the first section of the act.

Second. That the company was authorized to select the most eligible route by which to connect with the Texas Pacific road.

The opponents of the bill contend, if I am not mistaken, that by the grant of this power the company was fully authorized to locate their road on either side of the river, or in fact anywhere; and the gentleman from Illinois [Mr. PAYSON], with much apparent dogmatism, asserted the power of the National Government under the decision of the Supreme Court in the Granger cases to do what it pleased in relation to transcontinental lines; that it made "no difference whatever as to the restrictions which the State Legislature made upon the local corporation." I shall not discuss the propositions so loosely stated by him on this subject. They are not only loosely stated, but have no connection, none whatever, with the subject-matter of the bill, nor any relation to any position taken by any one who has participated in the discussion. The question is not what power Congress has over the question of interstate commerce, but what Congress did or attempted to do in this particular matter. Did the act either directly or by implication authorize the grantee to build on the west side of the river? Unless it clearly appear that Congress did intend to change the geographical location of the road as to the river, or confer upon the company power to do so, it had no such authority.

It can not be said that Congress would lightly repeal or change known provisions in an act of a State Legislature, and the intention to do so

must clearly appear, for otherwise no court would so hold. These laws are in *pari materia*, must be construed together, and receive that interpretation which will give effect to the whole. To say that the company, under the authority to select its route, can thereunder disregard the provisions of the charter in that respect is to hold that Congress, by remote implication (there is nothing express), repealed an important requirement of the very act in relation to which it was legislating, and the benefit of which it sought to avail itself.

I think, therefore, a fair and just interpretation of this language is that the discretion as to the selection of routes was to be exercised under the restraints imposed in the charter as to the general geographical location of the line from New Orleans to Baton Rouge. The eligibility of the different routes on the east side of the river was the extent of the power granted. Besides all this, one would naturally think if Congress had intended to authorize this radical change of route it is a little strange, to say the least of it, that Congress did not say so.

I may here remark that this view was never questioned by the grantee. The maps of location filed by them in the Interior Department all show the road to be located on the east side of the river. It was their understanding, it was the interpretation placed by them upon the statute, and no other contention was ever heard of until the astute gentlemen on the other side discovered this miraculous mine of power.

Third. That a right of way was given through the "public land," and nowhere else; thus illustrating the idle waste of legal lore with which the gentleman from Illinois [Mr. PAYSON] regaled the House as to the power of the "National Government" over "transcontinental lines" in the States.

Fourth. That the company was given the right to connect with the Texas Pacific at a certain place—its "eastern terminus"—and in aid of the construction of its road from New Orleans to Baton Rouge, thence by way of Alexandria to connect with the Texas Pacific at its "eastern terminus," a grant of land was made. The point at which the connection was to be made is not left in doubt, being mentioned twice, and so far as language can make it so its location is here definitely fixed.

Fifth. That the said lands shall be withdrawn from market, selected, and patents issued therefor in the same manner and time as is required of the Texas Pacific in California.

Section 12 of the act contains the provisions here alluded to, and is as follows:

> That whenever said company [Texas Pacific] shall complete the first and each succeeding section of twenty consecutive miles of said railroad and put it in order as a first-class road in all its appointments, it shall be the duty of the Secretary of the Interior to cause patents to be issued *conveying* to said company the number of sections opposite to and conterminous with said completed road to which it shall be entitled for each section so completed. Said company, within two years after the passage of this act, shall designate the general route of its said road, as near as may be, and shall file a map of the same in the Department of the Interior; and when the map is so filed the Secretary of the Interior, immediately thereafter, shall cause the lands within forty miles on each side of the designated route within the Territories, and twenty miles within the State of California, to be withdrawn from pre-emption, private entry, and sale.

A proviso follows not material to the issue and is omitted.

Though somewhat out of order, I shall here advert to a point suggested after the report of the Public Lands Committee was prepared, and in relation to which no discussion was had. The grant in this case, by common consent on all hands, has been held to be a present grant upon condition subsequent, and hitherto that has not been questioned. Further investigation and reflection, however, has led me to doubt the correctness of the proposition.

The words employed in this act are words of present grant. "There is hereby granted to," &c., means, as a general rule, that an estate is immediately vested, and conditions attached to such a grant are usually conditions subsequent, but it is not invariably the case. The use of such words in a statute does not always create a present estate.

The language above quoted from the twelfth section seems to be inconsistent, manifestly so, with the idea that this is a present grant. It declares, as will be seen, that *whenever* said company shall complete the first and each succeeding consecutive section of twenty miles of road then the Secretary of the Interior shall issue patents, *conveying*, &c. The idea here is that the construction of the road must precede the conveyance or transfer of the title.

I do not care to elaborate but to merely suggest the point, and shall only refer to a decision rendered by Judge Deady, of the district court of the United States (8 Sawyer), in the case of the United States *vs.* Childers, wherein the character of the Northern Pacific grant was brought in question. The language of that grant is almost identical with this.

The granting words are: "That there be, and hereby is, granted to the Northern Pacific Railroad Company, its successors and assigns," &c., and "that whenever said Northern Pacific Railway Company shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated" by the act, and that fact shall be made to appear in the manner provided by the act, "patents of lands aforesaid shall be issued to said company, confirming to said company the right and title to said lands situated opposite to and conterminous with said completed section of said road; and from time to time whenever twenty additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company, conveying the said additional sections of land as aforesaid;" provided that only ten sections per mile "shall be conveyed to said company" on the line of the road east of the western boundary of Minnesota, &c.

The judge, after quoting Schulenberg *vs.* Harriman as follows: "They [the authorities] established the conclusion that *unless there are other clauses in a statute restraining the operation of the words of present grant*, these must be taken in their natural sense to import an immediate transfer of title," says:

> But in my judgment the clauses in section 4 [above quoted] of the act under consideration, concerning the conveyance of the lands granted to the corporation as each section of twenty-five miles of the road is constructed and accepted by the grantor, does restrain the operation of the words of present grant in section 3; so that it appears manifest that while it was the intention of Congress to set apart and devote the lands in question absolutely to the construction of the Northern Pacific Railroad, yet it did not intend to part with the title to them until and only so fast as they were earned by the completion of the work.

(See also 1 Black, 358; 16 Wallace, 603; 22 Wallace, 444–464.)

If this be good law it would seem that the grant, in that case as also in this, was upon condition precedent and not subsequent, in which event by all the rules of law, and not disputed, the conditions in all respects must be strictly complied with in respect of time as of other conditions before the estate can be created.

So far it is clear that the Backbone company was required to construct its road on the east side of the river, and to connect with the Texas Pacific at its eastern terminus, which, it is not denied, was fixed in the granting act at Marshall, Tex. It is also clear that nothing in the amendatory act of December 11, 1872, made any change in these respects, but on the contrary gave emphasis to them.

Now, let us see what there is in the act of Congress of May 2, 1872. Confessedly there is nothing in that act having any bearing upon the question before the House except the latter part of section 5, which is as follows:

> *Provided*, That said Texas and Pacific Railway Company shall be, and is hereby, authorized to construct, maintain, control, and operate a road between Marshall, Tex., and Shreveport, La., or control and operate any existing road between said points of the same gauge as the said Texas and Pacific Railroad; and that all roads terminating at Shreveport shall have the right to make the same running connections, and shall be entitled to the same privileges for the transaction of business in connection with the said Texas and Pacific Railway as are granted to roads intersecting therewith: *Provided further*, That nothing herein shall be construed as changing the terminus of said Texas and Pacific Railway from Marshall, as provided in the original act.

The gentleman from Alabama [Mr. OATES] contends that this law changed the terminus of the Texas Pacific, and attempts to explain away the plain meaning of the words by making a distinction between termini. According to his notion Shreveport is the actual and Marshall the business terminus; that is, that the road has two eastern ends. He ignores entirely the idea, plainly embodied in the act, that Marshall was to be the radiating point eastward for the Texas Pacific system, and at which this road was specifically required to make its connection; and he apparently makes the mistake of supposing that Congress required the Texas Pacific to maintain a road to Shreveport for the exclusive benefit of the Backbone. He does not seem to know that a road running across the State of Louisiana from Vicksburg, in the State of Mississippi, terminating at Shreveport, La., has been in process of construction for years; that Congress years ago made a grant of land to that road, which is now nearly completed, and that connection at that point was necessary to facilitate trade and travel going eastward or westward through the State. He seems also to be oblivious of the fact that nowhere in any of the legislation on this subject does the legislator express a purpose to change the original design either as to the location or terminus of these roads; but on the contrary, in plain and unmistakable language, insists upon maintaining both.

The Backbone company had no doubt the right to build to Shreveport; but Congress did not make the grant upon the condition that they should build to that place, but to Marshall, forty miles distant.

On the question, therefore, of completion of the road I think it manifest that the road has not been built where the law plainly required it to be built, nor has it been constructed to the point where the law, with equal precision, required the connection to be made.

Let us now examine the transfer or assignment upon the validity of which the claimant company rest their case. Among the different gentlemen who have discussed the various questions involved not one has touched what I consider the fatal defects of this transfer.

The attack on this line has been to refute the validity of the act repealing the charter of the Backbone company. The gentleman from Illinois [Mr. PAYSON] was especially pointed and emphatic on this point, and dwelt with gusto upon the Dartmouth College case. He enunciated principles no one disputes and spent his force in knocking down something upon which nobody had laid any particular stress.

The point to which I wish to direct attention is that neither the president nor the directors of a railroad company have any legal authority to sell its assets by virtue of the functions of their offices. Such

a sale must be made by the stockholders. Now, what was done? I append the history of this transfer as it appears in the record:

OFFICE OF THE NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY,
No. 150 Broadway, New York, December 29, 1880.

At a special meeting, duly called, of the board of directors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, held this day at the office of the company, there was present a quorum of the board.

In the absence of the president of the company, Mr. Simpson was called to the chair.

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That the president and secretary of this company be, and they are hereby, authorized to transfer to the New Orleans Pacific Railway Company, on such terms as they shall see fit, all the right, title, and interest of this company in and to the land granted to this company by an act of Congress approved March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," and to make and execute in the name of this company such deed or instrument as shall be necessary to complete such transfer.

On motion, the meeting was adjourned subject to the call of the president.

WM. M. BARNUM, *Secretary.*

This indenture, made the 5th day of January, 1880, between the New Orleans, Baton Rouge and Vicksburg Railroad Company, a corporation created and existing under and by virtue of a special act of the Legislature of the State of Louisiana, approved December 30, 1869, party of the first part, and the New Orleans Pacific Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, party of the second part, witnesseth—

That the said party of the first part, for and in consideration of the sum of one dollar lawful money of the United States of America to it in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, and of other good and valuable considerations, has remised, released, and quitclaimed, and by these presents does remise, release, and quitclaim, unto the said party of the second part and to its successors and assigns, forever—

All the right, title, and interest of the said party of the first part, its successors or assigns, of, in, or to a certain grant of public lands granted to the said party of the first part by an act of the Congress of the United States, approved March 3, 1871, and entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have and to hold all and singular the above-mentioned and described premises, together with the appurtenances, unto the said party of the second part, its successors and assigns forever.

In witness whereof the said party of the first part hath caused its corporate seal to be hereunto affixed, and these presents to be signed by its president and secretary, the day and year first above written.

W. H. BARNUM, *President.*
WM. M. BARNUM, *Secretary.*

Sealed and delivered in the presence of—
CHAS. L. BEAMAN,
CHAS. EDGAR MILLS.
CHARLES NETTLETON, [SEAL.]
Commissioner for Louisiana in New York.

[The Western Union Telegraph Company. * * * Dated, New Orleans, February 19, 1881. Received at ——, ——.]

To Hon. W. H. BARNUM,

President New Orleans, Baton Rouge and Vicksburg Railroad Company:

In pursuance of the resolution of the board of directors of the New Orleans Pacific Railway Company, passed February 3, 1881, I hereby accept in behalf of said company the deed and transfer executed by the New Orleans, Baton Rouge and Vicksburg Railroad Company, bearing date of January 5, 1881, conveying all is rights, title, and interest into and under the land grant made by section 22 of the act of Congress approved March 3, 1871.

THE NEW ORLEANS PACIFIC RAILWAY COMPANY,
By E. B. WHEELOCK, *President.*

(Indorsement:) Received the within this 19th day of February, 1881. The New Orleans, Baton Rouge and Vicksburg Railroad Company, by W. H. Barnum, president.

(Indorsement:) 1377, C. 14. Department of the Interior, Lands and Railroad Division, "M." Received October 29, 1881.

Proxy.

Know all men by these presents, that I, David Smith, do hereby constitute and appoint E. B. Wheelock attorney and agent, for me, and in my name, place, and stead, to vote as my proxy at an election of diretors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, to be held December 9, 1881, and also vote as my proxy upon any other business which may come before the stockholders' meeting, to be held on the day named, according to the number of votes I should be entitled to vote if then personally present.

In witness whereof I have hereunto set my hand and seal this —— day of ——, 1881.

D. SMITH. [SEAL.]

Sealed and delivered in presence of —
—— ——.

Armed with these nine proxies he proceeds to do sundry things, all of which will appear in the following extract from the record, as made up in Senate Executive Document No. 31:

Minutes of a meeting of stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company, held at the office, No. 20 Camp street, on the 9th day of December, A. D. 1881, from the hour 12 m. to 2 p. m.

The meeting having been organized by the selection of Mr. E. B. Wheelock as president and Thomas F. Maher as secretary, the following resolution was presented:

Resolved, That the action of the board of directors and officers of this company in transferring to the New Orleans Pacific Railway Company all the right, title, and interest of this company to the lands granted to this company by act of Congress approved March 3, 1871, and entitled "An act to incorporate the Texas Railroad Company, and to aid in the construction of its road, and for other purposes," be, and it is hereby, approved, ratified, and confirmed.

And said resolution having been voted upon was passed unanimously—42,775 shares voting therefor.

The president stated that the next business in order was the election of a board of directors of the said company, and the following ticket of names was presented.

Charles J. Canda.	Lucien Birdseye.	Edward E. Hooper.
N. B. Stevens.	S. S. Brooks.	Wm. H. Barnum.
John W. Simpson.	James G. Janeway.	Wm. L. Scott.
Charles C. Deming.	David S. Draper.	
Willis Gaylord.	Allan McCulloh.	

And there being no other nominations, the election was proceeded with, Messrs. J. W. Patton and L. L. Davis, of New Orleans, being duly appointed commissioners of election to receive, count, and return the votes; and the votes having been duly cast, the commissioners made their return, which is hereto annexed and made part of these minutes, as follows:

NEW ORLEANS, *December* 9, 1881.

We, the undersigned commissioners of an election held in this city, at the office No. 20 Camp street, to receive and count the votes cast to choose a board of directors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, hereby certify that the following votes were cast, to wit:

	Shares.
William M. Barnum	35,001
B. G. Clarke	20
J. Counsellor	600
G. W. Cochran	6,150
David Smith	1,000
Charles C. Deming	1
James G. Janeway	1
Allen McCulloh	1
John W. Simpson	1
Total number of votes	42,775

The said votes were cast as follows:

FOR DIRECTORS.	*Votes.*
1. Charles J. Canda	42,775
2. N. B. Stevens	42,775
3. John W. Simpson	42,775
4. Charles C. Deming	42,775
5. Willis Gaylord	42,775
6. Lucien Birdseye	42,775
7. S. S. Brooks	42,775
8. James G. Janeway	42,775
9. Allen McCulloh	42,775
10. Edward E. Hooper	42,775
11. William H. Barnum	42,775
12. William L. Scott	42,775
13. David S. Draper	42,775

J. W. PATTON,
LAWSON L. DAVIS,
Commissioners.

BOARD OF DIRECTORS.

Chas. J. Canada.	Lucien Birdseye.	Wm. H. Barnum.
N. B. Stevens.	S. S. Brooks.	Wm. L. Scott.
John W. Simpson.	James G. Janeway.	David S. Draper.
Charles C. Deming.	Allen McCulloh.	
Willis Gaylord.	Edward E. Hooper.	

I hereby vote for the foregoing names as directors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, then under proxy of the following stockholders: Wm. M. Barnum, 35,001 shares; B. G. Clarke, 20 shares; J. Counsellor, 600 shares; G. W. Cochran, 6,150 shares; David Smith, 1,000 shares; Chas. C. Deming, 1 share; James G. Janeway, 1 share; Allen McCulloh, 1 share; John M. Simpson, 1 share.

E. B. WHEELOCK, *Attorney.*

NEW ORLEANS, *December* 9, 1881.

(Indorsement:) Board of directors to be elected.

And it appearing by said return that 42,775 shares were duly voted for the said candidates and that the said candidates were duly and unanimously elected, the president of the meeting so declared.

And there being no other business before the meeting, the meeting adjourned at 2 o'clock p. m.

THOS. F. MAHER, *Secretary.*

NEW ORLEANS, *December* 9, 1881.

31 D.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY.

Stockholders of record, November 28, 1881.	*Shares.*
Allen, C. H.	20
Ayer, Herbert C.	150
Ayer, John V.	450
Ayer, John M.	300
Bearman, Charles C.	50
Beman, August	500
Barnum, W. M.	35,000
Bolles, B.	50
Clark, B. G.	20
Counsellor, J.	600
Cochran, G. W.	3,250
Cochran, Jas. F.	255
Dewees, E. W.	200
Dearie, E. M.	30
Foster, E. W.	20
Fitch, George A.	1,650
Gubernator & Terry	14
Hamlin, E. W.	100
Hahn, Michael	1,000
Lacey, George S.	10
Rea, George H.	50
Sanford, D. W. C.	10
Smith, David	1,000
Stevenson, V. K.	1,000
Tucker, James T	5
Ware, C. V	20
Woodruff, Henry	20
Total	45,774

(Indorsement:) New Orleans, Baton Rouge and Vicksburg Railroad Company. Stockholders of record, November 28, 1881.

Supplemental list of stockholders New Orleans, Baton Rouge and Vicksburg Railroad Company.

	Shares.
Barnum, William H	1
Birdseye, Lucien	1
Branch, John	1
Branch, Oliver	1
Brooks, S. S.	1
Canda, Charles J	1
Deming, Charles C	1
Draper, David S	1
Hyatt, Thaddeus	1
Hyatt, Theodore	1
Janeway, James G	1
McCulloh, Allen	1
Monell, Ambrose	1
Noyes, Moses L	1
Sanford, A. G	1
Sessions, John	1
Simpson, John W	1
Scott, William L	1
Stevens, N. R	1
Warner, Willis	1
Watrous, Edward	1
Wheeler, O	1
Wood, James N	1
Total	23
Number of shares on original list	45,774
Total stock	45,797

NEW YORK, *October* 20, 1881.

DEAR SIR: As a stockholder of the New Orleans, Baton Rouge and Vicksburg Railroad Company, and claiming to be entitled to an interest in the land grant heretofore made to that company by the act of Congress of 1871, I would beg to state that I am not yet satisfied of the regularity of the transfer of the land grant of that company to the New Orleans Pacific Railway, and I beg that no patents be issued to the New Orleans Pacific Railway Company for any land that would come under the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company until I shall have an opportunity of presenting to you a statement of the true position of the matter.

That you may understand who I am, as well as my standing and reliability, I beg to refer you to Senator Henry M. Teller.

Very respectfully, yours,

C. R. BISSELL.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

NEW YORK, *November* 18, 1881.

DEAR SIR: As intimated in my letter addressed to you on the 20th ultimo, I, Charles R. Bissell, as a holder of a large amount of the stock of the New Orleans, Baton Rouge and Vicksburg Railroad Company, now enter my formal protest against the issuing of patents to the New Orleans Pacific Railway Company for any lands granted by the act of Congress of 1871 to the New Orleans, Baton Rouge and Vicksburg Railroad Company, for the following reasons:

That the transfer of the grant to the New Orleans, Baton Rouge and Vicksburg Railroad to the New Orleans Pacific Railway Company was made without proper consideration, and in fact without any consideration at all, to the New Orleans, Baton Rouge and Vicksburg Railroad Company.

That the said transfer was made without being submitted to the stockholders of said New Orleans, Baton Rouge and Vicksburg Railroad Company, and without the knowledge of a large number of the stockholders.

That the directors authorizing said transfer had no authority to authorize the same, and had not been duly elected within a year before said transfer was authorized, and that the parties claiming to act as directors and authorizing said transfer were in fact "mere dummies," as admitted by the secretary of said company, and were acting in the sole interest of the president and secretary of the New Orleans and Baton Rouge Company, who own a large majority of the shares of said railway company, and are endeavoring to secure to themselves the entire benefits arising from the transfer and sale to the New Orleans Pacific.

I therefore beg of you that before patents are issued on said transfer I may be permitted to substantiate what I herein claim.

Very respectfully,

C. R. BISSELL.

Hon. S. J. KIRKWOOD,
Secretary of the Interior, Washington, D. C.

These documents contain the entire history of this assignment, except that but one proxy is given, only one being necessary, as all were alike and evidently cut out of the same cloth and by the same hand. I invite a critical examination, for no one can make it without coming to the conclusion—a conclusion that will irresistibly force itself upon the mind—that the whole transaction is a fraud consummated by "dummies." I have neither the time nor patience to point it out, but desire only to direct attention to the legal effect of the proxy. It is but a mandate or power of attorney, upon the construction of which the case turns. If under the law it did not give authority to ratify the sale made by the president of the company there was no legal assignment of the grant.

The law of Louisiana by which this power of attorney should be controlled is clear and positive. Article 2996 of the civil code of that State is as follows:

> A mandate conceived in general terms confers only power of administration.
>
> If it be necessary to alienate or give a mortgage or do any other act of ownership, the power must be express.

Article 2997 illustrates the above, as follows:

> Thus the power must be express and special for the following purposes: To sell or to buy; to encumber or hypothecate, &c.

I doubt whether any court would hold that the proxy given in this case conferred the power upon the mandatary, Mr. Wheelock, to do what he attempted to do, that is, to ratify the act of the president and secretary in making the assignment.

It confers power "to vote as proxy at an election of directors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, to be held December 9, 1881, and also vote as proxy upon any other business which may come before the stockholders' meeting." Here is specific power to do a particular act, namely, to vote for directors and a general power to vote on any other business coming before the meeting. The former is specific, the latter general, and both powers of an essentially administrative character. Surely it can not be said that any express power is here given to sell or ratify, and the action of Mr. Wheelock in holding his meeting of stockholders and ratifying the assignment is *ultra vires*, and if this be so the Backbone company has not been legally divested of whatever rights it may have had in the land grant.

But I am met here with the suggestion that the company does not complain, and that it does not lie in the mouth of any one else to do so. I answer that the record is full of complaints from parties in interest, there being protest upon protest and complaint upon complaint filed in the Interior Department. I answer, further, that the Government is interested and has an undoubted right to avail itself of every legitimate ground upon which it is possible to recover from the grasp of speculators the patrimony of the people. I answer, still further, that if it be true, as repeated *ad nauseam* by the advocates of the railroad in this matter, that any one interested in a condition can perform it and thus destroy the condition, it is equally true that the Government, interested in behalf of the people, can claim the benefit of an omission to do that which was necessary to be done to conclude it.

It is idle to say the Government has no interest in this matter. That position can only be maintained upon the theory that the grantor has no interest in the estates it has granted upon condition, whether precedent or subsequent. The Government is the grantor here, and has the unquestionable right to avail itself of any defeasance of which the grantee may be guilty.

I pass now to the third branch of the case, which is, that time is of the essence of the grant. There is no pretense that any road whatever was constructed by any company within the time fixed in the granting act, and the question is, is it material?

It is well to bear in mind that Congress has never in any case that I am aware of made a railroad grant without fixing a time within which the road should be constructed as a condition, and in construing the effect of such a condition it is singular in the extreme that Congress seemed never to forget or omit to insert such a condition. If such conditions had been only occasionally inserted in a granting act, one might suppose that it was unimportant; that Congress was jesting and perhaps trifling with the divine right of railroads; in fact, one might suggest a great many theories to show that Congress did not mean what it said, but when it invariably says a road must, as a condition, be built within a certain time, I think it quite natural for the people, if not the lawyers, to believe that there is some meaning in it.

It will not do to say that Congress means nothing in using such language. What is the intent, the purpose, the design? For intent, purpose, and design there surely is. In some cases it may be to secure a speedy settlement of an uninhabited, wild, and perhaps fertile country, to the end that the "general welfare" and prosperity of the people may be promoted; in others it may be to give a more speedy means of transportation between different sections of the country, and perhaps enhance the value of lands lying contiguous to the road. An increase in the value of the lands is evidently one of the objects expected to be accomplished, for the moment a land grant is made the Government doubles the price of the lands within the limits of the grant subject to entry. This enhancement in the value of the public land must be one of the objects sought to be accomplished by the building of a road; and as the Government immediately upon making the grant and withdrawing the granted land from market doubles the minimum price of land not granted within the limits of the grant, on the ground that a road is to be built through the lands granted, it is reasonable to exact of the grantee that the road should be constructed within a given time. The Government otherwise would not be justified in doubling the price of its land.

Now, take the case in hand. In 1872 and 1873 the lands granted to this company were withdrawn from market and the price of the even sections subject to entry within the limits of the grant were immediately doubled in price, because of the expected completion of the road within five years—by the 3d of March, 1876.

Congress in effect said to these railroad builders, "We desire to promote the speedy sale and settlement of the public domain by the people—to facilitate their means of intercommunication and transportation, and to that end we will assist by granting a part of the public land; but in order that these results shall be reached as soon as possible we will require that the road shall be constructed and completed as quickly as possible within a given time."

Mr. Pomeroy, in his work on specific performance, volume 1, section 384, says:

> When the nature of the subject-matter is such that its value necessarily changes—that is, either increases or decreases with the mere lapse of time—time is then of the essence of the contract, and performance must be completed at the specified time.

Continuing on the same subject in section 385, he says:

It is settled that time is essential in contracts for the sale and purchase of stock in those relating to the transfer of shares in business corporations and joint stock companies and in contracts for life annuities.

Another very important class of contracts in which time is essential, from the very object and purpose of the agreement, consists of those made with the direct object of promoting or carrying out business or commercial enterprises, including those for the sale and purchase of land to be used for carrying on trade and business.

Who shall say, who can say, with truth, that the promotion or carrying on of business or commercial enterprises among the people was not one among the leading objects and purposes of this and all other similar grants?

And who can deny that the construction of a railroad increases the value of the contiguous lands or say that it makes no difference to the people whether this increase shall occur in one, or five, or fifteen years? Does it promote the general welfare of the people for which alone these grants are made to leave the accomplishment of these results to the caprice of corporations? Are the commercial and business interests of the country and the appreciation of the property of the people to be submitted to their convenience? Surely not; and I can but think that Congress, invariably inserting time as a condition of these grants, intends to make it essential.

I add the following authorities:

The time fixed is at law deemed of the essence of the contract. (Sugden on Powers, Perkins's edition, page 395, and authorities there cited.)

The general opinion has always been that the day fixed was imperative on the parties at law.

It is to be hoped, therefore, that the day appointed will always be deemed of the essence of the contract at law. (*Ibid*, page 397.)

The Committee on Public Lands contends, in strict accordance with law as I think, that all the conditions of a grant by statute must be strictly construed, and on this branch of the subject I quote the following authorities:

Justice Field in Farnsworth's case (2 Otto, 62), says:

But it is said that provisions for forfeiture are regarded with disfavor and construed with strictness, and that courts of equity will lean against their enforcement. This, as a general rule, is true when applied to cases of contract, and the forfeiture relates to a matter admitting of compensation or restoration; but there can be no leaning of the court against a forfeiture which is intended to secure the construction of a public work, in which the public are interested, where compensation can not be made for the default of the party, nor where the forfeiture is imposed by positive law.

He cites the case of Keating *vs.* Sparrow in 1 Ball and Beatty, and quotes with approbation Lord Manning's language, who says:

It is manifest that in cases of mere contract between parties this court will relieve when compensation can be given, but against the provisions of a statute no relief can be given.

Justice Story says:

It is clearly established that courts of equity will not interfere in cases of forfeiture when there can not be any just compensation decreed for the breach. Thus, for example, in the case of a forfeiture for the breach of a covenant not to assign a lease without license, or to keep leasehold premises insured, or to renew a lease within a given time, no relief will be given, for they admit of no just compensation or clear estimate of damages. (2 Story's Eq. Just., sec. 1324. See also note and Hilliard on Real Property, 4th ed., 528.)

Continuing on the same subject, he says:

Where any penalty or forfeiture is imposed by statute upon the doing or omission of a certain act, there courts of equity will not interfere to mitigate the penalty or forfeiture, if incurred, for it would be in direct contravention of the direct expression of the legislative will. (*Ibid.*, sec. 1326. See also note.)

It is a settled rule "that public grants are to be construed strictly, and that nothing passes by implication." (1 Black, 380; Rice *vs.* Railroad Company; 11 Peters, 544; 8 Howard, 581; 13 Howard, 81; 16 Howard, 435; 27 Penn., 339; 2 Barn. & Ad., 792; 7 M. & Gr., 253.)

To recapitulate: I think I have shown that the road was not completed, that the claimant company did not legally acquire the grant by its alleged assignment, and that the conditions of the grant have not been complied with, and if I have not done so to the satisfaction of the opponents of the bill, I have at least thrown sufficient doubt around the pretensions of the claimant to justify any fair-minded man in supporting the measure in the interest of the people.

Much has been said about the action, of what has been constantly called the Government—about the road having been built on the faith of the grant and about the action of the Louisiana delegation. Reference has been frequently made to the latter, and stress has been laid upon the fact that I alone of that delegation have been opposing this grant. Such distinctions are invidious.

Allusion to them can have no other purpose than to put me in the light of a factionist, arraying myself in opposition to the wishes of the people of my State as represented by my colleagues. The gentleman from Mississippi [Mr. VAN EATON] "rolled it under his tongue as a sweet morsel," and took particular pains to put the evidence of it in the RECORD. With my colleagues I have no cause of quarrel, feeling assured that this was not of their seeking. I am content to render an account to my constituents as, I am sure, they are prepared to do. Nor shall I bandy words with the gentleman from Mississippi, but lest his fervid zeal may have led some unwitting member to think unkindly of me for daring to differ with my colleagues and with him, I will produce my warrant of authority. It is to be found in the following resolutions of some of the local authorities of my district. I invite his special attention particularly to the first. If he will read it he will find that I am not alone in my opinion of the fraudulent character of the Backbone matter, and may possibly come to the conclusion that I am not misrepresenting my constituents.

THE POLICE JURY.

CLINTON, LA., *June* 5, 1883.

The police jury met in regular session. Minutes of the last meeting read and approved. All members present.

Resolved (1), That the protest and resolutions presented and read by Mr. Henry Skipwith, sr., be adopted as read, and upon motion carried. The same was ordered published.

PROTEST OF EAST FELICIANA.

Whereas the Secretary of the Interior has recently set aside the protest of the Florida parishes—of which East Feliciana is one—remonstrating against the recognition of a grant of lands commonly called the grant to "the Backbone railroad," a fraudulent concern, which was by some adroit impecunious adventurers and speculators organized fifteen years or more ago as a tributary to the Texas Pacific, and which never had any vitality, except the unlimited cheek of its projectors, and never gave any evidence of life except by running a survey from Pontchatoula to Baton Rouge, thence to Clinton, and thence to some point northeastward, never, we believe, definitely ascertained; but presumably the survey was continued as far as enough public land could be found within thirty miles of the projected line to pay all the costs of the construction of the road. Beyond that survey of the proposed line and the accumulation of some formidable piles of cross-ties along the surveyed line, the Backbone railroad was a swindling myth which was originally projected for no purpose whatever except to enrich a few greedy speculators, by getting a position to gobble up a large slice of the valuable franchises of the Texas Pacific. Respectfully a ! firmly do we, the police jury of East Feliciana, remonstrate against the perpetration of a most unmitigated fraud upon the people of the communities in which this overshadowing land monopoly is created.

We remonstrate, with no hope or expectation of prevailing with the Secretary of the Interior, who has already decided that he is powerless to apply a remedy for the wrong done these communities; a wrong so flagrant that it conveys to a gang of worthless schemers all the public domain between the Mississippi River and the Illinois Central Railroad for nothing. In Louisiana, we conjecture, it amounts to 500,000 acres, and how much in the State of Mississippi we have not enough data to justify a conjecture. If it be urged that the claim of the Florida parishes is not for a restitution of these identical lands, but for an acre of land scrip for every acre of land surveyed by order of Congress from the Montpelier and Greensburg land offices, we respond to such an objection that since 1812 the United States has treated this territory as a muniment of eminent domain, but always against the protests of our vigilant and clear-sighted ancestors—notably on the two occasions which we are proceeding to recite, to wit:

When, on the 10th day of October, 1810, the convention which was the governing power of the free, sovereign, and independent State of West Florida, sent a hospitable invitation to the Government of the United States to come and assume jurisdiction over the territory which the people of West Florida had conquered from the King of Spain, the convention inserted in the invitation an express reservation of title in the soil of the conquered domain to the conquerors thereof.

Secondly, in the first Legislature which met after Congress had extended the laws of Louisiana over the domain recently governed by the State of West Florida—in the first Legislature of Louisiana, we repeat, in which the Florida parishes had representation, the proposition was made to petition the General Government to open a land office for the survey and sale of lands within the borders of the defunct State of West Florida upon an equal footing with the other public lands in the State of Louisiana. To the adoption of that measure our ancestors protested on the grounds that the public lands in Louisiana had been bought and paid for by the United States from France in 1803, but the lands in West Florida had been conquered from Spain in 1810, and belonged rightfully to the conquerors. This protest was signed by all the members representing any of the subdivisions of the defunct State of West Florida, and among the protestors was the late William Silliman, who represented the district of Feliciana, which has been since subdivided into East and West Feliciana. It is well known that since the establishment of the land offices the Government has sold and given away a large portion of the land conquered by our ancestor, the State of West Florida, which demised in 1812. For that reason the claimants make no reclamation for the identical lands which their ancestor conquered and owned, and transmitted to them by a valid title. Adhering as closely as the nature of the case will admit to the line laid down by our ancestors, the police juries propose to accept restitution in the shape of land scrip; hence it may be logically inferred that the claim for restitution is in no manner affected by the recent acts of Congress granting nearly all the public lands between the Mississippi and the Pearl River to the Backbone railroad, or to the assignee of that collapsed and mythical concern, the Texas Pacific, which has constructed a line of railroad on the western bank of the Mississippi River. But we have, besides our interest as citizens of the United States in the endeavor to defeat this lawless grab upon the public domain, a special interest in holding off the land-grabbers. We have always viewed with distrust large grants of power or wealth to corporations for any purpose whatever except in the matter of railroad grants, in which particular we have reluctantly assented on the hypothesis that it was better to enrich a monopoly than not to have a railroad. But this Backbone grant is not only a stupendous fraud upon the people of the United States, but it creates an overshadowing monopoly in every one of the communities which are now claiming from the Government their rightful inheritance; and not only creates in our midst a monopoly odious to the genius of our people, but it specially devolves upon us to resist the malappropriation of vast bodies of land to which our community has looked confidently to furnish current funds by the sale of the timber to maintain a useful and general system of common-school education, and by the sale of the lands to acquire a fund sufficient for the liberal advancement of the public schools. If there is no power in the Interior Department to right the gross wrong we complain of, common sense assures us that the power which made the grant can revoke the grant, because it was obtained in fraud and because manifestly the transaction is destitute of a consideration. To Congress, then, we now appeal to strike with nullity this most iniquitous transaction. And to the end that our appeal may be properly voiced,

Be it resolved, That the above protest be printed in the official journal of this parish, and a printed copy be forwarded by the clerk of the police jury to the Hon. ED. LEWIS, with a request that he will bring this matter to the notice of Congress properly at its next session; and that a printed copy be similarly furnished to the presidents of the seven police juries which are co-claimants, with a request that they will co-operate with us memorializing Congress; and

Be it further resolved, That the district attorney be requested (if in his judgment such a course of action be practicable) to institute in the name of the people of East Feliciana legal proceedings to cancel the mortgage upon the public domain which has just been recorded in East Feliciana by the agents of the Texas Pacific Railroad.

[Extract.]

POLICE JURY ROOM,
Parish of East Baton Rouge, June 12, 1883.

On motion of Mr. F. Gardere, after the reading of the protest of the police jury of the parish of East Feliciana, relative to the Backbone railroad grant, it was ordered this jury do indorse the action of the said police jury of East Feliciana and join in their protest.

* * * * * * *

ANDREW JACKSON, *President.*
O. P. SKOLFIELD, *Clerk.*

POLICE JURY ROOM,
East Baton Rouge, La., July 19, 1883.

A true extract from minutes of the proceedings of police jury of this parish.

O. P. SKOLFIELD,
Chief Police Jury, E. B. Rouge.

STATE OF LOUISIANA,
Parish of East Baton Rouge:

CLERK'S OFFICE.

I, Benjamin F. Bryan, clerk of the seventeenth judicial district court for said parish and State, do hereby certify that O. P. Skolfield, whose name is signed to the annexed certificate, is now and was at the time clerk of the police jury of said parish, and that the same is in due form and signed by the proper officer.

Given under my hand and seal of office at Baton Rouge this 3d day of September, A. D. 1883.

B. F. BRYAN,
Clerk Seventeenth Judicial District Court.

FRANKLINTON, *August* 4, 1883.

DEAR SIR: At the July session of the police jury of Washington Parish the following resolution was passed, namely:

Resolved by the police jury of the parish of Washington, That we protest in the name of the people of the parish of Washington against the grant of any lands embodied in the area of what is known as the Florida Parish to the Backbone railroad, or to any other railroad, by the United States of America.

Resolved, That a copy of this resolution be forwarded to Henry Skipwith, esq., our agent and attorney in fact.

M. J. PITMAN, *Clerk P. J.*

HENRY SKIPWITH, Esq.

As to the allegation that the road was built on the faith of the grant, I have not much to say beyond this, that I have no doubt whatever that these schemers hoped to get the land grant, but I do not find any evidence in the record that Congress, the grantor, ever did one single act to justify them in expecting it. Some years ago the Louisiana delegation promised to do what they could to secure it for the claimant company, and they accordingly did what they could. Bills, for the purpose of transferring the grant to them were introduced in the Forty-fifth and Forty-sixth Congresses. (And here let me repeat what I have already said heretofore, that no bill for this purpose ever was reported to the House for its action beyond the bill reported by Mr. Elam in the Forty-fifth Congress, which was merely reported and recommitted to the Committee on Pacific Railroads, out of which it never came back to the House. I challenge the production of any other report, for I have diligently searched and have not been able to find any.) The delegation tried doubtless to get Congress to transfer the grant, but failed. This foundation of their faith failed them.

They then abandoned further effort in that direction and went to what they and the gentlemen who spoke in opposition to the bill are pleased to call the Government. They speak of assurances given them by the Government, of the official action of the Government, of having built the road on the faith of the assurances of the Government and on the faith of the official action of the Government, &c. They abounded in faith—a faith, I fear, not the "gift of God." But I can not dwell longer upon this. All their dealings have been had with the Interior Department, a mere creature of Congress, and I care not what have been its assurances—what its official action, it has no power to dispose of the public domain except in accordance with the laws of Congress, and whatever they may do outside of its provisions is void.

I could demonstrate, however, were it worth the trouble, that the Interior Department never, prior to the alleged completion of the road, gave them any good reason to believe that it would recognize their demand for the grant.

Let me now pay my respects to the somersault of the gentleman from Illinois [Mr. PAYSON]. I said at the outset that I would show that he had reversed the position he has hitherto taken upon these subjects—that he had hitherto agreed with the majority of the committee, that time was of the essence of these grants.

He is with the majority of the committee on the bill to forfeit the land grant to the Northern Pacific. That bill proposes to forfeit all the land except that lying contiguous to that part of the road constructed within the time fixed in the granting act. The company constructed only 530 miles within the time and 1,340 miles after the time, and yet he votes with us to forfeit all the land opposite this 1,340 miles, on the ground that it was not built in time. (See H. R. 6534 and Mr. HENLEY'S report thereon.)

He is with the majority of the committee on the bill (H. R. 5897) they reported declaring a forfeiture of all the land grant to the California and Oregon Railroad Company, except that part coterminous with that part of the road constructed within the time. (See Mr. HENLEY'S report thereon.) He is with the committee on the bill to forfeit all the land grant to the Southern Pacific of California, except for that part constructed in time, and has been with the committee in every case on this question of time except this case. I might go on and enumerate others, but these are enough. I respectfully commend to his careful and prayerful attention his letter, to be found in the Forest Rambler, his home paper, of April 19, 1884, and which I append:

HON. L. E. PAYSON'S LETTER.

WASHINGTON, D. C., *April* 7, 1884.

MR. GOODELL: I am, as you will see by the Chicago papers, in the midst of the railroad fight, and the burden of it is on my shoulders.

We are having a great contest over the Oregon Central land grant, and expect it to be followed with the other bills on the Calendar, four in number, reclaiming these vast areas of land for the settler, for homes (cheap homes under the beneficent system devised and consummated by the Republican party, the homestead law) for the poor, instead of allowing them to remain as assets in the hands of rich and defiant corporations not legally or equitably entitled to them.

My sense of duty imperatively compels my remaining here at this work, instead of going home to look after a renomination. My interests, after all, in that direction are in the hands of the people, and with their judgment, uninfluenced by my presence, I shall be perfectly satisfied.

I have striven to do my whole duty while here, never allowing any personal business to interfere with my public work. Except when absent on business of appointment for that object, I have never missed a vote or a roll-call since I have been a member here. The special work I have been engaged in shows for itself. I am perfectly satisfied with it, and trust my friends and political opponents as well are content.

This you may say to the convention for me, that I renew the pledges I have made (and I know I have kept) to serve the people of the district and the nation to the best of my ability, and to make the public business paramount, should they deem it proper to extend to me a renomination.

As a matter of personal pleasure, I deeply, earnestly wish I could be present with the representatives of the people at the district convention, but I believe you will all approve my course in remaining here.

Indeed, as the public business now stands on these matters, I would not leave if my nomination depended upon it.

Remember me kindly to all friends.

Yours, truly,

L. E. PAYSON.

Hon. A. GOODELL,
Chairman Central Committee, Ninth District, Illinois.

Was the "burden" too great for the gentleman in this case? I congratulate him, and hope he will give the country a new version of Sinbad the Sailor.

In conclusion, Mr. Speaker, permit me to say that there are over three hundred honest settlers on these lands in my county alone who honestly believe that they have a better right to their homes than this railroad company, and that I believe as they do. I earnestly hope the bill will pass. But if it must be defeated let me ask the gentlemen from Alabama [Mr. OATES], from Mississippi [Mr. VAN EATON], from Illinois [Mr. PAYSON], and all the honorable gentlemen who have spoken and expect to vote against it, to come and go with me to the haunts and halls of the victor, the conquering hero, he who, in my humble judgment, will gather in the spoils of this struggle, Mr. Jay Gould.

The Western Union, his willing slave, will have long since clicked to his ears the glad tidings of success. He will have learned not only the result of the vote, but the names of those who voted yea and the names of those who voted nay. The minutest details attending its passage have not escaped his attention; it is all fully known to him, and doubtless a record made of whatever may be thought useful to him and his confederates in future schemes of personal and corporate aggrandizement.

We shall find him, perhaps, not "arrayed in purple and fine linen," but in the midst of luxurious surroundings. There will be soft and costly carpets glowing with the richest coloring of the Orient. It will give forth no sound from either the footfall of the gentle dame or the lordly master, no warning of coming and going. There will be wainscoated walls inlaid in mosaics of rare and beautiful woods from every clime, all arranged and grouped with matchless skill. There will be plate-glass windows of crystal clearness, artistically draped in curtains of antique design, through which the light of heaven creeps gently in. There will be frescoed ceilings rivaling in their beauty and perfection the highest works of the art. There will be paintings upon the walls, statuary in the niches, paintings from the old masters of priceless value, paintings illustrative of every virtue of the human heart, of peace and plenty, of justice, of mercy, of truth, of charity. There will be wonderful collections of curious things from beyond the seas, from above and beneath the earth, relics rare, mementoes more precious than the gold of Ophir. There will be reclining in old oaken chairs of rich and rare design, around a table blazing with the mosaics of the Old World, Mr. Gould, Mr. Dodge, Colonel Wheelock, Mr. J. J. Flannagan, and Mr. William H. Barnum. There will be a package on this table, curiously labeled:

"Land-Grant Bonds.
"New Orleans Pacific.
"Doubtful."

Listen, now, to what Mr. Gould has to say:

"Gentlemen, the fight is over and we have won. How nobly our friends have stood by us. We must not forget them.

"These bonds, hitherto marked doubtful, are now gilt-edged securities. Before we proceed to a division permit me to thank you sincerely for the energy and discretion displayed in the management of this scheme and especially in engineering the defeat of the bill in Congress.

"I was apprehensive that Senator VAN WYCK at one time would secure an investigation and develop the inward facts, which would have defeated our speculation, but that fear is happily past and we can now

felicitate ourselves upon having secured a bonus of over 1,000,000 acres of the finest agricultural and timber land in the country, worth at the lowest figure $3,000,000. Fill your glasses, gentlemen. Here is to our friends."

A sip or two only of the sparkling fluid is taken, for the division is yet to be made, and each feels the necessity of retaining possession of all his faculties. Even these men watch each other narrowly.

The division begins, bright new bonds slip easily through the nimble fingers of the presiding genius of this conclave, and as they are passed to the one and then to the other, see how the eye of each kindles with unwonted joy; how triumphant the smile that creeps over their flushed cheeks. Silent, erect, intent, each scans the count, unconscious that truth, justice, mercy, and charity, gloriously symbolized upon the surrounding walls by the magic brush and pencil of the old masters, are dumb witnesses of the scene.

Take a final glance, gentlemen of the opposition, at what I have but faintly endeavored to outline. Fill in the picture with all that imagination can suggest or wealth procure; burn it indelibly, if possible, into your heart and brain and then go with me elsewhere. I will lead you to the humble home of the man, and brother shall I say? who wins his bread by the "sweat of his brow." It shall be upon the vast savannas of my native land.

As we approach, on either side will be herds of wild cattle and horses, peacefully grazing upon lands fertile beyond computation, covered with rich native grasses and flowers that fill the air with delicious perfume. There will be in the distance signs of human habitation, and you will wonder why this rich and beautiful land is not crowded with the busy sons of toil. A wide expanse stretches away to the right and to the left, and in front of us will be dimly seen the abodes we seek. Skirts of timber loom up as we advance on either hand as nature's framing to these gently undulating prairies, dotted here and there with rude dwellings inhabited by a peaceable, happy, and contented people.

By devious paths we travel and finally halt in front of the nearest. We dismount, throwing the reins of our bridles over the heads of our horses, leaving them free to graze where they will, for such is the custom of the country. Stop a moment and make a note. Rail fences with stake and rider inclose this quiet home. Pole bars that slip back and forth form the entrance. A small field is in the rear containing the little corn, cotton, and potatoes upon which these people depend for food and clothing.

There will be but one bar up, giving easy access to the premises, for this is one sign of their hospitality. Hatless, shoeless children will be playing in the yard, surrounded in every direction with domestic fowls. They will scamper away as we advance. There will be a tree planted here and there, and a small garden spot fenced with oak pickets near by; the house is rude in the extreme, built either of logs or boards, with one main room perhaps fifteen feet square, with possibly a shed room; a mud chimney; the floor and ceiling of split boards; a ladder in the corner of the room with which to reach the loft; two or three wooden stools, a raw-hide chair, perhaps two of them; a rough cypress table; one bed in the corner, a trundle-bed slipped under it; a cupboard with a small quantity of crockery and tinware, and a wide chimney-hearth, in one corner of which the good wife is seated cooking, or perhaps brewing a cup of coffee.

There are no glass windows, no panel doors, all is built of rude boards on wooden hinges and fastened with wooden latches. As we enter she will glance timidly at first at her visitors, and then bid us welcome. Rising from her chair she will insist that it be taken. Her husband comes in from his labors and greets us kindly. He will ask me with anxious voice about his homestead. Answer him if you have the heart to do so. Tell him that your votes have taken it from him; that you have given it to the wealthy men of the land, to Jay Gould & Co., to the railroad.

Nerve yourselves to the task and tell him further of the scene you witnessed in the division of the spoils; of the magnificent and luxurious abodes of the railroad magnates; of how they felicitated themselves upon their success; of how much they realized. Then watch the face of this honest yeoman. He is but a type of those who bear the burden of your taxation, who fight your battles, whose blood and heroic fortitude won for you your freedom, and whose strong arms are ever ready to be uplifted in defense of their country. Glance at the wife—at the little ones—at their simple household gods—and then pray God to forgive you for the sorrow and anguish you have visited upon this rustic home.

You will have driven the steel into his soul; your hand has been turned against the dearest spot to him on earth. And can you wonder that his hand should be turned against you, against the greed and despotism of wealth? Can you wonder that nihilism, communism, agrarianism is silently taking possession of the hearts and minds of the laboring classes? You dare not say they have no grievance, nor dare you deny that in the oppressions, the insatiate demands of wealthy men and soulless corporations lies the true cause of that grievance.

Contrast the two pictures—put them side by side. Look first at the money kings adding to their ingots amid scenes of royal splendor, and then at the humble cottage of the lowly patriot who, at their bidding, having gathered together his little all, is turning sadly away from the birthplace of his children. Choose ye between them.

Mexican War Pensions.

SPEECH

OF

HON. CASEY YOUNG,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884,

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. YOUNG said:

Mr. SPEAKER: I desire to say a few words in reference to this extraordinary bill, giving to the House some of the reasons at least which influence me in voting against it. I do not like to oppose a pension bill, whether for the veterans of the Mexican and Indian wars or for the soldiers who fought in the Union Army during the late war, and any bill based upon a reasonable appreciation of the services rendered to the country by the soldiers who fought in these different wars would receive my support. But in view of what this bill, if passed in its present form, will ultimately lead to, I feel that I should fail in a high public duty if I did not oppose it and point out its ruinous features.

The soldiers of the late war are already provided for by a system of pensions more enlarged and liberal than was ever created by the legislation of any other country in the world. The soldiers of no government were ever so generously and munificently provided for. And this is right. I assisted, and cheerfully, too, in the enactment of some of the laws for their benefit which are now on the statute-books; but I did not then suspect that these laws were but the commencement of a system of legislation that would in the end impose upon the country for the next half century a vast financial burden.

The veterans of other wars have not been so kindly cared for, and now, after long years of neglect and when most of them are in poverty and old age, their condition appeals most strongly for a part of that bounty, nay, that justice, which has been so lavishly bestowed upon their younger brethren in arms. A few of them are my constituents, and have expected me to vote for this tardy recognition of their just claim upon the Government, but they do not, I think, expect me to do so at the enormous cost which this bill would inevitably entail. Whatever may be expected of me, however, in this regard, I could not with my convictions of public duty give my assent to the passage of this bill if it would enrich every Mexican veteran, no one being as anxious as I am to do them a justice already too long delayed. I have no right as a public representative to confer a benefit upon a few individuals at the cost of a sum almost as great as the national debt ever was.

I take it for granted that gentlemen who are so earnestly urging the passage of this bill to the exclusion of all other measures have not stopped to consider what a cruel wrong they are doing the Mexican veterans, and what an enormous additional burden they are endeavoring to lay upon the people of this country, already complaining most grievously of overtaxation. These gentlemen surely do not dream that their unselfish zeal in behalf of the soldiers will, if they succeed in passing this bill, cost the country more than two thousand millions of dollars, but a careful calculation made from the most reliable data attainable shows that this is a moderate estimate, and will most probably fall under rather than go above the real amount which this bill will cost. This will no doubt surprise those who have not examined the subject closely. It startled me when my attention was called to it by one of the most accomplished actuaries and statisticians in this country. I requested this gentleman to make a thorough examination of every accessible source of information upon the subject, and to make a calculation of the most probable cost of this bill. He has given me the data upon which I base the following facts and estimates:

The muster-rolls of the United States Army and Navy show that in the war between the States there were enlisted 2,064,000 men. How many of them were married or had dependent relatives is not shown, to my knowledge, by any published report or document, but the proportion is easily arrived at by an examination of the pension-rolls.

Of these enlisted men 604,000 died or were killed, leaving 1,460,000 alive January 1, 1866. The 604,000 dead soldiers left 307,000 widows who have applied for pensions, as shown by the report of the Commissioner of Pensions. This shows that more than 50 per cent. of the soldiers who died were married. And it is fair to assume that a much larger percentage of those living are married. It can be safely estimated that at least 80 per cent. of the men discharged from the Army in 1866 at the average age of 32 years are now married.

That is to say, there are now 1,200,000 married men who were soldiers in the Union Army. These men die at the rate of twenty to the thousand, which rate steadily increases as they grow older, until in forty years the last will have passed away. Thus the first year after the passage of this act there would be 25,000 widows to pension at $12 per month; the second year the number would slightly increase. In

six years there would be over 200,000 widows on the pension-roll, and the money to be expended would amount to $30,000,000 per annum. In ten years the widow's roll would contain over 300,000 names and would require $45,000,000 per annum. The expectancy of life for these widows, supposing them to average 32 years of age now, shows that at the end of thirty years 50 per cent. of them will be alive and the pension-list then for widows would be reduced to $22,500,000 per annum.

Thus in one year after the passage of the bill 25,000 widows will be entitled to its benefits; in ten years the number will be 300,000, the highest point to which this rule would reach, and the amount paid in these ten years would be $240,000,000. For the next twenty years, when the names on the roll decrease from the highest point to one-half, the amount to be paid out would be $670,000,000 in the aggregate. In thirty years more this "widows' roll" would be extinct, costing during this latter period $290,000,000 more, a total of $1,200,000,000.

This calculation includes children, but not fathers and mothers, and of these there would be at least 50,000, to whom the annual pension in the aggregate would be $7,000,000, lasting ten years and making the total for dependent relatives and widows under the ninth section of the bill $1,270,000,000.

Section 8 provides that any one of these living soldiers who served three months and is dependent upon his labor for support shall be entitled to a disability pension ranging from $24 to $288 per annum. It may be safely estimated that one million of those living will be found to be dependent on their labor, and therefore eligible under the bill as pensioners. The average of the disability pension may be assumed at $12.50 per month, or $150 per year, which is more than $50 less than the present average of pensions, which is $203 per annum. If only 10 per cent. of those living were to apply for pensions, the cost would be $15,000,000 per year. The expectancy of life for a man of 50 years is twenty-one years. This would make the average cost of each of those pensioners $3,150 or $315,000,000 for 10 per cent. of the number of living soldiers. But the records of the Pension Office show that of the 1,200,000 survivors of the war 496,721 have already applied for pensions, claiming wounds or disabilities incurred in the line of duty. Of these 201,111 have been allowed and 66,534 rejected, and 181,608 remain unacted upon.

Pass this bill and these 180,000 applications will be granted as soon as the clerical work can be done, and you add at once $27,000,000 to the pension-roll per annum. If none of the 963,000 discharged soldiers who have not applied for a pension should apply the passage of this bill would add over $600,000,000 to the pension-roll in cases where the applications are already made. But human nature is the same everywhere, and the probabilities are that in ten years more than 50 per cent. of the soldiers who have not applied will apply under this bill and obtain pensions. Suppose 500,000 are put upon the rolls within the next ten years, they would add $1,575,000,000 to the cost of pensions, and it can scarcely be doubted that at least this number will be added.

To summarize: under section 9 we will probably have to pay $1,270,000,000 for dependent relatives, and under section 8 we will have to pay at least $600,000,000, and most probably $1,500,000,000, for disability pensions.

These are facts deducible from the bill and the established "mortuary" and "expectancy of life" tables, and show that the grand total of expenditure which is involved in these sections 8 and 9 will be the enormous sum of $3,370,000,000.

The Commissioner of Pensions, when called on two years ago for the number of survivors of the Mexican war, estimated 36,000 soldiers and 32,000 widows. This estimate, made by the "Carlisle tables," seems rather large. There were in round numbers 100,000 men in the Army that conquered Mexico, and the entire losses did not exceed 20 per cent., leaving 80,000 men of the average age of 28 years discharged in 1847. Climatic influences, added to unwonted hardships and dissipation induced by army service in a foreign country, must have caused a much greater than the ordinary death-rate, and it is fair to presume that 25,000 men and 15,000 widows who have not remarried would be about the number who would receive service pensions under this bill.

The soldiers under this bill average 65 years old, with a life expectancy of twelve years, while the widows average 57 years of age, with a life expectancy of sixteen years.

At a pension of $12 per month nearly $6,000,000 would be the annual addition to the pension-roll, and about $40,000,000 would be paid out before the list was extinguished.

This is but a small sum compared with the enormous expenditures proposed by the eighth and ninth sections of the bill, but the vicious principle of a service pension is established, rendering it certain that in a few years a similar demand will be made for all the soldiers of the late war, and then who can estimate the amount of money it will require to meet the demands of our pension-roll?

I know and appreciate the character of influence that is behind and influencing the support which many members are giving to this bill, and that it is an influence and power that few public men have the courage to defy. But ought we to allow any sort of pressure, however strenuously applied, draw us into the enactment of a law which our judgment and sense of public duty must condemn?

I do not believe the soldiers will want this bill passed themselves when they come to understand the disastrous consequences which it will entail. I can not think that the gallant men who rescued the Government from the perils of civil war are now willing to surrender it wholly into the hands of the tax-gatherer for the next fifty years—for such would be the effect of this bill. We now owe to the public creditors more than $1,400,000,000; add to this sum $3,000,000,000 more, all of which must be paid within the next fifty years, and it does not present a very hopeful outlook to the people, who are now feeling the burden of a taxation too large to be comfortable with probable prosperity. It may and doubtless will be claimed that the estimates I have submitted are too high, but I have considered them most carefully and am of opinion that they are more likely too low. For these reasons I can not give this bill my support, though I should be glad to vote for such a pension bill as the soldiers of all wars have a right to ask for; but further than this I will not go.

Salt in Politics—Its Conservative Quality—Decay of Integrity—Mortmain and Monopoly—Lant-Trust and Restitution—Progress and Poverty—A Time for Reform.

"If the salt have lost his savor, wherewith shall it be salted."—Matthew v, 13
"Have salt in yourselves, and have peace one with another."—Mark ix, 50.

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884,

On the following amendment offered by Mr. BELFORD to the bill (H. R. 7012) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes:

"For the improvement of Salt River, in the State of Kentucky, the sum of $100,000: *Provided*, That the improvement herein contemplated and provided for shall be completed before the 11th of November, A. D. 1884, so that the Democratic party may thereby have free and easy access to one of the States of the United States they have the capacity to govern."

Mr. COX, of New York, said:

Mr. CHAIRMAN: I do not intend to respond to the gentleman from Kentucky [Mr. WHITE]. His references to Salt River and the necessities for its improvement are facetious, but on a bill of this kind they provoke me to serious thought. He quotes what I said on a former discussion of another river and harbor bill when the present Speaker, his colleague, suggested to me the macadamization of a certain stream in Kentucky, so as to improve its—navigation. I did jocosely propose to make it—a thoroughfare. I referred to the gentleman's colleague then as being opposed on principle to this questionable legislation.

While I admit that the present bill is an improvement on former legislation of a similar character, yet I hope still further to improve it, so as to make it acceptable to those who, like myself, can see no Federal commerce in small local streams, nor any power or place to build canals in a bill for the improvement of rivers and harbors.

But, sir, I rise to moralize somewhat. I desire "special leave" to discuss the conservative elements of salt as well as Salt River. Salt River is not located in Kentucky. It is of wider renown. It is a stream as full of sad meaning to the politician as the Stygian stream to the ancient Greek. It is the route to official exile—exile to Hades—the political *Limbus Fatuorum*.

SALT IN SYMBOLS.

The word "salt," sir, is Aryan in origin. It has preserved its savor on all derivative tongues. Its relation to politics is implied in the word salary. Salt was a legal tender among the Latins. It is an element of the sea as well as of the land. Its function is preservative and purifying. It seasons our food to make it palatable, and our wit to make it pungent. It gives flavor and relish. It is an element of health. It was the ancient symbol of hospitality. From time immemorial, to be placed above the salt at the banquet table was regarded as the most polite recognition of rank. Those who were not seated near the salt-cellar, so to speak, were regarded as servile and mean, and were relegated to the "attic." Therefore, if one means to be self-respecting, it is still said, in the old parlance, that "he never drinks below the salt." Salt is the emblem of purification. The sea is salt over the ruins of Sodom. On the Dead Sea's shore the crystallized wife of the fleeing patriarch became a pillar of salt. How sad her lot!

But, in its most remote and liquid meaning, the word salt implies a retiracy from power, an exile up a stream where there may be no patronage but much repentance. *Hinc lacrimæ!*

UNSAVORY CANDIDATES.

It was remarked by my friend here from Massachusetts [Mr. LYMAN] that he could not sustain certain eminent Republican candi-

dates. They lacked the moral purity by which his independent course was guided. Besides, he added, it is necessary to the health of parties that they should be retired for purification. It was indeed a bad party that exile from power could not help. He meant that a place for Salt River is indispensable in our Federal bill for rivers and harbors, and that it should not be neglected, as it had great utilities. He would therefore enlarge the channel of this national stream, and to its

* * Holy water for lustration bring

the defiled party of moral ideas—and immoral deeds.

Mr. Chairman, my reasons for so often opposing bills of this kind have been freely given. This is a sample of other objectionable bills. Each and all of them should be subject to one test and one rule.

I have served long in Congress. If there be any secret cause for my long continuance in this House it may be discovered in my mode of business.

DUTY OF THE LEGISLATOR.

Let us work by a rule. The office of the law-maker is one of trust. Let us measure its duties by a standard, and determine the trust by its terms and not by loose construction. The rule should not be elastic. It should neither shrink nor stretch.

Whether in benefactions like the life-saving, letter-carrier, immigration, foreign steamer inspection, and other bills; or in economies respecting taxation and tariff; the river and harbor, and other appropriations; or in matters affecting our social and political science, such as the census and apportionment; or as to the relations of citizens—Federal, State, and foreign—my action has been guided by the rigid rule of written law applied to granted power, strictly construed. I have indulged in no excesses, no prodigalities, no compounding or usurpation of powers, no straining after the glitter of national effulgence that would eclipse the more important though less garish system of local and State institutions. Hence, I have tried to lessen the temptations of spoils by reducing Federal taxation, with its alarming and alluring surplus. I would frugally limit appropriations. While allowing luxuries to remain taxed, I would abolish the internal-revenue machinery, with its dangers and wrongs, and reform the tariff so as to reduce and equalize burdens.

LAX CODES AND MODES.

Believing that loose political codes and elastic modes of interpretation and construction, even though not vicious in themselves, create corruption, I shall continue to practice as well as profess these principles. Nor is this a difficult course to pursue, since it has become a habit. Thus practicing, do I not, as a law-maker, represent my party in its best and purest thought, and assist its counsels in this, its crucial year of trial, as it is springing under the popular impulse into promise and power? Do I not thus best represent the people in whose service I have passed so many delightful though laborious years?

The theme suggested so playfully by the gentlemen from Colorado and Kentucky rises into seriousness and dignity beyond most of our debates. It involves the statement that good logic is good morality; that strict construction and trustworthy action in Federal affairs are one; that the evils of time, which threaten to ingulf our best hopes, are the result of the libertinism that comes from disregard of our old codes of faith and rules of conduct.

CAUSES OF DEGRADATION.

Standing as I do to-day among friends who have known me in the two States I have represented since my early manhood; among friends to whom every step of my public career and every act of my private life are as an open book, may I not speak freely of the causes of our present national degradation?

The prime cause was our departure from the landmarks set by the fathers when they established the limitations of the powers delegated to the Federal Government. I yield to no one in devotion to my country. My every thought and wish and act, in peace and in war, has been inspired by devotion to the Federal Union, but I charge that the evils of the times had their origin in the breaking down of these landmarks. The terrible fratricidal war which twenty years ago deluged the land with blood, gave occasion for the exercise of Federal power, which, although necessary and therefore permissible in time of war, grew into excesses and precedents for times of peace.

The Union established by the fathers for the common defense of the States and the general welfare of the people is worth all the bloodshed and treasure expended for its establishment and maintenance. But how long will it be worthy of maintenance if the republican form of government gives place—as it is rapidly doing—to a plutocratic usurpation of all the co-ordinate branches of the Federal Government? Is not wealth, or unscrupulous fealty to corporate wealth, fast becoming the main, the only, and the all-sufficient qualification for the high offices of State—executive, legislative, and even judicial? What has brought about this woful anti-republican condition of affairs? Is it not plainly the continuance of the extravagances of the war times, when the foundations of most of the present colossal fortunes were laid in great contracts and cemented with the blood, tears, and cruel taxations of the people?

REPUBLICAN SPOILSMEN.

While our soldiers were laying down their lives for the Union there remained at home the army contractors and spoilsmen, who for four long years exacted from the people nearly $2,000,000 a day as their pay for devotion to the Union! The service of the contractors and spoilsmen and of the patriots who loaned the Government 30 cents on the dollar at heavy interest has ever been regarded by the Republican party as something nobler and more worthy of acquittance than the patriotism of the people who sent their sons to the field and toiled to support our armies.

Whatever of legislation was demanded by the contractor, the bondholder, or other non-combatant creditor of the nation has ever been most freely granted by Republican Congresses and administrations. We became so inured to Federal taxation and extravagance under Republican administration, that we looked upon an annual expenditure of five or six hundred millions of dollars with far less concern than we once regarded an expenditure of one-tenth such outlay.

Most of the Federal disbursements go into the pockets of the vast army of agents, officials, stipendiaries, and contractors which has been organized by the Republican party in the twenty-four years of its power. It now costs 50 per cent. more to maintain the Federal Government than it does to support the State, Territorial, county, and municipal governments of our thirty-eight States and eight Territories.

If this were the whole cost of Federal rule, the work of reform would after all not be so difficult to an honest party after its administration got into good working order.

THE POWER BEHIND THE THRONE.

But this is not all that a reform party will have to contend against. It must encounter something stronger, something more exacting on the people than the grand army of office retainers in the Republican party. It must encounter a power more compact and wealthy than that of the Republican official organization itself. It must encounter the great unofficial Republican organization of plunderers. This power has grown up within the last twenty-five years under national charters, cash subsidies, land grants, exclusive financial franchises, and the excessive profits of indirect tariff taxations. This army has now almost absolute control of the entire floating wealth of the nation. It has also amassed the great bulk of the fixed wealth, either in direct proprietorship or by mortgage and trust securities.

THE AMERICAN MORTMAIN.

Nothing but the wonderful resources of our rich domain could have enabled the people to support themselves under such long-continued and enormous exactions as those to which they have been subjected during the past quarter of a century. The immense flood of immigration that poured in upon us during that period has helped to develop those resources so rapidly, that to the superficial observer our wonderful achievements over nature seem to be conclusive evidence of general prosperity. You, my friends, who remember the condition of the working people of this country under the old Democratic régime, know how fallacious this view is. You know, from every day's experience, that although our national wealth has doubled, quadrupled, quintupled, during that time, it is not shared by the masses of the people. It has eluded the grasp of its producers, by some sort of sleight of hand. This is incomprehensible to most people. But it is patent enough to even the tyro in political economy that it has been gathered into the coffers of those who own bonds and stocks. It has been sequestered by companies to whom either directly or indirectly have been granted certain State and Federal powers and privileges without any accompanying features of governmental responsibility or control by the people.

There have been opened to the favored few, by legislative grants and by the prostitution of legislative power, the opportunities to organize under the cloak of the law, which enabled thousands of men to become millionaires without ever earning an honest dollar, and hundreds to possess tens and twenties of millions of the wealth we boast of in our statistics.

Thus it has come to pass in this great country of inexhaustible wealth that the masses are miserably poor, that the struggle for existence is daily growing harder for them, and that each year they have less power to control or direct the making, construction, and execution of the laws of this country. Thus it is that wealth—vulgar, coarse, and brutal in its lust, greed, and selfishness—seeks to prostitute every branch of the State and Federal governments to its own ends. It has so benumbed the senses of the people that they have come to that condition in which they scarce think of the possibility of electing a Chief Magistrate, Senator, or even a Representative to Congress who is not either a millionaire or the bondsman of a great corporation. What a humiliation it is to be compelled to acknowledge such a falling away of patriotism! Are we worthy of the liberties won by our ancestors?

THE DECLARATION OF LIBERTY.

We are approaching the one hundred and eighth anniversary of their day of independence. Let us revive some of the old spirit of the fathers.

Our ancestors never made a declaration of liberty against the tyranny of money. They never dreamed that their sons could become the slaves of such a power.

We are still a free people; hence we should be ruled by ourselves. But how long will the institutions of our fathers, honeycombed as they now are by fraud, permeated by selfishness, and putrescent with corruption, remain as the witnesses of the heroic struggles of a hundred years ago? What are magna chartas and bills of rights and muniments of personal freedom, the grand incentives to public content and private fortune, when the air is fetid with poison and the Government has degenerated into a moneyed cabal?

THE NATAL DAY OF INDEPENDENCE.

Our fathers were wont to celebrate the natal day of American independence as men whose glory it was to feel and know that theirs was a land of liberty and plenty; a land where poverty and riches were alike unknown; a land where the people ruled; a land where patriotism, moral worth, and intellectual power were the only sure passports to popular favor. What changes have been wrought among us in a few short years—in the flight of a single generation! Then, we were in very truth a commonwealth; now, we are a nation, with rulers set over us. Then, "our country" was the theme of all our eloquence, and liberty our highest aspiration; now, a most ignoble ambition is eminent and dominant. It rules the press, the pulpit, and the arena of politics. I mean the inordinate desire for wealth, that scruples at no means, however dishonorable, that will secure its gratification even at the expense of the general prosperity. The frequent acquisition of sudden wealth, which was so notorious during the late war, seems to have developed among us a spirit of insatiate greed.

SPECULATION AND BUSINESS INTERESTS.

Is it indeed true that "money answereth all things"? Is it indeed true that our country has "waxed fat and kicked"? The acquisition of wealth by sinister methods, in the marts of money in the great metropolis, at 20 per cent. a month, is but one of many recent developments leading up to the craze of speculation and the insanity of gambling. Is it true that the old prudence, which is itself a virtue, the heroic loyalty to conscience, and the faith in a Supreme Ruler have given way to the self-seeking promptings of inordinate gain? The panics in our streets and the prisoners in our jails are living illustrations that the Pecksniffs are not all gone; that the Pharisees are yet making broad their phylacteries.

It is true that our civilization creates many wants, many temptations. It has taken hold of the people; it moves them to the front; it engenders a desire for luxury and prodigality which too often benumbs the scrupulous moral sense in the hurry for the attainment of wealth. The ambition to become rich has tainted almost every department of social life. It has become the common incentive to almost every financial fraud and crime. It has been left for this summer and New York city to show us how "business interests" can be transformed and developed in a way never before defended in the forum of conscience. Whether in the daily investment of capital or in the increase of professional practice, adventurers of all kinds seek, with fair prospects of success, to reach social standing by the prostitution of trusts. The great mass of society in the cities has been leavened by this most undesirable element.

MERETRICIOUS CANDIDATES.

In the selection of candidates for the highest trust known to civilization the eyes of the people and their delegates have been blinded by the dazzle of wealth. They fail too frequently to see that the methods of gain, however successful, are not always such as comprehend justice, the dignity of mankind, or the brotherhood of the nation. In other words, the pleasures of social and sensual life have become so paramount as to allure the imagination of the people toward the exaltation of meretricious splendor and sensuous display over modesty and solid worth. The self-styled "party of moral ideas," which boasts of the culture of the schools, of the higher thought, of the finer feeling, of the nobler ambition, and of intellectual exaltation, has long since succumbed before the insolent plutocratic assurance which undertakes to record in advance of the ballot the people's verdict at the polls

How long shall such methods of intrigue be allowed to manipulate, bargain for, and capture the highest candidacies of the Republic? How long is this party of wealth, hypocrisy, chicanery, and fraud to administer the public trusts?

REVIVE THE OLDEN SPIRIT.

Upon the recurrence of this patriotic season, made memorable by the self-sacrifices of patriots, who pledged fortune, life, and sacred honor to maintain their independence and confirm their liberties to posterity, it is especially becoming in us to determine that extravagances and glitter, epicurean luxuries and treacheries, financial and political frauds shall receive the condemnation which righteous indignation and common honesty should heap upon them. It is especially fitting that we should commend that enthusiasm of patriotism which over a hundred years ago consumed in its wrathful fire the miserable selfishness of men, gave revival to conscience, and shone like a precious gem in the crown of Liberty. To despair of one's country is dastardly. He is a graceless son who will not aid his mother in her extremity. More need then of hopeful, helpful, invigorating works.

If there be one way more than another in which popular sovereignty may be overthrown most speedily and dishonored most ignobly, it is that by which our public service is made the feudal retainer of corporate wealth and the goal of spoilsmen intent, only on private aggrandizement. It is a sad day for our country when a small coin no larger than one's eye is brought so near to constituent and representative that its disk shuts out the whole horizon of social and political life. The history of nations shows that it is not impossible, by absorption in one ignoble pursuit, to lose that spiritual vision which gazes undazzled at the full noonday radiance of alluring ambitions. How hard for man to resist temptations when such as now allure were even offered to Divinity itself.

I am not as one without hope. We have not all bowed the knee to Baal. I feel that I am among men who are not altogether engrossed in the pursuits of avarice; men who engage in daily toils and nightly meditations that are more attractive than the chink of silver or the rustle of greenbacks; men who can enjoy books more interesting and inspiring than the ledgers of the counting-room. Thank God, we are not yet as a nation altogether bankrupted in patriotism and selfish in greed.

JUDGE CANDIDATES BY THEIR LIVES.

In a year like this, when we should select our leading officers—Federal, State, and municipal—with a view to the general welfare, is it not our duty to inquire into the causes of the untrustworthiness which has become all too common in public and private administration, in order that they may be removed by such an exercise of long-outraged and indignant suffrage as will tend to exalt honesty over greed? Our newspapers are full of the catalogues of speculative liabilities, aggregating millions in amount. They are full of the long lists of stocks and bonds pledged, or purloined to be pledged, in dishonest schemes from which thousands of innocent people have grievously suffered. The ventures pertaining to some of these peculiar transactions have come very near to my own city and the Federal Government. This startling array of fraud and speculation is a warning against the selection for high public trusts of mere "business men." Their political and financial trustworthiness has not stood the test of public scrutiny.

Blackstone said that it required thirty years' study of the law in order to become so imbued with its principles as to be qualified to administer it in the courts. There is great wisdom in this view of the learned commentator. No man can be a student and practitioner of law for thirty years without having established a well-deserved reputation either for integrity and ability, or for dishonesty and chicanery, or for honesty and mediocrity. The same is true of persons who have held offices of honor, profit, or trust for any considerable time. Their acts and modes of life are the fruits by which they are to be judged. Judging candidates for offices and trusts in this way, and giving our suffrages to the competent and worthy only, would soon bring to us the reform we so sadly need. I do not concur with those who would regulate our State and Federal administration on "business principles." I desire a higher standard in our public agents than that of mere faithful employés and wage-earners. I would have no offices of profit. All should be of honor, trust, and modest compensation, and filled only by those of proved ability and integrity. I would make office-holding not merely an educational reward, but an award of civic honor to patriotism, capacity, and unquestioned integrity. Especially would I demand such qualifications in the legislators, the judges, and the more important executive offices. The minor offices, like the streams from pure or turbid fountains, will partake of the translucence or the tinge of the sources from whence they flow.

TRUE CIVIL-SERVICE REFORM.

If we had such a civil-service reform as this, would there be the place-hunting, the arrogance and riotous display of wealth by men in public stations that is such conclusive evidence, in thousands of cases, of the ill-gotten gains that grow out of corrupt contracts for public service, barters of political influence, embezzlements, speculations with public moneys, and other breaches of official trusts? Every fifth year the ancient Romans had their *lustrum*—their year of purification, of census, of apportionment of public burdens, of accounts of stewardships. How long has it been since our nation had its lustrum?

It is an old rule of Democratic faith that the money of the people should not be deposited in banks designated by officers, to be trafficked in at pleasure and tempt to speculations that end in bankruptcy. The subtreasury system of the United States grew out of this jealousy for the safe-keeping of the public funds. How the times have changed. Not long since a bank in New York city had in its vaults, by permission of a Secretary of the Treasury, securities and moneys of the United States resulting from securities amounting to nearly fifteen millions, free to speculate in, without any bonded liability to the Government in case of loss. I will not assert that this was the result of a corrupt bargain; but I will say that such questionable conduct in an office of great public trust should be regarded as conclusive evidence of want of virtue in the incumbent. It is sufficient ground for divorce from the public service. It is only a matter of good luck, perhaps, that in the case referred to speculation did not run so high as to have absorbed or sunk the millions deposited.

THE GENERAL DISTRUST.

It is a matter of sadness for many a stockholder that a shrinkage of

ten millions occurred the other day in one of our railroads, for which there was no compensation in the shrinkage in value of a millionaire's assets of twenty-three millions. A depreciation of forty points on twenty-five millions of bonds, equal to ten millions of shrinkage, not only affected by its reaction other investments at home, but in the present condition of freightage proved a terrible blow against the prosperity of railways, their operation and extension. It begat in foreign investors distrust of American securities sudden and disastrous.

Are we to learn, under the untrustwórthy associations of to-day, the lesson that no confidence can be placed in any man, however high or proud? The game of hazard has been often played by men of high social standing, in cotton and grain, in clothing and food. Speculation has run riot, loans have been shifted, and business disturbance become turbulent. The banks that are now maintained for the purpose of giving a safe and uniform currency to the people at a cost to the tax-payers of from 2.70 to 4.50 per cent. of their issue have become so tainted by participation in these transactions that Congress is now seeking to learn something about the unsound condition of their reserves and securities. The people demand to know why the recent enormous shrinkage in values has begotten such a shrinkage of confidence in respect to all financial operations.

VARIETIES OF FRAUD.

Army officers duplicate their pay until the son of Lincoln loses patience at their petty devices of fraud, and court-martials are called too late. Armory contracts display frauds. We see fixed returns of the rotten railroads that owe the Government moneys not computable. Our Land Office shivers under 600,000 pending claims for 7,000,000 acres of public lands, mostly claimed by land thieves. It is not alone the starry route, and vast largesses in the elections of 1880, nor the use of money to buy mercenary delegations at Chicago. It is not alone that the Government seeks to hide its schemes of aggrandizement under secrecy, so as to disburse a quarter of a million to the congress and newspapers of Central America for private ends and canal projects. It is not alone the acquisition by hook and by crook of 20,000,000 of acres of our soil held by foreigners. It is not alone giving to France and England control of our isthmian routes. It is not alone the system of absentee landlordism that exists in Dakota and other Territories to blight our heritage as it has blighted the fertile fields of Ireland. It is not alone the railroad wrecker and repudiator who strove to wrest Old Virginia from her ancestral politics.—These and the thousand other frauds wring from such Republicans as George William Curtis the following confession:

> Honest and economical administration, peaceful and honorable foreign relations, the progressive purification of the public service at home, wise reduction of the revenue, and that sense of general security which springs from the moral elevation of the administration are not to be expected from Republican success.

THEIR NAME IS LEGION.

A clerk has lucky speculations among his Norwalk (Ohio) neighbors, while pocketing fifty thousand of their earnings. A railroad magnate mismanages his road between Nashville and Louisville, but manages to get caught on $200,000 restitution of unlawful funds. Insurance rogues deal with Death, and call in the gospellers to help his claims. Suicides become common, and the coroners find—"deficits." Even staid Boston has her scandal of gas bribes to senators for their votes. Poultices and plasters help the weak, bail bonds and Government counsel help the wicked. The outcasts of dishonesty base all their hopes on the possible election of a Republican candidate. Yet this dark cloud has some silver lining—a few earnest and honest Republicans protest.

What, asked an English paper, makes the American a more dangerous gamester than the Frenchman or Englishman? This was its answer:

> What, indeed, is ruin in that exhilarating air, with nobody caring, and thirty-six States around you offering to the skillful thirty-six thousand ways of making money? An attack of dyspepsia is far worse; and, in fact, when a prominent American is ruined we generally hear that he is "sick," and that his friends upon that account are full of anxiety for his future.

THE SPIRIT OF GREED.

What cable can tether or chain bind this spirit of unholy greed in private and public life? Whether in the cañons of the Colorado deep down below the sound of human woe, or within the rocky volumes of the geologic and prehistoric eras, where the simple Zuni worships like an Oriental, or upon the unctuous soil of the Indian reservations, where the red man imagines that he is located as long as grass grows or water runs, this spirit of greed is there, rolling arable acres as a sweet morsel on its tongue. It hovers over the splendid Yellowstone Park, where the laboratories of nature are producing by their perpetual chemistry the weird wonders which the pencil and easel of Durant have made familiar to us. Go to the uttermost parts of our land, from the Téche, where the alligator fights the sugar planter with a show of teeth not unlike his own tariffs, to the Red River of the North, the vales of Montana, and snow-capped, verdure-robed cascades of the far Northwest; and lo! the greedy spoiler is on the wing—prospecting, engrossing, and blighting our fair domain, the heritage of our children's children!

THE DECAY OF INTEGRITY.

All these matters can be referred to the decay of integrity in politics, business, and society. A few days ago the criminal judges of New York city delivered charges to the grand jury in which they commended our police and our criminal jurisprudence. They said that the persons and property of our people are protected from the ordinary felon and bully. This is undoubtedly true. Reasonable protection has been given against the common robber and burglar. Even the bunko men and other vagrants have been apprehended in their petit larcenies. But the many instances which occur to you in New York city, as well as in other cities—in Pittsburgh and Newark—show that the rottenness of our society prevails not so much on the outside as inside of our institutions. For example, there was the Penn Bank, named after the mild and honest Quaker of Pennsylvania. It had provisos against any stockholder or officer being liable or assessable for an amount greater than the face value of his stocks. It received deposits by the millions. The other day the depositors found little or no assets and two millions of their money gone! Better than burglars' jimmies or outsiders were the insidious banker's instruments of wholesale robbery in Pennsylvania. Such instances of plunder are more emphatic in producing industrial depression than your masked tariffs and taxations. How was the collapse of this bank managed? By fictitious entries of deposits. This bank, like others, became simply a medium of respectable rascality. How much of a dividend will the little remnant of assets give the depositors? Who among the gang of defrauders will wear the striped clothes of the penitentiary? Men like Vanderbilt masquerade upon the books of the bank, and oil speculations gave lubricity to the slipperiness of its officers.

It is no satisfaction to know that the fiduciary guardians of the West Side Savings Bank, with its disappearing cashier, lamented in deepest sorrow the necessity for suspension. They regretfully closed the doors against the men and women who sought the hard-earned money they had deposited with them. It is no satisfaction to know that the stock exchange is excited over the tumbling down of gilded hopes. How sad that the head office of Jerry McCauley's Cremorne Mission is now vacant for another Wall-street saint! It is little satisfaction to know that it is easier for such rich men to go through the eye of a needle than to enter the kingdom of heaven.

LEGALIZED GAMBLING.

Much has been said by purist committees of State Legislatures about the prevalance of gambling houses in our great cities. It seems to have been overlooked that these houses exist by reason of the insatiate craving created by the business of the exchange; for what is its business unless it be betting on the price of stocks under the pretext of purchase? Faro is respectable and poker courageous in comparison. In these games other people's money is not always risked. The law may make a difference between these and other games of chance, but as between a bucket-shop and a put-and-call establishment, as between a margin-dealer and a roulette-player, there is little or no moral difference. If there be any, it is in favor of the bucket-shop and the roulette-wheel. It is this passion for gambling that is at the bottom of the methods of the conventions and the street.

To these methods may be attributed the cause of much political baseness and social decay. The capitalist who deals in futures is in some respects better than he who speculates, to the ruin of innocent families, with money not his own. Yet both are gamblers. Embezzlement, fraud, defalcation, theft, all the phases of financial crime are begotten by this illicit passion for gain. As the cause of causes, this passion is more harmful than all the other business schemes of men who seek to engross the patrimony of the young and the honest earnings of the old. The time may come when the now respectable dealers in these games of chance will be branded as destroyers of families, and their operations be condemned as incentives to unlawful speculation. So long as these games of chance are conducted as legitimate business by the pious and devout, by the long-faced hypocrites and Tartuffes of society, just so long should wealth so gained be regarded with scorn and indignation. Is it from this school of gamblers that we are to take lessons in "business methods," administration, and public policy?

OUR WEALTH ENGROSSERS.

Time was, at the beginning of this generation, when the property of the country was more generally shared by the people than now. There was then not so much value per capita in the country; but the people were more contented. There was then little of private defalcation and less of public dishonor. Now we have our Goulds and Vanderbilts and others who engross most of the wealth of the nation. No one is considered in the roll of wealth to-day who does not list his property by the million. The vast assets of our great millionaires were accumulated, not by the ordinary rise of values incident to our industrial developments, but by the watering of stocks, aided by corrupt courts, the subtle artifices of bribed legislators, and combinations organized for the spoliation of honest stockholders.

It is not worth while to speak to you in detail of the enormous swindles, heaped like Pelion on Ossa, by which hundreds of millions of ill-gotten gains have been accumulated in the hands of a few financial conspirators. Perhaps the remarks already made may be sharply criticised because they relate to private and not to public matters. My answer to this is, that when business men, so called, who are supposed to manage and control the great interests which center in our metrop-

olis and involve the prosperity of the whole country, join in demonstrations of a political nature, it is well for us to learn how far their business interests go into the field of politics. The dashing Ward, the festive Eno, the pious Hatch, the humane Seney, the devout Bogart, and the godly Gould all join in an apotheosis to the Republican party, as if they were worshiping devoutly some emperor lavish with the plunder of the nations. These worship at the Republican shrine with the same reverential awe as the Dorseys and Elkinses of the postal Milky Way. The big king of the gambling financiers himself rushes into print to hail the Republican nominee as "a live man," "a live President," as "abreast of the times," "the man who never allows himself to fall behind a single step," "a man for the place." Many such "business men" are so high above the people that they ostentatiously avoid being contaminated by association with industrious men who vote the Democratic ticket and marshal under our banner.

THE UNION LEAGUE DICTATORS.

These and other Jeremy Diddlers of the Union League, who assume to be the best society and falsely claim the highest culture, might well be spared from the arena of politics which they befoul with their unsavory presence. Let us endeavor to teach fiduciary agents something of that fidelity which would come from the rule of honest labor and Democratic practices. They and their brethren of the street should learn something of the philosophic wisdom of Jefferson, the economic frugality of Franklin, and Jackson's contempt of mere money-mongers before they presume to dictate to honest citizens whom they shall elect as Chief Magistrate. These gamblers in millions are fit associates perhaps for the official pirates who ran New York city in 1872, and who were always promptly at the front of the citizens' movement for reform. These are the "reformers" who gloried in the Sherman and Hayes administration of 1877. The speculators and bankers who gamble on the earnings of the poor; who feather their own nests by treachery and falsehood; who buy and sell what they do not have; who make bread and coal dear by secret combinations; who deify successful political profligacy; who would exclude honest merit from social position—are these the men by whom reproach can be cast upon those who seek to make society honorable under the pure teachings of Democracy, and the nation worthy of its founders?

The example of these gamblers for wealth is followed not alone by the confidence-men who will meet you in our avenues and squares, not alone by the agent who may collect money in the name of the Goddess of Liberty and the Bartholdi statue, not alone by the clerk who robs his employer to gratify his lust of gain, not alone by the cashier or the president of a bank who breaks faith with those by whom he is trusted, but, alas! also by men who have obtained leadership in the great sanhedrim of political organization. Thus the decay of our integrity, beginning with the very fruit and flower of our system, extends and ramifies its blight into every social and political institution all over our land.

A TIME FOR REFORM.

However numerous the modes of deceit and the practices of fraud may be, however demoralizing the prostitution of official trusts by public officers and corporate and other managers, we might still be able to bear and forbear if the consequences were limited to the records of detected frauds; but when fraudulent quotations make the prices of our bonds speculative, it is not to be wondered at that other restrictions of honest business modes have been removed, it is no wonder that hypothecations and sales of borrowed property have been made by respectable financiers who oppose legal restrictions upon their private business conduct, and complain that it is not the concern of the public to restrain speculation by law. The pools which defy and set at naught the honest enterprises of industry and trade and depress or enhance values at pleasure might be of little moment to us if they only affected the private interests of conspirators; but when great public interests are injuriously affected, when the whole market reeks with deceptive and fraudulent deals and quotations the moral atmosphere becomes equally tainted, and industrial prostration, bankruptcy, and other evil results follow. When these are the results is it not time to attempt some public and business reforms? Is it not high time to attempt some reform when a great political party in its candidacy for the most honorable office in the gift of the American people enthusiastically nominates for that high estate a candidate of whom it would be mild language to say that he is reasonably suspected of acquiring vast wealth by the prostitution of great official position and influence?

Allow me to make some pregnant illustrations of what I have said. They are in reference to corrupt and demoralizing combinations which cause much of the decay of integrity both in business and political relations. And first, as illustrated in the grasping monopolies under our tariff system; and second, the grasping combinations and pools not originating in the tariff.

THE OLD TARIFF THEORY AND THE NEW.

The old theory of protective tariffs was based on the idea that as the countries of the Old World had great knowledge and experience in the manufacturing arts, some special favors should be extended to persons on this continent. This was to be done with a view to enable and encourage them to develop manufacturing industry. It was not until after many years that the question of protection of wages entered into the tariff policy. The larger the growth of our manufacturing industry the more important became the question of wages.

The original theory vanished long since. It vanished because it is now admitted on all sides that manufactures are so firmly established among us that, so far as tariffs are concerned, the laborer is the only party who needs protection.

Then it follows that the laborers in our shops and factories are the only parties who have any proper interest in the maintenance of high tariffs. The question is, Are they the beneficiaries? I hold that they are not; and therefore I hold that the operations of the tariff laws are unjust. These laws are oppressive to the full extent of their indirect taxation. Show me that these laws are beneficial to the mechanics and other laborers, and I will advocate a tariff for revenue so adjusted as to enhance as much as possible the rewards of labor. I will do this even though the tax weigh heavy on the whole people, if I have constitutional power.

We have the constitutional power to raise all our Federal revenue from the customs; but to do this we must import manufactured goods. We have no constitutional power to enact a law that is ostensibly declared to be a revenue measure, but in fact the opposite, a prohibition of importation, and hence in its operation a restraint on exportation. Our people can not engage in the latter without practicing the former.

The Constitution forbids the taxation of exports, much more the larger measures of prohibition. The reason for this is that foreign markets are a prime necessity for the maintenance of our farming interests. The more these are developed the greater the necessity for observing in good faith this wise restriction on Federal power. If we adopt the policy of the advocates of high tariffs we must favor legislation that is forbidden by the Constitution. We must restrain exportation. We must to that extent restrain the development of our greatest industry, agriculture. Would this be wise?

RESPECT FOR THE CONSTITUTION.

I have never known an instance of unconstitutional legislation proving beneficial to the people. Bad logic is bad law. All our legislators are sworn to obey the Constitution. We are bound to respect its spirit as well as its letter. I believe in commerce because of its benefits. All the more do I believe it my duty to foster commerce, because that is a duty imposed upon us by the Constitution, which we have sworn to obey.

The very fact that the protection of wages was never in the early days of the Republic considered as being within the scope of tariff legislation, and that the heavier the tariffs the more talk there was and is of the necessity for protection of wages, is strong evidence that the operation of a tariff is inconsistent with the theory of its advocates. Why, then, do these men insist that there shall be free trade in labor, and that we should violate our oaths by imposing unconstitutional restraints on the large business of exportation? Is it because the labor in our mills and factories is benefited?

AN EXPOSURE OF THE TARIFF FRAUDS.

In my addresses to Congress this session on the tariff question I proved by the official figures that under the tariff laws of 1880 the average wages in our manufacturing industries was $1.16 a day for three hundred working days in the year, while at the same time the average profits of the manufacturers were equal to 36 per cent. of their invested capital. I also proved that the indirect taxation of the tariffs reduced the purchasing power of these wages at least 40 per cent. This, in connection with the well-known fact that employers are ever on the alert for cheap labor, is conclusive proof that they are not interested in maintaining high wages.

Why, then, do employers demand high tariffs? Why do they organize lobbies to prevent the reduction of tariffs? Motives of philanthropy are not the inspiring cause of these lobbies. I will show you the cause of their efforts in the sacred name of labor—as I exposed it in my last address to Congress on this subject. It is the insatiate greed of wealth. I thus exposed it. I thus proved by cold arithmetic the extent of the tariff robbery:

THE EVIDENCE OF TARIFF ROBBERY.

First. I showed by the figures of the Tenth Census that the profits of manufacturing capital for the year covered by the official returns amounted to $1,024,801,847, a sum equal to between 36 and 37 per cent. of the capital employed. I showed that if this profit had not exceeded 10 per cent. there would, at the wages paid, have been a saving to consumers of $745,774,587; that this sum would have paid all the State and local taxes and still have left to the credit of the consumers $443,573,863; that the latter sum, saved annually for six years and invested in United States 3 per cent. bonds, would amount to $2,861,051,610—a sum $70,779,004 in excess of the total capital invested in 1880 in the manufacturing industries of the United States; that this six years' savings would pay off all State, Territorial, county, municipal, and other local debts, and still leave unexpended $1,804,645,402; that this six years' savings would exceed by $247,445,346 all the paid-up capital of all the railroad companies in the United States in 1880; and that six years more of such savings would pay off all the

bonded and all the unfunded debt of these railroad companies, as reported in 1880, and leave an unexpended balance of $48,935,314!

Second. I further showed that the total amount of wages (including salaries of officers and clerks) paid in 1880 in the manufacturing industries was $947,953,795; that on a 6 per cent. return to the capital invested the manufacturers could have paid, in 1880, to their employés 90.45 per cent. in excess of the wages paid that year; that on a 10 per cent. return to the capital they could have paid their employés 78.62 per cent. in excess of the wages paid that year; and that they could have paid from the returns accrued to their capital in 1880 all the State, Territorial, county, and municipal taxes, and 46.79 per cent. more wages to their employés than they did, and still have a return of 10 per cent. on the capital employed in their business.

THE ANNUAL CONSCRIPTION.

As a 10 per cent. return to capital was liberal in a year in which money was freely invested in Government bonds bearing low interest, I charged that our tariff-protected manufacturers were engrossing the wealth of the nation at the rate of $745,774,587 per annum, while labor was receiving the bare pittance of $1.16 a day—equal only to 75 cents in purchasing power! I say now, as I said then, that it was this annual conscription of the national wealth that capitalized all the other exacting monopolies. And yet the Republican party dares us to attempt tariff reduction. It challenges the Democrats to make this an issue in the approaching political campaign.

It is this system of tariff concentration of our great and enormously increasing national wealth that the great bulk of the Democratic party is opposed to. It is this system that the Republican party is as determined to maintain.

The evil effects of tariffs do not stop at the iniquitous exactions from the people, the incident paralysis of industry, and the degradation of labor. The moral tone of our society has been debased by this open legalized system of robbery which is unblushingly carried out under the most transparent veil of hypocrisy that ever disguised a fraud. When I see so plainly this tariff monstrosity, my wonder, my indignation arises almost as much against the blindness and stupidity of the grossly defrauded laborers who adhere to the party that legalizes their robbery and enslaves their children, as it does against the robbers themselves.

ASSOCIATIONS FOR PLUNDER.

The great manufacturers are associated for two purposes, yea, three, namely:

First. To maintain high tariffs.

Second. To maintain high prices for their products.

Third. To reduce wages as low as possible and to prevent any and every organization of labor, social, industrial, and political, that would tend to defeat any of these objects.

Any young man of talents and brilliant qualities as an advocate can enter the service of these associations with reasonable prospect of high legislative position, if he has sufficient elasticity of conscience to yield to their seduction.

Wealth commands talent. Wealth is "the daughter of the horseleech, crying, 'Give!' 'Give!'" "The grave and the barren womb, the earth that is not filled with water and the fire that saith not, 'It is enough,'" are not more insatiate than the tariff spoilers.

Surely of their generation was spoken the word of Agur, the son of Jakeh, even the prophecy: "There is a generation, whose teeth are as swords and their jaw-teeth as knives, to devour the poor from off the earth and the needy from among men."

I would remind the incorporated devourers of the poor who, like "Hell and destruction, are never satisfied," that "He that hasteth to be rich hath an evil eye and considereth not that poverty shall come upon him;" "He that is greedy of gain troubleth his own house." I would tell them: "Better it is to be of an humble spirit with the lowly than to divide the spoil with the proud;" "Better is a little with righteousness than great revenues without right."

When I see the corrupt methods of the corporate and tariff spoilers, the social and political degradation that they have brought upon us, I thank my God for having directed my steps away from those who haste to be rich on the unrequited labors of the poor, and for enabling me to preserve in thought and deed true loyalty to my oath and the Constitution in the halls of legislation.

It is this ill-gotten tariff wealth that has caused the decay of integrity in our business and political relations and fostered the development of other monopolies. It was amassed in fraud of the people, by modes that have cast reproach on the legislative branch of our Government. It has long controlled legislation and made the way easy for many violations of the Constitution in the name of national developments.

THE PUBLIC LANDS TRUSTS.

The lands transferred to the Federal Government in trust for the people by Virginia and other of the old States that formed this Union and those subsequently acquired were long regarded as a sacred heritage. This trust was fairly guarded until the high-tariff party obtained control. Then it was that the policy of lavish grants to railroad corporations came in vogue.

From the year 1864 to 1875 the Republicans had full control of both branches of Congress. In the House of Representatives Schuyler Colfax was Speaker from December 7, 1863, to March 3, 1869. For six years thereafter the present nominee of the Republican party for the high office of President of the United States, a gentleman of still more unsavory fame then his predecessor in the Speakership, presided in the House.

In the eleven years following 1863 Republican Congresses voted 296,000,000 of acres of our public lands to a few corporations, in addition to millions upon millions of public money. Very much of the latter was used as a corruption fund for members who were in haste to be rich. These grants exceeded in area that of all the farms in the United States in 1880; exceeded it by many millions of acres. They exceeded by 75,000,000 acres the area of the thirteen original States. This empire, equal in area to fifteen average States of the Union, was vested in the possession of a handful of millionaires who now wield the full political power of at least that number of States.

Is not this another illustration of the monstrous combinations of monopolies? Have not these caused the decay of political morality? Is not the gambling in stocks secured by these infamous grants another illustration of the decay in business morality? Do you ever stop to consider the effect of these stocks, both direct and indirect, as an obstacle in the way of the attempt made in Congress to make some restitution of the lands despoiled from the people in violation of a most sacred trust? If you do, you will begin to know something of one of the causes of the decay of integrity that is second only to the tariffs in its baleful influences on public and private morality.

THE FALSE REPUBLICAN PLATFORM.

We have created our masters—our task-masters. They dictate our laws, our tariffs, our wages, and our rates of transportation. They scarce allow us straw to make the brick for their pyramids of wealth. Their greed is only equaled by their effrontery. The climax of their audacity is the last Republican platform, hung with false lights to lure the people to their wreckers.

When will labor arouse from its lethargy? Is there any haven for it in the Democratic party? If not, farewell to the Republic of our fathers. But I do not despair of the Republic. When our people begin to discuss the tariff policy their natural quickness of perception and good sense will soon bring them as right on this question as they are on the other monopoly issues.

The genius of greed needs no legislation to foster its passion. If I could make the law, my aim would be to render it impossible for any man to accumulate a million dollars while labor was glad to earn a dollar and sixteen cents a day the year round. While this condition of industry remains, the fraud of tariff protection is patent and corporate enterprise is robbery.

If you would have progress, prosperity, virtue, and reform, your representatives and officials must not be hirelings of millionaires or directors of corporations. Ye can not gather figs from brambles nor grapes from thistles. Holy Writ says, ye can not serve two masters. Ye can not serve God and mammon; neither can your legislators nor executives nor judges. They must hate you and love mammon, or else the reverse.

If such be the political ethics and practice as to political economy in our public lands, you will not wonder that the laboring man is poorly recompensed for his day's labor, and that even the Scotch crofter and the Irish tenant, oppressed as they are by harsh laws and avaricious landlords, begin to hesitate about yielding to the attractive forces of that emigration which has filled our shores.

REPUBLICAN PHARISEES.

You have read of the Pharisee who thanked God that he was better than other men, therefore you wonder not that even the Republican platform-makers assume a virtue which they have not in resolving against the consummation of their own land thefts and the turning over to foreigners of large areas of our public domain. You need not wonder that our nation has become a shipless one under the rule of such a party.

With such examples of corruption as those furnished by the Republican administrations you are not surprised at the testimony given before our investigating committees as to the inutility and perfidiousness of the "star-route" prosecutions. Even the bar, not to speak of the jury, are tainted by the order to "let Dorsey and others go." Are you surprised that a leading Republican paper in 1883, despairing of any reformation under a Republican administration, cried, after the acquittal of the Bradys and Dorseys, "Turn the rascals out." Was there ever a shame equal to the Republican mode of prosecution or to that verdict of acquittal? Was there ever a cause for public shame equal to the impudence and arrogance of those other rascals who, never acquitted because not indicted, have undertaken to make nominations for the American people to fill the highest offices of trust? If it be impossible to find a jury in Washington to convict representative Republican statesmen in such palpable cases of grand larceny, can we expect that the smaller thieves, the Howgates and the Burnsides, will not go acquit of their crimes and unwhipt of justice?

TURN THE RASCALS OUT.

The business methods of the Executive Departments under Repub-

lican administration are very like those of the many robbed and broken banks. The accounts of the paymaster in the Post-Office Department had not been audited for three years; and though the amount of peculation may be quite small in a federal way, as compared with others that occurred in the Departments, or many recent ones in banking business, the temptations to the embezzlement of money by the fever of speculation and immunities given to our magnificent rascals become more and more frequent. The extent of Republican embezzlements and peculations will never be known until we—"turn the rascals out."

OFFICIAL LOBBYISTS.

Much has been said, and doubtless truthfully, of the lobbies around our legislative bodies. Much has been said as to the control of lobbies at Albany, Harrisburg, and Washington. Doubtless the lobby at the latter place has been bold, even beyond the vigorous grammar of Senator LOGAN to denounce. He publicly acknowledged some weeks ago that he had been excessively lobbied for a railroad grant or other monopoly in the Yellowstone by a high Republican official in our Land Department. The party which shamelessly confesses to having elevated Garfield by the use of money, and which, as has been alleged, recently used money lavishly for the transportation of purchasable delegates to Chicago, and consigned them there to the care of its confidence-men, affords a striking illustration of the difference between precept and practice. It has not improved upon its former teaching. Its long-established practice and present conduct and policy make the combinations and log-rolling for public-building and river-and-harbor plunder bills venial, compared with the repeated attempts, which have signally failed in this House of Representatives, to carry a measure for New York bankers by which to appreciate securities and help a firm heavily loaded with a certain class of bonds.

Official corruption, base political methods, the connection between bursting banks in New York, closing savings-banks in New Jersey, and the attempted Republican legislation in Washington, together with the frantic efforts to stop the late panic by calling Government bonds in advance of expectancy—thus giving Government aid and participancy in rings of corrupt speculators—all illustrate the decay of integrity in a political, business, and social point of view.

Is it in vain to call attention to the $387,000,000 wasted upon an unseen navy? Is it in vain to inveigh against the Robesons, Belknaps, and others who have made official life suspicious by reason of their partialities?

A DEGRADED JUDICIARY.

Yet these public wrongs are as nothing compared with the contempt which has been heaped upon our supreme judiciary. The bench may no longer boast of its immaculate ermine. Even before it was dragged into the mire through which Hayes was elevated, it had lost much of that sanctity which was our best guarantee of liberty and justice. The miscarriage of justice on that occasion was not alone due to the corruptions incident to this age of moral decay. It was a conquest by corporate money-power, aided by political bigotry and partisan malice—a crime against our institutions that was condoned and defended by some of the highest men in the Republican party. Perhaps this startling degradation of the judical office was less astounding at the time because the people had become, in some sort, accustomed to vicious and mercenary judicial practices in political affairs.

The times which make such men as Jay Gould possible have made us indifferent to deeds that would have outraged our former sense of honor and duty. Is not the very form and system of our Government perverted when men like Gould can openly boast of using the legislature and the court for their selfish ends? Is there not decay in the land where judges sit in the highest courts whose gowns have been thrown upon their shoulders by cunning intrigue if not by mercenary litigants? Is there not a vulture tearing at the vitals of honest industry when a board of directors, controlled by one man, is permitted to double its corporate stock by watering and distribute its shares broadcast among his friends? It is because such things as these are possible in this Republic that panics come to us and the hard-earned wages of labor are evanescent. It is as true that the corruption which belongs to our public life has been caused as much by the profligacy of private life, as that the corruption of private life has been fostered by the opportunities which public life has afforded.

There is great need of business, social, and political reform. We have had many sad days in our history; but the saddest of all is to come if a leader such as the one recently chosen at Chicago, one whose great wealth has, it is said, been acquired by the manipulation of public credit and legislation, shall be elected to sit in the seat of executive power, with all its opportunities for political and financial rewards. The modes of the campaign which ensue from the recent contest at Chicago will be dictated not by virtue and fidelity to good principles, but by the reckless, unblushing practices of those who seek to corruptly influence the public vote.

CAN THE LAW BE ENFORCED?

What is the remedy for these recent aberrations and crimes? We must appeal to the electoral as well as the judicial tribunals. We must have a purer administration of power and justice. The unparalleled swindlers must have some other form of trial than before a Washington jury. The demand for extradition of embezzlers and public thieves must be stronger than our present State Department is disposed to make. Why are the wholesome provisions of the national banking laws allowed to remain inert on the statutes? The Federal officers high and low whose duty it is to enforce them have been criminally inactive; they should be themselves arraigned as criminals. Our law declares that every officer or agent of any national bank who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association, or who makes any false entry in any book, report, or statement, and every person who aids or abets any such business, shall be imprisoned not less than five nor more than ten years. Can this law be executed? If not, let us know the reason why. Let the national banks undergo a searching inquisition. Let the right kind of examiners be appointed. Let the apathy which now reigns be changed to activity by the demand of the people, and we will have some amazing and mysterious disclosures that will lead to reformations such as renovated France after the bursting of John Law's bubble.

THE PLATFORM OF THE PEOPLE.

But there are other remedies besides those of the law. The working people are not satisfied with the modes of the present great parties. They are organizing against monopolies. They may not very clearly see where the grievous wrong is, but they know that the rich are growing richer as the toiling millions are growing poorer. The working people are watching the oil monopolies and money engrossers, the national bankers and political Jeremy Diddlers, the bank embezzlers and official peculators, with a keen and vigilant eye. They are noting the extent of the money-power in political parties. They demand that labor and capital shall be allies in profits as well as production. They proclaim that charters are repealable and controllable by the power that granted them; that economy must be exercised in the public service; that bounties shall no longer be given for the largess of the few against the welfare of the many; that taxes be levied only for the economic ends of Government; and that unnecessary taxation must bring corrupting surpluses. They indict the old organizations—the Republican party for gross dishonesty and the usurpation and prostitution of Federal power; the Democratic party for its supineness, its want of vigorous policy, and its toleration of mammon. They insist that the best interests of the people, the many, must be regarded, as well in their daily life in respect to shelter, clothing, and food, as in their hours of labor, their system of education, and their share in our institutions and common heritage. They demand that the men who labor least shall not have the best and largest rewards. They point to the awful chasm which has been widening every day between our two great classes, the employers and the toilers.

REFORM THROUGH POLITICAL ORGANIZATION.

Do not the great ramparts of wealth that were founded in robber tariffs, reared high by corporate exactions, and manned by the political band of the money lords, challenge an outbreak of communism that may at any time destroy them? The bad blood which caused the outbreak at Cincinnati the other day is some evidence of the need of a timely reform. Peaceful reform must come from the good sense and integrity of the people through political organizations. They must combine to reform. They must communicate with each other to secure concert of action for reform. Is the needed reform to come through the Democratic party? It is not the party of the tariff robber, the commerce destroyer, or wealth engrosser. Its motto is, "A fair field for labor in all industries and no special privileges to capital." We believe that commerce should be so regulated between the States that the price of bread, coal, and the other necessaries of life may not be unduly enhanced. We demand that the importation of foreign labor under contract should be prohibited. We say that not only shall no further subsidies of public lands be granted, but that Congress must repeal the grants of lands already forfeited by the faithless corporators.

LAND-GRANT FORFEITURES.

What has Congress done in regard to land restitution? Already the Democratic House has begun the work. The following is a list of the forfeiture bills passed in the House at the present session. This list gives the names of the corporations and the acreage we are trying to recover for the people:

	Acres.
Gulf and Ship Island Railroad	652,800
Tuscaloosa and Mobile Railroad	688,000
Coosa and Tennessee Railroad	140,060
Savannah and Albany Railroad	900,000
New Orleans and State Line Railroad	120,800
Little Rock and Fort Smith Railroad	1,057,024
Texas Pacific Railroad	14,309,760
Oregon Central Railroad	1,130,880
California and Oregon Railroad	2,126,526
Atlantic and Pacific Railroad	16,000,000
Sioux City and Saint Paul Railroad	85,654
Total	37,211,504

The following bills are on the House Calendar:

	Acres.
New Orleans, Baton Rouge and Vicksburg Railroad	903,218
Oregon and California Railroad	3,701,760
Marquette, Houghton and Ontonagon Railroad	627,200
Ontonagon and Brule River Railroad	232,848
Marquette and State Line Railroad	540,848
Northern Pacific Railroad	20,000,000
Southern Pacific of California	7,500,000

How many of these bills will become law? I fear a satisfactory answer will have to await the action of a Democratic Congress.

REPUBLICAN DUPES AND AUGURS.

Shall we, like the augurs of the Republican party, regard these principles as mere generalizations for the delusion of honest voters on election day, and wink at each other over the cheat? It is not by the worship of the golden calf into which the Republican Israel has strayed that Democracy can restore the ancient faith. A compact organization of prejudice, insatiate greed, and vast money power confronts us. If we would emancipate and have labor for our allies, we must enter on reform in no hesitating fashion. Our standard-bearers must be good men, tried and true. The demands for reform are not to be disregarded. The party that disregards them will soon lack the votes to give it the power for reform. The party which disregards the industrial toilers, and levies and continues to levy heavy tribute upon the people and impose countless wrongs upon the millions, will not be the party of success, though its platform be studded with all the political and social platitudes of the times. The victory of the people is at hand. The party of the people can not be led by doctrinaires nor controlled by mere money.

THE FLAME OF DISCONTENT.

The frequent election of millionaires to the Senate and the House of Representatives only adds fresh fuel to the flame of discontent. The monstrous accumulations of wealth in the hands of a few, through legislative partiality, must soon receive a check at the hands of an indignant people. Legal trickeries, the extortions of railroad pools and tariffs, breaches of trust and of the Constitution, and other reckless disregards of social and political order we must grapple with, but the main contest will be with the giant of monopoly, whose pockets are lined with money, whose agents and directors sit in our Legislatures, and whose platitudes of hypocrisy and greed furnish planks for the fraudulent political platforms of the party in power. History repeats itself. It warns us of the fate of nations in which the privileges of the few are allowed to override the liberties and interests of the many.

Are we to learn the lesson of the French Revolution by practical inculcation? It is the old story of the downfall of nations—of royalty gambling in the provinces of the people, of enormous fortunes squeezed out of the industrial masses, of judgeships purchased, of juries suborned, of granted monopolies, of crime punished only when the criminal is poor. It is the old, old story of corruption sowing the seeds which yield the harvest of chaos and destruction.

THE BASE FASCINATION.

One would think that in this age and country the preservation of law and order would be the first object of those who have a desire for the security of property and the maintenance of liberty. One would think that the honest business interests of this country would look askance at such nominations as have recently been made at Chicago and aid in administering the remedy. One would think that a people like our own, with an inheritance so splendid, with an ancestry providentially guided here, and with the example set them by generations of patriotic men who have passed from us, would still retain the freshness and purity of virtuous power. Our lands and mines and rivers and forests and our very oil wells and fisheries—all the bounteous elements of sea and earth and sky—would seem to beckon our legislators, our judges, our executives, and our ministers of official grace and honor away from the base fascinations of hoarded pelf which dishonors to destroy our institutions.

HASTE TO THE WORK OF REFORM.

We must haste to the work of reform. America in its fresh hemisphere, in its first cycle of liberty, with the vote, with the numbers, with the added wisdom and practical sagacity of her people, must clarify the political and social atmosphere, and declare for a new order of administration ere the light of our liberties be extinguished. Let not progress and poverty march abreast in this as in the older hemisphere. Let us make the American Republic an exemplar for all future republics which may be created by the achievements of free men. Now that the world is adapting itself to new developments of physical forces and moral resources, now that new boundaries are being made between the nations, now that new elements are startling kings and kaisers, and giving fleet coursers to civilization by the vapor of water and the spark of lightning, let progress and prosperity march hand in hand on this continent. Let us not prove recreant to the demands of this new order.

THE ONWARD MARCH.

National wealth is not always national prosperity, nor does great progress always imply corresponding happiness. The world is moving, but is humanity benefited?

England is laying her grasping touch upon Egypt. Forty centuries of enslaved labor are made tributary to her crown. Russia is pressing down to despoil her of the stolen empire of India. France seeks an African realm in Tunis on one side of Algiers, and on the other side looks longingly toward Morocco. She has just concluded the treaty of Tien-Tsin and obtained the exclusive right to trade with the Chinese provinces bordering Yunnan and the contiguous provinces of Kuang-si and Kuang-Tong; and after swallowing Madagascar she craves the rich tin and copper opulence of Nong-Yuen-Tu. With the Portuguese adventurer upon the east coast of Africa, phlegmatic Holland with an Orange free state in the Transvaal, the Italian flag flying in Tripoli, and a German colony in Southwest Africa, England finds herself with rivals at every step disputing her right upon the Congo and throughout the Dark Continent—all these changes and advancements of our race upon the earth come from the greed and rivalry of kings.

Let our progress be in the paths of peace, of humanity, and justice, and all our victories in the interest of liberty and industry. Let the torch of patriotism shine out upon the shoals and reefs where the wreckers would despoil our ship of state, so that free, unbiased as the winds and waves, she may sail on forever freighted with the hopes and the happiness of our human kind. Let those who shall hereafter direct her course be as the elect of God—yea, even the salt of the earth.

Contested Election—English vs. Peelle.

SPEECH

OF

HON. GEORGE L. CONVERSE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 20, 1884.

The House having under consideration the contested-election case of English vs. Peelle—

Mr. CONVERSE said:

Mr. SPEAKER: The reading of the majority and minority reports renders it unnecessary to enter into any very extended discussion in opening the debate on this contest. It will be seen by those who followed the reading of the two reports that the final question depends upon one or more of three or four prominent points in controversy. The first is the question of the recount. The testimony shows there are three counties in this Congressional district. In two of them English carried a majority of 553 and no contest is made by either party in these two counties. When English came into Marion County, the third county of the district, he had that majority of 553, which was to be overcome by Mr. Peelle in order to secure his election. Mr. Peelle secured the certificate of election on an allowed plurality of 87 votes. There was no suspicion of any false count of the vote immediately after the election and no discovery was made of a false count until some days afterward, when the discovery was accidentally made. It was known these fraudulent tickets, or spring-back tickets as they were called, had been voted extensively in Marion County in violation of the constitution and laws of the State of Indiana, which provided that the ballot there should be kept secret, and which also provided that tickets should be of uniform width, printed on white paper without any distinguishing marks. The supreme court of that State have held that ballots cast in violation of these provisions should be rejected. The committee were of the opinion that these spring-back tickets, which are simply tickets printed on a sort of pasteboard or lithographic paper, were as distinctly marked as if there were photographs of one or the other of the candidates on the ticket itself.

These tickets were voted to the extent of 12,051 in Marion County. Mr. English knew of the use of these illegal and fraudulent tickets, and that the Democrats had protested against their use on the morning of the election and all through the day and objected to the counting of them, and he immediately took steps to have those spring-back tickets which had been cast in Marion County recounted.

After the election a contest was had in the courts over the election of sheriff, and under the law of Indiana it was the duty of the court to appoint three judicious, disinterested men of high character to recount the ballot. Mr. Austin H. Brown was one of the three appointed by the court. All parties attest his integrity and high character and purity as a man. He attended and was connected with that official count, and was asked while making the official count also to count the number of spring-back tickets cast in that county at that election. That was all he was employed to do, but of his own accord and of his own motion he thought it prudent and proper to count the vote in that county between Mr. Peelle and Mr. English, and in making the count of the vote he was the man who discovered that a frand had been perpetrated in the count of the ballots and the return of the vote to the clerk. He discovered an error of 99 votes, which was enough to change the result in favor of Mr. English and give him a majority of 12 over Mr. Peelle.

Hon. Austin H. Brown, who is shown by the evidence to be a gentleman of the highest standing and an expert of great ability, was the Democrat on this commission. The fact that he was appointed by a Republican judge implies that the Republicans thought he was a good and capable man to make a reliable recount of the ballots. He did recount them, not a long time after but immediately after the election, in the same month. This was an official recount of the ballots

under the law of the State; and while it directly involved the votes cast for the office of sheriff, it necessarily required a recount of all the ballots cast; and Mr. Brown clearly had the right to examine and closely scrutinize every ballot, which he says he did do. He is well known to many gentlemen in Congress, and those who do not know him will no doubt be satisfied as to his qualifications and high standing by reading what is said of him in the evidence by such men as ex-Senator Joseph E. McDonald and Judge William E. Niblack, who was for many years a member of the United States House of Representatives. (Record, pages 461, 521, 464, 466, 84, 454, 455.) The ballots were examined by him by authority of law. He says he carefully examined and counted every one of them, not only for sheriff but Congressman. He made a record of his count, not a long time afterward, but right then and there, when the count was completed, which was very soon after the election, and he was sworn to the correctness of that record, and it shows that the contestant was certainly elected.

He says that every ballot passed through his hands and was carefully scanned by him, and that contestee's majority was only 541 in Marion County, instead of 640, as returned by the board of canvassers; and it is proved that on the day of completing the count he told F. P. Woolen that his count showed that Mr. English was elected, and not Mr. Peelle. Mr. Woolen so testified. (Record, page 464.)

Mr. Brown's testimony shows that the returns made by the board of canvassers were false and utterly unreliable, that he found a great many errors, not only as to sheriff, but Congressman; in the latter case that contestant gained as many as 30 votes by errors which he discovered in two Republican wards alone (Record, page 456), and that he gained in many other precincts, aggregating 99 votes more than the aggregate of errors found in favor of contestee, and that he carefully counted as to both; also that he found the returns incorrect as to sheriff, there being numerous errors, the aggregate being in favor of the Republican candidate of 49 votes.

It is not claimed that the other commissioner made any count of the vote for Congress, so that Mr. Brown's evidence stands as the only full and complete count of all the ballots made by any person, and it stands uncontradicted.

The objection that is made that Mr. Brown was not sworn to count the ballots for Congressman is a mere technicality. That did not keep him from making the count correctly, or telling the truth about it when examined under oath, as he was in this case.

There is no substantial difference between Mr. Brown's oath that he would correctly count the ballots and Mr. Brown's oath that he had correctly counted them.

Objection is made to Mr. Brown's count because it contradicts the returns made by the board of canvassers, as though there was anything infallible in returns made by partisan election boards such as these were shown to be, where evidence of fraudulent tickets and fraudulent practices crops out all along the line, and where the Republicans themselves have shown that the returns were false and utterly unreliable, for it is not disputed that on the official recount the votes counted for sheriff did not agree with the returns.

The commissioners reported unanimously that the ballots showed that the returns made by the election officers and board of canvassers were not correct; on the contrary were full of errors, amounting in the aggregate to 49 votes. So reported all the commissioners to the court, and so testified all the commissioners in this contested-election case. (See record, pp. 86, 403, 410.)

If the returns were false and unreliable as to sheriff there would seem to be no reason to doubt the evidence of a competent and honorable witness, such as Mr. Brown is shown to be, that he had carefully counted all the ballots and found the returns not only false and unreliable as to sheriff, but also as to Congressman, and that if the returns had been made out in accordance with the ballots Mr. English was certainly elected.

All admit Mr. Brown's count of the vote for sheriff to be correct. Why not his count for Congressman? If Republicans question the latter, is it because in the former case it was favorable to a Republican and in the latter to a Democrat?

It is true the official return is *prima facie* correct, but it is only *prima facie* correct, and means simply that a rebuttable and provisional presumption of law stands behind the returns. (Wharton on Evidence, section 1226.)

It is not in any sense conclusive on the House. The very presumption of the correctness of the returns vanishes when you take into consideration that there was but one Democratic inspector out of fifty-six in the city of Indianapolis; that the whole election machinery used in making up these returns was intensely partisan; and that there were strong indications of fraud.

And the presumption of correctness entirely ceases and gets on the other side when, in addition to these things, it is shown that it was judicially determined that the returns were not correct in the matter of the sheriff, all the commissioners uniting in the report to that effect, and all testifying in this case that the returns as to sheriff were full of errors and false. Under this state of affairs it would be strange indeed not to accept as true the statement under oath of a gentleman of character like Mr. Brown as to a matter of fact which he knows of his own personal knowledge, which he obtained in a lawful manner, reduced to writing at the very time he obtained it, about the correctness of which he has no doubt whatever, and which has not been successfully controverted by any other evidence.

Errors or frauds might have been made in the count in any of the numerous precincts, and it is much more likely that they were made in one or more of these partisan election boards than that a gentleman of such standing as Mr. Brown would make a false count of the ballots and swear to it, especially as the ballots were to be kept in the custody of Republicans and had been in their custody all the time. After the evidence of Mr. Brown the burden was on the contestee to contradict it by something more substantial than the flimsy statement of Mr. Byram, made out more than a year after the election, and with his admission that there were about 7,000 ballots which he did not even attempt to count. The only inference is that Mr. Brown's statement is true and that there was no evidence that would contradict it. Surely something more is required to successfully meet such positive evidence as Mr. Brown's count than technical objections.

As to the keeping of the ballots after the election Austin H. Brown testifies as follows:

Q. Who had the custody of the ballots from the time of said election until the time of the recount by said commissioners?

A. Under the law they were in the custody of the inspector after the election, from the time of closing until the meeting of the board of canvassers, on Wednesday, at 10 o'clock of that day, and then they were placed in the charge of the clerk of the county, and they were then retained by him until this commission met, and they were turned over by the then clerk. In the mean time there had been a change in the office. Mr. Ransdall had gone out, and Mr. McLain had succeeded him.

Q. What were the politics of these clerks?

A. Republican.

Q. Were they the supporters of Stanton J. Peelle as a candidate for Congress at that time, if you know?

A. Yes; so far as I know they were.

Q. Were the ballots sealed and put in bags, as required by law, at the time the commissioners received them officially from the clerk?

A. All that came into the possession of the commission were so sealed. (Record, page 86.)

The Republican clerk of the county, Moses McLain, testifies on this subject in answer to questions asked by Mr. Peelle himself, after Mr. Brown had testified in this case, as follows:

Q. You had charge of the ballots as clerk of this county?
A. Yes, sir.
Q. And still have possession of them?
A. Yes, sir.
Q. Are they still the same as when the board returned them?
A. Yes, sir.
Q. The ballots are in your possession now as clerk of this county?
A. Yes, sir. (Record, p. 531.)

This would seem to be pretty conclusive evidence as to how and by whom the ballots counted by Mr. Brown and the commission had been kept, and it will be seen that they were kept by Republicans, who were ardent friends and supporters of the contestee, and who still had possession of them after Mr. Brown testified in this case.

If Mr. Peelle questioned the truthfulness of Mr. Brown's statement or the correctness of his count why did he not when he had the custodian of the ballots on the stand bring them forward and have them counted again and thus prove Brown's error or falsehood?

The law of Indiana on the subject of keeping the ballots is as follows:

As soon as the votes are counted, and before the certificate of the judges, prescribed in the foregoing section, is made out, the ballots, with one of the lists of voters and one of the tally papers, shall, in the presence of the judges and clerks, be carefully and securely placed by the inspector, in the presence of the judges, in a strong and stout paper envelope or bag, which shall then be tightly closed and well sealed with wax by the inspector, and shall be delivered by such inspector to the county clerk at the very earliest possible period before or on the Thursday next succeeding said election, and the inspector shall securely keep said envelope containing the ballots and papers therein, and permit no one to open said envelope or touch or tamper with said ballots or papers therein; and upon the delivery of such envelope to the clerk, said inspector shall take and subscribe an oath, before said clerk, that he has securely kept said envelope and the ballots and papers therein; and that after said envelope had been closed and sealed by him in the presence of the judges and clerks he had not suffered or permitted any person to break the seal, or open said envelope, or touch or tamper with said ballots or papers, and that no person has broken said seal or opened said envelope to his knowledge, which oath shall be filed in said clerk's office with the other election papers.

The clerk shall securely keep said envelope so sealed with the ballots and papers therein in the same condition as it was received by him from the inspector. (R. S., 1881, sections 4713, 4714.)

It will thus be seen that the ballots after they left the hands of the voters went into the hands of the election inspectors, every one of whom in fifty-four precincts of Indianapolis were Republicans.

The law required them to be carefully sealed up by the inspector and delivered to the county clerk, and the county clerk then was Daniel M. Ransdall, an ardent Republican supporter of Mr. Peelle and chairman of the Republican county committee. He was the same person who selected the material and aided in getting up the illegal "springback" ticket. (See his own deposition, record, pages 365, 367.)

But a few days after the election Moses McLain, another ardent Republican and supporter of Mr. Peelle, became county clerk and legal custodian of the ballots, as we have already shown by the law and the evidence, and he turned them over to the Republican board of commissioners to recount according to law, and they were recounted by Mr. Brown and the other commissioners, but still retained in the custody of Clerk McLain, as shown in his evidence already quoted.

In Buchanan *vs.* Manning it was held that the contestee should be responsible for the conduct of his "party friends" for firing cannon in close proximity to the polls. (Election Cases Forty-seventh Congress, page 287.)

Now, if the ballots in this case were not safely kept it was because of the fault and wrong of these Republican custodians. It must be borne in mind that all of the Republican county officers, including Clerk McLain, had election contests on their hands growing out of this same election for like causes, and that the ballots under the statute were to be used in these contests. It can not be rightfully claimed that the ballots were tampered with in the interest of the contestant, as it is proved and not contradicted that the ballots were all the time in the custody of the ardent friends and supporters of Mr. Peelle, the contestee.

To hold that official returns are conclusive and can not be contradicted, when, as in this case, they are shown to be notoriously false, fraudulent, and unreliable, would be to deny substantial justice; and it would be the most glaring injustice to hold the contestant responsible because a ticket voted for himself in the second precinct of the seventeenth ward by Austin H. Brown could not be found, especially as the evidence showed that that precinct was under the control of his most unscrupulous opponents and that the ballots had all the time been in the custody of the zealous friends and supporters of the contestee.

There is not the slightest evidence or ground for presuming that there was any tampering with the ballots in the interest of the Democrats, and especially of the contestant.

Now, Mr. Speaker, that single fact thus established by the sworn testimony of an honest man, a man of high character, a man of ability for this sort of service, is sufficient to change the result in this contest and of itself settles the controversy. Not one syllable of evidence has been offered upon the other side to overthrow the testimony of Austin H. Brown. If Mr. Peelle or his partisan friends were not satisfied or had not been satisfied with the honest count made by Mr. Brown, they had it entirely in their power, they had it exclusively in their own hands, to have shown the error and to have established the mistake if any had been made in this count, and they would have done so. But instead of offering proof in that direction, if they claimed a mistake, not a scintilla of evidence has been offered by Mr. Peelle or any of his friends tending to impeach the count of Mr. Brown. The testimony, I have said, shows the high character of Mr. Brown and his ability, which are testified to by men of both political parties, and I believe has not been questioned.

But, Mr. Speaker, I pass from that point. The evidence shows that in some two or more election precincts in the city of Indianapolis, where I am led to believe that there has not been an honest election for the last fifteen or twenty years, one hundred Germans and others who came there for the purpose of voting were turned away from the polls and not allowed to deposit their ballots. These parties came there with the intention of voting for Mr. English. The law of Indiana requires that when a vote is challenged the voter shall present not only his own affidavit but that of some freeholder that he is a citizen and entitled to vote. These men came there for the purpose of voting. Their votes were challenged. They presented these affidavits, and the affidavits were rejected.

The votes were rejected notwithstanding that the law of Indiana requires whenever the affidavit is filed the trustees of the election have no discretion whatever in the matter, but are obliged to receive and count the vote and leave its validity to be determined by subsequent contest. It was their duty to have received the votes and leave the question of the validity of them either to the courts or to Congress, as the case might be. But they refused to receive the votes, and the testimony of some seven witnesses shows that in the neighborhood of one hundred of these Democratic voters were thus turned away from the polls and not allowed to exercise their right of voting. It shows also that the entire police force of the city of Indianapolis was in the hands of the Republican party. The officers of the election built a chute up to the polls through which the voters were required to walk to the polls. When the challenge of a voter was made there was a police officer at hand to tell the party offering to vote to get out of the chute, and one hundred or more legal Democratic voters were turned out in that manner. Senator McDonald, who is known to you and the members of this House personally or by reputation, was one of the men who testified to these Democratic voters being turned away who were desiring to vote, and who had complied with the law of Indiana by filing the necessary affidavits. He himself went up the chute with some of the voters and asked the trustees to receive their votes, but his request was refused and the votes rejected. From that source alone there was enough fraud to change the result of the election. Their votes alone, if they had been received and counted, would have given the majority where it properly belonged, to Mr. English instead of Mr. Peelle.

I have now shown, Mr. Speaker, two facts constituting valid objection to the retention of the seat by the contestee in this case, either of which would have elected Mr. English instead of Mr. Peelle. But the evidences of fraud do not stop there. The evidence shows that at the hands of the leaders of the Republican party in Indianapolis the poor-house and the jail were emptied and the "spring-back" tickets, those fraudulent pasteboard tickets, which I will call particular attention to presently, were put into the hands of the honest poor of the poor-house and the jail-birds who had been assiduously collected for weeks for that purpose, and they were marched to the polls, and in that way compelled to vote the Republican ticket. The evidence shows that thirty-four men, tramps and thieves, who had been gathered up about the city of Indianapolis by the authorities just preceding the election, were marched up in that way to the polls with the pasteboard ballots in their hands and compelled to vote the Republican ticket.

Even if they were legal voters, which is not probable, the votes were cast under duress, and therefore fraudulent and void.

The evidence shows that in two instances, at least, Democrats who had come out of the jail as they went up the chute in some way came in possession of Democratic tickets and undertook to vote them instead of voting the spring-back tickets furnished by the Republican jailor. They were immediately challenged and turned aside, though released from jail for the purpose of voting.

There were 51 of those votes from the poor-house; there were 34 from the jail. The evidence shows that two-thirds of the men from the poor-house were Democrats and desired to vote the Democratic ticket. Some gentlemen laugh because I have said a majority of the poor were Democrats. Yes, sir; our party is supported by the poor. We depend upon the laboring honest poor for the support of our party. [Applause.]

Mr. MILLER, of Pennsylvania. How about your candidates? Are they poor?

Mr. CONVERSE. And that is the reason we desire to preserve the secrecy of the ballot-box and are so jealous of every invasion of it. We do not intend you shall destroy it and thus prevent these poor men from voting their honest sentiments.

From these two sources there was fraudulent votes enough in the hands of the Republican managers, with their spring-back tickets, to change the result. Thus there are three separate sources of Republican frauds, either of which was sufficient to change the result. I come now for a moment to another question.

Mr. HEWITT, of Alabama. Will the gentleman allow me to ask him just one question?

Mr. CONVERSE. Certainly.

Mr. HEWITT, of Alabama. I desire to ask just one question in relation to the jail matter. Did they take prisoners out of the jail, march them up under an officer, and vote them?

Mr. CONVERSE. Some of them were marched up under an officer and voted. Many of them were dismissed—turned loose—and sent to the polls on a promise to vote the Republican ticket; and they went to the polls and voted under the eye of the Republican police, who knew them and who could tell from the pasteboard tickets in their hands as they walked up the chute whether they were voting right. After voting there were no further charges against them.

Mr. LEWIS. Were they undergoing sentence?

Mr. CONVERSE. I suppose they were mostly tramps that had been gathered up in the vicinity for the purpose of being voted. It must be remembered that the authorities of the poor-house and the sheriff—who hauled the poor in wagons to the polls and placed the pasteboard tickets in their hands, the election officers coming to the wagons to get the tickets and place them in the box—and his deputies, who had in charge those prisoners, were Republicans. The Republican sheriff was on the stand as one of Mr. Peelle's witnesses, and yet Mr. Peelle never asked him one word about these frauds at the ballot-box through those prisoners. He never asked a word as to the frauds through the poor-house, though he had witnesses there of whom he could have inquired. I think I can imagine the reason why no inquiries were made of the sheriff. His friends probably found out, and I have seen the affidavit to that effect, showing that some of those prisoners, though that is not proved in the record in this case—it was not taken in time, and I only offer that as a reason why no inquiry was made——

Mr. PEELLE, of Indiana. Will the gentleman allow me——

Mr. CONVERSE. The gentleman knows what is coming. That affidavit shows that half a dozen of these prisoners were marched from one poll to another and voted over and over again.

Mr. PEELLE, of Indiana. Will the gentleman name the man who made the affidavit?

Mr. CONVERSE. If the gentleman desires to have it in the RECORD I will have it printed.

Mr. BROWNE, of Indiana. Does it not appear to the gentleman from Ohio a somewhat singular course to bring testimony before the House which is not in the record?

Mr. CONVERSE. I have stated that it was not testimony, but I said that that was probably the reason why the gentleman and his friends declined to go into the inquiry any further; that is all.

Mr. BROWNE, of Indiana. Why do you use it, then, if it is not testimony?

Mr. CONVERSE. I have a right to surmise the reason why the gentleman did not inquire. I have stated it as a fact that the inquiry was not made, that the gentleman did not dare to inquire on that subject. There can be no question about this contest as to how it ought to be decided.

I will refer to one other fact, not for the purpose of counting the vote so much as for the purpose of showing the depth of degradation to which these Republican managers in Indianapolis descended at this election. They went to work and printed counterfeit Democratic tickets, spurious Democratic tickets, with Mr. Peelle's name where Mr. English's name belonged. Those tickets were peddled by the internal-revenue collector of the city of Indianapolis, as the proof shows, and some dozen of them got into the boxes, though they were discovered by 8 o'clock in the morning, and immediately upon their discovery the Democrats posted large handbills at every election place in the city warning the voters against them. Notwithstanding that precaution some dozen of those counterfeit tickets got into the ballot-boxes and were counted for Mr. Peelle. The men who voted them were not only deprived of having their votes counted as they should have been, but the votes which they gave were counted on the other side, making the difference in the result twice what it would have been had the men been allowed to vote their honest sentiments.

The Democratic ticket was in exact conformity to the requirements of law, being printed on ordinary plain white paper, such as is generally used for printing, as was also the Greenback ticket. But the evidence shows that the Republican ticket was printed upon a heavy material, called by many of the witnesses "card-board," but by persons engaged in the manufacture and sale of such material as "plate" or "Western plate," and by some of contestee's witnesses as heavy "book," twice as heavy as ordinary printing-paper. Because of the extraordinary character of the material and the tendency of the ticket to spring open when folded, thus facilitating double voting, the tickets became known as "card-board" or "spring-back" tickets. The material is shown to have been bought and billed as "plate" (record, page 442), and the evidence is conclusive that for election ballots it was material of extraordinary thickness and texture, and for that reason the ballots, even when folded as ballots are usually folded when voted, could be easily distinguished by sight or touch from ballots printed on plain white paper, such as is ordinarily used for election tickets and such as the statute of Indiana clearly seems to require, namely:

> All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three (3) inches, without any distinguishing marks or other embellishments thereon except the names of the candidates and the offices for which they were voted. (Section 4701 Revised Statutes of 1881.)

Now, when a statute uses language obviously not technical (and it is admitted that the words in the above statute are not technical), the language must be interpreted and understood in its popular or ordinary sense. (Potter's Dwarris on Stat. and Con. Law, page 203; Bishop on the Written Law, section 101.) And it is an elementary principle universally recognized that a statute is to be construed with reference to its end and object, with reference to its reason, intent, and purpose. The reason, intent, and purpose of the Indiana statute is obvious. Even before its passage the supreme court of that State had declared that the ballot system of voting provided by the constitution of that State meant secret voting.

The statute was in furtherance of the constitution and meant to secure the secrecy of the ballot. When it is provided that ballots shall be written or printed on plain white paper without distinguishing marks or embellishments, it means ordinary plain white paper ordinarily used for printing or writing, not extraordinary plain white paper used for extraordinary purposes. It was certainly not the intention of the law-makers to authorize a "scheme to beat" any party by means of ballots printed on lithographic plate paper, or any other material that would be unusual and extraordinary as election tickets. Even without any statutory enactment secrecy of the ballot was required by the spirit of the constitution of that State, which provides that "all elections by the people shall be by ballot." (Article 2, section 13.)

Now, ballot means secret voting; its purpose is, by means of such secrecy, to secure perfect freedom to the elector, to emancipate dependents from the control of superiors, to protect the employé from the employer, the workingman from the boss, the debtor from his creditor, the members of a society or a party or a class from his associates, or even an offender against the laws from the officer who may attempt to control his vote.

The supreme court of Indiana decided in Williams *vs.* Stein (38 Ind.) that the word "ballot" as used in the constitution of that State "implies absolute and inviolable secrecy, and that the principle is founded in the highest considerations of public policy." (Page 95.)

The court quotes, appropriately, from Cooley's Con. Lim., 604, that even—

> In the absence of such a statute, all devices by which party managers are enabled to distinguish ballots in the hands of the voter, and thus determine whether he is voting for or against them, are opposed to the spirit of the constitution, inasmuch as they tend to defeat the design for which voting by ballot is established.

And again:

> These statutes are simply declaratory of a constitutional principle that inheres in the system of voting by ballot, and which ought to be inviolable, whether declared or not.

Clearly the object of the statute of Indiana was to secure secrecy of the ballot, and "any device" which destroyed that was a violation of the statute and a violation of the spirit of the constitution, even if there had been no statute on the subject. That "the spring-back ticket" did destroy the secrecy of the ballot at that election is clearly proved, and also that it was designed for that purpose by the Republican managers.

Nothing could be more absurd than to claim that because the Democratic and Republican tickets could be distinguished from each other, therefore one destroyed the secrecy of the ballot as much as the other, just as much as to say that because a right act can be distinguished from a wrong act therefore there is no difference between the qualities of the acts! Such logic would apply just as well were the Republican tickets printed on leather or sheet-iron.

If the Democratic ticket is used as a standard of comparison it is not because it is the Democratic ticket, but because it is conclusively shown to have been, and is admitted to have been, printed on ordinary plain white paper, such as the statute of Indiana clearly contemplates. The "spring-back" ticket is shown not to have been printed on such material. This is conclusively proved.

Such men as ex-Governor Thomas A. Hendricks, ex-United States Senator Joseph E. McDonald, and David Turpie, Hon. R. W. Medkirk, the Greenback candidate for Congress, and other old and favorably known citizens of Indiana, and such well-known Republicans as W. P. Fishback, Edward Mill, C. F. Darnell, C. S. Butterfield, W. F. Fish, J. J. Curtis, &c., testified to the distinguishable and extraordinary character of these "card-board" or "spring-back" tickets, and that in their long experience they never knew tickets at any election in Indiana before to be of such thick and extraordinary material, and that the effect of their use was to destroy the secrecy of the ballot. In most of the cases where questions as to the legality of distinguishable tickets have arisen it has been where the distinguishing marks or embellishments were on the inside of the tickets, placed there accidentally or without design to defraud or destroy the secrecy of the ballot, and where the ballots were received and counted at the time without objection or protest from the opposite party.

This is not a case where the distinguishing feature was on the inside of the ballots only, but it was in the material itself, so distinctly visible and distinguishable from the outside, even when the ballots were folded, as tickets are ordinarily folded when being voted, that they could be, and were, readily distinguished.

Senator McDonald testified that he could and did distinguish these "spring-back" tickets in the hands of the voters, as they were being voted, when he was off a distance of fifteen or twenty feet. Councilman Fultz testified that he could distinguish them, as they were being voted, from any other ticket, even when standing in the middle of the street, twenty-five or thirty feet distant from where the tickets were being voted.

It will hardly be denied that ballots printed on leather, or tin, or cloth, or black or red or striped paper would be in violation of the statute of Indiana and the spirit of the constitution of that State, and consequently illegal and void, because, being distinguishable, they would destroy the secrecy of the ballot; and yet these "spring-back" tickets could be distinguished as well as those by sight and touch, as was conclusively proved by contestee's own witnesses. There can be no doubt but material can distinguish a ballot and destroy secrecy quite as well and in some instances more completely than color. It will hardly be contended that at an election in Indiana ballots would be legal that were printed on white blotting paper the eighth of an inch thick. It could not be considered plain white paper in the ordinary or popular sense such as the Indiana statute clearly contemplates. Even if the material be white and plain on the surface, there must obviously be some limit to its bulk and thickness, otherwise the attempt to preserve the secrecy of the ballot would prove an utter failure.

Neither is it a case where the distinguishable ticket was used by accident or without fraudulent design. Neither is it a case where the distinguishable ballots were received and counted without objection from the opposite party, as there is an abundance of evidence that the "spring-back" tickets were denounced as illegal to the election boards on the morning of the election, and that Democrats objected and protested against such tickets being received or counted.

This was not necessary, however, as an examination of the constitution and statutes of Indiana will show that no objection or challenge is provided for at the polls, except as to the character of the voter, his age, residence, &c. The character of the ticket is left to be judged of by the courts in case of local officers, by the House of Representatives in the case of Congress, upon subsequent scrutiny.

A man may use a black ticket if he wish, and though that may be no ground for challenge, it is a good ground for discarding the ballot upon subsequent investigation and trial. But in this case the objection was distinctly and repeatedly made, as already stated, to receiving or counting the "spring-back" ballots on the ground of their illegality.

It can not be said that the wishes of the voters could be just as well expressed by these "spring-back" tickets as by a ticket on ordinary plain white paper, such as the law contemplates, and that if voters saw fit to use ballots that were distinguishable they had a right to do so, and that it was nobody's business but their own.

"The right of suffrage is not a natural right, nor is it an absolute unqualified personal right. It is the right derived in this country from constitutions and statutes." (McCrary, section 3, and cases therein cited.)

Whether a few men or an immense number of men might be willing to let the world know for whom they were voting by using distinguishable ballots has nothing at all to do with determining whether or not such ballots are in conformity with the law.

The wishes of the voters could be very well ascertained by *viva voce* vote, and the voters might prefer making a selection that way, but an election of a member of Congress in Indiana in that way, under the present laws, would not be deemed valid by this House, even though the party claiming the seat was the undoubted choice of the majority of electors so voting. Neither should his election be held valid if the ballots cast for him were printed on tin, or leather, or any other material than provided by law, or in any other way than provided by law; for while it is conceded that under the Constitution of the United States the House of Representatives "is the judge of the election, returns, and qualifications of its own members," yet it would be an unwarranted use of that power to hold that ballots should be counted, in determining an election, which were in violation of the law of the State where the election took place, and especially where the law evidently intended to secure the secrecy of the ballot, and in a State having a constitution which requires that "all elections by the people shall be by ballot."

Elections should be conducted according to law, and the party violating the law should not be allowed to profit by their wrong-doing. And that the number of "spring-back" tickets voted was large has nothing to do with the question of their legality. If they were in violation of law they were illegal, whether numbering hundreds or thousands; and in this case the parties using such ballots would have no one to blame but themselves.

Having invaded the secrecy of the ballot, and thereby violated the spirit of the law and the constitution of their State in their zeal to get the advantage, and having overreached themselves in so doing, they alone will be responsible for results.

This is not a case where a party innocently and without design used a distinguishable ticket, or a ticket of unusual or extraordinary bulk and texture, but the reverse. The evidence shows that the "spring-back" tickets were printed on the Sunday preceding the election. The work was done under the superintendence of D. M. Ransdall, the chairman of the Republican county committee, and Otto Hassleman, a member of the executive committee of the same Republican county committee.

The material for the tickets was selected by these men, and the latter said it was purchased of Chatfield & Woods, of Cincinnati, and when the bill of Chatfield & Woods was produced it disclosed that the material was billed as "plate."

He also admitted that the day before the election he borrowed similar material from Mr. Burford, of Indianapolis, who is a Democrat, and that he returned the same identical material to Mr. Burford after the election, the object evidently being to secure the Republicans a distinguishable ticket by reason of being on unusually heavy material, which no other party would have.

This was confirmed on the day of the election by this same witness, who acted as a Republican challenger at the first precinct of the eleventh ward, and there admitted to several persons that the "spring-back" ticket was "a scheme gotten up by us Republicans to beat you Democrats."

Colored men inclined to vote the Democratic ticket came to the polls and went away without voting after looking at the two tickets and seeing that the Republican ticket was of such extraordinary bulk that it was distinguishable.

One witness, who was at this precinct, said:

In one or two instances I saw them go away and come back with their tickets cin a little envelope and go to the window so that the Republican challenger ould not see their tickets.

Hon. W. P. Fishback, one of the most prominent Republicans in Indianapolis, and a lawyer of great ability, declared at the polls on the day of the election that the Republican ticket was "a fraud, and gotten up for fraudulent purposes."

In the very nature of things it would be difficult, and in fact almost impossible, for the contestant to show, specifically, how many voters would have voted for him and did not, but either voted for contestee or did not vote at all, because the secrecy of the ballot was destroyed by the use of the "spring-back" ticket; but he has, nevertheless, introduced conclusive evidence showing that he lost thereby many votes. There is no reasonable doubt that he lost from this cause alone many more than 87 votes.

The same is true as to the double voting. The evidence shows that the spring-back tickets, as their very name indicates, were of such material as to spring open when lightly folded and thus facilitate double voting, and that there was double voting in consequence at that election. The exact number is difficult to show, because the surplus ballots in some instances, if not all, were destroyed by the local election boards and not counted in their returns or sent up to the county clerk with the other ballots.

Mr. Albertsmyer testified the surplus ballots were thrown out "to make it correspond."

Mr. Fultz testifies that the Republican board in his precinct threw out 8 ballots in order to make the number correspond with the number of voters names on the poll list.

It may be said that this was fair if 4 were Democratic and 4 Republican ballots, but this can not be sustained, for the ballots destroyed may not have been the same ballots voted double, even if the same number was destroyed. If this excess of ballots grew out of the use of "spring-back" tickets, which, the evidence shows, facilitated double voting, then the destruction of the same number of Democratic and Republican ballots still left the Republicans gainers to the extent of about one-half the double ballots voted. There are eighty precincts in Marion County, and the Republican "spring-back" ballots were voted in all of them.

Florence Casey testifies that in his precinct three or four pasters having the name of Mr. English were found loose in the ballot-box, and were not counted for him. Undoubtedly they had been placed over the name of Mr. Peelle, and had become detached in the ballot-box. That would make a difference of six or eight in English's favor in that precinct alone.

I have nothing further to say at this time in opening this case, and desire to reserve the balance of my time. I will say to gentlemen on the other side that we would be glad if we could get a vote on this case at half past 4 o'clock this afternoon.

Mr. MILLER, of Pennsylvania. Why not take the vote now?

Mr CONVERSE. I am perfectly willing.

Mr. MILLER, of Pennsylvania. I have no doubt of it.

Mr. CONVERSE. I would inquire how much time I have left?

The SPEAKER *pro tempore* (Mr. COX, of New York). The gentleman has forty minutes remaining.

Mr. WHITE, of Kentucky. Before the gentleman from Ohio [Mr. CONVERSE] takes his seat will he allow me to ask him a question? I understood the gentleman to state that quite a number of Germans and others had presented themselves at the polls asking to vote and that they had been denied that privilege, and that Mr. McDonald who was well known, had sworn to that vote. Will the gentleman state how many persons there were, and where we can find their names, who appeared and asked to vote and were not allowed to do so?

Mr. CONVERSE. I can not state the names, for the list was not preserved. But there are seven witnesses, notwithstanding the report of the minority of the committee on that point, who testify that from twenty-five to sixty persons in one election precinct were thus not allowed to vote. There are three or four witnesses who testify that there were above a hundred who were thus turned away. Ex-Senator McDonald and other Democrats made one or two or three test cases, believing that it was not necessary that each man should file his affidavit and then return through the chute. It would have taken a score of clerks to prepare affidavits for all. They therefore made these test cases which were rejected, and then the others whose right to vote could have been proved by affidavit were counted to make up the hundred. I think that three witnesses placed the number above a hundred.

Mr. WHITE, of Kentucky. Do I understand the gentleman that these men swore that they appeared and asked to vote, or did they swear that they saw some other persons appear and ask to vote who were not allowed to do so, and that they knew that there were a hundred others?

Mr. CONVERSE. These seven witnesses were simply spectators, and testify to what they saw and heard.

Mr. WHITE, of Kentucky. Yes; then no man who actually appeared and asked to vote was refused a vote, but somebody else saw somebody else who was not allowed to vote and says that he knew there were a great many more.

Mr. CONVERSE. The gentleman does not understand any such thing.

Mr. WHITE, of Kentucky. That is what I understand.

Mr. BROWNE, of Indiana. Will the gentleman allow me to ask him a question?

Mr. CONVERSE. I will answer any question if it does not come out of my time.

Mr. BROWNE, of Indiana. The gentleman will have all the time allowed him that he desires.

The SPEAKER *pro tempore*. To whom does the gentleman from Ohio yield?

Mr. CONVERSE. I will yield the floor to the other side. I presume the gentleman from Ohio [Mr. HART] will take the floor.

Mr. BROWNE, of Indiana. I desire to ask the gentleman if he is prepared to give to this House the name of a single one of the hundred men or more whose votes he says were rejected, or is he prepared to say that a single one of those rejected voters was offered as a witness in this case?

Mr. CONVERSE. I will answer the gentleman; I have answered

the question. I say that they did not preserve the names of the voters, but I do say that seven witnesses testify, among the number ex-Senator McDonald, to the turning away of these voters in this manner as I have described.

Mr. WHITE, of Kentucky. Was Senator McDonald turned away? Was he refused the right to vote?

Mr. MILLIKEN. Did any voter testify that he was himself not allowed to vote?

Mr. CONVERSE. I do not think any one was called.

Mr. MILLIKEN. Ah!

Mr. CONVERSE. It was not necessary that any one of them should be called. I say to the gentleman this, that the superintendent and inspector of elections swore that no one was turned away, but seven witnesses contradicted him.

Mr. MILLIKEN. Let me ask——

Mr. CONVERSE. Let me finish. The superintendent and inspector of elections swore that no one was turned away, and the gentleman from Ohio [Mr. HART] quotes that in his minority report. Now, in the face of that I assert that there are at least seven witnesses, including Senator McDonald, who swore directly the reverse.

Mr. MILLIKEN. Let me ask the gentleman this question: If there were one hundred voters turned away why did you not bring up one of those one hundred to testify that he offered his vote and that it was not received?

Mr. CONVERSE. In the mouth of seven witnesses the truth ought to be established.

Mr. MILLIKEN. But the seven witnesses were spectators; they were not men who offered their votes and had them refused.

Mr. HEPBURN. I desire to ask my colleague on the committee [Mr. CONVERSE] one question.

Mr. CONVERSE. Does this come out of my time or the time of my colleague [Mr. HART]?

The SPEAKER *pro tempore*. The time of the gentleman from Ohio [Mr. CONVERSE] is running.

Mr. CONVERSE. I expressly yielded the floor and consented to answer these questions only on the condition that the time should not be taken out of my hour.

Mr. HEPBURN. Answer me one question, if you please. Can you tell me where I can find the testimony of ex-Senator McDonald, in which he says that any one person was turned away?

Mr. CONVERSE. He says that more than a dozen were turned away. I will find it and show it to the gentleman.

The SPEAKER *pro tempore*. To whom does the gentleman from Ohio yield?

Mr. CONVERSE. I reserve the residue of my time.

Contested-Election Case—Wallace vs. McKinley.

SPEECH

OF

HON. WILLIAM H. McKINLEY, JR.,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 27, 1884.

The House having under consideration the contested-election case of Wallace vs. McKinley—

Mr. MCKINLEY said:

Mr. SPEAKER: I had intended to discuss this controversy in detail and with some elaboration; but two days have been already occupied in a most careful and painstaking discussion of all the propositions involved in this contest; and owing to the lateness of the hour and my desire that this case may be concluded to-night I shall content myself with occupying not to exceed five or ten minutes. It would be useless for me within that time to undertake to review the testimony in the record or the law which should govern all of the questions involved. I only ask from this House, the majority of which is opposed to me politically, to administer in this case the law and the precedents which they have always administered in the past and with those precedents determine whether the contestant or the contestee has a majority of the votes in the eighteenth Ohio district. Following the precedents long ago established by the Democrats in former Congresses and in other cases, and conceding to the contestant all he claims and much more than is allowed him by a committee of his party friends, and my majority and election to the Forty-eighth Congress is as certain and sure as that of any gentleman occupying a seat in this House.

I rise more particularly to say, and indeed it is about all I desire to say, that I claim nothing from technicalities. I would not if I could retain my seat one hour upon a mere mistake or technicality or inadvertence of election officers. And I say to this House that if it be necessary to find that I am entitled to my seat to throw out the 10 votes in Carroll County which upon the face of the returns appeared to be an error in the count against the contestant—if to give me my seat you must invoke those 10 votes, and deduct them from the contestant, then I do not want my seat in this House. Although there is no legal proof that this is not an error and although my friends have argued that part of the case in the light of the law, I desire here to say to the majority and to the minority if it becomes necessary to deduct those 10 votes from the contestant to give me the seat, then I do not want it and would not have it.

I desire to say another thing, Mr. Speaker, and that is, if my right to a seat in this House depends upon the rejection of the 7 votes which appear upon the face of the returns as cast for "John H. Wallace," "W. W. Wallace," or "W. H. Wallace," no matter what the law in its strictness might hold, then I do not want my seat on the floor of this House. For although there is no testimony whatever to show that these names, differing from the name of the contestant as they do, the names of different persons designating different individuals, are entitled to designate the contestant, yet in my judgment the citizens of the eighteenth district who polled those 7 votes intended that they should be cast and counted for Jonathan H. Wallace, the contestant in this controversy, and I want them, notwithstanding the absence of any proof to that effect, added to his vote, and the will of the voter, as I believe it, thus subserved.

Nor, Mr. Speaker, do I make any point as to the odd spelling of the names found in the ballot-box in Fairfield Township to the number of 11—the Wolac, the Walce, the Waal. If this House shall decide, if the judgment and consciences of members on this floor shall determine, that that recount is of value and shall have weight in this controversy, then I make no point that the voters misspelled or failed to spell properly the name of the contestant.

So I say, Mr. Speaker, that in all this controversy—I say to my friends on this side, I say to my friends on the other side, I say to my political opponents on the other side, that I invoke no technicality or legal quibble to retain my seat in this House. But I insist that, conceding every one of these votes, conceding the entire 23 votes which appear upon the face of the return, conceding that there was no error in Carroll County, and even conceding the 11 votes in Fairfield Township, and every other claim of contestant, I still have an unquestioned majority of the votes cast in the eighteenth district of Ohio on the 10th of October, 1882, and am justly entitled to retain my seat.

Now let me for a single moment revert to the Fairfield Township recount, for it is a matter in which you are all interested. You will establish a precedent to-day that may be for good or that may be for ill—a precedent which may come back to harass you in the future. Why, sir, what is a recount? A recount is counting over again the very same ballots that were cast by the voters and found in the box the night of the official count. That is what a recount is; that is what a recount means. It is counting again the identical ballots; because if you have not the identical ballots, identical as to names and identical as to numbers, then there can be no virtue in a recount. Now, how was it with Fairfield Township? Why, sir, everybody admits—the contestant in his brief, the gentleman from New York [Mr. ADAMS], and I believe the gentleman from Georgia [Mr. TURNER], the chairman of the Committee on Elections, in their arguments, all admit that there were 5 less votes in the box on the night of the recount than there were on the night of the official count. Does not that destroy the virtue of the recount?

There are 5 ballots gone nobody knows where. Those 5 ballots stand unexplained. Nobody undertakes to account for them. The very confession that the contents of that box on the day of the recount differed from the contents of the box on the night of the official count—that very confession makes a recount absolutely valueless and without effect. I beg gentlemen to remember that fact, which is sufficient to wholly destroy the pretended recount if there were no other discrepancies in the contents of that ballot-box. But in addition to that there were 4 more ballots for the Greenback candidate for Congress found in the box on the night of the recount than were in it on the official count. There was 1 less ballot for me found at the recount than was given to me by the official count. For whom were these 5 votes cast that were missing? Were they for the contestant? Were they for the contestee? One of them evidently was for me, because the recount finds 1 less ballot in that box than the judges of the election gave me on the night of the election. Then in addition to that there was 1 vote that all the witnesses, judges, and clerks identify as a ballot with the name of the contestant and the name of the contestee both on the ballot in the box on the night of the official count, and that ballot was not found in the box on the night of the recount. So that the whole virtue and weight and integrity of the recount was destroyed.

But the distinguished chairman of the committee seems to rely not so much upon the recount in giving these 11 ballots to the contestant as he relies upon the testimony in the case. He says that a number of witnesses testified there were ballots in that box not counted for the contestant. Carpenter puts it from 7 to 13. Now, let me ask the judges on this floor, the men who are to act upon this case, shall it be 7 or shall it be 13? For the witness says there were from 7 to 13. Which number will you adopt? Mr. Holloway says there were from

3 to 4. Shall it be 3 or shall it be 4? You are to be the judges, and how will you determine it. Crooks swears there were 6 ballots in that box not counted for Wallace. And so, all the way through, the witnesses disagree as to the number, only one of them putting it as high as 13, and one as low as 3. No two of the witnesses agree; and you gentlemen are to determine from that kind of testimony how many ballots are to be added to the contestant and how many taken from the contestee. I submit to you that it would be unsafe, that it would be unwise, in any election case to permit such testimony to overthrow the solemn findings of the official count. I care not whose case it is, to undertake either upon a recount such as I have described or upon the testimony of a character such as I have disclosed to determine, as it might in this case, whether the contestant or contestee is entitled to a seat on this floor, would be establishing a dangerous precedent even as a party necessity.

Now, Mr. Speaker, that is all I desire to say. In every one of the recounts which we invoke the exact number of ballots was found in the box equal to the number of names on the poll sheets. There is no discrepancy whatever, no suspicious or contradictory circumstances manifest, none raised by the proof. And yet if you will give me the votes on the recounts made in accordance with law, made from boxes kept in strict accordance with the statute; if you will give me the recounts that have not a taint of suspicion upon them, and then take from the contestant the unquestioned illegal votes that were cast for him, giving to him every vote that he claims, I will then have a certain and fixed majority as a Representative in the Forty-eighth Congress.

I will not stop to review what my colleague from the Cincinnati district [Mr. FOLLETT] has dragged into this case; I will not rake up the fouling dust of the campaign. But I was surprised that the gentleman, after nearly an hour's discussion of this important case, upon which he was to pass as a judge, could give no better reason for unseating me except that at some time and somewhere, upon some public rostrum, I had declared that I had voted to seat Republicans, and that my record for nearly eight years in this House showed that I had voted to seat Republicans and to unseat Democrats. I will not stop to pay any attention to that sort of argument; it is beneath the dignity and consideration of a tribunal like this. The record I have made in this House upon that and all other questions is a part of our public records, and I am not ashamed of nor would I blot out any portion of it. [Great applause on the Republican side.]

Now, Mr. Speaker, that ends all I have to say, for I want the vote to be taken and this case to be decided. I thank this House, the members on both sides of it, for the attention and courtesy with which they have listened to me. [Great applause on Republican side.]

The Indebtedness of the Pacific Railroads to the Government.

SPEECH

OF

HON. GEORGE W. CASSIDY,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 18, 1884.

The House having under consideration the bill (H. R. 6771) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864—

Mr. CASSIDY said:

Mr. SPEAKER: No doubt the House has realized already from the discussion had that this is a very intricate and interesting subject, and one involving a bewildering amount of statistics and presenting many phases when properly viewed in all of its bearings. Fortunately we are not here to sit in judgment on the past history of these Pacific railroad corporations. They may have been guilty of every crime in the Decalogue, as some gentlemen seem to insist they have been, yet that cuts no figure in the consideration of the pending legislation. We are here to deal with practical questions regarding their present status and relation to the Government, and their ability to meet and discharge the vast debt due the United States. How best to get the money due the Government is the sole question.

The distinguished gentleman from Texas [Mr. THROCKMORTON] for an hour on yesterday rolled off figures by the million connected with these corporations and the immense sums due by them to the Government. I beg to assure him that all of those figures are just so many arguments why we should proceed judiciously, cautiously, and practically to secure the payment of this debt. The greater the amount the greater the necessity for prudent rather than violent means in looking to its collection.

The gentleman from Kentucky [Mr. THOMPSON] also occupied the floor for more than one hour, and yet he absolutely failed to advance a single reason why the operation of the sinking fund should be longer continued. His entire argument was directed to a criticism of the Post bill, so called. Indeed, he admits in his own report to this House that the Thurman sinking-fund act has proven a most lamentable failure, an opinion in which all must concur who investigate the subject fully and impartially; and still he maintains that by adding 10 per cent. to an admitted failure—raising the requirements of the sinking fund from 25 per cent. of the net earnings to 35 per cent of the same—he can make a law entirely perfect and altogether lovely. Such a proposition to my mind is too preposterous for serious thought or elucidation.

It is not my purpose to defend in detail any bill. I care nothing for details. I stand for an idea, for a principle. It is my province to present to the House the two systems proposed by the committee and to commend to the favorable consideration of members that which in my judgment will best conserve the interests of the Government.

I have said and everybody admits that the Thurman sinking fund is a failure. It has been in operation since 1878, nearly eight years, and yet scarcely a step has been accomplished under it toward the payment of this debt. The Union Pacific has practically ignored its provisions, and were it to stand for one hundred years the vast sum due the Government could not be collected under it. If it had been found effective and successful there would be no occasion now to attempt to amend it or to substitute some other system for it. The very fact that it is a failure calls for action at the hands of this Congress. Wherein it has failed, and the cause of the failure, I shall hope to point out further along; but I may be permitted to say at this moment that it has failed because based on a wrong principle.

Let me ask the gentleman from Kentucky [Mr. THOMPSON] what he hopes to accomplish by the proposed enlargement of the sinking fund. Under the most favorable auspices, with the earnings of the roads running as high as they do now—and every one knows that they have been steadily decreasing for three years past—will there not be due at the maturity of the debt in 1898 nearly $100,000,000? What are we to do when that period shall have arrived, and with a prior mortgage on the roads equal in amount to that held by the Government and maturing at the same time? In all seriousness I ask if this sinking fund will do to lean upon in the future when these great sums shall have become due and payable? Will we not then be brought face to face with a very serious problem involving one or two alternatives, namely, the abandonment of the debt altogether, or the payment of nearly $100,000,000 prior in lien to the Government and the taking of the roads?

If this House desires that the Government shall embark in the business of owning and operating railroads, I insist that that phase of the question shall be duly considered as we proceed. And it should be considered also with reference to the cost of the undertaking. If we are going into the railroad business at all, I beg to assure gentlemen that a new transcontinental road can be built for one-half the money it will require to clear away the indebtedness on the present system. Particularly is this true of the Union Pacific.

In this connection and without any infringement of the rules of the House, but as a matter of legislative record, I may be permitted to say that the Senate Judiciary Committee has reported a bill which abdicates the old sinking-fund system and adopts practically the same idea if not the same terms as are contained in the Post bill in dealing with this question. This, I take it, was done after due investigation, and may be regarded as an estoppel on the sinking-fund plan no matter what we may do here.

As I said in the outset, I am not contending for details in this matter. I shall present only the idea, and if the House should agree with me in its judgment it will be for the House to perfect such a bill as will meet this conclusion. I have no pride of opinion about any of these measures. I am here earnestly and honestly desiring the full payment of the last dollar of this colossal debt in the shortest possible time and with due regard for the rights of all concerned. I say that the continuance of the Thurman sinking fund—and I can not be mistaken in this view—means the ultimate ownership by the Government of these roads at double their worth, or the total loss of the entire sum due from these corporations to the Government within the lifetime of the subsidy bonds. It is absolutely impracticable to proceed under that act with any hope of securing the debt. This House may not be prepared now to accept my views of this question, but I am more than sanguine when I predict that it will not be two years before it is accepted and demanded as the only rational solution of the matter at issue. There can be no escape from it.

Now, what are the facts in this case? I have here a great many figures and tables bearing upon the different aspects of the question, but I shall endeavor to get along with brief reference to a very few of them. The question is one of too much importance to be passed over hastily, and yet I shall try not to weary the House with too many statistics.

In 1862 the Government by act of Congress loaned its credit to certain railroad companies, chief of which were the Union Pacific and Central Pacific, in the sum of $64,000,000. These bonds were to run thirty years at an annual interest of 6 per cent., making a total debt at the maturity of the bonds in 1897–'98 of $64,000,000 of principal and about $116,000,000 of interest, or a grand total at maturity of $180,000,000

in round numbers. That represents the indebtedness of the entire system in 1898.

In 1864 a second act of Congress gave the companies the right to mortgage their roads and franchises for an amount equal to that held by the Government, the claim of the Government thereby becoming a second lien or mortgage. So in considering this question we must always keep in view the fact that the Government holds but a second mortgage, and that there is a lien of equal amount bearing equal interest in advance of our claim. This is why we are confronted with so many serious complications. Any summary proceeding in asserting the claim of the Government may precipitate a foreclosure by the parties holding the first-mortgage bonds, and thus compel the Government to step in and pay off these prior liens or waive its debt entirely. Thus far the companies have regularly paid the interest on the first-mortgage bonds, and I am clearly of the opinion that it is better to leave them in a condition to continue to do so than to precipitate a crisis.

Going back now to 1878, it was at that time that Senator Thurman (a gentleman for whose great ability and integrity and patriotism, by the way, I entertain the most exalted admiration) devised, and after a great struggle enacted into law, what is popularly known as the Thurman sinking-fund act. That was an act which attempted to obtain and place in the Treasury of the United States in the nature of a sinking fund for the protection of the interests of the Government, long in advance of the maturity of the debt, 25 per cent. of the net earnings of these roads. The author of the act is more deserving of commendation for his great legal ability in formulating a law that would reach out and take hold of a debt before it was due than for the practical application of provisions of material benefit to the Government. It may be possible, however, that with the lights then attainable the Thurman sinking fund was the wisest thing that could be done. With our present lights it is puerile and absurd, and I say this with full knowledge of the great reverence, not to say awe, which this measure has inspired in the minds of many people in this country.

The validity of the Thurman sinking fund was tested in the Supreme Court of the United States, that tribunal holding that the Government had no legal right to apply the funds of these corporations to the payment of any portion of the debt, principal or accrued or accruing interest, prior to the maturity of the whole debt, principal and interest, in 1898; but that the Government might set apart a portion of the earnings of the roads for the better protection of the mortgagees, the said sum so diverted to be held subject to the rights of the lien-holders respectively in their proper order, not making the Government preferred, and that no part of the money thus withheld should be regarded as a payment on any portion of the debt of the Government, but that the same should be surrendered, every dollar of it, should it be required to discharge the obligations of the companies prior in time to the lien of the Government. As understood by the lay mind, this was substantially the decision of the court, the opinion being sustained by five of the judges to four dissenting. I digress to say that I have been through them all, and if I am any judge of legal questions the dissenting opinions are by far the abler.

Late additions to the supreme bench render it almost certain that the original opinion would be overthrown were the opportunity presented. This is another very strong reason why we should select some other mode for the settlement of this debt. The small sum now held in the Thurman sinking fund is subject to the claims of the holders of the first-mortgage bonds under the decision of a majority of the court, and were that opinion reversed, as it is likely to be if we make another case to go to them, the entire amount would be swept away and we should be precisely where we started—with not one dime applicable to the payment of the debt, principal or interest, in the sinking fund.

It was the theory of the sinking fund, and the law so directed, that the money paid into it from time to time by the companies should be invested in 5 and 6 per cent. bonds of the United States, the money being regarded as worth about that rate to the companies from which we were taking it in advance of its becoming due, and thus by an investment in these interest-bearing bonds for the sole benefit of the companies, and not for the Government, we would work no loss or injury to the companies by reason of the sinking fund which we had set up. Here again occurred another mistake which could not have been foreseen. The whole theory upon which the validity of the Thurman act was upheld by the Supreme Court was that we inflicted no injury on the companies by requiring them to anticipate the payment of a debt not falling due until 1898, either principal or interest. As regards the practical results of the sinking-fund investments, the companies certainly have just ground for complaint. The 5 and 6 per cent. Government bonds soon rose to such a rate of premium in the markets of the world that the operation of the sinking fund was practically defeated.

I have here among my papers, and it is official, from the Treasury Department of the Government, a statement showing how the sinking fund has operated as regards the companies. This statement relates more particularly to investments made for the Central Pacific, though the same state of facts applies with equal force to the other companies. To get at this matter very briefly: the Central Pacific has paid in premiums for the investment of its share of the sinking fund $178,000 and has received back in interest to date but $166,000, making a clear loss to the company under this beneficent sinking-fund act of $12,000; nor has the Government been correspondingly or in any degree benefited by these operations. I say, therefore, that a law which is clearly shown to have worked so unsatisfactorily ought not to be longer relied upon in the settlement of this account. This great Government can not afford to abridge the obligations of a contract, whether the party whose rights are invaded be a railroad corporation or a private individual.

But my opposition is not based alone on the doctrine that the sinking fund has not worked equitably, but upon the broad ground that under that system it is impossible to collect the money due the Government. The law, because of fundamental defects, is incapable of successful administration. Changing conditions will render it more and more difficult of administration. Based as it is on a percentage of the net earnings, anything which affects the volume of business transacted by the roads must of necessity affect the amount of money going into the sinking fund. Business diverted to rival or parallel roads not subsidized by the Government can not fail to lessen our revenue from the subsidized lines. From this cause alone, that portion of the debt due from the Union Pacific Railroad is to-day in extreme peril. This fact I can not too strongly impress upon the attention of the House.

Why, Mr. Speaker, there has been an enormous falling off in the earnings of the Union Pacific road, and the decline is still going on. For the first five months of the present year, compared with the same period in 1883, there has been a decrease in net earnings of nearly two millions of dollars. That company seems to be trembling on the very verge of bankruptcy. There was a time when it might have met its obligations to the Government; to-day it is so loaded down with incumbrances of one kind and another that it seems impossible that it should ever shake them off. Within the last week Government experts have been to Boston to examine the books of this company. I have before me their report. It is too voluminous to be read and digested in detail. But I can assure the House that it makes some very important disclosures. I have had but little time to study it, it having been furnished to me within the last hour, but I am prepared to present its more salient features. Give me your attention while I show you something of the condition of this company:

The falling off in surplus earnings of the entire system for the five months ending May 31, 1884, as compared with 1883, was $1,983,000.

The revenue and expenditures of the entire system for the same period show a deficit of $729,000.

To enable the company to pay the July quarterly dividend of 1¾ per cent. the company will have to borrow or draw from any surplus on hand about $1,400,000.

The total debt of the company March 31, 1884, including capital stock outstanding, was $223,975,889.34.

Think of so vast a sum—five times greater than the national debt at the beginning of the war! Included in this amount is a floating debt of $11,409,099.32.

The assets show a surplus over the liabilities (including land sales) of $15,224,684.61, or, including land sales, of $4,311,639.55.

The loss to the company in operating "branch lines" for the first three months of 1884 was $347,826; for the corresponding three months of last year the loss was only $3,000.

There we have it: a concern rotten from top to bottom, with a debt as large ($223,975,889) as many of the governments of the earth. This company owes the Government to-day $65,000,000. It owes other creditors, whose liens are prior to that of the Government, about sixty millions more in round numbers. Our security rests on something like 1,400 miles of railroads thus encumbered. The line from Omaha to Ogden can be duplicated to-day, every inch of it, for $40,000,000. We could build a new road and save $20,000,000. But if we should pay off the prior liens and take the road for our debt, it would represent a cost to the Government of more than $120,000,000. Are we prepared to invest this money in a property that is not worth to-day $50,000,000?

The trouble grows out of the fact that the road has been parallel its entire length. It has been stranded by rival lines competing for its business. The completion of the Northern Pacific cut off most of its Montana and Oregon business. The Chicago, Burlington and Quincy competes for the Colorado and Denver business. The Atchison and Santa Fé and Southern Pacific get a share of the traffic, while the Denver and Rio Grande absorbs a large part of the Utah business and draws heavily on the overland commerce by its through connection at Ogden. In other words, there are now five railroads to do the business formerly handled by one. I do not say that this company may not again become prosperous with the settlement and development of the country along its line, but time will be required to extricate it from its present embarrassments.

I have said that under the percentage system we can never recover this great debt. It will become manifest to any one who will investigate this question that the Government is placed at a great disadvantage under the percentage system. This must follow inevitably from the fact that the other side keep all the books. We are compelled at every annual settlement to accept as the net earnings whatever sums these corporations may choose to return. And just here is the question which gives rise to all the trouble and litigation. Disputed claims

amounting to $8,000,000 are to-day being litigated between the Government and the Union Pacific Company. "Net earnings" is too indefinite a term; the officers of the Government and the companies can never agree as to what constitute net earnings. Should the interest on the first-mortgage bonds, new construction, and new equipment be deducted in arriving at the net earnings?

These are the questions that lead to endless disputes and litigation, and through it all the sinking fund is cheated out of the greater portion of the money which should go into it. These corporations have construed the law to suit themselves, and thus far the Government has been powerless to assert and enforce its claim to the money annually called for by the act of 1878. It is not so much that they dispute the binding effect of that act as it is that they set up claims under it regarding their net earnings which can not be accepted as correct without practically defeating the requirements of the sinking fund itself. No change in the percentage of the net earnings demanded by the Government will remedy or can remedy this defect in the law. The vice is fundamental and inherent. All railroads in dealing with each other treat on a basis of the gross earnings, which should have formed the basis of settlement in the Thurman act.

But a better plan still is to require the payment semi-annually of a fixed sum. That is what the Post bill does, and in this regard if no other it is a vast improvement on the old system, which it is sought here to continue for no higher purpose that I can discern than that it has proven a conspicuous failure.

Why, Mr. Speaker, let me further illustrate how the percentage plan works when practically applied to these corporations. The exact number of miles is not necessary to convey the idea clearly to the House. In round numbers, then, the Government aided the Union Pacific with bonds to build about 1,400 miles of road. It aided the Central Pacific to the extent of something over eight hundred miles. Our security and our interest in the net earnings are confined to these aided sections, and no more. This has been determined by the Supreme Court of the United States. To-day the Union Pacific is operating over 4,000 miles of road, or 2,500 on which the Government has no claim and to any portion of the net earnings of which it can set up no claim under the decision of the highest tribunal in the land.

Nay, more, under the decision of the same court we must even pay cash for the transportation of our mails, troops, and supplies over the non-aided portions. But the whole of the Union Pacific system of 4,000 miles is conducted under one management and one set of books, and the earnings of the entire system go into a common fund of the company. Here, then, comes the interesting process when the Government's quota of 25 per cent. under the Thurman act, as that law now stands, is to be ascertained. It usually turns out that the Government's 1,400 miles has not earned as much in proportion as the rest of the system. And who can draw the line on these earnings? Who can say whether or not full and fair returns are made? And where is the check placed for the protection of the Government in regard to this very important matter? Is it saying too much to assume that the Government's 1,400 miles is made to bear more than its just share of the cost of maintaining and operating the whole system? The utter failure of the Thurman sinking fund furnishes the answer to all of these questions. The whole scope and plan of the law is founded in error and false principles, and any amendment thereto which has for its object the continuance of the percentage feature must, beyond peradventure, prove alike abortive and disastrous to the interest of the Government. I would reverse this whole plan; I would require the payment of $1,000,000 every six months, or two millions a year, without regard to net earnings or where the money came from. You might increase the sum and call for more annually, if you thought proper and believed that the companies could afford it, and still be left in position to take care of the lien in advance of the Government's.

As I have already remarked, I care nothing about the details of the bill, though I have my opinion as to what they should be, but I do insist that the old and futile percentage system should be at once and forever discarded. My plan would of course necessitate an extension of the debt. It must be extended under any plan. The Thurman act as it stands to-day would not discharge the debt in a century, The proposed increase of 10 per cent. will leave due and unpaid at the maturity of the bonds in 1898 the principal of $64,000,000 and more than $30,000,000 of interest. To pay the interest alone, leaving nothing but the $64,000,000 of principal due at maturity, will require 85 per cent. of the net earnings of the Central Pacific and more than 50 per cent. of the net earnings of the Union Pacific and Kansas Pacific. With these large percentages we would still be compelled to grant an extension for the $64,000,000 of principal in 1898. But if we call for the large percentages which I have shown to be necessary to meet the interest account, what then is to become of the first-mortgage bonds and the interest thereon, equal in both principal and interest to our own claim? Would the 15 per cent. of net earnings left in possession of the Central Pacific and the 45 per cent. left to the Union Pacific and Kansas Pacific enable these companies to protect the interest of the Government, as against the first mortgage, prior in time to the mortgage of the Government? These are the serious questions to be met and solved by this House at this time. I have no hesitancy in declaring that if the percentage system is to be continued at all it should be largely increased with respect to all of these roads. But that, in my judgment, is not the way to get the debt—rather, it is the way not to get it.

And this brings me to say that the principle contained in the Post bill is unquestionably the correct principle. It ignores the percentage plan *in toto* and requires the payment of a specific sum semi-annually, equaling about two millions per year. At this rate the whole debt and interest will have been paid in forty-six years from 1898. You can shorten the time by increasing the amount of the semi-annual payments if you like. It is not an extension of the whole debt forty-six years, as some gentlemen would like to convey to the House, because at the end of the forty-six years the last dollar of the debt will have been fully met and paid if the law be complied with. The average extension would be but twenty-three years. Under the other plan there can be no reasonable guarantee that the last of the debt will be paid in sixty years or one hundred years. With the facility with which railroads sometimes pool their earnings I can readily see how it would be possible for net earnings to disappear altogether from the subsidized lines. An understanding or contract between the rival lines would easily bring about this result.

But the best feature of the Post bill is that which extends the statutory lien of the Government over 5,600 miles of road not now held as security by the Government, predicated as it is on the consent of the companies in consideration of the extension granted for the payment of the last installment of the debt. This, to my mind, makes the debt absolutely safe and insures the prompt payment of every dollar of it, because the bill provides that a default in the payment of any one of the semi-annual bonds makes that moment the whole debt due and payable. It will be noticed by members that it also provides that such of the companies as refuse to accept this plan of settlement are continued under the operation of the Thurman sinking-fund act at the same increase of percentage as is fixed in the other bill. Thus it will be seen that on the percentage plan the Post bill is quite as good and quite as perfect as the other. It is immeasurably better and safer and simpler in those particulars, requiring the payment of a specific sum annually and adding to our security more than double the number of miles of road now held as security by the Government.

But, Mr. Speaker, I have a still greater and broader objection to a continuance of the percentage system, especially if the percentages are to be materially increased, as they should be if we are to continue on that line at all. It affects directly a matter of paramount importance to the people of the Pacific coast. The great demand of our people is lower rates of transportation. If this debt is paid at all it must be paid by the people of the Pacific coast, by the patrons of the roads. You gentlemen of the East will not contribute a dollar toward its payment. The debt is now the property of all the people of the United States, and I say frankly that I would rather all the people should watch and wait for their money than that my people should be further oppressed to the end that the debt may be promptly paid at maturity. Charity begins at home, and it is my province as it is my pleasure to look out for my people and my section as against the rest of the world. The more you take from the railroads the more in turn the railroads will take from the people. The higher you fix these percentages the deeper these roads will dive into the pockets of the people who sustain them with their patronage.

The main question involved here is whether the people of the Pacific coast shall liquidate this vast debt in fourteen years or forty-six years; whether you shall make lower rates possible or continue indefinitely the present high rates. I warn the delegation from California that this is a question affecting the material progress of their State. A vote to continue the system of a percentage of the net earnings is a vote, directly and emphatically, against any lowering of transportation charges. See how the system is bound to work in practice. The percentage plan as proposed here means in plain terms that 35 per cent. of all the money paid by our people to the railroads for freights and fares must go into the Treasury of the United States in liquidation of the enormous debt due from the railroads to the Government. The larger you make the percentage the greater the inducement held out to the railroads to maintain high rates in order that the income from that portion left them may not fall below the present standard. That is the inevitable tendency of a continuance of the sinking fund based on a percentage of the net earnings. This might not be so bad if we could regulate their charges by law. But how are you going to do that? The Eastern member of Congress is more interested in the collection of this debt than he is in the welfare of the people of the Pacific coast.

Suppose you undertook here to cut down railroad charges, say, for purposes of illustration, 50 per cent., what would be the effect on this sinking fund and what Eastern member would vote for your bill? Would not a vote to reduce railroad charges 50 per cent. also be a vote to reduce the amount going into the sinking fund by just one-half? Who then would support your bill under these circumstances, and how can you hope for relief for your people when this percentage plan is once fastened permanently on the country. I say again to the members from California, and to the whole people of the Pacific coast, that lower charges for transportation of all kinds is a question of vastly more importance to them than anything affecting the payment at ma-

turity of this debt due to all of the people of this country. I desire that the Government shall get its money, but I am not desirous that my people shall be unduly and unwarrantably taxed to pay it; and I assert again with emphasis that any scheme for the payment of this debt based on a percentage of the net earnings means the continuance perpetually of high rates and the present onerous burdens borne by the people of the Pacific coast—a thing that shall never be done, by the Eternal, with my consent or concurrence. Would that all men possessed sufficient moral courage to do the right thing on every question affecting the public weal.

A day has been assigned the Committee on Commerce to consider the bill regulating interstate commerce, and I have steadily during this Congress and the last voted to take up that subject, but it must be manifest to all that we can not legislate intelligently on the question of rates as applied to the Pacific railroads until we shall have determined the manner of the settlement of this great debt. It is to remove every possible obstacle standing between the people of the Pacific coast and lower rates that I advocate the immediate abolition of the percentage plan and the substitution for it of the payment of a specific sum annually without any regard whatever to earnings or whence the money comes, within a just and proper recognition of the rights of all of the parties concerned, including not alone the Government, but with due regard to the demands of all other creditors of these corporations. But the first step looking to lower rates is the final adjustment of this debt on conservative and rational principles.

Mr. ANDERSON. Do I understand your argument to be that we ought not to increase the percentages because we might ultimately lose the debt? May I ask whether your committee has made any report on my bill appointing a receiver to take these roads in hand for default in payment of interest?

Mr. CASSIDY. That is a collateral issue.

Mr. ANDERSON. It would secure the Government.

Mr. CASSIDY. It does not apply to the case in hand at all, and has no connection with it. That is a Kansas idea, which cuts no figure in this argument. But I may say for the information of my friend from Kansas that the Attorney-General has ample power under the law as it exists to-day to protect every right of the Government in the event of the companies defaulting in the payment of the interest on the first-mortgage bonds. Up to this time none of the companies have defaulted on account of this first interest, and to assume that there is danger that they will become so reduced as to compel them to do so is one of the very strongest arguments that could be advanced against the increase of percentages attempted here. The gentleman's question is an argument against the bill instead of one in favor of it.

I have been urging all along that the Thurman sinking fund has fallen far short of its purpose; nobody is found who will attempt to maintain that it has been a success. On the contrary, under its operation we have scarcely accumulated a dollar in the Treasury from any company that did not voluntarily comply with its provisions. In this connection it gives me great pleasure to say that the Central Pacific Railroad Company has complied strictly with the letter of the law; that it has paid every dollar required by the Thurman act, and is not to-day in arrears a single dollar on account of the sinking fund. In addition to this, it has established a sinking fund of its own into which it has paid about $10,000,000 to meet and discharge the first-mortgage bonds, which are prior in lien to those of the Government.

Of course gentlemen will readily understand that any provision looking to the payment of the first-mortgage bonds is the same in effect as paying the Government, because in that way our mortgage becomes first and the security of the Government will be beyond any reasonable question. So far, then, as this corporation is concerned, in the matter of the debt it comes to Congress with clean hands. There is no evidence anywhere that it seeks to wreck the property and then unload it on the Government. The Central Pacific Railroad Company has a constructive residence in my State and is one of the largest tax-payers of that Commonwealth. It is simply just, therefore, that it should receive at my hands fair consideration during the progress of this debate, and I repeat that it is deserving of honorable mention for having complied promptly and strictly with every demand made upon it by the Government of the United States.

Mr. BUDD. May I ask the gentleman a question?

Mr. CASSIDY. Yes, sir; if it is pertinent.

Mr. BUDD. You say the Union Pacific has been losing money.

Mr. CASSIDY. I did not say anything approaching that, and no part of my argument has been based on any such theory.

Mr. BUDD. I so understood you.

Mr. CASSIDY. Well, you did not understand me correctly. What I did say was, that by reason of the construction of parallel roads its business had greatly diminished during the last two years.

Mr. BUDD. I will ask if they are not paying 14 per cent. per annum upon their capital stock?

Mr. CASSIDY. I have no doubt that they have been paying larger dividends than they should have paid, particularly as they are so greatly in arrears to the Government. I strongly suspect also that they have been selling their lands and dividing the proceeds among their stockholders; but they have not been paying 14 per cent., but 7 per cent.

Mr. BUDD. No, 14—7 every six months.

Mr. CASSIDY. The gentleman is simply mistaken about that, as every one knows who has investigated the affairs of this company.

Mr. THOMPSON. The gentleman from Nevada is right; 7 per cent. is the correct figure.

Mr. CASSIDY. The Union Pacific Railroad Company has been paying 7 per cent. per annum for many years. A portion of this has been paid out of the earnings of the road and a portion, perhaps, out of the sale of the company's lands. I do not believe that they have at all times in good faith earned the dividends which they have paid, and I do not believe that they should pay any dividends until they have paid the debt which they owe the Government. Certainly they are in no condition at this time to pay dividends, whatever they may have done in the past. The report of the Government experts, which I have before me and to which I referred a little while ago, shows that they are $1,400,000 short of their usual 1¾ per cent. quarterly dividend for July. For the information of the House, I shall ask to publish this entire report of the experts as an appendix to my remarks.

And now, Mr. Speaker, let us for a moment vindicate the truths of history. I undertake to say, sir, that the building of this great transcontinental railway was one of the grandest achievements of the nineteenth century. All honor, then, to the master-mind that conceived it; all hail to the matchless energy that prosecuted it to a successful issue. By its construction six States and Territories of this Union have been made possible; a highway for the rich commerce of the Orient has been provided; the vast wealth of the mines of the West has been laid at your feet; the Indian question has been settled, and an indissoluble union between indestructible States has been established, thus binding the remotest sections of our country together in affectionate regard one for the other and insuring peace and concord through all the coming ages. All talk of a "Pacific republic," if it ever had any serious existence, disappeared at once and forever with the inauguration of this great enterprise. To-day five hundred million dollars' worth of cattle feed on the nutritious grasses of the Rocky Mountains because of the facilities afforded by this road for reaching the markets of the country, thus supplying cheap beef to all of the people; for grass-fed beef means cheap beef.

Mr. BELFORD. I desire to ask the gentleman if the public lands were not entirely worthless before the construction of this road.

Mr. CASSIDY. I was just coming to that. Certainly they were utterly valueless without the road. Some of them are not worth much yet; but if the road had not been constructed, no part of them could have been sold for any price whatever. They were destitute of value because there was no demand for them. But there were other advantages secured which I was going on to state.

Why, the experience derived from the examples of engineering skill alone was worth double the cost of the road. It must not be forgotten that prior to the construction of this road the belief was prevalent everywhere in this country that the great mountain ranges presented insurmountable barriers to successful railroad building. Yet we have seen the Rocky Mountains scaled at an altitude of 8,000 feet above the level of the sea, and the great Sierra pierced whose snow-capped crest rises more than 13,000 feet above tide water.

Thus it is that railroad building has been promoted throughout all the mountainous sections of this country. And just here let me give credit to the Republican party for the passage of the Pacific Railroad act. Barring the grant of land which it carried, it is one of its brightest achievements during the whole of its twenty-four years of power. Gentlemen will recall that this bill was passed just fourteen days after Maximilian had set up his empire in Mexico. The building of the road under the circumstances, I state most unhesitatingly, was both wise and patriotic. Gentlemen must not assume either that this was altogether a bad bargain for the Government. The bonds loaned to the companies only netted them about 65 cents on the dollar, owing to the depreciated state of the Government's credit at the time. But the Government has a right to expect full payment, dollar for dollar, of the face of the bonds, with interest, including the many other blessings and advantages growing out of the investment. Prior to the construction of this great highway, let it not be forgotten, the annual expenditures for carrying the mails and transporting supplies for the military posts and the Indians on the plains aggregated $10,000,000. In 1857, when Johnston's army moved against Brigham Young, they ran as high as $18,000,000. Since the building of the road the yearly appropriations for the same service have never exceeded $2,000,000; a clear saving to the Government of $8,000,000 per annum, or more than $125,000,000 for the sixteen years since the road went into operation.

I followed, Mr. Speaker, the trackless desert across the continent many years before this enterprise was undertaken and I know something of the hardships and privations which the early pioneer was forced to endure in the far West. I know also with what zeal and earnestness we prayed for the early construction of this great national highway. There were no anti-railroad men in California in those days. Had a thousand millions of Government bonds been necessary for this great work, not a man in California would have opposed the outlay; and could such an alternative be presented to-day, I dare say that the people of that State would justify the expenditure of a like amount rather than dispense with their road.

Mr. Speaker, a moment ago, in complimenting the Republican party for the passage of the Pacific Railroad act, I made an exception in regard to the land subsidy. I believe that to have been a mistaken policy. It is my judgment that not one acre of the public domain should ever have been given to any railway or other corporation. I would have assented to $100,000,000 more in bonds if necessary to carry out this great project, but not one acre of the people's land should have been pledged for the success of the undertaking. The public lands should have been held as a sacred trust for the homeless and landless, and if I had my way about it to-day I would take back these lands at a fair price and apply the value of them on this great debt due the Government from these companies. I would allow the companies a fair consideration for them and then deal them out, as might be required, to actual settlers. That is the practical way to rid ourselves of a large amount of this debt and at the same time bring the Government back to its early policy on the land question, namely, that they should be held for the actual settler.

While I am talking about my Republican friends (and I have a right to criticise them now, because I complimented them a moment ago) I must say that I was not a little amused the other day to find them in their national convention at Chicago resolving in favor of the forfeiture of these land grants which they had themselves made, while on the same day and perhaps at about the same hour the Republican members on the other side of this House were filibustering to prevent the passage of a bill restoring one of these unearned grants to the public domain. I say I was amused at this display of consistency between the representatives of that party at Chicago and on this floor respectively.

Mr. WHITE, of Kentucky. Will the gentleman allow me to correct him? If I remember rightly the gentleman from Louisiana [Mr. ELLIS] of that side of the House led in that.

Mr. CASSIDY. Mr. ELLIS's matter was not the case to which I alluded. I had reference to the Oregon railroad grant.

Mr. FUNSTON. I ask the gentleman if it is not true that the Democratic party, before the Republican party had an existence, gave away 26,000,000 acres of the public domain to the railroads?

Mr. CASSIDY. To what railroads? Name one of them.

Mr. FUNSTON. To the States for the railroads. Did they not give the land to the States with the express understanding that it should be given to the railroads? And might it not be that the Republican party were trying to get back what the Democrats gave away?

Mr. CASSIDY. I am ready, sir, to join issue with you on this land question generally. Your party has squandered on railroad corporations an area of territory equal in extent to all of the New England States, New York, Pennsylvania, and Ohio combined, while every single acre that has ever been added to the national possessions, with the single exception of the Alaska purchase, since the Government began was acquired under Democratic administrations; and I most unhesitatingly and emphatically declare further, that the Democratic party, as such, never gave a single broad acre of the public domain to any private corporation under the sun. [Applause on the Democratic side.]

Mr. DUNHAM. May I ask the gentleman a question? Who gave the Illinois Central grant?

Mr. CASSIDY. It was given to the State, and the State in turn—no doubt, under a Whig administration—gave it to the railroad company.

Mr. KEIFER. Under the leadership of Stephen A. Douglas——

Mr. CASSIDY. One at a time, gentlemen.

Mr. KEIFER. Under the leadership of Stephen A. Douglas the first land grants were made to the railroads, and the Illinois Central was the beneficiary. While in form the grant was to the State of Illinois it was expressed that it was for the benefit of the Illinois Central.

Mr. CASSIDY. Produce the law. I repeat that it was given to the State, and the State in turn gave it to the railroad. The Democratic party in all of its history has never given an acre to any railroad corporation in the world, and still we acquired every acre over which the American flag floats to-day with the simple exception of Alaska.

Mr. FUNSTON rose.

Mr. CASSIDY. The gentleman will pardon me. I must decline to yield further. I have some other matters to submit to the House and I must go on.

Mr. COOK. Alaska is not land. It is only an iceberg.

Mr. DUNHAM. If the Democratic party acquired all of the public domain, perhaps they had a right to give it away.

Mr. CASSIDY. But they never gave an inch of it away. I would like to talk this matter over with my friend from Illinois [Mr. DUNHAM] but I have not the time just now, and he must excuse me when I insist on proceeding with the discussion of the measure under consideration. I have but an hour, and too much of my time has already been taken up with these side issues.

And now, Mr. Speaker, let us return to the main question. I have shown that the majority bill settles nothing; that it leaves the whole question of the debt in as bad condition as we find it to-day; that net earnings, by reason of circumstances which I have pointed out, are gradually but surely falling off and may soon disappear altogether, and that under the most favorable auspices the entire principal of $64,000,000 and more than $30,000,000 of interest will be unprovided for at the maturity of the bonds in 1898. No friend of that measure will attempt to deny that fact to this House.

Mr. THROCKMORTON. May I ask my friend from Nevada what the Post bill will do at the maturity of these bonds?

Mr. CASSIDY. It will bring into the Treasury substantially as much as yours, and besides it more than doubles our security for the payment of the whole debt.

Mr. THROCKMORTON. Oh, yes.

Mr. CASSIDY. I am no stickler for the strict letter of the Post bill. My chief contention is that it embodies the correct principle. My friend from Texas [Mr. THROCKMORTON] will hardly deny that the sums called for by the Post bill can be so enlarged as to bring to the Treasury of the Government more money annually than any other scheme yet proposed, and besides it is a final and definite settlement of the whole question. The majority bill amounts to nothing and settles nothing. From the very nature of the case it is a mere makeshift, temporary and transient in its character, and essentially devoid of every element of broad and statesmanlike purpose. The occasion is urgent that some system shall be devised whereby this debt shall be cared for and placed in course of sure and ultimate payment, but it is not as important that the Government insist on its money immediately if it could get it, which of course it can not, as it is that the security be made ample and certain. Pass any well-devised scheme that will secure the payment of the debt beyond doubt in any reasonable length of time, not leaving it open to the doubts and delays and failures of the past, which must be continued and repeated under the majority bill, and I shall be entirely satisfied. I have already stated that these roads are paralleled from one end to the other and that the business which formerly went over the Central and Union Pacific roads now goes in part over the Southern Pacific, which was not aided with Government bonds and from which, of course, we can get nothing applicable to the payment of this debt.

Mr. THROCKMORTON. Was not the Southern Pacific Railroad built out of the earnings of the Central Pacific?

Mr. CASSIDY. Suppose it was? What has that to do with this question? As a matter of fact I presume that some of the earnings of the Central Pacific went into the construction of the Southern Pacific; I can not answer positively as to that, because I do not know, but it is true that the Southern Pacific has a very considerable bonded debt of its own.

Mr. THROCKMORTON. It is true that it was built out of the earnings of the Central Pacific.

Mr. CASSIDY. I know that that has been alleged over and over again, but whether truly or falsely I have no means of knowing, nor do I care for the purposes of this argument.

Mr. THROCKMORTON. Everybody knows it to be true.

Mr. CASSIDY. Well, suppose it be true? What has that to do with this case? If my friend will permit me, the question is simply this: If we are to rely on a percentage of the net earnings, as under your bill, certainly we can not expect to get anything from the Southern Pacific, or from the Northern Pacific, or from the Denver and Rio Grande, or from the Chicago, Burlington and Quincy, because the Government did not grant bonds in aid of the construction of any of these roads. We must look entirely to the earnings of the Central and Union Pacific systems, for these are the only roads in which the Government is interested. It is for this purpose that I have directed attention to the fact that these Government roads are paralleled by other and non-aided roads. I do not mean to say (because that is a branch of the general question which I am not now arguing) that they are competing lines in the sense that competition affords lower rates to the people, but I do say that they are competing lines for business; they divide the business and as a necessary result lessen the volume of traffic that goes over the subsidized roads; and when you predicate a bill on a percentage of the net earnings of the roads aided by the Government, the parallel roads, by dividing and thereby reducing the business, become an important factor in estimating the amount that will go into the Treasury for the satisfaction of the debt.

Mr. GLASCOCK. Then, if I understand the position of the gentleman from Nevada [Mr. CASSIDY], in order to secure to the Government that which is already due you must stop competition between these roads so that the subsidized lines will have all the traffic.

Mr. CASSIDY. I had hoped that I had made myself clear on that point, but it seems that the gentleman from California [Mr. GLASCOCK] does not comprehend my position at all. I have said nothing whatever about stopping competition. I have been urging the fact that the overland business is now divided—with one road as regards the Central Pacific and with five roads as affecting the Union Pacific; and that by reason of this division of business the Government's chances of procuring its money under the operation of any bill based upon a percentage of the net earnings had been materially reduced. That is what I said and all that I said in respect to this point in the case. What I want is competition—real competition—the kind that will lessen freight and passenger charges. As I have already pointed out, lower rates are rendered impossible under the percentage plan favored by the majority bill. Every one who votes for that bill must do so with the full knowledge that its whole tendency is in the direction of the maintenance of exorbitant rates. Lower rates and the collection of the debt will both be defeated under the operation of that fallacious measure.

And now, Mr. Speaker, permit to say that I have endeavored patiently and honestly to reach a fair and just conclusion on this subject.

I have gone over the whole matter of the earnings of these roads and their liabilities to the Government and other creditors. It must be confessed that the question is one of many embarrassments and complications on all sides. The great trouble is that this House can never, with the brief time allotted for discussion, be brought to a complete understanding of the many important questions put in issue. On a bill of the magnitude of this, involving as it does more than one hundred millions of money, at least a week should be devoted to its consideration. But this was not to be hoped for at the present session with the crowded condition of our calendars. The Committee on Pacific Railroads gave nearly three months of patient and diligent consideration to this subject. We have divided in opinion nearly equally as to the best mode of procedure in the future. Every member of the committee has been animated by a zealous desire to do that which would best protect the interest of the Government and promote the collection of this debt. We have differed as to policy only, and as a result we come to the House with two bills, both of which are honest bills. That reported by the gentleman from Kentucky [Mr. THOMPSON] representing the majority is a literal copy of the present law with the percentage of net earnings increased from 25 per cent. to 35 per cent.

I take it that it must be apparent to every member on this floor that an increase of 10 per cent. on an admitted failure can not in the very nature of things work any material improvement. For myself, I have deliberately reached the conclusion that this debt must now or in the near future be adjusted on the plan suggested in the Post bill or some kindred plan, or failing in that the Government will stand in imminent danger of losing the entire sum, principal and interest. The Post bill may not be perfect; it may need amendment; perhaps some of its provisions should be discarded altogether; that is immaterial, but I know that the idea is right and that it covers substantially the plan that must ultimately prevail. The chief feature of this bill and the one which should commend it to the favorable attention of all men of ordinary business sagacity is the provision which gives us 5,600 additional miles of railroad as security for the debt.

Mr. THOMPSON. Will the gentleman allow me to interrupt him right at that point?

Mr. CASSIDY. Certainly; with great pleasure.

Mr. THOMPSON. I know the gentleman does not wish any misunderstanding of this matter. Of the 5,600 miles of additional security which the gentleman says will be obtained under the bill which he advocates I understand that there are only 760 miles which actually belong to these corporations, the balance being leased by them.

Mr. CASSIDY. The gentleman is entirely mistaken about that. The Union Pacific system embraces a total of 4,303 miles, of which only 1,436 miles are subsidized. The Central Pacific covers 3,041 miles, of which but 863 miles are subsidized.

Mr. THOMPSON. The gentleman does not meet the question which I ask. He will not tell the House that by an act of Congress we can extend the lien of the Government over 5,000 miles of leased road.

Mr. CASSIDY. Of course I would make no such statement as that, but I do tell the House that with the consent of the companies, as provided in the Post bill, we can extend our lien over everything they own, including whatever interest they may possess in such of the lines as are leased. I have no difficulty in making that declaration to the House in the most unequivocal terms. I have here a table setting out just what roads are owned as well as those that are leased. It may be read for the information of the gentleman. He will find that I am correct in every declaration that I have made.

EXHIBIT No. 1.

Statement showing mileage of roads operated January 1, 1884, by the several companies to which the United States have loaned bonds in aid of construction.

RAILROADS OPERATED BY THE CENTRAL PACIFIC RAILROAD COMPANY.

Name of road.	From—	To—	Miles.	Subsidized or otherwise.	Owned, leased, or controlled.
Union Pacific Railway	Ogden Station, Utah	Utah Southern Railroad Crossing	.11	Bonds and lands	Neither.
Do	Utah Southern Railroad Crossing	Terminus of Union Pacific Railway	5.00	do	Leased.
Central Pacific Railroad	Terminus of Union Pacific Railway	Sacramento, Cal	757.50	do	Owned.
Do	do	do	.95	Not subsidized	Do.
Sacramento and Placerville Railroad	Sacramento, Cal	Brighton, Cal	5.64	do	Leased.
Central Pacific Railroad	Brighton, Cal	Niles, Cal	103.83	Bonds and lands	Owned.
Do	Niles, Cal	West Oakland, Cal	24.31	Not subsidized	Do.
Do	West Oakland, Cal	Oakland Wharf, Cal	77.54	do	Do.
Do	Oakland Wharf, Cal	San Francisco, Cal	2.20	Ferry	Do.
Northern Railway and San Pablo and Tulare Railroad	Tracy (via Martinez), Cal	West Oakland, Cal	3.69	Not subsidized	Leased.
California Pacific Railroad	Sacramento (via Suisun), Cal	Port Costa, Cal	57.52	do	Do.
Central Pacific Railroad	Roseville Junction, Cal	Redding, Cal	151.60	Lands only	Owned.
Do	Lathrop, Cal	Goshen Junction, Cal	146.08	Not subsidized	Do.
Do	Oakland Wharf, Cal	Brooklyn, Cal	5.67	do	Do.
Do	West Oakland, Cal	Masticks, Cal	3.82	do	Do.
Do	Alameda Wharf, Cal	Melrose, Cal	5.19	do	Do.
Do	East Oakland, Cal	Fernside, Cal	2.01	do	Do.
Do	Niles, Cal	San José, Cal	17.54	Bonds and lands	Do.
Northern Railway	West Oakland, Cal	Delaware Street, Cal	4.53	Not subsidized	Leased.
California Pacific Railroad	Vallejo Junction, Cal	Vallejo, Cal	2.00	Ferry	Do.
Do	Davisville, Cal	Knight's Landing, Cal	18.57	Not subsidized	Do.
Northern Railway	Woodland Junction, Cal	Tehama, Cal	100.74	do	Do.
California Pacific Railroad	Vallejo, Cal	Suisun, Cal	20.10	do	Do.
Do	Napa Junction, Cal	Calistoga, Cal	34.48	do	Do.
Stockton and Copperopolis Railroad	Stockton, Cal	Milton, Cal	30.00	do	Do.
Do	Peters, Cal	Oakdale, Cal	19.00	do	Do.
Amador branch	Galt, Cal	Ione, Cal	27.20	do	Do.
Berkeley branch	Shellmound, Cal	Berryman's, Cal	3.84	do	Do.
Southern Pacific Railroad	Huron, Cal	Colorado River, Cal	528.56	Lands only	Do.
Western Development Company	West bank of Colorado River, Cal	Yuma, Ariz	.13	Not subsidized	Do.
Southern Pacific Railroads of Arizona and New Mexico	Yuma, Ariz	West bank of Rio Grande River, New Mexico.	551.39	do	Do.
Southern Pacific Railroad	Los Angeles, Cal	San Pedro, Cal	24.24	do	Do.
Los Angeles and Independence Railroad	do	Santa Monica, Cal	16.83	do	Do.
Los Angeles and San Diego Railroad	Florence, Cal	San Anna, Cal	27.60	do	Do.
Pacific Improvement Company	West bank of Rio Grande River, New Mexico.	East bank of Rio Grande River, Texas.	.23	do	Do.
Galveston, Harrisburg and San Antonia Railway.	East bank of Rio Grande River, Texas.	El Paso, Tex	3.61	do	Do.
Southern Pacific Railroad	Mojave Junction, Cal	"The Needles"	240.13	Lands only	Do.
Total			3,003.48		

RAILROADS OPERATED BY THE MISSOURI PACIFIC RAILWAY COMPANY.

Central Branch Union Pacific Railroad	Atchison, Kans	Waterville, Kans	100	Bonds and lands	Operated for owners.
Atchison, Colorado and Pacific Railroad	Waterville, Kans	Lenora, Kans	193	Not subsidized	Leased.
Do	Greenleaf, Kans	Washington, Kans	7	do	Do.
Do	Yuma, Kans	Warwick, Kans	31	do	Do.
Atchison, Jewell County and Western Railroad.	Jamestown, Kans	Burr Oak, Kans	33	do	Do.
Atchison, Colorado and Pacific Railroad	Downs, Kans	Bull's City, Kans	24	do	Do.
Total			388		

EXHIBIT No. 1.

Statement showing mileage of roads operated January 1, 1884, *&c.*—Continued.

RAILROADS OPERATED BY THE UNION PACIFIC RAILWAY COMPANY.

Name of road.	From—	To—	Miles.	Subsidized or otherwise.	Owned, leased, or controlled.
Union Pacific Railway	Council Bluffs, Iowa (Broadway depot).	Connection with main line.	1.39	Not subsidized.	Owned.
Do	Council Bluffs, Iowa (Transfer depot).	Junction Switch, Omaha, Nebr.	3.73	do	Do.
Do	Junction Switch, Omaha, Nebr.	Connection with C., St. P., M. and O. Railway.	2.46	do	Do.
Do	do	Ogden, Utah	1,029.38	Bonds and lands	Do.
Do	Cheyenne, Wyo.	Fort Russell, Wyo.	2.04	Not subsidized.	Do.
Do	Niles Junction, Wyo.	Coal mines	4.20	do	Do.
Do	Almy Junction, Wyo.	do	5.50	do	Do.
Do	Kansas City, Mo. (Union depot)	A point on the Kansas Pacific	393.94	Bonds and lands	Do.
Do	393.94 miles west of eastern State line.	Denver, Colo. (Union depot)	245.26	Lands only	Do.
Do	Leavenworth and Lawrence Junction, Kans.	South Leavenworth, Kans.	30.87	Not subsidized.	Do.
Do	South Leavenworth, Kans.	Leavenworth, Kans. (Union depot)	1.03	do	Do.
Do	Armstrong, Kans.	Wyandotte, Kans.	2.00	do	Do.
Do	Detroit, Kans.	Enterprise, Kans.	2.00	do	Do.
Do	Cheyenne, Wyo.	Denver, Colo.	106.00	Lands only	Do.
Total			1,829.80		
Omaha and Republican Valley Railroad	Valley, Nebr.	Stromsburg, Nebr	90.03	Not subsidized.	Controlled.
Do	Valparaiso, Nebr.	Nebraska and Kansas State line.	84.46	do	Do.
Do	Grand Island, Nebr.	North Loup, Nebr.	48.88	do	Do.
Do	Junction Switch (Scotia spur)	Scotia, Nebr.	1.38	do	Do.
Omaha, Niobrara and Black Hills Railroad	Columbus, Nebr.	Norfolk, Nebr.	50.28	Not subsidized.	Controlled.
Do	Lost Creek, Nebr	Albion, Nebr.	33.98	do	Do.
Do	Genoa, Nebr.	Fullerton, Nebr.	13.64	do	Do.
Colorado Central Railroad	Denver, Colo.	Golden, Colo.	15.57	do	Do.
Do	Golden, Colo.	Colorado Junction, Wyo.	114.99	do	Do.
Do	do	Georgetown, Colo.	34.23	do	Do.
Do	Forks Creek, Colo.	Central City, Colo.	11.12	do	Do.
Do	Denver Junction, Colo.	La Salle, Colo.	151.16	do	Do.
Marysville and Blue Valley Railroad	Marysville, Kans.	Kansas and Nebraska State line.	12.70	do	Do.
Echo and Park City Railroad	Echo, Utah	Park City, Utah	28.33	do	Do.
Do	Grass Creek Junction, Utah	Coal mines	3.94	do	Do.
Utah and Northern Railway	Ogden, Utah	Garrison, Mont.	452.54	do	Do.
Do	Silver Bow Junction, Mont.	Butte, Mont.	9.42	do	Do.
Oregon Short Line Railway	Granger, Wyo.	Weiser, Idaho	519.00	do	Do.
Do	Shoshone, Idaho	Hailey, Idaho	56.96	do	Do.
Greeley, Salt Lake and Pacific Railway	Greeley, Colo.	Stout, Colo.	39.46	do	Do.
Do	Boulder, Colo.	Pennsylvania Gulch, Colo.	14.43	do	Do.
Lawrence and Emporia Railroad	Lawrence, Kans.	Carbon Hill, Kans.	31.00	do	Do.
Junction City and Fort Kearney Railway	Junction City, Kans.	Concordia, Kans.	70.45	do	Do.
Salina and Southwestern Railway	Salina, Kans.	McPherson, Kans.	35.43	do	Do.
Golden, Boulder and Caribou Railroad	Boulder, Colo.	Marshall, Colo.	6.10	do	Do.
Denver and Boulder Valley Railroad	Brighton, Colo	Boulder, Colo	27.00	do	Do.
Kansas Central Railroad	Leavenworth, Kans	C., R. I. and P. Junction, Kans.	1.19	do	Do.
Do	C., R. I. and P. Junction, Kans.	Miltonvale, Kans	166.14	do	Do.
Salt Lake and Western Railroad	Lehi Junction, Utah	Silver City, Utah	53.60	do	Do.
Denver, South Park and Pacific Railroad	Denver, Colo	Buena Vista, Colo.	135.50	do	Do.
Do	Buena Vista, Colo.	Leadville, Colo.	35.50	do	Leased.
Do	do	Nathrop, Colo.	7.50	do	Do.
Do	Nathrop, Colo.	Gunnison, Colo.	65.00	do	Controlled.
Do	Gunnison, Colo.	Mt. Carbon Mines, Colo.	17.00	do	Do.
Do	Garos, Colo.	London Junction, Colo.	15.40	do	Do.
Do	Como, Colo.	Keystone, Colo.	35.10	do	Do.
Do	Bear Creek Junction, Colo.	Morrison, Colo	9.70	do	Do.
Total			4,327.91		

RAILROADS OPERATED BY THE SIOUX CITY AND PACIFIC RAILROAD COMPANY.

Sioux City and Pacific Railroad	Sioux City, Iowa	California Junction, Iowa	69.75	Bonds and lands	Owned.
Do	California Junction, Iowa	Fremont, Nebr	32.02	do	Do.
Do	do	Missouri Valley, Iowa	5.84	Not subsidized.	Do.
Fremont, Elkhorn and Missouri Valley Railroad.	Fremont, Nebr	Valentine, Nebr	269.06	do	Leased.
Do	Norfolk Junction, Nebr.	Creighton, Nebr.	42.06	do	Do.
Total			418.73		

WM. H. ARMSTRONG, *Commissioner.*

DEPARTMENT OF THE INTERIOR, OFFICE COMMISSIONER OF RAILROADS, *Washington, D. C., April* 9, 1884.

Mr. THOMPSON. I had all of that information before.

Mr. CASSIDY. I have no doubt of it, but I wanted the House to have it also.

Mr. THOMPSON. Let me repeat my question. Does the gentleman insist that we can extend the Government lien over 5,000 miles of road that these companies have leased?

Mr. CASSIDY. I have already answered that question. The gentleman misstates the facts in the case. He assumes that these 5,000 miles of non-subsidized road are all leased and none of them owned. This is the point about which we differ. Fortunately the official record, as shown by that table, is with me. He will hardly deny that the Union Pacific absolutely owns of non-aided road 235 miles of the Kansas Pacific, 106 miles of the Denver and Cheyenne, 452 miles of the Utah Northern, and 575 miles of the Oregon Short Line, making a total of 1,368 miles. It also owns some other connecting lines of less importance and is largely interested, possessing in most instances a controlling interest, in all of the lines which it leases and operates. The mileage of this company stands about as follows: Entire system, 4,303 miles; subsidized by the Government, 1,436 miles; owned by the company without subsidy, 1,368 miles; leased and owned in part, 1,501 miles. The Central Pacific owns of non-aided road about 2,100 miles, much of which is vastly more valuable than the 863 miles in which the Government is interested; so that when I said that our security would be more than doubled under the Post bill I was strictly within the facts, as I seek to be in all matters affecting the public interest.

Mr. THOMPSON. These companies own but 750 miles of road over which the Government has no lien, and the other 5,000 miles of which the gentleman speaks consist of leased roads operated under a contract with the other companies to pay them all of the net profits made out of operating them.

Mr. CASSIDY. I do not know the source of the gentleman's information. He certainly does not get it from the report of the Railroad Commissioner or from any other official document to which the committee has had access. I have presented here the official record

covering this matter and by that I am willing to stand, merely adding that I shall be perfectly content to risk this entire contest on the correctness of the figures which I have given.

But, Mr. Speaker, suppose it were true that these companies owned no part of the non-subsidized roads; still our position would be greatly improved by the adoption of something like the Post bill, because the earnings of these leased lines would contribute to the ability of the companies to meet their obligations with the Goverement, and for the further reason that we would save to the Government, if nothing more, the cost of transporting the mails and other supplies over 5,600 miles of non-aided road, amounting to hundreds of thousands of dollars annually, constituting an important cash item toward the liquidation of the claim of the United States and which is not now available under the decision of the Supreme Court. It is not necessary, however, to concede that these non-subsidized roads are not the property of the companies, because the record discloses the very reverse of this proposition. In conclusion, therefore, I may assert in perfect confidence that with the statutory lien of the Government, made to apply as under the minority bill to all of the property, aided and non-aided, of these corporations, the security will be found ample and the ultimate extinction of the debt guaranteed beyond any question of reasonable doubt.

DEPARTMENT OF THE INTERIOR, *Washington, June 25, 1884.*

SIR: In compliance with the request contained in your letter of the 14th instant, I have the honor to transmit herewith copy of letter addressed to me on the 17th instant by the Commissioner of Railroads, and the accompanying papers, relating to the financial relations of the Union Pacific Railway Company to the United States.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. GEORGE W. CASSIDY,
Chairman Committee on Pacific Railroads House of Representatives.

APPENDIX.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, June 17, 1884.

Sir: I have the honor to transmit herewith certain statements relative to the financial condition of the Union Pacific Railway Company as recently ascertained by the book-keepers of this office from the general books of the company at Boston, Mass. Every facility was accorded them by the officers of the road for a full and complete examination of the books and accounts of the company.

Statement No. 1 shows the earnings and expenses of the entire system, including the lines owned, leased, and operated, from January 1 to May 31, 1884.

Statement No. 2 shows the revenue and expenditures of the entire system for the same period.

Statement No. 3 shows the financial condition of the company March 31, 1884, from which it will be seen that the gross floating debt amounts to the sum of $11,400,099.32, made up of the following items:

Bills payable	$5,836,434 22
Accounts payable	1,442,107 91
Pay-rolls and vouchers	2,462,821 77
Dividends unpaid	1,143,742 52
Coupons unpaid	398,992 90
Called bonds	116,000 00
	11,400,099 32

The company has certain available assets which should properly be deducted from this amount, consisting of the following items:

Cash on hand	$840,377 06
Sinking funds in hands of trustees	116,000 00
Bills and accounts receivable	3,038,262 22
Company's stocks and bonds owned by company	2,074,064 05
	6,068,703 33

leaving the sum of $5,331,395.99 as the net floating debt of the company on that date. Were the item of "fuel, material, and stores on hand, $2,622,777.37," deducted, as is often the practice of accountants in estimating net floating debt, this sum would be reduced to $2,708,618.62; but this office does not regard it as an available offset to the floating debt when the road is in active operation, and has therefore excluded it.

A large proportion of this floating debt is a gradual accumulation from expenditures made out of surplus current earnings of the company in the construction of the branch lines, the stocks and bonds of which, in whole or in part, are held by the company to the amount of $37,003,869.51, and are available as a set-off against the floating debt as shown in the above statement, or for any other debts of the company. A large proportion of these stocks and bonds are "quick" assets, and could be readily converted into cash.

Many of these branch lines are wholly the property of the company. The Julesburg branch extends from Denver Junction to La Salle, a distance of 151.16 miles, and was wholly constructed out of the surplus earnings of the company, and is not represented by stock, nor encumbered with obligations of any sort. It is, in fact, an addition of that much fully constructed road to the mileage of the main line.

Statement No. 4 shows the earnings, expenses, bonded debt, and interest of "branch lines" operated by and in the interest of the company, for the year ending December 31, 1883.

Statement No. 5 shows the revenue and expenditures of the road proper, 1,820 miles, for the three months ending March 31, 1884.

Statement No. 6 shows the earnings and expenses, and accrued interest on funded debt, of the "branch lines" operated by and in the interest of the company for the three months ending March 31, 1884, compared with the corresponding period of 1883.

Statement No. 7 is a comparative statement of the earnings and expenses of the entire system, including lines owned, leased, and operated, for the four months ending April 30, 1882, 1883, and 1884. You will observe that the comparison has been made between the years 1884 and 1882, and 1884 and 1883 separately. During the first half of the year 1883, the receipts were unduly increased by payments in settlement of large unadjusted accounts of previous years, while the receipts of the last half of the year were largely reduced by the active competition of the Denver and Rio Grande and the Northern Pacific Companies, both then completed. The year 1882 was the last year before the construction of these lines affected the course of traffic, and it was also the year of the largest receipts in the history of the company.

Statement No. 8 shows investments in detail in the bonds and stocks of other companies; advances to other companies payable in bonds and stocks; and miscellaneous investments, amounting in the aggregate to $44,068,952.86, as shown in statement No. 3.

Statement No. 9 shows company's stock and bonds owned by the company, amounting to $2,074,064.05.

As the chairman of the Senate Judiciary Committee has verbally requested me to furnish him this information, I respectfully suggest that a copy of these documents be forwarded to him.

Very respectfully,

W. H. ARMSTRONG, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

UNION PACIFIC RAILWAY COMPANY.

BOSTON, MASS., *May 31, 1884.*

Statement showing the earnings and expenses of the "entire system" from January 31 to May 31, 1884.

	Expenses.	Earnings.
Gross earnings for the three months ending March 31, 1884, as officially reported to and verified by the book-keepers		$5,059,588 70
Operating expenses and taxes, same period	$3,710,936 19	
Gross earnings for April, as per estimates by weeks of the auditor at Omaha		2,116,215 34
Gross earnings for the first, second, and third weeks of May, as per estimates by auditor at Omaha		1,535,221 27
Gross earnings for the fourth week of May, estimated by the Government book-keepers on basis of first three weeks of May		511,740 42
Operating expenses for April and May, estimated by the Government book-keepers, on basis of expenses for first quarter, from telegram from Omaha that the expenses for April, 1884, would be $100,000 less than the same month in 1883, and the opinion of the railroad officials that the May expenses this year would decrease about the same amount. Take two-thirds of this year's first quarter as being the probable expenses of April and May	2,473,957 46	
Total earnings five months to May 31, 1884		9,222,765 73
Total expenses five months to May 31, 1884	6,184,893 65	
Surplus five months to May 31, 1884		3,037,872 08

Compared with 1883 (leaving out the Saint Joseph and Western, which was not operated by the Union Pacific in 1884, for 1883) shows:

	Five months to May 31, 1884.	Five months to May 31, 1883.	Increase or decrease.
Earnings	$9,222,765 73	$10,696,125 50	* $1,473,359 77
Expenses	6,184,893 65	5,674,997 97	† 509,895 68
Net	3,037,872 08	5,021,127 53	* 1,983,255 45

* Decrease. † Increase.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, June 17, 1884.

Official returns from the company, this day received, show that the actual gross earnings of the entire Union Pacific "system" for the month of April, 1884, amounted to $2,128,964.51, being an increase over the estimated amount of $12,749.17.

Statement showing the revenue and expenditures of the Union Pacific Railway Company for the five months ending May 31, 1884.

Gross earnings of the "entire system" as per statement No. 1, which will cover the company's interest in "branch lines"		$9,222,765 73
Operating expenses of the "entire system" as per statement No. 1	$6,184,893 65	
Discount and interest	77,237 59	
Interest on first-mortgage bonds	1,057,000 00	
Interest on other funded debt	875,000 00	
United States requirement, 5 per cent. and 25 per cent.	301,874 76	
Company's sinking-fund requirement	162,000 00	
New construction	32,612 43	
New equipment	146,364 86	
Expenses of land department, Union division	50,000 00	
Dividend on capital stock, 1¼ per cent., April 1, 1884	1,065,197 00	
Total		9,952,180 29
Deficit for the five months to May 31, 1884		729,414 56

MEMORANDUM.—July 1, 1884, dividend, if declared, will amount to $1,065,197. The company estimates that the surplus earnings for June will be $900,000. One-fifth of the above expenditures for five months, except operating expenses and dividends, say $2,700,000, will be the probable additional expenditure for June, say $540,000, leaving $360,000 available for dividends.

To declare a 1¼ per cent. (July 1) dividend the company would have to borrow, or draw from any former surplus, the sum of, say, $1,400,000.

BOSTON, MASS., *June* 3, 1884.

Statement showing the financial condition of the Union Pacific Railway Company March 31, 1884, *as ascertained from its general books and accounts in Boston.*

LIABILITIES.

Funded debt		$84,791,332 50
Interest on funded debt accrued, not due		1,283,076 66
United States subsidy bonds		33,539,512 00
Interest on United States subsidy bonds accrued, not due		32,093,368 86
Bills payable	$5,836,434 22	
Accounts payable	1,442,107 91	
Pay-rolls and vouchers	2,462,821 77	
Dividends unpaid	1,143,742 52	
Coupons due and unpaid	398,992 90	
Called bonds	116,000 00	
Gross floating debt		11,400,099 32
Total debt		163,107,389 34
Capital stock		60,868,500 00
Total stock and debt		223,975,889 34

ASSETS.

Cost of road and equipments		$157,504,513 34
Fuel, material, and stores on hand		2,622,777 37
Cash on hand	$840,377 06	
Company's stocks and bonds owned by company	2,074,064 05	
Sinking funds in hands of trustees, cash	116,000 00	
Bills and accounts receivable	3,038,262 22	
		6,068,703 33
Bonds and stocks of other companies, cost		37,003,869 51
Miscellaneous investments		241,310 02
Interest repaid the United States by transportation		7,134,250 50
Due from the United States for transportation		8,616,723 47
Land contracts and land, cash		10,913,045 06
Advances payable in bonds and stocks		6,823,773 33
Sinking funds, cash, in hands of trustees		1,507 02
Sinking funds in United States Treasury		2,270,100 00
Total		239,200,573 95
Surplus, including land sales		15,224,684 61
Surplus, excluding land sales		4,311,639 55

UNION PACIFIC RAILWAY COMPANY.

Statement showing the earnings and expenses, bonded debt, and interest of branch lines operated by and in the interest of the Union Pacific Railway Company for the year ending December 31, 1883.

Name of road.	Earnings.	Expenses (including taxes).	Surplus.	Bonds outstanding.	Annual rate of interest.	Annual interest.	Bonds owned by Union Pacific Railway Company.	Annual interest.	Bonds owned by others.	Annual interest.
Omaha and Republican Valley	$450,424 21	$284,814 47	$165,609 74	$1,853,000	7	$129,710	$1,851,000 00	$129,570 00	$2,000 00	$140 00
Omaha, Niobrara and Black Hills	195,690 06	89,030 86	106,659 20	977,000	7	68,390	977,000 00	68,390 00	.....	.....
Saint Joseph and Western*	1,044,853 99	770,769 67	274,084 32	*6,575,000	7	460,250	2,817,730 40	197,241 13	3,757,269 60	†263,008 87
Marysville and Blue Valley	38,872 35	45,391 57	‡6,519 22	128,000	7	8,960	128,000 00	8,960 00	.....	.....
Julesburg Branch	731,646 72	421,111 28	307,535 44	4,788,000	7	335,160	4,697,000 00	328,790 00	91,000 00	6,370 00
Colorado Central	811,909 75	565,546 64	246,363 11							
Denver, South Park and Pacific	1,555,020 85	1,508,272 56	48,748 29	1,800,000	7	.....	.....	.....	1,800,000 00	126,000 00
				1,489,000	6	215,340	1,489,000 00	89,340 00	.....	.....
Greeley, Salt Lake and Pacific	62,800 23	81,897 64	‡19,097 41	808,000	7	56,560	808,000 00	56,560 00	.....	.....
Echo and Park City	98,735 74	62,389 97	36,345 77	480,000	6	28,800	480,000 00	28,800 00	.....	.....
Utah and Northern	1,969,206 58	1,190,525 98	778,680 60	5,543,000	7	388,010	6,968,000 00	347,760 00	575,000 00	40,250 00
Oregon Short Line ‖	917,894 22	562,006 66	355,887 56	‖10,774,000	6	462,000	.....	.....	10,774,000 00	462,000 00
Salt Lake and Western	94,017 21	44,579 30	49,437 91	1,080,000	6	64,800	1,080,000 00	64,800 00	.....	.....
Lawrence and Emporia	74,446 13	60,869 10	13,577 03	465,000	6	27,900	465,000 00	27,900 00	.....	.....
Junction City and Fort Kearny	171,506 31	121,735 54	49,770 77	1,050,000	7	73,500	970,000 00	67,900 00	80,000 00	5,600 00
Solomon	103,215 66	66,211 09	37,004 57	575,000	6	34,500	575,000 00	34,500 00	.....	.....
Salina and Southwestern	69,299 27	43,411 44	25,887 83	540,000	6	32,400	540,000 00	32,400 00	.....	.....
Denver and Boulder Valley	83,720 64	75,088 94	8,631 70	550,000	7	38,500	548,000 00	38,360 00	2,000 00	140 00
Golden, Boulder and Caribou	23,867 90	14,288 54	9,579 36	60,000	8	4,800	60,000 00	4,800 00	.....	.....
Kansas Central	259,324 86	304,689 71	‡45,364 85	1,348,000	6	80,880	1,162,000 00	69,720 00	186,000 00	11,160 00
Total	8,758,452 68	6,315,630 96	2,442,821 72	40,883,000	.....	2,510,900	23,615,730 40	1,595,791 13	17,267,269 60	915,108 87

* Saint Joseph and Western bonds: Company owns—Saint Joseph and Pacifics, $1,303,369; Kansas and Nebraska firsts, $1,114,661.40; Kansas and Nebraska seconds, $24,700; Hastings and Grand Island, $375,000. Total owned by Union Pacific Railway Company, $2,817,730.40.

† No interest has ever been paid on these bonds.

‡ Deficit.

‖ Oregon Short Line stock: Of the $10,774,000 capital stock (equaling in amount the bonded debt) the Union Pacific Railway Company owns $6,058,000.

Oregon Short Line bonds (issued at the rate of $20,000 per mile): Average miles operated during the year 385; making average bonds outstanding for the year $7,700,000, which at 6 per cent. would make interest $462,000.50.

BOSTON, *May* 31, 1884.

UNION PACIFIC RAILWAY COMPANY.

Statement showing earnings and expenses and accrued interest on funded debt of the "branch lines" operated by and in the interest of the Union Pacific Railway Company for the three months ending March 31, 1884, *compared with the same period in* 1883.

	Three months ending March 31, 1884.	Three months ending March 31, 1883.	Increase or decrease.
Gross earnings	$1,663,000 63	$1,553,322 42	*109,678 21
Operating expenses	1,498,164 47	1,089,751 16	*408,413 31
Surplus	164,836 16	463,571 26	†298,735 10
Interest on bonds: ‡			
For 1884, one-quarter of $2,050,650	512,662 50	.....	*46,110 00
For 1883, one-quarter of $1,866,210	.....	466,552 50	
Interest in excess of surplus earnings	347,826 34	2,981 24	*344,845 10

* Increase.

† Decrease.

‡ In 1883 the "Oregon Short Line" had an average issue of bonds of $7,700,000, or $20,000 per mile for 385 miles. In 1884 the entire amount of $10,774,000 was issued and interest calculated accordingly.

The Saint Joseph and Western has not been operated by the Union Pacific Railway Company since January, 1884; consequently the earnings and expenses for the first three months of both years, with bonded interest for the same period, have been omitted from the above table.

BOSTON, *June* 3, 1884.

UNION PACIFIC RAILWAY COMPANY.

Comparative statement of the earnings and expenses of the "entire system" for the four months ending April 30, 1882, 1883, *and* 1884.

Period.	Earnings.	Expenses.	Surplus.
1882	$8,521,138 76	$4,968,217 61	$3,552,921 15
1883	8,345,112 79	4,201,507 00	4,143,605 79
1884	7,188,553 21	4,887,960 98	2,300,592 23
Comparison between 1884 *and* 1882.			
1884	$7,188,553 21	$4,887,960 98	$2,300,592 23
1882	8,521,138 76	4,968,217 61	3,552,921 15
Increase	.....	.....	.....
Decrease	1,332,585 55	80,256 63	1,252,328 92
Comparison between 1884 *and* 1883.			
1884	$7,188,553 21	$4,887,960 98	$2,300,592 23
1883	8,345,112 79	4,201,507 00	4,143,605 79
Increase	.....	686,453 98	.....
Decrease	1,156,559 58	.....	1,843,013 56

JUNE 17, 1884.

Statement of the revenue and expenditures of the Union Pacific Railway Company, 1,820 miles, for the three months ending March 31, 1884.

Gross earnings		$3,396,588 07
Income from investments:		
Dividend on stock	$35,893 50	
Interest on bonds	42,700 00	
	78,593 50	
Total receipts		$3,475,181 57
Operating expenses and taxes	2,229,487 54	
Discount and interest	46,942 55	
Interest on first-mortgage bonds	637,475 52	
Interest on other funded debt	727,951 07	
United States 5 percents and 25 percents	147,243 21	
Dividends on stock	1,065,197 00	
New construction	27,612 43	
New equipment	46,364 86	
Expenses of land department	30,706 34	
Company sinking-fund requirement	89,000 00	
Total		5,047,980 52
Deficit for the three months to March 31, 1884		1,572,798 95

BOSTON, *June* 3, 1884.

Memorandum from general balance-sheet of March 31, 1884.

OREGON SHORT LINE.	*Dr.*	*Cr.*
A	242,438 19	160,842 70
A	318,820 50	
C	1,703,013 13	21,000 00
	2,264,271 82	181,842 70
Dr. balance	2,082,429 12	

DENVER, SOUTH PARK AND PACIFIC.	*Dr.*	*Cr.*
C	1,059,610 51	3,110 00
C	213,285 00	
C	503,561 74	
	1,776,457 25	3,110 00
Dr. balance	1,773,347 25	

Items checked "A" payable in cash.
Items checked "C" payable in securities, approximately.
All of the Denver, South Park and Pacific stock except $100,300 is held by the Union Pacific Railway Company.
Of the bonds ($3,289,000) $1,800,000 covering the eastern division of the Denver, South Park and Pacific are held by private parties.

UNION PACIFIC RAILWAY COMPANY.

STATEMENT No. 8—*Statement of stocks and bonds of other companies owned by the company March* 31, 1884 (*showing cost to company*).

Name of company.	Stocks.	Bonds.
Omaha, Niobrara and Black Hills	$90,621 98	$781,600 00
Omaha and Republican Valley	312,623 23	1,633,300 00
Marysville and Blue Valley	24,174 96	115,200 00
Echo and Park City	85,283 16	432,000 00
Utah and Northern	675,450 00	3,319,000 00
Colorado Central	3,689,100 17	3,880,096 25
Colorado Central of Wyoming	75,465 32	
Lawrence and Emporia	31,161 47	
Salina and Southwestern	41,930 77	
Saint Joseph Bridge Building Company	21,000 00	784,000 00
Central Branch Union Pacific	1,876,000 00	
Atchison, Colorado and Pacific	2,251 22	457,000 00
Kansas Central	472,703 15	1,073,400 09
Utah and Nevada	287,058 24	
Manhattan, Alma and Burlingame	44,790 58	305,100 00
Nevada Central	190,350 00	150,000 00
Denver, South Park and Pacific	3,994,570 00	1,489,000 00
Wasatch and Jordan Valley		8,915 82
Manhattan and Blue Valley	44,341 98	
Saint Joseph and Western	307,240 00	
Saint Joseph and Pacific, first mortgage		1,875,219 82
Kansas and Nebraska		1,085,514 29
Hastings and Grand Island		42,989 82
Utah Central	692,071 82	
Utah Southern Extension		757,394 20
Saint Louis, Council Bluffs and Omaha		19,500 00
Denver Western and Pacific	7,625 00	245,809 31
Loveland Pass Mining and Railroad Tunnel	1,260 00	72,000 00
Salt Lake and Western	117,200 00	864,000 00
Gray's Peak, Snake River and Leadville	500 00	
Colorado Western	500 00	
Leavenworth, Topeka and Southwestern	55,590 00	
Greeley, Salt Lake and Pacific	323,400 00	808,000 00
Oregon Short Line	605 80	
Salt Lake and Western Railroad, of Nevada	50,000 00	
Clyde City, Cloud County, Kansas		350 00
McPherson City, McPherson County, Kansas		1,400 00
National Mining and Industrial Association, of Colorado		10,000 00
Kansas Central Elevator Company	14,670 30	
Nevada Improvement Company	15,000 00	
Union Depot, Kansas City	1,000 00	
Saint Joseph Union Depot Company	1,000 00	
Kansas Carbon Company	26,272 25	
Topeka Iron Company	32,500 00	
Bakerville and Leadville Toll-road Company	8,000 00	
National Land Company	10,117 50	
Saint Louis and Mississippi Valley Transportation Company	100,000 00	
Union Elevator Company, Omaha	76,500 00	
Lenora Township, Norton County		9,000 00
Solomon Township, Norton County		6,000 00
Kansas and Eastern Railroad Construction Company	7,925 97	
Council Bluffs Street Railway Company	20,750 00	1,000 00
Union Coal Company	138,500 00	
North Loup Precinct, Valley County		3,600 00
	13,966,204 77	19,630,389 57

Statement No. 8—Continued.

Name of company.	Stocks.	Bonds.
Brought forward	$13,966,204 77	$19,630,389 57
Bonds and stocks held by the trustees under the consolidated mortgage:		
Junction City and Fort Kearney Railway Company	7,200 00	970,000 00
Golden, Boulder and Caribou Railway Company	5,000 00	60,000 00
Solomon Railroad	5,000 00	575,000 00
Denver and Boulder Valley Railway	4,250 00	548,000 00
Lawrence and Emporia Railway		465,000 00
Salina and Southwestern Railway Company		540,000 00
National Land Company	35,750 00	
	14,023,404 77	22,788,389 57

RECAPITULATION.

Stocks	$14,023,404 77	
Bonds	22,788,389 57	
		$36,811,794 34
Investments payable to the company in stocks and bonds:		
Denver, Western and Pacific Railway Company		228,350 87
Wyoming, Montana and Pacific Railroad Company		91,055 39
Omaha and Republican Valley Railroad		591,050 47
Greeley, Salt Lake and Pacific Railway		295,510 94
Georgetown, Breckinridge and Leadville Railroad		404,301 80
Salina and Northwestern Railroad		10,174 99
Manhattan and Blue Valley Railroad		125,048 74
Laramie, North Park and Pacific Railroad and Telegraph Company		63,743 17
Denver, South Park and Pacific Railroad		2,888,236 86
Omaha, Niobrara and Black Hills Railroad		190,867 63
Oregon Short Line Railroad		1,682,013 13
Montana Railway		251,715 28
North Park and Gold River Valley Railroad and Telegraph		15 25
Junction City and Fort Kearney Railroad		46,972 90
		43,680,851 76
Less credits:		
Salt Lake and Western Railway	$63,910 75	
Utah and Northern Railway	36,794 54	
		100,705 29
		43,580,146 47
Union Elevator Company, Council Bluffs		52,639 26
Bozeman Coal Company, stock		48,000 00
Denver and Middle Park Railroad		6,683 80
Occidental and Oriental Steamship Company		173,810 01
Colorado Lands		3,805 28
Soda Lands		51,771 58
Wyoming Coal Lands		69,035 29
Utah Coal Lands		1,525 75
Omaha Belt Railway		35,753 47
Montana Coal Lands		28,200 00
Union Coal Company, &c		17,581 95
		44,068,952 86

STATEMENT No. 9.—*Statement showing company's stocks and bonds owned by the company March* 31, 1884.

Omaha Bridge bonds, Union division	$5,161 35
Consolidated mortgage bonds, Kansas division	1,953,950 00
Coupon certificates	795 20
Union Pacific Railway Company, stock	50 00
Union Pacific Railroad Company, stock	113,607 50
Kansas Pacific Railway Company, stock	200 00
Denver Pacific Railway and Telegraph Company, stock	300 00
	2,074,064 05

Amendment to Pacific Railroad Acts.

SPEECH

OF

HON. JAMES W. THROCKMORTON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 16, 1884,

On the bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Mr. THROCKMORTON said:

Mr. SPEAKER: There is a controversy with the Union Pacific and the California Central Pacific Railroad Companies arising out of the construction of certain sections of the acts of 1862 and 1864, subsidizing these roads and their branches with lands.

The people of the States and Territories through which these roads are operated have demanded through their Representatives that the lands of these companies, long since earned, shall be titled and subjected to the payment of taxes. The Supreme Court has decided that these lands are not subject to taxation until the Government has parted with its title and conveyed the same to the companies or parties at interest. And it is claimed by the companies that the Government can not convey its title until required by them to do so. In other words, it

is asserted by these companies that if they see fit to decline to ask for patents for one year or ten years, fifty or a hundred years, the Government can not force titles on them without violating a legislative contract made with them in the act of 1864. On the other hand, it is believed by the Committee on Pacific Railroads that as these lands have long since been earned by the companies, the Government can tender titles to all the lands that have been surveyed and selected, and compel a payment of the costs for surveying, selecting, and conveying, as required by the terms of the laws referred to.

It is a question of much moment, not only to the Government, but also one of very great interest to the people of the States and Territories where these lands are situated.

To bring this question to an issue as speedily as possible and to adjust and determine the extent of these grants is the purpose of the two bills presented by the majority and minority of the committee, both bills having the same object and differing only in respect to the means of attaining that object. In order, therefore, to a clear understanding of the interests involved, and of the measures proposed, it is necessary to keep in mind the railroads to be affected, the extent and present condition of the grants involved, the amount of money paid by the companies for lands already patented and selected, and the amount due to the Government when the whole shall have been surveyed and selected and titles conveyed; and it is particularly necessary to examine and analyze the laws under which these grants were made and out of which this controversy arises.

The roads to be affected are the Union Pacific and its three dependencies, the Kansas Pacific, the Denver Pacific, and the Central Branch of the Union Pacific; the California Central and Western Pacific, the Burlington and Missouri River Railroad, and the Sioux City road. As the two last-mentioned roads have received about all the lands they are entitled to and paid very nearly all that the Government claims, they will not be further noticed in my argument.

In ascertaining the amount of the several land grants the statement made by the General Land Office is relied on. This statement makes the grants somewhat larger than is stated by the companies and by the report of the Commissioner of Railroads.

The grants to the Union Pacific, Kansas Pacific, Denver Pacific, and the Central Branch of the Union Pacific, after deducting overlapping grants, are estimated at 21,406,000 acres. Out of this total grant there has been selected by the company 3,938,502 acres; of these selected lands patents have issued on 3,270,481 acres, and there has been paid on these selected lands by the companies the sum of $87,777.85, as required by the act of the 2d of July, 1864, leaving $520,134.16 due and to become due for the costs of surveying, &c., when the work by the Government on the entire grant, the remainder being 17,467,498 acres, is completed.

The grants to the California Central Pacific and Western Pacific, after deducting the area of the Great Salt Lake, which falls within the grant, is estimated at 10,824,515 acres. Of this amount 1,311,230 acres have been selected, and patents have issued upon selected lands to the extent of 1,227,109 acres. The statement from the Land Office shows that $65,456.41 have been paid by the company on these selected and patented lands, leaving an estimated balance of $461,041.61 to be paid for the cost of surveying, selecting, and conveying the remainder of the grant, 9,493,309 acres, when the work is completed, making the total grants to the Union Pacific and its dependencies and the California Central and Western Pacific 32,230,515 acres, out of which 5,269,708 acres have been selected, and of the selected lands 4,497,590 acres have been patented. Upon the patented and selected lands the companies have paid into the Treasury $153,233.26, leaving an estimated balance of $981,175.77 to be paid for the costs of surveying, selecting, and conveying the remainder of the grants, which is estimated to be 26,960,507 acres.

It will be observed that more lands have been selected by 772,118 acres than have been patented. This results, as the committee have been informed, from disputes about mineral lands, homestead entries, and prior claims. The Commissioner of the General Land Office informed the subcommittee that his office was practically up with the patenting except in respect to the disputed lands.

The further information to the committee is that about six-sevenths of the grants have been surveyed, and only about one-sixth have been selected and the costs paid for surveying, &c. These lands have been earned for a period of fifteen and eighteen years and titles requested on less than one-sixth, leaving 26,000,000 acres untaxed as a burden upon the States and Territories where they exist. Taking the $153,233.26 paid into the Treasury by the companies on the selected lands and adding it to the $981,195.77 that will be due upon the completion of the work, it will be found that there has been paid but little more than one-seventh of the estimated cost of the entire work.

Mr. Speaker, let us examine the acts of Congress under which the railroad companies acquired these grants of land, and see if their construction of them, that titles can not issue until the companies require patents, is the just and proper one. These grants were made under the act of 1862 and the amendatory act of July 2, 1864. The third section of the first law donated ten sections of land to each mile of constructed road, but it was silent upon the subject of the cost of surveying, selecting, and conveying the lands.

The fourth section of the act says:

And if it shall appear to him—

The President—

that forty consecutive miles of said railroad and telegraph line have been completed and equipped in all respects as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said company.

And the seventh section of the same act says:

And when any portion of said route shall be finally located the Secretary of the Interior shall cause the said lands hereinbefore granted to be surveyed and set off as fast as may be necessary for the purposes herein named.

The act of 1864, sections 6 and 20, modified the previous law, and allowed patents to issue upon completed sections of twenty instead of forty miles of road; and section 20 of that act, referring to one of the roads included in the act, after alluding to the President, says:

And if it shall appear to him that twenty miles of said road have been completed as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said company, on each side of said road as far as the same is completed, to the amount aforesaid; and such examination, report, and conveyance by patents shall continue from time to time in like manner until said road shall have been completed.

The act of 1864 greatly augmented the benefits conferred upon the companies. It extended the time for the completion of sections of the work as well as for the entire lines of road; it reduced the number of miles one-half upon sections of completed roads upon which lands should be conveyed and bonds issued; granted additional rights of way and doubled the amount of lands donated; increased the width of the reservation and allowed coal and mineral lands to be taken by the companies; repealed that part of section 17 of the first act which required retention by the Government of a portion of the bonds, and allowed bonds to be issued upon uncompleted sections of road; provided for the consolidation of companies and conferred other benefits; but the chief and most desired favor was the relinquishment by the Government of its first-mortgage lien upon the roads, a subordination of its prior lien to that of the companies' first-mortgage bonds.

Among all these enlargements of the interests of the railroad companies and modifications of the act of 1862 for their benefit only part of one section of that act was repealed in terms, and that was the clause of section 17 in regard to the retention of bonds by the Government on sections of the roads and until the entire work was completed. Section 21 of the amendatory act of 1864, out of which the controversy arises, says:

That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall be paid into the Treasury of the United States the costs of surveying, selecting, and conveying the same, by the said company or party at interest, as the titles shall be required by said company.

It is under the construction of this last clause that the companies claim the right to refuse titles and decline paying costs until it suits their convenience to do so.

To expose the absurdity of this pretense it is only necessary to read the remainder of the section, which says:

Which amounts shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and from year to year until the whole shall be completed, as provided under the provisions of this act.

But if there should be any doubt in regard to the construction to be given to this section it is only necessary to refer back to the sixth section of this amendatory law, which modified the first law in so far as it required forty-mile sections of road to be completed before bonds could be issued or lands conveyed. That section says:

And the lands appertaining thereto may be set apart, located, entered, and patented as provided in this act and the act to which this is amendatory.

Now, it will be recollected that the fourth section of the act amended says that "patents shall issue conveying the right and title to said lands to said company." And the seventh section of the original law required the Secretary of the Interior, "when any portion of said route shall be finally located," to "cause said lands hereinbefore granted to be surveyed and set off as fast as may be necessary for the purposes herein named."

Now, sir, one of the "purposes herein named," that this work should be done "as fast as necessary," was to enable the Secretary of the Interior to prosecute the work of surveying, setting apart, and conveying the lands as rapidly as each section of road was completed, and on each section so completed the law declared the patents should issue.

But to still further strengthen the view that the patents were required to be issued as each twenty-mile section of road was completed attention is again called to the twentieth section of the amendatory act of 1864, which says:

And if it shall appear to him that twenty miles of said road have been completed, as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said company, &c., and such examination, report, and conveyance by patents shall continue from time to time in like manner until said road shall have been completed.

These several sections of the act of 1862 and the amendatory act of 1864, taken and construed together, render it to my mind positively cer-

tain that it was the clear import and intent of these acts, when the Government had surveyed and set apart the lands on the first completed section of road, to make it the duty of the authorities of the Government to tender titles and demand from the railroad companies the cost of the work, and upon failure of the companies to pay the same the work should have ceased; otherwise there would have been no fund "without any further appropriation" to stand to the credit of the proper account "to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year, until the whole shall be completed, as provided under the provisions of this act"—the act of 1864.

It is beyond dispute that under the law the cost of surveying, selecting, and conveying these lands was to be at the expense of the companies.

It is equally as certain that this work was to be prosecuted out of moneys, without further or other appropriation, paid by the companies, so that the work could be prosecuted from year to year until the whole was completed. Therefore it follows that the Government may tender titles and demand the costs of perfecting the same, and in the event of failure on the part of the companies to pay such dues to enforce collection.

The concession of larger grants and greater benefits conferred by the act of 1864 does not justify the conclusion that there was a legislative contract to relieve the companies from paying the dues required by the act for fifteen, thirty, fifty, or a hundred years after the lands were earned and titles tendered.

The last section of the act of 1864 declares that Congress may at any time alter, amend, or repeal the act. As a matter of course such amendment, alteration, or repeal would have to be made with due regard to the rights of the companies.

The bill reported by the majority of the committee looks to an amendment of the twenty-first section of the act of 1864, not to change it as far as it goes, but to add to it and make more certain and positive its meaning, and to require the companies to take titles to their lands when tendered, and pay the cost thereon, in order that the Government, at the expense of the corporations, may complete the work and adjust and speedily determine these grants, receive back the sums of money already expended beyond the requirements of the law, and with the further view to have these lands placed upon the market, so that their settlement and production may not be retarded, and that these vast estates may be added to the taxable values of the country.

Mr. Speaker, these companies, after charging the lands with the most enormous costs of sale, have realized in cash and notes secured, bearing interest, as the net proceeds of sales of about one-sixth of their grants, $20,000,000, and by their own showing the other five-sixths are worth $30,000,000.

Now, sir, shall these lands be longer held for speculative purposes? Are these favored corporations beggars, or shall they, because of their princely inheritance and the millions that ceaselessly flow into their coffers, be exempt longer from paying to the Government that which is its due, and from contributing their just proportion of taxes to the States and Territories where the property is situated?

Restoration of Naval Cadets.

SPEECH

OF

HON. JOHN R. THOMAS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 24, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 1408) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes"—

Mr. THOMAS said:

Mr. CHAIRMAN: The views of the minority of the committee in this case, as submitted in their report, were prepared by me with considerable care after a most thorough investigation of the subject; it is signed also by the chairman of the committee, who, in his remarks just submitted, has given some of the facts set forth in that report.

In order that this matter may be understood more fully, and that the members of the House shall not be carried away by maudlin sentiment without a proper understanding of what is before them, I ask that the views of the minority be now read. After that has been done I shall call attention to the provisions of this bill and attempt to show some of its vicious features, for I assure the House that a more vicious measure has not been proposed in Congress during the six sessions it has been my fortune to serve here.

The Clerk read as follows:

The undersigned, members of the Committee on Naval Affairs of the House of Representatives, have found great difficulty in keeping pace with the friends of the general proposition to restore to the naval service the cadet-midshipmen and cadet-engineers, as well as surplus graduates, who were mustered out under the provisions of the act of August 5, 1882.

Quite a number of bills, in various forms, have been introduced in the House and referred to the Committee on Naval Affairs, all of which have had as their object either the restoration of a part or all of the naval cadets who were or are affected by the act of August 5, 1882.

The first bill investigated by the committee was bill H. R. 7, which was thoroughly sweeping in its character and relieved all students who were at the Naval Academy or at sea prior to the passage of the act of August 5, 1882, from the effects of its provisions. That bill, with a slight modification, was finally ordered to be reported favorably by a majority of the committee, whereupon we prepared and were ready to present to the House a full and complete minority report, showing the vicious character of the legislation proposed.

Finding that the measure would probably not succeed in the House, in the face of the reasons given in the minority report, the action of the committee was reconsidered. Another and different bill, even worse and more vicious in its character, was adopted in its place; and, in order to cover up the objectionable character of the legislation, an entirely new proposition was added as an amendment thereto, to wit, reducing the number of appointments to the Naval Academy one-half, and upon the two separate, distinct substantive propositions a majority report has been adopted, in which we have not been able to join, and beg leave to say that the conclusions reached, as well as the reasons upon which they are claimed to be based, are wholly unsound, and do not in any degree, to our minds, justify the legislation proposed.

First. We object to the assumption, both in the bill and report, that the act of August 5, 1882, was retroactive in its effect, as applied to the cadets, either at the Naval Academy or at sea, who had not completed their prescribed course of study and training as required by law, the rules of the Navy Department, and the Naval Academy; and therefore section 1521 of the Revised Statutes, as follows:

"When cadet-midshipmen shall have passed successfully the graduating examination at the academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation"—

does not apply to the beneficiaries of this proposed bill, as section 1520 of the Revised Statutes provides that "the academic course of naval cadets shall be six years;" and it is not claimed that any of these cadets had completed the prescribed six years' course.

Although it may have been the practice of the President or Secretary of the Navy prior to the act of August 5, 1882, to assign each graduate from the Naval Academy to some official position, either in the line or staff of the Navy, and although cadets entering the Naval Academy may have thought that, in case they passed successfully the prescribed course at the academy, they were provided for by the Government for life, still the Executive, under the Constitution and law, is justified in calling to official positions only such number of officers as are necessary to the complete discharge of the duties of each department.

It matters not what the opinion of the Board of Visitors to the Naval Academy or what the opinion of members of Congress who nominate naval cadets for appointment to the academy may be, the fact remains that the President is not warranted in appointing to any branch of the public service officers who are not needed; and that the services of the young men to be benefited by this bill are not needed is shown by the fact that the President approved the act of August 5, 1882.

The act of June 8, 1876, passed for the supposed relief of graduates of the Military Academy, was an entirely harmless and unobjectionable measure, as there were not then, nor have there ever been since, more graduates from the Military Academy than were necessary to fill existing vacancies in the Army. In fact, a large number of officers are annually appointed to the Army from civil life to fill vacancies remaining after all graduates have been provided for.

The statement in the majority report that cadet-engineers are retained while cadet-midshipmen were discharged is not in accordance with the facts. A part of the cadet-midshipmen and a part of the cadet-engineers were retained. Of the classes of 1881 and 1882 the twenty-three standing highest on the list for efficiency were retained; the sixty-three standing below twenty-three on the list were honorably discharged with one year's full pay, in compliance with the provisions of the act of August 5, 1882.

An examination of the Naval Register shows that, at the date of the passage of the law complained of, there were 1,817 naval officers on the active-list. Their annual pay amounted to, and they were receiving, $3,825,400, while the Government only had thirty-one naval vessels in commission, being fifty-nine officers for each ship, or one officer to every five men. This number was annually augmented by the addition of about forty young officers from the surplus graduates from the Naval Academy.

Recognizing then, as all must now, that the Navy was officially top-heavy, that the Government already had under commission, at a vast expense, many more officers than could find or be provided with legitimate duty in the line of their profession, Congress passed the act of August 5, 1882. The effect of that act was to cut down the officers of the staff of the Navy one hundred and forty and of the line one hundred and fifteen, thus leaving 1,562 officers, or enough for seventy ships, according to the Secretary's estimate. By this reduction there was an annual saving to the Government of $201,375.

The act of August 5, 1882, was the beginning of a wise reform. We believe that such a policy ought to be adhered to instead of recklessly and extravagantly adding sixty-two more officers to an already overgrown and plethoric naval list, when the Government has no use or duty for them to perform.

While we may sympathize with the young men who have failed to secure a place on the official pay-roll of the Navy, we can not allow that sympathy to lead us into supporting such a monstrous, prodigal, and unjustifiable measure as is proposed.

The claim made by the friends of this measure, as well as by the beneficiaries thereunder, that the education they have received at the Naval Academy unfits them for the civil pursuits of life, is unworthy of the young men who make it, or of serious consideration by any one.

After the Government has supported these young men for six years, and has given them a full educational course at one of the best academies in the world, and has added thereto a whole year's pay, then for them to complain that they are not able to compete in the struggle of life with the young men of the country who have been compelled to rely upon their own resources and obtain their education as best they could, is puerile, unmanly, and untrue.

Impressed by the truth and justice of our position, and that we have no right or lawful authority to recklessly squander the people's money in providing comfortable and lucrative official life positions for those whose services are not needed, we protest against the passage of that part of the bill.

This bill is particularly vicious, as it proposes to do an act of great injustice, if the idea upon which all this proposed legislation is based is correct, as it discriminates in favor of one only of the classes of 1881 and 1882, who were performing the last two years of their educational course at sea, to wit, the classes of 1881 and 1882.

As will be seen, this bill provides as follows:

"And those members of the class of 1881 who have been honorably discharged under the provisions of the aforesaid act may return to the service and take their places on the Naval Register in the same manner as if said part of such act had not been passed."

What reasons there are for making an exception in favor of the class of 1881 over that of 1882, or, in fact, of making an exception in favor of either one or both

of these classes as against the other students at the Naval Academy, none of whom had completed their course, is wholly inexplicable to us. If Congress determines to increase the official *personnel* of the Navy by adding all who will probably pass a successful examination out of those at the Naval Academy at the time of the adoption of the act of August 5, 1882, instead of having 1,562 officers, there will be 1,762, as the Secretary estimates that there will be 200 successful graduates out of the whole number then at the Academy and at sea who had not completed their course.

If only the classes of 1881 and 1882 are added, then you will add sixty-two to the list, and that, too, in face of the fact, as we have shown before, that we already have officers enough to fully command and manage seventy ships.

As to that portion of the bill which proposes to reduce the number of appointments to the Naval Academy one-half, we find ourselves equally opposed, for the reason that it costs almost as much to carry on the school for the education of half the number that it would for the full number now authorized by law.

At the beginning of the late war the Government, finding it necessary to put in commission a large number of ships, was compelled to draw from civil life some 1,600 officers who had had no military or naval experience. True, they had been seamen and were acquainted with the sea and the sailing of ships, but had had no experience in the military duty of a naval officer. Therefore, it became necessary to educate them after they were put into the service as officers.

The French and German Governments each, after the Franco-Prussian war, finding that they had not a sufficiently educated sea reserve upon which to draw, adopted the policy of educating a large number of young men, and at the end of their course discharging them, so that in case of emergency they might be drawn upon in increasing the official *personnel* of the navy. While all the graduates of our Naval Academy are not needed to officer our ships of war in time of peace, it appears to us that we might learn lessons of wisdom from the example of other governments and educate these young men to the full capacity of the school, and, at the end of their course, relegate them to civil life, thereby establishing a valuable reserve sea force to be drawn upon in case of war.

The plan of reducing the number of appointments to the Naval Academy was adopted for the manifest purpose of reducing the cost of reinstating the naval cadets who were mustered out under the act of August 5, 1882. The attempt is to offset the cost of those to be educated against the cost of those whom it is proposed by this bill to put back into the service.

We protest against this, and believe it not only to be an unfair presentation of the case, but an unwise policy to be adopted by Congress.

Therefore, we earnestly protest against the passage of the whole bill, and beg leave to submit the following letter of the Secretary of the Navy, showing the effect of restoring all of those who were mustered out under the act of August 5, 1882, to the Navy; and, as the proposition to restore 200 more officers to the Navy is vicious, so is this proposition to restore 62 only less vicious in degree.

Respectfully submitted,

JOHN R. THOMAS.
S. S. COX.

Mr. THOMAS. I now ask leave to have printed in the RECORD the letter of the Secretary of the Navy accompanying the minority report and made a part of it, as it is too long to be read at this time, and for the further reason that most of the members of the House have probably already seen that letter.

There was no objection, and leave was granted accordingly.

The letter of the Secretary of the Navy is as follows:

NAVY DEPARTMENT, *Washington, D. C., January* 28, 1884.

SIR: In response to your request, I have to state that the passage of House bill No. 7, introduced by Mr. OATES, for taking into the Navy all naval cadets who were undergraduates of the Naval Academy August 5, 1882, would cost the Government over $8,632,450.

The classes to which the law would apply are as follows:

Class of 1883	86
Class of 1884	49
Class of 1885	46
Class of 1886	48
Class of 1887	45
Cadets of 1888 who entered before August 5, 1882	13
Making a total of	287

Of the class of 1883 23 have been appointed to fill vacancies in the Navy. The appointees from the other classes will be fewer. A fair estimate is 15 a year, or 60 in all. Adding these and 4 from the 13 of 1888 and the 23, makes 87 to be admitted under existing laws, and leaves 200 as the supernumeraries to be by this bill put into the service and maintained for life by the Government.

The annual sea-pay of 200 ensigns of the junior grade is $200,000. The career of an officer from graduation to retirement, or between the ages of 22 and 62, is forty years. As the 200 officers pass through successive grades their number will decrease and their rates of pay will increase. Estimate the decrease at 2 per cent. of the original number annually for eighteen years, 2½ per cent. for the next nine years, and 3½ per cent. for the final thirteen years; ascertain the number of years passed in each grade by assuming a normal rate of promotion; take only shore-pay above the grade of junior ensigns, and the result will be as follows:

Grade.	Number of officers reaching each successive grade.	Average number of years in the grade.	Shore-pay of each grade per annum.	Aggregate amounts received by each grade.
Junior ensigns	200	5	$1,000	$1,000,000
Ensigns	180	4	1,000	720,000
Junior lieutenants	164	4	1,500	984,000
Lieutenants	148	5	2,000	1,480,000
Lieutenants	128	9	2,200	2,534,400
Lieutenant commanders	83	4	2,400	796,800
Commanders	57	5	3,000	855,000
Captains	25	2½	3,500	218,750
Commodores	9	1	4,000	36,000
Rear-admirals	3	½	5,000	7,500
Total amount to be paid the 200 officers before their withdrawal, retirement, or death (or an average of $215,811.25 per annum)				8,632,450

The above is a low estimate, taking, as it does, only shore-pay above the first grade, allowing a rapid decrease in number, and adding nothing for pay upon the retired-list. The total cost to the Government for pay of 200 officers proposed to be legislated into the Navy, where they are not needed, would undoubtedly be $10,000,000.

There is no fair justification for imposing this heavy burden upon the people of this country. At the time of the act of August 5, 1882, the number of naval officers was being increased about forty annually by surplus graduates from the Naval Academy. At the same time Congress saw already in the service 1,817 naval officers on the active-list, receiving annually $3,825,400, being 59 officers to each of the 31 ships in commission, or one officer to every five seamen. Reform was inevitable, and was commenced. It was by that act enacted that no more officers should be taken into the service from the academy except to fill vacancies in the lower grades of the line and staff, and in addition, that by the process of leaving unfilled half the vacancies in the upper grades, there should be a gradual reduction of 140 staff and 115 line officers, which would make the active-list consist of 1,562 officers, or enough for 70 ships.

As earnestly and as forcibly as I can, with due respect to Congress, I protest against the sudden reversal and overthrow of this wise reform movement, and the reckless and extravagant interjection into an overgrown naval list of two hundred unnecessary officers. The annual appropriation for pay of the Navy has been reduced from $7,133,980 to $6,932,605, or $201,375. It is now proposed to throw this saving away at one stroke. Certainly this will be economy and reform backward.

In the annual report of the Department of December 1, 1883, it is urged that the reduction to the 1,562 officers allowed by the act of August 5 ought to be made at once, and that this can wisely be done by placing upon a supernumerary list those who for various reasons are not fitted for nor likely to be ordered to the command of vessels or any other important duty, and are therefore an incubus upon the naval establishment. No movement in this or in any mode to clear away the dead wood of the Navy *personnel* has been made by those who propose, without doing this, to precipitate two hundred new officers into the service. To thus increase before purging the naval list will be worse than a blunder.

An examination of the memorial of the naval cadets who ask Congress to place them for life upon the pay-rolls of the Government, without even the suggestion that the country will need their services, fails to show any adequate ground for granting their request.

They assert an obligation on the part of the Government to make them naval officers because all prior graduates have been so appointed. But if the country needed those, and does not need them, surely no obligation exists, notwithstanding their expectations. Because they have received free of all expense the best possible course of education the further duty is not imposed upon the donor to continue to employ them and to support them for life, if their services are not needed.

They say their education will be almost useless in business or in civil professions. They are mistaken. Not one in ten of them could have obtained elsewhere, even at large expense, an education so liberal, practical, useful, or so well fitting them for any civil pursuit. They will have received a superior education at the Government expense, and with a donation of one year's pay in advance will return to civil life admirably fitted to enter and to succeed in the most lucrative employments of peace.

They say that to select those who may be needed to fill vacancies from the highest scholars according to their merits only is unjust to the lower and poorer scholars. This argument suggests the idea upon which some of them have been proceeding, that if they can barely escape dismissal for deficiencies in their studies they can still receive life commissions in the Government service. Are the people really under contract thus to burden themselves?

They say that several members of the Forty-seventh Congress have told them they did not understand the act of August 5 when they voted for it; and that the similar act in reference to West Point graduates only applied to cadets entering the academy subsequently. The act of August 5 is unmistakable in its terms. The Army has required, to fill vacancies, all the West Point graduates, and no question of taking into the service officers not needed has arisen.

They say that the recent board of visitors to the academy—"prominent public men"—recommended that they be taken into the naval service. This is true. Since it became apparent that the act of August 5 would send some two hundred surplus graduates out into the world, although with the best possible education, to earn their own living like millions of other American youths, the parents and friends of the three hundred cadets within the possible range of the act have besieged "prominent public men" with unrelenting persistency to save their boys from dislodgment. From every Congressional district comes a pressure which it is difficult to resist when only the money of the Government is to be sacrificed.

But I sincerely hope that the contemplation of our actual naval establishment—1,700 naval officers with not one modern ship or gun for them to command—will arouse the firmness necessary to resist the extravagant proposition to add two hundred more to these excessive numbers; to increase at once the annual Navy appropriation $200,000, and to take eventually ten millions from the public Treasury, only because two hundred young men and their relatives and friends doubt their ability, having received the best education the country can furnish, to succeed in civil life in competition with the less favored mass of American boys.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. JOHN R. THOMAS,
Member Committee on Naval Affairs, House of Representatives.

Mr. THOMAS. Mr. Chairman, the act of August 5, 1882 was directed against a top-heavy navy. At that time there were 1,817 officers in the Navy; we had thirty-one ships to be officered. That would give fifty-nine officers to each ship, or one officer for every five men in the Navy.

Mr. OATES. Mr. Chairman——

Mr. THOMAS. In a moment. Congress concluded that it was about time to check the tide of officers which was being foisted annually upon the Government. Now I will yield to the gentleman for a question.

Mr. OATES. I do not rise to ask a question, but to object to printing in the RECORD the letter of the Secretary of the Navy unless it is accompanied by a letter in reply to it from the cadets affected by this bill.

Mr. THOMAS. The gentleman is too late.

The CHAIRMAN. The objection is too late; the printing of the letter has already been ordered.

Mr. THOMAS. Believing that the action of Congress was wise in providing for a reduction of the officers taken annually upon the Naval Register, I have from the beginning opposed each and every of the bills having that object which have been introduced into this House, and I think there have been some twelve or fifteen of them. It was proposed by the act of 1882 to reduce the official *personnel* of the Navy

from 1,817 to 1,562. There was a cut made of the number of officers of the line and of each of the different branches of the staff, the Pay, the Engineer, and the Marine Corps.

The bill now under consideration proposes to put thirty-three officers on the naval register in addition to those we now have, although it is made to appear that it will put sixty-two additional officers on the register. This is one of the most anomalous bills I have ever seen in my life. In the first instance, it proposes "that that part of the act approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service in each year shall not apply to those classes who had completed the four-year course at the Naval Academy prior to the passage of said act."

It would appear that this bill was intended to relieve the cadets who had completed their course at the Naval Academy. I desire to say that not one of the thirty-three affected by this bill, or the sixty-two intended to be affected by it, had completed the course prescribed by law. The claim that the bill is retroactive is simply absurd when you look at the law requiring that the course shall be six years instead of four years, as is assumed in this report; and it is not contended that one of these young men had completed the six-year course or had become an officer in the Navy by reason of having spent four years at the Naval Academy.

More than that, it can not be shown that there was ever any contract on the part of the Government to retain these young men in the service. No contract, no semblance of a contract, on the part of the Government can be found. The education which these young men receive is simply a gratuity on the part of the Government, with the understanding that the Government shall employ their services if they are needed.

It is said here that a hardship has been imposed upon these young men; that they have devoted six years of their lives to this service. It is true that they have devoted six years of their lives to the acquisition of a most magnificent education free of all cost to them; and in addition to this they have had a whole year's pay given to them upon being mustered out. I remember that in the last Congress a bill was passed reducing the number of collectors of internal revenue. Did anybody raise his voice against that reduction on the ground of injustice to those officers? But it is said "they were not life officers." Neither are naval officers life officers. No officer of the Navy, from Admiral down to junior ensign, holds a commission that purports even on its face to make him an officer of the Government for life. The commission expressly declares that the position is held "during the pleasure of the President of the United States." So it was with the commissions of those internal-revenue officers; their commissions were "during the pleasure of the President." And they had not had the advantage of being educated by the Government as these young men have. In respect to their tenure of office, these two classes of officers stand upon exactly the same footing.

My colleague on the committee, the gentleman from Maryland [Mr. TALBOTT], urges as a reason for the restoration of these young men that they have been educated for the service and have expected to remain in it. Can we help what their expectation may have been? Shall we load the Government down with a number of useless officers—sixty-two in addition to the great excess we already have—when there is no earthly need for them, nothing that we can put them to doing? We have had to resort to every possible device in order to find employment for the naval officers now on the register. They have been detailed for duty here at the Smithsonian Institution; they have been detailed as inspectors of light-houses on the Western rivers; they have been detailed to every possible place where we could find a hole to throw one of them into in order that we might have some excuse or pretense for their employment.

I wish to say in passing that there never was a brighter or more accomplished set of men in the service of any government than the present official *personnel* of the United States Navy. If these officers have no duty to perform it is not their fault. It is because Congress has for years pursued a miserable, parsimonious, and short-sighted course of conduct in not building up a proper navy in which these officers could perform duty.

I am finding no fault with these men because they have no duty to perform. I only say that the Government of the United States has no earthly use for these sixty-two young officers who have been educated at its expense for six years and have received in addition a whole year's pay. They have gone out with this splendid education to compete with young men who have had to provide the means for their own education.

Mr. NICHOLLS. Will the gentleman yield for a question?

Mr. THOMAS. I will.

Mr. NICHOLLS. The gentleman speaks of the "parsimonious" policy of the Government in respect to appropriations for the Navy. Is it not true that since the Republican party came into power about $385,000,000 have been appropriated for the Navy and there is now no showing for it?

Mr. THOMAS. I think it is true that since the Republican party has had control of the Government there has been just about that much money spent in disposing of the Navy that was made necessary by a part of the Representatives in this Congress and a portion of this country trying to destroy the Government.

Mr. NICHOLLS. What was destroyed by those people?

Mr. THOMAS. Fortunately the Government was able to defend itself——

Mr. NICHOLLS. How much did the people referred to by the gentleman do towards destroying the Navy?

Mr. THOMAS. The gentleman understands as well as I do that the war involved the Government in the purchase of a number of vessels; that most of them were wooden vessels; that they were purchased in an emergency——

Mr. NICHOLLS. I spoke of money appropriated since the war.

Mr. THOMAS. Now, the expenditures the gentleman speaks of arose out of the preservation and disposition of those wooden vessels which were made necessary by the rebellion.

Mr. NICHOLLS rose.

Mr. THOMAS. I decline to be further interrupted.

It is urged as a reason why this bill should pass——

Mr. RAY, of New York. Let me ask the gentleman a question. It is not designed to interrupt or embarrass the gentleman from Illinois, but for the sake of information.

Mr. THOMAS. Ask your question.

Mr. RAY, of New York. As I understand it he takes the position the Government is under no sort of obligation to these young men who have been dismissed. They were dismissed under the law of Congress discharging them after their graduation. I should like to have the gentleman say whether or not in his judgment the Government did not by implication take them into its service and give them employment in the Navy when it took them in as cadets and gave them naval education?

Mr. THOMAS. There is nothing upon which such an opinion can be based. It only agreed to employ them in case it needed their service. The Government made no contract with them; and, as I have said, I care not what the custom may have been to provide for them, I care not what the report of the Board of Visitors may have been, or what the expectation of the naval cadets may have been, the fact remains we are only justified in employing a sufficient number to discharge the legitimate duty of that Department. We have 1,562, and this bill proposes to put on sixty-two more at the cost of $3,720,000. That is the exact proportion as estimated by the Secretary of the Navy.

Mr. GEORGE D. WISE. Will the gentleman from Illinois tell how he got those figures?

Mr. THOMAS. With pleasure. The first bill was the one introduced by the gentleman from Alabama [Mr. OATES]. I wish to say it was the fairest bill introduced here if any of this legislation is to become law at all. If we are to change our policy that bill ought to have been passed, for it provided that the act of the 5th of August, 1882, should not apply to any of the naval cadets or those who had not completed their course.

Mr. GEORGE D. WISE. Yes; that is right.

Mr. THOMAS. That depends on whether you care more to provide life positions for a lot of officers whose services are not needed than to protect the rights and interests of the Government.

I will yield to the gentleman from West Virginia for a question.

Mr. GOFF. I desire to ask the gentleman from Illinois a question in connection with the one propounded by the gentleman from New York [Mr. RAY], and to call attention to section 1521 of the Revised Statutes. The gentleman from New York propounded a question——

Mr. THOMAS. Make it short.

Mr. GOFF. I will make it short. You say there is no law by which it can be implied the Government of the United States contracted or promised these young men they should be kept in the Government service. Let me read section 1521 of the Revised Statutes of the United States.

SEC. 1521. When cadet-midshipmen shall have passed successfully the graduating examination at the academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

Mr. THOMAS. In reply to the question of the gentleman from Virginia [Mr. GEORGE D. WISE], I wish to say there was not one of these sixty-two beneficiaries under this bill who had concluded his course; not one of them, sir. There were two classes, the class of 1881 and the class of 1882. The course had been four years, but a subsequent statute had provided that the course should be six years. It is not pretended they had completed that six years' course. Their appointment depended upon their passing successfully and satisfactorily through that six years' course.

Mr. BUDD. Will the gentleman let me ask him a question?

Mr. THOMAS. Certainly.

Mr. BUDD. Did they not enter the academy under the existing law just read by the gentleman from West Virginia?

Mr. THOMAS. Yes.

Mr. BUDD. Is not that a contract under the law?

Mr. THOMAS. On the contrary it was simply a provision by the legislative branch of the Government to enable the executive department to provide for these men in case they complied with the statute.

Mr. BUDD. Were they not compelled to sign a contract that they would serve? It was a contract on their part; and, if so, how could there be a contract without two parties to it?

Mr. THOMAS. It was not a contract on their part, for each and every one of these cadets were minors and not capable of contracting.

Mr. BUDD. That will not do.

Mr. MILLS. Does the gentleman state that as a legal proposition?

Mr. BUDD. Do you not require them to sign articles of agreement?

Mr. THOMAS. The gentleman propounded a legal proposition to me, and I answer it by saying——

Several members addressed the Chair.

Mr. DUNHAM. May I ask the gentleman a question?

Mr. THOMAS. I would like to answer one at a time.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor, and business will be suspended until order is restored.

Mr. THOMAS. I decline to answer any questions until order is restored.

The CHAIRMAN. The Chair is endeavoring to preserve order upon the floor.

Mr. THOMAS. I will repeat: the legal proposition propounded to me was whether these cadets had not been compelled to sign a contract. In reply I answered, and I reiterate the assertion, that they were not capable of making a contract in that sense of the word, and hence there has been no contract on their part with the Government any more than there is a contract on the part of the Government to keep them under pay for life.

Mr. OATES. Will the gentleman permit me to ask him a question?

Mr. THOMAS. Certainly.

Mr. OATES. Does not the gentleman know that if a contract is made with a minor it does not lie with him in law to plead his minority if he has a right to make it?

Mr. THOMAS. I understand that, but that is not the question here.

Mr. OATES. You compelled them to sign a contract as a condition precedent to their admission. Now you plead their minority.

Mr. THOMAS. This is not a question of pleading but a question of fact, and I answered the gentleman on the question of fact, and I shall now go on, I hope, without interruption to a discussion of this bill.

Mr. DUNHAM. Will the gentleman permit me to ask him a question?

Mr. THOMAS. I prefer not to be interrupted.

Mr. DUNHAM. I would like to ask a question in this connection.

Mr. THOMAS. Mr. Chairman, whatever the intention of the committee having this in charge was, this bill——

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. I make the point of order that the gentleman from Illinois is entitled to the floor, and that order should be preserved while he is addressing the committee

The CHAIRMAN. The gentleman from Illinois is entitled to the floor and declines to be interrupted.

Mr. THOMAS. This bill proposes in the outset to relieve both classes, the class of 1881 and the class of 1882. It provides—

That that part of the act approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service in each year shall not apply to those classes who had completed the four years' course at the Naval Academy prior to the passage of said act; and those members of the class of 1881 who have been honorably discharged under the provisions of the aforesaid act may return to the service and take their places on the Naval Register in the same manner as if said part of such act had not been passed.

Now, if it is right to pass this bill for the benefit of the class of 1881, I want to ask gentlemen, in all candor and honesty, if we should not pass the bill for the class of 1882? Why is this distinction made? Why this discrimination in favor of one class as against the other; and why has this discrimination been made in favor of men who are completing their last two years' course as against those who have not gone so far; for instance, who have three years to complete their course?

Mr. WHITE, of Kentucky. Will the gentleman allow me now a question?

Mr. THOMAS. I have submitted to a great many interruptions, and would much prefer to be allowed to go on uninterruptedly and without any further questions. However, I will yield for the question of the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I desire to ask the gentleman this question: if the class of 1881 is to be restored, whether that principle does not involve also this, that not only the class of 1882 must follow, but under the section of the law which was read here by the gentleman from West Virginia does it not also involve this dilemma, that we must also make provision for the class of 1883 and 1884?

Mr. THOMAS. Certainly we must make provisions for the classes of 1881, '82, '83, '84, and '85. These were the classes at the academy and at sea at the time of the enactment of the law. I do not desire to be further interrupted. I was inquired of a few moments ago as to how much cost this would be to the Government. The Secretary of the Navy made an estimate upon the bill introduced by the gentleman from Alabama [Mr. OATES], and upon his showing it would cost about $12,000,000 ultimately to pass that bill, or that the final cost, if the bill should be enacted into a law, would reach that sum. That estimate was based upon two hundred successful graduates from the academy. This bill proposes to admit sixty-two, and hence I arrived at the conclusion which I stated, for as sixty-two is to two hundred so will be the cost of sixty-two to the cost of two hundred, which, as I have stated, is estimated to be $12,000,000. If then the cost of the two hundred be $12,000,000, sixty-two will cost as much less than twelve millions as sixty-two is less than two hundred, which would make a total of about $3,722,000.

Mr. MCADOO. May I ask the gentleman a question?

Mr. THOMAS. I would prefer not to yield for a question.

Mr. MCADOO. A very short and pertinent question.

Mr. THOMAS. I have declined to be interrupted, but will yield to the gentleman only for a question.

Mr. MCADOO. Now in saying that the number to be admitted by this is sixty-six——

Mr. THOMAS. Sixty-two.

Mr. MCADOO. Well, sixty-two. Does the gentleman include the cadet-engineers?

Mr. THOMAS. I do.

Mr. MCADOO. Does not the gentleman know that the Court of Claims has decided that the cadet-engineers were never dismissed from the service and are to-day upon the rolls?

Mr. THOMAS. I know this: that the Court of Claims had no jurisdiction whatever of that subject, and they had no authority to decide the case; and also that the executive branch of the Government has declined to be governed by their decision; and I know that they have been attempting to take the case to the Supreme Court of the United States, the only court that has a right to control the action of the Departments, for a final decision.

Mr. MCADOO. Does not the gentleman know that it has gone to the Supreme Court and has not been overruled?

Mr. THOMAS. I decline to be further interrupted.

Now, sir, seeing that this bill was going to meet with a violent opposition, or that it ought to meet with a violent opposition, on account of the immense amount of money involved in it, it was attempted to be offset by cutting down half the appointments of the Naval Academy; and so the amendment comes in here proposed by the committee to reduce the number of appointments to the Naval Academy one-half. And the question is asked, why should not that be done? Why should we educate more officers than we need? Why, sir, it is for the purpose of establishing a reserve force on which to draw in case of war. And there is the further reason that it costs very little more to run the school full than to run it half full. It requires all the machinery and expense to keep up the school for one-half as for the full number, the only difference being the $600 per annum each for the extra number of cadets. And the advantages to be derived from educating these young men and sending them out into the country, sending them out as citizens with this splendid education, to be called upon to meet an exigency in case of war, will more than justify the expenditure of money to keep that school full. And I apprehend this Congress will be slow to reduce the number; I apprehend that members will be slow to cut their districts off from appointments to this school, this Government school, which is in itself only one means of aiding in the education of the young people of this country. It is one means adopted by the Government—founded on the necessities of war, it is true, but still the school was established as one of the means of helping to educate our people, and I think our people would be slow to weaken or abandon that system.

Mr. BALLENTINE. Does the gentleman mean to say to the House that this statement of Secretary Chandler as to the question of expense is a correct one?

Mr. THOMAS. I mean to say that it is a statement based upon the best obtainable facts, and is as nearly correct as any speculative statement can be.

Mr. BALLENTINE. I have here a statement which goes to show it is merely speculative on the part of the Secretary.

Mr. THOMAS. Any estimate based on the possibilities of human life is necessarily speculative. But taking the history of the past, taking the cost of the officers of the Navy of the different grades, it will be seen that the Secretary's estimate is not an excessive one, and that this bill will cost, as I have said, three and a half million dollars.

Members of Congress will stand here and higgle about putting one man on the retired-list, a man who has served twelve years as chaplain of the Navy, and on the same day they will stand here and propose to involve the Government in an expenditure of three and a half million dollars without any sort of justification or any sort of service to be performed in return therefor.

Mr. BUDD. I wish to ask the gentleman for how long a period those three and one-half millions run.

Mr. THOMAS. During the time these cadets are supposed to be in the service.

Mr. BUDD. Twenty years or more. Are you a prophet to know there is not to be some disturbance that will require their services?

Mr. THOMAS. We can only base our estimate upon the present condition of affairs.

Mr. BUDD. Then you should base your estimate on the amount to be expended annually.

Mr. TALBOTT. I will ask the gentleman from Illinois [Mr. THOMAS] is it not a fact that, whether these young men are put back

into the Navy or not, you have to keep a certain number of officers on the active-list, and until vacancies occur above them they will remain as ensigns on ensigns' pay?

Mr. THOMAS. That is the gentleman's opinion.

Mr. TALBOTT. One moment. Does not the Secretary of the Navy admit that is true unless Congress should go to work and increase the number of officers?

Mr. THOMAS. If the gentleman will look at the Secretary's letter he will see what he admits. But he need not get excited about it. There is the Secretary's letter, which speaks for itself. And no man yet has come on the floor and met that statement with any accurate or substantial answer or anything like an answer.

Mr. BALLENTINE. Yes, sir; we have met it, and are ready to meet it now.

Mr. THOMAS. Sympathy is a good thing and ought to control people's actions when they are opening their own purses and dispensing their own charity. But we come here as trustees of an express trust, having only authority to do lawful and proper things, and if we vote away the people's money in this way, without any good reason and without any sort of compensation for the expenditure, it is unjustifiable; it is highhanded; it is unwarrantable and indefensible. [Cries of "Vote!" "Vote!"] I guess we will not have a vote until my time expires. I yield ten minutes of my time to the gentleman from Colorado [Mr. BELFORD]. He will give you a little music on which to whet your teeth. [Laughter.]

Diplomacy and Decorations.

SPEECH

OF

HON. WILLIAM E. ROBINSON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 14, 1884,

On the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Our diplomacy a humbug—Founders of our institutions—Republican virtue—Mr. Buchanan—Our minister to Persia—Ridiculously ornamental—Half-concealed charms—British lords and French counts—Snobs and spotted peaches—James Russell Lowell—Twister of lion's tail—Heard only through his stomach—The Declaration of Independence—Lingered in English prisons—Outrages on our citizens—The Brooklyn Times—Brooklyn city—New Jersey and New York—New York Commercial—New York Truth—Brooklyn Land League—New York Daily News—New York Sun—The Truth again—The Sun again—Commercial again—Sun once more—New York Common Council—New York Herald speaks—Truth once more—Opinion of Attorney-General—Yeas and nays—What is an American citizen?—Lowell's impeachment—The Herald once more—New York World—English organs—The Evening Post—Change in Washington sentiment—Fools in Washington—Ditto in New York—Anglomania—Diplomatic follies—An unhappy American girl—Mr. Lowell *en costume*—No Fourth of July—My Lord Rector—What is English society?—Impudent threats—Old times—Decorated expectants—Congressional condemnation—Rush on decorations—Our Anglified flunkies—Ensign Reynolds—What is a knight?—Honor the brave—The Constitution threatened—Honors that degrade—Brave firemen—What is a dude?—Not dealing with the Irish—A fair swap—Who shall be President?—A hand-book wanted—A chance to get even—No royal presents—Timeo Danaos; no affair of Irish feeling—My course—Addenda—New York Herald once more—Tribune and Times—Ensign Reynolds's bill—Queen Elizabeth—Words in my defense—Public meetings indorse me—Sustaining letters—Judges Black and Holman—Non-intercourse with diplomats—Diplomatic spies—Congress on Ireland—Wendell Phillips and Horace Greeley—Things I do not like—Room for American ideas.

Mr. ROBINSON, of New York, said:

Mr. CHAIRMAN: Our diplomatic service is a humbug and a disgrace to our republican country. Our ambassadors abroad are of no use. Our ministers plenipotentiary, so far as any benefit to the country is concerned, are not worth a shilling a dozen. The pay of our ministers is a wasteful expenditure of millions which might better be devoted to some useful or patriotic purpose, and the entire system is a school for the most ridiculous snobbery and ought to be abolished. There is no use in trying to improve it or to prune from it the extravagance and cost and folly which naturally belong to it. The only proper amendment to this bill should be to strike out all those parts that pertain to ministers and legations and perfect the provisions pertaining to the consular service. There is a superstition that in order to prevent a dog from going mad we should cut off the extremity of his tail, where the worm is supposed to be which creates the madness. And some one has suggested that the surest way to accomplish that end is to cut off the dog's tail just behind the ears. [Laughter and applause.] The best way to cut down the pay of our ministers is to cut it off altogether and abolish the entire system. This was the opinion of the democratic-republican

FOUNDERS OF OUR INSTITUTIONS.

One of the ablest debates that ever took place in this House occurred in the Fifth Congress, in 1798, and that great statesman, Albert Gallatin, denounced the entire system as I now denounce it. In this he was ably seconded by Mr. Nicholas, of Virginia, who gave it as his opinion that "the United States would be benefited by having no ministers at all," and gave notice that at a later day he would make a motion to do away with all foreign diplomatic intercourse. Mr. Edward Livingston, of New York, expressed the same opinion, and quoted Mr. Pinckney, of South Carolina, who had been abroad as our minister, as having declared that our diplomatic connections had been injurious to this country and that they ought to be got rid of as soon as convenient. Mr. Livingston suggested the very danger in which we now find ourselves of having men appointed who think that a monarchical form of government and hereditary distinctions would give security and stability to government. The consequence would be that the Government would be undermined before the people were aware of the design, and he admonished Congress that this would bring on a convulsion, and he trusted there would be

REPUBLICAN VIRTUE

enough to frustrate and overturn the design. The debate was protracted from January to March, and the leading Republicans contended for a limitation of appropriations and argued that our entire diplomatic system should be abolished, while the Federalists contended for its continuance and more liberal appropriations; and when the final question was taken on the amendment of Mr. Nicholas, of Virginia, to cut down the appropriations, the Federalists were successful by only 4 majority—yeas 48, nays 52. Among the staunch old statesmen voting to cut down the appropriations were both the Claibornes, William Findlay, Albert Gallatin, Carter B. Harrison, Edward Livingston, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, John Nicholas, Samuel Smith, Thomas Sumter, Philip Van Cortlandt, and Joseph B. Varnum (three of them natives of Ireland). Mr. John Austin Stevens, in his life of Gallatin (American Statesmen), gives an account of this debate, and says of Gallatin's summing up:

> No such admirable exposition of the true American doctrine of non-interference with European politics had at that time been heard in Congress.

And wisely adds:

> Now that the ocean cable brings governments into direct relation with each other, there is a tendency to restrict the authority of ambassadors for whom there is no longer any use, and the entire system will no doubt soon disappear.

It was from this debate that the memorable difficulty between Matthew Lyon, of Vermont, and Roger Griswold, of Connecticut, occurred.

It is worthy of notice that this lengthy and able debate arose on a motion to reduce the amount proposed by the committee for the support of our diplomatic service, which was only $40,000. What rapid strides we are taking in extravagance and aristocratic ideas may be inferred from the fact that instead of forty thousand this bill proposes nine hundred and seventy-eight thousand dollars.

Ever since the commencement of our diplomatic service we have had great trouble in keeping our ministers from making snobs and fools of themselves. We have passed several laws and our Secretaries of State have issued circulars directing our ministers to behave and dress like American gentlemen. When

MR. BUCHANAN

went over to England as our minister, Queen Victoria would not allow him to appear in her presence with his pantaloons on, and the "breeches question" threatened to result in breaches of the peace if not in actual war. Mr. Buchanan's letters to his niece, Miss Harriet Lane, describing the progress of this great international diplomatic difficulty are quite amusing and relate to about the most difficult diplomatic business ever managed by our ministers to the British court. The affair was finally settled by Mr. Buchanan being allowed to keep on his trousers if he would only wear a sword to distinguish him as a gentleman from the servants in waiting. What a sorry figure he must have cut wearing a sword, the use of which he no more knew than of a whaler's harpoon!

In the Fortieth Congress, of which I was a member, we passed a law directing our ministers at foreign courts to appear on state occasions in the dress of American citizens. That law was introduced in each House by the chairman of the Committee on Foreign Affairs, both distinguished representatives of Massachusetts, Mr. Sumner in the Senate and Mr. Banks in the House. After ample debate it passed both Houses and became a law by the signature of the President. But we can not get these snobs who misrepresent us abroad to obey the law. It is but recently that I read an account of the conduct of

OUR MINISTER TO PERSIA,

Mr. Benjamin, who, on reaching Teheran and paying an official visit to the Shah, took off his shoes and crawled barefooted into the presence of that specimen of royalty. Was this obeying the law or appearing in the dress of an American citizen? The man who pulls off his shoes on approaching a royal court as if it were holy ground is not a fit man to represent America anywhere. It shows American republicanism humbling itself beyond all humilities. At the beginning of this Congress I introduced a resolution calling for information from the Secretary of State concerning this transaction. It went to our Committee on Foreign Affairs, and there it has slept ever since. It appears to that committee of no consequence whether our servants obey the law or not.

The New York Sun of August 8, 1883, has the following editorial paragraph:

When in all past time was ever an American minister received by any monarch with such pomp and pageantry as were prepared by the Shah of Persia at his capital in honor of Mr. S. G. W. Benjamin, according to the accounts sent to the State Department at Washington by Mr. Benjamin himself? The thing must have been stunning, not to say overwhelming. Behold the Oriental spectacle as displayed in another column under the light of Mr. Benjamin's genius! Abolish the whole diplomatic establishment!

Yes, indeed; abolish the whole system as soon as possible!

When Benjamin Franklin appeared as our representative at foreign courts in the same clothes which he wore at home he inspired respect which no amount of tinsel and lace could win for his successors; and in this connection I might say that when the distinguished gentleman from Pennsylvania [Mr. CURTIN] was our minister to Russia he appeared at court in a plain citizen's dress, and by his dignified presence and simple manhood proved himself worthy of his Irish ancestry and American citizenship, and won more respect than any of the courtly fops who surrounded or succeeded him.

RIDICULOUSLY ORNAMENTAL.

Our ministers abroad have ceased to be useful and become wholly ornamental, and as representatives of a republican people ridiculously ornamental. Can any member of this House tell me a single thing done by any of our ministers abroad since our last diplomatic appropriation bill of over a million and a quarter passed this House for the current year? They are either absent from their posts or pandering to the follies of titled foreigners or brainless American travelers. What use are they to the millions of mechanics and artisans and farmers who pay the taxes and perform the duties of American citizenship? I cut from the Washington Post, the Democratic organ published at the capital, of Sunday last, the following description of a party given by our minister to France. It is from its Paris correspondent, Mrs. Lucy H. Hooper:

PARIS, *April* 25.

Minister Morton and his charming wife have given many brilliant entertainments since their arrival in Paris, but none, I think, that has surpassed the reception which took place yesterday, and for which cards were issued ten days ago. The evening proved fine, and the long lines of gas-jets on the front of the hotel of the legation were undisturbed by a single gust of wind. The pavement of the entrance was covered with a crimson carpet, and masses of tropical plants and flowering shrubs transformed the wide *porte cochère* into a veritable garden. The staircase was also adorned with flowers in profusion, the candelabra that lighted it being surrounded with camellias and azaleas in full bloom. A fine orchestra, placed in one of the rooms of the first-floor suite, played operatic selections and favorite airs throughout the evening.

The display of dress and diamonds was especially noticeable, even for Paris, where elegance of toilet so largely prevails at all grand entertainments. Mrs. Morton herself was lovely to behold in a dress of pale blue satin, the corsage made with pannier draperies, and the skirt having a frontage of white crape dotted with small gold beads, while curved ruffles of point lace were placed at the sides of the skirt. She wore a superb parure of diamonds, the necklace being set in a broad arabesque pattern of great artistic beauty. Mme. Bonaparte-Wyse was arrayed in gold-yellow tulle, embroidered with large dots in silk of the same hue, made of gold-yellow satin, and looped with clusters of gold-bearded wheat. Mrs. C. H. Bonynge was in ruby velvet, trimmed with point lace and set off with a necklace cross and earrings of large and very perfect diamonds, her coiffure being ornamented with diamond stars. Mrs. J. W. Mackey's dress was in tea-rose faille; the skirt was embroidered all over with large scattered roses in tea-rose silk. She wore a collar necklace in pearls and diamonds, with bracelets to correspond. Her earrings were single white pearls, each the size of a small cherry, while in her hair was placed a diamond comb, surmounted with five large pear-shaped pearls.

Very gorgeous even for an Irishman's wife!—

Mrs. C. N. Beach, of New York, was in white brocade and satin, trimmed with antique Venetian guipure. Mrs. Ayer, of Lowell, Mass., had on a dress of old gold satin—

Of cherry pectoral hue!—

the corsage very gracefully draped with folds of fine point lace. She wore a magnificent necklace composed of rows of very large diamonds—

As large as good-sized pills—

alternating with strings of equally fine and perfect pearls. Miss Emma Nevada's dress was probably the prettiest "young girl toilette" in the room. It was composed of a corsage of crevette pink velvet, with a tulle skirt of the same hue. A tulle scarf crossed the corsage, which was also bordered with draperies of tulle, and the scarf and draperies were dotted with large pink pearl beads. The charming little prima donna was the object of a perfect ovation all through the evening, M. Jules Ferry himself coming up to salute her and spending some time in conversation with her. Mme. Hachisuka, the wife of the Japanese ambassador, had on garnet velvet, with a skirt front of satin, embroidered all over with tulips in their natural hues.

Beside all these and many other Americans mentioned, there were present many artistic celebrities, including Bouguereau, who was probably studying his next nude female figure from the

HALF-CONCEALED CHARMS

around him. There were also present a prince, a duke, a marquis and marquise, and several lords, counts, barons, and titled foreign representatives. Can any one doubt that foreigners would be struck with our plain, democratic ways after witnessing this spectacle? I know that Mr. Morton can afford to indulge his aristocratic tastes, for $40,000 is nothing to him; but every democratic republican must rejoice that this bill contributes to him $17,500 to assist him in keeping up these displays so characteristic of American representatives and so honorable to the liberality of the working people of America, who of their toil and sweat pay the taxes to make up these appropriations!

We might afford to laugh at these follies in so harmless a gentleman as Mr. Morton or so pleasing a woman as his wife, but even in their case the evil tendency of such displays were soon made manifest. At a subsequent reception given by Mr. and Mrs. Morton the English minister was the lion of the evening (Lord Lyon, at that), and at a still subsequent reception the Count of Paris was the chief guest. Now, without stopping to inquire whether we should pass these appropriations, taxing our working people for the entertainment of

BRITISH LORDS AND FRENCH COUNTS,

I may observe that France is now a republic and her elder sister should set her no bad examples, and least of all should our minister be paid out of our mechanics' pockets in direct or indirect movements to restore the monarchy of France. The Brooklyn Eagle has had telegraphed all the way from London, and published in its issue of May 28, 1884, a reproof given to our minister by an English paper, the London Truth, in these words:

It is dangerous to touch French conspirators. Mr. Morton likes his guests to leave his house agreeably impressed. He thought it best, therefore, to please his Orleanist guests by honoring the Count of Paris's pretentions to the throne. A lady asked Mr. Morton to introduce her to the Count of Paris. Mr. Morton informed the Count of this request, and he intimated that he should be pleased to allow her to be presented. Mr. Morton thereupon said to the lady: "The Count of Paris permits me to introduce you to him." The Orleanists present made use of this incident to circulate the report through France that America admitted the sovereignty of the Count of Paris. Mr. Morton erred in inviting an active, open pretender to his house, but he was led into it by American ladies, unworthy of America, who pose in Paris as leaders of society by virtue of their large fortunes and the fact that they are married to idle Frenchmen of dubious nobility. These ladies regard untitled Europeans as mean whites and fancy that a nation without nobility is a garden without flowers. Mr. and Mrs. Morton are liable, however, to meet in royalist drawing-rooms speckled peaches who would not be admitted to respectable houses in New York.

And Mrs. Lucy H. Hooper, in her letter dated Paris, June 2, and published in the Washington Post on Sunday, June 22, says:

The latest topic of the hour in American society is the attack made upon Mr. Morton by the government papers of France, and by the American Register, of Paris, as well, on account of his alleged dinner to the Count de Paris.

I most heartily agree with the correspondent of the London Truth in her strictures of those American ladies who, having married titled foreigners, at once become more European and anti-American than the natives themselves—"more royalist than the king and more Catholic than the Pope," as the French proverb hath it. If one of our society girls or heiresses chances to espouse a prince, a duke, a count, or even a baron, she at once loathes the untitled race from which she sprang, and affiliates entirely and altogether with the set into which she has married. I declare there must be something in the nature of our country people, a very mean fiber, to impel so many of them to become national Judases and deny their country.

What American, that living in Europe has still maintained as a high and holy thing the love of his or her country, but has been disgusted with the snobbery of certain other Americans who pride themselves on being ashamed of their native land and of their nationality? They scorn the society of chaste women and high-minded men, because, forsooth, those personages have been born in the United States and are undecorated with titles, while, as the Paris correspondent of the Truth remarks, they will welcome to their houses all the "spotted peaches" of the Parisian society basket. There is, for instance, an ex-mistress of the heir to a European throne who is one of the bright particular stars at the entertainments of these ex-Americans. But what are decency and morality when compared with the luster of a title? Verily this is a queer world, and not the least queer set of people in it are the Frenchified Americans, or rather the aristocratified ones, if I may be allowed to coin such a word.

Now, I ask any member of this House if he can tell of what use our embassy to France has been for the last twenty-five or fifty years, except to create, cultivate, and perpetuate these Judases,

SNOBS AND SPOTTED PEACHES,

which make up what we call American society, and for whose benefit from year to year the honest, virtuous, and reputable mechanics of the Republic tax themselves to make these appropriations?

But while others of our embassadors abroad have indulged in these harmless exhibitions of royalty, harmless except only in poisoning healthy hatred of royalty, it has been left to

JAMES RUSSELL LOWELL,

our so-called minister to London, to divest himself of all American manhood and to prove himself the merest toady and tool of monarchy and aristocracy.

Mr. Lowell, some thirty years ago, was a pretended lover of liberty, and was counted in that circle that included Wendell Phillips. In one of his "Stanzas of Freedom" he says:

Is true freedom but to break
Fetters for our own dear sake,
And with leathern heart forget
That we owe mankind a debt?
No! true freedom is to share
All the chains our brothers wear,
And with heart and hand to be
Earnest to make others free.
They are slaves who fear to speak
For the fallen and the weak;
They are slaves who dare not be
In the right with two or three.

When the war with Mexico broke out Mr. Lowell took strong ground against it, and ridiculed it in his "Biglow Papers" in Yankee phrase. He did not believe in war anyway. He did not believe that killing people was Christianly:

Ez fer war, I call it murder—
There you hev it plain an' flat;
I don't want to go no furder
Than my Testyment fer that.
Ef you take a sword an' dror it
An' go stick a feller thru,
Guv'ment ain't to answer for it;
God 'll send the bill to you.

He did not like the Southerner, and he thought the Mexican war was waged for slavery.

'Twouldn't suit them Southern fellers,
They're a dreffle graspin' set;
We must allers blow the bellers
W'en they want their irons het.

He was then for the dissolution of the Union:

Ef I'd my way I had ruther
We should go to work an' part—
They take one way, we take t'other.
Guess it wouldn't break my heart.

When the war with the South broke out, however, he seems to have changed his mind on war being murder, and he went beyond his "Testyment" for support to his opinions:

'Twunt du to think thet killin' aint perlite—
You've got to be in airnest ef you fight.
Why, two-thuds o' the Rebbles 'ould cut dirt
Ef they once thought thet Guv'ment meant to hurt.
We want some o' Gideon's sword, I jedge,
For proclamations hain't no gret of edge.
There's nothin' for a cancer but the knife.

He occasionally reminds England of her bad government in Ireland, but usually refers to the Irish as "Paddies." This is not to be wondered at, for his ancestor, after whom he is named, James Russell, belonged to the Tories, who were hunted out of Boston on St. Patrick's Day, 1776, by the patriotic Irishmen who fought under George Washington.

It is somewhat curious to observe the fact that James Russell Lowell was, before he got corrupted by the English aristocracy, the most determined

TWISTER OF THE LION'S TAIL.

Take his "Biglow Papers," and at the end of every line you can hear the brute moan. He accused England of bearing down upon the United States with "heavy hand," of giving us the "most unpleasant kind of 'sarse;'" that she was so confounded self-conceited that she thought there was no light in nature when she winked; that she carried the Ten Commandments in her purse; that she was always willing to let Ireland secede, that she might put down the rebellion in blood; that when the virtues died she claimed to be their heir; that she set up a claim to have a mortgage on the sea, and that we must teach her better by our waving flag—

Yard locked in yard; hot gun-lip kissing gun.

If that is not twisting the British lion's tail then I am not skilled in that business. God help me! I wonder, if I should be appointed minister to England, whether I could ever become such a renegade as Mr. Lowell? "The Lord be between us and harm!"

Mr. Lowell when he got to England and had two or three good dinners with his knees under English mahogany, soon ceased twisting the lion's tail and sent for an invoice of Mother Winslow's Soothing Syrup, which he administers to the brute in regular doses of Tribune teaspoonfuls before and after meals, particularly after. In 1881 England had arrested a large number of American citizens, some of whom had distinguished themselves on the battlefields of our Union. Some of them were naturalized citizens and others native-born. It made no difference to him so long as good English dinners continued; he

HEARD ONLY THROUGH HIS STOMACH.

No effort was made by him to vindicate their rights or to ask common justice for them. The law for his guidance could not be misunderstood. A measure which I introduced into the Fortieth Congress immediately after the assembling of that body received a fuller and abler discussion and consideration than had ever before been devoted to such matters in Congress. Among the leading speakers in the Senate were Conkling, Conness, Fessenden, Frelinghuysen, Hendricks, Morton, and Sumner; in the House, Messrs. Banks, Boutwell, Brooks, Butler, DAWES, Judd, KELLEY, LOGAN, Maynard, Orth, E. B. Washburne, and Woodward; all men of national reputation spoke upon it. It passed both Houses, with only four votes in the House against it and five in the Senate, and so upon the 27th of July, 1868, by the signature of the President became the law. Here it is:

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and

Whereas, in the recognition of this principle, this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and

Whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and

Whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this Government which denies, restricts, impairs, or questions the right of expatriation is hereby declared inconsistent with the fundamental principles of this Government.

SEC. 2. *And be it further enacted*, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this Government, the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.

SEC. 3. *And be it further enacted*, That whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in violation of the rights of American citizenship the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

The wayfaring man though a fool could not err in understanding that law. It was my law, first stated by me amid abuse and misrepresentation such as I am now enduring for my opposition to the anglomania then creeping in among us, and now rampant over us. The Tribune was not then abusing me. The person who is now sitting in the chair which Horace Greeley (God bless his memory!) had so ably filled had not then entered on his present occupation of waiting at the steamship wharves to catch some disreputable lord to feast him at the Lotus Club, but the New York Times was about as virulent in its imbecile yelping then as it is now. Time, however, passed on, and two years ago I had the satisfaction of hearing the leading men of both parties in the Forty-seventh Congress contending for the honor of my bill. Mr. Orth, of Indiana, at a public meeting in New York declared that this bill of mine was "as sacred to American citizens as any line in the

DECLARATION OF INDEPENDENCE."

And my honored colleague [Mr. HEWITT] said it was "a declaration of right scarcely less important to the freedom of the world than the Declaration of Independence," and he generously added:

After carefully examining the steps by which it was secured I am prepared to say that he [W. E. ROBINSON] is fully justified in claiming the legislation of 1868 as his work.

And the eloquent Senator from Indiana [Mr. VOORHEES] said in the Senate:

I honor every word and line of this act. I rejoice in its scope and meaning. When the American authorities execute it the American name will be mentioned with reverence and awe where it is now spoken with derision and contempt.

I have referred particularly to this to show how little terror there is for me at the howling of the curs now barking at me as they did then. But a few years hence some other Hewitt will do me justice for my fight with the insolent anglomania that assails me now.

I see in recent publications that the Republican press is stealing my thunder, and giving credit to Mr. Blaine for carrying this measure through Congress and for the release of Eugene Costello from British prisons. These are my honors, which Mr. Blaine himself will not try to take from me; and for the decision of the question where the honor belongs I submit to the opinion of Mr. Costello himself in his case, and to my colleague, Mr. HEWITT, in the case of the law of 1868.

The New York Tribune of to-day claims as honors for Mr. Blaine works which it denounced in its most viperous manner when I was protesting against the unjust imprisonment of American citizens, and while the British minister was forwarding this very Tribune to Lord Granville, in which it denounced this law as "irrational" for which it is now claiming credit for Mr. Blaine. I may have to say more some day soon on this whole matter. Here is an extract from a letter to Lord Granville from the British minister:

WASHINGTON, *April* 8, 1882.

MY LORD: I have the honor to transmit to your lordship herewith articles from the New York Tribune on the proceedings taken with regard to the Irish-American suspects. The tone of these articles is on the whole satisfactory.

Of course the Tribune was satisfactory to the British aristocracy. It takes some versatility of cheek to whistle now on the opposite side of the mouth. I wonder what dodo laid the egg in the nest of the old eagle which once spread its wings over the Tribune eyrie from which the bastard bird that now defiles the nest was hatched?

Well, here was this great American law, supposed to be known even to Mr. Lowell, however blinded by his new-born anglomania, that any declaration of any one against the right of expatriation is inconsistent with the fundamental principles of this Government; that all naturalized citizens in foreign states shall receive the same protection from this Government as native-born citizens, and that when any citizens of the United States are unjustly deprived of their liberty an instant demand shall be made for their release or the reasons for their arrest. Mr. Lowell openly, persistently, and stubbornly ignored or disobeyed this law. He made distinctions between naturalized and native citizens and brazenly brought them to the notice of his own and the English Government. Our poor citizens, disgusted with their treatment, ceased to make application for protection from the American Government, and we shall never know how many of our citizens pined in prison in chains which our paid minister had assisted in binding on them. I have the names of twenty at least, including Henry George and M. P. Boyton, who without having committed any crime or being even accused of such, and without any trial,

LINGERED IN ENGLISH PRISONS

for terms of fourteen or fifteen months, and then with shattered fortunes and ruined health were flung out to die by the British authorities without an honest word of protest or defense from our well-paid minister. Had we been without any minister to England not half as many of our citizens would have been imprisoned and none would have remained in prison so long.

Immediately after the organization of the Forty-seventh Congress, of

which I happened luckily to be a member, I tried to get the floor to offer the following resolutions:

Whereas it is known and admitted that certain citizens of the United States are unjustly deprived of their liberty by the Government of Great Britain; and

Whereas the President has demanded of that foreign government the reason of such imprisonment and their immediate release; and

Whereas such release has been unreasonably delayed: Therefore,

Resolved, That the President is hereby urgently and earnestly requested forthwith to use such means and take such proceedings as are designated in the law of July 27, 1868, in such case made and provided.

Resolved, That in the opinion of the House James Russell Lowell, our minister to England, having mistaken or neglected his duty as our representative in the case of these unjustly imprisoned American citizens, should be recalled.

Many of the gentlemen around me will remember how the anglomaniacs howled against me then as they are now howling, and how I was constantly ruled out of order. As I look around me now I see that many of the noisiest of my vilifiers were at the last election left at home.

After long delay I finally got the floor on the 26th of January, 1882, and delivered a speech, recounting the

OUTRAGES ON OUR CITIZENS

and denouncing the conduct of Mr. Lowell. That speech was published in a pamphlet of thirty-two pages and was circulated by the thousand. The country was aroused and demanded the release of our prisoners and the recall of Mr. Lowell.

The English dudes, whom God for some wise purpose has permitted so largely to control the press of this country, then, as now, misrepresented, belied, and tried to ignore me. The seed I had sown, however, took quick root and sprang up into vigorous growth, and I was amply sustained in my demand for protection to our citizens and for the recall of Mr. Lowell.

THE BROOKLYN TIMES.

While the English organs were denouncing my demand for protection to American citizens, the Brooklyn Daily Times of January 27, 1882, the Republican paper of my city, said:

Congressman ROBINSON doubtless represents the sentiments of a majority of his constituents in the second district in his zealous efforts to secure the intervention of his Government in behalf of American citizens confined in Irish prisons.

That is true. Every true-born American and every true Irishman and every true Englishman naturalized and having foresworn allegiance to the queen, living in my district, approved of my course. Brooklyn is a glorious city, and is composed of patriotic people from all countries and from all States in the Union. At the taking of the last census in 1880 its population stood as follows:

Statement showing the number of inhabitants in each ward of Brooklyn, N. Y., at the United States Census of 1880, *who were born in the United States, in Ireland, and in all other foreign countries.*

	Total population.	Born in—		
		The United States.	Ireland.	All other foreign countries.
First ward	18,729	12,781	3,472	2,476
Second ward	9,254	5,158	2,526	1,570
Third ward	18,271	12,377	2,218	3,676
Fourth ward	12,819	8,905	1,747	2,167
Fifth ward	18,517	11,968	4,570	1,979
Sixth ward	35,437	21,325	8,644	5,468
Seventh ward	31,663	23,584	4,573	3,506
Eighth ward	17,388	11,317	2,912	3,159
Ninth ward	15,044	9,965	3,461	1,618
Tenth ward	27,140	17,697	5,712	3,731
Eleventh ward	21,680	15,529	3,503	2,648
Twelfth ward	22,201	13,229	5,924	3,048
Thirteenth ward	21,029	15,821	1,618	3,590
Fourteenth ward	25,559	16,377	5,128	4,054
Fifteenth ward	23,654	17,570	1,645	4,439
Sixteenth ward	42,712	26,090	824	15,798
Seventeenth ward	30,088	21,052	4,230	4,806
Eighteenth ward	23,926	16,266	1,691	5,969
Nineteenth ward	27,661	19,681	2,098	5,882
Twentieth ward	24,188	18,337	2,943	2,908
Twenty-first ward	31,956	22,382	2,913	6,661
Twenty-second ward	25,473	18,703	2,717	4,053
Twenty-third ward	14,396	11,728	1,085	1,583
Twenty-fourth ward	8,823	6,497	1,386	940
Twenty-fifth ward	19,055	14,630	1,274	3,151
The city total	566,663	388,969	78,814	98,880

In a speech which I delivered in this House March 2, 1869, I referred to the people of Brooklyn as follows:

My district, for intelligence, wealth, industry, education, schools, and churches, for merchants, ministers, the medical and legal professions, is perhaps the best district in the United States—equal, at all events, to any in all characteristics mentioned. The population of that district is perhaps less than one-fifth of New England birth or origin, less than one-fifth of English and their descendants. The remaining three-fifths or more are German and Irish by birth and descent. By the last State census of 1865, which is generally believed to be lower than the facts would warrant, in Kings County, of which my district embraces about one-half, there were 197,243 persons natives of the United States, and 112,869 persons natives of foreign countries, with about 1,000 born at sea or at places unknown; in all 311,090. Of these 59,444 were born in Ireland, 28,310 in Germany, 15,555 in England, 2,797 in Scotland, 1,461 in Canada, 1,195 in France, 241 in Holland. Of the voters in Kings County there were 29,950 native born and 28,274 naturalized—in all 58,224 voters—while there were 53,435 aliens unjustly kept so by the law requiring five years' probation.

Let me say also that 1,482 Irish, 1,000 Germans, 364 English, 812 Scotch, 782 aliens, and 1,216 of unknown birth, mostly perhaps aliens and generally Irish, enlisted in the armies of the Union. Consequently in 1865 there were 12,367 widows to 3,135 widowers in my county, showing that many had fallen in battle in defense of the flag of the Union. Whom do I represent as member of Congress chosen by this mixed population? I am proud of the New England minority in my district, but I am not ashamed of the Irish majority. Those thousands of widows whose husbands fell on many a Union battlefield deserve to be remembered by Brooklyn's representative on this floor. Surely the 59,444 natives of Ireland in my city who pay taxes, work and fight for the country, ought not to be ignored, or obscured, or eclipsed by the much smaller number of New England's sons. All the other States in the Union do not furnish to Brooklyn half as many of her population as she receives from Ireland alone. If I have, therefore, attended reasonably well to the general interests of my constituents I should not be blamed for saying a word for Ireland, from which more than one-half of my constituency springs and which is loved to-day as no nation except the United States ever was loved by all her sons except a very despicable and recreant few.

But not only did I, in my defense of American prisoners confined without cause in British dungeons and in my demand for the recall of Mr. Lowell, represent the sentiments of the people of my district, but I met with the support and approval of all true Americans throughout the United States. I have before me hundreds of extracts from the proceedings of legislative and public bodies and from numerous leading newspapers, all indorsing my views and sustaining me in my present opposition to retaining Mr. Lowell at London. Even those who at first misrepresented and abused me were compelled to fall in with the sentiments which I so faithfully tried to stimulate.

NEW JERSEY AND NEW YORK.

On the 20th of February, 1882, the house of representatives of the State of New Jersey unanimously adopted resolutions indorsing my conduct in respect to Mr. Lowell and our prisoners, and the Legislative Assembly of the State of New York on the 6th day of March, 1882, unanimously adopted a similar resolution, both bodies mentioning my name.

The New York Tribune, however, led the gang of my traducers.

NEW YORK COMMERCIAL.

The New York Commercial, of January 27, 1882, edited by the late Hugh Hastings, says:

The Tribune sneers at Hon. WILLIAM E. ROBINSON as a representative of the Irish. The editor of the Tribune forgets that "Richelieu" ROBINSON was a graduate of Yale forty years ago and was a member of the Tribune staff when the present editor (Whitelaw Reid) was warbling "Clams! fine clams!" for sale in a one-horse, dilapidated wagon through the streets of Xenia, which accounts for his passion for music.

NEW YORK TRUTH.

The New York Truth of February 16, 1882, in a leading editorial headed "Are we cowards?" speaks as follows:

When a member of Congress has the temerity to ask our Government to demand of Great Britain her reasons for imprisoning American citizens without charging them with crime, and denying them the right of trial and defense, other Congressmen call him a demagogue, and an English paper [The New York Times] published here by a quondam dealer in foul literature, laughs at him.

The question raised by Mr. ROBINSON in Congress is not one of the right of England to define crime and punish it. England may make it criminal to wear a sprig of green in the button-hole if she chooses, and any American citizen so offending would be entitled to no greater consideration than a British subject if the crime were charged and proved against him by due process of law. But if an American citizen sojourning on British territory is arrested without cause and denied the right to a trial, he is entitled to the interference of this Government if American citizenship is worth anything.

Shall we permit our legation to remain in London, and our consuls to continue our relations with England, while our citizens are arrested without charges preferred, and imprisoned without indictment or trial?

We trust that Mr. ROBINSON and Mr. COX will not allow themselves to be driven from their position by the billingsgate of a notorious corruptionist on the floor of the House, nor the inane "humor" of Gladstone's New York organ.

BROOKLYN LAND LEAGUE.

At a meeting of the executive committee of the King's County Land League, held February 25, 1882, Judge Rooney in the chair, a series of resolutions were adopted denouncing Mr. Lowell for neglecting to perform his duty to American citizens and approving the conduct of their Representative, W. E. ROBINSON, in upholding the dignity and vindicating the rights of American citizenship.

NEW YORK DAILY NEWS.

The New York Daily News, a paper of immense circulation and influence, declared—

That Mr. Lowell has misrepresented American sentiment, ignored the claims of American citizenship, and failed to recognize, or, recognizing, to fulfill the obligations of the mission to which he was appointed, has been made patent to the popular understanding. No accumulation of evidence could make it more emphatic. The most singular feature of the situation is that Mr. Lowell, knowing, as he must, the sentiments of his countrymen in the premises, has as yet failed to tender his resignation.

THE NEW YORK SUN.

A very able leading editorial in the New York Sun of March 14, 1882, headed "British outrages on American citizens," opened with these stalwart sentiments:

The time has come for the plainest speech in regard to the outrageous treatment of American citizens by the British Government. There must be an end of mealy-mouthed and tortuous diplomacy. The rights of citizenship must be asserted to their fullest extent and defended to the last extremity. Otherwise the United States will be disgraced in the eyes of the world. The minister was content to see this American citizen and others lodged in cells upon trumped-up charges, most of them known to be on the testimony of professional inform-

ers, without uttering a single manly word in their defense. Mr. Lowell let his fellow-citizens remain in jail.

THE TRUTH AGAIN.

The New York Truth of March 15, 1882, asked:

How much longer is American citizenship to be insulted by the snobbery of an American minister?

THE SUN AGAIN.

The New York Sun of March 17, 1882, says:

In one of the official dispatches just communicated by the State Department to the Committee on Foreign Affairs, Mr. James Russell Lowell exhibits himself in an extraordinary attitude.

He appears as the apologist for a British outrage on the rights of American citizenship.

Two American citizens, McSweeney and Hart, have been arrested and imprisoned by the British Government. They are charged with no crime. They are denied a trial. In time of peace these American citizens are subjected to the hardships of martial law.

Mr. Lowell inquires of Lord Granville on what charge Hart is held. Lord Granville replies that he will not tell, but begs Mr. Lowell to believe that Hart is guilty of something or other.

Thereupon Mr. Lowell telegraphs to Washington that he "does not believe that either of the two is more innocent than the majority of the persons who have been arrested."

Innocent of what?

It is not Mr. Lowell's part to express any opinion as to the innocence or guilt of the imprisoned American citizens. His duty is to find out on what charge they are held, and why they are not brought to trial.

The lot of these American citizens, with the protection of whose rights Mr. Lowell is charged, was hard enough before he became a volunteer accuser against them.

COMMERCIAL AGAIN.

The editor of the New York Commercial, Hugh Hastings, esq., speaks as follows in that paper of March 25, 1882:

Congressman ROBINSON, of New York, paid his respects to Mr. Lowell again yesterday. He was informed that the State Department was now in active correspondence with the British foreign office regarding the imprisoned Americans. In the House of Commons yesterday Sir Charles Dilke, in reply to Mr. Leamy, member for Waterford, said that the government was considering the representations of the Government of the United States regarding the trial or the release of the Americans imprisoned in Ireland under the coercion act. It is evident from this that Secretary Frelinghuysen is actively pushing this business and is making amends for the remissness, indifference, and neglect of Mr. Lowell. But, no matter how energetically the Government prosecutes this work, Lowell's behavior can not be condoned. He has disgraced the office he holds, and should be promptly recalled.

PRESIDENT PRO TEMPORE.

The President *pro tempore* of the Senate of the United States, Hon. David Davis, in a letter dated March 28, 1882, says:

England may suspend habeas corpus in time of profound peace, and, under that suspension, she may assume to violate the letter and the spirit of existing treaties. But when she touches the person and restrains the liberty of an innocent American citizen she does it at her peril, and should be made to feel the consequences of that arbitrary and indefensible act.

The time has come when the fullest rights of American citizenship must be asserted. The present experience and other examples equally trying to public patience render this assertion now an imperative obligation, without which the United States would deservedly lose position before the world.

SUN ONCE MORE.

In the New York Sun of March 28, 1882, a very able leading editorial was published, from which I take these sentences:

When Mr. Brooks, consul of the United States at Cork, besought the aid of Mr. Lowell in behalf of John McEnery, in jail at Limerick, eight months ago, he was told in the spirit of the Secretary of State, and under his instructions, "It is manifestly entirely futile to claim that naturalized citizens of the United States should be excepted from its operation" [that is, the coercion act].

Mr. Lowell not only declined to interpose for McEnery, who wrote from Limerick prison January 16, 1882, "I challenge any person in Ireland to prove any crime against me more than being an American citizen," but he branded him with a degrading inferiority for being "a naturalized citizen." This American minister at London, for the instruction of the British Government, drew a broad line of distinction between native and naturalized citizens, right in the face of the law of 1868.

No demand, in the proper sense of that term, has been made. Mr. Lowell inquired, with great deference, for what cause one of the prisoners was held, and Lord Granville told him to go and read the warrant of arrest, as he had no further information to give. After that rebuke Mr. Lowell did not feel himself equal to repeating the inquiry, even if the prisoners should rot in their cells. He left them to their fate.

The path of duty is plain. It admits of no quibbling or evasion, if there be courage to discharge it. We have had more than enough of trifling. These citizens have been in jail nearly a year. The people demand their release, and they must be released. Woe to the public man or the party that stands in the way of this act of justice!

NEW YORK COMMON COUNCIL.

On the 28th of March, 1882, the common council of the city of New York, on motion of Alderman Martin, adopted the following resolutions with only one dissenting voice:

MINISTER LOWELL ARRAIGNED.

Whereas the pusillanimous conduct of Minister James Russell Lowell, at the Court of Saint James, in treating with Earl Granville regarding the arrest without warrants and imprisonment without trial of American citizens, is so utterly inexcusable and so directly in violation of the national sentiment respecting the rights and immunities belonging to American citizenship that it calls a blush of shame and indignation to the cheeks of every lover of this Republic; and

Whereas the gallant conduct of the representatives of the United States in the harbor of Smyrna, on the ever-memorable occasion of the protection afforded Martin Koszta by the American consul and Commander Ingraham, of the United States sloop-of-war Saint Louis, is yet fresh in the recollections of many of our people, and the outburst of popular approval then bestowed upon the brave Ingraham clearly proved that his prompt and decisive action struck a responsive chord in the hearts of the American people; and

Whereas the action of Lowell in dealing with England and Ingraham in dealing with Austria, in parallel cases, is in such marked and painful contrast that a sensation of indignation and mortification now pervades the people of this country, and the common council but voices the wishes and feelings of the people of this city when it asks in their behalf that the President of the United States shall recall Minister Lowell and appoint in his place a citizen of this Republic who will properly represent the American people at the English court—a sycophant is neither a safe nor creditable representative of a free people to keep at any of the monarchical courts of Europe or elsewhere:

Be it therefore resolved, That Chester A. Arthur, President of the United States, be, and he is hereby, in the most earnest yet respectful manner, requested to recall Minister Lowell from the British court and replace him by an American citizen who will see to it that the English Government will not dare to outrage American nationality.

NEW YORK HERALD SPEAKS.

My speech was delivered in this House on the 26th of January, 1882, and the pamphlet edition had a large circulation. The papers which abused it in their telegraphic reports soon began to show symptoms of reason and common sense. The New York Herald of April 1, 1882, contained a long leading editorial headed "Imprisoned Americans in Ireland." It was the first time in that paper that the subject which I had introduced to Congress had a fair statement in its columns. I copy a few sentences:

Either Minister Lowell has neglected his duty or the British Government is, for political purposes of its own, trifling with the United States on a subject on which it ought to understand that trifling is a denial of justice which one country can not be expected to tolerate from another.

So long ago as the 4th of March Secretary Frelinghuysen directed Mr. Lowell by cable to ask that American citizens imprisoned under the coercion act in Ireland be brought to a speedy trial or else released. Mr. Lowell reported that he had obeyed the instructions, and this is the last that has been heard of the matter since the 14th of March, when these facts were communicated to Congress by the State Department. The American public has waited with more or less patience to learn that the very reasonable demand of the United States has been complied with, but not a word has been heard and we are now in April.

We hope therefore that the House of Representatives, when it meets to-day, will ask the State Department what is the actual condition of the matter, so that we may know whether American citizens continue to lie in English prisons, in spite of the demand and protest of our Government, because the American minister in London has neglected a duty toward them or becuse the British Government has refused the act of justice and common civility which was asked from it. If the fault lies with Mr. Lowell he ought to be recalled and some one sent in his place who is intensely enough American in feeling and sufficiently a lover of justice to do his full duty toward helpless fellow-citizens unjustly detained in foreign prisons. If, on the other hand, the British ministry, for partisan or other reasons, has refused or neglected our just demand, the sooner we know that and sensible Englishmen also know it the better.

We on this side of the water were certainly surprised when a liberal government, so called, adopted the coercion act, which extraordinary measure suspended the writ of habeas corpus in Ireland and authorized the arrest and imprisonment without trial of whomsoever the government chose to suspect of wrongdoing. But it is the business of the United States to see to it that its own citizens are not subjected to wrong or outrage in foreign lands. In no case has a government the right to hold foreigners in prison and deny speedy trial to them, no matter what it may choose to do to its own subjects. They must have a speedy trial; they must not be made to lie in prison for months without trial. That is intolerable and can not and will not be endured.

Our Government has requested a simple act of justice from the British Government. Its request ought to have been granted at once. Indeed, we ought never to have been obliged to make it. But this request has been allowed to lie unanswered since the 4th of March last, so far as the public knows, and that is, we take leave to say, a very gross incivility toward the United States, making every allowance for the possibility that the American minister in London may have been too efficiently taught by Mr. Blaine to put too low an estimate upon the rights of American citizens in Ireland. But we hope that the British Government will not suffer itself to be misled by that possibility. The United States will not longer tolerate the imprisonment in Ireland of American citizens without trial. We have borne patiently and civilly quite as long as is proper with what is a gross outrage, and we have requested reparation and justice in moderate tones until Americans begin to see that a louder and more peremptory voice may be necessary. That will be heard very soon if simple justice is not at once granted to the imprisoned Americans.

TRUTH ONCE MORE.

The New York Truth of April 2, 1882, says:

Nothing could be better evidence of the fact that the press does not lead public opinion, but is led by it, than the conduct of the newspapers regarding the arbitrary imprisonment of American citizens in Ireland. Congressman ROBINSON, of Brooklyn, only a few weeks ago, in the House, made a splendid speech in behalf of these men, breathing throughout the spirit of American liberty, and was sneered at for his pains. The only daily newspapers in New York to sustain him were Truth and the Commercial. But after a little while the Sun fell in line, then came the World, then the Times grew moderate in its opposition, and yesterday the Herald turned a somersault.

OPINION OF ATTORNEY-GENERAL.

The reiterated claim of England that she could under the suspension act detain American citizens without charge of crime or color of trial was frequently indorsed or admitted by our minister and not boldly denied by the Executive or State Department. In order to have this simple question settled, I introduced a resolution into this House in the following words:

Resolved, That the Attorney-General of the United States is hereby directed to communicate to this House his opinion in writing on the following question:

If JOSEPH WARREN KEIFER, Speaker of this House, or Alonzo B. Cornell, governor of the State of New York, or Charles Carroll, a laborer in the department of public works in the city of New York, being a citizen of the United States, visit any part of the British Empire, and should there be arrested without having committed any crime, and without any definite charge of crime being alleged against him, could the English Government, by suspending the habeas corpus, or otherwise, lawfully detain him indefinitely on suspicion without trial or without any right in our Government to demand his release? Also his opinion on the application of the law of July 27, 1868, to such cases, and the President's duty under it.

That was referred to the Committee on Foreign Affairs, and on the 14th of February, 1882, was reported back by Mr. Orth with a recommendation of the committee to lay it on the table. This I considered the most important resolution and the best step we could make in the controversy. I demanded a division, and on the count could only get 45 votes against tabling it. The yeas and nays were ordered, and 102

votes were recorded against it. Had the Democrats all voted with us the act of tabling would have been defeated. But so many of them voted with the Republicans, refusing to ask even for the legal opinion of our own Attorney-General, that the verdict of the House seemed to be that they did not care even to ask for information, and so our citizens lingered out the weary time in prison.

THE YEAS AND NAYS.

The yeas and nays were as follows: yeas 117, nays 102, not voting 73.

YEAS—117.

Aiken,	Farwell, Sewell S.	Miles,	Smith, A. Herr
Aldrich,	Fisher,	Moore,	Smith, Dietrich C.
Anderson,	Fulkerson,	Morey,	Spaulding,
Armfield,	Garrison,	Norcross,	Speer,
Atkins,	Grout,	O'Neill,	Stone,
Bayne,	Guenther,	Orth,	Strait,
Beltzhoover,	Hall,	Pacheco,	Thompson, Wm. G.
Bowman,	Hammond, John	Payson,	Tucker,
Briggs,	Hawk,	Peelle,	Tyler,
Browne,	Hazelton,	Pierce,	Updegraff, J. T.
Burrows, Julius C.	Heilman,	Phister,	Updegraff, Thomas
Butterworth,	Hepburn,	Pound,	Urner,
Candler,	Hiscock,	Prescott,	Valentine,
Cannon,	Hoblitzell,	Ranney,	Van Aernam,
Carlisle,	Horr,	Ray,	Wadsworth,
Carpenter,	Houk,	Reagan,	Wait,
Cassidy,	Hubbs,	Reed,	Walker,
Caswell,	Humphrey,	Rich,	Ward,
Chalmers,	Jacobs,	Richardson, D. P.	Washburn,
Cook,	Jadwin,	Robertson,	Watson,
Cox, Wm. R.	Jones, James K.	Robeson,	Webber,
Crapo,	Joyce,	Robinson, Geo. D.	West,
Crowley,	Kasson,	Robinson, James S.	White,
Dawes,	Kelley,	Ryan,	Williams, Chas. G.
Deering,	Kenna,	Scoville,	Willits,
De Motte,	Lewis,	Shackelford,	Wilson,
Dowd,	Lindsey,	Shallenberger,	Wood, Walter A.
Dunnell,	Manning,	Sherwin,	
Errett,	Marsh,	Shultz,	
Evins,	Mason,	Skinner,	

NAYS—102.

Beach,	Davis, L. H.	Ladd,	Scales,
Berry,	Dibrell,	Latham,	Scranton,
Black,	Dugro,	Leedom,	Shelley,
Blackburn,	Ellis,	Lord,	Simonton,
Blanchard,	Finley,	Martin,	Singleton, Jas. W.
Bland,	Flower,	Matson,	Sparks,
Bliss,	Ford,	McKinley,	Springer,
Blount,	Forney,	McLane,	Stephens,
Bragg,	Geddes,	McMillin,	Stockslager,
Brewer,	George,	Miller,	Thompson, P. B.
Brumm,	Gunter,	Mills,	Tillman,
Buchanan,	Hardenbergh,	Morrison,	Townsend, Amos
Burrows, Jos. H.	Hardy,	Mosgrove,	Turner, Henry G.
Caldwell,	Harmer,	Moulton,	Turner, Oscar
Chapman,	Harris, Henry S.	Muldrow,	Upson,
Clardy,	Haseltine,	Murch,	Vance,
Clark,	Hatch,	Mutchler,	Warner,
Clements,	Herbert,	Oates,	Wellborn,
Cobb,	Hewitt, A. S.	Phelps,	Wheeler,
Colerick,	Hewitt, G. W.	Randall,	Whitthorne,
Cox, S. S.	Holman,	Rice, John B.	Williams, Thomas
Covington,	Hooker,	Rice, Theron M.	Wise, George D.
Cravens,	House,	Richardson, Jno.	Wise, Morgan R.
Culberson,	Hutchins,	Ritchie,	Young.
Darrell,	Jones, George W.	Robinson, Wm. E.	
Davis, G. R.	King,	Rosecrans,	

NOT VOTING—73.

Allen,	Davidson,	Hubbell,	Pettibone,
Atherton,	Deuster,	Jones, Phineas	Rice, William W.
Barbour,	Dezendorf,	Jorgensen,	Ross,
Barr,	Dibble,	Ketcham,	Russell,
Belford,	Dingley,	Klotz,	Singleton, Otho R.
Belmont,	Dunn,	Knott,	Smith, J. Hyatt
Bingham,	Dwight,	Lacey,	Spooner,
Buck,	Ermentrout,	Le Fevre,	Steele,
Buckner,	Farwell, Chas. B.	McClure,	Talbott,
Cabell,	Frost,	McCoid,	Taylor,
Calkins,	Gibson,	McCook,	Thomas,
Camp,	Godshalk,	McKenzie,	Townshend, R. W.
Campbell,	Hammond, N. J.	Money,	Van Horn,
Chace,	Harris, Benj. W.	Morse,	Van Voorhis,
Converse,	Haskell,	Neal,	Willis,
Cornell,	Henderson,	Nolan,	Wood, Benjamin.
Cullen,	Herndon,	Page,	
Curtin,	Hill,	Parker,	
Cutts,	Hoge,	Paul,	

So the report of the Committee on Foreign Affairs was agreed to.

The Democrats voting with the Republicans were 25; the Republicans voting with the Democrats 18. Had the 25 Democrats voted with the great majority of their party the vote would have been—yeas 92, nays 127. Why these Democrats voted against their party I never could understand. The British minister here and the English Government interpreted it to mean that Congress did not really care whether Irish-American citizens were insulted or not. And the British minister thought it of importance enough to communicate my resolution and the vote "tabling" the same, which he informs his lordship was the same as killing it, in a special dispatch the very day the English victory was achieved in this House.

In the mean time our citizens still continued in prison, and Mr. Lowell when he did anything did it so reluctantly that it had better not been done at all. Remonstrances against his conduct and in favor of mine poured into Congress, most of them mentioning my name, and many of them ordered printed in the RECORD. On the 5th of April the President sent the facts to the House. On the 8th of April Mr. West, the British minister, inclosed to Lord Granville copies of the New York Tribune of April 5 and April 6, in which the British idea was defended that England could imprison American citizens without cause under the suspension act, and referring to the act of July 27, 1868, as an "irrational act." It has always been the hobby of the British minister to represent the acts of Congress as done to curry favor with the Irish vote and did not mean what their acts seemed to mean.

On the 25th of April, 1882, I delivered another speech, which was also published in a thirty-two-page pamphlet and largely circulated, in which I called for speedy relief to our citizens in prison and a speedy recall of our minister. Toward its close I gave the following description of two kinds of American citizens:

WHAT IS AN AMERICAN CITIZEN?

It is time, sir, that we should come to an understanding with the rest of the world as to what an American citizen is. England tells us, and our minister echoes their ideas, that they will molest no American unless he is suspected (of Americanism!). The brainless throng of folly and fashion that go abroad from this country to spend the money which their fathers got by industry and energy, or from fraudulent contracts, and who feel themselves in the third heaven of happiness if they can bask in the splendor of effete monarchy or touch the hem of the garment of some disreputable lord, try to pass themselves off as the true type of Americanism. How heartily these proud nobles despise these toadies every person of sense knows, but they will never be molested, for these lords and dukes know that there is not enough of American manhood in a shipload of them to manifest itself. They will try to forget American republicanism by fawning and kneeling around the tyrants and oppressors. But they no more represent or typify American manhood than the capon of Bucks County in Pennsylvania represents the game blue hen's chicken of Delaware. There is not a drop of genuine American blood in their degenerate veins.

But a genuine American, who believes in Bunker Hill and the Declaration of Independence, who goes back to visit the paternal home of his ancestors in Ireland, who loves liberty and hates oppression, who sees English insolence and despotism in Ireland and is not afraid to express himself in respectful and legal Yankee language against the tyrant and for the oppressed—he will always be suspected and in danger of imprisonment. An honest, hearty, manly American is as terrible to throned or titled tyrants as dynamite. A true American traveling in Europe is a peripatetic protest against monarchy and monopoly. He will impregnate the air wherever he goes by the healthy perfume of republicanism, and you can no more divest him of that dangerous contagion than you could rob the rose of its perfume, even if you carried it into the infernal regions, where its fragrance would be exhaled from every shriveling leaf. Imagine, if you can, any genuine Yankee visiting Ireland and seeing the heartless landlord evicting the helpless tenant and his wife and children from the little cabin in which his fathers for centuries lived and died, without muttering in poorly-suppressed anger his abhorrence of the oppressor and his sympathy for the victim; and he of course would be a suspect.

Now, that is the kind of Yankee for whom we seek protection. The other kind do not need it and are not worth it. And this protection we must have. There are thousands of Englishmen in every large American city who refuse to be naturalized, who have their St. George's societies, and praise up monarchy and run down republicanism, and we do not throw them into prison as suspects. If we did England would promptly and potentially demand their release. Now, England must give as well as take. If her subjects can mingle in society here and express their preference for monarchy our citizens must be allowed to travel there and express in respectful language their preference for republicanism, unless you intend to give in to England's insolent intentions, as tersely expressed by James Russell Lowell:

It's you're the sinner allers, she's the saint.
Wat's good's all English, all that isn't ain't.

And it must be understood that no American citizen shall ever be forced to accept the degrading terms of leaving the country never to return. If any American citizen violates any law let him have a fair and speedy trial. If guilty and convicted let him be punished according to law; but we say to England now, and she must listen and hear, that we will not allow her to arrest any American citizen on suspicion, and then, when she can not prove any crime against him, annex degrading conditions to his release, unless she consents that we can do the same with her subjects.

LOWELL'S IMPEACHMENT.

The publication of this speech again drew public attention to the conduct of our minister, and the demand for his recall was renewed. Had a resolution been in order before the House to pass a vote of censure on Mr. Lowell it would have been almost unanimously adopted; but the only way to get such a resolution in, under the rules, was to move his impeachment. I drew up an impeachment resolution, and consulted some prominent statesmen upon the subject, but I was advised that in a very few days Mr. Lowell would be recalled, and so my resolution yet lies in my desk. The public clamor for his recall, however, continued.

THE HERALD ONCE MORE.

The New York Herald, of May 22, 1882, in its leading editorial, says:

We declared our opinion a few days ago that it is expedient for President Arthur to put another minister at London in the place of Mr. Lowell. When, however justly or unjustly, the American minister at London does not possess the confidence of several millions of his countrymen, it is time for him to withdraw and for another minister to be put into his place. We do not censure the acute sensibility of these millions of Americans to what is occurring in Ireland and affecting their intercourse and business with friends and kindred across the sea. They are the radicals and destructives who would obstinately maintain at London a diplomatic representative who has already awakened a domestic distrust that may ripen into domestic disorder in possible contingencies.

The next day, May 23, 1882, in another leading editorial, it says of Mr. Lowell:

He does not represent this country adequately and just as it should be represented in England at this critical time. His mind does not seem to seize the relation of the American people to this crisis in Irish affairs, and he thus misses a proper comprehension of what is and must be the central and important point of interest in all negotiations likely to be carried on through him. Mr. Lowell has served his time. He should give way to another now.

The Washington correspondent of the New York Herald, under date

of May 25, 1882, gives the opinions of members of Congress on Mr. Lowell's recall. The writer says that the general sentiment in both Houses of Congress is in favor of his recall. Senator FARLEY, of California, declared that his neglect of American prisoners demanded his recall, and his successor should represent the stalwart sense of the people that the rights of an American citizen are paramount. Senator CONGER of Michigan, Senator COKE of Texas, Senator LOGAN of Illinois, Senator CAMERON of Wisconsin, Speaker CARLISLE, and Representative WILLIS of Kentucky, with many others mentioned, favored his recall and the appointment of a successor more imbued with stalwart Americanism and less under English influences, thus fully sustaining the demand which I first made for his recall.

THE NEW YORK WORLD.

A very able letter from Washington in the New York World, under date of May 25, 1882, advocates Mr. Lowell's recall, against whom it makes this charge:

He has transgressed its (the United States) laws and its treaties, disobeyed its instructions, and sacrificed its dignity.

In support of this charge the writer refers to Mr. Lowell's disgraceful conspiracy with British hirelings to terrorize American citizens to accept their release from British prisons on condition of departing from the country never to return, in despite of our treaties with England securing to our citizens the right to remain and reside securely in that country. A leading editorial of May 26 indorses the correspondent's views.

ENGLISH ORGANS.

Even the organs of English opinion in England and Canada gave up the idea that Lowell could maintain his position. In the New York Herald of June 2, 1882, an article was copied from the Toronto Telegram, in which it said:

It is apparent that the agitation that has been going on in the United States for some months past for the removal of Mr. Lowell from the high post of United States representative at the Court of St. James is about to be successful.

THE EVENING POST.

The editor of the Evening Post, of May 26, discusses the question of Mr. Lowell's successor, but fears that—

There are few men East or West who can resist the blandishments of a great, wicked city like London—

And expresses a doubt whether my colleague from New York [Mr. COX] could resist British blarney:

He is intelligent and perhaps susceptible to flattery, and is literary; and when the British critics got around him and puffed his books he would forget his hatred for the Crown and the aristocracy.

All this time the press continued their bitter attacks upon me, even when falling into the support of my original ideas.

CHANGE IN WASHINGTON SENTIMENT.

Any one who was acquainted with Washington, as I was, forty years ago, and comes to visit it now will be forcibly struck with the change. Then Ireland was the theme of universal praise and England was held in contempt, if not in abhorrence. Persons driving out with liveried servants were despised, and the boys hooted at them in the street. Now Ireland is in the shade and England is worshiped and her worst faults imitated. Not only the President and his Cabinet, but Senators and members of Congress, officers of the Army and Navy, and clerks in the various Departments have their liveried servants and put on the airs of dukes and princes, and the Democrats seem to have the loudest liveries. The nameless throng of upstarts who have been enabled by fraud or doubtful means to raise money enough to buy a carriage have their livery and degrade American labor by dressing up their employés as monkeys in a show. What remedy have we for this except to have the proof of the fact and never allow any one guilty of this outrage on American manhood to be elected to any office in the gift of an insulted people? There ought to be a law passed prohibiting such degrading practices. It is fixing the mark of slavery on the working people.

When after many years' absence I returned to Washington and first struck this British influence between the eyes the flood of vituperation from the New York Tribune, New York Times, and other echoes of English snobbery was perfectly appalling. My friends stood aghast at the terrific roar of the contest, and the late able editor of the Brooklyn Eagle could go no further than write an excusatory editorial in its issue of January 28, 1882, headed "Fair play for Congressman ROBINSON." He quoted the resolution I had introduced into this House, which caused all the clatter, and cautiously said:

It seems to us that this resolution does not justly challenge the opposition of any citizen who sets any value upon his citizenship.

If the press now would only have the common decency to quote what I say and fairly report what I do, they could not justify the opposition which they are keeping up against me. Every true American who knows what I am doing heartily approves my conduct.

My efforts finally seemed to me to be crowned with success, and in the exuberance of my joy I thundered in the ear of this House that—

When I came here I found the American eagle drugged and drowsy, his blood poisoned with political pyæmia, his beak filled with Lowell garbage, and his pinions wet with the mildew of monarchy. I roused him from his ignoble torpor, I brushed the mildew from his plumage, I gave his majestic voice to the music of Liberty, and his imperial wing to fan the tempest and soar to the sun.

Alas, sir, my prophetic soul was doomed to sorrowful disappointment! The bird has had a relapse. The Lowell garbage still impedes his scream, and the mildew of monarchy hangs heavy on his wings.

The New York Sun of August 16, 1882, copies from the Cincinnati News-Journal the following:

FOOLS IN WASHINGTON.

If it were put to a vote to-day two-thirds of the fashionable society of Washington, male and female, would vote for a monarchy, and titles, and stars, and garters.

DITTO IN NEW YORK.

And the Washington Daily Post, of December 27, 1882, in a leaded editorial paragraph says:

The tone of some of the New York dailies and of what is called society in that city would seem to indicate that the measure of Gotham's ambition would be filled if it were quietly suffered to regard itself as an annex of London.

ANGLOMANIA.

In the leading editorial of the New York Sun, of November 25, 1883, I find these paragraphs:

At the time of the evacuation of New York, the centenary of which we celebrate to-morrow, there was not universal rejoicing among the citizens. There were men here whose happiness all went out with the red coats.

They were the anglomaniacs of the day. The Revolution, as is well known, received a far from unanimous support from the colonists. Many of them, including especially some of the richest, remained loyal to the British Crown. They detested the democratic theories of Jefferson, for instance; were anxious to preserve the aristocratic distinctions which depend on a monarchy, and dearly loved a king.

Previous to the evacuation there was terrible and entirely justifiable alarm among the anglomaniacs, or Tories, as they were called in those days. Thousands of them hurriedly fled from the city and country, for it was known that the success of the Revolution was soon to be formally acknowledged by England. Many transports left the harbor loaded with Tories and their household effects, some going to Nova Scotia and others to the Bahamas and to Great Britain. The Tories felt that they must leave or be hanged. They abandoned their estates and went away penniless.

For the patriots hated the Tories even more bitterly than they did the British enemy. They resolved to confiscate their property and drive them from the country in perpetual banishment. One of the leaders of the Revolution declared that "there ought no Tory to be suffered to exist in America. Until the goats are separated from the sheep we must expect to row against the stream."

The Society of the Cincinnati was founded by field officers of the patriot army, and the honors of its members, transmitted to their posterity, were to be forever perpetuated. The distinction was then so great that our forefathers trembled for the consequences of making it hereditary in families.

But what a change has taken place in these hundred years! The boast which now most stirs the envy of Newport is not of descent from the patriots, but from the Tories of the Revolution. A trace of Tory blood is coveted by the aspiring aristocrat. The anglomaniacs of this day are not driven into exile and despoiled of their possessions. They have become the leaders of fashion and the exemplars for our most luxurious society. To be mistaken for Englishmen is their highest and fondest ambition.

DIPLOMATIC FOLLIES.

Our diplomatic establishments abroad are among the chief causes of the growth of this un-American snobbery. Our codfish aristocracy go abroad, and after being presented at some profligate courts are ever afterward unfitted for common-sense existence. They prefer the "spotted peaches" of the European baskets to the delicious products of Delaware and the Jerseys "without freckle or speck." The silly airs put on at our embassies I have already noticed, and, from recent report, the Lowell family seem willing to contribute their share.

I read an extract which has gone the round of the papers; I cut it, I believe, from the New York Telegram:

The cynosure of all eyes at a recent fancy ball at the Countess of Stanhope's, in London, was the niece of Mr. Lowell. The most wonderful things about Miss—

I will not mention her name, although it is here by her own consent, I suppose—

were, it seems, the shoes she wore upon her tiny feet, adorned with insteps "too aristocratically arched" for a fair republican. These shoes were made of yellow Spanish velvet, with high French heels, and laced up the side. The eyelets for the cords to pass through were rimmed with solid gold, and to the side of each was set a precious stone, first a ruby, then a sapphire, then an emerald—

Mr. LYMAN. The emerald was a compliment to Ireland.

Mr. ROBINSON, of New York. I paused just long enough on the word to attract the attention of the cultured gentleman from Massachusetts without referring to Ireland, but he has supplied the deficiency—

then an opal, and over again in the same order. The top of the shoe was finished in the same fashion, and in front were sixteen tiny gold chains, caught by a cluster diamond pin.

Now, sir, there is the description of his niece; and that was after some schooling by the uncle. And I challenge this House if you can show me one thing he or any of his family has ever done for the honor of American citizenship during the whole time he has been misrepresenting us, except the tiny shoes on the too aristocratically arched American insteps. If you can point me to anything else he has done I shall withdraw my opposition to the appropriation for his salary.

But that is not the worst of it. These people when they go over there seem to be crazy to be introduced to court. And when the family of one of our ministers is so distinguished, the first thing that they think of is to get into the same society. I will read an extract from a letter which I have seen floating around in the papers. I do not say that it is genuine; I rather think it is a forgery. But it is so like what might have been written that I will read it. It is from a young lady who went over to England recently and was introduced to the court by Minister Lowell. That is the most that he seems to be doing there—to look

after the length of the dresses and trains worn by those who are presented to the Queen. And she is no great things herself, anyway; but I have not time to say anything about her, for you have limited me. It has been reported that a young fashionable lady in New York has preserved some of the water in which the Prince of Wales washed his face when he was here. [Laughter.] What a promise there is for such a girl to become worthy of American motherhood!

AN UNHAPPY AMERICAN GIRL.

But here is the lady to whom I have referred, who writes home to her friend Matilda in these words:

I've a great bit of news to tell you, Matilda.
The Prince of Wales was introduced to me at Ramsgate.
They say he is a Guelph. What is a Guelph? Something horrid, I suppose.
He said he found American ladies cleverer than English women.
He is slightly bald-headed, but his face is almost covered with hair.
What a pity he's married.
I know I made an impression on him, for he wanted to shake hands with me ever so often, especially when nobody was looking at us.
I trembled a good deal. It is awful flustering to stand behind the curtain of a bay window and have a man who is going to be King of England squeeze your hand.
When Lord Reginald—I forget his other name—came up and interrupted us, I could have screamed with disappointment.
O, Matilda, if I have to return and go among common folks again, I know I shall die!
But there's no escape from it.
The future is a dull, dreary blank.
What is home to me now, Matilda, except to eat caramels?
YOUR WRETCHED LOUISE.

MR. LOWELL EN COSTUME.

I have here a piece that I cut from the Washington Daily Republican of December 19, 1883, a paper published in this city for the benefit of gentlemen on this side of the House, to which I have recently come. [Laughter.]

One of the oldest Democratic Representatives in the House says that while he was abroad last year he called upon Minister Lowell at his residence in London. Said he: "I found him at home, but before I had been in his company thirty seconds I felt that my visit was most inopportune. Mr. Lowell was arrayed in queer apparel—

Mind you, that, too, with a law of Congress which directs our American representatives to dress as American citizens—

Mr. Lowell was arrayed in queer apparel, a cross between the attire worn by Oscar Wilde and the regulation court costume prescribed for the natives who attend upon the queen's "drawing-room" receptions. I undertook to tell Mr. Lowell that I was a Democratic Representative in the American Congress, but he was too agitated to pay much attention to me. While I was firing off patriotic periods he was doing his utmost to hide his knee-breeches and black silk stockings under the table. I soared up and spoke of our progress and national importance—

I suppose this Democrat brought out my American eagle and gave it an airing—

He made a strong effort to maintain the conversation and keep his somewhat attenuated shins in the background, but it was no go. I tried to keep my eyes off them, but when he dropped his aspirates with a sort of baked-beans accent and said "ither" and "nither" I had to wilt, and our interview closed coldly and formally. He is the best nickel-plated Englishman I ever met.

MR. LOWELL NEGLECTING THE FOURTH OF JULY.

Now, in regard to the Fourth of July in London. Have I not reason to move that the salary of our minister at London be stricken from this bill? Here is what I have cut from a paper in regard to that:

For twenty-five years Americans in London have had a dinner on the 4th of July. The United States minister has invariably presided. This year Minister Lowell declined on the ground that he was to preside at the farewell dinner to Henry Irving, the English actor.

"English actor," mind you!

His action excited much indignation among the Americans in the city. After he reception at the rooms of the American consul a meeting was called, and he following resolution was passed:

"*Resolved*, That we have learned with regret and deep humiliation that the usual dinner held in London in celebration of the anniversary of American independence has this year been dispensed with, owing to the refusal of the American minister to take part in the same on the ground that he was engaged to attend the dinner given to Mr. Henry Irving."

This Englishman was coming here to grab a lot of our money and carry it back for the gorging of an English appetite.

Resolved, That we deplore and condemn the action of the American minister in the premises, and take occasion to express the hope that we may before long have a representative of the United States in London who will understand that his duty to the American nation is paramount to his duty as a patron of the drama, as a friend of the actor, and as an advertiser for the theatrical manager.

That is signed by Albert Van Waggener, Edward P. Temple, and a number of other respectable American gentlemen then in London.

MY LORD RECTOR.

Mr. Lowell's consent to stand for the lord rectorship of St. Andrew's University was really a resignation of his office as United States minister. The holding of the two offices was utterly inconsistent and unjustifiable. It looked more like suggesting that he had bartered the rights and liberties of our citizens for the trappings of the lord rectorship. The Rochester Post-Express of December 12, 1883, an able Republican journal, thought him very justly censurable, and an able writer in that journal of that date, signing himself "Lex," describes it as a violation of the Constitution of the United States and of the law of nations, as well as of all precedent. It was the acceptance of a title from a foreign state, and his resignation of the office afterward does not excuse him. In the early part of the session I offered a resolution calling for information on this subject; which went to the Committee on Foreign Affairs, and there it sleeps, under the usual narcotic.

WHAT IS ENGLISH SOCIETY?

And what is this English society, anyhow, that we should fall down and worship it? Shall I call your attention to the picture of it drawn a few days since in this House by the gentleman from Pennsylvania [Mr. KELLEY]? Rather let me quote from an English periodical. The Saturday Review gives us the following description of a part of the people of England's proud metropolis:

In wide and comparatively airy streets, such as Oxford street, you occasionally see a very narrow alley. Follow it, and you find it getting darker and narrower, till you reach a "court," where black, broken windows, mended with old hats, look out on the pavement, strewn and piled with sewage and refuse. The staircases which lead from swarming flat to flat in the houses are slimy, rotten, and full of treacherous holes. The plaster has fallen from the walls, and rats are noisy behind the dropping mortar and dirty laths. The vermin, the filth, are things that it would sicken M. Zola to describe. The very roofs are shambles of dead birds and cats. * * * Every room in these rotten tenements contains a family—often two.

In one cellar, a father, mother, three children, and four pigs have herded together in filth which would have disgusted a cave-man. And this family, with their four pigs, must have been comparatively capitalists. Probably they could have afforded to live in a more human way, if they ever had enjoyed the view of what a human way of living is. The enormous families of these people on the verge of pauperism constitute in themselves a difficulty in the matter of lodging them. The children are turned into the street till long after midnight, because the room in which their mother lives is a brothel; and the wretched little creatures themselves are ruined before they know good from evil. These miserable *cagots*, these moral lepers, are then forced into the society of decent people's children at school; and thus one highly profligate court may corrupt a large district, and spread everywhere the knowledge of scarcely imaginable crimes.

Do you tell me that this is a description of the lower orders of English society? Well, what of the higher orders? I turn to the pages of Charles Dickens, who in his Child's History of England gives us the following description of the English court, the highest type of English society, in the time of Charles the Second. He says:

The whole court was a great flaunting crowd of debauched men and shameless women, and Catharine's merry husband insulted and outraged her in every public way until she consented to receive those worthless creatures as her very good friends and to degrade herself by their companionship.

I have just been reading in regard to the lower end of English society. This is the upper end. Mr. Dickens continues:

A Mrs. Palmer, whom the king made Lady Castlemaine and afterward Duchess of Cleveland, was one of the most powerful of the bad women about the court and had great influence with the king nearly all through his reign. Another merry lady named Moll Davies, a dancer at the theater, was afterward her rival. So was Nell Gwynn, first an orange girl and then an actress. The first Duke of St. Albans was this orange girl's child. In like manner the son of a merry waiting lady whom the king created Duchess of Portsmouth became the Duke of Richmond.

Shall I, for the sake of disenchanting the American people of the witchery and glamour in which English society wraps itself, quote from the pages of Mrs. Jamison's Beauties of the Court of Charles the Second? Shall I quote the disgraceful scenes of Lord Hervey's picture of the court of George the Second, or describe the shameless creatures such as Walmoden, that controlled it? Shall I read from Thackeray's lectures on the four Georges, or from any truthful history in which may be found the details of the depravity of the matchless iniquity called the court of England?

It is from these loathsome creatures and this state of society that the present aristocracy of England is sprung. The lords and dukes and princes that our dudes and dudesses so long to worship are the profligate offspring of this profligate court; nor is there any superiority of the present over former days. The soiled doves of this cote are now fluttering in American society, and our brainless snobs seem happy if they are allowed to bask in the sunshine of the cast-off ornaments of this effete iniquity. The profligate from all lands, some wandering around without husbands and others with children who have no fathers, are dictating laws and costumes to what calls itself American society. And in this disgraceful worship of European depravity we seem to have lost all respect for common decency and American womanhood.

This is the filthy debauchery and crime, the ineffable state of degradation of which the higher and the lower circles of English society consist. Yet we are longing to get there so that we may enjoy garters and orders and ribbons and decorations.

I would have been glad, if my friend from Missouri had not so untimely cut me off [laughter], to show up the whole of this aristocratic craze.

IMPUDENT THREATS.

Why, sir, here on this floor within a day or two I have been threatened by a leading member of a principal committee of this House that if I did not allow a decoration of a royal and imperial order to be given to some one I should obtain nothing that may be asked in behalf of the city of Brooklyn, which I in part represent here; that he would oppose everything for the benefit of my city if I did not consent to violate the oath which I have solemnly taken to support the Constitution, which says that no order of nobility shall be conferred within the United States even with the consent of Congress.

OLD TIMES.

It bodes no good to our Republic to see this spread of anglomania. I recall the fact that when George Washington compelled the English

to evacuate Boston on St. Patrick's Day in 1776, and their friends, including the ancestors of James Russell Lowell, to follow them, he expressed the regret that these American toadies of England had not the decency to commit suicide. I recall the fact that hatred of England was the test of Americanism. I recall the fact that in the powerful body of the Presbyterian Church during the Revolution no man could be allowed to have a license to preach in that ministry who was even suspected of having a kindly feeling to England. I recall the fact that down through all the line of illustrious statesmen, from Jefferson to Clay, love of Ireland and hatred of England was the test of pure Americanism. I remember that in the better days of the Republic no officer would degrade himself by accepting any present or gift from any despot.

DECORATED EXPECTANTS.

But, oh, what a change! There are now pending before this House applications from a dozen or a score of American officers, including the living and the dead, for leave to accept titles of nobility from foreign despots. How sudden and widespread is this rot in American manhood! A rear-admiral of our Navy, without consent of Congress, has virtually accepted a gold medal, now at the State Department, from the King of Sweden for his conduct at the bombardment of Alexandria, and has no notion that we shall exercise our judgment upon its acceptance except to ratify it. The same officer has also accepted the thanks of the British Government for his conduct in "affording such kindly assistance to the British sailors and marines" on that disgraceful occasion.

Think of it, oh, American statesmen! of an American admiral being an assistant English marine. I wish we could tell it only to the marines. Another admiral has before Congress an application for leave to accept a sword and a Persian carpet from the Sultan of Zanzibar, presentation to be made after the custom of Oriental princes. Think of it! a carpet and a sword for our carpet knight. Another American admiral is before us for leave to receive a gold box with the emperor's portrait set in diamonds, from a despot whose subjects in Siberia and elsewhere are trying to reach the public with their side of the story written in blood. And this is practically accepted and only waiting transportation to the United States, with no thought that Congress will dare to disobey orders from the quarter-deck.

Another, a captain in the United States Navy, has now at the State Department a decoration of Knight Commander of the Royal Order of Kamehameha, asking leave from Congress to accept a title of nobility which even Congress has not the power to grant. And such a decoration! Not worth in the world's market a string of Wethersfield onions! Another American captain asking us for leave to accept the decoration of Knight Commander of the Royal Order of Kalakaua from the King of the Hawaiian Islands, and another from an American lieutenant for leave to accept a decoration of Knight Companion of the Royal Order of the Crown, from the same monarch. I believe Claus Spreckles is practically king of these islands; would not a barrel of his sugar or a keg of his molasses be of more value and sweeter to these American officers than all the decorations at the disposal of the nominal king?

An American commander, a lieutenant-commander, and a lieutenant are before us for leave to accept a decoration of the Order of El Busto from the Government of Venezuela, which has so grossly insulted the United States in the unavenged imprisonment and torture of John C. Wheelock, of my own district in Brooklyn. An American admiral, a captain, two lieutenants, and an ensign are asking us for leave to accept decorations of the Order of El Busto from the same Venezuela. Another American lieutenant is asking us for leave to accept the decoration of the Royal and Imperial Order of Francis Joseph, tendered by the Emperor of Austria. Indeed, unless we protract our session to a late day we might as well give up the entire session to the consideration of bills and resolutions for thanking tyrants and despots and accepting their royal and imperial orders. Now, all this would be very ridiculous were it not so sad a record of American snobbery.

One of the most

MELANCHOLY EXHIBITIONS

of a monarchical tendency among our citizens and officers, civil and military, is this scramble after presents and decorations from foreign rulers and despots. The framers of our Constitution clearly foresaw and wisely provided against the practice which has now become a crying evil. In the eighth clause of the ninth section of the first article of the Constitution it is provided as follows:

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

No title of nobility can be granted or conferred, even with the consent of Congress, and no present of any kind whatever, even a rose-bud or a piece of bread, without the consent of Congress.

Under the old Articles of Confederation the acceptance of these presents was forbidden absolutely, and no power was given to Congress to permit it.

CONGRESSIONAL CONDEMNATION.

Among the earliest cases of this kind brought before Congress after the adoption of the Constitution was that of Thomas Pinckney, of South Carolina. When this distinguished statesman had concluded his celebrated treaty with Spain the king of that country requested him to accept of certain presents, and when leaving the court of England, to which he had also been accredited, similar presents were tendered to him, to both of which offers he replied that without the consent of Congress he could not accept them, but that he would ask that consent in due time. On his return to the United States he was elected a member of Congress, and on the 26th of April, 1798, he laid before the House a request for leave to accept these presents.

If ever such a request could come before Congress with an overwhelming demand for its adoption this was the case. A great Revolutionary statesman, the candidate of a great party for the Presidency against John Adams, had negotiated an important treaty for which the thanks of both these great powers were due to him. He was a distinguished member on this floor, and common courtesy even seemed to forbid any member to oppose his request.

On the motion of Mr. Rutledge, of South Carolina, it was referred to a select committee.

The same day a similar request had been presented to the Senate, and that distinguished body had given its consent to the acceptance, not, however, without opposition from the illustrious Marshall, who, with Senators Brown, Langdon, Mason, and Tazewell, voted in the negative.

On the 2d of May, 1798, it was received in the House from the Senate. On the 3d of May that patriotic old Republican, Nathaniel Macon, of North Carolina, had it referred to the Committee of the Whole, where on the 4th it was considered. Mr. Bayard, of Delaware, was in favor of concurring with the Senate. Mr. McDowell, of North Carolina, opposed it. He wanted to put a stop to this business, as I want to do here to-day. He believed it to be a bad practice, as I believe it to be. W. C. C. Claiborne, of Tennessee, opposed it. He believed the Constitution intended to lock up every door to foreign influence, to the influence of courts and monarchies, which could not but prove baneful to every free country. He was afraid that if leave was granted to receive a present a precedent would be established which he apprehended would at a future day bring the question before Congress whether leave should be given for a citizen of this country to receive a title from a foreign monarch, and thus the folly and vices of European courts would be brought up for discussion before the Congress of the United States. (That very question is now before us in the case of Lieutenant Reynolds.)

Mr. Claiborne had no doubt characters might be found who would desire such a distinction, and others who would advocate the granting of it. (Shade of Claiborne, how I wish I could recall your voice in this debate!) Mr. Claiborne thought if the House voted against this proposition no future application would ever be made. (How much he was mistaken is seen from the fact that notwithstanding the motion was rejected by this patriotic Congress of our fathers, we have now fifteen or twenty applications for leave to accept these disgraceful presents.)

Mr. Macon hoped the custom of receiving presents from foreign governments by our officers would by the vote on this question be stopped forever. Mr. Claiborne again took the floor and said that if any discussion should in the future arise about the acceptance of any title from any foreign monarch it would disgrace the country in the eyes of every enlightened citizen. Mr. Thatcher was in favor of granting permission to receive this present, but if any citizen in the future applied for leave to accept a title (such as is proposed to bestow on Lieutenant Reynolds) he would make himself and his posterity forever ridiculous. Mr. R. Williams hoped that as this was the first application ever made to Congress it would be voted down and put a stop forever to such applications.

Mr. Lyon, the indomitable Irish republican from Vermont, said he would not be willing to lay this country under obligations to any foreign country. For Congress to authorize any such thing was a shameful business. The illustrious patriot, Albert Gallatin, closed the debate, and was opposed to allowing Mr. Pinckney to receive the presents. The vote in the Committee of the Whole was 44 to 38 against the acceptance. The yeas and nays were taken in the House, and there were 49 to 37 against allowing Mr. Pinckney to accept the presents. Among those voting against accepting the presents were both the Claibornes, William Findley, Albert Gallatin, Carter B. Harrison, Matthew Lyon, Matthew Locke, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Thomas Sumter, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable. And so the resolution was voted down, and it was hoped that a stop forever was put to such applications to Congress.

But this was not all. On the 21st of May, 1798, Mr. Bayard, of Delaware, who had been in favor of granting leave to accept these presents, said that the majority claimed to have established an invariable rule precluding the acceptance of these presents, which no merit hereafter should induce the House to depart from. He offered a resolution declaring that their votes against granting leave to accept these presents were from motives of general policy, and not through want of respect to Mr. Pinckney; and Mr. Pinckney himself made a speech acquiescing in the policy of opposition to the reception of gifts from foreign powers, but seemed to think that it might be looked upon as a personal opposition to himself.

MR. RUSH AND DECORATIONS.

When that brutal old tyrant George the Third was called home and his profligate son was crowned king in his stead, on the 19th of July, 1819, Sir Robert Chester waited upon our minister to England, Mr. Richard Rush, and offered him a gold medal with a bust of the new king on one side and several emblematical representations on the other, including Britannia with Neptune's trident. Mr. Rush of course declined it, when Sir Robert politely insinuated that surely the American Constitution would not preclude the ladies, and he tendered the bauble to Mrs. Rush, but the minister informed the courtier that she would not accept what he refused, and the souvenir went back to the sovereign. But now, alas, the change!

OUR ANGLIFIED FLUNKIES

refuse nothing tendered. They would probably receive a kick as a compliment if it came from a king. They are all agape for it. I remember my younger days in the woods when a nest full of young birds heard the rustle of the leaves made by the approach of the mother that all their callow necks were stretched and all their mouths open to their utmost tension to receive whatever was dropped into them. So it is with a certain kind of Americans, wherever a tyrant is crowned or an opportunity offered for the display of their subserviency, they are stretching their necks and opening their hands, if not their mouths, for whatever royal dirt may be flung into them. They are out in the snows of Russia, amid the volcanoes of the Pacific, and down to the antipodes, dipping our flag to every despot, hoping that their servility may be rewarded by some present or ribbon or decoration. Whither has American manhood gone?

In answer to my resolution calling upon the Secretary of the Navy for information whether any officer of the Navy had received or accepted any gift or present from any king, prince, or foreign state, this House was informed under date of January 25, 1884 (Executive Document No. 66), that no officer had accepted but several had received decorations and presents. A list is given of some seventeen naval officers now waiting with their bills before Congress for leave to accept these presents and orders and decorations. I think for the first three-quarters of a century there was only one application for such leave, and that was rejected by our early patriots.

ENSIGN REYNOLDS.

This last case of Ensign Reynolds I consider the most objectionable of all, for it is an open, glaring attempt to confer a title of nobility; and yet I understand it is unanimously recommended by the standing Committee on Naval Affairs of this House. That committee is composed of seven Democrats, not one of whom could have been elected without the vote of those whom the United States compelled to forswear all respect for royalty before they were admitted to citizenship, and four Republicans somewhat similarly situated. The chairman of that committee [Mr. COX, of New York], on the 25th of February last reported in favor of the joint resolution allowing him to accept this title of nobility and asking for its immediate passage, but by objections from my friends from Illinois [Mr. FINERTY], Iowa [Mr. WELLER], Pennsylvania [Mr. BRUMM], and myself, we have hitherto averted the degradation.

In the report prepared by the committee there is published a letter from the Baron Ignatz Von Schaeffer, envoy extraordinary and minister plenipotentiary from Austria-Hungary to Washington, in which he uncovers the conspiracy so long working in this case to violate the Constitution of the United States. Mr. Schaeffer says, under date Washington, June 20, 1882: The case was first brought before the imperial royal ministry of commerce. A cabinet council passed a resolution subject to his majesty's approval to confer the title of nobility of the Imperial and Royal Order of Francis Joseph. Then the imperial and royal foreign office instructed their minister here to ascertain whether Lieutenant Reynolds would be allowed "to accept that position." We are told that this proffered honor is only a medal. Did anybody ever hear of a medal being called a "position?"

Then "preliminary, confidential, and verbal application" was made to Secretary Hunt—who is now, though dead, on the Calendar of this House for leave to accept a decoration from the Emperor of Russia on his own account—then Secretary of the Navy, to ascertain whether Congress would be likely to consent to the acceptance. All the time these royal conspirators seemed very much in doubt whether the people of the United States would allow their representatives to violate their Constitution to pander to the vanity which this royal family seemed to entertain that they could convert our democracy to their ways, and then it was announced that the Navy Department would consent that Lieutenant Reynolds should be made a "knight of the imperial and royal order aforesaid;" and so if we pass this resolution we shall take part in knighting Sir Lovell K. Reynolds! Now, if this be not conferring an order of nobility, what is it? What is a knight?

I grant it is not a very high order of nobility, but it will do to commence with a Democratic-Republican Congress and an ensign. It is not a medal, as it advocates fondly hope to deceive us into believing. It is, on the authority of the Austrian minister, "knighthood." Worcester, in his dictionary, says a knight "is a man on whom the sovereign of England or his lieutenant has conferred the distinction of being addressed by the style of 'Sir' before his Christian name." So if we pass this resolution we must address the young ensign as "Sir Lovell." Won't that be lovely! and Secretary Chandler will take such delight in seeing him so printed in the Navy Register! Worcester defines knighthood as the state or dignity of a knight. Ben Jonson, in one of his poems, asks:

Is this the Sir who, some waste wife to win,
A knighthood bought to go a wooing in?

"A knight of the post" is said to be "a suborned rogue, or witness, as it were; a knight dubbed at the whipping post or pillory." And then there be knights-errant, plumed knights, and God knows what.

Oh! may the curse of God rest upon all those who plot to fritter away our American manhood in such degrading nonsense.

HONOR THE BRAVE.

Now, I shall not allow myself to be misunderstood in my action toward this young ensign. I know many of his friends. I know his honored father, and everything I know of him is good, except perhaps a little too much partiality for decoration. He is a gallant young officer and an honor to the American Navy, the record of which has been so honorable and gallant and brave, as recorded in the heroic lives of Barry, Porter, Rodgers, Decatur, Perry, Macdonough, Blakely, and Stewart (all Irish, by the way), and still exemplified in the present day by the names of Porter, Rowan, Worden, and Rodgers, and others of lower rank whom I might mention. Young Reynolds deserves all the honors which you can bestow upon him, and I have said repeatedly that I shall gladly vote for any resolution that may be introduced to give him the thanks of Congress or to advance him in rank even to rear-admiral. But I can not see that he has more claims upon the American people and their Congress than Mr. Pinckney.

Now, the report of this committee shows that young Reynolds, for his gallant conduct, has had a gold medal presented to him by act of Congress, through John Sherman, Secretary of the Treasury. He has had a gold medal presented to him through Royal Phelps, vice-president of the Life-Saving Benevolent Association, of New York. He has had a gold medal presented to him, through Charles D. Homans, from the Humane Society of Massachusetts, and he has had the approbation and thanks of the American Government through its various Departments. The American officer who has received all these American honors, and yet craves, through a false appetite, a degrading decoration from a foreign despot, would, after a bountiful dinner at Welcker's or Chamberlin's, sit down on the side-walk and enjoy a pint of peanuts!

I can not believe this of my gallant and intrepid young friend of the Navy. This foreign bauble is not an honor, but a disgrace, and it is from this disgrace I would save him. After describing his heroic conduct in all the flattering phrases of those who would ask for this decoration, I would repeat them all, and then on their account I would protest against the dishonor of turning his back upon the honor of his own country to seek doubtful praise from the minions of kings, emperors, and despots.

THE CONSTITUTION THREATENED.

I would he were here that I might appeal to him for a more heroic act than the rescue of eleven persons from the wreck of the Olivo. I would appeal to his heroic instincts, and say, "Here is the Constitution of the United States in danger. The billows of monarchical dangers surround it. The waves of despotism are surging over its deck and threatening to devour it. You can rescue it." In the bark Olivo there were eleven men in danger. There are eleven members of the Naval Committee of this House who have foolishly risked the bark of our Constitution amid the angry billows. I see my young friend eager to save the wrecked crew. Gallantly done! You have saved eight of them, but three still remain. I see them waving signals of distress, and I recognize them as my old friends SAMUEL S. COX, LEOPOLD MORSE, and J. FREDERICK C. TALBOTT. Fling yourself once more into the very jaws of danger and rescue them, for they are still worth saving. But to do this you must abandon your claim for foreign decorations, and in that way you can save the imperiled Constitution. Do this and receive the thanks of a democratic-republican people whose approbation is worth more than all the baubles which kings and emperors can present you.

HONORS THAT DEGRADE.

But the foolish friends of our gallant young ensign can not get it through their dull brains that there is no honor for a republican officer in the praise or presents of kings. On the contrary, it is a degradation; and it is to save him from that degradation that I protest. He has saved a dozen of Austrian lives. I think there is living in the district represented by the chairman of the Naval Committee [Mr. COX] a naturalized citizen by the name of Samuel Sullivan Cox who has saved more American lives than our ensign saved of Austrians, done it as bravely, too, with as much risk and intrepidity. Why should not he have a right to a day in Congress as well as this young ensign? You give this Policeman Cox his choice whether he will have Congress vote him its thanks directly or ask permission to receive medals from a foreign power, and like a sensible American republican he would prefer the thanks of his own country.

BRAVE FIREMEN.

How many gallant firemen in Brooklyn, New York, and elsewhere have plunged into the surging waves of fire a thousand times more terrific than the billows that beat around the Azores. Blinded with smoke, stifled with steam, scorched by flame and fire, you have seen these heroic men emerge from the seething vortex with a child and perhaps its mother in their noble arms from upper windows and falling timbers and scorching flames. What is a leap into the sea compared with this? Yet where has Congress devoted an hour to their honor? If we magnify the achievement of this young hero for saving life by arresting public business to play second fiddle to some European despot in honoring our own officers, why not devote as much time to every hero who saves a life from the water or rescues women and children from the flame?

Why prefer Ensign Reynolds to Policeman Cox when even in number the policeman is three or four ahead; or do you mean to have it understood that the only way for American heroes to get mentioned in an American Congress is through the back door of some foreign court? I demand direct entry for them, and if we are going into this business let every gallant American citizen have the thanks of Congress without foreign aid. To be sure this would occupy our entire time, but if we are going into the business let us be impartial.

WHAT IS A DUDE?

I denounce this entire business as disgraceful and calculated to make dudes of our young officers. Do not evade the issue by trying to rouse indignation against calling our officers dudes. What is a decorated ensign if not a dude? Get a young officer with a leaning toward aristocratic ways and pin upon his garment a decoration of Knight Commander of the Royal Order of Kamehameha and a ribbon of the Order of King Kalakaua and a decoration of El Busto and a knighthood of the Royal and Imperial Order of Francis Joseph, and if you do not have a dude, "what is it?"

I understand that this Naval Committee have got an order of the House appointing May 24 for naval business, chiefly to carry through this aristocratic idea of dubbing one of our gallant young ensigns as "Sir Knight." That is the English Queen's birthday, and very appropriate for the business; crowd it through; refuse the yeas and nays to hide your conduct from your constituents; reverse the solemn decision of your early Congress; spurn the sentiments of Albert Gallatin, Nathaniel Macon, and Thomas Jefferson, and then drive home in your liveried coaches to your sumptuous dinners, and sing "God save the Queen" for the remainder of the evening!

NOT DEALING WITH THE IRISH.

The Washington National Republican published an interview with the British minister in this city concerning American interference in the fate of O'Donnell, the executioner of Cary, in which he is represented as saying:

It is fortunate, however, that I am dealing with the American Republic and not with the Irish people of this country.

I shall not stop to question the good taste of this foreign spy in such an attempt to discriminate between the Irish people of this country and the American Republic, when he, if not utterly ignorant, must have known that the Admiral and Vice-Admiral of our Navy, the Lieutenant-General of the Army, a majority of the Senators and Representatives in Congress, and the President of the United States are a part of the "Irish people of this country;" but I give him credit for wisdom when he informs us that it was fortunate that he was not dealing with the Irish people of this country. It was always very unfortunate for England to be dealing with the Irish people of the United States. It was unfortunate for England that she had to deal with the Irish when General Montgomery, of the county Donegal, took Montreal and moved upon Quebec. It was unfortunate for England when she was dealing with the Irish General Stark at Bennington; with the Irish General Wayne at Stony Point; with the Irish General Daniel Morgan, of Ballinascreen, at the Cowpens; with the Irish General Sullivan at Trenton and Princeton; with the Irish General Knox at the head of our artillery in all the battlefields where Washington commanded; with the Irish Generals Irvine of Enniskillen, Butler, Hand, Moylan of Cork, Ramsay, and numerous others on all the battlefields of the Revolution.

It was unfortunate for England when she was dealing with that gallant Irish commodore, Decatur, when he compelled the English man-of-war Macedonian to strike her colors to the starry flag. It was also unfortunate for her when she had to deal with those other Irish commodores, Perry on Lake Erie, Macdonough on Champlain, and Porter and Johnston Blakely on the ocean; and it was unfortunate for England when that other Irish commodore, Charles Stewart, grandfather of our own Charles Stewart Parnell, tore down the English flag from two ships-of-war in his midnight fight at sea.

It was unfortunate for England when her insolent soldiery hoped to annihilate us as a nation in the second war, leaving us no more a home and a country, taking this capital, sacking this Capitol, burning the Congressional Library, and pursuing the wife of our President as she fled from the White House with Washington's portrait in her possession to save it from English fury and insult. It was, I say, as unfortunate for England as it was fortunate for the United States that she had to deal with that Irish general, Andrew Jackson, of Carrickfergus, who met and conquered her cohorts at New Orleans. No wonder that English snobs do not admire the Irish element of America. We thank them for their abuse. I join with Mr. West in saying that it has never been very fortunate for England when dealing with the Irish people of the United States.

A FAIR SWAP.

I do not suppose any one will accuse me of partiality to the British minister here. I have never met him, and never may. His family, which I believe is connected with the Irish and is Catholic, has been renowned for the manly character of its men and the charming witchery of its women. If it be not Irish it has the honor to embrace by marriage within its circle an Irish lady the most beautiful woman of the present day. But however opposed to him in his ways and views, I much prefer him to Mr. Lowell, and I think it would be an improvement all around if he and Mr. Lowell would swap places—we sending Mr. West as our representative to the Court of St. James and receiving Mr. Lowell as the minister of England. That would be according to the eternal fitness of things. I really think Mr. Lowell is to-day more of an Englishman than Mr. West, and Mr. West could not possibly have so utterly failed in protecting our citizens abroad as Mr. Lowell has done.

There is still a better plan for improving our diplomatic service at the British court. In the correspondence published concerning the imprisonment of our citizens by England there appeared a letter addressed to Mr. Lowell by the wife of one of these prisoners, Mrs. Daniel McSweeny, of California, and in that single letter there is more true American statesmanship displayed than in all the letters of Mr. Lowell, and I propose that it would at once be an improvement in the service and a proper step in the progress of women's rights to have Mr. Lowell recalled and Mrs. McSweeny appointed in his place.

If Mr. Lowell be not returned to us as the British minister England will make a great mistake. To all persons coming from the British dominions to get the right to vote here we administer an oath renouncing allegiance. We can imagine an Irish peasant coming in the steerage of the same ship in whose cabin Mr. Lowell will return. Which should we compel—the cabin or the steerage passenger—to renounce love for England? Very few of our ministers abroad should be allowed to vote without taking the oath of naturalization on their return.

WHO SHALL BE PRESIDENT.

In this day of gloom and degradation where shall we look for succor? A Presidential election is approaching and we are looking for some one who will restore to us the principles of Jefferson and Jackson. We want a candidate who is poor and would rally the sons of toil and labor and poverty around him. We want a statesman whose hands are clean and his heart set like steel against plunder and jobbery and snobbery, who is truly American through and through, and opposed to all encroachments of monarchy and aristocracy and favorable to the perpetuation of American democratic-republican simplicity. I see but one man to fill the bill. I believe his simple, honest name would give more strength to our ticket than countless millions of dollars. I do not believe that the American people are so far degraded that their votes can be to any great extent influenced by money. I believe that honesty is still more fascinating in the eyes of American voters than the glitter of gold. If God would only put it into the hearts of our convention at Chicago to nominate him our victory would be already secured.

In his election a new era would open upon our country. No power on earth would dare to trample on the rights of our citizens or insult our flag. Honesty, economy, and purity would surround our Treasury. The aristocracy and snobbery that are now masquerading in foreign and domestic circles would vanish before American manhood and democratic simplicity. The foolish attempts to ape court circles would be frozen out of metropolitan society, and the White House would become the center of old-fashioned American manhood and womanhood, where refinement without snobbery, beauty without vanity, and statesmanship without ostentation would restore to us the fast fading splendor of American character.

A HAND-BOOK WANTED.

Would it not be well for some American publisher to get up a handbook for the edification and cure of these Anglo-American snobs. The book should embrace the Declaration of Independence enumerating the wrongs inflicted by England on the American people. The address of the American Congress to the people of Ireland, showing that our patriotic forefathers looked upon the Irish as friends and the English as enemies; the report of John C. Calhoun in favor of war with England in 1812, recounting the persistent hostility of England to the young Republic; the "Star Spangled Banner" inquiring about the English:

Where is that band that so ruthlessly swore
'Mid the terror of war and the battle's confusion
A home and a country they'd leave us no more,
Their blood has washed out their foul footsteps' pollution.

Extracts from Horace Greeley's writings on the Irish uprising of 1848; James Russell Lowell's Biglow Papers, particularly the scathing abuse which he has so lavishly heaped upon England for her hypocritical and treacherous conduct toward us during the late war; extracts from speeches in Congress on the tariff question and extracts from our diplo-

matic correspondence during the late war—all this would furnish healthy and homely reading for the miserable dudes who are trying to glorify England and degrade Ireland, and crushing each other in their eagerness to get among the front ranks of those who glory in kneeling in English mud.

A CHANCE TO GET EVEN.

I see in the future some chance for revenge on these toadies of England. In case of a war with that country, which is not at all unlikely from her jealousy, injustice, and overbearing insolence to the United States, it would be amusing to watch the conduct of the editors of the New York Times and Tribune and the readers of those papers who have been weaned from the doctrines of their founders. They would, of course, take part with England as far as safety to their treasonable conduct would permit, or if they did not openly join the British forces, would look for substitutes among the Irish, who have always proved loyal to their adopted country. As for their miserable crowd, they would never strike a blow for their country.

NO PRESENTS FROM KINGS.

Our far-seeing Revolutionary fathers when they threw off the chains of monarchs dreaded that the time might come when their children might degenerate, forgetting the hardships through which their liberties were achieved, indulging in the degeneracy of manhood which wealth and fashion are sure to bring and flattered with the blandishments of monarchs and despots which dazzle and bewitch heads not blessed with much abundance of brains, and took pains to insert in our Constitution the provision that—

No person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state.

Here it will be seen that no officer, President or subordinate, shall accept either for himself or others or for the people of the United States any gift from any king or foreign state. By a special message from the President we are informed that without such consent of Congress he has accepted such a gift. I quote from the official document of the 21st ultimo:

The President sends his cordial thanks for the opportune gift of this vessel—

The Alert—

which he accepts in the name of the United States.

The Constitution says no such present shall be accepted. The President informs us that he has accepted, and in the language of a distinguished statesman of New York, "What are you going to do about it?" This Congress is requested to get on its knees and ratify this acceptance, made without our consent, in open violation of the plain provisions of the Constitution; and for one, having sworn to support the Constitution, I refuse to perjure myself.

Do you tell me that it would be ungracious for us not to accept and give thanks for such a valuable and desirable present? I answer such a fool by saying that the Constitution was expressly made to prevent our acceptance of any presents, and the more valuable and desirable the present the more binding is the constitutional prohibition against its acceptance.

But this official document informs us that our Government has not only accepted this unconstitutional present, but that it went begging for it. The Secretary of State tells us that information of the wish of this Government had informally reached the British admiralty, and the rest was appropriately left to that most obsequious servant of British royalty, Mr. Lowell, to manage the mode of bringing us to our knees before the throne.

But in my case there is another reason why I can not vote for this resolution, because it is a part of a system cunningly planned to bring back this country to the allegiance of England. Our wise forefathers provided that all natives of England, Ireland, Scotland, and all other countries in subjection to the British Crown seeking to become citizens of the United States should first swear against the queen. Nearly fifty years ago I appeared in one of your courts and asked leave to declare my intention to become a citizen of your grand Republic. I remember the awe with which I heard your officer administer to me the oath which I had again to take on becoming a citizen, in these words:

You do solemnly forswear all allegiance to all kings, princes, and potentates whatsoever, and particularly to the Queen of Great Britain and Ireland, so help you God.

That oath and that protest, with God's help, I have kept and will keep, and you can never compel me to become a perjurer by shouting "God save the Queen!" or kneeling in thanks to any royal head for deceptive favors. Nor can you get any other naturalized citizen who is a member of this House to indulge in praise or thanks of any foreign government without giving cause to suspect his sincerity in renouncing his allegiance as you would suspect the sincerity of a reformed drunkard whom you found every morning smelling the neck or kissing the cork of the forsworn bottle.

It was therefore, when the gentleman from New York [Mr. COX] on the 26th day of February, 1884, offered the following resolution, which had passed the Senate the same day, that I objected:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Her Britannic Majesty's Government in presenting to the United States the Arctic steamship Alert, which will be used in the contemplated expedition to relieve Lieutenant Greely and his party, is recognized as opportune and generous, and is deeply appreciated by the people of the United States. That the President be, and he is hereby, requested to communicate a copy of this resolution to Her Majesty's Government.

The following is from the official record of the House:

Mr. COX, of New York. Mr. Speaker, it would be an act of grace if we take from the Speaker's table the Senate resolution accepting the gift of the Alert from the British Government and pass it instantaneously.

Mr. KASSON. There is no objection.

How prophetically spoken!

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objections.

The joint resolution of the Senate was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. ROBINSON, of New York. I object.

It so happened that the gentleman from Illinois [Mr. FINERTY] who, with me, had previously objected to the introduction of this matter in a different shape, had been called out, and I was just coming in when the objection was called, and there the resolution has been hung up ever since the 26th of February last, and shall be as long as my objection can prevent its passage. Can I not answer for others?

TIMEO DANAOS ET DONA FERENTES.

It is an unnecessary display of servility. When the United States presented the Resolute, rescued from the sea, to the British Government under circumstances more worthy of thanks, the British Parliament took no notice of it. The President has already thanked England quite as much as the occasion requires, and the anglomaniacs should not be allowed to genuflect more deeply in monarchical mud if we can prevent them. The ship is worth nothing to us, requires great repairs, and American ship-builders in Maine had offered to build a better ship in quicker time than is required to put the Alert in condition.

It is worth noticing that this matter was referred to the House Committee on Foreign Affairs on the 21st of February, 1884, for the express purpose of having a House resolution on it, but that since then no report has been made. The objections have had some effect, and no one in the House now seems anxious to push this matter forward. We have already thanked the English enough. We bought two ships at more than their value and deprived American ship-builders of a job who stood ready to build us two good ships in less time and at no greater expense than we have paid for the old hulks they have palmed off upon us.

NO AFFAIR OF IRISH FEELING.

This is no affair of Irish feeling. It is a question of American honor. There is no necessity to say anything of Irish wrongs in this connection, yet I may plead against this call upon the American Congress to insult poor Ireland in her desolation. Every vote cast in favor of this resolution is an insult to Ireland which those who love her will resent. This is only one of the many devices of England to betray the American people into love for her and hatred of Ireland. Fifty-nine of the sixty millions of this American people hate the English Government and sympathize with Ireland. Ireland and her people to-day fret restlessly beneath the accursed government which America threw off. It takes 50,000 of a foreign garrison to hold her down with bayonets, and yet with all their power they have not yet subdued and never will conquer her. The clanking of her chain, only makes her more dear to every lover of freedom. The tyrants surround themselves with bayonets, but they are not secure. Every foot they set beyond their garrison is over danger. Every carpet-bag presents to their guilty and affrighted souls a mine of dynamite. Their doom is written. God will afflict them as He afflicted the Pharaohs till they let His people go, even if He has to leave the first born of every family in the embrace of death.

MY COURSE.

As for me, I stand by the record of my past life. There is no desire and no cause to change. It is now very nearly fifty years since I first stood up in this country to advocate American principles against monarchical and aristocratic ideas and to defend Ireland and her sons from the false charges preferred against them, in all the leading cities of the Union, before conventions and library associations and legislative bodies, with Presidents, governors, Senators, and Representatives in Congress among my auditors. I have served well if not always wisely, retaining among my papers letters of congratulation and praise from numerous distinguished clergymen and illustrious statesmen of all denominations and of all parties; sometimes praised above my deserts, at other times condemned most unjustly when I most deserved praise; but whether in praise or under condemnation, always loyal to the grand old country of my birth and the glorious land of my adoption; proud of their glory, jealous of their fame, and devoted to their honor. Seventy years have not chilled my devotion, and death alone can silence the throbbings of my heart for their prosperity and renown.

ADDENDA.

The Naval Committee had, by a special order of the House, the entire day of Saturday, May 24 (the Queen's birthday), to introduce such bills as they pleased for the consideration of the House. Measures of great importance were pending before that committee, one of which was a bill to provide for a market site on the navy-yard grounds for the city of Brooklyn. My colleague from Brooklyn [Mr. CAMPBELL] and myself felt happy that we had some chance to secure consideration

for this measure, so important to Brooklyn. But the very first bill the committee introduced was one to allow Ensign Reynolds to accept the "decoration of the Royal and Imperial Order of Francis Joseph, Emperor of Austria." I opposed it because, besides other reasons, I thought the bill for the benefit of Brooklyn was of more importance.

My conduct has been condemned, but not a word said against the committee for putting a bill to decorate an ensign ahead of all public business and throwing the Brooklyn market bill over for the session. I was berated chiefly because I had opposed a bill in Congress honoring our young ensign for gallantry in saving some Austrian lives, and Mr. KASSON, in his forcible-feeble manner, had proclaimed that any one refusing to honor such bravery was a disgrace to himself and a disgrace to his countrymen. In the spirit of our republican institutions, on the 9th of June, 1884, I introduced a bill honoring other and superior acts of gallantry in saving American lives from flood and flame by Brooklyn bravery—as all should stand equal.

This led to the pouring out upon my head such a flood of vituperation as has never been witnessed in former freshets in the United States. No murder or burglary in the last century has called forth such frantic execration. In my own city of Brooklyn it would seem that one-half of the people had got into fits over it. A correspondent of the Brooklyn Eagle interviewed two or three prominent citizens, among them my old friend Mr. Stranahan, who represented the entire city of Brooklyn some thirty years ago, and after recovering his breath he was able only twice to articulate "Poor old ROBINSON!" Well, "poor old Stranahan" did not say what "poor old ROBINSON" had done, but the impression was left that if I had assisted the Cannibal Islanders to eat a raw missionary my conduct could not have been more horrible and shocking. I wrote to the editor of the Eagle and asked him to publish the bill I had introduced and let his readers know just what I had done, but this he has refused to do. All the papers assailed my act, but not one of them had the manliness to publish my bill and let it speak for itself.

THE NEW YORK HERALD

seemed to be the most severe of my critics, but would not publish the fact that the worst feature of my crime was simply proposing to pay honor to some heroic firemen and others who had acted at least as gallantly as Ensign Reynolds in saving life; some of whom had been presented with the Bennett medal, delivered in one instance by the editor of the New York Sun, Mr. Dana. Every bit of my offense was before the editor, for I sent him a copy of the bill which was read by the clerk, without a single word from me. It is in print as a House bill, but has been studiously kept out of the press, and hitherto out of the RECORD, not one American editor having the common fairness to state the crime for which they so furiously assailed me. About two years ago I was groundlessly assailed by the Herald, and I wrote the editor a note stating what I had done, and the editor not only published my letter but manfully and honorably acknowledged that I was right and that I should not have been assailed. When will it do me similar justice in this case? I can afford to wait, for truth "will rise again."

TRIBUNE AND TIMES.

As to the howling of the Tribune and Times, I do not expect anything else from them. They have systematically belied and abused me and hid the truth from their readers. The Tribune lets no decent man escape from its blackguardism. I have just read in the Brooklyn Union of June 24 a paragraph from an article in the Tribune of 1875 in which it thus speaks of Senator LOGAN, its present candidate for Vice-President, in criticising one of his speeches in the Senate. The Tribune described him as a "spavined nightmare on the track of a beautiful dream," and adds:

> Through two hours LOGAN swung his beautiful arms over the heads of the Senate like the booms of a Government derrick, while his chin churned the language like a pile-driver in a heavy sea, and the baffled reporters made wild plunges with their pencils to gather his regurgitations for the printer.

When this "organ of decency" uses such language about a distinguished gentleman of its own party, I may congratulate myself that I escaped so easily.

Now, then, to shame my maligners I publish my resolution word for word as read by the Clerk of the House, and shall try to have a copy put into the hands of all the voters in my district and take their verdict as to my crime and its punishment, and shall leave to the editors the charge of unfairness never before equaled in trying to excite popular indignation against one who has honestly attempted to do his duty and refusing to publish one line giving the truth in the case. Here it is from the official copy:

Joint resolution granting permission to Samuel Sullivan Cox, "Rat the Newsboy," C. J. Fitzgerald, Michael Quigley, Charles Shannon, John Brunskill, Robert Walsh, Timothy O'Brien, John Clancy, "Nan the Newsboy," John Hussey, Thomas McBride, Philip Bowers, Daniel J. Meagher, Patrick J. Lynch, Patrick Coyne, Oswald Morrisey, John Rooney, Robert Wright, Thomas Larkin, and Michael Commerford to accept the decoration of the thanks of Congress for heroic conduct in saving lives.

Whereas this Congress should know no distinction between a brave ensign and a heroic 'longshoreman, and should mark its approbation of saving American lives as well as the lives of Austrians, and should act from its own promptings rather than from the insolent dictation of foreign influences, against which our beloved first President so well and so wisely warned us; and

Whereas this Congress has passed a joint resolution enabling Lovell K. Reynolds, an ensign in our Navy, to become a knight of the Royal and Imperial Order of Francis Joseph, while the Constitution, which we have all sworn to support, expressly says "no title of nobility shall be granted by the United States;" and

Whereas this young American officer, by this act of Congress, is enabled to assume the title of "Sir Lovell K. Reynolds, knight of the Royal and Imperial Order of Francis Joseph," for his gallantry in saving Austrian lives, while numerous American citizens, 'longshoremen, boatmen, firemen, and life-savers, equally brave, who have saved larger numbers of American lives, have received no reward, nor even mention of their heroic names in Congressional records, and who have not sought and would not accept any reward for their bravery from foreign despots; and

Whereas this brave young officer did risk his life only upon one occasion, to save from the water some ten or twelve nameless foreigners belonging to a sinking bark at sea, for which he has received several medals from American societies and honorable mention in Congressional records, while numerous American heroes, male and female, equally brave, on many occasions and at greater risk to their own lives, in the scantily paid Life-Saving Service, in the Light-House Service, in the fire departments of Brooklyn, New York, and other large cities of the Union, and among the boatmen and 'longshoremen, without any pay, through angry waves of water, hissing streams of steam, and seething billows of fire, have saved hundreds of American lives, men, women, and children, not one of whom has ever had his or her name even mentioned in Congress; and

Whereas this is a curious, if not a disgraceful, fact, that in our centuried history only one person has been found worthy of Congressional record for personal bravery in saving life, while the gallant American seamen who manned this ensign's boat, at imminent and equal danger to their own lives, are not mentioned by name nor even referred to; and

Whereas the framers of the Constitution have expressed their disapprobation of our officers receiving gifts from foreign states, and have absolutely prohibited Congress from allowing by their vote any person to be decorated with any royal or imperial order, and Congress has, upon all occasions where discussion was allowed, rejected all applications, even from the most illustrious of our citizens, for permission to receive any gift from any foreign power, the great names of Gallatin, Macon, and other illustrious patriots being found on the yeas and nays in the negative on the bill to allow Thomas Pinckney, of South Carolina, who had borne a distinguished and heroic part in our Revolutionary struggle, who had but two years before received the votes of eleven States for President of the United States against John Adams, who had signalized his diplomacy abroad by the negotiation of a valuable and advantageous treaty, to receive a present from the Kings of Spain and England; and Congress had also rejected the application of Andrew Jackson for permission to receive a present from the Creek Nation, and had rejected the application of our consul at Tangier for leave to accept a lion and horses from the Emperor of Morocco; and President Jackson, in 1834, in a special message to Congress, stated that he had issued orders that no more presents should be received by any public officer; and this House, in the Forty-fourth Congress, on St. Patrick's Day, 1876, on the unanimous report of the Committee on Foreign Affairs, presented by the Hon. Mr. Faulkner, of West Virginia, unanimously rejected the application of our minister to Bogota for leave to accept a silver inkstand from the Queen of England; and for the first sixty-five years of our history Congress invariably rejected all applications of this kind, and still there are more applications to this Forty-eighth Congress for permission to receive these foreign baubles than there were for the first three quarters of our century as a nation; and

Whereas Samuel Sullivan Cox, of the city of New York, has, on different occasions, saved seventeen American lives, four or five more than Ensign Reynolds, and has never received mention in Congress; and

Whereas on the 30th day of July, 1871, the steamer Westfield, of the Staten Island Ferry, was blown up at the foot of Whitehall, in the city of New York, with two hundred and fifty persons on board, the majority of them women and children, and most of them crowded over the exploding boiler, when "Jim" Connors, known as "Rat the Newsboy," saved the lives of at least ten persons and aided in saving many more, dashing into the waves and diving among the struggling and drowning women and children, and buoying up the scalded victims on his brave little back, till the boatmen Quigley, Collins, Connors, and Breen took them into their boats, thus even in his tender years rivaling the bravery of our gallant ensign, for which Congress has as yet failed to recognize him, as stated in the New York Sun of August 2, 1871; and

Whereas on the said explosion of the Westfield C. J. Fitzgerald, a Whitehall boatman, leaped from his boat into the water and rescued two children, with their father and mother, and twelve other persons, at the imminent risk of his own life; and

Whereas on said explosion of the Westfield Michael Quigley, a Battery boatman, afterward a resident of Brooklyn, at 64 Degraw street, plunged into the waves, amid spars and splinters, enveloped in smoke and steam, and rescued eleven persons, two of them babes, for whom he dived beneath a raft; and

Whereas Charles Shannon, of Philadelphia, has within the last seventeen years saved one hundred and sixty-three persons from drowning, as certified by Hon. CHARLES O'NEILL, of Pennsylvania; and

Whereas Captain John Brunskill, of New York city, has at different times saved from drowning forty-three persons; and

Whereas Robert Walsh, a patrolman in the New York police force, saved four persons at different times from drowning; and

Whereas Timothy O'Brien rescued fifty persons from the wreck of the ill-fated Metropolis, in a violent sea and dangerous breakers; and

Whereas John Clancy, formerly a Buffalo boy, but now or lately in the employ of the Pennsylvania Company, foot of Desbrosses street, in the city of New York, did at different times save nine persons from drowning; and

Whereas William O'Neill, better known as "Nan the Newsboy," had, previous to September 28, 1878, saved eleven lives, and on that day jumped from the Harlem boat Sylvan Stream and saved three boys whose boat had capsized, as set forth in the New York World of September 29, 1878, and since then has saved many others; and

Whereas John Hussey, a 'longshoreman of New York, has in thirteen years saved eighteen lives, as set forth in the New York Sunday Democrat of May 5, 1878; and

Whereas Thomas McBride, of the municipal police force of the city of New York, in four years had saved the lives of eighteen persons, as stated by John Sherman, then Secretary of the Treasury, these heroic deliverances being effected by diving under the water for the half-drowned victims, at various seasons, sometimes in cold and darkness, involving terrific struggles and always performed regardless of privation and at great personal hazard, as set forth in the New York Sunday Democrat of May 12, 1878; and

Whereas Philip Bowers and Freeman Bowers, of East Newark, N. J., have within fifteen years rescued from drowning nearly two hundred persons, as set forth in the New York Sun of November 3, 1878; and

Whereas Daniel J. Meagher, foreman of Hook and Ladder Company No. 3 of the city of New York, did, at midnight on the 2d of May, 1878, at the fire on the upper floors of 28 East Broadway, rescue Sarah Freeman from the fourth floor, standing fifty-two feet from the level of the sidewalk, on the upper round of a ladder, from which he had to elevate his arms through fire and smoke to reach the object of his heroic daring, whom he rescued from imminent death at the fearful risk of his own life; and

Whereas Private Patrick J. Lynch, of Engine Company No. 11, at the fire in Cannon street, in the city of New York, November 14, 1879, did, at fearful per-

sonal risk and in serious injury to his person, rescue Lizzie Noble, a child of 10 years, and made brave efforts to rescue others from the devouring flames, as described in the New York Herald of November 19, 1879; and

Whereas Patrick Coyne, of O and Eighth streets, in the city of Boston, had from 1862 till 1878 saved Captain Tarbell and six men from the yacht Tornado, three boys from a capsized boat, two men from a wrecked boat, three men and two boys from drowning, four soldiers from a boat upset, two men from drowning, four men and two children from a swamped boat in a heavy sea, four men of the yacht Hebe, one man whose boat had upset, the crew of the bark M. J. Kiley, after an hour's struggle in the water, six persons from a swamped boat, and in several cases, at fearful risk, saved lives by stopping runaway horses, as set forth in the New York Sun of July 6, 1879; and

Whereas Oswald Morrisey, a lad of 12 years of age, attending the East Fifty-seventh street grammar school of the city of New York, did, on the 26th day of June, 1880, save from the fire at 964 Third avenue, New York, Henry Seib, aged 4 years, by rushing up five flights of stairs through volumes of smoke and tongues of flame, bringing down the child and placing it in the arms of its distracted mother, while his bare feet and arms and shoulders were fearfully scorched, as set forth in the New York Herald of June 27, 1880; and

Whereas Fireman John Rooney, at the terrible conflagration in Park Row, New York, saved from the flames, at the risk of his own life, Miss Ida L. Small, from an upper window enveloped in flames, and brought her down in safety, amid the cheers of thousands of spectators, as described in the New York Herald of May 23, 1882; and

Whereas the heroic firemen of Brooklyn, N. Y., have on many occasions exhibited extraordinary bravery in saving life from fearful fires, not one of whom has been mentioned in the proceedings of Congress, though more deserving than Ensign Reynolds; and

Whereas Charles Wright, the young colored bootblack, distinguished himself in saving life from the sea of flame that enveloped this Park Row building; and

Whereas Thomas Larkin, of Hook and Ladder Company No. 11 of New York, on the morning of July 26, 1880, seeing a woman at a window on the third story of the burning building No. 328 East Houston street, from which volumes of hot smoke and streams of fire issued, did rush into that smoke and fire and through that window rescue that woman, with her child, for whom she had gone back into the burning building, saving them from the most fearful death, as described in the New York Herald of July 27, 1880; and

Whereas Michael Commerford, of engine 39 of the city of New York did, on the 4th day of January, 1882, at the fire in Madison street, rescue from an upper room filled with smoke and flame the children of Margaret Egan, in an insensible condition, but whose lives were spared, for which gallant conduct he received the Bennett medal, presented by Charles A. Dana, of the New York Sun, with very complimentary remarks, as set forth in the Sun of July 21, 1882; and

Whereas all these cases are of at least equal merit, and some of them of superior claims in an American Congress, to that of Ensign Reynolds, and come to Congress free from the objection of foreign dictation: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the aforesaid Samuel Sullivan Cox, "Rat the Newsboy," C. J. Fitzgerald, Michael Quigley, Charles Shannon, John Brunskill, Robert Walsh, Timothy O'Brien, John Clancy, "Nan the Newsboy," John Hussey, Thomas McBride, Philip Bowers, Freeman Bowers, Daniel J. Meagher, Patrick J. Lynch, Patrick Coyne, Oswald Morrisey, John Rooney, "Wright the Bootblack," Thomas Larkin, and Michael Commerford be, and they are hereby, granted permission to accept the decoration of the thanks of the Congress of the United States, which are hereby tendered to them in recognition of their heroic conduct in saving the lives of so many American citizens from the waves of the sea and from billows of flame; and that any member of this House who refuses to give unanimous consent to the immediate passage of this joint resolution in honor of these gallant American heroes for "saving the lives of others repeatedly at the peril of their own is a disgrace to himself and a disgrace to his countrymen."

Now there is the whole truth about my action. Will any fair-minded man answer me whether my proposition is anything worse than the bill which almost unanimously passed the House last Queen's birthday? In order that the reader may compare the two acts and say which is more worthy of censure, here it is:

ENSIGN REYNOLDS'S BILL.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Ensign L. K. Reynolds, United States Navy, be, and he is hereby, granted permission to accept the decoration of the royal and imperial order of Francis Joseph, awarded him by the Austrian Government in recognition of heroic conduct in saving the lives of the crew of the Austrian bark Olivo, November 24, 1879.

Now compare the claims of Ensign Reynolds with those of Oswald Morrisey, above mentioned, for reward of heroism.

I suppose the difference between the cases is that Ensign Reynolds belongs to a family moving in aristocratic society here, and Oswald Morrisey was a poor barefooted boy in one of our New York public schools. And I must expect to get abused for imagining that Congress could stoop to recognize the heroism of the poor. I rather think, too, that my heroes have incurred the wrath of these English and snobbish scribblers because, from their names, they appear to be mostly Irish. They nevertheless have won and deserve the praise of our people and Congress quite as well as Ensign Reynolds.

It suits the prejudice of my assailants to represent me as a man with one idea. I might easily prove by the RECORD that no member of the House has spoken on a greater variety of subjects, and could prove from reference to my speeches by members of both sides of this House, as well as from the applause with which my speeches on American shipbuilding, penny postage, Jefferson's granddaughter, rights of American citizens, and on almost every prominent question were received, that I am the last man to be classed as a one-idea member.

But just at present the great effort of the English scribblers for the American press is to make the public believe that my course is unpopular, and an unmanly combination has been formed to pervert all truthful report of my actions and then to abuse their own perversion. This, I think, will justify me in publishing some extracts from letters, speeches, and newspaper notices, which I have in great abundance.

I have no doubt of the result of this war against me. The American people will never allow a man to be hounded down by misrepresentation, and I feel sure that every true American will approve of the stand I have taken. Already I have glimpses of vindication.

The day after the publication of my remarks in opposition to the decoration of Ensign Reynolds I received the following letter from the venerable Democrat, Charles J. Faulkner, of West Virginia, who had been our minister to France and a member of this House:

MARTINSBURG, *May* 26, 1884.

DEAR SIR: I perceive that you concur somewhat in the views which I entertain on the subject of presents from foreign sovereigns to officers of our Government. I arrested the abuse of that policy in the Forty-fourth Congress, and hope you may be equally successful in the present Congress. I send you some remarks made by me on that occasion.

Very truly yours,

CHAS. J. FAULKNER.

Hon. W. E. ROBINSON.

It is well the Brooklyn Eagle did not interview Mr. Stranahan on Mr. Faulkner, or we should have had doleful groans about "Poor old Faulkner!"

QUEEN ELIZABETH.

Mr. Faulkner, in concluding his speech on this subject in the Forty-fourth Congress, referred to the fact that Queen Elizabeth, when Henry IV of France invested two of her bravest officers with the Order of St. Michael, committed them to prison and sent the decorations back, proudly observing:

That as a virtuous woman ought to look on none but her husband, so a subject ought not to cast his eyes on any other sovereign than that of his own country. I will not have my sheep marked with a strange brand, nor suffer them to follow the pipe of a strange shepherd.

WORDS IN MY DEFENSE.

The editor of the American Protectionist, an ably edited and widely read newspaper, published in New York city, in its issue of May 31, 1884, says:

Sunset Cox and other Anglican members took advantage the other day of a hasty and inappropriate expression dropped by Congressman ROBINSON, of Brooklyn, to endeavor to put that zealous, able, and cultivated gentleman in a false light before the public. Mr. ROBINSON's opposition to the acceptance of foreign monarchical decorations by citizens and officials of the United States is uniform, consistent, and based upon principle. His constituents and the public honor him for his sturdy and steady Americanism and hostility to foreign encroachments upon our political and industrial rights.

I omit the concluding sentence against Mr. COX.

The able editor of the Washington Sentinel of May 31, 1884, referring to my much-abused speech of May 24, on Ensign Reynolds, says:

Now, as an American citizen who favors the continuance of our Republic on the basis of liberty, we protest against Congress hereafter giving permission to any of our officers to accept foreign orders of knighthood, no matter what services they may have rendered. When a foreign sea captain has saved Americans from shipwreck or rendered other humane services, as Ensign Reynolds has done, our Government makes a small present of a chronometer, &c. We tell our Democrats in Congress that old Mr. ROBINSON, the other day, was right when he bitterly denounced this abuse, which grows greater year after year. We tell Mr. COX that the old Irish-American proved himself a better and truer American than he (Mr. COX), and old "Richelieu" showed himself also a better Democrat—one who is still imbued with the old spirit of liberty of 1776—than his deft American Democratic colleague.

That practice of allowing our officers to receive foreign orders is un-American and must be stopped.

At the next occasion we ask our Democratic friends to permit the yeas and nays to be called, so that we can publish the names of those who are fond of aping and introducing European royal customs into our democratic Republic.

At the commencement of this session I called for information from the Navy Department about our officers receiving presents from foreign despots, and on the 15th of January delivered a speech on the subject, over which the pack of English animals made their usual howl. The Washington Sentinel, however, made my speech the subject of an able article, from which I take two or three sentences:

Mr. ROBINSON accompanied the same by an eloquent speech, every word of which we fully indorse, and for which as a freedom-loving citizen we most heartily thank him.

Our readers will remember the indignation with which we noticed in these columns the open part taken by the American admiral at the bombardment of Alexandria last year in favor of the English, how our ships were put before the Egyptian forts in such position as to cover the British and force the Egyptians either to fire into them or let the English creep behind the American fleet.

Our officers should not be allowed to act the flunkies to crowned heads or ape effete aristocracy. Their sympathies should be with the oppressed, and in no case should they be permitted to assist on their own hook the former against the latter.

But under our naval system what else can we expect? We have officers educated in that aristocratic dancing-school at Annapolis at the expense of the people. But we have no American sailors, and without patriotic sailors you can not have a patriotic and efficient navy. The treatment of the sailors on board of American war vessels being so tyrannical and barbaric, and there being no hope for line promotion for an ambitious youth who would like to enlist before the mast, is it to be wondered that our American boys shun our Navy like a penitentiary? Look at the distance between an officer and a sailor on board of our vessels. It is greater than that of any other navy, even the British. Hence, the American boys of the better and educated class do not enlist. There is no hope for them for the future—nothing but low drudgery and coarse treatment.

In conclusion, we once more thank Mr. ROBINSON for his timely resolutions and his manly, truly American (though not of the period) patriotic speech.

The Brooklyn Daily Times of February 28, 1884, says:

CONGRESSMAN ROBINSON INDORSED.

It was said to-day that the majority of the Irish constituents of Hon. WILLIAM E. ROBINSON for the old second Congressional district heartily indorse his action in refusing to agree to unanimous consent on the resolution offered in the House of Representatives to accept the war steamer Alert from the British

Government to lead the Arctic expedition for the relief of the party of Lieutenant Greely.

PUBLIC MEETINGS SUSTAIN ME.

At a very large meeting, including members of the Legislature, judges, ex-governors of the State, and other distinguished citizens in the opera-house at Trenton, N. J., March 4, 1884, a resolution was very enthusiastically adopted, which reads as follows:

Resolved, That we disapprove of the action of our Government in begging and accepting from the Government of England the use of their old vessel the Alert, as a confession of our national decrepitude and a violation of the Constitution of the United States, and that we are opposed to the acceptance of all presents, gifts, and decorations, either for ourselves as a nation or for individuals from any king or prince or foreign state.

I cut the following from the New York Herald of March 6, 1884:

SCRANTON, PA., *March* 5, 1884.

At a meeting of representative Irishmen held here this evening for the purpose of celebrating the anniversary of the birth of Robert Emmet, Rev. George Pepper, of Ohio, made an eloquent address on "Ireland of to-day." The meeting passed resolutions, presented by Mayor Powderly, eulogizing Wendell Phillips and sharply criticising the action of the United States Government in accepting from the British Government the use of the Alert for Arctic explorations, stigmatizing it as an evidence of national weakness and a violation of the Constitution of the Republic. The resolutions also opposed the acceptance of gifts or decorations from any king, prince, or foreign state on principle.

SUSTAINING LETTERS.

I have received numerous letters from gentlemen, some of whom I have never met, indorsing my stand on this question. I give a few extracts and could give dozens more.

Mr. Atkinson, a prominent lawyer at Port Huron, Mich., writes to me under date of June 14, 1884, in these words:

Allow me to congratulate you. You have struck the right line. Samuel Sullivan Cox, "Rat the Newsboy," and others whom you name, and thousands unnamed, deserve recognition before "Sir Lovell Reynolds." I suppose your purpose is to kill off toadyism of the Reynolds kind without reflecting on Reynolds. I could give you scores of names along this wild coast (Lake Huron) just as worthy. They ask nothing, expect nothing, but they would love to see their Representatives in Congress stand firm by the traditions of this nation on the subject of royal titles and their dangerous jingle.

I have a letter from George C. Schaeffer, editor of Westward Ho, a paper published in Washington, dated June 12, 1884, asking me to send him a copy of my joint resolution which created such excitement over the country, in which he says that his ancestors came to this country in 1639; that his great-grandfather was elected governor of Rhode Island and other members of his family conspicuous in public life, and adds:

They and their children were taught that the highest decoration in America was "American citizen," which was torn from the hand of the King of England, costing many a drop of blood and hard-fought battles. My father once lived in your district, which I trust you may long live to represent in Congress.

That is the kind of American whose approval I covet.

A very distinguished officer of the Navy, high in honor and rank, in a letter dated June 20, 1884, after reading my speech on decorations for our officers from foreign powers, says:

I admired so exceedingly your '76 patriotic denunciation of those flunkies who desire to wear foreign livery—words can not express my admiration for your patriotic action—just what my father taught me to believe in. Every American, I mean true American, was inspired when he read your speech, and to think that in that large body there was only one who denounced foreign toadyism!

MORE INDORSEMENTS.

I think I may be justified in publishing as an offset to the denunciations of my English assailants brief extracts from a very few more of the great many letters I have received from distinguished and truly American men and women who have written in approval of my labors and measures in Congress. Many of them are Republicans, and several are unknown to me except by their honored names, but they have been watching my Congressional career and write, many of them I suppose, to show me that the malignant and unjust Anglican attacks upon me have no influence to harm me among true Americans. If any one, either friend or foe, wishes to see the originals, I shall be happy to show them.

A gentleman formerly living in my district and holding a prominent position in Brooklyn, afterward a gallant soldier in the war, and now residing in San Antonio, Tex., writes December 18, 1883:

Our club are rejoiced to find you again in Congress, where Ireland will have at least one untiring advocate. I shall ever hold in grateful remembrance one who has favored me with his friendship and whose talents and patriotism I admire and am proud of.

One of the sweetest of American female authors writes to me from her home on the Hudson, under date of Good Friday, 1884, as follows:

I have enjoyed both your speeches upon American citizens in British prisons more than you can imagine. I heard you when speaking but enjoyed reading much more. Your views regarding the salute awarded the British flag at Yorktown fully accord with my own. I was and am ashamed of Americans who permitted it. I do not fully agree with "Richelieu" in all his sentiments, but I respect and admire his honest opinions, fearlessly expressed, and feel that he strikes the key-note of liberty and right, and that he is on the true path leading to national honor.

The chairman of the Democratic standing committee of Berks County, Pennsylvania, writes me in these words, under date of March 19, 1884:

I have just read in the CONGRESSIONAL RECORD your appeal for the granddaughter of Jefferson, and although not a resident of your district, nor even of your State, I can not refrain from a line of commendation. If the records of the American Congress have a more eloquent, masterly, unanswerable appeal, it has not been my good fortune to read it.

Mr. W. F. A. Schulte, of New York city, writes to me under date of April 15, 1884, in these words:

I have watched your efforts in the last and present Congress on behalf of downtrodden Ireland with a great deal of interest, and I heartily sympathize with you. The cause is just, and you are an earnest, honest, and eloquent champion of those who have suffered from seven centuries of oppression. My feelings are enlisted on account of the persecutions I endured during the troubles of 1848 in Germany, when I was driven from the country.

A gentleman of culture and literary taste, residing in my district in the tenth ward of the city of Brooklyn, writes thus under date of April 17, 1884:

Accept my grateful acknowledgment of the receipt of your very brilliant speech. I feel unmixed and unlimited pleasure in the fact that I had the honor to vote for a Representative to Congress who was so generous and so competent as to advocate the cause and claims of the grandchild of the illustrious and immortal Jefferson. If at any time in the future you may be desirous to seek the suffrages of the voters of this district, you may calculate with certainty on my vote (if I am living) and those of my friends whom I can possibly influence in your regard. Your very interesting and admirable speech I shall preserve and cherish as a valued souvenir.

A prominent physician living in the tenth ward in my district, who I believe generally supports the Republican ticket, writes to me under date April 23, 1884, as follows:

Please accept my thanks for your eloquent address in behalf of the granddaughter of Thomas Jefferson, and I rejoice that Brooklyn has a representative who is able and willing to champion the cause of the forgotten ones, and to remember their descendants unto the third and fourth generation.

A prominent editor of the German press of the city of Brooklyn, living in my district, writes me April 30, 1884, in this language:

As one of your constituents, I regret the bill (pensioning Jefferson's granddaughter) was not passed, and that your grand and patriotic effort was thrown away on those who either from ignorance or political prejudice were lost to your brilliant effort.

A lady who lives in my district on Prospect Heights, whose family is among the most distinguished Americans, and whose pen is well known to the literary world, writes me under date of May 7, 1884:

Let me add my congratulations upon the occasion of your birthday. "May you live a thousand years, and your shadow never be less." I have read with more than a great deal of pleasure all that you did in regard to the granddaughter of Mr. Jefferson, who was the dear and intimate friend of my grandfather, Judge Sherburne, of Portsmouth, N. H., and of your generous, chivalrous support of woman and her needs.

An Irish lady whose genius has called forth frequent applause from American audiences writes me in these words, May 17, 1884:

Accept my sincere thanks. It has afforded me more pleasure than I can express to read your most beautiful tribute to Jefferson's granddaughter.

A prominent and able American journalist, resident of the city of Brooklyn, and editor of a leading American magazine, under date of May 17, 1884, writes to me in these words:

Please accept my sincere thanks for your eloquent speech in behalf of Jefferson's granddaughter. I read it with great interest. I am not, as you know, a Democrat, but I can say frankly to you, as I have said to my Republican friends here, that your course in this Congress, which I have carefully watched, has been more creditable to you and to Brooklyn than that of any of our other Representatives, and if I lived in your district—I am sorry I do not—I should vote for you every time.

The chief-justice of the supreme court of the State of Maine, who was a companion in Yale College and a member with me of the Fortieth Congress, writes under date of May 18, 1884:

Yours is received, and your speech, too, which I have read and was interested therein. * * * I wish to God I had a thousand votes to give her (Jefferson's granddaughter). I would flood your bill with them. I should blush for an American Congress that would reject such a bill upon constitutional ground. But you demolished that with a battery that sends out shot and shell in examples and precedents. How vividly you come up before my view in connection with college matters.

At the grand celebration of the Mechlenburg Declaration of Independence two years ago, at Charlotte, N. C., where I was a guest, Senator RANSOM, in the opening speech, made a reference to me in about the language of Judge Black's letter below.

JUDGES BLACK AND HOLMAN.

I give only two more extracts: one from the late Judge Black, of Pennsylvania, who in dying a short time since left no superior American statesman behind him; the other from Judge WILLIAM S. HOLMAN, of Indiana, at present a member of this House:

BROCKIE (near York), *April* 24, 1882.

Hon. W. E. ROBINSON:

I got your speech since I came home. It came under cover franked by Mr. (Senator) BAYARD. * * * As an American citizen who loves justice and hates wrong, I can not but admire the man who has done as much as you have to make up and sustain the great issue between free government and despotic rule on both sides of the Atlantic, and therefore,

I am now, and forever will be, yours, most truly,

J. S. BLACK.

HOUSE OF REPRESENTATIVES,
Washington, August 8, 1882.

MY DEAR SIR: I can not part with you in the closing moments of the session of Congress without expressing to you the satisfaction I have felt as one of your colleagues in this House in the record you have made. Your course in compelling the attention of Congress and the Government to the wrongs inflicted on American citizens by Great Britain; your heroic conduct in the beginning against overwhelming odds in asserting the rights of oppressed citizens to the full protection of their Government, and your conservative and prudent action in all measures of public policy have commanded my sincere admiration.

Hoping, my dear friend, that your constituents will long continue you in a position you fill so admirably,

I am, sincerely, yours,

WILLIAM S. HOLMAN.

Hon. W. E. ROBINSON.

I need not say that these brief tributes from Judge Black and Judge HOLMAN would more than repay for all the wrongs which an unscrupulous Anglified press could heap upon me.

In answer to the charge that I have paid too much attention to this anglomania craze to the neglect of measures of more national importance, I might quote much more largely from the public press and from my own correspondence. Venerable bishops and venerated clergy of the Catholic and Episcopal Churches, doctors of divinity of Presbyterian and other non-episcopal churches, particularly the renowned pulpit orator Dr. T. De Witt Talmage, whose tabernacle is in my own district, and whose hearty compliments I have kindly and gratefully received; editors of magazines, reviews, and other publications; distinguished generals and naval heroes, including General Hancock; the living representatives of the distinguished dead, including Jefferson and Monroe; public libraries in my own city, printed in their annual reports; legislative bodies and immense public assemblies, all speaking and writing and voting in hearty approval of my course, might perhaps flatter the vanity of even those less liable to that failing than myself.

But after all, it is my own grand constituency of my own district, in my own city of Brooklyn, whose approval I most covet, and to whom in due time I shall submit my conduct for their approval or disapproval. If they want a representative who will join in singing "God save the Queen" they must seek for some different man. I believe in the Star Spangled Banner, every red stripe of which represents the blood which our natural enemy, England, wrung from our hearts, and of which every star that glitters in its glory reflects the fame of our devoted friend, old Ireland.

NON-INTERCOURSE WITH DIPLOMATS.

On the 26th of May, 1884, I introduced a joint resolution into this House, in the following words:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be a standing rule in both Houses of Congress that no member of either House ought to receive or give any visit to or from any foreign agent or embassador, or any other person that avows himself to be a public agent or embassador for a foreign country, without the consent of the House to which he belongs.

That resolution brought down upon me the abuse of the English snobs that now so largely control the American press, and the Washington correspondent of the Brooklyn Eagle pronounced it "rampant and unapproachable absurdity." I do not expect these scribblers to know much about American history, but I may inform them that it is a copy of the resolution introduced by Senator Tazewell, of Virginia, into the Senate of the United States on the 27th of April, 1798, and though it did not pass it received the votes of Senators Bloodworth, Langdon, Mason, Tazewell, and other illustrious Revolutionary patriots. It expressed the opinions of our patriotic fathers against this foreign influence which we are now courting. What chance has an American citizen for fair play against a government whose minister is wining and dining our Congressmen and others in authority? We want some such resolution to save Republican principles.

DIPLOMATIC SPIES.

I have an idea that we are unconsciously, through our diplomatic network over Europe, the most efficient detectives of European despots. The first-born impulse for freedom very naturally occurs in the United States, and monarchies can well afford to show their favors to all spies who will detect to them the first throbbings of liberty.

In my first speech against Mr. Lowell in this House, January 26, 1882, page 13, I called attention to the fact of the British secret service in this country, of which the British minister is head, and includes not less than two hundred spies in this country. They have the names of all officers of land leagues and other organizations in this country opposed to English interests, and I hinted that some of our representatives abroad have acted as volunteer spies. We have seen that one of these British spies had access to our post-office in New York, but while our Postmaster-General acknowledges that this is true, he felicitates himself on the fact that this spy was not actually caught opening our business men's letters. Happy country, with such a confiding spirit!

CONGRESS ON IRELAND.

When I reflect I wonder what has changed the noble sentiment in regard to Ireland. Nearly every Congress for the last twenty-five years has passed resolutions of sympathy with Ireland. Mr. Parnell when he was here was received in this House and occupied its floor in a brilliant speech. In July, 1866, a joint resolution was passed and approved by the President in the following words:

Whereas the House has been informed that certain peaceable and law-abiding citizens, while assembled at and within the building recently erected in this city for the benefit of orphans of deceased soldiers and sailors of the United States, situate on the corner of Seventh street and Pennsylvania avenue, have been illegally and improperly dispersed by the mayor of this city for the alleged reason that they belonged to a Fenian organization, and thus prevented from exercising their rights and privileges as citizens of the United States: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said citizens are hereby authorized, whenever permitted so to do by the Speaker of this House or the President of the Senate, to use and to occupy said building for the purpose of holding meetings for any proper and lawful purpose, and particularly in reference to the liberation of Ireland.

Approved July 28, 1866.

Among the Senators voting for that resolution were Chandler, Howard, Morgan, Nye, Stewart, Wade, Wilson, and Yates. It passed the House without opposition. What would be said now if I should move to give our public building for the holding of Fenian meetings, and "particularly for any meeting for the liberation of Ireland?"

In March, 1867, the following joint resolution was introduced in the Senate by Mr. Nye, of Nevada:

Joint resolution extending sympathy to the people of Ireland.

Whereas the Irish people, after seven centuries of outrage and misery, have called upon God and mankind to witness the justice of their cause and the intensity of their sufferings, and have appealed to the republicans of the entire world for sympathy and assistance against their British oppressors: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in response to an invitation which reminds us equally of the trials and pledges of the American Revolution, and full of admiration of the principles which inspire their determined protest against a tyranny the most inexcusable and defenseless because waged by a government which boasts of its Christianity and civilization, and in obedience to the sentiments of millions of happy American freemen, we hereby extend our sincere and earnest sympathy to the people of Ireland in their noble stand against their British oppressors.

Resolutions of that kind passed either House without opposition, but England is getting the upper hand. I tried to introduce a similar resolution into this House in the Forty-seventh Congress, but the Speaker's eye was not upon me. I have not dared to try it in this Congress.

The last resolution of this kind, I believe, was offered in the Forty-sixth Congress by the distinguished gentleman from Indiana [Mr. CALKINS] and passed unanimously.

In the Fortieth Congress, in March, 1867, I offered a similar resolution, which was unanimously adopted.

Who will offer such a resolution next? I hope when it shall be offered the gentleman from Illinois [Mr. DUNHAM] may not be present, for he would probably refer it to the Committee on Public Health!

WENDELL PHILLIPS AND HORACE GREELEY.

In a letter dated Boston, November 2, 1881, Wendell Phillips says:

Ireland to-day leads the van in the struggle for right, justice, and freedom.

And in his address to the students of Harvard College he made the following eloquent appeal in her behalf:

Ireland is another touchstone which reveals to us how absurdly we masquerade in democratic trappings while we have gone to seed in tory distrust of the people; false to every duty, which, as eldest-born of democratic institutions, we owe to the oppressed, and careless of the lesson every such movement may be made in keeping public thought clear, keen, and fresh as to principles which are the essence of our civilization, the groundwork of all education in republics.

We ought to clap our hands at every fresh Irish "outrage," as a parrot press styles it, aware that it is only a far-off echo of the musket-shots that rattled against the old State House on the 5th of March, 1770, and of the warwhoop that made the tiny spire of the Old South tremble when Boston rioters emptied the three Indian tea ships into the sea—welcome evidence of living force and rare intelligence in the victim, and the sign that the day of deliverance draws each hour nearer. Cease ringing endless changes of eulogy on the men who made North's Boston port bill a failure while every leading journal sends daily over the water wishes for the success of Gladstone's copy of the bill for Ireland.

Ireland is still the touchstone of truth. Wherever a true American exists she has a friend; wherever despotism has an advocate she finds an enemy.

I have kept as a sacred relic the address "To the friends of Ireland" written by Horace Greeley, dated New York, October 3, 1848, and published conspicuously in the New York Tribune the next day, signed by Judge Robert Emmet, Charles O'Conor, Judge James W. White, Horace Greeley, and others at that time known as the "Irish Directory." As I was then an editor of the Tribune, I cut the printed address from the paper, which I pasted on the last page of the manuscript, which contained their autograph signatures, from which I copy a few words:

We do not believe that the star of Ireland's hope is set forever. Determined to devote ourselves to the regeneration of Ireland, we will from time to time, as occasion may demand, hereafter address our friends in this form, and hope one day to announce the glad tidings that Ireland is a republic.

I need hardly say that I do not like the change in our national sentiments so boldly acknowledged by the paragraphs which I have quoted from the Cincinnati News-Journal and the Washington Daily Post acknowledging our return to monarchical ways. The saluting of the English flag at Yorktown; our military officers appointed to wait upon Lord Lorne on his visit here; our insult to American manhood in being compelled to wear livery; our willingness to vote presents and even decorations to our officers from foreign despots in violation of our Constitution; our doleful attempts to imitate English squireens in fox hunts at Newport and elsewhere, at which American ladies forget their American womanhood in witnessing the barbarities inflicted on the poor half-tamed pet fox that does not know enough of its wild nature to get away from its cruel quadrupedal or more inhuman bipedal pursuers; the crazy homage which we recently paid to the lord chief-justice representing the tyranny with which the judiciary of a fearful despotism trampled down the rights of its subjects; the flunkeyism of our Treasury Department in ordering, illegally, his baggage to be passed through the custom-house without search, while members of our own American judiciary and their wives and daughters have been subjected

to the most annoying searches in their trunks and on their shrinking persons; the proposing of the queen's health on the last celebration of her birthday at the royal residence of her lordly representative by one of our highest officials; buying and accepting English ships to send on our national expedition when our own ship-builders were ready at less cost and in less time to furnish superior vessels for the service; spies admitted to our post-offices to facilitate the betrayal of our republicans who sympathize with freedom into the hands of an unmerciful foe; singing and playing "God save the Queen" and "Rule Britannia" by our national bands and on public occasions; the undue and undeserved craze over foreign actors and artists to the neglect and injury of our own superior native talent; the use of our national vessels as private yachts for feeding the vanity of our public servants and their families when, if they could be spared for any such service, they should be used for excursions on the water to give fresh air and renewed health to the poor and sickly widows and orphans of the gallant soldiers who fell in the struggle for the Union; the unconstitutional use of official flags in imitation of royal customs by our Secretaries and President, when no flag but the starry banner should be displayed; the interference of foreign ministers in Congressional matters and the formation of our Congressional committees; the homage, almost adoration, with which foreign lecturers are received, even by our public servants, whose tongues and pens are still sibilant with curses upon our people and Government—to these and other imitations and encroachments of foreign folly and aristocratic antics I am unalterably opposed. I believe the American people are with me. I believe my own district, which includes the wealth and worth, the culture and brains, as well as the more useful working classes, is with me. In the imminent Presidential election these things will have a vast influence on the issue. The least appearance of pandering to these aristocratic innovations or departure from American manners will influence the votes of a million Democratic voters more than any question deemed by short-sighted Congressmen as of more importance.

I stand up for the American ideas of Washington and Jefferson, and shall oppose all measures in favor of monopolies and land-grabbing.

Room for American ideas; perpetuate our American independence; revive our ship-building; restore our marine commerce; protect American labor, and elevate the condition of the workingman; limit the hours and increase the pay of American labor; prompt relief and liberal pensions to our soldiers and sailors; enlarge postal facilities, and secure a uniform penny postage. These are objects to which I have been and shall be devoted as long as I remain here. If my constituents disapprove of this, let them, at the dictation of English snobbery, call me home.

Let us be content with the honors and customs of our own country, in place of running abroad for honors and decorations; give undivided allegiance to our own glorious flag, or, if forced to show our preferences, let our hatred be for tyrants and our sympathy for the oppressed. Waste no admiration on foreign governments while you have one of your own to which every true American may proudly turn and exclaim:

Empires shall perish and monarchies fail;
Kingdoms and thrones in thy glory grow pale;
Thou shalt live on, and thy people shall own
Loyalty's sweet, where each heart is thy throne;
Union and freedom thine heritage be—
Country of Washington, blessings on thee!

A National Policy of Public Buildings—The Public Building at Detroit, Mich.

SPEECH

OF

HON. BYRON M. CUTCHEON,

OF MICHIGAN.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884.

The House being in Committee of the Whole House on the state of the Union, for the consideration of bills reported from the Committee on Public Buildings and Grounds—

Mr. CUTCHEON said:

Mr. CHAIRMAN: I beg the attention of the House for a few moments to some considerations affecting the matter of public buildings. It has been charged, or at least intimated here, that there is a public building pool, or ring, or combination. If there be such a combination, Mr. Chairman, I certainly have no knowledge of it. There is nowhere in this long list any bill that affects my district directly or that comes within two hundred miles of it. So far as I am concerned, each of these bills stands and shall stand upon its own merits if it has any.

As a matter of general principle and of national policy, I am in favor of the National Government conducting its business in its own buildings, constructed and adapted for its own use. I do not believe that any judicious and far-seeing business man would do business or could successfully do business upon the plan that this Government has hitherto largely pursued. I said I was not directly interested in this bill, but I am interested, as is every citizen of Michigan, in the bill somewhere on this Calendar for a new public building in the city of Detroit, which we all proudly own as the metropolis of our State—"the City of the Straits."

It may serve as a sample of that false economy which has failed to provide adequate facilities for the transaction of the public business, when I state that less than one-half of the Government business in that city is transacted in the Government's building, and that more than $5,000 is annually expended there in rents for the accommodation of Government offices outside the public building.

The fact is that long years ago the city and the public business had outgrown the quarters provided, and all sorts of wasteful and extravagant expedients have been resorted to, and the public business is scattered all about the city; the post and customs office in one place, the internal revenue in another, the engineer in a third, the life-saving service in a fourth, and so on to the end. In using this as an illustration I beg to print some further facts and statistics, that members may have them to refer to when that bill is reached, as the time allowed on each bill will preclude their presentation then.

I desire to take this occasion, Mr. Chairman, to say that I am not in favor of extravagant expenditures for public buildings, but I am in favor of an economical liberality. This Government is to endure, I hope and trust, for a thousand years. So long as it endures it will need, and must have, post-offices, court-houses, custom-houses, and accommodations for its other public business. The demand will never be less, but will constantly increase.

Judging by the growth of the past quarter of a century, we can scarcely conceive how great that increase will be. The child is now born who will see not less than 200,000,000 people inhabiting this continent. These will all demand and must have the postal facilities and the revenue facilities pertaining to a mighty nation, We know not what new developments in commerce, in manufactures, in invention await us. The coming of the postal telegraph or the universal postal telephone I regard as only a question of time, and of but a short time at that.

The great commercial age is at our door. Here in this great temperate belt of the American continent is to be its grandest field of development. We legislate to-day for nearly 55,000,000 of people. The next generation which stands in our place will legislate for 100,000,000, and our grandchildren will legislate for 200,000,000. The vast business of these coming millions must be carried on; it must have appropriate buildings in which it shall be carried on. If they shall be constructed by the Government for the express use for which they are designed the business can be conducted conveniently and economically. If this business is to be carried on in buildings not designed for the use to which they are appropriated the business will be carried on wastefully and uneconomically.

It is a disgrace to this nation that the post-office business of this capital is carried on in an old tumble-down hotel structure utterly unfitted for the use to which it is put and utterly destructive of all economy of force or finance. And so it is all over the country. The business of this great Government is carried on in rented buildings, wholly unadapted to its use, at great loss of time, money, and business. It is time this contemptible, cheese-paring policy was abandoned. We are no longer colonies. We are the great Republic of the West. We are in the second century of our national existence. The crisis of national peril has been safely passed. Henceforth the path of empire lies straight and plain before us. It is time that the National Government transacted its business in its own quarters, designed and adapted to its use. There can be no more absurd idea than that hoarding is economy.

In this case holding hundreds of millions of dollars in the Treasury while the Government has not a decent roof over its head is unmitigated foolishness and extravagance. Money is only a blessing when it is used. These millons should be put in circulation throughout the States, giving employment to thousands of artisans, expended not in wasteful jobs and ornate architecture, but in the erection of solid, substantial, enduring, and dignified public buildings, that shall stand as some fit and worthy symbol of the sovereignty of this nation, the majesty of the people.

Mr. Chairman, there is an economy (so called) that is simply the outward sign of a shriveled soul. It is not economy, but niggardliness. To use a homely phrase, "It saves at the spigot and wastes at the bung." It is the economy of the miser, who sees no use to which money can be put but to hoard it, while all the utilities and beauties of life lie waste and unimproved.

We stand here to legislate for a great Government, for a great people, and for a great future. We are to-day in the van of the world's advance. We are building for the coming generations. Let us build as for the future; build like statesmen; build in a spirit that shall have some of the breadth of the continent; build as though we believed that this great nation, this noble sisterhood of "States in empire," were to be perpetual.

APPENDIX.

The present public building at Detroit is occupied as follows:

The basement, though wholly underground, is constantly used by

the Post-Office Department for receiving, sorting, and dispatching mails. It is a wholly unfit place, but is used of necessity.

The main or first floor is wholly occupied by the post-office, but is so inadequate that it is very greatly crowded and very poorly lighted for its use. On the first floor and part of the second it is necessary to burn gas constantly in order to transact the business. The gas bill for the year ending December 31, 1883, was $5,073, and fully four-fifths of this was consumed in the post-office.

The second floor is occupied by the custom-house, the United States district attorney's office, and the clerks of the United States circuit and district courts. The accommodations for the custom-house are wholly inadequate.

The third floor is used by the United States court-rooms, judges' rooms, jury-rooms, United States marshal, supervising and local inspectors of steamboats, and special agents of the Treasury Department.

In addition to these the following offices are maintained in rented buildings at rentals as indicated:

Appraiser's store, at wharf	$300
Customs office, at wharf	250
Life-Saving Service	72
Internal-revenue office	1,100
Signal Corps	264
Marine-Hospital Service	300
Office paymaster United States Army	300
First office Engineer Corps (General O. M. Poe)	780
Second office Engineer Corps	480
Third office Engineer Corps (Major Howard)	200
Light-House Board	345
Light-House Board (second)	480
Pension office	900
United States land offices	300
Total rents	5,185

That a correct idea may be formed of the needs of the customs service at Detroit, it should be borne in mind that for the year ending June 30, 1883, there were entered at that port—

Foreign vessels (being the largest of any port in the United States except New York city)	3,010
Foreign vessels cleared (being also the largest in the United States except New York)	2,972
Number of entries of merchandise (being 6,501 more entries than at Chicago the same year, where the number was 10,203; in the number of entries made Detroit stands seventh in the United States, only New York, Boston, Philadelphia, San Francisco, Burlington, Vt., and Port Huron having more)	16,704
Value of foreign exports (being third in rank for foreign exports, only New York and Portland leading Detroit)	$3,509,936

COASTWISE TRADE.

Coastwise vessels entered (being eighth in the United States)	2,461
Coastwise vessels cleared (being eighth in the United States)	2,553
Number of vessels documented (being twenty-third in a list of one hundred and twenty-nine ports which issued documents)	394
Customs collections last fiscal year	$406,846 46

INTERNAL REVENUE.

Internal-revenue collections for the last fiscal year amounted to	$1,251,419 52

PENSION OFFICE.

The Detroit United States pension office annually disburses about	$2,000,000 00

POST-OFFICE BUSINESS.

To show the past and prospective increase of business in the Detroit post-office, the following official figures are appended:

Years.	Gross receipts.	Net revenue.
1861	$34,147 91	$10,627 00
1866	89,634 27	41,472 33
1871	134,391 95	77,073 81
1876	182,397 76	116,544 24
1879	205,313 49	139,849 33
1883	391,884 99	233,647 26

Number of letters delivered by carriers: 1869, 187,199; 1879, 4,692,121; 1883, 7,046,192.

Number of letters mailed: 1874, 4,591,873; 1879, 7,362,050; 1883, total number of pieces of mail matter received and delivered, 34,110,101; money-order receipts, 1876, $1,491,650; 1883, $2,594,080; total cash receipts, 1883, $2,985,964.

UNITED STATES COURTS AT DETROIT.

Fiscal year ending June 30, 1883:	
United States civil cases terminated during year	34
United States criminal cases terminated during year	71
Civil suits (other than United States) commenced	155
Civil suits (other than United States) terminated	165
Admiralty cases commenced	242
Admiralty cases terminated	213
Total cases terminated	483

Government officers and employés to be accommodated in Government building:

1. The United States post-office, with all its adjuncts: In addition to the regular officers and employés there are fifty-six railway postal clerks who regularly report here.
2. The United States custom-house, with all its adjuncts, and forty-eight customs officials who report here regularly.
3. The United States circuit and district courts, with all their adjuncts of judges, district attorneys, marshals, juries, clerks, commissioners, &c.
4. The internal-revenue office.
5. The United States pension office.
6. The Life-Saving Service.
7. Signal Corps.
8. Marine-Hospital Service.
9. Office United States paymaster.
10. United States Engineer Corps, in all its departments.
11. The Light-House Board.

At the present time only the first three are accommodated partially in the Government building. The total number of United States officers and employés now on duty at Detroit and entitled to office accommodations is 196.

COMMERCIAL STATISTICS OF DETROIT.

Bank capital, 1883	$4,100,000
Bank deposits, 1883	21,745,000
Bank loans and discounts, 1883	18,113,000
Bank clearing-house transactions for month of December, 1883	14,374,554

To this I add only a few items of transportation:

Shipments of corn from Detroit:	*Bushels.*
1880	218,997
1881	310,276
1882	633,245
1883	1,572,627
Shipments of wheat from Detroit:	
1881	4,793,067
1882	5,816,749
1883	6,260,480

MANUFACTURES.

Number of establishments, 1880	919
Capital employed, 1880	$15,594,479
Value of manufactured products, 1880	$30,181,416

POPULATION.

1870, census report	79,577
1880, census report	116,340
1884 (estimated)	150,000

The great growth of Detroit during the past four years is indicated in part by the increase of business in the post-office.

The foregoing statistics give a very imperfect idea of the Government business to be transacted and the number of employés and officers to be accommodated. The present accommodations are not one-half equal to the demand. Such is the present aspect of the case.

Few cities in the Union have made more rapid strides in population and business during the past four years than Detroit. It is one of the great entrepôts of the United States. It is the metropolis and the great depot of one of the most flourishing of the States of the Union—a State which, although not yet half a century old, is nevertheless ninth in population, ninth in the product of manufactures, fourth in the production of wheat and wool, and first in its product of iron, copper, lumber, and salt, and sixth in the scale of least illiteracy, being surpassed only by Wyoming, Nebraska, Iowa, Maine, and Dakota in the order stated.

The State of Michigan, with nearly 2,000,000 inhabitants, has but three Government buildings within its boundaries:

1. The building at Detroit, completed in 1860 at an original cost of $182,733, and upon which has been expended in twenty-four years in repairs and changes the sum of $31,685.57, making a total of—

Buildings	$214,418 00
Cost of site	24,000 00
Total	238,418 00

2. The court-house and post-office at Grand Rapids, which cost—

Buildings	$141,413 00
Site	69,996 00
Total	211,409 00

3. Custom-house and court-house at Port Huron (one of the largest ports of entry in the United States)—

Building	$341,876 71
Site	5,205 00
Total	247,081 71

4. Besides this a site has been acquired at Marquette, in the Upper Peninsula, at a cost of $7,075—making a grand total for the entire State of Michigan from its admission until the present time of $803,983.71.

I desire to compare this with the expenditure for public buildings in other States at points comparatively small and commercially unimportant, and with the exception of Portland, Me., and Charleston, S. C., not upon the coast or frontier, and where the actual necessity for large expenditure is comparatively small; not that this will increase our need or the justice of our demand for the metropolis of Michigan, but that it may appeal to your sense of equity and fair dealing:

Name of city.	Population, 1880.	Cost of building.	Cost of site.	Total.
Albany, N. Y.	90,758	$535,518 25	$155,700 90	$691,219 15
Carson City, Nev.	4,229	434,369 98	.....	434,369 98
Charleston, S. C.	49,984	2,778,736 61	190,000 00	2,968,736 61
Fall River, Mass.	48,961	361,396 54	132,856 65	494,253 19
Hartford, Conn.	42,015	837,836 93	.....	837,836 93
Knoxville, Tenn	9,693	388,841 72	10,300 00	399,141 72
Nashville, Tenn.	43,350	404,777 99	38,500 00	443,277 99
Portland, Me. (exclusive of marine hospital)	33,810	915,415 02	40,500 00	955,915 02

Rivers and Harbors.

SPEECH

OF

HON. BENTON McMILLLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 10, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. McMILLIN said:

Mr. CHAIRMAN: With a full knowledge of the Cumberland River I concur heartily with what my colleague [Mr. CALDWELL] has said concerning it. It is in many respects the most remarkable river on the continent. For more than six hundred miles it is navigable for a good portion of the year without locks and dams. Its banks are rock-bound and its bed is rock; so that there is no difficulty in getting all the abutment necessary for the most perfect system of improvement and all the material necessary for the work. There is probably no other river in the world upon which the same amount of valuable improvement can be placed at so small a cost.

Notwithstanding the great length of the stream, its average width is only from one hundred to one hundred and fifty yards. Yet for a good portion of the year boats carrying four hundred tons can run, and did run even before any improvements were placed on the river. The object we have in view by the amendment proposed is to appropriate $100,000 to begin the work of locking and damming, and I hope the House will vary from the rule adopted of sustaining the committee and adopt this amendment.

The country through which it passes is unsurpassed in fertility anywhere in the world. It is as rich as the valley of the Ganges or the Jumna. This river is, as I have said, only from one hundred to one hundred and fifty yards wide, with a deep channel that has not changed perceptibly since the country was settled. There are no quicksands to sap the foundations of the dams; there are none of the thousand difficulties that are encountered on other works of improvement of this kind. It has an average fall, I believe, of about eight inches to the mile. Each lock and each dam placed upon it according to the plan prepared in the engineer's report, which is practically adopted by the committee, will give permanent navigation for twenty miles.

Sirs, look what a work can be done with but little more than $3,000,000. Cincinnati has paid more than twenty millions for her Southern road. It is but little longer than this river. For one-seventh of the amount her road cost we can have a river made navigable the whole year, with no cross-ties to rot every ten years, no embankments to wash out, no rails to wear out and be replaced every few years; a free highway for commerce where the great Maker of the universe intended there should be one.

It is not like the Muscle Shoals improvement. There you have had to spend millions before the least benefit could be derived from your improvement. Here when you have expended a hundred thousand dollars you get one lock, and then there is permanent navigation for more than twenty miles above it for all time. You get full benefit of the work even while it progresses.

One other point I wish to call your attention to. The report of the engineer states that the work already done upon this river, which has cost more than a quarter of a million dollars, can be utilized and will be of vast service in the construction of the locks proposed by the new system. It is not like abandoning an old system of improvements and adopting a new where all the old work is lost and useless. Take for example the Sand Shoals near my own home. There the work consisted of deepening the channel of the river by blasting out the rocks of the bottom. It requires no argument to prove that it will require fewer and lower dams where this has been done.

I know the committee have labored under difficulty. I do not charge them with punic faith in this matter. Our greatest trouble has arisen from the fact that the report of the engineer in charge of the work, Major King, was held back until more than half this session was gone. It never came out until my colleague and I went before the committee, and we for the first time brought it to their attention. If the members of the Committee on Rivers and Harbors could have had that report as they had those of other rivers, I can not doubt the result would have been different. The other reports reached them the first of the session last December; this one not until after the middle of March, when the committee had settled on the basis of their bill and done much of the work. It is now for us to consider whether it is not wise to commence and continue the improvement in the way proposed.

Notwithstanding the delay of the report and the inconvenience it has caused the committee—I hope not, but I am sure when the Senate, the House, and the Committee on Rivers and Harbors come to understand fully the importance of this work as they could have done if the report had been made out in time—I feel quite sure they will see the wisdom of the expenditure.

Time after time I went to General Wright's office, at the opening of this session, to get the report before the committee in season that we might get the appropriation in this bill. But the response was given that it had not yet been forwarded to Washington from Chattanooga. This continued till only a few weeks before this bill was reported to the House. I had visited Captain Turrill twice before I came on to Washington last December, and he had promised me he would forward it to Major King as soon as possible, which I heard he did.

Mr. Chairman, I succeeded in getting an appropriation two years ago to have a survey of the Cumberland River, with a view of locking and damming it. The following is the report of the survey; it only requires a glance to show that the work is eminently practicable:

SURVEY WITH A VIEW TO PLACING LOCKS AND DAMS ON THE CUMBERLAND RIVER FROM NASHVILLE, TENN., TO THE CINCINNATI SOUTHERN RAILROAD IN KENTUCKY.

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., February 26, 1884.

GENERAL: I have the honor to submit the following report on the survey of the Cumberland River from Nashville, Tenn., to the Cincinnati Southern Railroad, Kentucky, made in compliance with your instructions of April 24, 1883, as follows:

"To make such survey and report as to the cost of placing locks and dams on the Cumberland River from Nashville, Tenn., to the Cincinnati Southern Railroad in Kentucky, as, in the opinion of the Secretary of War, is necessary to complete the examination and report of said river; said report to be—

"First. As to the practicability of the work.

"Second. Its probable cost from Nashville to the Kentucky line.

"Third. The cost from the Kentucky line to the Cincinnati Southern Railroad.

"Fourth. The cost of locking and damming so as to improve Smith's Shoals."

The survey was begun at Point Burnside, the crossing of the Cincinnati Southern Railroad, on the 15th of July last, and was extended to Nashville, a distance of 328 miles, and embraced a continuous line of levels and transit line with cross-sections, and soundings at the shoals and proposed lock-sites.

The field-work of the survey was completed on the 1st of November last, and it was intended that the maps also should be completed before the end of November, but it was found impracticable to do so, and they were not completed until last week.

A survey of Smith's Shoals had already been made and reported upon (Senate Ex. Doc., No. 132, Forty-seventh Congress, first session), so that nothing further was needed in that respect to furnish the information called for in the letter of instructions.

It was found by the survey that the entire fall between Point Burnside and Nashville is 223 feet, or about 8 inches per mile, and that the general slope is quite uniform.

The banks are sufficiently high in most cases to prevent overflow, and the river bed is generally rock, which would give secure foundation for the proposed locks.

This river has heretofore been improved by means of wing-dams and channel excavations, with a view to securing an increased depth of channel at medium stages of the river, but without attempting to secure a navigable depth at extreme low water, and while greatly facilitating navigation, it is evident that such a system of improvement is but a partial removal of the difficulty. It is quite likely that if the stages of the river could be known in advance, so that steamboats could take full advantage of all navigable boating-tides during the year, all the commerce of the Cumberland River could be carried on without a more radical system of improvement, but there would be several months of low water, when all navigation would be suspended. Boats drawing from 24 to 30 inches can, in some seasons, run eight months during the year.

The following table shows the average number of days per annum in the five years from 1876 to 1880, inclusive, when the river at Nashville stood at different levels on the gauge:

	Feet.
For 188 days the river was above	5
For 128 days the river was above	10
For 65 days the river was above	15
For 39 days the river was above	20
For 27 days the river was above	25

One trouble in taking advantage of boating-tides is that many of them are of such short duration that boats would not have time to make the entire trip without danger of getting caught on the way, which would entail great expense, delay, and liability to damage perishable articles of freight.

The proposed system of improvement by locks and dams will require twenty-three locks with lifts, varying from 6.5 to 11.8 feet at low water, with side walls sufficiently high in each location to permit boats to pass the locks until the water is high enough to allow them to pass over the dams. As it will require from 20 to 25 feet rise to enable boats to pass over the dams safely, it will be seen from the foregoing table that on an average the locks will be used about eleven months in the year, and during one month the boats will have to pass over the dams.

It is proposed to build the locks of solid masonry and found them upon the rock. They should be about 60 feet wide and 250 feet between miter sills, though perhaps smaller dimensions would answer the purpose.

There will be a dam required at each lock from 250 to 500 feet long, and these should be made of stone and timber with secure foundations. Each dam will back the water to the next lock above, a distance of from 8 to 19 miles, and give a depth of 5 feet on the lower miter sill.

The questions suggested in the letter of instructions may be answered as follows, taking them in their order:

1. There is no doubt as to the practicability of the work. A very similar, but more difficult work, on account of bad foundations, has been successfully tested on the Kentucky River, below Frankfort.

2. The probable cost from Nashville to the Kentucky line, as estimated by Mr. Turrill, is	$1,987,536
3. The probable cost from Kentucky line to the Cincinnati Southern Railroad he estimates at	1,215,386
Making a total of	3,202,922
4. The cost of locking and damming Smith's Shoals, as estimated in my report of February 15, 1882, is	877,000
Which, added to the foregoing, makes	4,077,922
The cost of operating the thirty locks, including seven at Smith's Shoals, will be about $1,200 per annum each, or $36,000, which, capitalized at 3 per cent., makes	1,200,000
Making the entire expenditure involved in the project	5,277,922

The prices, per unit of quantity, given in Mr. Turrill's estimate, are generally much lower than could probably be realized in conducting such work, especially when we consider that it is scattered along 328 miles of river subject to sudden and heavy freshets, and that the annual appropriations for such works are generally scattered over eight or ten years of time.

If undertaken, the work should be begun at Nashville and extended up the river so that the improvement can be utilized as fast as it is completed. This will benefit commerce, even on the upper river, more than to begin at two or more places, because the upper end of the improved river will always be the base from which boats can safely undertake hasty trips to the upper waters of the Cumberland and its tributaries on short tides in summer. Any attempt to improve intermediate sections would not only add greatly to the cost of the work but would delay its completion, and the detached locks and dams would be of no use until connected with the completed work below.

As to whether this "improvement is proper to be made," it may be remarked that some more radical improvement of the Cumberland is evidently demanded by the interests of commerce; and if the necessary depth of water can not be obtained without locks and dams, the expenditure of $5,000,000 for building them may be justified. But before deciding this point it is proper to inquire whether the same amount of money, or even a much smaller sum, may not provide a sufficient depth of water for all commercial purposes. It must also be borne in mind that the system of locks, even if completed in the most substantial manner, would not be an unmixed blessing, since they would at all times cause some delay, and accidents might occasionally stop navigation altogether for several days at a time; but at all times when the river is above say fifteen feet at Nashville navigation would be better without locks than with them.

When the river at Nashville is above ten feet, or about four months in each year, there is probably sufficient water for all purposes of navigation, so that the locks may be considered as desirable only eight months in the year, or two-thirds of the time, while during the other third they would not only cause delay and expense for working, but would be practically unnecessary. As the average fall is only eight inches per mile, there would be no trouble about rapid currents if the slope could be made tolerably uniform, and the important question would be to get a sufficient depth of water. To determine whether this is practicable the low-water discharge of the river was measured at three points, with the following results, namely:

1. Above the Kentucky and Tennessee State line, 850 cubic feet per second.
2. Above the mouth of Caney Fork, 1,100 cubic feet per second.
3. Near Nashville, 1,325 cubic feet per second.

By computation it is found that if the river at low water were confined in a channel eighty feet wide at bottom and with side slopes of forty-five degrees at the shoal places, and the slope regulated by jetties or wing-dams, these quantities of water will be sufficient to give a depth of five feet, six feet, and seven feet at the points just mentioned.

In other words, there will be plenty of water if the width and slope are properly regulated, and this can be done by a suitable arrangement of brush and stone dams so disposed as to narrow the channel at low water and cause the gravel to scour to the proper depth at the shoals and form deposits in the deep places, where it will not only be out of the way but will assist in backing the water upon the shoal places.

To those not familiar with the subject it might appear that this would simply be a continuation of the improvement on the present plan, and to a certain extent it would be; but it should be remembered that the existing project has cost only $277,000 for the entire improvement from Nashville to the head of Smith's Shoals, or less than one-nineteenth of what it is now proposed to apply to the same portion of the river.

In order to compare the lock and dam system with the jetty system, which, by the way, is something like the original problem of improving the mouth of the Mississippi River minus most of its difficult and experimental features, Mr. Turrill was directed to make an estimate of the cost of improving the worst, or most difficult, and the most favorable sections of the river by jetties, with the following result:

Worst section: With locks, $180,951; without locks, $268,700.

Best section: With locks, $168,008; without locks, $121,300.

The cost with locks includes the cost of operating, capitalized as in the general estimate, and the figures show that in the worst section the locks would be about $88,000 cheaper, while in the best section they would cost $46,700 more than the jetties.

It should also be taken into account that the building of jetties will not interfere at any time with the free navigation of the river, while the dams can not be built without entirely stopping navigation for longer or shorter periods, according to the stage of water, floods, weather, appropriations, and other circumstances under which they are built.

In some cases it will evidently be better to build locks, while in others jetties will be more advantageous.

I would, therefore, respectfully recommend that if this improvement is undertaken by Congress the following provisions be made:

1. That the appropriation be made without geographical limit other than that it shall be applied to the "improvement of the Cumberland River above Nashville."

2. That, in order to conduct the work on business principles, the first appropriation should be enough to complete at least three locks and dams next above Nashville, say $400,000.

3. That the law shall simply specify the depth of navigable channel to be secured, leaving it to the Secretary of War to adopt the plan of improvement best adapted to the physical conditions of each section of the river. A depth of four feet, at ordinary low water, say eleven months in a year, would probably be sufficient for all purposes of navigation.

Mr. Turrill's report, giving details of the survey, estimates, and commercial statistics, is appended hereto. The maps will be forwarded when copied.

Respectfully submitted.

W. R. KING, *Major of Engineers.*

CHIEF OF ENGINEERS, *United States Army.*

Mr. Chairman, there is hardly an element of wealth found on any other river of this continent that is not found in the valley of the Cumberland River. The finest coal for domestic purposes in the country is there in abundance. If this improvement is made, coal can be delivered along the Cumberland to Nashville at less than 10 cents a bushel.

I have already mentioned the fertility of this valley. It will produce two crops of potatoes a year, and yet there are hundreds of miles where none of this crop can be sent abroad, for the reason that at the season for their sale there is no transportation. There is such a combination of agricultural capabilities in this valley as is not found in any other region I have ever seen. In Sumner and Wilson Counties there is a combination of blue-grass and cotton lands. In a radius of ten miles cotton may be found, cotton of a fine quality; pastures upon which have been produced some of the finest horses that have ever marked the American continent and finest cattle of the land; potatoes that find a ready sale in every market, both for seed and for the table, and growing two crops a year from the same land; corn, wheat, oats, and the grasses in the greatest abundance; and fruits and vegetables in the greatest luxuriance. All along the valley a population as industrious, intelligent, and honest as any in the world is found. They need only permanent transportation such as this amendment—this river improvement—contemplates to make their region second to no part of the great Mississippi Valley in thrift and wealth.

Sir, in support of what I say concerning the resources and products of this section I quote the following from the report of Captain Turrill, who made the survey. While it does not enumerate all the elements of wealth or give the full capacity of the country, it will shed some light on it:

RESOURCES OF THE UPPER CUMBERLAND.

The population of that portion of Kentucky and Tennessee drained by the Cumberland above Nashville is about 500,000. The resources of that portion of the valley above Burnside, Ky., have been described by Lieutenant Marshall, Corps of Engineers, Capt. W. C. Crozer, and others, in their reports of surveys in that vicinity. The development of that particular region would be greatly assisted by the improvement here recommended. After passing Smith's Shoals coal could be towed cheaply at all seasons of the river to Nashville and neighboring cities, where manufactures are on the increase.

Coal was formerly mined on the South Fork and taken down in barges, but of late years they have been unable to compete with other coal on account of uncertainty of transportation. This coal is said to possess fine coking qualities.

The coal mines at Poplar Mountain, Wayne County, Kentucky, were once profitably worked, the coal being brought six miles on a railroad to the river and carried down in barges by a towboat. The mines have not been worked for several years, though the supply is said to be abundant. Extensive deposits of coal also exist near the head of navigation of Obey's River.

Coil oil is frequently found on the banks of the Cumberland in Wayne, Clinton, and Cumberland Counties, Kentucky, and near the river in Putnam, Jackson, Overton, and Clay Counties, Tennessee. Experts give it as their opinion that this oil-field has a bright future, and only awaits cheap transportation. Timber of valuable quality is found in large quantities, principally oak, poplar, hickory, and walnut. Last year about 1,700 rafts were brought down to Nashville and some carried to the mouth of the Cumberland. These rafts sold for at least $500,000.

The river valley is generally well cultivated, and soil adapted to raising corn, wheat, rye, barley, tobacco, and other farm and garden products. There are grist-mills of large capacity at Mill Springs, Monticello, Burksville, Celina, and Hartsville, and large saw-mills at Burksville and Celina. In the thirteen counties through which the Cumberland passes from Burnside to Nashville there are about one hundred small grist and saw mills.

Twenty-five thousand bushels of coal were brought over Smith's Shoals last winter and sold at small towns lower down the river, none being brought lower than Carthage, Tenn.

An estimate of the business done by steamers during the season of 1882-'83, given in my report of operations during the last fiscal year, is as follows:

Articles carried (above Nashville).

	Approximate value.
Corn, 1,600,000 bushels	$800,000
Wheat, 300,000 bushels	300,000
Tobacco, 6,000 hogsheads	850,000
Potatoes, 35,000 barrels	50,000
Eggs, 80,000 dozen	1,000
Hogs, 5,000 head	60,000
Cattle, 2,400 head	60,000
Lumber, 1,000,000 feet, B. M. (sawed)	2,000,000

Miscellaneous freight, 2,500 tons.

Passengers carried, 20,000.

With reliable navigation, secured by locks and dams, the business would in ten years probably be four times as much per year.

This improvement is very much desired by those living along the river, if it is shown to be practicable. Sufficient money ought to be available in one season to push the work and not delay navigation. About six months of each year's work could be prosecuted above Nashville in the river channels, as no boats could run during that time.

In view of the possibility of some railroad company desiring to cross the Upper Cumberland in a few years, or sooner, those interested in navigation here very much desire that the control of the War Department over bridges on the Ohio and Mississippi be extended to this river.

Profile and maps will be forwarded to you as soon as finished.

Very respectfully, your obedient servant,

C. A. TURRILL, *Assistant Engineer.*

This, Mr. Chairman, is no mere creek in importance. It is a river which fills every requirement of the Constitution in that importance and magnitude which are required for Government aid. It has been recognized for years, and has been appropriated for ever since I have been in Congress. I have also succeeded in getting appropriations for its tributaries, the Caney Fork and Obey's Rivers, the former of which is not only appropriated for in this bill, but an additional survey therefor ordered. They possess the same geological formations and general topography and yield the same rich products found in such luxuriance in the valley of the main stream.

On the waters of Obey's River, in Clay and Overton Counties, has recently been discovered lithograph stone which is said to be equal to any in the world. This improvement would bring it to the markets of the world and save the large importations of that indispensable material. In addition to these things magnificent forests of the best timber cover all the Upper Cumberland region. The counties of Wilson, Sumner, Trousdale, Macon, Smith, De Kalb, Jackson, Clay, Putnam, Overton, Pickett, Fentress, Davidson, and all the valley in Kentucky would be vastly benefited by the improvement.

Sir, there are many other things that might be said in support of this appropriation, but my time being exhausted I will have to desist. I trust the amendment will be adopted, and the improvement of the Cumberland River by locks and dams, as recommended by the engineer in his last report, will be begun.

[Here the hammer fell.]

Rivers and Harbors.

SPEECH

OF

HON. JOHN D. WHITE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. WHITE, of Kentucky, said:

Mr. CHAIRMAN: We see the Democratic party to-day advocating a Republican measure. I desire to read, not so much for the information of gentlemen who know it already as by way of refreshing their memories, what the Republican party said in its national platform in 1880:

We esteem it the duty of Congress to develop and improve our water courses and harbors, but insist that further subsidies to private persons or corporations must cease.

I need not refer to the fact that the candidate of the Republican party in his letter of acceptance indorsed that doctrine and elaborated upon it. In the ten minutes which is allowed me I must hasten with my remarks.

I desire to have the Democratic party understand that this is Republican doctrine, which has come down to us through such men as Henry Clay and his followers. It is old Whig doctrine, handed down to us, their legitimate heirs. It is the doctrine of the Republican party, and never until this Congress has it been a part of the Democratic programme. I am glad to welcome gentlemen on that side of the House on this issue. I avail myself of this opportunity to say that I stand on the broad doctrine of the Constitution, that Congress shall have power to regulate commerce among the several States, backed up by the further clause that "the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof."

I desire to call attention of gentlemen of this committee to the fact that the navigable streams of the country are national streams, and presumably bear upon their waters general commerce.

Mr. GEORGE D. WISE. Allow me to ask a question.

Mr. WHITE, of Kentucky. I decline to yield; I have only ten minutes.

Mr. GEORGE D. WISE. I want you to tell me——

Mr. WHITE, of Kentucky. I decline to yield. All this talk about national improvements and all this demagogism about local improvements vanishes in view of the decisions of the Supreme Court of the United States. We are this day confronted with this question, whether with the $7,000,000,000 invested in railroads the National Government will compel those railroads to do justice between the people in the several States who must use them? If the nation is to compel the railroads to do so, how will it do it—by an empty law, or by improving the natural highways so that the commerce of the nation shall travel on the natural water ways of the country so cheaply that these artificial carriers will be compelled to come to the rates and fares, especially the freight rates, of the cheap water ways?

It is clear to this committee, without any explanation on my part, that I am for liberal appropriations for rivers and harbors; not that I indorse this bill in all its particulars, but the general idea on which the bill is based, namely, that it is the duty of Congress to regulate commerce among the States; that it is the duty of Congress to take these railroad kings by the throat, not by means of a law, but by appropriating the people's money to improve the natural highways of the people's commerce.

I go further, however, and say that the navigation of the Mississippi River, so liberally appropriated for in this bill, is the least defensible of all the items enumerated in the bill. In the first place, there is no commerce on the Mississippi River which, without any appropriation, the bosom of that river can not abundantly carry. In the second place, the appropriations nominally for the improvement of the navigation of that river are really, I fear, for the improvement of private property.

Mr. BLANCHARD. Will the gentleman yield to me for a moment?

Mr. WHITE, of Kentucky. I do not yield; I can not in the ten minutes allowed me.

I observed the remarks of the chairman of the committee [Mr. WILLIS] reporting this bill as he glided over the question of the constitutionality of appropriations of this character. I want the Democratic party under his leadership, or any other leadership on this floor, to go squarely before the American people and answer these questions: "Are you in favor of this bill simply because you feel that there has been a pressure brought to bear on members on all sides of this House in its favor?" "Are you for this bill simply because you believe there is a log-rolling scheme here which can put it through, as the President accused the last Congress of doing?" "Are you for this bill on any such ground as that?" Do you believe that the doctrine of the President, enunciated in his veto message of the first river and harbor bill of the Forty-seventh Congress, can be defended before the country? If you do, then I want you to understand that every vote that you give for this bill is as indefensible as any vote that was given for the bill of the first session of the Forty-seventh Congress.

I plant myself squarely on this position, that the American people believe it to be a constitutional duty on our part to appropriate money to improve the rivers of this country, because that is the only way in which you can regulate commerce among the States. The distinguished gentleman from Texas [Mr. REAGAN] has for years been attempting to get Congress to regulate commerce among the States by legislation. That is a utopian idea—utterly impracticable.

This is the only way in which to do it, by improving nature's highways. Does the distinguished gentleman who is chairman of the Committee on Rivers and Harbors, when he glides over with a mere wave of his hand the constitutional question upon a matter which your side of the House and your party from the days of Jackson down to the present have declared unconstitutional—does he mean to dodge that issue?

And this bill is going to pass. Does your side mean to say that the Democratic party has abandoned its old position of State rights and internal improvement by the States; and is the country to understand that you have gone over to the Republican doctrine which we inherited from the old Whigs, to wit, that the Congress of the United States, as in former days it built a turnpike road and a light-house, can at this period of our national greatness improve every water way in this country? Where are you going to draw the line now? If the Mississippi River is an important national water way, are you going to improve its navigation and leave out the Ohio because the Ohio lies for the most part within the State of Kentucky? Or will you refuse to appropriate any money to improve the Kentucky or the Licking River simply because they lie wholly within the State of Kentucky?

Sir, there is no half-way ground on this question. Every navigable stream within the United States is a national stream and should be free to general commerce. The American people expect and demand that Congress will make adequate appropriations to improve our water courses and harbors.

Improvement of the Mississippi River.

SPEECH

OF

HON. JOHN J. O'NEILL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 11, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. O'NEILL, of Missouri, said:

Mr. CHAIRMAN: I submit the following amendment:

Strike out, in line 779, "$520,000" and insert "$1,000,000."

Mr. Chairman, in asking this House to increase the appropriation for the improvement of the Mississippi River between Saint Louis and Cairo to $1,000,000 I am carrying out the desire of the engineers in charge of the work, who believe that this amount can be used to advantage during this year and who have recommended such an appropriation. I earnestly appeal to members for their attention, as I find a disposition prevailing to reject all amendments, no matter how meritorious or how necessary, and to pass this bill just as it has been reported from the committee; a disposition arising, I am certain, from the fear of the possible defeat of an excessive bill. They should, however, bear in mind that it is not the amount but the incorporation of improper features that brings river and harbor bills into disrepute.

The injudicious appropriation of money for unworthy objects by the last Congress brought a similar bill under general condemnation, of which fact our committee appears to have been conscious, for I see that all creeks and bogus rivers have been carefully eliminated from this bill. While this is commendable from an economic standpoint, are we not committing a greater wrong by going to the other extreme in refusing to make sufficient appropriations to insure the speedy completion of river improvements now fairly inaugurated, and the early completion of which will afford such great benefits to our commercial interests in the saving of vast sums of money to our producers?

If this House were fully conscious of this and knew that the system which had been inaugurated is no longer an experiment, but has been

demonstrated to be the true method for affording relief and had in every instance resulted in permanently deepening the channel, in removing shoals and bars, and in preventing caving banks, thereby affording every guarantee for an unvexed deep-water way to the sea, I feel confident that a more liberal spirit would prevail and larger appropriations would be given, so that this work can be speedily completed, and that within a few years our people may be able to enjoy the benefits and blessings that will arise from it.

The commerce of the valley of the Mississippi River and its navigable tributaries, embracing over one and a half million square miles and comprising nearly 30,000,000 of our people, demands in the way of cheap transportation immediate relief to permit successful competition with the products of India, Russia, and South America in foreign markets.

The countries of Europe which do not produce sufficient wheat for home consumption are compelled to import 356,000,000 bushels. The countries of supply yield for export as follows:

	Bushels.
Russia	74,000,000
Other European countries	36,000,000
India	30,000,000
Other countries	47,000,000
Total	187,000,000

Leaving for the United States to supply 169,000,000 bushels.

Of corn, the countries importing require about 125,000,000 bushels, while those exporting supply only 56,000,000 bushels; leaving 69,000,000 to be supplied by the United States.

The production of grain in the Mississippi Valley in excess of the demands for home consumption has increased marvelously—the shipments from Saint Louis alone to New Orleans having increased from 300,000 bushels in 1871 to nearly 12,000,000 bushels in 1883.

The cost of shipping grain by river in 1883 during the months of January and February, when navigation was almost suspended, was 25 cents per bushel, while in May and June, when there was ample water in the channel, the cost fell to 16½ cents per bushel. The Mississippi Valley Transportation Company have barges that can carry 56,000 bushels and make the trip to New Orleans in six and a half days with a nine-foot stage of water, while with a five-foot stage they can only carry 20,000 bushels, and the trip requires about nineteen days. It is estimated that it costs 6 cents per bushel more to transport grain during low water, and that the rate of freight from Saint Louis to New Orleans could be reduced to 4 cents per bushel provided a stage of nine feet of water could be maintained in the river.

If we realize the enormous tribute that is annually levied on our producers in the cost of transportation, we can not but appreciate the importance of improving our rivers and cheapening the cost of sending our grain to the sea, especially in view of the fact that we must compete against India, where labor commands but 11 cents a day and which last year produced 270,000,000 bushels of grain.

The next question to consider is the feasibility of improving the river so as to furnish a permanent deep-water channel to the Gulf, and I realize that many members are still under the impression that the work is experimental, that no permanent good results can be accomplished, and that all moneys so expended are squandered. If they vote for this bill it will be owing more to the presence in this bill of appropriations to be used in their own districts than from a belief in the efficacy of river improvement. To such members I desire to submit a brief sketch of what has been thus far accomplished in that direction.

On the Upper Mississippi work has been carried on only at those points where navigation was most impeded, and has afforded substantial relief. The select committee from the Senate which visited the various points in the river reported the following increase in depth of channel at low water: From Saint Paul to Saint Croix River, formerly 15 inches, now 4½ feet; North Saint Croix River to Chippewa River, formerly 30 inches, now 6 to 9 feet. Bar one hundred and twenty miles below Saint Paul, formerly 30 inches, now 6 feet. Bar above Winona, formerly 32 inches, now 6 feet. A long list of successful treatment of many bars, sloughs, and crossings gives ample evidence that the money appropriated has been wisely expended.

Between Saint Louis and Cairo the work has been principally below the city, and so far only extends to Bushburg, twenty-six miles below the city, it being the policy of the commission to make the work continuous. The uniting of Arsenal Island with the Illinois shore has resulted in permanently deepening the channel sufficiently for all needs of navigation. At Horsetail Bar, a few miles below Saint Louis, the channel was formerly narrow and tortuous, with a depth of but 3½ feet in low water; it is now direct and wide, with a depth of 8½ feet at low water.

The works below Cairo consist in seeking to increase the navigable depth at low water by narrowing the width at that stage to about 3,000 feet, it being found that where this width is exceeded bad navigation as a rule exists. Recourse is had to light, permeable structures erected in the river bed and designed, by checking the velocity of the current, to induce deposits of sediment on those portions which it is proposed to reclaim from the river.

By this action it is expected that these deposits will ultimately be raised to the level of the normal banks. When this is done the river will have a nearly uniform width, and the tendency to form shoals in the wide places will be done away with, and at the same time the concentrated flow thus set up will scour down the bed, remove the shoals, and ultimately lower the flood-line.

To prevent the constant bank erosion now going on, both the old banks and the new ones, where exposed to this action, are protected by brush mattresses below the low-water line, and above that point by brush or stone or the natural vegetation.

The principle of contracting the water way to secure increased depth is in no sense experimental, but has been successfully carried out on many streams in this country and abroad.

The special methods proposed have also passed beyond the experimental stage; they have received practical tests at various points on the Mississippi and Missouri Rivers, and recent work done by the commission shows their correctness. They are only applicable to silt-bearing streams.

There has been ample testimony furnished this House of the success of the works at Plum Point and Providence reach, and it is not necessary for me to pursue the subject further.

With such indisputable proofs I trust no further doubts remain as to the beneficial results of this work. It only remains to provide ample means to insure the speedy completion of the entire work. The engineers in charge of the work estimate that it will cost ten or twelve million dollars and require ten years to complete the work from Saint Louis to Cairo. Will not your reduction of the estimates necessarily prolong the time for its completion and almost hopelessly defer the hopes of those who now appeal for relief? Would it not be far wiser to increase the appropriations and provide for a division of the work by doubling or trebling the plants and starting the work at new points? The ultimate cost would not be greater, and the benefits would be soon experienced, for while the improvement of other portions of the river may be completed, no great relief can be experienced, as boats can only load to the depth of water afforded by the shoalest bar.

With the earnest hope that a broad and liberal spirit will animate this House in dealing with this question of such vital importance to our commercial welfare, I submit the amendment and hope for its adoption.

Public Building at Pittsburgh, Pa.

SPEECH

OF

HON. ALBERT S. WILLIS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 10, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.—

Mr. WILLIS said:

Mr. CHAIRMAN: I respectfully ask the attention of the House for a few minutes. I am in favor of this building at Pittsburgh. I have been in favor of all the public buildings reported by this committee. I regret time does not permit me to show the reason therefor. I will later in the day show why I am in favor of these appropriations.

I have for three years conscientiously and faithfully, I hope, examined this question, and I am prepared to show by the official reports that the amount of rental paid by this Government would more than justify ten times the amount appropriated in these bills. But I have not time at present to refer to those considerations.

I desire to say, with the consent of the gentleman in charge of this bill [Mr. HOPKINS] and with the consent of the Committee on Public Buildings and Grounds—and without their consent I would not do it—I propose to amend this bill by inserting the city of Louisville on the same footing, asking no appropriation, but simply extending the limit of appropriation. If the committee will hear me for three minutes I will state the reason why. The Louisville bill three years ago was the first bill reported by the Committee on Public Buildings and Grounds. At that time the committee had not adopted the clause requiring plans and contracts to be made out in advance. It was not therefore a question of importance what the amount was. The committee recognized the national importance of this improvement, and declared a public building should be located at Louisville, with a population of 175,000 people, but when the architect was asked he declined to make out the plans, because he said on the present limit as a public officer he would not be discharging his duty if he made out plans in accordance with the amount fixed by the former act. Therefore he asked Congress should direct him before he proceeded further with this building. Not a lick of work has been done. The site has been purchased, but the plans have not been made out for the reason I have indicated.

Mr. Chairman, I have taken every city in the United States; I have prepared in one column their population; in another column I have given the amount of public business transacted at those places, confining it to internal revenue, customs, and the postal service; in a fourth column I have given the amount expended by the Government heretofore, and in a fifth column by the rule of three I have made a calculation of what the city of Louisville would be entitled to provided she received a public building corresponding to the average allowed for public buildings in one hundred and four cities in the United States where public buildings are located. I desire to state to this committee the result of that examination. I have asked a number of gentlemen to state the result, and some have said $1,000,000 and some $2,000,000. I say to this committee, not upon guess but upon the record, the official records of this country, if the city of Louisville were given a public building precisely as the city of Pittsburgh is entitled to it, they would have a public building equal in value to $162,310,000. If that be the average, and I state it upon cold calculation, certainly the amount we ask here is not too much.

Introductory Statements and Remarks in Advocacy of the Passage of Bills to Reduce, Fix, and Establish Passenger and Freight Fares on the Union Pacific and Central Pacific Railroads.

SPEECH

OF

HON. CHARLES A. SUMNER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1884.

The House having under consideration the bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864—

Mr. SUMNER, of California, said:

Mr. SPEAKER: My friend the honorable gentleman from Nevada, chairman of the Committee on Pacific Railroads [Mr. CASSIDY], has informed me with great emphasis during the progress of this debate that if it is desirable that such bills as I have introduced, cutting down the passenger and freight fares of the Union and Central Pacific Railroads, should pass, the bill now under first consideration, reported by the majority of his committee, should be defeated, and a bill which he and others of the minority have recommended—prescribing method and dates for repayment of the bonded indebtedness of these Pacific roads to the United States—should be favorably acted upon by this House. He declares that the bill presented by the majority of the committee can not for reasons stated pass the Senate, and that its consideration and passage here will prove a waste of time and energy. I understand him to concede that such legislation as I have proposed should be had; and when asked by my honored colleague [Mr. BUDD] as to why he had not reported my bills from his committee before this day, he makes no objection to them, but asserts that the time of the committee has been so occupied by the deliberations upon the bond-debt measure and other matters that it was impossible to duly examine and discuss and deliver here the legislative propositions referred to.

When the question is repeated, and the chairman of the Pacific Railroads Committee is hard pressed by my faithful and tenacious colleague for a direct and satisfactory reply, the distinguished gentleman from Nevada seems to be irritated by the reiteration, then saying, as I understood him, that the immediately pending subject of legislation, to wit, the subject of amendment to the Thurman act, had precedence in introduction and reference. In this statement I am confident he is mistaken. It is true that my passenger-fare bill, which was introduced on the first bill day of this session, through the interposing of the gentleman from Texas [Mr. REAGAN], was misdirected to the Committee on Commerce. It was rereferred some time in the month of February following, finally going where it belonged. But my bill providing for the reduction of freight fares on the Pacific railroads was sent direct to the proper committee, January 7, 1884, ten days before the bill to amend the Thurman act was introduced. And attention was first paid to my propositions by the Pacific Railroad Committee's hearing, in opposition, the attorneys for the Pacific railroads, extending through many hours, and by a comparatively brief audience vouchsafed to myself. So that, by priority of presentation and argument, if for no other reason, we should now have before this House from this committee a report of some kind with respect to the bills that provide for reducing the passenger and freight fares on the one continuous line of railway chartered and endowed by the acts of July 1, 1862, and July 2, 1864.

There can be no question in the mind of any intelligent, reflecting, and disinterested citizen but that bills of the nature last referred to have, on grounds of right and justice, and immediate necessity and popular wish as well, to say nothing of the order in which they are on the record here—which has been erroneously stated—precedence and prominence for a due and favorable regard by legislators at this first session of the Forty-eighth Congress.

I agree with my friend from Nevada that under the circumstances which he narrates, if they be as stated, it seems altogether improbable that this bill—reported here by the majority—in behalf of which there is a parade of anti-monopoly sentiment, which to say the least would have infinitely greater application in support of the character of measures to which I have alluded and to which I have claimed a preference in time and toil of consideration—I say that I agree with my friend in believing that it is unlikely that this majority bill will ever pass the Senate; but I go further, and deny that it is of instant importance that this subject of proposed amendment should be treated; and for my part I can not but view both these bills—speaking with the greatest personal respect for the members of the Pacific Railroads Committee—as obstacles in the path of the legislation that is most wisely desired and most imperatively demanded by the people of the Pacific States and the inhabitants of the country everywhere who are equally well informed with us of California as to the ways and workings of the railroad monopoly management.

Mr. Speaker, it is probable that there are very few members of this House who can not recollect the time when the "Great American Desert" was the popular Peter Parley's Geography name and designation of that portion of the continent lying between the Rocky Mountains and the Sierra Nevada range, and in fact embracing a portion of the territory we now know to be covered with the verdure and the forests of the mountain slopes—all that section bounded on the north and south, respectively, by the forty-second and thirty-fourth degrees of latitude. In H. S. Tanner's Mammoth Atlas, issued in 1823, and praised in its day for its new information and its general accuracy, the space between the lines of latitude just stated, and from longitude 30° to 40°, was represented by that pale and sickly color which indicates the herbless barrenness of sandy desolation. Yet even then, when California was almost as much of a terra incognita as the interior of Australia—even then we were accustomed to hear the prophecy that at some future day the mountains would be scaled and the belt of waste land would be traversed by the iron horse until "it bathed its feet in the waters of the Pacific." Some of the venturous in this class of predictions put their foretelling upon record, and of this number two or three have acquired a little passing newspaper notoriety by reviving and authenticating their early predictions.

Somewhat by way of contrast stand the objections that were made by a few of our distinguished forefathers and statesmen of the first generation—men who objected to the acceptance of the "extreme portions" of the Northwestern Territory, who would have had them formally "abandoned," and to the purchase of Louisiana, on the ground that people inhabiting those sections, by reason of their comparative greater distance from the Atlantic seaboard and from the national capital, could not be brought into homogeneous relations with the people residing in what were considered the already settled Commonwealths of the Republic.

Such glances are calculated to remind and instruct us with respect to the progress, through quick transportation, in political and social unifying and harmonizing, of peoples dwelling thousands of miles apart on the same continent, but now claiming and boasting loyalty to the same flag and proprietary rights and privileges under the same national governmental institutions.

How has the fulfillment of the prophecy come to pass? To whom are we indebted for it? Is there a false claim in the premises? And is there and has there been a strenuous endeavor to make literally working capital against conscience and right, by assuming that the origin of thought and enterprise in the premises was in the minds of a few monopolizing railroad incorporators? Under any view of the steps which have led up to the great uniting act of construction, have the people, has the Government, acquired or lost rights of superintendence or control with respect to the all-important subject of transcontinental carriage?

I shall try to present a practical answer to these questions; and in this response there may exist substantial and indestructible foundation—at the very bottom of the whole matter—for the demand which the people of California, who are thoroughly enlightened and aroused on the issue, present through me for Congressional action that shall reduce and fix the passenger and freight fares on the Union Pacific, Central Pacific, and Southern Pacific Railroads, which were constructed under the subsidizing acts of 1862 and 1864 and 1871.

No sooner had the discovery of gold in California been announced and the first great tide of immigration poured into the Pacific territory than a formal appeal was started and with ever-increasing volume of signature and argument was continued for the construction of a transcontinental railroad by the General Government. The distinguished statesmen who by a little space had anticipated this appeal gathered a limited audience, and what now seem to us words of stirring import fell upon listless ears. The majority in the great legislative council

here who paid any attention to such words seem to have manifested nothing better in their most complacent mood than the interest of amusement. The recorded conversations of many show that they treated the first open declamation here in behalf of the project as one unworthy of serious or even respectful consideration.

But the pioneers of the far West, especially the members of that splendid "argonaut" immigration of 1849, soon put another face upon the derided enterprise. By their detail of accurate statement with respect to the nature of the country that was to be traversed they dissipated a thousand fabulous stories that had contributed to the belief that the Rocky Mountains and the central basin were "almost impassable" by the iron horse; and so early as 1851 it was definitely known that a route for railroad construction across the Sierra Nevadas by the Feather River Pass was on all accounts entirely practicable. The wonderful yield of the mines in the new State on the western side of the Sierra Nevadas (a production which was long afterward to be referred to by Abraham Lincoln in a special personal message delivered by Mr. Colfax to the people of the Pacific coast as a main element of strength for the saving of the Union) gave a dignity and importance to the demand for the building of the railway across the continent such as could not well be disregarded or set aside. The nation had become possessed of wealth of which it never dreamed when the treaty of Guadalupe Hidalgo was signed; and this treasure land of the Republic it was conceded ought to be and somehow must be secured against the rapacity of foreign or domestic foes.

The antagonism which had grown up in the Democratic party against internal improvements inaugurated or fostered by Government aid was believed by some to be an insurmountable obstacle in the path of the Government action that was so earnestly desired. The instance however, is not on any public record of a Californian declining to sign a petition to Congress for the building of this road on account of scruples with respect to the strict construction of the Constitution.

Leaving out of consideration all social and private business interests—which were by no means insignificant in their bearings or operations with respect to this subject—as a war measure a Pacific railroad act of some sort was justified from every quarter with practical unanimity.

Not only were petitions widely and repeatedly circulated throughout the State of California praying for the passage of a railroad act—most of them asking specifically for the enactment of a law under which the Government would directly undertake the work of transcontinental railway construction—but the Legislature of California gave voice to the universal desire and demand. So early as the 10th of September, 1850, joint resolutions were passed at San José, then the capital of our State, which instructed our Senators and requested our Representatives to urge upon Congress the importance of authorizing as soon as practicable "the construction of a national railroad from the Pacific Ocean to the Missouri River." The succeeding resolution, which called upon the National Government "to facilitate the accomplishment of the great work contemplated in the first resolution" by "the immediate organization of an efficient engineer corps to make complete surveys and exploration of the several routes which have been recommended to public notice as practicable for the line of said road," was promptly responded to by favorable action on the part of the National Legislature.

"Pacific railroad conventions" were held in our State, one of the most important of which I had the pleasure of attending in person. Such men as John Bidwell of Chico, J. B. Crockett of Alameda, James A. McDougall of San Francisco—who subsequently was numbered among the ablest and brightest members of the United States Senate—and General Lander were conspicuous and influential members of the assemblage to which I refer. There and at that time nothing was heard from, or in any way officially known of, the Pacific railroad incorporators (unless an exception should be made here to the honor of Theodore P. Judah) who subsequently reaped such vast pecuniary rewards from engaging in the enterprise of building the continuous line on the central route.

Said our great historian, George Bancroft, in his address of review and congratulation delivered in this Chamber after the close of the civil war, speaking with most apt, plain, and epigrammatic force—incidentally administering fit rebuke to those who would idolize any one of our military chieftains—"The American people was the hero of the war." With far greater and more pungent sentiment would such a man reject and spurn the claim of credit that monopoly masters have had put forth to the benefit of their associates and for the especial exaltation of themselves, and with unmistakable purpose to beat aside any suggestion of legislative action in the manner and path already indicated.

Neither Oakes Ames nor Leland Stanford nor Charles Crocker nor C. P. Huntington nor Jay Gould had anything whatever to do with originating that public sentiment which (before the reign of the Western Union Telegraph Company had been inaugurated, and when it was therefore possible that there should be a true national, undebauched public sentiment on a great public question) brought into existence and unto a final passage and approval Congressional measures designed to secure the construction of the one continuous railway line from the Missouri River to the Pacific Ocean. Yet some of these men, by themselves or by those representing them, stand at the threshold of our legislative halls and cry "All hail!" and "All honor!" for themselves and their predecessors—to create a tide or a tumult destructive of the effect of the very first utterance of appeal on behalf of the people of this country, who, under the express warrant and authority of the chartering and subsidizing statutes, now speak and write their requests and demands to us.

The Democratic national convention which assembled at Baltimore in 1856 reaffirmed the resolutions of the national convention of 1852, and added eleven resolutions, in two series, from which I take the following:

Fifth. *Resolved*, That the Democratic party recognize the great importance, in a political and commercial point of view, of a safe and speedy communication, within our own Territory, between the Atlantic and Pacific coasts of this nation; and it is the duty of the Federal Government to exercise promptly all its constitutional powers for the attainment of that object.

The following is from the Republican national platform of 1856:

Resolved, That a railroad to the Pacific Ocean, by the most central and practicable route, is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction, and, as an auxiliary thereto, the immediate construction of an emigrant route on the line of the railroad.

During the Presidential campaign of 1856, James Buchanan, the Democratic candidate for Chief Executive, wrote a letter to Benjamin F. Washington, of San Francisco, in which he said:

I have received numerous communications from sources in California entitled to high regard in reference to the proposed Pacific railroad. As it would be impossible for me to answer them all, I deem it most proper and respectful to address you a general answer in your official capacity [chairman of Democratic State central committee]. In performing this duty to the citizens of California I act in perfect consistency with the self-imposed restriction contained in my letter accepting the nomination for the Presidency, not to answer interrogations raising new and different issues from those presented by the Cincinnati convention, because that convention has itself adopted a resolution in favor of this great work.

I then desire to state briefly that, concurring with the convention, I am decidedly favorable to the construction of the Pacific Railroad, and I derive the authority to do this, from the constitutional power "to declare war" and the constitutional duty "to repel invasions." In my judgment Congress possesses the same power to make appropriations for the construction of this road, strictly for the purpose of national defense, that they have to erect fortifications at the mouth of the harbor of San Francisco. Indeed, the necessity, with a view to repel foreign invasion from California, is as great in the one case as in the other. Neither will there be danger from the precedent, for it is almost impossible to conceive that any case attended by such extraordinary and unprecedented circumstances can ever again occur in our history.

The direct and positive terms here used by Mr. Buchanan were often the subject of comment when the alleged "inexpediency" of building the road by the direct agency of the Government was brought into official prominence and recommendation by executive messages and convention resolutions.

I read from the national platform of the Breckinridge wing of the Democratic party, adopted in 1860:

Whereas one of the greatest necessities of the day, in a political, commercial, postal, and military point of view, is a speedy communication between the Pacific and Atlantic coasts: Therefore,

Be it resolved, That the Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific railroad from the Mississippi River to the Pacific Ocean, at the earliest practicable moment.

Here is the fourth resolution of the national platform of the Douglas wing of the Democratic party of 1860:

Resolved, That one of the necessities of the age in a military, commercial, and postal point of view is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period.

Here is the Pacific railroad plank of the Republican platform of 1860:

That a railroad to the Pacific Ocean is imperatively demanded by the interest of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction; and that as preliminary thereto a daily over-land mail should be promptly established.

So it came to pass that by a double emphasis of what was known as the "war argument" the Congress of the United States in 1862 passed the original Pacific railroad act. That Congress, then under the control of the Republican party, made a tardy fulfillment of the pledges given by the Democratic and Republican parties in 1856, its action being warranted and compelled by every consideration that could spring out of the possible and the actual exigency of national self-defense.

We have already had to deplore the misfortune—a comprehensive and not uncharitable word at this time—consequent upon the failure of the General Government to retain its hold upon telegraphic facilities for correspondence, so unwisely, with an almost criminal folly, relinquished and turned over to private hands. With a similar sentiment, though I grant you with far less bitterness, we must mourn the fact that when Congress came to the consideration of the construction of the Pacific railway it fell short in action—I must say in duty—of the line of requirement fixed by most of the petitions which during many years had been placed upon its tables. And instead of authorizing and directing the construction of the railway from the Missouri River to the Pacific Ocean in accordance with plans and specifications presented by its own engineers, paying for the work day by day or month by month out of the national Treasury, retaining exclusive ownership and control, it proceeded to incorporate and subsidize a private company, and to admit into a through line partnership with its own direct creation a

corporation organized under the laws of the State of California and designated and known as the Central Pacific Railroad Company.

Private citizens took advantage of the rising and resistless demand for Congressional action with respect to this project, and came here with a request which, alas, was acceded to; and so it is that instead of having a national highway under national proprietorship, we have a transcontinental highway the cost of which was met by the issue of Government bonds and the grant of Government lands, but which is owned and managed by the most soulless and greedy and grasping railroad autocrats and speculators that were ever endowed and enthroned on the face of the earth. And instead of a people's road, constructed under the direction of the people's servants, with the people's money, affording the people means of intercommunication for transportation at reasonable rates, we have a line which for these fifteen years has given to the people and to the world generally the grossest manifestation of oppressive, of grinding and corrupting monopoly.

Of course it was often reiterated when the bill was under discussion in 1862 that the construction of this road, to wit, the building of the one continuous line from the Missouri River to the Pacific Ocean, would save California to the Union. As a war measure, I repeat, the bill was passed and approved. As a matter of fact—as the date of construction demonstrated—it did not "save California to the Union." The people of California themselves determined to remain in the Union, and under the circumstances it was proven that they were competent to maintain that resolution. But the passage of that bill was a war measure, as the term stands justified in the light of subsequent events, but not a war measure in the sense intended by the men in the Congresses of 1862 and 1864 who advocated the passage of the Pacific railroad acts. This is not stated for an idle play upon words, but a most grave and serious and lamentable truth is thus proclaimed. The bills under which this road was constructed have enabled a certain number of men in private life to get into power, where they have made a raid upon the Treasury of the United States and upon the land legacies of the American Government, and a direct, remorseless, and crushing war upon the people of the Pacific coast.

Better that that line of railroad had never been built under the auspices and with the management that history now declares than that we should have the record and the results, elsewhere and here, which we must recite if we go into the detail of the narrative that belongs to this subject.

If the Government had undertaken this enterprise personally, work would have been commenced on this as well as on the California end of the path as early as 1862. But the original bill did not give enough to satisfy the appetite of the incorporators; and the supplementary and amendatory act of 1864, which vastly increased the subsidy and otherwise enhanced the value of the franchise, was enacted under a pressure not from the people generally but from the leading and active men connected with the organizations to which I have referred. And since then, and perchance now, in person or by their attorneys and insolent lobbyists, these men or their assignees have the effrontery to come here and go elsewhere and claim that the American people owe to them—yes, literally owe to them—the beneficent existence of the transcontinental railway from the Missouri River to the Pacific Ocean. And, indeed, if you should hear some of these men talk, or listen to the fulsome eulogies of some of their fawning flunkies, who have been engaged for years in "editing" their newspapers or in corrupting legislators and judges in the interests of these monopolists, you would think that every facility we possess in California in the way of transportation beyond the slow drag of the stage-team and the very limited comfort—limited because of the shortness of our water navigation—of the steamboat, was due to the leading speculators connected with the Union Pacific and the Central Pacific Railroad Companies. Why, Mr. Chairman, these men did not invent steam. A benignant Creator—with reverential awe and gratitude may it be said—"invented" steam. They did not discover the expansive force of the vapor that is set free from the water in the kettle, and that propels with tremendous energy the piston-rod up and down the cylinder. They never invented a locomotive. There is not one among them that has got the mechanical capacity to discover or invent anything above the grade of a fourth-class mouse-trap.

But I can tell you, and it is my business here to tell this House and the country, and it is pertinent to the subjects that this House should consider at this time, what these men have done. They have invented something. They did not obtain the passage of the original Pacific railroad act in the sense of having been first and last instrumental in securing the enactment of a law which would result in the building of a Pacific railroad. The general public sentiment already referred to was the great and the sufficient impetus for the securing of the passage of such a measure. But with respect to the form which that bill took, in some particulars they did exercise a formidable and a most deplorable influence; and with respect to the amendatory law of 1864 they are to be credited with the prevailing if not the exclusive force of appeal and suggestion and inducement. I can tell you what they did, what they have done, what they are doing, what they purpose to do. I can but touch their achievements, but I hope my time will be adequate to sketch the record, and here and there to dwell for a few minutes upon the circumstances of conspiracy and plot.

Some things we can indicate comprehensively and best fasten in the memory of the hearer by contrast. They began by appealing to the Congress of the United States to pass a law giving them a franchise, instead of passing a law which the people desired and expected, to wit, a direct law for governmental construction, ownership, and control. They began by soliciting additional legislation; they now desire no more statutory action; they want to be let alone. For years they and their emissaries and lobbyists of various name and grade stood about these Chambers and sat in committee-rooms and brought appliances of every conceivable corrupt form to bear to procure additional gifts and financial advantages from the General Government. To-day they sit in their offices or in their palaces, or in their seats of palatial luxury elsewhere, and issue their mandates to their subordinates to prevent legislation that shall be in any sense redeeming and reformatory against their methods of unequaled extortion and tyranny as business men. And that there may be no mistake as to what I mean by this and no question as to the truthfulness of my statement or accusation, I send up to the Clerk's desk for reading a letter written by Colin P. Huntington, one of the directors of the Central Pacific Railroad Company—who indeed need not be identified here—dated New York, January 4, 1875.

Will the Clerk please read?

FRIEND COLTON: I have ordered all bills introduced in Congress to be sent to Sanderson, that have any bearing on our interests. Please look them over and give me your views. Many bills no doubt, like Senate bill No. 50, will be introduced that are bad, and the only way to kill them will be in committee.

Yours, truly,

C. P. HUNTINGTON.

I will now ask the Clerk to read Senate bill No. 50, so that there can be immediate, full understanding and no mistake as to the character of measures which, by order of C. P. Huntington and his agents, it was and is the monopoly's purpose to smother in committees in the House of Congress, where it was or is possible to do so by means of corrupt manipulations with weak or wicked committeemen.

A bill (S. 50) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21 of the act to amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864, be amended by adding thereto the following: *Provided, however*, That the neglect of any such company or parties in interest to pay the cost of such survey, selecting, and conveying, as herein provided, and take the patents therefor, shall not prevent the legal title vesting in said company or party in interest, subject to the payment of such costs; and all lands so earned and to which said company or party in interest shall be entitled, in accordance with the provisions of this act, or of the act to which this is amendatory, shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located from the time such company or party in interest shall have been or may be entitled to a conveyance thereof, the same as though no costs or fees had been imposed by the provisions of this section; and upon the sale of any such lands for taxes so assessed which may be found delinquent, the purchaser thereof shall pay to the proper officer all costs due thereon, as herein provided; and thereupon letters-patent shall issue to such company conveying said lands, subject to the legal rights and title of the tax-sale purchaser; and that it shall be the duty of the Commissioner of the General Land Office to prepare and deliver, without delay, patents for all lands applied for by any company as aforesaid where the same are clearly within the grant and free from conflicting claims, and all legal fees and charges have been paid by said company; that if any company shall fail to pay the proper costs or fees required by law, and to select for patent the lands pertaining to its grant within such period as to enable the local authorities to assess said lands, lists of the same shall be furnished to the governor of any State or Territory, upon application to the Commissioner of the General Land Office and payment of the cost of preparing the same; said lists to be duly certified by the Commissioner and approved by the Secretary of the Interior, under seal of their respective offices: *Provided, however*, That nothing in this act shall be construed to relieve any railroad company from the effect of any forfeiture heretofore suffered or incurred.

Mr. Speaker, it will be observed that this is such a bill as we have had under consideration at this session—in effect. Has it been "killed in committee" these nine years last past—this wholesome bill to compel these railroad companies to pay "all legal taxes imposed under authority of any State or Territory" on their located lands? Has it been held nine years—in Congressional committee?

Mr. Chairman, is any listener startled by the statement—or amused by it—that it were better that this transcontinental railway had not been constructed at the time or so early as it was built, than to have had the record and the results which have attended it? Let him give me his indulgent hearing while I outline a portion of this record and the results.

On the Pacific coast and hitherward to the northern borders of the waters of the Great Salt Lake, who did the actual manual work upon the road-bed? The white man? The black man? Members of a race capable of civilization according to our understanding of that term in all its bearings? No. Up to 1862 the number of Chinese in California did not exceed 40,000 all told. And while it is true that the sagacity of our people had already been evinced in taking alarm at the incoming of the Asiatic slaves, their appearance in our midst was comparatively inconsiderable and not such as to provoke widespread and general apprehension. The Central Pacific Railroad Company, instead of employing white men to do the labor of this construction, which was to be paid for presumably by the sale of bonds loaned by the United

States, imported Mongolians by the ship-load. And there along the line of the selected route they sent them forth, paying them the low wages which they were willing to receive, and so directly trebling that class of population on the Pacific coast. Do you say that if it had not been for the Chinese the Central Pacific Railroad would not have been constructed? I beg you to consider my reply: if it had not been for the introduction of the Chinese laborer under the circumstances noted the completion of the transcontinental highway might have been delayed one, two, or perhaps so many as three years; but there would thereby have been avoided great moral and what may be termed industrial evil; by the substitution of white labor there would have been a vast amount of moral and material well-being for our State and for Nevada such as can in contrast and comparison hardly be overestimated.

In this respect the Union Pacific Railroad management has of course a greatly preferable record. Nor can this be denied or qualified because there were attendant upon the pushing out of the iron track and the temporary establishment of new termini—construction and passenger—scenes of turbulence and debauchery which are inseparable from such conditions, and have been so the world over.

If the General Government had directly undertaken and proceeded with this construction there would have been no such great and wholesale importation of Asiatic slaves into this country; but on the contrary California and the other Pacific Commonwealths would have rejoiced long ago in the immigration of a great number of sturdy workmen—of good citizens directly brought into their borders through the call for their services in this great enterprise.

I know that the majority of this House can not, even if individual members would candidly desire to do so, appreciate, as do we of California, the enormity of this evil directly traceable to this source. But I hesitate not to put this down in this place in this sketch. For it will be justified by those who are competent by reason of their immediate observation and experience to judge. And justification for it, and strength absolute in it, will appear more and more in the light of observation. And this is said without casting a shadow of reflection upon those honorable and patient hearers who can not, by reason of their lack of personal observation, seeing, and estimating—as we have seen and judged in California communities—accord a weight that is due in these premises.

But now I come to something about which there can be no difference of opinion nor any hesitation whatsoever under the prompting of a common conscience.

Better that this road had not been constructed for two or three or five years after the date when the rails were actually joined—although as a matter of fact, as already indicated, it would have been built and completed much earlier than it was if the Government had proceeded to construct under direct appropriation and entirely retained ownership—than that the archives of this Republic should hold the testimony of the investigating committees which have, it is confessed, only skimmed the surface by their inquiries as to how and why certain legislative action was had and why other just and equitable propositions were defeated.

A single statement of a single outcome in the way of fact developed carries the whole story with it, both as to presumable operations here and undeniable iniquities elsewhere. The Union Pacific Railroad Company claimed that the cost of construction reached the stupendous figure of $90,000,000. And this for the construction of the line of railway leading from Omaha to Ogden, a distance of a little over 1,000 miles. The Wilson investigating committee, so called, imperfect and halting, and oftentimes far too lenient as its examinations were, drew to light that, of this amount, not less than $40,000,000 was a clear sum of misrepresentation in the market and robbery toward the Government and the people. And that there may be no dispute upon this point, I call your attention to the fact that in his recent argument before the House Committee on Pacific Railroads, of this Congress, John F. Dillon, attorney and counselor at law and representative of the present Union Pacific Railroad administration, virtually admits the stealing.

And right in this connection I might also draw attention to the fact, although it involves perhaps no moral turpitude beyond that which may be said to be sometimes exemplified in what is technically called, in the language of the street, "the sublimity of cheek," right here I might draw attention to the fact that this same John F. Dillon has the transcendent effrontery, while admitting a Credit Mobilier stealing of $40,000,000, to assert that no further reduction can be made from the actual cost price; but that upon the cost price and the expenditures warranted for enumeration by section 18 of the original act, 10 per cent. per annum is not earned and never has been earned by the Union Pacific Railroad Company.

Mr. Speaker, I have been patiently but anxiously awaiting a report from this Pacific Railroad Committee—curious to learn whether they accepted that statement, and really entertained and nursed a belief in an assertion or an "argument" of that kind.

Go back to that original charter act of 1862. Although it was not the act it should have been, it was by no means altogether a statute dictated or prescribed in its phraseology by men representing the original incorporations. The good men of the Congress of 1862—and I hold and have ever held and proclaimed, ay, a thousand times, that the majority of every Congress has been composed of good men—the good men of that Congress had somewhat to say, and conspicuously so, in the text of that bill. And blessings be upon their heads for section 18, which I will now send up to the Clerk's desk and ask to have read to the House.

SEC. 18. *And be it further enacted*, That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered for the United States, after deducting all expenditures, including repairs, and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost, exclusive of the 5 per cent. to be paid to the United States, Congress may reduce the rates of fare thereon if unreasonable in amount, and may fix and establish the same by law. And the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act.

The position which I take is that under this section the Congress of the United States now possesses, and for many years past has possessed, the right to reduce the transportation charges of the Union Pacific and the Central Pacific Railroad Companies. And at this very point—as well as at a later period in my remarks—it should be noted that under the subsequent acts granting subsidies to the Southern Pacific Railroad Companies any reduction made by Congressional act of the kind and character which I advocate must mark the maximum figure for charges on the Southern Pacific as well as on the Union Pacific and Central Pacific Railroads.

At this point I will ask to have read the bills which I have presented to this Congress on this subject.

A bill (H. R. 99) to fix and establish the maximum rates of fares on the Union Pacific and the Central Pacific Railroads.

Whereas the eighteenth section of "An act to aid in the construction of a railroad and a telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1862, provided as follows: "*And be it further enacted*, That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered the United States, after deducting all expenditures, including repairs and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost (meaning its actual cost), exclusive of the percentage to be paid to the United States, Congress may reduce the rates of fare thereon, if unreasonable in amount, and may fix and establish the same by law; and the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, * * * Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act:" Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after forty days from and after the passage and approval of this act the maximum rate of passenger first-class fares on the Union Pacific Railroad and the Central Pacific Railroad, which two railroads constitute the railroad line from the Missouri River to the Pacific Ocean contemplated and provided for under the provisions of the act referred to in the preamble to this act, shall not exceed 3 cents per mile between all stations or depots that are now or may hereafter be established on said roads; and it shall be unlawful to collect any greater sum or amount as a passenger first-class fare for the transportation of any passenger on the Union Pacific Railroad or on the Central Pacific Railroad, between any stations or depots or points on said roads, or either of them, where passengers are allowed to get on or depart from a car devoted in part or entirely to the carrying of persons traveling or desiring to travel as passengers upon said roads, or either of them. And it shall be unlawful for the Union Pacific Railroad Company or the Central Pacific Railroad Company, by officers or agents, or representatives of any title, from and after the date aforesaid, namely, from and after forty days beyond and next succeeding the passage and approval of this act, to charge or collect any greater amount than 2 cents per mile for a passenger second-class fare for the transportation of any passenger between any stations, depots, or points on either of said roads where a passenger is or may be allowed to get on or depart from a car devoted in part or entirely to the carrying of persons traveling or desiring to travel on said roads, or either of them. And it shall be unlawful for the Union Pacific Railroad Company or the Central Pacific Railroad Company, by officers or agents, or representatives of any title, from and after forty days from and after the passage and approval of this act, to charge or collect any greater amount than 1½ cents per mile for a passenger third-class fare for the transportation of any passenger between any stations, depots, or points on said roads where a passenger is or may be allowed to get on or depart from a car devoted in part or entirely to the carrying of persons traveling or desiring to travel as passengers on said roads, or either of them. Fractions of a mile, for the purpose of this act, shall be measured by a standard division of one-third as near as is practicable, and no more than one-third of the amount charged and collected for passenger transportation for one mile on either of the above-mentioned railroads shall be charged and collected for one-third of a mile or less.

SEC. 2. That the Secretary of the Interior is hereby authorized, empowered, and instructed to cause to be prepared, printed, and published within twenty days from and after the passage and approval of this act, a list of the stations or depots along the railroad line of the Union Pacific Railroad Company and the Central Pacific Railroad Company, which railroad line was constructed under the authority and with the aid of subsidies provided in the act referred to in the preamble to this act, with an annexed precise statement of the distances, in miles and fractions of miles, between said stations or depots on said railroad line, together with a statement, conveniently arranged, of the precise distance, in miles and fractions of miles, between each of said stations or depots as are between the termini of said railroad line and the city of Omaha, in the State of Nebraska, and the city of Council Bluffs, in the State of Iowa, and the precise distance, in miles or fractions of miles, between each of said stations or depots on said railroad line and the city of San Francisco and the city of Sacramento, in the State of California, together with a schedule of the maximum limits for first-class and second-class and third-class fares between all stations or depots as hereinbefore mentioned, specifying the same with particularity and in a form convenient for ready reference. In making an estimate for fares all fractions of a mile shall be measured by a standard one-third division, at the rate of one-third of the fare charged or allowed for one mile for each one-third of a mile or less. And the Secretary of the Interior shall, so soon as practicable, serve or cause to be served an engrossed copy of this list and schedule upon the president, secretary, and directors of the Union Pacific Railroad Company, together with a printed copy of this act; and the Secretary of the Interior shall, so soon as practicable, serve or cause to be served an engrossed copy of the list and

schedule so prepared by him as aforesaid upon the president, secretary, and directors of the Central Pacific Railroad Company, together with a printed copy of this act, serving or causing to be served one copy of said list, schedule, and act upon each one of the persons named and included in this enumeration of railroad officers and managers; and the Secretary of the Interior shall offer or cause to be offered a copy of the list, schedule, and act herein mentioned and referred to, as an advertisement, to the publishers of the Daily Republican, a daily paper printed in the city of Washington, District of Columbia; and to the publishers of the Daily New York Tribune, and the publishers of the Daily New York World, and the publishers of the Daily New York Star, daily papers printed in the city of New York, in the State of New York; and to the publishers of the Daily Herald, a daily paper printed in the city of Omaha, in the State of Nebraska; and to the publishers of the Daily Record-Union, a daily paper printed in the city of Sacramento, in the State of California; and to the publishers of the Daily Examiner, and to the publishers of the Daily Bulletin, and to the publishers of the Daily Alta, and to the publishers of the Daily Chronicle, daily papers printed in the city of San Francisco, in the State of California, for publication as an advertisement for the period of three months, or for a longer period, in the discretion of the Secretary of the Interior.

SEC. 3. That forty days from and after the passage and approval of this act it shall be unlawful for the Union Pacific Railroad Company, a corporation incorporated under and by virtue of a law passed by the Congress of the United States, or for the Central Pacific Railroad Company, a corporation incorporated under a law passed by the Legislature of the State of California, but equally with the Union Pacific Railroad Company subject to the control of the Congress of the United States in the matter of the limitation of its fares, so far as its line of road is a part of the line of railroad from the Missouri River to the Pacific Ocean contemplated in the act referred to in the preamble to this act, to charge for passenger transportation upon their respective lines of railroad a greater sum or amount than shall be set down in the schedule of rates for passenger fares prepared, printed, and published by the Secretary of the Interior, or under his direction, as provided in this act, and by him transmitted in engrossed form to the officers and managers of the Union Pacific Railroad Company, and to the officers and managers of the Central Pacific Railroad Company, as directed in section 2 of this act. And every person traveling upon either of said railroad lines as a passenger, or offering himself as a traveler or passenger, or one desirous to become such, on the lines of the railroad companies aforesaid, or either of them, from whom a greater sum or amount than is specified in said schedule shall be demanded and collected or exacted for transportation upon the Union Pacific Railroad or the Central Pacific Railroad aforesaid, or either of them, shall have and possess, and is hereby granted, a right of action for personal and punitive damages against said Union Pacific Railroad or said Central Pacific Railroad Company. Actions to enforce the provisions of this act may be brought in any court of the United States, or in any court of any State or Territory of competent jurisdiction.

SEC. 4. That any person in the employ of either of the railroad companies above named who shall demand and collect or exact a passenger fare on either of said roads in excess of the amount or sum prescribed by the schedule of passenger fares prepared and published by the Secretary of the Interior, as aforesaid, shall be guilty of a misdemeanor, and, upon conviction, shall be punishable for the same by a fine not exceeding $100, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Trial and conviction for such an offense may be had in the district court of the United States for the district where such offense may have been committed or where such person offending may reside.

SEC. 5. That any person who shall tender to any railroad station or depot ticket agent or railroad conductor on the Union Pacific Railroad or on the Central Pacific Railroad, constituting the line from the Missouri River to the Pacific Ocean contemplated in the act referred to in the preamble to this act, a sum or amount for fare or fares between given points, which sum or amount shall reach the limit of the maximum for rates of passenger fare herein prescribed or provided for, and who shall by such agent or conductor be refused a ticket or a passage between said points of the class for which such maximum payment shall have been tendered, shall have and possess, and is hereby granted, a right of action for personal and punitive damages against the company whose officer or agent shall have thus refused a ticket or passage as aforesaid. Jurisdiction for such causes as may arise under the provisions of this section, or under any section of this act, shall belong to and shall be exercised in the district court of the United States for the district where such tender of maximum sum or amount of passenger fare as aforesaid shall have been made and shall have been refused, or where a passage shall have been refused or denied to a person applying for passage and tendering the passage-money as aforesaid, or where the person who shall have been refused a passage at the time of the tender as aforesaid, or refused a ticket entitling him to a passage as aforesaid, shall reside.

A bill (H. R. 1803) to fix and establish the maximum rates of freight fares on the Union Pacific Railroad and Central Pacific Railroad.

Whereas the eighteenth section of an act to aid in the construction of a railroad and a telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 2, 1862, provided as follows: "*And be it further enacted*, That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered the United States, after deducting all expenditures, including repairs and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost [meaning its actual cost], exclusive of the per cent. to be paid to the United States, Congress may reduce the rates of fare thereon [meaning rates of freight fares as well as rates of passenger fares] if unreasonable in amount, and may fix and establish the same by law; and the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act;" and

Whereas section 15 of an act amendatory of the above-entitled act, approved July 2, 1864, provided as follows: "*And be it further enacted*, That the several companies authorized to construct the aforesaid roads [including the Union Pacific Railroad and the Central Pacific Railroad] are hereby required to operate and establish said roads, for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line:" Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after sixty days from and after the passage and approval of this act it shall be unlawful for the Union Pacific Railroad Company or the Central Pacific Railroad Company, by officer, or agent, or servant, or representative of any name, to charge, demand, or receive from any person, company, or corporation, for transportation of property, either by the car-load or otherwise, a greater sum than 70 per cent. of the lowest rates of freight or the lowest prices of carriage of property prescribed and set down in their respective schedules or lists of freight rates or prices of carriage of property existing and in force on the 3d day of December, 1883.

SEC. 2. That it is hereby made the duty of the directors of the Union Pacific Railroad Company and the directors of the Central Pacific Railroad Company, within thirty days from and after the passage and approval of this act, to cause to be prepared and to be printed schedules made out in conformity with the provisions of section 1 of this act, and at least two copies of each of said schedules shall be conspicuously posted up or placed conveniently for reference at every railroad station on their respective roads. The failure or omission of the directors of said railroad companies to act in obedience to the commands of this section shall be construed as the failure and omission of each of said directors, and each and every one of them shall, by such failure or omission, be deemed guilty of a misdemeanor on each day of said failure or omission from and after sixty days from and after the passage and approval of this act, and upon conviction thereof shall be fined not less than $1,000 for every such day's failure or omission, one-half of which sum shall go and belong to the shipper or consignor patronizing said roads, or either of them, or citizen proposing to become a shipper or consignor and to patronize said roads, or either of them, who shall make the affidavit upon which the suit or suits on this cause of action shall have been brought. Each day's failure or omission as aforesaid shall constitute and be held to be a separate cause of action for the suit contemplated and provided for in this section. All district attorneys of the United States are hereby instructed to prosecute suits for the enforcement of this section and the recovery of the penalty attached to the failure or omission herein set forth; but nothing in this section shall be so construed as to in any manner or degree deprive a shipper or consignor, or citizen proposing to become such shipper or consignor, of his right of action for personal and punitive damages by reason of any excessive charges for freight rates, or by reason of refusal to carry or deliver property offered by such shipper or consignor, or citizen proposing to become a shipper or consignor, as a patron of the Union Pacific Railroad Company or the Central Pacific Railroad Company.

SEC. 3. That the railroad corporations known as the Union Pacific Railroad Company and the Central Pacific Railroad Company, operating the railroad line from the Missouri River to the Pacific Ocean contemplated in the act which is entitled in the preamble to this act, shall receive any and all property offered to them, or to any agent or employé, for transportation, and shall make and deliver to the shipper or consignor the usual bill of lading for such property consigned to any consignee, and shall transport all such property over their roads on the continuous line of the railroad from the Missouri River to the Pacific Ocean contemplated in the act entitled in the preamble to this act, at the tariff of rates prescribed in the first section, namely, at a charge of not more than 70 per cent. of the rates of freight or prices of carriage which are prescribed or set down as maximum rates of freight in the schedules of the Union Pacific Railroad Company and the Central Pacific Railroad Company existing and in force on the 3d day of December, 1883, or at a less sum or amount of charges than is permitted or allowed by the first section of this act; and for any failure or refusal by said corporations, or either of them, through any agent or employé or servant, to receive or to transport or to convey such property so offered as aforesaid, the shipper or consignor, or citizen proposing to become a shipper or consignor, shall have a right of action for personal and punitive damages against the corporation whose agent or employé or servant shall have failed or refused to transport such property for the party complaining: *Provided*, That the punitive damages shall not be less than $1,000 in every such case where judgment is given for the plaintiff or complainant: *And provided further*, That the companies named in this act shall not be obliged to take combustible or explosive articles, except under such special rules and regulations as the directors and officers may prescribe. And in the absence of any such schedule as is provided for in section 2 of this act, the plaintiff or complainant shall be allowed, and is hereby authorized, to prove any excess of demand for rates of freight or for prices of carriage by evidence of payments made for transportation or carriage of any particular class or kind of property as freight on said roads, or either of them, similar to the transportation or carriage required by him, which payments shall have been accepted by said railroad company or companies, or either of them, as a full and complete payment of freight rates established and collected under the schedules or lists of the Union Pacific Railroad Company and the Central Pacific Railroad Company, or either of them, existing and in force on the 3d day of December, 1883.

SEC. 4. That in the trial of any action arising under the provisions of this act any director, officer, agent, conductor, book-keeper, employé, servant, receiver, or trustee of the Union Pacific Railroad Company or the Central Pacific Railroad Company may be compelled to attend upon court, or before a duly authorized commissioner or notary, or other duly authorized person, to testify; and he may be compelled to bring with him the books and papers named and enumerated in the summons served upon him. In case of the inability of the person or persons summoned as above provided for to produce the books and papers named in the summons that may be served on him or them, or any of the books and papers so designated and called for, he or they may be compelled to testify as to his or their knowledge of the whereabouts of such books and papers, or any of them, or as to their contents if they are lost or destroyed. And for the purposes of this act and to prove at any time the maximum sum or amount allowed to be charged, demanded, or received for the transportation or carriage of property on said railroads, or either of them, the books and papers of the Union Pacific Railroad Company and the Central Pacific Railroad Company shall be open for examination by any commissioner or clerk or notary duly authorized or deputized to make such examination, and to take and report testimony with respect to the same in a case arising under the provisions of this act; and any director, officer, agent, book-keeper, or employé, or servant of any name, of said companies, or either of said companies (being the permanent or temporary custodian of such books or papers as it may be alleged contain evidence of the rates of freights or prices of carriage of property established by said companies, or either of them, prior to the 3d day of December, 1883, and on that day existing and in force, or having such books or papers in keeping at the time of the service of the demand or summons provided for in this section) who shall refuse to exhibit for examination to a duly authorized commissioner or clerk or notary deputized to make the examination by a court of competent jurisdiction, such books and papers belonging to the Union Pacific Railroad Company, or belonging to the Central Pacific Railroad Company, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum or amount not exceeding $5,000 and not less than $1,000, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment; but nothing in this section shall be so construed as to prevent a shipper or consignor, or citizen proposing to become a shipper or consignor, and acquiring a right of action as provided in this act, from proving the proper and lawful rates of freight or prices of carriage of property by such evidence as is allowed and authorized by section 3 of this act.

SEC. 5. That actions to enforce the provisions of this act may be brought in any court of the United States or in any court of any State or Territory of competent jurisdiction.

SEC. 6. That rights of action for personal and punitive damages shall be and shall exist for a period of one year from and after the date of any alleged overcharge or excess of advance demand for rates of freight or prices of carriage as provided against in the preceding sections of this act.

SEC. 7. That Congress may at any time alter, amend, or repeal this act.

The questions presented are, taking them in the order given by the language of the quoted eighteenth section of the charter act, first, whether the Central Pacific Railroad Company and the Union Pacific Railroad Company from the net earnings of the entire road and tele-

graph, including amount allowed for services rendered the United States, after deducting all expenditures, including repairs and the furnishing, running, and managing of said road, paid 10 per cent. upon its cost, exclusive of the 5 per cent. to be paid to the United States; and, second, whether the present charges for freight and passenger fares, assuming that the word "fares" includes both charges for transportation of persons and of goods, are reasonable in amount. The natural numbering of the inquiries would be to place the consideration of the "reasonableness" first; for if we have no grievance from overcharge, we may not and ought not to attempt to invoke your action; but there is some convenience in following the section as it reads in putting the questions in my remarks on this occasion; and you will not, I am sure, hesitate to take it for granted for a few minutes that the tolls are excessive, when I tell you that for years both great political parties in two States have cried out against them in their State conventions and demanded great reductions and other attendant reforms.

Ten per cent. upon the cost of these roads—upon the actual cost? That is to be ascertained or approximately estimated. It is not necessary for our purposes that we should obtain and present an absolutely accurate or closely itemized account. That would be impossible. And hereon mainly rests the defiance of these monopolies. The proposition, the suggestion for Congressional action in the premises, has been scouted as ridiculous, because it is claimed that the cost of the road, including expenditures that it is contended may be properly charged up against the gross income for defeating the purposes here announced, is so large as to forbid any interference on our part. It is the habit of the monopoly lobbyists, as you are all aware, to indulge in language and in manners that may be described as derisive and sneering; indeed, this is a large portion of their stock in trade—the almost invariable preface and conclusion of their so-called arguments in committee-room or corridor corner. And so here the effort has been industriously made to brush aside all consideration whatsoever of the proposition for Congressional action in the premises, by the heaping up of contemptuous adjectives upon any man who would have the temerity, who would be so foolish as to assume that a foundation had been laid for the class of legislation indicated by the aggregate of receipts and of profits coming to the coffers of the companies owning and controlling the one continuous line of railroad and telegraph reaching from the Missouri River to the Pacific Ocean, and started under the subsidizing acts of July 1, 1862, and July 2, 1864.

If it be true that the Central Pacific Railroad Company and the Union Pacific Railroad Company have not at any time since the completion of the one line designated received an annual amount as earnings of the road which would constitute a basis for such bills as I have had the honor or the impudence to introduce—I refer to House bills numbered 99 and 1803, which have just been read—then I submit that it is a somewhat singular and certainly inconsistent spectacle which we behold in the room of the Pacific Railroad Committee during the early or midmonth days of February, 1884. On one occasion a distinguished attorney devotes three hours to the discussion of these measures, giving at least two-thirds of that time to the consideration of the bills which I have introduced. And on another occasion, when your humble servant appears to represent the people in advocacy of these measures, there is a great array of counsel to represent these corporations, whose managers are at times said to be so indifferent to such advocacy, because there is no warrant or predicate for it in the letter of the original law! Are not these appearances by counsel sufficient to lend such strength to the presentation of these propositions as of themselves to call for your candid and careful hearing and reflection with respect to the subject?

Now, I do assert that these railroad companies, chartered and owned and controlled as I have stated, have received during the last fifteen years, in net earnings of the entire road and telegraph, including and excluding as section 18 provides, more than 10 per cent. upon its cost. And I do assert that their charges are unreasonable and even extortionate in amount. And I purpose submitting at this time some evidence in support of these assertions. And I draw attention to the fact that that which I shall present in the way of testimony on this occasion indicates sources from which other and cumulative and perhaps still weightier testimony may be drawn by courts clothed with the power which the bills which I have introduced would confer upon them, and given the right to issue mandates peremptory and searching, upon the institution of suits for which my measures provide and authorize.

It should be borne in mind that we have here only to make out a *prima facie* case. And one would naturally suppose, if he placed any reliance upon the complaisant or the altogether disparaging remarks of counsel for the corporations, at the beginning and the close of their arguments, that an inquiry by the courts, as here suggested and urged, would be welcomed by their employers as an opportunity to vindicate their assertion that their receipts are not in excess of the statutory limitation—that their ticket and freight charges are not unreasonable in amount.

But first I will devote my time to the consideration of the case of the Central Pacific Railroad Company. The Central Pacific Railroad Company was not directly incorporated by the Congress of the United States as was the Union Pacific Railroad Company, but was brought under the wings of the law of the original charter act by virtue of one of the sentences of the ninth section of the act of July 1, 1862. The sentence reads:

> The Central Pacific Railroad Company of California, a corporation existing under the laws of the State of California, are hereby authorized to construct a railroad and telegraph line from the Pacific coast, at or near San Francisco, or the navigable waters of the Sacramento River, to the eastern boundary of California, upon the same terms and conditions, in all respects, as are contained in this act for the construction of said railroad and telegraph line first mentioned, and to meet and connect with the first-mentioned railroad and telegraph line on the eastern boundary of California.

Provision is made in the following act for the extension of the Central Pacific Railroad eastward from the eastern boundary of California until it shall have met the rails of the Union Pacific Railroad Company.

I have here the original articles of the association of the Central Pacific Railroad Company, which I will annex in an appendix to my speech. The length of the road as then contemplated was to be about one hundred and fifteen miles, and the amount of the capital stock is fixed at $8,000,000. The date is the 27th of June, 1861. Amended articles of association of the Central Pacific Railroad of California, which I will also place in the appendix, were filed with the secretary of state on the 8th day of October, 1864—about three months after the passage and approval of the amendatory Pacific railroad act by the Congress of the United States. In the preamble to these articles it is stated that it has been ascertained that the capital stock is less than is necessary, and $20,000,000 is set down as the sum required "to complete, operate, and maintain the railroad of said company." It is not necessary to dwell upon this great enlargement of the capital stock as indicative of the rising expectations of this company. A great enlargement, and yet how small the amount as compared with the subsequent claim of cost!

But it may be well at this time to call attention to the fact in the history of this enterprise—notorious on the Pacific coast, but probably little known at any period beyond our borders; the fact of popular accusation, so to speak—that it was charged that the intention of the incorporators or directors and principal owners in the Central Pacific Railroad Company originally was simply to build a railroad line into the mountains a distance sufficient to feed what was known as the Dutch Flat wagon-road, a transmountain coach-path, intending to go no further in this railroad business. Certain it is that the least practicable and the most expensive of three well-ascertained routes over the Sierra Nevadas was adopted by this company; a selection, by the way, which in itself constituted a violation of the Pacific Railroad law. Certain it is that a route could have been adopted—that by the Feather River, through Plumas County—on which there would have been lower grades, far less tunneling, and no requirement whatever for snow-sheds. Certain it is that the Central Pacific Railroad Company or the directors in control took of the bonds which were solemnly dedicated to aid in the construction of one continuous line from tide water on the Pacific coast to the Missouri River, and hypothecated them in order to purchase and control an interest in the railroad from Freeport, on the Sacramento River, to the town of Folsom, in Sacramento County—a railroad extending in the direction of the State of Nevada, and which it was announced would be and constitute the first section of a rival transmountain railway. It would hardly be pertinent at this moment and in this relation to also mention the fact that some of these same sacredly appropriated bonds of the United States Government were used by the management of the Central Pacific Railroad Company for the purpose of raising money with which to buy up all the coal-oil in the State, the price of that household necessity rising immediately after this purchase 50 per cent. in the markets of California. Whether these facts come in by relevant right or are dragged in by main strength, it doth appear from this recital that the spirit of this management which I am here to arraign was exemplified at the very outset of its history in the Commonwealth which I have the honor to represent.

Now, the Central Pacific Railroad, with the aid of local subsidies as well as authoritative promise of national grants and loans, began work in 1862 at the city of Sacramento. There has been much eulogistic and fulsome talking and printing about the alleged "audacious enterprise," and, indeed, about the "self-sacrificing" valor exhibited in this beginning at this particular date. We who ask Congress to carry out the letter and spirit of the original charter act and pass a bill fixing the rates of fare hear, among other accusations before committees and before individual legislators, that we are seeking to destroy the business interests or to unrighteously cut down the business profits of men who are entitled to the greatest possible kindness and consideration, to the highest degree of respect, as bold and even patriotically hazarding men, because they did not wait as did the Union Pacific Railroad Company management for the passage of the act of 1884; but so early as the winter of 1862, threw the first shovelful of dirt on the surveyed line of a transmountain route, by the side of the waters of the Sacramento.

Why, Mr. Speaker, there was a local demand for a transmountain road, with passenger and freight traffic specifically enumerated, person for person, pound for pound, between the capital of our State and the centers of the silver districts of Nevada. This was sufficient to justify in the mind of the most careful business man the "venture" about which there has been so much of honeyed declamation, so many pages of overwrought and "unearned" newspaper eulogy. And besides, remember that to which I have already alluded: there were enormous

local contributions and substantial promises of actual stock subscriptions which would justify unto men of moderate courage in such matters the inauguration of the undertaking.

There has been so much sniveling on the one hand and lickspittle laudation on the other in regard to the wonderful "bravery," the "broad-minded recklessness" with which the renowned saints and orphans of the Central Pacific Railroad Company entered upon the construction of their road that once for all upon a permanent and long-enduring record I purpose to put the facts which will shame this whole miserable business out of countenance. The management of the Central Pacific Railroad Company originally entered upon a legitimate enterprise, which from the moment of practical inception was justified and stimulated to an extent that created a confidence and a rational and sure expectation of success beyond that having reference to any similar enterprise ever planned or undertaken in the United States of America. There was no risk in it; and I do protest, in order that I may have a clear and candid audience at this place and time and elsewhere, that Leland Stanford and Charles Crocker and C. P. Huntington are, under no possible review of this history entitled to be placed on the pension-list of the American Government. They have had a "fat thing" from the beginning, and they knew it would be so; as the president of the corporation once told me in person, and as the affidavit of Mr. Rodgers of the Placer County board of supervisors, which was placed in the archives of this House and taken therefrom without receipt, unmistakably determines.

And I do say that of all pieces of public impudence, of long and long-endured manifestation, the claim of these men for title to supreme honor and thanksgiving on account of having "given" the Government the credit in money that enabled the country to witness the building of the road is a piece that can not be resisted, but is unapproachably stupendous.

I shall not go into a full analysis of the Pacific railroad acts. I suppose they are familiar to most of the members of this House, and they should be read over by every member who desires to be thoroughly instructed with respect to the history and the atrocities committed by the corporations acting under them.

I call attention here to the fact that in the location of the "western base of the Sierra Nevada Mountains" the line was drawn to within a few miles of the city of Sacramento, so that treble the number of bonds should be issued—three times as many bonds as were set apart and agreed to be loaned for construction in the valley—in the name and on behalf of the Central Pacific Railroad Company. I do not now inquire into the morality of that proceeding, nor is there need to quote it now as further proof of the grasping and dishonest spirit of this management. But there is the fact, which has its obvious bearing when you are considering the propriety of passing a bill reducing the rates of fare on the one continuous railroad line from the Missouri River to the Pacific Ocean, authorized and endowed by the Congressional acts of July 1, 1862, and July 2, 1864. The history of this organization from the very beginning is a history of rapacity and greed, oppression and outrage.

From $8,000,000 the capital stock goes up to $20,000,000. Then this was not to be a Dutch Flat wagon-road feeder, but an actual connecting portion of a transcontinental railway. And after repeated surveys and unnumbered publications of estimates unquestionable, after a great many earnest consultations by the board of directors, at which every accessible item of information was duly considered, $20,000,000 was fixed as the limit required.

Whether you consider this leap from eight to twenty millions as proof or mere indication of a change in purpose with respect to the ultimate length of the railroad, or a change in estimate as to the actual cost—the new calculation resulting from more accurate surveys or the discovery of cost on previously determined route where there had been no real measurements and precise estimates—is not important. But it is desirable that you should bear in mind that at the date mentioned the capital stock was increased as stated, and then fixed at no greater sum than $20,000,000.

The leap was considerable; but the last amount now seems petty as compared with the present claim of the owners for the cost price of the road from San Francisco to Ogden.

The question is as to whether under the eighteenth section of the original Pacific railroad act there has been during any year since the completion of the road in 1869 an income sufficient to warrant the Congress of the United States in reducing and fixing the rates of fare upon the Pacific railroads, forming one continuous line from the Missouri River to the Pacific Ocean, and authorized and subsidized under the acts of July 1, 1862, and July 2, 1864. But bear in mind that it is not necessary to make out an absolute and conclusive demonstration of the fact that such income has been derived, but only, I repeat, to present a *prima facie* case on which by law the power of the courts may be and shall be invoked—to give unto every actual or intending patron a right of inquiry and adjudication in the premises. With this purpose clearly in view, a sketch of a portion of the financial history of one or both of these corporations is proper and necessary. I speak now, of course, with respect to original cost and current expenditures and rates.

It has been said that it is impossible to arrive at the actual outlay by the contractors for the building of either the Central Pacific Railroad or the Union Pacific Railroad, since both were built under contracts made by the directors of the companies with themselves. But I think we can sufficiently approximate to more than meet the requirements of this situation. And speaking with reference to the deceiving and fraudulent contracting within the circle of the management and ownership, I desire to call attention to the articles of association of the contract and finance committee, which I shall also place in the appendix to my speech.

Before going into the question as to the actual cost by the contractors, let me call attention to the aid which the Central Pacific Railroad Company received from the United States, and from the State of California, and from county governments:

From the State of California, interest on $1,500,000 of bonds for thirty years	$3,150,000 00
From San Joaquin County	350,000 00
From Santa Clara County	350,000 00
From Placer County	100,000 00
From city of Placerville	250,000 00
From city and county of Sacramento	300,000 00
From city and county of San Francisco	650,000 00
From Tuolumne County	50,000 00
From Calaveras County	50,000 00
From lands in San Francisco, Sacramento, and Oakland	7,750,000 00
From land grant (lands sold—see report)	5,002,162 95
From land grant still unsold (see report), at same rate per acre as lands sold, 10,588,781 acres at $4.85	51,355,587 85
From land granted to the Western Pacific, and which they surrendered to Charles McLaughlin when turned over to the Central Pacific the road and property of the Western Pacific, 1,100,000, also worth $10 at least an acre	11,000,000 00
Total value	80,357,750 80

And while I am on this subject, let me show to you the land grant, absolute and entire, to the Union Pacific Railroad Company:

Value of lands sold	$17,960,100 80
Value of lands unsold, estimated at the same as that for which the lands disposed of were sold	65,092,500 00
Total from lands alone to the Union Pacific Railroad Company	83,052,600 80
Making a total of aid to both Pacific railroad companies	163,410,350 60

Now, this estimate does not include the United States subsidy bonds, because these may one day be paid by the companies. I have confined myself to gifts made to what now constitute the Central Pacific and Union Pacific Railroad Companies; and I shall hereafter, if I have your indulgence, be able to show to you that from whatever just standpoint you consider the cost of construction, the absolute gifts of these companies have been far more than enough to build 1,779 miles of road—from Omaha to Sacramento.

But, right now, in this very connection, I will draw your attention again to the fact that Judge Dillon, in his argument recently made before our Committee on Pacific Railroads, claimed that the main line of the Union Pacific cost $90,000,000, but admitted that the Wilson report on the Credit Mobilier scheme and transaction had shown that the cost did not exceed $50,000,000. So that the aid in lands given to the Union Pacific Railroad Company in lands alone is over $33,000,000 in excess of the highest possible asserted cost of the main line.

Taking the Central Pacific Railway Company in the same way, and what is the result? You find that the reported cost of the road—seven hundred and thirty-seven miles, from Sacramento to Ogden—is $103,414 per mile. (See Armstrong's report, June 30, 1882.) This would aggregate $76,216,118, or $4,141,632 less than the value of gifts made to this company—by this estimate the calculation alone leaving that surplus to be applied to the building of other roads.

Bear in mind that these statements do not include the subsidy bonds of the United States issued in behalf of this enterprise. And for the sake of convenient juxtaposition their amount might well be restated here:

To the Central Pacific Railroad Company		$25,882,120
To the Western Pacific division		1,970,560
These making a total of		27,855,680
To the Union Pacific Railroad Company	$27,236,512	
To the Union Pacific, Kansas division	6,303,000	
Making a total of		33,539,512
Making a grand total issue of		61,395,192

What did the Central Pacific Railroad actually cost? I will give you data on which to rest judgment as to the propriety and justice of enacting into law such bills as I have introduced and had referred to the Pacific Railroad Committee of the House. Time will not suffice for me to enter into an analysis of the process of deduction; and I am clearly of the opinion that no such extended speech and publication on my part will be required or is desirable. Each Representative for himself, upon the basis of figures which I shall submit, will, I think, be able at once or speedily to determine from the sums submitted what his duty is in the premises.

I will first give you a table of the various estimates of cost of the construction of this railroad per mile. Commissioner Armstrong in his report for 1883 puts the cost per mile at $121,665.27. He also makes an estimate of $103,414.38. Mr. Judah estimated that it would cost $53,751 per mile.

For this last estimate I will refer the House to the report of Railroad Commissioner Foote, of California. In the same report it is shown that the first fifty miles in the Sierra Nevada Mountains cost only about $64,429 per mile. When you make a comparison from this with the six hundred miles in Nevada and Utah, which were constructed at a far less sum, you will see that by this data alone there is foundation sufficient for the legislation proposed. And Charles Crocker, one of the directors of the Central Pacific Railroad Company, admits that the first eighteen miles of the Central Pacific Railroad Company cost only $400,000, or $22,222 per mile. The United States Government gave a subsidy of $120,000 for the first seven miles and $528,000 for the next eleven miles, or over $640,000 on the total of eighteen miles, which Charles Crocker says was constructed for $400,000.

Now, in comparing for the purpose of finding the reasonable expenditures and actual cost of building the Pacific railroads, and to approximate to that which must have been the true cost, look at the outlay for the construction of another road by these same parties, or under similar circumstances, taking into consideration the engineering and other obstacles to be overcome in the building of each.

In the building of railroads there are certain elements, or, if you please, factors, which if present or absent greatly enhance or reduce the cost of construction. These elements or factors are—

First. Cuts and embankments.
Second. Tunnels.
Third. Length of trestles.
Fourth. Curvatures and tangent lines.
Fifth. Grades.

Now look at the cost of the Southern Pacific Railroad, which was built by Crocker, Huntington, and Stanford. Mr. Commissioner Armstrong, in his report for 1882, says, at page 257, that the Union Pacific Railroad cost $86,371.07 per mile, that the Central Pacific Railroad cost $103,414.38 per mile, and that the Southern Pacific Railroad cost $81,874.65 per mile.

Looking at the same report, at page 255, and you have the grades per mile, the total number of tunnels, &c. From this it appears that the Central Pacific Railroad, with over 1,400 miles of road, had 8,102 feet of tunnels to make, while the Southern Pacific Railroad, with only 714 miles, had 15,247 feet of tunnels to make. That is to say, the Central Pacific averaged as near as may be estimated, five feet eleven inches of tunneling per mile, while the Southern Pacific averaged over twenty-one feet five inches per mile. (See pages 254 and 255 of Mr. Armstrong's report for 1882.) Now, if Charles Crocker and Company can build a road like the Southern Pacific for the sum of $81,874.65 per mile, tell me precisely why they could not build the Central Pacific, which had less than one-fourth the tunneling, for a very largely reduced cost, making all allowance that you fairly should make for difference in the cost of material, of implements, for labor and excavations.

By the same report, and on page 255, you find that the amount of bridging and trestling-work per mile on the Southern Pacific Railroad was fully as much as on the Central Pacific. And so also as to the culverts.

Now, having called attention to a few of these elements of cost, namely, tunnels, bridges, trestles and culverts, and having shown that the reported cost of the Southern Pacific per mile is $21,539.73 less than the reported cost of the Central Pacific, though the number of culverts and bridges and trestles were about the same in each, and though the tunnels, by feet measurements, were not one-fourth as much on the Central Pacific as on the Southern Pacific, let us look at the comparison of cost from another side.

The line of the Central Pacific Railroad from Reno, Nev., to Ogden, Utah, is 580.32 miles; from Roseville to Redding, 151.60 miles; from Lathrop to Goshen, 146.08 miles; from Niles to San José, 17.54 miles; the Oakland, Alameda, Melrose, and Fruitvale road, 16.69 miles; Sacramento to Banta (about), 64 miles; Niles to Melrose (about), 14 miles; and side-tracks for turnouts, 203.26 miles; making a total of 1,293.89 miles.

There is but a very small portion of this number of miles which may not be said to be nearly on a dead level.

The building of the Southern Pacific road via the Tehichipa Pass and the boring of the tunnel at San Fernando constituted one of the greatest engineering feats of the age. The Central Pacific had but one range of mountains to cross, to wit, the Sierra Nevadas. And here I would direct notice to Senate Executive Document No. 1, part 5, wherein, at page 518, Commissioner Armstrong calls attention to the comparatively favorable opportunities for building near this pass. While the Central Pacific had but one range of mountains to cross, the Southern Pacific had three ranges, as set forth at page 523 of the same volume that has just been referred to; to wit, the Sierra Nevadas, the Sierra Madre or Coast Range, and the San Gorgonio Pass.

Having shown that the Central Pacific had not the same physical and engineering obstacles in the way as the builders of the Southern Pacific had to encounter, may I not (for the purpose of showing what should have been the cost of the Central Pacific) insist that the average grade per mile is a true and just basis on which comparisons of cost per mile can be made? That is to say, I can claim for this argument that the cost per mile may increase in the same ratio as the grade per mile increases; and that the cost per mile should decrease in the same ratio as the grade decreases. It is supposed that cuttings, borings, and fillings or embankment will in a very large degree be indicated by the grade.

Now, look at Commissioner Armstrong's report for 1882, page 255, and you find that the heaviest grade of the Central Pacific is 116 feet per mile, while the heaviest grade of the Southern Pacific is 232.32 feet per mile. You also observe that the average grade of the Central Pacific is 13.6 feet per mile, while the average grade of the Southern Pacific is 68 feet per mile, or five times as great as that of the Central Pacific. Taking this fact into consideration in connection with the statements already made and authenticated as to the length of tunnels, trestlework, &c., is it not fair to assume that since the grade per mile of the Southern Pacific is five times as great as that of the Central Pacific, in reason the cost per mile of the Southern Pacific would also be five times as great as the cost per mile of the Central Pacific?

Conceding this, and you find that as the Southern Pacific cost $81,874.65 per mile with an average grade of 68 feet, the Central Pacific, with an average grade of 13.6 feet per mile, or one-fifth of the grade of the Southern Pacific, cost one-fifth as much as the cost of the Southern Pacific, which would make the cost of the Central Pacific $16,374.80 per mile.

Having arrived at this standpoint, I will from this basis show the whole cost of the Central Pacific: Cost per mile, $16,374.80; cost from Sacramento to Ogden, a distance of seven hundred and thirty-seven miles, $12,079,227; cost of whole line of road as now consolidated with other companies and so embracing 1,404 miles, $22,990,021.92.

Recall to mind the fact that after careful and extended observation and some considerable experience in railroad building the Central Pacific Company raised their capital stock to only $20,000,000, probably only about twice as much as the actual cost of the road as far as Promontory, the point to which that company actually completed the work of construction. All these things are significant. This company was greedy and grasping from its birth; but it grew and developed enormously in its gormandizing faculties and capacity.

Look at this again from another point to see if it is unjust or in any wise incorrect. The estimate presented shows that the Central Pacific should have cost only $16,374.80 per mile. Now, in an affidavit which I have had copied from the State records at Sacramento, and which I will now have read, E. H. Miller, on the 24th day of March, 1881, swears that the Central Pacific is worth only $10,535.96. And this is the grand total, including not only franchise, roadway, road-bed, and rails, but rolling-stock also.

Here is the copy of the affidavit of E. H. Miller, jr., filed with the State board of equalization, showing the value of the Central Pacific Railroad to be but $10,535.96 per mile all told, or $5,838.81 less than I have generously estimated the actual cost of construction to be:

The Central Pacific Railroad Company makes the following statement in relation to its property subject to taxation in the State of California owned by it for year ending on the first Monday of March, A. D. 1881, and of all property used in operating or repairing its railway in this State during such year and its actual value. The entire length of railroad of said company in California is 602.22 miles, operated in the following counties of said State, with the length of railroad in each county:

	Miles.
San Francisco County	4.00
Alameda County	83.52
Santa Clara County	8.50
San Joaquin County	56.75
Sacramento County	41.00
Placer County	112.75
Nevada County	30.25
Sierra County	2.15
Yuba County	15.87
Sutter County	10.00
Butte County	45.00
Tehama County	40.54
Shasta County	18.80
Stanislaus County	22.63
Merced County	36.75
Fresno County	61.06
Tulare County	12.65
Total	602.22

ROLLING-STOCK.

Actual amount in detail of rolling-stock in use on and property used in operating and repairing the line of railway of said company in this State during the year ending the first Monday in March, 1881, and the value of the same, respectively:

No.	Kind.	Value.
122	Locomotives ($5,200)	$634,400
12	Sleeping-cars ($3,000)	36,000
87	Passenger-cars ($1,400)	121,800
65	Emigrant and smoking cars ($1,000)	65,000
32	Baggage, express, and mail cars ($800)	25,600
44	Caboose ($700)	30,800
1,629	Box freight-cars ($400)	651,600
1,290	Flat freight-cars ($250)	322,500
360	Dumps, hand, section, and all other cars ($71.66)	25,800
	Total value	1,913,500

The following is a description of the entire length of the railway of said company in this State, beginning at one of its termini, and thence following the

roadway and right of way for said railway, describing it by metes or bounds, or other description sufficient to identify it, through each county, giving the points of entrance and exit to and from each county it traverses, to the other termini in the State.

Beginning at Fifth street between Townsend and King streets, San Francisco, running thence northeasterly through South Beach blocks, 20, 15, 165, 159, and 9, to the freight ferry-slip at water front. Also beginning on south line N. P. block 408, through blocks between Kentucky and Illinois streets, to Channel street, thence across Channel street to block 165 S. B. survey, being a distance of about two miles, more or less. Also beginning at W. line of Alameda County, thence easterly on Long Wharf through First and Seventh streets, to near E. line of Brooklyn; also from Seventh street Oakland (spur track), to town of Alameda, continuing from depot in Brooklyn, easterly to Niles, thence through Alameda Cañon to line of San Joaquin County near Midway, thence through Stockton, Lathrop, and Lodi to S. line of Sacramento County at Dry Creek, thence continuing through Sacramento, Placer, Nevada, and Sierra Counties, to W. line of State of Nevada. Also from San José to Niles; also from Lathrop, running southeasterly course through Stanislaus, Merced, and Fresno Counties to Goshen, in Tulare County. Also beginning at Roseville, in Placer County, running thence in a general northerly course through Yuba, Sutter, Butte, and Tehama Counties, to the town of Redding, in Shasta County, containing in the aggregate 602.22 miles of way, roadway, and road-bed.

The following shows the value of said property on the first Monday of March, aforesaid, meridian, the gross earnings of the entire railway, and the proportionate annual gross earnings of the same in this State, as near as practicable for the year ending first Monday in March, 1881, and all the property of every kind, situate in this State, owned by said company, and its value:

	Miles.	Value per mile.				Total value.
Franchise	602.22		04	15	13	$23 00
Roadway	602.22	$1,682	14	18	42	1,013,019 50
Road-bed	602.22					
Rails	602.22	5,676	36	68	76	3,418,421 60
Total	602.22	7,358	55	02	31	4,431,466 10
Rolling-stock		3,177	41	02	10	1,913,500 00
Grand total	602.22	10,535	96	04	41	6,344,966 10

Annual earnings for the year ending January 1, 1881:

Annual gross earnings for entire railway, 2,644.95 miles $20,508,112 88

Proportionate annual gross earnings of railway in the State 12,119,482 69

STATE OF CALIFORNIA,
City and county of San Francisco, ss:

I, E. H. Miller, jr., being duly sworn, deposes and says that he is the secretary of the Central Pacific Railroad Company, the principal place of business of which company is in the city and county of San Francisco, State of California; that the foregoing statement is in all respects correct and true.

E. H. MILLER, JR.

Subscribed and sworn to before me this 24th day of March, 1881.

[SEAL.] CHARLES J. TORBERT,
Notary Public in and for the city and county of San Francisco, State of California.

Mr. A. M. Towne, general superintendent of the Central Pacific Railroad Company, states that for taxable purposes the whole of the Central Pacific and Southern Pacific is worth only $23,485,629, taking in a distance of 2,021 miles of road, which is an estimate of only about $11,600 per mile, or $4,774.80 less than the sum that I have conceded expense of construction might have reached.

From these statements, one under oath, you can not only see that the estimates of value made by the officers of the company are much less than the amounts which I have indicated to be the actual cost, but you will observe that the low estimates quoted from officers' statements were placed by the officers on a road or roads continually improved since the original construction by the annual expenditure of considerable sums of money.

Look at this in still another light and see what the result is.

The bonded debt of the Central Pacific, on the line from Sacramento to Ogden, is as follows:

First mortgage	$19,505,000
Land grant	10,000,000
Additional land grant	1,500,000
California State aid	1,500,000
First mortgage	6,378,000
United States subsidy	25,885,120
Total	$64,768,120

Now add bonds of city and county, $1,000,000, and you have a total of $65,768,120.

Now subtract from this the cost of seven hundred and thirty-seven miles, from Sacramento to Ogden—at $16,374.80 per mile—amounting to $12,079,227, and you have a balance profit from bonds of $53,688,893.

Let us see whether this is a fair statement.

We will assume that the bonds named were sold at par, and that the road did not cost over $16,374.80 per mile, and we thus find that Stanford, Crocker, Hopkins, and Huntington made a profit on the one transaction of $53,688,893. With this little profit they could proceed (having the aid of $23,000,000 more in bonds), and increase the mileage of the Central Pacific from 737 miles to 1,404 miles, and by lease to 3,041.71 miles, besides building several lines not included in the record to which I refer; while as a final "aid" they secured $58,000,000 of paid-up stock of the Central Pacific.

And in this connection I draw attention to the fact that in 1860 Mark Hopkins, one of the directors of the Central Pacific Railroad Company, was worth but $14,300. In the year 1878 he died worth over $30,000,000, he having a one-fourth Central Pacific Railroad Company interest or thereabouts. The inventory in support of this statement is on file in the probate court of the city and county of San Francisco.

Let the list be read at this point in my remarks.

The inventory of Mark Hopkins's estate, now in the clerk's office of San Francisco, shows that he owned of stock as follows:

Central Pacific Railroad Company, 102,812.
Southern Pacific Railroad Company, 79,750.
California Pacific Railroad Company, 24,644.
Sacramento and Placerville Railroad Company, 4,095.
Amador Branch Railroad Company, 1,498.
Berkeley Branch Railroad Company, 222.
Stockton and Copperopolis Railroad Company, 586½.
Los Angeles and San Diego Railroad Company, 350.
Market Street Railroad Company, 1,712.
Potrero and Bay View Railroad Company, 1,250.
Capital Savings Bank, 153.
Home Mutual Insurance Company, 60.
Pacific Life Insurance Company, 20.
Western Development Company, 12,491½.
Mission Bay Bridge Company, 598.
O. & O. S. S. Co., 10,000.
Colorado S. Nav. Company, 1,111.
Wells, Fargo & Co., 2,718½.
Rocky Mountain Coal, 1,817.
Ione Coal, 8,000.
Oakland Water Front, 7,294.
Capital Gas Company, 2,387½.
Donner Lumber Company, 108.
Omaha Gold Mining Company, 1,050.
Richelieu Gold Mining Company, 530.
Riverside Railroad Company, 20.
Also bonds as follows:
Southern Pacific Railroad, $5,176,000.
Central Pacific Railroad, $1,460,500.
California Pacific Railroad, $45,000.
California and Oregon, $105,000.
S. F. O. and A. Railroad, $100,000.
Berkeley Branch Railroad, $22,000.
Amador Branch Railroad, $150,000.
Sacramento and Placerville Railroad, $558,000.
California State Aid, $2,610.
Sacramento City, $700.
United States bonds, $129,375.
Los Angeles Bridge Company, $2,500.

Also $271,784.09 cash; $909,209.88 real estate; $2,719,728.90 debts due estate; $566,133.26 bills receivable; $247,945.34 furniture; $9,781 horses, &c.

In addition he is credited with one-fourth interest in 103,851 shares Central Pacific, and 3 Mission Bay Bridge; $46,725 Sacramento County bonds; $533 United States bonds; 154,000 Central Pacific; $40,000 California Pacific Railroad Company; 4,000 Sacramento Valley Railroad, and $365,915.15 claims against Western Development and Pacific Improvement Companies.

Let us give a glancing estimate at the Union Pacific's actual cost. The Union Pacific has in a little over 1,800 miles of road—taking the total of mileage—1,654 feet of tunnels, that being eight-ninths of a foot to the mile. The Southern Pacific, with 714 miles in 1882, had 15,247 feet of tunnels, or over twenty-one feet and five inches to the mile. Taking all this into consideration, as well as the nature of the country through which the Union Pacific passes, and it will hardly be contended that it could have cost more than the Central Pacific, which I have set down at $16,374.80 per mile. On this basis the cost from Omaha to Ogden, a distance of 1,042 miles, would be $17,062,541.60. And for 1,820 miles, or the whole line of the Union Pacific, the cost would be $29,802,136.

The Union Pacific Railroad Company was organized to build from Omaha to Ogden, only 1,042 miles, but by consolidations with two other companies it has come to own 1,820.09 miles within its own corporation, and has built besides 2,872 under twenty-two companies. Out of the aid given for the building of the 1,042 miles, this company has built and acquired 4,892 miles, under twenty-five companies in all, the maintaining of which is charged against the original company.

It may be presumed, and doubtless will be agreed, that the best possible presentation of argument against the passage of such bills as I have introduced is to be found in the pamphlet copy of the report of the remarks of John F. Dillon, counselor, who appeared last February before our Committee on the Pacific Railroads in behalf of the Union Pacific. I will refer to and endeavor to reply to the salient points in Mr. Dillon's argument.

On page 27 he says that the company has an outstanding indebtedness in land-grant mortgage of $10,400,000. This is not true, since on December 31, 1882, the president's report, at page 9 of financial statements, shows that the amount of land bonds then unpaid was only $4,670,000, and that to meet this amount there was due on sales of lands $4,617,401.03, leaving only $52,598.97 to be met. And to pay this amount of $52,598.97 the company had (page 13) 9,129,000 acres of land unsold, worth, at the same average as former sales, over $36,516,000. So that the company from its land grant practically owed but $52,598.97, since all the rest of the bonds had been paid off, or had applicable an amount whereunto to pay, with the exception of this small sum. Instead, therefore, of the inference being as he tries to show, the company had practically $36,460,000 worth of land, from the

sales of which the $27,000,000 as bonds can be paid without even trenching on the income from traffic. This is cited in order to show his audacious statement of pretended facts.

If he is not willing to allow the receipts from the whole line of road and from all sources to be taken into consideration in computing net charges, then of necessity the disbursements which he claims must be disallowed, and his table on page 30 will present a different appearance.

The items to strike out would be: Land grant, $323,610; Omaha Bridge, $221,000; new construction and equipment, $4,247,189.78; as also the item of $1,630,080, which would leave the net earnings $9,759,326.19, or nearly 20 per cent. on the cost of $50,000,000 to which he refers.

By reference to President Dillon's report, on pages 12 and 13 (financial statement), I find that the receipts for sales of Union Pacific and Northern Pacific land grants to December 31, 1882, were $17,960,100.80, with a balance unsold of 14,465,000 acres; which at the same rate of sale will bring $65,092,500, making the value of the lands granted $83,052, or an amount in excess of the present funded debt. And the amount added to $44,605,282.57, the amount in stocks and bonds of other companies, &c., as shown by page 2 of financial statement, in Union Pacific annual report to company, would about wipe out all of the debts of the company, leaving the stock account out of consideration.

In order, however, to ward off the passage of such acts as my House bills 99 and 1803, the company, instead of applying surplus receipts to reducing debt, has used them in buying up competing lines or acquiring them by consolidation or lease. So, also, the surplus has been used in building so-called feeders, many of which were not needed and were losing investments. I shall annex to my speech a list of these side lines for convenient reference.

The president of the Union Pacific, Sidney Dillon, reports to the stockholders for transactions ending December 31, 1882, as follows:

Gross earnings for the year		$22,823,884 24
Operating expense and taxes		10,727,049 28
Surplus earnings		12,096,834 96
Interest and dividends from investment securities		2,211,099 35
Total surplus earnings		14,307,934 31
Payments:		
Interest on bonds	$4,976,203 93	
Discount, interest, and exchange	172,722 31	
Sinking funds	442,000 00	
Amount due the United States on business of the year	2,097,189 90	
Premiums paid in bonds redeemed and losses in securities disposed of	18,923 16	7,707,039 03
Balance applicable to dividends		6,600,895 01
Stock dividends, 7 per cent.		4,260,788 00
Surplus for the year (over all)		2,340,107 01

This is from the Union Pacific report to stockholders, page 6. At the bottom of the same page is found in italics:

The gross earnings of the Union Pacific system, including branch lines, amounted to $30,363,927.75 for the year 1882.

By looking at page 7 of the same annual report (for 1882) you find the gross earnings named in foregoing table to be:

From transportation of passengers	$5,197,730 01
From transportation of freight	15,402,167 37
From transportation of mail	746,515 61
From transportation of express	748,932 30
From miscellaneous earnings	728,538 95
Total	22,823,884 24

Again, in page 24 of the financial tables, same report, I find the operating expenses are—

Conducting transportation, including superintendence, dispatches, clerks, station service, station expenses, station repairs and furniture, repairs of tenement houses and hotels, train service, train expenses, advertising, books, printing and stationery, telegraphic expenses, loss and damage, foreign agencies, use of cars, and incidentals		$2,392,498 72
Motive power, including superintendence and clerks, locomotive service, fuel and water expenses and repairs, fuel for locomotive, oil, tallow and waste, repairs of locomotives, repairs of shops and machinery, fuel for engine houses and machine shops, also incidentals		3,775,888 47
Maintenance of cars, including superintendence and clerks, repairing cars, car shops and sheds, watchmen, and incidentals		957,943 44
Maintenance of way, including superintendence and supervision, repairs of track, removing snow and ice, renewal of rails and ties, repairs of bridges, fences, crossings, and guards, and telegraph, engineering, protection of river banks, wrecking, and incidentals		2,638,635 74
General expenses:		
Taxes	$487,786 54	
General expenses	474,296 97	
		962,883 51
		10,727,049 28

You will observe that in this every possible item of expense is included pertinent or otherwise to the running or maintaining of the road. Also, that the company had to keep the road in repairs, paid running expenses and interest added to the sinking funds, and still had over all $6,600,895.01 surplus earnings to be applied to dividends; and this, too, only from the general income. They had still a further income, as seen at page 17 of the report, where Mr. Sidney Dillon makes a summary statement under the heading, "Operations for 1882." He says that it will be seen by the financial statements that the surplus general income, after payments of fixed charges of Government requirements and of 7 per cent. dividend to stockholders, amounted to $2,340,107.01, which is equal to 3.845 per cent. on amount of capital stock.

Surplus land and trust income, $1,088,495.60, which is equal to 1.788 per cent. on amount of capital stock; surplus income used for sinking fund, $442,000, equal to .756 per cent. on amount of capital stock; surplus special United States income accounts, $116,440.37, which is equal to .191 per cent. on amount of capital stock; total additions to surplus for 1882 in excess of dividends of 7 per cent., $3,987,042.98.

So that, taking the words out of their own mouths, they are convicted of making a net profit over all charges of 13.55 per cent. on the amount of the capital stock of the company.

There seems to have been a fear that the net earnings would be too great; hence large sums of money have been expended in permanent improvement which can not occur each year, and which should not be charged to operating expenses, all in one year.

Thus, at page 11, President Dillon says that 16,854 tons of steel rails were laid, 690,637 new oak, cedar, and pine ties, to replace old; six iron truss-bridges built; ninety pile bridges built; thirty-seven miles of new side-track constructed.

Again, at page 18, he says:

The policy of securing for the company and its stockholders by a judicious investment of its means and earnings, as before stated, not only the tributary business resulting from branch lines, but also the annual profits of their operation and the income from the lucrative investments in them has been fully vindicated. In carrying out this policy it has been necessary at times to make considerable temporary advances or investments. But this has been done without inconvenience to the finances of the company * * * A large portion of the annual surplus earnings of the company has been applied to improving the line of railway, thereby lessening operating expenses, and to the creation of tributary lines and in promoting local business, and has partially matured its fruits during the past year.

In this connection it may be well to call attention to those so-called tributary lines, as seen by page 12 of the report. They are:

CONNECTING RAILROADS.

The lines of railroads connecting with the Union Pacific Railway and operated under its control were extended during 1882 as follows:

Utah and Northern; Oregon Short Line; Laramie, North Park and Pacific; Omaha and Republican Valley; Greeley, Salt Lake and Pacific; Manhattan and Blue Valley; Denver, South Park and Pacific. Total miles extended during year, 380.

And again, in same page:

The aggregate length of connecting railroads operated in the interest of your company (Union Pacific) in January 1, 1883, amounted to 2,872 miles, as follows:

Here follows a list of the above-described roads, and also the following:

Omaha, Nebraska and Black Hills; Colorado Central, Echo and Park City; Carbondale Branch; Junction City and Fort Kearney; Salina and Southwestern; Golden, Boulder and Caribou; Denver and Boulder Valley; Saint Joseph and Western; Central Branch Union Pacific and leased lines operated by the Pacific Railroad; Kansas Central; Manhattan, Almy and Burlingame; Manhattan and Northwestern; Salt Lake and Western, and Nevada Central.

I say that it now appears, even by the reports made by President Dillon to the stockholders, that the Union Pacific on the fictitious cost was able to earn net 13.55 per cent. on the capital. But Judge Dillon in his argument admits tacitly that the road, instead of costing $90,000,000, cost not over $50,000,000. Hence there was a stealing of $40,000,000, which was proved by the investigations of the Wilson committee. Thus it transpires that the net earnings are over 17 per cent. on cost.

Now, what is the cost as shown by the court records?

Pretended cost	$90,000,000
Less stealing, as shown by Wilson committee, being difference between bonded cost and cost to Credit Mobilier	40,000,000
Balance	50,000,000
Less stealings by officers of Credit Mobilier, as shown in Hazard *vs.* Durant, 11 R. I. Reports, and Durant *vs.* Hazard, United States Supreme Court	15,000,000
Balance	35,000,000

So that the net income is nearer 40 per cent. than 3 per cent.!

Mr. Dillon can not segregate the earnings arbitrarily, for the act of 1862 says that "whenever the net earnings of the entire railroad and telegraph line shall," &c. And if by consolidations, &c., the receipts are increased it goes to the credit of the original company, since the others are merged in it and have ceased to exist.

Then what would be the "cost" of these roads as contemplated by this act? The amount of money actually and in good faith paid in by the stockholders. This is the only true basis. And in taking this into consideration, you must of necessity cast aside all watered issues of stock and all pretended offsets from profits in building. It is clear that the company can not be allowed to pay interest on its indebtedness, and add a sinking fund to pay off such debt in time, and then include that debt as a part of the cost of the road.

The company in 1882 paid off $1,153,000 of its bonds, besides paying interest and adding to the sinking fund. In time this sinking fund

will be large enough to wipe out the debt, since the amount included as annual expenses includes also this object. The Union Pacific will then own the road free of debt. And the actual cost will then plainly appear to be only such sums as the stockholders have been out of pocket, or rather their absolute investment, howsoever obtained.

Whatever money was paid in, originally, for construction of the road, that is the cost. You can not under the law provide for the payment of principal and interest of a debt, and then at the same time and all along ask for 10 per cent. more upon the capital alleged to have been invested.

The land grant of the Union division was originally $10,400,000 in amount, less $5,730,000 paid off to December 31, 1882. This leaves a balance of $4,670,000 unpaid. But the company sold of this grant lands and town lots of the value of $4,617,400.03 in contracts, which amount will wipe out the land-grant bonds, except about $52,500.

After making the above deductions there were left on December 31, 1882, in this division 9,129,000 acres, worth about $30,000,000. This amount will in time be realized.

No one could be more fully or painfully conscious of the fact of the dry and extremely prosaic nature of such statistical papers as I have had to submit on this occasion. But the propriety and necessity for their introduction will not be denied or questioned; and I hope that they will have a careful reading when they shall have been published, as under all the circumstances I believe they are sufficiently conclusive for the purposes which I have announced, and which on behalf of the people whom I especially represent I have kept constantly in view.

In the first place, it was desirable and necessary in my judgment to make such general preface of statement and argument as I had the honor of submitting to the House Committee on Pacific Railroads on the 15th of February last. And in some sense my remarks addressed directly to the House may be considered as supplementary to the preface referred to. A sketch of my remarks before the committee, which I was obliged to print altogether at my own expense, will be furnished any member of the House or any reader of the RECORD who may desire them and who shall apply to me for a copy.

The defiance of the Pacific railroad monopolies, against whose outrageous and extortionate prices we are contending, whose passenger and freight rates we desire to have reduced and fixed and established by law of Congress, rests mainly on our alleged inability to discover or to even guess at the actual cost of construction of their roads. I submit again that in the light of what I have here made known there is sufficient and more than sufficient of reason and of right given unto us to enact into law such bills as I have presented to this Congress.

But these grasping monopolies have the coolness to claim that their charges are not unreasonable. Effrontery could not go beyond this!

I believe that I would be giving a full and satisfactory showing upon this point if I simply presented the comparison of receipts and charges on passenger trains on roads enumerated in the table which I shall shortly submit.

The deceit that is practiced by the Central Pacific Railroad in bringing in its commutation charges for travel on the Oakland Ferry route should be kept in mind when reading the "average rates" set down under that caption. I will not allow you to forget that.

I really need add but a few illustrations. Each one can multiply them for himself as he inquires and ascertains the charges for passenger transportation on lines radiating from any central point east of the Missouri River. It will be found, I assert, that the ticket prices on the Union and Central Pacific Railroad Companies for through passage are from two to three times as great as on any routes east of the Missouri River where anything like near half the amount of distance is in the basis of calculation.

The price of a first-class ticket from Washington to Chicago is less than $20 ($17.50 for a first-class single trip and $21 for a round-trip ticket). At the estimate of $20 per passage from here to Chicago, the price of a first-class ticket from Omaha to San Francisco should not exceed $45. My bill would permit a charge for the latter distance of $54. The Pacific railroads demand at the Omaha and San Francisco offices for transportation of the 1,800 separating miles, $95. At all intervening points where there is no competition the local rates run from 7 to 10 cents per mile. And this over roads built by the price of the people's land and the loan of the people's bonds; roads on which, taking everything into consideration, the fare should be as cheap as on any iron highway on the face of the globe.

I will give some specimen charges for passenger transportation, showing the unreasonableness of the present exaction and the very moderate reduction as compared with ticket prices on other roads, which my bill—House bill No. 99—proposes.

The rates stated and compared will be for long distances. Still greater and grosser extortions than those exhibited exist with respect to local traffic—the movements between adjoining towns or stations, &c. There, I repeat, the maximum of 10 cents per mile is often adhered to if there be no competition, and fractions of miles are counted as integers.

But let me first have read a comparison of rates and charges on passenger trains according to reports in 1883, thus establishing the "unreasonable" and extortionate charges of the Union Pacific and Central Pacific Railroad Companies.

Comparison of rates and charges on passenger trains, according to reports in 1883.

Name of road.	Run by passenger trains.	Passengers.	Passenger earnings.	Net earnings per mile from all sources.	Rates. Highest.	Rates. Through.	Rates. Average.	Rates. Lowest.	Operating expenses to total earnings.
	Miles.	*Number.*	*Dollars.*	*Dollars.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Per ct.*
Boston and Albany	1,805,924	7,524,138	3,364,143 09	6,017 54	2.12	2.09	1.99	0.88	70.00
New York Central and Hudson River Railroad Company	5,448,929	10,308,979	8,501,208 51	.....	2.00	.....	1.80	.....	.....
Fitchburg	825,091	2,959,423	896,854 88	2,955 14	2.10	1.95	1.71	0.75	77.00
Boston and Lowell	929,665	2,789,785	881,038 25	4,345 25	2.18	1.80	1.67	0.90	70.00
Boston and Maine	1,129,107	5,984,000	1.688,900 84	4,867 10	0.54	1.82	1.95	0.99	65.00
Eastern	1,297,043	6,604,087	1,905,056 60	3,776 09	3.00	1.50	1.88	0.82	68.00
Boston and Providence	598,841	4,128,299	959,088 36	6,456 10	2.90	2.10	1.96	1.16	72.00
New York and New England	1,297,838	4,536,082	1,362,630 93	2,406 76	2.39	2.02	2.09	.....	72.00
Old Colony	1,493,221	6,593,471	2,265,377 88	2,529 90	2.50	2.30	2.00	0.80	71.00
New York, New Haven and Hartford	1,923,997	6,397,385	3,790,773 98	10,922 65	2.54	2.20	1.81	0.58	62.00
New York and Erie	3,546,055	6,784,195	.....	.....	.....	.....	1.941	.....	.....
New Jersey Central	2,510,263	9,239,211	.....	.....	.....	.....	1.861	.....	.....
Delaware, Lackawanna and Western	2,208,258	6,070,329	.....	.....	.....	.....	2.22	.....	.....
Pennsylvania	5,097,229	10,372,894	.....	.....	.....	.....	2.374	.....	.....
Chicago and Alton	1,550,018	1,666,991	.....	.....	.....	.....	1.95	.....	.....
Chicago and Northwestern	3,999,667	6,754,717	.....	.....	.....	.....	2.52	.....	.....
Louisville and Nashville	.....	.....	.....	.....	.....	.....	2.71	.....	.....
Chicago, Milwaukee and Saint Paul	.....	.....	.....	.....	.....	.....	2.58	.....	.....
Chicago, Rock Island and Pacific	.....	.....	.....	.....	.....	.....	2.51	.....	.....
Lake Shore and Michigan Southern	.....	.....	.....	.....	.....	.....	2.16	.....	.....
Central Pacific	3,022,368	7,688,514	8,777,342 50	3,154 66	10.00	5½	2.92	(*)	62.50
Union Pacific	.....	981,420	6,693,177 92	.....	(†)	5½	3.30	.....	74.00

* Oakland Ferry. † About.

NOTE.—The passenger earnings in this table include all income reported as the result of earnings of passenger trains. Items relating to New England roads are from Massachusetts reports.

In this table the comparison of passenger earnings includes also receipts for mail, express, baggage, &c. And these amounts have been added also in the case of the Union Pacific and Central Pacific, instead of the mere item of fares reported by the Union Pacific as $5,197,799.96, and by the Central Pacific $7,474,216.12. Bear in mind that the Central Pacific brings its "average" down by counting in 5,896,159 passengers that merely crossed the Oakland ferry, largely on commutation tickets. In like manner the Union Pacific rates shave rates in competition for some distance with the Burlington and Quincy, which coercingly helps the management in the public appearance on an average rate showing.

It should always be borne in mind that a reduction of fares—passenger and freight—on the Union and Central Pacific Railroads operates as a reduction of passenger and freight fares on the Southern Pacific Railroad. Forget it not. It is expressly so provided in the Texas Pacific Railroad bill, which passed Congress in 1871. Section 15 of that act reads:

Provided further, That the rates charged for carrying passengers and freight per mile shall not exceed prices which may be fixed by Congress for carrying passengers and freight on the Union Pacific and Central Pacific Railroads.

The distance from San Francisco to Ogden is eight hundred and ninety-five miles. That is estimating the number of miles by the longest route. By the route now taken by the overland trains via

Benicia there is a saving in distance of about forty miles. There is some cheating by the railroad company in its published tables on this very account. But with characteristic liberality I will take the aggregate of miles as eight hundred and ninety-five. Now, for a first-class passage from San Francisco to Ogden the Central Pacific Railroad Company charge $56. For traveling the same distance on the New York Central, supposing its lines to be extended under New York jurisdiction for the same distance, the charge would be less than $18—less than one-third the amount charged by the Central Pacific Company—and that for much better accommodations and more than twice the speed. Does the difference in amount of patronage in favor of the New York Central road, which was built by private capital, justify any such enormous addition to the cost of travel?

Under the provisions of my passenger-fare bill the cost of a first-class ticket from San Francisco to Ogden would be $26.85, a reduction of $29.15. By my bill a second-class ticket for the same distance would cost $17.90. A third-class ticket would, under the provisions of my bill, cost $13.42½.

The estimated distance from Ogden to Omaha is 1,032 miles, making an aggregate from San Francisco to Omaha (by the longest rail route from San Francisco to Sacramento) of 1,927 miles. By the route now traveled by the locomotive the distance is 1,875 miles. For a through ticket the charge is, as I have already stated, $95—the railroad companies having within the past few months been good enough to make a reduction of the enormous sum of $5, a concession to popular appeal respecting which the flunky newspaper organs of the monopolies have not yet ceased to vibrate.

At New York Central prices the charge for this distance, at highest rates, would be $38.54, or, taking into the sum the actual distance traveled, it would be $37.50. Taking the average rates of the New York Central, the charge for a first-class ticket from San Francisco to Omaha would be $34.69. Taking the average rate of the Rock Island and Pacific (and why should not through rates on the Pacific railroads be as low as average charges on the Rock Island road?) the charge would be $48.27. Under the operation of my bill the price of a through ticket from San Francisco to Omaha would be $57.81, or a difference as against the present charge of $37.19. Still, it will be observed that my reduction would leave the price nearly $10 more than the average rates of the Rock Island and Pacific, and $20 more than the price according to the highest rates on the New York Central.

For a second-class ticket from San Francisco to Omaha, under the provisions of my bill, the price would be $38.54—the same sum, it will be observed, that would be charged for a first-class ticket according to the highest rates of the New York Central. For a third-class through ticket the price, under my bill, would be $28.90½.

The price of a first-class ticket from San Francisco to Reno, Nev., is $12.05. There is no second-class ticket sold for this distance, as I am informed by a letter from W. D. Phillips, ticket agent at Reno, dated February 12, 1884. Under my bill a first-class ticket from San Francisco to Reno, a distance of three hundred and six miles—a section of the Central Pacific Railroad on which there is a vast amount of travel—would be $9.18; while a second-class ticket for the same distance would cost $6.12, and a third-class ticket would be sold for $4.59.

I call the attention of this House, as I shall desire the especial attention of my constituents, to these figures.

Would you believe it? The Central Pacific Railroad Company charge the same amount for a ticket from Reno to Omaha that they charge for a ticket from San Francisco to Omaha—$95 first class, $75 second class, and $50 third class. Under the terms of my bill the prices would be respectively $48.63 first class, $32.42 second class, and $24.31 third class. As has already been stated or indicated, from Reno to Ogden the road-bed is for a great portion of the distance laid on what may be termed a dead level. And yet to illustrate the rapacity of this company and to show the excellence of my measure, I draw notice to its effect upon ticket charges from Reno to the terminus in Utah.

The present charge from Reno to Ogden is $44 first class, $40 second class, and $30 third class. Under my bill the ticket price would be, respectively, $17.67 first class, $11.78 second class, and $8.83½ third class.

The distance from Reno to Winnemucca is one hundred and sixty-nine miles; and for that distance the charges under my bill would be, respectively, $5.07 first class, $3.38 second class, and $2.53½ third class. These are certainly prices to which the people are entitled upon a road built by the people's money and the proceeds of the people's land—over a route the greater portion of which is as level as the floor immediately in front of the Reporter's desk.

The distance from San Francisco to Los Angeles by the Southern Pacific route is four hundred and eighty-two miles. The first-class ticket charge now is $20. And in this connection I will mention that the charge for a ticket from San Francisco to the station opposite Bakersfield, a distance of only three hundred and fourteen miles, is $17. When Mr. Charles Crocker was on the witness-stand before the California railroad commissioners last year, he was asked with respect to this extortion: why there was such an exorbitant sum asked for a ticket to travel three hundred and fourteen miles when $20 was the price of a ticket of the same class for a distance of four hundred and eighty-two miles. He blasphemously referred his questioner to God Almighty. There spoke the spirit of these defiant monopolists who have grown fat on the gifts of a generous people, whom they have repaid for their generosity by extortionate tolls; who expect to continue their course in greed and rapacity by persevering in the path of corrupting legislators, judges, and jurors—supported in their infamous career by owned and leased lines of journalism throughout the land.

Under my bill tickets of the three classes from San Francisco to Los Angeles would be $14.46, $9.64, and $7.23. To Bakersfield the charge would be, respectively, $9.42, $6.28, and $4.71.

From San Francisco to the town of Modesto, taking the Railroad Gazette estimate of miles, the ticket prices would be $3.42, $2.28, and $1.91. This would be less than present round-ticket charges for a first-class fare; while second-class accommodations (which in Europe are even better, all things considered, than are afforded by our Pacific railroad magnates in their best division) would be extended to every point on the road. Modesto, I should remark for the information of those who are not familiar with our California railroad geography, is within a few miles of the point of regular water competition, while it is located adjacent to the banks of a river that is navigable during many months in each year.

Probably I have given illustrations enough—cramped as I am for space on this occasion. And, of course, it is the simplest matter of calculation. But there is persuasion and argument in the printing of the figures. I hope that every future reader of my speech who lives along the line of these iron highways or in their vicinity, necessarily a patron, will not fail to make his own calculations, as I feel sure that he will thereby be stimulated to renewed exertions in behalf of this cause of practical reform, which I long ago espoused and in behalf of which I now earnestly appeal to the all-powerful Representatives of the American people in Congress assembled.

Inquiry has already established the fact that with respect to the charges for the transportation of goods, the "unreasonableness" has been even more stupendous than that which has characterized the demand for passenger conveyance. Immediately prior to my appointment for consultation with the Committee on Pacific Railroads I applied through friends in San Francisco at the central office of the Central Pacific Railroad Company for a copy of the freight schedules of that organization. My messenger was informed, as I myself had been informed before him, that the freight schedules of the company were for the information of the employés and not for general publication. It may have been observed that in my bill providing for a reduction of freight charges (House bill 1803) I provide for the posting of freight schedules of convenient description at each and every station along the route.

When I came to address your committee I stated and regretted my inability to present the latest freight schedule of our California company, whereupon one or more of the attorneys for the monopolies promised that such a record should be immediately forthcoming for the inspection of members of this House. I have not as yet been supplied with a copy, but I presume that my friends in the committee have been furnished with one or more, according to the assurance given.

As to the actual and relative height of the charges for freight transportation: what of that? My bill proposes a reduction of 30 per cent. It will not be denied—it has not been and can not with any degree of conscience be denied—that where there is no competition on the line of this route the freight charges of the Union and Central Pacific Railroads are fully twice as much as on roads east of the Missouri River—distance and grade and cost of construction all being fairly taken into consideration. Indeed, the claim has been made boldly and emphatically before our State Legislatures that these roads were entitled to charge twice as much for the same distance as any of the Eastern roads. Still, the claim is reiterated that the charges are "reasonable."

But if this House should think that 30 per cent. is too great a reduction at the outset—a main and most desirable object now being to establish the right of the Government to make such reductions—I shall not object, if I can get my bills up out of this Committee on Pacific Railroads, to a subtraction of one-third of my cutting. That is to say, I shall not object to an amendment providing for an abatement of only 20 per cent. upon the freight-schedule prices in existence on the day when this session of this Congress assembled.

With respect to this let it be stated—for a general confirmation as to justice and propriety: one of the majority of the railroad commission in California, which is said to be under the control of the Central Pacific Railroad management, is reported to have proposed within twelve months (the record at my command at this moment does not give the exact date) an average reduction of over 20 per cent. How, then, could the Central Pacific Railroad Company be heard to complain of such a law by Congress enacted?

Moreover, subsequent to the introduction of my passenger-fare and freight-fare bills, with the preamble to which I have drawn especial attention, a bill, copying substantially the same introduction and unnecessarily adding the argument of right which grows out of it, was offered in this House and in the Senate. It was introduced in the House by a member residing in a State through which the Union Pacific Railroad and many of its branches are built, and who, it may

be presumed, at that time fairly represented the intelligent wish of his constituents. It was introduced in the Senate by a gentleman who also represents a State largely traversed by the Union Pacific Railroad, and for whom similar respect for the demands of the people of his Commonwealth may be assumed. This bill so copied had a section of declaration—one section declaring that from and after passage and approval of the same freight charges should be reduced on the Pacific railroads 50 per cent. without regard to classification.

Now, of course this bill did not and never could amount to anything in a practical point of view. Perhaps it was never intended that it should. I say this without any disrespect to the introducers. But the fact remains that two gentlemen, who are supposed by their location to be themselves already, by the instructive action of a great majority of their constituents, well informed and earnestly urged to action in behalf of right and justice in the premises, did follow my introduction with such a presentation, calling for 20 per cent. greater abatement of charges than is nominated in my legislative proposition.

Mr. Speaker, there is no Senator or Representative from any State or Territory—and I speak not to challenge them but with confidence to utter for them—through which these roads do pass who will dare to get upon this floor and oppose such measures as these. If anything is said from such sources it must be in favor of the passage of bills of this character; so that, for this among other reasons, the only way in which these railroad monopolists can prevent this species of righteous legislation is to adopt the policy and plan presented in a sentence by Colin P. Huntington in one of his letters to David D. Colton: "Kill it in the committee." How kill it, Mr. Speaker? Smother it. Glut the committee with other bills about other matters. Distract the attention of the honorable gentlemen who compose the committee, and who are anxious and zealous to inquire into the propriety and expediency of recommending such measures as these, if they can only get time to look at them; and as, perchance, the happiest scheme of all in this relation, send down upon that committee bills which shall affect directly or indirectly these passenger railroad corporations in any or every other possible manner, save in the line of reducing the charges for transportation which are by these great monopolists, corrupters, and oppressors imposed upon the people of this country.

Not satisfied with charging an exorbitant sum for the transportation of through and local freights, the Central Pacific Railroad Company are accustomed to charge the patron who resides along the line of the railroad east of the city of Sacramento for what is known as an "advance," a sum sufficient to pay the cost of transportation of westward-bound freight from San Francisco or Sacramento back to the point of delivery. To illustrate: take a car-load of goods which are to be delivered in Winnemucca, in the State of Nevada. I select this point because there are bills of lading or consignee papers in the records of this House already having reference to impositions at that locality of the character described. The consignee at Winnemucca is charged for transporting his car-load of goods to San Francisco and back again to Winnemucca, even though the actual nominal delivery is made immediately upon the arrival of the freight-car containing his property at his place of business! Evidence on this subject will be found on pages 183 to 186, inclusive, of the Appendix to the CONGRESSIONAL RECORD, volume 11, part 3, for 1880–'81.

This process is worked at all angles. I hold in my hand three papers which I received from Thomas McConnell, of Elk Grove, Sacramento County, California. They are dated, respectively, Sacramento, June 28 and July 2, and August 13, 1883, and are numbered 470, 505, and 796. The "charges advanced" for wool consigned from Winnemucca to Boston, Mass., are $205.60, $205.90, and $243.40. In other words, Mr. McConnell is charged for shipping his wool from Winnemucca to Boston the same as though the wool had been brought to Sacramento and thence dispatched to its ultimate destination.

While the freight-fare bill which I have introduced is not specially, in any of its express terms, adapted to the curing of this evil or stopping this outrage, I could contend that the practical effect and outcome of administration under this bill as a law would be to destroy all this class of impositions. At the same time I desire to have it understood that I did not wish to trespass upon the legislative ground, so to speak, of any other and former Representative in Congress.

In my remarks before the committee, to which I would like to direct the notice of all who are or may become earnestly engaged in the consideration of this subject, I stated, I think, clearly the reasons which induced me to offer the particular kind of a bill for freight regulations on the Pacific railroad which I have before me. I am far from disparaging any other Representative's work in the premises. But I do insist that propositions such as these are direct, and deserve first and foremost and final attention at this session of Congress. Over and over again let it be said, until no man can claim to have misunderstood the indisputable announcement: the people want reasonable passenger and freight fares upon their iron highways. And above all places where they are entitled to expect and to call for such reasonable charges, and nothing over, the Government-subsidized railroads of this land are the lines on which the summons should fall and force a "reasonable" tariff.

I have spoken elsewhere of apparently interminable disputes and wrangles over figures upon figures the moment you enter upon specific nominations of prices for freight-carriage, as against the excessive tolls set down by the railroad magnates. This is a horizontal cut that deserves respectful recognition because it takes these monopolists at their word, and touches their one single treasure-house of profits. They tell you that they understand all about the proper discrimination in freight-charges: fairly and justly considering the nature and the value of the goods transported. I suggest and submit: at the beginning, take them at their word. Assert the existing, the too-long slumbering power of the National Government over the railroads built by the loan of the people's bonds and the gift of the people's land; shave off 20 or 30 per cent. on their own schedule charges. Then let them come forward, if they wish to, and show, if it is possible, a single instance where the reduction is unreasonably large. At all events let us go forward from this aggressive action, studying facts and effects with a view, if possible, if reasonable, to still greater subtractions, with perhaps nicer discrimination begotten of our own later and more minute inquiries and discoveries and demonstrations.

The people endowed these roads with the just and firm expectation of reasonable passenger and freight fares on them. That expectation is manifested in the terms of the charter act. And in the wisdom of legislation that did exist at the time of the enactment of the original incorporation bill there was expressly reserved the right of control and reduction in this department. And the right existing on the one hand, while the wrongs—but faintly indicated—exist and have long existed on the other hand, there is by the coincidence and the conjoining a demand resting upon the consciences and the enlightened judgments of the Representatives of the people of the United States. I respectfully call for consideration for such bills as these. I ask attention to the fact that they have been put aside in the committee-room, while measures subsequently introduced—as to the merits or demerits of which I am not now about to speak—were taken up and made subjects of contemplation and of action. I am not deceived about this matter, and I am resolutely determined the people of this country shall no longer be deceived. It is important that the Treasury of this nation should be saved from loss; it is more important, and in such relation it is most important, that highways built by the people's contributions, over which the chartering law places the people's Representatives, should afford the people the best possible facilities of conveyance for the lowest reasonable sum.

Citizens in every section have an interest directly in this subject. Mutually we stand interested before and in the halls of legislation. A trip to Europe, with the finest luxuries of civilization for less money (and with as much dispatch) than you can journey across your own continent, on dry land all the way, on roads which for two-thirds of the distance were constructed by your own contributions! California and Oregon are rapidly becoming, in proportion to their area and in some respects out of all proportion to their acreage, the greatest grain and fruit and wine growing sections of the world. You, needing, not for luxury but to supply necessities of civilized life, the products of our wonderful soil—developing and delivering in unrivaled abundance unto the most delicious perfection, under our "glorious climate." You anxious to visit us and look upon the magnificent outer limit of your mighty Republic, with its wonders of nature which belittle all that was ever seen before or that elsewhere can be beheld. We anxious to have you come: come with your wives and children if possible; the best among you, come and abide. As strangers and pilgrims, yet fellow-citizens, or as permanent dwellers, welcome to our borders! Are there not reasons innumerable springing up, upon careful and far-reaching reflections, which conspire and concentrate to make us heartily in unison with respect to these propositions? Shall they be brought out of the committee at this or at the coming session of Congress? I put it to you, O men in whom your country has lodged the power to reply. There is such a thing as public sentiment within this Chamber. I told my immediate constituency that if I introduced reasonable measures upon these subjects no committee should smother them in their closets if I could possibly prevent that Huntingtonian method of killing. And I intend to the uttermost to endeavor to keep good my plighted word.

Self-admonished of the unusual length to which my remarks have already been extended, and well satisfied that there is no necessity for the promotion of my present purpose that I should go into detail of statement or illustration, paragraph by paragraph, with respect to the unreasonableness of the freight charges of the Pacific roads that were built with the aid of the people's money and the gift of the people's land, I shall here principally content myself with referring to the schedule of transcontinental charges that will be appended to my speech when published in the official RECORD. More than three-fourths of the amount charged is exacted by the Pacific railroad companies, which cover less than two-thirds of the distance. Surely it will be sufficient at this time to state the fact that the party conventions of the States of California and Nevada have for more than ten years last past presented to the people a plank in their platforms by the terms of which the Central Pacific Railroad Company has been arraigned for excessive freight charges; and legislative and other candidates were pledged to do all in their power in their respective offices to abate the extraordinary and oppressive tolls. In my own Commonwealth the two parties have vied with each other on more than one occasion to see which

would present to the people the severest and consequently the most satisfactory emphasis of instruction and pledge in this concededly most important particular.

Had I the space I would like to present something like a sketch of the history of California politics, of California party promises with reference to this, with us, all-absorbing question of railroad transportation charges.

By every warrant and justification that can come from a practically unanimous sentiment of a great State, which I as a Congressman at large represent, I respectfully serve notice of appeal upon this body of Representatives. I beg you to hear my people and give ear of audience and of anxious desire to respond to their reasonable petition.

May I be pardoned for a word of almost personal privilege interjected here? Nearly twenty years ago, when a citizen and State senator in Nevada, I foresaw the rising might of this reckless and relentless and corrupting and tyrannical monopoly. I spoke of my foreboding from the seat to which my county had sent me. I did what I could under the circumstances at that time to secure legislative expression from that State, which would so operate as to prevent the monopoly that was threatened—at least so far as the people of the Pacific States were concerned. That matter is upon the enduring record.

The debauching influences which these unscrupulous Central Pacific Railroad incorporators have since so banefully exercised soon began to be felt and to excite general public recognition and alarm. With increasing strength of money and employment that demoralizing, that afflicting influence has been extended. As a consequence there have been numerous and earnest efforts by the good people of our coast, in the two States which I have named—more particularly in the State of California—to disenthrall and to emancipate both in a business and in a moral sense. Organization after organization, as well as man after man, has been captured by these abominable creatures, after there had been a demonstration of ability to work out some good palliating results. And to-day in the metropolitan city where I reside there are shameful exhibitions of that moral turpitude that finds its illustration in recreancy to party pledge; as indeed there are at almost every town of considerable importance upon the Pacific coast. But the mass of the people are true and firm, up to the line of their enlightenment and their understanding upon this subject. And, God helping me, I intend to represent the masses of the people; and I claim that I am so doing at this moment in the making of this address to my fellow-members of this House of Representatives.

There need be and there will be no conflict of jurisdiction or of action developed by the operation of such measures as I have introduced—no conflict with the fair and just and legitimate proceedings of State boards of commissioners in any of the Commonwealths through which this continuous line of railway, built by the people's contributions, finds its passage. Be you assured there will be no jealousy on this account between the acting parties indicated or included, or the voters whom they respectively represent. I must leave to each hearer's and reader's own reflections—if I may use that word with respect to a matter that seems so obvious—questions such as these. They need no argument or assurance. There is harmony of hope and expectation all along the one continuous line, among the people who have immediately to do with the business management and control of the Pacific railroads named in my bills.

As these monopolists have delighted and still desire to fumble and frolic and distract and confuse and delay and demoralize and defeat by arithmetical calculations, that, to say the least, are far within the mark that is put down in these proposals for legislation, so will they endeavor to stir up all manner of petty envies, so they will not hesitate at making any bold statements of untruth which in their judgment or the judgment of their agents and emissaries are adapted to prolong into weariness the consideration of this momentous issue, suggesting side and irrelevant and less important topics for debate and division, or meeting the live and most essential questions of reform with falsehoods of every type and slanders of every hue.

In our State conventions the resolutions have been clear and explicit. The honest delegates have ceased to make them general; the secretly-bound convention members dare not leave them enigmatical, as once or at first they may be said to have been. It appears that we have not arrived at that stage in our national life when the leaders of either one of the two great political parties of the past and present deem it wise or expedient to explicitly mention these subjects in the national convention platforms. But I hesitate not to say that the party whose Senators and Representatives in this Congress voted with practical unanimity for the passage of these measures would be absolutely certain of overwhelming victory at the polls in November of this year. I will not forbear to state that if a majority of the Representatives of my own party on the floor of this House and in yonder Chamber should unmistakably indicate hostility to this kind of proposed legislation there would not be a shadow of a shade of reasonable hope or expectation for Democratic success in this Presidential campaign. I think that I speak advisedly. These subjects must be given a place, without evasion or equivocation, in the national platforms of the two great organizations that now exist, or a party by another name will rise in the land, which without being led aside to consider other worthy topics of reform will present this, prominent and isolated, and win a national triumph upon it. I say this without boasting for my cause or assuming too much for my judgment and conviction as to the future.

I came here to speak, because the masters of monopoly and their attorneys in my Commonwealth for once slumbered in their watch, and knew not of my popular strength in the interior of my State. I shall not return, nor ever again have influential office elsewhere. In the language of our illustrious party leader and ex-President-elect of the United States, Samuel J. Tilden, I can say with appropriate paraphrasing that on the 4th of March, 1885, I shall but submit to the will of the railroad and telegraph monopoly tyrants of the land in considering my public official life forever closed. The which I do herewith admit and proclaim, because it contributes to establish the disinterestedness of my present appealing, soliciting, warning, and, as I sincerely trust, patriotic utterance in this presence and before all the people of the Republic.

APPENDIX A.

Central Pacific Railroad Company of California.

ARTICLES OF ASSOCIATION.

First. The name of this association shall be the Central Pacific Railroad Company of California.

Second. The number of years the same shall continue is fifty years.

Third. The amount of the capital stock of this company shall be $8,500,000, divided into shares of $100 each.

Fourth. The names of nine directors to manage the concerns of the company are—

Leland Stanford, of Sacramento.
Charles Crocker, of Sacramento.
James Bailey, of Sacramento.
Theodore D. Judah, of Sacramento.
L. A. Booth, of Sacramento.
C. P. Huntington, of Sacramento.
Mark Hopkins, of Sacramento.
D. W. Storey, of Dutch Flat.
Charles Marsh, of Nevada.

Fifth. The places from and to which the proposed road is to be constructed are the city of Sacramento and the eastern boundary of the State of California.

Sixth. The counties into and through which this road is intended to pass are Sacramento, Placer, and Nevada.

Seventh. The length of the road, as near as may be, is one hundred and fifteen miles.

Eighth. The names of five commissioners to open books of subscription to the stock are B. F. Moore of Dutch Flat, E. G. Waite of Nevada, Edward J. Brickell of Illinoistown, E. McLaughlin of Grass Valley, Samuel Cross of Sacramento.

Ninth. We, the undersigned, do hereby subscribe to the above articles of association our names and the amounts of the stock taken by us, respectively, in said Central Pacific Railroad Company of California.

Subscribers' names.	Residence.	No. of shares.
James Bailey	Sacramento	150
Mark Hopkins	do	150
C. P. Huntington	do	150
Charles Marsh	Nevada	50
Theodore D. Judah	do	150
D. W. Storey	Dutch Flat	50
N. W. Blanchard	do	10
C. Cole	Sacramento	10
John F. Moore	do	5
R. H. Russell	do	5
N. L. Drew	do	5
William G. English	do	10
Charles G. Hooker	do	10
Milliken Bros	do	10
Lord, Holbroon & Co	do	10
Lucius A. Booth	do	10
E. J. Buckell	Illinoistown	40
B. Buckell	do	20
B. F. Moore	Dutch Flat	10
A. T. Mathewson	do	5
E. L. Bradley and R. M. Trim	do	25
E. G. Waite	Nevada	10
John Williams	do	10
T. Ellard Beans	do	10
J. N. Larue	do	10
E. McLaughlin	Grass Valley	10
William Loutzenheiser	do	5
Leland Stanford	Sacramento	150
C. Crocker	do	150

STATE OF CALIFORNIA,
City and county of Sacramento, ss:

Be it remembered that on this 27th day of June, 1861, personally appeared before me, the undersigned, a notary public in and for said city and county, Leland Stanford, Mark Hopkins, and C. P. Huntington, three of the directors of the within-named Central Pacific Railroad Company of California, and being by me duly sworn, say that the stock to the amount of at least $1,000 for every mile of the railroad intended to be built by said company, to wit, an amount of stock exceeding $115,000, has been in good faith subscribed by the members of said company, and that 10 per cent. on the amount of stock subscribed as aforesaid has been actually in good faith paid in cash to Mark Hopkins, the treasurer appointed by the directors named in the within articles of association, and that the subscribers of said articles of association are all known by some one of said —— to be the subscribers thereat, and to be the persons so represented.

LELAND STANFORD.
MARK HOPKINS.
C. B. HUNTINGTON.

Hereby certify that the foregoing affidavit was duly subscribed and sworn to by said Leland Stanford, Mark Hopkins, and C. P. Huntington by and before me the day and year aforesaid. In testimony whereof I have hereunto set my hand and official seal this 27th day of June, A. D. 1861.

[SEAL.] E. P. SWIFT, *Notary Public.*

APPENDIX B.

Amended articles of association of the Central Pacific Railroad Company of California.

Whereas it has been ascertained that the capital stock of the Central Pacific Railroad Company of California is less than is necessary to complete, operate, and maintain the railroad of said company, and that it will require at least $20,000,000 for that purpose; and

Whereas the State of California, by an act entitled "An act to authorize the incorporation of the Central Pacific Railroad Company of California, and other matters relating thereto," approved April 17, 1863, authorized and empowered the said company to make and file amended articles of association in the manner therein prescribed; and

Whereas the board of directors of the said company have deemed it necessary and proper to amend the articles of association of the said company:

The said board of directors, at their regular meeting held on the 1st day of October, 1864, adopted the following as the amended articles of operation of the Central Pacific Railroad Company of California, to wit:

Article first. The name of this association shall be the Central Pacific Railroad of California.

Article second. The number of years that this association shall continue is fifty, commencing from the date of the original articles of association of this company, to wit, the 27th day of June, 1864.

Article third. The amount of the capital stock of the company is increased to and shall hereafter be $20,000,000, which shall be divided into 200,000 shares of $100 each.

Article fourth. The number of the directors to manage the affairs of this corporation shall be seven. The names of the present directors of this company are: Leland Stanford, C. P. Huntington, Mark Hopkins, Edwin B. Crocker, E. H. Miller, jr., of Sacramento, Cal.; A. P. Stanford, San Francisco, Cal.; Charles Marsh, of Nevada, Cal.; D. W. Storey, of Dutch Flat, Cal.; Lucius A. Booth, of Virginia City, Nev.

Article fifth. This association is organized for the purpose of constructing, operating, and maintaining a railroad with the necessary and proper branches and extensions. The route of the railroad proposed to be constructed, operated, and maintained by this company as selected by this company is from and to the following points, to wit: From the city of Sacramento, in Sacramento County, California, to the eastern boundary line of the State of California at or near the place where the said line crosses the Truckee River and running through Roseville at the junction of said railroad with the California Central Railroad, and by or near to New Castle, Auburn, Neilsburg, Illinoistown, Gold Run, Dutch Flats, Bear Valley, Crystal Lake, Summit Valley, and Downer Pass, together with such branches and extensions of the said railroad as the board of directors of this company may at any time deem necessary and proper to construct, operate, and maintain, and which this company is or may be authorized to construct, operate, and maintain by the laws of the State of California or other States or Territories or the acts of Congress of the United States now in force, or which may hereafter be enacted.

Article sixth. This association is also organized for the purpose of constructing, operating, and maintaining, owning, selling, or disposing of a telegraph line along its railroad with the branches and extensions thereof and such branches and extensions of said telegraph line as the board of directors of this company is or may be authorized to construct, operate, and maintain under and by virtue of the laws of the State of California and of the States and Territories and acts of Congress of the United States now in force or which may hereafter be enacted.

Article seventh. The counties of the State of California into or through which the said line of railroad from Sacramento to said place on the eastern boundary line of said State is intended to pass are Sacramento, Placer, and Nevada.

Article eighth. The length of the said railroad from Sacramento to the said place on the eastern boundary line of the State of California is as near as may be, one hundred and fifty miles.

In testimony whereof, we, constituting a majority of the board of directors of the said Central Pacific Railroad Company of California, under and by virtue of the laws of the State of California and on order of the board of directors of said company, adopting the said amended articles of association, have hereto signed our names and caused the corporate seal of said company to be hereto affixed, the 6th day of October, 1864.

LELAND STANFORD.
MARK HOPKINS.
E. B. CROCKER.
CHARLES MARSH.
A. P. STANFORD.
C. P. HUNTINGTON.
E. H. MILLER, JR.

[SEAL.]

STATE OF CALIFORNIA,
County of Sacramento, ss:

We, Leland Stanford, president, and E. H. Miller, jr., secretary of the said Central Pacific Railroad Company of California, hereby certify that the foregoing amended articles of association of the said company were duly and unanimously adopted by the board of directors of the said company at a regular meeting thereof held on the 3d day of October, 1864; and we do further certify that the said amended articles of association were duly approved, adopted, ratified, and confirmed by the vote of the holders of the majority of the capital stock of the said company, at the annual meeting of the stockholders of said company, held on the 8th day of October, 1864.

In testimony whereof we have hereunto set our hands and affixed the corporate seal of the said company, this 8th day of October, 1864.

LELAND STANFORD,
President C. P. R. R. Co. of Cal.
E. H. MILLER, JR.,
Sec'y C. P. R. R. Co. of Cal.

Filed with secretary of state October 3, 1864.

OFFICE CENTRAL PACIFIC RAILROAD COMPANY OF CALIFORNIA.

Whereas the company is duly authorized to locate, construct, and continue its road eastward in a continuous completed line until it shall meet and connect with the Union Pacific Railroad; and

Whereas this company is now engaged in the work of thus locating, constructing, and extending its line of railroad east of the eastern boundary line of the State of California, and intend to continue the same eastward until it shall meet and connect with the said Union Pacific Railroad; and

Whereas it is ascertained that the amount of the present capital stock of the company of $20,000,000 is less than is necessary for the construction, completing, equipping, appointing, and maintaining of the road of the company when it shall be thus extended and completed so as to meet and connect with the said Union Pacific Railroad; and

Whereas it is ascertained that an increase of said capital stock of not less than $80,000,000, making the whole amount $100,000,000, is necessary for such completion, and the operating and maintaining of the road of the company as thus extended: It is therefore,

Resolved and ordered, That the capital stock of this company be increased to the said sum of $100,000,000.

Resolved and ordered further, That the third article of the amended articles of association of this company, bearing date the 6th day of October, 1864, be amended so as to read as follows, to wit:

"Article third. The amount of the capital stock of this company is increased to and shall hereafter be $100,000,000, which shall be divided into 1,000,000 shares of $100 each."

Resolved and ordered further, That the foregoing preamble, resolutions, and orders be submitted to a vote of the stockholders of the compay at their next annual meeting.

OFFICE CENTRAL PACIFIC RAILROAD COMPANY OF CALIFORNIA,
Sacramento, July 18, 1868.

STATE OF CALIFORNIA,
County of Sacramento, ss:

Mr. Leland Stanford, president, and E. H. Miller, jr., secretary of the said Central Pacific Railroad Company of California, hereby certify that the foregoing preamble, resolutions, and orders were unanimously adopted by the board of directors of said company at a regular meeting thereof had at the office of said company on the 13th day of July, 1868; that the same were submitted to a vote of the stockholders of said company at the regular annual meeting thereof held at the office of the company on the 14th day of July, 1868, and all stockholders voting at said annual meeting voted in favor of the same; that the holders of more than three-fourths of the capital stock of said company voted at said election, and voted in favor of said preamble, resolutions, and orders; and that said amendment to the articles of association of said company has been duly approved and now forms a part of the articles of association of said company.

Witness our hands and the corporate seal of said company, this 18th day of July, 1868.

[Seal C. P. R. R. Co.]

LELAND STANFORD.
E. H. MILLER, JR.

Filed by secretary of state July 23, 1868.

APPENDIX C.

[No. 2024.]

Articles of Association of the Contract and Finance Company.

[Through which Central Pacific Railroad directors contracted with themselves.]

Article first. The persons whose names are hereto subscribed hereby form and organize themselves into a corporation under and in pursuance of an act of the Legislature of California entitled "An act to provide for the formation of corporations for certain purposes," approved April 14, 1853, and the acts amendatory of said act, or supplementary thereto.

Article second. The name of said corporation shall be the "Contract and Finance Company."

Article third. The said corporation is formed for the purpose of engaging in and carrying on the business of constructing, purchasing, leasing, selling, holding, maintaining, operating, and repairing of railroads, wagon and transit roads, steamboats, vessels, telegraph lines, and rolling-stock of railroads; the purchasing, holding, hypothecating and selling of bonds and stocks issued by railroad and other companies or corporations; and also of iron and other material for railroad and telegraph lines; the borrowing and loaning of money, the express and stage business, and any and all other kinds of business connected with or pertaining to railroads and telegraph lines and the transportation of persons and property, on land and water, and the purchasing, holding, leasing, and selling of real estate of all kinds.

Article fourth. The business of the said company shall be conducted and managed and the corporate powers of said corporation shall be exercised by a board of three trustees, who shall be stockholders of the said company, who shall hold their office for the term of one year and until their successors are elected. The names of the trustees to manage the concerns of the company for the first three months are W. E. Brown, Theodore J. Milliken, and Benjamin R. Crocker.

Article fifth. The officers of said company shall consist of a president, secretary, and treasurer, and such others as may be established by the board of trustees. The offices of secretary and treasurer may be held by one person. The president must be a member of the board of trustees.

Article sixth. The amount of the capital stock of the said corporation shall be $5,000,000, and the same may be increased by the board of trustees whenever they may deem that the business of the company requires it. The capital stock of the company shall consist of 50,000 shares of $100 each.

Article seventh. The time of the existence of said company shall be fifty years.

Article eighth. The principal place of business of the said company is hereby located at the city of Sacramento, in the State of California, but the board of trustees may at any time, when they deem proper, change the principal place of business of the said company to the city of San Francisco, in the State of California.

We the undersigned, the stockholders of the said Contract and Finance Company, hereby certify the foregoing eight articles are the articles of association of the said company.

In testimony whereof we have hereunto signed our names this 28th day of October, 1867.

W. E. BROWN.
B. R. CROCKER.
THEO. J. MILLIKEN.

STATE OF CALIFORNIA,
County of Sacramento, ss:

I, E. D. Shirtland, county clerk in and for said county, do hereby certify the within and foregoing to be a full, true, and correct copy of the articles of association of the Contract and Finance Company, and the same are of record and on file in my office, and that said articles now filed in my said office on this 28th day of October, A. D. 1867.

Witness my hand and the seal of the county court of said county this 28th day of October, 1867.

[SEAL.]

E. D. SHIRTLAND, *County Clerk.*

Filed in secretary of state's office by John H. Parnell, deputy clerk, October 28, 1867.

Bills creating commissions of inquiry will do no good.

Having concealed or destroyed the books of this directors' contracting company, the arrogant Central Pacific Railroad managers snap their fingers at former legislative attempts to secure a reduction of their extortionate tolls. Nothing but a direct law, like as bills 99, 1803, will bring them to judgment.

The Western Development Company was organized December 15, 1874, by Frank S. Douty, John Miller, Edward C. Wright, Frank C. Ross, and Henry K. White, clerks in the office of the Central Pacific Railroad Company.

It was the successor of the Contract and Finance Company, and had a nominal capital of $5,000,000, divided into 50,000 shares.

Its object was to carry on construction, manufacturing, mining, mercantile, mechanical, banking, and commercial business in all branches.

Succeeding the Western Development Company came the Pacific Improvement Company, organized November 2, 1878. Capital, $5,000,000, with 50,000 shares.

	Shares.
J. H. Strowbridge	100
F. S. Douty	100
Arthur Brown	100
W. E. Brown	100
B. R. Crocker	100

Were the incorporators, all of them being connected with the Central Pacific, and all except the last in the company's office.

APPENDIX D.

A GRACIOUS ADMISSION—SURPLUS REDUCED BY BUILDING SIDE LINES, ETC.

Mr. A. N. Towne, superintendent of the Central Pacific, graciously admits the right of Congress to legislate on this subject, in his letter to the board of railroad commissioners for California, wherein he says:

> Congress has reserved to itself full and complete jurisdiction over the regulation of freights and fares upon both the roads in question (the Central Pacific and the Union Pacific) and has already in a measure exercised such jurisdiction.

See report of Commissioner Foote in report of board to governor of California, at page 102.

As to this subject and what may be fair charges, see Harris *vs.* Parkwood, 3 Taunton, 264; Oppenheimer *vs.* Russell, 2 Res. and Pul., 42; Ashmore *vs.* Wainright, 2 Queen's Bench, 837; Fitchburg Railroad *vs.* Gage, 12 Gray, 395; McDuffen *vs.* Railroad, 52 New Hampshire, 430; Johnson *vs.* Railroad Company, 16 Florida, 623; Holford *vs.* Adams, 2 Duer, 471; Streeter *vs.* Railroad Company, 45 Wisconsin, 383; the Granger cases, 96 United States, 155, 164, 179, 180, 181; Shield *vs.* Ohio, 95 United States, 319.

And as to the elements of fair charges, see Pickford *vs.* Greno Junction & Co., 10 Mees & W., 399.

Thus the Union Ferry Company, owning several ferries between New York city and Brooklyn, is limited by the laws of the State of New York by being required to pay all amounts of income over the annual charges and limited percentage of dividends to certain public charities.

Notwithstanding the low rates of fare, the income of this company is far in excess of the expenses and the amount requisite to pay the dividend limited by law. But in order to use up a large amount of this surplus income the ferry company spends annually large sums in expensive boats, slips, ferry-houses, &c., since they fear a reduction of rates.

Following the example of this Union Ferry Company, the Central Pacific and Union Pacific Railroad Companies have used a large part of their assets and surplus earnings in buying or building lines of road not contemplated by the company at the start or by the act of Congress, thus using the assets and earnings of these roads in channels other than those contemplated by Congress. I claim that since the assets and earnings of these roads have been used in building other lines, thus materially reducing the surplus which should have been used for reducing indebtedness, the total income from all sources must be taken into consideration in determining the act under the act of 1862, and that, too, whether it came from the main line, branch lines, or leased lines.

Thus in Executive Document No. 83 of the first session of the Forty-eighth Congress you see that in 1882 some of these lines were run at a loss, while in 1883 there was a profit. (See pages 9 and 10.)

In 1882, then, there being a loss, the Union Pacific Company had to stand it, thus reducing the net income. Then why may not the profit for 1883 go to net income?

Had the Union Pacific used its funds and credit in getting rid of the debt and improving the condition of its main line, from Omaha to Ogden, of 1,042 miles, instead of consolidating with and leasing other lines of road built out of the funds and credit of the Union Pacific, Mr. Sydney Dillon could not have said that the company owned 1,820.9 miles of road and operated 2,872 miles more, making in all 4,693.3 miles (see annual report for 1882, pages 1 to 12), but the funds of the Union Pacific would have been proportionally increased or its funded debt diminished (see also list of roads).

Had the Central Pacific used its funds and credit honestly in defraying the cost of building and equipping its road from Sacramento to Ogden, 737 miles, Charles Crocker, vice-president of the Central Pacific, could not state in his report for 1882 that the company operated 1,217.87 miles of road owned and 2,830 leased, making, with the Southern Pacific and other roads named in the list given, about 6,000 miles practically owned by the Central Pacific; but the funds of the Central Pacific could have been proportionately increased and its debt diminished. (See Central Pacific Railroad report, 1882, page 23.)

Had such a course been pursued the net income from each of these roads would now be nearer 100 per cent. on the honest cost than 10 per cent.; but Huntington, Stanford, Crocker, and Hopkins, who, in 1860, were worth less than $120,000, would not now control 6,000 miles of railroad and have over $120,000,000 besides.

APPENDIX E.

THE OCTOPUS.

The following will show list of roads owned by the Central Pacific or the Union Pacific, or in which a portion of the directors are the same.

And first as to the Union Pacific:

THE UNION PACIFIC SYSTEM.

1. Union Pacific, } Consolidation of Union Pacific.
2. Kansas Pacific, } Consolidation of Union Pacific.
3. Denver Pacific, } Consolidation of Union Pacific.
4. Julesburg Branch.
5. Omaha and Republican Valley.
6. Omaha and Nebraska and Black Hills.
7. Saint Joseph and Western.
8. Marysville and Blue Valley.
9. Echo and Park City.
10. Utah and Northern.
11. Colorado Central.
12. Denver, South Park and Pacific.
13. Lawrence and Emporia.
14. Junction City and Fort Kearney.
15. Solomon Railroad.
16. Salina and Southwestern.
17. Denver and Boulder Valley.
18. Golden, Boulder and Caribou.
19. Kansas Central.
20. Salt Lake and Western.
21. Oregon Short Line.
22. Greeley, Salt Lake and Pacific.
23. Carbondale Branch.
24. Nevada Cental.
25. Manhattan and Northwestern.
26. Manhattan, Albany and Burlingame.
27. Central Branch Union Pacific.

The foregoing are all run by the Union Pacific and expense charged to the Union Pacific.

These roads are all under the care of one or more of the directors of the Union Pacific. (See Poor's Railroad Manual for 1883.) They are the Dillon and Gould roads.

28. Canada Southern.
29. Utah Central.
30. Utah and Nevada.
31. Texas and Pacific.
32. Memphis and Little Rock.
33. International and Great Western.
34. Missouri, Kansas and Texas.
35. Missouri Pacific.
36. Saint Louis Bridge Company.
37. Saint Louis, Iron Mountain and Southern.
38. Saint Louis and San Francisco.
39. Sedalia, Warsaw and Southern.
40. Saint Louis, Salem and Little Rock.
41. Chicago, Saint Paul, Minneapolis and Omaha.
42. Sioux City and Pacific.
43. Delaware, Lackawanna and Western.
44. Erie and Pittsburgh.
45. New York, New Haven and Hartford.
46. New York, Lackawanna and Western.
47. New York and New England.
48. Delaware and Hudson.
49. Central Railroad of New Jersey.
50. Manhattan Elevated.
51. Chicago and Canada Southern.
52. Michigan Central.
54. Cincinnati, Indianapolis, Saint Louis and Chicago.
55. Wabash, Saint Louis and Pacific.
56. Chicago and Northwestern.

THE CENTRAL PACIFIC SYSTEM.

1. Central Pacific. } Consolidated with Central Pacific.
2. California and Oregon. } Consolidated with Central Pacific.
3. San Francisco and Oakland. } Consolidated with Central Pacific.
4. San Francisco and Alameda. } Consolidated with Central Pacific.
5. San Francisco and Bay. } Consolidated with Central Pacific.
6. San Francisco, Alameda and Stockton. } Consolidated with Central Pacific.
7. Western Pacific. } Consolidated with Central Pacific.
8. Yuba Railroad. } Consolidated with Central Pacific.
9. Marysville. } Consolidated with Central Pacific.
10. San Joaquin Valley. } Consolidated with Central Pacific.
11. Southern Pacific of California. } Consolidated with Southern Pacific.
12. San Francisco and San José. } Consolidated with Southern Pacific.
13. Los Angeles and San Pedro. } Consolidated with Southern Pacific.
14. Southern Pacific Branch. } Consolidated with Southern Pacific.
15. California Southern. } Consolidated with Southern Pacific.
16. Santa Clara and Pajara Valley. } Consolidated with Southern Pacific.
17. Colorado Steam Navigation Company.
18. California Steam Navigation Company.
19. Western Development Company, small line.
20. Los Angeles and San Diego.
21. Southern Pacific of Arizona.
22. Southern Pacific of New Mexico.
23. Sacramento and Placerville.
24. Stockton and Copperopolis.
25. Los Angeles and Independence.
26. Amador Branch.
27. Berkeley Branch.
28. Northern Railway.
29. San Pablo and Tulare.
30. California Pacific.
31. Galveston, Harrisburg and San Antonio.
32. Pacific Improvement Company (bridge).
33. Chesapeake and Ohio.
34. Chesapeake and Ohio and Southwestern.
35. Kentucky Central.
36. Morgan's Louisiana and Texas steamship and railroad lines.
37. Texas and New Orleans.
38. Louisiana Western Extension Company of Texas.
39. Louisiana Western Extension Company of Louisiana.
40. Louisiana Central.
41. Elizabethtown, Lexington and Big Sandy.
42. Market Street Railroad (San Francisco).
43. Potrero and Bay View Railroad (San Francisco).
44. California Street Railroad (San Francisco).

CENTRAL AND UNION COMBINED.

1. Pacific Mail Steamship Company.
2. Occidental and Oriental Steamship Company.
3. Western Union.
4. Atlantic and Pacific.

RECAPITULATION.

1. Companies merged into Union Pacific and charged in expenses	27	
2. Companies controlled by same directors as Union Pacific	29	
		56
3. Companies owned by Central Pacific	16	
4. Other companies controlled by Central Pacific under lease and owned by its directors	17	
		33
5. Controlled by Central Pacific and Union Pacific jointly		4
6. Other companies in which Huntington has a controlling interest		12
Total		105

APPENDIX F.

THE EXTRAVAGANT ESTIMATE EXPOSED.

In the report made to the stockholders of the Central Pacific Railroad Company for the year 1882 it is shown or alleged that the cost of construction alone of the 1,217.87 miles of road in use was $137,963,157.88. To illustrate the extravagance of this estimate, I will compare this item of cost with the same class of expenditures with the New York Central and Hudson River Railroad up to September 30, 1881. The Central Pacific Railroad Company did not have to pay land damages, but rather the reverse. And it should also be noted that, with the exception of crossing the Sierra Nevada Mountains, the Central Pacific had no grading or masonry work of any account, while the New York Central from Albany west had a great deal of both, and a still larger proportion on the Hudson River line.

The cost of construction of the New York Central and Hudson River Railroad to September 30, 1881, is recorded as follows: Grading and masonry, $19,863,581.56; bridges, $2,620,150.23; superstructure and rails, $30,438,458.92; engineering and agencies, $3,004,981.17; total construction 1,995.43 miles of single track, main line $55,927,171.88; Rochester and Lake Ontario Railroad, $150,000; Buffalo and Niagara Falls Railroad, $658,921.56; Saratoga and Hudson River Railroad, $2,000,000; Syracuse Junction Railroad, $732,295.57; Junction Buffalo Railroad, $219,900. Total construction of 339.11 miles, branches $4,159,119.13; total cost of 2,334.50 miles single track, $60,986,291.01.

Now, it will be seen from these figures that the charge of the Central Pacific to construction account in 1,217 miles of single-track road through a country which for the most part is nearly on a dead level, is over 225 per cent. more than the New York Central charged to construction account of double the number of miles of single-track road. Reducing the roads to the same number of miles of single track, and taking the construction account of the New York Central as a basis, and you find that the Central Pacific Railroad Company have charged nearly five times as much for construction per mile of road as is charged by the New York Central. And this, notwithstanding the fact that the Hudson River portion of the road from New York to Albany of one hundred and forty-four miles (which reduced to single track would be 375.53 miles) is built nearly the whole distance either through solid rock, requiring expensive blasts, or on trestles projecting out on the Hudson River, while the line from Albany to Buffalo and branches runs through mountains and valleys, crossing many streams, requiring heavy grades, much blasting, long cuts and embankments, and numerous buildings. The Central Pacific had none of these obstacles to meet, except in one portion of one hundred and fifty miles over the mountains.

If, then, with all the obstacles which the New York Central had to contend with that company can construct its road for $25,733 per mile, why can not the Central Pacific do at least as well, it having none or few of these obstacles to overcome?

The New York Central's first lines were built when it cost much more for railroad construction than at the time the Central Pacific was built, without making any calculation as to the extraordinary relative reduction in cost owing to the employment of Chinese laborers.

APPENDIX G.

RIGHT CONCEDED.

I submit, that the claim that Congress has a right to pass such bills as I have introduced, cutting down fares on the Union and Central Pacific Railroads, has been virtually conceded by these very companies when applying themselves for legislation favorable to their interests. I refer in proof of this to the following acts, altering or amending the original bills:

Act of July 12, 1862 (12 U. S. Stat., page 538).
Act of March 3, 1863 (12 U. S. Stat., page 807).
Act of July 2, 1864 (13 U. S. Stat., page 356).
Act of March 3, 1865 (13 U. S. Stat., page 504).
Act of July 3, 1866 (14 U. S. Stat., page 79).
Act of February 24, 1871 (16 U. S. Stat., page 430).
Act of May 6, 1870 (16 U. S. Stat., page 121).
Joint resolution March 3, 1865 (13 U. S. Stat., page 573).
Joint resolution May 7, 1866 (14 U. S. Stat., page 355).
Joint resolution May 21, 1866 (14 U. S. Stat., page 356).
Joint resolution July 26, 1866 (14 U. S. Stat., page 367).
Joint resolution December 20, 1867 (15 U. S. Stat., page 245).

Congress has also passed acts affixing penalties under the original act, as follows:

Act of June 12, 1866 (14 U. S. Stat., page 60).
Act of June 15, 1866 (14 U. S. Stat., page 66).
Act of June 25, 1868 (15 U. S. Stat., page 79).
Act of June 20, 1874 (18 U. S. Stat., page 111).
Act of June 22, 1874 (18 U. S. Stat., page 200).
Act of June 19, 1878 (20 U. S. Stat., page 169).

Congress has also passed the following appropriation bills, which should be cited in this connection and for the same purpose already indicated:

Act of April 30, 1878 (20 U. S. Stat., page 44).
Act of March 3, 1873 (17 U. S. Stat., page 508).
Act of March 3, 1871 (16 U. S. Stat., page 525).
Act of March 3, 1875 (18 U. S. Stat., page 453).
Act of June 16, 1874 (18 U. S. Stat., page 74).
Act of March 3, 1870 (20 U. S. Stat., page 420).
Act of March 1, 1881 (21 U. S. Stat., page 375).
Act of June 20, 1882 (22 U. S. Stat., page 120).
Act of August 2, 1882 (22 U. S. Stat., page 185).
Act of August 15, 1882 (22 U. S. Stat., page 250).

With respect to the Southern Pacific Railroad, see also:

Act of Congress of July 25, 1868.
Act of Congress of March 3, 1871.
Resolution of June 28, 1870.

APPENDIX H.

AN UNDENIED PREAMBLE SHOWING EXTORTION.

Preamble to joint resolution of the Legislature of the State of Nevada.

Joint resolution to the Congress of the United States in relation to discrimination in fares and freights.

Whereas the people of the State of Nevada have long suffered and do now suffer under the impositions and exactions of the Central Pacific Railroad Company, which, besides retarding enterprise, injures the business and prosperity of the people of this State, and amounts to the most enormous, unjust, and oppressive tax ever laid upon the industry of a people. The said railroad company exercises over the persons and property of others an almost absolute power, vicious and tyrannical, destructive of the rights of persons and of property, and opposed to common justice, as well as to every principle of civil and constitutional liberty known since the days of Magna Charta; and

Whereas it is proper that the truth should be known concerning this corporation and its transactions, the following facts are herein stated: The people of Palisade, distant four hundred and thirty-five miles east from Sacramento, have to pay for freight on flour (fourth-class freight, per published special-rate tariff of Central Pacific Railroad) per car-load the sum of $282 from Sacramento, while the people of Toana, one hundred and twenty-nine miles farther east, pay freight on flour per car-load, according to the printed special rate, the sum of $275 per car-load, while the merchant having a contract for some so-called competitive point with this railroad company pays freight on the same article, to wit, flour, per car-load, only $200. The merchant at Toana having a special contract pays $82 per car-load less freight than the merchant at Palisade, although, as before mentioned, the carriage is one hundred and twenty-nine miles more.

The goods delivered at Palisade or Battle Mountain, distant respectively four hundred and thirty-five and three hundred and eighty-three miles from Sacramento, have a freight charge of $480 per car-load, while at Toana the freight amounts to $275 per car-load to persons having special contract rates for so-called competitive points, the greater service being performed for the less amount. Persons shipping wool or other products from Palisade, Battle Mountain, Elko, or other points in this State to the Eastern States have to pay local rates to Sacramento, thence freight at through rates back over the same road to the point of destination, the shipper being often compelled to pay freight at local rates for a distance of over five hundred miles, a service useless and unnecessary even if rendered.

The same unjust discrimination is practiced by this railroad company against the people of this State in the rates of freight upon goods shipped from points east of this State. The freight on a box of eggs from Ogden to Toana costs one man $3.35 per box, and the same number of eggs in the same sized box and of the same weight costs another man 65 cents; a hundred pounds of squashes costs one man in freight $1.36, while it costs another 55 cents. Hams and case goods cost one man $2.04, while they cost another but 55 cents. The distance from Ogden to Toana is one hundred and eighty-three miles.

The same unjust discrimination is also practiced by this railroad company in passenger fares. A ticket from Omaha to San Francisco costs $100, while a ticket from Omaha to Palisade, being six hundred miles nearer, costs $95. A person desiring to go East is charged within a fraction of the full fare through and from San Francisco to the point he desires to reach, although he may ride over one-third or less of the line of the Central Pacific Railroad. More appalling examples of injustice than are shown by the above instances, selected from among a myriad of kindred transgressions, are hard to conceive.

* * * * * * *

STATE OF NEVADA,
Secretary's Office, ss.:

I, Jasper Babcock, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original preamble which passed the Nevada Legislature February 10, 1881, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office in Carson City, Nevada, this 12th day of February, A. D. 1881.

[SEAL.]

JASPER BABCOCK,
Secretary of State,
By J. J. CHESLEY, *Deputy.*

APPENDIX I.

THE RIGHT OF INQUIRY.

It is a fact that the directors of the Union and Central Pacific Railroad Companies made contracts for the building of these roads with contracting companies or firms of which they were also members and directors, and in which contracts they had a large beneficial interest inimical to the interests of the stockholders and bondholders or creditors, of which last class the United States was one, it having guaranteed certain bonds.

This being the case, the United States has a right, on the ground of being a creditor if on no other, to inquire into the nature and fairness of these construction contracts. And the best way to institute the inquiry is under such bills as I have introduced—

First. That the directors of these companies were and are the voluntary and express trustees of the stockholders.

English cases: Field on Corporations, sec. 172–174; Flanagan *vs.* Great Western Railway, 7 L. J. (Ex.); Parker *vs.* McKenna, 11 Moak's Notes, 456; Imperial Merchant Credit Association *vs.* Coleman, 6 Moak's Notes, 418; Aberdeen Railway *vs.* Blakie, 1 McQueen, 46.

Twin Lick Oil Co. *vs.* Marbury, 1 Otto, U. S. Sup. Ct., 588; Railroad Co. *vs.* Durant, 5 Otto, U. S. Sup. Ct., 576; Jackson *vs.* Ludding, 21 Wallace, 616; W. A. and F. R. R. Co. *vs.* A. and W. R. R. Co., 19 Grattan, 592; Wright *vs.* Oroville Manufacturing Co., 40 California, 27, 28; Wilbur *vs.* Lynde, 49 California, 392; City of San Diego *vs.* R. R. Co., 44 California, 112, 113, 116; E. and N. A. R. R. Co. *vs.* Poor, 59 Maine, 278; Bart *vs.* Bridgeport Spring Co., 42 Conn., 26; Hoffman Coal Co. *vs.* Cumberland Co., 16 Maryland, 456; Cumberland Coal Co. *vs.* Parish, 42 Maryland, 601; Simmons *vs.* Vulcan Oil Co., 61 Pa. St., 209; McElhinney's Appeal, 61 Pa. St., 193; Hazard *vs.* Durant, 11 R. I., 199; Heath *vs.* Erie R. R., 8 Blatchf., 347; Heath *vs.* Erie R. R., 12 Blatchf., 293; Board & Co. *vs.* S. M. and B. R. R. Co., 50 Ind., 97; G. C. and S. R. R. Co. *vs.* Kelly, 77 Ill., 426; Stuart *vs.* Lehigh Valley R. R. Co., 38 N. J. Law, 521; Cumberland Coal Co. *vs.* Sherman, 30 Barb., 553; Abbott *vs.* American Hard Rubber Co., 33 Barb., 578; Star Ins. Co. *vs.* Palmer, 41 N. Y. Sup. Ct., 267.

The above apply with equal force as to the relations between officers of these companies and the creditors.

Second. The contracts for the building of these roads being made by the directors with themselves and for their individual benefit, are fraudulent and contrary to public policy, and therefore unlawful and void.

Perry on Trusts, section 207; Kerr on Fraud, sections 150, 155, 157; Story's Equity Jurisprudence, volume 1, section 321, and note to section 323; Hill on Trusts, star page 159; Field on Corporations, 174, 175, 176, 268, 273; Angel and Ames, section 233, note; Story on Agency, page 242, section 210, and notes.

English cases: Morse *vs.* Royal, 12 Ves., jr., 373; *Ex parte* Lacy, 6 Ves., jr., 625; York Buildings Co. *vs.* Mackenzie, 4 Appeal Cases, 401; Aberdeen Railway Co. *vs.* Blakie, 1 McQueen, 461; Great Luxemburgh R. R. Co. *vs.* Magenny, 25 Beavan, 586; York and Midland R. R. Co. *vs.* Hudson, 16 Beavan, 485; *In re* Madrid Bank, 2 L. R. (Eq.), 1; *In re* Anglo-Greek Steam Co., 2 L. R. (Eq.), 216; *In re* Campharphy, 5 Central Law J., 44; Twycross *vs.* Grant, 5 Central Law J., 138; Bruson *vs.* Henthorn, 1 Y. and Coll., 326; Ernest *vs.* Nichols, 3 Jurist (N. S.), 919; Bowes *vs.* City Toronto, 11 Moore (Pe.), 463.

Michond *vs.* Girod, 4 Howard, 503; Twin Lick Oil Co. *vs.* Marbury, 1 Otto, 588; St. John's Church *vs.* Church, &c., 45 Barb., 356; Abbott *vs.* Am. Hard Rubber Co., 33 Barb., 593; Butts *vs.* Wood, 37 N. Y., 318; Cumberland Coal Co. *vs.* Sherman, 30 Barb., 553; Hoffon S. Coal Co. *vs.* Cumberland Co., 16 Md., 465; Daron *vs.* Fanning, 2 Johns. Ch., 252; Blake *vs.* Buffalo Cr. R. R. Co., 56 N. Y., 485; Hoyle *vs.* P. and M. R. R. Co., 54 N. Y., 316, 329; Gardner *vs.* Ogden, 22 N. Y., 327; Bliss *vs.* Mateson, 45 N. Y., 22; Fulton *vs.* Whitney, 66 N. Y., 548; Curkey *vs.* Bond, 34 Barb., 285, 36 Barb., 427; Hawley *vs.* Cramer, 4 Cow., 717; Torry *vs.* Bank of Orleans, 9 Paige, 650; Van Epp *vs.* Van Epps, 9 Paige, 241; Bruce *vs.* Quinn, 2 Sanford Ch., 146; B., N. Y. and E. R. R. Co. *vs.* Lampson, 47 Barb., 533; Star Ins. Co. *vs.* Palmer, 41 N. Y. Sup., 267; Dobson *vs.* Rany, 3 Sandf. Ch., 62; Hough *vs.* Harvey, 71 Ill., 74; G. C. and S. R. R. Co. *vs.* Kelly, 77 Ill., 426; Follansbee *vs.* Killreth, 17 Ill., 522; Lockwood *vs.* Mills, 39 Ill., 608; W. A. and F. R. R. Co. *vs.* A. and W. R. R., 19 Grattan, 592; Stuart *vs.* Lehigh Valley R. R., 38 N. J. (Law), 521; Hoburt *vs.* Hamell, 1 Harrison (N. J.) 81; Page *vs.* Naglee, 6 Cal., 241; King *vs.* Wise, 43 Cal., 629; San Diego City *vs.* San Diego R. R., 44 Cal., 106; Andrews *vs.* Pratt, 44 Cal., 309; Wilbur *vs.* Lynde, 49 Cal., 290; Post *vs.* Russell, 36 Ind., 64; Court *vs.* Reynolds, 44 Ind., 519 and 50 Ind., 97; People *vs.* Township, &c., 11 Mich., 223–7; Flint *vs.* F. and P. M. R. R. Co., 14 Mich., 477; Sheldon *vs.* Rice, 39 Mich., 301; Clute *vs.* Barron, 2 Mich., 192; Ingerson *vs.* Starkweather, — Mich., 217; Guernsey *vs.* Cook, 120 Mass., 501; Peckitt *vs.* School Dist., 25 Wis., 552; Shankhy *vs.* Taylor, 1 Bond., 142; Goodwin *vs.* Whitewater, 18 Oh. St., 169; Faucett *vs.* Faucett, 1 Bush, 511. *In re* Taylor Orphan Asylum, 36 Wis., 553; James *vs.* James, 55 Ala., 525; Wright *vs.* H. School Dist., 6 Central Law J., 378; S. L. and N. S. M. Co. *vs.* Jackson, 5 Central Law J., 317; N. S. P. Co. *vs.* Erlanger, 4 Central Law J., 510; E. and N. A. R. R. Co. *vs.* Poor, 59 Maine, 278; Cox *vs.* A. Sarm, 6 Central Law J., 398; Barley *vs.* Robinson, 1 Grattan, 4; Merriam *vs.* Russell, 39 Tex., 285; Hazard *vs.* Durant, 11 R. I., 196; Ashurst's Appeal, 60 Penn., 309; Rice's Appeal, 70 Pa. St., 168; Platt *vs.* Longworth, 27 Ohio. St., 195; Pressley *vs.* Ellis, 48 Miss., 579; Billings *vs.* Billings, 110 Mass., 228; Arnold *vs.* Brown, 24 Peck, 96; Dorsey *vs.* Dorsey, 3 H. & J., 427; Korn *vs.* Shaffer, 27 Maryland, 90; Paire *vs.* Vickney, 37 Maryland, 485; Keightler *vs.* Savage Manf. Co., 12 Maryland, 416; Freeman *vs.* Harwood, 49 Maine, 191; Peyton *vs.* Enos, 16 La. An., 135; Richardson *vs.* Spencer, 18 B. Mon., 465.

Many of the above cases will be found in Zim's Leading Cases on Trusts. Some of the above will be found at pages 1, 43, 77, 87, 125, 177, 181, 373.

APPENDIX J.

HUNTINGTON & CO.'s "ANTI-MONOPOLY" RECORD.

C. P. Huntington and his compeers have "gobbled" the following railroad companies:

	Miles.
10 companies in Central Pacific	1,404.00
6 companies in Southern Pacific	956.00
1 company in Southern Pacific of Arizona	385.00
1 company in Southern Pacific of New Mexico	170.00
1 company in Galveston, Harrisburg and San Antonio	855.00
1 company in Monterey	15.12
1 company in Santa Cruz	21.50
1 company in Sacramento and Placerville	48.50
1 company in Los Angeles and Independence	16.83
1 company in Los Angeles and San Diego	27.60
1 company in Northern Railway	124.80
1 company in California Pacific	115.44
1 company in Stockton and Copperopolis	49.00
1 company in San Pablo and Tulare	46.34
1 company in Amador Branch	27.20
1 company in Berkeley Branch	4.00
1 company in Chesapeake and Ohio	661.00
1 company in Chesapeake and Ohio and Southwest	398.00
1 company in Kentucky Central	184.00
1 company in Elizabethtown, Lexington and Big Sandy	130.60
1 company in Morgan's Louisiana and Texas	206.00
1 company in New Orleans and Texas	450.00
1 company in Texas and New Orleans	116.00
1 company in Louisiana Western Extension (Texas)	7.00
1 company in Louisiana Western Extension (Louisiana)	105.00
1 company in Louisiana Central	52.00
40 Total, absolutely controlled	6,566.04
1 Saint Louis	724.75
2 Atlantic and Pacific	537.70
	1,262.45
43 companies	7,828.49
Railroad companies (as above)	43

Street railroad companies:

California Street Railroad, Market Street Railroad, Fifth Street Railroad, Potrero and Bay View Railroad, San Francisco 4

Steamship companies:

1. Pacific Mail, New York to San Francisco, Australia, and Japan.
2. Occidental and Oriental, San Francisco to Japan.
3. Morgan Line, Texas to New York.
4. Colorado Steam Navigation Company.
5. California Steam Navigation Company.

Bridges:

1. Colorado River bridge.
1. Rio Grande River bridge.

APPENDIX K.

Special through-freight tariffs to San Francisco, Sacramento, Marysville, San José, Stockton, and Oakland, Cal.

From—	Rate per hundred pounds.							
	First class.	Second class.	Third class.	Fourth class.	Class A.	Class B.	Class C.	Class D.
New York	$6 00	$5 00	$4 00	$3 00	$2 50	$2 00	$1 75	$1 50
Cincinnati and Indianapolis	5 31	4 25	3 19	2 65	2 39	2 12	1 86	1 59
Chicago and Saint Louis	5 00	4 00	3 00	2 50	2 25	2 00	1 75	1 50
Omaha	4 50	3 75	2 75	2 25	2 00	1 85	1 70	1 50

CLASSIFICATION—NOTE IMPORTANT CHANGES.

[NOTE.—"D 1" indicates double first-class rates; "1½" one and one-half times first-class rates, and "3 to 1" three times first-class.]

A.

Acids	2
Advertising, almanacs, circulars, pamphlets, and posters	4
Agricultural implements (owner's risk), in less than car-loads, as follows: Reapers, mowers, harvesting-machines, thrashers, plows, feed-cutters, and harrows	1
Agricultural implements—Continued. Metal appurtenances of agricultural implements, iron-work, and castings, of reapers and mowers, when K. D., in small quantities, apply machinery rates. Seed-drills, corn-planters, cultivators, shovel-plows, fanning-mills, horse-rakes, and similar light bulky machines	1½
Do., knocked down	1
Plows and harrows, knocked down and boxed	4
Agricultural implements, named above, in car-loads of 20,000 pounds	A
Albums	2

Alcohol, in cans, boxed	A
Alcohol, whisky, high wines, and pure spirits, in wood, owner's risk of leakage	B
Alcohol, whisky, high wines, and pure spirits, in wood, shipped under valuation, $1 per gallon	C
Ale and beer, in glass or stone, packed	4
Ale and beer, in wood, owner's risk of leakage	A
Ale and beer, bottled or in wood, owner's risk of leakage, in car-loads of 20,000 pounds	B
Alum, in barrels	D
Ammunition, fixed	1
Anchors	D
Anchovies	4
Andirons	4
Antimony	4
Anvils and anvil-dies	D
Apples, dried	4
Apple-parers	4
Argols	4
Artificial flowers and feathers	D 1
Asbestus	D
Augers, post-hole, boxed	4
Axes, without handles, in boxes	C
Axes, on handles	4
Axle-grease	B
Axles, carriage and wagon	C
Axles, car	D
Axle-clips	4

B.

Backing	C
Bacon, in boxes, barrels, or casks	4
Bacon, in sacks	3
Bacon, hams, and all cured and salted meats when not in regular packages, same as bulk meats.	
Bags, paper	C
Bags and bagging, cotton, compressed, in bales, released	2
Bags and bagging, burlap, compressed, in bales, released	4
Bags and bagging, gunny, compressed, in bales, released	B
Baking-powders	A
Bark, extracts	4
Barley, pearl	4
Barometers	1
Barrels, empty	1
Barrels, knocked down or set up, in car-loads of 20,000 pounds	D
Barytes	D
Base balls and bats	3
Baskets, willow	D1
Baskets, splints, nested	1
Bath boilers, iron, rubber-coated, as machinery, boxed	2
Bath-bricks	C
Bath-tubs	1
Bath-rims	1
Bats	1
Bats, compressed	2
Beans	4
Bed-plate of an engine, as machinery.	
Beef and pork (mess), in barrels	4
Beef-tongues, as ham and bacon.	
Bee-hives, prepaid	2
Beer (see ale).	
Beeswax	4
Bedsteads and bunks, iron	1
Bed-slats, wooden, in bundles or packages	C
Bells, less than 100 pounds each	4
Bells, 100 pounds or over, each	3
Bellows, blacksmith	2
Belting, rubber	4
Belting, owner's risk, released from chafing	A
Belting, leather	3
Belting, leather, released	4
Benzine	A
Benzine, owner's risk of leakage and fire	C
Bird-cages, boxed	D1
Billiard-tables, boxed, owner's risk	2
Billiard-tables, complete, including slate or marble, car-loads of 20,000 pounds	3
Billiard-tables, wood work of separate, without slate and marble	1½
Binder's boards	D
Bitters, in glass, owner's risk	4
Bitters, in glass, owner's risk, in car-loads of 20,000 pounds	C
Bitters, in wood, same as liquors.	
Blacking, in boxes and barrels	C
Blacking, liquid	C
Black lead, barrels and boxes	C
Blackboards, in racks and boxes	4
Bladders and sausage skins	1
Blankets in bales, released	2
Bleaching-salts	C
Blinds	1
Blowers	2
Blue vitriol, or bluestone	D
Blueing, liquid	4
Bobbins, wound	1
Bobbins, spools	A
Boats, not over twenty-six feet long	D1
Boats, in sections	1
Boiler felting	3
Boiler flues, copper or brass	4
Boiler flues, iron	D
Boilers, not more than twenty-six feet long	1
Books	1
Books, blank	3
Boots and shoes, leather, strapped	1
Boots and shoes, leather, not strapped, $1 above first-class	
Bottles, empty, in crates or boxes, owner's risk	D
Bottles, druggists', fancy and nursing	A
Box stuff, in packages	C
Brackets, bronze, brass or fine metal	2
Brackets, wood or iron	4
Brandy-peaches	5
Brass kettles	2
Brass, castings, sheet, wire, nails, and tacks	4
Brimstone	D
Bristles	D 1
Bristol board	A
Britannia-ware	1
Bronzing powder	1
Brooms	1
Broom-corn, compressed	3
Brushes	2
Buckets, nested	2
Buck-saws and frames	4
Buckwheat	4
Buffalo robes	1
Buggies, taken apart and all parts boxed in tight cases, completely inclosing them	1½
Buggies, taken apart and inclosed in open boxes, crates, or skeleton frames	D 1
Buggy bodies, in the white, in crates	D 1
Buggy reaches, in the white	4
Bulbs and roots (must be prepaid)	1
Bulk meats	1
Bulk meats, car-loads of 20,000	3
Bungs, wood or iron	B
Burial cases, metallic	3
Burial cases, wooden	2
Burr blocks and millstones	4
Butter	2
Butter tubs	4
Butts, hickory	C
Butts, hinges, hooks, and staples, (if specified on receipt as such)	B
Buttons, pins, needles, hooks and eyes, buckles, and corset clasps	1

C.

Candles	D
Canned fruits and vegetables	D
Canned fish and meats	D
Canvas, in cases	1
Canvas, in bales	1
Canvas, in bales, owner's risk of chafing, released	2
Caps, percussion	1
Capstans	C
Cards, playing	4
Cardboard	A
Carpets, in cases	1
Carpets, in bales	1½
Carpets, in bales, owner's risk of chafing, released	1
Carpet lining	3
Carpet-sweepers	2
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in tight boxes completely inclosing them, if not too large to be loaded in a box-car	1½
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in tight boxes completely inclosing them, if too large to be loaded in a box-car	D 1
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in open boxes, crates, or skeleton frames, or covered with tarpaulin, if not too large to be loaded in a box-car	D 1
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in open boxes, crates, or skeleton frames, or covered with tarpaulin, if too large to go in a box-car	3 t 1
Carriages, omnibuses, street-cars, buggies, and stages, released, in car-load lots, estimated at 20,000 pounds	3
Carriage castings	4
Carriage springs	B
Carriage and coffin trimmings, silver-plated	1
Car-wheels	D
Car-springs, rubber or steel, boxed	C
Car-springs, rubber or steel, in bundles, released	C
Car-springs, rubber or steel, in bundles, not released	A
Castor oil, in cans, boxed	A
Celery salt	4
Cement, plaster, and stucco, in barrels	D
Chains	C
Chalk	4
Cheese	2
Chests of personal effects	1
Chicory	4
Chinaware and porcelain, boxes or casks	2
Chocolate and cocoa	4
Churns	1
Churns, boxed or racked	2
Cider, same as liquors.	
Cigars, packed in cases	D 1
Cigars, in cases, corded, sealed, and strapped	1
Cigar-molds	4
Citron	4
Clocks and weights	4
Clothes-pins, boxed	C
Clothes wringers and horses	4
Clothing, in cases	1
Clothing, in bales	1½
Clothing, in bales, owner's risk of chafing, released	1
Coal-oil or petroleum, at owner's risk of leakage and fire	D
Coal-scuttles, nested	2
Cocoa and straw mattings and mats	4
Cocoa-nut, desiccated	4
Cod-fish, desiccated	4
Cod-liver oil	4
Coffee, in sacks	4
Coffee-mills, common, small, for family use	B
Coffee-mills, fine grocers', with fly-wheels	2
Coffee extracts	4
Cologne spirits, in wood, same as liquors.	
Coloring	4
Condensers	2
Condensing-tubes, iron	D
Comfortables, as dry goods.	
Composition for roofing	D
Concentrated lye	C
Condensed milk	D
Confectionery	1
Copper—wire, nail, sheet, bolts, rods, rivets, and tacks	4
Copper, ingot	B
Copper bottoms, tubes, and pipes	4
Copper vessels	2

Copy-books, either impression copying books, or copy-books used in schools. 3
Copying-presses A
Cordage 4
Cork and corks 1
Corn and corn-meal 4
Corn and corn-meal, in car-loads of 20,000 pounds D
Corn starch, prepared as food A
Corner irons, or castings for trunks B
Cornices, zinc or galvanized iron 1
Cotton, compressed 3
Cotton, uncompressed 1
Cotton-waste 4
Covers 1
Cove oysters D
Cow-bells 4
Crackers 1
Cranberries, owner's risk only 3
Crayons 4
Cream of tartar 4
Crockery, in casks and crates A
Crockery, in boxes and barrels 3
Croquet sets 3
Crowbars C
Crucibles, black lead 4
Crucibles, clay A
Currants, in casks (original packages) A
Currycombs 4
Cutlery, pocket and table 2
Cutters, for cutting out boot and shoe soles 4

D.

Dates 4
Demijohns 1
Dental and surgical instruments 1
Dry good, in cases 1
Dry goods, in bales 1
Dry goods, in bales, at owner's risk of chafing, released 2
Doors 2
Dressing-cases 1
Dried fruit, not otherwise specified 4
Drill-frames 1
Drugs and medicines 4
Drums, including all kinds, children's and musicians' D 1
Dumb-bells 4
Dye-stuffs, not otherwise specified 4

E.

Earthenware B
This rate applies only on common dark earthern or stoneware of domestic manufacture. All whiteware should be rated as crockery.
Earth paints D
Egg-beaters 4
Eggs, owner's risk 2
Emery 4
Emery-wheels, paper and cloth 4
Emigrant movables, including live-stock, man in charge to pay emigrant fare from Council Bluffs (must be prepaid) A
Enameled cloth, as dry goods.
Engines, steam and portable 2
Engines, steam and portable, car-loads, 20,000 pounds 4
Envelopes 4
Essential oil 1
Excavators 1½
Excavators, car-loads, 20,000 A
Excelsior 3
Excelsior, cooking utensils 1
Extract of beef 4

F.

Facing sand 3
Fans, in boxes 1
Fancy goods not otherwise specified D 1
Farina 4
Faucets, brass or iron 4
Faucets, plated 1
Feathers, in bags 1½
Feather-dusters 1
Felt 1
Figs 4
Files 4
Fire-arms, boxed 1
Fire brick and clay B
Fire-works 1
Fire-extinguishers, boxed 2
Fish, pickled 3
Fish, pickled, released 4
If the difference between billed and correct weights is not more than 5 per cent., it will be considered the result of shrinkage in transit and no correction will be made.
Fish, dried and salted, boxed 4
Fishing rods and tackle 1
Flavoring extracts 4
Flax 3
Florida-water 4
Flour, buckwheat or other 4
Fluting-irons 4
Fluting-machines 2
Fly-paper 4
Fulling-mills 1
Forges 2
Forks, hay and manure 4
Forks, wooden, grain 2
Fountains, automatic, well boxed 1½
Fountains, automatic, well boxed, owner's risk, released 1
Fruit butter 4
Fruit-jars, empty, owner's risk A
Fruit juice, not otherwise specified 4
Fruit jellies 4
Furnaces for heating, same as stoves.
Furnaces for smelting, as machinery.
Furnishing goods 1

Furniture, except chairs, as follows:
Set up, not boxed, not taken except in car-loads of 20,000 pounds.
Set up, well boxed 1
Knocked down, not compact, well boxed 2
If in bundles, knocked down, flat and compact, finished 2
Finished or upholstered, knocked down, flat and compact, well boxed 3
Black walnut, or other valuable wood in the white, not upholstered, knocked down, flat and compact, well boxed 4
Same, crated or in bundles 3
Not black walnut, or other valuable wood, in the white, not upholstered, knocked down, flat and compact, well boxed B
Same, crated or in bundles A
School-desks, knocked down, flat, well boxed or racked A
Chairs, set up, if completely boxed 1½
If set up in racks, released D 1
Upholstered, knocked down and well boxed, including ordinary upholstered chairs, barbers' and dental chairs, and iron-framed, invalid, and easy chairs 1
Not upholstered, made of black walnut or other valuable wood, knocked down, flat, and compact, if finished, well boxed 3
If finished, crated 2
If finished, in bundles, at owner's risk 1
If in the white, well boxed 4
If in white, crated or in bundles 3
Not consisting wholly or partially of black walnut or other valuable wood; cane seated; knocked down, flat and compact, if finished and well boxed B
If finished and crated A
If finished in bundles, at owner's risk 4
If in the white, well boxed C
If in the white, crated or in bundles B
Any or all of the above-described chairs, with or without other furniture, in car-loads of 20,000 pounds B
Common kitchen wood-seated chairs, knocked down, flat and compact, in either car-loads or smaller lots, if finished, well boxed C
If finished, crated B
If finished, in bundles, at owner's risk A
If in the white, well boxed D
If in the white, crated or in bundles C
Iron theater-chairs 3
Furniture and chairs, consisting in part of black walnut or other valuable wood, will take the same rate as if consisting wholly of such wood.
Furniture and chairs having one or more coats of oil, shellac, varnish, paint, or other similar preparation, will take the rates provided for finished chairs.
The rates provided for chairs and furniture "in the white" will be applied only to chairs and furniture coming strictly under that designation.
Boxes must be tight and completely inclose the freight to entitle it to the rates provided for freight "well boxed." Open boxes will be considered same as crates.
Chair frames, iron, reclining 3
Furniture, including school, released, in car-loads, 20,000 pounds B
Furniture castings 4
Furs 1
Fuse 1
Fuse, car-loads 3

G.

Galvanized ring-bolts, ship's clews, belay pins B
Gang-plow irons 4
Gambia 4
Garden seeds 2
Gas fixtures and burners, boxed 2
Gas stoves, released 4
Gasoline A
Gasoline, owner's risk of fire and leakage C
Gas-pipe, iron D
Gelatine 2
Ginger 4
Ginseng A
Glass chimneys, in boxes and barrels 5
Glass, plate, not over 6 feet long, released 1
Glass, plate, over 6 feet long, released D 1
Glass, rough D
Glass signs 1
Glass garden-vases or flower-pots A
Glassware, except chimneys and globes A
Glass, window, not over 3 feet long D
Glass, window, over 3 feet long 4
Glaziers' triangular points 1
Glue 4
Glycerine, less than 5,000 pounds 4
Glycerine, 5,000 pounds or more B
Granite iron-ware, same as hollow-ware.
Grass and clover seed 3
Grass and hemp matting and mats 3
Grindstones D
Grist-mills, iron, as machinery.
Gum, chewing 1
Gums, copal and shellac 4
Gum-kowrie 4
Gunpowder and other explosives not taken by special contract.
Gun-stocks 4
Gun-wads 1
Guttering, copper and tin 4

H.

Hair, in sacks 1
Hair, compressed or in rope 2
Hair-oil 1
Hair goods, imitation 1
Hair, human D 1
Hair-cloth, in cases 1
Hair-pins 1
Hames 4
Hams, same as bacon.
Hammers and hatchets 4
Hammocks 1
Handspikes C
Handles, broom or mop, without heads D
Handles, ax and pick B
Handles, drop, brass, and ebony, used for bureaus, &c 4

Handles, plow, in the rough 4
Hardware, not otherwise specified 4
Harness, in boxes 1
Harrow-teeth 4
Hassocks and ottomans 1
Hats and caps, men's, straw, fur, or wool, in cases, strapped 1½
Same, not strapped ..... D 1
Hats, ladies', in case, strapped 1½
Same, not strapped ..... D 1
Hay-knives 4
Hay-presses 2
In car-loads, machinery rate.
Head-lights 2
Hearses, see vehicles.
Hemp carpet 2
Hemp in bales 3
Hempseed 3
Herring and bloaters, in boxes 3
Herrings, in kegs. (See fish, pickled.)
Hobby horses, knocked down 3
Hobby horses, set up 1½
Hoes and rakes 4
Hollow-ware, released 4
Hominy and grits 4
Hominy and grits, in car-loads of 20,000 pounds ..... D
Honey 4
Hoop-skirts 1
Hoop-skirt wire ..... A
Hops, compressed 4
Horse-collars 1
Horse-nails, in bags ..... A
Horse-nails, in boxes ..... B
Horseshoes ..... D
Horse-posts ..... A
Horse-powers, tread-mill 1
Horse-powers, circular 2
Hose-reels, knocked down and compactly boxed 2
Hosiery, as dry goods.
Household goods and personal effects, packed in trunks, prepaid ..... D 1
Household goods, not new furniture, well boxed, released, must be prepaid. 1
Household goods, car-loads of 20,000 pounds, must be prepaid ..... A
Hydraulic jacks and handles 4

I.

Ice-cream freezers 1
Indigo 2
Ink, in glass or stone, owner's risk ..... B
Ink, printing or other, in wood C
Ink, printing, in cases C
Ink-stands of crystal glass 1
Irish moss 2
Iron beams, columns and girders, not over 27 feet long ..... B
Iron and coal facings ..... B
Iron, bar, band, or boiler ..... D
Iron.—All sheet or plate, band or hoop iron thinner than No. 12 (Birmingham wire-gauge) will take the rates provided for hoop and sheet iron. No. 12 plate and band iron and all thicker grades, when shipped at owner's risk of injury from wet, will take Class D rate. No. 12 Birmingham wire-gauge is the number applied to iron twelve one-hundredths of an inch in thickness. Iron thinner than this is described by a higher number.
Iron and steel, shoes and dies ..... D
Iron, furniture, carriage, wagon, and plow castings 4
Iron castings, not otherwise specified 2
Iron casters 4
Iron crowbars C
Iron head-rests, photographers' use 3
Iron, hoop or sheet, except Russia or imitation ..... A
Iron, hoop or sheet (except Russia or imitation), released, at owner's risk of rust C
Iron, malleable castings 4
Iron nuts and bolts, washers, and boiler-rivets ..... B
Iron rivets, other than boiler-rivets 4
Iron bolts, carriage, door, &c 4
Iron pipes and tubes ..... D
Iron-pipe fittings ..... B
Iron railing ..... A
Iron roofing ..... B
Iron shafts, wrought, not over 27 feet long 3
Iron shutters ..... B
Iron vault fronts, linings, and facings ..... A
Iron, galvanized 4
Iron, galvanized, released ..... B
Iron garden vases and ornaments, owner's risk, released ..... A
Iron railroad chairs, spikes, splices, and bolts, taken only by special contract.
Iron wedges, in cases C
Ironware, granite, same as hollow-ware.
Irons, soldering, well boxed 4
Iron screw-plates and dies 4
Iron safes, weighing three thousand pounds each, or less 4
Over three thousand pounds, and not exceeding six thousand pounds each 3
Over six thousand pounds, each 2
Iron sinks 4
Iron tubs, galvanized 1
Iron tubs, galvanized, nested 4
Isinglass 2
Ivory 1

J.

Jar rings 4
Japanned ware 1
Japanned tins, boxed ..... A
Jack-screws 4
Jute and jute butts 4

K.

Knitting-machines 2

L.

Ladders, not over fifteen feet long 1
Lampblack, casks or barrels 4
Lamp globes and shades 2
Lamps, lanterns, and fixtures 2
Lamp-posts, iron ..... B
Lard 4
Lasts, boxed 4
Lawn-mowers 2
Lead, bar and sheet, in boxes C
Lead bullets 4
Lead pipe, in casks C
Leather 2
Leather belt-lacing 2
Leeches 4
Lemons and oranges, owner's risk, prepaid 2
Lemon peel 4
Lentiles 4
Licorice 4
Linen sets and collars, as dry goods.
Life rafts ..... D 1
Lignum vitæ ..... A
Lime water, in wood 4
Liquors, in glass, owner's risk of leakage 4
Liquors, in wood, owner's risk of leakage ..... A
Liquors, $1 per gallon valuation C
Lithographic stones 2
Live plants and trees, boxed, prepaid 1
Live-stock, at estimated weights, as follows 1
Horses, mules, and horned animals, not valued at over $100 each—one, 2,000 pounds; two, 3,500 pounds; three, 5,000 pounds. Each additional animal, 1,000 pounds. Stallions, 4,000 pounds each.
The same when valued at more than $100 each, add to the rate 5 per cent. of the increased valuation.
Hogs, sheep, lambs, and calves, actual weight, but not less than three hundred pounds each.
Live stock (except blooded horses) shipped by special contract, in car-loads of not less than 20,000 pounds 3
At the above rate the owner is to enter into a contract agreeing to feed, water, and take care of the stock at his own expense, and assuming all risk of injury or damage that the animals may do to themselves or each other.
In consideration of the above agreement, one man, in charge of the stock, will be passed free with a shipment of two or three car-loads; two men with four, five, or six car-loads; over six car-loads, three men.
No pass will be given with the shipment of one car-load, and no return passes will be given in any case.
Whenever the owner or man in charge requests or requires the use of a whole car for his animals, he will be charged the full car-load rate, though he has but one animal.
For blooded horses in car-loads, valued at over $2,000 to the car-load, add 5 per cent. of the increased valuation to the car-load rate.
Contracting agents are notified that the Pacific roads will not accept fictitious valuations, but the actual cash value of the animals must be stated.
Locks, exclusively of iron ..... B
Locks, iron, with brass bolts and keys 4
Locks, pad and prison 4
Locomotives and tenders, narrow gauge, on cars, taken only by special contract.
Locomotive tires C
Looking-glasses, not over 6 feet long, released 1
Looking-glasses, over 6 feet long, released ..... D 1
Logwood C
Lumber, hard and soft, less than car-load, not exceeding 16 feet in length .. A
Lumber, car-loads of 20,000 pounds C

M.

Macaroni and vermicelli 4
Machinery, coarse, not boxed, not otherwise specified 2
Machinery, fine, boxed 2
Machinery, fine, not boxed, not otherwise specified 1
Machinery, in car-loads of 20,000 pounds 4
Machines, wood-working 2
Mahogany ..... A
Mallets and handles, wooden, boxed 4
Manila, in bales 3
Mantels, iron and slate marbleized, including grates, not boxed, released .. 3
Mantels, boxed 4
In car-loads, same as stoves.
Maps, boxed 1
Map-rollers 4
Maps, not mounted on cloth and not on rollers 3
Marble, wrought, owner's risk, (if lettered must be prepaid) ..... B
Marble, unwrought, owner's risk ..... D
Marble dust, in barrels ..... D
Mast hoops 4
Matches 4
Matches, in car-loads of 20,000 pounds ..... B
Match-safes, bronzed iron 4
Mattresses and spring beds and bottoms 1½
Mattresses, wire and spring beds and bottoms, knocked down or rolled together so as to form a compact package 2
Mats and rugs, not otherwise specified 1
Medicines, patent 4
Meat choppers 3
Merchandise.—Shippers are requested to give full description of contents of packages. All articles described as merchandise will be charged double first-class rates.
Metallic cartridges 1
Metallic soda-bottle tops 3
Meters 2
Miller hooks, buffers, links, pins, and other attachments, truck-frames, equalizers, brake-shoes, and railroad draw-bars 4
Millinery and straw goods ..... D 1
Mills, bark, cider, feed, corn, and paint 2
Mineral waters, in glass or stone, packed, owner's risk, prepaid 4
Mineral waters, in wood, owner's risk of leakage, prepaid C
Mince-meat 2
Molasses, owner's risk leakage C
Monuments and headstones, cast zinc ..... A
Monuments and headstones, cast zinc, released ..... B
Money-drawers, in nests or boxed 4
Mops, in bundles 4
Moss, in barrels 1
Moss, pressed in bales 3

Moss and excelsior, when used as packing to protect furniture, same rate as the furniture. This applies only when in sufficient quantities to protect, and no more, and does not include hair or feathers.	
Moldings, either wood, iron, papier-maché, or gilt	4
Mower knives and sickles	4
Musical instruments not otherwise specified	1
Mucilage and mucilage bottles, with caps and brushes	3
Mustard seed, in bags or casks	4
Mustard, ground	4

N.

Nails, in boxes	B
Nails and spikes, cut, in kegs	D
Nails, iron and brass shoe	4
Nails, yellow metal	4
Naphtha	A
Naphtha, owner's risk of leakage and fire	C
Narrow-gauge cars, taken only by special contract.	
Nets, fishing	1
Newspaper files	1
Nickel-plated goods	1
Nutmegs	2
Nuts, in barrels, boxes, or bags	3

O.

Oakum, in bales	B
Oars	4
Oil-cloth, floor, boxed, not over 12 feet long	B
Oil-cloth, floor, boxed, over 12 feet long	2
Oil-cloth table covers, as dry goods.	
Oil, in glass, owner's risk	4
Oil, not otherwise specified, in cans, boxed, or in barrels and casks, owner's risk of leakage	B
Oil-stones	4
Oil-tanks, in crates	1½
Oil-tanks, completely boxed	1
Organs, church	1½
Oysters in shell, in barrels, owner's risk, prepaid	4
Ox bows and yokes	4
Ox-goads	4

P.

Packing, rubber and other	A
Pails, nested	2
Paintings and pictures, owner's risk, valued at not over $200 per package	1
Paintings and pictures valued at over $200 per package, not taken.	
Paints in boxes, not otherwise specified	B
Paints, assorted cakes of water-colors	1
Paints, in glass, boxed	4
Paints, white lead or zinc, dry or in oil, in kegs or cans, boxed	C
Empty kegs with a car-load of white-lead	C
Paper collars, cuffs, and bosoms, boxed	1
Paper collars and cuffs, flat and compact	3
Paper, gilt, fancy writing, or note	1
Paper, drawing, mounted on cloth	1
Paper medicated	4
Paper, posters	4
Paper, tissue	B
Paper, blotting	B
Paper, blotting, printed	3
Paper, flat in boxes, not ruled or printed	A
Paper, printed or ruled	3
Paper, news, printing, in bales or bundles	C
Paper, news, printing, in bales or bundles, released	D
Paper, hangings, in boxes	A
Paper, roofing and building, uncolored	A
Paper, building, tinted for inside walls, &c	A
Paper, carpeting, or imitation oil-cloth	3
Paper, straw, wrapping	D
Paper, wrapping, manila, and hardware	C
Paper, for covering trunks	A
Paper, paper goods, and paper ware, not otherwise specified	1
Pasteboard	A
Paraffine and spermaceti	A
Pease	4
Pedestals, cast iron	A
Peg-scrapers	4
Pen-racks	1
Perfumery	1
Pepper	3
Photographic goods	1
Photographic card-board	A
Phosphorus, not taken.	
Pianos, organs, and melodeons, boxed	1
Piano stools, boxed	2
Pickles, preserves, and sauces	4
Picks and mattocks, iron, boxed	C
Picture frames, boxed	1
Pigs' feet and sausage	3
Pill-boxes	4
Pipes, clay	4
Pipes, other	1
Pitch, owner's risk	D
Plaster of Paris ornaments, released	1
Plated ware	1½
Plow-beams, iron, steel, or wood	4
Plow-beams, in the rough	B
Plow castings	4
Plow-points	4
Plumbago	C
Pocket stoves	2
Pork, dressed, owner's risk, prepaid	3
Portmanteaus, satchels, and valises, boxed	1
Potash, in boxes, barrels, or casks	C
Potatoes	4
Potted ham	4
Poultry, dressed, owner's risk, prepaid	1
Poultry, live, car-loads, 20,000 pounds	3
Less quantities not taken.	
Printers' cases, racked	4
Printers' iron frames	3
Printing presses	3
Prunes, in casks (original packages)	A
Prunes, boxed	4
Prunes, canned in liquid, hermetically sealed	D
Prunes, when packed dry, in tin cans, not hermetically sealed, or if in glass jars	4
Prune juice	C
Pulleys and blocks	4
Pumps, hand, released	4
Pumps, steam or hydraulic	2
Pump-valves	4
Pumicestone	4
Putty	D

Q.

Quicksilver, in flasks	4
Quicksilver flasks, empty	4
Quicksilver flasks, car-loads	D
Quilts	1

R.

Rags, in bales	4
Rags, in sacks	2
Raisins, strapped	4
Rattan, reeds, and willows	1
Razor-strops	2
Refrigerators and water-coolers	2
Regalias	1
Resin, owner's risk	D
Retorts, clay	3
Retorts, clay, owner's risk, released	A
Ribbons	1
Rice	C
Rice starch	A
Rollers, as machinery or castings, to be judged by inspection.	
Roofing, felt	A
Ropes, exceeding one inch in diameter	C
Ropes, one inch or less in diameter. (See Cordage.)	
Rubber boots, shoes, clothing, and goods not otherwise specified	4
Rubber hose, in bales	4
Rubber hose, in cases	B
Rubber hose, in bales, released	A
Rubber caps	C
Russia sheet-iron, or imitation	1
Russia sheet-iron, or imitation, released, owner's risk of wet	2

S.

Saddlery	1
Saddlery hardware	4
Saddles	1
Sad-irons	B
Safes, milk and cheese	1½
Same, at owner's risk chafing	1
Saleratus	A
Salts, epsom, in barrels	A
Saltpeter	A
Sal-soda	A
Sand, except "facing"	4
Sandpaper	4
Sardines	B
Sash cords	4
Sash weights, boxed	D
Sash, doors and blinds, car-loads of 20,000 pounds	B
Sauerkraut	4
Saws, on board	2
Saws, boxed	4
Saw-frames	4
Scales and scale beams, boxed	A
School slates, boxed	B
Scrapers, road	4
Scrapers, car loads, 20,000 pounds	A
Screws	4
Scythes	4
Scythe-snaths	4
Scythe-stones	4
Seed, not otherwise specified	2
Seed-sowers	1
Sewing-machines, boxed	2
Sewing-machines, knocked down and boxed	4
Sewing-machines, in racks	1
Sewing-machines, wood work, when separate, in boxes	2
Sewing-machine heads, when separate, in boxes	2
Sewing-machines (castings of), when separate, in boxes	B
Parts of sewing-machines when all shipped together may come forward with the castings and wood work, packed in separate boxes, at fourth-class rate.	
Shawls, as dry goods.	
Sheep-shears	4
Sheep soap	4
Sheet music	1
Shipping tags	A
Ship and boot spikes	D
Shoe-thread	1
Shoe pegs and nails, iron or brass	4
Shoe-findings	1
Shot, in kegs and boxes	C
Shovels and spades, at owner's risk	4
Show-bills, advertising	4
Show-cards	1
Show-cases, owner's risk	D 1
Shuttles	1
Sickles	4
Sieves and rims	1
Silk goods, in boxes	1
Skins, sheep, goat, or deer, &c	2
Skiving-machines, as machinery.	
Slate-pencils	1
Slate, roofing, car-loads of 20,000 pounds	D
Sledges, with handles	4
Sledges, without handles	C
Snuff, boxes and barrels	2
Soap, common, lots of 5,000 pounds or over	D
Soap, common, lots less than 5,000 pounds	B
Soap, fancy, castile or imitation castile	4

Soap (except castile or imitation), when in bars, same as common soap.
Soapstone 3
Soda, in kegs and boxes ..... A
Soda, caustic C
Soda fountains 1
Spectacle-glasses and optical goods ..... D
Spelter and solder ..... B
Spices 3
Spirits turpentine, in barrels or cases, owner's risk of leakage C
Sponges 1½
Sponges, compressed in bales 1
Spring-bars, in the white 4
Springs, rubber, as car-springs.
Springs, steel ..... B
Springs, wire, in boxes or casks 4
Squares 4
Stamped ware (articles each made from a single piece of metal without solder) ..... B
Stair-rods 2
Stamps, for stamping impression, for office use 2
Starch ..... D
Stationery 1
Statuary, owner's risk, valued at not over $200 per package 1
Statuary, valued at over $200 per package, not taken.
Staves, headings, and shooks 4
Staves, headings, and shooks, car-loads of 20,000 pounds ..... D
Steam gauges and indicators 2
Steam-drums, as machinery.
Steel, cases and bundles ..... B
Steel wedges 4
Steel shanks, for boots and shoes 4
Stirrups 4
Stoneware. (See earthenware.)
Stoves, ranges, registers, radiators, and reservoirs, released 4
Stoves, ranges, registers, radiators, reservoirs, stove furniture, and hollow-ware, in car-loads of 20,000 pounds, owner's risk of breakage ..... B
Stove pipe and elbows, in crates or boxes 1
Stove-castings, bundles, released 4
Stove-castings, in boxes ..... B
Stove-polish C
Straw-boards ..... D
Straw, sawdust, and tan-bark, used to protect property in box-cars ..... D
Sugar C
Sugar-cane 1
Sugar, maple and lemon 3
Sugar, grape ..... A
Sulphur, flour of 4
Sulphur, roll ..... D
Sumac ..... A
Swords 1
Sirup, released, owner's risk of leakage C
Sirup, maple, owner's risk of leakage 3
Sirups and coloring, in wood, not molasses 3

T.

Tacks ..... A
Tallow ..... B
Tar, owner's risk ..... D
Tassels, cord, &c 1
Tea 1
Teazles 1
Telegraph instruments 1
Telegraph insulators 4
Telegraph-battery material 4
Telegraph cable 4
Thread 1
Thread cabinets 1
Tiling, marble or slate ..... D
Tiling, earthen, fancy 4
Tin-foil 4
Tin pans and covers, nested ..... A
Tin-plate ..... D
Tin plates, nested ..... B
Tin, pig or bar C
Tin tubes and pipes 1
Tinned spoons 4
Tin-waiters, boxed ..... A
Tinware, boxed 1
Tinners' trimmings 4
Tire-benders 4
Tobacco, manufactured 2
Tobacco, manufactured, released 3
Tobacco, leaf, domestic 3
Tobacco, leaf, domestic, released ..... B
Tobacco, leaf, foreign 3
Tool-chests, mechanics' 2
Tools, edge 4
Toothpicks 4
Tow 4
Towel-racks 4
Toys, boxed 1
Traps, animal 4
Trucks 3
Trunks, empty or filled, released ..... D 1
Trunks, when completely boxed, rate on actual contents.
Truss hoops, not too large to be loaded in box-car 3
Tubs, nested 2
Turbine-wheels ..... A
Twine, in cases or barrels 3
Twine, in bales 2
Twine, in bales, owner's risk chafing, released 3
Twine, fish-net, linen 1
Type or type-plate, in boxes 4
Type-writers, as fine machinery.

U.

Umbrellas, boxed 1
Underwear, as dry goods.

V.

Varnish, owner's risk of leakage ..... B
Vases, China, bronze or Bohemian glass, as chinaware.
Vault lights ..... D
Vegetine 4
Vehicles of all kinds, not boxed, set up, owner's risk of chafing, fire, weather, and breakage, at estimated weights, as follows:
Stage-coaches, omnibuses, hearses, carriages, hacks, and extra large wagons or sleighs, 5,000 pounds each 1
An ordinary two-horse express wagon, buggy, or sleigh, 3,000 pounds each.
A one-horse buggy, chaise, cab, cart, wagon, or sleigh, with top, 2,500 pounds each.
Same, without top, 2,000 pounds.
A gig or sulky, 1,500 pounds.
An ordinary one or two horse wagon or buggy, without top, cart or sleigh, taken apart, so as to be loaded in a box-car, 1,500 pounds each.
A two-horse peddler's wagon, 3,000 pounds.
A one-horse peddler's wagon, 2,500 pounds.
Fire-engines, hand, each, 4,000 pounds.
Fire-engines, steam, each, 8,000 pounds.
Hose-carts, each, 1,500 pounds.
Street-cars, one-horse, 6,000 pounds.
Street-cars, two-horse, 8,000 pounds.
Fire-engines and fixtures, hook-and-ladder trucks, in car-loads of 20,000 pounds 3
Velocipedes, knocked down, boxed 1
Verdigris 4
Veneering, boxed 4
Vinegar C
Violins and cases, boxed 1½
Vises ..... A

W.

Wadding 1
Wagons, children's, set up ..... D 1
Wagons, children's, knocked down and boxed 3
Wagons, common, in pieces 1
Wagon fellies, spokes, and hubs ..... B
Wagon rims and bows, bent 4
Wagon rims and bows, bent, released ..... B
Wagon whiffletrees ..... B
Wagon single and double trees ..... B
Wagon and carriage wheels, poles, and shafts 1
Wagon poles and shafts, rough 4
Wagons—ordinary farm wagons—without springs, car-loads of 20,000 pounds ..... A
Smaller lots, taken apart, wheels and poles taken off, actual weight 1
Spring wagons, car-loads of 20,000 pounds, not released 3
Car-loads, of 20,000 pounds, released, at owner's risk of chafing 4
Smaller lots. (See Vehicles.)
Mixed car-loads of ordinary farm wagons and spring wagons will take the rate provided for spring wagons in car-loads.
Wagons, Concord, knocked down and boxed, same as carriages knocked down and boxed.
Wagons, Concord, set up, same as stage-coaches.
Wagons, express, knocked down, so as to be loaded in a box-car, shall be classed same as buggies and carriages knocked down and boxed.
Wagons, in car-loads; shippers frequently load with these wagons kegs of nails. In all such cases charge car-load rate on 20,000 pounds of wagons and tariff rate on actual weight of the nails.
Wagon castings, not otherwise specified 4
Wagon skeins ..... B
Warp 2
Washboards, boxed 4
Washing-machines, boxed 2
Watch crystals ..... D 1
Water-closet sinks, iron 4
Water-closet sinks, crockery 3
Wax 4
Weather-strips, boxed 4
Webbing 1
Whalebone, manufactured 1
Wheelbarrows, knocked down ..... A
Wheelbarrows, set up 3
Whips, boxed 1
Whiting C
Wicking 1
Willow-ware ..... D 1
Wind-mills 1
Wind-mills, car-loads of 20,000 pounds 4
Windlasses, as machinery.
Windlasses, ship, same as capstan.
Window-shades 1
Wine, in boxes and baskets 4
Wire, coppered ..... B
Wire, copper or brass 4
Wire cork-fasteners 4
Wire, bonnet 1
Wire cloth and netting, boxed 4
Wire goods 1
Wire, fence ..... B
Wire, barbed fence 4
Wire fencing 4
Wooden-ware, boxed 4
Wooden ironing-boards 4
Wood skewers 4
Wood pipe 4
Wool, compressed 2
Woolen goods, in cases 1
Woolen goods, in bales 1½
Woolen goods in bales, owner's risk of chafing, released 1
Wrenches 4

Y.

Yarn, in cases 1
Yeast-powders ..... A
Yeast-cakes ..... A
Yellow metal ..... D

Z.

Zinc, sheet, in casks or boxes ..... B
Zinc paints C
Zinc plates, stamped and japanned 4
Zinz, slab ..... B

American Merchant Marine.

SPEECH

OF

HON. P. B. PLUMB,

OF KANSAS,

IN THE SENATE OF THE UNITED STATES,

Tuesday, May 6, 1884,

On the bill (S. 1448) to remove certain burdens on the American merchant marine, encourage the American foreign-carrying trade, and for other purposes.

Mr. PLUMB said:

Mr. PRESIDENT: I do not know that I ought to detain the Senate for even a moment, as the prospect now is that a vote can be had upon the pending measure before adjournment. But there are considerations of a general character which have not been touched upon in the debate that are determinate of the vote I shall give and which I will venture to present.

It is proposed by this bill to remove some burdens from ship-owners; and the Senator from Missouri [Mr. VEST] proposes an amendment permitting all who choose to buy ships in whatever place and of whatever manufacture, and that the ships so purchased shall be entitled to American register and in all respects be entitled to the privileges to which ships of American manufacture are now entitled.

So far as the subject is involved in the discussion of the question of burdens imposed by law upon ship-owners which this bill proposes to remove, and other matters of like character, nothing could be added to the intelligent and eloquent speech made by the Senator from Maine [Mr. FRYE]. Convincing as they were, however, and conclusive as to the necessity for the passage for the bill, they do not meet a view of the case which presents itself to my mind as still more conclusive.

The evil to be remedied is the decadence of our merchant marine, and the question arises how to do it? Naturally and inevitably the cause of the decadence takes first place in all the discussion, and it is sought by speculation upon such cause to find the remedy. In the enumeration of such causes, burdensome legislation, rebel cruisers, and a protective tariff are mentioned, sometimes one and sometimes all, with varying degrees of attached importance and force.

To my mind the principal cause is apart from all these, although related to one. The decline of the American merchant marine is the logical outgrowth or result of circumstances which were practically beyond control. While this decline is to be regretted, it is not so serious a misfortune as is generally believed, and it even has its compensations. The question is primarily one of profit. In a secondary way, or whichever manner it may be put, one question is that of profit and the other that of national defense. As we have not been driven to consider the question of national defense with regard to any present necessity, and have therefore been free to follow those things which are most profitable, I shall endeavor to show why, with nearly everything desirable, we have no ships.

Practically, the decline of American shipping was contemporaneous with the breaking out of the war of the rebellion. It happened also that at that time iron was beginning to supplant wood as the material for the construction of ocean ships—a process which continued until wood entirely disappeared. This change gave to the ship-builders of Great Britain an obvious advantage, but it is inconceivable that American enterprise, skill, and capital, aided by legislation, which could then have been readily had if needed, would not have been equal to the emergency if nothing out of the usual course had occurred.

But something unusual and of wholly unexpected character did occur. The rebellion was precipitated. Both sides were practically unprepared. There were neither army, navy, forts, arsenals, nor military supplies. All had to be provided, and by a people unused to war, and under circumstances which taxed most severely the resources and patriotism of the entire people. Neither side wanted sailors so much as soldiers, nor ships so much as cannon, small-arms, and means of internal transportation.

The land and the internal waters of the country were the chief theater of the war. Each side placed in the ranks every available man and the energies, the aptitude, the ingenuity of all the remainder and all the resources of both sections were profusely put forth to maintain the armies in the field. Such armies had never been seen and none were ever so lavishly supplied. Literally every resource of the country for and against the Union was brought into requisition. It was a struggle which thoroughly enlisted the sympathies, the pride, the determination of both sections, and nothing was omitted which could strengthen friend or weaken foe.

Armies were decimated only to be re-enforced by new levies; supplies captured, destroyed, or consumed, were replaced from granary and factory. Added to the grand total of the immense consumption of all the material of a great war was the enormous destruction of property, not alone nor chiefly that of army and military supplies, but of railroads, bridges, houses, fences, towns, cities, and everything necessarily made the subject of destruction by armies; marching, countermarching, foraging, destroying, fighting, wantonness, necessity for reprisals, and by accident or design, until the value of property thus destroyed was supposed to fully equal the amount of the war expenditures proper. This continued for four years, during which period all the burdens which could be borne were imposed by taxation, and these being wholly inadequate to meet pressing necessities were supplemented by borrowing, and the Union debt alone at the close of the war was more than $3,000,000,000.

The Government paid high interest for the use of money and large premiums to those who negotiated for it; there were great profits in contracts for military supplies, which, coupled with the necessities of the situation, the inevitable tendency of all effort and investment toward the things of the war, the danger to investments on the sea by reason of confederate cruisers, the strained condition of our relations with foreign powers at times, the displacement of wooden vessels by those built of iron—all these things operated to the almost total obliteration of our maritime commerce; and the American merchant marine, which for years previously was second only to that of Great Britain, had shrunk to nothing. The ships were gone, the capital was invested elsewhere, and the aptitudes for business on the sea had been forgotten.

But why, when the war was over, the soldiers discharged, and skill and capital and enterprise had gone back to the pursuits of peace, did not the American people reclaim their old position on the ocean? The answer is obvious enough to those who will look.

There were no ships to begin with. Everything needed to be built up from the bottom. There were no adequate facilities for building iron ships, the only kind then in use. The capital of the seaboard States was largely invested in Government bonds, paying high interest and escaping taxation. Ventures on the sea had assumed new form, the competition was greater than ever before, and capital would have been slow even under ordinary circumstances to go back to its old paths. But these circumstanc were far from ordinary. The financial situation was one of disturbance; rates of interest were high. The enormous destruction of property during the war called for investment to replace it. The resources of the South were wholly exhausted and she leaned upon the North for means with which to resume business. But a more potential factor remains to be mentioned.

During the war the Government undertook the construction of the Pacific railroads. The exposed condition of the Pacific coast during the war, the wide separation of its communities from the rest of the country, the interruption to ordinary communication by means of hostile savages made their building a matter of national interest and of national defense. This was the beginning of a tendency to make investments in the West of a character and magnitude before unknown. These railroads penetrated new and almost unknown regions, developing fertile lands, mines, and great cattle ranges.

When the war closed nearly 3,000,000 men who were serving in the armies on both sides were discharged and returned to civil life. They were usually men in the prime of life, the pick of the land, physically, mentally, and morally. Going back home after discharge they found their places on the farms, at the bar, in the shops, behind the counters, in the offices, everywhere, filled by new men. It was not pleasant nor convenient nor profitable to sit down and wait for new opportunities in old communities. But a more powerful feeling operated on most of them. They had been educated by their service in the army; had played a part in the greatest drama of modern times. They had literally held the fate of a nation in their grasp.

Going out from the plow, the shop, and from the highways and byways of life, as it was before the war, they became actors in a broad amphitheater, and their horizon had widened, and their independence, force of character, and self-reliance had increased. When discharged, they had in them that spirit of adventure, that restless ambition which provoked discontent with the quiet and even currents of life in old and staid communities, and specially fitted them for frontier work, subduing the virgin soil and building up new empires.

What more natural than that a large proportion of these impatient, strong, self-reliant men should go to the new West? And so they did, from both South and North. It was the greatest and most significant hegira ever known in modern times. Kansas and Nebraska had but a fringe of settlement upon their eastern border; Dakota was uninhabited; Colorado consisted of but a handful of miners in her northern gulches; New Mexico had no white population; Montana, Idaho, and Washington Territories were scarcely inhabited, and Texas was yet a wilderness. Between the close of the war in 1865 and the year 1880 the States and Territories west of the Mississippi doubled and quadrupled their population, and then quadrupled it over again.

These men carried with them the same invincible determination and courage which had characterized them in the Army. Wherever they went they planted townships, and counties, and States. They created a demand for the railroad, for improved agricultural machinery, for household implements, and for all the appliances of modern and high civilization.

Thus every energy that had been previously concentrated to put down the rebellion was turned in the direction of filling up these places and supplying these wants. Since 1861 the American people have built

70,000 miles of railroad, the best railroads on the whole in the world. They have equipped them, too, superior to anything known elsewhere. They have opened up all the agricultural lands of this country. They have established the most complete system of transportation, enabling everything we produce to be placed upon the seaboard or wherever else it may be needed, making the plenty of one section fill the lack of another, until to-day we only know the average amount of crop without feeling a shortage in any particular locality.

There never has been such progress in a material way in the history of the human kind. With it all there has been a great and phenomenal prosperity. The only thing anybody has found wherein we lacked was simply a merchant marine. We have acquired everything else that skill, that industry, that energy could possibly give to a people.

During this time we have been operating under what is called a high protective tariff. I say nothing now concerning the wisdom of that policy, because it is beyond the necessity of discussion at this juncture. But under the operation of that or in opposition to it, whichever it may be, we have seen every single article of manufacture steadily decrease in price; everything that enters into the construction of railroads, everything that enters into the construction of agricultural implements, every article of clothing, every article of necessity of any kind or description for the use of man steadily cheapened. We have built the railroads, opened the farms, and fenced them. We have provided the farmers with machinery whereby their lands can be cultivated in such a way that notwithstanding the greater necessities of the owner, notwithstanding the higher-priced labor which cultivates them, we have driven Russian wheat, produced by cheap labor, substantially out of the markets of the world. Fifteen years ago 22 per cent. of the wheat sold in Liverpool was American and 44 per cent. Russian wheat. The conditions are now exactly reversed. That is something to have gained. It was something we needed to do, and we needed its accomplishment a great deal more than to push ourselves out on the ocean for any purpose whatever.

The ship-builders of Boston, when our vessels were driven from the ocean or they were obliged to sell them during the war, engaged in railroad building. The Nickersons, the Peabodys, the Burrs, the Speers, and men of that class, who had millions of dollars invested previously in ships, took up new enterprises in the railroads of the West, and realized more than they could have made in shipping. The people of our Eastern coast, where ships were built before the war and whose owners counted their profits in foreign ventures, were glad to drop them, and find in this new tide of emigration westward an opportunity for investment and profit on land such as had never before been witnessed.

We had not even sufficient money for such vast enterprises, but were obliged to borrow it. I do not feel more affronted at the idea of having the goods I am interested in carried in a foreign bottom than carried on a railroad the stock of which is held abroad. We borrowed money to build railroads, and obtained it from all over the world. In doing so, we have laid a needed foundation for that conflict which involves the commerce of the world; and without this foundation we should have had little chance in the struggle.

This process has gone on from time to time and we have constructed these great lines of railroad. We have filled up all the interior spaces. The railroad building of the future is to be separate and distinct from anything known in the past. Independent lines of railroad are to be built no more. The railroads of the future are to be the cross-sections and transverse lines in the shape of branches. New capital will not have to be sought hereafter as heretofore for the purpose of building lines of railroad; but the present source of supply, the capital already enlisted in railroad building, will construct the railroads of the future. That much of the work is done, and now the people who have turned their faces westward are beginning to find the necessity of other outlets; and by a natural process, as natural as that of evolution, the American people are facing the other way. We are now on the threshold, in my judgment, of a development outward, of a contest for the foreign commerce of the world for which we have been preparing, and in which, if not interfered with in some untoward way by legislation, we shall achieve as great a triumph as in the development of the internal commerce of this country.

During this time steel rails have decreased in price from $160 to $35 per ton. We are now almost at the point of competition with England. We are on the very threshold of realizing the full fruition of all we have ever hoped or claimed as the result of the policy which would build up our own industries to the exclusion of those of other nations. There is no enterprise in the world beyond the ability of the American people to compass when once they address themselves to it. There is no problem their ingenuity can not solve; there is no obstacle their courage will not overcome; there is no controversy in which they will ever engage from which they will not emerge triumphant. They have not struggled for maritime supremacy during the last twenty years. They have been content with their work of internal improvement; they have been content to develop the soil, to build up new States, new communities, new sources of agricultural and other productions, preparatory for this other strife that must ensue and for which they must be ready before they undertake to engage in it.

Now that this has been accomplished, these same forces, augmented by our great population and other attendant acquisitions, are ready to embark upon the sea. By that resistless movement which has characterized our people in their struggle with the elements of nature they are about entering upon this struggle on the ocean for the commerce of the world. We have arrived at this point now, and must determine whether we shall employ in this contest for supremacy the agencies which we have heretofore used successfully, or whether we shall at this juncture, when ready to enter upon the triumph of a new career, abandon the policy heretofore adopted and surrender all we have gained during these long years.

With steel at $35 per ton and still cheapening why should we now yield to the cry for "free ships," which simply means British ships? Why should we now enter upon the deplorable business of buying foreign ships, when we are only within a span of our ability to build them at home as cheaply as Great Britain or any other country? The Senator from Missouri says it is because of sentiment. Somebody is tired of flying the British flag or of owning a British ship under a British flag, and he wants to fly an American flag. An American flag over what? Over an American ship? Oh, no; not over an American ship, but over a ship that is American only by purchase! Every piece of rigging, every bolt, everything from the keel to the topmast is to be the production of foreign labor, except the bunting, perhaps, and I do not know but by the adoption of this policy even the bunting of which the flag was made would be of British manufacture. My friend from Massachusetts shakes his head. I believe the governor of that State owns a bunting factory.

Mr. DAWES. The late governor.

Mr. PLUMB. The late governor of Massachusetts owns the only factory in this country for making bunting.

A navy and a merchant marine which is American only by purchase does not answer to the American sentiment from which has been evolved free government and a race of people proud of their achievements and confident of their future.

Such an American navy brings vividly to mind the major-general in the opera, who bought an old baronial estate, in which were buried some generations of previous owners, and who tearfully claimed the occupants of the tombs as his ancestors, because, while he did not even know who they were, he knew they were his, because he had purchased them!

Mr. President, an American marine composed of British ships would be a complete parallel to General Stanley's performance in the "Pirates of Penzance." If the American flag is to fly, let it wave over something which is American throughout; let it not be a case of false pretenses.

The American flag should float over the product of American labor, American skill, American capital, and American soil. What humiliation it would be for the ship carrying the national ensign in foreign waters, where they are the only exponents of American power, to be obliged to confess that not in one single plank or plate did she represent anything American; that notwithstanding our possession of all natural advantages and our boasts of progress and of power, we could not build a ship, but were obliged to buy from our rivals!

But, Mr. President, matters personal have been brought into this debate to prejudice the conclusion of the Senate. We have been solicited to believe that the few who have heretofore under discouraging circumstances constructed the vessels which constitute our coastwise marine and all that is left of our ships in the foreign trade are men who are so overreaching and corrupt that it is better to buy of our foes than to enter upon a policy of naval or merchant-marine construction which might possibly give added business to these men.

I have heard these suggestions before, but I believe they are without foundation in fact. I believe the only true charge that can be brought against them is that they are American ship-builders, men of skill, of capacity, of great enterprise, and, as I believe, of unsullied character, who are building American ships out of American material on American soil, and who know by a sad and disastrous experience the burdens that rest upon American ship-builders as compared with those of other nations, and who, as is proper, bring the evidence of this before Congress, and ask that they may be given even chance in the race.

Mr. President, they are the sole evidences to-day of the skill of the American people in the direction of ship-building. Eliminate John Roach, Cramp & Sons, Harlan & Hollingsworth, and men of that stamp, and there is nothing left to show that there ever was an American ship built upon American soil by American labor, or that the American people have any capacity for enterprise of that nature. And yet these gentlemen are held up before the American Senate and the American people to be animadverted upon, for what? Nothing is charged against them concerning the manner in which they build their ships, no accusation that they differ from other keen business men who, taking the chances of business, endeavor to secure a profit. I wish there were hundreds of such firms, and I will not by any vote of mine to be given here contribute toward breaking them down. I will do everything possible to aid other men of the same kind, imbued with the same energy, the same spirit, the same skill, in engaging in the same business, so that American ship-building shall not be limited to four or five establishments, but comprise a legion, if possible.

I want an American merchant marine, but I want that American merchant marine, as I have said, composed of ships made by Americans and out of American material. Here are the representatives on this floor of an interest in the South just coming into prominence. One of the most conspicuous of them sits before me now. He knows and I know that if the process of development remains unchecked there will be built of Georgia and Alabama iron, converted into steel, on the Gulf of Mexico, within five or ten years hence, ships as cheaply constructed, so far as material is concerned, as any that Great Britain can build. Yet, after going through all this work of preparation, all these years of delay, all these years of internal development, and getting ready for this contest, we are called upon to surrender without firing a shot, to give up the whole battle, and consent that as to any and every foreign trade we enter we shall do so dependent upon Great Britain; sustain the ship-yards of the Clyde; let the ship-building of this country cease, and let all the skill, all the investment of capital, all the accumulation of plant go to ruin, so that when we may want ships as against Great Britain some of these days her market will be closed to us, and we shall have no remedy.

But it is said we lack American sailors. Mr. President, the same cause that diverted the shipping-men of Boston and of New York out of that business into railroad building has taken the material for sailors out West, too. Now the moment a boy gets of age he leaves the old home and goes West. The soil of that section is an invitation to him to make his own home and maybe his fortune. This is the chance for exercise of his individuality, and his individuality takes him West; but that is soon to become a thing of the past. Nebraska and Kansas and Iowa and Dakota and Montana, inviting as they are, are not the same fields they were fifteen years ago. They are changing every day; and within the next decade, instead of emigration going from East to West, there will be a return tide of emigration. The West will give back with interest to the East what it has taken, and the young men of New England, born in sight of the sea, in lieu of following the example of their fathers, and, as in the last twenty years, seeking investment of ambition and of capacity and of skill in the Western portion of our country, will find their chance upon the sea or in foreign countries, where they can better realize their ambition for fortune than upon American soil. Wherever they go they will be missionaries for American commerce.

We should let the processes which have brought so much of good and promise so much for the near future go on. Year by year more goods of American manufacture go into foreign markets. The capital that has built the railroads will go into new factories and into new ship-yards. More of our people are going for permanent location each year to Mexico, to South America, to all foreign lands. They will do in a measure for our commerce what British commercial agents and colonists have done for that of the mother country. This will still more stimulate the building of American ships, and to this is to be added the outward tendency of which I have spoken.

With a continent under their feet spanned by great lines of railroad, with almost every acre of the American soil thus brought within reach of the whole world—we know the capacity of every acre now under the American flag—and armed thus with the accumulation, with the results, of all these years of labor, the American people are ready now with cheaper materials and with cheaper products, that have not been cheapened by cheapening the price of labor, but by the skill and ingenuity of American mechanics, by the aptitude they have displayed, by the keenness of competition which has developed everything in the situation, we are ready now and just on the eve of entering into a serious contest with Great Britain and Germany for the commerce of the world.

Shall we carry that commerce in American bottoms? Shall we manufacture its chief instrumentalities on American soil? Will we, with all this plenitude, with all these accumulations, of wealth, rejoicing in our strength as a strong man to run a race, and believing as we do in the glorious destiny of the American people, surrender our opportunities or shall we hold them? Shall we make supreme effort to build up our commerce or will we strike it down? The Senator from New Jersey says, "Strike it down." He states he would say to American shipowners, "If you can not stand this, then away go your shops!"

Mr. President, I am not ready for that. I am sorry to hear a Senator representing a State with, comparatively speaking, no agricultural capacities, built up by a system which has enabled his people to charge higher prices to my people for things they produce, which of course we were willing to buy, say in regard to this great industry so necessary to the welfare of the American people, "If it can not stand now a particular kind of competition, then let it go down!" I would never let it go down.

I hope to see the time when ships carrying the American flag will dominate every sea—ships which are truly American. I hope never to see the time when the American Government will need to buy a single ship anywhere for purposes of defense or offense. In that one particular at least more than any other, except in the production of food, we ought to be absolutely and unqualifiedly independent of the world.

Now, who are to be benefited by "free ships?" The consumers in the West? Not at all! It is to benefit a few men on the seaboard, who now can put their money into British ships if they desire. They can take stock in British companies and buy British ships and fly the British flag. Yet to gratify their pseudo sentiment, which strikes this blow at American ship-building, it is proposed to give them the choice of what they do—to say to these men of money, we will abandon, we will dismantle our ship-yards; we will discard the opportunities to American labor and yield them to men who have enough already. Surrender all to capital! That is what it is! It is not to bestow anything to labor, neither labor in the shop nor labor on the farm, but to give it to capital. Capital on the seaboard, capital interested in the foreign trade, capital largely disdainful of the interior influence of this country, and of that which most concerns the American people! That is the issue! The proposition is plainly in the interest of foreign manufacturers of ships, of those who employ foreign labor on foreign soil. Can there be any doubt as to which side the American people will take?

Mr. President, there is one contingent which has responded to the interests and to the wishes of the Democratic party under all circumstances and on all occasions. That is the Irish contingent. If I know anything about the Irish, which I confess is not much, I imagine they will not look with any great favor upon this effort of the American Congress to elevate their old oppressors above the American people or the American Government. Think of Irish-Americans in this country, which they have fought to maintain, whose fields they have tilled, whose every calling they have occupied fruitfully—think of these men contributing to a policy which hoists the American flag only where British labor and British capital are under it!

If this sentiment surrounding the American flag is to be held so cheaply, we might hire the British Government perhaps to exhibit it for us at so much an hour! If the flag is to stand for naught, if it is to represent nothing of American skill, no American investment, nothing that is material to the American people, let us emblazon it, like the sign of "Cuticura" and "St. Jacob's Oil," at so much a yard, through the medium of some enterprising sign-painter, on the rocks and roofs, on the highways and in the byways, and on the temples of the Old World, as an advertisement that there is such thing as the American Government. The cheaper this is done the better, for according to our Democratic brethren it is only the display of the bunting they are after.

But, Mr. President, the flag is nothing in itself. Unless it stands for something why float it? But the American people believe in it as a symbol, as representative of the power, the purposes of a great and free people. Wherever, therefore, it is spread to the breeze let it have underneath it all possible that bespeaks American labor, American genius, American courage, and American manhood.

Thus flying at home or abroad it will be the emblem of hope to the oppressed of the world, a symbol of liberty and progress.

Rivers and Harbors—Maryland and Delaware Free Ship-Canal.

SPEECH

OF

HON. FETTER S. HOBLITZELL,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 9, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. HOBLITZELL said:

Mr. CHAIRMAN: The policy included in the terms of the appropriation to aid in the construction of the Hennepin Canal I deem second to none in its importance upon which this Congress is called to legislate, inaugurating, as it will, a system of internal improvements of vast interest to the producing elements of the country, agricultural, mining, and manufacturing, destined to exert a wide, beneficial influence upon our interstate and foreign commerce, and I feel that I would be neglecting a prime duty did I permit the opportunity to pass without raising my voice in its behalf, being the author of a similar measure to connect the waters of the Chesapeake and Delaware Bays.

A century ago was begun the agitation of a policy of internal improvement by roads and canals that we might hold and people our vast Western territory. To-day we are brought face to face with the consideration of the same policy as an important adjunct to the rail-and-water system of transportation intersecting our common country in the interest chiefly of agricultural development and cheaper freight rates. Our fathers, in the practice of a wise statesmanship, formulated their legislation upon the trite aphorism of "the greatest good to the greatest number," believing the theory of our Government hinged upon that principle. Measure after measure was passed by Congress looking to the perfection of such a system of roads and water ways to intersect our country, to stimulate production, build up its wealth, and at the same time cement the bonds of our Union indissolubly. Necessarily the

power to do this work was vigorously opposed by the strict constructionists of our written Constitution, but none doubted the vital importance of such a system in the development of our vast resources. Millions of the public revenue from time to time have been appropriated and expended in various States in this direction and the system treated as the established policy of the Government, so that I do not deem it necessary to engage in the discussion of the constitutional power of Congress to aid such works of internal improvement at this point in our history, after nearly a hundred years of unbroken contributions by the Government to such measures of great public necessity. But since the application of steam-power for the purpose of transportation by means of railroads the entire country, States and Territories, has become so intersected by the iron and steel rivers of commerce, moved and controlled by the cupidity of individual capital exerting corporate franchises, that the legislative power of Congress to call into action the sleeping energies of our vast water ways has been rarely exerted except by appropriation of money for the improvement of rivers and harbors. And this generosity of our Government has been so unfairly dealt with as to bring odium upon the sum annually contributed for these beneficent purposes.

Sir, the influence of corporate power, direct and indirect, upon all legislation proposing to enlarge and perfect our splendid national advantages in aid of internal commerce is too well known to be seriously denied, and the intelligent and serious consideration of such a measure as proposed by the appropriation now before the committee is difficult to obtain.

Sir, before this splendid railroad system was ever dreamed of by the wildest visionary, as I have already intimated, our fathers gave ample proof of the vital importance of these highways to the commerce of America, and they earnestly sought to develop such a plan of internal improvement by roads and canals as would lead to the development of our boundless resources and build up the wealth of our people. But the genius of steam-power brooded over the situation, and, like Minerva from the brain of Jove, this great rail system, the wonder of the age, leaped into life and action. To-day, appreciated in the length and breadth of work, it is simply marvelous. During all this season of development of rail-power, moving with the speed of the wind and the regularity of the tides, the improvement by roads and canals was abandoned to individual enterprise in the several States. But I submit that what was wise statesmanship in the infancy of our Government, before the introduction of steam, both as to roads and canals, is pre-eminently wise statesmanship now as to canals, offering as it does the only practical solution of the great railroad problem of the age—the regulation of freight charges upon railroads by forces operative in transportation and in trade, and wholly within our constitutional powers.

The best minds of the country, devoted to the thoughtful study of this object, agree that it is only upon free highways that the laws of competition and of supply and demand can operate untrammeled in their regulating power over transportation rates of charges by railroads. And our plain duty, seeking to bestow the greatest good to the greatest number, commands the immediate development of such of these water ways as will open up the largest capacity of our water communication into such a system of free highways as will bring its regulative power into the fullest action.

The advantages to flow from such a factor can be better imagined than portrayed by any words I might use to describe them.

The rich harvest of wealth reaped by railroads—almost fabulous—is a heavy tribute wrung from the tillers of our soil, the food producers of our people, the great agricultural interests of the country; and whatever cheapens the cost of transportation benefits both the producer and consumer, and, like the quality of mercy, is twice blessed. Contemplate for a single moment the wonderful food production of America as shown by the statistics of the Tenth Census, and calculate the magnitude of the saving to wealth by the reduction alone of one penny per bushel upon the freight charge for the transportation of the vast yield of our grain product for a single year. Add to this productive power the energy of this wealth so saved from year to year, and you can aggregate the total of our agricultural capacity at the end of the next decade. Do I speculate? Am I visionary when I declare that America has the golden opportunity of becoming the bread-producing power of the world, if our lawmakers act with the wisdom of statesmen?

In 1880 the whole country produced 2,666,313,534 bushels of wheat, corn, oats, and barley, while 1,511,435,711 bushels were produced by Illinois, Iowa, Wisconsin, Minnesota, Missouri, Nebraska, Kansas, Arkansas, Texas, and Dakota. This Territory, with Kentucky, Tennessee, Georgia, Alabama, Mississippi, and Louisiana, in the aggregate show 151,686,230 acres of uncultivated farm lands, inviting development defying all calculation as to its possible aggregate product when capital moves in its cultivation.

Enormous as this vast product of agriculture is, it is quite insignificant as compared with the rapid increase which has transpired from year to year. Thus in 1865 the total wheat product of the United States was 151,999,296 bushels. In 1880 the nine States and one Territory (of Dakota) exceeded the yield by 51,556,075 bushels.

The total exports of grain during the year ending June 30, 1880 (wheat flour, corn-meal, and rye flour being reduced to bushels), amounted to the large sum of 284,707,808 bushels, of which 180,304,181 bushels consisted of wheat, and 99,592,329 bushels of corn. The totals of both wheat and corn amounted to 279,876,510 bushels, and constituted 97.25 per cent. of the total exports of grain during that year. The year 1872, says Mr. Nimmo, appropriately marks the beginning of the transportation of grain by rail from points as far west as Chicago to the Atlantic seaboard, when the exports of wheat from the United States increased from 26,423,080 bushels to 153,252,795 bushels in 1880; the exports of wheat flour increased from 2,514,535 barrels in 1872 to 6,011,419 barrels in 1880; and the exports of corn increased from 34,491,650 bushels to 98,169,877 bushels during the same brief period—an increase, he declares, constituting one of the most remarkable developments of commerce ever recorded in the commercial history of this or any other country.

In the decade from 1871 to 1881, to June 30, the increase was from $428,398,908 in 1871 to $883,925,947, amounting to the aggregate of $445,527,039, an increase which was mainly due to the large export of breadstuffs, provisions and tallow, cotton and its manufactures, live animals, leather and its manufactures, and wood and its manufactures, constituting 82.12 per cent. of all the increase of domestic merchandise, as exhibited by the following table:

Commodities.	Value of exports during year ended—		Increase.
	1871.	1881.	
Bread and breadstuffs	$79,381,187	$270,332,519	$190,951,332
Provisions and tallow	41,870,254	158,328,896	116,458,642
Cotton and its manufactures	221,885,245	261,267,133	39,381,888
Live animals	1,019,604	16,412,398	15,392,794
Leather and its manufactures	1,897,395	8,088,445	6,191,050
Wood and its manufactures	12,916,542	18,600,312	5,683,770
Total increase in the export of above articles			374,059,476

Of all this increase the value of the breadstuffs, provisions, tallow, and live animals, which together amount to $332,802,768, constituting 79.5 per cent. of the aggregate, are chiefly the products of the tier of States and Territories before named.

This vast production both for home consumption and exportation to foreign countries was specially brought to the notice of Congress by the President of the United States, and on the 16th of December, 1872, the Senate of the United States passed a resolution and appointed a select committee to investigate and report upon the subject of transportation between the interior and the seaboard. That committee made a most able and elaborate report of their extended investigation into this delicate and complex subject, covering the fullest consideration of the question of freight rates and prices of cereals here and in foreign countries, the due and most natural course of our grain trade, the relative cost of transportation both by water and rail; and the conclusions of the committee are that our vast agricultural interests can not rely upon reductions in freight charges as the fruit of legitimate competition among existing railroads now operating or that may be added in the future to this branch of transporting power.

Private cupidity will always govern and control the operations of these corporate enterprises, and their immense power singly or in combination will ever be equal to the exaction of the uttermost farthing which the agricultural products of the country will bear in the imposition of their schedule of rates, illustrating and pointing the hopeless struggle of Laocoon and the serpent. This distinguished committee considered also the grave and delicate question of Government interference in the regulation of the transportation rates of these gigantic railroad corporations, and as well the feasibility and propriety of the policy included in the construction of railway lines owned and controlled by the Government in order to secure by honest competition just and fair rates for transportation, and they solemnly concluded that the only legitimate, feasible, and certain mode of relief left to the country must be the outgrowth of a comprehensive system of improvement of our natural water ways and the construction of artificial ones.

Upon this question there can not be two opinions, and the sooner the people are awakened to their true interest and the necessity of returning to that wise policy of our fathers, abandoned for a time in the interest of railroad development and in the more rapid carriage of freight, the better for both producer and consumer. Who are interested in the defeat of such legislation? The farmer who tills his soil, scatters his seed, and then trusts the bounty of heaven for rain and sun to ripen for the sickle an abundant harvest of golden grain? What need that he should enlarge his power of production over and above the wants of his family if the bulk of his surplus is to pass into the coffers of railroad magnates to swell to fabulous proportions the wealth of their stock and bond holders? Sir, this is a vital question to the whole people. The obligation rests with the Government to stand forth in its might and power and command for our people by every legitimate means within the Constitution that measure of justice now withheld by the greed of cap-

ital, controlling the commerce of the country over the vast system of railroads penetrating every State of the Union.

In the measure I proposed for the construction of the Maryland and Delaware Free-Ship Canal is presented the opportunity to secure a most powerful adjunct in the great work of restriction and regulation of railroads in their merciless greed, and destined to eat up the legitimate fruits of production, unless this natural and feasible regulative power of free water ways is called into full play. This measure not only commends itself to Congress, if our Government is to maintain a fostering care over its commerce, foreign and domestic, but for its inestimable value as a short interior line of communication, and a powerful auxiliary in connection with the policy of our Government in perfecting its coast defenses, to enable it to meet the dire exigencies of a war with maritime powers. The building of this canal has received the consideration of the Government for many years past, was favorably reported upon by the Committee on Railways and Canals at the first session of the Forty-seventh Congress, and an appropriation of $10,000 made for the purpose of having determined by a survey and report of the Engineer Department of the Government which of the three routes previously surveyed and estimated for was the best and cheapest both for the purposes of commerce and the national defense, the bill having left the question of route to be determined by a board of Army engineers to be appointed by the Secretary of War, with power in the majority to determine the route. That survey was completed and regularly reported to this Congress, and the recommendations in it have been incorporated by way of amendments to the bill, which was again favorably reported by the Committee on Railways and Canals and is now upon the Calendar of the House awaiting consideration.

Sir, Baltimore, at the head of the Chesapeake Bay, holds geographically a commanding position with respect to all Western traffic seeking a market in foreign countries, and its terminal facilities for the handling and shipment of agricultural products are of the amplest character, commanding a large share of that trade during the past decade. The Baltimore and Ohio Railroad alone exhibits a growth in through tonnage from 1871 to 1883, East and West, almost miraculous, as will be seen by the following table:

The tonnage of through merchandise, East and West, was for—

	Tons.		Tons.
1871	435,207	1878	1,149,499
1872	557,609	1879	1,425,629
1873	640,265	1880	1,980,397
1874	752,256	1881	2,014,110
1875	872,101	1882	2,043,227
1876	1,093,393	1883	2,108,325
1877	1,047,645		

By reason of that geographical position this Baltimore and Ohio Railroad, the pioneer of our rail system, asserts its strength and power in the great contests which from time to time have sprung out of the rivalry of the various trunk lines for this east-bound trade, the port of Baltimore being nearer to every interior point of those sections of the country drained by these several lines than the great metropolis of New York, as will appear by the following tabulated statement of distances:

Distance from—	To New York.	To Baltimore.	Difference.
	Miles.	Miles.	Miles.
Chicago	912	804	108
Detroit	672	639	33
Toledo	695	579	117
Cleveland	598	466	112
Pittsburgh	444	327	117
Cincinnati	757	579	178
Saint Louis	1,065	920	145
Indianapolis	825	684	141
Louisville	851	696	155

Of all the tonnage comprising the traffic at this port the receipts in grain alone aggregated an increase from 7,753,508 bushels in 1868 to 37,867,054 bushels in 1881, which does not include flour receipts, a falling off in 1882 and 1883 resulting from the shortage in crops during the year 1881. The value of the export and import trade of Baltimore in 1882 amounted to $57,992,744, while its export trade alone in grain and other products of agriculture reached in 1883 as follows:

Wheat, bushels	15,500,000
Corn, bushels	10,500,000
Cotton, bales	225,000
Flour, barrels	275,000
Flour, sacks	200,000
Tobacco, hogsheads	45,000
Tobacco, manufactured, pounds	240,000
Lard, pounds	9,500,000
Cattle and sheep	20,600

The national character of this work is manifest from the commercial advantages to be derived and its importance as an interior line of communication for use in the national defense.

Commercially speaking, its construction will be of inestimable value; because it will provide an additional outlet for the distribution of the produce of the Ohio and Mississippi Valleys at Baltimore, constituting it the peer of New York in all those respects which make up the advantages of shipping ports in matter of distance, time, and freight charges, creating and stimulating a vigorous competition, with its shared benefits to the producer of the West, the importer of the East, and the consumers of the whole country on all East and West bound traffic.

Mr. Nimmo, in his report of foreign commerce for 1883, shows the growth of our export trade since 1820, and I append it to show how much the largest proportion of that trade is of agricultural products than all others, and the vital importance of developing every element of our commercial power in aid of the fullest agricultural development and distribution for consumption.

Values of exports from the United States of domestic merchandise and of the exports of the products of agriculture, and the percentage which the exports of such products bear to the total value of exports of domestic merchandise, for the years mentioned.

Year ended June 30—	Value of exports of domestic merchandise.	Value of exports of merchandise other than products of domestic agriculture.	Value of exports of products of domestic agriculture.	Per cent. of products of agriculture.
	Dollars.	Dollars.	Dollars.	Per cent.
1820*	51,683,640	10,025,967	41,657,673	80.60
1830*	58,524,878	10,429,694	48,095,184	82.18
1840*	111,660,561	19,112,404	92,548,067	82.93
1850	134,900,233	26,294,520	108,605,713	80.51
1860	316,242,423	59,681,451	256,560,972	81.14
1870	455,208,341	94,019,858	361,188,483	79.34
1871	478,115,292	109,649,281	368,466,011	77.07
1872	476,421,478	107,624,853	368,796,625	77.41
1873	575,227,017	128,327,013	446,900,004	77.69
1874	633,339,368	131,967,877	501,371,501	79.16
1875	559,237,638	128,931,068	430,306,570	76.95
1876	594,917,715	138,804,200	456,113,515	76.67
1877	632,980,854	173,246,706	459,734,148	72.63
1878	695,749,930	159,557,057	536,192,873	77.07
1879	699,538,742	153,062,039	546,476,703	78.12
1880	823,946,353	137,985,262	685,961,091	83.25
1881	883,925,947	153,531,004	730,394,943	82.63
1882	733,239,732	181,019,013	552,219,819	75.31
1883	804,223,632	184,954,183	619,269,449	77.00

* Year ended September 30.

Sir, this competition must have a twofold effect, as I have intimated: One to lead to a reduction of the rate of freight charges to and at the port of shipment to foreign lands; another, to stimulate the producing energies of our great grain empires; and it is the highest order of statesmanship to provide for that development. Our past wonderful growth admonishes us to open up this natural gateway to the sea to meet that productive power when it shall be at its zenith, and New York is unequal to the mighty task of discharging our cereal surplus to a foreign market.

In no sense can this be tortured into mere local rivalry with that great metropolis, the recognized heart of all our commercial and financial operations. No, sir. Like that great motor of the human body, New York should extend its growth and power, and will inevitably do so in proportion as the whole system working harmoniously adds to the growth and power of its parts.

The commerce of this people is the life-blood of our national wealth. Magnify that current by whatever means you may, or at whatever point of a perfected system of commerce, and necessarily you magnify the supremacy of the power of the great commercial centre of the country at New York. I appeal to members upon this floor against that spirit of petty rivalry seeking a present advantage. No such disposition should be permitted to stand in the way of progress, and this development of a perfect whole, outlining the future giant of our trade, foreign and domestic, moving with colossal stride as the natural and inevitable manhood of the present vigorous child of our commerce. The States of Maryland and Delaware could not be expected to build a free highway to the sea for the commerce of all the States and of all the world, and its construction by these States would first require the assent of Congress. If they should undertake its construction it could only be built and sustained as a toll canal, which would destroy its regulative power on rates of railroads, and the country would lose the value of the competition.

But, Mr. Chairman, I submit that this canal should be built by the Government as a means of national defense, and I call the attention of the country to an extract from the report of the present Secretary of the Navy, made to this Congress, recommending its construction as of the utmost importance. The Secretary says:

There is one measure of national defense in regard to which the argument can not be made, as in the case of ships and guns, that modern discovery is likely to make such improvements in the art of construction that action might for the present be deferred. This is the creation of an interior coast-line of water ways across the head of the peninsula of Florida, along the coast from Florida to Hampton Roads, between the Chesapeake Bay and the Delaware, and through Cape Cod. To these should be added a railroad from the mainland of Florida to Key West. To secure the combined commercial and military advantages which these avenues for merchant and naval vessels would afford, work should

be immediately begun and deliberately and economically prosecuted, and not left to be done hastily and expensively in an emergency.

And to this I desire to add an extract from the report of Captain Turtle, an engineer of the United States, who made the surveys from the Maryland and Delaware Canal, giving force, as it does, to the suggestions of the head of the Navy Department. He says:

It will be doubted by no one that a deep-water connection between the two bays would be of vast importance in the contingency of war with a maritime nation. Such a connection would provide a means of concentrating the floating defenses of the two bays, and besides this would render more secure the communications between the naval stations of Philadelphia, and Norfolk, and Washington. Vessels defending a port have two offices to perform, the one being to assist in the direct defense, or to prevent capture or occupation by a hostile force, the other being "the prevention or breaking up of blockades." Without the canal a blockade at the capes of the Delaware would close the port of Philadelphia, or a blockade at the capes of Virginia would close the outward commerce of Baltimore and the other ports of the Chesapeake. With the canal built where communication would be secure, neither the ports of Philadelphia nor of Baltimore could be closed, unless an effectual blockade were established both at the Delaware and Virginia capes. The disadvantage to the attacking party is obvious, while the defending vessels could concentrate at either outlet, and breaking the blockade at one point would open both ports and render the blockade useless at the other outlet.

It may be assumed that if a war with one of the great naval powers should arise, and the mere appropriation of the money could provide such a channel of communication between the bays, the amount would be at once provided without hesitation. That would, however, be too late.

I appeal to this committee in behalf of this appropriation in order to inaugurate this policy not only of improving our natural water ways, but the construction of all artificial ones, in the development of that full regulative power over railroads; in the determining of rates of freight, and as a stimulant to production, and wherever they will afford the Government additional means of protecting her people in the throes of war.

Our Indian Policy—"The Sanctity of Plighted Faith"—How "The Indian Problem" is to be Solved—With a few Words in regard to our Public Land Policy.

SPEECH

OF

HON. BYRON M. CUTCHEON,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 10, 1884.

The House having under consideration the bill (H. R. 4384) relating to the disposal of the Red Lake Chippewa reservation, in the State of Minnesota—

Mr. CUTCHEON said:

Mr. SPEAKER: I shall occupy the attention of the House but a short time with what I shall say in criticism of this bill. What I may say will not be to call in question the good faith or the integrity of the committee which reported it, or of any member of that committee. I know too well the high character of these gentlemen and their well-known reputation in this House to believe for a moment that this bill is reported for any other purpose than that which appears upon its face; that is, to open this reservation to settlement. But a somewhat careful examination of this bill and all of its provisions has led me to believe that through it great abuses may arise, and that by it not only the Indians but other interests may suffer.

The idea which I have in my mind has been indicated by other gentlemen upon the floor. I think if this had been entitled "A bill to enable pine-land speculators to acquire cheap stumpage on the Red Lake Indian reservation in Minnesota" it would have been a more appropriate title than that which it bears. At least it would express the effect, if not the intent, of the bill.

As I look through this bill I find that its presumptive purpose is indicated in its preamble, in the second paragraph of the preamble, as follows:

Whereas nearly all the lands of the United States in said State suitable for agriculture, and not included in any Indian reservation, have already been disposed of, and there is a great demand among the people of said State that the Indian title to said reservation be extinguished, &c.

That language, if it is to have any effect, would convey to the mind of those who read it that this land is wanted, not for the pine upon it, but that it is the agricultural land, that is desired for agricultural purposes. And yet as I read through this bill, section by section, the impression comes to my mind, and is strengthened with every section, that the real purpose of the bill is not to acquire agricultural lands at all, not to open that country to agricultural settlement and cultivation, but to give somebody the opportunity to acquire the 500,000 acres of pine lands.

Mr. NELSON. Will the gentleman allow me to interrupt him?

Mr. CUTCHEON. Yes, sir.

Mr. NELSON. If the gentleman from Michigan can suggest any manner in which that pine land can be sold upon better terms than under the provisions of the bill, I should be glad to have him do so. For my own part I have no objection if the House sees fit to put in a rate of $2 or $3.

Mr. CUTCHEON. To proceed, Mr. Speaker: I shall not undertake here and now or elsewhere or at any other time to answer the remarks of the gentleman from Colorado [Mr. BELFORD], for I concede that so far as I am concerned they are entirely unanswerable. I shall not undertake to answer them. If we were to follow the leading of the gentleman from Colorado he would take us out of this last quarter of the nineteenth century and set us back into the middle of the Dark Ages. The gentleman from Colorado evidently entertains the belief that was expressed elsewhere and in regard to another subject, that the red man has no rights that white men or anybody else are bound to respect. Mr. Speaker, I am not an admirer of the American Indian.

Mr. BELFORD. I should like to ask the gentleman from Michigan——

Mr. CUTCHEON. I do not believe in the heroics of Leatherstocking or Fenimore Cooper or anybody else in regard to the American Indian. I concede that the American Indian is a barbarian, has been a barbarian always; but because he is a barbarian it is becoming that we, who dwell in the light of the last quarter of the nineteenth century and who boast of our higher civilization and our Christianity, should treat him as civilized men and as Christians ought to treat him.

Mr. BELFORD. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. With pleasure.

Mr. BELFORD. What right has the red man of the forest that is pre-eminently great over the rights of the white man, who represents the highest type of civilization?

Mr. CUTCHEON. Mr. Speaker, I will answer the gentleman's question by asking another. What right have we to come here upon the land that was primevally the land of the Indian and deprive him of his rights, take away from him his soil, and make him an outcast upon that domain which the Almighty gave him from the foundation of the world? What right have we, when we have conceded this grant to those poor Indians by solemn treaty, which we as a great nation are bound more jealously to regard than we would be if they were our equals—what right have we to dictate to them upon what terms or when or how they shall part with that which is their own?

But, Mr. Speaker, I had not thought to dwell upon this general question of the Indian problem. It is one of those slow-moving problems for the solution of which time is requisite. The solution will come with the moving of the generations as civilization came to our forefathers. Let us not forget that it is not much more than a thousand years since our ancestors in the British Isles were worshiping with human sacrifices in their Druid temples, clothed in the skins of wild animals, and dwelling in the caves of the earth; and thence let us learn charity toward these red men who dwell with us and appeal to us for the protection of their domain and their homes. I took recent occasion pending the discussion of the Indian appropriation bill to express my views as follows:

There have been several different ways tried of dealing with this question. We have at one time treated the Indian tribes as independent nations with whom we could make treaties as with foreign powers. They have been nations to make treaties with until we have obtained their great domain; but we have not recognized them as nations for the purpose of maintaining and observing treaties on our part after we had gained possession of their lands.

Again we have treated them as wild beasts, without the rights of humanity, to be hunted with bloodhounds as they were in the Florida wars, and not entitled to the usages of civilized warfare.

We have begun, Mr. Chairman, within the more recent period of our history to treat the Indians as human beings, rational and immortal, who may be civilized, educated, and Christianized. This last is the one plan that promises the ultimate solution of the Indian problem.

I believe that the friends of Indian education have themselves been surprised at the success of the new method and the readiness with which the Indian children take to education.

The old iden that "the only good Indians are dead Indians" has been given the lie at Carlisle, at Lincoln School, at Hampton, at Forest Grove, among the Dakota schools, and in fact wherever the educational plan has been faithfully tried.

This question of how to treat the Indian problem must be met. The old idea that the Indians are "dying out" is not a true one. At the present time they are increasing, and they will hereafter increase more rapidly. They are soon to become factors in our States and local communities. It is only a question of a few years when they are to become citizens, and it is for us to prepare them for the rights and duties of citizenship. The first thing is to educate the children. Little can be done for the older Indians but to keep them as peaceable and contented under their changed relations as practicable.

But our hope is in the young. The first thing for us to do is to carry out our treaty stipulations with these Indian tribes. In the last report of the superintendent of Indian schools, upon page 7, I find the following, which I will read:

"Additional day-schools are also required at several of the agencies. In connection with this matter I present a table, showing our treaty obligations to several of the tribes named above and others not included in the above list, by which it will be seen what our failures have been. Due consideration is also given to what has been done for each tribe named. It will be seen by reference to this table that the amount which would have been required to fulfill these treaty obligations up to and including the present fiscal year would have been $3,759,400."

Under our treaties with these several tribes we are bound to maintain one school for every thirty children of school age in the tribe and one school-house

and one teacher. There is due to these tribes, under these treaty stipulations, for this purpose, the sum of $3,759,400, as follows:

Apache, Kiowa, and Comanche Indians (Exhibit A)	$284,200
Bannock Indians (Exhibit B)	44,200
Cheyenne and Arapaho Indians (Exhibit C)	283,100
Crow Indians (Exhibit D)	262,200
Navajo Indians (Exhibit E)	792,100
Northern Cheyenne and Arapaho Indians (Exhibit F)	167,800
Shoshone Indians (Exhibit G)	141,700
Sioux Indians (Exhibit H)	1,491,600
Ute Indians (Exhibit I)	292,500
Total	3,759,400

At the date of the last report of the superintendent there were seventy-five schools, supported in whole or in part by the Government at a total cost of $339,968.17 for the last fiscal year. I call attention here to an itemized table, giving financial statistics of Indian boarding-schools for the year ending June 30, 1883.

The first thing we have to do for these Indians is to fulfill our treaty stipulations with them; to do simply what we have agreed to do; to put at their disposal for educational purposes this fund which we owe them, as honestly owe them as one man can owe another any honest debt.

The second thing we have to do is to require of them to hold their lands in severalty. The very foundation of civil order is the ownership of property and the responsibility for its use. It gives, first, local attachment and individuality; second, it inculcates respect for the rights of others; third, it creates a regard for law and order and a dependence upon orderly government. It inspires the spirit of patriotism and attachment to the government which protects them and their property.

In the third place, we must give them civil rights under civilized law, and political rights as rapidly as their tribal relations are dissolved. Until these people are made amenable to the laws of the commonwealth within which they reside they will progress but slowly and under great disadvantages. They must be incorporated into the great body of law-acknowledging and law-abiding citizens, and then they will quickly assimilate in manners, in progress, in religion, and to those around them, and, swept along in the great current of civilizing influence, they will mingle in the common mass, and the "Indian problem" will be finally solved. But to this end we must provide the adequate means, and the first and most important of these is to keep all our treaty stipulations in the matter of education.

In this direction I firmly believe lies the true solution of this difficult question. I wish now to address myself to some of the specific provisions of this bill. And, first, as to the extinction of the Indian title. This land is a part of the original Indian lands of this continent. It never has belonged to anybody else. In the various treaties which this Government has made with these Chippewa Indians this land has been conceded to them and recognized as belonging to them. I take it that the title is in them just as perfectly and essentially as the title is in the gentleman from Minnesota or in myself to any tract which he or I may own. But this bill proposes to take this land—in what way? A commission is to be appointed by the Secretary of the Interior, or he may act in person, to procure a cession and relinquishment of the Indian title, "and such cession and relinquishment shall be deemed sufficient if made by the chiefs or headmen of said tribe of Indians in a public council or meeting of the band, assented to by a majority of the male adults of said band present at such meeting."

Mr. NELSON. Will the gentleman allow me to interrupt him?

Mr. CUTCHEON. Certainly.

Mr. NELSON. I want to say to the gentleman from Michigan that on the motion of some gentleman, I forget who, that was changed so as to require the assent of the majority of the tribe.

Mr. CUTCHEON. That is better.

Mr. NELSON. Allow me to say further, I stated, but perhaps the gentleman from Michigan did not hear me, that I had no objection to putting in any other number, two-thirds or three-fourths.

Mr. CUTCHEON. That would improve it very much. But the point I am going to make is this: it is a breach of that general principle of English jurisprudence that it requires two parties to make a contract. It would appear that we are going to make the contract for both parties. We who are the grantees in this arrangement are to determine what shall be sufficient upon the part of those with whom we contract. Then the bill goes on to provide further in the latter part of section 1—

And the acceptance and approval of such cession and relinquishment by the Secretary of the Interior shall be deemed full and conclusive proof of the assent of said Red Lake Chippewa Indians to said cession and relinquishment.

Just think of that for a moment. The assent of the Secretary of the Interior, who represents us and not these Indians, shall be taken as "full and conclusive proof of the assent" of the Indians. In other words, we are going to assent for both parties. The Secretary of the Interior is to assent for us, and then his assent is to be "conclusive" upon the Chippewa Indians as well. I object to that. It is enough for the Secretary of the Interior to act for us, without attempting also to bind conclusively the Chippewa Indians.

That ought to be amended so that the joint act of the contracting parties shall be binding.

The second section provides:

SEC. 2. That as soon as the cession and relinquishment of said Indian title is obtained, the Secretary of the Interior shall cause so much of said reservation as is agricultural or pine lands to be surveyed as Government lands are surveyed; and in making such surveys the surveyor shall carefully ascertain and note and return on the plat and in the field-notes all forty-acre or lesser tracts on which there is any pine timber standing or growing, and which tracts are for the purposes of this act termed pine lands; and upon the completion of such surveys the Secretary of the Interior shall cause the stumpage upon each forty-acre or lesser tract of said pine lands to be estimated and appraised by three competent men to be appointed by him. Such stumpage shall be estimated by the thousand feet of board-measure upon each separate tract of forty acres or less, and such appraisal shall be at the rate of a certain sum per thousand feet, and shall in no event be less than $1 per thousand feet.

Now I call the attention of the House to this fact: right here at the very beginning of this bill everything but pine land passes out of view. The pine land seems to be about the only thing that the bill is intended to provide for. Then section 3 of the bill provides:

SEC. 3. That after the said pine lands have been surveyed, and the stumpage thereon estimated and appraised as aforesaid, the Secretary of the Interior shall, after having given three months' notice through newspapers of general circulation published at Saint Paul, Duluth, and Crookston, in said State, through the United States land officers for the district where the lands are situate, offer for sale and sell, at public auction, to the highest bidder for cash in hand, in forty-acre or lesser tracts, the stumpage on said pine lands, with five years' right of removal.

And here I desire to call the attention of the House to another point: that there is no limitation whatever upon the amount of this pine land that any one person may acquire. It is to be sold in forty-acre or lesser tracts, but there is nothing to prevent a single individual from acquiring the entire 500,000 acres of pine land. I think that ought to be guarded in some way. I believe it is contrary to our present policy to allow lands, or any products of lands, such as pine timber, to be acquired in such unlimited tracts.

Mr. NELSON. Should not the highest bidder be allowed to get it; the man willing to pay the most for it?

Mr. CUTCHEON. I do not know that; we do not pursue that course in our general land policy. The highest bidder for the limited tract should get it, but the tract should be limited.

Mr. NELSON. But they do not get the land in this case.

Mr. CUTCHEON. But they get the whole value of the land. The section goes on to provide: "But such sale shall not be for a less price than the appraised value, nor shall the stumpage on any tract be sold at a less price than $2 per acre."

Here I desire to call the attention of the House to another fact. I do not remember any class of realty in the United States to-day that is appreciating more rapidly, especially in that part of the country, than pine land or pine stumpage. It has been my fortune for about eighteen years to live in the midst of a pine country. I remember, when eighteen years ago, I took up my present residence, that I could have acquired millions upon millions of pine stumpage at 50 cents a thousand feet, while now you can not acquire a forty-acre lot within five miles of water at less than $4 a thousand feet stumpage, and the most of it is five or six dollars a thousand.

This land under consideration is unquestionably valuable land. Its principal value consists in the pine stumpage upon it. Take that northern belt of the States from the Atlantic to the Pacific, including the great pine-bearing States of Michigan, Minnesota, and Wisconsin, and while the amount of pine is constantly diminishing, the demand for it through the influx of population is constantly on the increase. With the increasing demand and the diminishing supply the result is that the price per thousand feet is increasing very rapidly.

Take this very region of country to which this bill relates, with the great prairie States and Territories on the south and the west and the pineless regions of Manitoba on the northwest; the demand for pine is increasing there very rapidly. If the Chippewa Indians are to realize the benefits of this property of theirs, this is no time to hasten it into market. If they are to reap the full benefit, we should make no haste in the disposal of it.

And here let me call to the memory of gentlemen a single fact. One of the richest educational institutions in this country to-day is Cornell University. It has a fund of several millions of dollars; I can not state exactly how much, but well up into the millions.

How did it become rich? When the grant of agricultural college scrip was made to the State of New York Cornell University succeeded to that grant. Instead of locating that scrip, as was done by most of the States, upon agricultural land, it was located upon pine lands, mostly in Wisconsin; and the increase in the value of those pine lands in the last twenty years has made Cornell University one of the richest educational institutions upon this continent. Just so it will be with this pine land. The country is opening up; railroads are penetrating toward it; water courses are being cleared out. It is becoming accessible. There is a boundless demand for this land. If it be held for the purposes of this trust it will in a few years double and treble in value.

If, on the other hand, there is danger that white speculators are to have the benefit of this grant, and are to realize the profit upon this pine land, then it ought not to be forced into the market at the present time, but should be held until the exigencies of the case require that it shall be disposed of.

Here the gentleman from Minnesota [Mr. NELSON] meets me with this letter which he has read and this argument in regard to "dead and down timber." I can very clearly see, Mr. Speaker, that there is in this direction a wide-open door for fraud. I have no doubt that frauds have been committed in the manner he describes. I am too familiar with the methods of pine-land speculators to have any doubt upon that subject. I am too well acquainted also with the simplicity as well as the cupidity of these Indian tribes, and the ease with which they are defrauded, not to believe that there is here an opportunity for

fraud. But it is a door that the Secretary of the Interior and the administration of this Government should close at once and forever. It is fully within the power of the Government to do it; and those who have charge of the administration of the law owe it to themselves and their good reputation, as well as to the Indians, to see that this door to fraud is closed, and closed immediately.

I pass now to the fourth section of this bill, which provides—

SEC. 4. That as soon as any of the lands on said reservation other than pine lands have been surveyed, the Secretary of the Interior shall give notice thereof, which said notice shall be published in at least ten of the principal papers published in the State of Minnesota for the full term of sixty days from the date of said notice; and at the expiration of said sixty days the said lands so surveyed, and no others, shall be open to settlement, and may be disposed of by the Government under the homestead and pre-emption laws of the United States, but in no other manner whatsoever; and no right of any kind shall be acquired by reason of any settlement on these lands made prior to the expiration of the sixty days of notice aforesaid: *Provided*, That the United States shall compensate the Indians for all of said lands that may be disposed of under the homestead laws at the rate of $1.25 per acre.

This applies, as I understand, to agricultural land, not to pine land. One criticism I would make upon this section is that it provides for the disposal of this land under the pre-emption law. Now we are at the present time engaged upon a bill one of the main purposes of which is to wipe out the pre-emption law. If any man desires to acquire land upon which to settle in good faith he can do so under the homestead law. I would suggest, therefore, that the words "and pre-emption," should be stricken out, because I am firmly convinced from my observation that the pre-emption laws are more used for the purposes of fraud than almost any other of our land laws. All through the timber country speculators employ workingmen from their camps to go and pre-empt forty, eighty, or one hundred and sixty acres of land, and when they have "proved up," as the saying is, the man who has employed them puts in the cash at $1.25 per acre, and thus acquires large tracts of land, which are promptly transferred by the fraudulent settler to his employer, receiving some prearranged consideration therefor.

I am convinced that the pre-emption law has outlived its usefulness and should be repealed. Therefore, if this bill is to become a law in any form, I should desire to see this clause stricken out.

Mr. NELSON. In this bill as proposed to be amended that clause is stricken out.

Mr. CUTCHEON. Mr. Speaker, I have extended my remarks far beyond my purpose. I have briefly indicated some of the points which to me seem objectionable. Most of them may be remedied by amendment. But the one thing that I do insist upon is that we shall deal with these Indians in such manner that when this great reservation is broken up the interests of the Indians shall be consulted and shall be the controlling factor. When that is done, and only then, I will give the bill my voice and my vote.

The Blair-Willis Educational Bill and Objections Thereto.

SPEECH

OF

HON. ISAAC M. JORDAN,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 3, 1884,

On the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. JORDAN said:

Mr. SPEAKER: I desire to avail myself of this opportunity to address the House in opposition to the bill reported by Mr. WILLIS from the Committee on Education, by which it is proposed that the National Government shall give pecuniary aid to the States in establishing, maintaining, and carrying on their common or public schools.

This bill provides in the first section for a direct appropriation by Congress of $55,000.000 out of the Treasury of the United States for the purpose of aiding in the support and maintenance of free common schools in the various States of the Union. The second section provides that the Secretary of the Treasury shall apportion the money so appropriated among the several States according to the number of their respective populations of 10 years old and upward who can not read and write, and that the same shall be paid over to the States, credited to their school fund, and disbursed according to their educational system. This money is to be paid in ten installments—the first year $10,000,000, and decreasing at the rate of $1,000,000 a year until the whole is paid.

There are other provisions in the bill worthy of consideration.

This bill involves the question whether the Congress of the United States have power under the Constitution to appropriate money out of the Treasury of the United States and donate it to the several States to aid them in maintaining and carrying on their system of common schools; and its advocates contend that the power is given, while those of us who are opposed to the bill claim that no authority can be found for this measure, either in the express or implied powers of the Constitution.

It must be admitted at the very threshold of this argument that it is incumbent on the author and friends of this bill to show to the House that it is authorized by the Constitution and to point out what provisions of that instrument justify it, for Congress has not an unlimited power of legislating, but only such as is granted by the Constitution, and all other is "reserved to the States or to the people."

I desire further to say *in limine* that the fact that Congress have never at any time heretofore claimed or exercised this power of levying taxes and appropriating money out of the public Treasury for the purpose of aiding the States in carrying on their systems of common-school education is a very strong argument against the existence of any such power, as it is almost incredible to suppose that a power so great in its extent, so potent either for good or evil, should have lain dormant and undiscovered during the one hundred years of our existence as a nation. And, indeed, as this bill asserts for the Federal Government a power of taxing the people for a purpose never heretofore supposed to exist, and the right to dictate to the States what school systems they shall have, or deprive them of their share of the appropriations to be made from the public Treasury, it becomes this House to give full and grave consideration to this matter before it makes so great departure from the ways of our fathers.

Mr. Speaker, secession was the fatal heresy of State rights carried to one extreme; consolidation is the heresy of national sovereignty carried to the other. The former meant the destruction of the Union; the latter menaces the existence of the States. The one would have destroyed all government, the other all liberty. The ship of state has been floating and drifting for many years in unsafe waters between Scylla and Charybdis. Is it not time that we should go back to port in the still waters of the Union, and fasten our anchors upon that great rock, the Constitution of our country?

Mr. Speaker, believing that this bill contains a most vicious principle, that its passage would do great injury to the cause of education, which it seeks to benefit, I stand here to oppose it and warn the House and country against it.

While I admit that the authority of the Federal Government is supreme over all the objects to which it extends under the Constitution, yet its jurisdiction is limited or confined to but few subjects, and those purely of a national character. And while I admit that Congress has power to levy, collect, and appropriate taxes for the purpose of carrying out and accomplishing the ends for which the Federal Government was created, yet I contend they have no power or authority whatever to levy or collect taxes or appropriate them for any of the purposes for which the State governments were created or which are within their exclusive jurisdiction, and over which the control of the United States does not extend. These propositions seem axiomatic when we consider the nature, character, and power, respectively, of the Federal and State governments. Nor indeed ought this to be a source of any regret, for it must be evident to us all that the national Legislature must know much less what the people of the States are willing to be taxed for and their ability to pay than the State Legislatures. Nor indeed will the attachment of the people to the Government be any less if the taxes required to maintain it relate to few objects and are small in amount.

A brief reference to our colonial history and the formation of the Union will throw much light upon the subject now under consideration. In the early colonization and settlement of this country the people separated far apart and formed themselves into distinct political communities. Each of them was wholly independent of the other and lived under its own charter, or adopted its own constitution or form of civil government. They made their own laws, established their own courts, and selected their own rulers. They levied taxes, collected and disbursed them. They regulated all their internal and domestic affairs.

The descent of property, the marriage relation, and everything affecting their lives, liberty, and happiness were governed by laws and ordinances established by themselves.

They regarded the regulation of their internal affairs in their own way as the very essence of liberty, and any interference with it as an invasion of their most sacred rights.

From the beginning they established and maintained public schools, provided for their support by public taxation. As early as 1621 Virginia established free schools, and it is believed extended their benefits even to the Indians. Similar schools were established in Boston as early as 1635, and the General Court of Massachusetts in 1647, in a law providing for grammar schools, declared in its preamble that they did so "to the end that learning may not be buried in the graves of our forefathers in church and in commonwealth."

And we are told by the historian (see Capen's History of Democracy, volume 1, page 132) that the colonies continued their legislation and maintenance of public schools with unabated interest down to the time of the Revolution. And let me state here an important and interesting fact: England, from whom our institutions and laws are in most part derived, never established or maintained public schools or institutions of learning, but left them to be provided by the Church or individual

or associated effort, and even the ability of Lord Brougham was not great enough to induce the government to change its policy in this particular. By the time of the Revolutionary war these colonies had grown and become great and prosperous States, making war and peace with the Indians, leagues and confederations with each other, and exercised all the powers and functions of sovereign political communities. And indeed we find them in the Declaration of Independence declaring themselves to be free and independent States. And a little later, in 1778, we find them in the Articles of Confederation styling themselves "The United States of America."

And now, Mr. Speaker, when these political communities, colonies, or States, or the people of which they were composed, ordained and established the Constitution of the United States, and established that great and good Government of which we are citizens, they did not surrender to it any power or control over any of the internal or domestic affairs of the States—no power to make any laws regulating the marriage relation, the descent of property, or anything appertaining to the local affairs of the States. They did not surrender to the Federal Government any power or control over their schools, nor did they commit any of the affairs of education or religion to the keeping of the Federal Government. Indeed, the objects for which the Union was formed were entirely different. It was established in order that the people of the several States might be able to preserve peace and tranquillity among themselves, and that they might be the better able to defend themselves against foreign powers, or, as it is better expressed in the preamble of the Constitution, "In order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." * * *

In the light of these facts and of the history of the country as we all understand it, let us look at the Constitution and see what authority, if any, the Federal Government has over the subject of education within the several States, and what power we as a Congress have to appropriate money to maintain such schools. It is admitted upon all hands and by all parties that the Federal Government is one of delegated, limited, and enumerated powers, all of which are to be found in the Constitution of the United States, or, as it is expressed by the Supreme Court of the United States in the case of The United States *vs.* Cruikshank (2 Otto, page 551):

> The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or to the people.

In order that I may enforce this proposition, let me quote what has been said upon this subject by some of the men who framed the Constitution of the United States.

In the forty-fifth number of the Federalist James Madison says:

> The powers delegated to the Federal Government are few and defined. Those which are to remain to the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiations, and foreign commerce, with which last the power of taxation will be for the most part concerned. The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs concern the lives, liberty, and property of the people, and the internal order, improvement, and property of the State.

No language could better than this outline those matters over which the Federal Government has jurisdiction and indicate the great mass or residuum of powers reserved by the States.

Let me also refer to the language of Alexander Hamilton, in the eighty-third number of the Federalist, in which he says:

> The plan of the convention declares that the powers of Congress, or, in other words, the national Legislature, shall extend to certain enumerated cases. This specification of particulars evidently excludes all pretensions to a general legislative authority, because an affirmative grant of special powers would be absurd as well as useless if a general authority was intended.

And in the eighty-second number of the Federalist Hamilton further said:

> The States will retain all pre-existing authorities which may not be exclusively delegated to the Federal head.

Or, putting it in even stronger language in the thirty-second number of the Federalist, he said:

> As the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had, and which were not by that act (the Constitution) exclusively delegated to the United States.

And, still further, in the same article Hamilton said:

> The necessity of a concurrent jurisdiction in certain cases results from the division of the sovereign power, and the rule that all authorities of which the States are not explicitly divested in favor of the Union remain with them in full vigor is not only a theoretical consequence of that division, but is clearly admitted by the whole tenor of the instrument which contains the articles of the proposed Constitution. We there find that notwithstanding the affirmative grants of general authorities there has been the most pointed care in those cases where it was deemed improper that the like authorities should reside in the States to insert negative clauses prohibiting the exercise of them by the States. The tenth section of the first article consists altogether of such provisions. This circumstance is a clear indication of the sense of the convention, and furnishes a rule of interpretation out of the body of the act which justifies the position I have advanced and refutes every hypothesis to the contrary.

It granted in one instance an authority to the Union and in another prohibited the States from exercising the like authority.

Nobody would have the hardihood to contend that the power was included in this definition, because no authority on this subject was granted in the Constitution to the Union or denied to the States.

Third. And where it granted an authority to the Union to which a similar authority in the States would be absolutely and totally contradictory and repugnant.

And surely no gentlemen will have the courage to claim that the United States have such an extensive authority over the subject of schools that any exercise of power by the States to establish and maintain schools would conflict with it. In other words, that the power exists in the Federal and not the State Government.

Alexander Hamilton, in the eighty-third number of the Federalist, said:

> The plan of the convention declares that the power of Congress, or, in other words, the national Legislature, shall extend to certain enumerated cases. This specification of particulars evidently excludes all pretensions to a general legislative authority, because an affirmative grant of special powers would be absurd, as well as useless, if a general authority was intended.

In the thirty-second number of the Federalist Alexander Hamilton said that the State governments clearly retained all these rights of sovereignty which they had before the adoption of the Constitution of the United States and which were not by that Constitution exclusively delegated to the Union. The alienation of State power or sovereignty would only exist in three cases: Where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union to which a similar authority in the States would be absolutely and totally contradictory and repugnant. (1 Kent, p. 388.)

Now, I might well rest the argument on this statement by Alexander Hamilton, who is regarded by all as one who not only believed in a strong government, but he never failed to claim for the United States all the authority they had. He says that the alienation of State authority exists only in three cases:

First. Where the Constitution in express terms granted an exclusive authority to the Union. Well, no one will claim that Congress granted in express terms an exclusive authority over education or schools to the United States, when the subject is not even mentioned.

And now, having before us a clear and full view of the objects for which the Government of the United States was established, let us see what power is conferred upon the Government of the United States and upon Congress over the public or other schools of the States. It is contended, Mr. Speaker, that there are two clauses of the Constitution which confer upon Congress the power to pass this bill and appropriate the money provided for by it to the purposes mentioned in it.

And let me repeat here, that it is not incumbent on me to show that Congress have not such power, but the burden or necessity of showing that they have rests with those who support this bill and favor it on this floor; and this position becomes so much the stronger when we consider that this power has never been exercised by the Government or claimed by it.

The first clause of the Constitution, upon which this power is predicated, is in these words (article 1, section 8):

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Now it is claimed that inasmuch as the education of the people would make them better qualified to discharge their duties as voters and citizens, Congress may under this clause pass this bill, as being for the general welfare of the United States.

To put the proposition contended for by the advocates of this bill in the form of a syllogism, they would state it as follows: "Congress has power to lay and collect taxes and appropriate them to such purposes as will in their judgment promote the general welfare. The support and maintenance of the public schools in the States is in the judgment of Congress a proper means for the promotion of the general welfare; therefore Congress has power to levy and collect taxes and appropriate them to the support and maintenance of the public schools in the States."

This clause of the Constitution has given rise to more discussion than perhaps any other. It has received at the hands of public men three very different constructions:

First. That the power given by it is unlimited, and that the words "to pay the debts and provide for the common defense and general welfare" are a substantive and independent power.

Second. That the power to lay and collect taxes is not a general or unlimited authority, but is qualified and restricted by the words of the clause itself, so that it amounts to a power to lay and collect taxes in order or for the purpose of paying the debts and providing "for the common defense and general welfare of the United States."

Third. That the power to lay and collect taxes is restricted to such specific objects as are contained in the other enumerated powers. (See Story on the Constitution, volume 1, pages 688, 689, 690.)

I contend that the second construction above stated is correct, and the one maintained by our best writers upon the Constitution, by the most distinguished of our statesmen, and by the words and spirit of the Constitution itself. In order to maintain the constitutionality of

this bill its advocates are logically driven to maintain the first of these modes of construction; that is, to claim that this clause confers a power to lay and collect taxes, and also the additional power to provide for the common defense and general welfare.

If this were so, then there would be no limitation whatever on the power of taxation or the extent or objects of it or the purposes to which the taxes might be appropriated; the whole matter would rest in the discretion of Congress, a discretion which would be uncontrolled by the limitations of the Constitution, and over which the Supreme Court itself would have no power to pass. Such a construction would enable Congress to determine what was necessary for the general welfare, and having done so, to levy and collect any and all taxes necessary to provide therefor, without any reference as to whether the purpose was national or local in its character.

In order that I may show that this construction is not maintainable, and that the one for which I contend is correct, namely, that the power of taxation conferred by this clause is not unlimited, but restricted by the very words of the clause itself, I will quote what has been said upon this subject by eminent jurists and statesmen.

Story on the Constitution, page 640, says that the construction given above is "the generally received sense of the nation and seems supported by reasoning at once solid and impregnable;" and on page 641 he says, "in this sense Congress has not an unlimited power of taxation, but is limited by specific objects—the payment of the public debt and providing for the common defense and general welfare." "A tax therefore laid by Congress for neither of these objects would be unconstitutional as an excess of its legislative authority."

Mr. President Jefferson expressed his view in the most emphatic and concise language as follows:

> To lay taxes to provide for the general welfare of the United States is to lay taxes for the purpose of providing for the general welfare. For the laying of the taxes is the power, and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes *ad libitum* for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.
>
> To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased."—*Jefferson's opinion on the Bank of the United States, February* 15, 1791; 4 *Jefferson's Correspondence*, page 524, 525.)

Indeed the same opinion is maintained by Alexander Hamilton, James Madison, and many others.

And now, Mr. Speaker, having settled the proper construction of this clause, we now come to consider what is the "general welfare," and what is its meaning in this clause, "to pay the debts and provide for the common defense and general welfare" of the United States.

I contend that these words must all be taken together, and that the debts which are to be paid and "the common defense and general welfare" which are to be provided for are not those of any State, nor of the people, but of the United States as a civil corporation, government, or body-politic. When we remember that the convention which framed the Constitution had under consideration the expediency of the United States assuming the debts of the several States, we know beyond question that when they provided for the debts of the United States they meant it in the sense I have stated—of a government. And when they provided that taxes should be collected for the purpose of providing for "the common defense," they meant it in the same sense—that is, the defense of the United States in their collective governmental capacity.

If, then, the words "debts and common defense" mean the "debts and common defense" of the United States as a civil government, are not the words "general welfare" to be taken in exactly the same sense? And do not these words therefore mean the general welfare of the United States?—not as meaning the people of the United States or the individual citizens, but of the United States as a civil corporation and as a government, the same whose debts were to be provided for and whose defense was to be maintained.

And in order that there may be no doubt left upon the mind of any man upon this subject, let me refer to the other paragraphs or clauses of this section in which the words "United States" are used. The second paragraph of the same section says, Congress shall have power "to borrow money on the credit of the United States;" the seventh, that they shall have power "to provide for the punishment of counterfeiting the securities and current coin of the United States." Will any man contend that these words do not mean the United States as a government or civil corporation?

Again, in the sixteenth clause of the same section, where Congress is authorized to arm and govern the militia while in the service of the United States, we find these words used in the same sense. And in the seventeenth clause or paragraph of said section we find the very words used, "Government of the United States."

I have not time, Mr. Speaker, to make a more extended observation of the use of the same words in the Constitution, but you will find these same words, "the United States," used more than forty times in that instrument, and in nearly every instance in the sense in which I have given them. To my mind this argument is conclusive; but if it is not, it must go far toward establishing the proposition for which I now propose to contend, and that is, that the words "general welfare" refer to matters of a general and not a special character; national and not local; of the United States, and not of the several States or the people thereof; and hence that education is not a purpose or object for which taxes can be levied or appropriated under this clause of the Constitution.

On this general subject Story, in his Commentaries on the Constitution, on page 650, says: "If the defense proposed by a tax be not the common defense of the United States; if the welfare be not general, but special or local as contradistinguished from national, it is not within the scope of the Constitution."

President Monroe used almost identically the same language, and declared that the power to raise and appropriate money under this clause was "restricted by the duty to appropriate it to purposes of common defense and of general—not local, national not State—benefit." Alexander Hamilton, in the forty-fifth number of the Federalist, said:

> The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs concern the lives, liberty, and property of the people, and the internal order, improvement, and property of the State.

And in the thirty-second number of the Federalist he said that—

> The State governments should clearly retain all the rights of sovereignty which they before had, and which were not by that act (the Constitution) exclusively delegated to the United States.

James Madison, one of the framers of the Constitution, in considering this clause, said:

> If Congress employ money indefinitely to the general welfare, they may take the care of religion into their own hands. They may appoint teachers in every State, county, and parish, and pay them out of their public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provisions for the poor; they may undertake the regulation of all roads other than post-roads; in short, everything, from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, "provisions for the general welfare."—*Madison's speech on the codfishery bill in* 1792.

It is in vain, after this unequivocal protest of Madison against the extensive powers claimed for the Federal Legislature, for gentlemen to pretend in this House that Madison believed in the existence of any power in the Federal Government over the subject of education in the States. This quotation from Mr. Madison is an admirable statement of those matters or subjects over which he declared the Federal Congress had no authority or jurisdiction. Gentlemen will do well to read, ponder, and consider these words of this great expounder of the Constitution.

But we are told that Congress has power to pass this bill under the second paragraph of section 3 of the fourth article of the Constitution, and which is in the following words:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

And it is claimed that Congress has under this clause made large donations of public lands to the States for educational purposes.

A bill providing for a donation or grant of lands does involve the power of Congress over the territories or public lands of the United States, but the bill now under consideration makes no reference whatever to public lands or territories, nor does it make a distribution of their proceeds. This is not a gift of lands held for the benefit of all the States, but a gift of money out of the Treasury, raised by taxation of the people. Lands may be donated or given without resorting to the power of taxation; but this bill is based upon the assertion of the right to levy and collect taxes from the people of the United States to maintain schools in the several States—not upon the principle of donating lands. Authority may be found in precedent for the latter, but none can be found in the hundred years of our existence as a nation for the former.

If the power to pass this bill is to be found in the Constitution it must be found in some other clause, for it might readily be that the territorial domain of the United States might be consumed in the erection of new States or otherwise disposed of by Congress, and then the power contended for, if only referable to this clause, would end, and thus a great power of the Constitution cease by the mere failure of the Government to own public lands. If this power exists, it is a vast power, of the greatest significance, to be found in some express power of the Constitution or to be easily and readily implied therefrom, and not be found lurking and sneaking in some crevice of the Constitution or concealed and hidden in some unintelligible way in some phrase having relation to a wholly different subject.

If it had been the intention of the framers of the Constitution that the States should surrender their jurisdiction over the subject of education and that this power should be conferred on the Federal Government, it would have been a simple thing to have said so in the Constitution and to have enumerated it among the many powers specifically mentioned therein. And indeed, if it had been intended that the United States should have jurisdiction over this subject, either exclusive or

concurrent with the several States, is it not strange, more than strange, that not one word occurred on the subject in the constitutional convention which framed the Constitution; that the subject is not even mentioned in the Federalist as one of the powers of the new government about to be created by the Constitution? And, as suggested, is it not passing strange that this power has never been claimed heretofore for Congress?

It is said by its advocates that Congress has power under the Constitution to make acquisition of territory and appropriate the public moneys to pay for it, and that they then have a right to donate or grant it to the States for educational purposes. And we are asked, if Congress can do this, why can it not appropriate money directly for educational purposes in the States.

This plausible but specious proposition will not deceive any person who examines it. One fallacy in it is in the false assumption that Congress had the power to purchase territory for public lands. Congress has never had such power, and has never claimed it. The United States may acquire territory by cession, or in the exercise of the power to make war and treaties, and it has never acquired any territory in any other way, and the assent of Congress is not required in either case.

Examine every deed of cession made by the several States, and they are all made to the United States, not to Congress; to the Government, not to one of the Departments. Examine with care into the mode by which we acquired all our foreign territory, from the purchase of Louisiana in 1803 to that of Alaska in 1867, and you will find that it was all obtained by treaties made by the President of the United States, by and with the consent of the Senate, and by virtue of the treaty-making power. But it is said that Congress appropriated the money to pay for it. Certainly. The United States in its sovereign capacity, acting by and through the President and Senate, first entered into a treaty by which it was to acquire territory, and agreed to pay, in whole or in part, a money consideration for it, and incurred a liability for the amount which they agreed to pay. All this was done, and properly done, without the consent of Congress.

Congress could not have done this; it could not have acquired this territory nor contract a liability for it. If it could, the power to make treaties would be taken away from the President and Senate. As the amount which the United States agreed to pay became a debt owing by our Government, the duty to pay it was absolute, and Congress acted in appropriating money to pay this debt simply as they did in regard to any other debt. Hence I say that it is a false assumption to claim that Congress can purchase public territory.

Mr. Speaker, the public lands do not belong to Congress, but to the United States. The only power that Congress has over them is that given by the section and article of the Constitution above quoted. I might go further and claim that when Congress has disposed of these lands and the proceeds have been paid into the public Treasury of the United States the power of Congress over it under the article and clause above quoted has wholly ceased and ended, and that thereafter the power to use or appropriate these moneys must be derived, if at all, from that clause of the Constitution which enables them to provide for the common defense and general welfare.

Real estate and money are wholly different things, whether owned by a sovereign government or by an individual. Land may be converted into personal property by deed or will by the mere intention of the party making the instrument, and certainly there can be no reason why the territorial domain of the United States shall be considered subject to the same disposition as the money of the United States, or *vice versa*.

I regard the argument that if Congress can appropriate money to buy public lands and may then donate the lands to school purposes it could appropriate the money direct as a mere begging of the question. Sir William Hamilton says that Plato in his Phædo demonstrates the immortality of the soul from its simplicity, and in the republic he demonstrates its simplicity from its immortality. So here the advocates of this measure argue that Congress has power to appropriate money for educational purposes in the States from its power to purchase public lands, and argue its power to purchase public lands from its power to donate lands or money to the States for educational purposes.

Indeed, Mr. Speaker, every nation or state which owns public lands and which has the power to acquire them must have a power to dispose of them, and with us this power is found in that clause of the Constitution above quoted, and under which grants and donations have been made for educational and other purposes. The view that I have taken of this matter will be found to be confirmed in the commentaries of the great jurists of this country. Chancellor Kent said:

The title—

To the public territory—

is in the United States by the treaty of peace with Great Britain, and by subsequent cessions from France and Spain, and by cessions from the individual States.

The learned chancellor here uses the word "cessions" in the sense of treaties.

Judge Story says that "the power of Congress over the public territory is clearly exclusive and universal." And speaking further upon this subject he says:

The public lands hold out after the discharge of the national debt to be devoted to the cause of education and sound learning and to internal improvements without trenching upon the property or embarrassing the pursuits of the people by burdensome taxation. The constitutional objection to the appropriation of the other revenues of the Government to such objects has not been supposed to apply to the appropriation of the proceeds of the public lands.

These two paragraphs ought to be burned into the memory of the advocates of this bill. It is a clear and broad declaration that the powers of Congress over the public lands and over the money in the Treasury of the United States is wholly different; that while there is power to appropriate the proceeds to the public lands to educational purposes, there is a "constitutional objection" to appropriating the other revenues of the Government to such purposes. And, Mr. Speaker, while President Jefferson, in his message to Congress in December, 1806, strongly urged upon Congress the establishment of a national institution of learning, he declared that even for this purpose "the Constitution would have to be amended with the consent of the States, because this object is not among those enumerated in the Constitution and to which it permits the public moneys to be applied." There are, however, many other serious objections to the bill.

This bill provides for an appropriation of money in such a way as to give to one State an unjust advantage over other States; and it makes this inequality an argument in support of the measure.

The money which is raised by taxation in this country is held by the Federal Government in trust for the people of the United States. No one State and no one individual is entitled to any more of it than another.

In 1836, when the United States found itself in possession of a surplus in the Treasury, it ordered it distributed among the several States upon the basis of population, which is the only fair or equitable mode in which it can be appropriated.

This bill, however, makes the distribution upon an arbitrary basis, in order that it may give to the Southern States a much larger share than they are entitled to. Knowing the strong constitutional objections which the Southern States have always had to the exercise of doubtful constitutional powers and their hostility to Federal interference with the domestic institutions of the States, the friends of this bill have made this inequality as great as possible, and have made the amount so large that they hope that self-interest will overcome all constitutional scruples. The temptation is indeed very great. Our first parents in their desire to know the tree of good and evil were not able to resist the persuasive arguments which were held out to them. They yielded to the subtle adversary. They tasted the forbidden fruit.

> Earth felt the wound, and nature from her seat
> Sighing through all her works, gave signs of woe
> That all was lost.

In order that the people of this country may understand this inequality, I propose to make it clear and let it go before the country, so that the people may know how unjust and unequal is this distribution of their money. Alabama, with a population of 1,262,505, gets $3,820,472.70, while New Jersey, with a population of 1,131,116, receives $469,345.25. Arkansas, with a population of 802,525, receives $1,780,592.77, while California, with a population of 864,094, receives only $470,940.58. Louisiana, with a population of 939,946, receives $2,806,252.79, while Kansas, with a population of 996,096, gets only $347,947.77.

My own State of Ohio, with a population of 3,198,062, gets but $1,162,120.91, or about the same as Maryland gets, with a population of 934,943. The great State of New York, with a population of 5,082,871, gets $1,935,589.98, while the State of South Carolina, with a population of 995,577, less than one-fifth that of New York, receives, $3,259,899, and Kentucky, with a population of 1,648,690, gets $3,070,783.54, while Iowa, with a population of 1,624,615, receives but $410,819.31. Georgia, with a population of 1,542,180, receives $4,587,029.97, while Indiana, with a population of 1,978,301, much larger than Georgia, gets $976,265.18. Connecticut, with a population of 622,700, gets $250,533.74, while Florida, with a population of 269,403, less than one-half, gets $706,795.99. Illinois, with a population of 3,077,871, gets $1,281,552.64, while Georgia, with a population of 1,542,180, gets $4,587,029.97. So on to the end of the chapter.

Mr. Speaker, I speak as one of the Representatives of Ohio in this body when I say that I do not believe the passage of this bill will be beneficial to the people of my State. It imposes heavy taxes upon them for the benefit of people of other States. It takes from us more than $2,000,000, for which we get no return. Worse than this, it establishes a principle which endangers the existence of our common schools. On this subject Ohio is jealous of her rights, and claims exclusive and unlimited jurisdiction. She desires no partnership with the Federal Government in regard to the support of her schools. She denies the power of the Congress of the United States to tax her people one dollar for any purpose of this kind, and would resist to the utmost of her power any attempt of the Federal Government to interfere in any way with her system of common schools.

Mr. Speaker, the State of Ohio does not ask the Federal Government to give her any aid toward the education of her people. We have great reason to be proud of what our people have done in the cause of popular education. We have sixty colleges and seminaries of learning within the borders of our State; more than $24,000,000 is invested in school-houses and grounds; we have more than 10,000 school-houses;

we employ 24,000 teachers, and are in this particular the second State in the Union; we have 755,000 children enrolled in our schools, and more than 50,000 of our citizens are connected with the control, direction, and management of our common schools, and our people pay voluntarily and cheerfully more than $8,000,000 a year for their support and maintenance. And if the Federal Government will keep its hands off we will build more school-houses and enlarge the facilities for education until we have gathered every child in the State into our schools, and will endeavor to make Ohio stand first among all the States in her educational institutions. But if we are compelled to aid in the support of the schools in other States, if our people learn to be dependent upon the Federal Government for their support, then I bid farewell to the prosperity of our public schools. But, sir, there is another feature of this bill which exposes the injustice of the principle upon which this distribution is made.

The bill proposes to distribute the money upon the basis of illiteracy and to educate the illiterate. If this is so, the money so appropriated ought to go to the illiterate persons, and so that each illiterate person, whether living in one State or another, should get as much as another illiterate person. If it is intended for the benefit of the ignorant, the ignorant ought to get it; and an ignorant or illiterate person in Ohio ought to receive as much as an illiterate person in South Carolina.

By this bill, however, the money is appropriated to the States and not to the illiterate persons in the States. It is given to the several States in proportion or upon the basis of the number of its illiterate persons, but it is not appropriated for or to the exclusive benefit of the illiterates. It is given or obtained upon a theory of benevolence to the illiterate, but it is not to be used for the sole purpose of benevolence to the unlettered.

In order that I may make this perfectly plain let me illustrate or show the practical workings of this bill.

This bill appropriates fifty-five millions of money. Ten millions are distributed the first year. Now, let us see how much of this will go to the illiterate persons. I will take two States and show the result.

Ohio has a population of 3,198,062. Now, the number of persons of the school age—between 6 and 21—is 1,063,337, and the share of the $10,000,000 coming to Ohio is $211,294.71, which, if divided among all persons of school age, would give us about 25 cents per capita. Now, the number of illiterate persons in Ohio within the school age is about one-third, say, of all the illiterates in the State, and as the whole number is only 131,000, only about 43,000 illiterate persons share in this fund, and hence only about $16,000 goes to the education of the illiterates of Ohio out of $10,000,000. Now, I will take a Southern State which has a large colored population, hence a large illiterate population; and let us see what amount of the $10,000,000 goes to the illiterates of that State.

Alabama has a population of 1,262,505. Her school population is 422,739, or about one-third of her entire population. This State gets of the $10,000,000 paid under this bill the first year $694,631.40. This does not go merely to the illiterates, but to all alike. Now, the whole number of illiterates within the school age in that State is about one-third of the whole number within the school age, or, say, 140,000, so that the total amount which goes in that State out of the $10,000,000 to the illiterates is about $200,000, or about $1.50 apiece.

It is said that the voters in the Southern States are ignorant, and that they are to be educated by this money. Indeed! These voters are all over 21 years of age now, and not one dollar of this money will go to them. It is now nearly twenty-one years since the emancipation proclamation, and I think it safe to say that no negro freed by the war will ever get any of this money. So far as it goes to any of the negro race, it will go to those who were born since the war. I do not believe that the amount of this money will practically be of any benefit.

The friends of this bill have painted a dark and gloomy picture, in which they seem to attribute all the vices and crimes of mankind to the ignorant and the uneducated.

In my judgment crime and wickedness can much more properly be attributed to the rich and the educated than the ignorant and poor.

It may be true that minor offenses, misdemeanors and breaches of police regulations, can often in our great cities be traced to our illiterate poor; but, sir, the great crimes which demoralize our business communities is chargeable at the doors of the rich and educated.

Mr. Chairman, I resent the imputation. The poor and the ignorant are docile and obedient to the law, and it bears harshly and heavily upon them; but wickedness has its seat in high places, and the wrongs and crimes which demoralize society will be found among those who ought to be at once the exemplars of public morality and the guardians of public justice.

> Can wealth give happiness? Look round and see—
> What gay distress! what splendid misery!

Or, as Shakespeare says—

> In the corrupted currents of this world
> Offense's gilded hand may shove by justice;
> And oft the wicked prize itself
> Buys out the law.

But it is said that our elections will become corrupt, and that the elective franchise will be debased, and the whole system of political elections become demoralized by illiterates voting.

Mr. Chairman, there would be some force in this observation if the ignorant governed the intelligent, or if the poor governed the rich. But the opposite will be true as long as "knowledge is power" and intelligence superior to brute force. Our elections in this country are nowhere controlled either by the poor or by the illiterate.

Intelligence makes our constitutions, our laws, manages business, regulates commerce, controls elections, and governs society. There is not a State in the Union, North or South, where ignorance or poverty ever has or ever will dominate or control the elections; and I defy any man in this country to show that the frauds perpetrated at the polls, the corruption of the voters, the degradation of the ballot, the false and fraudulent returns of elections, or the fraudulent ballots themselves, have ever been attributable to the ignorance or the poverty of the voter. On the contrary, every invention, every artifice, and every fraud of this kind can be traced to the men who control and manage elections and party politics.

Who invented and used the tissue ballot?

Who manufactured fraudulent naturalization papers?

Who makes criminal political assessments upon needy officials?

Who spends millions of dollars to carry our elections?

Who corrupted the returning boards of Florida and Louisiana to make fraudulent election returns?

Who influenced these returning boards to make these false returns?

Who agreed to appoint to political office every dishonest official who was connected with making false counts and fabricating false returns in order that the States of Florida and Louisiana might be despoiled of their electoral vote?

And who, sir, consummated beneath the dome of this Capitol that great and monumental crime when Hayes, the Republican candidate, was declared to be President, and Tilden, the choice of the people and of the Democratic party, was cheated and defrauded out of the great office to which the people had elected him?

None of these things can be charged to the poor, the ignorant, or the illiterate.

Mr. Speaker, I dislike the whole theory of this bill, and I trust that the majority of the Southern members of this House and the proud and chivalrous people whom they represent will regard this bill with the same feeling and mortification that I do.

The bill proposes benefits to them greater than to the people of the Northern States. It proposes that the public Treasury shall be opened, a distribution of a large amount of its money made, and that they shall get more than their share. It is a bill addressed to their cupidity and poverty. It is a proposition more tersely expressed by Shakespeare:

> Put money in thy purse; ay, put money in thy purse.

I know the difficulty in which the Southern members of this House are put in regard to this bill. Their constituents have been led to believe by the action of the Educational Bureau and by other instrumentalities interested in the appropriation of this money that it was within the power of Congress to make this disposition of the public moneys; that it was the duty of the Federal Government to give them this aid to their schools on account of their losses in the war; and they now demand the passage of this bill, and Federal emissaries all over the country are moving heaven and earth in favor of this measure.

It is said that the refusal of Southern members to vote for this bill will be regarded with disfavor by their constituents, who have considered only the benefits to be derived from it; indeed, that many of them will regard the action of members of Congress who refused "to bend the pregnant hinges of the knee that thrift may follow fawning" as unworthy of their support; that they will regard it as captious for members to refuse to receive millions of dollars to be had for the mere asking.

In my judgment, Mr. Chairman, it will require great courage, great bravery, and great manhood on the part of Southern members to vote against this most tempting and insidious bill; but, sir, I believe that this measure will be rejected by you with that spirit which has always characterized the Southern people. You can not vote for this measure without being willing to take more than your share of the public money and without voting it to yourselves. Nor can you favor the passage of this bill without violating the Constitution, to surrender those constitutional principles for which you and your fathers have fought for a hundred years for so much money as may be held thus. You yield up every safeguard that has been built up for the protection of the States against the encroachment of the Federal Government for a Government gratuity. Gentlemen of the South, you must choose between God and Mammon. Do not sell your birthright for a mess of pottage; do not let your people be deceived by the magnificence or apparent benevolence of this gift. Tell them it is the voice of the tempter; that while it is the voice of Jacob it is the hand of Esau. *Timeo Danaos et dona ferentes.*

Mr. Speaker, this bill will make all the States that receive the money mendicants and beggars, and you will find them holding up their hands to receive subsistence from the Federal Treasury. Their schools will be opened when the Federal Treasury is full, and closed when the Federal Treasury is empty; their teachers will be looking to the Federal Govern-

ment; it will engender a spirit of almstaking; it will create a habit of receiving gifts; it will create an appetite in the people of the States; if moneys can be spent for a purpose of this kind, they will have still heavier tariffs and worse taxation.

Another objection to this bill: It will break down the spirit of the Southern people; it will create in every State dependence upon the Federal Government. If the amount of money appropriated by this bill can be given—if Mr. BLAIR and Mr. WILLIS can court popularity by the passage of this bill, why will not the next man offer to give hundreds of millions?

I know, Mr. Speaker, that it is pretended that inasmuch as this bill provides that the money appropriated is to be disbursed by the State, and not by Federal officers, it is relieved from the charge of unconstitutionality. This clause was inserted in this bill not because its authors abandoned their claim that Congress had a right to pass it; indeed, the original author of this bill [Senator BLAIR] claimed that Congress had full power to pass the bill and appoint Federal officers to carry it into execution, and Senator SHERMAN in the Senate declared:

If the United States have the right to appropriate the money they have the right to say upon what conditions the money shall be expended. If they say we will aid the South or the Southern States to educate their illiterate children, then the United States have the power and the right to set out the principles and conditions or limitations of that grant. The greater includes the less; and if the power is given to make these appropriations at all, the power is also given to say for whose benefit the money shall be expended, how it shall be expended, where and when and how apportioned, and for what purposes. That is as clear a proposition as can be shown in Euclid or any other mathematical work.

The change was made from Federal to State officials in order to make the bill acceptable to Southern members, who were unwilling to have their States overrun by any additional Federal office-holders or political evangelists in the form of New England school-teachers. The change was from allopathic to homeopathic treatment, and the pill was sugar-coated to please the palate of the sensitive patient.

The radical difficulty in this case is not one of form, but of substance. The principle involved goes back of any question of a distribution of the money. It goes to the substance of the entire transaction, and that is to the power of the Congress of the United States to employ a Federal power for a State purpose; in other words, to either levy or appropriate Federal taxes in aid of a State object, namely, the support of the educational systems of the State, and on this rock we stand.

If we give this bill our support we acquiesce in a construction of the Constitution against which we have fought from the organization of our political party, and if it passes we will have established a precedent, and, in the language of Disraeli, "have thereby embalmed a principle" fatal to our party, and one which in my judgment will enable the Federal Government to break down every barrier between it and the States, and which makes the Congress of the United States an absolute, unlimited despotism, governed only by its own uncontrolled and unbridled discretion.

But it is said this bill merely donates the money to the States; it does not interfere with the States at all. While I admit that this bill is a device and an attempted evasion of the Constitution, yet it does directly interfere with the State government.

1. It controls the money after it reaches the State. How? By a Federal officer? No; but by providing in the bill that no State shall receive its second installment until it has passed certain laws providing for the education of white and colored children without distinction of color. Here is a reward for making the school systems of a State as Congress wants it. Here is a penalty for not making them so.

2. The bill provides what the States shall and what they shall not do with the money.

3. And if any State appropriates the full installment as it pleases, such State shall have no more.

4. Nor shall any State have anything after the first installment, unless it shall make certain statistical reports to the Educational Bureau and become a sort of appendage to that department.

5. The money so paid shall be divided according to the number of white and colored children of the same school age.

6. Five per cent. and no more may be paid to teachers.

7. In case a State shall misapply or misappropriate any money received under the act, or fail to comply with the conditions and provisions thereof, the President may direct the Secretary of the Treasury to withhold any subsequent apportionment until the State shall have replaced or made good the amount misappropriated.

Strange language to apply to a State—if it shall misapply and misappropriate! And who is to decide this? The State? Oh, no; the President! And the State shall be compelled to obedience by withholding what is due it.

Mr. Speaker, if it is constitutional for Congress to impose these conditions, where is the limit to the conditions it can impose? If one condition is lawful, so is another. The control which Congress retains by the proviso as a condition of this bill shows the immense power retained. Sir, it enables the United States to mold these States as it pleases, to shape their local laws, to regulate their school systems, to give them money if they are obedient, and refuse if they are not. It makes the States mere dependencies of the Federal Government.

Mr. Speaker, let no man suppose for a moment that my opposition to this bill arises from any feeling of unkindness to the people of the Southern States, who would be mainly benefited by the passage of this bill, or by any unwillingness to treat them with generosity. God forbid! Every sentiment of my mind, every feeling of my heart, is in full sympathy with them, and no man in this House would go further to do them justice. I do not forget their sufferings, their sacrifices, in the long and bloody civil war. Neither do I fail to recognize how to-day they are as devoted, as loyal, and as true as we are to the Constitution and Union of the States. Neither let it be supposed that I am unfriendly to the cause of education. I indorse all that has been said and all that can be said in its favor. In one word, I regard it as the most important and interesting subject which can engage the attention of men or governments.

The freedom which we enjoy as American citizens was won by the sword and sanctified by the blood of our Revolutionary fathers.

Years before the Constitution was adopted or the Union formed, the State existed, and our forefathers enjoyed all the rights of life and belief and happiness which they did afterward, and the Union was formed to secure these rights for all time. The most sacred, the most important, and valuable rights of the citizen are not those which are not protected by the Federal but by the State government.

The whole life of the citizen is spent in connection with, and in obedience to the laws of the State, and he comes but little in contact with the National Government. Every right of life and liberty and property is immediately connected with the State government. It is the guardian which protects his family and all his social relations. Under its laws he feels secure in the day and in the night. Is he a citizen of the country? He knows that every blade of grass that grows and every seed which he plants will grow protected by some law of his State. Does he live in the city? He sees in the municipal government which protects him the strong arm of his State. Indeed, he feels that he is himself the State.

I trust that no man will misunderstand my position in regard to the Federal Government. I am not jealous of any of the powers conferred upon it by the Constitution. I would not abate one jot or one tittle from its authority. I do not believe that the Constitution confers upon it unnecessary powers. I cheerfully yield to it every power expressly conferred upon it and every implied power necessary to carry them out. I believe that it is a government having all the necessary powers to suppress domestic insurrection and internal disorder and to maintain itself against all foreign nations. But believing as I do that the liberties of the people, the rights of the States, and the perpetuity of the Union can only be maintained by a strict adherence to the Constitution, I have felt that it was my solemn duty to warn the House and the country against this most insidious and dangerous bill.

If the Federal and State Governments are kept within their respective orbits, we will have that which should be the dearest object of all patriots—"an indestructible union composed of indestructible States."

The Bonded Extension Bill.

SPEECH

OF

HON. JOHN WINANS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. WINANS, of Wisconsin, said:

Mr. CHAIRMAN: I have listened to the debate on the bill under consideration with a good deal of interest, and especially to the speeches made by the friends of it, in the hope that I might be convinced of its merits, as I have some friends outside of Congress interested in its passage, and I would like to accommodate them by voting for it if I could do so without injury to the Government. But, sir, its friends have failed to convince me of its justice, and I must follow my convictions and vote against it. This I shall do, not because I may or may not believe the manufacture and use of spirituous liquors as a beverage to be a curse to the country; not because its manufacture and use are prohibited by some of the States, for as long as the National Government recognizes it as a legitimate industry by taxing it, such considerations have and should have no weight in the discussion.

I am opposed to it, sir, because I believe no good reason has been given or exists for the extension. If pecuniary embarrassments exist by reason of overproduction the fault is with the producers, and has been incurred knowingly, without the fault of the Government, and they must bear the consequences of their folly. I am unwilling, sir, to single out this one industry and grant to it, and those engaged in it, a

special privilege not accorded to other tax-payers and to other industries, and thereby designate this as the pet industry of our country.

There is a suspicion in the public mind that if this extension be granted others will again be asked for and given, and in the end that the tax due or soon to become due will be lost to the Treasury forever. And I must confess, sir, that I share in that suspicion, which has been strengthened by the statements of the distinguished gentleman from New York [Mr. HEWITT], made on yesterday in his advocacy of the bill; and I shall now vote against it without hesitation or reluctance. Several of the distinguished gentlemen who have addressed us on the subject have declared their willingness to vote for the entire abolition of the tax. Permit me in conclusion to say it is a tax I believe in, and the constituents I have the honor to represent believe in, and I neither want to see it abolished nor its payment jeopardized by the passage of this bill.

Bureau of Labor Statistics.

SPEECH

OF

HON. PETER V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1884,

On the bill (H. R. 1340) to establish and maintain a bureau of labor statistics

Mr. DEUSTER said:

Mr. CHAIRMAN: The state, in the present as in the past and for all future time, must look for its prosperity and for its greatness to the laboring classes, the skilled artisans of the land. The money-power, the golden aristocracy, is a creature of convenience as unsubstantial and as unreal as the fabric from which fancy weaves the visions of sleep. Capital itself is but a representative measurement of labor; the dollar in gold is only a dollar because it represents an equal amount of strength and toil expended in the factory, the field, or some other of the many pursuits of human activity. The brawny arm of the laborer is behind it all and is in the nature of things the only true standard of value. Vanderbilt with his hoarded millions, unaided by the strong arm of the workman and the farmer, could not keep the wolf from his own door. His wealth is but the aggregation of conventional values to which common consent has given a purchasing power.

The laborer contributes directly to national stability. He is the Atlas upon whose shoulders rests the civilized world. Advance the interests of labor and you advance the state; degrade the former, and the latter goes down with it.

A government of the people, by the people, and for the people ought therefore to regulate its legislative machinery so as to recognize this largest factor in the prosperity of the state.

There is a war between capital and labor, and the legislative power of the Government has been called in as arbiter and peacemaker. To act, however, impartially on this appeal, the arbiter must obtain possession of the facts, and to this end a bureau of labor statistics becomes a necessity.

The controversy between capital and labor is a momentous one, and its end can not be predicted. But it must inevitably lead to tragic results if the causes which maintain and nourish it are not soon remedied on the basis of justice and equity. The workmen have many and strong grievances against capital, and the nature and justice of these has certainly been well exposed through a recent and gigantic strike.

Last summer the commercial interests of the nation were paralyzed by a strike of the telegraph operators, who set up a claim that they were not remunerated in proportion to the services required of them. The sympathy of the country and of business men who were losing large sums by the embargo which this strike placed upon their business followed the action of the operators, and no words of condemnation were heard. But the great corporation against which the strike was directed, the Western Union Telegraph Company, stood unmoved, and in resisting the demands of its employés it merely alleged that it could not afford to pay an increased rate of wages.

Whether, however, this allegation was justifiable or not I care not to say. I rather wish that it be judged by the contemporaneous history of the company which uttered it; that it be judged in the light of an event which transpired a short time prior to the strike. And this event is embodied in the fact that a few weeks before the inauguration of the strike in question the Western Union Telegraph Company, with an already inflated capital, represented by, I think, $55,000,000, swallowed up its rival, the Mutual Union Telegraph Company, with a nominal capital of $10,000,000, and obtained thereby a monopoly of the telegraph over the greater portion of the United States—a monopoly so valuable that it prompted immediately the board of directors of this same company to increase, without the addition of a single dollar of real property, its capital stock to $80,000,000.

An immensely wealthy corporation watered thus its stock to the extent of $15,000,000, and in order to make it marketable it guaranteed dividends out of that portion of its gross earnings which should have fallen as compensation to its employés. Its managers might with truth say that they could not afford to pay the wages demanded of them, if these wages were to be computed on the basis of an $80,000,000 investment, which was actually about four times in excess of the original and real investment.

Viewed in the right light, we have here an instance of grand larceny practiced by a greedy corporation upon its own employés; for by watering its stock to an extent of $15,000,000 the Western Union Telegraph Company was bound to withhold from the wages of its employés a large percentage of the money necessary for the payment of the interest of this heavy sum.

No human power could probably in this instance have successfully interfered as arbiter between the telegraph company and its employés, so stubbornly was that company bent upon a victory in the struggle. Yet it is this very stubbornness and power of corporations that calls for the establishment of a bureau which shall be possessed of the right of collecting figures and facts tending to an adjustment and to a solution of the disputes of capital and labor, and which shall at the same time be authorized to advise Congress from time to time of the necessity of remedial legislation.

And as in the case of the Western Union Telegraph Company, there are likewise railroads which carry on their stock-books valuations of double and triple the amount of the real investments as dead weights to keep down the laborer and to increase the wealth of the capitalist; and the same is true of nearly all the great corporations in the country. Fostered by legal enactments which exclude the competition of foreign nations, our corporate enterprises became first arrogant and exacting, then tyrannical, and lastly brutal. And in speaking of their brutality I use the term advisedly, for no other will do justice to the condition to which the workman has been reduced by his hard taskmasters.

For years, yea, from the foundation of the Government, it has been the whole aim of our legislation to build up and foster great manufacturing industries. Tariffs not for revenue, but to clear the home markets of foreign competitors, have been enacted into laws; Government consuls at foreign ports and cities have been instructed to report to the State Department where American products and manufactures could be sold to advantage, and by the aid of governmental machinery the American capitalist has been enabled to reap a golden harvest. The scriptural text, "To him that hath shall be given, and from him that hath not shall be taken away even that which he hath," has been the corner-stone of all the economic enactments which pertain to the first century of our legislative history. On the other hand, labor has been left alone to battle single-handed not only with the competition incident to foreign immigration, aided and encouraged by the State, but also with the inventive genius of the age, which has produced all sorts of labor-saving machinery that is driving thousands from trades in the acquirement of a knowledge of which they spent the best years of their lives.

The pending bill, Mr. Chairman, involves a social problem which must claim the attention of the capitalist as well as of the legislator. Self-preservation is the first law of nature, and the right of revolution only needs to be crowned with success to transform the participants from rebels to patriots. The lurid glare that illumined the sky above Pittsburgh in 1877 is but a foretaste of what may be expected unless a halt is called in the greedy struggle for wealth. The music of the loom, the spindle, and the forge must have other accompaniment than the low sad wail of the starving wife and children, or an avenging Nemesis will rise up and lead the down-trodden sons of toil to an uprising before which the world will stand appalled. Theirs is no mob led on by ignorance and fancied wrong. No; theirs is an organized body of intelligent men, slow in its anger, but terrible in its vengeance when its indignation is once aroused.

The workmen demand that the Government shall take cognizance of their condition and that it shall adopt measures for an amelioration of their wrongs. Their national, State, and local organizations have asked for the passage of the pending bill, and simple justice demands that their wishes be complied with. They are willing to submit their grievances for arbitrament upon the testimony which a bureau of labor statistics will have to offer relative to their case. And until this is done they should in no wise be outlawed by State enactments for banding together to resist the encroachments of capital, nor should they be rendered amenable to so-called "conspiracy laws" when they refuse to respond to the dictates of their masters.

The machinery of the Government, operated in the past for the purpose of helping capital to successful investments, should now be employed, to some extent at least, in pointing out to labor fields of remunerative employment. The object sought to be attained by the pending bill is beneficial alike to capital and labor. It will, it may be hoped, relieve capital from the menace of forced idleness on the part of the laboring classes by directing them to new fields of labor, and it will also expose every injustice which may be practiced by capital upon

labor or by labor upon capital, and it will pave the way for reciprocity between them. Knowledge is power, and with an exposé by a bureau of labor statistics of all the facts which bear on the true and actual relations of labor and capital a new era in our economic history will likely be inaugurated, an era in which the employer and the workman will do each other justice to the best of their ability. The suspicions which now exist between labor and capital will then be removed, and each will strive to advance the interests of the other. But if such a result be desirable, let the Government above all inform itself now of the exact nature of their differences.

Consular and Diplomatic Service—The Commission to the South and Central American States.

SPEECH

OF

HON. THOMAS P. OCHILTREE,

OF TEXAS.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884,

On the following amendment offered to the bill (H. R. 6770) making appropriations for the consular and diplomatic service:

"For three commissioners, to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of $7,500 each. Said commissioners shall ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America, and for that purpose they shall visit such countries in Central and South America as the President may direct."

Mr. OCHILTREE said:

Mr. SPEAKER: I desire to make a few remarks in regard to the Senate amendment for the proposed commission to the Central and South American states provided for therein. I believe that the time has come for more intimate commercial and international relations between those countries and our own. I, therefore, favor the pending measure, that is intended to be the means of securing these relations; or at least of bringing us such information as will lead to more intimate commercial and international relations with our tropical and transtropical neighbors.

We have too long neglected these neighbors; we have looked on with seeming unconcern for many years to the development of trade between these neighbors and European countries, as if a share of their trade were a matter of great indifference to us. We have been so engrossed in developing our own resources and domestic trade that we have allowed ourselves to be left far in the rear of the argosies of commerce. It is said that our merchants are not enterprising enough; that they should explore a market for our surplus products; that they should emulate the English traders, whose wares are laden for every port in the world.

I think, sir, our merchants have been a little lacking in enterprise in this direction. I am not aware that they have taken any special and general interest in cultivating harmonious and profitable relations with the states to our south or in urging legislation to that end. The demand for the promotion of such relations comes more as an active development in the legislative mind from a popular undercurrent of American patriotism than from mere trade movements. Perhaps it is the best augury of success that this is the case. The question is not of mere local interest or pushed by any local or class influences. It has arisen as a patriotic ambition, and has, therefore, the popular support. This ambition is shown in the most emphatic manner by the action and nominations of the recent national convention at Chicago, and I doubt not that the other convention, that is soon to be held in that city, will not fail to give equal emphasis to the American desire in this matter.

This is an affair of state as well as trade. The state takes the lead, and commerce will follow in her track if we act as becomes our people and our resources. We have passed that era in our history when the Federal power was restrained by rigid construction of organic law within bounds that prevented any national legislation for the fostering of home industries and the development of foreign trade. We are now in an age when it is not regarded as unconstitutional to appropriate money from the Treasury for the establishment of trade relations with foreign nations by other means than private enterprise and the slow process of diplomacy. We now go directly to the object by national enterprise, by Government commissions aided by public money, in the same manner that the national governments of Europe developed foreign trades for their merchants.

I favor all honorable agencies of our national power in this direction. I hold that that commerce is for the general welfare, and that all just and effectual measures for the promotion of our commercial relations are constitutional, whether to aid our merchants, our farmers, or manufacturers. The Treasury was established and taxes are levied for the general welfare of the people, and Congress is the constitutional judge of the mode in which these agencies should be used to that end. We have the power to aid the treaty-making branches of the Government in all commercial matters and in all matters that are proper subjects of treaty and which require for their execution an appropriation of public money. The money so appropriated may be expended for the maintenance of consuls, or commissions, fixed or roving, or for the maintenance of ships as agencies of commerce. It is as much our duty to tax the people for the development of commerce as for the development of the industrial arts at home.

Whether this shall or shall not be done is always a question of public policy rather than of constitutional power. I see no difference in principle between supporting a consul to develop commercial relations and supporting a commission like that now proposed. I see no difference between supporting consuls and commissions for this object, and aiding by public money ships or lines of ships to more effectually develop commerce. We have long adhered to the policy of aiding our interstate commerce by appropriating public money for certain improvements on our inland waters as well as ocean harbors. One-tenth of the moneys so appropriated in the last ten years would have developed a foreign commerce of which we might now well be proud. The day has long passed when it was considered doubtful policy to improve the pathways of interstate commerce and establish expensive Federal agencies for its development and protection. And the day has come when no party dogmas will be allowed to stand in the way of like development and protection for a foreign trade. Hereafter the question will be, What agencies and what amounts of public money are necessary for the devolopment and protection of this trade? This is the position that the Republican party has taken by its latest platform; and no political party can hope to outstrip it in popular esteem or confidence that will not take an equally advanced position in regard to our commercial relations.

American private enterprise is not altogether lacking in the direction of South and Central America. In the year ended June 30, 1883, our trade with Mexico, exports and imports, amounted to $34,644,693; with the Central American States to $8,321,801; and with the South American states to $107,583,811. In addition to this, our trade with the West Indies the same year amounted to $128,929,992; a total trade with our southern neighbors amounting to $280,000,000 in round numbers. But this is not our proper share of this trade. We can improve on it as we have done in Mexico. Our trade, imports and exports, with that republic in 1867 amounted to only $6,467,732. Ten years after we developed this trade to $11,097,758, and in 1883 to $34,644,693, including imports of gold and silver amounting to $9,782,986! We are making great developments in our trade with Mexico; and when the recent treaty will be in operation—which is only delayed by this House—it will get an impetus that will drive out all our European rivals. Sixty millions of American capital are already invested in railroads connecting the great inland marts of that country with our own, while Congress has done nothing whatever to advance our trade interests in that direction. Germany is ahead of us there with a commercial treaty.

The following table exhibits the value of the exports of the precious metals and of other commodities from Mexico to the several countries named during the fiscal year ended June 30, 1883:

Countries.	Exports.		
	The precious metals.	Other commodities.	Total.
England	$15,201,600 36	$2,056,642 25	$17,258,242 61
United States of America	9,036,773 33	7,702,324 37	16,739,097 70
France	3,561,987 13	642,918 42	4,204,905 55
Spain	1,035,013 00	954,245 74	1,989,258 74
Germany	392,955 92	732,763 29	1,125,719 21
United States of Colombia	298,937 55	59,229 59	358,167 14
Guatemala	92,875 00	686 00	93,561 00
Belgium		29,040 00	29,040 00
San Salvador	8,515 40	288 00	8,803 40
Italy		300 00	300 00
Venezuela		300 00	300 00
Ecuador		200 00	200 00
Total	29,628,657 69	12,178,937 66	41,807,595 35

These figures show how much more advantageous to Mexico is her trade with us than her trade with the European nations. The latter exact from her specie payments, while we take pay for nearly half of our trade in "other commodities." England demanded over $15,000,000 in precious metals, and took only a trifle over $2,000,000 from her in "other commodities." France and Spain engage in the like trade exhaustion of Mexico, while Germany seeks the highest reciprocity by taking for her exchanges more than double in products other than precious metals. We will have to look out for Germany under her recent Mexican treaty.

I here offer some official statistics of our trade with Mexico, the West Indies, and Central and South America.

Statement showing the trade of the United States with the countries below named during the year ended June 30, 1883.

Countries.	Imports.			Exports.						Total exports.	Total imports and exports.
				Domestic.			Foreign.				
	Merchandise.	Specie.	Total.	Merchandise.	Specie.	Total.	Merchandise.	Specie.	Total.		
Mexico, Central American States, and British Honduras:	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Mexico	8,177,123	9,782,986	17,960,109	14,370,992	5,120	14,376,112	2,216,628	91,844	2,308,472	16,684,584	34,644,693
Central American States	5,121,315	90,512	5,211,827	1,936,813	20,612	1,957,425	66,654	3,656	70,310	2,027,735	7,239,562
British Honduras	531,839	45,983	577,822	487,535	.....	487,535	16,882	.....	16,882	504,417	1,082,239
The West Indies:											
Cuba	65,544,534	3,754,321	69,298,855	14,567,918	36,245	14,604,163	535,785	2,507,750	3,043,535	17,647,698	86,946,553
British West Indies	8,736,112	262,087	8,998,199	8,241,622	30,100	8,271,722	260,531	16,104	276,635	8,548,357	17,546,556
Porto Rico	5,477,493	91,000	5,568,493	2,116,499	39,653	2,156,152	48,209	36,081	84,290	2,240,442	7,808,935
Hayti	2,971,515	258,954	3,230,469	3,162,738	1,255	3,163,993	60,363	51,219	111,582	3,275,575	6,506,044
French West Indies	2,895,857	1,900	2,897,757	1,783,332	.....	1,783,332	30,223	.....	30,223	1,813,555	4,711,312
San Domingo	1,417,519	70,611	1,488,130	1,179,200	44,916	1,224,116	22,674	11,419	34,093	1,258,209	2,746,339
Dutch West Indies	882,058	43,418	925,476	579,690	.....	579,690	9,922	32,250	42,172	621,862	1,547,338
Danish West Indies	384,003	29,501	413,504	694,565	1,285	695,850	7,561	.....	7,561	703,411	1,116,915
Total West Indies	88,309,091	4,511,792	92,820,883	32,325,564	153,454	32,479,018	975,268	2,654,823	3,630,091	36,109,109	128,929,962
South America:											
Brazil	44,488,459	499	44,488,958	9,159,330	800	9,160,130	92,764	.....	92,764	9,252,894	53,741,852
United States of Colombia	5,171,455	374,558	5,546,013	6,719,787	453,972	7,173,759	149,184	21,412	170,596	7,344,355	12,890,368
Argentine Republic	6,192,111	.....	6,192,111	3,357,670	.....	3,357,670	185,526	.....	185,526	3,543,196	9,735,307
Venezuela	5,901,724	53,201	5,954,925	2,363,211	239,160	2,602,371	40,494	79,320	119,814	2,722,185	8,677,110
British Guiana	5,946,429	.....	5,946,429	1,973,422	100	1,973,522	61,734	.....	61,734	2,035,256	7,981,685
Uruguay	3,980,110	.....	3,980,110	1,385,755	.....	1,385,755	67,063	.....	67,073	1,452,818	5,432,928
Chili	435,584	8,155	443,739	2,837,551	.....	2,837,551	22,945	.....	22,945	2,860,496	3,304,235
Peru	2,526,918	.....	2,526,918	487,360	.....	487,360	6,534	.....	6,534	493,894	3,020,812
All other countries and ports in South America not elsewhere specified	1,602,713	500	1,603,213	94,220	.....	94,220	12,676	9,725	22,401	116,621	1,719,834
Dutch Guiana	473,043	34,767	507,810	447,778	.....	447,778	3,571	.....	3,571	451,349	959,159
French Guiana	18,437	.....	18,437	101,013	.....	101,013	1,071	.....	1,071	102,084	120,521
Total South America	76,736,983	471,680	77,208,663	28,927,097	694,032	29,621,129	643,562	110,457	754,019	30,375,148	107,583,811

This exhibit shows a lamentable balance of trade against us in South America. We imported from there in 1883 nearly seventy-seven millions of dollars' worth of merchandise, and exported there not quite twenty-nine million dollars' worth of our domestic products. Cuba had a balance against us of over $50,000,000 on account of the products we imported from her. With the United States of Colombia the balance is slightly in our favor. With the progressive Argentine Republic the balance against us in the exchange of merchandise is about 50 per cent. of the trade. In Venezuela the balance against us is over 50 per cent. In British Guiana the balance against us is 75 per cent. of the trade. In Uruguay the balance against us is nearly 70 per cent. of the trade. With Chili the balance is largely in our favor; while with Peru the balance is as large the other way. We bought from Brazil goods to the value of $44,488,459, while that empire only took from us goods of our production to the value of $9,159,330.

Mr. Speaker, a glance at the figures of these exhibits will show the importance of the appropriation for a trade commission to the South and Central American States. Europe is getting the advantage of the balances against us in these countries. Our farmers are liquidating these balances by paying for the South American products shipped to Europe, or by paying to the South American countries a like amount for the goods they ship to or purchase from Europe.

INTERNATIONAL RELATIONS.

Mr. Speaker, I believe in the Monroe doctrine in its widest extent and its broadest construction. I want that doctrine enforced. The American peoples are one and the same in race and institutions. Even Brazil, though in form monarchical, is in effect a popular government. The white race of this continent is, like ourselves, of European origin, and the old American stock south of us, though called Indian, is not of the same stock as our North American tribes.

The ancient peoples of Mexico and Central and South America developed a civilization on this continent that dates further into the ages gone than the oldest civilizations of Egypt or Asia. Mexico and Peru, though far in decay in the time of Cortez and Pizarro, exhibited an advance in the arts and sciences, in social polity and industry, that astonished the Spaniards—then the most refined and advanced people of Europe. That such people as the Aztecs, the Mayas, the Quichés, the Colhuas and Nahuas or Toltecs of Mexico and Central America, and the Peruvians, whose empire extended two thousand miles along the South American coast and far inland across the Andes, were subjugated so cruelly as to destroy their civilization is one of the saddest events of disaster to humanity. These were peoples with whom, had they been treated in the light of modern humanity, we would have been proud to deal as equals and as friends. We could have learned much of science and art and social regulations from them. When I am reminded that only one-tenth of the population of Mexico is of the pure Spanish descent I also recall that the other nine-tenths are of a stock that has shown a capacity for civilization and enterprise that falls in no degree below our own.

I would remind you, sir, that it was men of this so-called Indian stock who joined with their white friends in the revolutions that overthrew the power of the Spanish Crown on this continent and founded so many republics like our own on the ruins of kingly despotism. Sir, it is an honor to any nation to enter into close relations with peoples who are descendants of the best blood of two continents. The stock that produced the liberator Juarez, that trampled into dust the empire set up in Mexico by three great powers of Europe—England, France, and Austria—has in it the material to make mighty nations. The peoples of Mexico and South and Central America are just awakening from the torpor of four centuries of ecclesiastical and superstitious bondage. They have interests and institutions more in harmony with our own than those of Europe, and it is for us to develop the closest relations of amity and commerce with them rather than with the Old World, where all is aristocracy and serfdom. The resources of the nations south of us are even greater and more varied than our own. Let us give to them what aid and encouragement for development we can. It will be for our great and lasting benefit. I know Mexico well. What a grand country it would become through the development which close relations with us would give it! Yet she is only one of many such states to our south. Why do you not carry into operation the trade convention made with Mexico? We desire her trade, and she wants to trade with us in largest reciprocity.

Mr. Speaker, I know our neighbors of the Republic of Mexico; I therefore respect and admire them. Hence I desire to cultivate the most amicable relations with them.

The advantages offered to us in the convention which is proposed by a bill here pending to be carried into effect are so numerous and apparent that it would seem to be unnecessary for any gentleman to advocate immediate and favorable action on our part. The report made by our Committee of Ways and Means sets forth the valuable concessions offered to our commerce by the United States of Mexico. It says that if there be any objection to the treaty, it lies not in what it proposes, but in what it omits.

There should be no limitations on the commerce between any of the independent states of America. We should cherish toward each and all of them the most friendly sentiments and relations. They have all proved their right to independence in the same fiery ordeal as that through which our fathers passed in asserting theirs. They have the same love of free institutions as that which inspires us. They are our younger sisters. Our birthday long antedates theirs; and this alone might be cited as one reason why their development is not up to our standard of advancement. But in ambition they are not behind us; and in physical resources of wealth and prosperity they are even more abundantly endowed than their elder sister. Already Mexico invites us to come in upon her highways of commerce and partake of the superabundance

of her wealth. We have no interests that can be regarded as being in rivalry with any of hers, no institutions that are foreign to her people, no aspirations inimical to their welfare. There is nothing to stand in the way of the most amicable relations between the sister republics.

It is true that in population we greatly preponderate over Mexico. We are 55,000,000 to her 10,000,000; but to the south of her are millions of peoples kindred to her own. These will in good time follow the example of Mexico when you enter the door which she has so hospitably opened for your trade.

Are not these peoples imbued with the same love of liberty as ourselves? Are they not of our own blood and lineage? Men talk of the Latin race. Language is not the evidence of lineage. It is blood that tells.

The Spanish settlements on our continent were peopled from the same stock which we are proud to claim as our own. The Spanish blood of this continent is as Gothic as our own, as Celtic as our own. The Celtiberian peninsula got the same Germanic mixture of blood that is to-day called Anglo-Saxon in our mother tongue. Even though the evidences of ancient history were destroyed, we might well claim this common consanguinity from the records of the last few centuries, whereon are emblazoned the valor, the enterprise, and the grand developments of the arts, science, literature, and culture of old Spain when she was the first power in Europe and mistress of the universal seas.

Paradoxical as it may seem, sir, it was this advanced condition that not only retarded Spain, but threw her back in the march which her less cultered neighbors in the north of Europe took up so energetically in the seventeenth century. The evils of which we are to-day complaining, and of which the older countries of Europe have much more reason to complain, are the same that chained the proud lions of Castile and Leon, namely, the inordinate aggregation of wealth in the hands of the few and the consequent impoverishment of the masses; the evil which the learned statesman from New York, Mr. S. S. Cox, has so often and so vigorously denounced in his eloquent appeals to this House for reform.

Though I am not yet emancipated from the "bondage" of the "tariff," though I do not yet see the way to equal commerce with all the world, I most heartily accept the doctrine of the gentleman [Mr. S. S. Cox] in its application to our western hemisphere. Here, on the cisatlantic side of the globe, I would indulge the largest reciprocity between the nations and abolish all restraints upon their commerce. I would have the freest exchange of commodities. I would have our flag in every port, our ensign on every sea—the emblem and harbinger of American free trade from the Saint Lawrence to Cape Horn, from the Pacific to the Atlantic. Already we have clasped Mexico to our bosom. She is bound to us with bands of steel and ties of interest, and the galaxy of southern sisters beyond are ready to join the peaceful union.

Sir, it has often been said that the soft skies of the sunny climes are not congenial to our race; that we make our best development amid hyperborean blasts, which brace the energies and tingle the blood to action; but you will always notice, sir, that this criticism comes from the hyperboreans themselves, like the deprecation of physical beauty that comes from the hard-featured North. This deprecation is inspired by envy, and it is not true that energy and civilization belong to the wintry climes.

Sir, the clime that produces the female form divine in its most perfect loveliness can not be uncongenial to man. History disproves this libel on the south lands. Look at the splendid ancient civilization of Mediterranean Europe, Mexico, and Central and South America. Where can you surpass the valor that spurned the Trojan plains or withstood the hosts at Thermopylæ, or that of the incas in the passes of the Andes?

The culture, learning, and refinement of ancient Greece, the mother of republics, was only surpassed in the sunny climes of this continent. Did not Sparta and Carthage flourish in the sunny clime? And Rome—the once proud mistress of the world—did not Rome give civilization and letters to modern Europe through the passes of the Pyrenees? And did not Araby contribute also through the same passes? Is it not to Rome's Twelve Tables and the *jus civili* built upon them that we owe the maxims and principles of our laws? It was in the sunny clime that the codes of European jurisprudence first took root and flourished, until they grew into the great tree that cast its protecting branches all over our race—the same that shelter us to-day. The vulgar error that our common law was transplanted into British soil by barbaric invaders from the rude fastnesses of German forests is no longer entertained by intelligent writers. Mr. Speaker, it is in the sunny clime that man reaches his highest development. You may launch your Yukon explorations; Canada may force her way to the Pacific over eternal snows and frowning peaks; the great Northwest may send back its "booms" to us over alkaline plains, rude Montanas, and bleak Dakotas; but I, sir, a son of the balmy south land, look from the flowry prairies and luxuriant fields of Texas, my own progressive State, to see the star of empire take its course amid the brilliant constellations of the southern sphere.

Sir, it was to Mexico that the star of empire first took its westward way; and if its course was marked with blood, is not this but another evidence of our consanguinity with the sons of the cavaliers who bore the standards of Castile and Arragon across the western main and planted them in triumph over the halls of the Montezumas? Would not your Puritans, who regarded the North American Indians as the embodiment of "sooty devils," have enslaved them as the Spaniards did the Aztecs and Peruvians, had the Massasoit tribes been as far advanced in civilization and industrial pursuits as these ancient peoples?

The dark age of military conquest has passed away; a brighter day has come to this continent. Let this commission be its herald. Our stars beam on another empire, and southward they take their way to guide the conquests of commerce and international good-will.

This, sir, is the beginning of a new era of progress and close relations among the sons of men whose ancestors preserved to Europe the civilization of Rome and to the world Christianity; sons of men who gave literature to Europe and founded the schools of the modern arts and sciences; sons of men who stemmed the Saracen invasions and placed the Cross forever above the Crescent; sons of the peers and paladins who rallied around the standard of Charlemagne in the pass of Roncesvalles and bathed their sabers in the blood of the infidel host. These are the men, sir, who, acting their own proverb of hospitality, throw open their doors in Mexico and invite us to enter and act as if we were in our own house, and their southern kin are no less eager for our good-will and intercourse. They offer us a market for our wares. They will take the industrial surplus that so greatly impedes the employment of labor in our factories, and they will give us in exchange their gold and their silver, the gems of their mines, and the precious woods of their fragrant forests.

Already Mexico invites us to come in and aid her in developing her rich tropical resources, so that the luxuries of her south land may, by reciprocity and exchange, become common to our toiling millions. She does not, nor any of her southern sisters, propose to compete with your iron fabricators or textile makers. They all prefer the ease and independence that come from the healthful exercises of the fields. Never were the conditions for agreeable and profitable commercial reciprocity better between contiguous and kindred people—kindred in blood, institutions, and aspirations. They ask us to come in and aid them in restoring to America a richer and better civilization than their warlike ancestors destroyed on the continent they discovered four centuries ago. Let it not be said that we refused this generous invitation; that we neglected this golden opportunity for spreading good-will and promoting general welfare among the nations and peoples of this continent.

The Mexican Pension Bill.

SPEECH

OF

HON. WILLIAM WALLACE BROWN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884.

On the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. BROWN, of Pennsylvania, said:

Mr. SPEAKER: I took some pains immediately after the passage of the Mexican pension bill through the House in March last to inquire into its merits (before its passage there was no opportunity to do so), and I found that from the best information attainable the bill covered by its several provisions a very large number of cases having little or no merit. The following letter from the Adjutant-General of the Army, which I print, shows an enlistment of 37 per cent. after the 30th day of September, 1847. It is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 18, 1884.

DEAR SIR: In reply to your verbal inquiry I have to inform you that the report of the Adjutant-General of November 30, 1847, shows the strength of the Army (volunteers and regulars), enlistments, &c., up to September 30, 1847. (See in this connection Executive Document 8, published in Senate documents of the first session Thirtieth Congress, volume 1, 1847-'48.)

There appears to have been no report made by the Adjutant-General of the number of enlistments from September, 1847, to the termination of the war, in July, 1848; but taking the statement contained in the Adjutant-General's report, in which he gives the aggregate strength in the regular Army and volunteer forces during the war with Mexico as about 100,000, and deducting therefrom the number of men in service September 30, 1847, about 63,000, would make the number of enlistments from September 30, 1847, to the end of the war, July 4, 1848, about 37,000.

Of course you will understand this is only approximately correct, as no tabulated statement respecting the number of enlistments from September, 1847, to July, 1848, have been made.

Very truly, yours,

R. C. DRUM, *Adjutant-General.*

Hon. W. W. BROWN,
610 *Thirteenth Street Northwest.*

In this connection it should be borne in mind that the last battle of

the Mexican war was fought on the 14th day of September, 1847, on which day the City of Mexico was surrendered and the power of resistance to the American arms was practically at an end. It is true that Santa Anna carried on a defensive guerrilla warfare until late in October of that year, but there was nothing rising to the dignity of a battle after the fall of the City of Mexico; hence every soldier who went on the muster-rolls after that date performed no other service for his country than to show his good-will and his patriotism by enlistment. However meritorious this may have been, it was not such a sacrifice for country as to warrant a pension, except in cases where by so doing he may have become disabled; and all such cases are covered by existing laws.

Remembering, what must be conceded as a fact, that the Army of the United States which conquered Mexico was composed largely of young men, and that many who were killed in battle or fell by the way from other casualties incident to war died leaving no widows, it is perfectly apparent that at least 50 per cent. of the beneficiaries under the bill as it passed the House not only took no part in active service, but never left their home rendezvous. Of the one hundred and one regiments mustered during the entire period covering the Mexican war, no one will contend that more than fifty regiments (certainly not more than 50,000 of the rank and file) ever marched upon or even toward Mexican territory.

The first battle of that war was fought early in May, 1846, and, as I have said, the last on the 14th of September, 1847, a period less than half as long as the war for the Union. The treaty of peace between the United States and Mexico was signed February 2, 1848, ratified May 10, ratifications exchanged May 30, and the evacuation of Mexico took place on the 12th day of June the same year. I speak of this history in no disparaging sense. I concede to the soldiers who fought the nation's battles in far-off Mexico all the historic valor that has characterized the American soldiery in all the wars of the Great Republic. I refer to these facts only to show that if the soldier of that war deserves so well of his country as to entitle him to a "service pension," how much more is it due to the soldier who fought and suffered through four years of desperate war to save the Union that he should receive generous reward for the loss of health and the spilling of his blood.

This bill as amended in the Senate does not provide for a "service pension" to the Union soldier, though there is no equitable ground for refusing it to him if one is granted the Mexican soldier. It only seeks to liberalize the laws governing "disability pensions." Is there wrong in this to the Mexican soldier? If there be wrong, even as amended, it is to the Union soldier. As the bill passed the House it was a glaring insult to the latter.

Why this conspicuous omission of the Union soldier from the bill as it passed the House? No wonder the gentlemen on the other side put the bill through under the whip and spur of a suspension of all rules with only fifteen minutes on a side for debate! It was too rank a wrong to meet discussion. The gentleman from Indiana justly characterized the proceeding as follows:

> This bill will put men on the pension-roll who never left the camp of rendezvous. It will put men on the pension-roll who never suffered the loss of limb or of health by wounds or by sickness. In addition to that, Mr. Speaker, it puts all this sixty-day class—and I refer purely to the service clause—it puts men on the rolls regardless of health or age or pecuniary condition. It puts on the pension-roll millionaires, men who do not need the assistance of the Government of the United States. It puts Senators and Members of the House of Representatives on the pension-roll. It pensions men who are to-day giving it their support. * * * How does it happen that you forget two millions of men who served in a war certainly equal in its proportions to the war between the United States and Mexico? How does it happen that you forget to include in this beneficent measure the men who served in that war for a period of three years, or two years, or one year? You happened to think of the Creek war. You happened to think of the Black Hawk war. * * * I am talking about what you did on that side. And you happened to think of the Seminole war. You remember the wars that were prosecuted by States to recapture their runaway negroes. You remember the wars that were brought on by the States by violating the sacred obligation of treaty between the United States and savage tribes. You remember the wars that were provoked by State governors against national authority in the assertion of your State-rights doctrines. You remember all who served in those wars and propose to put them on your pension-roll. Why do you forget these other men, the Union soldiers?

Is it at all to be wondered at that the Senate should, while considering this bill, incorporate amendments thereon in the interest of the Union soldier? Gentlemen insist that the Mexican soldier should receive special favors from the Government. They demand for him "service pension," while they who wore the Union blue from 1861 to 1865 can only receive a "disability pension."

The Senate has also amended the bill so as to increase the widow's pension from $8 to $12.

Do gentlemen deny the justice of the amendment? No, they admit—at least the gentleman from Alabama [Mr. HEWITT] does—that the amount named in the amendment is none too much to keep starvation from the widow's door; yet, notwithstanding, the filibustering has gone on from day to day until it is now apparent the bill must fail.

The Senate has amended the bill so as to shift the burden of proof from the soldier to the Government in relation to his physical condition at the time of enlistment. No man denies that the amendment is a proper one. The best possible evidence attainable is the fact of acceptance into the service. To require the soldier to prove that the examining surgeon did his duty twenty years or more ago is as unreasonable a requirement as human ingenuity could devise.

The rule as at present applied is in many cases unjust in its operation and is in every way unworthy a great government. That it should have remained so long in force is a marvel and a reproach. How can gentlemen justify their opposition to this bill, seeing so many needed reforms in our pension laws appear among its provisions? Can they deceive themselves with the hope that the country will not understand the purpose of a whole week's filibustering? Gentlemen seem enraged because the Senate has limited service-pensions to the period in life when the Mexican soldier reaches the age of 62 years. Do they remember that the Union soldier gets no service pension whatever; that he must show a disability and prove that it began while in his country's service? Do they remember that the Mexican soldier has already received one hundred and sixty acres of land, whether he desired to occupy it or not; while the Union soldier can only secure land like other citizens, by occupation, receiving a credit for his years of service?

Sir, from no standpoint is this opposition to the Senate amendments justifiable. They are all just, equitable, and humane. True, they limit the number of beneficiaries of the war of 1846, but only so far as seems necessary to curtail drafts upon the Treasury, so that the Union soldier whose health and blood were given a free sacrifice to the country may be remembered out of the nation's bounty also.

The failure of the legislation embodied in these amendments is to my mind a grievous fault. To the soldier of the country and to the widow and the fatherless the news of this day's doing in the national Congress will come as a message of ingratitude and wrong.

The following amendments to the Mexican pension bill—as it passed the Senate—I desire to print with my remarks, that the country may judge whether they are deserving the bitter opposition coming from the other side of the House.

APPENDIX.

SEC. 8. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws, and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election.

SEC. 9. That all widows or minor children of soldiers and sailors who as such are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States, and in line of duty, shall from and after this date be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

SEC. 10. That if any invalid pensioner pensioned for a disability contracted in the military or naval service of the United States, and in line of duty, has died or shall hereafter die, leaving a widow or minor child under 16 years of age, or both, at the date of the death of such pensioner, such widow and minor children shall be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death of such pensioner was due to his military or naval service of the United States, and shall receive the rates now allowed by law, except that such as may be found to be entitled to $8 per month under existing laws shall receive in lieu thereof $12 per month.

SEC. 11. That pensions granted widows on account of minor children shall be continued without limit as to age, whenever it shall appear that such minors are of unsound mind or physically helpless so as to render them incapable of earning a subsistence: *Provided*, That such widow retains the care, custody, and control of such minors; and in the event of the death or remarriage of such widow, or abandonment by her of such minors, then the pension and additional pension shall be continued to them in their own right, without limit as to age, during the continuance of such disability, payable to a duly constituted guardian.

SEC. 12. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

SEC. 13. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

SEC. 14. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

The Mexican Pension Bill—Amendments in Favor of Union Soldiers—Justice to the Nation's Defenders—Relief for Destitute Widows and Orphans—Simple Justice no Extravagance—Cheaper than Standing Armies—Bad Faith of the Democratic Party—A Fearful Reckoning in the near Future.

SPEECH

OF

HON. JOSEPH D. TAYLOR,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884.

The House having under consideration the Senate amendments to the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes—

Mr. JOSEPH D. TAYLOR said:

Mr. SPEAKER: The letter which has just been read by the Clerk at the request of the gentleman from Kentucky [Mr. BLACKBURN] charges that the Senate amendments to the Mexican pension bill, now under consideration, subject the survivors of the Mexican war to humiliation and disgrace. And I regret to add that this opinion is generally entertained by the other side of this House, and it seems to be a foregone conclusion that no bill in the interest of the Union soldier shall become a law in this Congress.

It is not true that these amendments discriminate against the Mexican soldier. This bill favors the Mexican soldier in two important respects. In the first place, it provides that all the survivors of the Mexican war shall be pensioned when they become 62 years of age, without reference to disability or dependency. In the second place, it gives a pension to every Mexican soldier before he arrives at this age if he is either dependent or disabled; while the Senate amendments only provide that Union soldiers shall receive a pension when they establish the existence of their dependency and disability. The language in reference to the Mexican soldier is, "disability or dependency;" while the language in relation to the Union soldier is, "disability and dependency." The existence of a disability or of dependency, the one or the other, entitles a Mexican soldier or his widow to a pension, while it requires the existence of both to entitle a Union soldier or his widow to a pension; and at the age of 62 all Mexican soldiers are pensioned, while no such provision is made for Union soldiers at any age.

And yet I regard the bill as amended by the Senate a fair one, taking it altogether. It pensions a greater proportion of the Mexican soldiers than it does of the Union soldiers, but the maximum pension of the former is only $8 per month, while the maximum pension of a Union soldier in cases of total disability is $24 per month. Age, dependency, or disability without any further showing entitles the Mexican soldier to $8 per month. There is no rating in the provisions which relate to the Mexican soldier, while the Union soldier who shows the existence of some pensionable disability, and also shows that he is dependent upon his own labor for support, receives a pension in proportion to the extent of his disability, basing a total disability at $24 a month and making a less degree of disability divisible on this basis.

It is a little singular, Mr. Speaker, that gentlemen on the other side differ so widely as to their grounds of objection to this bill as it is now amended. Some of them object because it discriminates against the Mexican soldier, while some others object because it discriminates against the Union soldier. Objections of this kind are futile and groundless. In fact they are a mere pretense. If any member of this House is a friend of the Mexican soldier, and honestly believes that he deserves some additional recognition on the part of the Government, will he object to this bill because he can not, in the same bill and at the same time, get more? When the Government passed a law granting a land warrant to every Mexican soldier, was it opposed because two land warrants were not granted at the same time, or because a section of land was not granted instead of a quarter-section?

Will a friend of the Union soldier oppose this measure, which is so full of aid to the soldiers and widows and orphans made helpless and dependent by the late war, because it is claimed that the same bill is a little more favorable to the survivors of a war that was waged thirty-seven years ago? This is nonsense. It is too much like the boy who insisted that he had the smallest piece of bread and butter, no matter which one was given him. If the Mexican soldiers deserve more than this, let it be granted next time. And if the Union soldiers deserve more, and they certainly do, let steps be taken in the future to this end. It is impossible to do everything at once, and we should not withhold a part now because we can not get all that we desire, especially as the granting of this part will not in any way prevent additional legislation in the future.

Mr. Speaker, I do not think there has been any measure before the Forty-eighth Congress more important than the one now under consideration. I had occasion to discuss the imperfections of our pension laws and the injustice which is being done to our soldiers when the pension appropriation bill was under consideration, and hoped at that time to secure to that bill amendments similar to the amendments made by the Senate to this bill, but was dissuaded from making any effort to do so by the statement then made to the House that the Committee on Payment of Pensions, Bounty, and Back Pay were about ready to report a carefully prepared bill which would correct the defects then pointed out.

A bill was reported from this committee soon thereafter by General WARNER, its chairman, but for some strange reason it was passed under a suspension of the rules, when no amendments could be made and when all discussion was limited to thirty minutes. It contained only one provision in the interest of the soldier, which was the provision that dispensed with proof of prior soundness, while it contained some objectionable features that prevented its favorable consideration in the Senate. I say this because it has been asked why the Senate never acted on General WARNER'S bill. The bill did not go far enough to amount to anything, while it contained some very objectionable features.

Before this, when HEWITT'S Mexican pension bill was before the House, we attempted to secure amendments similar in some respects to the amendments now under consideration, but failed. On the night when we had our first all-night session I went to Mr. HEWITT and requested his consent to these amendments, promising in this event that we would support his bill and break the deadlock which was then impeding all legislation; but he refused, and his side of the House then as now stood by him in his opposition to this class of legislation.

When the present bill was passed by this House it was also passed under a suspension of the rules, when no amendments could be made and when all discussion was limited to thirty minutes. The Hewitt bill was abandoned when we showed a determination to amend it, and the present bill, the Townshend bill, was passed, in the manner I have indicated, and sent to the Senate, where it was amended and put in its present form.

We are asked why these amendments are not presented in a separate bill, when this House knows very well that numerous bills embracing every line of these amendments have been introduced, and were introduced at the opening of the session, and seven months have elapsed, and yet these bills in which the soldiers of this country and in which the patriotic people of this country are deeply interested have been suppressed. Not a single report has been made in regard to the equalization of bounties, in regard to the payment of arrears of pensions, in regard to the increase of the pensions of widows whose husbands were killed in battle or died from diseases contracted in the service, in regard to continuing the pensions of the imbecile, blind, and idiotic children whose fathers gave their lives to their country, or in regard to any one of a hundred bills introduced in behalf of the soldiers in order to make good the promises and obligations of the Government to its brave defenders. These bills have been throttled and a hearing denied. Democratic committees do not deign to consider such bills, nor do they dare to report against them.

The course pursued by this House in regard to the claims of soldiers is certainly marvelous. Aside from a bill or two removing the charge of desertion, this House has passed no bill during this long session changing in any way the pension laws, bounty laws, back pay, or any other law affecting the soldiers, except the bill before referred to as reported by General WARNER. Not only this, but the Republicans have been given no opportunity to amend any law or to attempt to amend any law in this direction. The Hewitt bill was abandoned, the Townshend bill and the Warner bill were passed on suspension day and under a suspension of the rules, so as to prevent any amendments whatever. The House and every committee of the House is under the domination of the Democratic party, and the only way in which we can hope to get any legislation in the interest of the Union soldier is to attach it to the Mexican pension bill, a bill in which the other side appears to be more interested than in bills pensioning the soldiers of the late war.

The objections to the Senate amendments of the Mexican pension bill now under consideration are based on the fact that it makes certain provisions for the Union soldiers. Let us see what these provisions are. It provides that no honorably discharged soldier shall be prevented from receiving a pension because he can not prove he was sound when he entered the service; or because he can not show when and where he contracted the disability; or because he can not show that he was treated by a surgeon for this particular disease; or because the hospital records fail to show certain facts. Or, in other words, if a soldier has a disability which might have been incurred in the service, and is also dependent on his own labor for his support, under this bill he receives a pension. The same provision is made for the widow in case the husband is dead.

In cases in which minor children now draw a pension until they are 16 years of age this bill proposes that the pension shall continue after they are 16 if they are imbeciles, idiots, or blind. They are as dependent after they become 16 as they were before; and as their father, their natural protector, gave his life to his country, the Government owes these helpless dependents a support. It also provides that the widows and minor children of soldiers and sailors who are now receiving $8 a

month shall hereafter receive in lieu thereof $12 a month, an increase of $4 a month. And in another section it provides that dependent parents shall not be required to prove that a son who lost his life in the service intended to support them, but this fact will be presumed where the soldier left no widow or children. It also provides that in case of the death of any pensioner, leaving a widow or minor child under 16 years of age, or both, such widow and minor child or children shall be entitled to a pension, without being required to prove, as at present, that the death of such pensioner was due to his military or naval service.

These are the provisions which are objected to by the other side of this House. These are the changes in the laws which are resisted here from day to day and from night to night by the Democratic side of this House, with some honorable exceptions. In all the annals of legislation, in all the world's history, no law was ever proposed which had more of the milk of human kindness in it, more of patriotism and gratitude in it, more of justice and equity in it, than the one now under consideration. And gentlemen will find that the defeat of this measure will follow them as a blighting memory wherever a soldier's grave is marked, wherever a soldier's widow weeps, and wherever a soldier's orphan suffers the pangs of hunger or cold. This is only an act of justice, a debt of gratitude, a sacred duty. How dare you shrink from this solemn obligation? The graves of these soldiers are all about you. The wants of these widows meet you in all the pathways of life. The voices from half a million graves plead for the support and maintenance of their helpless children. Let me warn you to-day that in defeating this measure you will enkindle a storm of indignation which will sweep you and your party from the power you now so shamefully abuse.

The passage of this bill as amended is objected to because it will cost the Government an immense sum of money. What if it does? Can any government afford to repudiate its just and fair obligations? We can better afford to pay to these dependent and meritorious wards of the nation every dollar contemplated in this bill, and as much more, than we can afford to repudiate such a binding obligation. The other side of this House advocates a revenue system which would compel us to pay three or four hundred millions a year to foreigners and to foreign lands, while they object to paying a few millions to our own deserving poor. It has been stated here on this floor that this bill would cost the Government from fifty to one hundred millions a year. At the instance of members of both Houses, Commissioner Dudley has carefully computed the cost, and he declares that it will not cost over $16,000,000 a year—the bill and the Senate amendments. He estimates that pensions to the survivors of the Mexican war will not exceed $3,500,000, and that the pensions provided for in the Senate amendments for the Union soldiers will not exceed $12,500,000. General Dudley is thoroughly competent to make this calculation, and has the assistance of the best experts in the United States. He has made it, and risks his reputation on its correctness. It was stated to you correctly by Mr. TOWNSHEND, and I only repeat it because the amount has been given me twice by General Dudley pending this contest. And this $16,000,000 will rapidly diminish from year to year as these aged and helpless people pass away.

Mr. Speaker, it has been claimed here in argument that the passage of this bill will bankrupt the Treasury and impoverish the Government. There are people who would do well to talk less and think more. There is a great deal of ignorance among gentlemen who would like to be called statesmen in regard to the policy and organism of our Government. It has been repeatedly stated here that we pay out more money to our soldiers than any government in the world. This is the main argument on the other side, and yet it would be just as wise to argue in favor of tearing down our school-houses and colleges because we have a greater number of them than any other country in the world. The one argument is just as good as the other. The United States Government, unlike all the other great governments on the earth, depends for its protection and defense in time of peace and in time of war not on a standing army but on a volunteer soldiery.

In the recent war we called a million men from the plow, the shop, the forge, the office, the pulpit, and from all the various avocations of life; from home and wife and children; and the world never saw a grander or more efficient army. The peace footing of the English army is about 200,000 men; the peace footing of the Austrian army is 270,000 men; the peace footing of the German army is 450,000; the peace footing of the French army is 520,000, and the peace footing of the Russian army is 690,000; and the annual cost of the Austrian army is $60,000,000, of the English army $80,000,000, of the German army $85,000,000, of the French army $121,000,000, and of the Russian army $138,000,000. These statements do not include the reserves or naval forces. Compare these armies with our regular Army of only 25,000 men. Compare these expenses with the $20,000,000 or $25,000,000 we pay for like purposes from year to year, and you will see which plan is the more economical.

Other countries depend in time of peace and in time of war on their regular army, on a hired soldiery. We do not; we depend on a volunteer soldiery, but to be always sure of a volunteer soldiery we must be not only just but generous. In olden times it was said, "In time of peace prepare for war," and the interpretation then was, to spend the years of peace in building fortifications, in drilling soldiers, in molding cannon, and in preparation for the deadly conflict. But in later times we have found a safer way in which to prepare for war, and that is to build school-houses, erect churches, and win the hearts of the people by providing for the soldier and his loved ones the comforts of home. Do this, and you will have a country which all the people will love; do this, and you will inspire the hearts of the people with valor and patriotism; do this, and the streams of patriotism and loyalty will never dry up; do this, and you will have a country for which men will do and dare and die; and in doing so you will add more strength to the Republic than you will in building up great armies in time of peace, and when the tocsin of war is sounded you will have an army against which no other army in the world will dare to come.

This is the policy of our Government. This is the way to enkindle the fires of patriotism. Assure the soldier that if he dies in battle, or shall be maimed, or shall suffer from disease, those who are dependent upon him will be comfortably cared for, and you will lay the foundations of this Republic broad and deep.

I desire, Mr. Speaker, that this House shall consider the relative cost of the two plans—that of depending on a hired standing army of professional soldiers, or the plan of winning and welding the hearts of the people to the flag of their country by making it the emblem of kindness, gratitude, and generosity. The one is the pathway of a republic, because it lives in the affections of the people; the other is the trail of a monarchy, along which its defenders are driven by the sword and the lash.

Mr. Chairman, is it possible that this long session is to close without furnishing any relief to that class of our soldiery whose necessities have so touched the hearts of the people of this country? Why this great wrong? Why this denial of justice? Why do the Democratic members of this House, with a few honorable exceptions, sit silent in their seats and refuse to vote, in order to defeat this bill? Why have all the bills introduced in this House in the interest of the soldier been suppressed? Why is it that we have been unable in all these months to get a single one of these bills considered in the House or in committee? Why are bills which are in the interest of Union soldiers denied a hearing? Why is it that any bill which could be amended so as to embrace some of these measures is whipped through the House under a suspension of the rules, when no amendment is allowed? Is it because the great Democratic party does not dare to put itself on record as opposing these measures? If the committees could not report these bills favorably, why did they not have the courage to report them unfavorably? Every bill of any importance to anybody is entitled to consideration, and should be reported favorably or adversely. The bill and its author are entitled to this consideration.

A little while ago it was published in Democratic newspapers that a Democratic House was doing more for the Union soldiers than a Republican Senate. Do you know, Mr. Speaker, how that idea went abroad? I will explain. This House passed early in the session a large number of special acts pensioning soldiers, which were sent to the Senate and remained there a long time without being acted on by the Senate. Do you know the reason? If you do not, I will tell you. The Committee on Pensions in the Senate was composed of nine Senators, five of whom were Republicans and four were Democrats. For a long time Senator SABIN, of Minnesota, was absent, and this left the Pension Committee four and four. The RECORD will show the absence of Senator SABIN, and the further facts that during his absence pension bills were reported adversely by the Democratic subcommittees, and that no progress was made in passing pension bills. This hitch in pension legislation was removed by the resignation of Senator SABIN, who was still absent, and the appointment of Senator WILSON, of Iowa, in his place on the Pension Committee, since which time every pension bill that could be reached, including those reported upon adversely by Democratic members, has been passed by the Senate. The Senate has not only passed these bills, but it spent several weeks in maturing the bill now before this House, which provides not only for Union soldiers, their widows and orphans, but for Mexican soldiers and their dependents as well.

Mr. Chairman, the last thing that my colleague, General WARNER, did before starting to Chicago was to make an earnest speech against the passage of this bill. Ostensibly he was opposing one of the Senate amendments, but his argument went to the merits of the bill. He declared, as he has done repeatedly during this session, that all pensions should be limited to disability incurred in the service; that to grant pensions on any other principle would be dangerous and vicious legislation; that this country had never departed from this principle but twice, and that he regarded these as two very bad precedents. In his absence I shall not attempt to reply to his argument or quote what he then said, or what he said on this subject at any other time, but on behalf of the soldiers of the Union Army, and on behalf of their helpless widows and children, who have so earnestly appealed to us for relief, I want to enter my protest against the action of his committee. He is the chairman of the Select Committee on Payment of Pensions, Bounty, and Back Pay, to which was referred the most important legislation of this session touching the soldiers and their dependents; and I regret to say that this committee has proved the graveyard of all this important legislation. It never reported but one bill, and this was so objectionable to soldiers that the Senate gave it no consideration.

Early in the session I introduced a bill granting arrears of pensions, which went to this committee. Governor Hart's bill granting pensions to all soldiers who had rendered a certain amount of service and who had arrived at a certain age, and scores of others of like character, were sent to this committee for consideration; but they have all slept the sleep that knows no waking. It seems to have been determined from the opening of this session to this hour that no bill in the interest of the Union soldiers should become a law, and that this end should be accomplished, not by open and frank opposition, but by stealth and cowardice. The Democratic party holds in its iron grasp all of the committees of this House, and determines here from day to day and from week to week what shall be and what shall not be considered. We have asked that this bill be put on its passage, and we have been refused. We have asked that these Senate amendments be voted on, and if rejected, that the bill be sent to a conference committee for amendment; and this has been refused. We have asked that some of these amendments be approved and that the others be rejected, if in this event the bill can become a law. This, too, has been refused.

This bill, which before amendment provided only for the Mexican soldiers, having been amended in the Senate so as to include certain classes of Union soldiers, can only become a law now by the approval of this House being given to these amendments. There is now no hope of any legislation which will give relief to the Mexican nor to the Union soldiers if this House persists, as it has done for the past three days and nights, in its refusal to assent to these amendments. This Mexican pension bill can become a law now in a single hour. It was reached in the regular order on Wednesday, and it has been the regular order ever since, but its defeat seems to be inevitable. The closing hours of the session are at hand, and it is now proposed by the Democratic leaders of this House that we shall adjourn after a session of over seven months without passing a single law that the Union soldiers and the friends of the Union soldiers have asked for.

While I denounce the attitude of this House toward these measures as an outrage upon justice, I desire to pay a tribute of respect to the courage and fairness of a few of the majority, some of whom served in the confederate army, who have stood by the Republican side of this House in this long and determined struggle for the passage of this bill. Unfortunately we have been outnumbered, but we have made the best fight we could, and the responsibility for the defeat of this important measure will be borne by those whose opposition has thus far accomplished its defeat. The soldiers whose quiet homes are scattered over the hills and valleys of every State and Territory, the widows whose letters of importunity lie unanswered on the desks of the members of this House, the homeless and hungry children who keep green the grave and memory of him whose footsteps they will never again hear, will understand what the rejection of these Senate amendments means, and will appeal to another tribunal, where justice will be more equitably measured out.

There is one other thing I want to say and then I am done. It has been claimed that these Senate amendments will give service pensions to a large number of Union soldiers. Suppose it does, should not these classes be as much the beneficiaries of the Government as any other class? Strictly speaking there is no service pension provided for in any of these Senate amendments. They only relate to the character of the evidence which the Government shall require. When the soldier shows the existence of a disability which can reasonably be presumed to have been incurred in the service this bill gives him the benefit of the doubt. As all soldiers were examined by a surgeon when they enlisted and were then pronounced sound by the surgeon, this bill presumes them to have been sound at that time and dispenses with this proof. This is a legal presumption never denied in courts of justice and should not be denied to the soldier.

Treatment while in the service, hospital treatment, and the existence of the disease at the date of discharge need not be shown under this bill, as in many cases it is impossible, and under the present law hundreds and perhaps thousands of claims are rejected because this proof is not made, when the length of time since the war and the death of those who know these facts make such proof impossible. The bill dispenses with this kind of proof and makes it possible for a large class of worthy soldiers to receive pensions which have long been withheld from them. The gentlemen who are unwilling that this class of soldiers shall be provided for are willing to restore Fitz-John Porter to his place in the Army, and are willing to vote millions of money to rivers and harbors and a thousand other like measures.

Mr. Speaker, we should not forget or ignore the facts of history. The soldiers of the Union Army were called into service under peculiar circumstances. Treason had its grasp upon the nation's throat. Liberty stood aghast at the monster iniquity, and the civilized world listened with bated breath for the sequel. Should the glorious experiment of free government, the hope of the ages, go down amid the smoke and blood of civil conflict? The question was answered by such an uprising of the loyal masses of this country as the world never saw.

From field and forge, from office and workshop, from hamlet and city they came, hurrying, rushing, crowding to the nation's rescue. They asked no questions about compensation, they drove no bargains, they cared not for the money; they only knew the flag they loved was assailed, and patriotism would brook no delay. They had a sublime faith that, if they fell, the country for which they died would care for their wives and their little ones, and so they bade them a brave good-by and went away, many of them, alas! never to return. They endured hardships without a murmur; they made sacrifices without a complaint.

Thousands and tens of thousands have dragged about with them their maimed limbs and crippled and diseased bodies through all the years since the war without asking a favor of the Government; and now age and poverty and suffering have done their work, and their once skillful hands can no longer minister to their necessities, and they must die in the poor-house; and yet this great Government stands aside and says, "It will cost too much to support these men." Gentlemen, if you persist in this thing the very stones in the street will cry out against such a miserable perversion of economy. It is time this Government should enter upon a more liberal policy toward these patriotic classes; and if this nation ignores the promises made in the hour of her extremity, and turns a deaf ear to the cries of the needy and the destitute, whose youth and strength have been freely offered upon her altars, it will be a millstone about her neck to drag her down from her proud position among the great and glorious nations of the earth.

Internal-Revenue and Customs Collection Districts.

SPEECH

OF

HON. BENTON McMILLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 29, 1884.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes—

Mr. McMILLIN said:

Mr. CHAIRMAN: It is hardly possible in the short time allotted to me to discuss this matter in that systematic way which would be most satisfactory to myself and to the House. All any one can hope to do in that brief period is merely to glance at the pending provisions.

Sir, the object of all legislation should be to insure good government. As little money should be collected from the people as is consistent with an economical and proper administration. There should be no more officers than are absolutely necessary. Each officer is to the extent of his salary a burden to the tax-payer. This burden is borne cheerfully by the good citizen when he can see that the office is necessary. But when he looks around and beholds a thousand officers who could be dispensed with without detriment to the public service—mere tax-eaters—he complains loudly and justly. Our object is to so amend this bill as to consolidate customs offices where it is practicable, abolish internal-revenue collectorships where it can be done, and dispense with all unnecessary offices in both branches of the service.

It will be remembered that during the last Congress there was a proposition introduced into this House to reduce the number of internal-revenue districts in the United States. That failed of enactment by Congress. It passed the House but was killed in the Senate. But agitation of it, as is often the case, resulted in the accomplishment of a portion of the good designed.

The President of the United States and those officers operating under him in charge of the Internal Revenue Department, seeing that the people were determined on relief, at last conceded that true statesmanship and wisdom in the management of our financial affairs was consistent with a large reduction in the number of internal-revenue districts. Under the discretion always allowed them they reduced the number from one hundred and twenty-six to eighty-four. We now find that a still greater reduction can be made and propose to make it. The amendments of the gentleman from Kentucky [Mr. THOMPSON] propose to carry that idea into practical operation.

What is the proposition of the gentleman from Kentucky? We have, Mr. Chairman, at present, one hundred and forty-one customs collection districts in the United States. He proposes to reduce them to sixty-nine. We have eighty-four internal-revenue districts. We propose by the amendments which we hope to carry to reduce them to forty-three. Is there any Representative here who, after a comprehensive view of the entire question, can for a moment say that the reduction can not and should not be made?

I have before me a report made to Congress as to the number, location, and cost of the various customs collection districts of the Government. We are confronted by the fact that of the large number which are embraced there are more than thirty that do not pay expenses. Twenty of them do not pay a cent of revenue. High salaries are given. The cost of keeping up the customs establishment in addition to salaries is so great that in many instances not 10 per cent. of the actual expenses is collected at the port.

The following, Mr. Chairman, are only a few samples of the non-paying customs collection districts which we propose obliterating in part by these amendments. Many others could be added:

Statement showing the amount of revenue collected and the cost of collection in each of the customs collection districts during the fiscal year ended June 30, 1883.

Districts.	Aggregate receipts.	Expenses.
Alaska (Sitka), Alaska	$1,501 79	$12,479 39
Albemarle (Edenton), N. C	2,076 15	3,264 81
Alexandria, Va	2,852 63	2,994 81
Annapolis, Md	1,556 50	2,421 87
Atlanta, Ga	21 00	1,067 05
Barnstable, Mass	5,209 01	8,217 30
Belfast, Me	4,489 82	5,176 23
Brazos (Brownsville), Tex	52,734 27	52,063 75
Bristol and Warren, R. I	356 86	1,580 89
Castine, Me	3,783 10	5,916 00
Cherrystone (Eastville), Va	3,022 79	3,530 74
Dunkirk, N. Y	1,259 92	3,414 90
Edgartown, Mass	819 81	5,165 85
Frenchman's Bay (Ellsworth), Me	3,252 48	5,585 47
Georgetown, S. C	1,449 51	2,036 90
Great Egg Harbor, N. J	1,655 00	3,054 50
Humboldt (Eureka), Cal	1,728 38	1,797 39
Kennebunk, Me	169 69	746 45
Little Egg Harbor, N. J	930 59	1,825 60
Machias, Me	3,363 42	4,609 95
Montana (Helena), Mont	1,082 14	2,479 90
Nantucket, Mass	292 00	1,391 53
Natchez, Miss	210 35	505 75

What private citizen would conduct his business this way for a single year? He who would be guilty of it would be called an imbecile or lunatic. Yet there are men here who justify this practice. There are those who complain when we attempt to touch them.

What sense, sir, is there in paying a lot of official deadheads or political deadbeats at alleged ports of entry on the Atlantic Ocean $5,000 a year to collect one thousand? Let us discharge them from the public service and let them go at some self-sustaining calling.

Sir, for years the tax-payers have had to submit to this extravagant folly. But now we propose to put an end to it. If this amendment is adopted it will discharge between two and three hundred officers shown by past experience to be entirely useless. So flagrant is this wrong that the Secretary of the Treasury recommends the reduction we are now attempting. In a report made to Congress he has gone minutely into the matter, showing the extent and nature of the reduction both in the number of employés and in the cost. With his recommendation confronting us who will oppose it? If these reductions are made the service will be simplified, a battalion of officers will be dispensed with, and more than a million squandered on sinecures and worthless customs-collection establishments will be saved. Let no patriot stand in the way of the reform.

Mr. Chairman, I come next to the consideration of the amendment proposing a reduction of the number of internal-revenue collectors, collection districts, storekeepers, &c. We are told by the chairman and members of the Ways and Means Committee that it will be impossible to repeal the internal-revenue system outright, for the reason that it would cause a deficiency in the revenues necessary to carry on the Government of $40,000,000 per annum. The people are not willing to have the tax on clothing and necessaries of life increased, nor should they be. We, I hope, will also have need for some additional revenue to pay Mexican pensions. The bill to pension those old and deserving veterans has passed the House and it is to be hoped will pass the Senate. Besides, the masses would not clamor against a tax on whisky if you would only take away from the system of collection its hardships and oppressions. They are willing for you to require whisky distilled from grain to bear a part of the heavy war debt resting on us if you will give them a simple method of collection which will be in accord with the spirit of our free institutions, and not drag them from home without sufficient cause This much they demand and this they must and will have, even if the tax is retained. Failing to get this short of a repeal of the internal-revenue system, they will and should strike down the system rather than allow the loss of their liberties by Federal usurpation of authority not contemplated by the Constitution.

Sir, we have in the different States eighty-four internal-revenue districts. Who will believe for a moment a large number of them may not be dispensed with? What is the necessity of having so many?

The CHAIRMAN. The gentlemen's time has expired.

Mr. THOMPSON. I will yield a few minutes more to the gentleman.

Mr. RANDALL. And I will also yield him a portion of my time.

Mr. McMILLIN. I thank the gentleman from Kentucky and the gentleman from Pennsylvania for their courtesy.

As I was stating, Mr. Chairman, there are a large number of internal-revenue collection districts which may with propriety be abolished. In them high salaries are given.

Mr. Chairman, we had last year 1,076 grain distilleries operating in the United States. Of that number four hundred and thirty-nine had a capacity of less than five bushels per day. One hundred and seventy-eight others had a capacity of less than ten bushels. It is known to those who are acquainted with the process of distillation that a bushel produces about three and one-fourth gallons of spirits, so that you have all the expense incident to keeping a storekeeper and gauger at all these small distilleries. They get from three to four dollars per diem.

The object of this amendment is to authorize the Secretary of the Treasury to have these small distilleries operated as fruit stills are, without a storekeeper. There are six hundred and seventeen of them, and it is safe to say if the amendment is adopted it will get rid of that number of storekeepers and save more than a million dollars a year. If the amendment fails, you will continue to require a storekeeper and gauger to sit down at a cost of three or four dollars per diem and watch a little worm that makes but fourteen dollars' worth of spirits. You have no storekeepers at the thousands of fruit-brandy distilleries. You trust your people in them; why can you not do the same with the others? There is no more fraud in the brandy than in the whisky distilleries. I do not believe in the doctrine that all mankind are rascals and not to be trusted.

Sir, there were employed last year in this branch of the Government service 1,130 storekeepers and gaugers, 725 storekeepers, and 852 gaugers (those engaged principally in fruit distilleries); total 2,707.

North Carolina alone has three hundred and fifty-eight grain distilleries of less than five bushels' capacity a day, and around these three hundred and fifty-eight storekeepers and gaugers diurnally swarm. What becomes of this hungry swarm of Federal officials if our amendment is adopted? Sir, they will

> Fold their tents, like the Arabs,
> And as silently steal away.

In many instances more men are kept in commission than there is law to appoint, appropriations to pay, or distilleries to serve. One will be given employment for two months, then another for two, and in some instances a third an equal time, till the salary which should go to one man is doled out to two or three. In this way they are kept dependent on the appointing power. I pass by the political work they are expected to do, and come to another very serious evil which flows from it. That is, they are kept from energetic exertion in some independent business of life, lured on by the hope that a better day and more constant employment will come.

The forty-one collectorships to be abolished by this amendment can be dispensed with without the least detriment to the service. All that will be needed in their stead will be the establishment of agencies to distribute stamps. What injury has come from the reduction made last year? None. Good, and only good, has been the result.

Mr. Chairman, as an illustration of the cumbersome machinery with which we are cursed, I desire to call attention to the following official statement of the collections of internal revenue in the sixth North Carolina district:

Statement showing the number of officers in the sixth internal-revenue district for the fiscal year ending June 30, 1883.

No.	Rank.	Pay.	Traveling expenses.	Rent of office.	Total expenses.	Total collections.
1	Collector, per annum	$3,625 00	$4,065 65	$650 00	$194,248 90	$456,864 16
2	Deputy, do	1,600 00				
6	do, do	1,000 00				
8	do, do	900 00				
2	do, do	1,200 00				
4	do, do	950 00				
2	do, do	800 00				
3	Deputy (1½ months), do	1,200 00				
1	Clerk (1 month), do	900 00				
1	Clerk (2¾ months), do	900 00				
1	Messenger, do	300 00				
41	Gauger, fees and expenses	18,257 76				
241	Storekeeper and gauger, {$3 per diem / $4 per diem}	141,882 00				

It will thus be seen that it takes 320 officers, at a cost of $194,248 a year, to collect $456,864.16. Sir, let us adopt these amendments and strike this down. Let it not be said that we tamely submit to any such cumbersome method of collecting revenue. These things breed discontent.

Sir, notwithstanding we are told that the repeal of all internal-revenue laws would leave too large a deficiency to be borne—more than thirty millions a year—there is relief we can and should give our people. These amendments can be adopted and more than 1,500 officers dispensed with and more than $2,000,000 saved a year. The tax on tobacco has been reduced from 24 cents a pound to 8 cents a pound—two-thirds of the tax thereby repealed—and still not an officer has been dispensed with. I would repeal the tobacco tax and allow the farmer to sell to whom he pleases.

By pursuing this policy the States could tax these articles and collect a good part of their revenue. The expense and troubles growing out of violations of law in selling little quantities of tobacco would cease, and only good could come from it.

But, Mr. Chairman, to return from this digression to the legitimate question now before the committee, let us, while we are forced for the sake of revenue to submit to any internal-revenue taxes, do our utmost to reduce the expense of collection to the minimum, dispense with all useless offices, pass the bill introduced by me to limit the time within which prosecutions may be instituted in the Federal courts, and strive to dispense with all oppressions growing out of them.

There are many other reasons that could be given for the adoption of this amendment, but I must not further trespass on the kindness of my friend from Kentucky [Mr. THOMPSON] and my friend from Pennsylvania [Mr. RANDALL], who were generous enough to yield me a portion of their time.

Public Buildings—The Work of the Committee on Public Buildings and Grounds in this Congress Compared with the Work of the same Committee in Previous Congresses.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 2, 1884,

On bills for the erection of public buildings.

Mr. STOCKSLAGER said:

Mr. SPEAKER: Since it seems to be the determination of this House to adjourn at a very early day, and as all the time of the House until adjournment will probably be consumed in enacting the appropriation bills into laws, I avail myself of the privilege of addressing the House upon the general subject of bills for public buildings reported by the Committee on Public Buildings and Grounds, of which I have the honor to be chairman. I do this because some days ago when we were considering some of these bills we listened to lectures from a little "band of brothers" in this House, constituting a small minority of the House, upon the subject of the bills for the erection of public buildings. These would-be wise men, these censors of their colleagues and associates, have seen proper to use harsh language against the friends of the measures proposed by the Committee on Public Buildings and Grounds, language not only unparliamentary, but simply outrageous, and unworthy of the men who uttered it. I shall not undertake to follow them or to bandy harsh words with them. But I will say, Mr. Speaker, that there is not one word of truth in any of the charges made against the conscientious discharge by the committee of its every duty, and not a single reason why such epithets should have been used, unless it was for the purpose of appealing to the worst prejudices of the worst class of people.

Gentlemen say they are not opposed to the consideration of the bills reported from this committee, but they object to the manner of their consideration under the special order. The resolution adopted by more than two-thirds of this House, under which these bills are being considered, is certainly as fair as that of any previous Congress under which similar bills were considered. What are the facts? Four-fifths of the bills heretofore passed have been passed under a suspension of the rules, under which the same debate was allowed as under this resolution. It is true it required a two-thirds vote to pass bills, but no amendment was permitted, while under this rule unlimited amendment is allowed. Again, under the former system it was simply a matter of favoritism, depending entirely upon the caprice of the Speaker. No one, however meritorious his bill, could have it considered unless he could be recognized by the Speaker. Hence the Speaker was the autocrat of the whole subject. Under this resolution each bill upon the calendars will receive consideration in its order and no favoritism can be shown.

Then why all this outcry? Why all this vilification and abuse? Why should about twenty members here seek to obstruct all public business and raise a hue and cry of jobs and steals? Do they simply want to obstruct public business, or do they want to pose as reformers, and, Pharisee-like, thank God they are not as others? I charge upon them that by their dilatory motions they have wasted nearly two days of the valuable time of this House. They have wasted it upon calls for tellers and for the yeas and nays upon the most frivolous motions, simply to waste time. Shall they escape the condemnation of the people, and it be visited upon those who are anxious to proceed with the public business?

Sir, what can be their motive? In considering the bill for New Albany, which no gentleman on the floor attempted to criticise—in fact, it was universally conceded to be right, and the limit fixed a reasonable one—the bitterest speeches were made, and tellers called and a quorum required at every step. Why? Because it was not meritorious? No. Because the sum appropriated was too large? No. Because time enough was not given for its consideration? No; for no objection was made. Then, why the filibustering and delay? The people of this country can and will judge properly. They will not hold guiltless the men who, when no great principle is at stake, ay, when nothing is at stake, will fritter away days of the valuable time of this House.

Now, Mr. Speaker, I desire to call the attention of the House to the work which the Committee on Public Buildings and Grounds has performed, and which gentlemen upon this floor and some of the newspaper press have seen proper to criticise, and to compare it with the work done by the same committee in previous Congresses. And I think a careful comparison will convince every impartial person that the present committee have acted prudently and economically in their recommendations, and are not justly obnoxious to the strictures made.

There have been introduced in this House and referred to that committee bills for public buildings numbering in the aggregate one hundred and nineteen, a list of which is as follows:

Fort Smith, Ark	$250,000
San Francisco	700,000
A building to contain records of the library and museum of the Medical Department of the United States Army	200,000
Sacramento, Cal	100,000
Key West, Fla	150,000
Jacksonville, Fla	200,000
Macon, Ga	125,000
Springfield, Ill	27,000
New Albany, Ind	100,000
Fort Wayne, Ind	200,000
Council Bluffs, Iowa	100,000
Sioux City, Iowa	200,000
Keokuk, Iowa	150,000
General Land Office	500,000
Opelousas, La	100,000
Monroe, La	100,000
Augusta, Me	200,000
Houlton, Me	50,000
Jackson, Mich	75,000
Duluth, Minn	100,000
Vicksburg, Miss	100,000
Aberdeen, Miss	100,000
Carson City, Nev	100,000
Camden, N. J	75,000
Troy, N. Y	250,000
Newburg, N. Y	75,000
Yonkers, N. Y	70,000
Asheville, N. C	75,000
Charlotte, N. C	100,000
Wilmington, N. C	100,000
Fayetteville, N. C	75,000
Columbus, Ohio	400,000
Lima, Ohio	150,000
Reading, Pa	80,000
Pittsburgh, Pa	1,500,000
Erie, Pa	300,000
Lancaster, Pa	75,000
Providence, R. I	125,000
Greenville, S. C	50,000
Chattanooga, Tenn	100,000
Memphis, Tenn	50,000
Tyler, Tex	75,000
Waco, Tex	100,000
Richmond, Va. (George D. Wise)	75,000
Clarksburg, W. Va	50,000
Oshkosh, Wis	100,000
Capital of Arizona Territory	150,000
Cheyenne, Wyo	50,000
Brownsville, Tex	60,000
Galveston, Tex	40,000
Richmond, Va. (John S. Wise)	100,000
Los Angeles, Cal	250,000
Savannah, Ga	500,000
Fort Dodge, Iowa	100,000
Fort Scott, Kans	100,000
Wichita, Kans	100,000
Army Medical Department, District of Columbia	200,000
Bay City, Mich	100,000
Winona, Minn	100,000
Durham, N. C	100,000
Williamsport, Pa	200,000
West Chester, Pa	50,000
Beaufort, S. C	50,000

El Paso, Tex	$200,000
Houston, Tex	75,000
La Crosse, Wis	100,000
Helena, Mont	50,000
Port Townsend, Wash	57,000
Augusta, Ga	200,000
Owensborough, Ky	50,000
Paterson, N. J	80,000
Auburn, N. Y	150,000
Winston, N. C	10,000
Charleston, S. C	75,000
Allentown, Pa	100,000
San Antonio, Tex	300,000
Allegheny, Pa	500,000
Chicago, Ill	50,000
Leavenworth, Kans	160,000
Manchester, N. H	100,000
Statesville, N. C	20,000
Louisville, Ky	1,500,000
Plymouth, Mass	50,000
Washington, D. C	
Washington, N. J	10,000
Gallipolis, Ohio	25,000
Congressional Library	
Galveston, Tex	22,000
Fredericksburg, Va	50,000
Tallahassee, Fla	75,000
Akron, Ohio	100,000
Brunswick, Ga	100,000
Denver, Colo	1,500,000
Lynn, Mass	100,000
New Berne, N. C	100,000
Staunton, Va	100,000
Richmond, Ind	100,000
Haverhill, Mass	50,000
New Haven, Conn	50,000
La Fayette, Ind	150,000
Zanesville, Ohio	100,000
Fort Worth, Tex	75,000
Atchison, Kans	60,000
Havre de Grace, Md	10,000
Newport News, Va	100,000
Nebraska City, Nebr	100,000
Natchez, Miss	25,000
Superior, Wis	100,000
Sedalia, Mo	50,000
Dayton, Ohio	100,000
Portland, Oreg	250,000
West Point, N. Y	37,500
Jackson, Tenn	50,000
Boise City, Idaho	50,000
Wilkes Barre, Pa	75,000
Grand total	17,868,500

Of the one hundred and nineteen bills thus referred to the committee, forty-eight have been reported to the House with a favorable recommendation. Of the number favorably reported, nineteen have been favorably reported by this committee in previous Congresses, a list of which is as follows:

Greenville, S. C	$50,000
New Albany, Ind	100,000
Chattanooga, Tenn	100,000
Augusta, Ga	200,000
Augusta, Me	150,000
Macon, Ga	100,000
Reading, Pa	80,000
Carson City, Nev	100,000
Paterson, N. J	80,000
Lancaster, Pa	100,000
Port Townsend, Wash	57,000
Sacramento, Cal	100,000
Tyler, Tex	75,000
Key West, Fla	100,000
Charlotte, N. C	75,000
Clarksburg, W. Va	50,000
Asheville, N. C	50,000
San Antonio, Tex	200,000
Wilmington, N. C	100,000
Total	1,917,000

It will be observed that these nineteen bills fix the aggregate limit of the cost of the buildings authorized by them to be constructed at the sum of $1,917,000.

Eighteen of the forty-eight bills have not heretofore received the favorable recommendation of this House. These bills are as follows:

Fort Smith, Ark	$100,000
Saratoga Springs, N. Y	100,000
Keokuk, Iowa	150,000
La Crosse, Wis	100,000
Chicago, Ill	50,000
Troy, N. Y	200,000
Aberdeen, Miss	75,000
Wilmington, Del	150,000
Jackson, Mich	75,000
Waco, Tex	100,000
Duluth, Minn	100,000
Akron, Ohio	100,000
Houlton, Me	50,000
Fort Scott, Kans	50,000
Wichita, Kans	50,000
Jacksonville, Fla	100,000
Auburn, N. Y	100,000
Winona, Minn	100,000

These eighteen bills recommend appropriations limited to $1,750,000.

But it is proper to say that of these eighteen bills eight have passed the Senate during the present session, to wit:

Fort Smith, Ark	$100,000
Saratoga Springs, N. Y	100,000
La Crosse, Wis	100,000
Troy, N. Y	200,000
Waco, Tex	100,000
Fort Scott, Kans	50,000
Jacksonville, Fla	100,000
Winona, Minn	100,000

Some of the Senate bills passed that body fixing the limit at a larger sum than that mentioned in the above table, which is the sum at which the House committee passed them.

This leaves but ten bills which were reported in the first instance by this committee. These bills are as follows:

Keokuk, Iowa	$100,000
Chicago, Ill	50,000
Aberdeen, Miss	75,000
Wilmington, Del	150,000
Jackson, Mich	75,000
Duluth, Minn	100,000
Akron, Ohio	100,000
Houlton, Me	50,000
Wichita, Kans	50,000
Auburn, N. Y	100,000

These ten bills, for which this committee is primarily and originally responsible, fix the aggregate limit of the cost of the buildings to be constructed under them at the sum of $900,000. It will thus be seen that this committee, which has been so much abused, is responsible for reports upon bills which have not had the sanction of this committee in previous Congresses or passed the Senate at the present session, numbering just ten, and averaging just $90,000 each. Is this an extravagant record? Does this justify vilification and abuse and filibustering for two days in the consideration of seven bills in the Committee of the Whole House? I appeal to the country for an answer, confident that an impartial public judgment will approve our recommendations.

The eleven remaining bills, each providing for the extension of the limit of the cost of buildings and sites fixed by some previous act of Congress, and reported in each case upon the recommendation of the proper officers of the Government, and the assurance that buildings commensurate with the wants of the public service can not be constructed within the limit fixed. These bills and the increase of the amount over the original limit in each case are as follows:

Pittsburgh, Pa., amount of extension of limit	$699,400
Erie, Pa., amount of extension of limit	150,000
Council Bluffs, Iowa, amount of extension of limit	100,000
Springfield, Ill., to purchase additional ground to protect building from danger from fire	26,000
Richmond, Va., necessary enlargement of old building	75,000
Detroit, Mich., amount of extension of limit	300,000
Fort Wayne, Ind., amount of extension of limit	75,000
Saint Joseph, Mo., amount of extension of limit	225,000
Williamsport, Pa., amount of extension of limit	100,000
Scranton, Pa., amount of extension of limit	25,000
Louisville, Ky	500,000
Total	2,275,400

Let us recapitulate:

Nineteen bills which have been heretofore reported by this committee in previous Congresses, aggregating	$1,917,000
Eighteen bills which have not been heretofore reported to this House, aggregating	1,750,000

Of these eighteen eight have passed the Senate the present session, as shown above—

Eleven bills extending the limit of cost of site and building over amount fixed by previous acts of Congress, aggregating	$2,275,400
Making total recommendation, 48 bills	5,942,400

This is the sum total of recommendations of the committee. Now let us turn our attention to what has been heretofore done. Gentlemen talk as if the work of this committee in its recommendations has been not only extravagant, but as if it were a new departure, a new policy proposed by the committee. What are the facts?

For nearly a hundred years it has been the policy of this Government, as it should be of all governments that are financially able to do so, to erect public buildings where economy and the proper transaction of the public business require such structures. No party has departed from that policy. I admit that in the Forty-fourth Congress, when my colleague, Judge HOLMAN, was chairman of this committee, and in the Forty-fifth Congress, but few bills were reported for new buildings, but this was mainly, if not entirely, for the reason that previous Congresses had commenced the erection of a number of large and costly buildings in several of the large cities which required the expenditure of large additional sums of money to complete them, and therefore it was not considered sound policy to commence others until these could be completed. But as soon as they were completed or rapidly approaching completion the same policy was followed by the Forty-sixth Congress of authorizing the construction of a number of new buildings.

The Forty-sixth Congress passed bills aggregating about $6,628,190. I say "about," for the reason that only a portion of the bills passed by

that Congress fixed any limit to the cost of building and site, and hence in some cases estimates must be resorted to.

In the Forty-seventh Congress there were introduced for separate buildings, 129 bills; of these there were favorably reported, 65; there were passed, 33. The aggregate amount to be expended upon them as fixed by the limit in the several bills was $8,968,201.12. I have already said that the Forty-fourth and Forty-fifth Congresses ordered but few new structures, but appropriated large sums to complete buildings already provided for. In reply to the would-be wise economists who oppose the recommendations of this committee, and who are ever fond of turning to the economical record of that Congress—a commendable thing, I admit, when the motive is sincere—I will give the amount appropriated by these Congresses for that purpose: In the Forty-fourth Congress there was appropriated for the erection of public buildings, $5,731,632.78; in the Forty-fifth Congress there was appropriated for this same purpose $8,037,476.97; in the Forty-sixth Congress there was appropriated $8,252,047.17; in the Forty-seventh Congress there was appropriated $8,636,000; in the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first Congresses there was appropriated an average in each of $7,062,097.38.

Mr. Speaker, I have now shown just what this committee has done. I have compared its work with that of the same committee in previous Congresses, and now submit that work to the judgment of the public, feeling and knowing that, while the committee probably has made some mistakes, the members of this House will, in their calmer moments, freely admit that its work has been done conscientiously, prudently, and carefully, and with strict regard to the public good. With gentlemen who vilify and abuse their associates and charge them with being engaged in a ring to rob the Government by corrupt combinations and who then vote deliberately for a river and harbor bill carrying over $12,000,000, which of all bills in this House is peculiarly subject to the charge of being log-rolled through and of being fruitful of jobs and rings (though I make no such charge), I have neither time nor disposition to discuss the matter.

It may be good policy for this House, after having determined at one time by a vote of more than two-thirds to consider these bills, to now refuse to consider any of them at this session of Congress. But I must be permitted to say that I do not believe it. I believe that when a public building is needed, and economy as well as the convenient transaction of the business of the Government demand it, it is wise economy and therefore wise public policy to construct it. And my judgment is that such expenditures, when honestly made, without jobs, always meet the hearty approval of the people. I must also be permitted to express a doubt of the policy of refusing to consider these bills and at the same time of passing appropriation bills containing appropriations for public buildings beyond the limit of cost fixed in the acts providing for their construction, which has been done during this session. But as a majority of this House has so decided, I must bow to their will thus expressed.

The Bonded Extension Bill.

SPEECH

OF

HON. TYRE YORK,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 27, 1884,

On the bill (H. R. 5265) to extend the time for the payment of the tax on distilled spirits now in warehouse.

Mr. YORK said:

Mr. CHAIRMAN: I would have voted for this bill provided I could have obtained relief for my people, but as the bill simply gives relief to the large distillers of the West without any relief whatever to the people of my State, I feel it my duty to vote against it. I desire it distinctly understood that I will not vote relief to any other section until they are willing to vote relief to mine. It is very strange to me, if the friends of this bill want the relief they claim, why they are not willing to join us and repeal the whole internal-revenue system and free the people of all sections; but it looks to me as if they wanted their heads out of the halter and leave everybody else's in. I, for one, say to them in all fairness they must meet the issue fairly and squarely, and grant to all sections the relief they demand at the hands of this House for themselves.

I would not dare go back and face the people of my State and say to them I had voted relief to the large distillers of the West while none was granted mine. I intend the citizens of my State shall have their rights and that the burdens of taxation shall be lifted from their shoulders if it is in my power to give it to them by my vote, and that every effort of mine will point in the one direction, and that shall be for the good, welfare, and happiness of the people of my whole State. Duty compels me to vote against the measure until a clause is inserted giving liberty and freedom to the citizens of North Carolina, freeing them from taxation on their distilled spirits and tobacco.

Consular and Diplomatic Appropriation Bill.

SPEECH

OF

HON. JAMES N. BURNES,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 5, 1884.

The House having under consideration the report of the conference committee on the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes—

Mr. BURNES said:

Mr. SPEAKER: The Senate amendment placed upon the bill, and which has just been read, seeks to make an appropriation of $250,000 for the secret-service fund of the State Department. When the amendment was first considered by the House it was deemed advisable to avoid all discussion of it, and by common consent a vote was taken without any public explanation of the merits or demerits of the proposition as made by the Secretary of State. For a second time, the Senate still insisting upon the amendment, it was called up in and again rejected by the House, also without explanation or debate. The Senate stimulated by the persistent and ambitious Secretary, having again refused to recede from the amendment, notwithstanding the decisive action of the House thereon, it comes before you for the third and last time, I hope, with all the added power and influence of the executive department of the Government. We have the option of submitting to the persistent and unreasonable demands and entreaties of the honorable Secretary of State and of the other branch of Congress, or, resisting, place all the facts and arguments bearing upon the scheme before the House and the country.

Acting under the advice and direction of the Committee on Appropriations, and strengthened by the counsel of leading associates in this House, I shall undertake to make a plain, fair statement of all the facts within my knowledge as a representative of the people bearing upon the subject to be considered. Such arguments and conclusions as may seem pertinent thereto will be left without any extended effort on my part to some of my honored colleagues and associates. At this unpropitious hour (3 a. m.), if I shall be either tedious or incoherent, I trust the House will kindly indulge me.

All of us may well regret that this amendment has been again returned for further and definite action. I had earnestly hoped that we might be spared, and that the country might be spared, any further consideration or discussion of this unpleasant subject. But appeal after appeal to gentlemen on the other side to cease the pressing of this amendment upon us has been in vain. Senators and Representatives of the same political party with the Secretary of State have avowed their sympathy with our resistance to this appropriation; but the minority here, encouraged by intimations of support from a very few of my party associates, hopeful because of the absence of so many others at the great Chicago convention, and stimulated by the personal, political, or social influences of the administration, have heedlessly brought the subject to its present point of consideration. For no part of this am I in any sense responsible; nor are any of the trusted leaders of my party. The people of the whole country must, therefore, have the opportunity of judging, on all the facts and circumstances, between the action of the Senate and that of the House.

Toward the close, perhaps shortly after the close, of the celebrated administration of a great soldier-President, twelve men—an even dozen—secured a concession from the Government of the Central American State of Nicaragua of a great body of land and the right to construct a canal across the state, through Lake Nicaragua, connecting the Atlantic and Pacific Oceans. By the express terms of the concession the *concessionnaires* were required to perform a certain portion of the work of constructing a canal prior to October 24, 1884, under penalty of absolute forfeiture of all rights thereunder. None of the required work has been done. The *concessionnaires* have had themselves incorporated under the laws of the State of Colorado by the name, I believe, of "The Maritime Canal Company of Nicaragua," but beyond that no expense has been incurred and no progress has been made.

Some of these twelve *concessionnaires* are men high in the confidence and employment of the Government. One of them was for eight years the President of the United States; another one has reached the distinction of an admiral in the Navy of the United States, and still another is an envoy extraordinary and minister plenipotentiary of the United States at one of the South American states, besides being very highly connected by blood or marriage with the *personnel* of the State Department. All are connected or were recently connected with the Government of our country, excepting two or three who are said to be eminent citizens of the State of Nicaragua.

Informally, outside of the usual channels of communication, hurriedly, stoutly, and all at once, a proposition is brought to your committee involving an appropriation of $250,000 for the secret-service fund

of the State Department, and for the alleged purpose of securing a contract by which the rights of the twelve *concessionnaires* would be secured to the Government on the further payment of $1,200,000 or $100,000 to each. The concession was presented as an immensely valuable thing. In addition to the two sums of money just mentioned it was stated that $75,000,000 more would be required from the national Treasury to construct the canal. Equally skillful as engineer and diplomat, as profoundly intimate with theodolites as with statecraft, our "guide, philosopher, and friend" needed but a few moments to demonstrate that the estimates of ordinary engineers fixing the probable cost of the work at not less than $300,000,000 were unreasonable and absurd, and that the volcanic action in that country, instead of wrecking or destroying the masonry in the necessary locks and dams of the canal, had the beneficent kindness to cement and strengthen it. Thus, in furtherance of this great international enterprise, the forces of nature were in fraternal accord with the genius and spirit of diplomacy. How pitiful that both should be embarrassed for the want of but $76,450,000 from the great surplus "idle in the Treasury."

Two of the great powers are reported as holding tickets in what has been called a diplomatic lottery. The prize—grand prize they call it—is the right to construct a ship-canal across the isthmus connecting the two Americas. Why we should purchase that which this Government, as now administered, has suffered Frenchmen to take at will the honorable Secretary does not tell us. Why this Government should purchase a right that Nicaragua tendered, freely and without cost, to twelve mere adventurers the honorable Secretary does not tell us. Why we should deny to Germans that which we allow Frenchmen to take must be withheld as a state secret. We are asked to submit ourselves and our judgments, tranquilly, to the proverbial good luck of the Administration, without curiosity to know or desire to uncover the secrets of the *art diplomatique*, with the assurance that for $1,450,000 the Government will obtain the barren right to construct a canal across the State of Nicaragua.

Mighty prize! Proud trophy for the Forty-eighth Congress! Your Committee on Appropriations are asked to indorse in blindness a seemingly blind scheme, and after such an indorsement to demand the blind confidence of the House. With all due respect for the integrity of the present administration, we can not accept such a suggestion, nor ask nor accept such a childlike acquiescence. The American House of Representatives will never give such a confidence to a committee or to any branch or department of the Government; and our people will ever abhor and detest all secret and irresponsible expenditures of the public money. The joining together of two committees—Foreign Affairs with Appropriations—does not change the principle. Nothing but a committee of the whole House can represent the will and duty of the House. No other committee can determine the question whether $250,000 of the public money shall be torn from its place in the Treasury, without account or accountability, and given to secret uses and purposes, which, so far as we are informed, are immeasurably below the dignity and honor of our institutions and our flag.

The inquiry was made in conference and may properly arise here: what is the necessity for all this haste? Now, sir [after a pause], I hesitate because although I feel at perfect liberty to speak to the whole subject without reserve or restraint, yet for the sake of what, by some chance, may be an occult or latent interest of the Government, I would not go beyond the necessities of a full and fair discussion of what I regard a monstrous proposition. Therefore I will not say what I intended, but will briefly outline the facts as they exist in the first instance. We are told that unless this appropriation is made before the 24th day of October next two of the great powers of the earth, vieing with each other in efforts to win the prize, will close every door in Nicaragua against us, and leave the United States a stranger to a great ship-canal between the two great oceans. To this threatened peril we interposed and now here interpose the provision in the concession that makes its transfer an impossibility. To this threatened peril we further interposed and now here interpose the "Monroe doctrine," to which I shall more particularly call your attention. And to this threatened peril we further interposed and now again interpose the Clayton-Bulwer treaty; and finally, we now submit, what harm can result to this country from the construction of the suggested canal by German men and German money, if it be done with a full knowledge of the fact that the "Monroe doctrine" is the declaration of a national right, which this Government will promptly assert whenever the peace and happiness of our people or of the people of Nicaragua require it?

In 1823 President Monroe, in his annual message to Congress, announced with respectful firmness a great principle of American nationality. That it foreshadowed rather than expressed the full meaning intended is but the lofty evidence of a patriotic determination on the part of the President to advance the great doctrine without taking a single step backward. He said:

> At the proposal of the Russian Imperial Government made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle, in which the rights and interests of the United States are involved, that the American continents by the free and independent condition which they have assumed and maintain are henceforth not to be considered as subjects for future colonization by any European powers.

The above was the carefully chosen language in which the great principle was clearly foreshadowed. But, as if to show his determination to advance upon and never recede from the principle asserted, the President before concluding the same great paper says:

> It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the peoples of those countries, and it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security. The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper on any principle satisfactory to themselves to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried on the same principle is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early age of the wars which have so long agitated that quarter of the globe, nevertheless remains the same—which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us, to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves in the hope that other powers will pursue the same course.

The final declaration of President Monroe bearing upon this great subject was made in his last annual message to Congress. Speaking of the new nations of Spanish America and their progress he says:

> In this their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which in their judgment may suit them best * * * The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own government, has been declared and is known to the world. Separated as we are from Europe by the Great Atlantic Ocean, we can have no concern in the wars of the European governments, nor in the causes which produced them. The balance of power between them, into whichever scale it may turn in its various vibrations, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fairs equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

If we make an analysis of the declarations of President Monroe, just read, we conclude:

First. That the American continents are not open to further or future colonization by European powers.

Second. That any attempt on the part of any European power to extend its system to any portion of this hemisphere is dangerous to our peace and safety, and will not be allowed under any circumstances.

Third. That any attempt to oppress the people or control the destiny of any Spanish-American state by any European nation will be regarded as the manifestation of an unfriendly feeling toward us.

Fourth. That the extension of their systems to this continent by European nations would endanger our peace and happiness; and their

interference in the affairs of any South or Central American state can not be witnessed by us with indifference.

And finally, as a fair and logical conclusion of the whole matter, that the people and Government of the United States of America, by reason of their geographical position, of their natural and political rights in Central and South America as neighbors, and of their well-established purpose never to interfere or intermeddle in any mere European question, will never allow any European government to hold any right or privilege in this hemisphere which is now or may hereafter become a menace to their safety, peace, prosperity, or happiness.

Whatever foothold, therefore, any one or all of the great powers of Europe may have obtained or may hereafter obtain on these continents must be considered and held subsidiary to the great right of the great Republic to preserve itself from every coming danger and at any time to take and hold that which may disturb the peace, mar the happiness, or affect the substantial prosperity of its people.

The affected obscurity and courtly monotone of diplomatic phrases may shade or veil our national intention, but whenever the occasion for the people of this country to declare it arrives the whole world may read it in red letters upon the sky, rather than in musty tomes of a schemeful diplomacy.

The advocates of this amendment have been called upon to inform us if the proposed action of the Secretary of State was not in violation of an existing treaty between the United States and Great Britain. To this hour no satisfactory answer has been made. It is not possible to ignore the fact that on the 19th day of April, 1850, a treaty was executed by the two countries, commonly called the Clayton-Bulwer treaty, by the terms and stipulations of which this plighted-faith-keeping and plighted-faith-demanding Republic agreed that it would never obtain or maintain for itself any ship-canal through the San Juan River, nor and through either or both of the lakes of Nicaragua or Managua, between the Atlantic and Pacific Oceans; and that it would never erect or maintain any fortifications commanding the same; and that it would never make use of any protection which it affords or may afford, or any alliance which it has or may have to or with the state or people of Nicaragua for the purpose of erecting or maintaining any such fortification, or of occupying, fortifying, or colonizing Nicaragua, or of assuming or exercising dominion over the same; and that it will not take advantage of any intimacy or use any alliance, connection, or influence that it may possess with Nicaragua, through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for its citizens any right or advantage in regard to commerce or navigation through said canal which shall not be offered on the same terms to the subjects of Great Britain. These are some of the solemn compacts made in this Clayton-Bulwer treaty, and so far as we are officially or otherwise advised the treaty is in as full force and effect as on the day of the exchange of ratifications by the two governments.

The Secretary of State says the abrogation of the treaty has been a subject of diplomatic correspondence; but he admits that no formal notice to abrogate has been given by or to either government. It has been claimed that Great Britain has violated the treaty, and that therefore it is *ipso facto* null and void. Great Britain denies that any such violation has occurred, and has demanded specification and proof. It has not been pretended that any such specification or proof has been urnished Great Britain by our State Department.

If there was ever a treaty that ought to be annulled, this is the one. If there was ever a treaty that this Government ought to violate, this is the one. It was un-American, unwise, unjust to our history and traditions and a stain upon our national honor. But we have lived up to it for a third of a century. Is it not the part of wisdom as well as of duty to abrogate it by such reasonable and formal notice as international law and custom may sanction rather than by a secret intrigue in violation of it at last? As Americans we are strong enough and brave enough to keep our Government within the plain path of duty and right. In an evil hour the administration of President Fillmore made the United States and Great Britain partners in a prospective ship-canal through Nicaragua. Let us dissolve the partnership with due national dignity and decorum, by mutual consent, or, failing in that, by respectful notice. Let us not secretly, in darkness and blindness, by intrigue and contrivance, seize a seemingly forbidden thing which in six months we can in honor, in the sunlight of Heaven, and in the spirit of American manhood, without diplomatic mousing, put out the great arm of the nation and take by divine right. Away from statecraft and juggling, which some seem to regard as diplomacy and statesmanship, in every household in our broad land where the altar of home is maintained in its integrity there is a living prayer that this Republic and its Government may avoid "even the appearance of evil" in dealing with mankind. This Clayton-Bulwer treaty, then, hateful as it is, raises a bar to the inchoate proceedings of the honorable Secretary of State. Let us wait until it is removed. And when it is removed, let us discuss with our great constituencies, not here in the after-midnight hours of an expiring session, whether we want to construct such a work, in such a place, at such a fearful cost, and pay such a tribute in money to twelve traffickers in the national honor and the national prosperity.

It is suggested that in perfect fairness to the twelve *concessionnaires* it ought to be stated that it is claimed for them that in obtaining their act of incorporation by the State of Colorado some ten or twelve thousand dollars were expended, and they are willing to make no claim for that sum if the $1,200,000 are paid them. So, after all, it can not be said that they are entirely destitute of liberality to the Government! [Laughter.]

We conclude that if these *concessionnaires* have rights in Nicaragua, this Government, on general principles, will protect them, perhaps regardless of any question as to the means and influences used in securing them. The seemingly vested right of a citizen is a dangerous thing for a government to touch. But when citizens have sought to place themselves in the supposed pathway of progress of their government and caught a fleeting shadow that they can neither hold nor utilize, we know of no obligation that requires the government to pay them $1,200,000 or any other sum for their adventure. If they have something to sell that the Government needs, let us purchase it at a fair price. If they have nothing, or nothing that we need, let us not first lend them the anticipated future of a continent, and then, under the influence of diplomatic hints and organized power, discount in dollars the loan we ourselves have made.

Mr. BELFORD. Will the gentleman from Missouri mention the names of citizens of my State who are engaged in that enterprise?

Mr. BURNES. I am happy in saying that the Centennial State, always so ably and fairly represented in this House, had no representative among the twelve *concessionaires*. They simply found your Legislature or laws convenient for the obtaining of an act of incorporation. This is all that Colorado had to do with the subject.

Mr. SPRINGER. A charter out there costs about $2.50, I guess.

Mr. BURNES. The estimate of my friend from Illinois is about correct.

Mr. COSGROVE. And dear at that. [Laughter.]

Mr. BURNES. Another suggestion has been made. It was made to avoid the objection that we urge against paying out so large a sum of money to mere private parties who have nothing to sell. The suggestion was that further negotiations with the *concessionnaires* would be abandoned and this Government would treat directly with another government—perhaps the *personnel* of the government. It could not, however, be concealed that the results would be the same. The same amounts of money would be required, and the same benefits would result to the *concessionnaires*. It was doing indirectly that which the people would object to and protest against if done directly. It was to obtain nothing more nor less, and pay neither more nor less, than the original scheme involved. It was doubtless the refined spirit of diplomacy at work—its essence and genius; but ordinary business simplicity could neither compass it nor yield to it.

Mr. BLOUNT. Will the gentleman from Missouri allow me a question, confidentially? [Laughter.]

Mr. BURNES. Certainly; with pleasure.

Mr. BLOUNT. I desire to have my friend from Missouri state at this time the sums of money now or hereafter to be involved by this proceeding.

Mr. BURNES. It always gives me pleasure to follow the suggestion of my distinguished friend from Georgia——

Mr. HENLEY. Will your answer be confidential? [Laughter.]

Mr. BURNES. No, sir; but unless our friends the Official Reporters preserve what we say at this hour it will have a more certain oblivion.

Now, in answer to my friend from Georgia: This amendment calls for $250,000. That sum enables the Secretary to make a contract. Then follows $1,200,000 to pay the *concessionaires* directly or indirectly. Then follows $75,000,000, the Secretary says, $300,000,000 others say, to construct a canal.

In the best judgment and information of your committee the beginning involves or contemplates a total expenditure of $301,450,000. The distinguished engineer at the head of the State Department estimates the total expenditure at $76,450,000. Engineers, like physicians, proverbially differ. You have the estimates of both sides; take your choice.

It has been suggested that as the scheme of the *concessionnaires* was in the throes of a miserable dissolution, they would probably take a less sum than $1,200,000; and some comment has been made on the statement of the Secretary that he would be willing to pay a "good round sum" to get their rights to the concession. I care not. I am opposing the whole scheme. I would not appropriate a dollar in the form and manner proposed. Yet it is fair to say that the *concessionaires* have never, so far as I have heard, named a less sum than $1,200,000 for their alleged interests.

Mr. PUSEY. Not round enough.

Mr. BURNES. That is said by my good friend and neighbor from Iowa to be not round enough. The kindred people inhabiting my friend's district and my own—adjoining districts—will never object to millions honestly expended in broad daylight for the general welfare, but one dollar of dark and secret expenditure, or of personal tribute, will become to its supporters as a millstone around the neck to the most expert swimmer.

I shall detain the House but a few moments more. I have fought this scheme earnestly, and perhaps warmly. If I have wounded any of my good friends on the other side, I beg they will pardon me. I would not

do so willfully. I abhor the scheme and denounce it. The impudence of these *concessionnaires* arouses indignation, and I denounce them. They know they have nothing to sell, but they would gladly sell nothing for $1,200,000 of the money of a people who have honored them and trusted them beyond any possible desert.

The 24th of October next will soon arrive. A little more than three months and the fatal day of the concession will be upon the heads of the *concessionnaires*. Visions of a lost speculation are already materializing everywhere before them. Having placed themselves as they had fondly hoped across the pathway of their government—an exalted connection with which gave them the opportunity to secure the concession—they have waited in insolent and audacious neglect of their obligations to Nicaragua as imaginary obstructionists to the progress of our national and international commerce for the door of the national Treasury to be opened to them. They have waited in vain. Only sand is beneath their feet. The calm intelligence of the American people is succeeding to and expelling corruption in high places. An era in which, under cover of partisan zeal and a pretended patriotism, any scheme of plunder was possible has passed away, we trust, forever. The inherent nature and surroundings belonging to every proposition we are beginning to consider regardless of the magic power of any great name or the productive courtesies and blandishments of any one in great station.

The 24th of October is near at hand; hence the necessity for haste. The light of a restored reason is turned upon our action; hence the necessity for secrecy. The voice of the people is again the voice of God; hence the necessity for concealing, by appropriations to secret-service funds, how the public money is expended. Misfortunes—if that is not a word too charitable—have come upon some of the twelve. For them, surely, this Government is not responsible. Sympathetic as we are we can not be expected to relieve them directly or indirectly from the national Treasury. The twelve *concessionnaires* of Nicaragua have shown enterprise in adventure, but no progress in their undertakings. Apostolic in number, they should have exhibited some apostolic results. The Administration have been shown, perhaps, apostolic graces not seen by us. Deep in the archives of the State Department, it may be, are unanswerable evidences justifying the honorable Secretary in his enthusiastic campaign for this much coveted appropriation; but if so, they have been deemed too sacred or apostolic to be communicated to the mere representatives of the people of the United States! Painful as it is to oppose the wishes of the Secretary, disappoint the twelve *concessionnaires*, or spoil a scheme so beautiful and fruitful to all save the Government and people of this country, we are yet compelled to declare that appropriations from the public Treasury must be for the public welfare and made plain and open to the eyes of the people. They abhor secret service and secret-service funds. They believe we are strong enough in the right to demand openly all we are entitled to; and more they do not desire usto ask.

We oppose, then, this amendment and shall continue to oppose it with every means at our command. To allow it is a further surrender of the Monroe doctrine, a surrender of our traditional continental policy. It would be in violation of one of the solemn treaties of this Government with a friendly power. It would be taking $1,450,000 out of the public Treasury and giving it to private persons *for nothing*, under the miserable pretense that this Government will undertake to build a ship-canal across Nicaragua at a cost of from $75,000,000 to $300,000,000. Beyond all this it would recognize the right of the representatives, the servants, of the people to take the money of their constituents secretly and expend it secretly without their knowledge or consent. To this we can never consent. It is anti-democratic, anti-republican, and contrary to the spirit and genius of our institutions. [Applause.]

INDEX

TO THE

APPENDIX TO THE CONGRESSIONAL RECORD.

Beach, *Lewis* (*a Representative from New York*)
River and harbor appropriation bill 279.
Yellowstone National Park 340.

Bingham, *Henry H.* (*a Representative from Pennsylvania*)
Post-Office appropriation bill 48.

Bisbee, *Horatio, jr.* (*a Representative from Florida*)
Jurisdiction of circuit courts 276.
River and harbor appropriation bill 292.
Tariff 175.

Blanchard, *Newton C.* (*a Representative from Louisiana*)
Backbone railroad land grant 338.
River and harbor appropriation bill 327.

Breckinridge, *Clifton R.* (*a Representative from Arkansas*)
Tariff 187.

Brents, *Thomas H.* (*a Delegate from Washington*)
Territorial judiciary 72.

Brewer, *Francis B.* (*a Representative from New York*)
Distilled spirits tax extension 63.
Pension laws 156.

Brewer, *J. Hart* (*a Representative from New Jersey*)
Tariff 264.

Broadhead, *James O.* (*a Representative from Missouri*)
Count of electoral vote 304.

Brown, *William W.* (*a Representative from Pennsylvania*)
Mexican war pensions 492.

Budd, *James H.* (*a Representative from California*)
Chinese immigration 369.

Burleigh, *Henry G.* (*a Representative from New York*)
River and harbor appropriation bill 288.

Burnes, *James N.* (*a Representative from Missouri*)
Consular and diplomatic appropriation bill 500.

Caldwell, *Andrew J.* (*a Representative from Tennessee*)
Mexican war pensions 32.
River and harbor appropriation bill 296.

Calkins, *William H.* (*a Representative from Indiana*)
Tariff 283.

Cassidy, *George W.* (*a Representative from Nevada*)
Pacific railroad sinking fund 416.

Chalmers, *James Ronald* (*a Representative from Mississippi*)
Tariff 376.

Converse, *George L.* (*a Representative from Ohio*)
English vs. Peelle contested-election case 410.

Cook, *John C.* (*a Representative from Iowa*)
O'Ferrall vs. Paul contested-election case 205.
Tariff 173.

Cox, *Samuel Sullivan* (*a Representative from New York*)
Food-fishes and their protection 312.
Political reform 403.
Tariff 3, 231.

Cox, *William R.* (*a Representative from North Carolina*)
Tariff 148.

Culberson, *David B.* (*a Representative from Texas*)
Issue of circulating notes 183.

Cullen, *William* (*a Representative from Illinois*)
Bureau of animal industry 23.

Cutcheon, *Byron M.* (*a Representative from Michigan*)
Indian policy 481.
Public buildings 447.

Deuster, *Peter Victor* (*a Representative from Wisconsin*)
Bureau of navigation 175.
Bureau of labor statistics 489.
Distilled spirits tax extension 35.

Dingley, *Nelson, jr.* (*a Representative from Maine*)
Distilled spirits tax extension 97.

Dockery, *Alexander M.* (*a Representative from Missouri*)
Tariff 67.

Ermentrout, *Daniel* (*a Representative from Pennsylvania*)
Retirement of trade-dollar 64.

Ferrell, *Thomas M.* (*a Representative from New Jersey*)
Bureau of labor statistics 142.

Fiedler, *William H. F.* (*a Representative from New Jersey*)
Bureau of labor statistics 98.

Findlay, *John V. L.* (*a Representative from Maryland*)
Baltimore post-office building 332.
Count of electoral vote 310.

Green, *Wharton J.* (*a Representative from North Carolina*)
Food and drug adulteration 144.

Guenther, *Richard* (*a Representative from Wisconsin*)
Bureau of labor statistics 157.
Retirement of trade-dollar 47.

Hatch, *Herschel H.* (*a Representative from Michigan*)
Tariff 128.

Henderson, *Thomas J.* (*a Representative from Illinois*)
River and harbor appropriation bill 308.

Henderson, *David B.* (*a Representative from Iowa*)
Pension laws 133.

Henley, *Barclay* (*a Representative from California*)
Porter, Fitz-John 33.

Hill, *William D.* (*a Representative from Ohio*)
Tariff 263.

Hoblitzell, *Fetter S.* (*a Representative from Maryland*)
River and harbor appropriation bill 478.

Holman, *William S.* (*a Representative from Indiana*)
Post-Office appropriation bill 13.

Hopkins, *James H.* (*a Representative from Pennsylvania*)
Foreign contract labor 306.

Houk, *Leonidas C.* (*a Representative from Tennessee*)
Pension appropriation bill 152.

Hunt, *Carleton* (*a Representative from Louisiana*)
Backbone railroad land grant 317.

James, *Darwin R.* (*a Representative from New York*)
Brooklyn public building site 299.

Jeffords, *Elza S.* (*a Representative from Mississippi*)
River and harbor appropriation bill 318.

Jones, *Burr W.* (*a Representative from Wisconsin*)
Distilled spirits tax extension 66.
Tariff 206.

Jones, *James H.* (*a Representative from Texas*)
Tariff 273.

Jones, *James K.* (*a Representative from Arkansas*)
Aid to common schools 332.
Mexican war pensions 22.

Jordan, *Isaac M.* (*a Representative from Ohio*)
Educational bills 483.
Pacific railroads 344.

Kasson, *John A.* (*a Representative from Iowa*)
Distilled spirits tax extension 114.

King, *J. Floyd* (*a Representative from Louisiana*)
Mississippi River floods 21.

Kleiner, *John J.* (*a Representative from Indiana*)
Bureau of labor statistics 126.
Mexican war pensions 20.

Laird, *James* (*a Representative from Nebraska*)
Foreign contract labor 309.

Lewis, *Edward T.* (*a Representative from Louisiana*)
Backbone Railroad land grant 395.

Lowry, *Robert* (*a Representative from Indiana*)
Chalmers vs. Manning contested-election case 20.

McCoid, *Moses A.* (*a Representative from Iowa*)
Tariff 202.

McKinley, *William, jr.* (*a Representative from Ohio*)
Tariff 134.
Wallace vs. McKinley contested-election case 415.

McMillin, *Benton* (*a Representative from Tennessee*)
Internal-revenue and customs collection districts 496.
Tariff 179.

Matson, *Courtland C.* (*a Representative from Indiana*)
Pension appropriation bill 122.

Milliken, *Seth L.* (*a Representative from Maine*)
River and harbor appropriation bill 449.
Tariff 170.

Morgan, *Charles H.* (*a Representative from Missouri*)
Reduction of taxation 168.

Moulton, *Samuel W.* (*a Representative from Illinois*)
Jurisdiction of circuit courts 286.
Tariff 110.

Oates, *William C.* (*a Representative from Alabama*)
Mississippi River floods 40.
Porter, Fitz-John 11.

Ochiltree, *Thomas P.* (*a Representative from Texas*)
Consular and diplomatic service 490.

O'Neill, *John J.* (*a Representative from Missouri*)
Improvement of Mississippi River 451.

Oury, *Granville H.* (*a Delegate from Arizona*)
Territorial courts 120.

Parker, *Abraham X.* (*a Representative from New York*)
The public domain 374.

Peelle, *Stanton J.* (*a Representative from Indiana*)
English vs. Peelle contested-election case 241.

Perkins, *Bishop W.* (*a Representative from Kansas*)
Distilled spirits tax extension 44.

Plumb, *Preston B.* (*a Senator from Kansas*)
American merchant marine 476.

Randall, *Samuel J.* (*a Representative from Pennsylvania*)
Herndon, Thomas H. 72.

Ranney, *Ambrose A.* (*a Representative from Massachusetts*)
Wallace vs. McKinley contested-election case 257.

Ray, *George W.* (*a Representative from New York*)
River and harbor appropriation bill 272.

Reese, *Seaborn* (*a Representative from Georgia*)
Distilled spirits-tax extension 18.

Robinson, *William E.* (*a Representative from New York*)
Consular and diplomatic appropriation bill 431.

Skinner, *Charles R.* (*a Representative from New York*)
Tariff 212.

Smith, *A. Herr* (*a Representative from Pennsylvania*)
Retirement of trade-dollars 73.

Stockslager, *Strother M.* (*a Representative from Indiana*)
Civil pension 44.
Public buildings 498.

Stone, *Eben F.* (*a Representative from Massachusetts*)
River and harbor appropriation bill 320.

Storm, *John B.* (*a Representative from Pennsylvania*)
Retirement of trade-dollar 121.

Sumner, *Charles A.* (*a Representative from California*)
Bureau of labor statistics 119.
Chinese immigration 158.
Pacific railroads 453.
Tariff 323.

Sumner, *Daniel H.* (*a Representative from Wisconsin*)
Distilled spirits tax extension 47.
River and harbor appropriation bill 303.
Tariff 164.

Taylor, *Joseph D.* (*a Representative from Ohio*)
Mexican war pensions 494.
Pension appropriation bill 57.
Tariff 220.

Thomas, *John R.* (*a Representative from Illinois*)
Restoration of naval cadets 427.

Thompson, *Philip B., jr.* (*a Representative from Kentucky*)
Legislative, executive, and judicial appropriation bill 289.

Throckmorton, *James W.* (*a Representative from Texas*)
Pacific railroad land grants 425.

Townshend, *Richard W.* (*a Representative from Illinois*)
Removal of causes from State courts 350.

Warner, *A. J.* (*a Representative from Ohio*)
Retirement of trade-dollar 106.

Warner, *Richard* (*a Representative from Tennessee*)
Bureau of labor statistics 99.

Weller, *Luman H.* (*a Representative from Iowa*)
Retirement of trade-dollar 115.

White, *John D.* (*a Representative from Kentucky*)
River and harbor appropriation bill 451.
Woman suffrage 25.

White, *Milo* (*a Representative from Minnesota*)
Tariff 373.

Wilkins, *Beriah* (*a Representative from Ohio*)
Wool tariff.

Willis, *Albert S.* (*a Representative from Kentucky*)
Foreign contract labor 366.
Pittsburgh (Pa.) public building 452.

Wilson, *William L.* (*a Representative from West Virginia*)
Tariff 355.

Winans, *John* (*a Representative from Wisconsin*)
Distilled spirits tax extension 488.

Wood, *Samuel N.* (*contestant*)
Wood vs. Peters contested-election case 75.

Wood, *Thomas J.* (*a Representative from Indiana*)
Bureau of labor statistics 141.
Pension laws 143.
River and harbor appropriation bill 309.

Worthington, *Nicholas E.* (*a Representative from Illinois*)
Bureau of labor statistics 131.

York, *Tyre* (*a Representative from North Carolina*)
Distilled spirits tax extension 500.

Young, *Casey* (*a Representative from Tennessee*)
Mexican war pensions 402.
Tariff 160.